CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-FOURTH CONGRESS, FIRST SESSION.

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Such a case would present an instance of open nullification of the State and Federal laws that can not be presumed; but I would have no doubt in such a case that the Senate would have ample power to change the rule prescribed by the statute and admit the person elected to his seat.

I think that answers the Senator from Oregon.

This power is, in its very nature, inherent and exclusive in the Senate; but we must not go in search of difficulties and hunt for faults in a law, or for anomalous constructions, or difficult attitudes in which questions can be presented. We should search, rather, for the simple, easy, common-sense method of carrying into execution the powers of the Constitution, and apply to it such a construction as the people who formed it intended should be applied.

It must not be supposed that they anticipated quirks, quibbles, and hairsplittings on great constitutional questions, but that, on the contrary, they anticipated a sober construction of the fundamental law, not an improper but a proper construction, and one that would carry out the full scheme of our dual form of government.

Mr. President, I will notice the carefully prepared report of the minority of the Committee on Privileges and Elections only far enough to enter my dissent from some of the conclusions there reached, although I adopt much of its reasoning and much of what the minority say.

In declaring that the Delaware senate had paramount and exclusive jurisdiction to adjudge the qualifications of William T. Watson to act and vote as a senator, it is said:

> Whether they exercised such jurisdiction or not, the Senate of the United States has no jurisdiction in the premises.

I do not concur in this conclusion. I think it perfectly competent for the Senate of the United States, in determining the status of Mr. Du Pont, to inquire into and determine whether the body from which he received his certificate was the legally constituted joint convention or assembly of the legislature of Delaware. There are doubtless certain things which are within the exclusive jurisdiction of the legislature, and which may be said to have been put at rest or foreclosed by their action, or possibly by their inaction, thus precluding us from inquiring into them; but as we are charged with the exclusive duty of determining whether Mr. Du Pont has been legally elected to the United States Senate from that State and with protecting the Senate from the invasion of those not legally elected to it, and assuring ourselves that he who asks for a seat here has been legally elected and is justly entitled to it, we have jurisdiction to that extent at least to inquire into the legality of the organization from which he claims to have received his commission. In no other way can the just and legal balance between the States and the United States be preserved and the purposes of our Government carried out.

A State, as an integral portion of the Union, is entitled to representation in either House of Congress, but its representatives must be elected in conformity with the fundamental and statutory laws. In the nature of things we are the final judges whether or not the law has been complied with, and therefore whether the State has put itself in an attitude to entitle it to representation in the particular instance. We can not escape this duty. It is clearly devolved upon us by the Constitution, by the very framework and theory of the Government, and it is a power that is exercised almost daily.

I have not at any time since beginning the examination of this case considered it difficult of correct determination, although it is highly important in the consequences that may follow our judgment.

Since attempting to examine it, it has appeared to me to be clear that Mr. Watson, upon the death of Governor Marvil, had simply added to his duties as speaker of the senate, for the time being, those of governor, and that he discharged or exercised the latter entirely by virtue of his office of speaker. I am unable to view the question in any other light, and I think this conclusion is established beyond reasonable doubt by the language and policy of the Delaware constitution.

Mr. President, this case presents a pure question of law. There is nothing of passion or sentiment in it. If the State of Delaware has properly elected Mr. Du Pont to a seat in this Chamber, he should be promptly and cheerfully seated; if it has not, in the interest of good government, both State and national, it becomes our duty to exclude him until such time as he may come to us with proper credentials.

I have not noticed nor shall I notice the many queries and suppositious cases and propositions that have been presented in this case. I do not regard them as possessing any importance. We should never discuss a great constitutional question in the atmosphere of awkward and suppositious statements that may or may not arise: we should discuss it in the light of the facts presented, in the light of the great cardinal truth that it was the honest and patriotic intention of the framers of the constitutions, who were themselves common men, to present to the people governments simple of construction and easy of execution; governments that would be practical in the hands of honest, patriotic men, rather than those that would be capable of being made anomalous in the hands of skillful lawyers and statesmen seeking merely for the supremacy of a particular political party.

In this light I have examined the case, and I have reached a conclusion which is, to my mind at least, satisfactory, and which will guide my vote. I affirm, therefore—

First. That Mr. Watson was at no time governor of the State of Delaware, but after the death of Governor Marvil simply discharged or exercised the duties of that office ex officio—that is, by virtue of his office of speaker of the senate—and that he had a clear right to participate in the deliberations of the joint convention of the general assembly that voted for the election of a United States Senator and to vote; and

Second. Having possessed that right, and having participated in the deliberations of the joint convention, 15 votes were not a majority of 30, and Mr. Du Pont has not received a majority of the votes of the members of both houses present and voting, as required by law, and is not, therefore, entitled to a seat in this Chamber.

I do not regard his title as possessing any higher, greater, or more sacred character than would be the title of any other citizen of the State who had not received a vote. He has no better right than such an individual would have; and having reached this conclusion my duty is plain. I will at the proper time vote against his being recognized or seated as a member of the Senate.

ADJOURNMENT TO MONDAY.

Mr. GORMAN. I move that when the Senate adjourn to-day it be until Monday next.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maryland.

Mr. LODGE. Before that motion is put, in the absence of the Senator from Ohio [Mr. SHERMAN], I think I must object. The Senator from Ohio is very desirous of going on with the conference report on the Cuban resolution and getting it out of the way of the other business of the Senate.

Mr. COCKRELL. Take the vote.

Mr. LODGE. I trust no action will be taken by the Senate until the Senator from Ohio, the chairman of the Committe on Foreign Relations, returns.

Mr. CHANDLER. Mr. President, I suggest the absence of a quorum.

The VICE-PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Cullom,	McBride,	Sewell,
Bacon,	Davis,	McMillan,	Sherman,
Bate,	Dubois,	Martin,	Shoup,
Blanchard,	Faulkner,	Mills,	Smith,
Brice,	Gallinger,	Mitchell, Oreg.	Squire,
Brown,	Gear,	Mitchell, Wis.	Stewart,
Burrows,	Gorman,	Morgan,	Teller,
Butler,	Gray,	Nelson,	Tillman,
Caffery,	Hale,	Pasco,	Turple,
Call,	Harris,	Pefter,	Vest,
Cannon,	Hill,	Perkins,	Vilas,
Carter,	Irby,	Platt,	Walthall,
Chandler,	Jones, Ark.	Proctor,	Wetmore,
Chilton,	Kyle,	Pugh,	White,
Cockrell,	Lodge,	Roach,	Wolcott.

The VICE-PRESIDENT. Sixty Senators have answered to their names. A quorum is present. The question is on agreeing to the motion of the Senator from Maryland [Mr. GORMAN], that when the Senate adjourn to-day it be to meet on Monday next.

Mr. GALLINGER. I wish the Senator from Maryland would modify his motion to the extent of permitting the Senate to meet to-morrow at the usual hour for the consideration of pension bills alone. ["Oh, no!"] Evidently there is dissent from that proposition, but a great many Senators have made the request of me for that arrangement. I am content with any action the Senate may take.

Mr. SHERMAN. Mr. President——

The VICE-PRESIDENT. The debate is proceeding by unanimous consent.

Mr. MILLS. Of course.

Mr. SHERMAN. I hope the motion to adjourn over will not be agreed to unless we can make some agreement as to the time of taking a vote on the Cuban question. It has now been under consideration for some time, and I hope, and I shall ask the unanimous consent of the Senate for such an agreement, that the vote may be taken on Monday not later than 5 o'clock.

Mr. HALE. I hope the Senator from Ohio will not insist even in asking for that. Nearly all of the time of the debate thus far, more than two-thirds of it, has been taken by the Committee on Foreign Relations or those in sympathy with their report. There

are several Senators upon the other side who have had no opportunity whatever to discuss the question and who are desirous of doing so. We were caught before by an agreement, and I helped myself to get it, not knowing what the report would be, by fixing an hour for taking the question, and everybody was cut off. I for one can not agree at present upon any time being fixed until Senators shall have had an opportunity to be heard; and I do not think the Senator from Ohio, considering how much of the time his committee and the Senators in sympathy with the committee have taken, cutting out pretty much everyone on the other side, ought to ask that a time should now be fixed.

Mr. WOLCOTT. I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Colorado will state the parliamentary inquiry.

Mr. WOLCOTT. I understand the motion before the Senate is that when it adjourn to-day it be to meet at a fixed time.

The VICE-PRESIDENT. That is correct.

Mr. WOLCOTT. I ask if the motion is debatable?

The VICE-PRESIDENT. It is not debatable.

Mr. WOLCOTT. I call for a vote on the motion. The debate has been proceeding by unanimous consent.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maryland [Mr. GORMAN], that when the Senate adjourn to-day it be to meet on Monday next.

Mr. SHERMAN. I hope the motion will be voted down.

Mr. MILLS. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEAR (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. GORDON].

Mr. McBRIDE (when his name was called). I have a general pair with the Senator from Mississippi [Mr. GEORGE]. I should vote "nay," if he were present.

Mr. SQUIRE (when his name was called). I have a general pair with the senior Senator from Virginia [Mr. DANIEL]. He not being present, I withhold my vote. If I were at liberty to vote, I should vote "nay."

The roll call having been concluded, the result was announced—yeas 42, nays 22; as follows:

YEAS—42.

Allen,	Davis,	McMillan,	Stewart,
Bacon,	Dubois,	Martin,	Teller,
Bate,	Faulkner,	Mitchell, Wis.	Thurston,
Brice,	Gibson,	Morrill,	Turpie,
Burrows,	Gorman,	Pasco,	Vilas,
Butler,	Gray,	Peffer,	Walthall,
Caffery,	Hale,	Platt,	Wetmore,
Cannon,	Harris,	Pugh,	White,
Carter,	Hill,	Roach,	Wolcott.
Chilton,	Irby,	Sewell,	
Cockrell,	Jones, Ark.	Smith,	

NAYS—22.

Baker,	Cullom,	Mitchell, Oreg.	Shoup,
Blanchard,	Frye,	Morgan,	Tillman,
Brown,	Gallinger,	Nelson,	Vest,
Call,	Kyle,	Perkins,	Wilson.
Chandler,	Lodge,	Proctor,	
Clark,	Mills,	Sherman,	

NOT VOTING—25.

Aldrich,	Gear,	Lindsay,	Quay,
Allison,	George,	McBride,	Squire,
Berry,	Gordon,	Mantle,	Voorhees,
Blackburn,	Hansbrough,	Murphy,	Warren.
Cameron,	Hawley,	Palmer,	
Daniel,	Hoar,	Pettigrew,	
Elkins,	Jones, Nev.	Pritchard,	

So the motion was agreed to.

WAR IN CUBA.

The Senate resumed the consideration of the conference report on the Cuban resolutions.

Mr. CAFFERY. Mr. President, when I concluded my remarks yesterday evening I was discussing the question of the belligerence of an insurgent people at war with the mother country. I had attempted to show that the exercise of this power is lodged exclusively in the Executive. I shall not recapitulate the arguments that I made to establish that conclusion. I find that but a small difference exists between the distinguished Senator from Delaware [Mr. GRAY] and myself on this point. I will read an extract from his speech of yesterday:

Mr. GRAY. Mr. President, all these resolutions of the Senate attempt to do, confining themselves within what I believe, and a majority of this Senate I think believe, is within the sphere of its power, is to express its opinion, and in expressing this opinion of the Senate and asking the concurrence of the House of Representatives, giving expression also to what we believe to be the opinion of the great mass of the people of this country. Having done so much—it seems to me that we could do no less—having expressed that opinion, we have left to the executive branch of this Government what undeniably belongs to it solely; that is, to possess itself of the requisite information and to act in accord so far as it may with this opinion of the two Houses and the opinion of the American people so far as it may think the opinion of the Houses voices the opinion of the American people. But upon that branch of the Government rests the responsibility, and I do not complain that it should proceed with caution, with circumspection, and with a desire, holding in its hands perhaps the issues of peace and war, to do only that which, from every point of view, internationally, morally, and patriotically, it is its duty to do.

But there is no reason, Mr. President, why we should here in the Senate abandon the form of resolution and of expression of opinion which we have so deliberately adopted. There is no reason why, having first acted in this matter, we should accept the substitute resolution offered by the House of Representatives, our own resolutions, prior in point of time, being contemptuously swept aside, and adopt other language and resolutions expressing a different attitude on the part of the Government of the United States and of the Congress of the United States from that adopted by the resolutions of the Senate.

Mr. STEWART. Will the Senator allow me to ask him a question?

Mr. GRAY. Certainly.

Mr. STEWART. Would not the passage of either of these resolutions be a sufficient warrant, guaranty, or indorsement of the general proposition contained therein to enable the President to proceed to recognize the belligerent rights of Cuba or to recognize the independence of Cuba, and to proceed in that line without any further action if the President shall feel disposed to do so?

Mr. GRAY. I think he would be justified in taking that course after satisfying himself as to the facts.

This extract from the speech of the Senator from Delaware quoted by me shows that he is of opinion that the power to decide ultimately upon the fact of belligerence resides with the Executive and with the Executive solely. He, however, says that the expression of opinion on the part of the Senate and the House is a proper thing to do, and that that expression of opinion has been deliberately made, and presumably, although he does not say so, under the sanction of international law. It occurs to me that in a question of pure, simple fact, a question of physical fact, a loose opinion is entirely out of place; that even a deliberate opinion which does not amount to a firm conclusion, which can not govern the conduct or prescribe the action either of an individual or of a State, is not such an expression as the Senate and the House of Representatives ought to make in regard to the delicate matter of the relations existing between a mother country and certain insurgents warring against the power of that mother country.

This is not a matter of opinion on a domestic question. It is a matter relating to facts of a foreign character, and becomes therefore a sort of international opinion; and in all matters with respect to the relations existing between this Government and the government of a foreign country we are to proceed with that caution and deliberation which the intercourse between independent States justifies and demands.

The Senator from Connecticut [Mr. PLATT] suggests to me the question whether or not we ought to be denouncing upon the floor of the Senate the manner in which a foreign nation conducts its affairs. I say emphatically no. For one I not only denounce this interference with the conduct of a foreign country in relation to its own subjects, but I emphatically protest against these attacks made upon the character of a foreign country; against these epithets applied to a foreign country which have been hurled right and left during the debate on the pending question by Senators upon this floor. I take no part or lot in such denunciations, and I characterize them as entirely out of place and beneath the dignity of the Senate of the United States.

Mr. President, I will venture to quote from our own authority—I call it our own authority—the views of a distinguished international author in our country, Mr. Dana. Speaking of the recognition of belligerency, he says:

If it—

The country recognizing—

issues a formal declaration of belligerent rights prematurely, or in a contest with which it has no complexity, it is a gratuitous and unfriendly act. If the parent government complains of it, the complaint must be made upon one of these grounds. To decide whether the recognition was uncalled for and premature requires something more than a consideration of proximate facts and the overt and formal acts of the contending parties. The foreign state is bound and entitled to consider the preceding history of the parties, the magnitude and completeness of the political and military organizations and preparations on each side, the probable extent of the conflict by sea and land, the probable extent and rapidity of its development, and, above all, the probability that its own merchant vessels, naval officers, and consuls may be precipitated into sudden and difficult complications abroad.

Now, it is not contended that this recognition of belligerency has the force of law; that it binds the Government of the United States; that it binds the President of the United States. But, Mr. President, behind this resolution lurks a great danger. These resolutions have been accompanied with commentaries of a very warlike and aggressive character. The interpretation placed on the resolutions in debate by Senators on this floor goes beyond the point of a mere empty declaration and almost invites a war, almost amounts to an insult to Spain, and a gratuitous declaration of belligerency is characterized by the author who I have quoted as a gratuitous insult.

Mr. President, there has been a great deal said in regard to the evidence to establish this belligerency. As a matter of course, everybody acknowledges open, notorious, historical facts. Everybody knows and notices that there is a war in Cuba. Everybody is presumed to be aware, and every government must take official cognizance of the fact that there is a revolution going on in the Island of Cuba; that hosts of armed men on either side of this controversy are waging a war, some say of extermination, certainly of devastation, in that lovely isle. We must take cognizance of the prevailing government in Spain. These facts are undisputed.

But when it comes down to an issue of fact, when it comes down to the question of belligerency or not, we must proceed according to the methods recognized among civilized men to establish or overthrow that fact. The advocates of these resolutions, while they admit and concede, at least so far as the Senator from Delaware is concerned, that they will have no binding force, and refer to the Executive as the ultimate authority to decide upon the question of belligerency, yet parade a multitude of facts from every quarter; facts that have no sort of bearing upon the issue before us; facts that would be discarded without the slightest hesitation if offered before the most ignorant justice of the peace to establish any matter of fact. Yet these facts are paraded with a great show of strength and dwelt on with great persistence to establish that very condition of things which some of them concede our declaration as to which amounts to absolutely nothing.

Now, Mr. President, I desire to know why we should make this declaration. If it is a declaration that binds nobody, if it is a declaration that has no force, why is it insisted upon with such pertinacity? Why are we called on to review not only the history of the present insurrection, but to review the whole past history of the conduct of the last rebellion in Cuba, dating back nearly thirty years; commencing in 1868 and only winding up in 1878? Why are the alleged atrocities of General Weyler paraded to the public? Why is Spanish history raked up from the time that Torquemada tortured his victims to show the ferocious character of the Spaniards? Why is every incident of this kind dwelt upon with so much vigor, so much force, so much persistence, if it is not to inflame the warlike passions of the American people and embroil us in a controversy with a friendly State?

This is one of the reasons why I object to considering the question of belligerency on any other ground and from any other point of view than that sanctioned by international law. If we are to pass judgment at all upon this question, we ought to do so, in the language of the Senator from Delaware, deliberately, conscientiously, being well informed of every fact necessary to induce a correct conclusion and judgment in the premises.

It is confessed that there are no facts of a character that would be called testimony in any sort of a court or before any sort of a tribunal charged with the investigation of matters of fact, and yet we are called upon here to express a loose opinion, to give a conjecture, to make a supposition, to form a conclusion or a judgment without that degree of proof which induces a certainty of knowledge upon a matter of this gravity. Upon a matter touching our foreign relations with a friendly power; upon a matter coming within the scope of international law, we have no right, in my opinion, to be expressing opinions of this grave character without the sanction and without the warrant of that sort of proof which the Executive himself must have before him in order to bring his mind to a correct conclusion upon the point at issue.

Mr. President, I will revert somewhat to the position that I took yesterday in regard to the exclusive power of the Executive to pass upon the matter of fact of belligerency. It is only a matter of fact. Where do we get our information, and how do we get it? Whenever any information is desired in regard to foreign affairs a polite request is sent by one or both Houses to the President of the United States requesting him, if not incompatible with the public interests, that he shall give such and such facts as are required. He may withhold the facts. He may think that the condition of affairs is such as not to warrant a publication of the facts. With him and solely with him rests the responsibility of withholding those facts or of giving them to Congress as he may see fit.

How, therefore, could we get the facts if the President considered it to be incompatible with the public interests to give them to us. Shall we consider the tales that have been told in the newspapers; the blood-curdling statements that are incredible upon their face, the narratives of battles which never occurred? Why, Mr. President, I do not believe that any sensible man, any conscientious man, would in a matter affecting his own personal interests venture a judgment upon any such facts as have been detailed in the public press in regard to the conduct of the war in Cuba.

We know that the sympathies of our people go out to the Cubans. We know that a helping hand is held out across the Gulf of Mexico from the shores of our own Republic to those patriots. We know that sympathy runs there in a constant stream. We know as a matter of fact that in the present condition of mind of our people they are ready to grasp at any piece of evidence that is favorable to the Cuban cause and accept it as gospel truth. That being the case, we ought to move with much more caution, with much more deliberation than if it were a case of belligerency in a country with which we had hardly any communication or with the efforts of whose people to achieve their independence we had but that abstract interest and abstract sympathy which the American people feel for all nations struggling to achieve their independence. But in the matter of Cuba right at our doors, with public sympathy going out to those people on every hand, with our people prone to believe every statement hostile to Spain and favorable to the insurgents, is it possible that the Senate of the United States would take evidence such as is procured from the newspapers, given by overzealous correspondents and Cuban sympathizers, as establishing the facts upon which this great Government ought to act in a matter of this momentous kind? That is the sort of testimony and that is the sort of proof that is offered to prove the fact of belligerency.

Mr. President, in regard to general, historic, undisputed facts the Senate of the United States and the House of Representatives and the President take cognizance without proof; but in regard to those of a contested character we must get them from the accredited representatives of the United States in Cuba. I know of no other source unless the President of the United States send a special commissioner, charged with the duty of ascertaining the facts of the situation and report to the Executive.

The Executive sent Mr. Mann with credentials as commissioner to investigate fully the situation of affairs in Hungary and report to the President of the United States. The declaration was made by President Taylor in his message to Congress that if the facts justified it, if the Hungarians had established a de facto government, he would immediately recognize that country as an independent sovereignty. So it could be done in the case of belligerency just as well as in the case of a de facto government. I think, sir, it is absolutely necessary, before we pass upon this question, that we shall have such facts as will warrant us in coming to an honorable and a just conclusion in the premises.

Mr. President, the range that this discussion has taken has embraced a great many questions, and the resolutions themselves invite this broad range of discussion. As to the middle resolution there can be no great objection to it; It is simply a resolution declaring—

That Congress deplores the destruction of life and property caused by the war now waging in that island, and believing that the only permanent solution of the contest, equally in the interests of Spain, the people of Cuba, and other nations, would be in the establishment of a government by the choice of the people of Cuba, it is the sense of Congress that the Government of the United States should use its good offices and friendly influence to that end.

I see no particular objection to that resolution. It only expresses a desire upon our part to use our good offices to bring about the establishment of permanent independence in Cuba. It is an offer of friendly mediation. That offer may be rejected, but it certainly will not hurt the pride of Spain. It will not infringe any part of the international law should this resolution pass. It affects no relations as between the Cuban insurgents and the Kingdom of Spain. It simply announces our readiness and willingness to be a mediator in bringing about the cessation of hostilities and in attempting to establish, through our friendly aid, of course with the consent of Spain, a permanent republic in the Island of Cuba. As to the belief that it is the only permanent solution of the contest, it is held by most of the people of the United States. But whether it be so or not, there is nothing in this resolution of an offensive character, nothing whatever that would hurt the pride or insult the dignity of Spain or any other country to whom it might be addressed.

I believe, in common, I think, with the majority of our people, that it is a matter of impossibility that the dominion of Spain should last in perpetuity over this island, 3,000 miles away from it. It is one of the richest islands, if not the richest, in the Caribbean Sea. In extent of country, in fertility of soil, in diversity of production, it is unequaled in the islands of the West Indies. When that island becomes more populous, when it becomes imbued through its length and breadth with the spirit of independence, in my opinion its independence is at hand. I do not think that there is, from the statistics, any showing that the Government of Spain derives any great revenue from the island. I believe it is rather a costly possession. But that does not concern the issue before us. It only goes to show that if the island is not remunerative to Spain, if it does not place money in her coffers, then the Spanish hold upon that island is necessarily relaxed, and considering the character of the island, considering the distance from Spain, considering the proximity to the United States, and considering the influence always of our republican institutions, it occurs to me that the time is near at hand, not far removed in the future, when the independence of the island will be a thing accomplished.

But in the meantime, Mr. President, let us hold fast to the policy that has heretofore governed the United States. Our policy has been one of strict noninterference. We have governed our conduct in all our relations with foreign people strictly under the rule of international law, and have heretofore embroiled ourselves with no foreign power and have given none of them any just cause of complaint.

There is no sort of parallel between the Southern Confederacy and the Island of Cuba. We had every single muniment of title to belligerency, and it was necessary on account of the commerce between Great Britain and the recognizing countries that they should recognize a condition of belligerency. We occupied a vast

territory. We gave battle in open field time after time, and blood flowed in torrents. We had a capital of the Confederacy and a capital of each State in the Confederacy. We had every single muniment laid down in international law from which foreign nations could rightly and justly judge that there was a condition of belligerency existing in the Southern Confederacy. But in the correspondence of that time, in the laws laid down at that time by Mr. Seward and those who administered our affairs subsequent to Mr. Seward during the rebellion in Cuba under President Grant, we have built up a code of international law as to belligerence founded upon the doctrines of the text writers and the usages that obtain among the civilized nations, and we are estopped to assail that law. We are estopped to do any act against our deliberate position assumed in regard to belligerency.

Mr. CHILTON. Will the Senator from Louisiana permit an interruption?

Mr. CAFFERY. Certainly.

Mr. CHILTON. I understood yesterday a suggestion to be made by the Senator from California [Mr. WHITE], which was adopted by the Senator from Louisiana, that in the Prize Cases, in which was considered the recognition of the belligerency of the Confederacy, it had been decided that the President alone possessed the jurisdiction to make an effective recognition of belligerency. That is too strong a statement of the effect of that opinion. The Prize Cases involved this question (and it tallies exactly with the proposition that I laid down yesterday), whether the President might for himself make a recognition of belligerency when it was necessary to do so in the discharge of some other constitutional function which belonged to him. An examination will show that the recognition of belligerency in that case was sustained under that clause of the Constitution which authorizes Congress to confer upon the President the power to call forth the militia to suppress insurrection. Congress passed certain statutes, one in 1795 and another in 1807, touching the subject. The decision of the Supreme Court in that case does not seem to be predicated on an independent prerogative existing in the President to recognize belligerency as to foreign nations, but it was under the constitutional clause to which I have alluded and his duties thereunder as Commander in Chief. Indeed, in that case it was not necessary to decide the question at all, as the facts show that Congress afterwards specifically confirmed the actions of the President, which were treated as implying a recognition of belligerency.

Mr. CAFFERY. Yes, sir; I am perfectly well aware that Congress ratified the action of the President of the United States in all warlike matters relating to the Confederacy.

Mr. PLATT. But is there any instance in which Congress has ever undertaken to accord belligerent rights to anyone?

Mr. CAFFERY. Does the Senator address that question to the Senator from Texas, or to myself?

Mr. PLATT. I am addressing it to the Senator from Louisiana.

Mr. CAFFERY. No, sir; there is no instance whatever where Congress has ever undertaken to acknowledge belligerency.

Mr. PLATT. So far as I have been able to examine the history of Congress, it has never been done by Congress.

Mr. CAFFERY. No, sir.

Mr. ALLEN. Does the Senator know, or can he cite any authority, or offer any reason which authorizes the Supreme Court of the United States to declare a question of belligerency?

Mr. CAFFERY. I can offer no reason why the Supreme Court should recognize belligerency, because none can be adduced. The Supreme Court can not recognize belligerency.

Mr. ALLEN. I wish, then, to make this suggestion to the Senator. Is not the power to declare or recognize the belligerency or political independence of a people purely a political question with which the Supreme Court has no concern?

Mr. CAFFERY. It is.

Mr. ALLEN. Therefore anything that the Supreme Court may have said on that subject is mere words.

Mr. CHILTON. No; the Supreme Court recognizes the fact that it is a question for the political department of the Government.

Mr. ALLEN. Certainly.

Mr. CHILTON. But the point is to determine what constitutes the political department of the Government. I understood the Senator from Louisiana to claim that the Chief Executive of the country was vested with the exclusive jurisdiction to recognize belligerency, and he quoted as authority the opinion in the Prize Cases. But I have called attention to the fact that the opinion referred to was predicated upon a specific clause of our Constitution, to wit, that which governed the suppression of insurrection. It has no application to the recognition of belligerency of a foreign country, people, or district.

While I am making that suggestion I wish to call the attention of the Senator from Louisiana to another point. I understood him yesterday afternoon to criticise the accuracy of my analysis of the case of Kennett vs. Chambers, 14 Howard, which involved the question of the recognition of the independence of the Texas Republic. I quoted from memory only, and stated that the deduction which would be naturally drawn from the decision in that case was that the duty of recognizing belligerency belonged to the treaty-making power; that is, the President and the Senate. Since the adjournment of yesterday I have looked at that case, and I find the following language, to which I desire to call the attention of the Senator:

> Whether Texas had or had not at that time become an independent state was a question for that department of our Government exclusively which is charged with our foreign relations. And until the period when that department recognized it as an independent state the judicial tribunals of the country were bound to consider the old order of things as having continued and to regard Texas as a part of the Mexican territory. And if we undertook to inquire whether she had not in fact become an independent, sovereign state before she was recognized as such by the treaty-making power, we should take upon ourselves the exercise of political authority for which a judicial tribunal is wholly unfit, and which the Constitution has conferred exclusively upon another department. (Chief Justice Taney in Kennett vs. Chambers, 14 Howard, 50.)

Mr. ALLEN. That is the point, if the Senator will permit me, to which I directed his attention, whether it is not purely a political power with which the Supreme Court has nothing to do.

Mr. CAFFERY. Clearly so. The Supreme Court did not pass originally upon the power and has never passed originally upon the power. The Supreme Court predicates its finding of belligerency or not upon the finding of a political department of the Government.

Mr. ALLEN. That is right.

Mr. CAFFERY. And that is all.

Mr. HOAR. Just as they did in the Rhode Island case as to the question, which is the true government of a State? That occurs every day upon the question, which is the true government of a State?

Mr. ALLEN. That is a rule without any exception whatever.

Mr. CHILTON. That is the same question which arose in the seal-fisheries controversy, and is a question for the political department of the Government.

Mr. CAFFERY. There is no great difference between the Senator from Texas and me. Chief Justice Taney lays down the proposition in 14 Howard, in unmistakable language, that the recognition of independence—not the recognition of belligerence—belongs exclusively to that department which has charge of our foreign relations. In another part of the decision quoted by the Senator from Texas there is a kind of loose expression of a general character that would seem to place this power in the hands of the treaty-making department. The treaty-making department of the Government is the Executive and the Senate. If, therefore, the Senator from Texas is right in assuming that this latter clause of the decision which he quotes conveys the proper law, then a concurrent resolution by the House of Representatives and the Senate is ultra vires.

Mr. CHILTON. The Senator from Louisiana must excuse me for interrupting him. I do not wish to be misunderstood. I merely called attention to that decision to show the lack of uniformity of judicial opinions on that question.

Mr. CAFFERY. Exactly. There is no decision, however, going to the extent of even intimating that the power to recognize belligerence belongs to any other than the treaty-making power or the executive department.

Mr. CHILTON. The Senator would have understood my contention on that point if he had read my speech.

Mr. CAFFERY. The Senate is included under the head of the legislative department. That is the expression used in those opinions, but the House of Representatives has nothing to do with the treaty-making power, it has nothing to do with the appointment or confirmation of ambassadors, and it is only from this expressed power that you can imply the power to recognize belligerence. The express power is to appoint ambassadors; the express power is to make treaties. The implied power from these express powers is to recognize independence or belligerence. If, therefore, that be so, the House of Representatives is excluded from any participation whatever in a resolution recognizing belligerency.

Mr. President, these resolutions, after expressing this kind hope that Spain will listen to our overtures of mediation in regard to the establishment of a permanent independent government in Cuba, go on and they contain a threat of war:

> *Resolved*, That the United States has not intervened in struggles between any European Governments and their colonies on this continent; but from the very close relations between the people of the United States and those of Cuba, in consequence of its proximity and the extent of the commerce between the two peoples, the present war is entailing such losses upon the people of the United States that Congress is of opinion that the Government of the United States should be prepared to protect the legitimate interests of our citizens by intervention, if necessary.

I understand the word "intervention," as used here, to have its proper signification as applied to any interference by one government with the affairs of another government, and under that meaning the intervention spoken of here is an implied threat of war, for prima facie intervention is a declaration of hostilities. No nation upon earth ever permits another nation, from what

cause soever it may be, to interfere with its independence; and when you interfere, whether it is for business purposes, as this resolution declares, or for any other purpose, it is prima facie a hostile act. Hall's International Law, chapter 8, section 88, reads:

> Intervention takes place when a state interferes in the relations of two other states without the consent of both or either of them, or when it interferes in the domestic affairs of another state irrespectively of the will of the latter for the purpose of either maintaining or altering the actual condition of things within it. Prima facie, intervention is a hostile act, because it constitutes an attack upon the independence of the state subjected to it.

This, in my opinion, if there were no other reason in the body of these resolutions, affords ample ground for opposition to them. Prima facie, the intervention spoken of here is a hostile act; it is a defiance cast in the teeth of Spain that whenever we think our interests require we shall be prepared to intervene, if necessary. We therefore set up to judge independent of the will of Spain, without consulting Spain in the least, to intervene in her affairs in the matters affecting her internal polity, in matters affecting her insurgent provinces, whenever we think it is necessary. That is a constant menace of war; that is a constant declaration of hostility.

The only ground which is sanctioned under international law, so far as I have read it, is a matter of pecuniary interest or is a matter of self-protection. I do not know that international law sanctions intervention in the affairs of a foreign country for the purposes of pure humanity, nor do I believe that that doctrine may sanction broadly interference on that ground. There has been but one intervention in the history of the world on account of pure humanity that I know of. There the powers of Europe, stimulated by the halo of glory encircling the most celebrated state of antiquity, to which modern civilization owes a debt it can never pay, intervened in behalf of mankind—of humanity. The case was that of Greece. That is the only instance I know. This writer upon international law states the fact that that is too slight a ground on which to predicate or base a broad tenet of international law.

From the speech of the Senator from Texas [Mr. CHILTON] yesterday I will make this quotation in reference to intervention:

> The time may come when the United States will have grown so powerful that they can lay down, as of absolute authority, rules of international action upon the American Hemisphere. With this great power will come the responsibility of interposing for humanity and liberty whenever the circumstances require it. Such a policy will be the legitimate outgrowth of the Monroe doctrine, which will be developed to guard the peace and freedom of the whole Western World.
>
> But we have not yet reached that time. We are strong, very strong, but we are not yet so strong in comparison with possible adversaries that they will yield to our intervention without a mighty trial of arms.

I conclude from this extract from the very eloquent and forcible speech of the Senator from Texas that he is of opinion that intervention in the affairs of the Western Hemisphere by the United States will be justified whenever our strength shall justify such intervention, and the Senator contends, or intimates, that this policy is the legitimate outgrowth of the Monroe doctrine. In neither of those propositions do I agree with my distinguished friend. I do not think that the United States can afford to establish a rule to govern her action in regard to interference in the affairs of states of this Western Hemisphere other than the ground established by the common consent of the civilized states as forming part of the code of international law, and I believe that such a step as that would be a flagrant violation of the rule of conduct which binds us internationally to observe toward all other nations that noninterference, nonintervention, in their affairs as obtains now; that the question of our strength, the question of our power, has nothing whatever to do with the matter of intervention or nonintervention. I understand, then, from this doctrine, as enunciated by the Senator from Texas, that he places the question of intervention purely upon the ground of ability to make your intervention good.

Mr. President, there are stronger grounds why we should not intervene based upon the moral tenet of this international law than any possible ground for intervention based upon the pretension of power.

I contend further that the principle enunciated has nothing whatever to do with the Monroe doctrine. The Monroe doctrine was founded, and is founded to-day, upon the principle of self-protection; and one of these writers, Mr. Woolsey, in his edition of Hall, lays it down that the question of intervention is one of political expediency whenever the power intervening thinks its institutions, thinks its safety, in peril. There can be no pretext whatever in regard to Cuba that we have or will have a right to intervene and set up our law or our pretensions in the premises, whatever they may be, on the ground of any fear that our institutions will be assailed or endangered by any internal struggle going on in that island.

If the power of the United States and its example are to spread over these contiguous countries, it must be upon the wings of peace, and not upon the pinions of war. The beneficent example of the United States has already been courted and followed in the establishment of republics south of us, and, as in the opinion that I expressed a while ago, will be established in the Island of Cuba at no very distant day; but whenever we set up a doctrine of force and strength we invite that which the United States has always deplored—a foreign war; and however much the people to the north of us and the people to the south of us may desire republican institutions, the very moment that we make an aggressive war upon the powers holding those provinces to the north and to the south and in the Caribbean Sea we bring about a spirit of animosity and hatred, even in the countries in whose behalf we interfere, that will do away with all the beneficent and benign effects of republican institutions working their own way along the smooth paths of peace.

Mr. President, I have extended my remarks on this subject quite as far as I now propose to go. I will state before I close that I have the profoundest sympathy for the struggling people of Cuba; I have the profoundest respect for all obligations, national and international; I have the profoundest regard for the welfare and the feelings of all nations with which we are at peace. I would not wantonly and causelessly bring about a breach of friendly relations between the United States and the humblest of the powers of the earth. I would respect the rights of all; I would resist encroachments from any.

In order to square and reconcile our sympathies in behalf of a people struggling for their liberty with the requirements and obligations of international law, I think we ought to content ourselves with a declaration of sympathy, just such as was embodied in the resolution offered by the distinguished Senator from California [Mr. WHITE], and permit this great moral entity, this great code of international law, to pursue its way unobstructed and inviolate from any infraction or violation of its ordinances on our part. If there be a case of belligerence in Cuba, the President has or can have the evidence to justify his recognition of it. With him is the power and the responsibility. I am willing to place, where the Constitution, in my opinion, has placed, the exercise of this important function in the hands of the Chief Magistrate of our Republic.

Mr. MILLS. Mr. President, I had intended to address some remarks to the Senate on this question, but I heard the Senator from Maine [Mr. HALE] say during the morning hour that those who are opposed to the resolutions have not yet had sufficient opportunity to be heard. I shall therefore decline to occupy the floor to-day, in order that I may give the opponents of the resolutions ample opportunity to present their views to the Senate.

Mr. CALL. Mr. President, the advocates of imperialism and the continuance of European authority and power upon this hemisphere, and especially in the Island of Cuba, have maintained that proposition under various guises. The honorable Senator from Louisiana [Mr. CAFFERY] maintained the proposition upon the idea that the people of the United States are bound by some opinions of writers upon customary proceedings between nations, under some idea of an international code, that says to the people of the United States, when the interests of civilization are concerned, when the traditional policy of the United States is set aside and counteracted, when all the sentiments and opinions of the people of this country are outraged, that they are forbidden by considerations of the consequences of possible war from asserting that which is right, asserting the principles of humanity, and asserting the duty of nations to each other as we understand it.

Such a proposition, Mr. President, is analogous to the case of a man who, passing along a highway, is thrown into the presence of an outrage upon some feebler person, of murder or of outrage in its vilest form, and who, possessing the ability and power, passes on the outside and says: "If my vital interests were affected I would interfere; I sympathize with you, but I will not interpose my hand and power at present for your protection." We would say that that man was unmanly; that he was unworthy of respect and consideration. But the advocates of Spanish rule in the Island of Cuba undertake to say that what is honorable and humane in an individual in the collective body of the people is dishonorable; that it must be governed by some fancied consideration of interest to the collective body, and the promptings of a manly, courageous, religious, humane, civilized spirit can find no place in the public policy of a people. Such a proposition has no warrant in any of the authorities which have been read here. They have no reference to such a condition of things; they have no reference to the duty which is imposed upon a sovereign State to subject her policies and her conduct to the highest considerations of humanity promoting civilization.

The honorable Senator from Texas [Mr. CHILTON] alluded yesterday to the results of war upon the progress of this country toward a higher civilization. The progress which a policy solely in the interest of peace would make would be a progress toward an ignominious condition of society, a progress toward an unmanliness and the education of our American people into a race whose hearts would be closed to all sympathy with the higher and the better interests of civilized man. In this case of Cuba there is no

excuse for hesitation or doubt. The policy of this Government has been proclaimed in a series of State papers which have received the approval not only of the legislative department, which is the supreme power in this country, but also of the executive branch of the Government. I will call attention to what has been the utterance of the executive department of this Government, confirmed and sustained by the legislative department, and that I may not occupy too much of the time by reading these extracts from the State Department I will print them, by leave of the Senate, as a part of my remarks.

We do not speak to the Senate here, it must be understood, but we speak to the RECORD; we speak to that large, that greater, body than the Senators who vacate their seats when questions of public concern are considered; we speak to the American people, that they may be aroused to consider and decide the policy and the conditions with which the public power should be exercised in respect to the struggle of the Cubans for free and independent government.

This is a question which is second in importance to none which has ever come before this body. It is but the prelude to that greater organization which was called into life by that distinguished citizen of the United States who has passed into the shades of eternity, the Hon. James G. Blaine, when the Pan-American Congress, the only congress of the republican States, the republics of North and South America, that has ever been convened, was organized. This is the prelude of that confederation of the American republics which will assert the power of the people, the enlightened and intelligent people, over all the policies of this Government and of all the Americas.

In Executive Document No. 93, of the first session of the Thirty-ninth Congress, the following statement will be found:

On the 1st of August, 1862, Mr. Adams was instructed by this Government in the following words: "Did the European states which found and occupied this continent almost without effort then understand its real destiny and purposes? Have they ever yet fully understood and accepted them? Has anything but disappointment upon disappointment and disaster upon disaster resulted from their misapprehensions? After near four hundred years of such disappointments and disasters, is the way of Providence in regard to America still so mysterious that it can not be understood and confessed? Columbus, it was said, had given a new world to the Kingdoms of Castile and Leon. What has become of the sovereignty of Spain in America? Richelieu occupied and fortified a large portion of the continent, extending from the Gulf of Mexico to the Straits of Belle Isle. Does France yet retain that important appendage to the crown of her sovereign? Great Britain acquired a dominion here surpassing by a hundredfold in length and breadth the native realm. Has not a large portion of it been already formally resigned? To whom have those vast dominions, with those founded by the Portuguese, the Dutch, and the Swedes, been resigned but to American nations, the growth of European colonists and exiles, who have come hither, bringing with them the arts, the civilization, and the virtues of Europe? Has not the change been beneficial to society on this continent? Has it not been more beneficial even to Europe itself than continued European domination, if it had been possible, could have been? The American nations which have grown up here are free and self-governing. They have made themselves so from inherent vigor and in obedience to absolute necessity. Is it possible for European states to plunge them again into a colonial state and hold them there? Would it be desirable for them and for Europe, if it were possible? The balance of power among the nations of Europe is maintained not without numerous strong armies and frequent conflicts, while the sphere of political ambition there is bounded by the ocean which surrounds that continent. Would it be possible to maintain it at all if this vast continent, with all its populations, their resources, and their forces, should once again be brought within that sphere?

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"On the contrary of all these suppositions, is it not manifest that these American nations were called into existence to be the home of freemen; that the states of Europe have been intrusted by Providence with their tutelage, but that tutelage and all its responsibilities and powers are necessarily withdrawn, to the relief and benefit of the parties and of mankind, when these parties become able to choose their own system of Government and to make and administer their own laws?"

That is the policy which was declared by Mr. Seward and which has been reiterated in every Administration of this Government; that was the declaration of the United States to France when recognizing the Juarez Government. While it was a fugitive and had been driven from Mexico the United States recognized it and demanded that the French army should retire and the French occupation be withdrawn from Mexico. Why, then, talk about the policy of this Government when that instance stands here? The Juarez Government was a rebellious government, asserting republican government against the power of the Maximilian Government, which had been established by arms and recognized by the theretofore legitimate authority of Mexico. In this language the United States declared to France that this was the home of freemen, that they recognized the Republic of Mexico and the Government of Juarez, although fugitive and without organization, and demanded upon this proposition that the army of occupation should be withdrawn by France. Why, then, do the advocates of monarchy and the preservation of despotic rule in Cuba assert that there is no precedent for this action on the part of the Congress of the United States?

The Senator from Louisiana and other Senators have alluded to the declarations in the newspapers of the outrages committed. I find in the records of the State Department, furnished by the minister of the Republic of Mexico, the distinguished and able and worthy representative of that people at that time, Mr. Romero, newspaper extract after newspaper extract presented to the American people, and presented by the Department of State to the Congress of the United States for its proper influence with them in determining the public action of this body in respect to the recognition of the Juarez Government.

But, it is asked, what have these instances of outrage to do with the question of the recognition of Cuban independence? Mr. President, is not the protection of our citizens a legitimate subject of consideration? Whence comes this idea that the question of outrage upon the American people is not to be considered by the Congress of the United States in according recognition either of belligerency or of independence to a government? Whence this idea that if our people are not safe in contact with that power upon our own shores that we have no right to bring these instances to prove that condition of things, to show that the citizens of the United States are not safe, even when protected by treaty stipulation, under the Spanish Government in that island.

Surely there can be no force in these propositions. Surely the American people will understand that the protection of the citizen who has a right under treaties to visit foreign lands and to engage in commerce and business there constitutes a necessity for the civilization of the world and for commercial intercourse; and if outrage upon outrage is committed upon citizens of the United States should it not be a subject of consideration and should it not influence the action of the Congress of the United States? If there be a country within our reach where it is desirable for us to have, and where under treaty stipulations we do have, relations of commerce, should we not act in protection to our people? If we find it necessary when there is a formidable revolt there, when there is a revolt which has sufficient permanence and stability to indicate the probability even of its final success, should we not say, "Here are the elements of strength; here is a condition of things requiring the protection of American interests, commercial interests, personal interests, interests of civilization"? And should we not recognize the fact that here is a revolt where there is a probability of success, and when sufficiently promoted a case proper for recognition of independence to be accorded to them?

Let us see as to the condition of things, and as to the probability of the truth of the statements which have been made here. Certainly no one can question the proposition that facts, circumstances, events of continuous nature, showing the character of a person or of the people of a State, give color and probability to other occurrences similar in character. When you can place your finger upon a particular individual, and you yourself, being a person of character, will say to a public functionary or to the Congress of the United States, "I know this person to be reliable; I know his character, and he states certain facts which correspond with the established course of history in relation to that people," there is evidence equal to any which can be produced.

Now, let us see what is the condition of things in reference to the Island of Cuba. What is the condition in reference to the possibility, the probability, of its maintaining its independence and asserting a government for itself? I find here in this book, Manning's Law of Nations, the following note taken from Wheaton's Elements of International Law, a book which, though merely the opinion of one man, is yet an enlightened opinion and carries its weight with it:

The deplorable strife in Cuba continues—

This was in 1878—

without any marked change in the relative advantages of the contending forces. The insurrection continues, but Spain has gained no superiority. Six years of strife give the insurrection a significance which can not be denied. Its duration and the tenacity of its advance, together with the absence of the manifested power of repression on the part of Spain, can not be controverted, and may make some positive steps on the part of other powers a matter of self-necessity.

Here is an opinion after eight years of prolonged war, of prolonged efforts to suppress this insurrectionary insurgent power in the Island of Cuba. It is the opinion of a publicist, the opinion of one of the text-books upon the subject of international law which is so much cited here, if there be such a thing, which there really is not, it being nothing more than the consent of publicists and the action of nations from time to time in reference to it.

The Senator from Louisiana [Mr. CAFFERY] spoke of intervention as a hostile act. Among the subjects which are mentioned as creating a proper occasion for interference by a government, following this note, this writer, Manning, in a late book of authority on these subjects, says:

The concession of such rights may, at a certain epoch in the strife, be claimed both in the interests of humanity and of neutral states; there always, indeed, arrives a moment at which such a concession is made (as in the case of the late Southern insurrection in the United States) by the government from which the revolt takes place. The main difficulty is found in ascertaining the moment proper for what is called "recognition of belligerency." It must be neither so premature as to embarrass a friendly government in suppressing what may prove to be only a transient and partial display of disorder or treachery, or so dilatory as to protract the inconvenience and cruelty incident to a war conducted on a large scale apart from all the humane alleviations which the laws of war have introduced. The quality of the test

for determining the moment at which interference for belligerent purposes only can be justified became a subject of earnest controversy during and after the late American civil war.

Mr. Dana, in a note to his edition of Wheaton's Elements, says:

To decide whether the recognition was unalled for and premature requires something more than a consideration of approximate facts and the overt and formal acts of the contending parties. The foreign state is bound and entitled to consider the preceding history of the parties; the magnitude and completeness of the political and military organization and preparations on each side; the probable extent of the conflict by sea and land; the probable extent and rapidity of its development; and, above all, the probability that its own merchant vessels, naval officers, and consuls may be precipitated into sudden and difficult complications abroad. The best that can be said is that the foreign state may protect itself by a seasonable decision, either upon a test case that arises or by a general prospective decision; while, on the other hand, if it makes the recognition prematurely it is liable to the suspicion of an unfriendly purpose to the parent state. The recognition of belligerent rights is not solely to the advantage of the insurgents. They gain the great advantage of a recognized status, and the opportunity to employ commissioned cruisers at sea, and to exert all the powers known to maritime warfare, with the sanction of foreign nations. They can obtain abroad loans, military and naval materials, and enlist men, as against everything but neutrality laws; their flag and commissions are acknowledged, their revenue laws are respected, and they acquire a quasi political recognition.

These are the grounds upon which, according to those writers, the laws of nations allow and justify a recognition.

Generally speaking—

Says Mr. Dana, in his edition of Wheaton, part 4, page 187, of Mr. Manning's book—

the occupying power is established as soon as the population is disarmed, or even where the country is traversed by flying columns. It being impossible to occupy bodily each and every point of a province, the expression "territory" must, as regards occupation, be interpreted liberally. A territory is considered as occupied when it is actually placed under the authority of the hostile army. The occupation only extends to those territories where this authority is established and can be exercised.

We see, therefore, by these authorities that occupation of a country is when force is asserted, force either in the absence of adequate attempts to suppress it by the nation of established authority, or by the superior force of an insurgent and rebellious power.

Look at Cuba! What is the condition? What was the condition for ten years up to 1879? The records of the State Department which I have here before me establish it. I shall not take the time to read copiously from them, but will publish them in my remarks.

They assert that at every point except in the fortified towns and seacoast cities the Government of Cuba maintained its power during that entire period of time. That is the assertion of our own consular authorities. But what was the condition? What is the condition now? Let us see for a moment what justification have we, what demand have we to interfere, to intervene. I wish the resolutions were more positive than they are. I wish the resolution of the House of Representatives with respect to intervention was in the form of a joint resolution and imperative. Why? Because it is for the interest not only of the United States, but of Spain, that the contest should be terminated by the establishment of a free government, because nothing but disaster to that ancient Government, to her internal civilization, can occur by the protraction of this struggle. If Mr. Seward is right, if Mr. Adams is right, if Mr. Cushing is right, if every Administration of this Government has been right from the days of Mr. Monroe to the present time, that the dominion of despotic and arbitrary authority instead of republican government in the Island of Cuba and upon the Western Hemisphere is doomed to extinction, then there can be no doubt that this Government should adopt the manly and courageous policy and say so, friendlily but firmly, to the Government of Spain.

Mr. PLATT. Will the Senator from Florida allow me?

Mr. CALL. Certainly.

Mr. PLATT. Suppose we do take the action in Congress that the Senator desires, which I understand is that we should intervene, and Spain refuses to grant an independent government to Cuba; what would he have us do then?

I quite agree with the Senator from Florida that if the time has come when this Government for any reason ought to promote the establishment of an independent government in Cuba, if the Government ought to exert its power and influence to that end, we ought to do it in a straightforward, manly fashion; and I understand that means that if we intervene to the extent of saying to Spain that this Government has come to the conclusion that Cuba ought to be free and independent and Spain refuses, then we should aid Cuba and go to war to carry out that end. Now, I wish to know what the Senator thinks we should do.

Mr. CALL. I will state what I think. The first action would be to say what Mr. Seward said to France, and then see what effect it has. The next step would be to repeal or modify our neutrality laws and allow the friends of freedom and free institutions in the United States who see fit to risk their lives, as they have done in every contest since the Republics of North and South and Central America have acquired freedom—the brave American men who wish to risk their lives in the defense of liberty and humanity to have an opportunity to do so. That will settle the question without any war, and settle it immediately—within ninety days. That is what I would do.

Such an act is not in hostility to Spain, because it is an inevitable fact that if the war continues Spain will be bankrupted, her people oppressed with an enormous debt, and Cuba never will be subdued by her power. That island is 3,000 miles from Spain, and with a hundred million people in this country who, despite imperialistic tendencies and the autocratic disposition of our public policies, are devoted to freedom, the maintenance of despotic institutions in that country is impossible.

These are considerations of public policy, a public policy which has been affirmed first in our Declaration of Independence, in which we invited that people to adopt the same course which we adopted, namely, the discontinuance of monarchical, despotic authority, although the nation whose control over us we objected to and from whose people we descended originated all our ideas of freedom and the principles of civil liberty which are contained within our Government, our Constitution, and the customs of our country, although its government of its colonial possessions in the main has been liberal. Some of her colonies are now in advance of the American Republic and the American people in all the public policies that look toward the advancement and the comfort and the welfare of the masses of the people. Take the Island of New Zealand, and we do not compare with those English people in the laws and policies and institutions which bring comfort to every man's home and education to every child. This was the people against whom we revolted because of autocracy and despotism in their government. The power of the European nations everywhere on this Continent has been abolished except in Canada, where it has been maintained by the wisest public policy, where the powers of government are exercised in the interest and by the consent of the people of Canada. Shall we suppose that when on this Continent the power of autocracy and European despotism and European institutions has been destroyed by the people themselves it is possible as to the little Island of Cuba, right here upon our shores, for any force, much less that of Spain, to maintain a continued possession of the island?

Now, these are considerations of public policy founded, as I said, upon our own Declaration of Independence, founded again upon the declarations of every Administration that has ever controlled this Government, founded upon the express declarations, as I have read, of Mr. Seward to France when, after having acquired complete possession of Mexico, having obtained the formal assent of her people and her different forms of authority, having established complete power there and a government of their own, we recognized the insurgent government of Juarez because it was a republican government, when it was fugitive from its capital and had neither place nor standing except in the affections of the people. At that time Mr. Seward addressed to the minister from France the observations which I have read and which will be found in the record of the Department of State.

I say, then, here is first the question of public policy, to which we are committed; that we should say to Spain that we feel compelled to accord not only belligerent rights, as the resolution does in a mere expression of opinion, but that in the opinion of Congress free government should be allowed to the people of Cuba, and that if necessary to prevent the further molestation of American citizens the Congress of the United States suggests the possibility of a necessity of intervention on its part.

Mr. President, it is said that this is a mere expression of opinion; that it has not the force of law. But a mere declaration of opinion on the part of this body, reflecting the public sentiment of the people of the United States, is a potential fact, reflecting as it does the settled and public opinion, reflecting the deliberate judgment of the intelligent, thinking people of the United States. That is a power which conveys its warnings to all nations and to all people, not in a spirit of bravado, not that we can assert that which is wrong and untrue, but when we are right, when we are justified by sound and wise public policy in the interest of humanity, when we are justified by a sound public policy in the interest of the inevitable future, every manly and just consideration concurs to give force and effect to a declaration of the opinion of the people of the United States as to any measure of public policy which is definite and settled.

Mr. President, what is the condition now which demands action on the part of our people, which demands action by this body? The Senator from Louisiana [Mr. CAFFERY] alludes to instances of outrage and condemns their being related here—here in this body, charged with the duty of protecting the American citizen anywhere; this body, charged with the duty, higher than the President himself, of controlling his action in regard to treaties; this body which, with the representatives of the people, is charged alone with the responsibility of war or peace.

What is the duty? That which gives prestige to the great Government of the British Empire, that for which all people honor it, that which makes us all proud of our lineage and descent is

that the subjects of Great Britain everywhere feel that her power is around and about them, and all nations recognize the fact.

I am going to submit a letter to the Senate. I state that it is as good evidence as can be produced of a fact. I know the writer of the letter, though his name is concealed and will not be given. I know him to be, so far as any judgment can go from an acquaintance of some years, a truthful man. He writes from the midst of these things.

Mr. HALE. Of whom is the Senator speaking? I did not get the name.

Mr. CALL. His name I do not wish to give. I say I know him.

Mr. HALE. I thought the Senator mentioned the name of this writer.

Mr. CALL. No, I did not mention his name. I give my testimony that he is a good man, a truthful man, an honest man. I believe his statement from my knowledge of him. If you were in court you would say from your knowledge of the witness that you would believe him upon his oath, and if three respectable witnesses shall testify it becomes competent evidence. The reports of our consuls become competent evidence. When a member of this body certifies to a knowledge of a person and to his truthfulness and worthiness of credit, it becomes reasonable evidence of the facts stated. I ask the Secretary to read the letter which I send to the desk.

The Secretary read as follows:

FEBRUARY 25, 1896.

Senator WILKINSON CALL.

HONORED AND DEAR SIR: One of those bloody deeds which raises the heart in horror and indignation has occurred just at the very gates of this city on last Saturday at the little town of Guatao. The Spanish have procured means to conceal it, but numerous testimonies from persons coming from the place are spreading the frightful news.

Here are the facts: On Saturday, February 22, a rebel force encountered a Spanish column composed of 100 men and 3 cannons, which were preceded by 50 cavalrymen of the Pizarro Regiment, commanded by Sergeant Margatton, at the town of Punta Brava, some 15 miles east from Habana. The insurgents were 100 men, who charged against the Spaniards and retired after some time of fighting. The Spanish, under command of a Colonel Cervera, a libelist writer of the Government, and Captain Calvo of the cavalrymen ran after the rebels in the direction of the town of Guatao. When they reached the place they found no insurgents there, as these had proceeded on another way; but the Spanish cavalry was blind with rage, and under pretense of intelligence with the insurgents they began a horrible slaughter among the pacific Cubans inhabiting the place. Twenty men have been killed and 17 made prisoner and brought to the city of Marianao, 5 miles from Habana. Among the prisoners I have heard there is an American citizen who is wounded. The soldiers rose into the houses and pulled out the innocent dwellers to be sacrificed at the streets. Some were ordered to run, and when they did it they were shot in the back. It is reported among the dead a man 80 years old and another 75, who were unable to walk. A poor milk seller, who was cleansing the bottles for his trade, fell down by six bullets. At the houses where the soldiers found no men, but only women, they cried that some of those must be men under female disguise for escaping capture, and the women were submitted to recognition by them raising up their clothes and showing their sex. Some members of the Red Cross in the place, who had gathered a wounded man, were threatened and deprived of him. The Spanish spent the night there, and during its dark hours some women have been violated.

God and humanity must know this carnal feast.

Some days ago a man in one street of Habana was charged by one Spanish soldier as insurgent, and amid a delirium of blood the man was sacrificed by 67 bayonet wounds and 6 machete blows. The Spanish papers assured he was crazy, but all the Cubans in the city know that was only a common token of the ferocity and bloodthirst of his race. I have felt at my heart the need to make you know these facts.

P. S.—To-day two American citizens, reporters for your papers, have been arrested for asking news about this crime in the city of Guatao.

Mr. CALL. Mr. President, that is a very shocking narration. The question is, Is it true? It is like these newspaper reports. No doubt the Marquis de Lôme, who represents the Spanish Government here, is not responsible for that. There is no doubt that the Spanish officials condemn that, but the question is, Is that the customary condition of things prevailing there? Has that Government power to protect the citizens of the United States? That is the question for us. I do not condemn the Spanish minister for going into the papers here. It seems to me that it was right that he should do so, that there is no objection to appealing to the public opinion of the people of the United States when it is not done in an incendiary manner. But I say, if that is the condition of things under Spanish rule in the Island of Cuba, it is the imperative duty of this body, charged with the high responsibility of controlling the foreign relations of this Government, to say that the American flag shall protect with the power of its people its citizens and its interests in every land, and especially in Cuba, because here in this correspondence I assert that Cuba, lying upon our shores, with immediate and constant intercourse between our people and hers, is the proper and the necessary subject of solicitude and of more than usual consideration in regard to our public connections and policies toward her.

Now, let me see if that is true. Are the probabilities, are the corroborating evidences enough to satisfy anyone of the truth of the statements in that letter? Let me read a letter from Santiago de Cuba, written June 17, 1869. What happened then characteristically, when asserted by credible witnesses, now derives corroboration from the condition of things then and the characteristics of that struggle and those people. What better evidence do you want than corroborative testimony? This is in the state papers of the United States. It comes through the acting United States consul at Santiago de Cuba, A. S. Phillips:

SANTIAGO DE CUBA, *June 17, 1869.*

MY DEAR WIFE AND CHILD: These are the last lines you will ever receive from me. In four hours I am to be shot, having been captured by the Spaniards on the Island of Cuba, where the vessel ran, instead of going to Falmouth, Jamaica, where I shipped to go. Now, Maggie, I have no money to leave you, and I am so sorry, darling, as I leave you penniless; but you may get some by getting a good lawyer to sue the owners of the vessel for damages. They have taken my life and deprived you of my support, and ought to support you.

There will be a statement sent to the Government that he can see; there is also, I have been told, a contract in New York to land these men in Cuba, and if he can get hold of it you can get big damages from them. The vessel's name was the *Grape Shot*, schooner, of New York; the owner's names are Henry Wall, a surveyor of New York; one Highdecker, a broker in the same place; one Slowmaker, a liquor dealer. All this can be found out in the New York custom-house. You can get a good deal of money if you get the right kind of a man to take hold of it, and enough to keep you for life. The time is getting short, darling, and if I could only see you and baby once more I could die happy. I have always loved you, darling, whatever you may think to the contrary; God knows it is true. For you, and only you, I have tried to get along and make you a good living. You have always been a good and true wife to me, and, darling, do forgive all the trouble I have ever given you, and meet me in heaven. Tell Smith that he must let you have some money to help you along; tell him as a dying brother I entreat him to take care of you and my little boy. I have one kind friend here, a Mr. O'Callaghan. Darling, I can not write more, my hand is sore. Tell Cousin Fannie and Aunt Olden. May God Almighty bless you and keep you and baby is my last and only prayer.

Tell baby his father's last prayer to him is that he never drinks one drop and be good to his mother.

After I am dead Mr. O'Callaghan will cut a lock of my hair, and my handkerchief, and send it to you.

Good by, darling. I command you to sue the owners. Call a witness, one William Craig, of Oliver street, New York, who was on the vessel with me.

God bless you.

Your affectionate and dying husband,

CHAS. SPEAKMAN.

Mrs. MAGGIE C. SPEAKMAN,
Care of Capt. J. W. Weaver, Aurora, Ind., U. S.

This man, against the protest of the American representative, was shot to death, with his declared statement that he was ignorant of the destination of the vessel, with the declaration of our minister that the vessel had the right under the treaty to enter with her contraband goods subject alone to capture, and with no right of imprisonment or of punishment, this American citizen appealing to his Government was shot to death. Here follows a long correspondence. If he had been an Englishman the guns of the English fleet would have thundered around Morro Castle in thirty days. Englishmen would have been proud that their Government did not hesitate to incur whatever risks of war there might be instead of an ignominious peace.

But, Mr. President, that was not all. Here is Wyeth, a young man who ships for his health to the West Indies, protesting in the power and in the name of the American Government and its ministers that he had not engaged in any unlawful expedition, that he was not even informed of the destination of the vessel, that he was only a passenger. He was shot to death because they had caught the vessel entering into the Cuban waters and without any evidence of complicity with the insurgents. Here is a long correspondence in which a demand for indemnity was made, as Mr. Cushing says, and after a long time it was accorded. But what is indemnity in comparison with the life of an American citizen?

Mr. President, that is not all. Take the case of the *Virginius*. Fifty-three American citizens were put to death in violation of the provisions of the treaty, acknowledged afterwards in all the diplomatic correspondence. Here is a long series of letters from Mr. Cushing condemning the "savage and unlawful and horrible act," to use his expression. General Burriel, the officer who committed this massacre, was promoted because of his murder of American citizens, as Mr. Cushing calls it, one year after the occurrence. Here is the correspondence in the State Department, in which they demand an explanation, and having promised and having made reparation in money for the 53 American citizens, instead of subjecting this man to the processes of the law (Mr. Cushing says if he be innocent because he obeyed orders, let him submit to the tribunals and offer his defense), he was promoted—instead of being punished for the act of eternal infamy.

Mr. President, do Senators talk about evidence and about newspaper statements? Do they talk about a band of insurgents? Here is the constitution that those people have established. But that is not all. Here is a long list of perhaps a hundred American citizens murdered, put to death, not taken with arms in their hands. Here is a case of particular atrocity of a German and an American pursued in the streets of Habana and the case of the poor man Speakman that I spoke of. Here is a case where a man demanded to be put off the vessel in a friendly port. They refused him, and when they arrived in the port of Cuba the officer of the vessel, having discharged his cargo, forced him to leave because of a personal difficulty. He was arrested and shot to death because he was an American, on the presumption that being there he had

engaged in some act of violence. It was enough that he was an American for him to be murdered.

But here is another case, a case which occurred in the streets of Habana, testified to by the British consul-general, in which an American and a foreigner walking along side by side were accosted. The American had on a blue necktie, and the English consul writing here says that he was riding in his carriage, he saw a man chased by another one, his neck clothing torn from him, and a pistol shot fired; that he opened the door of his carriage to take him in, but before he reached the spot the Catalonian volunteers seized him and stabbed him to death in his presence, and he died because he had what they took to be the color of the American citizen, a blue necktie. That is the testimony of the English consul-general.

But the remarkable part of it is that in one of these cases there was a British subject molested, and immediately the Government of Great Britain sent a ship of war to the waters of Cuba for the protection of its citizens, and the consul notes the difference.

Mr. President, here is justification for war, but I am not the advocate of war. No war is necessary and no war is possible. We do not want Cuba; we only want her people, when they have a right to it, to have self-government. We do not want to fight the battles of Spain, as our silence does with our neutrality laws. We want to give to the Cuban people the rights of war. We want to assert against the power of Spain and every other power the rights of humanity in the prosecution of the war. We want to say that the rules of regulated and civilized warfare shall be observed when prisoners are taken; that they shall be treated with humanity, and only confined until exchanged or released by treaty. That is all that we ask. Why this objection to it? Do Senators say there will be war? War with that country? What commerce have we for Spain to prey upon? Our commerce is carried in foreign bottoms, and privateers could do us no harm. But there is no possibility of war. It would shake the dynasty of Spain to the ground in a moment. We simply demand the rights of humanity and justice to an organized revolution. We declare that there is a state of public war and accord to them the rights of belligerency, and demand humanity in the treatment of prisoners. Why not?

In the face of all this demonstration of opinion and all this testimony, are we to remain perfectly silent? Is that the part of public policy and of humanity?

Mr. President, the question is, What is this struggle in Cuba for? Whether it is just or unjust, whether wise or unwise, whether it be a patriotic or an unpatriotic war on their part, if there be a state of war, if there be a state of public hostility, if there be a probability of success and the establishment of a government of their own, it is our duty to recognize it; it is our duty to see that they have the same rights that any other people waging war would have.

Now, what is their condition? Does any one doubt in the face of the fact here that there is a state of public war in Cuba? The decision of the Supreme Court has been alluded to here, where the Supreme Court decided that the fact was that the President of the United States having declared certain facts to exist, it thereby resulted as a necessary implication that there was a state of war and that belligerent rights existed. Is not that merely a declaration, whatever weight is to be attached to the opinion of the Supreme Court, which, in my opinion, is only that which is given to the opinion of any other wise and sensible people?—because they have no power beyond the decision of the case which is before them. I repudiate the idea utterly that they have any autocratic power. To-day they may decide one way, and to-morrow in a similar case they may decide a different way. Congress is the supreme legislative power over the Supreme Court and every other department of the Government to declare the law and to make the law. But, according to that opinion, whatever weight you choose to give it, is it not clear that when a state of facts exists which show there is belligerency, then those facts themselves demand its recognition? What is the state of facts in Cuba? Here was a ten-years war. Here was a war prosecuted in the face of these constant shootings and murders. Hear what our consul, Mr. Phillips, says:

The merciless and barbarous way in which this war is carried on by Spain shocks every principle of humanity and civilization and demands an interference.

There was, then, a state of war, so officially declared by our representative as a fact.

That was ten years ago. That was the war in which shortly afterwards the seven students were shot. Here is the correspondence with the United States and its minister deprecating the killing of the seven Cuban students in Habana and congratulating Spain that she had at last, using the words of Mr. Cushing, "begun to awake to the barbarity, the infamous barbarity," of that act by the pardon and the release of the remaining students who had been held. For what were they murdered? Simply for the demolition or injury or mutilation of a tomb or a statue or an inscription, or something of that kind. They were boys, shot to death, and this young Speakman was only 20 years of age. Here the consul tells of his remonstrance.

Here is a very singular thing. Here is Captain-General Dolce in the war of ten years doing what? Refusing to surrender some prisoners to be shot to death and murdered, and he was compelled to resign his office by the Catalonian volunteers and abandon the island. The captain-general under the authority of Spain was himself compelled to submit resignation because he had dissatisfied these volunteers by his acts of clemency.

Now, what shall we do in such a state of things? Here is the record in the communications of our own consular officers and our own ministers. Why deny, what motive for denying, that the Government of Spain is unable to maintain its authority even over its own forces in the Island of Cuba, and that the sentiment of the Spanish authorities prompts to acts of atrocious cruelty toward the American people and toward all others, and especially to all persons of Cuban extraction in any way connected with that authority, and is such that the Government can not restrain it?

What is the condition at present? There is an evidence of what the present revolution is. For ten years the Cuban people resisted the whole power of the Spanish Government, and according to their statements, 150,000 men left their bones in that island, and only when guaranties were given of self-government, complete and entire, did those people lay down their arms.

Here is further evidence. Can we not see something from the light given by that to furnish good evidence of what the present revolution is? It does not follow necessarily because that was maintained for ten years that the present one will be maintained for that length of time, but it renders it probable, it renders it possible.

Now, what other facts come in? Here for twelve months a state of war has existed. Here is our consular report from Mr. Hyatt, stating that the island is full of these insurgents, and if they had arms the whole population would join them. Is there no evidence in that statement? Here is an army of 45,000 persons. Here is Gomez traveling from one end of the country to the other; and no general of modern times has exhibited greater ability than this man, organizing a force without the recognition of any nation, organizing a force supplied with arms entirely from the private enterprise of the Cuban people, and maintaining the possession of four-fifths of that island, constantly going backward and forward, crossing a wall of men, as General Weyler testifies, as he moves from one section or division of the island to another, and reaching the immediate precincts of Habana.

Spain has sent 150,000 men, according to her report; but some Cubans deny this, and assert that neither in the last war nor in the present war was there or is there such a force of Spaniards in the island. The Spanish army is on paper. Spain has not the means to send the forces which she pretends to have sent there. That is the opinion of Cubans. An intelligent Cuban was talking to me yesterday on that subject. But, however this may be, I do not wish to say severe things about the Government of Spain. I wish to deal with facts. That country has had an ancient record of honor and distinction for three centuries. She maintained a heroic war with the Moors and drove them out of Europe. There are very distinguished traits of character in the Spanish people; but it is idle to talk about their maintaining their attitude toward Cuba against the inevitable march of civilization.

Events for more than two hundred years have marked the disappearance of Spanish power from this hemisphere. Why? Because the facts which occurred in the war from 1868 to 1878-79 in Cuba have created everywhere among the people where they have been attempted a profound sentiment of detestation and hatred. It is because Spain has not pursued the benevolent policies which have characterized England and other colonizing countries, and which have not characterized the Spanish Government. What man would there be with the soul of a man who would not, if living in Cuba, resent the shooting of those seven students because they were supposed in some patriotic impulse to have mutilated the tomb of a Spaniard? It is strange to me that here in our Senate, here among the American people, where bravery and courage and sympathy with right and humanity are the great principles of public and private life, where we disgrace the coward and scorn a man who has no sympathy with mankind, such facts should not move us to immediate and stern action.

Is there any doubt about these records here for ten years? Your own archives confirm the stories of present atrocities and of present wrongs. How idle it is for Spain to talk here, with this growing people of 100,000,000 upon her borders, wedded to the sentiments of freedom of government. Here is even her own minister, as reported by General Sickles in his dispatches, saying "When we are satisfied that the people of Cuba are in favor of free government, we shall accord it to them," acknowledging the inevitable course and yet denying that free government to Cuba.

I ask why shall Spain burden her people with an enormous debt?

As well might she attempt to restrain the eruptions of Vesuvius; as well attempt to dam the mountain torrents; as well attempt to stop the tides of the ocean, as to prevent the progress of free opinion, the progress of free institutions, the instinct of the mass of mankind that they have a right to live, that they have a right to comfort, that they have a right to the education of their children, that they have a right to the privileges which belong fairly to every man, however high and potent he may be. You can not stop that great mass and weight of opinion. So we stand to-day.

We are told that the President alone has this power. This imperialism, this tendency in our country to autocratic and aristocratic institutions, this interpretation by a life power in our Constitution to the effect that some one somewhere has power superior to that of the people in their aggregate and collective capacity, power superior to their representatives in this body and the other where the supreme representative power of the people is vested, should be checked.

Senators do not appreciate the duty we owe to the American people. We do not recognize the fact that by our Constitution the power of 70,000,000 people is vested in this body as the lever and the restraining power in connection with the other House, this power being permanent, cautious, and deliberate; we do not recognize the fact that in this vast power of 70,000,000 people there is nothing superior or equal to this body; that the legislative power is paramount and sovereign. What possible reason can be given for the idea that the President of the United States alone can do what the House of Representatives, representing the people, and the Senate, representing the people and the States, can not do? Suppose the President receives an ambassador, what can he do? He has the power to do that without a treaty and admit him to the White House and talk to him. What more without the consent of this body? How idle then to talk in that way! What can the President, under the express language and meaning of the Constitution, do without the advice and consent of the Senate? He can propose treaties. What good will that do? He can admit an ambassador, receive his card at the White House, and nothing more. When a treaty with his Government shall be made it must be with the advice and consent of the Senate. Suppose the President issues a proclamation of war, and the Senate and House of Representatives say no, what will it avail? Where would he be if he persisted in defying the power of the Senate and House of Representatives? He would soon cease to be President by the act of the House and the final judgment of this body.

We accord to the President of the United States and to his execution of the will of Congress all respect; but how unwarranted the idea, upon what ground does it rest, that the President of the United States, without the people, without Congress, in defiance of their will, may do anything. That is not so. That is not this scheme of government. This scheme of government is that the two Houses of Congress are the supreme legislative power, supreme over everybody and over everything. To their will, expressed in proper form, all dignitaries and all officials must bow.

The President of the United States is not greater than the collective nation. We are not greater than the collective people; we simply represent them. And what else? If we protect American citizens in Cuba; if we recognize the actual existing government there; if we assert that the rights of humanity belong to an insurgent people there, whether they be citizens of the United States or not, and that when captured as prisoners of war they shall have the protection of the laws of war; if we say to Spain or to anybody else, or to Turkey in Armenia, "If you persist in murdering and outraging a whole people, we will intervene with force and power," will we not be justified? That is what General Grant as President said. That is what he says in this correspondence; that is what his minister said, that unless these brutal outrages are stopped, unless other and milder methods are adopted, the United States may be compelled to intervene for the protection of her citizens, and also in the interests of an outraged humanity.

Why, then, this great hesitation about intervention? General Grant said that ten years ago; he said it with the authority of Congress. In response to an inquiry of Congress he communicated the declaration, and yet the Senator from Maine [Mr. HALE] read a part of General Grant's message as if it were in condemnation of this resolution and this proposed action. So far from being an authority or precedent against this resolution, it is directly in its favor. The condition in which he declared such action must be taken has occurred and is now occurring.

Those brutal outrages have not been stopped; they have continued. Here are many cases of arrests of American citizens. Here is the case of Rodriguez, an American citizen, reported by the American consul, arrested upon suspicion and actually murdered by a harsh and severe confinement, an old man 70 years of age, the record of which is to be found in the report of your own American consul.

Whence does it come? Why multiply proofs and reports when case after case is mentioned of arrests of American citizens? Take the case of General Sanguilly, of which I have no evidence except general statements. We have demanded a record of his trial, and we understand it has been refused. He was an American citizen sentenced for life to the accursed prison of Ceuta, which, with all others like it, ought to be wiped off the face of the earth by the action of all civilized peoples. He was subjected to arrest and imprisonment for months and sentenced for life, without a fair trial, upon suspicion alone, with no inquiry except an informal trial. Upon your own consular authority, case after case is stated where such outrages have been perpetrated.

The Senator from Louisiana talks about the want of evidence of these outrages and comments unfavorably on the Cuban people and the Senator from Ohio, defending the Cubans, read a letter from some person in Boston, which stated that these people had been kept in ignorance, that they were all mixed—mulattoes, negroes, all sorts of people. That is not true. I am very familiar with some of these people. I personally know many of them. There are some of the brightest and the most accomplished people among them to be found anywhere, versed in the different languages, with the peculiar sprightliness of the Latin intermixed with the Spanish, a people charming in social intercourse, elegant in their habits; many of them are accustomed to large wealth, and yet you do not find in any country in the world a people abandoning their fortunes and their homes and sacrificing their lives as these people have done.

They are martyrs to liberty and have a right to honor and respect from all men who honor heroism and the sacrifice of personal ease and enjoyment for principle and right and for the love of their country; they are of the martyrs whose "blood is the seed of the church." Poland is perhaps the only other instance equaling them. It is true that the Cuban generals lead a great number of people who have had no opportunity for education; but it is also true that they lead a mass of people who are penetrated with the idea of terrible oppression.

Read the accounts of shooting men down, and contrast the conduct of Gomez with reference to his prisoners with the conduct of the Spanish commanders, Gomez discharging them with the privilege of joining his forces or going back to the Spaniards, or releasing them on parole; while it has been common with the Spanish commanders to have prisoners shot down, the excuse being made that they were shot while attempting to escape.

I shall read at this point an account of a case of that kind, which is furnished by United States Consul Hall:

SANTIAGO DE CUBA, *August 15, 1869.*

I write you to advise of the horrible news that has spread through the town since the return of the *Villaclara*, which will take this letter.

The facts are that on account of the departure of the prisoners Espin and Perez, physicians, Salvador Benitez, jr., Ascencio, the two Collaros, one of the Villasana, besides some intimate friends and relatives and a son of one of the Benitez, called Lico, by the same steamer for Bayamo, where, it was said, the prisoners were to be confronted with an individual who accused them of being in correspondence with the insurgents, no guilt having been discovered in the proceedings previously instituted in this city, a large number of persons went to the wharf to meet the steamer, it having also been rumored that she would bring back the prisoners. I leave you to imagine their horror when they witnessed the landing of the escort and its commander and heard the report of the latter, that the prisoners had been shot between Jiguani and an encampment called Lorma de Piedra, by order of a colonel called Palacios, of the regiment of Antequera, without authority of any source whatsoever. He also had shot, according to report, the persons who accompanied the prisoners; they were Sinforiano Alvarez, Manuel Fresnada, Lico Benitez, a mulatto servant of Perez, and even the horses that they rode.

Here is a consular report. What do Senators think of that? That is not an isolated instance? Here are hundreds of them contained within the pages of this book which is a State paper of the United States. It would not be just to accuse Spain and all the Spanish authorities of these things, but it is just to say that it is the established condition of things there then and now, and that the power is wanting to suppress these hostilities, these cruelties. The decree of Valmaceda to shoot down all persons under 15 years of age who should be found without a permit away from their homes has had its effect. It has been modified, it is true, but why? It has been modified because of this proceeding here, because the sentiment of our people will not permit it.

If these facts are not true as to the treatment of people there, why is not their falsity demonstrated? Why is it not reported by our diplomatic representatives? No, Mr. President, the records of our Government conclusively prove that the facts are as we have stated, that the traditional policy of this Government in respect to Cuba has been described, and that Spain has been notified that the Cuban people have maintained this war for ten years, from 1868 to 1878; that they established a form of government. Here it is. Here is their constitution [exhibiting], similar to our own, though not full in its details, as, indeed, could not be expected under the circumstances in which it was formed.

They have again revolted. For twelve months they have maintained their war successfully; they have not been suppressed, and the same cruelties and the same arbitrary authority, which attended the war from 1868 to 1878 have characterized this war. The Spanish authorities are meeting with no success; Gomez and Maceo traverse the island from one end to the other continuously.

Notwithstanding the cruelties and severities and the attempted suppression of this insurrection, it still increases in force, in vigor, and the sympathies of the people of the United States and their active assistance it seems impossible to prevent. Every day there are enlistments and attempts to cross the Gulf of Mexico to the Island of Cuba for the purpose of taking part in this war. The American people are determined that there shall be no acts of cruelty or inhumanity perpetrated upon the people of Cuba in close proximity to the people of the United States. I venture to say that if in Mexico that condition of things was to occur, this people would awaken not only to remonstrance but to active interference, and I say so because here in this report of the Secretary of State to the Congress of the United States it appears that the Mexican minister, Mr. Romero, of whom I have spoken in terms of compliment, which he deserves, communicated to this country constantly the cruelties which had been perpetrated upon the people of Mexico, and these formed the subject of remonstrance even to the powerful Government of France at a time when the United States was comparatively disabled by the exercise of all her energies in the civil war between the States.

We have upon all these grounds an established traditional declaration of the public policy of the United States in reference to the Island of Cuba, and it would be unmanly and disgraceful for us to go back upon this public policy, established and declared and proclaimed to Spain a hundred times in the pages of the official reports on the table before me.

Talk about there being no war in Cuba, when for twelve months following these ten years 40,000 men, some with arms and some without arms, pass backward and forward through the Spanish lines as if there were no lines there, coming within a few miles of Habana, and disappearing again.

Mr. President, what is the duty of the United States, considering Spain alone and her interests, considering the happiness of her people alone? Is it to permit her resources to be exhausted, to permit her people to be conscripted, her young men and boys to be carried to that island to be destroyed by the uncongenial conditions of climate? Is it to our interest to permit a great public debt to be accumulated upon her? Is it to our interest that we should violate our traditional public policy? Is it to our interest that we shall withhold our expressions not only of sympathy but of encouragement to a people struggling to assert for themselves the power of self-government, and who have for so many years made such great sacrifices in order to obtain it? Can we not do this without committing any act of hostility?

It seems to me that there is no ground of public policy, that there is no ground of reasonable public policy, of good sense, upon which we can fail to assert what our people have asserted time and again, that it will be the duty of the United States, if this war continues, if it is not brought to a close by Spain, to take such action ourselves as will bring it to a close. It is our duty to say to the people of the Island of Cuba who are struggling for freedom that we not only sympathize with them, but we declare our belief that they have a right to their freedom, that they have a right to self-government, that they shall have all the assistance which fair and just neutrality accords, and if continuing that struggle interrupts the commerce of the country, preventing its development, interfering with our trade and our interests—continuing this inhuman destruction of human life and property—if that shall continue to occur, we declare to them and to the world that we consider it the imperative duty of the people of the United States to interfere.

Mr. PALMER. Mr. President, I do not like to weary the Senate this afternoon by making any remarks upon the pending question.

Mr. CULLOM. Will my colleague yield to me?

Mr. PALMER. Certainly.

Mr. CULLOM. It is now after 4 o'clock, and I think it is hardly fair that the Senator should be expected to go on at this hour. With his permission, I will move that the Senate adjourn.

Mr. PALMER. That will be entirely agreeable to me.

Mr. BLANCHARD. I hope the Senator from Illinois will not press that motion. I have a little bill in my charge which I should like to have disposed of.

Mr. CULLOM. I have no objection to yielding to the transaction of other business.

NEW ORLEANS PACIFIC RAILWAY COMPANY.

Mr. BLANCHARD. I ask unanimous consent of the Senate for the present consideration of Senate bill 2132.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2132) for the relief of settlers upon lands within the indemnity limits of the grant to the New Orleans Pacific Railway Company. It authorizes the New Orleans Pacific Railroad to relinquish any lands within the indemnity limits of its grant, which by decision of the Land Department of the Government has been awarded it, in favor of any settler entitled to the right of entry under the laws of the United States who has been allowed to make entry thereof, or who has resided upon and improved the same for five years, and to select in lieu thereof an equal quantity of other lands, from any of the public lands not mineral, and within the limits of its grant and not otherwise appropriated at the date of selection, to which it shall receive title the same as though originally granted.

Mr. CULLOM. I inquire if that bill has come from any committee?

Mr. PASCO. The bill was reported by the Committee on Public Lands unanimously, and has had careful consideration by that committee.

Mr. BLANCHARD. As the Senator from Florida has stated, the bill was favorably reported by the Committee on Public Lands; and, furthermore, I will state to the Senator from Illinois that it is recommended by the Interior Department. It is a small affair, and there are about a hundred honest farmers who will be affected by it.

Mr. CULLOM. I do not make any objection to the bill. I only wanted to know what the fact was.

The bill was reported to the Senate without amendment.

Mr. FRYE. Was there not an amendment reported by the committee?

Mr. BLANCHARD. There was an amendment striking out the preamble.

The VICE-PRESIDENT. The question on striking out the preamble will be taken after action upon the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. The question now is on the amendment reported by the Committee on Public Lands to strike out the preamble.

The amendment was agreed to.

THOMAS F. LEAHY.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 2187) to pension Thomas F. Leahy.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. GALLINGER. In the fourth and fifth lines the bill reads, "subject to the provisions and limitations of the Pension Office." It should be "pension laws." I move to amend the bill in that particular.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 5, after the word "Pension," it is proposed to strike out "Office" and insert "laws"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas F. Leahy, late an unassigned conscript of Vermont Volunteers, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5564) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

CONDEMNED CANNON FOR MISSOURI CONFEDERATE HOME.

Mr. VEST. I ask the Senate to consider the bill (S. 2482) authorizing and directing the Secretary of the Navy to loan two condemned cannon to the Confederate Home of Missouri, located at Higginsville, Lafayette County, Mo.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

UNITED STATES COURTS IN UTAH.

Mr. CANNON. I ask unanimous consent to call up the bill (S. 2037) to provide times and places for holding terms of United States courts in Utah.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

The first amendment, was in section 3, line 6, after the word "reside," to insert "or where the cause of action arose"; and in line 11, before the words "of said divisions," to strike out "all" and insert "both"; so as to read:

That all civil suits not of a local character which shall be brought in the district or circuit courts of the United States for the district of Utah, in either of said divisions, against a single defendant, or where all the defendants reside in the same division of said district, shall be brought in the division in which the defendant or defendants reside, or where the cause of action arose, or if there are two or more defendants residing in different divisions,

such suit may be brought in either division: and all mesne and final process subject to the provisions of this act issued in either of said divisions may be served and executed in either or both of said divisions.

The amendment was agreed to.

The next amendment was, in section 3, in line 15, after the word "reside," to insert "or where the cause of action arose"; so as to read:

All issues of fact in civil causes triable in any of the said courts shall be tried in the division where the defendant, or one of the defendants, reside, or where the cause of action arose, unless by consent of both parties the case shall be removed to some other division.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PIPE LINES OVER PUBLIC DOMAIN.

Mr. CLARK. I ask unanimous consent to call up the bill (S. 2032) to grant right of way over the public domain for pipe lines.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 4, after the words "United States," to insert "situate in the State of Wyoming outside of the boundary lines of the Yellowstone National Park"; so as to read:

That the right of way through the public lands and reservations of the United States situate in the State of Wyoming outside of the boundary lines of the Yellowstone National Park is hereby granted to any pipe-line company or corporation formed for the purpose of transporting oils, crude or refined, etc.

Mr. CLARK. With the concurrence of the committee and the Senators from Colorado, I wish to move an amendment to the amendment. After the word "situate," in the committee amendment, I move to insert the words "in the State of Colorado and."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After the word "situate," in the committee amendment, it is proposed to insert the words "in the State of Colorado and"; so as to read:

Situate in the State of Colorado and in the State of Wyoming outside of the boundary lines of the Yellowstone National Park.

Mr. PASCO. Is the effect of the amendment to the amendment simply to extend the same privileges to the people of Colorado? Is that the purpose of the amendment?

Mr. CLARK. That is the effect of it.

Mr. PASCO. I have no objection to it.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Wyoming to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Public Lands was, in section 1, line 8, after the word "refined," to strike out "and duly organized under the laws of any State or Territory"; so as to read:

Any pipe line company or corporation formed for the purpose of transporting oils, crude or refined, which shall have filed or may hereafter file with the Secretary of the Interior a copy of its articles of incorporation.

The amendment was agreed to.

The next amendment was, in section 1, line 17, before the word "located," to insert the word "so"; so as to read:

Provided, That no such right of way shall be so located as to interfere with the proper occupation by the Government of any reservation.

The amendment was agreed to.

The next amendment was, in section 2, line 3, after the words "pipe line," to insert "if the same be upon surveyed lands and"; so as to read:

That any company or corporation desiring to secure the benefits of this act shall within twelve months after the location of 10 miles of the pipe line, if the same be upon surveyed lands, and if the same be upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its line.

The amendment was agreed to.

The next amendment was, in section 4, line 1, after the word "authorize," to strike out "such pipe line to occupy" and insert "the use of"; in line 4, before the word "construction," to strike out "the" and insert "its"; and in the same line, after the word "care," to strike out "of said pipe line"; so as to make the section read:

SEC. 4. That nothing in this act shall authorize the use of such right of way except for the pipe line, and then only so far as may be necessary for its construction, maintenance, and care.

The amendment was agreed to.

Mr. CALL. I wish the Senator from Wyoming would state what the proposed pipe lines are for.

Mr. CLARK. The bill grants the right of way for pipe lines over the public domain for the purpose of transporting oil, crude and refined.

Mr. CALL. To whom is the privilege granted? Is it given to any particular company?

Mr. CLARK. No. It is granted to those who wish to take advantage of it.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PASCO. I suggest that the title be amended so as to show as to what States the bill applies.

The title was amended so as to read, "A bill to grant right of way over the public domain for pipe lines in the States of Colorado and Wyoming."

BRIDGE ACROSS SULPHUR RIVER, ARKANSAS.

Mr. BERRY. I ask unanimous consent for the consideration of the bill (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SOPHIA D. CLENDENIN.

Mr. CULLOM. I ask leave to call up the bill (S. 177) granting a pension to Sophia D. Clendenin.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to fill the blank by inserting the word "fifty," and in the same line, after the word "month," to insert "in lieu of the pension she is now receiving"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Sophia D. Clendenin, widow of David R. Clendenin, late colonel of Second Cavalry, United States Army, and brevet brigadier-general, at the rate of $50 a month, in lieu of the pension she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Sophia D. Clendenin."

GEORGE M. BROOKS.

Mr. PEFFER. I ask unanimous consent that we may proceed to the consideration of the bill (S. 637) granting a pension to George M. Brooks.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension rolls the name of George M. Brooks, late private in Company D of the Sixty-ninth Regiment of Indiana Infantry Volunteers, and pay to him a pension of $15 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REAR-ADMIRAL JOHN H. RUSSELL.

Mr. CHANDLER. I ask that the bill (S. 1989) to authorize the payment to Rear-Admiral John H. Russell of the highest pay of his grade may be considered at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HOAR. I should like to know if there is any objection to striking out the preamble of the bill just passed reciting the officer's history.

Mr. PLATT. It is not a preamble. It is in the bill.

Mr. CHANDLER. It is in the body of the bill. This is a very meritorious case. Admiral Russell was a very gallant officer. I have answered the objection of the Senator from Massachusetts. If the Senator wishes to alter the language, however, I will move to reconsider the votes by which the bill was ordered to a third reading and passed, and allow the bill to remain on the Calendar.

Mr. HOAR. I do not care to interfere with the bill, but I should like to move to strike out so much of the bill as recites the officer's history.

Mr. HILL. If the preamble is so much more valuable than the bill, I suggest that the bill proper be stricken out and the preamble retained.

Mr. CHANDLER subsequently said: I wish to make a correction in the bill which has just been passed, by striking out in line 3 the words "eminent and," and in lines 16 and 17 the words "and has never received any special promotion or advancement in numbers."

The VICE-PRESIDENT. By unanimous consent, the votes by which the bill was ordered to a third reading and passed will be

reconsidered, and the amendment suggested by the Senator from New Hampshire will be made. The Chair hears no objection, and the amendment is agreed to. The bill stands passed as amended.

WILLIAM S. GRANT.

Mr. BACON. I ask for the consideration of the bill (S. 662) for the relief of William S. Grant.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $77,989.38 to be paid to William S. Grant, in full satisfaction of his claims against the United States arising out of his contract to supply military posts in Arizona in the years 1860 and 1861.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PLATT. I wish to enter a motion to reconsider Senate bill 662, which was just passed. Let the motion be entered. I wish to look at the case. I may withdraw it subsequently.

The VICE-PRESIDENT. The motion to reconsider will be entered as indicated.

Mr. PLATT subsequently said: I entered a motion to reconsider the vote by which Senate bill 662 was passed. I have examined the report and withdraw the motion to reconsider.

The VICE-PRESIDENT. The motion to reconsider is withdrawn, and the bill stands passed.

GEORGE B. CUSTER.

Mr. ROACH. I ask leave to call up for present consideration the bill (S. 1806) granting a pension to George B. Custer, late private of Company H, Seventy-third Regiment Indiana Volunteer Infantry.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 5, to strike out "private" and insert "sergeant"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of George B. Custer, late sergeant, Company H, Seventy-third Regiment Indiana Volunteer Infantry, and pay him a pension of $30 per month, said pension to be for injuries to right hand, right foot, and right ankle received in service and line of duty.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to George B. Custer, late sergeant of Company H, Seventy-third Regiment Indiana Volunteer Infantry."

NORTH GERMAN LLOYD STEAMSHIP COMPANY.

Mr. BURROWS. I ask unanimous consent to call up the bill (S. 644) to refund certain import duties.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Messrs. Oelrichs & Co., the agents of the North German Lloyd Steamship Company, $6,571.45, to be in full for import duties imposed, collected, and paid into the United States Treasury on a propeller shaft and appurtenances, four propeller blades, one propeller boss, one steam tube, and two boxes of iron and brass, part of the machinery of the steamship *Werra*, at the port of New York, owned by the North German Lloyd Steamship Company, and to pay to the North German Lloyd Steamship Company, or their duly accredited agents at the port of Baltimore, $2,422.35, in full for import duties imposed, collected, and paid into the United States Treasury on a steel crank shaft, part of the machinery of the steamship *Strassburg*, at the port of Baltimore, owned by the North German Lloyd Steamship Company.

Mr. FRYE. What committee reported the bill?

Mr. BURROWS. The Committee on Claims.

Mr. FRYE. Was it reported unanimously?

Mr. BURROWS. Unanimously.

Mr. FRYE. I have no objection to its passage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CADDO LAKE BRIDGE.

Mr. CAFFERY. I ask unanimous consent for the present consideration of the bill (S. 1723) to approve and ratify the construction of a bridge over and across Caddo Lake at Mooringsport, La., by the Kansas City, Shreveport and Gulf Railway Company.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 2, line 9, after the word "bridge," to insert "and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies."

The amendment was agreed to.

The next amendment was, in section 3, line 3, to strike out "river" and insert "lake."

The amendment was agreed to.

The next amendment was, in section 3, line 6, after the word "alteration," to insert:

And to secure that object the said company or corporation shall submit to the Secretary of War, for file, a design and drawings of said bridge and a map of the location, prepared with reference to a known datum plane, upon prescribed scale, furnished by the engineer officer having supervision of said lake, giving, for the space of 1 mile above and 1 mile below the location of the bridge, the topography of the banks of the lake, with shore lines at high and low water, the direction and strength of the currents at all stages, and the soundings accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject.

The amendment was agreed to.

The next amendment was, at the end of section 3, to insert the following proviso:

Provided also, That said bridge shall be so kept and managed by the company owning or operating it as to afford during the periods at which the lake is navigable proper ways and means for the passage through or under it of vessels, barges, or rafts, both by day and by night; and during the periods at which the lake is navigable there shall be displayed on said bridge from sunset to sunrise such lights and signals as may be directed by the Light-House Board.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EUNICE TRIPLER.

Mr. McMILLAN. I ask leave to call up the bill (S. 314) for the relief of Eunice Tripler, widow of Charles S. Tripler.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Mrs. Eunice Tripler, widow of Surg. Charles S. Tripler, United States Army, $3,000, for services by Charles S. Tripler in his lifetime in preparing, superintending, and directing the publication of a manual for the medical officers of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FORT KLAMATH HAY RESERVATION.

Mr. McBRIDE. I ask unanimous consent to call up the bill (H. R. 5286) providing for disposal of lands lying within the Fort Klamath hay reservation, not included in the Klamath Indian Reservation, in Oregon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that all lands lying within the boundaries of the Fort Klamath hay reservation, not included in the Klamath Indian Reservation, in the State of Oregon, shall be open to the operation of the laws regulating homestead entry. But the disposal of the lands shall be made in tracts not exceeding 80 acres to any one bona fide settler thereon.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARKANSAS NORTHWESTERN RAILWAY.

Mr. ROACH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5504) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments to the House bill and agree to the bill as passed by the House.

RICHARD F. PETTIGREW,
WILLIAM N. ROACH,
Managers on the part of the Senate.
JAMES S. SHERMAN,
JOHN S. LITTLE,
Managers on the part of the House.

The report was concurred in.

RED RIVER BRIDGE.

Mr. JONES of Arkansas. I ask unanimous consent for the consideration of the bill (S. 1726) to approve and ratify the construction of a bridge across the Red River, between the States of Arkansas and Texas, at a point above the town of Fulton, in Arkansas, on said river, built by the Texarkana Northern Railway Company, but now owned and operated by the Texarkana and Fort Smith Railway Company, and to authorize the latter company to maintain said bridge over said waterway, subject to certain stipulations and conditions.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, in section 5, line 10, after the word "expense," to insert:

And if, after thirty days' notice from the Secretary of War to the president of the railroad company, or to other parties owning or controlling said bridge, the changes or alterations required shall not be made, the Secretary shall cause such changes to be made, and the cost thereof shall be recovered by suit in the name of the United States against said company in the circuit court of the United States within whose jurisdiction said bridge or any part thereof is situated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JUDGE-ADVOCATE-GENERAL OF THE NAVY.

Mr. HALE. I ask the Senate to take from the table for consideration the bill (H. R. 3337) amending the act of June 8, 1880, entitled "An act to authorize the President to appoint an officer of the Navy or Marine Corps to perform the duties of Solicitor and Judge-Advocate-General, etc., and to fix the rank and pay of such officer," and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the act of June 8, 1880, by inserting in that act, in lieu of the words "with the rank, pay, and allowances of a captain in the Navy, or a colonel in the Marine Corps, as the case may be," the words "with the rank and highest pay of a captain in the Navy, or the rank, pay, and allowances of a colonel in the Marine Corps, as the case may be"; and provides that the amendment shall take effect from July 19, 1892, the date on which the present incumbent entered on duty.

Mr. CARTER. I should be glad to have the Senator from Maine explain upon what basis this bill is to be made retroactive. As I understand its terms, it provides that the pay of this officer shall be increased and that the increased pay shall relate back to a date in the year 1892. I desire information as to the view of the committee in justifying a favorable report upon the bill.

Mr. HALE. The bill provides that the salary which has been given heretofore to the officer holding this most important place—and it is one of the most important in the Navy Department, as Senators know who have business with that Department—shall be given to the present incumbent, an exceedingly meritorious man, a very able man, a man of complete integrity. The date is fixed, I will say to the Senator from Montana, because that was the date when he came into the office of Judge-Advocate-General. He had, owing to the illness and condition of his predecessor, largely done the work two years before that time, but he has held the office with the reduced pay since the date fixed. Therefore, that time is fixed so that he may have the same pay that his predecessor had and may have the benefit he would have received if he had been taken from the Marine Corps instead of the line. In that case he would have had the same pay that is proposed to be given him by the bill under consideration.

Mr. CARTER. What is the present pay of the officer according to his grade?

Mr. HALE. I think the bill gives him about $3,500 and he gets about $2,300 or $2,400. Perhaps the Senator from New Hampshire [Mr. CHANDLER], who knows the pay table of the Navy, can state more accurately.

Mr. CHANDLER. I can not answer the precise question. I vote for this bill in order to give the present incumbent the same compensation that his predecessor, Colonel Remey, received. Colonel Remey received the pay of a colonel in the Army, having been taken from the Marine Corps and given this office. Lieutenant Lemly gets only the shore pay of a captain in the Navy, and it is necessary to give him the highest pay of a captain in the Navy in order to make his pay equal to the pay of a colonel in the Army, which is what his predecessor received.

Mr. HALE. I think it is about $700 or $800 a year.

Mr. CHANDLER. If the Senator from Maine will allow me, ordinarily I would not vote for making a bill of this kind retroactive, yet in view of the fact that this officer did the larger portion of the work of the office while his predecessor was disabled and before his predecessor left the office, and has done the work with signal ability since, I am in favor of giving him the same pay from the time when he took the office that his predecessor received.

Mr. CARTER. Does any member of the Committee on Naval Affairs know what the present pay of the officer is and what his pay would be under the proposed act? I suggest that the bill go over until we can examine it.

Mr. CHANDLER. I will tell the Senator exactly what the effect of the bill is. He will get the pay of a captain at sea, which is the same as the pay of a colonel in the Army. I have not in my mind exactly the amount, but it is about $4,000.

Mr. CARTER. It seems that this officer accepted the appointment and has for the past four years discharged the duties of the office voluntarily. I do not know of any law compelling the gentleman to discharge the duties of the office unless the pay is satisfactory. The bill, as I understand it, proposes by its retroactive clause to give him in one sum the difference between the pay his predecessor received and the pay he has been receiving for the last four years, an indefinite amount.

Mr. BUTLER. If the Senator from Montana will permit me, I should like to state that the effect of the bill is simply to amend the present law so as to overcome a defect in it. Under the ruling of the Department this officer does not receive the pay that under the law he was entitled to when he took the place. The law provides that the Judge-Advocate-General of the Navy shall be appointed either from the rank of colonel in the Army or captain in the Navy. The salary of a colonel in the Army and a captain in the Navy, it seems, are the same. Therefore the person who drew the act intended, of course, that the pay should be the same for the Judge-Advocate-General whether he was taken from the Army or the Navy. But through an oversight in the person drawing the act he failed to notice that the pay of captain in the Navy is different on land and at sea. The pay of a captain at sea is exactly the same as that of a colonel in the Army, and hence the act provided and Congress intended that the pay should be the same whether the officer came from the Army or the Navy.

The Department, in ruling on the question, held that inasmuch as the act was indefinite and inasmuch as a captain on land receives less pay than a captain at sea, the act meant that he should receive the smaller salary. The pending bill is intended simply to correct that mistake and put it where it was evidently the intention of the law to put it, so that he shall receive the same pay as a colonel in the Army or a captain at sea.

Mr. HALE. That is a very apposite statement. I have the figures now. I sent for the Register. It is the difference between shore-duty pay, which is $3,500, and $4,500, a difference of $1,000, instead of seven or eight hundred dollars, as I stated.

Mr. CARTER. For many years the offices of surveyor-general of the various public-land States and Territories have been held by gentlemen who had a right to believe that they would receive from appropriations from time to time the full sum of $3,000 per annum provided by law as the compensation for persons holding the offices referred to. It has become the practice to appropriate each year a sum ranging from $500 to $1,000 less than the amount specified in the law as the compensation of those officers. Every season when an appropriation bill is under consideration letters are received from every State in the Union where such officers are engaged in the discharge of their duties, requesting not only an adequate appropriation to meet the amount provided by law for the salary in the future, but likewise to provide for back pay equal to the difference between the amount heretofore appropriated and the amount required by law. I have universally encountered the objection that those gentlemen were not compelled by any existing law to remain in the respective offices to which they were appointed, nor that any law exists compelling them to qualify.

The rule applied by the Committee on Appropriations in both Houses of Congress invariably, in response to that line of petition, constitutes a principle properly applicable to this case. Whatsoever may be correct or adequate compensation for the future is a matter in the discretion of Congress to determine; but when this officer has for four years voluntarily filled this office and discharged its duties for the compensation provided by law, I am opposed to his receiving additional compensation because of his extraordinary industry or ability on account of his location to importune the committees. He should not be accorded as a reward for his industry in this behalf particular consideration by having his pay rerated for the four years during which he has voluntarily served.

Mr. HOAR. I understand the Senator from North Carolina [Mr. BUTLER] to state that the object of the bill is to correct a clear error or blunder in the draft of an act of Congress, and that the bill only gives him the salary which it is clear Congress intended to give him. A colonel in the Army and a captain in the Navy have the same pay. The statute provides that he shall have the pay of a colonel in the Army or a captain in the Navy, but it turns out that a captain in the Navy has under certain circumstances a reduction in his pay, and the Department thought they were obliged to give this officer the reduced sum. The bill is therefore the mere correction of a mistake in the draft of an act.

Mr. CHANDLER. I will state to the Senator from Massachusetts that it was undoubtedly the intention in the original act to give the officer, whether he was taken from the Marine Corps or from the line of the Navy, the same pay, and the mistake was not found out as long as the officer was taken from the Marine Corps. He then got the pay of a colonel in the Army. The moment they took an officer from the line in the Navy it appears that he can only get the reduced pay of a captain in the Navy and not the full pay of a captain in the Navy, which is equal to the pay of a colonel in the Army.

Mr. CARTER. It seems that three sessions of Congress have passed since this condition arose. I do not wish to object to the consideration of the bill, but I will exercise the right to move an amendment by striking out the proviso which relates to back pay. I move that the bill be amended by striking out the proviso at the end thereof.

The VICE-PRESIDENT. The clause proposed to be stricken out will be read.

The Secretary read as follows:

Provided, That this amendment shall take effect from July 19, 1892, the date on which the present incumbent entered on duty, and that the amount herein appropriated shall be payable from the appropriation "pay of the Navy."

Mr. HALE. I can add nothing to what has been stated by the Senator from North Carolina [Mr. BUTLER] and the Senator from New Hampshire [Mr. CHANDLER]. I hope the amendment will

not prevail, because if there ever was a case of pure equity where an officer should have the full pay from the time he entered the office, it seems to me this is one. I simply ask for a vote of the Senate.

Mr. CARTER. Having uniformly given the same answer to gentlemen who have approached me on the matter of rerating their pay after they had voluntarily performed the services for the amount specified, I can not now consent to this bill passing, save with the amendment I have proposed. On general principles back pay and back salary should, I think, be discountenanced in dealing with public officials. Where men are impressed into the Army or Navy in time of war, without any discretion possible on their part, where the compensation allowed by law is inadequate, or where in the line of duty severe injury has been sustained, then a proper pension or a rerating of the salary may be equitable.

But in this case voluntary service was accepted, and no doubt most vigorously solicited, if you please. The office has now been occupied by this gentleman for four long years.

Mr. HALE. He received it by regular promotion. He had been doing duty as assistant, and the position naturally fell to him without solicitation.

Mr. CARTER. Is it not true that the civil-service rules do not apply to this office?

Mr. HALE. They do not apply to this class of officers in any Department. This is one of the most important offices in the Navy.

Mr. CARTER. Then this officer, who was discharging the duties of an assistant, went into open competition with qualified persons everywhere for appointment to this place, and secured the appointment, I suppose? He was appointed. I doubt not the records of the Navy Department would disclose the fact that divers persons, well qualified, were willing to accept the place at the salary being received in other branches of the Navy.

Mr. HALE. No; that was not true. At that time there was a universal feeling on the part of everybody having to do with the Navy Department—I know something about that—that this man, who had really for about two years been doing the duties of the head office and who succeeded to it, should also receive the salary connected with it. Nobody then, as the Senator from New Hampshire has said, had ever thought or knew that there was this defect in the law. He took the place without any question, and supposed that he would get the same as his predecessor, a captain's full pay.

Mr. CHANDLER. I ask the Senator to allow me to supplement that statement. There was no doubt at all expressed that the Judge-Advocate-General could go and take a colonel's pay if he chose to do so. The case is not that which the Senator from Montana is describing, where an officer, knowing perfectly well what the salary of a position was, took it. This gentleman took the office, and it was believed for a long time that he was entitled to $4,500 a year. This bill is only brought forward in consequence of a decision of the Comptroller making this difference, which nobody believes exists.

Mr. CARTER. For what period of time after this appointment did he continue to receive payment for his services at $4,500 a year?

Mr. CHANDLER. None at all. The question was raised; it was held by the Comptroller for a time; then the decision was made, and immediately the subject was presented to Congress. The Senator knows that we do not legislate very fast here. All this time has run on, and he has lost this money unless the Senator will allow him to have it.

Mr. CARTER. Mr. President, it must be conceded that the officer discovered nearly four years ago the defect in the law as to the compensation attached to that office when held by him. Three sessions of Congress—not three sessions, but nearly three full Congresses—have expired since that time, and I assume the fact to be that these matters were presented in the three preceding Congresses and were considered by committees and reported upon adversely or not reported upon at all. I think it well to have the bill relate to the future, and the amendment will accomplish that purpose.

Mr. BUTLER. Mr. President——

Mr. FRYE. I inquire if this discussion is proceeding under the rule which requires that there shall not be more than one speech made by a Senator, and that it shall be under the five-minute rule?

Mr. MITCHELL of Oregon. That is what I should like to know also.

Mr. FRYE. Or is the discussion proceeding by unanimous consent? I am very anxious to have a little bill passed here.

Mr. MITCHELL of Oregon. So am I.

The VICE-PRESIDENT. The discussion is proceeding by unanimous consent. Is there objection?

Mr. FRYE. If the Senator from Montana is going to demand a division on the question whether or not the amendment shall be adopted——

Mr. BUTLER. I believe I am entitled to the floor. I have no speech to make; but I want to make a statement.

Mr. FRYE. Very well.

Mr. BUTLER. I call the attention of the Senator from Montana to the awkward situation in which his amendment will leave the law. The effect of it would be not only to deprive the present Judge-Advocate-General of the same salary which his predecessor received, and which he is entitled to under the spirit and intent of the law, but it would leave the law so that one Judge-Advocate-General would receive one salary, while another Judge-Advocate-General, performing the same duties, would receive another salary.

If the Senator thinks that the salary of the Judge-Advocate-General is too large, and will offer an amendment to make a reasonable reduction in the salary, whether the place is filled by an officer from the Army or from the Navy, I should be inclined to vote for his amendment; but even such an amendment as that should not date back and deprive the present occupant of the salary to which he is already entitled for services rendered up to date.

The bill as it stands is simply to correct a clerical error in the wording of the law and to give to the present occupant of the office what everyone who has filled it before him has received. The present Judge-Advocate-General, on account of the illness of his predecessor, performed the duties of the office for several years before he was appointed to it. He does not ask extra pay for that extra work, though Congress has often by special appropriation made such payment to minor officers who performed the duties of their superiors. He simply asks what he is entitled to, what he expected to receive when he accepted the office, and what everyone admits was the intent and purpose of the law.

Mr. CARTER. The logic of the Senator's position would conflict with a report made a few days ago by the Committee on Post-Offices and Post-Roads, increasing the salary of the postmaster at Washington City. If the rule suggested should be applied, then that report should recommend that for all time gone by during which the volume of business was as much as at present the same salary provided for the future should apply. The fact is, that the duties of the office were voluntarily performed up to this date, and the salary for the service being a stated amount is no just cause why there should be an increase primarily, nor if the salary be increased would that be just cause for rerating it up to the time the service commenced.

Mr. PEFFER. I think this bill had better be considered when the Senate has more members present than at this time.

Mr. CULLOM (to Mr. PEFFER). Move to adjourn.

Mr. PEFFER. I object to the further consideration of the bill.

The VICE-PRESIDENT. Objection being interposed, the bill will go over under the rule.

WAR IN CUBA.

Mr. MORGAN. I introduce a joint resolution at this time, which I ask to have printed and go over.

The joint resolution (S. R. 105) declaring that a state of public war exists in the Island of Cuba was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That it is hereby declared that a state of public war exists in the Island of Cuba between the Government of Spain and the people of that island who are supporting a separate Government under the name of the Republic of Cuba, and the state of belligerency between said Governments is hereby recognized.

Mr. HOAR. I inquire if that comes from the Committee on Foreign Relations?

Mr. MORGAN. It comes from the Senator from Alabama.

Mr. HOAR. A highly admirable source.

Mr. MORGAN. I am obliged to the Senator. I assure him that I intend to press it.

The VICE-PRESIDENT. The joint resolution will lie on the table.

EXCHANGE OF LAND AT CHOCTAW POINT, ALABAMA.

Mr. FRYE. I ask unanimous consent for the present consideration of the bill (S. 1872) authorizing the Secretary of the Treasury to exchange in behalf of the United States the tract of land at Choctaw Point, Mobile County, Ala., now belonging to the United States and held for light-house purposes, with the Mobile, Jackson and Kansas City Railway Company for any other tract or parcel of land in said county equally well or better adapted for use for light-house purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, in line 20, after the word "purposes," to insert the following proviso:

Provided, That the exchange herein provided for shall be without expense to the United States.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to exchange in behalf of the United States the tract of land at Choctaw Point, Mobile County, Ala., belonging to the United States and held for light-house purposes, with the Mobile, Jackson and Kansas City Railroad Company for any other tract or parcel of land in said county which it may offer in exchange therefor and which shall be approved of by the Light-House Board as equally well or better adapted to use for light-house purposes; and, upon making such exchange, the Secretary of the Treasury shall execute and deliver to said company a quitclaim deed for said Choctaw Point tract, and shall take from it a proper conveyance vesting in the United States

title to the tract or parcel of land to be taken in exchange, together with delivery of possession of such tract, such title to be passed upon by the Attorney-General of the United States in the usual manner; and said tract or parcel of land so taken in exchange shall be held and used for light-house purposes: *Provided*, That the exchange herein provided for shall be without expense to the United States.

The amendment was agreed to.

Mr. HOAR. I desire to ask the Senator from Maine if there should not be some provision that the land exchanged should be of equal value? Land might be good for light-house purposes and yet worth ten times as much as the other.

Mr. FRYE. I think this is a matter which is all arranged between the Light-House Board and the railroad company. The land which the Light-House Board is to get is a good deal better and more valuable in every respect for the United States.

Mr. HOAR. I shall move in line 11, after the word "purposes," to insert "and of equal value"; so as to read:

And which shall be approved by the Light-House Board as equally well or better adapted to use for light-house purposes, and of equal value.

Mr. FRYE. I have no objection to that, though the land is all alike there.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DONATION OF CONDEMNED CANNON AND CANNON BALLS.

Mr. HILL. I ask unanimous consent for the present consideration of the bill (H. R. 4463) to grant two condemned cannon and cannon balls to the Thirteenth Separate Company National Guard of State of New York.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with an amendment, in line 7, after the word "balls," to insert:

And to the Forty-third Separate Company National Guard of State of New York, for their armory at Olean, N. Y., two pieces of condemned cannon and sufficient cannon balls for four pyramids.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to the Thirteenth Separate Company National Guard of the State of New York, for their armory at Jamestown, N. Y., two condemned cannon and sufficient cannon balls; and to the Forty-third Separate Company National Guard of State of New York, for their armory at Olean, N. Y., two pieces of condemned cannon and sufficient cannon balls for four pyramids: *Provided*, That the same can be spared without detriment to the service and that no expense is thereby incurred by the Government.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. HILL, the title was amended so as to read: "A bill to grant certain condemned cannon and cannon balls to the Thirteenth and Forty-third Companies National Guard of State of New York.

SURVEY OF MOUTHS OF YUKON RIVER, ALASKA.

Mr. MITCHELL of Oregon. I ask unanimous consent for the present consideration of the bill (S. 1796) making an appropriation for a governmental survey of the mouths of the Yukon River, in Alaska.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Commerce with amendments, in line 3, after the word "dollars," to insert "or so much thereof as may be necessary"; in line 7, after the word "recognizance," to strike out "and survey"; and in line 10, after the words "Norton Sound," to strike out "at which point freight and passengers are now transferred to Yukon River steamers, and for the purpose of making a thorough survey of the mouth or mouths, if more than one, of said river," and insert "and to ascertain what equipments and means are necessary for a thorough examination and survey of the entrances to and mouths of said river"; so as to make the bill read:

Be it enacted, etc., That the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to enable the United States Coast and Geodetic Survey by proper reconnoissance to ascertain whether there is not a southern channel entrance to the Yukon River, Alaska, for sailing vessels, which would obviate the necessity for going as far north as Norton Sound, and to ascertain what equipments and means are necessary for a thorough examination and survey of the entrances to and mouths of said river.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill making an appropriation for a reconnoissance of the mouths of the Yukon River, in Alaska."

HOLMES & LEATHERS.

Mr. CAFFERY. I ask unanimous consent for the present consideration of the bill (S. 1506) for the relief of Holmes & Leathers.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to T. P. Leathers, surviving partner of the firm of Holmes & Leathers, $12,910.35, being amount due them for transporting the United States mail on route No. 7402, Mississippi, and on route No. 8165, Louisiana, for months of April and May, 1861.

The bill was reported to the Senate without amendment.

Mr. CHANDLER. I should like some explanation of that bill from the Senator from Louisiana. I see it is a bill to grant compensation for carrying mails in 1861, or thereabouts. I have in memory that there were some cases where contractors were paid by the Confederate government for carrying the mails where they afterwards made claim against the United States for payment also. Is this one of those cases?

Mr. CAFFERY. Of course this case is subject to that suspicion [laughter]; but it is a case where the records of the Treasury Department disclose that no payment was ever made by the Confederate States to Holmes & Leathers; and there is an affidavit of Mr. Leathers that no payment was ever made to him. The Auditor of the Treasury states that the amount named stands on the books of the Treasury to the credit of these parties, Holmes & Leathers.

Mr. CHANDLER. I know there were cases where the contractors got pay from the Confederate government. They kept on carrying the mails after secession, and the Confederate government paid them in Confederate money, which was pretty good at that time. Afterwards it depreciated somewhat, I believe [laughter]; and later, after the Union was restored and Louisiana was again within the Union, those parties wanted better money than the Confederate money, and came and asked that the United States would pay them. I do not wish to oppose the Senator's bill improperly or to his annoyance in any way; I am perfectly willing it should pass if it is a proper bill; but I prefer to examine it before it passes.

Mr. MITCHELL of Oregon. If the Senator from New Hampshire will allow me, I will state that this claim has been before the Committee on Claims for some time. As the Senator from Louisiana [Mr. CAFFERY] states, it was made known to the Senate and to Congress very plainly some years ago that many of these claims which were presented here had been paid as stated, and it was difficult for the Post-Office Department to determine from their records what claims had been paid and what claims had not been paid. Finally, certain Confederate records were discovered, certain parties here having charge of them, which were supposed to disclose all the facts in regard to these various contracts, showing who had been paid and who had not been paid. They were in the possession of private parties, who came to Congress and proposed to sell them to the Government for a certain amount. We passed an act appropriating something like ten or twelve thousand dollars for the purchase of those records. The Government purchased them, as I understand, and the Government is now in possession of records which enable the Post-Office Department to determine very nearly correctly as to all these contracts. This particular claim of Holmes & Leathers has been before the committee; it was investigated at the last session, and the committee was of the opinion that it was a good claim.

Mr. CAFFERY. I will state to the Senator from Oregon that while this claim was pending before the Committee on Claims, I addressed a letter to the Treasury Department to know whether or not there was any evidence to show from the Confederate archives that this claim had ever come before the Confederate government, and I received a reply, which is not in the report, that there was no evidence whatever disclosed in those archives that Holmes & Leathers had ever been paid. Following this is an affidavit of Captain Leathers, attached to the report, that not a dollar has been paid to him, and the amount stands to his credit, or to the credit of Holmes & Leathers, on the books of the Treasury Department to-day. It never has been paid by the Confederate States.

Mr. CHANDLER. When was the transportation of the mails for which compensation is now proposed to be paid performed?

Mr. CAFFERY. About 1861.

Mr. CHANDLER. During 1861?

Mr. CAFFERY. Yes.

Mr. CHANDLER. Was it not transportation over a territory which was in possession of the rebel government, and was not this, in other words, transportation done for the Confederates?

Mr. CAFFERY. No, sir.

Mr. CHANDLER. And not for Union citizens?

Mr. CAFFERY. No, sir. The transportation of the mails was prior to the breaking out of hostilities between the United States and the Confederate States, and the bill is for the relief of Holmes & Leathers, mail contractors, for services rendered by them to the United States.

Mr. MITCHELL of Oregon. And not for the service of the Confederate States.

Mr. CAFFERY. Not at all.

Mr. PLATT. Was not this claim before the Senate for action at the last session?

Mr. CAFFERY. Yes, sir; and the bill was passed. A similar bill has repeatedly passed the Committee on Claims, and last year it passed the Senate. It is a just claim. Captain Leathers has never been paid either by the Confederate States or the United States for services rendered to the United States, and I think he ought to be paid.

Mr. PLATT. I have an impression, which scarcely amounts to a recollection, that there was an effort made at the last session of the Senate to have this amount passed upon an appropriation bill.

Mr. PASCO. I think that effort was made and that the effort failed.

Mr. BLANCHARD. It was ruled out on a point of order.

Mr. CAFFERY. It was never put on the appropriation bill.

Mr. BLANCHARD. I made the effort myself to have it put on an appropriation bill.

Mr. CHANDLER. Did not the junior Senator from Louisiana make a long speech in behalf of this claim?

Mr. BLANCHARD. I made a speech; I do not know how long it was.

Mr. CHANDLER. Was it not an hour or so?

Mr. BLANCHARD. No; I think probably about fifteen minutes.

Mr. CHANDLER. I knew something had impressed this claim upon me unfavorably. [Laughter.] It must have been—I remember now it was—a speech of the junior Senator from Louisiana [Mr. BLANCHARD]; but I will make amends to the two Senators from Louisiana by saying that after the clear and distinct manner in which this case has been put by the two Senators from Louisiana, aided by the Senator from Oregon, I am myself entirely willing that the bill shall pass.

Mr. PLATT. I understand that, although the Southern States went into rebellion in April, 1861, the mails from New Orleans eastward or westward, and perhaps both, were carried by Government contractors for some time subsequent to that date, and in this case up to May 31, and that the Post-Office Department cut off all payments subsequent to April 19, 1861.

Mr. CAFFERY. If the Senator will permit me, I will state that that is exactly what this claim is for.

Mr. PLATT. Yes; including also the amount which had been earned up to that date from the time of the last payment; and yet some of the contractors had no notice that the Government would do so, and they kept on carrying the mails so long as they could. In this case the mails were carried up to May 31.

Mr. CAFFERY. No demand whatever was made for any payment after Louisiana had seceded.

Mr. PLATT. Unless there was payment sought from the Confederate government, I think the Government of the United States ought to pay this claim.

Mr. CAFFERY. I will read an extract from the letter of the Auditor of the Treasury for the Post-Office Department in relation to the claim. He says:

There stands to the credit of Holmes & Leathers for service from January 1 to May 31, 1861, on route No. 7402, the sum of $6,207.05, and for service from April 1 to May 31, 1861, on route No. 8165, the sum of $6,703.30, a total of $12,910.35.

That was prior to the declaration of hostilities between the United States and the Confederate States.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PETER DALY.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 1119) granting an increase of pension to Peter Daly.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 7, after the word "month," to strike out "in lieu of the pension he now receives"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, Peter Daly, late of Company K, First Regiment of United States Infantry, and pay him a pension of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. NELSON, the title was amended so as to read: "A bill granting a pension to Peter Daly."

MONUMENT TO THE MARYLAND LINE IN THE REVOLUTION.

Mr. GORMAN. I ask unanimous consent that the Senate consider the bill (S. 1312) to aid in the erection of a monument to the memory of Gen. William Smallwood and the soldiers of the Maryland Line in the war for American independence.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Library with an amendment, in line 3, before the word "thousand," to strike out "forty" and insert "twenty-five"; so as to read:

That the sum of $25,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by the Maryland Society of the Sons of the American Revolution to aid in erecting in the city of Baltimore, Md., a suitable monument to the memory of Gen. William Smallwood and the soldiers of the Maryland Line in the war for American independence, the money to be paid to the society aforesaid under the order of the Secretary of War.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MERCHANT MARINE ENGINEER SERVICE.

Mr. SQUIRE. I ask for the present consideration of the bill (S. 1242) to amend section 4131 of the Revised Statutes of the United States, to improve the merchant marine engineer service and thereby also to increase the efficiency of the Naval Reserve.

Mr. PLATT. Mr. President——

Mr. SQUIRE. I will state that this is a bill which the chairman of the Committee on Commerce is entirely in favor of as amended by the committee. He said to me that it could be passed at any time without objection on his part.

Mr. PLATT. I was going to say that the chairman of the Committee on Commerce is not here.

Mr. SQUIRE. He is not here; but I have a distinct understanding with the chairman of the committee that I can put the bill on its passage.

Mr. HALE. How long a bill is it?

Mr. SQUIRE. It is a very brief bill.

Mr. PLATT. Is this the one which provides for American merchant engineers——

Mr. SQUIRE. Yes, sir.

Mr. PLATT. And which the Senator from Maine [Mr. FRYE] says ought not to apply to the steamships which were taken from a foreign line and incorporated into an American line?

Mr. SQUIRE. I will state, for the information of the Senator from Connecticut, that the Senator from Maine [Mr. FRYE] has gone through the bill carefully; it has been amended in committee, and it is entirely satisfactory to him, and I believe it is in the main satisfactory to the Association of Merchant Marine Engineers of the United States. In some particulars they would have liked it a little different. But in the main essential particulars, such as having American engineers, it is complete and satisfactory to them. I believe it ought to be passed and that it will give great satisfaction to this large body of men, numbering about 19,000 in the United States.

Mr. PLATT. I know there has been a great pressure here for legislation by an association of engineers, and I know that the Senator from Maine [Mr. FRYE], when the Senator from Washington [Mr. SQUIRE] tried to call up the bill before or presented some petition about it, made a statement on the subject.

Mr. GORMAN. Mr. President——

Mr. SQUIRE. If the Senator from Maryland will indulge me for a moment, I will state that when I introduced the bill originally I did make a short statement in which I remarked on the fact that some of the American lines were not employing American engineers, as was contemplated at the time of the passage of the act giving the subsidy; that it was contemplated to correct that practice, and that was the provision of the bill. Now, since that time the bill has been submitted to the committee; it has been passed upon and amended, a few amendments being reported.

I wish to state to the Senate that there is no conflict whatever at the present moment. The Senator from Connecticut [Mr. PLATT] will kindly accept my statement of the fact that Mr. FRYE, the chairman of the committee, said to me that he himself would have put the measure on its passage had he been present. He said he thought it was due to me that I should ask for its consideration. There is no objection whatever to the immediate passage of the bill. There was a little misunderstanding at one time. I believe it has all been done away with, however, and there is now an entirely satisfactory condition of affairs on both sides.

Mr. GORMAN. I wish to say to the Senator from Washington that I am heartily in accord with his general view. I am on the Committee on Commerce, which has considered the bill and has reported it unanimously, I believe, but at the same time my impression is that one or two gentlemen who were looking at the matter gave an intimation that they wanted to have something to say on the bill when it came before the Senate and possibly suggest an amendment. I therefore suggest to the Senator from Washington that he call up the bill at some other time.

Mr. SQUIRE. I was hoping the bill could go through this

evening. If the Senator from Maryland does not object, I prefer, unless there is real objection——

Mr. GORMAN. I may not have any objection to the bill, but I am under the impression that some Senators desire to say something about it on the floor.

Mr. HALE. Evidently this bill can not be passed this evening, and I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, March 23, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 20, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

AMBASSADOR BAYARD.

Mr. HITT. Mr. Speaker, I call up the unfinished business, and yield the floor for ten minutes to the gentleman from Pennsylvania [Mr. ADAMS].

Mr. McCREARY of Kentucky. I would like to inquire how the time stands now. How much time have we on the side of the opposition to the resolutions and how much have they on the side in favor of the resolutions?

The SPEAKER. Since the arrangement was made yesterday the side represented by the gentleman from Kentucky has occupied forty-one minutes and the other side twenty-nine.

Mr. McCREARY of Kentucky. How much remains to the side I represent?

The SPEAKER. Fifty-six minutes; that, of course, is subject to reduction for practical purposes.

Mr. HITT. How much has the affirmative?

The SPEAKER. Twelve minutes more.

Mr. McCREARY of Kentucky. You mean twelve minutes more than the side I represent.

The SPEAKER. Gentlemen must recollect some time is taken out in the adjustment of matters, and allowance must be made for that.

Mr. ADAMS. Mr. Speaker, the debate on this question during the past two days has taken such a wide range that I desire, as a member of the committee having this matter in charge, to lead it back to the proper channels through which it should be discussed to have some direct bearing on the question at issue. Before giving my reasons as a member of this committee for voting for these resolutions I desire to testify my personal respect for the person of Thomas F. Bayard and my profound admiration for him as one of that class of Americans who have given the best part of their lives to public service, and who, after a long period of thirty years, has never had a slur cast on his integrity or doubt as to the honesty of his purpose. But, Mr. Speaker, so long as men shall remain in public life so long are their actions subject to fair criticism at the hands of both friend and foe. When in our diplomatic service the rank of ambassador was first instituted and the Democratic President had the right to select one of our citizens to fill that high office, the first time it had ever been conferred upon an American citizen, of all the distinguished men in our country at his disposition he chose to honor Thomas F. Bayard to fill that office.

I will pause here a moment to ask what were the new duties, the new functions, that were imposed upon this raised rank in our diplomatic service? In the congress which assembled in Vienna in 1814 to define the duties and the precedence of the men in the diplomatic service, it was there laid down that ministers plenipotentiary and envoys extraordinary were the agents of the diplomatic and business duties conducted between Governments; but it was further laid down that ambassadors were the personal representatives of the sovereign powers whom they represented. Therefore, sir, I ask what new duty and what new function devolved upon Hon. Thomas F. Bayard when he assumed this high office by the gift of the American people? Sir, he became the personal representative of the sovereign American people; and when he said aught to attack or belittle the honor or the integrity or the political honesty of the American people he was more to be condemned, in my judgment, than the foreign ambassador who would dare to say aught to belittle the dignity and the majesty of his royal master.

Now, sir, we have condemned or are about to condemn the utterances of Thomas F. Bayard, and I wish to call attention to where these were uttered. In the first place, sir, I doubt very materially whether it becomes the dignity of the ambassador of the great American people to travel down to this little grammar school at Boston to give prizes to students; but whether it does come properly within his function or not, I deny that it is proper for the personal representative of the sovereignty of the American people when he goes down to this grammar school at Boston to teach his audience that the experiment that the American people have made in respect to self-government is a failure, and that we need, not the amiable lady that presides over the destinies of the Empire of Great Britain to restrain us, but that a strong man, with an iron will, must control these turbulent inhabitants of this great Republic of ours.

And, sir, look what consequences this may lead to. These were the clever youths of Great Britain, the men who in the next generation may sit in Parliament and guide the helm of state, and they will be there able to say in the debates on the floor of the House of Commons that they heard the American ambassador, the personal representative of the American people, assert that our Government was practically a failure, and when they come to consider the will and the votes and the judgment of the American people they will say that our ambassador told them we were turbulent and violent and had to be restrained by a stronger ruler than the sovereign of Great Britain.

Now, Mr. Speaker, there has been some question made as to the propriety of this House of Representatives casting any reflection upon an ambassador abroad, and it has been argued that it does not come within the province or the duties of this body. I am free to admit, sir, that if this were a question as to some negotiation pending between the two Governments it might have been proper for the President, in response to our inquiries, to have said that it was incompatible with the public interest to disclose the matter. But no such question confronts this House. We, the representatives of the American people, are here to justify and defend the American people, whom their representative has reflected upon in his official capacity abroad. We addressed a communication to the President of the United States and he responded in very curt language:

> I reply that no action has been taken by the President except such as is indicated in the report and correspondence herewith submitted.

How were the American people to resent these reflections upon them, these utterances of our ambassador to England, unless it was through their representatives sitting here in Congress? Therefore we stand here to-day and on their behalf we do resent these reflections upon the American people.

Now, sir, I regret that I can not find any excuse to make for our ambassador in England. He is not like that other Democratic ambassador who represents us at the Republic of France who, when he was approached by an itinerant book vender, took him into his confidence, disclosed his innermost thoughts upon all the questions pending between the countries of the earth, and then when he saw it in public print expressed his amazement that he had been so deceived.

Sir, that illustrates one weakness of our diplomatic system, that we take gentlemen from the walks of private life and send them as our diplomatic representatives abroad, so that it is no wonder they sometimes fail, as in the case of our ambassador to France. But Mr. Bayard had no such excuse. He had been thirty years in public life. He had been Secretary of State, and had been in personal contact and communication with the trained diplomats who represent their several Governments here in Washington. He had been Secretary of State and had issued his orders to his subordinates, those whom he had sent abroad as our representatives. Those orders have been read in this House, and they show that he instructed those subordinates that they must not publicly discuss or refer to public questions. And, Mr. Speaker, I will show this House out of the mouth of Mr. Bayard himself what his own calm judgment was upon this question. I hold in my hand a speech delivered by Hon. Thomas F. Bayard, on October 16, 1894, at Wilmington, Del. In addressing the citizens of that place on that occasion he said:

> I have been sent abroad to represent no party. I went to represent my whole country. I went to represent the honor of the nation.

These words show that when Mr. Bayard went abroad as our diplomatic representative he knew his duties, he knew what they were; so I say, there are no mitigating circumstances or excuses for the indiscretion committed by the Hon. Thomas F. Bayard. Therefore it is that, upon calm reflection on this question, and having had some slight experience in the diplomatic service myself, I feel I am justified, as I was in committee, in voting to pass these resolutions; that I am justified now in casting my vote in this House that the American people as well as their representatives denounce the language used by Mr. Bayard in these addresses, resent the reflections cast upon the people of our country. [Loud applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HITT. Mr. Speaker, permission was given yesterday on my suggestion to gentlemen to extend their remarks in the RECORD, but as it occurred in an intercalary way while some gentleman was speaking, it failed to get into the RECORD, and I repeat it now, so that gentlemen may take notice. I yield twenty minutes to the gentleman from New York [Mr. FAIRCHILD].

Mr. FAIRCHILD. Mr. Speaker, it is with some degree of diffidence I venture to entertain opinions on this subject differing from those of the learned gentlemen who have united in the majority report of the Foreign Affairs Committee. In diplomatic matters I would ordinarily accept without question conclusions advocated by one who has had the long and honorable career in the diplomatic service possessed by the highly esteemed chairman of that committee. But when we are advised by my learned friends that the conduct of the American ambassador at the Court of St. James was as unprecedented as it was reprehensible, we are advised of a situation where precedent fails to point out a remedy and where diplomatic experience may therefore not be an infallible guide. Especially is this true where the advice of diplomacy appears stamped with conservatism when conservatism would compromise with insult, and influenced by timidity when timidity may be a crime. If the wrong of the ambassador be unprecedented, then the time is now at hand, and will never return, for this House to place that wrong for all time upon its proper pedestal. Whatever definition we now give to that offense will be accepted by the country and by history. The duty devolves upon us to mete out punishment according to the offense. History will measure the offense according to the punishment.

Gentlemen on the other side of the House have challenged the good faith of the gentleman from Massachusetts in bringing this matter before the House in the form of an impeachment resolution. I for one sincerely hoped that my friend from Massachusetts would respond to that challenge by adhering to his original proposition. When, in the early days of the session, he stated on this floor that as an American citizen he had felt humiliated by the disgraceful act of this ambassador, he echoed the feelings of every member at least on this side of the Chamber. And I venture the opinion that to-day this House, with one voice, would be supporting impeachment charges could we but divorce this matter entirely from politics—were the patriotism of the minority not choked by partisan tares and the natural indignation of those who would defend America's fair name from insult not intimidated by the unworthy efforts of Democracy to drag this discussion from the high plane where love of country would place it and to wallow with it in their mire of partisan politics. And from that political slough we have heard the voice of their leaders derisively inquiring if we believed the ambassador guilty of an impeachable offense, well knowing, as they do, that it is our province to determine that very question. It is for us to say whether such offensive remarks uttered by such an official amid such surroundings constitute an impeachable offense, a censurable offense, or no offense whatever.

The majority report of the committee concludes that it is merely a censurable offense; the minority report says it is no offense at all. To me the language of the ambassador, uttered under circumstances that gave it additional force by reason of the very office he held, charging the American people, whom he was there to represent, with "corruption in public life," with a "blunted public conscience," with the "existence of false standards in the popular mind," with a "political system descending to the low level of a mercenary scramble," with a "popular conscience sapped by schemes of corruption"—such imputations under such circumstances sound very much like a misdemeanor and a crime. You ask me, Is it a high crime? I answer, it is a crime as high as the high office which this ambassador has so foully disgraced.

If the ambassador had only discussed local politics on foreign soil, without the use of libelous language, we might all admit him to be guilty of only a censurable offense. But what have the minority to say; what have my distinguished friends who have indorsed this majority report to say of this picture of "corrupt public life," of a "blunted public conscience," of a "popular conscience sapped by schemes of corrupting favor," which this ambassador held up before his foreign audience and falsely called it America? If such conduct be not a misdemeanor and a crime, then pray, under heaven, to what excesses of language would you apply those terms?

Sir, although history fails to record an offense comparable to the humiliating conduct of this discredited ambassador—although among the family of nations it has been left for the American people to be the first to suffer insult from their own ambassador in the presence of a foreign audience—we are not wholly at a loss in determining the penalty meet for the offense. Many years ago—so long ago, indeed, that the principles to which I shall now refer have become embodied in the common law—the courts of England had occasion to determine the law of criminal libel; the law that has guided the practice and decisions in every State in this Union adopting the common law. It so happens that one of the principles thus enunciated bears some resemblance to Bayard's transgression, approaching it as closely as human experience or the wildest flights of imagination permitted, up to the date of Bayard's epistle to the English. Let me read, and I quote from the leading authority on the law of slander and libel:

> Publications * * * the natural tendency of which is * * * to bring the Government or Constitution of the country into general contempt are * * * indictable as misdemeanors.

Thus the courts have spoken of libelous attacks against one's country. Trammeled neither by blind partisanship nor doubtful expediency of politics, they have bestowed upon such expressions the appropriate definition "criminal," and the fitting penalty, a felon's cell. And yet there is nothing in this description of a criminal offense contemplating the perpetration of the offense by an ambassador against the people of his own country, in an address specially prepared to tickle the fancies and prejudices of his foreign audience. And I appeal to gentlemen on the other side of the House, if without these accessories of official position and foreign auditors the judiciary have characterized the offense as criminal, are they not forced to admit that these contributory conditions make the transgression the more heinous? If the lesser offense be a crime, is not the more atrocious misdeed fittingly termed a high crime?

It is not my purpose (for I have not the time) to make as complete an application of the law of criminal libel as this case admits. But before concluding permit me to compare Bayard's utterances with expressions the use of which in this country by one private citizen of another has sent many a man to jail. The law is the same whether applied to utterances against government, as I have just shown, or against classes of men, or against individuals. The authority from which I have just quoted says that utterances are criminal libels which "reflect upon sects, classes, companies, or bodies of men, though not mentioning any person in particular." And the same has been held true in reference to libels of individuals "the tendency of which is to bring the subject of it into contempt and ridicule."

With this brief reference to the law of criminal libel, although for comparison I might refer to cases in every State of the Union, I shall refer only to one case—in the State of Georgia—for the purpose of placing side by side the expressions for which the Georgia defendant was found guilty and subjected to imprisonment and the grosser utterances of the guilty ambassador. I pass by with only slight reference Bayard's Boston speech. With a possible appreciation on his part of the distinction existing between the law of slander and of libel, he has pleaded in defense of those utterances that they were only spoken words, uttered without either previous writing or knowledge of subsequent publication. I refer to them now only as giving an insight into the manner of man who subsequently delivered the carefully prepared address at Edinburgh; for if ever it be true, it is true of extemporaneous utterances, that "out of the fullness of the heart the mouth speaketh."

It was in his Boston speech that he said:

> The President stands in the midst of a strong, self-confident, and oftentimes violent people—men who seek to have their own way, and men who ought to have that way frequently obstructed. And I tell you plainly that it takes a real man to govern the people of the United States.

At last we know the motive prompting Mr. Bayard's long-existing ambition to become President. To the diseased brain of this disinterested patriot the violence of the American people and their need to be governed by a real man was manifest, and for many years he continued to offer himself a perpetual and willing sacrifice. Until the discovery of his less accomplished prototype of self-esteem, the office of President—

> He long had sought
> And mourned because he found it not.

[Laughter.]

He mourned until the development of time offered him consolation sweet in the shape of a Cabinet office and a foreign mission. In the bestower of these welcome gifts he sees only a haloed object for perpetual adoration. In the people who had failed to appreciate his Presidential qualifications his disordered imagination observes only "false standards," "blunted consciences," and "corruption in public life." Such are the imputations contained in the Edinburgh address. Now mark the language for which the Georgia citizen was found guilty and subjected to imprisonment:

> *Notice.*—Credible information being given me that R. M. Goodwin is about selling a negro, or negroes, under a certain deed obtained by him from my mother, Mrs. Julia Scarborough, I hereby notify and warn all persons from purchasing or in any manner incumbering the same, as the said deed is illegal, from causes known to Mr. Goodwin, from papers on record and in his and my possession.

Compare that language against a citizen of Georgia with the infamous imputations against the American people contained in the Edinburgh address; and I quote from Bayard's own confession:

> In my own country I have witnessed the insatiable growth of that form of state socialism styled "protection," which I believe has done more to * * * corrupt public life, to banish men of independent mind and character from public councils, to lower the tone of national representation, blunt public conscience, create false standards in the popular mind * * * and place politics upon the low level of a mercenary scramble, than any other single cause * * * and saps the popular conscience by schemes of corrupting favor.

Although it may require legal training to understand legal definitions, the mind of any layman can easily appreciate how mild are the utterances for which the Georgia defendant suffered imprisonment compared with the monstrous imputations contained in the Edinburgh address.

Had such language been used by an English ambassador against the English people, without his immediate recall, a popular uprising would have driven a prime minister from power.

The majority resolutions contain barely a hint of the real offense. I have spoken of partisanship. The accusation can be applied to either report with almost equal truth. The minority have observed approvingly, and the majority with disapproval, an attack against protection, and in the case of either they have failed to see beyond the utterances of criminal libel. The majority resolutions, therefore, criticise what they call an attack against a portion of the American people. Sir, the ambassador attacked the whole American people when he charged "corruption in public life" and a "blunted public conscience" "sapped by schemes of corrupting favor." What, in Mr. Bayard's opinion, happened to be the cause of the humiliating conditions he thus charged sinks into insignificance beside the infamous charge itself.

It may be true, as has been stated by gentlemen on the other side of the House, that charges equally severe against public life have been made by people in this country; but, be it said, to the everlasting shame of the polluted minds who see through such spectacles, whether the offenders be of low degree or high, occupants of thatched cottages or the mansion at the other end of the Avenue. [Applause.]

Mr. Speaker, I thank God that I was reared and educated in the city of Washington, where I was thrown among public men, and I thank God that that education has taught me that the corrupt man in public life is the exception. Accursed be such a man, for his one act casts a blot upon the fair name of the American Republic. But thrice accursed be those whose tongues of calumny have a much greater tendency to destroy public confidence, high ideals, and patriotism than the corrupt act itself which these libelers so foully exaggerate. They are the men who make undesirable citizens. They should be sent abroad; but not as ambassadors. They should be deported. We should reserve for our ambassadors men whose minds are so constituted that if needs be they must speak in public, they will emulate the example of that patriotic American admiral, who when called upon to respond to the toast of his country said:

My country, always right; but right or wrong, my country.

[Prolonged applause.]

Mr. McCREARY of Kentucky. I yield three minutes to the gentleman from Alabama [Mr. WHEELER].

Mr. WHEELER. Mr. Speaker, I am opposed to the resolutions. Such action by this House is unwarranted and unprecedented. Our ambassadors are under the direction and control of the executive branch of the Government, and the only possible purpose of this proposed action by Congress is to detract from the dignity and usefulness of a very distinguished American, who holds an important position in our foreign service. If we establish the principle of shadowing our public men and catching up and distorting every careless expression, a system would be inaugurated which I am confident men of good taste would not approve. It is evident to me that the citation of Mr. Bayard's speech at Edinburgh has a special object.

This attack upon our ambassador to Great Britain comes from Massachusetts—a State that believes in protection for protection's sake; a State which believes in a system by which the great mass of the people are subjected to onerous burdens for the purpose of enriching the manufacturers of that State.

I recollect in the Forty-seventh Congress, when the tariff bill of 1883 was up for discussion, a leading Congressman from that State announced the Massachusetts demands upon that question. The Democratic minority were insisting upon fixing the tariff so that some revenue could be derived from it, but Mr. Russell of Massachusetts said no.

There is no protection in a revenue tariff—that is, to an American manufacturer; for if a revenue is to be derived from an imported article it must be imported, which certainly involves its manufacture elsewhere, and the rate of duty must be so fixed as to invite its importation. Therefore a tariff can not be adjusted on a single article to serve the double purpose of revenue and protection. It must be either at a point to check importation and thus protect, or it must be at a point low enough to admit importation and thus produce a revenue. That is, when fixed at a revenue point it ceases to protect, and when fixed at a protective point it ceases to yield a revenue.

This is the Massachusetts doctrine, and it is not surprising that Massachusetts men should denounce anyone who opposes doctrines of this character.

Ambassador Bayard has been a distinguished figure in American politics for more than a third of a century. He had seen the evil of legislation of this unconstitutional character, he had seen trusts created, he had seen our exports dwindle and the great producers of our country suffer from the want of markets, and the consequent falling price of their products. With these thoughts in his mind, on November 7, 1895, Mr. Bayard said:

In my own country I have witnessed the insatiable growth of that form of state socialism styled "protection," which I believe has done more to foster class legislation and create inequality of fortune, to corrupt public life, to banish men of independent mind and character from the public councils, to lower the tone of national representation, blunt public conscience, create false standards in the popular mind, divorce ethics from politics, and place politics upon the low level of a mercenary scramble than any other single cause. * * *

It (the said policy of protection) has unhesitatingly allied itself with every policy which tends to commercial isolation, dangerously depletes the Treasury, and saps the popular conscience by schemes of corrupting favor and largesse to special classes whose support is thereby attracted. Thus it has done so much to throw legislation into the political market, where jobbers and chafferers take the place of statesmen.

I most emphatically indorse every syllable of these expressions; especially do I indorse his statement that the Republican policy of protection "tends to our commercial isolation."

The Democratic party contends that a country like ours, with but 4 per cent of the world's population, and producing as we do 80 per cent of the cotton and corn of the world and an average of 40 per cent of those other great staples, wheat, coal, iron ore, pig iron, finished iron, and steel, must have the markets of the world open for the sale of the products of American labor.

During the consideration of the bill upon which Mr. Russell made the speech from which I have quoted, the distinguished champion of protection, Mr. McKinley, made a number of speeches, especially devoting himself to increasing the tariff tax upon iron cotton ties from 35 per cent to 102 per cent, he and his colleagues insisting that unless this was done it would be impossible to manufacture cotton ties in the United States; and they repeated their threadbare threat that when the manufacturers of cotton ties in the United States had become bankrupted for want of sufficient protection the European manufacturers would double or possibly treble their price upon those articles.

We, on the contrary, contended that the high-protection system invited retaliatory tariff and cut us off from foreign markets which otherwise would become large purchasers of the products of our farms and factories. Mr. McKinley claimed to be specially informed on this question of cotton ties, because the largest factory of iron ties in the United States was located at Youngstown, in his district. He succeeded in getting the tariff raised to 102 per cent, and from March 3, 1883, to August 24, 1894, his Youngstown friends were enabled to compel the growers of cotton to pay them double price for their iron ties.

Of course there was no export demand and many of the factories had to be closed and workmen turned out of employment.

When the Democrats got in power and we enacted the Wilson bill, which placed cotton ties upon the free list, immediately every benefit claimed by Democrats was more than fulfilled. Instead of our being flooded with iron ties from foreign countries, the demand for iron ties came from all parts of the world. I hold in my hand the Cleveland World of March 18, 1896, edited by the very high priest of protection, the Hon. Robert P. Porter, late Superintendent of the Census of the United States. This paper tells us that the Youngstown Iron and Steel Company is now engaged in filling an immense order from Bombay, India, for cotton ties. The dispatch says:

An immense amount of cotton ties have already been shipped, but this will form but a small part of the order.

I send the paper to the Clerk's desk and ask him to read the part I have marked.

The Clerk read as follows:

"MADE IN THE UNITED STATES"—AN IMMENSE ORDER FOR IRON BEING SHIPPED FROM YOUNGSTOWN TO BOMBAY.

YOUNGSTOWN, OHIO, *March 17.*

The Union Iron and Steel Company is running on one of the largest orders of finished iron ever shipped from this valley. The order is from Bombay, India, and shipments have already been begun. An immense amount of cotton ties have already been shipped, but this will form but a small part of the order. Every package sent out will be marked, "Made in the United States."

Mr. WHEELER. Mr. Speaker, that is one of the beneficial effects of the Wilson bill principle of letting down the bars and opening the markets of the world to the products of American industry. In the face of false prophecies made by protectionists we see that with free trade in iron cotton ties we are supplying the entire world; and Youngstown, Ohio, is one of the largest beneficiaries of the Democratic tariff which we enacted on August 24, 1894. [Applause.]

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. WHEELER. But the principle of Democratic opposition to protective tariff has not expired, and will never expire. It is right and it is eternal. [Laughter and applause.]

Mr. McCREARY of Kentucky. I yield twenty-two minutes to the gentleman from Texas [Mr. HUTCHESON].

Mr. HUTCHESON. I hope that no man will misunderstand my views in regard to the propriety of the utterances of the Hon. Thomas F. Bayard embraced in his addresses and now the subject of animadversion before this House. I should do injustice to myself, Mr. Speaker, if I did not admit, as an American citizen that those utterances were ill-timed and ill-advised. I will, Mr. Speaker, if the question shall be so divided as to permit of its being done, vote for so much of the resolution as does not embrace the name of the distinguished representative or this country, but

proclaims (as a correct principle, in my opinion) that no ambassador should so speak of his country while accredited to a foreign nation.

But beyond that, Mr. Speaker, I do not go with the gentlemen who have reported this resolution. I do not go because it is a brutal declaration and a mere brutum fulmen against an honorable citizen concerning words which I do not believe he intended as an insult to the people of this country. I believe that he did not contemplate that it would be the offense in the nostrils of the protectionists which it has been. He overlooked the fact that you stand to protection as we stood to slavery before the war. It is consecrated in your minds, and you permit no man to assail the principle under which you live and move and fry the fat out of the public without sensitive resentment.

I want to congratulate this House, Mr. Speaker, that in the presentation of this question there has been that fairness and statesmanlike consideration for every section and every man and every party in this House, except one gentleman to whom I shall allude, and I hope he will be in his seat before I conclude my remarks. I allude to the gentleman from Massachusetts.

But for the present let me address myself to the magnificent young orator from Iowa [Mr. COUSINS]. I hail him, I greet him, I congratulate him. He walks the earth and strews the pathway with orient pearls, and puts upon each blade of grass a gem, and then takes the crown of flowers from all the gardens and places it upon the brow of Protection. Sirs, I could not create the fascinating bouquets, but I propose to show that they are exotic plants to the policy of protection, and that he has placed upon its brow and claims for that policy what belongs to the genius and growth of this country, irresistible under any policy and inextinguishable even by protection. Mr. Speaker, when the gentleman stood upon the banks of the Potomac and gathered the flowers of the speech from that distinguished gentleman, Wendell Phillips, than whom no man possessed them in richer profusion, he appropriated the fair flowers that belonged to the spirit of Freedom and put them upon the base brow of Protection, because Protection is the goddess at whose shrine he worships. Let me repeat it:

As long as there is a slave within our borders there can be no union.

Does the gentleman say as long as there is free trade in this land there can be no union? Sir, whatever taxes the toil of one man for the benefit of another is slavery, and that is the avowed office of protection.

Let me tell the gentleman that the same hand which struck down slavery in the South converted this nation of 70,000,000 people to the slavery of protection. The same hand that manumitted the freedman of the South transmitted to him none of the benefits of protection, I challenge you to show in the institutions of the North to-day a single ex-slave, a single colored man, working at the machinery of protected industries. They are rejected by the very institutions which you have constructed. In the fields of industry north of Mason and Dixon's line where is there to-day a place where they could earn their daily bread? I invoke this same prophecy for protection, and, though it may be long delayed, its doom is certain.

But the gentleman passes on from the proposition of liberty to the splendid scenery at Chicago. Let us quote:

I walked up and down the aisles of that manufacturer's building and I saw the handiwork—

Of what? Of America?

I saw the handiwork of mankind—of Jew and Gentile, of Oriental, of Pagan, and of Christian—lying side by side with that of our own American artisans, and I thought to myself, "This is enough to fulfill the prophecy—the genius of liberty robed in light."

Mr. Speaker, does the gentleman recognize in that picture that alone in an exhibition, separate and apart from the markets of this country, can those splendid things which so electrified him be shown upon the American continent—that he permits us to have our appetites whetted, and still the luxuries are denied to our stomachs? It is protection which denies the enjoyment of the luxury which so fascinates his eye, and yet he glories in the beauties he can not enjoy and worships the tyrant which disappoints his palate.

Like the witches, it makes the promise to the ear and breaks it to the hope. We will gather the luxuries of the East and the West, and of the world, and place them before you to show you what its capacities are, and after we have placed them in your sight we will place them beyond your reach by a mountain wall of protection. Was that liberty? Is that its symbol? Sir, if you had made a holiday occasion and brought the negro into that exhibition unshackled of his chains and then driven him back into slavery, would that have been a fulfillment of the splendid inspiration of Wendell Phillips? And does not the protection which you proclaim as far destroy the success of the beautiful picture as that which is illustrated by the proposition that you shall on a gala day lead the negro into the light of liberty and instantly expel him from its enjoyment?

But, Mr. Speaker, when the gentleman, in commenting on this floor upon the first section of the speech of Mr. Bayard, proclaimed Mr. Cleveland "a great man, a leader among men," I want to say that he furnished in confirmation the strongest proof of the truth of all that Mr. Bayard said concerning the power of protection when he painted him and admitted him to be great, but, pausing, said: "But there are other great men in this country besides the President," and then, with happy illustration, portrayed the time when that great man was bowed down in defeat in the passage of the tariff bill in the other House. He who had been able to conquer on all other things, measured his arm with all other forces, encountered protection in the Senate, and protection was more powerful than Grover Cleveland. The only power in this country to which he has surrendered, according to the language of the gentleman; and the illustration of his argument was that protection, panoplied and supported by every member of the Republican party and by a faction of the Democratic party in the Senate of the United States, overcame him.

But, Mr. Speaker, when the gentleman says that the prosperity of this country has been brought about by protection, I propose to reflect its absurdity and to show that it was not "protection," but that it was "war." If the argument of the gentleman is correct, that that which brings prosperity should have its brow crowned with rich glory, then, sir, the brow of War should be crowned with praise and be acclaimed the great civilizer and great developer of this country. I appeal to the census of this country to show that from 1860 to 1870 the wealth of Maine increased 200 per cent more than it did at any other time in its history. From 1860 to 1870 Massachusetts, from which the gentleman hails, increased three times as much as it ever did in the history of this country, and Iowa, which in 1860 had a population of a little over 600,000, increased to 1,200,000. It was this war, and the young gentleman should not attribute the glories and achievements of this country to protection, but to the war of the rebellion, and should crown grim-visaged War with all the plaudits for our growth and prosperity in the last third of a century. Take the bays from the brow of Peace and place the palm on grim-visaged War.

But, Mr. Speaker, while all the gentlemen save the gentleman from Massachusetts [Mr. BARRETT] have given us a dignified discussion of this subject, and a patriotic discussion, that gentleman, coming from the sweet State of Massachusetts, hailing, as I find, from Melrose—a beautiful name, not only a rose but a honey rose—I am led to inquire, Mr. Speaker, what it is in that atmosphere which so saturates a man with bitterness that it oozes out of his skin as he breathes and drops from his lips like burning lava when he speaks? What is it, Mr. Speaker, that imbues HENRY CABOT LODGE, from the same district, the author of the force bill? What is it, Mr. Speaker, that makes the gentleman from Melrose, the sweet-scented and geranium-flavored Melrose—what is it, Mr. Speaker, that makes him the exponent of all that is to protect the flag and stand eternal guard for the union of this country?

Sir, on his first introduction he walked down the aisle of this House with articles of impeachment against the distinguished gentleman from Delaware. His second introduction to this House was an article of impeachment, or a call for taking down the words of the gentleman from South Carolina [Mr. TALBERT] as treasonable, and the last article that we hear from Melrose is an impeachment of Thomas F. Bayard because he was a traitor to his country in 1861. Until we reach the district of Melrose every speaker calls him gentleman and patriot; but when you reach sweet Melrose, where the birds twitter in the trees and each morning the angels of life and of light sing their matin songs beneath the windows of the soul, that gentleman assails him for kind words uttered for the South thirty-five years ago. The gentleman from Iowa said we needed no declaration that Cleveland did not eat children. Sir, we may not need a declaration that Cleveland did not eat children; but I would like to have the gentleman stand up here and testify that the people of Melrose do not eat children.

I wish to say, Mr. Speaker, that whatever should have been said upon this occasion should have been confined to the merits of Mr. Bayard's utterances. We feel that no man should have gone into the grave of the Confederacy to visit upon us insult. The South staked her fortunes and her institutions on the arbitrament of the sword, and after a struggle which immortalized valor and eclipsed the achievements of twenty centuries she went down, gigantic in her fall. After that fall, Mr. Speaker, she claimed nothing except the recognition of the rights which were accorded her upon the battlefield. With our legions but a handful, and our flag but a shred, we fought to the finish, and when the immortal Lee surrendered to the magnificent Grant he accepted his sword, and over that acceptance he said, "Let there be peace," and it was peace. In that grave we buried the cause of rebellion, and put the seal of death upon it, and no man who breaks that seal does anything but a sacrilegious act to the dishonor of our Lee, whom we love.

Sir, we came back to you as to a union between man and wife. We had sought divorce, but you forced us back into the Union.

Let it be a Union of love. I had rather be the Bluebeard who would destroy wife after wife, inch by inch, and drop by drop of blood, than that man who would corral a dozen wives into his embraces and then insult them while he enjoyed them. This Union, Mr. Speaker, should be a Union of equal States, of equal rights. While we placed upon the arbitrament of the sword the destinies of our country, the policies of the South, we reserved to ourselves our individual rights, our individual sensibilities and manhood, and no man has the right to, and no brave man will, here transgress them. I desire to quote to this House an utterance of the lamented Garfield. He said:

> After the storm of battle were heard the sweet, calm words of peace uttered by the conquering nation, saying to the conquered foe that lay prostrate at its feet: "This is our only revenge, that you join us in lifting to the serene firmament of the Constitution, to shine with us like stars forever and ever, the immortal principles of truth and justice that all men, white and black, shall be free and stand equal before the law."

That invitation we accepted, and we are here to-day. Our stars are in your flag, our States are in your Union. We are here as a brotherhood, entitled to your respect. Nay more, Mr. Speaker, when we went from the battlefield to our homes, we found desolation where there had been plenty, we found toil where there had been theretofore leisure. We took up the South, put our arms around our dead and buried them, put our arms around our wounded and have supported them, and, carrying this heavy load up the hill, we have planted the star of prosperity over all those States which were bleached with the bones and ran with the blood of her sons. [Loud applause.]

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. HUTCHESON. Sirs, if the great humiliation of our fall does not engender some divine radiance, if our sorrows and our losses do not excite some pity, and if they can not relax a ghoulish malevolence, let us at least have our memories, which are made sacred by sorrow and immortal by defeat, respected by silence. The brave man does not strike the fallen foe or recur to the memories of unsuccessful conflict. Let us, oblivious of past differences and considerate of each other's sensibilities, stand like brothers in this country and in this House, ready to do or die in making it the one great nation before which all the world must surrender their supremacy.

Mr. HITT. Mr. Speaker, I yield twenty minutes to the gentleman from Delaware [Mr. WILLIS].

Mr. WILLIS. Mr. Speaker, I should be very glad to vote for the second of these resolutions, with a verbal amendment which I hope will be made. If I can vote upon that resolution singly and separately, I shall be glad to do so, without attempting to controvert any thing which has been said with reference to the first resolution, for I admit the truth of every word that has been uttered in this House concerning Mr. Bayard and the sentiment expressed in that resolution. But I think I shall have to vote against the first resolution, for the following reasons:

First, I have that amount of State pride which will lead me to vote against the resolution. I respect Mr. Bayard as a man of force, of distinction, and occupying a high position not only before the people of his native State (which is my State), but of the country. I will confess to you that I believe, and I think I know, that Mr. Bayard is a born aristocrat, posing as a democrat [laughter]; that he has in him feudal instincts, is not in touch with the people, and presents in his personality the unaccountable paradox of the union of the lord with the yeoman. But, at the same time, it might be admitted that these very qualities would give him greater credit at the British court than a man of a different cast might have, and if he can do us good there I am willing that he should, glad that he should. For, Mr. Speaker, I know that royalty is very jealous of its prerogatives. Royalty does not like republicanism, and if there is any place on God's earth to which the peculiar characteristics and qualities of our distinguished ambassador are specially suitable it is the place that he occupies at the present time. [Laughter.]

Second, I shall vote, I think, against the first resolution because our action in adopting that resolution must necessarily appear to be, even if should not be, a partisan movement; and I deprecate the idea of partisan action on a question of this kind going out before the world. If we can not be unanimous, or practically unanimous, in the vote we take here, it is very questionable in my mind whether or not it will do the country any good or our party any good to adopt the resolution.

Third, the passage of the first resolution, the putting on record of censure against our ambassador, might have a tendency to weaken and neutralize his influence in the position that he occupies to-day. I do not want to do that.

Mr. WATSON of Ohio. Let him come home, then.

Mr. WILLIS. It is the President's business to bring him home; and if you were President no doubt you would do it.

Mr. WATSON of Ohio. Certainly I would.

Mr. WILLIS. And if I were President I surely would do it. But the discussion which has been had, and which has really "boxed the compass" of political topics on the part of those gentlemen who have discussed the subject, especially on the other side and I do not know but also on my own side of the House, has attracted my attention to some special features with reference to this matter. The gentleman from Virginia [Mr. TUCKER], whom I do not now see in his seat, and who was very liberal, if not lavish, in his reference to Scripture, gave us yesterday a very adroit interpretation and application of certain Scripture passages, to which I wish briefly to refer. I think his argument was especially weak because of false interpretation and false application. Let us look at it for a single moment. He quoted the passage, "And from the days of John the Baptist until now the kingdom of heaven suffereth violence, and the violent take it by force." Now, without saying that on that very figurative passage there have been various renderings and various views, so that a great many persons really do not know what it means—without referring to that, let us take the gentleman's own interpretation of it and let us ask him, Did he mean by his application to tell us that when Mr. Bayard used the word "violent" in his speech in England he intended to say that the American people were on a rush for the kingdom of heaven and that Mr. Cleveland was the only man strong enough to stand at the gate and keep them back? [Laughter.]

As the gentleman was so very free in his Scripture references, I should like to quote a passage or two of Scripture to him. I agree with everything he said with reference to the ability and the fame of Mr. Bayard. I am willing that a man shall exalt him to the seventh heaven. I am willing he should say he is really a great man, though I will say parenthetically just at this point that I do not accept the common definition of greatness that the world seems sometimes to adopt. I do not believe that a man is necessarily a great man because he has a great brain. To make a man great you must give him a great heart, a great soul, a soul in touch with the human race, with the great mass of the people; a soul that is full of sympathy, full of humanity, full of fraternity, full of love. [Applause.] A man may have the genius of Lucifer and be a devil still. He may have the intuitions and splendid intellectuality of an archangel, and yet look through a keyhole and whistle through a quill. [Laughter.]

I say I will agree with everything that the gentleman from Virginia and the gentleman from Kentucky [Mr. MCCREARY] have said with reference to the eminence and ability of Mr. Bayard; and when you have said it all, you but make more emphatic that remarkable passage from the wise man recorded in the Scriptures, which reads thus:

> Dead flies cause the ointment of the apothecary to send forth a stinking savor; so doth a little folly him that is in reputation for wisdom and honor.

And the passage has an unfortunate application in the present case. [Laughter and applause.]

The gentleman from Kentucky, after he got through with his chapter of panegyrics on our ambassador, reminded us (an astonishing revelation) that the American people are behind Mr. Bayard and that there is great danger of his being elected President of the United States if we should happen to censure him. That was about the drift of the gentleman's argument from the analogies and references he made. I think, however, that the distinguished gentlemen from Kentucky has got his dramatis personæ somewhat transposed. Instead of the American people being back of the ambassador, the ambassador is back of the American people, and a good ways back—so far that he will never catch up. [Laughter.] It reminds me of a little story told of a horse race down here at Baltimore. Three or four splendid nags were brought out, and then one that was of inferior grade but carrying a high head and a graceful tail. An old darky standing by said: "Dat's de horse; look at him. Dat's my horse; look at him." When the race came off the darky's favorite horse was distanced, but the darky, never discouraged, never hopeless, said: "Didn't I tell you so? Look at dat horse; he's drivin' everything afore him." [Laughter.] Let me say to the gentleman from Kentucky and to the gentleman from Virginia that on this question of protection, on this question which has stirred the hearts of the American people for the last three, four, or five years, the Democratic party, the Democratic Administration, the Democratic ambassador, are driving everything before them.

But if I had time I would rather speak upon the congeners and correlatives of these resolutions than upon the resolutions themselves. We may trust every age to produce its modicum of sycophants and simpletons, egotists and despots; and this age is not behind the record. There are men holding subordinate places in the Government of the United States to-day, men sitting with their feet on the mantelpiece, with cigars in their mouths, who are as difficult of access as the Mikado of Japan. [Laughter.] They have got the "big head," and got it bad. [Renewed laughter.] They belong, probably, to the class who believe everything foreign is good. They belong to that large class who think that everything that comes from abroad is better than anything that

is American; who ape foreign manners and adopt foreign politics; who contract foreign marriages, praise foreign institutions, and cultivate foreign style and foreign fashions, and who leave here every vacation time and go to Europe to apologize for the battle of Bunker Hill. [Great laughter and applause.] These are the people who play the harlequin at the feet of royalty and would be proud to eat dirt if they could eat it off a royal platter; who think that an aristocratic snob, a gouty, leprous, half idiotic, immoral, licentious lordling, the degenerate offspring of a spurious ancestry, the rotten product of a rotten and effete system, is better than the sun-browned American farmer, with his bronzed cheeks painted with pigments of the sky, his nerves and muscles as strong as Hercules's, his every sinew hardened by the reaction of honest toil, his blood as pure as the waters of Castalia, as he goes to his morning toil with feet as winged as Mercury's, brushing the dews from the grass by the hedgerows on a June morning, breathing the ozone of God and feeling himself a man. [Applause.]

In my judgment, Mr. Speaker, there is but one standard in which the difference can be marked in the social standing of the human family, and I wish to draw that standard here, before the young men of this House, who I trust will be in it, its pride and glory, perhaps long years after many of us who are older have gone to the other land. There is just one standard of distinction, appropriately speaking, between men in this world, and that is greater knowledge and better morals. [Applause.] To know more and do better. Everything else is subordinate to that. I do not care to go beyond that. Beyond that Mat Pryor's epitaph is good enough for me:

> Here lie the bones of Mat Pryor,
> Descended from Adam and Eve;
> If anyone can rank higher,
> I'se willing to give him leave.

[Applause.]

Mr. Speaker, God Almighty in his providence did three things for the human family. One was to give them a residence. Through the phases and changes of the geological eras He brought this grand old world to its present state of perfection—through the great Carboniferous era, through the Glacial period, and through all of the other periods, until the rains came and the sun topped the mountain ridges and the streams cleft the valleys and the continents and islands arose from the surrounding seas as the fields of the Lord. And then He has done another thing. He has furnished them with a religion, which, through ethnical restrictions and limitations, has come to be universal, so that the golden rule is the touchstone of excellence and religious eminence and religious glory in the world. And lastly, He has furnished them a Government which is the product of principles that have lain and struggled in human minds since men began to sigh for liberty. It is in the ideal, epitomized, magnificent Republic of which you and I are citizens, the complement of the altitude of the best civilization of the world. [Applause.]

And yet, in spite of the principles which it illustrates and sets forth, which have been sighed for from high places and low places, which men have struggled for through thousands of years and fought for through the ages and centuries, which have been cried out for by the oppressed and the helpless from the desert places—I say in spite of all this there are those who walk the earth to-day and call themselves men who do not know a good thing when they see it. They walk and strut the rostrum of life as they look down upon their better fellows and say, "I am Sir Oracle, and when I speak let no dog bark." [Laughter.] Sir, when the Prætorian guard undertook the functions of king making the Roman Empire began to totter. They assassinated Pertinax and sold the crown to Julianus. Soon the Parthians were thundering at their gates. Confusion succeeded treason and ruin finally came to the proud mistress of the world.

When a man can not find anything good in the United States and has to go over to England or some other foreign country for it, he is bartering the crown. When he wants to adopt foreign manners and marry his daughter to a foreign snob, he is bartering the crown. When an American woman, for the sake of an empty name, possessed of vast fortune, as she may be, can not find an American with brains and heart and soul and life good enough for her, but must go over to the other side and find somebody who goes crazy over the divine rights of kings and knows nothing about the divine rights of people, that has conniptions and spasms over the guinea's stamp and knows nothing about the guinea's gold, she is bartering the American crown. [Applause.]

I protest against the bartering of the crown by men born on this free soil. To-day we have no controversy, my brethren, whether we live in the North or in the South, as to our citizenship. Let us be true to it. There is a better and brighter time coming. It is a day of intense and glorious light, and America is pledged for its coming and for its existence. When it comes liberty's throne will be erected on every mountain top and in every valley, and fraternity and equality will be the heritage of nations. [Applause.]

I shall vote for the second resolution and reject the first.

Mr. MCCREARY of Kentucky. Mr. Speaker, how much time remains to the negative side?

The SPEAKER. Twenty-nine minutes.

Mr. MCCREARY of Kentucky. I yield that time to the gentleman from Georgia [Mr. TURNER].

Mr. TURNER of Georgia. Mr. Speaker, I share with great pride in the admiration which the gentleman who has just spoken entertains for the "sun-browned American citizen." My contention to-day will be not for the feudalism of protection with its merciless exactions, but for that great principle which was chosen as the theme at Edinburgh on the 7th of November last, "Individual freedom the germ of national progress and permanence." It was the sentiment at once of the chevalier and of the yeoman. And it is to defend against the assaults of malicious enemies in this country the distinguished author of that noble sentiment of freedom that I enter this debate.

I stand to-day, Mr. Speaker, in the presence of a triumphant party on the other side. They have brought to this House almost an unprecedented majority. And they have great duties and responsibilities. They have great demands on their capacity for government. They are on trial as to their ability to originate great measures of relief which shall command public confidence. To mitigate the prevailing stringency they have devised more taxation, and to restore confidence they have invented more burdens. Fortunately for the sun-browned citizen that bill has failed in another place. As to the disorders in the Treasury, they formulated another emergency measure during the holidays, which has now disappeared from view. The "endless chain" may still operate upon the gold reserve. Our wretched banking laws are as wretched as ever, with no prospect of amendment.

This great and triumphant party turns helplessly away from these tremendous interests, and with great energy and unanimity trains all its artillery upon an individual member of the defeated party to which I belong. What an exploit in politics is that. In order to do nothing else, they can talk eloquently about the sufferings of Christians in Armenia, and about the incomprehensible condition of Cuba, and over the mighty significance of the Monroe doctrine; and now still further to conceal their helplessness in the field of their real tasks and duties, they have made this great occasion and a debate of three days over an alleged discourtesy of Mr. Bayard. He did not violate any statute nor any known regulation of the department to which he is responsible. He transcended the canons of good taste forsooth. The victorious Republican party, in this Presidential year, marches against an individual for alleged bad taste in solid phalanx, and like an army with banners.

Allow me nevertheless, sir, to pause here and say that about a matter of taste there can be no dispute. If the gentleman from Iowa had not so stigmatized the idiom I would have given it in terse Latin —De gustibus non est disputandum.

Mr. Speaker, the question here is not merely whether Mr. Bayard committed an indiscretion or violated good taste; it is rather whether it is right or proper or in good taste for the House of Representatives to visit its censure and condemnation upon this great American. I propose to show, sir, that he has done nothing wrong; and before I enter into that discussion I want to return my thanks to my good friend from Virginia [Mr. TUCKER] for his eloquent tribute to this distinguished defender of the Constitution and of its great bulwarks of liberty. And, sir, may my right hand forget its cunning if I ever raise it against the man who stood in the very front of the phalanx of freedom when my section had no defenders upon the floor of Congress. Pardon me if I confess my admiration is not unmixed with gratitude.

The party to which I belong has no great army of mercenaries. There are none of those who have put up for our use the sinews of war. There are none to whom we have given special bounties; there are none to whom we have given booty and plunder, and there are none on whom we can draw; no special classes that have grown fat by policies that we have enacted and out of whom we can extract the grease—I hesitate to put it in the vulgar vernacular of the Republican hustings. [Laughter.]

But it is not so with our adversaries. They have bestowed largesses and donatives upon special interests for a generation, and the army of protection—the Prætorian Guard of the tariff—is about to dispose of the Presidential purple. Mr. Bayard offended these gentlemen at Edinburgh by speaking of the tendency of protection to a mercenary scramble, as averred in the resolutions. If the indictment is true, any man ought to be allowed to proclaim it on the house top and anywhere in the world. The proof is already furnished. Out of the mouths of his assailants comes the demonstration of the truth of this great indictment. The Senator from New Hampshire, Mr. CHANDLER, a gentleman well known for his devotion to the Republican party, has testified with great emphasis and detail, and after deliberation reiterated it. His testimony has already been sufficiently and effectively presented in this debate. I now cite additional evidence from the New York

Evening Post of yesterday, leaving out names, because I dislike personal politics:

Mr. ——, when questioned as to the reports that he had solicited subscriptions from manufacturing establishments in the interest of ——, replied that "it was nobody's business." The Iowa State Register, ——'s organ, takes issue with this. "It is in the highest sense the public's business," it says; "the people have a right to know, and to demand to know, just what moneys are being used to promote the Presidential nominations. We are afraid that Mr. —— is not altogether blameless, or he would not have used such language. If he had been wholly blameless he would have availed himself of the opportunity to deny in toto the ugly charges which have been made against him in the East as well as by Mr. —— in Illinois."

The names that I have suppressed in this statement are the names of distinguished men.

Mr. GROSVENOR rose.

The SPEAKER pro tempore (Mr. HOPKINS). Does the gentleman from Georgia yield?

Mr. TURNER of Georgia. I do not; my time is too limited, Mr. Speaker.

Mr. GROSVENOR. Well, the gentleman——

Mr. TURNER of Georgia. The gentleman from Ohio has had his time, and in that time my good friend, while he stood over the grave of Robert Schenck and defended him against imputation, was carefully silent as to these current imputations upon the party of protection. [Applause on the Democratic side.]

And so, Mr. Speaker, Mr. Bayard's proposition and the demonstration of its truth are almost coincident. And it ought to be as the lightning, and then the thunder.

Let me remind gentlemen that we on this side, during the last Congress, offended protected interests by abating somewhat their power to tax, and that these same people are tempted on by the prospect and promise of an increase of their power to tax. Remembering that we on this side have as our allies only unpurchased freemen, I pause and ask my comrades here, if in the face of the inspiring struggle before us, are we to divide and go to pieces on temporary and transient issues when the great issue of freedom lies before us in the immediate future. [Applause on the Democratic side.]

Mr. Speaker, when these things are charged and said here at home they meet no denial; they meet no contradiction; no investigation is demanded; there is no challenge given to it; but if somebody on the other side of the ocean announces or demonstrates the vicious and corrupt tendencies of protection, this insolent power says to him, no matter how distinguished, "Silence, sir."

Mr. Speaker, so far from there having been any impropriety in the utterances at Edinburgh, the question was one rising high above all mere matters of taste, of courtesy, or of diplomatic propriety. It was a matter about which a patriot might anywhere speak as with a trumpet. It was an occasion on which he might speak, to be heard by all mankind, against the degradation and slavery and corruption of the system which he denounced. Sir, if I had it in my power, in face of the peril that confronts us and the country, denounced even by those who are quarreling about their rivalries and the preliminary division of the spoils—I say, sir, if I had my way I would put in every honest hand a whip to scourge this demon of protection naked through the world. [Applause on the Democratic side.] As the shadow of this great peril gathers around us and its gloom falls on the Capitol, I would kindle in that dome a light as a warning to my countrymen which should be as—

When the sun his beacon red
Had kindled on Ben Vorlich's head.

Another speech has been mentioned in these resolutions. It is said that on some occasion our ambassador indicted his countrymen as "violent and hot tempered." This latter occasion for impeachment was added to the resolution by the gentleman from Massachusetts [Mr. BARRETT], and yesterday, if I did not misunderstand him, he deprecated any condemnation on account of that incident. And to find another pretext for denunciation, that gentleman unearthed the well-known Dover speech of Bayard. That speech was made at a time when courage in civil life was as much required and of as high degree as that which animated men on the battlefield; but that speech was one of the bravest! But it belongs to a forgotten era; and since those who were our late enemies in civil war met with us around the base of a monument dedicated to the Confederate dead in the city of Chicago I have felt my heart warm anew to the Union. But, sir, let me not be diverted from what was said at the Boston grammar school in England.

Mr. Bayard had gone to that school as an invited guest, and great honor was done to him as the American ambassador. After two or three other speeches on that day, the health of the President of the United States was proposed as a toast, and he, according to custom, was called upon to respond. Certain words were uttered by him on that occasion of which a newspaper has given us the report to which reference has been made. We know not whether it is a literal and accurate report, but I enter no plea of that kind at this time. Take every word there uttered and embodied in this preamble as a basis for these resolutions, and at last you are bound to conclude that you have fired a great gun at nothing. [Laughter.] The whole Republican party is marching pell-mell against the statement that the American President is "a strong man" and that he is "governing," if you please, a people sometimes "violent."

Now, let me tell the House what was said of this same President, not by a Democratic ambassador, but by one who had been a Republican ambassador at the Court of St. James. I have here an address made by James Russell Lowell at the Harvard anniversary, at which Mr. Cleveland himself was a guest, and I will read to you what Mr. Lowell said of the President on that occasion. I do not know whether James Russell Lowell was a yeoman or a cavalier, a Roundhead or a Puritan. It makes no difference to me. He was one of the most delightful and scholarly authors of New England and one of the most distinguished Republicans of that party, and at that Harvard anniversary, speaking of President Cleveland, he said:

You all know that I can mean only the President of our Republic. His presence is a signal honor to us all, and to us all I may say a personal gratification. We have no politics here, but the sons of Harvard all belong to the party which admires courage, strength of purpose, and fidelity to duty, and which respects, wherever he may be found, the

Justum ac tenacem propositi virum,

who knows how to withstand the

Civium ardor prava jubentium.

Now, that is giving, in the elegant Latin of Horace, the very same idea in more intense form which Mr. Bayard expressed at Boston. But did anybody offer to impeach Mr. Lowell for that utterance? Was there any condemnation of that distinguished and scholarly man? Mr. Bayard was at a grammar school where this eloquent phrase of Horace mingled in the air and was understood by all.

In conclusion, Mr. Speaker, I want to add—and I add it with great pleasure—what Mr. Lowell further said of the same gentleman, the President of the United States:

He has left the helm of state to be with us here, and so long as it is intrusted to his hands we are sure that should the storm come he will say with Seneca's Pilot, "O Neptune, you may save me if you will: you may sink me if you will; but whatever happen, I shall keep my rudder true."

[Loud applause.]

Mr. HITT. Mr. Speaker, I yield six minutes to the gentleman from Nevada [Mr. NEWLANDS.]

Mr. NEWLANDS. Mr. Speaker, in common with many who have spoken on this subject, I have to say that as a member of the Committee on Foreign Affairs I regret that it has been necessary to take action upon this subject. That committee, acting with deliberation, called upon the President of the United States, first, to inform the House as to the accuracy of the quotations from Mr. Bayard's speeches which had been published in this country, and, second, whether any action had been taken by the Executive upon the subject. The reply came, practically substantiating the correctness of the quotations and stating that no action had been taken by the Executive.

It was expected that a President who was so prompt to act in the case of Sir Sackville West, whose offense was that he wrote to a fellow-countryman in California, an adopted citizen of the United States, a letter regarding an election then pending in the United States and commenting on conditions of domestic politics—that a President who was so prompt to give that representative of a foreign power his passports for a breach of diplomatic decorum, although the allusions in that letter to himself, to his policy, and to his party, were complimentary in the highest degree, would be prompt to respond by taking appropriate action with reference to the representative of this country bearing a like mission to England, representing the dignity and honor of his country there, and indulging in language of insult and reprobation regarding domestic policies of his own country, whether national or partisan, even though he lifted the Executive upon a pedestal of dignity and power and strength and contrasted him in most complimentary terms with a people strong and "violent," who needed to be obstructed in the measures which they proposed. We had a right to expect that the President would, by words of disapproval, by words of at least mild reproof, call the attention of Mr. Bayard to the requirements of the diplomatic service and to his breach of diplomatic propriety, and thus do away with the necessity for action by Congress upon this subject. But no such course was taken by the President, and it remains for us to assert the dignity of the nation. I have no question of our power, I have no question of our right, to censure any public servant so unmindful of the proprieties of his distinguished position.

The expressions which are complained of occur in two speeches, one delivered at Edinburgh and one at Boston in England. I shall have little to say with reference to the speech at Edinburgh, though it involved offensive criticism of the existing policy of a great party and what might be termed the national policy of the United States ever since the organization of our Government. I shall refer mainly to the Boston speech, in which the "strength" of the President of the United States was contrasted with the

"violence" of the people whom he "governed." I am aware, Mr. Speaker, that there are a great many persons of education, of refinement, in this country who have great admiration for the so-called strength of our President. I shall say nothing whatever in reprobation of his strength of will or his strength of purpose; but I take it that will and determination rightly exercised accomplish good, while will and determination wrongly exercised only make action more indefensible.

Now, it is this last kind of strength which the President of the United States has demonstrated to the country—the strength of *ob*struction, the strength of *de*struction, not the strength of *con*struction. Under his leadership an industrial and financial war has been waged upon the prosperity, the industries, and the energies of this people. He has sought to pull down the wall of protection which the policy of the country had erected for the protection, not only of American labor, but of American capital, for both are alike entitled to protection, and he has also sought to destroy the traditional financial policy of the country and to make gold the only medium of exchange and measure of value. The prostrated industries, the lowered values, the distress of the producers and debtors attest the strength of his obstructive and destructive power, which strength the ambassador to England so eloquently praises.

The SPEAKER. The time of the gentleman has expired.

Mr. HARTMAN. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended for five minutes.

Mr. STEELE. I object.

Mr. JOHNSON of Indiana. I understand, Mr. Speaker, that my colleague does not object to the extension of the gentleman's time, but only to the extension of the time for taking the vote.

The SPEAKER pro tempore. The Chair understands that the gentleman's time can not be extended without extending the time for taking the vote.

Mr. HITT. Mr. Speaker, I yield the remainder of my time to the gentleman from Texas [Mr. BAILEY].

The SPEAKER pro tempore. The gentleman from Illinois has ten minutes remaining.

Mr. HITT. Has the other side five minutes remaining?

The SPEAKER pro tempore. The other side has about three minutes remaining.

Mr. HITT. I yield the remainder of my time to the gentleman from Texas [Mr. BAILEY].

Mr. BAILEY. Mr. Speaker, if I could have controlled the matter now under consideration, I would not have brought it to the attention of this House; because I do not think that it is incumbent upon this body to scrutinize the speeches which a representative of this Government may deliver in a foreign country. But, sir, since the question is before us, and must be decided one way or the other, I shall not allow my judgment against bringing it here to influence my vote upon it now that it is here; nor shall I suffer myself to be diverted from the precise question which is before us by a partisan debate upon the tariff question, which is not before us.

To my mind it is perfectly clear that, in view of the position which he occupied, it was improper for Ambassador Bayard to discuss in another country a question which is seriously controverted in this country. That he should have done so, however, was hardly more than an exhibition of bad taste; or at worst, it was not more than a breach of official propriety, and does not deserve the formal censure which is now proposed against him. The overwrought passage in which he grossly exaggerated the degradation of American politics is objectionable, I grant you; but it is not so objectionable as to justify these proceedings, and if it constituted the only basis of these resolutions, I should feel constrained to vote against their adoption—not because I think the language free from criticism, but because I do not think it warrants this kind of criticism.

But, Mr. Speaker, the Boston speech, to my way of thinking, presents a very much more serious question. When a representative of this Government, surrounded by his English friends in a banquet hall, described his own countrymen as "a violent people who need to have their will obstructed," he committed an offense not merely against good taste and diplomatic etiquette but against common sense and sound patriotism. [Applause.] In this remarkable utterance Mr. Bayard shows himself ignorant of the character of our people, and hostile to the theory of our Government. A hundred years of orderly submission to the law repels the unjust charge that Americans are a people of violent disposition. Twice, sir, in our history a President has fallen under an assassin's hand; twice, the electoral college having failed to choose, this House has chosen a President; and once, amidst intense excitement, an extra-constitutional tribunal has declared a President elected. And yet, sir, each crisis was met and passed with a patriotic forbearance that has forever refuted the ancient calumny that free States are turbulent. [Applause.]

The ambassador has been defended with the suggestion that he did not mean what he said, and that his language, taken with what precedes and what follows, is not susceptible of the construction which has been placed upon it. I wish, Mr. Speaker, that I could be satisfied with that explanation, but unfortunately the connection in which the objectionable expression occurs confirms me in my objection to it. Mr. Bayard was extolling the President, and in order to exalt the magistrate he defamed the people. He sought to prove Mr. Cleveland's greatness by the fact that he governs a people who are difficult to govern.

My friend from Virginia yesterday asserted the truth of Mr. Bayard's accusation against our people and attempted to establish it by recalling the riots of the past. Unfortunately it is true that there have been occasional outbreaks; but will my learned friend hold all of the American people responsible for the deeds of violence which have now and then occurred in some isolated community? Suppose, sir, that he should stand before a temperance society in Great Britain and, intending to admit that some of our people are addicted to intemperate drink, should asperse us as a nation of drunkards. Or suppose he were attending the sessions of some benevolent society whose purpose it is to suppress the commission of crime, and, answering for his own constituents, he should be compelled to admit that now and then a murder stains the fair name of Old Virginia; if, then, some member of the association should rise and brand Virginians as a race of murderers, would he think the imputation just?

But, sir, the characterization of our people as violent is not more offensive than the statement that we frequently need to have our will obstructed. That the President should be praised for obstructing the public will is in itself subject to the most severe animadversion. The President, sir, is our servant, not our master, and it is his duty to enforce our decrees. Mr. Speaker, it is the special excellence of this system that within certain constitutional limitations which the people have voluntarily imposed upon their own power, the popular will is supreme and must be obeyed. I do not claim that the people are infallible. I do not say they are always right; for that would be ascribing to them collectively a wisdom which their wisest leaders can never hope to attain. But this I do say: It is infinitely better that the will of the people shall be fully and faithfully executed, even when they are wrong, than that their servants shall be taught the dangerous doctrine that it is a virtue ever to circumvent it. [Applause.] Sir, whoever declares that the American people need to have their will obstructed assails the very foundations of this Government; and the man who will stand before the subjects of a monarchy and stigmatize the citizens of this great Republic as a "violent people" is unworthy to represent this country anywhere or in any capacity. [Loud applause.]

Mr. HITT. Mr. Speaker, without occupying the few minutes remaining with further debate, I will ask that we now proceed to a vote.

The SPEAKER. The question is on agreeing to the resolutions.

Mr. WILLIS. Mr. Speaker, is it competent to have the resolutions voted on separately?

The SPEAKER. Under the rules the question can be divided.

Mr. WILLIS and Mr. DRAPER asked for a division of the question.

The SPEAKER. The question is on the adoption of the first resolution.

Mr. McCREARY of Kentucky. I wish to ask for information whether the vote will be taken on the preamble and the first resolution?

The SPEAKER. The Chair is inclined to think that would be substantially the case, because the resolution refers to the preamble.

Mr. McCREARY of Kentucky. The reason I asked the question was because I understood the Speaker to say the question would be on the first resolution. As I now understand, the first question will be on the adoption of the preamble and the resolution.

The SPEAKER. The vote will be taken on the first resolution.

Mr. McCREARY of Kentucky. Including the preamble?

The SPEAKER. It is for the House, after the resolution is acted on, to say what it will do with the preamble.

Mr. HITT. Mr. Speaker, the gentleman from Texas [Mr. BAILEY] has called attention to a word in the preamble which it would be better to put correctly. It seems to have been printed incorrectly in the report we have from the Secretary of State. We could not take liberties with that. In order to conform to the text as received from the Secretary of State I ask to insert, after the words "have their own way," in the preamble, the words "and men who seek to have that way frequently obstructed." I think that is erroneous; but those are the words that come from the Secretary of State, and, if there be no objection, I ask that that amendment be made in the quotation from the speech.

The SPEAKER. The Clerk will report the proposed amendment.

The Clerk read as follows:

In the preamble, after the words "have their own way," add the words "and men who seek to have that way frequently obstructed."

The SPEAKER. Without objection, the change will be made. The question is on the first resolution.

Mr. McCREARY of Kentucky. I ask for the reading of the resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

"Whereas Thomas F. Bayard, ambassador of the United States to Great Britain, said in a public speech delivered in Boston, England, on August 2, 1895, as follows:

"'He (the President of the United States) stands in the midst of a strong, self-confident, and oftentimes violent people—men who seek to have their own way, and men who seek to have that way frequently obstructed, and I tell you plainly that it takes a real man to govern the people of the United States;' and

Whereas Thomas F. Bayard, ambassador of the United States to Great Britain, said in a public speech delivered in Edinburgh, Scotland, on November 7, 1895, as follows:

"'In my own country I have witnessed the insatiable growth of that form of state socialism styled 'protection,' which I believe has done more to foster class legislation and create inequality of fortune, to corrupt public life, to banish men of independent mind and character from the public councils, to lower the tone of national representation, blunt public conscience, create false standards in the popular mind, to familiarize it with reliance upon state aid and guardianship in private affairs, divorce ethics from politics, and place politics upon the low level of a mercenary scramble, than any other single cause. * * *

"'It (the said policy of protection) has unhesitatingly allied itself with every policy which tends to commercial isolation, dangerously depletes the Treasury, and saps the popular conscience by schemes of corrupting favor and largesse to special classes whose support is thereby attracted. Thus it has done so much to throw legislation into the political market, where jobbers and chafferers take the place of statesmen;' Therefore,

Be it resolved, That it is the sense of the House of Representatives that Thomas F. Bayard, ambassador of the United States to Great Britain, in publicly using the language above quoted has committed an offense against diplomatic propriety and an abuse of the privileges of his exalted position, which should make him the representative of the whole country and not of any political party. Such utterances are wholly inconsistent with that prudent, delicate, and scrupulous reserve which he himself while Secretary of State enjoined upon all diplomatic agents of the United States. In one speech he affronts the great body of his countrymen who believe in the policy of protection. In the other speech he offends all his countrymen who believe that Americans are capable of self-government. Therefore, as the immediate representatives of the American people, and in their name, we condemn and censure the said utterances of Thomas F. Bayard.

Resolved further, That in the opinion of the House of Representatives public speeches by our diplomatic or consular officers abroad which display partisanship or which condemn any political party or party policy or organization of citizens in the United States are in dereliction of the duty of such officers, impair their usefulness as public servants, and diminish the confidence which they should always command at home and abroad.

The SPEAKER. The question is on agreeing to the first resolution.

Mr. McCREARY of Kentucky. Mr. Speaker, I ask for the yeas and nays on the adoption of the first resolution.

The yeas and nays were ordered.

The question was taken; and there were—yeas 182, nays 72, not voting 101; as follows:

YEAS—182.

Adams,	Dingley,	Kerr,	Ray,
Aitken,	Doolittle,	Kiefer,	Reeves,
Aldrich, Ala.	Ellis,	Kirkpatrick,	Reyburn,
Aldrich, Ill.	Evans,	Knox,	Royse,
Allen, Utah	Fairchild,	Lacey,	Sauerhering,
Apsley,	Faris,	Latimer,	Scranton,
Arnold, R. I.	Fletcher,	Layton,	Shafroth,
Avery,	Foote,	Lefever,	Sherman,
Babcock,	Foss,	Leighty,	Shuford,
Bailey,	Fowler,	Lewis,	Simpkins,
Baker, N. H.	Gamble,	Linton,	Smith, Ill.
Barham,	Gardner,	Long,	Smith, Mich.
Barrett,	Gibson,	Lorimer,	Snover,
Bartholdt,	Gillett, Mass.	Loud,	Sorg,
Beach,	Graff,	Loudenslager,	Spalding,
Belknap,	Griswold,	Low,	Sperry,
Bennett,	Grosvenor,	Mahon,	Stahle,
Bingham,	Grout,	Marsh,	Steele,
Bishop,	Grow,	McCall, Mass.	Stephenson,
Black, N. Y.	Hadley,	McClure,	Stewart, N. J.
Blue,	Hager,	McLachlan,	Stewart, Wis.
Boutelle,	Hainer, Nebr.	Meiklejohn,	Strode, Nebr.
Bowers,	Halterman,	Mercer,	Strong,
Brewster,	Hanly,	Miller, Kans.	Taft,
Broderick,	Harmer,	Miller, W. Va.	Tawney,
Brosius,	Hartman,	Milnes,	Tayler,
Bull,	Hatch,	Minor, Wis.	Thomas,
Calderhead,	Heatwole,	Mondell,	Tracey,
Cannon,	Henderson,	Moody,	Treloar,
Clark, Iowa	Henry, Conn.	Mozley,	Updegraff,
Clark, Mo.	Henry, Ind.	Murphy,	Van Horn,
Cockrell,	Hepburn,	Newlands,	Van Voorhis,
Codding,	Hilborn,	Noonan,	Wadsworth,
Cook, Wis.	Hill,	Northway,	Walker, Mass.
Cooper, Wis.	Hitt,	Otjen,	Wanger,
Corliss,	Hopkins,	Overstreet,	Watson, Ohio
Cousins,	Howell,	Pearson,	Wellington,
Crowther,	Hulick,	Perkins,	White,
Crump,	Huling,	Phillips,	Wilson, Idaho
Cummings,	Hunter,	Pickler,	Wilson, Ohio
Curtis, Iowa	Hyde,	Poole,	Wood,
Curtis, Kans.	Jenkins,	Powers,	Woodman,
Curtis, N. Y.	Johnson, Cal.	Prince,	Woomer,
Dalzell,	Johnson, Ind.	Pugh,	Wright.
Daniels,	Johnson, N. Dak.	Quigg,	
De Witt,	Joy,	Raney,	

NAYS—72.

Abbott,	Denny,	McCulloch,	Spencer,
Allen, Miss.	Dinsmore,	McDearmon,	Stallings,
Baker, Md.	Downing,	McLaurin,	Stokes,
Bartlett, N. Y.	Draper,	McMillin,	Sulzer,
Bell, Tex.	Elliott, S. C.	McRae,	Swanson,
Black, Ga.	Erdman,	Meredith,	Talbert,
Boatner,	Harrison,	Meyer,	Tate,
Clardy,	Hart.	Money,	Terry,
Cobb, Ala.	Hutcheson,	Neill,	Tucker,
Cobb, Mo.	Jones,	Ogden,	Turner, Ga.
Cooke, Ill.	Kendall,	Otey,	Turner, Va.
Cooper, Fla.	Kyle,	Owens,	Underwood,
Cooper, Tex.	Lawson,	Pitney,	Walsh,
Cox,	Little,	Price,	Wheeler,
Crisp,	Livingston,	Richardson,	Williams,
Crowley,	Lockhart,	Rusk,	Willis,
Culberson,	Maguire,	Sayers,	Woodard,
De Armond,	McCreary, Ky.	Sparkman,	Yoakum.

NOT VOTING—101.

Acheson,	Dayton,	Kem,	Russell, Conn.
Anderson,	Dockery,	Kulp,	Russell, Ga.
Andrews,	Dolliver,	Loisenring,	Settle,
Arnold, Pa.	Dovener,	Leonard,	Shannon,
Atwood,	Eddy,	Lester,	Shaw,
Baker, Kans.	Ellett, Va.	Linney,	Skinner,
Bankhead,	Fenton,	Maddox,	Southard,
Barney,	Fischer,	Mahany,	Southwick,
Bartlett, Ga.	Fitzgerald,	McCall, Tenn.	Stone, C. W.
Bell, Colo.	Gillet, N. Y.	McCleary, Minn.	Stone, W. A.
Berry,	Griffin,	McClellan,	Strait,
Bromwell,	Hall,	McCormick,	Strowd, N. C.
Brown,	Hardy,	McEwan,	Sulloway,
Brumm,	Harris,	McKenney,	Towne,
Buck,	Heiner, Pa.	Miles,	Tracewell,
Burrell,	Hemenway,	Milliken,	Tyler,
Burton, Mo.	Henrick,	Miner, N. Y.	Walker, Va.
Burton, Ohio	Hermann,	Morse,	Warner,
Catchings,	Hicks,	Moses,	Washington,
Chickering,	Hooker,	Odell.	Watson, Ind.
Clarke, Ala.	Howard,	Parker,	Wilber,
Coffin,	Howe,	Patterson,	Wilson, N. Y.
Colson,	Hubbard,	Payne,	Wilson, S. C.
Connolly,	Huff,	Pendleton,	
Cowen,	Hull,	Robertson, La.	
Danford,	Hurley,	Robinson, Pa.	

So the first resolution was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. HEMENWAY with Mr. ROBERTSON of Louisiana.

Mr. TRACEWELL with Mr. HENDRICK.

Mr. ANDREWS with Mr. MILES.

Mr. MILLIKEN with Mr. BANKHEAD.

Mr. HURLEY with Mr. PATTERSON.

Mr. HARDY with Mr. ELLETT of Virginia.

Mr. FISCHER with Mr. MADDOX.

Mr. LEISENRING with Mr. SHAW.

Mr. EDDY with Mr. MOSES.

Mr. WATSON of Indiana with Mr. WILSON of South Carolina.

Mr. CHARLES W. STONE with Mr. LESTER.

Mr. BURTON of Missouri with Mr. DOCKERY.

Mr. HOOKER with Mr. MCCLELLAN.

Mr. ODELL with Mr. TYLER.

Mr. LEONARD with Mr. BARTLETT of Georgia.

Mr. PARKER with Mr. COWEN.

For this day:

Mr. BARNEY with Mr. RUSSELL of Georgia.

Mr. WARNER with Mr. HALL.

Mr. KULP with Mr. MINER of New York.

Mr. RUSSELL of Connecticut with Mr. CLARKE of Alabama.

Mr. GRIFFIN with Mr. MCKINNEY.

Mr. COFFIN with Mr. STRAIT.

Mr. DAYTON with Mr. WASHINGTON.

Mr. FENTON with Mr. BERRY.

Mr. BURTON of Ohio with Mr. BUCK.

Mr. BROMWELL with Mr. CATCHINGS.

For this vote:

Mr. MORSE with Mr. FITZGERALD.

Mr. TAWNEY. Mr. Speaker, my colleague, Mr. TOWNE, is absent, but I am authorized to state for him that had he been present, he would have voted "yea."

Mr. DE ARMOND. My colleague, Mr. DOCKERY, is called away by the death of a kinsman. I ask that indefinite leave of absence be granted him.

There was no objection.

Mr. HENDRICK. Mr. Speaker, when my name was called I voted "nay." I wish to withdraw my vote. I am paired with the gentleman from Indiana [Mr. TRACEWELL]. If he were present, he would vote "yea" and I would vote "nay."

Mr. VAN VOORHIS. Mr. Speaker, my colleague, Mr. SOUTHARD, is absent attending the funeral of his father. If present, he would vote "yea."

Mr. RICHARDSON. Mr. Speaker, my colleague, Mr. WASHINGTON, is detained at his room by illness. If present, he would vote "nay."

The result of the vote was then announced as above recorded.

The SPEAKER. The first resolution is agreed to, and the question is on the second resolution.

Mr. HITT. I call for the yeas and nays on that.

Mr. WILLIS. I offer an amendment to the second resolution.

The SPEAKER. The Chair thinks that can only be done by unanimous consent.

Mr. WILLIS. I hope there will be unanimous consent to the addition of these words.

Mr. PEARSON. I object.

The SPEAKER. Objection is made.

Mr. HEPBURN. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 192, nays 59, not voting 104; as follows:

YEAS—192.

Acheson,	De Witt,	Joy,	Raney,
Adams,	Dingley,	Kem,	Ray,
Aitken,	Doolittle,	Kerr,	Reeves,
Aldrich, Ala.	Draper,	Kiefer,	Reyburn,
Aldrich, Ill.	Ellis,	Kirkpatrick,	Royse,
Allen, Miss.	Evans,	Knox,	Sauerhering,
Allen, Utah	Fairchild,	Lacey,	Scranton,
Apsley,	Faris,	Layton,	Shafroth,
Arnold, R. I.	Fletcher,	Lefever,	Sherman,
Avery,	Foot,	Leighty,	Shuford,
Bailey,	Foss,	Lewis,	Simpkins,
Baker, Kans.	Fowler,	Linton,	Skinner,
Baker, Md.	Gamble,	Long,	Smith, Ill.
Baker, N. H.	Gardner,	Lorimer,	Smith, Mich
Barham,	Gibson,	Loud,	Snover,
Barrett,	Gillett, Mass.	Loudenslager,	Sorg,
Bartholdt,	Graff,	Low,	Spalding,
Beach,	Griswold,	Mahon,	Sperry,
Belknap,	Grosvenor,	Marsh,	Stable,
Bell, Colo.	Grout,	McCall, Mass.	Steele,
Bennett,	Grow,	McClure,	Stephenson,
Bingham,	Hadley,	McLachlan,	Stewart, N. J.
Bishop,	Hager,	Mercer,	Stewart, Wis.
Blue,	Hainer, Nebr.	Miller, Kans.	Stokes,
Boutelle,	Halterman,	Miller, W. Va.	Strode, Nebr.
Bowers,	Hanly,	Milnes,	Strong,
Brewster,	Harmer,	Minor, Wis.	Strowd, N. C.
Broderick,	Hartman,	Mondell,	Taft,
Brosius,	Hatch,	Moody,	Tawney,
Bull,	Heatwole,	Mozley,	Tayler,
Calderhead,	Henderson,	Murphy,	Thomas,
Cannon,	Henry, Conn.	Newlands,	Tracey,
Clark, Mo.	Henry, Ind.	Noonan,	Treloar,
Codding,	Hepburn,	Northway,	Updegraff,
Connolly,	Hilborn,	Otjen,	Van Horn,
Cook, Wis.	Hill,	Overstreet,	Van Voorhis,
Cooke, Ill.	Hitt,	Owens,	Wadsworth,
Cooper, Wis.	Hopkins,	Pearson,	Walker, Mass.
Corliss,	Howell,	Pendleton,	Wanger,
Cousins,	Hulick,	Perkins,	Watson, Ohio
Crowther,	Huling,	Phillips,	Wellington,
Crump,	Hunter,	Pickler,	White,
Cummings,	Hutcheson,	Pitney,	Willis,
Curtis, Iowa	Hyde,	Poole,	Wilson, Idaho
Curtis, Kans.	Jenkins,	Powers,	Wilson, Ohio
Curtis, N. Y.	Johnson, Cal.	Prince,	Wood,
Dalzell,	Johnson, Ind.	Pugh,	Woomer,
Daniels,	Johnson, N. Dak.	Quigg,	Wright.

NAYS—59.

Abbott,	Denny,	McCulloch,	Sulzer,
Bartlett, N. Y.	Dinsmore,	McDearmon,	Swanson,
Bell, Tex.	Downing,	McMillin,	Talbert,
Black, Ga.	Elliott, S. C.	McRae,	Tate,
Boatner,	Erdman,	Meredith,	Terry,
Clardy,	Harrison,	Meyer,	Tucker,
Cobb, Ala.	Hart,	Money,	Turner, Ga.
Cobb, Mo.	Jones,	Neill,	Turner, Va.
Cockrell,	Kyle,	Ogden,	Underwood,
Cooper, Fla.	Lawson,	Otey,	Walsh,
Cooper, Tex.	Little,	Richardson,	Wheeler,
Cox,	Livingston,	Rusk,	Williams,
Crisp,	Lockhart,	Sayers,	Woodard,
Crowley,	Maguire,	Sparkman,	Yoakum.
Culberson,	McCreary, Ky.	Stallings,	

NOT VOTING—104.

Anderson,	De Armond,	Kendall,	Price,
Andrews,	Dockery,	Kulp,	Robertson, La.
Arnold, Pa.	Dolliver,	Latimer,	Robinson, Pa.
Atwood,	Dovener,	Leisenring,	Russell, Conn.
Babcock,	Eddy,	Leonard,	Russell, Ga.
Bankhead,	Ellett, Va.	Lester,	Settle,
Barney,	Fenton,	Linney,	Shannon,
Bartlett, Ga.	Fischer,	Maddox,	Shaw,
Berry,	Fitzgerald,	Mahany,	Southard,
Black, N. Y.	Gillet, N. Y.	McCall, Tenn.	Southwick,
Bromwell,	Griffin,	McCleary, Minn.	Spencer,
Brown,	Hall,	McClellan,	Stone, C. W.
Brumm,	Hardy,	McCormick,	Stone, W. A.
Buck,	Harris,	McEwan,	Strait,
Burrell,	Heiner, Pa.	McKenney,	Sulloway,
Burton, Mo.	Hemenway,	McLaurin,	Towne,
Burton, Ohio	Hendrick,	Meiklejohn,	Tracewell,
Catchings,	Hermann,	Miles,	Tyler,
Chickering,	Hicks,	Milliken,	Walker, Va.
Clark, Iowa	Hooker,	Miner, N. Y.	Warner,
Clarke, Ala.	Howard,	Morse,	Washington,
Coffin,	Howe,	Moses,	Watson, Ind.
Colson,	Hubbard,	Odell,	Wilber,
Cowen,	Huff,	Parker,	Wilson, N. Y.
Danford,	Hull,	Patterson,	Wilson, S. C.
Dayton,	Hurley,	Payne,	Woodman.

So the resolution was agreed to.

Mr. BARTLETT of Georgia. Mr. Speaker, I am paired on this vote with the gentleman from Pennsylvania, Mr. LEONARD. If he were present, he would vote "yea" and I would vote "nay."

Mr. KIEFER. Mr. Speaker, my colleague, Mr. MCCLEARY, I am informed, is at home, unable to be here. If he were present, he would vote "yea" on both resolutions.

The vote was then announced as above recorded.

On motion of Mr. HITT, a motion to reconsider the vote by which the resolutions were agreed to was laid on the table.

The SPEAKER pro tempore (Mr. HOPKINS). The question now is on the adoption of the preamble accompanying the resolutions.

The preamble was agreed to.

On motion of Mr. HITT, a motion to reconsider the vote by which the preamble was agreed to was laid on the table.

ADJOURNMENT OVER.

Mr. DINGLEY. Mr. Speaker, I move that when the House adjourn to-night it be to meet on Monday next.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. SHERMAN. Mr. Speaker, I desire to present a conference report.

Mr. BAILEY. Mr. Speaker, I believe there was no regular order made to consider the contested-election case of Benoit against Boatner. Was there only an understanding that it would be called up?

The SPEAKER pro tempore. The Chair thinks there was no order.

Mr. BAILEY. I think it was agreed by unanimous consent that it was to be taken up immediately after the passage of the resolutions.

The SPEAKER pro tempore. It was to be taken up immediately after the disposition of the resolutions that have just been disposed of.

Mr. JOHNSON of Indiana. Mr. Speaker, I now call up the contested-election case of Benoit against Boatner, and yield to the gentleman from Ohio [Mr. TAYLER], who made the majority report.

The SPEAKER pro tempore. A conference report is a privileged report.

Mr. BAILEY. Mr. Speaker, if the gentleman from New York thinks his report will not take any time, I desire——

Mr. SHERMAN. It will take but a moment.

ARKANSAS NORTHWESTERN RAILWAY COMPANY.

Mr. SHERMAN. I present a conference report on the bill (H. R. 5564) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 5564, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments to the House bill and agree to the bill as passed by the House.

JAMES S. SHERMAN,
JOHN S. LITTLE,
On the part of the House.

RICHARD F. PETTIGREW,
WILLIAM N. ROACH,
On the part of the Senate.

The report of the committee of conference was agreed to.

CONTESTED-ELECTION CASE—BENOIT AGAINST BOATNER.

Mr. TAYLER. Mr. Speaker, I offer the resolution of the majority of the Committee on Elections No. 2 in the case of Benoit against Boatner, and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That there was no valid election held in the Fifth Congressional district of the State of Louisiana on the 6th day of November, 1894, and that neither Alexis Benoit nor Charles J. Boatner is entitled to a seat in the Fifty-fourth Congress as Representative from the Fifth Congressional district of Louisiana.

Mr. BAILEY. Mr. Speaker, I desire to offer the following substitute.

The Clerk read as follows:

Resolved, That C. J. Boatner was elected a Representative to the Fifty-fourth Congress from the Fifth Congressional district of Louisiana on the 6th day of November, 1894, and is entitled to his seat as such.

Mr. TAYLER. Mr. Speaker, an arrangement has been made between the majority and the minority of the Committee on Elections No. 2 that a vote shall be had on these resolutions at 4 o'clock, and that the intervening time shall be occupied by a representative of each side reading so much of the two reports as may be thought necessary for the advisement of this House as to the determination of the committee, and that the contestee, in addition to reading such portion of the minority report as he may desire to read, shall have the right, without discussion, to state briefly the reasons why he is willing that this matter should be presented to the House without debate and a vote taken and determination had

to-day. And I desire to say, further, that the arrangement is, with the consent of the House, that the majority and minority reports be printed in full in the RECORD as part of the proceedings of the day. To carry out the arrangement, as far as it devolves upon me to do so, I shall proceed for a moment to read for the information of the House from the report of the majority. I ask unanimous consent for that purpose.

Mr. PITNEY. Is there to be any contest?

Mr. TAYLER. There is not.

Mr. PITNEY. Then what is the meaning of the resolution that has been offered by the gentleman from Texas [Mr. BAILEY]?

Mr. TAYLER. That is the usual form in which these matters are presented to the House.

Mr. PITNEY. Then the case is uncontested?

Mr. TAYLER. It is contested; and there is a minority report.

Mr. PITNEY. I should like to have some reason given for action practically without debate in this contested-election case.

Mr. BAILEY. Mr. Speaker, we are unable to hear what the gentleman from New Jersey says.

Mr. PITNEY. Mr. Speaker——

Mr. TAYLER. Mr. Speaker, I ask unanimous consent that the programme which has been outlined be carried out.

The SPEAKER pro tempore. One moment. Unanimous consent is asked that a vote be had on the pending resolutions at 4 o'clock, and that the intervening time be taken up by the parties in interest, or their representatives, in the reading of such parts of the reports as may be deemed advisable. Is there objection? The Chair hears none, and it is so ordered.

Mr. PITNEY. Mr. Speaker, I rose for the purpose of asking an explanation pending the request for unanimous consent, and asked to be recognized, but the Chair set me aside for the purpose of stating the proposition——

The SPEAKER pro tempore. The Chair did not understand that the gentleman made any objection.

Mr. PITNEY. Well, before giving my consent, I want to know whether there is a real contest here or not. If there is no actual contest, I do not want any unnecessary time to be occupied in considering the case, but if there is a real contest I think there ought to be a little more time for discussion than three-quarters of an hour.

Mr. JOHNSON of Indiana. Mr. Speaker, I will say to the gentleman that there is here a contest by Mr. Benoit against Mr. Boatner, the sitting member. This case has been heard in the committee, and two reports have been presented: First, the report of the committee declaring the seat vacant and the election void; and second, the report of the minority presenting the resolution submitted by the gentleman from Texas [Mr. BAILEY]. It was the intention of the committee to have called this case up in the regular way next week and to have debated it fully, and they were prepared to do so, but Mr. Boatner suggested that he would like to have the case called up to-day and disposed of at the earliest possible moment, for the reason that in the event of the House adopting the report of the committee declaring the seat vacant, to-morrow would be the last day on which, under the law of Louisiana, the governor could give notice of an election to fill the vacancy to be held at the same time as a general election which is now pending in that State. Therefore, it is for the purpose of accommodating the contestee that this agreement has been entered into. The proposition was that the case should be brought before the House; that perhaps twenty minutes should be given to each side to discuss it, and then that a vote should be had. This, I say again, is done for the purpose of accommodating the contestee, so that in the event that the House shall indorse the report of the committee, an opportunity will be given to submit to the people of the district the question of who shall be his successor at a general election which is soon to be held in the State of Louisiana. I ask the gentleman from Texas [Mr. BAILEY] if I am not correct in this statement?

Mr. BAILEY. The gentleman is correct, with this modification, that it is not so much for the accommodation of the contestee as it is for the accommodation of the constituency, the people of that district.

Mr. JOHNSON of Indiana. Oh, well, I am not particular about how the gentleman puts the case.

Mr. BAILEY. I will not quibble with the gentleman about it.

Mr. JOHNSON of Indiana. The agreement that we have entered into simply shows that we are willing to accommodate somebody, and I am not particular about what special person or persons shall appear to be the objects of our accommodation and kindness.

Mr. BAILEY. The gentleman's statement is substantially correct.

Mr. JOHNSON of Indiana. The point was made, first, that in the event of the sitting member being unseated, the people of that district had a right to be represented upon this floor, which seemed to be an undeniable proposition; and, second, that if they were entitled to representation they were entitled to be saved the expense of a special election, if that could be done; which also seemed to me unanswerable.

Mr. BAILEY. That is the ground upon which the agreement was proposed.

Mr. JOHNSON of Indiana. And it was thought best that the agreement should be put in the form I have stated, so that the case might be disposed of to-day.

The SPEAKER pro tempore. Is there objection?

Mr. PITNEY. Mr. Speaker, if the request is joined in by the gentleman from Louisiana himself [Mr. BOATNER], I do not want to obstruct the arrangement.

Mr. BOATNER. I will say to the gentleman that the arrangement was made at my request.

The SPEAKER pro tempore. Is there objection?

There was no objection, and it was so ordered.

Mr. TAYLER read the report of the committee, as follows:

The Committee on Elections No. 2, to whom was referred the contested election case of Alexis Benoit *vs.* Charles J. Boatner, from the Fifth Congressional district of Louisiana, having considered the testimony and heard arguments on behalf of the respective parties, submit the following:

The Fifth Congressional district of Louisiana is composed of 15 parishes, as follows: Caldwell, Claiborne, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Morehouse, Madison, Ouachita, Tensas, Richland, Union, West Carroll.

The Congressional election held November 6, 1894, was the only election held in Louisiana on that day. The result, as canvassed and promulgated by the secretary of state, was as follows:

Parish.	C. J. Boatner.	Alexis Benoit.
Caldwell	467	318
Claiborne	938	819
Catahoula	589	396
Concordia	2,109	20
East Carroll	2,010	6
Franklin	637	420
Jackson	212	526
Lincoln	443	1,100
Morehouse	691	381
Madison	1,968	55
Ouachita	2,548	642
Tensas	1,037	.....
Richland	663	307
Union	765	945
West Carroll	443	59
Total	15,520	5,994

The majority for Boatner over Benoit on these returns appears to be 9,526.

This district is bounded on the north by the State of Arkansas and on the east by the Mississippi River. The Ouachita River flows through the district, but the greater part of the district lies on the east side of that river.

The parishes of Union, Claiborne, Lincoln, and Jackson lie west of the Ouachita, and no claim was made by the contestant that in them the election was not held with entire fairness. No testimony was offered respecting the conduct of the election in West Carroll Parish except to correct a clerical error concerning which there is no dispute.

The controversy, therefore, is confined to the remaining 10 parishes, viz: East Carroll, Madison, Tensas, and Concordia, which are called the "river parishes," lying as they do along the Mississippi River, and Morehouse, Richland, Franklin, Catahoula, Caldwell, and Ouachita, which lie west of the river parishes, and are either bounded or cut by the Ouachita River.

The following table shows the vote in 1894, and the white and colored voting population, by the census of 1890, in the 10 contested parishes:

Parish.	Boatner.	Benoit.	White males over 21.	Colored males over 21.	Total population of voting age.
Caldwell	467	318	595	582	1,177
Catahoula	589	396	1,495	936	2,431
Concordia	2,109	20	609	3,050	3,659
East Carroll	2,010	6	315	2,731	3,046
Franklin	637	420	701	768	1,469
Morehouse	691	381	828	2,615	3,443
Madison	1,968	55	340	3,027	3,367
Ouachita	2,548	642	1,441	2,547	3,988
Tensas	1,037	.....	401	3,646	4,047
Richland	663	307	818	1,557	2,375
Total	.....	.....	7,543	21,459	29,002

NOTICE OF CONTEST.

The contestant, on the 16th day of January, 1895, caused to be served, at the place of residence of the contestee, a copy of his notice of contest. The contestee at that time was absent from the State of Louisiana, and it is admitted that, under the law of that State it is sufficient notice of any suit to make service of the same at the place of residence of the defendant.

The contestee moved to dismiss this proceeding on the ground that no proper notice of contest was served upon him as required by the Revised Statutes.

The committee was of the opinion and held that the service of the notice in the manner stated was sufficient under the United States statutes, and was precisely the kind of notice which was held to be sufficient in the case of Manzanares *vs.* Luna, Forty-eighth Congress. (Moberly's Dig., 61.)

The contestee duly served upon the contestant his answer, and the parties proceeded to take testimony in all respects as if no question had been raised as to validity of contestant's service of notice.

The contestant's notice of contest, while in general terms, was not seriously questioned as to form, and sufficiently covered the various claims made upon the testimony and in the arguments.

THE LAW OF LOUISIANA.

It is not necessary to refer with any prolixity to the election law of Louisiana, but the substance of some provisions must be quoted.

It is provided by the general election laws of 1894, in section 12, that elections shall be presided over by six commissioners and two clerks of elections, all of whom shall be residents and qualified voters of the precincts. The commissioners shall be selected from opposing political parties, provided a sufficient number of each political party reside in the precinct competent to act. The right is given to each political party to designate one person to have access to the polling booth and to witness the voting as well as the counting.

Section 14 provides that before entering upon the discharge of their duties commissioners and clerks must take the oath prescribed by article 100 of the constitution.

Section 19 provides that the registering officers of each parish shall deliver to the sheriff of each parish, at least twenty-four hours before the time fixed for opening the polls, a list of voters registered for each polling place. The list shall be in alphabetical order and shall contain the registration number of each voter. It shall be the duty of the commissioners of each precinct to erase the name of each voter when he has voted.

Section 26 provides that no person shall be permitted to vote who has not duly registered as a qualified voter in accordance with the law in the ward and precinct in which he actually resides.

Section 29 provides that any citizen of the State or commissioner of election shall have the right to require that any voter offering shall be put upon his oath and made to declare whether he is the person registered or has voted, or is a duly qualified elector of the State, parish, ward, or precinct in which he offers. A false oath by such voter subjects him to penalties for perjury; but such affidavit or affidavits herein required must be in writing and returned as a part of the election returns, to be deposited in the office of the clerk.

Section 36 provides that the commissioners of elections shall keep a list of the persons voting at the polling place, which shall be numbered from one on consecutively, such list to be kept numbered and to be signed and sworn to as correct by the commissioners immediately on closing the polls. When the count is completed the commissioners are required to make triplicate compiled statements of the persons voted for, the number of ballots contained in the box, and the number of ballots rejected; and these statements shall be sworn to by the commissioners. One copy of the statements, tally sheets, and list of persons voting is forwarded to the secretary of state and the other two sets returned to the parish board of supervisors.

Section 37 provides for the compilation by the parish board of supervisors of the total vote of the various polling places, and directs that the compiled statements be forwarded to the secretary of state.

EAST CARROLL, MADISON, CONCORDIA, AND TENSAS.

Proceeding now to an examination of the evidence in this case, we consider first the river parishes, viz, East Carroll, Madison, Tensas, and Concordia. As graphic and suggestive a view of conditions in these precincts as could be presented will be manifest by an examination of the following tabular statement of the vote at the Congressional election in 1894, and the character of the population.

Parish.	Boatner.	Benoit.	White males over 21.	Colored males over 21.
Concordia	2,109	20	609	3,050
East Carroll	2,010	6	315	2,731
Madison	1,968	55	340	3,027
Tensas	1,037	.....	401	3,646
Total	7,124	81	1,665	12,454

It is certainly very suggestive that in four parishes where the male whites of voting age number 1,765 the Democratic vote should be 7,124, and that while the colored voting population is 12,454 the vote in opposition to the Democratic candidate should be only 81. The reasons for this condition are not difficult to find.

If the election returns from these parishes are reliable, it appears that not only have the negroes gone over to the Democratic party in great numbers, but that they are unanimously voting that party ticket. Yet the fact is, and appears in this case, that they are Republicans almost to a man.

In the main the same general plan prevailed of conducting in these parishes what are by courtesy styled elections. One scheme and principle dominated in all of them.

This is graphically and frankly described by G. W. Montgomery, a Democrat and supporter of the contestee and now and for twelve years a State senator from the twenty-fifth district of Louisiana. Mr. Montgomery, on page 38, in answer to a question as to whether or not he advocated a fair count, a fair vote, said:

"I recognized in the ranks of the opposition men who had hitherto helped fight the battle of Democracy, and felt that no attacks upon their rights could be made without an irreconcilable breach. I furthermore felt that if Mr. Boatner had a majority of the white people of the district, that he had no need to ask for irregular methods, and if Mr. Benoit had a majority of the white people supporting his cause, I could not, without violating the principles of white supremacy, for which I have fought for a quarter of a century, ask for anything more than a square count."

Q. Was there a square election in the parish of Madison?

A. I will say that the election was as fair as usual.

Q. How are they usually?

(Contestee objects to investigation of any other election except the last one.)

A. They are usually fair enough to put the white people in control of parochial matters.

Q. How is this done; by counting the negro vote?

A. As a rule it is.

Q. Is this done whether the race is between Democrats or Republicans or between Democrats and Democrats?

A. I will say of recent years it will apply to both with impartiality; the race between Foster and McEnery evidences this fact.

For the leading Democratic politician and statesman in these river parishes to assert that the rule prevailing there is "to put the white people in control by counting the negro vote" is an admission, by one who knows, of everything for which this report contends.

How this negro vote could be thus counted is plainly apparent from the evidence in the record.

The condition of things referred to by Senator Montgomery had continued so long that residents of the river parishes had ceased to expect fair elections; the mode of counting the negroes was perfectly and universally understood and by no one ever questioned; the public conscience was debauched and demoralized; the colored voter was hopeless and helpless.

Yet it was necessary to use the machinery of elections—to go through the form of holding an election—and to make certain formal returns which might suffice to insure the election of the Democratic candidates.

In one parish the registration list was enormously padded; in another, where the total registration list was about 1,000, over 2,000 voters were returned as polled. It is safe to assert that not 300 votes were actually cast in the entire parish. In one precinct, for example, the registered number of voters was 83; the number returned as cast was 442.

The poll books and tally sheets from almost every precinct of these parishes have disappeared from the sight of man. Although great diligence was used to discover them, not one could be found; nor could any witness, whether commissioner or clerk, be discovered who knew anything about them. Many commissioners of election refused to obey subpœnas; some who responded refused to testify, or, testifying, refused to answer on the ground that the answers might tend to criminate them; some, acting under legal advice, refused to answer any question respecting the returns on the ground that the returns themselves were the best evidence; others refused to give information as to the whereabouts of poll books and tally sheets on the ground that they were not the lawful custodians of them, and were not bound to furnish information respecting them.

One commissioner, working in a field, saw the notary approaching and literally took to the woods, and so far as the evidence shows has not since been heard of.

The poll book in one parish was padded, and the registration numbers increased in one instance by skipping from 99 to 1,000, and in other instances jumping in similar manner 900 numbers, so that the total registration appeared to be something over 8,000. The registrar of voters who came into office in 1888 opened a new book beginning with No. 1, and at the time of the election of 1894 had only 670 names on his list. If it had been possible to obtain the poll books much light as to the details of the conspiracy might have been obtained.

Very few of the returns are sworn to. This important and mandatory requirement was neglected, doubtless because the commissioners thought that whatever crime they might be guilty of the charge of perjury could not be laid at their door. The sensitive conscience of these election officers, who would deliberately defile and pollute the ballot box, revolted against making oath to a lie.

In some precincts the returns were signed in blank and not even one of the officers thus signing does reverence to his own certificate.

The claim is gravely made by prominent Democrats respecting these as well as the other parishes in which the negro vote is large that the owner of a plantation has a right to vote the negroes who work for him; and in some quarters conflict arose between white Democrats and Populists, the latter contending for the same privilege of voting their negroes which they had exercised when they were Democrats. The testimony shows that very few voters undertook to vote, and that the commissioners of election counted such number of ballots for the contestee as they thought the exigencies of the case required.

In all of these parishes it is clearly apparent that no Democrat recognizes the right of a negro to cast a vote according to his own will, and that whether he votes or not is a matter entirely immaterial to the commissioners of election or the candidates. If the negro votes, he is compelled to vote the Democratic ticket; if he does not vote, he is counted as having voted the Democratic ticket.

The right of suffrage in these parishes is a farce. No witness, Democrat, Populist, or Republican, who was questioned upon the subject pretended that any election there; in so far as the negro vote was concerned, was fair. No one pretends that the negro will be permitted to vote unless he votes according to the direction of a Democratic employer or a Democratic leader, and the best that could be said of the election of 1894 is that it was not any worse than its predecessors.

The contestee, Boatner, admitted in his written statement filed with the committee that of the 7,124 votes counted for him in these four parishes, over 6,000 ought to be excluded.

It is doubtless true that the election in the four river parishes November 6, 1894, was the quietest known for many years. It appears from the evidence that very few electors voted; probably not more than one to every five returned.

It is doubtless true, also, that the election in these parishes was as fair as any they have had for years, except in the gubernatorial contest of 1892.

The fact is that it has come to be a part of the political life of those parishes—a necessity to the dominant spirits there—that elections shall be absolutely controlled in the interests of the Democrats, and that they are ready and able to return any majority which may be considered necessary. It would have been quite as easy for these people to return a majority of 10,000 or 12,000 for Boatner as it was to return the majority of 7,000. In a word, all appearance, all pretense of fair elections has been abandoned; everybody recognizes and admits it.

CATAHOULA PARISH.

In the parish of Catahoula the same character of fraud was perpetrated as in the river parishes, with the addition that the alphabetical mode of voting people who were dead or not at the polls was to some extent resorted to. We know this, because it so happens that, while the original voting list of the precinct known as Sicily Island was not in evidence and was lost, a copy of it made before it was lost was sworn to and put in evidence. It is not only apparent from an inspection of this voting list that the election in that precinct was saturated with fraud, but several persons, who appear to have voted, testify that they did not vote, and others who were dead are reported as having voted. In that precinct the contestee is credited with all the votes that were cast, viz, 252. Naturally the returns are not sworn to, nor are they in Beards precinct, in which the contestee is credited with 126—all of the votes reported as cast in the precinct. In other precincts of this parish, also, the returns are not sworn to.

MOREHOUSE, CALDWELL, AND FRANKLIN PARISHES.

In Morehouse, Caldwell, and Franklin enough intimidation was resorted to to prevent any interference by Republicans or Populists in such portions of the parish as the Democrats desired to control. For instance, P. C. Overby, a lifelong resident of Morehouse Parish, a white man, a sugar planter, who advocated the election of the contestant, testifies, on page 140:

"I live in the Seventh Ward, said parish of Morehouse, La. With the exception of about three years I have lived in the parish all my life. I was appointed a commissioner of Congressional election held November 6, 1894. I did not serve. I felt certain that it would cost me my life to serve. I had been told that if I came to the polls on that day that I had better come heavily armed. I am a Populist. I was told this by the opposition Democrats. I was busy making sirup at my cane mill on morning previous to the election, November 5, 1894; I was called upon by a party of eight supporters of Colonel Boatner and told that I was advocating against their interest in working for Mr. Benoit. These parties were all white. It may be that one or two of them were not of age, but were able to bear arms. The spokesman of the crowd stated that they fed the negro and proposed to vote them. He stated further that as between the two candidates they had no special preference, but were afraid to allow the negro to vote at all, lest in future elections there might be a Republican candidate, in which event the negro would wish to support the Republican; that if he was allowed to vote now as he wanted to they would have considerable trouble to prevent them voting Republican. I told them that I could not see wherein the election of Mr. Benoit would be in any wise detrimental to their interests, for the fact that my interests were

the same as theirs, practically; that I considered in supporting Mr. Benoit that I was working for my interest and equally as much for theirs. After some discussion on the matter, I told them that so far as electioneering was concerned I was perfectly willing that there should be no more done. The spokesman then invited anyone else of his party to say to me anything that he saw fit, or something to that effect, stating that he had about said all that he thought was necessary. Another member of the crowd addressed me thus: 'As second spokesman of this crowd, I want to say to you that unless you stop using your influence for Mr. Benoit you will not be permitted to live in this country.' I replied that I could die here. He retorted, 'It will be a noble death, but you will have it to do;' and he told me to be a man or a mouse, and I replied, with some asperity, that I would be a man pretty quick if the rest of the gentlemen would see fair play. I had previously made a speech in favor of Mr. Benoit at Gallion, in which I stated my intention as a commissioner of the approaching election to use my utmost endeavors in the interest of fairness. At the time of this attack or visit, another member of this party took exception to this remark. Considerable discussion followed between him and myself. I reminded him of the fact that he himself had made the same assertion in a speech following mine, on the same occasion. I also asked him why he called on me to speak if he didn't expect me to do what I could in the interest of my candidate. He replied that he thought that I would make a speech on broad and patriotic principles. I don't know what he meant by this remark, unless he meant that I would make a speech for Mr. Boatner. They all contended that they did not intend to allow negroes to vote for Mr. Benoit. I told them that I still intended to arm myself and go to the polls and perform my duty as commissioner of election. Finally, they became so vehement in their language, and believing that they were fully determined to carry into execution their various threats, I decided in my mind, in view of their superior numbers, that it would be foolhardy in myself to uselessly sacrifice my life. At this time they were about on the point of departure; I asked them to wait a few moments until I could come to a more definite conclusion about the matter. After considering the matter a few moments I arrived at the above-mentioned conclusion, and told them to hear me. I told them that I wanted them to distinctly understand that in making this concession that it was not through fear of them, that I did not value my life so highly, but for the reason that I had a family of six small children and a wife who would be left in bad condition financially were I to be taken from her at the time. They then rode off and I turned back into my mill room, and as I did so I heard the remark made by one of them: 'He had more sense than I thought he had.' During the time of this visit there was a great deal more said on both sides of a similar nature, but I believe that this is about the substance and will convey a correct idea of what was done and said, and the object and intent of the visit, on the part of the Democrats. This visit had the effect of keeping me from attending the polls and voting and from acting as commissioner of election."

The rule seems to be well established in this Congressional district that a planter has a right to vote all the negroes in his employ without any interference from anyone.

E. Girod, who has resided in Caldwell Parish all his life, a Democrat, for six years sheriff of the parish, present member from that parish of the Democratic State central committee and a former deputy United States internal-revenue collector under Cleveland's first Administration, testifies as follows, on page 23:

"It is the practice and avowed purpose of the managers on the river to vote the negroes on their plantations. Some of the voters came to me on the day of election. They were negro voters. There were two negro voters from that ward that came to me and stated that they had escaped some men that were hunting them and asked me to protect them. They claimed that they did not want to vote for Mr. Boatner, and stated that they had been told that they would not be allowed to vote for anyone else. One of these negroes stated who was hunting them; said it was J. S. Swift, C. B. Smith, and Dick Milner. These last three mentioned men are supporters of Mr. Boatner. C. B. Smith lives in town; the other lives in Ward 1. C. B. Smith is the man called Neb Smith by McClanahan and Humphries. At that time Neb Smith was a resident of Ward 4."

Q. Mr. Girod, is it not a fact that planters and their managers on river places in Caldwell Parish usually vote their negro laborers and tenants?

A. Yes.

Q. Mr. Girod, is it not also true that they very seldom meet with any difficulty whatever in persuading their negro laborers and tenants to vote with them unless meddled with by outside persons who have no interest in their welfare?

A. I will state that it is a fact that the planters never have any trouble in voting their labor when the planters are united in the support of one ticket.

Q. Mr. Girod, according to the theory of the river planters that the manager of the plantation should vote the hands, would the hands on the place managed by you in Ward 1 have voted for Boatner unless they were coerced to do so?

A. The hands on the plantation, with one exception, have told me since the election that they desired to vote for Benoit, but were told at the polls that they would not be permitted to do so; J. E. McClanahan managed St. Albin's plantation; Mrs. Smith owns a plantation in Ward 1, that was managed by L. H. Wooten, who lived on one adjoining; Mr. L. Wooten owns a place of his own; Mr. L. H. Wooten didn't support anybody; L. H. Wooten is an uncle to C. E. Wooten; C. S. Wooten was a supporter of Mr. Boatner. The planters, as a rule, in Ward 1, do not allow anyone opposed to them in politics to electioneer with their labor; they consider such, meddling with their hands. This rule is more strictly adhered to in national and Congressional elections than in local elections; in the former it is carried out strictly; Mr. I. McClanahan came to the polls in Ward 2 at about 12 or 1 o'clock on the day of election.

OUACHITA PARISH.

In this parish is situated the city of Monroe, where both contestant and contestee reside. It is claimed by the contestee that the best citizens of Monroe supported him, and this is no doubt true; but it appears as well that a considerable majority of the voting population in this parish are negroes, and that so much intimidation was used toward them, both on the day of election and prior to that time, and such steps were taken to make sure that every negro who voted the Populist ticket should be known, that it is not surprising that in a parish where the negroes outnumbered the whites almost two to one the Democratic candidate should receive 2,548 votes and the Populist 642.

It is perfectly apparent that notice was served upon the colored voters that they must vote open tickets, and as to some who were discovered voting for the contestant threats were made that they would hear later concerning their votes, and that watchers were posted at the polls to take down the names of such negroes as refused to vote an open ticket, or who openly voted the Populist ticket.

Much stress was laid upon the fact that some of the commissioners of election in the city of Monroe were recognized to be reputable citizens. A very cursory examination of the evidence in this case will disclose the proved fact that the reputable, no less than the disreputable, citizens believe in preserving white supremacy at any cost, and that in this election, while some protested that it made little difference to them, as between the contestant and contestee, which was elected, yet, that if the negroes were permitted on this occasion to vote any other than the Democratic ticket, a dangerous precedent would be set for future elections, and that it was quite as necessary to prevent votes for the Populist candidate as if the opposing candidate had been a Republican. It is quite as clearly apparent from the evidence respecting Ouachita parish as it is of the others that the owners of plantations claimed the right to vote their "niggers," and that no person representing any other party was permitted to electioneer among the colored men on their plantations.

Captain Weaks, formerly United States marshal for the western district of Louisiana, and not a supporter of either candidate, testifies (page 118) that it is a matter of general repute that the owners and managers of plantations in Ouachita vote the negroes as they please.

The claim of plantation managers in Ouachita to vote the negroes who worked for them raised an interesting ethical question respecting the right to vote negro renters. It is hoped that, in the interest of harmony, a speedy settlement may be had of this important question, which threatens to create warring factions among the Democratic leaders.

The testimony of Samuel Whited furnishes an interesting picture of the prevailing conditions and of the spirit of unrest as to who, if anyone, has the right to vote a negro who rents a farm and works for himself. He testifies as follows, on page 91:

Q. Did you meet any persons on the road home?

A. Yes, sir; several. I met six or seven men on horseback coming from the east this way; when I met them, riding horseback nearly past them, they stopped me; one said he wanted to speak to me. I stopped and told them all good evening, and asked what they wanted with me. One said there was a man on my place; they thought they ought to vote him. I asked them the reason; they told me the reason; I told them they could do that.

Q. What else occurred?

A. They told me they had been in our cotton country.

A. One of the parties said to me: "I understand that you have been electioneering with the negroes for Benoit." I asked him who told him so. He said he heard it—heard men say so. I asked him if any white man told him that. He didn't answer that question that time. I asked him, in the place. He told me it was on the King place. I told him he was mistaken, for I had not been on the King place since Mr. Walker died. I asked him then if a black man told him; he said it was. I think I told him then that that was no evidence, because he had told me that he wouldn't take a negro's word at election time. I said: "If you can't take a negro's evidence you haven't heard it."

Q. Did he object to your electioneering with the negroes for Benoit?

A. Yes, sir; he said they must control the negroes; they didn't want any Populistic Republican ideas taught the negroes. He asked me then if I was a Republican. I told him I used to be. I told him I used to be a Democrat before he was born, I thought. He asked me if I ever voted for Democratic candidates. I told him yes. I asked him the question whether the negroes that were renting on places for themselves, if they were not free to vote as he or I, and he replied they should not be allowed to vote.

Q. How many of these gentlemen were present?

A. I think eight; I'm sure six.

Q. Were they plantation managers?

A. Yes, sir; principally.

Q. What did they say they had gone to Ward 2 for that day?

A. They said they went out there to see what was going on; they had heard there was a good deal of dissensions.

Q. What had they gone there for?

A. They went there to see if they were going to vote right, was what they gave me to understand.

Q. Why did they claim to vote this negro man on your place?

A. This negro man they wanted to vote had went away from my place after he had contracted with me to work for me in 1894 on the farm. They assisted me in bringing him back to the place to fulfill his contract, was the only reason they claimed him from me.

Q. Do plantation managers claim the right to vote the negroes under their control?

A. Yes, sir.

Q. Do they, or did they, claim that it was improper and inadmissible for anyone to electioneer or canvass negroes on their plantations?

A. Yes, sir.

Q. Did they give any reason for your electioneering for negroes on the King place?

A. No; they said it would not be allowed; it was outside the rules.

Q. Did any of these gents own or control the King place?

A. No, sir.

Q. They complained of your electioneering on that place because they claimed the right to vote the negroes?

A. Yes, sir.

Q. Were you at the polls in the colony during the election?

A. Part of the day; two hours and a half or three hours.

Q. Was there anyone present at the polls taking down the names of the negroes and how they voted?

A. I don't know if they were taking down the names, but they were watching very closely how they voted.

Q. Did you hear them speak to the negroes as to how they voted?

A. Yes, sir—

A. He said "There is a damned negro who voted for Benoit," and they were watching around generally. There were no objections made to men's hands as they voted from places, but these objections were made to those who rented lands.

Nothing could more clearly appear than that the actual violence and bloodshed of former years had had such effect as that an appearance of violence and a threat to do violence was effective throughout the greater part of this district to prevent negroes from voting, or, if they did vote, from voting anything but the Democratic ticket.

In 10 out of the 15 parishes hardly a precinct was free from fraud, intimidation, and violence. In some of the parishes, notably in the four river parishes, the fraud was universally prevalent. The violence and intimidation of former years had done their work, and a very slight show of either was sufficient to keep the negroes away from the polls. Fraud in manipulating the poll lists and the count accomplished the rest.

It must not be assumed that this review of the case has undertaken to advert to more than a small part of the testimony presented, or to refer to more than a few of the circumstances which conclusively developed and proved the fraud, violence, and intimidation. Enough, however, has been adverted to to demonstrate that the right of suffrage, as recognized by the Constitution and the laws, does not exist in at least 10 out of the 15 parishes in the Fifth Congressional district of Louisiana, that that right is denied to a large majority of the voters of the district, and that in those parishes of the district which contain 29,000 out of 41,500 of the voting population there was, and could be under the circumstances, no expression of the popular will, and therefore no valid election.

And even if this were not so to the grave and serious extent to which it actually did go, we are yet of opinion that the condition of affairs which prevailed in the four river parishes is of itself sufficient to justify the conclusion,

as a matter of law, that no valid election was held on the 6th day of November, 1894, in the Fifth district of Louisiana.

It appears, as already indicated, that in those parishes, by the census of 1890, the colored male population of voting age was 12,454 and the white male population of voting age was 1,765. In so far as testimony is to be relied upon it is clear that the colored voters in those parishes are Republicans, and would, if the opportunity was offered them, vote the Republican ticket, and would, if they voted at all, on all occasions vote against a Democratic candidate. The returns from these parishes give the contestee 7,124 votes and the contestant 81.

The inference from this fact and from the testimony bearing on it is that while it can not be said that any certain number of colored voters would have voted for Benoit if there had been a free ballot, yet that beyond question a very small fraction of the number returned for Boatner actually voted for him.

It may be, therefore, that full justice can not be done by simply disregarding the returns from these parishes. It may be, and it probably is, true that a large number of the voters would, had they been permitted, have voted for the contestant. It may be that upon a fair, unintimidated vote in those parishes a sufficient majority might have been given to the contestant to overcome the majority of the contestee in the other parishes. That majority was in the other eleven parishes only 2,483.

If no question were raised as to the validity of the election outside of the river parishes, the House, in justice to itself, and in the interest of fair and honest elections, giving full weight to the facts apparent in this testimony, would be compelled to declare the election void. It could not declare the contestant elected because it can not say, and the contestant did not have it in his power to determine, how many votes the contestant would have received in those four parishes if a free and honest election had been conducted. It would have been physically impossible to take the testimony of six or eight thousand witnesses as to the person for whom they voted or would have voted if permitted to cast their ballots, and in addition to that the very circumstances that prevented their voting would have prevented their testifying.

This case discloses as well the difficulty in obtaining testimony and inducing men to testify as it does the intimidation practiced to prevent their voting. To invoke the principle of demands that returns from the tainted precincts be thrown out would still leave the contestee elected. It seems to us that in such a case the only thing that can be done is to declare the election void. To do otherwise would be to furnish an easy, safe, and certain mode of perpetrating a stupendous fraud, and the more stupendous the more effective.

We therefore conclude as matters of fact—

First. That fraud, violence, and intimidation so permeated the election of November 6, 1894, except in the parishes of Claiborne, Franklin, Jackson, Lincoln, and West Carroll, that there was no free expression of the popular will; that fraud, violence, and intimidation were so extensive and general as to render it certain that there was no fair and free expression by the great body of the electors, more than two-thirds of the electors of the district residing in the remaining 10 parishes.

Second. That in view of the fact that the majority for the contestee in the 11 parishes outside of the river parishes was 2,483, and that in the river parishes, where there is a majority of over 10,000 negroes of voting age, fraud was universal; that while it is impossible to determine how many votes the contestant would have received if a fair and honest election had been held, justice and good morals revolt against the proposition that any valid election was held.

We therefore hold as a proposition of law, growing out of the principle laid down in Sypher vs. St. Martin (2d Bartlett, 699), as follows:

If fraud, violence, and intimidation have been so extensive and general as to render it certain that there has been no free and fair expression by the great body of the electors, then the election must be set aside, notwithstanding the fact that in some of the precincts or parishes there was a peaceable and fair election.

We ought to say to the people of the Fifth Congressional district of Louisiana that whoever comes to this House with a certificate of election from that district must have behind that certificate an honest expression of the people's will at the polls, and we therefore recommend the adoption of the following resolution:

"*Resolved*, That there was no valid election held in the Fifth Congressional district of the State of Louisiana on the 6th day of November, 1894, and that neither Alexis Benoit nor Charles J. Boatner is entitled to a seat in the Fifty-fourth Congress as Representative from the Fifth Congressional district of Louisiana."

Before the reading of the foregoing report was concluded,

Mr. BAILEY said: I do not like to interrupt the gentleman from Ohio [Mr. TAYLER], but the clock will admonish him that he has now consumed a little more than half the time allowed to his side.

Mr. TAYLER. I believe I was a little late in beginning; but I am willing that the time of the other side should be extended in return for any extra time I may occupy. I am now almost through.

Mr. TAYLER resumed the reading of the report, but was interrupted by

The SPEAKER pro tempore (Mr. HOPKINS), who said: The gentleman from Ohio [Mr. TAYLER] has now occupied several minutes more than one-half of the three-quarters of an hour allowed to the two sides.

Mr. TAYLER. I shall be through in one minute. I am willing that there shall be an extension of time on the other side.

Mr. TAYLER resumed and concluded the reading of the report.

Mr. BAILEY. Mr. Speaker, I yield to the gentleman from Louisiana [Mr. BOATNER] whatever time I may be entitled to.

Mr. BOATNER. Mr. Speaker, the gentleman from Ohio [Mr. TAYLER] and the gentleman from Indiana [Mr. JOHNSON] have both stated the reasons for the submission of this question to the House without debate. I deem it necessary and proper to say that under no other circumstances than those stated would I have consented that the House should be called upon to vote on this question without a full understanding of it; but appreciating that the question should be settled to-day, I solicited the chairman and members of the committee to bring the matter before the House at this time, and they could only do so under these conditions—that is, without debate—and it was agreed that either side should read such portions of the report and the views of the minority as might be thought pertinent to the question. I will therefore consume the remainder of my time in reading such portions of the views of the minority as I think most pertinent; and I ask the special attention of the House.

Mr. BOATNER proceeded to read from the views of the minority of the committee, which, as subsequently ordered to be published in full, are as follows:

VIEWS OF THE MINORITY.

The majority of your Committee on Elections No. 2 have reached the conclusion that the election for Representative from the Fifth Congressional district of Louisiana, held November 6, 1894, was void, and the undersigned, being unable to concur in this conclusion, and being, moreover, convinced that the contestee was lawfully elected to represent said district, herewith present their views.

The Fifth Congressional district of Louisiana is composed of the following parishes, whose vote, at the last election, as returned, is as follows:

Parish.	C. J. Boatner.	Alexis Benoit.	E. M. Graham.
Caldwell	467	318	.....
Claiborne	938	819	.....
Catahoula	549	398	.....
Concordia	2,109	20	.....
East Carroll	2,010	6	.....
Franklin	637	420	.....
Jackson	212	526	.....
Lincoln	443	1,100	13
Morehouse	691	381	.....
Madison	1,968	55	.....
Ouachita	2,548	642	.....
Tensas	1,037	.....	.....
Richland	693	307	.....
Union	795	945	.....
West Carroll	443	59	.....
Total	15,520	5,994	13

The contestant attacks the returns from the following parishes: Concordia, Catahoula, Caldwell, East Carroll, West Carroll, Franklin, Morehouse, Ouachita, and Richland, against which he alleges both fraud and intimidation to his prejudice.

In order that a full and perfect understanding of the case may be had, we quote the following charges against each parish, and apply the testimony in support and rebuttal thereof:

CONCORDIA.

The charge against this parish is as follows:

"That at an election or pretended election, purporting to have been held upon the 6th day of November, 1894, in the parish of Concordia, for a Congressman to represent the Fifth Congressional district of Louisiana in the Fifty-fourth Congress of the United States, no election was really held, but that in accordance with the usual custom in the four 'river parishes' blank returns were signed by the commissioners and filled out at the parish seat and forwarded to Baton Rouge, the State capital, for official promulgation, purporting to be the returns at which you received 2,009 votes and I 20, when in truth and in fact no lawful election had been held, but that if such an election could have been held and true, correct, and lawful return thereof made, the result would have been as follows in said parish of Concordia:

Benoit	1,000
Boatner	100

"That at least the vote of the entire parish should be rejected and thrown out and not counted, because of the illegal and fraudulent practices aforesaid, all of which was done and committed by your political friends and partisans."

The testimony of the following witnesses was taken in behalf of contestant. Contestee was not present nor represented at the hearing, and therefore the witnesses were not cross-examined, to wit: F. L. Campbell, Philip Hough, A. H. Gillespie, J. K. Skipwith, and J. A. Turpin. Their testimony is to be found on page 81 et seq. of the record, and wholly fails to establish any of the charges made. The pertinent part of Campbell's testimony we quote:

Q. Is it not a fact that the negroes on these plantations, as a general rule, take no interest in politics of late years?

A. Can't say that; in 1892 we had the fiercest conflict in the parish we ever had.

Q. That was when the whites were divided?

A. Yes, sir.

Q. There were Republican candidates also at that election?

A. Yes, sir.

Q. How did the election go?

A. It went Democratic. It went for Foster.

Q. Leaving that campaign out, is it not a fact that they take very little interest?

A. They didn't take much interest in the last election.

Q. The same political conditions prevail as in the other four parishes, pretty much?

A. I don't know; the absence of excitement was due to there being no opposition; one of the political parties was scarcely represented.

Q. Do you know whether or not it is customary for the commissioners in this parish to make returns not sworn to?

A. No, sir; I do not. I have been commissioner of returns at a number of elections, and they were always sworn to.

Philip Hough testified substantially that the negroes took no interest in the election in his ward; that they have not taken an "excitable interest" in elections since 1878. Asked "if it is not a fact that the prevailing impression among the negroes that their votes would not be counted if cast has not caused them to refrain from going to the polls or taking any part in the elections of the river parishes," he replies:

"Of my own knowledge I can not state, but this is the prevailing impression."

J. K. Skipwith and J. A. Turpin were commissioners of election at different polls and utterly fail to substantiate the charges of contestant. The following, from the testimony of J. K. Skipwith, requires no comment:

Q. Isn't it a fact that there was very little interest in that election as far as you know?

A. No, sir; as far as I know there was a considerable interest in it. I was here, the grand jury adjourned, district court adjourned, police jury adjourned so as to vote. There was considerable interest in it.

Q. Was there any interest or canvass in the election?

A. My impression is that Boatner

The evidence, in our opinion, sustains the charge of fraud at the

Q. Was there any interest or canvass in the election?
A. My impression is that Boatner spoke here once after he was nominated.
Q. How many votes were cast by voters at the second precinct on that day?
A. The votes counted out of the box were actually cast.
Q. How many votes were counted out of the box?
A. One hundred and forty-six.

Upon this testimony, which fails to show a single fact adverse to the contestee, and without any evidence whatever to show that the voters of the parish or Concordia could not and did not freely and voluntarily exercise the right of suffrage at the recent Congressional election, the House is asked to disregard the returns from this parish and reject 2,009 votes for contestee. It is a most significant and important fact that contestant has failed to show that he had any support or supporters in this parish except the 20 votes returned for him, that he made any canvass in it, or had any just right to suppose that under the circumstances he would receive or might reasonably expect to receive any considerable support.

The usual argument, or rather inference, that the negro will, if not unlawfully prevented from doing so, vote the Republican ticket, can have no application here, because the contestant was running as a nominee of the Populist party; had not been indorsed by the Republicans; was not being supported by any Republican leader in the district, and hence it can not be contended that negroes would have voted for him unless prevented from doing so. The contestee, on the contrary, was well known, had represented the district three successive terms, and according to the testimony of contestant's witnesses, stood well with both the white and colored voters of that parish. It is very true that the returns are informal; in some instances not sworn to at all, and in others the law being only partially complied with, but the election law of Louisiana provides that:

"No election shall be vitiated on account of any neglect, illegal or improper act or conduct of any officer or person unless it be proved in the contest that enough electors were deprived of their votes to have changed the result of that election." (Section 39, act of 1894.)

And the supreme court of Louisiana, construing similar provisions in prior statutes, has held that:

"The omission to comply with directory provisions, unaccompanied by evidence of fraud, will not vitiate returns or invalidate an election." (8 N. S., La., 14; 9 La. Annual, 577; 10 La. A., 732; 13 A., 301; 29 A., 610; 14 Barb., 259; Cooley's Constitutional Lim., 618-625, note 1, page 618.)

A careful examination of the evidence relating to the returns from this parish has enabled us to make a table showing the wards and polling places in which the essential features of the law were compiled with and those in which no attempt to do so was made, which is as follows:

Ward.	Name.	Sworn.	Unsworn.
1	Boatner		178
2	do		146
3	do		442
4	do		1
5	do	530	
6	do		100
7	do		300
8	do	229	
8, 9th precinct	do	147	
10	do		6
10, 13th precinct	Benoit		15
	Boatner	30	
	Benoit	5	

The election law of Louisiana requires that triplicate tally sheets and a triplicate consolidated statement of the ballots found in the boxes shall be made. It also requires that a list of the persons voting shall be kept, numbered in the order that they present themselves for voting. All this must be sworn to by the commissioners. A consolidated statement of the vote, tally sheets, and the statement of the voters must be deposited with the clerk of the court, a consolidated statement and tally sheet with the secretary of state, and another with the local board of returning officers. It will be seen that the preparation of these papers requires very considerable labor and some skill. The Congressional elections in this district have practically gone by default for the last four terms, and the contestant, having made no canvass in this parish and having no support there, it naturally occurred that the election officials were extremely careless in the performance of their official duties.

Desiring, however, to be absolutely safe in our contention, we claim for the contestee only the vote from those wards where the returns were made according to law, or if deficient, only partially so. An examination of the testimony of A. H. Gillespie, sworn for contestant, shows that the returns from Wards 5, 8, and 10 were sworn to by the commissioners, with the exception of the list of voters, to which they failed to attach their affidavit; but no fraud whatever being proved with respect to these wards, we submit that the election can not be vitiated on account of the neglect of the officers to perform this duty.

These wards give Boatner 936 votes. To this can be added the vote from Ward 6, amounting to 100, proved up by J. K. Skipwith, contestant's witness, to have been correctly returned according to the vote cast. This makes Boatner's total vote from parish 1,036, from which deduct 5 votes cast for Benoit, leaving his majority 1,031.

CATAHOULA.

The charges against this parish are as follows:

"First. In the election precinct or voting place commonly called Sicily Island, in the parish of Catahoula, at an election for a Representative in the Fifty-fourth Congress of the United States from the Fifth Congressional district of Louisiana, only 40 votes were actually cast, but your political friends and partisans returned or caused to be returned 256 votes for you and none for me. I shall insist that the entire vote of said box at Sicily Island be rejected and not counted for you, as was illegally and wrongfully done.

"Second. That at the election precinct or voting place commonly known as Beards Point, in the parish of Catahoula, at the election only 28 votes were actually cast, but that your political friends and partisans illegally and wrongfully counted or caused to be counted for you 126 votes as having been actually cast.

"Third. I further and more distinctly allege that these wrongs and frauds were perpetrated by commissioners of election, or other persons who were your political friends, supporters, and partisans.

"Fifth. That by the fraudulent acts aforesaid, done and committed by your political friends and partisans to my prejudice and for the advancement of your political fortunes, there were returned from said parish 392 votes which you did not receive, and therefore not entitled to, and that with the aforementioned fraudulent votes rejected and disallowed for you the count of votes in the parish of Catahoula will be and ought to be as follows, to wit:

Benoit	366
Boatner	197

The evidence, in our opinion, sustains the charge of fraud at the two precincts named, Wards 2 and 10, but following the rule laid down in the recent case of Aldrich vs. Robbins, contestee is entitled to the votes which contestant admits that he received at these two boxes, to wit, 40 votes at Ward 2 and 26 at Ward 10.

The following, compiled from contestant's testimony, will show the returns from the several wards which were sworn to and those not sworn to, showing 166 legally returned for Benoit and 89 for Boatner; to which last add 66 received in Wards 2 and 16, making Boatner's total vote 155, which deducted from Benoit's vote of 166, leaves the latter's majority in the parish 11 votes.

The returns from the polls we reject were totally devoid of any compliance by the commissioners with the legal requirements, and we reject them as we did similar returns from Concordia, though in neither case is there any proof of fraud; but where neither the tally sheets, list of voters, nor the consolidated statement are sworn to or signed by the commissioners we do not consider it safe to treat the returns as official.

Bringing forward Boatner's majority of 1,031 in Corcordia and deducting Benoit's majority of 11 in this parish, Boatner's net majority stands 1,020.

CALDWELL.

The charges against this parish are as follows:

"That upon the 6th day of November, 1894, there was held in the parish of Caldwell an election for a Representative from the Fifth Congressional district of Louisiana to the Fifty-fourth Congress of the United States of America, and that at said election and by the illegal and fraudulent conduct of your political friends and partisans I was deprived of the votes of many legal electors of said parish, and that many others were forced by fears and threats of violence to their persons to vote for you and against me, who if left to vote free and untrammeled would have voted for me and against you, to wit:

"Seventh. In the heat or voting place commonly called Columbia, in the same parish of Caldwell, the votes of fully 100 legal electors who voted for me were counted for you and against me, and that in addition to the number of votes returned for me from said box or voting place I am entitled to and will claim 105 additional votes.

"Eighth. At the precinct or polling place at which were cast the votes of Ward 7 in said parish of Caldwell, bribery was resorted to by giving or offering to give sums of money to those who would vote for you and against me, and by this action on the part of your political friends and partisans I was illegally and wrongfully deprived of 30 votes which I otherwise would have received and that I am entitled, in all fairness, to have the said number of votes counted for me and returned accordingly against you.

"Ninth. That at the precinct or voting place in Ward 1 of the said parish of Caldwell the election was held in violation of all law and order, for the following reasons, to wit: My political friends and supporters were denied access to the place at which the voting was done; that firearms were stacked in or about or near to the voting place in an unlawful manner and for an unlawful purpose, to wit, to intimidate voters in your interest; all of which prevented a fair and honest and free election. I further allege and claim that at this voting place many legally qualified electors were forced by threats and fear of personal violence to vote for you and against me who otherwise would have voted for me, and that many voters who refused to go to the voting place in said ward for the reason that they knew they would be forced to vote against me, their choice for Representative in the Fifty-fourth Congress of the United States, and for you, who was distinctly not their choice, were followed and pursued upon horses by your political friends and supporters and forced to return and vote for you and against me, and that many others, who eluded the pursuers (your friends and partisans) and did not vote at all were counted as having been present and voting for you and against me.

"For the reasons above set forth, and others, it is apparent that I would have received 200 more votes at said voting place than were returned for me, and I shall therefore claim that your right to 200 of these votes be rejected and thrown out, and not counted for you, but for me.

"Tenth. That I shall therefore claim that a true, correct, and honest election and return of the votes thereof from the aforementioned voting places would show that there were cast in the said parish of Caldwell votes as follows, to wit:

Benoit	653
Boatner	84

The foregoing charges are fully and conclusively refuted, and it appears, from the evidence, that the only intimidation attempted was by two adherents of the contestant, named, respectively, Emile Girod and J. E. McClannahan.

The contestant attacks Ward 1, which gave contestee 270 votes, and Ward 4, which gave him 146 votes. Contestant also claims the vote in Wards 2 and 5, which were thrown out by the supervisors on the ground that more ballots were found in the boxes than names of voters on the poll lists.

Ward 1 is attacked on the ground of intimidation, and the testimony of J. E. Humphrey, Emile Girod, and J. E. McClannahan is relied upon to support it.

J. E. Humphreys, according to his testimony, is a Populist, who lives in the western or upland portion of the parish. The day before the election he repaired to Ward 1, where he proposed to electioneer in behalf of contestant. He claims that he was advised by the friends of contestee, H. W. McCloud, C. E. Wooton, and Dr. E. L. Wright, not to remain at the polling place; that they could not vouch for his safety, and that there were 25 shotguns stacked in the store at the place of the meeting, and owing to threats that J. E. McClannahan had made, the citizens had forbid any parties from any other ward in the parish coming into their ward and working for Benoit, stating that McClannahan had threatened to bring parties in from other wards and force them to let the negroes vote as they pleased.

These parties kindly agreed to entertain him for the night, but advised him not to attempt to remain the next day, and told him that they forbade and would not allow him to electioneer with the people on their plantations, or those off their plantations.

This witness also testified that Mr. L. H. Wooton told him that his negroes wanted to vote for Benoit and were not permitted to do so.

Both McClannahan and Girod testified that the negroes had told them that they desired to vote for contestant, but were not permitted to do so.

Contestee, in rebuttal of this testimony, called the school-teacher and justice of the peace of the ward; H. R. McEnery, planter; H. B. Powell, merchant and planter; R. W. Milner, clerk; C. E. Wooten, merchant and planter; J. C. Mills, plantation manager; H. H. Filhiol, planter; C. B. Smith, planter; H. W. McCloud, plantation manager, and W. H. Hall, the Populist commissioner of elections; also the following colored men living in the neighborhood: Charles Green, Richard Hunter, W. W. Hall, Vandy Jacobs, Robert Williams, Price Logan, Charles Jacobs, Homer Williams, and Ennis Creft; 10 white men and 10 negroes, all residents of the immediate neighborhood in which this intimidation is said to have occurred.

It appears from their testimony that contestant did not have either a white or a colored supporter in the ward, so far as known; that the planters unanimously favored the election of contestee and actively supported him; that the negroes were also his friends and unanimously supported him; that on the day of the election, in so far from their being any appearance of intimidation, the negroes had a general jollification and ran pony horse races all day. The comparison of the testimony of these witnesses with that of Mr. Girod and Mr. McClannahan will show that the latter two were endeavoring

to intimidate certain colored voters who had been under their management into the support of the contestant; that McClannahan had sworn that unless his negroes, as he called them, voted at his dictation he would "chop up the ballot boxes," as he expressed it.

Both he and Girod had been Democrats and recently turned Populists, and the planters of this ward were determined that they should not exercise any unlawful influence over the colored vote of the ward.

It is a significant fact that not a single witness, white or black, has been produced who desired to vote for the contestant, and who was either prevented or persuaded from doing so, and while the witnesses for the contestant glibly testify that numerous negroes have told them that they desired to vote for Benoit, they refuse to give their names or to produce the witnesses. If such testimony as this can be considered sufficient to reject the entire poll of a ward, while the voters themselves testify to absolute freedom and fairness, no ballot will be safe from attacks of this character.

The attack on Ward 4 is based on an ex parte affidavit of some 76 parties that they had voted for Benoit, and only 43 votes have been returned for him from that box. These affidavits certainly can not be considered as evidence. The contestee called one of the Populist commissioners at this box, whose testimony will be found on pages 164 and 165 of the record. He swears positively that it was impossible for any change of ballots to have been made, and that none was made. It appears from the testimony of the contestant's witnesses that he was fully represented at this poll; that his friends watched it all day; that the commissioner whose testimony was taken by contestee, E. G. Dewey, was the one who received the ballots; that he at no time was absent from the box; and that it was opened and counted without having left his possession.

Under these circumstances the contention of the contestant that this ballot should be thrown out is not only unfounded but absurd.

In Wards 2 and 5, it appears that the parish supervisors rejected the entire ballot because the number of votes in the box exceeded the number of names carried on the poll list. The law of Louisiana is silent in such contingencies, and in the absence of statutory legislation, we are not advised of any means by which the true result could be reached, nor can we find any authority on the part of this committee to revise the action of the authorities of the State of Louisiana where they have acted within the scope of their jurisdiction. We therefore find no reason to change the returned vote from the parish of Caldwell, which is 467 for Boatner, 318 for Benoit.

Boatner's majority is 157, which, added to his previous majority of 1,020, makes 1,177.

OUACHITA.

The charges against this parish are as follows:

"Eleventh. That on the 6th day of November, 1894, there was held in the parish of Ouachita an election for a Representative in the Fifty-fourth Congress of the United States for the Fifth Congressional district of Louisiana, and that at and before said election, at and about and in the neighborhood of the voting places of Log Town, in Ward 4; West Monroe, in Ward 5; Grady School House, in Ward 1; Colony, in Ward 2; court-house, in Ward 3, and Compress, in Ward 3, and among those voters whose votes were required by law to be cast thereat, a reign of terror, provoked and kept alive by your political friends and partisans, existed, of such a nature and to such an extent as required a high degree of personal courage on the part of those who voted for me against you, and that, by reason of this fear upon the part of many voters, hundreds were forced to vote for you, many of whom so stated, and against me.

"Twelfth. That by unlawful and other means hundreds of voters were induced to form themselves into so-called Democratic clubs and go through the form of mummery of passing resolutions to vote the Democratic ticket, and vote it openly; all of which I will claim was against their will and wishes, for your friends and supporters well knew that a large majority of such voters would vote for me if permitted to do so, and against you.

"Thirteenth. That white men of known and reputed personal courage and bravery, who were also equally well known as your political friends and partisans, were appointed to be at and remain at each box or voting place, and in plain view thereof, to see that they so voted an open Democratic ticket; and I will claim that you were personally cognizant of the proposed illegalities, and that you made no attempt to restrain the unlawful intents or acts of said partisans; and that, therefore, by reason of threats and fear of personal violence and ostracism hundreds of legally qualified electors were deterred from voting for me, and by these methods "persuaded" to vote for you, and that could a fair and peaceable election have been held at the above voting places in the parish of Ouachita upon the 6th day of November, 1894, the result would have been as follows, to wit:

Benoit	2,590
Boatner	600

The city of Monroe, which is the principal town in north Louisiana, is situated in this parish. It is a thriving and progressive little city with a population of about 5,000 people, and the home of both contestant and contestee.

The returned vote of this parish is:

Boatner	2,548
Benoit	642
Boatner's majority	1,906

By reference to the notice of contest it will be perceived that no attack is made on these returns on account of any irregularity, but solely on the ground of intimidation.

His testimony attacks three wards only:

	Votes.
The third precinct of Ward 2	152
The third precinct of Ward 3	558
Twelfth precinct in Ward 10	263
Total	973

Ward 3 and the twelfth precinct of Ward 10 are partially within the limits of the city of Monroe. The witnesses whose testimony is relied on to sustain the charge of intimidation at these polls are E. R. Benoit, brother of contestant; H. Barr, L. J. Johnson, David T. Russell, T. F. Campbell, and contestant himself. We will briefly review the testimony of each of these witnesses.

E. R. BENOIT.

The substance of his testimony is that he saw a negro named H. N. Nelson come to vote. A Mr. Parker walked over with the negro and Mr. Block asked Mr. Parker if the negro had voted right. Parker replied, "Yes; but he did not want to." Parker said something to the negro, who replied, "Yes, sir." Then Parker told the negro to get his ticket for the next world. That is about what he saw at "Compress box," which is the twelfth precinct of Ward 10. Heard negroes say that they wanted to vote for Benoit but were not allowed to. Heard negroes say they did not vote because they were not allowed to vote an open ticket. On cross-examination says:

"I did not say I heard negroes say that they wanted to vote for Benoit but were afraid to. I said I heard some people. Mr. Lynch was one of them."

Also heard one negro named Andrew Lawson say he was going to leave. He was scared to stay. The negro had voted, but witness did not ask him for whom. The only intimidation which it can possibly be claimed as proved by this witness is the negro Nelson, who presumably voted for contestee; the negro Lawson, who presumably voted for contestant, and a white man named Lynch, who said he did not vote because he could not vote an open ticket. It is to be observed that the witness infers intimidation of the negro Nelson, not from anything that Nelson said or did, but from what he said he heard Parker say, that the negro Lawson had not been prevented from voting, and that while he seeks to have it inferred that Lynch did not vote, because he wanted to vote an open ticket, yet the witness himself admits that he had just voted an open ticket without molestation or interference.

H. BARR.

His testimony is substantially embraced in the following question and answer:

Q. What was done at the poll?

A. After 5 o'clock whistle blew a couple of darkies that worked in the shop came to vote. I handed them Benoit tickets and said: "Here's a ticket, Bill." Bill said, "What ticket is it—Benoit ticket?" I said "Yes," and he took the ticket, and him and the other darkey started up to vote. About that time a man pushed between him and I and said, "Nigger, here's your ticket," and they said, "Boss, I have a ticket." He said, "You damned niggers are going to vote for Benoit; they are doing all they can to get you fired at the shops," and John Stevens happened to be standing there; he said: "It's no such a thing; they are firing white men and putting niggers in their places." Now this gentleman spoke up and said: "By God, you are going to vote this ticket." I saw it was getting too rocky for me and I stepped back. I didn't see much more; I left; I saw it was too rocky for me at the poll.

On cross-examination he admitted that he had been at the polls from 1.30 p. m. to half past 5 p. m.; that he voted an open ticket without molestation or interference. It is also to be observed that he could not give the names of parties who, he says, used the language stated by him to the negro voters to whom he had given Benoit tickets.

L. J. JOHNSON.

This witness was a commissioner of elections appointed to represent contestant. He testifies that there was a general demand for the voting of open tickets, yet admits that many tickets were voted folded. He also testified that Dr. A. G. Bowman was near the polls taking down the names of persons who voted. The following examination and cross-examination speaks for itself and requires no comment:

Redirect:

Q. Where did the voters stand?

A. The box was before that door and the voters stood on the outside of the table that stood at the door; the box was on the table.

Q. What part of the court-house?

A. None in the room; the voters were in the hall of the court-house.

Q. In coming up to the door to vote didn't the voter have to pass through a crowd of persons standing in front of the door?

A. Most all day, standing in front of the door there.

Q. Where was the man standing who had the memorandum?

A. Standing up against the door facing in front of the poll.

Q. Was he a Boatner or Benoit man?

A. I guess a Boatner man, Dr. Bowman.

Q. From what you saw and heard at that precinct on that day were the negroes perfectly free to vote for whom they pleased?

A. I think the negroes are too badly scared to vote in this country as they please entirely; they are afraid to vote as they please.

Recross:

Q. Do you mean that with reference to this particular election, or elections generally?

A. Elections generally.

Q. Did you see or hear anything at this poll calculated to make them afraid to vote as they pleased?

A. I do not know the negro's object in wanting to vote a folded ticket; whether they were afraid of one party or the other. White men as well as colored would have their tickets folded when they would come to vote. They were requested to vote an open ticket.

Q. About how many negroes came with folded tickets and were requested to vote an open ticket?

A. Can't answer that question.

Q. Were any considerable number of them?

A. I think most of the persons who went to vote had their tickets folded; all had to be folded to go into the box.

Q. I meant how many people came to vote with tickets in their hands folded to vote?

A. As I was sitting on the inside, I couldn't see.

Q. Who was it that requested them to vote an open ticket?

A. Can't say particularly anyone. It seemed to be the general demand on the outside. The commissioners had nothing to say in the matter.

Q. Did you see any action on the part of the supporters of the contestee (Boatner) that was calculated to intimidate any person and prevent him from voting as he chose?

A. I heard these words: "If you don't vote a Democratic ticket that you must not look to the Democrats for any more favors." I don't know who said it. I heard it on the outside.

Q. You don't know who said it?

A. No, sir; I don't.

Q. What time of day was that?

A. Don't know.

Q. That is all you heard that sounded anything like intimidation?

A. Yes, sir.

Redirect:

Q. You spoke of the tickets having to be folded to be placed in the box. Were they folded up again after being opened?

A. The slot in the box was too narrow for tickets to go in without folding. If they were handed to the receiver and he placed it in the box, he folded it himself.

Q. Did you hear more than one demand that they vote an open ticket?

A. It was a general demand or request to all voters from more than one. I didn't understand that all folded tickets were for one party or the other. I suppose they had curiosity to see who they were voting for.

Q. What effect would the demand or request to vote an open ticket have on negro voters? Would it or not be calculated to intimidate them?

(Contestee objects, as it is calling for the mere opinion of the witness.)

A. Can't give any answer to that question; I don't know.

Q. What effect would the taking down of the names of the negroes and how they voted have upon them?

(Contestee objects on the ground above; also, that the witness has not stated that the manner in which the voters voted was taken down at the polls, witness only having stated that a party appeared to be making a memorandum of the names of those who had voted.)

A. I don't know how to answer that question.

Q. Did you state that these names and how they voted were taken down in that book?

A. I know the names were taken down; I don't think the way the votes were given; I don't know what names were taken.
Q. Were the names of white voters taken down?
A. I think so.
Q. Did you say all voters were taken down?
A. I don't think the memoranda was kept there all day.

Recross:

Q. Was the object of taking those names to keep an account of those who had voted, so as to send for those who had not voted?
A. I don't know; they could have got that information from the poll books; that idea had not occurred to me.
Q. The poll book was not subject to their examination at that time?
A. I think not, it was never asked for, I don't think.
Q. Was it in constant use in checking off the names by the commissioners?
A. Yes, sir.
Q. Dr. Bowman is a very peaceable, law-abiding citizen?
A. I believe so.
Q. He is an honorable man and stands well in the community?
A. I think so.
Q. Did he act quietly and peaceably while taking this memoranda?
A. Yes, sir; I think he did.
Q. Do you recollect the proportion of the folded ballots that you found for Mr. Benoit when you counted out the tickets?
A. No, sir; I can't answer that question; don't remember; there were some for both sides, Boatner and Benoit.

It will be noted that the witness says:

"I think the negroes are too badly scared to vote in this country as they please entirely. They are afraid to vote as they please."

On cross-examination, when asked if he meant that with reference to this particular election, or elections generally, he replied: "Elections generally," and gives no single act or fact occurring during this election which could reasonably have the effect of intimidating any voter.

It will be noted as we proceed that all of the witnesses for the contestant at this box referred to the taking down of the names of negroes by Dr. Bowman as an act of intimidation, and we will at this point refer to the testimony of Dr. Bowman, which shows the extent to which this was done and its object and purpose:

Q. It has been testified that on that day (referring to the day of the election) you stood by the Second Ward poll box and took the names of voters. Please state whether or not you did so.
A. I did not.
Q. Please state what you did in and about the polls.
A. Was about the polls off and on all day, and there was one or two negroes—three I believe, that had voted the Democratic ticket and I thought they were voting for Benoit and took their names on the back of an envelope—not for any purpose of intimidation whatever, but to see that they did not participate in Democratic primaries hereafter.
Q. Did you intimidate or attempt to intimidate any colored people or white men of approved personal courage on that day or prior thereto into voting for the contestee (Boatner)?
A. I did not.

By a reference to the testimony of the contestant himself it will be seen that he describes Dr. Bowman as a peaceable and law-abiding man, and one whose veracity can not be questioned.

DAVID T. RUSSELL.

This witness is one of Benoit's warm supporters and, we infer, managers. The following questions and answers give the substance of his testimony:

Cross-examined:

Q. You have stated that you considered the election held on November 6at the Court-House precinct as notoriously unfair. Please state why. What occurred or transpired to impress you with such an opinion or idea?
A. I have already stated that, I believe. On the day of the election Emanuel Hall came to the polls to vote. He had a folded ticket. Mr. Tom Parker asked him if he didn't know that it was understood that everyone should vote an open ticket. He said he didn't know anything about that; that he wanted to support Mr. Benoit. They tried to make—Mr. Parker and some other gentlemen, several, Tom Parker—him open his ticket. He told them no; he wanted to vote that ticket, and wanted to vote for Benoit; and he put the ticket in the box. Tom Parker said to some gentlemen present, "Can we stand this?" The reply was, "Don't think we can." They caught hold of him and pulled him in the yard and cursed him for a * * * That's all, I reckon.
Q. Did Emanuel Hall vote for Mr. A. Benoit?
A. Yes, sir; he did; he voted a folded ticket, and claimed he was voting for Benoit.
Q. He voted a ticket which he had folded in his hands and which he claimed was a Benoit ticket?
A. He did.
Q. Give the names or name of any white or colored voter who desired to vote for Benoit at the last Congressional election who were refused or denied that right.
A. As I said before, I don't know whether Lawson voted or not; if he didn't vote he was deterred from doing so by the action of Boatner men at this polling precinct. He told me he was going to vote; he came here to vote; I don't know if he voted or not.
Q. You are satisfied if he did vote at all he voted for Benoit.
A. I am.
Q. Then if Andrew Lawson was permitted to vote you don't know of a single instance or individual who was refused the right to vote at the polls as they desired?
A. No; I think all who wanted to vote for Benoit, as far as my own knowledge goes, supported him; voted for him.
Q. Do you know that four-fifths of the white voters in Wards 3 and 10 of this parish were outspoken and pronounced supporters of Mr. C. J. Boatner in the November election, 1894?
A. I can't say what proportion there was; certainly a large majority of the whites were outspoken supporters of Boatner.
Q. Were not the more intelligent and influential negro voters in the town of Monroe supporters of C. J. Boatner at that election?
A. I suppose they supported Boatner; yes, sir.
Q. Where is Andrew Lawson at this time?
A. Monroe, I guess. I have not seen him for three or four days.
Q. Has he not resided here since the election, November, 1894?
A. Yes, sir.
Q. Has he been molested or in any way troubled by anyone since the election?
A. I think not.
Q. Has anyone else who supported Mr. Benoit been molested in any way?
A. To my knowledge I know of no one.

T. F. CAMPBELL.

This witness was also a leading supporter of contestant and a commissioner of elections.

Asked to state whether he saw anything in the halls in the front of the polls which intimidated negro voters and interfered with their free exercise of the right of suffrage, he answers as follows:

A. I believe that I saw acts that were calculated to intimidate colored people.
Q. Please state what these acts were and by whom they were committed.
A. There were parties who sat on the edge of the table that would require the voters to vote their tickets open, and if the tickets were not voted open in some cases those gentlemen took the names of the voters down in a notebook, or they were asked to take the names down. They pretended to be writing, or did write, the names. I didn't see the names written. Dr. A. G. Bowman was the party who did the writing. I saw a negro man come to the polls to vote. He had a Benoit ticket. A party asked him to let him see what ticket he had. He took the ticket from the man, looked at it, said, "This is not the ticket you want to vote," and give him a ticket for Boatner. The man told them that he wanted to vote for Benoit. At this time there were several gentlemen talking with the man, and the negro got out of my sight, and he did not vote at this poll. The party who took that ticket was one Walter Lyons. One other instance impressed itself upon my mind was a colored voter came to vote and there were some questions asked him by some one as to what ticket he had. He told them that he had the ticket that he wished to vote. They insisted on seeing his ticket, which I don't believe that they did, but he told them he wanted to vote for Mr. Benoit, and some one spoke up and said, "Let him vote." Dr. Bowman took out his notebook, pretended to be writing his name, or did write it, and remarked, "We will see you later." I saw considerable pulling and hauling and crowding the doorway when voters would come in to vote, which created a good deal of confusion. This lasted pretty much all day. I think in the middle of the noon this interfered so much with the work—questioning voters as to whom they were voting for—that I called the attention of the commissioners and to the people generally that if they did not quit interfering with the voters I could not sign the returns of the election. However, there were some of the same kind of disturbances afterwards. One particular instance that I remember now; there were three or four men came to vote. They, each of them except one, had a Benoit ticket. While one of their names did not appear on the poll book, and while he was gone to look over the registration book the others were surrounded by Boatner's friends, and when they voted they voted Boatner tickets. I believe that is about all I can call to mind at present, only in a general way.

Under the laws of Louisiana the commissioner is a peace officer with authority to invoke the aid of a sheriff and suspend the voting until order is restored. This witness could have exercised that authority. He could also have refused to sign and certify the returns if voters had been unlawfully influenced by intimidation or prevented from voting. He did neither, but signed and swore to the returns.

If offered as a witness in a court of justice these acts would have closed his mouth and prevented him from impeaching as a witness the validity of his act as a public officer. If, however, his testimony be given full force and effect, the extent of it is that he saw a ticket taken from the hand of a negro and another given him, which he voted. He does not state that the voter's act was not voluntary, or that he was induced to accept the ticket which he voted by any unlawful means. His statement that the name of another voter was taken who insisted upon voting for Benoit loses its force when construed with the testimony of Dr. Bowman which we have quoted. If, however, the testimony of all these witnesses be fully credited it proves, possibly, that Nelson voted for contestee when he desired to vote for contestant; that Lynch did not vote at all; that two negroes named by Barr were prevented from voting for contestant, and one referred to by Campbell, making five in all who might, if their contention was correct, have voted for contestant.

ALEXIS BENOIT.

The contestant was sworn in his own behalf, and we print his cross-examination in full, which shows conclusively that his answers to questions on examination in chief were disingenuous, and that he knew no facts on which to base the extravagant statements made in his notice of contest.

Cross-examined:

Q. What year were you admitted to the bar to practice law?
A. 1882.
Q. Have you ever pursued the practice of your profession as a lawyer?
A. I have not.
Q. Who was the prominent colored man that told you he would support you if he could?
A. Elias Johns.
Q. Is he in the city now?
A. He is.
Q. Why didn't you summons him as a witness in this contest?
A. For the reason that he did not want to be summoned.
Q. Did you consult the other witnesses to ascertain if they wanted to be summoned?
A. Some of them; yes, sir.
Q. Did you consult all of them?
A. I did not.
Q. Which of those who were summoned did you consult?
A. Mr. Schultz is one; the gentleman present.
Q. Is he the only other one?
A. I don't know whether I have or not; I talked to all my witnesses.
Q. Did you talk to all of those you summoned?
A. No, sir; I have not.
Q. Do you mean to state by your testimony that Elias Johns was unlawfully prevented from giving you his support?
A. No, I don't; there is my answer to his questions; there is his answer to my questions.
Q. If it was not your object to have an inference drawn that Elias Johns was intimidated into withholding his support from you, why did you put in the two conversations with you—what was the object and purpose of that testimony?
A. The testimony speaks for itself.
Q. Do you decline to state your object in putting it in?
A. No, sir.
Q. Then what was your object?
A. You asked me that the conclusion should be drawn that he was prevented unlawfully from supporting me; I answer that that is my conclusion.
Q. I asked you for your object in putting in the testimony.
A. Yes, sir; that was my object.
Q. Do you know of any unlawful influence brought to bear on Elias Johns to prevent him from supporting you?
A. I can not particularize except the general understanding among the negroes that they had better vote in accordance with the wishes of those—that element who controlled them.
Q. Is that sufficient?
A. If it's sufficient for you, it is sufficient for me.
Q. Is Elias Johns a negro or a mulatto?
A. He is a mulatto.
Q. Does he hold any official position in this city at this time?

A. He is a member of the city council.
Q. How long has he held that position?
A. I think he has been elected three times.
Q. On what ticket was he elected—Democratic, Republican, or Populist?
A. Democratic ticket.
Q. What's his business?
A. He is a drayman; has vehicles for hire; transports goods and merchandise through the city.
Q. Is he a man of property?
A. He is.
Q. You stated a while ago there is a rule in this parish that the managers vote their negro laborers on the plantations in accordance with the wishes of the owners of the plantations. Have you ever attended an election in Ward 4 in this parish?
A. Yes, sir.
Q. When?
A. I do not recollect to ever having attended one.
Q. Have you ever attended an election in Ward 1?
A. No, sir; I have not.
Q. Have you ever attended an election in this parish outside of the city of Monroe?
A. I have not.
Q. You say that the planters in this parish disapprove of any electioneering among the negroes on their plantations. Have you ever electioneered on any plantations?
A. I never have.
Q. Has any planter in this parish ever forbidden you to electioneer on his plantation?
A. They have not.
Q. Are there any white men in this town who led you to believe that they were going to support you if you failed to do so?
A. Well, any friends reported to me that this one and that one had said they were going to vote for me.
Q. Did any of those parties fail to vote for you?
A. From the number of votes I received in this city it is evident they did.
Q. Did you receive as many votes as there were members of the Populist club?
A. Yes, sir; I did.
Q. Did you not state just now there were 80 members of that Populist club?
A. Yes, sir; about 80, to the best of my recollection.
Q. Did you receive as many as 80 votes in the two city wards?
A. I received 79 votes.
Q. You were elected a member of the legislature from this parish at the last State election, were you not?
A. I was.
Q. Were you elected as a Democrat?
A. I was elected as an antilottery man.
Q. Did you claim to be a Democrat?
A. I did.
Q. Have you claimed to be a Democrat for the last ten years previous to this election?
A. I have.
Q. Have you voted the Democratic ticket until the recent election?
A. I have.
Q. Did you participate in the Democratic caucus in the legislature of which you were a member?
A. I participated in two or three of them.
Q. Did you know of any intimidation or unlawful influence being used against you in the last election, of your personal knowledge?
A. With the exception of the instance already narrated, I do not.
Q. What instance did you narrate?
A. In the case of the negro Stokes, which occurred at the Compress.
Q. That is the only instance?
A. Yes, sir.
Q. You have stated something with regard to the formation of negro Democratic clubs; do you know of any unlawful influence being used to obtain the formation of those clubs?
A. I do not.
Q. Do you know of any unlawful influence being used to obtain the adoption of the resolutions by which the members of the clubs pledged themselves to vote the Democratic ticket and to vote it open?
A. Except the general fact, which I believe to be true, that they did not wish to vote the Democratic ticket.
Q. Is it not a fact that the contestee has lived in the parish of Ouachita for the last fifteen years?
A. It is.
Q. Was there any other name on the Democratic ticket at the last election except that of the contestee?
A. There was not.
Q. Is the contestee personally unpopular with the colored people of the parish of Ouachita and the city of Monroe, so far as you know?
A. I do not think I ever heard a negro express an opinion touching the contestee personally.
Q. Is it not a fact that as a member of the recent—last legislature—you supported a bill amending the election law of the State, for the avowed purpose of disfranchising the negroes?
A. It is not.
Q. Is it not a fact that you, in speeches in the legislature, advocated the disfranchisement of the negroes by changing the election law, which would prevent their voting?
A. I did not.
Q. Is it not a fact that in the election of 1888 you advocated the exclusion of negro Democrats from participation in Democratic primaries?
A. I advocated the elimination of the negroes from politics in Ouachita Parish at that time, from primaries.
Q. Is it not a fact that shortly before the adjournment of the legislature, on a visit to this town, you gave an interview to a reporter of the daily paper published here, in which you charged that a certain measure providing for the funding of a certain class of State securities known as "baby bonds" had been obtained by corrupt means?

(Contestant's counsel objects to the question on the ground it is irrelevant.)

A. I prefer being made his own witness later, for the reason that contestee can later make me his own witness, and then establish such things as he may desire.
Q. Is it not a fact that on returning to the sitting of the legislature and learning that a copy of the paper containing the interview had reached the capitol, that you rose to a question of personal privilege and denied having given such an interview, and thereupon telegraphed to the newspaper, requesting that any comment be withheld until your return, or words to that effect?

(Contestant's counsel objects to this question on the ground that it is irrelevant, not covered by any issue in the contest.)

A. I interpose the same for the same reason.
Q. Did you not state on the floor of the house of representatives, in the remarks which you made on the occasion referred to, that you were the victim of a manufactured interview, or words to that effect?
A. Same thing by witness.
Q. With respect to what you had alleged to be the rule in this parish as to managers controlling the votes of the laborers under their employ, have you spoken of your personal knowledge?
A. I have not; only as a matter of common repute and general knowledge.
Q. Do you mean general knowledge of your own or general knowledge of other people?
A. Of my own and of other people.
Q. Then you state you have a knowledge of these facts yourself?
A. As matters of general repute.
Q. You speak, then, entirely from general repute?
A. Yes, sir.
Q. Give the name of the negro that you stated in your direct examination having seen at the Compress polling precinct talking to a young man and the young man trying to induce him to take a Boatner ticket and vote it instead of a Benoit ticket?
A. Stokes; Monroe Stokes, I think, is his name.
Q. You stated that Mr. John P. Parker afterwards took him by the arm and told him to come on and vote. Now, do you know for whom he voted?
A. He voted for Mr. Boatner.
Q. Are you positive of that fact?
A. I am positive for the reason that Mr. John P. Parker, an ardent supporter of Mr. Boatner's, took him to the ballot box and voted him.
Q. Is it not a fact that Mr. John P. Parker told the negro that he could vote for you if he wanted to and to come on and vote now?
A. I did not hear him say so.
Q. Did you see the ballot that Monroe Stokes cast on that occasion?
A. I did not.
Q. Was he not the same negro referred to by you in your direct testimony as the one who stated that he had previously tried to vote at the court-house precinct and was not permitted to vote there?
A. He was.
Q. You were an ardent supporter of Governor Foster's in the last State election, were you not?
A. I was.
Q. And was elected to the legislature from this parish on what was known as the Foster ticket, were you not?
A. The Foster antilottery ticket.
Q. Was that ticket denominated a Republican, a People's, or a Democratic ticket?
A. Both factions claimed to be the Democratic party.
Q. You were an active participator in the two primaries held in Ouachita Parish prior to the State election in 1892?

(Contestant's counsel objects to all these questions on the ground that they are irrelevant.)

A. I was.
Q. Were not those two primaries and also the State election in April, 1892, the most exciting elections held in the parish of Ouachita during the past twelve years and up to the present time?
A. Except the recent election upon the whisky question, they were.
Q. What acts of violence or demonstrations calculated to intimidate were committed of your own knowledge in this parish at the Congressional election held on November 6, 1894?
A. With the exception of the Stokes affair, I have no knowledge.
Q. In the convention that assembled at Monroe and by which you were nominated as the People's Party candidate for Congress from this district, was not a campaign fund raised or promised by the delegates or members of said convention to you in an amount aggregating more than $1,000?

(Contestant's counsel objects to this as irrelevant and not pertinent to any issue in this case.)

A. There was not.
Q. State the amount, as nearly as you can, that was pledged to you on the occasion inquired about.
A. About $400.
Q. Did you not hear the speeches made in that convention by R. H. Ward, one Hester, and one old, gray-headed man from Union Parish?
A. I heard Mr. Hester's speech only.
Q. Do you know whether Judge A. A. Gunby, Dr. Wm. Sandel, and E. T. Lamkin were present during the proceedings of that convention, and also C. H. Trousdale?
A. They were; some for a few minutes.
Q. Did you not hear part of as many as two speeches in that convention by the delegates, in which speeches they declared they would march to victory with their party and platform of principles if it necessitated their resorting to their shotguns and rifles?
A. I did not.
Q. Did you not hear that speeches of that character were made in that convention?
A. I did not.
Q. Did you not hear R. H. Ward and a very elderly gentleman, whose name I don't remember, declare that when they had accomplished their purpose in Louisiana they would then march to Alabama with their shotguns and rifles and see that the People's Party officers would be installed?
A. I did not hear any part of Ward's speech, nor do I remember to have heard any other speech except by Mr. Hester, jr., of Union. I was absent while those speeches were being made, with the committee on resolutions, who had sent for me.
Q. On the day after your nomination did you not say, in the presence of R. B. Blanks, C. H. Trousdale, and E. T. Lamkin, that you had suffered yourself to be made a fool of by accepting the nomination, giving as your reason therefor that you didn't have the remotest chance of being elected at the approaching election?
A. I have no recollection of such a statement.
Q. Will you state that you did not make such an assertion at the time and to the parties mentioned in the previous question?
A. I will not.
Q. Is it not a fact that you frequently stated, and to various parties, in Monroe, Ouachita Parish, that you hadn't the faintest idea of being elected, but that you couldn't refuse the nomination after it had been tendered to you twice and the convention which tendered it having promised to defray all campaign expenses?
A. Yes, sir; that was part of my programme.
Q. Why is it that you have only alleged and charged fraud and intimidation in the parishes and at the precincts in the Fifth Congressional district where majorities were cast in favor of the contestee?
A. For the reason that those are the only parishes in the district in which such a charge would lie.
Q. Do you know of your own knowledge how elections are conducted in the parishes of Jackson, Lincoln, Union, and Claiborne?
A. Only from general repute.
Q. Have you ever been present and attended an election in either of the parishes above inquired about? Is it not a fact that you have made no complaint against the methods employed in the conduct of November elections at any precinct in the Fifth Congressional district which returned a majority for you?
A. It is.

Q. Why is this?

A. For the reason because no information reached my ears of any irregularities at those precincts.

Q. You have displayed a great deal of energy and activity, have you not, in endeavoring to ascertain any irregularities at the precincts which returned majorities against you, have you not?

A. To the extent of my means and ability I have.

Q. What efforts, if any, have you made to ascertain whether or not there were any irregularities or intimidations or frauds committed in the parishes of Jackson, Lincoln, and Union?

A. None whatever, for the elections in these parishes are not complained of.

Q. Have you not said that there was fraud committed in those parishes and other hill parishes in the State election held in April, 1892, and but for which Foster would never have taken his seat as governor of Louisiana?

A. I have not.

Q. Have you not stated that Foster was the product of fraud?

A. I have no doubt I have.

Q. In the last State election, and at which you were elected a member of the legislature, did you not receive a hearty support of the late Captain Tibbles and L. D. McLain?

A. I did.

Q. Did not the planting partnership of McLain & Tibbles, as it then existed, employ and control as many colored voters or more than any other two planters in the parish of Ouachita?

A. They did.

Q. Do you know for whom the colored voters employed by McLain & Tibbles voted for for the legislature in that election?

A. I do: they voted for me.

Q. Did you make any objection to the influence which these planters exerted in your behalf at that election?

A. I did not.

Q. Did you make any canvass of the parish in that election?

A. I did not.

Q. Did you make any canvass of the parish in the last election?

A. I made three speeches.

Q. At what points?

A. Pine Grove, Calhoun, Monroe.

Q. Pine Grove and Calhoun are west of the river, in the hill parish, are they not?

A. They are.

Q. Did you visit the parish of East Carroll in the late campaign?

A. I did not.

Q. Did you visit the parish of Tensas?

A. I did not.

Q. Did you visit the parish of Concordia?

A. I did not.

Q. Did you visit the parish of West Carroll?

A. I did not.

Q. Did you visit the parish of Richland?

A. I did.

Q. At what point in that parish did you speak?

A. Delhi and Rayville.

Q. Who gave you the information of the alleged intimidation at Rayville and Girod, in the parish of Richland, in the recent election?

A. Col. A. B. Cooper for Rayville; Capt. J. Mat Riley for Girod.

Q. Did you summon either of those parties as a witness in this contest?

A. I summoned Captain Riley.

Q. Do you mean by Captain Riley, Col. J. Mat Riley?

A. Capt. J. Mat Riley; yes, sir.

Q. Why did you not summons Col. J. B. Cooper?

A. Because he stated that at his box in his precinct the election was fair, but that he had been informed that such a condition prevailed at and about Rayville.

Q. Col. J. Mat Riley resides in this parish?

A. He does.

Q. You summoned him to appear in Rayville, did you not?

A. I did.

Q. Why did you not summons him to appear here?

A. I did not know at that time that the law required, or the rule, that a witness should be summoned in the parish in which he resided, but presumed he had to be summoned in Richland, as the complaint was made there.

Q. Didn't you learn the existence of that rule before the issuance of the summonses for the investigation in this parish?

A. No, sir.

Q. When did you learn the existence of that rule?

A. A day or two ago, after the investigation had been had.

Q. Why did you postpone the investigation of alleged frauds in this parish (Ouachita) until the 25th of this month?

A. For the reason that it was not convenient for my attorneys to take testimony earlier.

Q. You have applied for an extension of time on the ground that the quarantine regulations of several parishes prevented your attorneys from entering them to attend the investigation. Why did you not, during that period, when it is claimed your attorneys could not attend in other parishes, proceed with the taking of testimony in this parish (Ouachita)?

A. We had not; I had not settled upon the names of all the witnesses.

Q. When did you settle on the names of all the witnesses?

A. To-day one week ago.

Q. You summoned Mr. John W. Johnston, Mr. E. C. McGee, Mr. A. S. Brown, John P. Parker, and several other witnesses who reside in the country; why have you put none of them on the stand except Mr. Ransom and Mr. Cahn (Cann)?

A. For the reason that it was evident that the time to examine all witnesses would not be sufficient; therefore I deemed it best to examine those with whose testimony I would be somewhat familiar.

Q. You summoned Mr. F. H. Cann from the Fourth Ward; you knew he was a supporter and a political and personal friend of contestee; why did you not summon one of your own supporters from that ward?

A. Because I did not know the name of anyone of my avowed supporters who remained at the polls the day of the election.

Q. Did you have any avowed supporter in that ward?

A. I was told I had two.

Q. Did you make any effort to communicate with them, or did you communicate with them with regard to the conduct of the election in that ward?

A. I did not.

Q. Did you have any reason to believe that the negroes of that ward would support you as a matter of choice in preference to the contestee?

A. Only the general belief that they would vote for anyone who promised or who it was believed would be able or endeavor to change the present financial condition of the country.

Q. And you think the negroes of that ward were advised and informed that you would effect such a change, or attempt to do so?

A. I judge they believed that I could not make it any worse.

Q. Upon what do you base that opinion?

A. The pressing need of a change of conditions.

Q. Was that opinion formed from intercourse or conversation with them, or just a general inference which you drew yourself without it?

A. It is drawn from the fact of conversation with negroes generally.

Q. Did you converse with any from the Fourth Ward?

A. I do not know.

Q. Are you informed as to whether the negroes as a class supported you in the three parishes which returned majorities for you?

A. I am not.

Q. Are you advised or aware that your popular supporters in the hill parishes attempted by violence and intimidation, and in many instances succeeded, in forcing the negroes residing there to support you?

A. Never heard of it.

Q. I observe that you summoned Mr. John C. Ransom from the Fifth Ward of this parish; were you not aware that Mr. Ransom was a supporter of the contestee?

A. I was.

Q. Have you not quite a number of active supporters in that ward?

A. I received about 80 votes in that ward.

Q. Is that the only means of information you have of the support given you in that ward?

A. Oh, I know the names of gentlemen who supported me.

Q. If such a reign of terror existed in that ward, as well as in other parts of the parish, as to prevent a free and fair election, why did you not summons some of your supporters to prove it?

A. My most ardent supporter at that box was a commissioner of elections, and therefore I thought would be unable to testify.

Q. Who was he?

A. Maj. J. H. Flournoy.

Q. Is he the gentleman who contributes to the newspapers on the subject of free silver and the general degeneracy of all political parties except the organization ycleped the People's Party?

A. He frequently writes for the newspapers.

Q. Do you mean to say that this reign of terror existed only on the day of election?

A. I mean what my allegation contains.

Q. The question is, What does your allegation mean, in your judgment—what idea did you intend to convey, that this reign of terror existed only on the day of election or preceded it?

A. Upon the day of election, and perhaps one or two days preceding it.

Q. If it preceded it, why would Major Flournoy being a commissioner of election prevent his having knowledge of the fact?

A. He is an old man and does not stir around much.

Q. Is he the only white supporter you had in that ward?

A. He was not.

Q. Why did you not summon them?

A. Because I did not wish to.

Q. Are you well acquainted with John C. Ransom?

A. Quite well; I have known John for about eight on ten years.

Q. Is it not a fact that he was an actual supporter of yours for election to the State legislature?

A. He was.

Q. What is his character for truth and veracity?

A. Very good.

Q. Is he not a man of high standing and integrity in the community?

A. He stands very well in his community.

Q. Would you doubt the truth of any statement which he would make under oath?

A. I do not think I would.

Q. Did you hear his testimony given on yesterday?

A. I did.

Q. After having heard his testimony, do you still allege that the election in the Fifth Ward was influenced by intimidation?

A. Well, yes, sir; I still claim my allegations are true.

Q. You, then, claim that Mr. Ransom has testified falsely, do you?

A. I do not claim any such a thing. Mr. Ransom testified to the best of his knowledge and belief as far as his own observation was concerned.

Q. If, then, Mr. Ransom being a witness from the Fifth Ward, and having testified that he was an active participant in the election, and that there was neither force nor fraud, so far as he knew of or heard of, be true, upon what evidence do you rely to maintain your assertion that the voters of the Fifth Ward were intimidated, at least a majority of them, into giving the contestee their support?

A. I have no other witness from that ward.

Q. You have known Capt. F. H. Cann a number of years?

A. I have.

Q. Is he a gentleman of high standing and character in this community?

A. He is.

Q. Would he, in your opinion, make a false statement under oath or otherwise?

A. He would not.

Q. Would you not place implicit confidence in any statement which he would make as being within his own knowledge?

A. I would.

Q. Are you acquainted with Mr. John P. Parker?

A. I am.

Q. What is his reputation for truth and veracity in this community?

A. Mr. Parker is president of the Planters' Oil Company, vice-president of the Monroe Grocery Company, and he is interested in other large and successful business enterprises, and is therefore a man who stands well in the community.

Q. I asked about his reputation for truth and veracity.

A. I never heard it questioned.

Q. Would you not implicitly accept his statement under oath about any matter of fact?

A. I think I would.

Q. Don't you know you would?

A. I have never had occasion to doubt Mr. Parker's word; never had any transaction with Mr. Parker of any consequence; don't think I ever had any transaction with him in my life.

Q. You have known him a long time?

A. Yes, sir; I have.

Q. And his character for truth and veracity is not questioned in this community?

A. I have not heard it questioned.

Q. Are you acquainted with J. W. Johnson?

A. I am.

Q. State his standing and character in this community.

A. I am not very well acquainted with him; so far as his character is concerned I know nothing bad about him.

Q. Would you not accept his statement under oath to any matter of fact implicitly?

A. I have no reason to say otherwise.

Q. That does not exactly answer the question; it is easy enough to say I

have never heard it questioned. The question is, Whether or not his standing in this community and his conduct since you have been a member of it that you or any other citizen here would accept his own statement without question?

A. I had not known Mr. Johnson a great while very intimately, but from what I know of him I answer that question in the affirmative.

Q. Are you acquainted with A. S. Brown?

A. Slightly.

Q. How long has Mr. Brown been a resident of this parish?

A. I do not know.

Q. Has he not been a resident of it at least ten years?

A. I don't know; I think about seven years.

Q. Do you not know that he was manager up on Mr. Stubbs's Magenta plantation as early as 1883?

A. I do not; it's been so long I may have forgotten. I do not——

Q. You do know, however, that he was a supporter of yours when you were elected a member of the legislature, do you not?

A. I think he was.

Q. From your knowledge of Mr. Brown's character in this community, would you not accept any statement of fact made by him under oath as true and correct?

A. I know almost nothing about Mr. Brown; I never had five minutes' conversation with him in my life that I remember, nor with others about him.

Q. Do you know what his reputation for truth and veracity is in this community?

A. I never heard it asked about or questioned.

Q. Did you ever hear it impeached in any way?

A. No, sir.

Q. Do you know Mr. E. C. McGee?

A. I do.

Q. How long have you known him?

A. Two years, I think.

Q. Don't you recollect knowing Mr. McGee longer than two years?

A. He may have been here earlier, but I don't think I formed his acquaintance until about two years ago.

Q. What is Mr. McGee's reputation in this community; is it that of an honorable man and a gentleman?

A. He is known as an all-around good fellow.

Q. That don't answer the question. I want to know his reputation as a reliable man and a gentleman.

A. I think that is his reputation, though I have never heard this question discussed or mentioned; never heard his character assailed.

Q. Would you doubt the truth of any statement of fact which he would make under oath?

A. I would not.

Q. Are you acquainted with W. D. Munholland?

A. Yes, sir.

Q. Is he a reputable lawyer of this city?

A. I don't know, sir.

Q. Is he a gentleman of standing and character here?

A. Man stands very well.

Q. Would you doubt any assertion he would make under oath?

A. I don't know him well enough. I am not intimately acquainted with Mr. Munholland.

Q. Do you know anything about him that would give ground to suppose he would testify otherwise than truthfully?

A. I do not.

Q. I will ask you the same question with reference to C. T. Madison?

A. I make the same answer.

Q. Are you acquainted with Mr. T. M. Parker, manager of the Planters' oil mill?

A. I am.

Q. Would you doubt the truth of any statement which he would make under oath?

A. I don't know that I would.

Q. Don't you know that you wouldn't?

A. I have no reason to know I wouldn't; never had any dealings with Tom in any way in my life.

Q. What is his reputation in this community for truth and veracity; is it good or bad?

A. Never heard it mentioned.

Q. Are you acquainted with E. J. Ficken, manager of the Union oil mill?

A. Slightly.

Q. Is there anything against his reputation for truth and veracity in this community?

A. I don't know anything about him or his truth and veracity.

Q. Are you acquainted with Uriah Millsaps, of West Monroe?

A. I am.

Q. Is he a gentleman of truth and veracity?

A. I think he is.

Q. Peaceable, quiet man?

A. Yes, sir.

Q. Man of high standing in this community?

A. He doesn't live in this community; he lives immediately across the Ouachita River.

Q. Is he not a man of high standing and character in the society of Ouachita?

A. Mr. Millsaps is a successful business man. Further than that I know little or nothing touching Mr. Millsap's character.

Q. You have charged in your contest that a reign of terror existed in this parish just prior to and on the day of election, which prevented a free and fair election. Who inaugurated that reign of terror?

A. I do not know.

Q. Who were the principal actors in it?

A. The allegations contained in my notice of contest are based upon the general knowledge that planters claimed the right to vote their negroes against me, and that others, irrespective of their connection with the farming interest, were likewise prevented from voting for me.

Q. This, then, is the sole foundation for that charge?

A. I think it is sufficient.

Q. It is not a question of sufficiency; it is one of fact. Are you aware of any act of violence or threats, either by individuals or by associations, to intimidate either white or colored voters prior to the day of election?

A. Aside from the facts already detailed, it is; aside from the answers in my testimony, I have no other knowledge.

Q. Then you know of no other acts or means used, except the influence of the planters and their managers, to procure the support of their colored labor for the contestee being used to bring about this reign of terror to which you referred in your answer?

A. That is all.

Q. Is it not a fact that a large majority of the white voters of this city voted for the contestee in the recent election?

A. It is.

Q. Do you charge now, under oath, that they were at all influenced unlawfully in giving their support?

A. I charge that there was a moral coercion, the pressure of which numbers of those who wished to vote for me could not withstand.

Q. How was that coercion brought about?

A. The banks and bankers were against me; most of the other large institutions; the corporations were against me.

Q. You attribute your defeat to the influence of the money power of this parish?

A. I do not attribute it to that source exclusively.

Q. You do not claim these institutions to which you referred and classes to which you referred—that is, that of bankers and moneyed men—were coerced or intimidated?

A. I do not.

Q. What supporter, if any, did you have in Ward 1 at the recent election who could act as commissioner of election?

A. I do not know.

Q. What supporter or supporters did you have who could have served as commissioners of election as your representative at the Filhiol schoolhouse, in Ward 10, and at the Logtown precinct, in Ward 4?

A. I do not know; Mr. Whited and some other friends of mine looked after the matter; I was absent and couldn't.

Q. Is it not a fact that you did not receive a vote at either of the two precincts last inquired about?

A. I don't know, but I think I got none. I do not know. I do not think I got any.

Q. Who are your general counsel in this contest in this district?

A. Gunby & Sholars.

Q. Do they reside in the city of Monroe?

A. They do.

Q. Were either or both of them in the parish of Ouachita for two weeks following the 14th of February, 1895?

A. I do not know.

Q. You don't know whether either one was here during that period—that is to say, two weeks after the 14th of February last?

A. I presume they were in the city; I do not know.

Q. Did you know where the contestee was during the months of January and February?

A. The presumption was you were in Washington.

Q. Do you receive a CONGRESSIONAL RECORD?

A. I do.

Q. Did you read the proceedings of the last session of Congress?

A. Occasionally.

Q. Did you not know from reading that RECORD that the contestee was in attendance on the sittings of the House of Representatives?

A. No; no roll call.

Q. You saw no roll call recorded?

A. There is no daily roll call.

Q. There were roll calls almost every day, were there not?

A. I was so busy with my contest at that particular time that I paid less attention to the proceedings of Congress than I ordinarily do.

Q. Were you not perfectly aware at the time you caused service of the notice of contest to be made at the residence of the contestee in this city that the contestee was in the discharge of his official duty in Washington City, attending the sittings of the House of Representatives?

A. The presumption is you were there.

A. BENOIT.

Sworn to and subscribed this March 27, 1895.

[SEAL.] W. H. LUZENBERG, *N. P.*

We call especial attention to the following excerpts from the testimony of this witness:

Q. Is it not a fact that a large majority of the white voters voted for contestee?

A. It is.

Q. Do you charge now under oath that they were at all influenced unlawfully in giving him their support?

A. I charge that there was a moral coercion the pressure of which numbers of those who wished to vote for me could not withstand.

Q. How was that pressure brought about?

A. The banks and bankers were against me; most of the other large institutions. The corporations were against me.

If the majority of the committee is of opinion that the existence of such a moral coercion as is here described by the contestant renders an election void, it would be necessary, in order to carry that theory into effect, to declare void the election of a very large part of the membership of this House, as it is charged by the Populist party that the "money power," so called, not only controls the election of a majority of both branches of Congress, but dominates and controls their action afterwards. That so absurd a contention should have received any favor at the hands of the majority of this committee is a matter of great surprise.

Against this testimony the contestee arrays that of the following witnesses who were at the polls during the day, having gone there to vote, and who had ample opportunities for observation, and who emphatically deny the statements made by contestant: Dr. J. B. Searcey, pastor of the Baptist church; Rev. A. Heinberg, rabbi of Temple Sinai; Rev. Josiah Jones, Rev. R. B. Vincent, and Rev. William Hamilton, pastors in charge of the negro churches; Hon. W. N. Potts, district judge; H. H. Russell and F. G. Hudson, attorneys; H. Randall, Dr. A. G. Bowman, J. M. Breard, D. A. Breard, E. Neuwirth, E. C. McGehee, E. I. Ficken, George W. Stewart, member of the Republican executive committee of the district; F. W. Barrington, principal of the colored high school; Elijah Jones, Sandy Bird, Henry Barnes, W. G. Head, D. C. Hill, Charles Horton, and Abram Ray, the last eight being prominent negroes, who emphatically and positively deny the charges of violence and intimidation, and affirm that the election was free from undue excitement or unlawful influences. These negroes testify that contestee was popular with the negroes, and that as a class they supported him in preference to the contestant. They are evidently the leaders of their race in this locality, and we can imagine no legal reason for discrediting their sworn statements.

Added to this is the testimony of George W. Stewart, who appears to be a stanch Republican, and who makes the following statement:

George W. Stewart, a lawful witness, sworn:

Q. You live in this parish?

A. I do; in the city of Monroe.

Q. How long have you lived in the parish?

A. I came on the 4th of July, 1873.

Q. What is your occupation?

A. I am a carpenter by trade.

Q. How old are you?

A. Sixty-three years old.

Q. Do you know Mr. Benoit and Mr. Boatner?

A. I know both of them.

Q. What is your politics?

A. I am a Republican.

Q. Have you recently held any Federal position; if so, what?

A. Superintendent of construction of the United States post-office and courthouse here during Harrison's Administration.

Q. Who was the choice of the Republicans of this parish in 1894 as between Benoit and Boatner?

A. Mr. Boatner; I can tell you that as one of the members of the executive committee.

Q. Are you a member of the Republican Congressional executive committee for this district?

A. I am.

Q. Was there much excitement in the conduct of the November election in 1894?

A. None whatever among us about it. No excitement.

Q. Did you vote at the election?

A. I did.

Q. In your opinion, was it peaceable and fair in this parish?

A. There never was a more peaceable or fairer one.

Q. Mr. Benoit charges in his notice of contest that but for the intimidation practiced upon the white and colored voters of this parish by the friends and supporters of Colonel Boatner he would have received 2,500 votes at that election and Colonel Boatner would have received 600. What's your opinion in regard to that charge?

A. He wouldn't have gotten it on this side the river; don't know anything about the other side.

Q. Is not the principal voting strength in this parish on this side the river?

A. It is.

Q. At any fair election in this parish do you think Benoit would receive more votes than he did get at the election in November, 1894, under any circumstances?

A. I don't think he would.

(Objected to as calling for the opinion of witness.)

Q. Do you know or have you heard of the existence in this parish at and prior to the election in November, 1894, of any reign of terror or systematic intimidation practiced by the friends and supporters of Boatner?

A. I have not heard of any—in the last two Congressional elections the Republicans supported Boatner of their own accord.

Q. Is Mr. Benoit popular with the colored people in this parish?

A. I don't know.

Cross-examined:

Q. Did you state that throughout the Fifth Congressional district, or in the parish of Ouachita, the Republicans supported Boatner against Benoit?

A. I said they supported Boatner.

Q. I ask you in Ouachita Parish or throughout the district?

A. In Ouachita Parish.

Q. How many Republicans, white, in Ouachita Parish?

A. In and around Monroe there is between 40 and 50.

Q. Name some of those who supported Colonel Boatner against Benoit?

A. I was not at the ballot box; I went there to vote, but I advised all Republicans, as a member of the executive committee, to vote for Boatner, but I didn't stand at the poll to see they did.

Q. You can't say of your own knowledge that anyone voted for Boatner against Benoit except yourself?

A. That is all.

Q. Have you received any favors at the hands of Boatner since he has been a member of Congress?

A. No, sir; never asked for any.

Q. Did you solicit his support when you were an applicant for the position (Federal) about which you testified?

A. No, sir; never solicited anybody's support.

Q. Are you now an applicant for any Federal position?

A. None.

Q. Have you been?

A. When the Alexandria post-office was given out I applied for it as a mechanic, not as a politician, and didn't get it.

Q. Colonel Boatner indorsed your application, didn't he?

A. I don't know; I told him I was going to apply for it; I didn't tell him I was going to ask him, or did ask him, to indorse it.

Q. You didn't solicit his influence?

A. No, sir; never solicited his influence, never asked him to do anything for me, except to get me a copy of the pension laws. I applied for the post-office here as a mechanic, not as a politician.

GEO. W. STEWART.

Sworn to and subscribed this April 6, 1895.

[SEAL.] W. H. LUZENBERG, *Notary Public.*

It would lengthen this report unreasonably to quote the testimony of the large number of witnesses produced by contestee in rebuttal of contestant's charges. The supplement to the record, however, will show that the witnesses heretofore named negative contestant's assertions. Among them we find the freight and ticket agent of the St. Louis, Iron Mountain and Southern Railway Company, the general attorney for the same company, the attorney for what is known as the Queen and Crescent Company, the pastor of the Baptist church, the district judge, the manager of the Union Oil Company's mill in that city, and several prominent planters.

Among the negroes sworn in behalf of contestee are three who are pastors of the colored churches, the superintendent of the colored schools, an ex-member of the State legislature, two members and one ex-member of the city council, the city constable, who has held that office for a number of years.

We quote from the testimony of one of these witnesses named Charles Horton, who seems to have been a very intelligent man:

Q. Did you vote at the election November 6, 1894?

A. Yes, sir.

Q. Did you observe any disturbance or intimidation at the poll boxes?

A. No, sir.

Q. Did you hear or know of any violations or coercion of white or colored voters at or prior to the November election, 1894?

A. No, sir.

Q. It is charged by contestant that in the parish of Ouachita a reign of terror was inaugurated by the friends and supporters of Mr. Boatner at and prior to the November election, 1894, which prevented a fair election and deterred and intimidated a large number of voters, white and black, into voting for Boatner who would otherwise have cast their ballots for Benoit. Did any such condition of affairs exist in this parish?

A. No, sir.

Cross-examination:

Q. You have stated here that the colored people preferred Mr. Boatner to Benoit. How many did you talk with about it? Name them.

A. William Hamilton, R. Benson, Abe Ray, Adam and Jack Irvin, Richard Thornton, Taylor Jones, John Reed, Dave Hines, Moses Lee, Ed Outz, Bunkey White, Tony Lee, Walter Outz, Henry Barney, George Henderson, William Henderson, Robert Jeems, Mose Culpepper, Tom Williams, Wash Powell, and can call more than that if you need.

Contestant intimated in his testimony that Elijah Johns, a prominent negro, had told him that he would support him if he could. Contestee called Elijah Johns as a witness, and his testimony is found on page 16 et seq. of the supplement to the record. He has been a member of the city council four times, making eight years in all. His testimony is as follows:

Q. Have you been supported as a member of the city council by the white people of your ward?

A. Yes, sir.

Q. Did you vote at the last Congressional election?

A. I did.

Q. Was any violence or threats made to coerce your action in regard to the Congressional election?

A. None.

Q. How long have you known contestee?

A. Ever since he came to Monroe.

Q. Have you supported contestee in any previous Congressional elections?

A. I have voted for him at every election.

Q. It is charged by contestant that there was a reign of terror created in this parish prior to the last election by the friends of the contestee which was so violent that it prevented all the colored people and a large number of the white people from supporting the contestant, Mr. Benoit. Do you know anything of such a reign of terror?

A. No, sir.

Q. It has been stated by Mr. Whited that you told him you would support Mr. Benoit if you could. State what conversation you had with Mr. Whited on that subject.

A. After the nomination of Mr. Benoit I met Mr. Whited on the street. He said that Mr. Benoit had been nominated, and he wanted me to go to work for him. I said, "Yes, sir." He drove on and there was no more said.

Q. Did you tell Mr. Whited that you would support him unless you were forcibly prevented from doing so?

A. It was not my intention.

Q. What was your object in making that statement to him?

A. Merely to pass him by.

Q. Did you wish to avoid a controversy?

A. That was about it.

Q. You have stated that you voted for the contestee. Did you vote for him because he was your choice or because unlawful influence was brought to bear on you?

A. It was my choice.

Q. So far as you know from association with the colored people of this city, is it your opinion that those who supported Boatner did so because he was their choice or because they were forced to do so?

A. Because the contestee was their choice.

Q. It is stated by Mr. Benoit in his testimony that you also told him that you would support him if you could. State what conversation you had with him, and whether you led him to infer that you would support him if not prevented from doing so.

A. I met Mr. Benoit about the Rackett Store. He said, "Old man, I have been nominated and I want you to support me." I told him, "I will if I can."

Q. What was your object in making that statement to him?

A. I did not have any particular object.

Q. Was there anything to prevent you from supporting him if you wanted to do so.

A. Nothing.

Cross-examination:

Q. Do I understand you to say you do not know what their political preferences (referring to negroes) were between Boatner and Benoit?

A. All that I know was that Mr. Boatner was their preference.

Q. How do you know that in the last election?

A. From my association with the colored people, they all speak well of Mr. Boatner. He is the Representative of this district for about six years, and I voted for him every election, and it is my idea that he is the preference of the others.

JOSIAH JONES:

Q. From your knowledge of your neighbors, the colored people especially, is it your opinion that they voted according to their choice in the last Congressional election?

A. So far as I know, they voted of their own opinion.

Q. Is there any hostility among the colored people of this parish to contestee; I mean by hostility, unkind, bad feeling?

A. No, sir; not within my knowledge.

Q. Do you know of any threats, violence, or intimidation resorted to by the friends of the contestee, Mr. Boatner, to secure the votes of either white or colored people for him?

A. I do not.

This man is the owner of the farm on which he resides. (See record, pages 14, 15.) It will thus be seen that the contestee has resorted to the very best evidence of which the nature of the case is susceptible. He has in the two parishes of Ouachita and Caldwell taken the testimony of the parties said to have been intimidated, while the contestant has not called in either of these parishes a single witness who had been at all interfered with in the exercise of the right of suffrage.

The attack on the Second Ward of this parish rests on the testimony of Samuel Whited. He is contradicted by W. T. Oaks, D. D. Johnson, J. W. Johnson, and E. E. McGehee. The character and credibility of these witnesses is vouched for by the contestant in his testimony in this case.

There is testimony in the record to show that the negroes usually, almost invariably, vote with their employers, and did so in the last election. We entertain no doubt but that this is the fact, but there is not the slightest evidence in the record to show that any unlawful means were used to influence them to do so. It may be the fact that they prefer to cooperate with their employers and take their advice in preference to that of interested politicians and office seekers, we know of no law or reason for interfering with that choice or denying them the right to cooperate politically with whom they please. We therefore conclude that the contestee is entitled to the full returned vote of this parish, which gave him 1,906 majority.

MOREHOUSE.

The charges against this parish are as follows:

"That on the 6th day of November, 1894, in the parish of Morehouse, an election was held for a Representative in the Fifty-fourth Congress of the United States for the Fifth Congressional district of Louisiana, and that throughout said parish a reign of terror existed of such a nature and to such an extent as to deter hundreds of legally qualified electors from voting at all, and causing others to vote for you and against me, contrary to their wishes, and that all or nearly all of those who voted for me did so over threats and by daring such consequences of bodily harm as they had reason to fear would be inflicted or attempted to be inflicted upon them.

"That legally qualified voters, who were known to be my friends and supporters, were 'waited upon,' some by night, others in the day, and warned to desist from upholding my candidacy for such Representative in the Fifty-fourth Congress of the United States, and to remain away from the place or places where the voting was to be done, all of which outrages upon the rights and liberties of free men were perpetrated by your Democratic friends and partisans, and all of which was evidently premeditated, inasmuch as one of your principal supporters, in a speech delivered at Bastrop, in the said parish, in October or September, 1894, made the following statement: 'If we (meaning your political friends and supporters) can not control the negroes any other way, we can bulldoze them or count them.' In consideration of all which I shall claim that the votes received by you in said parish should be rejected and not counted for you, and that fully 400 legally qualified electors

were deterred from voting for me by unlawful means and forced to vote for you who otherwise would have voted for me, and should therefore have been counted for me, and that an honest election and an honest return thereof would place the result in said Morehouse Parish as follows, to wit:

Benoit	718
Boatner	291

The vote for this parish is:

Boatner	691
Benoit	381
Boatner's majority	310

The testimony attacks the Tenth Ward only, which gave contestee 26 votes, and in our opinion sustains the charge of intimidation at that poll, which we reject, and which, deducted from Boatner's returned vote, leaves his majority 284. There is not the slightest proof against any other ward or poll in this parish.

RICHLAND PARISH.

The charges against this parish are as follows:

"That at an election held in the parish of Richland upon the 6th day of November, 1894, for a Congressman to represent the Fifth Congressional district of Louisiana in the Fifty-fourth Congress of the United States of America, 300 electors who had been provided with tickets bearing my name for said office were put in fear and made to relinquish the same, and to accept in lieu thereof tickets bearing your name for said Representative, with the injunction to 'vote or take the consequences,' which consequences, it was understood, would be disastrous to those who dared to vote for me; that these unlawful and reprehensible proceedings occurred at the voting places of Rayville and Girard, or near thereto, and at these places threats and intimidation was resorted to to deter and prevent those who wished to vote for me from doing so, and to force them to vote for you, all of which was done by your political friends and supporters and partisans. I shall therefore insist that, could a fair and peaceable election have been held at the said voting places of Rayville and Girard, and true return made thereof, the vote of Richland Parish for said Representative in the Fifty-fourth Congress, at the election held upon the 6th day of November, 1894, would be as follows, to wit:

Benoit	640
Boatner	333

In support of these charges contestant took the testimony of six witnesses, none of whom sustain them.

FRANKLIN.

Contestant charges:

"That on the 6th day of November, 1894, in the parish of Franklin, there was held an election for a Representative in the Fifty-fourth Congress from the Fifth Congressional district of Louisiana, and that at the voting places in the First, Second, and Fourth wards in said parish gross frauds and other irregularities were committed of such a nature and to such an extent as to require in fairness to me and in justice to the people of this district that 280 of the votes polled at the voting places in such wards be thrown out, rejected, and not counted for you and against me, as they have been illegally and wrongfully done.

"At one of the said places one of my supporters who wished to exercise his lawful right to witness a count of the vote was forcibly ejected from the room and violently beaten with sticks, etc. I will therefore claim that 280 of the votes counted for you thereat should be rejected, and not counted for you and against me. In consideration of which the vote of Franklin Parish at said election was and ought to be as follows:

Benoit	420
Boatner	357

It will be observed that only two polls in this parish were attacked—the Second and Fourth wards—one because one of the supporters of contestant, who wished to witness the count, was said to have been forcibly ejected from the room and violently beaten with sticks, and at the other the commissioners of election failed to swear to the returns.

The testimony of S. H. Cordill, to be found on page 184 of the record, explains the personal recounter with Mr. Benoit's supporter. It seems that he was an interloper, a man who had just come to the country, not a citizen of the ward or parish, and came over to Ward 3 to run the election. Cordill testifies as follows:

"There were two men sent from Winnsboro, in Ward 7, for the purpose of running the election in Ward 3 in favor of the Populists. Neither one of those persons were voters in the ward. The people of that ward told them that they could get along without their assistance, and told them to leave, and they left. This was about 10 o'clock in the day. They attempted to coerce the colored people to vote the Populist ticket, and the white people would not submit to it. The fact that their being forced to leave did not have any effect on the result of the election, and did not change the result thereof. If those people had remained there quietly, and not attempted to coerce the colored people to vote their way, they could have remained there quietly all day and nothing would have been done. From that time on the people voted as they pleased. There was no fraud practiced in the counting or returning of the votes. I assisted in the counting and returning of the votes.

"Mr. Boatner is very well and favorably known in that ward. Mr. Boatner was the choice of a large majority of the people of that ward. Mr. Benoit is very little known in that ward; no one out there is acquainted with him. There was no organization of the Populists in that ward, and it was considered that there were no Populists there. There was no objection made by the commissioners to anyone voting the Populist ticket if they wanted to. There would have been no disturbance at that poll if those two outsiders had not come there and created it. The only objection was that Mr. Scramblin, one of the outsiders and no voter, attempted to coerce one Brown Buckner to vote the Populist ticket, and Buckner told the commissioners that he wanted to vote for Mr. Boatner. Scramblin took hold of his hand and wanted to put the ticket in the box. The commissioners objected to his so doing, and ordered him to desist, and ejected him from the room. From that time on there was no disturbance, and everything passed off quietly.

"S. H. CORDILL."

W. B. Osborn, another witness, accounts for the difficulty in this way:

"Everything passed off smoothly until about 10 o'clock in the day, when one Mr. Scramblin, who had been sent there and who was not a voter at said precinct, attempted to coerce the colored people to vote the Populist ticket against their will. The said Scramblin attempted to force one Brown Buckner to vote for Benoit. He took said Buckner by the hand and attempted to force him to deposit a Benoit ballot in the box. Said Buckner informed the commissioners of election that he did not want to vote for Benoit, but that he wanted to vote for Mr. Boatner. Whereupon the commissioners ordered Mr. Scramblin to desist and let the people vote for who they pleased, which he refused to do, upon which refusal he was ejected from the room. The disturbance caused by this had no effect upon the result of the election at said ward."

There was no further disturbance. The election passed off peaceably.

The same facts are testified to by I. S. Osborn and a number of other witnesses.

As to Ward 4, the facts as stated by the commissioner are that they were duly sworn before opening the poll; that they made out their returns according to the law, except they did not think it necessary to swear to them and did not know that one of the commissioners had the right to administer the oath to the others. They all agree that the vote was returned exactly as cast and that the election was perfectly free and honest. Upon this point there can be no difference of opinion.

We are of opinion that contestee is entitled to the full returned vote from this parish.

WEST CARROLL.

"That at an election held in the parish of West Carroll, upon the 6th day of November, 1894, for a Representative in the Fifty-fourth Congress of the United States from the Fifth Congressional district of Louisiana, your political friends and supporters for a period of three days immediately preceding such election, with arms, traversed a large portion of said parish, engaged in the wrongful and fraudulent and unfair business of taking by force or fraud tickets having my name printed upon them for Representative in the Fifty-fourth Congress away from legally qualified electors who desired and intended to vote for me, and compelling them to accept tickets upon which was printed your name for said office, warning such electors by threats and fears of violence that they must vote for you; and that many of whom did not vote, were counted and returned for you, wrongfully and illegally, by your political friends and supporters.

"I shall therefore claim that all the votes returned for you at said election in said parish were fraudulent and should be rejected and thrown out, and that 200 of them should have been allowed to vote for me and so returned. In consideration of which the vote of said parish of West Carroll should have been returned as follows, to wit:

Benoit	235
Boatner	99

Contestant, after making such charges, summoned a number of witnesses and repaired to the parish site of that parish to take their depositions, but on arriving there declined to have any of his witnesses sworn, and took no testimony. The returns show, however, that a clerical error in addition of 100, to the prejudice of contestant, was made. This was conceded by contestee, and the returns from that parish corrected accordingly:

Boatner's returned majority is	284
From which deduct (error in addition)	100
Leaves his majority	284

EAST CARROLL.

The charges are as follows:

"That at an election held in the parish of East Carroll, upon the 6th day of November, 1894, for a Representative in the Fifty-fourth Congress of the United States from the Fifth Congressional district of Louisiana, the various commissioners of election were not required to and did not take the oath required by law to make due and honest return of the election by them held, and that they signed blank returns of an election and forwarded the same to Lake Providence, the parish seat of said parish, and that these blank returns were there filled out and forwarded to Baton Rouge, the State capital, for official promulgation as being the actual vote of said parish; that these wrongs and frauds upon the rights of American citizens were perpetrated by your political friends and partisans.

"I shall therefore claim that the 2,004 majority returned for you from this parish is wholly fraudulent and illegal and should be rejected and not counted for you, and against me, and that a proper and honest count of said parish would be—

Benoit	6
Boatner	9

The evidence in support of contestant in this parish is the opinion of C. F. Davis and William Rouse, that the returns are fictitious, and the testimony of J. S. Guenard, the register of voters, who leaves it in doubt whether there was any lawful registration in that parish. The statement of Davis and Rouse is reenforced by the testimony of R. L. Hill, so far as the returns of Lake Providence are concerned, who swears that very few people were in the town on the day of election. On this testimony it is asked that the entire polls of the parish be excluded. In the opinion of your committee the testimony is entirely insufficient to do so.

MADISON.

"That at an election held in the parish of Madison, upon the 6th day of November, 1894, for a Congressman to represent the Fifth Congressional district of Louisiana in the Fifty-fourth Congress of the United States of America, there were returned for you 1,968 votes and for me 55 votes, while upon the day of said election the number of voters whose names are required by law to be upon the books of the registrar of the voters of said parish as a prerequisite to voting was only 1,638; but that your political friends and partisans wrongfully and fraudulently returned for you, as having been actually cast, 1,968 votes.

"I shall therefore claim that the vote of said parish for you is so tinged with fraud that it should be rejected and thrown out and not counted for you; and that many votes were cast for me which were not returned because of the fraudulent practices of your political friends and supporters which should be counted for me, and that upon a true return of the election the result would have been as follows, to wit:

Benoit	800
Boatner	0

In this parish the testimony of the register of voters discloses the fact that the returned vote exceeds the registration. Hence from a legal standpoint, as the constitution of Louisiana forbids or restricts the right of suffrage to the voter who is lawfully registered, it being impossible to distinguish between those who lawfully voted and those who did not, we exclude the vote from the parish entirely.

TENSAS.

"That upon the 6th day of November, 1894, in the parish of Tensas, the form of an election was gone through for a Representative to the Fifty-fourth Congress of the United States from the Fifth Congressional district of Louisiana; that blank returns of such purported election were filled out in St. Joseph, the parish seat, and forwarded to the State capital for official promulgation as the legal and honest vote of said parish, when in truth and in fact no legal or other election had been held; that these unlawful and fraudulent acts were committed by your political friends and partisans.

"I shall therefore claim that all the votes returned for you from said parish should be rejected and thrown out, and not counted for you and against me, which would leave the returns from said parish blank.

"That at an election, or pretended election, purporting to have been held upon the 6th day of November, 1894, in the parish of Concordia, for a Congressman to represent the Fifth Congressional district of Louisiana in the

Fifty-fourth Congress of the United States, no election was really held, but that in accordance with the usual custom in the 'four river parishes' blank returns were signed by the commissioners and filled out at the parish seat and forwarded to Baton Rouge, the State capital, for official promulgation, purporting to be the returns of an election at which you received 2,009 votes and I 20, when, in truth and in fact, no lawful election had been held; but that if such an election could have been held and true, correct, and lawful return thereof made, the result would have been as follows in said parish of Corcordia:

Benoit	1,000
Boatner	100

"That at least the vote of the entire parish should be rejected and thrown out and not counted, because of the illegal and fraudulent practices aforesaid. All of which was done and committed by your political friends and partisans."

In this parish the record shows that none of the returns were sworn to—that is to say, that the commissioners of election wholly failed to make affidavit to any part of the returns, and under the view which we have heretofore expressed we deem it safer to reject these returns.

A review of the testimony shows that in the parishes of Claiborne, Lincoln, Jackson, and Union the election was not questioned. We have shown that in the parish of Catahoula two wards only should be rejected; in Caldwell, none; in Ouachita, none; in Morehouse, none; in Richland, none; in Franklin, none; in West Carroll, none; in East Carroll, none; and in Concordia, 7 polls, leaving unquestioned wards in which more than a majority of the votes polled in the parish were cast.

Under these circumstances we energetically protest against the conclusion of a majority of the committee that the 16,000 voters of the district who voted for one or other of the candidates should be disfranchised and denied the right of representation by the member who received the majority of their suffrages, because of frauds and irregularities insufficient to change the result, and for which they are in no manner responsible.

If permissible at all to declare an election void, it could, in our judgment, be legally done only in extreme cases where, by violence, widespread and concerted intimidation, and fraud, it would become impossible to eliminate the lawful and voluntary vote from the unlawful and fraudulent, and that which had been cast under the influence of fear.

In this case not only do such conditions not exist, but if every poll attacked by contestant, and against which he has adduced any evidence, be excluded from the count, contestee still has a majority of 327; but giving the evidence fair consideration, and excluding only the vote which is shown to have been fraudulent and intimidated, contestee's majority is 5,188.

We subjoin a statement of the true vote of the district as shown by the official returns and evidence contained in the record, from which it appears, after eliminating all fraudulent votes, rejecting all returns not made according to law, giving the contestant the benefit of the doubt on all questions of law and fact involved in the record, he is defeated by the majority above stated. We therefore recommend the adoption of the following resolution:

"*Resolved*, That C. J. Boatner was elected a Representative to the Fifty-fourth Congress from the Fifth Congressional district of Louisiana on the 6th day of November, 1894, and is entitled to his seat as such."

Respectfully submitted.

J. W. BAILEY.
J. G. MAGUIRE.
J. C. KYLE.

Parish.	Boatner.	Benoit.
Concordia	1,036	5
Catahoula	155	166
Caldwell	467	318
Ouachita	2,548	642
Morehouse	665	381
Richland	663	307
Franklin	637	420
West Carroll	343	59
Claiborne	928	819
Jackson	212	528
Lincoln	443	1,100
Union	765	945
East Carroll	2,010	6
Total	10,882	5,694

The SPEAKER pro tempore. The time allowed by the order of the House has expired, and under the order——

Mr. TAYLER. I ask that the time of the gentleman from Louisiana be extended ten minutes, which will equalize the time occupied by the two sides.

The SPEAKER pro tempore. The gentleman from Ohio asks that the time of the gentleman from Louisiana be extended ten minutes.

Mr. THOMAS. I will not object to that if the gentleman from Ohio [Mr. TAYLER] be allowed ten minutes more; otherwise I object.

Mr. NORTHWAY. The gentleman from Ohio has already had additional time. I hope objection will not be made.

The SPEAKER pro tempore. Objection is made.

Mr. JOHNSON of California. Mr. Speaker, I hope that no objection will be made to the gentleman from Louisiana stating his case. To the ear of justice the slightest syllable of truth is precious. We on our side have a majority here large enough to vote down anything that we want to vote down, and it does seem to me that in the interest of fair play——

The SPEAKER pro tempore. This question is not debatable.

Mr. JOHNSON of California. I am not debating it, but only making an appeal.

The SPEAKER pro tempore. The question is not debatable.

Mr. JOHNSON of California. I hope the objection will be withdrawn.

Mr. THOMAS. The time allowed under the arrangement having expired, I move that both the contestant and the contestee be allowed ten minutes in addition.

Mr. FLETCHER. I wish to ask whether the time allowed to the other side was not extended ten minutes?

The SPEAKER pro tempore. Unanimous consent is asked that ten minutes additional be given to the contestant and the contestee. Is there objection? The Chair hears none, and it is so ordered.

Mr. PITNEY. One question before the gentleman from Louisiana proceeds. Does he seriously contend that the resolutions offered by the majority of the committee ought not to be passed?

Mr. BOATNER. I do not want to say anything in derogation of the agreement with my friend from Ohio [Mr. TAYLER]——

Mr. PITNEY. Inasmuch as the gentleman from Louisiana [Mr. BOATNER] himself has by his own agreement put it out of the power of the House to seriously and deliberately consider this question, I must decline to vote upon it.

Mr. BOATNER. Mr. Speaker, I do not consider that an answer to the gentleman from New Jersey would be a violation of the agreement that I should not enter into debate. I certainly contend, most earnestly and seriously, that the record in this case shows that if every fraudulent and fictitious vote attacked by the contestant be thrown out, I am still elected, and if there be a fair application of the testimony my majority is over 3,000.

Mr. PRINCE. As a member of the committee I wish to state that it was agreed——

The SPEAKER pro tempore. Does the gentleman from Louisiana yield?

Mr. BOATNER. Certainly.

Mr. PRINCE. I wish to say for the information of the House that the majority of the committee are prepared now to state, if this House wants to hear them, the reasons for making this report. We seriously contend that the report of the majority is in accordance with the evidence in this case, in accordance with the facts, and in accordance with the law; but in order to accommodate the contestee, so that this matter might be disposed of to-day, such disposition being desired by him with reference to the special election to be held, and because if each one of the six gentlemen constituting the majority of the committee should speak upon the question the debate would occupy the whole of to-morrow, if it did not extend into the next day, we have refrained from speaking. But if gentlemen think that because we are thus closing our mouths we are yielding this question, we desire to say to the House that we are prepared to sustain this majority report by the law, by the evidence, and by the record in this case.

Mr. PITNEY. Permit me to say——

The SPEAKER pro tempore. The gentleman from Louisiana is entitled to the floor.

Mr. PITNEY. I am not making any complaint except that the parties, for their own convenience, have put the House in the position of being called upon to vote on a question concerning which it has no adequate information. I must decline to vote.

Mr. BAILEY. It is not for the convenience of the parties, but for the convenience of the people of the district.

Mr. PITNEY. I make no complaint as to that.

Mr. NORTHWAY. Under the circumstances, how can we do otherwise than vote according to the report of the majority?

Mr. BOATNER. I hope that the time which has been occupied in this colloquy will not be counted against me. I trust the gentlemen of the committee agree with me that I was compelled to answer the question which was propounded; otherwise I should not have said one word outside of the report.

[Mr. BOATNER resumed the reading of the minority report.]

The SPEAKER pro tempore (before the reading was concluded). The time allotted to the gentleman from Louisiana has expired.

Mr. BOATNER. I will ask unanimous consent for permission to finish the reading of the testimony of this single witness.

Mr. TAFT. I object, Mr. Speaker.

Mr. WHEELER. Is it possible?

The SPEAKER pro tempore. The Chair recognizes for ten minutes the contestant in this case.

Mr. BENOIT (the contestant). Mr. SPEAKER AND GENTLEMEN OF THE HOUSE OF REPRESENTATIVES: I thank you very much for the privilege you have accorded to me of being heard on the floor of the House in defense, not so much of my own right to a seat in this body, but in defense of the rights of every honest voter in the Fifth Congressional district of the State of Louisiana. I can not tell you much of the election in question within the ten minutes accorded to me, but I will try to tell you all that I can, in the brief time allowed, of the condition of one of your sister States of the Union, and the way elections are held in Louisiana. And I desire to say at the outset that I shall not make a single statement that is not fully verified by the record in this case, or that is not well known as a part of the political history of my State.

There are two reasons why I should speak only the truth in regard to this question. The first is that I love my State as you love yours, and I would not willingly trail her fair banner in the dust before this honored assemblage of the representatives of the American people; and in the second place, I know that I must go home

and meet face to face the very men whose outrageous crimes and wrongs against free government I expect in the ten minutes allotted to me to denounce.

Now, let me call your attention briefly to my notice of contest and the answer of the contestee to the same. I alleged therein that there had been frauds practiced in the elections in the four river parishes of East Carroll, Madison, Concordia, and Tensas, and that no legal election had been held, and that none has been held for years in those parishes, to the prejudice of the good people of the other portions of the State as well as to the injury of the reputation of the State itself. The contestee, Mr. Boatner, files an answer to the notice of contest and not only denies these allegations but denounces them as false; and yet, gentlemen, when he comes into this court before the committee of the House of Representatives what does he do? He acknowledges in his supplemental brief, filed before the Committee on Elections No. 2, that over 6,000 votes received in these parishes ought to go out because they were unsworn to and are fraudulent.

Did I tell the truth or a falsehood when I alleged that the free electors of the State of Louisiana were disfranchised; that they had been disfranchised by the insertion of fraudulent votes, and by practices which we know have prevailed for years in elections in these river parishes? Boatner himself, in his race for Congress against King, made the fight upon the sole issue that the vote of the river parishes was fictitious and fraudulent.

But one more statement, Mr. Speaker. The contestee in this case said in his supplemental brief, and has called attention to it in his statements some moments ago, with reference to matters in Concordia Parish, that the returns of the elections were all sworn to. A careful reading of the testimony of the clerk of the court (see testimony of Mr. Gillepsie, record, page 82) shows that not one of these returns has been sworn to. The lists of voters were not sworn to in any single ward of those wards wherein he claims 936 votes, and thus carries the whole parish of Concordia.

This is the way these ballot-box stuffers proceed. They deposit in bulk a given number of straight Democratic ballots, regardless of, and with no relation to, any actually cast ballots by actual voters, then count them out and swear that there were so many votes received by the Democratic candidate; but they are careful not to swear, as required by law, by affidavit attached to the poll list, who cast the said votes or that any of them were cast by actual voters at all. Therefore I say, and the record bears me out, that there are some four or five hundred names attached to these Concordia Point returns as having voted the Democratic ticket and for the Democratic candidate, the poll lists for which precincts are not in any one single instance verified by the affidavits of the election officers, as required by law, showing what electors had actually voted. They simply took the ballots that were deposited in the box by themselves, the election officers, and then they counted out so many votes for the Democratic candidate. That is the way that elections are conducted down in my part of the State of Louisiana. [Applause on the Republican side.]

I have a great mass of other startling facts to which I had wished to call the attention of the House, but I can not do so in the brief time allowed me. For instance, in Ouachita Parish Boatner claims I attack only three wards for intimidation, and claims that I could not produce proof as to any others because he claims I had not alleged anything against them in the notice of contest. This is not true. My notice charged intimidation, frauds, etc., specifically against 5 of the 10 wards in the parish, and also attacked the entire parish for the results of the same, and for the reign of terror due to past intimidations. And yet the contestee attempts to make out his case either by admitting the very things that I alleged or by attempting to prove things which were not alleged in his answer. I show, in these wards which I attack because of intimidation, that the returns show 1,162 votes that were not sworn to by the election officers. The poll lists were not sworn to, as the printed record proves, and yet he says, "I have attempted to go through this contest and show the true state of the votes cast." Can you believe him? Certainly not any longer than will be required to enable you to read the printed record.

Gentlemen, I wish I could refer briefly to this testimony and impress upon you the importance of some one getting this floor and fixing upon the attention of everyone in this country the facts as to the methods which have prevailed in election contests in Louisiana for years. I have not time to quote the testimony, but let me give you an example. To show you the far-reaching extent of the intimidation which is practiced in some of these parishes. in Ouachita, for instance, I prove by contestee's witnesses that all colored men were expected to vote open tickets; they know there is not one negro in one thousand that will vote the Democratic ticket if he can vote another without incurring the risk of being thrashed or hung by bulldozers. [Laughter.] I tell you, gentlemen, I have lived all my life among them. I was nursed by a good old black mammy. I know them, and I tell you that I never saw but one Democratic negro in my life, and he was to the manor born, or he would not have been a Democrat; and he was brought upon the stand by Boatner; his name was Barrington. Read his testimony, on pages 8 and 9 of the supplemental record. Yet they come here and would have the members of this House believe, and would have this nation believe, that the colored men in that district are just dying to vote the Democratic ticket. [Laughter.] Why, gentlemen, the poor darkey knows he is apt to die or be whipped if he does not vote the Democratic ticket. That is the real reason why they are such good Democrats. Take the testimony of Hill there in Ouachita Parish. What does he testify? Supplemental record, pages 22 and 23:

Q. What did you do on election day?
A. I might say that I performed the duties assigned to me.
Q. And what were those duties?
A. To go around in the Tenth Ward and notify the voters to come to the polls and vote.

And this is about the way that duty is performed:

They send a bulldozed colored man around to tell the other colored men to come and vote. I wish I had the time to give you the dialogue that would take place between these colored men. I will do so briefly: This colored runner, who is sent out by the bulldozers to tell the darkies to come up and vote, rides up or walks up to a colored man's house, and he says, "Niggah, doan' you know dis am 'lection day?" "Cose I does." "Well, why doan' yo' come up and vote, den?" "'Cause 'taint me votin', it's anudder man votin' me." "Well, mister —— tole me to come down heah to tell yo' if yo' doan' come up dar and vote dey'd make it pow'ful sickly foh yo' roun' heah to-night."

That is the message he gets. Then he pricks up his ears.

"Did Mr. —— say dat?"

"Yo' hearn me, didn' yo', niggah?"

"Melissa, whah's my hat? I'se gwine up dar right now."

So they come to the polls, gentlemen, and vote the Democratic ticket, and vote an open Democratic ticket, because they are not allowed to vote any other way since the election of 1892, when allowed to vote a secret ballot between rival Democratic candidates—lottery and antilottery. The negro's love for Boatner, a lottery man, did not prove strong enough that year to save his candidates, for the secret ballots of the negroes were cast against his candidates, and Ouachita Parish gave a majority for the antilottery ticket.

That is the real condition of affairs there. But much of the blame for existing conditions, the results of triumphant frauds, must rest upon others higher in power and position than Boatner. Governor Foster is responsible largely for them. By his acts and influence he, in 1894, prevented the enactment of election laws intended to remedy and prevent many of these crimes against suffrage. He is credited with saying in a public speech at Ruston, La., that as governor he was the commander-in-chief of the Democratic party, and that during his incumbency of that office he did not intend to see the government of the State and its machinery turned over to any other party, or words to that effect.

Now, gentlemen, I fasten this upon individuals high in official station, rank, and power. Mr. Boatner, the contestee, himself was a party to this "open ticket" business, for I proved that in a public speech delivered in Monroe, La., the evening before election. He said, addressing the galleries, in which there were 500 or 1,000 colored people: "Now, we want everybody to vote open tickets to-morrow, so as to know who are Democrats." Let it be remembered that this advice was a direct violation of the secrecy of the ballot guaranteed by the State constitution.

Yes, they knew if they were not made to vote the open ticket Benoit would get hundreds of votes where, under these circumstances, with an open ballot, he would get none.

Now, gentlemen, I want to call your attention to the fact that this Fifth Congressional district is divided by a line which runs almost through its center, the Ouachita River. It is divided into a distinctively white section of country and a distinctively black section of country. In the black section the blacks outnumber the whites by from 5 and 10 to 1. Now, I want to call your attention to the fact that in these white sections, where the election was fair, where the returns are not questioned, I beat Mr. Boatner in nine-tenths of the precincts, so I have carried every part of that district except the one—the black section. [Applause.] But of course, gentlemen, if I should go to the Ouachita River from this white belt with 1,000,000 votes, there would come from the black belt a million and a half against me just as regularly as election day rolls around and the returns are sent in. Hence you realize the utter helplessness of the people in those white sections, where the elections are reasonably fair and honest returns are made, as long as thousands and thousands of fictitious, fraudulent votes can be sent up by a few men as having been actually cast in the black sections. The good, honest voters of that district who are desirous to have their will registered by honest returns for the candidate of their choice are powerless, because, as is held in this case against me, inasmuch as they do not constitute more than one-half of the legal voters of the district, and because the fraudulent and fictitious votes cast out by the committee outnumber the honestly cast and returned vote, their voice must not be heard in your body.

But it seems it is not so, except in Louisiana, as the following showing clearly demonstrates:

Here is the record of the voters now represented in this House by the sitting members representing the seven Congressional districts of Mississippi:

Total average population to district		184,000
Total average number of voters to district		35,000
First district:		
Allen	2,977	
Brown	843	
		3,820
Second district:		
Kyle	3,845	
Lyle	1,067	
Montgomery	165	
		5,077
Third district:		
Catchings	1,646	
Mount	207	
		1,853
Fourth district:		
Money	5,213	
Jamison	3,715	
Souter	42	
		8,970
Fifth district:		
Williams	5,346	
Ratcliffe	2,953	
		8,299
Sixth district:		
Denny	3,721	
Hathorn	1,908	
		5,629
Seventh district:		
Spencer	3,597	
Newman	1,355	
Barr	173	
		5,125
Total vote on Congressmen in State		38,773

I want to say that I am intensely proud of these 6,000 loyal men who stood by me in this contest. The returns only show 5,994, but God knows how many I got that were never counted for me, and so it is fair to take the other 6 and call it 6,000. [Laughter.] I would that I could provoke a storm of indignation which would sweep down from every corner of our common country and, finding its center in Louisiana, hover over her until the eyes of all the world were focused on these travesties upon elections.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BENOIT. I should like to have about three minutes longer.

Mr. PITNEY. I ask unanimous consent that the gentleman have five minutes longer.

A MEMBER. Extend his time ten minutes.

Mr. MOODY. I ask to modify that, and request the House to give unanimous consent for an extension of ten minutes for the contestant, and that the same length of time be given to the sitting member.

Several MEMBERS. Regular order!

The SPEAKER pro tempore. Objection is made. The question is on the substitute offered by the gentleman from Texas [Mr. BAILEY], which the Clerk will report.

The Clerk read as follows:

Resolved, That C. J. Boatner was elected a Representative to the Fifty-fourth Congress from the Fifth Congressional district of Louisiana on the 6th day of November, 1894, and is entitled to his seat as such.

Mr. BAILEY. Upon that I demand the yeas and nays.

The yeas and nays were ordered.

The resolution recommended by the minority of the committee was again read, as follows:

Resolved, That C. J. Boatner was elected a Representative to the Fifty-fourth Congress from the Fifth Congressional district of Louisiana on the 6th day of November, 1894, and is entitled to his seat as such.

The question was taken; and there were—yeas 59, nays 132, not voting 164; as follows:

YEAS—59.

Allen, Miss.	Denny,	Maguire,	Ray,
Bartlett, Ga.	Dinsmore,	McClellan,	Sayers,
Bartlett, N. Y.	Elliott, S. C.	McCreary, Ky.	Sorg,
Bell, Tex.	Erdman,	McCulloch,	Stallings,
Black, Ga.	Fletcher,	McDearmon,	Sulzer,
Clardy,	Harrison,	McLaurin,	Tate,
Cobb, Ala.	Hutcheson,	McMillin,	Terry,
Cobb, Mo.	Johnson, Cal.	McRae,	Turner, Va.
Cockrell,	Jones,	Meyer,	Underwood,
Cooper, Fla.	Kendall,	Money,	Walsh,
Cooper, Tex.	Kyle,	Neill,	Wheeler,
Crisp,	Latimer,	Ogden,	Williams,
Crowley,	Layton,	Owens,	Woodard,
Culberson,	Little,	Pendleton,	Yoakum.
De Armond,	Livingston,	Price,	

NAYS—132.

Acheson,	Baker, Md.	Blue,	Calderhead,
Aitken,	Baker, N. H.	Boutelle,	Cannon,
Aldrich, Ala.	Bartholdt,	Bowers,	Clark, Mo.
Allen, Utah	Belknap,	Broderick,	Codding,
Avery,	Bishop,	Brosius,	Connolly,
Baker, Kans.	Black, N. Y.	Bull,	Cook, Wis.
Cooke, Ill.	Henry, Conn.	Minor, Wis.	Spalding,
Cooper, Wis.	Hepburn,	Mondell,	Stable,
Corliss,	Hill, Conn.	Moody,	Steele,
Cousins,	Hopkins,	Mozley,	Stephenson,
Crowther,	Howell,	Northway,	Stewart, N. J.
Crump,	Hunter,	Otjen,	Stewart, Wis.
Curtis, Iowa	Hyde,	Overstreet,	Strode, Nebr.
Curtis, Kans.	Jenkins,	Pearson,	Strong,
Dalzell,	Johnson, N. Dak.	Perkins,	Strowd, N. C.
Daniels,	Joy,	Phillips,	Taft,
De Witt,	Kem,	Pickler,	Tayler,
Ellis,	Kerr,	Poole,	Thomas,
Faris,	Kiefer,	Prince,	Tracey,
Foote,	Kirkpatrick,	Pugh,	Treloar,
Foss,	Knox,	Raney,	Updegraff,
Fowler,	Leighty,	Reeves,	Van Horn,
Gamble,	Linney,	Reyburn,	Van Voorhis,
Gardner,	Linton,	Royse,	Wadsworth,
Gibson,	Long,	Sauerhering,	Walker, Mass.
Graff,	Lorimer,	Shafroth,	Wanger,
Griswold,	Loudenslager,	Sherman,	Watson, Ohio
Grosvenor,	Marsh,	Shuford,	Wellington,
Grow,	McLachlan,	Simpkins,	White,
Hadley,	Mercer,	Skinner,	Willis,
Haines, Nebr.	Miller, Kans.	Smith, Ill.	Wilson, Idaho
Halterman,	Miller, W. Va.	Smith, Mich.	Wilson, Ohio
Hanly,	Milnes,	Snover.	Wood.

NOT VOTING—164.

Abbott,	Dingley,	Hulick,	Pitney,
Adams,	Dockery,	Huling,	Powers,
Aldrich, Ill.	Dolliver,	Hull,	Quigg,
Anderson,	Doolittle,	Hurley,	Richardson,
Andrews,	Dovener,	Johnson, Ind.	Robertson, La.
Apsley,	Downing,	Kulp,	Robinson, Pa.
Arnold, Pa.	Draper,	Lacey,	Rusk,
Arnold, R. I.	Eddy,	Lawson,	Russell, Conn.
Atwood,	Ellett, Va.	Lefever,	Russell, Ga.
Babcock,	Evans,	Leisenring,	Scranton,
Bailey,	Fairchild,	Leonard,	Settle,
Bankhead,	Fenton,	Lester,	Shannon,
Barham,	Fischer,	Lewis,	Shaw,
Barney,	Fitzgerald,	Lockhart,	Southard,
Barrett,	Gillet, N. Y.	Loud,	Southwick,
Beach,	Gillett, Mass.	Low,	Sparkman,
Bell, Colo.	Griffin,	Maddox,	Spencer,
Bennett,	Grout,	Mahany,	Sperry,
Berry,	Hager,	Mahon,	Stokes,
Bingham,	Hall, Mo.	McCall, Mass.	Stone, C. W.
Boatner,	Hardy,	McCall, Tenn.	Stone, W. A.
Brewster,	Harmer,	McCleary, Minn.	Strait,
Bromwell,	Harris,	McClure,	Sulloway,
Brown,	Hart,	McCormick,	Swanson,
Brumm,	Hartman,	McEwan,	Talbert,
Buck,	Hatch,	McKenney,	Tawney,
Burrell,	Heatwole,	Meiklejohn,	Towne,
Burton, Mo.	Heiner, Pa.	Meredith,	Tracewell,
Burton, Ohio	Hemenway,	Miles,	Tucker,
Catchings,	Henderson,	Milliken,	Turner, Ga.
Chickering,	Hendrick,	Miner, N. Y.	Tyler,
Clark, Iowa	Henry, Ind.	Morse,	Walker, Va.
Clarke, Ala.	Hermann,	Moses,	Warner,
Coffin,	Hicks,	Murphy,	Washington,
Colson,	Hilborn,	Newlands,	Watson, Ind.
Cowen,	Hitt,	Noonan,	Wilber,
Cox,	Hooker,	Odell,	Wilson, N. Y.
Cummings,	Howard,	Otey,	Wilson, S. C.
Curtis, N. Y.	Howe,	Parker,	Woodman,
Danford,	Hubbard,	Patterson,	Woomer,
Dayton,	Huff,	Payne,	Wright.

Mr. NORTHWAY. Mr. Speaker, the chairman of the committee, Mr. JOHNSON of Indiana, requested me to state that he was called out while the discussion on this case was going on and could not return. If he were here, he would vote "nay" upon this proposition and would vote "yea" upon the main resolution.

Mr. BAILEY. Mr. Speaker, in view of that statement, I desire to withdraw my vote, because I agreed to pair with the gentleman from Indiana.

Mr. GILLETT of Massachusetts. Mr. Speaker, I voted, forgetting that I had agreed to pair with the gentleman from Virginia [Mr. TUCKER]. I therefore withdraw my vote.

Mr. LACEY. Mr. Speaker, I voted with the understanding that if the gentleman from Virginia [Mr. SWANSON] should return to the Hall during the roll call my vote should stand; otherwise it was to be withdrawn, as I am paired with him.

Mr. MCMILLIN. Mr. Speaker, my colleague, Mr. RICHARDSON, is paired with the gentleman from Ohio [Mr. HULICK]. If he were present, he would vote "yea."

Mr. ANDREWS. Mr. Speaker, I am paired for the day with the gentleman from Maryland [Mr. MILES]. If he were present, I would vote "nay" on this resolution.

The following-named members were announced as paired on this question:

Mr. GILLETT of Massachusetts with Mr. TUCKER.
Mr. MEIKLEJOHN with Mr. TALBERT.
Mr. WOOMER with Mr. STOKES.
Mr. LACEY with Mr. SWANSON.
Mr. GILLET of New York with Mr. MEREDITH.
Mr. HULICK with Mr. RICHARDSON.
Mr. HENRY of Indiana with Mr. LAWSON.
Mr. HARMER with Mr. SPARKMAN.
Mr. SOUTHARD with Mr. SPENCER.
Mr. DINGLEY with Mr. TURNER of Georgia.

Mr. BINGHAM with Mr. RUSK.
Mr. MAHON with Mr. OTEY.
Mr. FAIRCHILD with Mr. HART.
Mr. HATCH with Mr. COX.
Mr. HOOKER with Mr. MINER of New York.
Mr. HUBBARD with Mr. ABBOTT.
Mr. DAYTON with Mr. DOWNING.
Mr. DOVENER with Mr. LOCKHART.

For the rest of this day:

Mr. LOW with Mr. CUMMINGS.

Until further notice:

Mr. TRACEWELL with Mr. HENDRICK.
Mr. JOHNSON of Indiana with Mr. BAILEY.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore. The question now recurs on the resolution reported by the majority of the committee, which the Clerk will read.

The Clerk read as follows:

Resolved, That there was no valid election held in the Fifth Congressional district of the State of Louisiana on the 6th day of November, 1894, and that neither Alexis Benoit nor Charles J. Boatner is entitled to a seat in the Fifty-fourth Congress as Representative from the Fifth Congressional district of Louisiana.

The resolution was adopted.

On motion of Mr. TAYLER, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

Mr. TAYLER. Mr. Speaker, I thought that unanimous consent had been given to print the majority and minority reports in the RECORD, but I understand that it does not so appear in the stenographer's notes, and I now ask that unanimous consent be given.

Mr. BAILEY. I was about to inquire of the gentleman from Ohio if that was not the understanding.

Mr. TAYLER. That was the understanding and I thought that consent had been given.

The SPEAKER pro tempore. Unanimous consent is asked that the report of the committee and the views of the minority be printed in the RECORD.

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed joint resolutions of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. R. 98) directing the Secretary of War to submit a plan and estimates for the repairs and maintenance of the harbor at Stillwater, Minn.;

Joint resolution (S. R. 99) authorizing the immediate use of a portion of the unexpended balance of appropriations heretofore made for construction of canal and locks at the Cascades of the Columbia River, in construction of protecting walls necessary to the opening of said canal and locks to navigation; and

Joint resolution (S. R. 103) directing the Secretary of War to submit estimates of cost of further improvement of Providence River and Narragansett Bay, Rhode Island.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and resolutions were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 2221) for the relief of settlers on the Northern Pacific Railroad indemnity lands—to the Committee on the Public Lands.

A bill (S. 1862) to amend the act creating the circuit courts of appeals in regard to fees and costs, and for other purposes—to the Committee on the Judiciary.

A bill (S. 1864) to amend the act creating the circuit courts of appeals in regard to cases arising under the revenue laws, and for other purposes—to the Committee on the Judiciary.

A bill (S. 1169) authorizing the Secretary of War to issue Springfield rifles to each State and Territory for the National Guard thereof in exchange for other rifles now held—to the Committee on the Militia.

A bill (S. 2419) to authorize the leasing of lands for educational purposes in Arizona—to the Committee on the Public Lands.

A bill (S. 1211) authorizing and directing the Secretary of the Navy to contract for the purchase of a lot of land opposite to the Gosport Navy-Yard—to the Committee on Naval Affairs.

A bill (S. 2272) to fix the salaries of the chief justice and judges of the Court of Claims—to the Committee on the Judiciary.

A bill (S. 2141) to amend an act approved August 24, 1894, entitled "An act to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company"—to the Committee on Indian Affairs.

Joint resolution (S. R. 75) providing for the disposition of certain property now in the hands of the receiver of the Church of Jesus Christ of Latter-Day Saints—to the Committee on the Judiciary.

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in paper cover 2,000 additional copies of Notes on the Year's Naval Progress, General Information Series, No. XIV, prepared by the Office of Naval Intelligence, Navy Department, of which 500 copies shall be for the use of the Senate, 1,000 copies shall be for the use of the House of Representatives, and 500 copies shall be for the use of the office of Naval Intelligence, Navy Department—

To the Committee on Printing.

ENROLLED JOINT RESOLUTIONS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolutions of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 140) directing the Secretary of War to make a survey and submit an estimate for a breakwater in Marquette Bay; and

Joint resolution (H. Res. 141) directing the Secretary of War to submit plans and estimates for the improvement of Fairport Harbor.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BROSIUS, for three days, on account of important business.

To Mr. COX, for ten days, on account of important business.

To Mr. MAHON, for two days, on account of important business.

To Mr. MCDEARMON, for ten days, on account of important business.

To Mr. COCKRELL, for the evening session.

To Mr. WALSH, for the evening session.

The House then, on motion of Mr. DALZELL (at 4 o'clock and 55 minutes p. m.), took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., and was called to order by Mr. HOPKINS, as Speaker pro tempore.

ORDER OF BUSINESS.

The Clerk read clause 2 of Rule XXVI, as follows:

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. PICKLER. I move that the House resolve itself into Committee of the Whole for the purpose of considering business on the Private Calendar pursuant to the special order.

Mr. BISHOP. Before that motion is put, I wish the chairman of the committee [Mr. PICKLER] would allow us to take up the bill (H. R. 3292) granting an honorable discharge to Seth Porter Church, alias Samuel Church. That is the unfinished business, and I do not think there will be any objection to it.

Mr. PICKLER. I can not consent.

The question being taken on the motion of Mr. PICKLER, it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. HEPBURN in the chair.

JANE WEBSTER.

The first business on the Private Calendar was the bill (H. R. 2621) to increase the pension of Jane Webster, widow of Joel Webster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place upon the pension roll the name of Jane Webster, widow of Joel Webster, a former wagonmaster in the volunteer militia service of the United States during the war of the rebellion, at the rate of $20 per month, and payable from the 23d day of January, 1883, the date of the death of the said Joel Webster by reason of disability incurred while in the service of the United States; such pension, so granted, to be in lieu of any pension that may have been heretofore allowed and paid to the said Jane Webster.

Mr. MCCLELLAN. I ask that the report be read.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2621) to increase the pension of Jane Webster, widow of Joel Webster, late wagonmaster of the United States Army, to $20 per month, having considered all the facts and circumstances in this case, beg leave to report:

This bill as amended grants a pension of $12 a month to Jane Webster, widow of Joel Webster, deceased. The husband served in all three years as a civilian employee in the Quartermaster's Department. The widow filed a claim for pension, and it was rejected upon the ground that the husband was not an enlisted man or in the military service. The evidence shows that Joel Webster was at Lexington, Ky., with his wagon train when John Morgan made an attack upon the train, and in the fight that ensued, and while in defense of the Government's property, he was wounded by a saber stroke over the head. From this wound he became insane, and continued so until his death in 1883. The widow is now 83 years old and very poor.

Your committee recommend that the word "twenty," in line 7, be stricken out and "twelve" inserted, and as amended that the bill do pass.

Mr. MCCLELLAN. As I understand, the amount proposed to be paid under this bill to this widow is the amount which she

would receive under the general law if her husband had been regularly enlisted as a private.

Mr. PICKLER. That is my understanding. I did not happen to be present in the committee when this bill was acted on.

Mr. LAYTON. I move to amend the bill by striking out, in lines 8 to 11, the words "and payable from the 23d day of January, 1883, the date of the death of the said Joel Webster by reason of disability incurred in the service of the United States."

Mr. ERDMAN. Mr. Chairman, I should be glad if the gentleman who has this measure in charge would give us a more extended statement of the case than is contained in this very brief report. As I understand, this bill is an attempt to place a civilian employee of the Government on an equality with an enlisted man. To say the least, the evidence in such a case ought to be full, clear, and explicit before we act favorably upon it. I therefore trust that we may have some explanation not brought out in the report concerning what would seem to be the weak points in this case. Possibly they are susceptible of satisfactory explanation.

Mr. PICKLER. In regard to the words which the amendment of the gentleman from Ohio [Mr. LAYTON] proposes to strike out, I presume they were inserted by the committee on account of the advanced age of this woman, 83 years. I shall not resist the adoption of that amendment, although I think it would be no more than ordinary justice that this woman, in view of her age, should receive a pension from the date of the death of her husband. I do not wish, however, to be understood as favoring in general the payment of back pensions or arrears of pensions.

In reply to the gentleman from Pennsylvania [Mr. ERDMAN], I will say that it seems to me this report exhibits the whole case. It states that this man was an employee of the Quartermaster's Department, and according to the report—

The evidence shows that Joel Webster was at Lexington, Ky., with his wagon train when John Morgan made an attack upon the train, and in the fight that ensued, and while in defense of the Government's property, he was wounded by a saber stroke over the head. From this wound he became insane, and continued so until his death, in 1883. The widow is now 83 years old.

This bill makes no new departure, establishes no new rule. Ever since private pensions have been granted, wherever a teamster or other person employed in the Quartermaster's Department, or in fact, I think, employed in the Army in any capacity, has actually been wounded—has incurred disability from wounds received in the service—he has been recognized as entitled to the right of pension equally with a soldier. I do not think the practice in these cases has gone further than I have just stated. The rule has been applied simply in cases where the man has been regularly enlisted, and has been clearly proved to have incurred disability by reason of wounds received in the service. Cases of this kind have not been very numerous; and I do not remember that these pensions have ever been granted in any other case than where wounds have been actually received. This widow is the widow of such a person as it has been our practice to pension under these circumstances. The case involves no new departure. It follows the practice of Congress for years and years.

Mr. LAYTON. I would like to ask the gentleman a question, with his consent.

Mr. PICKLER. Certainly.

Mr. LAYTON. I notice that this is a bill entitled "A bill to increase the pension of Jane Webster, widow," etc. Now, has she had a pension granted to her before, or is that simply misleading?

Mr. NORTHWAY. The report shows that her claim was rejected.

Mr. PICKLER. As I said, I was not present when this bill was considered by the committee; but my understanding is that if this bill is granted in the shape it is drawn there would be no deduction for anything received heretofore.

Mr. LAYTON. That is precisely the purport of my amendment. The bill is entitled "to increase the pension" of this woman. If I understand the status of the case, she could not have been pensioned under the general law, because her husband was not actually in the service as an enlisted man.

Mr. PICKLER. My understanding is that there is no pension being received, and I think the title ought to be amended.

Mr. LAYTON. My amendment, the committee will observe, is not in opposition to the bill at all, except as to this portion of it which I have moved to strike out, commencing on the eighth line and terminating with the eleventh, in the following words:

And payable from the 23d day of January, 1883, the date of the death of the said Joel Webster, by reason of disability incurred while in the service of the United States.

In other words, the committee will observe that the bill, in the shape it is drawn, places the old lady on the pension rolls, to which I do not object, and not only increases the pension from $8 to $12 a month, which perhaps he would be entitled to receive under the general law, but makes the pension retroactive, and permits the receiving of the pension from 1883.

Mr. PICKLER. If the gentleman will allow me a moment.

The gentleman from Ohio [Mr. KERR] who reported this bill, desires that I shall ask unanimous consent that it be re-referred to the committee. There are some facts which are not fully understood and which the committee desires to reinvestigate.

Mr. LAYTON. I have no objection to that.

Mr. LACEY. This bill was reported in the last Congress and was on the Calendar. That ought to enable the committee to know all about it.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

There was no objection; and the bill was ordered to be reported to the House with the recommendation that it be recommitted to the committee.

WILLIAM F. GOOD.

The next business on the Private Calendar was the bill (H. R. 1634) to grant a pension to William F. Good, Company L, Tenth Indiana Cavalry Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Good, late of Company L, Tenth Indiana Cavalry Volunteers, at the rate of $12 per month

Mr. WOOD. Let the report be read, which gives clearly all of the facts.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1634) to grant a pension to William F. Good, Company L, Tenth Indiana Cavalry, submit the following report:

The evidence submitted to the committee shows a remarkable state of facts.

Claimant joined Company L, Tenth Indiana Cavalry, and was enrolled some time later. The date he joined the company was probably December 29, 1863. He was with the company, doing duty and drawing rations and clothing. His brother was first lieutenant of the company. In March, 1864, in a railroad wreck near Gallatin, Tenn., the said company being on train, Henry Good, his brother and first lieutenant, was mortally injured, and claimant ruptured, from which he is now suffering. Claimant was not able to go on with his company, but remained with his brother until his death, caring for him as best he could. He then went home to Columbus, Ind., and claims was never able to return; that his officers informed him that his staying at home till he was fit for service would be all right.

He claims to have been mustered about February 10, 1864. Neither the records of the Adjutant-General's Office at Washington or Indianapolis show that he was ever mustered. The records of the War Department show him to have been enrolled February 3, 1864, and that he deserted January 4, 1864. The official records of the adjutant-general's office of Indiana show him to be enrolled February 3, 1864. The War Department, United States, determined December 11, 1894, that the soldier, not having been mustered, was not in the military service of the United States, and the Pension Office rejects his claim because he was not in the military service of the United States, which was affirmed by the Secretary of the Interior.

The grounds of rejection, as given to claimant, was no pensionable disability. The Secretary of the Interior directed that claimant be notified of true grounds. Meantime claimant filed a mass of evidence proving his disability one-half.

Your committee recommend the bill be amended by striking out "twelve" from last line and insert "six."

This claimant is without relief from the Adjutant-General's Office. He is regarded as never having been in the service, hence no charge of desertion could be removed, if, indeed, there is any, which the committee doubt. The only relief he can get is under this bill.

Mr. MCCLELLAN. I would like to ask the gentleman who prepared this report, why it would not be simpler, instead of pensioning this man, to correct his military record first?

Mr. WOOD. I will answer the gentleman that this matter to which he has referred, suggested itself to the subcommittee having the bill in charge. But there is no record of desertion against this soldier. The roll in the Adjutant-General's Office shows him to have been enrolled on the 3d day of February, 1864, and then there is entered on the record a statement that he deserted on January 4, 1864, one month previous to the date of his enrollment, a manifest error. The error is apparent on the face of the record.

After this record was filed the committee obtained a statement from the adjutant-general's office of Indiana (there is no record of desertion against him there) showing no additional facts in the case. Gentlemen who are acquainted with the way these rolls are made up know that they were made in duplicate or triplicate, one copy of which went to the Adjutant-General of the Army, the other to the office of the adjutant-general of the State, and the other was retained by the regiment or company. Evidently there has been a clerical mistake somewhere; perhaps it was made in the office of the Adjutant-General, or perhaps by the officer in command of the company, for it is evident that this man could not have deserted a month before he was enrolled.

Now, in regard to the particular facts connected with the case, there is absolutely no information of record excepting what is stated in the report, and there is no relief to the soldier except through the action of Congress. He was enlisted, was uniformed, rations were drawn for him, he went upon duty, but had never been mustered. While on duty it appears that a train of cars on which was his company was wrecked. His brother, a first lieutenant in the company, was mortally wounded, and he himself was ruptured. Thus it can be easily seen how his officers may have told him to go home and return to the company when he was fit for service. He never had been mustered, and the War

Department has decided that not having been mustered he was never in the military service. The Pension Office, following the conclusion arrived at by the Adjutant-General or the Secretary of War, refused to pension him because he was never in the United States service, when, in point of fact, he received his injury while wearing the uniform of the United States and while in the service as a United States soldier. There was no occasion for him to return until he got fit for duty, because it is very evident that so long as he was in that condition a mustering officer would not have mustered him if he had come around the day after the accident occurred.

So far as the rate is concerned, there is only one question of doubt in my mind. From inquiry of the clerks who are detailed from the Pension Office, it appeared that his disability was one-half. Assuming that a full disability would entitle him to draw $12 a month, the committee reported in favor of an amendment changing the amount from $12 to $6. I am not sure but that there should be an amendment making it $10 a month instead of $6.

Mr. LOUD. I should like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. WOOD. Certainly I yield to the gentleman from California.

Mr. LOUD. I see in your report the statement—

The ground of rejection, as given to claimant, was no pensionable disability.

Is that the fact or is it not?

Mr. WOOD. It is a fact.

Mr. LOUD. Then I should like to ask you another question.

Mr. WOOD. I should like to explain that statement, because the bare statement would give an unfair impression. The pension office rejected it on the ground of no pensionable disability. The soldier appealed to the Secretary of the Interior, who decided that he was not pensionable because he never had been in the service of the United States, and directed the Commissioner of Pensions to inform the claimant of the true grounds of his rejection. It was done, but meantime he had filed a mass of testimony, of which the committee had the advantage, which clearly proved that he was disabled, I thought at the time, to an extent which would allow him $6 a month. I am inclined to think now it would entitled him to $10 a month.

Mr. LOUD. Still the evidence on file here seems to show that he was not disabled in a pensionable degree. Now, I should like to suggest to the gentleman that his wildest possible estimate here will not have given this soldier ninety days of service to bring him within the limits of the law.

Mr. WOOD. One word in regard to that. The rejection on the ground that the soldier was not disabled to a pensionable degree was a mistake of the Pension Office.

Mr. LOUD. Why should you have it in your report, then?

Mr. WOOD. Because the report states the exact facts.

Mr. LOUD. That is what I thought, and I brought it to your attention because I supposed that this must state the facts.

Mr. WOOD. It states the grounds upon which it was rejected. The Secretary of the Interior directed that the claimant be notified of the true grounds of rejection.

I have stated that the Pension Office rejected the claim because he was not in the military service of the United States. It first rejected the claim on the ground that he was not disabled in a pensionable degree; but after appeal it rejected the claim on the ground that he was not in the service of the United States.

Mr. LOUD. Still they never set aside the other finding, that he was not disabled to a pensionable degree.

Mr. WOOD. They conceded that it was a mistake, and the Secretary of the Interior decided that they had not given him the true ground. Upon appeal it was decided that the ground of rejection as given claimant by the Pension Department was wrong, and the Secretary of the Interior directed that the true reason should be given.

Mr. LOUD. Then your report does not correctly state your case.

Mr. WOOD. The report does not state every detail of the evidence. If it did, it would take three or four pages.

Mr. LOUD. I think you ought to state the material facts.

Mr. WOOD. It does show the fact that he appealed to the Secretary of the Interior——

Mr. LOUD. I think you should state the material facts. You have stated here that the Pension Office did decide that he was not disabled in a pensionable degree, and then you go on to state that he filed a mass of evidence which might have proved some condition, but it never did.

Mr. WOOD. If the gentleman will carefully read the report——

Mr. LOUD. I have read it as carefully as I could, and I can not find anything in your case, on your own statement.

Mr. WOOD. His case was finally rejected because he was not in the military service of the United States. That is the present ground of rejection, but the ground of rejection as given to the complainant was no pensionable disability.

Mr. LOUD. Oh, well, that was the official record of the office, undoubtedly, given to him.

Mr. WOOD. He was rejected on appeal on another ground——

The CHAIRMAN. Does the gentleman yield to the gentleman from California?

Mr. LOUD. Certainly; he has yielded to me.

Mr. WOOD. That is the Department's ground of objection. It appears they gave an incorrect ground; and that is not an altogether uncommon thing.

Now, Mr. Chairman, I move to amend the amendment of the committee by striking out the word "six" and inserting the word "ten."

The CHAIRMAN. The gentleman from Illinois moves to amend the amendment proposed by the committee by striking out the word "six" and inserting the word "ten."

Mr. ERDMAN. Mr. Chairman, will the gentleman from Illinois tell me whether this applicant admits that he was mustered in the service or not?

Mr. WOOD. He claims that he was in the service, and he insists that he was mustered. The records, however, do not so show.

Mr. ERDMAN. Is there any reason given for the delay of some thirty-odd years?

Mr. WOOD. None, except that he has for years had a claim before the Pension Office.

Mr. ERDMAN. For how many years?

Mr. WOOD. I do not know how many years.

Mr. ERDMAN. Your report does not show that?

Mr. WOOD. No; it does not.

Mr. PICKLER. And never does.

Mr. WOOD. I think this claim was probably before one or more Congresses heretofore.

Mr. ERDMAN. Will the gentleman answer one other question?

Mr. WOOD. Certainly.

Mr. ERDMAN. You say in your report:

He then went home to Columbus, Ind., and claims was never able to return; that his officers informed him that his staying at home till he was fit for service would be all right.

Do not these facts show that this man was a deserter, and ought not his record to be corrected by referring it to the Committee on Military Affairs?

Mr. WOOD. He never having been mustered during the war, and the War Department never having regarded him as being in the service of the United States, he could not be a deserter from the service into which he had never been mustered.

Mr. ERDMAN. But you stated a while ago that he claimed to have entered the service.

Mr. WOOD. He claims to have been mustered, but neither the records in the War Department nor in the adjutant-general's office of Indiana show that. They show that he was enrolled, but there is no entry of his muster.

The amendment to the amendment of the committee was agreed to.

The amendment as amended was agreed to; and the bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH A. COOPER.

The next business on the Private Calendar was the bill (H. R. 2234) granting a pension to Joseph A. Cooper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph A. Cooper, late a brevet major-general in the United States Army, at the rate of $100 per month in lieu of the pension which he now receives.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2234) granting a pension to Joseph A. Cooper, subject to the provisions and limitations of the pension laws, at the rate of $100 per month, beg leave to submit the following:

Gen. Joseph A. Cooper enlisted at Knoxville, Tenn., in September, 1847, as a private in Company D, Fourth Tennessee Infantry, and served with honor and credit in the Mexican war, reaching Vera Cruz in November, 1847, and the City of Mexico in January, 1848, and was honorably discharged at Memphis, Tenn., in July, 1848.

In the war of the rebellion he enlisted August 1, 1861, and was mustered in as captain Company A, First Tennessee Infantry Volunteers, August 8, 1861. He was promoted to be colonel of the Sixth Tennessee Infantry Volunteers on March 22, 1862; commissioned as brigadier-general on June 30, 1864; and was appointed brevet major-general of volunteers May 18, 1865, for gallant and meritorious conduct at Nashville, Tenn., and was honorably mustered out and discharged January 15, 1866.

During his entire service he was absent on leave fifty days, and reported able for duty every day save one.

General Cooper was 72 years old November 25, 1895, and a few years since, in his advanced years, applied for and was granted a pension as a Mexican survivor at $8 per month, certificate No. 5063.

On October 19, 1890, he applied for pension under the act of June 27, 1890, and was granted a pension (certificate No. 848653) at $12 per month. He never filed a claim under the general law of 1862.

The board of examining surgeons which examined him December 14, 1892, say: "He is a complete wreck physically and failing very fast." They find an injury to forehead compressing the brain and resulting in loss of memory and confusion of ideas; left clavicle disarticulated from sternum; left ankle weak and painful; has a bad stomach; severe indigestion, stomach and bowels bloat; liver seems to be under size, but sensitive on pressure. They rate him twelve-eighteenths for injury to head, eight-eighteenths for injury to

left shoulder, eight-eighteenths for injury to left ankle, and eight-eighteenths for disease of stomach.

General Cooper is in needy financial circumstances, and owing to his age and physical condition, and taking into consideration his brilliant and magnificent military record, whereby he arose from sheer merit from the command of a company to that of an army corps, your committee recommend that the bill do pass.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. ERDMAN. Mr. Chairman——

The question was taken.

The CHAIRMAN. The ayes seem to have it.

Mr. ERDMAN. Mr. Chairman——

The CHAIRMAN. The ayes have it, and the bill is ordered to be laid aside with a favorable recommendation.

Mr. ERDMAN. Mr. Chairman, I addressed the Chair several times.

The CHAIRMAN. The Chair did not hear the gentleman.

Mr. ERDMAN. I spoke as loud as I could.

The CHAIRMAN. The Clerk will report the next bill.

MOLLIE CRANDALL.

The next business on the Private Calendar was the bill (S. 507) to pension Mollie Crandall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll the name of Mollie Crandall, widow of Clark P. Crandall, deceased, and late captain of Company C, First Regiment Oregon Volunteer Infantry, and pay her at the rate of $20 per month.

The report (by Mr. PICKLER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 507) to increase the pension of Mollie Crandall, have carefully considered the same and, adopting the accompanying Senate report as their own, respectfully report the bill back to the House with the recommendation that it do pass.

[Senate Report No. 68, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 507) granting a pension to Mollie Crandall, have examined the same and report:

The claimant is the widow of Clark P. Crandall, who was a captain in the First Oregon Infantry Volunteers. The soldier was mustered into the service December 27, 1864, to serve three years, and was mustered out of service with his company as captain October 31, 1865.

At the time of the soldier's death he was drawing a pension of $12 per month under the act of June 27, 1890, on account of rheumatism and disease of the heart, and nasopharyngeal catarrh. He never applied for pension under the general laws, although he would have been entitled to a large pension, as his hearing was very much affected by his army service, and his general health was very poor continually after his discharge. Senator J. H. MITCHELL, of Oregon, made an oral statement to the committee that he had known the soldier continuously from a few years before his enlistment until his death, and that he knows of personal knowledge that the soldier was a hale and hearty man before his army service, and that his health was very bad after his discharge until his death.

The widow now draws a pension of $8 per month under the act of June 27, 1890. The application for increase by special act is based on the fact that under the general law she would be entitled to $20 per month, the soldier having served as a captain.

The soldier died August 29, 1893, at Atlantic City, N. J., where he had been taken with the hope that he would find relief, and the following letters from well-known physicians of that city and of this city are submitted to show that soldier's death was due to the disease for which he received a pension, and which was doubtless due to service:

"ATLANTIC CITY, N. J., *March 11, 1894.*

"Mrs. M. CRANDALL, *Washington, D. C.:*

"In reply to your request as to the mode and cause of Captain Crandall's death, I would say that the Captain was suffering from 'carcinoma of the stomach,' of a variety that usually destroys life in about three years. The immediate cause of the patient's death, however, was directly traceable to a weak and more or less damaged heart, that could not be made to perform its proper work in spite of the liberal and continued use of such drugs as digitalis, strophanthu, nitroglycerin, and other strong heart tonics. Owing to the condition of the heart, Captain Crandall's death occurred at least two years earlier than would have been the case had that organ been in good condition.

"Very truly, yours, B. C. PENNINGTON, M. D."

"WASHINGTON, D. C., *March 5, 1894.*

"I certify that I attended Capt. C. P. Crandall, of Company C, First Regiment Oregon Volunteer Infantry, as his family physician a number of times during the past few years, and always for the same chronic trouble, viz. rheumatism of the heart and bowel trouble.

"JOS. TABOR JOHNSON, M. D."

"WASHINGTON, D. C., *March 7, 1894.*

"This is to certify that I attended Capt. C. P. Crandall, of Company C, First Regiment Oregon Volunteer Infantry, from time to time during the past ten years, and particularly in June, 1893, for cardiac disease resulting from rheumatism.

"SAM'L S. BOND, M. D."

"WASHINGTON, D. C., *March 8, 1894.*

"DEAR SIR: A few days ago Mrs. C. P. Crandall mentioned to me that she was trying for a pension. I would therefore state that I was intimate with the Captain for ten years or more, seeing him almost daily, and had several talks with him regarding his deafness, and I often advised him to make his application for pension on his disability, but always without avail. He often told me how it resulted, and that he had been examined by specialists, and had received treatment at one time for it.

"Now, Senator, if my knowledge of his condition will be of any service to her, and an affidavit of same will be necessary, I will gladly make one.

"Very respectfully, "C. V. PETTEYS, M. D.

"Hon. GEO. L. SHOUP,
"*United States Senate.*"

Dr. A. J. Hunton, of this city, John P. Church, and R. S. Lacey, each of whom had known the soldier for many years previous to his death, make written statements which are submitted as part of this report, in which it is asserted that the soldier had often related to them his experience in the service relating to the incurrence of the injuries alleged, particularly his deafness, caused, as they believe, by cannonading.

The statements above referred to are as follows:

"*To whom it may concern:*

"This certifies that I was intimately acquainted with the late Capt. C. P. Crandall for a period of seventeen years immediately preceding his death, which took place at Atlantic City, N. J., in August, 1893; that frequently during the period mentioned I heard him complain of suffering from attacks of rheumatism, and that these attacks were of so serious a character as to incapacitate him for the discharge of his duties in the Department in which he was employed at somewhat frequent intervals; that while I never made an examination of his case as a physician, I am decidedly of the opinion that throughout the entire period above mentioned Captain Crandall was to some extent suffering from what is known in medical parlance as rheumatic diathesis; that Captain Crandall, to my certain knowledge, during this period was to quite an extent deaf, and that I heard him state particularly the time and circumstances under which his hearing was impaired, such impairment being the result of the discharge of cannon while he was in the line of duty in the United States Army during the late war for the suppression of the rebellion.

"A. J. HUNTON,
"*Late Captain, Twelfth New Hampshire Volunteers.*"

"I knew Captain Crandall during the last eleven years of his life. My acquaintance early became and remained intimate to the end. I am confident that the statement of Dr. Hunton is exact. I often heard Captain Crandall speak of the permanent injury to his health that resulted, in his opinion, from his military service. This is particularly true in regard to his deafness. I served three years in a battery, and Captain Crandall and I have often compared our experiences in action, and particularly the effect of cannonading on the sense of hearing. Captain Crandall repeatedly asserted, and I have never doubted, that his hearing was permanently and seriously impaired by such cannonading.

"JNO. P. CHURCH,
"*Late Second Lieutenant, First Michigan Artillery.*"

"I got acquainted with Captain Crandall about seventeen years ago, and was always since on most intimate terms with him. His deafness was marked, and was a subject of frequent discussion between us. It seriously interfered with his duties as commander of our post during his service as such in 1884. I was the quartermaster, and had, necessarily, most intimate relations with him during that year. Though a lawyer by profession, yet I was educated as a physician, and thereby have been often led to investigate critically physical impairment of friends. I regarded Captain Crandall's deafness as chronic and of a serious nature. He attributed his deafness to his army service.

"R. S. LACEY,
"*Late Captain of Volunteers, Quartermaster Burnside Post, G. A. R.,*
"*Department of the Potomac.*"

Your committee believe that the claimant is entitled to the amount named in the bill, namely, $20 per month, and therefore recommend the passage of the bill.

Mr. TALBERT. Mr. Chairman, this report shows that this soldier was mustered into the service December 27, 1864, to serve three years, and was mustered out of service with his company as captain October 31, 1865; only about four months of service before the war ended. He was in receipt of a pension of $12 per month when he died. It is stated that had he made application under the general laws he would have been in receipt of a much larger pension in consequence of an additional disability, namely, the loss of hearing due to his army service, caused from the firing of cannon.

Now, I would like to know, and have the gentleman in charge of this bill give us some information upon the service of the soldier during these three or four months. I would like for him to state some of the battles in which this soldier was engaged. I would like him to state whether or not this soldier went outside of Oregon. I would like him to state where it was, and on what occasion this soldier lost his hearing by the explosion or shooting of a cannon. He was in an infantry company, and such companies used no cannon. Was there any engagement in the State of Oregon, possibly, with anybody except Indians? Is it customary to fight Indians much with cannon? I only want to gain this information from the gentleman in charge of this bill to know where this gentleman performed all this service, and where he lost his hearing on account of the discharge of cannon. I want this information. I do not pretend to say it is not true. But I want some light upon the subject, and if these things are facts I am willing to vote to pension this soldier; if they are not true I shall vote against the bill.

The application for an increase of pension is based upon the fact that under the general law she would have been entitled to $20 per month as the widow of a captain. What battle was he in and where did the fire of a cannon affect his hearing? Did he at any time serve outside of the State of Oregon; and if so, when and where? Let us know about it. Give us some facts. There is nothing here to show this committee that he performed any such service or that he ever heard during his four months of service the firing of a cannon. If he did this report does not show it. I am only asking for information. Is there any testimony before the committee that shows it? Did they have any evidence before them to prove these alleged facts? If so, I wish some gentleman would state it.

Mr. ERDMAN. Mr. Chairman, I am very glad that I am heard this time. The committee do not know how much they missed by my being cut off when I attempted to get the floor a while ago. If they had heard my speech and the speech of the gentleman from South Carolina on the bill we have just passed they would have been amply repaid for the time spent in listening. I am sorry that I was not able to be heard upon that measure, inasmuch as it was the first of a line of bills that I hope the House will pass hereafter without any objection or quibbling. I am glad that it passed as rapidly as it did. [Laughter.] It was a bill pensioning a brigadier-general at $100 a month, and it passed without any question, without any objection, without even a vote being taken.

Now, as to the bill under consideration, this lady never applied at the Pension Office for an increase of pension. She never applied to the Bureau for a pension under the general law. She gets $8 a month under the act of 1890. Her husband, as I understand it, was a Senate employee up to the time of his death, drawing a large salary as such. There is not a scrap of evidence before the committee to sustain this claim, and nothing but petitions and certificates are set forth in this report; yet, instead of requiring this lady, as other widows are required, to establish by competent proof in the Pension Office her claim to a pension, you are asked to give it to her upon these mere representations and certificates. Are you willing to do it?

Several MEMBERS. Yes.

Mr. ERDMAN. You are! Then you are willing to do anything. If without a scrap of evidence and in the face of all that appears in this report you are willing to pension this woman, you would be willing to pension the old slaves.

Mr. TALBERT. Is there any testimony that the man ever had a widow? [Laughter.]

Mr. ELLIS rose.

Mr. GROSVENOR. Mr. Chairman, I trust the gentleman from Oregon will call the attention of the gentleman from South Carolina [Mr. TALBERT] to the mistake he has made with regard to the service of this soldier. I understood the gentleman from South Carolina to say that he had served only three or four months.

Mr. TALBERT. That was my understanding from reading the report.

Mr. GROSVENOR. The report says that he was mustered in in December, 1864, to serve three years, and was mustered out October 31, 1865.

Mr. TALBERT. But the war had ended before that time, and he only served four months.

Mr. GROSVENOR. Oh, no.

Mr. TALBERT. He was in actual service but three or four months, and I ask, for information, whether he had ever during that time been in a battle in which any cannon had been fired. I am only asking for information. I do not say that he did not hear a cannon. I make no charge of that kind, but I am seeking information, and I shall be glad if the representative of Mr. McKinley can give it to me. [Laughter, and cries of "Vote!" "Vote!"]

Mr. ELLIS. Gentlemen are crying "Vote!" "Vote!" and perhaps they do not want to hear me.

Mr. LOUD. Mr. Chairman, the gentleman from Oregon is probably the only member here that can explain this case. I know, of course, gentlemen, that you will pass this bill, but I want to say that I know something about Captain Crandall myself. I knew him for thirty years, and I do not believe he ever heard a cannon fired in his life unless by way of salute in some celebration. [Laughter.] I do not believe there is a man on the floor of this House who can for a moment assume that the First Oregon Infantry ever was engaged in a battle.

Mr. TALBERT. Did he ever have a widow? [Laughter.]

Mr. LOUD. Yes; he had a wife when I knew him in Oregon many years ago.

Mr. TALBERT. But did she not get a divorce when he came to Washington?

Mr. LOUD. That I do not know; but there are facts enough in this case without going into that. Mr. Chairman, the person who wrote this report could have double-discounted Robinson Crusoe. [Laughter.] Just read it and see how well it sounds! Here is one statement, signed by John T. Church—I do not know who he is:

I often heard Captain Crandall speak of the permanent injury to his health that resulted, in his opinion, from his military service.

Now, permit me to say, Mr. Chairman, that from what I know of Captain Crandall's service I do not believe he ever slept a night on the bare ground when he was in the Army or ever heard a cannon explode during his whole military service. [Laughter.] Mr. Church goes on to say:

This is particularly true in regard to his deafness. I served three years in a battery, and Captain Crandall and I have often compared our experiences in action, and particularly the effect of cannonading on the sense of hearing.

How well it does sound! [Laughter.]

Gentlemen, I have here—and I am surprised that the soldiers of this country have not presented something of this kind before—a petition from one Grand Army post. And permit me to say, with all candor, that it is a wonder the honest soldiers of this country have not risen up almost in rebellion against the action of Congress in these pension cases in days gone by. [Applause.]

Now, let us hear what these soldiers say; and I believe this paper represents the sentiment of the honest soldiers throughout this country:

Whereas the pension claims of tens of thousands of the soldiers and sailors of the late civil war remain undecided, while thousands of the claimants are yearly going to their graves; and

Whereas we believe that the granting of special pensions at high rates to the widows of deceased officers of the Army and Navy is an unwarranted and unnecessary continuation of the discrimination of rank in favor of a class who were neither soldiers nor sailors, but only claim through inheritance: Therefore

Be it resolved by Sedgwick Post, Grand Army of the Republic, Department of California—

And permit me to say that I at one time belonged to a post named after that prince of soldiers, General Sedgwick—

That we oppose and condemn the granting of special pensions at high rates to the widows of deceased officers of the Army and Navy as an unjust discrimination against ex-soldiers and ex-sailors and their widows, who are limited to pensions of $8 or $12 per month, if any, and we demand that the widows of officers shall be pensioned under existing general laws.

Mr. ELLIS rose.

Mr. LOUD. The gentleman from Oregon will excuse me; I am not quite through. I am sorry the gentleman did not precede me with his remarks, though perhaps I know as much about this case as he does, for I lived in Oregon myself away back in the sixties, shortly after the war, and am somewhat familiar with the extraordinary service rendered by troops upon the Pacific Coast.

Now, if this widow is getting $8 a month let me say in all seriousness that it is all she is entitled to. Captain Crandall never died as the result of his military service. Let us be honest; let us be frank. Many of you gentlemen around me knew Captain Crandall. He was at the other end of the Capitol a great number of years, and many of the older members of the House were personally acquainted with him. If you want to grant a gratuity to this widow do so, but do not, in the name of justice, act as though this man died as the result of service during the late war.

Mr. ELLIS. Mr. Chairman, there seems to be an idea prevalent on the part of some gentlemen here that no man has known anything about a military service except those who saw it upon the fields of the South. Sir, some very good soldiers rendered their service upon the Pacific Coast. General Grant soldiered upon that coast; so did Sheridan; and General Canby, after passing through the war of the rebellion, was killed on the Pacific Coast in war with the Indians. It does not follow that because a man may not have participated in an active battle upon a Southern battlefield he never saw or knew anything of war. Some very sanguinary conflicts have been fought out in the far West. Why, sir, a whole regiment, including the colonel or general commanding, was annihilated upon a Western field—not one man left to tell the story. Still, gentlemen try to create the impression here that because a man's service was not upon a Southern battlefield some reflection is necessarily cast upon his military record.

It was not my privilege to know Captain Crandall personally, but from what I knew of him by reputation he stood high. He was well connected in the State of Oregon; his standing there as a gentleman and as a soldier was first class. Senator MITCHELL, in making his statement in this case before the committee, said that he knew Captain Crandall up to the time he entered the service; that until that time he was a hale, hearty man, but from the time he came out of the Army until his death he did not see a well day; that he was in a certain sense a wreck, and after lingering along died.

Now, one of the witnesses here says he tried to prevail on Captain Crandall to make application for a pension——

Mr. PICKLER. One of the physicians so testifies.

Mr. ELLIS. Yes; one of the physicians testifies that he urged Captain Crandall to apply for a pension, feeling assured that he could get one under the general law.

Mr. MEREDITH. How long did Captain Crandall "linger"?

Mr. LOUD. Thirty years.

Mr. ELLIS. He lingered many years. He has been dead, I think, about three years. He was a man with pride of spirit, and for a long time he refused, though solicited by his friends, to make application for a pension. It was only when he was unable by his own efforts to make a living that he consented to make this application. Then the evidence of his comrades was beyond his reach; so he came under the special law of 1890, and received a pittance of $12 a month.

This bill has been twice passed by the Senate, and this is the second time it has been favorably reported to this House by the Committee on Invalid Pensions. In the Fifty-third Congress it was favorably reported, as it has been in this. It has been passed by the Senate in the Fifty-third and the Fifty-fourth Congresses.

Mr. TALBERT. Mr. Chairman, I do not wish to do a gentleman who is now dead and in his grave any injustice. But in order to make it plainer as to his service, I want to state again that the reports show that he was mustered into the service on December 27, 1864, and mustered out in October, 1865. The war ended in three or four months after he was enlisted, and it is nowhere shown that the command in which he enlisted was ever engaged with the enemy in any conflict. There is no evidence showing

that he ever had an engagement in which rifles or anything else was used, not to speak of cannon, and yet it is stated and alleged here that he became deaf from the noise of cannonading. That statement, I believe, is made by one of the officials—Dr. Hunter, I believe.

Now, if it is a fact that witnesses have come here and stated that this man became deaf from the noise of cannonading when he was never in a single engagement with the enemy, why, then, what will you think of further testimony from the same witnesses, when it appears that he was never in a single engagement at all? Is the testimony worth anything as far as its credibility is concerned? And I submit, sir, that in granting pensions the House ought to demand better evidence than is given here in the report accompanying this bill.

Mr. Chairman, they are taking a step in reference to this matter which I do not think is warranted. I do not believe we ought to go into this question and grant a pension on such testimony. We ought not to go headlong in the granting of pensions, unmeritorious and undeserving, as this one, without having some testimony to support our actions. Not a single affidavit is presented here, but simple statements of belief, and that belief seems to have been entirely wrong on the facts as they appear.

I submit that it is an injustice to the other soldiers, to those who did fight, and who deserve pensions, to give them to such soldiers and to the widows of such soldiers as this, who have the audacity to come here with false evidence and state things that do not exist.

In the outset I only asked for information with reference to the case, whether or not this man ever heard a cannon fired. The gentleman from California [Mr. LOUD], I think, stated on certain information, or information that he had received, that he never heard a cannon fired. There is no evidence that he ever heard even a popgun shoot off. [Laughter.] And yet he is lauded to the skies as a true soldier, a brave soldier, a gallant man, who saved the Union. [Laughter.] Why, Mr. Chairman, he knew nothing of the Union; he cared nothing about it. There are a number of valiant soldiers to-day, with shining buttons on their coats, who would not know the United States flag from the flag of China or the flag of Hawaii or some other place if they saw it. [Laughter.] And yet these people come here and ask to be pensioned. I submit that it is wrong, all wrong. We ought not to do it. I hope the House will take a stand now on this question.

I move that this claim be laid aside to be reported to the House with an unfavorable recommendation.

Mr. UPDEGRAFF. Mr. Chairman, I move to amend the bill by striking out the word "twenty," in line 7, and inserting in lieu thereof the word "twelve."

Mr. PICKLER. Mr. Chairman, I hope the amendment of the gentleman from Iowa will not prevail.

Now, after all this discussion and the demonstration on the part of gentlemen in regard to this bill, let me say to you that it is simply following the precedents of years past. This man having a sense of personal pride about him, as the evidence clearly shows, refused through all these years, although he was an invalid, to apply for a pension. The Government was saved just that much money by his action. If he had applied for a pension the widow would have received the pension to which a captain's widow is entitled, namely, $20 a month, for the entire time. This is the pension due to the rank of her husband. He was a captain, and if entitled to anything at all he would be entitled to $20 a month from the Government. It is unfair to her, therefore, to make this discrimination.

While I agree with some things that have been said in this discussion in regard to high pensions for the widows of brigadier-generals, and I do not believe in putting them on a plane so far above the other soldiers of the country, yet I think that there is a natural and necessary discrimination to be made in the amounts to be paid for pensions. There is at the same time too much difference in the pension of the brigadier-general and the private. But this is simply the pension of a captain's widow, of $20 a month; a man who had too much pride to apply for a pension when it was possible to avoid the necessity of doing so; and to refuse to grant that pension at this time will be an act of gross injustice to the widow.

The gentleman from Iowa who offered this amendment certainly does not understand the situation. It is simply treating this woman as a lieutenant's or private's widow or a captain's widow has been treated in all other cases which have heretofore been passed.

Gentlemen have said that this man did not see service. Why, Senator MITCHELL said that he knew the man before he went into the Army; that he was in robust health; that he came out of the Army in poor health, and he has known him ever since; that he was an invalid from the time he left the Army; and the testimony on that point is convincing.

The gentleman from South Carolina has fears that he was not in the line of duty; but, as a matter of fact, if he was in the line of duty with his battery drilling, and if the deafness arose even during the ordinary drills of the battery, then he was in the line of duty and his widow would be entitled to a pension just as if he had been injured in a battle.

There is nothing unusual about the pension. It is not a precedent. There are plenty of precedents for it. It is simply a right to which this woman is entitled.

Mr. TALBERT. Will the gentleman allow a question?

Mr. PICKLER. Certainly.

Mr. TALBERT. You say that there are precedents for this. Now, if a bad precedent is established, are you willing to follow it? Are you willing to claim that two wrongs make a right?

Mr. PICKLER. No; I do not admit that there was a first wrong in this case. I do not know of any wrong in the matter. The only wrong is in withholding this pension.

Mr. TALBERT. This proposes to give a pension to the widow of a man who never heard even a popgun fired.

Mr. PICKLER. How does the gentleman know so much about it?

Mr. TALBERT. I have asked information from the whole committee, and nobody seems to know anything about it, so that I must assume that certain facts exist on the best evidence I can get.

Mr. PICKLER. And the evidence is clear that he suffered deafness from this cannonading in the Army, and there is no dispute about it. I do not care whether it was in battle or wherever it was. The gentleman talks about the war being over. The Supreme Court of the United States have decided that the war did not end until the 20th of August, 1866.

Mr. TALBERT. And that same court knocked out the income tax. [Laughter.]

Mr. PICKLER (continuing). That shows that the gentleman is not any better up on the law and the reason for declaring the war over at that time than he is on the facts in this case. President Johnson declared that the insurrection ceased in the State of Texas and that the war was over at that time. The Supreme Court so decided, and there is no income tax about it.

Now, I hope the gentleman from Iowa will withdraw this motion. Let me say to the gentleman from Iowa, if this woman is entitled to a dollar she is entitled to what the rank of her husband would give her, and that is in accordance with every bill that we are passing in this committee.

Mr. UPDEGRAFF. Will the gentleman allow me to ask him a question?

Mr. PICKLER. Yes.

Mr. UPDEGRAFF. What are this woman's financial circumstances?

Mr. PICKLER. She is in poor, needy circumstances.

Mr. UPDEGRAFF. I see nothing of it stated in the report.

Mr. PICKLER. Yes, it is stated in the report. At least it ought to be. That is her condition, anyway.

Mr. UPDEGRAFF. I think it ought to be stated in the report, but I have not been able to find it.

Mr. ELLIS. I will state that that is the fact. She is in very needy circumstances.

Mr. ERDMAN. Will the gentleman allow me to ask him a question?

Mr. PICKLER. Yes.

Mr. ERDMAN. I find in this report the statement that at the time of the soldier's death he was drawing a pension of $12 a month.

Mr. PICKLER. Yes.

Mr. ERDMAN. Did you not state a little while ago that he was too proud to apply for a pension?

Mr. PICKLER. Under the general law. Now, let my friend read the first part of the report, which declares, as the gentleman will see, that he never applied for a pension under the general law.

Mr. ERDMAN. But he did after the act of 1890.

Mr. PICKLER. Yes; when he became destitute.

Mr. ERDMAN. And he could not prove any other claim?

Mr. PICKLER. I do not know whether he could or not. In his latter years he did apply for that, but clearly——

Mr. TALBERT. Will the gentleman allow me to ask him another question? Did this man belong to an infantry, cavalry, or artillery company?

Mr. PICKLER. I hope we can have a vote, Mr. Chairman. [Cries of "Vote!" "Vote!"]

Mr. LEWIS. Mr. Chairman, I move that debate on this bill be closed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa to strike out "twenty" and insert "twelve."

The question being taken, the Chairman announced that the noes seemed to have it.

Mr. UPDEGRAFF and Mr. ERDMAN demanded a division.

The committee divided; and there were—ayes 38, noes 87.

Accordingly the amendment was rejected.

The CHAIRMAN. The question now recurs, Shall the bill be

laid aside to be reported to the House with a favorable recommendation?

The question being taken, on a division (demanded by Mr. ERDMAN) there were—ayes 100, noes 15.

Accordingly the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY A. HALL.

The next business on the Private Calendar was the bill (S. 344) granting a pension to Mary A. Hall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the limitations and provisions of the pension laws, the name of Mary A. Hall, widow of Charles J. Hall, late of Company A, Seventh Regiment of Connecticut Volunteers, and allow her a pension rated at $12 per month.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 344) granting a pension to Mary A. Hall, widow of Charles J. Hall, late private Company A, Seventh Regiment Connecticut Volunteer Infantry, having examined the facts and circumstances in evidence in the case, beg leave to adopt the report of the Senate committee (No. 11) as their own in this case, and earnestly recommend the passage of Senate bill No. 344.

[Senate Report No. 11, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 344) granting a pension to Mary A. Hall, have examined the same and report:

Mary A. Hall is the widow of Charles J. Hall, late private Company A, Seventh Regiment Connecticut Volunteer Infantry.

According to the report of Col. F. C. Ainsworth, Chief of the Record and Pension Division of the War Department, Hall's military record is as follows:

"Enrolled September 5, 1861, and discharged on surgeon's certificate of disability January 29, 1863. During that period the rolls report him present except as follows:

"December 31, 1861, on extra duty as carpenter, under command of Lieutenant Tardy, first lieutenant engineers, United States Army, since December 20, 1861. February 28, 1862, present on extra duty as above reported. April 30, 1862, on extra duty in Engineer Department, under command of General Gilmore, from February 24, 1862, to April 4, 1862.

"June 30, 1862, absent; wounded in action on James Island, South Carolina, June 16, 1862; sent to hospital at Hilton Head June 28, 1862. August 31, 1862, similar report; December 31, 1862, present, sick.

"Company and regiment in action June 16, 1862, in battle of James Island, South Carolina.

"The medical records show him as follows:

"Wounded in scrotum and nates severely by grapeshot or piece of shell at the battle of James Island, South Carolina, June 16, 1862; discharged January 29, 1863, on account of wounds."

Charles J. Hall died on April 1, 1891, and his widow, Mary A. Hall, applied to the Pension Office for a widow's pension October 29, 1891, which application was rejected in September, 1894, on the ground that the soldier's death was not traceable to his wounds received in the service of the Government during the war.

The cause of his death is given in the certificate of death on file in the town clerk's office of Thomaston, Conn., as "pericarditis (rheumatic)."

The physician who attended him, Dr. Ralph S. Goodwin, of Thomaston, in an affidavit dated February 21, 1894, testifies as follows:

"I attended Charles J. Hall, husband of Mary A. Hall, during his last sickness. His sickness and death were due in all probability to a gunshot wound received while in service of the United States Government. This wound was in the groin and perineum and scrotum. It took away a testicle, destroyed the sphincter ani, and produced chronic cystitis. This cystitis seriously impaired the functions of the kidneys to such an extent, I believe, as to produce a rheumatic diathesis from impaired excretion. The rheumatism produced valvular disease of the heart. He died from heart failure and dropsy and exhaustion from hemorrhages from the wound in the rectum, which never thoroughly healed. I consider that his death can be traced directly to the disabilities, infirmities, and severe physical exhaustion occasioned by the aforesaid wound."

This affidavit alone would seem to be sufficient on which to grant the pension, at least as to death resulting from service.

In a subsequent affidavit, made September 5, 1894, Dr. Goodwin said:

"I first became acquainted with Charles J. Hall, of Company A, Seventh Regiment Connecticut Volunteers (whose widow, Mary A. Hall, is an applicant for a pension), in the spring of 1873, when I treated him for rheumatism. He came under my professional care again in September, 1890. He became unable to work September 9, 1890, and worked no more until his death. His symptoms were dyspnœa, dropsical legs, general weakness, and an occasional hemorrhage from the rectum, the seat of an old wound.

"He was sent to the Hartford Hospital October 1, 1890, and remained there most of the time until March 18, 1891, when he returned to his home, and I took charge of him until his death, April 1, 1891. I saw him nearly every day during the last twelve days of his life. The immediate cause of his death was heart disease. He had general anasarca, great dyspnœa, precordial distress, and œdema of the lungs. He expectorated frothy blood for several days just previous to his death. Nearly every day during the last ten days of his last sickness he passed a gill of blood and pus from the rectum, which came from the unhealed wounds received during service in the United States Army. This repeated loss of blood was, in my opinion, a factor in the causation of his death."

Appended to this affidavit is one from the judge of probate certifying that Dr. Goodwin is a reputable physician.

Charles J. Hall was receiving $18 per month pension at the time of his death, having been certified by the medical examining board to be suffering from total disability; they further certifying that his injuries were equivalent to the loss of a limb.

According to the record, proof was made of the marriage of the claimant to Charles J. Hall on September 7, 1853, and it is also shown that neither had remarried.

The reason given by the Pension Office for rejecting the widow's claim is that it is not shown that the soldier's death was traceable to his wounds received in service. The only explanation of this ruling would appear to be that the Pension Bureau based its action entirely on the immediate cause of death given in the certificate of death (secondary cause not given) and gave no weight whatever to the affidavits of the attending physician, who had known him for eighteen years, and who is certified to as a reputable man and physician.

In view of the facts shown above, and in view of the further fact that, in the opinion of your committee, Mary A. Hall would be entitled to a pension under present laws had a more liberal construction been given to them by the Pension Office, your committee earnestly recommend the passage of the accompanying bill.

The CHAIRMAN. The question is, Shall the bill be laid aside with a favorable recommendation?

Mr. ERDMAN. Mr. Chairman, was it the same physician who gave pericarditis as the cause of death in the certificate of death on file in the clerk's office in Connecticut, who afterwards testified that the cause of death was something else?

Mr. POOLE. Mr. Chairman, I am unable to answer that question. That evidence was not examined by me, but I presume that it was the same physician. Admitting that it was, I claim this is as meritorious a bill as has been presented to this Congress.

This man received one of the most terrible wounds that any soldier ever received and lived. He suffered intensely during his life, and received for many years a pension of $18 a month, his disability being considered almost equal to the loss of a limb. His widow, the present claimant, was married to him in 1853. She is an old woman now, and appeals to us to do the justice that I wonder the Pension Office did not do her years ago. They rejected her claim for pension simply because they would not accept the real cause of death to be the wound received in the service, and yet the attending physician, who had known him for eighteen years, testifies as follows:

I attended Charles J. Hall, husband of Mary A. Hall, during his last sickness. His sickness and death were due in all probability to a gunshot wound received while in service of the United States Government. This wound was in the groin and perineum and scrotum. It took away a testicle, destroyed the sphincter ani, and produced chronic cystitis. This cystitis seriously impaired the functions of the kidneys, to such an extent, I believe, as to produce a rheumatic diathesis from impaired excretion. The rheumatism produced valvular disease of the heart. He died from heart failure and dropsy and exhaustion from hemorrhages from the wound in the rectum, which never thoroughly healed. I consider that his death can be traced directly to the disabilities, infirmities, and severe physical exhaustion occasioned by the aforesaid wound.

Now, it seems that the Pension Office rejected this testimony because the certificate given of his death by the physician at the time of his death was not fully set forth in that report. The reason given by the Pension Office for rejecting the widow's claim is—— [Cries of "Vote!" "Vote!"] I am ready for a vote now. It is a just bill, Mr. Chairman, and ought to pass.

Mr. KEM. Mr. Chairman, I would like to have some gentleman rise in his place and explain the reason for the discrepancies in these three bills. One is a bill allowing a pensioner $100 a month. The next bill is one allowing a widow $20 a month in a case where a soldier served three months and did not see any service. You follow that with a bill where the soldier has served three years, saw good service, and was wounded in the service, and you allow his widow $12 a month. If a soldier who served three months and saw no service is entitled to $20 a month does it not stand to reason and common sense that this widow is entitled to $20 a month? I will move an amendment to that effect, that the word "twelve" be stricken out and "twenty" inserted in lieu thereof.

Mr. POOLE. Mr. Chairman, the fact is, that this bill gives the widow the pension to which she is entitled under the general law.

Mr. KEM. I would like to ask the gentleman a question.

Mr. POOLE (continuing). She ought to receive this pension from the date of the soldier's death.

Mr. KEM. Does the gentleman mean to say that this woman is not entitled to $20 a month?

Mr. POOLE. She would only be entitled to $12 a month under the general law.

Mr. KEM. I do not care anything about the law [laughter] except the law of common justice. That is all I care anything about.

Mr. POOLE. What is your amendment?

Mr. KEM. My amendment is to strike out "$12" and insert "$20."

Mr. MEREDITH. I move to make it a hundred.

Mr. POOLE. Mr. Chairman, this bill has passed the Senate at $12 a month. I do not wish to prevent her from getting a pension. We consider that she is entitled to $12 a month, and let this bill go through.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska to strike out "twelve" and insert "twenty."

Mr. PICKLER. Mr. Chairman, gentlemen who do not pay much attention to these pension bills might think there was some point in the suggestion made by the gentleman from Nebraska. Now, we are asking the House to do exactly what the general law does. The widow of a captain, whose case was considered a few moments ago, did not prove up under the general law at the Pension Office. If she had she would have gotten $20 a month. If this widow could prove up there she would get $12 a month. We are simply following the pension law. [Applause.]

Mr. KEM. This House is granting special pension bills to cover

such cases, and if they can be granted these pensions under the pension law, why are you coming in here and granting them?

Mr. PICKLER. The gentleman is the only one I ever knew of who wanted to go further than the law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

The question was taken; and the amendment was rejected.

Mr. UPDEGRAFF. Mr. Chairman, I dislike very much to say anything against the passage of this bill. I have no doubt that the claimant should have a pension of $12 a month; but I am bothered about the principle of the thing. This is nothing but an appeal from the Pension Office. That is all it is.

Mr. POOLE. I admit that.

Mr. PICKLER. That is right.

Mr. UPDEGRAFF. I have written scores and scores of times to such people in my district, telling them that this House was not an appellate court to correct the errors of the Pension Office. I say to the Committee on Invalid Pensions, "Bring in a bill to make a law that will cover such cases, and do not pick out a few cases and reward them and allow others to go."

Mr. STRODE of Nebraska. Then what kind of cases can be brought before this House? Would there be any claims to be acted upon here by special bills?

Mr. UPDEGRAFF. Let it be understood that all shall be served alike.

Mr. KEM. Amen. [Laughter.]

Mr. STRODE of Nebraska. Another question. If a pension can be allowed by the Bureau, then is the gentleman in favor of the House granting pensions at all?

Mr. UPDEGRAFF. If it can not be allowed, change the Pension Office.

Mr. HILL. We will do that next year.

Mr. UPDEGRAFF. If you can not change the office change the law. Again, Mr. Chairman, why has not this lady applied under the general law of 1890?

Mr. POOLE. Because in that case she would only get $8 a month, and she is entitled to $12 a month.

Mr. UPDEGRAFF. I see nothing said in this report of her circumstances.

Mr. POOLE. It is not necessary.

Mr. UPDEGRAFF. It is not? Well, the time has come when it ought to be necessary in order to have a pension bill pass this House to show the facts which entitle the claimant to a pension. [Cries of "Vote!" "Vote!"]

Not just yet. I want gentlemen to think a little about this matter before they vote. There will be a hundred thousand cases like this before the Pensions Committee and before the House if this is to be made a precedent. I earnestly object to it. Let us take care of all these people, not merely of those who may be so fortunate as to have a friend in a member of this House or a member of the Senate. If there is merit in these cases, there are thousands and tens of thousands and scores of thousands of them. Now, I believe that this lady ought to have a pension.

A MEMBER. Then let us give it to her.

Mr. UPDEGRAFF. Oh, no; I am not here to vote for a special bill in every case where I would be glad to give a pension. Not by any means. Let us act upon some principle. Let the Committee on Invalid Pensions adopt some principle by which we can be governed and embody it in a general bill. I am opposed to distributing these little favors to one out of twenty thousand, when the whole twenty thousand ought to have them. If this lady is in indigent circumstances, she has only to apply to the Pension Office, under the law of 1890, and she will get $8 a month, and it is better that the case should be dealt with in that way than that an incorrect principle should be adopted here. Now, I ask the Committee on Invalid Pensions to cease reporting cases that can not be sustained upon sound principles, and which make bad precedents, and to bring into this House an amendment to the law that will cover all these cases.

Mr. TALBERT. Has not the gentleman discovered that this is a very peculiar case? It seems to me that a careful reading of the report in this case will do away with any doubt in regard to it. It seems to me that this woman ought to have a pension, and let us give it to her. [Laughter and applause.]

Mr. UPDEGRAFF. Well, Mr. Chairman, if I have made one convert I am satisfied. [Laughter, and cries of "Vote!" "Vote!"]

Mr. BLUE. Mr. Chairman, I yield to no man in my liberality in granting pensions to the soldiers, their widows, and their orphans, and while the gentleman from Iowa [Mr. UPDEGRAFF] who has just taken his seat has stated a proposition which it seems to me everyone here ought to consider, there seems to be a disposition to press this bill at this time without due consideration. This House is not a court of appeals from the Pension Office, but it is a court for the relief of those who, under the general law, can not make a case when the equities entitle them to a pension. The pension bill that has just been passed, giving to a widow $20 a month, if I understood the report correctly, was justified in that way. If that widow could have proven her case in the Pension Bureau and shown that the disability from which her husband died was of service origin, then she would have been entitled to $20 a month under the general law.

I inferred from the report in that case that we are asked to cure that defect as a court of equity, to presume from the circumstances and facts that the disability was of service origin, and to give her the benefit of that presumption, and in that belief I voted for the bill. I am opposed to the legislation that has been attempted here in many instances. I sat here a week ago last Friday evening and heard a bill reported increasing the pension of a widow of a lieutenant from $30 to $50 a month for no other reason under the sun than that the widow needed money.

Now, there are 10,000 widows in Kansas that need money worse than she did. That kind of legislation is not equitable. This should be a court of equity, assisting those who can not recover under the law by reason of some technical defect or shortcoming, and when you legislate favorably in such cases you do justice to a deserving class. But when you pass a bill here, as was said by the gentleman from Iowa, in a case which could be allowed under the general law by the Pension Office, you do an injustice to thousands of meritorious claimants all over this land. I shall vote for this bill under consideration, because it seems to come within the equities.

I tell you that the soldiers of this country will understand it. We come here to these pension meetings, and the most that we can hope for is to pass through during a Congressional session two or three bills each for the members of this House and the members of the Senate, five or six hundred bills in all, for the relief of the soldiers of this Union. And instead of distributing those five or six hundred bills equitably among those who should be assisted, we are forgetting the equity that should be considered in these cases.

Mr. PICKLER. Oh, no; we are not doing any such thing.

Mr. BLUE. I hope the gentleman will have the politeness——

Mr. PICKLER. Well, I hope the gentleman will not misrepresent the committee.

Mr. BLUE. I have no disposition to misrepresent the committee.

Mr. PICKLER. You are doing it, anyhow.

Mr. BLUE. If the gentleman will treat me politely, I will yield to him.

Mr. PICKLER. No, I do not want you to do that.

Mr. BLUE. This may be South Dakota courtesy, and it may be along the line of the dignified position of the chairman of the Invalid Pensions Committee. [Applause.]

The CHAIRMAN. The committee will be in order.

Mr. BLUE. I sought in a feeble way to serve this country for three years, and I yield to no man in my devotion to the flag and to the interest of this nation and to the welfare of the soldier, his widow, and his orphans. But let us be equitable here.

I do not intend to go into a wholesale condemnation of this committee. So far as I am able to see, up to this moment tonight there has been no inequity in the bills recommended. I did not hear the report fully relating to the bill introduced and supported by my colleague from New York. If it is true that there are exceptional circumstances in this case appealing to considerations of equity, then this widow should have the relief which the bill seeks to give her. If there are no such exceptional circumstances and if she can procure her pension under the general law, then the passage of this bill is an inequity with respect to thousands of just claims pending in the Pension Office and in the committee of this House—cases which appeal strongly to considerations of equity.

It is for this reason I have said what I have. I mean no discourtesy to the committee. I have not intended any discourtesy to the chairman of the committee. I wish to support the committee, but I wish to do it along the line of logic, of common sense, of equity, of fairness. The gentleman from Iowa is right in raising this objection and appealing to the House to consider this matter. Let the country understand that we are striving to do our duty here, and that we want to do it in an equitable and just way, so that the country will respect us when it is done. [Applause.]

Mr. PICKLER. I have given due attention to what the gentleman from Kansas has said. If I was a little too enthusiastic, I beg his pardon.

Mr. BLUE. It is granted.

Mr. PICKLER. Now, the trouble about the gentleman from Kansas [Mr. BLUE] and the gentleman from Iowa [Mr. UPDEGRAFF] is that they do not take in the situation in this case.

Mr. TALBERT. They have not read the report.

Mr. PICKLER. Yes; that is it exactly. Mr. Chairman, the Committee on Invalid Pensions may make mistakes; we do not claim that we are exempt from mistakes. But I want to say that in this case we have made no mistake. What does this report

show? Here is a widow who, beyond all peradventure, taking into consideration the medical evidence in the case, ought to have $12 a month under the action of the Pension Office; yet, notwithstanding the overwhelming proof—I see that the gentleman from California [Mr. LOUD] is loading up the gentleman from Kansas [Mr. BLUE] again. [Laughter.]

Mr. BLUE. Mr. Chairman——

Mr. PICKLER. I have the floor.

Mr. BLUE. Mr. Chairman, I want to ask——

The CHAIRMAN. Does the gentleman from South Dakota yield?

Mr. PICKLER. I will, by and by; but I want to finish my statement.

As I was saying, according to the medical evidence in this case this woman ought to receive a pension of $12 a month by the action of the Pension Office. But, as the report shows, her application has been rejected there. Now, in a case of this kind this House is a court of appeals. Her case having been rejected at the Pension Office, she being unable to obtain anything over there, she has no resort but to this tribunal; and in her case nothing more is asked than what has always been done in similar cases.

The gentleman from Iowa [Mr. UPDEGRAFF] says, Why not bring in a general law to cover all these cases? Now, the gentleman is too good a lawyer to get up here and assert that if we should pass fifty general laws undertaking to cover all cases of this class there would not still be exceptional cases requiring action at our hands. It is just such cases that come before our committee and are reported by us to the House.

What would the gentleman from Kansas do with this widow? I leave it with him to say, upon a careful examination of this testimony, whether this widow is not entitled to receive $12 a month by the action of the Pension Office. Yet her case has been rejected there and she can not receive her pension. This is the only place where she can get relief. I would be glad if we could have, as the gentleman from Iowa suggests, a general law covering all these cases; but, as I have said, no general laws can be so broadly and perfectly framed as to obviate the necessity of our action in particular cases. It has been suggested—and the suggestion is a pretty good one—that there might be changes in the Pension Office; but that is a matter not within our province.

Gentlemen, this is one of the plainest cases that could be reported to this House. This woman is clearly entitled to a pension of $12 a month, as the gentleman from South Carolina has well said.

Mr. TALBERT. Then why not let us have a vote?

Mr. LOUD. Mr. Chairman, I want to inform the gentleman from South Dakota what it was I was "loading the gentleman from Kansas up" with.

Mr. PICKLER. Oh, I do not care anything about that.

Mr. LOUD. Because I seem to be a kind of a red rag to the gentleman anyway, always exciting him.

Mr. PICKLER. Oh, no.

Mr. LOUD. But I am not afraid of the gentleman, as I think he has probably discovered by this time.

What I suggested to the gentleman from Kansas was that if he could swallow the case preceding this one he ought not to stumble at a case that had some merit in it. [Laughter and applause.]

Mr. BLUE. I wish to state to the gentleman from South Dakota that I do not antagonize this bill. I do not know whether it is meritorious or not. I was only trying to get to the relief of the gentleman from Iowa, in the general proposition advocated by him.

I am ready to vote upon the bill.

Mr. TALBERT. He has read the report and is now satisfied with it. [Laughter.]

Mr. BLUE. I do wish the committee could make a report that the gentleman who has just spoken could read, which would cure him of the disease that seems to affect him. [Renewed laughter.]

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM HENRY JOHNSON.

The next business on the Private Calender was the bill (H. R. 486) for the relief of William Henry Johnson.

The bill is as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to remove the charge of desertion from the military record of William Henry Johnson, who served under the name of Henry Johnson, of Company H, Second Pennsylvania Cavalry (Fifty-ninth Pennsylvania Infantry), transferred to Company H, First Pennsylvania Provisional Cavalry, and grant him an honorable discharge to date April 30, 1865.

The report (by Mr. GRIFFIN) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 486) for the relief of William Henry Johnson, having had the same under consideration, recommend that the same do pass.

It is shown by the records of the War Department that Henry Johnson was enrolled and mustered into service October 29, 1861, at Philadelphia, Pa., as a private in Company H, Second Pennsylvania Cavalry, to serve three years, and reenlisted as a veteran volunteer February 6, 1864. He appears to have served faithfully until April 30, 1865, when he deserted, never returning to his command. The Second Pennsylvania Cavalry was consolidated with the Twentieth Pennsylvania Cavalry June 17, 1865, to form the First Pennsylvania Provisional Cavalry, and the name of the soldier appears on the muster-out roll of Company H of the latter regiment with the remark: "Deserted April 30, 1865;" but his transfer to Company H, First Pennsylvania Cavalry, was not consummated, he never having joined that company, and it has therefore been canceled. He is regarded by the War Department as a deserter from Company H, Second Pennsylvania Cavalry, from April 30, 1865.

Applying for removal of the charge of desertion and for an honorable discharge, William Henry Johnson, a resident of Ceresco, Saunders County, Nebr., stated in an affidavit dated February 6, 1893, that he served faithfully in Company H, Second Pennsylvania Cavalry, until April 30, 1865, when he shipped on the monitor *Montauk* with the understanding that he had been transferred from the Army to the Navy, and that he served faithfully on that vessel eighteen months until discharged at Hog Island Navy-Yard, near San Francisco, Cal. In another affidavit, dated June 21, 1893, the applicant stated that he joined the Navy as a midshipman, and that he was discharged from the monitor *Montauk* in June, 1869.

It was ascertained by the Record and Pension Office, War Department, upon inquiry at the Navy Department, that no man named William H. (or Henry) Johnson served on the monitor *Montauk*, and that that vessel went out of commission July 7, 1865, at Washington, D. C. The application for relief was denied by the War Department October 24, 1893, holding that the case was not embraced within the provisions of the act of March 2, 1889, the soldier having deserted prior to May 1, 1865, and not having been prevented from completing his term of enlistment by physical disability incurred in the line of duty.

Your committee submit that under the act of March 2, 1889, if the soldier had not deserted until May 1, 1865, and after prior service of six months or more, and by reason of absence from his command at the time the same was mustered out he failed to be mustered out and to receive an honorable discharge, upon proof of such facts the charge of desertion would, under such act, be removed from his record. Waiving the benefits of the service in the Navy, as claimed by the soldier, and although the War Department may, under its strict construction, have determined that unless the soldier was borne on the company rolls as present or properly accounted for as of May 1, 1865, his application for removal of charge of desertion should be denied, yet your committee believe that a soldier serving until the 30th day of April, 1865, under a fair construction of the act of March 2, 1889, comes within its purview, and that therefore the relief applied for in this case should be granted.

It appears further from affidavits of those acquainted with him prior to and since his enlistment in 1861 that he was rather weak-minded and vacillating, and was wanting in that steady purpose of mind which would justify holding him strictly accountable for every act or deviation from correct conduct. Others testify that he is still afflicted with a form of dementia, and consequently hardly able to take care of himself; that he lives in what is called a dugout, and is about 65 years of age; that he is being helped by charity, and for the past three years has been assisted from the county funds.

Your committee has no doubt, from the proofs submitted in this case, that William Henry Johnson is the same Henry Johnson who served in Company H, Second Pennsylvania Cavalry.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES E. JONES.

The next business on the Calendar was the bill (S. 249) granting a pension to Charles E. Jones.

The bill was read, as follows:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Jones, late photographer for the Eleventh Pennsylvania Cavalry Volunteers, said pension to be at the rate of $30 per month.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 909) granting a pension of $30 per month to Charles E. Jones, late photographer of the Eleventh Pennsylvania Volunteer Cavalry, for consideration in connection with Senate bill 249, which passed the Senate January 21, 1896, granting a pension of $30 per month to the said Charles E. Jones, having carefully examined and considered the facts and circumstances in evidence in this case, respectfully attach hereto the report of the Senate Committee on Pensions and adopt it as their report in this case, and adopt Senate bill 249 as a substitute for House bill 909, and earnestly recommend that the same do pass.

[Senate Report No. 21. Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 249) granting a pension to C. E. Jones, have examined the same, and report:

This bill passed the Senate during the Fifty-third Congress.

Claimant was not an enlisted man, and hence not pensionable under the general law. He was employed as a photographer, and in that capacity rendered valuable service to the Union cause. Not only did he faithfully perform his duties as a photographer, but the evidence clearly shows that he performed actual military service, and that while thus engaged he received a gunshot wound which has resulted in almost total blindness.

There seems to be no question as to the incurrence of the disability, the affidavit of Capt. R. B. Ward, herewith appended, being conclusive on that point. Many other affidavits are on file which tend to confirm Captain Ward's statement. Had claimant been an enlisted man there can be no reasonable doubt of his right to pension, and having performed actual military service, and being wounded while thus engaged, the duty of Congress to come to his relief is clear and imperative.

Your committee recommend the passage of the bill.

AFFIDAVIT OF CAPT. R. B. WARD.

STATE OF MISSOURI, *County of Jackson, ss:*

In the matter of Charles E. Jones, claimant.

On this 5th day of September, A. D. 1890, personally appeared before me, a notary public in and for said county, duly authorized to administer oaths, Robert B. Ward, age 61 years, a resident of Kansas City, in the county of Jackson and State of Missouri, whose post-office address is Kansas City, Mo., well known to me to be reputable and entitled to credit, and who, being duly sworn, declared in relation to aforesaid case, as follows:

"I have known above claimant, Charles E. Jones, since the spring of 1862, when he came to and joined the Eleventh Pennsylvania Cavalry as photographer, I being captain of Company D of said regiment. Said claimant was

not an enlisted man, but I know of him being in several engagements under military orders, and in April, 1863, I know of my personal knowledge that the said Charles E. Jones was ordered to take photographic view of Longstreet's fortifications at the siege of Suffolk, in the State of Virginia, and while performing his duty, acting under orders of Gen. John Peck, commanding officer, said claimant, Charles E. Jones, received gunshot wound from Longstreet's sharpshooters in the small of back, across the spine, which affected his eyesight and has caused blindness of both eyes to such an extent that said claimant has to be accompanied with a guide at all times to walk around, rendering him as good as totally blind.

"R. B. WARD."

Subscribed and sworn to before me this 5th day of September, 1890.
[SEAL.] ROBERT S. RODGERS, *Notary Public.*

AFFIDAVIT OF W. D. HOOVER, M. D.

STATE OF KANSAS, *County of Miami, ss:*

In the matter of appeal for pension through special act of Congress by Charles E. Jones, regimental photographer, Eleventh Regiment Pennsylvania Cavalry Volunteers.

On this 29th day of October, A. D. 1894, personally appeared before me, a notary public in and for the said county, duly authorized to administer oaths, W. D. Hoover, aged 60 years, a resident of Paola City, in the county of Miami and State of Kansas, well known to me to be reputable and entitled to credit, and who, being duly affirmed, declares in relation to aforesaid cause as follows:

"That I have been acquainted with the said Charles E. Jones since 1867, when he first came to Paola, Kans., and that his eyes were diseased then, and that they continued to grow worse until he became totally blind, or nearly so. He can just barely grope his way with the use of his cane. He received a gunshot wound across the small of his back while in the line of duty in the Army during the late war. The ball passed across the back just over the second lumbar vertebra, and has left a scar over one-half an inch across and more than an inch in length. It is a wonder it did not cause paraplegia. His eyes became affected before he recovered from the wound in the back, and I am of the opinion, taking the prostrated condition of his system, especially the nervous system, into consideration, if the wound in the back was not a primary cause of the disease of the eye it certainly was a secondary cause. Said Jones has been a good citizen during his residence here.

"The above is from my personal observation of the case, and is written by myself."

His post-office address is Paola, Kans., and further declares that he has no interest in said case, and is not concerned in its prosecution.

W. D. HOOVER, M. D.

STATE OF KANSAS, *County of Miami, ss:*

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant, including the words erased and the words added, and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in the prosecution; and that said affiant is personally known to me, and that he is a credible person.

[L. S.] WARD J. CARPENTER,
Notary Public.

(My term expires March 27, 1895.)

Mr. McCLELLAN. Mr. Chairman, may I ask the gentleman in charge of this bill a question?

Mr. KIRKPATRICK. Certainly.

Mr. McCLELLAN. This man was the regimental photographer, I believe, was he not?

Mr. KIRKPATRICK. I do not know that he had that designation. It was his business.

Mr. McCLELLAN. I confess that I feel a deep sympathy for any photographer. I am a photographer myself, more or less successful, and always supposed that no photographer could have taken his kodak in hand and gone to the front unless he had taken a given part in the hostilities then pending. I have learned, however, recently that regimental photographers were noncombatants. I have learned that they belong to the same class of men as provost marshals, contract surgeons, and teamsters——

Mr. PICKLER. All of them pensionable.

Mr. McCLELLAN (continuing). That wicked class of teamsters which we heard so fully and clearly described two weeks ago, and since we have heard the noncombatant class described I have been obliged to amend my opinion of army photographers.

In that connection I send to the desk and ask to have read, as a part of my remarks, the eloquent words of a gentleman whose opinion upon the subject of the noncombatants in general, and the wicked teamsters in particular, I have the highest regard for.

The Clerk read as follows:

Mr. PICKLER. Mr. Chairman, it is evident that the gentleman has been born since the war. [Laughter.] No man who was in the Army and knows anything about soldiers and teamsters would make such a statement as the gentleman from Maryland has when he compares a teamster, hired by the month, who could quit when he pleased, and quit the Army, with a man who enlisted and who had to go into battle. The teamster did not have to go into battle if he did not want to, and he incurred no danger.

Mr. MILES. But this man did go into battle.

Mr. PICKLER. I do not yield. I refuse to yield. When the gentleman compares a teamster to a soldier and gets up here and prates about putting a man who never was enlisted on the pension roll on an equality with the enlisted soldier it shows that he was born since the war. [Applause.]

Now, Mr. Chairman, this is entirely consistent. A teamster is doing well if he gets on the pension roll at all, and no teamster and no man who is not an enlisted man does get on the pension roll unless he was wounded in the Army. This man was shot. He got a little more of it than most of the teamsters got. He was shot, and was in the hospital, and the committee concluded that, as he was at the front and was wounded, even though he was a teamster and not an enlisted man, and therefore had been refused a pension by the Pension Office, he ought to be pensioned at the rate of $12 a month. It is a fair and liberal pension, and any nonenlisted man is doing extremely well to get such a pension; and therefore I beg that the gentleman from Maryland will not say that there is any inconsistency in pensioning at $30 a month a real soldier, an enlisted man who was wounded, and then get up and shed crocodile tears over the case of a teamster. [Applause.]

Mr. McCLELLAN. I hope that no "crocodile tears" will be shed over this photographer. He got a little more than most of them, because he seems to have been wounded fighting gallantly, but he was not an enlisted man.

The bill, however, proposes to grant a pension of $30 a month, $18 more than the teamster we pensioned two weeks ago, who fought just as gallantly as the photographer. I grant you that he was a gallant man; but like the teamster of two weeks ago, however, he had the option of leaving "when he pleased."

Mr. PICKLER. Will the gentleman allow an interruption?

Mr. McCLELLAN. Yes, sir.

Mr. PICKLER. Has the gentleman noticed the portion of the report that shows that the wound which this photographer received has succeeded in blinding him completely? Does the gentleman refuse, or would he be unwilling, to pension a totally blind man?

Mr. McCLELLAN. The trouble is that it does not appear that the blindness came from the wound.

Mr. PICKLER. Oh, yes.

Mr. McCLELLAN. Ah, no; pardon me. I think not. It said his eyes became affected before he recovered from the wound in the back.

Mr. PICKLER. Look up at the top of page 2.

Mr. ERDMAN (reading):

And I am of the opinion, taking the prostrated condition of his system, especially the nervous system, into consideration, if the wound in the back was not a primary cause of the disease of the eye it certainly was a secondary cause.

Mr. PICKLER. Now let me read to the gentleman:

Said claimant, Charles E. Jones, received gunshot wound from Longstreet's sharpshooters, in the small of back, across the spine, which affected his eyesight and has caused blindness of both eyes to such an extent that said claimant has to be accompanied with a guide at all times to walk around, rendering him as good as totally blind.

Mr. McCLELLAN. Now, does the gentleman mean to say that a man who could leave at any time, a man who was getting good wages, should stand on the same level with a man who enlisted, who wore the uniform, who went to the front and fought and bled and died——

Mr. PICKLER. No, sir; and if this was the case of an enlisted man, he would get $72 a month. [Applause.]

Mr. McCLELLAN. He would not get it. This is only a secondary cause. He would get $12 a month.

Mr. PICKLER. Oh, no; I beg the gentleman's pardon. Total blindness from disabilities contracted in the Army entitles a pensioner to $72 a month.

Mr. McCLELLAN. You have one affidavit from a man who says it may be that the blindness is a secondary result. But this is a case like that of the teamster, two weeks ago, a man who fought gallantly; and to be consistent we ought not to pension him for more than $12 a month. Two weeks ago, if the gentleman will remember, I offered an amendment to put that teamster on the pension roll as though he had been enlisted, and the gentleman from South Dakota [Mr. PICKLER] objected simply on the ground that he had not worn the uniform and had not been regularly enlisted.

Mr. PICKLER. That was not the sole reason.

The CHAIRMAN. Does the gentleman from New York yield?

Mr. McCLELLAN. Yes.

Mr. PICKLER. As I remember now, that teamster was not blind. He was in no such condition of disability as this man.

Mr. McCLELLAN. He was a total wreck.

Mr. PICKLER. Here is a man who, if he had been an enlisted man, would get $72 a month.

Mr. McCLELLAN. The teamster would have got $30 a month if he had been enlisted; and while I feel that I ought to move an amendment, to be consistent with that opinion of the great expert on noncombatants in general and teamsters in particular, my sympathies are so aroused in this case that I shall not move that amendment. [Cries of "Vote!" "Vote!"]

Mr. ERDMAN. Mr. Chairman, can any person advance any good reason why this noncombatant, this nonenlisted man, should be placed on a better footing than a soldier regularly enlisted? If you are going to pension this man, why not compel him to do what all soldiers are required to do—make lawful proof of his claim before a body competent to dispose of it and to judge of it? Instead of that, upon the affidavit of one physician, who says that this wound may be the secondary cause of his blindness, you are going to grant him $30 a month.

This affidavit says the shot in the back may have been the cause of the blindness. You want to render an affront to all soldiers who go to the Pension Office now and prove their claim by letting this go through in this slipshod manner. If you care to do it, proclaim it to the world, but do not seek to do it under cover. Be manly, and explain to the whole world that any person who can find a friend at court, an advocate here in this House, to demand a pension for him, shall have it without proof. [Cries of "Vote!" "Vote!"]

Mr. LOUD. Mr. Chairman, I can not find a report of this case here. I should like to know if there is anybody in the House who can vouch for the person who made the affidavit? Here we are confronted with a case where one person, apparently unknown to anybody in this House, off in the State of Missouri, makes an affidavit that a regimental photographer received a gunshot wound. Permit me to say that the position of regimental photographer is an office I never heard of. Where an army corps has been encamped for a time, I have known photographers to come around to take miserable pictures of some of the boys. Is it not, perhaps, pertinent to this case to know who it is that makes this affidavit? There is but one affidavit in this case that this man was shot. Is there anyone in this House that knows about this affidavit?

Mr. KIRKPATRICK. I will try to enlighten the gentleman.

The CHAIRMAN. Does the gentleman from California yield?

Mr. LOUD. Certainly; information is just what I want.

Mr. KIRKPATRICK. Does the gentleman understand, when the Committee on Invalid Pensions make their report, that they bring before the House all the testimony that was submitted to the committee and that the members of the House are supposed to read all of that testimony for themselves?

Does not the gentleman know that in these cases there are sometimes 50 and 75 affidavits, and that the committee, after examining the evidence and the circumstances, make their report as to the facts, and on the facts make their determination? And is it not true that in almost all of these cases members must take the judgment of the committee as to what the facts are in a given case and can not themselves investigate each and every case? There is one affidavit set out there and embodied in the report. Hardly ever, however, is an affidavit embodied in the report, because there are cases where there are a hundred affidavits and not one of them set out in the report; and therefore the gentleman need not assume because there is only one affidavit set out that that is all the testimony on which the committee base their report.

Mr. GROUT. Mr. Chairman——

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Vermont?

Mr. GROUT. I desire to answer the gentleman's question. I have it here in the report.

Mr. LOUD. I have one very strong answer to the gentleman that ought to be sufficient.

Mr. GROUT. There are two affidavits given in the report, and the credibility of both witnesses is certified to by the notaries public, Robert S. Rodgers, in one instance, and Ward B. Carpenter in the other.

Mr. LOUD. What does that signify?

Mr. GROUT. This is the language:

On this 5th day of September A. D. 1890, personally appeared before me, a notary public in and for said county, duly authorized to administer oaths, Robert B. Ward, age 61, a resident of Kansas City, in the county of Jackson and State of Missouri, whose post-office is Kansas City, Mo., well known to me to be reputable and entitled to credit——

Mr. LOUD. The gentleman knows that that is the regular form.

Mr. GROUT (continuing):

and who, being duly sworn, declared in relation to aforesaid case as follows:

The gentleman wanted to know who certified to the credibility of the witness.

Mr. LOUD. That is the regular form.

Mr. CURTIS of Kansas. Will the gentleman yield to me?

Mr. LOUD. Certainly. I am seeking for information.

Mr. CURTIS of Kansas. This bill passed the Senate and the House last Congress and was thoroughly investigated at that time.

Mr. LOUD. It would not do any hurt to investigate it a little again.

Mr. CURTIS of Kansas. It was not signed because it passed too late to become a law. This gentleman is well known in Kansas. The party himself is well known to several of the members of the Kansas delegation and is an honorable, upright, and honest man and very deserving. To-day he has to be led around the streets at his home by a little boy or an attendant, and there is no question that his disabilities are the result of wounds that he received in that battle.

Mr. LOUD. Of course, Mr. Chairman, you can see that the answer to my question is so moving and convincing that there is no gentleman who will answer it. I asked the question if there is anybody in this House to-night who can vouch for the standing of the party who made the affidavit. The gentleman from Vermont gets up and reads the usual form as printed in every notary's affidavit; but he, as a lawyer, knows that that amounts to nothing—that the notary will acknowledge anybody's signature as far as an affidavit is concerned.

Let us take the conditions as they exist. Here is a proposition to pension a person who was a photographer, claiming to be a regimental photographer. Men who were in the Army know that any such person never existed; know that a photographer could not exist if his business was to come from a regiment, a brigade, or a division. And permit me to say that photographers did not follow the Army when they were engaged in active service. My experience was that photographers came to us in winter quarters or when we had camped for a time in one place. Now, I have asked the question three or four times. Three or four gentlemen have assumed to answer it. I say we are confronted with an affidavit of a gentleman, and no one here so far has been willing to say that he was in the Army with this man. I would like to have the facts known, and if anybody can give them I will quit.

Mr. GROUT. Mr. Chairman——

Mr. LOUD. Mr. Chairman, I can not yield to the gentleman from Vermont because the gentleman failed to know anything.

Mr. LONG. I know something about the gentlemen who made these affidavits. I know them personally, or one of them. There are two of them. One is Dr. Hoover.

Mr. LOUD. He does not claim to have been in the service with him.

Mr. LONG. How is that?

Mr. LOUD. This doctor does not claim to have been in the service with him.

Mr. LONG. I refer to the affidavit on the second page of this report.

Mr. LOUD. Does this doctor claim to have been in the service and know that this man received the wound in the service? I ask you that. You have the report.

Mr. LONG. There is no question about that. The gentleman is aware that this bill passed the last Congress.

Mr. LOUD. Oh, I do not care about that. We pass lots of bills that ought not to pass, and I have no doubt that we will pass a great many, Mr. Chairman, that never should receive the consideration of any gentleman if these pension cases were fully investigated. Now, I have been asking the question whether there was any gentleman on this floor who knows personally that this gentleman who makes this affidavit was in the service and occupied a position to know the facts stated. It is a material question to know who this man is.

Mr. GROUT and Mr. BLUE rose.

Mr. LOUD. Before I yield, Mr. Chairman, I would like to know if the gentleman from Vermont has any more information to give?

The CHAIRMAN. The gentleman from Kansas is recognized.

Mr. LOUD. I have not yielded the floor, Mr. Chairman.

The CHAIRMAN. The gentleman suspended his speech, and the gentleman from Kansas has been recognized.

Mr. LOUD. When I finish my remarks I will take my seat, Mr. Chairman.

Mr. BLUE. I have no disposition to press the yielding of the gentleman from California, but I expect the Chair will control.

Mr. LOUD. He will try to, you may be sure. [Laughter.]

The CHAIRMAN. The gentleman from Kansas has been recognized.

Mr. BLUE. Mr. Chairman, I happen to know this man who is an applicant for a pension here. I have known him for over twenty years, and he is so reputable a man that in the community in which he resides he was the nominee of the Democratic party for the Kansas legislature a few years ago. It may have been a case of the blind leading the blind [laughter], but I hope it will be no disparagement of his claim to state the fact. I have known him in his industrious ways going out, led by some one, and so attentive to his business that he has managed to sustain himself. This bill, in substantially the same language, was passed by the last Congress.

Mr. LACEY. May I correct the gentleman?

Mr. BLUE. Yes, sir.

Mr. LACEY. It was not in this language. There is a very distinct difference between this bill and the one passed in the last Congress. I will call the gentleman's attention to the difference if he desires.

Mr. BLUE. I am not aware of any difference, and I would be glad to be informed of it now if there is any.

Mr. LACEY. The difference is this: This man was shot in the back, and he claimed that that shot in the back affected his eyes by some nervous connection between the two. The committee could not find that the injury to the eyes was caused by the gunshot wound in the small of the back, but they thought that he should have such a pension as the disability caused by the gunshot wound would entitle him to, and they reported a bill putting him on the roll for the gunshot wound, leaving the rating to the Pension Office, as in the cases of other civil employees. With an amendment like that this bill would give him a pension for the gunshot wound. If the blindness was the result of the gunshot wound, then of course——

Mr. BLUE. That is a difference without a distinction. The fact is, that the bill passed for $30 a month in the last Congress, and that is all we ask now, and it failed of becoming a law only by reason of the inability of the President to reach it in time to sign it before Congress adjourned. It was supported at that time

by Senator Martin of Kansas. The affidavit, as I read it—and I shall be glad to be corrected if I make a mistake—shows that this

in the report of the committee to show that he ever did one minute's service for the Union cause. Here is an application to grant

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to such gambling the penalties provided for interstate gambling

by Senator Martin of Kansas. The affidavit, as I read it—and I shall be glad to be corrected if I make a mistake—shows that this wound was received while the man was obeying an order from an officer. The objection which the gentleman from California [Mr. LOUD] makes to this affidavit might be made to every affidavit sustaining a pension claim in this House. I take it that the gentleman is too good a lawyer to raise a question as to the credibility of this witness without any proof directed at his credibility or his character for veracity, simply because the gentleman himself suspects that there might be something wrong about him.

Mr. LOUD. I do not suspicion. I asked if there was any person here who knew the party who made this affidavit, and I have got repeated answers that they do, but I have got no information about it.

Mr. BLUE. I have no knowledge from actual acquaintance, but I understand that the witness who makes the affidavit—and I think perhaps the affidavit on its face will show that fact—was a captain of a regiment in the service where this man was performing this duty under orders. If I am incorrect about that I shall be happy to be corrected.

Mr. LOUD. Nobody can correct you, because nobody seems to know anything about it.

Mr. BLUE. So, Mr. Chairman, as was stated by the chairman of the Committee on Invalid Pensions, if this case arose under the general law, the man would be entitled to $72 a month. We ask for only $30 a month, and it seems to me that a wound received in the execution of an order ought to be regarded as equivalent to a muster into the service, and so far it has been so regarded in these cases.

Mr. LACEY. Mr. Chairman, I move to amend the bill by striking out all after the word "rate" and inserting "proportionate to his disability from gunshot wound in the back and results." That is precisely as the bill passed the House in the last Congress and as the Senate concurred in it. That would give him what he would have received if he had been a soldier of the Eleventh Pennsylvania Cavalry and had got shot. Now, I think there is no reason why a photographer should get more than a soldier.

Mr. GROUT. What would be the pension?

Mr. LACEY. That would depend upon the disability.

Mr. GROUT. As a result of the gunshot wound in the back.

Mr. LACEY. The pension would depend on the extent of the disability. It might be $8 or $12 a month. In other words, he would get just what a soldier would get for that wound, his claim being presented to the Pension Office under the general law.

The amendment offered by Mr. LACEY was read, as follows:

Line 8, after the word "rate," strike out the words "of $30 per month, said Jones having become practically blind, the result of a gunshot wound received in the line of duty," and insert "proportionate to his disability from gunshot wound in the back and results."

The question being taken on the amendment, it was rejected.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported favorably to the House?

Mr. JOHNSON of California. Mr. Chairman, I want to vote for this bill. I hope it will pass. I rise to occupy about one minute for the purpose of calling the attention of the gentleman from Kansas [Mr. BLUE] and the gentleman from Iowa [Mr. UPDEGRAFF] to this bill as illustrating the fallacy of the position which they assumed a while ago, that these cases could be cared for by general law. And I want to call the attention of the gentleman from Kansas to the inconsistency of his position when he fought a little while ago the claim of a widow because, as he said, there ought to be strong equities presented, and now this man appears from Kansas——

Mr. BLUE. Will the gentleman permit me to interrupt him?

Mr. JOHNSON of California. Certainly.

Mr. BLUE. The gentleman is wholly mistaken when he says that I "fought" that claim. I had no such intention, and I said nothing against it. I simply spoke of the general policy, and everybody here so understood me.

Mr. JOHNSON of California. Well, I regret to say that unfortunately I am one of those individuals who understood the gentleman the other way. I presume that was my fault and not his. But my experience in life has been that when a man slaps my face and says he does it in fun, I usually think he is mistaken. If, however, the remarks of the gentleman were not directed against that bill, then I take back everything I have said and congratulate him on the fact that he lives in Kansas, and that he is able to see the equities of a case when it comes from Kansas, even if he can not see the equities of a case when it comes from Connecticut. [Cries of "Vote!" "Vote!"]

Mr. TALBERT. Mr. Chairman, I am just as anxious to vote as are these gentlemen who call out "Vote!" "Vote!" But before I vote on this bill I should like to have some light thrown upon it. Here is an application for a pension for a man who never enlisted in the service of his country; there is no evidence in the report of the committee to show that he ever did one minute's service for the Union cause. Here is an application to grant a pension to a man who had gone out with his apparatus—whatever you may call it; kodak, a gentleman near me suggests; I call it apparatus so that gentlemen here may understand it; so that the gentleman from Kansas may understand it—he had gone out for the sole purpose of making money to put into his own private pocket, whether the Union was saved or lost. I submit, Mr. Chairman, that unless this man was in the service of his country, unless he had been employed by official authority to serve his country by using his photographic instrument to take pictures, he is not entitled to one moment's consideration at the hands of this House.

Mr. PICKLER. Does the gentleman know that the report speaks of this man as photographing, under the order of the Federal officer in command there, Longstreet's fortifications. Now, does the gentleman think there is no danger in that kind of service?

Mr. TALBERT. Yes, and I expect the gentleman himself got mighty tired of photographing those people sometimes. But, sir, I want to say there is no evidence to show that this man went there for any other purpose than observing the country. The army officers found him there with his instrument and pressed him into the service as a bummer or a camp follower, and possibly a stray bullet hit him while he was making tracks to the rear, for I understand he was shot in the back.

Mr. ERDMAN. And went blind from it!

Mr. TALBERT. Yes, and went blind from it, as another man grew deaf from the reports of a cannon that he never heard or saw. I submit, Mr. Chairman, there is just as much justice in this claim as there would be in that of a man who heard nothing but a popgun. He was there with his apparatus taking pictures for his own benefit—not for the benefit of the Union, but for the benefit of himself and himself alone. I must say that I am astonished to see the Committee on Invalid Pensions, presided over as it is by the distinguished gentleman from South Dakota, bringing in such claims as this with a favorable report and asking this House to pass them.

Mr. Chairman, while I feel it my duty to vote, as I have said, for every meritorious claim—I intend to do so and I have done so—I can not with a clear conscience support any such claim as this. And I dare say that if gentlemen on the other side would stop and reflect a moment they would vote this measure down by an overwhelming majority, showing to the country that while they are ready to do anything to stand by the "true-blue" soldiers and their widows, as they ought to do, they are men enough to turn their backs upon photographers, deserters, coffee coolers, bummers, and camp followers, such as this man was when engaged there taking pictures. I hope that gentlemen on the other side, when their good sense and their sense of justice is appealed to, will see to it that this measure is overwhelmingly defeated, as it ought to be.

Mr. JOY. Will the gentleman yield a moment?

Mr. TALBERT. Certainly.

Mr. JOY. Will not the gentleman be kind enough to let us vote on the bill? There is only one minute of the session left.

Mr. TALBERT. I would be perfectly willing to do so, but there are just one or two points which I had not reached and which I desire to discuss. [Laughter.] The first is the insufficient evidence——

The CHAIRMAN. The hour fixed by the rule for adjournment being at hand, the committee will rise.

The committee accordingly rose; and the Speaker pro tempore having resumed the chair, Mr. HEPBURN reported to the House, with a favorable recommendation, the bill (H. R. 2234) granting a pension to Joseph A. Cooper; the bill (H. R. 486) for the relief of William Henry Johnson; the bill (S. 344) granting a pension to Mary A. Hall, and the bill (S. 507) to pension Mollie Crandall; also, with the recommendation that it be recommitted to the Committee on Invalid Pensions, the bill (H. R. 2621) to increase the pension of Jane Webster, widow of Joel Webster; also, with an amendment and a recommendation that it be passed as amended, the bill (H. R. 1634) to grant a pension to William F. Good; also that the Committee of the Whole had had under consideration the bill (S. 249) granting a pension to Charles E. Jones, and had come to no resolution thereon.

The SPEAKER pro tempore. The hour of half past 10 having arrived, the House now, in pursuance of its previous order, stands adjourned until Monday next at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of T. J. McClendon, administrator of John Wright, deceased, against The United States, was taken from the Speaker's table and referred to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. KNOX, from the Committee on the Territories, to which was referred the bill of the House (H. R. 6403) to amend an act entitled "An act to provide for the protection of the salmon fisheries of Alaska," reported the same with amendment, accompanied by a report (No. 871); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CUMMINGS, from the Committee on the Library, to which was referred the bill of the House (H. R. 1438) for the erection of a monument at Greenville, Ohio, to commemorate the treaty of peace made on the 3d day of August, A. D. 1795, at Fort Greenville (built on the site of said Greenville, Ohio), by Gen. Anthony Wayne, on behalf of the United States, and various Indian tribes occupying the territory northwest of the Ohio River, and to perpetuate the memory of General Wayne and his gallant army, reported the same with amendment, accompanied by a report (No. 873); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIS, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 1743) to establish an additional land office in the State of Montana, reported the same without amendment, accompanied by a report (No. 874); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOUD, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the Senate (S. 2169) to regulate mail matter of the fourth class, reported the same without amendment, accompanied by a report (No. 875); which said bill and report were referred to the House Calendar.

Mr. HARTMAN, from the Committee on Mines and Mining, to which was referred the bill of the House (H. R. 5730) to amend section 24 of an act entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California," approved March 1, 1893, reported the same with amendment, accompanied by a report (No. 876); which said bil and report were referred to the House Calendar.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 3549) authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings Ship Channel, in Aransas County, Tex., reported the same without amendment, accompanied by a report (No. 877); which said bill and report were referred to the House Calendar.

Mr. VAN VOORHIS, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 849) to increase the circulation of national banks, reported the same without amendment, accompanied by a report (No. 881); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MEIKLEJOHN, from the Committee on the Public Lands: The bill (H. R. 2265) to provide for reimbursement of the expense of constructing a sewer upon the permanent reservation at Hot Springs, Ark. (Report No. 878.)

By Mr. MOSES, from the Committee on Pensions: The bill (H. R. 5902) granting a pension to Jane Christian Marye. (Report No. 879.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 519) granting a pension to Ira Harris. (Report No. 880.)

ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. CONNOLLY, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 1965) to amend section 3331 of the Revised Statutes of the United States, reported the same adversely, accompanied by a report (No. 872); which said bill and report were laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GILLETT of Massachusetts: A bill (H. R. 7441) to protect State antigambling laws from nullification through interstate gambling by telegraph, telephone, or otherwise, by extending to such gambling the penalties provided for interstate gambling by mail or express—to the Committee on the Judiciary.

By Mr. LITTLE: A bill (H. R. 7442) for the better government of Hot Springs Reservation, and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. RAY: A bill (H. R. 7443) for further security of holders of mortgage bonds and of other creditors of corporations created by act of Congress—to the Committee on the Judiciary.

By Mr. SPARKMAN: A bill (H. R. 7444) to provide for the building of two range lights on the bar at the entrance to Choctawhatchee Bay, Florida—to the Committee on Interstate and Foreign Commerce.

By Mr. OWENS: A bill (H. R. 7445) to provide for the free coinage of silver dollars equal in value to gold dollars—to the Committee on Coinage, Weights, and Measures.

By Mr. HENDERSON: A bill (H. R. 7446) to establish a uniform system of bankruptcy throughout the United States—to the Committee on the Judiciary.

By Mr. HOWE: A bill (H. R. 7467) to authorize the Secretary of the Navy to widen the northern entrance to the Wallabout Channel, Brooklyn, N. Y.—to the Committee on Naval Affairs.

By Mr. QUIGG: A joint resolution (H. Res. 145) to provide for the presentation of medals of honor to the militia and volunteer troops of the several States who volunteered their services for the defense of the States of Maryland and Pennsylvania in the year 1863, prior to and after the battle of Gettysburg, Pa.—to the Committee on Military Affairs.

By Mr. OTEY: A resolution (House Res. No. 216) requesting the Committee on Naval Affairs to investigate the matter of the treatment of the members of the International Association of Machinists at United States navy-yards and arsenals—to the Committee on Naval Affairs.

By Mr. RUSK: A resolution (House Res. No. 217) to pay Ulmar, Goldsborough & Co. certain money out of contingent fund—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ARNOLD of Pennsylvania: A bill (H. R. 7447) for the relief of John Wassum, of Clarion County, Pa.—to the Committee on War Claims.

By Mr. BINGHAM: A bill (H. R. 7448) for the relief of Alexander Marr—to the Committee on Military Affairs.

By Mr. BOATNER (by request): A bill (H. R. 7449) for the relief of William Leech—to the Committee on Claims.

By Mr. BRODERICK: A bill (H. R. 7450) to place on the retired list of the Navy Louis V. Housel, late lieutenant of the Regular Navy—to the Committee on Naval Affairs.

By Mr. CLARDY: A bill (H. R. 7451) for the relief of James Eganson, of Henderson, Ky.—to the Committee on Pensions.

By Mr. COOK of Wisconsin: A bill (H. R. 7452) granting a pension to Orpha A. Briggs—to the Committee on Invalid Pensions.

By Mr. HAGER: A bill (H. R. 7453) granting a pension to John Ledwich—to the Committee on Invalid Pensions.

By Mr. HARMER: A bill (H. R. 7454) to increase the efficiency of the Navy by rewarding enlisted men for long and faithful service—to the Committee on Naval Affairs.

By Mr. KENDALL: A bill (H. R. 7455) for relief of Ingraham B. Whitt—to the Committee on Military Affairs.

Also, a bill (H. R. 7456) for relief of Benjamin F. Knox—to the Committee on Military Affairs.

By Mr. KERR: A bill (H. R. 7457) granting an increase of pension to John Beaird—to the Committee on Invalid Pensions.

By Mr. LEIGHTY: A bill (H. R. 7458) granting an honorable discharge to Christian Bauer, of Peabody, Ind.—to the Committee on Military Affairs.

By Mr. MEREDITH: A bill (H. R. 7459) for the relief of Mrs. Minnie E. Goodwin—to the Committee on War Claims.

By Mr. POOLE: A bill (H. R. 7460) to increase the pension of Sarah E. Jackson, widow of Richard H. Jackson, late brigadier-general of United States volunteers, to $50 per month—to the Committee on Invalid Pensions.

By Mr. QUIGG: A bill (H. R. 7461) granting an honorable discharge to Thomas J. Miller, late of Company A, Thirty-eighth New York Volunteers—to the Committee on Military Affairs.

By Mr. TAFT (by request): A bill (H. R. 7462) to appoint Samuel Bickerstaff in the United States Navy as chief engineer and to place his name on the retired list—to the Committee on Naval Affairs.

By Mr. TRACEY: A bill (H. R. 7463) granting a pension to Thomas Mathias—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 7464) for the relief of the estate of Jonathan Summers, deceased, of Scott County, Miss.—to the Committee on War Claims.

By Mr. KERR: A bill (H. R. 7465) to reimburse Aden Benedict for money paid by him to the United States as commutation for draft—to the Committee on War Claims.

By Mr. FOOTE: A bill (H. R. 7466) for the relief of Benjamin T. Wickham—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Pennsylvania: Protest of T. H. Harter, of Bellefonte, Pa., against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BABCOCK: Petition of L. J. Fryar and 29 members of the Woman's Christian Temperance Union of Amherst, Wis.; also petition of Cora Turner and 67 members of Social Temple No. 3, of Amherst, Wis.; also petition of C. Wesley Turner and 80 members of the Methodist Episcopal Church of Amherst, Wis., in favor of the passage of House bill No. 167, to protect the first day of the week in the District of Columbia—to the Committee on the District of Columbia.

Also, five petitions, containing a total of 50 names, of citizens of Washington, D. C., urging the passage of House bill No. 5220, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and opposing the extension of the tracks of said company until its existing lines are modernly equipped and operated—to the Committee on the District of Columbia.

By Mr. BULL: Resolutions of the citizens of Pawtucket, R. I., demanding that Congress take steps to secure the restoration to liberty of Irish-American citizens incarcerated in British dungeons for political offenses—to the Committee on Foreign Affairs.

By Mr. COOK of Wisconsin (by request): Evidence in support of House bill No. 5721, for the relief of Alice Utz—to the Committee on War Claims.

By Mr. CRISP: Protest of A. W. Latimer, of Lumpkin, Ga., against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CRUMP: Protests of Orville J. Victor, T. Alfred Vernon, J. Elderkin, and publishers of the Coleman Independent, of Coleman, Mich., against House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, protest of the Chamber of Commerce of Milwaukee, Wis., against the building of a railroad bridge across the Detroit River at Detroit, Mich.—to the Committee on Interstate and Foreign Commerce.

By Mr. GAMBLE: Petition of James S. Hunter and 15 others, against military training in the public schools—to the Committee on Education.

Also, petition of Helen A. Gray and others, favoring the passage of Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. GARDNER: Petition of J. F. Hall, W. McLaughlin, and others, praying for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce and to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. GROSVENOR: Memorial of produce dealers of Boston, in favor of legislation against filled cheese—to the Committee on Ways and Means.

By Mr. GROUT: Petition of A. Ropes, of the Vermont Watchman, Montpelier, Vt., against the passage of House bill No. 4566, to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions adopted by the General Society of Sons of the American Revolution, at Boston, Mass., in favor of the publication of the archives of the Revolution—to the Committee on Appropriations.

Also, resolutions adopted by George C. Randall Post, No. 82, Grand Army of the Republic, of Woodstock, Vt., in favor of the service-pension bill now before Congress—to the Committee on Invalid Pensions.

By Mr. HENDERSON: Paper of F. W. Preston, of Brooklyn, N.Y., favoring the passage of House bill No. 223, regarding medals for storming Port Hudson—to the Committee on Military Affairs.

By Mr. JENKINS: Remonstrance of Ellen Nelson, of Star Prairie, Wis., and 75 others, against the passage of joint resolution proposing an amendment to the Constitution of the United States so as to acknowledge Almighty God—to the Committee on the Judiciary.

By Mr. LACEY: Petition of H. C. Binford and others, of Alabama, in favor of House bill No. 7081, granting lands in Alabama for educational purposes—to the Committee on the Public Lands.

By Mr. LAYTON: Memorial of the New York Produce Exchange, urging Congress to pass a bill introduced by Mr. Low, relating to a site for the new custom-house of the city of New York—to the Committee on Public Buildings and Grounds.

Also, memorial of the Society of Sons of the Revolution, in the State of Maryland, urging legislation enabling the Secretary of State to prepare for publication the records of the Continental Congress—to the Committee on Appropriations.

Also, resolutions of the New York Mercantile Exchange, protesting against any substitution whatever of House bill No. 5213, known as the Wilber bill, regarding the manufacture and sale of filled cheese—to the Committee on Ways and Means.

By Mr. LINTON: Remonstrance of citizens of Madison, Wis., against recognizing the statue of Père Marquette, and asking for its removal from Statuary Hall—to the Committee on the Library.

Also, remonstrances from citizens of New Albany, Ind.; Edmore, Mich.; Pittsburg, Pa.; Frank and Buena Vista, Pa.; Washington, D. C., and also citizens of the State of Maryland, against the appropriation of public moneys for sectarian undertakings, and a petition praying for the passage of joint resolution No. 11, proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. MAGUIRE: Memorial of the San Francisco Chamber of Commerce, against refunding Pacific railroad debts—to the Committee on the Pacific Railroads.

By Mr. McMILLIN: Petition of N. R. Hull, late a private in Company B, South Cumberland Battalion, to be placed on the pension roll—to the Committee on Invalid Pensions.

By Mr. MORSE: Petition of Charles H. Eldridge and 53 other citizens of Hanover, Mass.; also petition of George H. Young and 24 other citizens, of Pembroke, Mass., in favor of the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of the Easton and Saratoga Quarterly Meeting of the Religious Society of Friends, officially signed; also petition of citizens of New York and vicinity, asking for a national commission to investigate and report upon the subject of social vice—to the Committee on the Judiciary.

Also, petition of the Second United Presbyterian Church of Sterling, Kans., praying for an amendment to the Constitution recognizing Almighty God as the source of all power and authority in civil government—to the Committee on the Judiciary.

By Mr. MOSES: Petition of citizens of Columbus, Ga., in favor of House bill No. 653, for the relief of book agents of the Methodist Episcopal Church South—to the Committee on War Claims.

By Mr. NOONAN: Protest of citizens of San Antonio, Tex., against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. QUIGG: Papers to accompany House bill granting an honorable discharge to Thomas J. Miller—to the Committee on Military Affairs.

By Mr. REED: Petition of W. S. Crowley and others, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Cohen, Goldman & Co., of New York City, praying for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. STEWART of Wisconsin: Petition of W. D. Pond and 20 other ex-soldiers of Unity, Marathon County, Wis., in behalf of a bill granting a pension of $8 per month to every soldier or sailor who served ninety days in the Army or Navy and $12 per month to the widows of the same—to the Committee on Invalid Pensions.

Also, resolutions of the Chamber of Commerce of the city of Milwaukee, protesting against building a bridge across the Detroit River—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Chamber of Commerce of the city of Milwaukee, regarding financial legislation—to the Committee on Banking and Currency.

By Mr. STRODE of Nebraska (by request): Resolutions of the A. P. A. councils of Omaha, Nebr., relative to the Marquette statue—to the Committee on the Library.

By Mr. TAFT: Papers to accompany House bill to appoint Samuel Bickerstaff as chief engineer in the United States Navy, and to place his name on the retired list—to the Committee on Naval Affairs.

By Mr. WELLINGTON: Petition of the Baltimore Annual Conference of the Methodist Episcopal Church, asking the enactment of a law preventing the nullification of State antigambling laws, etc.—to the Committee on the Judiciary.

Also, petition of the Baltimore Annual Conference of the Methodist Episcopal Church, asking concurrence in the bill forbidding the interstate transportation of obscene matter by express as passed by the United States Senate—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Baltimore Annual Conference of the Methodist Episcopal Church, asking enactment of a law to raise the age of consent to 18 years—to the Committee on the District of Columbia.

SENATE.

MONDAY, *March 23, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. WOLCOTT, and by unanimous consent, the reading of the Journal of the proceedings of Friday last was dispensed with.

ORDERS FOR THE SEIZURE OF VESSELS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 16th instant, certain information as to what orders have been issued from the Treasury Department to seize vessels of the United States loaded with arms and munitions of war, with passengers on board, suspected to be destined for foreign ports, and under what authority of law such seizures and arrests have been made; which, with the accompanying document, was, on motion of Mr. CALL, ordered to lie on the table and be printed.

REPORT OF INTERNATIONAL PRISON CONGRESS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting the report of the delegates of the United States to the Fifth International Prison Congress, held at Paris, France, July, 1895; which, with the accompanying papers, was referred to the Committee on Foreign Relations, and ordered to be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 19th instant approved and signed the following act and joint resolutions:

An act (S. 227) to authorize the Auditor for the War Department to audit certain quartermasters' vouchers alleged to belong to John Finn, of St. Louis, Mo.;

A joint resolution (S. R. 47) relating to the Federal census; and

A joint resolution (S. R. 72) directing the Public Printer to supply the Senate and House libraries each with 10 additional copies of the CONGRESSIONAL RECORD.

The message also announced that the President of the United States had on the 20th instant approved and signed the following acts:

An act (S. 1230) to extend the limits of the port of entry of New Orleans; and

An act (S. 1804) to authorize the First National Bank of Sprague, Wash., to change its location and name.

The message further announced that the President of the United States had on this day approved and signed the bill (S. 818) for the relief of Halvor K. Omlie, of Homer, N. Dak.

NATIONAL SANITARIUM FOR TREATMENT OF PULMONARY DISEASES.

Mr. GALLINGER. Mr. President, on the 11th day of April, 1892, I submitted some observations in support of a joint resolution that I then introduced for the appointment of a commission to examine certain lands in New Mexico and other of the Rocky Mountain States, with a provision that a report should be made to the President of the United States, with a view ultimately of having a cession of lands made for the purpose of establishing a national sanitarium for the treatment of pulmonary diseases. That scheme, as originally contemplated, has fallen through, but the parties who are interested in the establishment of a sanitarium for this purpose have sent me a large bundle of petitions looking to the direct cession of land to an organization of benevolent men and women interested in this matter, and after I have presented the petitions I desire to submit some brief observations in reference to this very laudable undertaking.

Mr. President, I present a petition of 24 citizens of the Territory of New Mexico; a petition of P. A. Dewey and 19 other citizens of New York; a petition of R. W. Lord and 13 other citizens of Maine; a petition of S. O. Brown and 11 other citizens of Maine; a petition of Eben Chase and 11 other citizens of Maine; a petition of J. H. Manly, Governor Henry B. Cleaves, and other citizens of Maine; a petition of Gorham P. Pomeroy and 19 other citizens of Rhode Island; a petition of Edward S. Aldrich and 19 other citizens of Rhode Island; a petition of Charles Clark Camp and 22 other citizens of Minnesota; a petition of Fred C. Ackley and 16 other citizens of Minneapolis, Minn.; a petition of Hon. William H. Eustis and 43 other citizens of Minneapolis, Minn.; a petition of A. B. Chalmers and 35 other citizens of Minnesota; a petition of John Wright and 20 other citizens of Minnesota; a petition of A. S. Grow and 8 other citizens of Pennsylvania; a petition of Charles E. Dodge, M. D., and 20 other citizens of New Hampshire; a petition of J. H. Emerson and 18 other citizens of New Hampshire; a petition of J. F. Estes and 47 other citizens of New Hampshire; a petition of W. W. Roberts and other citizens of Massachusetts; a petition of Alfred Hemenway and other citizens of Massachusetts; a petition of Julia Ward Howe, John D. Long, and other citizens of Massachusetts; a petition of ex-Governor William Claflin and other citizens of Massachusetts; a petition of William Coveney and other citizens of Massachusetts; a petition of Franklin Carter, president, and 11 other members of the faculty of Williams College, Massachusetts; a petition of George V. Ladd and 23 other citizens of Massachusetts; a petition of Rollin Jones and 22 other citizens of Massachusetts; a petition of Frank A. Allen and 41 other citizens of Massachusetts; a petition of John C. Haynes and 43 other citizens of Massachusetts; a petition of John A. Scott and 10 other citizens of Massachusetts; a petition of S. G. Miller and 37 other citizens of Massachusetts; a petition of Charles D. Jenkins and 14 other citizens of Massachusetts; a petition of Henry J. Thayer and 17 other citizens of Massachusetts; a petition of B. H. Nourse and 14 other citizens of Massachusetts; a petition of Charles H. Taylor and 11 other citizens of Massachusetts; a petition of Robert P. Bellows and other citizens of Massachusetts; a petition of Dr. William P. Wesselhoeft and 19 other citizens of Massachusetts; a petition of the Superior and Sisterhood of the Home at the Roman Catholic Cathedral, Boston, Mass.; a petition of Rev. Edward Everett Hale and other officers of the American Invalid Aid Society; and a petition of the faculty of Yale University.

I ask unanimous consent that I may make some brief observations concerning the petitions just presented.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and the Senator from New Hampshire will proceed.

Mr. GALLINGER. Among the petitioners will be found the names of Edward Everett Hale, Louis C. Southard, Minot J. Savage, Hezekiah Butterworth, E. H. Clement, Wallice I. Pierce, Solomon Schindler, Edwin Ginn, Julia Ward Howe, John D. Long, M. I. Whipple, bishop of Minnesota; William Lawrence, bishop of Massachusetts; William E. Russell, ex-governor of Massachusetts; William Claflin, ex-governor of Massachusetts; Edw. Harvey Willett, president Trinity Club; A. E. Winship, Charles H. Taylor, editor Globe; editors Boston Herald, Traveller, Advertiser, Journal, Transcript, Educational Journal, etc.; William Coveney, Mrs. James T. Field, Olive Wright, Susan Fessenden, William H. Baldwin, Henry B. Blackwell, President Timothy Dwight, with the faculty of Yale University; president and faculty of Williams College, J. B. Mason, ex-Senator from Rhode Island; A. P. Martin, ex-mayor of Boston; Walter M. Guild, Julius H. Ward, Henry J. Thayer, Frank A. Allen, ex-mayor of Cambridge; John C. Haynes, president, and Julius H. Tutle, treasurer, Massachusetts Historical and Genealogical Society; W. H. Hart, colonel Thirty-sixth Colored Regiment (war record); W. T. Shapleigh, editor (old-line abolitionist); Westley Jones, A. Shuman, Noah A. Plimpton, John C. Paige, Levi P. Lawrence, superior and Sisterhood of the Home at the Cathedral, Charles Sydney Smith, ex-mayor of Providence; Morris H. Richardson, M. D.; Samuel J. Mixter, M. D.; David W. Cheever, M. D.; Samuel Durgin, president Massachusetts board of health; William P. Wesselhoeft, M. D.; James D. Bell, M. D.; Hasket Derby, M. D.; Prof. Grover Robinson, Mrs. John Boyle O'Reilly, Alfred Hemenway, George H. Marcoe, dean Massachusetts College of Pharmacy; John Dana Hubbell, Joseph H. Manley, and a very large number of physicians, clergymen, and leading educators from different parts of the country.

In my former attempt in this direction I introduced a joint resolution which I will not now read, but will ask permission to introduce it into the RECORD. As before suggested, it proposed to appoint a commission for the purpose of investigating this matter with a view of selecting a site and recommending its cession by Executive proclamation to the very worthy men and women who were then engaged in this great philanthropic movement. That joint resolution was in these terms:

SECTION 1. That the President of the United States shall appoint a commission consisting of three persons, two of whom shall be physicians, whose duty it shall be to select a site, and make report thereon to the President, for the establishment of a national sanitarium for the treatment of pulmonary diseases, said location to be in some one of the Territories of the United States and upon such of the public lands as may be unoccupied.

SEC. 2. That the commission so appointed shall, within six months after their appointment, report to the President of the United States where, in their best judgment, is the proper place to establish said sanitarium, together with the boundaries of the land whereon to establish the same, and also rules and regulations suited for the government of the same.

SEC. 3. That upon the receipt of such report the President shall by proclamation withdraw the lands described in said report from sale, and from preemption, homestead, or other entry or sale, and shall reserve the same for the purpose of said sanitarium.

SEC. 4. That the surveyors-general of the several Territories shall, under the direction of the Secretary of the Interior, make such surveys and render such assistance to said commission as the said commission may desire.

SEC. 5. That the traveling expenses, fares, and other expenses incident to the selecting and reporting upon such site shall be paid out of the Treasury of the United States, upon vouchers properly certified, and the said commissioners shall each be paid $10 per day for each and every day they shall be actually employed on such duty.

SEC. 6. That $15,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of said commission, their expenses, fares, clerk hire, and all other matters connected with or growing out of the selecting and reporting said site.

Mr. President, the present purpose is to secure by direct cession to the American Invalid Aid Society of Boston property now owned by the Government. This organization has for its object the amelioration, so far as may be possible, of those who are suffering from pulmonary diseases in the North, and who may be benefited by a change of climate to the more salubrious atmosphere of the Rocky Mountain region. The society has in view at the present time the Fort Stanton Military Reservation, situated in New Mexico, which reservation has been recently abandoned by the United States Government. I will state that when the call for bills is reached I shall introduce a bill which provides that that military reservation shall be ceded by the Government to this society.

Mr. President, very much has been written during the past two years and since this agitation was commenced concerning this philanthropic movement. Dr. William P. Roberts, the managing editor of Folk Lore and Best Thoughts, published in Minneapolis, has given this movement the benefit of his facile pen, and Dr. C. F. Nichols, of Boston, an eminent medical gentleman, has contributed exceedingly interesting articles on the subject to the Review of Reviews and to the newspaper press.

I have here an article of exceeding interest from the Boston Traveller of January 25, 1896, discussing this subject, which is of sufficient interest to be introduced in this discussion:

WORKING WONDERS—WHAT THE INVALID AID SOCIETY COULD DO WITH MONEY ENOUGH—GIVES HOPE TO CONSUMPTIVES—A SCHEME OF COLONIZATION OF NEW MEXICO IN EMBRYO WHICH WOULD BE OF GREAT BENEFIT TO THE COUNTRY'S HEALTH.

The announcement that Mrs. Etta Fish Tingley is to repeat her famous song lecture in Chickering Hall, February 12, for the benefit of the Invalid Aid Society has brought forth from many busy people who were not in touch with all the philanthropical movements of the day inquiries concerning the society.

Its object was partially revealed in its title, but the great value of the work it has done and is still doing and its hopes and plans for the future could only be gleaned from somebody intimately connected with the work.

The society was incorporated in Massachusetts and Ohio three years ago. Dr. Edward Everett Hale is entitled to the honor of its existence, for he practically formed it a year before its incorporation, and is its president pro tempore, there having been a vacancy in the head office since the last annual meeting. Louis C. Southard and Hezekiah Butterworth are the vice-presidents, and E. H. Clement, Edwin Ginn, and Leon M. Abbott are the trustees. There are other officers in the society, not an executive board nor an advisory board, but rather a combination of the two, and near the head of the list is found the name of Mrs. Mary A. Livermore, while Mrs. Julia Ward Howe, Mrs. James T. Field, Mrs. Susan S. Fessenden, and the mother superior and all the sisters of the Home for Destitute Catholic Children are among those strongly interested in the society. Hon. John D. Long, Hon. JACOB H. GALLINGER, of New Hampshire; Rev. Dr. David Gregg, of Brooklyn; Gen. Charles W. Darling, of Utica, N. Y.; Rev. Dr. John L. Withrow, of Chicago; Governor L. Bradford Prince, of New Mexico; Hon. A. P. Lovejoy, of Wisconsin; Hon. Charles W. Loring, of Minneapolis; Rev. Minot Savage, the Upham Bros., of the Youth's Companion, and S. W. Manning, manager of the Atchison, Topeka and Santa Fe Railroad, are among the officers. Col. A. A. Pope has given $500 to the society as a mark of his interest, and such men as Dr. Albert Shaw, A. Shuman, Col. W. W. Bunting, Noah A. Plympton, John C. Paige, Jeremiah Williams, Dr. Samuel Durgin, George P. Lawrence, the president of the State senate; Hon. William E. Russell, Gen. A. P. Martin, Alfred Hemenway, W. H. Baldwin, Dr. James B. Bell, Dr. Haskit Duby, Senator Mason of Rhode Island, and Bishop Whipple of Minnesota, are either members of the society or aids to its work. One of the hardest workers in the society of 200 or more members is Dr. C. F. Nichols, the editor of Folk Lore, one of the editors of Science, and a well-known writer for many of the best magazines. He has obtained a large number of influential people as signers of the petition for land, and has personally superintended much of the business of the society.

And now to its object. It conducts a system of beneficent service to the class of invalids most numerous and pitiable in the Eastern and Northern States—the consumptives. Beginning at the root of their trouble, all expert physicians are convinced that efforts to produce cures are useless as long as victims of tubercular disease remain in damp and changeable climates. Phosphates, cod liver oil, or any other medicines are as unstable as water. Meanwhile the means provided for comfort or refuge for the poorer classes, who are thrown upon public or private charity, are inadequate. Refused at the hospitals, there is nowhere near room enough for the vast number in the establishments thus far provided, and such as gain admission to the homes for incurables do not last very long. The annual death list from consumption in this country is about 100,000, and a large percentage of this number could be saved by being sent to parts of the country where the curative qualities of the climate have been tested. It has long been known that tuberculous disease does not flourish in certain localities. Between 300 and 400 invalids have already been sent away by the society, and in many, if not all, of the cases the disease has been checked. New Mexico heads the list of localities with subtle curative qualities, defying chemical analysis, but pervading the earth and air of these dry drained places, but Colorado and North Carolina are included, as well as certain parts of Florida.

The property known as the Moses Lyman estate, near Jacksonville, Fla., belongs to the association, and it is thought in Congress that the prospect of obtaining from the Government a valuable property at Las Cruces, N. Mex., is hopeful. This property is Stanton Park, which has been held as a Government reserve for disabled soldiers, but its usefulness in that direction is over, and it was to have been given up the 1st of January. Perhaps the war scare had some effect upon that decision, for it is still retained. It consists of many acres of land, irrigated, which is an important item in that Territory, and a number of fine, large buildings in good repair. A petition is being signed by all the prominent names in many States to secure grants of land in New Mexico for the use of consumptives, who may find in the peculiar climate of that Territory health and usefulness, and the gift of Stanton Park is expected as an answer to that petition, particularly as the people of New Mexico are desirous of forming new colonies. Senator GALLINGER has already interested Congress in the subject by an address full of practical points, the best of which was made by placing the work of the society on a basis of sound political economy. He declared that it sent away the unproductive people of one State and gave other States the same number of productive people. No offense being intended toward invalids, it is still true that figures are eloquent in showing the cost to the State of any unproductive class of its citizens.

No prejudice of sect appears in the work and there is no plan to save souls except incidentally. The desire is to rescue without loss of time the sensitive bodies of consumptives. The past work speaks for itself. The future is filled with plans which include the continuance of the work of the past, the publication of papers upon the subjects of importance to consumptives, and the arrangements to supply information to physicians and laymen not informed upon problems of climatology—free information, and charts and maps at a moderate price. Last, but by no means least, the society will provide money for poor applicants as soon as its financial condition will permit, and will furnish homes and opportunities for work that the invalids may become self-supporting as soon as possible. It also proposes to establish sometime small colonies or sanitariums, of tents or isolated houses—a hospital system which has been successful in Belgium and in army practice. Land is offered by President Diaz in Mexico and by land owners in several favored neighborhoods. But all that calls for money and the establishment of a permanent fund, and that must necessarily be slow work unless States, societies, and individuals take up the matter.

I have also a letter dated Las Cruces, N. Mex., from a young man who was sent there by this society, and who has recovered complete health from a condition that was supposed to be hopeless in the latitude of New England. I understand that several of those already sent to the Rocky Mountain region by the Invalid Aid Society have been greatly benefited.

In my former remarks on this question I called attention to the fact that there are a great many precedents for this kind of legislation. The former joint rosolution was criticised in certain quarters and by certain newspapers, one great newspaper of the country saying it was paternalism run mad, the claim being made that a proposition to ask the Government to do anything for a certain class of invalids is an absurdity and ought not for a moment to be entertained.

On that occasion I called attention to the fact that we have Homes for seamen established by the Government; that we have National Homes for Disabled Volunteers established by the Government; that we have an institution for the deaf and dumb in the District of Columbia supported by the Government; that we have set apart two sections of land in each township for public schools; that we have a reservation of mines, salines, timber, and water under other sections of the statute for sundry uses; that we have even allowed John Chamberlin the privilege to erect a hotel on the Government reservation at Fortress Monroe; that we have national cemeteries established and sustained by the Government; that the legislation concerning the hot springs of Arkansas is a recognition of the principle involved in the proposed legislation; and that by sections 2474 to 2477 the vast territory known as the Yellowstone Park, with all its natural wonders, has been set apart and provision made for its protection for purposes of pleasure and for purposes of pleasure alone. I then called attention to the fact that in addition to the Yellowstone Park we have the General Grant National Park, the Sequoia National Park, and the Yosemite National Park, in the State of California, covering a million acres of land, and those parks are established and maintained as pleasure grounds for the people of the United States. I took occasion at that time likewise to call attention to the fact that we have by legislation provided for the treatment of precisely this class of cases in domestic animals, and that we have appropriated millions of dollars through the Bureau of Animal Industry for this very purpose. A few days ago when the Agricultural appropriation bill was under consideration, if I remember correctly, more than half a million dollars was appropriated out of the public Treasury for the purpose of treating pleuro-pneumonia and similar diseases in the domestic animals of this country, and nobody objected to it.

Mr. President, the purpose of the friends of this measure is to do something for the men and women and especially for the youths of this country who are suffering and dying from this same terrible disease. I said in the remarks that I had the honor of submitting nearly four years ago in this body that a distinguished sanitarian of this country had made a computation—I will not vouch for its correctness—but he made a computation that the mortality from consumption in Vermont, Maine, Massachusetts, New Hampshire, and Rhode Island is 25 in every 100; that in Connecticut, Delaware, the District of Columbia, New Jersey, and New York it is 30 in 100; that in Maryland, Michigan, Ohio, Pennsylvania, West Virginia, and Washington it is 16 in 100; that in California, Indiana, Kentucky, Minnesota, and Wisconsin it is 14 in 100; that in Dakota, Iowa, Oregon, Tennessee, and Virginia it is 12 in 100; that in Illinois it is 11 in 100; that in Nebraska, Missouri, and Montana it is 9 in 100; that in Colorado, Kansas, Louisiana, and North Carolina it is 8 in 100; that in Alabama, Florida, Mississippi, and Utah it is 6 in 100; that in Arkansas, South Carolina, and Texas it is 5 in 100, and that in

New Mexico it is only 3 in 100, and the mortality in New Mexico comprises not only what would actually come to the inhabitants of that Territory, but likewise includes the numerous persons suffering from pulmonary diseases who go to that salubrious climate from our Northern communities in search of health. If I remember correctly, only a few weeks ago a statement was made in one of the newspapers of this city that 70 per cent of the deaths of that week occuring in the District of Columbia were due to diseases of the respiratory system in one form or another. These figures show that the mortality from this class of cases in the country has reached a point that is a matter of actual alarm to the people who are desirous to ameliorate it, some of whom are willing to give of their time and of their money to accomplish this very desirable result.

The American Invalid Aid Society of Boston, Mass., is a voluntary organization, composed of private individuals who have already contributed largely of their means, who are sending young men and young women from our northern country to the Rocky Mountain region and paying their expenses for the purpose of trying to do something for them in the direction of giving them health and rescuing them from this disease, which is ordinarily incurable in our northern latitudes.

It seems to me that the Congress of the United States may well pause, and, following the precedent that has been established in the matter of legislation for the Bureau of Animal Industry, contribute something out of the funds of the public Treasury, if need be, although that is not asked at the present time, for the purpose of rescuing our people from the ravages of pulmonary diseases. After having given millions of dollars out of the public Treasury for the purpose of treating our domestic animals and saving the herds of the country from a similar fatality, it seems strange that Congress should not be equally willing to do something in the line suggested by the petitioners. I can not but believe that a ready response will come to this appeal from the benevolent and philanthropic people of the country.

Mr. President, I have taken quite too much time in presenting this matter, but my personal interest in it is very strong. I am glad to see that the philanthropic people of this country, the physicians, the clergymen, the educators, the men connected with our great newspapers as well, are being thoroughly aroused to this subject. There is, in my judgment, already in this country a sentiment and a feeling that will warrant any reasonable action on the part of Congress looking to the doing of something in the direction that I have indicated.

As I have already stated, when the order of bills is reached I shall introduce a bill, to be referred to the Committee on Public Lands for their consideration, looking to the cession of the abandoned Fort Stanton Military Reservation, in New Mexico, to the American Invalid Aid Society of Boston, and I will close by quoting a paragraph from my former remarks on this subject:

After all, the highest and noblest purposes of government are to secure the happiness and prosperity of the people, and surely no legislation can be thought of that promises so much for the well-being of a large class of our citizens as that for which I plead. All over our land the Macedonian cry is heard, and with anxious heart and earnest hope the stricken ones plead for national sympathy and national help. Surely that cry will not go unheeded; surely that help will not be withheld.

Mr. President, I move that the petitions which I have presented be referred to the Committee on Public Lands.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented the petition of Henry W. Voss, of the National Game, Bird, and Fish Protective Association, and sundry other citizens of Cincinnati, Ohio, praying for the passage of House bill No. 5729, to regulate interstate traffic in wild game; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of sundry citizens of Shanks, Ohio, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of 17 citizens of Columbus, Ohio, and a petition of 75 citizens of Canton, Ohio, praying for the enactment of legislation giving second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PEFFER presented the petition of J. P. Boston and 31 other citizens of Pittsburg, Kans., praying for the adoption of the Christian amendment to the preamble of the Constitution; which was referred to the Committee on the Judiciary.

He also presented the petition of Mrs. M. E. Perrine, of Topeka, Kans., together with sundry petitions containing 370 signatures of citizens of Kansas, praying for the passage of Senate bill No. 239, to so amend the internal-revenue laws of the United States as to prohibit the issuance of permits to sell intoxicants in the State of Kansas except to those who hold a permit issued by virtue of the laws of the State of Kansas; which were referred to the Committee on Finance.

Mr. McMILLAN presented the petition of Thomas G. Hensey and sundry other citizens of Le Droit Park, District of Columbia, praying for the enactment of legislation providing for the extension of streets and avenues in the city of Washington; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Board of Trade of Washington, D. C., praying for the passage of the one dollar-gas bill, and also praying for a reduction in the price of electric lighting in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Board of Trade of the city of Washington, praying for the passage of Senate joint resolution No. 84, providing for the completion of the water supply of the District of Columbia; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Washington, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and remonstrating against the extension of the tracks of that company until its existing lines are modernly equipped and operated; which were referred to the Committee on the District of Columbia.

He also presented a petition of Local Union No. 22, Cigar Makers' International Union of America, of Detroit, Mich., praying for an amendment of the act prohibiting the importation and immigration of foreigners and aliens under contract to perform labor in the United States, etc.; which was referred to the Committee on Immigration.

He also presented a petition of Central City Lodge, No. 95, International Association of Machinists, of Jackson, Mich., praying for an investigation of the treatment accorded machinists in the Brooklyn (N. Y.) Navy-Yard and other navy-yards in the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Merchants and Manufacturers' Exchange of Detroit, Mich., praying for the enactment of legislation reducing the rate of letter postage to 1 cent, and also for the restriction of second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Frank Wells, president, and Henry P. Baker, secretary, of the Michigan State Board of Health, praying for the establishment of a national quarantine station at Portland, Me.; which was referred to the Committee on Public Health and National Quarantine.

Mr. DAVIS presented a petition of the Federated Trades Assembly of Duluth, Minn., praying for the enactment of legislation defining and concerning punishments in United States courts for contempt; which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 37, International Brotherhood of Bookbinders, of St. Paul, Minn., and a petition of Local Union No. 98, Cigar Makers' International Union of America, of St. Paul, Minn., praying for the passage of House bill No. 3346, to raise additional revenue for the support of the Government; which was referred to the Committee on Finance.

Mr. LODGE presented a petition of the National Association of Stationary Engineers, No. 8, of Brockton, Mass., praying for the passage of Senate bill No. 735, to reorganize and increase the efficiency of the personnel of the Navy; which was referred to the Committee on Naval Affairs.

Mr. BAKER presented a petition of sundry citizens of Wakeeney, Kans., praying for the enactment of legislation amending the internal-revenue laws so as to prohibit the issuance of permits to sell intoxicants in the State of Kansas except to those who hold a permit by virtue of the laws of that State; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Topeka, Kans., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. ALLEN presented a memorial of sundry citizens of South Dakota, remonstrating against the passage of the Pacific Railroad funding bill; which was referred to the Committee on Pacific Railroads.

Mr. VEST presented resolutions adopted by the Missouri State board of agriculture, favoring the enactment of legislation equalizing the grants of land to State universities; which were referred to the Committee on Public Lands.

Mr. KYLE presented a memorial of the Woman's Christian Temperance Union and of the branch of the Young Woman's Christian Temperance Union of South Dakota, and a memorial of the school board of Carthage, S. Dak., remonstrating against the introduction of military training in the public schools of the country; which were referred to the Committee on Military Affairs.

He also presented the petition of G. R. Norcott and sundry other citizens of Huron, S. Dak., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PALMER presented a petition of 79 citizens of the State of

Illinois, praying for the passage of House bill No. 2626, for the protection of agricultural students; which was referred to the Committee on Agriculture.

He also presented a petition of the Woman's Christian Temperance Union of Ottawa, Ill., praying that all soldiers and sailors who lost their sight in the

Illinois, praying for the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty; which was referred to the Committee on Finance.

He also presented the petition of Frank M. Hannah and 41 other citizens of Foosland, Ill., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. WALTHALL presented a joint resolution of the legislature of the State of Mississippi, praying Congress to grant a township of United States land in the State of Mississippi for the support and maintenance of a hospital, medical college, and bureau of vital statistics of the University of Mississippi, to be located at Vicksburg, Miss.; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

Joint resolution of the legislature of the State of Mississippi, memorializing the Congress of the United States to grant a township of the United States land in the State of Mississippi for the support and maintenance of a hospital medical college and bureau on vital statistics of the University of Mississippi, to be located at Vicksburg, Miss.

Whereas there are large areas of United States lands in the State of Mississippi, and the grant of such lands for educational purposes is at all times commendable legislation: Therefore be it

Resolved by the senate (the house concurring), That the Congress of the United States is hereby respectfully memorialized and requested to grant a township of United States land situated in the State of Mississippi in trust to the State of Mississippi, for the support and maintenance of hospital medical college and bureau on vital statistics of the University of Mississippi, to be located at Vicksburg, Miss.

Resolved, That the secretary of state be, and he is hereby, required to transmit a copy of this joint resolution to the Senators from Mississippi, to be presented to Congress, and also copies to each of the Representatives of this State.

Passed the house February 28, 1896.

FRANK A. CRITZ,
Speaker pro tempore of the House.

Passed the Senate February 14, 1896.

J. H. JONES,
President of the Senate.

Approved March 6, 1896.

A. J. McLAURIN, *Governor.*

A true copy.

J. L. POWER, *Secretary of State.*

Mr. TURPIE presented the petition of John W. Zehring and sundry other citizens of Indianapolis, Ind., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of the Massachusetts State Board of Trade, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

Mr. MITCHELL of Wisconsin presented the petition of Ira Harris, of West Superior, Wis., praying for the passage of House bill No. 5555, authorizing the Secretary of the Navy to organize national naval volunteers in States bordering upon the Great Lakes; which was referred to the Committee on Naval Affairs.

He also presented a petition of Reader Lodge, No. 299, International Association of Machinists, of Milwaukee, Wis., praying for an investigation of alleged abuses in the treatment of machinists at the Brooklyn (N. Y.) Navy-Yard and other navy-yards in the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Oshkosh (Wis.) Association of Engineers, and a petition of the Association of Stationary Engineers of Milwaukee, Wis., praying for the passage of Senate bill No. 735, to reorganize and increase the efficiency of the personnel of the Navy; which were referred to the Committee on Naval Affairs.

Mr. COCKRELL presented a petition, in the form of resolutions adopted at the annual convention of the Missouri Roads Improvement Association, held at Columbia, Mo., praying for the passage of House bill No. 5462, establishing engineering experimental stations in connection with the colleges established in the several States under the act of July 2, 1862; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition, in the form of resolutions adopted at a meeting of the Missouri State board of agriculture, held at Jefferson City, Mo., March 3, 1896, praying for the enactment of legislation providing for the final adjustment of the agricultural lands granted to Missouri for the equalization of land grants to the State universities and for the establishment of engineering experiment stations in connection with the colleges established in the several States under the act of July 2, 1862; which was referred to the Committee on Agriculture and Forestry.

Mr. ALLEN (for Mr. THURSTON) presented a petition of sundry citizens of Bartlett, Nebr., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a memorial of sundry citizens of Towanda, Ill., remonstrating against the keeping of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

He also presented the petition of W. D. Miller, of Alton, Ill., praying that all soldiers and sailors who lost their sight in the United States service or in the line of their duties, be granted a pension of $20 per month; which was referred to the Committee on Pensions.

He also presented the petition of H. L. Potter, late colonel Seventy-first Regiment New York State Militia, praying that the pay of veterans in departmental or other service of the United States may not be stopped for less than six months' absence on account of sickness or disability; which was referred to the Committee on Military Affairs.

He also presented a petition of Island City Lodge, No. 388, International Association of Machinists, of Moline, Ill., praying for an investigation into the condition of machinists employed at the Brooklyn Navy-Yard, and other navy-yards in the country; which was referred to the Committee on Naval Affairs.

Mr. BRICE presented a petition of 55 citizens of Canton, Ohio; a petition of sundry citizens of Ohio, and a petition of 17 citizens of Columbus, Ohio, praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the National Game, Bird, and Fish Protective Association, of Cincinnati, Ohio, praying for the adoption of an amendment to the interstate-commerce law, prohibiting common carriers from transporting any game for sale, for market, or for storage out of such States and Territories as have nonexport laws; which was referred to the Committee on Interstate Commerce.

Mr. BAKER presented additional papers to accompany an amendment submitted by him March 18, 1896, intended to be proposed to the Indian appropriation bill; which were referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. ALLEN, from the Committee on Indian Affairs, to whom was referred the bill (S. 2454) restoring the Santee Sioux Indians, of Nebraska, and the Flandreau Sioux Indians, of South Dakota, formerly known as and being a confederacy of the Medawakanton and Wapakoota Sioux Indians, to all rights, privileges, and benefits enjoyed by them and their ancestors under the treaties of 1837 and 1851, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. MORRILL, from the Committee on Public Lands, submitted a report to accompany the bill (S. 698) to provide for the erection of an additional fireproof building for the National Museum, heretofore reported from that committee.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 1781) making an appropriation to furnish flags for the schoolhouses of the District of Columbia, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2321) to authorize and regulate the sale of unclaimed freight, baggage, and other property in the District of Columbia, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2359) defining the standard shape and size for dry measures to be used in the District of Columbia, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Commerce, to whom was referred the bill (H. R. 5363) authorizing the construction of a fog signal on the north pier of the entrance to Menominee Harbor, Wisconsin, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 55) for the establishment of a light-house and fog-signal station at or near Big Oyster Bed Shoal, New Jersey, reported it with amendments, and submitted a report thereon.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 1135) to amend the act creating the circuit courts of appeals, and for other purposes, to report adversely thereon.

I will state that what is contained in this bill has been passed by the Senate in other bills with the exception of one section. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. HOAR, from the Committee on the Judiciary, to whom were referred the following bills, reported adversely thereon, and the bills were postponed indefinitely:

A bill (S. 1619) to enlarge the jurisdiction of United States commissioners;

A bill (S. 2534) to amend section 4193 of the Revised Statutes, relating to the record of bills of sale, mortgages, hypothecations, and conveyances of vessels; and

A bill (S. 2561) amending section 5347 of the Revised Statutes of the United States, relating to offenses by masters and officers of American vessels.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 2263) to provide for the settlement of accounts and claims in certain cases, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 2546) concerning the court of appeals in the District of Columbia, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 811) to provide a district attorney and a marshal for the western judicial district of the State of South Carolina, reported it without amendment.

Mr. VILAS, from the Committee on the Judiciary, to whom was referred the bill (S. 2346) to prescribe the times and places of holding the district court of the United States in and for the district of Alaska, reported it without amendment.

Mr. PLATT. On Friday last I reported from the Committee on Patents an amendment to the legislative, executive, and judicial appropriation bill and had it referred to the Committee on Appropriations without printing. I present the same amendment now, and ask that it may be printed.

The VICE-PRESIDENT. It will be so ordered.

Mr. PLATT. From the Committee on Indian Affairs, I propose an amendment to the bill making appropriations for the Indian service, and ask that it may be printed and referred to the Committee on Appropriations. It is an important amendment. It deals with the condition of affairs in the Indian Territory and authorizes the commissioners already appointed to perform additional service.

The VICE-PRESIDENT. The amendment will be printed and referred to the Committee on Appropriations.

Mr. JONES of Arkansas, from the Committee on Indian Affairs, to whom was referred the bill (S. 835) making an appropriation to survey the lands of the Five Civilized Tribes in the Indian Territory, and for other purposes, reported favorably thereon, and moved that it be referred to the Committee on Appropriations; which was agreed to.

Mr. CARTER, from the Committee on Public Lands, to whom was referred the bill (S. 2284) for the relief of homestead settlers in Gregory County, S. Dak., reported it with amendments, and submitted a report thereon.

Mr. PUGH, from the Committee on the Judiciary, to whom was referred the bill (S. 687) to apply the unexpended balance of the amount heretofore appropriated for the relief of the captain, owners, officers, and crew of the late United States private armed brig *General Armstrong*, their heirs, executors, administrators, agents, or assigns, reported it with an amendment, and submitted a report thereon.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 3013) to amend section 4131 of the Revised Statutes of the United States to improve the merchant marine engineer service and thereby also to increase the efficiency of the Naval Reserve, to report it with an amendment, the amendment being a substitute for the House bill. I ask unanimous consent that the Senate amendment, which is a substitute, may be adopted and that then the House bill as amended may take the place of Order of Business 379, being the bill (S. 1242) to amend section 4131 of the Revised Statutes of the United States, to improve the merchant marine engineer service, and thereby, also, to increase the efficiency of the Naval Reserve, and that the Senate bill on the Calendar be indefinitely postponed.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it will be so ordered.

MEMORIAL OF THE NATIONAL WOOL GROWERS' ASSOCIATION.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution, submitted by Mr. SHERMAN on the 5th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 additional copies of Senate Document No. 17 of the first session of the Fifty-fourth Congress, being the memorial of the National Wool Growers' Association; of which 2,000 copies shall be for the use of the Senate and 3,000 copies for the use of the House of Representatives.

REPORT ON NICARAGUA CANAL.

Mr. HALE, from the Committee on Printing, to whom was referred the following resolution, submitted by Mr. COCKRELL on the 5th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed 12,000 additional copies of the report of the Board of Engineers relative to the construction and completion of the Nicaragua Canal, without maps; of which 4,000 copies shall be for the use of the Senate and 8,000 copies for the use of the House of Representatives.

ELECTION OF SENATORS BY THE PEOPLE.

Mr. MITCHELL of Oregon. I ask the unanimous consent of the Senate that the report of the Committee on Privileges and Elections in the matter of the proposed amendment to the Constitution of the United States relating to the election of Senators by the people be printed in the RECORD.

The PRESIDING OFFICER (Mr. BACON in the chair). Is there objection? The Chair hears none, and it is so ordered.

The report, submitted by Mr. MITCHELL of Oregon, from the Committee on Privileges and Elections, on the 20th instant, is as follows:

The Committee on Privileges and Elections, to whom was referred S. R. 6, being "Joint resolution proposing an amendment to the Constitution of the United States providing for the election of Senators by the votes of the qualified electors of the States," having had the same under consideration, beg to submit the following report:

Article V of the Constitution of the United States provides, among other things, as follows:

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress."

It is in pursuance of this grant of power the pending amendment has been submitted.

The men who framed the Constitution, conceding the probable necessity of amendments in the future, did not leave the question either as to the right to amend or the mode of doing it an open one, but in the provision just quoted wisely provided the means and the manner whereby amendments could be made. What, therefore, are some of the more weighty reasons why this amendment should be deemed advisable and what, if any, are the objections that may be properly urged against its adoption? Before proceeding, however, to a statement of some of the reasons in favor of this proposed change in the manner of electing Senators of the United States, reference will be made to one or two principal objections thereto.

The first objection is the general one that no change in the fundamental law should for any reason be attempted. That no change should be made, except for the gravest of reasons, is conceded by your committee; but the fact that already the Congress and the legislatures of a sufficient number of States have decided as to the necessity of fifteen different amendments ought to be of itself a sufficient answer to the general objection that the fundamental law should not for any reason be interfered with.

Recognizing, therefore, the fact that reasons to be assigned for any proposed change should be of the most cogent nature, well grounded and unassailable, your committee have approached the consideration of the pending proposition with a full appreciation of the gravity of the subject and of the importance of the public interests involved. That any change in any of the provisions of the general charter should be made for any mere trivial cause, or on account of any mere sentiment, is a proposition to which your committee could not accede.

THE RELATION WHICH THE STATES RESPECTIVELY BEAR TO THE GENERAL GOVERNMENT IS NOT AFFECTED BY THE PROPOSED AMENDMENT.

The principal objection is based upon the false theory that a change in the manner of electing Senators will operate to change the nature of the organization of our Government, and of the relations not only which the States bear to the Federal Union but also the relations which Senators bear to the States respectively and to the people of those States. This proposed amendment, says one, is an invasion of the principle which it is claimed was established by the Constitution, that the Senate represents the States in their sovereign or political capacity, rather than the people of the States collectively or otherwise. It is urged that this is fundamental, and, furthermore, that it is as important to the proper maintenance of governmental equilibrium and the theory upon which our Government is founded as it is fundamental. But however well founded may be the contention—and this is not controverted by your committee—that United States Senators are the representatives of the States in their political or sovereign capacity rather than of the people, it is a mistake, and a very prevalent one, to suppose that the change in the mode of choosing Senators would be an invasion of this doctrine or destructive in the slightest degree of that relation which was established between United States Senators and the States they represent by the adoption of the Constitution.

The proposed amendment does not propose to interfere in any manner whatever with the fundamental law, save and except in the one particular, namely, as to the mode in which the several States shall choose their Senators. No issue is made by the proposed amendment with those who regard the Senate as the especial representative of the States in their sovereign capacity, a part of whose duty it is to see that the States respectively are not denied any of the rights to which they are justly entitled under our system of government. That is a question no element of which is included in the proposed amendment. It simply relates to the mode in which the States respectively shall choose their Senators—whether by the legislatures or by the people.

The proposed amendment does not in the slightest degree trench upon the system upon which our Government is founded. The doctrine that Senators are the representatives of the States as such may be admitted without question; but it is one nevertheless which does not grow out of or in any manner depend upon the mode by which Senators are elected, but wholly and entirely on the equal ratio of representation to which each State is entitled in the Senate of the United States. The share of representation to be accorded each State in the Senate is one thing, and the mode or manner of selecting that representation, whatever it may be, is quite another and different thing. The one—the former—relates to the question that Senators are more particularly the representatives of the States in their political capacity; while the other relates only to what perhaps may by some be considered the more unimportant matter, as to how and by whom the States shall choose this representation, whether by their legislatures or by a direct vote of the people.

A careful review of the debates when the Constitution was under consideration will disclose the fact that the question as to whether the Senate should represent the States in their political capacity or the people arose not in the consideration of the question as to the manner in which Senators should be elected, but rather in considering the question as to the ratio of representation in this body to which each State should be entitled. The contest on this important question was one of immense importance and much gravity in the Constitutional Convention, the contest being between the large and more populous States on the one hand and the smaller and less populous States on the other. The propositions submitted and discussed relating to this important subject were numerous. One was that each State should have a representation in the Senate according to its importance as a State; a second was that the representation should be in proportion to their property, respectively, while a third was that of equal representation; that is to say, that each State, whether large or small, rich or poor, near or distant, weak or powerful, populous or otherwise, should have in the Senate of the United States precisely the same representation, the same voice, as each and every other

State, however wide might be the difference as to important property rights population, wealth, influence, or power.

After much discussion the last mentioned proposition was finally agreed upon, namely, that each State should have precisely the same representation in the Senate of the United States, and in that decision, and not in the decision as to the mode or manner of electing Senators, is to be found the declaration of the doctrine that the Senate represents the States in their political or sovereign capacity rather than the people of the States.

The question as to whether the Senate should be the representative of the States rather than of the people was one upon which there was a wide diversity of opinion among the different members of the Constitutional Convention. Mr. Madison held strongly the affirmative of the proposition, and declared in terms that "the Senate does not represent the people, but the States in their political capacity"; while others, notably Mr. Wilson of Pennsylvania, held the contrary view. The large preponderance of sentiment, however, seemed to be in accord with the opinion held by Mr. Madison. Whatever might be the present view, however, or the different views in reference to this matter, it is perfectly clear to your committee that a change in the mode or manner of selecting Senators would not in the slightest manner interfere with it.

The convention having decided that the representation in the Senate should be equally apportioned as between all the States, another and scarcely less important one came up for consideration, and various were the propositions submitted and considered as to the number of Senators each State should have. Many of the members preferred a small number, and one Senator from each State was urged by many members as the proper number, while others advocated three as a proper number. Gouverneur Morris, of New York, insisted on three for each State and submitted a motion to that effect. In support of it he said: "If two only should be allowed to each State and a majority be made a quorum, the power would be lodged in fourteen members, which was too small a number for such a trust"; and finally, after long and able discussion, it was agreed that each State should be entitled to two Senators, and a provision to that effect became a part of the fundamental law, has remained a part of it ever since, and, in the opinion of your committee, is, and forever should be, unchangeable.

It is therefore made apparent to your committee that the question as to whether the Senate of the United States should be regarded as the representative of the States, respectively, in their political capacity, rather than as the representative of the people of the States, was determined in so far as that question ever has been determined, not by the mode or manner in which Senators should be chosen, not in the determination as to the number of Senators that each State should have, but rather in the consideration and determination of the question as to the fixed ratio of representation that each State should have in respect to all its sister States in the Senate of the United States. Therefore the objection is not tenable that any proposed change in the mode of electing Senators can be properly regarded as an attempt to deprive the States, respectively, as States, in their sovereign or political capacity, of their legal representation in the Senate of the United States.

NO CHANGE IN OUR SYSTEM OF GOVERNMENT IS SUGGESTED BY THIS AMENDMENT.

The proposed amendment suggests no change whatever in our system of government in respect to the relations of the different departments to each other. It neither recommends nor provides for any departure from the established relations between the two branches of the legislative department of the Government or from the existing relation that the Senate of the United States bears to the States, respectively. Nor does it suggest any change in the relation of the States to the General Government. It does propose a change, however, in the mode—only this, nothing more—by which the States, respectively, and the people thereof shall choose their representatives in the Senate of the United States. Under the present provisions of the Constitution they are chosen by the legislatures of the States, respectively. The proposed amendment will change this, so that instead of the legislatures the people or qualified electors of a State shall elect the Senators from such State.

WHY ARE NOT THE PEOPLE, THE QUALIFIED ELECTORS OF A STATE, THE PROPER MOUTHPIECE OF THE STATE IN THE ELECTION OF SENATORS?

But conceding, for the argument, the correctness of the doctrine that Senators are the representatives of the States in their sovereign or political capacity, who, let us inquire, are more justly entitled to a direct voice in the selection of the men who shall, if you please, represent the States, respectively, in their sovereign or political capacity in the Senate, defend their rights, maintain their dignity, assert their prerogatives, uphold their integrity, and demand and insist upon the proper enforcement of their chartered rights than the people—the qualified electors of those States? That is the precise question involved in the proposed constitutional amendment.

Who are more entitled to speak for the State than the people of that State in their individual and collective capacity as qualified electors? And if entitled to speak, then why not directly and for themselves, and not through their representatives in State legislatures?

The proposition to elect by the people is, it is believed, elemental as well as fundamental when considered in connection with the underlying principle upon which individual suffrage is based. His right to vote, accorded to the citizen for all legislative officers, which can not be denied or abridged, either by the United States or by any State on account of race, color, or previous condition of servitude, carries with it the implication, except that implication is destroyed by another provision of the Constitution, the right to exercise such privilege not only freely but directly, not through the medium of a vicarious agent. Members of the National House of Representatives and United States Senators are, under our system, recognized as elective officers, as contradistinguished from those Federal judges, for instance, who do not come within that category, but are appointed.

But in all elective officers, as above stated, each individual voter has a special interest, which it is presumed he has under our general system of suffrage a right to promote at the polls. That right, it is submitted, should not be charged with restrictions which prevent its full, fair, and effective exercise. What the citizen is permitted to do as hereinbefore stated, indirectly and through the means of a vicarious agent in the matter of suffrage, he should be permitted to do, it is respectfully submitted, directly and in his own right and in his own proper person. If the individual voter has any interest to be represented by a Senator of the United States apart from that general interest he has in the maintenance of the dignity and the preservation of the rights of the State in its sovereign or political capacity—and he doubtless has, or at least should have—and if he has a right to represent that interest in any manner whatever at the ballot box, as it is believed he has or should have, then, in the opinion of your committee, he should be permitted to do so directly.

THE PROPOSED AMENDMENT IS A JUST TRIBUTE TO THE INTELLIGENCE AND INTEGRITY OF THE INDIVIDUAL VOTER.

One weighty and principal objection to the present system of electing Senators by the legislatures of the respective States is that the power and right of the individual voter are hedged about and circumscribed, his will is manacled, his volition paralyzed; he can not vote for his choice. He can not, in fact, vote directly at all, but must content himself with casting a vote for members of the legislature, who may or may not properly represent his wishes in the vote they may cast for Senator. It carries with it the implication that the people, the qualified voters of a State, are, for some reason, unfit for the full exercise of the elective franchise, except in a qualified and largely restricted sense. The present system is in practice, purpose, and effect a declaration that for some occult reason, which is in no way made manifest, it is unsafe and prejudicial to the public interests to commit the election of Senators to a vote of the people.

The present system is a reflection either upon the honesty, the capacity, or both, of the voting class of the several States, while its tendency to wound the sensibilities of the voter in depriving him of his right as a sovereign to vote directly for his choice, and thus in a measure separating the people from the choice of the legislature and impairing the harmony and unity of feeling which ought to exist between the masses of the people and their representatives, whether of the House or Senate, is plainly manifest.

THE PROPOSED AMENDMENT IS AN ENLARGEMENT OF THE RIGHT OF SUFFRAGE ON THE PART OF THOSE ENTITLED TO ITS EXERCISE UNDER EXISTING LAWS, AND IT TENDS TO RENDER IMPOSSIBLE THE USE OF IMPROPER METHODS TO INFLUENCE SENATORIAL ELECTIONS.

No system, in the opinion of your committee, can be properly termed free or republican which deprives the individual voter of his right to cast his vote directly for the man of his choice for any legislative office, whether it be for member of a State legislature, Member of the National House of Representatives, or United States Senator.

Again, while it is possible that the inducements of a wealthy and unscrupulous aspirant for Senatorial honors may reach and improperly influence the majority of a small body in the legislature, such a thing would be absolutely impossible were the decision left to the great mass of voters.

THE MATERIAL INTERESTS OF THE STATE SUFFER BY REASON OF PROTRACTED SENATORIAL CONTESTS IN THE LEGISLATURE, WHICH ARE OF FREQUENT OCCURRENCE.

Another unanswerable objection, as it seems to your committee, to the present system of electing Senators is to be found in the fact that much time frequently consumed by the legislature of a State in the election of a Senator and the consequent distraction of the legislative mind from business which all agree properly belongs to such a body, to say nothing of the strife, ill feeling, and contention that too often follow necessarily in the wake of such contests. How frequently is it the case that these contests are carried on not only for weeks, but sometimes for months, during the whole session of a legislature, to the great detriment of other important public business, to say nothing of the expense to the State that must necessarily accrue. Why, then, not have the election of Senators determined on a day fixed and certain, as in the case of members of the House?

It seems to your committee that the history of Senatorial elections in a number of States in the last few years, resulting in several cases in contests prolonged throughout the entire session of the legislatures and in failures to elect, and in other cases in similar contests occupying a great portion of the time of the entire sessions of the legislatures, ought of itself to be a convincing argument in favor of the proposed change in the manner of electing United States Senators.

The long contest in the legislature of the State of New York a few years ago has not been forgotten. The contest before the legislature of the State of Oregon of the session of 1882 extended through the entire session, resulting in an election at the last moment of the session. A similar contest occurred in the last Oregon legislature—to the great detriment of the public business. In 1892-93 the legislatures of the States of Washington, Montana, and Wyoming were severally engaged from the beginning to the end of the sessions of said legislatures in endeavors to elect United States Senators—one in Washington, one in Montana, and one in Wyoming—the effort in each case proving an entire failure, and resulting in the appointment of a Senator from each of those States by the governors of the States, respectively, which appointees, after protracted contest in the United States Senate, were denied admittance. Again, in the last Idaho legislature, also in that of Washington, the greater portion of each session was involved in protracted struggles over the election of Senator. The recent contest before the legislature of the State of Delaware is fresh in the public mind, resulting in the claim made in behalf of Mr. Du Pont to a seat in the Senate, while the daily reports of the contest in the legislature of the State of Kentucky, resulting as it has, after weary months of fruitless balloting, in a failure to elect, adds strength to the proposition of your committee.

But another vital objection to the election of Senators by the legislature and in favor of the change proposed must be apparent to all. How frequently is it true that in the selection of members of a State legislature, at a time when such legislature has as one of its duties the election of a Senator, every consideration is lost sight of except the solitary one as to how candidates if elected will vote on the question of the Senatorship. Will they vote for this man or that man, or against this one or the other one, are the principal questions asked. These are the issues in such a campaign, while the question as to the candidate's qualifications for the business of general legislation or the views he entertains with reference to the great material interests of the State—internal improvements, assessments, taxation, revenue, corporations, appropriations, trusts, municipal affairs, salaries and fees of officers, civil and criminal code, apportionment, and other like important subjects—are wholly lost sight of. Who does not believe that not unfrequently are the most vital interests of the State made to suffer, and in a marked degree, from the very fact that the question of the election of a Senator is a distracting and disturbing element, not only in the selection of members of the legislature, but also in the legislature itself?

PUBLIC OPINION DEMANDS THE CHANGE.

But not among the least objections to the present system, and one which should not be ignored or passed over lightly, is the fact that there is great unrest in the public mind on this question. Popular opinion has taken hold of the subject, and the demand for this change is loud and emphatic; pronounced, as it is imperative; earnest, as it seems to be, almost unanimous, among the great masses of the people. The belief in the public mind is rapidly gaining that proper deference is not given by the Senate of the United States to the demands and interests of the people, and that is largely due to the fact that Senators do not owe their positions to the people, who are permanent, but to the legislatures, which are transient.

It is quite immaterial as to whether this belief in the public mind is well founded or otherwise. It exists, and there is, in the judgment of your committee, but one means of removing it, and that is by a change in the mode of electing Senators, by which the qualified electors of each State shall have the right to vote directly for their choice for Senator. Restrictions of any kind upon the right of those entitled under the law to the elective franchise in a republic which tend to prevent a full, fair, and direct expression at the ballot box of the will of each individual voter, whether native or foreign born, white or black, are obnoxious to the great fundamental idea upon which a free government is based. And not the least offensive of any of the restrictions now imposed under our present system is, as has been indicated in this report, that which deprives the individual voter of the right to cast his vote directly,

and without circumlocution through vicarious instrumentalities, for his choice for United States Senators; and not until this restriction is removed will our Republic rise to the true dignity and grandeur implied in the phrase "An absolutely free and independent representative government"—representative in its character as much in the mode of electing its rulers and lawmakers as in the making, interpretation, and execution of its laws.

THE RAPID GROWTH OF PUBLIC OPINION IN FAVOR OF THE PROPOSED AMENDMENT.

For the purpose of showing the marvelously rapid growth within the limits of Congress alone of the sentiment in favor of this proposed change in the matter of electing United States Senators, attention is attracted to the following record facts:

During the first session of the Fiftieth Congress, which convened December, 1887, an amendment to the Constitution of this character was submitted by Mr. MITCHELL of Oregon. No action was taken thereon at this session, except a reference to the appropriate committee. This amendment was again introduced by Mr. MITCHELL at the first session of the Fifty-first Congress. The first speech ever delivered in either House of Congress in support of such an amendment was delivered in the Senate by Mr. MITCHELL in support of his proposed amendment on April 22, 1890. The amendment was then referred to the Committee on Privileges and Elections, but no action was taken thereon.

Subsequently, at this same session, but one other similar amendment was introduced in the Senate. This was by Senator Reagan of Texas, on April 17, 1890, which was also referred to the Committee on Privileges and Elections and no action taken thereon. During the session (first session Fifty-first Congress) eight similar proposed amendments were introduced in the House of Representatives by as many different Representatives from as many different States. No action was taken, however, except an adverse report on one was made from the Judiciary Committee through Mr. Hammond of Georgia.

At the first session of the Fifty-second Congress three similar amendments were proposed in the Senate—one by Mr. MITCHELL of Oregon, introduced December 10, 1891, and on that day on his motion referred to your committee; another by Senator TURPIE of Indiana, introduced on the same day, December, 10, 1891, and on his motion laid on the table. This resolution was, on December 17, 1891, on Senator TURPIE's motion, taken up for consideration, for the purpose of enabling him to address the Senate in support of it, when on that day he made an extended argument in its support (see CONGRESSIONAL RECORD); after which, on his motion, it was referred to your committee; the third being joint resolution (S. R. 37) presented by Senator PALMER of Illinois February 2, 1892.

In the House of Representatives at the first session of the Fifty-second Congress no less than 32 similar amendments were introduced into that body by as many different Representatives of the people, representing as many different States. In this Fifty-second Congress, on January 16, 1893, a joint resolution proposing an amendment to the Constitution, similar to that now reported by your committee, passed the National House of Representatives by over a two-thirds vote, while in the Fifty-third Congress 3 similar amendments were presented in the Senate and 12 in the House by as many members, and on July 21, 1894, one of these amendments passed the House, the vote being—yeas 141, nays 50. But this formidable movement in Congress in favor of this change is not surprising when the fact is stated that nine States—Oregon, California, Idaho, Iowa, Wisconsin, Indiana, Kansas, Wyoming, and last, but not least, the great State of Ohio—have through their legislatures instructed in favor of this amendment.

PUBLIC OPINION ON THIS SUBJECT HAS UNDERGONE A MATERIAL CHANGE SINCE THE ADOPTION OF THE CONSTITUTION.

Many restrictions on the right of suffrage in addition to those now recognized by our present system were suggested and strongly urged in the Constitutional Convention by many leading and influential members of that distinguished body. Among these was the proposition to limit the right of suffrage to freeholders, although at the time 9 of the 13 States had extended the right of suffrage beyond freeholders and eliminated this restriction from their State laws.

In the Constitutional Convention, while the opinion that members of the House of Representatives, or the House of Delegates, as it was designated in the original plan, should be elected by the people, largely predominated, there was a very large and influential sentiment to the contrary, and on the final vote in the convention as to whether the members of the House of Representatives should be elected by the people, two States, New Jersey and South Carolina, voted in the negative; the States of Connecticut and Delaware were divided, while Massachusetts, New York, Pennsylvania, Virginia, North Carolina, and Georgia voted in the affirmative.

Roger Sherman, of Connecticut; Elbridge Gerry, of Massachusetts, and Pierce Butler, of South Carolina, contended vigorously, ably, and with marked persistency that they should be chosen by the legislatures of the States, respectively, in the same manner substantially as United States Senators are now chosen. Roger Sherman, in the course of the debate, made this declaration: "The people immediately should have as little to do as may be about the Government."

Opposed to these views, however, were James Madison, of Virginia; James Wilson, of Pennsylvania, and others. Mr. Madison declared that he "thought that the great fabric to be raised would be more stable and durable if it should rest on the solid foundation of the people themselves than if it should stand merely on the pillars of the legislatures," while James Wilson, of Pennsylvania, in his advocacy of elections by the people, said, "I am in favor of raising the Federal pyramid to a considerable altitude, and for that reason I wish to give it as broad a base as possible. No government can long subsist without the confidence of the people."

CONCLUSION.

In conclusion, it is submitted by your committee that something—indeed, very much—is due to public opinion in this country. It must be quite apparent to all that the prevailing opinions of 1787, as reflected through the records and history of those days, are not the prevailing opinions upon the subject of suffrage, at least not to a very great extent, of the present day. The views held by many, even of the framers of the Constitution, one hundred years ago and over, and which led many of them to suggest in the Constitutional Convention and insist upon such propositions as that the Senate of the United States should be chosen either by the President or by the House of Representatives, that the President and Senators should be chosen for life or during good behavior, and other propositions of like character, are, in the great American mind, in the minds of the great masses of the people to-day, obsolete. The opinions not only of the people of the United States but of the civilized world are rapidly undergoing changes.

The tendency in the public mind—in the mind of the great masses of the people—is away from any sort of vicarious representation in legislative functions; away from every proposition which deprives the people of the right to be heard and heard directly upon the great questions pertaining to government, and in favor, in a word, of a "government by the people and for the people" in the broadest and best sense of that oft-quoted declaration. The people demand a voice in the election of Senators, and such demand, in the judgment of your committee, should be respected. So, whatever may be said to the contrary, whatever may be thought of the sanctity of the Constitution as it stands, it must be admitted by all that the people are becoming restive under its restraints on the right of those entitled under the Constitution and laws to exercise the elective franchise.

The times are changing as the light of republican influence expands and the spirit of true democracy is exalted, and with these changes the voice of the people, in their majesty as sovereigns, is being heard throughout our land. The movement of the people in the interest of the people on this, as on many other questions, is stalwart and universal, and the sooner this great fact is recognized by the representatives of the people the better.

But not only so. It is a fact that must be apparent to all that during recent years an impression, deep-seated and threatening, whether well founded or otherwise, has obtained in the American mind and among the masses of the American people to the effect that the Senate of the United States has become a sort of aristocratic body—too far removed from the people, beyond their reach, and with no especial interest in their welfare. The Senate has in the past few years been assailed, as we believe causelessly, from time to time, by many of the leading and most influential journals of the country of both political parties.

The tendency of public opinion is to disparage the Senate and depreciate its dignity, its usefulness, its integrity, its power. If there is any cause for this tendency in the public mind it should be removed without delay. Although the Senate of the United States should be, and in fact is, the most dignified as well as the most important legislative body in the world, the tendency in public journalism and in the popular mind is in a large degree to detract from its importance, minimize its dignity and power, and cast the spirit of obloquy over and around it and its members. While your committee are of the opinion that the impression which leads to all this is to a very great extent at least not well founded, yet it is a fact that can not be ignored that it exists.

Therefore, in the judgment of your committee, any movement that looks to the right of the people to be heard directly in the election of Senators can not but result beneficially to all concerned.

The adoption of this proposed amendment will, in the judgment of your committee, bring the Senate into more amicable relations with the people. It will remove prejudices now existing which are rapidly becoming deeply and dangerously fastened upon the public mind. It will invoke a spirit of mutual forbearance and respect, as between the Senate and the people, which unfortunately does not now exist to that degree that is desirable. It will restore confidence. It will dissipate all cause, excuse, and pretext for unjust criticism. It will tend to elevate the character, advance the dignity, increase the usefulness, extend the influence, and justly magnify the power of the Senate, and at the same time promote the welfare of all the people of the Republic.

Your committee therefore, after mature consideration and for the reasons herein stated, beg respectfully to report back Senate joint resolution No. 6 with the following verbal amendments in phraseology and recommend its passage.

AMENDMENTS.

First amendment: In line 11, page 1, strike out the word "direct" and insert in lieu thereof the word "plurality."

Second amendment: In lines 14 and 15, page 2, strike out the following words: "and a plurality shall elect."

Third amendment: In line 16, page 2, strike out the following words: "If vacancies happen by registration," and insert in lieu thereof the fowing: "When vacancies happen in the representation from any State by resignation."

Fourth amendment: In line 20, page 2, strike out the word "direct."

BILLS INTRODUCED.

Mr. FAULKNER introduced a bill (S. 2591) for the relief of the Methodist Episcopal Church at Webster, W. Va.; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 2592) to provide for a commission on the subject of the alcoholic liquor traffic; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. GALLINGER introduced a bill (S. 2593) granting to the American Invalid Aid Society, of Boston, Mass., the abandoned Fort Stanton Military Reservation, in New Mexico, for the purpose of a national sanitarium for the treatment of pulmonary diseases; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 2594) granting an increase of pension to William A. Beckford; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 2595) for the relief of George M. Smith, late acting third assistant engineer, United States Navy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. BAKER introduced a bill (S. 2596) amending the act approved January 5, 1893, relating to the increase of pensions to those who served in the Mexican war; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2597) granting a pension to Florinda Clark, of Leavenworth, Kans.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. QUAY introduced a bill (S. 2598) to amend an act entitled "An act to amend chapter 67, volume 23, of the Statutes at Large of the United States"; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 2599) to amend section 5399 and section 5406 of the Revised Statutes of the United States, in relation to unlawful interference with justice; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SHERMAN introduced a bill (S. 2600) granting a pension to Mrs. Clifford Neff Fyffe; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TURPIE (for Mr. VOORHEES) introduced a bill (S. 2601)

Mr. TURPIE (for Mr. VOORHEES) introduced a bill (S. 2601) granting an increase of pension to Ambrose B. Carlton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL of Wisconsin introduced a bill (S. 2602) for the relief of James Duke; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. MITCHELL of Oregon introduced a bill (S. 2603) granting a pension to Michael Lannon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 2604) granting to the State of Montana 50,000 acres of land to aid in the establishment and maintenance of an asylum for the blind; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. ALLEN (for Mr. THURSTON) introduced a bill (S. 2605) granting an increase of pension to James M. Simeral; which was read twice by its title, and referred to the Committee on Pensions.

He also (for Mr. THURSTON) introduced a bill (S. 2606) granting a pension to W. P. Snowden; which was read twice by its title, and referred to the Committee on Pensions.

Mr. QUAY introduced a bill (S. 2607) to provide for the erection of buildings to be used for a hall of records, a folding room for the House of Representatives, and for a storage warehouse in the city of Washington; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. GRAY introduced a bill (S. 2608) for the relief of the sureties of Frank A. Webb; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CALL (by request) introduced a joint resolution (S. R. 106) proposing an amendment to the Constitution of the United States; which was read twice by its title, and referred to the Select Committee on Woman Suffrage.

Mr. SHERMAN introduced a joint resolution (S. R. 107) to authorize Prof. Simon Newcomb, United States Navy, and Prof. Asaph Hall, United States Navy, to accept decorations from the Government of the Republic of France; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Foreign Relations.

Mr. MITCHELL of Oregon introduced a joint resolution (S. R. 108) relating to the Oregon salt springs grant and lands connected therewith; which was read the first time by its title.

Mr. MITCHELL of Oregon. I ask that the joint resolution be read at length.

The joint resolution was read the second time at length, and referred to the Committee on Public Lands, as follows:

Resolved by the Senate, etc., That the Department of the Interior shall not dispose of nor patent to anyone whomsoever any lands in Oregon containing salt springs or salt, as saline lands, until the salt grant made to Oregon in its act of admission, February 14, 1859 (5 U. S. Stats., page 84), shall have been fully satisfied by selections thereof and thereunder, to be made by the proper State authorities of the State of Oregon, and title thereto duly perfected.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PLATT submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. LODGE submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. HOAR submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PEFFER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

Mr. PLATT submitted an amendment intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

WOMAN-SUFFRAGE HEARING.

Mr. CALL (by request of the chairman of the Woman Suffrage Congressional committee) submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 copies of the report of a hearing before the Committee on Woman Suffrage January 28, 1896.

LIMITATION OF DEBATE.

Mr. HOAR submitted the following notice; which was read:

I hereby give notice of a motion to modify and amend the rules of the Senate, for the purpose of enabling the Senate to dispatch the public business more promptly, by the adoption of the accompanying resolution.

It is proposed hereby to amend Rule XXII by inserting the proposed resolve at the end thereof, and by inserting, after the words "to amend" therein, the words "except as hereafter provided."

GEORGE F. HOAR,
Senator from Massachusetts.

Mr. HOAR submitted the following resolution; which was referred to the Committee on Rules, and ordered to be printed:

Resolved, That the rules of the Senate be amended by adding the following: "When any bill or resolution shall have been under consideration for not less than four days it shall be in order for any Senator to demand that debate thereon be closed. If such demand be seconded by a majority of the Senators present the question shall forthwith be taken thereon without further debate, and the pending measure shall take precedence of all other business whatever. If the Senate shall decide to close debate the question shall be put upon the pending amendments, upon amendments of which notice shall then be given, and upon the measure in its successive stages, according to the rules of the Senate, but without further debate, except that every Senator who may desire shall be permitted to speak upon the measure not more than once, and not exceeding one hour.

After such demand shall have been made by any Senator no other motion shall be in order until the same shall have been voted upon by the Senate, unless the same shall fail to be seconded.

After the Senate shall have decided to close debate no motion shall be in order but a motion to adjourn or to take a recess, when such motion shall be seconded by a majority of the Senate. When either of said motions shall have been lost or shall have failed of a second, it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure, or one vote upon the same shall have intervened.

JOINT SPECIAL COMMITTEE ON CONGRESSIONAL LIBRARY, ETC.

Mr. GALLINGER. By request of the Senator from North Dakota [Mr. HANSBROUGH], the chairman of the Committee on the Library, I offer a concurrent resolution, which I ask may be read, printed, and go over under the rule. I will state that the Senator from North Dakota is absent from the city, and expects to be absent for about one month. For that reason he requested me to offer the resolution.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read as follows:

Resolved by the Senate (the House of Representatives concurring), That the chairman of the Committee on the Library of the Senate and the chairman of the Committee on the Library of the House of Representatives and one other member of the Joint Committee on the Library, to be selected by the two chairmen aforesaid, be, and they are hereby, constituted a subcommittee, with authority to sit during the recess of Congress, for the purpose of inquiring into the condition of the Congressional Library and the Botanic Garden, and to report upon the same at the next session of Congress, with such recommendations as may be deemed advisable; also to report a plan for the organization, custody, and management of the new Library building and the Congressional Library and the Botanic Garden; that the said subcommittee is also authorized to employ a stenographer whenever necessary during the course of the inquiry; that the necessary expenses of the sittings of the subcommittee, including the pay of the stenographer, be taken equally from the contingent funds of the two Houses of Congress.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HOAR. I suggest to the Senator from New Hampshire that, where he says these gentlemen be appointed to constitute a subcommittee, the resolution be amended by saying that they be constituted "a joint special committee." They are not a subcommittee at all.

Mr. GALLINGER. I think that a proper suggestion.

Mr. HOAR. The resolution should be modified in another place, as the Senator will observe, so as to read "that said joint special committee be authorized."

Mr. GALLINGER. That is correct.

The VICE-PRESIDENT. The resolution will be so modified, in the absence of objection. The resolution as modified will go over.

EMPLOYMENT OF STENOGRAPHER.

Mr. KYLE submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed to report the hearings before the Committee to Establish the University of the United States of parties interested in the bill (S. 122) to establish a university of the United States be paid from the contingent fund of the Senate.

REPORT ON WAR IN CUBA.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from West Virginia [Mr. ELKINS], proposing to instruct the Committee on Foreign Relations to submit a report relative to the war in Cuba, which comes over from a previous day.

Mr. ELKINS. Let the resolution go over.

The VICE-PRESIDENT. Without objection, the resolution will go over.

EMPLOYEES OF GOVERNMENT PRINTING OFFICE.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Massachusetts [Mr. LODGE], coming over from a previous day. The resolution will be read.

The Secretary read the resolution submitted by Mr. LODGE on the 18th instant, as follows:

Resolved, That the Committee on Civil Service and Retrenchment be, and is hereby, empowered to fully investigate and report upon the administration of the civil-service law in the Government Printing Office as affecting the separation from service of the 35 ex-employees referred to in the printed correspondence furnished the Senate under Senate resolution of January 29, 1896.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. CALL. I ask what ground there is for the resolution?

Mr. LODGE. Some time ago an inquiry was introduced in regard to the enforcement of the law in these particular cases, and that inquiry was replied to by the Civil Service Commission. All the papers were laid before the committee. The committee considered the reply and those papers; they also heard informally some testimony, and they voted unanimously for the introduction of this resolution, that they might have proper authority to investigate the question thoroughly.

I was not present at the meeting at which the unanimous vote was passed, but I agree entirely with the action of the committee, and in the absence of the chairman, the Senator from North Carolina [Mr. PRITCHARD], I was requested to introduce the resolution and ask for its passage. It is merely a resolution empowering the committee to make the investigation which it seems to them, on the testimony already before them, ought to be made.

Mr. HILL. When the resolution was brought up before I asked that it might be laid over. I have made inquiry in regard to it. There is no objection to the resolution in the form in which it is presented. It is not to create an investigating committee within the sense in which that term is ordinarily used. In the form in which the resolution is presented I do not conceive that there is any objection to it. The Public Printer, I may state, is entirely willing and desirous that the investigation shall be had if any committee of the Senate desires to make it.

Mr. CALL. I have no objection to the resolution. I was only attracted by its subject, having found it extremely difficult, owing to the very rigid manner in which the civil service is administered in that department, to obtain any employment for some very meritorious persons.

The resolution was agreed to.

WAR IN CUBA.

Mr. SHERMAN. I move that the Senate proceed to the consideration of the report of the committee of conference on the disagreeing votes of the two Houses upon the resolutions relative to the war in Cuba.

The motion was agreed to.

Mr. PALMER. Mr. President——

Mr. CULLOM. I desired to say a word on the motion before it was put.

The VICE-PRESIDENT. The Chair will recognize the Senator from Illinois for the purpose.

Mr. CULLOM. I simply want to say that I am very anxious to get up the legislative, executive, and judicial appropriation bill, but as my colleague [Mr. PALMER] has been already recognized as entitled to the floor upon this question, and has been for some days desirous of speaking upon it, I do not feel like interposing until his speech is concluded. After that I shall hope to get up the appropriation bill for consideration.

Mr. CALL. I hope the Senator from Illinois will withdraw the request for the consideration of the legislative, executive, and judicial appropriation bill, and allow a vote to be taken upon the conference report.

Mr. CULLOM. If the Senator will excuse me, I did not hear his remark.

Mr. CALL. I expressed the hope that the Senator from Illinois who has charge of the legislative, executive, and judicial appropriation bill will not ask for its consideration, but allow a vote to be taken upon the resolutions in relation to Cuba.

Mr. CULLOM. I am anxious to dispose of the Cuban resolutions, but I can not afford, and I do not think the Senate will be inclined, to allow those resolutions to hang along here indefinitely and be in the way of the appropriation bills that must be passed at this session. If I could be assured that we would dispose of the Cuban resolutions to-day I would not be inclined to interfere with their consideration, but I can not wait longer.

Mr. SHERMAN. I wish to state that I am as anxious as anyone could possibly be to have a vote upon the Cuban resolutions, of course after any debate that is desired. So far as I am concerned, I should be glad to have evening sessions, for I do think under the circumstances in which we are situated, with the warfare going on in Cuba, the Senate of the United States owes it to itself, to the ordinary sense of humanity, to dispose of the question. Therefore, so far as I am concerned, I shall insist upon it that the Senate shall continue the consideration of the resolutions, and hold evening sessions if necessary until the matter is disposed of.

Mr. PLATT. I will state the trouble about the Cuban resolutions. Three Senators who constituted a conference committee on the part of the Senate agreed without very much deliberation to abandon the resolutions which had been passed by the Senate and to recommend to the Senate that it should pass the resolutions which had been adopted by the other House. I venture to say there are not five Senators in the Senate who approve the House resolutions, but by reason of their being presented to us in a conference report there can be no amendment made here. I suggest to the committee of conference that they recede from their demand that the Senate shall take the House resolutions, which no considerable number of Senators would take except as coming in the guise of a conference report, and present some resolutions which will be acceptable to a majority of the Senate.

Mr. SHERMAN. I should like to say to my friend from Connecticut that that course might be followed if we had any assurance whatever that the Senate would then dispose of the report of the conference committee or pass upon the subject in any way whatever, and dispose of it by passing the Senate resolutions again, after disagreeing to the report of the committee of conference, so that the matter may be ended and a vote had upon the question whether we shall recognize the belligerency of the Cubans or not.

Mr. PLATT. I can only speak for one, but so far as I am concerned, I do not believe there would be any great trouble in disposing of the Cuban question if the Committee on Foreign Relations would consent to a disagreement to the conference report and take the matter into consideration again, and after careful consideration present such resolutions to the Senate as they thought a majority of the Senate would favor. I think the members of the committee must be convinced that they can not expect the Senate to agree to resolutions one of which declares that we ought to be entirely neutral with regard to the conflict going on in Cuba and another of which declares exactly the opposite, that we ought to intervene in that conflict.

Mr. PALMER. Mr. President, I have always had the most profound respect for the rules of the Senate——

Mr. SHERMAN. Will the Senator from Illinois allow me a moment?

Mr. PALMER. Certainly.

Mr. SHERMAN. I wish to say that as far as the Committee on Foreign Relations are concerned, we are, as a matter of course, at all times disposed to acquiesce in the judgment of the Senate, and if a vote can be had upon the question of adhering to the Senate resolutions or agreeing to the report of the committee of conference it could be disposed of in a moment, and then, if the report is disagreed to, the matter can be referred again to the committee of conference for such action as it may choose to take.

Mr. HOAR. If the Senator will submit that request now, and, carrying out his idea, ask unanimous consent that the Senate disagree to the conference report and insist on its resolutions, then what he desires can be accomplished.

Mr. SHERMAN. Then why not have the vote formally taken upon the question whether the report of the conference committee shall be concurred in?

Mr. HOAR. I should like to be allowed to make one observation in addition to what the Senator from Ohio [Mr. SHERMAN] has said, if the Senator from Illinois [Mr. PALMER] will allow me.

Mr. PALMER. With great pleasure.

Mr. HOAR. I am willing for one to agree to the resolution submitted by the Senator from Pennsylvania [Mr. CAMERON], which the committee have agreed to now incorporate as a part of the conference report, if that can be taken by itself; but I do not think it is fair that the Committee on Foreign Relations, having taken up two-thirds or three-quarters of the time consumed in discussion, to ask the Senate to whistle opposition to this matter as it stands down the winds in this way, as seems to be proposed by my honorable friend from Ohio. He says, substantially, "We have been heard, and if you want to be heard, let us save the time and vote without any further debate."

The proposition the Senator last suggested, namely, that the matter should go back for the reconsideration of the committee of conference, can be accomplished if the Senator will ask unanimous consent that the Senate insist on its resolutions and ask for a further conference. If the side represented by the Senator from Ohio will agree to that it can be done in two minutes.

Mr. SHERMAN. Well, Mr. President, I will make that motion——

Mr. PALMER. I must insist that I have some rights on this floor.

The VICE-PRESIDENT. The Chair will state that the Senator from Illinois [Mr. PALMER] is entitled to the floor and claims recognition.

Mr. MITCHELL of Oregon. Will the Senator from Illinois yield to me for a moment?

Mr. PALMER. With pleasure.

Mr. MITCHELL of Oregon. I wish to say a word in regard to the Delaware election case, which, as the Senate is aware, is a question of the highest privilege, and which, I presume, if insisted upon, would have the right of way against the Cuban resolutions, against appropriation bills, and against everything else. I happen to have charge of that matter. Last week I gave way from day to day for speeches on the Cuban resolutions and to other matters. I had expected to be able this morning to insist on proceeding with the Delaware case until finished. The Senator from Missis-

sippi [Mr. GEORGE], however, who desires to be heard on the Du

Spain. If we could venture to interfere in this matter at all we

sippi [Mr. GEORGE], however, who desires to be heard on the Du Pont case at some length, informs me this morning that he is not in good health, and that he does not feel that he will be able to proceed during the present week. He has made a personal request of me, I having charge of this case, that it may be permitted to go over until next Monday. In view, therefore, of the earnest desire on the part of the Senator from Ohio to go on with the Cuban case, and in view of the further fact that there is an appropriation bill here ready and being pressed, I am willing to consent to that arrangement to accommodate my friend from Mississippi, with this qualification, that the Senator from New Hampshire [Mr. CHANDLER], who desires to speak on the Du Pont case and who will be compelled to leave the Senate some time during the present week, shall have an opportunity to make his speech some time during this week.

Mr. CHANDLER. I shall endeavor to chip in during the intermission of other essays. [Laughter.]

Mr. GRAY. I also desire the privilege of being heard on the contested-election case.

Mr. MITCHELL of Oregon. The Senator from Delaware [Mr. GRAY] also desires the same privilege.

Mr. PALMER. Mr. President, I suppose all the members of the Senate have heard the story told by JOHN ALLEN of the fellow who ran so fast to get out of a rainstorm that he fell and tumbled over and somebody said, "Why do you run so?" Said he, "I was afraid that the rain would stop before I could get in." I thought at one time this morning from the interruptions, very kindly and proper, that this matter would be adjusted before I would have an opportunity to make my speech. [Laughter.] I should be very willing to yield at any time, however, if this subject could be withdrawn from the attention of the Senate and recommitted in any proper manner, so that some resolution might be reported and brought before the Senate to which all could agree.

Mr. SHERMAN. Will the Senator allow me to make a suggestion?

Mr. PALMER. With pleasure.

Mr. SHERMAN. In aid of the public service, and in order to get these resolutions acted upon by the Senate and out of the way as quickly as possible, I give notice that I shall ask the unanimous consent of the Senate, after the Senator from Illinois gets through with his speech, that the matter be recommitted to the committee of conference, which is practically the suggestion made by the Senator from Massachusetts [Mr. HOAR].

Mr. PALMER. That suggestion, while it will not interfere with my present purpose to address the Senate on the subject of these resolutions, affords me a very great deal of satisfaction.

Mr. President, I object to the propositions of the committee, first, for the reason that their whole tone is unfriendly toward the Government of Spain. There is, notwithstanding the very decorous language which is employed, underneath the whole a pervading spirit of unfriendliness toward the Spanish Government. Among the lessons left us in that wonderful legacy of the father of his country, his Farewell Address, the people of the United States are warned against unreasonable prejudices against any government or people, and they are also warned against unreasonable partialities for any. That underlying spirit of unreasonable prejudice and a spirit of semihostility pervades the whole of the structure of the resolutions before the Senate.

That this is true will appear very readily to any careful reader of the resolutions. I say nothing now of the declaration as to the state of war which is alleged to exist in Cuba; but I refer more particularly to the second resolution, which obtrudes upon the Spanish Government the opinion of Congress as to what ought to be the course of conduct on the part of Spain in respect to its Cuban population:

Resolved, That Congress deplores the destruction of life and property caused by the war now waging in that island, and believing that the only permanent solution of the contest, equally in the interests of Spain, the people of Cuba, and other nations, would be in the establishment of a government by the choice of the people of Cuba, it is the sense of Congress that the Government of the United States should use its good offices and friendly influence to that end.

The suggestion which is found in this resolution is, to say the least of it, intrusive. It volunteers an opinion to a foreign Government as to what should be its policy with respect to a portion of its subjects; it commits the American Congress to that view of the case, so far as these resolutions can be held to commit Congress or anybody else to anything.

I may remark, by the way, that one of my objections to these resolutions is that they propose to do that which it is conceded would be useless, if done, in legal, international, or political effect, and the practical fact remains that whatever is useless is mischievous. It can not be otherwise.

It suggests another fact, that the language that the American Congress proposes to employ, when addressed to a foreign government by the political department of the Government in diplomatic form, would be offensive and would probably lead to an interruption of diplomatic relations between the United States and Spain. If we could venture to interfere in this matter at all we ought to use guarded, careful language, such as could be employed in the most important diplomatic correspondence.

Again, referring to the tone and spirit of these resolutions, I refer to the third, which reads:

Resolved, That the United States has not intervened in struggles between any European governments and their colonies on this continent.

That is a mere declaration of a fact which can of itself have no particular importance. Then it is said:

But from the very close relations between the people of the United States and those of Cuba, in consequence of its proximity and the extent of the commerce between the two peoples, the present war is entailing such losses upon the people of the United States that Congress is of opinion that the Government of the United States should be prepared to protect the legitimate interests of our citizens by intervention, if necessary.

Imagine that a note substantially like this resolution was addressed by an American diplomatic representative to the representatives of any foreign government. It would be regarded as offensive. What is it? "That the Government of the United States should be prepared" to intervene. Intervene in what respect? What is intervention? Intervention need not be war. The meaning is that the United States ought to be prepared to intervene for the protection of its interests. That is offensive and needlessly intrusive. The language is undiplomatic, such as must necessarily give offense, and it has given offense and is giving offense.

I recur again to the first proposition. This Government ought not to hesitate to employ language merely because it will give offense if the language is necessary. If the words ought to be spoken, then the words will be spoken; and if the words ought to be spoken, and are spoken, the Senate of the United States will be ready at any time, I have no doubt, to indorse the action of the Government. But these are needless words. Why throw out in advance this intimation of a purpose to intervene? Why say that to the world? Why say to Spain words which, if said to Spain by a representative of the United States, would be offensive and would probably lead to a necessity for intervention, and intervention by war?

These resolutions contain three distinct and unnecessarily associated propositions. The propositions are unnecessarily associated. What are they? The first resolution asserts that:

In the opinion of Congress a state of public war exists in Cuba.

Mr. President, where is the proof of that fact? I know that the Senator from Ohio [Mr. SHERMAN], in his emphatic, earnest way, said "If war does not exist in Cuba, where out of hell does it exist?" But the war in Cuba is much as I can imagine a war in hell would be. If the mere fact of slaughter and devastation, outrage and wrong, were war, such war as should be recognized by a civilized country, I grant the fact exists; but in the international relations of this Government with others we are not permitted to assume that mere murder, slaughter, violence, destruction of property, is war. In order to find the proper definition for the term "war" it must exist between two organized parties, two organized governments. I do not mean to say that either government need necessarily recognize the existence of the other; I do not mean to say that a government may not recognize a mere insurrection; but it must have attained such proportions and such means for preserving order that the people whose belligerency it is proposed to recognize have not only the form of a government, but must have some semblance of the power needed to maintain it.

The Senator from Alabama [Mr. MORGAN] the other day in the course of a side discussion defined accurately, in my judgment, that insurrectionary condition which would justify a recognition of belligerency. The Senator from Maine [Mr. HALE] remarked—I do not repeat his language—that in the beginning of our civil war there were proclamations issued threatening to treat some of the adherents of the Confederate government as pirates. The Senator from Alabama said, "Why did you not do it?" and then furnished his own answer, "Because you did not dare do it."

The point at which a people become belligerents and are entitled to a recognition of belligerency is the point at which they can exercise such measure of power as to protect themselves from outrage. In the case of our civil war, the Confederate government from the very beginning was an organized government. It had its armies, its judicial organization, it was an insurrection attempted in the name of the States; and the insurgents had the control of many of the States of the Union. They were a government; they were able to demand—and that demand was conceded by the Federal Government—that prisoners should be exchanged; that the ordinary rules of warfare should be observed, and when the Confederate government threatened to hang officers commanding negro troops, I might retort upon the Senator from Alabama and ask why did they not do it? and answer my own question by saying, "Simply because the National Government was able to protect them." They were able to resent the threat; and that constitutes, in my judgment, one of the tests, and perhaps the true

test, of that condition to which an insurrection must reach in order to be recognized as belligerent.

I say that I have heard nothing yet which justifies the affirmation contained in the very forefront of these resolutions, that—

In the opinion of Congress a state of public war exists in Cuba, the parties to which are entitled to belligerent rights.

What was the exact condition of things in Cuba at the last advices? I answer the question myself, or I answer by asking another. Is there any proof anywhere, furnished to the Senate or to the country, that there exists in Cuba to-day an organized government—not regularly organized, but an organized government? Is there to-day in Cuba a government to which the United States can look for the redress of such wrongs as may be suffered by American citizens?

Suppose we concede the belligerency of the insurgents to-day. By doing so we abandon all claim upon Spain for indemnity for whatever outrages the insurgents may commit. From that time forth the United States undertakes to look to the insurgents alone for indemnity for wrongs and for the protection of the rights of American citizens. Now, I ask the Senator from Ohio, Does the proof exist anywhere that there is such a government in Cuba—I mean such an insurgent government—which has such force or organization as that the United States may look to that government for the protection of the interests of its citizens? Where is the seat of government? I know nothing about it. Its armies are fugitive, flying from place to place; it has no international relations; it has no treasury; it has no judicial organization, so far as I know. It is yet unorganized. I suppose the proposition is not denied that if the insurgents are recognized by the United States as belligerents it would follow that the United States would concede that Spain would not be liable for outrages suffered at their hands by Americans and for American property; that it would concede that Spain is no longer to be held liable, and that the insurgent government is the one to which alone the United States must look for the protection of its people or the indemnity for their wrongs.

It can not be said, then, with truth, that there exists in Cuba to-day an insurgent government to the care of which the people of the United States can remit the protection of the rights of the people of the United States who are resident in Cuba or who may otherwise fall within the power of the insurgent government.

Mr. GEORGE. I should like to ask the Senator a question upon that issue of fact if he will yield.

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Mississippi?

Mr. PALMER. With great pleasure.

Mr. GEORGE. The Senator enumerates several very important functions of government which he says the insurgents in Cuba do not possess. He omitted to mention one other, and that I desire to ask him about. Does that insurgent government, or whatever you may call it, in Cuba levy and collect taxes in the ordinary way, or does it get its revenue by confiscation and by pillage?

Mr. PALMER. I am obliged to the Senator for his inquiry. The insurgent government is so completely unorganized that it has no treasury, no revenue, and no means whatever to afford pecuniary indemnity for wrongs done to others, nor has it the physical power to protect them.

Mr. CALL. Will the Senator allow me to interrupt him?

Mr. PALMER. With pleasure.

Mr. CALL. I shall be very glad if the Senator will state any kind of evidence upon which he bases his statement. My information is entirely to the contrary. They do levy taxes; they have a treasury; they have civil officers, and they are a regularly organized government.

Mr. MORGAN. Will the Senator allow me to ask him a question?

Mr. PALMER. Certainly.

Mr. MORGAN. A paper was sent here by T. Estrada Palma, who claims to be the agent of the Republic of Cuba, to Hon. Richard Olney, Secretary of State of the United States of America, who has communicated that to Congress, first to the Committee on Foreign Relations. It has been printed, and contains a full statement of the constitution and organization of the Government of the Republic of Cuba, giving its personnel, all the provisions of law in reference to it, and several general acts passed by that Government, which have been heretofore placed in the RECORD. I suppose, however, the Senator from Illinois has not observed it.

Then I hold here a letter written by Mr. Cisneros, the President of the Republic of Cuba, addressed to the people of the United States, in which he sets forth what he is doing there in the way of civil government, and also presents a very earnest appeal to the people of the United States to grant belligerent rights to the Republic of Cuba. Those papers were sent by a correspondent of the Star, and I communicated with Mr. Crosby Noyes, whom we all know—the Senator knows him perfectly well—long a resident of this city, a man of great capacity and ability and high character. I asked him whether or not those papers and the letter of Mr. Cisneros to the people of the United States were genuine, and he says as follows:

DEAR SIR: The authenticity of the Cisneros manifesto furnished to the Star by Captain Mannix is unquestionable. Had there been any manner of doubt about its authenticity it would never have appeared in the Star. All the internal evidence and all we know of our correspondent's undoubted facilities for communication with the insurgents confirm this and other important information concerning the doings and sayings of the Cuban leaders.

I would furnish these papers to the Senator from Illinois so that he could know exactly the situation there, but they were furnished to the Senate some time ago.

Mr. PALMER. To the extent that those papers are contained in the most admirable speech of the Senator from Alabama [Mr. MORGAN] I may say that I am familiar with them. I have read his speech with a great deal of interest and with the most earnest desire to concur with him not only in his argument, but in his conclusions; and if I were not standing here as one of the representatives of 4,000,000 people, whose interests to this extent and in this day are in my keeping and to whom I am responsible, I would concur in much that has been said by the Senator from Alabama. In the beginning of this matter, when the subject of the Cuban revolution was presented to me, I sympathized with them. But I remember to-day that standing here I have no right to indulge in other sympathies than such as I may commit the people of the State of Illinois to maintain.

Mr. MORGAN. Would it suit the convenience of the Senator if I should send Cuba's appeal to the desk and have it read?

Mr. PALMER. Very well.

Mr. MORGAN. I ask the Secretary to commence with the second column.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

REPUBLIC OF CUBA, EXECUTIVE HEADQUARTERS,
Cubitas Mountain, February 1.

To the American People:

The infant and struggling Republic of Cuba appeals to the grand and powerful Union of American States.

Undoubtedly this action is most unusual in the history of nations, but because of the international standing of the Cuban Republic—more correctly because it has no recognized place among the powers of the world—are we thus compelled to appeal informally and through the medium of the press directly to the people.

Indeed, it is that international standing that we are now seeking; that we now ask the American nation to give us, and that we pray it will see fit to grant in the name of liberty and of justice.

Why do we ask the American people alone to hear us, and why do we not address this document to the entire world? The answer is well known. We call to the people who have themselves suffered oppression and felt the iron heel of the tyrant. We call to the nation of heroes who threw off the slavish yoke, and who signaled to the downtrodden of the earth that the beacon light of liberty in America would never grow dim, but would throw its rays across the oceans to strugglers for freedom in other lands. We call to the nation that has ever greeted with open arms the honest exiles from far and near; the nation that gave hope to Poland and succor to Ireland; the nation that drove monarchy from Mexico and Hawaii, and so nobly and faithfully shielded our southern sister, Venezuela.

To whom would we appeal if not to America? To what land if not to that of Washington, of Jefferson, of Monroe, of Jackson, of Grant, of Blaine, of Cleveland, and the immortal Lincoln?

CUBA'S SECOND STRUGGLE.

The present is Cuba's second struggle for liberty. From 1868 to 1878—ten long, suffering years—a little band of patriots fought gallantly on. While the wrongs then were as great as they now are, the Cuban people did not rise as they have risen in this war to throw off the Spanish yoke. The thirst for liberty which permeates the island to-day was unknown then, except to a small minority of the people, and after ten years of warfare the end came; but it did not bring success.

But even then Spain made promises to the Cuban people that she did not propose to fulfill, and from that time the island has suffered as no other section of the earth has in the same period. Spain claims she holds Cuba by divine right. Such were her pretensions with regard to all her American possessions; but a Divine hand liberated those same possessions, and to-day they are free and independent Republics of the New World.

SPANISH MISREPRESENTATION.

The Spaniards have raised the cry abroad that the Cuban rebellion is merely an uprising of negroes. There is no truth in this as stated. It is not a negro uprising nor a white uprising, but a rebellion of the people of Cuba against a cruel and unrelenting despot. But even if it were a negro rebellion, would the people of the United States frown upon it?

The answer to that question is told by the firing upon Fort Sumter, the war of 1861 to 1865, the million of graves in the southland and the God-inspired proclamation of Abraham Lincoln. Was not the freedom of the black man announced in that undying language used by the martyr President? And did not the blood of a million American freemen stain grassy mounds in the now loyal and patriotic South, writing in eternal words the emancipation of the black man?

The world knows the noble yet fearful history. Spain knows it, and when her representative in the capital of the United States says the Cuban rebellion is a negro movement entirely he not only falsifies, but he insults the memory of the grand army of the dead.

We are proud to have our colored brothers with us in this glorious struggle for freedom; for Cuba, when free, will be like the land of Washington, where every man worthy of citizenship will be accorded the full rights of civil and religious liberty.

THE RIGHTS OF BELLIGERENCY.

We ask the American people to grant us, through their President and Congress, those rights of belligerency to which, according to the laws of war and of nations, we are are entitled. Our armies have marched whither they might throughout the entire island, and for weeks have threatened the stronghold of Spain's power in Cuba.

Must we capture Habana and drive Spain's hirelings across the sea before we are even given the right as men to fight for that priceless gift which God

destined should be universally divided among his children? Must we gain our independence before we are accorded the sanction of the world to labor for it?

THE REPUBLIC ESTABLISHED.

The Cuban republican government of the island is a firmly established institution. Covering considerably over one-half of the area is the civil branch of our authority, with regularly appointed governors of different sections, prefectos in subdivisions, etc. Of course, Spanish formalities are still followed to a great extent in the administration of the local governments, for a complete change of method in a few months would be too radical.

Here in Cubitas are the head officers and chief departments of the Republic. Here we are able and most willing to receive representatives of the United States or other nations.

On all grounds of diplomatic and international usage the Cuban Republic is entitled not alone to recognition of belligerent rights for its armies now in the field, but to actual independence. Still we do not ask that the latter be accorded us at present. All we wish now is to be looked upon by the Government of the United States as men and soldiers battling for their birthright. We do not wish to appear in the eyes of the world like bandits and rabble.

Is Spain entitled to consideration at the hands of a modern, civilized, and highly progressive nation? Does her misrule of Cuba for a century commend her to the hearts and minds of men? Are her hirelings here to lift up and educate the Cuban and make his beloved island prosperous? Under the accursed flag of Castile will not freedom's muffled shrieks still be heard on the American Hemisphere? Will not the continuance of her supremacy in Cuba mean the perpetuation of mediæval institutions, the downtrodding of right and equity and the upholding of all that to men of the nineteenth century is debased and barbaric?

People of the free and glorious United States, Cuba appeals to you! She asks that you raise your voice in her behalf. She asks that you announce to the world that at least as against the tyrant she be given an equal chance. Cuba, the bleeding, appeals to her American sisters. She does it in the name of God, of justice, of civilization, and of America.

SALVADOR CISNEROS-BETANCOURT.

Mr. MORGAN. I hope the Senator from Illinois will allow me to say that although I have been raised from my childhood in a Southern community, among slaves and slaveholders, I applaud and approve every word in that splendid appeal of Cisneros to the American people.

Mr. PALMER. In 1870, an organization existed in this country to free Cuba. One of its leaders was that distinguished Kentuckian who has done so much in opposition to slavery, Cassius M. Clay. He invited me to become a member of the Cuban organization, very much to my surprise. I answered him by saying that I understood it was an insurrection of men who claimed freedom for themselves, but who asserted the right to enslave others. I declined for that reason to be a party to that movement. That insurrection had none of the elements of universal liberty in its comprehension. It was an insurrection against the authority of Spain, but it was proposed at the same time to continue the existence of slavery in Cuba. I think slavery was ultimately abolished by the action of the Spanish Government—I am quite sure that I am correct in that respect—so that the appeal made here does not address me with the force that it would otherwise have.

I have said already that if I were acting in a mere personal capacity; if I were not under the most solemn responsibilities to others, not only to the people of the State of Illinois, but to the people of the United States; if I could in their name say that war exists in Cuba, and that the people of the United States ought to take upon themselves the responsibility of maintaing that declaration, I might listen to the appeal of the Cuban nominal government, because, after all that is said, that government is purely a nominal one. It has no fixed jurisdiction over a single township in Cuba. It is a fugitive government. It is supported by a force that is constantly moving; a force that rarely resists the organized forces of Spain. It is not a government, nor is the governmental organization one as to which I ought to say to the people of this country, "You can afford, in view of your own interests and in the interest of the people of the United States," which alone I am to consult, "to intrust the protection of the rights and interests of the people of the United States."

I do not now go into any analysis of the rules of international law that define or indicate the condition when belligerency may be recognized in an insurrectionary people; but the simple crucial point with me is whether there is such an insurgent government in Cuba as can be trusted with the defense and the protection of the rights of the American people whose rights are involved in that controversy. My answer is no. The Government may have a name, but it is without local habitation. In this matter I disavow any question of sympathy for Cubans or others. My argument is predicated upon the ground that it is not to the interest of the people of the United States that they should interfere in this question in any manner whatever, and especially in the matter of recognizing the belligerency of this fugitive government—a government which can offer no protection; a government which has no treasury, no revenue, no habitation; a government that can not be intrusted, can not be responsible to the people of the United States for the protection of the rights of our people. So much on that point.

The Senator from Florida [Mr. CALL] said to me a few moments ago that proofs should be furnished that there was no insurgent government in Cuba, or that the evidence before the Senate required some answer. I answer otherwise. The recognition that those people demand, if it were in the power of the Senate to concede it to them, is one that must depend upon facts to be furnished by themselves.

Now, Mr. President, the second resolution is to my mind equally objectionable. I refer again to the same unfriendly spirit that pervades all these resolutions. The second resolution, after deploring the loss of life and property caused by the war in Cuba, announces the belief on the part of the Congress of the United States that a solution of the struggle will be found in the establishment of a government by the choice of the people of Cuba.

The people of Cuba, like all other people, can have liberty if they can win it. I recollect that portion of the Declaration of Independence read by the Senator from Delaware [Mr. GRAY] a few days ago with such earnestness. I recognize the right of a people to throw off a government which they believe to be oppressive. I recognize the right of a people to abolish and alter existing governments at their pleasure. I do not enter into a discussion of the questions so clearly presented by the Senator from Maine [Mr. HALE] as to who that people should be. I concede that right, but it is one which belongs to the people themselves. If they can alter their own government, I concede their right to do so; but I deny the right of the Congress of the United States to obtrude upon Spain its advice or to suggest to it what should be the policy of that Government to any portion of the Spanish people. If I were speaking in other than a representative character I should give my cordial and earnest sympathies to those struggling people. I am influenced solely by the interests of the people of the United States.

The whole of the present session, it seems to me, has abounded in these semiassertions of a right to interfere, either by advice or otherwise, with the conditions that exist in other countries. I insist that the great law which ought to control governments is that which ought to control the conduct of individuals: Mind your own business; attend to your own affairs; consult, look out and see what your rights are; compel others to respect your rights, but do not attempt to assert those rights to an extent that can not be recognized by the feeblest nation.

The last resolution is equally objectionable, because it contemplates war. It is a useless menace to the Spanish Government:

That Congress is of opinion that the Government of the United States should be prepared to protect the legitimate interests of our citizens by intervention, if necessary.

We commence in these resolutions by recognizing the belligerency of the insurgents. We withdraw very largely the legitimate interests of the United States from the protection of the Spanish Government. When we propose to intervene in this war it means, judging from the whole tone of the resolution, war with Spain to protect our interests. It does not mean war with the insurgents to protect our interests. It means war with Spain. It is like the idle menace of quarrelsome, turbulent men, "If you invade my rights, I will defend them; if you approach me or if you strike me, I will shoot you," one of the very methods by which blows are invited. This would be an assertion, in advance of any wrong, that we would defend our rights by intervention, by war. Who doubts that the American people will defend their rights by intervention or by war? Why connect this assertion with this particular controversy? Why say it now? Why urge it now, in the heated debates of the Senate? It is something of a reflection, something of a reproach to the American Senate, when it is said that the Government ought to prepare for intervention to protect American rights. How prepare? Ought we to build ships? Ought we to raise armies? Ought we in some way to increase the revenue? Ought we to prepare any of the physical agencies of preparation? Or is it a mere intimation that if our rights are invaded, are infringed, we are already prepared not only in the means but we have the will to intervene and protect our rights.

It is an idle menace, in my judgment utterly unworthy of the American Congress—I say unworthy; I use that term in its most moderate sense. Who dares assert that the American Congress will not sustain the Government in the defense of its rights if invaded by any Government or anywhere? It is a menace which has no meaning, or if it has any meaning at all it is the meaning that indicates the purpose to be offensive. It is a declaration in advance, and taken in connection with this series of resolutions it means no more than this: The American Government sympathizes with the insurgents, it will employ its power in defense of its rights, and it will intervene if those rights are invaded, as if such a declaration was needed. The American Republic has existed now for more than one hundred years, and has never submitted to an outrage except under extremely distressing circumstances. I remember that I once submitted, with what composure I could command, in a memorable incident with respect to certain Confederate commissioners. But we have been eager and ready at all times to maintain our rights. This declaration will be regarded and is intended—not intended except in the sense that every person must be presumed to intend to use language in its ordinary sense—as an act of hostility to Spain.

Mr. President, I have not intended to go into the matter at any great length. I have very nearly concluded the remarks which I purposed to address to the Senate, and I will conclude by a general statement of the condition of this question as it appears to me.

The Senator from Massachusetts [Mr. HOAR] a few days ago demonstrated as far as demonstration is possible that the American Senate has nothing whatever to do with this subject. We can make no law; we can lay down no rule that any other department of the Government is bound to respect—I say nothing of being bound to obey. We are, in this instance, in the exercise of no power conferred upon Congress by the Constitution of the United States. It seems to me that in these resolutions, like those in regard to Armenia and others to which I might refer, we cheapen the influence and power of the Senate. It was said by the Senator from Alabama [Mr. MORGAN] the other day that the voice of the American Senate will be influential. That is true beyond question. In this instance it will be influential for mischief, without in the slightest degree being potent for good.

What is the law of our relations with Spain growing out of the condition in Cuba? Suppose the resolutions are passed, will not the law of to-day be the law of to-morrow? We change no law by our action. We neither commit the President nor any other department of the Government to our declarations or opinions. We simply express a feeling, and not the most amiable and gentle feeling, toward Spain; but we express an intrusive temper; we express a disposition to sympathize with one of the struggling parties in this great controversy. When we have done that what have we accomplished? Can I speak for the people of Illinois in regard to their sympathies on this subject? I can guess what their sentiments are, but they have not confided to me any duty with respect to this subject, and while my conduct and even these remarks may be the subject of criticism and complaint, or of approbation, yet I can not bind them. My expression of their sympathy may or may not be correct. It is no part of my duty to speak for them. They are free men and will speak for themselves and they will act for themselves.

The conditions in Cuba after the passage of these resolutions will be the same, and the relations of the United States to Cuba or to Spain will be the same in law and in fact. But like all unnecessary acts, which means that all unnecessary acts are mischievous, we presume without the power to make a law or lay down any rules of conduct we profess to give expression to American sentiments. The Senate can not recognize the belligerency of the Cuban insurgents. The Senate can not change the existing relations. I repeat what I have said so often, it can not change the legal or international relations which now exist between Spain and its insurgent subjects.

But we can do mischief by language like this. We may declare that a state of war exists in Cuba. The answer is, it is not war, it is a mere insurrection. The Cubans have not organized a government except on paper. Their government has not the vitalizing value which is given to a government supported by force. We know that there must be a latent force, an underlying force that gives to government its sanction or its power to vindicate itself. In order to recognition of belligerency there must be a government which can be held responsible to other governments. I see no evidence that the government there can take care of itself. I see no evidence that that government can protect the rights of the American people. I see nothing there but an earnest struggle—it may be a patriotic—but an earnest struggle on the part of a feeble party against a powerful, organized government. It may have my prayers individually, and their gallantry may claim my praises, but I stand here as a representative of the American people, who must indorse my act if I should be guilty of a folly. If it shall involves us in a war I know who will die in our battles, I know whose property will be taken.

I know that the soldiers will be American soldiers. They will die on battlefields in defense of the flag, and in a just cause they ought to die; it will be their glory to die in defense of the flag in a just cause, and that just cause is the cause which the American people decide to be just. But I can not consent to use language which may involve us in international troubles and complications which I know must cost the American people immensely, and they must be responsible for it if evil results; while if we do nothing, which is the wise thing when you do not know what to do, we let our people, so far as they are permitted by our laws, follow their own inclinations in regard to rendering assistance to the Cuban insurgents. Let each man for himself do what he thinks is right, obeying the laws, but let us not make such a declaration here, when we are in the attitude of a mere popular assembly, where we have no power to bind anybody, where we can not change the relations between this Government and Cuba, except that indirectly we may by our intemperance involve the country in war by arousing the passions of the Spanish nation or of other nations. It is always wise, when you do not know what to do, to do nothing.

Mr. GEORGE. Mr. President——

Mr. MILLS. I ask my friend from Mississippi to yield to me for a moment. I desire to introduce a joint resolution, and I ask that it be read at length.

The joint resolution (S. R. 109) directing the President of the United States to request the Government of Spain to grant to the people of Cuba the power of local self-government, and in case the Government of Spain shall refuse, to take possession of the Island of Cuba and hold it until its inhabitants can institute such government as they may wish, and organize and arm such forces as may be necessary to support it, was read the first time by its title, and the second time at length, as follows:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That the President of the United States is hereby directed to request the Government of Spain to authorize the people of Cuba, subject to the sovereignty of Spain, to institute such local government as they may wish, and invest it with such powers as they may think necessary to secure to the people of Cuba the right to life, liberty, and the pursuit of happiness.

SEC. 2. In case Spain shall refuse to grant to the inhabitants of Cuba the rightful power of local self-government, then the President of the United States is hereby directed to take possession of the Island of Cuba with the military and naval forces of the United States and hold the same until the people of Cuba can organize a government deriving its just powers from the consent of the governed, and arm and equip such military force as may be necessary to protect them from invasion.

Mr. MILLS. I give notice that I shall submit some remarks to-morrow morning, after the routine business of the Senate is through, in support of such a measure as is outlined in the joint resolution.

The PRESIDING OFFICER (Mr. BACON in the chair). Does the Senator from Texas ask that the joint resolution lie on the table for the present?

Mr. MILLS. I ask that it lie on the table and be printed. I shall call it up to-morrow morning for the purpose I have stated.

Mr. CULLOM. Mr. President——

Mr. GEORGE. If the Senator from Illinois will allow me to do so——

Mr. SHERMAN. I do not wish to cut off the Senator from Mississippi, but I wish, in compliance with the notice I gave, to have formal action on the conference report.

Mr. CULLOM. I understood that the Senator from Mississippi desires to say only a few words.

Mr. SHERMAN. Very well. After the Senator from Mississippi is through, I shall endeavor to get action on the conference report.

Mr. GEORGE. Mr. President, I was one of the six members of this body who voted against the resolutions which were sent to the other House and which came back here in the shape of a conference report submitted by the conferees on the part of the two Houses. I had no opportunity during the debate on those resolutions to state the reasons why I so voted. I propose to do so now, without argument.

There are several reasons why I opposed the resolutions. It is necessary for me to state only one. In order to be brief and in order to state my position exactly, I have reduced that position to writing.

However much I may sympathize with a people struggling for liberty and for independence, I sympathize more with the sentiment of the necessity of preserving our Constitution and our own free institutions. In my judgment, the subject-matter of the resolutions belongs to the executive and not to the legislative department of the Government. I believe there is no exigency whatever, certainly none which relates alone to the welfare of a foreign people, which can justify or even palliate an assumption by one department of the Government of powers and duties which, by the Constitution, have been assigned to another and different power.

Mr. SHERMAN. In pursuance of the notice I gave a while ago, and with an earnest desire to promote the public business, so that we may proceed to the consideration of the appropriation bills and the other measures that will naturally crowd upon us, I offer the resolution which I send to the desk. It is based upon the idea that if adopted and the report of the committee of conference should be again delayed in any form in which it is presented, there will be no factious opposition to it, but after a reasonable debate the subject may be acted upon.

The PRESIDING OFFICER. The resolution submitted by the Senator from Ohio will be read.

The Secretary read as follows:

Resolved, That the Senate insist upon its disagreement to the amendment of the House of Representatives to the resolution of the Senate in regard to the insurrection in Cuba, and ask a further conference with the House on the disagreeing votes of the two Houses thereon.

The PRESIDING OFFICER. The Chair suggests to the Senator from Ohio that the conference report should be first disagreed to before the resolution is considered.

Mr. FAULKNER. Let the formal motion be put on concurring in the conference report.

Mr. SHERMAN. Yes; let the motion be first put. The conference report should be disagreed to.

The report was not concurred in.

The PRESIDING OFFICER. The question now is on agreeing to the resolution submitted by the Senator from Ohio.

Mr. ALLEN. Mr. President——

Mr. SHERMAN. I ask the unanimous consent of the Senate to agree to the resolution. If it is only to open up further debate, I prefer to withdraw it.

Mr. ALLEN. I am unable to hear the Senator from Ohio.

Mr. SHERMAN. I have offered the resolution with the understanding that there would be no further debate upon the question until the committee of conference again reports upon the subject.

Mr. ALLEN. I have no desire to debate the question to any unnecessary length.

Mr. SHERMAN. I hope the Senator will allow the resolution to pass, as it was the understanding on both sides.

Mr. ALLEN. I can not hear the Senator.

Mr. SHERMAN. The understanding was that the resolution should be adopted without debate. When the report is again made the Senator will have an opportunity to speak. I appeal to the Senator to allow the resolution to be adopted.

Mr. ALLEN. I am entirely in the dark as to what the Senator from Ohio wants. I can not hear a word that he says.

Mr. CULLOM. I think I can explain the situation to the Senator from Nebraska in a word. The Senator from Ohio has offered a proposition which results in a recommittal of the Cuban resolutions to the conference committee, and, as he states, the subject will be open for discussion when the report of the conference is again made.

Mr. ALLEN. Why not discuss it now?

Mr. SHERMAN. This course is pursued with the understanding that there will be no factious opposition to the report when made, and that after reasonable debate it shall be acted on.

Mr. ALLEN. Why should it not be discussed now?

Mr. CULLOM. No one now knows what the conference committee may report. It may bring in an entirely new resolution. It will be more apropos, it seems to me, to discuss the report when it comes back. Besides, I am anxious to bring up an appropriation bill for consideration by the Senate.

Mr. GRAY. We have already disagreed to the conference report.

Mr. CULLOM. The conference report has been disagreed to by the Senate.

Mr. ALLEN. I understand that, and the pending question is a motion to refer the subject back to the conference committee, and it is properly debatable.

Mr. MORGAN. That the Senate shall insist in its disagreement and ask for a further conference.

Mr. HALE. If the gentleman from Nebraska will allow me, I will state that the Senator from Illinois [Mr. PALMER] took the floor and the Senator from Texas [Mr. MILLS] had the floor to further discuss the matter and the debate would have gone on, but the Senator from Ohio, who had charge of the resolutions, to avoid further debate and in order that other business might be proceeded with, made a suggestion which was generally agreed to, and which now is embodied in the pending resolution, to send the whole matter back to the conference committee. The whole object of this course was to prevent further debate now and proceed to other business of the Senate. The Senator from Texas, who had the floor, gave way, and it was, I think, the understanding that this course should be pursued. It seems that the Senator from Nebraska did not know about it. The object was to prevent further debate now. Whenever the matter comes up again it will of course be open for debate.

Mr. ALLEN. I do not see anything in the remarks of the Senator from Maine to deprive Senators of the proper discussion of this question. I have no desire to discuss it at any length whatever. There are two or three points which were brought out in the discussion last week to which I desire to reply. I will do that as hastily as possible and as concisely as I can.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the regular order. It will be stated.

The SECRETARY. A bill (S. 502) to approve a compromise and settlement between the United States and the State of Arkansas.

Mr. FRYE. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Is there any objection to the request of the Senator from Maine that the regular order be temporarily laid aside in order that the Cuban resolutions may be further considered? The Chair hears no objection.

Mr. ALLEN. Mr. President, the Senator from Delaware [Mr. GRAY] and the Senator from Louisiana [Mr. CAFFERY], and within a few moments the Senator from Mississippi [Mr. GEORGE], have each announced a constitutional doctrine which I do not believe can be sustained, and which ought not to be announced in the Senate without contradiction on the part of some one. That doctrine is that under our form of government, as those Senators assert, the sole power of recognizing the belligerency or the political independence of a foreign nation resides in the Chief Executive. That is not only a doctrine which can not be sustained, but it is a constitutional heresy that ought not to pass without refutation from some quarter.

There is not one word in the Constitution of the United States conferring, either expressly or by the broadest kind of implication, power upon the President of the United States to recognize either the belligerency of a foreign country or its political independence; and certainly there is nothing in the theory of the Constitution nor in the theory of our Government or the history of the time when the Constitution was framed and adopted by the people of the United States which can in any manner lend color to that conclusion.

Both the Senator from California [Mr. WHITE] and the Senator from Louisiana [Mr. CAFFERY] announced also that the Supreme Court of the United States had frequently laid down doctrines that are binding upon us, holding certain facts and certain circumstances that came before it in litigation as evidence conclusive of a state of belligerency or state of independence.

Mr. HOAR. The Senator from Nebraska seems to be laying the foundation of his argument, and before he proceeds I should like to ask him a question. I understood him to say that there is nothing in the Constitution which by any inference would confer upon the President the power of recognizing either the belligerency or the independence of a foreign state. Is not the recognition of the independence of a foreign state involved in the power of the President to appoint ambassadors?

Mr. ALLEN. Not at all, Mr. President.

Mr. HOAR. I wanted to call the Senator's attention to that point and to know whether it is quite clear as he seems to make it.

Mr. ALLEN. I was coming to that proposition. I propose to call the attention of the Senate to the constitutional proposition on this subject before I conclude, which will be within a few moments. The power to recognize the belligerent rights of a foreign nation and the power to recognize the complete political independence of a foreign nation is a joint power, possessed by Congress and by the executive department jointly. Before, however, proceeding upon that line I desire to return to the point I left off when interrupted by the senior Senator from Massachusetts.

The Senator from California and the Senator from Louisiana seem to think that the Supreme Court has some kind of power that is binding upon the Senate, a power to announce a rule which we are compelled to follow. Mr. President, that can not be true. This Government of ours, according to the doctrines announced by Chief Justice Marshall and by the illustrious fathers, is a Government composed of three coordinate departments, the legislative, the executive, and the judicial departments. I think I name them in the order in which they occur in the Constitution. Unfortunately, however, in these latter days there are some instances, and many of them, where the Supreme Court seems to be supreme and to exercise the authority to annul the acts of the other departments of the Government. But the Supreme Court, according to the established rules of jurisprudence that are older than this country itself, has no power to recognize the belligerency or the independence of a foreign nation until that belligerency or independence has been recognized and established by the political department of the Government. There has never been a time in the history of English jurisprudence or a time in the history of Roman jurisprudence when the power to recognize the belligerency of a foreign nation or the independence of a foreign nation was not committed by practice to the political department of the Government. Certainly it can not be successfully urged that the Supreme Court possesses the slightest political power except that portion which it may from time to time use incidentally in the adjudication of cases.

Suppose, to illustrate my position, that some citizen should feel himself aggrieved by the conduct of Richard Olney, Secretary of State, and should bring an action against Mr. Olney. It would be a perfect plea and a perfect defense for Mr. Olney to set up that what he did he did as the agent of the political department of this country, and that it involved the administration of the political affairs of the nation, which would deprive by that means the Supreme Court or any other court of jurisdiction to inquire further into the subject-matter of litigation. Yet we are told in the Senate gravely, by grave Senators, too, that the sole power to recognize the belligerency or independence of Cuba rests with the President of the United States; that Congress, as a coordinate department of the Government, as the chief repository of the political power of the nation, is powerless and impotent to intervene and check the President or control his conduct, and that conclusion seems to be reached by Senators from some language they find in the Constitution.

Mr. PLATT. Will the Senator from Nebraska allow interruptions or does he prefer not to be interrupted?

Mr. ALLEN. Certainly; I yield to the Senator from Connecticut.

Mr. PLATT. I wish to ask him this question: Suppose that

an independent government should be established, as the President thought, in Cuba, and the President thereupon should issue a proclamation recognizing the independence of Cuba; does not the Senator think that that would be effective without any action by Congress?

Mr. ALLEN. I do not think it would be. I do not see how it could be.

Mr. PLATT. That goes right to the point.

Mr. ALLEN. I desire for a moment to refer to the Constitution. Section 3, Article II, of the Constitution, referring to the duties of the President, reads as follows:

> SEC. 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may, adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Another provision of the Constitution confers upon the President of the United States the power to "appoint ambassadors and other public ministers and consuls," but it confers it in language which leaves it apparent, beyond all controversy and all dispute, that the Senate of the United States, as the highest representative of the political power of this Government, must concur in his action, or advise and consent, to use the language of the Constitution, before it shall be effectual. The very fact that the framers of our Constitution put this check upon the executive department of the Government shows conclusively that it was the purpose of the people in the formation of the Federal Constitution to retain this power in their own hands. The language employed indicates that; the spirit breathed by the instrument itself indicates it; and the whole framework and policy of our Constitution, as well as the spirit of the people at the time it was adopted and became the paramount law of the land, indicates that purpose. Yet, Mr. President, without one word that can be found in the Constitution itself, without one fact being cited as existing concurrently with the formation of the Constitution, the people are gravely informed here by at least three Senators upon this side of the Chamber that this high prerogative and kingly power rests in the President of the United States alone; that he, at any time he may see fit, by his mere caprice—for there is no power upon our part to check him if the position of these Senators be correct—may recognize the belligerence or independence of a nation, and we be powerless to advise and consent to it or have anything whatever to do with the recognition.

I did not rise, Mr. President, for the purpose of discussing this question consecutively and thoroughly, as I should like to do if the time were at my disposal, but I wanted to enter my dissent from a proposition that is so absolutely at variance with our Constitution as that announced by the Senators to whom I refer. Let me say that this goes out to the country as the grave opinion of those Senators, and is taken up by the people, some of whom do not devote so much attention to these questions as they ought to, and it is gravely asserted by them that that is a true interpretation of the Constitution because it is from the distinguished Senators from Delaware, Mississippi, and Louisiana; and it ought not to go undisputed in this Chamber.

One proposition more, and I think I shall conclude my remarks. The Senator from Louisiana [Mr. CAFFERY] in discussing this question a few days ago said we have no evidence that war exists in Cuba. If I understand the Senator from Louisiana rightly, it would be necessary, in his judgment, to bring the witnesses before the bar of the Senate and prove by ocular demonstration that a state of war exists in Cuba.

Mr. CAFFERY. Will the Senator allow me to interrupt him?

Mr. ALLEN. Certainly.

Mr. CAFFERY. The Senator from Nebraska must have very widely misinterpreted what I said on that point. I did not say that there was not war in Cuba, but I did say that from the evidence before the Senate and the country there was not public war in that sense which would authorize a country at peace with a power where an insurrection existed to recognize, under international law, the war being carried on in Cuba as public war. Nor, if the Senator will pardon me, did he understand me to say, nor can it be implied from any remarks I made, that I contended that there must be witnesses present before the Senate in order to establish a case of public war. I think I said that the Executive had the means to gather the necessary evidence to establish a state of public war through communication with our consuls resident in Cuba or through any other authentic official source.

Mr. ALLEN. Mr. President, I am inclined to believe that the Senator's explanation needs explaining. There may be some shadowy distinction existing between a state of public and a state of private war—I suppose that is the antithesis of public war—but that I do not understand. Certainly a state of war exists on the Island of Cuba. What is war? Mr. President, it is simply an armed conflict between nations or between parts of nations. It must be something that rises above a riot; it must be a rebellion; and, so far as Cuba is concerned, it is a rebellion, with a regular military organization upon the part of the insurgents. If that is not a state of public war in fact, then I am entirely mistaken in my conception of what constitutes public war.

But how are we to prove it? The Senator says that we could not understand that it was his purpose to have the witnesses brought here and interrogated, but the Senator from Louisiana stood here and said there was no evidence before the country or before the Senate of the existence of a state of public war—I will put in the word "public"—on the Island of Cuba. How do we know that there was a state of war on that island from 1868 to 1878? We know it simply as a matter of history. Do we know that George Washington was the first President of the United States? Nobody living has ever seen him.

Mr. CAFFERY. Will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Louisiana?

Mr. ALLEN. Certainly.

Mr. CAFFERY. The Senator says we know there was a state of public war. I think that was the assertion he made——

Mr. ALLEN. I will put it "public" or "private" war.

Mr. CAFFERY. That in Cuba from 1868 to 1878 there was ten years of public war. Does not the Senator know that the war then carried on in Cuba was not characterized by President Grant as a public war, in an international sense, between those dates?

Mr. ALLEN. I do not know anything about what President Grant thought about it or believed about it; and I am not concerned in the inquiry at this time. I do not believe in fighting battles according to a book. I never did believe in it, and I never shall believe in it. But what I wanted to prove on the point to which I desired to direct the attention of the Senate when interrupted by the Senator from Louisiana is this: We are to shut our eyes and our ears to current history of the tragic events that are taking place on the Island of Cuba.

Mr. HOAR. May I ask the Senator one question?

Mr. ALLEN. Yes, sir.

Mr. HOAR. It is with reference to this matter of public war. I understand—if the Senator will allow me to preface the question with a single sentence, so that the question may be understood——

Mr. ALLEN. Certainly.

Mr. HOAR. I understand that where a state of public war exists there is some territory all of whose inhabitants, whatever may be their personal conduct or disposition, are at war with the inhabitants of some other territory. For instance, the most loyal man in South Carolina during our late civil war was held to be at war with the most disloyal man in Massachusetts, and if they made contracts they were subject under the law of nations as contracts with belligerent enemies. Now, will the Senator tell us what district or territory in the Island of Cuba is so at war with any other district or territory of the Island of Cuba that the character of belligerence is imputed to one as against the other?

Mr. ALLEN. I think I can tell the Senator probably about as much as he and I both know about that matter, which is to be drawn from current newspaper reports, and possibly some slight evidence in the consular reports. My understanding is that about two-thirds of the Island of Cuba, possibly three-fourths, is under the dominion of the insurgents under the command of Gomez and Maceo and their followers. There is a distinct portion of that territory that has on its face as well-equipped armies as could be expected under the circumstances, where the Republic of Cuba has absolute control and dominion over life and property. That is a portion of the territory through which the Spanish forces do not march, and over which they do not exercise any control. There are there well-equipped and drilled armies in the field under martial law. I have the number of troops here, to which I am going to refer in a moment. If that does not constitute a state of war according to the definition of the books—if war is to be fought according to books—then I am mistaken in my understanding of what the books define to be necessary to constitute war.

Mr. President, I do not know, and I am not concerned in knowing, what President Grant said about the Cuban war from 1868 to 1878. I know, President Grant knew, you know, and the world knows that we have power to recognize the political independence or belligerency, or it may be both, of any people who are engaged in war with one another. That war does not necessarily require the existence of a certain number of men under arms. It is simply required that one portion of the people shall be arrayed in armed hostility against the other, with an army under its control, and a government set up over a specific portion of the territory which is under contention. Whenever we see fit to say that that contending force is a belligerent force, or whenever we see fit to say that that territory and the people occupying it constitute an independent government, a political entity, it becomes so in the eyes of the world, so far as we are concerned.

Mr. MORGAN. Will the Senator allow me?

Mr. ALLEN. Certainly.

Mr. MORGAN. I wish to call attention to a statement of the laws of war contained in lectures delivered at the Naval War College by Freeman Snow, Ph. D., LL. B., late instructor in international law in Harvard University. This book was sent me by Captain Taylor, president of the Naval War College, whom I conceive to be one of our most eminent men in the Navy, both as a scientist and as a lawyer. Professor Snow gives this definition:

Wheaton's definition of a public war is a contest by force between independent sovereign States. If it is declared in form or duly commenced, it entitles both the belligerent parties to all the rights of war against each other. Whatever is permitted by the laws of war to one of the belligerent parties is equally permitted to the other.

A mixed war is a war between members of the same political society. It is a civil war, though it may not reach beyond the proportions of an insurrection or a local rebellion. The movements in Spain in 1866 and 1867 were of this nature. Such a war may attain sufficient strength and magnitude to entitle both contending parties to all the rights of war with respect to each other and to neutral States. Again, according to the manner and degree of the hostile operations, wars are said to be perfect or imperfect.

I need not go into that further. I think that is the best definition I have seen on the subject by anybody.

Mr. ALLEN. That is in substance the definition given by Mr. Davis in his recent work on International Law of the laws of war.

I do not think that we are required to have any more evidence before us than has been furnished us by the Department of State and has been furnished us by the press of the country. It is true that possibly we must discount a certain portion of the reports which come from the scene of action; but he would be a bold man who would stand in the Senate to-day and say that a state of war does not exist in Cuba. Are we to stand here until the Spaniards cut the throats of the Cubans, and until the bloody events pass into the permanent history of the country before we take any notice of what is transpiring there? We know that a state of war exists there; and the only question, in my judgment, is whether we have the patriotism to say that those people in Cuba who are struggling for their liberty shall be recognized as belligerents and have equal opportunities with the people of Spain in this country and in the ports of this country.

Mr. MORGAN. Will the Senator allow me to again interrupt him a moment?

Mr. ALLEN. Certainly.

Mr. MORGAN. Some dispute is made about the facts and the extent of civil government in Cuba. The correspondent of the Evening Star, of this city, whose veracity and character are vouched for by Mr. Crosby S. Noyes, in the letter I read here this morning, giving an account of his second visit to Cubitas, the capital of the Republic, speaking of Colonel Menocal, who is a near relative of a very distinguished engineer in the United States, and is evidently a man of very fine character, who was educated at Cornell University—speaking to Colonel Menocal, chief of staff of President Cisneros, the correspondent asked a question about what sort of a tour they had been on. He and General Cisneros and 400 men who were his guard had been on a tour of inspection. An inquiry was made in regard to that tour. Colonel Menocal said:

This has been a sort of inspection tour. There was the appointment of about thirty prefectos to be made, and there were a number of others who had not sent in reports for two months. President Cisneros desired to make a personal investigation, and so two weeks ago we left Cubitas. Since that time we have been over in the extreme eastern end of the Republic, made an inspection of the force in the Sierra Maestra Mountains, looked over the stores, farms, and prison there, and on the way back made appointments of prefectos and subprefectos in a score of districts.

Colonel Menocal was reminded that he used the term "republic," referring to the island.

"Why isn't it a republic?" he asked. "We have our established and permanent seat of government, have over 350 prefectos in the island, and govern with civil laws at least two-thirds of the total area. Of course I understand that Spain still controls the seaboard and holds the cities, but her navy is her only salvation. There are hundreds of miles in the interior of Cuba that Spanish soldiers have never trod, and for that matter never shall.

THE REPUBLIC ESTABLISHED.

"If we could not justly lay claim to having a republic here established, how is it that our President, with an escort of only 400 men, can be away from Cubitas for a fortnight, traverse a distance of 300 miles by the main highway of the island, and never a shot be fired by friend or foe? How is it that we have civil officers all the way from Puerto Principe to the very shadow of the castle at Santiago de Cuba; and again, how is it that in the Sierra Maestra Mountains we have working upon the farms of the Republic over 700 Spanish soldiers who were made prisoners of war, and who, not caring to return to their ranks, are protected by Gen. José Maceo and his men? This latter feature may be news to the American people, but the Spanish Government knows it full well, and has made attempts to recapture its men, although at the same time it has denied such a state of affairs."

The sound of a bugle coming from up the road told Colonel Menocal and the other officers at the hotel, among them Dr. Orles, chief of the insurgent hospital corps, and who, by the way, does not speak a word of English, that the hour for taking up the march had arrived.

And they proceeded to Cubitas.

Mr. ALLEN. There can not be the slightest doubt that we must give some force to current history; we must recognize the existence of a state of war in Cuba. It is recognized in the press of foreign countries; it is in the mouth of every person who reads; witnesses come from Cuba and tell us the condition of affairs there; every person understands that there is a state of war; and yet Senators come into this Chamber and gravely say that there is no evidence of the existence of war there. The Senator from Louisiana said the other day that there was no evidence of the existence of any number of the belligerents under arms. I will call the attention of the Senate to the evidence of that fact later.

Mr. CAFFERY. If the Senator will permit me, I should like to ask him what indicia he holds are necessary to exist before a nation can declare a condition of war waged between a parent country and insurrectionary forces to be a public war?

Mr. ALLEN. Mr. President, there is no line of demarcation which is recognized among nations. It rests altogether within a nation itself.

Mr. CAFFERY. Then I would ask the Senator whether or not he rejects the conditions laid down by international writers as indicating a state of war?

Mr. ALLEN. No. The difficulty with the Senator from Louisiana is that I do not recognize his interpretation of international writers. The writers are all right, and the Senator from Louisiana is all right, but I do not conclude that necessarily there must be a synthetical relation between the writer and the reader.

Mr. CAFFERY. The Senator will permit me again. I ask him whether all international-law authors do not hold that it is necessary for the insurrectionary forces to hold and occupy a certain, well-defined extent of territory; that it is necessary for them to have a regular, organized government; that it is necessary for them to have a seat of government, and at least one seaport in a country which borders on the sea?

Mr. ALLEN. I am really glad the Senator calls my attention to the argument again—I heard him make it two or three days ago—that the insurgents must have at least one seaport. The history of the world is full of nations that never had a seaport.

Mr. CAFFERY. When I put that question, I said any country which bordered upon the sea.

Mr. MORGAN. Switzerland has none now.

Mr. ALLEN. The Senator from Alabama says Switzerland has none.

Mr. MORGAN. And could not have one.

Mr. ALLEN. And it has been an independent nation I do not know how many hundred years.

Mr. CAFFERY. Where a nation does not border upon the sea, and where the nation recognized is not contiguous, do not the international-law writers say that a condition can hardly arise where the recognition of belligerency is necessary?

Mr. ALLEN. I am treating the question of recognizing belligerents. We have the right to recognize the belligerence of a people as a political power inherent in this nation. We have the sole power to say when and where this doctrine shall be applied; and we are not required to look into Wheaton's International Law, or the volume on international law written by Mr. Pomeroy, or the volume by any other author upon the face of the earth when we see fit to apply this doctrine. A Senator behind me says there is no such international law; but there was an author who wrote upon that subject, I think, long before the Senator and I were born. What I claim, and where I differ with the Senator from Louisiana, is that he wants the Cubans to be killed or to survive according to a literal definition contained in some volume he holds in his hands.

The conditions of people necessarily must differ. Here is a people who, as I have said, are in control of at least two-thirds of the territory of the Island of Cuba, with a civil government set up and a military government that is able to coop up this man Weyler and his forces in Habana and hold them in check; yet the honorable Senator from Louisiana gravely asserts here that because the conditions which exist in Cuba do not square with his definition or his understanding of the definition of belligerency as he finds it in some law book, therefore this great nation of 70,000,000 people is impotent and powerless to do it. The Senator can content himself with these things if he wants to. I do not want to.

Then the Senator says again that the insurgents must have a capital. They do have a capital. The Senator from Louisiana said a few days ago it was away off in the wilderness—off where Weyler and his forces could not get at it. I infer that the Senator from Louisiana would hold that that capital must be accessible to its enemies or it is not a capital. The Senator said the capitol building was constructed of bamboo, and probably with a roof composed of leaves and grass. I ask the distinguished Senator from Louisiana if he finds anything in the law books, of which he is such a devotee, that distinguishes between a grass or a leaf roofed capitol and one made of shingles, or one made of some harder material?

Mr. CAFFERY. I find nothing in the law books or in common sense to make any such distinction; but I find that where there is a capital, somebody must know where it is, and it must be accessible to civilized nations.

Mr. ALLEN. I thought the Senator would see the ridiculous result to which his own argument would lead him.

Take our own history during the seven years of the Revolutionary struggle in this country. Our capital followed the Army a

portion of the time. It was located at at least half a dozen different places, and in a few instances followed the Army to get away from the enemy. It was a capital on wheels, more completely so than is or has been the capital of the Republic of Cuba, and yet our independence was recognized; we were able to hold off the British power, which was aided by Hessians, until such time as the sense of justice of the civilized world required our recognition; and yet because the struggling Cubans have a capitol constructed of bamboo, with possibly a roof of leaves or grass, which does not rise to the dignity of such a capitol building as we enjoy, the Senator from Louisiana tells us gravely that we can not recognize the belligerency of those people.

Mr. President, as further showing to some extent the existence of the insurgent army in Cuba, I desire to send to the Secretary's desk and have read a communication of Mr. J. Frank Clarke, written from Habana, under date of March 14.

The PRESIDING OFFICER. Without objection, the Secretary will read as indicated.

The Secretary read as follows:

SIZE OF THE CUBAN ARMY—SOME INTERESTING FACTS CONCERNING THE STRENGTH OF THE INSURGENTS—FORTY-THREE THOUSAND MEN IN THE FIELD WITH BUT ONE OBJECT IN LIFE, THEIR FREEDOM—WONDERFUL PROGRESS MADE, NOTWITHSTANDING ALMOST INSURMOUNTABLE OBSTACLES—ARMS AND AMMUNITION NEEDED.

HABANA, *March 14.*

[Correspondence of the United Press, via Tampa, Fla.]

The present strength of the insurgent army is close to 43,000. Cubans themselves estimate the number of men in the field as high as 60,000, but even if unarmed camp followers, men in charge of provision trains, hospitals, and camps were counted it is doubtful if that number could be found actually in service. There are thousands of Cubans who would willingly cast their lot with the patriotic army, but lack of arms and ammunition prevents.

The insurgent forces operate as a rule in zones or districts and are organized on military lines. The columns of Gomez, Maceo, Lacret, and Banderas are, however, limited to no one province, but pass from one to another under direct orders of Gomez. The commander-in-chief is now in Matanzas and the others have reinvaded Habana Province. The following is a statement of the strength and location of the forces of the principal leaders:

LEADERS AND LOCATIONS.

Maximo Gomez, in Matanzas	6,000
Antonio Maceo, Miro Zalas, and others, in Habana	5,000
Serafim Sanchez, in Santa Clara	4,000
Jose Maceo, Rojas, Rodriguez, in Santiago	3,500
Lacret, in Habana	3,000
Quintin Banderas, in Habana	3,000
Masso Alvarez, Castillo, Memestro, Nunez, in Habana	3,000
Delgado, Bermudez, Sanchez, and others, in Pinar del Rio	2,500
Aguirro, Diaz, Hernandez, Palacios, in Habana	2,500
Mayit, Roderiguez, and others, in Camaguey	1,500
Reyes, Benitez, Vasa, and Mendicita, in Santiago	1,000
Rafael and Cardonas, in Matanzas	800
Verona, Ruperto Sanchez, and others, in Pinar del Rio	800
Oliva and others, in Pinar del Rio	600
Carillo, Joaquin, Garcia, and others, in Santiago	600
Roloff, Pancho, and Perez, in Santa Clara	500
Mirabel, Ferrez, and Veita, in Santa Clara	500
Rego Sixto, Roque, Palao, and Sanchez, in Santa Clara	500
Cortuna, Vidal, and Juan Bravo, in Santa Clara	400
Juan Toledo and El Inglesito, in Santa Clara	400
Mantagas, in Manzas	400
Roban, Cebreco, Ruen, and Planas, in Santiago	400
Borroto, Lancho, Sardinas, and Eduardo Garcia, in Matanzas	400
Aulit, Mosjon, Dimas, Martinez, and Sorolongo, in Matanzas	400
Villancoa, Acosta, Aguilar, and others, in Habana	300
Munez, Chapotin, Sosorro, and Lino Perez, in Santa Clara	200
Total	42,800

HOW THEY ARE DISTRIBUTED.

The distribution according to provinces is: Habana, 16,800; Matanzas, 8,000; Santa Clara, 6,500; Santiago, 3,500; Pinar del Rio, 3,900; Camaguay, 2,100; total, 42,800.

In addition to the above, there are innumerable local bands from 15 men to 50 or even 100. These do not form a part of the fighting force and should not be counted as part of the army. Their chief functions are to carry out the orders of Gomez, prohibiting the grinding of cane, the movement of troops and supplies by rail, the shipment of provisions to cities, the suppression of "plateados" who rob, burn, and commit other crimes. These small bands serve as recruiting agencies, and when they grow too large for local operation they are attached to one of the army columns. Of the army proper, fully two-thirds are well mounted, and about half are well armed. The others are armed with shotguns, revolvers, or only machetes.

CHOPPED WIRE FOR SHOT.

Some of Maceo's men have old-style muzzle-loading guns, and lead is so scarce that telegraph wires chopped into short lengths is used for the charge. Spanish surgeons have on several occasions reported soldiers wounded with bits of wire. The insurgents have a few pieces of mounted cannon captured from Government troops. There are perhaps a dozen of these guns, which have been used with disastrous effect against the small wooden forts which the Spanish troops have erected at various points.

The Cuban army of liberation, as it is called, has grown to its present size in the face of almost insurmountable difficulties. From the beginning it has been outnumbered by the army of Spain, in never less than four to one. It has escaped annihilation in many encounters when ammunition ran out. It has lived on forage, been almost constantly under fire, and is to-day a reckless, dare-devil army with but one view, and that is to free Cuba. What comes after is not given a thought.

J. FRANK CLARKE.

Mr. ALLEN. Similar articles have appeared in the press from time to time for the last year, and especially for the last few months, and I take it for granted the people of the United States, and especially the Senate of the United States, can no longer doubt that a state of war exists in Cuba and that the insurgent forces are at least under martial law, having a regular military organization, and that their troops amount to many thousands.

I conclude, therefore, that there is but one of two things for the people of the United States to do, either to remain passive and inactive and let the throats of the Cubans be cut by the Spaniards, or to take prompt and efficient action for the recognition not only of the belligerency of Cuba, but its political recognition.

The distinction, as I understand, between belligerency and independence is of so shadowy a character that I can not understand why the Senate hesitates to make the recognition full or to recognize the political independence of those people. The only distinction, as I am informed, is as to the right of the Cubans to be represented at this capital by a minister or an ambassador.

I have sometimes been led to doubt the sincerity of these resolutions—and I dislike very much to doubt their sincerity—because they have not been put in an authoritative form. It has been said here by the distinguished chairman of the Committee on Foreign Relations, and it seems to be conceded all around, that the resolutions are simply advisory. Now, why make them advisory merely? If the struggling patriots of Cuba are entitled to any recognition whatever at our hands, why not give them that kind of recognition which will be of benefit to them? Why say to the people of Cuba who are waging this war for the preservation of their political rights, for the preservation of their homes, for the preservation of their wives and children, "We sympathize with you, but we can not extend to you aid under these circumstances"?

Mr. President, it occurs to me that it would be no more cruel to place water within the sight of a dying man upon a desert and to say to him, "We sympathize with you, but we can not give you the water." If we stand here and suffer Spain to apply the knife to the throats of the Cubans, we will be justly chargeable in the eyes of the civilized world with impotency and with cowardice. Why not put these resolutions in the form of a joint resolution? Why not send them to the President of the United States and say to him, "Sign these resolutions, make them a part of the law of the country, or take the responsibility of inviting the adverse criticism of your countrymen?"

A few days ago Senators in this Chamber, to use a phrase which probably is not altogether parliamentary, were falling over one another to vote for the resolution. There was a wonderful burst of patriotism and patriotic sentiment here, among Republicans and Democrats alike—and Populists were inspired a little, too—in order to demonstrate to the world by our votes that we not only sympathized with Cuba, but that we were willing, if need be, to afford her substantial aid under these distressing circumstances. Yet our patriotism has been sifting out from that moment to this, until it is very doubtful whether the resolutions can pass here to-day. First came the senior Senator from Maine [Mr. HALE] antagonizing the resolutions, then the honorable senior Senator from Massachusetts [Mr. HOAR], and finally the chairman of the Committee on Foreign Relations, I guess, has concluded that it is about time for him to retreat, and we are offered the resolution now before the Senate to recommit the Cuban resolutions for further consideration. I suppose that is the end of it.

Mr. SHERMAN. I call for a vote on the resolution.

The PRESIDING OFFICER. The resolution will again be read.

The Secretary read the resolution, as follows:

Resolved, That the Senate insist upon its disagreement to the amendment of the House of Representatives to the resolution of the Senate in regard to the insurrection in Cuba, and ask a further conference with the House on the disagreeing votes of the two Houses thereon.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. SHERMAN, Mr. MORGAN, and Mr. LODGE were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPPEL, one of its clerks, announced that the House had passed the following bills:

A bill (S. 789) for the relief of Kate Winter;

A bill (S. 990) to amend section 9 of an act entitled "An act to provide for the appointment of a sealer and an assistant sealer of weights and measures in the District of Columbia, and for other purposes";

A bill (S. 2251) to authorize the construction of a bridge across the Calumet River; and

A bill (S. 2419) to authorize the leasing of lands for educational purposes in Arizona.

INDEPENDENCE OF CUBA.

Mr. PLATT submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Resolved, That the Senate (the House of Representatives concurring) hereby expresses its earnest desire and hope that Cuba may soon become a

free, independent, and republican government, and that the friendly offices of the United States should be offered by the President to the Spanish Government to secure such result.

ADJUSTMENT OF CLAIMS WITH ARKANSAS.

Mr. CULLOM. I ask that the bill (S. 502) to approve a compromise and setttlement between the United States and the State of Arkansas, which is the unfinished business, be again temporarily laid aside, so that it may not lose its place.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM. I move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. CULLOM. I ask the consent of the Senate that the first formal reading of the bill be dispensed with, and that the amendments reported by the Committee on Appropriations be first considered and disposed of as they are reached in the reading of the bill.

Mr. PEFFER. Is it the intention of the Senator from Illinois to ask that only the amendments proposed by the committee be disposed of on the first reading?

Mr. CULLOM. That they be disposed of on the first reading of the bill.

Mr. PEFFER. Other amendments to come in afterwards?

Mr. CULLOM. And then that the bill be open to amendment as the Senate sees proper.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? The Chair hears none, and that course will be pursued.

Mr. HOAR. I desire to say to the Senator from Illinois that, as he well knows, there are provisions in the bill in regard to marshals and district attorneys. The Committee on the Judiciary, at the request of the Committee on Appropriations, have considered that subject and have communicated to the Committee on Appropriations their result; but there are a few cases where Senators desired to be heard after the committee had acted—about a half dozen in all. The committee have made a supplementary report. I hope the Senator from Illinois will not take up that part of the bill until to-morrow, because that report can not come in in print until then.

Mr. CULLOM. I do not suppose that that portion of the bill will be reached before that time; but if the Senator desires that it shall not be disposed of until to-morrow morning I am perfectly willing.

Mr. HOAR. If the Senate reaches that part of the bill I ask the Senator to reserve those particular amendments until to-morrow.

Mr. MITCHELL of Oregon. I will say to the Senator in charge of the bill that I should like to have the provision relating to clerk hire in the office of the surveyor-general of Oregon go over until to-morrow.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, in the provision for office of the Secretary of the Senate, on page 2, line 17, after the word "each," to insert "and $500 additional to the financial clerk, while the office is held by the present incumbent"; so as to read:

Chief clerk, and financial clerk, at $3,000 each, and $500 additional to the financial clerk, while the office is held by the present incumbent.

The amendment was agreed to.

The reading of the bill was continued to the end of line 23, page 2.

Mr. PLATT. In line 22 there is a provision for "librarian, $2,220." I should like to inquire if the committee has considered whether his salary ought not to be increased. I do not know that it is in order to speak of it now, but before we get through with the bill I wish the committee would consider the matter.

Mr. CULLOM. I know what the Senator from Connecticut refers to. The committee did consider the proposition, but, so far as I personally am concerned, when the committee amendments are disposed of, I shall have no objection to referring to it again.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 3, line 8, to increase the total for office of the Secretary of the Senate from $64,806.90 to $65,306.90.

The amendment was agreed to.

The reading of the bill was continued to the end of line 23, on page 4.

Mr. CULLOM. In line 23, on page 4, the words "Epidemic Diseases" should be stricken out, because of the recent change. It should be the Committee on Public Health and National Quarantine.

The SECRETARY. On page 4, line 23, it is proposed to strike out the words "Epidemic Diseases" and insert in lieu thereof "Public Health and National Quarantine."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 5, after line 3, to insert:

For clerks to the Committees on Woman Suffrage, Mines and Mining, Immigration, Revision of the Laws of the United States, Corporations Organized in the District of Columbia, Indian Depredations, and Construction of the Nicaragua Canal, at $2,100 each, $14,700.

Mr. HILL. I should like to hear some explanation of this amendment, as to whether the amounts are changed or whether additional clerks are provided.

Mr. CULLOM. In the passage of the bill in the other House there were several mistakes in footing up the total amounts, which have been corrected by the clerk of the Committee on Appropriations of the Senate, so that I think they are now correct. On page 5 provision is made for quite a number of additional clerks to committees who have not heretofore received the annual salary now provided in the amendment. That, of course, changes the total expense of the paragraph.

Mr. HILL. I had the honor to be chairman of the Committee on Immigration for about two years. It is not an exceedingly laborious committee, yet we reported some bills, we conducted some investigations, and we discharged our duties in a reasonably satisfactory manner, I assume. The clerk of that committee was given the extravagant compensation of about $1,400. I have now been succeeded as chairman by the junior Senator from Massachusetts [Mr. LODGE], but I am still a member of the committee.

I am not aware of any necessity for a change in the salary of the clerk. I am not aware of any new duties which have been added to those of the clerk, and I do not understand the discrimination proposed to be made. It is in regard to that matter that I ask for some information. Why has this committee assumed such proportions lately? What new duties have been added to it? I should like to know why it is proposed to jump the salary of the clerk from $1,440 to $2,100. I do not refer to the additional clerks added in this paragraph, but to the additional salaries. It strikes me that some of those committees have very little to do. I am not complaining of that. I simply wanted to know why it was that under the previous administration of the Senate the clerk of the Committee on Immigration, who was my clerk, was given $1,440 a year and the new clerk is to be given $2,100 a year. If anyone can tell me the reason why that is done, then I am satisfied.

Mr. CULLOM. I suppose one of the reasons why the clerk of the committee when the Senator was chairman received only $1,440 was because the Senator did not ask for an increase. I do not know how that may be. There are perhaps only two or three of the committees mentioned in this amendment the clerks of which are paid a higher salary than they have heretofore received. For instance, the clerk of the first committee mentioned has for a number of years been an annual clerk, and the same is true of several other committees named.

Mr. HILL. What was the salary of the clerk of the Committee on Woman Suffrage? It is a most important committee, of course, and the duties must be very laborious.

Mr. CHANDLER. I desire to say a word in reference to the amendment, especially in reference to the Committee on Immigration. Two Congresses ago I had the honor of being chairman of that committee. It was one of the busiest and hardest worked committees of the Senate, of course, under those conditions and considering the subject-matter that came before the committee. I thought then that the clerkship ought to be placed in the highest grade. If I had continued chairman of the committee I should have asked to have that done.

Mr. HILL. Will the Senator from New Hampshire allow me a moment? Was the clerk of the committee during your administration paid $1,440?

Mr. CHANDLER. He was paid the same salary that he received in the last Congress. The Senator will see the point as I get on. I did not succeed in getting that clerkship raised, but I bear testimony to-day to the fact that the committee is of sufficient importance to have such a clerk. It ought to have had it two Congresses ago. It ought to have had it in the last Congress, when the Senator from New York was the able and diligent chairman of the committee. It ought to have it now, when the young and enthusiastic Senator from Massachusetts [Mr. LODGE] is chairman of the committee.

I am obliged to say, however, that the salaries of these clerks are adjusted somewhat by the all-wise Committee on Appropriations with some reference to the personnel of the chairmanships. If the Senator from Tennessee [Mr. HARRIS] or the Senator from Ohio [Mr. SHERMAN] were to find himself at the head of any committee of the Senate, considering his long service in the Senate, he would be given a clerk of the highest grade. I was surprised, I must confess, when the distinguished Senator from New York,

coming from the governorship of the Empire State to grace this Chamber with his person and his eloquence, became chairman of the Committee on Immigration that the then dominant party in this Chamber did not give him a clerkship adequate not only to the work of the committee, but to the character and standing of the Senator himself. I think that the majority of this House ought to have given a clerkship to the committee commensurate with its personnel and commensurate with the importance of its services, and I assure the Senator I should have cooperated with great earnestness and cordiality, if he had remained chairman of the committee until this time, in having the clerkship advanced.

I now think that the conclusion of the Committee on Appropriations ought to be accepted without any demur not only with reference to this committee, but with reference to the other committees where they propose to raise the salaries of the clerks. It is a difficult matter to adjust. Unless all the committees have clerkships of one grade it must be difficult to draw the line. But the Committee on Appropriations have done it as well as they could. They have been influenced not only by the consideration of the important duties which the committees have to perform, but somewhat by the character and standing and position in the Senate of the various chairmen of the committees.

I hope, therefore, that the Senator from New York will not undertake either on this or any other occasion (indeed he and I know it is vain) to make any attempt to impugn the exceeding wisdom and impartiality of the Committee on Appropriations.

Mr. KYLE. Mr. President, I should like to hear further from the Senator from Illinois who has the bill in charge as to the basis upon which this adjustment is made. I observe that the amendment as reported by the Committee on Appropriations provides that the clerk to the Committee on Woman Suffrage shall receive $2,100 a year. I do not know that that committee has had a meeting during the present session. I know that during the past Congress there were two or three meetings of the Committee on Woman Suffrage, but at the present session I believe they have had none. The Committee on Mines and Mining I believe is quite an important committee, and I do not object to the raising of the salary of the clerk to that committee. I do not think that the Committee on Revision of the Laws of the United States has had a meeting during the present session. The Committee on Corporations Organized in the District of Columbia I do not think has had a meeting during the present session. The Committee on Indian Depredations has had one short meeting of half an hour, when a quorum was not present. The Committee on the Construction of the Nicaragua Canal I believe has not had a meeting at the present session.

Mr. MORGAN. Oh, yes; they have. They have been in session all the time.

Mr. KYLE. In session all the time?

Mr. MORGAN. Yes, all the time.

Mr. KYLE. I think that all our committees are in session all the time, as far as that is concerned.

Mr. MORGAN. I will state to the Senator that every member of that committee is charged with a particular part of the work, and he is working at it like a man and doing his best.

Mr. KYLE. I presume that is true of every committee. Each member has specific matters referred to him, and then the committee meet and confer.

Mr. MORGAN. They have not conferred yet, but at the same time they are engaged in preparing their work so as to submit it to the Senate.

Mr. KYLE. But what I am trying to get at is the basis of this discrimination.

Mr. HALE. I hope the Senator will bear in mind that a great many of these committees are so very busy that they have no time for meetings.

Mr. KYLE. That is a very important observation. I am glad to know it.

Mr. FAULKNER. If the Senator from South Dakota will permit me, I will state very frankly why I voted for the increase in the committee and why I shall vote for it in the Senate. The clerk of this committee also really does the work of a secretary of a Senator. He not only has to attend to the duties of the committee and all the work of the committee, including all the correspondence and obtaining the information necessary to lay before the committee on matters that come before it, but he also has to perform the duties that are devolved upon the secretary of every Senator who has not the chairmanship of a committee. For that reason I thought there should be a discrimination between those gentlemen who had more labor imposed upon them than the clerks of Senators who receive $1,200 a year.

Mr. KYLE. I am not complaining about the salary of the clerks, but about the discrimination. I wish to say in reference to my own committee that we have had eight or ten meetings at the present session, each one lasting an hour or an hour and a half. We have had important hearings, where we have had to hire our own stenographer, and I presume allowance is not made for that in the appropriation bill. We have paid for the stenographer from our own pockets. What I am complaining of is the discrimination in regard to the clerks of the various committees. I realize, as does the Senator from West Virginia [Mr. FAULKNER], that the salary paid to these clerks is very small, considering the amount of work that they do. Not only the committee work is imposed upon these clerks, but also the work necessitated as private secretaries to Senators. The salary that is paid to the majority of the committee clerks, $2,100, is not too large; but I wish the Committee on Appropriations might reach a proper and impartial basis where all these clerks should be paid the full and maximum amount. I do not believe in being stingy in regard to these matters. I should like to hear from the Senator who has the bill in charge in regard to the matter.

Mr. CALL. Nearly all the clerks of the committees mentioned in this paragraph have been paid this salary for many years. The Committee on Woman Suffrage has been alluded to here as not having had any meeting. That committee represents a great body of public sentiment in this country. It was created at the earnest solicitation and demand of a large number of the women of the United States, who met in this city when holding their conferences. The committee was given a clerk ranking with the other committees upon their special request. The correspondence of that clerk is very great. There is a great public sentiment in this country, whether we agree to it or disagree to it, of the intelligent women of the country, zealous and earnest in what they conceive to be a measure of great importance to the public and to themselves. The clerk of the committee has to my knowledge paid out of his salary a monthly sum for the purpose of keeping up the business of the committee and the duties imposed upon him. In respect to the dignity of the committee in representing a great public sentiment, in representing an earnest public sentiment, the Committee on Appropriations have only acted in deference to the requests of a vast number of the intelligent women of the United States. They have a right to be heard and a right to be represented in the committees of this body.

Mr. CULLOM. I have been called upon by the Senator from South Dakota [Mr. KYLE] to explain the amendment. There is very little explanation, it seems to me, necessary. The committee, with the representations before it, thought they ought to make many of the clerks of committees annual clerks. The Senate is misled to an extent, because several of the committees named already have annual clerks. The Committee on Woman Suffrage, as the Senator from Florida has said, has had an annual clerk for a good many years.

Mr. KYLE. At what salary?

Mr. CULLOM. Two thousand one hundred dollars, I think; the usual amount. So has the Committee on Mines and Mining. As to the Committee on the Nicaragua Canal, in view of the work that that committee will be compelled to discharge, the great question it has under consideration, in which the country is very much interested, and the distinguished character of the Senator who is chairman of that committee, the Committee on Appropriations thought it was only common fairness that the committee should have an annual clerk to aid it in the discharge of its work.

The Committee on Appropriations has tried to do the best is could, as has been said, with reference to these committees. Appeals were made to it by different Senators. The Senator from South Dakota will observe that as we are getting along I apprehend it will not be very many years before it will be shown that the work of every committee in the Senate will be such as to necessitate an annual clerk. The Committee on Appropriations hardly felt at liberty to adopt that scheme at present, but we went as far as we could under the circumstances. I hope we shall have a vote on the amendment and proceed with the consideration of the bill.

Mr. CHANDLER. I wish to say one word more in regard to the Committee on Woman Suffrage. That is a very important committee. The Senate have always undertaken to constitute that committee as one of gravity and they have made it a committee of importance. The chairman two Congresses ago was the senior Senator from Massachusetts [Mr. HOAR], who has been very long in the service of the Government in the Senate. The present chairman, the Senator from Florida [Mr. CALL], has been in the Senate nearly as long as any member upon the other side of the Chamber. I have no doubt that these facts entered into the minds of the members of the Committee on Appropriations in determining what the rank of this clerkship should be.

The Senator from South Dakota [Mr. KYLE] said that the Committee on Woman Suffrage has not much work to do. The committee, to my knowledge, has had repeated hearings. It hears with patience all the delegations of the women of the country who come here to argue the progressing cause of woman suffrage. It has always had hearings and has had as much work to do as almost any committee in the Senate. I do not know whether the Senator from Florida said that or not, but he will correct me if I am wrong.

There is the Senator from Florida, who, in addition to doing the duties of this committee with zeal and with diligence does as

tack. I do not know whether that is because he was connected

There is the Senator from Florida, who, in addition to doing the duties of this committee with zeal and with diligence, does as much or more work for his constituents, the people of Florida, as is done by any other Senator here for his constituency. No Senator from New York or from Pennsylvania works any harder for his constituents in those great States than the Senator from Florida works for his constituents of Florida, which, by the way, is a little larger in area than the State of New York. The Senator from Florida goes all over it, and knows all about it, and works for its people. I regret that the Senator from South Dakota should wish to deprive that Senator of the little recognition which his character and services in the Senate have received from the Committee on Appropriations.

Mr. KYLE. The Senator from South Dakota does not wish to deprive the Senator from Florida of the emoluments of his committee. I am glad, indeed, that he has them. The only thing I wish is that the rest of us had the same privileges under the laws of the United States. I was going to move before the close of the discussion, and I will now move, to amend the amendment of the committee by adding to the list the rest of the standing committees of the Senate, whatever they are.

Mr. MORGAN. Mr. President, in consideration of the importance of the work, as we know, which is intrusted now to the Committee on the Nicaragua Canal, as it is called, it has been a standing committee of the Senate. It will have to remain a standing committee of the Senate for years and years to come if that canal is built; and if it is not built, it is equally important that the Senate should have a standing committee until the time arrives when we can build it. The duties of that committee are going to be and are now very onerous. For instance, this morning I received a list, after quite a laborious correspondence, of as many as six of the presidents and controllers of the great canals of the world, from whom I have to obtain maps and reports and data for the satisfaction of this body upon every question connected with this very important affair, because we can not afford to take any step in regard to the Nicaragua Canal in the dark, or at least very few. Some of them, of course, we have to take without full knowledge, but we must be thoroughly informed upon every step that we take in regard to this enormous affair, this great outlay, if we make it. It is a most important work.

The labor of that committee, by concurrence among the membership of it, there being seven members of the committee, has been divided up into seven distinct heads, and very naturally so. Each Senator is at work upon his own particular duty, the duty that has been assigned to him, and in that way the committee is preparing a report upon all of these separate and distinct heads. When those reports are drawn together, I suppose that the Senate of the United States will not have received in regard to any public enterprise more accurate or thorough information than will be imparted by the labors of these gentlemen. It is necessary to keep the office open. It is necessary to have a clerk here in vacation as well as during the sessions of the Senate. He will be busy during all the coming summer. If the canal is to be built the Senate of the United States will be making constant requirements upon that committee for information. I regard it as really one of the most laborious committees of the body connected with a single subject.

But added to that is the former duty of considering claims against the Government of Nicaragua in favor of American citizens. If the work of the committee has been necessarily slow in that direction, it is not that they have omitted to perform any duty about it at all, but that the Government of the United States for reasons of its own, reasons doubtless of proper public policy, has not considered it necessary heretofore to press those claims upon the Government of Nicaragua. But they are important claims, and in my judgment many of them are very just claims. We are dealing with a Government there that has not any great ability to pay. Even that branch of the subject makes it necessary to have the supervision of the claims in favor of our own people that have been referred to the committee. I think the Senate would be doing injustice to that committee if it did not give to its clerk the salary that is paid to other standing committees of the Senate.

Mr. PEFFER. Mr. President, I began pretty early in the session to endeavor to tear down the expenses of the Senate by reducing the expenses of dead Senators. I discovered in the comments of the newspaper press of the country that there was a good deal of interest manifested to see whether we could not effect some sort of legislation that would reduce the expenses of live Senators. I was very much gratified to see a short time ago that my amiable neighbor from New Hampshire [Mr. CHANDLER] joined me in what I thought were laudable efforts in the direction of economy and asked for certain information that the Sergeant-at-Arms could give to the Senate better than any other officer of the body. I see that the newspapers, in commenting upon the figures that the Senator himself submitted to the committee, and it is the general sentiment of the newspaper men, say that a great deal of economy could be practiced wisely in the direction of curtailing not only the number of officers attached to the Senate, but their cost. Now I find that the Senator from New Hampshire has taken the other tack. I do not know whether that is because he was connected with the Navy so long, but at any rate it is a fact.

I am perfectly willing that all the committees enumerated in the amendment proposed by the Committee on Appropriations shall have clerks, but I am not willing that those clerks shall have higher salaries than other persons of equal grade who do quite as much work and are quite as important. I do not know that the character of the chairman has anything to do with the work of the clerk of the committee. Now I move to amend the amendment proposed by the committee.

The PRESIDING OFFICER. The Chair will state to the Senator from Kansas that there is an amendment pending to the committee's amendment.

Mr. PEFFER. What is the pending amendment to the amendment?

The PRESIDING OFFICER. The amendment offered by the Senator from South Dakota [Mr. KYLE]. The amendment will be stated.

The SECRETARY. Strike out, in line 7, page 5, the word "and," and after the word "Canal," in line 8, insert "and all other standing committees"; so as to read:

Indian Depredations, Construction of the Nicaragua Canal, and all other standing committees, at $2,100 each.

Mr. CALL. I hope the Senator from Kansas will allow us to go on through the bill and then come back to this question.

Mr. PEFFER. I am not willing to allow the bill to go on until we have discussed this amendment.

Mr. CALL. There are quite a number of other amendments reported by the committee, which will give rise to no discussion, if we can proceed with the bill.

Mr. HILL. I suggest to the Senator from Illinois, as I desire to make some investigation in reference to other committees, that he allow this paragraph to be passed over for the present.

Mr. CULLOM. I have no objection to allowing the paragraph to be passed over for the present, if desired, so that we can go on with the bill.

Mr. CALL. It can be passed over informally.

The PRESIDING OFFICER. The paragraph will be passed over, without objection. The Secretary will continue the reading of the bill.

The next amendment of the Committee on Appropriations was, on page 5, line 10, before the word "clerks," to strike out "twenty-six" and insert "twenty-one," and in line 13, before the word "dollars," to strike out "thirty-seven thousand four hundred and forty" and insert "thirty thousand two hundred and forty"; so as to make the clause read:

For twenty-one clerks to committees, at $1,440 each; in all, $30,240.

Mr. BAKER. If the preceding paragraph is to be postponed, then all the subject-matter contained in lines 10, 11, 12, and 13 ought also to be laid over along with the other, because it is quite evident that there are very many clerks embraced in the pending amendment who do as much or more work than the clerks who are mentioned in the preceding amendment which has just been passed over.

Mr. CULLOM. If there is to be any discussion at all about clerks to committees the two paragraphs might as well go over together, so that they will come up later.

The PRESIDING OFFICER. The pending amendment will also be passed over, without objection.

Mr. BAKER. I wish to move an amendment, to come in at the end of this paragraph. I move that the compensation of these 21 clerks be increased to $1,800 each, instead of $1,440.

Mr. CULLOM. That amendment to the amendment of the committee can be regarded as pending.

The PRESIDING OFFICER. The amendment to the amendment will be received. The paragraph will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 5, line 23, before the word "messengers," to strike out "thirty-six" and insert "forty-six"; so as to read:

Office of Sergeant-at-Arms and Doorkeeper: For Sergeant-at-Arms and Doorkeeper, $4,500; horse and wagon for his use, $420, or so much thereof as may be necessary; for clerk to Sergeant-at-Arms, $2,000; assistant doorkeeper, $2,592; acting assistant doorkeeper, $2,592; three messengers, acting as assistant doorkeepers, at $1,800 each; forty-six messengers, at $1,440 each.

Mr. PEFFER. I wish to inquire of the Senator who has charge of the bill the object of increasing the number of messengers.

Mr. CULLOM. The Sergeant-at-Arms was before the committee and gave us all the information that seemed to be necessary, and we agreed to report this increase of messengers, because ten of the messengers are now on the rolls as skilled laborers and perform the duties of messengers. The Sergeant-at-Arms believed, and the committee came to the conclusion, that it was only right that the ten should be made messengers, instead of remaining as they have been heretofore.

Mr. PEFFER. Then it is simply a transfer from one position to another?

Mr. CULLOM. Simply a transfer. The effect of it is to promote them.

Mr. PEFFER. Shifting them from one department to another?

Mr. CULLOM. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 6, line 5, after the word "each," to strike out "eleven skilled laborers, at $1,000 each," and insert "skilled laborer, $1,000"; so as to read:

Assistant messenger on the floor of the Senate, $1,440; messenger to Official Reporter's room, $1,440; messenger in charge of storeroom, $1,200; upholsterer and locksmith, $1,440; two carpenters to assist him, at $960 each; skilled laborer, $1,000.

Mr. PEFFER. This amendment as to "skilled laborer" I discover is a change in phraseology. What kind of work does this skilled laborer perform?

Mr. CULLOM. The skilled laborer is one who has been in the service of the Senate for twenty-odd years, and is in the performance of his duties down in the basement of the building. It is merely proposed to pay him just exactly what he has received heretofore.

Mr. PEFFER. That does not answer my question. Is it not the fact this man is a barber?

Mr. CULLOM. I am not sure whether he is or not.

Mr. PEFFER. Does the Senator wish to be understood as saying he does not know?

Mr. CULLOM. I really do not know the exact duty in which the man is engaged.

Mr. PEFFER. I object to the amendment.

Mr. CULLOM. I understand the man has been there for twenty-three years. That is the information that was given to me, according to my recollection.

Mr. CHANDLER. The Senator from Kansas surely does not object to reducing 11 skilled laborers down to 1 skilled laborer. It can not be that the Senator objects to that.

Mr. CULLOM. We shall be saving money by the proposed change.

Mr. CHANDLER. The Senator from Kansas does not wish to discharge the skilled laborer we have got here?

Mr. PEFFER. In answer to my question propounded a moment ago, I understand that there has been a transfer of 10 messengers about the Senate wing of the Capitol from one class to another. On the next page of the bill I see an amendment has been proposed by the committee for the change; but there is still left "skilled laborer," and when I ask what this skilled laborer does, the Senator says he is unable to inform me.

Mr. CULLOM. That skilled laborer is not a messenger, but is employed in the basement of the building in charge of some branch of the service. He has been there for twenty-three years, with the same salary he now gets, perhaps, for most of the time. At least he has been employed for several years at the exact salary which is provided in this bill, as I am informed by the Sergeant-at-Arms.

Mr. PEFFER. That is all very plain, but still I do not learn what I want to know, and that is, what this man is doing.

Mr. CULLOM. I shall endeavor to find out during the day and inform the Senator.

Mr. CHANDLER. Suppose the man is a barber; does it not require skill to shave the other Senators—not the Senator from Kansas or myself. [Laughter.] If this barber is doing this work, does it not require skill in handling a razor upon the faces of Senators?

Mr. PEFFER. Not in my case. [Laughter.]

Mr. CHANDLER. The Senator from Kansas has allowed the increase proposed on page 5, which has been satisfactorily explained to him, to go on; and now, in the interest of economy, the Senator from Kansas objects to the reduction, which is in some measure to compensate us for the increase proposed on page 5, and wants to strike that out. The Senator wants to know whether the provision means the employment of a skillful barber to shave the other Senators of this body. I think it does. [Laughter.]

Mr. PEFFER. My object is to get rid of the barbers in the Senate.

Mr. CHANDLER. I will ask the Senator if it is fair, because he and I do not need a barber, that we should not be willing other Senators should have the little luxury of this skilled laborer. I want some large measure of reform, and I am willing that some small measure of reform shall be made. But, of course, if the Senator insists upon having a vote of the Senate on striking out this provision, we will have it; but I think we had better seize, on reflection, the $10,000 and fasten it onto the committee, for otherwise there is danger, if it is not done now, that before the bill is disposed of they will withdraw that economy.

Mr. PEFFER. What I object to is that Senators employ barbers to do their barbering work for them at the expense of the people of the country. It is time that public attention should be called to this and a great many other items of expenditure which are not only unnecessary, but are viciously extravagant, and it is time that a halt be called somewhere. If we go through this bill we will find a great many different items that ought to be stricken out, and so far as I can keep up with them I propose to ask that they be stricken out, not only in reference to laborers and barbers, but in due time for Senators themselves, so that we shall show a disposition to economize in the expenditures for ourselves as well as in larger transactions.

Mr. CULLOM. The bill as reported by the Committee on Appropriations to the Senate carries with it a smaller amount by $345,843.37 than the act of last year.

The fact is, that it is about the same amount this year that it was away back in 1886, and so on down for several years, carrying a much larger sum than is contained in the present bill. While it is very well to talk about economy, and for us to economize, yet there are some things which we have to do.

Mr. HILL. Will the Senator please state for the information of the Senate in what particular item or items this saving three hundred or four hundred thousand dollars has been exercised? There seems to have been a rise, so far as we have already gone, and I should like to know where in the bill is this economy to be found.

Mr. CULLOM. I will tell the Senator. For instance, in the report made by the Committee on Appropriations he will find on the second page:

Civil Service Commission, two messenger boys, at $400 each, in lieu of one messenger, at $840 (net)	$40.00
Watchmen on Capitol Grounds, seven at $840 each	5,880.00
Total reduction	5,920.00

The total amount this bill carries, as reported to the Senate, is $21,545,874.71 as against $21,891,718.08 last year.

Mr. HILL. Still my question remains unanswered, whereabouts is this large reduction made? It can not be in the few items for laborers, etc., for that is only a small amount.

Mr. CULLOM. I call attention to another item.

Collecting internal revenue.—Provision for salaries and expenses of 303 additional deputy collectors, aggregating $408,600, and for ten additional revenue agents, aggregating $36,000.

There is a saving of nearly half a million dollars. There are a number of other items footing up a large aggregate.

Mr. HILL. Were not some of these inserted in the bill of last year on account of the intended collection of the income tax?

Mr. CULLOM. Yes, sir.

Mr. HILL. And dropped out now, of course. The committee could not help it; they had to drop them out.

Mr. CULLOM. The law was decided to be unconstitutional; the tax which has been collected has been returned; the force required for the purpose of executing the law is not needed; and so the committee got rid of that part of the expense.

Mr. HILL. Has the Senator before him, in any written report, or otherwise, an exact table showing the various reductions?

Mr. CULLOM. Yes. If the Senator will send for House Report No. 415, which was made upon this bill, he will find very many items of interest to him. The Appropriations Committee of the Senate made a very brief report which accompanied the bill, Senate Report No. 532.

The PRESIDING OFFICER. The question is on the adoption of the amendment reported by the committee, which has been stated.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 13, before the word "laborers," to strike out "twenty-five" and insert "two laborers, at $840 each; twenty"; so as to read:

Two janitors, at $900 each; laborer in charge of private passage, $840 each; two female attendants in charge of ladies' retiring room, at $720 each; telephone operator, $720; telephone page, $900; two laborers, at $840 each; twenty laborers, at $720 each.

Mr. HILL. Where were the 25 laborers, who are now decreased to 2, originally employed?

Mr. CULLOM. They were employed all over the Senate wing of the Capitol. I can not undertake to designate the exact places in the building where each man was employed, but they were under the control of the Sergeant-at-Arms, and were used wherever they were needed in keeping the building in order and in the performance of their duties.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 6, line 17, before the word "dollars," to strike out "six hundred and eighty" and insert "eight hundred and forty," and in line 19, before the word "dollars," to strike out "fifteen thousand eight hundred and sixty-four" and insert "eighteen thousand five hundred and four"; so as to make the clause read:

Sixteen pages for the Senate Chamber, at the rate of $2.50 per day each during the session, $4,840; in all, $118,504.

The amendment was agreed to.

The next amendment was, on page 6, line 22, after the word "dollars," to strike out "clerk in post-office, $1,800," and on page 7, line 2, before the word "hundred," to strike out "nineteen thousand three" and insert "seventeen thousand five"; so as to make the clause read:

Post-office: For postmaster, $2,250; assistant postmaster and mail carrier, $2,088; seven mail carriers and one wagon master, at $1,200 each; four riding pages, at $912.50 each; in all, $17,588.

The amendment was agreed to.

The next amendment was, at the top of page 8, to insert:

For thirty-eight annual clerks to Senators who are not chairmen of committees, at $1,200 each, $45,600.

The amendment was agreed to.

The next amendment was, on page 8, line 16, before the word "thousand," to strike out "four" and insert "eight"; so as to make the clause read:

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, $8,000.

The amendment was agreed to.

The next amendment was, on page 8, line 23, after the word "cleaning," to insert "repairing"; so as to make the clause read:

For services in cleaning, repairing, and varnishing furniture, $1,000.

The amendment was agreed to.

The next amendment was, on page 9, line 17, before the word "privates," to strike out "twenty-five" and insert "thirty-seven"; and in line 20, before the word "hundred," to strike out "thirty-nine thousand nine" and insert "fifty-three thousand one"; so as to make the clause read:

CAPITOL POLICE.

For captain, $1,600; three lieutenants, at $1,200 each; thirty-seven privates, at $1,100 each; and eight watchmen at $900 each; in all, $53,100, one-half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

The amendment was agreed to.

The next amendment was, on page 9, line 23, before the word "hundred," to strike out "one" and insert "three"; so as to make the clause read:

For contingent expenses, $300.

The amendment was agreed to.

The next amendment was, on page 11, line 24, to increase the total of the appropriation for the expenses of the office of the Clerk of the House of Representatives from "$84,144" to "$84,168."

The amendment was agreed to.

The next amendment was, on page 12, line 8, before the word "dollars," to strike out "one thousand" and insert "eight hundred," and in line 10, before the word "hundred," to strike out "six" and insert "four"; so as to make the clause read:

Under Architect of the Capitol: For chief engineer, $1,700; two assistant engineers, at $1,200 each; four conductors of the elevators, at $1,100 each, who shall be under the supervision and direction of the Architect of the Capitol; laborer, $720; five firemen, at $900 each; electrician, $1,200; laborer, $800; laborer to clean Statuary Hall and watch statuary therein, $660; in all, $16,480.

The amendment was agreed to.

The next amendment was, on page 13, line 11, before the word "dollars," to strike out "twelve thousand six hundred and thirty-six" and insert "thirteen thousand and sixty-eight"; so as to make the clause read:

For eighteen clerks to committees, at $6 each per day during the session, $13,068.

The amendment was agreed to.

The next amendment was, on page 14, line 25, after the word "and," to strike out "nineteen dollars and eighty-four cents" and insert "forty dollars"; on page 15, line 10, before the word "dollars," to strike out "six hundred and fifty-two" and insert "nine hundred and eighty-two"; in line 12, after the word "and," to strike out "forty-six dollars and fifty-six cents" and insert "and sixty dollars"; in line 14, after the word "thousand," to strike out "three hundred and forty-one dollars and seventy cents" and insert "four hundred dollars"; and in line 20, before the word "cents," to strike out "twenty thousand nine hundred and twenty-four dollars and sixty" and insert "twenty-one thousand three hundred and forty-six dollars and fifty"; so as to make the clause read:

Office of Doorkeeper: For Doorkeeper, $3,500; and for hire of horses, feed, repair of wagon and harness, $600, or so much thereof as may be necessary; assistant doorkeeper, superintendent of document room, assistant superintendent of document room, and department messenger, at $2,000 each; one special employee (John T. Chancey), $1,500; one special employee, $1,500; document file clerk, $1,400; assistant document file clerk, $1,314; clerk to Doorkeeper, and janitor, at $1,200 each; nine messengers, including the messenger to the reporters' gallery, at $1,200 each; nine messengers, at $1,000 each; six laborers, at $720 each; two laborers in the water-closet, at $720 each, three laborers, including two in the cloakrooms, at $600 each; female attendant in ladies' retiring room, $720; superintendent of folding room, $2,000; three clerks in folding room, one at $1,800, and two at $1,200 each; foreman, $1,500; messenger, $1,200; folder in sealing room, $1,200; page, $900; laborer, $720; ten folders, at $900 each; five folders, at $840 each; three folders during the session, at $70 per month each, $840; fifteen folders, at $720 each; night watchman, $900; driver, $900; fourteen messengers, on the soldiers' roll, at $1,200 each; two chief pages, at $900 each; thirty-three pages, boys not under 12 years of age, during the session, including two riding pages, one telephone page, and one telegraph page, at $2.50 per day each, $9,862.50; two messengers during the session, at $70 per month each, $560; ten laborers during the session, at $60 per month each, $2,400; six laborers, known as cloakroom men, at $50 per month each; horse and buggy, for Department messenger, $250; in all, $121,346.50.

The amendment was agreed to.

The next amendment was, on page 15, line 22, after the word "thousand," to strike out "and"; so as to make the clause read:

For employment of Joel Grayson in document room, $1,500.

The amendment was agreed to.

The next amendment was, on page 16, line 4, after the word "thousand," to strike out "five hundred and sixty-one dollars and twenty cents" and insert "six hundred dollars," and in line 7, after the word "thousand," to strike out "one hundred and eighty-one dollars and twenty cents" and insert "two hundred and thirty dollars"; so as to make the clause read:

Office of postmaster: For postmaster, $2,500; first assistant postmaster, $2,000; ten messengers, including messenger to superintend transportation of mails, at $1,200 each; three messengers, during the session, at $900 each; four messengers, at $100 per month each, during the session, $1,600; and one laborer, $720; in all, $21,250.

The amendment was agreed to.

The next amendment was, on page 16, line 21, before the word "days," to strike out "seventeen" and insert "twenty-one"; so as to make the clause read:

That wherever the words "during the session" occur in the foregoing paragraphs they shall be construed to mean four months, or one hundred and twenty-one days.

Mr. HALE. In the appropriations for the Library of Congress, on page 19, line 3, I move to strike out "eight" and insert "eleven."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 19, line 3, before the word "clerks," it is proposed to strike out "eight" and insert "eleven"; so as to read:

For the employment of eleven clerks, at $900 each, under the direction of the Librarian of Congress, necessary for the execution of the copyright law, $7,200.

The amendment was agreed to.

Mr. CULLOM. The total ought to be changed, in view of that amendment, from $7,200 to $9,900.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 19, line 5, after the word "law," it is proposed to strike out "$7,200" and insert "$9,900."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 19, after line 6, to insert:

For register of copyrights, $2,000, who shall be selected by the Committee on the Library of the two Houses of Congress, shall give bond, shall have and exercise all the rights and duties touching copyrights now devolved upon the Librarian of Congress, and shall make weekly deposits and monthly reports to the Secretary of the Treasury, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 20, line 21, before the word "dollars," to strike out "three thousand and five hundred" and insert "five thousand"; and on page 21, line 6, before the word "hundred," to strike out "thirty-three thousand seven" and insert "thirty-five thousand two"; so as to make the clause read:

For compensation to the following in the office of the President of the United States: Private secretary, $5,000; assistant secretary, $2,500; one executive clerk and disbursing officer, and one executive clerk, at $2,000 each; two clerks of class 4; two clerks of class 3; steward, $1,800; usher to the President, $1,800; chief doorkeeper, $1,800; four doorkeepers, at $1,200 each; four messengers, at $1,200 each; watchman, $900; and engineer, who is also the fireman, $1,000; in all, $35,200.

The amendment was agreed to.

The next amendment was, on page 21, line 19, after the word "each," to strike out "one messenger" and insert "two messenger boys, at $400 each"; and in line 23, before the word "dollars," to strike out "and forty"; so as to make the clause read:

CIVIL SERVICE COMMISSION.

For three Commissioners, at $3,500 each; chief examiner, $3,000; secretary, $2,000; eight clerks of class 4; ten clerks of class 3; thirteen clerks of class 2; fifteen clerks of class 1; three clerks, at $1,000 each; two clerks, at $900 each; two messenger boys, at $400 each; two laborers; engineer, $840; and two watchmen; in all, $91,300.

The amendment was agreed to.

The next amendment was, on page 22, line 9, after the word "each," to insert "law clerk, $2,100"; in line 16, before the word "clerks," to strike out "eight" and insert "ten"; and in line 20, before the word "hundred," to strike out "seventeen thousand eight" and insert "twenty-one thousand seven"; so as to make the clause read:

DEPARTMENT OF STATE.

For compensation of the Secretary of State, $8,000; Assistant Secretary, $4,500; Second and Third Assistant Secretaries, at $3,500 each; chief clerk, $2,500; for six chiefs of bureaus and one translator, at $2,100 each; law clerk, $2,100; private secretary to the Secretary, $2,000; eleven clerks of class 4; four clerks of class 3; seven clerks of class 2; one clerk of class 2, for indexing records, $1,400; sixteen clerks of class 1, one of whom is to be a telegraph operator; five clerks, at $1,000 each; ten clerks, at $900 each; one messenger; three assistant messengers; packer, $720; ten laborers; in all, $121,720.

The amendment was agreed to.

The next amendment was, on page 22, after line 20, to insert:

For services of employees of the Bureau of Statistics, State Department, to be selected by the Secretary of State by reason of special aptitude for the work of compiling and distributing consular and other commercial reports, namely, one clerk, at $1,400; one clerk, at $1,000; one clerk, at $900, and one laborer, at $660; in all, $3,960, the same to be paid from the appropriation of $20,000 for preparation, printing, publication, and distribution, by the Department of State, of the consular and other commercial reports made in the diplomatic and consular appropriation act approved February 27, 1896.

Mr. GORMAN. I should like to ask the Senator in charge of the bill to explain the provision for certain employees in the State Department, particularly that portion of it which is found in lines 22 and 23.

Mr. CULLOM. This force has heretofore been paid out of the general appropriation for the Department, but the ruling of the Comptroller is such that the Department can not do it any longer. They can not so pay them. Therefore the Secretary of State asked that this provision should be inserted in the bill. It does not take any money out of the Treasury outside of what has been appropriated heretofore.

If the Senator will look on page 3 of the report the committee made he will see that the Secretary of State writes as follows:

SIR: I have the honor to submit herewith two items additional to the estimates of appropriations previously transmitted.

These items are made necessary by the discovery that a practice which has obtained of paying employees of the Bureau of Statistics of this Department from the annual appropriation for the preparation, printing, publication, and distribution of the consular and other commercial reports, and which was supposed to be warranted by the language of the appropriation, is in conflict with the act of August 5, 1882 (section 4, 22 Stat. L., 255), which prohibits the employment of persons by any Department, "except only at such rates and in such numbers, respectively, as may be specifically appropriated by Congress for such clerical and other personal services for each fiscal year." In order that this practice may be discontinued without embarrassment to the important work of editing, publishing, and distributing the consular reports, and of compiling the annual volume, Commercial Relations, one of the items is submitted for insertion in the deficiency act for the fiscal year ending June 30, 1896, in order that it may be immediately available, and the other in the regular appropriations for salaries of the Department of State in the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897.

The Secretary writes quite an extended letter upon the subject, which seemed to make it necessary, if we are going to retain the force and engage in this work, that we should make an appropriation for the purpose more specific than heretofore.

Mr. GORMAN. I wish to call the attention of the Senate and of the Senator to the fact that this provision as framed is "for services of employees of the Bureau of Statistics, State Department, to be selected by the Secretary of State by reason of special aptitude for the work of compiling and distributing consular and other commercial reports." Here a provision is proposed to be inserted authorizing the employment of this particular force, which, I understand, takes them outside of the civil service and makes them personal appointments under the Secretary of State. Is that the object of the language which I have just read, found after the words "State Department," in line 22, and going down to the word "reports" in line 24?

Mr. CULLOM. Perhaps I had better read to the Senator another portion of the Secretary's letter on this subject, which may explain what the Senator desires to have answered.

As the work required is largely of a technical and special character, and analogous in these respects to the work of the office of Naval Records of the Rebellion, I have adopted substantially the language of the appropriation act for that office (see Stat. L., Fifty-third Congress, third session, chapter 177, page 291), in order that persons may be selected "by reason of special aptitude for the work."

The increase in the amount of salaries heretofore paid is $840, this amount being added in order to secure the services of an additional statistician, made requisite by the recent growth in the work of compiling the consular and other commercial reports, and to obtain greater efficiency in the distribution of them.

Mr. GORMAN. Still I ask the Senator the question, if the language I have just read is not for the purpose of taking those employees outside of the civil service and enabling the Secretary of State to appoint them without an examination?

Mr. CULLOM. I think they are already outside of the civil service.

Mr. GORMAN. Yes.

Mr. CULLOM. And that being true, they can not be taken out of it.

Mr. GORMAN. They heretofore have been employed and paid out of a special appropriation——

Mr. CULLOM. Yes.

Mr. GORMAN. And were not officers of the Government. Now, for the first time by act we are to create these officers. While I am not specially in love with the civil-service rules which have been enacted, the fact is, that under recent orders, and those which we are informed are to come within a day or two, practically everybody in all the Departments of the Government will be required to pass the civil-service examination.

It is not possible to-day to have a man or a woman employed in the Government Printing Office for the purpose of stitching books or the bills which are before us unless he or she has passed a civil-service examination of some sort, and then the appointments are distributed to the States in proportion to population, revolutionizing the whole system of appointments in all the Departments in the most minor and insignificant places. Now, right on the eve, indeed, sir, the morning of the very day of an order going into effect making this system more sweeping in another Department of the Government which, as we are informed, is soon to cover every appointment, here comes from the State Department a proposition to employ a clerk at $1,400, to be the personal appointment of the Secretary of State; that is to say, it is proposed to permit the Secretary of State to appoint him without examination as to his qualifications.

I understand that the merit of the civil-service system is that you get better men because of such examination. Here are three clerks, one at $1,400, one at $1,000, and one at $900, and then a laborer at $660. I suggest to the Senator from Illinois that if it is a good rule which we have entered upon, the civil-service examination should apply to all these places. I for one am utterly opposed to this provision for specific appointments outside of the civil service. The duties of these employees are not of a high character. It does not of necessity require any special technical knowledge to perform the duties of a laborer or those of an ordinary clerk in that Department. I would give the Department the employees they desire and make provision for them, if they are necessary, as they would seem to be from the note of the Secretary of State; but I do not believe that to-day, in the light of what is going on around us, orders being issued by the President of the United States to place everybody else under civil-service rules, we ought deliberately to make these places exempt from that rule.

In line 22, page 22, after the word "Department," I move to amend the committee amendment by striking out "to be selected by the Secretary of State by reason of special aptitude for the work of compiling and distributing consular and other commercial reports"; so as to leave the offices stand and let them come under the general rule which has been made by the President of the United States.

Mr. CALL. I hope that motion will not prevail. Without discussing the merits of the civil-service law or its demerits, it is pertinent to the proposition of the Senator from Maryland to say that it is unwise to forbid to a high officer of the Government charged with important duties the selection of even a single person for the performance of a special duty and to divest him of the discretion which by law and the Constitution and of necessity invest in him, and to place it in three persons under no kind of responsibility, not charged with investigating the aptitude of the person for that particular duty, not charged with investigating his fitness for a confidential position, but simply with his knowledge of some elementary subjects.

Mr. President, there can be no reason for such a proposition. Why not, according to the argument of the Senator from Maryland, make the Civil Service Commissioners the Secretary of State? That is what he proposes to do. It is proposed to give to those Commissioners the important duties of heads of Departments, because the selection of the officers who are to execute the law is clearly the whole of their duty. The executive department, charged with the execution of the laws, exercises that function by appointing persons fit for the duty. The Constitution says the head of a Department shall have this power vested in him. That is the distribution of power. The executive power of this Government is carefully invested in particular officers charged personally with important duties. What are they? To select and appoint the officers who are to perform them.

However proper it may be to appoint some person as an examiner, to separate that duty from the head of the Department, to make a list of eligibles, there is no reason why we should say that it shall be absolute, and that no person connected with these important duties shall be assigned thereto by the head of a Department; that no discretion shall be vested in the head of a Department, but that the whole power, even to appoint a bootblack or a scrub woman shall be placed in three Civil Service Commissioners who are charged with investigating blindly the scholarly qualifications of individuals.

It may be a good rule to create a list of eligibles under suitable examination, but there is no reason why, when the Secretary of State comes to the Senate and the House and asks for a person to do a particular duty under his immediate eye, we should say he shall have no kind of discretion in the selection of that person, who, on the contrary, shall be taken from the highest upon a list of eligibles.

Mr. GORMAN. The Senator from Florida is making an argument against the civil-service law.

Mr. CALL. Oh, no; against its application to everybody.

Mr. GORMAN. The civil-service law authorizes the President of the United States to place under the civil-service law any number of officers, and all of them, exclusive of those who are

appointed by the President and confirmed by the Senate. It requires an order from him to do it.

Now, in this case, in the State Department the President of the United States, by the request and with the concurrence of the Secretary of State, has placed every messenger and every watchman and every clerk and consular clerk and now consular agents under that rule. That was their act, not the act of Congress. It was done because they believed it would improve the public service. I accord to them perfect sincerity in all they have done. Now comes a proposition to create three or four places, and the Senate by the amendment proposes to reverse the rule which the Secretary of State and the President of the United States have made, and in these four appointments to take them entirely outside of the civil service.

I am not in favor of the sweeping civil-service rules which have been made; I do not believe that they work well, and I have thought from the beginning that it would come to just what the present Congress is considering, a permanent pension roll for the employees, who, under this rule, are to be kept in office during the time they can perform duty. As I say, I am not in favor of it; but I do say that Congress ought not in this provision to make an exception and to permit this Secretary or any other to make appointments in his Department outside of the civil service when those officers by their own act have placed all the balance of the employees of the Department under that rule, making it impossible for a man to be appointed as a messenger or watchman, positions now provided by law and appropriated for in this very bill, unless he has passed a civil-service examination. If the rule is a good one, as the Secretary thinks, and as the President unquestionably thinks, then apply it to every employee in the Department.

Why except these clerks? It requires no more ability to perform this particular duty, indeed, not half so much, as for a head of a division in that great Department, which is concerned with all the relations between this nation and others. There is no reason for it. There is no reason why Congress should step in and say to the Secretary, "The rule which you have made for all the messengers and clerks in your office is a bad one. We will except these particular cases and permit you to put in your favorites outside of such an examination." It is not wise; it is not proper.

Mr. CULLOM. The Senator will probably not need to strike out all that he has indicated. If the words in line 22, "to be selected by the Secretary of State by reason of special aptitude," are stricken out, it will carry the point.

Mr. GORMAN. I will accept the suggestion of the Senator from Illinois. It accomplishes exactly what I want.

Mr. CULLOM. I wish to say, if the Senator from Maryland has concluded his remarks, that I see very plainly the force of his observation as applicable to the proposed amendment. If everything else is to be under civil-service rules and regulations, I see no special reason why these employees should not be also; but I wish to state that I have not the slightest doubt that the Secretary of State would get a better class of men by leaving those words in than he will probably get by depending upon the Civil Service Commission to furnish them. That is my private judgment about it, publicly expressed. At the same time I recognize the fact that nearly everybody else in the public service is now under civil service or is about to be, if the order has not yet been issued taking in those not included in previous orders. That being the fact, so far as I personally am concerned, I am perfectly willing that those words shall be stricken out of the bill.

Mr. CALL. The proposition of the Senator from Maryland [Mr. GORMAN] and the opposition of the Senator from Illinois [Mr. CULLOM] involve a very important point outside of the simple question whether a high officer of this Government shall be divested of all kind of power and discretion in regard to the employees who are to execute the law. What the Constitution of the United States says is a complete answer to the proposition of the Senator from Maryland. We are not to make laws because the President has done something or the Secretary of State has done something. We are not to make laws because they have put everybody in the civil service, not leaving a single exception. That is no reason why the Secretary of State should not have the designation of a particular person. Suppose they have done so, and that the Secretary, for reasons satisfactory to himself, wishes to employ a man and to select him, is it any answer to say the public service will be promoted, when the Senator from Illinois admits that he thinks the public service would be promoted by this discretion? Is it any answer to say, "Well, the Secretary of State has agreed to put everybody under the civil service, and why except this?" The question is not what he has done, but what is best for the public interests, what is best for the execution of the law?

The Constitution provides that Congress may create inferior offices to be vested in the head of a Department. The Senator from Maryland [Mr. GORMAN] says under the civil-service law the appointment of these officers shall not be vested in the head of a Department. He says Congress must not exercise that discretion. Why? Because there is a civil-service law which authorizes the President to put everybody over whom he has authority under the civil service and provides that an appointment can only be made in that way after a civil-service examination. But Congress has the power to say to the President, "We will create an inferior office and we will obey the Constitution and put it under the head of a Department, and you can not divest Congress of that power." Now, the Secretary of State comes here and asks Congress to exercise that power. We are told that the President has put everybody, the bootblacks and the scrub women, under the civil service, and the Secretary has agreed to it, and therefore, however important and beneficial it may be, it can not be done. Why not? We are not obliged to follow the President's suggestion, and it is not at all pertinent to the civil service, as a general rule and policy to create a list of eligibles, that this should be done.

What is the condition? They have arbitrary rules which disfranchise and render ineligible to office all the people of the United States over 45 years of age. There are other rules that require them to come up to a particular weight and standard in the mail service; they must weigh so much and have such a height. All the rest of the people of the United States are deprived of their eligibility to hold office under the Government, and Congress is to be bound to exercise no kind of discretion in the matter. We are to have a privileged class created by three Civil Service Commissioners not responsible to the people of the United States, not elected. However meritorious a person may be, however much better qualified for a position, he is to be excluded and Congress is to be prohibited from providing even in reference to a single clerk when asked for by the head of a Department. I desire to protest against it and express my opposition to this wholesale disfranchisement of the people of the United States of their right to hold office.

The PRESIDING OFFICER. Does the Senator from Maryland accept the modification suggested by the Senator from Illinois?

Mr. GORMAN. I do.

The PRESIDING OFFICER. Does the Senator from Florida wish to be understood as objecting to it?

Mr. CALL. I object to it.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Maryland to the amendment of the committee. The amendment to the amendment will be stated.

The SECRETARY. After the word "Department," on page 22, line 22, strike out the words "to be selected by the Secretary of State by reason of special aptitude."

Mr. CULLOM. That takes it out of the power of the Secretary of State to make an appointment except by civil-service regulation.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

Mr. CHANDLER. I should like to hear the amendment read before we vote on it.

The PRESIDING OFFICER. The amendment as amended will be read.

The Secretary read as follows:

For services of employees of the Bureau of Statistics, State Department, for the work of compiling and distributing consular and other commercial reports, namely, one clerk, at $1,400; one clerk, at $1,000; one clerk, at $900, and one laborer, at $660; in all, $3,960, the same to be paid from the appropriation of $20,000 for preparation, printing, publication, and distribution by the Department of State of the consular and other commercial reports made in the diplomatic and consular appropriation act approved February 27, 1896.

The amendment as amended was agreed to.

The Secretary continued the reading of the bill.

The next amendment of the Committee on Appropriations was, in the items for the Treasury Department, on page 26, line 17, before the word "clerks," to strike out "three" and insert "four," and in line 20, before the word "hundred," to strike out "sixty thousand nine" and insert "sixty-two thousand five"; so as to make the clause read:

Division of bookkeeping and warrants: For chief of division, $3,500; assistant chief of division, $2,460; estimate and digest clerk, $2,250; two principal bookkeepers, at $2,100 each; ten bookkeepers, at $2,000 each; ten clerks of class 4; four clerks of class 3; three clerks of class 1; one messenger; one assistant messenger; and one laborer; in all, $62,570.

The amendment was agreed to.

The next amendment was, on page 26, line 25, before the word "clerks," to strike out "two" and insert "three," and on page 27, line 4, before the word "hundred," to strike out "twenty-four thousand eight" and insert "twenty-six thousand four"; so as to make the clause read:

Division of customs: For chief of division, $2,750; assistant chief of division, $2,000; three clerks of class 4; additional to one clerk of class 4, acting as drawback clerk, $200; three clerks of class 3; two clerks of class 2; two clerks of class 1; two clerks, at $1,000 each; three clerks, at $900 each; and two assistant messengers; in all, $26,490.

The amendment was agreed to.

The next amendment was, on page 28, line 15, after the word "dollars," to insert the following proviso:

Provided, That the chief engineer of the Revenue-Cutter Service, detailed as engineer in chief of said service, under the provisions of the legislative appropriation act of July 31, 1894, shall hereafter receive the duty pay and have the relative rank of a captain of the Revenue-Cutter Service.

The amendment was agreed to.

The next amendment was, on page 29, line 9, after the word "and," where it occurs the second time, to strike out "one sewer and folder, at $2.50 per day" and insert "two sewers and folders, at $2.50 per day each," and in line 13, before the word "cents," to strike out "thirty thousand four hundred and sixty dollars and ninety" and insert "thirty-one thousand two hundred and forty-three dollars and forty"; so as to make the clause read:

Division of stationery, printing, and blanks: For chief of division, $2,500; four clerks of class 4; two clerks of class 3; three clerks of class 2; two clerks of class 1; two clerks, at $900 each; two messengers; two assistant messengers; foreman of bindery, at $4 per day; four binders, at $3.20 per day each; and two sewers and folders, at $2.50 per day each; in all, $31,243.40.

The amendment was agreed to.

Mr. MCBRIDE. I offer an amendment to the pending bill and move its reference to the Committee on Public Lands.

The PRESIDING OFFICER. The Senator from Oregon submits an amendment to the pending bill, which will be printed and referred to the Committee on Public Lands.

The next amendment of the Committee on Appropriations was, on page 31, line 12, after the words "four thousand," to insert "five hundred"; so as to read:

Office of Comptroller of the Treasury: For Comptroller of the Treasury, $5,500; Assistant Comptroller of the Treasury, $4,500.

Mr. PLATT. The committee proposes to make the salary of the Assistant Comptroller $4,500. I do not wish to agree to the amendment. I think that the amount should be larger. I move to amend the amendment so as to increase the salary to $5,000.

Mr. CHANDLER. The salary fixed by law is $5,000.

Mr. PLATT. Yes, and I propose in lieu of the amendment reported by the committee, which is to insert "five hundred" after the words "four thousand," to strike out "four," in line 11, before "thousand," and insert "five."

Mr. CHANDLER. I hope the committee will agree to that, because $5,000 is the legal salary.

Mr. PLATT. I wish to state that on the 31st of July, 1894, we passed a public act providing "That there shall also be an Assistant Comptroller of the Treasury, to be appointed by the President, with the advice and consent of the Senate, who shall receive a salary of $5,000 per annum." The other House cut down that salaried office of $5,000 to $4,000. The committee, seeing the injustice of doing that, has added $500, but still leaves it $500 below the statute salary. I do not think that is right, Mr. President, especially when, upon the recommendation of the committee called the Cockrell or Dockery commission, the salary was fixed at $5,000, upon discussion—I do not think that upon an appropriation bill it should be reduced. I wish to say that the committee has not treated this officer as it has treated the private secretary of the President, who has a salary, I believe, of $4,500, and which it reports to make $5,000.

Mr. WOLCOTT. I should like to ask the Senator from Connecticut a question. Is the present incumbent of the office from Connecticut?

Mr. PLATT. Yes, sir.

Mr. WOLCOTT. Thank you.

Mr. PLATT. But the first incumbent of the office was from Missouri. Mr. Mansur was the first incumbent of this office, and he had a salary of $5,000. After the death of Mr. Mansur a Connecticut man was appointed, and I want the same justice meted out to him that was meted out to the Missouri man. In other words, I want the amount provided by law to be appropriated. It is perhaps pertinent to state that the Dockery commission put upon two individuals the work which had previously been done by six. The Comptroller and the Assistant Comptroller had all the duties placed upon them which theretofore had been done by six persons. I hope the Committee on Appropriations will not object to making the amount $5,000.

Mr. WOLCOTT. I was very glad to be able to identify from the remarks of the Senator from Connecticut the person to whom the amendment relates. I take this occasion to bear very cheerful testimony to the efficiency and ability of the gentleman referred to and to the fact that he earns the full salary of $5,000, which the Senator from Connecticut suggests be given to him.

Mr. CHANDLER. I wish also to say that although this is a Connecticut gentleman he has spent a great deal of time in his short life, for he is still youthful, out in Colorado and the mountains of the West, and that has aided to make him exceedingly acute, able, and valuable in this office.

Mr. WOLCOTT. It has done more than that. If he spent much time in Colorado he needs a salary of $5,000.

Mr. PLATT. I think the Senate may conclude that when Colorado and Connecticut agree on a proposition it must be right.

Mr. CULLOM. I do not care to take up the time of the Senate in discussing this man's salary. The House, after due deliberation and investigation, fixed his salary at $4,000, notwithstanding the statute, which I admit had previously fixed the salary of the office at $5,000. The Senate committee was inclined to think that perhaps there was a little injustice done to this man as compared with those around him and the committee increased it, so far as it was concerned, to $4,500. I think that the Senators who are interested in this young gentleman had better be content with fixing the salary at $4,500, because it is a sort of splitting of the difference between the statute and the House proposition. Besides, it is a very fair salary, and it is within $500 of the amount each of us is entitled to draw as a representative of our respective States.

Mr. HOAR. I should like to ask the Senator from Illinois a question. Does his committee commit itself or desire to commit the Senate to the policy, when the law fixes a salary, of appropriating only a part of it and sending the officer into the Court of Claims for the rest? It seems to me if the salary is too high there should be a law passed to lower it, and that Congress should not simply refuse to appropriate it. It is just as much a legal obligation on the part of the Government to pay this man $5,000 a year salary, unless we repeal the law, as it is to pay a Goverment bond. I can not understand under what authority the committee consents to appropriating a part of the salary for a year and then letting the man go to the Court of Claims for the rest.

Mr. CULLOM. In answer to the Senator from Massachusetts, I will state that the Committee on Appropriations of the Senate came to the conclusion that this man's services are not worth any more than $4,500 a year.

Mr. COCKRELL. Let me ask the Senator from Illinois whether the bill was not originally reported from the Committee on Appropriations somewhere else with the full amount of $5,000 in it, and after it had been reported and during its consideration was not the reduction made?

Mr. CULLOM. Yes; that is true.

Mr. COCKRELL. That is my recollection.

Mr. CULLOM. The report of the committee was voted down.

Mr. PLATT. The Senator from Illinois says he does not think this man's services are worth more than $4,000.

Mr. CULLOM. I will say the office; I do not care to refer to the man. I do not think the office ought to have more than $4,500.

Mr. PLATT. The office is by law salaried at $5,000 a year. The Comptroller had $5,500, the Assistant Comptroller had $5,000, which is the usual distinction between the principal officer and the assistant officer. If we are going into this business of saying that we will determine how much a man's services are worth, we might take up the Cabinet officers. I think upon that ground it is very possible we might get a vote in the Senate or in the House that we would appropriate for some Cabinet officers only six or seven thousand dollars, instead of $8,000, which is the amount provided by law; and I am not sure but that some of the Cabinet officers, if we should act upon that ground, might get reduced still further than I have suggested. Now, that is very unsafe ground to go upon. Here is the law which makes this salary $5,000. If I had the time to explain the duties of this officer there would be no question, I think, that the office is worth $5,000.

Mr. CHANDLER. The duties of this office should be referred to sufficiently to justify the appropriation of $5,000. I do not think the Senator from Illinois who has charge of the bill wishes to do any injustice to the present incumbent of the office. He disclaims that and expresses his opinion about the office itself. The office itself is that of Deputy Comptroller. When the Comptroller is absent, the deputy performs the functions of the office. Now, what is the office? Senators know very well that under the lead of the distinguished Senator from Missouri [Mr. COCKRELL] the Treasury Department has been reorganized, and instead of the two Comptrollers we have but one, and this is the assistant of the sole Comptroller of the Treasury. I ask the Senator from Missouri if I am not right?

Mr. COCKRELL. That is right.

Mr. CHANDLER. That Comptroller determines absolutely whether a dollar of money shall go out of the Treasury or shall not go out. Senators know very well who the present Comptroller is and the great controversy over the fact that he has refused to pay the sugar bounty. He is supreme within his function. Neither the President nor the Secretary of the Treasury nor any other officer under the Government can get one dollar out of the Treasury without the signature of the Comptroller of the Treasury. That Comptroller has been deliberately made one man by abolishing the comptroller for the Army and the Navy appropriations, and he has had given to him this assistant, as intelligent and as upright and as able a man as Connecticut ever produced or Colorado ever nurtured.

Mr. President, while I am not in favor of increasing salaries, I

do say that we should not undertake to place a stigma upon a man who has been put into that office, a good Democrat, too, and Democrats are having trouble enough nowadays without having a stigma of this kind put upon them. We would put a stigma upon him by selecting him out and reducing his office when there is no general revision of salaries in the bill. If the Senator from Illinois will say that either the House or the Senate committee has undertaken to go all over the salaried offices that are contained in the bill and carry out a measure of economy and reform extending to a dozen or two dozen or a hundred or two hundred offices, I will join with the committee in considering that measure of economy and reform. But the House has done no such thing as that. For some reason or other it has taken out and reduced the salary of the Assistant Comptroller. I ask the Senator from Missouri to tell the Senate before this is voted upon what he thinks as to the importance of the office of Comptroller and Assistant Comptroller of the Treasury, which he, by his research and his influence in legislation, has created, what he thinks as to the importance of the office of Comptroller and the office of Assistant Comptroller which this young man holds. I say it is a stigma, it is unjust, and it is unbecoming for Congress to make a reduction in this salary in this way.

Mr. COCKRELL. The Senator from New Hampshire has properly stated the duties of the office. As a matter of course, the office of Comptroller is the most important office really in the Treasury Department, and any assistant necessarily occupies an important position. It is true he can not make final decisions, because they can only be made by the Comptroller, but he must practically decide a great many questions.

Mr. CHILTON. I only want to call attention to one point in connection with this matter. I am not familiar enough with the duties performed by this officer to speak advisedly in regard to his compensation; but if it is the design of this appropriation bill to cut his salary down, the language employed hardly accomplishes the object. The Supreme Court of the United States has had this question before it twice. It was decided in one case that where an officer's compensation is fixed by statute and a subsequent appropriation act provided for a less amount, suit could be maintained to recover the balance from the Government. It was decided in still another case that this rule does not apply if the appropriation act uses language which shows that the appropriation is intended to be full compensation, and act on the matter in place of the statute. So that, unless this appropriation bill uses further language than that which is now under consideration, this party could still recover the balance of his statutory salary.

Mr. CULLOM. The Senator will allow me to call his attention to the very first paragraph in the bill, which reads:

That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June 30, 1897, for the objects hereinafter expressed.

Mr. CHANDLER. I should like to have the Senator from Texas understand that while the point he makes is entirely correct——

Mr. CHILTON. I am doubtful whether the language employed would be sufficient to effect the object intended.

Mr. CHANDLER. If it were not for that clause, the Senator would be right, and the full salary could be recovered in the Court of Claims; but this method of reducing salaries having been adopted many years ago, this clause has been invented for the purpose of making a reduction of salary, which is a very unfair method, I think, of reducing salaries.

Mr. CHILTON. The language on the first page, just quoted by the Senator from Illinois, conveys the proper idea; but it is barely explicit enough. The case in which the Supreme Court decided that an appropriation act had the effect to repeal the statutory salary used language of much greater particularity. It is somewhat problematical, in my judgment, whether the phraseology of the present bill will be so construed.

Mr. PLATT. I wish once more to call attention to the services which are performed by the Comptroller and Assistant Comptroller as compared with what was performed by the officers who performed the same duties before the law was passed. The law which provided for the appointment of a Comptroller and Assistant Comptroller abolished the offices of commissioner of customs, deputy commissioner of customs, second comptroller, deputy second comptroller, and deputy first comptroller of the Treasury, and put the duties that had been previously performed by those officers upon the Comptroller and Assistant Comptroller. As a matter of practice, while the Second Comptroller is under the Comptroller, he acts independently of him and passes upon all accounts relating to the Army, the Navy, the Indian, and the pension appropriations, taking one-half of the Departments of the Government, while the Comptroller takes the other half, and when the Comptroller is absent he becomes Comptroller. I submit that this is not a case for cutting down a salary.

Mr. MITCHELL of Wisconsin. I should like to ask the Senator from Connecticut a question. I ask if the opinions that are given by the Assistant Comptroller are revised by the Comptroller of the Treasury?

Mr. PLATT. The opinions which are given by the Assistant Comptroller to the heads of the different Departments are not revised by the Comptroller, but pass the same as the opinions given by the Comptroller himself.

Mr. CULLOM. One word. I certainly did not desire to be understood as making any reflection upon the gentleman who holds the office of Assistant Comptroller. I never had the pleasure of his acquaintance and have never seen him. I appreciate the value of the office he holds; but I found on investigation that the other body having charge of the origination of appropriation bills had, after discussion, come to the conclusion that the salary of this office was too high, and reduced it from $5,000 to $4,000. It seems to me, from my knowledge of the office and from talking with gentlemen who know the occupant of the office, that that was certainly not fair. So the Committee on Appropriations reported to increase the amount $500, which is within $500 of what the statute had fixed heretofore.

I have myself no doubt that the occupant of the office is doing his whole duty, and doing it as well as anybody in that position could. I am simply making these remarks so that if I carelessly said anything that might be considered as a reflection upon this official it may be understood that I am not attempting to make any such reflection whatever.

I do believe, however, that there are many of these salaries which have been fixed by statute which are too large; but if the Senate feels that this salary ought to be put back to the amount heretofore fixed by general statute, I have no objection whatever.

Mr. PLATT. I should like to make an inquiry, which is, whether the same committee have not revised the action of the House of Representatives in another respect, that is, the salary of the secretary of the Executive, which the other House cut down in the same way, and now the committee propose to give him a salary more than is provided by law?

Mr. CULLOM. The committee propose to give him the exact salary that he has been getting for a number of years.

Mr. PLATT. But it is more than the original statute provided.

Mr. CULLOM. I do not know what the original statute did provide.

Mr. PLATT. The other House cut the salary below the statutory salary, and the Senate restored it at a higher rate.

Mr. CULLOM. No higher than the present statute provides. We did that because we all know that the office of private secretary to the President of the United States is a responsible and important one.

Mr. HOAR. That is true, considering who he has on his hands. [Laughter.]

Mr. CULLOM. Yes. Now I hope we shall have a vote.

Mr. HALE. Let us have a vote.

Mr. PLATT. Let the amendment be stated.

The SECRETARY. On page 31, line 11, after the word "thousand," the Committee on Appropriations report to insert "five hundred"; so as to read:

Assistant Comptroller of the Treasury, $4,500.

Mr. PLATT. I move to amend that amendment by striking out the word "four" before "thousand" and inserting "five," and after "thousand," by striking out "five hundred," which is the amendment recommended by the committee.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In line 11, on page 31, before the word "thousand," it is proposed to strike out "four" and insert "five," and after the word "thousand," to strike out "five hundred"; so as to read:

Assistant Comptroller of the Treasury, $5,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CULLOM. There seems to be a desire that we should have an executive session this evening, and I am willing that the bill shall be laid aside now, with the understanding that we take it up as early as possible to-morrow morning after the routine morning business.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

Mr. SQUIRE. I ask the Senator to withdraw the motion for a moment to permit me to make a report and ask for action upon it.

Mr. HOAR. I withdraw the motion for that purpose.

PUGET SOUND AND LAKES UNION AND WASHINGTON WATERWAY.

Mr. SQUIRE. I am instructed by the Committee on Commerce, to whom was referred the joint resolution (S. R. 104) directing

the Secretary of War to transmit to Congress a report on survey of the waterway connecting the waters of Puget Sound at Salmon Bay with Lakes Union and Washington, and to submit an estimate of the cost of constructing said waterway, to report it without amendment. I ask unanimous consent for its present consideration, as I am sure it will not occasion any debate.

Mr. COCKRELL. Let the joint resolution be read for information.

The joint resolution was read, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider it.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. HOAR. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eleven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 27 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 24, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 23, 1896.

INDIAN AGENT.

Peter Gallagher, of Pocatello, Idaho, to be agent for the Indians of the Warm Springs Agency in Oregon, vice Lieut. Charles W. Farber, United States Army, to be relieved from duty as acting Indian agent.

UNITED STATES CONSULS.

Frank W. Roberts, of Maine, to be consul of the United States at Cape Town, Cape Colony, to fill a vacancy.

R. Hughs Long, of Alabama, to be consul of the United States at Nogales, Mexico, to take effect upon the confirmation and qualification of Frank W. Roberts as consul of the United States at Cape Town, Cape Colony, this day nominated as such consul.

PROMOTIONS IN THE ARMY.

Infantry arm.

First Lieut. Robert Nelson Getty, Twenty-second Infantry, to be captain, March 17, 1896, vice Thorne, Twenty-second Infantry, retired from active service.

Second Lieut. Harold Lincoln Jackson, Fifteenth Infantry, to be first lieutenant, March 17, 1896, vice Getty, Twenty-second Infantry, promoted.

POSTMASTERS.

Stephen J. Lyon, to be postmaster at Collinsville, in the county of Hartford and State of Connecticut, in the place of Emerson A. Hough, whose commission will expire April 4, 1896.

T. G. Boyer, to be postmaster at Altamont, in the county of Effingham and State of Illinois, in the place of Diederich P. Buckholz, whose commission will expire April 18, 1896.

Jesse M. Ballard, to be postmaster at Marion, in the county of Grant and State of Indiana, in the place of Clarence M. Hawkins, deceased.

William E. Miller, to be postmaster at Mason City, in the county of Cerro Gordo and State of Iowa, in the place of Parley Davey, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 23, 1896.

UNITED STATES ATTORNEY.

James M. Beck, of Pennsylvania, to be attorney of the United States for the eastern district of Pennsylvania.

MARSHAL.

James B. Reilly, of Pennsylvania, to be marshal of the United States for the eastern district of Pennsylvania.

POSTMASTERS.

E. M. Thompson, to be postmaster at Curwensville, in the county of Clearfield and State of Pennsylvania.

Joseph A. Bing, to be postmaster at Jeannette, in the county of Westmoreland and State of Pennsylvania.

Daniel Randall, to be postmaster at Mechanicsville, in the county of Bucks and State of Pennsylvania.

Emma K. Gitt, to be postmaster at Hanover, in the county of York and State of Pennsylvania.

Martin Gerard, to be postmaster at Deadwood, in the county of Lawrence and State of South Dakota.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 23, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Friday last was read and approved.

CHANGE OF REFERENCE.

The SPEAKER. The bill (H. R. 6576) to amend section 3480 of the Revised Statutes, in relation to loyalty, was referred to the Committee on Claims, but properly belongs to the Committee on Military Affairs. Without objection, the necessary change will be made.

There was no objection, and it was so ordered.

LEASE OF CERTAIN LANDS, ARIZONA.

Mr. MURPHY of Arizona. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2419) to authorize the leasing of lands for educational purposes in Arizona.

The bill is now on the Speaker's desk.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the lands reserved for university purposes, and all of the school land in the Territory of Arizona reserved by law for school purposes, may be leased under such laws and regulations as may be hereafter prescribed by the legislature of said Territory, but until such legislative action the governor, secretary of the Territory, and superintendent of public instruction shall constitute a board for the leasing of said lands under the rules and regulations heretofore prescribed by the Secretary of the Interior for the respective purposes for which the said reservations were made, except that it shall not be necessary to submit said leases to the Secretary of the Interior for his approval; and all necessary expenses and costs incurred in the leasing, management, and protection of said lands and leases may be paid out of the proceeds derived from such leases.

And it shall be unlawful to cut, remove, or appropriate in any way any timber growing upon the lands leased under the provisions of this act, and not more than one section of land shall be leased to any one person, corporation, or association of persons, and no lease shall be made for a longer period than five years, and all leases shall terminate on the admission of said Territory as a State, and all money received on account of such leases in excess of actual expenses necessarily incurred in connection with the execution thereof shall be placed to the credit of the public school fund of said Territory, and shall not be used for any other than public school purposes: *Provided*, That the proceeds of leases of university and normal school lands shall be placed to the credit of separate funds for the use of said institutions.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. I would like to ask the gentleman from Arizona if this bill has been referred to and reported by a committee to the House?

Mr. MURPHY of Arizona. I will explain if the House will give consent for a few moments.

There was a bill passed formerly by the House upon this subject which went to the President and was vetoed, but was subsequently passed over the veto by the House and was sent to the Senate. In the Senate they decided, under the recommendations of the Secretary of the Interior, to redraw the bill rather than pass the original bill over the veto, the new bill being prepared to meet the objections which had been interposed in the President's veto.

The present bill is the modified form, modified in accordance with the suggestions of Secretary Smith and in view of the objection made by the President. It passed unanimously, and is now upon the Speaker's table awaiting the action of the House.

Mr. TALBERT. Has it been referred to any committee of the House?

Mr. MURPHY of Arizona. The committee have not had the bill directly under consideration, but all of the members have knowledge of the bill. They are all here and make no objection to its consideration as it stands.

Mr. TALBERT. But they make no report?

Mr. MURPHY of Arizona. Not on this bill; but, as I have said, on a bill of a similar character they did report, and the bill passed the House.

Mr. LACEY. Mr. Speaker, if we can have the attention of the House for a few moments, I think there will be no objection to the present consideration and passage of the bill in question.

The bill, as the House will remember, on the same subject was passed over the veto of the President some days ago. After consideration of the matter in the Senate Committee on Public Lands, it was deemed best, under all of the circumstances, instead of passing the House bill, to pass a bill with an amendment substantially removing the main objection made by the President in his veto. The original bill would not have met the approval of the House Committee on the Public Lands if the committee had deemed it subject to the objection embodied in the President's veto. But they did not think it could possibly result in the destruction of timber on the leased lands, or that the objection made would have any validity. But the bill as it now comes to the committee has a proviso that no timber lands shall be leased, or rather

I should say it contains a provision for the ample protection of the timber lands, at any rate.

Mr. TURNER of Georgia. Is not the gentleman mistaken about that?

Mr. LACEY. I say that there is a provision for the protection of the timber lands.

Mr. TURNER of Georgia. The gentleman stated that it was provided in the bill that no timber lands should be leased.

Mr. LACEY. That was an incorrect statement which I corrected immediately afterwards. The provision is that there shall be no cutting of the timber.

As I understand it, some of these timber lands are excellent grazing lands, and very desirable for leases on that account; but the bill provides that it shall be unlawful to cut, remove, appropriate, or in any way interfere with the timber on the lands. The bill also limits the amount of land which may be leased to any one person, corporation, etc., to one section.

Mr. TURNER of Georgia. If the gentleman will pardon me. Suppose the lands leased are altogether timber lands, to what use can they be subjected unless the timber is removed?

Mr. LACEY. They can be used for grazing purposes. As I have just said, I understand that in some parts there are portions of the timber lands where grass grows suitable for grazing purposes, and the lands are available for leasing for that purpose.

Mr. TURNER of Georgia. What remedy is there for depredating upon the timber?

Mr. LACEY. By the general law there is ample protection already in that regard. But the provision of the pending bill does not give to the lessees any right to cut the timber.

Mr. TURNER of Georgia. Would depredations on the timber void the lease?

Mr. LACEY. Not necessarily, in my opinion——

Mr. TURNER of Georgia. Ought not that to be the case?

Mr. LACEY. But the man who cuts the timber would be sent to the penitentiary. It is a penitentiary offense, and he is also subjected to a heavy fine; so I think there is ample protection in this regard.

The only difficulty in connection with the matter, I ought to say, was this: Whether or not the manner in which the first bill was drawn would confer upon the lessees a right, without being subject to penalties, to cut the timber; and that, in the opinion of the committee, has been effectually removed by the bill in its present form.

I also call your attention to the following statement of Secretary Smith in regard to the bill. He says:

If this bill were amended so as to exclude the leasing of timber land or prohibit the cutting of timber on leased timber land, and also limit the quantity which could be leased to any one concerned and the duration of the lease, its objectionable features would be eliminated.

An attempt has been made to carry out every suggestion made by the Secretary, and there is no desire on the part of anyone to allow the leases to culminate in the cutting of the timber. I do not think myself that the original bill could possibly have been used to accomplish that purpose; that is to say, that under its provisions the timber could not have been cut either; but we will forego that point and make it absolutely certain by the adoption of the bill in its present form.

I think there was no question under the former bill and that the provisions as to timber were not necessary, but there can be no objection to inserting them.

Mr. TURNER of Georgia. My friend from Iowa will remember that on a former occasion, when the House was considering the veto message of the President, it appeared that the President objected to the bill because it provided that these leases should not be submitted to the Secretary. On examining this bill I find that that provision still remains in it.

Mr. LACEY. Yes.

Mr. TURNER of Georgia. Why would it not be well to strike that out?

Mr. LACEY. Because the Secretary did not want it stricken out, and because that really was not the objectionable feature of the bill.

Mr. TURNER of Georgia. Does that appear in the letter that you hold in your hand?

Mr. LACEY. Here is what the Secretary says:

House bill 2769 was not referred before its passage by the House and Senate to this Department for consideration. When the bill came here from the President, in the short time allowed for report, all that was done by the Department was to see that the bill complied substantially with the Oklahoma law. No opportunity was afforded to consider the question as to whether reasons existed for a different rule in Arizona from that which was working satisfactorily in Oklahoma.

That explains why he sent the former bill to the President with the departmental approval.

He further says:

Since that time the attention of the Department has been called by numerous communications from Arizona and by an investigation of the facts to the heavily timbered condition of a considerable portion of the school lands in Arizona. It would be undoubtedly a mistake to allow this timbered land leased and the timber cut from it. If the bill were changed so that it would go into effect only after the legislature of Arizona had an opportunity to make regulations controlling the leasing of the lands, there would be no serious objection to it. On the other hand, if the bill were amended so as to exclude the leasing of timber land or prohibit the cutting of timber on leased timber land, and also limit the quantity which could be leased to any one concern and the duration of the lease, its objectionable features would be eliminated.

The protests from Arizona come from a great variety of people, Democrats and Republicans, and men who (many of them from my own knowledge) must be moved entirely by a desire for the good of the Territory. In view of these facts, I do not think it safe for the bill in its present form to become a law. Had the bill, before its passage, been referred to this Department, I have no doubt that investigation would have suggested in advance these modifications.

I inclose herewith copy of a communication from the Commissioner of the General Land Office, dated the 5th instant, on this subject, to which I respectfully invite your attention; also to the letter from the chief of the drafting division of the General Land Office.

Very respectfully, HOKE SMITH, *Secretary.*

Now, the Senate Committee on Public Lands have attempted to comply fully with what they understand to be the wishes of the Secretary of the Interior, and, as I am informed, they do not understand that the departmental approval of the leases is desired by the Secretary of the Interior; and although the message in terms referred to that as an objection, that was referred to incidentally and without the knowledge on the part of the President that a different provision had been inserted in the Oklahoma bill at the request of the Department of the Interior. This bill, as I understand, will meet all the objections of the Interior Department to the former bill.

Mr. TURNER of Georgia. Are the safeguards provided in this bill for the protection of the timber known to the Secretary and approved by him? Has the draft of the bill on this subject been submitted to him?

Mr. LACEY. I can not say as to that. This bill in its present form originated in the Senate.

Mr. TURNER of Georgia. It would be more satisfactory to me if the bill had prohibited the leasing of the timber lands.

Mr. LACEY. That was a subject of conference with the Delegate from that Territory, and he informs me that there is a very large area of that land that is good grazing land, but is covered also with timber, and there would be a considerable loss of revenue if the leasing of the timber land was entirely done away with.

Mr. MURPHY of Arizona. I can explain that. The University of Arizona had these 72 sections reserved for it, and every acre of the land is good for summer grazing. There is no underbrush among the trees, and it is good grazing land. Unless it can be leased for grazing purposes there will be no income to the university, and the university desires something from these lands. It would utterly eliminate any income from these lands if they could not be leased at all simply because there is timber upon them. Every acre of these lands is good for summer grazing.

Mr. BOWERS. There is nothing in the bill that allows the cutting of timber?

Mr. MURPHY of Arizona. No; we are as anxious to prohibit the cutting of timber as anybody.

I think no one has any objection to the bill, and I ask that it be put upon its passage.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. ALLEN of Utah, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS CORPUS CHRISTI CHANNEL.

Mr. SAYERS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3549) authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings Ship Channel, in Aransas County, Tex.

The bill was read. It provides that the Aransas Harbor Terminal Railway Company, a corporation chartered under the laws of the State of Texas, is authorized and empowered to erect, construct, maintain, and operate a bridge over and across the Corpus Christi Channel, known as the Morris and Cummings Ship Channel, in Aransas County, Tex. Said bridge shall be constructed to provide for the passage of railway trains on and over a double or single track, as said Aransas Harbor Terminal Railway Company may elect, etc.

Mr. SAYERS. Mr. Speaker, I will state for the information of the House that this bill was introduced by my late colleague, Mr. Crain. The Committee on Commerce referred it to the Secretary of War, and the Chief of Engineers and the Secretary of War have reported favorably upon the bill. It has been unanimously reported by the committee. If the House desires, I will have the report read, but it is substantially as I have stated.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SAYERS, a motion to reconsider the last vote was laid on the table.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and joint resolutions were taken from the Speaker's table and referred by the Speaker as follows:

Joint resolution (S. R. 98) directing the Secretary of War to submit a plan and estimates for the repairs and maintenance of the harbor at Stillwater, Minn.—to the Committee on Rivers and Harbors.

Joint resolution (S. R. 99) authorizing the immediate use of a portion of the unexpended balance of appropriations heretofore made for construction of canal and locks at the Cascades of the Columbia River in construction of protecting walls necessary to the opening of said canal and locks to navigation—to the Committee on Rivers and Harbors.

Joint resolution (S. R. 103) directing the Secretary of War to submit estimates of cost of further improvement of Providence River and Narragansett Bay, Rhode Island—to the Committee on Rivers and Harbors.

The bill (S. 1256) to increase the limit of cost for the erection of a public building in Camden, N. J.—to the Committee on Public Buildings and Grounds.

The bill (S. 191) granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State—to the Committee on the Public Lands.

The bill (S. 1835) to execute the findings of the Court of Claims in the matter of the claim of John J. Shipman against the United States—to the Committee on Claims.

The bill (S. 2347) for the relief of Laura C. Dodge—to the Committee on Pensions.

The bill (S. 2129) granting an increase of pension to Annie E. Nolan—to the Committee on Invalid Pensions.

The bill (S. 1975) granting a pension to Mrs. Julia Jones Duncan, widow of Bvt. Maj. Gen. Samuel A. Duncan—to the Committee on Invalid Pensions.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 5286) providing for disposal of lands lying within the Fort Klamath hay reservation not included in the Klamath Indian Reservation, in Oregon.

The message also announced that the Senate had passed with amendments the bill (H. R. 4463) to grant two condemned cannon and cannon balls to the Thirteenth Separate Company National Guard of State of New York; in which the concurrence of the House was requested.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5564) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

The message also announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 2482) authorizing and directing the Secretary of the Navy to loan two condemned cannon to the Confederate Home of Missouri, located at Higginsville, Lafayette County, Mo.;

A bill (S. 2187) to pension Thomas F. Leahy;

A bill (S. 2132) for the relief of settlers upon lands within the indemnity limits of the grant to the New Orleans Pacific Railway Company;

A bill (S. 2037) to provide times and places for holding terms of United States courts in Utah;

A bill (S. 2032) to grant right of way over the public domain for pipe lines in the States of Colorado and Wyoming;

A bill (S. 1989) to authorize the payment to Rear-Admiral John H. Russell of the highest pay of his grade;

A bill (S. 1872) authorizing the Secretary of the Treasury to exchange in behalf of the United States the tract of land at Choctaw Point, Mobile County, Ala., now belonging to the United States and held for light-house purposes, with the Mobile, Jackson and Kansas City Railroad Company for any other tract or parcel of land in said county equally well or better adapted to use for light-house purposes;

A bill (S. 1806) granting a pension to George B. Custer, late sergeant of Company H, Seventy-third Regiment Indiana Volunteer Infantry;

A bill (S. 1796) making an appropriation for reconnoissance of the mouths of the Yukon River, in Alaska;

A bill (S. 1726) to approve and ratify the construction of a bridge across the Red River, between the States of Arkansas and Texas, at a point above the town of Fulton, in Arkansas, on said river, built by the Texarkana Northern Railway Company, but now owned and operated by the Texarkana and Fort Smith Railway Company, and to authorize the latter company to maintain said bridge over said waterway, subject to certain stipulations and conditions;

A bill (S. 1723) to approve and ratify the construction of a bridge over and across Caddo Lake at Mooringsport, La., by the Kansas City, Shreveport and Gulf Railway Company;

A bill (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company;

A bill (S. 1506) for the relief of Holmes & Leathers;

A bill (S. 1312) to aid in the erection of a monument to the memory of Gen. William Smallwood and the soldiers of the Maryland Line in the war for American independence;

A bill (S. 1119) granting a pension to Peter Daly;

A bill (S. 662) for the relief of William S. Grant;

A bill (S. 644) to refund certain import duties;

A bill (S. 637) granting a pension to George M. Brooks;

A bill (S. 314) for the relief of Eunice Tripler, widow of Charles S. Tripler; and

A bill (S. 177) granting an increase of pension to Sophia D. Clendenin.

FOURTH-CLASS POSTMASTERS.

Mr. LOUD. Mr. Speaker, I am directed by the Committee on the Post-Office and Post-Roads to present the following privileged report.

The Clerk read as follows:

Resolved, That the Postmaster-General be requested to furnish this House at an early date the following information in regard to the salaries of fourth-class postmasters, to wit:

Number of fourth-class postmasters whose salaries are $50 per annum or less, and the aggregate amount of the same.

Number of fourth-class postmasters whose salaries exceed fifty and are not above one hundred dollars per annum, and the aggregate amount of the same.

Number of fourth-class postmasters whose salaries exceed one hundred and are not above two hundred dollars per annum, and the aggregate amount of the same.

Number of fourth-class postmasters whose salaries exceed two hundred and are not above five hundred dollars per annum, and the aggregate amount of the same.

Number of fourth-class postmasters whose salaries exceed five hundred and are not above nine hundred and ninety-nine dollars per annum, and the aggregate amount of the same.

The report was read, as follows:

The Committee on the Post-Office and Post-Roads report that they have considered this resolution, and report the same back to the House with the recommendation that it do pass.

The SPEAKER. The question is on agreeing to the resolution.

Mr. TALBERT. Mr. Speaker, I would like to ask the gentleman the object of the resolution—if it looks to an increase of the pay of fourth-class postmasters?

Mr. LOUD. I will say to the gentleman that the object sought to be attained here, I believe, is that the House may know the salaries received by the different grades of the fourth-class postmasters. Possibly the ultimate object is to pay a salary to fourth-class postmasters, if I understand the object. The gentleman from Louisiana introduced the resolution.

The resolution was agreed to.

On motion of Mr. LOUD, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

SAFETY OF EMPLOYEES AND TRAVELERS.

Mr. BENNETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5828) to amend an act entitled "An act to promote the safety of employees and travelers," etc., approved March 2, 1893.

The bill was read, as follows:

Be it enacted, etc., That section 6 of an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, be amended so as to read as follows:

SEC. 6. That any such common carrier using any locomotive engine, running any train, or hauling or permitting to be hauled or used on its line any car in violation of any of the provisions of this act, shall be liable to a penalty of $100 for each and every such violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred; and it shall also be the duty of the Interstate Commerce Commission to lodge with the proper district attorneys information of any such violations as may come to its knowledge: *Provided*, That nothing in this act contained shall apply to trains composed of four-wheel cars or to trains composed of eight-wheel standard logging cars where the height of such car from top of rail to center of coupling does not exceed 25 inches, or to locomotives used in hauling such trains.

The amendment recommended by the committee is as follows:

In line 29, after the word "trains," insert the following: "when such cars or locomotives are exclusively used for the transportation of logs."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BENNETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

QUAY AND DOCK CHARGES ON FLOUR IN LONDON.

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent for the adoption of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Whereas it is represented that American flour exported to London, England, is subjected to severe and unjust discrimination in quay and dock charges imposed and burdensome regulations as to the time flour cargoes may remain on quays and docks: Therefore

Resolved, That the Committee on Interstate and Foreign Commerce be instructed to inquire into the truth of the above representations, and if found to be true to report to this House what legislation, if any, is necessary to relieve American flour from such discriminations and burdens.

The SPEAKER. Is there objection to the consideration of the resolution?

Mr. CRISP. Has the resolution been reported by a committee?

The SPEAKER. It has not.

Mr. HOPKINS. Ought not the resolution to go to the Committee on Ways and Means, instead of the Committee on Commerce?

The SPEAKER. The Chair had an impression that the subject was under consideration by the Committee on Ways and Means.

Mr. HOPKINS. Yes, sir. I move an amendment to that, to substitute the Committee on Ways and Means for the Committee on Interstate and Foreign Commerce.

Mr. FLETCHER. I have no objection to that.

Mr. HEPBURN. Why should that be done?

Mr. HOPKINS. For the very reason that a subcommittee of the Committee on Ways and Means is at present investigating that very subject, and has had a number of gentlemen interested in the manufacture and export of flour before the committee. This House has already appropriated $1,500 for that investigation, which is now being carried on by the subcommittee on Ways and Means.

The SPEAKER. If objection is made the resolution can not be presented in this way.

Mr. CRISP. Permit me to ask the gentleman a question.

Mr. HOPKINS. If this resolution should be adopted or referred, I desire that it be referred to the Committee on Ways and Means.

Mr. CRISP. The question I desire to ask is, whether this should be considered until some committee of the House shall have recommended its adoption?

Mr. HOPKINS. I think not. I think the better course would be to refer it to the Committee on Ways and Means.

The SPEAKER. Is there objection to reference to the Committee on Ways and Means?

Mr. HEPBURN. I understand the subject is being inquired into by that committee, as stated by the gentleman.

Mr. HOPKINS. It is.

Mr. HEPBURN. There is no reason why there should be two investigations.

The SPEAKER. The Chair hears no objection to reference of the resolution to the Committee on Ways and Means, and it will be so referred.

WAGON AND MOTOR BRIDGE OVER THE MISSOURI RIVER AT ST. CHARLES, MO.

Mr. TRELOAR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5675) authorizing the construction of a wagon and motor bridge over the Missouri River at St. Charles, Mo.

The bill was read, as follows:

Be it enacted, etc., That Theodore Bruere, Henry B. Denker, A. F. Mispagel, O. J. Marten, C. W. Prosser, W. F. Bloebaum, B. L. Emmons, L. Ringe, A. Ruhge, J. F. Rauch, and Henry F. Pieper are hereby authorized to construct and maintain a bridge and approaches thereto across the Missouri River, between the city of St. Charles, Mo., and St. Louis County, Mo., at a point, at least one-third of a mile from any other bridge, to be selected consistent with the interests of river navigation. Said bridge shall be constructed to provide for the passage of wagons and vehicles of all kinds, street-railway cars, motor cars, animals, foot passengers, and for all road travel, for such reasonable rates of toll and under such reasonable rules and regulations as may be prescribed by the said parties and to be approved from time to time by the Secretary of War: *Provided*, That the said parties, or their successors and assigns, shall build and maintain at all times, as accessory works to said bridge, such booms, piers, dikes, guard fences, and similar devices as may be necessary, in the judgment of the Secretary of War, to insure at all times a permanent channel for sufficient distance above and below the bridge site, and for the guiding of rafts, steamboats, and other water craft safely under said bridge: *Provided further*, That the said parties, or their successors and assigns, shall maintain on said bridge, from sunset to sunrise, such lights and other signals as the Light-House Board shall prescribe.

SEC. 2. That said bridge shall not be built or commenced until the plan and specifications for its construction have been submitted to the Secretary of War for his approval, nor until he shall approve the plan and location of said bridge and accessory works; and if any change be made in the plan of construction of said bridge and accessory works at any time, such change shall be subject to the approval of the Secretary of War; and any change in the construction or any alteration of said bridge and accessory works that may be directed at any time by Congress or the Secretary of War, shall be made at the cost and expense of the said parties or their successors and assigns; that the said bridge shall be constructed without interference with the security and convenience of navigation of said river beyond what is necessary to carry into effect the rights and privileges hereby granted, and in order to secure that object the said parties, or their successors and assigns, shall submit to the Secretary of War, for his examination and approval, a design and drawings of said bridge and accessory works and a map of the proposed location, giving for the space of 1 mile above and 1 mile below such proposed location the topography of the banks of the river, with shore lines and soundings, and such other information as may be required for a full understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the construction of said bridge shall not be commenced.

SEC. 3. That said bridge shall be built as a high bridge with an unbroken and continuous span, all spans over the waterway to have a clear channel of not less than 400 feet and a clear headroom of not less than 55 feet above high-water mark; and the piers of said bridge shall be parallel with the current of said river and the bridge itself at right angles thereto.

SEC. 4. That the Secretary of War is hereby authorized and directed, upon receiving such plan and other information, and upon being satisfied that a bridge so built will conform to the requirements of this act, to notify the parties authorized to build the same that he approves of the same, and upon receiving such notification the said parties may proceed to erect said bridge, conforming strictly to the approved plan and location, and should any change be made in the plan of the bridge or accessory works during the progress of the work thereon, such change shall be likewise submitted for the approval of the Secretary of War.

SEC. 5. That any bridge built under this act and subject to its limitations shall be a lawful structure and shall be recognized and known as a post route, upon which, also, no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the street railways or public highways leading to the said bridge, and it shall enjoy the rights and privileges of other post roads in the United States, and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes.

SEC. 6. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within five years from the date thereon.

SEC. 7. That this act shall take effect and be in force from and after its passage; and the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments recommended by the committee were read, as follows:

On page 1, after the word "point," in line 9, strike out the rest of the line.

On page 2, section 2, after the word "the," in line 2, insert the words "location and"; and after the word "plans," in line 2, strike out the rest of the line, excepting the last two words. In line 3 strike out the words "submitted to" and insert the words "approved by." In the third line, after the word "war," strike out the rest of the line and insert the words "as hereinafter provided for." Strike out all of lines 4, 5, 6, 7, and the first two words in line 8.

On page 3 strike out all after the word "river," in line 14, and all but the last two words of line 15. In line 22 insert, after the word "surroundings," the words "and direction of current at medium high rates." After the first word in line 24 strike out the balance of the section, and add the following, viz:

"Said map and drawings shall be referred to a board of officers of the Corps of Engineers, United States Army, for examination and report, which board shall personally examine the site of the proposed bridge and shall hold a public session at some convenient point to hear all objections thereto, of which public session due notice shall be given by public advertisement; and if said board of engineers reports that the location selected or the plans presented are unfavorable to the interests of navigation the Secretary of War is authorized, upon the recommendation of said board, to require such changes in location or plans as may be deemed necessary to protect the interests of navigation; and said bridge shall not be constructed except in accordance with the plans recommended by said board and approved by the Secretary of War."

On page 3 strike out all of section 3 and insert the following in lieu thereof, so that section 3 shall read as follows:

"SEC. 3. That said bridge shall be built as a high bridge with unbroken and continuous spans, at least three of the spans over the waterway to give a clear channel width of not less than 400 feet at low-water surface and clear headroom of not less than 55 feet above high-water surface; and the piers of said bridge shall be parallel with the current as near as possible at high stages of the river."

On page 3, section 4, strike out all after the word "receiving," in the second line, and insert the words "the report of the Board of Engineers." In line 3, section 4, substitute "the" for "a," between the words "that" and "bridge," and after the word "bridge," in the third line, strike out the word "so" and insert the words "to be."

On page 4, section 4, line 8, strike out the words "be made," and in line 9, after the word "works," insert the words "become desirable." After the word "shall," in line 10, strike out the balance of the section and insert in lieu thereof the following: "Only be authorized when recommended by a board of engineer officers and approved by the Secretary of War." In line 4, page 4, section 6, strike out the word "thereon" and insert the word "hereof."

On page 5, section 7, strike out all of line 1 after the word "that" and the first six words in line 2, so that the section as amended shall read: "That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolutions; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed 12,000 additional copies of the report of the Board of Engineers relative to the construction and completion of the Nicaragua Canal, without maps, of which 4,000 copies shall be for the use of the Senate and 8,000 copies for the use of the House of Representatives.

Also:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 additional copies of Senate Document No. 17, of the first session of the Fifty-fourth Congress, being the memorial of the National Wool-growers' Association; of which 2,000 copies shall be for the use of the Senate and 3,000 copies for the use of the House of Representatives.

The message also announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the concurrent resolution of the Senate in regard to the "insurrection in Cuba," had insisted upon its disagreement to the amendment of the House of Representatives, had asked a further conference with the House, and had appointed Mr. SHERMAN, Mr. MORGAN, and Mr. LODGE as the conferees on the part of the Senate.

BRIDGE ACROSS THE CALUMET RIVER.

Mr. ALDRICH of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill No. 2251, to authorize the construction of a bridge across the Calumet River. I have been instructed by the Committee on Interstate and Foreign Commerce to report the bill favorably and to ask for its immediate consideration.

The bill was read. It authorizes the Hammond and Blue Island Railroad Company, a corporation organized and existing under and by virtue of the laws of the State of Illinois, or its successors and assigns, to construct and maintain, under such conditions as may be prescribed by the Secretary of War, a bridge and approaches thereto across the Calumet River, in Cook County, in the State of Illinois, at a point on and opposite lot 6 in Snydacker & Ambs's Illinois addition to Hammond, in section 8, township 36 north, range 15 east of the third principal meridian; and provides that said bridge may be constructed for railway and postal service, with single and double track for railway traffic.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. ALDRICH of Illinois, a motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE I. SPANGLER.

Mr. STAHLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4424) to correct the military record of George I. Spangler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of George I. Spangler, late lieutenant of Company K, Two hundredth Regiment Pennsylvania Volunteers, in the late civil war, and grant him an honorable discharge.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. STAHLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

RICHARD W. JOHNSON.

Mr. KIEFER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5478) for the relief of Richard W. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the accounting officers of the Treasury Department are hereby authorized and directed, upon application being made by Richard W. Johnson for commutation of rations and of pay which accrued while the said Richard W. Johnson was in the Volunteer and Regular Armies of the United States, to pay said Richard W. Johnson, out of any money in the Treasury not otherwise appropriated, the sum found to be due him by the Paymaster-General of the Army under the principles of the decision of the Supreme Court of the United States in the Watson case and other decisions relating to longevity pay of army and navy officers.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. CANNON. I object.

ORDER OF BUSINESS.

Mr. BABCOCK. This being District day under the rules, I call up the business of the District of Columbia, and I ask for the present consideration of the bill (H. R. 227) requiring bills of sale, conditional sales, mortgages, or deeds of trust of chattels in the District of Columbia to be recorded.

BILLS OF SALE, ETC., IN THE DISTRICT OF COLUMBIA.

The bill was read, as follows:

Be it enacted, etc., That in the District of Columbia no bill of sale, conditional sale, mortgage, deed of trust, or any conveyance, in whole or in part, of personal property or chattels, through or by which title is claimed to, or a lien or claim is retained or created in, such personal property or chattels, shall be good or valid against a subsequent innocent purchaser for value unless such bill of sale, conditional sale, mortgage, deed of trust, or other writing has been duly recorded in the office of the recorder of deeds in said District prior to the sale to such innocent purchaser.

Amendments recommended by the Committee on the District of Columbia were read, as follows:

Line 5, after the word "chattels," insert "where the property has not been delivered."

Line 9, after the word "value," insert "and without notice."

Line 11, after the word "recorded," insert "delivered for record."

Line 13, after the word "purchaser," add "and all such instruments shall take effect and be valid from the time when such instruments shall have been delivered to the recorder for record, and the recorder shall indorse on each instrument aforesaid the exact time and hour of delivery of the same to him to be recorded."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES LINSKEY.

Mr. BABCOCK. Mr. Speaker, I call up for present consideration the bill (H. R. 1861) for the relief of James Linskey from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens.

The bill was read, as follows:

Be it enacted, etc., That all real estate lying in the District of Columbia heretofore purchased by and conveyed to James Linskey, of said District, prior to the passage of this act, be relieved and exempted from the operation of the act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," approved March 3, 1887; and all forfeitures incurred by force of said act are, in respect of such real estate, hereby remitted.

Mr. HOPKINS. Mr. Speaker, I would like to hear the report on that bill, and I would also like to know why it is that this foreigner should be exempted from the operation of the general law.

Mr. HULICK. The facts of the case are set out quite fully in the report, which I will ask the Clerk to read.

The report (by Mr. HULICK) was read, as follows:

The Committee on the District of Columbia, to whom was referred a bill (H. R. 1861) for the relief of James Linskey, report the same to the House with favorable recommendation.

The facts in this case are set forth in the following petition:

To the Senate and House of Representatives of the United States of America in Congress assembled:

The petition of James Linskey, a citizen of the United States and a resident of the District of Columbia, represents:

That he has been a resident of said District for the last thirty years; that he was born in County Mayo, Ireland, in the year 1840, and came to the United States in the year 1863; and that in 1867 he was married to one Jane Kain, in the District of Columbia; that upon his arrival in this country he immediately established himself in business, and is now engaged in the business of painting, with his son, at 814 Nineteenth street NW.

Petitioner further states that since he came to this country it has never been his intention to retain his allegiance to any other Government, and it has always been his bona fide intention to remain a citizen of the United States and to make his home here in the city of Washington; and to that end, in the month of August, 1889, he purchased a house and lot, in which he now resides, No. 2816 N street NW., being lot 4, square 43, in Alexander Shepherd's subdivision in Georgetown, now West Washington, D. C. At the time he purchased said house and lot for his home he did not know of the provisions of the act of March 3, 1887, entitled "An act to restrict the ownership of real estate in the Territories to American citizens, etc.," (24 Stat., 476), and it was not until the year 1893, when he was summoned on a jury and interrogated by the court, that he was advised of the disability that existed; whereupon petitioner at once took steps to become a citizen, and in the month of May, 1894, he declared his intention of being naturalized as a citizen of the United States in the supreme court of the District of Columbia.

Petitioner further states that at the time he purchased said house in 1889 he, in good faith, executed and gave a mortgage or deed of trust to secure the deferred payments on the purchase price, and now, as the title of your petitioner to the real estate aforesaid is clouded by reason of the act of Congress herein referred to, he prays that said real estate, which may be forfeited under the provisions of said act, be relieved and excepted from the operation thereof, and for that purpose that the annexed act be passed.

Petitioner is a poor man, and if the provisions of the act of March 3, 1887, are enforced against him it would be a great hardship to him, as he purchased his house in good faith for a home for himself and family.

JAMES LINSKEY.

The Commissioners of the District of Columbia recommend favorable action upon the bill. The committee therefore recommend the passage of the bill.

Mr. HOPKINS. Does the law prohibiting aliens from holding real estate in the District of Columbia or in the Territories preclude those who duly declared their intention of becoming citizens of the United States?

Mr. HULICK. I presume not, though I can not answer definitely on that point.

Mr. HOPKINS. If it does not, I see no reason why this bill should be passed. The report shows that this man has lived here for thirty years and enjoyed all the benefits of free government without any of the inconveniences of American citizenship.

Mr. HULICK. I will state the facts of the case, and I think they will satisfy the gentleman from Illinois that this bill should be passed. This man has been living here about thirty years. In 1876 he married in this District, and since that time he and his son have been engaged here in the business of painting. In 1889 he purchased this property, the title of which will be placed in jeopardy if this bill is not passed. He resides on the property. He was not aware, as he sets out in his petition, of the existence of the law until 1893, when he was called to sit as a juror, and he then learned that he was not legally the owner of real estate.

Mr. HOPKINS. As a matter of fact, when he was called as a juror did not he raise the point that he could not be compelled to serve as a juror because he was a foreigner?

Mr. HULICK. I am not advised, nor is the committee advised, whether he raised that question, or whether the attorneys in the case raised it. It was, however, determined at that time that he was not qualified to sit as a juror.

Mr. HOPKINS. What excuse does he give for living in this country and enjoying the benefits of our free institutions for thirty years without ever attempting to become a citizen?

Mr. HULICK. He alleges that it was never his intention to bear allegiance to any other Government, and he filed his application for citizenship in 1894.

Mr. HOPKINS. Does he give any reason why he did not years ago make application to become an American citizen?

Mr. HULICK. The gentleman will remember that this man was a citizen of the District of Columbia, where the right of suffrage is not enjoyed and where people are not called upon to qualify themselves for it.

Mr. HOPKINS. Ah, but the right of suffrage did exist here. There was a time since this man was a citizen of the District when the right of suffrage was enjoyed here, when the District had representation in Congress and the people here had the right to vote.

Mr. HULICK. I believe my friend is right about that; but here is this man, a good citizen, who owns this property——

Mr. HOPKINS. But is he a good citizen if he has lived here that length of time without ever attempting to become a real American citizen until he found out that it was necessary to do so in order to protect his interests?

Mr. HULICK. All questions as to this man's character as a citizen and his relations to this Government were presented to the committee in a way which impressed them favorably. If the gentleman from Illinois questions the man's intention and his character and qualifications simply because he failed to make application for citizenship years ago, of course that is a matter for the gentleman himself.

Mr. HOPKINS. The gentleman has stated that this man has now made application to become a citizen?

Mr. HULICK. Yes, sir.

Mr. HOPKINS. I understood the gentleman also to say that becoming a citizen will, under the terms of the law, relieve him from the penalties that have been incurred.

Mr. HULICK. I do not understand that if he becomes a citizen his title to this real estate is thereby cured. He is a foreigner to all intents and purposes so far as the title to this real estate is concerned. Under the statute the title could not lawfully vest in him. He purchased this property some years ago and has lived there, performing the part of an honest, industrious citizen. He made the purchase in good faith. He is a poor man. At the time of the purchase he executed a mortgage, and his disability as a foreigner affects not only his title, but also the title of the mortgagee.

Mr. HOPKINS. I wish to put another question to the gentleman from Ohio [Mr. HULICK], who, I understand, is an able lawyer. If under the provisions of the law of 1887 a foreigner can not acquire title to real estate in the District of Columbia or any of the Territories, then how will this bill relieve this man from any of the inconveniences referred to in the report? In other words, will not the attempt to convey title to him be void?

Mr. HULICK. The object of this bill, as expressly stated in the bill, is this:

And all forfeitures incurred by force of said act are in respect of such real estate hereby remitted.

The gentleman will see there is a special provision remitting any of these forfeitures bearing upon the title to this property.

Mr. HOPKINS. What is the value of the property?

Mr. HULICK. I can not tell. It is the home in which this man lives. He and his son are engaged in the business of painting in this city.

Mr. HOPKINS. Is the gentleman satisfied that it is this man's fixed purpose now to become a citizen?

Mr. HULICK. We have no doubt about it at all. The committee has reported the bill favorably; and it is also indorsed by the Commissioners of the District of Columbia. We have heard evidence, and we know no reason, legal or otherwise, why the bill should not become a law. In fact, the bill does nothing more than an act of justice.

Mr. LITTLE. How much property is involved in the bill?

Mr. HULICK. There is a house and lot.

Mr. LITTLE. A residence?

Mr. HULICK. Yes, sir. It is used only as a residence. This man bought it in good faith in 1889 and executed a mortgage on it. Since that time he and his son have been engaged in the business of painting, trying to make an honest living, trying to raise the funds with which to pay off the mortgage. When he was advised that he could not hold title to real estate in this District and that his property was jeopardized, he made application in 1894 to become a citizen, and in May, 1896, he will be entitled to citizenship.

Mr. LITTLE. Does the evidence show that that was the first evidence he had of the existence of the law?

Mr. HULICK. The evidence shows that he knew nothing about the bearing of this statute upon the title of his property until he was called as a juror, and in consequence of the facts which were developed in the investigation of his qualification as a juror he was advised that the title to his property was in question; that, in fact, he did not own it under the law of 1887.

Mr. HEPBURN. A remark made a moment ago by the gentleman from Ohio [Mr. HULICK] would seem to indicate that this bill is really in the interest of the mortgagee.

Mr. HULICK. Not wholly; both the mortgagee and the mortgagor desire to have the title perfected.

Mr. HEPBURN. Is it not the mortgagee alone who is now moving in this matter?

Mr. HULICK. Not at all. The committee does not know who the mortgagee is. All that we were advised of was that this man had executed a mortgage to secure a part of the purchase money which he had agreed to pay for the property. We do not know who the mortgagee is.

Mr. GROUT. Will the gentleman state the amount of the mortgage as compared with the value of the property?

Mr. HULICK. No evidence was produced before the committee as to the proportion of purchase money represented by the mortgage and the amount still remaining due.

Mr. BABCOCK. Let me say to the gentleman from Vermont [Mr. GROUT] that the question as to the value of the property and the amount of the mortgage was not necessarily considered by the committee. This property, which is this man's home, is No. 2816 N street. He practically has no title to it. This House has passed a bill of precisely similar character to this in a case attended by similar circumstances, and this same bill was passed in this House in the last Congress, but it failed to pass the Senate because of lack of time. The committee has no doubt as to the propriety of the passage of the bill. I call for a vote.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

STANDARD SIZE OF DRY MEASURES, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up for present consideration the bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That it shall not be lawful for any person, under a penalty of $2 for each offense, to be recovered in the police court of the District of Columbia, in the name of said District, in the same manner as other fines and penalties are recovered, to use any bushel, half-bushel, peck, half-peck, or quarter-peck measure unless the same be of the dimensions following, to be measured from inside to inside, to wit: Every bushel measure shall not be less than 15½ inches in diameter at the top, 14½ inches in diameter at the bottom, 12¾ inches deep, and the staves three-fourths of an inch in thickness. Every half-bushel measure shall not be less than 12½ inches in diameter at the top, 11½ inches in diameter at the bottom, 9¾ inches deep, and the staves at least 1 inch thick. Every peck measure shall not be less than 10 inches in diameter at the top, 9½ inches in diameter at the bottom, 7¾ inches deep, and the staves three-fourths of an inch in thickness. Every half-peck measure, when joined to the peck, shall not be less than 8½ inches in diameter at the top, 9½ inches in diameter at the bottom, 4¾ inches in depth, and the staves five-eighths inch thick; and every one-half peck measure, when made separate from the peck, shall not be less than 9½ inches in diameter at the top, 8½ inches in diameter at the bottom, 4¾ inches deep, and the staves five-eighths inch thick. Every quarter-peck measure shall not be less than 6½ inches in diameter at the top, 5½ inches in diameter at the bottom, 4¾ inches deep, and the staves one-half inch in thickness.

SEC. 2. That the lawful weight of a bushel of potatoes shall be 56 pounds, and that hereafter all sales thereof shall be made by weight.

The report (by Mr. CURTIS of Iowa) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes, having fully considered the same, report it to the House with the following amendments, and as so amended recommend that the bill do pass:

In line 4 of section 1 strike out the word "two" and insert in lieu thereof the word "five."

At the end of section 2, and as part thereof, insert the following: "Any violation of this section shall be subject to the same penalty as that provided for in section 1."

A draft of the bill was submitted by the Commissioners of the District on February 29, 1896:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA.
Washington, February 29, 1896.

DEAR SIR: The Commissioners of the District of Columbia have the honor to recommend the introduction in the House of the inclosed draft of "A bill defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes."

Very respectfully,
JOHN W. ROSS,
President Board of Commissioners, District of Columbia.

Hon. J. W. BABCOCK,
Chairman Committee on District of Columbia,
House of Representatives.

There is at present no law in the District of Columbia by which the shape and size of dry measures are regulated or defined. The measures conform to no standard, and frauds are of daily occurrence in the markets, amounting in the aggregate to a large sum. The proposed law is for the protection of buyers against the sharp practices of dishonest dealers.

Mr. HENDERSON. Mr. Speaker, I hope the gentleman will give us some statement as to the purpose of this bill.

Mr. CURTIS of Iowa. Mr. Speaker, the committee has endeavored to state definitely the reasons for the passage of this bill and the necessity for the legislation proposed in the report which has been read.

The dry measures in the District of Columbia do not conform to

any standard size; and the committee was informed that fraud was of daily occurrence. The bill is suggested for the protection of the honest dealers against frauds which have frequently occurred within the District, there being no law now in the District whatever by which the shape and size of the dry measures in use shall be regulated. Therefore, this bill may be said to be for the protection of all buyers and also for the protection of all honest dealers.

The bill was suggested by the Commissioners of the District of Columbia. It was carefully considered by the committee, and is recommended unanimously for passage at this time.

Mr. BAKER of New Hampshire. If the gentleman will permit me, I desire to ask him a question. I notice that the bill provides for the size of the several dry measures, defining that they shall not be less than so and so in size. What provision has the committee made to prevent the local dealers from having measures of a larger size to use in purchasing from the countryman—the producer?

Mr. CURTIS of Iowa. Well, the committee thought it unnecessary to guard against a contingency of that sort, which is not likely to arise. The bill provides, the gentleman will observe, for the minimum measures——

Mr. BAKER of New Hampshire. It provides for the minimum measure, and is all right as between the merchant or market man and the local grocery man and the consumer or boarding-house keeper or citizen of the District of Columbia. But what will prevent such dealer from having another measure of a larger size, one exceeding the limits fixed by this bill, from which to buy from the countryman who comes in, and thus commit a fraud against him?

Mr. CURTIS of Iowa. I will state, Mr. Speaker, that in the event of the passage of this bill it is presumed that the seller and buyer would be each fully informed as to the conditions of the act.

There are some committee amendments on which I ask a vote.

The amendments recommended by the committee were agreed to.

Mr. BAKER of New Hampshire. Mr. Speaker, I move to amend, in line 2, section 2, page 2 of the bill, by striking out the words "fifty-six" and inserting "sixty."

The purpose of the amendment is this: The dealers in the District of Columbia always buy potatoes at 60 pounds to the bushel and retail them at 56 pounds to the bushel. This simply cures that, and requires them to retail them at the same weight at which they purchased.

Mr. CURTIS of Iowa. I think there will be no objection on the part of the committee to the amendment offered by the gentleman from New Hampshire.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. CURTIS of Iowa, a motion to reconsider the last vote was laid on the table.

SEALERS OF WEIGHTS AND MEASURES, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up for present consideration the bill (S. 990) to amend section 9 of an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes."

The bill was read, as follows:

Be it enacted, etc. That section 9 of the act approved March 2, 1895, entitled "An act for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," be, and the same is hereby, amended, so as to read as follows:

"SEC. 9. That no person shall use for buying or selling, or for weighing freight or express matter, any weights, measures, scales, or other instruments, unless the same shall have been examined and approved by the sealer or assistant sealer of weights and measures. The fact and the date of such examination and approval and the period for which such examination and approval shall hold good shall be certified to with the seal of the sealer of weights and measures. Such certificates shall be attached in a conspicuous place to the weights, measures, scales, or other instruments so examined and approved, and such certificate shall be valid only for such time as the Commissioners of the District of Columbia shall provide in the schedule of fees hereinafter provided for: *Provided*, That nothing herein contained shall prevent at any time the examination and condemnation of any weights, measures, scales, or other instruments that may be found defective. The Commissioners of the District of Columbia shall prescribe the amount of tolerance to be allowed by the sealer of weights and measures, and all weights, measures, and balances that do not conform to the standards for weights and measures in this act provided for within the limit of tolerance so allowed may be seized by the sealer of weights and measures, and when so seized shall be destroyed by him, and a record of the same shall be duly entered on the books of his office. Failure to comply with the provisions of this section, or the use of any weights, measures, scales, or other instruments described in this section, before the payment of the fees fixed by the said Commissioners for examinations, shall render the person so failing or using liable to a fine of not more than $20 and costs of prosecution for each offense, to be recovered in the police court of the District of Columbia; and the said court may make a further sentence that the offender be imprisoned in the District jail for any period not exceeding six months until the payment of such fine and costs."

Mr. BABCOCK. I ask for the reading of the report accompanying the bill.

The report (by Mr. RICHARDSON) was read, as follows:

The Committee on the District of Columbia have considered the bill (S. 990) to amend section 9 of an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," and report same with the recommendation that it do pass.

The reasons for this measure are correctly set forth in the Senate report on said bill, which is hereto attached and made a part of this report:

[Senate Report No. 231, Fifty-fourth Congress, first session.]

The Committee on the District of Columbia, to whom was referred the bill (S. 990) to amend section 9 of an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," after a full consideration, make a favorable report thereon.

Section 4 of the act in question directs the Commissioners of the District of Columbia to adopt a schedule of fees to be collected by the sealer of weights and measures for his services in making examinations the object being to make the office self-supporting.

Section 9, as it now stands, requires all scales and measures to be stamped once, but does not provide for future examinations.

The courts having decided that no penalty attaches to a failure to pay the fees prescribed, and that one examination does not prevent a subsequent tampering with the weights and measures, the bill remedies these two defects by prescribing a penalty for failure to pay the fees, and also gives the sealer power to make examinations whenever he sees fit.

Since the introduction of the bill two other defects have been found in the law. There is no provision for seizing weights and measures condemned, and hence no way of preventing the reuse of false weights. The sealer of weights and measures stated to the committee that hucksters on the streets are accustomed to watch for his appearance and to hide their false weights and measures when he comes in sight, so as to use them again when he disappears. An amendment prepared by the committee aims to prevent this class of frauds by providing that the sealer of weights and measures may seize and destroy false measures and weights.

Again, it has been decided by the law officers that cases arising under the law as it now stands must be brought before the United States courts, whereas, obviously, they belong to the District courts. An amendment covers this point also.

Mr. BABCOCK. Mr. Speaker, this bill was introduced to amend an act passed last year, and the intention is simply to make that law operative and cure the defects that experience has found to exist in it.

This question of weights and measures is one that for years the Commissioners have considered and struggled with in the District, and the committee proposed at the last session the bill to which I have already referred, which was passed, and thought it would cure the evil known at that time to exist. Actual experience, however, has demonstrated that the amendment which this bill proposes is necessary.

It is recommended by the sealer of weights and measures, by the Commissioners, and by all interested, except those who use false weights and measures. The statements in the report are so full that I think it unnecessary to detain the House longer by any further discussion of the matter, and I ask a vote.

The bill was ordered to a third reading; and being read the third time, it was passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

KATE WINTER.

Mr. BABCOCK. Mr. Speaker, I call up for present consideration the bill (S. 789) for the relief of Kate Winter.

The bill was read, as follows:

Be it enacted, etc., That the provisions of the act of Congress entitled "An act supplementary to an act entitled 'An act to authorize the construction of the Baltimore and Potomac Railroad in the District of Columbia,'" approved January 19, 1891, so far as the same authorized the acquisition by said railroad of land for the business of said company in square No. 739 in the city of Washington and District of Columbia be, and the same are hereby, repealed.

Mr. CURTIS of Iowa. Mr. Speaker, I desire that the report of the committee be read.

The report (by Mr. CURTIS of Iowa) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 6981) for the relief of Kate Winter, having considered the same, substitute therefor Senate bill 789, which passed the Senate of the United States March 5, 1896, and recommend that it do pass.

By act approved January 19, 1891, Congress gave to the Baltimore and Potomac Railroad Company the right to acquire square 739 in the city of Washington by condemnation. The company has not chosen to exercise this right and evidently does not intend, at least in the near future, to do so. In the meantime, Miss Winter's title is under a cloud, which renders the property valueless to her.

The Commissioners of the District recommend favorable action.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA.
Washington, March 10, 1896.

DEAR SIR: The Commissioners recommend favorable action on House bill 6981, for the relief of Kate Winter, which was referred to them at your instance for their examination and report. The object of this bill is to quiet Mrs. Winter's title to the land referred to in the bill by repealing the right of the Baltimore and Potomac Railroad Company to take her land by condemnation proceedings. Said company was authorized to acquire land for its business within certain limits specified in the act to authorize the construction of the Baltimore and Potomac Railroad in the District of Columbia approved January 19, 1891, and square 739 is within those limits.

Very respectfully,
JOHN W. ROSS,
President Board of Commissioners, District of Columbia.

Hon. J. W. BABCOCK,
Chairman Committee on the District of Columbia,
House of Representatives.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. CURTIS of Iowa, a motion to reconsider the last vote was laid on the table.

Mr. BABCOCK. Mr. Speaker, that is all the business which the District Committee desires to present to-day.

COMMISSIONS OF OFFICERS IN THE DEPARTMENTS.

Mr. BAKER of New Hampshire. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 732) to regulate the issue and recording of the commissions of officers in the several Departments.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CROWTHER. I object.

INTRODUCTION OF A RESOLUTION.

Mr. WALSH. Mr. Speaker, I offer the resolution which I send to the Clerk's desk, and ask to have it referred to the Committee on the District of Columbia.

The SPEAKER. The gentleman asks that it be referred?

Mr. WALSH. To the Committee on the District of Columbia.

The SPEAKER. It is not necessary to present it to the House. It should take the usual course.

THE DEATH PENALTY.

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 878) to reduce the cases in which the penalty of death may be inflicted. The bill is reported from the Committee on the Judiciary.

The bill was read, as follows:

Be it enacted, etc., That in all cases where the accused is found guilty of the crime of murder or of rape under sections 5339 or 5345, Revised Statutes, the jury may qualify their verdict by adding thereto "without capital punishment"; and whenever the jury shall return a verdict qualified as aforesaid the person convicted shall be sentenced to imprisonment at hard labor for life.

SEC. 2. That except offenses mentioned in sections 1342, 1624, 5339, and 5345, Revised Statutes, when a person is convicted of any offense to which the punishment of death is now specifically affixed by the laws of the United States, he shall be sentenced to imprisonment at hard labor for life, and when any person is convicted of an offense to which the punishment of death, or a lesser punishment, in the discretion of the court, is affixed, the maximum punishment shall be imprisonment at hard labor for life.

SEC. 3. That the punishment of death prescribed for any offense specified by the statutes of the United States, except in sections 1342, 1624, 5339, and 5345, Revised Statutes, is hereby abolished, and all laws and parts of laws inconsistent with this act are hereby repealed.

SEC. 4. That nothing herein contained shall apply to or in any way affect any proceeding or indictment now found or pending or that may be found for any offense committed before the passage of this act, and all offenses committed before the passage of this act shall be punished under the laws then in force: *Provided*, That juries may return qualified verdicts in such cases according to the provisions of section 1 of this act, and the sentences shall be imposed as therein provided.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COCKRELL. Mr. Speaker, I should like to have an explanation of that bill.

Mr. HENDERSON. I will say for the information of the gentleman from Texas that the reason why I bring this bill up at this time is because the Department of Justice is very anxious to have early action upon it. Under the present law there are a large number of criminal cases pending in which it will be impossible to get convictions under the death penalty. That is the reason why I am anxious to bring the bill up at this time, when we have no appropriation bill pressing for disposition to-day.

Mr. HOPKINS. I should like to ask the gentleman in charge of the bill if an arrangement can be made whereby we can consider this bill in Committee of the Whole? I am in favor of the idea of doing away with capital punishment, as indicated in that bill; but for one I should like to see various amendments adopted by which the jury trying a criminal may fix the penalty.

The SPEAKER. The Chair would suggest that this is not a bill that would go the Committee of the Whole; but at the same time, by consent of the House, it can be referred to that committee.

Mr. HENDERSON. Can I not couple with my request for unanimous consent a request that the bill be considered as in Committee of the Whole?

The SPEAKER. In the House, as in Committee of the Whole, or in Committee of the Whole?

Mr. HENDERSON. Either one. I want to give the fullest opportunity for discussion and amendment.

Mr. COCKRELL. I will say to the gentleman from Iowa that I should not oppose the passage of the bill if it were at a little later period, but I should like the law to remain as it is until we can dispose of the cutthroats and robbers that this Government is protecting down in the Indian Territory. After we settle with them I shall have no objection to the passage of the bill.

The SPEAKER. Is there objection to the present consideration of the bill in Committee of the Whole?

Mr. HENDERSON. I understand the gentleman from Texas objects to considering it under any circumstances at this time.

Mr. COCKRELL. No, I do not object.

Mr. HENDERSON. The gentleman from Texas does not object.

The SPEAKER. The Chair hears no objection.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, with Mr. HOPKINS in the chair.

Mr. HENDERSON. Mr. Chairman, I yield now to the gentleman from New York [Mr. CURTIS], the real father of this measure, who will take charge of this bill in Committee of the Whole.

Mr. CURTIS of New York. Mr. Chairman, I did not hear the grounds of the objection of my friend from Texas [Mr. COCKRELL] to the consideration of this bill, and therefore can not answer them.

I will state briefly its general provisions. It leaves intact the two sections of the statute governing the Navy and the Army, and does not modify the punishment provided in those sections, which are section 1342, prescribing articles of war for the government of the Army, and section 1624, prescribing articles of war for the government of the Navy.

It abolishes the death penalty as provided in section 4102, Revised Statutes, which gives to consuls in Algiers, the Barbary States, China, Japan, Madagascar, Morocco, Maskat, Persia, Siam, Tripoli, Tunis, and the islands of the South Pacific and Indian oceans, the power to try citizens of the United States or those sailing under her flag. The Ross case illustrated the evil of granting this power to consuls. An English subject who was enrolled on an American vessel was tried for a murder committed in a port in China, and was sentenced to death by the consulate court. He appealed to the President for clemency, and his sentence was commuted to imprisonment for life. On arriving at California, on his way to be incarcerated in the Albany Penitentiary, his attorney applied to the United States court for a writ of habeas corpus on the ground that he was deprived of his liberty in violation of the Constitution. That case was carried to the United States Supreme Court, where it was decided that Congress had the right to authorize consular officers beyond the limits of the United States to try without a jury persons sailing under the flag of the United States for offenses named in the statutes. The case was reported in the October term, 1890.

This bill retains the death penalty for the crimes of murder and rape. I presented to the House Committee on the Judiciary a letter dated December 23, 1895, from the district attorney for the eastern district of Texas, asking for the early passage of this bill, and before the cases of a number of criminals now held for trial in that court, which will be held at Paris, Tex., on the 6th of April, are brought to trial. This letter is published in the report of the Committee on the Judiciary, No. 108. He stated that he regarded it important that the provision of this bill be enacted as an aid to the administration of justice. Later, in a letter received from him, dated the 3d of March and published in the CONGRESSIONAL RECORD of March 10, when an effort was made to bring the bill before the House, he urges very strongly the enactment of the measure, in order that some punishment may be meted out to men guilty of murder, and yet under such circumstances that juries will fail to convict if the punishment is death.

I had a conversation with a prominent United States judge in one of the Eastern States in reference to the total abolition of the death penalty when a bill for that purpose was before the Fifty-third Congress, and he expressed doubts as to the advisability of the passage of such a bill; but meeting him again before the convening of this Congress, he stated that in a recent trial of a man for murder, in which there was no possible doubt as to his guilt, he had a hung jury because of the reluctance to convict when the punishment was death, and he then thought it desirable to pass a bill having the provisions of the one now under consideration.

I have said that this does not abolish capital punishment, but it will facilitate the administration of justice by the adoption of a principle which has been tried in many of the States of the Union—in almost all the Southern and Western States.

One gentleman said if this bill were passed it would totally abolish capital punishment. I could read from the report of the Committee on the Judiciary, if it were worth while to occupy the attention of the House, to show that they have a greater number of executions in those States that allow juries to decide, in proportion to the number of trials, than in States which do not permit juries to determine the punishment. So that persons who believe—as some men honestly do, but I think erroneously—that the death penalty is a preventive of crime will still have that punishment for murder and rape, which offenses constitute almost all that have for a number of years been committed for which the death penalty is prescribed. This bill will enable, as the district attorney from Texas says, the United States courts to punish murder and afford protection to the people of the Indian Territory which is now wanting by reason of the reluctance of juries to bring in verdicts which carry the penalty of death.

I think I have made all the explanation that is necessary in regard to the general provisions of this bill, but if anyone desires to ask questions about it I shall be glad to answer them.

Mr. CULBERSON. Mr. Chairman, I do not understand that the district attorney of the eastern district of Texas puts his advocacy of this bill upon the ground stated by the gentleman from New York. I understand that the district attorney says in his letter to the Committee on the Judiciary that there is no difficulty in securing convictions for murder in cases of deliberate and atrocious murder, where the killing is done with express malice; but, as the gentleman from New York understands and as we all know, under the laws of the United States there is no division of the offense of murder, so that a killing with express deliberation, with express malice, is punished the same as a killing with implied malice. In many of the States the offenses have been divided into murder in the first degree, meaning killing with express malice, and murder in the second degree, where the killing is without express malice.

Now, as I understand the district attorney, he insists that when a case is brought before a jury where the proof shows that the defendant did the act only with implied malice, malice implied from the circumstances, the jury is loath to convict him, for the reason that he must be sentenced to be hanged; but where the evidence shows that the killing was done with express malice, with deliberate purpose and with a sedate mind, I believe there never has been any trouble in convicting the man of murder. Now, the gentleman's bill facilitates conviction in cases of men charged with murder who the evidence shows committed the act with express malice, with deliberate purpose and a sedate mind; but if the evidence shows that the killing was merely with implied malice, then the jury are given discretion to say, "We find the defendant guilty without capital punishment." There are quite a number of murder cases pending upon the docket in that district——

Mr. CURTIS of New York. Seventy-three.

Mr. CULBERSON. That is, there are 73 cases of men charged with murder in the Indian Territory. Now, I undertake to say that three-fourths of those offenses were committed with what is called implied malice, for there are comparatively few cases of deliberate killing with express malice, and, as I understand the district attorney, he thinks that he may be able to convict a larger number of those charged with that offense and send them to the penitentiary under this bill if it shall become a law than he could convict under the law as it now stands.

Mr. Chairman, while I am on my feet, I desire to make a suggestion as to this bill, if the gentleman will pardon me. While I am in favor of the bill, and believe that it ought to pass, I think it contains one strange provision. It makes murder punishable by death in certain cases—that is, it makes murder punishable with or without capital punishment, as the jury may see proper—but it makes the crime of treason punishable simply by confinement in the penitentiary.

Now, while it is true that we have but little use for a law against treason, as we never commit that sort of crime in this country, still it seems to me that the offense ought to stand at the head of the calendar.

Mr. CURTIS of New York. Mr. Chairman, I accept the interpretation of the views of the district attorney for the eastern district of Texas, as expressed by the distinguished gentleman from that State [Mr. CULBERSON], who was for a long time the chairman of the Committee on the Judiciary, and from whose committee a bill containing substantially the provisions of this one was reported favorably in the Fifty-third Congress. The district attorney, as I understand it, is not opposed to capital punishment in cases of murder committed with premeditation, but he is in favor of the punishment of persons who commit crimes of a grave character, but now escape conviction because the punishment is death, if of a lesser degree than premeditated murder.

As to the gentleman's suggestion about treason, we have not had a successful trial for treason since 1800. We had them in 1795 and in 1800, but not since, and I think one of the reasons why we have had no successful trials is the fact that nobody can be convicted for that offense when the punishment is death. For my part I do not regard it as one which ought to stand at the head of the calendar. I believe I have shown my devotion to this Union and my desire to maintain it to an extent which would perhaps entitle me to plead for the exclusion of that offense from the statute without being accused of a lack of devotion to the Union or of a proper desire for its perpetuity. I shall yield to the suggestion of the gentleman if it is to be pressed with any force upon the committee, but I hope it will not be. I think the committee will be satisfied that the bill as reported ought to pass as it is, in the language in which it came from the Committee on the Judiciary of the Senate in the last Congress and from the Judiciary Committee of this House, which has given it very careful consideration.

Mr. BLUE. Mr. Chairman, do I understand the gentleman from New York to say that this bill does not abolish capital punishment?

Mr. CURTIS of New York. It does not abolish it entirely.

Mr. BLUE. I think section 3 does substantially abolish it, and if I read section 4 aright, it is not apparent to me how this bill is to benefit the district attorney of the eastern district of Texas in securing conviction of parties charged with crime under existing law. Probably, however, the proviso does cover the point. But how about the latter part of section 3?

Mr. CURTIS of New York. Mr. Chairman, in answer to the objection of my friend from Kansas as to section 3, which he thinks does not permit capital punishment under any circumstances, I read that section:

SEC. 3. That the punishment of death prescribed for any offense specified by the statutes of the United States, except in sections 1342, 1624, 5339, and 5345, Revised Statutes, is hereby abolished, and all laws and parts of laws inconsistent with this act are hereby repealed.

This bill proposes to abolish those obsolete laws relating to offenses for violations of which we have had no successful trials in more than three-quarters—I may say nine-tenths—of a century, and it continues the death penalties for those two offenses which, unfortunately, are rapidly growing in the United States. The passage of this bill, it is believed, will tend to lessen those offenses, and will enable the Government in the administration of justice to bring some punishment upon those who take human life or violate woman's honor.

Mr. BARTHOLDT. Why do you not abolish the death penalty altogether?

Mr. CURTIS of New York. I should like to do so, but I do not think the House is in favor of it.

Mr. BARTHOLDT. I am.

Mr. BARRETT. May I ask the gentleman a question?

Mr. CURTIS of New York. Certainly.

Mr. BARRETT. Is the gentleman from New York ready to accept an amendment to the first section striking out in line 4 the words "murder or," so that murder shall continue to be a capital offense?

Mr. CURTIS of New York. That is a capital offense by the bill. I would not like to endanger the bill by an amendment which I think is not necessary. I will explain to the gentleman what the bill provides for.

Mr. BARRETT. I would like to have the gentleman explain the first section.

Mr. CURTIS of New York. This section of the bill was explained in the absence of my friend from Massachusetts. Therefore he did not learn that it exempts from repeal section 1342 relating to the Army, section 1624 relating to the Navy, and the sections relating to murder and rape. These sections are exempted from the repealing provisions of the bill. In certain cases they are not likely to bring in a verdict of guilty if the penalty is death. Perhaps in the case of premeditated murder there would be no difficulty in securing conviction without the clause which we propose to adopt; but where there is no premeditation the jury, without some provision of this kind, will not bring in a verdict of guilty. I am advised to this effect by prosecuting officers in various sections of the Union and by many prominent judges.

Mr. BARRETT. Am I to understand from the gentleman's statement that he proposes to abolish capital punishment for certain crimes simply because in some isolated cases some jury has refused to bring in such a verdict as the prosecuting officer thought ought to have been brought in?

Mr. CURTIS of New York. No, sir; I am governed by the history of the United States for the last seventy years, which shows that the two offenses which I have named are multiplying with a rapidity $t\sqrt{n}$ times greater than the population, while the punishment is decreasing in like proportion.

In 1826, John Quincy Adams, then President, sent to Congress a statement of the trials, convictions, executions, and pardons for offenses under the Government of the United States from the adoption of the Constitution, including the year 1826. That report, Executive Document No. 146, Twentieth Congress, second session, is embodied in this report of the Judiciary Committee, page 4. From that report it appears that during the period I have named there had been 138 trials, in which there were 118 convictions, showing that the sentiment of the people at that time was in full accord with the provisions of the law, and that persons who committed crimes were brought to punishment in accordance with the terms of the statute.

The sentiments of the people have changed. A report made by the Attorney-General of the United States, dated October 21, 1893, in response to my request, shows the number of indictments, convictions, and acquittals for homicides in 1890, 1891, and 1892, and is published on page 5 of the committee's report. It appears that 378 homicides were examined during that period, of which 271 were indicted, 63 convicted, and 12 executed, which shows a marked disinclination on the part of juries to convict in cases where there is doubt as to the intent of the criminal, and where the penalty is death.

Mr. NORTHWAY. Does this apply only to murder, or to cases of murder and manslaughter?

Mr. CURTIS of New York. The crimes of murder and manslaughter are both provided for by the statutes.

Mr. NORTHWAY. There is no such thing under the United States law as murder in the second degree?

Mr. CURTIS of New York. No, sir. In the last Congress we tried to enact a law defining the crime of murder into first and second degrees, but the Senate would not agree to it.

Mr. PICKLER. Then, this does not apply to manslaughter?

Mr. CURTIS of New York. No, sir.

Mr. WALSH. How is that punished?

Mr. CURTIS of New York. By imprisonment.

Mr. WALSH. For how long?

Mr. CURTIS of New York. Twenty years, I think.

Mr. GAMBLE. As I understand the gentleman, the expectation of the committee is that this bill will more surely result in conviction. That, I understand, is the reason we are asked to pass it.

Mr. CURTIS of New York. We could not get the Senate to agree to the provision defining different degrees of this crime. The law of Massachusetts and other States defines murder in the first and second degree and manslaughter. When a jury brings in a verdict that the prisoner is guilty of murder the penalty is hanging; if the verdict is manslaughter he is confined in the penitentiary. This bill conforms to the system of practice which prevails in United States courts, which is that of the common law and not statute law. There is, as I have said, a disinclination on the part of the Judiciary Committee of the Senate to recognize these different degrees. We, therefore, propose to follow the definitions of the common law as used in the Revised Statutes. Secretary Olney, when Attorney-General, expressed his disapprobation of changing the provisions of the law in respect to definitions, but gave his approval to the modification of penalties as provided in this bill, and so has the present Attorney-General.

Mr. PICKLER. Now, right there, as I understand this bill, when murder is proven, or manslaughter, if the jury think it not a flagrant case, they say no capital punishment.

Mr. CURTIS of New York. In a flagrant case the jury renders the verdict in accordance with the facts, and where the murder is premeditated the extreme punishment allowed by the bill is accorded. But it allows a verdict covering different grades of punishment, as under the statute laws of many States.

Mr. PICKLER. Then, in a case of the kind to which the gentleman refers, where capital punishment is not awarded, the man would necessarily go to prison for life, would he not?

Mr. CURTIS of New York. That may be the sentence.

Mr. PICKLER. Would not that be a pretty severe punishment in certain cases?

Mr. CURTIS of New York. It may be; but certainly is not a greater punishment than to be hung. Nor is it so harsh upon the people as to allow a man guilty of murder to be let loose on the community. This matter, I will say to my friend, has been given careful consideration by the Judiciary Committee of this House in the last Congress, in the Committee of the Senate on the Judiciary in the last Congress, as well as the Judiciary Committee of the House of this Congress; and when my friend from Texas, Judge CULBERSON, rises and says that he approved of this bill, he brings to its support a knowledge of the law and a judicial character that is not excelled in the United States.

I reserve the remainder of my time.

Mr. GROSVENOR. Mr. Chairman, I desire to submit some observations in regard to this bill from the standpoint of my own personal judgment and not from the standpoint of what somebody else may have said or thought.

I have had the misfortune, or the good fortune, as the case may be, to have practiced law ever since 1857, with some slight intervals, in a general country practice, where I have been compelled to practice in the criminal courts as well as in the civil, and a great part of the time have been compelled of necessity to take any case offered that was entirely a proper case to consider and would yield a contribution toward my support. That of necessity brought me in contact with a great line of the criminal proceedings in Ohio, and especially many prominent cases of homicide, cases in which I participated on one side or the other; and so, if I shall show a little tendency toward egotism in the discussion of this question, this fact will be my only apology.

I join heartily with the gentleman from New York [Mr. CURTIS] in wishing to curtail the number of cases in which the death penalty can be applied, but I do not support this bill, and I base my objection upon a ground that is radical and goes to the very foundation of the whole proposition.

I do not believe that the jury ought to fix the penalty in any case. There are so well-defined lines of distinction in the grades of crime against persons in this country that there is no difficulty about the verdict of the jury on the mere question of fact; but there is a great deal of difficulty about the action of the jury if allowed to pass judgment. That has been my observation, and that seems to be the logical and necessary conclusion, based upon human nature, which is pretty nearly a uniform thing throughout this country as well as throughout all of the other countries of the world.

Now, as to the different degrees of homicides——

Mr. CURTIS of New York. If the gentleman desires it, I have the statutes before me. The Ohio law has but one offense—murder in the first degree; but the jury may convict of less degree.

Mr. GROSVENOR. The whole difficulty with the gentleman from New York, and I appreciate his knowledge of this question, and am satisfied that his study has been exhaustive on the lines of his personal opinion—but the great difficulty, it seems to me, has not been as to the public judgment, or the judicial judgment, about what ought to be the death penalty, but that we ought to have some milder form of punishment. The great difficulty has been the commingling of the grades of offenses in a single section. Now, if we could have the three definitions of homicide, as laid down by the law of Ohio, and there may be some others in some of the States, and in fact there are many more in some of them, but the distinctions are too finely drawn, too metaphysical for the average man and the average jury; but with the three distinct definitions laid down in the statutes there would be no difficulty about the question, and then you get rid of hindrances or barriers, which I insist ought to exist where murder in the first degree has actually and without doubt been committed.

Mr. CURTIS of New York. If the gentleman will permit me, as he understands there are three definitions of murder, but we have but two in the United States statutes.

Mr. GROSVENOR. I understand that.

Mr. CURTIS of New York. The Department of Justice has been opposed to the modification of the definition as furnished by the common law; the Senate also has been opposed to it, and in order to meet the difficulties which we found to exist, the bill as originally passed was modified and amended. It was passed in the last Congress to meet the definition.

Mr. GROSVENOR. That is a concession completely onto the ground on which I stand. The Department of Justice is not a legislative body, and with all due respect to the Attorneys-General who have been at its head, I am not willing to yield my judgment on this question to the opinion of the Department of Justice.

The gentleman now at the head of it is a very distinguished lawyer. I have known him during all the time of his practice of the law and, strange as it may seem, it is my judgment that he never tried a criminal case in his life. He has been a member of the great and distinguished law firm of Hoadly, Johnson & Coulson, and later of Harmon, Coulson, and another. He is a splendid lawyer and a most estimable man, but his whole practice has consisted in his relation to large corporations, several of the great railroad lines centering in Cincinnati and many of the other great corporations, and in the general practice of the law on the civil side of the courts. So if he has expressed an opinion about this statute and any opposition to these definitions it simply proves, in my judgment, that he has not given full consideration to this important subject.

Mr. CURTIS of New York. Will my friend permit me to interrupt him?

Mr. GROSVENOR. Certainly.

Mr. CURTIS of New York. I have no wish to be misunderstood as to the question of definition. I have not discussed it with the present Attorney-General, but he has approved of the passage of this bill in the form in which it is, as a measure to promote the administration of justice.

Mr. GROSVENOR. Is his recommendation in writing? I should like to know how fully he discusses the question.

Mr. CURTIS of New York. It is not discussed very fully, sir, but I will read the indorsement which came from the Department. It is as follows:

The passage of this bill, H. R. No. 878, will promote the administration of justice, and I recommend its speedy enactment.

HOLMES CONRAD,
Acting Attorney-General.

Mr. GROSVENOR. That gives very imperfect information to me. While ordinarily I bow——

Mr. CURTIS of New York. I hope my friend will not assume that I was attempting to instruct him. The gentleman having said that he has considered this matter upon his own judgment, without aid of the opinions of other people, I do not offer it to the gentleman to instruct him in anyway, but simply to show what the Attorney-General thinks about it.

Mr. GROSVENOR. That statement of mine is subject to the modification governing every act of my life—that I value the knowledge of everybody that I could get hold of to shape my own by; but I do not necessarily yield my opinion upon a question of so much importance as this simply to the opinion, which we all understand is so imperfectly delivered generally, coming from the head of one of these Departments.

Mr. RAY. Will the gentleman permit me?

Mr. GROSVENOR. Certainly.

Mr. RAY. Of course this is a matter of considerable importance, and I trust the gentleman will not see fit to oppose the bill, for I believe it is a step in the right direction; and while, if I had my way, I frankly say to the gentleman from Ohio, I would do as we have done in New York—have the statutes of the United States define the crime of murder in the first degree, the crime of murder in the second degree, and then define the various degrees of manslaughter. Still, this is the best we can do at this time. We proceeded on the other line in the Fifty-third Congress, but the Senate advocated this bill.

Mr. GROSVENOR. I would not have more than one degree of manslaughter.

Mr. RAY. There the gentleman and I disagree, and other lawyers as a rule would fail to come to an exact understanding. They could not all look at this question alike. Now, it has been my good fortune or my misfortune, as the case may be, for thirty years to practice extensively in the criminal courts, and I have had experience in capital cases as well as all other criminal cases, and I have, I think, some knowledge of the difficulties that arise in the administration of justice. Now, I think there is time here, and I should like, if the gentleman will permit, to ask him to give to the House his definition of murder in the first degree as he would have it could he have his way.

Mr. GROSVENOR. Yes; I will do that with pleasure. I have been making ready to do that.

Mr. RAY. And then I should like to have the gentleman, if he will, go a step further and define murder in the second degree as he would have it.

Mr. GROSVENOR. Yes.

Mr. RAY. And then manslaughter. The gentleman, as I understand him to say, would have manslaughter only in one degree.

Mr. GROSVENOR. In only one degree.

Mr. RAY. And I should like to have him define manslaughter as he would have it could he have his way.

Mr. CULBERSON. Will the gentleman allow me just a word?

Mr. GROSVENOR. Certainly.

Mr. CULBERSON. I wish to say here and now that I am in full accord with the gentleman from Ohio [Mr. GROSVENOR] on this subject, and during the last Congress we reported a bill from the Judiciary Committee upon the exact lines on which the gentleman is now proceeding. The bill went over to the Senate, the Senate declined to pass it, and this is an amendment or substitute which they proposed then, and which was adopted now because we believed no other bill could pass.

Mr. GROSVENOR. I am now taught by the two gentlemen who have stated it that that is the fact, but it only leads up to this question, whether we shall fail to do what in our judgment is right because we are said to have an uneducated and unintelligent Senate to deal with at the other end of this Capitol. [Laughter.] That is all.

Now let me proceed along the line suggested by the gentleman from New York [Mr. RAY], which is precisely the point up to which I was leading, and then I will point out why, so long as the statute remains as it is, the jury should not be limited to the answering of a single question. If I were to have my way I should define murder in the first degree as follows:

Whoever purposely, either of deliberate or premeditated malice, or by means of poison, or in perpetrating or in attempting to perpetrate any rape, arson, robbery, or burglary, kills another shall be guilty of murder in the first degree.

Now, if I were to strike out any word in that section it might be possible that I would strike out the word "robbery." There is a field for discussion there.

But it seems to me that in the light of our study of this great question the man who, with premeditated malice and who purposely, maliciously, with premeditation and deliberation, takes the life of another ought to be hung; and there ought to be no difficulty in getting an intelligent jury to say that that condition of fact has been proved.

Mr. RAY. Will the gentleman permit me to interrupt him?

Mr. GROSVENOR. Certainly.

Mr. RAY. Now, right there comes in the difficulty in the trial of a capital case. Oftentimes there can be no question that there was deliberation, that there was premeditation by the person doing the killing, but then again a case very often arises where there is a sharp conflict of fact as to whether or not there was deliberation and premeditation. Our courts in New York have stated and held that it was immaterial as to the length of time——

Mr. GROSVENOR. So in Ohio.

Mr. RAY (continuing). Given for premeditation. If there was a length of time, even three seconds, during which a man premeditated, he might have formed a deliberate intent to take the life of another, no matter how great the provocation, there being no justification for the killing. The gentleman will understand that there is a great deal of difference between provocation and justification, as I am using the words now and in the legal sense.

Mr. GROSVENOR. Yes.

Mr. RAY. Now, when that condition of affairs exists, a sharp conflict of fact arising over this question of deliberation and premeditation, the jury stand out. They are all honest; they are all fair; they all mean to do right; but they stand out; they disagree; they remain out hours and days; and the jury is discharged and months pass before another trial can be had; the feeling, the excitement over the case subsides, and that better instinct of humanity begins to prevail—perhaps not the better instinct, but a sort of feeling of pity, a kindly feeling arises, and you go again to the trial of the offender, and you are further from obtaining a conviction than ever. I do not want to make a speech in the gentleman's time.

Mr. GROSVENOR. You are talking very well, and seem to be making a good speech.

Mr. RAY. The gentleman will pardon me. I wanted to call out sharply that line of argument so that the gentleman might reply to it. At the second trial you will have only one or two on the jury who will stand for a conviction for murder; others will want to let the defendant off, or to convict of a lesser crime; and you have another disagreement. I believe that when a crime has been committed the speedy trial and conviction of the criminal is quite as essential for the good of the community as anything connected with the administration of justice. The certainty rather than the severity of punishment best protects society. So it goes on in that way, and the law is robbed of its power. Now, I ask the gentleman right there, if it is not well to have the law so modified, as this bill does it, as to give the jury a chance to agree on the first trial, if divided in opinion and sentiment, as they oftentimes are, by permitting them, if they can not agree upon a verdict of murder in the first degree, to say we will modify our verdict by saying, "Guilty; not death, but imprisonment for life." Now, is not that the better way, I ask the gentleman?

Mr. GROSVENOR. I am very sorry my time is being exhausted by other gentlemen, not in asking questions but making very able speeches, much more so than I can make. Now let me answer. The gentleman has broken entirely the line of argument I was making and carries me away to a new field, and I must stand on my feet and think and answer. The very purpose he has in view is defeated by the subject under consideration, and the very purpose he has in view is shown by the proposition which I make. Here, now, is a single count of an indictment which charges murder in the first degree; it charges the life of the victim was taken by the defendant with premeditation and deliberation, purposely and of malice, and then the court defines all these grades of homicide, which are so simple that I should not like to be tried by a jury who did not know the difference between premeditation and deliberation and mere purpose to kill. Having defined the grades of homicide, the court says now, notwithstanding here is a charge of murder in the first degree, you may find the defendant guilty of murder in the second degree, of manslaughter, or of assault and battery; so that this question of failing to agree is wholly answered by the proposition that the jury may fix the grade of the crime clear down to a mere misdemeanor instead of a felony.

Mr. RAY rose.

Mr. GROSVENOR. If the gentleman will permit, I really must be allowed to have some continuity in my argument.

Mr. RAY. I understand that. I was going to ask——

Mr. GROSVENOR. If you will ask me a question and not make another of those lengthy speeches, I will yield.

Mr. RAY. I want to state that in the United States courts juries are not permitted to do that.

Mr. GROSVENOR. Precisely; and that is what I am talking about. I want them to be allowed to do it, and now is the time to fix it so that they can do it. Now is the time to pass a bill defining murder in the first degree and murder in the second degree and manslaughter. Murder in the first degree I have already referred to. Murder in the second degree is exactly the same as murder in the first degree except that there is no premeditation or deliberation. Manslaughter is the taking of the life of a human being while the slayer is in the commission of an unlawful act. It is well defined in the statutes of Ohio and of other States. "Whoever unlawfully kills another except as provided in the last three sections, is guilty of manslaughter." That is all there is about it. There is no premeditation or deliberation in manslaughter, there is probably no purpose to kill; but the slayer does kill while he is in the commission of an unlawful act. He has made an assault upon the deceased, or he has committed some aggression against his property, and while the deceased has been defending himself or his property the action of the accused has resulted in his death, without premeditation, without purpose.

That is the definition of manslaughter, and there is a wide discretion in the court in fixing the penalty. So by this system of definitions and distinctions, so easily understood, you leave it in the power of the jury after all to compromise their opinions in framing their verdict, and, let me say right here, that a jury which will feel sympathy for a defendant to such a degree that they will

not say that he committed the offense with premeditation and deliberation will never affix to their verdict the penalty of death. It is said that in some of these cases that penalty ought not to be inflicted. I agree that that is so, but in most of the States of the Union there exists a method of mitigating the penalty. In Ohio and Pennsylvania there are boards of pardons, and in New York there is, I understand, an equivalent to that, in the power of the governor to appoint a commission to ascertain and report facts, which is exactly the jurisdiction of the pardon board in Ohio, and the governor has plenary power to modify the sentence in any given case. Thus you let subsequent facts and developments operate rather than compel the jury to fix the penalty at the time of the trial.

Mr. Chairman, after a long experience at the bar in the active trial of cases, I agree with the gentleman from New York that the jury generally intend to be honest; but neither the gentleman from New York nor any other practitioner of any considerable experience will hesitate to admit that juries sometimes render most wonderful and absurd verdicts.

Let me mention one that was rendered in the State of Ohio in the famous case of The State *vs.* Arrison, tried in the city of Cincinnati. The defendant was charged with having constructed an infernal machine, as it was called, and having sent it to an enemy, whom it killed. He had a bitter grudge against the superintendent of one of the hospitals, had made threats against his life, and had spent three or four months in the construction of what was called an infernal machine. He sent it to the hospital and it exploded and killed the superintendent instantly, as I recollect.

The man was tried. He was one of those persons who would have affected the jury greatly in the matter of his sentence, and after a very full trial, and when the facts demonstrated that he was either wholly innocent or else was guilty of a most malicious and premeditated murder, the jury brought him in guilty of manslaughter. So, in a more recent case not very many years ago, in one of the counties not far from where I live, though in another district, a man was found guilty of poisoning his mother, and the verdict was "manslaughter," although he had deliberately purchased the poison and put it into the coffee, or some other food or drink, and had taken the old lady's life. So, in my humble judgment, it will not do to trust too much to the jury. You should keep the jury confined to the questions of fact. Let them determine, first: Did the defendant commit this act?

What is the fact about that? You have to leave to the jury other questions much more complicated than the one referred to by the gentleman from New York. You have to commit to them the great question in a very large number of homicide cases, the question of self-defense. The court has to submit to the jury not only the question "Did he fear?" but also the other important question, "Had he just grounds to fear that he was in danger of grave bodily harm or of death?" Now, that is a question of fact so subtle, involving so much of mental calculation and mental ascertainment, that sometimes the jury will go widely astray. Therefore, why commit to the jury these other questions, when upon the bench sits a judge coolly and deliberately scanning the evidence, a man of wide knowledge and experience of witnesses and of weighing their testimony? Again, you have to commit to the jury the more occult and difficult question of mental responsibility. That is a question of fact in the abstract, but really it involves the weighing of the testimony of experts, the critical examination of facts, the bringing to bear upon the solution of the question of the judgment and the knowledge of the jury, and after having submitted to the jury questions like these, and they having found a verdict upon the facts, why place also upon them the responsibility of saying what was the degree of turpitude and what is the right thing to do in the way of punishment?

I read not very long ago in a law magazine devoted to criminal law an account of the action of two juries in the same county. One jury found one man guilty of the crime of horse stealing and sent him to the penitentiary for something like ten years. The other jury found a man guilty of murder and sent him to the penitentiary for one year. Not many years ago, in a county adjoining that in which I live, a jury was impaneled to try a man charged with the crime of living in a state of adultery. The evidence was perfectly plain; there was nothing obscure about it; and the jury found the man guilty, and the court sentenced him under our misdemeanor act. Two days afterwards the same jury—or as nearly the same jury as we ordinarily have—tried the woman upon the same charge and the same evidence and found her not guilty.

These are some of the anomalies of trial by jury. Yet we have that system and we must get along with it as best we can. But why now broaden the power of the jury and commit to it the power not only to say that the defendant is guilty of some crime as defined by the court, but to define the crime itself as well as fix the penalty?

Now, the great trouble—and here is my objection to this bill—the great trouble, as I think both of the gentlemen from New York will concede, has grown up from our having this single section covering the crime of murder. That is the reason juries will not convict. I took part in the trial of a case here in the District of Columbia, and when we gave it to the jury we were enabled on behalf of the defendant to say to them, "You must either acquit this man or you must hang him; he is either guilty of murder, the penalty of which is death, or he is not guilty of anything." The jury said he was not guilty of anything. Had there been any provision of law under which the jury could have found a verdict of manslaughter, doubtless public justice would not have been outraged as it was thought to have been by the verdict of that jury—although I disagreed with public opinion on that question, as we generally do when we are interested in the trial of a case. For in this case the acquittal was perfectly justified.

I agree that the law on this subject is wholly defective and ought to be changed, but I see no reason why in doing this we may not proceed intelligibly to define the different grades of homicide, fixing the penalty for each, thus acting in accord with what we understand perfectly well to be the "gathered wisdom of a thousand years," as a former colleague of mine would say.

Mr. RAY. Will the gentleman permit me a moment?

Mr. GROSVENOR. Certainly. I am pretty nearly through.

Mr. RAY. I presume the gentleman understands we have tried to bring about the reform that he suggests. We have tried to grade these crimes into murder in the first degree, murder in the second degree, and manslaughter with one or more degrees. That was the sentiment pervading the Judiciary Committee of the House, and the bill which passed the House in the last Congress was framed upon that basis. But when it went to the Senate that body absolutely refused to concur. So we found ourselves blocked in our attempted reformation of the law. Now, a step in the right direction is proposed here; in other words, if we can not have a whole loaf we are willing to take a part, we are willing to take what we can get. If we can break into this antiquated statute which was placed upon the statute book away back in 1790, there having been some amendment made, I think, a little later—I believe one amendment in 1825—if we can break into this antiquated statute, if we can bring the United States Government to take one step in the same direction as those which have been taken by nearly all the States of the Union, is it not better to do this than to have all legislation on the subject fail?

Mr. GROSVENOR. Mr. Chairman, that argument commends itself to my judgment, and it would be convincing but for this one trouble: We are entering here upon a new and radical departure by giving to the jury the power to fix these sentences. All else would be entirely satisfactory to me; I would accept it as a step in the right direction. But I have never known any man in the United States who was once entitled to vote to be deprived of his vote; I have never known an elective judiciary to be transformed into an appointive one, and I have never known the power of a jury once given by statute to be taken away. I do not believe that the better judgment of the people of the United States, as manifested in their codes of criminal procedure, is in favor of this innovation. Therefore I hesitate to consent that the Congress of the United States shall enter upon it.

While I am on my feet, and while I am making a speech that has no politics in it—gentlemen ought all to be delighted at that circumstance [laughter]——

Mr. RAY. You seem to be standing up for the laws of Ohio very well.

Mr. GROSVENOR. I have referred to the laws of Ohio simply because I am more familiar with the decisions under them than with those of other States. And I will say, by way of compliment to the gentleman's State, that we have taken our code of civil procedure bodily from the State of New York, and have largely drawn our criminal procedure also from that State. And we have cited and followed wherever applicable the opinions of the able court of appeals of New York in all the great leading criminal cases. And I have spoken of a single degree of manslaughter because I am familiar with the practice of the courts in reference to that. I have no doubt that the same argument that is now applied to subdividing the degrees of murder would apply and could apply with equal force to the multiplicity of the degrees of manslaughter. I think there is as much philosophy in one as the other.

But, Mr. Chairman, while on my feet I wish to commend to the Judiciary Committee, which upon all these questions is the great committee of the House, the able committee of the House, to an investigation of a single condition to which I wish to point their attention. The gentleman refers me to the fact that this is a murder statute dating back to 1790. The committee will find many other conditions in the District of Columbia that date back to a period apparently during the Dark Ages, and yet they stand here as provisions of the statutes, not of the District of Columbia, but the statutes which operate on the people of the District of Columbia.

I had occasion to refer to it in a few remarks some weeks ago at the Board of Trade banquet in this city. I found myself here on

one occasion trying a case before a court-martial, and a witness was called on the stand who was asked a preliminary question on the part of counsel opposed to the suspected testimony of the witness. The counsel said he wanted to ask him a question or two, and asked him if he believed in God. Well, the fellow gave some sort of equivocating answer; I do not now remember exactly what it was. He was then asked if he believed in a future state of rewards and punishment, and I found him to entertain a considerable doubt about his answer to the question, but to my utter amazement they produced a statute, which I learned to my entire satisfaction was then and is now in force in the District of Columbia, a statute that forbade him to testify, and he was ruled off the witness stand. Now, there is a question that I should like very much to have the Judiciary Committee consider in connection with the government of the District of Columbia, and as soon as the Committee on the Judiciary has the time to formulate and introduce an act in reference to criminal proceedings in the District of Columbia I hope that they will take into consideration this entire question.

Mr. CURTIS of New York. We will take that up next.

Mr. GROSVENOR. And while we are building magnificent monuments and works of art to commemorate the heroism and patriotism of our people; when we are building splendid buildings to demonstrate the growth in architecture of our country; while we are trying to construct libraries to be the honor and wonder of the world, not only, I trust, the Congressional Library, but some day a public library that the people of the United States will have some interest in directly, in the form of taxation; while we are doing all this and setting an example to all the world as well as to our own people; while we are offering to all the world a splendid city full of educational institutions and educational advantages and all of that, I think the time has come when we should have a model code of procedure to settle the rights of man in this District, and move away from the ancient landmarks which have been forgotten in the States and go forward to the construction of a model code, a model system of courts, a model system of the vindication of the rights of persons and property in this territory, which we alone can legislate for.

Mr. CURTIS of New York. I now yield five minutes to the gentleman from Maine [Mr. MILLIKEN].

Mr. MILLIKEN. Mr. Chairman, I fully agree with my friend from Ohio [Mr. GROSVENOR] in his desire to have a model code of judicial procedure in the city of Washington; but I do not believe, however, that anyone will envy him the job of clearing away the old rubbish which now exists in the laws and the administration of justice in this District. I believe, however, that if all the absurd things which he has enumerated have been done in the courts of this country, they will not be enhanced by the passage of this bill. But, furthermore, my friend from Ohio, when pleading for capital punishment, informs us that there is a board of pardons. I would like to know what good a board of pardons will do to a man after he has been hung. I do not see how a pardon granted in this world can reach him then. If I understand the jurisdiction of that board of pardons, it does not extend beyond the boundary of time or life, and when a man has been hung or shot for crime I am sure that it will not be contended that he can be benefited by the exercise of human clemency.

Now, there is but one reason for inflicting punishment for crime, and that is the protection of society. We have no right to deal out punishment to any man, no matter what crime he has committed, as a reward of merit. It is not within the limit of the rights or powers of any man, however good, or of any court, however wise and just, to measure the depths of human guilt and adjust an exact measure of punishment for it. Only that Supreme Power which is not itself sinful and is endowed with perfection in goodness and wisdom is fitted for that task.

But society has the right and it is its duty to protect and preserve itself, and, so far as it may be necessary in order to do so, to restrain and punish criminals. Thus far it is warranted in going; no further.

Now, Mr. Speaker, what is the history of the effect of capital punishment in the past? Has it decreased crime? Why, when men were hanged in England for picking pockets, right at the foot of the gallows pockets were picked when an offender was going up the gallows stairs for having committed that crime. This was not an uncommon occurrence. The whole history of crime in this country and Europe is that it has not been diminished by severity of punishment, but rather by certainty of punishment. We have tried that in my own State. For a long time we had a law which provided that a man should be hanged for committing murder or other capital crime, but he was to go to the penitentiary for one year, there, I suppose, to prepare himself to meet another final judgment which would be pronounced upon him in the next world. He was not to be hanged, however, until the governor should issue his warrant for that purpose. The governors never issued their warrant, so that we had in practice imprisonment for life for murder, arson, rape, and other capital crimes.

But some of our friends who preferred to live by the code of Moses rather than the code of the Man of Nazareth were urgent to have capital punishment reestablished. We did reestablish it. What was the result? During the few years that we hanged men for murder there were more murders in the State of Maine than we had before that time. We kept that law on the statute book but a few years.

Mr. CURTIS of New York. Four years.

Mr. MILLIKEN. I think we hanged two or three people; not more than that. The effect of capital punishment was such that by a consensus of opinion of almost all the people of the State it was abolished, and there is no such thing as capital punishment known in my State now. Men are imprisoned for life instead of being hanged for murder. What has been the result since? There has been less capital crime than there was before. So that I say the only purpose for which we have a right to punish crime, namely, the purpose of protecting society, has been better subserved without capital punishment than with it. The fact that the Government takes human life has, I believe, a brutalizing effect upon the community. It surely does not Christianize or have the influence to elevate and refine the vicious classes. It sets for them an example of the shedding of blood.

One thing more. When the jury understands that the punishment for capital crime is not death, it is more easy to secure a verdict of conviction than when they know that if they happen to make a mistake they will send an innocent man into eternity without the possibility of recall. When we have imprisonment for life as a penalty for crime, if a mistake is made, it may afterwards be discovered and justice be done. Such things have often occurred. Then the board of pardons can exercise its authority with practical effect.

Mr. Chairman, I am heartily in favor of the passage of this bill.

Mr. BRUMM. Will my friend permit me to ask him a question?

Mr. MILLIKEN. Certainly.

Mr. BRUMM. When you reestablished capital punishment, did you have the system of defining murder in the first degree, murder in the second degree, and manslaughter?

Mr. MILLIKEN. Yes; we always have had that, and have now. There has never been a time since the State was organized that we did not have it.

Mr. BRUMM. And you say even under that system more murders were committed. I wish to ask whether the penalty of death was limited to murder in the first degree?

Mr. MILLIKEN. Yes; and the records show that there were more murders when murderers were punished with death than there are now.

Mr. BRUMM. Was the penalty of death limited to murder in the first degree only?

Mr. MILLIKEN. Yes, it was when the alleged crime was murder.

Mr. BRUMM. I wanted to know that fact.

Mr. BOWERS. Mr. Chairman, this bill seeks to establish the law for all places under the jurisdiction of the United States as it has existed in the State of California for over twenty years.

In the winter of 1873-74 Senator PERKINS introduced into the senate of California a bill allowing juries to fix the punishment for capital offenses. It passed the senate, came to the house, and I had the honor of having charge of that bill and getting it through the assembly of California.

This has been the law of that State now for over twenty years, and it is perfectly safe to say that it will never be changed. Twenty-five years ago I heard a judge in a court in California charge the jury substantially to this effect: That it was shown by the evidence that the crime was murder, was in the first degree, or there was no offense committed. It could not be murder in the second degree. It was murder in the first degree, and the penalty for that was death. That jury, because there was a grain of doubt, brought in a verdict of acquittal, and the man went clear. There was not a man in the community, hardly, but believed that man was a murderer; and events afterwards proved that he was, but he escaped. You know that in many cases there are crimes of such brutality that the demon who commits them has no longer a right to live; and in California, under that law, they hang them. The jury there in bringing in a verdict are allowed by the law to add in their discretion, as they see fit, after their verdict of guilty in the first degree the words "and we fix the penalty at imprisonment for life." If they do not add these words to the verdict, then the penalty is death. And I may say that in the State of California since the enactment of that law as many murderers have been hanged as before its enactment.

This law is right. It is founded on common sense and justice. It is the law of many States, and it should be the law of this District and of all places where the United States has jurisdiction. It has been eminently satisfactory. It gives the criminal where it is evident the crime is murder in the first degree or no crime the benefit of the doubt, and the jury can send him to prison if they see fit. So that if in the years after any new evidence should

come up, the criminal may have the benefit of it. I hope this bill will pass; it ought to pass.

Mr. RAY. Mr. Chairman, the statutes of the United States do not define the crime of murder or divide it into degrees, hence the common law definition obtains, and hence this bill now before the House.

I desire as briefly as I may to answer the only objection that thus far has been urged against the proposed measure, and which came from the gentleman from Ohio [Mr. GROSVENOR]. He did not oppose the passage of this bill because he thought it wrong in principle, but simply because he does not think it goes far enough in reforming the law. If the House will have patience with me, attention will be called to the laws on this subject written upon the statute books. I find that in the year 1790 this act was passed—it was amended slightly in 1825 and slightly in 1875:

Every person who commits murder—

Without particularly defining it—

within any fort, arsenal, dockyard, magazine, or any other place or district of country in the exclusive jurisdiction of the United States; second, or upon the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay within the admiralty or maritime jurisdiction of the United States, and out of the jurisdiction of any particular State; three, or who upon any such waters maliciously strikes, stabs, wounds, poisons, or shoots any other person, and of which striking, stabbing, wounding, poisoning, or shooting such other person dies, either on land or at sea, within or without the United States, shall suffer death.

And that is the only punishment. That or nothing. Now let me call your intelligent attention to another section of the Revised Statutes which goes with it. This section was adopted in 1790 and has never been changed or amended.

The court before which any person is convicted of murder may, in its discretion, add to the punishment of death—

Now, here you get your punishment after death. Those who do not believe in punishment after death will find that it is written in the statutes of the United States that there is punishment after death, and that it is a statutory punishment under the United States law. Let me read.

Section 5340 of the Revised Statutes provides—

The court before which any person is convicted of murder may, in its discretion, add to the punishment of death that the body of the offender be delivered to a surgeon, at the discretion of the court. And the marshal who executes such judgment shall deliver the body after execution to such surgeon as the court may direct, and such surgeon, or some person by him appointed, shall receive and take away the body at the time of execution.

And then, if any relative or friend of the dead man who is to be thus punished after death shall interfere in any way with this discretion, this drawing and quartering of the deceased, he is to be punished.

The law says:

That every person who, after execution, by force rescues or attempts to rescue the dead body of any offender out of the custody of the marshal or of the officers during the conveyance of such body to any place for dissection as provided in section 5340, or by force rescues or attempts to rescue such body from the house of any surgeon where the same has been deposited in pursuance of that section, shall be liable to a fine of not more than $100 and to imprisonment for not more than twelve months.

Prior to 1790 several hundred offenses were punished with death, and in many cases the criminal was not only strung upon the gallows, but was, after death or before, as was deemed most suitable and consistent with offended justice, drawn and quartered—that is, cut up into four pieces. Our wise and humane forefathers thought it better to provide that the victim of outraged justice be cut up fine—that is, made into judicial mince-meat.

If I could have my way I would blot from the statutes of the United States the two sections last read. I believe that when a man has suffered the extreme penalty of death, if any relative or friend appears to claim his body we ought to give it over for decent burial, and it should not be surrendered for dissection, except in cases where no person claims it for burial. These two sections are relics of a barbarous age, and I believe that the punishment of death inflicted for murder, as defined by the common law, and for these other offenses defined in subdivision 3 of section 5350 of the Revised Statutes, is a relic of the same age.

The Judiciary Committee of this House in the last Congress, and I believe in the preceding Congress, acted to some extent in accordance with that idea. Nearly every State in this Union has taken advanced ground on this subject. In the several States murder has been defined by statute in accordance with modern ideas. In New York we have divided it into two degrees, murder in the first and murder in the second degree; murder in the first degree being the killing of a human being without justification, with deliberation and premeditation, or where it is committed without deliberation or premeditation, but by a person engaged in the commission of a felony against either the person or the property of some individual.

That is the law of the State of New York, which has been copied and followed without material alteration in many of the States of the Union. We go further and define manslaughter in its various degrees, some States having but one degree, others two or more. Whether it is wise to have two or three degrees of manslaughter needs no discussion here and now. The difference of opinion simply shows that the lawmakers of the various States have different minds on this subject; but we all agree substantially in the proposition that these crimes ought to be divided into two degrees, for the guidance of the jury, and in order that when a person is indicted for the crime of murder he may be convicted of a defined crime, a crime made up of certain criminal elements.

A division into degrees gives the jury, after they have considered all the facts in the case, an opportunity to classify the crime where it properly belongs under the law and the evidence, and if indicted for murder the defendant may be convicted of a lesser crime; but under the practice in the United States courts if a man is indicted for murder he must be either convicted or acquitted if the jury agrees.

This is all wrong. The district attorney may think an indictment for murder can be sustained, when in fact an indictment for manslaughter only is the proper record; or the jury may be so divided in opinion that a verdict can only be reached by acquitting the defendant when a crime has been committed. The jury so think, and are only prevented from convicting by reason of the severity of the punishment that must follow conviction.

Mr. HEPBURN. One of the reasons that has been assigned by others for the passage of this bill is that we have not adapted the criminal law of the United States to these modern ideas. Now, why is it not a great deal better to begin at the right place and make these changes of definition in the United States statutes that are so essential, and thus do away with the necessity for the particular advantage which the committee have pointed out in the bill now before the House.

Mr. RAY. I was about to come to that proposition. There was no substantial disagreement, although there was some difference of opinion, in the Committee on the Judiciary in the last Congress, in the preceding Congress, and in this Congress upon the proposition that we ought to revise the criminal statutes of the United States, define murder, separate it into two degrees, and then define and divide manslaughter in one, two, or more degrees, fix the punishment, and then provide that where a person is indicted for homicide, whether murder in the first degree or murder in the second degree, the jury shall be at liberty to convict the offender of any lesser offense in the same grade. We did pass such a bill as that in this House, and it went to the Senate and there it was killed. They would not take that step in legislation. Now, the gentleman from Ohio [Mr. GROSVENOR] referred a while ago to the Senate in a way that I need not repeat. If the Senate of the United States does not come as fresh from the people as the House of Representatives——

Mr. GROSVENOR. If the gentleman will permit me to interrupt him, I want to say that my reference to the Senate was only incidental and that I did not and would not use any disrespectful language of that body.

Mr. RAY. Oh, I understand that no disrespect was intended by the gentleman, but I fully agree with him that we have too many old fogies in the Senate of the United States. [Laughter.] I fully agree with him that when we get younger and fresher blood in the Senate we shall have less difficulty in making laws which the people of the United States want and will be benefited by. I am not afraid to say that much with regard to the Senate of the United States, even if I should lose my seat in this House for the saying of it. I will stand by that. [Laughter.]

Mr. MAGUIRE. Is the gentleman a candidate for United States Senator?

Mr. RAY. He is not. The gentleman from New York would have all of the qualifications essential to a good Senator except the funds. [Laughter.] He could not raise sufficient money to enable him to carry through the first step of a candidacy. [Laughter.]

Mr. MAGUIRE. I was in hopes that a gentleman entertaining such views would be a candidate for Senator.

Mr. RAY. No, sir; there is no use of my being a candidate. I own neither a bank nor a brewery. I can not get there. [Laughter.]

Now, Mr. Chairman, let me proceed to answer the gentleman from Iowa. When that proposed law was defeated in the Senate we were not discouraged in the House; we again took up the subject and were furnished valuable information by my colleague [Mr. CURTIS], who has worked years on this subject and has compiled most valuable statistics.

We found that while the States have been progressing in this matter of punishment for crime the United States has been standing still, clinging to a statute passed in 1790, when our criminal code was in its infancy. It is well to go slow in making or changing laws, but this does not signify absolute nonaction. We can unchain ourselves from the antiquated statutes of the past without danger of rushing into follies or unwise legislation.

The committee believed that it was best to take a step in the right direction, though we can not take all the steps that we be-

lieve ought to be taken. So we propose that in all cases where the accused is found guilty of the crime of murder or rape—I will not stop to read the whole language of the section—"the jury may qualify their verdict by adding thereto 'without capital punishment,' and whenever the jury shall return a verdict qualified as aforesaid the person convicted shall be sentenced to imprisonment to hard labor for life."

Now, if the gentleman will scan that language carefully he will see that it is substantially equivalent to an enactment dividing murder into two degrees; because if the jury is not willing to convict of murder in the first degree—that is, if they can not all agree upon the proposition that the offender has committed the homicide without justification and with deliberation and premeditation—they may attach to their verdict the qualification "without capital punishment," and that is equivalent to finding the prisoner guilty of murder in the second degree, as defined by the laws of the State of New York.

Mr. CONNOLLY. How can you divide the crime of rape into degrees?

Mr. RAY. We can not. Of course, Mr. Chairman, you can not divide rape into different degrees; but I will say this—that the crime of rape might be committed under circumstances which would demand that the offender suffer the extreme penalty of the law—circumstances where he ought to suffer death—although those cases would be rare, and there might be other cases where the jury would believe that the offender ought not to suffer death, and in these cases under the law as it now stands the offender would be acquitted by the jury or there would be a disagreement of the jury, so that the offender would in the end go scot free. If you adopt this bill and make it the law of the land, you will have more convictions—a speedy vindication of the law—a speedy protection to society. You will have less rape in these United States. So with the crime of murder. If you give to the jury this discretion, this right to modify their verdict, you will have less murder within the jurisdiction of the United States; you will have more convictions, and the convictions that you do have will be more speedy. The law will be vindicated, and society will be protected. The certainty, not the severity of punishment, prevents crime.

As I said a few moments ago to the gentleman from Ohio [Mr. GROSVENOR] if we can not have a full loaf let us take what bread we can get, because if we adopt this bill and send it to the Senate of the United States we are substantially assured in advance that it will pass that body and become the law of the land.

Mr. CONNOLLY. I would like to ask the gentleman whether he feels entirely satisfied that the proviso of section 4 is altogether within the limitations of the Constitution of the United States concerning ex post facto laws. That section provides that concerning offenses heretofore committed—

Juries may return qualified verdicts in such cases according to the provisions of section 1 of this act, and the sentences shall be imposed as therein provided.

Now, the punishment of these crimes at the time they were committed was death. Here is a provision for a different penalty. Is it safe to adopt such a provision? Is there not danger that it may result in a general jail delivery for all criminals now awaiting trial for these offenses?

Mr. RAY. I think not. I think this bill as it now stands is perfectly safe in its provisions in that regard. This question was most carefully considered and examined into by the Judiciary Committee. It has been repeatedly held that you may lessen the punishment after the commission of the crime, but you can not increase it.

Mr. POWERS. Is it not a complete answer to the inquiry of the gentleman from Illinois [Mr. CONNOLLY] to say that the meaning of the Constitution in declaring that no ex post facto law shall be passed is that no act which when it was committed was innocent shall afterwards be declared a crime? But it does not touch at all the question of the penalty that shall be enforced or inflicted.

Mr. RAY. I think that is undoubtedly true. But I can say further that it has been held in the State of New York (and I do not think it has been questioned anywhere throughout the land) that a statute lessening the punishment which has been provided for a certain crime does not infringe the constitutional prohibition of ex post facto laws.

Mr. HEPBURN. I find on page 7 of the report of the committee "Table No. 3." Has the gentleman any information in regard to where the material for this table was procured? Here is a statement that in 1895 there were 10,500 homicides in the United States. Is that thought by the Judiciary Committee to be correct?

Mr. RAY. No doubt it is correct. These statistics have been most carefully gathered by my colleague, the gentleman from New York [Mr. CURTIS], and his assistants. If he wishes to make a statement on this question, I will yield to him.

Mr. HEPBURN. By this table it appears that the increase of homicides in six years is nearly 150 per cent—an increase from 4,290 to 10,500.

Mr. CURTIS of New York. The percentage of increase is even greater than the gentleman states. In answer to the gentleman's inquiry as to the source of the information which is here published on my authority, I will say that the Chicago Tribune has for a number of years compiled daily from its files and from its exchanges the accounts of various murders reported in different sections of the United States; and those that thus came to the knowledge of that paper in 1895 amounted to 10,500; and there were probably 10 per cent more the information of which did not reach that office. That paper has a department devoted to the collection of statistics of crime, and these lists as compiled during a given year are published on the first day of the succeeding year.

Mr. GROSVENOR. I would like to ask the gentleman from New York what was the theory, or on what theory, the committee acted in reducing the grade of punishment in cases of treason from death to such a speculative punishment as some jury might figure out?

Mr. CURTIS of New York. The object of the introducer of the bill—I can not say what was the object of the committee in reporting it, but the object of the introducer of the bill was that persons ought to be punished for the crime of treason, and taking away the death penalty will enable courts to obtain convictions in proper cases and punish by life imprisonment.

Mr. GROSVENOR. Certainly they ought to be.

Mr. CURTIS of New York. As that crime has not been committed in the United States, as shown by a single successful trial, in ninety years, he thought it wise to abolish the death penalty and see if we could secure convictions which it has been impossible to secure under the law as it stands.

Mr. GROSVENOR. If this bill passes and that provision shall be retained in it, will there be a civilized country on the earth except the United States that puts the penalty of treason at a punishment less than death?

Mr. CURTIS of New York. Yes, sir; many of them.

Mr. GROSVENOR. What are they?

Mr. CURTIS of New York. Examine Report 108, commencing on page 10, and going through pages 11 and 12, you will find 35 different countries report the offenses for which life is forfeited, and you will see that the United States has about ten times as many as prescribed in any other country.

Mr. GROSVENOR. How many revolutions have taken place in these countries?

Mr. CURTIS of New York. Those that have the fewest offenses for which the death penalty is enacted have been most exempt.

Mr. GROSVENOR. Which has the most revolutions?

Mr. CURTIS of New York. Russia abolished capital punishment as to all ordinary nonpolitical offenses in 1753. The abolition has not caused any increase in the number of these offenses. While there have been a great many offenses against the Government for which the death penalty has been inflicted, yet the revocation of the law affixing the penalty of death for minor offenses seems to have had the effect of decreasing the number of such crimes, and we have more than twenty times as many murders in the United States as Russia in proportion to population.

Mr. RAY. Mr. Chairman, there is no question that unduly severe penalties for crime have a brutalizing effect upon the human mind and heart. We aim to protect society from the acts of the criminal classes and inflict a punishment that will deter men from engaging in criminal pursuits. Still experience teaches that the true road to reformation is by education. Get the heart right and make the mind intelligent and crime will decrease, but brutalize men by law or familiarize men with deeds of blood under sanction of law and moral darkness will pervade the land.

Mr. Chairman, I understood my colleague on the committee, Colonel HENDERSON, desired to ask a question a few moments ago when he rose.

Mr. HENDERSON. No; I rose to ask that we proceed under the five-minute rule as soon as you have concluded.

Mr. RAY. I am through now, except to suggest to the gentleman from Ohio that the Committee on the Judiciary firmly believe that if we lessen the punishment for many of the crimes now punishable by death convictions will be surer, the triumph of justice more certain, and the protection of society be more certain. No mistake will be made in adopting this measure. The world is moving, and let us keep step with the most advanced of our people.

Mr. HENDERSON. I now ask that the general debate be closed and we proceed under the five-minute rule.

Mr. BRUMM. Before that I wish to ask the gentleman from New York a question.

As I understand the bill, of course I have not examined it very critically, but it is claimed to be a practical subdivision of the crime of murder similar to that which exists in most of the States—that is, murder in the first and second degree and manslaughter. Now, I fail to see it exactly in that way, and wish to know whether under the bill you can find a person guilty of any other crime than that of murder, because you are practically limited to the

common-law definition of murder, and, being limited to the common-law definition, whether you do not leave the question of distinction between murder in the first and second degree and manslaughter entirely to the juryman, who of course is a layman? Is that not true?

Mr. RAY. That is substantially the law now, but that is not the effect of the bill. Neither does the bill attempt to define murder or separate it into two degrees. What I said or intended to say was that practically it will have the same effect in the administration of justice as though we, by statute, divided murder into two degrees, murder in the first and second degree. As, for instance, a man has been guilty of homicide without justification, thereby constituting murder; he is indicted for murder, and if convicted by the jury, he must suffer the death penalty; and only one of two results is possible in the indictment: He must either be convicted or acquitted. Now, a portion of the jury believe him guilty of murder, another portion believe that he is not guilty of murder though he is guilty of a lesser offense, but if the verdict of the jury was one of guilt he would necessarily have to suffer the death penalty. Therefore the jury will hesitate to pronounce him guilty, and he will have no conviction; whereas if they had the power to say guilty, but without capital punishment, you would have a speedy conviction and justice would triumph. That is about the substance of what I wished to say to the House.

Mr. BRUMM. The point is this: Under your bill of course you meant to use, and did use, the broad term murder, and referred to portions of certain statutes, especially to section 5339, which in a certain sense does define certain kinds of crime; but if you pass this bill by reference to that section you destroy the statutory provision on the subject of murder and go back to the original or fundamental idea of murder as defined by the common law, which is a malicious killing of a reasonable creature.

Mr. CURTIS of New York. You can not get anything else through the Senate.

Mr. BRUMM. What I want to get at is this: Then you expect in all the courts, without a statutory provision, to make it a question before the jury of the ability of the different lawyers to give their judgments and to control the jury by their powers of eloquence or their thought on the subject, as to the fine distinctions in degrees?

Mr. CURTIS of New York. No; we propose to take that away from the lawyers and leave it to the court.

Mr. BRUMM. Why, no; you give it to the jury.

Mr. CURTIS of New York. The law makes that distinction now. And every man who defends a criminal——

Mr. BRUMM. You leave it to the jury to say whether there is premeditation; next, whether there is malice aforethought; next, as the law of murder would be in my State, whether it was committed while in the perpetration or attempted perpetration of arson, rape, robbery, or burglary. You allow all that to be left to the lawyers alone, take it all away from the court, and permit the jury alone to act practically as lawyers, as well as judges of the fact.

Mr. RAY. Not at all.

Mr. BRUMM. My judgment is that is giving entirely too much power to the jury, who are not supposed to be versed in the law.

Mr. RAY. Not at all. The gentleman falls into a serious and grave error when he takes any such grounds. I admit that when a man is indicted under a charge of murder, it is for the jury to say whether he is guilty or not guilty, under the charge of the court, after listening to the arguments of counsel. And now in all trials for all criminal offenses, after the lawyers have had their say and after the evidence has been heard and after the court has charged the jury as to the law, it is all left to the jury to say whether the man is guilty or not guilty.

Mr. BRUMM. Will you permit me right there? Where the law cuts the offense into two or three parts, is it not in that case for the judge to lay the law down to the jury and then for the jury to find the facts to fit one of those cases? But under your proposed bill you obliterate that and take it entirely out of the hands of the court to make the subdivisions and you leave it entirely with the lawyers and then to the jury to find out what shades of distinction there may be, taking the old common-law definition, which simply says that any malicious killing of a reasonable creature is murder.

Mr. RAY. Not at all. Suppose we had written upon the statute books of the United States a definition of murder in the first degree and a definition of murder in the second degree. Suppose we had said that murder in the first degree consisted of the unjustifiable killing of a human being with deliberation and premeditation. Suppose that was the definition of murder in the first degree. Suppose the definition of murder in the second degree was the killing of a human being under precisely the same circumstances and surroundings, but with an absence of premeditation or deliberation. Of course I assume that the murder is not committed while the person is engaged in the commission of a felony. Suppose those were the distinctions. After the evidence was all before the jury, the court would say: "Gentlemen, here are the two definitions of murder. If you find that there was premeditation and deliberation you will say, 'Guilty of murder in the first degree,' and in that event the punishment is death. On the other hand, if you find there was no premeditation and no deliberation, then you will find the prisoner guilty of murder in the second degree, and in that event the punishment is imprisonment for life." He still leaves it for the jury to say, and the jury must say, for they are the final arbiters in the matter, whether there was deliberation and premeditation or not. If they find that there was, then it would be murder in the first degree, if all are of that mind. If they are not all of that mind, and if they are all of the other mind, that there was an absence of those two essential elements, then they will say, "Guilty of murder in the second degree." But if they are unable to agree, if they are unable to get their minds together, there might be a compromise verdict, and they all might agree that it was murder in the second degree. That is, those stickling for murder in the first degree would give way, and you would have a conviction and the triumph of the law.

Mr. BRUMM. Then, as I understand you, if what you say is correct, all the statutory laws that the different States of the Union have passed amending and changing the common law are of no use. They amount to nothing. Is not that correct under your proposition?

Mr. RAY. The gentleman falls into the serious error of supposing that we are endeavoring here to change the law of the various States regarding murder and manslaughter.

Mr. BRUMM. Not with reference to the States, but you are relegating it back to the common-law definition of murder alone.

Mr. CURTIS of New York. That is the law now. The common-law definition of murder is the definition of murder in the United States courts.

Mr. BRUMM. I do not care what it is. There are, as I understand, subdivisions and definitions to a certain extent.

Mr. CURTIS of New York. Not a bit.

Mr. BRUMM. Unless you can improve the law as it is now, there is no reason why you should pass this law. In other words, why do you not introduce a bill here specifically subdividing the degrees, and settle it upon that point? That is the whole point.

Mr. RAY. Now, let me answer the gentleman, and let the gentleman from Pennsylvania open his ears and awaken his intellect to a comprehension of the fact I state, for I have already stated it three several times and other gentlemen of the committee have stated the same thing. I want to say here that it is the duty of gentlemen who belong to this House not only to be in their places but to listen to what is being said when a bill is under consideration. The gentleman from Pennsylvania is usually in that attitude, but to-day he has been a little bit off. Here is the answer already made to the question which he has propounded: The Committee on the Judiciary in the Fifty-second Congress, the Committee on the Judiciary in the Fifty-third Congress, and the Committee on the Judiciary in the Fifty-fourth Congress in the House each believed that we ought to pass an act amending the statutes of the United States defining and providing the punishment of the crime of murder, and the most of us believe that we ought to divide that crime into two degrees, also defining and providing punishment for the crime of manslaughter.

In the last Congress we did pass a bill which defined murder and manslaughter, and which pointed out the various degrees of murder and of manslaughter. That bill went through this House and went over to the Senate of the United States, a very able body of very intelligent men. It has but one superior on the face of the earth, and that is the House of Representatives, the representatives of the people as assembled in the Fifty-fourth Congress. The Senate disagreed with us. It did not come up to our line of intelligence, as was suggested by the gentleman from Ohio [Mr. GROSVENOR]. The Senate refused to concur in our action. They thought we were going too far. For that reason the Committee on the Judiciary in the Fifty-fourth Congress was willing to compromise. We were willing to go one step at a time. We were willing to get this bill. Under the provisions of this bill, when a man is indicted for the crime of murder and a conviction is had, the bill permits the jury to say, if the offense is not of that heinous nature or character that the person should be executed, it permits them to say that he is guilty but shall not suffer capital punishment, and in that event he is imprisoned in a State prison for life.

Mr. BRUMM. Now, if the gentleman will just permit me there.

Mr. RAY. That is the object, and that is the answer to the gentleman's question.

Mr. BRUMM. That is what I have heard the gentleman say before, and I assure the gentleman I understand it thoroughly. But it simply resolves itself into this, that the Senate was opposed to a subdivision of crime.

Mr. RAY. No.

Mr. BRUMM. One minute. They are opposed to a subdivision of the definition of crime, and because they voted down a practical and sensible proposition you are going to take an impracticable

and unsensible proposition and pass it through this House. In other words, you are trying to get from results to methods. I do not believe that the Senate would agree to that any more than they did to the other.

Mr. RAY. I beg the gentleman's pardon. The Senate will agree to this, because this bill as now drawn is substantially in accordance with the suggestion of the Senate, and is substantially the bill proposed or suggested by the Senate Committee on the Judiciary.

Mr. CURTIS of New York. That committee reported the exact language of this bill as a substitute for the House bill of the Fifty-third Congress.

Mr. RAY. I want to say to the gentleman from Pennsylvania that this bill is not a bill that aims at methods and not results. It aims at both. It is perfectly competent in all States of the Union, and it ought to be competent in all courts of the United States, for the jury to say, after they have heard the evidence, after they have listened to the arguments of counsel, after they have heard the charge of the court as to the law, if they find the man guilty, whether he shall be hanged, electrocuted, drawn and quartered and his body given over to some doctor to be dissected, or whether he shall be imprisoned for life.

I believe that the day will come when capital punishment will be abolished; but it has not come yet. The time is not fully ripe for it. But you will have imprisonment for life in any event; a punishment that is as severe, and, as I believe, a more severe and effectual punishment; one having a tendency to produce good order in society and serve humanity better than the punishment of death; a punishment that will protect society from the offender if he is found guilty. This punishment will insure conviction in hundreds of cases where criminals now go scot-free, and as the district attorney from the West says—where is he from?

Mr. CURTIS of New York. From the eastern district of Texas.

Mr. RAY. And as the district attorney for the eastern district of Texas says, it will lead to conviction in dozens of cases of indictment where it is now useless to bring the criminals to trial, because under the law as it stands they are sure to go scot-free; and he says that if this bill becomes law he can safely put these criminals on trial with a certainty of securing conviction in at least eight-tenths of these cases. Letters are coming from all over the land showing the wisdom of enacting this bill into law.

Mr. BARRETT. Will the gentleman permit another question on the same line?

Mr. RAY. Certainly.

Mr. BARRETT. I have heard the argument of the gentleman as to cases of murder in the Indian Territory and other unsettled regions of this country, but I would like to ask him the question whether or not, if this bill becomes law, the punishment of the death penalty will be abolished for being accessories before the fact to murder, to conspiracy, to treason, to piracy under the law of nations, to murder on the high seas, to hostilities against the United States, to piracy by subjects, citizens, of foreign States, the rescue of prisoners going to or from execution, for any of these offenses, and if this death penalty shall be abolished for these crimes, I would like to ask the gentleman to explain whether it has been by reason of the fact of a failure to enforce the law against piracy, treason, for being accessory before the fact to any of the high crimes to which I have alluded?

Mr. RAY. With the gentleman's permission, my time having expired, I will yield to my colleague from New York [Mr. CURTIS] to answer that question, because he will do it much better than I can, having studied the facts in detail and being thoroughly posted in statistics.

Mr. CURTIS of New York. Mr. Chairman, I will answer the gentleman very briefly. The penalty of death is taken away from those offenses for the sole purpose of securing convictions, which in many cases it has been found difficult to do under existing law. I give way now to my friend from Iowa [Mr. HENDERSON] to move to close the debate.

Mr. BARRETT. I trust the gentleman will not give way quite so soon, because he has made an answer that is not satisfactory.

Mr. CURTIS of New York. I fear I can not satisfy the gentleman from Massachusetts. I have tried to answer his question.

Mr. BARRETT. I want to ask the gentleman whether there has been any difficulty in enforcing the law against the crime of piracy?

Mr. CURTIS of New York. There has not been a trial for ninety years, and the last one was a failure.

Mr. BARRETT. I want to ask the gentleman whether there has been any difficulty in enforcing the law against the crime of murder upon the high seas?

Mr. CURTIS of New York. There has not been a trial for murder upon the high seas for a long period.

Mr. BARRETT. Mr. Chairman, that seems to me to be begging the question. I asked the gentleman whether or not from his great legal knowledge he can state that it has been found difficult or impossible to convict men of the crime of murder on the high seas.

Mr. CURTIS of New York. These trials were a long time ago, but the crime of murder wherever committed under the Federal jurisdiction is here provided for as a crime of which the penalty shall be death, unless the jury find "without capital punishment."

Mr. BARRETT. Has there been any difficulty in convicting persons who have been accessories before the fact in cases of murder and piracy?

Mr. CURTIS of New York. The answer I have made is a complete one to all the inquiries the gentleman from Massachusetts makes.

Mr. BARRETT. Mr. Chairman, I understand the gentleman to tell me that the crime of being accessory before the fact is the same crime as murder. Do I understand him correctly?

Mr. CURTIS of New York. Yes, sir.

Mr. BARRETT. I have personal knowledge of a case in New Hampshire, within twenty years, where the supreme court of that State expressly decided that the crime of being accessory to a murder before the fact was not the same as the crime of murder. The man was tried first for murder and acquitted, and then he was brought to the bar charged with being an accessory to murder. It was claimed for the defense that he could not twice be put in jeopardy for the same offense, but it was held by the court that the offense was not the same.

Mr. CURTIS of New York. My friend has failed to distinguish between a State statute and a Federal statute. We are governed here not by the statutes of New Hampshire or of any other State, but by the statutes of the United States. Therefore in this legislation we are not infringing upon the rights of New Hampshire, nor do the decisions of her courts or the provisions of her statutes furnish precedents to be cited in Congress respecting a Federal statute. I hope my friend will recognize the distinction between the Federal Government and the governments of the several States.

Mr. HENDERSON. Mr. Chairman, I now ask unanimous consent that general debate upon this bill be closed and that we proceed to consider the bill by paragraphs under the five-minute rule.

There was no objection, and it was so ordered.

The Clerk read as follows:

That in all cases where the accused is found guilty of the crime of murder or of rape under section 5339 or 5345, Revised Statutes, the jury may qualify their verdict by adding thereto "without capital punishment"; and whenever the jury shall return a verdict qualified as aforesaid the person convicted shall be sentenced to imprisonment at hard labor for life.

Mr. GROSVENOR. Mr. Chairman, I do not like to take up any more of the time of the committee, but there is one suggestion that I desire to make. I shall not move to insert the crime of treason in this section, but I wish that it could be done with the consent of the Committee on the Judiciary. The gentleman from New York [Mr. CURTIS] has, with wonderful pains and industry, presented us a most valuable table of information and has done work which it would take an ordinary lawyer almost a year to do.

Mr. CURTIS of New York. Ten of them.

Mr. GROSVENOR. But I want to point out to the committee that the suggestion made by the gentleman in regard to the omission of the crime of treason will hardly be justified in the light of the particular countries that have omitted that crime from the catalogue of death penalties. I want to read the names of the countries that do not punish treason by death, for I think this list presents quite an interesting study: Brazil, Colombia, Costa Rica, Guatemala, Italy, Peru, Siam, Switzerland, and Venezuela.

Mr. CURTIS of New York. And Russia.

Mr. GROSVENOR. Not at all; I beg the gentleman's pardon.

Mr. CURTIS of New York. Russia has abolished the death penalty as to all nonpolitical offenses.

Mr. GROSVENOR. But treason is a political offense.

Mr. MILLIKEN. Will the gentleman yield for a question?

Mr. GROSVENOR. I will in a moment.

Now Switzerland, one of the countries included in the list I have just named, has a stable government—one of the most enlightened and liberal democracies on the face of the earth. Why she has a stable government may be a matter of discussion. It may be on account of the great patriotism of her splendid people. It may be that her geographical position has had much to do with it. Switzerland alone of all these countries that have abolished the death penalty for treason has a stable government. Many of the others have their annual or semiannual or biennial or quadrennial revolutions. There is Brazil with her rotating government; I trust that now under a republic the Government may be more permanent. Then there are Peru, Siam (I know little or nothing about Siam), Venezuela, Colombia, Costa Rica, Guatemala—these are the countries that have abolished capital punishment for treason. It seems to me that is a warning to us. All the great civilized nations of the world, aside from these Spanish-American Republics——

Mr. CURTIS of New York. The gentleman forgets Italy and Portugal and Belgium and Holland.

Mr. GROSVENOR. Holland has not abolished the death penalty.

Mr. CURTIS of New York. Yes; totally.

Mr. GROSVENOR. It does not so appear in this list.

Mr. CURTIS of New York. It is in the list.

Mr. GROSVENOR. If it is I stand corrected. Italy is not a Government that I want to point to as a model.

Mr. CURTIS of New York. She has abolished the death penalty only recently. If she had done it fifty years ago she might be a model.

Mr. GROSVENOR. Italy is a country for which I have much admiration. "Free Italy" presents to the world the spectacle of a nation struggling from under a domination worse than slavery—cultivating patriotism, love of country, pride in country. But beyond Italy and Switzerland you can not find a country other than these Spanish-American Republics that does not declare the highest penalty known to human justice against the man who strikes the blow of treason against his Government.

Mr. RAY. May I ask the gentleman a question?

Mr. GROSVENOR. Certainly.

Mr. RAY. Spain punishes treason with death. The struggling patriots in Cuba are in arms against their lawful Government—we believe for good cause—because of oppression. Would the gentleman, under the circumstances in which those patriots stand, like to see every one of them, if caught, hanged or shot?

Mr. GROSVENOR. It does not become our Government to compare Cuban patriots to persons guilty of treason. Our historical record that a rebellion may grow to such proportions that it ceases to be treason settles the question of the Cuban patriot in his favor.

Mr. RAY. What is the distinction?

Mr. GROSVENOR. I am not here to discuss the distinction. By our Constitution treason against the United States consists of "levying war against the United States or in adhering to their enemies, giving them aid and comfort." But there is a dividing line that we all understand between the plotting traitor to his country and the brave revolutionist, if you please, who boldly takes up arms. And in case of unsuccessful rebellion or attempted revolution it is always a question of discretion, of political policy, afterwards with the Government whether the offense shall be treated as treason or as something else.

But to say that our Government shall be powerless to strike with death the plotting traitor is a proposition the propriety of which seems to my mind doubtful. I submit that question to this Committee of the Whole. I would not oppose this bill on that ground if in the judgment of the committee the provision ought to be retained; but when I heard the distinguished gentleman from Texas [Mr. CULBERSON], formerly the chairman of this great committee, say that in his judgment treason ought to have been left in this bill as one of the offenses punishable with death, I agreed with him, and I shall continue to do so unless I am overruled by the higher judgment of this House.

Mr. CURTIS of New York. One word in reply to the gentleman from Ohio; for I do not wish to detain the House, as I am anxious we shall come to a vote. There has been no trial for treason in the United States since that of Aaron Burr (who was not convicted), except one or two trials which were had in the Western States during the late war, and which were unsuccessful.

Mr. GROSVENOR. There has not been a trial for more than fifty years for murder on the high seas; but is that any answer to the argument? That is the reason perhaps why we have not had any more of them.

But the gentleman from New York is mistaken in his assumption. As deputy United States marshal in June, 1861, I myself impaneled men to try an indictment for treason against the Government of the United States. The case failed upon proof before the jury, but not because of an indisposition to inflict punishment on the part of the jury.

Mr. GILLETT of Massachusetts: Mr. Chairman, the statute which the gentleman from New York [Mr. RAY] read about punishment after death and the dissection of executed criminals reminded me of what I had read of one of the States—I do not now recall which—where the law provided that no medical student should become a practitioner until he had gone through a course in dissection. Shortly after they passed a law that no body should be dissected except the body of an executed criminal, and then they passed a third law abolishing capital punishment. This, of course, made it rather difficult to increase the ranks of the medical profession and gave the old members a fine monopoly.

I agree entirely with what the gentleman from Ohio [Mr. GROSVENOR] has said about this law. I was one of the few members on the committee who opposed it. I thought that instead of this bill we ought to have a law defining degrees of murder, and as I understand the argument made for this bill instead of that one, as it has been expressed by the gentleman from New York [Mr. RAY], it is not that, in his judgment, the pending bill is better than such a bill, but it is simply that the other could not pass the Senate; and so he says, although we have not here the best provision of law—because he admits that he prefers the other—let us pass this inferior one because we can get it through, while the other would fail.

Now, it seems to me, in the first place, that if we think that the other bill is best we ought to insist upon its enactment, and not yield and take something that is inferior or objectionable. I admit that his argument is in general good—that if you can not get all you want you should take what you can get—but it is irrelevant here. This case is just the reverse of that, because it is a case where we want but a little and yet are to be driven under compulsion to take more. To that I object.

What we here all seem to want is a definite grading of the crime of murder which will allow convictions and capital punishment at the right time and under proper circumstances; but I do not think that this law provides that, although it does go very far toward the total abolition of capital punishment. I have no doubt that that is the reason the humane mind of my friend from New York favors this bill, because it comes so near abolishing capital punishment, which he does not believe in.

This bill allows the jury to say whether they will ever apply capital punishment or not. In other words, it puts the burden on each particular juror to ask himself the question, "Shall I assume the responsibility of that man's hanging?" Under the other law, which defines the degrees of murder, that appeal does not come to each individual juror. It may, of course, by straining a point, be applied to him by adroit counsel; but the jury is to find out what degree of guilt the man is involved in according to law, and the juryman does not need to say, "I want that man hung or imprisoned," but simply, "I pronounce him guilty under the law and under the judge's instructions." I do not think that we should place the juror under the stress that this bill would involve unless we wish to entirely abolish capital punishment. Therefore I do not believe in this bill, but prefer the other, and think we are allowing ourselves to be driven to a step toward the abolition of capital punishment, and going further than we want to go—taking a step that we can not retrace—by the threat that the law we want can not be got through the Senate.

That being the case, Mr. Chairman, I claim that we should stand by the law that we do approve, and not pass this bill.

Mr. CURTIS of New York. If my friend will indulge me for a single illustration, I wish to refer him to a man who, in former ages, was regarded as the wisest of his time.

When the Athenians had suffered under the laws of Draco, they asked Solon to prepare for them a code of laws, and when they were completed they asked him, "Have you prepared for us the best laws which you could?" He replied, "No; I have not, but I have prepared the best laws that the Athenians are able to bear." We are precisely in that situation to-day, and I hope my friend from Boston, the modern Athens of America, will yield to the example of the men who made Athens so distinguished.

Mr. GILLETT of Massachusetts. Mr. Chairman, I do not, unfortunately, come from this "Athens of America," so that the argument of the gentleman from New York does not appeal to me as forcibly as it might otherwise.

I have admitted the force of the principle laid down by the gentleman from New York, that when we can not get all we want we must take what we can get, but the principle does not apply here, because we are not taking less than we want, but we are being urged to take more than we want and to go further than we want to go, and take a stand that we do not want to take, because another body says we shall not take and hold the little which we do want and which we believe in.

If it was the other way, the argument would hold. In the Senate, for instance, if they should be told, "No; the House will not agree to this practical abolition of capital punishment, but the House will agree to the law defining degrees of murder, which goes halfway toward abolishing capital punishment," there the argument would be pat, and there the argument ought to be made, and they ought to take part of what they want, not being able to get it all. They ought to be told, "Accept the House bill, which the House passed in two Congresses, defining the degrees of murder, even if it does not go as far as you would like"; but here we are being pushed farther than we ought to go, and I oppose it.

Mr. HEPBURN. Mr. Chairman, I think this bill is one of a great deal of importance, and that it ought not to be enacted simply out of compliment to the gentleman from New York [Mr. CURTIS], who I understand has devoted a great many years of his life to the consideration of this subject, and who seems to have great anxiety to secure its passage. This bill proposes to remove capital punishment in all cases, practically, where there is complete, fair judicial examination, and to leave capital punishment in all that great multitude of cases where there is no examination of that kind, and in my judgment no proper tribunal to determine matters of such great importance as life or death. In all of those offenses known to the Articles of War, or the corresponding articles governing the Navy——

Mr. CURTIS of New York. We do not touch those at all.

Mr. HEPBURN. In all those cases, the gentleman leaves

capital punishment and allows courts-martial to determine upon matters of that kind. Yet from the regularly and properly constituted courts he either wants to take away the power or else to impose new and confusing duties where they ought not to be imposed. To my mind one of the great objections to this bill is that, instead of allowing juries to determine a single question only, namely, the guilt or innocence of the party accused, the gentleman proposes to impose upon them another duty, that of determining the degree of punishment.

Now, I believe that juries, as a rule, are to be trusted, when you can present to them one single question. We must remember that the men who compose our juries are not accustomed to the determination of great questions like life and death; and wherever you perplex them by adding to the question they must determine you lessen the liability of accurate judgment. I should be willing to trust the jury with the question, "Is this party guilty or not guilty," and that is enough to submit to them; but you give to the attorneys the further opportunity of confusion by submitting this other question, after they have determined the primary one, of what shall be the measure of the punishment, and in that you go too far.

Mr. CURTIS of New York. Will the gentleman give way for a question.

Mr. HEPBURN. I will.

Mr. CURTIS of New York. Does any trouble arise on this question in the State of Iowa?

Mr. HEPBURN. I think there does, and I have always been opposed to adding this other perplexing question to the duties of the jury.

Mr. CURTIS of New York. Iowa has had the law since 1878; and 35 other States have the same law.

Mr. HEPBURN. I am perfectly willing to admit that, but while the jurisprudence of Iowa is a great improvement, in very many respects, upon the common law of two hundred years ago, yet I assume that it is not yet perfect. Mr. Chairman, the gentleman has taught us the alarming fact that 10,500 murders were committed in the United States in 1895, and he proposes to take away from the sacredness and protection of life——

Mr. RAY. Just a moment. There were not 10,500 murders, but 10,500 homicides.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. LITTLE. Mr. Chairman——

Mr. BARRETT. I ask unanimous consent that the gentleman's time be extended.

Mr. LITTLE. I will yield the floor if it is desired to extend the gentleman's time.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Iowa be extended five minutes. Is there objection?

There was no objection.

Mr. HEPBURN. Now, Mr. Chairman, I believe that human life is so sacred—that is, the life of the law-abiding citizen is so sacred—that it ought to have about it all the protection possible. I do not believe you are adding to its protection when you take away from the mind of the man who may be the culprit the fear of death; when you hold out to him the hope of pardon or of escape. In my own State, within a few days, a murderer who killed a guard in his attempt to escape after the robbery of a bank in broad daylight presented his petition to the legislature seeking for a recommendation to the governor for pardon, which recommendation he must have in that State. That recommendation came within a few votes of passing, and I think it is the second or third legislature that has been importuned in that way. This man has assumed conversion, has assumed an entire change of life. He has excited the sympathy of certain persons in the State; and everywhere weak-minded, kind-hearted people, who are misled, can always be relied upon after the passage of a few years to set at liberty and to give new lease of power for the commission of crime to any criminal, I care not how bloody-minded or bloody-handed he may be. Now, while that uncertainty is in the minds of men, when there is constantly before them the thought that pardon may occur and that their crimes will not meet with certain punishment, I believe that the law does not act as a sufficient deterrent. I believe it is wiser and safer to preserve the death penalty.

It is better, in my judgment, if the death penalty is not to be inflicted and another and lesser punishment is to be imposed, that it should be within the province of the court to determine that, rather than that the minds of the jury, when considering the question of guilty or not guilty, should be perplexed with that additional matter to determine. I believe this bill is all wrong; and I do not believe that the gentleman who spoke in its behalf a little while ago, the gentleman from New York [Mr. RAY], finds or can find a justification for it in the failure of another branch of Congress to engage with us in proper legislation. The primary idea with him is that through the provisions of this bill he is going to secure these degrees of crime through punishment that ought to be found in the definitions of the statute. I agree with him that there should be two degrees of murder—murder of the first and murder of the second degree—and that there should be two, possibly more, degrees of manslaughter, and there are other offenses that properly should have statutory degrees in their definition. But this is not the way to secure it; this is not the legitimate way to secure that legislation, and the fact that others will not do their duty does not justify this House in attempting in this roundabout, inefficient, uncertain way to seek to accomplish what gentlemen think will be to some extent a remedy.

Mr. LITTLE. I desire to offer an amendment.

The Clerk read as follows:

Add at the end of section 1:

"And in all other cases of conviction where any part of the punishment is imprisonment the jury trying the case shall fix the term of punishment, not to exceed the maximum limit prescribed by law."

Mr. LITTLE. Mr. Chairman, I only desire to submit a few remarks upon this proposition. I desire to say, in the first place, that I favor the policy of this bill. I much prefer that the jury should use their own judgment as to whether a man should be hung or imprisoned for life. In other words, I am a sincere believer in the jury trial. I believe that 12 honest men gathered from the country, in criminal cases, in ninety-nine cases out of a hundred will do justice. The amendment that I offer does not at all impinge upon the policy of this bill, but adds to it. The bill provides that in case of capital punishment the jury may say whether or not the punishment of death shall be enforced. The amendment I offer provides that in all cases where imprisonment is a part of the punishment the jury trying the case shall fix the amount of imprisonment, not beyond the maximum limit fixed in the statute. In other words, I undertake by this amendment to take out of the hands of all judges the imposition of the punishment that is fixed, and the extent of it, and place it in the hands of the jury trying the case.

Now, I do not know how it is with other gentlemen, but in the State that I have the honor in part to represent our juries fix the amount of punishment in all cases except capital, within the limits prescribed by the statute. It works well. They can readily judge of the facts, and their findings have almost universally been satisfactory. But when you come to the Federal courts, where the jury are said to be judges of the fact of guilt or innocence, they simply say guilty or not guilty, and the judge says whether it shall be one, ten, or fifteen years in the penitentiary, or whatever the legal limit is. As the juries are judges of the facts, I think they are also better judges of the quantum of the punishment. For instance, the law of manslaughter, as I remember, provides a punishment not to exceed seven years' imprisonment. The jury ought to be permitted to say whether in that particular case it should be five years or one year, or whatever in their judgment is just and proper. The punishment ought to be left to the discretion of the jury. I heartily approve, therefore, of this bill. I believe it ought to be the law all through the land in capital cases; that the juries, hearing the facts and having all the bearings of the cases before them, ought to be permitted to speak and say whether in a particular case it ought to be capital punishment or imprisonment. I think it ought to go even further and say what the imprisonment should be.

I tell you, gentlemen, we ought so far as we can to carry out the Constitution of the country, not only in the letter, but in the spirit, which guarantees to a citizen the right of trial by jury. I think that the jury ought to fix the extent of punishment and say what it shall be, and not let them, as they now do, merely say "yes" or "no" on the question of guilt. I would let them fix the punishment within the maximum; and let the facts be separated from the law and let the juries, the people of the country, settle what the punishment shall be. It has acted well in my State and has always been most satisfactory. It has been satisfactory to the law-abiding element of our land, and I would like to see this amendment adopted. I consider that it is in line with the spirit of the bill and in harmony with the constitutional right of trial by jury.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRUMM. Mr. Chairman, I believe that the original bill is bad enough, but to add this amendment to it would make it a great deal worse. I have had considerable experience in criminal cases, and the great trouble with juries as a rule is that they have a disposition to compromise. After the verdict is rendered and you ascertain how the jury stood, you will find in nine cases out of ten that the verdict is a compromise verdict. The best way to get jurors to render a verdict on the facts is by putting them in a position where they can say, "We have nothing to do with the punishment; we have simply to find the facts; we eliminate from our consideration the consequences of our findings; we have simply straight work before us, to find out the fact, Is this man guilty or is he innocent?" Upon that basis the jury will come nearer to rendering a just verdict than any other. Here it is proposed to

encumber these laymen with the double duty of ascertaining the fact and fixing the punishment. If you do it, the result will be that at least 50 per cent more of our criminals will go unpunished.

But there is another objection to this amendment. There ought to be some consistency and similarity in the punishments inflicted for the same offense when committed by different individuals.

Mr. GROSVENOR. What does the gentleman think would probably be the effect under this provision of trying a person charged with making moonshine whisky in some of the mountain districts of the South before a jury of his peers; what would the fine probably be? [Laughter.]

Mr. BRUMM. I can not answer that question, as I have had no experience in that kind of business, but if the jury had authority to fix the punishment I suppose their verdict would be regulated by the sentiment prevailing in the locality.

Now, Mr. Chairman, there is another reason which it seems to me is important in considering this question, the one I have already indicated, that in the punishment of crime one criminal ought to be punished the same as another, or as nearly as possible the same, where the offense is of the same grade. If a rich man commits larceny, he ought to receive the same punishment as a poor man who commits larceny. If a poor man commits larceny, he ought to receive no greater punishment than the rich man. But by this bill you propose to leave the determination of the punishment to the spasmodic impulse of the particular jury in each case. That jury, sitting only in that specific case, will be largely governed by the criminal that is before them. They may think in one case, "This fellow ought to have ten years," and perhaps the next jury, knowing nothing about the length of time for which the first man was sentenced, may fix a very short period of punishment in a similar case, and then the cry will go up in the community that this man had a long term of punishment for a certain offense, while the other man, for a like offense, had only a short term of punishment. Now, if you let the judge pass sentence in both cases, he will be far more likely to do justice by making the sentences consistent with each other. When a judge has passed a certain sentence upon Jack for stealing a pair of boots and Jim comes up before him for a like offense, the probability is that he will give him the same sentence. It is the experience of the judge that enables him to equalize sentences.

Mr. SMITH of Michigan. The judge may be influenced also by his talk with the criminal.

Mr. BRUMM. Yes; I thank the gentleman for the suggestion. The judge will ask the criminal "What have you to say why judgment should not be imposed upon you?" and he will take into consideration the explanation which the criminal makes. Under that system there is no such chance of unequal sentences; but this bill, with the amendment proposed by the gentleman from Arkansas, would be simply a farce. It would be much worse than the original bill.

Mr. CURTIS of New York. Mr. Chairman, I hope the amendment of the gentleman from Arkansas will be voted down.

The CHAIRMAN. Debate is exhausted upon this amendment.

Mr. HEPBURN. Mr. Chairman, I ask to have the amendment again reported.

The amendment was again read as above.

Mr. GROSVENOR. Mr. Chairman, I move to amend that amendment by striking out the word "law."

Mr. CURTIS of New York. I hope the whole amendment will be rejected.

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. GROSVENOR. Mr. Chairman, I do not suppose it is likely that this amendment offered by the gentleman from Arkansas will be agreed to. It leaves to the local juries all over the country the fixing of the penalty, and I take it that they would also have something to do with the rule of evidence. When I heard the amendment read, it reminded me of Hoyt's play, A Temperance Town, where the jury went out to try a liquor seller. It was up in Vermont, I believe. One of the items of evidence that had been offered on the trial was a bottle that had been rescued from the cellar of the liquor seller. The bottle was called "Exhibit A," and after the jury had been out for a considerable time the bailiff came in with the empty bottle and said to the court that the jury desired to have "Exhibit A" filled up again. [Laughter.] If this amendment should be adopted I take it as likely that in the moonshine-whisky regions of this country local opinion, as embodied in juries, would be found to be decidedly against the enforcement of the law.

Mr. LITTLE. Mr. Chairman, I suppose the trial to which the gentleman has referred was in his own State of Ohio?

Mr. GROSVENOR. Oh, no; it was located by the playwright in Vermont in a well-known temperance community. Of course he took care to locate the play where no such thing could happen. [Laughter.] I have seen 200 indictments in cases coming from a mountainous section of the country, not in Ohio, but in an adjoining region, and in that United States court the question for the jury was narrowed down very closely by the judge, so that it was simply the question, "Did this man make or sell this liquor?" But if you should let the jury say whether or not the accused should be punished, the outcome would depend, I imagine, very much upon the quality of "Exhibit A."

Mr. HENDERSON. I move that debate on the amendment and the amendment to the amendment be limited to three seconds.

Mr. GROSVENOR. I withdraw my amendment.

Mr. HENDERSON. Then I move to limit debate to three seconds on the amendment of the gentleman from Arkansas [Mr. LITTLE].

The motion of Mr. HENDERSON was agreed to.

The question being taken on the amendment of Mr. LITTLE, it was rejected; there being—ayes 10, noes 58.

The Clerk read, as follows:

SEC. 2. That except offenses mentioned in sections 1342, 1624, 5339, and 5345, Revised Statutes, when a person is convicted of any offense to which the punishment of death is now specifically affixed by the laws of the United States, he shall be sentenced to imprisonment at hard labor for life, and when any person is convicted of an offense to which the punishment of death, or a lesser punishment, in the discretion of the court, is affixed, the maximum punishment shall be imprisonment at hard labor for life.

Mr. GILLETT of Massachusetts. I move to amend this section by inserting, after the word "sections," in line 1, the words "fifty-three hundred and thirty-two." This section is that which provides for the punishment of treason. It seems to me proper, I do not wish to argue the question, that treason should be excepted from the offenses for which the death penalty is by this bill abolished.

The question being taken on the amendment of Mr. GILLETT of Massachusetts, it was agreed to; there being—ayes 47, noes 17.

Mr. BARRETT. I move the amendment which I send to the desk.

The Clerk read as follows:

Strike out, in lines 6 to 11, the words "he shall be sentenced to imprisonment at hard labor for life, and when any person is convicted of an offense to which the punishment of death, or a lesser punishment, in the discretion of the court, is affixed, the maximum punishment shall be imprisonment at hard labor for life," and insert in lieu thereof the following: "The jury may qualify their verdict by adding thereto 'without capital punishment'; and whenever the jury shall return a verdict qualified as aforesaid, the person convicted shall be sentenced to imprisonment at hard labor for life."

Mr. BARRETT. I trust the committee will give attention to this amendment, which is designed to make this bill symmetrical and to accomplish the very object which my friend from New York [Mr. CURTIS] said that he wanted brought about. He has stated that in trials for murder or rape it should be within the power of the jury to decide whether capital punishment or imprisonment for life shall be inflicted. But when he comes down to treason and piracy and a number of other offenses equally criminal with murder and rape, and in my opinion more so than murder, he provides that the penalty shall not exceed imprisonment for life, and that the jury shall have no option of imposing capital punishment.

My amendment proposes that in all these cases, whether the offense be murder or rape, or whether it be treason or piracy or similar offenses, it shall be optional with the jury to decide whether the person convicted shall be executed or shall be sentenced to imprisonment for life. My colleague from Massachusetts [Mr. GILLETT] has already offered an amendment, which has been adopted, providing that for the crime of treason the punishment shall be death. The committee, in view of the general sentiment in that matter, wisely offered no serious objection. My amendment makes the provision general, so that where the offense is piracy or murder on the high seas or destroying a vessel or anything of that sort, it shall be within the option of the jury to declare whether the criminal shall be hanged or shall suffer imprisonment for life. There has been nothing in the arguments advanced here by any member of the committee to sustain the fine distinction which the bill undertakes to draw in favor of men who commit this class of crimes and against those who commit the crime of murder or rape. My amendment simply applies to all these different offenses the same provision in regard to punishment, giving to the jury in the second class of offenses the same option as this bill allows in respect to offenses of the first class.

Mr. GILLETT of Massachusetts. Does not my colleague [Mr. BARRETT] wish to retain in section 2 the words "and when any person is convicted of an offense to which the punishment of death or a lesser punishment, in the discretion of the court, is affixed."

Mr. NORTHWAY. The amendment of the gentleman from Massachusetts [Mr. BARRETT], if adopted, simply kills the bill.

Mr. CURTIS of New York. The adoption of the amendment will be fatal to the bill.

Mr. BARRETT. This whole measure has to do with and intends to accomplish, in rather blind phraseology, the abolition of capital punishment.

Mr. CURTIS of New York. Mr. Chairman, the amendment, if adopted, would simply destroy the bill; and I hope that those who favor the bill will vote it down.

Mr. BARRETT. Why, Mr. Chairman, the gentleman says that this will destroy the bill. Yet for two hours I have sat here in my seat and the only discussion we have had with reference to the matter has been in regard to the crime of murder and the penalty as embodied in this bill.

This amendment is to make this section harmonize with the first section, which has been already adopted. The first section was passed just as the gentleman himself reported it.

I submit that the statement of the gentleman that the amendment destroys the bill is simply to becloud the House. Why not call it a bill to abolish capital punishment and have done with it?

The amendment was again reported.

The question being taken on the amendment of Mr. BARRETT, the committee divided; and there were—ayes 28, noes 47.

So the amendment was rejected.

Mr. BARRETT. If in order, Mr. Chairman, I desire to serve notice on the gentleman from New York now, so that he may understand the situation, that when this bill is reported to the House I shall move to recommit it with instructions to make the change which that amendment contemplated, so that the sections of the bill will be in harmony with each other.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

Section 3 of the bill was read, as follows:

SEC. 3. That the punishment of death prescribed for any offense specified by the statutes of the United States, except in sections 1342, 1624, 5339, and 5345, Revised Statutes, is hereby abolished, and all laws and parts of laws inconsistent with this act are hereby repealed.

Mr. GILLETT of Massachusetts. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Add in line 3, section 3, page 2 of the bill the words "fifty-three hundred and thirty-two."

Mr. GILLETT of Massachusetts. The amendment is simply the corollary to one I offered, and which was adopted by the House, in the preceding section. Of course it is necessary in the second section to insert the exception of treason; it is also necessary in this section, and as the House adopted the other it will, I take it, also adopt this.

Mr. HENDERSON. In order to be logical with the first amendment adopted, I think the gentleman from Massachusetts is correct about the statement he makes.

The amendment was adopted.

The Clerk read section 4, as follows:

SEC. 4. That nothing herein contained shall apply to or in any way affect any proceeding or indictment now found or pending or that may be found for any offense committed before the passage of this act, and all offenses committed before the passage of this act shall be punished under the laws then in force: *Provided*, That juries may return qualified verdicts in such cases according to the provisions of section 1 of this act, and the sentences shall be imposed as therein provided.

Mr. CURTIS of New York. Mr. Chairman, I move now that the committee rise and report the bill favorably to the House as amended.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 878, had directed him to report the same to the House with sundry amendments, and as so amended that the bill do pass.

The question being taken on the amendments recommended by the Committee of the Whole, they were agreed to.

The question recurred on the engrossment and third reading of the bill.

Mr. BARRETT. Is it in order now to offer an amendment?

The SPEAKER. It is.

Mr. BARRETT. I desire to offer the amendment which is in the hands of the Clerk at the desk.

The Clerk read as follows:

On page 2, line 6, after the words "United States," strike out "he shall be sentenced to imprisonment at hard labor for life; and when any person is convicted of an offense to which the punishment is death, or a lesser punishment in the discretion of the court is affixed, the maximum punishment shall be imprisonment at hard labor for life," and insert in lieu thereof: "The jury may qualify their verdict by adding thereto 'without capital punishment,' and whenever the jury shall return a verdict qualified as aforesaid" the person convicted shall be sentenced to imprisonment at hard labor for life.

Mr. TERRY. Is that the amendment which was offered by the gentleman in Committee of the Whole?

Mr. BARRETT. It is.

Mr. TERRY. I understand that an amendment rejected in the Committee of the Whole is not in order in the House.

The SPEAKER. The House may differ with the Committee of the Whole.

Mr. BARRETT. The reason I again offer the amendment is, in brief, this: No objection has been made to it and no argument advanced against it, but it was submitted and the only argument raised was by the chairman of the committee, who called on his friends to "vote it down." I undertake to say that no argument can be made against it, for it puts the second section exactly in line with the first and fixes the punishment exactly, word for word, verbatim, as is fixed in the first section of the bill. The intention evidently is to abolish the death penalty for these offenses, but the issue may as well be freely understood.

If the first section is right—and the committee has advocated it—then this amendment ought to be adopted to the second section. The whole theory of this bill is this, as the chairman of the committee has stated, that it ought to be possible to give an option of punishment, either the death penalty or else imprisonment for life. That is put into the first section; but in this second section, as reported by the committee, the jury has not the option to inflict the death penalty for piracy, for being accessory to murder, for stealing a prisoner away on the way to execution, and for numerous other crimes that have been always punishable with death under the law of this country. The reason given by the gentleman from New York [Mr. CURTIS] for this whole law is that men can not be convicted when it is mandatory to inflict the death penalty, when there is no option of imprisonment for life. In the line of the report of the committee, I suggest that the second section may be made harmonious and that the punishment in the second section may be the same as in the first section. If the gentleman in charge of the bill can give any reason for the distinction that is made here, I may be convinced; but until he does, I submit to the House that it is entirely unwise to make the punishment different in the two sections, and to make the punishment different for those crimes which have always been considered of equal gravity, unless, as appears, it is simply a plan to abolish the death penalty.

Mr. CURTIS of New York. I move the previous question.

Mr. BARRETT. I ask the gentleman to yield for a moment. Is it not suggestive when a member gets up on this floor and offers an amendment which makes the punishment in the second section exactly as it is in the first section to have no explanation or answer vouchsafed, but a mere demand for the previous question?

Mr. PICKLER. They are different crimes.

Mr. CURTIS of New York. The matter has been once discussed, Mr. Speaker, and that is the reason why I demand the previous question.

The question was taken on ordering the previous question; and on a division there were—ayes 60, noes 26.

Accordingly the previous question was ordered.

Mr. HENDERSON. If the House should now adjourn, would this be the unfinished business to-morrow?

The SPEAKER. It would.

Several MEMBERS. Let us vote to-night.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. BARRETT].

The question being taken, on a division (demanded by Mr. BARRETT) there were—ayes 29, noes 58.

The SPEAKER. The amendment of the gentleman from Massachusetts [Mr. BARRETT] is disagreed to.

Mr. BARRETT. Mr. Speaker, I think an amendment of this importance should not be decided by so small a number as are present on this floor. I do not like to raise the point of no quorum——

Mr. BRUMM. The gentleman from Massachusetts [Mr. BARRETT] can call for the yeas and nays.

The SPEAKER (after a pause). The amendment of the gentleman from Massachusetts is disagreed to. The question is on the engrossment and third reading of the bill as amended by the Committee of the Whole.

The question being taken, on a division (demanded by Mr. GILLETT of Massachusetts) there were—ayes 67, noes 23.

Mr. BARRETT. I raise the point that no quorum has voted.

The SPEAKER (after counting the House). One hundred and twenty-eight gentlemen—not a quorum—are present.

Mr. CURTIS of New York. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers of the Army, together with a report from the president of the Mississippi River Commission in regard to the caving in of the west bank of the Mississippi River in front of Helena, Ark.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers of the Army, report of examination and survey of the waterways between Norfolk, Va., and the sounds of North Carolina—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SWANSON, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the Senate (S. 1480) to amend an act entitled "An act to adjust the salaries of postmasters," approved March 3, 1883, reported the same with amendment, accompanied by a report (No. 883); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CORLISS, from the Committee on Interstate and Foreign Commerce, to which was referred House bill No. 1675, reported in lieu thereof a bill (H. R. 7477) to provide for the registration of trade-marks on bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, and other receptacles and vessels used in commerce with foreign nations, or among the several States, or with the Indian tribes, or among or in the Territories of the United States, or with or in the District of Columbia, and to prevent the fraudulent use of the same in such commerce, accompanied by a report (No. 884); which said bill and report were referred to the House Calendar.

Mr. HULICK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 4452) to amend section 416 of the Revised Statutes of the United States relating to the District of Columbia, reported the same without amendment, accompanied by a report (No. 885); which said bill and report were referred to the House Calendar, and the bill (H. R. 2683) relating to the same subject was laid on the table.

Mr. PERKINS, from the Committee on Printing, to which was referred House concurrent resolution No. 20, reported in lieu thereof a concurrent resolution (House Con. Res. No. 32) to print 25,000 additional copies of Bureau of Education Circular of Information No. 200, being the catalogue of the American Literary Association Library, accompanied by a report (No. 888); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the House (House Con. Res. No. 30) to print 10,000 additional copies of the Report of the Director of the Mint for the fiscal year ending June 30, 1895, reported the same without amendment, accompanied by a report (No. 889); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HERMANN, from the Committee on Rivers and Harbors, to which was referred the joint resolution of the House (H. Res. 139) authorizing the immediate use of a portion of the unexpended balance of the appropriations heretofore made for construction of canal and locks at the Cascades of the Columbia River in construction of protection wall necessary to the opening of said canal and locks to navigation, reported the same without amendment, accompanied by a report (No. 890); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. UPDEGRAFF, from the Committee on the Judiciary: The bill (H. R. 6739) for the relief of John N. Quackenbush, late a commander in the United States Navy. (Report No. 886.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 4655) granting a pension to Frederica A. Driscol. (Report No. 887.)

By Mr. HUTCHESON, from the Committee on Claims: The bill (H. R. 2029) for the relief of the widow of George C. Foulk, deceased. (Report No. 892.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (H. R. 3683) to reimburse George W. McKinsey, postmaster at Kokomo, Ind., for money paid out by him as said postmaster. (Report No. 891.)

The bill (H. R. 4541) for the relief of the owners of the schooner *Walter B. Chester*. (Report No. 893.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 2620) to place the name of Lauretta S. Prince on the pension roll. (Report No. 895.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 3499) granting a pension to Eliza A. Foss. (Report No. 896.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (S. 1945) granting a pension to Joseph Porter. (Report No. 897.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (S. 673) granting a pension to Joseph R. West, brigadier and brevet major general, United States Army Volunteers. (Report No. 898.)

By Mr. ERDMAN, from the Committee on Invalid Pensions: The bill (H. R. 4744) to increase the pension of Adam Dennis. (Report No. 899.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 4608) granting a pension to Lydia Chapman. (Report No. 900.)

ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. AVERY, from the Committee on War Claims, reported adversely (Report No. 894) the bill (H. R. 148) for the relief of Secor & Co., Perine, Secor & Co., and the executors of Zeno Secor; and the same was laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BARTHOLDT: A bill (H. R. 7468) to improve Jefferson Barracks and making an appropriation therefor—to the Committee on Military Affairs.

By Mr. BABCOCK: A bill (H. R. 7469) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. JONES: A bill (H. R. 7470) to provide for the erection of a monument to the memory of James Monroe at Fredericksburg, Va.—to the Committee on the Library.

By Mr. REED: A bill (H. R. 7471) providing for the purchase of the buildings and contents comprising the quarantine establishment of the city of Portland, Me., located on House Island, in Portland Harbor, and for other purposes—to the Committee on Military Affairs.

By Mr. DENNY: A bill (H. R. 7472) for preliminary survey of Ship Island Pass, Mississippi—to the Committee on Rivers and Harbors.

By Mr. HOPKINS: A bill (H. R. 7473) to amend an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved August 3, 1892—to the Committee on Banking and Currency.

By Mr. GAMBLE: A bill (H. R. 7474) to provide for the purchase of a site and the erection of a public building thereon at Lead, in the State of South Dakota—to the Committee on Public Buildings and Grounds.

By Mr. JENKINS: A bill (H. R. 7475) to amend an act entitled "An act to regulate commerce," approved February 4, 1887—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTLE: A bill (H. R. 7476) to amend an act to provide for the appointment of additional judges in Indian Territory, and for other purposes—to the Committee on the Judiciary.

By Mr. EVANS: A bill (H. R. 7478) to amend section 5198 of the Revised Statutes of the United States—to the Committee on Banking and Currency.

By Mr. McCALL of Massachusetts: A bill (H. R. 7479) for the establishment of a light-house on Swan Island, belonging to the United States, in the Caribbean Sea—to the Committee on Interstate and Foreign Commerce.

By Mr. BULL: A bill (H. R. 7480) donating two condemned cannon and limber to Battery E Association, First Regiment Rhode Island Light Artillery—to the Committee on Naval Affairs.

By Mr. HYDE: A bill (H. R. 7481) to grant to the State of Washington a right of way across the Colville Indian Reservation for a State wagon road—to the Committee on Indian Affairs.

By Mr. PRICE: A bill (H. R. 7538) to amend paragraph 182½ of the tariff act of August 28, 1894—to the Committee on Ways and Means.

By Mr. GIBSON: A bill (H. R. 7539) to facilitate the payment of pensions—to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 7540) to restore township 17 south, range 31 east of Mount Diablo base and meridian, in the State of California, to the public domain—to the Committee on the Public Lands.

By Mr. HYDE: A bill (H. R. 7541) to provide for the construction and erection of buildings and other improvements for the

army post at Spokane, in the State of Washington—to the Committee on Appropriations.

By Mr. WALSH: A resolution (House Res. No. 219) relating to the use of text-books in the public schools of the District of Columbia—to the Committee on the District of Columbia.

By Mr. PERKINS: A concurrent resolution (House Con. Res. No. 31) directing the printing of 2,500 copies of Commercial Relations for 1894 and 1895, and 10,000 copies of Review of the World's Commerce, etc.—to the Committee on Printing.

By Mr. SCRANTON: A concurrent resolution (House Con. Res. No. 33) for printing eulogies upon the late Myron B. Wright, a Representative from the State of Pennsylvania—to the Committee on Printing.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 1397) for the relief of Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean—Committee on War Claims discharged, and referred to the Committee on Military Affairs.

The bill (H. R. 2252) for the relief of John W. Thomas—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 7078) for the relief of Annie Trace—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. APSLEY: A bill (H. R. 7482) granting an increase of pension to Carleton A. Trundy—to the Committee on Invalid Pensions.

By Mr. AVERY: A bill (H. R. 7483) granting increase of pension to Michael W. Jackson—to the Committee on Invalid Pensions.

By Mr. BABCOCK: A bill (H. R. 7484) removing the charge of desertion from the military record of G. H. Kruschke—to the Committee on Military Affairs.

By Mr. BARTHOLDT: A bill (H. R. 7485) granting a pension to Sarah F. McGlasson—to the Committee on Pensions.

Also, a bill (H. R. 7486) granting a pension to Charles E. Keating—to the Committee on Invalid Pensions.

By Mr. COBB of Alabama: A bill (H. R. 7487) granting a pension to Nancy McGuire—to the Committee on Pensions.

By Mr. CROWLEY: A bill (H. R. 7488) for the relief of certain light-house keepers in the Eighth light-house district—to the Committee on Claims.

By Mr. FAIRCHILD: A bill (H. R. 7489) granting a pension to Caroline A. Groshon—to the Committee on Pensions.

By Mr. HARMER: A bill (H. R. 7490) to pension Mary Elizabeth Hieskell, widow of the late Pay Director H. M. Hieskell, on the pension rolls—to the Committee on Invalid Pensions.

By Mr. HEATWOLE: A bill (H. R. 7491) granting an increase of pension to Herman Piel—to the Commiteee on Invalid Pensions.

By Mr. HOOKER: A bill (H. R. 7492) granting a pension to Louis M. Starring, helpless child of Rosell M. Starring, late of Company H, Forty-fourth New York Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. HULICK: A bill (H. R. 7493) to remove the charge of desertion from military record of Josiah Strickley—to the Committee on Military Affairs.

By Mr. HULING: A bill (H. R. 7494) granting a pension to Nancy Slagle, widow of James W. Slagle, late of Company F, One hundred and forty-first Regiment Ohio Volunteers—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 7495) for the relief of Albert West—to the Committee on Military Affairs.

By Mr. HYDE: A bill (H. R. 7496) to relieve John McCarthy from the charge of desertion—to the Committee on Military Affairs.

By Mr. JOY: A bill (H. R. 7497) granting a pension to Emma M. Kassebaum—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 7498) for the relief of Lucius K. Osterhout—to the Committee on Military Affairs.

By Mr. McCREARY of Kentucky: A bill (H. R. 7499) to increase the pension of James J. McKinney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7500) to grant a pension to Mrs. Keturah Wilson, widow of James Wilson, deceased—to the Committee on Pensions.

By Mr. McRAE: A bill (H. R. 7501) for the relief of Daniel T. Tollett—to the Committee on Pensions.

By Mr. MOSES: A bill (H. R. 7502) granting a pension to Bailey R. Gill—to the Committee on Pensions.

By Mr. PEARSON: A bill (H. R. 7503) for the relief of D. A. Bowman—to the Committee on Claims.

Also, a bill (H. R. 7504) granting an increase of pension to Charles McAllister—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7505) granting arrears of pension and increase to Daniel Lucas—to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 7506) for the relief of the Portland Company, of Portland, Me.—to the Committee on War Claims.

By Mr. SHAFROTH: A bill (H. R. 7507) granting an increase of pension to Richard A. Cornell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7508) granting a pension to Andrew J. McWade—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7509) granting a pension to Lyman W. Chandler, of Denver, Colo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7510) granting a pension to Samuel Perkam, of Harman, Colo., etc.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7511) granting an increase of pension to John A. Clark, of Denver, Colo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7512) granting a pension to Hezekiah Storm, of Denver, Colo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7513) granting a pension to James Collins, of Denver, Colo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7514) granting a pension to Johnson Barker, of Denver, Colo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7515) granting a pension to James H. Pomeroy, of Denver, Colo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7516) granting a pension to William G. Campbell, of Denver, Colo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7517) to remove the charge of desertion against Joseph C. Reynolds, late of Company A, Fifty-ninth Regiment of Illinois Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 7518) to remove the charge of desertion against Charles L. Thompson, late lieutenant Seventh Kansas Cavalry—to the Committee on Military Affairs.

Also, a bill (H. R. 7519) granting an increase of pension to William S. Hemphill, of Denver, Colo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7520) for the relief of Hiram C. Walker, of Denver, Colo., late first lieutenant Company C, Tenth Illinois Cavalry—to the Committee on Military Affairs.

Also, a bill (H. R. 7521) granting an increase of pension to George W. Blake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7522) granting an increase of pension to James S. Wiggin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7523) granting a pension to James L. Ritchie, of Denver, Colo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7524) granting a pension to Henry H. Richards, of Denver, Colo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7525) removing the charge of desertion from the late James B. Jordan—to the Committee on Military Affairs.

Also, a bill (H. R. 7526) granting an increase of pension to Carlos Baker, of Denver, Colo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7527) restoring Franklin L. Smith, of Denver, Colo., to his former rating of $12 per month under the pension act of June 27, 1890—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7528) granting an honorable discharge to James Brown—to the Committee on Military Affairs.

Also, a bill (H. R. 7529) granting a pension to Elliott H. Benton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7530) granting a pension to Mrs. Martha B. Van Horn, of Denver, Colo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7531) granting an increase of pension to William H. H. Walker, of Denver, Colo.—to the Committee on Invalid Pensions.

By Mr. WILLIAM A. STONE: A bill (H. R. 7532) for the relief of Martha W. Holmes—to the Committee on War Claims.

By Mr. TAYLER: A bill (H. R. 7533) to remove the charge of desertion from the military record of James Boyle, late of Third Independent Battery Ohio Light Artillery Volunteers—to the Committee on Military Affairs.

By Mr. WADSWORTH: A bill (H. R. 7534) for the relief of Mary McCarthy, mother of John E. McCarthy, Sixth Company, First Battalion New York Sharpshooters—to the Committee on Invalid Pensions.

By Mr. WOOMER: A bill (H. R. 7535) granting a pension to Launius Coble—to the Committee on Invalid Pensions.

By Mr. BAKER of New Hampshire: A bill (H. R. 7536) granting a pension to Fanny J. Sargent—to the Committee on Invalid Pensions.

By Mr. PICKLER: A bill (H. R. 7537) for the relief of Wallace Weller—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Pennsylvania: Petition of John Wassum, of Piney Township, Clarion County, Pa., to accompany House bill No. 7447, for his relief—to the Committee on War Claims.

By Mr. AVERY: Petition of Michael W. Jackson, to accompany bill granting an increase of pension—to the Committee on Invalid Pensions.

By Mr. BAKER of New Hampshire: Petition of Minnewawa Lodge, No. 18, Order United American Mechanics, of Marlboro, N. H., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BABCOCK: Five petitions of citizens of Washington, containing a total of 76 names, urging the passage of House bill No. 5220, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and opposing the extension of the tracks of said company until its existing lines are modernly equipped and operated—to the Committee on the District of Columbia.

By Mr. BARTHOLDT: Petitions of citizens of Missouri, Iowa, Kansas, and the Territory of New Mexico, in favor of the immediate improvement of the channel of the Mississippi River—to the Committee on Rivers and Harbors.

Also, petition of citizens of St. Louis, Mo., praying that religious publications be given every advantage in circulation of second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Henry Troll, in favor of House bill No. 374, for a correction of his military record—to the Committee on Military Affairs.

By Mr. BULL: Petition of Union Council, No. 25, Order United American Mechanics, of Providence, R. I., in favor of the passage of the Stone immigration bill- to the Committee on Immigration and Naturalization.

By Mr. COFFIN: Resolutions of the Society of the Sons of the Revolution in the State of Maryland, urging an appropriation to enable the Secretary of State to prepare the records and papers of the Continental Congress for publication—to the Committee on Appropriations.

By Mr. COOK of Wisconsin: Remonstrance of H. B. Metz and 166 other citizens of the city of Oshkosh, Wis.; also, remonstrance of H. F. Johnson and 29 others, of Fond du Lac, Wis., against the continuance of the statue of Marquette in Statuary Hall, or any other public national room or grounds—to the Committee on the Library.

Also, remonstrance of F. E. Van Scooter and 45 other citizens of the city of Fond du Lac, Wis., against appropriating public moneys for sectarian undertakings, and a petition for the passage of joint resolution No. 11, to amend the Constitution of the United States—to the Committee on the Judiciary.

Also, letter from Rev. J. A. Benjamin and petition indorsed by the Algoma Methodist Episcopal Church, of Oshkosh, Wis.; also letter from Rev. S. T. Kidder and petition indorsed by the Congregational Church of Menasha, Wis., favoring the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. CROWTHER: Petitions and resolutions of 37 posts, Grand Army of the Republic, Department of Missouri, praying for the passage of House bill No. 1196, for the restoration of pensions that have been discontinued or reduced—to the Committee on Invalid Pensions.

Also, petition of the Herald Publishing Company, asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CRUMP: Petition of J. W. Knaggs and 15 other citizens of Bay City, Mich., asking favorable consideration of religious publications under the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, letter of Thomas W. Churchill, of port of New York custom-house, asking that a retirement fund be made for Government employees in the classified service—to the Committee on Reform in the Civil Service.

Also, resolution of the Philadelphia Maritime Exchange, asking that liberal appropriations be made for the perfecting of coast defenses—to the Committee on Military Affairs.

By Mr. CUMMINGS: Petition of L. Stern and 63 other citizens of New York City, praying for the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

Also, petition of citizens of New York and vicinity, asking for a national commission to investigate and report upon the subject of social vice—to the Committee on the Judiciary.

By Mr. CURTIS of Kansas: Petition of 13 citizens of Topeka, Kans., asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. DENNY: Petition of L. K. Bowen and others, for a preliminary survey at Ship Island Pass, Mississippi—to the Committee on Rivers and Harbors.

Also, petition of George W. Welkes, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. DOLLIVER: Petition of W. G. Coleman and others, of Boone, Iowa, favoring the bill to revive the grade of Lieutenant-General in the United States Army in the interest of Nelson A. Miles—to the Committee on Military Affairs.

By Mr. FLETCHER: Petition of the Northwestern Miller, asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. FOOTE: Petition of H. A. Wood, J. B. Riley, and others, favoring the Linton bill, to reclassify and prescribe the salaries of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. GAMBLE: Petition of the common council of Lead, S. Dak., for public buildings at said place—to the Committee on Public Buildings and Grounds.

Also, petitions of D. W. Jackson and others, of Carthage, S. Dak., and Luella S. Ramsey, president, in behalf of the Woman's Christian Temperance Union and the Young Woman's Band of South Dakota, against military training in public schools—to the Committee on Education.

By Mr. GROUT: Resolutions adopted by the Boston Merchants' Association, of Boston, Mass., against the further agitation for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. HARMER: Petition of Mrs. M. E. Hieskell, widow of the late Pay Director H. M. Hieskell, United States Navy, praying for a pension of $50 per month—to the Committee on Invalid Pensions.

Also, letter from Commissioner of Pensions, stating reasons for rejecting the claim of Mrs. M. E. Hieskell, widow of the late Pay Director H. M. Hieskell, United States Navy, together with record of service of said officer—to the Committee on Invalid Pensions.

By Mr. HART: Petition of citizens of Williamsport, Pa., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HEATWOLE: Petition of citizens of Lesueur County, Minn., favoring service-pension legislation—to the Committee on Invalid Pensions.

By Mr. HENDERSON: Paper from the Norwegian Plow Company, of Dubuque, Iowa, in favor of uniform freight classification throughout the United States—to the Committee on Interstate and Foreign Commerce.

Also, paper from Dr. E. A. Guilbert, of the Iowa State board of health, favoring the establishment of a quarantine station at Portland, Me.—to the Committee on Military Affairs.

Also, petition of F. A. Gates, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HENDRICK: Petition of W. A. Davis, Z. E. Brown, and 68 other citizens of Paducah, Ky., asking that tracts and other religious matter be given every advantage of the act of July 16, 1894, relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Connecticut: Petition of Nathan Hale Lodge, No. 18, Order United American Mechanics, of Bristol, Conn., in behalf of the Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HILL (by request): Petition of Paul Revere Council, No. 20, Order United American Mechanics, of Greenville, Conn., asking for the passage of the Stone, bill restricting immigration—to the Committee on Immigration and Naturalization.

Also (by request), petition of Sedgwick Council, No. 21, Order United American Mechanics, of Terryville, Conn., favoring the passage of the Loud immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HITT: Petition of Frank G. Morgan and 91 others, citizens of Rockford, Ill., against the continuance of the statue of Marquette in Statuary Hall—to the Committee on the Library.

By Mr. HOWELL: Petition of citizens of Monmouth County, N. J., and elsewhere, praying for a survey of Shark River, Monmouth County, N. J., by the Government engineers, etc.—to the Committee on Rivers and Harbors.

By Mr. HOOKER: Resolution of D. T. Wiggins Post, No. 297, Grand Army of the Republic, of Randolph, N. Y., in favor of the passage of a service-pension act—to the Committee on Invalid Pensions.

Also, petition of Marvin Older, of Franklinville, Cattaraugus County, N. Y., for increase of pension—to the Committee on Invalid Pensions.

By Mr. HUFF: Petition of the Pratt Food Company, asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HULICK: Petition of Joseph G. Irwin, O. P. Walker, and others, of Williamsburg, Ohio, and vicinity, for a service-pension law—to the Committee on Invalid Pensions.

By Mr. HULL: Petition of John D. Craven Post, No. 198, Grand Army of the Republic, Department of Iowa, asking for a service pension—to the Committee on Invalid Pensions.

By Mr. HYDE: Petition of Capt. G. L. Luhn, of Spokane, Wash. (retired), to be placed on the retired list as a major, accompanying a record of military service—to the Committee on Military Affairs.

Also, petition of old soldiers now residing at Palouse, Wash., favoring a general service-pension bill—to the Committee on Invalid Pensions.

Also, resolutions of the Clugston Creek Literary Society, in favor of recognizing the Cubans as belligerents—to the Committee on Foreign Affairs.

Also, petition of the Yakima Commercial Club, of North Yakima, Wash., to open the Yakima Reservation—to the Committee on Indian Affairs.

Also, petition of citizens of Toledo, Wash., praying for an amendment to the Constitution recognizing the Supreme Being—to the Committee on the Judiciary.

Also, memorial of the town council of Kalama, Wash., urging the importance of the construction of the Nicaragua Canal—to the Committee on Foreign Affairs.

By Mr. JENKINS: Remonstrance of John Copper, of Spooner, Wis., and 75 others, against the passage of the joint resolution proposing an amendment to the Constitution of the United States recognizing God in the preamble—to the Committee on the Judiciary.

By Mr. KEM: Petition of James B. Barry, against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. KIRKPATRICK: Petition of J. N. Sedgwick and 15 other attorneys of the Labette County bar, Kansas; also petition of A. M. Jackson and 6 other members of the Elk County bar, Kansas; also petition of W. B. Gloss and 13 other members of the Cherokee County bar, Kansas, praying for the division of the State of Kansas into two Federal districts—to the Committee on the Judiciary.

Also, memorial of the Kansas Commandery of the Military Order of the Loyal Legion, praying for the passage of an act reviving the grade of Lieutenant-General—to the Committee on Military Affairs.

Also, petition of J. G. Ellis and 7 other ex-prisoners of war, praying that all ex-prisoners of war be allowed a pension of $12 per month and $2 additional for each day confined in prison—to the Committee on Invalid Pensions.

Also, memorial of the National Association of Agricultural Implement and Vehicle Manufacturers, praying for the passage of a bill giving transportation companies the right to fix uniform freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. KIEFER: Petition of the International Brotherhood of Bookbinders, No. 37, of St. Paul, Minn., Edward B. Scott, secretary, in favor of House bill No. 3346, to tax the "sweat shops"—to the Committee on Ways and Means.

Also, petition of A. M. Lawton, against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of a mass meeting of citizens of St. Paul, Minn., protesting against the outrages in Armenia—to the Committee on Foreign Affairs.

Also, petition of Polish-American citizens of the Fourth Congressional district of Minnesota, against legislation restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. LACEY: Petition of the Iowa State board of health, recommending a quarantine station at Portland, Me.—to the Committee on Interstate and Foreign Commerce.

By Mr. LEIGHTY: Petition of Encampment No. 51, Union Veteran Legion, of Fort Wayne, Ind., for a service pension to officers and enlisted men who served in the late war—to the Committee on Invalid Pensions.

By Mr. LEISENRING (by request): Petitions of Good Samaritan Lodge, No. 27, of Pittston, Pa.; also Martin Luther Lodge, No. 91, of Wilkesbarre, Pa., American Protestant Association; also petition of Washington Camp, Patriotic Order Sons of America, of Alderson, Pa., unanimously indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of C. D. Huff and others, of Luzerne County, Pa., in favor of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

Also, petition of the Sentinel Printing Company, asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Plymouth, Pa., protesting against the appropriation of public moneys for sectarian institutions—to the Committee on the Judiciary.

By Mr. LINTON: Letter from the Erie (Pa.) Board of Trade, referring to the adoption by the board of a resolution in favor of 1-cent letter postage and of the Loud bill (H. R. 4566) relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, letters of the Boston Retail Grocers' Association, indorsing House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LITTLE: Petition of Post No. 100, Grand Army of the Republic, Department of Arkansas, in behalf of a service pension of not less than $8 per month—to the Committee on Invalid Pensions.

Also, petition of A. S. Gibson, for the establishment of a court at Duncan, Ind. T.—to the Committee on the Judiciary.

By Mr. LONG: Petition of S. W. Duncan, Henry Block, W. Knaus, J. W. Forray, R. P. Murdock, N. B. Klaine, the News Company, and J. A. Maxey, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, protest of W. C. Long, McDowell & Hutchinson, D. T. Armstrong, A. E. Duvall, and J. W. Milford, against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Seymour Augusta Baker, of Kansas City, Kans., and 53 others, praying for an amendment to the preamble of the Constitution of the United States recognizing the Deity—to the Committee on the Judiciary.

Also, petition of Eggleston Post, No. 244, of Wichita, Kans., praying for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LOUD: Petitions of Charles P. Parish & Co., the Building Exchange, Worcester, Mass., and H. S. Newton, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUDENSLAGER: Petition of Fidelity Council, No. 8, of Millville, N. J., for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. McCALL of Massachusetts: Resolutions of the National Master House Painters and Decorators' Association, in favor of the removal of the duty from alcohol used in the mechanical arts—to the Committee on Ways and Means.

Also, petition of Thomas E. Barker and other residents of Somerville, Mass., asking favorable legislation for religious publications—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Postmasters' Association of New England, favoring the passage of the bill (H. R. 3237) for the classification of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. McCREARY of Kentucky: Petition of James J. McKinley, of Mount Salem, Lincoln County, Ky., for increase of pension—to the Committee on Invalid Pensions.

By Mr. McRAE: Petition of R. P. West, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MOODY: Petition of Silver Star Council, No. 5, Order United American Mechanics, of Ipswich, Mass., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. MORSE: Petition of the Alexander M. Harrison Lodge, No. 16, Order United American Mechanics, of Plymouth, Mass., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. OTJEN: Petition of Michael Kruszka, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. PICKLER: Petition of James S. Hunter and 15 others, of Davison County, S. Dak., against military training in the public schools—to the Committee on Education.

Also, petition of G. E. Norcott, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Winfield Scott Post, No. 48, Department of South Dakota, Grand Army of the Republic, against certain arrangements of stars on the American flag—to the Committee on Military Affairs.

By Mr. PHILLIPS: Petition of Encampment No. 4, Union Veteran Legion, of Beaver Falls, Pa., requesting the enactment of House bill No. 3727, granting a service pension of 1 cent for each day's service, commonly known as the per diem pension bill—to the Committee on Invalid Pensions.

Also, petition of the Pride of Sharon Lodge, No. 12, American Protestant Association, indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. PITNEY: Petition of Shining Light Council, Order United American Mechanics, of Clinton, N. J., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of George W. Smith, asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. PRINCE: Petition of George W. Gross and 219 others, of Kewanee, Ill., asking favorable action on the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of George W. Olmstead and 96 others, of Prophetstown, Whiteside County, Ill., asking for the passage of joint resolution No. 11, amending the Constitution of the United States—to the Committee on the Judiciary.

By Mr. REYBURN: Petition of Mount Horeb Lodge, No. 44, American Protestant Association, in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. REED: Papers to accompany House bill No. 7471, to authorize the Secretary of the Treasury to purchase the buildings and contents comprising the quarantine establishment of the city of Portland, Me., located on House Island, in Portland Harbor—to the Committee on Military Affairs.

By Mr. ROBINSON of Pennsylvania: Petition of Washington Camp, No. 338, Patriotic Order Sons of America, unanimously indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. ROYSE: Petition of L. H. Beyerle, asking for favorable action on House bills Nos. 838, 4566 and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SAUERHERING: Remonstrance of E. C. Spicer and 43 other citizens of Cambria, Wis., against the appropriation of public moneys for sectarian undertakings; also petition for the passage of joint resolution No. 11, to amend the Constitution of the United States prohibiting further appropriations to institutions under ecclesiastical control—to the Committee on the Judiciary.

By Mr. SCRANTON: Resolution of George G. Meade Post, No. 1, of Philadelphia, Pa., in favor of reviving the rank of Lieutenant-General in the United States Army—to the Committee on Military Affairs.

By Mr. SIMPKINS: Communication from the mayor and aldermen of the city of Taunton, Mass., asking for the widening of the draw in the railroad bridge at Tiverton, R. I.—to the Committee on Rivers and Harbors.

Also, resolutions of Franklin D. Tripp, commander, and George W. Mason, adjutant, of the Henry Clay Wade Post, No. 201, Grand Army of the Republic, Department of Massachusetts, in favor of the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of the Light Keepers' Association of the United States, asking for the passage of a bill to pension employees of the light-house establishments of the United States—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the New England Postmasters' Association, in favor of House bill No. 3237, known as the post-office clerks classification bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SPALDING (by request): Petition of Loyal Orange Lodge, of Jackson, Mich., in regard to the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. SWANSON: Petition of William E. Judkins, executor of Lewis McKenzie, deceased, for an appropriation of $2,098.95, in payment of necessary expenses incurred by said Lewis McKenzie in his contests for a seat in the Forty-first and Forty-second Congresses—to the Committee on Appropriations.

Also, petition of the heirs of Mary Weaver, deceased, late of Floyd County, Va., praying that her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. TAYLER: Petition of Richard Ward and 22 other citizens; also petition of R. S. Moore and 13 other citizens, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Fowler Bros. and the Ohio Volks-Zeitung Company, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of George H. Thomas Council, No. 8, Order United American Mechanics, of East Liverpool, Ohio; also petition of Royal Star Council, No. 26, Daughters of Liberty, of Canton, Ohio, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. WANGER: Resolution of Washington Camp, No. 295, Patriotic Order Sons of America, with a membership of 168, located at Pottstown, Pa., indorsing the Stone immigration bill and asking for its passage—to the Committee on Immigration and Naturalization.

Also, petition of John G. Fetteralf, Daniel Shuler, Eugene Dambly, Isaac Wanner, and 130 other residents of Montgomery County, Pa., for the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

Also, petition of Alfred Paschall, asking for favorable action on House bills Nos. 838, 4566 and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WADSWORTH: Petition of the Woman's Christian Temperance Union of Pendleton, N. Y., asking for the prohibition of the sale of beer and spirituous liquors to immigrants landing at Ellis Island—to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Christian Temperance Union of Pendleton, N. Y., in regard to the sale of beer at military posts on Staten Island—to the Committee on Military Affairs.

SENATE.

TUESDAY, *March 24, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. FAULKNER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the memorial of Blas Lopez Perez, of Key West, Fla., relative to the recognition of belligerency in Cuba; which was ordered to lie on the table.

Mr. NELSON presented a memorial of the common council of Duluth, Minn., remonstrating against the construction of a bridge across the St. Louis River from Rices Point, in Minnesota, to Connors Point, in Wisconsin; which was referred to the Committee on Commerce.

He also presented a petition of North Star Lodge, No. 197, International Association of Machinists, of Brainerd, Minn., praying for an investigation of the alleged abuses in the treatment of the machinists at the Brooklyn (N. Y.) Navy-Yard and other navy-yards in the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of the common council of Duluth, Minn., praying for the passage of the so-called Lodge immigration bill; which was ordered to lie on the table.

He also presented a petition of local union No. 113, United Garment Workers of America, of St. Paul, Minn., praying for the enactment of legislation repressing and prohibiting the sweating system in manufacturing garments; which was referred to the Committee on Education and Labor.

He also presented the memorial of John Lundgren and sundry other citizens of Minnesota, remonstrating against the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of St. Paul, Minn., praying for the enactment of legislation providing for the protection of Americans in Turkey and extending sympathy to the suffering Armenians; which was ordered to lie on the table.

Mr. CULLOM presented a petition of Elgin Lodge, No. 295, International Association of Machinists, of Elgin, Ill., praying for an investigation of alleged abuses in the treatment of machinists at the Brooklyn (N. Y.) Navy-Yard and other navy-yards in the country; which was referred to the Committee on Naval Affairs.

Mr. McMILLAN presented a petition of the North Capitol and Eckington Citizens' Association of Washington, D. C., praying for the passage of House bill No. 5220, requiring the Eckington and Soldiers' Home Railway Company to adopt a modern motive power, and praying that action on the bill be not delayed because of any promises of experiment which that company contemplates making with air motors; which was referred to the Committee on the District of Columbia.

He also presented sundry petitions of citizens of Washington, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and remonstrating against the extension of the tracks of that company until its existing lines are modernly equipped and operated; which were referred to the Committee on the District of Columbia.

Mr. SEWELL presented the petition of B. F. Ladd, of Vineland, N. J., praying for the enactment of legislation reducing the rate of letter postage to 1 cent, and also for the restriction of second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of John B. Smith and 11 other citizens of Newark, N. J., Union soldiers and sailors, who lost a limb in the war of the rebellion, praying for the passage of Senate bill No. 354, to adjust the pensions of those who have lost limbs or have been totally disabled in them; which was referred to the Committee on Pensions.

He also presented petitions of Belleville Council, No. 163, Junior Order United American Mechanics, of Belleville, N. J.; of Atlantic Council, No. 154, Junior Order United American Mechanics, of Point Pleasant, N. J., and of Hightstown Council, No. 70, Junior Order United American Mechanics, of Hightstown, N. J., praying for the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration.

Mr. BLANCHARD presented a memorial of the Board of Trade, Limited, of New Orleans, La., remonstrating against the proposed discontinuance of the existing special fast-mail service between New Orleans and the East; which was referred to the Committee on Appropriations.

Mr. LODGE presented a petition of the Massachusetts State Board of Trade, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a petition of the New England Postmasters' Association, of Chelsea, Mass., praying for the passage of House bill No. 3237, providing for the classification of post-office clerks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Society of Master House Painters and Decorators of Massachusetts, praying that the duty be removed from alcohol when used in the mechanic arts; which was referred to the Committee on Finance.

Mr. BURROWS presented the memorial of Charles Howes and 67 other citizens of South Grand Rapids, Mich., remonstrating against placing the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

CONDITION OF AFFAIRS IN INDIAN TERRITORY.

Mr. BERRY. I present an argument, made by Judge McKennon before the Committee on Indian Affairs of the House of Representatives, relative to the condition of affairs in the Indian Territory, together with other papers, and a copy of Senate Document No. 12, being a report of the Commission appointed to negotiate with the Five Civilized Tribes of Indians, known as the Dawes Commission.

I move that the argument and accompanying papers be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2281) to amend an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892;

A bill (S. 2581) granting an increase of pension to Mary B. Houk; and

A bill (S. 2223) granting a pension to Riley W. Pierce.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 1510) to pension Mrs. Susan M. Sessford, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER (for Mr. BRICE), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2513) to restore to the pension roll the name of Agnes A. Blackman.

A bill (S. 2514) granting an increase of pension to Mrs. Annie E. Colwell; and

A bill (S. 2290) granting a pension to Hester A. Robinson, reported it with an amendment, and submitted a report thereon.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (S. 2456) granting a pension to Oliver P. Gooding, reported it with an amendment, and submitted a report thereon.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 2393) for the relief of William E. Bond, reported it without amendment, and submitted a report thereon.

Mr. CANNON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 1304) granting a pension to Cyrus A. Bowers; and

A bill (S. 1668) granting a pension to Henry Wagner.

Mr. PEFFER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 1508) granting a pension to Talbot A. Routon, to submit an adverse report thereon. I ask that the bill be placed on the Calendar, in order that the Senator from Louisiana [Mr. BLANCHARD] may call it up at any time if he desires to do so.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. PEFFER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 504) to increase the pension of Edmund Woog; and

A bill (S. 737) granting a pension to James Richardson.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (S. 400) granting a pension to Johnson Hays, reported it with an amendment, and submitted a report thereon.

Mr. SHOUP (for Mr. HANSBROUGH), from the Committee on Pensions, to whom was referred the bill (S. 2557) granting a pension to Sarah A. Boyd, reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 4179) to amend section 3719 of the Revised Statutes, reported it without amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895, reported it with an amendment.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 1817) granting a pension to Caleb M. Wright, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2045) granting a pension to Harriet R. Matlack, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2370) granting a pension to Elias Laughter, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. MANTLE, from the Committee on Indian Affairs, to whom was referred the amendment submitted by himself on the 9th instant, providing for the survey of the boundary line of the land described in article 1 of the agreement entered into with the Indians of the Blackfeet Reservation, in Montana, intended to be proposed to the Indian appropriation bill, reported it favorably, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 9th instant, providing for the survey of the boundary lines of the land described in article 1 of the agreement made and entered into with the Indians of the Fort Belknap Indian Reservation, in Montana, intended to be proposed to the Indian appropriation bill, reported it favorably, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. McBRIDE. I am directed by the Committee on Public Lands to report an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill, which I move be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (S. 2237) providing for the appointment of a committee or guardian for pensioners in certain cases in the District of Columbia, reported it with an amendment, and submitted a report thereon.

Mr. WHITE, from the Committee on Commerce, to whom was referred the joint resolution (S. R. 90) providing for the appointment of a commission, under the direction of the Secretary of War, for the preliminary survey, with plans, specifications, and approximate estimates of cost thereof, for the construction of a ship canal, of approved width and depth, from the lower shore of Lake Michigan to the Wabash River, and for the further investigation of the practicability of the construction of such waterway, reported adversely thereon; and the joint resolution was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, reported a joint resolution (S. R. 110) providing for the

appointment of a commission, under the direction of the Secretary of War, for the preliminary survey, with plans, specifications, and approximate estimates of cost thereof, for the construction of a ship canal, of approved width and depth, from the lower shore of Lake Michigan to the Wabash River, and for the further investigation of the practicability of the construction of such waterway, and submitted a report thereon.

PUNISHMENT OF INDIANS FOR RAPE.

Mr. HOAR. I am directed by the Committee on the Judiciary to report a bill. The bill is reported in obedience to a resolution of the Senate, so that it will take its first reading now. I ask for its present consideration.

The bill (S. 2669) to amend chapter 341, section 9, of the acts of 1885, so far as the same prescribes the punishment of death for Indians committing the offense of rape, was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That any Indian who shall commit the offense of rape within the limits of any Indian reservation shall be punished by imprisonment, at the discretion of the court.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RED RIVER BRIDGE AT ALEXANDRIA, LA.

Mr. BLANCHARD. I ask unanimous consent to call up the bill (S. 1725) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across Red River at the city of Alexandria, La.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 6, after the word "River," to insert "at a point suitable to the interests of navigation"; so as to read:

That the Kansas City, Watkins and Gulf Railway Company, a corporation created and existing under and by virtue of the laws of the State of Louisiana, be, and is hereby, authorized to construct and maintain a bridge across Red River, at a point suitable to the interests of navigation, at the city of Alexandria, in the State of Louisiana.

The amendment was agreed to.

The next amendment was, in section 2, line 10, after the word "telegraph," to insert "and telephone."

The amendment was agreed to.

The next amendment was to add to section 2 the following proviso:

Provided, That the bridge herein authorized to be constructed shall be so kept and managed by the company owning or operating it as to afford proper ways and means for the passage through or under it of vessels, barges, or rafts at all times, both by day and by night; and there shall be displayed on said bridge, from sunset to sunrise, such lights and signals as the Light-House Board shall prescribe.

The amendment was agreed to.

The next amendment was to add to section 4 the following words:

Or, in case of disagreement, upon such terms and conditions as shall be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties in interest.

So as to make the section read:

SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same and the approaches thereto upon payment of a reasonable compensation for such use, or, in case of disagreement, etc.

The amendment was agreed to.

The next amendment was, in section 5, line 7, after the word "location," to insert "prepared with reference to a known datum plane, upon prescribed scale, furnished by the engineer officer having supervision of said river, and"; in line 10, after the word "of," to strike out "1 mile" and insert "2 miles," and in line 11, after the word "and," to strike out "1 mile" and insert "2 miles"; so as to read:

That the bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe, and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of said bridge and a map of the location, prepared with reference to a known datum plane, upon prescribed scale, furnished by the engineer officer having supervision of said river, and giving for the space of 2 miles above and 2 miles below the proposed location of the bridge the topography of the banks of the river, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

IRVING W. STANTON.

Mr. TELLER. I am directed by the Committee on Claims, to whom was referred the bill (S. 923) for the relief of Irving W. Stanton, to report it favorably without amendment, and submit a report thereon. This is a little claim of only $176.95. It is approved by the Department of the Interior and the claimant has waited since 1868 for it. I ask unanimous consent to put the bill upon its passage at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Irving W. Stanton, of Pueblo, Colo., $176.95, this sum being due to him as compensation for his services as register of the land office at Central City, Colo., from September 30, 1868, to November 14, 1868.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT STREET-CAR SERVICE.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia to report a bill, and I ask for its immediate consideration.

The bill (S. 2610) to amend an act entitled "An act to prohibit the use of one-horse cars within the limits of the city of Washington after the 1st day of January, 1893, and for other purposes," approved July 29, 1892, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the act entitled "An act to prohibit the use of one-horse cars within the limits of the city of Washington after the 1st day of January, 1893, and for other purposes," approved July 29, 1892, be, and the same is hereby, amended by striking out the proviso, as follows: "*Provided*, This act shall not apply to any company operating street railways outside the city of Washington or through unimproved and sparsely settled sections of the same, until such time as the Commissioners of the District of Columbia shall deem necessary for the public needs."

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HOAR. The bill comes from the Committee on the District of Columbia?

Mr. McMILLAN. I report it from the Committee on the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 2611) to remove the charge of desertion from Henry Harmon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. GIBSON introduced a bill (S. 2612) to correct the naval history of Benjamin Atwood; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. BLANCHARD introduced a bill (S. 2613) for the relief of Whitty S. Miller, administrator of Whitty M. Sasser, deceased, and Jessie M. Pollitt, administrator of Amanda Sasser, both late of Rapides Parish, State of Louisiana; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER (by request) introduced a bill (S. 2614) to enable the Educational and Relief Association of the District of Columbia to erect a home with workshops and rooms for the colored children of both sexes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PEFFER introduced a bill (S. 2615) granting a pension to David Patton; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2616) to prevent unjust discriminations in freight rates on agricultural products by common carriers by amending section 16 of an act entitled "An act to regulate commerce," approved February 4, 1887, as amended by an act approved March 2, 1889; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. TELLER introduced a bill (S. 2617) for the relief of the estate of Emmet Crawford, deceased, late captain of the Third Regiment United States Cavalry; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BURROWS introduced a bill (S. 2618) for the relief of Henry H. Hale; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. TURPIE introduced a bill (S. 2619) granting an increase of pension to Ira Miller; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 2620) to provide for placing a suitable memorial of Gen. George Washington at Washington and Lee University, at Lexington, Va.; which was read twice by its title, and referred to the Committee on the Library.

Mr. MORRILL introduced a bill (S. 2621) to amend an act entitled "An act to regulate commerce," approved February 4, 1887; which was read twice by its title, and referred to the Committee on Interstate Commerce.

PENSIONS FOR TOTAL DISABILITY.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior is hereby directed to communicate to the Senate, at the earliest practicable day, a list giving the number of soldiers and sailors now on the pension rolls drawing, respectively, $30 and $36 per month for total disability of arms and legs.

AFFAIRS IN CUBA PRIOR TO 1878.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested, if in his opinion not incompatible with the public interest, to transmit to the Senate copies of all dispatches, notes, and telegrams in the Department of State, from and after the note from Secretary Fish to Mr. Cushing of November 5, 1875, and including that note, until the pacification of Cuba in 1878, which relate to mediation or intervention by the United States in the affairs of that island, together with all correspondence with foreign Governments relating to the same topic.

DISPOSITION OF PUBLIC LANDS IN ARKANSAS.

Mr. GEAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate, as soon as practicable, whether any of the lands referred to in any of the exhibits 3, 4, 5, 6, and 7, on page 32, Senate Document 155, Fifty-fourth Congress, first session, and more particularly described therein, have been disposed of for less than $1.25 per acre; and if so, to report the description of all lands disposed of at such lesser price, and to state the date when and the exact price at which they were so disposed of, and whether by cash or otherwise.

REPORT ON WAR IN CUBA.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from West Virginia [Mr. ELKINS], coming over from a previous day. The resolution will be stated.

The SECRETARY. A resolution by Mr. ELKINS, instructing the Committee on Foreign Relations to submit to the Senate, before the vote is taken on what is known as the Cuban resolutions now pending before the Senate, or the resolutions on the subject of the war in Cuba that passed the Senate, a report giving all the facts and findings of the committee in support of said resolutions.

Mr. MILLS. I suggest that the resolution lie over without prejudice.

Mr. BURROWS. I observe that the Senator from West Virginia [Mr. ELKINS] is absent, and I ask that the resolution may go over.

The VICE-PRESIDENT. Without objection, the resolution will go over.

JOINT SPECIAL COMMITTEE ON CONGRESSIONAL LIBRARY, ETC.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day; which will be read.

The Secretary read the concurrent resolution submitted yesterday by Mr. GALLINGER (for Mr. HANSBROUGH), as follows:

Resolved by the Senate (the House of Representatives concurring), That the chairman of the Committee on the Library of the Senate and the chairman of the Committee on the Library of the House of Representatives and one other member of the Joint Committee on the Library, to be selected by the two chairmen aforesaid, be, and they are hereby, constituted a subcommittee, with authority to sit during the recess of Congress, for the purpose of inquiring into the condition of the Congressional Library and the Botanic Garden, and to report upon the same at the next session of Congress, with such recommendations as may be deemed advisable; also to report a plan for the organization, custody, and management of the new Library building and the Congressional Library and the Botanic Garden; that the said subcommittee is also authorized to employ a stenographer whenever necessary during the course of the inquiry; that the necessary expenses of the sittings of the subcommittee, including the pay of the stenographer, be taken equally from the contingent funds of the two Houses of Congress.

Mr. GALLINGER. When I offered the resolution in behalf of the Senator from North Dakota [Mr. HANSBROUGH] I did not observe that it carries an appropriation from the contingent fund. I ask that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE-PRESIDENT. Without objection, the resolution will be so referred.

WAR IN CUBA.

Mr. MILLS. I ask that the joint resolution which I introduced yesterday be laid before the Senate.

Mr. CULLOM. At the conclusion of the routine morning business I intended to ask the Senate to proceed to the consideration of the appropriation bill. However, it has been brought to my attention that the honorable Senator from Texas had given notice of his purpose to address the Senate this morning. I do not desire to interfere with that arrangement.

The VICE-PRESIDENT. The Chair lays before the Senate the joint resolution indicated by the Senator from Texas, which will be read.

The Secretary read as follows:

A joint resolution (S. R. 109) directing the President of the United States to request the Government of Spain to grant to the people of Cuba the power of local self-government, and in case the Government of Spain shall refuse, to take possession of the Island of Cuba and hold it until its inhabitants can institute such government as they may wish and organize and arm such forces as may be necessary to support it.

Resolved by the Senate and House of Representatives, etc., That the President of the United States is hereby directed to request the Government of Spain to authorize the people of Cuba, subject to the sovereignty of Spain, to institute such local government as they may wish, and invest it with such powers as they may think necessary to secure to the people of Cuba the right to life, liberty, and the pursuit of happiness.

SEC. 2. That in case Spain shall refuse to grant to the inhabitants of Cuba the rightful power of local self-government, then the President of the United States is hereby directed to take possession of the Island of Cuba with the military and naval forces of the United States, and hold the same until the people of Cuba can organize a government deriving its just powers from the consent of the governed, and arm and equip such military forces as may be necessary to protect them from invasion.

Mr. MILLS. Mr. President, I have been ready at all times during the present session to cast my vote for all the resolutions that have been presented to this body expressing sympathy for the oppressed people of Cuba, and favoring the granting of belligerent rights to them, and declaring the duty of the United States in a possible contingency to intervene in the conflict there pending. I have been ready to cast my vote for such resolutions, Mr. President, not because they met my views, not because I believed in all the statements contained in the resolutions. I have not believed that it was the duty of the people of the United States to maintain a strict neutrality in the controversy now pending in Cuba. I do not agree to the statement that the United States have not heretofore intervened in conflicts in this hemisphere. There are other utterances in the resolutions to which I have not given my assent. But taken all together they are steps, though short steps, in the line of march which it is the duty of the Government of the United States to take.

I have been somewhat astonished at the line of argumentation adopted with reference to the pending conflict in Cuba. I have heard many criticisms about the power and duty of the United States to grant belligerent rights to the revolutionists in Cuba. We have been treated to citations from international law to show that the insurrectionists in Cuba have not attained to a position which entitles them to be recognized as belligerents.

Mr. President, I shall not treat this question as one which demands from the people of the United States the recognition of the insurgents of Cuba as belligerents. The people of Cuba have far better rights, far stronger claims to the consideration of the American people than their recognition as belligerents. We do not stand in the same relation to the people of Cuba that we do to the people of Ireland. If Ireland were to-day in insurrection against the British Government, every heart in the United States would be in sympathy with her as they always have been. If the people of oppressed and destroyed Poland were to-day to rise in arms against the authorities that partitioned her territory, our sympathies would be with Poland. If Hungary were to rise again from the bloody dust into which she has been trampled by the heels of the House of Austria, every American citizen would send across the waters, as they did in 1848, warm and generous expressions of sympathy for them. But they would be beyond the reach of anything but sympathy. But the Island of Cuba does not stand in the same relation, nor do its people, as the people of Hungary or Poland or Ireland or Armenia do. If they do, the statesmanship of this country has been at fault for one hundred years.

Our fathers for a century have asserted and maintained that the people of the United States had rights in Cuba, rights not only in Cuba, but in every foot of soil in this hemisphere, and rights that they said they were ready not only to assert, but to maintain with the whole of the military and naval power of the Republic. We have never asserted that we had any rights in Ireland, in Hungary, in Poland, or anywhere in Europe, but we have asserted that we have a right in every square acre of land in this hemisphere, and the highest right, the right of self-preservation of our own household. We find this declaration of rights proclaimed away back in the beginning of our century. It has been stated here that Mr. Canning was the author of what is known as the Monroe doctrine. The Monroe doctrine is as old as humanity. God was the author of the Monroe doctrine. When He made man He gave him a right to preserve his life and his liberty, and when men are associated together in states the nation and the states have the same rights that the individual has.

The man who owns a tract of land adjoining mine owns it from the center of the earth to the center of the sky. So the books all tell us. Yet if he builds a powder house upon his land I have a right to have it abated. If that land is so situated that an enemy can seize it at any time and imperil my life and the lives of my wife and my children, I have a right in every foot of that land for the preservation of a higher right than his right to the title and possession of his land.

In 1802 and 1803 Mr. Jefferson asserted to Spain that the people of the United States had a right to the navigation of the Mississippi River. At that time Spain owned all the soil on the western bank of the Mississippi River. She owned the east bank of the lower river back to the Floridas. Mr. Jefferson asserted that we had a right to traverse the Mississippi River from our own territory across the territory of Spain—a right that we would maintain by force if necessary, a right which Spain could not and should not take from us. Not only did he assert that we had a right to navigate the river out to the sea, but that we had a right of deposit at New Orleans, where the waters between the ocean and the river met, because he said the craft that navigated the river could not navigate the ocean and the craft that navigated the ocean could not navigate the river, and there must be a change of freight; that we were entitled to the facilities on the land of

Spain, and if that land was subject to overflow we had a right to go to the highlands where the freight would be protected, and there to use such means as we thought proper to protect our property. He said our right to navigate the river through Spanish territory was an inherent right, and the right to navigate comprehended all the means that were necessary to its use; that the right of navigation would be useless without the deposit, so that passengers and freight could be exchanged from one vessel to another.

Prior to the year 1800, as I have said, Spain owned all the country afterwards known as Louisiana. In the year 1800 she transferred to Napoleon Bonaparte all that territory. Did she not have a right to do it? Was she not the sovereign of the soil? Most unquestionably she was. But when she conveyed that territory to Napoleon Bonaparte, and Mr. Jefferson learned of the fact, then being President, he told his minister to say to Napoleon Bonaparte: "You have assumed an attitude of defiance against this Government; you have taken a spot of soil that imperils the rights and liberties of the people of this country. We could have permitted that territory to remain in the possession of Spain; Spain could not threaten our peace, our power, nor the safety of our homes. That river and its tributaries drain three-fourths of our country; its branches go through that vast extent of country that was soon to be settled by millions of people. The power that holds the mouth of the Mississippi River is necessarily the enemy of the United States if it has strength enough to imperil our institutions," and he told the ambassador, Mr. Robert R. Livingston, to present these facts to the French Government. I will read from his letter. In a letter to Mr. Robert R. Livingston, April 18, 1802, in Paris, Mr. Jefferson says:

There is on the globe one single spot the possessor of which is our natural and habitual enemy. It is New Orleans, through which the produce of three-eighths of our territory must pass to market, and from its fertility it will ere long yield more than half of our whole produce, and contain more than half of our inhabitants. France, placing herself in that door, assumes to us the attitude of defiance. Spain might have retained it quietly for years. Her pacific disposition, her feeble state, would induce her to increase our facilities there, so that her possession of the place would be hardly felt by us, and it would not, perhaps, be very long before some circumstance might arise which might make the cession of it to us the price of something of more worth to her. Not so can it ever be in the hands of France. The impetuosity of her temper, the energy and restlessness of her character, placed in a point of eternal friction with us, and our character, which, though quiet and loving peace and the pursuit of wealth, is high-minded, despising wealth in competition with insult or injury, enterprising and energetic as any nation on earth—these circumstances render it impossible that France and the United States can continue long friends when they meet in so irritable a position. They, as well as we, must be blind if they do not see this; and we must be very improvident if we do not begin to make arrangements on that hypothesis. The day that France takes possession of New Orleans fixes the sentence which is to restrain her forever within her low-water mark. It seals the union of two nations, who, in conjunction, can maintain exclusive possession of the ocean. From that moment we must marry ourselves to the British fleet and nation.

Why this strong protest against France that had acquired jurisdiction over that territory, that had acquired all the title, as strong a title as Spain could convey? She was the sole possessor and the sole owner of it before. Why this strong language if we had not a right even superior to the right of France, superior to the right of Spain, superior to the right of any power that could imperil our life as a nation?

Let us go on. He writes to Mr. Dupont, a very distinguished Frenchman who was here, and the friend of Mr. Jefferson, a man of influence in France and whom he made the bearer of this letter. He would not send so important a communication by mail through France, it might have been intercepted, but he writes to him what I shall read.

Mr. GRAY. What is the date?

Mr. MILLS. The letter to Mr. Livingston is dated April 18, 1802. The date of this letter to Mr. Dupont is April 25, 1802.

I wish you to be possessed of the subject—

Of which Mr. Jefferson was writing—

because you may be able to impress on the Government of France the inevitable consequences of their taking possession of Louisiana; and though, as I here mention, the cession of New Orleans and the Floridas to us would be a palliation, yet I believe it would be no more, and that this measure will cost France, and perhaps not very long hence, a war which will annihilate her on the ocean and place that element under the despotism of two nations, which I am not reconciled to, the more because my own would be one of them.

Again, Mr. Jefferson says to him in the same letter:

In Europe nothing but Europe is seen or supposed to have any right in the affairs of nations; but this little event of France's possessing herself of Louisiana, which is thrown in as nothing, as a mere makeweight in the general settlement of accounts—this speck which now appears as an almost invisible point in the horizon—is the embryo of a tornado which will burst on the countries on both sides of the Atlantic and involve in its effects their highest destinies. That it may yet be avoided is my sincere prayer; and if you can be the means of informing the wisdom of Bonaparte of all its consequences, you have deserved well of both countries.

Again he writes to Governor Monroe, whom he sent as ambassador extraordinary to act in conjunction with Mr. Livingston to try to settle this controversy:

If we can not by a purchase of the country insure to ourselves a course of perpetual peace and friendship with all nations, then, as war can not be distant, it behooves us immediately to be preparing for that course, without, however, hastening it; and it may be necessary (on your failure on the Continent) to cross the Channel.

Again, writing to Mr. Du Pont on February 1, 1803, speaking of the Mississippi River, for that is one of the points on which Mr. Jefferson asserted the right:

For the occlusion of the Mississippi is a state of things in which we can not exist. He (Monroe) goes, therefore, joined with Chancellor Livingston, to aid in the issue of a crisis the most important the United States have ever met since their independence and which is to decide their future character and career.

He uses that same language in his letter to President Monroe in 1823, that this is the most important subject the American people have ever considered since independence. One was to acquire it and the other to maintain it. Here is a question of such transcendent importance that the President of the United States in 1802 sends an envoy extraordinary to act in conjunction with the minister to France to impress upon Napoleon Bonaparte, then rapidly ascending toward the zenith of that splendor and fame which he afterwards acquired—a monarch who presided over a country whose arms were at that time shaking down all the thrones in Europe—and Jefferson tells him if he persists in asserting the claim to the mouth of the Mississippi River, we will unite with the British people and the British nation and join together and sweep him off the face of the ocean; and he tells his ambassador, "In case you fail on the Continent, cross the channel and go to London," to that London where the marriage ceremony was to be celebrated—it was at London that the agreement of marriage was to be made and signed—"go to London, make the agreement between Great Britain and ourselves, and if necessary we will sweep the French fleets off the oceans of the earth in order to maintain the right we asserted to the mouth of the Mississippi River, notwithstanding France had a perfect title to it."

But what does all this mean? Wherever there are rights there are duties. If it was our right to secure our people the free use of the Mississippi River it was our duty to do it. In 1823, Mr. Monroe informed the Holy Alliance that we would not permit any European power to interfere with the revolted Spanish provinces in this hemisphere. Why? Because our political institutions would be imperiled, and to secure the liberties of our people monarchies and large standing armies must be interdicted in this hemisphere. This hemisphere was dedicated by its people to liberty and representative government. Jefferson said the Spanish provinces had a right to be free, and we had the same right to aid them that "a strong man has to assist a weak one when assailed by a robber or a murderer."

Why did we in 1865 send an army to the Rio Grande? The Republic of Mexico had been invaded by a European army, its republican government was overthrown, and an Austrian Emperor had erected his throne upon the ruins. That act was an invasion of our rights as well as the rights of the Mexican people. And our army on the east bank of the Rio Grande was notice to all concerned that the empire was at an end in Mexico. This bold movement was not prompted by mere sympathy for the people of Mexico, but by a regard for our own rights and the safety of our own people.

Monarchies live, Mr. President, by large standing armies. They do not consult the will of the people; they rule by force. If, then, a monarchy could be established in Mexico at our doors, supported by a standing army strong enough to suppress the public will, we could only maintain our Government here by an army of equal or superior strength, and when the American people establish such an army to protect themselves against foreign invasion they abandon the whole of their institutions and adopt the idea of the governments of Europe—a government of force.

Why was it just the other day that the President of the United States, after having been for years trying to get the consent of England to negotiate the disputed question of boundary with the Republic of Venezuela, said when that proposition was declined, that we would resist the absorption of that territory by Great Britain with all the means at our disposal, and made every American heart throb in response to that declaration? Why did he do it? Was it because we wanted to embroil ourselves in a controversy about a strip of land in Venezuela? No, sir; but because the occupation of that territory might remotely affect the interests, the well-being, and the safety of the people of the United States.

Here at our doors is an island which our fathers called the key to the Gulf of Mexico. It locks and unlocks the door to that great inland sea, whose waters wash the shores of five of our States. Into its basin the Mississippi River and all its tributaries pour their accumulated floods. With that gulf open to the fleets of a great naval power, and its key in the hands of that power, not only would our immense commerce going down the Mississippi and gathered on the gulf shores be imperiled, but the lives and property of our people would be subjected to the same danger. Cuba is not only the key that locks and unlocks that door, but it is the fortress that defends it. Mr. Jefferson thought that our system of States was not complete without the addition of Cuba. He said "he had ever looked on Cuba as the most interesting addition that could ever be made" to our Union.

"The control," he said, "which, with Florida Point, this island would give us over the Gulf of Mexico and the country and isthmus bordering on it, as well as all those whose waters flow into it, would fill up the measure of our political well-being." His first interest was annexation; his second was the independence of Cuba; his third was that no country but Spain should ever acquire it. In writing to President Monroe in 1823, he said: "We will oppose with all our means the forcible interposition of any other power or auxiliary, stipendiary, or under any other form or pretext, and most especially their transfer to any power by conquest, cession, or acquisition in any other way."

He was speaking of all the Spanish provinces in America, and the arguments applied with more force to Cuba than to all the rest together. Danger from European conquest of the extreme southern states of South America was only within the regions of possibility. Danger from the occupation of the northern states of South America or Central America was much more probable, but danger to us by such occupation of Cuba would be constant, imminent, and great. Therefore it has been the settled policy of our country, of all parties, at all times, that that all-important key should never pass out of the feeble hands of Spain to any other Government except that of the United States. Jefferson, Gallatin, Adams, Clay, Van Buren, Forsyth, Webster, Crittenden, Buchanan, and Marcy have all declared the same doctrine. Many of our statesmen have advocated its annexation, many have opposed it, but all have agreed as with one voice that it never should go from Spain to any power except the United States. We have made the world understand that we would resist the transfer of that island with the whole armed power of the United States. We have so held for a hundred years, and we are ready to-day to redeem that pledge if any European power thinks proper to put us to the test.

Now, Mr. President, I come to the point. If to protect our lives, our liberty, our institutions, our homes and families we have the right to control the destinies of the Island of Cuba, and if in the exercise of these rights we have fixed the destinies of the people of Cuba and delivered them forever into the hands of Spain, have we not assumed the duty of seeing that the lives, the liberties, the homes and families of Cuba are protected by Spain? We have denied to Cuba the right to better her condition by a change of connection. We claim the right for ourselves to institute such government as we may think most conducive to our happiness, but we deny that right to Cuba. If England should offer to take Cuba from under the despotism of Spain and give to her people the mild government she gives to Canada, we say, "You shall not go." If to-day the insurgents should abandon all hope of help from us and enter into negotiation with England and England should stipulate with them that they should have a home government, with legislative, executive, and judiciary branches chosen by the people of Cuba, with the power to lay and collect their own taxes, and that all her revenues should be expended at home, that England would only exercise the nominal sovereignty over Cuba that she does over Canada, do we not all know that the United States would forbid the contract and like a jailor stand at the door of the Spanish dungeon and bid poor Cuba go back to the companionship of her chains?

Mr. President, if we have kept Cuba from going to France, if we have kept Cuba from going to England—and we have—and no man is so blind as not to know that within the last one hundred years, if it had not been for the people of the United States asserting the superior right to control the destinies of that island, either England or France would have had it and given it a better government than it has, and yet we have stood still and said, "You shall not go." If we intend to keep them within the sovereignty of Spain, is it not our moral duty to protect them and see that they are not destroyed by the government into whose hands we commit them?

I say again that wherever there are rights there are corresponding duties, and I say the people of the United States owe it to the oppressed and downtrodden people of Cuba to say to Spain: "The time has come when you must take your heel off the necks of the people of Cuba. We are responsible for their slavery; we are responsible for the despotism in that island; we are responsible for every drop of blood that you shed; we are responsible for every dollar's worth of property that your mercenaries have stolen; our consciences and our character as a people are involved in this crime. Cuba has a right to appeal to us, and we intend that you shall give her just government."

Mr. President, we have passed through a great civil conflict. Why was it that the Northern people said that they could not submit longer to the continuance of slavery in the Southern States? Because it was in the compact in which they were involved. They said that they were as much responsible for slavery if they continued to support it as those who owned the slaves; that their consciences were aroused; and they continued the agitation until the conscience of the whole country was aroused, and slavery passed out of existence on this continent.

My friend from Missouri [Mr. VEST] the other day spoke of that great philosopher and statesman—the greatest, in my judgment, this or any other country has ever produced—who, when almost a boy, scarcely a beard on his face, entered the house of burgesses with a petition in his hands asking the Commonwealth of Virginia to manumit her slaves. I remember that that illustrious man from that day to the day of his death continued to plead for the same liberty to the African that he enjoyed. He believed that liberty was the birthright of every man. He said he trembled for his country when he remembered that God was just, that nothing was more certainly written in the Book of Fate than that the African was to be free. My friend [Mr. VEST] spoke of his prophecy about Cuba. I want to call your attention to another prophecy that had its fulfillment thirty years ago. Many long years ago, speaking of African slaves in the United States, he said:

When the measure of their tears shall be full, when their groans shall have involved heaven itself in darkness, doubtless a God of justice will awaken to their distress, and by diffusing light and liberality among their oppressors, or, at length, by his exterminating thunder, manifest his attention to the things of this world, and that they are not left to the guidance of a blind fatality.

Mr. President, for forty years prior to 1860 the American mind was agitated and tossed by the fact that African slavery existed in the United States. Gradually the light entered the brains and quickened the consciences of thousands and millions of people that while they did not own or hold a slave and never had, yet they were associated under a compact that secured that institution. Their consciences thundered into their ears that they were responsible for the existence of slavery, and no compromises or evasions could acquit them of their participation in the guilt. Then the land was aroused, and the struggle went from the forum of debate to the forum of battle, and slavery passed away through a blood atonement.

Mr. President, the day will come when the American conscience will again be quickened. The day will come when this mighty people will see and feel that the guilt for the wrongs and oppressions of the people of Cuba is upon their hands and souls. When it comes, and come it will, and come it must, the nation will rouse itself like a strong man after sleep, and it will fill these seats with Senators and the seats of the other House with members who will say to Spain: "Give to these people just government, or we will."

What sort of government does Spain give to Cuba? The taxation imposed, not by the people of Cuba but by the people of Spain, takes from the people of Cuba nearly $50,000,000 a year. Have you stopped to inquire what a monstrous iniquity this is? The whole annual produce of all the labor in Cuba does not exceed two hundred and fifty millions, and one-fifth of that is taken every year by Spain. These immense exactions are extorted from the people of Cuba to pay the army that crushes out their life on the land and the navy that guards the shores so that no relief can come and no victim escape.

In a very able article in one of the leading papers of Texas I see the different items of expenditure given, and the sum total is $48,000,000 in one year; and yet there are comparatively no schools; 75 per cent of the entire population can neither read nor write. There are no roads, bridges, or ferries; no public buildings; nothing but despotism and desolation, and that by the authority of the United States! Besides the enormous and exhausting taxation, the plunder of the people is without a parallel in history. One of the prominent Spanish officers now in Cuba with a military command said in the Congress of Deputies, March 2, 1890, that the frauds, thefts, and misappropriations of money by the officers sent out from Spain to govern Cuba amounted to $40,000,000! Forty millions wrung from a million and a half of people is a monumental robbery. Taxes by duties on imports are levied in Spain for Cuba, and levied so as to enrich not the Cubans but the Spaniards in Spain. The tax on flour is levied enormously high to keep out the flour of the United States and compel Cubans to import Spanish flour, and on that was so high a duty that bread costs 25 cents a pound. And the starving people complain to us that bread is a luxury in Cuba, and yet we say that Cuba shall not leave Spain! Why should not the people of Cuba have a government of their own? Why should not the question of taxation be placed in the hands of the representatives of the people who pay the taxes?

For what did our fathers fight in 1776? One of our greatest statesmen has said that our Revolution was fought on a preamble. We had suffered no despotism. We declared that taxation and representation should go together. Such has been our fundamental principle ever since. The taxpayers, through their representatives, must vote the taxes under our Government. But under the despotic barbarism we have forced on the people of Cuba the amount of taxes is prescribed by the tax receiver. It was said here the other day that Cuba had 30 representatives in the Cortes of Spain, while Spain has 700 representatives. How are these 30 so-called representatives chosen? Twenty thousand Spanish merchants and manufacturers in Cuba elect 27 representatives, while 90,000 Cuban farmers elect 3 representatives, and several hundred thousand Cuban male adults are disfranchised. But if the

Cuban people elected the whole 30, what protection would that give to Cuban taxpayers in a body of more than 700 Spanish representatives? What they require for their protection is a government of Cubans for Cuba. No power has the right to impose taxes on the people of Cuba but themselves. Spanish taxation for Cuba makes flour so dear that Cubans only consume 54 pounds per head per year, while Spanish taxation on the Spanish people in Spain is so light that in Spain the people consume 400 pounds per head per year. If the people wish to meet and humbly petition the military commander who has them in his keeping for more bread or for more mercy, they must first obtain a permit. Without it no meeting can be held, and even with it under the supervision of a deputy sent by the commander.

And we are guarding the brutal monsters while they are carrying on their iniquity.

Mr. GALLINGER. If the Senator will permit me, a few days ago I stated that fact on the floor of the Senate, and the Senator from Maine [Mr. HALE] retorted that this was a time of war. I want to ask the Senator from Texas if I was not correct when I said that in time of peace, and during the past ten years, for instance, the Cubans could not hold a public meeting without getting a permit from the Government and a Government officer being detailed, who had authority to suppress any meetings he pleased?

Mr. MILLS. And to disperse them when he pleased. That is the standing order, so I am informed by the representatives of the Cuban people. But if it is only during a time of war, what else has Cuba had for a hundred years? War is the normal condition of that island, and a condition that is imposed by the strong and powerful arm of the United States. How proud we must feel of the great Republic when we see her stand with the keys locking the dungeons in which the free people of Cuba are confined—a people who are not permitted, without the assent of the dictator, even to ask him for mercy.

Mr. President, I want to call the attention of the Senate and the American people to some of the enormities committed by Spanish officials in their treatment of the people of Cuba. In the former revolution, from 1868 to 1878, the conduct of Spain was precisely what it is now. On the 4th of April, 1869, Valmaceda issued an order, from which I read the following items:

First. Every man from the age of 15 years and upward found out of his house who can not give a good reason for it will be shot.

Second. Every unoccupied house will be burned by the troops.

Third. Every house without a white flag, which is the signal that its inhabitants desire peace, will be reduced to ashes.

Women that are not living at their homes or at the houses of their relatives will be gathered either at the town of Jiguaini or in that of Bayamo, where food will be provided for them. Those who do not present themselves will be brought by force.

When Mr. Rish, our Secretary of State, read the brutal order he wrote to the Spanish minister at Washington, "In the interest of Christian civilization and common humanity, I hope that this document is a forgery." But it was not. It was genuine. This exterminating policy was continued, and in 1871 President Grant said to the same minister that the "atrocities" inflicted in Cuba had turned the whole country against Spain to such a degree that the people were scarcely capable of judging impartially any longer. But all such remonstrances were lost on Spain. One of her captains of volunteers says in one of his reports:

More than 300 spies and conspirators are shot monthly in this jurisdiction. Myself alone with my company have already killed 9, and I will never be weary of killing.

Another captain of volunteers reports:

We have captured 17, 13 of whom were shot outright. On dying, they shouted, "Hurrah for free Cuba! Hurrah for independence!" * * * On the following day we killed a Cuban officer and another mail. Among the 13 we shot the first day were found three sons and their fathers; the fathers witnessed the execution of their sons without even changing color, and when their turn came they said they died for the independence of their country.

In a letter of one of the officers of the Spanish army he says:

Not a single Cuban will remain on this island, because we shoot all those we find in the fields, on their farms, and in every hovel. * * * We do not leave a creature alive where we pass, be it man or animal. If we find cows, we kill them; if horses, ditto; if hogs, ditto; men, women, or children, ditto. As to the houses, we burn them. So everyone receives what he deserves—the men with bullets, the animals with the bayonet. The island will remain a desert.

During that revolution a Spanish newspaper in Barcelona published the following proceedings of a military tribunal in Cuba:

General Staff of the Captain-Generalship of the Island of Cuba:

The court-martial sitting at this place on this day, with the object of examining and passing an opinion about the process against the civilian Jose Valder Nodorce, who uttered seditious words, has condemned him to six years' hard labor and with irons, and his excellency, in sharing the opinion of the auditor, has approved the judgment, but not without remarking his great mildness, because it is not in accord with regulations, codes, and existing laws, and for that reason he has ordered that the president and members of the military court be sent to a castle for two months as a punishment for it.

Published by order of his excellency.

Six years at hard labor for uttering seditious words was a punishment so mild that the court was sentenced to two months' confinement as a punishment for their clemency! And this almost within sight of our shores, and backed by the authority of the United States! I read another extract. It is given to the public by Mr. Quesada, the representative of the Cuban people here. He is a gentleman whose veracity is not questioned. Here is an incident of that war as related by him:

During the last war General Weyler did not distinguish himself by military exploits. As a soldier he was an obscure commander of a column. His operations were in the territories of Camagney and Tunis. His reputation is based on his atrocities. "The dance at Guaimaro" is famous in Puerto Principe. He captured a number of ladies of the best society of this province. They were taken to the village of Guaimaro. Around a large bonfire in the center of the public square he placed the defenseless women. The ferocious hordes of negroes who composed the Fourth Company of his command were ordered to violently undress the prisoners. Then they played an African dance, and the unfortunate Cubans who refused to participate were whipped by Weyler himself!

"But even worse than the foregoing," he continued, "was the crime committed by Weyler on Senorita Romero. She was captured with her mother. Weyler ordered the latter to propose to her daughter the sacrifice to him of her honor and virtue. The distracted mother, under threats of death, entreated in vain with the young woman. Colonel Weyler offered this dilemma: The senorita must choose between him and the black soldiers of the already famous and sadly celebrated Fourth Company. Senorita Romero did not vacillate. She indignantly exclaimed: 'Between you, monster, and the Fourth Company I do not hesitate. Give me up to the Fourth Company!'" Can Mr. Dupuy de Lôme or Weyler deny this when Cruz solemnly declares: "In 1889, in a house at Nuevitas, thin and emaciated as a specter, her hair white, a complete wreck, an idiot, I saw the sad victim of that infamy!"

How proud we must be as American citizens to stand guard over that atrocious villain who is again in Cuba in his work of death and desolation, but who would not be there to-day if the United States would draw her sword, as it is her duty to do. If we will not permit England, France, or Germany to extricate these wretched and persecuted people from the clutches of Spain, our honor demands that we shall do it ourselves. With what lofty pride our American mothers, wives, and daughters must look upon the enrapturing scene of a Spanish bullfighter at the head of a horde of armed brigands demanding of a helpless, innocent girl to decide between her life and her honor! How their eyes must burn with unwonted brightness and their cheeks suffuse and glow with gratified pride when they look on Weyler, with the Stars and Stripes above his head and falling in rich folds around his shoulders, and the royal bird of Jove fanning his cheeks with the feathers of his outstretched wings, while he bids an innocent girl to choose between his and the embraces of his brutal minions. How proud must all our men be, sons of the sires who hung that standard in the storms of a hundred battles, who saw it ride in triumph on lands and lakes and oceans, and never once did the smell of the stain of dishonor rest within its folds, now see it guarding the wretch who slaughters unarmed men, violates unprotected women, and gives their homes to the flames and their flesh to the eagles. Oh Columbia, gem of the ocean, your children have boasted of their civilization, their freedom, their prowess. How is the mighty fallen, the strong staff broken and the beautiful rod!. Columbia, the mighty God who called thee out of the deep, placed in your hands the burning brand to enlighten the world and lead its downtrodden humanity to higher and better altitudes. You were never intended for a jailer. Your fair waist was never designed to be encircled by the belt of a Spanish bullfighter, nor your fair hands to carry the keys of Spanish dungeons, where victims of despotism were loaded with chains because, taught by your precepts and example, they aspired to climb to the mountain tops where you stood.

Mr. President, I speak and feel as an American citizen. There is not a drop of Spanish blood in my veins. I speak for liberty, I speak for the right, and I feel and speak for the honor of my country. We hold Cuba in vassalage to Spain. For a hundred years we have declared, and reiterated the declaration, that Cuba shall stay under the dominion of Spain. We have shut in her face the door of hope for release from that despotism, and, having the responsibility which even an equitable right would give, we should demand of Spain that just government should be given to Cuba. If necessary we should enforce the demand with the whole military strength of the nation. Suppose the suffering people of Cuba should say to us: "You have forsaken us; we have appealed to you time and again. Every generation that has come from the womb has appealed to you, and gone down to the grave marked by Spanish blood and dishonor. So farewell; we are going now to appeal to England: he will give us the mild government she gives to Canada. She will let us govern ourselves in all our domestic affairs—she will let us raise what taxes we are willing to pay and expend our revenues on educating our children and building up our country, and protect us against invasion from Spain or any other power." What would be our response? What has for a century been our response? Columbia would come out with her mighty heart throbbing, her flags flying, and her drums beating, and answer in tones of thunder, "England shall not assume sovereign rights over one square foot of Cuba. We will see that Spain keeps Cuba against all the world except ourselves." Then if we have fixed the destiny of Cuba we owe it to our own honor, we owe it to humanity, to protect the wretched and misgoverned people of that island against Spanish barbarity.

The other day I read in the press dispatches from Cuba where a

Spanish column, after having an engagement with the troops under Maceo's command, attacked a house where a father, a daughter, and an infant were sheltered. The father stepped out with his child in his arms and cried, "Stop firing; we are peaceful citizens"; but they drew nearer, took deadlier aim, shot to death the father and the child. The daughter sprang forward to protect her wounded father and to plead for her own life. The appeal was answered by shots from their rifles and thrusts from their bayonets, and the girl fell on the dead body of her father and brother, riddled with bullets and gashed with bayonets. This is the kind of government Spain is giving to Cuba. It is the protection that the hawk gives to the dove, the panther to the hind. And all this is by the authority of the United States! We stand guard over Spain while she tears Cuba limb from limb, while the victim is crying to us to deliver her from the jaws of the monster.

Mr. President, while thinking of the slaughter of this girl who attempted to save her father, there comes up in my mind the recollection of an incident that occurred in Alabama during our civil war. A colonel of an Ohio regiment was in command of a district in North Alabama within whose lines the family of a Confederate officer resided. Sometimes the bold rebel would slip through the lines undiscovered and visit his family. On one occasion he was discovered by some one more devoted to the Union than to his personal welfare. Information was given to the colonel commanding the district, who took a half dozen of his men and under cover of night went to the house to capture his Confederate foeman. Arriving at the house, he rushed in the door, pistol in hand, and found the Confederate soldier in the midst of his family, his pistol and belt lying upon the bureau and within reach of his daughter, a beautiful Confederate girl of 18 summers. In an instant she grasped her father's pistol to shoot in defense of her father's person. The coolnel sprang forward, seized the pistol in her hand to disarm her. Not being a Spaniard, it never entered his mind to shoot her. In the struggle her pistol fired, and she was shot through the hand, but her father succeeded in making his escape. The gallant officer returned in a few days to see about that wounded hand. He came again to express his profound regrets for that wound, and again and again to hope for its early recovery. He did not stop coming till he carried that hand off with him and clasped it in his. It is his hand now and has been for thirty years. Around that family hearthstone there stands a group of noble sons, half Yankee, half rebel, but all Americans. [Applause in the galleries.] We did not shoot women and children. We did not shoot prisoners in our great civil war.

Mr. President, in my own good State of Texas—a State that drank of the cup of Spanish barbarity to the dregs in its early history—there occurred during our civil war another incident that shows the difference between Spanish and Anglo-Saxon civilization. The Island of Galveston had been occupied by the troops of the United States, and the *Harriet Lane*, a United States man-of-war, laid at her wharf. The officer in command of the Department of Texas at Houston got one or two old steamboats that were laid up out of reach of the enemy, put cotton bales around them, and mounted on them such guns as he could procure, and moved down to attack the enemy's navy with his, and at the same time threw troops across the bridge on the island and attacked and captured the garrison; at the same time, with his improvised fleet, he attacked, boarded, and captured the *Harriet Lane*. Young Lea, the commander of the *Harriet Lane*, fought gallantly, and fell on the quarter deck of his vessel, vainly struggling to hold it. When the battle was over, we did not cut off his head and stick it on a pole and parade the streets with it as the Spaniards did their victims in Cuba. Gentle hands shrouded the young soldier. He was taken to the cemetery where the fathers of the city slept. His remains were followed to the grave by the whole people. His father read the burial service of the church to which they both belonged and into which the young officer had been baptized when a child in his father's arms. We laid him in a hero's grave, we covered him with flowers, flowers that were wet with the tears of kindred and friends, and left him alone in his glory. Never in that great conflict, where more than 2,000,000 of men were engaged for four years in the most desperate struggle that ever occurred in the annals of mankind, did either side ever commit one such act of cruelty as is now being enacted every day in Cuba.

Mr. President, this is the same old story. I could read you instance after instance of barbarism in Cuba; but it would be but the repetition of Spanish history—the same old story that we have heard from the days of Charles V, when the printing press came and light began to diffuse itself and knowledge began to be gathered and stored. Spain tried to crush it out and extinguish the light by military violence. You all remember the history of Luther, who began the Reformation by teaching the Germans that justification came by faith. Charles V had him summoned to Worms to answer to him for this mortal offense. He presided over that august assembly, then the most powerful monarch on the globe. He called on Luther to retract his heresies, which he refused to do, saying he would only retract when his judgment was convinced by reason.

We all remember the history of the poor Netherlands. They had recovered their land from the sea by building dikes, and the Spaniards overflowed their lands with blood as the sea had theretofore done by water. Finding it almost hopeless to contend against them and to save their country from the butchery, torture, and flame of the Spaniard, they stood upon the dikes, spade in hand, and said, "If you continue this persecution, if we can not live in this country, we will cut these dikes and bring back again the sea over us all, and, vanquished and victor, we will go together to the throne of God to plead our cause."

What was the history of Spain in her American provinces? Did her treatment of her subjects change? We were boys once; our heads are now gray; but I can remember when I was a boy reading a little poem and perhaps reciting it at school:

When Cortez came with sword and flame,
With one fell blow proud Mexico
Was humbled in the dust.

Sword and flame! Not the flame of the intellect, not the flame of truth, not the flame of knowledge, not enlightenment and elevation of character, but the flame of fire that extinguishes and burns the fagots beneath the feet of victims.

She desolated Mexico under Cortez, Peru under Pizarro, and when, in vain, after a long tenure she found herself utterly incapable of holding those provinces, and when the United States stood with a brandished and flaming sword and said to all Europe, "You shall not interfere to help Spain recover them," then the whole power of her concentrated despotism fell upon poor Cuba. In 1825 an order or decree issued from the Government of Spain appointing a governor for Cuba and giving him all the powers of a governor of a besieged city. Martial law was given to Cuba in 1825, and martial law has been the inheritance of poor Cuba from 1825 to 1895. For threescore and ten years that prostrate island has been crushed, bleeding, starving, rising in insurrection, the people lifting their appeal to God to smile on their cause and give them deliverance, and appealing to the United States for help. And yet at every moment of that time we have stood upon the dark doorways to Spanish dungeons with American bayonets and American flags flying over them, refusing them succor, and yet holding them in subjection to Spain.

I say, sir, we have a duty, a holy duty, and if we think God will not call us to account for the manner in which we have refused to discharge that duty to those people, we must believe that there are crimes and sins that can be perpetrated in this world which can go without an atoning sacrifice. The blood of innocence and the demands of justice, as my friend the Senator from Missouri [Mr. VEST] said the other day, will speak after a while. He who sees the sparrow fall will open the eyes that never sleep. He will open the ears that are never deaf. He will treasure up the wrongs of Cuba and after a while—

Eternal justice wakes, and in their turn
The vanquished triumph and the victors mourn.

We have had something to do with Spanish history in the State of which I am a citizen and where I have lived since a boy. We have gone through all of this history. After 1824, when Mexico had achieved her independence and made her free constitution, copying closely that of the United States, a Spanish dictator, Santa Anna, trod that constitution beneath his feet. With his armed soldiery he marched over Mexico, beat down her armies—for he was a military genius—and not only captured them but butchered them, and not only butchered them but went to the cities that sympathized with the republican government of Mexico and butchered men, women, and children.

In 1836 he came to Texas on his mission of death. He came with a sword of flame, as Cortez had gone to Mexico in 1525, but he found a different kind of material from that with which Cortez had to contend. For a while fortune seemed to smile on him. He entered San Antonio and stormed and took the little garrison in the Alamo, and put to the sword every living thing within its walls except one woman and one little female child. They too would have been slain, but they were covered by the dead bodies of the soldiers who had fallen in defense of the garrison. True to Spanish instinct, Santa Anna went about among the bodies of the slain and sent his dagger to the hilt in the bosoms of its heroes. From San Antonio, flushed with victory, on the 6th of March, 1836, the invaders went to Goliad. On his way he encountered Fannin with a handful of brave men from Texas, Georgia, and Alabama. Though far inferior in number they challenged his advance, and beat him till their ammunition was exhausted, and then capitulated. They were to be sent back home to Georgia and Alabama. But on Sunday, the 27th of March, when the Sabbath bells were ringing all over the home land, when friends and loved ones in that home land were wending their way to their places of worship, the Spaniard was conducting his victims to the place of slaughter.

The little band under Shackelford were young men from Alabama. An old soldier of the Republic of Texas told me many years ago the story of that massacre as it was given to him by Shackelford himself. He said he was a practicing physician in Alabama, and determined to raise some men and go and help Texas. His son was in his party and his patrons and friends gave him their sons upon the condition that he would treat them as he treated his own son. He accepted the trust. When the battle was fought and lost, Shackelford, who was a skillful surgeon, attended the wounded Mexicans, and rendered to them valuable service. For this he was informed that he could have the life of his son; all the others would be shot. He went to his son and said: "I have accepted all your comrades upon the terms that I would treat each of them as I would treat my own son. Your comrades are ordered to be shot. Your life is offered to me, but I can not accept it without betraying my word. I will leave it to you to decide for yourself." The gallant young hero instantly spurned the proposition and said he would die with his comrades. They were all young men of education. Many of them played well upon musical instruments and all sang. Before the fatal order was executed they took their harps, violins, and flutes, some played and others sang that sad but soul-stirring song of John Howard Payne:

'Mid pleasures and palaces though we may roam,
Be it ever so humble, there's no place like home;
A charm from the skies seems to hallow us there,
Which sought through the world is ne'er met with elsewhere.

In a few moments more their voices were still and their harps were songless and silent. At last they were all at home—not the homes they had left in Alabama and Georgia, and to which the Spaniard had promised they should soon return, but they were at that far-away home "where the wicked cease from troubling and the weary are at rest."

After the slaughter their bodies were gathered in funeral piles, covered with brush, and set on fire, and wolves and dogs and hogs fed upon such as the fire had failed to consume. On to the east the victors pushed their columns till on the 21st of April the last hope of Texas, an army of 783 men, stood with their back against the San Jacinto River. It was the last intrenchment of liberty, and that day was to decide whether it was to be the birth or burial of the Republic. To enter the arena where Texas awaited him he had to cross a stream spanned by a bridge which, when crossed, Houston had destroyed behind him, so that there was no escape for either army. Excelling Houston more than two to one, he was confident of victory, and as the sun passed the meridian he laid down to enjoy his siesta and dreams of ultimate victory and the slaughter of the vanquished. While he was sleeping, gently sleeping, the soft Southern winds passing over vast fields of flowers drank up their odors and poured their rich perfumes through his camp; the feathered choristers of brightest plumage sang in the branches of the evergreen oaks that bent over him. While he slept Houston moved cautiously among his devoted braves, told them the bridge was gone, then "Be men, be freemen, that your childen may praise their father's name. Remember the Alamo!" At 3 o'clock in the evening he moved forward to the battle. As he was advancing he told his musicians to play a piece that he named—a piece that he thought suitable to the occasion and in harmony with their feelings. If a Greek column had been moving against the invader who had driven them to their last intrenchment the song of the Argive warriors would have been:

Again to the battle, Achaians!
Our hearts bid the tyrants defiance!
Our land, the first garden of Liberty's tree,
It has been, and shall be, the land of the free.

But it was not a Greek army, and it was not a Greek song they sang. It was a Texan army, and a handful as brave as the bravest who fought with Themistocles at Salamis or fell with Leonidas at Thermopylæ.

If it had been a Scotch army marching to meet the tyrant who had invaded their homes and laid waste their fields, the song they sang would have been:

Scots, who have with Wallace bled,
Scots, whom Bruce has often led,
Welcome to your gory bed,
Or to victory!

But they were not Scots, though as brave and as true as the best that won with Bruce at Bannockburn or lost with Wallace at Falkirk.

If it had been the Old Guard of France marching down into that vortex at Waterloo, where the concentrated fire of more than a hundred guns was plowing through their ranks, they would have sung:

Ye sons of France, awake to glory!
Hark! hark! what myriads bid you rise!
Your children, wives, and grandsires hoary,
Behold their tears and hear their cries!

To arms! to arms! ye brave!
The avenging sword unsheathe!
March on! march on! all hearts resolved
On victory or death!

But it was not a French army, nor the field of Waterloo. It was a Texan army, as brave, as determined, as patriotic as the gray-bearded grenadiers that carried the victorious lilies of France from the Pillars of Hercules on the west to the mountains of Judea on the east, and from the pyramids of Egypt on the south to the snow-covered steppes of Russia on the north. The occasion demanded not the sonorous blast of the trumpet, but the soft, sweet notes of the lute. The song they sang was a warm, cordial invitation:

Will you come to the bower I have shaded for you?
Your bed shall be roses all spangled with dew.

They came, and a great many of them are there yet. When the battle was over one-half of the enemy were dead on the field and the other prisoners begging for that mercy they never gave but received from those whose homes they had destroyed and whose comrades they had put to the sword. When the sun set on that eventful day and the stars began to light their lamps in the skies, lo! in the southwestern heavens there appeared one that moved forward till it stood over the field of San Jacinto and burned on with ever-increasing brilliancy as the representative of the newborn Republic of Texas.

Mr. President, when I came to Congress in 1873, twenty-three years ago, before I was sworn in I read the news of the capture of the steamer *Virginius* and the butchery of 53 of the persons taken on her decks. The vessel had been engaged in carrying arms and supplies to the insurrectionists in Cuba. She was regularly documented as a vessel of the United States. Over her decks floated the flag of the United States. Every one on the boat was entitled to the protection of the laws of the United States. She was run down on the high seas and captured by a Spanish armed vessel and carried into Santiago on the 3d of November, 1873. At 6 o'clock next morning four of her passengers were shot. An officer of the British schooner *Brilliante*, who witnessed the execution, says:

The executioners demanded that these victims should kneel and be shot in the back. Two of them so knelt and were so shot. The other two, Verona and Ryan, refused to kneel, and were thrown down and handcuffed while begging their executioners to let them die standing. A Spanish officer stepped forward and thrust his sword through Ryan's heart. Verona died easily. Then down upon the corpses, still warm with life, came the bloodthirsty mob, severing their heads from their bodies, placing them on pikes, and marching with them through the city.

Forty-nine others were shot to death on the 7th and 8th of November. And the great achievement was celebrated with bonfires and bullfights over the island. Ryan was a gallant Union soldier from New York. Frye, the captain of the vessel, was a Confederate from Louisiana. These 53 persons on the decks of an American vessel were tried at night before a military tribunal. They were not permitted to be present and defend themselves. They had violated no law of Spain. Reverdy Johnson, one of the ablest lawyers in the United States, said:

Her capture was as gross a disregard of the authority of the United States as if the *Tornado* had seized her in the harbor of New York. If he said the vessel had violated the neutrality laws of the United States, Spain could take no cognizance of it.

The United States alone could do that, but the United States did nothing but enter into a long diplomatic correspondence, and came out of the controversy covered with disgrace. Frye was refused permission to apply to the United States consul for the protection of the men on his boat. When they were marched to execution they were carried past the United States consul's office—his flag not even flying. He did not dare to put it up, and his doomed fellow-countrymen bowed their heads to the bare flagstaff and "waived a mournful good-bye."

After Captain Frye was condemned they for the first time permitted him to come before the military tribunal. He asked permission to go, not to plead for his life, but for the lives of some of his crew. In that appeal he says:

I do not come here to plead for my own life. You have condemned me. I do not ask you for my life.

It has been notorious—

He said—

that a great number of vessels were engaged in it [blockade running] during the American war, and notwithstanding many prizes were taken not a single life was sacrificed.

What a high tribute this is to the Union Army and to the Union people by a Confederate soldier! A citizen of Louisiana, a Confederate, says to the Spaniards:

The country against which I fought and the people against whom I fought, the country that triumphed over me, never perpetrated in one single instance what you do in every instance. On the contrary—

He said—

the greater part of the prisoners were liberated after a short imprisonment. Of the law in Cuba and the proclamation referring to the introduction of arms into Cuba I had not heard until the night of my conviction. If with superior opportunities I was ignorant of a case decided by other than international law, how completely ignorant should be these poor people? I was continually in the company of persons who ought to have known it, yet the fact was never once alluded to. In a word, I believe that they were ignorant, and that the world will be grievously surprised to know that their lives are sacrificed. The council well know that I am not pleading for my life; I have neither home nor country—a victim of war and persecution—I being shut out

from the road to prosperity until I am unable to provide bread for my wife and seven children, who know what it is to suffer from the vicissitudes of my life. My life is one of suffering, and it is not for myself that I implore.

* * * * * * *

Spaniards, as I believe I am the only one who will die in the embrace of our holy religion, consider the souls of these poor people. Give them time and opportunity to seek the mercy of God. Thus only can you comply with your duty, and my blood ought to be sufficient. These poor men had no knowledge of their crime.

Was not that a magnificent appeal to make? Heroic and noble, he refused to ask from those bloody butchers his own life. He had violated no law for which they could punish him, and, as he said, no one in our great conflict had ever been punished for running a blockade. The vessel would be condemned as a prize, the property would be taken, but the people that were on it would be treated as prisoners in civilized war.

But the Spaniards did not turn any loose. They butchered all of them, and now I have here something more I want to read to you. Our consul, when he found the boat had come in, interceded with the butcher Burriel. I perhaps ought to ask pardon from some of our people who think that I am too harsh in speaking of this "proud and sensitive people." Here was a butcher, and as soon as the vessel came in the American consul asked permission of Burriel to see his countrymen before anything was done. He sent a dispatch to the consul at Jamaica informing him of these facts, and Burriel, the general in command, suppressed it, and admits that he suppressed it, and would not permit it to go until those people were all tried and slaughtered. Here is what Burriel says in reply to that:

I have received your communications, one dated the 2d instant and the remaining two others the 3d instant; the first inquiring if it was true that a telegram had been detained by my orders, which you had addressed to the United States consul in Kingston, Jamaica, asking information as to the nationality of the steamer *Virginius*, seized on the high seas as a pirate by the Spanish war steamer *Tornado*. In my desire to correspond duly to the exquisite zeal which you show in this matter, I would have replied at once to your communication, but as I received it precisely at the moment of important and peremptory affairs, to which I had to devote myself exclusively; further, the past two days were holidays, upon which the officials do not come to the offices, being engaged, as well as everyone else, in the meditation of the divine mysteries of All Saints' and the commemoration of All Souls' days, as prescribed by our holy religion.

He could not listen to an appeal to save those souls when he was engaged in considering the mysteries of All Saints and the commemoration of All Souls. He could not listen to the appeal of a man who, refusing to ask for his own life, asked for the lives of those poor innocent men who were on his boat. He was engaged in considering the mysteries of All Saints and the commemoration of All Souls, when souls were being rushed into eternity by the shots of his guns and by the thrusts of his spears—fifty-three wallowing in their own blood.

What did the American people do about that? Everybody knows very well that Spain had no right to stop that vessel on the high seas. General Grant said so. General Grant's Cabinet said so in 1871 when the question was brought before them whether the people of the United States had not a right to ship arms and munitions of war to insurgents anywhere. It was a matter that was referred to the Cabinet. I have the letter. Here is what it says:

DEPARTMENT OF THE INTERIOR, *Washington, October 1, 1869.*

To FRANCIS DARR:

Your dispatch of to-day came while I was at a Cabinet meeting, and after I had brought before the President your letter on the same subject. After full consultation with the Cabinet, the President was of opinion that the shipment of arms was not prohibited to either party in the Cuban struggle. The revolutionists have as full power to buy and ship as the Spaniards. It is upon the fitting out of a military or naval expedition, warlike in its character, that the neutrality laws operate. It is an entire mistake to suppose that the United States officers have ever been instructed to stop the shipment of merchandise though it be in the form of articles contraband of war.

The owners and masters of vessels must simply take their own risk in these cases. But if an expedition, whether of armed men or armed vessels intended for naval warfare, is started in our ports, then the question of our duty as neutrals or as a friendly power arises, and even if we had acknowledged the independence of Cuba our duty and our rule could be no whit different until we had directly and publicly espoused one side of the question by making war upon the other. You must remember that we constantly bought arms of England during the rebellion, and no one questioned the legal right of Englishmen to sell to us or the Confederacy. The blockade runners took their own risk of capture, but the *Alabama* was fitted out to make war upon us as a ship of war. The Cuban republicans must learn to make this distinction before complaining of our conduct. In this respect, as I have said above, the recognition of their independence would not alter the law.

Yours, truly,

J. D. COX,
Secretary of the Interior.

It was unanimously decided by his whole Cabinet that no nation had a right to arrest that vessel on the high seas. Neither Spain nor any other country on the face of the earth could go behind the papers that accredited the vessel; that they were conclusive; it was American soil, and American authority granted the right of security to everyone on its decks. And yet, Mr. President, I say with shame that we permitted that butchery to go almost unchallenged. There was a long list of correspondence, amounting to some hundred or two papers, back and forth, and a little milk-and-water agreement between Mr. Fish and Mr. Barnaby, the minister of Spain, that the guilty party should be brought to justice and tried. They had a tribunal arranged in Spain to try Burriel, and after a long correspondence, running through three or four years, the Government of the United States was notified that the tribunal was organized, that it took jurisdiction, and that the Government of Spain could do no more. The court could do with him as they please. The result was Burriel died a natural death and was never brought to trial at all. And for 53 people butchered on the decks of that vessel, rightfully claiming the protection of the United States, the great body of them American citizens, after a long controversy Spain paid $77,000, about $1,500 apiece.

Now, look upon this picture and upon this, Hyperion to a satyr. At Salonica, in 1876, while this correspondence was going on, a Greek girl was taken from some Mussulmans. The German consul and the French consul rushed into the street where there was a mob attempting to carry her away, to plead for the girl and protect her, if possible. They were cut down and stabbed to death in the streets. The Turkish Government, without waiting for any invitation from Germany or France, telegraphed over the wires that they would punish those people, that it was unauthorized, and offered to do everything.

Did France enter into a long correspondence running through five or six years? Did Germany do it? They did not even deign to answer the telegram, but each one ordered its fleets to Salonica, landed its marines on the shore, and compelled the Government of Turkey to bring the guilty wretches before them, and under the muzzles of their guns they shot to death six of these perpetrators, and then said: "Pay $100,000 to the family of each one of these persons and I leave you," and it was done.

Mr. President, that brings me to the last question to consider in this case. Why is it that in the latter years of our Government every time we attempt to maintain the honor, the dignity, and the respect of our people some tremendous power commences to manifest itself in secret and in quiet, and we hear all sorts of objections except the real one? In the revolution of 1868-1878 they said that Spain had just thrown off the monarchy and bloomed out into a republic, and we will do great damage to republican government—such as we have instituted in this country is felt all over the world—if we talk plainly to Spain. "Remember," they said before, "Castellar is very proud and sensitive. Do not wound his feelings."

Mr. President, the blood of our citizens butchered by Spain is crying from the earth to us, and I for one am for calling her to account, and if her pride is wounded by our demand for proper treatment from her, she may fret till her proud heart breaks.

We hear now the same old plea. Spain is even vindicated here. With the atrocities of three hundred years piled up against her, her cause is espoused and boldly defended. We are told that the insurgents are ungrateful to Spain. When generation after generation of Cubans have been sent to bloody graves by her hand it is ungrateful even to remonstrate.

Mr. STEWART. Will I interrupt the Senator from Texas if I inquire of him whether he thinks the $1,200,000,000 of bonded debt which Spain owes, included in which is a lien of $300,000,000 upon Cuban revenues, has anything to do with the reluctance of other nations to interfere in favor of humanity in this case?

Mr. MILLS. Mr. President, there is something away down under the surface, I can see and feel it moving up to the surface, I do not know just exactly what it is. I think I know, but I can not say positively whether it is foreign securities or what it is, but I know one thing. I know that the great heart of the American people is now pleading for the right and the honor of America. I suppose somebody has some interest in importing sugar. Of course that is going to be disturbed and there will be some money lost in it. Foreign securities may fall. There may be $5,000,000 or $10,000,000 lost in the United States, occasioned by the Senate and House of Representatives asserting the rights, the dignity, and honor of the American people. But, Mr. President, I would rather spend a hundred million dollars and take the captives from the Isle of Pines that Spain has been sending there for fifty years and liberate them, because it is our duty to do it. We have assumed such a relation toward Cuba that the blood of the poor wretches who have rotted on the Isle of Pines and whose bones are scattered about over the whole land rises up against us. The spot of bloody guilt is on our hands and we may fain cry, "Out, damned spot!" All the waters of ocean can not wash this guilt away.

It is our duty, Senators, to protect those people or say to England, France, Russia, and any others, "If you want that island take it; we have nothing to say about it." But as long as we say to all the earth, "You shall not touch it; it belongs to Spain and we will keep it in the hands of Spain," then I say that an awful load of guilt is rolled upon our souls, and we, to whom the honor of our country and our people are intrusted, must stand as Americans, and we must say to Spain, "You shall give that island self-government, or we will." Poor old Oliver Goldsmith said a long time ago:

Honor fails where commerce long prevails.

The right to receive a cargo and make $100,000 on it, and the right to send out a cargo and make $100,000 on it; these are the

things that are now poking their heads up all over this country and pleading against "jingoism." I received a letter this morning from New York. "Another fool," the writer says, "has turned jingo." He asks, "Could you not have left this jingoism to LODGE and CHANDLER and SHERMAN?" "What did you go into it for?" and he signs himself "A Disgusted Democrat." If I had one of the cathode rays and could put it into his pocket, I would find sugar stock. [Laughter.] No man who ever felt the honor of country touch his heart, no man who ever felt a feeling of humanity animate his bosom, in a time of this sort—when innocent women and girls and children are lifting their piteous hands and appealing to the Government that makes these things possible—could ever send such a message as that to a member of Congress.

Mr. President, I believe, as I said a while ago, that the hour is drawing nigh when guiltless blood shall penetrate the sky. I believe that the day is not very far off when the American people will see this as they saw that other slavery. I believe the day is approaching rapidly when the American conscience will stand up full armed and equipped and fill the Senate and the House and the Executive Mansion with men who will say to Spain, "This thing must stop. We will take that island from you. We will give to the people of Cuba the power to organize a government coming from the consent of the governed, the same sort of government that we have. We demand that they shall have the inalienable right."

Our fathers said that everybody had the inalienable right to life, liberty, and the pursuit of happiness, and they said they had a right to institute government such as they might think proper that would secure those rights. Yet we stand in the way and prevent those poor people from instituting any government of their own. They plead and in agony groan and lift their piteous appeal to us, and their cries die on the air while we are the most powerful military people in the world, and the most advanced in civilization. We are right at their door. We have this little ewe lamb in our bosom that God has put here and made us the guardians for its protection. We have assumed that duty, and we still see her day by day and year by year tortured upon the rack.

Ah, sir, the day is coming when Cuba will arise and when there will be a voice that will speak to her like the voice of the apostle who saw the poor man lying at the beautiful gate to ask for alms and an invalid from his birth, begging alms of those who passed by him. The apostle told him he had no money; he could give no alms, but he gave that which was better. He said, "In the name of Jesus Christ of Nazareth, rise up and walk."

Here is another poor beggar lying at the beautiful gate, lying at the gate of the fortress that guards the rights and liberties and safety of the American people; she has been lying there for a century lifting up her shrunken hands and hollow cheeks and crying with salty tears to us, "Help us, O help us to get out of this dungeon." The American people will say after a while, in the name of the mighty Republic, "Arise to your feet and walk." She will extend to the poor mendicant her powerful right arm and lift her to her feet and enable her to stand.

Mr. President, a great many of our fathers have wanted and longed for the annexation of Cuba, a great many others have not, but they have all agreed that Cuba should never go to a power that was strong enough to imperil our rights and liberties. They have all agreed that she shall be under our protection. I am not asking for the annexation of Cuba and I am not longing for her admission as a State into our Union. I would say to Spain: "You can give her local self-government, you can keep your paramount sovereignty over her, but you must protect her people and give them the power to control their domestic affairs. If you do not do it, then I will take possession of the island and with the armed forces of the United States I will see that they have the opportunity to organize a government and arm themselves for its security, and I will hold it until they are able to stand alone." If Cuba says: "I can not stand alone; I want to go with you; all these powers are ready to spring upon me; Spain will invade me, perhaps a combination of European powers will combine and assail me; I do not want to stay alone, I want your help—if she says—

> Entreat me not to leave thee, or to return from following after thee; for whither thou goest, I will go; and where thou lodgest, I will lodge; thy people shall be my people, and thy God my God; where thou diest, will I die, and there will I be buried; the Lord do so to me, and more also, if aught but death part thee and me.

Then, sir, I would say to her in the language of that sweet Irish poet:

> Come, rest in this bosom, my own stricken deer,
> Though the herd have fled from thee, thy home is still here;
> Here still is the smile that no cloud can o'ercast,
> And the heart and the hand all thy own to the last.
>
> Thou hast called me thy angel in moments of bliss,
> And thy angel I'll be 'mid the horrors of this—
> Through the furnace, unshrinking, thy steps to pursue,
> And shield thee, and save thee, or—perish there too.

Mr. MORGAN. Mr. President, I wish to add a very few words to what the Senator from Texas [Mr. MILLS] has said. I want to say that I do not consider any time is wasted by the Senate of the United States in coming to a full knowledge of the situation that we are now dealing with. There is something more in this case than even the power to arouse the majestic and splendid and brilliant oratory to which we have just listened. There is a great deal of seriousness in it; there is a great deal of truth in it; of fact in it, and it seems that the Senate of the United States requires at the hands of certain gentlemen who have expressed opinions on this question, as they also have expressed opinions, that we shall continually exert ourselves to lay the evidence before the country upon which all of our proposed action is based, it makes no difference in what particular direction it may be exercised.

I desire, for a very few moments, to put into the RECORD some facts for the consideration of this body and also of the other House of Congress. I must quote from an American newspaper. It seems that in certain quarters that only source of information of which we are possessed is being continually questioned as to its truthfulness. I regret very much to find that that accusation rests upon the whole American press, as far as I have observed, for there is no dissent among the newspapers as to the facts that come from Cuba. I have yet to see a single statement in contradiction of the reports which have been made in the various newspapers of this country by the very intrepid men who have gone out there and exposed their lives and their liberties for the purpose of gaining information that we can not otherwise gain. I have a quotation here from an English paper as well as from an American paper as to the situation in London:

> LONDON, *March 24.*
>
> The Standard has a dispatch from Madrid, which says:
>
> "The Epoca has two articles which are supposed to reflect the opinion of the cabinet and which have been much noticed. The first challenges the United States to doff its mask and display its true colors. If they want war, the Epoca says, Spain is ready to face it with becoming dignity. Otherwise, it advises the American politicians to desist from their vexatious debates and cover the hostility.
>
> "The second article reviews Spain's chances of a European alliance.
>
> "The other papers have similar patriotic articles. It is evident that the Government will refuse to allow an American commission to go to Cuba, because such a concession on the eve of the elections would damage Spanish prestige."

This is an extract from the London Standard.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). Will the Senator from Alabama yield? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 502) to approve a compromise and settlement between the United States and the State of Arkansas.

Mr. BERRY. I ask that the unfinished business be temporarily laid aside without prejudice.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas?

Mr. HALE. Mr. President, I do not object——

Mr. CULLOM. I want to say that I shall insist, as soon as the Senator from Alabama concludes his brief remarks, as I understand he desires to speak briefly, that the legislative, executive, and judicial appropriation bill shall be taken up for consideration. I hope there will be no opposition to that course.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent that the unfinished business which has just been laid before the Senate may be passed over without prejudice. Is there objection?

Mr. CULLOM. I have no objection to that.

Mr. HALE. I merely want to say that I do not object for the purpose of taking the Senator from Alabama off his feet; but I call attention to the fact that yesterday, at the request of the Senator from Ohio [Mr. SHERMAN], in charge of this subject-matter, it was withdrawn from the consideration of the Senate and recommitted practically to the committee of conference, with the general understanding, I suppose, that debate would be suspended until the conference committee should again report. I did not object to the Senator from Texas coming in upon his joint resolution, and I do not now, as I have said, seek to take the Senator from Alabama from the floor; but I do insist that at the end of his remarks upon the joint resolution it shall take its parliamentary course and go to the Calendar. I make the point now, so that if I am not here at the end of the Senator's remarks the joint resolution shall take that course.

The PRESIDING OFFICER. There is no objection to the request of the Senator from Arkansas, and it is agreed to.

Mr. MORGAN. Mr. President, the Senator from Texas has brought forth a new phase of this subject, one that has not hitherto been in charge of the Senate or before the Senate. He proposes that we shall go to the Government of Spain and demand of her that she shall give autonomy to Cuba, a government corresponding I suppose in some of its characteristics perhaps very closely, in the contemplation of the Senator from Texas, with that of Canada on the north; and in the event that Spain refuses to grant such autonomy to Cuba, that the American Government will use whatever force may be necessary to expel Spain from that island and take possession of it, so that the people there may have a fair opportunity to determine for themselves what form of government they will have.

That subject has not been before the Senate of the United States in that form or in any form, up to the present moment of time. Up to the time when the Senator from Ohio asked in the Senate a disagreement to the amendment of the House, after an agreement had been suggested by the committee of conference on the resolutions, we had expressed nothing but opinion. We had confined ourselves entirely to that domain. We had proposed no measure which would be binding upon the people of the United States in any sense whatever. It was the response of Congress to the opinion of the people as expressed in the petitions sent to us that we chose to utter.

Now, for that cause, as we expected would be the case, only because the Senate and the House have concurred in the opinion that a state of public war does exist in the Island of Cuba and that those people are entitled to belligerent rights—for that and for nothing more came from the Spanish authorities in Madrid the declaration which I have just read to the Senate, showing that they regard this as an act of hostility on the part of the Government of the United States. We have disclaimed in every form that it was possible to make a disclaimer that we had any hostile intentions toward Spain, that we were acting outside of the line of our duty, even if we had transgressed to the extent that I claim we shall progress, to a resolution that is now lying upon the table, of a pure recognition of belligerency and the existence of war in Cuba, and the rights of Cuba and Spain as belligerents, and our rights and our duties as neutrals in that war.

My object in taking the floor this morning is to call attention to a matter of history with which I was not familiar at the time that it was occurring. Unfortunately the people of the Southern States at that time were themselves occupying the attitude of belligerents in what was termed by the Government of the United States a treasonable insurrection against the flag and Constitution of the country, so that what transpired in the United States at that time with the Government of the United States was entirely unknown to us.

Spain came forward at an early moment, as I am informed, before a gun had been fired, or at least before any great battle had been fought, and she recognized not the independence, but the belligerency of the Confederate States. She did not undertake in that recognition of belligerency to demarcate the States or the parts of States that were regarded by the United States as being in insurrection, but she took the whole area, without reference to State boundaries, and wherever the Government of the United States had recognized the fact that insurrection existed Spain recognized the fact that lawful belligerency existed, thereby entirely dissipating the argument which has been made here, I believe by the Senator from Louisiana [Mr. CAFFERY], that the recognition of belligerency extended only to the area where war actually prevailed, and that we had to make a demarcation of boundary before we could recognize that the Cubau Republic was engaged in a state of belligerency.

Mr. President, what I rose for was to call the attention of Congress to the situation of the United States at the time that she was conducting war for the purpose of putting down the rebellion and after Spain had recognized the belligerency of the Confederate States. I confess when my mind was first brought to consider this question I was somewhat puzzled to understand why it was that Spain should have been so magnanimous toward the Confederacy and should have been so active in her disposition to recognize the belligerency of the Confederate States.

We had an institution in the South in common with one that existed in Cuba and Püerto Rico at that time, the institution of slavery. But, sir, Spain very soon after, if not even before, the time that she recognized the belligerency of the Confederate States had set about with a determined purpose, as it appeared, to do two things: One was to establish a republic and the other was to emancipate the slaves. So General Grant, when he came into power afterwards, recognized that the war that was being conducted there was really a war for the emancipation of slaves, and it was conducted by the Spanish Government with that pledge attending every act of hostility that was inflicted upon the people of Cuba.

The consultation of the authorities, the correspondence between our minister in Spain and the Government of the United States during the struggle of which I have been speaking, discloses the reasons why Spain recognized the Confederacy. She thought, first of all, that she would have an ally in the Confederacy to protect and preserve slavery, after she had consented, even in Spain, that it should be abolished, that it would be restored; for, mark you, in regard to political rights and rights of war and rights of conquest Spain acts and has always acted upon the theory that once she has been stripped of a province or of a power she has always a right to go to war to recover it.

What did she do in the case of Mexico? Thirteen years after the Republic of Mexico had been recognized, without any pretext of war at all arising in the course of her relations or transactions in Mexico, she sent her fleets and her armies there to try to recover that territory. Her declaration of war against Mexico was based entirely upon the fact that Mexico had once been her property, and having once been her property was always subject to reclamation.

But Spain went further than that, Mr. President. Very soon after our war began Spain went and took possession of San Domingo, occupied it, and held it until the war with the United States was closed or was about to close. Why did Spain invade San Domingo while our war was going on? Because she expected by establishing her power in San Domingo to check the power of the United States or the influence of the United States in Cuba, and through that instrumentality, getting on the flank of the United States and of Cuba, she expected, if the war resulted in favor of the rebellion, that everything would be straight on principle and on sentiment; if it resulted however in favor of the United States Government, that she would then have a military possession in San Domingo that would enable her to check any advance of the United States in that direction.

Spain was not alone among the European Governments in assailing the United States on that occasion. She had a number, if not of allies, at least of sympathizers, in Europe who took advantage of the struggle in the United States to come and plant themselves or attempt to plant themselves on different parts of the American Hemisphere. We find that Great Britain had already occupied, in the name of the Mosquito King, the mouth of the San Juan River, to command our communications with the Pacific. We find that Austria and France and Great Britain and Spain started out together for the purpose of hunting Mexico to death and reclaiming that territory while our war was going on. After a while Spain and Great Britain dropped off. They came under the pretext of collecting interest on bonds, when everyone knew that their determination was not merely to do that, but to acquire the territory of Mexico and put it under some sovereign crown, to be ruled by a prince of the blood brought from Europe. Maximilian having been elected, as he said, under a plebiscite in Mexico, came at last, under the auspices and protection of the Emperor of France, to occupy Mexico. But on all hands everywhere our great Secretary of State, Mr. Seward, had to wrestle with almost every important European power except Russia in trying to maintain the integrity of American soil for the government of her own people according to their own will in trying to maintain the integrity of republics on this hemisphere and to prevent them from being supplanted with monarchies.

Mr. President, I want to read a very few selections from some of the correspondence that took place at that time upon this question. The charge was made by Spain against the United States that we had negotiated a secret treaty for the purpose of acquiring the Bay of Samana, a very important piece of water, surrounded by a very important piece of land when considered either in respect to its commercial value or its stragetic value for naval war purposes. Mr. Seward, on the 23d of November, 1863, a time of very great anxiety with the Government of the United States, said, in a letter to Mr. Koerner, our minister at Madrid:

> The idle calumny that the United States have stirred up and are giving aid to the revolutionary movements now occurring in the Island of San Domingo would not be thought worthy of notice if it had not been presented to me by Mr. Tassara. I give you for your information a copy of the correspondence which has been held on that subject between him and this Department. I am further not unwilling to have an occasion to let it be known to Spain, as well as to other nations, how faithfully we practice the duties as well as assert the rights of a sovereign State. The United States neither contrive, nor aid, nor encourage, nor mix themselves up in civil or international wars of other nations. They submit their record on this matter to the examination of the world and challenge contradiction of its verity. You may express yourself to this effect, and even to this extent, if occasion should arise in your conversations with the Marquis of Miraflores.

That is dated November 23, 1863. There Mr. Seward discovered in the correspondence that was being conducted that the Government of the United States was being accused of improper interference for the purpose of acquiring some occupancy in the West India island. On the 14th of February, 1864, Mr. Koerner writes to Mr. Seward as follows:

> It is reported upon pretty good authority that a commission will be sent there to make a thorough investigation into the condition of affairs.

That is, to Santo Domingo.

> Letters from the island, freely published in the papers here, represent a thorough conquest and the restoration of lasting tranquillity there as impossible. It is easy enough for the Spanish troops to subdue the insurgent places near the coast, where such troops can be subsisted by the fleet. But the interior is said to be so thinly peopled, so little cultivated, so densely covered by primeval forests, so destitute of roads, that no armies can penetrate into the country, where bands of natives exist with ease, ready to issue forth whenever an opportunity offers to assail the Spanish posts.

That gives the state of the war between Spain and Santo Domingo while our war was progressing, February 14, 1864. What was Spain doing there making war upon Santo Domingo? That will appear a little later.

I have a number of extracts which I should like to read, but under the admonitions in regard to the waste of time here and considering other matters, I shall not do it; but I could not forbear the opportunity of laying these matters before the Senate and the country in order to show that the motive of Spain toward the United States, while our war was going on, in recognizing the

belligerency of the Confederate States, was a motive connected with her determination to seize whatever of territory she could in the time of our distress and paralysis and hold it after our struggle had ended.

On January 31, 1865, Horatio J. Perry, who was then our minister at Madrid, wrote to Mr. Seward as follows:

LEGATION OF THE UNITED STATES, *Madrid, January 31, 1865.*

SIR: The debates in the Spanish Senate, which have run over a period of about twenty days, have been unusually interesting.

On the question of the reply to the Queen's speech, senators of the opposition have taken occasion to review the whole policy of the Government.

Attacked on the questions of the abandonment of Santo Domingo and the plan for the relief of the treasury by the adherents of O'Donnell, with that leader at the head, and on the question of the encyclical letter of the Pope and general policy of ministers toward Rome and Italy by the new Catholic orators, I have rarely witnessed a debate in which there has been more vigor and persistence shown in the attack or a cooler and more solid ability displayed in the defense. The orators of the Government have had the best of the argument on every point, but the struggle has been severe.

The name of the United States has been used as a bugbear by the orators of the opposition, who claimed that the occupation of Santo Domingo by the Spaniards was the only way of averting the annexation of Dominica to the United States and the consequent ruin of Spanish interests in the West Indies. The Duke of La Torre, the same captain-general of Cuba who made the arrangement with the Dominican general, Santara, was the loudest in this argument.

The Marquis of Valdeterrazo, minister of Spain to London in 1860, made the declaration of which I inclose a translation.

The Marquis of the Habana (General Concha), who has been twice captain-general of Cuba, and is now out with O'Donnell, defended the policy of abandonment, and said that the United States had long ago refused the annexation of Dominica (referring to the Cazneau treaty), and that Spain had taken them up only after they had been refused by other powers.

The Duke of La Torre (General Servaro) spoke strongly in favor of a declaration by Spain that the slave trade is piracy, and wanted steps to be immediately taken for the abolition of slavery in Cuba.

The Marquis of Habana desired the extinction of slavery, but preferred measures like those which Brazil had taken to suppress the slave trade, and which had been successful in two years.

He said that if there were anything to be apprehended from the side of the United States, or from any quarter, as a military man he must say that he thought the policy of Spain ought to be to concentrate her power as much as possible; and the possession of Santo Domingo added no strength to Spain, but was a decided source of weakness. The resources of Cuba were uselessly employed in Santo Domingo, and they might be needed in that island itself.

The debate was closed last evening, and the reply to the Queen's speech being put to the vote, passed the Senate by a vote of 102 for and 58 against the policy of the Government.

This is not a direct vote upon the bill for the abandonment of Santo Domingo, this bill not being before the Senate but before the lower House, to come up afterwards to the Senate; but the question is thus already debated and settled indirectly so far as the Senate is concerned, the House having done little else except to adjourn over from day to day to give the members an opportunity to be present at the Senate debates, and allow ministers also to be all present in the upper House.

This great trial of parliamentary strength over, all the interest now centers in the lower House, and the Senate adjourns over to allow ministers to be all present in the other House, as well as the senators themselves.

But the question of Santo Domingo is already prejudged, and the bill for the abandonment is already virtually carried by the Government.

* * * * * *

With sentiments of the highest respect, I remain, sir,

Your obedient servant,

HORATIO J. PERRY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Here is a translation, which Mr. Perry sends to his Government, of the declaration of the Marquis of Valdeterrazo:

[Translation.]

A mistake has been made in saying that the United States have made a treaty of annexation with Santo Domingo. This is not the fact.

When I was in London I was authorized by the Government of Her Majesty to occupy myself in this question, all the necessary facilities being conceded to me to engage not only the English Government but also the French to associate with the Spanish Government to carry out a demonstration to be made in the Bay of Samana.

I call attention to that, that the British Government, the French Government, and the Spanish Government, according to this statement, had made an agreement to carry out a demonstration to be made in the Bay of Samana.

Being authorized in this way, I conferred with the English Government on the serious damage which would be caused by the occupation of the Bay of Samana by the Anglo-American Government.

The English Government understood it in this light, but did not wish to bind itself unless the French Government associated itself also. I addressed myself to the latter, making a full explanation of the evils, the inconveniences, and the damage which the commerce of the three nations would receive if the United States should found an establishment or raise a fortification in that harbor. The French Government understood the gravity of the question, associated itself with the English and Spanish Governments, and the result was that the three made a demonstration toward the Bay of Samana, at the same time giving instructions to their representatives at Washington to manifest the displeasure which the three Governments would feel if the treaty of which we had advice, but whose tenor was not known, should be carried into effect.

The English Government some time after, having given the necessary orders for the uniting of the maritime forces of the three powers with the above-named object, obtained the first copy of this treaty, which it remitted to the Government of her Majesty.

In this treaty the annexation was not established. That which was alone established was the right to raise a fortification and to found a national establishment in the Bay of Samana by means of a compensation and other services to the Republic of Santo Domingo. For this reason the Duke de la Torre said very opportunely that the occupation of Samana is highly important, and that the Spanish Government should not abandon a post of so much value, not only for the Governments of England and France, but much more for the interests of Spain. In this I agree with the Duke de la Torre, and I say to the ministers that the abandonment of Santo Domingo is a danger, and I also say to the ministers that they ought to consider well to what an extent the security of our provinces beyond sea is compromised by the abandonment of Santo Domingo. The Government is still in time to avoid the evils and consequences which this measure may produce, and let it not be said that this is but an echo, for in order to defend Puerto Rico and the Island of Cuba more expense will have to be borne than is necessary to preserve Santo Domingo.

Those facts, I hope, will draw the attention of statesmen who are in this body to the situation of Spain at that time, to her purposes, and why it was she was occupying the Island of Santo Domingo while we were at war, after she had recognized the belligerency of the Confederate States. She and England and France combined to make an assault upon the United States for the purpose of displacing rights they supposed we had acquired by a secret treaty with the Government of Santo Domingo. Was her feeling toward us on that occasion friendly? Was there not a motive in her recognition of the belligerency of the Confederate States? Does she not stand before this people to-day and before the world as having been influenced in that apparently peaceful act by motives that had regard to the acquisition of power to the monarchy of Spain and in regard also to the infliction of wrong and injustice upon the people of the United States? There they had intended to violate the doctrine which the Senator from Texas [Mr. MILLS] referred to and has spoken upon so eloquently, which has been established in the expressed opinions of every statesman in America of whom I have ever heard, that we would not permit any foreign power to come and acquire dominion in these American islands. They intended taking advantage of what they supposed was the weakness or the embarrassment of the United States during a time of war to do precisely what was done by Austria and France and Maximilian afterwards—they intended to come here and intrench themselves upon this territory, and Spain came without any cause of war against Santo Domingo, a pure invasion, and took that island into her custody at the time we were engaged in belligerent operations here, in civil warfare.

Therefore, Mr. President, it will not do for us to sit by and ignore the facts of history and quietly and serenely to regard Spain as having been always our friend under all circumstances. That story has been told here until I suppose the American people were ready to believe that Spain had always been the bosom friend of the United States, and yet the very moment she found the United States in war, and before the battle of Bull Run had been fought, she recognized the belligerency of the Confederate States, and afterwards, as soon as she could marshal her ships and her armies, went and took possession of the Island of Santo Domingo, and held it until the rebel flag in the South was hauled down.

There is one other fact which I wish to put into the RECORD, and that is the proclamation of General Weyler, a circular of General Weyler's addressed to the military officers. This is not to the people; this is to the military. He addressed another to the people, in which he prescribed specific things that they were to do; certain lines of conduct which they were to observe, on the penalty of being shot to death without trial if they undertook to violate them. He says to the military:

I have addressed my previous proclamations at the moment of my landing to the loyal inhabitants, to the volunteers and firemen, and to the army and navy.

I may give you a slight idea of the intentions I have and the measures I shall follow as governor general in chief, in accordance with the general desire of Spain and with the decided aim of Her Majesty's Government to furnish all the means required to control and crush this rebellion.

Knowing this, and knowing my character—

What an appeal that was—Weyler appealing to his character—

I may perhaps need to say no more to make you understand what is the conduct that I am to follow.

There he anchors himself to every vile precedent that he had established in the previous war, and pledged himself to his officers, through his character and through the history of his conduct that he would repeat the same enormities in this struggle.

Mr. ALLEN. He appealed to his known character as a butcher.

Mr. MORGAN. Yes; he appealed to his character as a butcher, as the Senator well says. His proclamation continues:

But with the idea of avoiding all kinds of doubt, even keeping (as you are to keep) the circulars to be published, I deem it necessary to make some remarks.

It is not unknown by you that the state in which the rebellion has come and the raid made by the principal leaders recently, which could not be stopped even by the active pursuit of the columns, is due to the indifference, the fear, or the disheartenment of the inhabitants.

Is that public war? Are the people so disheartened or so afraid or so indifferent as that he has now to use the torture of war for the purpose of nerving them through a greater and higher fear to stand under his colors and fight his battles? He says further:

Since it can not be doubted that some, seeing the burning of their property without opposition, and that others who have been born in Spain should sympathize with the insurgents, it is necessary, at all hazards, to better this state of things and to brighten the spirit of the inhabitants, making them aware that I am determined to lend all my assistance to the local inhabitants.

PRAISING THE REBELS UNLAWFUL.

So I am determined to have the law fall with all its weight upon all those in any way helping the enemy, or praising them, or in any way detracting from the prestige of Spain or its army or of its volunteers. It is necessary for those by our side to show their intentions with deeds, and their behavior should leave no doubt and should prove that they are Spanish.

Since the defense of the country demands the sacrifice of her children, it is necessary that the towns should look to their defense, and that no precautions in the way of scouts should be lacking to give news concerning the enemy and whether it is in their neighborhood, and so that it may not happen that the enemy should be better informed than we.

The energy and vigor of the enemy will be strained to trace the course of our line, and in all cases you will arrest and place at my disposal to deliver to the courts those who in any way shall show their sympathy or support for the rebels.

The public spirit being encouraged, you must not forget to enlist the volunteers and guerrillas in your districts, not preventing at the same time the organization, as opportunity offers, of a guerrilla band of 25 citizens for each battalion of the army.

I propose that you shall make the dispositions you think most proper for the carrying out of the plan I wish, but this shall not authorize you to determine anything not foreseen in the instructions, unless the urgency of some circumstances should demand it.

"Urgency of circumstances," Mr. President, is a thing that General Weyler left to his officers, and amongst the particular orders which he issued, and which I have quoted in the RECORD at another place on a former occasion, he says that persons who are captured either with arms or without arms, whether they are citizens or whether they are soldiers, shall be sent to him at his headquarters wherever they may be; but if there is any insolence toward a Spanish officer this will not be expected—I do not quote his words; I have given the idea—that is to say, if they can provoke the poor victim into any sort of expression of heat or disappointment, any insolence toward the officer who may take him, "you can take him out and have him shot, and you will do all right."

I expect that, confining yourself to these instructions, you will lend me your worthy support toward the carrying out of my plan for the good of the Spanish cause.

WEYLER.

That is all I wish to say about this business. The American people can make their own comments, and they will not be slow to do it.

The PRESIDING OFFICER (Mr. TURPIE in the chair). The joint resolution which was introduced by the Senator from Texas [Mr. MILLS] will go to the Calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. BROWNING, its Chief Clerk, announced that the House further insisted upon its amendment to the concurrent resolution of the Senate relative to the insurrection in Cuba; agreed to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HITT, Mr. ADAMS, and Mr. MCCREARY of Kentucky managers at the conference on the part of the House.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4463) to grant two condemned cannons and cannon balls to the Thirteenth Separate Company National Guard of State of New York.

The message further announced that the House had passed the following bill and joint resolution:

A bill (S. 732) to regulate the issue and recording of the commissions of officers in several of the Departments; and

A joint resolution (S. R. 75) providing for the disposition of certain property now in the hands of the receiver of the Church of Jesus Christ of Latter-Day Saints.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 227) requiring bills of sale, conditional sales, mortgages, or deeds of trust of chattels in the District of Columbia to be recorded;

A bill (H. R. 1861) for the relief of James Linkey from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens;

A bill (H. R. 3549) authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings Ship Canal, in Aransas County, Tex.;

A bill (H. R. 4424) to correct the military record of George I. Spangler;

A bill (H. R. 5675) authorizing the construction of a wagon and motor bridge over the Missouri River at St. Charles, Mo.;

A bill (H. R. 5828) to amend an act entitled "An act to promote the safety of employees and travelers," etc., approved March 2, 1893; and

A bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 1616) to pension Michael E. Bucker, of Edgerton, Ind.;

A bill (H. R. 3886) to reimburse W. W. Rockhill for moneys erroneously paid the United States;

A bill (H. R. 5564) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes;

A bill (H. R. 5979) for the right of the Rock Island, Muscatine and Southwestern Railway Company to build a bridge across the Illinois and Mississippi Canal;

A bill (H. R. 6304) to authorize the construction of a bridge across the Tennessee River at Knoxville, Tenn.; and

A bill (H. R. 6936) for the reconstruction of the Rock Island Bridge.

SAFETY OF RAILROAD EMPLOYEES AND TRAVELERS.

Mr. WOLCOTT. There has just come over from the other House a bill to amend the act to promote the safety of employees and travelers. A similar bill was unanimously reported from the Committee on Interstate Commerce of the Senate, the effect of which is merely to provide that trains used exclusively for logging may be relieved from the provisions of the act. The cars used in logging trains, of which there are about 400 in the United States, are only 24 inches high, and it is physically impossible to equip them with grab irons and the other appurtenances required by law. The act goes into force very soon, and I hope the bill may now be passed. It has passed the House of Representatives and a similar bill has passed our committee unanimously.

Mr. CULLOM. I think the bill ought to be passed at some time.

The PRESIDING OFFICER (Mr. PASCO in the chair). The Chair lays before the Senate the bill indicated.

The bill (H. R. 5828) to amend an act entitled "An act to promote the safety of employees and travelers," etc., approved March 2, 1893, was read the first time by its title and the second time at length, and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WOLCOTT. I move that the bill (S. 2027) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, be indefinitely postponed. The bill was reported by the Committee on Interstate Commerce, and is to the same effect as the bill just passed.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 227) requiring bills of sale, conditional sales, mortgages, or deeds of trust of chattels in the District of Columbia to be recorded; and

A bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 3549) authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings Ship Canal, in Aransas County, Tex.; and

A bill (H. R. 5675) authorizing the construction of a wagon and motor bridge over the Missouri River at St. Charles, Mo.

The bill (H. R. 4424) to correct the military record of George I. Spangler was read twice by its title, and referred to the Committee on Military Affairs.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM. I move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

Mr. FRYE. I think that the Senator ought to ask that the unfinished business be temporarily laid aside in order to proceed with the appropriation bill.

The PRESIDING OFFICER. The Chair understands that that order has already been made.

Mr. FRYE. The unfinished business was laid aside temporarily in order that a speech might be made.

Mr. CULLOM. I think it was understood that that applied to the entire afternoon.

Mr. FRYE. All right, if that is the understanding.

The PRESIDING OFFICER. The question is on the motion of the Senator from Illinois.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

Mr. CULLOM. When the Senate ceased considering the appropriation bill last evening we were on page 31, relating to the office of Comptroller of the Treasury, and in the consideration of that

paragraph the appropriation for the salary of the Assistant Comptroller was raised to $5,000 by a vote of the Senate. That necessitates a change of the total in line 19. The Committee on Appropriations reported to increase the total on account of the amendment reported by it from $39,400 to $39,900. I now move that the total be changed to "$40,400."

The amendment was agreed to.

The reading of the bill was resumed, beginning with line 20 on page 31, with the clause making appropriations for "Office of Auditor for Treasury Department." The next amendment of the Committee on Appropriations was, on page 36, line 5, before the word "pressmen," to strike out "three" and insert "four"; in line 7, before the word "separators," to strike out "eight" and insert "eleven"; in line 8, before the word "feeders," to strike out "seven" and insert "eight," and in line 11, before the word "dollars," to strike out "eighty-two thousand seven hundred and sixty-one" and insert "eighty-six thousand six hundred and one"; so as to make the clause read:

Office of the Treasurer: For Treasurer of the United States, $6,000; assistant treasurer, $4,500; cashier, $3,600; assistant cashier, $3,200; chief clerk, $2,500; five chiefs of division, at $2,500 each; vault clerk, $2,500; principal bookkeeper, $2,500; assistant bookkeeper, $2,100; two tellers, at $2,500 each; two assistant tellers, at $2,250 each; clerk for the Treasurer, $1,800; twenty-five clerks of class 4; seventeen clerks of class 3; thirteen clerks of class 2; coin clerk, $1,400; twenty clerks of class 1; nine clerks, at $1,000 each; forty-seven clerks, at $900 each; twenty-five expert counters, at $720 each; nine clerks, at $700 each; mail messenger, $840; six messengers; six assistant messengers; twenty-three laborers; seven charwomen; four pressmen, at $1,200 each; one compositor and pressman, at $3.20 per day; eleven separators, at $660 each; eight feeders, at $660 each; in all, $286,601.60.

The amendment was agreed to.

The next amendment was, on page 36, after line 22, to insert:

For purchase of one press and one separating machine for use in sealing and separating securities, $2,000.

The amendment was agreed to.

The next amendment was, on page 40, line 22, after the word "three," to insert "stenographer and typewriter, $1,500"; in line 23, before the word "clerks," to strike out "five" and insert "four"; and on page 41, line 2, before the word "hundred," to strike out "five" and insert "six"; so as to make the clause read:

Bureau of Statistics: For officer in charge of the Bureau of Statistics, $3,000; chief clerk, $2,250; statistical clerk, $2,000; four clerks of class 4, three clerks of class 3; stenographer and typewriter, $1,500; four clerks of class 2; nine clerks of class 1; six clerks, at $1,000 each; two copyists; one messenger; one assistant messenger; one laborer; and one female laborer, $480; in all, $47,650.

The amendment was agreed to.

The next amendment was, on page 41, after line 2, to insert:

For payment of the services of experts, and for other necessary expenditures connected with the collection of facts relative to the internal and foreign commerce of the United States, $1,600.

The amendment was agreed to.

The next amendment was, on page 43, line 16, after the word "copyists," to strike out "one messenger, $600," and insert "two messengers, at $600 each"; and in line 20, before the word "hundred," to strike out "twenty-five thousand nine" and insert "twenty-six thousand five"; so as to make the clause read:

Office of Supervising Surgeon-General Marine-Hospital Service: For Supervising Surgeon-General, $4,000; one clerk, $1,800; five clerks, at $1,600 each; two clerks, at $1,200 each; clerk and translator, $1,200; hospital steward (employed as chemist), $1,200; six copyists; two messengers, at $600 each; two laborers, at $480 each, and one laborer, $360; in all $26,520, the same to be paid from the permanent appropriations for the Marine-Hospital Service.

The amendment was agreed to.

The next amendment was, on page 45, line 15, before the word "and," to strike out "wagon" and insert wagons"; so as to read:

For purchase of horses and wagons for office and mail service, to be used only for official purposes, care and subsistence of horses, including shoeing, and of wagons, harness, and repairs of the same, $2,000.

The amendment was agreed to.

The next amendment was, in the provision for office of assistant treasurer at Boston, on page 49, line 1, after the word "dollars," to insert "messenger, $1,000"; in line 3, before the word "watchmen," to strike out "three" and insert "four," and in line 6, before the word "dollars," to strike out "thirty-eight thousand nine hundred and ten" and insert "forty thousand seven hundred and sixty"; so as to read:

Messenger and chief watchman, $1,000; messenger, $1,000; stenographer and typewriter, $1,000; four watchmen and janitors, at $860 each; in all, $40,760.

The amendment was agreed to.

The next amendment was, on page 49, line 15, after the word "dollars," to insert "stenographer, $720," and in line 19, before the word "dollars," to strike out "thirty-three thousand five hundred" and insert "thirty-four thousand two hundred and twenty"; so as to make the clause read:

Office of assistant treasurer at Chicago: [illegible] assistant treasurer, $4,500; cashier, $2,500; paying teller, $1,800; bookkeeper, [illegible] sorting teller, and receiving teller, at $1,500 each; clerk, $1,400; two coin, [illegible] and currency clerks, at $1,300 each; ten clerks, at $1,200 each; messenger, [illegible]; stenographer, $720; janitor, $800; and three watchmen, at $720 each; in [illegible] $34,220.

The amendment was agreed to.

The next amendment was, in the provision for office of assistant treasurer at New York, on page 51, line 15, after the word "dollars," to insert "stenographer, $1,200"; in line 18, after the word "each," to insert "money counter, $900; money counter, $800"; and on page 52, line 6, before the word "hundred," to strike out "ninety-two thousand eight" and insert "ninety-five thousand seven"; so as to read:

Stenographer and typewriter, $1,400; stenographer, $1,200; three clerks, at $1,900 each; eleven clerks, at $1,200 each; six clerks, at $1,000 each; money counter, $900; money counter, $800; two messengers, at $1,200 each; three messengers, at $900 each; two messengers, at $800 each; two hall men, at $1,000 each; two porters, at $900 each; superintendent of building, $1,800; chief detective, $1,500; assistant detective, $1,200; engineer, $1,050; assistant engineer, $820; six watchmen, at $720 each; in all, $135,790.

The amendment was agreed to.

The next amendment was, on page 57, line 20, to increase the appropriation for incidental and contingent expenses of the assay office at Boise, Idaho, from $2,000 to $3,000.

Mr. DUBOIS. It is not necessary, of course, to say anything in regard to the amendment, but for the benefit of the conferees I wish to state that the gold received at the assay office in Boise City, Idaho, increased about 33⅓ per cent last year over the previous year, and the indications are that during the next year it will be much further increased. The money for contingent expenses for the assay office is not adequate to take care of this largely increased work, owing to the great gold production in the State. This is one of the largest assay offices in the country, and we have not asked for a great deal.

I state these facts in order that they may be before the conferees. I am very glad to say that the committee of the Senate were willing to put in the additional increase asked for.

Mr. CULLOM. From the representations of the Senator from Idaho [Mr. DUBOIS] before the committee we were unanimous in believing that the amendment should be made.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the provision for Territory of New Mexico, page 61, line 14, after the words "United States," to insert "except a translator and an interpreter"; so as to read:

That no other officer of either house of said legislative assembly shall be elected or appointed, or paid out of any moneys appropriated by the Congress of the United States or by the legislative assembly of said Territory, than such as may be provided for by the laws of the United States, except a translator and an interpreter.

The amendment was agreed to.

The next amendment was, on page 61, after line 14, to insert:

For repairs of the Adobe Palace at Santa Fe, N. Mex., $2,000.

The amendment was agreed to.

The next amendment was, in the provision for Oklahoma Territory, on page 62, line 6, after the word "dollars," to insert:

Provided, That the legislative assembly shall not consider any proposition or pass any bill to remove the seat of government of said Territory from its present location.

The amendment was agreed to.

The reading of the bill was continued to page 71, line 3.

Mr. CULLOM. Under the head of "Navy Department, Office of the Secretary," after the word "dollars," in line 15, page 70, I move to insert "appointment clerk, $2,250."

The amendment was agreed to.

Mr. CULLOM. The total should be corrected. I move, on page 71, lines 2 and 3, to strike out the words "forty-eight thousand seven hundred and sixty dollars" and insert "fifty-one thousand and ten dollars."

The amendment was agreed to.

The reading of the bill was continued to page 71, line 19.

Mr. COCKRELL. In accordance with the action taken yesterday, the words in line 12, "to be selected by reason of special aptitude," should be stricken out.

Mr. CULLOM. I think both lines 12 and 13 should go out, so as to read:

For two clerks of class 4.

Mr. COCKRELL. That would leave it in better shape.

Mr. CULLOM. I move to strike out, after the word "for," in line 11, page 71, the words "the following employees, to be selected by reason of special aptitude for the work by the Secretary of the Navy, namely"; so as to read:

Office of Naval Records of the Rebellion: For two clerks of class 4, etc.

The amendment was agreed to.

The reading of the bill was continued to page 76, line 18.

Mr. CULLOM. On page 76, under the heading of "Bureau of Steam Engineering," I move to strike out all of line 15, and in line 16 to strike out the word "assistant," where it first appears, and in lines 17 and 18 to strike out the words "eleven thousand and ninety" and insert "eight thousand eight hundred and forty"; so as to read:

Bureau of Steam Engineering: For chief clerk, $1,800; one clerk of class 2; one clerk of class 1; one assistant messenger; two laborers; draftsman, $1,400; assistant draftsman, $1,000; in all, $8,840.

Those positions are provided for in previous pages of the bill, so that they are not needed here.

Mr. KYLE. Does the Senator move to strike out the word "assistant," in line 16, before the word "draftsman"?

Mr. CULLOM. The word "assistant" where it first occurs.

Mr. KYLE. Is it not necessary to substitute the word "one"; so as to read "one draftsman"?

Mr. CULLOM. The word "draftsman" covers the case. It will read:

Draftsman, $1,400; assistant draftsman, $1,000.

Mr. KYLE. The word "one" would be better.

Mr. CULLOM. I do not think it is necessary there.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, on page 79, line 7, before the the word "clerks," to strike out "nine" and insert "ten"; so as to read "ten clerks of class 3," and on page 80, line 1, to increase the total appropriations for the Office of the Secretary, under the head of "Department of the Interior," from $220,070 to $221,670.

The amendment was agreed to.

Mr. CULLOM. After the word "dollars," in line 2, on page 80, I move to insert:

To enable the Secretary of the Interior to employ laborers in the work of distributing the reports of the Eleventh Census, $3,900, to be immediately available.

The amendment was agreed to.

Mr. CULLOM. I ask that the letter of the Secretary of the Interior on the subject be incorporated in the RECORD without being read.

The PRESIDING OFFICER. It will be so ordered, if there be no objection. The Chair hears none.

The letter is as follows:

DEPARTMENT OF THE INTERIOR.
Washington, March 18, 1896.

SIR: I have the honor to call your attention to an embarrassment to which the Department of the Interior is subjected in the distribution of the reports of the Eleventh Census, which embarrassment has arisen as follows:

Section 64 of the act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895, reads as follows: "Upon the appointment of the superintendent of documents as hereinbefore provided, the office of the superintendent of documents in the Department of the Interior shall be, and is hereby, abolished, and all laws now in force providing for the delivery to the Department of the Interior of public documents for distribution, other than such as are for the use of that Department, shall be, and the same are hereby, repealed: *Provided*, That the distribution of the reports of the Eleventh Census shall be continued and completed by the superintendent of documents, under existing laws and regulations."

You will discover that by the provisions of this section the office of superintendent of documents in the Interior Department was abolished upon the appointment of superintendent of documents by the Public Printer. The proviso of said section, however, seems to contemplate that the distribution of the reports of the Eleventh Census shall be continued and completed by the former incumbent of the office in the Interior Department after said office had been abolished.

Owing to the vague, ambiguous provisions of said section I have been in doubt as to whether the duty of the distribution of the reports of the Eleventh Census devolved upon the newly appointed superintendent of documents or the former incumbent of that office.

Up to this time, however, the distribution of said reports has been continued by the clerk in charge of documents in the Interior Department.

I have called your attention to the ambiguity in section 64 above referred to, thinking that you might see proper to amend the same so as to make its provisions more explicit or that you may make some legislative interpretation of the same.

I next call your attention to the fact that Congress failed to make provision for the employment of a sufficient number of packers to do the work of distribution, as has been the case in the distribution of former Census reports, as you will see, for instance, by reference to 22 Statutes at Large, page 355, and 23 Statutes at Large, pages 185 and 416.

Up to the present time the work of distribution has been done by a detailed force from the Census roll, but we have now reached that point where this detailed force is no longer available.

Under date of 17th instant the Commissioner of Labor in charge, in a letter directed to the Secretary of the Interior, calls attention to the fact that it was not contemplated by the act providing for the printing and binding and distribution of the final reports of the Eleventh Census that the distribution should be made by the Census Office. In this letter the Commissioner of Labor says:

"I desire now to call your attention to the fact that it is impossible for the Census division to carry these details any longer on the Census roll. There are now 10 such details. I believe it possible to complete all the clerical work legitimately belonging to the Census division under the appropriations now at its disposal, but if the Census division must carry the expense of distributing the volumes, a duty which by law does not belong to it, I hardly think such a result possible."

We are now left, therefore, without any laboring force with which to do this work. For this purpose it is necessary that the Department be allowed to employ six laborers to carry on the work.

I respectfully suggest an amendment to the legislative, judicial, and executive bill now pending before your committee allowing the Department to employ such persons, and that the funds necessary to do so be made immediately available.

If it should be the opinion of your committee, after the investigation of the provisions of said section 64, that the work of distribution should be done by the present superintendent of documents, I should be glad to be at once advised of such opinion.

Respectfully,

HOKE SMITH, *Secretary.*

Senator W. B. ALLISON,
Chairman Senate Appropriation Committee.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 85, after line 22, to insert:

For the purchase of statutes and other necessary law books for the Pension Office, $500.

The amendment was agreed to.

The next amendment was, on page 87, after line 11, to insert:

Classification division, Patent Office: For additional force for the Patent Office, namely: For chief of classification division, $2,000; two first assistant examiners, at $1,800 each; two second assistant examiners, at $1,600 each; two third assistant examiners, at $1,400 each; twenty-four fourth assistant examiners, at $1,200 each; two clerks, at $1,000 each; one copyist, at $900; and one assistant messenger, at $720; in all, $44,020.

The amendment was agreed to.

The reading of the bill was continued to the close of the paragraph on page 88, making appropriation "for producing copies of drawings of the weekly issues of patents," etc.

Mr. PLATT. There is a proposed amendment to come in there, but I suppose we may as well wait until the bill is read through before it is offered.

Mr. CULLOM. To what clause does the Senator refer?

Mr. PLATT. To the clause beginning in line 4 and ending in line 16, on page 88. The Senator from South Dakota [Mr. KYLE] proposes to offer an amendment to come in at the end of that clause, but I suppose it should properly be offered after the bill has been read through.

Mr. KYLE. I intend to offer the amendment after the reading of the bill has been completed.

Mr. CULLOM. The Senator will then have an opportunity to do so.

The reading of the bill was resumed and continued to line 3 of the clause making appropriations for compensation of Commissioner of Education and the clerks and employees in his office, on page 89.

Mr. BATE. On page 89, line 2, after the word "statistician," I give notice that I shall move to strike out "$1,800" and insert "$2,000," increasing the salary of that officer to that amount. I do not ask to have the amendment considered just now, however, but shall offer it after the reading of the bill has been concluded.

The PRESIDING OFFICER. The amendment proposed by the Senator from Tennessee will be considered hereafter when the committee amendments are concluded.

Mr. CULLOM. The Senator from Tennessee and all other Senators will have an opportunity of offering amendments after the committee amendments are disposed of.

Mr. BATE. Very well.

Mr. CULLOM. I therefore hope the Senator will not offer his amendment for the present.

Mr. BATE. I shall take that course.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 89, line 7, before the word "dollars," to strike out "one thousand six hundred" and insert "two thousand"; and in line 16, after the word "thousand," to insert "four hundred"; so as to make the clause read:

Bureau of Education: For Commissioner of Education, $3,000; chief clerk, $1,800; statistician, $1,800; collector and compiler of statistics, $2,400; specialist in foreign educational systems, $1,800; specialist in education as a preventive of pauperism and crime, $2,000; two clerks of class 4; two clerks of class 3; translator, $1,600; four clerks of class 2; seven clerks of class 1; two clerks, at $1,000 each; seven copyists; skilled laborer, $840; two copyists, at $800 each; copyist, $720; one assistant messenger; two laborers; two laborers, at $480 each; laborer, at $400; and one laborer, at $360; in all, $50,420.

The amendment was agreed to.

The next amendment was, on page 90, after line 19, to insert:

The Commissioner of Education is hereby authorized to prepare and publish a bulletin of the Bureau of Education as to the condition of higher education, technical and industrial education, facts as to compulsory attendance in the schools, and such other educational topics in the several States of the Union and in foreign countries as may be deemed of value to the educational interests of the States, and there shall be printed one edition of not exceeding 25,000 copies of each issue of said bulletin for distribution by the Bureau of Education.

The amendment was agreed to.

Mr. CULLOM. I desire to offer a slight amendment to make it certain from what fund the expense provided for in that clause will come. I move the amendment which I send to the desk, to come in on line 4, page 91.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of line 4, page 91, the following:

The expense of printing and binding such bulletins to be charged to the allotment for printing and binding for the Department of the Interior.

Mr. CULLOM. The Public Printer thought it would probably be safer to make that item a little more specific.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Illinois.

The amendment was agreed to.

Mr. MILLS. I ask the Senator in charge of the bill if he will not consent to let the matter beginning at section 6, on page 116, go over until to-morrow? I have to leave the Senate for a time, and I have something I wish to say when that matter comes up. The section to which I refer is that in regard to United States district attorneys and marshals.

Mr. CULLOM. I shall make no objection to that request, as we shall probably not reach that point this evening. I agree that the provision to which the Senator refers shall go over until tomorrow.

Mr. MILLS. I have some letters I wish to read before that section is acted upon.

Mr. CULLOM. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 92, line 4, before the word "dollars," to strike out "seven watchmen employed on the Capitol Grounds, at $840 each; in all, twenty thousand six hundred and forty-four" and insert "fourteen thousand seven hundred and sixty-four"; so as to make the clause read:

Office of the Architect of the Capitol: For Architect, $4,500; one clerk of class 4; draftsman, $1,800; compensation to disbursing clerk, $1,000; one assistant messenger; person in charge of the heating of the Congressional Library and Supreme Court, $864; laborer in charge of water-closets in central portion of the Capitol, $660; three laborers for cleaning Rotunda, corridors, and Dome, at $660 each; two laborers in charge of public closets of the House of Representatives and in the terrace, at $720 each; in all, $14,764.

The amendment was agreed to.

The next amendment was, on page 93, line 11, after the word "dollars," to insert "additional rooms for the engraving and printing division of the Geological Survey, $1,200"; and in line 17, before the word "dollars," to strike out "thirty-nine thousand" and insert "forty thousand two hundred"; so as to make the clause read:

For rent of buildings for the Department of the Interior, namely: For the Bureau of Education, $4,000; Geological Survey, $10,000; additional rooms for the engraving and printing division of the Geological Survey, $1,200; Indian Office, $6,000; storage of documents, $2,000; Civil Service Commission, $4,000; Patent Office model exhibit, $13,000; in all, $40,200.

The amendment was agreed to.

The next amendment was, on page 94, line 11, before the word "dollars," to strike out "eight thousand five hundred" and insert "ten thousand"; and in line 12, before the word "dollars," to strike out "ten thousand five hundred" and insert "twelve thousand"; so as to make the clause read:

For surveyor-general of the State of Colorado, $2,000; and for the clerks in his office, $10,000; in all, $12,000.

The amendment was agreed to.

The next amendment was, on page 94, line 15, before the word "dollars," to insert "six hundred"; so as to make the clause read:

For rent of office for the surveyor-general, fuel, books, pay of messenger, stationery, and other incidental expenses, $3,600.

The amendment was agreed to.

The reading of the bill was continued to the end of the clause making appropriations for the salary of the surveyor-general of Oregon and his clerical force, beginning in line 12, on page 96.

Mr. McBRIDE. I wish now, by direction of the Committee on Public Lands, to offer an amendment which I was instructed to submit by that committee.

Mr. CULLOM. The amendment to which the Senator refers is an original amendment to the provision as it comes from the other body to the Senate, and will only be in order after we get through with the amendments of the Committee on Appropriations.

Mr. McBRIDE. Very well; I shall let the amendment go over for the present.

Mr. CULLOM. The Senator will have an opportunity to offer the amendment after the amendments of the Committee on Appropriations are disposed of.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 97, line 19, after the word "Department," to strike out "who shall also be superintendent of the Post-Office Department buildings"; so as to make the clause read:

Office Postmaster-General: For compensation of the Postmaster-General, $8,000; chief clerk Post-Office Department, $2,500; stenographer, $1,800; stenographer, $1,000; appointment clerk, $1,800; one clerk of class 4; two clerks of class 3; one clerk of class 2; one clerk, $1,000; one curator of museum, $1,000; one messenger; one assistant messenger; page, $360; in all, $26,020.

The amendment was agreed to.

The next amendment was, on page 98, line 23, before the word "laborers," to strike out "nine" and insert "ten"; and on page 99, line 18, before the word "dollars," to strike out "one hundred and sixty" and insert "eight hundred and twenty"; so as to make the clause read:

Office First Assistant Postmaster-General: For First Assistant Postmaster-General, $4,000; chief clerk, $2,000; chief of salary and allowance division, $2,500; superintendent of post-office supplies, $2,000; superintendent of free delivery, $3,000; assistant superintendent of free delivery, $2,000; three clerks of class 4; nine clerks of class 3; eight clerks of class 2; nine clerks of class 1; eight clerks, at $1,000 each; three clerks, at $900 each; six assistant messengers; ten laborers; two pages, at $360 each; superintendent of the money order system, $3,500; chief clerk, $2,000; six clerks of class 4; eight clerks of class 3; five clerks of class 2; six clerks of class 1; six clerks, at $1,000 each; two clerks, at $900 each; one assistant messenger; engineer, $1,000; assistant engineer for additional building for Auditor for Post-Office Department, $1,000; one fireman; four watchmen; conductor of elevator, $720; four charwomen; female laborer, $480; and ten laborers; superintendent of Dead-Letter Office, $2,500; one clerk of class 4, who shall be chief clerk; one clerk of class 4; three clerks of class 3; ten clerks of class 2; twenty-four clerks of class 1; twenty-eight clerks, at $1,000 each; thirty-three clerks, at $900 each; one assistant messenger; six laborers; four female laborers, at $480 each; in all $283,820.

The amendment was agreed to.

The next amendment was, on page 101, line 25, after the word "clerk" where it occurs the second time, to insert the words "and superintendent of buildings"; so as to read:

Office of disbursing clerk: Disbursing clerk and superintendent of buildings, $2,100.

The amendment was agreed to.

The next amendment was, on page 102, line 21, after the word "the" where it occurs the second time, to strike out "Sixth Auditor's Office" and insert "Auditor for the Post-Office Department"; so as to make the clause read:

For contingent expenses of the Post-Office Department, including the additional building occupied by the money-order division of the Auditor for the Post-Office Department and the additional building used for storage of post-office supplies, namely, etc.

The amendment was agreed to.

The next amendment was, on page 103, line 19, before the word "dollars," to insert "six hundred"; so as to make the clause read:

For purchase, exchange, and keeping of horses and repair of wagons and harness, to be used only for official purposes, $1,600.

The amendment was agreed to.

The next amendment was, on page 104, line 12, after the word "dollars," to strike out "And the Postmaster-General may, in his discretion, cause the contract for furnishing the Official Postal Guide to be let for a term of four years"; so as to make the clause read:

For the publication of copies of the Official Postal Guide, including not exceeding 1,500 copies for the use of the Executive Departments, $25,000.

The amendment was agreed to.

The next amendment was, on page 105, line 10, before the word "assistant," to strike out "three" and insert "five"; in line 17, before the word "clerks," to strike out "six" and insert "seven"; in line 21, before the word "dollars," to insert "two hundred"; in the same line, before the word "clerks," to strike out "seven" and insert "eight"; in line 22, before the word "clerks," to strike out "nine" and insert "ten"; in the same line, before the word "clerks," to strike out "eleven" and insert "fifteen"; in line 24, before the word "copyists," to strike out "nine" and insert "six"; and on page 106, line 5, before the word "hundred," to strike out "fifty-six thousand five" and insert "sixty-eight thousand six"; so as to make the clause read:

DEPARTMENT OF JUSTICE.

Office of the Attorney-General: For compensation of the Attorney-General, $8,000; Solicitor-General, $7,000; four Assistant Attorneys-General, at $5,000 each; Assistant Attorney-General of the Post-Office Department, $4,000; Solicitor of Internal Revenue, $4,500; Solicitor for the Department of State, $3,500; two assistant attorneys, at $3,000 each; five assistant attorneys, at $2,500 each; assistant attorney, $2,000; law clerk and examiner of titles, $2,700; chief clerk and ex officio superintendent of the building, $2,500; stenographic clerk, $1,800; three stenographic clerks, at $1,000 each; two law clerks, at $2,000 each; seven clerks of class 4; attorney in charge of pardons, $2,400; additional for disbursing and appointment clerk, $500; chief of division of accounts, $2,200; eight clerks of class 3; ten clerks of class 2; fifteen clerks of class 1; telegraph operator and stenographer, $1,200; six copyists; one messenger; five assistant messengers; four laborers; three watchmen; engineer, $1,200; two conductors of the elevator, at $720 each; eight charwomen; superintendent of building, $250; and three firemen; in all, $168,610.

The amendment was agreed to.

The next amendment was, on page 106, line 9, before the word "dollars," to strike out "one thousand five hundred" and insert "two thousand"; so as to make the clause read:

For law books for library of the Department, $2,000.

The amendment was agreed to.

The next amendment was, on page 106, line 24, before the word "clerks," to strike out "three" and insert "four," and on page 107, line 2, before the word "hundred," to strike out "twenty-six thousand eight" and insert "twenty-eight thousand six"; so as to make the clause read:

Office of the Solicitor of the Treasury: For Solicitor of the Treasury, $4,500; Assistant Solicitor, $3,000; chief clerk, $2,000; four clerks of class 4; four clerks of class 3; three clerks of class 2; one assistant messenger; and one laborer; in all, $28,680.

The amendment was agreed to.

The next amendment was, on page 107, line 4, before the word "hundred," to strike out "three" and insert five"; so as to make the clause read:

For law books for office of the Solicitor of the Treasury, $500.

The amendment was agreed to.

The next amendment was, on page 108, after line 23, to insert:

For expense of printing and distributing advance sheets of the opinions of the Supreme Court of the United States to all the circuit and district judges of the United States, $2,000; or so much thereof as may be necessary, to be expended under the direction of the clerk of the Supreme Court of the United States.

The amendment was agreed to.

The next amendment was, on page 109, after line 14, to insert:

For a messenger of the United States circuit court of appeals for the eighth judicial circuit, who shall also perform the duties of librarian and crier of said court, the sum of $2,000 as yearly compensation; said messenger shall also receive his necessary traveling and other expenses when said court shall hold a term at any other place than that of his residence, not to exceed, however, $5 per day, and said messenger shall be appointed by the judges of said circuit court of appeals to serve during the pleasure of the court.

Mr. CULLOM. In the clause making appropriations for "district courts," on page 110, line 8, before the word "district," I move to strike out "sixty-four" and insert "sixty-five," on account of the admission of Utah as a State of the Union; and in line 10, to change the total from "$320,000" to "$325,000."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 110, line 8, before the word "district," it is proposed to strike out "sixty-four" and insert "sixty-five"; and in line 10, before the word "thousand," to strike out "twenty" and insert "twenty-five"; so as to make the clause read:

District courts: For salaries of sixty-five district judges of the United States, at $5,000 each $325,000.

The amendment was agreed to.

The next amendment was, on page 110, line 19, after the word "and," to strike out "ninety-six" and insert "ninety-seven"; so as to make the clause read:

Retired judges: To pay the salaries of the United States judges retired under section 714 of the Revised Statutes, so much as may be necessary for the fiscal year ending June 30, 1897, is hereby appropriated.

The amendment was agreed to.

The next amendment was, on page 111, after line 1, to insert:

For reporter, $1,500, to be paid monthly: *Provided*, That the reports issued by him shall not be sold for more than $5 per volume.

The amendment was agreed to.

The next amendment was, on page 111, line 8, before the word "hundred," to strike out "twenty-four thousand seven" and insert "twenty-six thousand two"; so as to make the clause read:

For necessary expenditures in the conduct of the clerk's office, $500; in all, $36,220, one-half of which shall be paid from the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 112, after line 2, to strike out:

That section 843 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 843. The allowances for personal compensation of district attorneys, clerks, and marshals shall be made for each fiscal year, and from the fees and emoluments of that fiscal year, and not otherwise."

That the compensation of district attorneys, clerks, and marshals for the half year ending June 30, 1896, shall be allowed and settled upon the basis of the returns for that half year.

That hereafter all United States marshals shall be allowed ninety days after the 30th of June and ninety days after the 31st of December in which to make their returns of fees and emoluments under the provisions of section 833 of the Revised Statutes of the United States, which is hereby amended accordingly.

Mr. CULLOM. Those clauses are to be stricken out with the expectation that the provisions in reference to attorneys and marshals which are found in the bill will later be adopted.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 113, after line 20, to strike out:

SEC. 3. Section 166 of the Revised Statutes is amended to read as follows:

"SEC. 166. Each head of a Department may, from time to time, alter the distribution among the various bureaus and offices of his Department of the clerks and other employees allowed by law, as he may find it necessary and proper to do, but all details hereunder shall be made by written order of the head of the Department, and in no case be for a period of time exceeding sixty days: *Provided*, That details so made may, on expiration, be renewed from time to time by written order of the head of the Department, in each particular case, for periods of not exceeding sixty days. All details heretofore made are hereby revoked, but may be renewed as provided herein."

The amendment was agreed to.

The next amendment was, on page 115, after line 21, to strike out section 6, as follows:

SEC. 6. All laws or parts of laws inconsistent with this act are repealed.

Mr. CULLOM. The remaining sections of the bill, commencing with line 24, page 115, and going down to the end of line 15, page 134, relate to attorneys and marshals of the courts, and I have consented that those provisions may go over until to-morrow morning. Section 21, which is on page 124, may be read and disposed of to the end of the bill.

The PRESIDING OFFICER. The sections indicated will be passed over, and the reading of the bill will be proceeded with.

The reading of the bill was resumed at line 16, page 134, and concluded.

Mr. CULLOM. The Senate yesterday began on the first page of the bill, but there was considerable confusion in reference to the provisions as to clerks of committees, and I asked of the Senate to pass over that portion of the bill until later, which was done. I ask now that the Secretary begin to read where we stopped on those provisions.

The SECRETARY. After line 3, on page 5, the Committee on Appropriations report an amendment, to insert as follows:

For clerks to the Committees on Woman Suffrage, Mines and Mining, Immigration, Revision of the Laws of the United States, Corporations Organized in the District of Columbia, Indian Depredations, and Construction of the Nicaragua Canal, at $2,100 each, $14,700.

Mr. COCKRELL. On page 8, in connection with the same subject-matter, "for 38 annual clerks to Senators who are not chairmen of committees, at $1,200 each," I move in lieu of $1,200 to insert $1,440.

The PRESIDING OFFICER. The pending amendment is the one on page 5, which has been stated.

Mr. HOAR. I move to strike out the word "and," in line 7, and after the word "Canal," in the eighth line of the committee amendment, I move to insert "and on Revolutionary Claims."

The PRESIDING OFFICER. The Chair understands that an amendment is already pending to the amendment.

Mr. KYLE. I believe my amendment to the amendment is pending, and I ask leave to withdraw it.

The PRESIDING OFFICER. The amendment offered by the Senator from South Dakota is withdrawn. The amendment of the Senator from Massachusetts [Mr. HOAR] to the committee amendment will be stated.

The SECRETARY. On page 5 it is proposed to amend the amendment by striking out the word "and," in line 7, and inserting after the word "Canal" the words "and on Revolutionary Claims."

Mr. CULLOM. I desire to state that it was an oversight that the Committee on Revolutionary Claims was not incorporated in the list. I hope the amendment to the amendment will be adopted.

Mr. GRAY. I move that there be added at the end of the amendment the words "the Committee on the Five Civilized Tribes."

Mr. CARTER. I move as a substitute for the clause as read and for the various amendments what I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 5 it is proposed to strike out from line 4 to line 13, inclusive, as follows:

For clerks to the Committees on Woman Suffrage, Mines and Mining, Immigration, Revision of the Laws of the United States, Corporations Organized in the District of Columbia, Indian Depredations, and Construction of the Nicaragua Canal, at $2,100 each, $14,700.

For twenty-six clerks to committees, at $1,440 each; in all, $37,440.

And to insert:

For twenty-eight clerks to committees, at $1,800 each, the sum of $50,400.

The PRESIDING OFFICER. The amendment first in order is that offered by the Senator from Massachusetts [Mr. HOAR] to the committee amendment. The question is on agreeing to the amendment to the amendment.

Mr. PEFFER. In the confusion I could not hear what the amendment was, and I am not ready to vote upon it.

Mr. HOAR. I withdraw the amendment for the time being.

The PRESIDING OFFICER. If there be no objection, the amendment to the amendment is withdrawn.

Mr. CULLOM. Let the amendment offered by the Senator from Montana [Mr. CARTER] to the amendment be again read.

Mr. GRAY. I have an amendment which precedes that amendment.

The PRESIDING OFFICER. The amendment offered by the Senator from Montana will be again read.

The SECRETARY. On page 5, strike out lines 3 to 13, inclusive, and insert:

For twenty-eight clerks to committees, at $1,800 each, the sum of $50,400.

Mr. CARTER. Mr. President, it will be observed that my amendment to the amendment contemplates perfect equality in so far as concerns payment for the services of the seven clerks named in the first subdivision of the committee amendment and those referred to under the general designation of 21 clerks in the second subdivision, beginning with line 10. Under it the clerks of committees, designated as 21 in number, now receiving $1,440 a year will receive $1,800 in lieu of that sum, and those provided for in the first subdivision, designated as persons to receive $2,100 per annum, will be reduced from that amount to the sum of $1,800.

I understand the fact that all clerks of committees perform identically the same class of service; that the same talents are required for all the committees enumerated in this number of 28 clerks; that the service they perform is in no manner dissimilar. There does not seem to be any substantial reason why there should be a discrimination in the matter of payment for such services. I think the amendment to the amendment is equitable, just, fair, and that it in no sense creates a discrimination.

Mr. NELSON. Mr. President, I think, in order that Senators may be placed on a footing of equality and be treated with fairness and equity, the amendment offered by the Senator from Montana [Mr. CARTER] ought to be adopted. I know one instance that illustrates the injustice of the pending bill in this respect. I happen to be a member of two committees which have not a great deal to do. One is the Committee on Immigration and the other the Committee to Establish the University of the United States. By the bill as reported the clerk of one of those committees is given a salary of $2,100, while the clerk of the other, the Committee to Establish the University of the United States, is left at the old figure.

I know what the work of these two committees has been, and I know that the committee of which the Senator from North Dakota [Mr. KYLE] is chairman, the Committee to Establish the University of the United States, has had more work and more hearings, and as a committee has done more work, than the committee which is favored by the bill.

It seems to me, in order that we may all have fair treatment and be placed on a footing of equality, that the amendment to the amendment ought to be adopted. I think the Senators in whose favor the discrimination is made in the paragraph in italics ought to be willing to yield this to the other Senators.

Mr. PEFFER. May I ask the Senator from Minnesota whether the aggregate of the appropriation will be increased?

Mr. NELSON. Very little; only a few thousand dollars.

The PRESIDING OFFICER. The Senator from Delaware [Mr. GRAY] has offered an amendment.

Mr. GRAY. I withdraw the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Montana [Mr. CARTER] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GRAY. I desire to offer an amendment. On page 2, line 23, there is a provision for "librarian, $2,220." I move to strike out the words "two thousand two hundred and twenty dollars" and insert "two thousand five hundred dollars;" so that it will read "librarian, $2,500."

Mr. VEST. Librarian of what library?

Mr. GRAY. Of the Senate library.

The present librarian, Mr. Church, who has been there ever since I have been in the Senate and was there a good many years before, is known to all Senators, especially to the older ones, as a most efficient, trustworthy, and competent official. He holds a position which requires more than ordinary experience and education and some special aptitude, qualities that are not always to be found. He is a good lawyer, which a librarian of the Senate library ought to be. He is perfectly familiar with the history of legislation for the last quarter of a century, and we all know that we never apply to him without finding that he can give us the assistance which we are in special need of at the time of the inquiry.

I do not believe we have a right to demand or to expect to acquire the services of a man competent for that position for less than $2,500. It seems to me that we ought not to give him less than that sum now in his old age and disability.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. One page 2, line 21, it is proposed to strike out "$2,220" and insert "$2,500"; so as to read:

Librarian, $2,500.

Mr. CULLOM. I desire to say a word in reference to the amendment. In the outset I wish to state that I think the amendment ought to be adopted. I happen to be one who has known for a great many years the gentleman who occupies the position of assistant librarian. When I first knew him he was a very eminent lawyer, the general solicitor of the Chicago and Alton Railroad, with his office at Chicago. He had subject to his orders many local attorneys, and was recognized as a very able lawyer and a most splendid gentleman in every way. It so happened that suddenly he was stricken in such a way as that he has had a very hard struggle to live and make a living for his family. He is a very able man, and while he is physically unable to move himself about very well, he is thoroughly competent for the discharge of the duties that he is charged with. I confess I would be very much gratified to see this amendment adopted.

Mr. COCKRELL. I suggest as an amendment to the amendment "while held by the incumbent."

Mr. CULLOM. I have no objection to those words being added.

Mr. GRAY. Say "the present incumbent."

Mr. COCKRELL. Yes; "while the office is held by the present incumbent."

The PRESIDING OFFICER. Does the Senator from Delaware accept the modification?

Mr. GRAY. I accept it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "dollars," on page 2, line 23, insert "while the office is held by the present incumbent."

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. CULLOM. On page 3, lines 8 and 9, the total ought to be fixed. I move to insert "$65,586.90" instead of the amount specified in the bill.

The amendment was agreed to.

Mr. COCKRELL. I move, on page 8, line 2, to strike out "$1,200" and insert "$1,500"; so as to read:

For thirty-eight annual clerks to Senators who are not chairmen of committees, at $1,500 each, etc.

The amendment was agreed to.

Mr. CULLOM. I move that the total for that item be changed so as to read "$57,000" instead of "$45,600."

The amendment was agreed to.

Mr. COCKRELL. On page 34, line 3, after the words "thousand dollars," I move to insert, "for chief of division of judicial accounts, $2,200," and then to strike out "three" and insert "two"; so as to read "two chiefs of divisions." That makes the chief of the division in the Auditor's Department the same as the chief of the division in the Attorney-General's Office. He has jurisdiction of the same subjects-matter.

The amendment was agreed to.

Mr. COCKRELL. In line 8 I move to strike out "one" and insert "three"; so as to make the total read "$87,300."

The amendment was agreed to.

Mr. KYLE. I now offer the amendment to which my attention was called by the Senator from Connecticut [Mr. PLATT], on page 88.

Mr. CULLOM. Will the Senator from South Dakota suspend one moment? On page 6, line 12, in the appropriations for the office of the Sergeant-at-Arms and Doorkeeper of the Senate, the word "two," near the end of the line, ought to be stricken out and "three" inserted; so as to make it read "three laborers" instead of "two." I move that amendment.

The amendment was agreed to.

Mr. CULLOM. If the Senator from South Dakota will pardon me one moment I will correct the total there. I move, at the end of the paragraph, in lines 18 and 19, to insert as the total "$119,344" instead of "$118,504."

The amendment was agreed to.

Mr. KYLE. After the word "dollars," in line 16, on page 88, I move to insert:

That the Secretary of the Interior may, in his discretion, cause the present contract for producing copies of the drawings of the weekly issues of patents for inventions, trade-mark certificates, drawings for the library editions of patents, for producing exhausted copies, and copies of pending applications, and of foreign patents or publications, and for producing the photolithographic work for the illustrated pages of the Official Gazette of the Patent Office, to be extended for the term of four years from the 1st day of July, 1896, or, in his discretion, he may make a new contract for the said work as now provided by law for the term of four years, beginning with the 1st day of July, 1896, the provisions of section 3679 of the Revised Statutes of the United States to the contrary notwithstanding.

Mr. CULLOM. I think I must make a point of order upon that amendment. It is new legislation, and in my judgment it would not be good legislation.

Mr. KYLE. I do not think it is new legislation, but it is merely carrying into effect the present law.

Mr. CULLOM. It is clearly new legislation.

Mr. KYLE. I wish to state with reference to the amendment that it has had the unanimous approval, I believe, of the Committee on Patents. It merely requires the Secretary of the Interior to continue the present contract for the publication of the Patent Office Gazette for a period of four years.

Mr. CULLOM. It is new legislation just the same.

Mr. KYLE. I presume the fact is familiar to all Senators here—we have discussed it in the Senate for the past four or five years at any rate—that one firm, the Norris Peters firm, in this city, had that contract and received since 1877, I believe, $145,000 a year until last year for the publication of this work. Last year it was thrown open again.

Mr. CULLOM. I think it is hardly worth while to argue the merits of the subject. I do not care to take up time in doing it myself. It seems to me the amendment is clearly new legislation under the rule.

Mr. KYLE. I have sat here this afternoon and have seen amendment after amendment placed upon the bill with the sanction of the Senator from Illinois, which amendments were more in the line of direct legislation than the amendment which I have offered. I do not think that a discrimination of this kind should be made against those who do not happen to belong to the Committee on Appropriations. This amendment has had the unanimous approval, I believe, of the Committee on Patents, who are capable of passing upon the subject, and I believe it is a very important one to the people of the country, inasmuch as it involves the difference between $92,000 and $145,000 in the cost of this work. The amendment was drawn, I believe, at the instance of the Commissioner of Patents and with his entire approval. I addressed the following letter to the Secretary of the Interior:

On the 20th instant the Committee on Patents unanimously reported back with an amendment the inclosed amendment intended to be proposed by myself to bill H. R. 6248. Said bill was reported to the Senate before the Committee on Appropriations received from the Committee on Patents my intended amendment with their favorable recommendation. When said bill is under consideration in the Senate, I will offer my amendment at the proper time, and in support of it desire to state to the Senate as to the acceptable manner in which Mr. Andrew B. Graham has performed his contract for the publication of the Patent Office Gazette and all photolithographic work falling within the scope of his contract with the Commissioner of Patents. I respectfully ask for information on the following points:

1. Has said Graham complied fully with the specifications of his contract?
2. Has said Graham delayed the Department at any time in its prompt issue of the Official Gazette?
3. Has the said Graham's work at all times been up to the required standard?
4. Do you regard the work performed by said Graham as being equal or superior to that of former contractors?

Please reply to the foregoing questions not later than to-morrow.

In reply I received the following letter from the Commissioner of Patents, sent to me by the Secretary of the Interior:

DEPARTMENT OF THE INTERIOR,
UNITED STATES PATENT OFFICE,
Washington, D. C., March 24, 1896.

SIR: I have the honor to acknowledge the receipt, by your reference of this date, of the letter of Hon. J. H. KYLE, dated March 23, 1896, inclosing proposed amendment to H. R. 6248, relative to the photolithographic work for the Patent Office, and requesting certain information respecting the manner in which the work is now performed by the present contractor, Mr. Andrew B. Graham, of this city.

In reply to your request for a report I beg to say that Mr. Graham has fully complied with the specifications of his contract; that at no time has the issue of the Official Gazette been delayed since his contract with this office; that the work furnished by Mr. Graham has been up to the required standard, and that this office regards the work performed by Mr. Graham as being fully equal to that performed by former contractors.

The papers received by your reference are herewith returned.

Very respectfully, yours,

S. T. FISHER, *Acting Commissioner.*

The SECRETARY OF THE INTERIOR.

I wish to state that Mr. Graham received the past year, I believe, $92,000 for the publication of this work. In the document, which is Senate Report No. 1047, upon page 5, I find a letter from the Norris Peters Company to the Commissioner of Patents relative to the cost of publishing the work. I will read one paragraph from it, which is as follows:

It may not be improper for us to say, in this connection, that on but three occasions since we first contracted to furnish copies of Patent Office drawings other parties, apparently without any knowledge or experience in the matter, have attempted to do the work at prices below those bid by our establishment, and the result on each occasion fully warrants us in saying that the work can not be done satisfactorily at prices less than those bid by us, if the high standard of work required by your office is to be maintained, as two of the contracts referred to were annulled and the third was only fulfilled after causing much annoyance, trouble, and delay, not only to the Government, but to inventors and attorneys as well.

That is the judgment of the Norris Peters Company. Now, let me say that the Norris Peters Company had this contract from 1877 to 1893, and during that time, in the terms of the language of this letter, they received annually $145,000 for the work. In 1893 they received $145,000. In 1895 they bid $103,000. Mr. Graham stepped in and bid $92,000, and received from the Secretary of the Interior the contract. Mr. Graham has gone to a great expense in putting in his plant, and now after one year's work it is thought advisable that the Secretary of the Interior shall be authorized, in his discretion, to continue the contract with this company for a period of four years. The other company had the contract for a period of seventeen or eighteen years at $145,000 a year. When a new company goes to the expense of placing in a large plant, I think it is no more than just and right that if the Secretary of the Interior finds they have done excellent work and complied fully with his requirements he should have the privilege of extending the contract for a period of four years, and in doing so I do not think we enact new legislation or in any way change the existing statutes in the case. I believe it merely enables the Secretary of the Interior to carry out as best he can and as best he sees fit the present statutes as they exist.

Mr. CHANDLER. Will the Senator allow me to ask him a question?

Mr. KYLE. Certainly.

Mr. CHANDLER. The Senator spoke of the previous contract having run on for some seventeen years. Will he kindly inform me if he knows how long a specific contract was ever made with that firm? Was it from year to year, or were four-year contracts made?

Mr. KYLE. I think the plan heretofore adopted has been to make a yearly contract with that company. But allow me to say that during all this time I believe there is but one company in town that had a plant sufficient to produce that great work, the Patent Office Gazette. It requires special presses; it requires a large investment of capital to do the work, and now, after the Norris Peters Company had the contract for about seventeen years at $145,000 a year, and I understand have made perhaps a million dollars of money or more out of it, they are able to drive out every other person.

Mr. CHANDLER. Is that company now in existence?

Mr. KYLE. It is now in existence, I believe.

Mr. CHANDLER. And did it compete for this contract?

Mr. KYLE. Last year. Last year they made an offer to do the work for $103,000. The present company bid for it at $92,000 and received the contract.

Mr. CHANDLER. Does the Senator propose that this contract shall be continued for four years without any reletting?

Mr. KYLE. At $92,000 or less, if the Secretary of the Interior shall see fit.

Mr. CHANDLER. The Senator will see that we do not get any competition there. I can conceive that it might be judicious to make a contract for four years, as we do for carrying the mails, but I do not think it would be wise to kill off competition for one year and then by legislation extend the contract for four years. The Senator certainly can not think that that is good business sense.

Mr. PLATT. Mr. President——

Mr. KYLE. I do, most certainly, and I will explain it in a moment. I yield now to the Senator from Connecticut.

Mr. PLATT. In reply to what the Senator from New Hampshire has said, I think one point should be alluded to.

This work cost the Government, when there was not so much of it, about $150,000 a year under the old arrangement. The contract now is for $92,000 a year, a saving of nearly $60,000 a year over what the Government has been paying for many years. A young man who bid less than the Norris Peters Company by $11,000 and got this one-year contract has come forward and invested about $100,000 in order to carry it out. It is perfectly apparent that if it is opened the Norris Peters Company can do it next year for $50,000 perhaps, but they will destroy the only concern in Washington that can compete with them, and then they will have it at their own rate thereafter. That is all there is to it.

Mr. CHANDLER. Then competition is to be abolished for the fear of a future injury by reason of the destruction of one of the competing establishments.

Mr. KYLE. It is rather to establish competition in the city. That is the meaning of the amendment.

Mr. CHANDLER. How does it establish competition?

Mr. KYLE. By enabling another firm to get upon its feet.

Mr. CHANDLER. To extend a one-year contract for four years by act of Congress?

Mr. KYLE. To enable another firm to get upon its feet and then be able to compete. I understand that the Norris Peters Company, in consideration of the large amount of money which they have made from the publication of this work, are able to do it for one or two years at $50,000 a year in order to drive the other company from the field, and then they will have the whole field before them, as they had during a number of years past.

Mr. ALDRICH. Is this discussion proceeding on the point of order?

The PRESIDING OFFICER. The question on the point of order is before the Senate.

Mr. CHANDLER. It has always been a rule that you could not discuss a point of order. However, a point of order always is discussed, and the Senator from South Dakota having the floor, I do not think the Senator from Rhode Island ought to interrupt him, particularly as I want to take a little part in the discussion myself. It seems to me that a discussion of this kind ought to be interrupted by a point of order in the inception and not right in the middle of it.

Mr. CULLOM. If the Senator will allow me, I will state that I tried to interrupt it, but failed.

Mr. CHANDLER. The Senator knows on a question of order the merits of a proposition are always discussed in the Senate.

Mr. CULLOM. That is frequently the case; when you break the rule it is.

Mr. CHANDLER. It is not courteous in the Senate to break up a system because there is a rule against it.

The PRESIDING OFFICER. The Chair is ready to rule on the point of order.

Mr. KYLE. Now, I will speak on the point of order for just a moment. I made a statement to the Senator in charge of the bill a moment ago to the effect that we have sat here during the whole consideration of the bill and witnessed amendment after amendment go upon the bill, which amendments were plainly new legislation and plainly changing existing law. I call the attention of the Senator to one or two on page 90, at the bottom, and at the top of page 91.

The Commissioner of Education is hereby authorized to prepare and publish a bulletin of the Bureau of Education as to the condition of higher education, technical and industrial education, etc.—

In this country and abroad.

Mr. CULLOM. If the Senator saw that the rule was violated, why did he not make the point of order? He had a right to do it?

Mr. KYLE. I have seen it done year after year, and there is never any question raised as to placing these amendments on the bill provided they have been approved by some standing committee of the Senate. That is all that is required.

The PRESIDING OFFICER. The Chair is obliged to confine its ruling to the case in point and not to the other cases on which no point of order has been raised. The Chair suggests to the Senator that he confine his remarks to the pending question.

Mr. KYLE. I will state in reference to the pending amendment that I do not see in reading it through that there is any change of existing law.

Mr. PLATT. I do not want to ask a hypothetical question, but I should like to know if the provision from lines 11 to 16, to which this is offered as an amendment, is not new legislation.

The PRESIDING OFFICER. That is precisely the question pending before the Senate at the present time.

Mr. CULLOM. That provision is according to the present law, I understand.

Mr. PLATT. I beg pardon; it is not according to the present law.

Mr. CULLOM. I am not sure about it, but I think it is.

Mr. PLATT. The present law is that the work may be done at the Government Printing Office, in the judgment of the Joint Committee on Printing.

Mr. CULLOM. That is the same as it is here.

Mr. PLATT. No; it is not the same; I beg pardon.

Mr. CULLOM. What is the matter with it?

Mr. PLATT. But this provision is——

Or if there shall be no joint committee, in the judgment of the Committee on Printing of either House.

That clause is interpolated into the bill, changing the law on the subject entirely.

Mr. CULLOM. Even if that be so, if I may be allowed to refer to the other branch of Congress, when the House incorporates a provision into the bill and it comes here it is not in order to make a point of order on it and to strike it out.

The PRESIDING OFFICER. The Chair is ready to rule upon the point of order. He does not wish to deprive the Senator from South Dakota of the opportunity to express his views.

Mr. KYLE. I will await the decision of the Chair on the point of order.

The PRESIDING OFFICER. The Senator from South Dakota has offered an amendment. The Senator from Illinois raises the point of order against it under Rule XVI, paragraph 3:

No amendment which proposes general legislation shall be received to any general appropriation bill.

This is a positive rule and allows of no modification. The Chair is satisfied, upon an examination of the latter part of the amendment of the Senator from South Dakota, that it is general legislation, and the point of order is sustained.

Mr. KYLE. While upon my feet I wish to say that I intend to remember Rule XVI, and I intend to see that it is rigidly applied so long as the rest of the appropriation bills remain under consideration in the Senate.

Mr. CULLOM. The Senator can announce what he intends to do, either in the Senate or anywhere else. That does not control my action in the premises in reference to these measures.

Mr. PEFFER. I wish to propose an amendment on page 8, beginning at line 4, the first paragraph for contingent expenses. I move to strike out all after the word "namely," in line 4, down to and including the word "dollars," in line 7, and to insert what I read:

For stationery for committees, to be drawn only on requisition approved by the chairman thereof, $5,000. For stationery for Senators, to be drawn only on requisition signed by the Senators themselves, $5,000, or so much thereof as may be required. And after the 30th day of June, 1896, no articles shall be kept in the stationery room for the use of Senators other than paper, ink, pens, pencils, inkstands, blank books, blank forms, and such other things as are required in the official work of Senators.

Mr. President, I shall detain the Senate but a few minutes in support of this amendment; and it is not done for the purpose of calling attention to any impropriety or any unnecessary extravagances or anything of that kind. It seems to me that we can very wisely dispense with a great many articles that are now kept in the stationery room, articles that Senators do not use themselves, articles that are not needed for the official work of Senators, and are used for other purposes altogether; and that now is a good time—and we are the men to perform the work—to reduce these expenses, and this amendment will do it.

I will state one reason, and a very important one, why I think the amendment is good and ought to prevail. I find that we have 46 standing committees of the Senate, and in addition to the 46 standing committees we have 13 special or select committees, making a total of 59 committees. Every one of the committees has been in the practice of drawing such stationery as it needs, and in the amendment $5,000 is appropriated, which is the same amount that is appropriated by the committee, "$5,000 for stationery for committees and officers of the Senate." So a large number of Senators, 59 of us, are chairmen of committees. We draw under the general lump appropriation the stationery for our committees, which leaves the difference between 90 and 59, which is but 31 Senators who would draw upon their own individual requisition. Senators know very well that a large amount of stationery that we use as individual Senators we use while at work in our committee rooms. Probably there is no member of the body who is not a member of at least five or six different committees, and we use in that way a large amount of committee stationery, and hence do not use as much for our own personal use as we would otherwise do.

I shall not call attention to the other articles that I find specified under property in charge of the Secretary of the Senate, but simply submit this matter to the Senate with the concluding remark that this is a good time and we are the proper persons to effect this reform.

Mr. CULLOM. Before I make the point of order upon the amendment, I simply desire to say that there is nothing in the stationery room that we get that we do not pay for. Everything that is kept in that department which is not under the law for the use of committees, etc., if obtained by any Senator or anyone else, has to be paid for. I certainly am sure that I never got anything out of that establishment that was not charged to me and that I did not settle for at the proper time.

Mr. PEFFER. Certainly the Senator from Illinois does not wish to be understood that the cost within the sum of $125 comes out of the pockets of Senators. I see, not in a large number of cases, it is true, that Senators have gone and drawn in actual cash the difference between the value of the stationery they have drawn and the $125 allowed for that purpose. This amendment is to dispense with the annual allowance for stationery. The object of the amendment is simply to limit the amount of stationery used by Senators to that which they actually do need and use, and not allow them pocketbooks and penknives and things of that kind, which we ought to buy ourselves.

Mr. CULLOM. I think the amendment of the Senator is out of order. I waited for my distinguished friend from South Dakota to make the point of order, but I do not see him present.

Mr. ALDRICH. Will the Senator from Illinois allow me to ask the Senator from Kansas a question?

Mr. CULLOM. Certainly.

Mr. ALDRICH. Does the Senator from Kansas propose to do away with the allowance for stationery to Senators?

Mr. PEFFER. Yes.

Mr. ALDRICH. Entirely?

Mr. PEFFER. Yes; so that Senators shall be allowed just the amount they use, and only that for their own personal use.

Mr. ALDRICH. And the $125 allowance is to be repealed?

Mr. HOAR. It is not $125, I think.

Mr. PEFFER. The amendment, if it should be adopted, would abolish the annual allowance.

Mr. ALDRICH. So that every Senator could get what he wanted without limit?

Mr. PEFFER. So that what stationery we actually use we shall be allowed.

Mr. HOAR. I think the allowance is $75.

Mr. COCKRELL. No; $125.

Mr. CULLOM. One hundred and twenty-five dollars is the amount allowed.

Mr. TELLER. I understand each Senator is allowed $125 per annum for stationery, postage stamps, and things of that kind.

Mr. PEFFER. Oh, no; not postage stamps.

Mr. TELLER. He is entitled to that amount if he chooses to take it. I do not remember exactly the language of the statute. The stationery is not for his personal use, but for his official use. The Senator from Kansas speaks about the stationery being for the personal use of Senators.

Mr. PEFFER. The Senator will understand that I did not mean to say it was in that particular form. I mean what each Senator uses as an individual Senator, and not as chairman of a committee.

Mr. TELLER. Last year I remember that I obtained some stationery from the stationery room, and when I got through I had a bill of $13 to pay the Government for the stationery I had drawn. Ordinarily I buy a portion of my stationery outside of the stationery room, because I can do better outside; that is to say, I can, as a rule, better suit myself outside than I can there. Last year I did not do that, but I have done so perhaps every other year. Sometimes when I have done that there may have been to my credit some amount which I had the right to take, because I had already expended more than that outside for stationery. I take to my rooms—never from my committee, but from that which is charged to me or that which I buy at the bookstores—large quantities of paper and envelopes, which I use to write letters that are purely official. I do not suppose that I have ever since I have been in the Senate made any distinction when I wrote to my mother or my friends. I use what paper I have. I do not think those things ought to be considered in the Senate. When I go home to Colorado, as has been suggested to me by the Senator from Massachusetts [Mr. HOAR], I always use the paper that I buy in the community where I am situated—at Denver.

Mr. President, I do not think that these things are worthy of the attention of the Senate. I do not believe that members of the Senate are stealing stationery; and I must say, with all due deference to the Senator from Kansas, that this seems to me very small business for the American Senate to be engaged in. We waste time here, which, if devoted to the public service, would save a much larger amount of money than would be saved if every Senator bought his stationery and paid for it out of his own pocket. I know of no reason why he should. I think when I am engaged in official business I am entitled to have the necessary stationery. That has always been the rule of the Senate, and I have never

heard of its being abused. I think it is rather unfortunate that we should spend our time over little matters of this kind.

Mr. FAULKNER. I certainly think, from my experience, that there can not be any claim upon the part of the Senator from Kansas that the amount allowed is excessive for the purposes specified in the bill. I am satisfied that under his amendment the appropriation would have to be enlarged rather than curtailed. Taking myself, for example, I have frequently exceeded the allowance, and the last year or the year before to the amount of $57.

Mr. CULLOM. Which the Senator paid into the Treasury.

Mr. FAULKNER. Which I paid into the Treasury at the end of the year. The clerk in charge of the stationery room stated that I had drawn that amount over my allowance. If the amendment proposed by the Senator from Kansas be adopted, I am satisfied it will be necessary to enlarge the appropriation rather than to reduce it.

Mr. KYLE. I think this is new legislation, Mr. President.

Mr. CULLOM. That is right.

Mr. KYLE. And that Rule XVI applies to it.

Mr. PEFFER. Mr. President, I do not think that Senators understand the object of the amendment.

Mr. HILL. If the Senator will allow me, I regret that the Populist party is divided upon this very important question. [Laughter.]

Mr. PEFFER. Mr. President, I ask only for the usual courtesy extended in such cases. I do not think the Senate understands the object of the amendment. I began by saying that it was not my intention to call attention to any alleged extravagance, or anything of that kind, but to call attention to what I regarded as a substantial reform.

The Senator from Colorado [Mr. TELLER] speaks harshly, and, I think, under the circumstances, unkindly toward me, a fellow-Senator, who has always been courteous and respectful to the Senator not only officially, but personally, and although my idea may not strike Senators as being just what it ought to be to begin with, yet to present it is a right I have here. What I want Senators to understand is this: That the amount of stationery which we use in our official business we ought to have by an appropriation for that purpose. The people ought to furnish us with all the stationery we need.

Mr. CHANDLER. May I ask the Senator a question?

Mr. PEFFER. In a moment.

Mr. CHANDLER. Do we need an unlimited amount of stationery?

Mr. PEFFER. No; we do not need an unlimited amount.

Mr. CHANDLER. Is it not a good deal like the Senator's proposition to issue money to an unlimited amount? [Laughter.]

Mr. PEFFER. The Senator from New Hampshire will pardon me if I do not allow him to run me off to another issue. I shall try to keep myself together. [Laughter.] I think the people are willing to pay, and ought to pay, for all the stationery which their public men need.

But, now that the subject is being made light of, I find in our stationery room that we use pocketbooks, we use combination cases, we use gold pens, we use fountain pens, we use a thousand and one articles which we do not need at all in the public service.

Mr. MITCHELL of Oregon. And we pay for them.

Mr. PEFFER. We will see about that in a moment.

Mr. MITCHELL of Oregon. I know I do.

Mr. PEFFER. What we use of those things within the limit of the allowance we pay for out of the public Treasury. I have myself paid as high as $60 in one year over and above the usual annual allowance; but that was not all for stationery. I go down to the stationery room, and so do we all, when Christmas time comes, and buy various articles, penknives, for instance, for my boys or for my friends, or pocketbooks, combination cases, and all those things. They all go into our account.

Mr. CALL. Will the Senator allow me to interrupt him?

Mr. PEFFER. Not now.

We all purchase more than we are entitled to under the annual allowance of $125. Of course we pay for such purchases out of our own pockets. What I am trying to get at is a careful, cautious, prudent, businesslike use of whatever we need for public purposes, and let the rest pass, so that, whatever we need, let it be paid for out of the public Treasury, and dispense with those articles which occasion so much criticism in the public press.

Mr. HOAR. I call for a ruling on the point of order.

Mr. TELLER. I disclaim any intention of injuring the feelings of the Senator from Kansas, or of being in any way harsh toward him. I did not suppose I was. I supposed I was, for me, unusually mild. [Laughter.] I only wanted to say that it seemed to me that this subject was not big enough to attract the attention of the Senate, unless it was apparent that there had been some abuses of which I had never heard before. I knew the amount allowed to me for stationery had never covered the expenditure it was intended to cover. I will not, however, go into any discussion of it. I will merely say that I did not intend to interfere with the Senator's freedom of speech, nor did I intend to offend him; and if I did so, I regret it. I repeat, however, that I think we ought to let these little matters alone and attend to the weightier matters of legislation.

Mr. BACON. Mr. President——

Mr. HOAR. I raise the question of order, that this discussion is entirely out of order.

Mr. CHANDLER. I rise to speak to the point of order.

The PRESIDING OFFICER. The Senator from Massachusetts will state his point of order.

Mr. HOAR. I make the point of order that this is new legislation.

Mr. CHANDLER. I want to speak to the point of order.

The PRESIDING OFFICER. It is the privilege of the Chair to hear arguments when a point of order is raised.

Mr. HOAR. I ask if the Chair will hear arguments that are not on the question of order?

The PRESIDING OFFICER. The question of order has just been raised by the Senator from Massachusetts.

Mr. HOAR. It was raised by the Senator from Colorado [Mr. TELLER], the Senator from South Dakota [Mr. KYLE], and the Senator from Illinois [Mr. CULLOM].

The PRESIDING OFFICER. The Chair had not so understood. The remark made by the Senator from South Dakota was that the amendment was general legislation, but he did not insist on any point of order.

Mr. CULLOM. I made the point of order early after the question came before the Senate.

The PRESIDING OFFICER. The Chair did not so understand. The Chair will hear the Senator from Georgia [Mr. BACON] on the point of order.

Mr. BACON. No, sir; I do not wish to speak to the point of order.

Mr. CHANDLER. Here is an appropriation of the Senate for stationery for committees and officers of the Senate. It is entirely competent for the Senate when considering that clause to regulate the whole subject of stationery expenditure. Any provision as to what shall be done with the money appropriated for stationery, how the stationery room shall be handled, controlled, and managed, and what things shall be kept there I do not find written out in any existing law. Perhaps the Senator from South Dakota or the Senator from Massachusetts knows of some law which tells exactly what is to be kept in the stationery room. I do not; but it seems to me an absolutely unknown limitation upon the power of the Senate, when it is going to appropriate five or ten or fifteen thousand dollars for stationery, to say that you can not direct how that stationery money shall be expended.

Mr. SEWELL. If the Senator from Illinois will allow me, I will move that the Senate adjourn.

Mr. CULLOM. I hope we shall first dispose of these little matters.

Mr. FRYE. Let us dispose of this very important piece of business, at least. [Laughter.]

Mr. CULLOM. We do not want to discuss points of order tomorrow. I think the Chair is ready to decide the question of order.

The PRESIDING OFFICER. The attention of the Chair has not been directed to any statute regulating this matter, and there is no proposition to repeal any general law or to make any general law, but merely to regulate the practice of the Senate with reference to stationery.

Mr. CULLOM. I think there is a general statute which controls the subject.

Mr. HOAR. This is a proposition to make a new law.

Mr. CULLOM. It is to change a law, and make a new arrangement by which the stationery room shall be governed.

The PRESIDING OFFICER. The Chair looks upon it as an attempt to regulate a subject in connection with the contingent expenses of the Senate, and the paragraph on page 8 is for that purpose. The amendment will be read.

The SECRETARY. On page 8, line 4, after the word "namely," it is proposed to strike out all of the paragraph down to and including the word "dollars," in line 7, as follows:

For stationery and newspapers, including $5,000 for stationery for committees and officers of the Senate, $16,250.

And insert:

For stationery for committees, to be drawn only upon requisition approved by the chairmen thereof, $5,000.

Mr. CULLOM. If the Chair rules that the amendment is in order, I hope we shall vote it down without further discussion.

The PRESIDING OFFICER. The Chair would like to have attention called to any statute which regulates that matter. The Chair is not advised that there is any such statute.

Mr. HOAR (to Mr. CULLOM). Withdraw the point of order.

Mr. CULLOM. I withdraw the point of order for the purpose

of getting a vote on the question. I move that the amendment be laid on the table.

The PRESIDING OFFICER. The question is on the motion of the Senator from Illinois to lay the amendment on the table.

The motion was agreed to.

Mr. McBRIDE. I move to amend, in line 13, on page 96, by striking out the word "five" and inserting the word "eight," and in line 14 by striking out the word "seven" and inserting "ten."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 96, line 13, before the word "thousand," it is proposed to strike out "five" and insert "eight," and in line 14, before the word "thousand," to strike out "seven" and insert "ten"; so as to read:

For surveyor-general of Oregon, $2,000, and for the clerks in his office, $8,000; in all, $10,000.

Mr. CULLOM. I do not desire to interfere with any remarks the Senator from Oregon desires to make, but I wish to state that, so far as I am concerned, I should be willing to give that office the amount of the estimates by the Government, which is $6,700. I am willing, so far as I am personally concerned, to allow the amount to be changed to the full extent of the estimates by the Treasury Department. If the Senator is willing to take that, I shall not object, but the amendment is subject to a point of order beyond doubt. I hope the Senator will accept the suggestion.

Mr. McBRIDE. I beg the Senator's pardon. I do not think the amendment is subject to the point of order. Notice was given of it yesterday, and it has been offered by direction of the Committee on Public Lands.

Mr. CULLOM. That is true, but still that does not bring it within the rule.

Mr. McBRIDE. In view of the suggestions made to me by Senators who are members of the Committee on Public Lands, I will accept the suggestion of the Senator from Illinois.

Mr. CULLOM. I am willing to allow the "$5,000" for clerk hire in the office of the surveyor-general of Oregon to be changed to "$6,700," and the total changed accordingly.

The PRESIDING OFFICER. The amendment will be stated in that form.

The SECRETARY. On page 96, in line 13, after the word "office," it is proposed to strike out "$5,000," and insert "$6,700"; and in line 14, after the word "all," to strike out "$7,000" and insert "$8,700"; so as to make the clause read:

For surveyor-general of Oregon, $2,000; and for the clerks in his office, $6,700; in all, $8,700.

Mr. McBRIDE. As showing the necessity for the increase, I send two letters to the Secretary's desk, which I ask to have printed.

Mr. CULLOM. I suggest that they be printed in the RECORD.

The PRESIDING OFFICER. The letters referred to will be printed in the RECORD, in the absence of objection.

The letters referred to are as follows:

PORTLAND, OREG., *March 6, 1896.*

MY DEAR SIR: The Oregon and California Railroad Company, through Mr. George H. Andrews, made application to this office on February 7, 1896, for the survey of 30 whole and fractional townships within the limits of their land grant in Oregon under act of Congress March 2, 1895. Copy of this application was forwarded to the honorable Commissioner General Land Office, and I have been authorized to have the surveys executed, and posted notice on the 2d instant requesting proposals. The estimated cost of this work is something over $22,000, which, added to the regular apportionment of $10,000 for Oregon, makes $32,000 to be expended for public surveys during the present fiscal year.

Based upon the regular appropriations of $10,000, there was appropriated for salaries of the surveyor-general and his clerks for the fiscal year 1895 and 1896, $7,000. With this amount I am only able to employ one draftsman. When the returns of the surveys now authorized are returned to this office, I shall be obliged, under the present situation, to execute the office work in connection therewith with my present clerical force, which is wholly inadequate, and would result in returns remaining here until the funds available for the payment of a portion of this work at least reverted back to the Treasury under the existing law, which would work a great hardship upon the deputies who execute the work. I earnestly request that you exert your influence in the direction of an increase in the appropriation for salaries for this office of at least $5,000, making the total $12,000.

I have written the honorable Commissioner General Land Office upon the subject, who, I have no doubt, will concur in recommendation.

Will you please let me have your views in relation to this matter at your early convenience?

Yours, very truly, JOHN C. ARNOLD,
United States Surveyor-General for Oregon.

Hon. GEORGE W. McBRIDE,
United States Senate, Washington, D. C.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 24, 1896.

SIR: I have received your letter of the 20th instant in relation to the application from the surveyor-general of Oregon for an increase of the appropriation for clerical assistance in his office. In reply I have to state that in response to a communication from the surveyor-general he was informed on March 12 as follows:

"Referring to your letter of the 5th instant, asking that the appropriation of $5,000 provided for clerks in your office in the ensuing fiscal year may be increased to $10,000, you are informed that the estimate submitted by the Department was for $6,700 for such service, which is the sum estimated for by you on June 18, 1895, but the House Committee on Appropriations reduced the amount to $5,000, and this sum remained in the act which has been passed by the House.

"It is very doubtful if Congress will permit any increase in the appropriation for your office, but if found practicable a supplemental estimate will be submitted."

As you ask for an early report in the matter, so that you may submit an amendment to the appropriation bill now pending in the Senate, I have to state that while this office is not definitely informed as to the amount of work necessary to be done in the office of the surveyor-general on account of the additional surveys provided by the act of March 2, 1895, it is submitted that if an increase of $5,000 in the amount now given in the pending bill, making $8,000 instead of $5,000 for clerical help, it may meet the urgent requirements of that office, but it is apprehended that asking an increase to $10,000, as indicated by the surveyor-general, might be rejected, whereas the smaller sum may perhaps be conceded.

Very respectfully, S. W. LAMOREUX, *Commissioner.*

Hon. GEORGE W. McBRIDE,
United States Senate.

The PRESIDING OFFICER. The question is on the amendment of the gentleman from Oregon, which has been stated.

The amendment was agreed to.

Mr. CLARK. On page 97, in line 11, I move to strike out the word "four" and insert "seven," and in line 12 to strike out the word "six" and insert the word "nine."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 11, page 97, before the word "thousand," it is proposed to strike out "four" and insert "seven," and in line 12, before the word "thousand," to strike out "six" and insert "nine"; so as to read:

For surveyor-general of Wyoming, $2,000; and for the clerks in his office, $7,800; in all, $9,800.

Mr. CULLOM. I make no objection to that amendment.

The amendment was agreed to.

Mr. BATE. On page 89, line 2, I move to strike out "eighteen hundred" and insert "two thousand." I hope the Senator who has the bill in charge will agree to that.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In the appropriations for "Bureau of Education," on page 89, line 2, after the word "statistician," it is proposed to strike out "eighteen hundred" and insert "two thousand"; so as to read:

Statistician, $2,000.

Mr. BATE. I beg to state in regard to this officer that I think he is the only statistician in the Government—around Washington at least—who gets such a small salary as that. It is merely the salary of a clerk, and that much was given when the office was established, when it was merely a baby institution, in 1873. It has been very much enlarged and volumes of books come from there. The statistician has great labor to perform, and not only that, but the office has been increased. The larger part of the whole Educational Bureau force is now under him as the statistician, and he is acting also as chief of division as well as clerk. I think $200 is a small increase to the head of a division. I believe the head of each division in the Interior Department—I think this office is attached to that Department—gets $2,000 or $2,200, and the statisticians in the other Departments—for instance, in the Agricultural Bureau—get $2,500. I think this a very marked injustice to this officer. He certainly ought to have this little increase of $200, and that is all I ask.

Mr. CULLOM. I should be very glad indeed to yield to the appeal of the Senator from Tennessee, but the amount named in the bill is exactly the amount estimated by the Department, and it would be hardly proper to increase it in this way.

Mr. BATE. I beg to say in reply that the chief there has heretofore attempted, in the last two or three years perhaps, to secure an increase, but failed to get it. He did not want to make the appeal again, because he understood this was a very economical Administration, and he so states. But that does not affect the question. Here is the case of a man who is acting as chief of division, with a large force under him, and getting no more salary now than he received at the beginning of the institution, when it was a very small one. I think there can be no doubt that the amount ought to be increased.

Mr. CULLOM. It is beyond the estimates of the Department.

Mr. BATE. Suppose it is. It has been done in half a dozen cases this evening.

Mr. CULLOM. We are trying to keep below the estimates, if possible.

Mr. BATE. The last thing you did was to go beyond the estimate. So I trust the Senator will not make that rule on me now.

Mr. CULLOM. I am willing to have a vote on the amendment without any discussion.

Mr. BATE. Very well.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Tennessee.

The amendment was agreed to.

Mr. BACON. In the line immediately preceding the one in which the amendment was just adopted, line 1, page 89, after the words "chief clerk," I move to strike out "$1,800" and to insert "$2,000" in place thereof.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 89, in line 1, after the words "chief

clerk," it is proposed to strike out "$1,800," and insert "$2,000"; so as to read:

Chief clerk, $2,000.

Mr. CULLOM. If we are going to increase the salaries of all the chief clerks in the Departments beyond the estimates, we might as well understand it and go ahead on that line.

Mr. BACON. If the Senator from Illinois will allow me, I desire to say that amendment is moved for the reason that this officer is made by law the executive officer of the Bureau of Education. In the absence of the Commissioner, by law he is the Acting Commissioner. He is the superior officer of all others in that Department, save alone the Commissioner. The Commissioner is paid $3,000 a year. In addition to that, all chiefs of bureaus are paid exceeding $1,800, and the chiefs of all the divisions are paid $1,800. This officer is higher than the chief of a division, and I think it is proper that, as he is the superior officer, he should receive this increased compensation.

Mr. CULLOM. I raise the point of order that this amendment is beyond the amount estimated for.

Mr. BACON. This officer is the superior officer of the statistician, to whom the Senate has just awarded the amount of $2,000.

The PRESIDING OFFICER. The point of order is raised against the amendment.

Mr. CULLOM. I withdraw the point of order. I do not care to make discriminations between the two Senators who are trying to get these amendments. I will let the amendment be voted upon by the Senate and disposed of. I think, however, the Senate ought to give attention to it.

Mr. BACON. I think the amendment ought to be adopted. It proposes to increase the compensation of an officer who is the immediate superior of the officer to whom $2,000 has just been allowed.

Mr. CULLOM. No; the one to whom the Senate has just allowed $2,000 is a statistician and the other is simply a clerk. That is the difference.

Mr. BATE. I will come to the relief of the Senator from Georgia. What the Senator has said is true, but at the same time another officer who is inferior to the one who was just voted $2,000 gets $2,400 at the instance of the committee.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Georgia [Mr. BACON].

The amendment was agreed to.

Mr. CANNON obtained the floor.

Mr. CULLOM. If the amendments are all in, I move that the Senate adjourn.

Mr. CARTER. I wish to submit an amendment.

The PRESIDING OFFICER. The Senator from Utah [Mr. CANNON] is entitled to the floor.

Mr. PLATT. I move to adjourn. We are not going to get through with these amendments to-night.

The PRESIDING OFFICER. The Chair had recognized the Senator from Utah.

Mr. CANNON. I desire to present a brief amendment, which will only take a moment.

Mr. CULLOM. I desire to have a total changed, resulting from the adoption of two amendments, on page 89, line 16, in the appropriation for the Bureau of Education. The total should be "$50,800" instead of "$50,420."

The PRESIDING OFFICER. The total will be changed as suggested by the Senator from Illinois, in the absence of objection.

Mr. CANNON. In line 24, on page 96, before the word "thousand," I move to strike out "five" and insert "seven"; and in line 25, before the word "thousand," to strike out "seven" and insert "nine."

Mr. CULLOM. I understand there are several other amendments to be proposed to the bill. I was hoping that we could get the bill cleared up, with the exception of the court provisions; but if other amendments are to be offered, I am inclined to yield to a motion to adjourn.

Mr. PLATT. You can not do that. The bill is open to amendment until the entire bill has been considered.

The PRESIDING OFFICER. The amendment proposed by the Senator from Utah [Mr. CANNON] will be stated.

The SECRETARY. On page 96, line 24, before the word "thousand," it is proposed to strike out "five" and insert "seven"; and in line 25, before the word "thousand" to strike out "seven" and insert "nine"; so as to read:

For surveyor-general of the State of Utah, $2,000; and for the clerks in his office, $7,000; in all, $9,000.

Mr. CULLOM. I hope the Senator will not insist upon a vote on that amendment to-night. Let it go over until to-morrow.

Mr. CANNON. I will cheerfully do that, if the Senator desires, when I have explained the purpose of the amendment.

Mr. CULLOM. If the Senator will explain it to-morrow it will be better understood than if explained now in a thin Senate.

Mr. CANNON. Two amendments of a similar character, bringing the allowance of the surveyors-general up to the estimates of the Department, have just been passed.

Mr. CULLOM. I know it.

Mr. CANNON. If the Senator insists, of course I will allow the amendment to go over.

Mr. CULLOM. I think it will be better for the Senator to make his remarks in the morning.

Mr. CANNON. I have no remarks to make on the subject, because it is self-explanatory.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 25, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 24, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

DEATH PENALTY.

The SPEAKER. The first question before the House is on the engrossment and third reading of the bill the title of which will be read by the Clerk.

The Clerk read as follows:

A bill (H. R. 878) to reduce the cases in which the penalty of death may be inflicted.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. ADAMS. Division.

The question was taken.

The SPEAKER. On this question the ayes are 90; the noes are 35; the ayes seem to have it; the ayes have it, and the bill is passed.

Mr. CURTIS of New York. I move to reconsider.

Mr. CROWTHER. Mr. Speaker, the yeas and nays.

The SPEAKER. On what question?

Mr. CROWTHER. On the question of the passage of the bill.

The SPEAKER. One moment. Had the gentleman risen for that purpose before the vote was announced?

Mr. CROWTHER. Yes, sir.

The SPEAKER. The gentleman from Missouri demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 170, nays 61, not voting 123; as follows:

YEAS—170.

Aitken,	De Armond,	Latimer,	Simpkins,
Aldrich, Ala.	Denny,	Lawson,	Skinner,
Allen, Miss.	De Witt,	Leighty,	Smith, Ill.
Allen, Utah	Dinsmore,	Lester,	Snover,
Arnold, R. I.	Doolittle,	Lewis,	Southard,
Avery,	Dovener,	Linton,	Spalding,
Bailey,	Downing,	Little,	Sperry,
Baker, Kans.	Elliott, Va.	Lockhart,	Stable,
Baker, Md.	Ellis,	Loud,	Steele,
Baker, N. H.	Evans,	McCall, Mass.	Stewart, N. J.
Bankhead,	Fischer,	McCall, Tenn.	Stokes,
Barham,	Gardner,	McCormick,	Stone, C. W.
Bartholdt,	Gibson,	McCreary, Ky.	Strait,
Bartlett, Ga.	Graff,	McCulloch,	Strode, Nebr.
Bell, Colo.	Griffin,	McRae,	Strong,
Bell, Tex.	Grout,	Mercer,	Strowd, N. C.
Bennett,	Grow,	Meredith,	Sulloway,
Bingham,	Hager,	Meyer,	Sulzer,
Black, Ga.	Hainer, Nebr.	Miles,	Swanson,
Bowers,	Halterman,	Miller, W. Va.	Talbert,
Broderick,	Hanly,	Milliken,	Tayler,
Brosius,	Harmer,	Milnes,	Terry,
Bull,	Harris,	Mondell,	Thomas,
Burton, Mo.	Harrison,	Neill,	Towne,
Burton, Ohio	Heatwole,	Noonan,	Turner, Ga.
Catchings,	Henderson,	Northway,	Tyler,
Clardy,	Hendrick,	Ogden,	Underwood,
Cobb, Ala.	Hilborn,	Otjen,	Updegraff,
Cobb, Mo.	Hill,	Overstreet,	Van Horn,
Cook, Wis.	Hitt,	Patterson,	Van Voorhis,
Cooke, Ill.	Hopkins,	Pendleton,	Walker, Va.
Cooper, Fla.	Huff,	Perkins,	Walsh,
Cooper, Tex.	Hunter,	Pickler,	Watson, Ohio
Cooper, Wis.	Hurley,	Poole,	Wellington,
Corliss,	Hutcheson,	Powers,	Wheeler,
Crisp,	Jenkins,	Prince,	Williams,
Culberson,	Johnson, Cal.	Pugh,	Willis,
Cummings,	Jones,	Quigg,	Wilson, N. Y.
Curtis, Iowa	Joy,	Reeves,	Wilson, S. C.
Curtis, Kans.	Kem,	Sayers,	Wood,
Curtis, N. Y.	Kiefer,	Settle,	Woodard.
Danford,	Knox,	Shafroth,	
Daniels,	Lacey,	Shuford,	

NAYS—61.

Abbott,	Erdman,	Leisenring,	Smith, Mich.
Adams,	Faris,	Linney,	Stephenson,
Aldrich, Ill.	Fenton,	Loudenslager,	Stewart, Wis.
Babcock,	Foss,	Low,	Stone, W. A.
Barrett,	Gillett, Mass.	Marsh,	Taft,
Bishop,	Grosvenor,	Miller, Kans.	Tate,
Blue,	Hart,	Minor, Wis.	Tracey,
Boutelle,	Hartman,	Mozley,	Treloar,
Brumm,	Hatch,	Murphy,	Wanger,
Cannon,	Henry, Conn.	Owens,	White,
Cockrell,	Henry, Ind.	Pearson,	Wilson, Idaho
Codding,	Hepburn,	Pitney,	Woomer,
Connolly,	Howell,	Raney,	Wright.
Crowther,	Hull.	Reyburn,	
Crump,	Kerr,	Royse.	
Draper,	Kirkpatrick,	Scranton,	

NOT VOTING—123.

Acheson,	Dockery,	Layton,	Price,
Anderson,	Dolliver,	Lefever,	Ray,
Andrews,	Eddy,	Leonard,	Richardson,
Apsley,	Elliott, S. C.	Livingston,	Robertson, La.
Arnold, Pa.	Fairchild,	Long,	Robinson, Pa.
Atwood,	Fitzgerald,	Lorimer,	Rusk,
Barney,	Fletcher,	Maddox,	Russell, Conn.
Bartlett, N. Y.	Foote,	Maguire,	Russell, Ga.
Beach,	Fowler,	Mahany,	Sauerhering,
Belknap,	Gamble,	Mahon,	Shannon,
Berry,	Gillet, N. Y.	McCleary, Minn.	Shaw,
Black, N. Y.	Griswold,	McClellan,	Sherman,
Brewster,	Hadley,	McClure,	Sorg,
Bromwell,	Hall,	McDearmon,	Southwick,
Brown,	Hardy,	McEwan,	Sparkman,
Buck,	Heiner, Pa.	McKenney,	Spencer,
Burrell,	Hemenway,	McLachlan,	Stallings,
Calderhead,	Hermann,	McLaurin,	Tawney,
Chickering,	Hicks,	McMillin,	Tracewell,
Clark, Iowa	Hooker,	Meiklejohn,	Tucker,
Clark, Mo.	Howard,	Miner, N. Y.	Turner, Va.
Clarke, Ala.	Howe,	Money,	Wadsworth,
Coffin,	Hubbard,	Moody,	Walker, Mass.
Colson,	Hulick,	Morse,	Warner,
Cousins,	Huling,	Moses,	Washington,
Cowen,	Hyde,	Newlands,	Watson, Ind.
Cox,	Johnson, Ind.	Odell,	Wilber,
Crowley,	Johnson, N. Dak.	Otey,	Wilson, Ohio
Dalzell,	Kendall,	Parker,	Woodman,
Dayton,	Kulp,	Payne,	Yoakum.
Dingley,	Kyle,	Phillips,	

So the bill was passed.

Mr. FLETCHER. Mr. Speaker, I desire to vote.

The SPEAKER. The gentleman is not recorded.

Mr. FLETCHER. I was in the Hall of the House, and did not hear my name called.

The SPEAKER. Was the gentleman listening when his name should have been called?

Mr. FLETCHER. I did not hear my name called.

The SPEAKER. If the gentleman was not listening, under our rules he can not be allowed to vote now.

Mr. FLETCHER. I did not hear my name called.

The SPEAKER. The Chair ought to say to the House that attention has been called to the rule in regard to the recording of names after the roll call. The Chair will have it read to the House, so that attention may be called to it.

The Clerk read as follows:

Upon every roll call the names of the members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the State shall be added; and if there be two such members from the same State, the whole name shall be called; and after the roll has been once called, the clerk shall call in their alphabetical order the names of those not voting; and thereafter the Speaker shall not entertain a request to record a vote or announce a pair unless the member's name has been noted under clause 3 of this rule.

The SPEAKER. The practice in the Fifty-first Congress, when the same rule prevailed, was to ask a member if he was listening at the time his name should have been called and failed to hear it, so as to meet the possible contingency that the calling of the name had been omitted. That is the condition of the rule as it stands at present.

Mr. LACEY. That rule is not different, except in the last clause, from what it was in the last Congress—

And thereafter the Speaker shall not entertain a request to record a vote.

That is, after the roll has been called.

The SPEAKER. That was also the practice in the Fifty-first Congress. The Chair does not see how the rule can be otherwise interpreted.

Mr. CLARK of Iowa. Mr. Speaker, I desire to withdraw my vote.

The following pairs were announced:

Until further notice:

Mr. TRACEWELL with Mr. WASHINGTON.

Mr. HEMENWAY with Mr. ROBERTSON of Louisiana.

Mr. HICKS with Mr. MADDOX.

Mr. HADLEY with Mr. MCDEARMON.

Mr. HULICK with Mr. COX.

Mr. ODELL with Mr. RICHARDSON.

Mr. JOHNSON of Indiana with Mr. BAILEY.

Mr. HOOKER with Mr. MCCLELLAN.

Mr. WATSON of Indiana with Mr. WILSON of South Carolina.

Mr. HARDY with Mr. CROWLEY.

Mr. DALZELL with Mr. MCMILLIN.

Mr. EDDY with Mr. KYLE.

Mr. HUBBARD with Mr. DOCKERY.

Mr. MOODY with Mr. MINER of New York.

Mr. BARTLETT of Georgia. Mr. Speaker, it is announced that I am paired with the gentleman from Pennsylvania [Mr. LEONARD] upon this vote. That is a mistake. I was only paired with the gentleman on a matter that was disposed of Friday last. I voted on this question.

The SPEAKER. The pair will be withdrawn.

The result of the vote was then announced as above recorded.

On motion of Mr. CURTIS of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and resolutions were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 2482) authorizing and directing the Secretary of the Navy to loan two condemned cannon to the Confederate Home of Missouri, located at Higginsville, Lafayette County, Mo.—to the Committee on Naval Affairs.

A bill (S. 2187) to pension Thomas F. Leahy—to the Committee on Invalid Pensions.

A bill (S. 2132) for the relief of settlers upon lands within the indemnity limits of the grant to the New Orleans Pacific Railway Company—to the Committee on the Public Lands.

A bill (S. 2037) to provide times and places for holding terms of United States courts in Utah—to the Committee on the Judiciary.

A bill (S. 2032) to grant right of way over the public domain for pipe lines in the States of Colorado and Wyoming—to the Committee on the Public Lands.

A bill (S. 1989) to authorize the payment to Rear-Admiral John H. Russell of the highest pay of his grade—to the Committee on Naval Affairs.

A bill (S. 1806) granting a pension to George B. Custer, late sergeant of Company H, Seventy-third Regiment Indiana Volunteer Infantry—to the Committee on Invalid Pensions.

A bill (S. 1726) to approve and ratify the construction of a bridge across the Red River, between the States of Arkansas and Texas, at a point above the town of Fulton, in Arkansas, on said river, built by the Texarkana Northern Railway Company, but now owned and operated by the Texarkana and Fort Smith Railway Company, and to authorize the latter company to maintain said bridge over said waterway, subject to certain stipulations and conditions—to the Committee on Interstate and Foreign Commerce.

A bill (S. 1723) to approve and ratify the construction of a bridge over and across Caddo Lake, at Mooringsport, La., by the Kansas City, Shreveport and Gulf Railway Company—to the Committee on Interstate and Foreign Commerce.

A bill (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company—to the Committee on Interstate and Foreign Commerce.

A bill (S. 1312) to aid in the erection of a monument to the memory of Gen. William Smallwood and the soldiers of the Maryland line in the war for American independence—to the Committee on the Library.

A bill (S. 662) for the relief of William S. Grant—to the Committee on War Claims.

A bill (S. 637) granting a pension to George M. Brooks—to the Committee on Invalid Pensions.

A bill (S. 2141) to amend an act approved August 24, 1894, entitled "An act to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company"—to the Committee on Indian Affairs.

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring), That there be printed 12,000 additional copies of the report of the board of engineers relative to the construction and completion of the Nicaragua Canal, without maps, of which 4,000 copies shall be for the use of the Senate and 8,000 copies for the use of the House of Representatives—

To the Committee on Printing.

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 additional copies of Senate Document No. 17, of the first session of the Fifty-fourth Congress, being the memorial of the National Woolgrowers' Association; of which 2,000 copies shall be for the use of the Senate and 3,000 copies for the use of the House of Representatives—

To the Committee on Printing.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the joint resolution (S. R. 104) directing the Secretary of War to transmit to Congress a report on survey of the waterway connecting the waters of Puget

Sound, at Salmon Bay, with Lakes Union and Washington, and to submit an estimate of the cost of constructing said waterway; in which the concurrence of the House was requested.

CUBA.

Mr. HITT. Mr. Speaker, I desire to call up the message from the Senate announcing a disagreement with the House and requesting a further conference on the House amendments to the resolutions in relation to Cuba, and I move that the House insist upon its amendments to the resolutions of the Senate and agree to a conference.

There was no objection, and it was so ordered.

DONATION OF CONDEMNED CANNON.

The Speaker laid before the House a bill (H. R. 4463) to grant certain condemned cannon and cannon balls to the Thirteenth and Forty-third Separate Companies National Guard of State of New York, with amendments of the Senate thereto.

The amendments were agreed to.

NAVAL APPROPRIATION BILL.

Mr. BOUTELLE, from the Committee on Naval Affairs, reported the bill (H. R. 7542) making appropriations for the naval establishment for the fiscal year ending June 30, 1897; which was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. BOUTELLE. Mr. Speaker, I desire to reserve all points of order on the bill.

The SPEAKER. The points of order are reserved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PRICE, for ten days, on account of important business.

To Mr. WASHINGTON, for two weeks, on account of important business.

To Mr. HADLEY, for ten days, on account of important business.

To Mr. SORG, for ten days, on account of important business.

To Mr. MCMILLIN, for five days, on account of important business.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1616) to pension Michael E. Bricker, of Edgerton, Ind.;

A bill (H. R. 3886) to reimburse W. W. Rockhill for moneys erroneously paid United States;

A bill (H. R. 5564) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes;

A bill (H. R. 5979) for the right of the Rock Island, Muscatine and Southwestern Railway Company to build a bridge across the Illinois and Mississippi Canal;

A bill (H. R. 6304) to authorize the construction of a bridge across the Tennessee River at Knoxville, Tenn.; and

A bill (6936) for the reconstruction of the Rock Island Bridge.

CALEB L. JACKSON.

Mr. HALTERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6417) to complete the military record of Caleb L. Jackson.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. TALBERT. Mr. Speaker, I will ask the gentleman whether this bill has been considered at a Friday night session?

Mr. HALTERMAN. No, sir; it is such a meritorious bill that it needs no elaborate consideration. This man died on the retreat from Manassas in 1863. He has been dead more than thirty years.

Mr. TALBERT. My question was whether the bill had been considered at a Friday night session.

Mr. HALTERMAN. No, sir.

Mr. TALBERT. Then I object.

MARITIME CANAL OF NORTH AMERICA.

Mr. COOPER of Wisconsin. Mr. Speaker, on the 4th of March I introduced a bill (H. R. 7173) "to incorporate the Maritime Canal of North America, and for other purposes," and, either by mistake or inadvertence on my part, it was referred to the Committee on Railways and Canals. The bill relates entirely to interstate commerce, and should have been referred to the Committee on Interstate and Foreign Commerce; and I ask that the reference be so changed.

Mr. LACEY. Mr. Speaker, it seems to me that that bill is in the proper committee. I object to the change of reference.

The SPEAKER. Objection is made.

Mr. COOPER of Wisconsin. Mr. Speaker, I move that the reference be changed.

The SPEAKER. Is the gentleman authorized by his committee?

Mr. COOPER of Wisconsin. No, sir.

SALARIES OF POSTMASTERS.

Mr. SWANSON. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 1480) to amend an act entitled "An act to adjust the salaries of postmasters," approved March 3, 1883.

The bill was read, as follows:

Be it enacted, etc., That section 4 of an act entitled "An act to adjust the salaries of postmasters," approved March 3, 1883, be, and the same is hereby, amended so to read as follows:

"SEC. 4. That the salaries of postmasters of the first, second, and third classes shall be readjusted by the Postmaster-General, the first adjustment (under this act) to take effect simultaneously with the reduction of the rates of postage, and thereafter at the beginning of each fiscal year; and the salary of the postmaster at Washington City, D. C., shall be $6,000; and in no case shall the salary of any postmaster exceed the sum of $6,000, except the city of New York, where the salary of the postmaster shall remain as now fixed by law at $8,000 per annum.

The committee recommended an amendment striking out all after the enacting clause and inserting the following:

That the salary of the postmaster at Washington City, D. C., shall be $6,000 per annum, beginning the 1st of July, 1896.

Mr. SWANSON. Mr. Speaker, I wish to make a brief statement in relation to this bill. It is unanimously reported by the Committee on the Post-Office and Post-Roads. I desire to say in this connection that the salary of the postmaster at Washington is fixed by statute at a specific sum. The salaries of the other Presidential postmasters are fixed by law according to the receipts of their offices. In 1882 the salary of the postmaster at Washington was fixed at $5,000 a year. At that time the receipts of the office would have entitled him to only about $3,700. As the members of this House well know, 60 per cent of the business at the Washington office is free business, for which no stamps are sold. The Postmaster-General has written a letter, in which he shows the gross discrimination which is made against the postmaster in the city of Washington in comparison with the postmasters at other large offices. In 1882 the receipts of the post-office at Washington amounted to $292,756. That was the gross receipts from the sale of stamps. In 1894 the receipts amounted to $586,866. Now, when the receipts of an office amount to $600,000, the salary of the postmaster is fixed by law at $6,000 a year. In 1882 there were only 160 clerks under the control of the postmaster at Washington; now there are 303. At that time there were only 2 carrier stations; now there are 6. In 1882–83 there were 4 substations; now there are 34; in 1882–83 there were 24 stamp agencies; now there are 42.

Now, let us compare the salary of the postmaster in this city with the salary of other postmasters according to the work done. Take, for instance, Buffalo, N. Y., where there are employed 138 clerks, while at Washington there are 303 clerks, for whom the postmaster is responsible. The postmaster at Pittsburg, Pa., has only 156 clerks; at Cleveland, Ohio, 119.

Now, 60 per cent of the business of the Washington post-office is free. This is the third largest registry office in the United States, only New York and Chicago surpassing it. Let me say also that the receipts of the Washington office lack only about $14,000 of being $600,000, the maximum which under the general law, if applied to the post-office at Washington, would give the postmaster a salary of $6,000.

Mr. PICKLER. May I ask the gentleman a question?

Mr. SWANSON. Yes, sir.

Mr. PICKLER. This bill, I believe, proposes to increase the salary of the postmaster here in Washington.

Mr. SWANSON. Yes, sir.

Mr. PICKLER. What is the amount of the proposed increase?

Mr. SWANSON. One thousand dollars.

Mr. PICKLER. Does the bill give anything additional to fourth-class postmasters?

Mr. SWANSON. No, sir; it does not.

Mr. PICKLER. I object.

Several members called for the regular order.

CUBA.

The SPEAKER announced the appointment of Mr. HITT, Mr. ADAMS, and Mr. MCCREARY of Kentucky conferees on the part of the House on the disagreeing votes of the two Houses upon the concurrent resolutions with reference to Cuba.

The SPEAKER. The regular order being called for, the committees will be called for business in the morning hour.

FRAUDULENT BRANDS UPON LIQUORS IN BOTTLES, ETC.

Mr. EVANS (when the Committee on Ways and Means was called). I have been instructed by the Committee on Ways and Means to bring to the attention of the House during this call the bill (H. R. 4580) to amend section 3449 of the Revised Statutes.

The bill was read, as follows:

Be it enacted, etc., That section 3449 of the Revised Statutes be amended so as to read as follows:

"SEC. 3449. Whenever any person sells, or keeps on hand for sale, ships, transports, or removes any spirituous or fermented liquors or wines, whether foreign or domestic, in bottles, casks, or other packages, under any other than

the proper name or brand known to the trade as designating the kind and quality of the contents of the bottles, casks, or other packages containing the same, or causes such act to be done, he shall forfeit said liquors or wines and bottles, casks, or other packages, and be subject to pay a fine of $500, and to be imprisoned six months for the first offense, and to pay a fine of $1,000 and be imprisoned one year for the second offense."

The amendment reported by the committee was read, as follows:

After the word "person," in line 5, insert "knowingly"; so that section 3449, as proposed to be amended, will read: "whenever any person knowingly sells or keeps on hand," etc.

Mr. EVANS. Mr. Speaker, this bill, as will be seen from its title, is designed to amend section 3449 of the Revised Statutes. It relates exclusively to internal-revenue matters, and the bill as recommended by the committee has been indorsed and urged by the Internal Revenue Office. The section proposed to be amended now reads:

SEC. 3449. Whenever any person ships, transports, or removes any spirituous or fermented liquors or wines, under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the casks or packages containing same, or causes such act to be done, he shall forfeit said liquors or wines, and casks or packages, and be subject to pay a fine of $500.

The Commissioner of Internal Revenue, in a letter to the Committee on Ways and Means, has stated that the law as now on the statute books is inadequate to prevent and punish the gross and extensive frauds now constantly being perpetrated upon the public and upon the revenue by persons engaged in the sale of a great variety of liquors. For example, these persons send out in bottles (which must necessarily be beyond the scrutiny of the internal-revenue officers) a sort of beer that they call "hop tea"; and various other devices of the same kind are resorted to for the purpose of swindling not only the public but the revenue. In some of the larger cities some of these spurious liquors as bottled are designated on the brands as "cognac"; and the use of illustrious names of brandy makers is resorted to for the purpose of foisting upon the public these spurious liquors.

In order to prevent these frauds it is necessary, in the estimation of the Commissioner of Internal Revenue, that we should get at the bottles. It is through the bottling establishments that the frauds are effected. This bill proposes to amend the existing law in such respects as may be necessary to prevent and punish the frauds now so extensively perpetrated. The changes which it is proposed to make in the law are such as in the judgment of the committee and of the Commissioner of Internal Revenue are necessary. If gentlemen will follow the original section as I read the section in its amended form, they will see the changes which it is proposed to make.

Whenever any person knowingly sells or keeps on hand for sale—

The words "knowingly sells or keeps on hand for sale" are an addition—

ships, transports, or removes any spirituous or fermented liquors or wines, whether foreign or domestic, in bottles, casks, or other packages, under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the bottles—

There we have inserted additional words—

casks, or other packages containing the same, or causes such act to be done, he shall forfeit said liquors or wines and bottles—

Which is not in the present law—

casks, or other packages, and be subject to a fine of $500.

The amendment proposed also adds to those words the following—

and to be imprisoned six months for the first offense, and to pay a fine of $1,000 and be imprisoned one year for the second offense.

Imprisonment is regarded as absolutely necessary to prevent these frauds. They are being perpetrated not only upon the public by the sale of spurious liquors, but also upon the Government, by the sending abroad of these spurious cognacs and other spurious brands, which take the places of those genuine ones which would otherwise be imported at a much higher rate of duty than the internal-revenue taxation.

The committee were unanimously of the opinion that the bill ought to pass, and they give their reasons at length in the report. They think there is no reason why the suggestions of the Internal Revenue Office should not be carried into effect by the enactment of the law.

Mr. CUMMINGS. I wish, with the consent of the gentleman in charge of this bill, to call the attention of the House to this fact——

Mr. OWENS. Mr. Speaker, I ask for the reading of the report accompanying the bill.

Mr. EVANS. Does the gentleman from New York desire to occupy the floor?

Mr. CUMMINGS. For a short time.

Mr. EVANS. I will yield to the gentleman from New York five minutes, if that will be sufficient.

The SPEAKER. Before the gentleman from New York proceeds, the Chair will say to the gentleman from Kentucky that the reading of the report is not a matter of right except as a part of the remarks of some gentleman occupying the floor, unless by unanimous consent.

Mr. EVANS. I ask that the report be read in my time.

Mr. CUMMINGS. I will yield the floor for the purpose of having the report read.

The report (by Mr. EVANS) was read, as follows:

The Committee on Ways and Means, to whom was referred the bill (H. R. 4560) to amend section 3449 of the Revised Statutes of the United States, having considered the same, respectfully recommend the passage of the bill when amended as follows:

In line 5, after the word "person," insert the word "knowingly."

The existing statute is as follows:

"SEC. 3449. Whenever any person ships, transports, or removes any spirituous or fermented liquors or wines under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the casks or packages containing same, or causes such act to be done, he shall forfeit said liquors or wines and casks or packages and be subject to pay a fine of $500."

The Internal Revenue Office reports that the existing statute is inadequate to meet and correct the gross and extensive frauds perpetrated upon the public and upon the revenue by persons engaged in the sale of a great variety of spirituous, vinous, and malt liquors under false and fraudulent brands. To illustrate, but without going into details, the Commissioner of Internal Revenue reports that in many districts lager beer is found upon the market under such names as "hop tea" and "ambrosia" as well as other false designations, and that domestic distilled spirits are found to have been sent out and sold under names which falsely indicate that the spirits are imported.

Such names as "Booth & Co., London superior," "Old Tom gin," and "J. & F. Martell cognac" are freely used, and the public is extensively imposed upon thereby, so much so indeed, it is said, that the profits are so great that those engaged in the business when detected pay apparently without reluctance the fine imposed by the statute. In the United States district court for the eastern district of Missouri, in the case of The United States vs. 133 packages of spirits, recently decided, it was held that goods sent out under such false brands can not be forfeited. There would therefore seem to be much need of the proposed legislation and for the imposition of greatly increased penalties, including imprisonment. This alone, it is believed by the officials and those well acquainted with the facts, will deter those engaged in these fraudulent transactions from actively continuing therein.

Mr. CUMMINGS. Mr. Speaker, I will consume the time of the House only long enough to call attention to the fact that this bill, if passed, will not only be a protection to the revenue service of the country, but will also conduce to the safety of American citizens.

Last summer a friend of mine was very sick in New York. The doctor ordered him to use Hennessey brandy. "Get the three-star Hennessey brandy," he said to me. "That is what is required in his case."

"Well, I went to a drug store—it was Sunday—and got the three-star Hennessey brandy. Before leaving the doctor tasted it, and said, "Where did you get that?"

I replied at such and such a place on Broadway. "Well," he said, "that will kill at 40 rods. It is a compound of wood alcohol, whisky, and strychnine, sold under the label of Hennessey brandy."

I only instance this as indicating the necessity for the passage of this bill. If the revenue is robbed under the present law, it is a misfortune; but if people are killed by these noxious and poisonous compounds to put money into the pockets of greedy citizens, it is a crime. I need say no more. The justice of the measure is manifest. I hope the bill will pass.

Mr. CONNOLLY. Mr. Speaker, I desire to offer an amendment to the bill, and will state the reasons for doing so.

Mr. EVANS. If the gentleman wishes to occupy the floor I will yield him time.

Mr. CONNOLLY. Are you parceling out the time in opposition to the bill?

Mr. EVANS. No, I am not; I am simply holding the floor.

Mr. CONNOLLY. I desire to offer an amendment to the bill as it stands.

The SPEAKER. Has the gentleman from Kentucky yielded the floor?

Mr. EVANS. I have not. That is the reason I interrogated the gentleman as to what time he wanted. I will yield to him as much time as he desires within reasonable limits.

Mr. CONNOLLY. In opposition to the bill?

Mr. EVANS. Yes, if you so desire. I will yield ten minutes to the gentleman from Illinois.

Mr. CONNOLLY. Mr. Speaker, my purpose in taking the floor was to ask the House to amend the bill. If the gentleman in charge of the bill insists on its being acted on just as it is now, I shall feel constrained to vote against it, and I think that there are other members on the floor who will also oppose it unless the feature of the bill to which I wish to call the attention or the House is remedied.

Under all of the revenue laws that we have had in operation up to this time no question has ever been put into the statute about the intent with which any violation of the law has been committed. The law has been like all of our revenue or taxation laws; it has required certain things to be done, and has provided that a failure to do those certain things shall be a violation of the law, without regard to the intent with which the things have been done.

Now, this section of the statutes which it is proposed to amend has, since the internal-revenue laws were first enacted, remained

on the statute books unchanged as it rests there to-day. It provides as follows:

SEC. 3449. Whenever any person ships, transports, or removes any spirituous or fermented liquors or wines under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the casks or packages containing the same, or causes such acts to be done, he shall forfeit said liquors or wines, and casks or packages, and be subject to pay a fine of $500.

Now, so the law has stood since 1868, and anyone who sells, ships, transports, or disposes of liquors of any kind under a false name or of a kind or quality not designated upon the package shall be held to have violated the law. This bill comes in to amend that section: a section that has stood for twenty years—yes, more, for twenty-five years—and provides by adding a few words at the beginning of the section that—

Whenever any person knowingly sells or keeps on hand for sale—

Then follows the rest of the section just as it has always stood. Now, that is the secret of this whole thing, in the few words that have been added at the beginning of the section, namely: "Anyone who knowingly sells, ships, transports," or does any of the things that have always been prohibited. In other words, it changes the law and the whole spirit of the law. It makes this section an exception to all the sections of the internal-revenue laws, and requires the Government, before it can convict a man who evades the statute, to prove that he knew that the article he was selling was falsely branded.

Now, gentlemen can see what opportunity the Government would have to convict these men who are selling the three-star Hennessey brandy that my friend from New York [Mr. CUMMINGS] spoke of. This brandy is put up not by the distiller or by men honestly pursuing their business, but by men who are engaged in a fraudulent business. They compound it, they bottle it, they seal it up. They then have it on sale for retailers at a cheaper price than the genuine article would be. The retailers buy it because the bottle with its brand and labels looks like the genuine Hennessey brandy; but the retailer knows that he bought it at much less. He, however, has never sampled it. He does not know what is in the bottle. He buys it as his purchaser buys it, takes it on trust because of the label. Now, if that word "knowingly" is stricken out, then there can be no objection to this bill. The law always has extended simply to those who shipped and transported this fraudulent class of goods. This bill proposes to extend that law to those who sell and deal in that fraudulent kind of goods. That is all right. But when you add that word "knowingly," then you furnish a loophole by which the fraudulent seller, the fraudulent shipper, the fraudulent transporter can escape: Under the law as it has always stood the shipper and transporter never can escape, for if the article is traced to him the mere proof of the fact that it is fraudulent convicts him. Therefore it puts him on his guard. As the law stands to-day, every man who handles these fraudulent goods does so at his peril, if he is detected in handling or shipping them. Everybody does it at his peril except the man who sells. The law does not extend to the man who sells. This bill will extend it to the man who sells. Now, if you strike out the word "knowingly" then you make it possible for the Government to convict the very class of men who deal in the class of goods of which the gentleman from New York [Mr. CUMMINGS] spoke.

Mr. CUMMINGS. Will my friend permit me?

Mr. CONNOLLY. Certainly, sir.

Mr. CUMMINGS. I agree with the gentleman perfectly; and those members of the committee whom I have seen are willing that the amendment inserting the word "knowingly" may be withdrawn.

Mr. CONNOLLY. Then do I understand that the word "knowingly" may be stricken out?

Mr. EVANS. We will state the proposition.

Mr. CONNOLLY. If that is done I shall have no objection.

Mr. EVANS. I will say to the House, Mr. Speaker, that there was considerable discussion in the committee upon the subject of this word "knowingly." It did not escape the attention of the committee, and in that discussion much doubt was expressed as to whether the word ought to be included in the bill. The criticisms of my distinguished friend from Illinois, as we all know, have force, not only in themselves, but because of his large experience in these matters. And so much are we impressed by them now—as we were before—that I have been instructed by the committee to withdraw their suggestion of this amendment, which was the only amendment offered to the bill. That being the only objection of my friend from Illinois [Mr. CONNOLLY], we shall be very glad to have his support of the measure.

Mr. GRAFF. I should like to ask the gentleman a question.

Mr. CRISP. Have the committee instructed the gentleman to withdraw the word?

Mr. EVANS. I will not say that the committee formally did it, but in a conference among us, as far as the members could be found, it was agreed to withdraw it. I thought the gentleman from Georgia had been consulted.

Mr. CRISP. I am very much opposed to withdrawing the word. I do not think that any man ought to be convicted of any crime unless he has knowledge that he is committing it. I object to its being withdrawn.

Mr. EVANS. Then the committee can not do it, I suppose, as a committee.

Mr. GROSVENOR. I want to join the gentleman from Georgia in that. I am unwilling to make any man guilty of a crime by any act which of itself is an innocent act at the time he commits it.

Mr. EVANS. The gentleman from Georgia, if I understand, objects to the withdrawal of the committee amendment?

Mr. CRISP. Yes.

Mr. EVANS. Then it will have to be voted upon.

Mr. CRISP. Mr. Speaker, as the law stands now it provides that any person who ships, transports, or removes any spirituous or fermented liquors or wines under a false brand shall forfeit them and be subject to a penalty. The proposition pending is to extend this provision not only to the person who ships or transports the goods, but to any person who sells or keeps on hand for sale any liquors under any false brand, and he is not only to be subject to forfeiture of the liquors, but subject to fine and imprisonment. The committee recommended extending the penalty to the seller of the liquor, provided there shall be incorporated in the law the word "knowingly," so that no man shall be punished for selling liquor under a false brand unless he knows at the time he sells it that he is selling it under a false brand. My friend from Illinois [Mr. CONNOLLY], who is a lawyer of distinction, opposes this proposition. I thought it was an elementary principle of the law that there could be no conviction for crime unless in its commission there was a joint operation of act and intention.

Mr. CONNOLLY. That is the rule concerning crimes that are crimes per se.

Mr. CRISP. That is true, or ought to be true, in every case.

Mr. CONNOLLY. It has never been true under the internal-revenue law.

Mr. CRISP. Let the gentleman for one moment look a little to the rights and liberties of the citizens of the United States.

Mr. CONNOLLY. Mr. Speaker, will the gentleman allow me a question?

Mr. CRISP. I hope the gentleman will allow me to finish my remarks. Let the gentleman for one moment consider the public as well as the revenue. Pass this bill without the amendment recommended by the Committee on Ways and Means, and what is the effect? A merchant doing business orders from a manufacturer or from a wholesale dealer liquors in bottles. He orders the the kind of brandy mentioned by my friend from New York [Mr. CUMMINGS]. He pays full price for the brandy that he orders. He honestly and bona fide believes that he is getting the very best merchandise, that which he ordered. It is corked and sealed. A purchaser buys from him a bottle of this brandy. If you do not incorporate in this statute the word "knowingly," then if in fact that brandy be as was that mentioned by my friend from New York, not only is it forfeited to the United States, but the merchant, the innocent seller, a man engaged in a lawful occupation, an honest man, who bought in the open market what he thought was honest goods, is to be fined and imprisoned; and this you call, in an enlightened age and country, a just and equitable law!

Mr. CONNOLLY. Will the gentleman allow me to ask him a question?

Mr. CRISP. I will.

Mr. CONNOLLY. Has not the law since 1866 been such that a man who shipped, transported, or removed any such liquors, whether he knew it or not, could be convicted?

Mr. CRISP. It has.

Mr. CONNOLLY. It did not require any knowledge. Now, the purpose of this statute is to change that law, and to require that he can not be convicted without knowledge.

Mr. CRISP. The purpose of this statute, Mr. Speaker, is to extend that law. It not only applies to the shipper and the transporter but to the seller.

Mr. CONNOLLY. And to make it more difficult to convict the shipper as well as the seller.

Mr. CRISP. Why, undoubtedly, it ought to be difficult to convict an honest man.

Mr. CONNOLLY. But a dishonest man; how about him?

Mr. CRISP. Ah, Mr. Speaker, you must not, in framing your laws to reach the dishonest, leave out of consideration the honest man who is engaged in a lawful business.

Mr. NORTHWAY. Will the gentleman permit me to ask him a question? Has it not been held in the courts since 1866, when a man was on trial relative to these internal-revenue laws, that he must knowingly have committed the violation?

Mr. CRISP. I am almost ashamed to say that I am not familiar with the decision.

Mr. NORTHWAY. The rule, if I correctly remember it, is that the court will charge that there must be knowledge. It is

only in reference to adulterated foods that they hold that a man can be convicted without knowledge.

Mr. CRISP. The gentleman from Illinois can give information better than I can on that question, as he has been engaged in prosecutions under the internal-revenue laws, but the idea I have is that when we extend this law so that it shall apply to every merchant who may sell liquors in bottles or in casks that he should not be punished by fine and imprisonment unless he knowingly sells them, and the onus ought to be on the Government to show that he did knowingly do it, because, Mr. Speaker, even in the enforcement of the internal-revenue laws we have not yet arrived, I hope, at that stage where the presumption of innocence does not attach to every man who is on trial for any offense.

Mr. EVANS. Mr. Speaker, may I ask how much time I have?

The SPEAKER. The gentleman has thirty minutes.

Mr. WILLIAM A. STONE. Mr. Speaker——

Mr. EVANS. How much time do you want? I do not yield the floor.

Mr. WILLIAM A. STONE. Mr. Speaker, I just ask that the Clerk report the bill again, as there are no more copies to be had.

The bill was again read.

Mr. EVANS. If the gentleman from Georgia will remember, the original section 3449 does not include in it the word "knowingly"; and I believe I am correct in saying, having some familiarity with the subject, that the gentleman from Illinois [Mr. CONNOLLY] is correct in his statement that the word "knowingly" is not inserted in this connection in any internal-revenue law. The insertion of the word "knowingly" was recommended by the committee because it was supposed that it was possible that a person selling these goods might not at the time know what he was selling. But when we look at the subject more closely we will find that that could not long continue; that he could not engage long, at least, in the sale of these spurious and fraudulent brands of liquors without knowing exactly what he was doing. Now, I think that no poisonous or spurious compounds should be sent upon the markets with any sort of protection from the internal-revenue laws. The insertion of the word "knowingly" may possibly protect him to some extent, and it might be unwise to do so.

The internal-revenue laws never have heretofore contained the word, and while I originally favored the insertion of it, I have always felt the force of the objections to doing so. The Commissioner of Internal Revenue somewhat strongly opposed the proposition to amend the bill in this way, and in view of the criticisms made upon the amendment, I for one and those around me of the Ways and Means Committee agreed that the recommendation should be withdrawn. As objection is made to that, we can not withdraw it as a committee; but for my part, having perhaps suggested originally the insertion of the word "knowingly," I have no objection to the amendment being voted down.

Now, Mr. Speaker, if anyone else desires to ask any questions as to the bill I am ready to answer them if I can, or if any gentleman desires to make any suggestions I will give him time. I yield five minutes to my colleague on the committee, the gentleman from Illinois [Mr. HOPKINS].

Mr. HOPKINS. Mr. Speaker, I do not know that I can add anything to what has been so well said by my colleague [Mr. CONNOLLY]. The insertion of the word "knowingly" is an innovation in this kind of legislation by the Federal Congress, and it would be an innovation in legislation of this class in the State of Illinois. If the word "knowingly" is inserted in the statute, in my judgment the Government will be unable to enforce conviction in these cases, because it will be required to show not only the illegal traffic, but also knowledge on the part of the persons accused, and, judging from our experience in the enforcement of this kind of legislation in Illinois, that will be generally found impossible. I trust therefore that the amendment will be voted down.

Mr. GRAFF. Is it true that under this present bill there is no new duty imposed upon the distiller or the manufacturer of these liquors, so far as the branding of the liquors is concerned?

Mr. EVANS. None whatever. Now, Mr. Speaker, if no one else desires to be heard on the bill I will ask for the previous question.

Mr. HULICK. This bill is for the amendment of section 3449 of the Revised Statutes. In what respect is that section materially amended by the bill?

Mr. EVANS. The statute is amended by providing that, in addition to shipping, transporting, and removing these liquors, it shall be an offense to sell or keep them on hand for sale, or to keep them in bottles, casks, or packages, and that the bottles and other packages shall be forfeited. The punishment is also made more severe.

Mr. HOPKINS. The word "knowingly," in line 5, is a separate amendment, is it not?

Mr. EVANS. That is the amendment proposed by the committee, and it has been printed with the bill.

Mr. HOPKINS. That is the amendment that I think ought to be voted down, and I shall ask for a separate vote upon it.

Mr. DINGLEY. That is the only amendment.

Mr. NORTHWAY. Let me ask the gentleman what has been the holding of our Federal courts on the law as it stands without the word "knowingly" in the statute?

Mr. HULICK. I do not think the Federal courts have ever held that it was necessary that the offense should be committed knowingly. They have taken that as a presumption arising from the fact of committing the offense.

Mr. HOPKINS. I can answer the gentleman so far as Illinois is concerned. In the Federal courts all that is required is to show simply the violation of the law under the language of the statute. That is all the Government is required to do in such cases.

Mr. NORTHWAY. That is not the holding of the courts in Ohio.

Mr. HOPKINS. Well, that is the rule in the Federal courts, and our State courts hold in conformity with the Federal courts.

Mr. HULICK. But would it be a good defense to show that the man charged did not know what the contents of the packages were?

Mr. HOPKINS. No; it would not.

Mr. HULICK. Then the mere possession of these unlawful goods would be prima facie evidence against the party.

Mr. EVANS. The possession of them for sale. Now, Mr. Speaker, I move the previous question on the bill and amendments.

The previous question was ordered.

The SPEAKER. The Chair understands that the committee amendments are two in number.

Mr. EVANS. Only one. Only the proposition to insert the word "knowingly" in the proposed bill.

Mr. HULICK. The bill itself is an amendment to the original statute. That is the "first" amendment referred to by the gentleman from Kentucky, and now there is an amendment to the bill proposed by the committee, which is the "second" amendment.

The SPEAKER. The bill is a bill to amend the statute, and the committee have proposed an amendment, which is the "first" amendment. The previous question is ordered on the bill and the amendment to the passage.

Mr. OWENS. As I understand, the gentleman from Illinois [Mr. CONNOLLY] has an amendment pending to strike out the word "knowingly."

The SPEAKER. No. The committee propose to insert that word as an amendment, and if it does not receive the approval of the House that will have the same effect as a vote to strike it out. The amendment is not in the bill until it is put there by the House.

Mr. OWENS. Before the previous question is ordered I want to suggest an amendment which I would like to offer.

The SPEAKER. The previous question has been ordered.

Mr. OWENS. Well, I ask unanimous consent to suggest this amendment. If the word "knowingly" be left in the bill, then I ask permission to move to strike out the words "knowingly sells or keeps on hand for sale." I think it much better to keep the law as it is, with only the punishment by imprisonment, than to put in this clause requiring the offense to be "knowingly" committed, because there is not a jury in the country that would not, in order to let an offender escape, find that he had not committed it "knowingly." So I would like to have an amendment pending to strike out the words "knowingly sells or keeps on hand for sale," so that in this respect the old law may be left intact, because I think that this word "knowingly," if ingrafted upon the old law, would render it nugatory and impossible of execution.

Mr. EVANS. We can accomplish the object the gentleman seeks by voting down the committee amendment which proposes to insert the word "knowingly."

Mr. DINGLEY. Yes; let that be voted down.

The question being taken on the amendment of the committee, it was rejected, there being—ayes 25, noes 55.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. EVANS, a motion to reconsider the last vote was laid on the table.

The SPEAKER. Has the Committee on Ways and Means any further business to present?

Mr. DINGLEY. We have no further business.

DISPOSITION OF MORMON CHURCH PROPERTY IN UTAH.

Mr. BRODERICK (when the Committee on the Judiciary was called). I am directed by the Committee on the Judiciary to call up the joint resolution (H. Res. 96) providing for the disposition of certain property now in the hands of the receiver of the Church of Jesus Christ of Latter-Day Saints.

The joint resolution was read, with the amendments of the committee, proposing to make it read as follows:

Whereas the corporation of the Church of Jesus Christ of Latter-Day Saints was dissolved by act of Congress of March 3, 1887; and

Whereas the real estate belonging to the said corporation at the time of its

dissolution is now in the hands of a receiver appointed by the supreme court of the Territory of Utah; and

Whereas the said property is the result of contributions and donations made by the members of said church and was designed to be devoted to the payment of the debts of said church and to the charitable uses thereof, under the direction and control of the first presidency of the church; and

Whereas the said church has discontinued the practice of polygamy and does not encourage or give countenance in any manner to practices in violation of law; and if the said real estate is restored to said church it will not be devoted to any unlawful purpose: Therefore

Resolved, etc., That all of the real estate now in the hands of the receiver of the late corporation of the Church of Jesus Christ of Latter-Day Saints and all the rents, issues, and profits arising therefrom, which includes all the money held by him, be, and the same are hereby, restored to Wilford Woodruff, George Q. Cannon, and Joseph F. Smith, as trustees of the Church of Jesus Christ of Latter-Day Saints, or their successors, to be devoted, under the direction and control of said trustees of said church, to the payment of the debts for which said church is legally or equitably liable, and to the charitable uses and purposes thereof; and the said receiver, after deducting the expenses of his receivership, under the direction of the supreme court of the State of Utah, or the court having charge of said receivership, is hereby required to deliver the said property and money to the persons constituting the trustees of said Church of Jesus Christ of Latter-Day Saints, or to such person or persons as they may designate, to be held and applied to the payment of the debts of said church, as aforesaid, and to the charitable uses and purposes thereof.

Mr. HOPKINS. I trust that the gentleman from Kansas [Mr. BRODERICK] will give us some explanation of this bill.

Mr. BRODERICK. Mr. Speaker, the history of this legislation may not be understood by all the members of the House. In 1862 the first act, known as the antipolygamy law, was passed. That law was not effectual. Under it, as will be remembered by those who kept watch of the proceedings at that time, there was much difficulty in securing convictions of those who violated the law. In 1887 that act was amended by the passage of what was known as the Edmunds-Tucker Act, which, among other provisions, restricted the property holdings of churches in the Territories. The Mormon Church in Utah was not pointed out in the act; yet it was understood at the time that the legislation was intended to apply more especially to that church, because of the large amount of property which it held, and because of the contest going on to have these people observe the law. Under the Edmunds-Tucker Act a proceeding was instituted in the Territorial supreme court and a receiver was appointed, who took charge of the property held by that church in excess of the $50,000 provided by the act. The receiver retained possession of all property in excess of $50,000, except the perishable property, until about a year ago.

Mr. HOPKINS. Will the gentleman allow an interruption?

Mr. BRODERICK. Yes, sir.

Mr. HOPKINS. Under what authority and for what purpose did the receiver take charge of this property, and what directions did he receive about maintaining it and about its ultimate disposition?

Mr. BRODERICK. He took possession of it under the act of Congress of 1887. The proceeds of the personal property, I think, were to go to the common schools of the Territory and the real property was to escheat to the General Government. There has been some controversy about it, but this is now settled. The receiver never disposed of any property except the personal property that was considered perishable. The last Congress passed a resolution similar in form to the one under consideration, providing that the receiver should return to the church the personal property. That resolution was passed by both Houses without a division, for the reason that it was understood that the Mormon people were no longer in opposition to the laws of the land.

Mr. HOPKINS. One moment, if the gentleman will yield. This legislation, as I understand, is designed to undo the legislation under which a receiver was appointed who took charge of the property; and the purpose now is that instead of having the personal property go to the common schools and the real estate to the General Government the property shall be taken out of the hands of the receiver and given back to the church.

Mr. BRODERICK. Yes, sir; that will be the effect. About a year ago the personal property was all turned over and is now in the hands of the church. About that time, as gentlemen understand, Utah framed a constitution in which there was a strong inhibition against polygamy, and since that time has ratified the constitution, and laws have been enacted by the State in pursuance of that constitutional provision against polygamy. In view of these facts and of the further fact that it was understood and conceded by the Gentiles in that country that the Mormons had accepted the situation and were observing the law—that polygamy was no longer taught by the church, but was in fact discouraged—in view of these facts the last Congress provided for turning over the personal property, and it has been done. The real property and the rents and profits still remain in the hands of the receiver. Now, this resolution provides that this remaining property shall be returned to the church.

A resolution similar to this was introduced in the Senate and was passed there the other day without a division, the only difference being that in the Senate the preamble to the resolution was stricken out. Now I wish to have read the resolution as passed by the Senate, and then I shall move to substitute it for the House resolution as just read.

Mr. HOPKINS. In the judgment of the gentleman, would it not be wise to have this property turned over conditionally, the condition being that the church shall never go back to its polygamous practices or teachings, or if it does that the property shall then revert again to the General Government?

Mr. BRODERICK. They have already framed a constitution prohibiting polygamy, and have enacted laws upon the subject as strong as the laws of any State in the Union in further prohibition of it. It is conceded by all that they have given it up. The gentleman from Utah [Mr. ALLEN] will explain that the people in his State all want this done. The Senators from that State were for this proposition, and the Senate passed a resolution which I send to the desk and ask to substitute for the House resolution. I refer now to the resolution S. R. 75, and I desire to offer it as a substitute for the House resolution in the shape that it passed the Senate. I ask that it be read.

The Clerk read as follows:

That all of the real estate now in the hands of the receiver of the late corporation of the Church of Jesus Christ of Latter-Day Saints, and all the rents, issues, and profits arising therefrom, which includes all the money held by him, be, and the same are hereby, granted and conveyed to the Church of Jesus Christ of Latter-Day Saints, the expenses of the receivership to be allowed by the supreme court of the State of Utah being first paid, and said receiver, after the payment of said expenses, is hereby required to deliver the said property and money to the person or persons constituting the first presidency of said Church of Jesus Christ of Latter-Day Saints, or to such person or persons as he or they may designate.

The SPEAKER pro tempore (Mr. BARRETT in the chair). Does the gentleman propose to substitute the wording of the Senate resolution for the House resolution?

Mr. BRODERICK. I do.

The SPEAKER pro tempore. The Chair does not understand that the gentleman wishes to substitute the Senate resolution literally for the House resolution?

Mr. BRODERICK. That is what I propose, Mr. Speaker.

The SPEAKER pro tempore. Has the gentleman from Kansas the copy, the engrossed joint resolution as it came from the Senate?

Mr. BRODERICK. The Clerk has just read a copy of that resolution.

The SPEAKER pro tempore. The Chair is trying to explain that there is a difference between the two things. Does the gentleman wish to substitute the words employed by the Senate resolution or the Senate resolution itself?

Mr. BRODERICK. I wish to substitute the Senate resolution.

The SPEAKER pro tempore. Then, if so, it will be necessary to have the Senate resolution before the House—the engrossed copy.

Mr. BRODERICK. Then I desire to call up the Senate resolution and substitute it for that presented by the House committee.

The SPEAKER pro tempore. Is the Senate resolution in possession of the House or in possession of the committee?

Mr. BRODERICK. I think in possession of the House, although it may have been referred to the committee.

The SPEAKER pro tempore. If it is in the possession of the committee the gentleman will understand that it is not in possession of the House to substitute.

Mr. BRODERICK. Then I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the Senate resolution, and that it be offered as a substitute for the pending House resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. BRODERICK. Now, Mr. Speaker, I want to say, as I have but a few minutes of the hour remaining, that the resolution passed the Senate without a division, and the House resolution was unanimously reported by the Judiciary Committee of the House.

I yield to the gentleman from Utah [Mr. ALLEN], who desires to be heard.

Mr. ALLEN of Utah. Mr. Speaker, I would ask for a vote upon the proposition without further discussion unless some gentleman wishes to ask a question, as I see our hour has about expired.

Mr. DINGLEY. I would like to ask the gentleman from Utah this question: What is the value of the property?

Mr. ALLEN of Utah. It is estimated by the receiver at $287,000.

Mr. DINGLEY. And consists of real estate mainly?

Mr. ALLEN of Utah. Of real estate, except $12,054.75 in money, which has accrued from the rents of the real estate.

Mr. DINGLEY. Under the act of 1887, unless this provision is made, this property would escheat to the United States or has already escheated?

Mr. ALLEN of Utah. Yes, sir; but it is still in the courts, in the hands of a receiver.

Mr. HULICK. What is the amount of the indebtedness that is asserted against the property?

Mr. BRODERICK. I can not answer that question.

Mr. HULICK. Well, is there a considerable sum that will remain after the payment of any indebtedness?

Mr. ALLEN of Utah. There is no indebtedness except the expense of the receivership, which can not amount to a very considerable sum. This exception relates only to the expenses which have not been paid up to this time.

Mr. DINGLEY. And those expenses are to be deducted?

Mr. ALLEN of Utah. Yes, sir.

Mr. HULICK. Then the entire proceeds would revert to the church if this resolution is adopted?

Mr. ALLEN of Utah. Yes, sir.

Mr. Speaker, I ask for a vote on the substitution of the Senate resolution.

The SPEAKER pro tempore. The Chair will state that he has sent for a copy of the engrossed joint resolution as it came from the Senate.

Mr. STEELE. While waiting for the resolution I would like to ask the gentleman from Utah if there is any danger, after passing this resolution, that Utah will not want to change her constitution in so far as it relates to this subject?

Mr. ALLEN of Utah. I do not understand how much time we have, Mr. Speaker, but I am willing to answer these questions, and would like very much to have an opportunity to explain the matter at length.

Mr. STEELE. Well, then, suppose you proceed until the bill comes and give us your opinion of the matter, whether they are really sincere in this thing or not, or what the prospects are?

Mr. ALLEN of Utah. The people of Utah have done all they could to assure the people of the United States of their sincerity in this respect. They abandoned the practice of polygamy as far back as 1890, and by what I think was the strongest possible assertion of their purpose, namely, a manifesto, coming through the head of their church, declared their purpose no longer to practice this tenet of their faith. No polygamous marriages have been solemnized by the church for more than five and a half years. The church has issued no permit for polygamous marriages since October, 1890.

The constitution which has been adopted by the State of Utah not only followed the wording of the enabling actupon this point, which wording is as follows:

Polygamous or plural marriages are forever prohibited.

But they also provided in the constitution that an act which had been passed in 1892 by the legislature of the then Territory should remain in force and effect after the admission of the State to the Union, which act provided for the punishment of polygamy. I quote from the constitution now in force in the State of Utah, on page 43, section 2:

The act of the governor and legislative assembly of the Territory of Utah entitled "An act to punish polygamy and other kindred offenses," approved February 4, A. D. 1892, in so far as the same defines and imposes penalties for polygamy, is hereby declared to be in force in the State of Utah.

In response to the question of my friend, who wishes to know whether the constitution of the State will be changed wherein it relates to polygamy, I will say: It is true that the Mormon people resisted the enforcement of the antipolygamy laws so long as they had a standing in the courts for their contention; but when the final decisions of the courts had been had, and this people found themselves adjudged wrong upon every essential point in controversy, they accepted the situation and declared they would abide by the law of the nation. By their every public act, by their acts as a church, and, as I believe, by their purpose as private individuals, they have shown and they now indicate their purpose to abide by the sentiment and law of the American people.

The history of Utah during the past six years indicates to my mind that there can be no such change in its fundamental law. This step has been taken deliberately by its people, and they will stand by the promises and pledges made to the nation. They are an honest people.

Mr. HULICK. Will the gentleman allow a question?

Mr. ALLEN of Utah. Certainly.

Mr. HULICK. Are we to understand from the statement of the gentleman that the church received a revelation that they must abandon polygamy, and therefore have abandoned it?

Mr. ALLEN of Utah. In October, 1890, there was issued by the first presidency of the Mormon Church what is commonly known in that church and in Utah as the "Manifesto," wherein it was stated that polygamy should no longer be practiced by the Mormon Church.

Mr. HULICK. Well, has that practice ceased because of the revelation or because of the constitutional and legal prohibition? Suppose a revelation were to come from the church hereafter that polygamy should again be adopted, would they observe the law as it is, or would they observe the revelation, and thereby claim that that is the higher power binding them, and the property be subject thereto?

Mr. ALLEN of Utah. I can not in the few minutes that I have go over all the details of the subject opened by this question. If the gentleman had lived there for fifteen years, as I have, and had been all through this fight——

Mr. HULICK. That is the reason I asked the question.

Mr. ALLEN of Utah (continuing). And had been all through this fight in opposition to the church in its practice of polygamy, and one of the last who gave up that fight, I think he would feel, as I do, that the assurances that have been made by the people of Utah are sufficient and that the promise of the present will be sacredly observed in the future.

Mr. STEELE. I understand that the Republican legislature of Utah has passed a resolution requesting this legislation.

Mr. ALLEN of Utah. Yes; and it was in the platform of the party, showing that the people of Utah, both Gentiles and Mormons, are in favor of it.

Mr. STEELE. The engrossed resolution is here now.

The SPEAKER pro tempore. The Chair will state that the engrossed joint resolution of the Senate is now in the hands of the Clerk, and if there is no objection, the pending joint resolution will be considered as laid upon the table. The gentleman from Utah [Mr. ALLEN] moves to take up the Senate joint resolution providing for the disposition of certain property in the hands of the receiver of the Church of Jesus Christ of Latter-Day Saints. Is there objection?

There was no objection.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. ALLEN of Utah, a motion to reconsider the last vote was laid on the table.

RIGHT OF APPEAL IN RECEIVERSHIP CASES.

The SPEAKER pro tempore. Has the Committee on the Judiciary any other bill to call up at this time?

Mr. UPDEGRAFF. Mr. Speaker, I am instructed by the Committee on the Judiciary to ask for the present consideration, during the morning hour, of the bill (H. R. 4554) to amend the act approved February 18, 1895, entitled "An act to amend the act entitled 'An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes,' approved March 3, 1891."

The bill was read, as follows:

Be it enacted, etc., That the act entitled "An act to amend the act entitled 'An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes,' approved March 3, 1891," approved February 18, 1895, designated in Supplement to Revised Statutes, volume 2, No. 5, as chapter 96, be, and the same is hereby, amended so as to read as follows:

"That the seventh section of the act entitled 'An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes,' approved March 3, 1891, be amended so as to read as follows:

"'That where, upon a hearing in equity in a district or circuit court, an injunction shall be granted, continued, refused, or dissolved, or a receiver appointed or refused by an interlocutory order or decree, or an application to dissolve an injunction shall be refused, in a case in which an appeal from a final decree may be taken under the provisions of this act to the circuit court of appeals, an appeal may be taken from such interlocutory order or decree granting, continuing, refusing, dissolving, or refusing to dissolve an injunction, or appointing or refusing such receiver, to the circuit court of appeals: *Provided*, That the appeal must be taken within thirty days from the entry of such order or decree, and it shall take precedence in the appellate court; and the proceedings in other respects in the court below shall not be stayed, unless otherwise ordered by that court, during the pendency of such appeal: *And provided further*, That pending the appeal the court may make such orders respecting the property in the custody of the court as the court may deem proper or necessary': *And provided further*, That the court below may, in its discretion, require as a condition of the appeal an additional injunction or other bond."

Mr. UPDEGRAFF. Mr. Speaker, this is a committee substitute for the bill H. R. 218. Its effect is to give the right of appeal from an order of the court appointing or refusing to appoint a receiver. I do not care to say anything more myself on the bill, and I yield the floor to the gentleman from Georgia [Mr. TURNER], who introduced the original bill.

Mr. TURNER of Georgia. Mr. Speaker, what the gentleman from Iowa [Mr. UPDEGRAFF] has just stated is, I think, a sufficient summary of the parliamentary history of the bill. It is really a substitute for a bill which I had the honor to introduce. The substitute is slightly different from the bill which I introduced, but I have accepted the substitute which the Judiciary Committee prepared, and which was necessarily different from the one that I introduced, because in drafting my bill I overlooked the fact that the law which I sought to amend had been previously amended. The substitute conforms to that state of things and adds a provision or two to which I can not object. The gentleman from Iowa [Mr. UPDEGRAFF] has sufficiently indicated the purpose of the bill. The original act creating a circuit court of appeals allowed an appeal from the district or circuit court, from interlocutory orders granting or refusing or continuing injunctions, but it did not provide for appeals from orders appointing or refusing to appoint receivers. A general demand has grown up to allow appeals in these latter cases as well as in the former, and certainly no objection can be suggested against it. I will not detain the House longer, Mr. Speaker, and I hope that the bill will pass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. UPDEGRAFF, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. DINGLEY. As the morning hour has expired, I ask unanimous consent that the Committee on the Judiciary may have the second hour to which they will be entitled to-morrow at this time. That will enable them to go on with their business to-day.

The SPEAKER pro tempore. The gentleman from Maine [Mr. DINGLEY] asks unanimous consent that the Committee on the Judiciary be allowed an additional hour at this time instead of to-morrow for the consideration of their bill. Is there objection?

There was no objection.

UNITED STATES RAILROAD CORPORATIONS.

Mr. UPDEGRAFF. Mr. Speaker, I am instructed by the Committee on the Judiciary to present to the House the bill which I have sent to the Clerk's desk, and ask for its present consideration.

The Clerk read as follows:

A bill (H. R. 325) to provide that United States railroad corporations shall, for purposes of jurisdiction, be deemed citizens of the respective States into which their line of railway may extend.

Be it enacted, etc., That all United States railroad corporations or railroad corporations or companies organized or incorporated under or by virtue of any law or laws of the United States shall, for all purposes of jurisdiction, be held and deemed to be citizens and corporations of the respective States into which their line of railway or any branch or spur thereof may extend or in which any such corporation may conduct or carry on any business; and service of process upon such corporations may be made according to the laws of the respective States in which suit shall be brought.

SEC. 2. That this act shall take effect and be in force from and after its passage, and all acts or parts thereof in conflict with the provisions of this act are hereby repealed.

Mr. UPDEGRAFF. Mr. Speaker, I have no desire to occupy any considerable time of the House. I think the reading of the bill will commend itself at once to the judgment of all the members of the House. It simply makes Federal railroad corporations citizens of the several States in which they do business. It subjects them to the same conditions that all individuals are subjected to, citizens of the State, and subject to the laws of the State in which they do business. I do not care to say any more, and yield now to the gentleman from Arkansas [Mr. TERRY], the original introducer of the bill.

Mr. TERRY. Mr. Speaker, unless some one desires an explanation in regard to this bill, I do not think it really necessary to take up the time of the House with it. It has been unanimously reported from the Committee on the Judiciary, and was thoroughly considered by that committee. The bill has passed this House once before by a two-thirds majority, and unless there is some objection, or some gentleman desires information, I will not detain the House.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

Mr. CONNOLLY. I desire to correct the statement of the gentleman that it was unanimously reported from the Committee on the Judiciary. It was not. I am a member of that committee, and never voted for the bill.

Mr. TERRY. I will state to the gentleman that I so understand it. If the gentleman objected, I did not know it.

Mr. CONNOLLY. I did not and do not approve of the bill. That bill makes a distinction between the ordinary citizen and a railroad corporation. The ordinary citizen is not subject to be dealt with in the courts of the State in which he does business, but is subject to the jurisdiction of the courts of the State in which he resides. If he resides in one State and does business in another, and a suit is brought against him in a State court in the State in which he does business, he has the right, under the Federal statutes, to remove his case to the Federal court for trial. That right has always been secured to the citizen. This bill now seeks to change that rule, that has obtained since the organization of the Government—a rule both as to the human being, the citizen, and the corporation. For that reason, making that distinction, I would not approve the bill. I do not approve it now and did not approve it in committee. I was not present, I believe, at the time when a vote was taken on ordering the bill reported to the House with a favorable recommendation.

That is my objection to the bill. It makes fish of one and flesh of another. It is simply an attempt to subject every railroad corporation in the United States to the jurisdiction of the State courts of the States through which the road runs, and to force them, without relief or remedy, to try their causes in the courts of the State through which they run. Now, gentlemen may say, Is not that right? Well, men differ in their views about that, as to whether it is right or not. If it is right to the railroad corporation it should be held equally right as to the citizen; so that if a citizen of New York is found in the State of Arkansas and suit brought against him, he is forced to submit his cause to trial in the State courts of Arkansas. It has always been the rule that a citizen of Arkansas, if found in New York and suit brought against him, had the right to transfer it to the Federal courts, or, vice versa, if a citizen of New York should be found in the State of Arkansas and suit brought against him, the Federal court was open to him. These provisions have existed from the foundation of the Government, to remove the citizen from the local prejudices that may be supposed to exist; and I see no reason now, after a century of existence, why we should change that rule as to one class of citizens unless we change it as to all.

The amendments recommended by the committee were read, as follows:

In line 3 strike out the words "United States railroad corporations, or."
In line 4 strike out the words "or companies."

Mr. TERRY. Mr. Speaker, the objections just urged by my friend on the Judiciary Committee are more imaginary than real. The difference existing between the case of an ordinary citizen of the United States, an individual, and one of these United States railroad corporations is inherent in the nature of things, and the vast difference in the operations and business of these corporations compared with the business of the individual citizen——

Mr. CONNOLLY. Mr. Speaker, will the gentleman allow me a moment?

Mr. TERRY. Certainly.

Mr. CONNOLLY. I see the feature of the bill to which I was objecting has been stricken out, and this bill now only applies, as I understand it, to lines organized under acts of Congress?

Mr. TERRY. That is right, sir.

Mr. CONNOLLY. To that I have no objection.

Mr. TERRY. I did not think that a gentleman of his ability as a lawyer would object to this if he understood it.

Mr. DINGLEY. These roads are practically only the Pacific railroads, are they not?

Mr. TERRY. The Northern Pacific and the Texas Pacific, and one or two other United States roads. There may be some others, but it applies simply to those chartered under statutes of the United States.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. UPDEGRAFF, a motion to reconsider the vote by which the bill was passed was laid on the table.

COMMISSIONS OF DEPARTMENT OFFICERS.

Mr. BAKER of New Hampshire. Mr. Speaker, in behalf of the Committee on the Judiciary, I call up the bill (S. 732) to regulate the issue and recording of the commissions of officers in several of the Departments.

The bill was read, as follows:

Be it enacted, etc., That hereafter the commissions of all officers under the direction and control of the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Secretary of Agriculture shall be made out and recorded in the respective Departments under which they are to serve, and the Department seal affixed thereto, any laws to the contrary notwithstanding: *Provided*, That the said seal shall not be affixed to any such commission before the same shall have been signed by the President of the United States.

Mr. BAKER of New Hampshire. Mr. Speaker, the report fully states the reasons for the passage of this bill and I ask that it be read.

The report (by Mr. BAKER of New Hampshire) was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (S. 732) to regulate the issue and recording of the commissions of officers in several of the Departments, submit the following report:

As early as January, 1785, Congress, under the Articles of Confederation, by "an ordinance for ascertaining the powers and duties of the Secretary of War," defined them with great particularity, and among other duties directed him "to make out, seal, and countersign the commissions of all such military officers as shall be employed in the service of the United States." Those duties were generally devolved, under the Constitution, upon the Secretary of War by the act of August 7, 1789 (1 Stat. L., 49), and he continued to discharge them, both as to the land and naval forces, until by the act of April 30, 1798 (1 Stat. L., 553), the Department of the Navy was established, and the Secretary of the Navy was required to assume control of all matters connected with the naval establishment of the United States. By the act of September 15, 1789 (1 Stat. L., 68), the Secretary of State was required to make out, record, and affix the seal of the United States to all civil commissions issued by the Government.

Thus the law remained until by the act of March 18, 1874 (18 Stat. L., 23), the Postmaster-General was directed to make out and record all the commissions of postmasters appointed by the President and to affix the seal of his Department thereto.

The next year it was provided by the act of March 3, 1875 (18 Stat. L., 420), that the commissions of the officers of the Interior Department should be made out, recorded, and sealed in that Department, and by the act of August 8, 1888 (25 Stat. L., 387), the Attorney-General was required to countersign all the commissions of judicial officers, including marshals and United States attorneys, and to have them prepared and recorded in the Department of Justice.

These several changes from the early statute of 1789 have been found satisfactory in their practical operations, and it is now deemed advisable by your committee that each Executive Department make out and record the commissions of its own officers. This bill is earnestly recommended by the Secretary of State.

Your committee therefore recommend that the bill do pass.

Mr. BAKER of New Hampshire. Mr. Speaker, the purpose of this bill is to make the practice throughout all the Departments uniform. It is approved by the Secretary of State, and, so far as the committee is advised, there is no objection to it upon the part of anybody. I ask for a vote.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BAKER of New Hampshire, a motion to reconsider the vote by which the bill was passed was laid on the table.

CRIMINAL JURISDICTION OVER PLACES CEDED TO UNITED STATES.

Mr. GILLETT of Massachusetts. Mr. Speaker, I am instructed by the Committee on the Judiciary to call up the bill (H. R. 6345) to establish a criminal jurisdiction over places ceded to the United States for certain purposes.

The bill was read, as follows:

Be it enacted, etc., That when any offense is committed in any place jurisdiction over which has been retained by the United States or ceded to it by a State, or which has been purchased with the consent of a State for the erection of a fort, magazine, arsenal, dockyard, or other needful building, the punishment for which offense is not provided for by any law of the United States, the person committing such offense shall, upon conviction in a circuit or district court of the United States for the district in which the offense was committed, be liable to and receive the same punishment as the laws of the State in which such place is situated now provide for the like offense when committed within the jurisdiction of such State, and the said courts are hereby vested with jurisdiction for such purpose; and no subsequent repeal of any such State law shall affect any such prosecution.

Mr. GILLETT of Massachusetts. Mr. Speaker, this bill has been unanimously reported by the committee. It is accompanied by a report which fully explains its object, but that report is long, and I think that in a word I can satisfy the House of the intention of the bill and the wisdom of its passage. It is practically a reenactment of a law which provides for the same purpose. The reason it becomes necessary to pass this bill is that the old law has in it the word "now," providing that "all criminal laws now in force" in the State shall be in force in the United States territory within that State. The statute was passed in 1866, so that the only criminal laws which are in force now in such places are those that were in force in 1866. Since that time several new States have come into the Union, and inasmuch as there were no State laws in those States in 1866, there are now no criminal State laws which apply to places ceded to the United States within their limits. Therefore, it is necessary to pass this bill reenacting that old law and providing that all laws which are now in force in the States shall also be in force in these places of United States jurisdiction within the States. That is the whole purpose of the bill, and unless there is objection I move that it be put upon its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. GILLETT of Massachusetts, a motion to reconsider the vote by which the bill was passed was laid on the table.

SHOOTING AT RAILWAY TRAINS.

Mr. BRODERICK. Mr. Speaker, I am instructed by the Committee on the Judiciary to call up the bill H. R. 5379, which is reported by the committee as a substitute for House bill No. 1237.

The substitute was read, as follows:

Be it enacted, etc., That every person who, in the Indian Territory, shall willfully and maliciously shoot at or into any locomotive, caboose, postal car, passenger coach, express or baggage car of any railway train, or at any person thereon, or shall throw any rock or other missile at or into any locomotive, caboose, postal car, passenger coach, express or baggage car of any railway train, or at any person thereon, or shall derail or attempt to derail any locomotive or train, shall be deemed guilty of a felony, and on conviction thereof shall be sentenced to imprisonment at hard labor in the penitentiary for any time not more than twenty years: *Provided*, That if any person shall be killed, either directly or indirectly, by reason of said shooting, throwing, or derailing, the person causing the death shall be deemed guilty of murder, and upon conviction thereof shall be punished accordingly.

SEC. 2. That any person who, in the Indian Territory, shall willfully shoot at or into any freight, stock, postal, baggage, or other car of any railway train, whether such car is attached to a locomotive or not, or shall throw a stone or any other missile at or into such car, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment not exceeding ninety days or by fine not exceeding $300, or by both such fine and imprisonment.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BRODERICK, a motion to reconsider the vote by which the bill was passed was laid on the table.

The original bill (H. R. 1237) was laid on the table; and on motion of Mr. BRODERICK, a motion to reconsider the vote was laid on the table.

REPORTER OF COURT OF APPEALS, DISTRICT OF COLUMBIA.

Mr. BAKER of New Hampshire. Mr. Speaker, I ask unanimous consent for the present consideration, and in the House as in Committee of the Whole, of the bill (H. R. 4797) to provide compensation to the reporter of the court of appeals of the District of Columbia, reported from the Judiciary Committee.

Mr. LOUD. Mr. Speaker, what will become of our morning hour if this request be granted?

The SPEAKER pro tempore. At the expiration of the morning hour the gentleman from Maine [Mr. DINGLEY] asked consent that the Committee on the Judiciary should have an extra hour to-day, to come out of its time to-morrow. No objection was made, and the second hour awarded to that committee is now in progress.

Mr. LOUD. But I mean beyond that—after that hour has expired?

The SPEAKER pro tempore. At the expiration of the morning hour, which has been extended for one hour by the consent of the House, the call of committees will continue unless the question is raised——

Mr. LOUD (interposing). The Chair evidently does not understand my question. The gentleman from New Hampshire [Mr. BAKER] now rises and asks a unanimous consent, which is outside of that hour entirely.

The SPEAKER pro tempore. The Committee on the Judiciary having been allowed an additional hour for the consideration of measures reported by it, the Chair has recognized a member of the committee [Mr. BAKER] to ask for the consideration of a bill.

Mr. LOUD. Within the rules, Mr. Speaker, but not outside of them.

The SPEAKER pro tempore. Certainly not. The gentleman from New Hampshire has asked unanimous consent for the consideration of a bill. If that consent is not granted, and it will not be if anyone objects, the Chair will not entertain the gentleman's proposition.

Mr. LOUD. But before the question of giving consent is put I wish to know what will be the result of granting unanimous consent.

Mr. HENDERSON. It will certainly not take us beyond the morning hour.

Mr. LOUD. I ask the judgment of the Chair in the matter.

The SPEAKER pro tempore. The gentleman will please state his question again.

Mr. LOUD. I would like to know what would be the result of granting this unanimous consent. Will it determine the hour? It evidently breaks into the hour by another order of business, and I simply ask a ruling of the Chair as to where it will leave us.

The SPEAKER pro tempore. The gentleman from New Hampshire asks unanimous consent that this bill may be considered in the House as in Committee of the Whole.

Mr. DINGLEY. Of course only bills on the House Calendar can be considered in this consideration hour, and I suppose what the gentleman from New Hampshire asks is that a bill which is not on the House Calendar may be considered during this hour, and may also be considered in the House as in Committee of the Whole, as it contains an appropriation. Of course this proposition, if agreed to, would be a variation of the rule, but nevertheless I suppose anything can be done by unanimous consent.

The SPEAKER (having resumed the chair). The Chair thinks it has not been the custom under the present system of rules to allow proceedings by unanimous consent during the consideration hour.

Mr. HENDERSON. Then the bill is withdrawn.

TYPEWRITING IN TAKING DEPOSITIONS.

Mr. TERRY. I am directed by the Committee on the Judiciary to call up the bill (H. R. 2178) to amend section 864 of the Revised Statutes of the United States in relation to taking depositions de bene esse.

The bill was read, as follows:

Be it enacted, etc., That section 864 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 864. Every person deposing as provided in the preceding section shall be cautioned and sworn to testify the whole truth and carefully examined.

"His testimony shall be reduced to writing or typewriting by the magistrate or under his personal supervision, or by himself in the magistrate's presence, and shall, after it has been reduced to writing or typewriting, be subscribed by the deponent."

Mr. TERRY. Mr. Speaker, this bill has been unanimously reported from the Judiciary Committee. Its whole scope and purpose is simply to provide that depositions taken upon a typewriting machine shall be legal, just the same as if taken in longhand writing. That is all there is in the bill. It simply amends the present law by inserting after the word "writing" the words "or typewriting."

Mr. UNDERWOOD. Do not the decisions of the courts already sustain the proposition that if an instrument is written upon the typewriting machine it has the same legal effect as if written in longhand?

Mr. TERRY. That might be true if it were typewritten by the magistrate himself; but the statute now provides as follows:

His testimony—

That is, the testimony of the witness—

shall be reduced to writing by the magistrate taking the deposition, or by himself [the witness] in the magistrate's presence, and by no other person.

Under that provision of the statute, the deposition must be reduced to writing by the magistrate himself, or by the person

giving the deposition; but under this bill if the magistrate has, acting under his direction, an operator on the typewriting machine, that operator can record in that way the deposition, and by this bill it is made legal. It has, in fact, been thus done time and again, and I do not know that any objection has ever been raised; but the purpose of the bill is to obviate the possibility of a deposition so taken being held illegal.

Mr. TURNER of Georgia. The object, then, as I understand, is that the deposition may be recorded by a person using the typewriting machine under the direction of the magistrate.

Mr. TERRY. Yes, sir.

Mr. HULICK. I should like to ask the gentleman from Arkansas a question. Suppose we wish to have the deposition of a witness taken down by a stenographer. Would that be objectionable under the amendatory bill now proposed? Must it be written upon the typewriting machine by the magistrate himself or by some person under his supervision?

Mr. TERRY. The usual practice in my part of the country is that when we want to have a stenographer take down depositions the attorneys agree that the depositions may be taken down in that way and transcribed.

Mr. HULICK. Would it not be well to consider the advisability of incorporating in the bill a provision that these depositions may be taken down by a stenographer and then certified by the magistrate? We find it very convenient to employ stenographers; but where their employment depends upon the agreement of the attorneys, the attorneys may sometimes, like other human beings, fail to come to an agreement.

Mr. TERRY. I appreciate the value of the gentleman's suggestion; and if there has been any inconvenience in that respect in his part of the country he should present a bill on the subject. We can not undertake to cover all these things in this single bill, which was designed for a single purpose.

Mr. HULICK. We have found practical inconvenience sometimes for want of such a provision as I have suggested.

Mr. TERRY. I have no doubt that the subject is a proper one for legislation, but we are now providing only for what the committee has fully considered.

Mr. GROSVENOR. Of course I am in favor of any change which may be necessary to make our laws conform to the present methods of doing business. So far as I have heard, one court only has decided that a typewritten deposition was not a compliance with the United States statutes. I differed with that learned judge, though I had no interest in the case. I did not believe the language of the law was capable of such a misconstruction.

As to the question suggested by my colleague [Mr. HULICK], I think that when a deposition is taken by a stenographer, written out, read over to the witness, signed by him, and certified by the notary public or other officer taking the deposition, the law is fully complied with. Hence I think that the amendment contemplated by this bill will furnish all the legislation necessary on this subject.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. TERRY, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. HENDERSON. Mr. Speaker, the Committee on the Judiciary has no further bills to submit at this time.

The SPEAKER. The Chair will call the other committees.

When the Committee on the Merchant Marine and Fisheries was called,

Mr. DINGLEY. Mr. Speaker, I ask that that committee be passed over without prejudice, as the gentleman from New York [Mr. PAYNE] is not present. He desires to present some matters for consideration.

There was no objection.

Mr. McRAE. I ask the same for the Committee on Coinage, Weights, and Measures. However, I see the chairman of the committee is now present.

Mr. CHARLES W. STONE. Mr. Speaker, I ask unanimous consent that the committee be passed over for the present without losing its privilege.

There was no objection, and it was so ordered.

Mr. GROUT (when the Committee on Agriculture was called). Mr. Speaker, the chairman of the Committee on Agriculture is not present, and I ask unanimous consent that the committee be passed over without prejudice, as there are some matters he desires to call to the attention of the House.

There was no objection.

The Committee on Military Affairs was called.

APPOINTMENT OF OFFICERS, ARMY AND NAVY.

Mr. HULL. Mr. Speaker, on behalf of the Committee on Military Affairs I call up for present consideration the bill (S. 1179) to repeal section 1218 of the Revised Statutes of the United States, as amended by chapter 46 of the laws of 1884, relating to appointment of officers in the Army or Navy of the United States.

The bill was read, as follows:

Be it enacted, etc., That section 1218 of the Revised Statutes of the United States, as amended by chapter 46 of the laws of 1884, which section is as follows: "No person who held a commission in the Army or Navy of the United States at the beginning of the late rebellion, and afterwards served in any capacity in the military, naval, or civil service of the so-called Confederate States, or of either of the States in insurrection during the late rebellion, shall be appointed to any position in the Army or Navy of the United States," be, and the same is hereby, repealed.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. HOPKINS. Before that, Mr. Speaker, I would like some explanations of this bill.

Mr. HULL. Mr. Speaker, this is simply an act to repeal the law which prohibits the appointment in the Army or Navy of men who, holding commissions in the United States Army, resigned and served in the Confederate army. It passed the Senate some days ago, and is about the last of the restrictions left on the men who engaged in the rebellion. The objection raised by some is that it gives a preference over the Union soldiers in such appointments.

This, as a matter of fact, is not by any means true. It simply gives the same right to fight for the flag to the Confederate soldier that the Union soldier has under our existing law. And so far as the appointments in the Regular Army or Navy are concerned, these men are all past the age which would entitle them to such appointments, unless Congress should pass a special act in their behalf.

Mr. LACEY. What is the lowest age at which a man can be appointed an officer in the Regular Army now?

Mr. HULL. There is no barrier——

Mr. LACEY (continuing). I mean would it not be limited by the retiring age anyhow?

Mr. HULL. Of course; but there is no vacancy except such as shall be created by act of Congress or those that come through promotions where vacancies occur in the grade of second lieutenants, and these are filled by men who enter the Army as private soldiers and serve two years, pass the examination required by law, and receive their promotions to the office of second lieutenant.

So far as I am concerned I have no objection whatever, in case of another war, to allowing the men who fought in the Confederate army to enter the Union service, if they desire to do so, and get shot in place of myself.

Mr. HOPKINS. I would suggest to the gentleman from Iowa that the gentleman from Maine, the chairman of the Committee on Naval Affairs [Mr. BOUTELLE], desired to be heard upon this bill, and as the committee has several other bills to be considered, I ask him to withdraw this until the gentleman from Maine can be present.

Mr. HULL. Well, I do not know when we can get the gentleman from Maine here. I told him that we would take advantage of the first opportunity when the committee was called to bring it forward for consideration.

Mr. HOPKINS. But the gentleman can withdraw this for the present and call up another bill.

Mr. HULICK. The gentleman from Maine is now engaged in perfecting the naval appropriation bill, which we expect to call up to-morrow morning for consideration, and I am satisfied that he can not now attend to this matter.

Mr. HOPKINS. I think it would be an act of courtesy on the part of the gentleman from Iowa to withdraw the bill temporarily.

Mr. HULL. I have no objection to that, of course, in the absence of the gentleman from Maine, and will withdraw the bill until he can be sent for.

The SPEAKER. The bill is temporarily withdrawn.

MEDALS OF HONOR.

Mr. HULL. I now call up for present consideration the joint resolution (H. Res. 85) relative to the medal of honor authorized by the act of July 12, 1862, and March 3, 1863.

The joint resolution was read, as follows:

Resolved, etc., That any person who has been, or may hereafter be, awarded the medal of honor provided by the acts of July 12, 1862, and March 3, 1863, respectively, may wear, in lieu of said medal, a rosette or bowknot of ribbon, of a pattern and under regulations to be established by the President of the United States, who is hereby authorized to determine and prescribe a suitable ribbon for the medal of honor in lieu of that heretofore provided.

SEC. 2. That the wearing of said medal or ribbon by any other than the persons above specified shall be deemed a misdemeanor, and subject, on conviction, to a penalty of $100.

Mr. HULL. This simply provides that the men who for gallant services have received medals of honor for the performance of distinguished services in the civil war may wear a rosette to be adopted by the order of the War Department——

Mr. STEELE. Prescribed by the President of the United States.

Mr. HULL. Yes, prescribed by the President—that will designate the fact that the wearer of the rosette is the possessor of one of

these medals of honor. It is plain that the medal of honor, which is of iron, is unwieldy, very heavy, and it is very highly prized by the possessors and their families. They are liable to be lost if constantly worn, and for that reason parties having them ask permission to wear something in the nature of a badge, such as the rosette of the Loyal Legion, to indicate the ownership of one of these medals.

The gentleman from New York [Mr. CUMMINGS] is especially interested in this matter, he having a medal given to him on account of distinguished services as a Union soldier in the war of the rebellion. I regret that he is not present at this time. This, as I have said, is simply to authorize the wearing of a rosette to designate the fact that the wearer is the possessor of one of these medals.

Mr. HOPKINS. Can not they do that now without the passage of this act?

Mr. HULL. No; because if so, everybody could wear it without restriction. I ask a vote.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

RETIREMENT OF ENLISTED MEN.

Mr. HULL. Mr. Speaker, I desire to call up the bill (H. R. 4575) to amend chapter 67, volume 23, of the Statutes at Large of the United States.

The bill was read, as follows:

Be it enacted, etc., That an act approved September 30, 1890, be amended so as to read as follows:

"That when an enlisted man has served thirty years in the United States Army, Navy, or Marine Corps, he shall, by making application, be placed on the retired list with 75 per cent of his pay and allowances of the rank upon which he was retired, and $7.50 per month as commutation of quarters."

Mr. HULL. Mr. Speaker, this is new legislation. It increases the pay of enlisted men on the retired list by giving them 75 per cent of the pay and allowances of the rank upon which they were retired.

Mr. DINGLEY. This bill should not be on the House Calendar.

The SPEAKER. This bill is not admissible under this order of business.

Mr. HULL. I think it is open to that objection, and I withdraw the bill and introduce another, which I send to the Clerk's desk.

BREVET APPOINTMENTS IN CERTAIN CASES.

The SPEAKER. The gentleman from Iowa [Mr. HULL], on behalf of the Committee on Military Affairs, presents the following bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 3719) to provide for appointment by brevet of active or retired officers of the United States Army.

Be it enacted, etc., That all officers of the Regular Army of the United States, active or retired, who served in the volunteer forces during the late war, shall receive a brevet in the Regular Army equal to the highest brevet received in the said volunteer forces and be commissioned accordingly as of the date of such brevet: *Provided*, That they have not already received a brevet of equal or higher grade in the Regular Army.

Mr. HULL. Mr. Speaker, this bill simply provides that men who fought in the volunteer service and were brevetted for distinguished services, and who afterwards served in the Regular Army, shall receive the brevet rank in the Regular Army that they earned by serving in the volunteer army. The bill gives no pay, and entails no additional expense to the Government in any way. It simply recognizes these men for their distinguished services during the war.

Mr. HOPKINS. Whom is this bill intended to affect?

Mr. HULL. It will affect about twenty-five or thirty men who are now in the Regular Army.

Mr. McCLELLAN. There is an amendment to that bill, is there not?

Mr. HULL. I believe there is.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Insert in line 6, after the word "to," the words "the highest rank held or."

Mr. HULL. That amendment was put in so that if a man had a high rank in the volunteer service and was not brevetted he shall now get a brevet rank in the Regular Army equal to the highest rank which he held in the volunteer service. This is simply a concession in the nature of a complimentary commission without any expense whatever. I move that the amendment be adopted and that the bill do pass.

Mr. STEELE. I should like to hear that amendment read again.

The amendment was again read.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

APPOINTMENT OF OFFICERS, ARMY AND NAVY.

Mr. HULL. Now, Mr. Speaker, I again call up the bill that was temporarily laid aside on account of the absence of the gentleman from Maine [Mr. BOUTELLE].

The SPEAKER. The Clerk will report the bill.

The bill (S. 1179) to repeal section 1218 of the Revised Statutes of the United States, as amended by chapter 46 of the laws of 1884, relating to appointment of officers in the Army or Navy of the United States, was again read as above set forth.

Mr. HULL. Mr. Speaker, I do not desire to again debate the bill. It is something that every member of the House is as competent to form an opinion upon as I am. It is simply to remove about the last restriction that remains on our statute books against the men who organized and fought the rebellion, and as we have them in Congress and in the Cabinet, and as they could be elected to the Presidency, I certainly have no objection to their entering the Army or Navy if the occasion requires their services, and to letting them take the same chances of war that the rest of us would take. It is a question that the House is just as competent to pass upon as the committee. The committee have unanimously recommended it, and it is before the House for its action.

Mr. BOUTELLE. I should like to ask the gentleman what purpose is sought to be accomplished by the bill?

Mr. HULL. I think there is very little to be accomplished by it one way or the other.

Mr. BOUTELLE. Then why are we to take up time to consider it, if there is nothing to be accomplished by it?

Mr. HULL. We did not expect it would take over ten minutes. It took probably five minutes in the other branch of Congress.

Mr. BOUTELLE. Why should it even take five, unless there is something to be accomplished by it?

Mr. HULL. The object, as I understand, is simply to remove the one restriction that now exists on the statute books against Confederates. It seems to me that the restriction is one that could be very properly removed at this time when we are hearing of wars and rumors of wars all over the world, and when there is a possibility that we may call upon our citizens to defend the flag and the integrity of the Government against foreign foes.

It seems to me it is simply fair to say that the men who tried for four years to destroy the Government may try for four years, if necessary, to preserve it. So far as I am concerned, I am willing to let them stand shoulder to shoulder with me and the gentleman from Maine [Mr. BOUTELLE] if we have another war, to show that they love the flag and are willing, if necessary, to die for it.

It gives them absolutely no advantage over any man who was a Union soldier. It simply places the Confederates side by side with the Union soldier in case we enter into a war. This idea that they are to be appointed in the Regular Army has no terrors whatever for me. If there is some man whom the President wants to appoint in the Regular Army, as has been suggested, he must go before the Senate and be confirmed; and I can conceive of no reason why any man who served in the Confederate army should now be appointed to the Regular Army. There would have to be a vacancy before he could be appointed outside of the staff corps. It is possible that a man might be appointed judge-advocate, or he might be appointed in some other staff corps; but to appoint him in the line of the Army would be impossible.

Mr. PICKLER. Will the gentleman yield to me for a question?

Mr. HULL. Certainly.

Mr. PICKLER. The gentleman has not heard of any protest from any Union soldier against this bill?

Mr. HULL. On the contrary, I have received letters from Union soldiers favoring the wiping out of this last restriction.

Mr. PICKLER. I think that is the feeling of the Union soldiers throughout this country.

Mr. BOUTELLE. Mr. Speaker, I have no commission to appear for the Union soldier or anybody else but myself. I simply want a little information upon this subject. I wish the chairman of the Committee on Military Affairs, if he has any information upon the matter, will inform me what is the object or what benefit to the people of the United States is to be accomplished by the passage of this bill. His rhetoric I admire; it is beautiful. His patriotism appeals to my sentiment, and it sounds nice; but he has very successfully up to this time evaded giving any reason why we should legislate upon this subject at all. Does he know a single officer who could be commissioned in the United States Army if this bill were passed?

Mr. HULL. No.

Mr. BOUTELLE. He does not. Then why do you want to pass the bill?

Mr. HULL. In the event of war we will call for troops. The Regular Army may be increased. It may be that they will be commissioned, and maybe they never will be commissioned. The bill has been put before us by the action of the Senate; and I will not put myself in the position of voting or speaking or working against it, because I can see no reason on earth for retaining this on the statute books of our country.

Mr. BOUTELLE. Well, the gentleman ought to be able to give some reason.

Mr. HULL. The very fact that it is there on the statute books standing against these men and against men who can make and execute our laws, who can be Supreme Court judges, is a discrimination against them that should not longer be perpetuated on the statute books in my judgment. It may be only a matter of sentiment, but when that sentiment can be gratified without injury to the country my vote shall be in favor of it. So long after the war I would not let this restriction remain to annoy anyone.

Mr. BOUTELLE. My friend says it is a discrimination against somebody on some privilege, and says we can not discriminate against them. Will the gentleman tell what privilege the bill would give?

Mr. HULL. Does the gentleman know?

Mr. BOUTELLE. Why, I shall be perfectly frank and candid. I will say that this bill is brought up here for sentimental purposes.

Mr. HULL. Well, we will call it that.

Mr. BOUTELLE. Very good.

Mr. PICKLER. Sentiment is a good motive.

Mr. BOUTELLE. Perhaps there is no one who has a larger share than my friend. [Laughter.] I have seen my friend from South Dakota when I thought he was charged with sentiment from crown to sole. But let us see what the sentiment is. If there is anything involved in this bill, it is a proposition to undo something that was done many years ago. It is not a proposition capable of accomplishing any practical purpose to-day; and therefore the only possible object that I can see is to cast a reflection upon the sentiment of the people who enacted that law.

Mr. PICKLER. Will the gentleman allow me?

Mr. BOUTELLE. Wait a moment. At the time this law was passed there was good reason for it, was there not?

Mr. PICKLER. I think there was.

Mr. BOUTELLE. It represented a very proper sentiment.

Mr. PICKLER. I think it did.

Mr. BOUTELLE. Was there anybody north of Mason and Dixon's line or many south of Mason and Dixon's line who had any feeling that an officer who had been educated at the expense of the United States Government and bore its commission, and then saw fit, in the exercise of his personal volition, to go out and fight against the Government, should be kept eligible to a commission in the United States Army? I think not. Now, why should this Congress desire to enter upon retroactive legislation here that will suggest that there was a mistake in that legislation?

Mr. PICKLER. Will the gentleman now allow me?

Mr. BOUTELLE. Wait a moment. If there is anybody here to-day or anywhere living in this country who is eligible to appointment in the United States Army and desires to go into the United States Army, or who has desired to be able to be put into the United States Army, why not act upon it? Why go back? You may just as well go back and repeal Abraham Lincoln's proclamation for 75,000 troops. You may just as well go back and expunge any chapter of the war's history as to do this. You can not do it. We can not wipe out the fact that we had war. We can not ignore the fact that people were arrayed against the Government of the United States and that the Government resorted to extraordinary measures to save the life of the nation, and I can see in this bill only another ebullition of what seems to me the everlasting desire to bring up the issues of the war.

Why not let them rest? More railing accusation has been made in this House against people who stir up the embers of civil strife than has been uttered upon any other subject here. Now we have brought up here a measure tending in that direction, a measure that is not going to do anybody any good. All around me are men who served in the Union Army and in the Union Navy, but nobody gets up here and proposes to make them eligible to commissions in the United States Army or the United States Navy. We are not eligible. The regulations provide who shall hold the commissions.

Mr. HULL. Let me ask the gentleman whether this bill will give the persons to whom it applies any rights of that kind more than the Union soldiers have?

Mr. BOUTELLE. Ought they to have any more?

Mr. HULL. No; but you are arguing as if this bill did give them more.

Mr. BOUTELLE. That is a most peculiar argument of the gentleman from Iowa. Does he think that these men ought to have any more rights than the Union soldiers?

Mr. HULL. I do not think anything of the kind; but you have been arguing as if you thought this bill would give them more. Now, Mr. Speaker, I have been holding the floor with the hope of winding this matter up within an hour.

Mr. BOUTELLE. I do not think you are holding the floor against me.

Mr. HULL. Yes; I am holding the floor, and I shall move the previous question before I sit down.

Mr. BOUTELLE. I reminded the gentleman from Iowa that I proposed to exercise my right to try to be heard, and he took pains to send to the other end of this Capitol to enable me to be heard; but now it seems he does not want to hear me.

Mr. HULL. Mr. Speaker, is this discussion in my time or in the gentleman's own time?

The SPEAKER. The Chair understood that it was in the gentleman's own time, though the matter was quite informal.

Mr. HULL. Then, if the gentleman is proceeding in his own time, I will simply reserve mine.

Mr. GROSVENOR. Mr. Speaker, I desire to call the attention of the gentleman from Iowa to another consideration. The gentleman from Maine [Mr. BOUTELLE] has challenged those of us who propose to vote in favor of this bill to give our reason. That goes to the country, and it is a pretty important suggestion coming from the gentleman from Maine, and for one I should like very much to state briefly the reasons why I am in favor of the passage of this bill.

Mr. HULL. As the gentleman from Maine is not exhausting my time, there will be ample opportunity for other gentlemen to be heard.

Mr. STEELE. I do not think so, as there is only an hour altogether.

Mr. HOPKINS. Well, we can take another day. This matter had better be discussed fully on both sides.

Mr. BOUTELLE. Have I the floor, Mr. Speaker?

The SPEAKER. The gentleman has the floor.

Mr. BOUTELLE. I had no idea that this bill was coming up to-day. It is a very busy day with me for many reasons, and I did not expect to devote any of it to this bill. I do not regard this as a measure of special urgency. We have had a number of these bills, but to my mind this has the least excuse of any that has ever been brought in here. You might just as well bring up a bill to repeal some law that regulated the qualifications of officers entering the Continental Army a century ago. There is not a man in the House of Representatives to-day who has any expectation, probably none who has any desire, to be commissioned in the United States Army. There is no necessity for any such legislation as this, and the only possible effect it can have is to cast some sort of reflective shadow upon the sentiment involved in the original passage of that act.

I believe that act was right. I do not believe it would have been possible to save the life of this nation on any other principle than the principle involved in that act. I do not believe there was any injustice in passing it. I believe that if it is possible for the human mind to conceive a case in which a man would render himself ineligible to a commission in the Army or the Navy of the United States it would be the case of a man who, having been educated at the expense of the Government or, whether so educated or not, held a commission in the Army or the Navy of the United States, and then, without coercion, deliberately elected to turn his weapons against the Government.

Now, if you want to pass a vote here which will qualify that sentiment, if you want in 1896 to resolve that in the opinion of Congress a man who holds a commission to-day in the Army of the United States, or any of the boys at the Naval Academy or at West Point who may come hereafter to hold commissions in the United States Army or Navy, may go out and enter upon rebellion against the Government and then come back and be regarded as eligible to again wear the uniform and again receive the commission of the Government of the United States, of course you gentlemen can do it. I could conceive that there might be some exigency which would strain men's purposes very much in the direction of leniency, perhaps even to the extent of enacting legislation of this kind, but there is nothing to-day which warrants any such extraordinary action; there is nothing calling for this legislation, and I simply ask gentlemen to consider what they are invited to do. Now, there are members here who no doubt sincerely believe that they are very much more friendly to our brethren who engaged in the rebellion than I am, but I doubt it.

There is no man in the United States, without regard to his previous condition, without regard to his former relations to the war which lasted four years and more—there is no man who is obeying the laws, who is a good citizen, who is laboring to promote the interests of our common country, for whom I have not the kindest feeling; and there is no such man with whom I will not cooperate in securing any possible benefit for the country or for his constituents. I can say that on a record of thirteen years in this House. But I claim that it is my right and my duty when a mere sentimental proposition like this is brought up, the only possible sentiment or suggestion of which is to obliterate the sacredness of the obligation that a man owes to his flag and his country—it is my right and my duty to say that we ought to hesitate about such a measure.

I do not think we ought to adopt it unless some great, overriding necessity compels us to do so. There is no man kept out of the United States Army to-day by reason of that law—not one. And when the gentleman from Iowa says that this does not grant to

these officers any greater privileges than to a Union soldier, I simply say to him that he has not come in here to make the Union soldier eligible to commission in the United States Army. We have got to repeal a whole code of laws that are now on our statute book before any Union soldier now in private life can become a commissioned officer in the United States Army. No man who held a commission during the late war and is now in private life can obtain such a commission.

We had to make a great fight here in Congress—a fight covering two or three years—in order to get the chief of the Union armies, a graduate of West Point, the greatest soldier of modern times, the privilege of simply being enrolled on the retired list of the United States Army; and I regret to say that the gentlemen in whose behalf this legislation is asked were the principal and most persistent opponents of that measure. There are gentlemen here who remember the case perfectly well—how even Ulysses S. Grant was prevented month after month and session after session from enjoying the privilege of being enrolled upon the retired list of the Army.

Gentlemen over here will perhaps say, "Oh, I do not like to take a position which may be misconstrued or criticised by somebody and place me in an attitude inimical to the views and desires of our brethren who were on the Confederate side in the late rebellion." My friends the gentlemen on the other side have never hesitated one moment in advocating their side of all these controversies. No man who served in the Confederacy felt at all estopped because he had participated in the rebellion from opposing the putting of General Grant on the retired list. No gentleman over there so far as I know felt estopped in the slighest degree from acting as a juror in the great case of the Union against Fitz John Porter when he was retired. They voted solidly to put Fitz John Porter on the retired list; they voted solidly that Ulysses S. Grant should not go on that list.

Mr. WHEELER. Will the gentleman tell us the name of one man who voted against the passage of that bill for Ulysses S. Grant?

Mr. BOUTELLE. They all voted against it.

Mr. WHEELER. The House voted unanimously for the bill; there was not a single vote against it.

Mr. BOUTELLE. I know exactly what I am talking about. My memory is not so short as to have forgotten the circumstances. There are gentlemen here from the State of Iowa who know that we were unable even to get up the question and to have a vote on General Grant's case until we had surrendered the rights of a gentleman from Iowa who had a contested-election case pending here.

Mr. HULL, in his seat, addressed a remark to Mr. BOUTELLE.

Mr. BOUTELLE. Mr. Speaker, I hope that a gentleman who was not here and who presumably does not know anything about this matter will not try to correct a gentleman who was here and who knows all about it. [Laughter.] There are other gentlemen here who know all about it. But for the benefit of my friend from Iowa [Mr. HULL], I will call upon another gentleman from Iowa [turning to Mr. HEPBURN] who was here to attest the truth of my statement that the Hon. James Wilson got up here after they had filibustered against getting up the Grant bill—notwithstanding the fact that the great Union Democrat, Samuel J. Randall, was the author, I think, or at any rate the sponsor of the bill—they refused to let the bill come up at all, a gentleman from North Carolina insisting that the contested-election case of somebody against Wilson from the State of Iowa should first be disposed of, an election case in which it was purposed to turn out a Republican and put in a Democrat, not only on the last day but in the last hours of the session. And finally, when we were at our wits' ends and feared that the gavel might fall and Congress adjourn and General Grant die before he could receive this honor at the hands of his countrymen, Mr. Wilson, to his honor be it said, arose in his seat in about that place [pointing] and said:

Mr. Speaker, if by my sacrifice justice can be done to General Grant, I ask my friends to let my case go.

And they did let his case go. He was turned out of this House and his successor was sworn in before we were permitted even to vote upon the proposition to put Ulysses S. Grant in his dying hours on the retired list of the United States Army. Now, I do not cite these facts to stir up strife. I have not brought the strife here. I cite this as a matter of history; and I cite it to show, as I said before, that, while gentlemen who served under the Confederate flag have never felt the slightest delicacy in rising here at any time and on any occasion to defend anything that they regarded as a right of theirs or their section or their cause, there is no reason why I or any other member who was on the other side of that question, who stood by the Government, should be ashamed, should crawl under the table, or try to repeal the righteous legislation to which this nation owes the preservation of its life.

It does no good. Congress ought to be dealing with other questions. The men who are affected by it probably do not desire to go into the Army. The very fact, as stated by the gentleman from Iowa himself, that some of these men are occupying high positions in the Government shows that they are probably satisfied as things exist. Presumably they do not want to go into the United States Army. Actually they can not do so. You would have to repeal the whole code of army laws before they can get there. On the other hand, none of us who have passed the years of military life expect to enter the military service or obtain commissions, except under very special cases or extraordinary circumstances, so that that fact has no practical bearing upon the question; and the only purpose of the passage of the measure is a sentimental one, to make gentlemen on that side of the House believe that gentlemen on this side are their friends. It is the old story of Dickens, "Codlin's your friend, not Short."

I think the presentation of the bill was a mistake. I say the man who got up the bill was not intelligently informed. There is no necessity for such a proposition. Let us forget it. And while I have been accredited with more or less aggressiveness, I have not been the author of such propositions. I have seen them brought here time and again. They continually crop up unduly and unnecessarily.

Now, a word to my friends on this side, the old Union soldiers. My friend Mr. PICKLER, the gentleman from South Dakota, wanted to know if the Union soldiers had protested against this. I ask him how many Union soldiers know that this bill is pending? Very few, I opine; very few, indeed. How many Union soldiers know that among the things that have been done to illustrate the kindness and generosity toward the Union soldier of the North is a provision in some portions of the constitution of a State of the South that amounts practically to a tax on a man if he served in the Union Army?

Mr. WALKER of Virginia. Will the gentleman be kind enough to specify what State?

Mr. BOUTELLE. The very question that the gentleman propounded to me shows that information on this subject is not so universally disseminated. I hold in my hand a copy of the constitution of the State of South Carolina. If there is some gentleman present who represents the State, I would like to ask him a question in connection with the matter.

Mr. WILSON of South Carolina. What portion of the constitution does the gentleman refer to?

Mr. BOUTELLE. In answer to the gentleman from South Carolina I desire to ask him this question: If there is not a provision in the constitution of that State that imposes a tax upon the voters of the State generally, from which men are relieved if they served in the Confederate army?

Mr. WILSON of South Carolina. I was a member, Mr. Speaker, of the convention which framed the State constitution——

Mr. BOUTELLE. And the gentleman must therefore be familiar with its provisions.

Mr. WILSON of South Carolina (continuing). And the only discrimination made in the constitution of the State of South Carolina in favor of the soldiers of the Confederate army is the provision that those who are under 50 years of age, which is the road-working age, are exempt from road duty.

Every other citizen in the State between the ages of 18 and 50 is liable to this road duty; but the convention which framed the constitution of the State of South Carolina in its wisdom came to the conclusion that those soldiers who had represented the State in the war, who had given in many instances many years of their lives for the service of the State in the war, who had suffered physically and had been crippled perhaps, who had become to a large extent physically unable to do the work, that those citizens should be relieved from the necessity of working the roads. That is the only discrimination that is made in favor of them, with the exception of paying them a pension, which you give to the disabled who are decrepit and physically unable to earn a living. South Carolina is not ungrateful to the old soldiers.

Mr. BOUTELLE. Is South Carolina grateful to the Union soldiers for saving the Union and bringing South Carolina back into it?

Mr. WILSON of South Carolina. The Union is grateful to them, as the paying of the pensions indicate, which are paid by moneys raised from all parts of the country.

Mr. BOUTELLE. That does not exactly answer the inquiry. But did I mistake the facts in what I said?

Mr. WILSON of South Carolina. Well, you must be the judge of that. I have stated that the only discrimination is that the soldiers who served during the war and are living and are under age are exempt from road duty. That is all.

Mr. BOUTELLE. Does it mean all the soldiers who served during the war?

Mr. WILSON of South Carolina. The Confederate soldiers.

Mr. BOUTELLE. Will the gentleman be kind enough—he says he was a member of the constitutional convention and ought to be able to put his finger upon the provision—will he be kind enough to note in this pamphlet that I send him the provision in question and return it to me?

Mr. WILSON of South Carolina. I will do so. I will say, further, that the war has been over for thirty years. Thirty years and eighteen added make forty-eight years, and only those gentlemen who are between 48 and 50 years of age are affected by the exemption in question.

Mr. BOUTELLE. How old are the men who would be likely to be affected by this bill—men who held commissions in the United States Army in 1861?

Mr. WILSON of South Carolina. Oh, I think it would affect very few of them; but in case of war, if the gentleman asks that question, he would find that these men who stood up to the dictates of their consciences and their sense of right then would be just as true to the Union——

Mr. BOUTELLE. Nobody questions it.

Mr. WILSON of South Carolina (continuing). And would do just as valiant service as the gentleman from Maine or anybody else.

Mr. BOUTELLE. I ask the gentleman from South Carolina to please point out that paragraph in the constitution of his State. He is familiar with it.

Mr. WILSON of South Carolina. It will take me some time to find it.

Mr. BOUTELLE. I will help the gentleman. I know pretty nearly where it is. I do not yield the floor, Mr. Speaker.

Mr. WILSON of South Carolina. Mr. Speaker, I will state to the gentleman——

Mr. TERRY. Mr. Speaker, as a question of information, I should like to know which one of these gentlemen has the floor?

Mr. BOUTELLE. I have it.

The SPEAKER pro tempore. The gentleman from Maine has the floor.

Mr. WILSON of South Carolina. I will state to the gentleman from Maine that I will try to find the paragraph which he desires. In the meantime I suggest that he continue in possession of the floor.

Mr. BOUTELLE. I ask that the gentleman be given a moment or two.

Mr. WHEELER. In the meantime will the gentleman allow me to give him some information. [Laughter.]

Mr. BOUTELLE. Wait a moment.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from Maine desire to proceed?

Mr. BOUTELLE. I ask that the gentleman from South Carolina be allowed a few moments in which to find this paragraph.

The SPEAKER pro tempore. Does the gentleman from Maine desire to proceed?

Mr. BOUTELLE. Yes, I do.

The SPEAKER pro tempore. The gentleman is entitled to the floor.

Mr. BOUTELLE. I want to proceed; but I desire to have this extract, because I want the absolute text of it.

Mr. WHEELER. Would you not like to find out something else first? You are wrong on everything. Get right on one thing at a time.

Mr. BOUTELLE. I am going to take one thing at a time. You come next. [Laughter.] I can not take South Carolina and Alabama all at once.

Mr. WHEELER. They are two pretty good States.

Mr. BOUTELLE. They are; and I do not want to get into antagonism with both of them at the same time.

Mr. Speaker, for the purposes of what I have to say I will repeat—while I can not quote the language verbatim—that the constitution of the State of South Carolina recently adopted contains a provision in regard to taxation, and, if I have not read mistakenly, I think it is a provision that the poll tax shall be so much, and there is a provision that this shall be levied substantially upon all persons except Confederate soldiers between the ages mentioned. Now, I do not think anybody will contradict that fact; and it shows a very different disposition, as I look at it—I may be biased; I may be prejudiced; I try not to be—it certainly does not seem to me to show that disposition which brings this bill in here. I am one, whether of few or of many, who still believe and really believe that, while it is well to make all the concessions in life that can justly and honorably and properly be made between individuals and between people, some of the concessions in regard to this matter of the strife against the Government of the United States ought to come from those who tried to destroy the Government.

I do not believe that any good purpose can be served, at a time when gentlemen who occupy this floor from day to day feel obliged to inveigh against a condition of things which brings thirty contested-election cases into this House, cases of such a character that gentlemen stand up here day after day and assert that the laws and the Constitution of the United States, affecting not only the rights of the citizens but which must affect the safety and welfare of the Government itself, are persistently and systematically violated over a large section of this country. These cases come in such numbers and with such glaring proportions that the House of Representatives of the United States has been compelled for the first time in its history, in order to do justice, in order to dispose of these controversies as to what the people of the Congressional districts have really decided in regard to their representation, to appoint three separate Committees on Elections to determine these cases.

Now, that does not show a condition of things which calls upon us to go back and rip up the necessary and righteous legislation of the war. I think that some of my friends on this side—and I say it without personal, individual application—would really be quite as well employed, would be doing quite as good service to this country, would be quite as much in line of their duty to liberty, to freedom, and to progress, if they had not been misinformed, as all of them said they were awhile ago, of the fact that the greatest discrimination was made in one of the States of the Union not only against their own comrades, but against the men who served under the flag of the Union. I think that we could have been more worthily occupied than in hunting up these statutes that were brought into this House and into the Senate by the lion-hearted men who stood like pillars and supported the fabric of Government in the hour of its peril, the men who upheld Abraham Lincoln's arm when the Government was tottering, and when nothing but armed resistance to men who had taken up arms against the Government could by any possibility give liberty to the future.

I say it is rather late in the day for us to make a definition of what constitutes the duty of a man who has a commission of the United States Government. I say that unless some great public benefit is to be accomplished, unless some great overshadowing peril or evil is to be avoided or evaded, we ought not to publish a lesson to-day that it is a light thing for a man to take his oath to support the Government of the United States and then draw his sword against it. I have nothing to do with the animosities of the past. Of the conditions that have been made I have nothing to do but to accept the situation. I draw no line against any man for the performance of any duty that has been assigned to him under the Constitution as it was or the Constitution as it has been amended. But I do say that I can not see how or why we are called here to-day to so act as to give an object lesson to those boys at Annapolis and those boys at West Point that will imbue them with the idea that their obligation to their Government is less sacred than it was believed to be in the time of Abraham Lincoln and Ulysses S. Grant.

Mr. QUIGG. Will the gentleman allow me a question?

Mr. BOUTELLE. I want the boys of this country, whether at West Point or Annapolis, when they look at the possibility of service under the flag of their Government, to recognize that it is the obligation of a life, just as sacred as the signers of the Declaration of Independence regarded it when they pledged their lives and sacred honor to the cause.

Mr. QUIGG. Will the gentleman allow me to ask him a question?

Mr. BOUTELLE. I do not see any object to be attained by the passage of this bill that at all warrants us in putting this new construction upon the American idea of the duty of an American soldier and an American officer to his Government and to his flag.

Mr. QUIGG. Will the gentleman allow a question there?

Mr. BOUTELLE. Certainly.

Mr. QUIGG. Mr. Speaker, I would like to ask the gentleman from Maine whether he seriously thinks that the removal in this proposition——

Mr. BOUTELLE. Some people say I always think seriously.

Mr. QUIGG. I have no doubt. If the gentleman will think seriously now, will he answer the question whether he thinks this proposition, at this time and under all the circumstances that surround us and the country, is going to give any such lesson as he suggests to young men?

Mr. BOUTELLE. I do.

Mr. QUIGG. I do not.

Mr. BOUTELLE. If it does not form some lesson there can be no practical effect in this. It can be passed for no reason under the heavens except to carry an impression to the public. It is a brutum fulmen in regard to the Army of the United States. It amounts to nothing in regard to the gentlemen who served on the other side. It means nothing, and it was brought in here for no purpose whatever except to give an impression to the public that we had reached in these years since the war a condition in which we looked with some leniency on the cause. We have looked with some leniency on those who participated, as I do myself very freely, and it would follow that we looked with more leniency upon the act itself. This I deny in the name of the American people. The people of this country to-day are as loyal to the flag, and their sentiment, I insist, is as inviolate as it was in 1861 to 1865. The flag of our country is just as precious and as sacred

as it is to the man who takes the sword of the Government of the United States in his hand and kissing the hilt swears that he will wield it faithfully in the defense of his country, even with life itself, and it ought to mean just as much of an obligation in the present year and the years to come as it meant during the time of the late rebellion from 1861 to 1865.

Now, I ask gentlemen to consider this thing. If there was some advantage to be achieved, if there was to be one feather's weight even in bettering the condition of the people who are proscribed in any section of this country, the words of the constitution just adopted by South Carolina brings you notice that they have not admitted yet that the war is over, that they have not found out that strife is ended; but that to-day, in the organic law of that State, they have made a discrimination against the men who fought under the Union flag by making a discrimination specifically in favor of those who fought under the Confederate flag.

Mr. WILSON of South Carolina. Mr. Speaker, in reply to the question of the gentleman from Maine I wish to say that I have discovered the portion of the constitution to which he refers, and the difference between my statement and the statement in the constitution is the difference between the poll tax and the road tax. The provision is as follows:

> There shall be assessed on all taxable polls in the State between the ages of 21 and 60, excepting Confederate soldiers above the age of 50 years, an annual tax of $1 on each poll; the proceeds of which tax shall be expended for school purposes in the several school districts in which it is collected.

Now, I will say to the gentleman that it would be very difficult for him to find any others than Confederate soldiers among the veterans of the war in the State of South Carolina.

Mr. BOUTELLE. I can find the gentleman a great many. That document was sent to me by one of them who is proscribed.

Mr. WILSON of South Carolina. You will find them only on the seacoast, among a certain portion of the population, a class of population who are receiving the benefit of nearly $1,000,000 of taxation for their public schools, this fund being used altogether for the public schools.

Mr. BOUTELLE. The gentleman entirely ignores the fact that there are white men from the North living in South Carolina. Why did you not include Union soldiers in that exemption, as you were a member of the constitutional convention?

Mr. WILSON of South Carolina. Why do we not include Union soldiers in our pension laws? This is simply an act of gratitude on the part of South Carolina to those Confederate soldiers over the age of 50 years—not under—whom the people of South Carolina believe to have served the State sufficiently to justify this discrimination in their favor.

Mr. BOUTELLE. Very good. Then the gentleman from South Carolina says that his State, in making a new constitution more than thirty years after the war, still regarded the services of the Confederate soldiers as more valuable to the State and more entitled to recognition than the services of the Union soldiers who saved the life of the nation. Now, if that be so, I want to ask my friend from South Carolina this plain question, and I ask him to answer it candidly: If you in South Carolina are sincere in holding that the men who fought under your State flag and served against this Government are more entitled to the recognition and favor of South Carolina than the men who fought for the United States Government, do you not think that we here would better continue, as a Congress of the United States, to let this law stand, which holds that the men who fought for the Union, and held commissions in the Army and Navy of the United States, and were true to those obligations, are more entitled to recognition and favor by the Government of the United States? [Applause.]

Mr. WILSON of South Carolina. I will answer the gentleman. Mr. Speaker, I will not be drawn into a controversy which would amount to fighting the war all over again. Down South we believe that the war is over——

Mr. BOUTELLE. Then why do you act so in making your State constitution?

Mr. WILSON of South Carolina. Wait one moment and I will tell you. The spirit which actuates us now is not one of resentment against the Union soldiers, but it is a spirit of gratitude to those who fought for the cause in which we were interested.

Mr. BOUTELLE. Then let us exercise the same spirit here toward those who fought for the cause in which we were interested.

Mr. WILSON of South Carolina. Mr. Speaker, I will say to the gentleman from Maine that I regret to see one who has actually seen service, who was in the war, who has an honorable war record, who smelt powder—I regret, I say, to see such a man showing that he is still smelling powder. The war is over. The North can not get along any better without the South than the South can get along without the North.

Mr. BOUTELLE. Mr. Speaker, I decline to yield any longer. I appealed to the gentleman from South Carolina for information on this question of the discrimination in the constitution of his State, and it appears that he was a member of that convention, and I need make no argument as to his perfect confirmation of the statement I had made. The exemption of Confederate soldiers over 50 years of age of course excludes pretty nearly all the men in South Carolina who served in the Confederate army. We have the fact, then, that a State constitution, made within a year, in the State of South Carolina, discriminates in express terms against the Union soldiers living in that State. The men who made that constitution did not resort to any subterfuge; they came out plainly, and the gentleman from South Carolina tells us that they do it for the same reason that they pension Confederate soldiers, because they regard the services rendered by those soldiers as entitled to more favor and consideration on the part of South Carolina than the services of the men who fought to save the Union.

Mr. QUIGG. Is that a good example to follow?

Mr. BOUTELLE. Well, now, Mr. Speaker, the gentleman from New York shall have an opportunity to be heard on that subject. If he wants to defend this South Carolina constitution I will ask that he be given time after I get through. I hope in the meantime that he will not disturb the thread of my remarks. I want to hear a defense of that South Carolina constitution, and I know that if I hear it at all I must hear it from somebody as young as the gentleman from New York [laughter], for no man who served in the Union army, no man who knows personally anything about the war, would ever think of palliating such a constitution, of palliating the conduct of a State which in the year 1896 makes a discrimination against the men to whom we owe the fact that we have a Government to-day.

The gentleman from South Carolina [Mr. WILSON] has spoken about the few men who served in the Union Army who are now in South Carolina. They are probably fewer than they would be if conditions there were different, but I remind him that there are at least enough of them to have two gentlemen contesting seats in this House and alleging that they would occupy those seats if the laws and the Constitution of the United States had been obeyed in the election.

Now, I was notified hurriedly that this bill was to come up. There are a number of things I would have been glad to say. Some one has sent me a memorandum which I will read—that one of these contestants in the States from which my friend would have us think there were no Union soldiers except down in the black belt or somewhere else, implying that there were only colored men—Col. Tom Johnson, now contesting the seat of Mr. STOKES of South Carolina, was a member of General Butler's command that marched through Baltimore——

A MEMBER. On the cars.

Mr. BOUTELLE. Well, on the cars, if the gentleman desires to be specific—freight cars, or whatever they were.

Mr. BARRETT. General Butler did not march through Baltimore.

Mr. BOUTELLE. Oh, well, gentlemen, do not be microscopic in your criticisms. I remember once hearing old Senator Hamlin refer to a colleague in the Senate as a man who could see a fly on the barn door, but could not see the barn.

Mr. Speaker, I have said about all I want to say, and I will reserve the balance of my time.

Mr. GROSVENOR. Mr. Speaker, had it been left to me to decide, I should not have introduced this bill into Congress. I do not believe, however, that it was introduced for any other than a patriotic and proper purpose; and the question now presented to us is whether we shall pass the bill or defeat it.

So far as I am concerned, I do not care particularly about the constitution of South Carolina. I do not want to add any fuel to the prospective flames of this debate; but I will venture to suggest that possibly the present constitution of South Carolina was made without a great deal of reference to the Constitution of the United States—made more as a protest against it than as an indorsement of it.

The question is asked whether that constitution, in so far as it undertakes to favor a class of persons, can be defended. Well, I have to say just this about that constitution: It is a question for each State to make such discrimination in favor of classes of helpless and suffering people as the citizens of that State may see fit to make. I think for myself that it is a very unwise provision to put into a constitution. I believe that one of the great evils of American legislation and American statesmanship to-day is the disposition to crowd into State constitutions a great mass of matter which is properly legislation—nothing else than legislation, such provisions as have no proper place in the organic law of a State. It has possibly been unfortunate for South Carolina that a party in that State got possession of power, and fearing that they might not be able to hold the legislative power of the State, put into the constitution a lot of provisions that will undoubtedly be a seeding of dragon's teeth that will grow up to afflict that Commonwealth.

But a State has a right in the exercise of its police power and in its care for the unfortunate to exempt from taxation classes of individuals; and that police power is wisely executed when the

class to be exempted is composed of people who in the main are helpless and would otherwise become indigent and after awhile become chargeable upon the public. So in many States we exempt the Union soldier in some measure from taxation, not especially as a commendation of him, but in order to save the country from a burden that otherwise would be hard to bear. In the State of New York, in the State of Connecticut, in the State of Ohio, I know that this is so. In the State of Pennsylvania the Union soldier is not required to pay a license tax to engage in peddling and other matters of that sort. More than that, I understand he gets a license which no other man can get, and gets it without making any payment. Now, such things are done not only to testify our appreciation of the Union soldier, but are also in the nature of a public provision to aid him.

Now, let us see whether it is very strange after all that South Carolina should look about her among her helpless classes—or I will not say South Carolina; I will say all the States of the South—and do something to aid those people and to keep them out of the poorhouse, for, after all, notwithstanding a man may have served in the rebel army, notwithstanding he is an ex-Confederate soldier, the public owes to him bread and clothing and lodging and fire, and if he can not get them in any other way he will have to get them at the public expense as a matter of charity.

Now, we pension the Union soldier very liberally. The Confederate soldier is not pensioned. But South Carolina aids the Union soldier by paying her share (it is a very small proportion) of the pensions of the country; and then, in order that the ex-Confederates may be kept out of the poorhouse, many of the States of the South confer small pensions upon the Confederate soldier. I have never heard that anybody complained of that. I do not complain, most assuredly. I would go a long way to aid the man who bore a musket against me in the time of war [applause], much farther than I would go to aid the man in the North who stood and howled and hissed at me when I was doing the best that I could in the South. [Applause.]

Now, then, the question has come before us here; and the challenge is made by the gentleman from Maine——

Mr. BOUTELLE. I challenged nobody; I am not in the challenging business; and right here, if the gentleman will permit me, I desire to disclaim——

The SPEAKER pro tempore. Does the gentleman from Ohio [Mr. GROSVENOR] yield?

Mr. GROSVENOR. Everybody yields to the gentleman from Maine. [Laughter.]

Mr. BOUTELLE. The gentleman called my name—I want to put it on that ground—he need not yield unless he desires to do so; but when a gentleman calls another by name he ought to allow a reply.

Mr. GROSVENOR. I have yielded to the gentleman.

Mr. BOUTELLE. I simply want to say this—I should not have thought it necessary, perhaps, if some other gentleman than the gentleman from Ohio had appeared on the floor—but I simply desire to say——

Mr. GROSVENOR. Oh, Mr. Speaker——

Mr. BOUTELLE. And I want to say, Mr. Speaker, that I have spoken here to-day on my own behalf, and not as representing any candidate for the Presidency of the United States.

Mr. GROSVENOR. Now my friend from Maine, when he recovers a little, will not be very proud of that remark.

Mr. BOUTELLE. I am absolutely proud of it; and I do not want anybody to be responsible except myself for what I do or say.

Mr. GROSVENOR. Nor will anybody be responsible for my speeches. And in that connection, Mr. Speaker, let me ask, is it possible that we have reached such a condition of affairs in this country that when a man is in favor of A for the Presidency, or B or C, that every time he gets up here to say something on on any subject somebody is to call attention to the fact and proclaim aloud that his advocacy of an entirely independent measure has something to do with that candidacy? Is that manly politics? Or is that argument on such a question as this?

But, Mr. Speaker, I will not answer the gentleman from Maine in kind. What I was saying was this: That he challenged a reason for the passage of this bill. Well, I used the word challenged. He demanded to know—and put it at our distinguished chairman of the committee with considerable vim two or three times—he demanded to know the necessity or the reason for the passage of this bill. Now, I called that a challenge.

Mr. BOUTELLE. And I will be glad to be informed on that very point.

Mr. GROSVENOR. Well, I am seeking to inform you now, and if you had been quiet a little while and had allowed me to go on, you would have had full information by this time. [Laughter.]

It is said that the passage of this bill would not add anybody to the United States Army. Well, I do not know whether it will or not. I place my support of the bill upon the grounds that in so far as my action in this legislative body goes it shall be to make possible the highest degree of loyalty and love of country on the part of every man who served in the Confederate army during the war. [Applause.] The time may come—the time has come—when we want unity and loyalty on both sides of Mason and Dixon's line. [Renewed applause.]

Mr. BOUTELLE. Does the gentleman mean to intimate that it does not exist to-day on both sides of the line?

Mr. GROSVENOR. On the contrary, I think it does.

Mr. BOUTELLE. Does the gentleman intimate that something is needed on the part of the Government of the United States toward these people to warrant them in being loyal?

Mr. GROSVENOR. It is always necessary and proper for a great government to do what is right and fair and just for all of its people. [Applause.]

Mr. BOUTELLE. Does the gentleman say that this legislation which you seek now to repeal was not just and right and fair?

Mr. GROSVENOR. Why, Mr. Speaker, the gentleman has already made his speech. We passed provisions of law in years gone by that disfranchised every man of a great class in this community. They were not allowed to vote. They could not even have the use of the mails, and where are all these restrictions now? We took them off one by one as the years went on; we took them off of every man who came forward and said: "I have had enough of this, and am loyal to the United States Government." We took off the disabilities that we had passed in order to testify that the original purpose of the rebellion was right? Was that the purpose? By no manner of means. That was not the intent; such a thought never entered into the minds of the lawmakers. It was because under the blessings of a restored Government we proposed that every man should have an equal chance to again work out his salvation as an American citizen without legal disabilities. [Applause.] We took them from the men who graduated at West Point, who had forsworn their obligations to the Government and went into the Confederate army to fight against the Union; we took the disabilities from them and took them back again.

Where are they to-day? They are in this body. They are in the Senate of the United States, a coordinate branch of this Government. They are on the Supreme Bench of the United States. They are in the Cabinet of the Administration of this Government and they were in the Cabinet of a Republican President of the United States. Aye, more than that, Mr. Speaker, there was one in the Cabinet of that very same General Grant, the glorious general of the United States Army, whom my friend pronounces so high an encomium upon—they were in the Cabinet of General Grant. [Applause.] It was General Grant, the great leader of the Union armies, who sent to a foreign country the cavalry raider from Virginia; it was General Grant who gave Longstreet, the bravest and, in my humble judgment, and with all due respect to the opinion of others who differ with me, the ablest of the Confederate leaders, a high position in the civil service of the Government of the United States.

Mr. BOUTELLE. Was he not ostracized throughout the South from that very fact?

Mr. GROSVENOR. Well, that is an entirely different question. I am talking now of the policy of the Government.

It was General Grant who made it possible for Fitz John Porter, a Union general, to go on the retired list of the Army. It was General Grant who used his mighty influence to procure the passage of that act. So at every step of the way we have been trying to remove these disabilities. I am as vigorous in my adherence to the Republican party and as partisan as it is proper for any American citizen to be; but when a man comes forward who served in the Confederate army and says to me, "Here is a little distinction left, as a mere remnant of that which rested upon us in our long years of wrong and trouble; take it away," I am willing to take it away. [Applause.]

Mr. BOUTELLE. Will the gentleman be kind enough to say who has ever said that?

Mr. GROSVENOR. Said what?

Mr. BOUTELLE. Who brought this bill forward?

Mr. GROSVENOR. God only knows. I do not. [Laughter.]

Mr. BOUTELLE. Do you know that any Southern man has asked for it?

Mr. GROSVENOR. I do not know that.

Mr. PEARSON. Why, yes; the gentleman from Virginia.

Mr. GROSVENOR. If there was a man from the South begging for it I should not feel as anxious to give it to him as I am to give it to him as the free act and deed of this side of the House. [Applause.]

Furthermore, now, why should this be kept upon these people? It is said that the repeal of this act would be a reflection upon its original passage. Is that possible? Did Abraham Lincoln reflect upon the original disabilities that were put upon the Confederate soldier when he recommended to Congress that they be relieved, and to a Republican Congress at that? It was a Republican Congress which lifted these disabilities. Did old Thad Stevens and

John A. Bingham and Garfield and Schenck and that class of men inveigh against the original propriety of those disabilities because they removed them? Did Grant suffer in his loyalty to the country when he made his famous proclamation that sent a thrill of gratitude through the hearts of the Southern people and was the producing cause of the greatest encomiums ever given to him, when he told those Confederate soldiers to take their horses home and make crops with them? I can condemn the bad legislation of the South without standing here to object to removing a disability such as this.

Now, Mr. Speaker, I might elaborate upon this point. Let me tell my friends here what I have looked forward to with hope, and I have wanted to live long enough after the war until I could see it. I have wanted to live long enough to see the policy of the great party to which I belong operate to restore the Union absolutely, so it would be again—

A union of hearts and a union of hands;
A union of States none could sever.

I have aided in my feeble way to put into the Constitution barriers against which the gates of rebellious hell can never again prevail.

I have voted for the amendments to that Constitution that guarantee equal rights to the people of the whole country, and I have wanted to live to hear the proclamation go out to other countries, "My country is united; my country is loyal; the wounds and stains of war have been abolished and wiped out in the growth of American patriotism and American statesmanship and intelligence." [Applause.] I have wanted to see the time come when, if war with a foreign country should arise, my countrymen North and South, those who suffered under these disabilities and those who have grown up, the young men of the South, might feel just as zealous, just as anxious, just as patriotic, as the young men who have grown up in the North; and I believe, Mr. Speaker, notwithstanding some of the bad legislation, notwithstanding some of the contested-election cases in this House—I believe that time has come. I believe the time has come when the man of South Carolina, the man of Georgia, the man of Texas, the man of Ohio and Pennsylvania, and the man of California feel the same pride in our country that I feel, the same reverence for the flag that I feel, and I want no class of men in my country carrying a load that I am not willing to carry. [Applause.]

Mr. GROW. Mr. Speaker——

Mr. HOPKINS. I make the point that the morning hour has expired.

The SPEAKER. Under the rules of the House any member is at liberty to make a motion which will close the morning hour, but the morning hour does not expire of itself.

Mr. GROW. Mr. Speaker, was I recognized?

The SPEAKER. The gentleman from Pennsylvania is recognized.

Mr. GROW. I propose to trespass but briefly upon the attention of the House at this time. National disasters have fallen upon all nations that preceded us, and in our case a mighty disaster befell this generation. The soil of England was drenched for long years in the blood of her best citizens in the War of the Roses; and yet when that struggle passed from the consideration of the living generation who took part in it, the asperities of its animosities ceased, and where is the Englishman to-day who remembers the antagonisms and strife of that period?

Slavery was the cause of the rebellion in this country. Our habits of thought are, to a great extent, creatures of our surroundings. We are all born and reared under certain influences, which develop certain traits of character. Had the men of Massachusetts been born and reared for generations in South Carolina, when the iron hail beat on the walls of Sumter, they would have joined in rebellion, as did the men born in South Carolina. And if the men of South Carolina had been born and reared in Massachusetts for generations under her surrounding influences, they would have united, as she did, in upholding the institutions bequeathed by our fathers. What caused the rebellion—the moving, educating element—is gone forever, and no one sheds a tear on its grave. To-day all who dwell upon American soil under the flag of our fathers are surrounded by similar influences, and will erelong forget the bygones except as a warning for the future, if they have not already done so.

When this mighty conflict was at its height and the roar of hostile cannon was heard from one end of the country to the other, 18,000,000 people stood like the youth in the streets of Paris when it was rumored that Mirabeau was dying. He had listened to his impassioned eloquence in the Corps Législatif, and rushing to his physician he eagerly inquired, "What is the matter with Mirabeau?" and when told that he was dying for want of blood, stripping bare his arm, he exclaimed: "Take the blood from my veins and put in his, and let Mirabeau live." So 18,000,000 of the American people, when danger hung over the perpetuity of the Union bequeathed by our fathers, baring their bosoms, exclaimed: "Take our hearts' blood and let the Republic live."

The men in arms for the destruction of the Union were inspired by the institution of slavery, and would never have gone to the battle for its overthrow only from such influences. What caused the rebellion has passed away forever, leaving a Union saved and a country free. While our fathers were among the wisest of men that ever laid the corner stone of empire, yet in the grand temple of liberty which they reared they left the cankerworm of human bondage to gnaw at the vitals of free institutions until the crisis hour came when one or the other must die, and slavery was the victim.

The world is ever ready with its meed of praise for valor and deeds of heroic self-sacrifice, whether in the Spartan at Thermopylæ, the Old Guard at Waterloo, or Pickett's dauntless charges at Gettysburg.

But 'tis the cause makes all,
Degrades or hallows courage in its fall.

A victorious party in a carnival of blood can not in this age convert itself into a party of perpetual hates. Hates and rancors must sometime have an end. Let us bury with the heroic dead the animosities engendered in the conflict and remember only that we are all American citizens, glorying in the traditions of a common ancestry, and henceforth vying with each other in deeds of patriotic devotion for the greatness and the glory of the Republic. [Loud applause.]

Mr. BOUTELLE. Will the venerable gentleman from Pennsylvania permit me to ask him a question? If devotion to the Government, if patriotism is a matter of locality, and if it be true that the people of Massachusetts to-day are entitled to no special credit for being loyal, and the people of South Carolina, or Alabama, if you choose, are entitled to no special condemnation because they were disloyal, does not the gentleman think that he ignores a great fact and does great injustice to that body of loyal men who, in Tennessee and in North Carolina, in Missouri, in Kentucky, and in West Virginia, in spite of the fact that they were domiciled with slavery; in spite of the fact of their locality; in spite of the fact of their minority; in spite of the fact of their proscription and the sufferings for which they fled to the mountains for refuge—does he not think these men are entitled to some consideration, to more honor from the Government of the United States, than those who voluntarily engaged in fighting to destroy the Government? It seems to me that we can not afford to argue on the basis that if we had lived somewhere else we should have done as somebody else did. You can make that argument in favor of anything that any man or set of men ever did anywhere.

I hold that the people of Massachusetts and of New York and of Pennsylvania were loyal to this Government for other reasons than because they lived in those States. They were not the men who were gathered under a sudden impulse into the Army; they were the thoughtful, patriotic bone and sinew of those States, who left their homes, their shops, their vocations, and went to the field because they believed a great principle was involved, and you must give them proper credit for it. And those men in the South who were born amid slavery and surrounded by it in the States to which I have referred, yet who were faithful to the Union, can not be ignored by simply referring to patriotism as a matter of sectionalism or locality.

Mr. HOPKINS. Mr. Speaker, I move that the House do now adjourn.

Mr. GROW. Will the gentleman allow me a moment to reply to the question which the gentleman from Maine has asked me and which implies that I have not a proper sense of patriotism?

Mr. BOUTELLE. I beg the gentleman's pardon; no man would think of implying anything of that kind.

Mr. GROW. Mr. Speaker, I ask the gentleman from Illinois to withdraw his motion to adjourn for me to answer the question put by the gentleman from Maine.

Mr. HOPKINS. I will not withdraw the motion, but I will withhold it long enough to enable the gentleman from Pennsylvania to answer the question.

Mr. GROW. If the gentleman will withdraw the motion temporarily and desires me to renew it, I will do so at the conclusion of my remarks, or I will leave it for him to renew it.

Mr. HOPKINS. Very well.

Mr. GROW. Mr. Speaker, we all know that there is a great principle of patriotism in the human breast, formed by the surrounding associations of childhood in the community in which we were born or in which we may chance to live, and there is a sense of justice implanted in every human heart, but each of these feelings or senses can be shaded more or less in its development by the circumstances of childhood and youth and by the influences surrounding our manhood. I depreciate not the valor, the patriotism, the self-sacrifice of the men of Massachusetts. I made mention of them only by way of illustration, and did not intend any disparagement of their patriotic services.

We all know that patriotism springs from the associations of childhood in the land in which we are born, and it is just as strong in the people of one nation as in those of another. The men of

east Tennessee, to whom the gentleman from Maine has referred, never were demoralized or corrupted by the institutions of human bondage. And the same is true of the men in the border States, whose heroic self-sacrifice in the cause of the Union was never surpassed. It was the cotton States that led in the rebellion, that portion of the South where slavery had become the dominant idea, the controlling sentiment in politics and in the social relations, so that even on this floor there was a time when a question presented, directly or indirectly involving the question of slavery, on all such occasions there was a solid vote from the cotton States in favor of slavery.

Mr. BRUMM. Will the gentleman permit me to ask him a question at that point?

Mr. GROW. I do not wish to enter into any controversy. I only desire to be understood. Patriotism, justice, the sentiment of humanity are born in the human heart, but their development is greatly influenced and controlled by the influences that surround us, the atmosphere in which we grow to manhood. It was slavery that molded the habits and thought of the men who made and led the rebellion. I use the word now in no invidious sense when I say that slavery made its devotees traitors to the Union. It was not the impulse of their hearts; it was not the patriotism inculcated by the associations and the history and the traditions of our country.

The object that sent them to the tented field was to defend what they considered an institution for their benefit, because, as we all know, they proposed to found a republic upon slavery as its corner stone. Now slavery has gone. It vanished in the expiring flames of civil war, and the martyred President, sealing with his blood the emancipation of a race, bore 4,000,000 broken manacles to the throne of eternal justice. The great cause of all the trouble and disaster to our country having disappeared forever, we can all rejoice to-day, victor and vanquished alike, in one Union, one people, one flag, and one destiny, now and forevermore. [Applause.]

Mr. BRUMM. Now will my colleague permit me to ask him a question?

Mr. HOPKINS. Mr. Speaker——

Mr. GROW. The floor belongs to the gentleman from Illinois.

Mr. HOPKINS. I move that the House do now adjourn.

Mr. HULL. Mr. Speaker, a parliamentary question. If we adjourn now when does this bill come up again under the rules of the House?

The SPEAKER. In the morning hour, the next time we have one.

Mr. HULL. When the committee is again called. I hope, Mr. Speaker, we shall not adjourn. Let us finish the bill now.

The question being taken on the motion to adjourn, it was decided in the negative.

Mr. HULL. Mr. Speaker, I would like to know how much time I have remaining.

The SPEAKER. The Chair thinks the gentleman has about three-quarters of an hour.

Mr. HULL. I yield ten minutes to the gentleman from South Dakota [Mr. PICKLER].

Mr. PICKLER. Mr. Speaker, I did not expect to occupy the time of the House upon this question, and I would not do so had not the gentleman from Maine [Mr. BOUTELLE] referred to me specifically. I have a great regard for the opinions of the gentleman from Maine upon such questions as this generally, but it seems to me that in this particular case he has the wrong side of the question.

Now, I beg to call the attention of the House to the following section of the Revised Statutes:

SEC. 4716. No money on account of pension shall be paid to any person, or to the widow, children, or heirs of any deceased person who in any manner voluntarily engaged in or aided or abetted the late rebellion against the authority of the United States.

Now, I desire the attention of the gentleman from Maine. He wants to know what is the object of this proposed legislation and whether it will not be a reflection upon all legislation of this character and those who enacted it if we should now pass this bill. I want to call his attention to the section I have just read and remind him that that section has been repealed as to different classes therein described by no less than five acts now on the statute book, in the interest of the men of the South, in the interest of the Confederate soldier. It was repealed on March 9, 1878, for the benefit of the soldiers of the Confederate service in regard to pensions arising out of the war of 1812, to the extent that the soldiers or widows of the war of 1812 should not be longer debarred of their pension on account of the soldier's subsequent Confederate service. It was repealed on March 3, 1877, as to soldiers who afterwards voluntarily enlisted in the Army of the United States and incurred disability in line of duty; it was repealed January 29, 1887, as to the survivors and widows of the Mexican war; it was repealed July 7, 1892, as to survivors and widows of the Indian wars; and it was repealed August 1, 1892, as to the Navy, placing sailors on the same footing as soldiers of the Army. In the interest of the Confederate soldier the section which I have read, a section in which there is substance, a section which affects their receipt of money and which has voted pensions to them, or rather restored them to pensions, has been repealed as to certain classes by no less than five acts of the Congress of the United States.

Mr. BOUTELLE. Will the gentleman permit me to ask why he thinks that remark is pertinent as addressed to me?

Mr. PICKLER. The gentleman appealed to me personally, and he asked of me and of the House the question if it would not be a reflection upon the legislators who put the section in question on the statute book to now repeal it. The same argument applies in the cases I have cited, and does the gentleman think that the repeal of the law I have cited was any reflection upon those enacting it?

Mr. BOUTELLE. Suppose it does; what have I to do with it?

Mr. PICKLER. That is what surprises me—that a gentleman with the good judgment and fairness of the gentleman from Maine, a gentleman who I know has a friendly feeling toward the Confederate soldiers—I do not doubt that for a moment——

Mr. BOUTELLE. Nor do I.

Mr. PICKLER. It surprises me, I repeat, that the gentleman should raise such a commotion about this bill. The gentleman talks about the war being forgotten. It does not seem to me that the gentleman's speech is conducive to that result.

Mr. BOUTELLE. Will the gentleman permit me?

Mr. PICKLER. I trust I shall have a little more time——

Mr. BOUTELLE. The gentleman has cited a section here which he says has been in several instances repealed. Does he hold me responsible for that? Does he assume that I indorse everything that this House has ever done?

Mr. PICKLER. I do not hold you responsible; but no one, as far as I know, has ever complained of the repeals I have cited.

Mr. BOUTELLE. I voted against the repeal of that law.

Mr. PICKLER. I think that when Congress can afford to forgive these Confederate soldiers five different times in a matter affecting money payments to them, it can here in this case, where there is simply a shadow at stake, where it would show an act of magnanimity by the Government toward these men and show that we believe them in earnest in support of the Government and the flag. [Applause.]

Mr. BOUTELLE. Then urge the inconsistency upon men who voted for the repealing legislation. I did not.

Mr. PICKLER. I can not yield further. But the gentleman would have surrendered no principle had he so voted, and as one of the victors he could have well shown such magnanimity toward the vanquished. I voted for two of these repeals and I am proud of it.

Mr. Speaker, in the war of the rebellion the men of the North and the men of the South had no enmity against each other as individuals; we were fighting for principle; the South claimed the same. And I am glad to concede to the men of the South the same courage, the same resolution, the same determination that I claim for soldiers of the Union Army. In reference to all such acts as these, which are designed to tone down the rancor resulting from the war, it is enough to say that we were right and that the men who were opposed to us were wrong; and when that is conceded, as it must be when the question arises, I am willing that they should have the credit of all the bravery of American soldiery and that they should enjoy all the honors of American citizenship. [Applause.] The gentleman quoted Grant. Has not Grant, above all others, set us the example for such action as this? It was Grant who said in his own time, "Let us have peace." [Applause.]

Mr. BOUTELLE. Will the gentleman please state what I quoted from General Grant? I should like the gentleman to keep somewhere near the earth when he refers to me.

Mr. PICKLER. Well, Mr. Speaker, the gentleman alluded to Grant several times.

Mr. BOUTELLE. I did allude to him.

Mr. PICKLER. Several times.

Mr. BOUTELLE. I alluded to a specific case.

Mr. PICKLER. And I am alluding to a specific case, when he said to the Confederate officers, "Retain your side arms," and when, as quoted by the gentleman from Ohio, he said to the men in the ranks, "Take home your horses; you will need them to raise crops and earn a living."

Mr. BOUTELLE. And I was in favor of that.

Mr. PICKLER. I will allude to another specific case. Year after year since I have been here, when we were asking legislation for the Union soldier, when we were asking liberal pensions for men who fought the battles of the Union—and we are asking much for the Union soldier, and the nation can never pay him all it owes him—I have found (and this has had much to do with my forming my opinions along these lines)—the Confederate soldier rarely, if ever, opposing a pension to a Union soldier. For one I appreciate this action of the Confederate soldier.

I am in favor of marking all of the battle grounds, or wherever there was a skirmish, by proper monuments throughout the country, so as to let our children have something historical to point with undying luster to the heroism of our brave soldiers. We go to Europe and look over the great battlefields of the wars of the past, and it is a matter of history and pride to the people of the various nations that all of these great fields are marked by commemorative monuments of some kind. And so, Mr. Speaker, we should mark the battlefields of this greatest war in history, and the prowess, bravery, and courage of American soldiers on these fields, and the great result attained will be the common heritage of the whole nation in all the years to come. [Applause.] I join with the gentleman from Ohio [Mr. GROSVENOR] in hoping that the time will soon come when all of these statutes, with the magnanimity of passing years, will be obliterated from our statute books, though still adhering to the declaration that the defenders of the Union were right in that great contest.

Mr. Speaker, in conclusion I would rather indorse the sentiment, I would prefer to uphold the sentiment of that other great patriot of our country, who has been referred to by the gentleman from Maine, and commend the sentiment that he so ably expressed in a paragraph in his first inaugural address—I allude to Abraham Lincoln, of whom it has been said that he "paled the glory of Hastings in the preservation of an Empire and won comparison with Hampden for self-command and rectitude of purpose, while as the emancipator of a race he stands alone in his solitary glory without a rival and without a parallel." [Prolonged applause.] I say that I would rather indorse the sentiments which he so ably expressed, and which I commend to the consideration of the gentleman from Maine, than those sentiments which would still keep alive the bitterness of our late strife. He said:

I am loath to close. We are not enemies but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory, stretching from every battlefield and every patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union when again touched, as surely they will be, by the better angels of our nature.

[Applause.]

Let us bind by one more cord in memory's chain patriot grave with living heart and hearthstone by erasing this statute from our nation's laws.

Mr. BOUTELLE. Will the gentleman kindly inform me what was the response to that sentiment of Mr. Lincoln, and when it was uttered?

Mr. PICKLER. Oh, Mr. Speaker, it was uttered before the war, in March, 1861.

Mr. BOUTELLE. And what was the response?

Mr. PICKLER. And that is just the trouble with the gentleman from Maine. He wants this great Government to take up and resent the vindictive laws of the Southern States passed since the war and emulate them in their rancor and spirit of enmity. That we can not afford to do. Let us as a great nation, as a victorious people, rise above any spirit of resentment, and with brotherly magnanimity accept with a generous spirit and recognize as honest the pledges and promises that have been made on the part of these men who took part in the rebellion, and when they tell us that they are loyal to the flag let us welcome the statement as true and believe it, and let us place such laws on the statute books of the country as will indicate the sincerity of our belief. [Prolonged applause.]

Mr. HULL. I yield five minutes to the gentleman from Virginia [Mr. WALKER]. [Applause.]

Mr. WALKER of Virginia. Mr. Speaker, I do not know when or by whom this bill was introduced into this House. I am sure that if it had been known that it would be the occasion of the renewal of heartburnings between the North and South it would never have been introduced. I had fondly hoped that it would receive the unanimous support of every member of this body. But it is here and it must be acted on, and I believe that much depends on its passage.

Its enactment will do much toward the promotion of harmony and good feeling in the South. We are told that there is no practical good to be attained by the repeal of this restriction, and that it is urged as a mere sentiment. Mr. Speaker, let us admit this for the sake of the argument. Is there not something, after all, in sentiment? Is not sentiment often a thing which is right and just and holy? And if this is a sentiment, is it not a sentiment which leads us in the right direction—a sentiment that leads to peace and brotherly kindness?

Admit, if you choose, that Stonewall Jackson and Robert E. Lee, who were educated at West Point, and whom all must admit were Christian gentlemen, were guilty a great wrong when they left the Federal Army and espoused the cause of the Southern Confederacy. Let us remember that "to err is human, to forgive divine."

There is to-day a sentiment rapidly growing in the minds and hearts of the Southern people of love for this nation, for its Constitution, its laws, its flag, and its institutions which gentlemen on this floor who do not have the opportunity of mingling freely with the masses of our people can scarcely believe or appreciate.

I proclaim here, in sincerity and truth, that with the exception of a few Bourbons, who can never forget and who will never learn, the Southern people entertain the warmest and most affectionate feelings for the Government. We claim it as our Government. We are in this Union to stay, and we claim that we should be equal before the law. If we have sinned, we have suffered. Is there no atonement? The riches of a nation consist not in material things, but in the patriotism, the devotion, and the courage of its sons. This bill asks no material aid, it asks no indorsement of the past; but it asks that the ban which forbids freemen from defending their native land from foreign invasion be removed, and that this country be allowed to accept the services of all willing hands if an emergency arises which calls for their help. These gentlemen desire to prove their devotion and loyalty, and if a foreign war shall come you will find them in the front ranks fighting for the cause of their country.

But this is not a mere sentiment; it is a practical question, which appeals to the patriotism of every gentleman on this floor.

There are many men in the South who were educated at West Point, and who are young enough to render military service, and who are true and tried soldiers.

I doubt if there is an officer to-day in the Federal Army who could render more efficient service to this country in war than the Lees or WHEELER or a number of other Confederate officers who were educated at West Point, and I know there are none who would render such services more willingly and patriotically.

There are 2,000 of the kinsmen and descendants of these officers who would be found ready to die for the old flag if called upon to do so, and who would shed their blood more readily and more abundantly if they knew that this great Government had been magnanimous to their fathers and their kindred.

A foreign war may come to this nation sooner than we think for which will tax the energies and the resources of the United States to their fullest capacity, and I ask if you would deny to the men who fought in the Confederate army the privilege of fighting for their country and carrying the flag of their country? That is all this law asks.

Mr. STEELE. The law would not affect you, as you were not educated at West Point.

Mr. WALKER of Virginia. It would not affect me. I was not educated at West Point; but I will say now for myself that if this nation needed my services I should be glad to render them, and I would render them as heartily and as cheerfully as I ever fought on any battlefield during the late war. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. PEARSON. I should like to ask the gentleman if he did not lead the glorious brigade of Stonewall Jackson after that hero's death?

Mr. HULL. I will give the gentleman a minute more.

Mr. WALKER of Virginia. I will answer the gentleman's question. I had that honor, and I am proud of it, because I am proud to have been considered worthy to lead that brigade. [Applause.] I want to say again that there are thousands of men in the South who served in the late war who are as true and as loyal to this Government to-day as I am or as any man in this Hall.

Let me say one word more. I want to say to the Republicans in this House—and I do not speak from a sectional standpoint—that to-day the hearts of the people, and more especially the Southern soldiers, are turning to the Republican party. Some gentleman said that Longstreet was ostracized for joining the Republican party. That is true, but that day has passed. Men are ostracized no more there on account of their political opinions; and I want to say that the fact that Longstreet and men like him have suffered for their opinions is another reason why we want to ask you as Republicans as well as patriots to remove this ban and say, in the language of General Grant, "Let us have peace." Let us rub out all trace of sectional animosities. [Applause.]

Mr. BOUTELLE. Will the gentleman permit me to ask him a question to make a correction?

Mr. WALKER of Virginia. Yes.

Mr. BOUTELLE. I think the gentleman inadvertently said that there were thousands of sons of these men and thousands of men in the South who bore commissions——

Mr. WALKER of Virginia. Oh, no.

Mr. BOUTELLE. In looking over the gentleman's remarks he can correct the statement if he made it. I understood the gentleman to say that there are thousands of men in the South who held commissions in the Union Army at the outbreak of the war.

Mr. WALKER of Virginia. No; I did not mean that.

Mr. STEELE. You said thousands of their sons.

Mr. HULL. As this debate has certainly been fair to those opposed to the bill in allowing them to have a large proportion of the time and as it is getting late now, I move the previous question.

Mr. CUMMINGS. I appeal to the gentleman to yield to me three minutes.

Mr. HULL. I can not yield.

Mr. CUMMINGS. As a representative of the War Democracy at the outbreak of the war, I ask the gentleman to yield to me.

Mr. HULL. I will yield three minutes to the gentleman from New York.

Mr. CUMMINGS. Mr. Speaker, General Grant was a War Democrat. If he was on this floor to-day there would be no question about the passage of this bill in view of his action at Appomattox.

Mr. Speaker, I am one of 800,000 War Democrats in the North who marched to the front to sustain this Union during the war. They fought loyally for the Union. On behalf of every one of those Democrats I appeal to the House to support this bill. Grant himself would advocate it if he were alive. Mr. Speaker, if you remember, the War Democracy were an important factor in the country at the outbreak of the war. Abraham Lincoln was the Republican candidate for President in 1860. He was the Union candidate for President in 1864. So far as party names were concerned, the Republican party was blotted from existence during the war, just as much as the Whig and the Federal party were before the war. As a War Democrat I voted for the Union ticket. As a War Democrat I voted for General Grant, the nominee for the Presidency in 1868.

Mr. STEELE. Every vote against him was cast by a Democrat.

Mr. CUMMINGS. And many a vote for him also. I cast my vote for him a second time. If he had been nominated for the third time, imperialism or no imperialism, I might have voted for him. [Great applause.] His action at Appomattox showed him to be a true representative of the War Democracy. In the light of the terms granted there I hope that not a Confederate soldier on this floor will vote on this question one way or the other.

A MEMBER. That is right.

Mr. CUMMINGS. Let them maintain a dignified silence. Throw the responsibility where it belongs. If there are Republicans who desire to maintain this barrier thirty years after the war, let them speak for themselves. After listening to the speech of my old friend the commander of the gallant Stonewall brigade, [Mr. WALKER]—I call him my old friend, for I have met the Stonewall brigade on the field of battle—let them go on record. If they desire to say to these men to whom General Grant extended the hand of brotherly love at Appomattox; if they desire to say that Grant was wrong and that thirty years afterwards they are right, let them vote down the bill and take the responsibility. [Loud applause and cries of "Vote!" "Vote!"]

[Here the hammer fell.]

Mr. HULL. I demand the previous question on the bill.

The previous question was ordered.

The SPEAKER. The question is on the third reading of the Senate bill.

Mr. CROWTHER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. CROWTHER. Is an amendment in order?

The SPEAKER. An amendment is not in order. The question is on the third reading of the bill.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. HULL. I move that the House do now adjourn.

The SPEAKER. Pending that, the Chair desires to lay before the House a report of the Committee on Enrolled Bills.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 789) for the relief of Kate Winter;

A bill (S. 990) to amend section 9 of an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes";

A bill (S. 2419) to authorize the leasing of lands for educational purposes in Arizona;

A bill (S. 2251) to authorize the construction of a bridge across the Calumet River; and

A bill (H. R. 5286) providing for disposal of lands lying within the Fort Klamath hay reservation, not included in the Klamath Indian Reservation, in Oregon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOY, indefinitely, on account of important business.

To Mr. JOHNSON of Indiana, for ten days, on account of important business.

To Mr. WELLINGTON, for three days, on account of death in his family.

CORRECTION OF REFERENCE.

By unanimous consent, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 797) authorizing the Secretary of War to exchange with the Oregon National Guard, of the State of Oregon, Springfield rifles of the pattern of 1884 for the same make of rifles of the pattern of 1873, and for other purposes, and the same was referred to the Committee on the Militia.

The SPEAKER. The gentleman from Iowa moves that the House adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers of the Army, giving information in relation to the breakwater in Marquette Bay, in Lake Superior—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Assistant Secretary of War, transmitting a statement of reasons for the enactment of a draft of a bill pending before the Indian Affairs Committee, submitted by the Secretary of the Interior, in relation to the rights of a United States officer or agent to make arrests of Indians upon Indian reservations—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of State, recommending an appropriation for a subscription to the International Prison Commission and for the expenses of the American member thereof; also transmitting two inclosures—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. COOPER of Florida, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 2673) to remove discriminations against sailing vessels in the coasting trade, submitted thereon the views of the minority of said committee (Report No. 848, part 2); which said minority report was referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 7088) to create the office of surveyor-general in Alaska, reported the same with amendment, accompanied by a report (No. 901); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 7087) to amend section 8 of the act entitled "An act providing a civil government for Alaska," approved May 17, 1884, reported the same without amendment, accompanied by a report (No. 903); which said bill and report were referred to the House Calendar.

Mr. SPERRY, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 260) to increase the pay of letter carriers, reported the same without amendment, accompanied by a report (No. 902); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CORLISS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2114) establishing gas buoys in the St. Lawrence River, reported the same without amendment, accompanied by a report (No. 906); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 5736) to authorize the Light-House Board to proceed with the construction of the light-house and fog signal on North Manitou Island, Lake Michigan, reported the same without amendment, accompanied by a report (No. 909); which said bill and report were referred to the House Calendar.

Mr. PUGH, from the Committee on War Claims, to which was referred the bill of the House (H. R. 1687) to authorize the Secretary of the Treasury to examine vouchers filed or to be filed by the State of Missouri in certain cases since April 22, 1882, reported the same without amendment, accompanied by a report (No. 921); which said bill and report were referred to the House Calendar.

Mr. LATIMER, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 1632) to permit owners of mining claims on forest reservations of the United States to perfect their title thereto and to procure a patent therefor, and for other purposes, reported the same with amendment, accompanied by a report (No. 933); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. GIBSON, from the Committee on War Claims:

The bill (H. R. 6122) to correct the military record of George A. Tillett. (Report No. 905.)

The bill (H. R. 2943) for the relief of John L. Rhea, executor of Samuel Rhea, deceased, and John Anderson, administrator of Joseph R. Anderson, deceased. (Report No. 914.)

By Mr. STALLINGS, from the Committee on Pensions: The bill (H. R. 6378) for the relief of Eliza J. Holman. (Report No. 907.)

By Mr. BLACK of Georgia, from the Committee on Pensions: The bill (H. R. 2742) to grant a pension to J. J. Davis. (Report No. 908.)

By Mr. AVERY, from the Committee on War Claims:

The bill (H. R. 1731) for the relief of Michael Dittlinger. (Report No. 910.)

The bill (H. R. 1304) for the relief of George W. Saulpaw. (Report No. 911.)

By Mr. COOPER of Texas, from the Committee on War Claims:

The bill (H. R. 7200) for the relief of A. T. Hensley. (Report No. 912.)

A bill (H. R. 7543) for the relief of A. T. Hensley, of Fulton & Hensley, doing business under the name of the Lavaca Wharf Company, reported in lieu of H. R. 7199. (Report No. 913.)

By Mr. HATCH, from the Committee on War Claims: The bill (H. R. 6318) for the relief of the heirs of David B. Sanders, deceased. (Report No. 915.)

By Mr. HURLEY, from the Committee on War Claims: The bill (S. 100) for the relief of the estate of John R. Bigelow. (Report No. 916.)

By Mr. LESTER, from the Committee on War Claims:

A resolution (House Res. No. 220) to refer the bill (H. R. 5611) for the relief of the estate of Phillip W. Engs, deceased, late of New York City, N. Y., and Enoch M. Marshall, of Fauquier County, Va., and all of the accompanying papers, to the Court of Claims, reported in lieu of H. R. 5611. (Report No. 917.)

A resolution (House Res. No. 221) to refer the bill (H. R. 7025) for the relief of the estate of William I. Way, deceased, and all the accompanying papers, to the Court of Claims, reported in lieu of H. R. 7025. (Report No. 918.)

By Mr. NEILL, from the Committee on War Claims:

A resolution (House Res. No. 223) to refer the bill (H. R. 542) for the relief of Mrs. Salome Sengel, with all the accompanying papers, to the Court of Claims, reported in lieu of the bill H. R. 542. (Report No. 934.)

A resolution (House Res. No. 222) to refer the bill (H. R. 1055) for the relief of Charles T. Hyde, of Clarendon, Ark., with all the accompanying papers, to the Court of Claims, reported in lieu of the bill H. R. 1055. (Report No. 919.)

By Mr. OTJEN, from the Committee on War Claims: The bill (S. 75) for the relief of St. Charles College. (Report No. 920).

By Mr. PUGH, from the Committee on War Claims: The bill (H. R. 5035) to carry out the findings of the Court of Claims in the case of Thomas W. Campbell, assignee of Miles Kelly, against the United States. (Report No. 922.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (S. 905) granting a pension to Mary W. Keeffe. (Report No. 929.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 5855) granting a pension to Emily Elliott. (Report No. 930.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 5895) granting a pension to Anna N. Kendall. (Report No. 931.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 1276) granting an increase of pension to John L. Britton. (Report No. 932.)

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

By Mr. AVERY, from the Committee on War Claims:

The bill (H. R. 4308) for the relief of William C. Hughes. (Report No. 923.)

The bill (H. R. 3048) for the relief of R. H. Hoffman. (Report No. 924.)

The bill (H. R. 553) for the relief of the estate of John Peland, deceased, late of Prince William County, Va. (Report No. 925.)

The bill (H. R. 2965) for the relief of John A. Fairfax, of Fairfax County, Va. (Report No. 926.)

The bill (H. R. 2239) for the relief of James M. Stephenson, Mason County, W. Va. (Report No. 927.)

By Mr. HATCH, from the Committee on War Claims: The bill (H. R. 6042) for the relief of Mrs. Lavinia M. Payne. (Report No. 928.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HEPBURN: A bill (H. R. 7544) providing for a survey of a ship canal connecting the waters of the Great Lakes with the Atlantic Ocean—to the Committee on Interstate and Foreign Commerce.

By Mr. SKINNER: A bill (H. R. 7545) to retire and pension employees of Light-House Establishment and Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. CRUMP: A bill (H. R. 7546) making an appropriation for a steam fog whistle at Ottawa Point, entrance to Tawas Bay, Lake Huron—to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of North Dakota: A bill (H. R. 7547) to establish and maintain lights on the Missouri River between Fort Yates and Coal Harbor—to the Committee on Interstate and Foreign Commerce.

By Mr. NEILL: A joint resolution (H. Res. 146) authorizing and directing the Secretary of War to prepare project with estimate for improvement of White River, from Batesville, Ark., to Buffalo Shoals, by means of locks and dams—to the Committee on Rivers and Harbors.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ALDRICH of Illinois: A bill (H. R. 7548) granting a pension to Eunice P. Bigelow—to the Committee on Invalid Pensions.

By Mr. ATWOOD: A bill (H. R. 7549) to remove the charge of desertion from Thomas Griffin—to the Committee on Military Affairs.

By Mr. BAKER of Kansas: A bill (H. R. 7550) for the relief of Nimrod D. Keneaster—to the Committee on War Claims.

By Mr. BRODERICK: A bill (H. R. 7551) for the relief of Oliver J. Lyon—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 7552) for the relief of Orcinos C. Snyder—to the Committee on Military Affairs.

By Mr. COCKRELL: A bill (H. R. 7553) to pension Mrs. Sarah L. Caddel—to the Committee on Pensions.

Also, a bill (H. R. 7554) to pension John Teague—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 7555) granting a pension to Anne M. Post—to the Committee on Invalid Pensions.

By Mr. HENDRICK: A bill (H. R. 7556) for the relief of heirs of Clifton R. Young, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7557) for the relief of James Love—to the Committee on War Claims.

By Mr. HOPKINS (by request): A bill (H. R. 7558) to amend the record of Capt. Tenodor Ten Eyck—to the Committee on Military Affairs.

By Mr. HUFF: A bill (H. R. 7559) for increase of pension for Mrs. Lucy Keenan, widow of John B. Keenan, late major Eleventh Pennsylvania Infantry Volunteers—to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 7560) for the relief of the estate of John Kirk—to the Committee on War Claims.

By Mr. MONDELL: A bill (H. R. 7561) to grant medals of honor to James and Allen Thompson—to the Committee on Military Affairs.

Also, a bill (H. R. 7562) for the relief of Isaac W. Blake—to the Committee on Claims.

By Mr. NOONAN: A bill (H. R. 7563) to pension Sarah A. Halter—to the Committee on Invalid Pensions.

By Mr. SIMPKINS: A bill (H. R. 7564) granting a pension to Maria N. Flint—to the Committee on Invalid Pensions.

By Mr. TAFT (by request): A bill (H. R. 7565) granting a pension of $30 per month to William D. Dempster, late first lieutenant Company G, Fifth Ohio Cavalry—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 7566) granting a pension to Miss Della Burrows—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 7567) to carry out the findings of the Court of Claims in the case of the estate of Nelson G. Allen, deceased—to the Committee on War Claims.

By Mr. WILSON of New York: A bill (H. R. 7568) granting a pension to Julia Walke, widow of the late Rear-Admiral Henry Walke, at the rate of $100 per month—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH of Illinois: Petition of certain business and professional men in Chicago, Ill., asking for the passage of House bill for reclassification of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. ARNOLD of Rhode Island: Petition of Enterprise Council, No. 24, Order United American Mechanics, of Pawtucket, R. I., for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BABCOCK: Petition of citizens of Washington, containing 51 names, urging the passage of House bill No. 5220, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines and opposing the extension of the tracks of said company until its existing lines are modernly equipped and operated—to the Committee on the District of Columbia.

By Mr. BENNETT (by request): Petition of the American Protective Association of the Nineteenth Ward of Brooklyn, N. Y., protesting against the statue of Marquette remaining in Statuary Hall—to the Committee on the Library.

By Mr. BISHOP: Petitition of C. C. Chittenden, Samuel J. Wall, and 46 other citizens of Cadillac, Mich., praying for the passage of House bills Nos. 3466 and 3467 for the relief of Mary E. Slater, widow, and children of Nathaniel W. Reed, deceased—to the Committee on Invalid Pensions.

By Mr. BROSIUS: Remonstrance of the druggists of Lancaster County, Pa., against certain bills pending affecting druggists—to the Committee on Ways and Means.

By Mr. CRUMP: Petition of 111 ship owners of Bay City and Detroit, Mich., and Cleveland, Ohio, for an appropriation to establish a steam fog whistle at Ottawa Point, Tawas Bay, Lake Huron—to the Committee on Rivers and Harbors.

By Mr. CURTIS of Iowa: Remonstrance of publishers of Maquoketa, Iowa, against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of the president of the Iowa State board of health in favor of the establishment of quarantine stations by the Government—to the Committee on Military Affairs.

By Mr. DALZELL: Petitions of sundry citizens of Pittsburg, Pa., asking that tracts and other religious matter be given every advantage of the act of July 16, 1894, relating to second-class matter—to the Committes on the Post-Office and Post-Roads.

By Mr. GAMBLE: Petition of W. F. Mayer and 13 other citizens of Wakonda, S. Dak., favoring the passage of House bill No. 5213, imposing a tax upon and regulating the manufacture and sale of filled cheese—to the Committee on Ways and Means.

By Mr. GILLETT of Massachusetts: Resolutions adopted by Loyal Orange Lodge, No. 90, of Chicopee, Mass., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HENRY of Connecticut: Petition of Monitor Lodge, No. 61, Order United American Mechanics, of Glastonburg, Conn., in behalf of the Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HOPKINS: Petition of Prosperity Council, No. 50, Junior Order United American Mechanics, of Williamsport, Md., favoring Senate bill No. 1242 and House bill No. 1659, to improve the merchant marine engineer service—to the Committee on the Merchant Marine and Fisheries.

By Mr. HUFF: Resolution of the Chamber of Commerce of Milwaukee, protesting against the erection of any bridge across the Detroit River that does not span the entire waterway—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany House bill for increase of pension to Mrs. Lucy Keenan, widow of John B. Keenan, late major Eleventh Pennsylvania Infantry Volunteers—to the Committee on Invalid Pensions.

By Mr. JENKINS: Resolutions of J. B. Culver Post, No. 128, Grand Army of the Republic, Department of Minnesota, of Duluth, recommending the passage of House bill No. 5555, relating to national naval volunteers—to the Committee on Naval Affairs.

By Mr. JOHNSON of North Dakota: Petition of Miss Elizabeth Preston, Mrs. D. W. Shinn, Mrs. Carrie M. Allen, and Mrs. Barbara H. Wylie, general officers of the North Dakota Woman's Christian Temperance Union, favoring arbitration of differences arising between the United States and the mother country—to the Committee on Foreign Affairs.

By Mr. KEM: Petition of 75 members of Stephen A. Douglas Post, No. 69, Grand Army of the Republic, Department of Nebraska, asking for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. KIEFER: Petition of United Garment Workers of America, No. 113, of St. Paul, Minn., in favor of the Sulzer bill to tax "sweat shops"—to the Committee on Ways and Means.

By Mr. LACEY: Petition of R. F. Low Post, Grand Army of the Republic, of Sigourney, Iowa, favoring a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LAWSON: Petition of Crawford Jackson and many others, to prohibit the manufacture of spirituous liquors in counties where the sale of such liquors is prohibited—to the Committee on Ways and Means.

By Mr. LINTON: Remonstrance and petition of C. W. Olmstead and others, citizens of Perry, Okla., against the acceptance of the Marquette statue in Statuary Hall—to the Committee on the Library.

Also, petition of the Kennard Shoe Company, of Cleveland, Ohio, asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. Millard Smith, publisher, of Maple Rapids, Mich., asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLEARY of Minnesota: Petition of White Ribbon Women, of Minnesota, favoring a commission of arbitration to settle peacefully international disputes—to the Committee on Foreign Affairs.

Also (by request), petition of T. D. Sedgwick Post, No. 130, Grand Army of the Republic, asking for the passage of a bill granting a pension of $8 a month to every man who served not less than ninety days in the Union Army or Navy during the war of the rebellion and were honorably discharged, and $12 a month to the widows of such as have died—to the Committee on Invalid Pensions.

By Mr. PITNEY: Petition of Oliver Van Bilhard and others, for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. POOLE: Petition of citizens of Fabius, N. Y., members of the Woman's Christian Temperance Union, asking legislation prohibiting the sale of beer and spirituous liquors to immigrants landing at Ellis Island—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Fabius, N. Y., members of the Woman's Christian Temperance Union, asking legislation prohibiting the sale of beer at military posts on Staten Island—to the Committee on Military Affairs.

Also, memorial of citizens of Madison County, N. Y., members of Lenox Grange, No. 43, Patrons of Husbandry, recommending the passage of House bill No. 5213, which places a tax on the manufacture and sale of filled cheese—to the Committee on Ways and Means.

By Mr. QUIGG: Resolutions of the New York Board of Trade and Transportation; also of the New York Cotton Exchange, indorsing House bill No. 6197, for the erection of a new custom-house in the city of New York—to the Committee on Public Buildings and Grounds.

By Mr. SCRANTON: Petition of Scranton Council, No. 229, Order United American Mechanics, indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. SIMPKINS: Petition of the Clothing Cutters and Trimmers' Association, of Boston, in favor of House bill No. 3346, to abolish the sweating system—to the Committee on Ways and Means.

By Mr. SMITH of Illinois: Petition of Lucas Parker, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Resolutions of Pioneer Council, No. 1, Order United American Mechanics, of New Haven, Conn., in favor of the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, resolution of Bigelow Council, No. 81, Order United American Mechanics, of New Haven, Conn., in favor of the Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. STAHLE: Petition of Edgar Ruhl Camp, No. 33, Sons of Veterans, located at York, Pa., praying for the passage of a bill authorizing the wearing of a distinctive badge adopted by the Sons of Veterans upon all occasions of ceremony—to the Committee on Military Affairs.

By Mr. STRODE of Nebraska: Petition of F. H. Bohanan and 38 others, of Lincoln, Nebr.; also letters of Charles O. Whedon and 35 others, of the State of Nebraska, asking for the passage of a bankruptcy law—to the Committee on the Judiciary.

By Mr. SULLOWAY: Petition of Frank P. Parshley, councilor,

Dan H. Carr, secretary, and 98 other members of Washington Council, Manchester, N. H.; also petition of G. F. Robertson, councilor, Lewis H. Greer, secretary, and 59 other members of Washington Council, of Goffstown, N. H., Order United American Mechanics, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. VAN VOORHIS: Remonstrance of Samuel Bailey and 85 other citizens of Beverly, Washington County, Ohio, against the appropriation of public moneys for sectarian undertakings; also petition for the passage of joint resolution No. 11, to amend the Constitution of the United States prohibiting further appropriations to institutions under ecclesiastical control—to the Committee on the Judiciary.

By Mr. WRIGHT: Petition of Israel Putnam Council, No. 46, Order United American Mechanics, of Westfield, Mass., indorsing the Stone immigration bill and asking for its passage—to the Committee on Immigration and Naturalization.

SENATE.

WEDNESDAY, *March 25, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. ALLEN, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

SAN CARLOS INDIAN RESERVATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting an agreement negotiated by United States Indian Inspector McCormick and the Indians of the San Carlos Reservation for the cession and relinquishment to the United States of a certain portion of that reservation, together with reports from the Commissioner of Indian Affairs and the Commissioner of the General Land Office, and also a draft of a bill ratifying and confirming the agreement and recommending favorable action by Congress; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

WATER-SUPPLY INVESTIGATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 16th instant, a letter from the Director of the Geological Survey containing a statement of the investigation by the Geological Survey now in progress under the clause in the appropriation act approved March 2, 1895, for gauging the streams and determining the water supply of the United States, etc.; which, with the accompanying statement, was ordered to lie on the table and to be printed.

PETITIONS AND MEMORIALS.

Mr. GALLINGER. I present the petition of William F. Warren, president of Boston University, and 7 other members of the faculty of that university, in favor of a grant of land in New Mexico by the Government to be used as a resort for the alleviation and cure of persons suffering from pulmonary diseases. I move that the petition be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. GALLINGER. A few days ago I introduced a bill to establish a life-saving station at or near Hampton, N. H. I present the petition of Frank Jones and a large number of other citizens of Portsmouth, N. H., praying for the passage of that bill. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. PEFFER presented the memorial of D. E. Winters and sundry other citizens of Haviland, Kans., remonstrating against the enactment of legislation directing or authorizing military training in the public schools; which was referred to the Committee on Military Affairs.

He also presented the petition of W. J. Hatfield, pastor, and 89 members of the First Presbyterian Church of Girard, Kans., praying for the passage of Senate bill No. 239, to so amend the internal-revenue laws of the United States as to prohibit the issuance of permits to sell intoxicants in the State of Kansas except to those who hold a permit issued by virtue of the laws of that State; which was referred to the Committee on Finance.

Mr. BLANCHARD presented a petition of Federal Labor Union No. 6360, American Federation of Labor, of New Orleans, La., praying for the free and unlimited coinage of silver; which was ordered to lie on the table.

Mr. TELLER presented a petition of sundry citizens of Cripple Creek, Colo., praying for the enactment of legislation restricting immigration; which was referred to the Committee on Immigration.

He also presented memorials of Council No. 7, American Protective Association, of Denver, Colo.; of Council No. 57, American Protective Association, of Durango, Colo., and of sundry citizens of Breckenridge, Colo., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which were referred to the Committee on the Library.

Mr. BERRY presented a petition of sundry citizens of Palestine, Ark., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a petition of the Chicago Labor Congress, praying for the passage of House bill No. 5113, to authorize the establishment of money-order post-offices to receive money on deposit; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN presented a petition of the North Capitol and Eckington Citizens' Association of Washington, D. C., praying for the passage of Senate bill No. 1886, requiring the Eckington and Soldiers' Home Railway Company to adopt a modern motive power, and praying that action on the bill be not delayed because of any promised experiment which that company contemplates making with air motors; which was referred to the Committee on the District of Columbia.

He also presented sundry petitions of citizens of Washington, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and remonstrating against the extension of the tracks of that company until its existing lines are modernly equipped and operated; which were referred to the Committee on the District of Columbia.

He also presented the petition of J. W. Smith and sundry other citizens of Washington, D. C., praying for the enactment of legislation extending the streets and avenues of the city of Washington; which was referred to the Committee on the District of Columbia.

He also presented the petition of F. H. Leavenworth, of Detroit, Mich., praying for the enactment of legislation to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of the State Board of Trade of Maine, praying that an appropriation be made for deepening and widening the harbor at Portland, Me.; which was referred to the Committee on Commerce.

He also presented a petition of the Department of Maine, Grand Army of the Republic, praying for the enactment of legislation to revive the grade of Lieutenant-General in the United States Army; which was referred to the Committee on Military Affairs.

Mr. BROWN presented a memorial of the legislature of the State of Utah, praying that an appropriation of $17,241.50 be made to liquidate a deficiency in defraying the expense of the constitutional convention held in that State March, 1895; which was referred to the Committee on Appropriations, and ordered to be printed in the RECORD, as follows:

Memorial to the Congress of the United States.

Your memorialists, the governor and legislature of the State of Utah, would respectfully represent to your honorable body:

That the constitutional convention held in the Territory of Utah, under and by virtue of the provisions of the enabling act, approved by the President of the United States on the 16th day of July, 1894, entitled "An act to enable the people of Utah to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States," beginning the 4th day of March, 1895, and ending on the 8th day of May, 1895, after exhausting the appropriation made for the purpose of defraying the expense of said convention incurred, additional expenses, amounting to $17,241.50, and that such additional expenses were properly and necessarily incurred by said convention in the course of its proceedings; and your memorialists respectfully petition your honorable body to give the subject of this memorial suitable consideration and to appropriate a sufficient sum of money to liquidate such deficiency.

And your memorialists will ever pray.

Approved March 19, 1896.

GEORGE M. CANNON,
President of the Senate.
PRESLEY DENNY,
Speaker of the House.
HEBER M. WELLS,
Governor.

Mr. HALE presented a petition of the Encampment of the Department of Maine, Grand Army of the Republic, of Waldoboro, Me., praying for the enactment of legislation to revive the grade of Lieutenant-General in the United States Army; which was referred to the Committee on Military Affairs.

He also presented a petition of the Maine State Board of Trade, praying for the enactment of legislation providing for the deepening and widening of the harbor at Portland, Me.; which was referred to the Committee on Commerce.

Mr. GORDON. I present a memorial of the Savannah pilots, remonstrating against the passage of House bill No. 2673, repealing the compulsory-pilotage law so far as it relates to coastwise vessels. I move that the memorial be printed as a document and referred to the Committee on Commerce.

The motion was agreed to.

Mr. GORDON presented the petition of J. L. Baker, of Madison,

Ga., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of Atlanta, Ga., praying for the passage of House bill No. 3273, providing for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Rev. J. B. Gambrell, president of Mercer University, Macon, Ga., remonstrating against the appropriation of money for sectarian institutions; which was referred to the Committee on Appropriations.

He also presented a petition of Waycross Lodge, No. 74, International Association of Machinists, of Waycross, Ga., praying for an investigation of the alleged abuses of machinists in the Brooklyn (N. Y.) Navy-Yard and other navy-yards in the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Merchants' National Bank of Savannah, Ga., praying that authority be given the national banks to increase their circulation from 90 per cent to 100 per cent of the par value of their bonds, and favoring the recommendation of the Comptroller of the Currency that the tax on circulation be reduced from 1 per cent to one-fourth of 1 per cent; which was referred to the Committee on Finance.

PRINTING OF FINANCIAL DOCUMENTS.

Mr. COCKRELL. I present a communication from the Acting Director of the Mint, transmitting a statement of the coinage of gold and silver of France from 1795 to 1874, inclusive. I move that the communication be printed as a document.

The motion was agreed to.

Mr. COCKRELL. I present a communication of the Secretary of the Treasury, dated January 16, 1896, addressed to me, relative to the amount of silver bullion now on hand, the cost of the same, and the coinage value if coined into dollars, and the amount of seigniorage if so coined, etc. I move that the communication be printed as a document.

The motion was agreed to.

Mr. COCKRELL. I present copies of correspondence between the Secretary of the Treasury, Mr. H. McCulloch, and the assistant treasurer at New York, Mr. Thomas C. Acton, January, 1885, relative to the payments to be made through the clearing house, whether in gold or silver dollars, or representative certificates. I move that the correspondence be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. TILLMAN, from the Committee on Naval Affairs, to whom was referred the bill (S. 2367) to complete the military record of Dennis Whidly, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2338) for the relief of Joshua Bishop, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 2352) granting an increase of pension to Francis L. Abbott, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2274) granting an increase of pension to Mary E. Chamberlain, reported it with an amendment, and submitted a report thereon.

Mr. WILSON, from the Committee on Public Lands, to whom was referred the bill (S. 470) granting to the State of Washington certain lands therein situated for the purpose of a fish hatchery, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Indian Affairs, to whom was referred the bill (S. 115) for the relief of the estate of Ramsay Crooks, reported it without amendment, and submitted a report thereon.

Mr. FRYE, from the Committee on Foreign Relations, to whom was referred the bill (S. 2117) for the relief of Mrs. George Pauls, reported it with amendments, and submitted a report thereon.

Mr. MITCHELL of Oregon, from the Committee on Claims, to whom was referred the amendment submitted by himself on the 18th instant, intended to be proposed to the general deficiency appropriation bill, reported it favorably, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. KYLE, from the Committee on Indian Depredations, to whom was referred the bill (S. 229) for the relief of Robert McGee, reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the District of Columbia, submitted a report to accompany the bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1892, heretofore reported by him.

ACCEPTANCE OF DECORATIONS.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 107) to authorize Prof. Simon Newcomb, United States Navy, and Prof. Asaph Hall, United States Navy, to accept decorations from the Government of the Republic of France, to report it without amendment and recommend its passage. The joint resolution is very short, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ACCEPTANCE OF MEDALS.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations to report a joint resolution, and I ask that it be put upon its passage.

The joint resolution (S. R. 111) to authorize Benjamin Harrison to accept certain medals presented to him while President of the United States was read the first time by its title and the second time at length, as follows:

Resolved by the Senate, etc., That Benjamin Harrison be, and he is hereby, authorized to accept certain medals presented to him by the Governments of Brazil and Spain during the term of his service as President of the United States.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. ALLEN. Let the joint resolution go over.

The VICE-PRESIDENT. Objection being made, the joint resolution will be placed on the Calendar.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 2622) fixing the date of the restoration to rank of Capt. Tenodor Ten Eyck; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FRYE introduced a bill (S. 2623) granting a pension to John F. Dearborn; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2624) giving to any State having a claim for expenses incurred in defense of the United States the right to have the same adjudicated by the Court of Claims; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. TELLER introduced a bill (S. 2625) granting an increase of pension to Baley Bison; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2626) granting an honorable discharge to John Kinchlow; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2627) granting an increase of pension to Henry Hatch; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HILL (by request) introduced a bill (S. 2628) to amend the act approved February 9, 1881, to grant the right of way for railroad purposes through certain lands of the United States in Richmond County, N. Y.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. QUAY introduced a bill (S. 2629) to provide for the erection of a public building at Washington, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CHANDLER introduced a bill (S. 2630) authorizing and directing the Secretary of the Navy to donate condemned cannon to the Londonderry Soldiers' Monument Association, of Londonderry, N. H.; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 2631) authorizing the Secretary of the Navy to place the name of Charles C. Jones on the roll of the *Metacomet;* which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. CANNON introduced a bill (S. 2632) granting to the Utah Orphans' Home Association, a corporation organized under the laws of the State of Utah, a portion of the Fort Douglas Military Reservation; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ELKINS introduced a bill (S. 2633) for the relief of Nimrod D. Keneaster; which was read twice by its title, and referred to the Committee on Claims.

Mr. SQUIRE introduced a bill (S. 2634) granting a pension to Jerome M. White; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BUTLER introduced a joint resolution (S. R. 112) donating a condemned cannon and some shells to the Guilford Battle

Ground Company, near Greensboro, N. C.; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. GALLINGER. I introduce a joint resolution which I ask shall be read at length, and after such reading that it shall lie on the table.

The joint resolution (S. R. 113) proposing an amendment to the Constitution of the United States; which was read the first time by its title, the second time at length, and ordered to lie on the table, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution of the United States be proposed for ratification by legislatures in the several States, which, when ratified by legislatures in three-fourths of the United States, shall be valid as a part of the said Constitution, namely:

"ARTICLE XVI.

"Neither Congress nor any State shall pass any law respecting an establishment of religion, or prohibiting the free exercise thereof, or use the property or credit of the United States, or of any State, or any money raised by taxation, or authorize either to be used, for the purpose of founding, maintaining, or aiding, by appropriation, payment for services, expenses, or otherwise, any church, religious denomination, or religious society, or any institution, society, or undertaking, which is wholly or in part under sectarian or ecclesiastical control."

AMENDMENTS TO APPROPRIATION BILLS.

Mr. TURPIE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on the Judiciary.

He also submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

FINAL ADJOURNMENT.

Mr. PLATT. I wish to submit a resolution which fixes the time for the adjournment of Congress. I think it is time that that matter shall be considered.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 2d day of May, at 2 o'clock p. m.

Mr. PLATT. I suppose the resolution must be referred to the Committee on Appropriations.

The VICE-PRESIDENT. The resolution will be referred to the Committee on Appropriations.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 23d instant approved and signed the act (S. 1716) for the relief of W. H. Ferguson, administrator of the estate of Thomas H. Millsaps.

The message also announced that the President of the United States had on the 24th instant approved and signed the joint resolution (S. R. 79) directing the Secretary of War to furnish an estimate for deepening the channel from Hampton Roads to the navy-yard at Norfolk, Va., and also for improving the Western Branch of the Elizabeth River.

REPORT ON WAR IN CUBA.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from West Virginia [Mr. ELKINS], coming over from a previous day. The resolution will be stated.

The SECRETARY. A resolution by Mr. ELKINS instructing the Committee on Foreign Relations to submit to the Senate before the vote is taken on what is known as the Cuban resolutions, now pending before the Senate, or the resolutions on the war in Cuba that passed the Senate, a report giving all the facts and findings of the committee in support of said resolutions.

Mr. PEFFER. I do not see the Senator from West Virginia [Mr. ELKINS] in his seat and——

Mr. SHERMAN. The Senator from West Virginia, who submitted the resolution, told me yesterday that he desires to have it laid on the table, but I think it had better go over until he comes in.

Mr. PEFFER. It had better go over and retain its place.

The VICE-PRESIDENT. What is the suggestion of the Senator from Ohio?

Mr. SHERMAN. The Senator from West Virginia told me that he intends to have the resolution laid on the table, but I think it had better go over in the ordinary way in his absence.

The VICE-PRESIDENT. The resolution will go over without prejudice.

BLACK RIVER BRIDGE, IN LOUISIANA.

Mr. BLANCHARD. I ask the unanimous consent of the Senate to place on its passage the bill (S. 1724) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across the Black River, in Louisiana.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment of the Committee on Commerce was, in section 1, line 7, after the word "point," to insert "suitable to the interests of navigation"; so as to read:

That the Kansas City, Watkins and Gulf Railway Company, a corporation created and existing under and by virtue of the laws of the State of Louisiana, be, and is hereby, authorized to construct and maintain a bridge across Black River, in the State of Louisiana, at such point suitable to the interests of navigation as may hereafter be selected by said railway company for crossing said river with its railroad line.

The amendment was agreed to.

The next amendment was, in section 2, line 10, after the word "telegraph," to add "and telephone."

The amendment was agreed to.

The next amendment was to add to section 2 the following proviso:

Provided, That the bridge herein authorized to be constructed shall be so kept and managed by the company owning or operating it as to afford proper ways and means for the passage through or under it of vessels, barges, or rafts at all times, both by day and by night; and there shall be displayed on said bridge, from sunset to sunrise, such lights and signals as the Light-House Board shall prescribe.

The amendment was agreed to.

The next amendment was to add to section 4 the following:

Or, in case of disagreement, upon such terms and conditions as may be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties in interest.

So as to make the section read:

SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; or, in case of disagreement, etc.

The amendment was agreed to.

The next amendment was, in section 5, line 7, after the word "location," to insert "prepared with reference to a known datum plane, upon prescribed scale, furnished by the engineer officer having supervision of said river," and in line 10, after the word "of," to strike out "1 mile" and insert "2 miles"; in line 11, after the word "and," to strike out "1 mile" and insert "2 miles"; so as to read:

That the bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe, and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawing of said bridge and a map of the location, prepared with reference to a known datum plane, upon prescribed scale, furnished by the Engineer officer having supervision of said river, and giving for the space of 2 miles above and 2 miles below the proposed location of the bridge the topography of the banks of the river, with shore lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 1179) to repeal section 1218 of the Revised Statutes of the United States, as amended by chapter 46 of the laws of 1884, relating to appointment of officers in the Army and Navy of the United States.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 325) to provide that United States railroad corporations shall, for purposes of jurisdiction, be deemed citizens of the respective States into which their line of railway may extend;

A bill (H. R. 878) to reduce the cases in which the penalty of death may be inflicted;

A bill (H. R. 2178) to amend section 864 of the Revised Statutes of the United States in relation to taking depositions de bene esse;

A bill (H. R. 3719) to provide for appointment by brevet of active or retired officers of the United States Army;

A bill (H. R. 4554) to amend an act approved February 18, 1895, entitled "An act to amend an act entitled 'An act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes,' approved March 3, 1891";

A bill (H. R. 4580) to amend section 3449 of the Revised Statutes;

A bill (H. R. 5379) making it unlawful to shoot at or into any railway locomotive or car, or at any person thereon, or to throw any rock or other missile at or into any locomotive or car, and for other purposes;

A bill (H. R. 6345) to establish a criminal jurisdiction over places ceded to the United States for such purposes; and

A joint resolution (H. Res. 85) relative to the medal of honor authorized by the acts of July 12, 1862, and March 3, 1863.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 789) for the relief of Kate Winter;

A bill (H. R. 990) to amend section 9 of an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes";

A bill (S. 2251) to authorize the construction of a bridge across the Calumet River;

A bill (S. 2419) to authorize the leasing of lands for educational purposes in Arizona; and

A bill (H. R. 5286) providing for the disposal of lands lying within the Fort Klamath hay reservation not included in the Klamath Indian Reservation, in Oregon.

SUBJECT CATALOGUE OF BOOKS IN LAW LIBRARY.

Mr. CULLOM. I move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

Mr. HOAR. I should like the attention of the Senator from Illinois. I ask unanimous consent to proceed to the consideration of Senate joint resolution No. 69, and I should like, before it is read for information, to make a statement in a few words. It is a joint resolution authorizing the preparation of a subject catalogue of the books in the law library. It can not incur much expense for the first year. It will probably be the work of one clerk or two alone. It is greatly needed for the convenience not only of the court, but of members of both Houses of Congress. I desire to have the joint resolution now passed, so that it may be in order to move it as an amendment to the sundry civil appropriation bill when that bill comes up. I have no doubt it would have been passed the other day when the Senate was considering bills on the Calendar but for the absence of the chairman of the Committee on the Library. It may be now read for information, and I should like to have it put on its passage.

The Secretary read the joint resolution (S. R. 69) authorizing the preparation of a subject catalogue of the books in the law library, as follows:

Resolved, etc., That there be prepared, under the direction of the Chief Justice of the Supreme Court, by the law librarian, a compilation of the titles of all the books in the law library, classified alphabetically by legal subjects, arranged, indexed, and bound in suitable volumes, as a law-subject catalogue, for the use of the standing committees of the two Houses of Congress, the members of the two Houses, and the judges of the Supreme Court; and the sum of $30,000, or so much thereof as may be found necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the preparation of said work, which sum may be paid by the Secretary of the Treasury upon the order of the Chief Justice as additional pay or compensation to any officer or employee of the United States.

SEC. 2. That said catalogue be stereotyped and printed for sale to the public at a price equal to the cost of the paper, presswork, and binding, with 10 per cent added thereto, the proceeds of such sales to be paid into the Treasury.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution? The Chair hears none, and the joint resolution is before the Senate as in Committee of the Whole.

Mr. SHERMAN. I do not desire to object to the joint resolution at all, but it seems to me that the amount of $30,000 proposed is too large a sum to provide an index for the volumes in the law library.

Mr. HOAR. That sum was fixed by the Library Committee, I believe, on consultation with the librarian, but I would just as lief have it $10,000 as $30,000, because, of course, the whole amount proposed will not be expended in one year, and the additional appropriation can be made later. I have no choice about it.

Mr. WOLCOTT. I ask the Senator from Massachusetts how many volumes there are in the law library.

Mr. CHANDLER. I will state that there are about 100,000. It is the largest law library in the country, and I think in the world.

Mr. SHERMAN. Ten thousand dollars or $5,000 would be enough to commence with.

Mr. HOAR. It makes no difference, so far as I am concerned, whether the whole amount is appropriated this year or not.

Mr. CHANDLER. If the Senator will allow me, I will state that it is not to be an ordinary catalogue. It is to be a subject index, which it is expensive to make, but which, when made, is invaluable.

Mr. HOAR. I suggest that the money is to be expended under the direction of the Chief Justice of the United States, who certainly can be trusted with its expenditure. I will agree to reduce the amount to $20,000 or $15,000, if Senators prefer.

Mr. SHERMAN. I think it should not be more than $10,000.

Mr. HOAR. Make it $15,000.

Mr. SHERMAN. I think that not more than $5,000 or $10,000 would be expended in the first year.

Mr. CULLOM. It seems to me that even $15,000 is an immense sum of money to appropriate for a catalogue.

Mr. HOAR. I would as lief just get it fairly started, and then I am sure the Committee on Appropriations will take care of it in future years. I will agree to reducing the amount appropriated to $10,000.

Mr. CULLOM. I do not think that over $5,000 is needed this year.

Mr. HOAR. Oh, yes; that is a very small amount.

Mr. CULLOM. Of course it is a small amount; but it is not very small, either, when compared with the work that is to be done.

Mr. HOAR. It is to be a great subject catalogue, as the Senator from New Hampshire has said, of certainly one of the finest law libraries in the world—I am not sure that it is better than Lincoln's Inn. At any rate the work must be done by competent and able lawyers. It is to be done under the supervision of the Chief Justice of the United States, and the estimates coming from some source of the cost is $30,000. I think $5,000 is too small a sum, and I hope Senators will agree to make it $10,000. I move to reduce the amount from $30,000 to $10,000.

The VICE-PRESIDENT. Without objection, the joint resolution will be modified as indicated by the Senator from Massachusetts.

Mr. WOLCOTT. Is this a joint resolution that has come from the other House?

Mr. HOAR. No; it is a Senate resolution.

Mr. WOLCOTT. If I remember aright, this is a measure which has been before the Senate again and again for a number of years, is it not?

Mr. HOAR. I do not know.

Mr. WOLCOTT. I remember when I was upon the Committee on the Library, the same measure was before the Senate and was very much pressed by some young man in connection with the library, who had prepared something in connection with this work. I know at that time it was not deemed expedient in the Library Committee to press it. I remember at that time this clerk of the library was upon the floor of the Senate explaining to Senators the measure, which represented some work of his own, which was to be adopted by Congress. I have the greatest deference to the opinion of the Senator from Massachusetts as to the character of the work, and if he has investigated it thoroughly I shall not object. I remember when I was upon the Committee on the Library we looked into it and it seemed to us as if it was more for private benefit than for public good.

Mr. HOAR. It does not put one dollar, as I understand it, in the pocket of any clerk or anybody else. It is a work which will be done either by the persons in the law library and on their salary, and they will get no pay for it otherwise, or by such other instrumentalities as the Chief Justice of the United States may direct. Can any Senator hesitate for a moment in the belief that a subject law catalogue, where you can find what you want instantly and by subject, is needed for the convenience of this body, to say nothing of the courts, to say nothing of the other House, or of the profession? This work is to be sold to the profession, and to other libraries when it comes out. The necessity for it is apparent, and the character of the illustrious magistrate who will have charge of the work seems to me to make it altogether perfectly safe. I have not seen the person whom the Senator from Colorado speaks of for a year or two.

Mr. WOLCOTT. There is a little further question I should like to ask. There are a number of law libraries in the United States of greater or less magnitude. There is hardly a city in the United States which has not one. There is hardly a county seat which has not one. There is no place where a Federal court meets which has not one. Many cities have several. If it be true that a subject index is a matter of great benefit and advantage it is equally true that to the extent of the volumes which are generally held throughout the United States it would be fully as advantageous to every law library in the United States if it had a subject index. We have the most enterprising lot of law publishers in the world within the United States. If this were a volume which was to be of general advantage we would long since have had it compiled and prepared and put on sale for the benefit of the different law libraries of the United States.

The law library which we have here is far larger if the number of volumes be 100,000 than any other in the United States, and many of its volumes must be old and worthless lumber. There are not 100,000 law books that can by any possibility be of advantage to the lawyers in the preparation of their cases. The index by subjects of thousands and thousands of those volumes must be utterly useless and of no benefit to anybody. It does seem to me that the Judiciary Committee or some committee who are actively concerned in the contents of those books and their codification should go through this measure and examine it and make some investigation as to the needs of the library for such a

catalogue before we take up the joint resolution for passage and make a large appropriation for this purpose.

Mr. CULLOM. I think I shall have to object to the further consideration of the joint resolution.

Mr. HOAR. I should like to say one word, if the Senator from Illinois will allow me.

Mr. CULLOM. I will allow that, of course.

Mr. WOLCOTT. First, one word as to the Chief Justice. Of course nobody doubts for a moment that if the Chief Justice of the United States out of the multitude of his duties will pay any attention to this matter it will be done not only with the utmost integrity, but intelligence and care. There is not the slightest reflection, as the Senator from Massachusetts understands perfectly, upon the Chief Justice of the United States.

Mr. HOAR. I had not suggested any such thing.

Mr. WOLCOTT. No; but the Senator had spoken once or twice of the fact that the work would be under the charge of the Chief Justice.

Mr. HOAR. Certainly I spoke of that, and of the security and safety of it.

Mr. President, a subject catalogue of a library like the law library is not a book to be largely sold. No matter how much it may be needed, in the nature of the case it is not a book which will be paid for like a form book or a treatise on some ordinary branch of the law, and if it is ever done for the country it has got to be done in this way and under the auspices of Congress. This seems to me to be the most economical way to do it.

In regard to what the Senator from Colorado says about the fact that many law books are useless lumber and that it is not desirable to have it known what they contain, I beg leave, with great respect, to differ from him. I think the experience of most persons who have had occasion to consult libraries as a matter of habit of life, as students or scholars, will warrant me in saying that it is astonishing how few of the vast number of books that are published on any subject are unnecessary for the investigation of scholars. When they were enlarging the library at Harvard, which is still, I believe, the foremost library in this country in value, if not now in number of volumes, in order to get the space they sent to another of the college buildings the books that the librarian thought would by no possibility ever have to be consulted by anyone. They seemed to be the merest old songs of books. But it was found that they had to send about ten times a week for books that were taken out of that library. I was in the library myself one morning, and the librarian told me they had sent over eight times to this collection of books that somebody or other had to look up.

Now, take a question of law, a turning point on which perhaps some great historic or constitutional question may be determined, or some great question before the Supreme Court of the United States which involves an important private interest, and you find it occurred to some one jurist and it has been dealt with in the judgment of some obscure court, and you get the necessary light upon it there. I remember once myself being counsel in a cause of very great interest and importance, for which no authority was found by the counsel on either side. After great study, Mr. Justice Metcalf, an old black-letter lawyer, dug into a volume of Chipman's Reports, or some volume of reports almost forgotten, and found the precise authority for the purpose. Now, I do not want to press the joint resolution unduly. The Senator from Colorado, a man of large learning and great genius and intellectual power, sees everything at a glance and settles everything by his intellectual capacity, as we all know. He may not need these helps that humbler intellects and humbler men need.

Mr. CULLOM. Now, Mr. President, I hope we will proceed to the consideration of the appropriation bill.

Mr. CHANDLER. Let me ask first whether the joint resolution has passed from the consideration——

Mr. CULLOM. It has not passed, and I am inclined to think it ought not to be passed until the Committee on the Judiciary investigate the question.

Mr. HALE. Let us have the regular order.

Mr. CULLOM. I objected to the further consideration of the joint resolution.

The VICE-PRESIDENT. The Chair will state that objection was interposed to the further consideration of the joint resolution.

Mr. CHANDLER. Then I will reply to the Senator from Illinois some other day.

The VICE-PRESIDENT. The joint resolution goes over under the rule.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 325) to provide that United States railroad corporations shall for purposes of jurisdiction be deemed citizens of the respective States into which their line of railway may extend;

A bill (H. R. 878) to reduce the cases in which the penalty of death may be inflicted;

A bill (H. R. 2178) to amend section 864 of the Revised Statutes of the United States, in relation to taking depositions de bene esse;

A bill (H. R. 4554) to amend an act approved February 18, 1895, entitled "An act to amend an act entitled 'An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes,' approved March 3, 1891";

A bill (H. R. 5379) making it unlawful to shoot at or into any railway locomotive or car, or at any person thereon, or to throw any rock or other missile at or into any locomotive or car, and for other purposes; and

A bill (H. R. 6345) to establish a criminal jurisdiction over places ceded to the United States for such purposes.

The following bill and joint resolution were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 3719) to provide for appointment by brevet of active or retired officers of the United States Army; and

A joint resolution (H. Res. 85) relative to the medal of honor authorized by the acts of July 12, 1862, and March 3, 1863.

The bill (H. R. 4580) to amend section 3449 of the Revised Statutes was read twice by its title, and referred to the Committee on Finance.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM. I move that the Senate proceed to the consideration of the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. PLATT. I understand that the Senator from Utah [Mr. CANNON] is entitled to recognition.

Mr. CANNON. When the Senate adjourned last evening it had under consideration a proposed amendment which I will ask the Secretary to read.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 24, on page 96, it is proposed to strike out "five" before "thousand" and insert "seven"; and in line 25, to strike out "seven" before "thousand" and insert "nine"; so as to read:

For surveyor-general of the State of Utah, $2,000; and for the clerks in his office, $7,000; in all, $9,000.

Mr. CANNON. Mr. President, I have no desire to make any remarks on this proposed amendment further than to state that of the public domain of Utah there have been surveyed but 15,000,000 acres, and there remain yet for survey more than 38,000,000 acres. The necessity, therefore, to have a competent clerical force in the office of the surveyor-general in order to make up the field notes for the parties who are out surveying the public domain must be quite apparent to all Senators present.

Mr. CULLOM. I make no opposition to the amendment, as it comes within the estimate.

The amendment was agreed to.

Mr. PLATT. I wish to call the attention of the Senator in charge of the bill to a matter in behalf of my colleague [Mr. HAWLEY], who is detained from the Senate by illness, and who wishes me to propose an amendment for him in his absence. On page 4, line 6, after the word "dollars," I move to insert "assistant clerk, $1,440"; so as to read:

Clerk to the Committee on Military Affairs, $2,220; assistant clerk, $1,440; messenger, $1,440.

As my colleague is absent and can not speak for himself, I hope the Senator from Illinois will allow the amendment to come in tentatively at least, and it can be looked into afterwards.

Mr. CULLOM. I understand that that committee has a vast amount of business.

Mr. PLATT. It has about 600 bills before it.

Mr. CULLOM. I am only sorry that they do not get more of them out of the committee. I am satisfied that there is need of an additional clerk there, and I will make no objection to the amendment.

The amendment was agreed to.

Mr. CULLOM. While I am upon the floor, I ask to refer to page 31, the last line of the page, where, in the items for the Office of Auditor for the Treasury Department, it reads "ten clerks of class 2." That the Secretary of the Treasury is very solicitous about, and the number was reduced, I think, by mistake. I move, in line 25, on page 31, to strike out "ten" and insert "eleven"; so as to read:

Eleven clerks of class 2.

The amendment was agreed to.

Mr. CULLOM. Then upon the next page, in line 4, page 32, the total should be changed. I move to strike out "$116,400" and insert "$117,800."

The amendment was agreed to.

Mr. CULLOM. I now ask the attention of the Senate to the

provisions beginning on page 115, section 5, relating to the marshals and district attorneys. The Senator from Colorado [Mr. TELLER], representing the Judiciary Committee, will make some suggestions of amendment as we proceed with the reading of the items in the bill.

Mr. MILLS. Commencing on what page?

Mr. CULLOM. On page 115, at the bottom of the page, beginning with section 5.

Mr. TELLER. At the suggestion of the accounting officers of the Treasury Department, I move, on page 115, line 24, after the word "that," to strike out "from" and insert "on"; in the same line, before the word "day," to strike out "thirtieth" and insert "first," and after the words "day of," to strike out "June" and insert "July."

The VICE-PRESIDENT. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. On page 115, in section [7] 5, line 24, after the word "that," it is proposed to strike out "from" and insert "on"; before the word "day," in the same line, to strike out "thirtieth" and insert "first," and after the words "day of" to strike out "June" and insert "July"; so as to read:

That on and after the 1st day of July, 1896, all fees and emoluments, etc.

The amendment was agreed to.

Mr. CULLOM. These provisions have not been regularly read by the Secretary.

Mr. TELLER. Then let the Secretary read them.

The Secretary read as follows:

SEC. [7] 5. That on and after the 1st day of July, 1896, all fees and emoluments authorized by law to be paid to United States district attorneys and United States marshals shall be charged as heretofore, and shall be collected, as far as possible, and paid to the clerk of the court having jurisdiction, and by him covered into the Treasury of the United States; and said officers shall be paid for their official services, salaries, and compensation hereinafter provided and not otherwise: *Provided*, That this section shall not be construed to require fees to be charged against or collected from the United States, except as provided by sections 12 and 14 of this act relating to field deputies and their payments.

Mr. HOAR. At this point in the consideration of the bill, I wish to say that I have desired to do what I could to make the bill, so far as it affects district attorneys and marshals, represent what I believe to be the desire of the Senate, and also to do what I think is for the public advantage. I am prepared, therefore, to do what I can in completing the text of the bill with that view, but I am opposed to adopting this important legislation on an appropriation bill. I think the Senate must feel that if they go into the question of legislating upon this subject it will be at a great disadvantage. If the House of Representatives refuse to concur with our amendments, we shall then have to insist on what we think is just and in the public interest at the cost possibly of defeating the appropriation bill, and legislating, as it were, with a loaded pistol at our temples. The result may be that we shall amend this bill according to what we think is for the public interest; then it will go into conference; there will be a disagreement; and then may come a proposition to adjourn Congress. When we get into the neighborhood of the time of adjournment, our conferees will come back and say to us that we must yield on this or the appropriation bill will fail, and there will be an extra session or we must prolong the session of Congress still further. I think the objection to legislating on subjects however important on an appropriation bill is very serious and grave indeed. It would then be very difficult to go back to this matter in the ordinary method of legislation. If the Senate and the House wish to correct the judicial system, they had better change the Constitution and abolish one or the other branch, or have some other Constitution.

So I wish to reserve the right to vote to strike out the whole thing, although I think the reform which is proposed in regard to these officers a very important one and one that ought to be accomplished.

Mr. CULLOM. Before proceeding further with these paragraphs, I will say that I neglected to ask the Senate to change the totals after an additional clerk was provided for on page 5. The total on that page, in lines 2 and 3, ought to be "$90,480" instead of the sum specified in the bill. I hope that change will be made.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 5, line 3, in the appropriations for "clerks and messengers to committees of the Senate," it is proposed to increase the total appropriation from "$93,040" to "$94,480."

The amendment was agreed to.

Mr. CULLOM. So far as the members of the Committee on Appropriations were concerned, I think there was a feeling that, while it was a very great and serious step to add so much legislation to an appropriation bill, yet there seemed to be such a universal demand in favor of a change of the system in reference to the payment of marshals and district attorneys, that the Committee on Appropriations did not feel that they could afford to oppose such attempted legislation. The fact has been that there have been bills in the Judiciary Committees during several Congresses proposing to change the law in relation to the payment of these officers from fees to salaries, and it has been shown over and over again that there were great abuses under the present system, that the administration of our courts was becoming outrageously expensive to the country, and that some change should be made. The body where this bill originated was very earnest in its efforts to make such a change. The bill came to the Senate with these provisions upon it, and the Appropriations Committee did not feel that it could afford to refuse to consider them. As I have intimated already, the subject was referred to the Judiciary Committee for consideration and for the guidance of the action of the Appropriations Committee. What is now proposed to be acted upon by the Senate is a report from the Judiciary Committee made to the Committee on Appropriations. While I deprecate this kind of legislation generally, I do not feel, as a member of the committee, like opposing it in this instance.

Mr. KYLE. I should like to ask the Senator whether, in his judgment, these sections, if added, would be a violation of Rule XVI of the Senate?

Mr. CULLOM. They come from the other body as legislation already enacted by that body.

Mr. KYLE. There is a similar rule in the other House, I understand.

Mr. CULLOM. Yes. I do not undertake to pass upon the question whether it is a violation of the rules of the Senate or not.

Mr. KYLE. I should like to understand from the Senator whether he thinks it is general legislation or a change of existing law?

Mr. CULLOM. I think it is.

Mr. KYLE. That is all I wish to know.

Mr. CULLOM. That is my judgment; but I shall not discuss that any further. I hope the reading of the bill will proceed and that the Senator from Colorado will suggest the amendments as heretofore agreed upon.

Mr. HILL. Does the Senator from Colorado desire to amend the bill?

Mr. TELLER. That is what I intended to do on behalf of the committee.

Mr. HILL. I wish to say something upon the subject suggested by the Senator from Massachusetts [Mr. HOAR].

Mr. TELLER. I suggest that the Senator had better wait until we get the bill amended, and then the whole subject will be before the Senate.

Mr. HILL. That will be just as well.

Mr. HOAR. If the Senator will pardon me, I should like to have an understanding while we are dealing with this paragraph, after the Committee on Appropriations has moved its amendments, that other amendments may be moved to the paragraph without postponing the whole subject to the end of the bill. It will be more convenient, certainly, to attend to the whole matter at once. There are some amendments which the Committee on the Judiciary wish to propose.

Mr. TELLER. I have no control over that.

Mr. HOAR. I am asking consent.

Mr. TELLER. I am proposing the amendments suggested by the Committee on the Judiciary to the Committee on Appropriations.

Mr. CULLOM. I am inclined to think, if it be agreeable to the Senate, that as these items are reached whatever amendments are to be proposed may as well be offered at the time, item by item, so that we may get rid of the subject as we go along.

Mr. SHERMAN. I hope no agreement will be reached that will prevent us from moving to strike out all of these sections.

Mr. CULLOM. That can be done after the sections have been amended.

Mr. PLATT. That can be done in the Senate in any event.

Mr. SHERMAN. I may desire to submit such a motion.

Mr. HOAR. I ask unanimous consent, after the Committee on Appropriations have moved their amendments to these two sections, that other amendments may be in order without waiting until the completion of the bill.

Mr. TELLER. I suppose that will be done. I do not object.

Mr. ALLISON. I do not understand that the Senator from Colorado [Mr. TELLER] is proposing the amendments as from the Committee on Appropriations. Of course, these amendments formally and nominally come from the Committee on Appropriations, but they are, as I understand, amendments which were presented to the Committee on Appropriations by the Judiciary Committee, and we did not undertake to revise them.

Mr. TELLER. Mr. President, let me state just what was done. After the Committee on Appropriations had determined not to strike these provisions out of the bill, which personally I very much regret, the whole question of marshals and district attorneys was referred to the Judiciary Committee. That committee has made a report to the Appropriations Committee, which was found to have some mistakes in it. Then the Judiciary Committee reexamined the question, and I am presenting what I understand to be the second report, which did not reach the Appropriations Committee until after that committee had reported the bill to the Senate.

It was found that the Judiciary Committee—I am a member of both committees—had made some mistake, we had some lack of information, and now these amendments are being proposed for the purpose of trying to secure an equitable and just arrangement of the salaries both of marshals and district attorneys in accordance with the amount of business they have to do.

I will say that the Attorney-General was before both the Appropriations Committee and the Judiciary Committee on this subject, and gave his opinion as to some of the proposed changes, and we reported in accordance with that.

I also have a letter from the Comptroller of the Treasury about some of the proposed changes, which I desire to move now, which are not of any great consequence. Agreeably to the suggestion of the Comptroller, who consulted the Attorney-General, who also desires the insertion made, on page 116, in section [7] 5, after the word "services," in line 6, I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment submitted by the Senator from Colorado will be stated.

The SECRETARY. In section [7] 5; on page 116, line 6, after the word "services," it is proposed to insert "which, in the case of district attorneys, shall include services in the circuit courts of appeals of their respective circuits wherever sitting."

Mr. ALLEN. Let me ask the Senator if he will not move to insert those words after the word "salaries," in the same line, instead of after the word "services"?

Mr. PLATT. I do not think it makes good sense.

Mr. ALLEN. It does not make good sense as it is now.

Mr. TELLER. The amendment is offered for the purpose of making it clear that the services are to be rendered in the circuit courts of appeals.

Mr. ALLEN. I understand that the Senator from Connecticut [Mr. PLATT] says that my suggestion will not make good sense.

Mr. PLATT. No; I say I do not think the amendment as reported at the Secretary's desk makes good sense.

Mr. ALLEN. It does not make good sense as reported now.

Mr. PLATT. That is what I have said. Let the amendment be again stated.

The SECRETARY. In section [7] 5, on page 116, line 6, after the word "services," it is proposed to insert "which, in the case of district attorneys, shall include services in the circuit courts of appeals of their respective circuits wherever sitting"; so as to read:

And said officers shall be paid for their official services, which, in the case of district attorneys, shall include services in the circuit courts of appeals of their respective circuits wherever sitting, salaries and compensation hereinafter provided, and not otherwise.

Mr. PLATT. The sense is all right.

Mr. TELLER. That is the point where the amendment should come in.

The VICE-PRESIDENT. The question is on the amendment.

The amendment was agreed to.

Mr. TELLER. In line 8 of the same section, after the word "require," I move to insert "or authorize"; so as to read:

Provided, That this section shall not be construed to require or authorize fees to be charged against or collected from the United States, etc.

The amendment was agreed to.

Mr. TELLER. In line 10 of the same section, in order to correct the numbers of the sections referred to, I move to strike out "12," where it occurs and insert "10," and to strike out "14" and insert "12."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section [7] 5, on page 116, line 10, after the word "sections," it is proposed to strike out "12," and insert "10," and before the words "of this act," to strike out "14" and insert "12"; so as to read "except as provided in sections 10 and 12 of this act."

The amendment was agreed to.

Mr. TELLER. I shall try to follow with the amendments proposed by the Judiciary Committee which did not reach the Appropriations Committee in time to be considered by that committee.

Mr. VILAS. Has section 6 been read?

Mr. CULLOM. It has not.

Mr. TELLER. The section should be read.

Mr. VILAS. I think as it is read the Senator might propose his amendments.

The VICE-PRESIDENT. The section will be read and the amendments reported by the Committee on Appropriations acted upon as they are reached in the reading, in the absence of objection.

The Secretary proceeded to read section [8] 6. The first amendment reported by the Committee on Appropriations was, in line 5, after the word "each," to strike out "four" and insert "five"; so as to read:

SEC. 6. That the United States district attorney for each of the following judicial districts of the United States shall be paid an annual salary as follows: For the northern and middle districts of the State of Alabama, each $5,000, etc.

The amendment was agreed to.

The next amendment was, in line 16, after the word "Alabama," to strike out "three" and insert "four"; so as to read:

For the southern district of Alabama, $4,000.

The amendment was agreed to.

The next amendment was, in the same section, line 20, after the word "California," to strike out "four" and insert "five"; so as to read:

For the northern district of California, $5,000.

The amendment was agreed to.

The Secretary continued the reading, as follows:

For the southern district of California, $3,000.

Mr. TELLER. I move to strike out "three" and insert "four."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section [8] 6, on page 116, line 22, before the word "thousand," it is proposed to strike out "three" and insert "four"; so as to read:

For the southern district of California, $4,000.

The amendment was agreed to.

The reading of the section was resumed. The next amendment of the Committee on Appropriations was, in line 22, after the word "Colorado," to strike out "four" and insert "five"; so as to read:

For the district of Colorado, $5,000.

The amendment was agreed to.

Mr. ALLEN. I should like the Senator from Colorado to state why these salaries should be increased over the amount fixed by the House of Representatives?

Mr. TELLER. I will say that these salaries were fixed by the Judiciary Committee. I wish to say to the Senator that personally I think they are in many instances very much too high, and I suppose it is likely when they come out of conference they will be very much lower.

Mr. ALLEN. I want it understood at this time that I reserve the right to object to all these items of increase of salary of United States district attorneys and marshals after the bill reaches the Senate.

Mr. TELLER. I understand every Senator has that right.

Mr. HOAR. As I understand, the Judiciary Committee has been keeping below, and never proposing to raise salaries at all, never going above what the particular district attorney or the marshal has earned, except in one or two very extraordinary cases. The Judiciary Committee have desired largely to be governed by the opinion of the Senator from Colorado and by the opinion of the Senator from the particular State in which the district is situated; and in this particular instance we should not have proposed an increase if the Senators from Colorado thought the salary too high for that State. I should for one, if they so thought, have assented to reducing it.

Mr. TELLER. The Senator from Massachusetts, the chairman of the Committee on the Judiciary, understands very well upon what theory the committee proceeded. It was that the salary should be uniform according to the services rendered, or to be rendered; and if other items are to be put up in this way, Colorado is entitled to be put up also.

The House of Representatives have not, in my judgment, provided a very equitable arrangement here. Some of the salaries are entirely too high and some too low. We undertook to equalize them and make the provision just and equitable. That will not, I think, perhaps, prevent the scaling down of a percentage of them. I should be quite willing, so far as Colorado is concerned, if other salaries are put down, that the salaries should be put down for the officers in that State; but I am not willing that an officer in an adjoining State who does less work should have more salary than an officer in my State who does much more.

Mr. ALLEN. I desire to call the attention of the Senator from Colorado to a fact that may or may not have attracted the attention of the Judiciary Committee. We are now considering the southern district of California, as I understand.

Mr. HOAR and Mr. TELLER. Colorado.

Mr. ALLEN. Possibly Colorado, which makes it so much the worse. I hold in my hand an official communication as to the mileage of the several attorneys of the United States for the last six months; and I find that Mr. H. V. Johnson, of Colorado, drew for the last six months $760.20 mileage; which for the year would make $1,520.40. Under the ruling of the Supreme Court, Mr. Johnson is not required to make any account, or is not chargeable with this mileage. I find with reference to others that the mileage has been nothing in some instances; in others it has not exceeded $50 a year; and in a great many others it was less than $100. If Mr. Johnson is to be put upon an equality with those who receive a small compensation for their traveling expenses, would it not be wise for the Judiciary Committee—a committee which I hope is committed to the great doctrine of economy in these peculiar times—to take that into account, and reduce his salary to some extent at least?

Mr. TELLER. I should like to say to the Senator from Nebraska that Mr. Johnson has to travel a long distance. He has three courts to attend, two of which are away from the point of his residence, and he is compelled to make long journeys. He would not be required to travel so far in many of the States, because they are not big enough. He travels in order to reach the most distant court he is required to attend nearly as far, I suppose, as from here to Philadelphia, or farther. There is only one district in Colorado.

Mr. PLATT. All these traveling expenses have to be paid in the first instance out of his own pocket, and he gets them back.

Mr. TELLER. He has to pay them first out of his own pocket.

Mr. ALLEN. I call attention to the fact that his traveling expenses are paid by the Government.

Mr. PLATT. Yes; but he has to pay them in the first instance, and then they are paid back to him by the Government.

Mr. ALLEN. He has first to pay them, but he charges the Government 10 cents a mile for riding on the cars, when the rates are about 3 cents.

Mr. TELLER. He will not under this bill.

Mr. HOAR. That is abolished.

Mr. ALLEN. I am glad of it. I was not aware of the fact that it had been abolished, and I fail to see any provision abolishing it.

Mr. TELLER. We provide that every man shall get a salary, and then he will pay his own expenses, only being allowed his actual traveling expenses.

Mr. ALLEN. I call the attention of the Senator to this inequality to a little greater extent in the northern district of Alabama. The traveling fees of the district attorney for the last six months have been $133.20; of the middle district, $80; of the southern district, $93.80—a State as large as the State of Colorado, practically—and all put together the fees do not amount to one-half of the traveling expenses of Mr. Johnson in the State of Colorado. In the eastern district of Arkansas it was $56; in the western district nothing; in the northern district of California nothing; in the southern district $190.60.

Mr. TELLER. I can not explain all the inaccuracies of the system now in existence. What we are trying to do is to get rid of a system which allows such things to be done.

Mr. HOAR. If the Senator will pardon me one-half minute, I will say that, as I understand, under the present existing law the evils which the Senator from Nebraska points out exist; that is, officials get so much a mile, 10 cents a mile, I think. If they have a free pass on the railroads, the 10 cents a mile, if they happen to travel 250 miles to convey a prisoner, or to summon a witness in a case of larceny, or perform some other official duty, is clear gain.

Mr. ALLEN. Clear gain?

Mr. HOAR. Yes. It is so far an abuse unless all that they get is not sufficient to pay them. Then, of course, it is not an abuse. Under this bill I said that system is abolished. I meant by what I said just now that it is proposed to be abolished by this bill. This bill provides a salary for those officials and that they shall get their actual traveling expenses; that is, what they actually pay out. If they travel on a free pass they do not get their fare back. If they pay out 2 cents a mile or 3 cents a mile for railroad fare, that they get back actually, and I suppose nobody would doubt that that should be done. So I suppose this bill cures that difficulty.

The difference in the existence of such fees and charges in different districts arises somewhat from the character of the business. For instance, you take some moonshiner districts, as they are called, where the deputy marshals may have to go into a district at a distance from the court-house to summon witnesses. They charge fees, and a great mass of those are piled up. In some cases, undoubtedly, some small offenses are complained of or are almost invented in order to make business for the United States commissioners and deputy marshals; but that is all proposed to be cured by this bill.

In other districts, where there is a great deal more actual law business done, there is very little opportunity for collecting fees and emoluments, when in fact there is a great deal more actual public service rendered.

Mr. ALLEN. I should like to ask the Senator from Massachusetts or the Senator from Colorado to point out that feature in this bill which cures the case he mentions.

Mr. PLATT. It is on page 120, I think.

Mr. TELLER. If the Senator from Nebraska will look at the bill and let us go on he can raise those questions later. It seems to me that would be the better way.

Mr. PLATT. I think it is the proviso beginning in line 4, page 120.

Mr. HOAR. It begins on page 115.

Mr. PLATT. The provision on page 116 reads:

Said officers shall be paid for their official services salaries and compensation hereinafter provided, and not otherwise.

The paragraph on page 120 relates to traveling expenses.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 22, page 116, after the word "Colorado," to strike out "four" and insert "five"; so as to read:

For the district of Colorado, $5,000.

The amendment was agreed to.

The next amendment was, in line 23, page 116, after the word "Connecticut," to strike out "two" and insert "three"; so as to read:

For the district of Connecticut, $3,000.

The amendment was agreed to.

The next amendment was, in line 25, before the word "dollars," to insert "five hundred"; so as to read:

For the district of Delaware, $2,500.

The amendment was agreed to.

The next amendment was, in line 25, page 116, after the word "dollars," to strike out "for the District of Columbia, $5,000; for the northern and southern districts of Florida, each $3,000," and insert:

For the northern district of Florida, $3,500; for the southern district of Florida, $4,000.

Mr. PASCO. I ask to have the amendment modified in line 3, on page 117, by changing "$3,500" to "$4,000." I have already spoken to the Senator from Colorado with reference to it.

Mr. TELLER. Let that be done.

Mr. PASCO. I have demonstrated the fact that this is a proper allowance for that office.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In line 3, page 117, after the word "Florida," it is proposed to strike out "three thousand five hundred" and insert "four thousand"; so as to read:

For the northern district of Florida, $4,000; for the southern district of Florida, $4,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 117, line 6, after the word "Georgia," to strike out "$2,500" and insert "$3,000"; so as to read:

For the southern district of Georgia, $3,000.

Mr. HOAR. The Senator from Alabama [Mr. PUGH] called my attention and that of the members of the Judiciary Committee to the fact that the compensation in the second district of Georgia should be the same as in the first. There is really more business in the southern district. I hope the Senator will move an amendment to make it $5,000.

Mr. BACON. In accordance with the recommendation which, as I understand, has been made by the Judiciary Committee, I move that the amount for the marshal of the southern district of Georgia be fixed at $5,000. I move to amend the amendment so as to make it $5,000 instead of $2,500.

Mr. HOAR. That is what I referred to. The Senator from Alabama [Mr. PUGH] made such a motion in the Judiciary Committee.

Mr. BACON. I move, in line 6, page 117, to strike out "$2,500" and insert "$5,000."

Mr. VEST. It is $3,000 in the bill.

Mr. BACON. That is the amendment reported by the committee.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In line 6, page 117, it is proposed to amend the amendment of the committee by striking out "$3,000" and inserting "$5,000"; so as to read:

For the southern district of Georgia, $5,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Georgia [Mr. BACON].

Mr. TILLMAN. Mr. President, I do not like to interfere with this pleasant arrangement of increasing salaries, but I feel very much like the Senator from Colorado did a moment ago when he stated that if a man in an adjoining State is going to get a large salary for doing less work than a similar officer in his own State gets he would ask for an increase; and so I will ask the Senate when it reaches my State to increase the item, too; and I am not disposed to do that.

In regard to several items in the bill, I have in my hand the report of the Auditor for the State and other Departments to the Secretary of the Treasury, wherein you will find the official figures showing the exact amount which each of the marshals and each of the district attorneys charged up and was paid last year; and it is the only place you can find it.

Mr. TELLER. If the Senator from South Carolina will wait until South Carolina is reached I think he will be satisfied.

Mr. TILLMAN. The Senator from Georgia [Mr. BACON] is now asking that the Senate shall raise the salary of the district

attorney for the southern district of Georgia to $5,000 from $3,000, at which the Senate committee has placed it, and $2,500 at which the other House fixed it, thereby doubling his compensation.

I am not trying to oppose anybody. I am merely endeavoring to call attention to the fact that we are padding the bill and trying to stop the other House in its efforts to uproot the abuses growing out of the fee system. We are putting so much on these provisions that we will load them down and they will be killed, and we ought not to do that.

I will call attention to some items here. The marshal of the southern district of Georgia is placed in this report, which is official, as having earned in fees $13,122.90. The district attorney earned only $2,850.60, and therefore he got all the fees that were coming to him. In other words, he got every single dollar that he could charge.

If you will look on down you will come to New Hampshire, for instance. The marshal earned only $1,227 and the district attorney earned only $712, and yet you will find here that he is going to get $3,000. In other words, you are going to raise the salary of an officer who receives only $712 to $2,500 or $3,000, I do not remember which it is; I know it has been largely increased.

I give notice, if you are going to make increases as to other districts, when we come to South Carolina, I shall merely ask that we shall have some of the pie, too.

I am willing to vote to stand by the House report, or I will stand by the Senate report as it has come in; but if we are going to continue to increase salaries because one man is trying to help out his constituent and wants to increase his salary, I say, as a matter of justice, that the thing ought to go around.

Mr. BACON. I desire to state that neither my colleague nor myself has received any communication whatever from the district attorney of the southern district of Georgia, and that the motion which I made to amend the amendment was made exclusively in view of the fact that the Judiciary Committee, which has had the matter under consideration, has so recommended.

I think the suggestion made by the Senator from South Carolina [Mr. TILLMAN] has much pertinency in it, and in view of the state of facts set forth in this report, that the district attorney for the southern district of Georgia does not earn exceeding the amount recommended by the Committee on Appropriations, and upon consultation with my colleague, I will withdraw the amendment and ask that the clause may stand as reported by the committee, allowing $3,000 for the district attorney for the southern district of Georgia.

Mr. HOAR. I should like to make one observation before the Senator from Georgia withdraws his amendment, if I may be permitted.

Mr. BACON. Certainly.

Mr. HOAR. The reports of earnings, of course, in some districts are all the information we have except what we get from individual Senators, who know the needs and condition of their States. But they are a very uncertain guide. Take, for instance, a port like Savannah, or a port like Mobile, in Alabama, or New Orleans or Boston, where they have admiralty causes, where in time of war they have prize causes, where the United States district attorney may have to deal with delicate questions affecting our international relations, and you have to have, and you ought to have, in such a port a man at the constant call of the Government whose learning, character, and capacity entitle him to be treated as a first-class lawyer. All over the United States, taking our history clear back to the beginning, we have in general had great lawyers at the service of the United States.

Now, there may be in time of peace, when there are no prize causes, an important indictment, an indictment, for instance, for wrecking a vessel to get the insurance, or for barratry, or an indictment under our revenue laws, or other important indictments, where the district attorney may be employed for a fortnight or three weeks in one trial, and where, if he charged according to the rates that private parties pay, he would charge more than his whole salary. Still that goes into his earnings or emoluments as $10 if he loses the case and $50 if he wins it. That is three weeks' work.

On the other hand, in some other part of the country a lot of small cases may be got up against Indians for selling liquor or against moonshiners or on account of some small smuggling operation, where the witnesses will be summoned by the marshal to travel a hundred miles to court or where the district attorney himself will have to travel to the place of hearing before a commissioner, and there will be five hundred or a thousand dollars of fees returned in the account when all those cases put together do not represent one-quarter either of the professional labor or of the professional capacity which the man in Savannah or Mobile has put into a single case.

So that the Committee on the Judiciary, having before them the emoluments and seeing what they were and so on, were obliged to trust largely to the judgment of the Senators from the different districts as to what their officials should receive. The amendment which is prepared and which is ready to be moved for South Carolina, which is the one suggested by the Senator from South Carolina [Mr. TILLMAN], and which I hope he will himself move, would put the South Carolina district on precisely the same footing with that in Georgia.

Mr. BACON. The action which I took in the first instance was, as I stated, based exclusively on the judgment of the Judiciary Committee. I did not know the considerations which had moved them to that recommendation. The reasons given by the Senator from Massachusetts [Mr. HOAR], I think, are entirely controlling. I have within my personal knowledge had illustration of the truth of the condition of affairs as stated by the distinguished Senator. I have known in that particular district an instance where the district attorney was engaged for thirty-one days in the representation of the Government in the prosecution of a single case. For that he received no larger fee than if the case had not consumed more than one hour.

Mr. HOAR. That is it exactly.

Mr. BACON. I think the judgment of the Judiciary Committee, as explained by the distinguished Senator from Massachusetts, is one which ought to be sustained by the Senate, and after consultation with my colleague, I renew the amendment and shall ask the Senate to adopt it.

Mr. ALLEN. What is the amendment?

The VICE-PRESIDENT. The amendment submitted by the Senator from Georgia [Mr. BACON] to the amendment of the committee will be stated.

The SECRETARY. In line 6, page 117, it is proposed to amend the committee amendment by striking out the words "three thousand" and inserting "five thousand"; so as to read:

For the southern district of Georgia, $5,000.

Mr. ALLEN. I wish to call attention briefly to some of the inequalities of the action of the Judiciary Committee and the Appropriations Committee. For the last fiscal year the United States district attorney for the northern district of Georgia received $7,959 besides his mileage, which amounted to $256.70. The district attorney for the southern district of Georgia received $3,056 in the form of fees rather, and he received $256.70 mileage. The proposition of the Judiciary Committee is to increase that salary from $3,056 as it existed last year to $5,000, making it practically $2,000 above the earnings of that office last year.

Now, I wish in this connection to call attention to some other matters, and it will save the necessity of doing it at another time. Take, for instance, the northern district of California, which is fixed at $5,000 by the committee. The United States district attorney received last year in fees $1,947, and here is an increase of over $3,000 in that case. If we are to indulge in economy in the passage of the pending appropriation bill, it occurs to me that we have started in the wrong direction.

Take the southern district of California, for instance. Under the amendment as proposed by the committee $3,000 is to be allowed for the southern district of California. Last year the fees amounted to $2,900. The committee proposes to allow $5,000 in a case where the fees were $1,947 and $3,000 in a district where the fees were $2,900.

Mr. VEST. Will the Senator from Nebraska permit me? I think he is mistaken in thinking that the amount of fees should be the ultimate criterion as to the amount of salary in every case.

Mr. ALLEN. I think I am, too.

Mr. VEST. I will tell the Senator why, and of course as a lawyer he will appreciate it.

Take a district attorney in a district where there are large cities, or one large city, and he has under his charge very important litigation for which he gets about the same fees as he would for a small case. Take the city of New York, the city of Savannah, Ga., which the Senator from Massachusetts [Mr. HOAR] has mentioned here, or Charleston, or New Orleans, or the city of St. Louis, or any of the large cities, and there are very important cases in which the Government is interested, and a great amount of work is required to be done by the district attorney, for which he receives about the same fee that he does for an inconsiderable case.

I have had some experience in this matter for about twelve years with the Attorneys-General and with deputy attorneys-general, and I have found it one of the most difficult tasks that can be given to mortal man. I do not care what sort of a bill you bring in here, you will have the same sort of thing that is going on here now. One Senator thinks that because fees are shown to be less in another district than in a district in his State he is entitled to an increase.

You can not establish any iron rule in regard to the matter. You must take each district and determine as to the amount that is justly due for the services rendered. That is the only way in which it can be done. I do not like the legislation that is put in this bill. The Senator from Ohio [Mr. SHERMAN] once said in regard to a tariff bill that he never had voted for a tariff bill that suited him. I never expect to find a tariff bill, or a river and

harbor bill, or a bill of this kind which meets my entire approbation, and in which, in my opinion, there are not defects. But all legislation is in the nature of compromise. A tariff bill, a river and harbor bill, a bill fixing fees and salaries constitute the most difficult legislation in the world, because they bring up what you might call the entire representative feature of our Constitution.

Mr. ALLEN. There seems to be a desire here to get all that is possible, and in that respect I agree with the Senator from Missouri.

It is quite evident to any person who will take the compensation that was paid to Federal attorneys for the last year and the amendments as they have been offered by the Judiciary Committee or by the Committee on Appropriations that the latter are largely in excess of the former. Instead of being a bill to equalize salaries and to put it beyond the power of district attorneys to prosecute for the sake of fees cases that ought not to be prosecuted, it has been deemed wise, and I deem it wise, to substitute the salary system in place of the fee system. The district attorney in the northern district of California—and I select that district because it is handy here—received but $1,947 for his services last year, and he presumably rendered the Government all services that were necessary. The House of Representatives fixed his compensation in the bill at $4,000, and it occurs to me that it is utterly reckless, to put it in mild terms, for the Judiciary Committee or the Committee on Appropriations to propose to raise it to $5,000. The salary for the southern district of California is practically correct. The earnings were $2,900 last year. The other House fixed the salary at $3,000, and the Senate permits that sum to stand.

Take, for instance, the districts of Arkansas, the eastern and western districts, and there is a very large disparity between the receipts of the district attorneys of those districts last year. In the eastern district the district attorney received $5,419 and in the western district the attorney received $10,562, and the committee put those two districts upon a perfect equality, $4,000 each.

In the State of Florida, for instance, last year the United States attorney for the northern district received $4,439 in fees and the district attorney for the southern district received $3,244.

Mr. PASCO. That is for six months, as the Senator from Nebraska will see by reference to the official paper coming from the Attorney-General's Office.

Mr. ALLEN. I am not talking about the mileage. I am speaking with respect to the annual compensation.

Mr. PASCO. I know what the Senator is talking about.

Mr. ALLEN. Take, again, for instance, the State of Idaho. In the State of Idaho the district attorney received $2,390.

Mr. DUBOIS. Mr. President——

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. ALLEN. Certainly.

Mr. DUBOIS. The Senator from Nebraska does not understand the workings of the present system.

Mr. ALLEN. And no other man understands them.

Mr. DUBOIS. I understand them, I dare say.

Mr. ALLEN. I am glad of it.

Mr. DUBOIS. Having occupied one of those positions, I have had some practical experience.

The attorneys and marshals in the Western States make a great deal of money out of mileage. They get 10 cents a mile for travel. They get 10 cents a mile for transporting prisoners, and they make a great deal out of that, which does not appear in the emolument returns.

The district attorney in Idaho received $2,900, as it appears there, yet the attorney and the marshal make a great deal out of mileage, legitimately and honestly, which does not appear in the $2,900 which the Senator from Nebraska mentioned.

It is so in all of the Western States, where the distances are great. That is done away with in this bill. The marshal of Idaho makes a great deal more, I dare say, than $3,500. It will be a saving to the Government. The Senator from Nebraska does not seem to understand that they get the mileage outside of the emoluments that he is reading all the time.

Mr. ALLEN. I announced an hour ago that they got their mileage outside of the fees. Now, let us look at the question of mileage, too.

Mr. DUBOIS. That is eliminated by the pending bill.

Mr. ALLEN. Right here I have the figures: J. H. Forney, district attorney for the district of Idaho, for the last six months drew $1,212.10 mileage. In the State of Kentucky, a State almost as large, in population and litigation larger, and where the district attorney has to attend five terms of court, Mr. Smith received $67 for the same time.

Mr. President, if this system is so honest in the judgment of the Senator from Idaho [Mr. DUBOIS], I should like to have him explain how the district attorney in his State drew $1,212.10 for six months and the district attorney for the State of Kentucky, where the travel is as great and the business larger, drew only $67.

Mr. DUBOIS. That is very easily explained, Mr. President. The attorney for Idaho lives 1,000 miles from the court at Blackfoot. He lives at Moscow, which is 1,000 miles from Blackfoot. The distances are great. A man is arrested and brought before a commissioner's court seven or eight hundred miles away. The attorney goes there to attend. We have those districts, which are larger than in other States.

Mr. ALLEN. How much larger is the State of Idaho than the State of Kentucky?

Mr. DUBOIS. They do not have so many districts in Kentucky, probably.

Mr. ALLEN. The State of Idaho has but one judicial district. Mr. President, that disparity can not be explained.

Mr. DUBOIS. I insist that it is easily explained why there is such large mileage in Idaho. I can not explain, perhaps, why there is such small mileage in Kentucky, but it is perfectly natural and simple and can not be avoided in the Western States that the mileage shall be greater.

Mr. ALLEN. It seems, however, that it pays the district attorney to live a thousand miles away from the seat of litigation.

Mr. DUBOIS. He can not live at all three seats of litigation.

Mr. ALLEN. And he goes a thousand miles every time a little infraction of the Federal law comes up and is to be heard before a United States commissioner. Take, for instance, the northern district of Illinois. The mileage was but $31.40 in that district in the last six months.

Mr. BACON. I wish to suggest to the Senator from Nebraska that there is one element in this business which he has not taken into consideration. In all districts where the business justifies it, the law authorizes the appointment of an assistant attorney, and these fees represent what has been earned in the office by the work both of the principal and the assistants, whereas in other districts, where the fees appear to be much larger, the Government is at that much less expense, because there is simply the principal district attorney without an assistant. In my own State, for instance, we have two districts. The northern district of Georgia is one of the recognized moonshine districts, as they are called, where there is a very large amount of business and where as large fees are earned in a few hours in one day in the trial and disposition of cases of that kind as will be earned in another district where the business is of a different character, probably, in a week. But in one case there is simply the district attorney, and in the other case there is the district attorney and also an assistant, who has been appointed under the provisions of the law. So the Senator in considering the question as to the proportion of fees earned with the amount of salary proposed to be paid must take into consideration the fact that in the one case there is one officer, and in the other case there are two officers.

Mr. DUBOIS. If the Senator from Nebraska will allow me for a moment, I had overlooked a very important fact. The law provides that the marshal and the attorney may accept actual expenses in lieu of mileage if it is so desired. Now, in and around Chicago, where railroad fare is cheap and living is cheap, they take their actual expenses, and probably they will do that——

Mr. ALLEN. Mr. President, I am perfectly willing that the Senator from Idaho shall explain away this matter if he can, but the explanation will have to be somewhat more lucid than it is now to satisfy me that he is correct.

I come now to a State of which I have some personal knowledge. I call the attention of the Senator from Iowa [Mr. ALLISON] to this statement. In the northern district of Iowa for the last six months the mileage was $1,267.20, making a yearly mileage of almost $2,600. In the southern district of Iowa it was $412.60 for the same time. I personally know something about the State of Iowa. I went there forty years ago, and I know every foot of territory between the Mississippi and the Missouri rivers as well as a boy and man could know it by traveling over it in that time. I know personally that the travel in the northern district of Iowa is no greater than it is in the southern district. The truth is, that the courts are held in the northern district at but three places, and they are not as important courts as those held in the southern district, for the population is not as great and the business is not as great. Yet here is this disparity of Mr. Cato Sells, of the northern district, receiving $1,267.20 mileage for six months, making about $2,600 for the year, and Mr. C. D. Fullen, of the southern district, receiving for the same time $412.60. Will the Senator from Idaho say that there are some peculiar circumstances about that, accounting upon a basis of honesty for this disparity?

Mr. ALLISON. Will the Senator from Nebraska yield to me for a moment?

Mr. ALLEN. Certainly.

Mr. ALLISON. I do not know just why it is that the mileage in the northern district of Iowa is larger than the mileage in the southern district, unless it be that the district attorney in the southern district resides very near the places where the chief courts are held, namely, Keokuk and Des Moines—living midway between them.

Mr. ALLEN. I call the Senator's attention to the fact that court is held at Council Bluffs also.

Mr. ALLISON. Court is also held there twice a year. In the northern district the district attorney resides at a distance from all the places of holding the court except Cedar Rapids. He resides near that point. So when he goes to Dubuque, where the principal business of the court is transacted, or to Sioux City, going to the one place he has a mileage account probably of 200 miles and in going to the other a little more than 200 miles. He charges mileage of course for every time he either attends the courts or attends other duties, like commissioners' courts and so on. If he is called either to Sioux City or Dubuque to a commissioner's hearing he charges mileage from his place of residence to the place where the commissioner is holding his court. So the argument the Senator from Nebraska is making and the illustrations which he produces here are to my mind the strongest arguments for dealing with this subject and dealing with it now.

The district attorneys for the northern and southern districts of Iowa receive each the maximum sum of $6,000 per annum for their services without including their mileage account. If it be true, as shown by the memorandum of the Senator from Nebraska, that the district attorney for the northern district of Iowa is receiving $2,600 mileage for six months' service it means that he is practically receiving twice that sum for a year's service, and in addition to that he will be entitled to receive, under the existing statute, the maximum sum of $6,000. So his compensation under existing law will amount to $11,000 per annum, whereas under the provisions of this new scheme his compensation will be $5,500 per annum, if the amendment of the Judiciary Committee is adopted, and his actual traveling expenses while he is on duty as respects the public business of the State.

Mr. HOAR. Will the Senator from Iowa allow me to make a suggestion right there?

Mr. ALLISON. After I finish the sentence. And in addition to that, the Attorney-General is required by these provisions to declare where the official residence of the district attorney shall be.

Mr. HOAR. And there will be no expenses in traveling.

Mr. ALLISON. Therefore there can be no expense in traveling to and from his official residence. If the Attorney-General does what I believe he will do, he will fix the official residence of the district attorney at the principal place where courts are held, and then the district attorney will be entitled to receive no compensation for expenses of traveling from a distant home to or from that official residence. So the arguments suggested by the Senator from Nebraska are strong arguments to my mind that we should deal at the present session of Congress, whether upon this bill or by a separate measure, with this question.

Now, I want to say to the Senator from Nebraska that there is another disparity as respects this clause.

Mr. ALLEN. I hope the Senator from Iowa does not understand that I antagonize the adoption of the salary system in lieu of the fee system.

Mr. ALLISON. No; I do not. I was only stating that the Senator from Nebraska is giving the strongest illustration, to my mind, why these provisions should be dealt with. He spoke of the disparity as respects the mileage between the State of Idaho and the State of Kentucky. The Senator will observe that under existing law the fees authorized to be charged in what are known as the mountain States are double fees under existing law, so that if the district attorney for the State of Idaho resides a thousand miles from where the court is held he is entitled to charge 20 cents per mile instead of 10. His mileage under the existing law is twice that of the interior States of the country.

Mr. ALLEN. Will the Senator from Iowa permit me to call his attention to a State that is not a mountain State. I call attention to the northern district of New York, where the mileage for the last six months has been $2,806.80.

Mr. PLATT. That is just what we are cutting off.

Mr. ALLISON. That only shows the possible abuses that may exist under the present law. I have no doubt the district attorney resides at a point remote from where the courts are held in the northern district of New York, and therefore charges mileage every time he leaves his home on public business, of course. As the Senator looks over these amendments, he will observe that we have retained the double-fee provision of the mountain States, but we have provided that the double fees in those States, as in other States, shall be paid into the Treasury of the United States, and the district attorneys and marshals in those States, like in every other State, will be entitled to receive only their actual traveling expenses and cost of living during the time they are traveling.

Mr. VILAS. Will the Senator from Nebraska allow me to ask the Senator from Iowa, while he is on his feet, a question? What is the occasion for so large a business by the district attorneys and marshals in the State of Iowa? It is an agricultural State, with no ports of entry, no Indian reservations, no special moonshining; none of those subjects that raise business in general.

Mr. PASCO. There are no wicked people in Iowa.

Mr. VILAS. And there are no wicked people in Iowa, as the Senator from Florida suggests.

Mr. ALLISON. I will answer the Senator as best I can. We have in Iowa a very intelligent, active, law-abiding population; we have also a minimum of those who trespass upon the laws.

Mr. GRAY. And they come over from Wisconsin, I suppose?

Mr. ALLISON. They come over from neighboring States. I shall not discriminate against Wisconsin at this moment, for I feel very friendly to that State. But we have there a semiprohibitory statute and we have also a United States statute which taxes the sale of intoxicating liquors. A good many people in Iowa are in the habit of undertaking to sell intoxicating liquors in violation of our statutes as well as in violation of the Federal statute.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 502) to approve a compromise and settlement between the United States and the State of Arkansas.

Mr. BERRY. I ask that the rights of the unfinished business, such as they are, be protected by laying it temporarily aside, without losing its place.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent that the unfinished business be temporarily laid aside without losing its place. Is there objection? The Chair hears none. The Senator from Iowa will proceed.

Mr. ALLISON. Under the present law the marshals, the deputy marshals, the commissioners of the courts, the district attorneys, and you may add the clerks of the courts, derive their compensation and emoluments practically from fees. Therefore it is that through these officers and their deputies there is a remarkable vigilance in the enforcement of the laws in our State. Every time a person is guilty of an infraction of the law the whole corps of the United States courts, including, first, the deputy marshals, then the commissioner, then the district attorney or his assistant, then the clerk, the law requiring that there shall be a jury trial in these cases, which I think could very well be dispensed with and thus save enormous expenses; the whole machinery of the courts is brought to bear against a person who violates a single provision of the statute, costing I do not know how many hundreds of dollars in every case. It may be that many cases are practically compromised by a person pleading guilty and going through all the forms in order that the fees may be charged. It may be that there are a great many prosecutions, and I think there are a great many, which under the proposed change in the fee system would not appear in the courts.

Mr. GRAY. Then may I ask the Senator from Iowa if a change to the salary system might not change the character of his State from a semiprohibitory State to one much less than semiprohibitory?

Mr. ALLISON. That is getting into a fine analysis of the ultimate or immediate results of our laws that I do not care to discuss, although I believe that under this system the laws of the United States will be fairly enforced and at a minimum of cost compared with the existing conditions of things.

Now, what is true in these agricultural States (and I will interrupt the Senator from Nebraska only one moment more) is true in a larger degree in the mountain States, where it is of the utmost value to the people who can violate the liquor statutes as respects the manufacture of liquor. The question, it seems to me, after all, that we should consider is, what is the reasonable compensation of an attorney learned in the law who is capable of dealing with whatever question may come before the courts of the United States as respects our United States laws? I believe that competent attorneys can be found in nearly all the States of this Union who will perform these duties at a less rate than is proposed in the bill.

Mr. VILAS. I hope the Senator from Nebraska will allow me one observation more in reference to this matter.

Mr. ALLEN. Certainly.

Mr. VILAS. The Senator from Iowa has given substantially the answer I expected, that the large figure of emoluments from which the district attorney and marshal in each of the districts in Iowa is paid arises from a thorough cultivation of the business of those officers. We are now fixing the salary for the future, when that business probably will not be so well cultivated. Why is it that the salary should be raised in a State like Iowa, where there are two districts, above the amount which is fixed generally in the other States? It seems to me that it would be a great deal wiser if we fixed a maximum of $5,000 in every case, except perhaps such districts as New York, Boston, Chicago, New Orleans, San Francisco, Philadelphia, and Baltimore, where there is a large amount of customs business requiring peculiar abilities and much labor.

Mr. ALLISON. If the Senator from Nebraska will pardon me one moment further, I will make a suggestion to the Senator from Wisconsin, who indulged in a slight implication that possibly the Judiciary Committee in its judgment of these salaries has been too

liberal to the State which I in part represent, it being an agricultural State. As I understand it, the Judiciary Committee have made this schedule and scale of salaries upon what is known as the emolument returns of the last two or three years. They have supposed that the salary should approximate at least the amount that the district attorneys and marshals have received hitherto, and therefore turning to Iowa they saw the large emoluments, which do not even include mileage, and thus fixed Iowa, as they fixed other States, upon this basis. It is true, I think, that in great cities like New York, Boston, Philadelphia, Baltimore, and perhaps New Orleans and Chicago, where the cost of living is much higher than it is in rural localities, the fees and compensation of district attorneys should be larger, as a man who is fitted to perform the duties of district attorney in those great cities can of course in his private practice earn a much larger sum than even the maximum amount provided in the law.

Mr. VILAS. The business is much greater.

Mr. ALLISON. The business is much greater, but there has been an amendment offered—if not printed, it is proposed to be offered—providing that the services for which the salaries are paid shall not include services in customs cases. So I think there is some provision, or intent at least, among those who are dealing with this subject to exclude customs cases. I am not clear about that. In response to the Senator from Nebraska, and the Senator from Wisconsin as well, I will say that the State of Iowa, and those who represent it here, will be willing that there shall be such an adjustment of the compensation of district attorneys and marshals in that State as will only fairly do justice to those officers in that State as compared with those in other States.

Mr. ALLEN. Mr. President, just a moment with reference to the State of Iowa, to which I referred for the sole purpose of comparison and as illustrating the disparity between the receipts of the two district attorneys. The bulk of the population in the State of Iowa is to be found in the southern district of Iowa. The great body of the important litigation in the State of Iowa, as compared with the northern district, is in the southern district. It is as far across the State of Iowa in the southern district of Iowa as it is in the northern district. The city of Dubuque is located on the eastern boundary of the State, almost due north of the city of Keokuk and the city of Fort Dodge, where a term of the Federal court is held. In the northern district there lies to the north the city of Des Moines, and about 65 miles from it the city of Sioux City, which is the western boundary of the southern district, almost due north of the city of Council Bluffs, which is the western boundary of the southern district.

Now, if Mr. Sells resides in Benton County, as I understand he does, he can get to the city of Keokuk, the most important city in the northern district in point of population and commerce and litigation, by traveling about 110 miles; he can get to the city of Fort Dodge, where the next term of the court is held, the center of the division, by traveling about 110 miles, and he can get to the city of Sioux City by traveling about 250 miles. Now, I am not criticising the State of Iowa; I am simply using this by way of comparison for the purpose of showing the abuse.

Mr. GEAR. May I interrupt the Senator a moment?

Mr. ALLEN. Certainly.

Mr. GEAR. The Senator stated by traveling 250 miles one could reach Sioux City from Dubuque. Let me call his attention to the fact that about the narrowest place in the State of Iowa is 299 miles, and it is 300 miles from Dubuque—326 miles, to be exact.

Mr. ALLEN. I did not make any statement of the kind. The Senator is entirely wrong in his understanding of what I said. I said a man living in the county of Benton can reach Sioux City by traveling about 250 miles. Am I correct in that?

Mr. GEAR. No, sir; you can not do it.

Mr. ALLEN. I have been over every foot of that territory a good many times.

Mr. GEAR. It must have been some years since the Senator was over it. I have been over it lately. You can not make it by traveling less than 300 miles.

Mr. ALLEN. How far is it from Waterloo to Dubuque? It is a little over 90 miles.

Mr. GEAR. It is over 90 miles. It is 96 miles.

Mr. ALLEN. Mr. Sells lives a few miles south of Waterloo, in the county of Benton. Now, how far wrong am I, when it is only a little over 300 miles across the State? He can make it in 250 miles, every foot of it, and he can make all his divisions by traveling 110 or 115 miles to each one of them.

I agree, Mr. President, fully with the policy of the committee of changing the fee system to a salary system. I am satisfied that there have been gross abuses, and that there are daily gross abuses of the fee system; that some of these men are put out to hound down people for the mere purpose of earning fees, a system of espionage, a system of persecution that is entirely foreign to the freedom of our Government. But what I want to know from the Senator from Colorado who has this matter in charge is, why the Judiciary Committee should think it wise to change the salaries as fixed by the House of Representatives from $1,000 to $2,000, and possibly more in some instances?

Why would it not be wiser and better to let the salaries remain as the House of Representatives have fixed them, and then, if it be proved by the practical execution of the law in the future that the salaries are not great enough, to raise them to that point where experience demonstrates they should be placed? It is a great deal easier to raise a salary than it is to reduce it after it is once fixed.

Mr. GEORGE. You will never get it down again.

Mr. ALLEN. You will never get it down again. That is true. I want to run over the bill briefly, because I am saying now about all I wish to say on this measure, and put in the RECORD the increases which have been made by the Senate committee over the salaries as fixed by the House of Representatives.

The House of Representatives fixed the salary of the United States attorney for the northern district of Alabama at $4,000; the Senate proposes to raise it $1,000; the House of Representatives fixed the salary for the southern district of Alabama at $4,000; the Senate proposes to raise it a thousand dollars. The House of Representatives fixed the salary of the middle district of Alabama at $4,000, and that is proposed to be raised $1,000. In Arizona the amount was fixed by the House of Representatives at $4,000, which I think is left by the Senate. In California the House of Representatives fixed the salary of the district attorney for the northern district at $4,000, and the Senate proposes to raise it $1,000. In Colorado the salary was fixed at $4,000 by the House of Representatives, and it is proposed to be raised by the Senate $1,000. In Connecticut the salary was fixed by the House of Representatives at $2,000, and it is proposed to be raised by the Senate amendment $1,000, making it $3,000. In Delaware the salary was fixed by the House of Representatives at $2,000, and it is proposed to be raised by the Senate $500. In Florida the salary was fixed by the House of Representatives at $3,000 for the northern district, and it is proposed to be raised $1,000 by the Senate, and now I understand it is to be also raised a thousand dollars in the southern district.

Mr. CALL. I will correct the Senator in that statement. The salary in the bill as it came from the House of Representatives for the northern and southern districts of Florida was $3,000 for each of the district attorneys; and by the Committee on Appropriations it was changed to $3,500 for the northern and $4,000 for the southern district of Florida; but in the Senate the two districts have properly been put at the same amount, $4,000. That is the change made in accordance with the committee's recommendation. In Florida, in both districts, the amount received under the fee system was greater than the salary which is given by this bill, as shown by the returns in the Attorney-General's office. There was an error in those returns made by the Committee on the Judiciary. The northern district of Florida having been organized for many years, and about a year ago a new district being created, called the southern district of Florida, the returns for the northern district of Florida extended over the entire calendar and fiscal year. The returns for the new district of Florida were only for six months. In that way a mistake was made by the clerk of the Judiciary Committee in entering up the amount; but in point of fact there is no increase of salary, but a reduction, in the two districts of Florida.

Mr. ALLEN. I was not criticising the State of Florida. I was only pointing out the fact that the Senate amendment proposed to raise the salary in the two districts of Florida. The House of Representatives fixed the salary in each of those districts at $3,000, and the Senate committee now proposes to raise it to $4,000, making an increase of $2,000 in the aggregate, or $1,000 for each district. That is all I said. I presume the State of Florida is entitled to it; I do not know.

In the State of Georgia there is an increase of $500 recommended by the Senate over the amount fixed by the House of Representatives; and I now understand the Senator from Georgia wants to increase it still more.

Mr. BACON. I do.

Mr. ALLEN. He wishes to increase it $1,500 more, making a total increase of $2,000.

The same is true in the State of Idaho. The House of Representatives fixed the salary there at $2,500, and the Senate proposes to increase it $500. In the southern district of Illinois the House of Representatives fixed the salary at $4,000, and the Senate proposes to increase it $1,000. In Indiana the House of Representatives fixed the salary at $5,000, and the Senate proposes to increase it $500. In the northern district of Iowa the House of Representatives fixed the salary at $4,000, and the Senate proposes to increase it $1,500. There is where the enormous sum of mileage is paid to which I referred a moment ago.

In the southern district of Iowa the House of Representatives fixed the salary at $4,000, and it is proposed to be raised $1,500 by the Senate. In Kansas the House of Representatives fixed the salary at $4,000, and that is proposed to be raised $1,000 by the Senate. In Kentucky the House of Representatives fixed the sal-

ary at $5,000, and that is proposed to be raised $500 in the Senate. In the State of Maine the House of Representatives fixed the salary at $2,500, and that is proposed to be raised by the Senate $500. In Maryland the House of Representatives fixed the salary at $3,000, and the Senate proposes to raise it $1,000, making it $4,000. In the district of Massachusetts the House fixed the salary at $5,000, and it is proposed by the Senate to increase that $500. In the western district of Michigan the House of Representatives fixed the salary at $3,000, and that is proposed to be increased by the Senate $1,000. In Minnesota the House of Representatives fixed the salary at $4,000, and the Senate proposes to increase it $1,000. In the northern district of Mississippi the House of Representatives fixed the salary at $3,000, and the Senate proposes to increase it $2,000. In the southern district of Mississippi the House of Representatives fixed the salary at $3,000, and the Senate proposes to amend it by increasing it to $5,000. In the western district of Missouri the House of Representatives fixed the salary at $4,000, and the Senate proposes to increase it $1,000. In Montana the House of Representatives fixed the salary at $3,000, and the Senate proposes to increase it by adding $1,500 more. In Nebraska the House of Representatives fixed the salary at $3,500, and the Senate proposes to increase it $1,000.

Mr. LINDSAY. That is right.

Mr. ALLEN. No, sir; it is not.

In Nevada the House of Representatives fixed the salary at $2,500, and the Senate proposes to increase it $500. In New Hampshire the House of Representatives fixed the salary at $2,000, and the Senate proposes to increase that $500. In New Jersey the House of Representatives fixed the salary at $2,000, and the Senate proposes to increase it $2,000. In New Mexico the salary was fixed at $4,000, and the Senate proposes to increase it $1,000. In the eastern district of New York the House of Representatives fixed the salary at $3,000, and the Senate proposes to increase it $1,500. In the western district of North Carolina the House of Representatives fixed the salary at $4,500, and the Senate proposes to increase it $500. In North Dakota the House of Representatives fixed the salary at $3,500, and the Senate proposes to increase it $1,500. In the northern district of Ohio the House of Representatives fixed the salary at $4,000, and the Senate proposes to increase it $1,000. The same is true also of the southern district of Ohio. In Oregon the House of Representatives fixed the salary at $4,000, and the Senate proposes to increase it $1,500. In the eastern district of Pennsylvania the salary was fixed by the House at $4,000, and the Senate proposes to increase it $1,000, with a thousand dollars increase in the western district. In Rhode Island the House of Representatives fixed the salary at $2,000, and $500 increase is proposed by the Senate. In South Carolina the salary was fixed by the House at $4,500, and the Senate proposes an increase of $500. In the State of South Dakota the House of Representatives fixed the salary at $3,500, and the Senate proposes to increase it $1,500.

Right in that connection, I will say that the State of South Dakota is not a mountain State, and therefore the district attorney does not draw double mileage. The mileage of Mr. Ezra W. Miller for the six months between the 1st day of July and the 31st day of December, 1895, amounted to $2,534, being over $5,000 a year mileage in that State, which is almost as level as a floor.

In Tennessee the House of Representatives fixed in the three districts a salary of $4,000 each, and the Senate proposes an increase of $1,000 each, making the total increase $3,000.

Mr. BATE. Will the Senator allow me?

Mr. ALLEN. I am not criticising the State of Tennessee at all.

Mr. BATE. I wish to say that Tennessee, out of those emoluments, has turned back into the Treasury much more than was taken out as salaries. The net amount taken in by the attorneys of these three districts in Tennessee as emoluments is $28,745.31, out of which they are entitled to retain, as a maximum, $6,000 each, leaving a net balance to the Government through this channel of $13,745.31 for the period referred to. And permit me to say that the marshals for these three districts present quite as good a record. It will thus be seen that the officer is getting $6,000 now, and he will get a thousand dollars less by the proposed change.

Mr. ALLEN. Tennessee has been remarkably honest in the matter of mileage.

Mr. BATE. Thank you.

Mr. ALLEN. In the eastern district of the State of Tennessee for the last six months the mileage was only $20. There has been, presumably, no return from the middle district,

Mr. BATE. There is no mileage there.

Mr. ALLEN. In the western district only $112.40 was charged for mileage. There is a mountain State, and if my friend from Iowa [Mr. ALLISON] is correct, a State where there is some moonshining.

Mr. BATE. I suppose as much as there is anywhere. That is where the trouble arises.

I want to say that my remarks were simply made in defense of the State of Tennessee to show that, so far as the officials in that State are concerned, the Government loses nothing by the proposed change. I wish to say further that each of these officers is now receiving from the amount collected by him as emoluments $6,000, and in the case of marshals the salary as now proposed to be fixed is lessened by a thousand dollars in each case.

Mr. ALLEN. Well, it possibly ought to be lessened.

Mr. BATE. Very well, that may be so, but the Senator has referred to my State and said that it had a clear record upon this matter; yet it is not free from abuses under the present system, and I am in favor of changing the fee system, because of the abuses which are practiced under it.

Mr. ALLEN. That is exactly what I am contending for, that the system should be changed.

I wish to call attention to a fact which could not have escaped the Appropriations Committee and the Judiciary Committee, that the receipts of these offices have been in every instance, or in most instances, swelled in consequence of the fee system, and because the district attorneys in some of these districts have received eight or nine thousand dollars under the fee system it does not prove by any means that that is a fair and proper compensation for their services. Probably in many instances they should have earned less.

In the State of Texas there are three districts. In the northern district the House of Representatives fixed the salary of the district attorney at $3,000, and the Senate proposes to increase it $1,000; in the eastern district the salary was fixed by the other House at $3,000, and the Senate proposes to increase it $1,000; in the western district the salary was fixed by the House at $3,500, and the Senate proposes an increase of $1,500. In Utah the House fixed the salary at $3,000, and the Senate proposes to increase it $2,000. In Vermont the salary was fixed by the House at $2,000, and the Senate proposes to increase it $500.

Mr. TELLER. The Senate there proposes an increase really of $1,000, instead of $500. That is the recommendation of the Judiciary Committee.

Mr. ALLEN. In the eastern district of Virginia the salary fixed by the House of Representatives was $3,500, and the Senate proposes an increase of $1,000; in the western district the salary was fixed by the House of Representatives at $4,000, and the Senate proposes an increase of $1,000. In Washington the salary was fixed by the House at $4,000, and the Senate proposes to increase that $1,000. In West Virginia the salary was fixed at $4,000 by the House, and the Senate proposes an increase there of $1,000.

There are two districts in the State of Wisconsin. The other House fixed the salary of one at $4,000 and the other at $3,000. The Senate proposes a total increase of $2,500 in the two districts. In Wyoming the salary was fixed by the House at $3,000, and the Senate proposes to increase it $1,500, according to the figures I have here.

Mr. President, in almost every case here there has been a deliberate change of the fees of the district attorneys as fixed by the House of Representatives, and we are standing here and having a Senator call them up paragraph by paragraph, and the Presiding Officer announcing "agreed to," without the slightest discussion or investigation or explanation.

Mr. TELLER. There seems to be some discussion on the amendments.

Mr. ALLEN. Well, there is some discussion now; but I call the attention of the Senator from Colorado to the fact that we went down without any discussion from Alabama to Georgia, the Senator from Colorado standing at his desk in this Chamber and moving the adoption of amendments, and the Presiding Officer saying "agreed to," without the slightest explanation from the distinguished Senator from Colorado who has this matter in charge, or from any other Senator, why these salaries should be increased from the amounts fixed by the House of Representatives to the amounts proposed by the Senate Committee on Appropriations.

While I am in favor of abandoning the fee system, because I believe it leads to corruption, because I believe it to be oppressive and wrong in its execution, and while I believe in adopting the system of salaries, I do not believe the Senate should, by mere force of its power, raise these salaries as fixed by the House of Representatives, without the mover deigning at least some explanation to Senators who are not members of the committee as to why it is done. We have some interest in it; we represent States here to some extent, or are attempting to do so; and yet this committee comes here, and there is a play between the Senator who has the floor and the Presiding Officer, and every Senator must sit here with his mouth shut or get up whenever an item is proposed, travel over the same ground, and receive no explanation from the committee.

I am not speaking of the Senator from Colorado in an accusing sense, or at least I do not mean to do so, but what I mean is that these enormous increases in the salaries of these officers should not be made unless some reasonable written or printed report be laid

before the Senate, which can be investigated by us and from which we can come to the conclusion, if it be true, that the advancing of these salaries is correct.

Mr. President, one more proposition at this time. I have no sympathy with the idea which has been advocated here—and I hear it every once in a while crop out in the Chamber—that it requires a high order of legal talent to fill these positions. It requires some legal talent, it is true, but the duties of these officers are in a majority of instances merely perfunctory. You know, and I know, that the highest order of legal intellect is rarely brought into the service of the United States in these offices. There are political debts to pay, usually they are to be paid to politicians, and sometimes to shysters, who walk into these positions and receive seven or eight thousand dollars a year for their services through this system, who could not earn $750 a year honestly in the practice of law; and yet, whenever this question is brought up, some grave and reverend Senator stands here and tells us it is the highest order of legal intellect and legal qualifications which must be brought into the discharge of these duties. I am in favor, decidedly in favor, of this system; but, Mr. President, before I take this medicine I want to know something about its composition; I want to know how it has been compounded; and I want the Senator having this bill in charge to say to me, or to say to the Senate, that there are some reasons for making these changes; and if there are reasons I am satisfied we will all agree to them. But I do not want the Judiciary Committee or the Committee on Appropriations to come into this Chamber and by their mere caprice undertake to force these amendments to raise the salaries of these officers without some reasonable explanation of their conduct in doing so.

Mr. President, I will send to the desk and have read a list of district attorneys and the compensation they have been receiving in the form of mileage for the last six months.

The PRESIDING OFFICER. If there be no objection, the Secretary will read as requested.

Mr. ALLEN. I wish it read as a part of my remarks.

Mr. TELLER. Would it not answer the purpose of the Senator as well to have the list printed in the RECORD without reading?

Mr. ALLEN. Yes, sir. Let it be published as part of my remarks without reading.

The PRESIDING OFFICER. That order will be made, in the absence of objection.

The list referred to is as follows:

Mileage charged against the United States by the United States attorneys in their accounts, as rendered to the Department of Justice, for the period from July 1 to December 31, 1895.

Districts.	United States attorneys.	Amount.
Alabama, northern	Emmet O'Neal	$133.20
Alabama, middle	H. D. Clayton	80.00
Alabama, southern	J. N. Miller	93.80
Arizona	E. E. Ellinwood	544.00
Arkansas, eastern	J. W. House	56.00
Arkansas, western	J. F. Read	.....
California, northern	H. S. Foote	.....
California, southern	G. J. Dennis	190.60
Colorado	H. V. Johnson	760.20
Connecticut	G. P. McLean	94.80
Delaware	L. C. Vandegrift	.....
District of Columbia	A. A. Birney	.....
Florida, northern	J. Emmet Wolfe	948.40
Florida, southern	Frank Clark	292.40
Georgia, northern	J. S. James	40.80
Georgia, southern	W. T. Gary	256.70
Idaho	J. H. Forney	1,212.10
Illinois, northern	J. C. Black	31.40
Illinois, southern	W. E. Shutt	669.60
Indiana	F. B. Burke	1,309.30
Iowa, northern	Cato Sells	1,267.20
Iowa, southern	C. D. Fullen	412.60
Kansas	W. C. Perry	1,182.00
Kentucky	W. Smith	67.00
Louisiana, eastern	F. B. Earhart	18.00
Louisiana, western	C. W. Seals	193.00
Maine	A. W. Bradbury	238.00
Maryland	W. L. Marbury	23.00
Massachusetts	Sherman Hoar	460.00
Michigan, eastern	A. P. Lyon	483.20
Michigan, western	John Power	2,187.60
Minnesota	E. C. Stringer	1,684.40
Mississippi, northern	A. F. Fox	30.40
Mississippi, southern	R. C. Lee	127.20
Missouri, eastern	W. H. Clopton	1,297.80
Missouri, western	J. R. Walker	1,406.05
Montana	P. H. Leslie	1,190.20
Nebraska	A. J. Sawyer	647.70
Nevada	C. A. Jones	1,020.00
New Hampshire	O. E. Branch	141.20
New Jersey	J. W. Beekman	(*)
New Mexico	J. B. H. Hemingway	373.80
New York, northern	W. A. Poucher	2,806.80
New York, eastern	J. L. Bennett	.....
North Carolina, eastern	C. B. Aycock	79.60
North Carolina, western	R. B. Glenn	183.00
North Dakota	Tracy R. Bangs	940.60
Ohio, northern	Samuel Dodge	679.00

* The attorney has not rendered his account.

Mileage charged against the United States, etc.—Continued.

Districts.	United States attorneys.	Amount.
Ohio, southern	Harlan Cleveland	$1,090.60
Oklahoma	C. R. Brooks	268.80
Oregon	D. R. Murphy	308.80
Pennsylvania, eastern	E. P. Ingham	140.00
Pennsylvania, western	H. A. Hall	1,290.20
Rhode Island	C. E. Gorman	.....
South Carolina	W. P. Murphy	81.40
South Dakota	Ezra W. Miller	2,534.00
Tennessee, eastern	J. H. Bible	20.00
Tennessee, middle	Tully Brown	.....
Tennessee, western	C. B. Simonton	112.40
Texas, northern	W. C. Knowlton	659.50
Texas, eastern	Sinclair Tallaferro	185.60
Texas, western	R. U. Culberson	141.20
Utah	J. W. Judd	163.80
Vermont	J. H. Senter	1,168.00
Virginia, eastern	F. R. Lassiter	480.00
Virginia, western	A. J. Montague	140.00
Washington	W. H. Brinker	1,423.40
West Virginia	C. C. Watts	163.00
Wisconsin, eastern	J. H. M. Wigman	1,983.20
Wisconsin, western	H. E. Briggs	1,701.20
Wyoming	C. Gibson	1,197.60
Total		40,976.30

Mr. TELLER. I should like to go on with the bill now, Mr. President.

Mr. GEORGE. Mr. President, I would not occupy the time of the Senate in my present state of health unless I believed it was a duty incumbent upon me.

I am not and have not been in accord with the majority of the Senate from the very beginning of my service in this Chamber until now as to the proper amounts to be fixed for salaries of United States officers. I do not hope that anything I may say will change the vote of any Senator in this body, much less have the effect to carry out what I believe to be the true policy of the Senate in fixing salaries. But, sir, in the present condition of affairs, especially in the present pecuniary condition of the people of this country, oppressed with debt, the low prices of their produce, which rarely give to the husbandman, the farmer, the laborer any extra gains over a bare living, oppressed with taxation, I deem it my duty to put on the records of the Senate my opposition to this, as I regard it, very extravagant and very extraordinary compensation as proposed in the bill as it came from the House of Representatives, and also in the bill as proposed by the committee.

I have learned in a school which, I suppose, is now out of fashion the principles upon which compensation to public officers ought to be fixed. I have learned that public offices were not arranged, were not fixed for the accommodation of officials, or so that they might be enriched. I have regarded that service in a public office is rather a patriotic duty than a means of acquiring wealth, and as expressing in the strongest and tersest language that can be expressed, I desire to read to the Senate a section from the constitution of Vermont, which first appeared in that instrument in the year 1777, then again, I believe, in 1792, when that State was admitted into the Union, and again in 1793. I believe that that section, which I am going to read to the Senate, contains so much of truth so tersely and so properly expressed—contains the true rules by which every legislator, whether in the Federal Congress or in the State legislatures, should be guided—that I feel warranted in saying that it ought to be printed in letters of gold and hung up in every legislative hall in this country. It is as follows:

SEC. 25. As every freeman, to preserve his independence, if without a sufficient estate, ought to have some profession, calling, trade, or farm, whereby he may honestly subsist, there can be no necessity for nor use in establishing offices of profit, the usual effects of which are dependence and servility, unbecoming freemen, in the possessors or expectants, and faction, contention, and discord among the people. But, if any man is called into public service, to the prejudice of his private affairs, he has a right to a reasonable compensation; and whenever an office, through increase of fees or otherwise, becomes so profitable as to occasion many to apply for it the profits ought to be lessened by the legislature.

That, sir, contains the rule by which I think we ought to be guided.

But it is said that the United States ought to have the very best talent in supplying these offices. I think the United States ought to have fair, good talent, so that the officers may efficiently discharge their duties and protect the interests of the country. I hold in my hand a list of the salaries paid by nearly every State in the Union to the highest officer who represents the State in the courts of that State—the attorney-general. I propose to read that to the Senate as containing at least the judgment of the States, which we represent here, as to the amount of compensation that should be given to law officers.

Before I read this to the Senate I wish to remark that in nearly every instance, if I remember aright, the fees proposed to be allowed to the district attorneys of the United States are largely

more than, and frequently double, the amount allowed the attorney-general of the State in which they serve.

In Alabama the attorney-general receives a salary of $2,250. Under this bill, as I remember, the United States district attorneys are to receive $5,000, more than double the salary allowed to the attorney-general of the State, an officer higher in rank and upon whom are devolved duties of a more delicate character than are devolved upon the district attorney.

I may mention as I go along that the governor of Alabama receives the sum of $3,000, less than the amount allowed to the United States district attorneys in that State.

I go to the State of Arkansas next. I find in that State, in the memorandum which I have, no statement as to the salary of the attorney-general. I ask the Senator from Arkansas [Mr. BERRY] to state the amount.

Mr. BERRY. I do not remember what compensation the present statute of Arkansas provides in regard to the attorney-general; but some years ago I think it was $2,000.

I will state to the Senator from Mississippi, however, as he has made a comparison between the duties of United States district attorneys and those of the attorney-general of a State, that the duties of a district attorney in my State require more work and labor than the duties of the attorney-general, and especially in the western district of Arkansas there is no comparison between the amount of work performed by the district attorney and by the attorney-general.

Mr. HOAR. I was just about to inquire of the Senator in which district Little Rock is situated?

Mr. BERRY. Little Rock is in the eastern and Fort Smith in the western district.

Mr. GEORGE. I should like to conclude my remarks and let the explanations of Senators come afterwards.

Mr. BERRY. The Senator asked a question.

Mr. GEORGE. I asked for the amount; and I have no objection to the Senator's statement.

Mr. BERRY. If I am to be put on the witness stand I want to answer.

Mr. GEORGE. I have no objection to the Senator answering, but I do not want to go into a general wrangle on the subject. I am getting at the facts now.

Mr. BERRY. Very well.

Mr. GEORGE. The salary of the governor of the State of Arkansas, however, is only $3,000. The salary of the chief justice of that State is only $3,000. So one of the gentlemen who happens to be fortunate enough to get into the office of United States district attorney in the State of Arkansas gets not only more than the chief law officer of that State, but he gets more than the governor of the State, and more than the chief justice of the State.

I go next to the State of California. I find that the attorney-general there gets only $3,000.

Mr. TELLER. What officer?

Mr. GEORGE. The attorney-general of the State. I go next to Connecticut, and I do not find in this book the salary of the attorney-general of Connecticut. I should like to ask the Senator from Connecticut what is the salary of the attorney-general of his State?

Mr. PLATT. I believe we have no attorney-general; we did not have within a very few years at any rate, and I do not think any statute has been passed lately. There has been an attempt several times to create the office of attorney-general, but I do not think it has succeeded as yet.

Mr. GEORGE. I go to the State of Delaware. The attorney-general there gets the sum of $2,000; the governor gets $2,500. I go to the State of Florida next, and I find the attorney-general there gets $1,500. I wish the Senator from Florida who sits on my left [Mr. CALL] would state to me, for I have not read it, what it is proposed to give to the district attorney in the State of Florida under the pending bill?

Mr. PASCO. I will state to the Senator from Mississippi that the salary of that officer in Florida has been raised since that publication.

Mr. GEORGE. How much?

Mr. PASCO. Five hundred dollars. He now gets $2,000 a year.

Mr. GEORGE. He gets $2,000. Now, let us compare it. Will the Senator from Florida nearest me state what the district attorney now gets?

Mr. CALL. The district attorney now gets, I think, under the present bill about $2,000 less than he does under the existing law.

Mr. GEORGE. I ask what amount he gets under the bill.

Mr. CALL. Four thousand dollars.

Mr. GEORGE. Just double the amount that the attorney-general of the State gets, and as there are two United States district attorneys and only one attorney-general, they get $4,000 each for discharging the duties of the law officer of the State government.

Mr. PASCO. But there is no comparison between the amount of work——

Mr. GEORGE. Never mind; I am not asking about the work.

Mr. PASCO. Between the amount of work done by the attorney-general and that done by these other officers.

Mr. GEORGE. In Georgia the attorney-general gets the sum of $2,000; the governor gets a salary of $3,000; the chief justice of the State gets $3,000—very largely below the amount of fees or salaries fixed for the district attorneys in that State.

I go now to the State of Idaho. I do not find that they have any attorney-general in Idaho; at least the salary is not put down in this book, but the chief justice of that State gets the sum of $3,000, and the governor gets the sum of $3,000. I do not know what the district attorneys for Idaho will get under the bill, but I suppose it is largely in excess of that amount.

I go next to Illinois. I do not find that there is any attorney-general there. In Indiana the attorney-general gets $2,500. By this bill I suppose the district attorney gets about double that amount. I intend to put in the RECORD what the various States pay the highest law officer each has to represent its interests not only in the courts but to give legal opinions to the various executive officers of the State as to the construction of the laws and the constitution of that State.

In Iowa the attorney-general gets $1,500 and $5 per day when in court. If he were in court every day in the year except Sunday he would get only about $1,500 more. That would make $3,000.

In Kentucky I find that the attorney-general gets the sum of $500, with $10 per day while the legislature is in session, and as the legislature can only sit sixty days in every two years, giving him thirty days a year would be $300 more, and the attorney-general of Kentucky would get $800.

Kansas I passed. The attorney-general in that State gets $2,500; the governor, $3,000; the chief justice of the State gets $3,000.

In Louisiana I do not find the salary of the attorney-general here given. Will the Senator from Louisiana inform me what is the salary of the attorney-general of the State of Louisiana?

Mr. CAFFERY. I do not exactly remember what the salary is. I think it is about $2,500.

Mr. WHITE. I suggest that if the Senator from Louisiana remembers the decisions or opinions rendered by the attorney-general in Louisiana he will probably be able to fix the salary. I imagine that the two go together.

Mr. GEORGE. In the State of Maine the attorney-general gets $2,000, the governor $2,000, the chief justice $2,500. In the State of Maryland the attorney-general gets $2,000. In Massachusetts for the attorney-general the figures are blank—they are not put down. I do not see a Senator from Massachusetts here so that I may inquire what is the salary of the attorney-general in that State.

In Michigan the attorney-general gets $3,000. In Minnesota he gets $3,500. In Mississippi I find that the sum is left blank. I will ask my colleague if he remembers the salary of the attorney-general of Mississippi?

Mr. WALTHALL. It is $2,500.

Mr. GEORGE. Two thousand five hundred dollars. I find no statement as to the salary of the attorney-general in the State of Missouri. I do not see either Senator from Missouri present so that I may ask him, but I will venture to say——

Mr. WHITE. I suggest to the Senator from Mississippi that if he recounts all the Senators who are not present he might perhaps develop the absence of a quorum here.

Mr. GEORGE. That is all bosh, allow me to say, with due respect to the Senator.

Mr. VEST. What did the Senator from Mississippi ask about Missouri?

Mr. GEORGE. I should like to know the salary of the attorney-general of Missouri. It is not put down here.

Mr. VEST. It is $3,500.

Mr. GEORGE. Three thousand five hundred dollars. I go to Nebraska. The salary of the governor of that State is $2,500—less than the amount to be allowed the district attorney under either of the bills before the Senate. The salary of the attorney-general is $2,000. I find no statement as to the salary of the attorney-general of Nevada, nor of the State of New Jersey. In New York the attorney-general gets $5,000, which seems to be about the average salary allowed to the district attorneys under these bills.

I go to the State of North Carolina. I do not find that the salary of the attorney-general is stated, but I will state that the salary of the governor is $3,000 and of the chief justice of the State $2,500. I think I can be safe in assuming that the attorney-general does not get more than the chief justice.

I go to Ohio, a great and rich State, probably the third State in the Union in population, and I find that the attorney-general gets the sum of $2,000. In Oregon the salary of the attorney-general is left blank and so I can not state it. The same is true in Pennsylvania, which is left blank. In Rhode Island the salary of the attorney-general is $2,500; in South Carolina it is $2,100; in South Dakota it is $1,800. In Tennessee I find no statement. I believe the attorney-generals there are district attorneys.

Mr. BATE. No, sir; we have an attorney-general also.

Mr. GEORGE. What is his salary?

Mr. BATE. I do not recollect exactly, but I think it is $3,000. I wish to state, in addition to the Senator from Mississippi touching that, that the attorney-general, as I expect is the case in many of the other States——

Mr. GEORGE. Never mind about that.

Mr. BATE. I will state in connection with Tennessee, however, that the attorney-general has the exclusive right of publishing the reports of the supreme court, which is of much importance to him as an income, because it gives him an income additional to his salary.

Mr. GEORGE. That does not apply to any State except Tennessee, so far as I know.

Mr. BATE. I reckon it does.

Mr. GEORGE. It does not apply to the State of Mississippi, nor to any other State, so far as I know. If the Senator from Tennessee knows of any other State in which the attorney-general ex officio is reporter of the supreme court he can state it.

Mr. BATE. I only know what I said. I read the Mississippi reports with the name of Senator GEORGE attached thereto. I expect he was attorney-general there once, and very likely he made the reports. I do not know what compensation he got.

Mr. GEORGE. I never had the honor of being attorney-general of Mississippi.

Mr. BATE. The Senator was the reporter.

Mr. GEORGE. I never ranked high enough in the profession in Mississippi to be selected for that office.

Mr. BATE. You edited the reports there?

Mr. GEORGE. The very best lawyers in the State we get there for the sum of $2,000 and $2,500.

Mr. BATE. Were you not the reporter?

Mr. GEORGE. Yes; but I was not attorney-general.

Mr. CALL. How much was the reporter paid?

Mr. GEORGE. It was a fee.

Mr. CALL. How much?

Mr. GEORGE. I do not know; I never did know.

Mr. PASCO. May I ask the Senator what his salary was as a reporter?

Mr. GEORGE. I had no salary.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Chair understands that the Senator from Mississippi declines to be interrupted.

Mr. GEORGE. Mr. President, this is all bosh. Senators will not come up and meet the question, but inquire about the salary of the reporter and things of that sort. It is belittling the dignity of the occasion.

Mr. PASCO. I thought that is what the Senator——

Mr. GEORGE. It is making fun of the groans of the people of the United States, burdened as they are with debt and taxation.

In Virginia the salary is $2,500; in Washington it is $2,000; in Wisconsin it is $3,000. That ends the States so far as I have them here in this book, which is the American Tribune Almanac, and I suppose it is reliable authority.

Mr. President, I have about done my duty. I have put upon the record what the States pay officers not of similar grade, but of higher grade, than the district attorneys of the United States. I have put that in the RECORD, so that if Senators who have not looked into this matter desire to look into it they may know that the statesmen at home where these men serve think they can get competent legal representatives in the courts for a much smaller sum than we propose to pay.

The PRESIDING OFFICER. The Secretary will state the next amendment of the Committee on Appropriations which was passed over.

The next amendment was on page 117, line 6, after the word "Georgia," to strike out "two thousand five hundred" and insert "three thousand"; so as to read:

For the southern district of Georgia, $3,000.

The amendment was agreed to.

The next amendment was, on page 117, line 7, after the word "Idaho," to strike out "two thousand five hundred" and insert "three thousand"; so as to read:

For the district of Idaho, $3,000.

Mr. TELLER. In line 7, I move to strike out "$2,500" and insert "$3,500."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 117, in line 9, before the word "dollars," to insert "five hundred"; in line 10, before the word "dollars," to strike out "four thousand five hundred" and insert "five thousand"; in line 11, before the word "dollars," to insert "five hundred"; in line 13, before the word "dollars," to strike out "four thousand" and insert "five thousand five hundred"; in line 14, before the word "thousand," to strike out "four" and insert "five"; in line 15, before the word "dollars," to insert "five hundred"; so as to read:

For the northern district of Illinois, $5,500; for the southern district of Illinois, $5,000; for the district of Indiana, $5,500; for the northern and southern districts of Iowa, each $5,500; for the district of Kansas, $5,000; for the district of Kentucky, $5,500.

The amendment was agreed to.

The Secretary read the next item, as follows:

For the eastern district of Louisiana, $3,000.

Mr. TELLER. The Judiciary Committee recommend $5,000 instead of $3,000. I move to strike out "three" and insert "five" before "thousand."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in line 17, before the word "dollars," to insert "five hundred"; so as to read:

For the western district of Louisiana, $2,500.

Mr. TELLER. In line 17, I move to strike out "$2,500" and insert "$3,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in line 18, before the word "dollars" to strike out "two thousand five hundred" and insert "three thousand"; so as to read:

For the district of Maine, $3,000.

Mr. TELLER. In line 18, I move to strike out "three" before "thousand" and insert "four"; so as to read, "$4,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in line 19, before the word "thousand," to strike out "three" and insert "four"; so as to read:

For the district of Maryland, $4,000.

Mr. TELLER. I move to insert "$5,000" instead of "$4,000"; so as to read:

For the district of Maryland, $5,000.

That is a committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in line 20, before the word "dollars," to insert "five hundred"; in line 22, before the word "thousand," to strike out "three" and insert "four"; in line 23, before the word "thousand," to strike out "four" and insert "five"; in line 25, before the word "thousand," to strike out "three" and insert "five"; so as to read:

For the district of Massachusetts, $5,500; for the eastern district of Michigan, $4,000; for the western district of Michigan, $4,000; for the district of Minnesota, $5,000; for the northern and southern districts of Mississippi, each $5,000.

The amendment was agreed to.

The Secretary read line 25, as follows:

For the eastern district of Missouri, $4,000.

Mr. TELLER. I move to strike out "four" before "thousand" and insert "five"; so as to read:

For the eastern district of Missouri, $5,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 118, line 2, before the word "thousand," to strike out "four" and insert "five"; in line 3, before the word "dollars," to strike out "three thousand five hundred" and insert "five thousand"; in line 4, before the word "dollars," to strike out "three thousand five hundred" and insert "five thousand"; in line 6, before the word "dollars," to strike out "two thousand five hundred" and insert "three thousand"; in line 7, before the word "dollars," to insert "five hundred"; in line 8, before the word "thousand," to strike out "two" and insert "four"; in line 9, before the word "thousand," to strike out "four" and insert "five"; so as to read:

For the western district of Missouri, $5,000; for the district of Montana, $5,000; for the district of Nebraska, $5,000; for the district of Nevada, $3,000; for the district of New Hampshire, $2,500; for the district of New Jersey, $4,000; for the district of New Mexico, $5,000.

The amendment was agreed to.

The Secretary read line 9, as follows:

For the northern district of New York, $4,000.

Mr. TELLER. In line 10, I move to strike out "four" before "thousand" and insert "five"; so as to read "$5,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in line 11, before the word "dollars," to strike out "three thousand" and insert "four thousand five hundred"; in line 14, before the word "dollars," to strike out "four thousand five hundred"

and insert "five thousand"; in line 15, before the word "dollars," to strike out "three thousand five hundred" and insert "five thousand"; in line 16, before the word "thousand," to strike out "four" and insert "five"; in line 19, before the word "dollars," to strike out "four thousand" and insert "five thousand five hundred"; in line 20, before the word "thousand," to strike out "four" and insert "five"; in line 21, before the word "thousand," to strike out "four" and insert "five"; so as to read:

For the eastern district of New York, $4,500; for the eastern district of North Carolina, $4,000; for the western district of North Carolina, $5,000; for the district of North Dakota, $5,000; for the northern and southern districts of Ohio, each $5,000; for the district of Oklahoma, $5,000; for the district of Oregon, $5,500; for the eastern district of Pennsylvania, $5,000; for the western district of Pennsylvania, $5,000.

The amendment was agreed to.

The next amendment was, in line 22, before the word "dollars," to insert "five hundred"; so as to read:

For the district of Rhode Island, $2,500.

Mr. TELLER. I move to strike out "$2,500" and insert "$3,000." This is recommended by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in line 23, before the words "district of South Carolina," to insert "and western districts of the," and in line 24, before the word "dollars," to strike out "four thousand five hundred" and insert "five thousand"; so as to read:

For the eastern and western districts of South Carolina, $5,000.

Mr. TILLMAN. I desire to offer an amendment, and I ask that it be read at the desk.

Mr. TELLER. I will state that the amendment which the Senator from South Carolina proposes is recommended by the Judiciary Committee, I understand.

The PRESIDING OFFICER. The amendment of the Senator from South Carolina will be stated.

The SECRETARY. Instead of the language following the word "dollars," in line 22, relating to South Carolina, insert:

For the eastern district of South Carolina, $5,000; $3,000 of which shall be for the performance of the duties of district attorney for the western district of that State.

Mr. TILLMAN. I desire to explain simply to the Senate that the phraseology as it is printed here creates confusion. Senators will observe that it is very strange. It reads, "For the eastern and western districts of the district of South Carolina."

The fact is, we have two judicial districts in our State and have had since 1823, but the phraseology which is used by the committee in the amendment is copied from the Revised Statutes, which themselves are muddled; in other words, they are contradictory. In the section from which this is copied, section 546, I think it is, this language is used, and the committee copied the words as taken from that section, but in subsequent sections the division of the State is clearly ascertained, and in all the acts bearing on our State it is clearly stated and recognized that we have two judicial districts.

I have a little bill here which the Judiciary Committee has reported favorably, and it is on the Calendar, which contemplates the appointment of a district attorney and marshal for each of these separate districts. If we leave this language in here it will create confusion in the mind of the court itself, possibly, as to what it means, and I have inserted the amendment with that phraseology. While I do not want to press the bill now in the shape of an amendment, but will ask the Senate to pass it after a while, the amendment as I offer it will clarify the situation and avoid the confusion which would result from the adoption of the amendment of the committee as it appears in the bill.

Mr. TELLER. There is no objection on the part of the committee to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in line 25, before the word "dollars," to strike out "three thousand five hundred" and insert "five thousand"; on page 119, line 2, before the word "thousand," to strike out "four" and insert "five"; in line 3, before the word "thousand," to strike out "three" and insert "four"; in line 4, before the word "thousand," to strike out "five" and insert "four"; so as to read:

For the district of South Dakota, $5,000; for the eastern, middle, and western districts of Tennessee, each $5,000; for the northern district of Texas, $4,000.

The amendment was agreed to.

The next amendment was, on page 119, line 4, before the word "dollars," to strike out "five" and insert "four"; so as to read:

For the eastern district of Texas, $4,000.

Mr. TELLER. I move to strike out "four thousand," before the word "dollars," and insert "five thousand five hundred"; so as to read:

For the eastern district of Texas, $5,500.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in line 5, before the word "dollars," to strike out "three thousand five hundred" and insert "five thousand," and in line 6, before word "thousand," to strike out "three" and insert "five"; so as to read:

For the western district of Texas, $5,000; for the district of Utah, $5,000.

The amendment was agreed to.

The next amendment was, on page 119, line 7, after the word "thousand," to insert "five hundred"; so as to read:

For the district of Vermont, $2,500.

Mr. TELLER. That is a mistake. The five hundred proposed by the committee should be stricken out and it should be made $3,000. I move to amend the amendment so as to read: "For the district of Vermont, $3,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 119, in line 8, before the word "thousand," to strike out "three" and insert "four"; in line 10, before the word "thousand," to strike out "four" and insert "five"; in line 11, before the word "thousand," to strike out "four" and insert "five"; in line 12, before the word "thousand," to strike out "four" and insert "five"; in line 13, before the word "thousand," to strike out "four" and insert "five"; so as to read:

For the eastern district of Virginia, $4,500; for the western district of Virginia, $5,000; for the district of Washington, $5,000; for the district of West Virginia, $5,000; for the eastern district of Wisconsin, $5,000.

The amendment was agreed to.

The next amendment was, on page 119, line 14, before the word "dollars," to strike out "three thousand" and insert "four thousand five hundred"; so as to read:

For the western district of Wisconsin, $4,500.

Mr. TELLER. I move to strike out "$4,500" and insert "$5,000"; so as to read:

For the western district of Wisconsin, $5,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in line 16, before the word "dollars," to strike out "three thousand" and insert "four thousand five hundred"; so as to read:

For the district of Wyoming, $4,500.

The amendment was agreed to.

The next amendment was, in section [9] 7, on page 119, line 18, after the word "judge," to insert "of any district"; in line 21, after the words "Attorney-General," to strike out "not exceeding the number provided by law during the last fiscal year, except upon the order of the President"; on page 120, line 5, after the word "necessary," to insert "expenses for lodging and," and in line 11, after the word "magistrate," to insert "and while otherwise necessarily absent from their respective official residences on official business"; so as to make the clause read:

That whenever, in the opinion of the district judge of any district or the chief justice of any territory and the district attorney, evidenced by writing, the public interest requires it, one or more assistant district attorneys may be appointed by the Attorney-General, but such opinion shall state to the Attorney-General the facts as distinguished from conclusions, showing the necessity therefor. Such assistant district attorneys shall be paid such salary as the Attorney-General may from time to time determine as to each, which shall in no case exceed $2,500 per annum: *Provided*, That the necessary expenses for lodging and subsistence actually paid, not exceeding $4 per day, and actual and necessary traveling expenses of the district attorney and his assistants, while absent from their respective official residences and necessarily employed in going to, returning from, and attending before any United States court, commissioner, or other committing magistrate, and while otherwise necessarily absent from their respective official residences on official business shall be allowed and paid in the manner hereinafter provided.

The amendment was agreed to.

The reading of the bill was continued to line 20 on page 120.

Mr. COCKRELL. I suggest to the Senator in charge of the bill that after the word "paid," in line 19, the words should be inserted, "in lieu of the salaries, fees, per centums, and other compensation now allowed by law."

Mr. TELLER. I suggest to the Senator from Missouri to move that amendment.

Mr. COCKRELL. I move the amendment.

Mr. HOAR. Is that the same language, I will ask the Senator from Missouri, in the bill in regard to district attorneys?

Mr. COCKRELL. I wanted to put it in there if it has not been put in on page 116, line 14. After the word "paid" there I wanted these words inserted.

Mr. HOAR. I do not object to the Senator's purpose as expressed in his language, but it strikes me that it would be well to

have precisely the same meaning in the bill as applied to the two classes of officers expressed in the same words. My suggestion is, that instead of the language he has used he should use the language applicable to district attorneys.

Mr. COCKRELL. I have the words that I want to put in, that were furnished me by the Auditor for the Department who has charge of them.

Mr. TELLER. Let the same words be put in at both places.

Mr. COCKRELL. I want the words also inserted in line 14, page 116.

Mr. TELLER. Let the words be inserted here as applied to the marshals, and then we can go back and put them in there.

The PRESIDING OFFICER. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. After the word "paid," in line 19, page 120, it is proposed to insert:

In lieu of the salaries, fees, per centums, and other compensation now allowed by law.

The amendment was agreed to.

Mr. TELLER. Now turn back to page 116.

The SECRETARY. After the word "paid," in line 14, page 116, it is proposed to insert:

In lieu of the salaries, fees, per centums, and other compensation now allowed by law.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 120, section 8, line 21, before the word "thousand," to strike out "four" and insert "five"; in line 22, before the word "thousand," to strike out "three" and insert "four"; in line 23, before the word "thousand," to strike out "four" and insert "five"; so as to read:

That the United States marshal for each judicial district of the United States shall be paid an annual salary as follows: For the northern and middle districts of the State of Alabama, each $5,000; for the southern district of the State of Alabama, $4,000; for the Territory of Arizona, $5,000; for the eastern district of Arkansas, $4,000; for the western district of Arkansas, $5,000.

The amendment was agreed to.

The next amendment was, on page 121, line 2, before the word "dollars," to insert "five hundred"; so as to read:

For the northern district of California, $4,500.

Mr. TELLER. On page 121, line 2, I move to strike out "three" and insert "four"; so as to read:

For the northern district of California, $4,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 121, in line 3, before the word "thousand," to strike out "four" and insert "five"; in line 5, before the word "thousand," to strike out "two" and insert "three"; in line 6, before the word "dollars," to insert "five hundred"; in line 7, before the word "dollars," to insert "five hundred"; so as to read:

For the southern district of California, $3,000; for the district of Colorado, $5,000; for the district of Connecticut, $3,000; for the district of Delaware, $2,500.

The amendment was agreed to.

The next amendment was, on page 121, line 7, before "dollars," to insert "five hundred"; so as to read:

For the District of Columbia, $5,500.

Mr. HOAR. There is a letter from the Attorney-General which I should like to have read on the subject of the marshal of the District of Columbia.

Mr. TELLER. Let it be read. I will accept the amendment increasing the amount to $6,000.

Mr. HOAR. Then I will let the letter go into the RECORD without reading.

Mr. TELLER. I know the Attorney-General thinks it ought to be six thousand.

The PRESIDING OFFICER. The question is on agreeing to the amendment to increase the amount to $6,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. TELLER. Let the letter be printed in the RECORD.

Mr. HOAR. The substance of the letter simply is that the service of civil process and fees from that source are larger here than any other place in the United States, and, of course, all that is abolished.

The PRESIDING OFFICER. If there be no objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

DEPARTMENT OF JUSTICE, *Washington, D. C., March 23, 1896.*

DEAR SIR: My attention has been called to the legislative bill (H. R. 6248) as reported to the Senate by the Committee on Appropriations. I notice on page 121, line 6, that the salary of the United States marshal for the District of Columbia has been fixed at $5,500. In my opinion the United States marshal for the District of Columbia should receive the maximum compensation, and as the salaries have been increased over those passed by the House, and $6,000 is now the maximum compensation to be paid any marshal, I earnestly recommend that that amount be fixed as the salary of the United States marshal for the District of Columbia. It is proper in this connection to state that the earnings in civil cases in the District of Columbia exceed the amount allowed the marshal for his salary. This is only true in one other district, namely, the southern district of New York for the fiscal year 1895, as appears from House Document No. 167, under heading, "Earnings from individuals." As the salary in that district has been fixed at $6,000, the salary of the United States marshal for the District of Columbia should, I think, be fixed at the same amount.

Very respectfully,

JUDSON HARMON,
Attorney-General.

Hon. GEORGE F. HOAR,
Chairman Judiciary Committee, United States Senate.

The next amendment of the Committee on Appropriations was, on page 121, line 7, after the word "dollars," to strike out "for the northern and southern districts of Florida, each $3,000" and insert "for the northern district of Florida, $3,500; for the southern district of Florida, $4,000"; so as to read:

For the northern district of Florida, $3,500; for the southern district of Florida, $4,000.

Mr. TELLER. I move to amend the amendment, in line 9, page 121, by striking out "$3,500" and inserting "$4,000"; so as to read:

For the northern district of Florida, $4,000

Mr. PASCO. In asking the committee to make this amendment I have done it not as a matter of favor but as a matter of justice, and I should have said nothing but for the remarks which were made by the Senator from South Carolina [Mr. TILLMAN] and others after I had offered a similar amendment in the Senate with reference to the salaries of the district attorneys in my State.

The receipts of the marshal for the northern district of Florida, according to the report which has been furnished us here from the Attorney-General's Office, show that the marshal for the northern district of Florida is receiving under the present arrangement $4,775.27 as his net emoluments for the year, and when he receives, under this new order of things, $4,000 his emoluments are cut down to that extent over $775.

The amount to be received by the marshal for the Southern district has been raised, and very properly so. I understand it was originally put at the smaller sum because it had been overlooked that the receipts as shown by this table from the Attorney-General's Office were for only six months, and amounted for that time to $2,796.64. Under the new arrangement both of these officers and both of the district attorneys really get less than under the old. As I understand the whole scheme, the result of it will be not to increase salaries, but to reduce them.

The Senator from Mississippi [Mr. GEORGE] just now in a speech of some length called attention to the salaries that are being received by the leading principal law officers of the different States, and he made a comparison with the salaries that are being received by them and by these United States officers. But those officers as a general rule have very much less work to do than the United States district attorneys. I asked him with reference to the salary that he was getting as a law officer in the State of Mississippi, where he resides. He is a very able lawyer and has filled some of the highest positions in that State, and I asked him what his salary or compensation was in the position that he filled as reporter of the supreme court. I think if he had answered civilly the question that I asked him it would have been demonstrated that the State of Mississippi had treated him in that office in no parsimonious spirit, and the comparison of that compensation with the salaries under discussion would have been pertinent and perhaps valuable.

Mr. President, I wish to say further that I have not been in favor of substituting the salary system for the fee system when applied only to these two classes of officers—the district attorneys and the United States marshals. I have thought that if this is to be a reform and to be carried out it should go further; that it should include the clerks and the deputy marshals and the United States commissioners, and we would then have come nearer to reaching the root of the evil that has been complained of in all the remarks that have been made in connection with the subject. In my judgment we should have come nearer reaching the root of the evil if we had put the commissioners and the deputy marshals under the fee system instead of beginning with the district attorneys and the United States marshals. I had hoped when the Judiciary Committee attempted to amend the scheme that was brought in from the other House that they would make it cover these officers also.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 121, line 13, before the word "dollars," to strike out "two thousand five hundred" and insert "three thousand"; so as to read:

For the northern district of Georgia, $5,000; for the southern district of Georgia, $3,000.

Mr. BACON. I move to amend the amendment of the committee by striking out "$3,000" and inserting "$5,000," so as to make the compensation $5,000.

Mr. TELLER. That is the arrangement agreed upon by the

The amendment as amended was agreed to.

Mr. TELLER. That is the arrangement agreed upon by the Judiciary Committee.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the committee amendment by striking out "three" where it first appears in line 3, page 121, and inserting "five"; so as to read "$5,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 121, line 14, before the word "thousand," to strike out "two" and insert "three"; in line 15, before the word "dollars," to insert "five hundred"; in line 17, before the word "dollars," to strike out "four thousand five hundred" and insert "five thousand"; in the same line, before the word "thousand," to strike out "four" and insert "five"; in line 19, before the word "thousand," to strike out "four" and insert "five"; so as to read:

For the district of Idaho, $3,500; for the northern district of Illinois, $5,500; for the southern district of Illinois, $5,000; for the district of Indiana, $5,500; for the northern and southern districts of Iowa, each $5,000.

The amendment was agreed to.

The next amendment was, on page 121, in line 20, before the word "thousand," to strike out "four" and insert "five"; so as to read:

For the district of Kansas, $5,000.

Mr. ALLISON. The modified amendments are from the Judiciary Committee, I understand.

Mr. TELLER. They are all suggestions from the Judiciary Committee.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 121, line 21, before the word "dollars" to insert "five hundred"; so as to read:

For the district of Kentucky, $5,500.

The amendment was agreed to.

The next amendment was, on page 121, line 22, before the word "dollars," to strike out "two thousand five hundred" and insert "three thousand"; so as to read:

For the eastern district of Louisiana, $3,000.

Mr. TELLER. I move to amend the amendment by striking out "three thousand" and inserting "four thousand"; so as to read:

For the eastern district of Louisiana, $4,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in line 23, before the word "thousand," to strike out "two" and insert "three"; so as to read:

For the western district of Louisiana, $3,000.

Mr. TELLER. Before the word "thousand" I move to strike out "three" and insert "four"; so as to read:

For the western district of Louisiana, $4,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 122, line 1, before the word "dollars," to insert "five hundred"; so as to read:

For the district of Maryland, $3,500.

Mr. TELLER. I move to strike out the word "three" and insert "four" before "thousand"; so as to read:

For the district of Maryland, $4,500.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 122, line 3, before the word "dollars," to insert "five hundred"; in the same line, before the word "thousand," to strike out "four" and insert "five"; in line 4, before the word "thousand," to strike out "three" and insert "four"; in line 6, before the word "dollars," to strike out "four thousand" and insert "five thousand five hundred"; so as to read:

For the district of Massachusetts, $5,500; for the eastern district of Michigan, $5,000; for the western district of Michigan, $4,000; for the district of Minnesota, $5,500.

The amendment was agreed to.

The next amendment was, on page 122, line 6, after the word "dollars," to strike out "for the northern and southern districts of Mississippi, each $3,000" and insert "for the southern district of Mississippi, $4,000; for the southern district of Mississippi, $5,000"; so as to read:

For the northern district of Mississippi, $4,000; for the southern district of Mississippi, $5,000.

Mr. TELLER. In line 8, I move to strike out "four thousand" and insert "five thousand"; so as to read "five thousand dollars each."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 122, line 10, before the word "dollars," to insert "five hundred"; so as to read:

For the eastern district of Missouri, $4,500.

The amendment was agreed to.

The Secretary read the next item, as follows:

For the western district of Missouri, $4,000.

Mr. VEST. I move to insert after "four thousand" the words "five hundred." The two Missouri districts ought to be at the same amount.

The PRESIDING OFFICER. The amendment moved by the Senator from Missouri will be stated.

The SECRETARY. In line 11, page 122, after the word "thousand," insert "five hundred"; so as to read:

For the western district of Missouri, $4,500.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 122, line 12, before the word "dollars," to strike out "three thousand five hundred" and insert "five thousand"; in line 14, before the word "dollars," to strike out "three thousand five hundred" and insert "five thousand"; in the same line, before the word "thousand," to strike out "two" and insert "three"; in line 15, before the word "thousand," to strike out "two" and insert "three"; in line 17, before the word "dollars," to strike out "two thousand five hundred" and insert "three thousand"; in line 18, before the word "thousand," to strike out "four" and insert "five"; in line 20, before the word "thousand," to strike out "three" and insert "five"; in line 21, before the word "thousand," to strike out "five" and insert "six"; in line 24, before the word "dollars," to strike out "four thousand five hundred" and insert "five thousand"; in line 25, before the word "dollars," to strike out "three thousand five hundred" and insert "five thousand"; in the same line, after the word "dollars," to strike out "for the northern and southern districts of Ohio, each $4,000," and insert "for the northern district of Ohio, $4,500; for the southern district of Ohio, $5,000"; on page 123, line 5, before the word "thousand," to strike out "four" and insert "five"; in line 6, before the word "thousand," to strike out "four" and insert "five"; in line 8, before the word "dollars," to strike out "three thousand five hundred" and insert "five thousand"; so as to read:

For the district of Montana, $5,000; for the district of Nebraska, $5,000; for the district of Nevada, $3,000; for the district of New Hampshire, $3,000; for the district of New Jersey, $3,000; for the district of New Mexico, $5,000; for the northern district of New York, $5,000; for the eastern district of New York, $5,000; for the southern district of New York, $6,000; for the eastern district of North Carolina, $4,000; for the western district of North Carolina, $5,000; for the district of North Dakota, $5,000; for the northern district of Ohio, $4,500; for the southern district of Ohio, $5,000; for the district of Oklahoma, $5,500; for the district of Oregon, $5,000; for the eastern district of Pennsylvania, $5,000; for the western district of Pennsylvania, $5,000.

The amendment was agreed to.

The next amendment was, on page 123, line 9, before the word "dollars," to insert "five hundred"; so as to read:

For the district of Rhode Island, $2,500.

Mr. TELLER. I move to strike out the word "two," in line 9, before "thousand," and insert "three"; so as to read "$3,500."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in line 9, after the word "eastern," to insert "and western districts of the," and in line 10, before the word "dollars," to strike out "four thousand five hundred" and insert "five thousand"; so as to read:

For the eastern and western districts of the district of South Carolina, $5,000.

Mr. TELLER. I understand the Senator from South Carolina [Mr. TILLMAN] desires to offer an amendment to the amendment.

Mr. TILLMAN. I have an amendment that I desire to offer.

Mr. TELLER. It is similar to the other amendment offered by the Senator from South Carolina.

Mr. TILLMAN. After the word "dollars," in line 9, on page 123, I move to strike out all down to and including the word "dollars," in line 11, and insert:

For the eastern district of South Carolina, $5,000, $3,000 of which shall be for the performance of the duties of marshal of the western district of that State.

The PRESIDING OFFICER. Does the Chair understand the Judiciary Committee to accept the amendment to the amendment?

Mr. TELLER. We accept the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 123, line 12, before the word "dollars," to strike out "three thousand five hundred" and insert "five thousand"; in line 14,

before the word "thousand," to strike out "four" and insert "five"; in line 15, before the word "thousand," to strike out "three" and insert "four"; so as to read:

For the district of South Dakota, $5,000; for the eastern, middle, and western districts of Tennessee, each $5,000; for the northern district of Texas, $4,000.

The amendment was agreed to.

The next amendment was, on page 123, line 16, before the word "thousand," to strike out "five" and insert "four"; so as to read:

For the eastern district of Texas, $4,000.

Mr. TELLER. That should be left $5,000. I ask the Senate to disagree to the amendment of the committee.

The amendment was rejected.

The next amendment of the Committee on Appropriations was, on page 123, line 17, before the word "dollars," to strike out "three thousand five hundred" and insert "five thousand"; in line 18, before the word "thousand," to strike out "three" and insert "four"; in line 19, before the word "thousand," to strike out "two" and insert "four"; in line 20, before the word "dollars," to strike out "three thousand five hundred" and insert "four thousand"; in line 21, before the word "thousand," to strike out "four" and insert "five"; in line 22, before the word "thousand," to strike out "four" and insert "five"; in line 23, before the word "thousand," to strike out "four" and insert "five"; in line 24, before the word "thousand," to strike out "four" and insert "five"; so as to read:

For the western district of Texas, $5,000; for the district of Utah, $4,000; for the district of Vermont, $4,000; for the eastern district of Virginia, $4,000; for the western district of Virginia, $5,000; for the district of Washington, $5,000; for the district of West Virginia, $5,000; for the eastern district of Wisconsin, $5,000.

The amendment was agreed to.

Mr. TELLER. In line 25, on page 123, the word "four" should be stricken out and "five" inserted; and on page 124, line 1, the words "five hundred" should be stricken out after "thousand," so as to read "$5,000."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to amend the amendment after the words "western district of Wisconsin," in line 25, by striking out "$4,500," the amendment reported by the Committee on Appropriations, and inserting "$5,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2, on page 124, before the word "thousand," to strike out "three" and insert "five"; so as to read:

For the district of Wyoming, $5,000.

The amendment was agreed to.

The next amendment was, on page 124, line 15, after the word "actual," to insert "expenses for lodging and," and in line 16, after the word "day," to insert "and the necessary actual expenses in transporting prisoners, including necessary guard hire"; so as to make the clause read:

SEC. 9. That when in the opinion of the Attorney-General the public interest requires it, he may, on the recommendation of the marshal, which recommendation shall state the facts as distinguished from conclusions, showing necessity for the same, allow the marshals to employ necessary office deputies and clerical assistance, upon salaries to be fixed by the Attorney-General, from time to time, and paid as hereinafter provided. When any of such office deputies is engaged in the service or attempted service of any writ, process, or subpœna, or when necessarily absent from the place of his regular employment, on official business, he shall be allowed his actual traveling expenses only, and his necessary and actual expenses for lodging and subsistence, not to exceed $2 per day, and the necessary actual expenses in transporting prisoners, including necessary guard hire; and he shall make and render accounts thereof as hereinafter provided.

Mr. ALLEN. Before the amendment is agreed to, I should like to ask the Senator from Colorado if there is any similar statute——

Mr. HOAR. Before the Senator puts his question, may I make a mere amendment in the form of a few words?

Mr. ALLEN. Certainly.

Mr. HOAR. I move to insert in line 12 of the pending section, after the word "subpœna," the words "or other order of the court." I am not sure that all orders of a court are covered by the words "writ, process, or subpœna." I move also to strike out the word "or," at the end of line 11.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts, which will be stated.

The SECRETARY. In section [11] 9, on page 124, line 11, after the word "process," it is proposed to strike out "or"; and in line 12, after the word "subpœna," to insert "or other order of the court"; so as to read:

When any of such office deputies is engaged in the service or attempted service of any writ, process, subpœna, or other order of the court, or when necessarily absent from the place of his regular employment, on official business, he shall be allowed his actual traveling expenses only, etc.

The amendment was agreed to.

Mr. ALLEN. I now desire to ask the Senator from Colorado who has this subject in charge if there is any similar power existing or conferred by present law upon the Attorney-General as that which he proposes to confer upon him by section 9 of this bill?

Mr. TELLER. I do not hear the Senator. Will he repeat his question?

Mr. ALLEN. This section provides—

That when in the opinion of the Attorney-General the public interest requires it, he may, on the recommendation of the marshal, which recommendation shall state the facts as distinguished from conclusions, showing necessity for the same, allow the marshals to employ necessary office deputies and clerical assistance, upon salaries to be fixed by the Attorney-General, from time to time, and paid as hereinafter provided.

Have we any statute now in existence as broad as that?

Mr. TELLER. I do not think we have, and this is to cut off the marshal who has been doing that and lodge that power with the Attorney-General, for it has to be lodged somewhere. There must be somebody who has the power to appoint a number of deputies, if there should be occasion, and it was thought best to put the power in the hands of the Attorney-General. I do not think he exercises any power of that kind now. I do not think he supervises the marshals.

Mr. ALLEN. I do not know how to amend the section except by moving to strike it out, which I shall do.

Mr. TELLER. That is the provision as it came from the House of Representatives. We did not wrestle with it in any shape.

Mr. ALLEN. I move to strike out all of section 9, on page 124, down to and including the word "provided," in line 10.

The PRESIDING OFFICER. The Secretary will read the words proposed to be stricken out by the Senator from Nebraska.

The SECRETARY. It is proposed to strike out all of section [11] 9, on page 124, down to and including the word "provided," in line 10, as follows:

SEC. [11] 9. That when in the opinion of the Attorney-General the public interest requires it, he may, on the recommendation of the marshal, which recommendation shall state the facts as distinguished from conclusions, showing necessity for the same, allow the marshals to employ necessary office deputies and clerical assistance, upon salaries to be fixed by the Attorney-General, from time to time, and paid as hereinafter provided.

Mr. ALLEN. There are two dangerous features about the provision which has just been read. In the first place, it confers upon the Attorney-General the power to increase the number of deputy United States marshals upon an ex parte showing made to him by the marshals themselves. It goes without saying, that if this part of section 9 becomes the law there will not be a judicial district in the United States where there will not be a showing for a deputy with a large salary attached. It occurs to me that the thing to be done is not to transfer the legislative function from Congress, where it belongs, to the Attorney-General and the marshal, but for the Committee on the Judiciary, if they are taking part in this matter, and especially the Committee on Appropriations, to fix these salaries exactly as they fix the salaries of judges and United States district attorneys and marshals.

Mr. VEST. Is it not the law now that the Attorney-General allows the marshal, upon his request, the number of deputies that he employs?

Mr. ALLEN. I was asking the Senator from Colorado that question.

Mr. VEST. I so understand.

Mr. TELLER. My recollection is that the marshal does it on his own motion.

Mr. VEST. No; as I recollect, the law applies now to the Attorney-General.

Mr. TELLER. That may be.

Mr. VEST. And the Attorney-General permits the marshal to employ the number of deputies he shows to be necessary for the public service in his district.

Mr. FAULKNER. If the Senator from Nebraska will permit me, I had called to my attention the other day an instance in the District of Columbia where the appropriation had been exhausted out of which this allowance has heretofore been made with the approval of the Attorney-General. He required last year that the allowance for this purpose should be taken out of the allowance for the marshal himself; in other words, it was deducted in that particular case, for want of an appropriation, from the salary of the marshal, which was then $6,000.

Mr. ALLEN. Mr. President, whether or not this power by existing law resides in the marshal himself is nothing to the argument I make. It is a dangerous power to place in the hands of the marshal or of the Attorney-General. We are simply abdicating our powers as legislators here and we are turning over the power to legislate to the Attorney-General.

The truth is, that much of the legislation of this country has been by act of Congress conferred upon the heads of Departments and the heads of bureaus. It is a very common thing for them to create offices, to abolish them, to attach salaries to them, and take the salaries away at their pleasure. This provision will do nothing but increase the horde of officeholders in this country,

and by that means increase the appropriations of Congress from year to year, and eat out the substance of the people.

I want to call attention for a moment, and only for a moment, for I have no desire to delay the Senate, to the report of the Attorney-General for the year 1895, page 4. The Attorney-General says:

The expenses of the Federal courts have steadily increased, as well as their business, as will appear by the following statement:

Fiscal year—		Total expenses.
1888		$3,864,886.15
1889		4,031,189.09
1890		4,761,204.60
1891		4,992,195.64
1892		5,049,778.96
1893		5,628,223.21
1894—		
Incurred and paid in 1894	$4,551,373.61	
Incurred in 1894 and paid in 1895	1,643,726.89	
		*6,195,100.50
1895—		
Incurred and paid in 1895		*5,412,718.91

*Amounts yet to be paid to be added, as appropriations are available for two years after the year for which they are made.

It is quite evident that the time has come in the history of this country when we must call a halt upon the judicial branch of this Government, and, in fact, upon every other branch, for that matter. The persons employed in the service of the Government in different departments seem absolutely crazy and mad to get their hands into the public Treasury clear up to their shoulders; and when they are getting respectable and decent salaries, in many instances very much above their merits, they are constantly clamoring for more, until the expenditures of the Government have run from about $50,000,000 during the Administration of Mr. Buchanan, when we had about thirty-one or thirty-two million people, possibly a little more, to $500,000,000, practically, in 1896, when we have a population of seventy million and some six hundred and odd thousand, I think, as it is now estimated. The population has increased a little over 100 per cent, and we have increased the expenditures of our Government about 450 per cent, almost 500 per cent.

How has this come about? What has caused this increase in the expenditures of the Government? It is this mad disposition upon the part of every man who gets into public position to take every dollar by hook or by crook, and principally by crook, that he can get out of the Government. Here is given power to the Attorney-General to create more offices, offices without limitation, and fix the salaries of those offices at just such sum as he may see fit. Let it be admitted that the Attorney-General will always be a man competent to discharge his duties; let it be admitted, if you will, that he will at all times be a patriotic citizen and discharge his duties as faithfully and as well as he can; yet we know by experience and by observation that the pressure which will be brought to bear upon such a man to make positions for his political friends, with fat salaries attached to them, will be with such force that he can not resist it. Is it wise, is it the proper thing to do? Is it statesmanlike for us to transfer the legislative power which the Constitution vests in us to the Attorney-General or to the head of any other Department, without any limit or check upon him in the creation of offices and the fixing of salaries?

I presume that this section will go through. I have no hope of inducing the Committee on Appropriations to apply economy in this respect. If it were some little measure, or if some individual Senator was asking for the payment of some little debt due a citizen, the chairman of the committee in charge of this bill would be on his feet in a moment and make a point of order under Rule XVI, which is made to do duty here on almost all convenient and inconvenient occasions.

Mr. GRAY. May I ask the Senator from Nebraska a question?

Mr. ALLEN. Certainly.

Mr. GRAY. I have not examined the bill so carefully as has the Senator from Nebraska, but I should like to ask him whether there is any other provision in the bill for the employment of deputies by the marshals of the various districts of the United States?

Mr. ALLEN. I know of nothing else, though there may be.

Mr. GRAY. I merely want to ask if there is no provision other than this for the necessary and proper appointment of deputies so that the office may be properly and efficiently administered, whether this is the proper form to make it, is another question; but I want to know if there is any other provision for the appointment of deputies.

Mr. ALLEN. I know of none, though there may be. The Senator from Colorado [Mr. TELLER] can tell.

Mr. GRAY. Then, if this provision be stricken out, would not the office of marshal be in some respects paralyzed when the public service requires that it should be efficient?

Mr. ALLEN. Not at all. I presume the present system of doing business would be in operation if these provisions do not take effect.

Mr. HOAR. I wish to say, if the Senator will allow me, I understand if this motion prevails the whole scheme to abolish these fees and the whole scheme for the enforcing the laws of the United States will depend on the individual capacity of the marshal, without any assistant or deputy. Does the Senator desire that? If not, ought he not to accompany his amendment with a proposition of a better plan, if the old scheme does not remain in operation?

Mr. ALLEN. I do not know what the Senator from Massachusetts understands, and I am not concerned in knowing what he understands, nor am I concerned in offering a better plan. I think I could do it if I had five minutes to draft it.

Mr. GRAY. The Senator, of course, does not mean to say he is not concerned with the efficiency of the administration of the marshals' offices for which we are providing?

Mr. ALLEN. I am not in this sense, that it is not proper for the Senator from Delaware or the Senator from Massachusetts to transfer from the shoulders of the Judiciary Committee or the Committee on Appropriations the responsibility to some individual member to cure this provision.

Mr. VEST. Mr. President, the Senator from Delaware has suggested a point about which I do not know that I am correct, but it was touched upon a few minutes ago in a colloquy here. Section 789 of the Revised Statutes provides that—

Every marshal may appoint one or more deputies, who shall be removable from office by the judge of the district court or by the circuit court for the district, at the pleasure of either.

I was under the impression that the Attorney-General made the appointment on the suggestion of the marshal, but I find that that is in the Indian Territory, and it was that which misled me. This is the general provision. I do not understand that the provision in the appropriation bill which is before us changes that law at all. This is a provision which gives to the Attorney-General the power to "allow the marshals to employ necessary office deputies and clerical assistance." That is very different from employing marshals.

Mr. GRAY. To guard property.

Mr. VEST. To guard property and serve writs.

Mr. ALLEN. Then, why not call them "clerks," as they are?

Mr. VEST. That may be. This provision is only for the clerical force; and it does not interfere at all with the general statute, as I understand, which gives to the marshal the right to appoint one or more deputies to assist him in the discharge of his functions.

Mr. HOAR. That is covered in the next section of the bill, redrafted and reenacted.

Mr. VEST. Yes.

That at any time when, in the opinion of the marshal of any district, the public interest will thereby be promoted, he may appoint one or more deputy marshals—

That is the law as it is now—

for such district, who shall be known as field deputies.

And section 9 applies to the clerical force.

Mr. ALLEN. Yes, Mr. President; but the Senator does not answer the proposition that it increases the number of officers. Now, look how artfully this provision is worded. Speaking of the Attorney-General, the language is this:

That when in the opinion of the Attorney-General the public interest requires it—

Of course the "public interest" always requires it when he has men thundering at his doors for political appointments—

he may, on the recommendation of the marshal—

The marshal is situated about as the Attorney-General is. He wants to increase the number of offices to accommodate his friends—

which recommendation shall state the facts, as distinguished from conclusions, showing necessity for the same, allow the marshals to employ necessary office deputies and clerical assistance—

Which is simply employing one or more clerks in his office. Call them marshals, call them deputies, or call them what you see fit, they are simply clerks—

upon salaries to be fixed by the Attorney-General, from time to time, and paid as hereinafter provided.

He is not confined to the appointment of one clerk, nor is he confined to the appointment of two clerks. He may, under this language, if he can induce the Attorney-General to do so, increase the number of officeholders, clerks, or clerical deputies, or whatever you call them, to any number without limit.

Is it a wise thing for Congress to turn this power over to the Attorney-General and to the marshals of the various districts? Why did not the Judiciary Committee take hold of this matter? Why did not the Judiciary Committee inquire into the existing condition of affairs in these different judicial districts? Why did they not inform themselves as to the necessity of these officers in the different judicial districts of this country, and then create the offices by name that were necessary to be created, and fix the

salaries and compensation as they ought to be? No; the Judiciary Committee escape; they run away from this duty; they turn over to the Attorney-General a limitless power, and to the marshals a limitless power, and the Attorney-General may fix the compensation at $5 or $5,000 a year so far as this provision of the bill is concerned. There is not the slightest limitation upon it except his mere caprice, his mere conscience.

The Senator from Delaware [Mr. GRAY] wants to know and the Senator from Massachusetts [Mr. HOAR] wants to know what I would substitute for it, what I would put in place of it. I can tell these Senators very quickly what I would put in place of it. I would meet, if necessary, with the Judiciary Committee of the House of Representatives, with all the facts before me; I would canvass every district of the United States; I would determine from the facts which were presented whether there was a necessity for an increase of clerical force in the marshals' offices, and if there was, I would determine the character of that force, the number of persons that were needed, and I would fix their salaries exactly as the Constitution requires us to fix the salaries, in the form of legislation. Here is a vast army of officers in embryo to be created under this bill to increase the appropriations of Congress at another session or at another Congress.

Although it is somewhat disjointed from the connection in which I read a moment ago, I desire to read this extract from the report of the Attorney-General for 1895:

The number of places of holding Federal courts has increased from 186 in 1885 to 227 in 1895.

But there is no comparison between the increase of the places of holding court and the increase of the expenses of holding these various terms of court.

Mr. HOAR. If the Senator will allow me, the Judiciary Committee has been at work on this subject with a great deal of zeal for six years, and it submitted a report when the Senator from Missouri [Mr. VEST] was a member of that committee. He gave very great and thorough attention to the general scheme, and corresponded, I think, with the judges and other court officials in every district in the country. They all had an opportunity to be heard, and many of them were heard at great length. He reported two bills, one for the marshals and one for the district attorneys.

The Senate, after considerable discussion, could not agree on the details of those bills, and the bills failed. Another measure was reported in the last Congress. I did not myself see how the judicial department could get along without the system of fees in regard to marshals, for reasons which I shall not detain the Senate by explaining. But I finally became a convert, hearing of the complaints from all parts of the country, not merely from the South and the newly settled States, but from my own neighborhood as well, to the belief that, on the whole, we should attempt to have this matter of fees stopped, which are taken out of the poor very largely.

At the present session of Congress I went to work upon the subject in person. A subcommittee was appointed, consisting of the Senator from Alabama [Mr. PUGH] and the Senator from Minnesota [Mr. DAVIS], himself an experienced official of the United States, formerly district attorney, and we prepared very carefully two bills, going over this whole matter. We got them ready, and they are now in the Senate reported as separate bills. But about the time we were ready to report them, we found the House of Representatives had put this scheme into an appropriation bill, and therefore we turned over the result of our labors, whatever it was, to the Committee on Appropriations. After considering it that committee have reported what is found here. You have got to have extraordinary and occasional services for extraordinary crimes requiring to be detected and punished, and there are extraordinary civil commotions; there are offenses against the internal and the external revenue laws, which require to be followed up. You can not get along with a man who is paid a salary and be sure of faithful and efficient and vigorous execution of the law. A man who is to get his $2,000 a year will very much prefer to sit upon his own veranda on a summer's night than to go in pursuit of a moonshiner where a bullet may strike him from a thicket. A man in New England would very much prefer to sit by his own fireside of a winter's night than to go somewhere on that ice-bound coast and pursue a smuggler.

Therefore it became necessary to combine to some limited and careful extent the fee system with the salary system in regard to deputy marshals. The deputy marshals are put on a salary and all temptation to increase their business is removed. The district attorney is put on a salary and all temptation to him to make business for the sake of making money is removed. Having accomplished so much, the bill provides that in regard to commissioners and clerks there shall be a scheme submitted to the Senate next winter. These two, we thought, were as much as could be attended to at this time.

The scheme in regard to deputy marshals is substantially the same scheme that came from the House. The marshal must have somebody in his office. That person is made a deputy rather than a clerk, because if a marshal is out you want a man who can serve a writ himself, who has the marshal's power. If you send him to attend in court you want a man who has the duty of an officer to arrest a disorderly person in court. Therefore, he is styled an office deputy and put with the clerical assistance. They can not be paid by fees in any way, and therefore somebody must fix their salaries.

Then, for the ordinary outdoor service, to go over a State which extends several hundred miles you want men in different parts of the State for United States processes, to serve civil processes. The bill provides that there shall be field deputies appointed by the marshal, but those field deputies shall in no case get more than $2,400 a year each—at that rate for any part of a year—and shall in no case get more than three-fourths of what they earn. So of what they get from civil or from criminal cases, a quarter of what they earn at least will go into the United States Treasury.

Mr. ALLEN. I should like to ask the Senator from Massachusetts if this bill does not increase, or authorize an increase of, the marshal's force?

Mr. HOAR. No, sir; the power of appointing deputy marshals under the Revised Statutes is absolutely unlimited. Is not that the case?

Mr. FAULKNER. I will read the section which provides for the clerks and deputy marshals and how they may be paid. It is in excess of the amount received by marshals over $6,000 expressly provided in section 841.

Mr. HOAR. Exactly.

Mr. FAULKNER. Section 841 provides that—

No marshal shall be allowed by the Attorney-General, except as provided in the next section, to retain of the fees and emoluments which he is required to include in his semiannual return, as aforesaid, for his personal compensation, over and above the necessary expenses of his office, including necessary clerk hire, to be audited and allowed by the proper accounting officers of the Treasury Department, and a proper allowance to his deputies, any sum exceeding $6,000 a year.

Mr. HOAR. Exactly.

Mr. FAULKNER. So that all these office expenses are included under the present law as an allowance over and above the $6,000, to be taken out of the emoluments that are returned.

Mr. ALLEN. That does not answer the question at all.

Mr. HOAR. I think it does.

Mr. ALLEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. HOAR. Allow me to finish the statement first, and then I will answer any question I can.

The Senator from Nebraska said a little while ago, in speaking of the district attorneys, that this bill increases the public expenditures. He took a few cases where the returns are large, like in your State, I think [Mr. PERKINS in the chair], where the district attorney has argued within the year, among other things, the great case of the claim against the Leland Stanford property. The idea of measuring the proper compensation to a person who has such duties by looking to see how much taxable costs of travel and attendance go out of the little petty cases in the office has no connection with it whatever.

But, to come back to what I was saying, the bill very largely diminishes the expense to the United States, because in a great many of these districts, as is shown by the bill which was prepared here for the use of the committee, where the district attorney is to have a salary of $5,000, the fees run up to $18,000 or $15,000 or some other large sum, and the salary might in all those cases go up to $6,000. So we are making a great diminution of the cost to the United States.

The Senator from Nebraska spent a good deal of time in his last speech in criticising the proposition that the salaries for the offices of deputies and clerks are left to the Attorney-General to fix. He says that the Judiciary Committee ought to fix them, and he said in his other speech, where the Judiciary Committee or the Appropriations Committee had fixed them, that the Senate ought not to take them, as we were doing, at the recommendation of the committee, but ought to consider them itself, and that every Senator is responsible.

Now, then, here are 77 districts in the United States. They are constantly changing in their demands and their wants and their needs. Some of them are growing, in some few of them the business is growing less, and the Senator from Nebraska thinks that in addition to the other public business, involving all the great questions of war and peace and foreign commerce and post-offices and internal commerce and jurisprudence, which the Senate of the United States has to do, in the first place the Judiciary Committee, consisting of 13 Senators, should inquire in every one of the 77 districts what is a fit and proper sum for clerk hire in the marshals' offices; that it should then bring that into the Senate, should discuss it in the presence of 90 Senators, and each one of them should make up his individual opinion about it and debate it; and that has got to be done every year, because this

matter is so constantly changing that the judgment for one year might not apply for the next, and when we have done that, then he thinks the House of Representatives should go through the same thing. Of course, the 370 members, or whatever is the number, of the House of Representatives are on oath and have their own conscience and judgment, and he thinks it is not only unrepublican, but unconstitutional, that we should decline to go into that question. I venture to say that to do that single thing without trusting somebody other than the individual Senator would take six months of the twelve months at least for the two Houses of Congress. Now, this world is not run in that way.

Mr. ALLEN. It ought to be, I think.

Mr. HOAR. The American Government is not run in that way, and never will be, and never ought to be. If we were to undertake to do what the Senator from Nebraska suggests, we should be deservedly the laughing stock of the American people and of mankind. If we can not take the head of the legal profession of the United States and trust him with the question of saying how many office deputies are needed in the 77 districts of the United States, how much they ought to be paid, I think republican government better shut up shop, and we had better apply either to the Emperor of Russia or to the head of some Populist club and take him for a despot.

Mr. ALLEN. Mr. President, the only really sensible thing that has been said by the Senator from Massachusetts was his last remark, that it would be wise to apply to some Populist club for information as to the course that should be pursued in running this Government. I fully agree with the Senator from Massachusetts that the most sensible thing that could be done at this time would be either to have this portion of the bill recommitted and sent back to the Judiciary Committee and have them discharge their duty with reference to it or to refer it to some Populist club who have the ability and the disposition to properly consider and properly report it. The Senator from Massachusetts does not tread upon my toes at all by his cynical reference to the Populist party or to a Populist club. If the Populist party had shown the utter lack of common sense in the administration of the affairs of the Government that has been shown by the Republican party, it would be justly subject to criticism and justly subject to the universal contempt of the people.

The Senator from Massachusetts gravely informs the Senate (and I suppose he intended to inform me more particularly as one of the ignorant Senators here) that this country had never been run upon the order that I have suggested; that, in other words, Congress has always been in the habit of turning over these matters to the heads of Departments.

Mr. ALLISON. May I ask the Senator from Nebraska if the Attorney-General is not as capable of fixing the compensation of deputy marshals, if they are needed, as he is to fix the compensation of assistant district attorneys, which the Attorney-General has done for many years, and I have never heard of any abuse under it?

Mr. ALLEN. That may all be true, but that is to no purpose whatever in the argument. I object seriously to turning over the legislative branch of this Government to any Department of the executive branch. The learned Senator from Massachusetts discovers something that is really amusing to him in the position I took that it is unconstitutional to do so. I challenge the Senator from Massachusetts to point to a single word in the history of English jurisprudence and in the history of the United States especially, where we have these republican forms of government, that authorizes one department to usurp and discharge the duties of another.

I say to the Senator from Massachusetts, although he is my superior in ability and in years and in experience, that taking his own State and the 44 other States of this Union he can not find a solitary decision that authorizes the legislative department of the Government to turn over the power of legislation to the judicial or to the executive department. It is not a thing to be sneered at. It is not a thing to be laughed at. The Senator understands, if he understands these things, that there is not a court of last resort in the United States which has not held at least once, and in some instances repeatedly, that the power to legislate which is by the Constitution committed to the legislative department of the Government can not be abdicated or abandoned or turned over to another department. Yet this is something that savors of Populism, so the Senator from Massachusetts would say, and therefore, per consequence, the subject of jest and sport.

The Senator from Massachusetts says again that having some 77 different judicial districts in the United States, it would be impossible for Congress to inform itself upon the precise conditions of each district and therefore to formulate and pass legislation adapted to each district. Why impossible? Has the Senator from Massachusetts offered one reason why that would be impossible? Nothing, Mr. President, whatever has been offered by him except his mere ipse dixit.

Mr. President, every State in this Union is represented in this Chamber by two Senators with the exception of one and that is not so big but that the one who is here can represent it properly. Every State in this Union is represented by members in the other branch of Congress. How difficult would it be for the Senators representing the different States and the members of the lower House representing the different districts in the different States to gather up the information necessary to enable the judiciary committee of each House to form an enlightened judgment and an accurate opinion upon this subject so as to enable them to present the proper bill? It is not difficult at all.

The Senator from Massachusetts says we would be the just subject of ridicule upon the part of the civilized world if we should attempt it. Mr. President, I would rather be the subject of ridicule upon all that part of the civilized world that would heap upon us ridicule for discharging our constitutional and our sworn duties than to be the recipient of their smiles and their favors. I would rather invite their criticism, sir, than to invite the just condemnation of the honest people of this country throughout its length and breadth for an impotent if not a willful failure to discharge our sworn duties.

Mr. TELLER. I do not suppose anyone will take issue with the Senator from Nebraska that the legislative department should not be invaded by the executive, but if the Senator means to say that when we allow the head of a Department to determine the amount of salary a clerk shall receive, he is very much mistaken in saying that that is an invasion of the legislative department.

Mr. ALLEN. I say, if the Senator from Colorado will permit me, that the authorizing of the executive department of the Government to increase the number of officers in this country is legislation.

Mr. TELLER. For very many years, if the Senator will take the pains to look, he will find that the appropriations were made in a lump, so to speak, for the Departments. Long since I have been a member of this body it has been to a large extent true that the head of a Department would determine how many men he would employ and the salary he would pay to them. I admit it was not a good practice, but it grew.

Mr. ALLEN. If the Senator will permit me right at that point——

Mr. TELLER. Certainly.

Mr. ALLEN. I know he states the facts exactly as they are. It is a fault that I find with that system of business and that I would change at this time.

Mr. TELLER. In the early days the men who made the Republic, I may say, and the Constitution did not think that was such a serious violation of the Constitution. For very many years that practice existed. They never thought of making an appropriation for so many clerks of the first class, and so many of the second class, and so on. This does not enlarge in the slightest degree the power of the marshal. It simply puts a check upon the marshal by allowing the head of the Department, the Attorney-General, who has control of the marshals to a large extent, to check their excessive and sometimes extravagant appointment of deputy marshals. It does not change the law except that there is now a check upon the marshal by the auditing officer. Now there will be another check upon him by the head of the Department.

Mr. ALLEN. It permits an increase of officers by the head of the Department.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska [Mr. ALLEN].

The amendment was rejected.

The next amendment of the Committee on Appropriations was, in section [12] 10, page 124, line 23, after the word "deputy" to insert "and shall hold office during the pleasure of the marshal, except as hereinafter provided"; so as to read:

That at any time when, in the opinion of the marshal of any district, the public interest will thereby be promoted, he may appoint one or more deputy marshals for such district, who shall be known as field deputies, and shall hold office during the pleasure of the marshal, except as hereinafter provided, and who shall each, as his compensation, receive three-fourths of the gross fees, etc.

Mr. COCKRELL. I move to strike out the words "three-fourths of the gross," in line 1, page 125, and insert, in line 6, page 125, after the word "arrest," the words "where no arrest is made."

Mr. TELLER. I do not quite understand what the Senator's idea is. I understand this three-fourths of the gross fees is a limit upon the total amount that he shall receive for the yearly compensation. There are two limits put on it. He shall not get more than three-fourths of the gross fees nor more than $2,400.

Mr. CULLOM. In any event.

Mr. TELLER. In any event.

The PRESIDING OFFICER. The pending question is on the amendment of the committee, in line 23. The amendment will be stated.

The SECRETARY. After the word "deputies," in line 23, page 124, the committee report to insert:

And shall hold office during the pleasure of the marshal, except as hereinafter provided.

The amendment was agreed to.

Mr. COCKRELL. The Auditor suggested the amendment I have moved and also another one.

The PRESIDING OFFICER. Does the Chair understand that the committee accept the amendment proposed by the Senator from Missouri?

Mr. PLATT. I should like to have it stated.

Mr. COCKRELL. I will let it pass, except after the word "arrest," in line 6, page 125, I move to insert "where no arrest is made."

The PRESIDING OFFICER. The committee amendment in line 1 will be stated.

The SECRETARY. After the word "fees," in line 1, page 125, the committee report to insert "including mileage."

The amendment was agreed to.

The PRESIDING OFFICER. If there be no objection, the amendment proposed by the Senator from Missouri in line 6 will be considered as agreed to.

Mr. HOAR. There is objection. I should like to make an inquiry of the Senator from Missouri. I see what he wants to get at; but suppose a murderer comes into his office and surrenders himself; he arrests him; there is no fee at all except the mere fee for the service of the capias; but he has spent perhaps a month in endeavoring to arrest that man; he has spent his whole time in the last month to find that murderer. This is not in construction; it is only what he pays out that he is allowed. At the same time I see he does not want to get constructive expenses and actual expenses, too. I think the Senator had better let that go by until we get into the Senate.

Mr. COCKRELL. I will pass it by, because I am going to move to strike it all out.

Mr. HOAR. Very well. I see there is something which ought to be accomplished which the Senator proposes to accomplish, but at the same time I think the phraseology of his amendment goes further than he means to go.

Mr. COCKRELL. I will withdraw both of the amendments, and then will move to strike out the whole section.

The PRESIDING OFFICER. The amendment is withdrawn. The next amendment of the committee will be stated.

The next amendment of the Committee on Appropriations was, on page 125, line 9, after the word "mileage," to strike out the following proviso:

Provided, That in special cases, where in his judgment justice requires, the Attorney-General may make an additional allowance, not, however, in any case to make the aggregate annual compensation of any field deputy in excess of $2,500 nor more than three-fourths of the gross fees earned by such field deputy, and he shall hold his office during the pleasure of the marshal.

The amendment was agreed to.

The Secretary resumed and concluded the reading of section [12] 10.

Mr. COCKRELL. Now I move to strike out the section, unless the Senator from Colorado wants to move an amendment.

Mr. TELLER. I want to move an amendment. What does the Senator wish to strike out?

Mr. COCKRELL. I propose to move to strike out the whole of section 10 and insert a substitute.

Mr. TELLER. Have you the substitute ready?

Mr. COCKRELL. I have.

Mr. TELLER. All right.

Mr. COCKRELL. I propose the following:

SEC. 10. That in addition to the office deputies above provided for—

That is, in section 9—

the United States marshal in each district may appoint such number of field deputies as the judge of said district, with the concurrence of the Attorney-General, shall consider necessary for transacting the business of said district, and said deputies shall receive for compensation salaries at the rate of $1,000 per annum, together with the actual and necessary expenses of traveling and subsistence while away from their places of residence on official business, the correctness of their vouchers therefor to be certified by the affidavits of the field marshal and approved by the marshal and the district attorney.

That changes the deputy marshals from feed officers to a fixed salary and no fees.

Mr. HOAR. That has been the subject of more anxious consideration in regard to the solving of this problem, both by the Attorney-General and in the Senate, than any other single clause in the bill. I suppose we shall not get the bill through the Senate to-night. I wish the Senator would have the amendment printed and let it go over and offer it in the Senate to-morrow, so that we can look at it.

Mr. COCKRELL. I wish to say that the amendment has been prepared by the Auditor of the State Department, who has given a great deal of attention to this matter, and he thinks that unless the fee system is stopped entirely it will not work the good we expect, and that is also the opinion of experienced persons in the office.

Mr. HOAR. I suppose the Attorney-General's Office, which is certainly quite as high authority as that of a mere accounting officer——

Mr. COCKRELL. I meant to say the Auditor for the Department of Justice.

Mr. HOAR. I dare say it may be all right; but I wish the Senator would let the amendment be printed and let us look at it.

Mr. CULLOM. I suggest to the Senator whether the salary of a thousand dollars a year for a deputy is not rather small. It seems to me it ought to be larger.

Mr. BERRY. If the Senator will permit me, I should like to make a statement. I wish to state that the deputy marshals in the Indian Territory of the courts in the Territory, not at Fort Smith or Paris, were put upon a salary during the last Congress of $1,200 each. I state further that I was shown at the Attorney-General's Office the expenses under the two systems for six months, and that 45 deputies under the salary system at $1,200 each cost the Government more in six months than 200 deputies cost under the fee system. The figures were given me, and I put them in the RECORD in the former discussion of this subject, as will be shown, that I received from the Attorney-General's Office. I was informed by the office there that in the matter of the field deputies in the Indian Territory (and especially would that be so if they had had jurisdiction of felony cases), if the necessary number of deputies should be appointed to enforce the laws there it would cost far more, doubly more, under a salary system for field deputies at $1,200 each than under the present fee system. That is the information I received from the Attorney-General's Office; and I will state——

Mr. VEST. Let me ask the Senator from Arkansas a question.

Mr. BERRY. Certainly.

Mr. VEST. I ask if that includes the fees which are increased before the commissioners under the fee system when it applies to marshals; in other words, what you might call the indirect fees?

Mr. BERRY. The commissioners' fees were not in question. The figures that I received from the Attorney-General's Office applied to deputy marshals in the Indian Territory, those courts having only jurisdiction, as the Senator knows, of misdemeanor cases, the felony jurisdiction yet remaining at Paris and Fort Smith. The statement given me at the Attorney-General's Office was that 45 deputies, at a salary of $1,200, cost more than 200 deputies cost under the fee system of the present law, and that, as I stated before, with those courts having jurisdiction only of misdemeanor causes. If it did include the felony jurisdiction, which now remains at Fort Smith and Paris, it is absolutely impossible to enforce the law there with salaried deputies who ride in the field without a cost that is almost beyond computation larger than the present; that so far exceeds it that the Government could not and would not pay the additional sum which deputy marshals there on a salary would cost.

Mr. TELLER. I ask to go back to page 121.

The PRESIDING OFFICER. The Chair understands the Senator from Missouri not to press his amendment at this time.

Mr. COCKRELL. I offer this amendment, and in this connection I desire to say that I would not want it to apply to the Indian Territory, for that is not a normal condition. There posses—a large number of deputies—have to go, which would not be the case in the older States, where everything is better organized. As a matter of course, there have been bands of robbers and ruffians there, and it would take a large number to go, but it would not be so in Missouri; it would not be so in the States.

Mr. HOAR. I ask the Senator from Missouri to withdraw his motion to amend in order to give notice that he will offer it to-morrow.

Mr. COCKRELL. Very well; I give notice that I will offer it.

The PRESIDING OFFICER. If there be no objection, the Senator from Missouri will have leave to withdraw his amendment, and he gives notice that the same will be offered when the bill is reported to the Senate.

Mr. TELLER. I desire to turn back and correct an error on page 121. At the top of the page, for the district marshal for the northern district of California we have it $4,500. It should be $5,000.

The PRESIDING OFFICER. If there be no objection, the amendment will be agreed to. The next amendment which was passed over will be stated.

The next amendment of the Committee on Appropriations was, on page 125, after line 22, to strike out:

That said marshal, when attending court at any place other than his official residence and when engaged in the service of any process, writ, or subpœna, shall be paid his actual and necessary expenses for subsistence and travel while so necessarily employed, the same as the district attorneys, and an account of the same shall be made out and paid as hereinafter provided.

And insert:

That the marshal, when attending court at any place other than his official residence, and when engaged in the service or attempted service of any process, writ, or subpœna, and when otherwise necessarily absent from his official residence on official business, shall be allowed his necessary expenses for lodging and subsistence, not exceeding $4 per day and his actual necessary traveling expenses. He shall also be allowed the actual necessary expenses in transporting prisoners, including necessary guard hire. An account of such expenses shall be made out and paid as hereinafter provided.

So as to make the section read:

SEC. 11. That the marshal, when attending court at any place other than his official residence, and when engaged in the service or attempted service of any process, writ, or subpœna, and when otherwise necessarily absent from his official residence on official business, shall be allowed his necessary expenses for lodging and subsistence, not exceeding $4 per day and his actual necessary traveling expenses. He shall also be allowed the actual necessary expenses in transporting prisoners, including necessary guard hire. An account of such expenses shall be made out and paid as hereinafter provided. The marshal's official residence shall be deemed to be at one of the places of holding court in the district, and the Attorney-General shall be authorized to fix and declare the place of such official residence.

Mr. HOAR. I should like to ask the Senator from Colorado why it is that the expense for lodging and subsistence is made $2 a day on page 124 and $4 a day here?

Mr. TELLER. One is for the deputies and the other is for the marshals.

Mr. HOAR. Do you expect marshals to have a breakfast twice as good as deputies?

Mr. TELLER. The Attorney-General thought it ought to be this way, and we put it in to suit him. We ought to raise the other.

Mr. HOAR. I think the other is too small.

Mr. TELLER. I think it is.

Mr. HOAR. I move to go back and make the other $3 instead of $2.

The PRESIDING OFFICER. If there be no objection the pending amendment will be agreed to.

Mr. HOAR. Now I ask to go back to page 124, line 16, and I move to strike out the word "two" before "dollars" and insert "three"; so as to read:

Shall be allowed his actual traveling expenses only, and his necessary and actual expenses for lodging and subsistence, not to exceed $3 per day.

The amendment was agreed to.

The next amendment was, in section [14] 12, on page 127, line 6, after the word "law," to insert:

Each marshal shall make such returns of the earnings and expenses of office as shall be required under rules and regulations prescribed by the Attorney-General: *Provided*, That no office or field deputy shall receive compensation as bailiff, and no field deputy shall represent or receive fees for representing the marshal in court;

So as to make the clause read:

SEC. 12. That whenever in this act an officer is allowed actual expenses the account therefor shall be made out quarterly, in accordance with rules and regulations prescribed by the Attorney-General. When made out the account shall be verified on oath before an officer authorized to administer oaths.

The expense accounts of the marshals and their office deputies and the accounts of the field deputies shall be paid by the marshals; said accounts and the expense accounts of the district attorneys and their assistants when made out in accordance with this act shall be submitted to and examined by the circuit court or district court of the district, and when approved by the court shall be audited and allowed as now provided by law. Each marshal shall make such returns of the earnings and expenses of his office as shall be required under rules and regulations prescribed by the Attorney-General: *Provided*, That no office or field deputy shall receive compensation as bailiff, and no field deputy shall represent or receive fees for representing the marshal in court.

The amendment was agreed to.

The next amendment was, on page 127, line 22, after the word "by," to insert "sections 5 to 14, inclusive, of"; so as to make the clause read:

SEC. 15. That all salaries provided by sections 5 to 14, inclusive, of this act shall be paid monthly by the Department of Justice.

The amendment was agreed to.

The next amendment was, on page 127, line 25, after the word "That," to strike out "the foregoing," and in the same line, after the word "sections," to insert "5 to 14, inclusive," and on page 128, line 2, after the word "amount," to strike out "of"; so as to make the clause read:

SEC. 16. That sections 5 to 14, inclusive, of this act shall not be so construed as to prevent or affect the amount or taxation of costs against the unsuccessful party in civil proceedings or against defendants convicted of crimes or misdemeanors.

The amendment was agreed to.

The next amendment was, on page 128, line 6, after the word "by," to insert "sections 5 to 14, inclusive"; so as to make the clause read:

SEC. 17. That any officer whose compensation is fixed by sections 5 to 14, inclusive, of this act who shall directly or indirectly demand, receive, or accept any fee or compensation for the performance of any official service other than is herein provided, or shall willfully fail or neglect to account for or pay over to the proper officer any fee received or collected by him, shall, upon conviction thereof, be punished by a fine of not less than $50 nor more than $500, or by imprisonment, at the discretion of the court, not exceeding five years, or by both such fine and imprisonment.

The amendment was agreed to.

The next amendment was, on page 128, after line 15, to strike out:

SEC. 20. That the terms of office of all commissioners of the circuit courts heretofore appointed shall expire on the 30th day of June, 1896; and it shall be the duty of the district judge of each judicial district to appoint such number of persons, to be known as United States commissioners, at such places in the district as may be designated by the Attorney-General, which United States commissioners shall have the same powers and perform the same duties as are now imposed upon commissioners of the circuit courts. The appointment of such United States commissioners shall be entered of record in the district courts and notice thereof at once given by the clerk to the Attorney-General. That such United States commissioners shall hold their offices, respectively, for the term of four years, but they shall be at any time subject to removal by the district judge; and no person shall at any time be a clerk of a United States court and a United States commissioner: *Provided*, That all acts and parts of acts applicable to commissioners of the circuit courts, except as to appointment and fees, shall be applicable to United States commissioners appointed under this act.

Warrants of arrest for violations of internal-revenue laws may be issued by United States commissioners upon the sworn complaint of a United States district attorney, assistant United States district attorney, collector or deputy collector of internal revenue, or revenue agent or private citizen, but no such warrant of arrest shall be issued upon the sworn complaint of a private citizen unless first approved in writing by a United States district attorney.

That United States commissioners are hereby authorized to administer oaths.

The amendment was agreed to.

The next amendment was, on page 129, after line 21, to strike out:

SEC. 21. That no marshal or deputy marshal, clerk, or deputy clerk of the circuit or district court, attorney or assistant attorney of any district, jury commissioner, clerk of marshal, no bailiff, crier, juror, janitor of any Government building, nor any civil or military employee of the Government, and no clerk or employee of any United States justice or judge shall have, hold, or exercise the duties of the United States commissioner. And it shall not be lawful to appoint any of the officers named in this section receiver or receivers in any case or cases now pending or that may be hereafter brought in the courts of the United States.

The amendment was agreed to.

The next amendment was, on page 130, after line 8, to strike out:

SEC. 22. That each United States commissioner shall be entitled to the following-named fees, and none other: Drawing a complaint, with oath and jurat to same, 50 cents; copy of complaint, with certificate to same, 30 cents; issuing warrant of arrest, 75 cents; issuing a commitment and making copy of same, $1; entering a return, 15 cents; issuing subpœna or subpœnas in any one case, with 5 cents for each necessary witness in addition to the first, 25 cents; drawing a bond of defendant and sureties, taking acknowledgment of same and justification of sureties, 75 cents; for administering an oath (except to witness as to attendance and travel), 10 cents; recognizance of all witnesses in a case, when the defendant or defendants are held for court, 50 cents; transcripts of proceedings, when required by order of court, and transmission of original papers to court, 60 cents; copy of warrant of arrest, with certificate to same, when defendant is held for court, and the original papers are not sent to court, 40 cents; order in duplicate to pay all witnesses in a case—for first witness, 30 cents, and for each additional witness, 5 cents, and for oath to each witness as to attendance and travel, 5 cents; for hearing and deciding on criminal charges and reducing the testimony to writing when required by law or order of court, $5 a day for the time necessarily employed: *Provided*, That not more than one per diem shall be allowed in a case unless the account shall show that the hearing could not be completed in one day, when one additional per diem may be specially approved and allowed by the court: *Provided further*, That not more than one per diem shall be allowed for any one day: *Provided further*, That no per diem shall be allowed for taking a bond or recognizance and passing on the sufficiency of the bond or recognizance and the sureties thereon when the bond or recognizance was taken after the defendant had been committed to prison upon a final commitment, or has given bond or been recognized for his appearance at court, or when the defendant has been arrested on a capias or bench warrant, or was in custody under any process or order of a court of record. For the examination and certificate in cases of application for discharge of poor convicts imprisoned for nonpayment of fine or fine and costs, and all services connected therewith, $1.50; for attending to a reference in a litigated matter in a civil cause at law, in equity, or in admiralty, in pursuance of an order of the court, $3 a day; for taking and certifying depositions to file in civil cases, 10 cents for each folio; for each copy of the same furnished to a party on request, 10 cents for each folio; for issuing any warrant under the tenth article of the treaty of August 9, 1842, between the United States and the Queen of the United Kingdom of Great Britain and Ireland, against any parties charged with any crime or offense set forth in said article, $2; for issuing any warrant under the provision of the convention for the surrender of criminals between the United States and the King of the French, concluded at Washington, November 9, 1843, $2; for hearing and deciding upon the case of any person charged with any crime or offense, and arrested under the provisions of said treaty or of said convention, $5 a day for the time necessarily employed.

Such commissioners shall keep a complete record of all proceedings before them in criminal cases, in a well-bound book, which record book shall be delivered to and preserved by the clerk of the district court for such district on the death, resignation, removal, or expiration of term of the commissioner, for which record the commissioner shall receive no compensation.

The amendment was agreed to.

The next amendment was, on page 133, after line 2, to insert:

SEC. 18. That it shall be the duty of the Attorney-General of the United States to make an investigation as respects the compensation to be paid, by salary or otherwise, to clerks of United States circuit and district courts, as also the proper compensation to United States commissioners; and he shall report on the first day of the next session of the present Congress a plan for fixing such compensation for the clerks and commissioners of the several courts of the United States as he may deem just, and he shall also recommend with his report such provisions as may be thing seem proper touching their appointment and the performance of their duties.

The amendment was agreed to.

The next amendment was, on page 134, line 6, after the word "sections," to strike out "7 to 23" and insert "5 to 19"; in line 11, after the word "sections," to strike out "7, 9, or 16" and insert "5, 7, or 14"; and in line 14, after the words "New York," to insert "or for the District of Columbia"; so as to make the clause read:

SEC. 20. That all acts and portions of acts inconsistent with this act are hereby repealed: *Provided*, That none of the provisions of sections 5 to 19, both inclusive, of this act shall apply to the Indian Territory or Territory of Alaska, and said sections shall take effect and be in force on and after June 30, 1896: *Provided further*, That none of the provisions of sections 5, 7, or 14 of this act shall apply to the office of the United States district attorney and his assistants for the southern district of New York, or for the District of Columbia.

The amendment was agreed to.

Mr. CULLOM. The succeeding sections were read yesterday and corrected.

The PRESIDING OFFICER. The bill is still as in Committee of the Whole and open to amendment.

Mr. CHANDLER. I wish to move an amendment. I desire to move it to-night, but I will wait until the Senator from Illinois is through.

Mr. CULLOM. I think the court provisions are not quite disposed of yet.

Mr. TELLER. I wish to know whether the Senator from Missouri proposes to call up his amendment now?

Mr. COCKRELL. I have no objection, if the Senate desires to act upon it.

Mr. TELLER. I think we might as well act upon it.

Mr. HOAR. If I may be allowed a moment, the amendment of the Senator from Missouri makes a limitation, so that in no case can any United States deputy marshal get more than a thousand dollars a year anywhere. It seems to me that is too small a compensation. These are men who are armed with the authority of the United States in time of great civil commotion, and in very important affairs always, whether there is civil commotion or not. There are a great many cases where one United States court is being held, the court of appeals or the circuit court, or the district court at one place, and one or more other courts at another place within the same circuit; not often within the same district, I agree, but occasionally there will be two courts within the same district.

Mr. TELLER. Sometimes that is the case.

Mr. HOAR. The marshal is at one and there must be a deputy competent to take care of the court and preserve order at the other. You can not get in my part of the country certainly a thousand-dollar man who would be likely to be a suitable person. You would have to go down into the region of poorly paid men. They are also men who must be expected to be men of courage, of principle, and integrity. They have to take their lives in their hands sometimes.

I suggest to the Senator to make his limitation $2,000 and let it go into conference, instead of $1,000. It was $2,400 in the bill as the Committee on Appropriations fixed it. I would not ask any delay, but I certainly should feel it my duty to resist if it is to be put at $1,000.

Mr. COCKRELL. I ask the Senator just to hear me for a moment. Section 9 of the bill is in the following words:

That when in the opinion of the Attorney-General the public interest requires it, he may, on the recommendation of the marshal, which recommendation shall state the facts as distinguished from conclusions, showing necessity for the same, allow the marshals to employ necessary office deputies and clerical assistance——

Mr. HOAR. "Office deputies."

Mr. COCKRELL—

upon salaries to be fixed by the Attorney-General, from time to time, and paid as hereinafter provided. When any of such office deputies is engaged in the service or attempted service of any writ, process, or subpœna, or when necessarily absent from the place of his regular employment, on official business, he shall be allowed his actual traveling expenses only, and his necessary and actual expenses for lodging and subsistence, not to exceed $3 per day, and the necessary actual expenses in transporting prisoners, including necessary guard hire; and he shall make and render accounts thereof as hereinafter provided.

There the deputies will perform a kind of duty to which the Senator from New Hampshire refers, and the Attorney-General will fix their compensation.

Mr. HOAR. If the Senator will pardon me at that point, if he is right, that is a good answer to a part of my argument, but I do not understand that to be the purpose of this provision. I understand these men are to be office deputies, and the suggestion was made by the Senator from Nebraska [Mr. ALLEN] that they ought to be called clerks and not deputies. They are office deputies, clerical assistants. They are intended to be men who will keep the marshal's accounts and be in the office when he is out of it, and it was thought expedient that they should be clothed with the function of deputy marshals.

It was not, however, expected that they would ordinarily serve writs or attempt to serve writs, but they will have the power to do it, as they are made deputies. It was provided, although they are salaried officers, that they should get, in addition to their ordinary salary, the payment of their expenses. The idea of the bill, however, is that the deputy marshals, who are known as field deputies, are to do the work of serving writs ordinarily. For instance, in a large district where there are two or three places of holding court, as in the case of Iowa, which has been spoken of, and in New Hampshire, I think, there are two or three places of holding court, though that is a small State territorially, the marshal will expect to have one of these field deputies in one of these places of holding court where he does not reside himself, and another in another place. They are men, as I understand, who are expected to do the ordinary work of a deputy marshal.

Mr. COCKRELL. I think the bill contemplates very differently. This bill contemplates that there shall be office deputies; and they have the right to, and the bill expressly provides that they shall, perform any duty; that they shall go on official business, and that when on official business they shall receive mileage and per diem traveling expenses. Then the field deputy is to be officially disconnected, as I understand, from the office deputy. The office deputies will attend all the courts—for instance, in Boston, in New York, in Chicago, in St. Louis, or wherever it may be. It will be an office deputy who will attend the courts and transact the marshal's business in the courts. The field deputies will be out in the service of process, and it will not require the same class of persons as are required to be present in court and to make arrests.

I have no idea that a field marshal would be appointed under this bill for the city of Boston. The office deputies would serve the process right there. That is my idea of the theory of this provision, and therefore I have offered this amendment. I think that $1,200, or probably $1,500, would not be any too much.

Mr. HOAR. If the Senator will make the amount $1,500, I will not delay the bill by a discussion of a difference of $500 a year.

Mr. COCKRELL. I have no objection to making the amount $1,500.

Mr. HOAR. It will all be in conference, in any event, where it can be properly arranged.

Mr. COCKRELL. Yes, I know. Let the amount be changed to $1,500.

The PRESIDING OFFICER. The amendment will be so modified, and will be read as modified.

The SECRETARY. It is proposed to strike out section 10, on pages 124 and 125, and insert:

SEC. 10. That in addition to the office deputies above provided for the United States marshal in each district may appoint such number of field deputies as the judge of said district, with the concurrence of the Attorney-General, shall consider necessary for transacting the business of the said district, and said deputies shall receive for compensation salaries at the rate of $1,500 per annum, together with actual necessary expenses of travel and subsistence while away from their places of residence on official business, the correctness of the vouchers therefor to be certified by the affidavit of the field marshal and approved by the marshal and the district court.

Mr. TELLER. We will accept that amendment.

The amendment was agreed to.

Mr. TELLER. I wish to add to the amendment which has just been adopted on the motion of the Senator from Missouri [Mr. COCKRELL] the amendment I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. At the end of the amendment just adopted it is proposed to add:

Provided, That the clerks of the circuit and district courts, and the field deputies herein provided for the districts of California, Washington, Montana, North Dakota, South Dakota, Nevada, Oregon, and Idaho, shall, for the services they may perform during the fiscal year 1897, receive double the fees allowed by law to like officers in other States for performing similar duties, but neither of them shall be allowed to receive of such fees any sum exceeding the aggregate compensation of such officer as provided by law.

Mr. TELLER. I wish to modify the amendment by inserting "Colorado" after "California." Colorado is provided for in the existing statute, and I thought it was in the amendment.

Mr. CLARK. How about Wyoming?

Mr. TELLER. Wyoming is also in the present law, and it should be included in the amendment. Wyoming is in the section of country where such provision is made by existing law, and as the Government is likely to get the fees, I do not think there can be any objection to including it. I modify the amendment further by inserting "Wyoming" after "Oregon."

The PRESIDING OFFICER. The Senator has the right to modify his amendment. The question is on the amendment as modified.

The amendment as modified was agreed to.

Mr. CARTER. I offer the amendment which I send to the desk, to be inserted at the end of line 7, on page 109.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of line 7, on page 109, it is proposed to insert:

Provided, That in the ninth judicial circuit, in addition to the term or terms held in San Francisco, two terms of the circuit court of appeals shall be held each year in two other places in said circuit, to be designated by the judges of said court.

The amendment was agreed to.

Mr. VILAS. I ask the Senator from Illinois if he will consent now to an executive session?

Mr. CULLOM. I should like to propose two or three little amendments on behalf of the Committee on Appropriations, and then I shall yield.

On page 79, in line 7, I move to strike out the words "bookkeeper for custodian, $1,200"; and in line 9, before the word "clerks," to strike out "twenty-four" and insert "twenty-five."

The PRESIDING OFFICER. The amendment proposed by the Senator from Illinois will be stated.

The SECRETARY. On page 79, in lines 7 and 8, it is proposed to strike out "bookkeeper for custodian, $1,200"; and in line 9,

before the word "clerks," to strike out "twenty-four" and insert "twenty-five"; so as to read:

Twenty-five clerks of class 1, two of whom shall be stenographers or typewriters.

The amendment was agreed to.

Mr. CULLOM. On page 75, in line 11, I move to strike out the words "one copyist" and to insert "one clerk of class 1."

The PRESIDING OFFICER. The amendment proposed by the Senator from Illinois will be stated.

The SECRETARY. On page 75, in line 11, in the appropriations for the Naval Observatory, it is proposed to strike out "one copyist" and to insert "one clerk of class 1."

The amendment was agreed to.

Mr. CULLOM. At the end of that paragraph I move to change the total so that it will read "$37,460" instead of "$37,160."

The amendment was agreed to.

Mr. CULLOM. On page 12, in lines 7 and 8, I move that the Senate disagree to the amendment reported by the committee, so that it may stand as the House fixed it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In the appropriations for "Office of the Clerk of the House of Representatives," on page 12, line 7, after the word "laborer," the Senate, as in Committee of the Whole, struck out "one thousand" and inserted "eight hundred"; so as to read:

Laborer, $800.

Mr. CULLOM. It is proposed to disagree to that amendment.

The amendment was rejected.

Mr. CULLOM. At the end of that paragraph I move to disagree to the amendment reported by the Committee on Appropriations, in line 10, before the word "hundred," striking out "six" and inserting "four"; so that the total may stand as the bill came from the other House, "$16,680."

The amendment was agreed to.

Mr. CHANDLER. I desire to offer an amendment.

Mr. VILAS. I ask the Senator from New Hampshire if he wishes his amendment considered to-night?

Mr. CHANDLER. I do. I wish to expedite the business of the Senate to-morrow by going away. [Laughter.] So I should like to have the amendment considered now.

Mr. VILAS. We all agree, without a word. [Laughter.]

The PRESIDING OFFICER. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 71, after line 24, it is proposed to insert:

For printing, binding, and wrapping 1,000 additional copies of series 1, volumes 1, 2, 3, and 4, for supplying officers of the Navy who have not yet received the work, $2,400; and for the expense of a board of publication to conduct the preparation of such records, to be appointed by the Secretary of the Navy, one member to be an officer of the Navy and the other two members to be civilian experts, whose compensation shall be fixed by the Secretary and paid from this appropriation, and for other expert services in compiling, publishing, and distributing the records, $11,000.

Mr. CULLOM. I inquire if that amendment is reported from any standing committee?

Mr. CHANDLER. It is. The original estimate was $50,000. It was cut down to $18,000 in the House of Representatives, and this is an addition of about $10,000 for a thousand extra copies and for expediting the publication. The amount is far less now than the estimate, and it is moved by direction of the Committee on Naval Affairs. Here is the letter of the Secretary of the Navy recommending the full amount of $50,000, which I ask to have inserted in the RECORD.

The PRESIDING OFFICER. It will be so ordered, in the absence of objection.

The letter referred to is as follows:

NAVY DEPARTMENT, *Washington, March 20, 1896.*

SIR: Referring to the committee's communication of the 12th instant, inclosing a copy of an "Amendment intended to be proposed by Mr. CHANDLER to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," and requesting to be advised as to the views of the Department in regard thereto, I have the honor to state that said amendment serves to carry out the recommendation made in the report of the Secretary of the Navy for the year 1895 relative to the publication of the Naval War Records, and that made by the superintendent of the Naval War Records in his report for the same year. The Department recommends, therefore, that the amendment in question receive the favorable consideration of the committee.

Very respectfully, W. MCADOO, *Acting Secretary.*

The CHAIRMAN OF THE COMMITTEE ON NAVAL AFFAIRS, *United States Senate.*

Mr. CULLOM. As we have a prospect of the Senator leaving the Senate for a while, I shall not take up time in opposition to the amendment.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New Hampshire.

The amendment was agreed to.

Mr. VILAS. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wisconsin.

Mr. CALL. I ask the Senator to yield to me to offer an amendment.

Mr. VILAS. Several Senators desire to offer amendments.

Mr. CALL. I merely desire to offer an amendment.

Mr. VILAS. Very well.

Mr. CALL. I call the attention of the Senator from Illinois to a paper from the Treasury Department relating to the steam engineering service, which I gave to him with a request on the part of that Bureau to move for a change in the bill. I merely call the attention of the Senator to that fact so that it may be attended to before the bill passes into the Senate.

Mr. CULLOM. The Senator can offer his amendment in the Senate after the bill is reported from the Committee of the Whole. I really do not know where I laid the paper which the Senator states he handed to me.

Mr. CALL. I will submit an amendment which I intend to offer.

Mr. CULLOM. I inquire of the Senator from Wisconsin and those who desire to make an effort to strike the court provisions out of the bill, whether they would not agree that that motion and the discussion upon it should take place in the Senate, instead of in Committee of the Whole, so that the bill may be reported to the Senate for consideration? The bill will still be open for amendment in the Senate, as every Senator knows, and I should be very glad if we could get the bill out of committee to-night.

Mr. HILL. I assume that the same rights will pertain to the bill in the Senate as in Committee of the Whole.

Mr. CULLOM. Yes.

Mr. HILL. With all rights reserved, I have no objection to the course suggested by the Senator from Illinois.

Mr. CALL. I give notice that I shall ask for a separate vote in the Senate on the amendment made as in Committee of the Whole under the head of "Department of State," beginning on page 22, line 21, down to and including line 9 on page 23, relative to the employees of the Bureau of Statistics, State Department, etc.

Mr. COCKRELL. All amendments will be reserved.

Mr. CULLOM. If the Senator from Wisconsin will allow me, the Senator from Oregon [Mr. MCBRIDE] has been very anxious to offer an amendment.

Mr. VILAS. I withhold the motion for an executive session until the Senator from Oregon can offer his amendment.

Mr. CULLOM. I hope he may have the opportunity to do so.

Mr. CALL. I offer an amendment and ask that it be printed and laid on the table.

The PRESIDING OFFICER. The amendment intended to be proposed by the Senator from Florida will be received and ordered to be printed.

Mr. MCBRIDE. I now renew my motion to amend in line 13 on page 96, as directed by the Committee on Public Lands.

Mr. PLATT. I hope that the amendment of the Senator will be agreed to, because yesterday I suggested that a point of order would lie against it, as it was a little more than the estimate; but I am satisfied the point of order does not lie, because a report has been made regarding it.

Mr. CULLOM. The fact is, that the Senator from Oregon has produced a letter from the Department on the subject.

Mr. COCKRELL. Let the amendment be read, so that we may understand it.

Mr. MCBRIDE. I move to amend the amendment which was adopted yesterday by which "$6,700" was inserted, in line 13 on page 96, by striking out that sum and inserting "$8,000."

Mr. CULLOM. I have no objection to the amendment.

Mr. MITCHELL of Oregon. I sincerely hope that the amendment proposed by my colleague will be adopted.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment heretofore adopted by striking out "$6,700" and inserting "$8,000"; so as to read:

For surveyor-general of Oregon, $2,000; and for the clerks in his office, $8,000.

Mr. CULLOM. I consent to the amendment so far as I am individually concerned.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was agreed to.

Mr. CULLOM. The total ought to be changed to correspond with the amendment which has just been made. Let the Secretary correct the total.

Mr. MCBRIDE. Do I understand that the amendment has been made in line 14, so as to change the total to correspond with the amendment which has just been adopted?

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. It is proposed to change the total in line 14 by striking out "$8,700" and inserting "$10,000"; so as to read:

In all, $10,000.

The amendment was agreed to.

Mr. CALL. I give notice of an amendment I propose to offer in relation to the salaries of committee clerks on pages 4 and 5.

Mr. CULLOM. The Senator will have an opportunity to do that after the bill is reported to the Senate.

Mr. CALL. Very well.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. VILAS. There are some reservations to be made.

Mr. COCKRELL. All the amendments made as in Committee of the Whole should not be now concurred in.

Mr. CULLOM. I was going to except the court provisions and those provisions about which there is controversy.

Mr. HILL. There are some other motions to be made to strike out.

Mr. COCKRELL. They had better go over until to-morrow.

Mr. VILAS. I move to proceed to the consideration of executive business.

Mr. CALL. Before that is done, we should have an understanding.

Mr. COCKRELL. We have an understanding.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wisconsin [Mr. VILAS].

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 26, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 25, 1896.

UNITED STATES ATTORNEY.

Charles W. Comstock, of Connecticut, to be attorney of the United States for the district of Connecticut, vice George P. McLean, whose term expires March 27, 1896.

PROMOTIONS IN THE ARMY.

To be second lieutenant, cavalry arm.

Candidate Corpl. Herman A. Sievert, Company G, Twelfth Infantry, March 23, 1896, vice Preston, Ninth Cavalry, promoted.

To be second lieutenants, infantry arm.

Candidate Corpl. Frederick B. Shaw, Company A, Twenty-first Infantry, March 23, 1896, vice Rose, Fifth Infantry, promoted.

Candidate Corpl. Reuben S. Turman, Company G, Sixteenth Infantry, March 23, 1896, vice Bennett, Sixth Infantry, promoted.

Candidate Sergt. William B. Cochran, Company B, Fifth Infantry, March 23, 1896, vice Creden, Twenty-fifth Infantry, deceased.

Candidate Sergt. Harry F. Rethers, Company A, First Infantry, March 23, 1896, vice Campbell, Ninth Infantry, promoted.

POSTMASTERS.

Guy Northrop, to be postmaster at Pass Christian, in the county of Harrison and State of Mississippi, in the place of Abner K. Northrop, deceased.

Charles E. Wills, to be postmaster at Homer, in the county of Cortland and State of New York, in the place of Pembroke Pierce, whose commission will expire April 4, 1896.

William H. Klie, to be postmaster at Cambridgeboro, in the county of Crawford and State of Pennsylvania, in the place of George W. Stetson, whose commission will expire April 8, 1896.

Patrick J. Ryan, to be postmaster at Durand, in the county of Pepin and State of Wisconsin, in the place of William L. Batchelder, whose commission will expire April 8, 1896.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 25, 1896.

CONSULS.

Ethelbert Watts, of Pennsylvania, to be consul of the United States at Horgen, Switzerland.

Richard L. Miller, of Virginia, to be consul of the United States at Hull, England.

COMMISSIONER OF FISH AND FISHERIES.

John J. Brice, of California, to be Commissioner of Fish and Fisheries.

APPOINTMENTS IN THE MARINE-HOSPITAL SERVICE.

Henry S. Mathewson, of New York, to be an assistant surgeon in the Marine-Hospital Service of the United States.

Sherrard R. Tabb, of Virginia, to be an assistant surgeon in the Marine-Hospital Service of the United States.

APPRAISER OF MERCHANDISE.

R. Loper Baird, of Pennsylvania, to be appraiser of merchandise in the district of Philadelphia, in the State of Pennsylvania.

COLLECTOR OF CUSTOMS.

Charles H. Bateman, of Massachusetts, to be collector of customs for the district of Marblehead, in the State of Massachusetts.

INDIAN INSPECTORS.

J. George Wright, of South Dakota, to be an Indian inspector.

John Lane, of Spokane, Wash., to be an Indian inspector.

COLLECTOR OF CUSTOMS.

Louis S. Clayton, of Maryland, to be collector of customs for the district of Annapolis, in the State of Maryland.

POSTMASTERS.

Joseph E. Schmuke, to be postmaster at Jackson, in the county of Cape Girardeau and State of Missouri.

Louis R. Benedict, to be postmaster at Ellenville, in the county of Ulster and State of New York.

Albert B. Comins, to be postmaster at Georgetown, in the county of Essex and State of Massachusetts.

William Burns, to be postmaster at Salineville, in the county of Columbiana and State of Ohio.

Laura Goodfellow, to be postmaster at Fort Leavenworth, in the county of Leavenworth and State of Kansas.

Junius Q. Hatch, to be postmaster at Northboro, in the county of Worcester and State of Massachusetts.

Edmund H. Gates, to be postmaster at Mittineague, in the county of Hampden and State of Massachusetts.

John R. Manahan, to be postmaster at Chatfield, in the county of Fillmore and State of Minnesota.

Mary F. Ballantine, to be postmaster at Syracuse, in the county of Otoe and State of Nebraska.

Daniel H. Brooks, to be postmaster at Bozeman, in the county of Gallatin and State of Montana.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 25, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

SENATE JOINT RESOLUTION AND BILLS REFERRED.

Under clause 2 of Rule XXIV, the following joint resolution and bills were taken from the Speaker's table and referred by the Speaker as follows:

Joint resolution (S. R. 104) directing the Secretary of War to transmit to Congress a report on survey of the waterway connecting the waters of Puget Sound at Salmon Bay with Lakes Union and Washington, and to submit an estimate of the cost of constructing said waterway—to the Committee on Rivers and Harbors.

A bill (S. 1906) in relation to the pay of Rear-Admiral Roger N. Stembel, retired—to the Committee on Naval Affairs.

A bill (S. 177) granting a pension to Sophia D. Clendenin—to the Committee on Invalid Pensions.

A bill (S. 644) to refund certain import duties—to the Committee on Claims.

A bill (S. 1119) granting a pension to Peter Daly—to the Committee on Invalid Pensions.

QUESTION OF PERSONAL PRIVILEGE.

Mr. BARTLETT of New York. Mr. Speaker, I rise to a question of personal privilege.

In the Washington Post of yesterday an attack was made upon me in connection with a debate which occurred in this House, and the question is therefore privileged. The Post in its column entitled "Capitol Chat" discussed the controversy which arose on the floor of this House between the gentleman from New York [Mr. SULZER] and the gentleman from Tennessee [Mr. GIBSON], and it went on to state that one of the correspondents, or one of the argus-eyed correspondents, of a newspaper in Mr. GIBSON's district had discovered the man who had furnished the circular to Mr. SULZER. This writer in the Post then goes on to make this statement:

Direct evidence points to Congressman BARTLETT of New York as the accessory to the fact. He is said to have picked up a copy of the interesting circular in a job printing office in this city where Mr. GIBSON had this prose ode to himself printed.

In other words, this writer accuses me of an act which, to say the least, would be ungentlemanly, and in my opinion would have been dastardly—that is, to enter a printing office and take a circular which did not belong to me, and not having the courage or manhood to make an attack myself to hand it to another gentleman to make an attack. Now, whether this article be strictly libelous or not, I can say that it is a lie. It is absolutely false.

On the afternoon in question I was deprived of the pleasure of listening to the short debate which occurred between the gentleman from New York and the gentleman from Tennessee, because, having become somewhat wearied by the long debate on the Bayard question, I went uptown. As a matter of fact, I have never been in a job printing office in the city of Washington. I have never seen the circular in question. I have never known anything whatever of the subject, except from reading the reports of it on the following morning. The only remedy that a member of Congress has in a case such as this is to draw attention to the libel and to denounce the fabricator of the inexcusable falsehood.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 5828) to amend an act entitled "An act to promote the safety of employees and travelers," etc., approved March 2, 1893.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2610) to amend an act entitled "An act to prohibit the use of one-horse cars within the limits of the city of Washington after the 1st day of January, 1893, and for other purposes," approved July 29, 1892;

A bill (S. 2609) to amend chapter 341, section 9, of the acts of 1885, so far as the same prescribes the punishment of death for Indians committing the offense of rape;

A bill (S. 1725) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across Red River at the city of Alexandria, La.; and

A bill (S. 923) for the relief of Irving W. Stanton.

QUESTION OF PRIVILEGE.

Mr. BOUTELLE. Mr. Speaker, I rise to a privileged matter. I desire to correct the RECORD. On yesterday, during one of those gusts of fervid enthusiasm which have swept over this House periodically, in which members have seemed to be impartially earnest in declaring war against Great Britain, or against Spain, or in negotiating peace with the Southern Confederacy [laughter], I made a few remarks, during the course of which several gentlemen undertook to give me instruction, of which I probably was in much need, but which, on examination, proves to have been unauthenticated by that basis of fact which is required to make history permanent. At one point I made a statement about the action of the House of Representatives some years ago in relation to the retirement of General Grant, using this language:

My friends the gentlemen on the other side have never hesitated one moment in advocating their side of all these controversies. No man who served in the Confederacy felt at all estopped because he had participated in the rebellion from opposing the putting of General Grant on the retired list.

Mr. CRISP. Mr. Speaker, can we be informed as to what question is pending?

Mr. BOUTELLE. If the gentleman will permit me to make my statement, he will be informed.

The SPEAKER. The gentleman from Georgia, I suppose, rises for some purpose.

Mr. CRISP. I rise, Mr. Speaker, to ask what is the question before the House?

The SPEAKER. The question before the House is the question of privilege which the gentleman from Maine [Mr. BOUTELLE] is now stating.

Mr. CRISP. What is the question of privilege?

The SPEAKER. The Chair is listening in order to hear what it is.

Mr. CRISP. I make the point that the gentleman has not stated any question of privilege.

The SPEAKER. He has not stated it, but what the gentleman has said may be preliminary to a statement of the question of privilege. The gentleman from Maine stated that he wished to make a correction of the RECORD.

Mr. CRISP. But the gentleman can not make a speech preliminary to the statement of his question of privilege. The question of privilege must be stated first and the speech made afterwards.

The SPEAKER. The Chair thinks the gentleman from Maine is proceeding in order.

Mr. CRISP. Of course that settles it!

Mr. BOUTELLE. Mr. Speaker, I trust that a question of privilege under the rules of this House will be entertained in the present Congress. [Laughter.] I stated distinctly when I took the floor that I rose to a question of privilege for a correction of the RECORD, and I believe I am in my right.

The SPEAKER. The Chair has so ruled.

Mr. BOUTELLE. Yes; and if the gentleman from Georgia had paid attention to the proceedings of the House he would have known it and would have been a great deal better employed——

The SPEAKER. The Chair hopes the gentleman will confine himself to the question, the Chair having ruled in his favor.

Mr. BOUTELLE. Well, if the Chair will keep gentlemen on the other side from interfering with me, I will take care of myself.

The SPEAKER. The Chair will do as well as he can. [Laughter.]

Mr. BOUTELLE. I said yesterday, Mr. Speaker, in addition to what I have just read, and in the same connection:

No gentleman over there so far as I know felt estopped in the slightest degree from acting as a juror in the great case of the Union against Fitz John Porter when he was retired. They voted solidly to put Fitz John Porter on the retired list; they voted solidly that Ulysses S. Grant should not go on that list.

Whereupon the gentleman from Alabama [Mr. WHEELER]——

Mr. WHEELER. Who is always correct. [Laughter.]

Mr. BOUTELLE (continuing). Who states that he is always correct, appeared in the aisle with an enormous volume, supposed to be a volume of the CONGRESSIONAL RECORD——

Mr. WHEELER. Yes; and here it is. [Laughter.]

Mr. BOUTELLE (continuing). And proceeded to "correct" me in this wise:

Mr. WHEELER. Will the gentleman please tell us the name of one man who voted against the passage of that bill for Ulysses S. Grant?

I of course supposed when he said "one man" that he referred to one ex-Confederate, as I had been alluding to those gentlemen, and I said:

They all voted against it.

Then Mr. WHEELER said:

The House voted unanimously for the bill. There was not a single vote against it.

Now, I find in the RECORD this morning that that interesting colloquy is reported in this way. What the gentleman from Alabama did say was:

Will the gentleman please tell us the name of one man who voted against the passage of that bill for Ulysses S. Grant?

The printed RECORD, however, makes him say:

Will the gentleman tell us the names of Democrats who voted against the passage of that bill for Gen. Ulysses S. Grant?

After which I say, as I have already read:

They all voted against it.

Thus I am made to say that all the Democrats voted against it, when I never dreamed of saying anything of the kind, because I knew what I was talking about.

Then the gentleman from Alabama said, as we all heard him say:

The House voted unanimously for the bill. There was not a single vote against it.

But in place of that the RECORD of this morning makes him say:

The gentleman is mistaken: very many Democrats voted for the bill.

Mr. WHEELER. Will the gentleman allow me to say just one word?

Mr. BOUTELLE. In a moment I will yield to the gentleman. Let me conclude my statement.

Now, Mr. Speaker, I submit that it is impossible for the CONGRESSIONAL RECORD to be a reliable or useful record of what takes place here if anybody is to be permitted to tamper with it in this way. I have here the official transcript of the reporter's notes, which coincide exactly with my recollection of what took place. The official manuscript, in the original typewriting, contains this:

Mr. WHEELER. Will the gentleman tell us the name of one man who voted against the passage of that bill for Gen. Ulysses S. Grant?

That original report is changed, in pencil, to the form which I have read from the RECORD this morning. The report shows me to have said: "They all voted against it;" meaning all the ex-Confederates. The original report shows the gentleman from Alabama as saying:

The House voted unanimously for the bill. There was not a vote against it.

But instead of that we have this in the RECORD:

The gentleman is mistaken; very many Democrats voted for the bill.

Now, Mr. Speaker, that is an absolute injustice to me. It leaves me standing upon nothing, when, as a matter of fact, I was standing upon the records of this House. It is not a true statement, but is absolutely incorrect to say that there were no votes against that bill. On the contrary, the vote upon placing General Grant on the retired list, which was taken on March 3, 1885, discloses 198 yeas and 79 nays.

Mr. OWENS. I rise to a question of order. Upon a question of correcting the RECORD, so as to make it conform to the facts, is it competent to go ahead and discuss the question as to who was correct in the statements which were actually made?

The SPEAKER. The Chair thinks not.

Mr. WHEELER. I ask that the gentleman from Maine have full range to say what he pleases for an hour.

Mr. MILES. I must object to the gentleman having "full range."

The SPEAKER. The Chair thinks that if the question of fact involved in the statements which were made yesterday is to be discussed again a "full range" might involve remarks by a number of gentlemen. It seems to the Chair that the simple question is on the correctness of the RECORD.

Mr. BOUTELLE. Well, I am trying to show that the RECORD

is not correct; that instead of there being no votes against the bill, 79 members voted against it——

Mr. OWENS. That has nothing to do with this question.

Mr. BOUTELLE. Among whom were 58 ex-Confederates, who voted in favor of placing Fitz John Porter on the retired list.

The SPEAKER. The object of a correction of the RECORD is to make it conform to what actually took place. It seems that there has been a change in the report as written out. Whether it was changed in accordance with the fact under discussion is not of immediate consequence, the question before the House upon a correction of the RECORD being simply whether it has been changed from what actually occurred.

Mr. BOUTELLE. Well, Mr. Speaker, what is the usual procedure when it is disclosed in this way that the RECORD has been modified?

The SPEAKER. It seems to the Chair that the usual course would be to have the RECORD corrected so as to state what took place yesterday. Whether what was said yesterday was a correct statement or not is another question.

Mr. BOUTELLE. I move, then, that the RECORD be corrected so as to conform to what took place in the House yesterday as reported by the official stenographers.

The SPEAKER. If there is no question as to the fact, the correction will be made as a matter of course. The Chair does not understand that there is objection.

Mr. WHEELER. I would like to say a word. The gentleman from Maine has said what he wanted to say.

Mr. BOUTELLE. I would like to say several words.

Mr. WHEELER. The gentleman told me three times yesterday that he would give me a chance to make the correction, and he did not do it.

The SPEAKER. The gentleman from Alabama is not in order. Unless there is objection to the statement of fact made by the gentleman from Maine, citing from the record of the Official Reporter, the Chair will direct the correction to be made. The Chair understands there is no dispute on that point, and the correction will be made.

Mr. WHEELER. The Chair will surely consent to give me a few minutes to explain.

Mr. BOUTELLE. I have here the manuscript as sent me from the Government Printing Office.

Mr. WHEELER. I have not objected to the gentleman's statement——

The SPEAKER. Very well; the correction will be made.

Mr. WHEELER. Now, Mr. Speaker——

Mr. BOUTELLE. If anybody is to discuss this matter, I want to do so. If I am not permitted to discuss it, I object to anybody else doing so.

Mr. HENDERSON. I rise to a question of order. I submit that as the correction has been made, there is nothing before the House for the gentleman from Alabama or the gentleman from Maine to discuss.

Mr. CRISP. Does it not occur to the House that the gentleman from Alabama should be allowed to make an explanation?

The SPEAKER. The Chair thinks that if the gentleman from Alabama desires to make a statement with regard to how this occurred——

Mr. WHEELER. That is all I want.

The SPEAKER. That, the Chair thinks, would be a question of privilege for him, but as to going into the question of fact, whether the gentleman from Maine was correct in his statements made yesterday, that would be reopening the whole debate. The Chair thinks the gentleman from Georgia must recognize this.

Mr. CRISP. I simply think that, in view of what has been said, the gentleman from Alabama ought to have the privilege of explaining why he made the change, if he did make it.

The SPEAKER. The Chair thinks that how or why a member changed a record of a matter on which he was in debate with another member, without his knowledge or consent, might be a subject of explanation.

Mr. BOUTELLE. I rise to a point of order. I wish to suggest that up to this time there has been no accusation or reflection or intimation in regard to the gentleman from Alabama. I had no knowledge as to how the change was made in that manuscript. I have not even inquired. I simply say it is a fact. I know that the language embodied in this typewritten copy was the language used on yesterday. That is my own memory of it, and that is the recollection of a number of gentlemen around me who know what occurred at the time. Who made the alteration I do not pretend to know, but that an alteration was made will be attested by many of the members who were present on the floor on yesterday.

Mr. WHEELER. Mr. Speaker, I want to state that I made the correction. In accordance with your honor's ruling, I will state that on yesterday when the gentleman from Maine made the statement that the Democrats on this side of the House were unanimously against the bill, my recollection was brought to the fact that in the very last day of the Forty-eighth Congress the gentleman from Maine himself rose in his place on the floor and said, as I will read from the RECORD:

I want to announce——

Mr. HOPKINS. Mr. Speaker, I ask if this is in order?

The SPEAKER. The Chair thinks the remarks of the gentleman from Alabama should be confined to the actual question pending, as to the change in the RECORD.

Mr. WHEELER. I will endeavor to do so, Mr. Speaker. The gentleman from Maine said:

I want to announce that the Senate unanimously passed the bill——

Mr. BOUTELLE. Mr. Speaker, I rise to a point of order. There is no question here as to what the Senate did. It has nothing whatever to do with the pending question.

The SPEAKER. The Chair desires to say to the gentleman from Alabama that his remarks, if they are to be in the nature of a personal privilege, must be confined to the subject actually before the House, namely, the alteration of the record of the proceedings of the House in a matter of debate without consent of the other party.

Mr. MILES. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MILES. Was it not ruled—I respectfully submit to the Chair with reference to the point of order made on the gentleman from Maine—that it was in order for him to make a statement preliminary to the question of privilege?

The SPEAKER. Precisely.

Mr. MILES. I submit that that is just what the gentleman from Alabama is now doing.

The SPEAKER. It does not seem so to the Chair, although it may be the fact.

Mr. WHEELER. I do not rise to a question of privilege, as I understand it, but simply to reply to reference to myself by the gentleman from Maine. The Chair will see what I am stating is entirely relevant.

Having in mind the statement of the gentleman from Maine that this question had been acted upon unanimously by the Senate, I made the reply I did with regard to his statement of the attitude of the Democrats on this side of the House on the question of General Grant's retirement. Immediately afterwards, having ascertained exactly the facts, I called upon the gentleman from Maine and asked him to allow me to explain the mistake, and to inform the House as to what the actual facts were, for neither the gentleman from Maine nor myself were entirely accurate in our statements, and I wanted to inform the House exactly what the facts were.

Now, the remarks of the gentleman from Maine would indicate that the Democrats of the House, as a body, were against the bill——

Mr. BOUTELLE. I rise to a question of order. I call the attention of the Chair to the decision on the point of order raised by the gentleman from Georgia against myself. If an argument is to be permitted on the part of the gentleman from Alabama, I wish to say that I am loaded with arguments myself, and desire to be heard upon them.

The SPEAKER. The Chair has ruled that the gentleman from Alabama should confine himself exclusively to the question of privilege, namely, to the actual fact whether or not the RECORD was changed without the consent of the other party.

Mr. WHEELER (continuing). After making three different attempts to be permitted to correct the matter in the House, I then did avail myself of that privilege which is accorded to every member when he finds he has made a mistake or an inaccuracy in a statement; I corrected the matter myself. I repeat, that I tried three times in the House to correct it and was not allowed to do so, and therefore corrected it and put it in the form that the gentleman has read to the House, and I did it with the knowledge that the stenographer's report was to be sent to the gentleman from Maine for revision, and therefore I knew he would see my correction, and, his attention being called to his error, it was my hope he would correct his erroneous statement also.

We all have a right, as I understand it, to make such corrections, and members of the House and Senate avail themselves of this right continually. The object of every member should be, of course, to correct such mistakes, to tell the truth in all such matters, and not misinform the House or the country.

Mr. BOUTELLE. Mr. Speaker, I hardly think that this is fair to me. If the gentleman is permitted to go into this kind of argument, I should have the same privilege——

The SPEAKER. The Chair, with permission of the gentleman, will regard the incident as closed.

Mr. BOUTELLE. Because it hardly seems in accordance with the logic of the rule to check the flow of my eloquence——[Laughter.]

The SPEAKER. Perhaps that would be easier than to check that of the gentleman from Alabama.

ORDER OF BUSINESS.

Mr. HENDERSON. Mr. Speaker, I call for the regular order.

The SPEAKER. The regular order is the call of committees under the rule.

Mr. BOUTELLE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills. I desire to call up the appropriation for the naval establishment if the motion be adopted.

The motion of Mr. BOUTELLE was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HOPKINS in the chair.

NAVAL APPROPRIATION BILL.

Mr. BOUTELLE. Mr. Chairman, I move to proceed with the consideration of the bill making appropriations for the naval establishment for the fiscal year ending June 30, 1897.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes.

Be it enacted, etc., That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the naval service of the Government for the year ending June 30, 1897, and for other purposes.

Mr. BOUTELLE. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Unanimous consent is asked to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. BOUTELLE. Mr. Chairman, the bill which is now before the committee has no special novel features. It runs along the general line of naval legislation, and is devoted simply to carrying forward the work of maintaining and increasing our naval establishment. I do not think it is necessary to make any elaborate remarks in favor of the bill. In the early stages of our naval development, or the development of our new naval force, more or less explanation in detail seemed to be necessary; but since that time we have gone forward consecutively and successfully in the building up of our new Navy. The people generally are familiarized with the stages of that progress, so that it is hardly necessary to go over the ground in anything like detail. As, however, a large number of the members of the present House are members for the first time, it may be proper for me to cursorily run over the history of this rehabilitation of the service up to the present time.

The new Navy, so called, had its origin, if I may use that word, in an act passed in the Forty-seventh Congress, which prohibited the expenditure of money for the further repairs of our old wooden ships in every case where such repairs would involve an expenditure of more than 20 per cent of the cost of a new vessel of similar type. From the time of the war up to that point we had been incurring large expenditures, and the Government had been incurring more or less severe criticism for the large amount expended in repairing our old wooden ships. It required heroic determination to change this entire policy. The public had become so used to looking at the historic vessels that formed the Navy of that day as invincible, as retaining their pristine usefulness and power, that a proposition which looked to the extinction of our wooden Navy within a few years, by sending these ships to the auction shop and the junk shop, was a somewhat startling innovation. But that law was passed. We are reaping the benefits of it to-day. That was followed by the appointment of a special board to present designs for a certain number of ships of modern type, and an appropriation was made to begin the construction of four ships, the *Chicago*, the *Boston*, the *Atlanta*, and the *Dolphin*, which were in due time completed and are now a part of the new steel Navy. Following that, on the day of the adjournment of the Forty-eighth Congress, an act was passed making an appropriation for the construction of several vessels that had been provided for, but for which no appropriation had been made.

Under the law the *Baltimore*, the *Philadelphia*, and one or two others of our steel cruisers were put under construction under the administration of Secretary Whitney, who entered into the work with great zeal and energy. From that time until the present the work has gone forward, the attention of the Department and of the Government during the early years being devoted exclusively to the construction of protected cruisers, finally to the construction of the armored ship *Monterey* for coast defense, and the *Maine* and the *Texas*, which are now rated as second-class battle ships.

In the Fifty-first Congress it was first proposed to enter upon the construction of the heaviest class of fighting ships, which are designated in naval nomenclature as battle ships. During that Congress three vessels of that class, of about 10,120 tons, were placed under construction. At the same time authority was given for the construction of an especially fast cruiser, which proved to be the *Columbia*, followed at the next session by a similar vessel, now in commission, under the name of the *Minneapolis*. Since that time there have been authorized three more battle ships, the *Iowa*, in the Fifty-second Congress, which is to be launched this week at Philadelphia, and the *Kentucky* and *Kearsarge*, which were contracted for on the 2d day of January and are to be constructed at Newport News.

This is a very brief and concise statement of a work that has been going on for a little more than a dozen years, but which really represents the most remarkable development of the resources and capacity of the American people in any line of progress observable during my public life.

When the first appropriation was made for the construction of steel ships, it was an absolute impossibility to provide the material in this country for the construction even of a steel gunboat of the size of the *Dolphin*. We were dependent upon foreign forges for the armor for the protective decks; we were dependent upon foreign workshops for a large portion of the steel plating that entered into their construction. We were absolutely unable in any part of the United States, throughout its whole breadth and broad expanse, to produce the hollow compressed shafting required for any one of these ships.

To-day we are standing in a position where for years one of the fundamental provisions of our appropriation bills has been that every part and parcel of a ship shall be of material of domestic manufacture. Instead of being obliged to send abroad for every forging that entered into our armor plate and into the manufacture of our guns for the Navy, we determined to emancipate ourselves from foreign dependence in that regard; and years ago, I think in 1886, by the joint action of the House and Senate, the Secretary of the Navy and the Secretary of War were authorized to issue proposals for $10,000,000 worth of steel forgings for armor and guns to be produced in an American establishment that should give a guaranty of its ability to begin the manufacture of these forgings within a certain period. I remember very well when that proposition first came before Congress. I recollect as if it were yesterday when the bill was reported here, in its reading, when the Clerk had reached the point where the Secretary of the Navy was required to build these vessels and to obtain this armor of domestic manufacture if it could be obtained at a reasonable price or in a reasonable time, I made the motion to strike out the qualification and compel the use of American material without limitation. The argument was made, on a strong basis, that we could not produce this material, and that was the fact at the time.

Gentlemen took a different view as to how long it would be before we could possibly supply the materials required. I took the ground that we had better wait for years, if necessary, in order to stimulate the production of these materials on our own soil than go on building ships for the construction of which we should be continually dependent upon foreign countries for the materials; and I emphasized my position, I remember, in making the statement that, so far as my own view was concerned, if at the end of ten years we could have 20 first-class ships of war of modern type afloat under the American flag, a large or considerable portion of the materials of which were necessarily procured abroad, or at the end of ten years should not have a single modern naval ship that would have been constructed in our own jurisdiction, and on our own soil have one great manufacturing plant that would be capable of producing every material that should enter into the construction of our war ships, I would take the latter alternative.

The alternative was taken to the extent to which I have referred. These proposals were sent out; and the Bethlehem Iron Company, of Pennsylvania, immediately entered upon the erection of what is to-day the most powerful, the most extensive, and the most successful steel-forging plant in the world. Instead of being, as we were ten years ago, in absolute dependence upon foreign countries for all important materials, we have to-day at Bethlehem a plant which contains the most powerful machinery on the globe. While the great works of Krupp have a hammer which strikes with an impact of 95 tons, the great hammer at Bethlehem comes down with a thud, carrying 125 tons to the blow; and instead of our being compelled either to go abroad or to take inferior material, we have the most improved facilities; and I ought to make this remark, that besides the Bethlehem Company the great plant of the Carnegies and the great plants at Midvale and elsewhere in the country have contributed to this march of progress. So that to-day we are not only not dependent upon one, but we are not dependent upon any one establishment in our own country. We are emancipated, so far as naval construction is concerned, from dependence upon any other nation on the globe; and when we consider, Mr. Chairman, that in the construction of a ship, and especially of a ship of war, there is concentrated more of the labor, the ingenuity, and the skill of the various avocations of our people than in any other construction, we can readily see the stride of progress we have made.

We have made progress in another direction. At the time the first bill for the construction of steel ships came up in the committee it contained a provision for purchasing the engines abroad. The provision was based upon the belief that we could not

construct the high-power machinery required for forcing modern war vessels at the speed that had been attained in modern times. The matter was discussed animatedly in the committee. I remember distinctly the positiveness with which the opinion—it was more than an opinion—with which the judgment was expressed by certain gentlemen that we could not build the great machinery required to drive one of these war ships at the requisite speed in this country, and that it would be years and years before we would attain the ability to do so. We struck foreign engines out of the bill; we struck them out in the committee. Finally we received suggestions from the Secretary of the Navy to that effect, and he expressed his view that we could trust to the skill, ingenuity, and progressive efforts of American artisans to supply us with the machinery we needed, although we have been for so long a time out of the business of building ships of war.

The wisdom of that action was demonstrated almost immediately. Within a few months after this prediction was made that we could not build these great engines, the *Baltimore* was under construction by the Cramps, and produced a higher degree of horsepower than the English plans required. While she was under construction the builders came to Washington and suggested a modification of the machinery for her sister ship, the *Philadelphia*, which was adopted by the Department, and this American shipbuilding firm built the engines for that great ship, and we have gone on improving until in the *Columbia* and the *Minneapolis* we have set the pace for ocean cruisers for the world. Having been a witness of this evolution within these few years, it is almost startling to my mind to contemplate the contrast between that hour, when so many earnest, able men, some of them engaged in business that was akin to that of engine building, declared that it must be years before we could develop the tools of precision that would enable us to construct a great, powerful, successful marine engine, and the time, only a few years later, when the *Columbia* was making the ocean record of the world for speed.

Mr. Chairman, that, in brief, is the history of this wonderful evolution of the American Navy, and we have now reached the point where, while our Navy is small in number of ships as compared with the navies of the great powers of the world, we believe, and we believe intelligently and with reason, that we have a navy to-day that, ship for ship, is the best navy in the world. [Applause.] It ought to be a proud thought for every American citizen that we have bearing our flag the fastest cruiser that sails the ocean [applause]; that the *Columbia* is really the "gem of the ocean," rightly named and worthy of her proud title. [Applause.] We ought to be, and we are, all of us, proud that in the great cruiser *New York* we have the finest protected steel cruiser under the canopy of heaven, admitted to be so by the experts of all the nations of the globe. We ought to feel proud that within a year the Emperor of Germany, himself at the head of a nation having one of the most powerful navies afloat, paid the unqualified compliment to this superb American cruiser, the *New York*, of saying that she exceeded all of his expectations and all of his ideas as to the possible perfection of a great ship of war. It ought to be and it is a matter of pride that to-day in the *Indiana*, which is now in commission, in the *Massachusetts* and the *Oregon*, about to go into commission, we have ships of war that are conceded to be, ship for ship, the most powerful battle ships in the world. And this is not mere home congratulation. It is the testimony of the most skilled experts of the navies of Europe and of the Orient.

Now, Mr. Chairman, we have reached the point where we have a fair number of cruisers, and they are of the best. We have a fair number of gunboats, and they are of the best. We have five double-turreted monitors and a double-turreted coast-defense ship, the *Monterey*. For harbor defense we have the *Maine* and the *Texas*, which are second-rate battle ships, for our second line, and we are about to place in commission, or at least we shall have during the present year, three of our first-class battle ships carrying the flag and fully manned. In addition thereto we have one other battle ship, the *Iowa*, which, though of the same type, is believed to be superior in some respects to those already completed, and at Newport News we are about to enter upon the construction of the *Kentucky* and the *Kearsarge*, which are somewhat larger and are believed to have still other improvements in construction and efficiency. That makes six battle ships which have been provided for and are now either completed, in process of completion, or under contract. We have only three torpedo boats, but we have a number under construction at the Herreshoff and other works, and it is believed by the Department, in which belief the Committee on Naval Affairs have cordially coincided, that the policy of our Government at this time should be to make whatever addition it is deemed wise to provide for at the present session by increasing the strength of our line of battle.

The utility of our cruisers of all classes is perfectly obvious to anyone who considers the needs of a navy, but to all who have given thought to the real final use of a naval force to the United States it is clear that our main reliance must be placed upon our line of battle, and it is the belief of naval officers of experience and of other experts generally that the real coast defenses of the United States must depend in a large degree—I believe in the largest degree—upon our first line of battle, which must be outside of our headlands, on the water. Any nation that proposes to successfully defend its coast line must first prevent the possible landing of an enemy on its shores; and against any force that could assail us from across the ocean the most powerful defense, the wisest and the most effective defense of which I can conceive, would be a cordon of battle ships along our coast line that should prevent an enemy's fleet from entering our harbors or making a landing upon our coast. We confidently believe that a sufficient fleet of vessels of the type of those now completed and under construction, if judiciously placed outside of our coast line, would enable us to defend this country in all probability against any naval force that could be sent across the sea; and if we can do that the problem of coast defense is solved. If we can not actually accomplish that, we can certainly inflict such damage and cause such delay and interpose such obstacles to an assault upon our coast as would make the water line of battle the most important consideration of our defense.

There is another phase in which this appeals to our desire for security. However strongly we may fortify the headlands of our coasts (and I for one am earnestly in favor of strong and powerful coast defenses), the forts along our coast line must, of course, occupy fixed positions; and an enemy, whenever possible, will seek to avoid the fortified points and effect his landing where those defenses do not exist. In case of an emergency we can not move those forts so as to reenforce each other; but with a sufficient fleet of heavy battle ships the click of the telegraph could assemble at any threatened point a half dozen or a dozen or twenty (if we should go so far) of the most powerful forts that have been erected anywhere, and that could be moved into the most advantageous position, not only from day to day, but from hour to hour and from moment to moment during a conflict. So that I think there can be no question of the overpowering utility of a battle line of naval ships for our coast defense. It was with this view that, in drafting the provision authorizing the first three battle ships, I suggested, and the committee adopted, the phraseology of "seagoing coast-line battle ships," so as to characterize this class of vessels and to dedicate these ships as the patrols and defenders of the coast of the United States.

In the present bill, Mr. Chairman, we have followed the lines of the estimates very closely, making comparatively few modifications. The modifications that we have made will be found in general stated in the brief report which has been submitted here. One of the important features of the bill is the provision for the enlistment from time to time during the coming year of a thousand additional men and boys. This provision has been inserted in accordance with the request of the Secretary of the Navy and was based upon his statement of the fact that vessels to be put in commission during the coming year will require this additional force of men to make their crews. A year ago the Secretary requested Congress to grant him 2,000 additional men; Congress granted him 1,000. This year the request for an additional thousand was renewed, and the committee have recommended authority for their enlistment. This will account for the increase we have made in the appropriation under the head of "Pay for the Navy."

Under the heading "Bureau of Navigation" there has been a small increase rendered necessary in order to provide for the outfits and bounties of apprentices for waterworks at the training station in Rhode Island (this item having been cut down last year), and $2,000 for necessary repairs to the Naval War College, earnestly requested by the Department.

Under the Bureau of Ordnance we have made a larger increase, although it is proper to state that the items in this bill which are an increase over the last appropriations were contained, I think, almost entirely in the bill reported to and passed by this House last year, although, for some reason of which we have not been advised, those items were stricken out in the Senate. One of these is a provision for a reserve supply of guns. We have no reserve guns. We have no supply upon which to draw in case of emergency or in case of the disabling of a portion of the guns. Your committee deemed it unwise to permit this condition of things to continue, and therefore reported in favor of an appropriation of $250,000 to manufacture this reserve supply.

In the reserve for the Navy there are no projectiles that would be at all adequate to a demand that might arise at any time. We appropriate $200,000 for a reserve supply of projectiles. We also provide $142,000 for an additional supply of torpedoes, which we regard as especially desirable, not only in view of the torpedo boats already under construction, but in view of the fact that we have provided for 15 more.

We also provide for reserve guns for the auxiliary cruisers of the Navy; and in that connection I may properly call attention to the fact that this naval development of ours has already borne the fruits that we anticipated in stimulating a return of the American flag to the ocean as a representative of American commerce.

In closing the report of the committee in 1890 a brief reference was made to the stimulus that this building up of great naval plants would cause in behalf of our commercial marine, and the statement of the committee closed in this way:

The result of this effort to build up the Navy would be to increase the power, protect the honor, and promote the prosperity of our great nation by setting afloat a navy that will not only be an outer bulwark of defense in case of war, but that, we trust, may prove in peace the messenger of good will to other lands and show to us and to the world again that commerce follows the flag.

I think I am justified in saying that, as a direct result of the development of our resources for the building of modern steel ships, we have returned our flag to the ocean, and it now floats over a great international line of steamships which is called the American Line. It has brought under our flag two ships which, when they were permitted to American registry, were regarded as the finest steamships in the world, the *New York* and the *Paris*, and it stimulated the construction at the same shipyard that gave some of the finest of our vessels—the great war ships—the construction of two great American ocean steamers that are American from stem to stern, from rail to keelson, the *St. Louis* and the *St. Paul*, steamers that are a source of pride to every American citizen, and that are to-day closely wrestling with the speed record of steamers on the Atlantic Ocean. So, Mr. Chairman, commerce has already followed the flag, and is following it, and we have intimations and evidences from every direction that the example thus set, the way thus pointed out, is to be followed in the future until we shall find again the American flag, representing our American commerce, in every port of the civilized world. We ought not to minimize or underrate the effect that a great Navy—great, I mean, in power and excellence—exercises as a representative of our country, always has exercised and always will exercise, in supplementing our commerce with the other nations of the world.

We have made some appropriations of a minor character for naval magazines where they were regarded as urgently necessary, and also for repairs for the retaining sea wall at the torpedo station at Newport. We have also increased the appropriation for the Bureau of Equipment, to apply to the increase in our vessels afloat.

Under the head of Yards and Docks we have also made an increase for the maintenance of the plants at those institutions; and under Public Works we have made an increase of $126,580.78, the appropriation being principally applied to carry on the work and improvements at Brooklyn, League Island, Mare Island, and Washington Navy-Yards, the Puget Sound and Port Royal naval stations, and at the Naval Academy.

There is a slight increase in the appropriation for the Bureau of Medicine and Surgery by reason of the additional number of men to be cared for.

Under the Bureau of Construction and Repair there is an increase of $1,065,500. In the item of construction and repair of vessels there is an increase of $350,000 over the appropriation of last year and it is urgently required for continuing the work during the present fiscal year, and a similar amount is appropriated to cover a deficiency, which is made immediately available. This is to be applied on ships on which the work had to be suspended on account of the inadequacy of the appropriation last year. We have therefore taken the appropriation of last year and added to it the deficiency required this year, and appropriated $1,250,000 to carry on the work during the ensuing year, which is not an extravagant sum in view of the large increase of work in the Navy. We also appropriate $250,000 for carrying on the work of repairs to the *Chicago*, and $100,000 for the *Hartford*.

Under the Bureau of Steam Engineering there is an increase of $246,500. We appropriate $235,000 for new boilers and machinery for the *Atlanta*, the *Dolphin*, and the *Hartford*.

For the Naval Academy there is an increase of $40,883, $15,000 of which is for grading the grounds, $15,000 for the new main sewer, which is required, and $5,000 for dredging.

We have increased by $136,223 the appropriation for the Marine Corps, largely to provide for the 500 additional men reported to us by the commandant and the Secretary as necessary, in view of the increase of the number of our ships afloat.

Under the head of increase of the Navy the estimates called for $9,522,883 for carrying on the work of construction of the hulls and machinery, the armor and armament of vessels heretofore authorized. It will be seen that this is an item, therefore, that covers solely the work on new vessels of the Navy. After full consideration it was finally determined that the authorization this year should be on the line of battle ships and torpedo boats. We have recommended the construction of four additional battle ships of a similar type to those already under construction. The tonnage of these vessels has been always approximately stated in the bills authorizing them and has not necessarily limited the size in detail, the size and character of the vessel being limited solely by the authorization or limit of cost. Hitherto we have authorized battle ships to be built at a cost, exclusive of armament, not to exceed $4,000,000. None of the ships that have been constructed or contracted for at this time have reached so high a price as that. That is to say, they have never reached the limit of cost fixed in the bill; and we have thought it wise, therefore, to decrease the limit by $250,000, recommending that the total cost shall not exceed $3,750,000; and I stop here to explain that this was simply to remove from the bill a limitation that experience has shown to be entirely too large, and does not in any way indicate that the vessels to be contructed are to be in any sense not as efficient as (and we expect that they will be superior to) those heretofore ordered, which have never cost, exclusive of armament, so much, or nearly so much, as $4,000,000. The largest authorization that has ever been made for ships before this session, I think, was in the Fifty-first Congress, when we authorized three battle ships, the cruiser *Columbia*, and some minor vessels. This bill therefore makes the largest authorization of vessels that ever has been made.

There were some considerations at the outset that would have inclined the committee to a more moderate recommendation. The condition of our finances, to which attention had been called two years ago and the present year by the Secretary of the Navy, was one of the considerations. The Secretary of the Navy reported in favor of building 2 battle ships and 12 torpedo boats; but after looking the whole matter carefully over, considering the state of public opinion so far as we could judge it, and using our best efforts to make to this House what we believed to be a judicious recommendation, the committee concluded to give the benefit of the doubt on the side of liberality, even when the financial situation is not quite what we wish it were, and we ask your favorable consideration and action upon our recommendation that we authorize at this session 4 additional battle ships and 15 torpedo boats. When they are put under construction that will make, in addition to the 2 that were contracted for on the 2d of January, 6 battle ships, the construction of which will be inaugurated during the present year; by far the most noteworthy addition to our Navy in its history, and, as we believe, as large an authorization as all the circumstances would fairly warrant. We hope that the House will not consider it too large, because we have arrived at this conclusion after going over the whole subject with great care, and we submit it to Congress with confidence that it will ratify the judgment of the committee.

Mr. DINGLEY. Mr. Chairman, before the chairman of the Committee on Naval Affairs concludes, will he state the estimated cost of the 4 new battle ships and 15 torpedo vessels that are authorized, including armament?

Mr. BOUTELLE. I was going to state that. Following my citation of the fact that the estimates called for $9,522,883 of appropriations in this bill for the carrying on of work on vessels already under construction, I was going to state that that amount has been decreasing somewhat because of the completion of contracts upon vessels. Now, in addition to that we propose in this bill to make appropriations, for these 4 battle ships and the 15 torpedo boats, of all the money that the Department estimates can be properly profitably expended during the coming fiscal year. I ought perhaps to say that in the bill passed last year which authorized two battle ships, the *Kentucky* and the *Kearsarge*, there was substantially no appropriation made for their construction. I think there was added under the head of appropriations perhaps $100,000 or so for making their designs, but there was no appropriation made to carry forward their construction, and their contracts were not entered into until the 2d day of January of this year. There is incorporated in this $9,522,883 of estimates the amount deemed requisite for commencing and carrying on the construction of those two battle ships during the coming year.

Now we have put in, in addition to that, $500,000 for each of the battle ships, making $2,000,000, and $1,256,250 for the 15 torpedo boats. Those appropriations are based upon estimates submitted to us by the Secretary of the Navy, that $500,000 will be required for work on each of the 4 battle ships, and that these torpedo boats, which are to cost, the 5 large ones $870,000, and the 10 smaller ones $800,000—it was the opinion of the Secretary that 75 per cent of the total amount would be required during this year. Seventy-five per cent of these amounts makes $3,256,250, which, added to the $2,000,000 for the battle ships, makes $3,256,250 that we add to the estimates, making the total appropriations in this bill for the increase of the Navy $12,779,133.

In reply to the question of my colleague from Maine [Mr. DINGLEY], I will state that the battle ships now under construction at Newport News were contracted for, for their hulls and machinery, exclusive of armament, for $2,225,000, I think. That is the approximate amount. In addition to that, the hulls require, as estimated, $647,000 of hull armor, and, in addition to that, the armament will cost something over $2,000,000.

Mr. DINGLEY. For each battle ship?

Mr. BOUTELLE. For each battle ship. I will give the estimate of the Chief of the Bureau of Ordnance. On the two battle ships now under construction at Newport News the bids received and accepted for the hulls and machinery were $2,255,000. The cost of the hull armor will be $637,000, making $2,892,000 that will

be paid out of the limitation made by Congress of $4,000,000. Then, under the head of armor and armament, the armor and gun protection will cost $2,405,000, making the total cost of those two battle ships each $5,297,000; and I may say here that those vessels were contracted for at a considerably lower rate than the previous ships. The first battle ships were contracted for, exclusive of armament, for $3,120,000, and these bids, as will be seen, are considerably below those. I ought to say, in that connection, what I should have said when I was speaking of the development of these shipbuilding plants, that their development has caused the most marvelous reduction in the cost of the material for these vessels. The cost of the production of steel has decreased to a degree that would be hardly credible; in some instances nearly 50 per cent. So much so that it has been stated approximately that three battle ships could be built now for very little more than two would have cost ten years ago.

The torpedo boats, as I have said, five of them, are to cost $875,000 each. We have not specified that they should cost so much, but we desire, at the request of the Department, to leave a discretion there, to make some of them larger and more expensive than others, if deemed desirable. So we have simply provided the aggregate amount. They are to have a speed of not less than 26 knots, and it is hoped that they will reach a much higher rate; and in fact we have every confidence that they will. The 10 small torpedo boats have also been provided for in an appropriation in bulk, in order that the Department may so arrange their designs as to meet such contingencies as the Department think are important to consider in regard to their transportation and utilization at various points on our coast and inland as the occasion may arise.

Now, Mr. Chairman, I do not know that I desire to say anything further. It is a fruitful theme, but I have already occupied considerably more time that I intended.

Mr. DINGLEY. Mr. Chairman, if the chairman of the committee will pardon me, before he closes I want to see if I understand correctly what the ultimate cost of the authorization of new vessels provided for in this bill would be. I understand $21,168,000 will be the ultimate cost of four battle ships, if I took the figures correctly.

Mr. BOUTELLE. You have made the figures?

Mr. DINGLEY. Two million eight hundred and two thousand dollars for the hull and equipment and $2,405,000 for the armament, making the cost of each battle ship $5,207,000, if I took down the figures correctly.

Mr. BOUTELLE. That is the estimate furnished by the Ordnance Department, by Commodore Sampson, of the cost of the two ships under construction at Newport News.

Mr. DINGLEY. And the cost of four, with armament, is $21,168,000. Then the 15 torpedo boats will cost how much?

Mr. BOUTELLE. They are to cost $800,000 and $875,000, which is $1,675,000.

Mr. DINGLEY. That makes about $23,000,000 for increases in the Navy by new vessels authorized in this bill?

Mr. BOUTELLE. Assuming that the cost will be identical.

Mr. DINGLEY. Yes, assuming that the cost is identical.

Mr. CUMMINGS. Ultimately they will not cost so much.

Mr. DINGLEY. Then the battle ships—the chairman of the committee will pardon me—having been contracted for recently, when the market price of steel is probably at the lowest point that will be reached for many years, I think it is but fair to conclude that the new battle ships will cost at least as much, as it is to be borne in mind that steel has been abnormally low.

Mr. BOUTELLE. I will state to the gentleman that so far as the committee are concerned, we have had no information brought to us that would indicate an increase in the cost; have we, Mr. CUMMINGS?

Mr. CUMMINGS. None at all; but the cost will be less.

Mr. DINGLEY. I think that is a fair estimate.

Mr. BOUTELLE. In my report I state the cost of the 4 battle ships and the 15 torpedo boats, exclusive of armament, at $16,675,000. I did not make the figures as to the total cost. They are to aggregate about 45,600 tons displacement—that is, the vessels carried in this bill.

Mr. DINGLEY. They are to be about the same size?

Mr. BOUTELLE. They are to be about the same size—about 11,000 tons. The *Iowa*, I think, is a little over 11,000 tons.

Mr. CUMMINGS. Eleven thousand two hundred and fifty tons.

Mr. DINGLEY. That will be $16,675,000 for the new vessels authorized, exclusive of armament. I understood the chairman of the committee to state that the cost of the armanent is $2,405,000, estimated, for each battle ship. That will be $9,600,000 to be added to $16,675,000, and that will carry it up to over $25,000,000.

Mr. CUMMINGS. I did not understand the chairman to state the amount.

Mr. DINGLEY. He made an estimate of the amount required for the armament.

Mr. BOUTELLE. What do you name the amount?

Mr. DINGLEY. I notice that the estimated cost of the 4 battle ships and 15 torpedo boats, exclusive of armament, is stated in the report at $16,675,000.

Mr. BOUTELLE. Is that erroneous?

Mr. DINGLEY. That is the statement in the report; and that the cost of the armament, exclusive of that sum, about $2,405,000 for each battle ship, which would be $9,600,000 for the 4 battle ships, and that added together carries the whole amount up to $26,275,000. That is the authorization in the bill for the 4 battle ships and 15 torpedo boats, with armament. And that is in addition, of course, to the completion of the vessels already authorized, 2 battle ships having been authorized last year and the first appropriation made in this appropriation bill.

Mr. BOUTELLE. That is what I endeavored to state. I will state it consecutively, so that it will appear in the RECORD. The 4 battle ships and 15 torpedo boats will aggregate about 45,600 tons, to cost, exclusive of armament, not exceeding sixteen millions—no, my colleague's figures are not correct, because the estimate made here is up to the full limit of cost, which these vessels will not in all probability reach. My statement in my report was about the authorization. Of course in a report to this House we could not state just exactly what the ships were to cost before they were contracted for, and I stated that they were to cost, exclusive of armament, not exceeding a certain amount, but I did not say they would cost that amount. They are authorized to cost $16,000,000. The proper way to figure for the purposes of construction here would be to multiply the total cost of each of these ships at Newport News by four.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOUTELLE. I am amazed, Mr. Chairman, that I have trespassed so long upon the committee. I had no intention of doing so.

Mr. CUMMINGS. I will yield the chairman of the committee whatever additional time he desires.

Mr. BOUTELLE. I thank my colleague.

Mr. HANLY. Will my colleague, the gentleman from Maine, permit me to make a suggestion as to these figures?

Mr. BOUTELLE. Certainly.

Mr. HANLY. The total authorization was $22,863,000.

Mr. DINGLEY. Including armament?

Mr. HANLY. Including armament. That is based on the cost of the two ships recently contracted for.

Mr. DINGLEY. Then the estimate of the authorization of new vessels on page 2 of the report, of $16,675,000, is not based on the cost of the battle ships recently contracted for?

Mr. HANLY. I am giving the torpedo boats. The difference arises in this way: We have appropriated or fixed the limit of the appropriation for the hull of each vessel at $3,750,000, whereas they are actually let at less than $2,000,000, and the difference between the figures comes in there.

Mr. BOUTELLE. Three million seven hundred and fifty thousand dollars each is the limit that these vessels may be permitted to reach, but they were bid for at $2,255,000.

Mr. DINGLEY. How much would that reduce them?

Mr. BOUTELLE. The 4 battle ships, if contracted for at the same rates as those now being built at Newport News, will cost, as the gentleman from Indiana [Mr. HANLY] has stated, $21,188,000. We have authorized an expenditure, and expect to meet it, on the torpedo boats of $1,656,250, which would make the total cost of these new vessels added to this bill $22,844,250.

Now, Mr. Chairman, I wish to inquire whether either of my colleagues on the committee desires to speak at this time, or whether they would prefer to go on with the bill, reserving the right to speak at such point as may seem to them best?

Mr. CUMMINGS. Mr. Chairman, I should like to submit a few remarks at this point. We shall have no trouble, I think, about the debate.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. CUMMINGS. Mr. Chairman, the Committee on Naval Affairs has done its work very carefully and thoroughly. The gentleman from Maine [Mr. BOUTELLE] has correctly analyzed this bill. In my opinion it is as economical a bill as was ever brought into the House from the Committee on Naval Affairs for the inspection of Congress. It is even less in amount than the bill brought into the House last year. In the last session the House passed a bill carrying $31,636,823. That was $75,000 more than the bill which is brought before you to-day. In view of the war cloud on the horizon, I will say it seems to me that this is an exceedingly economical bill, and that it ought to meet with no opposition on the floor of this House. We certainly ought to keep pace by ratio in the increase in our Navy with the increase in the English navy, and above all at this time. I was in favor of 6 battle ships while the bill was under consideration in committee, for I believe that the best defense in the world is the means of offense. But voted down in committee, I accept the report of the chairman. I find this statement regarding the increase of the

English navy, to which I call attention. It is a statement made in the British Parliament:

Mr. Goschen said that the Admiralty proposed to increase the navy by 4,900 seamen and 500 extra marines.

We have provided for an increase of only 1,000 seamen and 500 marines.

For guns and ammunition the Admiralty proposed a supplemental estimate of £200,000, and for the ensuing financial year they proposed an increase of £850,000.

That is six times as much as the increase proposed in this bill.

The Admiralty also proposed an increase of £2,250,000 for docks, and explained that the proposed dock works would increase the amount, £8,900,000 provided by the last estimates, to £14,000,000.

This is a hundred times as much as we have appropriated for the same purpose.

Mr. Goschen then said that between 1889 and 1896 105 ships and 62 torpedo destroyers had been built or were building. He admitted that this was a formidable list: but the Admiralty proposed to spend an additional £1,000,000, including the £300,000 previously proposed, as a supplementary estimate for guns and ammunition during the present year. The Admiralty had judged it advisable to undertake the construction of 5 additional battle ships, 4 first-class cruisers, 3 second-class cruisers, and 28 torpedo destroyers, in addition to minor expenses, such as anchoring a training ship at Queenstown and replacing the cadet ship *Britannia* by a college for naval cadets.

Besides the vessels mentioned, Mr. Goschen also said the admiralty proposed to provide for 6 third-class cruisers, and all would be commenced in 1896.

Now, gentlemen, that is five times the amount proposed for the increase of the Navy under this bill. And I hold, sir, that it is a duty which we owe the country to maintain at least our ratio with the war ships of England as it stands to-day. I do not believe that we ought to allow the English navy to again become as powerful in comparison with the American Navy as it was at the close of the war. Let us, sir, at least keep what we have gained, if we gain no more.

Mr. Chairman, I regretted that no more seamen were provided for in this bill. I understood the Secretary to say that he would like to have 1,500, and discretion on the part of the President to increase the number to 3,000 in a warlike emergency. I have acquiesced in the report of my friend the chairman of the committee. I was also sorry that no appropriation was made for the dock at Algiers, La., but after learning that there was a dispute with regard to what kind of a dock should be built, and believing from what the chairman said that he would be in favor of such a dock when this dispute shall be settled, I was glad to let the question go over until the next session of Congress.

Mr. BOUTELLE. Perhaps the statement just made by the gentleman might be misleading without this explanation on my part. I stated that I was unwilling to make an appropriation for constructing at that point a dry dock of a character that might prove unsatisfactory; and while I have always been warmly in favor of having a naval station on the Gulf somewhere, when the location should be properly determined, my view has been for a number of years, and still is, that without regard to sections or geographical considerations we should first supply all our navy-yards where there are extensive plants for carrying on construction and repairing with dry docks before we should commence the construction of a simple dock at any point where there is now no naval station.

Mr. CUMMINGS. In other words, it was a question of capacious docks without regard to site.

Mr. Chairman, I have no further remarks to make upon the bill, and if no gentleman on this side of the House desires to speak——

Mr. UNDERWOOD. Before the gentleman from New York concludes, I should like to ask him a question. I see that these battle ships provided for in this bill are all to draw over 25 feet of water.

Mr. CUMMINGS. Yes, sir.

Mr. UNDERWOOD. Well, as I understand, it is impossible for ships of that draft to go into any port south of Newport News to coal.

Mr. BOUTELLE. If the gentleman will permit me——

Mr. CUMMINGS. I yield to the gentleman.

Mr. BOUTELLE. I think the design of these vessels was modified for the express purpose of reducing their draft.

Mr. UNDERWOOD. I should like to have some information on that point.

Mr. BOUTELLE. I find by referring to the documents that the Secretary caused the designs for these two ships to be reexamined and modified with the express view of reducing their draft, so that they have been given more beam, as architects would say. They have been made broader and given more floor for the purpose of making them draw less, and they are now estimated to have a draft of 23 feet 6 inches.

Mr. UNDERWOOD. Will those ships with that draft be able to enter any ports south of Newport News to coal?

Mr. BOUTELLE. I do not know that I can speak positively and fully on that point at this moment. They will be able to go into the Mississippi River without any trouble. They will be able to go into Port Royal and may be docked there. I remember that at Port Royal when high tide was on, the *Indiana*, which drew, I think, 24 feet of water, could not be docked. I am not familiar at this moment with the depth of water at the other Southern ports. Some gentleman from Georgia can tell us with regard to Savannah. I do not feel sure.

Mr. UNDERWOOD. Then that would give us two battle ships which would be able to coal in ports south of Newport News.

Mr. BOUTELLE. Of course four of the ships are not yet designed; but my expectation is that they will be designed with the same view of having them of as light a draft as possible. I presume they will not draw any more than these other two. I think that a vessel of 23 feet 6 inches draft could go into Mobile and Pensacola.

Mr. CUMMINGS. Not into the harbor of Mobile, but the bay.

Mr. BOUTELLE. I mean the lower bay.

Mr. LOW. Mr. Chairman——

Mr. CUMMINGS. How much time does the gentleman desire?

Mr. LOW. About twenty-five minutes, or perhaps a half hour.

Mr. CUMMINGS. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has forty-five minutes of his time remaining.

Mr. CUMMINGS. I yield thirty minutes of the time to the gentleman from New York.

Mr. LOW. Mr. Chairman, there is an old military saying that in time of peace the sentinel is apt to sleep on his post. This bill, which is before us for consideration, I have heard read to-day for the first time, but be that as it may, any bill which provides for an increase in our Navy touches one of the most popular sentiments in the heart of the American people—popular because it means the strengthening of an arm of our service; popular because it means better protection not only to our own seacoast, but for the American interests throughout the world.

The people of these United States do not want war; we do not invite hostilities; neither do we wish to extend our border lines; but, Mr. Chairman, the people of this country are tired of taking up the newspapers and reading now and again that some American citizen sojourning in a foreign land has been unjustly thrown into prison, and they are tired of having foreign nations minimizing our rights. Recent events have convinced those who have followed the trend of national affairs that the want of a Navy has been one of the reasons why we have had to suffer humiliation at the hands of foreign nations.

Build up our Navy, enact this bill, for it provides a step toward the construction of a national floating bulwark which, when completed, will speak louder, deeper, and more effectively than words in settling—aye, in preventing—international complications; then when the United States speaks, foreign ears which have been so deaf will suddenly come out of the infirmary with their hearing fully restored. Taking into consideration our thousands of miles of seacoast, our vast merchant marine, and world-wide commercial interests, we must admit that our policy has been suicidal in neglecting to keep our Navy up to a proper standard. Questions, if not disputes, have recently come to the surface, and the American people have realized—have been compelled to realize for the first time in thirty years—that the American Navy, which has ever been the pride and boast of the American heart, is numerically weak. Why is it so? Why are the great commercial interests of a maritime nation like ours left to the protection of a feeble Navy? The fact is our people since the close of the war have been so busy developing the country's resources that they forgot our ships of war. If we fail to provide for the outer lines of our defense we tempt foreign nations to interfere in our domestic affairs. Why, were a powerful nation to make war upon us tomorrow, the people of the United States would give up every railroad that runs from here to the Pacific, if they could, in exchange for a fleet of battle ships.

Our country must build up the Navy, keep it at a proper standard, and then there will be no occasion for thrilling the heart of our nation by a dynamite message. It is true that we are confronted with a depleted Treasury. But what has that to do with it? If the Administration is bankrupt, the country is not. There are loyal hearts and plenty of money among the 70,000,000 people living under the folds of our flag who will gladly and cheerfully indorse any outlay to build up the marine arm of our country's service and make it what it ought to be. I hope every Administration from now on will consider it a national duty, to wit, that the Army and Navy shall be the last two departments to economize upon. We want peace, but peace without honor means servitude. Peace with honor is expensive, but war is more so.

I hope, therefore, in discussing this bill that there will be no attempt to economize even in the smallest degree, for have we, Mr. Chairman, a more important function to perform than to provide for the national defense? We can not maintain and keep our position among the family of nations by talk. Boasting will not settle any dispute. Why, we might as well line ourselves up and down

upon our shores and make faces at the foreign nations when international questions come up.

Have we forgotten the sentiment of this House on the Monroe doctrine when the Venezuelan question was before us? Have we forgotten the attitude of this body when the Cuban resolutions were introduced? Why, Mr. Chairman, a failure at the present time to strengthen our Navy in a superlative degree would be tantamount to making an apology to the world for our actions during the past two months.

Gentlemen can view our Navy from every point of the compass; they can diagnose the marine arm of the service with all the skill and all the experience of a lifetime; they may bias that skill and experience with theories or expediencies, but the fact will still remain that our Navy is numerically weak and that it needs something more than a homeopathic dose to strengthen it. The high attenuationists who wish to prescribe for this patient must give way for heroic treatment. If we fail at the present time to make provision for our Navy and to bring it up to a standard commensurate with our great wants, after the sheet lightning of warning has flashed into the eyes of this Republic, we shall commit an unpardonable national crime which neither this nor future generations will condone.

I reserve the balance of my time.

Mr. BOUTELLE. Mr. Chairman, unless some other gentleman desires to address the committee, I will ask unanimous consent that we may proceed with the reading of the bill by paragraphs, with the understanding that when that portion of the bill which provides for the increase of the Navy shall be reached my colleague of the committee [Mr. HANLY] shall be entitled to occupy the floor for twenty minutes or half an hour, as he may elect.

Mr. HANLY. Half an hour.

Mr. CUMMINGS. There are other gentlemen here who desire to speak——

Mr. HULICK. At that time.

Mr. BOUTELLE. Then I will ask unanimous consent that we go on with the reading of the bill——

Mr. CUMMINGS. Until we reach that item.

Mr. BOUTELLE. Until some gentleman desires to speak.

Mr. HULICK. We do not wish any limit.

Mr. JOHNSON of California. I should like to make an inquiry. I do not care for one to say anything in regard to this bill generally, but when you reach the question of the increase of the Navy, I desire permission to offer a few feeble remarks for the good of the country and myself, and I can not do it in five minutes.

Mr. BOUTELLE. The gentleman misunderstood me. I will make this proposition: I ask unanimous consent that we now proceed—unless some gentleman desires to take the floor at this time—to consider the bill under the five-minute rule by paragraphs, until we reach such point——

Mr. CUMMINGS. The increase of the Navy?

Mr. BOUTELLE. Unless some gentleman desires to speak before that, until we reach the paragraph for the increase of the Navy, when we will arrange how much time shall be occupied in general debate.

Mr. HULICK. With the understanding that if there should be any amendment proposed in regard to dry docks or any other important measure the same understanding would apply to that.

Mr. BOUTELLE. Why, it would be under the five-minute rule.

Mr. HULICK. I object to that.

Mr. BOUTELLE. The gentleman from Ohio objects.

Mr. HULICK. I wish it understood that the item of dry docks is to come under the same understanding as the item with reference to the increase of the Navy. As I understand the gentleman, he has only made his suggestion with reference to that one item of the increase of the Navy.

The CHAIRMAN. Unanimous consent is asked that the committee now proceed with the reading of the bill under the five-minute rule until the portion of the bill which relates to increase of the Navy is reached. Is there objection?

Mr. HULICK. I object unless this modification is made——

Mr. BOUTELLE. What is the gentleman's objection?

Mr. HULICK. That it shall apply not only to the increase of the Navy, but to the question of dry docks.

Mr. BOUTELLE. I will state to the gentleman that there is no item for dry docks in the bill.

Mr. HULICK. That is very true; but an amendment might be offered. I understand the gentleman's proposition to apply simply to the item for the increase of the Navy, and I wish it to apply to an amendment for the increase of dry docks.

Mr. BOUTELLE. I ask unanimous consent that we may proceed with the bill under the five-minute rule until we reach some point where some gentleman desires more than five minutes, when time can be granted by the House.

The CHAIRMAN. Unanimous consent is asked for the consideration of the bill under the five-minute rule——

Mr. BOUTELLE. I want to say that it is nobody's purpose to cut off proper discussion.

Mr. TATE. Mr. Chairman, I should like merely to state——

The CHAIRMAN. One moment. The Chair is stating the proposition. Unanimous consent is asked that the committee now proceed with the bill under what is known as the five-minute rule until some portion of the bill is reached where any member of the committee desires to occupy more time than is allowed under the rules of the House. Is there objection?

Mr. MEYER. I desire to ask the chairman of the committee whether in the event that an amendment were proposed under the head of increase of the Navy—assuming that the bill pursues its regular course until that point is reached—whether if an amendment were offered in regard to dry docks, the chairman would claim that it was out of order and not pertinent to the bill, we having passed over the intervening portion of the bill?

Mr. BOUTELLE. Mr. Chairman, I have reserved all points of order. We can not decide a thing out of its order, or until it is reached.

The CHAIRMAN. The Chair hears no objection to the request of the gentleman from Maine. The Clerk will proceed with the reading of the bill by paragraphs.

The Clerk read as follows:

Navy-yard, League Island, Pennsylvania: For one clerk, at $1,400; one writer and telegraph operator, at $1,000; one messenger, at $2 per diem; one foreman laborer, at $4 per diem; in all, $4,278.

Mr. BINGHAM. At the close of the paragraph in reference to the navy-yard, League Island, Pennsylvania, I desire to ask if that is the paragraph in the bill where an amendment can be introduced with reference to the construction of a dry dock at the League Island yard? I desire to submit an amendment at the point where it is in order.

Mr. BOUTELLE. I will state to the gentleman from Pennsylvania that is the civil establishment.

Mr. BINGHAM. Then, may I ask the gentleman where it would be in order? I desire to move an amendment at the part of the bill where it is in order.

Mr. BOUTELLE. I should suppose that would come in under the head of public works. They are all yards and docks.

Mr. BINGHAM. On what page?

Mr. BOUTELLE. On page 18. It is not for me to say whether it is in order. It is for the Chair.

Mr. BINGHAM. I am simply asking for information.

Mr. BOUTELLE. I will state that we are now on the civil establishment, and it would not be in order to insert any item about any public work there.

Mr. BINGHAM. I will ask if the gentleman will kindly enlighten me?

Mr. BOUTELLE. So far as the chairman of the Committee on Naval Affairs may be permitted to do so I will.

Mr. BINGHAM. I ask the chairman of the committee to inform me on what page?

Mr. BOUTELLE. On pages 18, 19, 20, and 21 are public works.

The Clerk read as follows:

Navy-yard, Brooklyn, N. Y.: For grading, paving, sidewalks, and sewers, $10,000; quay wall coal dock, 800 feet, $40,000; quay wall, Whitney Basin, $25,000; in all, $75,000.

Mr. BOUTELLE. My attention has been called to a feature in this item, and I desire that it may be passed over, in order that we may recur to it. My colleague [Mr. CUMMINGS] is looking up some data. I ask unanimous consent that it be kept open for amendment.

The CHAIRMAN. Unanimous consent is asked that the paragraph just mentioned be passed over for the present. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Navy-yard, League Island, Pa.: For dredging and filling in, $30,000; water-closets for yard, $5,580; lightning rods and sidewalks, $2,000; in all, $37,580.

Mr. BINGHAM. Mr. Chairman, I desire to offer an amendment on page 19, in line 10, after the word "dollars."

The Clerk read as follows:

Page 19, line 10, after the word "dollars" insert the words "That the sum of $300,000 be, and it is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Navy, toward the construction and completion of a dry dock at the navy-yard, League Island, Pa., of sufficient capacity to meet all present and probable future needs, both for the naval service as well as for the auxiliary or reserve ships to be used in time of war, the total cost of said dry dock not to exceed the sum of $712,000.

Mr. DINGLEY. I desire to make the point of order on that, being for an appropriation not authorized by law.

Mr. BINGHAM. I will state, Mr. Chairman, that, in the matter of the construction of dry docks in connection with the naval establishment of the Government, it has always hitherto been the course of the Committee on Naval Affairs, without any preceding legislation, to incorporate in their annual bill, as a continuing service in connection with the naval development, dry docks at the established yards of the country. In the bill which I hold in my hand, for 1887, the present dry dock at League Island Navy-

Yard was directed by legislation which was not a part of a statute, but was a part of the naval appropriation bill that came to the House.

Such has been the course of this House. It has been a matter of common notoriety that the Committee on Naval Affairs entertained and carried in their committee the establishment of three dry docks that were to have been reported in this bill without question of a point of order in committee; but upon reconsideration of the proposition, without regard to the point of order, the committee determined, for other reasons, not to make the recommendation to this House. I claim, sir, that it is a part of a continuing work in the development of the naval establishment of the Government, just the same as this committee brings into this House an increase of your Navy in these four battle ships as well as this number of torpedo boats. There is no statute for them. They are a part of the growing, continuing establishment of your Navy and your navy-yard developments as are continually going on in the Navy, as they are continuing the construction of the ships, and therefore it comes in under the rule. To clean the hull or bottom of a ship is just as necessary as to appropriate for repair or renewal of the interior of a great vessel.

Mr. DINGLEY. Mr. Chairman, the rule provides, in substance, that no appropriation shall be reported in any appropriation bill or any amendment thereof be in order except for objects previously authorized by law unless it shall be in continuation of a work or object which has been thus authorized. It has been ruled frequently that the general laws authorizing the construction of a navy permit the incorporation of an appropriation for new ships in a Naval appropriation bill for the reason that the essence of a navy is ships. There have been cases where propositions have been reported for building a dry dock in a navy-yard without a point of order being made. The only instance in which a point of order was ever made within my recollection against a provision for the construction of a dry dock was for one at Algiers, near New Orleans, where it was proposed to establish a navy-yard, and a point of order was sustained in that case on the ground that its construction was not authorized by law.

Unless a dry dock is so indispensable a part of every navy-yard that there can be no such yard without such an appurtenance, it can not properly be held that every law which authorizes the establishment of a navy-yard necessarily authorizes the erection of a dry dock, which is what must be the case in order to bring the proposed amendment within the exception of the rule. But a dry dock is not an indispensable construction in order to establish a navy-yard. There are navy-yards without as well as with dry docks. Indeed, it would be impracticable to build such dry docks as are required to handle the great steamships of to-day in every navy-yard; and if a sufficient depth of water could be commanded, only a few at remote points would be required, especially for the use of the Navy. Indeed, the gentleman from Pennsylvania [Mr. BINGHAM] frankly admits that his object is not only to provide for naval requirements, but also to provide for the requirements of the merchant marine.

It seems to me that in so important a matter as an appropriation for a great and expensive work like a dry dock there ought to be some preliminary legislation, and that it ought not to be incorporated in an appropriation bill, especially not by an amendment not considered by any committee, on the plea that it is so essential an incident of a navy-yard that the mere authority of law establishing such a yard thereby gives authority, without further legislation, for the construction of a dry dock. I think that if it should be ruled that a dry dock may be put on a naval appropriation bill by an amendment we should probably have a great deal of difficulty hereafter with reference to propositions of that nature. A dry dock does not appear to be an essential part of a navy-yard, and unless the construction of it has been authorized by existing law I do not think it can be held to be authorized merely by previous legislation establishing a navy-yard. Unless a dry dock is so essential and necessary a part of a navy-yard that you can not have a navy-yard without it I think it would be a strained construction of our rules which would hold that an appropriation for a new dry dock, not existing at this time, may be put upon an appropriation bill by way of an amendment.

I trust that we shall not have a ruling of that nature, but that when so important a matter as a dry dock not essential to a navy-yard is to be provided for and is to be placed even within the limits of a navy-yard some preliminary authorization by law will be required. Let the proposition be considered on its own merits and authorized by law before we appropriate for it in a general appropriation bill.

Mr. BINGHAM. I wish to ask the gentleman this question: Are there any dry docks built by the Government that are not in navy-yards?

Mr. DINGLEY. No; of course not. Of course the Government would not build dry docks outside of its navy-yards.

Mr. BINGHAM. Then is not a dry dock essential and a part of a continuing work, when by legislation you have authorized the construction of war vessels and when you have no dry docks wherein you can dock those vessels?

Mr. DINGLEY. It is not necessary that every navy-yard should have a dry dock.

Mr. BINGHAM. Every navy-yard has one.

Mr. DINGLEY. I think not; certainly not such dry docks as a modern battle ship requires. A dry dock is not an indispensable part of a navy-yard. Dry docks of the magnitude required by the existing vessels of our Navy will not be constructed except at a few points and are not an essential part of every navy-yard. It seems to me clear that there ought to be some previous authority of law before we are called upon to appropriate $250,000 to start such a dry dock as is proposed, which will of course cost a great deal more before it is completed. I trust that the proposition will be brought in upon its own merits and will not be hurriedly placed on an appropriation bill on the plea that it is authorized by existing law, when in fact there is no existing law authorizing it.

Mr. ROBINSON of Pennsylvania. Mr. Chairman, I am placed in rather a peculiar position regarding this amendment offered by my colleague the gentleman from Pennsylvania. This district which he represents in the great State of Pennsylvania, which is closely connected in part by its maritime interests with the League Island Navy-Yard, asks for an appropriation of $200,000 for a dry dock there. Representing a district on tidewater contiguous to Philadelphia and League Island, and, in part, the State of Pennsylvania, I naturally would cordially support such a proposition. But the matter of dry docks was before the Committee on Naval Affairs and was thoroughly traversed there, and I believe I reveal no committee secrets, at least I do not wish to do so, when I say that there was a quasi understanding that we would press none of these propositions for dry docks; because if the general question should be raised, of course each member who wished a dry dock in his district would naturally desire an item for one.

I take it that the point of order raised by the distinguished gentleman from Maine [Mr. DINGLEY], whose parliamentary experience is as wide and full as that of any member in the House, is not well taken by reason of the fact, partially disclosed by him in his remarks, that a dry dock is an essential component part of a navy-yard. We have no dry dock to-day, unless it be at Port Royal (and I doubt the capacity of that one), whereby the best modern battle ship that we have could be docked; and so lax, so dilatory, so shortsighted has been the Congress of the United States in making appropriations in the past for the improvement of the approaches to the dry docks already existing that there is hardly a harbor on the coast, unless it be Portland, Me., where one of our modern vessels, the *Indiana*, or any vessel of that type or class contemplated by this bill to be constructed, could approach the dry dock to be docked. The channels of approach to many of these places are so shallow as to endanger any such vessel on its way to any one of these docks, as we know by the recent history of the attempt to get the *Indiana* into the Port Royal dock. For the dock in my own State at League Island, I will say, and I am sorry to have to say it, that large vessels can not get to League Island until the channel of the Delaware is deepened and improved.

Mr. BINGHAM. All of which will be done in less than a year.

Mr. ROBINSON of Pennsylvania. True, it may be done, and I hope it will be done, and I shall help all in my power. It is putting the cart before the horse to appropriate for the dry docks before deepening the river.

Mr. BINGHAM. You do not build a dry dock in a day.

Mr. ROBINSON of Pennsylvania. True. The gentleman from Pennsylvania and myself have no contention regarding this appropriation, which I will most cordially support but for the reason I have stated in connection with the action of the Committee on Naval Affairs.

In this connection I wish to say that I was called home last week to attend the primaries and convention in my own county. All Congressmen repair to those places when they expect a renomination; they go into "dock" themselves for repair or to get ready for future action. On that occasion a correspondent here of a daily newspaper of the city of Philadelphia, animated by a desire which I have been informed is in accord with his orders (at least formerly) from the proprietors of the newspaper, to "roast" me whenever it could be done, stated that it was due to my absence from Washington that a dry dock was lost to the city of Philadelphia. I wish to say that this correspondent used the truth with most economical frugality when he made that statement, and that I had an arrangement with the chairman of the committee [Mr. BOUTELLE] to be called here by telegraph at any time to be present when my vote was essential either for the interests of Philadelphia, of my own district, or those of the great Commonwealth of Pennsylvania. If this point of order should be sustained, there will of course be no question about this amendment of the gentleman from Philadelphia; but I am cordially in favor of the amendment. I am in favor of a dry dock at Philadelphia and would do all in my power to have one there, provided

the door is opened by the committee or in any other way to go into that question. But as I understand it the members of the committee stand together upon the question of dry docks, and no appropriations for such a purpose will be made so far as the committee is concerned.

Mr. BOUTELLE. Mr. Chairman, I wish to call attention to an inadvertent error in a table published as a part of the report, and which may have caused some misunderstanding. My attention has just been called to the fact that in a tabulated statement prepared some time ago and inserted in the report, showing appropriations under the different bureaus and for different public works, there is an error arising from the fact that provisions for dry docks at Algiers, La., at Mare Island, Cal., and at Portsmouth, N. H., which should have been struck out have erroneously been included. No such appropriations are in the bill nor is any amount for such a purpose included in the appropriations carried by the bill. At one time the committee contemplated making these appropriations; and in making up a tabulated statement at that time these items were inserted. In preparing the report I inadvertently incorporated a copy of this tabulated statement from which these items had not been stricken out, as they should have been.

I repeat, that some gentlemen may possibly have been misled by this table on page 4 of the report, which contains $100,000 to begin a dry dock at Algiers, $100,000 for a dry dock at Portsmouth, N. H., and also a provision for a dry dock at Mare Island, Cal.

It may be proper at this time to say that the committee gave very careful consideration to this whole matter of dry docks. We found that if we should enter upon the construction of such works this year the committee would almost inevitably be obliged to report in favor of quite a number of those enterprises. In view of the situation it was not deemed wise or necessary that we should enter upon such works at this time.

The Secretary of the Navy in his annual report reviewed the suggestions, requests, and appeals in behalf of dry docks at these various points, but he strongly recommended that we should not enter upon any of these works at the present time. I will state to the committee that the situation in regard to dry docks to-day is simply this——

Mr. BARRETT. I rise to a parliamentary inquiry. Is the gentleman from Maine now discussing the point of order raised by his colleague?

Mr. BOUTELLE. "The gentleman from Maine" is not occupying the floor for any purpose that is objectionable to the gentleman from Massachusetts. I will explain the matter later.

Mr. BARRETT. Mr. Chairman——

Mr. BOUTELLE. I thought it was proper to call attention to an error which as chairman of the committee I had inadvertently made in the preparation of the report.

Mr. BARRETT. So long as the gentleman from Maine confined his remarks to that question of order, I did not rise to make any point, but when he diverged to take up the question of the utility of dry docks and the opinions of the Secretary of the Navy on the advisability of building them, I confess I was unable to see the exact application of those remarks to the point of order.

I desire now to submit a few words upon the question of order. The gentleman from Maine [Mr. DINGLEY], the chairman of the Committee on Ways and Means, has raised the point of order that this amendment is contrary to the rules of the House. I wish to call the attention of the Chair to a decision given here in the second session of the Forty-ninth Congress. An amendment was offered to the Naval appropriation bill proposing the construction of some new vessels; and that eminent Democratic statesman, who does not now honor this House by his presence, Hon. William S. Holman of Indiana, raised the point of order that the amendment was in violation of the rule which has been cited at this time by the gentleman from Maine. The present Secretary of the Navy, Mr. Herbert, at that time a member of this House, in discussing the point of order, made this statement:

> The point of order is not well taken. This amendment does not change any law. It simply proposes to make an appropriation of money in accordance with existing law providing for a further increase of the Navy.

Now, I wish to call the attention of the Chair to the language which follows. Said Mr. Herbert further:

> I claim we have the right to appropriate money for new ships; we have the right to appropriate money to be used in machine shops, in navy-yards, for machinery, or for guns, or for ships. Whoever supposed it was necessary to pass a special law authorizing the purchase of ordnance, or for the purchase of any one of these things I have mentioned? There is power under the general law for all such purposes. We have the right by virtue of the general law. All that is required is appropriation of money.

That was the opinion of the present Secretary of the Navy.

Later on in the same debate the Chairman of the Committee of the Whole, in giving his decision, quoted from a decision which had been made by the distinguished Speaker, at present Secretary of the Treasury, Mr. Carlisle. Here is his language:

> In the Forty-sixth Congress (Mr. Carlisle in the chair) it was decided "that appropriations for public works and objects" already in progress could be included in general appropriation bills or could be inserted as amendments; and that the word "objects" meant something in addition to the word "works," and must be held to include the public Departments of the Government, and the civil, military, and naval establishments recognized by law and supported by the Government. The Government has undertaken to maintain and is annually maintaining a naval establishment, and under the rule appropriations may be made for it in a general appropriation bill.

Now, Mr. Chairman——

Mr. BINGHAM. Will the gentleman state what he reads from?

Mr. BARRETT. From the CONGRESSIONAL RECORD, Forty-ninth Congress, second session.

Mr. BINGHAM. What is the date?

Mr. BARRETT. February 26, 1887.

The gentleman from Maine [Mr. DINGLEY] suggests that dry docks are not an essential part of the Navy. If they are not, what are? Dry docks are as essential as machine shops or as crews. Not one of our modern vessels can keep the sea over six months without being docked. We have three already. We need one at every first-class yard. Certainly one is just as essential as any other part of the apparatus for keeping our naval vessels in repair.

Now, the Committee on Naval Affairs, if the point of order is well taken, has itself apparently violated it several times in the presentation of the bill we are now considering. The bill proposes, for instance, two new dwelling houses for the Naval Academy at Annapolis. I undertake to say, Mr. Chairman, that if there is authority of law to provide for an increase of the dwelling houses at the Naval Academy, there is precisely the same authority of law to provide for the extension of the dry docks in the yards where they already exist.

It is also provided in this bill that 1,000 additional men may be enlisted in the United States Navy, and I undertake to say that if you can vote new ships, and new men to man the new ships, you are equally justified, and precisely by the same logic, in providing for new dry docks.

I wish also to make the point, if the Chair will permit me, that this is not by any means new work, but is to be fairly called and is in fact an extension of an old work already in progress. The Government has a dry dock already at Philadelphia. The Committee on Naval Affairs might without question bring in an appropriation bill to expend money in the repairs of this dry dock. There is no doubt of that. Now, if in the wisdom and judgment of Congress it is believed to be cheaper and more economical, in order to carry out the existing provisions of law, there should be a dry dock at League Island, then, instead of expending money for the expenses or repairs of the dock already in existence, it is proper, and on precisely the same principle that you authorize the construction of new dwelling houses at the Military Academy, to make provision for a new dry dock which will be sufficient to meet the requirements of our modern war ships.

If Congress has the right, as it undoubtedly has, to maintain the existing dry dock, but deems that it would be cheaper and better and more economical to make the expenditure for the construction of a new dock rather than for the maintenance of the old one, I claim that it is strictly within the rule and not subject to the point of order.

I have no special interest, Mr. Chairman, in the construction of the dry dock at Philadelphia any more than any other citizen of the United States, except that it is my desire that the House shall have some right to consider legislation that it believes to be just and proper, unhampered by technical constructions of a rule.

But if the provision is inserted in the bill for the dry dock at Philadelphia, I shall move to insert a provision also providing for the construction of a dry dock at the city of Boston. We have already a dry dock there which is entirely obsolete and unsuited for the needs of our modern vessels. You could not spend money enough upon it to make it available to dock a vessel for the new Navy. Yet the Government of the United States provided years ago for a dock suitable for the needs of that yard. A new dock is in effect a maintenance of the one already authorized. It is not new legislation in any legitimate sense of the term.

Because the Government has already provided that the dock shall exist, it has power to preserve it and put it in shape to meet all modern requirements, the cheapest way to do which is to construct a new one rather than repair the old. A new dry dock at Boston is an imperative necessity to any comprehensive plan for the preservation of our Navy and its efficiency in time of war.

Mr. BOUTELLE. Mr. Chairman, I dislike exceedingly to interrupt the gentleman, but he is departing widely from the point of order——

Mr. BARRETT. Referring again to the point of order——

Mr. BOUTELLE (continuing). And I only call the attention of the gentleman from Massachusetts to the fact that there are some people in Washington, notwithstanding his opinion on the point of order, who are competent to discuss these questions and understand them as well as gentlemen from the far East.

Mr. BARRETT. Referring again to the point of order—and I should not be so bold as to suggest that I could add a mite to the

vast stock of information and knowledge of my friend from Maine [Mr. BOUTELLE]—but referring again to the point of order, I submit that the decision I referred to, made on the 26th day of February, 1887, an extract from which I have already read in the hearing of the committee, is entirely pertinent to the pending question, and it is exactly on all fours with the point of order made by the gentleman from Maine [Mr. DINGLEY].

Mr. BINGHAM. Will the Chair allow a single authority to be suggested in this connection?

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania.

Mr. BINGHAM. In the first session of the Fifty-second Congress, when the naval appropriation bill was before the House, under the paragraph for "Increase of the Navy," Mr. Holman raised the point of order as to the paragraph that that provision was out of order. General debate ran with Mr. Herbert, now the Secretary of the Navy; Mr. BOUTELLE, and others identified on the Committee on Naval Affairs, of which he is now chairman, together with the gentleman from Maine [Mr. DINGLEY], and in the course of a discussion the gentleman from Maine [Mr. BOUTELLE] submitted:

The gentleman will allow me to cite the language of Mr. Cox:

"Without reference to other decisions made from the Chair, either in Committee of the Whole or otherwise, the present occupant of the Chair is informed that the Speaker of the House on a former appropriation bill held that an appropriation for the construction of a new vessel was in continuation of the general object of maintaining the Navy; and that decision of the Speaker runs on all fours with the decision which the Chair now makes when he overrules the point of order."

Mr. Chairman, the debate then widens, and the gentleman from Maine took part and made this statement:

If the gentleman will pardon me—

Says the gentleman from Maine [Mr. BOUTELLE] in response to the gentleman from Indiana [Mr. Holman]—

he is hardly justified in stating as broadly as he does that the rulings of the House have been against the building of dockyards.

Mr. HOLMAN. Why, undoubtedly.

Mr. BOUTELLE. The gentleman is entirely mistaken. That is not the case. The question has been brought up here and repeatedly decided that an appropriation for constructing a dry dock at an existing navy-yard was in order under this rule, and we have appropriated time out of mind on our bills for just such structures.

The gentleman having been on the Committee on Naval Affairs since he has been in Congress, fourteen or sixteen years, doubtless means his long and honorable service as "time out of mind"—many years. The debate runs on. The gentleman from Maine [Mr. BOUTELLE], replying to Mr. Holman, says:

Oh, the gentleman from Indiana is entirely in error. Since I have been a member of this House we have appropriated for five or six dry docks on the naval appropriation bill, on the principle that it was for the maintenance of the naval establishment.

The gentleman from Maine [Mr. DINGLEY] says:

If the gentleman will pardon me, there is a distinction in principle between an appropriation for the construction of a dry dock in an existing navy-yard and where the yard does not exist.

I submit the quotations from the discussion of the point of order for the consideration of the Chair as well as for the consideration of the gentlemen from Maine, Messrs. BOUTELLE and DINGLEY.

Mr. BOUTELLE. I am greatly complimented at being cited in this matter as a parliamentary authority. As I have never been fortunate enough to occupy a position which would enable me to make a ruling in this House, it is especially complimentary to have the gentleman rest his case on something that I said to Mr. Holman.

Mr. BINGHAM. The gentleman on any question is never afraid of his record.

Mr. BOUTELLE. Just why the gentleman should have addressed his observations to me I am not entirely informed, because I have not made the point of order. I do not know just how far my colleague [Mr. DINGLEY], who did make the point of order, might feel himself concluded by those observations of mine.

The CHAIRMAN. The Chair is ready to rule on the point.

Mr. DINGLEY. Before the ruling is made, I wish simply to call attention to the fact that there has been but one ruling within my recollection in the House on the question as to whether an appropriation for the establishment of a dry dock is in order on an appropriation bill. All the rulings that have been made, except that one, have been on the question of new ships for the Navy. I have no doubt that the general law which authorizes the maintenance of a Navy authorizes the Committee on Naval Affairs to place in an appropriation bill an appropriation to authorize the construction of a new vessel. There is no doubt about that, because a vessel is the essential element in naval maintenance. A dry dock stands on a very different ground. The decision that I want to call attention to was made in the Fifty-second Congress. It is in the following words, as set forth in the Manual. I remember the decision very well:

A commission, acting under authority of Congress, having selected a site for a dry dock and navy-yard, but the work not having been authorized or actually in progress, a provision for the erection of such dry dock, etc., was held to be in conflict with the rule, and stricken from the bill on a point of order.

I recognize a distinction between this case and the case which has been presented by the gentleman from Pennsylvania. In that case the commission had recommended the establishment of a navy-yard and dry dock, I think, at Algiers, and unquestionably a provision of that kind would be out of order on an appropriation bill. The only way in which a provision for building a dry dock in a navy-yard can be made in order on an appropriation bill must be under that provision of the rule which authorizes an appropriation for a continuing object already authorized by law. I think it probable that there is a dry dock now at the League Island Navy-Yard——

Mr. BINGHAM. Oh, yes; since 1881.

Mr. DINGLEY (continuing). And that an appropriation for the enlargement or repair of that, it being already authorized by law, would be in order. But this amendment proposes to build another dry dock.

Mr. BINGHAM. The dry dock was authorized in the naval appropriation bill without any preceding statute or authority.

Mr. DINGLEY. I understand that, but no point of order was made.

Mr. BINGHAM. I do not know about that; I have not looked over the debate to see.

The CHAIRMAN (Mr. HOPKINS). The Chair is ready to rule. Rule XXI of the rules governing this body is identical with the rule that was adopted in the Fifty-first Congress. In that Congress, when the naval appropriation bill was under consideration, the identical question that is raised by the gentleman from Maine was then raised, and Mr. Butterworth of Ohio was at that time in the chair. The question was fully discussed, and after mature deliberation the Chair then held that the point of order was well taken.

The same question was raised when the naval bill was under consideration in the Fifty-second Congress. Mr. Shively of Indiana was then in the chair. The Chair has the RECORD before him, where the matter was fully discussed, and, while the Chair then recognized that previous to the Fifty-first Congress the ruling was as contended by the gentlemen from Massachusetts and Pennsylvania, the Chair then felt constrained to hold, both on authority and precedent, that the point was well taken. In pursuance of those two precedents, the Chair will hold that the point made by the gentleman from Maine is well taken.

Mr. CUMMINGS. Mr. Chairman, I understood that the paragraph beginning on page 19, "Navy-yard, Brooklyn, N. Y.," was passed over. I desire now to offer an amendment which I send to the desk.

The Clerk read as follows:

On page 19, line 1, after the words "New York," insert "wing and quay walls of dry dock No. 3, to be immediately available $90,000."

Mr. BOUTELLE. Mr. Chairman, I hope that will be inserted by unanimous consent.

Mr. CUMMINGS. It was ordered by the subcommittee, but was inadvertently omitted.

Mr. BOUTELLE. The Senate committee provided $50,000 of a deficiency to complete this largest dock in New York, large enough for the largest battle ship, and this money is required to build the quay and wing walls at the entrance of this dock.

The CHAIRMAN. Is there objection to the adoption of this amendment? [After a pause.] The Chair hears none.

The Clerk read as follows:

New buildings: For increase of appropriation (act of March 2, 1895) "for quarters for observers, two buildings, at $5,000 each, $10,000," $2,500.

Mr. CANNON. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman in charge of the bill if he can give any idea when the Government will get through constructing exceedingly expensive quarters in the name of promoting science at the Observatory on the hill, but in reality as an encouragement of details from the Navy, the officers detailed having extra quarters at the public expense without benefit to science?

Mr. BOUTELLE. Mr. Chairman, if the gentleman from Illinois will suggest to me which part of that involved mass of misrepresentation and misstatements he desires me to address myself to I will try to tackle him.

Mr. CANNON. I will say to the gentleman now, by way of direct statement, that the scientific corps at the Naval Observatory—misnamed naval; it is the astronomical observatory—does not consist in fact of anybody who is connected with the Navy.

Mr. BOUTELLE. I thought you had just complained that that sort of people were sent there from the Navy.

Mr. CANNON. I say that the people who are detailed and occupy the expensive quarters which have been constructed there are people detailed from the Navy that do not know any more about astronomy than I do, and that is not much.

Mr. BOUTELLE. What is the gentleman's proposition?

Mr. CANNON. I ask the gentleman if he can tell us when we

will get through, in the name of encouraging science, with building these expensive quarters that are not occupied by scientists?

Mr. BOUTELLE. I will answer the gentleman by explaining to him exactly what the Naval Committee is now recommending to this House in regard to the Naval Observatory.

Mr. CANNON. Yes.

Mr. BOUTELLE (continuing). The estimates for which have in due course been submitted to us. We propose to do this: To increase the appropriation act of March 2, 1895, "for quarters for observers, two buildings, at $5,000 each, $10,000," the sum of $2,500. The buildings provided for are not for officers of the Navy. The item plainly discloses that they are not for officers of the Navy. They are for the observers at that station. The appropriation is not made this year. The appropriation was made last year. Advertisements for proposals were made, and the lowest bid for the construction of the buildings exceeded the amount appropriated by $2,500, and inasmuch as we have the finest observatory in many respects in the world, deliberately appropriated for and established by Congress, with an elaborate and expensive outfit of instruments, and being employed there under law, and I think under a law that is reported to the House annually by the committee of which my distinguished friend is chairman, we are simply providing for the houses in which these men detailed there are to live. It was not originated by the Committee on Naval Affairs, but by an appropriation bill which originated in the committee room of my friend the gentleman from Illinois. We are simply furnishing them with a roof to cover their heads in order that they can attend to their duties.

Mr. CANNON rose.

Mr. BOUTELLE. One moment until I have finished.

Mr. CANNON. I will yield further to the gentleman out of my time.

Mr. BOUTELLE. I thought I was occupying a little time myself. [Laughter.]

Mr. CANNON. Go ahead.

Mr. BOUTELLE. I know the chairman of the Committee on Appropriations is known to be always in order.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BOUTELLE. I move to strike out the last two words; and will say that this appropriation, which has caught the eagle eye of my friend, is an appropriation of $2,500 to enable an appropriation made last year to be availed of, to supply quarters for two astronomers who are stationed there, whose hours of work are indeterminate, who have to observe the stars when the stars choose and not when they choose, who are liable to be called there at all hours in the night, and who, until these quarters are provided, will be obliged to do as they have been doing, to go out from this city, or from wherever they may find board, to the Observatory at any and all hours to perform their duties.

There is nothing novel about this proposition. We have provided some quarters out there. I do not agree with my friend from Illinois in his description of them as of a palatial character. They would not be so regarded in the smaller communities around where I live, and certainly they would not be so regarded in Chicago, in the gentleman's own State. I think that they are fair, appropriate buildings for the purpose. The fact remains that the general legislative, executive, and judicial appropriation bill has provided for a force of, as I suppose, scientific people to carry on the work at the Observatory, and that this proposition is only following up the work that has been commenced, of supplying them with quarters, providing houses for two more of the observers who have been employed there for years, who are now employed, and who, I presume, will continue to be employed.

Mr. CANNON. Mr. Chairman, I rise to oppose the amendment, and I can say in a minute, partly by restatement, what I desire to say about this miscalled Naval Observatory.

Mr. BOUTELLE. I want to suggest to my friend that it is hardly fair to precipitate a discussion here about the title of the Observatory. We all know that there has been a great deal of controversy about that, but I submit that it is not fair for him to reopen that discussion upon this bill. He is delaying the bill, and we have no right to discuss or settle that question on this occasion.

Mr. CANNON. Mr. Chairman, it is now twenty minutes past 3 o'clock. We have transacted the ordinary morning business, and the gentleman has called up this bill from the Committee on Naval Affairs, which carries, as I understand—and I am not criticising the amount—substantially $30,000,000 or $31,000,000 and authorizes contracts for I do not know how much more, but I believe twenty or twenty-five millions. This bill, therefore, makes appropriation and authorization for perhaps $50,000,000, and now, at the hour of twenty minutes past 3 o'clock, when I in my quiet way propose to occupy probably five minutes to call attention to what I regard as an unwise provision in the bill—a small item as compared with the large appropriations contained in the bill, but still, I think, an unwise one—he complains that I am delaying his bill. I have no desire to obstruct or delay this bill. I only want to call attention to a matter to which I think it is proper that the attention of the House and of the country should be directed.

Mr. BOUTELLE. What does the gentleman want to do about this matter? Does he object to this $2,500 appropriation?

Mr. CANNON. If I can get five minutes to myself, I will try to tell the gentleman. [Laughter.]

Mr. BOUTELLE. Well, I want to ask the gentleman one other question: Does he think it is fair to bring up for discussion this question, which has run through Congress after Congress, between the friends and the foes of the Naval Observatory, as to what kind of institution it shall be? Does he think that is a proper subject for discussion here now?

Mr. CANNON. I think I will show that it is proper in so far as it comes up for consideration now. The miscalled Naval Observatory, Mr. Chairman, does not dwell in the sea. It dwells here on Columbia Heights, away above tide water, but unfortunately many years ago it was unguardedly placed under the Secretary of the Navy. Since that time the new Observatory has been builded. It is a magnificent Observatory, and I am glad and proud of it, because it is right and proper that our Government should keep step with scientific progress touching all such matters. So much for that. But the Observatory is, in letter, under the Navy Department, and what is the result? The result is a lot of buildings, buildings that ought to have been constructed at private expense, but that have been constructed at the public expense, splendid residences, buildings not necessary for the observation of the stars, but erected to be occupied by these scientific employees that are paid from the public Treasury.

There they are, and they are occupied by favored naval officers who are detailed nominally to promote astronomical observations, but who really are planted upon that appropriation and that reservation, without knowing any more about astronomy than the average member of Congress. [Laughter.] And now, instead of putting them out, as the Secretary of the Navy might well do in the exercise of a wise administrative discretion, the gentleman from Maine comes here and reports this provision to build more quarters for the scientific observers. Now, if these Government officers, who do not know anything about astronomy, are to live in that respectable-sized village at the Observatory, in the name of astronomy, I suppose you ought to build these quarters. But, pray, under what rule of the House does the Committee on Naval Affairs, which reports these magnificent appropriations for the construction of the Navy to sail upon the waters of the deep blue sea—and which rightfully exercises that jurisdiction—under what rule of the House does that committee get jurisdiction to recommend appropriations to build quarters for these scientific observers? That is what I wanted to say. I hope the time will come when somebody will have the leisure and the power to take this miscalled Naval Observatory from the jurisdiction of the Secretary of the Navy and put it under scientific superintendence and direction, and that these buildings, so far as may be necessary, will be occupied by the real scientific corps. Whenever that is done they will all be properly housed, and the United States Government will have rooms to let. That is all I want to say.

Mr. CUMMINGS. Mr. Chairman, let me say one word to my friend from Illinois. Since I have been a member of the Committee on Naval Affairs two separate attempts have been made to transfer the Naval Observatory from the care of the Navy Department to scientists. That committee has given patient hearings hour after hour to gentlemen from Dudley Observatory, from Harvard Observatory, and elsewhere; and after such hearings in two different Congresses the committee has reported unanimously against the proposition.

Mr. BOUTELLE. Mr. Chairman, I do not know that anything further is necessary to be said on this subject. It strikes me that my friend from Illinois can hardly feel a great degree of satisfaction in what he has said. To interpolate here a discussion as to the desirability of continuing one of the establishments of the Government under the control and supervision that have obtained for many years is, it seems to me, hardly pertinent to an appropriation to furnish quarters for officers who are to-day lawfully assigned to duty at that station.

The question as to whether the Naval Committee or the Appropriations Committee should have jurisdiction was one that the gentleman did not disclose when he rose. I do not think that the Naval Committee feels a great deal of pride about appropriating for a few buildings here and there; but we do feel a pride in responding appropriately to the demands of this Government as made to us through the proper sources when they commend themselves to our judgment and when we find that the law of the United States as passed through this House under the scrutiny and control and management of the gentleman from Illinois has provided this very year for a Naval Observatory. If this institution is misnamed, it is misnamed in the gentleman's bill as well as in ours. In the legislative, executive, and judicial appropriation bill as

passed through this House only a few days ago provision is made as usual under the head of "Naval Observatory." I do not find that it is designated in that bill the "miscalled Naval Observatory." It seems to me that upon that bill there was an opportunity for the gentleman from Illinois to correct the title of this institution if he thought it ought to be done. I find in that bill appropriations for pay of assistant astronomers, etc., going through the whole body of people who are provided for to look after this work at that Observatory. We have simply put into our bill a provision for a small appropriation to enable the Superintendent to put under contract two buildings for the astronomical observers at that place. I do not think the Committee on Naval Affairs are subject to criticism for this item; and I do not think anyone will wish to strike it out. I withdraw the pro forma amendment.

Mr. ROBINSON of Pennsylvania. Mr. Chairman, I move to amend by striking out the last three words. I simply want to controvert the statement of the gentleman from Illinois [Mr. CANNON] concerning the Naval Observatory. As I understand his complaint—and I presume he has made it all along the line since he has been in Congress—it is that the naval officers in charge of the Naval Observatory are not competent for the work they do there. Is that the contention of the gentleman?

Mr. CANNON. I say that officers detailed from the Navy have no more business to be stationed at the Naval Observatory, and in fact no more right, so far as the advancement of science is concerned, than officers of the Army or any other people who are not skilled in astronomy.

Mr. ROBINSON of Pennsylvania. Has the gentleman ever visited the Naval Observatory?

Mr. CANNON. Oh, yes.

Mr. ROBINSON of Pennsylvania. Does the gentleman know what scientific work is done there by the officers of the Navy?

Mr. CANNON. General superintendence, I suppose.

Mr. ROBINSON of Pennsylvania. Allow me to say to the gentleman from good information upon the question that the highest scientific knowledge contained in the brains of any set of men in the United States relative to astronomy has been wrought out by the officers of the Navy detailed to be placed in charge of the Naval Observatory. Those officers have to prepare—and it requires very high scientific knowledge—the Nautical Almanac or Ephemeris, which must be prepared two or three years in advance for the use of navigators. Without this work no vessel upon the high seas can be properly scientifically navigated. The whole care and regulation of the chronometers by which the longitude at sea is ascertained devolves upon the naval officers and Superintendent at that Observatory. The tabulating and cataloguing of the stars, which are necessary for observations in navigation, is a matter that has been going on for years at that Observatory.

The scientific work connected with the weather bureau and with correlative subjects has always been under the direction and supervision of the British navy, and Admiral Fitzroy of the British navy gained a world-wide reputation by reason of his high attainments and scientific knowledge connected with this work. So have some officers detailed from our Navy and in charge of the Naval Observatory. The gentleman commanding there now, Commodore Phythian, who prior to this duty was Superintendent of the Naval Academy, is one of the most scientific of the officers of the Navy, and for that reason was detailed there. If the gentleman from Illinois will make inquiry, which he has not done (for apparently he has drawn a large draft upon his ignorance, and it has been honored), if he will inquire of any scientific gentleman of high attainment in this country he will find that the work done at the Naval Observatory by officers detailed from the Navy is of the foremost scientific character.

Mr. CANNON. Mr. Chairman, a Daniel has come to judgment and a Solomon is amongst us—a man who not only has exhausted this question, but has brought the X ray to bear upon the knowledge of his brother Representatives—a man who can see all through people to discover ignorance or the want of knowledge. [Laughter.] I am glad we have our friend with us.

Mr. ROBINSON of Pennsylvania. I am willing to sit at the feet of this Gamaliel from Illinois——

Mr. CANNON. Let us see who is ignorant——

Mr. ROBINSON of Pennsylvania. Upon this question.

Mr. CANNON (continuing). Upon this question. The gentleman has given us information. He has told us some facts and has turned the light of his intellect upon the House to give us the benefit of that information. Let us see whether it is information, however, or misinformation he has given us. I hold in my hand a copy of the current law, to which reference has been made. The gentleman says the Nautical Almanac——

Mr. ROBINSON of Pennsylvania. The work connected with its preparation.

Mr. CANNON (continuing). Is made up by the commodores who sail the seas. See, now, how plain a tale will put him down. I hold in my hand the appropriation for the current year, and what do I find?

Nautical Almanac Office: For the following assistants for preparing the American Ephemeris and Nautical Almanac, three clerks at $1,600, two at $1,400, three at $1,200, two at $1,000; a copyist, a typewriter, assistant messenger, laborers, etc.; in all, $15,480.

Under whose charge? Prof. Simon Newcomb's charge; and in so far as I have inquired about it—and I doubt if the gentleman from Pennsylvania has done so—so far as the Nautical Almanac is concerned there is no naval officer detailed or otherwise who knows any more about it or its preparation than a Sioux Indian does about trigonometry. [Laughter.]

Now, I am not speaking disrespectfully of our gallant naval officers. That is not the question presented. They were not educated to be experts along this line.

Mr. ROBINSON of Pennsylvania. Why, the name of Commodore Maury, as a scientist, is known the whole world over.

Mr. CANNON. And yet he has been dead for many years.

Mr. ROBINSON of Pennsylvania. But his work lives after him.

Mr. CANNON. And he was an exception; a great scientist, an intelligent man——

Mr. ROBINSON of Pennsylvania. Yes; and a naval officer.

Mr. CANNON. And a naval officer; but is that a reason why men who do not know any more about astronomy than a seaman in the Navy should be appointed to these places, or be detailed here or elsewhere, to take charge of such a work?

Mr. ROBINSON of Pennsylvania. Why, they are educated in that very science.

Mr. CANNON. I do not yield. I say is there any reason why these men should be detailed to occupy these residences in the name of science, in the name of astronomy?

So much for the Nautical Almanac. "Very ignorant," I confess I am, but I happen to know a little about this Nautical Almanac business and who are detailed for the work.

Mr. ROBINSON of Pennsylvania. Will the gentleman allow me a moment to ask him to send for the Nautical Almanac and see who prepares it?

Mr. CANNON. Oh, there is the law under which it is prepared.

Mr. ROBINSON of Pennsylvania. The Nautical Almanac itself will show you who prepares it.

Mr. CANNON. I am content with the law. I will accept that, although the gentleman from Pennsylvania had not thrown the X ray as clearly as he seems to have imagined on the preparation of the Nautical Almanac.

Mr. BOUTELLE. Will you kindly tell us what position is held by the gentleman who he states prepares the Nautical Almanac?

Mr. CANNON. Oh, it is prepared under direction of Professor Newcomb.

Mr. BOUTELLE. But what is his office?

Mr. ROBINSON of Pennsylvania. He is an officer in the Navy.

Mr. BOUTELLE. Will the gentleman from Illinois state what his office is?

Mr. CANNON. I say that he is a naval officer.

Mr. BOUTELLE. You said a little while ago that this was not prepared by a naval officer.

Mr. CANNON. I said that the men provided for in this bill, the section of which I read, and who prepared this work, were not naval officers. Professor Newcomb has been for years regarded as a distinguished scientist, and is at the head of the work.

Mr. BOUTELLE. But what is his position?

Mr. CANNON. Oh, he is at the head of the Nautical Almanac Office.

Mr. ROBINSON of Pennsylvania. Will you state——

Mr. CANNON. Mr. Chairman, who is making this speech? [Laughter and applause.]

The CHAIRMAN. The gentleman from Illinois will not be interrupted without his consent.

Mr. CANNON. Now, a word as to the Naval Observatory. We have 23 employees in civil life appropriated for from year to year, their bare salaries costing $37,160—they do all the work——

Mr. ROBINSON of Pennsylvania. I deny it.

Mr. CANNON (continuing). Watching the stars up there at the Observatory.

Mr. BOUTELLE. They are the men for whom we are providing houses.

Mr. CANNON. Now, what have we? We have this Observatory up there, with room enough for a prince to live in, to house these 23 men or employees that are not all housed there; and now the gentleman tacks on an item of appropriation to this bill—a bill to build ships—to build houses. And what for? To build houses, if you please, out here upon these Observatory grounds.

Mr. BOUTELLE. Now, right here, will my friend allow me?

Mr. CANNON. In a moment.

Mr. BOUTELLE. I should like to ask a question.

Mr. CANNON. In a moment. There is time enough.

The CHAIRMAN. The gentleman from Illinois must not be interrupted without his consent.

Mr. CANNON. Now, my object in calling attention to this was that the attention of the House might be directed toward it, and I wanted also to call the attention of the gentleman from Maine [Mr. BOUTELLE], kindly and not offensively, to the fact that in my judgment, as one member of the House at least, his committee does not rightfully have jurisdiction except as to that which pertains to the Navy, and that this does not, in fact, pertain to the Navy.

Mr. BOUTELLE. Well, now, Mr. Chairman, right there——

Mr. CANNON. In a moment. If I have succeeded in directing the attention of the House to it I have accomplished my object. Now, if the gentleman desires in my time to ask me a question, I will answer it if I can.

Mr. BOUTELLE. I do not want to ask you a question; I want to state a fact.

Mr. CANNON. That is right. Then I yield the floor, Mr. Chairman.

Mr. BOUTELLE. Mr. Chairman, the gentleman from Illinois has succeeded in one thing, and that is in setting up his judgment as to the jurisdiction of a committee against the judgment of the entire House of Representatives as expressed at every session of Congress for a long period of years. And as chairman of the Committee on Naval Affairs, I absolutely repudiate his right to challenge the jurisdiction of my committee to report back to this House matters that this House has specifically given into our jurisdiction by a vote. It is the most astonishing proposition that I ever heard. Here are the estimates of the United States Government for the naval establishment, and this Book of Estimates contains on its face, where the gentleman must have seen it if he had familiarized himself enough with this matter to justify him in arresting the progress of this bill, this item as one of the items of the estimates of the Government sent here for the action of Congress. It is in the regular Book of Estimates and referred to the Committee on Naval Affairs, which committee has been given jurisdiction over every one of these items, specifically, by the vote of this House. I submit—I would say, if it were not perhaps a harsh expression—that it seems to me like trifling with the time of this House for any man to get up here, no matter if he holds so distinguished a position as the chairman of all the other appropriation committees of the House, and challenge the jurisdiction of a committee over an item which has been put in its jurisdiction by order of this House. If the gentleman's authority is to override that of the House, then the jurisdiction may be taken from us; but until this House nullifies and changes the specific jurisdiction that it has given to us, not only at this session but at every session of Congress during the thirteen years that I have had the honor to be a member—and in some of that time the gentleman has not been here, and about that he may be ignorant—for thirteen years I have sat here and seen the Committee on Naval Affairs given complete and specific jurisdiction over this matter.

Now, I only want to say one word more, and that in the briefest possible manner. I did not enter into that, because I do not want to precipitate a discussion. I do not think it is a proper thing, I do not think it is a fair thing to bring up here an old controversy between gentlemen who claim to be all of the scientific world outside as to the naval jurisdiction over this bureau, which it has held for years with distinction and honor. But I want to repudiate for myself the slightest sympathy with any word of criticism that the gentleman from Illinois has applied to the distinguished naval officers who have been detailed to that institution. Instead of being ignoramuses and unfitted for their duties, they have been the most brilliant ornaments of the American Navy; and I want to give the gentleman a piece of exclusive information, as it would seem, so far as he is concerned, that the United States Navy embraces some of the brightest, some of the most accomplished scientists in the civilized world. [Applause.]

To detail a naval officer to an institution does not carry with it the supposition that an ignorant man has been detailed. It carries on its face the presumption that you have sent there one of the best educated, one of the best equipped men that can be found in the United States, and if he is not such he is unfit to be in the Navy. If he is not such he has in some way escaped the vigilance which has so sifted the cadetships that almost every member of Congress has been making an outcry during the last ten or fifteen years that they were too strict at that Academy. The name of M. F. Maury is held to-day in distinction, not only throughout the scientific world, but every shipmaster knows and appreciates the value of his services in the establishment of his great system of observations for the wind and current charts. The name of Admiral C. H. Davis is enrolled where the gentleman from Illinois can not disturb it, among the names of the scientists of the world who have rendered illustrious and distinguished service, and coming down from that time to this I would be unwilling, I would be ashamed to concede that we have so far retrograded that a Navy which thirty years or twenty or ten years ago could supply brilliant scientific men to put at the head of this Naval Observatory no longer contains a man of sufficient scientific attainment to warrant putting him at the head of that great institution.

I believe that to-day the gentleman who is assigned as Superintendent is finely equipped for those duties. He came there from where? He came there from the chiefship of the great naval instruction institution of this country—from the Superintendency of the Naval Academy; and as the superintendent of the Naval Academy no better hostage as to his fitness could be asked than that he is a man capable of directing the instruction of all future naval officers for a series of years. Certainly he ought to be fit to be the head of the Naval Observatory. I regret that an attack has been made upon the naval officers or the Naval Observatory, and I regret particularly that this bill has been held up for half or three-quarters of an hour on a proposition to add $2,500 to an appropriation to put up some necessary quarters for two observers at that institution.

The CHAIRMAN. Debate on this amendment is exhausted. Does the gentleman from Pennsylvania withdraw his pro forma amendment?

Mr. ROBINSON of Pennsylvania. I withdraw the amendment, but if the gentleman from Illinois is going to make another speech on the question I have another one ready.

Mr. CANNON. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois is recognized on his amendment.

Mr. CANNON. With the consent of the distinguished gentleman from Maine, I ask my other distinguished friend to withhold his threat——

Mr. ROBINSON of Pennsylvania. I made no threat.

Mr. CANNON (continuing). While in an humble way, as an ordinary Representative of the House, who has been sent here by a constituency, I shall in the short space of three or four or five minutes modestly exercise my right in this great presence to at least ask a question and express my disapproval about administration or appropriations. But it seems that the gentleman from Maine will not have any question raised touching any item, great or small, in this bill. What is it being considered in the committee for?

Mr. BOUTELLE. The gentleman made no proposition to modify the bill. Will the gentleman make a motion?

Mr. CANNON. I have made a motion.

The CHAIRMAN. One moment. The gentleman from Illinois must not be interrupted without his consent.

Mr. CANNON. I entitled myself under the rules of the House to the floor. I am a Representative, along with the gentleman; and so long as I am I will not submit to lectures from the gentleman when I exercise my right as a member here.

Mr. BOUTELLE. Will not you submit to other gentlemen exercising their rights?

Mr. CANNON. Oh, certainly.

Mr. BOUTELLE. Then we will get along all right.

Mr. CANNON. I have no objection to the gentleman, and I sat tolerably quiet listening to all the gentleman said. "Upon what meat doth this our Cæsar feed, that he is grown so great" that I can not even ask a question about the bill or express a doubt as to its wisdom? So much for that. I find I am to be lectured by the gentleman from Maine for making, as he claims, an attack upon the magnificent personnel of the Navy. It has been magnificent. I believe it is magnificent. I have very great respect for it. The officers of the Navy were educated at public expense, bright men and strong men, skilled in navigation and the command of ships, and I want them to follow their calling. That is not their calling out here at the Observatory gazing at the stars in the heavens or the stars on earth.

Mr. BOUTELLE. That is not for you to judge, or rather to decide.

Mr. CANNON (approaching Mr. BOUTELLE). May I humbly and modestly be permitted to express my opinion upon the question? [Great laughter.]

Mr. BOUTELLE. Certainly.

Mr. GROSVENOR. I think the gentleman from Illinois ought not to try an experiment in a new character upon so important a bill as this. [Renewed laughter.]

Mr. CANNON. Now, then, I only want to state again, when I first arose I had no thought of attacking the jurisdiction, real or claimed, of the Committee on Naval Affairs. But while you are talking about jurisdiction of committees, let me say the gentleman from Maine well knows, and every other member of the House that has had considerable experience on the subject of appropriations, that it is a favorite scheme for executive officers, when they can not get appropriations recommended under the jurisdiction of one committee, to shift around and submit estimates for appropriation so that they will come in under another committee. I state again, that I do not think the Committee on Naval Affairs substantially, under the rules of the House, had jurisdiction.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBINSON of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Several MEMBERS. Oh, no.

Mr. ROBINSON of Pennsylvania. Mr. Chairman, now I have not troubled the House very often in five years' service, but I intend to make a few remarks on this subject.

Mr. BOUTELLE. I hope my colleague will be listened to. He is a member of the committee and has served for years in the United States Navy.

Mr. ROBINSON of Pennsylvania. There is no need to apologize for my speech. I shall speak in my own right as a Representative. [Laughter.]

Mr. BOUTELLE. I am not apologizing for the gentleman.

Mr. ROBINSON of Pennsylvania. Mr. Chairman, on all questions of legislation outside of those connected with the United States Navy, I am perfectly willing to submit to the superior experience and information of the gentleman from Illinois [Mr. CANNON], but if I may be pardoned for a personal statement, I am a graduate of the Naval Academy, and I served for eleven years in the United States Navy, and I therefore feel that I may speak with some measure of authority on this subject. From information and knowledge—and I think I am a good witness—I wish to say, and this is the only point upon which I take issue with the gentleman from Illinois, that the officers of the Navy detailed for work at the Naval Observatory perform duty similar to that which is performed by naval officers in England and that they are gentlemen of the highest scientific attainments. If they were not capable of compassing all the scientific knowledge that is necessary to be brought to bear in the work of that Observatory, they certainly would not be detailed for such a conspicuous position, and the gentleman from Illinois ought to know that the scientists of this country would rise up in protest against this Congress, or against the appointing authority, if officers were detailed for such duty who were not fully qualified to perform it to the satisfaction of the country.

Mr. MILES. Have we not had one scientific gentleman protesting on the floor of this House this afternoon in the person of the gentleman from Illinois? [Laughter.]

Mr. CANNON. Yes; and now we have a second.

Mr. ROBINSON of Pennsylvania. I desire to say further, Mr. Chairman, that when the gentleman attempts to state and to put it upon record that our naval officers who are detailed for this business are not capable of doing the work, I take issue with him in toto. I do not know whether he is the gentleman or not, but I think it must have been the gentleman from Illinois in his early days in Congress of whom a certain story is told. At all events the principal in it was a gentleman from some western portion of the country—and I have no indictment to make against the great West, because even so great a man as Grover Cleveland got into trouble the other day by attempting that. [Laughter.] However, if my information is correct, it must have been the gentleman from Illinois, who in his pristine days in Congress was invited to go down the Potomac upon one of the Government vessels. He accepted the invitation, and walking around the deck of the vessel examining all things in his scientific and inquisitorial way, he happened to look down over the main hatchway, whereupon he raised his hands and exclaimed, "Great God, she's holler." [Great laughter.]

Probably during his long and creditable career in Congress (interrupted only while he was out on the treeless prairies for two years on one occasion not long ago) he has acquired more information about naval affairs than he had at the beginning; still he has not yet gathered to himself sufficient information, scientific or otherwise, to justify him in stating that the officers of the Navy are lacking in scientific knowledge—the men who can make the computations contained in this book I hold in my hand (the Nautical Almanac), upon which our commerce rests; because the scientific knowledge required for the safe conduct on the highways of the sea of our commercial and national marine is obtained from the material furnished in this book, and the work upon which these computations are based is done by naval officers in great part, is of greatest scientific character, and is superintended entirely by a distinguished naval officer, a master of the sciences as well, Commodore Robert L. Phythian.

Mr. CANNON. Now, Mr. Chairman, I move to strike out the five last words. [Laughter.] For the sake of peace I plead guilty to all that the honorable gentleman from Pennsylvania has said, and, if he wishes, to all that he will say, including the story about going down the Potomac and all that. [Laughter.] I do live out in the Mississippi Valley. I did not have the benefit of a training at the Naval Academy at Annapolis, as my friend from Pennsylvania had. That was my misfortune, and it was his good fortune that he had that training and that he had eleven years' service as an officer in the Navy, serving the people of this country, of whom I am one.

I have been frequently surprised in my service in this House of Representatives at the fact that no man sitting here as a Representative and the peer of every other Representative can rise in his place and criticise any abuse, or what seems to be an abuse, in administration when it touches an officer of the Navy, magnificent and splendid as those officers are and well able to stand on their real merits, but what there rushes to the front some defender who has zeal if not knowledge. And so, after the gentleman from Pennsylvania has ceased to be an officer in the Navy and is a Representative in this House, from a love of old associations, or probably from pride of profession, he rushes in to defend what is, in my judgment, a misappropriation of the services of his former colleagues. I may be wrong about it, but that is my judgment, whether I knew that the ship that went down the Potomac was "holler" or not. [Laughter.] And let me say to my friend that upon these subjects I am just about as wise as my constituents.

Mr. MAHON. Will the gentleman allow me to ask a question?

Mr. CANNON. Yes, sir.

Mr. MAHON. You know that a schooner is hollow, do you not? [Laughter.]

Mr. CANNON. I confess it. There is no man in the House that can make the assertion with greater positiveness and safety than the distinguished gentleman from Pennsylvania. [Laughter.]

Now, then, behold what a great matter comes from asking in a legitimate way a question. I have asked a question; I have made my protest. I have not made it every year, I believe. Only once before in my life, so far as I have any recollection, have I called attention to this abuse (and I am not abusing anybody when I say that) in the public service. I believe it ought to be corrected. I hope I shall live long enough to see it corrected by law.

Mr. BOUTELLE. Now, will the gentleman from Illinois be kind enough——

The CHAIRMAN. Debate is exhausted.

Mr. BOUTELLE. I move to strike out the last word; and I want to ask my friend from Illinois whether he will be kind enough to suggest what there is in this bill at this point to which he objects and what he desires to have changed.

Mr. CANNON. I will very gladly accommodate the gentleman. I believe that the substance of the rule would be observed and that good administration and appropriation would be promoted if the gentleman would rise in his place and move to strike out the appropriation for the completion of these buildings.

Mr. BOUTELLE. On what ground? They are recommended by the Department.

Mr. CANNON. Yes.

Mr. BOUTELLE. They are in conformity with a law that has been passed by Congress. The question is simply whether we shall appropriate $2,500 in accordance with law; that is all. If we do not put in this provision for quarters it will not take away any of the "observers" that are already provided for. The gentleman and his committee have provided for "observers" going there. We are simply housing them. Unless the gentleman desires to make some motion, I hope we shall go on with the reading of the bill.

Mr. CANNON. I have answered the gentleman's question; and I have stated what I believe to be the merits of this appropriation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For construction of a similar additional ward to increase needed capacity of hospital, $25,000, which sum shall be paid from that portion of the naval hospital fund accruing from the sale of naval hospital grounds to the city of Brooklyn, and placed to the credit of the naval hospital fund in pursuance of the provisions of the act approved July 2, 1890.

Mr. WHEELER. I move to amend by striking out the last word.

Mr. Chairman, on yesterday the gentleman from Maine [Mr. BOUTELLE] who a moment ago was right by me made a statement on this floor which was historically inaccurate.

In speaking of—

Gentlemen on the other side—

meaning, of course, Democrats on this side of the House, and also speaking of—

men who served in the Confederacy—

the gentleman from Maine [Mr. BOUTELLE] said:

They voted solidly to put Fitz John Porter on the retired list; they voted solidly that Ulysses S. Grant should not go on that list.

When this statement was questioned and was sought to be corrected, the gentleman from Maine replied:

They all voted against it.

This language of Mr. BOUTELLE was certainly susceptible of no other construction than that the Democratic party voted solidly against the bill to restore General Grant to the retired list, and especially that those who served in the Confederacy particularly opposed and voted solidly against this measure, and it certainly carried with it the conclusion that this included the entire Congress, both Senate and House.

This statement was so contrary to the truth that I denied it with great emphasis, and if I made my denial any broader than I should, Mr. BOUTELLE more than any other man was responsible for it. On the 3d of March, 1885, Mr. BOUTELLE rose in his seat just as the session was about to close and said (I read from the CONGRESSIONAL RECORD, page 2567):

GENERAL U. S. GRANT.

Mr. BOUTELLE addressed the Chair.

The SPEAKER. For what purpose does the gentleman from Maine rise?

Mr. BOUTELLE. I ask unanimous consent to make an announcement that will occupy but a few seconds, and that I know will be of great interest.

There was no objection.

Mr. BOUTELLE. Mr. Speaker, I have the great pleasure of announcing to the representatives of the people that the Senate of the United States, in open session and by a unanimous vote, has confirmed the nomination of Ulysses S. Grant as General of the Army of the United States on the retired list. [Applause.]

With this statement from Mr. BOUTELLE on my mind, is it surprising that in recurring without a moment's reflection upon an occurrence of more than eleven years ago I should have made my statement a little broader than was justified by the facts? I immediately afterwards endeavored to get the gentleman's permission to correct my statement and to make it conform strictly to the fact, and I continued my efforts during all of Mr. BOUTELLE'S occupancy of the floor, not alone to correct my slight error, but also to correct the gross misstatement of the gentleman from Maine. When I appealed to the gentleman, as shown on page 8153, the RECORD says:

Mr. BOUTELLE. Wait a moment.

Which certainly was giving me to understand that if I waited a moment he would give me an opportunity.

Again, on the same page, I appealed to him and he replied:

Mr. BOUTELLE. I am going to take one thing at a time; you come next. [Laughter.] I can not take South Carolina and Alabama all at once.

Mr. WHEELER. They are two pretty good States.

Mr. BOUTELLE. They are, and I do not want to get into antagonism with both of them at the same time.

This certainly was an intimation to me that I should have an opportunity to make the correction. The gentleman, however, did not allow me any such opportunity, and I availed myself of the privilege of correcting my statement, which was done immediately as the House adjourned, so that when the papers were sent to Mr. BOUTELLE for correcting his speech he would see my correction, and my hope was that he would then correct his fearful misstatement.

Now, Mr. Chairman, a great many gentlemen who were members of this House and of the Senate opposed the bill upon the ground that General Grant was in business and was the compeer of any financial man in the country. It is a matter of record that in the Military Committee of the House in the Forty-seventh Congress, when that bill was brought up, a distinguished Republican, who had been a soldier, met it with a resolution that whereas General Grant had shown himself to be the compeer of the most distinguished financial men in the country he did not need the salary, and he moved that the bill be not reported favorably. That motion against the bill was voted for by every Republican in the committee, as I recall the facts, and the bill was not opposed by any Democrat. That is my recollection.

Now, when the Senate bill came before the House, so far from correct is the gentleman from Maine in saying that it was solidly opposed by the Democrats, 77 Democrats voted in this House for the bill on the yea-and-nay vote.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. WHEELER. I ask unanimous consent that I may have five minutes more.

Mr. NORTHWAY. I object.

Mr. BOUTELLE. I hope the gentleman will not object.

The CHAIRMAN. Objection is made.

Mr. WHEELER. I move to strike out the last two words.

Mr. STALLINGS. If I can be recognized I will yield my time.

Mr. WHEELER. Now, Mr. Chairman, my purpose in rising and correcting the gentleman was to preserve the truth of history, and not allow a statement to go into the RECORD of this Congress that was entirely without foundation.

Mr. BOUTELLE. Will the gentleman kindly state what statement he referred to was "entirely without foundation"?

Mr. WHEELER. The statement I read of the gentleman from Maine which appears in the RECORD. A statement to the effect that everybody on this side of the House, every Democrat, solidly voted to put Fitz John Porter on the retired list of the Army and solidly voted against putting General Grant upon the retired list.

Mr. BOUTELLE. Who voted against it?

Mr. WHEELER. You had gone on and spoken of those on this side, and those who served in the Confederacy, and the House understood, and the whole country would have understood, it to mean that the whole Democratic party and all who served in the Confederacy voted solidly against the bill.

Mr. BOUTELLE. I think not. I think the statement should be clearly understood, and that it refers to those members who served in the Confederate army.

Mr. WHEELER. And in contradiction of that statement I find at a glance, without counting the other names, at least 10 in the House who voted for the bill in question and 15 in the Senate who voted for the bill were in the Confederate army. I also see that 20 Democratic Senators voted for the bill and every Democrat in the Senate voted for the confirmation of General Grant's appointment, and, as stated, 77 Democrats in the House voted for the bill. It is true that there were 78 votes against the bill, but they were not all Democrats.

Now, since I have had the honor of being a member of the House I have several times been the subject of attack by the gentleman from Maine, but I have never replied——

Mr. BOUTELLE. I desire to say to the gentleman that I made no attack upon him whatever. I have never referred to him in any way.

Mr. WHEELER. Now, I have never replied to any of these attacks because I have never had any feeling of animosity against or other than kindly feelings toward the gentleman. My feelings have always been those of sympathy, commiseration, and pity. [Laughter.] I dislike to see a man in the situation of my distinguished friend from Maine on yesterday, to stand solidly and alone in opposition to a measure which met the approval of the entire House and the whole country. I could not take the floor myself upon it. I could not vote upon it. There was a manifest impropriety in my speaking upon it, and I should never have alluded to it again had not the gentleman this morning got up and criticised my making a slight change in order to make what I said tell the exact truth; and, as I tried to say this morning, it was done largely so that when the manuscript of his remarks went to the gentleman, as they were to go to him, he would learn the facts and correct his remarks so that they would tell the truth also. But the gentleman did not do it, but allowed his remarks to remain in the RECORD as incorrectly uttered by him, when the gentleman must have known himself that his statement was not accurate.

Now, Mr. Chairman, in view of the fact that eleven years have elapsed since that vote was taken the purpose of the gentleman from Maine evidently must have been an attempt to convince the people of the North that the Southern people were inimical to every measure that sought to honor the Federal soldiers. The gentleman ought to know that the Southern people have always honored the brave men of the Federal Army who stood in the first of battle; and if he will examine the records he will find that Democratic Congresses have reported bills to appropriate twice as much money to pension Federal soldiers as have ever been reported by Republican Congresses. The Democrats have always done their full duty to their country.

[Here the hammer fell.]

Mr. BOUTELLE. Mr. Chairman, I regret very much to find it necessary, or expedient rather——

A MEMBER. Oh, let us go on with the bill.

Mr. BOUTELLE. I do not want to be placed in the position of having made a statement in the way attributed to me by the gentleman from Alabama who has just spoken. But I should not have referred to the matter again if the gentleman had not addressed the committee, and will now say what I was prevented from saying when I sought the floor this morning. I do not propose to be left in the position of making a statement in regard to the votes of the members of the other side of the House that I did not make, and could not have made, and did not intend to make, a statement which could have been made from no other motive except malice.

I had no idea of saying that all the Democrats on that side of the House voted against the bill for the retirement of General Grant. On the contrary, I expressly stated that the distinguished Democrat from Pennsylvania, Samuel J. Randall, was active in support of the bill. What I did say in the discussion on yesterday was:

Gentlemen over here will perhaps say: "Oh, I do not like to take a position which may be misconstrued or criticised by somebody and place me in an attitude inimical to the views and desires of our brethren who were on the Confederate side in the late rebellion." My friends, the gentlemen on the other side—

Those gentlemen, of course everybody understands—

have never hesitated one moment in advocating their side of all these controversies.

I certainly was not referring to the Democratic party in this statement. It is obvious that I was not, for there were Union generals on that side.

No man who served in the Confederacy felt at all estopped because he had participated in the rebellion from opposing the putting of General Grant on the retired list. No gentleman over there, so far as I know, felt estopped in the slightest degree from acting as a juror in the great case of the Union against Fitz John Porter when he was retired. They voted solidly to put Fitz John Porter on the retired list; they voted solidly that Ulysses S. Grant should not go on that list.

Whereupon the gentleman from Alabama [Mr. WHEELER], according to the reporter's notes, and as I believe the gentleman now concedes, said:

Will the gentleman tell us the name of one man who voted against the passage of that bill for Gen. Ulysses S. Grant?

The reply to that was:

They all voted against it.

Of course everybody understood when I said "they all voted against it" that I was referring to ex-Confederate members of this House. Then the gentleman from Alabama said:

The House voted unanimously for the bill; there was not a single vote against it.

I said nothing about the Senate. There was no member of this body better aware of the fact that the Senate voted unanimously in favor of that proposition, because I came over here and made the announcement myself. I did not make any accusation against the gentleman. I simply put my question of privilege on the ground that the RECORD had been altered in a way to do injustice to my accuracy, and I left the responsibility to be fixed as it might be. As a matter of fact, the RECORD shows that I was entirely correct. If there was one member who served in the Confederacy who did vote for General Grant, I regret that I did not know it and state it. I would have stated it if I had known it. There were 78 Democrats who voted against putting General Grant on the retired list. Fifty-eight of them were from the South, and of those 58 members, every one who was present at the succeeding session, to the number of 51, voted to bestow upon Fitz John Porter the honor they had refused to General Grant.

Now, for the accuracy of history, I will read that the nay vote on the 3d of March, 1885, on the direct question of placing General Grant on the retired list of the United States Army, was:

Alexander,	Crisp,	Lanham,	Singleton,
Ballentine,	Culberson, D. B.	McMillin,	Skinner, T. G.
Barbour,	Davidson,	Matson,	Smith, A. Herr
Barksdale,	Davis, L. H.	Miller, J. F.	Stewart, Charles
Belmont,	Dibrell,	Mills,	Stockslager,
Bennett,	Dockery,	Money,	Swope,
Blackburn,	Dowd,	Muldrow,	Taylor, J. M.
Blanchard,	Eaton,	Neece,	Tucker,
Blount,	Eldredge,	Oates,	Turner, H. G.
Buchanan,	Forney,	O'Ferrall,	Turner, Oscar
Buckner,	Geddes,	Patton,	Van Eaton,
Cabell,	Gibson,	Pierce,	Warner, Richard
Caldwell,	Green,	Price,	Wellborn,
Clay,	Halsell,	Pryor,	Winans, E. B.
Clements,	Hammond,	Reagan,	Wise, G. D.
Cobb,	Hatch, W. H.	Reid, J. W.	Wolford,
Cook,	Hemphill,	Reese,	Wood,
Cosgrove,	Hewitt, G. W.	Rogers, J. H.	Woodward,
Covington,	Hill,	Rosecrans,	Yaple.
Cox, W. R.	Jones, J. H.	Shively,	

The affirmative vote was 198, and there were, I am glad to say, a large number of Democrats who voted for it.

Mr. CUMMINGS. Were there any War Democrats who voted in the negative?

Mr. BOUTELLE. Yes; I see two or three. And of the 78 Democrats who voted in the negative there were 58 who had served in the Confederacy.

Mr. WHEELER. Seventy-seven Democrats voted the other way.

The Clerk, resuming the reading of the bill, read as follows:

BUREAU OF SUPPLIES AND ACCOUNTS.

Provisions, Navy: For provisions and commuted rations for the seamen and marines, which commuted rations may be paid to caterers of messes, in cases of death or desertion, upon orders of the commanding officer, commuted rations for officers on sea duty and naval cadets, and commuted rations stopped on account of sick in hospital and credited to the naval hospital fund, subsistence of officers and men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given), and fresh water for drinking and cooking purposes, $1,275,000; labor in general storehouses and paymasters' offices in navy-yards, including expenses of handling stores purchased under the naval supply fund, a chemist at $2,000 per annum, $130,000; in all, $1,405,000.

Mr. JOHNSON of California. I should like to ask the chairman of the committee if that is the section that there was some complaint made about? The gentleman from California [Mr. HILBORN] who is a member of the committee knows what I refer to. Is this the commuted-ration business that complaint was made about?

Mr. HILBORN. That is all provided for in the first section of the bill, in the pay of the Navy. It does not come in here. It is all right.

The Clerk, resuming the reading of the bill, read as far as the paragraph beginning—

INCREASE OF THE NAVY.

Mr. JOHNSON of California. Mr. Chairman, I call the attention of the chairman of the committee to the fact that we have reached the item in the bill now relating to the increase of the Navy.

Mr. BOUTELLE. Mr. Chairman, it has been suggested by a number of gentlemen that as it is nearly 5 o'clock it is rather late for any general debate. I think it would be better for the committee to rise, and if that will be satisfactory to those gentlemen who desire to speak, I will move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, and had come to no resolution thereon.

Mr. BOUTELLE. Mr. Speaker, I move that the House do now adjourn.

LEAVE OF ABSENCE.

Pending the announcement of the vote, by unanimous consent, leave of absence was granted as follows:

To Mr. STROWD of North Carolina, for one week, on account of important business.

To Mr. BARTLETT of Georgia, for this day.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 732) to regulate the issue and recording of the commissions of officers in several of the Departments;

A bill (H. R. 4463) to grant certain condemned cannon and cannon balls to the Thirteenth and Forty-third Separate Companies National Guard of State of New York; and

Joint resolution (S. R. 75) providing for the disposition of certain property now in the hands of the receiver of the Church of Jesus Christ of Latter-Day Saints.

The motion of Mr. BOUTELLE was agreed to.

Accordingly (at 4 o'clock and 53 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting schedules of claims allowed by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Bartley Harris against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Interior, transmitting an agreement with the San Carlos Reservation Indians ceding certain lands to the United States, together with reports from the Commissioner of Indian Affairs and of the Commissioner of the General Land Office and the draft of a bill ratifying and confirming the agreement—to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. STEPHENSON, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 3124) to amend section 34 of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1892, and for other purposes," approved March 3, 1891, reported the same with amendment, accompanied by a report (No. 935); which said bill and report were referred to the House Calendar.

Mr. WILSON of Idaho, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 4974) for the relief of settlers on the Northern Pacific Railroad indemnity lands, reported the same without amendment, accompanied by a report (No. 946); which said bill and report were referred to the House Calendar.

Mr. DRAPER, from the Committee on Patents, to which was referred the bill of the House (H. R. 3014) revising and amending the statutes relating to patents, reported the same with amendment, accompanied by a report (No. 940); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. STALLINGS, from the Committee on Pensions: The bill (H. R. 2331) for the relief of Bluford Reeder. (Report No. 936.)

By Mr. BAKER of Kansas, from the Committee on Pensions: The bill (H. R. 6282) to increase the pension of Alexander McBride. (Report No. 937.)

By Mr. FENTON, from the Committee on Military Affairs:

The bill (H. R. 3503) to correct the military record of Elisha B. Bassett. (Report No. 945.)

The bill (H. R. 2412) to remove the charge of desertion now standing against George Alcott on the rolls of the War Department. (Report No. 938.)

By Mr. SNOVER, from the Committee on Claims: The bill (H. R. 145) for the relief of J. J. Lints. (Report No. 939.)

By Mr. HALTERMAN, from the Committee on Pensions: The bill (H. R. 6900) increasing the pension of Mary T. Young. (Report No. 941.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 5425) to grant a pension to Charlotte O. Van Cleve, widow of Gen. Horatio P. Van Cleve. (Report No. 942.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 4875) granting a pension to John W. Pogue. (Report No. 943.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 7240) granting a pension to John W. Bruner, late of Company F, Second Regiment Pennsylvania Volunteers, and Company G, First Regiment Pennsylvania Cavalry, and the United States Signal Corps. (Report No. 944.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CURTIS of Kansas: A bill (H. R. 7569) authorizing the issue of patents to the Swan Creek and Black River Chippewas and the Munsee or Christian Indians of Kansas, and for the sale of their reservation in Kansas, and for other purposes—to the Committee on Indian Affairs.

By Mr. KYLE: A bill (H. R. 7570) for preliminary survey of Coldwater River, Mississippi—to the Committee on Rivers and Harbors.

By Mr. HULING: A bill (H. R. 7571) fixing the time for holding the circuit and district courts in the district of West Virginia—to the Committee on the Judiciary.

By Mr. MILLIKEN: A bill (H. R. 7572) providing for the adjudication of pension claims in cases of hernia—to the Committee on Invalid Pensions.

By Mr. CRUMP: A bill (H. R. 7573) for the erection of a public building at Alpena, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. DOOLITTLE: A bill (H. R. 7574) for the relief of certain settlers in the State of Washington—to the Committee on the Public Lands.

Also, a bill (H. R. 7575) for the relief of persons who have filed declarations of intention to enter desert lands—to the Committee on the Public Lands.

By Mr. RUSK (by request): A bill (H. R. 7576) to incorporate the Columbia Subway Company—to the Committee on the District of Columbia.

By Mr. GARDNER: A bill (H. R. 7577) to incorporate the Washington Homeopathic Medical College and Hospital—to the Committee on the District of Columbia.

By Mr. MURPHY of Arizona: A bill (H. R. 7578) granting the Flagstaff and Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve, in northern Arizona—to the Committee on the Public Lands.

By Mr. NEWLANDS: A bill (H. R. 7579) to secure the relinquishment of the Indian title to a portion of the Pyramid Lake Reservation, in Nevada, and to the entire Walker River Reservation, in said State, and for other purposes—to the Committee on Indian Affairs.

By Mr. SAYERS (by request): A bill (H. R. 7580) to provide for testing devices for the coupling and uncoupling of railway cars, and for awarding a prize to the most meritorious of such devices—to the Committee on Interstate and Foreign Commerce.

By Mr. MILLIKEN: A bill (H. R. 7614) to provide for the erection of a hall of records—to the Committee on Public Buildings and Grounds.

By Mr. HARRIS: A bill (H. R. 7615) to improve the navigation of Sandusky Bay, Ohio—to the Committee on Appropriations.

By Mr. HITT: A joint resolution (H. Res. 147) authorizing Prof. Asaph Hall, United States Navy, to accept a decoration from the Government of the Republic of France—to the Committee on Foreign Affairs.

Also, a joint resolution (H. Res. 148) authorizing Prof. Simon Newcomb, United States Navy, to accept a decoration from the Government of the Republic of France—to the Committee on Foreign Affairs.

By Mr. BRODERICK: A concurrent resolution (House Con. Res. No. 34) providing for the reprinting of certain publications of the Surgeon-General's Office—to the Committee on Printing.

By Mr. ALLEN of Utah: A memorial of the governor and legislature of the State of Utah, praying for an appropriation to meet the deficiency in amount heretofore appropriated for the expenses of the constitutional convention of said State—to the Committee on Appropriations.

By Mr. McCALL of Massachusetts: A memorial of the general court of the Commonwealth of Massachusetts, relative to the dry dock at the Charlestown Navy-Yard—to the Committee on Naval Affairs.

By Mr. BREWSTER: A memorial of the assembly of the State of New York, in favor of House bill No. 1, to reclassify and prescribe the salaries of the railway postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. FOSS: A memorial favoring a plan for the construction of increased areas of dockage and the improvement of harbors to accommodate and protect deep-draft vessels, etc.—to the Committee on Rivers and Harbors.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ALDRICH of Illinois: A bill (H. R. 7581) granting a pension to Mrs. Maria N. Flint—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7582) granting a pension to Mrs. Martha A. Avery—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 7583) for the relief of John T. Giverin—to the Committee on Naval Affairs.

By Mr. BULL: A bill (H. R. 7584) granting a pension to Phebe A. Thurber, of Providence, R. I., dependent daughter of Samuel Short, a Revolutionary soldier—to the Committee on Pensions.

By Mr. CALDERHEAD: A bill (H. R. 7585) granting a pension to Anna B. S. Phillips, widow of Col. William A. Phillips, late colonel of Third Regiment Indian Home Guards—to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 7586) for the relief of Charles E. Hallenbeck—to the Committee on Military Affairs.

Also, a bill (H. R. 7587) to authorize the Secretary of War to place the name of F. M. Moore on the list as a post noncommissioned officer with a view to subsequent retirement—to the Committee on Military Affairs.

Also, a bill (H. R. 7588) authorizing and directing the Secretary of the Treasury to pay Eben Pierce, of Tacoma, Wash., the sum of $412.50—to the Committee on Claims.

By Mr. DOVENER: A bill (H. R. 7589) for the relief of John W. Kennedy, of Wheeling, Ohio County, W. Va.—to the Committee on Claims.

Also, a bill (H. R. 7590) for the relief of the heirs of James A. Smith, deceased, of Wheeling, Ohio County, W. Va.—to the Committee on War Claims.

By Mr. FISCHER: A bill (H. R. 7591) granting an increase of pension to Lovenia Bayles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7592) to remove the charge of desertion from the military record of Robert F. Johnson—to the Committee on Military Affairs.

By Mr. HAINER of Nebraska (by request): A bill (H. R. 7593) for the relief of James L. Williams—to the Committee on Military Affairs.

By Mr. HARRIS: A bill (H. R. 7594) to remove the charge of desertion from the military record of John Wiedes—to the Committee on Military Affairs.

Also, a bill (H. R. 7595) to remove the charge of desertion from the military record of Thomas Higgins—to the Committee on Military Affairs.

Also, a bill (H. R. 7596) to remove the charge of desertion from the military record of George Gardener—to the Committee on Military Affairs.

Also, a bill (H. R. 7597) for the relief of Anderson H. Ash—to the Committee on Claims.

By Mr. HENRY of Indiana: A bill (H. R. 7598) for the relief of Thomas Cox—to the Committee on Military Affairs.

By Mr. HULICK: A bill (H. R. 7599) for the relief of Sarah J. Richardson—to the Committee on Invalid Pensions.

By Mr. JOHNSON of California: A bill (H. R. 7600) for the relief of Maria E. Mumford, widow of Ferdinand S. Mumford, late captain, First Regiment United States Infantry—to the Committee on Claims.

Also, a bill (H. R. 7601) to grant a pension to Andrew Ames, formerly a scout and guide in the service of the United States and acting with the regular troops in the campaign against the Apaches led by Chief Geronimo—to the Committee on Pensions.

Also, a bill (H. R. 7602) to provide for the restatement, readjustment, settlement, and payment of dues to Capt. William C. Hemphill, late an officer of the United States Army—to the Committee on Claims.

By Mr. LITTLE: A bill (H. R. 7603) to pay heirs of John Rogers and William Duval for legal services—to the Committee on Indian Affairs.

By Mr. MILNES: A bill (H. R. 7604) for the relief of I. Winslow Ayers—to the Committee on Claims.

Also, a bill (H. R. 7605) for the relief of Edwin Collar, late a member of Company F, Third New York Volunteer Cavalry—to the Committee on Military Affairs.

By Mr. NOONAN: A bill (H. R. 7606) granting an increase of pension to Lucy Ord Mason—to the Committee on Invalid Pensions.

By Mr. RUSK: A bill (H. R. 7607) for the relief of Mrs. Susan Clendenin—to the Committee on Pensions.

By Mr. STRONG: A bill (H. R. 7608) to increase the pension of Dorothy J. Edgar—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 7609) granting a pension to James Boyle—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 7610) to permit E. W. Ridgeway to establish a homestead on the public lands of the United States—to the Committee on the Public Lands.

By Mr. PICKLER: A bill (H. R. 7611) granting a pension to H. L. Graham—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 7612) for the relief of William Barber, late of United States Navy—to the Committee on Naval Affairs.

Also, a bill (H. R. 7613) for the relief of Samuel H. Keifer, late of Company A, One hundred and thirty-second Pennsylvania Infantry—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL of Colorado: Petitions of George E. Locker, George H. Hult, and William Alexander Platt, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BULL: Papers to accompany House bill No. 7584, granting a pension to Phebe A. Thurber, dependent daughter of Samuel Short, a soldier of the Revolutionary war—to the Committee on Pensions.

By Mr. DOOLITTLE: Seven petitions of citizens of Olympia, Wash., indorsing House bill No. 444, for the relief of A. D. Glover, ex-postmaster—to the Committee on Claims.

Also, petitions of citizens of Winlock, Anacortes, and North Yakima, Wash.; also resolutions of Grand Army posts of the State of Washington, viz, Farragut Post, No. 15, of Port Townsend; Commodore Foote Post, No. 84, of Sidney; George H. Thomas Post, No. 5, of Olympia, and L. C. Ladd Post, No. 18, of Puyallup, Department of Washington and Alaska, in favor of the passage of service-pension bill—to the Committee on Invalid Pensions.

Also, petition of the citizens of Orting, Wash., favoring the passage of joint resolution No. 11, proposing an amendment to the preamble of the Constitution of the United States—to the Committee on the Judiciary.

Also, resolution of the Tacoma Chamber of Commerce, Washington, favoring the passage of Senate bill No. 1214, for the investigation and tests of American timber—to the Committee on Agriculture.

Also, resolutions of the faculty and students of the Puget Sound University, of Tacoma, Wash., favoring the passage of a measure establishing a permanent court of arbitration—to the Committee on Foreign Affairs.

Also, resolutions of Sprague Camp, No. 4, Sons of Veterans, of Tacoma, Wash., indorsing joint resolution No. 102, that members may wear the distinctive badge on all public occasions of ceremony—to the Committee on Military Affairs.

Also, petitions of C. A. Heath, Walrath & Risederph, A. W. Bower, William A. Sparks, and Whatcôm County Press Association, Washington, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Western Central Labor Union, favoring the direct-legislation bill—to the Committee on Rules.

Also, petition of the Manufacturers' Association of California, asking that a commission be appointed to investigate the invasion of our markets by Japanese goods—to the Committee on Ways and Means.

Also, memorial of the town council of Waterville, Wash., favoring the passage of bill authorizing the speedy construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Lewisville, Wash., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. DOVENER: Remonstrance and petition of S. A. Cunningham and 104 other citizens of Wheeling, W. Va., against the continuance of the statue of Marquette in Statuary Hall, or any public national room, building, or public ground—to the Committee on the Library.

By Mr. EVANS: Petition of C. W. Samuels, F. W. Panke, and other citizens of Louisville, Ky., respecting the Marquette statue—to the Committee on the Library.

By Mr. FISCHER: Petition of Lovenia Bayles, widow of James M. Bayles, deceased, late private and sergeant of Company A, Second Regiment New York Volunteers, Mexican war, and quartermaster and captain Fourth Regiment New York Volunteers in late civil war, for passage of a special act increasing her pension—to the Committee on Pensions.

By Mr. GARDNER: Two petitions of citizens of Medford and county of Burlington, N. J., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HENRY of Connecticut: Petition of Eureka Council, No. 43, Order United American Mechanics, of Higganum, Conn., in behalf of the Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HENRY of Indiana: Resolutions adopted by Encampment No. 80, Union Veteran Legion, of Indianapolis, Ind., favoring the passage of House bill No. 3727, entitled "A bill to grant a service pension to officers and enlisted men who served during the late war"—to the Committee on Invalid Pensions.

By Mr. HENDRICK: Papers to accompany House bill No. 861, relating to a levee on the Mississippi River, between Hickman, Ky., and Tiptonville, Tenn.—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. HICKS: Petition of Highland Grange, No. 1123, of Cambria County, Pa., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty in order to equalize the benefits and burdens of the protective system—to the Committee on Ways and Means.

By Mr. KERR: Petition of Commodore Perry Council, No. 32, Order United American Mechanics, of Mount Vernon, Ohio, indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. LACEY: Protest of E. M. Jenison, publisher, of Ottumwa, Iowa, against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McEWAN: Petition of Federal Labor Union, No. 6402, of Missoula, Mont.; also petition of Civic Federation of Denver, Colo., asking for the passage of House bill No. 184, for appointing a committee of inquiry as to the feasibility of direct legislation—to the Committee on Rules.

By Mr. McRAE: Petition of A. S. Gibson, and papers to accompany House bill No. 7476, to amend an act to provide for the appointment of additional judges in the Indian Territory, and for other purposes—to the Committee on the Judiciary.

Also, memorial of P. C. Bolger and other citizens of the town of Cameron, Ind. T., against the passage of House bill No. 4154, to provide for the appointment of additional judges of the United States court in the Indian Territory, and for other purposes—to the Committee on the Judiciary.

By Mr. MORSE: Petition of J. W. Thuma and 20 other citizens of Shauck, Ohio, praying for the recognition of God in the Constitution of the United States—to the Committee on the Judiciary.

By Mr. NEILL: Petition of W. R. Jones, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBINSON of Pennsylvania: Petition of Nathan P. Walton and others, of Kennett Square, Pa., protesting against military training in public schools—to the Committee on Education.

By Mr. RUSSELL of Connecticut: Petition of General Burnside Council, No. 83, Order United American Mechanics, of Norwich, Conn., favorable to the Sperry or Lodge immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Faith Trumbull Council, No. 26, Daughters of Liberty, of Lebanon, Conn., favorable to the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Michigan (by request): Petition of M. S. Painter, of South Grand Rapids, Mich., and 50 others, praying for the removal of the statue of Père Marquette from Statuary Hall—to the Committee on the Library.

Also, petition of E. S. Holmes and 9 other citizens of Grand Rapids, Mich., favoring the passage of House bill No. 5729, for the protection of game birds and fish—to the Committee on Interstate and Foreign Commerce.

By Mr. SPERRY: Resolutions of Columbia Council, Lodge No. 5, of Meriden, Conn.; also Pioneer Council, Lodge No. 1, Order United American Mechanics, of New Haven, Conn., in favor of the Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. SNOVER: Petition of H. E. Watson and other members of the International Association of Machinists, of Port Huron, Mich., for further investigation of condition, etc., of employees in the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, petition of William H. Marvin, publisher, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, *March 26, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. MORRILL, and by unanimous consent, the further reading was dispensed with.

CLAIMS FOR BARRACKS AND QUARTERS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of February 13, 1896, directing the Secretary of the Treasury to cause the proper accounting officers of the Treasury to reexamine certain claims reported to Congress in House Executive Document No. 234, Fifty-third Congress, third session, a report from the Comptroller of the Treasury thereon, of the 24th instant; which, with the accompanying report, was referred to the Committee on Appropriations, and ordered to be printed.

PACIFIC RAILROADS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of February 13, 1896, certain information relative to the Union Pacific, Central Branch Union Pacific, Sioux City and Pacific, and the Kansas Pacific railroad companies; also the number of acres of land granted to each and all the Pacific railroads; which, with the accompanying papers, was referred to the Committee on Pacific Railroads, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 732) to regulate the issue and recording of the commissions of officers in several of the Departments;

A bill (H. R. 4463) to grant certain condemned cannon and cannon balls to the Thirteenth and Forty-third Separate Companies National Guard of State of New York; and

A joint resolution (S. R. 75) providing for the disposition of certain property now in the hands of the receiver of the Church of Jesus Christ of Latter-Day Saints.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the New York Board of Trade and Transportation, and a petition of the Woman's Christian Temperance Union of Oklahoma Territory, praying for the establishment of an international board of arbitration between Great Britain and the United States; which were referred to the Committee on Foreign Relations.

He also presented a petition of the American Anti-Saloon League, praying for the appointment of an impartial national commission of inquiry to investigate and report upon the alcoholic liquor traffic, etc.; which was referred to the Committee on Education and Labor.

He also presented a memorial of the United Independent Political Club, of Baltimore, Md., remonstrating against the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. BURROWS presented the memorial of W. C. Fowler and 17 other citizens of Washington, D. C., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

Mr. CHANDLER. I present the petition of the Muskogee or Creek and Seminole Nations, signed by the chief, opposing the passage of certain measures pending before the Senate which have been presented in consequence, as they assume, of the recommendation of the Dawes Commission. As the petition is from the nation, I ask that it may be printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

Petition of the Muskogee or Creek and Seminole Nations.

To the Congress of the United States:

The Muskogee or Creek and Seminole Nations, by their duly authorized representatives, do hereby most respectfully petition your honorable body to take such action as will prevent the passage of the measures now pending before you, which are calculated and intended to destroy our local governments, to deprive us of the right of self-government, to rob us of our heritage, and to abolish and annihilate our tribal existence.

We desire respectfully to call your attention to the fact that under the solemn treaty stipulations the right of unrestricted self-government has been guaranteed to our people.

You have recognized and respected that guaranty for many years, and under it we have established and maintained local governments in form similar to your own. Our people have advanced in all the arts of civilization, churches have been established, and a system of common schools has been maintained, and provision for the liberal education of our youth has been provided, and all branches of industry have been promoted. We point with proud satisfaction to the influence of these instrumentalities as tending to Christianize, educate, and elevate our people and fit them for the higher duties and responsibilities which should characterize freemen and patriotic citizens.

Under this system of government our people are making commendable and satisfactory progress, and their pride and ambition are stimulated to increased efforts for higher and greater achievements.

While we do not pretend that our governments are perfect either in form or in the methods of administration—because we realize that no human governments are perfect—still we invite the closest scrutiny into all our local concerns, and particularly as to the protection of the rights of persons and property within our limits. We challenge the most searching investigation into all our affairs, feeling assured that as a result of such investigation our people will receive full and complete vindication.

If at any time the rate of crime in our country has exceeded that of the States of the Union, it has resulted from the fact that a large number of those who belong to the criminal classes have invaded our territory from adjacent States, in violation not only of our laws but of the laws of the United States.

It is our desire especially to enter our solemn protest against those statements contained in the report of the Dawes Commission, which charge crime, corruption, and misrule among our people, and we challenge the most searching investigation by a committee of honest, impartial, and fair men into the condition of our people, the manner in which our laws are administered, and the provision we have made for the protection of the lives and property of those who may reside among us.

We are prepared to say for our people that upon such a report, coming from such a source, they will be willing to stand and to abide for all the purposes of future action in regard to them.

But we do most solemnly protest against the enactment of any legislation predicated upon the report of the Dawes Commission which will effect the autonomy of our governments.

In all our public and domestic affairs we have sought to pattern after your form of government and liberal institutions, and to emulate the Christian civilization of your intelligent and patriotic people. If we have fallen below the highest standards, illustrated by your superior intelligence and advanced civilization, it may be possible that you are in part responsible, as the invasion of our territory by criminals and covetous land grabbers has disturbed the peace of our country and injured the good reputation of our law-abiding and peaceable people.

In the name of sacred treaty stipulations, in the name of statutory provisions which you have enacted for our protection, in the name of the decisions of your judicial tribunals, and in the name of national honor, we appeal most earnestly to you, the representatives of this great Christian nation, to spare our homes, our firesides, our institutions, and our inestimable heritage, and let us alone until such time as we have under the inspiration of Divine Providence—encouraged by the example of you rilliard institutions and superior civilization—worked out our own welfare and destiny.

Very respectfully submitted.

G. A. ALEXANDER,
S. B. CALLAHAN,
E. B. CHILDERES,
D. V. ANDERSON,
Delegates for the Creek Nation.
HULBUTTA MEKKO,
JOHN JUMPER,
Delegates for the Seminole Nation.
SAMUEL H. MILLER,
Interpreter.

Mr. CHANDLER. I move that the petition be also printed as a document, and that it be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. GRAY presented a petition of the Wilmington Conference of the Methodist Episcopal Church of Wilmington, Del., praying

for the adoption of a proposed amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Petition of the Wilmington Conference of the Methodist Episcopal Church to the Congress of the United States.

Whereas the Constitution of the United States contains no recognition of God or of His providence; and

Whereas there is now pending in Congress a joint resolution proposing the following amendment:

"We, the people of the United States, devoutly acknowledging Almighty God as the source of all authority in civil government, the Lord Jesus Christ as the ruler of nations, and the revealed will of God as of supreme authority in civil affairs, in order to form a more perfect Union," etc.; and

Whereas the proposed amendment, if adopted by constitutional majorities by Congress and the State legislatures, would change our organic law from a purely secular to a theocratic Government, which was not intended by the framers of the Constitution or any of the States ratifying the same; and

Whereas no Unitarian, Jew, or Deist, who nevertheless might be a patriotic and useful citizen, could conscientiously swear to support the Constitution containing the said amendment: Therefore,

Resolved, That a committee be appointed by this conference with instructions to proceed to Washington as soon as possible after the adjournment of this body in order to lay before Congress the following petition:

"The members of the Wilmington Conference of the Methodist Episcopal Church, now sitting at Dover, in the State of Delaware, respectfully petition the honorable Senate and House of Representatives of the United States in Congress assembled, to pass a joint resolution submitting to all the State legislatures for ratification the following amendment to the Constitution:

"After the word 'posterity,' in the preamble as it now stands, insert the words 'trusting in Almighty God,' so that the whole preamble thus amended shall read as follows: 'We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, trusting in Almighty God, do ordain and establish this Constitution for the United States of America."

Resolved secondly, That the said committee secure, if possible, a similar petition from the Lay Electoral Conference, and that our delegates to the next General Conference endeavor to secure a like petition from that body.

Respectfully submitted.

J. H. Caldwell, R. H. Adams, W. L. S. Murray, Vaughn S. Collins, E. C. Macnichol, George A. Phoebus, Thomas E. Terry, T. E. Martindale, Merritt Holburd, Lewis E. Barrett, Edward Davis, W. E. Avery, Alfred T. Scott, F. C. MacSorley, John D. Rigg, C. W. Prettyman, R. Irving Watkins, B. F. Price, Henry S. Thompson, Charles A. Hill, Robert W. Todd, J. B. Quigg, Charles F. Sheppard.

Mr. McMILLAN presented a petition of sundry citizens of Washington, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and remonstrating against the extension of the tracks of that company until its existing lines are modernly equipped and operated; which was referred to the Committee on the District of Columbia.

He also presented a petition of Lansing City Lodge, No. 384, International Association of Machinists, of Lansing, Mich., and a petition of Gratiot Lodge, No. 117, International Association of Machinists, of Port Huron, Mich., praying for an investigation of the treatment accorded workingmen in the Brooklyn (N. Y.) Navy-Yard and other navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of the National Association of Stationary Engineers, No. 11, of Negaunee, Mich,, praying for the passage of the so-called Squire bill, relative to naval engineers; which was ordered to lie on the table.

Mr. CULLOM presented a memorial of the Illinois Reform Press Association, of Springfield, Ill., remonstrating against the passage of the so-called Lodge bill appropriating $88,000,000 to carry out a scheme of coast and harbor defenses; which was referred to the Committee on Coast Defenses.

He also presented a petition of sundry citizens of Advance, Ill., praying for the enactment of legislation giving second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of La Clede, Ill., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Illinois general assembly, praying for the enactment of legislation providing a general system of dock and harbor improvements upon the Great Lakes; which was referred to the Committee on Commerce.

Mr. HALE presented the petition of Joseph Sherwood, George Caswell, Harmon Varrell, and Charles M. Powell, enlisted men of the U. S. S. *Bibb*, and citizens of Maine, praying for the enactment of legislation placing them under the provisions of the acts of Congress of July 14, 1862, and of June 27, 1890, granting pensions; which was referred to the Committee on Pensions.

Mr. WALTHALL presented a concurrent resolution of the legislature of the State of Mississippi, praying for the enactment of legislation for the relief of the book agents of the Methodist Episcopal Church South; which was referred to the Committee on Claims, and ordered to be printed in the RECORD, as follows:

Concurrent resolution.

Whereas property belonging to the Methodist Episcopal Church South, in Nashville, Tenn., was used, damaged, and destroyed, under the direction of the United States Army, during the war; and

Whereas the policy of the Federal Government has ever been to compensate peaceable citizens within the borders of our country for property used, damaged, or destroyed, belonging to private individuals or concerns, under the authority or direction of the Federal Army; and

Whereas several committees in Congress have pronounced valid the claims made by the agents of the Methodist Church South for compensation for the use of property by the United States Army during the late war: Therefore

Be it resolved by the house of representatives (the senate concurring), That the Senators and Representatives in Congress from the State of Mississippi are hereby formally and earnestly requested to use every honorable effort to secure the passage of a bill now pending in Congress for the "relief of the book agents of the Methodist Episcopal Church South."

That a copy of these preambles and resolutions be certified by the secretary of state and sent our members of the House and Senate of Congress.

Adopted by the house February 21, 1896.

FRANK A. CRITZ,
Speaker pro tempore of the House.

Adopted by the senate February 24, 1896.

J. H. JONES,
President of the Senate.

Approved March 11, 1896.

A. J. McLAURIN, *Governor.*
J. L. POWER, *Secretary of State.*

Mr. BRICE. I present a memorial of the agents of the States of Ohio and Pennsylvania, relative to the claims of these States, under the act of July 27, 1861, as stated in Senate Document No. 75, Fifty-fourth Congress, first session. I move that the memorial be printed as a document and referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. PLATT presented a petition of the Woman's Christian Temperance Union of Connecticut, praying for the establishment of an international board of arbitration between Great Britain and the United States; which was referred to the Committee on Foreign Relations.

Mr. WHITE presented a petition of the Paint, Oil, and Varnish Club, of San Francisco, Cal., praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

BERNARD R. GREEN.

Mr. MORRILL. I am directed by the Select Committee on Additional Accommodations for the Library of Congress to report a joint resolution and ask unanimous consent for its passage.

The joint resolution (S. R. 114) authorizing and directing Bernard R. Green to exercise the duties and powers heretofore conferred upon the late Gen. Thomas L. Casey in relation to the construction and completion of the Library of Congress was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Bernard R. Green be, and is hereby, authorized and directed to assume and exercise all of the duties and powers heretofore conferred by law upon the late Brig. Gen. Thomas L. Casey, in relation to the construction and completion of the Library of Congress, and he shall receive as compensation for his services the sum of $5,000 per annum, payable out of the appropriations for said Library building: *Provided*, That all expenses incurred in the prosecuting of said work, including compensation of employees, shall be paid by the Secretary of the Treasury under such rules and regulations as he may prescribe.

Mr. MORRILL. I merely wish to say that Mr. Green is the man who has been the engineer under General Casey in the construction of a considerable share of the War, State, and Navy Department building, the Washington Monument, and the Library building, at present nearing completion. This building, it is expected, will be completed within less than one year from the present time. It is only recently that General Casey said to me that Mr. Green, receiving only $4,200 a year as his compensation, is really worth $5,000; and therefore the Select Committee on Additional Accommodations for the Library of Congress have placed his future compensation at the rate of $5,000 a year. I trust that the joint resolution will receive the unanimous approval of the Senate.

Mr. HALE. Mr. President, I most cordially second the proposition of the distinguished Senator from Vermont [Mr. MORRILL]. Since the Committee on Appropriations took this matter largely in hand and have from year to year examined into all of the appropriations for the new Library building, I think I may speak for all the committee in saying that the worth of the services of Mr. Green has been constantly growing in the mind of the members of the committee. He is a man of singularly excellent capacity, of untiring industry, of great integrity; and in the calamity that has fallen upon the country in this service and in other ways in the death of General Casey, I esteem it a matter of great congratulation to ourselves that so good a successor is naturally presented in the great work in which General Casey, was engaged. I would be willing to increase the compensation. If at any time hereafter the amount proposed in the joint resolution is not large enough, I

shall be even willing to increase the compensation provided in the joint resolution for this most excellent and worthy man.

I wish to say further, although it is needless here, that long experience with General Casey has led me to estimate him as one of the best of all officers in the public service. The monuments that his genius has raised in this city will be enduring as memorials to his fame, and all that has been done by Congress for him is only a slight measure of recognition of his real merit.

Mr. VILAS. Mr. President, I can not let the occasion pass without adding a word in respect to the peculiar merit of Colonel Green for this appointment. His connection with the construction of the Library building began during the time while I was upon the commission originally created, composed of the Architect of the Capitol, the Librarian of Congress, and the Secretary of the Interior. He was from the outset of the work the efficient accomplishing force connected with it, and he always has been from that time to this. He has been retained from no favor. I do not think there is a man in the United States who is his superior in knowledge of everything that pertains to the construction of a building in every branch, both of the substantial material parts, and of the æsthetic parts. I believe that the Government of the United States has saved a very large sum of money in the construction of the Library building by reason of Mr. Green's capacity and fidelity.

It is a pleasure to me to support the joint resolution, while at the same time I join in lamentation at the loss of the excellent officer who has been called away.

Mr. HILL. Mr. President, I am always reluctant to assent to resolutions of this character, which are brought in without a report from any committee and upon which immediate action is desired. I should suppose the selection of an important official like this is a matter that might well be referred to some appropriate standing committee of the body and then be reported to the Senate for action. I know nothing in regard to the qualifications of Mr. Green, or Colonel Green, I think he is called, nor in regard to the propriety of the compensation proposed to be given him. I shall ask this question: Is he connected with the Army in any way? Has he been?

Mr. VILAS. I do not understand that Mr. Green is an Army officer. He is a civil engineer, but had been in the employment of the Government, as was stated by the Senator from Vermont, as superintendent for a considerable portion of the time of the construction of the State, War, and Navy building, and afterwards of the construction of the Washington Monument, at the conclusion of which work he was employed as superintendent of the construction of the building for the Library of Congress.

Mr. HILL. Why should not the successor of General Casey, whoever he may be, take the place of General Casey and still retain this man as an assistant?

Mr. VILAS. I do not undertake to answer for the committee, the venerable chairman of which is present, but I will simply say, as the Senator directs his question to me, that this work is now and always must be peculiarly and specially in the hands of Mr. Green, and as it is now so near completion, it could do no good and might do harm to change its superintendence.

Mr. HILL. General Casey was appointed or selected or detailed for this position, I presume, by some statute. It does not follow, I suppose, that his ordinary army duties would have given him this position.

Mr. HALE rose.

Mr. HILL. Will the Senator from Maine explain in regard to that matter?

Mr. HALE. I will tell the Senator exactly how it came about. The plans and the work for the new building dragged for a long time, until at last, when applications were made for appropriations to commence the real work and to furnish real plans and were laid before the Committee on Appropriations, that committee, with the knowledge that it had of General Casey in regard to his adaptability for this kind of work, as shown in the State, War, and Navy Department building and in the finishing of the Washington Monument, sent for General Casey. It was not, I will say to the Senator from New York, because he was an army officer, but because of the acquaintance that Congress had with him in connection with these great works, the skill that he had developed, and his large, broad capacity. The whole subject was laid before General Casey, and he was requested to formulate some plan which his experience, not technically as an army officer, but in the building of great structures, would induce him to do. When he laid his plan before the committee it was so complete in every detail that the whole work was imposed upon him, and from that day to this it has been a constant source of satisfaction, I think, to the committee that that was done.

Now, he was not selected simply as an army officer, but because of his great experience, and in that experience, I will say to the Senator, Mr. Green traveled alongside with him as his assistant. He was at once taken by General Casey and put practically in charge, and since then he has developed the faculty and the ability that show him to be much more competent for the service than any army officer is likely to be.

Mr. HILL. Mr. President, I do not like legislating a man into office. That is all this bill is. I think it would be wiser, if the original act does not provide for the appointment by some board, or by the President or Secretary of War, that a statute should be passed by which an appointment can be made. I will ask the Senator from Maine, who seems to understand this matter better than I do, how General Casey was originally appointed, whether by statute specially or by some authority?

Mr. MORRILL. By law, as the Chief Engineer of the War Department, and subsequently, when he was about to retire, he was continued under the name of General Casey until the building should be completed.

Mr. HILL. Then why should not his successor succeed him and have the same charge?

Mr. HALE. He has had no such experience as General Casey had in this kind of work.

Mr. HILL. Not in this particular work, but it is to be assumed he has had some experience.

Mr. HALE. This man has been practically in charge of the work from the day when the first stone was laid, constantly increasing in his usefulness, and no army officer can compete for a moment with him.

Mr. HILL. Why can not he continue in the same position under the new official as under General Casey, if he is so valuable a man?

Mr. HALE. I would reward a man for real merit and for the work he has done, and I would promote him because of that work.

Mr. MORRILL. Will the Senator from New York allow me?

Mr. HILL. Certainly.

Mr. MORRILL. I will state that this matter has been fully considered by every member of the committee, the Senator from Illinois [Mr. CULLOM], the Senator from Iowa [Mr. ALLISON], the Senator from Indiana [Mr. VOORHEES], the chairman of the committee, and the Senator from Alabama [Mr. PUGH].

Mr. HILL. When was the joint resolution introduced?

Mr. MORRILL. It has been considered by the Secretary of the Treasury, and the joint resolution was prepared under his supervision as the proper thing to be done.

Mr. HILL. I did not understand that a report from any committee was presented.

Mr. MORRILL. Certainly. The joint resolution is the unanimous report of the committee.

Mr. HILL. It is a report?

Mr. WOLCOTT. Will the Senator from New York yield to me?

Mr. HILL. Yes.

Mr. WOLCOTT. I want to appeal, as a Senator who likewise knows but little on this subject, to the Senator from New York to permit the joint resolution to be passed. If experience had not so often proved the contrary we would all have said that General Casey's place could never be filled. If it is possible that the work which he has so grandly carried on can be consummated, we are informed by this committee that it may be done by the gentleman whose name is stated in the joint resolution.

Mr. President, the splendid structure which for all ages—we hope as long as this Republic lasts—will adorn this capital has arisen through the efforts of the committee under the direction of the venerable and beloved senior Senator from Vermont [Mr. MORRILL]. He has kept it from its inception until now out of all political controversy, out of every question except that which would tend to the beauty and grandeur of the building. We have known as little as he has seen fit to tell us. We have kept out of disputes about it and out of controversy as to whom the work should be awarded or under whose direction certain elements of its construction should be carried on, until now there is nearing completion the grandest and most beautiful library building that the whole world affords.

If the venerable Senator from Vermont, whose days and nights and constant thought have been given to the completion of this structure, is of opinion that it should be finished under the direction of the gentleman named in the joint resolution, I appeal to the Senator from New York to withdraw any opposition he may have based upon the fact that precedents do not call for this action, and to permit the joint resolution to pass and permit the structure to be finished under the same hands as those that inaugurated it. Long after the Senator from Vermont and all the rest of us shall have passed away that building will stand as a monument to his intelligence and his efforts and his patriotism, and for one I am delighted that it should be left in his hands.

Mr. ALDRICH. I beg to recall to the Senator from Vermont a fact which I think must have escaped his attention. When General Casey was placed in charge of the work upon the new Library building it was not as an officer of engineers, it was not as Chief of Engineers, but he was placed in charge of the work as Thomas L. Casey, by name, in a statute passed by Congress. It was done on account of his experience. The Senator from Maryland [Mr.

GORMAN] shakes his head. I am sure I am right, because I remember the circumstances very well.

Mr. MORRILL. I think the Senator will find he was first employed as Chief of Engineers.

Mr. ALDRICH. No; he was not.

Mr. MORRILL. I know he was subsequently named.

Mr. ALDRICH. I remember very well talking the matter over with the late Senator from Kentucky, Mr. Beck, who had charge of this matter in the Committee on Appropriations. He insisted that if the work was to go on it should be under the charge of General Casey; and it was given him in charge, not as an officer of engineers, but as an individual. I understand the action now suggested by the Senator from Vermont is to follow the precedent which was made in this case, and which proved of great advantage to the country, and to appoint his successor in the same way.

Mr. HILL. What year was that statute passed?

Mr. ALLISON. Will the Senator from New York yield to me for a moment?

Mr. HILL. Certainly.

Mr. ALLISON. This statute respecting General Casey was passed eight or nine years ago. It was perfectly familiar to every member of the Committee on Appropriations at that time. There was then a careful investigation made by that committee as respects the progress which had then been made in the construction of the Library building. There was practically no progress at all. With considerable appropriations every year for clerical and other force, they did not seem to be advancing the work. It was then that the Committee on Appropriations was called upon to make a large appropriation for the commencement of the structure, and we made such an investigation as led the committee to believe that if it was constructed under the management of those having it in hand its completion would be indefinite as to time and that it would cost an immense sum of money. The Committee on Appropriations having charge of the sundry civil appropriation bill, of which I was then chairman, my colleague the Senator from Maine [Mr. HALE] being upon the committee, and Senator Beck being also a member of the committee, made a full investigation of the subject. We then sent for General Casey and asked him to go over the plans and suggestions made by Mr. Smithmeyer, who was then the architect. He gave us an estimate as to what the probable cost ought to be, and also of the time necessary for its completion. The committee then considered the subject with care and again sent for General Casey, and stated to him that we had prepared an amendment which placed the whole charge of the work in his hands, fixing a limit of cost and fixing a time for its completion. He expressed a disinclination to take charge of the work, but agreed that he would do it if the amendment we proposed should pass and become a law and he could have a sufficient appropriation from year to year to execute it. His name was inserted in the bill as Gen. Thomas L. Casey, Chief of Engineers of the United States Army.

Mr. HILL. Can the Senator from Iowa turn to the act, or has any Senator here the act?

Mr. ALLISON. It was, I think, in the act of 1884, or probably in 1885. I will turn to the act presently. I can not at this moment remember the precise year.

Mr. VILAS. It was in 1888. The Senator is a little off on some of the other details in connection with the matter.

Mr. ALLISON. I may be, but I am not so far off as the Senator thinks I am, as will appear before I get through. The details are perfectly within my memory.

Mr. HALE. If the Senator from Iowa will allow me, I have the act here. The language of the original act, which remained in force until General Casey was retired, provided—

That the contracts for the construction of said building or any part thereof shall be made by the Chief of Engineers of the Army.

That language was followed until General Casey was retired.

Mr. ALLISON. His name may not have been mentioned until after his retirement, but it was no part of the duty of the Chief of Engineers of the Army to construct a Library building for Congress. Therefore it was as much a designation of Thomas L. Casey for that work as though his name had been originally inserted, which was my recollection. I apologize to the Senator from Wisconsin for making a mistake.

Mr. HILL. If the Senator will allow me, if General Casey had then died of course his successor would have taken charge of the work.

Mr. ALLISON. I will reach that point in a moment. This work was put in charge of General Casey, he being designated, of course, at first as Chief of Engineers. He went on with the work from year to year, and Congress appropriated whatever he asked to have appropriated for the work. When the time for his retirement arrived it became necessary—he being no longer Chief of Engineers of the Army—that his name should be inserted, and it was inserted.

During all this work, occupying eight or nine years, Mr. Green, who is now designated here, was his subordinate and had the chief control and direction of the details of the work. Being an engineer, he disclosed during this period a capacity for the work that met the complete approval of those familiar with it as it progressed.

The point I desire to impress upon the Senator from New York is, that the work has never been under any appointee. General Casey was not a Government appointee so far as this work is concerned. He was in the employ of the two Houses of Congress in the execution of appropriations made from year to year for the construction of the building. He never received a commission or a designation or an appointment in the form of an officer in charge of the work.

Mr. HALE. He was not detailed?

Mr. ALLISON. He was not detailed by the Department in any sense. The work from its inception to this moment, so far as respects General Casey, has not been in charge of any officer of the Government. It is not now in charge of any officer of the Government, because General Casey was not in charge as an officer. He was in charge as Thomas L. Casey, a retired officer, it is true, of the Army, performing a civil duty designated by Congress and not otherwise.

Mr. President, I speak without hesitation when I say that Mr. Green is eminently fitted for this work; first, from his education and qualifications as an engineer; secondly, from his assiduity; thirdly, from his integrity, and next from the fact that he is familiar with every stone and every brick and every piece of ornamentation in the Library building from its beginning to this time.

Mr. MORRILL. And he knows every workman.

Mr. ALLISON. And as the Senator from Vermont very properly suggests, he knows every workman. He is familiar with every contract and with every workman and with the qualifications of every workman, and there are men employed upon the Library building of the highest qualifications as respects their peculiar art. He is the only man of whom I know who is capable of completing this work as it ought to be completed. We have appropriated a sufficient amount of money for its completion. It will be completed within less time than one year. No new man, however intelligent he may be or however exalted he may be in office, can take up the thread of that work and be substituted intelligently for Mr. Green in its performance.

Mr. HALE. Will the Senator before he sits down let me give the language of the act of 1892?

Mr. HILL. That is not the original act. The original act was in 1888.

Mr. HALE. I am speaking to the act of 1892, passed at the time of General Casey's retirement. After making the appropriation the act provided:

That Brig. Gen. Thomas Lincoln Casey, now in charge of the construction of said building, shall continue in said charge until its completion, whether on the active or retired list of the Army.

Mr. CULLOM. That was passed before his retirement?

Mr. HALE. Before his retirement.

Mr. ALLISON. Now, one word more and I am done. It is no reflection upon any chief engineer of the Army, or upon any engineer officer of the Army, that this designation shall go to the man who has had charge of the work as to its details. When General Casey retired he was placed in charge as General Casey, a retired officer, and not as an engineer officer. As there is no one now in charge of the building, I hope that the Senator from New York will yield and allow the joint resolution to pass, which will devolve the work upon Mr. Green as chief engineer and the superintendent of the work until it is completed.

Mr. HILL. Mr. President, when I rose to make the inquiry for information I labored under the impression that the joint resolution had not been introduced before, but had simply been introduced this morning, and I did regard and still regard it as somewhat hasty legislation. I am now advised that the joint resolution has been reported from a committee, although nothing had been referred to the committee. However, I recognize the right of a committee to report by bill or otherwise. I now understand that the joint resolution is reported from a committee and immediate action is asked.

The discussion has already shown how unreliable is the information of gentlemen who were very positive that when the original act was passed General Casey's name was mentioned in the act, not even in his official capacity, but as Thomas L. Casey, and they emphasized it. The original act I have before me. It was, as usual, an amendment to an appropriation act, an act of 1888. I will read the whole of the item:

For the building for the Library of Congress, as herein provided for, and for each and every purpose connected therewith, including the cost of all professional and other personal services that the Chief of Engineers of the Army may deem necessary for the work and shall specially order, $500,000.

This appropriation and all appropriations hereafter made, and all sums available from appropriations heretofore made for this purpose, shall be expended under the direction and supervision of the Chief of Engineers of the Army, who shall have the control and management of all of said work and the employment of all persons connected therewith. And all contracts for the construction of said building, or any part thereof, shall be made by the Chief of Engineers of the Army, and so much of the act entitled "An act

authorizing the construction of a building for the accommodation of the Congressional Library," approved April 15, 1886, as requires the construction of said building substantially according to the plan submitted to the Joint Select Committee on Additional Accommodations for the Library of Congress by John L. Smithmeyer, and so much of the first section as provides for a commission, together with the eighth section of said act be, and the same are hereby, repealed, and the duties of said commission under said act are hereby devolved upon the Chief of Engineers of the Army, who shall annually report to Congress at the commencement of each session a detailed statement of all the proceedings under the provisions of this act, and hereafter, until otherwise ordered by Congress, no work shall be done in the construction of said Library except such as is herein provided for, and all contracts for work or materials not necessary for the execution of the work contemplated herein are hereby rescinded.

So the gentlemen who answered that this work was originally given to Mr. Casey and not to the Chief Engineer of the Army are mistaken.

Mr. MORRILL. The Senator from New York will remember that I stated the matter as he finds it on the record.

Mr. HILL. I think the Senator from Vermont probably stated it accurately, though I did not hear the remark he made. Subsequently in 1892, in an appropriation act, as usual, it was provided—

That Brig. Gen. Thomas Lincoln Casey, now in charge of the construction of said building, shall continue in said charge until its completion, whether on the active or retired list of the Army.

I assume the idea of that enactment was because he was about retiring and there would be a question as to whether the language "Chief Engineer of the Army" would refer to a retired officer. I have no doubt that Congress intended to continue General Casey in charge. He selected Mr. Green. I have no objection to Mr. Green, who is undoubtedly a very competent man, but I do not quite see the hurry for the putting through of this joint resolution only a day or two after the death of this distinguished gentleman.

I am not disposed to continue my objection to the joint resolution if the committee have thoroughly considered this matter, although I do confess, while I shall not insist upon the objection, that I do not like this method of legislating, as I said, legislating a man into office by statute. It seems to me that either the President of the United States or some other authority might be designated to select a competent man. If we do not pass the joint resolution what is the result? The result simply is that in a few days the President will send in the name of some competent officer of the Army who is an engineer, and that engineer will succeed to the duties devolving upon him, and I assume will keep Mr. Green, if he is so valuable as has been represented, in this very same place.

The little increase of salary spoken of I care nothing about. That is a small matter. It strikes me, however, that it, designating a particular man, is not the proper way to legislate. If Mr. Green should die to-morrow Congress would have to pass another statute to meet the particular exigency. I do not like that way of legislating. The committee seems to be very earnest about the matter. They seem to think it is a matter requiring immediate action, even before the burial of the distinguished general. I do not like it, but I shall not insist upon my objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. CALL. Mr. President, I was a member of the Committee on Appropriations at the time when this trust was created and this duty imposed upon General Casey. Whatever may be the language of the act, every member of the Senate at that time knew that this was a personal trust imposed upon General Casey as a man, that it in no wise pertained to the military duties which belonged to him as Chief of Engineers, but it was because, as stated at that time by the Senator from Kentucky, Mr. Beck, as I well remember, that he had built the War and Navy portion of the State, War, and Navy building in a manner far superior to that which had been done under contract, and, as I now remember, at a cost one-third less than that at which the other portion of the building had been constructed. I remember that Mr. Beck was particularly earnest in his insistence that General Casey as an individual, as an architect, should have this duty imposed upon him. Therefore, whatever may be the language of the statute passed at that time, it was the intention of every member of this body—for there was no dissent, as I remember, to it—that this should be a duty imposed upon General Casey because of his personal qualifications and his capacity for the work.

I wish to say that General Casey was a model man. I knew him most intimately in his official duties and relations to the Library building. He was one of those rare geniuses who develop into great architectural ability and into great business ability in respect to details. He was one of those men who have built the great public buildings which have become classic and which in all parts of the world commemorate the most distinguished and eminent civilization in its architectural monuments. His place can not be supplied. He was a man of the century. His integrity, his complete and perfect devotion to models of art was something which is exceedingly rare and which, as I said before, belongs only to one man in a generation.

Mr. Green was General Casey's pupil and was familiar with all his methods. It is my good fortune to know him and know him somewhat well. I desire to bear my testimony here to the fact that he is one of the most eminent of the architects of this age, and he will develop, if opportunity is offered to him, a reputation which will equal that of the illustrious gentleman who has just passed away.

General Casey was a noble specimen of a man, and I am glad to be able to pay this tribute to him here. He would have been an honor to any country, to any age. Mr. Beck, the distinguished Senator from Kentucky, long ago discovered his capacity, his great architectural ability, and it was largely, if I remember aright, through his efforts that General Casey was placed in charge of the construction of the War and Navy part of the State, War, and Navy building, and when all was in doubt and it was supposed extravagant expenditures had been made, and that $12,000,000 or perhaps $15,000,000 would not cover the cost of completing the Library building according to the architect's plan, General Casey, having examined into it, reported that he would do it for, I think, $6,000,000, and that he would do it within the time specified in his estimate.

A short time ago he informed me that he would not only complete the building within the time and in a manner which would be an ornament to this country and a distinguished monument to architectural art, but that he would do it within the estimate, and he insisted that that would be done. I have no doubt that had his life been spared that would have occurred.

I hope that we shall pass the joint resolution without opposition.

Mr. PROCTOR. Mr. President, I should be very reluctant indeed to take away from a bureau of the War Department any work which properly belongs there, and I should be especially reluctant to do anything which would in any way reflect upon the present very able head of the Engineer Corps of the Army. I consider him the peer of any man who has held that position in my acquaintance. His selection as president of the Society of American Engineers shows how he is esteemed by the great railroad and civilian engineers of the country. But this is outside of the proper work of that Department. I do not believe that General Craighill seeks it or desires it in the least.

I have known Mr. Green and his work for many years—his work on the Washington Monument, his work on the War Department building and the Soldiers' Home, and upon the Congressional Library building. While in the Department I knew, of course, intimately all his methods in detail. I am glad to say, with some experience in construction, that I have never in my life known a man whom I considered his equal in work of this kind. He performed it so well that there was nothing left for his superior to do. I believe he has saved the Government hundreds of thousands if not millions of dollars.

I think the joint resolution is only a very slight acknowledgment of the great debt the country owes him.

Mr. GORMAN. Mr. President, the distinguished Senator from Vermont [Mr. MORRILL] and my distinguished friend the Senator from Indiana [Mr. VOORHEES], who is temporarily absent, have devoted many years of their Congressional life to bringing about the passage of an act for the construction of the grand pile which has been erected opposite this building. It was through their exertions, because of their efforts, that that grand pile has been erected. The architect, Mr. Smithmeyer, is entitled to great credit. He prepared the plans, which were adopted by Congress upon the recommendation of the Library Committee. The Library building will stand as a monument to his genius and his worth.

The work of construction was placed in the hands of General Casey as Chief of Engineers of the United States Army. In all the history of the Army I do not believe there is a single member of the Engineer Corps who has had the unbounded confidence of Congress and of the committees who have looked into his work as had General Casey. He was a man of supreme integrity and of splendid ability as an engineer and as an executive officer. There have been few in my time, if any, who were his equals. He has at last completed this work. All or nearly all of the contracts have been made under his direction. The decorations and every appointment of that great building have been under his eye and under his direction, Now that he has passed beyond, as a matter of course Congress must take prompt action to provide his successor to carry out that work. I accord to Mr. Green all that has been said of him. I suppose that under the peculiar circumstances of the case it is the wisest and best thing to place the finishing of the structure in his hands. But in doing so I do not want to make a precedent which will trouble us hereafter.

Mr. HILL. Will the Senator from Maryland allow me to ask where Mr. Green is from?

Mr. GORMAN. I have no idea of what State he is a resident. He is an American citizen and a civil engineer. My impression is that he is from New England.

Mr. HILL. There are a thousand American civil engineers,

but I thought some one might know from what State this gentleman came or what building he has ever erected.

Mr. GORMAN. My impression is that he is a New England man, although I do not know from what State he comes. Mr. Green is a civilian, and to place by resolution in the hands of any civilian the expenditure of six or eight million dollars without any provision in regard to bond or supervision is unwise.

Mr. MORRILL. Will the Senator from Maryland allow me to state that there is a clause in the joint resolution providing that all of the expenses for compensation or under contracts shall be disbursed by the Treasury Department?

Mr. GORMAN. Yes; but I understand all the authority which was conferred upon General Casey goes to Mr. Green, and that involves all the contracts.

Mr. MORRILL. I think he has given bond already.

Mr. GORMAN. I do not believe that there is in this case any danger. I know by the statements of General Casey and the officers connected with the Treasury Department that they regard this gentleman as a man of great integrity and great ability. I merely want to say that in voting for the joint resolution I consider it an exceptional case. I would not like to see it followed out hereafter, so that Congress by resolution would place in the hands of any civilian large expenditures without making proper provision as to bond.

Mr. COCKRELL. As I understand the joint resolution, it does not place one dollar of money to be handled individually by this superintendent.

Mr. GORMAN. No; but there are contracts.

Mr. COCKRELL. The contracts, as we all know, are practically made and completed. There is very little to be contracted for. The building will be completed inside of a year from this time.

Now, this is a Congressional building. It is not a building for the benefit of the Government generally. Congress is the only power that ought to select the persons to superintend it, just as we ought to select our Secretary here and every other one to transact our business. The work is done by the joint action of Congress, and I think it is the right and only proper method for Congress to make the selection. It does not belong to the executive branch or any other branch of the Government.

Probably I never saw Mr. Green more than once in my life. I have no idea what State he is from. I did know something of General Casey. When I came here a number of years ago the State, War, and Navy building was not completed and was not occupied. The State Department was out Fourteenth street. There was much delay and much complaint about the slow progress that was made. At the instance of some one of the committees of Congress a change was made, and General Casey was placed in charge of the construction of that building. I have learned since that Mr. Green was then his assistant. I do not know about that, but I know that that building was put up very rapidly, to the entire satisfaction and to the great gratification of everybody, and it was completed within the time he estimated and within the limit of the appropriation. I remember another instance: When this city was about to suffer for water, and it was necessary to have an additional water supply, General Casey was called in and made his suggestions and the matter was placed in his charge, and in one season alone he placed in position the 4-foot water main, a magnificent work. The material was collected from all the foundries in the country. It was brought in here on every route of transportation that could bear it, because it was the only way that it could be assembled in one season and completed. That work was completed, extending from the water supply in Georgetown here on North Capitol street, and when the water was turned on there was not a drop that leaked and there was not an imperfection found in it.

We all remember how the Library building was progressing. Everybody practically became disgusted with the slowness with which the work was being done. There were vague rumors about what the cost would be and the length of time it would take. The House of Representatives at that time, as we all know who were here then, instituted a rigid investigation. Its committee called before it those engaged in the construction, and they were so dissatisfied that they called upon General Casey to make a modification of the plan and an estimate of the amount it would cost and the length of time it would take to complete it. That estimate was made, the plans were submitted, and the House of Representatives adopted it, and directed that General Casey, then Chief of Engineers, not naming him, but putting it in his hands because he was the Chief of Engineers, should take charge of the work. We gave him authority to go on and construct the building according to his plan and specifications and authorized him to contract for the full amount. He went on and he had nearly brought the work to completion within the amount specified before his unfortunate and sad death.

Not an additional dollar has been required or will be required. He was continued in charge by name after he was retired because the description of Chief of Engineers would not suit him after that time. He would not be Chief of Engineers; he would be ex-chief.

Mr. Green, from what I am told, has very greatly aided General Casey in all this work, and I tell you the most wonderful work that has ever been done was the calculation of the cost of the Library building and the length of time it would take to construct it, when the material, the marble, had to be gathered from every noted quarry. You will find marble there from every State in the Union where there was any marble; and how anyone could make a calculation of what the cost would be is to me incomprehensible. I think that Mr. Green ought to be continued until the work is finished. The money is being paid out by the Secretary of the Treasury, and it will only be paid out in accordance with the existing contracts, which are nearing completion.

Mr. CULLOM. Mr. President, I feel that I ought to say one word in favor of the joint resolution, as I am one of the committee and believe that such a measure ought to pass. I shall not take up the time of the Senate by going over the history of the work that has been carried on here for a number of years, but I desire to say, what perhaps has already been said, that the work will be completed within the cost estimated and within the time specified when it was first begun. The last time that I had the pleasure of seeing the late General Casey he seemed to be exceedingly happy in talking about the work, and he said he expected to complete the building in January next, I believe, which was a month or two before the time should expire within which the work was to have been done, and he expected to save about $60,000 below the contract that had been made for the completion of the work at the beginning.

So far as Mr. Green is concerned, I have known him ever since he has been engaged in that work. He has seemed to be the active, constant man in charge of the work, of course subject to the supervision of General Casey, but he is largely responsible for the rapid progress of the work and for the manner in which it has been carried on. So far as the question of the impropriety of the appointment of a civil engineer by Congress to take charge of such a work and appoint him by name, it seems to me that this is a very noted case and a case where such an exception should be made. He has been engaged in this work from the beginning. The work is within a few months of completion, unless it is interfered with in some way that we know nothing about at present. So far as the joint resolution is concerned, it does not provide that Mr. Green shall handle any money at all except his own salary. The joint resolution reads:

That Bernard R. Green be, and is hereby, authorized and directed to assume and exercise all of the duties and powers heretofore conferred by law upon the late Brig. Gen. Thomas L. Casey in relation to the construction and completion of the Library of Congress, and he shall receive as compensation for his services the sum of $5,000 per annum, payable out of the appropriation for said Library building: *Provided*, That all expenses incurred in the prosecuting of said work, including compensation of employees, shall be paid by the Secretary of the Treasury, under such rules and regulations as he may prescribe.

Mr. HILL. Will the Senator from Illinois allow me?

Mr. CULLOM. Certainly.

Mr. HILL. Is it expected that the place which Mr. Green now holds as first assistant is to be supplied by the appointment of some one else?

Mr. CULLOM. It is not contemplated by the joint resolution, and I do not know that it would be necessary to supply it.

Mr. COCKRELL. There is no necessity for it at all.

Mr. CULLOM. There is no necessity for it in my judgment, in view of the fact that the work is all let substantially now, contracts are made, and the only requirement is that somebody shall be at the head of the establishment and give it his personal attention, so that the contracts may be carried out as rapidly as possible and within their terms. I do not think anything further is necessary in the premises than the adoption of the joint resolution.

Mr. VILAS. Mr. President, I judge from the tone of the discussion that there is no longer any doubt about the disposition of the Senate to do this very reasonable and proper thing and direct Mr. Green, who has been the efficient superintendent and manager of its construction, to perform the few remaining things which are to be done during the coming year to complete that noble building.

But I wish to make one or two observations to correct some mistakes of history which have fallen from the members of the Committee on Appropriations, the distinguished Senator from Iowa [Mr. ALLISON], as well as the distinguished Senator from Missouri [Mr. COCKRELL], in respect to the circumstances under which General Casey was placed in charge of the work.

I happened to have something to do with it. There was no complaint at that time of the then tardy progress of the work. There had been an interruption during the year previous, lasting for a great many months, in consequence of a controversy that had arisen between Mr. Smithmeyer, who had been designated as architect, and the contractors who had to furnish cement for the first course—the bottom course of the building. The only thin

which had been done under the commission, as it had been constituted previously to the time when I went upon it, was to condemn the ground and dig a trench around the outside of the wall. I went upon that commission on the 18th of January, 1888, by virtue of being then placed in possession of the office of Secretary of the Interior, and in February following for the first time the commission met, and the controversy over the cement, which had been raging for nearly a year, at least for six or eight months, was settled at that meeting. Shortly afterwards—and I had perhaps as much to do with it as any other member upon the commission—Mr. Green was employed as superintendent, and in April, as quickly as the spring would permit, the subfoundation of cement was laid, the next foundation above it was laid, and before this act of Congress was passed the basement walls were some feet above the ground in places, and the work was going on with great rapidity.

What occasioned the change was this: One day in the summer of 1888 I was called before the subcommittee on Appropriations in the House of Representatives, the subcommittee then being composed of the Hon. Samuel J. Randall, Hon. J. H. Forney, Hon. Mr. Ryan, of Kansas, and perhaps one or two others; but I remember those three gentlemen as particularly active. I was called there for the purpose of explaining some estimates that had been sent up by my predecessor in regard to the Department of the Interior. Nothing was said in respect to the Library of Congress until I called their attention to the erroneous manner, as I conceived it, in which appropriations were being made for that building, which, after being discussed, led to an inquiry of me by the Hon. Mr. Randall: "What will the building cost, in your opinion?" I said, "From $7,000,000 upward, in my opinion, although I have no right to give one, for I am no builder." They exclaimed at once, every member of that subcommittee raising their hands and using vigorous speech, that it had been represented to them that if they consented to the construction of the Library of Congress building it should not cost to exceed $3,000,000. I said I was not aware of anything of the sort; that I meant to enter into no controversy, but that I would submit it to them as a mere general statement that that sum must be insufficient; that the Library of Congress building covers 23,000 square feet of ground more than the State, War, and Navy building, and the State, War, and Navy building had cost $11,000,000 or thereabouts, approximately.

Thereupon they declared that they would proceed no further with that work; it should be brought to the terms upon which it had been represented to them when they had consented to enter upon the scheme of building; and a discussion was begun at once in the House of Representatives, followed by an investigation, the result of which was this measure passed in the appropriation act of 1888, by which it will be seen that no plan was adopted then. They, in a certain vehemence of anger, struck down all plans, and simply directed the construction to be made by the Chief of Engineers of the Army, and the plan to be modified. There was a brief sketch of new plan suggested then, but the plans were to be modified. The act is dated October 2, 1888. It was then provided that the total cost of the building should not exceed $4,000,000, exclusive of the appropriations theretofore made.

Mr. HILL. Will the Senator from Wisconsin allow me for a moment? Can he tell me when the work was first begun?

Mr. VILAS. The act for the creation of the Library commission, the original provision, was made in the Forty-eighth Congress, and in the last session, if I remember rightly, of the Forty-eighth Congress, probably on the 3d of March, 1885.

Mr. HILL. When was Mr. Green first connected with the work?

Mr. VILAS. Mr. Green was appointed in March or April, 1888, according to my best remembrance, and then the first stone was laid in the building by the contractors, who had been in quarrel with the architect in respect to the question of cement for many months, perhaps nearly or quite a year previous. I will not say Mr. Green was appointed superintendent before the contractors began on the work, but it was early.

Mr. HILL. He was not selected by General Casey; another inaccuracy.

Mr. VILAS. I suppose I appointed Mr. Green, together with the other members of the commission.

Mr. HILL. Mr. Green was there in the spring of 1888, and the appropriation bill containing this item did not become a law until October 2, 1888.

Mr. VILAS. The building was well advanced in construction when that act was passed, and because of that fact General Casey did not change the plan. The building is constructed to-day substantially and mainly upon the original plan, the plan as made by Mr. Smithmeyer, with very slight modifications. What General Casey did was this: He took out some of the cross sections of the interior building originally designed in the first Smithmeyer plan, and thus reduced the cost. The building is now simply a square, with two transverse segments passing through what would be the interior square or court. In the original design there were other transverse buildings, and by removing those he both improved the light of the interior and reduced the cost; and before General Casey did any work at all on the building Congress recognized that the original plan ought to be followed as so modified; and accordingly, the following March, before any work was done, the other act being passed in October (no work had been done during the winter), they changed the limit of cost to the sum of $5,500,000, exclusive of other appropriations theretofore made, which carried the total amount to some six million and three hundred or four hundred thousand dollars. Within that limit the building has been constructed. I believe it has been constructed with good judgment and with more economy than any other building that I ever knew the Government to have anything to do with. Mr. Green, as well as General Casey, is entitled to share the credit.

Mr. HILL. I notice that the act of 1888, at the end, says:

Provided further, That the total cost of said building shall not exceed $4,000,000, exclusive of appropriations heretofore made.

Was that changed afterwards to $5,000,000?

Mr. VILAS. That was changed within just five months. Five months afterwards it was changed before any work had been begun under it, and the old plan of the building was readopted with those modifications, by which the cost of it was somewhat reduced. The building, if constructed according to the plan which Congress had adopted and the Library Commission were at work under, would have cost probably $7,000,000 and more, but by taking out those transverse interior wings the cost was reduced.

Now, Mr. President, I only desire to say in reference to that, in justice to the Commission of which I was then a member and partly in claim of justice to myself, that there was no sort of criticism upon the rapidity of the work or the manner in which it was being conducted at the time when the act was changed. The whole controversy arose out of the fact that the other House found that the building was to cost more than it was expected and had been represented to them it would cost, and if Senators will look at the debates that took place in the House of Representatives at that time it will be found that that was the whole burden of complaint and controversy.

Mr. ALLISON. Both the Senator from Wisconsin [Mr. VILAS] and the Senator from New York [Mr. HILL] animadvert upon the fact that I made a slight mistake. I said that originally General Casey's name was inserted in the law. That, for the moment, was my recollection, knowing that it was inserted in the appropriation act for several years. However, I regard that criticism as sticking in the bark and not touching the essential point that we are considering here. It would require a casuist to discover that the designation of the Chief of Engineers to do a work not within his province as Chief of Engineers was a different thing from inserting the words "General Casey, Chief of Engineers." Of course I accept the criticism of the Senator from New York with a proper degree of humility.

Mr. HOAR. Before the Senator from Iowa proceeds I should like to ask him a question, which perhaps is not very important. Was not this thing settled, whatever was done in the beginning, when General Casey retired? Was not the continuance by act of Congress of the work by him a determination of Congress that it was an individual trust and not one pertaining to the office of Chief of Engineers?

Mr. ALLISON. Of course the insertion of his name later was a necessary execution of what was originally done by the two Houses.

Mr. HOAR. My proposition is——

Mr. ALLISON. I understand, that it was a distinct averment——

Mr. HOAR. My proposition is that when General Casey retired Congress had to consider the question whether they had intended to intrust this work to him as an individual or had intended to annex it to the office of Chief of Engineers, and they enacted that it belonged to him as an individual when he retired from his office so far as the duties were concerned.

Mr. ALLISON. That is very true. When General Casey, as Chief of Engineers, was about to retire, Congress had freshly to consider the question, although originally, as every Senator who was here at that time knows, the placing of the Library building under the control of General Casey was done not because he was Chief of Engineers, but because of the knowledge of Congress as to his ability to perform the work.

Now, I did not enter into a detailed statement of what preceded the appointment of General Casey. Therefore, of course, my statement was not a full one as to the history of the construction. Of course I knew, as we all know, that the Library building was under the care of a commission prior to the statute of 1888.

The Senator from Wisconsin [Mr. VILAS] seems to think that there was no criticism as respects the method of conducting the work or its progress or its chief architect.

Mr. VILAS. Oh, no; not as to the latter.

Mr. ALLISON. It is well known that although Mr. Smithmeyer made an elaborate plan for the Library building, associated with him was another architect, Mr. Pelz, who has been constantly employed since that time; and it is well known from Mr. Smithmeyer's own statement, which he made to the Committee on Appropriations of the Senate, that it was impossible for him even to estimate the cost of the building. He stated it might be eight, ten, or twelve million dollars, and he was the active officer in the construction of the building at that time, of course under the supervision of the Commission.

Now, the Committee on Appropriations of the Senate inserted those provisions. They were not put in in the House. This question was wholly dealt with in the Senate as respects the selection of the Chief of Engineers of the Army for the work. We dealt with it in the Senate specifically. The amendment which has been twice read in this debate was prepared by Senator Beck and myself and submitted to General Casey, the House of Representatives having refused to make appropriations, because, as truthfully said by the Senator from Wisconsin, they were led to believe originally that the cost would not exceed $3,000,000. When we summoned General Casey before us and asked him to examine those plans, he stated that under those plans it would be impossible to construct the building for $3,000,000 or $4,000,000 or $5,000,000, and therefore we inserted the original provision in the Senate, my recollection is—I may be mistaken in that recollection—which I state with due deference to the Senator from New York who I hope will not criticise me adversely if I am mistaken. We had three or four conferences with a committee of the House before they would agree to progress with the building at all unless its cost was confined to $3,000,000, and unless a plan was projected that would limit the cost to $3,000,000. That is the truth about that matter. But it was finally agreed and compromised between our limit of cost to $5,000,000 and their insistance that the limit of cost should be $4,000,000.

Then it was that General Casey took all those plans, and within the intervening five months, as he was requested to do in the original act, modified the plan so as to make the limit of cost $5,000,000.

Mr. MORRILL. Six million dollars.

Mr. VILAS. A little over $6,000,000.

Mr. ALLISON. I think it was exactly $6,000,000.

Mr. VILAS. It was a little over $6,000,000.

Mr. ALLISON. A little over $6,000,000. He then brought those modified plans to us and stated to us, that if he had proper legislation from year to year he would limit the cost to $6,000,000 and complete the work within eight years.

Now, that is the history of that transaction, given in brief, and I make no reflection upon the Commission or upon anyone who had charge of the matter, unless it be a reflection upon Mr. Smithmeyer to say that he was progressing with the work upon a scale of extravagance that was inexcusable. Therefore it was that we cut up by the roots in the appropriation everything respecting the chief architect. He insisted afterwards that because he was the chief architect he should have the compensation of a chief architect, which included a percentage upon the entire cost of the building, and we prepared in that amendment for any suit of damages against the Government of the United States, whether by Mr. Smithmeyer or any contractor, or under any contract that he had entered into. As the Senator from Wisconsin will see, we nullified the contracts which were then in existence, it being the intent and purpose of that legislation to place this whole matter in the hands of General Casey, and if it cost $30,000 or $50,000 in the way of damages to annul those contracts we intended that they should be annulled.

Afterwards Mr. Smithmeyer was settled with as architect and paid $30,000 for his services in the making of the original plan. I believe——

Mr. VILAS. Did he not recover a judgment for over $50,000 in the suit in the Court of Claims?

Mr. ALLISON. Was it $50,000?

Mr. VILAS. I think so.

Mr. ALLISON. My recollection is that it was $30,000; but whether it was $30,000 or $50,000 or $100,000 it was necessary that we should change the method of constructing the Library building, and it was done in the manner stated. I am not going into all those details. Then, for the first time in the history of the progress of the Library building, it went on steadily and constantly, Congress each year giving to General Casey the appropriations he estimated for.

Mr. President, I did not intend to go into this detail at all, and I have only gone into it for the purpose of showing that although I had made a slightly inaccurate statement, when we come to the core of this business the act of 1888 had for its intent and purpose the placing of the Library building in the hands of General Casey and not in the hands of any other officer of the Government.

Mr. VILAS. I should like to ask the Senator from Iowa a question. Did the Senator state that it was the Senate which put the work under General Casey?

Mr. ALLISON. It was a Senate amendment.

Mr. VILAS. Was it not done in the other House?

Mr. ALLISON. Not at all. It was done in this body; it was done by the Appropriations Committee, and we had contest after contest with the House of Representatives.

Mr. VILAS. The House of Representatives originally put in the Secretary of the Interior alone, abolishing the Commission.

Mr. ALLISON. It did.

Mr. VILAS. And I addressed a letter to the committee, requesting that that should not be done and giving it as my judgment that it should not be imposed upon him.

Mr. ALLISON. I remember the letter of the Senator.

Mr. VILAS. I believe I urged the appointment of General Casey.

Mr. ALLISON. My recollection now is, and if I am mistaken I hope some one will see that my inaccuracy shall not be taken against me in this regard, that the Senator from Wisconsin, who was then Secretary of the Interior, appeared before the committee in the Senate and stated to us—it comes to my mind now—that it ought not to be put into the hands of the Secretary of the Interior, and declined to take charge of so important a work, saying that it was in the nature of things impossible for him to give it necessary attention as Secretary of the Interior. So the provisions as to the Library building were inserted in the Senate upon an amendment proposed by the Committee on Appropriations, as I have described.

Now, Mr. President, I want to say just a word more in response to the Senator from New York. It is impossible by delay to provide that the President, or any Department of the Government, shall place a person in charge of the Library building by appointment. This is a Congressional library. It is a library belonging to the two Houses of Congress, as the library always has belonged to the two Houses. It is an expense as appropriate for us to make as for the clerks at the Secretary's desk, and it is our duty to provide for it in just such way as we provide for those officers. Instead of devolving these duties upon Mr. Green, I admit we may devolve them upon the Chief Engineer of the Army, or we can devolve them upon the Secretary of the Interior, or any other officer of the Government.

Whatever may have been the past history of this question, I think it is important that this action should be taken. The reason for the haste is, that although there are contracts made, and numerous contracts, there are a great number of people who are working upon the Library building day by day and people who are receiving compensation by the day, and large compensation is being paid for the decoration and ornamentation of the building. They have no authority to continue their work for a day or an hour unless we shall by some method devolve the control of the building upon some one. I have said a great deal more than I intended to say upon the subject. I hope the joint resolution will pass.

Mr. CHANDLER. Mr. President, I desire to speak but a moment.

In common with all Senators, I was shocked at the sudden death of General Casey. I am filled with profound regret. This officer has passed away, at the end of an honorable career, with unblemished character and a high reputation for professional skill. The work which he has done in connection with the Washington Monument, the State, War, and Navy Department building, and the Congressional Library building will last forever to testify to his ability and fidelity.

Speaking now to the joint resolution before the Senate, praise is equally due for the character of General Casey's work in architecture to Mr. Bernard R. Green. I have known him for thirty years. I had the privilege, in connection with the Senator from Indiana [Mr. VOORHEES] and the Senator from Vermont [Mr. MORRILL], as a member of the Committee on Additional Accommodations for the Library of Congress, to recommend that Mr. Green be put in charge of the work upon the Congressional Library building. This recommendation, as the Senator from Vermont will remember, was made before it was determined that General Casey, then Chief of Engineers, should be placed in charge of the work. Mr. Green had been General Casey's assistant in the construction of the State, War, and Navy building, and in view of the complications which had arisen in reference to the construction of the Library building, which have been spoken of by the Senator from Wisconsin [Mr. VILAS] and the Senator from Iowa [Mr. ALLISON], it was thought by the Senate Committee on Additional Accommodations for the Library of Congress that it would be a great help and a step in the right direction to have Mr. Bernard R. Green employed as an assistant architect in the construction of the building; and this recommendation was made anterior to the recommendation of the Senate committee that the work should be placed in charge of General Casey.

Mr. Green is a gentleman of great accomplishments in his line of work. He is modest and unassuming. He is a man of high personal integrity of character, and he has contributed largely to the success of General Casey's work of construction. General

Casey, like all other generals in command, is entitled to praise and commendation for what has been accomplished by his subordinates; but I know that General Casey himself would have paid the highest possible tribute to Mr. Green if an opportunity had been afforded. I am sure that the work can not be so wisely or so properly completed as it will be under the direction of Mr. Green upon the passage of the pending joint resolution.

Mr. HILL. Mr. President, there have been some surprises in this debate. In the first place, I want to call the attention of the Senate to the fact that the remarks just submitted by the Senator from New Hampshire [Mr. CHANDLER] constitute a violation of an agreement made yesterday by him with the Senate. I regret that I feel constrained to call the attention of the Senate to it, but I do.

Yesterday the Senator from New Hampshire just before adjournment desired to offer an amendment to the appropriation bill then pending, and wanted it considered immediately. Some objection was made, and finally the Senator said that he wanted to expedite the business of the Senate to-morrow by going away, and immediately the Senator from Wisconsin said, "Everybody agrees to that." Instead of that, we find this morning the Senator here submitting remarks upon this joint resolution, to which nobody yet has specially objected. There were those who desired some information on the subject. I desired also to know where the distinguished gentleman, Mr. Green, resided, and we have been given the information that he resided in New England, and then the further astonishing information that he is a very modest man. [Laughter.]

Mr. CHANDLER. Will the Senator from New York allow me to reply to this important part of his argument now, because I am really going away shortly?

Mr. HILL. I will not detain you, then. [Laughter.]

The PRESIDING OFFICER (Mr. BACON in the chair). Does the Senator from New York yield to the Senator from New Hampshire?

Mr. HILL. Certainly.

Mr. CHANDLER. I wish to call the Senator's attention to the fact that the contract I made with the Senator from Wisconsin and the Senator from Illinois to go away, of which I have already been reminded by the Senator from Illinois this morning, did not specify any time. I said to-day, and I am going the latter part of the day. When a contract is made and no particular time is specified a reasonable time is allowed. The Senator from New York made a contract with his constituents when he was elected Senator that he would come down here and attend to the business of the Senate, but it was a year or more before he fulfilled that contract. He remained as governor of New York, and when it suited his convenience he came here; and we have been very glad to see the Senator here ever since he came. I will not say that we wish he had stayed away entirely, because he has afforded us much amusement and has benefited the public service on the whole. But I crave for myself the privilege of taking a day to comply with my contract, inasmuch as the Senator took a year for complying with a much more important contract.

Mr. HILL. Mr. President, I am very much obliged to the Senator from New Hampshire for the implied compliment. He may or may not have made an express compliment. I did not know but that the Senator was going to say that he was sorry I came here. The Senator's contract that he made yesterday is about as uncertain and loose as this legislation, to which attention has been called. The Senator has not contributed anything to that portion of the debate. It was stated at the outset that it was intended to place this work in the charge of General Casey personally. I have already called attention to the fact that the original act provided that the work should be performed by the Chief of Engineers of the Army, in which General Casey was not mentioned at all. Next it was said that in 1892 it is very certain it was intended then to give the work to General Casey personally, and when we come to examine that provision, it reads as follows:

Provided, That Brig. Gen. Thomas Lincoln Casey, now in charge of the construction of said building, shall continue in said charge until its completion, whether on the active or retired list of the Army.

Mr. President, a man on the retired list of the Army is an officer of the Government, and this very section limited the time during the period that he should be an officer of the Government. If General Casey had resigned all connection with the Army, active or retired, he would have ceased to be an official of this Government, and he would have ceased to have had charge of this work.

It was then said, as a very high compliment to Mr. Green, that he was selected by General Casey originally, and then comes the Senator from Wisconsin, who seems to have had more to do with this matter than any other Senator, and properly so, and intelligently so, as appears from the statement made, and says that Mr. Green was on this work before General Casey was placed in charge of it. We get more light on the subject. Mr. Casey was placed in charge when, according to the Senator from Iowa, there was some criticism in regard to the work. The fact that Mr. Green was continued all this period by General Casey is of course to his credit and I agree to it, and so far as I am concerned I do not object, so long as the committee want it, that he shall be continued. If the Committee on Appropriations, in their haste to add general legislation to an appropriation bill, intended to place this work in charge of Mr. Casey personally, they succeeded in concealing their intention. It affords an argument appropriate to be made at this time that it was unwise then and is unwise now to place such important legislation hastily in an appropriation bill.

Now, if the chairman of the Select Committee on Additional Accommodations for the Library of Congress desires to pass the joint resolution, as I said at the outset, so far as I am concerned, I shall offer no objection.

Mr. MORRILL. I hope we shall now have a vote.

The PRESIDING OFFICER. The joint resolution is in Committee of the Whole and open to amendment.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. WHITE, from the Committee on Commerce, to whom was referred the bill (S. 206) to provide an American register for the steamer *Kahului*, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Territories, to whom was referred the bill (S. 2090) to enable the people of Arizona to form a constitution and State government and to be admitted into the Union on an equal footing with the original States, reported it with amendments, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (H. R. 4698) so provide an American register for the steamer *Matteawan*, reported it without amendment.

Mr. PERKINS. I am directed by the Committee on Education and Labor, to whom was referred the bill (S. 293) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital, to report it with amendments, and submit a report thereon. I move that double the usual number of copies of the report be printed.

The motion was agreed to.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 3549) authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings Ship Channel, in Aransas County, Tex., reported it with amendments.

Mr. MANTLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 2564) to ratify an agreement with the Indians of the Blackfeet Reservation, Mont., and making appropriations to carry the same into effect, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2565) to ratify an agreement with the Indians of the Fort Belknap Reservation, Mont., and making appropriations to carry the same into effect, reported it without amendment.

Mr. JONES of Arkansas, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 5914) to amend an act to authorize the Interoceanic Railway Company to construct and operate railway, telegraph, and telephone lines through the Indian Territory, reported it without amendment.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred an amendment submitted by himself on the 16th instant, for the relief of Emmart, Dunbar & Co., intended to be proposed to the District of Columbia appropriation bill, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (S. 205) granting a pension to Mary O. H. Stoneman, reported it with amendments, and submitted a report thereon.

Mr. LINDSAY, from the Committee on Pensions, to whom was referred the bill (S. 1694) to increase the pension of Maj. Gen. Julius H. Stahel, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5083) granting an increase of pension to A. H. McLaws, reported it without amendment, and submitted a report thereon.

Mr. PLATT, from the Committee on Indian Affairs, to whom was referred an amendment submitted by himself on the 23d instant, for support and education of 250 Indian pupils at the Indian school at Santa Fe, N. Mex., intended to be proposed to the Indian appropriation bill, reported it without amendment, and moved that it be referred to the Committee on Appropriations, and that it be printed; which was agreed to.

Mr. CARTER. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1885) for optional and compulsory retirement of Government employees of Executive Departments in the classified service, to submit an adverse report thereon, and move that the bill be referred to the Committee on Organization, Conduct, and Expenditures of the Executive Departments, the Post-Office Department being only one of the numerous branches of the executive department to which the subject-matter of the bill refers.

The report was agreed to.

PUBLIC BUILDING AT WASHINGTON, PA.

Mr. QUAY. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2629) to provide for the erection of a public building at Washington, Pa., to report it without amendment, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices at Washington, Pa., the cost of the site and building, including the vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed $75,000.

Mr. GRAY. I should like to ask the Senator from Pennsylvania what is the population of the town of Washington?

Mr. QUAY. I think it has a population of about 10,000.

Mr. GRAY. It is a county town?

Mr. QUAY. Yes; a county town.

Mr. GRAY. Of what county?

Mr. QUAY. Washington County.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. GORMAN introduced a bill (S. 2635) granting a pension to Caroline Watkins; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2636) to establish a farmers' market in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2637) granting a pension to Jane Christian Marye; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BRICE introduced a bill (S. 2638) granting a pension to Aaron W. Swick; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McMILLAN (by request) introduced a bill (S. 2639) to authorize the Anacostia and Potomac River Railroad Company of the District of Columbia to change its motive power for the propulsion of its cars, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WHITE introduced a bill (S. 2640) to amend an act entitled "An act providing for leave of absence for officers and employees in the customs service of the Government who receive per diem compensation," approved August 28, 1890; which was read twice by its title, and referred to the Committee on Finance.

Mr. CALL introduced a joint resolution (S. R. 115) proposing an amendment to the Constitution of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

FINANCIAL POLICY.

Mr. ALLEN. I offer a resolution, and ask to have it read and lie on the table.

The resolution was read, as follows:

Resolved, That Congress should, by appropriate legislation, and without further delay, restore silver to free and unlimited coinage at the ratio of 16 parts of standard silver to 1 part of standard gold, and should, by appropriate legislation, withdraw from the Secretary of the Treasury any power he may now have to issue the bonds or other interest-bearing obligations of the United States until the necessity therefor shall have been declared by Congress, and that Congress should not adjourn until these things have been accomplished.

The PRESIDING OFFICER. The resolution will lie on the table and be printed.

ACCEPTANCE OF MEDALS.

Mr. SHERMAN. I reported yesterday from the Committee on Foreign Relations a joint resolution providing for the acceptance of medals by ex-President Harrison. I ask that it be now considered. It was laid over at the request of the Senator from Nebraska [Mr. ALLEN].

There being no objection, the joint resolution (S. R. 111) to authorize Benjamin Harrison to accept certain medals presented to him while President of the United States was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SETTLERS ON PUBLIC LANDS.

Mr. KYLE. I ask unanimous consent for the present consideration of Senate bill 2284. It is a very short bill, and it will take only a moment to pass it. It is very important to the settlers upon the ceded lands in South Dakota.

Mr. CULLOM. If it will give rise to no debate, I shall have no objection.

Mr. KYLE. It will cause no debate. It has the unanimous approval of the Committee on Public Lands.

The PRESIDING OFFICER. The Senator from South Dakota asks the unanimous consent of the Senate for the present consideration of a bill the title of which will be read.

The SECRETARY. A bill (S. 2284) for the relief of homestead settlers in Gregory County, S. Dak.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, to strike out all after the enacting clause and insert:

That in all cases, including those arising on ceded portions of Indian reservations where persons duly qualified to enter land under the homestead laws have heretofore or may hereafter settle, improve, and continuously reside upon unsurveyed public land with the bona fide intention of entering the same under the homestead laws when surveyed and opened to entry shall, upon presenting final proof, as required by law, be entitled to credit for residence, improvement, and cultivation made prior to the approval of such survey and the acceptance of filings. All acts and parts of acts in conflict herewith are hereby repealed.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. PLATT. I wish that that amendment might be read again.

Mr. KYLE. I can state to the Senator in one word what it means. It merely provides that those upon the ceded lands who have been living upon them for a number of years as squatters, when the lands are thrown open to settlement or to entry, shall be allowed to count the time they have lived upon the lands with reference to their final proof. That is all.

Mr. PLATT. I should like to hear the amendment read.

The Secretary again read the amendment.

Mr. PLATT. The bill started to relieve some settlers in a certain county in South Dakota. It has now a very wide application, and I think that I should like to have a little more time to consider whether it is wise to pass a bill so sweeping.

Mr. KYLE. I wish to state to the Senator from Connecticut——

Mr. PLATT. I shall object to it for the present.

The PRESIDING OFFICER. The Senator from Connecticut objects to the present consideration of the bill.

Mr. KYLE. I think the Senator from Connecticut will withdraw the objection when I explain the bill. The bill was drawn in the first instance for the relief of certain settlers in South Dakota. The Senator from Nebraska [Mr. THURSTON] asked that it might be extended to his State. Then other members of the Committee on Public Lands thought that it might with justice be extended to other States where there are ceded lands. Thereupon the Senator from Montana [Mr. CARTER], who has had much experience in the matter of public lands, drew the amendment exactly as it is now, and it received the unanimous approval of the Committee on Public Lands.

Mr. PLATT. Mr. President——

ADJUSTMENT OF CLAIMS WITH ARKANSAS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 502) to approve a compromise and settlement between the United States and the State of Arkansas.

Mr. BERRY. Mr. President, that bill has been the unfinished business since the 2d day of March. It has been crowded out by the Cuban conference report and the privileged report of the Committee on Privileges and Elections and appropriation bills until now. I ask the unanimous consent of the Senate that immediately after the conclusion of the morning business to-morrow the bill which is the unfinished business shall be considered.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent that to-morrow, immediately after the morning business, this bill shall be considered. Is there objection?

Mr. KYLE. I will let the bill which was under consideration at 2 o'clock go over until to-morrow.

Mr. CULLOM rose.

Mr. BERRY. Of course if the appropriation bill is not finished to-day I shall yield until it is disposed of.

Mr. CULLOM. I was going to say that I have no objection to the Senator's request so far as I am concerned, provided it does not interfere with the appropriation bill.

Mr. BERRY. I take it that the appropriation bill will be concluded to-day.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from Arkansas, and it is so ordered.

Mr. PLATT. I do not think the Senator from Arkansas ought to ask at this time, in the thin condition of the Senate, unanimous consent for the consideration of the unfinished business to-morrow morning. I do not know that there is any objection to it, but I know that two Senators, who I suppose intend to discuss it and oppose it, are not at the present time in the Chamber.

Mr. BERRY. If the Senator from Connecticut will permit me, I will state that when the bill was made the unfinished business the Senator from Iowa [Mr. GEAR] asked for time, and I gave him all the time he asked, which was until the 16th of the present month. Since that time I understand he has been ready at all times to proceed with the bill. The Senator from New Hampshire [Mr. CHANDLER] also understood that I was to get it up to-day or to-morrow if it was possible for me to do so. He is going away, and he has no objection to it. I have been most patient in regard to the bill. I have given way to everyone. If the pending appropriation bill passes to-day, it is but fair that we should take this bill up to-morrow morning at the conclusion of the morning business, and I have no doubt but that we can reach a vote on it to-morrow. I hope the Senator from Connecticut will not interpose an objection.

Mr. PLATT. If the appropriation bill should be completed at 3 o'clock this afternoon the bill which the Senator from Arkansas has asked consideration for to-morrow morning would be in order, and we could take it up this afternoon and go on with it. If the appropriation bill is out of the way, his bill becomes the next business of the Senate, but I do not want to make any unanimous agreement concerning it.

Mr. CULLOM. My impression is that the appropriation bill will not take all of the day, but there will be another appropriation bill ready perhaps for to-morrow.

Mr. BERRY. A member of the Committee on Appropriations, the Senator from Maine [Mr. HALE], told me that an appropriation bill would be reported to-morrow, but as it would have to be printed it would not be ready for consideration, and that there would be no objection to the Senate taking up the Arkansas bill to-morrow morning and disposing of it. I simply state that I have given way to everyone and I have made no trouble about it, and I think we are entitled to a day for the consideration of this matter, in which is involved a settlement between one of the States of the Union and the Government of the United States. All that I ask is fair treatment in this matter. The bill has been the unfinished business since the 2d day of March.

Mr. CULLOM. If the Senator from Arkansas will allow me, I will state that my suggestion was intended for the benefit of the Senator. If we get the appropriation bill out of the way early we may pass his bill to-day.

Mr. BERRY. The Senator will not get the appropriation bill through by 3 o'clock. I am satisfied it will take all of to-day. But even if the appropriation bill should be out of the way at 3 o'clock, we could not conclude the consideration of the Arkansas bill this evening. We could do so to-morrow, but of course if the Senator from Connecticut objects that is the end of it; I shall have to take my chances.

Mr. PLATT. I shall not object to the consideration of the bill whenever it is reached, but I do not think it is wise to make a unanimous agreement in the Senate.

Mr. CULLOM. I move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

Mr. BERRY. I ask that the unfinished business be laid aside without losing its place on the Calendar.

The PRESIDING OFFICER. If there be no objection, that will be the order of the Senate. The Chair hears no objection.

LAKE MICHIGAN AND WABASH RIVER SHIP CANAL.

Mr. TURPIE. I ask, in pursuance of the assent of the honorable Senator from Illinois, to take up the joint resolution S. R. 110, which relates to my State.

Mr. CULLOM. I consented yesterday morning to yield to the Senator from Indiana for the consideration of some little measure that he desires to have considered; but he failed to call my attention to it at the proper time, and I had forgotten it. I hope that the Senator from Indiana may be allowed to call up his joint resolution.

Mr. TURPIE. I ask that the Senate proceed to the consideration of the joint resolution (S. R. 110) providing for the appointment of a commission, under the direction of the Secretary of War, for the preliminary survey, with plans, specifications, and approximate estimates of cost thereof, for the construction of a ship canal, of approved width and depth, from the lower shore of Lake Michigan to the Wabash River, and for the further investigation of the practicability of the construction of such waterway.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

Mr. CULLOM. When the Senate adjourned yesterday evening it had concluded the consideration of the bill as in Committee of the Whole and the bill had been reported to the Senate. I now ask, as the first step, that the amendments made to the bill as in Committee of the Whole, of which there was not notice given of a desire to vote upon them separately in the Senate, be now concurred in in gross. Of course among the amendments reserved for a separate vote in the Senate are included the provisions relating to the compensation of district attorneys and marshals.

Mr. CALL. There are some amendments which have been distinctly reserved by me; one, the amendment striking out the provision in regard to certain State Department clerks; another, striking out the amendment in regard to the committees, and the amendment proposing to strike out certain provisions of the bill as it came from the House.

Mr. CULLOM. I hope the vote will now be taken on concurring in the other amendments in gross except those reserved, which include the provisions relating to district attorneys and marshals, in the latter part of the bill.

Mr. HILL. What is the necessity for that course?

Mr. CULLOM. If we went over the bill item by item we would be here all day concurring in the little amendments. The usual rule is by one vote to concur in all amendments made as in Committee of the Whole except as to those on which a separate vote is desired.

Mr. KYLE. I should like to know whether the amendment on page 19, relating to register of copyrights, was reserved?

Mr. CULLOM. It was not reserved, so far as I know. The Senator can reserve it if he desires.

Mr. KYLE. I desire to reserve that amendment for a separate vote.

Mr. CULLOM. Now I hope the vote will be taken on concurring in all amendments made as in Committee of the Whole which have not been reserved for a separate vote.

The PRESIDING OFFICER. The Chair is uncertain whether the Senator from New York [Mr. HILL] desired to reserve an amendment for a separate vote or not.

Mr. CULLOM. The Senator from New York has not indicated any such desire.

The PRESIDING OFFICER. Unless there be objection, the amendments made as in Committee of the Whole will be considered as concurred in, subject to the reservations which have been specified.

Mr. CULLOM. As to amendments which have been reserved, I hope Senators asking for a separate vote will now call the amendments to the attention of the Senate, so that they may be disposed of.

Mr. KYLE. Then I ask the attention of the Senator from Illinois to page 19, the amendment relating to copyrights. I do not think it is explicit as it reads. It is in this language:

For register of copyrights, $2,000, who shall be selected by the Committee on the Library of the two Houses of Congress, shall give bond, shall have and exercise all the rights and duties touching copyrights now devolved upon the Librarian of Congress, and shall make weekly deposits and monthly reports to the Secretary of the Treasury; to be immediately available.

In line 9 I should like to add as an amendment the words "except the appointment of clerks," which I think clearly carries out the meaning of the member of the Committee on Appropriations who drafted the amendment. After the word "Congress," in line 11, I move to insert those words.

Mr. CULLOM. I do not see any objection to that amendment.

Mr. COCKRELL. It will not hurt and it will not do any good. Let it go in.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 19, line 11, after the word "Congress," it is proposed to insert "except the appointment of clerks"; so as to read:

For register of copyrights, $2,000, who shall be selected by the Committee on the Library of the two Houses of Congress, shall give bond, shall have and exercise all the rights and duties touching copyrights now devolved upon the Librarian of Congress, except the appointment of clerks, and shall make weekly deposits and monthly reports to the Secretary of the Treasury; to be immediately available.

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

Mr. PLATT. Have the amendments made as in Committee of the Whole been concurred in?

The PRESIDING OFFICER. The amendments made as in Committee of the Whole have been concurred in, except those reserved.

Mr. PLATT. Except those reserved, of course.

Mr. TELLER. The Senator from Florida [Mr. CALL] reserved two or three amendments, and I should like to have them now disposed of.

Mr. CALL. Mr. President, I desire a separate vote on the amendments beginning on page 22, line 21, going down to and including line 9, on page 23, in reference to the employees of the Bureau of Statistics, State Department. The Senate, as in Committee of the Whole, disagreed to the committee amendment, which reads:

For services of employees of the Bureau of Statistics, State Department, to be selected by the Secretary of State by reason of special aptitude for the work of compiling and distributing consular and other commercial reports, namely, one clerk, at $1,400; one clerk, at $1,000; one clerk, at $900, and one laborer, at $660; in all, $3,960, the same to be paid from the appropriation of $20,000 for preparation, printing, publication, and distribution, by the Department of State, of the consular and other commercial reports, made in the diplomatic and consular appropriation act approved February 27, 1896.

This amendment was recommended and requested by the Secretary of State for a special work—that of editing and distributing the consular reports. I am informed that the special desire and object of the recommendation was to obtain persons who are competent for the editorial duty of preparing the consular reports in proper form for publication and also for their distribution. I am also informed that there has been an amount appropriated in a single sum, subject to the discretion of the Secretary of State, for this work for some years, and that such persons have been employed under that appropriation for this particular work. I think $20,000 has been appropriated for that purpose heretofore.

There is an act of Congress which forbids the employment of any person on a salary unless authorized by an act of Congress. The Secretary of State, as I am informed, having been in the habit of employing under this single sum of $20,000 persons for this special work, the Solicitor of the Treasury has decided that in his opinion it would come within the provision of the statute of the United States prohibiting the employment of any person upon a salary except under a special designation of an act of Congress. So this particular work, being paid for out of that appropriation, will be suspended and these clerks placed under the civil-service rules, without any provision, as I understand, for their payment except out of this appropriation. For that reason I am told that these clerks have been asked in this form, and it is no new provision in reference to clerks. But the Senate struck it out in Committee of the Whole a few days ago. I am satisfied it was done under a misapprehension. I should like to have a vote upon it, inasmuch as I understand that to be the condition of facts. It has been so stated to me to-day by one of the employees of the Department.

Mr. CULLOM. I hope the Senate will concur in the amendment made as in Committee of the Whole, and if after investigation it turns out that the service requires any exemption, the President of the United States can himself make it under the civil-service law and regulations. So I think we had better adhere to the action of the Senate as in Committee of the Whole.

Mr. CALL. Mr. President, I should like very much, if we had a full Senate—I shall not, of course, embarrass the progress of the bill—but I should like to have the Senate decide why, when the President of the United States, voting in either of the two Houses of Congress, has one vote less than two-thirds of the whole legislative power of the Government, Congress is willing to divest itself of the power to follow the language and the meaning of the Constitution in creating in the heads of Departments, the power to designate at some time and under some cases of necessity persons for the employment of special work. Let us have that question decided and not put it under the vague and general proposition that the President of the United States can do this or do that.

The Congress of the United States divests itself all power; it loses the respect of the people of the country in its failure to assert the powers and to perform the duties imposed by our organic law. The Constitution says that Congress may create inferior officers, to be appointed by the heads of Departments, yet we are told constantly that the President of the United States possesses this great power, and has in every vote of this body one vote less than two-thirds of the whole legislative power of Congress, and we are not to exercise any of these powers.

I do not see that you can conduct the service of the Government when the Secretary of State asks for what? He asks that in the preparation of the consular reports for publication he shall be allowed to select officers capable of that work to be performed under his own eye. According to the appropriations heretofore made, five clerks who have been employed in his office do not come within the designations of the civil service, and we are told that we must not exercise our judgment. To what end shall three Commissioners not responsible to the people, the creatures of Executive power, be accorded the entire function of deciding who shall be the employees even to the smallest office?

For that reason I for one desire to protest against this abandonment of power on the part of Congress and vesting it in the President of the United States without reference to the heads of Departments, and vesting it in three Civil Service Commissioners. There is such a thing as carrying a rule to an extreme and absurd extent. There are exceptions to all rules.

When the Secretary of State says to Congress that "Here is a special work, which amounts to but little, in which I ask to be allowed to select five persons for the performance of the work," shall we say, "Oh, no; the President of the United States, if he thinks proper, can do it; whatever Congress may think, he may exempt these persons from the civil service"?

Mr. COCKRELL. I hope the amendment made as in Committee of the Whole will be concurred in. It is no abandonment of power on the part of Congress. We can not appoint these designated employees. The Secretary of State is an executive officer, the appointee of the President. The Civil Service Commissioners are executive officers; they are the appointees of the President; they are the subordinates of the President, to carry out his will, to carry out his preferences. It is not right that the head of an Executive Department should come to us and ask us to give him special privileges which his master, the President, will not give him. The principle is not right.

We delegated this whole matter to the President, and now if we put any of these officers under civil service he can take them out. Congress never has sanctioned, except by acquiescence, the farcical extent to which the employees of the Government have been placed under the civil-service law and orders. It is not our fault that these men are there. Let any Cabinet officer go to the President and ask him to give him the power to make these selections. That is what ought to be done, and the President in a proper case ought to give him the power or order it to be done. We are not called upon to override practically the will of the President in these appointments, and that is what it would be doing. It would not be giving Congress any power to say who should be appointed or any influence in the appointment.

We began this system in 1883 and instituted a Civil Service Commission because the executive branch of the Government said it was necessary to enable it to reform the civil service as it then existed. There was then a Congress Republican in both branches and a Republican Executive. They said the civil service needed reforming and that such a law was necessary for its reformation. On that ground I voted for it and advocated it, but I never dreamed that the executive branch of the Government would carry the authority of the law to the extent to which it has been carried, even including copyists and messengers and watchmen, and everything else nearly that you can think of down to charwomen, who, I suppose, will be included after a while under a civil-service examination to test whether they are competent and have the skill to wash the floors of the different Department buildings.

I say let the responsibility rest upon the executive branch. It is no surrender of any power of Congress. The President has the power to control the Cabinet officers. They can go to him; he can exempt any of their clerks. In proper cases exemption ought to be exercised, but it is not for Congress to interpose by law and take away the power that he has heretofore exercised with his own subordinate officers.

Mr. CALL. Let us take the proposition of the Senator from Missouri, and reason about it a little, and see whether there is any foundation for it at all in reason. The question with us is, What is the best thing for us to do for the service?—not what the President of the United States may do or may not do. It is not what power he has or has not.

The Senator says it is farcical to put everybody under the civil service; that there should be some exceptions. Let us see what the organic law says. The President has the constitutional power to appoint—

All other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments.

If we think it is proper in respect of the advantage of the public service to appoint these five clerks by the head of the Department and not by three Civil Service Commissioners and not by the President, is it not an abandonment of our power and a denial of our duty if we fail to do it? What is it?

The organic law says that Congress shall have power to vest by law the appointment of those five clerks in the head of a Department. According to the Senator from Missouri, when the head of a Department says, "I can perform this executive duty better by having you exercise the power conferred in the Constitution to vest in me by law the power to appoint those five people," we should reply that though we think it is farcical to extend the civil-service law to this extent, though we think it is farcical to deny this

power to the head of a Department, we will not do it, because the President of the United States may, if he sees fit, exempt you from it. The Constitution imposes the duty upon every member of this body to say when he thinks it proper to vest by law the appointment of inferior persons, either one or many inferior officers, in the heads of Departments.

Now, I say there is no one who can deny that the head of a Department, if he be worthy of that office, should have some discretion as to persons to perform duties requiring special trust and special knowledge.

The Secretary comes here and says, "Here is a kind of work for which I have been selecting persons." "What is it?" "It is the preparation of consular reports for publication and distribution. It is a kind of work for which no civil-service examination can ascertain a person's qualifications, and the control of which you have been giving to me for some years. The Solicitor of the Treasury has made a construction of the statute which prohibits payment of those people under the general appropriation. I ask that such words shall be inserted in the bill as will enable me to do that which I have been doing, preparing the consular reports in a proper manner and distributing them as required by law." When he says that, the Senator from Missouri says, "Oh, no; it is true that the extent to which the civil-service law has been carried is farcical, but we will not do that, because this is an Executive Department." That is the whole case.

Mr. CULLOM. I hope we can now have a vote.

Mr. CALL. I desire to enter my protest against this perpetual denial to the people of the country of their rights through their representatives to make the laws of the country, as well as to protest against this concentration of power and this abandonment of duty on the part of members of this body.

Mr. CULLOM. We are trying to make laws for the country, and I hope we may have a chance to go on. I should like to know what the motion is that the Senator from Florida makes.

Mr. CALL. The motion is to disagree to the amendment to the amendment made as in Committee of the Whole in striking out the words "to be selected by the Secretary of State by reason of special aptitude."

Mr. CULLOM. The question will necessarily have to be on the whole amendment.

Mr. COCKRELL. The question is simply on concurring in the amendment made as in Committee of the Whole.

Mr. CULLOM. Certainly.

Mr. CALL. The Senator wants to know what the amendment is. I will state it. The Senate, as in Committee of the Whole, struck out the words "to be selected by the Secretary of State by reason of special aptitude."

Mr. CULLOM. The Senator from Florida simply desires a vote of the Senate upon the amendment to the amendment which the Committee on Appropriations reported agreed to as in Committee of the Whole. I think that is what he wishes in the premises.

Mr. CALL. The Senator from Illinois does not state it right. The Committee on Appropriations reported an amendment to the bill, on page 22, to insert this provision:

For service of employees of the Bureau of Statistics, State Department, to be selected by the Secretary of State by reason of special aptitude.

Upon motion of the Senator from Maryland [Mr. GORMAN], I understand, the clause from the word "Department" and including the words "to be selected by the Secretary of State by reason of special aptitude" was stricken out.

Mr. COCKRELL. An amendment to the amendment was agreed to as in Committee of the Whole, leaving out those words.

Mr. CALL. Yes.

Mr. COCKRELL. The Senator from Florida has reserved the amendment, and wishes to have those words restored. I suggest that he make the motion to insert them, and that will present the question.

The VICE-PRESIDENT. The proposed amendment to the amendment made as in Committee of the Whole will be stated.

The SECRETARY. It is proposed to amend the amendment agreed to as in Committee of the Whole by inserting after the word "Department," in line 22, page 22, the words "to be selected by the Secretary of State by reason of special aptitude"; so as to read:

For services of employees of the Bureau of Statistics, State Department, to be selected by the Secretary of State by reason of special aptitude for the work of compiling and distributing consular and other commercial reports, namely, one clerk, at $1,400.

The VICE-PRESIDENT. The question is on the amendment to the amendment made as in Committee of the Whole.

Mr. CALL. Let us have a yea-and-nay vote on that.

Mr. CULLOM. I hope the Senator from Florida will not ask for the yeas and nays.

Mr. CALL. I will let it pass over with the understanding that the amendment will be renewed afterwards.

Mr. SHERMAN. I desire——

Mr. CULLOM. Let us dispose of this question.

Mr. SHERMAN. I wish to strike out the provisions about marshals.

Mr. CULLOM. That amendment has already been reserved and will come up later.

The VICE-PRESIDENT. Without objection the amendment made as in Committee of the Whole will be considered as concurred in.

Mr. CALL. It is understood that I will call for the yeas and nays after awhile.

Mr. CULLOM. If the Senator from Florida insists upon the yeas and nays we had better decide it now.

Mr. CALL. Very few Senators are present, and I do not want to impede the bill.

Mr. CULLOM. It will impede it just as much to have the question come up later. If the Senator insists upon a yea-and-nay vote we had better have it now.

Mr. CALL. I will let it go.

Mr. CULLOM. The Senator from Florida withdraws the demand for the yeas and nays.

The VICE-PRESIDENT. The amendment made as in Committee of the Whole will be considered as concurred in.

Mr. CALL. I have reserved two amendments. I wish to ask the Senate to disagree to the amendment to the amendment made as in Committee of the Whole by which the Senate struck out from line 4 to line 9, on page 5.

The other is the amendment adopted as in Committee of the Whole by which certain clerks of committees, beginning in line 10, were increased in number to 26, at $1,800.

Mr. CULLOM. I hope the amendment adopted as in Committee of the Whole will be concurred in by the Senate.

Mr. CALL. I desire to say that if this amendment is concurred in I shall move the amendment which I sent up to the desk, by which the committees named on page 4, with the exception of four, shall all be put in the class of $2,120, thus reducing——

Mr. CULLOM. Let us have one vote at a time.

Mr. CALL. I am giving notice of what I propose to do, so that the Senate may understand it.

The VICE-PRESIDENT. The question is on concurring in the amendment agreed to as in Committee of the Whole.

Mr. CALL. Let us have the Senate understand it.

Mr. CULLOM. Let it be reported.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. The Senate, as in Committee of the Whole, struck out all after line 3, on page 5, down to and including line 13, on the same page, and inserted:

For 28 clerks of committees, at $1,800 each, the sum of $50,400.

The VICE-PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. CALL. Let us understand the amendment. The Senate committee reported this amendment, which was stricken out:

For clerks to the committees on Woman Suffrage, Mines and Mining, Immigration, Revision of the Laws of the United States, Corporations Organized in the District of Columbia, Indian Depredations, and Construction of the Nicaragua Canal, at $2,100 each, $14,700.

That was stricken out, as I have said. The 21 clerks of committees, in line 10, on the same page, were increased to 28 in number, at $1,800.

The object of the motion—I prefer to take the bill as the Senate Committee on Appropriations reported it—is to have the six or seven clerks retain the places assigned to them, at $2,120.

The other House, in sending the bill over, put into it a large number of committees with clerks at $2,220. If you intend to strike those committees off and put them in a class at $1,800, then all of the committees standing in the like situation should be put on the same foundation. Because the other House has undertaken to regulate the compensation of the committees of this body and to say which shall have payment and which shall not have payment at a particular rate is no reason why this body should permit an injustice to be done.

Let us see what committees there are in the bill as it came from the other House as to which the Senate committee properly reported an amendment.

The Committee on Engrossed Bills has a clerk at $2,220 and a messenger at $1,440. Why should that committee be advantaged in comparison with the other seven committees here which are stricken down to $1,800? What has that committee to do? That committee, like the seven here, or the most of them, was accorded to the minority when I came here, and the distinguished Senator from New York, Mr. Conkling, was then chairman of that committee, and the committee was properly equipped as a matter of respect to him. So it has continued ever since as a minority committee.

Take the Committee on Private Land Claims. There is another one at $2,220. What has that committee to do more than these committees? When Senators who have been here a long period of time have been assigned to those committees why should the

clerks of some of the committees be put at $2,220 and the others, with Senators of equal experience and equal length of service as chairmen, be stricken down to $1,800?

Now let us go on. There is a provision for a clerk to the Joint Committee on the Library at $2,220 by the House arrangement. Why should that be given such a clerk in comparison with these seven committees?

Then there are clerks at $2,220 to the committees on the Census, on Indian Affairs, to Audit and Control the Contingent Expenses of the Senate. What great work has the Committee to Audit and Control the Contingent Expenses of the Senate as compared with the committees which have been stricken down to $1,800? Why should it have $2,220?

Then there are the committees on Public Buildings and Grounds, Agriculture and Forestry, Education and Labor, and Territories. What have they to do more than these other committees? Then there are the Committee on Epidemic Diseases, the Committee on Private Land Claims, the Committee on Coast Defenses, the Committee on Additional Accommodations for the Library of Congress, the Committee on Rules, and the Committee on Civil Service and Retrenchment. I had the honor to be assigned to that committee at one time. I think it had nothing in the world to do. The Senator from Missouri [Mr. COCKRELL] took all of its jurisdiction away from it by the appointment of a joint commission or something of that kind to perform the duties of all the committees of the Senate. What has that committee to do with a clerk at $2,220?

Let there be some fairness in this business. If you propose to assign clerks to committees and Senators to chairmanships of committees for some other reason than that they have great work to do, let the line be fairly drawn and let it not be a mere matter of favor. Here are all these committees that are held at $2,220. Then there are these other committees at $1,800. Take the clerk to the Committee on Woman Suffrage. I have the honor of being chairman of that committee, if it be an honor, and to my knowledge the clerk of that committee pays out of his own salary the expense of a stenographer. To my knowledge the correspondence from all the societies throughout the United States that are intensely interested in the subject of woman suffrage is quite onerous. It has, it is true, no great amount of legislation to consider, but the Senate created the committee in deference to the request of the women of the United States, and they properly regard it as a means of communicating in reference to public documents, petitions, and memorials, and correspondence of all kinds.

I have here in my desk a letter from the president of the Women's Congressional Society, I think it is called, upon this subject, calling for the publication of certain documents, and a large number of them, which they consider important and a matter of deference to the committee. Why should that committee be stricken down, while the Committee on Private Land Claims and the Committee on Engrossed Bills, which never had a bill before it, are allowed $2,220? I was a member of that committee for some years. It never had a meeting. Why shall these committees be selected for the benefit of particular persons and the others stricken down? The Senator from Illinois in charge of the appropriation bill makes no objection to this. He hopes the amendment concurred in as in Committee of the Whole will be retained.

Let us have some fairness about this matter. Let everybody stand on equal ground. If the Senate want to favor particular Senators on account of long experience here or because they stand in a particular attitude toward the country let them do it, but let it be fairly observed and put upon its proper ground. Here is the Senator from Alabama [Mr. PUGH], who has been here a long time and is chairman of the Committee on Revolutionary Claims. His clerk is put down at $1,800. I think all that is wrong. Other Senators, who have just come to the Senate, have committees with $2,200 clerkships.

I ask for a yea-and-nay vote, to know whether or not the rule of discrimination and unfairness, without reference to duties performed by clerks of committees, is to be carried into effect in the bill. My amendment, when this is disposed of, will be to reduce the appropriation, by putting all the committees that I have mentioned, with the exception of Appropriations, Finance, and one or two others, upon the $2,120 basis.

The VICE-PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. GORMAN. I think that in the action taken by the Senate as in Committee of the Whole probably an injustice has been done. The clerks of the committees on Woman Suffrage and Mines and Mining have been heretofore paid $2,100. That is my recollection. Am I correct in that respect?

Mr. CALL. Yes, sir.

Mr. GORMAN. I suggest to the Senator in charge of the bill that after the word "dollars," in line 3, page 5, we insert the committees on Woman Suffrage and Mines and Mining to receive the same compensation they are now receiving, $2,100, and then the balance of it can stand.

Mr. CULLOM. I have no objection to the amendment. I intended to state that if that would be agreeable to the Senate, as those committees have heretofore had that sum for their clerks as other standing committees have had, I would have no objection to exempting them from the operation of the new amendment.

Mr. LINDSAY. When did those committee clerks begin to receive $2,120?

Mr. CULLOM. Many years ago.

Mr. LINDSAY. I think it was during the last Congress.

Mr. CULLOM. The Committee on Woman Suffrage has had a clerk at that salary for a number of years. The Senator from Maryland [Mr. GORMAN] can move the amendment so that it will be satisfactory.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "dollars," in line 3, page 5, it is proposed to insert:

For clerks to committees on Woman Suffrage and Mines and Mining, $2,100 each, $4,200.

Mr. CULLOM. I have no objection to the amendment.

The amendment was agreed to.

Mr. CULLOM. Then the succeeding amendment agreed to as in Committee of the Whole should be modified as to the number of clerks and the total.

The SECRETARY. It is proposed to amend the amendment adopted as in Committee of the Whole by striking out "eight," where it occurs, and inserting "six"; so that it will read:

For twenty-six clerks to committees, at $1,800, the sum of $46,800.

Mr. CULLOM. I have no objection to that amendment.

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

Mr. COCKRELL. If the amendments made as in Committee of the Whole have been concurred in, I wish to offer an amendment. In most of the Territories an increase has been made to the amount of the estimate. As to the Territory of New Mexico, it is represented that the appropriation for clerks in the surveyor-general's office is wholly inadequate, that the business is behind, and the estimate is $10,000.

Mr. CULLOM. What page does the Senator refer to?

Mr. COCKRELL. Page 92, line 11. Seven thousand dollars is allowed. I suggest that it be increased to $10,000, according to the estimate, and that in line 12 "twelve" be inserted instead of "nine."

Mr. CULLOM. I think the matter to which the Senator refers is not on page 92. The Senator has the wrong bill.

Mr. COCKRELL. I have the wrong print. I will look it up.

Mr. HOAR. While the Senator from Missouri is finding his place, I wish to make a suggestion in regard to the item relating to committees.

If this matter is stricken out and the substitute proposed by the Senator from Montana [Mr. CARTER] goes into the bill, it of course will be a matter for the conference committee. Whether they will accept that in the end or whether the old arrangement will be left to stand or some other new arrangement substituted we can not know; and I should like to have added to the list of committees, if it can be done before that is stricken out, the Committee on Revolutionary Claims, of which the Senator from Alabama [Mr. PUGH] is chairman, so that if the old arrangement is retained that may be within the power of the committee of conference.

Mr. CULLOM. I suppose it would be in the power of the conference committee to retain one or all of them. I thought we had already got the committee question pretty well settled to the satisfaction of the Senate. So far as I am personally concerned, it is my desire that the amendment shall be kept in such way as to give fair satisfaction to the great body of the Senators. I have recognized the fact that there is an inequality; that some committees are faring well while others are faring badly in the way of clerical service; but the amendment which has been adopted by the Senate, having been agreed to as in Committee of the Whole, is a very fair and reasonable settlement of the question, and I hope it will be retained.

Mr. HOAR. So do I, Mr. President. I do not rise for the purpose of disturbing that relation; but I wish to have it in the power of the conference committee, if the House does not agree to it, to do what they shall think right with reference to the committee of which the Senator from Alabama [Mr. PUGH] is chairman. That is all.

Mr. CULLOM. I think we have that power as it stands.

Mr. HOAR. If the Senator from Illinois thinks they have that power as it stands, I will not make any motion.

Mr. CULLOM. We can modify the amendment by making it one or two or ten, I suppose, or whatever number we please.

Mr. MORGAN. Mr. President, when the clerk of the committee of which I have the honor to be chairman, a very hard-working committee and one which I think is very important, was put in the $1,800 list, I did not see proper to make any objection to it,

although I think it is a very low compensation for the labor that has to be done and the necessary confinement during all the summer months. I was disposed to let the matter go along without any interference at all; but now a member of the Committee on Appropriations appeals to an old law which gave his committee $2,150, I believe, and thereupon, by the unanimous consent of the committee, his committee is taken out of the $1,800 category and put into the $2,100 category.

I hardly think that is exactly the right kind of treatment. I have been here twenty years making brick without straw, and I am perfectly willing to keep on with it, provided my neighbors and friends are put on the same level; but I do not think there is any reason for putting the Committee on Woman Suffrage at $2,100 and leaving the Committee on the Construction of the Nicaragua Canal at $1,800. I do not see the justice of it.

As to the Committee on Revolutionary Claims, with respect to which the Senator from Massachusetts [Mr. HOAR] has been kind enough to interpose in behalf of my colleague, who is not here, of course that committee has about as much to do with present affairs as the Revolutionary war had to do with the war in Cuba. No case ever comes before that committee; none possibly ever will come before it. I never yet heard of any Revolutionary claim coming before it for consideration. It is a mere indulgence given to the minority Senators, which at the same time I think is very properly given to them, and it is intended to be without any work at all.

I am in favor of making all proper concessions, but I do not want to have any unjust discrimination made against me. That is not right. Let the Senator from Florida [Mr. CALL] stand on the $1,800 basis, or let my committee go upon the $2,100 basis. Mine is a standing committee of the Senate, entitled to as much respect as is the Committee on Woman Suffrage or the Committee on Revolutionary Claims, to say the least of it.

Mr. HOAR. Will the Senator from Alabama pardon me?

Mr. MORGAN. Certainly.

Mr. HOAR. I understand the theory upon which the Senate has gone hitherto in appointing the committees is that there was a certain number of chairmanships accorded by the majority to the minority of the Senate as a matter of courtesy and because the gentlemen on the other side had of course need of service in their important public duties. These chairmanships were filled by the minority by appointing the Senators oldest and longest in service here.

When the Republicans were in the minority in the Senate I was chairman of the Committee on Woman Suffrage, and the duties of that committee consisted of one hearing and one report on a constitutional amendment, but the Democratic side of the Chamber, with great kindness, gave an annual clerk to the committee. I was an older Senator, and I estimated that I had to answer about 7,500 letters in the course of the year, and I do not think there was a harder-worked man in the Commonwealth of Massachusetts than that clerk was during that time.

Both of the Senators from Alabama are among the most distinguished and honored and esteemed Senators of this body, and among the longest in service, and I suppose that if the present plan is retained the whole Republican side of the Chamber would think the Senator from Alabama [Mr. MORGAN], with his great public service and labors, ought to have an annual clerk at a compensation for a person competent to make researches and explorations under his direction as well as merely to conduct his correspondence.

As the clerk of the Senator's colleague is left out of the preferred list, although his colleague is one of the seniors in the Senate, my purpose in interposing was to suggest that the clerk for his committee should be put on, if we are going to retain the old system. I entirely agree to the new system instead of the old one, but I only want to make sure that if the other House does not consent to our new system and insists upon the old one the committee shall have the power to correct the injustice. That is the purpose of my interposing, and I understand the Senator from Illinois [Mr. CULLOM] says there is no doubt that they will have that under their jurisdiction in conference.

Mr. MORGAN. I do not set up any personal claim whatever to favor or indulgence, although I am very much obliged to the Senator from Massachusetts [Mr. HOAR] for his kind allusions to me for the work I have tried to do since I have been in this body. But I think it is a matter of justice. You have taken the Committee on Nicaraguan Claims and added to it the consideration of subjects relating to the Nicaraguan Canal, thereby not only——

Mr. CULLOM. Will the Senator from Alabama allow me to interrupt him to say a word?

Mr. MORGAN. Yes, sir.

Mr. CULLOM. It may end this controversy. I appreciate very fully, I think, the very great service of the Senator from Alabama [Mr. MORGAN], especially in connection with the Nicaraguan question, and I believe I appreciate, to some extent at least, the great importance of the work that has to be done there as respects those matters. Personally I should be gratified if the Senator's clerk could have $2,100 salary instead of $1,800, which is provided in the general amendment that we have adopted.

I hope that in view of the Senator's service here and the great importance of the work he is charged with in connection with the new committee we may all agree to give his clerk a salary of $2,100, if that will be satisfactory to the Senator.

Mr. MORGAN. It is entirely satisfactory. The other plan was satisfactory to me, except that I do not want any discrimination upon grounds that are not real.

The committee of which I am chairman has been made a standing committee of this body, and it is due to the character of the committee that it should have an annual clerk at a reasonable salary. I am not in favor of extravagant salaries, but I think, really, that the work which is required of that committee is going to be, as it is now, very heavy.

The VICE-PRESIDENT. The vote by which the amendment was concurred in will be considered as reconsidered, and the amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment so as to read:

For clerks to Committees on Woman Suffrage, Mines and Mining, and the Construction of the Nicaragua Canal, at $2,100 each, $6,300.

For twenty-five clerks to committees, at $1,800 each, the sum of $45,000.

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

Mr. WILSON. If it is agreeable to the Senator from Illinois [Mr. CULLOM], I should like to ask a question. I have just come into the Chamber. Is the salary of the clerk to the Committee on Engrossed Bills still continued at $2,200, with a messenger at $1,440?

Mr. CULLOM. None of the old clerks is interfered with at all.

Mr. WILSON. That committee has a messenger, too, at $1,440.

Mr. CULLOM. The committee has what it had before.

Mr. CANNON. I move, in line 25, page 3, to strike out the words "assistant clerk" and to insert the words "two assistant clerks at," and in line 1, page 4, after the word "dollars," to insert the word "each."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 25, page 3, strike out the words "assistant clerk" and insert "two assistant clerks at," and in line 1, page 4, after the word "dollars," to insert "each"; so as to read:

Clerk to the Committee on Pensions, $2,220; two assistant clerks, at $1,440 each.

Mr. ALLEN. I can not see any necessity for two assistant clerks, at $1,440 each.

Mr. CULLOM. I am inclined to think the amendment ought to be adopted.

Mr. WOLCOTT. Will the Senator from Illinois permit me?

Mr. CULLOM. Certainly.

Mr. WOLCOTT. I do not know but that I am depriving the Senator from Nebraska [Mr. ALLEN] of the floor.

Mr. ALLEN. Not at all.

Mr. WOLCOTT. On calling the attention of the industrious and very intelligent clerk of the Committee on Pensions to some bills for pensions which I have pending before that committee, as I think all of us have, I ascertained that not only the clerk and his assistants are overworked, but that the clerk out of his own salary, which is meager enough, is employing people to help him and is paying them out of his pocket in trying to get the docket up and procure information about the pensions cases. I trust—and I speak outside the committee—that the Senator from Illinois and every Senator will agree that the Pension Committee should have such clerical force as it needs. Our constituents are writing us all the time, at least mine are, "Why is not my case pressed?" "How does the delay occur?" "Congress is going to adjourn; no action has been taken on my case." It comes because every one of us as Senators has case after case introduced here by bill and we are pressing the committee to get a report, and their hands are tied because of an insufficient clerical force. The force can not look up the cases and get them before the committee which acts upon them and lays them before the Senate. I do hope the Senator will find his way clear to accept the amendment.

Mr. CULLOM. I shall not make any opposition. If the Senate thinks that provision should be made for an additional clerk, I have no objection.

Mr. ALLEN. I shall enter my objection to authorizing the employment of a second assistant clerk. I am unable to see that the Committee on Pensions are doing a work that requires the services of an extra clerk.

Mr. CANNON. Will the Senator from Nebraska allow me to interrupt him?

Mr. ALLEN. Certainly.

Mr. CANNON. Before the Senator from Nebraska objects to the allowance of an assistant clerk it is only fair to him and to

other Senators present that some information should be had of the character and extent of the work now imposed upon the Committee on Pensions. It is to-day absolutely overwhelmed. There are a thousand cases of general and special pension bills on the calendar of that committee. Already, so early in the session, 400 of those bills have had complete or partial consideration by the committee. There are coming to the committee now within a very few days, perhaps not more than a few weeks at most, probably 200 bills from the House of Representatives, and it is impossible for the committee, under existing circumstances, to give to such measures the prompt attention which they should have and which Senators on this floor are constantly demanding. As high as 60 bills have been introduced by one member of this body.

The clerk has been occupying the position for ten years. He is amply competent to perform all the service which one man can do. He has to employ a stenographer and to pay her out of his own pocket in order to keep the table anywhere near clear. Every member of the committee is assailed constantly by demands from other Senators because of the fact that the work is in arrears. It is unfair to the country and it is not in the interest of economy to have the work of the committee clogged. I hope the Senator will not object, because it is in the interest of expedition of the public service to have enough clerical assistance to perform the work and have the table clear. It is certainly not in the interest of the public service to have Senators engaged in the ostensible performance of their duty while the clerical force is insufficient to make senatorial labor effective.

Mr. ALLEN. What is the membership of the Committee on Pensions? There are 11 members of the committee, are there not?

Mr. CANNON. There are 13 members of the committee.

Mr. ALLEN. I do not know at what work the Committee on Pensions will put these clerks, but I infer that the business of the clerk, as he is employed now, is to make reports for the members of that committee to file in the Senate.

Mr. CANNON. I beg the Senator to let me interrupt him once more. I am a member of the Committee on Pensions, and so far as my short observation entitles me to speak, the clerks employed by the committee do not make the reports for individual Senators. On the contrary, I think it is a fact that every Senator who is a member of that committee has not only to do the work of examination of the cases apportioned to him as a subcommittee, but in nearly every instance he has personally to employ assistance. I know that this is true in my case. There are already 35 bills which would be apportioned to me as a subcommittee. It passed my own command of time and the time of my secretary, and I am compelled to employ expert assistance to examine the cases.

Mr. HALE. Let me ask the Senator a question, if the Senator from Nebraska will permit me. Is there not a great deal of routine information that has to be derived from the Departments as to accuracy of statements made and the record in each case, a service which those clerks have to perform for the committee generally in preparing the reports?

Mr. CANNON. That is absolutely the case.

Mr. HALE. I think I may say for one that I have found the Committee on Pensions very attentive to business and very laborious; and when I consider the number of cases on their docket as compared with other committees, however well worked and important, I do not think that an additional clerk will any more than put them even with other committees for the work they have to perform.

Mr. TELLER. Mr. President——

Mr. ALLEN. I supposed I had the floor. However, I yield to the Senator from Colorado.

Mr. TELLER. Will the Senator from Nebraska allow me to make a statement?

Mr. ALLEN. Certainly.

Mr. TELLER. Some years ago I was chairman of the Committee on Pensions. We had a clerk and an assistant clerk, and, just as the committee is now, it was overwhelmed with bills that came in, and during the entire time I was chairman of the committee I do not suppose I ever had a letter written or the slightest service from either the clerk or his assistant. During all that time I employed a young man to do my work.

I do not think that any Senator should be required to do that; and if, as stated by the members of the committee, the committee is overwhelmed with work, it seems to me we ought to dispose of work of that character. It ought not to be left here. It ought to be disposed of intelligently, and it can only be done by getting information from the Departments, from the Pension Office and the War Department. There ought to be sufficient clerical force to do that, I am sure.

Mr. ALLEN. I think I am the last man in this Chamber who would captiously obstruct the work of the Committee on Pensions. I want to see its work done efficiently and well. I think, however, that some of us have a right to complain that bills which were introduced on the very opening days of the present session of Congress have been passed over and nothing has been done with them, while bills introduced by members of the committee have received some consideration at their hands and have been reported.

But passing over that matter as one of the things which probably may be considered as inseparable from the organization of committees, I am informed that this committee has a clerk, a very efficient man, and that it has a messenger, who is a stenographer, and does the stenographic work of the committee; each one of the members of that committee has a secretary, whose services ought to be devoted to the discharge of the business of the Senator in whose employ he is. I do not see anything about the work of the Committee on Pensions which would prevent a Senator to whom a bill was referred using the services of his own clerk in gathering the data necessary to report a bill either favorably or unfavorably.

I suppose it is true that every Senator in this Chamber has been compelled from time to time to employ extra help at his own expense. I know that is true in my case. I have been compelled to do it; and yet I have never called upon the clerk of the committee to furnish me with data or to formulate a report which I have made.

If I believed that this is necessary, and that it would expedite the business of the committee in the slightest degree, I should not object; but I do not believe that it would.

Mr. CANNON. Mr. President, either I failed to make the distinction clear when I interrupted the Senator from Nebraska or he has failed to appreciate it. The object of asking for this additional assistant is not that individual Senators may be relieved from the performance of their proper duty in acting as subcommittees and in making reports; it is merely that the general clerical work of the committee may be discharged by the clerks of the committee. No one proposes to have this assistant in order to aid individual Senators in the preparation of reports; but the work of the committee, with the present pressure of bills, can not be discharged by the officers paid by the Government, and the clerk employs and himself pays a stenographer. I think the Senator from Nebraska will not insist that it is proper that a clerk employed by the Government shall pay one-half of his salary to employ an assistant in order to discharge the duties of his position.

Mr. ALLEN. No, Mr. President, I do not propose to be put on that ground by the Senator from Utah. That is not the true ground upon which my objection stands. The Senator fails to be specific in his pleading here. He fails to state a thing that this assistant is to do that can not be done and is not being done by the present clerk and his messenger, or whatever force he may have there. What specific thing is there for this additional clerk to do? Will the Senator from Utah answer?

Mr. CANNON. Certainly. There is for the clerk and his assistant the care of over 1,000 bills, with the most voluminous accompanying documents which probably on the average go to any committee of the Senate. The care of 1,000 bills, each one of which presses for attention; the care and the tabulation of all the papers which accompany the 1,000 bills, with the correspondence necessary between that committee and the Pension Bureau, ought certainly to be sufficient to justify the payment of one clerk and an assistant.

Mr. ALLEN. The committee has a chief clerk; it already has one assistant. Suppose there are 1,000 bills there to be put in wrappers and classified, and briefed possibly, and put in pigeonholes, where many of them are now and will remain. Then the clerk must dictate some letters to the Department calling for statistics or data upon which reports are to be based. Does the Senator from Utah think that one efficient clerk and one assistant can not do that work and do it with ease?

Mr. CANNON. Mr. President, if the Senator desires an answer to the question I will reply. The present assistant clerk must perform the work for the chairman of the committee, as he is the only person whom the chairman has to act as his secretary. Each Senator has his own secretary. The assistant clerk of this committee acts as the secretary of the chairman of the committee, and it is unfair, when every other Senator, regardless of the fact whether he is a chairman or not, has a secretary, that the chairman of the committee should not have some one upon whom to devolve the detail labor of his duty here. So we do not have the advantage in the committee proper of the services of the gentleman who is now enrolled as the assistant clerk.

Mr. ALLEN. There is not the slightest thing in that statement. The assistant clerk, as the committee is now organized, performs the work of private secretary to the chairman of the committee, which is proper. There is left whatever time he may have, and he certainly must have some time, and the time of the chief clerk, and the time of the messenger, who I understand is a stenographer, to attend to the duties of the committee.

Mr. WOLCOTT. Will the Senator from Nebraska allow me to make a suggestion to him?

Mr. ALLEN. Certainly.

Mr. WOLCOTT. I do not suppose either of us, not being upon

the Committee on Pensions, can form a very adequate idea of exactly what the duties of these officials are; but I desire to call the attention of the Senator from Nebraska to the fact that in another Chamber, where these matters are dealt with no more expeditiously and no more intelligently and no more carefully than in this, there are two Pension Committees, employing a force of eight clerks and assistants, whose work practically stands against the employment of one clerk in this Chamber.

Mr. President, there is one Senator in this body, the senior Senator from Missouri [Mr. COCKRELL], who has some 60 bills pending before the Committee on Pensions; my colleague and I have some 30 apiece; the Senators from Pennsylvania have some 30; nearly all the Senators have from 15 to 30 pension cases pending in that committee, and their constituents are constantly asking them to press their claims. The Senator from Nebraska has but 2. It is natural that this pressure from constituents is not brought home to him with the same force that it is brought home to the rest of us.

I know from the inquiries I have made and the attempts I have made to obtain action upon bills which I have introduced that the Committee on Pensions is utterly overworked; that its members unselfishly devote hours of their time daily to the work of the committee; that there is not one of them who does not deny himself hours every day when he ought to be in this Chamber in order that he may attend to the duties of his committee; and I know that even if there were two clerks instead of one clerk more, as has been asked for, after they had been appointed and had done their work the efforts of Senators would still be required in framing the reports and in sifting the testimony. The clerks do not have anything to do with the making of reports. The clerks go to the Bureau and make inquiries; they go to the Secretary of War and gather the testimony; they get the case in readiness for the members of the committee to report upon it.

We are overwhelmed with work. There was a resolution introduced yesterday that we should adjourn on the 2d day of May, and it is believed we shall adjourn in May. The action of the Senator from Nebraska, if it shall be successful, will result in depriving scores of people in the United States, privates who served their time in the Army, from receiving pensions to which they are entitled. I know the Senator from Nebraska does not want to stand up in this body and by objecting to the employment of an additional clerk, whose labors this intelligent and self-sacrificing committee certainly need, deprive the people who are entitled under the law to their pensions and by the action of Congress to the favorable consideration of their bills.

I will state further that 25 per cent of all the bills that come into the Senate go to the Committee on Pensions.

Mr. ALLEN. Let me reply briefly to the Senator from Colorado. In the first place, he calls attention to the fact that there are some seven or eight assistant clerks in the House of Representatives. The Senator must remember, however, that there are 356 members of the lower House of Congress.

Mr. WOLCOTT. But they do not get more bills than we get, and they do not act on so many.

Mr. ALLEN. The Senator is certainly mistaken on that point, because they set apart every Friday night and hold a session of the House of Representatives for the express purpose of passing upon pension bills and for no other purpose.

I do not propose to have the Senator from Colorado put me in the attitude that he seems to desire to do, of antagonizing the work of the allowance of pensions. I am in favor of every man who is entitled to a pension having it. I will do anything I can to procure it for him. I have announced that so frequently that there ought not to be any misunderstanding on the part of the Senator from Colorado or any other person upon that subject; but I do not propose that members of the Committee on Pensions shall be able truthfully to go out into the country and say that I obstructed the passage of pension bills because I objected to the Committee on Pensions having an assistant clerk when, in my judgment, that assistant clerk is not needed.

The truth is, Mr. President, that it costs more, I am informed by reliable authority, to run the United States Senate, independently of the salaries that are paid Senators, than it costs to run the Military Academy at West Point in the State of New York. These expenses are becoming enormous, and there seems to be no disposition whatever upon the part of any person to call a halt or to stop at some convenient point. The employment of an assistant clerk for the Committee on Pensions will be followed pretty soon by a bill or an amendment to employ assistant clerks in other committees, and the truth will be after a while that every Senator will have four or five employees in his service at the expense of the Government. There is no necessity for it.

The Senator from Colorado speaks about the number of bills he has introduced and the few bills which I have introduced. I have had many requests to introduce bills. There are as many soldiers in the State of Nebraska, according to its population, if not more, than there are in the State of Colorado. But I do not believe that a Senator should introduce a bill which has no merit in it simply for the effect it may have upon his political fortunes. I could introduce a basketful of bills if it were necessary or proper to do so; but I usually take the precaution to examine into the merits of the applicant before I introduce his bill. I do not think because bills are turned in here through the Senate as water is turned through a sieve that therefore additional assistance should be employed by the Committee on Pensions. I base my objection solely upon the ground that the employment of an assistant clerk is absolutely useless, and can not in the nature of things facilitate the business of the committee.

Mr. DAVIS. Mr. President, I served as chairman of the Senate Committee on Pensions for six years, and perhaps have some of the qualifications of experience to give my opinion on this subject.

I think the objections of the Senator from Nebraska are based upon a misconception of the method in which the business of that committee is necessarily conducted. In the first place, the statement has been correctly made that nearly one-half the bills which come under the consideration of this body are referred to that committee. I know personally from the experience of six years how much exacting and self-denying toil by Senators is necessary to do justice to this most meritorious class of claims. The present chairman of the Senate Committee on Pensions [Mr. GALLINGER] is a man of great experience in those labors. I am perfectly convinced that he would not ask for anything that he did not think was imperatively needed by the necessities of the branch of the service in which he is engaged.

In regard to the so-called perfunctory duties that are performed by the Senators comprising that committee and their clerks, let me correct the Senator from Nebraska a little. It is a rule of the committee that no claim for a pension shall be granted by statute until it has been adversely passed upon by the Pension Office. That rule is almost invariable. It must be a very exceptional case, one not contemplated by the law at all—I mean where the Pension Office can not afford relief—which exempts a case from the application of that rule.

I will state the mode of procedure. A bill is introduced and the original file upon which the Pension Office has predicated its rejection of a claim is sent for to the Pension Office and taken charge of by the committee. Those files are in most cases more voluminous than any ordinary court file. They are composed of affidavits, reports, examinations, tests sometimes by the Department itself, which require the most minute and scrutinizing examination both of questions of fact and law. Those files are gone over and examined with all the care of a referee or a judge in a civil case. It takes hours to go through one of them with any accuracy or sufficiency at all. The clerk can not do that and he does not do it. No clerk ever made a report for me; no clerk makes reports for other members of that committee. The sum and substance of it is, that to do one's duty faithfully in that committee takes away from the Senate the advantage and assistance of his deliberations and counsel in many matters of the highest importance.

I am not in general in favor of the increase of the clerical force, but I felt during my term of service on that committee that more help was imperatively needed. I think, under the enormous increase of business which has supervened upon that body under conditions for the last two or three years, the request is not only reasonable, but one which it is absolutely necessary to comply with if we intend to render to the soldiers any sort of attention to their claims at all commensurate with their imperative merits.

Mr. CULLOM. I hope we shall now have a vote on the amendment. I think the Senate understands it.

Mr. ALLEN. I should like to ask the Senator from Illinois if he proposes to make a point of order upon the amendment.

Mr. CULLOM. I do not.

Mr. ALLEN. The Senator has employed the point of order here very frequently upon this and other bills.

Mr. CULLOM. I have not employed it more than once or twice.

Mr. ALLEN. I should like to suggest to the Senator——

Mr. CULLOM. If the Senator wants to make a point of order, he can do so. I shall not make it, because I am inclined to believe that perhaps this assistant clerk ought to be given.

Mr. ALLEN. Then I will take the responsibility of making the point of order under Rule XVI.

Mr. GALLINGER. I ask the Senator to withdraw the point of order for just one moment.

Mr. ALLEN. I will do that.

Mr. GALLINGER. I have no objection, of course, to the Senator making the point of order. That is the Senator's privilege.

Mr. President, I do not even now know exactly what is under consideration, and I should like very much to be informed before the point of order is made, because I may desire to be heard just one moment.

Mr. CULLOM. Let the Secretary report the amendment, so that the Senator from New Hampshire may understand what it is.

The SECRETARY. On page 3, line 25, before the word "assistant," it is proposed to insert the word "two," and to strike out the

word "clerk" and insert "clerks," and after the word "dollars," in line 1, on page 4, to insert the word "each"; so as to read:

Clerk to the Committee on Pensions, $2,220; two assistant clerks, $1,440 each; messenger, $1,440.

Mr. GALLINGER. Mr. President, I wish to make one or two observations.

The VICE-PRESIDENT. Does the Senator from New Hampshire address himself to the point of order?

Mr. GALLINGER. The point of order, I understood, was withdrawn for the moment.

Mr. ALLEN. I withdrew it.

The VICE-PRESIDENT. The Chair did not so understand. The Senator from New Hampshire will proceed.

Mr. GALLINGER. Mr. President, I made that request, and the point of order was withdrawn.

This proposed amendment was not suggested by me, and I am not at all responsible for it, although I think it a very just amendment. I desire to state precisely my position in regard to this matter, and I state it for the reason that as I approached the Senate Chamber coming from the committee room, where I had been engaged in work for other Senators, the question was propounded to me whether I was purposely absent during this discussion. I had no knowledge that this discussion was to occur, and hence my absence from the Senate Chamber had nothing whatever to do with it.

Now, a few words as to what I have said and done looking to an increase of the force in the room of the Committee on Pensions and some facts concerning the work of the committee.

I took upon myself the chairmanship of that committee with a full knowledge of the fact that it was a committee to which a vast amount of work would necessarily go, and that somebody would have to perform an unusual amount of labor if the affairs of the committee were properly conducted. I had had service on a similar committee in the other House of Congress, and I had had service for four years on this very committee in this body, and hence knew something of the work; but notwithstanding this I did not adequately realize the measure of labor and responsibility that would come to it.

There have been during the present session, I think I may safely say, an unusual proportion of bills which have been presented to the Senate, referred to that committee. I have not counted them up recently, but I think I can safely say that about one-third, or nearly one-third, of all the bills which have been presented in this body are before that committee now or have been reported, and are now on the Calendar or acted upon by the Senate.

Mr. President, I am not in the habit of obtruding my individual affairs upon the Senate or even upon my friends, and yet I feel constrained to say that I have worked in that committee room from 9 o'clock in the morning until 6 in the evening, except the time I have been in this Chamber, every day since the beginning of the Congress, and I have worked there every Sunday from 10 o'clock in the morning until 6 o'clock in the afternoon. That is a matter known to some others as well as to myself. The work has been carried on in just that way, so far as the chairman is concerned.

I am personally interested in very few of the bills, but a very large proportion of the Senators, on both sides of the Chamber, are interested in them. Senators come to me about their bills, asking that they may be expedited, and I am always very glad to accommodate them if I can. I have put myself out very much in behalf of other Senators, and it has been a delight and a pleasure for me to do it, even at the expense of my own convenience and my own comfort. I have personal charge of the bills for the New England States and the State of New York, but reference to the Calendar will disclose the fact that I have reported bills from all parts of the country, the examination of the papers and the writing of the report in each case requiring much time and patience as well as a certain kind of technical knowledge.

Two years ago certain matters came to my attention in connection with the work of the committee of which I will now briefly speak. I then found that the clerk of the committee—who is not a man from my own State, a resident, I think, of Minnesota, and a gentleman whom I have been glad to continue in that position, notwithstanding I have had many applications from my own State for the place, because of his military services and large experience—was paying a young lady stenographer and typewriter out of his salary. That custom has been continued until the present time. As I understand the matter, and I am sure I am not mistaken, Mr. Johnson, the clerk of the committee, has paid that young lady, who is in the committee room every morning at 9 o'clock and remains there until between 5 and 6, a salary for several years—I do not know how much—out of the amount which he receives as clerk of the committee.

Mr. President, I have no concealments about this matter. My own son is the assistant clerk of the committee. I prefer to keep him there, as he attends to my private correspondence, and I presume that it is not a matter of just criticism that he should be there instead of some one else. He is of more service to me than any other young man could be, and performs his duties faithfully so far as the interests of the public service are concerned.

Mr. President, I propose to tell the whole story so far as I am personally connected with this matter. When this appropriation bill was under consideration by the Committee on Appropriations I addressed a letter to my friend at my left [Mr. CULLOM], who I understood had charge of it, and I made the suggestion to him that I thought it might be a proper thing to increase the salary of the assistant clerk of the committee from $1,440 to $1,800. I think I said in that letter (if I did not I certainly meant to do so) that the added salary would be taken from the assistant clerk and given to the young lady, and in that way the clerk of the committee would be partially relieved of what I think is a very unfair thing. Mr. Johnson is a man who has an invalid wife, and my sympathies went out to him, feeling that he was paying too much out of his salary for clerical assistance which is absolutely needed in the committee room, and without which the business of the committee would not go along to the satisfaction of the Senate. I did not give the matter as careful thought as I might have done, else I would doubtless have asked what the amendment pending contemplates. What I suggested occurred to me as one way in which relief could be secured, and I asked it. The Senator from Illinois did not report the suggested amendment, and he will bear me out when I say that I have sat beside him in the Senate ever since and I have not even mentioned the subject to him. I have not asked him why he did not do it. I took it for granted that the committee exercised their judgment and discretion in the matter, and that they thought it was not a wise thing to do.

That is all I have done about this thing, and I have sought the opportunity to make this explanation lest something might have been said in my absence which would have placed me in a false position. More clerical assistance than is now furnished ought to be supplied, but I have not felt like persistently or unduly pressing the matter. That is all I care to say about it.

Mr. CULLOM. Mr. President, perhaps I ought to say a word. The Senator from New Hampshire has stated the exact truth, so far as any conversation between him and myself is concerned and also in addressing the letter to me. The chief clerk of that committee has also talked to me in reference to the matter on the line of adding something to somebody's salary, so that that addition might be taken to pay an assistant typewriter. I did not quite see how I could do that, or that the Senate would be inclined to do it, and I did not know what the temper of the Senate might be with reference to an additional assistant clerk. I have learned more about the exact situation since this item has been under discussion than I knew before, and as it has gone along I have made up my mind that the assistant clerk ought to be allowed by the Senate, because I know not only from the Senator himself, the chairman of the committee, but from the clerk, that the clerk has been paying a part of his salary in order to keep the work up as well as he could. Under the circumstances I do not care to make the point of order upon the proposed amendment, and I hope my friend from Nebraska, after hearing the chairman, will not do so either.

Mr. ALLEN. Mr. President, I want to say just a word, and then I will let the amendment be voted on.

I want to say to the Senator from New Hampshire that nothing was said in his absence by me or by anyone else involving this matter that ought not to be said. I have no purpose to object to the employment of all the clerical assistance that may be necessary in the transactian of the business of this Chamber, and above all I have not the slightest desire to obstruct the business of the Committee on Pensions. That is the last committee whose business I would obstruct if I had it within my power to obstruct any. I am in entire sympathy with its desire and attempt to present bills here as speedily as they can be presented for the consideration of the Senate.

But, Mr. President, the same thing of which Senators complain with reference to the Committee on Pensions exists with reference to the Committee on Claims. The duties of the two committees are almost identical. The Committee on Claims is simply a court; that is all. It is an equity court, a court where the files, as the Senator from Minnesota [Mr. DAVIS] well said with reference to the Committee on Pensions, exceed in number the ordinary court files. It becomes the duty of every member of that committee to whom a claim is referred not only to examine the evidence that is on record, the ex parte evidence of the depositions, but very frequently to call in witnesses and examine them and find out the history of the claim and report upon its merits. These claims involve not only that, but they involve the examination of records, and very frequently inquiries from the Departments or Bureaus. That is done in every instance by the Senator or by his clerk.

Now, the Committee on Pensions, in addition to having a very efficient chief clerk and a very efficient assistant clerk and a messenger, has, or should have, the assistance of thirteen different

clerks, the clerks of the Senators who compose that committee. When a bill is referred to a member of the committee for examination, it passes from the jurisdiction of the committee until he reports it back, and he should employ the services of his own clerk, or devote his own services, if need be, in examining into its history and preparing and making the report. The honorable Senator from New Hampshire speaks of his being overworked; I have no doubt of that.

Mr. GALLINGER. I did not complain of that at all. I stated the fact.

Mr. ALLEN. I did not understand it to be spoken of in the way of complaint at all, but I can say to the Senator, speaking personally, that for myself I have not been out of my committee room, except when I have been here, until 10 or 11 o'clock at night for two months. I am, unfortunately, a member of the Committee on Claims, and it seems to me sometimes that every old claim that has been on file in the Senate for twenty-five or thirty years has been sent to me, claims that involve the examination of 150 or 200 and sometimes 300 papers. I do my work as best I can. I think the members of this committee should do their work as best they can. However, in view of the fact that the Senator in charge of the pending bill thinks that it is not his duty to make the point of order upon the amendment, but who does occasionally make a point of order upon a meritorious amendment and by that means eliminate it from the proposed legislation, I think I will leave the responsibility with him to make it or not to make it, as he sees fit.

Mr. CULLOM. All right. I am glad the Senator has adopted that course.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Utah [Mr. CANNON].

The amendment was agreed to.

Mr. CULLOM. The adoption of the amendment renders necessary a change of the total on page 5, line 3. I move at that point to strike out "$94,480" and insert "$95,920."

The amendment was agreed to.

Mr. CULLOM. It is proposed by the Senator from Ohio [Mr. SHERMAN], I understand, to move to strike out certain sections of the bill in relation to marshals and district attorneys, beginning at the bottom of page 115, section 5. I suppose that it will be his purpose to strike out all that part which pertains to those subjects, and if that is his purpose he can make his motion to include all the bill beginning with the twenty-fourth line on page 115, and ending with the fifteenth line on page 134. All of that part pertains to the proposed change of the system in relation to marshals and district attorneys.

Mr. SHERMAN. The Senator from Illinois correctly states the proposition I intended to submit to the Senate, although I do not intend at this late hour of the day to embarrass the committee in any way. In my judgment, however, this is a mistake, and all of these provisions in regard to marshals and judges and district attorneys, all of this reorganization, I will say, of the judiciary department of the Government of the United States ought not to be made upon an appropriation bill.

As a rule, no important legislation ought to be ingrafted upon an appropriation bill. We all admit that, and yet we constantly violate that rule. The established rule of almost every legislative body is to confine appropriations to the distribution of money to the various public objects. The practice of attaching legislation to appropriation bills has largely increased of late. Formerly, thirty or forty years ago, it rarely occurred, and only when it became necessary, either by the urgency of a political faction or to accomplish some political purpose, was a legislative amendment placed on an appropriation bill.

Here is a most striking example of the dangers which may occur from this kind of legislation. Here is a bill that is brought to us from the Committee on Ways and Means, in no way connected with the judicial department. We have committees organized in both Houses of Congress to deal with these subjects-matter. They are all composed of lawyers, without exception, leading members especially of the bar, belonging to either House of Congress, and measures of that kind can not be dealt with by persons who have not been trained as lawyers.

The first objection I have to the system proposed is the general principle that it is faulty; that it is bad legislation to encumber an appropriation bill with legislative provisions affecting the whole judicial department of the Government of the United States. I know that such bills have been pending in both Houses, and they ought to be there framed by the proper committee. The honorable Senator from Massachusetts [Mr. HOAR], who sits by my side made, I thought, some very wise remarks upon this subject. The propositions now ingrafted in the pending appropriation bill have been considered by the Judiciary Committee of the Senate, and they were not able to agree upon them. They were not able to act upon them; they made no report upon them. I do not know the history of the measure in the House of Representatives, or how it came to be attached to the bill before the Senate, but it is certain that the principle is adopted of ingrafting in a bill that must be passed provisions to which there may be marked opposition, and which could not pass upon their own merits. That is the first and the radical objection to this part of the bill. But that is not all.

I have read this portion of the bill with a good deal of care. I believe the rates of compensation fixed for these officers is entirely too high. I believe it is too high not only in Ohio but in Arizona, because it is proposed to give the same compensation to the officers in Arizona as in Ohio. It seems to me that dealing with many of the States, especially where the population is small, and where therefore the compensation paid by the State officers is comparatively small, it is an apparent outrage to pay to the marshals $4,000 or $5,000, when the ordinary officers of the State courts receive probably only one-third of that amount. It is making a marked discrimination against the wisdom of Congress in dealing with salaries. A district attorney in Columbus, Ohio, performing the duties of a district attorney in the courts of the United States ought not to receive any more than would be paid, according to the habit and custom of our people, to a common prosecuting attorney. In almost every city in Ohio there are more cases tried of far greater importance than the cases tried in both the Federal courts of the State, and yet higher salaries are to be given to these officers than the salary paid the highest officer of the State government. Now, this is an objection.

This is a time when of all other times we ought to be careful about the appropriation of money. The appropriations now being made at the present session of Congress are more than the revenues of the Government, and therefore at a time when our revenues are insufficient to carry on the operations of the Government it is proposed to increase very largely the salaries of these officers. A salary of $4,000 or $5,000 a year is a very large salary in nearly all of the Western States.

Mr. HOAR. Is there any salary that the Senator knows of increased in the bill?

Mr. SHERMAN. I only know that the Senate have largely increased the salaries proposed by the House.

Mr. HOAR. That is another matter. If the Senator will pardon me—I do not wish to interrupt him, because he is making a very important and interesting statement—but I understood him to say, I suppose inadvertently, that we were increasing the salaries of these officers.

Mr. SHERMAN. I intend to come to that.

Mr. HOAR. As I understand it, all these salaries are cut down by the bill. It is true we make them higher than the House proposed.

Mr. COCKRELL. But not higher than these officers are now receiving.

Mr. HOAR. Not higher than they are now receiving.

Mr. SHERMAN. At present the marshals and district attorneys and nearly all the officers of the courts of the United States are paid by fees. The clerks of the courts of the United States are paid by fees. Whether those fees are more than the salaries here provided is not a question that is material here. They now receive fees. In my judgment it is far better that they should be paid by fees rather than directly from the Treasury, because under the system proposed there will be no motive whatever for either a clerk or marshal or district attorney to collect from the litigants the fees that have been paid them under previous laws. Whether those fees amounted to more than the salaries here provided is not material, but the very moment you give these officers full salaries, with no motive whatever to collect the fees which the law prescribes, as a matter of course you do it at the expense of the Government of the United States. It is true the bill provides that the fees which are now paid to clerks and marshals, etc., shall be paid into the public Treasury, but who will collect those fees? What inducement is there for those officers to collect the fees and pay the money into the Treasury of the United States? The amount of the fees now collected is amply sufficient.

There are always many candidates for all these offices. They are all desirable positions from the point of honor. Everybody would like to be a district attorney of a United States court, and the office of clerk we all know is a very important one; but what motive will these officers have to collect fees for the Government of the United States? The fees will not be collected. The result is there will be more paid out of the Treasury of the United States in consequence of this salary provision than would be paid in the way of fees. Everybody knows that that will be the natural result.

I think on these two grounds, without going into the details, we ought not to pass the salary provision now. It ought to go to the Committee on the Judiciary and there be carefully considered in all its details.

Mr. COCKRELL. I wish to put a question to the Senator from Ohio. He intends to move to strike out the House provision.

Mr. SHERMAN. Yes, sir.

Mr. COCKRELL. Not a Senate amendment. It is a part of

the bill that the House has sent to us. Now, the Senate strikes that out. We get into conference. The House members refuse to yield. What shall the Senate do? Would the Senator stand by the conferees of the Appropriations Committee then and keep Congress here for weeks or months or defeat the bill entirely? That is the question that confronts the Committee on Appropriations and the conferees. Remember, the Committee on Appropriations did not insert this in the bill.

Mr. SHERMAN. I see that.

Mr. COCKRELL. It came here from the House and then was referred to the Judiciary Committee of the Senate to consider it. The Committee on Appropriations simply adopted the report of the Judiciary Committee. So it is the work of the Judiciary Committee as completely as if it had been brought in as a separate bill.

Mr. SHERMAN. I do not see that that alters the argument. A law must have the assent of both Houses. If the House of Representatives violate their own rules, because their rules prohibit this——

Mr. COCKRELL. Oh, no; I beg the Senator's pardon. It was passed through the House in accordance with their rules. All these provisions were put on by the rules of the House. They have what they call standing rules, but then they have a Committee on Rules which brings in an order, and that order becomes the rule for the time being in the consideration of the bill just as much as their standing rules. Does the Senator talk about their rules? It is absolute power. They can pass a bill under their rules with any kind of legislation on it if they have an order, because that order suspends all other rules as to that particular item.

Mr. SHERMAN. It makes no difference; everyone concedes that legislative provisions on an appropriation bill which do not affect the very items of the bill itself ought not to be there. That is the established rule of parliamentary law. If the House of Representatives send us a bill full of legislative measures affecting the whole of one of the great departments of our Government, increasing the salaries that are paid out of public money very largely, because heretofore this compensation was made up by fees paid by litigants and others, and therefore the whole of this burden is now thrown upon the Government, it seems to me we have the right to say to the House of Representatives——

Mr. COCKRELL. Will not the fees be paid into the Treasury?

Mr. SHERMAN. They will not be collected. I have already said that Senators who are familiar with these courts, as I am to some extent, know that the fees will not be collected by either class of these officers. They get their salaries, and what do they care? They will not look after the fees of the Government.

Mr. TELLER. I should like to suggest to the Senator from Ohio that a good deal of the money that is paid as fees is paid by the Government of the United States.

Mr. SHERMAN. In cases.

Mr. TELLER. In very many cases a large proportion of the salary of the district attorneys is now simply paid by the Government as fees.

Mr. SHERMAN. That may be true to some extent, but there is in the courts of the United States a multitude of suits between private parties.

Mr. COCKRELL. The Senator from Colorado is probably familiar with one point here, and I should like to have the information. I ask him if it is not true that the fees are not collected in many cases—if there are not many cases where they can not be collected because of the poverty of the defendants, and so the attorneys and marshals, etc., are paid out of the Treasury?

Mr. TELLER. In such cases they are paid by the Government, I understand.

Mr. COCKRELL. And the Government will get into the Treasury under this proposed law exactly as much as it gets credit for now?

Mr. SHERMAN. The fees are paid by the United States only in cases in which the United States is interested, but the great mass of the litigation in the United States courts is not between the United States and its citizens; it is between litigants in controversies in which the Government has no interest. Therefore it is not an excuse to the Senate of the United States to allow a measure of this kind to be ingrafted on an appropriation bill because the House has done so. The House has often reproached the Senate for doing the same thing. We have submitted to the reproach and sometimes yielded to it where they have made a determined opposition to a legislative provision. But here is a proposition that was pending before the Judiciary Committee, I understand from what the Senator from Massachusetts said. It had been pending also before the Judiciary Committee in the House. It is put on this omnibus bill in order to carry it through when it could not be carried through by the force of its own merits. Now, that is the position. If we do not stop this process of legislating on appropriation bills we had better abandon all the rest of the committees and put everything on the appropriation bills and in that way get them through. But we ought not to do it.

But there are provisions in the pending bill objectionable besides the mere fact that they are legislative. The salaries are too high, in my judgment. I think every salary even provided by the House is larger than similar salaries in the States. But I see several provisions here that I do not like. These provisions, which I will not read, seem to take from the Treasury Department most of the accounting that is now required in that Department and carry it to the Attorney-General. The Attorney-General is by the plain provisions of this bill made practically a comptroller and an auditor. All the accounts are to be sent to him for examination and approval, according to the bill. There is no provision in the bill, although probably the general law will carry the accounts finally to the Auditor and Comptroller of the Treasury Department.

The bill also provides that the Attorney-General shall pay out of his Department all the salaries that are provided for by this proposed legislation. It seems to me that withdraws from the payments the surveillance now fixed by law for the Treasury Department by the combination of auditors and comptrollers and the various officers who are paid to take care of and protect the money of the Government.

There are several of the provisions that seem to be blind. I have inquired the meaning of them of Senators and can not ascertain precisely, although it is said that one of the provisions which requires all the salaries to be paid in the office of the Attorney-General was provided for by an act of Congress a year or so ago.

All I wish to say now is that on the whole the practice of placing important legislative provisions on the appropriation bills ought not to be adopted at this time. This part of the bill ought to be stricken out. Sometimes, as a matter of necessity, both Houses of Congress find it convenient to put on appropriation bills important legislation, and where that legislation is undisputed and uncontroverted, and where it is apparent to anyone that it ought to be adopted either on an appropriation bill or anywhere else, there is not so much objection to it. Although persons familiar with legislation are opposed to mingling general legislation with merely financial appropriations, it is done occasionly. It is done sometimes to attain a political object. I have myself participated in putting on amendments of this kind when some important object was to be attained. But there is no hurry about this matter. We have had the system of fees of attorneys, clerks, and officers of this kind since the beginning of the Government, and now it is proposed in this sudden way (for I never knew anything about it until I took up the bill and read it) to change the whole manner of conducting this great Department of the Government.

Mr. CHANDLER. Will the Senator from Ohio allow me a word? Is he quite sure that change is made? Are not all the accounts of district attorneys and marshals now sent in the first instance to the Attorney-General, and then transmitted to the accounting officers of the Treasury Department?

Mr. SHERMAN. There is nothing, I say, in the bill about that.

Mr. CHANDLER. I may be wrong and the Senator may be right, but I supposed that the accounts of every Department of the Government went in the first instance to the head of the Department, and were by him transmitted to the accounting officers of the Treasury Department.

Mr. ALLISON. That is true. The same rule as respects the accounting of the moneys appropriated will apply under this bill that now applies under existing law.

Mr. SHERMAN. I doubt that somewhat. If Senators will look at the peculiar provisions of the bill they will have a doubt on that point. But at any rate there is no affirmative legislation here requiring that the accounting of money paid to the judicial department shall be made by the proper officers of the Treasury Department. Probably that might be covered by the general provision of the existing law, but there is no provision of that kind here. Indeed this is a measure solely in the interest of the officers I have named, the clerks, attorneys, etc. There are many provisions in the bill that ought to require the careful scrutiny of the Committee on the Judiciary. This bill seems to have been withdrawn from the committee of this body which had it in charge, I do not say by the action of the Senate, but by the action of the House, and thus we are called upon to experiment in legislation. All I desire to say is that I should like to strike out this provision and leave it to be legislated upon more at leisure after a careful examination, not to transfer to the Committee on Appropriations the business of the Committee on the Judiciary, and not to compel the Committee on Appropriations, when they are treating only with subjects of appropriations, to consider and pass upon legislative provisions contained in the bill under their keeping. All of this proceeding disturbs and changes the regular ordinary course of business in the Senate.

Now, with these remarks, Mr. President, I will conclude, so far as I am concerned. I should like to have a vote upon this question, and I hope that the Senate will take my view and postpone

this matter until the next session of Congress at least, when it may be acted upon in a proper way—in the ordinary way—by the Committees on the Judiciary of the two Houses.

Mr. HOAR. Mr. President, I shall support the motion of the Senator from Ohio to strike out this matter from the appropriation bill for the reasons so clearly stated in his interrogatory by the Senator from Missouri [Mr. COCKRELL]. While the Senator from Ohio was speaking the Senator from Missouri, a member of the Appropriations Committee of long experience and formerly its chairman, rose and said: "What are you going to do if we vote to strike out this provision and the House insists? If we do not agree with the House and the House insists, are you going to prolong the session two or three weeks or let an appropriation bill fail?"

Now, when that argument is presented to the Senate of the United States I think the honorable Senator from Ohio is entirely right in saying that the Senate ought not to stand it. We are one of the two legislative branches of the Government, and no affirmative legislation ought to pass making new laws, changes in our proceedings and public policies, unless it has the assent of the reason and conscience of this body. Whenever we undertake to say such a thing as that to the House, they treat it with great respect and say: "If you are going to force on us what we do not believe in and disapprove of, we shall not consent, and you may take the consequences."

I understand the rule of proceeding on the part of the House toward the Senate is, "You shall not be permitted to insist on any new legislation that has not the assent of both bodies"; and we have always dealt with them in that way. If the House undertake to assume the position of forcing a failure of the appropriation bill by putting new legislation on the bill, they are undertaking to do an unconstitutional thing, to wit, to get new general laws upon the statute book to which the Senate does not agree. It is in substance withholding the supply unless they can be the only legislative body. So for that reason I shall vote to strike out this general legislation on an appropriation bill of this kind.

However, I do not agree with the honorable Senator from Ohio in his opposition to the proposed legislation. First, he says it is suddenly brought in here. It has been a subject of consideration in the Judiciary Committee for six years and in the Senate for that time. We have tried and tried to agree upon a proper provision. The complaint comes from all over the country that while the district attorneys, marshals, clerks, and commissioners are dependent upon fees, there is a multiplication of small and vexatious causes that swell those fees; that poor men are plucked, men who are guilty of trifling offenses, Indians who sell liquor, liquor offenses against the revenue or the postal laws. Some one puts on the outside of a pamphlet that he sends, as a lady who is of very near kin to me did a few years ago, "Please return," innocent that it is a violation of the postal laws of the United States, and some official gets up a prosecution against that person.

Then, when they are prosecuting, a deputy marshal summons witnesses. He first brings the offender to the commissioner. The whole thing ought to be disposed of in ten minutes; but the commissioner continues it. Then half a dozen witnesses are summoned on the day to which it is continued. The marshal has summoned half a dozen witnesses when one would do, and he gets a fee for summoning each one of those witnesses. The commissioner gets two days instead of one. On the slightest pretext the case is adjourned, and the commissioner gets his third day's fee and the marshal gets his fee for attendance, and so on. That complaint comes up from all over the United States. It comes from Boston. It comes from places where Indians are found and commit petty offenses. It comes from moonshiner districts in other States, and so on. Therefore very reluctantly I have come to the conclusion that we must put a stop to the system of paying these officers by fees, and I believe that is the judgment of the whole Senate with substantial unanimity.

The Senator from Missouri [Mr. VEST] drew up a bill. It was reported by the committee. It broke down. I think the committee has been at work on it eight years. It was the second time we took it up that we reported the bill and it failed. We have been at work at the present session, and we have two bills which have been reported and are now on the Calendar. So there is no suddenness in this matter. Then the House sent over a scheme on an appropriation bill. We sent our bills to the Appropriations Committee, and they have in substance taken what the Judiciary Committee had agreed upon, if I am not mistaken, with hardly any changes in that particular.

Although I agree with my honorable friend in most of his general positions, I do not agree with him in the belief that these salaries are too high. The United States ought to have in every district in this country a representative who is a lawyer of the first grade, and not merely an ambitious, pushing young gentleman who thinks he would like the salary. They may at any time in the seaports have a case involving our international relations in times of war. Prize causes have to be presented by the district attorney. In times of peace they may have questions affecting our neutrality laws and questions affecting our revenue laws. Within the last two months the district attorney in San Francisco, who gets under this bill I think only $5,000 a year, has had to represent the United States in the great case of the claim against the Leland Stanford estate, involving millions upon millions. If any lawyer who is a member of the Senate—if my honorable friend from Colorado had been retained in that case everybody would have thought his compensation was small if he had asked $25,000 as a fee, so great was the responsibility. In Boston the district attorney was very recently arguing a great question against the defendants in the Maverick Bank case. The president and some directors of that institution had conducted that bank in the interest of their own speculations. It was one of the most difficult and responsible and important prosecutions that we ever had in Boston.

Mr. ALLISON. May I call the attention of the Senator from Massachusetts to another very important case arising under the tariff law of 1894, wherein there was a little provision inserted about withdrawing distilled spirits in bond? There is now a dispute in the courts involving $12,000,000 under that provision. All these are very important questions.

Mr. HOAR. When we dealt with the question of the salaries of the district judges it was said: "Why, the district judge in Delaware, to whom we propose to pay $5,000 a year, is employed but for two months out of the twelve." The answer was made, which in the end satisfied the Senate by a large majority, and the House, too: "If he is employed but two months out of the twelve, he has got to hold himself aloof from other occupations; he has got to be a man fit for the great questions which may come before him, and he must hold himself at the command of the public service the whole year. He is a man who may at any time have in the district court the trial of a question on which depend the dignity and authority of the United States. He may have in the circuit court to decide some vast patent question like the Bell telephone case, involving millions upon millions. Therefore it is to the interest of the United States to have a man competent for that responsibility."

This bill goes on the ground in general (the salaries for the southern district of New York and the District of Columbia being excepted, because they are special) that these salaries should range from four to six thousand dollars a year, what a bright, capable young man who has been in the profession ten years in any of our commercial cities can easily earn.

It seems to me, with all the study I can give to it, that the bill which the Judiciary Committee has reported is not unreasonable in this particular. As it is, all the salaries in the country are $6,000 a year now, with the limitation that if the man does not earn fees enough to make up his salary he does not get more than his fees amount to. So there is the constant temptation to swell the business on the part of those officers who do not get enough fees to make up their salaries.

It is not the great cases out of which the fees come. It is the little cases. You take a criminal case, which takes a month or six weeks to try, and the district attorney gets only $10 if he loses it and $50 if he wins it. It is the little vexatious suits against poor and ignorant defendants out of which the fees come.

I am therefore an entire and enthusiastic convert to the proposition which I received originally with reluctance, as the Senator from Ohio [Mr. SHERMAN] does, that we should abolish the fee system for the salary system. I think I shall entirely agree with the Senator from Ohio in saying that the bills which the Judiciary Committee have reported ought to be taken up and dealt with on their merits, the views of the honorable Senator from Ohio in regard to the amount of salaries thoroughly considered by the Senate, and let us have all equal rights in legislation with the other House.

Mr. CHANDLER. The two Senators who last addressed the Senate, the Senator from Ohio [Mr. SHERMAN] and the Senator from Massachusetts [Mr. HOAR], argued on different sides of the main question and are going to vote together upon the motion; that is to say, the Senator from Massachusetts believes that the district attorneys and marshals ought to have salaries, but that they ought not to be given them upon an appropriation bill, while the Senator from Ohio has opposed these provisions in the bill on the general proposition that there ought not to be legislation upon an appropriation bill.

Mr. President, it is true that there ought not to be, as a general principle, and yet the Senator from Ohio knows that the most important legislation that has been accomplished in Congress has been put upon appropriation bills. Early in the present session the attention of both Houses was called to the enormous expenses of the United States courts, and it has seemed to be agreed by almost the unanimous consent of the other House and of the Senate that a system of salaries for those officers ought to be established. The House, following up that almost unanimous sentiment, has prepared a list of salaries and put it into this bill. The

subject of the salaries has been considered by the Judiciary Committee and the Appropriations Committee of this body, and the list of salaries now stands in this bill. I think we ought to hold on to the reform that we have obtained. I think we ought to retain the provision as to salaries for marshals and district attorneys. The amendments that have been made in the Senate will come up for consideration in the conference with the House, and we shall then have accomplished a result at this session of Congress.

I call the attention of the Senator from Massachusetts to the fact that even if these salaries are not exactly as they should be in all respects, Congress meets again within six months, and any anomaly can be corrected, whereas, I ask the Senator, suppose we strike these provisions out of the bill and the House concurs in erasing them, how long will it be before we shall have the district attorneys and the marshals of the United States placed upon salaries. It may be a year, it may be a half dozen years, and I have observed that the way to get anything you want to obtain in legislation is to get it when you can, and not be very earnestly in favor of it and at the same time in favor of securing what you want in some other way and at some other time.

Mr. HOAR. Does the Senator from New Hampshire wish me to answer the question?

Mr. CHANDLER. I will answer any question the Senator from Massachusetts wishes to ask.

Mr. HOAR. The Senator asked me a question, and I rose to answer it.

Mr. CHANDLER. I ask the Senator, when will we get the reform if we do not get it now?

Mr. HOAR. Those two bills are at our gates, all reported. The Senator says it is very easy to alter the bill in a year if it is wrong, and that it is very difficult to get this legislation, both Houses being zealously in favor of it, unless we accept the provisions in the pending bill.

Those two bills are here in the ordinary course of legislation ready to be acted upon. I am willing to move to take them up to-morrow morning if these provisions are stricken out of the bill. Those bills are on the Calendar now. We can pass them and the other House can. If we pass them, we shall pass them on an equality with the other House. Now, as we put the provisions in the appropriation bill we put our head into the mouth of the other branch.

Mr. CHANDLER. No. The other House have given their salaries and we give our salaries, and they go into conference, and the question can be fairly settled by the conference committee.

So I agree with some things that both Senators have said, who differ with each other, and I differ from the votes which, differing with each other, both of them propose to give. I think we ought to hold on to these salary provisions and secure them now at this session of Congress.

Mr. HILL. Mr. President, I am very glad that the distinguished Senator from New Hampshire [Mr. CHANDLER] remained after 4 o'clock, although he had agreed to leave promptly at that hour, in order that he might express his sentiments on the general proposition of the impropriety of placing important legislation upon appropriation bills. I concur in all the sentiments which he has expressed upon that point.

I wish to say a few brief words as to the history of this matter and its present status. The Senator from Missouri [Mr. VEST] introduced certain bills fixing salaries in place of fees for district attorneys and marshals. Those bills were before the Judiciary Committee. A subcommittee was appointed very promptly and was considering those very bills, and that committee was intending to present a report. In the meantime the House of Representatives, for some reason, no one knows what, concluded to place upon this appropriation bill the provisions there found, changing the whole law upon the subject and substantially embracing the provisions of the Vest bill.

Notwithstanding that fact, the Vest bills have been reported by the Judiciary Committee, containing these same provisions, and they are here upon our files. Immediately after the consideration of the Arkansas bill they can be taken up and passed, provided the Senate is in favor of the adoption of the salary principle. There is therefore no necessity for creating a vicious precedent. There is no necessity for putting on the appropriation bill provisions which it is said the Senate approves and which it has already been shown that the other House approves.

One or two Senators who have spoken have said that it is sometimes justifiable in great emergencies, and at other times when everybody concedes the propriety of certain legislation, and in the last moments of a session, by common consent, to place unobjectionable provisions upon an appropriation bill. Within those limitations it might be well to say that possibly no harm is done. I antagonize these provisions not because I have any particular opposition to them. I antagonize them on the first ground, that it is unnecessary to place them here. The two Vest bills have been reported. They can be amended here within the next forty-eight or fifty-six hours; they can be made exactly like the provisions in this bill, and they can be passed and go to the other House, and that House can act upon them. It can not be truthfully said that a House which almost unanimously passed the provisions upon the pending bill would refuse to act upon those bills.

Therefore, Mr. President, we are creating a bad precedent unnecessarily. We are doing a foolish thing without any cause for it. We are straining over legislation when there is no point to it. When we had our pleasant little discussion a few weeks ago on the subject of distributing the appropriation bills, the very point was made that the Appropriations Committee was the most important committee. It was denied. The point was made and attention directed to it that the most important provisions enacted by Congress were always to be found in appropriation bills. Whether they got there surreptitiously, whether they were put there deliberately, whether in the last hurried ending of a session they were put there, it matters not; they found their way there; they were there.

Sir, during the first forty years of the history of this Government there were no such things as amendments of this character upon appropriation bills. The first forty years of the history of this Government shows that our legislators religiously kept appropriation bills for appropriations. There never was any attempt to ingraft general legislation upon them. We may learn some wisdom from our fathers. Afterwards both bodies were more or less to blame for placing political legislation upon appropriation bills. The Senator from Ohio [Mr. SHERMAN] says the system is a pernicious one; the Senator from Massachusetts [Mr. HOAR] says the system is a pernicious one; the Senator from New Hampshire [Mr. CHANDLER] says the system is a bad one, and yet he is willing to tolerate it at this particular time for the sake of reform.

Let us see what the result of this thing will be. In the first place, there is a bad precedent, in that you have taken out this matter from the consideration of the very committee authorized by the House and the Senate to pass upon judicial questions. These provisions originated in the Appropriations Committee of the House. They were passed upon by the Appropriations Committee of this body. Now, what was done? To take the curse off, if I may use such a familiar phrase, for the purpose of exhibiting great courtesy to the Judiciary Committee, which we very much appreciated, the Appropriations Committee asked the Judiciary Committee to look over the appropriation bill concerning these provisions and to make suggestions. We could not well refuse.

We did go over the bill, and we made such suggestions as occurred to us; and out of courtesy to the committee we transmitted those amendments back to the Appropriations Committee. Nevertheless that is not the way to do business. That is not the proper way to legislate. The Judiciary Committee was entitled as a matter of propriety to this subject originally, and not as a mere matter of courtesy. They were reported. In transmitting them to the Appropriations Committee it was distinctly understood and was said in our committee that we were not committed to the propriety of placing those amendments on the appropriation bill. Every member of the committee reserved that question for himself. What did we do? At the same time we reported the Vest bills, which are here, properly reported, awaiting action.

Mr. President, is it necessary for me, when everybody concedes that the point I make is right, to multiply instances when great wrongs have been perpetrated in the history of this Government by making use of appropriation bills for general legislation? It has been done, sir, or attempted to be done, by both political parties. It is a wrong and vicious principle. It does not pay politically in the long run.

Let us go back in the history of this country. Look how some of the important amendments to the Federal elections law crept in on appropriation bills, put there in order to coerce the action of certain branches of the Government. Then what took place subsequently? Subsequently an effort was made to repeal those laws, and we have not forgotten the great contest had between both Houses of Congress and President Hayes. I have before me the veto of President Hayes on amendments to appropriation bills, amendments that got rid of what was known as the obnoxious Federal election laws, and he vetoed them. Sir, candor compels me to say that he properly vetoed them on the ground that they had no place in appropriation bills. Much as I desired at that time, much as the Democratic party desired, the repeal of those laws, that was not the way to accomplish it. I am free to say that if there ever was an occasion when it was proper to use an appropriation bill as a lever with which to accomplish great political results, that was one of them.

Every Senator knows it is wrong. Every Senator knows it is a vicious principle. Every Senator concedes all that has been so well said here by the Senator from Ohio and the Senator from Massachusetts, and yet we propose to do it again. Why at this stage of the session? It is not the close of the session. We have plenty of time to legislate. There is to be no financial legislation; there is to be no tariff legislation, and we have ample time to

perfect those wise provisions, if they are wise, and therefore we have not any sort of an excuse for inaugurating a principle which some day or other will return to plague us.

Now, when the Senate is nearly equally divided, when our Populist friends hold the balance of power, is a good time, when neither party has the absolute control of the Senate, to stop the House of Representatives from resorting to this method of legislation. Merely because the Appropriations Committee, out of courtesy, sent the bill as respects these provisions to the Judiciary Committee does not change the situation. Let me say further that no criticism should be indulged in against the Appropriations Committee of the Senate. It is but fair to say that that committee did not place the provisions on the bill. As has been well stated, they were placed there by the other House, and the Appropriations Committee felt constrained to permit them to remain. Therefore the criticism which I have made is not directed against the Appropriations Committee of the Senate. They have tolerated the error; they have not sanctioned it. They have simply accepted the situation as it was presented by the House, and the House, in my judgment, ought not to have insisted upon them, because it is an unnecessary, an unwise, and a bad precedent. If these provisions meet with the views of both Houses, we can easily pass them in separate bills.

Let us see further what is the danger of this thing. If we disagree and a conference committee is appointed, not a member of the Judiciary Committee will be upon the conference committee. The Appropriations Committee take charge of that. What further takes place? Bear in mind, the Appropriations Committee have not adopted all the provisions of the other House. The Appropriations Committee have stricken out all the clauses in regard to United States commissioners, a very important matter. Some say they are desirable and others deny it. They are stricken out. We have no opportunity to amend them, because they are not before us. Some of us have certain views as to what United States commissioners should be compelled to do, as to what offices they should hold, and all that, but we are substantially and virtually powerless, because the committee have stricken them out and they are not before the Senate for amendment.

The bill goes to the other House. They nonconcur. Again the Appropriations Committee have charge of it, and they will agree or disagree to the provision in reference to United States commissioners. When the bill comes back there is no opportunity for amendment. Those who desire to amend the provisions relating to United States commissioners have no opportunity. It is gone. This simply illustrates the folly, the unwisdom, of attempting to put important judicial provisions, enacting new legislation, upon an appropriation bill.

Mr. CULLOM. I should like to inquire of the Senator from New York whether striking out the provisions in relation to commissioners is not in part the action of the Judiciary Committee, of which the honorable Senator is a member?

Mr. HILL. Of course it is. That is not the question.

Mr. CULLOM. It is one of the facts, nevertheless.

Mr. HILL. We suggested that there ought not to be any legislation upon that question at all. It was stricken out. The bill goes to a conference committee. Possibly there ought to be amendments. If it is to be adopted at all, there ought to be amendments to it. We have had no opportunity to amend it. We can not do it. It has not been discussed in the Senate. The provisions have been stricken out absolutely, and thus the House has an unfair advantage over the Senate in that respect. If the matter had been brought up in a regular fee bill, in a regular judiciary bill, such as the Vest bill before us, then we could have gone over those items separately and considered them and made such amendments as were necessary.

I do not care so much about the pending bill. I have convictions upon this subject. I see over and over again a course pursued that is unwise, and every time we hear the old argument, "We will change it next time." The Senators constituting the Judiciary Committee will bear in mind that I suggested in our consultation that now is a good opportunity to stop this kind of legislation. Everybody considers that it is wrong, even in the Judiciary Committee. I do not think that even the Appropriations Committee cared about having this matter thrust upon them, for it was thrust upon them by the other House. They say, What are we to do? We will go back to the House and tell them the Senate will not agree to it. Shall we hazard this great appropriation bill? Yes; hazard it. There is no better time to hazard it than now. You have ample time to do it. You have been diligent, you have been prompt, at least this year, in presenting your appropriation bills, and there is plenty of time for negotiation.

Let me call your attention to another matter. We can not place new legislation upon appropriation bills. We are tied down by our rules. The other House can not do it, but they violate the rule. I hold in my hand the rules of the House of Representatives, and these new provisions which they have put on are in violation of their own rules. Yet so anxious were they for this great reform, that they rode over their own rules and placed those provisions upon this bill. And now it is said we must not strike it out. Why not? We are a coordinate branch of Congress. We have just as much right to legislate as has the House. The House can pass the bill in a separate form. Although the House has control of the Treasury of the country, although it has the right to originate revenue bills, it has not the sole power to originate bills of this character.

Further, I submit to the good sense of the Senate upon this matter, which is not a party question, but a question of propriety, a question of the orderly conduct of legislative business, why seek to create a precedent that will return some time to plague us? The general question of the propriety of changing the system of fees to a system of salaries, I am disposed to favor. There is a great deal to be said upon the other side. There is a great deal to be said upon some of the provisions which were so ably defended by the Senator from Illinois when attention was called to them. I refer to the provisions which allow the appointment of an almost unlimited number of deputy marshals. That is the effect of it. I fear it will increase the expenses of the United States Government. I am willing to try it and I am willing to vote for it, and I voted to report the two Vest bills. I am willing to take them up for consideration the moment the Arkansas bill is disposed of.

There is no necessity for placing these provisions in the present bill. What would be the result if we did not? I know there will be a struggle over it. The House will not insist upon it. If I were to predict, I would predict that the House would not insist upon it. We are clearly right, as right as if there were but one side to the argument, and the good sense of the House will assert itself.

Undoubtedly there has been in the past much excellent legislation placed upon appropriation bills. I do not think it was wise to do it. I recollect—it was only a year or so ago, in 1892 or 1894—when the whole system was changed in the matter of accounting in the Treasury Department and the other Departments of the Government. It was placed upon an appropriation bill. Then once in awhile there creeps in an objectionable feature. We woke up the other day to find that we could not ask for a second estimate for a public work to be done, because we had bound ourselves by an amendment put on an appropriation bill which nobody knew anything about and which had not been discussed in this Chamber. We found that we could not substantially ask for that information from one of the Departments of this Government without the consent of the President of the United States. The provision was put in on an appropriation bill. Public attention was not drawn to it, and every day we witness the farce—for it is nothing more or less—of a bill or a joint resolution being passed asking for a second estimate for public works, which has to go to the President of the United States. I speak thus of unwise things that have been done, and there have been wise things done, so far as they are intrinsically concerned. What I am objecting to is the vicious principle involved.

Mr. President, my attention has been called to this matter in other fields of labor. My views were expressed years ago in messages to the legislature of the State of New York. I was compelled in many instances to veto an entire appropriation bill because of objectionable, partisan, vicious legislation inserted upon it. I appealed to the people upon that question, and the last constitutional convention of our State amended the constitution, so that to-day it absolutely prohibits any sort of legislation upon appropriation bills. That is the right principle. Several of the State constitutions contain similar provisions. Public experience has demonstrated the wisdom of it.

We can not without great difficulty provide an amendment to the Constitution of the United States for anything—good, bad, or indifferent. It takes too long. But we can by a proper course here pursued adhere to orderly methods of legislation. It is for the benefit of both political parties, it is for the benefit of all sides of this Chamber, it is for the benefit of the whole people to confine appropriation bills to their legitimate purposes, and not to attempt to put in general legislation, not to attempt to change existing law, even though the amendments are good or are bad.

I see no answer to this proposition, and when Senators of such long experience as those who have risen upon the other side of the Chamber to-day, whose service in this Chamber numbers three or four terms and even more than that, say this is a wrong principle, I think those who have served less time in this body may well follow the principles they have laid down.

I do not suppose, as many Senators have left with the understanding that there would be no vote this evening upon the pending question—of course I do not desire to have a vote quite pressed this afternoon.

Mr. CULLOM. I do not know of any understanding that the bill would not be disposed of this afternoon. I have heard nothing of it.

Mr. HILL. I did not speak of an understanding with the Senators. I say several Senators left with such an understanding.

Mr. CULLOM. They may have gone away. That is one thing.

Mr. HOAR. They are paired.

Mr. CULLOM. I suppose they are paired if they have gone. The bill has now been before the Senate some three days or more, and I think we ought to dispose of it to-night.

Mr. HILL. I desire to have a full vote on this question.

Mr. CULLOM. I think we ought to dispose of the bill this afternoon, and I hope the Senator will allow us to come to a vote as soon as Senators get through with what they have to say.

Mr. HILL. I have no objection to anyone else speaking; I am not going to move to adjourn; but I do not wish to have a vote taken to-night.

Mr. CULLOM. I will make a suggestion in the interest of accommodating members of the Senate as well as I can. I ask that it be unanimously agreed that immediately after the morning business to-morrow we shall take this bill up and vote at 2 o'clock. If the Senate will agree to dispose of it by 2 o'clock to-morrow, I would be willing that the Senate should now adjourn without further considering the bill to-day.

Mr. HILL. That would be all right, except that we can not tell what will come up as morning business. That is the difficulty about it.

Mr. CULLOM. I mean actual morning business, the introduction of petitions and bills and reports. If we agree to my suggestion, we can take up the bill soon after 12 o'clock.

Mr. HILL. I suggest to the Senator that we had nothing but routine morning business this morning, and it immediately gave rise to a discussion which took two hours.

Mr. CULLOM. We had more than mere routine morning business. We had the discussion and passage of a joint resolution.

Mr. HILL. It was the report of a committee, however, which was properly in order.

Mr. CULLOM. Yes; but it was within the power of the Senate to have refused to consider it this morning if it had chosen to do so. However that may be, if it should be understood by the Senate that to-morrow morning, without going into the discussion of measures such as resolutions, etc., or attempting to pass bills, but immediately after the presentation of petitions, memorials, bills, and reports from committees we take up this bill and dispose of it by 2 o'clock, I shall be entirely willing.

Mr. HILL. I have no objection to disposing of the bill. I have no doubt we can do that, but I do not want any agreement to that effect; that is all. I have no purpose whatever of delaying the bill, however.

Mr. CULLOM. Will the Senator agree that the Senate shall take a vote at 3 o'clock or sooner if there is no further discussion?

Mr. HILL. Certainly, at 3 o'clock.

Mr. CULLOM. At 3 o'clock.

Mr. HILL. It will not take even that time. One or two Senators have spoken to me who desire to say a few words, and I do not desire to foreclose them.

Mr. HOAR. Say not later than 3 o'clock.

Mr. CULLOM. Not later than 3 o'clock, if the discussion is concluded.

Mr. HILL. But the difficulty with a unanimous-consent agreement is that you are liable to have some other business come up, and if you——

Mr. CULLOM. Does the Senator from New York want to make any agreement?

Mr. HILL. I prefer not to; but I state to the Senate in all fairness that we expect to have a vote after very little more discussion. The point is that some Senator will rise and ask the Senate to consider some bill, and you have to be discourteous to him if you object. That is why I do not wish to enter into an agreement. That is all. Yet I want a full vote, and I want to have this bill disposed of.

Mr. ALLISON. I ask unanimous consent that this question may be taken up, as suggested by the Senator from Illinois [Mr. CULLOM], and disposed of at an hour to be agreed upon, with no intervening business to take the place of any proper discussion that may be had upon this bill.

Mr. COCKRELL. Say begin its consideration at twenty minutes after 12 o'clock to-morrow.

Mr. ALLISON. And that the discussion shall go on. I desire myself to make some observations upon the bill, but do not wish to speak to-night. This being an appropriation bill, however, it ought certainly to be passed to-morrow. If we can now have some understanding as to any hour when we shall take a vote, it will be—it seems to me it would be—a wise thing to do.

Mr. PLATT. I desire to have an opportunity to offer one amendment in the Senate before the bill is finally acted upon. I do not want to be cut off by an agreement.

Mr. CULLOM. There will be no difficulty about that.

Mr. PLATT. I do not wish to be cut off by an agreement as to any hour for a vote. I wish to say now that in any agreement I may enter into——

Mr. ALLISON. Does the Senator's amendment relate to this matter?

Mr. PLATT. Not to this particular matter, but I refer to an amendment to the bill which will be in order.

Mr. ALLISON. Very well.

Mr. ALLEN. I was going to suggest to the Senator the propriety of fixing the hour at 4 o'clock.

Mr. CULLOM. I am willing to agree to that if we can not dispose of it sooner. Say not later than 4 o'clock.

Mr. ALLEN. Not later than 4 o'clock.

Mr. ALLISON. Upon the bill?

Mr. GORMAN. No; on this proposition.

Mr. ALLEN. Upon the final passage of the bill.

Mr. CULLOM. The final passage of the bill and amendments.

Mr. HILL. I do not think it will take until 4 o'clock, but I think it will expedite matters not to have an agreement.

Mr. CULLOM. It will expedite matters to have an agreement.

Mr. ALLEN. There is not the slightest disposition to delay the passage of the bill.

Mr. HILL. Not at all.

Mr. CULLOM. If we have no understanding we will get into the discussion of other matters, and a good share of the day will be passed before we shall get to the consideration of this bill, and we ought to get it through at as early a day as possible. I have been, I think, very patient about the matter; I have not undertaken to press anybody; I have accommodated the Senate in other matters as well as I could to keep Senators satisfied that they were having fair play. Now, if the Senate will agree that we shall vote at 4 o'clock to-morrow upon the bill——

Mr. ALLISON. And all amendments.

Mr. CULLOM. And all amendments, and take the bill up as early as possible in the morning, I think it ought to be satisfactory to the Senate. I ask that of the Senate.

Mr. HILL. I do not wish to have an agreement. It will be evident to-morrow why I do not wish to do it.

Mr. CULLOM. Then I can not——

Mr. HILL. I wish to bear witness to the Senator's extreme courtesy during the entire debate. I have not asked any special favors in regard to it that I know of, and I do not think the Senator could have cut me off if he had tried, though he has not tried. But there is no disposition whatever to delay action upon the bill. I am as anxious as he can possibly be to oblige our most patient friend the Senator from Arkansas [Mr. BERRY], whose bill is the unfinished business.

Mr. CULLOM. I am not going to ask for any agreement—I can not in view of the remarks of the Senator from New York, as he indicates that he is not willing to make one—but I give notice that I shall ask to take up the bill early to-morrow, immediately after we meet and the morning business is disposed of.

Mr. HILL. I will cooperate with the Senator from Illinois.

Mr. COCKRELL. Say twenty minutes after 12 o'clock.

Mr. CULLOM. I hope to get the bill up within twenty or thirty minutes after 12 o'clock.

Mr. NELSON. Mr. President——

Mr. ALLISON. If I have the floor, I will yield to the Senator from Minnesota.

Mr. NELSON. I ask unanimous consent for the present consideration of House bill 4254.

The VICE-PRESIDENT. The Senator from Minnesota asks unanimous consent for the present consideration of a bill the title of which will be stated.

Mr. ALLISON. Before the bill is taken up, I will state that, if this matter is to be laid aside for the day, I am perfectly willing that the Senator from Minnesota should have consent to proceed to the consideration of his bill. I wish, however, if it has not already been done, that other amendments to the appropriation bill, aside from the amendments proposed to be stricken out by the Senator from Ohio [Mr. SHERMAN] might be concurred in.

Mr. CULLOM. They have been concurred in.

Mr. ALLISON. Have all of the amendments been concurred in?

Mr. CULLOM. All of the amendments made as in Committee of the Whole have been concurred in and disposed of except those involved in this proposition.

Mr. ALLISON. Then this is the only amendment pending?

Mr. CULLOM. Probably there are some other amendments which are liable to be offered.

Mr. ALLISON. Which will be offered?

Mr. CULLOM. Yes.

Mr. ALLISON. I was not aware of that.

Mr. HILL. I can not hear what is going on, but I do not understand that any agreement is being made which will bind the Senate?

Mr. ALLISON. No agreement whatever.

Mr. CULLOM. No agreement, I can assure the Senator from New York.

Mr. HILL. If there is, I want to be a party to it.

Mr. PLATT. Before the conclusion of the bill I shall ask once more to offer the amendment which was offered by the Senator from South Dakota [Mr. KYLE] and ruled out of order. I think perhaps the point of order will not be made against it again.

DULUTH AND NORTH DAKOTA RAILROAD COMPANY.

Mr. NELSON. I renew my request for unanimous consent for the present consideration of the bill (H. R. 4254) granting to the Duluth and North Dakota Railroad Company right of way through certain Indian reservations in the State of Minnesota.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, to add as a new section the following:

SEC. 4. That the provisions of this act shall not apply to the Red Lake Reservation until the consent of the Red Lake Indians shall be obtained thereto in such manner as the Secretary of the Interior may direct.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DECISIONS OF THE DISTRICT COURT OF APPEALS.

Mr. HOAR. I ask unanimous consent for the present consideration of the bill (S. 2546) concerning the court of appeals in the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the decision of the court of appeals of the District of Columbia shall be final in all cases where the decision of a circuit court of appeals of the United States would have been final if the question involved in such decision had arisen in any State.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COAST DEFENSES.

Mr. SQUIRE. I desire at this time to give notice that it is the desire of the Committee on Coast Defenses that the bill which has been reported to the Senate by that committee shall be taken up for consideration and acted upon at the earliest practicable moment. There is a great deal of interest manifested in the bill, I may say, throughout the country, and I have received a great many letters and petitions on the subject. The people feel that it is right and proper that the question shall come up at this session of Congress and at an early day. They are very anxious to have the matter considered. I therefore trust that there will be a disposition on the part of Senators to allow the bill to be taken up as soon as practicable.

I know that there are some other matters already on the Calendar which are preferred. The Cuban question is preferred; the question as to the Senator from Delaware is preferred, and, I believe, also the question of——

Mr. CULLOM. And appropriation bills.

Mr. SQUIRE. Appropriation bills, of course, are preferred. I I suppose that is the rule here. In addition to that, I understand the Senator from Arkansas [Mr. BERRY] has a bill which he has obtained the consent of the Senate shall be regarded as the unfinished business. I have no disposition to displace that bill. At the same time I feel that the great importance of the question of coast defenses warrants me in pressing it upon the attention of the Senate, and that I should not be justified in waiting an undue length of time before asking the Senate to consider the bill.

DISTRICT COURT OF ALASKA.

Mr. VILAS. I ask consent of the Senate for the present consideration of the bill (S. 2346) to prescribe the times and places of holding the district court of the United States in and for the District of Alaska.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the regular terms of the district court of the United States in and for the District of Alaska shall be held at Sitka on the third Monday in May and at Juneau on the last Monday in March and the second Monday in November,

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDINGS IN CHEYENNE, BOISE CITY, AND HELENA.

Mr. MANTLE. I ask unanimous consent to call up the bill (S. 656) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," approved March 2, 1895.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment.

Mr. HOAR. I do not wish to embarrass the passage of the bill, but I think the Senator from Montana should state the special reasons—I presume there are some—why these three public buildings are coupled in one bill instead, as in the ordinary course, of being placed in three bills separate from each other. Of course every Senator understands that the practice of putting together in one bill several public buildings would lead to great abuse and logrolling in legislation. There would be a temptation to do that. Appropriations for public buildings ought to be kept, as they always have been in the practice of the Senate, distinct, unless there be some special reason for uniting them. If there be such reason, it ought to be stated when the bill is under consideration.

Mr. MANTLE. I desire to state, in reply to the Senator from Massachusetts, that the reason why these localities are coupled together in the pending bill is that they were united in a former bill which is now a law, and which was, I believe, originally passed in pursuance of a general law providing for the erection of public buildings at the capitals of the States. These three towns were put together in the former law, and hence they are kept together in this bill.

Mr. HOAR. This relates to the capitals of the three States which came in together?

Mr. MANTLE. Yes; Montana, Wyoming, and Idaho. The Senator from Idaho [Mr. DUBOIS], I believe, originally introduced this bill, and perhaps he can explain it.

Mr. HOAR. As I said, I do not wish to antagonize or embarrass or delay the passage of the bill, but I want to have clearly and sharply stated the reason why several cities are appropriated for in one bill, so that it shall not be made a precedent hereafter.

Mr. DUBOIS. With the consent of the Senator from Montana, I believe I can make the matter plain to the Senator from Massachusetts. At the last session of Congress the Committees on Appropriations of the House and of the Senate deemed it wise and proper to give to each one of those new States a public building at its capital, inasmuch as there was no public building in any one of those States. The reasons were so plain that there was no objection.

All the Federal officers are in the capital cities, and as these three States were the only States which did not have public buildings, they were coupled together and put in an appropriation act.

Mr. HOAR. This is a bill supplemental to that act?

Mr. DUBOIS. Entirely. The bill in that shape passed Congress.

Mr. MANTLE. I desire to state, in addition to what has been said by the Senator from Idaho——

Mr. COCKRELL. How much will the bill increase the limit of cost of each of those buildings?

Mr. MANTLE. It will increase the limit of cost of the public building at Boise City, Idaho, $50,000; at Cheyenne, Wyo., $100,000; and at Helena, the capital of Montana, $150,000. There are reports from the Department, accompanying the bill, showing the necessity for this increase of the amounts, inasmuch as larger buildings are required to accommodate the public necessities in those States. The bill was reported favorably by the committee.

The PRESIDING OFFICER (Mr. HILL in the chair). The amendment reported from the Committee on Public Buildings and Grounds will be stated.

The SECRETARY. In line 25, after the word "including," it is proposed to strike out the words "the site"; in line 29, after the word "hundred," to strike out "and fifty"; in line 30, after the word "and," to strike out "five" and insert "three"; and in line 32, after the word "Montana," to insert "exclusive of the cost of the sites therefor"; so as to read:

Neither of said sites shall cost in excess of $20,000, and neither of said buildings, each of which shall be fireproof, shall cost, including heating and ventilating apparatus, elevators, fireproof vaults, and approaches, complete, in excess of the sum of $250,000 for the building at Cheyenne, the capital of Wyoming; $200,000 for the building at Boise City, the capital of Idaho, and $300,000 for the building at the city of Helena, the capital of Montana, exclusive of the cost of the sites therefor.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES LINSKEY.

Mr. JONES of Arkansas. I move that the Senate adjourn.

Mr. BROWN. Will the Senator from Arkansas yield to me for a moment?

Mr. JONES of Arkansas. For what purpose does the Senator desire me to yield?

Mr. BROWN. I wish to ask unanimous consent for the consideration of a bill which has once passed the Senate in a different

form. A similar bill having passed the other House; I wish to ask the Senate to pass the House measure. It will take but a second. If I state the reason I think the Senator will yield.

Mr. JONES of Arkansas. I withdraw the motion for that purpose.

Mr. BROWN. On March 2 the Senate passed a bill, which I hold in my hand, Senate bill No. 680, which is word for word the bill passed by the House, No. 1861, which has come over to the Senate; but there was no allusion to its being the same bill. Now, I ask that the House bill, as such, may be passed, as on comparison I find it to be the same.

The PRESIDING OFFICER. The Senator from Utah asks for the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 1861) for the relief of James Linskey from the operations of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. JONES of Arkansas. I now renew my motion that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 23 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 27, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 26, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

JAMES DUKE.

Mr. OTJEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 572) for the relief of James Duke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to amend the naval record of James Duke, who enlisted in the United States Navy February 21, 1862, and served as a first-class fireman on board the *Baron de Kalb* and *Maria Denning* up to July 6, 1863, by removing the charge of desertion from the record and granting him an honorable discharge.

SEC. 2. That upon the correction of the naval record of the said James Duke as aforesaid the Secretary of the Treasury is hereby authorized and directed to pay to the said Duke or his legal representatives, out of any moneys in the Treasury not otherwise appropriated, the pay and allowances of a first-class fireman from the 21st day of February, 1862, to the 6th day of July, 1863.

The amendment recommended by the committee was read, as follows:

Strike out section 2.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. OTJEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, the following bills were taken from the Speaker's table and referred by the Speaker as follows:

The bill (S. 2610) to amend an act entitled "An act to prohibit the use of one-horse cars within the limits of the city of Washington after the 1st day of January, 1893, and for other purposes," approved July 29, 1892—to the Committee on the District of Columbia.

The bill (S. 1725) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across Red River at the city of Alexandria, La.—to the Committee on Interstate and Foreign Commerce.

The bill (S. 923) for the relief of Irving W. Stanton—to the Committee on Claims.

The bill (S. 1796) making an appropriation for a reconnoissance of the mouths of Yukon River, in Alaska—to the Committee on Appropriations.

The bill (S. 314) for the relief of Eunice Tripler, widow of Charles S. Tripler—to the Committee on Claims.

CURRENCY COMMISSION.

Mr. HEATWOLE. Mr. Speaker, I ask unanimous consent to have read the resolution which I send to the desk, and that it be printed in the RECORD and referred.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to offer the following resolution, and that the same be printed in the RECORD and referred.

The Clerk read as follows:

Whereas, in view of the present inadequate banking and currency system, it is desirable that Congress have the aid of such recommendations as a nonpartisan commission of experts might be able to offer regarding needed changes:

Resolved by the House of Representatives (the Senate concurring), That the President is hereby authorized to appoint nine citizens, eminent in trade, political economy, and banking, to act with the Comptroller of the Currency, as such commission, and that the said commission be requested to report its conclusions and recommendations to Congress.

The SPEAKER. Is there objection to printing the resolution in the RECORD? [After a pause.] The Chair hears none. The resolution will be referred to the Committee on Banking and Currency.

SEWER ON PERMANENT RESERVATION AT HOT SPRINGS, ARK.

Mr. LITTLE. Mr. Speaker, I desire to call up the bill (H. R. 2265) to provide for reimbursement of the expense of constructing a sewer upon the permanent reservation at Hot Springs, Ark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Albert B. Gaines, S. H. Stitt, and A. S. Garnett, of Hot Springs, Ark.; S. W. Fordyce, of St. Louis, Mo., and Charles B. Platt, of the city of New York, out of any money under his control derived from leases of bath-house sites and from the sale of lots on the Hot Springs Reservation, Ark., and available for the protection and improvement of said reservation, the sum of $1,421.18, in reimbursement of the amount actually expended by said persons in the construction of a sewer upon the permanent reservation at Hot Springs, Ark.

Mr. BARTLETT of New York. Mr. Speaker, I ask for the reading of the report.

The report (by Mr. MEIKLEJOHN) was read, as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 2265) to provide for reimbursement of the expense of constructing a sewer upon the permanent reservation at Hot Springs, Ark., respectfully submit the following unanimous report, and recommend the passage of the bill:

The line of sewer pipe, repayment of the cost of which is provided in the bill, was constructed at the expense of the beneficiaries therein named in August, 1886. It extends for a distance of 1,550 linear feet upon the front of the permanent Hot Springs Reservation, and provides the only outlet for sewage from the Army and Navy Hospital and from the Arlington Hotel and bath houses occupying ground leased by the Government, by which is created the fund applicable by law to the protection and improvement of the reservation, and out of which it is proposed to make payment for this sewer.

At the time the sewer was laid the Government, under the direction of the Department of the Interior, had in progress the improvement of the creek which runs through the principal street of the city of Hot Springs by confining its waters between arched walls of masonry, affording an opportunity of laying the sewer with the least excavation and consequently at the lowest cost.

The plan under which the creek improvement was being done contemplated the emptying of the sewage of the city into the creek, a course which was universally condemned by the physicians of Hot Springs and competent engineers as unsanitary and injurious to the healthfulness of the city. A petition was addressed to the Department of the Interior, praying that the Government would lay this sewer, to which the Department replied that it could not then be determined whether the fund available for the work in progress would be sufficient to provide payment for this sewer; that the Department was prohibited from involving the Government in any contract in excess of the amount available, but that if the citizens of Hot Springs thought it advisable to take advantage of the opportunity before the filling was done along the creek work to lay the sewer, under the supervision of the superintendent of the reservation, there would be no objection interposed.

The sewer was laid in pursuance of this permission, and the cost of it was defrayed by the beneficiaries named in the bill.

We submit herewith a copy of a report of the Secretary of the Interior, from which it appears that the Department is satisfied "that the laying of the sewer was a necessity and that the Government was the principal beneficiary under the improvement," and that the Department "desired to allow a reasonable sum in reimbursement of the expenditure out of the Hot Springs Reservation fund, which was sufficient for the purpose," but that, upon referring the matter to the Comptroller of the Treasury, that officer had decided that payment could not legally be made.

The committee do not concur in the view of the Secretary of the Interior that an amount less than the cost of the sewer should be allowed these claimants. His recommendation is based upon an opinion of the present superintendent of the reservation, to the effect that while the cost of the sewer, as evidenced by the vouchers in 1886 appears to be correct, the work could probably be done now at less expense.

We find, however, that in forwarding to the Department the account and vouchers for this work October 11, 1886, the then superintendent of the reservation, Gen. Charles W. Field, under whose suppervision the sewer had been laid as required by the Department, stated that "the work appears to have been done with as much economy as is consistent with durability and efficient service," and, it may be added, he recommended that the Government assume the ownership and control of it and reimburse the projectors for their outlay.

In order to satisfy ourselves upon this point the committee have carefully examined the original account and vouchers on file in the Interior Department. The principal items are for the sewer pipe (purchased directly from manufacturers, in the city of St. Louis), freight thereon to Hot Springs, drayage, labor in laying the sewer, and other small items incidental to work of this character, all at prices which seem to be reasonable.

We therefore report the bill favorably without amendment and recommend its passage.

FEBRUARY 14, 1896.

SIR: Your letter has been received, inclosing, with request for report thereon, House bill No. 2265 (Fifty-fourth Congress, first session), "to provide for reimbursement of expense of constructing a sewer upon the permanent reservation at Hot Springs, Ark."

In response thereto, I have the honor to state that on the 11th of October, 1886, the then superintendent of the Hot Springs Reservation transmitted to the Department, with favorable recommendation, the application of A. B. Gaines, of Hot Springs, Ark., for reimbursement to him of the sum of $1,421.18 as expenses incurred in the laying of a 10-inch vitrified earthen sewer pipe along the front of the permanent reservation from Reserve avenue to Fountain street, a distance of 1,550 feet, together with the original

vouchers for material and pay rolls for the labor used in connection with the work.

Under date of 21st of January, 1887, the Department considered the application, and declined to authorize the payment of any portion of the account presented by Mr. Gaines, for the reason that there was no money belonging to the Hot Springs Reservation fund available for such purpose.

In August of 1895 Mr. Gaines renewed his application for reimbursement of the money expended in laying the sewer pipe in question. The Department, having satisfied itself that the laying of this sewer was a necessity and that the Government was the principal beneficiary under the improvement, advised the Comptroller of the Treasury, under date of August 29, 1895, of its desire to allow applicant a reasonable sum in reimbursement of the expenditure in the matter from the Hot Springs Reservation fund, which was then sufficient for the purpose, provided payment could be made therefrom, and requested his opinion as to the propriety of the proposed allowance.

Under date of September 18, 1895, the Acting Comptroller decided that the Department could not, under the law, reimburse Mr. Gaines for the expense incurred in the laying of the sewer in question.

The present superintendent of the Hot Springs Reservation, to whom the bill under consideration was referred, reports that from a thorough investigation it appears that the sewer was laid across the reservation front as a connecting link between the Hot Springs sewerage system, at that time being laid by the city both north and south of it, and that it is now being extensively used by the Arlington Hotel, all the bath houses on the permanent reservation, and the Army and Navy Hospital. The cost of the sewer, as evidenced by the vouchers, etc., in 1886, appears to be correct as to material and labor at that time, but, he adds, it seems to have been expensively constructed, and expresses the opinion that such a sewer could be laid now for from 50 to 85 cents per foot.

Upon careful consideration of the matter, the Department is of the opinion that 60 cents a foot would be a reasonable sum to pay for the laying of the sewer in question, and have to suggest that the bill be amended by substituting $930 for $1,421.18 therein.

In this connection it is proper to add that the records of the Department fail to indicate that any of the beneficiaries specified in the bill, other than Mr. Gaines, have ever presented any claim for reimbursement for the expenditure in question.

There are transmitted herewith for your information copies of such papers from the files and records of the Department as bear upon the subject-matter of the claim.

Very respectfully, HOKE SMITH, *Secretary.*

Hon. JOHN F. LACEY,
Chairman Committee on the Public Lands, House of Representatives.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. Reserving the right to object, I would like to know what became of the report of the Secretary of the Interior that is referred to in that report?

Mr. LITTLE. It is set out in the report.

Mr. LOUD. There is so much confusion that I did not hear it read.

Mr. LITTLE. A copy of the Secretary's letter accompanies the report. I will state to my friend that the situation in this matter is this: A few years ago the Government undertook to bridge in the Hot Springs Creek, which runs down the main street, dividing the east reservation from the west reservation on the main street of the city. The east side of the reservation is the Government's permanent reservation, upon which are situated the bath houses, the Arlington Hotel, and Army and Navy Hospital. While they were bridging in this creek it was thought necessary to lay a sewer along the reserve side of the creek. The city laid a sewer on the opposite side, and this was laid to connect the reservation with the sewerage system of the city. This was done under the supervision of General Field, the superintendent of the reservation at that time. That could not be contracted for at that time, because the Government had no reservation funds on hand; but now there is ample money on hand of the reservation funds. This is not an appropriation by the Government, but the reimbursement of these citizens, who went down into their own pockets for the benefit of the Government and the city.

Mr. LOUD. What does the Secretary recommend?

Mr. LITTLE. He recommends the payment of $930; but the committee disagree with him. The committee have examined the vouchers and the receipts for the different items and had a detailed statement of the expense. The Secretary is of the opinion that it could now be done at less expense. General Field, the superintendent who supervised the work, stated: "The work appears to have been done with as much economy as consistent with durability and efficient service." And the committee recommend the reimbursement of the projectors for their outlay without interest.

Mr. LOUD. How is it that the Government did not take it up? Is not this private work that the private citizens wanted to do?

Mr. LITTLE. This was done by the citizens, but it was done under the supervision of Government officials there, because it was absolutely necessary, and solely for the direct benefit of the Government property.

Mr. LOUD. That is, the Government did not stop them?

Mr. LITTLE. The Government officials supervised the work.

Mr. LOUD. I think that you had better accept the amount that the Secretary recommends.

Mr. LITTLE. I think it ought to be the full amount of the cost expended by these good citizens.

Mr. LOUD. What is the amount?

Mr. LITTLE. It amounts to $1,421, and it would come out of these reservation funds. It is for the construction of this sewer which connected the east side reservation with all the bath houses, the national hospital, and the Arlington Hotel, which pays a heavy lease to the Government, and it is simply a reimbursement out of this fund derived from these leases.

Mr. LOUD. I understand; but do you not think in a case of this character it is wise to confine ourselves to the Secretary's recommendation?

Mr. LITTLE. I think not. I think it is best to follow the recommendation of the committee and do right. The present superintendent reported that the sewer could be more cheaply constructed now than the figures at which it was originally constructed, and the Secretary made his recommendation upon that report. One superintendent, the one who was superintendent at the time the sewer was constructed, the one who supervised the work, reported that it was done as economically as consistent with durability. The other reports that it can be done more cheaply now.

He says this: "The work appears to have been done with as much economy as is consistent with durability and efficient service," and it may be added he recommended that "the Government assume the ownership and control of it and reimburse the projectors for their outlay."

That is the statement of General Field, who was on the ground and at the time superintendent of the reservation.

Mr. LOUD. Let us hear what the Secretary says.

Mr. LITTLE. The Secretary says this:

The present superintendent of the Hot Springs Reservation, to whom the bill under consideration was referred, reports that from a thorough investigation it appears that the sewer was laid across the reservation front as a connecting link between the Hot Springs sewerage system, at that time being laid by the city both north and south of it, and that it is now being extensively used by the Arlington Hotel, all the bath houses on the permanent reservation, and the Army and Navy Hospital. The cost of the sewer, as evidenced by the vouchers, etc., in 1886, appears to be correct as to material and labor at that time, but, he adds, it seems to have been expensively constructed, and expresses the opinion that such a sewer could be laid now for from 50 to 85 cents per foot.

Upon careful consideration of the matter the Department is of the opinion that 60 cents a foot would be a reasonable sum to pay for the laying of the sewer in question, and have to suggest that the bill be amended by substituting $930 for $1,421.18 therein.

Mr. LOUD. If the gentleman will accept $930 I shall not object to the consideration of the bill at this time.

Mr. BARTLETT of New York. I desire to ask the gentleman from Arkansas a question. After this money is paid who will own this sewer?

Mr. LITTLE. The Government.

Mr. BARTLETT of New York. The bill does not so state.

Mr. LITTLE. But the sewer is on the permanent reservation, and the courts have decided oftentimes that improvements of this character upon Government reservations belong to the Government. The sewer is away down in the ground, and of course nobody could go and tear up the ground on the permanent reservation without the consent of the Government. The Department makes no point of that kind. I hope the gentleman will not object to this bill. These men have lain out of their money for more than eight years, and the Government has had the benefit of this sewer during all that time. They ask no interest, only the principal.

Mr. LOUD. If the gentleman will accept $930 I shall not object.

Mr. LITTLE. Well, I suppose I shall have to accept it, though I shall be very sorry to do so. Will the gentleman allow us to take a vote on the amendment?

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DINGLEY. Mr. Speaker, as I understand this bill, it proposes to pay about $500 more than the Secretary of the Interior recommends.

Mr. LITTLE. Yes, sir; some $500 more.

Mr. DINGLEY. What is the reason for paying more than the Secretary recommends?

Mr. LITTLE. I have explained that fully to my friend from California [Mr. LOUD], but I suppose the gentleman from Maine did not hear the explanation.

Mr. DINGLEY. I did not hear the colloquy.

Mr. LITTLE. The present superintendent of the reservation wrote a letter to the Secretary stating that it appears the sewer was expensively constructed and that it could now be constructed for a less sum per foot, but General Field, who was on the ground at the time, reported that it was built as reasonably as it could have been built at that time, and we have his statement to that effect. The vouchers for the outlay are on file, accounting for every cent of the money. The committee had those vouchers before them, and after examining them fully, the committee decided that these men ought to have the amount that they expended in constructing the sewer. The Government has had the use of the sewer for more than eight years, and the reason it has not been paid for before is that until very recently there has been no surplus in the reservation fund.

Mr. DINGLEY. I think if we pay what the Secretary recommends that is all we ought to do.

Mr. LITTLE. But the Government has had the use of the sewer during all this time.

Mr. DINGLEY. But it was built by private individuals for their own benefit.

Mr. LITTLE. Not at all. There is not a private individual who can use it. It is on the permanent reservation. It is used by the hotels and the bath houses; but the Government is collecting rent for those houses, and no individual uses this sewer. There is no private establishment on that side of the avenue.

Mr. DINGLEY. Have the committee unanimously recommended the payment of an amount above that which is recommended by the Department?

Mr. LITTLE. Yes, sir; they made the recommendation after full discussion. My friend from Iowa [Mr. LACEY] can explain that.

Mr. LACEY. Mr. Speaker, the theory of the Interior Department was that this was practically a purchase of the sewer at the present time, and that therefore we ought to give only what it would cost to construct it at this time——

Mr. LOUD. I think the gentleman misinterprets the language of the Secretary, if I can understand English. He says it would cost 40 cents per foot at this time, but he proposes to allow 60 cents.

Mr. LACEY. No; he says the cost would be from 50 to 65 cents, and he strikes an average at 60 cents.

Mr. LOUD. Mr. Speaker, I think I shall have to insist upon my objection, unless the gentleman will accept $930.

The SPEAKER. Objection is made.

Mr. LITTLE. Mr. Speaker, there was a misunderstanding between the gentleman and myself. I thought he was going to offer his proposition as an amendment and have a vote upon it. But if he insists I shall have to accept the $930.

The SPEAKER. Is there further objection?

There was no objection.

Mr. LOUD offered an amendment, as follows:

Amend by striking out, in line 11, page 1, the following words: "One thousand four hundred and twenty-one," and also the words "eighteen cents," and insert the words "nine hundred and thirty" before the word "dollars."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LITTLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

GULF, COLORADO AND SANTA FE RAILROAD COMPANY.

Mr. FISCHER. I ask unanimous consent for the present consideration of the bill (H. R. 7170) to grant the Gulf, Colorado and Santa Fe Railroad Company the right to acquire depot grounds at the town of Davis, Tishomingo County, Chickasaw Nation, Ind. T.

The bill was read, as follows:

Be it enacted, etc., That the Gulf, Colorado and Santa Fe Railroad Company, operating a railroad in the Indian Territory, may acquire such ground as may be necessary for depot, yards, sidings, and such other railway purposes as may be necessary at the town of Davis, in Tishomingo County, Chickasaw Nation, in the Indian Territory. But before taking possession of and using such lands the railroad company shall deposit with the treasury of the Chickasaw Nation compensation in cash at the rate of $25 per acre: *Provided*, That if said tribe shall not be satisfied with the compensation herein provided, the amount to be paid by said railroad company to said tribe shall be ascertained in the same manner as is prescribed by section 2 of this act with respect to compensation to be paid individual occupants on any land so taken.

SEC. 2. That when the railroad seeks to establish the depot on the land of individual occupants, and where the matter can not be amicably settled between the railroad company and said individual occupants, the company may apply to the Secretary of the Interior, who shall thereupon appoint three disinterested referees, who, before entering upon the duties of their appointment, shall take and subscribe before competent authority an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their awards. In case the referees can not agree, then any two of them are authorized to make the award. Either party dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the United States district court of the district in which said land is situated, where the case shall be tried de novo. When proceedings have been commenced in court the railroad company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of such depot, with the necessary tracks. Each of said referees shall receive for his services the sum of $4 per day for each day they are actually engaged in the trial of any case submitted to them under this act, with mileage of 5 cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nation, and all costs, including compensation of the referees, shall be made a part of the award and be paid by said railroad company.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. FISCHER, a motion to reconsider the last vote was laid on the table.

SPECULATING IN CLAIMS AGAINST THE GOVERNMENT.

Mr. HENDRICK. I ask unanimous consent for the consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers.

Be it enacted, etc., That it shall hereafter be unlawful for any United States marshal or deputy marshal, or any clerk or deputy clerk of any court of the United States or of any Territory thereof, or any United States attorney or assistant attorney, or any United States judge, or United States commissioner, or other person holding any office, employment, or position of trust or profit under the Government of the United States to purchase, either directly or indirectly, any witness fee or claim, or the fee or claim of any juror, or the fee or claim of any deputy marshal, or the fee or claim of any other person whatsoever against the United States Government.

SEC. 2. That any person who shall be guilty of a violation of the first section of this bill shall be liable to an indictment by the grand jury of the United States, and, upon conviction, shall be fined in any sum of not less than fifty nor more than five thousand dollars, and final judgment against the defendant shall ipso facto operate as a removal of the person convicted and render his office or position vacant.

SEC. 3. That all laws or parts of laws in conflict with this bill are hereby repealed.

Mr. BARTLETT of New York. I ask for the reading of the report.

The report (by Mr. GILLETT of Massachusetts) was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers, recommend its passage.

The main abuse against which this bill is aimed is the purchase by officers of the courts of witness fees at much less than their face value, and thereby not only are the witnesses taken advantage of and deprived of their proper compensation, but inducement is created for the officers to promote unnecessary litigation. There are many other cases where the present practice is pernicious which this bill would remedy, and the few possible cases where it might work hardship are deemed by the committee insignificant compared with those where its operation would be beneficial.

Mr. GROSVENOR. On account of confusion in the Hall I was unable to hear either the bill or the report. I hope the gentleman from Kentucky [Mr. HENDRICK] will state the effect of the bill.

The SPEAKER. In the absence of objection, the gentleman from Kentucky will make an explanation.

Mr. HENDRICK. Mr. Speaker, under the law as it now stands there is nothing to prohibit speculation in claims against the United States Government by officers of the Government; and this privilege, which arises from a lack of wholesome legislation, has been very much abused. The Attorney-General called my attention to the defect in the existing law, and after I had drafted this bill I submitted it to his inspection. After examining it, he has recommended its passage.

A few weeks ago my attention was called to a case in which one marshal had under his direction more than 200 deputies and bought up their claims at 50 cents on the dollar, and then put them in against the Government at 100 cents on the dollar. This man, although he went into office a very poor man and has held office only a short time, is now considered wealthy. He was formerly supposed to need the services of 200 deputies, but has now only 12, as I am informed, and the work is done as efficiently as when he had 200.

Anyone can see at a glance the door which is now wide open to dishonest officials who may wish to speculate in claims against the Government. This bill is intended to cut off that character of speculation, and to close the door to temptations and fraud.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. GROSVENOR. I disapprove some of the provisions of the bill, but I do not wish to kill it by my mere objection.

The SPEAKER. In the absence of objection, the bill is before the House.

Mr. GROSVENOR. Mr. Speaker, my objection to this bill is based particularly upon the penalty provided in the second section. I would not advise such a bill as this in any event. It is an attempt to make the Government a sort of guardian over the conduct of all its officers. It is a step in the direction of that patriarchal tendency of the times, the idea of which seems to be that the Government shall impose disabilities and restrictions upon two classes of citizens—one, officeholders of a certain kind; the other, persons who happen to have claims against the Government for fees. But my principal point against the bill is that it provides a punishment by degrading the official incumbent from office. I doubt the constitutionality of that provision. When a man holding official position is charged with having bought a claim for witness fees, I doubt whether he is not entitled to have that fact tried and ascertained before the forfeiture of his official position.

Mr. HENDRICK. If the gentleman will notice closely the language of the bill, he will see that the removal from office is only to occur after the party has been indicted and convicted.

Mr. GROSVENOR. I understand that perfectly. But, sir, is it not a pretty serious business to inflict a penalty in this way? There may be a witness who has testified in a certain case and who has not money enough to go home on. We do not make our appropriations for these matters with such accuracy as always leaves money in the registry of the courts for the payment of such claims. Over and over again I have known cases in the courts of the country where there was no money to pay jurors or witnesses.

Now, suppose the case of a witness who, summoned by the compulsory power of the Government, spends all the money he has in traveling to the place where the court is held. Having no money to return, he goes in his extremity to a Federal officeholder, who advances him, we will suppose, the entire amount of the fees and puts the certificate in his pocket. For thus doing, a judge of the United States court appointed for life, or a marshal, or a district attorney, would, under this bill, be degraded from office. For what reason?

Mr. HENDRICK. Will the gentleman allow me to ask him this question: If a United States marshal, for instance, does not wish to impose on the witness or to speculate on his necessities, the claim against the Government being perfectly good, can not the officer take out the money and hand it over to this witness? This bill merely prohibits the purchasing or speculating in such claims.

Mr. GROSVENOR. It is a broad, sweeping proposition.

Mr. HENDRICK. Let me ask the gentleman this fourth question: Does he not think the existing evil is greater than the one suggested by him? It is understood that in some cases hundreds of witnesses who know very little about the case in controversy are summoned before United States commissioners and courts for the simple purpose of enabling some officer of the court to buy up their claims or fees, and that such claims to the amount of hundreds of thousands of dollars are purchased in that way and put in against the Government.

Mr. GROSVENOR. Never try to right a wrong by another wrong. Never try to right an irregularity of this character by using the power of the Government in a manner indescribably oppressive. The bill introduced here by the Committee on the Judiciary, which is now a part of one of our annual appropriation bills, undertakes to remedy that evil; a very wise provision, and will go a long way toward accomplishing the desired end. It strikes at all of these attempts to pile up cases for the purpose of speculation. May I ask what committee this bill comes from?

Mr. HENDRICK. From the Committee on the Judiciary.

Mr. GROSVENOR. It is said, Mr. Speaker, that the Committee on the Judiciary are the authors of this bill; but it is, I must say, a most astonishing piece of legislation—the most astonishing that I have ever seen in my life. If we are going to do this, if Congress is going to begin to undertake to control the contracting power of the citizens of this Government; if it is to discriminate against a man as to one class of claims and forbid him from selling or purchasing them under any circumstances, it strikes me that we are entering upon a very broad field, one that is peculiar, as far as I am aware, averse to our system of government, and I doubt very much its legality.

Mr. DINGLEY. Mr. Speaker, I move to strike out, in section 2 of the bill, all after the word "dollars," in the fifth line, on the second page, down to the end of the section, the following words:

And final judgment against a defendant shall ipso facto operate as the removal of the person convicted and render his office or position vacant.

I move to strike those words out, after "dollars," in the fifth line.

Mr. HENDRICK. If the gentleman from Maine will permit me, I wish to say that as originally drafted this bill did not contain the words that he offers to strike out. But the words he proposes now to strike from the bill were put on as an amendment at the suggestion of the Attorney-General, and the committee considered them on his recommendation. Here is a letter from the Attorney-General which suggests the amendment, and the gentleman can read it if he desires to do so.

Mr. DINGLEY. It seems to me that an officer who has been nominated by the President and confirmed by the Senate should scarcely be dealt with in this manner. It seems hardly desirable that, in the case of a person so appointed, who has been convicted of advancing money for or purchasing the claim of a witness in order that he may return home, that he shall be punished not only by fine and imprisonment, but ipso facto that it should vacate his office. It seems to me that it is going a little too far.

Mr. HENDRICK. I think the gentleman will agree with me as a lawyer that if a party simply advances money to a witness or to another person it would not be a violation of the law. This provides for the punishment of persons who speculate in such claims.

I wish to say, Mr. Speaker, that I have no pride or special interest in the bill, but if the gentleman will read the letter from the Attorney-General which I hold in my hand he will discover that the privilege to buy or speculate in these claims is very much abused. Now, if you will permit me I will send to the desk——

Mr. DINGLEY. I hope the gentleman will read the letter. It is a very severe punishment, it seems to me, and we would like to have all the information available upon the subject.

Mr. HENDRICK. The Attorney-General in his letter uses this language:

DEPARTMENT OF JUSTICE,
Washington, D. C., February 10, 1896.

SIR: I have the honor to acknowledge the receipt of your letter of February 8, 1896, inclosing me a copy of the bill H. R. 6834 entitled "A bill to prevent the purchasing of or speculating in claims against the Federal Government by United States officers."

So far as I know, the only law on the subject is Revised Statutes, section 3477, which makes unlawful all transfers and assignments of any claim upon the United States, etc., except under certain formalities for allowance and issuing of warrant. For some reason this law does not appear to have been greatly honored in the observance.

As the evil at which your bill is aimed is widespread and corrupting, I think it should be passed, with some modifications. For instance, I think the enumeration of officers in the first section is unnecessary, and unnecessary enumeration is always dangerous, raising, as it does, the risk of limitation of the general language which follows to things of the same class as those specified under the application of the rule nosctur a sociis. I would leave the enumeration of claims stand as it is, but would change the general clause at the end of the section so as to limit it to claims arising in any way out of the administration of justice, if, as I presume from the general tenor of your bill, it is that class of claims only at which you aim.

I also suggest that in lines 5 and 6, second page, in lieu of the words "and shall in addition thereto be removed," you insert the words "and final judgment shall ipso facto operate as a removal of the person convicted."

Very respectfully,

JUDSON HARMON,
Attorney-General.

Hon. JOHN K. HENDRICK,
House of Representatives.

The section of the statute referred to by the Attorney-General is as follows:

SEC. 3477. All transfers and assignments made of any claim upon the United States, or of any part or share thereof or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim or of any part or share thereof, shall be absolutely null and void, unless they are freely made and executed in the presence of at least two attesting witnesses, after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof. Such transfers, assignments, and powers of attorney must recite the warrant for payment, and must be acknowledged by the person making them before an officer having authority to take acknowledgments of deeds, and shall be certified by the officer, and it must appear by the certificate that the officer, at the time of the acknowledgment, read and fully explained the transfer, assignment, or warrant of attorney to the person acknowledging the same.

Mr. CURTIS of Kansas. Does this bill provide the amendment suggested in the Attorney-General's letter?

Mr. HENDRICK. Yes, sir; the bill is now drawn as suggested, and has been considered by the Judiciary Committee and so recommended for adoption.

Now, I wish to say to the gentleman from Maine that we have the same law in Kentucky, which has worked well there, and we were absolutely compelled to put such a law upon the statute books and cut off this abuse. I understand the gentleman from Tennessee [Mr. GIBSON] to say the same law prevails there.

Mr. DINGLEY. It strikes me as legislation of a very extraordinary character, when it proposes not only to fine and imprison a man in a matter of this kind, who might under some circumstances have an ample defense, but also to make the conviction an absolute vacation of an office where the officer has been nominated by the President and confirmed by and with the advice and consent of the Senate. It struck me that it was going further than was necessary to secure the remedy. Of course the power of removal is with the President at any time; but if the Committee on the Judiciary have carefully examined this matter and think that the evil is so serious that a penalty going to this extreme should be adopted, why, I do not desire to make any suggestion in the matter. It seems to me, however, to be very severe.

Mr. HENDRICK. Did the gentleman hear my statement of a certain case——

Mr. DINGLEY. Oh, I can imagine that there might be an exceptional case which was very serious; but I can imagine that there would be a very large number of cases that would be of minor importance. I should think that a penalty of fine and imprisonment would be sufficient.

Mr. GROSVENOR. I should like to ask the gentleman a question. If this is an evil, why not stop it by the exact process by which we prevent the speculation in all other classes of Government claims, to wit, simply putting a half dozen lines or less into the statute relating to these fees, saying they shall be paid by the proper officer to no person except the person to whom the certificate is issued. In that way you have the whole matter under control without going into this sort of thing.

Mr. HENDRICK. If the gentleman from Ohio will read the section referred to by the Attorney-General, section 3477, he will discover that we virtually have that law upon the statute books now; but the Attorney-General says it is more honored in the breach than in the observance.

Mr. GROSVENOR. That shows that we do not need any more legislation; for whenever you have got up to the maximum point where a law can be enforced and go beyond that maximum point, that is a time in a free country to stop legislation on that question.

I should like to suggest another thing to the gentleman. This law, in my judgment, is wholly unconstitutional. It does not give to every citizen of the State the equal protection of the law, which is the fundamental principle of the fourteenth amendment to the Constitution. Just at this time there is in this country a long line of cases, which have been decided one way in the State of Indiana, but which have been decided the other way in Illinois, Missouri,

West Virginia, and thus far in Ohio. They go to the question of

agraph, to make a verbal correction on page 19, or modification at

Mr. HENDRICK. I ask unanimous consent for the consideration of the bill which I send to the desk.

claims. Over and over again I have known cases in the courts of the country where there was no money to pay jurors or witnesses.

SIR: I have the honor to acknowledge the receipt of your letter of February 8, 1896, inclosing me a copy of the bill H. R. 6854 entitled "A bill to

of cases, which have been decided one way in the State of Indiana, but which have been decided the other way in Illinois, Missouri,

West Virginia, and thus far in Ohio. They go to the question of the power of the legislative department of the Government to say that a laborer upon a certain kind of work shall not contract to take his pay in checks or orders upon the store, while every other kind of laborer may sell his labor at any price he sees fit. That system of legislation has been denounced in Massachusetts and all over the country, with the exception of one State. Now, here is an attempt in the same line. It is to say that I, holding a claim against the Government for a bushel of wheat or a barrel of pork, may sell my claim against the Government to whomsoever I please; but that if I sell my claim, just as honestly earned, for a fee as a witness, that the party who buys it, if he happens to be a Federal officer, shall be fined and degraded from his office, I say it is a plain innovation upon every principle of legislative power, and that is all I care about it. I have no interest in it, but simply do not want this House of Representatives to pass that kind of legislation.

Mr. BARTLETT of New York. Mr. Speaker——

Mr. DINGLEY. Mr. Speaker, I withdraw my amendment. It appears that the Judiciary Committee have examined this matter and have reached the conclusion that the bill should remain in its present form. Therefore I withdraw the amendment.

Mr. BARTLETT of New York. Mr. Speaker, I renew the amendment. It seems to me, Mr. Speaker and gentlemen of the House, that we do not want to enter upon this unusual and arbitrary character of legislation without due consideration. I have the greatest respect and admiration for the distinguished lawyers who compose our Committee on the Judiciary; but you will recollect that most of the bills that have been brought in during the present session by that committee have not been brought in in a judicial manner. We had the anti-Fitzsimmons-Maher bill. We had a bill brought in here, reported favorably but informally by the Committee on the Judiciary and passed in a few minutes, the purpose of the bill being to stop a prize fight. Was the prize fight stopped? We passed the bill hastily and in my opinion improperly, without due consideration. It was a bill to control prize fights throughout all the Territories and in the District of Columbia. It was an important measure, and yet, as in the case of all special legislation, it did not achieve the end desired. The prize fight went on, and the Texas Rangers drew off and looked on while the parties crossed the border and conducted the fight in Mexico.

Mr. MAHON. But there was no fight in this country.

Mr. BARTLETT of New York. It does not matter whether they fought in this country or not——

Mr. MCEWAN. If we had taken months to consider that law, would it have had any effect in deterring the prize fight from taking place in Mexico?

Mr. HENDERSON. The House very kindly extended the time of the Judiciary Committee the other day. This bill was not called up by the committee to-day but by the gentleman who introduced it. We do not want to take up the time of the House with any bill which will provoke debate, and, with the consent and approval of the gentleman who called it up [Mr. HENDRICK], I will ask to withdraw the bill from the present consideration of the House.

The SPEAKER. If there be no objection, the bill will be withdrawn.

There was no objection.

Mr. BOUTELLE. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

Mr. GROSVENOR. Will the gentleman yield to me for the purpose of making a report?

Mr. BOUTELLE. I withdraw that motion for a while.

CHICKAMAUGA AND CHATTANOOGA NATIONAL PARK.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent to make a report from the Commission on the Dedication of the Chickamauga and Chattanooga National Park. I ask that it be printed and rereferred to the committee.

The SPEAKER. The gentleman from Ohio makes a report from the Commission on the Dedication of the Chickamauga and Chattanooga National Park, and asks that it be printed and recommitted. Without objection it will be so ordered.

There was no objection.

NAVAL APPROPRIATION BILL.

Mr. BOUTELLE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HOPKINS in the chair.

Mr. BOUTELLE. Mr. Chairman, I call up the naval appropriation bill, which was under consideration yesterday; but I would ask unanimous consent, before entering upon the next paragraph, to make a verbal correction on page 19, or modification at the top of page 19, under the head of "Navy-yard, Brooklyn, N. Y." We amended that paragraph yesterday so as to read: "For quay wall dock No. 3, $60,000." Is that in the text?

The CHAIRMAN. The Clerk will read the text as it is.

The Clerk read as follows:

Navy-yard, Brooklyn, N. Y.: Wing and quay-walls of dry dock No. 3, to be immediately available, $60,000.

Mr. BOUTELLE. That is correct. Now please proceed.

The Clerk read as follows:

For grading, paving, sidewalks, and sewers, $10,000; quay wall coal dock——

Mr. BOUTELLE. Right there I ask unanimous consent to amend, so as to make it read: "quay wall for coal dock," and strike out "800 feet."

The CHAIRMAN. The correction will be made, if there is no objection.

There was no objection, and it was so ordered.

Mr. BOUTELLE. And also to correct the footing, so it will read, instead of $75,000, $135,000.

The CHAIRMAN. That correction will also be made unless there is objection. [After a pause.] The Chair hears none.

Mr. BOUTELLE. I understand yesterday we reached the clause for the increase of the Navy. The understanding was that at that point the privilege of general debate was to be accorded to members of the committee and such other gentlemen as desired to offer remarks. I suppose the regular order would be to read the paragraph of authorization first and then amendments will be in order. Now I would like, before we begin, to agree as to the amount of time that shall be consumed in general debate.

Mr. HANLY. I suggest that we fix it at 5 o'clock.

Mr. BOUTELLE. I understood that the gentleman wanted about half an hour.

Mr. HANLY. There are other gentlemen on the committee who wish to be heard, and there are gentlemen who are not on the committee who also desire to be heard.

Mr. BOUTELLE. I certainly desire to consume very little, if any, time. I understand the gentleman from Indiana desires to make some remarks. How long does the gentleman from California desire to speak?

Mr. JOHNSON of California. I presume that I could get through in thirty or forty minutes.

Mr. BOUTELLE. What other gentlemen desire to be heard?

Mr. CUMMINGS. I would like to be heard for a few moments.

Mr. FISCHER. I would like to inquire whether gentlemen who desire to offer amendments should offer them when debate on this section is closed or whether the amendment should come in now?

Mr. BOUTELLE. Amendments would be in order to the paragraph after the debate. I am trying to fix the time for general debate. I suppose gentlemen could offer their amendments and then speak to them. Gentlemen can refer to their amendments in debate and offer them afterwards.

Mr. HULICK. As I understand, an amendment is to be offered to increase the number of battle ships. Why not let the amendments be introduced and let them be discussed, and the minor amendments, about which there is no serious trouble, can be offered? Let them be taken up by the parties who desire to introduce them and be disposed of in the order in which they are presented. I make that suggestion.

Mr. BOUTELLE. Does the gentleman desire to speak?

Mr. HULICK. Yes, sir.

Mr. BOUTELLE. For how long?

Mr. HULICK. Not over an hour nor less than five minutes. [Laughter.]

Mr. HANLY. I renew my request.

Mr. BOUTELLE. Does any other gentleman on the committee desire to take the floor?

Mr. CUMMINGS. I may wish to say something after debate has proceeded.

Mr. BOUTELLE. I understood that the gentleman desired to address the committee. For how long?

Mr. CUMMINGS. Possibly five or ten minutes.

Mr. BOUTELLE. I see no reason why general debate ought to occupy more than two hours.

Mr. HANLY. That will not be satisfactory. That will be an hour on a side; and that is not sufficient.

Mr. BOUTELLE. There is no question of an hour on a side. I do not know that anybody desires to take the other side.

Mr. CANNON. Let me ask the chairman of the committee—I am not on his committee—as he is now seeking to limit general debate, the real debate, which is the five-minute debate, will still be in order?

Mr. BOUTELLE. Why, certainly.

Mr. CANNON. That is the real debate on an appropriation bill.

Mr. BOUTELLE. This simply, I would state to the House, is what is known as general debate, for the purpose of what is designated set speeches; and then we proceed with the reading of the bill by sections under the five-minute rule, which continues until

the bill is disposed of. Is there any other gentleman who desires to speak?

Mr. HANLY. I will agree to three hours instead of four.

Mr. BOUTELLE. I do not think there is any necessity for three hours of debate.

Mr. HANLY. I am not certain that so much time is desired.

Mr. CUMMINGS. Mr. Chairman, I suggest that general debate be limited to three hours, an hour and a half on a side, and if the whole of that time is not used we can close the general debate sooner and go on with the consideration of the bill under the five-minute rule.

Mr. BOUTELLE. Mr. Speaker, I ask unanimous consent that general debate be closed at half past 3 o'clock.

Mr. JOHNSON of California. It seems to me, Mr. Chairman, that the suggestion of the gentleman from New York [Mr. CUMMINGS] is a good one, to fix the limit of general debate at three hours, which need not all be used if gentlemen do not desire. I presume if I were hard pressed I might talk four or five hours [laughter], but I do not want to, and I presume I can tire everybody here, as well as myself, in thirty minutes. Still, if we have plenty of time we shall all feel better, and I think discussion of this matter ought not to be closely limited. If we fix the time at three hours and we do not want to talk so long, it will not be wasted; it can be used for the consideration of the bill generally.

Mr. BOUTELLE. Mr. Chairman, my desire is to give gentlemen all the time they need, and I will now ask consent that the general debate upon this paragraph continue for three hours, if that length of time is desired, the time to be equally divided between those who favor the increase and those who oppose it.

There was no objection, and it was so ordered.

Mr. CUMMINGS. Now, Mr. Chairman, I suggest to the gentleman from Maine that he allow the paragraph to be read, so that gentlemen who desire to offer amendments can do so.

Mr. BOUTELLE. I was about to suggest that the paragraph be read, but I suppose amendments will not be strictly in order until the close of the general debate.

Mr. CUMMINGS. But let us know what the proposed amendments are.

The CHAIRMAN. The Chair would like to be informed by the chairman of the committee as to who is to control the time on the respective sides.

Mr. BOUTELLE. I should suppose that the chairman of the Committee on Naval Affairs would control the time on one side.

The CHAIRMAN. Who is to control it on the other?

Mr. BOUTELLE. That I do not know.

Mr. HANLY. I propose to offer an amendment.

Mr. BOUTELLE. The gentleman from Indiana proposes to offer an amendment, and I suppose he should control the time on the other side. It is suggested that members are probably familiar with the text of the paragraph, having before them the printed bill, and I ask unanimous consent that it be considered as read.

There was no objection.

Mr. HANLY. Now, Mr. Chairman, I should like to offer my amendment.

Mr. BOUTELLE. I see no objection to the gentleman offering his amendment at this time.

Mr. HANLY. Mr. Chairman, then by consent of the House, I send to the desk an amendment which I propose to offer to the paragraph which provides for the increase of the Navy.

The amendment was read, as follows;

Strike out the word "four," in line 2, page 49, after the word "contract," and insert in lieu thereof the word "six."

Mr. HANLY. Mr. Chairman, to that amendment I wish to speak. The effect of the amendment will be to increase the number of new battle ships from four to six and to increase the appropriation carried in this bill by something like a million dollars, while providing for the making of contracts that would involve in the end ten million dollars. I offer this amendment with some hesitation because of the fact that the gentlemen on the committee who belong to my political party were opposed to it there, and if this were a party question I say to you frankly that I am partisan enough to have been found with my party. In what I shall say touching this amendment I shall seek to make no reflection upon the good faith, the labor, or the care of the chairman of the Committee on Naval Affairs or of its members generally in considering this measure in committee. I have a profound respect for the chairman because of his long experience as a member of the committee, and I look upon him, as the country does, as the founder and father of the new Navy, because in my judgment through his efforts, through his energy, through his patriotism and breadth of view upon this question we have obtained the start we have toward the construction of a new Navy.

On the 14th of April, 1892, the House having under consideration the naval appropriation bill, the gentleman from Maine [Mr. BOUTELLE], then a member of the Naval Committee, as he is now, made this appeal to the people of the West:

I believe there are a few, including the gentleman from Indiana [Mr. Holman], who are sufficiently removed from the seaboard or who live high enough up in the mountains to feel secure from bombardment, and who are sublimely philosophical in their willingness to permit their fellow-citizens along the coast to shift for themselves in case of a foreign war.

Again, on the 18th of April, when the same bill was being considered, he said:

To gentlemen from the West let me say, no matter how far you may have gone into the interior, your footsteps toward the setting sun were followed by the fostering care and protection of the patriotic people of the East; and no advance of civilization, no onward march of the pioneer was ever swift enough to outrun the fraternal care and the solicitous, patriotic interest with which the people of the seaboard and of the East have helped to make generous provision for everything that the nation could do for the promotion of your prosperity and the protection of your homes.

Mr. Chairman, the people of the West heard that appeal, and their answer has been made by the retirement of the gentlemen from Indiana, who then misrepresented the people of that State, and by sending 13 members here who are now a part and parcel of this body, and who, in my judgment, are patriotic enough to meet the gentleman from Maine upon this proposition.

I live a thousand miles from the seashore. My people have no interest in this measure, nor have I, save that larger interest that takes in the welfare of the American Republic. While we live a thousand miles from tide water, the bitter experiences of the last three years have taught us that the interests of this nation, while wonderfully diversified, are so closely interwoven that you can not affect one part of the country or one interest without affecting the whole. And viewing the condition of our seaboard cities, counting the population of those cities and the untold wealth that has accumulated in them—always in possession of a pride for the good name and strength and power of the Republic—our people are here now, through their Representatives on this floor, ready to vote for an appropriation that will create a navy sufficient to enforce our rights in every sea.

I wish briefly to go into a comparison of the American Navy with that of Great Britain. I understand fully that the needs of the Republic, so far as a navy is concerned, will always be much less than those of an Empire like Great Britain; yet there should be kept up such a ratio of power as will insure respect for our rights whenever there is a controversy between us and the Government of Great Britain.

The strength of our Navy can readily be computed. We have, all told, 15 armored vessels. Of these 5 are iron low free-board coast-defense monitors, built in 1874 and 1875; 1 is a steel-armored battle ship; 3 are steel-armored cruisers; 1 is a steel seagoing battle ship; 3 are coast-line battle ships; 1 is a steel harbor-defense ram, and 1 a steel low free-board coast-defense battle ship. Of single-turreted iron monitors we have 13; all built in 1862. Of unarmored vessels we have 33. Of these 13 are protected cruisers, all built since 1883; 3 are unprotected cruisers; 1 a dispatch boat; 8 gunboats of modern build; 3 are torpedo boats, 2 of which are steel, 1 for naval cadets, and 1 dynamite cruiser.

Of modern steam vessels we have 22, of which only 6 are iron, and none of which are of modern construction. We have 6 wooden sailing vessels, all built prior to 1862. We have, all told, about 25 ships capable of meeting the battle ships of any other nation of the first power, and of these but 9 are steel armored. The others are protected cruisers, possessed of great speed, but not constructed for engaging heavily armored battle ships.

Great Britain has, or will have when the authorized ships are completed, 60 armored battle ships to our 8; 11 coast-defense vessels to our 20; 29 armored cruisers to our 2. She has 74 unarmored protected cruisers to our 13. She has 92 unarmored cruisers to our 20. She has 16 unarmored gun vessels to our 17. She has 34 unarmored torpedo vessels to our 1, and she has 251 torpedo boats to our 9.

Said Senator PROCTOR in the Senate on the 27th of February last:

If England were to send over such a naval force as she could spare, she would have her own way. She could probably take the whole Navy. By putting all our vessels behind Sandy Hook, we could probably make something of a fight for that place; but nothing to prevent her from taking the whole coast.

That is a comparison of the naval power of Great Britain with that of the United States. I hold in my hand a statement of the appropriations made by Great Britain, France, Germany, Russia, and Italy during the year 1895–96 for the maintenance and increase of their navies:

Great Britain	$91,012,156.39
France	52,180,690.00
Germany	19,889,637.41
Russia	26,902,024.89
Italy	17,922,703.48

For the financial year 1894–95:

Great Britain	$84,399,246.69
France	51,504,275.69
Germany	17,598,000.00
Russia	21,158,565.69
Italy	15,608,889.69

Last February, when Parliament convened, in the face of Great Britain's already stupendous power at sea, in the face of the fact

that year after year she had been making great improvements in

upon a distinctive national policy. Practically we have had none

that year after year she had been making great improvements in her naval vessels and in their armament, the Queen said to the English Parliament:

The extension and improvement of the naval defenses of the Empire are the most important subjects to which your efforts can be directed and will doubtless occupy your most earnest attention.

What has been the answer of the British Parliament to this appeal? Right Hon. George Goschen, first lord of the Admiralty, brought in a naval programme that involved the appropriation of $120,000,000 for the increase of the navy during this year. That is the amount asked, and an overwhelming majority of the English Parliament is ready to indorse that programme. In response to public sentiment Parliament must needs sanction it.

Mr. CUMMINGS. I will say to my friend that the bill carrying out that programme has already passed the House of Commons.

Mr. HANLY. So I understand—by a majority of 264, if I remember correctly.

Mr. CUMMINGS. You are right.

Mr. HANLY. Within the last eight years Parliament has provided for the construction of 23 armored battle ships of the first class, besides a large number of cruisers and torpedo boats. The naval bill this year calls for the construction of 5 more battle ships, 13 cruisers, and 28 destroyers, that being the name applied to large seagoing torpedo craft.

Since 1883, the year in which the reconstruction of the American Navy began, we have expended for the increase of the Navy, including all of the ships authorized or in process of construction up to this time, $110,371,710.10. In thirteen years we have appropriated less money for the construction of our Navy than the English have appropriated for this single year. England expends almost as much annually as we have expended in all of that period. To-day our Navy ranks as the sixth among the navies of the world; and, gentlemen, to me it is a deeply humiliating idea that our coast may be plundered at any time by a power like Holland, Spain, or even Chile. Six millions of our countrymen and untold millions of property value are at the mercy of any second-class power; and we are absolutely helpless to check an offensive movement or to participate in an aggressive one. We are helpless alike for aggression or defense.

In keeping with this line of thought I wish to call the attention of the committee to the decadence of American power, as illustrated by our merchant marine. The chairman of the Committee on Naval Affairs truthfully said on yesterday that our commerce always followed our flag; and, my friends, as the flag has departed from the high seas, so American commerce has disappeared. Let me give you some data on that question.

In 1894 there were 17,060 American sailing merchant vessels and 6,526 steam merchant vessels, making a total of 23,586 in all. That year the value of our carrying trade—the amount of our imports alone—was $625,371,527. Of this amount, $121,561,193 was carried in American ships and $503,810,334 was carried in foreign vessels. In other words, 19 per cent of the imports of that year was carried by American vessels and 80 per cent by foreign ships. Why, gentlemen, even in 1850 we controlled 63 per cent of our foreign trade—that is, of our imports.

In 1884 we exported $842,000,000 worth of merchandise; $73,707,023, or 8 per cent, of this was carried in American ships and $769,212,122, or 91.3 per cent, was carried in foreign vessels, and though our total carrying trade amounted to $1,468,290,672 for the year 1894, Americans carried in American ships but $195,268,216, or 13.3 per cent, while foreign vessels carried $1,273,022,456, or 86.7 per cent.

To my mind, Mr. Chairman, it is high time that the American people were waking up to the importance of the declaration made by the chairman of the Committee on Naval Affairs on yesterday, that commerce must, in the very nature of things, follow the flag.

Another consideration showing the need of the Navy. I spoke of the great coast line of the United States a moment ago. I find that we have an Atlantic coast line of 6,000 miles; that we have a Gulf coast line of 3,000 miles, a Pacific coast line of 2,000 miles, an Alaskan coast line, including the bays and inland waters of Alaska, of 8,000 miles, and an Arctic coast line of 2,000 miles, or in all 22,000 miles of coast line, with but six battle ships to protect it. We have a lake area in the United States navigable for large vessels of 98,000 square miles to protect. We have seaboard cities, 11 in number, that have 4,000,000 of population and untold millions of wealth. In my judgment, with the Navy that we now have, that population and that accumulation of wealth is at the absolute mercy of any second-class naval power in the world. I know it will cost something to build ships, but it will cost infinitely more some day to repair the ruin wrought by our neglect to reenforce our Navy so that we may have a line of battle, as the chairman of the committee said on yesterday, beyond the headlands to protect the people and the property of our seacoast.

I for one, Mr. Chairman, have been convinced and am convinced that it is time the American people should formulate and enter upon a distinctive national policy. Practically we have had none on this subject. I remember, I think, on every occasion in the House since I have been a member—only a short time it is true, yet many things have occurred of national importance in that short time—that every time that anyone has risen here to speak of an aggressive policy on the part of the American Republic some one has turned and pointed with reverential finger to the advice and counsel of Washington, in his Farewell Address, made in the infancy of the Republic with reference to the subject of the increase of the American Navy. I wish to briefly advert to that advice. The message contained these words:

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith.

Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns.

Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. * * *

Why forego the advantages of so peculiar a situation? Why quit our own to stand on foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice? * * *

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it, for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them. * * *

Now, Mr. Chairman, mark the basis upon which that opinion was rendered.

The inducements of interest for observing that conduct will best be referred to your reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and constancy which it is necessary to give it, humanly speaking, the command of its own fortune.

That advice was rendered at a time when there were but 4,000,000 people in these United States. It was given at a time when there were but a few billions of property in the United States, at a time when we were in our swaddling clothes, occupying a narrow fringe of territory along the seaboard. To-day we have a population of 70,000,000 people; we have wealth aggregating seventy thousand millions of dollars; we have spread across the continent until the waters of the two seas wash the feet of great cities that belong to us. I say that that advice has ceased to be applicable to this country.

New occasions teach new duties; time makes ancient good uncouth;
They must upward still, and onward, who would keep abreast of Truth.

Lo! before us gleam her camp fires, we ourselves must pilgrims be,
Launch our Mayflower, and steer boldly through the desperate winter sea;
Nor tempt the Future's portal with the Past's blood-rusted key.

New duties, new conditions, confront the people of this Republic now, and it is time, in my judgment, that we entered upon a distinctively national policy. [Applause.] I know that the generation which fought to a conclusion the great war, both North and South, were satiated with blood. I know that they had enough, and they turned gladly from the turmoil of war to the peaceful avocations of life. Thirty years of peace, thirty years of accumulation of wealth and of material power, have lessened somewhat the national feeling that existed at that time. We have become a peaceful, gain-loving people. We must remember, however, that a peaceful, gain-loving people are never farsighted; that such a people usually sleep until golden opportunities have passed by, until destiny has turned her back to them, and they are left to take what surrounding nations are willing to concede. Without the sea Holland died, France languished, Spain sunk to the rank of a second-class power, and Carthagena became a province of Rome. As a nation we seem to have been entirely engrossed in our domestic affairs, absorbed in making money. Content in simply growing rich, we have apparently lost sight of every outside interest and have sat by unconcerned while foreign nations have eagerly sought and obtained points of vantage about us on every hand, viewed either from a commercial or military standpoint.

England and her dependencies on the north of us have completed on Canadian soil a waterway to the sea. Subsidized by the Government, a great railway connects the two oceans, while English forts and English coaling stations surround us on every side, located always at points most advantageous for commercial and military supremacy. Arrogant and grasping, she has held up the little Republic of Nicaragua and at the point of the bayonet compelled that Republic to pay such damages as she (England) has deemed right. We have watched her as year by year she encroached upon Venezuela, until to-day she possesses Venezuelan

soil to the extent of 40,000 square miles, an area greater than the State which I in part represent. To all this for thirty years the American people have been as oblivious as though these aggressions affected only the inhabitants of Mars instead of being fraught as they are with far-reaching and lasting import to ourselves.

Until recently the Monroe doctrine has been a dead letter. Islands lying in the heart of the Pacific, the controlling point in the commerce of that great ocean, have been tendered us of the free will of those in control and we have rejected them. Unmindful of future commercial progress, we have even refused a small appropriation for the construction of a cable to those islands. Given the opportunity to construct and control the Nicaragua Canal, we haggle and cavil about the cost as though it were a matter to be measured by a Congressional appropriation. With wealth ever accumulating we hesitate to construct deep waterways connecting the Great Lakes with the sea on the east or the Gulf on the south; and in this we deliberately, for a few paltry dollars, break faith with our own posterity, turn our backs on our own future. We are told that the cost of this will be too great; that the cost of all this will imperil a few doubtful Congressional districts in the approaching elections.

It has been dinned into my ear constantly in the committee room and out of it, Mr. Chairman, on every hand, that we ought not to make this appropriation because our Democratic friends would not make one when they were in power. Looking back over the debates, I find that the Democratic party, as a rule, has been enthusiastically in favor of appropriations for the Navy when they were out of power and not responsible, and I find that the Republican party has largely pursued the same policy. Why, sir, the chairman of this committee, speaking in a Democratic Congress, urged an appropriation for 10 war ships. Why not now? Why not now, when clothed with power and authority? Let him answer it. I do not for myself favor that kind of politics. I am heartily sick of it all, and so are the people of these United States. It seems—

The age of virtuous politics is past,
And we are deep in that of cold pretense.
Patriots have become too shrewd to be sincere,
And we need not be surprised if the people are too wise to trust us.

As for myself, I propose to vote while a Representative in this Chamber for that which will best conserve the interests of this entire nation; and if that vote does not suit my people, then they have their remedy and it is complete. They may retire me to private life. But, my friends, in my judgment the Nicaragua Canal will be built; the narrow strip of 200 miles that has for so many years kept apart the affectionate waters of the two oceans will not continue to be a barrier to the genius and the energy of the twentieth century. We will find a way across the Isthmus or we will make it, regardless of its cost. [Loud applause.] If we are to continue to control this continent; if we are to remain dominant on this hemisphere, there must be a revival of nationalism; we must resist foreign aggressions and embrace every opportunity for the extension of American commerce and American influence and power. In my mind, a nation no more than an individual can afford to trifle with its destiny.

Once to every man and nation comes the moment to decide,
In the strife with Truth and Falsehood, for the good or evil side;
Some great cause, God's new Messiah, offering each the bloom or blight,
Parts the goats upon the left hand, and the sheep upon the right;
And the choice goes by forever 'twixt that darkness and that light.

[Applause.]

We find that the American people are already assuming this condition. You will find evidence of it here. You found evidence of it, gentlemen, when Mr. Cleveland for the second time in his eight years incumbency, of the Presidency so far forgot his political convictions as to become President of the whole people. That was indicated when he sent to this House this message:

The course to be pursued by this Government, in view of the present condition, does not appear to admit of serious doubt. Having labored faithfully for many years to induce Great Britain to submit this dispute to impartial arbitration, and having been now finally apprised of her refusal to do so, nothing remains but to accept the situation, to recognize its plain requirements, and deal with it accordingly. Great Britain's present proposition has never thus far been regarded as admissible by Venezuela, though any adjustment of the boundary which that country may deem for her advantage and may enter into of her own free will can not of course be objected to by the United States.

Assuming, however, that the attitude of Venezuela will remain unchanged, the dispute has reached such a stage as to make it now incumbent upon the United States to take measures to determine with sufficient certainty for its justification what is the true divisional line between the Republic of Venezuela and British Guiana. * * *

In making these recommendations I am fully alive to the responsibility incurred and keenly realize all the consequences that may follow.

I am, nevertheless, firm in my conviction that while it is a grievous thing to contemplate the two great English-speaking peoples of the world as being otherwise than friendly competitors in the onward march of civilization and strenuous and worthy rivals in all the arts of peace, there is no calamity which a great nation can invite which equals that which follows a supine submission to wrong and injustice and the consequent loss of national self-respect and honor, beneath which are shielded and defended a people's safety and greatness.

I remember the scene when that challenge was sent to England. I remember the scene in this Hall when party lines were blotted out; when politicians hushed their cavil; when party rancors seemed cold, and when the members of this House stood as one man to indorse that message of a President of the United States. Now, I say to you, my friends, you ought to again rise above party politics; you ought to again rise above a doubtful district and be patriots when you vote for this appropriation.

Following that came the Armenian resolutions, which I will send to the desk and ask the Clerk to read.

The Clerk read as follows:

Be it resolved, etc., That the President be, and he is hereby, requested to communicate with the Governments signatory to the treaty of Berlin the profound regret of the American people and their Government that the engagements made in that convention for the security of the Armenian Christians have not been performed: and

Be it further resolved, That the Government of the United States expresses its sympathy for the Armenian people and its hope that the Government of the Sultan will at once extend to them full and adequate protection for the preservation of life, the security of property, and the free exercise of religion.

Mr. HANLY. Following that challenge to the powers of Europe came one that I now send to the desk and ask to have read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That in the opinion of Congress a state of public war exists in Cuba, the parties to which are entitled to belligerent rights, and the United States should observe a strict neutrality between the belligerents.

Resolved, That Congress deplores the destruction of life and property caused by the war now raging in that island, and believing that the only permanent solution of the contest equally in the interest of Spain, the people of Cuba, and other nations would be in the establishment of a government by the choice of the people of Cuba, it is the sense of Congress that the Government of the United States should use its good offices and friendly influence to that end.

Resolved, That the United States has not intervened in struggles between any European Governments and their colonies on this continent; but from the very close relations between the people of the United States and those of Cuba in consequence of its proximity and the extent of the commerce between the two peoples, the present war is entailing such losses upon the people of the United States that Congress is of the opinion that the Government of the United States should be prepared to protect the legitimate interests of Americans by intervention if necessary.

Mr. HANLY. Mr. Chairman, this House has been in session since the 2d day of December, and in that short time these three challenges have been sent from this Chamber to foreign powers; rightly so, I concede. I voted for them; did it gladly and proudly; but in the face of that attitude we ought not now to be parsimonious when it comes to putting the people of the United States on such a naval footing, if I may use the word, as will enable them to meet the answer to be made by these foreign powers. It has been urged, Mr. Chairman, that we can not construct these battle ships any sooner by appropriating for them now than we can if we appropriate for four now and two at the next Congress. Two at the next Congress! If we need them, why not vote for them now? It will not save the Government a dollar by putting it off. You may juggle the people, but I doubt it. If you think you can continue to do so, very well; but you only deceive yourselves, as the gentlemen on the Democratic side of the Chamber have learned.

In answer to that criticism, I send to the Clerk's desk and ask to have read the following correspondence between myself and the Secretary of the Navy and two of the armor plants of this country. I ask the Clerk to omit so much as refers to the docks, and that he read all the rest.

The Clerk read as follows:

NAVY DEPARTMENT, *Washington, March 9, 1896.*

SIR: In reply to your letter of inquiry, propounding certain questions regarding the ability to furnish armor in connection with proposed shipbuilding, I have the honor to reply as follows:

1. If this Congress should authorize 6 battle ships instead of a lesser number, and in addition to the 2 already authorized, making 8 in all, and their building should be commenced immediately, the two armor plants at present in the United States would be able to keep pace with the work of construction and furnish armor as fast as needed.

2. The present capacity of the two armor plants on limited orders is 300 tons per month each, or 7,200 tons annually for both establishments. On this basis all the armor required for 6 battle ships could be furnished in twenty-eight months. With large orders for armor, especially in the case of armor for a number of ships of the same general type, where a great many plates of the same shape and dimensions would be required, and which could be carried along together through the various processes of manufacture, it is estimated that the output for each establishment would be increased to 400 tons per month, and on this latter basis the armor for 6 battle ships would be finished in twenty-one months. It will be seen, therefore, that there is no reason to fear delay in the completion of battle ships on account of nondelivery of their armor. The amount of armor required for 1 battle ship is 2,800 tons.

3. The present contracts for armor were made as follows:

	Tons.
June 1, 1887, Bethlehem Iron Company	6,700
November 20, 1890, Carnegie Steel Company	6,000
February 28, 1893, Carnegie Steel Company	2,900
March 1, 1893, Bethlehem Iron Company	3,500

Deliveries commenced in August, 1891, 138 tons being delivered in that year, since which time there has been a gradual but large increase in the output, due to experience and increase in facilities, until each establishment is now able to deliver at least 300 tons per month. During the month of February the Carnegie Steel Company delivered over 700 tons.

4. The Department is not in possession of the details as to the contracts

made between the Russian Government and the armor manufacturers in this country. It is understood, however, that the quantity of armor is small and that the work is already well advanced, so that those contracts can not in any way delay the completion of armor which may be ordered by the United States. It is also understood that these contracts were entered into by the company because the amount of work furnished by this Government was not sufficient to keep the plants in operation, their capacity being far beyond that of the present demands upon them.

5. The guns and mounts required for the 6 battle ships could be completed in ample time to be installed before the actual completion of the ships. Twenty-four 13-inch guns, 24 8-inch guns, and 84 5-inch guns, with mounts for all, would be required, and all these could be furnished at the naval gun factory within the time required to complete the ships, considering also all work still to be done for vessels already authorized.

Contracts have already been made with two companies, the Bethlehem and the Midvale, for the manufacture of the 8-inch and 13-inch gun forgings for battle ships Nos. 5 and 6. The deliveries for all the 5-inch forgings of these 2 ships will be completed on the 17th instant.

If additional ships are authorized, the Carnegie Steel Company will immediately make additions to their present plant and take up the manufacture of gun forgings, so that the Department would have the advantage of opportunity for competition and a greatly increased source of supply. The American Ordnance Company is ready to manufacture all the smaller caliber of guns, should it be considered advantageous by the Department to supplement the facilities of the naval gun shop.

6. There have been no delays in the building of the present battle ships occasioned by the backwardness in furnishing the armament. Some delays have been occasioned by the want of armor, but it should be borne in mind that an effort has been made to satisfy the almost simultaneous demands for armor for 15 ships, whose authorization by Congress covered a period of ten years, and that this has been practically accomplished in a little over four years, even while the plants were being erected and labor trained for this work. The difficulties attending the manufacture of armor in this country have been many, and the plants have slowly but surely attained their full capacity, so that former delays would be no criterion of their present undisputed ability to furnish armor as fast as required. The material employed is one with which no previous experience had been elsewhere obtained; and despite the fact that the dimensions and weight of the heaviest plates exceeded considerably those manufactured for any other navy in the world, a process surrounded by difficulties pronounced insurmountable by many of the most prominent engineers in this and other countries has been successfully developed and applied. With the present enlarged experience and improved facilities at each of the armor establishments either of them can manufacture the armor for a battle ship in about one-third the time required to build the ship itself.

II. The Department incloses herewith copy of a letter just received from the Bethlehem Iron Company, from which it will be seen that in the foregoing statement the Department has underestimated the quantity of armor and gun steel which that firm would undertake to deliver under a penalty for delays. The Department has not as yet received any advices from the Carnegie Steel Company, but there is no doubt that company would also undertake to deliver an equal quantity of material subject to a penalty for delays.

Respectfully,

H. A. HERBERT, *Secretary.*

Hon. J. FRANK HANLY,
Committee on Naval Affairs, House of Representatives.

THE BETHLEHEM IRON COMPANY,
South Bethlehem, Pa., March 9, 1896.

SIR: Replying to your letter of the 7th regarding the output of armor and gun forgings which we would be able to guarantee in case several ships were appropriated for, we beg to report as follows:

We could manufacture and deliver about 400 tons a month of such armor plate as we are now under contract to deliver without enlargement of our plant as at present erected or completing, and, by the purchase of a few more machine tools, could reach 500 tons or more. The tools in view we could procure in three or four months, which would be as soon after signing a contract as we would have work for them.

As regards gun forgings, we are prepared to undertake to deliver 5 sets of 13-inch gun forgings within six months from date of contract and at the rate of 12 sets per annum thereafter. We would undertake at the same time to deliver sets of 8-inch gun forgings at the same rates as above, and sets of 5-inch gun forgings at the rate of 12 sets in the first six months and 20 sets in each six months thereafter. These three plans of delivery are intended to run at the same time. The above we could do with our present plant, and the 16 13-inch, 16 8-inch, and 50 5-inch sets we could deliver in a little less than eighteen months.

If the larger number of guns indicated by you were called for, namely, those for additional ships, being, with those now on hand, double the number above, we could, by procuring a few more machine tools, make deliveries as follows:

A first set of 13-inch gun forgings in ninety days, and the remainder at the rate of one set in every twenty days; sets of 8-inch gun forgings at identical rates; and a first set of 5-inch forgings in sixty days, and the remainder at the rate of one set in every seven days.

We should be ready to enter into contract with the Government to deliver under penalties at the above rates.

Yours, truly,

THE BETHLEHEM IRON COMPANY,
By ROBERT A. SAYRE, *Vice-President.*

CHIEF OF BUREAU OF ORDNANCE,
Navy Department, Washington, D. C.

THE BETHLEHEM IRON COMPANY,
South Bethlehem, Pa., March 10, 1896.

MY DEAR SIR: Our president, Mr. Linderman, to whom your letter of March 6 was addressed, is absent in Europe, and I am requested by our vice-president to say, in reply to your letter, that with our present plant we can manufacture and deliver 400 tons of armor plate a month, and if larger amounts should be required, in the event of large number of ships being appropriated for, this delivery could be increased very materially without entailing any delays. This for the reason that our casting and forging departments, which require a long time to build, are amply able to manufacture more plates than we have ever had orders for, and it would be only necessary to increase the number of machine tools, which we can always do upon receipt of an order, and receive the tools before the armor plates in the course of manufacture are sufficiently far advanced to require these tools.

Yours, truly,

J. F. MEIGS, *Engineer of Ordnance.*

Hon. J. FRANK HANLY,
United States House of Representatives,
Washington, D. C.

THE CARNEGIE STEEL COMPANY, LIMITED,
Pittsburg, Pa., March 12, 1896.

DEAR SIR: In reply to your inquiry of 6th instant, would say:

The present American factories are undoubtedly equipped to turn out the armor plate that would be required for eight battle ships as rapidly as the hulls would be ready to receive it.

The capacity of our present plant is estimated at from 4,000 to 6,000 tons per annum, depending upon the character of the orders and based on the assumption that orders would be placed in such manner that all parts of our plant could be operated continuously to their maximum capacity. We have been making additions to our armor plant whenever it was found necessary to do so for the prompt execution of orders.

If additional battle ships are authorized, we are willing to bind ourselves to manufacture and deliver such portion of the armor as may be ordered of us as rapidly as it will be required in the construction of the ships.

We have practically finished all of our armor orders for the United States Government, as only about 100 tons yet remain to be shipped.

Very respectfully,

THE CARNEGIE STEEL COMPANY, LIMITED,
By L. C. PHIPPS, *Vice-President.*

Hon. J. FRANK HANLY,
Committee on Naval Affairs,
House of Representatives, United States, Washington, D. C.

Mr. HANLY. I ask that the further reading be omitted, and that the remainder of the correspondence be inserted in the RECORD.

The correspondence I have just submitted to the House is by the Secretary of the Navy and by the management of the two great armor-producing factories in the United States, and there can be no question made, after reading the statements there, but that the armor can be produced as rapidly as required to construct these ships. I submit that they can be constructed more cheaply, comparatively, if they are all constructed now, if the contract is let at one time, and if these great shipbuilding concerns of the country have an opportunity to bid upon six ships instead of four.

It has been urged, Mr. Chairman, against this amendment, that the Treasury of the United States is now empty. I say to my Republican friends with that we have nothing to do. We are not responsible for the deficit in the Federal Treasury. When we laid down the reins of Government we left laws upon the statute books that were supplying a sufficient revenue to defray the expenses of the nation, and with that objection we have nothing to do. There is a further answer to it also. This nation, in my judgment, is on the eve of a return to the protection of McKinley and the reciprocity of James G. Blaine [applause], and when that is accomplished there will be revenue sufficient to meet every demand made upon the Federal Treasury. That will happen, in my judgment, before the last hammer stroke is made upon the vessels for which you are now asked to vote an appropriation. Before the last dollar is appropriated for those vessels this nation will again be standing on the purple heights of prosperity.

Now, Mr. Chairman, in conclusion let me say that the American people will awaken to the present conditions that surround them; that we will construct the Nicaragua Canal, and that we will put a fleet by and by upon the waters of the Caribbean Sea and in the Gulf of Mexico that will secure to us the control of that great ocean highway when we once have builded it. When that canal is built it will become a great highway of commerce. The nations of Europe will be brought to our very shores. Then complications will arise. Then, sir, we will indeed face a crisis in our affairs.

Sir, the nation that has taken from France and Holland and Germany the control of the English Channel; that has wrested from the Spanish people the embattled crest of Gibraltar and held it for a century and a half against the oft-repeated efforts of France and Spain to regain it; the nation that wrested from the grudging grasp of the great Napoleon the Island of Malta and held it in spite of his prowess; the nation that is quietly but persistently seeking position after position of strategic note and importance in every land and on every sea where her people emigrate or her ships can go, will not be slow to risk the wage of war for the control of this great highway of commerce—a highway, the control of which would give her the dominion, commercially speaking, of not this Republic alone, but of the American Hemisphere. I believe it the duty of the American Congress to so legislate now that we will when the crisis comes, as come it will, have a fleet in those waters that will command the respect and submission of English greed and English avarice. [Applause.] "Peace the offspring is of power." With such a fleet we can maintain peace with honor; without it, humiliation must needs come.

Mr. Chairman, I did not expect to continue so long in the abuse of the patience of the committee, but I feel strongly upon this question, and that, sir, must be my excuse. I am impatient for the time when my country's rights, or reparation for her wrongs, shall be enforced by her fleets in every land and on every sea throughout the world. [Prolonged applause.]

Mr. CUMMINGS. Mr. Chairman, I should like to know how much time the gentleman has occupied?

The CHAIRMAN. The gentleman from Indiana has occupied fifty-one minutes.

Mr. HANLY. Mr. Chairman, I reserve the balance of my time.

Mr. BOUTELLE. Mr. Chairman, I yield thirty minutes to my colleague on the committee, the gentleman from Ohio [Mr. HULICK].

Mr. HULICK. Mr. Chairman, I want to congratulate the gentleman who has just taken his seat [Mr. HANLY] on the very happy address that he has given us upon the Navy of this country, and upon the sentiment that he has incorporated in his remarks. I approve everything that he has said in regard to our Navy and in regard to the duty of this Congress to provide a proper naval construction. But are we at this moment ready to vote for more battle ships than are proposed in the bill that is now under consideration? I want to indorse especially what the gentleman has so well said, and what we all in the committee understand, as to the obligation that we are under to the chairman of our committee, and I want to congratulate the chairman upon presenting to this House and to the country a bill which has received nearly the unanimous approval in the House, an approval such as I apprehend no prior naval appropriation bill has been fortunate enough to command.

I want to congratulate this House upon having as its leading representative upon the Committee on Naval Affairs and in charge of that committee a gentleman who has been so arduous in the performance of his duties and has rendered such valuable service not only to the House but to the country. On that point also, therefore, I fully agree with the gentleman who has just taken his seat. I want to say at this point, Mr. Chairman, for the benefit of other members of the committee, that I should be glad to vote now, if I could, for the protection of our coast, and for the construction of 6 instead of 4 new battle ships, as proposed by this amendment.

I should have been glad also if I could have voted for the proposition of the gentleman from Louisiana [Mr. MEYER] for the construction of a dry dock at Algiers. It is not provided for in this bill, but I want to say that his constituents must not blame him, that, while he has failed to secure that construction at this time, he deserves a better fate on account of the manner in which he worked for it and his persistent efforts in that behalf; and if there was to be a dry dock provided for anywhere at this session of Congress, and only one, I should have voted for that one in the South, believing that the people there are entitled to it, and also because its construction at that place, in my judgment, would be beneficial not only to our Navy, but to the commerce not alone of the Mississippi River, but also of the Ohio River, in which my constituents have a special interest.

I wish to congratulate my friend from California also [Mr. HILBORN] upon his faithful, persistent efforts before the committee for the location of a dock at Mare Island for the benefit of his constituents and his State. I also offer my congratulations to the Representative from Massachusetts [Mr. BARRETT] for his persistent attempt to secure one at Boston, and to my friend from Pennsylvania [Mr. ROBINSON] for his energetic efforts to secure one at League Island. They have all failed, but it is not because they did not want them and did not labor for them. And it was not the fault of any member of the committee that they did not get what they so much desired.

Mr. BARRETT. In order that we who are interested in these dry docks may understand exactly where we stand, will the gentleman tell us whose fault it was that we did not get them?

Mr. HULICK. It is because of the lack of money in the Treasury of the United States and the need of preserving the credit of the Government at this time that members of this committee have said "No, we have not the means now; we must take care of the docks already under construction or needing repairs; we must use money for the increase of the Navy; we need it also for the enlistment of men and for the payment of similar services rather than for the construction of new dry docks." And further I may say, as is suggested by a gentleman near me, that we have taken this position because the Secretary of the Navy (in his last report) expressly recommended against the establishment of these dry docks.

Mr. BARRETT. Now, will the gentleman allow me another question? Whether the members of the Committee on Naval Affairs were not fully aware of the state of the Treasury and the peculiar views of the Secretary of the Navy when they deliberately voted to put into this bill a provision for three new dry docks?

Mr. HULICK. Yes, sir; and I voted for it. I believe it was on my motion that the number was increased from one to two and from two to three. And I would have kept on voting to this time and would have increased the number to fifty if they had been asked for; but I did not expect that any one of those propositions would be finally adopted; it was not the understanding that they should be.

Mr. BARRETT. One more question and I am done. Does the gentleman wish us to understand that the Committee on Naval Affairs when they voted in favor of the construction of dry docks did so with the deliberate intention of not recommending the construction of those dry docks to the House?

Mr. HULICK. I answer the gentleman in this way: If we should begin the erection of dry docks we would begin at those places where dry docks are most needed. We realized that a dry dock was needed at Algiers, that one was needed at Portsmouth, that one was needed at Mare Island—and the Secretary of the Navy had so recommended; but as we looked at the question we could not begin the construction of dry docks at this time because we wanted to increase our Navy, and considering the depleted condition of the Treasury we could not do both.

Mr. BARRETT. Now, the gentleman has reached exactly the point I wanted to bring out. As I understand, the Committee on Naval Affairs believe that these dry docks should be constructed at the earliest possible moment.

Mr. HULICK. I believe so myself; I think the committee are of the same opinion, and if at the next session we can enter upon these works—if with the Republican party voted into power we can have a protective tariff to bring money into the Treasury, I shall be ready to vote not only for the three dry docks that have been named, but for others that are needed. But in the first place we must give proper attention to the dry docks we already have. We do not want a dry dock in such a condition as that at Port Royal. When the *Indiana* was sent there a few days since to be docked, the dock was in such a condition that the vessel could not get into it to be repaired, and there is not sufficient water in the channel to let the great ship out of the port—the moon and high tide can alone afford relief. There is where we need to spend money in the first instance, instead of making an appropriation to construct a dry dock, for instance, at Algiers, which is estimated to cost $1,200,000. We are not ready to make any such large appropriation at this time in this direction. In this connection I call attention to what the Secretary of the Navy has said in his report:

> In my opinion it would be wise to invest whatever moneys are to be expended upon the Navy beyond its current needs and the necessities of existing repair plants in the construction of new ships, and not in building docks.

The Secretary further adds:

> In my opinion to undertake all this work would be extravagant, and I feel sure it would lead to much unwise expenditure of money in the future.

I indorse what the honorable Secretary has said on this subject, and I think the country will approve his conclusions.

The Secretary says further:

> There should be a dockyard and repairing station on or contiguous to the Gulf of Mexico for the use of vessels cruising in the Caribbean Sea and other southern waters, but it is for Congress to say whether the condition of the Treasury is such as to justify it in undertaking the construction of such a dock at present.

There are other declarations of the Secretary of the Navy to the same effect upon this question.

Mr. ADAMS. Will the gentleman permit me a question?

Mr. HULICK. Well, I would rather not be interrupted.

Mr. ADAMS. This is a practical question.

Mr. HULICK. Proceed.

Mr. ADAMS. I want to ask the gentleman whether there is a single accessible dock to-day in the United States in which the largest ships that we have can be docked for repairing, painting, or scraping?

Mr. HULICK. I apprehend not. But I answer further that I am in favor of making appropriations to enlarge the existing docks, whether at New York, Mare Island, Portsmouth, Boston, or elsewhere, so that large vessels may be docked there. The large dock at Port Royal, S. C., should be put in condition at once. It should have been finished, according to contract, April 23, 1893. Let it be put in condition to receive our largest ships at once before we begin to build new docks.

Mr. ADAMS. Then let me ask why the committee has not recommended the enlargement of docks at points where it is known that there is sufficient water to float these large ships?

Mr. HULICK. That is being done now. The dock at Brooklyn Navy-Yard is expected to be ready for use by the 1st of June next, and when completed will be large enough to accommodate our largest vessels. This was to have been completed last September, but the builder failed to comply with his contract, and it had to be sublet. That, with the Port Royal dock, will, when put proper in condition, furnish ample accommodation to dock all our largest war vessels.

The Secretary has now full authority to repair and enlarge docks where it is needed, and he is doing this as rapidly as possible.

Mr. ADAMS. How are we going to take care of the ships now afloat? That is a business question.

Mr. HULICK. Disclaiming any intention of being discourteous, I shall have to decline to submit to further interruption.

Mr. ADAMS. Then the committee have no answer to the question why they will not supply docks to take care of the ships now afloat, though at the same time they are proposing to build six more?

Mr. HULICK. Long before our new ships are built we will

For these and other considerations the committee ask for 4 bat-

The following table shows the number of torpedo boats of for-

vided for in this bill, making in all 24 torpedo boats. For all

Mr. HULICK. Long before our new ships are built we will have ample facilities for docking all of them.

I must decline to yield further.

Mr. ADAMS. This is a plain business proposition.

Mr. HULICK. Mr. Chairman, I wish to indorse further what has been so well said by the gentleman from Indiana. The facts that he has given us in regard to the navies of England, France, and other foreign countries were entertaining, and they will be good reading for his constituents and mine and for the country at large. But I am not going to institute a comparison between our navy and that of foreign nations at this time. It is unnecessary in connection with this discussion. This is purely a business proposition we are discussing—whether we shall have six new ships as the amendment proposes, or four, as provided in the bill.

Mr. WATSON of Ohio. Will the gentleman allow me just there——

Mr. HULICK. Well, I hope my colleague will excuse me. I desire to proceed without interruption. I would do any favor for him, and when we get over into Ohio in the campaign this fall stumping for McKinley I will divide time with him. [Laughter.]

I repeat, Mr. Chairman, that I wish no comparison with the navies of foreign nations, because the conditions are essentially different in our country and theirs. European nations have been hundreds of years in organizing and maintaining large and costly navies. The stability of their thrones depended upon them, and the very existence of their Governments was assured only by their powerful navies.

Those navies are used in countries where their rulers are born, not made; where to-day they do not know who is to be the ruler of to-morrow, until that ruler is born into the world. But we have a country here where our rulers are not born to rule, but where by their own merit and intellectual powers, by their energy, their moral worth, their manhood, their statesmanship, they are called to rule over this Government, and the young man from the cabin goes to the Presidential chair to administer the affairs of the greatest nation on earth because the policy he indorses or the party which supports him represents a great principle. He represents a country that does not have to depend upon standing armies or great navies to sustain itself. It is therefore not proper or just to make such comparisons. Nevertheless I favor the enlargement of our Navy from a commercial standpoint. Commerce follows our flag, and that must be protected wherever it floats, as it always has been in the past. We do not think it necessary, therefore, for the construction of more battle ships at this time than those which are recommended in the bill of the committee.

The Secretary of the Navy in his report recommended the construction of two additional battle ships. At the time he made his report we did not have the same circumstances surrounding us that we have to-day; but while we were considering the matter the Secretary came before the committee, on the 11th day of February last, and made his recommendation with reference to the number of battle ships that in his judgment was deemed necessary or advisable at the time. He informed the committee that we have now the *Massachusetts*, the *Indiana*, the *Oregon*, the *Iowa*, and the two recently contracted for and under construction, the *Kentucky* and the *Kearsarge*, which make six first-class battle ships; and in his report he recommended two additional. Ordinarily the committee would have indorsed absolutely the recommendation of the Secretary of the Navy, and would have provided for but two additional. But the circumstances which existed at the time the report of the Secretary was filed have changed. Our relations to other countries have become strained, and the Secretary advised the committee that—

Since that time I have come to the conclusion that we might with advantage build four additional battle ships, etc.

Now, as to the cost of building these ships, it is conceded they can be built much cheaper than ever before. The Secretary says, in his statement before the committee:

I thought I had the statement here, but I can state it in general terms, that the fall in the price of battle ships between the time of the contract for the *Indiana* and for the *Kentucky* and *Kearsarge* is nearly 20 per cent; and I have stated in my annual report, which came out before these bids were made, that—

"The prices per ton for the gunboats *Machias* and *Castine*, contracted for in April, 1890, was $302.86; the average price of the 3 gunboats contracted for in January, 1894, and of the 6 others just let out the contract is $222.34 per ton, a saving of $80.52 per ton, or 26 per cent of the price of the ships.

"The price of the *Ericsson*, contracted for in October, 1891, was $945.83 per ton; the average price of the 6 torpedo boats contracted for in 1895 is $766.58 per ton, a reduction of $179.25 per ton, or of about 20 per cent in the price of the boats."

It is 26 per cent in one case and 20 per cent in the other, so those reductions, you see, apply as well to battle ships as to gunboats and torpedo boats. We have now a very earnest competition for the building of all these ships. There does not seem, so far as the construction of ships are concerned, to have been any combination whatever or any sign of a combination between bidders, but the Government is getting the advantage of forced competition and getting the very lowest prices.

For these and other considerations the committee ask for 4 battle ships and 15 torpedo boats, requiring the largest appropriation that has ever before been made by any Congress for our Navy, and yet the gentleman from Indiana insists on 2 more battle ships, while we now have, including the *Kentucky* and *Kearsarge*, 6 to pay for, at a cost of at least $25,000,000.

Mr. WATSON of Ohio. Will my colleague allow a question there for information? What do you claim will be the additional cost of constructing the two battle ships?

Mr. HULICK. You mean the two already contracted for, the *Kearsarge* and the *Kentucky*? These ships were authorized to cost not exceeding $4,000,000. But they have been contracted for, however, at a much less figure.

Mr. WATSON of Ohio. What is to be the total cost of these ships, complete?

Mr. HANLY. Five million two hundred and fifty thousand dollars will be the total cost, including armament; that is, the complete battle ship.

Mr. WATSON of Ohio. That is the cost of each ship?

Mr. HULICK. Yes; the cost of each ship. The gentleman can obtain all the information on these facts by an examination of the report; but with reference to this question all that the gentleman from Indiana has said applies as well to the four battle ships as to the six.

Now, what is our Navy at this time? In 1883 the first steel battle ships, the first steel cruisers, were constructed under contracts that had been duly entered into. From the close of the war up to 1883, about eighteen years, the appropriation for the repairs of our ships and for construction amounted to about one and one-half million of dollars annually. But in 1883 the legislation of this country was such that they proposed to do away with the wooden ships unless they could be repaired at an expense of not exceeding 20 per cent of the cost of a new ship, and when the cost of the repairs of a wooden ship exceeded that they said, "Let the ship go; we will not expend any more money in its repairs, but we will begin the construction of a new navy."

Now, in 1885 we had 32 wooden vessels afloat, of a displacement of 66,000 tons, and at that time 7 war ships only, of a displacement of 6,900 tons. The total was 39 ships, with a displacement of 72,900 tons. Now, from 1885 to 1895, in ten years, we reduced the number of wooden vessels from 32 to 11, by letting them go out of commission. The 11 wooden vessels had a displacement of 18,300 tons, and instead of having 7 steel ships, we had 32 iron and steel vessels, with a total displacement of 104,500 tons. We had a total of 43 vessels, with a displacement of 122,800 tons, the amount being almost doubled in ten years; these figures being exclusive of torpedo boats, tugs, and receiving ships. That was during a time of entire peace, when we had no wars or rumors of wars, when the people of this country were not nervous over our foreign relations with other countries. Was not that fast enough progress in the construction of our Navy?

For these new steel vessels the appropriations for the last three years amounted to about a million dollars annually.

Now, as to the appropriations for the new navy. The new ships that have been built will soon require to go into dock, and the cost of redocking and keeping our new navy in repair—in a seagoing condition—is far greater than ever before; it is more expensive to keep the Navy up at this time, with the new steel vessels, when they begin to need docking, than it would have been to keep the old wooden vessels in repair. That is one of the important considerations, that these four new vessels which we authorize and the two under construction and those that have been constructed will require a greater appropriation every year to keep them in repair than the old wooden vessels would have required. If the gentleman is on that committee in the next Congress—and I hope he will be returned by his constituents—he will find that instead of the appropriation which we have provided for in this bill being large enough, we shall have to increase it.

Mr. DAYTON. This bill carries $7,600,000 for the construction of machinery and ships already authorized.

Mr. HULICK. Yes; it already carries over $7,000,000, and the next one, for repairs of docks and repairs of ships and keeping up the Navy which we have, will not be $7,000,000 only, but over $10,000,000, I apprehend. Thus we see that the total displacement of vessels in commission or being fitted out at this time is about double what it was in 1885, while the modern ships under the cost of maintenance per ton displacement will be vastly greater. It therefore behooves us to look well to the question of "construction and repair" while we are making contracts for new ships.

TORPEDO BOATS.

This bill provides for 15 torpedo boats. The United States has now only 2. I submit to the members of this House as a business proposition, as a reasonable, common-sense view of the situation, whether we ought not now provide for a much larger number of these boats. Their services are greatly appreciated by officers of the Navy, and in time of war they are indispensable.

The following table shows the number of torpedo boats of foreign navies as compared with our own:

Countries.	Torpedo boats.	
	In service.	Authorized and building.
Argentina	21	6
Austria	64	6
Brazil	22	
Chile	22	Some.
China	23	
Denmark	29	2
France	218	54
Germany	121	8
Great Britain	189	62
Italy	184	5
Japan	40	17
Netherlands	39	3
Russia	174	16
Spain	22	22
Sweden-Norway	38	20
	1,206	221+
United States	2	7

This table, Mr. Chairman, affords us a lesson. France has 218 and is building 54; Great Britain has 189 in service and 62 under construction; Spain has 22 and is building 22 more, and she is now "making mouths" at this country because we have accorded belligerent rights to Cuba.

It will be seen that the fifteen other countries mentioned have altogether 1,206 torpedo boats in service. The United States has only 2 and is building only 7 more.

Now, what does my friend say, and what do gentlemen claim, when we have appropriated in this bill for 15 torpedo boats? In the act of March 2, 1895, there were 3 torpedo boats provided for, to cost not to exceed $175,000, and these 3 were in addition to the other 3 and 1 submarine torpedo boat. That makes 7. There were 6 light-draft composite gunboats of about a thousand tons displacement, not to cost more than $230,000, in all $1,380,000, exclusive of armor, and 2 seagoing coast-line battle ships to cost not to exceed $4,000,000. There are other appropriations that I could refer to. Then there were these new battle ships under construction or contract at a cost not to exceed $4,000,000 each, and which were contracted for at about $5,250,000 for the 2. That is the present status of our Navy.

Now, it is recommended that the sum of $332,000 be appropriated and made immediately available for the improvement of our navy-yards, wherever needed. We have 6 first-class battle ships already, the armored cruiser *Brooklyn*, the *New York*, the ram *Katahdin*——

Mr. HANLY. Have we 6 battle ships now in commission? Is it not a fact that the only battle ship that we have in commission at this time is the *Indiana*?

Mr. HULICK. We have at this time the *Indiana*, the *Maine*, the *Iowa*, the *Oregon*——

Mr. HANLY. Are they in commission?

Mr. HULICK. No; the *Iowa* and the *Oregon* are not in commission. We have the *Indiana*, the *Maine*, and the *Texas*; but we have two battle ships under construction at this time. The *Iowa* is to be launched on next Saturday over at the navy-yard of the Cramp Bros., in Philadelphia.

Mr. HANLY. Is it not a fact that we have but one battle ship in commission, namely, the *Indiana*?

Mr. HULICK. At the time this report was issued the *Indiana* was awaiting commission. She was placed in commission and sent down to Port Royal, and will be docked there if she can be gotten into the dock.

Mr. HANLY. That is the only one we have in commission?

Mr. HULICK. No; as I said, we have the *Indiana*, *Maine*, and *Texas*.

Mr. HANLY. We have contracted for two more, but the keels are not laid.

Mr. HULICK. Now, in addition to that we have the 2 armored cruisers (*Brooklyn* and *New York*), we have 1 armored ram (*Katahdin*), we have 6 armored vessels, 6 double-turreted monitors, and 13 single-turret iron monitors. We have 16 unarmored steel vessels, one of which is that queen of the sea, the *Minneapolis*, with a speed of over 23 knots per hour—the fastest ship in the world to-day. I had the honor and great pleasure, with the gentleman from New York [Mr. CUMMINGS] and others of our committee, of being on that "flying monster of the deep" upon her trial trip two years ago—the pride of the ocean, the pride of our Navy, the representative of American genius, American skill, American ingenuity, American progress. Such a production was made possible only by the encouragement given our American talent and enterprise by the protective policy of the Republican party. We have in addition 2 torpedo boats, 7 under contract, and 15 provided for in this bill, making in all 24 torpedo boats. For all these that are built and those to be constructed more liberal appropriations must be made in the future than have been in the past.

Mr. LOW. I want to ask the gentleman what is the size of these torpedo boats?

Mr. HULICK. Well, my dear sir, I refer you to the report of the Secretary of the Navy, where you can learn all these facts for yourself.

Mr. LOW. Can you give me the length of them?

Mr. HULICK. Oh, yes; but if you will examine the report of the Secretary you will find all those facts. My time is limited and I can not yield.

Mr. LOW. I have the report. Torpedo boats vary in size. Can you give me the size it is intended to make these?

Mr. HULICK. Of course they vary in size. The Secretary is to use his discretion in this regard, and to build them as the best interest of the service may require.

Mr. JOHNSON of North Dakota. It is right on the same line that I desire to ask a question. I do not desire to criticise nor to ask how many feet there are, but I wish you would specify the class of these unarmored boats.

Mr. HULICK. I have not time to do so now. You can find that in the bill, and where it is not provided for, discretion is given to the Secretary of the Navy to determine the character of the vessel.

Mr. DAYTON. I will state to the gentleman that five of them are to be first class in every particular.

Mr. LOW. But a small boat can be first class.

Mr. HULICK. My time is limited, and I can not yield for other questions.

There is another matter to be considered in this connection. These boats have not only to be constructed and paid for, but they have got to be manned, and those men have to be put upon the pay roll and paid, and that will require money. Now, what about our enlisted men? In the Fifty-third Congress we provided for the enlistment of 1,000 men. They have already been enlisted, and 1,000 additional are provided for in this bill. There are now in our Navy, officers and men, including marines, 13,460 only.

England has 88,850; they have 70,000 in France; they have 21,000—I will only give round numbers—in Germany. They have in Italy 24,000; and if these 24,000 sailors do no better fighting than the Italian soldiers did the other day in their campaign over in Abyssinia they do not deserve to be ranked among the navies of the world. One of our American battle ships, armed with an American crew, could drive the whole Italian fleet in confusion before it. Men who are drafted into the service are mere machines. We have now about 1,100 marines. Take them out and we have 12,360 men in our Navy. Several thousand more will be required on the new ships; and we can get them as quicky as we can get the ships.

But the gentleman says it is not a question of cost. I will admit if we had war at this time it would not be a question of cost. It was not a question of cost when the rebellion was brought upon us. Then we got all the men we wanted, and we got all the money we wanted; and if there were a war to-day—if it were announced at this moment, while I am addressing this House, that a fleet was on its way from England, or any other great fleet to which reference has been made—you could get all the volunteers you needed from every section of our country and no foreign navy that floats could get within gunshot of our shores.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOUTELLE. I yield fifteen minutes more to the gentleman.

Mr. HULICK. I say that when the time comes for money we can get it, and when the time comes for men we can get them. And we will not have to sell bonds to foreign syndicates to raise the money, for we can get all we want in this country, and we can have all the men we want—not conscripts, but men from every station in life—educated, business, patriotic men, who are invincible in war as they are influential in peace. But let me say to you, Mr. Chairman, and to gentlemen of this House, we are not going to have a war. England does not want war. With her splendid navy she does not want war. She would not have it. To-day the morning papers announce that Lord Salisbury is perfecting measures to have a settlement of the Venezuelan question on the plan suggested by the President of the United States, and have it arbitrated.

There are too many interests in common between that country and this—financial, social, educational, religious, commercial, and a thousand others—that will always, I trust, stand between our people and theirs. If a war were proclaimed to-day, every cross-road schoolhouse would echo with the voice of patriots called to arms, and, whether on land or sea, our country's honor would be maintained and our flag wave in triumph on every sea. But, Mr. Chairman, no navy on the face of God's footstool will ever cross the Atlantic or any other ocean to attack this country. When the time comes we are ready to defend ourselves. We are going right

on to build ships, to build up our Navy. It is not to be inferred that because this bill provides for 4 instead of 6 battle ships more that the Navy is to suffer. Every man on the Naval Committee is an ardent friend of the Navy. It will not suffer in their hands. But the number of battle ships to be built now is purely a business proposition.

Mr. HEPBURN. If those nations are never going to come here, why do we need battle ships at all? [Laughter.]

Mr. HULICK. We need them for the purpose of protection.

Mr. HEPBURN. Protection from what? You say nobody is going to come here.

Mr. HULICK. We need them to protect our commerce on the seas and our citizens in their lives and property in foreign countries.

The gentleman who was last on the floor said that we wanted ships to send over to Armenia; that we stand powerless here, making recommendations and declarations which we can not enforce, and he spoke of our want of power in European waters. Does not the gentleman know that the *Minneapolis* is now in Turkish waters to aid the Christian Armenians in that country of bloodshed and murder? She carried there that Christian woman, Miss Barton, of this city, who is there as the representative of the Red Cross Society, supported by the prayers of millions of good people all over the world—that little woman, weak in body but strong in faith, with the Bible in one hand and the cross in the other; and to-day she is carrying the contributions of the Christian people of this land to give money and food and consolation to the dying Christians of Armenia. We do not want war ships to send there. We have the *Minneapolis* there with shot and shell and our flag waving over her, and no one dares to lay his hand upon that noble Christian woman and her faithful escort.

Mr. HANLY. Will the gentleman permit a question?

Mr. HULICK. Not now. I "will see you later."

Mr. HANLY. I "will see *you* later." [Laughter.]

Mr. HULICK. Now, Mr. Chairman, what is the trouble? Why can we not build all the ships now that we want? It was proclaimed a few days ago over the waters by our ambassador that protection emptied our Treasury. We know very well that the Treasury is empty, and that is the reason we can not build more ships and as fast as we want them. During this Administration we have borrowed over two hundred and sixty-two and a half million dollars. It is true that we have a gold monument one hundred millions high standing in the Treasury as the representative of the monetary power and wealth of this country, and, if necessary to defend our country and our flag, we could borrow all the money we might want; but shall we do it in time of profound peace? Mr. Chairman, can any gentleman within the sound of my voice point to an instance where protection depleted our Treasury?

The history of our country tells us when and how the Treasury has been depleted. Go back to 1861. What depleted the Treasury when the Democratic party was in power under James Buchanan? Was it protection or was it free trade? When the war came on protection was adopted, and through the Administrations of Lincoln and Grant and every other Administration down to that of Mr. Cleveland the credit of the nation was maintained, the public debt diminished, liberal pensions were paid to our soldiers, and our Treasury was filled with money. Whether the present Speaker of this House shall be elected our next President, or whether it shall be a candidate from New York or from Iowa, or whether we elect our candidate from Ohio, that sterling patriot and advocate of protection, Governor McKinley, we will give such protection to American labor and American industries as will fill our Treasury, restore our credit, and we can then build all the ships we may want.

Thrice is he armed that hath his quarrel just.

And, Mr. Chairman, I want to indorse at this time the President of the United States, as I gave him my vote on the 17th of December last, when he sent to the Congress his message in regard to Venezuela. Here is what he said:

In order that such an examination should be prosecuted in a thorough and satisfactory manner, I suggest that the Congress make an adequate appropriation for the expenses of a commission to be appointed by the Executive, who shall make the necessary investigation and report upon the matter with the least possible delay. When such report is made and accepted it will, in my opinion, be the duty of the United States to resist, by every means in its power, as a willful aggression upon its rights and interests, the appropriation by Great Britain of any lands or the exercise of governmental jurisdiction over any territory which, after investigation, we have determined of right belongs to Venezuela. In making these recommendations I am fully aware of the responsibility assumed by me and realize all the consequences that may follow.

The President was right. He did not stop to inquire whether we had fifty ships or a thousand. He knew he was right and that the people of this country would indorse him. And Great Britain, instead of declaring war, declares she is ready to settle the matter by arbitration.

This country of ours, Mr. Chairman, educated as it is to be always on the right side of every question, and certain as it is to take the right side and to assert the cause that is just, need have no fear of the nations of Europe. When we are on the right side of any controversy, whether it be with England or with France or with Spain or with any other nation, we are ready to enforce our view, and the powers of the world will never question our attitude.

When this Congress indorses the resolutions to recognize the belligerency of the Cuban patriots no country will dare to come in and take the part of Spain. They may threaten, they may send their squadrons into American waters to protect their citizens, but not one of them will dare to come in and act with Spain against our country. I repeat, I want to indorse our President when he is right, though we could not heretofore indorse his foreign policy.

In the Hawaiian matter he was wrong. He had not gotten used at that time to setting up the flag, and when it was a question as to whether that flag should stand where it had been set up on those islands, floating in the free air of heaven, the President said "No," and it had to come down, and the country condemned him for that. But whenever he is right we are ready to stand by him and give him men and money. "It takes a real live man to govern this country," was the saying of our ambassador in Great Britain the other day. If he had said that it takes a real live man to govern the Democratic party he would have been about right.

When we were discussing certain resolutions the other day in regard to the utterances of our representative in Great Britain, it was intimated that if those resolutions were adopted that gentleman would become the Democratic candidate for President, but I say to my Democratic friends that when they go to Chicago and look all around them they can not find, either in the Democratic party or in the Free Coinage party, or in the Populist party, another man who can control them as well as Grover Cleveland has tried to do during his term of office. Your party, gentlemen, would have gone to pieces and the country would have gone to pieces if you had not had there a man just like him. If Ambassador Bayard, instead of saying that the American people need a strong man to control them had said that it requires a real live man to control the Democratic party, he would have been right.

Whether the President was right or wrong in his Venezuelan message, we voted $100,000 to sustain him. In some other matters we can not sustain him. In his pension policy we say he is wrong. We condemn that policy; and the people condemn it. In his home missionary work he was right. I honor any President of the United States who, with the great affairs of office upon him, can go to New York and there preside over a Christian assemblage such as the Home Missionary Society. I commend him for it. He said that he had a father who was a preacher and he remembered the prayers of that father, and those prayers carried him into the great Presidential chair. So when he was called upon by those good Christian people he went to New York and presided over that assemblage. I mention it to his credit, though I can not indorse his reflections upon the Western people. His criticisms were unjust, impolitic, and unworthy of the President of the United States.

The highest standard of morality and civilization is found in the sturdy people who have built up our Western country. The church, the schools, and colleges are their just pride. [Applause.]

In conclusion, Mr. Chairman, let me say that the question now under consideration is a business proposition. This bill will be adopted as it is reported. The Senate will pass it, the President will approve it, the country will indorse it. And our Navy will continue to be improved until our ships will deck every sea and our flag float in every harbor of the world. [Great applause.]

[Here the hammer fell.]

Mr. HANLY. I yield twenty-five minutes to the gentleman from California [Mr. JOHNSON].

Mr. JOHNSON of California. Mr. Chairman, I congratulate the Committee on Naval Affairs on having made some provision for an increase of the American Navy. It was a timely and judicious act on their part. But they were entirely too conservative in their action. They did not go far enough either to please the people or to meet the exigencies of the times. There is a feeling of unrest all over the world. There are small or large conflicts now going on in every quarter of the habitable globe—Jameson against Kruger in the Transvaal; Italy against Abyssinia; England against the Soudanese; France against Madagascar and Siam; Russia wherever the bear can penetrate; the Armenian uprising causing trouble to Turkey; and near our borders Spain and Cuba engaged in an internecine war. Wherever the eye ranges it sees the red of carnage and the desolation of war.

Millions of soldiers are waiting the trumpet call and hundreds of ships the signal gun to engage in deadly combat. The peace of Europe and of the world rests to-day in the brain of two monarchs suffering from disease, either of whom may, in delirium of fever or twinges of pain, light the torch of a war from ocean to ocean, from hemisphere to hemisphere, exceeding any known to man.

If any such war does come, we need a navy powerful enough to protect our commerce, our people, and our national honor from

the infuriated hordes on land and the fiery cruisers on sea let loose by czar or kaiser. In this mad race to get into a row with somebody we have not been much behind our kingly neighbors. With a most cheerful disregard of our condition we declared war, in effect, upon Great Britain about Venezuela in just three minutes by the clock. [Laughter.] We then declared war, in effect, upon all of Europe except Spain about the Armenian massacres in exactly two hours and forty minutes. And then, in order not to be partial and in order to show that we thought we could whip the whole world, we, in effect, declared war against Spain regarding Cuba in exactly one hour and ten minutes. [Laughter.] In doing that we were utterly forgetful of the fact that our Navy was in such a condition that if we should enter into a war with any first-class country about all we could say after the first encounter would be what the boy said at school to his larger antagonist, "Well, you can't get up and go away and say you didn't have any fight, even if you did whip me." [Laughter.]

We have ignored the precepts of Washington. We have departed from the uniform course of the Republic since it was formed, of noninterference in the affairs of foreign powers. We have stretched the Monroe doctrine until it has become so attenuated that its author himself could slip through the threads of the doctrine and never know where he was. [Laughter.] We have launched ourselves boldly into the ring of nations, claiming to be a first-class power, not only in the New World but in the Old World as well.

Mr. Chairman, so far as I am concerned I am not worried particularly. I have no particular fault to find with the existing order of things or the action taken so far by the House. I am as proud of my country as any man, and believe in its mighty power as firmly as any enthusiastic supporter of the jingo policy. Our position having been taken, I stand by the vote and the record we have made. But are we quite ready to maintain ourselves in the position we have undertaken to assume? We have a small, an insignificant Navy. It is good as far as it goes, but it does not go far enough. It is not very large; in fact, there is not much of it as compared with other nations or with our needs and our wealth, our strength and our duties.

In 1852, when Franklin Pierce was nominated for President of the United States, the New York Herald, in speaking of him, said that Mr. Pierce was a very large man in the State of New Hampshire, but when you came to spread him all over the United States the ground showed up in spots. [Laughter.] And so of our Navy. It is a very good Navy as far as it goes, but when you come to spread it all over the world, the oceans and countries show up altogether in too many places to make that Navy a thing of extraordinary value to us in case we should be engaged in a foreign war. We want something more than what we now have.

I have listened carefully to the speeches and have read many of them made at this session, speeches like that made by my distinguished friend from Ohio [Mr. HULICK] a few moments ago, about the honor of our flag, and about its beauty, and all that sort of thing; about our country's greatness, our schoolhouses, and our churches, and we have heard from time to time that when the note of war was sounded we would simply stamp on the ground and immediately millions of soldiers and hundreds of ships would come floating through the air in order to defend our frontiers. All of which I recognize as very pretty poetry of speech and very beautiful in thought and expression. While, however, it stirred my pulses and roused my patriotism, as was intended by the speakers, I could only say, as Marshal Saint Arnaud said of the charge of the Six Hundred at Balaklava, "It is very beautiful, but it is not war." [Applause.]

Just imagine for a moment that we were engaged in war with a foreign country; imagine that the time comes of which my friend from Ohio speaks so eloquently, and that an armed fleet is coming across the Atlantic to assail our unprotected seacoast, and see what would be the result if we follow his advice. Imagine Gen. Nelson A. Miles of the Army and Admiral Ramsay of the Navy embarking on a pilot boat, cruising out into the harbor of New York robed in the gaudy folds of the American flag, one of them reading aloud the eloquent speech of that Senator who said that he had lost his father in one war and was willing to lose his son in another, the other reading the speech of that other Senator who wanted the shots from our cannon to enter the seraglio of the Sultan of Turkey to carry deliverance to that people, and both reciting the speech of the honorable gentleman from Ohio [Mr. HULICK], who talked so eloquently just now of schoolhouses and patriotism and churches and Clara Barton, and all that sort of thing, in the vain endeavor to hypnotize the advancing fleet of ironclads, and thus prevent the looting of the commercial center of the United States. [Laughter.] Why, even our honored President, if he should wave in one hand the Declaration of Independence and in the other the national ensign, and undertake to repeat in basso profundo voice Drake's apostrophe to the American flag, while his entire Cabinet circled round him and sang the Star Spangled Banner to the strains of the Marine Band, could not prevent Washington being sacked a second time by the English fleet if we were to declare war again upon Great Britain unless he was backed by ironclads. [Laughter and applause.]

Mr. Chairman, the only way to maintain ourselves, the only way to set at naught the powers that may combine against us, is to have battle ships, and plenty of them, and accentuate the patriotic speeches we make with the thunders of our cannon from the ships of our Navy, and so believing, I deem it essential that we should have a large Navy, and most cheerfully support the committee's recommendation and the amendment offered by my friend from Indiana [Mr. HANLY], who so eloquently addressed you this afternoon.

We read of British consuls in foreign lands spreading the British flag on the ground and defying their enemies successfully, and saving the consulate and people and property therein from injury and death, and we read of them sometimes protecting American citizens from insult and from violence by spreading that flag above them. Why is it? It is because of the power that is behind that flag. It is because that all over the world it is known that you may kill a British consul, you may destroy a British flag and make quick work of it, but within a longer or a shorter time the red cross of St. George, floating from the masthead of a British man-of-war, will make that cross grow redder yet in the blood of the assassins of the Englishman or the insulter of the English banner. [Applause.] We ought to make our flag respected just as much as is that of the greatest of foreign nations respected. We demand that the emblem of our country shall float as proudly as any, and forever stand as an evidence that back of it is a power that will not be insulted and will not allow its citizens to be molested. [Applause.]

I can remember the massacre of the crew of the *Virginius* in Cuba, and felt then, as I feel now, ashamed of my country because it did not protect its people as they ought to be protected in a foreign land, and as they must and shall be protected in the future if we are true to ourselves, our history, and our nation. [Applause.] But they say we have not money enough. Good God! if we have not, let us borrow it. It is easy enough to borrow it to pay salaries. Let us borrow it to pay for ships. Let us borrow it, and not discuss this question simply and solely as though it was partisan politics. Do not say always that when we Republicans come into power then we will be able to build ships. Do not postpone the day of doing good. Borrow the money if necessary. The American people will sustain us, because they always sustain the party that protects the American flag, the American honor, and the American citizen. [Applause.]

We all know that the brightest pages of American history are those whereon are inscribed the records of the achievements of the American Navy. Starting from the Revolutionary times, who has not had his blood thrilled with patriotic joy as he read of the conflict of the *Bon Homme Richard* with the *Serapis;* who has not waved his hat in triumph as he cheered and cheered again for John Paul Jones, the victor in that bloody battle. [Applause.] Coming down to 1812, who is it that has not echoed again and again the words of Senator Stockton, of New Jersey, when he said:

Who was it in the dark days of 1812, when your armies on shore were covered with disgrace and defeat, when Winchester had been defeated, when Hull had surrendered, and the whole Northwest was open to the incursions of a savage and a foreign foe—who was it that bearded the British lion in his den and waked the echoes of old Albion's cliffs with the thunders of his cannon and the shouts of his victory? It was the American sailor.

[Applause.]

The names of Decatur and of Perry come down to us now as the heroes of our country's second struggle with the mother country. [Applause.]

In the rebellion, who does not remember the deeds of Foote and of Porter and of grand old Farragut [applause] when they carried the flag past the ironclad batteries of Vicksburg; when they carried the flag through the mouth of the Mississippi; when they stormed the forts at Mobile, and proved that the valor of 1776 and 1812 was equal if not excelled by the sailors of 1861 to 1865. [Applause.] And in our later days, who is it that was not proud of Fighting Bob Evans when he cleared his ship for action in Valparaiso and said his sailors must be protected? [Applause.] Who is it that was not proud of Admiral Benham in Rio de Janeiro when he said to the commanders of the ships in that harbor, that outnumbered, outmanned, and outclassed him, that he would take the American trader into port and let them fire upon the flag if they dared, and did it. [Applause.]

We are all proud of them. We were and are proud of our sailors; we were and are proud of our Navy, and proud of its history. We believe that the sailors of to-day would write new records of victory upon the history of our Navy and of our country; that they would inscribe new glories upon historic tablets; that they would do all that men could do. [Applause.] But, as Napoleon said, "God fights on the side of the heaviest battalions," so our small Navy would magnificently sink beneath the shots of the overwhelming force of many a foreign country, refusing to surrender, but unable to conquer. [Applause.] The day of

miracles has passed. There are no Davids, no Goliaths, at the present time. They can not be duplicated. You can not sling pebbles against the shot of rifled cannon and have any hope of success in the engagement. [Laughter.] We might be as bold, we might be as valorous as the celebrated bull, the very proudest of his race, the gamest and strongest of the bovine tribe, who charged upon the locomotive, believing it was interfering with his vested rights in the field wherein he pastured. After the collision, in the language of the poem detailing Casabianca's fate, they said:

That bull, oh where was he?

[Laughter.]

So it would be with our Navy if we undertook to engage in conflict with the navies of foreign nations. We would ask, "Our Navy, where is it?" for it would be gone from our gaze forever more. The cheese box of Ericsson is the nearest approach to a miracle of modern times, and it might be that the genius of Ericsson could be dimmed by that of the more modern inventor in excelling the almost miraculous production of the destroyer of the *Merrimac* by presenting some new electrical coast defender; but it is not safe to take any chances. We need a strong navy so as to be prepared for any event at any time regardless of our hope from the wizard of the day. We are preeminently fitted to have and maintain a powerful navy by our country, our climate, and our situation, and all demand one at our hands.

Ever since this session began we have been acting like a boy at school with a chip on his shoulder, walking around and asking somebody to knock it off. [Laughter.] We have paraded ourselves among the nations of the earth, interfering in foreign affairs, admitting that in so doing we were leaving the landmarks of the nation in order to interfere in the affairs of foreign countries—something we never sought to do before—and we must be prepared to fight if the chip is knocked off our shoulder. I have been told by the gentleman from Illinois, the chairman of the Committee on Appropriations, that in a certain friendly game that it is said is played in Washington it is unwise to bluff too often, because you will be called and lose if you do. [Laughter.] Now, in this bluff that we are playing with the nations of the earth somebody may call us, and where shall we be when the bluff is called? [Laughter.] We may say that our cause is just; we may say that it is Freedom's cause; we may say, in the language of the gentleman from Ohio [Mr. HULICK]:

Thrice is he armed that hath his quarrel just.

That sounds good and grand, either on the stage or in a speech. But let me tell my friend that in the years I have passed upon this earth I have always found that a well-sharpened sword or a well-oiled and loaded revolver for a man, or a strong army and a powerful navy for a nation, will beat a thrice-armed just quarreler every day in the year. [Applause.]

Hence we need a strong navy; because, although our cause may be so just that the very angels in heaven will sing psalms of joy that America has so just a cause, unless we have something besides a just cause to defend ourselves with, the devils in hell will laugh at our discomfiture, and tell us that we deserved it because we were not prepared for the trouble that we brought upon ourselves. [Laughter and applause.] The more ships the better. You can not have too many for the American people. I prefer 16 to 6; I prefer 6 to 4. I prefer 50 torpedo boats to 15. They are all needed; they can all be used—every one of them. And if we can not get armor plate enough now, let us offer a premium to some man to invent armor plate, and see if we can not get it.

Is it possible—is it not a libel on American intelligence and enterprise to say that we can not get armor plate enough? Why, when I heard the gentleman from Ohio [Mr. HULICK] make that statement—that we could not get armor plate enough to cover the six ships—I looked around this House, hoping to see the tall form of the gentleman from Iowa, who made so eloquent a speech the other day in defense of protection, rise to his full height and say, "You are mistaken; because protection will give us any amount of armor plate." [Laughter and applause.] I expect we can get it; and I say to you it is a mere subterfuge, if you will pardon the expression, to cover up the real issue and prevent the necessary increase of the Navy. It is because, in the language of the gentleman from Indiana [Mr. HANLY], you are afraid of close Congressional districts in these United States. You are afraid of the effect upon the people of the country; you are afraid to spend more money. You are going ahead with this "do-nothing" policy in the hope of hoodwinking the people, which I do not think you can, for the people believe in a do-something policy. [Applause.]

A large increase in the Navy is a good thing in another aspect of the case. It will relieve the congested state of the Navy Department, so far as its officers are concerned. The personnel of the Navy is loudly clamoring for reform. The Engineer Corps of the Navy, as my friend from New York [Mr. WILSON] on my right knows, is clamoring for reform and for needed legislation. We can not hope to give it in any other way than by having more ships. Men are now growing gray in the service as ensigns and lieutenants, with no hope of promotion. New ships and new torpedo boats will give work for all the officers. It will allow ambitious and deserving young officers to become captains, commanders, commodoers, and even admirals before the time comes for them to retire from the service because they have outlived their usefulness. A large increase in the Navy, in building more ships and torpedo boats, will give employment to thousands of workingmen, and thus help the country. God knows we have too many idle men in the United States now. The tramp of the unemployed is heard on the pavements of every city of this nation, striking terror to the heart of the taxpayer and causing sorrow to every lover of humanity.

It is the duty of the Government to aid them if it can. I do not believe in socialism; I do not believe in paternalism; but I think when the Government can give employment to the deserving poor of the land the Government ought to do it. [Applause.] No Government is entitled to the support, the respect, or the confidence of its citizens unless it cares for those citizens in woe as well as in weal. In every aspect of the case, then, these additions should be made. Let us make our Navy an instrument of war, and not a plaything of peace. Our Navy, compared with that of most foreign nations, is like the caravels of Columbus compared with the famous White Squadron, which we own and of which we are so justly proud. Sir Francis Drake sailed around the world in the wooden vessel *Pelican*. The stories of his victories recount one continued march of triumph wherever he went, and sound like fairy tales. The *Pelican* was a grand ship of its time. To-day the *Pelican* would be no match for the smallest armored boat that we have. And so with our Navy. It is good as far as it goes, but it does not go far enough, compared with the navies of other nations of the world. We are in a condition compared with them like Sir Francis Drake's *Pelican* compared with us.

I want to see an American ship on every sea, carrying our glorious banner around the world, keeping in line everywhere with the noise of the drumbeat of Britain's power, the symbol of freedom everywhere, the hope of patriots in every land, the pride of every American, the protector of every American citizen everywhere on this earth, regardless of his color or condition. [Applause.] In olden times the words "I am a Roman citizen" protected any man when he uttered them, whether on the banks of the Euphrates or on those of the storied Rhine, whether on the plains of Persia or in the mountains of Spain. Why, in that ancient day to be a Roman was greater than a king. [Applause.] I want the announcement "I am an American citizen" to be as the Roman cry was in the day of the Cæsars—a title of nobility, an armor of defense, a sword of protection, a shield for the weak and suffering, the undying glory of this great nation, man's last and best attempt at self-government. [Loud applause.]

Mr. BOUTELLE. I now yield ten minutes to my colleague on the committee, the gentleman from Pennsylvania [Mr. ROBINSON].

Mr. ROBINSON of Pennsylvania. Mr. Chairman, I have heard with great pleasure the eloquent forensic song and dance given to us by the young gentleman from Indiana [Mr. HANLY] and the brilliant remarks of the gentleman from California [Mr. JOHNSON]. If you will review the legislative record since constitutional government began on this side of the Atlantic and discussions about appropriations for the Navy were first recorded, I doubt if you will find more encomiums or a stronger defense of what the immortal Lincoln called "Uncle Sam's webfoot"—the Navy—than have been spoken upon this floor during the present debate. There has rarely been—as occurs with the Army, the other branch of the service—a strong defender of the Navy upon the floor of this House. It is a very glittering subject; one filled with glamour and romance. A man can easily make a speech full of statistical and historical canned goods [laughter] about the magnificent achievements of the United States Navy. He can go back to the time of Paul Jones and run the gamut of true heroics down to the day of the brave old Admiral Farragut, and it all reflects fadeless credit upon the patriotism, the bravery, and the courage of the American people, and the officers, seamen, and marines of the American Navy.

But, Mr. Chairman, we come now, in discussing the amendment, to a cold, plain question of what appropriations we shall make for the increase of this branch of the service. No committee of this House, I think, has given more careful, more industrious, or more arduous labor to the work intrusted to it than has the Committee on Naval Affairs and its able chairman. There was a difference of opinion in the committee as to the number of battle ships that we should authorize. I am free to say that I was myself at first favorable to an appropriation for six ships.

Mr. HANLY. Did you not so vote in the subcommittee?

Mr. ROBINSON of Pennsylvania. I did so vote in the subcommittee.

Mr. HANLY. What changed your mind?

Mr. ROBINSON of Pennsylvania. I did so vote there, and I am perfectly willing to accept the responsibility of it.

Mr. BOUTELLE. Mr. Chairman, I want to suggest to the Chair and to the Committee of the Whole that, while I have no

objection of course to the disclosure of anything that was done in the committee, yet if we were to enter upon that sort of discussion here it would not only be very much contrary to usage, but it might lead to a discursive kind of debate that would not be useful. It is customary for the members of a committee to bring only their conclusions into the House. Of course, in reaching conclusions, different gentlemen often take different views of a subject, but it is not necessary to discuss in open House the statements or the arguments that may have been employed in the committee from the beginning of the consideration of a question until the conclusion was reached. I therefore suggest to the gentleman from Indiana and to the gentleman from Pennsylvania that this discussion had better be confined to the desirability of making the appropriation proposed by the committee.

Mr. HANLY. Mr. Chairman, I wish to suggest to the gentleman from Maine that I shall be the judge of my conduct, and do not ask advice from him.

Mr. BOUTELLE. Well, Mr. Chairman, I thought a suggestion would be enough, but now I shall reluctantly make the point of order that it is not in order, in a debate in the House, to refer to discussions or proceedings that took place in committee.

The CHAIRMAN. The gentleman from Pennsylvania will proceed in order.

Mr. ROBINSON of Pennsylvania. Mr. Chairman, this interlocutory matter does not come out of my time, I hope. [Laughter.] Now, sir, I am as familiar as other gentlemen with the magnificent display made all around the world by that great naval power, England. I have been around the world, and know it is round [laughter], and in every part of the world and on every sea, wherever there is an English keel, there follows an English commercial interest, and back of that to protect it is the whole power of the most magnificent navy in the world. I have seen England's fleets in the Mediterranean, at Cape Town, in Australia, and in British India. I have seen them in the harbor of Hongkong, in the Orient. I have seen them in the land Rudyard Kipling says—

East of Suez, where the best is like the worst,
Where there aren't no Ten Commandments, an' a man can raise a thirst;
On the road to Mandalay,
Where the old flotilla lay;
On the road to Mandalay,
Where the flyin'-fishes play,
An' the dawn comes up like thunder outer China 'crost the bay!

[Laughter.]

I have noticed her mailed fleets flying, not what the gentleman from California calls "the red cross of St. George," because the English national marine does not fly any red cross, but a white flag, in every quarter of the globe. That, however, is not material. I have seen all this. But, Mr. Chairman, I am not afraid of England or of the English navy, and the American people are not afraid of her or of her navy. In the great Olympian race of nations we are not going to compete with her in this enormous nautical militarism. We fear her not. I recall a story in regard to President Jackson. He was riding one day with the French minister around the environs of Washington, when riding there was not so pleasant as it is now. Jackson, with all his other accomplishments in Americanism, did not understand any French, but he had an interpreter, a secretary, riding at his side who did the French act for him, and while this secretary and the French minister were conversing very animatedly old Jackson, with his cloak wrapped around him, was in a state of quietude. After a while, however, he turned to the secretary and asked: "What is he jabbering about?" The secretary replied, "Mr. President, he was telling me how a French fleet could come up the broad sweep and reaches of the Potomac, get within gunshot of the capital, and how easy it would be for such a foreign fleet to take the capital." Old Jackson, that iron-nerved, lion-hearted old patriot, turned around to the secretary and said, "Take hell!" [Laughter.]

So, Mr. Chairman, the American people will reply when they are threatened with the English navy, or with the French navy, or with all the navies of the world united. To conjure up these suppositiious dangers has no fear for the true American patriot. I am in favor of increasing our Navy liberally, sufficiently to make it a constabulary on the high seas for protecting our commerce and defending our flag, but for any purposes of minatory, warlike action, or of vain military display, I am opposed to it, and my people are opposed to it. They are in favor, as I am in favor, of just appropriations for the purpose of giving us a modern Navy that will give effective surveillance to all of our maritime interests, but not for the purpose of vainglorioously racing with England; not for the purpose of competing with the Continental powers in any display of extravagant militarism. I represent a constituency where there is, perhaps, the largest number in any one district of the people known as "The Society of Friends." They believe, conscientiously, in peace, in arbitration, and that war is simply organized savagery. They believe in the words put into the mouth of Richelieu by Bulwer Lytton:

Beneath the rule of men entirely great,
The pen is mightier than the sword.

They dream the dream of the true statesman, and by tenets and creed strive to hasten the day described by Tennyson, "when universal peace shall lie like a great shaft of light across the land." That the world is not to-day abreast of their faith is because it is not abreast of the teachings of the Prince of Peace. A great navy, tempting us to embroilment and foreign war, is one thing; a navy of modern construction and sufficient in size to protect our coast line and commerce, is another. I believe the American people, respecting the advice of the fathers of the Republic so far as applicable to the changed conditions to-day, desire the latter; and even though they do not, the "jingoist" who represents them is subject to the limitations of a reduced reserve and cofferless Treasury. Although nearly 90 per cent of any appropriation contemplated by the amendment of the gentleman from Indiana would be expended in my own State; although in my own district and county magnificent ships can be built, I hesitate to support the increase. At Chester some of our finest vessels have been built, both for our national and commercial navy, among them that magnificent vessel, the finest ship of its class that ever sailed the sea, "a thing of beauty and a joy forever," whose builder was maligned and, through the action of the Democratic Secretary of the Navy, hampered and halted in the payment for it—the United States steamer *Dolphin*. Both builder and ship have been vindicated. It has been demonstrated by the present Secretary, Mr. Herbert, that of her class there is no vessel excelling her. She first ran from the ways of the shipbuilder into the tide water of the Delaware in one of the counties of my district. Nothing ever appertaining to her was "structurally weak" save the vicious attacks made upon her and her builder—that grand old man, the father of the American modern navy and faithful friend of protection—the late John Roach. [Applause.]

I feel that in voting for four ships now, instead of six, we go to the extreme limit, if we take into consideration the fact, among other arguments, that the types of modern vessels are constantly and quickly changing, and that possibly before these ships are built and launched there will be so radical a change in these fighting platforms, in these magnificent battle ships—into which we put millions of dollars—that it may be that the money would be wasted, as it has been wasted, absolutely wasted, in the construction of other vessels before this. I take it that the committee's action was wise in coming to the conclusion in favor of four ships instead of six. I thought it would be prudent, at a time when the sentiment of the House seemed favorable to a moderate increase of the Navy, to vote in subcommittee for six ships rather than four; but I believe——

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. ROBINSON] has expired.

Mr. ROBINSON of Pennsylvania. I ask for two or three minutes more.

Mr. BOUTELLE. I yield to the gentleman.

Mr. ROBINSON of Pennsylvania. But I believe now that the considerate judgment of the committee as reported in the bill is right. We wrestled with the question for a long time. We debated it in committee again and again, and we came to the conclusion finally that in authorizing 4 ships at this time (for, as the chairman of the committee will explain, we are practically undertaking to build 6 ships, the 2 provided for by the last Congress not having been fully appropriated for)—we are building 6 ships within a short space of time and we go far enough in the direction of increasing the Navy of this country—not increasing it for the purpose of war; not increasing it for the purpose of parading belligerently a navy around the world, but increasing it for the proper purpose, of policing the seas, of guarding our coasts, of looking out for the commercial interests of our country as against the predatory commercial disposition of England and the other great powers. We will receive the just approval of our constituents and of this Republic, which, upholding and defending the cause of self-government and civil liberty on this hemisphere, at the same time deprecates "jingoism" and all that savors of it. [Applause.]

Mr. HANLY. I yield the remainder of my time to the gentleman from New York [Mr. CUMMINGS].

Mr. CUMMINGS. Mr. Chairman, during the nine years that I have been a member of this House I have never failed to support the most liberal appropriations for the increase of the Navy. In one Congress I went so far as to vote with the gentleman from Maine [Mr. BOUTELLE] to recommit a naval appropriation bill to the Committee on Naval Affairs with instructions to report a provision for the construction of more ships.

I have listened here with great pleasure to the speech of the gentleman from Indiana [Mr. HANLY]. It is a speech that gladdens my heart, coming as it does from the State of Indiana. We have heard far different music from that State in the years that are past. There has been here a statesman from Indiana who has boldly asserted upon the floor of this House that half a dozen canal boats were enough for the American Navy. His hatred of the Navy became almost proverbial.

I have listened with equal interest to the speech of the gentleman

from California [Mr. JOHNSON]. It was melody from the Pacific Coast. These gentlemen have spoken of the present and the future; no one has spoken of the past. We must judge of the future by our experience in the past. The past shows that a strong navy is a vital necessity to every free and independent nation. From the day when the Greeks defeated the Persians in the Bay of Salamis down to the present time the navy has always been a vital factor in the history of nations. Hannibal crossed the Alps and descended upon the fertile plains of Italy. He remained there seventeen years—longer than Napoleon maintained his supremacy in Europe. He was at last defeated, not by Roman armies upon the Peninsula, but by the Roman galleys and triremes. A Roman navy transported the troops of Scipio from Italy to the African coast, changing the seat of war, and forcing the withdrawal of Hannibal. His decisive defeat at Zama was the result of the operations of the Roman navy.

Without a navy, sir, we never should have been successful in our Revolutionary war. In the darkest hour of our struggle then the sky was illumined with the flames of the *Bon Homme Richard* and the capture of the *Serapis* by Paul Jones. He kept the whole coast of England in continuous alarm with his little war ship, indeed, sir, from the day when William the Norman landed in England that country was never invaded until Paul Jones landed his sailors and plundered British estates.

But, sir, there was another navy that made its mark in our Revolutionary history. It was the French navy, under d'Estaing and the Comte de Grasse. It was the French navy that forced the surrender of Cornwallis at Yorktown. Without the presence of the French navy there would have been no capitulation. Without the French navy the few British ships under the command of Admiral Howe at New York would have sailed up the Chesapeake and have relieved the British general from his untoward position. So it is that I say this country would not have been free and independent and the nation it is to-day without the assistance of the French navy.

Let us go a little further. After we had gained our independence France had her own revolution, upon which the structure of an empire was founded. Napoleon became emperor—the admiration and at the same time the fear of the world. We seem to believe that Wellington defeated Napoleon. Ah, Mr. Chairman, that is a great mistake. Wellington gained the battle of Waterloo, but the man primarily responsible for the destruction of Napoleon was Lord Nelson. The French fleet was the right arm of Napoleon, and Nelson repeatedly destroyed it. When Napoleon had secured an alliance with Holland an English fleet rendered the Dutch fleet useless. When the alliance with Denmark was made, and its purpose was to secure the assistance of the Danish fleet, it was Lord Nelson who bombarded Copenhagen and seized the Danish fleet. When the Emperor Paul of Russia was ready to make an alliance, it was Nelson in the Baltic who broke off the negotiations by threatening the Russian fleet.

It was Nelson who destroyed the French fleet in the Bay of Aboukir and shut up Napoleon in Egypt. It was Nelson who maintained English supremacy in the Mediterranean in spite of all of Napoleon's efforts against him. It was Nelson who caused England to disregard the provisions of the treaty of Amiens and retain her grip on the Island of Malta. It was Nelson who destroyed the Spanish fleet at St. Vincent and the combined Spanish and French fleets at Trafalgar. Napoleon's final destruction was due to Nelson and the British navy. France was isolated—cut off from the rest of the world by his operations. She had no intercourse with the outside world. She had neither exports nor imports. Her commerce was destroyed. She was compelled to feed upon herself. She was forced to furnish her own supplies, artillery, and munitions of war. Provisions and men finally gave out. France had exhausted herself, and Wellington finished the work begun by Nelson. It demonstrated the value of the British navy. It had won for England the greatest fight of modern times, and fastened upon her the greatest national debt in the whole world.

Now, Mr. Chairman, let us come down the aisles of time to the war of 1812. Is there anything on the land except Macomb's one fight at the Saranac upon which we can plume ourselves? The battle of New Orleans, remember, was fought after the treaty of Ghent. When Hull had surrendered at Detroit, when Scott had been captured after Lundy's Lane, when the American Army had been driven back across the Niagara, when Wilkinson had made his fiasco upon the border, and the whole nation was plunged in the darkness of gloom and despair, the glorious news of the victory of Perry on Lake Erie and of McDonough on Lake Champlain aroused the enthusiasm of the people anew and excited their patriotism to the utmost pitch. And there was glorious music on the ocean. Decatur, Barron, Bainbridge, Hull, Stewart, Porter, and a score of American naval heroes were driving home the iron pellets of liberty. These were the victories that forced England to the treaty of Ghent, and which made her acknowledge that thereafter American vessels should be free from search upon the high seas and American sailors free from danger of British impressment.

Now let us speak of our own internal troubles over thirty years ago. The Confederacy was ranged on one side and what was left of the Union on the other. Who segregated the Confederacy? Was it Sherman? Why, it had been torn in twain a year before the march to the sea; torn in twain by Farragut, Porter, and Foote. The Mississippi River had responded to the prediction made by John A. Logan on the floor of this House in 1861. It was again made a free American river. New Orleans was in the hands of Farragut before McClellan had got through fighting on the Peninsula. The American Navy closed the ports of the Confederacy and sealed them as the ports of France had been sealed by Nelson fifty years before. It was the American Navy that forced the victorious result. Without it there might have been to-day two confederacies, one North and the other South. With it the Union shall ever be preserved.

Mr. Chairman, I said in the beginning of my remarks that we must provide for the future in the light of the past. Within one year we have had a lesson in naval warfare which we should heed. The little Kingdom of Japan, with scarcely thirty-five millions of inhabitants, has overwhelmed the oldest, the richest, and the most populous Empire on the face of the globe. It did it within six months. Where would Japan have been but for her navy? It was the navy of Japan that did the work. The Yalu will live in history at the side of Trafalgar. Let us heed well the lesson.

There are war clouds on our own horizon. No matter who made them, they are there. If we work and act in accordance with what we have heretofore proclaimed on the floor of this House, we will make liberal provision for battle ships of similar type to those that destroyed the hope of China. We have been threatened by an island nation, the same as Japan, with a navy far more powerful. We have to-day at least three causes of irritation with that nation. There is the Venezuelan question, there is the boundary question in Alaska, and there is the question of our fur-seal fisheries. The Bering Sea Commission recommended an appropriation of over $400,000 to pay England for destroying our property in that sea, but the House voted down the proposition.

Did you mean it when you voted it down? Did you mean to accept the necessary and natural consequences arising from your action? If so, now is the time to show it. Did you mean it when you voted unanimously to sustain the recent declaration of the Monroe doctrine? If you did, prove it by your vote. [Applause.] Did you mean it when you bade defiance to Spain by your vote on the proposition to recognize the belligerency of the Cuban patriots? If so, enunciate it by your vote on the amendment offered by the gentleman from Indiana [Mr. HANLY]. If you mean business, do business, for this is the time and this the hour to do it.

[Here the hammer fell.]

Mr. BOUTELLE. Mr. Chairman, has the time on the other side been exhausted?

The CHAIRMAN. The time on the other side is exhausted.

Mr. BOUTELLE. Mr. Chairman, I will say but a few words. There are some things which it seems to me ought to be said. There is really no question here in regard to the desirability of going forward with the work of building up the American Navy. This bill brings an assurance to the House from the committee that we are heartily in favor of continuing this work. I have been somewhat identified with our progress in naval construction during the last twelve or thirteen years, and have generally been regarded as favorable to a liberal increase of our naval armament from time to time. I feel very much gratified at the pleasant references that have been made to my service in that regard by the gentleman from Indiana [Mr. HANLY], my colleague from Ohio [Mr. HULICK], and others, and I desire to say to them and to this House that I feel great satisfaction and pride in having emulated all of the liberality and enthusiasm of my previous record in this regard by presenting to this House to-day for its consideration, and, as I confidently believe, for its indorsement, provision for the largest amount of tonnage and for the largest expenditure for ships of war ever requested of the House of Representatives or of the Senate of the United States.

The appropriation bill now pending in this House carries an authorization for 4 battle ships and 15 torpedo boats, which constitute an aggregate of about 45,600 to 46,000 tons of displacement. That is by far the largest authorization that has ever been made in the history of our naval progress in any one bill. I made a brief computation a few moments ago, by which I find that the largest amount of tonnage previously authorized was in the first session of the Fifty-first Congress, when I had the honor of being chairman of the committee, when the authorization amounted to 33,550 tons. The largest previous authorization for the construction of ships amounted to only 25,600 tons. This act, as I said, carries an authorization for about 46,000 tons of the most expensive and powerful war ships ever authorized by this Government.

The same facts are true in regard to the liberality of provision for these vessels. I hold in my hand a statement in detail of the authorization of ships and the amounts appropriated in every bill since 1885. This statement covers all of the appropriations except

those for the *Chicago*, the *Dolphin*, the *Boston*, and the *Atlanta*, which should be also included in the new Navy; but this statement begins with my service upon the committee.

Mr. HANLY. Will the gentleman yield for a question?

Mr. BOUTELLE. If it is only a brief one. I have but half the time which the gentleman had.

Mr. HANLY. Is it not a fact that the Fifty-first Congress, at its first and second sessions, appropriated or authorized, for the building of the new Navy, under the head of "Increase of the Navy" no less than $26,582,000?

Mr. BOUTELLE. I do not know why the gentleman should want to ask that question when I was about making the statement. I have the papers in my hand. I am not talking about how much was appropriated at any two or three or four sessions of Congress. I am speaking of the annual appropriation bills. When we have made another bill next year we shall know how much this Congress has appropriated.

Mr. HANLY. The fact is as I have stated.

Mr. BOUTELLE. I am discussing the appropriation of this year, and as compared with any previous appropriation or any previous authorization of ships it is far the largest. The largest authorization of vessels prior to the Fifty-first Congress was in 1885, when the aggregate cost of all the vessels authorized was not to exceed $10,128,000. The next highest was in the first session of the Fifty-first Congress, when we began the construction of battle ships and authorized three of them. That bill made an authorization limit of $15,225,000. The bill of March 3, 1885, which authorized an expenditure of $10,128,000, made appropriations for only $3,500,000, leaving the larger part of the appropriation to future years. The act of June 30, 1890, which provided for the first seagoing battle ships and which authorized an expenditure of $15,225,000, made an appropriation to carry forward that work of $8,120,000. I might follow down and say that the act of March 2, 1892, provided for the authorization of vessels to cost $7,500,000 as the outside limit exclusive of armament, and appropriated $4,900,000. The act of March 3, 1893, provided for 3 gunboats of 1,200 tons.

That was the parting contribution of the present distinguished Secretary of the Navy, who left the chairmanship of the Naval Committee of this House to accept his present Cabinet position. That bill provided for 3 gunboats of only 1,200 tons each, the authorization of expenditures being only $1,200,000, and the bill carried no appropriation for carrying on the work of the Navy on these and the vessels then under construction. We had a good deal more money in the Treasury then than we have now. The act of July, 1894, provided for no construction whatever. It was believed by the committee at that time, my distinguished friend from New York [Mr. CUMMINGS] then being the chairman, at the request of or suggestion of the President of the United States, that Congress should regard the depleted condition of the Treasury before entering upon any new obligations for expenditures of that kind, was sufficient justification for making no provision in that Congress for any new ships whatever; and the bill appropriated $9,955,000 for carrying on the work of the construction of vessels already authorized.

Then we had a change. I do not know that the political situation had anything to do with this matter, but between the second and third sessions of the Fifty-third Congress a great popular revulsion changed the complexion of the House of Representatives; and then we had the experience that the committee, which, on the 26th day of July, 1894, deferring to the recommendation of the President that we consider the depleted condition of the Treasury before providing for more ships, on March 2, 1895, when the Treasury certainly was not in a much better condition, they came in with a recommendation of 2 battle ships and 6 gunboats and authorizing an expenditure thereon of $5,905,000. They made an appropriation for carrying on the work upon vessels under construction, and a very small appropriation for making the plans, etc., of the 2 battle ships. The aggregate appropriation carried by the bill was $13,304,000.

Now, right there I want to call the attention of the House to a fact that is important in the consideration of the question now before us. As a matter of fact, while this committee authorizes in this bill the construction of four additional battle ships, this appropriation bill is really inaugurating the construction and providing for the beginning of the construction of six battle ships. The act of March 2, 1895, providing for two battle ships, did not appropriate any money for the construction of those vessels. It did provide a small sum, in one of the items constituting the aggregate of the appropriation bill, to carry on the work of drafting and designing these ships; and, although the Department was ready to advertise for bids for the construction of these vessels on the 2d day of March, 1895, they were not put under contract until the 2d day of January, 1896. No provision was made for their construction last year. We are making provision in this bill for the construction of those ships. We are carrying in this appropriation all the money that the Secretary of the Navy has estimated can profitably be spent on these two ships this year, and it will be the first money expended on them. They will be the children of this Congress, if I may use that expression in regard to ships. We are providing their first sustenance, and are going forward building them.

In addition to these two ships we have stretched the limit of liberality by providing for four more of these most expensive ships ever authorized by the Government.

The table from which I have taken the foregoing figures is as follows:

Increase of the Navy.

Date of act and object of appropriation.	Amount authorized.	Amount appropriated.
Under act of Mar. 3, 1885:		
Total under this act	$2,995,000	$1,895,000
Under act of Aug. 3, 1886:		
Maine	2,500,000	
Texas	2,500,000	
Baltimore	1,500,000	
Cushing	100,000	
Double-turreted monitors	3,178,000	
Vesuvius	350,000	
Total under this act	10,128,000	3,500,000
Under act of Mar. 3, 1887:		
Monterey	1,000,000	
Concord	550,000	
Bennington	550,000	
San Francisco and Philadelphia	3,000,000	
Newark (increased)	200,000	1,500,000
On vessels previously authorized		2,430,000
Armament previously authorized		2,128,388
Armor and gun steel previously authorized		4,000,000
Total under this act	5,300,000	10,048,388
Under act of Sept. 7, 1888:		
Cincinnati (No. 7), 3,000 tons	1,100,000	
Raleigh (No. 8), 3,000 tons	1,100,000	
Cruisers 9, 10, and 11, 2,000 tons, $700,000 each	2,100,000	
Armored cruiser New York (No. 2), 8,150 tons	3,500,000	
Armored cruiser No. 6, 2,500 tons	1,800,000	
Steel practice vessel for United States Naval Academy, etc., 800 tons	280,000	280,000
Toward the construction and completion of vessels heretofore and herein authorized by Congress		3,500,000
Toward armor and armament of vessels heretofore and herein authorized		2,000,000
Total under this act	9,880,000	5,780,000
Under act of Mar. 2, 1889:		
Armored cruiser, monitor, 3,000 tons	1,500,000	
Dynamite cruiser No. 2	450,000	
2 gunboats, Nos. 5 and 6, 1,000 tons	700,000	
1 ram, 17 knots, 2,050 tons	930,000	
For the purchase of rapid-firing guns	50,000	50,000
Toward the construction and completion of vessels heretofore and herein authorized		4,055,000
Toward armor and armament of vessels authorized by act of Mar. 3, 1885; of the vessels authorized by sections 1 and 2 of the act of Aug. 3, 1886; of the unfinished monitors mentioned in section 3 of same act; of the Miantonomoh; of the vessels authorized by act of Mar. 3, 1887, and of those authorized by act of Sept. 7, 1888		2,500,000
Total under this act	3,630,000	6,605,000
Under act of June 30, 1890:		
3 seagoing coast-line battle ships, 8,500 tons, $4,000,000 each	12,000,000	
1 protected cruiser, 7,300 tons, 21 knots	2,750,000	
1 swift torpedo cruiser, 740 tons, 23 knots	350,000	
1 torpedo boat	125,000	
Toward the armament and armor for vessels authorized by act of Mar. 3, 1885; sections 1 and 2 of act of Aug. 3, 1886; of the unfinished monitors mentioned in section 3 of the same act; of the Miantonomoh; of the vessels authorized by act of Mar. 3, 1887; of the vessels authorized by act of Sept. 7, 1888, and of those authorized by act of Mar. 2, 1889		2,500,000
Gun plant, Washington Navy-Yard		145,000
Toward construction and steam machinery		5,475,000
Total under this act	15,225,000	8,120,000
Under act of Mar. 2, 1891 (1 cruiser)	2,750,000	4,400,000
Under act of July 19, 1892 (1 cruiser and 1 battle ship)	7,500,000	9,400,000
Under act of Mar. 3, 1893 (3 gunboats)	1,200,000	7,125,000
Under act of July 26, 1894		9,955,000
Under act of Mar. 2, 1895 (2 battle ships and 6 gunboats)	5,905,000	13,304,000

I brought into this House, under the instructions of my committee, in 1890, a bill carrying only three of these ships, at a time, Mr. Chairman, when we had probably $100,000,000 surplus of revenue in this country, and when our system of providing income for this Government was rolling up funds in the Treasury vaults to an extent that the surplus in the Treasury was made the slogan

and war cry of our political opponents from one end of this country to the other. Then, when the committee recommended the construction of three of these ships, the present Secretary of the Navy, then the senior Democratic member on the Committee on Naval Affairs, took the floor and opposed the construction of more than two; and he did it squarely on the ground that we ought not to go too fast. He took the ground then that he did not think we ought to have many of these ships, and he said in that speech, which I have in my desk, that he thought five or six would be enough. We have six under construction to-day; and he thought it extravagant, that we were going too far, in providing for the construction of three of these ships in one bill and that we ought to take advantage of the improvements that were likely to be made and spread this expenditure over a long period.

I want to advert to a statement made by my colleague, the gentleman from Indiana, which I have no doubt he made in good faith, and in which I have no idea he intended to create a misapprehension; but he did. He has given this House an impression—and I state that upon statements that have come to me from gentlemen around me—that I, the chairman of the committee, am so inconsistent that whereas I advocated provision for 10 battle ships in the Forty-ninth Congress, to-day I am only willing to give 4. The gentleman tells me he did not use the word "battle ships."

Mr. HANLY. I said "war ships."

Mr. BOUTELLE. Well, if the gentleman said "war ships," the impression made was the same.

Mr. HANLY. I say "war ships" yet.

Mr. BOUTELLE. The gentleman proposed unquestionably, if he proposed anything, to convict me in some way of an inconsistency; and he has utterly failed to do so. In the Forty-seventh Congress, on the 14th day of February, when the naval appropriation bill was before the House—and mark you in the year 1887, at the time when money was fairly leaking from the vaults of the Treasury, they were so full—I made a motion on this floor that we provide for 10—what? For 10 protected cruisers. Now, what is a protected cruiser?

Mr. HANLY. War ships.

Mr. BOUTELLE. Well, Mr. Chairman, the gentleman seems to think that "war ship" is a distinctive term, and that it is just as impressive if he accuses me of favoring the construction of a torpedo boat as if he accuses me of favoring the construction of a battle ship. But if the gentleman had read the motion carefully he would have seen just what it meant.

Mr. HANLY. I have read it.

Mr. BOUTELLE. Then why did not the gentleman say so?

Mr. HANLY. I have said so.

Mr. BOUTELLE. That motion proposed to provide for 10 protected cruisers, specified the size of the vessels, allowed ample time for their construction, and provided that the expenditure should be spread over a sufficient period. The aggregate cost of those cruisers, exclusive of armament, was to be $15,000,000, "which sum is hereby appropriated out of any moneys in the Treasury not otherwise appropriated; to be available during five years from March 4, 1887." So this immense mountain of extravagance which I was accused of having advocated, so far as the House understood the charge, turns out to be a motion to provide for 10 protected cruisers, to cost $15,000,000, and to be paid for in five years, involving an expenditure of about $3,000,000 a year.

Mr. HANLY. Exclusive of armament.

Mr. BOUTELLE. Exclusive of armament. That, Mr. Chairman, was my extravagant proposition made in 1887. Now, I do not know that it would have any great effect upon the judgment of the House as to the merits of this bill if I had been convicted of absolute inconsistency; but I want to say to my young friend that I stand to-day not only in as liberal an attitude as I then occupied, but I go beyond it, for I have not limited myself in this bill to asking this House to provide for an expenditure of $3,000,000 a year for the next five years for the construction of a few cruisers. I stand here now recommending a provision for the building of four first-class battle ships that are to cost in the aggregate, exclusive of their armament, $3,750,000 each, and that, on the basis of the latest bidding, will make them cost, when completed and armed, between $5,000,000 and $6,000,000 apiece, if not more than that. Instead of the small appropriation, the small annual expenditure, that was proposed by me in 1887 for those cruisers, the bill now under consideration authorizes ships that will cost in the aggregate nearly $2,000,000 more than the aggregate cost of those cruisers. That motion of mine involved an ultimate expenditure of $15,000,000. This bill as it stands here to-day, with the authorization of four battle ships, carries an authorization of an expenditure of $16,675,000.

Mr. DINGLEY. Exclusive of armament.

Mr. BOUTELLE. Exclusive of armament, and the armament costs almost as much as the ship. Now, if we add to that the appropriations that we make in this bill, and the real sponsorship that is here assumed for inaugurating the construction of the two ships that have been contracted for at Newport News, it increases the authorization of expenditure in this bill by $4,000,000 apiece for these vessels, which makes an aggregate authorization of expenditure amounting to about $20,000,000.

We have not followed the example of previous committees in putting in the tonnage and not making appropriation. I say to the Committee of the Whole that this bill carries in the appropriations recommended every dollar that the Department has estimated can be profitably expended during the current fiscal year, and, as my friend well knows, in addition to that we are carrying in this bill a large amount of deficiencies brought over from the last appropriation for various purposes of maintaining the naval establishment. One item in this bill of $350,000 is a deficiency arising from an inadequate appropriation for keeping in repair the ships that we have already in commission. We have granted it and made it immediately available for use this year, and we have added that deficiency to the full amount appropriated last year for that purpose, so that we ask the House to appropriate for the coming year $1,250,000 to keep our ships in repair, as against $900,000 carried in the last bill.

Now, Mr. Chairman, I think I have made it tolerably plain to the House that this is by no means a mean or an ungenerous appropriation. It is an extraordinary and, in view of the condition of our finances to-day, it is an extravagant provision for the public safety. I want to say to the gentlemen of this Committee of the Whole, every one of whom bears to some constituency and to the country at large the same responsibility that rests upon me—although perhaps for the moment, in regard to a particular measure, I may, and I hope I do, as I ought to, feel a special responsibility because the House has honored me with a special trust—I want to say to all of you gentlemen that it is your duty as well as mine to consider the propriety, to consider the expediency, to look like statesmen and public servants at the appropriations and the various provisions made by this Congress.

We are pledging the people of the United States to large expenditures. The building up of a new navy has cost large sums of money. The expenditure has not been extravagant. It has shown splendid fruits. I ask this House to repose in me in these few closing remarks just such confidence as it may see fit to do, when I say that with a long experience in connection with shipbuilding and with a comparatively long experience in service on the Naval Committee—notwithstanding the statements which have been made here with regard to the facility with which we can supply these vessels with armor and guns—I say to you we have had these same assurances in the past. While I accord the highest credit and praise to these great steel-producing plants for overcoming the difficulties under which they have labored and for getting these works forwarded as they have, I do not believe that providing in this bill for six battle ships additional would give us the last of those ships one month earlier than if we appropriate for four now and follow that action up hereafter with a provision for other vessels.

I know that this is not simply a question of setting those works in operation on the 1st day of January and running them at full capacity through the year. I know practically that for a large portion of this armor they have got to wait until the ship reaches a certain stage of her completion in order that accurate measurements may be taken from the completed hull before they can begin to finish up the armor for those vessels. Therefore, for every ship additional that we authorize we crowd additional work into a limited period.

It does not answer this argument to come in here and show that a certain output of necessary material may be relied upon on an average, working all the time. We must take actual experience; and if I had time I would show, as I shall perhaps take the liberty of showing more fully in my extended remarks, that delays have continued up to last year, and that it is only within a very short time that the battle ships which I had the honor to report to this House in 1890—six years ago—have received the last of their armor.

That has been answered by the statement, "We have gotten over all the difficulties, and now we can do an unlimited amount of work." I do not think that is so. I think there are yet limitations, and that if we provide, as we shall if this bill is passed as printed, for beginning—mark you, beginning—after this date the construction of six of these great battle ships, which can not be put under contract and started before January, we are not only entering upon the largest amount of ship construction in the history of this Government, but we are taxing our facilities to a very great extent.

In regard to the type, I have never encouraged the argument that we should not build ships or guns to-day because some better ones may be built to-morrow. Following that argument, we would never build any. I have heretofore stated in this House, and I repeat to-day, that I believe the general type and character of the battle ship which is designed by the American Government to-day is not only by all odds the best, the most powerful in any

navy in the world, but I believe that the type is substantially fixed for some time to come. I can not guarantee that, however, in this age of discovery. In view of the discoveries and inventions of the last few years—in view of some of the marvels of the last few months—he would be a bold man who would dare to say there will be no great change within an early period. But I am satisfied that we are justified in coming forward now and adding to our naval force upon an approved type that is believed to be to-day substantially on the right line for some time to come. But it is not true, any more than it has been in the past, that we can not improve even from month to month.

The *Iowa* is claimed to be an improvement upon the *Indiana*. The battle ships that are to-day under contract at Newport News are claimed to be superior in important respects to the *Indiana* and the *Iowa*. The *Indiana*, the *Massachusetts*, and the *Oregon*, concerning which I say freely that I believe they are the finest completed ships in the world, were experimental ships with us. They were the first battle ships that we had ever tried to design; and they reflect eternal honor upon their designers. It was a marvel for us to be able to step into this untrodden field and in the first three great fighting ships that we put afloat show that we could not only build ships here of a character almost as good as those constructed in the great shipbuilding establishments of Europe, where they have been engaged for generations in that work, but that we had actually built ships that are conceded by British naval architects, by experts from Japan, and by other maritime powers to be the most powerful vessels in the world.

But nevertheless, as I have said, the *Iowa* was an improvement, and to-day the *Indiana* is lying somewhere inside the points of Port Royal waiting for some extraordinary rise of the tide or some interposition of Providence to enable her to get into a dry dock, because she draws too much water for that dry dock, or because the harbor has not as much water as it ought to have. In view of that fact, the Department, in designing the two ships now under construction at Newport News, has modified, wisely and beneficially, as I believe, the design——

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. BOUTELLE. I ask a few minutes additional.

Mr. WATSON of Ohio. I ask that the gentleman from Maine be allowed so much additional time as he may desire to finish his remarks.

Mr. HANLY. I hope that will be granted.

There was no objection.

Mr. BOUTELLE. I am very grateful to the committee for its courtesy and certainly will not abuse the privilege accorded to me.

Mr. GROSVENOR. If the gentleman will permit me, I would like him to give the committee information, that he can give, in regard to the facilities the Government possesses for docking the great war ships.

Mr. BOUTELLE. I will do so with pleasure if the House desires the information.

But right here let me say, first, that the modification of the models of these ships, by which less draft is secured, is, in my judgment, a very great and marked improvement. But the modifications which have been made afford no substantial criticism of the work of the designers of the first three battle ships constructed, all of which can enter a large number of our harbors, and for all of which there will be adequate docking facilities during the present year at certain points.

But the weights of the great battle ships are an enormous factor in calculation; and in the evolution of these great engines of war, from the incipient plans until they are finally assembled, we have the best result of the study, the experience, and the knowledge of naval construction, which has resulted in building larger ships than were at first contemplated. While their drafts, I will say, are marvelously in accord with the calculations of the designers—indeed, I may say, it is one of the most marvelous things in naval architecture, the accuracy with which these calculations are made—yet it was deemed advisable to have these vessels of less draft if possible, without impairing their usefulness in other ways, and so these two ships last contracted for have been given more floor space—more beam—so that they have less draft, and will be able to enter ports that the other vessels could not enter. Another reason why there have been changes, not of a typical or fundamental character, not in contravention of the desirability of having built the former ships of the Navy, but most desirable in the way of modification and improvements, is that we have in this regard availed ourselves and naval construction has availed itself of the ingenuity—the marked ingenuity and skill—of the American people. For instance, if we were to sit down to-day and determine to build 40 great battle ships in a single year, believing that there would be no improvements hereafter, we would be false to our trust in the American people's skill and ingenuity and commit a very serious blunder. These improvements will come from time to time.

I believe by distributing the construction of the vessels through a considerable length of time we will obtain better results, that we will have the advantage of improvements and discoveries that develop from time to time, and that it is much better for all concerned, instead of creating workshops to an extent almost sure to involve to some degree the slighting of the work and the forced preparation of material as well as the hasty assembling of the parts, to extend the construction over a reasonable length of time.

Mr. STEELE. If the gentleman will permit me, I would like to know the truth regarding the *Texas* and one other vessel, if the gentleman from Maine is prepared to answer. If he does not deem it desirable to do so, I hope he will not regard the inquiry.

Mr. BOUTELLE. Well, the gentleman has asked a question with regard to the *Texas*. I will answer as best I can. The *Texas* is a second-class battle ship, and while I may have an impression in regard to it, yet I have not the absolute data which would enable me to discuss her condition in a satisfactory manner to myself. I will simply state to the House that some years ago plans were advertised for and a premium offered for the plans, and one set was presented and accepted from a firm of English constructors for a "second-class battle ship"—I think we call such ships now. The plans were accepted and the ship was put under construction. At the same time the Bureau of Construction and Machinery in the Navy Department prepared plans for a somewhat similar vessel. The Secretary of the Navy placed the vessel that subsequently became the *Texas* under construction at Norfolk, and the vessel that became the *Maine*, from designs furnished by the Navy Department itself, at New York, and the construction went forward with various degrees of criticism until they were both put into commission within the past year. I am justified in saying (while beyond the compliment which the Secretary of the Navy [Mr. Whitney] kindly paid to my State in giving her this name I am not personally interested in the ship) that she is believed to be a fine vessel and reflects great credit on the Bureau of Construction and Steam Engineering as well as the Ordnance Bureau. Officers who are acquainted with the ship and who have served on her speak very highly of her. The *Texas*, when put into commission and put into the dry dock in New York displayed a certain degree of weakness about some portion of the construction which could be discussed better by a naval constructor than myself. There have been various explanations of it and various views expressed in regard to it.

Mr. CUMMINGS. If my friend will allow an interruption, I hope he will call attention to the fact that this ship was built from plans furnished by an English concern.

Mr. BOUTELLE. That is true. Perhaps I did not bring that out clearly enough, although I stated that the plans were purchased from England. Among the plans that were put in competition came this plan from this English concern. It was accepted by the Secretary as the best plan, and was paid for. I ought to say that our Bureau of Construction in the Navy Department condemned the plans, if I remember, stating that they were defective in some fundamental particulars; that the vessel had not flotation enough, and that she would not carry the armament, etc., which it was believed by the Department she ought to carry.

There were various criticisms about her construction. I do not want to go into details about them; it is too small a matter. There was a widespread impression that, in order to meet the criticisms of the Bureau, she had not sufficient flotation, that those in charge of her construction lightened her material too much in order to help her float, and when she was put in dry dock in New York and took her bearings on the floor of the dry dock her framework, or scantling as they call it in naval nomenclature, was not heavy enough to hold up the side superstructure, and it crumbled. When she was in the water the water bearings held her up all right. Now she has been sent to Norfolk to be repaired, to be strengthened. I understand that the constructor who had charge of her building claims that she can be so repaired as to be an effective ship.

Mr. CUMMINGS. The gentleman who constructed her was the gentleman who docked her?

Mr. BOUTELLE. Yes, as my friend says, the gentleman who constructed her was the same gentleman who superintended her docking when she met with this mishap. Now, the whole question of the *Texas* is likely to be examined into hereafter, and therefore I will not say anything more than that she did not prove entirely successful. She is now in the dry dock for repairs at Norfolk, and the degree of success which may attend the attempt to repair her and make her a first-class ship has not been fully disclosed.

The gentleman from Ohio [Mr. GROSVENOR] asked me to make a statement about the dry docks. I will endeavor to do so briefly and succinctly. Of course you will all understand that the old stone dry docks of the old Navy are not at all available for any of our larger new ships. These modern vessels are enormously longer and larger than the largest of our old ships. We began some

years ago the construction of modern and, as we believed at that time, as the debates will disclose, extraordinarily large timber dry docks. We built one in New York. I should like to have my friend from New York [Mr. CUMMINGS] follow me, and if I omit any of these facts, I ask him to prompt me.

We built a new timber dry dock in New York that was at the time believed to be an enormous structure. I thought it was. We authorized one to be built at League Island, and we authorized one to be built at Norfolk. All of them were immensely larger than the old wooden docks at those places. They have been completed. They are fine docks. They accommodate all the ships in the Navy except nine. They were amply large for the vessels we were then constructing, but in the evolution of our Navy, when we came to build the great cruiser *New York*, and followed that up with these enormous battle ships, we built our ships too big for their houses, and the dry docks were too small. We then authorized a new timber dry dock, a larger one, at New York. There was a great deal of difficulty in the construction. The contractor failed, and one difficulty followed another. Finally the contract was broken, a new contract was made, and I understand that dock will be opened during the coming summer for the reception of ships. It is amply large, and with ample draft, as I am advised, to dock any of our cruisers or any of our battle ships.

The dock at League Island is in the same category as the others. It is large enough for all of our ships except those very largest ones.

Some years ago we authorized a dry dock to be built at Port Royal, a timber dock. It was believed that that dry dock, which was only opened this spring, was large enough and deep enough for our largest ships. I never had a suspicion but that it was. It was designed, I think, to have 26 feet of water over the sill. The *Indiana* was sent down there to be docked because the large dock in New York was not completed and the other docks were too small. She is there to-day. They have not yet had water enough to get her into that dock. I think that 24 feet and a few inches is the greatest depth of water they have had over the sill up to this time, and I understand—although I have no official information—that the ship is waiting for a higher course of tides.

Mr. TERRY. Speaking of the size of these ships, I will ask the gentleman if there are any of the ports south of Hampton Roads that these large battle ships can enter?

Mr. BOUTELLE. I will say to the gentleman that if he will give me the depth of water over their bars, I will tell him in a minute. I am more familiar with the draft of the ships than I am with the depth of the water in those harbors.

Mr. TERRY. The draft of the ships is 25 feet or more, is it not?

Mr. BOUTELLE. No, sir; these contracts for ships to be built at Newport News provides for 23 feet 6 inches.

Mr. TERRY. There are very few Southern ports that they could enter.

Mr. BOUTELLE. My impression was that they could enter all.

Mr. TERRY. I am not sure of it.

Mr. BOUTELLE. They can enter Mobile. It is confidently claimed by my friend from New Orleans that the *Indiana* or any of that class of vessels can enter the mouth of the Mississippi. They can certainly get into Mobile Bay, and I think they can get into Pensacola.

Mr. TERRY. I will state to the gentleman from Maine that I have been informed that the draft of these battle ships is over 25 feet, and that with that draft they can not enter the Southern ports. I have been further informed that the time for which they carry coal is very short. Will the gentleman state for how many days they carry coal?

Mr. BOUTELLE. I can not tell the gentleman offhand. I can do so readily by referring to the report. They have ample coal capacity for all the purposes for which they are required—to cruise along our coast from Nova Scotia to the Gulf, and even to cross the ocean.

Mr. TERRY. I would like the gentleman to ascertain and put it in the RECORD.

Mr. BOUTELLE. I will do that with great pleasure. So far as their entering the ports is concerned, I have understood that they will have no difficulty in entering the principal ports of the South. But these ships can not be built sufficiently powerful on a light draft.

Mr. ELLIOTT of South Carolina. I would like the gentleman to yield to me two minutes to enable me to make a statement in regard to the Port Royal dock.

Mr. BOUTELLE. I yield two minutes to the gentleman from South Carolina.

Mr. ELLIOTT of South Carolina. I regret very much that the condition of my voice is such as to make it almost impossible for me to be heard. On account of the statements that have been made about the dock at Port Royal, I beg to say that it is altogether a mistake that under ordinary conditions that dock will not be suitable for docking the great battle ships. It was built for that express purpose, and is to-day the only dock in the country that can receive the *Indiana*. I went there myself on a recent occasion when it was supposed she was to be docked, and it was a most grievous disappointment to all concerned that, on account of the peculiar conditions prevailing at that time, she could not enter the dock. That is, it was not considered safe that she should be docked, considering the fact that she was the first battle ship to be docked in this country and the first large ship to be put into that dock. The *Amphitrite* had tested the dock; but she was so small in comparison with the dock that she had to be put in twice for the purpose of covering its full length. The peculiar condition of things that made it unsafe to dock the *Indiana* was a succession of westerly winds ending in a northwesterly gale, the same which had overtaken the *Indiana* off Hatteras on her trip to Port Royal. These westerly winds had driven the water out of the rivers and caused very low tides.

That condition, as is well known, existed also at New York and on the coast of New Jersey, and also in this city, where it is said the tide fell 7 feet lower than usual. Day before yesterday I saw it mentioned in the Baltimore Sun that, in consequence of the low tides prevailing, caused by these westerly winds, ships had experienced great trouble in getting away from the wharves at Norfolk. But there will be no difficulty whatever in docking that ship under ordinary conditions. The depth of water in the dock, I was assured by the commander of the station, Captain Rockwell, was frequently 27 feet; and I am certain that within a day or two, if not to-day, news will be received that the *Indiana* has been safely docked. There need not be any apprehension, I assure gentlemen, that under ordinary conditions difficulty will be experienced in docking any battle ship at Port Royal.

Mr. BOUTELLE. I yield two minutes to the gentleman from New York.

Mr. CUMMINGS. Mr. Chairman, I want to call the attention of my friend from South Carolina to the fact that he made a misstatement, and that was that the Port Royal dock is the only dock that will take in these big battle ships. There is a dock at Port Orchard, on Puget Sound, ready for use that will take any of them.

Mr. FOOTE. That will be done in a few months.

Mr. ELLIOTT of South Carolina. But it is not completed yet.

Mr. BOUTELLE. Mr. Chairman, I have no disposition to prolong the debate any further. I will close, as I began, by saying we have here the most generous, the most liberal, and if I were not its sponsor I would say the most extravagant, naval bill that has been presented since we began the new Navy. In 1890, when the first battle ships were authorized, the present Secretary objected that we were going too fast by authorizing three. He said we had been spending annually on an average $6,000,000—with plant, about $7,000,000—for building purposes. We have reached that, and the average has been raised. By the annual provisions for new shipping, reached largely by the large appropriation of the Fifty-first Congress and by the appropriation of this bill, we reach an average of $7,783,891 in actual provisions for work in building up the new Navy, and I confidently ask gentlemen of the committee and of the House to stand by the committee in the work that it has so faithfully and painstakingly done, and I believe you will do so. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

Mr. BOUTELLE. I omitted to say, what I assume is understood, that I hope this amendment will be voted down, and I express that hope in the firm conviction that it is not only in the best interests of the Government, but of the future building up of the American Navy.

The question being taken, the Chairman declared that the noes seemed to have it.

Mr. HANLY. I ask for a division.

The committee divided; and there were—ayes 32, noes 134.

So the amendment was rejected.

Mr. FISCHER. Mr. Chairman, I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

Insert in line 13, page 50, after "vided," the following:

"That if it shall appear to the satisfaction of the President of the United States that one or more said vessels and their machinery can be constructed at any of the navy-yards of the Government within the amount appropriated, he may authorize and order the same to be built at such yards as he may designate."

Mr. FISCHER. Mr. Chairman, I want to say a word about that amendment. The object of it is this: It is a well-known fact that in several of our navy-yards the Government has placed very extensive plants. Taking, for instance, the navy-yard located in Brooklyn and speaking for that, knowing it as well as I do, I may say that there is there a very complete plant for the building of ships. Machinery has been purchased and placed in the navy-yard by the Government which will perform the backing, stamping, and bending of plates as well as it can be done in any shop in this country.

Now, in my judgment it is absolutely necessary for the protection of the country in this respect that these expensive plants shall be maintained and kept in order, for this reason: If in the event of war any of our ships should be damaged, it would of course be necessary that the Government should have at all times depots for their repair. I take it that in the event of war the main naval battles would be fought in or around the harbor of New York. Of course, other battles might be fought off Boston or off Philadelphia, but suppose a battle to be fought off the harbor of New York, if in the meantime the plant in the navy-yard there had been allowed to rot and go to pieces from nonuse, it would be necessary to send any of our vessels that got damaged in the conflict to some other place for repairs.

Now, except the navy-yard at Portsmouth, where also the plant should be kept in use, there is no other place to which to send a damaged vessel but the private shipyards on the Delaware. But if she were badly injured she might not be able to make her way to those yards, or, even if the damage was not serious enough to prevent her from going that distance, it might happen that the enemy's squadron would blockade the entrance to the Delaware River and thus prevent her from reaching those private yards. It does not matter whether the Government shall order some of these vessels or torpedo boats to be built at these several yards, the building of them will have this effect: It will keep the machinery in the navy-yards in condition, so that it can be used when it is needed, and it will keep in each yard a force of men who by their skill and experience will be always able to do the work of repair in an emergency. On the other hand, the result of a discontinuance of work in the yards has been that men have left the Government employ and gone into the employ of private concerns, so that it will be necessary to reestablish the force when it is required unless by a wise policy we keep it up all the time.

It may be said that the ships can not be built as cheaply in the Government yards as they can be built by contractors. Upon that point I take issue; but my amendment is so worded that that objection can not have any force. I have carefully prepared the amendment, and gentlemen will observe that it provides that the President shall order one or more of these vessels to be built in the various yards only when he shall be convinced that they can be built there within the appropriation. At the Brooklyn yard recently were built two ships——

[Here the hammer fell.]

On motion of Mr. ODELL, the time of Mr. FISCHER was extended five minutes.

Mr. FISCHER. I am obliged to the committee. At the Brooklyn yard were built two ships, the *Maine* and the *Cincinnati*. I have heard it said that the *Cincinnati* cost so much that it was impossible to convince anyone thereafter that the navy-yards could build ships within the appropriation. But I ask gentlemen whether they know the fact that the great cost in the construction of the *Cincinnati* occurred through a fire in the machine shop in the Brooklyn yard, which destroyed the machinery——

Mr. CUMMINGS. If the gentleman will allow me, the increase was so great as to make the cost nearly double.

Mr. FISCHER. Oh, no; it was not double. The increase of cost was that which resulted from the fire——

Mr. CUMMINGS. The limit was $1,100,000, and the cost was $2,020,000.

Mr. FISCHER. Well, I will not dispute the gentleman's limit. [Laughter.]

Mr. CUMMINGS. In other words, you raise the limit. [Laughter.]

Mr. FISCHER. No; I can not afford to do that. This, like "the ships that pass in the night," of which the gentleman from California spoke, is dismissed. [Laughter.] But, Mr. Chairman, the fact is that the additional cost in that case resulted from the destruction of machinery in the machine shop in the navy-yard. But for that the vessel would have been built within the appropriation. Now, both these ships, the *Cincinnati* and the *Maine*, have turned out to be excellent vessels in their class.

Mr. CUMMINGS. May I call the gentleman's attention to the cost of the *Maine*? Her limit was $2,500,000, and her cost was $3,963,000.

Mr. FISCHER. That may be possible; but I imagine from what I know that some of these things occurred through a change of plan.

Mr. Chairman, I want to add (and I am reminded of this by a gentleman near me) that while the *Maine* was built at a cost exceeding the amount appropriated, I wish gentlemen to remember that the reason the *Maine* was ordered to be built at a navy-yard was that no contractor would take her at the figure fixed in the appropriation; nobody would undertake to build her so cheaply. And in addition her plans were altered. So that there is nothing in those figures to prove that the Government could have had that vessel built for less.

Now I ask in the interest of the Government service that the personnel may be kept up at these navy-yards; that these yards shall be kept in good order and not allowed to rot. I hope this amendment will be adopted.

Mr. DINGLEY. I wish to inquire of the chairman of the committee [Mr. BOUTELLE] whether we were correct in understanding him to state that these vessels could be built for about a million dollars less than the maximum sum named in the provision for giving out their construction by contract? If that is the case, then this amendment will authorize the building of one or more of these battle ships in a navy-yard, notwithstanding the cost might be a million dollars more than it would be if the construction were let out by contract.

Mr. FISCHER. I wish to say to the gentleman from Maine that such is not the intent of my amendment.

Mr. DINGLEY. Then the gentleman should modify the language of the proposition.

Mr. BOUTELLE. Let me say a word for the information of the House. The *Kentucky* and the *Kearsarge* were authorized to cost $4,000,000 apiece, but they are now under contract for $3,255,000 each.

Mr. FISCHER. I do not think that any language used in my amendment would authorize the construction which gentlemen seem disposed to put upon it.

Mr. DINGLEY. I suggest that the gentleman modify the language of his amendment.

Mr. FISCHER. I will do so.

Mr. BOUTELLE. The gentleman from New York will plainly see that if we put in this bill an amendment that the construction of these vessels shall not be submitted to contract, the Government will be deprived of the benefit which the provision of the bill was designed to give it, because under the amendment these vessels may cost, if the navy-yards should see fit to make them cost, the full amount of the maximum named.

Mr. FISCHER. The amendment simply provides for constructing at some of our navy-yards "one or more" of these vessels. But I modify the amendment by striking out "shall" and inserting "may."

Mr. DINGLEY. How does that obviate the difficulty?

Mr. FISCHER. The amendment will then simply provide that the President "may" order one or more of these vessels to be constructed at a navy-yard.

Mr. MILNES. I call the attention of the gentleman from New York to the fact that while this bill fixes $3,750,000 as the maximum cost of each of these vessels, it is a fact that similar vessels now under contract are costing us only a little over $2,000,000 apiece.

Mr. BOUTELLE. Let me state this matter in brief. This bill fixes the extreme limit of cost at $3,750,000; but we do not expect that these vessels will cost anything like that. If, however, the amendment should be adopted, the vessels may be built at our navy-yards, and every dollar of that sum may be spent. The amendment ought not to be adopted.

The question being taken, the amendment of Mr. FISCHER was rejected.

Mr. HILBORN. I move the amendment which I send to the desk.

The Clerk read as follows:

Strike out "one," the last word in the last line of page 49, and insert in lieu thereof the word "five"; so that the clause will read, "and five of said torpedo boats shall be built on or near the coast of the Pacific Ocean."

Mr. HILBORN. Mr. Chairman, in this bill we have provided for the building of 15 torpedo boats, but only one of these is to be built on the Pacific Coast. The effect of my amendment is to allow five of them to be built there. These torpedo boats are for use on the Pacific Ocean as well as on this side, and it seems to me that those which are to be used on the Pacific ought to be constructed on that coast. These are not seagoing vessels. If those designed for service on the Pacific are to be built on the Atlantic Coast, how are they to be transferred to the Pacific? There is no way of getting them there, and if it were practicable to take them round Cape Horn the additional expense thus caused would exceed the added cost of building them on the Pacific Coast. It seems to me that every consideration of economy demands that those torpedo boats which are to be used on the Pacific should be constructed on the Pacific Coast. I ask the chairman of the committee [Mr. BOUTELLE] to accept this amendment.

Mr. BOUTELLE. "The chairman of the committee" would be very glad to accept any amendment as a matter of courtesy to a colleague on the committee or as a matter of kindness to any section of the country if public duty would allow it.

This matter was fully considered by the committee. The difference of cost that would result from the building of four torpedo boats, instead of one, on the Pacific Coast would be comparatively slight. Yet I may be allowed to say that we were, and intended to be, very liberal and generous toward our friends on the Pacific Coast. We have reported in the bill a provision allowing one of these battle ships to be constructed on the Pacific Coast, even

though the bid for its construction there should be larger than some others, provided it be kept within a reasonable limit; and indeed all of these battle ships may be built there if the bids from that region should be low enough. But, taking into consideration the probabilty of the increased expenditure for getting material for the construction, we granted in the bill that one of these battle ships shall go there, unless the bid is beyond that which is regarded as fair and reasonable.

So far as the torpedo boats are concerned, I will be perfectly frank with the committee and with the gentleman from California, by saying that these are provided for at the earnest request and recommendation of the Secretary of the Navy; and the committee has believed it advisable to leave them entirely and absolutely to his discretion. You know, the committee know, and the country knows—it is public property now, for it is contained in a printed pamphlet in this House—that the Secretary has already contracted with the Herreshoffs for the construction of some of the boats previously authorized, because the Department are satisfied from the exhibits made to them on the part of these builders that they will provide a very superior type of vessel in speed and other qualities, and desiring to avail ourselves of the experience of these men, who are believed to be capable of building the quickest and best vessels of this type, it was deemed advisable to leave the matter entirely in the discretion of the Secretary. It is believed that they will be able to furnish the fastest boat yet furnished by any of the contractors; and the appropriation for this purpose was made in bulk, "five torpedo boats, to cost $875,000 in all," so as to enable the Secretary of the Navy to vary his contract if he deems it desirable in regard to two or three of them, expending a little more money on these if necessary to produce a superior vessel, and giving a higher price of course to the contractors for the same.

The provision of the bill is that one of the vessels and one torpedo boat shall be built (and it follows former bills in this regard)—for the purpose of preventing any possible idea of sectionalism—that one of each of these shall be built on the Pacific Coast, one torpedo boat on the Mississippi River, and one on the Gulf of Mexico, and so on; but if we adopt the amendment proposed by the gentleman from California none of these could be built on the Atlantic Coast at all, and it would absolutely defeat the desire of the Department to continue under a special contract the construction by the same people in this case and enable them to build some of these vessels, putting into the construction the experience that they have gained in this regard, and which is believed by the Department to be so valuable.

Mr. HILBORN. How could we transport them to the Pacific Coast even if they were built at the Herreshoffs?

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from California.

The amendment was rejected.

Mr. LOW. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Amend, after the word "dollars," in line 10, page 49 of the bill, by inserting "45 first-class torpedo boats of from 100 to 125 tons displacement, to have a maximum speed of not less than 24 knots, and to cost not more than an average of $175,000 each."

Mr. LOW. Mr. Chairman, this amendment is just as important, just as urgent, and just as necessary to meet the wants of our Navy as any provisions outlined in the original bill, and for several reasons—

First. Because torpedo boats are needed not only to assist in protecting our harbors, but to broaden the scope of effective work in connection with our fleets.

Second. This amendment means to provide an opportunity for young naval officers to learn the practical science of commanding.

This has been, and is to-day, a problem of great import. Our naval officers in the middle and lower grades are suffering for the want of an opportunity to command, and the country will be the loser unless it provides for the bright, ambitious, and young officers the opportunity to command, to be captain of his own war vessel, be she ever so small.

Legislation does not nor can not make a commander, except in rank and pay. A commander, in the broadest sense of the title and meaning, can only be made by actual experience in commanding his own vessel, and this must be obtained while the officer is in the early prime of life, for at that period his ambition stimulates him to seek proficiency, power, prominence, and rank. These 50 torpedo boats mean 50 commands for officers not above the grade of lieutenant.

The officers of these boats have to be changed so frequently, that during a year fully 200 officers will have an opportunity to familiarize themselves with a captain's duty.

If these 50 vessels can be the means of developing one Paul Jones or a Farragut it will be worth the cost of the entire fleet asked for in my amendment.

Mr. STEELE. What would be the necessity for launching out into this expenditure if there were no officers capable of commanding them?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BOUTELLE. I hope we will vote without further delay.

The question being taken on the amendment of Mr. LOW, it was rejected.

Mr. DOOLITTLE. I desire to amend by inserting "four," in line 24, on page 49; so that it will read:

And four of said torpedo boats shall be built on or near the coast of the Pacific Ocean.

The amendment was read, as follows:

At the end of line 24, on page 49, strike out the word "one" and insert the word "four."

Mr. DOOLITTLE. I desire to state in that connection that it is well known that the shipbuilding plants located on the Pacific Coast are very large and fine ones. On Puget Sound we are already building one of the best torpedo boats, it is said, that has been constructed, and we are also building in the plant there a tug for the use of the Government. Now, these people are ambitious, and I think, inasmuch as 15 of these vessels are to be constructed, that at least 4 of them should be constructed on the Pacific Coast under the restrictions contained in this bill. I believe it to be fair to the building up of that industry and the interest that should be manifested in that industry on that coast. I ask the House to vote for this amendment, because I believe it to be in the interest of the country, in the interests of the Navy, and in the interest of economy. No means is provided at the present time for the transportation of these torpedo boats from the Atlantic to the Pacific, and in case of war there will be need for these vessels in that ocean. I believe that the building up of these plants ought to be encouraged in this way, and that the amendment is entirely fair, in the interest of the country, and in the interest of the service.

The question being taken on the amendment of Mr. DOOLITTLE, on a division (demanded by Mr. JOHNSON of California) there were—ayes 50, noes 76.

Accordingly the amendment was rejected.

Mr. TATE. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend by adding after the word "act," on page 50, line 15, the following: "*Provided further*, That no draftsman, designer, copyist, or other person shall hereafter be employed in the preparation of the plans or specifications for new vessels of the Navy who is not a citizen of the United States."

Mr. BOUTELLE. What is the object of that amendment?

Mr. TATE. The object of the amendment is that our designs may be kept private.

Mr. BOUTELLE. I make the point of order that that changes existing law.

Mr. TATE. I think I have the floor.

Mr. BOUTELLE. I have no objection to the gentleman making his explanation. I do not want to lose my point of order.

Mr. TATE. I think the gentleman has already lost it.

Mr. BOUTELLE. I will reserve the point of order.

Mr. TATE. The only purpose of the amendment is that our designs and drawings shall be kept private, shall not be known to any foreigner; that we shall not employ foreigners to make them, but shall trust our own citizens to make them. That is the sole purpose of the amendment. It explains itself. I do not care to make a speech on the question.

Mr. BOUTELLE. Mr. Chairman, I hope that the amendment will not be agreed to. We must trust to the officers of the Navy Department to properly guard the secrets of our designs. The mere exclusion of some draftsman or colorist who may be a skillful man will not necessarily keep our secrets. I know nothing about the fact whether any foreign people are employed there or not. I think that an amendment like this would have excluded this Government from the benefit of the genius of Ericsson, who designed the *Monitor*. I am compelled to insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MERCER. I desire to submit an amendment.

The amendment was read, as follows:

On page 50, in line 15, after the word "act," add "*Provided*, That one of the battle ships shall bear the name *Nebraska*."

Mr. MERCER. Mr. Chairman, the State of Nebraska is midway between the great oceans and not very near the Great Lakes or the Gulf of Mexico, but we take an interest in the American Navy and believe it should be second to none. Of course I am well aware that year after year Congress appropriates large sums of money for the dredging and improvement of various harbors and thereby makes them accessible to ships of war as well as of peace, and we are certainly justified in building battle ships to protect the cities situated on harbors which by our own action we have made subject to the shot and shell of foreign gunboats.

Nebraska is fortunate in this respect; in fact, Omaha and the other cities along the Missouri River are amply fortified.

We have the best line of sand bars in that stream that were ever placed anywhere by the Creator of the universe. [Laughter.] These sand bars are never conquered and they would smile at any fleet so foolhardy as to attack them. We have no fear of the combined navies of the world as long as these sand bars give us the protection we now enjoy; but, Mr. Chairman, as I said before, we in Nebraska take an interest in the Navy, and since we are prevented from harboring battle ships, you should not deprive us of the pleasure and privilege of having one of them bear the name "Nebraska." Indiana, Iowa, and Kentucky have been thus remembered, and Nebraska vies with them in seacoast mileage. [Laughter.] It is not our fault that we have neither ocean, lake, nor gulf. We are ready to accept either, but as a rule Nebraskans never take water [laughter], although under the trials and tribulations imposed upon us by this Administration we are willing to take most anything. [Laughter.]

Mr. Chairman, I sincerely trust that the chairman of the Committee on Naval Affairs, good-natured as he is, will favor this amendment of mine. [Laughter and cries of "Vote!" "Vote!"]

Mr. BOUTELLE. Mr. Chairman, I am sorry to have to say to my friend that the naming of these ships is not in the province of the committee.

Mr. MERCER. I wanted the Committee of the Whole to name them.

Mr. BOUTELLE. The committee have no authority to name ships.

Mr. MERCER. Give us a trial.

Mr. MAHON. Mr. Chairman, I offer an amendment to the amendment.

Mr. BINGHAM. I will state to the gentleman that no vessel is named *Pennsylvania* as yet.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Strike out "*Nebraska*" and insert "*Quay, Reed, McKinley*, and *Allison*."

[Great laughter, and cries of "Vote!" "Vote!"]

Mr. HULICK. I would like to have that voted on separately.

Mr. MERCER. I did not refer to cruisers, Mr. Chairman, I referred to battle ships. [Renewed laughter.]

Mr. MAHON. I withdraw my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

Mr. ROBINSON of Pennsylvania. I desire to offer an amendment to the amendment.

The Clerk read as follows:

After the word "*Nebraska*" insert "and *Pennsylvania*."

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. ROBINSON of Pennsylvania. There is a peculiar propriety, if I may coin the expression, in naming a ship *Pennsylvania*, because we build these ships in Pennsylvania.

Mr. MONEY. And you get all the money.

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken; and the amendment to the amendment was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Nebraska.

Mr. MERCER. Now help the West!

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. MERCER. Division.

The CHAIRMAN. The ayes seem to have it.

Mr. MERCER. I beg pardon.

Mr. BOUTELLE. Division, Mr. Chairman.

The committee divided; and there were—ayes 56, noes 87.

So the amendment was rejected.

Mr. HILBORN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amend by inserting after the word "*Provided*," in line 13, page 50, the following: "One of the torpedo boats herein provided for shall be constructed at each of the United States navy-yards having the necessary facilities for such construction."

Mr. HILBORN. Mr. Chairman, I will not occupy the attention of the committee by any remarks, but will merely send up a letter from the Secretary of the Navy to be read.

The Clerk read as follows:

NAVY DEPARTMENT, *Washington, March 25, 1896.*

SIR: Responding to yours of March 21, asking whether it would be good policy to build some torpedo boats, to be authorized by the present Congress, at navy-yards, I beg to say that in my opinion it is not as a rule desirable to build ships at navy-yards, on account of the greater cost. I would recommend, however, that authority be given to the Department to build at least one torpedo boat at each of the three principal navy-yards. The increased cost would probably be some 10 per cent over the prices at which these vessels can be built by contract, but the building of a boat at each navy-yard will greatly aid in retaining the force of skilled workmen necessary for the repairs of vessels.

Very respectfully, yours, H. A. HERBERT, *Secretary.*

Hon. S. G. HILBORN,
House of Representatives, Washington, D. C.

Mr. BOUTELLE. I will simply say that we are providing in this bill $1,250,000 for carrying on the work of repairs in the navy-yards, which will have the effect of keeping these skilled workmen. The objection applies even more to the building of torpedo boats than the building of ordinary ships, because these small craft require the very highest technical skill, and we want to give them to contractors whom we can bind by heavy penalties to produce the very best results. [Cries of "Vote!" "Vote!"]

The question was taken; and the amendment was rejected.

Mr. BOUTELLE. I move that the bill be reported to the House with a favorable recommendation.

The CHAIRMAN. The Chair will state to the gentleman in charge of the bill that when unanimous consent was had this morning for general debate the understanding was that the section pertaining to the increase of the Navy should be considered as read; but there are two sections following that.

Mr. BOUTELLE. These are the appropriations, I will state, under the heads of "Construction," "Machinery," "Armor," and "Equipment."

The remaining sections were read.

Mr. BOUTELLE. Mr. Chairman, I now move that the bill and amendments be reported to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and Mr. HOPKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 7542, and had directed him to report the same back to the House with sundry amendments and with the recommendation that the bill as amended do pass.

Mr. BOUTELLE. I move the previous question, but will withhold it for a moment that the gentleman from Illinois may report some documents that he has.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON, from the Committee on Appropriations, reported the bill (H. R. 7664) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; which, with the accompanying report, was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. CANNON. I give notice that I propose to call the bill up for consideration to-morrow.

NAVAL APPROPRIATION BILL.

Mr. BOUTELLE. I move the previous question on the passage of the bill and amendments.

The previous question was ordered; and under the operation thereof the amendments recommended by the Committee of the Whole were agreed to, and the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BOUTELLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BOUTELLE. I thank the House, on behalf of the Committee on Naval Affairs, for its generous action this afternoon.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 1179) to repeal section 1218 of the Revised Statutes of the United States as amended by chapter 46 of the laws of 1884, relating to appointment of officers in the Army or Navy of the United States; and

A bill (H. R. 5828) to amend an act entitled "An act to promote the safety of employees and travelers," etc., approved March 2, 1893.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DRAPER, for ten days, on account of important business.

To Mr. BURTON of Ohio, for five days, on account of important business.

REPRINT OF A BILL.

On request of Mr. SULZER, a reprint was ordered of the bill (H. R. 3346) to raise additional revenue for the support of the Government.

Mr. DINGLEY. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of cost of securing a channel in Newtown Creek, New York, was taken from the Speaker's table and referred to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. EVANS, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 6659) providing for the withdrawal of distilled spirits from bonded warehouses by the distiller or owner, and for other purposes, reported the same with amendment, accompanied by a report (No. 948); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DINGLEY, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 494) constituting Stamford, Conn., a subport of entry, reported the same without amendment, accompanied by a report (No. 949); which said bill and report were referred to the House Calendar.

Mr. HARTMAN, from the Committee on Mines and Mining, to which was referred House bill No. 2555, reported in lieu thereof a bill (H. R. 7625) providing for proofs of discovery of mineral or placer mining claims containing petroleum and other mineral oils, accompanied by a report (No. 951); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. ERDMAN, from the Committee on Invalid Pensions:

The bill (S. 684) granting an increase of pension to Marion McKibben. (Report No. 950.)

The bill (H. R. 3884) for the relief of John T. Brewster. (Report No. 956.)

By Mr. MILES, from the Committee on Invalid Pensions: The bill (H. R. 1505) granting a pension to Mrs. Sarah A. Aspold. (Report No. 953.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 5670) to increase the pension of Richard S. Phillips. (Report No. 954.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 3945) granting a pension to Thomas J. Thorp, late private Company K, Third Ohio Volunteer Cavalry. (Report No. 952.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 4264) granting a pension to Mary Pelham. (Report No. 955.)

By Mr. BRUMM, from the Committee on Claims:

The bill (S. 281) for the relief of F. M. Vandling. (Report No. 957.)

The bill (S. 1380) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher. (Report No. 958.)

The bill (S. 1180) for the relief of the legal representatives of John Roach, deceased. (Report No. 959.)

By Mr. GRAFF, from the Committee on Claims: The bill (H. R. 4243) to pay for improving the streets in front of the post-office site in the city of Sacramento, State of California. (Report No. 960.)

By Mr. WOODARD, from the Committee on Claims: The bill (H. R. 4632) for the relief of Frederick B. Betts, surviving partner of the firm of Betts, Nichols & Co. (Report No. 961.)

By Mr. COLSON, from the Committee on Claims: The bill (H. R. 6425) for the relief of Clifton R. Anderson. (Report No. 962.)

By Mr. LOUDENSLAGER, from the Committee on Pensions: The bill (S. 2176) granting a pension to Thomas Pollock. (Report No. 963.)

By Mr. BAKER of Kansas, from the Committee on Pensions: The bill (H. R. 1018) to increase the pension of Bennett S. Shaug. (Report No. 964.)

By Mr. MOZLEY, from the Committee on Pensions: The bill (H. R. 4712) granting a pension to Margaret A. Luthy. (Report No. 965.)

ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. PENDLETON, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 2298) legalizing the assessment and levy of taxes on personal property on the various Indian reservations in Oklahoma, and for other purposes, reported the same adversely, accompanied by a report (No. 947); and the said bill and report were laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WILLIAMS: A bill (H. R. 7616) to grant a township of land to the hospital medical college bureau of vital statistics of the University of Mississippi at Vicksburg, Miss.—To the Committee on the Public Lands.

By Mr. LESTER: A bill (H. R. 7617) to authorize the President to appoint three commissioners of claims—to the Committee on War Claims.

Also, a bill (H. R. 7618) authorizing the Court of Claims to adjudicate certain claims arising under the provisions of the act of March 12, 1863, entitled "An act to provide for the collection of abandoned property," etc.—to the Committee on War Claims.

By Mr. HERMANN: A bill (H. R. 7619) to provide topographic surveys and mark elevations on the arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. REYBURN (by request): A bill (H. R. 7620) authorizing a special election to be held by the citizens of the District of Columbia to determine whether the present municipal government shall continue or whether there shall be established in its place a representative form of government—to the Committee on the District of Columbia.

By Mr. MEREDITH: A bill (H. R. 7621) to authorize the Herndon and Aldie Railroad Company to construct a bridge over the Potomac River at or below the Great Falls—to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A bill (H. R. 7622) to grant right of way over the public domain for pipe lines—to the Committee on the Public Lands.

By Mr. FOWLER: A bill (H. R. 7623) to extend the time of commencement and the completion of the bridge authorized to be constructed in Newark Bay—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 7624) for continuing the improvement of Rahway River—to the Committee on Rivers and Harbors.

By Mr. BURTON of Ohio: A joint resolution (H. Res. 149) for change of location of light-house provided for on Little Bay de Noquette—to the Committee on Interstate and Foreign Commerce.

By Mr. HEATWOLE: A concurrent resolution (House Con. Res. No. 35) to appoint a commission to act with the Comptroller of the Currency and report to Congress—to the Committee on Banking and Currency.

By Mr. BARRETT: A resolution (House Res. No. 225) of inquiry regarding the Venezuela affair—to the Committee on Foreign Affairs.

By Mr. ALLEN of Mississippi: A memorial relating to the Methodist Episcopal Church South, in Nashville, Tenn.—to the Committee on War Claims.

By Mr. WILLIAMS: A memorial of the legislature of the State of Mississippi relating to a hospital medical college and bureau of vital statistics of the University of Mississippi—to the Committee on the Public Lands.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 7554) to pension John Teague; and the same was referred to the Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. AVERY: A bill (H. R. 7626) to remove the charge of desertion against the military record of William H. Collins—to the Committee on Military Affairs.

By Mr. BAKER of Kansas: A bill (H. R. 7627) granting increase of pension to Michael Lochard—to the Committee on Invalid Pensions.

By Mr. CONNOLLY: A bill (H. R. 7628) to increase the pension of William T. Evans—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 7629) for the relief of John P. Fox, of Adamston, Harrison County, W. Va.—to the Committee on War Claims.

By Mr. EVANS: A bill (H. R. 7630) granting an increase of pension to Thomas T. Hickey, of Louisville, Ky.—to the Committee on Pensions.

By Mr. FLETCHER: A bill (H. R. 7631) granting a pension to Sewall P. Norton—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 7632) removing the charge of desertion and granting an honorable discharge to John D. Long—to the Committee on Military Affairs.

Also, a bill (H. R. 7633) removing the charge of desertion and granting an honorable discharge to William Zimmerman—to the Committee on Naval Affairs.

Also, a bill (H. R. 7634) for the proper official recognition of William F. Tieman—to the Committee on Military Affairs.

Also, a bill (H. R. 7635) for the relief of Bridget Lane—to the Committee on Claims.

Also, a bill (H. R. 7636) for the proper official recognition of Hans C. Heg—to the Committee on Military Affairs.

By Mr. HENDRICK: A bill (H. R. 7637) for the relief of E. B. Carter—to the Committee on War Claims.

Also, a bill (H. R. 7638) for the relief of E. B. Carter—to the Committee on War Claims.

By Mr. HICKS: A bill (H. R. 7639) for the relief of and to correct military record of James J. Fluke—to the Committee on Military Affairs.

Also, a bill (H. R. 7640) to correct military record of Alexander Anderson, alias James S. Fortney—to the Committee on Military Affairs.

By Mr. HULICK: A bill (H. R. 7641) to correct naval record of John W. Thompson and grant him honorable discharge—to the Committee on Naval Affairs.

By Mr. HULL: A bill (H. R. 7642) for the relief of Capt. J. A. Olmstead—to the Committee on Claims.

By Mr. LEFEVER: A bill (H. R. 7643) for the relief of the legal representatives of David Heustis, deceased—to the Committee on War Claims.

By Mr. LEWIS: A bill (H. R. 7644) granting a pension to Dorcas V. Hicks—to the Committee on Invalid Pensions.

By Mr. MERCER: A bill (H. R. 7645) granting a pension to John Barry—to the Committee on Invalid Pensions.

By Mr. MEYER: A bill (H. R. 7646) for the relief of certain heirs of the officers and crew of the United States light-house schooner *Mignonette*, lost near Brazos Santiago, Tex., in the storm of September 21, 1887—to the Committee on Claims.

By Mr. POOLE: A bill (H. R. 7647) granting a pension to Albert Brown, late of Company D, One hundred and fourteenth Regiment New York Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7648) granting a pension to Charles Harrington (insane), late sergeant Company F, Eleventh Regiment New York Volunteers.

By Mr. SOUTHARD: A bill (H. R. 7649) to correct the military record of David Collins, late private Company L, Third Ohio Cavalry—to the Committee on Military Affairs.

By Mr. TAFT (by request): A bill (H. R. 7650) granting a pension to Theodore Elchlepp, late Company I, Seventh Regiment United States Infantry—to the Committee on Invalid Pensions.

By Mr. TERRY (by request): A bill (H. R. 7651) to remove the charge of desertion from Robert Logan—to the Committee on Military Affairs.

By Mr. TRELOAR: A bill (H. R. 7652) granting a pension to Emily Hutchins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7653) granting a pension to Ambrose J. Vanarsdel—to the Committee on Invalid Pensions.

By Mr. TYLER: A bill (H. R. 7654) for the relief of Spencer Norfleet—to the Committee on Military Affairs.

By Mr. VAN HORN (by request): A bill (H. R. 7655) to provide for the payment of the claims of James Condon, of Atlanta, Ga., for work done as a carpenter in the Interior Department—to the Committee on Claims.

By Mr. WILSON of New York: A bill (H. R. 7656) to remove the charge of desertion against the name of John S. Wood—to the Committee on Military Affairs.

By Mr. WHITE: A bill (H. R. 7657) to relieve the heirs of Leon Frank, deceased, and to give the Court of Claims jurisdiction, and to remove the bar of the statute of limitation—to the Committee on Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 7658) for the relief of Stephen R. Stafford, captain Fifteenth Infantry, United States Army—to the Committee on Claims.

By Mr. FOSS: A bill (H. R. 7659) for the relief of the owners and occupants of Camp Tyler, in Cook County, Ill.—to the Committee on War Claims.

By Mr. PICKLER: A bill (H. R. 7660) granting an increase of pension to Samuel M. Howard—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 7661) to correct the military record of the late Capt. Isaac L. La Flesh, Company A, Indiana Cavalry—to the Committee on Military Affairs.

Also, a bill (H. R. 7662) to grant arrears of pension to George W. Boggs, late first lieutenant Company G, Tenth Ohio Volunteer Cavalry—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 7663) to increase the pension of Jesse Sims—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Youghiogheny Lodge, No. 292, International Association of Machinists, of Connellsville, Pa., praying that a committee be appointed to thoroughly investigate the treatment of fellow-members in United States navy-yards and arsenals—to the Committee on Naval Affairs.

By Mr. ALDRICH of Alabama: Memorial of the Mobile Coal Company, of Mobile, Ala., asking for American register for the Norwegian bark *Thomas S. Falck*—to the Committee on the Merchant Marine and Fisheries.

Also, petition of William M. Smith, of Talladega County, Ala., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. ARNOLD of Pennsylvania: Petition of Washington Camp, No. 445, Patriotic Order Sons of America, of Fisher, Pa., for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. AVERY: Papers to accompanying House bill to remove the charge of desertion against the military record of William H. Collins—to the Committee on Military Affairs.

By Mr. BAKER of New Hampshire: Petition of Franklin Pierce Lodge, No. 24, Order United American Mechanics, of Hillsboro Bridge, N. H., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BREWSTER: Memorial of the Fireside Publishing Company, of Rochester, N. Y., against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. COFFIN: Petition of Ignatius J. Langley, for reference of his claim for stores and supplies to the Court of Claims under act of March 3, 1883—to the Committee on Claims.

By Mr. DOVENER: Resolution of John A. Logan Post, No. 61, Grand Army of the Republic, of Sherrard, W. Va., favoring the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of Garfield Council, No. 3, Order United American Mechanics, of McMechan, W. Va., unanimously indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, resolution of citizens of Quiet Dell, W. Va., expressing sympathy for Armenians and American missionaries in Turkey—to the Committee on Foreign Affairs.

By Mr. ERDMAN: Petitions of citizens of Allentown, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. FOWLER: Petition of citizens of Belleville, N. J., in favor of the passage of the joint resolution proposing an amendment to the Constitution of the United States recognizing God in the preamble—to the Committee on the Judiciary.

By Mr. GARDNER: Remonstrance of citizens of Burlington County, N. J., against the appropriation of public moneys for sectarian undertakings; also petition for the passage of joint resolution No. 11, to amend the Constitution of the United States prohibiting further appropriations to institutions under ecclesiastical control—to the Committee on the Judiciary.

Also, petition of H. Maas, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Connecticut: Petition of Putnam Council, No. 19, Order United American Mechanics, of Wallingford, Conn., in favor of the Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HICKS: Petition of ex-Union prisoners of war, of Altoona, Pa., for the speedy passage of House bill introduced by Hon. E. J. HAINER for their relief—to the Committee on Invalid Pensions.

By Mr. HITT: Petition of White Ribbon Women for a commission to carry out arbitration in differences between the United States and our mother country—to the Committee on Foreign Affairs.

By Mr. HYDE: Memorial of the town council of Kalama, Wash., urging the importance of the construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: Papers to accompany House bill for the relief of Capt. J. A. Olmstead—to the Committee on Claims.

By Mr. JENKINS: Remonstrance of Richard H. Palmer, of Knapp, Wis., and 100 others; also of F. E. Baker, of Maiden Rock, Wis., and 200 others; also of John Thornton, of Alabama, Wis., and 50 others; also of A. E. Pound, of Chippewa Falls, Wis., and 50 others; also of Leona M. Hunt, of Round Lake, Wis., and others, against the passage of the joint resolution proposing an amendment to the Constitution of the United States for the recognition of God in the Constitution—to the Committee on the Judiciary.

Also, petition of James Langdon, of I. N. Nichols Post, No. 177, Grand Army of the Republic, Department of Wisconsin, and 50 others, of River Falls, Wis., praying for the passage of a bill grant-

ing a service pension of $8 a month to every soldier who served not less than ninety days in the Army or Navy of the United States during the late war, and of $12 a month to widows of veterans—to the Committee on Invalid Pensions.

By Mr. KIEFER: Petition of the Lincoln Club, of St. Paul, Minn., protesting against the passage of Senate bill No. 2162, relating to the inspection of steam vessels—to the Committee on Interstate and Foreign Commerce.

By Mr. LAYTON: Resolutions of the New York Board of Trade and Transportation, urging Congress to give more attention to domestic questions of commerce and finance rather than to international questions involving menaces of war—to the Committee on Coinage, Weights, and Measures.

By Mr. LEISENRING (by request): Petition of Washington Camp, No. 137, Patriotic Order Sons of America, of Plymouth, Pa., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. LINTON: Two petitions of citizens of Arkansas, favoring the passage of joint resolution No. 11, proposing an amendment to the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. McEWAN: Petition of the Direct Legislation Club of Detroit, Mich.; also petition of the North Side Woman's Club of Colorado, asking passage of House bill No. 184, for the appointment of a commission of inquiry as to the feasibility of direct legislation—to the Committee on Rules.

By Mr. MERCER: Petition of Omaha Mercury, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. OTJEN: Remonstrance of Henry J. Schmidt and others, of Milwaukee, Wis., against the continuance of the statue of Marquette in Statuary Hall, or any other public national room or grounds—to the Committee on the Library.

By Mr. PICKLER: Petition of S. B. Sheldon and 26 others, of Watertown, S. Dak., asking for the protection of game—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON of Pennsylvania: Petition of the Woman's Christian Temperance Union of Avondale, Chester County, Pa., protesting against military training in the public schools—to the Committee on Education.

By Mr. SMITH of Illinois: Petition and remonstrance of citizens of Belknap, Johnson County, Ill., against permitting the statue of Père Marquette to remain in Statuary Hall—to the Committee on the Library.

By Mr. TAFT: Papers to accompany House bill No. 1397, for the relief of Mrs. Sarah K. McLean—to the Committee on War Claims.

By Mr. WOOD: Petition of Charleston Post, No. 271, Grand Army of the Republic, of Charleston, Ill., to increase the pension of Jesse Sims, late private Company G, One hundred and twenty-third Illinois Volunteers—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, *March 27, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. NELSON, and by unanimous consent, the further reading was dispensed with.

PETITIONS AND MEMORIALS.

Mr. NELSON presented the petition of Judge Ira B. Mills, of St. Paul, Minn., chairman of the committee on uniform freight classification, praying for the enactment of legislation providing a national system of uniform classification of freight throughout the United States; which, with the accompanying paper, was referred to the Committee on Commerce.

Mr. McMILLAN presented sundry petitions of citizens of Washington, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and remonstrating against the extension of the tracks of that company until its existing lines are modernly equipped and operated; which were referred to the Committee on the District of Columbia.

Mr. TELLER presented a memorial of Abe Lincoln Council, No. 2, of Leadville, Colo., and a memorial of Council No. 12, of Sterling, Colo., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which were referred to the Committee on the Library.

Mr. FRYE presented a petition of the State Board of Trade of Maine, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

Mr. HILL presented a petition of the New York Board of Trade and Transportation, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a petition of the New York Board of Trade and Transportation, praying for the enactment of legislation providing for a new custom-house at the port of New York; which was referred to the Committee on Commerce.

Mr. HILL. I present resolutions adopted by the faculty of the school of mines of Columbia University, favoring the passage of the bill to reorganize and increase the efficiency of the personnel of the Navy, etc. In connection therewith, I wish to read the following letter from the president of the university:

COLUMBIA UNIVERSITY, IN THE CITY OF NEW YORK,
President's Room, February 27, 1896.

MY DEAR SENATOR: I have the pleasure of handing you herewith copy of a preamble and resolutions adopted by the faculty of the School of Mines of Columbia University. I am sure you will agree with me in the desire that this oldest of the universities of the State of New York should not be behindhand in cooperating with the Government in advancing so laudable an object as is aimed at by the bill referred to. It appears to be particularly Columbia's duty to do this, because of its location in the great port of our State and of the United States. If you shall see fit to accompany the presentation of this petition with any remarks favorable to its object, I beg to assure you that I believe Columbia will do everything in its power to make the bill effective in the accomplishment of its purpose should it become a law.

I am, sir, very respectfully, your obedient servant,

SETH LOW, *President.*

Hon. DAVID B. HILL,
Senator, Washington, D. C.

I do not know that it is necessary that I should accompany the presentation of the petition by any extended remarks. The letter itself presents the subject admirably.

The VICE-PRESIDENT. The petition will be referred to the Committee on Naval Affairs.

Mr. SMITH presented a petition of sundry citizens of Trenton, N. J., praying for the enactment of legislation giving protection to American citizens in Turkey and extending sympathy to the suffering Armenians; which was ordered to lie on the table.

He also presented the petition of Mrs. S. M. Swaim and 36 other members of the Woman's Christian Temperance Union of Chatham, N. J., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of New Jersey, praying for the appointment of an international board of arbitration between the United States and Great Britain; which was referred to the Committee on the Judiciary.

He also presented the petition of John B. Smith and 11 other citizens of Newark, N. J., Union soldiers and sailors who lost a limb in the war of the rebellion, praying for the passage of Senate bill No. 354, to adjust the pensions of those who have lost limbs or have been totally disabled in them; which was referred to the Committee on Pensions.

He also presented petitions of Ellsworth Council, No. 120, Junior Order United American Mechanics, of Silverton, N. J.; of Summit Council, No. 87, Junior Order United American Mechanics, of Jersey City, N. J.; of Hightstown Council, No. 70, Junior Order United American Mechanics, of Hightstown, N. J.; of Lafayette Council, No. 129, Junior Order United American Mechanics, of Jersey City, N. J.; of Fidelity Council, No. 8, Junior Order United American Mechanics, of Millville, N. J., and of Belleville Council, No. 163, Junior Order United American Mechanics, of Belleville, N. J., praying for the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration.

Mr. ALLISON presented the memorial of Dr. Philip Slack and 8 other citizens of Hesper, Iowa, and a memorial of the Woman's Christian Temperance Union of Mount Vernon, Iowa, remonstrating against the introduction of military training in the public schools of the United States; which were referred to the Committee on Military Affairs.

He also presented petitions of 44 citizens of Wright County, Iowa; of 44 citizens of College Springs, Iowa; of 31 citizens of Wright County, Iowa; of 17 citizens of College Springs, Iowa; of 44 citizens of Coin, Iowa; of 51 citizens of Clearfield, Iowa, and of 17 citizens of College Springs, Iowa, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

PAYMENTS REFUSED BY EXECUTIVE OFFICERS.

Mr. PEFFER. Some time ago Senate bill 238 was reported favorably from the Committee to Examine the Several Branches of the Civil Service. It is a bill "to prohibit officers of the Government from refusing to pay moneys appropriated by act of Congress." Since the bill was reported I am informed that in another branch of Congress the same subject is being investigated by the Judiciary Committee of that body; also that the subject which originally inspired the introduction of the bill is now pending in the Court of Claims and will probably be taken to the Supreme Court of the United States for adjudication. I have thought it best to ask that the bill be stricken from the, Calendar and in connection therewith to ask that the paper which I hold in my hand and will describe in a moment may be printed as a document for the use of the Senate and such other persons as may need it.

It is an argument of ex-Senator Manderson before Comptroller Bowler, of the Treasury Department, in the cases known as the sugar-bounty cases, in which Mr. Manderson has cited and gone through all of the authorities bearing upon the claims of United States officers to set aside acts of Congress when, in their judgment, the acts are not beneficent. It would save a great deal of trouble when the subject comes before the Senate, as it probably will, and also afford a great deal of satisfaction to lawyers who are interested in this subject, and at the request of a number of members of the profession, I move that the argument of the ex-Senator be printed as a document.

The motion was agreed to.

HISTORY OF SIOUX INDIANS.

Mr. ALLEN. I present a brief history of the Santee Sioux Indians of Nebraska and the Flandreau Sioux Indians of South Dakota, which I ask may be printed as a document. It will make a very small document, and it is important in the consideration of matters before the Senate.

The PRESIDING OFFICER (Mr. WHITE in the chair). In the absence of objection, the paper will be printed as a document and referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 2469) authorizing and directing the Secretary of the Interior to quitclaim and release unto Francis Hall and Juriah Hall, and their heirs and assigns, all the right, title, and interest of the United States in and to the east 20 feet front by the full depth of 100 feet of lot 2, in square 493, in the city of Washington, D. C., as laid down on the original plan or plat of said city, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5105) to abolish days of grace on promissory notes, drafts, etc., in the District of Columbia, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2153) to abolish days of grace on promissory notes, drafts, etc., in the District of Columbia, reported adversely thereon, and the bill was postponed indefinitely.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 493) for the erection of a public building at Waterbury, Conn., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2492) authorizing the purchase of a site for a building for the accommodation of the Supreme Court of the United States, reported it without amendment.

Mr. WILSON, from the Committee on Public Lands, to whom was referred the bill (S. 2555) to authorize the Secretary of the Treasury to issue leases of certain islands in Alaska for the breeding of foxes, reported it with amendments, and submitted a report thereon.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 386) to provide for the purchase of a site and the erection of a public building thereon at Oakland, in the State of California, reported it without amendment, and submitted a report thereon.

Mr. BAKER, from the Committee on the District of Columbia, to whom was referred the bill (S. 335) for the relief of Esther A. Keyser, reported it with an amendment, and submitted a report thereon.

Mr. GEAR, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2394) to provide for the construction of a public building at Salem, Oreg., reported it without amendment.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 154) to provide for the erection of a public building at Indianapolis, Ind., reported it with amendments.

COAST AND GEODETIC SURVEY REPORT.

Mr. HALE. From the Committee on Printing I report a joint resolution which I ask may be considered.

The joint resolution (S. R. 116) authorizing the Public Printer to print the annual report of the Superintendent of the United States Coast and Geodetic Survey in quarto form, and to bind it in one volume, was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate, etc., That paragraph 8, section 73, of the act of January 12, 1896, providing for the public printing and binding, etc., be amended by striking out all of said paragraph after the word "survey," at the end of the first and beginning of the second lines, and substituting in lieu thereof the following words: "Two thousand eight hundred copies in quarto form, bound in one volume, 200 for the Senate, 600 for the House, and 2,000 for distribution by the Coast and Geodetic Survey."

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORT ON SALMON FISHERIES OF ALASKA.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution submitted by Mr. TELLER on the 5th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed of the report of the special agent for the protection of the salmon fisheries of Alaska for the year 1894, 6,000 copies; 1,500 for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the Treasury Department.

OFFICIAL REPORTER OF DEBATES.

Mr. HALE. I report from the Committee on Printing the resolution which I send to the desk. The resolution should be passed at once, owing to the death of the Official Reporter of the Senate.

The resolution was read, as follows:

Resolved, That Theodore F. Shuey is hereby appointed Official Reporter for reporting the proceedings and debates of the Senate until further order of the Senate, subject to all the duties and obligations of the contract made with D. F. Murphy, deceased, late Reporter of the Senate, and to the supervision and control of the Committee on Printing on behalf of the Senate, in all respects therein provided, and to receive payment for such service according to law.

Mr. HILL. Let that go over.

Mr. QUAY. I object to the consideration of the resolution at present. Let it go over.

Mr. HALE. Of course it ought not to be delayed long. I shall call up the resolution to-morrow morning.

The VICE-PRESIDENT. Objection being made, the resolution will go over under the rule.

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 2641) for the relief of William Leech; which was read twice by its title, and referred to the Committee on Claims.

Mr. HILL introduced a bill (S. 2642) to provide for the safety of passengers on excursion steamers; which was read twice by its title, and referred to the Committee on Commerce.

Mr. NELSON introduced a bill (S. 2643) to amend an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands," approved June 16, 1880 (21 Stat., page 287); which was read twice by its title, and referred to the Committee on Public Lands.

Mr. ALLISON introduced a bill (S. 2644) granting a pension to Mrs. Anna Long; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2645) granting a pension to Mrs. William Vandever; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2646) granting an honorable discharge to Thomas Walker; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WOLCOTT introduced a bill (S. 2647) granting a pension to Robert J. Miller; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2648) granting a pension to George F. Barrage; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2649) granting a pension to Clara A. Southard; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2650) granting a pension to Robert E. Fousman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2651) granting a pension to William Herriott; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 2652) granting a pension to Lewis W. Goddard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL of Oregon introduced a bill (S. 2653) for the relief of M. S. Hellman; which was read twice by its title, and referred to the Committee on Claims.

Mr. DANIEL introduced a bill (S. 2654) to authorize the Washington, Arlington and Falls Church Railway Company to enter the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2655) for the relief of the Free and Accepted Order of Masons in the town of Keysville, Charlotte County, Va.; which was read twice by its title, and referred to the Committee on Claims.

Mr. ELKINS (by request) introduced a bill (S. 2656) to provide for the purchase of a site for the Government Printing Office, and the construction of buildings therefor; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. HILL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

INDIAN DEPREDATION CLAIMS.

Mr. BROWN submitted the following resolution; which was read, and referred to the Committee on Indian Depredations:

Whereas under an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, there were filed in the Court of Claims ten thousand eight hundred and forty-one (10,841) cases; and

Whereas, as it is shown by the report of the Attorney-General for the year 1895, only nine hundred and forty-four (944) of said cases have been reduced to judgment during a period of nearly five years, and only forty-four (44) in the year ending November 1, 1895, while during the last-named period the Attorney-General has made motions for new trials in about one hundred and fifty (150) of said cases in which judgments had been rendered nearly two years prior to the filing of said motions:

Resolved, That a committee be appointed to examine and investigate the manner in which these Indian depredation cases are being tried, with a view to ascertaining who, if anyone, is responsible for the great and unreasonable delay and expense, both to the Government and the claimants, in the trial thereof, and to report what amendments, if any, to the act of March 3, 1891, or what change in the tribunal before which such cases should be heard, or what other measures are necessary in order to carry out the intention of Congress when it passed said act, and to do speedy and substantial justice between the United States and the Indians on the one hand and the claimants on the other.

UNSURVEYED PUBLIC LANDS.

Mr. CALL. I submit a resolution and ask unanimous consent for its present consideration.

The resolution was read, as follows:

Resolved, That the Committee on Public Lands be directed to inquire and report such legislation, by bill or otherwise, as may be necessary to prevent the unsurveyed public lands of the United States from being approved and patented without a survey and examination, and report as to their being swamp and overflowed in the meaning of the act of Congress.

Mr. DUBOIS. I ask that the resolution may go over.

The VICE-PRESIDENT. The resolution will go over under the rule.

Mr. CALL. I ask the Senator from Idaho to withdraw his objection for one moment.

Mr. DUBOIS. Very well; I withdraw it for a moment.

Mr. CALL. I desire to read a letter from the Assistant Commissioner of Public Lands. It is as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 25, 1896.

SIR: I have the honor to acknowledge the receipt of your letter of March 18, 1896, asking information for the benefit of W. T. Chapman, of Tampa, Fla., in relation to the rights of settlers on unsurveyed lands, and in reply you are advised that a homestead settler on unsurveyed public land not yet open to entry must make entry within three months after the filing of the township plat of survey in the district land office, his settlement being protected for that period only.

The land "near Cape Sable" with regard to which you make inquiry is unsurveyed, and therefore there are no entries upon the same as shown by the records of this office. However, all the unsurveyed land in what would be, if surveyed, T. 61 S., R. 33 E., Florida, within the limits of which Cape Sable appears to be situated, has been selected by the State under act of September 28, 1850 (9 Stat., 519).

Very respectfully, E. F. BEST, *Assistant Commissioner.*

Hon. WILKINSON CALL,
United States Senate, Washington, D. C.

I call the attention of the Committee on Public Lands and the chairman of that committee to the fact that unsurveyed lands in the State of Florida, public lands of the United States, are being patented and approved without any survey and without any examination, dispossessing the settlers upon those lands of their homes.

Mr. DUBOIS. I will say to the Senator from Florida that I have no doubt the Committee on Public Lands will make a very full and thorough investigation, but as I understand the attention of no member of the committee has been called to the resolution, I think it proper that it shall go over until to-morrow, so that we may have time to examine it.

The VICE-PRESIDENT. The resolution will go over under the rule.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the resolution of the Senate directing the Public Printer to eliminate from the 10,000 copies of the Report on the Statistics of Agriculture in the United States Census of 1890 the monograph entitled "Report on agriculture by irrigation in the western part of the United States," etc.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 572) for the relief of Jane Duke;

A bill (H. R. 2265) to provide for the reimbursement of the expenses of constructing a sewer upon the permanent reservation at Hot Springs, Ark.;

A bill (H. R. 7170) to grant to the Gulf, Colorado and Santa Fe Railroad Company the right to acquire depot grounds at the town of Davis, Tishomingo County, Chickasaw Nation, Ind. T.; and

A bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 1179) to repeal section 1218 of the Revised Statutes of the United States as amended by chapter 46 of the laws of 1884, relating to appointment of officers in the Army or Navy of the United States; and

A bill (H. R. 5828) to amend an act entitled "An act to promote the safety of employees and travelers," etc., approved March 2, 1893.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM. I move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

Mr. CULLOM. Before we proceed to a discussion of the provisions in relation to marshals and district attorneys, I desire to correct a mistake on page 40 of the bill in the items for the Bureau of Statistics, Treasury Department. In line 23 the word "four" was inserted, as in Committee of the Whole, before "clerks" instead of "five." I ask that that amendment be reconsidered.

Mr. COCKRELL. Where is that?

Mr. CULLOM. On page 40. The Senator from Arkansas [Mr. BERRY] has called my attention to an error as to the amendment that we undertook to make there. It should read "five clerks of class 2; eight clerks of class 1."

The VICE-PRESIDENT. If there be no objection, the vote by which the amendment in line 23 was agreed to will be reconsidered. The vote is reconsidered. The question is on agreeing to the amendment of the committee to strike out "five" and insert "four."

The amendment was rejected.

Mr. CULLOM. In the same line, before the word "clerks," I move to strike out "nine" and insert "eight"; so as to read:

Eight clerks of class 1.

The amendment was agreed to.

Mr. CULLOM. I hope the clerks will correct the footing there.

The VICE-PRESIDENT. The correction in the footing will be made.

Mr. COCKRELL. I thought an amendment was made yesterday on page 96. It was intended to be made and I thought it was agreed to, but I see that the RECORD does not show it, and I suppose that the Journal will not show it. On page 96, line 2, in the item for surveyor-general of New Mexico, the word "seven" before "thousand" should be changed to "ten," and in line 3, "nine" before "thousand" should be changed to "twelve"; so as to read:

For surveyor-general of the Territory of New Mexico, $2,000; and for clerks in his office, $10,000; in all, $12,000.

The amendment was agreed to.

Mr. CULLOM. If the Senator from Missouri has no further amendments, I hope we will proceed with the consideration of the provisions in relation to marshals and district attorneys, upon which I understand the Senator from Iowa [Mr. ALLISON] has the floor.

Mr. VILAS. I understand the motion now is to strike out the entire provision.

Mr. CULLOM. It is.

Mr. VILAS. I wish to make a motion to amend section 6 by striking it out and substituting another, and I suppose that motion will have precedence of the general motion to strike out the entire subject.

Mr. CULLOM. It will.

Mr. VILAS. If the Senator from Iowa will permit me, I will send up the amendment.

Mr. ALLISON. Certainly.

The VICE-PRESIDENT. The amendment of the Senator from Wisconsin will be stated.

The SECRETARY. It is proposed to strike out section 6 as it stands in the bill and insert as a new section:

SEC. 6. That the United States district attorney for each of the judicial districts of the United States, except the southern district of New York, which shall continue under existing law, shall be paid an annual salary of $4,000; and except that in the district of Massachusetts, the eastern district of Pennsylvania, the eastern district of Louisiana, the northern district of California, and the northern district of Illinois he shall be paid an annual salary of $6,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Wisconsin [Mr. VILAS].

Mr. VILAS. Mr. President, I wish to make an observation in reference to the amendment, and with that I will leave the subject.

This proposition to change the system of fees to a system of salary compensation is one which has long been agitated in Congress and a great deal of labor has been expended upon it. The Senator from Missouri [Mr. VEST] for a long time wrought upon this subject with a great deal of efficient labor. Yet I think the difficulty which in the end more than anything else tended to obstruct the acceptance of the view has been the trouble of adjusting the salaries. Each district is striving to claim a high salary, and basing that claim upon the amount of alleged business which has been done in the district in past time. In my opinion the business of the past as indicated by the emoluments which have been received by the several district attorneys of the different districts furnishes no fair basis for the arrangement of the salary. In many cases the business has been worked up by assiduous, ingenious cultivation, and the evils which we are seeking to eradicate would be more or less perpetuated by an effort to adjust the salaries upon the basis of the computations of district attorneys' fees in the past. I think we ought to try the salary system in this country. I believe it will have a tendency, and probably a very effective tendency, to diminish much vexatious litigation instituted in the name of the United States in the way particularly of prosecutions for minor offenses.

But I do not think anybody can expect that we shall adjust the salaries in anything like a fair measure of accordance with the work which is done in the different districts. Indeed, I presume every Senator will recognize the fact that in the same district in different years a vast amount of difference exists in the labor called upon to be exerted by the district attorney. Now and then a case arises in reference to which a district attorney is called upon to expend more valuable professional labor in a single year than he might perhaps for five years before or five years after be required to exert. If we adopt a fixed salary in the several districts we shall have, doubtless, at different times a great variety of compensation without reference to the actual work that is done, but we shall fix upon a system which is the fairest upon the whole, the most just upon the whole, and which will more nearly in the long run meet the necessities of the case.

Besides, I think everybody will recognize that we have strained the salaries to a point too high in the present provisions. We shall have no difficulty in securing sufficient talent and ability to conduct the business of the Government at the rate of salary proposed in the amendment, and we shall do far better, in my judgment, if we have a uniform salary than if we attempt to vary the salary to meet supposed differences in different districts. We never shall so adjust salaries as to make an accurate, strict compensation for the work that is done, measured by a fair rule as between different district attorneys. The same principle which has governed the adjustment of salaries for judges ought to govern the adjustment of salaries for district attorneys and for marshals. There should be uniformity. Let there be uniformity in the salaries. Let the different officers take their chances as they must in respect to the amount of work that will be required to be performed by them. As the Senator from Florida [Mr. PASCO] sitting by my side suggests to me, it will be more or less equalized by the appointment of deputies under the next section of the bill as it is now prepared, which gives the Attorney-General authority to appoint assistants when peculiar necessity exists.

I do not care to elaborate the discussion of this matter or to take the time of the Senate. If this amendment should be adopted, I should like to see it followed by a similar one in respect to marshals, and I believe it would tend to the settlement of this vexed question upon a more enduring basis than the present aspect of the bill promises. If we have a difference in the salaries for the different districts based upon the theory that more work is done in some than in others, we shall at once invite year after year a constant repetition of solicitation upon Congress to correct inequalities caused by changes in the circumstances.

Mr. CALL. Will the Senator state what his amendment is?

Mr. VILAS. The amendment I propose is to have the district attorneys in every district in the United States paid $4,000 a year except in the southern district of New York, which is a very special case. I propose that the present law with reference to his compensation shall continue; and I also except the district of Massachusetts, which includes the city of Boston; the eastern district of Pennsylvania, including the city of Philadelphia; the eastern district of Louisiana, including the city of New Orleans; the northern district of California, embracing the city of San Francisco, and the northern district of Illinois, with the city of Chicago. I propose that they shall each be paid $6,000. I would fix, in other words, arbitrarily, a certain salary for this term, and I leave it open for controversy hereafter. I believe the salary in each of those cases is ample and adequate to secure as effective, useful, valuable service for the Government as we have ever had by the district attorneys hitherto employed.

Mr. CULLOM. I sincerely hope that the amendment will not be adopted. I think it will result in killing the whole measure.

Mr. HILL. Why would it kill the whole measure?

Mr. CULLOM. Because it is not fair legislation, in my judgment.

Mr. HILL. That might be, and not necessarily kill the whole measure.

Mr. CULLOM. I think almost every other Senator will think the same way.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Wisconsin [Mr. VILAS].

The amendment was rejected.

Mr. ALLISON. Mr. President, I do not expect to occupy much of the time of the Senate in the discussion of the provisions which are proposed to be struck from the bill on the motion of the Senator from Ohio [Mr. SHERMAN]. I agree with all that has been said by Senators as to the impropriety of placing riders in the way of legislation on appropriation bills. The Senator from New York [Mr. HILL], who laid great stress upon that point, can not outdo me in objecting as a rule to placing riders upon appropriation bills. I have heard the Senator from Ohio many times express his view upon that subject and I have never differed from him in his argument. I think I can say truthfully for all the members of the Committee on Appropriations that they do object to legislation upon these bills. They would greatly prefer to deal with the appropriation bills without respect to legislation upon them; and we always hope that as to every one of these bills the rule which prohibits general legislation upon them will be adhered to. The House of Representatives has a similar rule. So according to the rules of the two Houses legislation of a general character can not be put upon appropriation bills, and that question need not be debated here.

The only question which arises now, as it seems to me, is whether the situation and condition surrounding this question of the compensation of district attorneys and marshals take this proposed legislation out of the general rule which prevails here, and which ought to prevail. In the first place, so far as the Senate is concerned, it has no choice as respects this bill. These provisions came to us from the House of Representatives; they are in the bill; and in some form they must be dealt with here. I know perfectly well it would be an easy thing for us to adopt the motion proposed by the Senator from Ohio and strike them out; but that does not deal with the question which is presented to us in these sections, unless the Senate is ready, and it never has been ready so far as I know, to say to the House of Representatives, "We will not agree to pass this bill unless you strip it of the legislation which you propose." I agree that according to parliamentary law, and according to the just relations that should exist between the two Houses, when either House proposes on an appropriation bill new legislation, if the other House objects to it the legislation should be taken from the bill. That is the rule; nobody disputes it that I know of; and every member of the Senate, so far as I know, agrees with the suggestions made by the honorable Senator from Ohio, the Senator from New York, and other Senators who say that we should not legislate upon appropriation bills.

The Committee on Appropriations, however, in the consideration of this bill regarded, and were compelled to regard, this as an exceptional case: and they so treated it. The House of Representatives, with its rule providing that no legislation should be placed upon appropriation bills, took this proposed legislation out of the scope of that rule. The Committee on Rules, having the power to bring in special rules as respects special questions, overriding the general rules of the House, brought into that body a special rule; and so unanimous was the House of Representatives for this legislation that the yeas and nays were not called, as the record of the House shows, upon the adoption of that rule.

Mr. HILL. Will the Senator from Iowa permit me to ask him a question? What was precisely the special rule which the Committee on Rules reported?

Mr. ALLISON. The special rule provided that these sections which are now incorporated in the bill should be made in order upon the legislative, executive, and judicial appropriation bill, and that the sections should be considered pending that bill, and they were so considered under that special rule. Otherwise, of course, the provisions would have been subject to a point of order, and ruled out.

Mr. HILL. I am seeking information. I was not aware that the Committee on Rules in the other House had a right to bring in a special rule which superseded one of the standing rules of the House for the consideration of bills in the House. Of course if the Senator says that that course was adopted, I accept his statement. I supposed what the Committee on Rules did was to expedite particular measures, stating how long the debate should be, and certain other details. I was not aware that it suspended one of the regular standing rules of the body relating to what should go into a bill. I may be misinformed.

Mr. ALLISON. I think I have the rule before me.

Mr. HILL. I wish the Senator would read it.

Mr. ALLISON. The committee proposed the following resolution:

Resolved, That it shall be in order for the Committee on the Judiciary to offer, and for the House to consider in Committee of the Whole, as an amendment to the legislative, executive, and judicial appropriation bill for the fiscal

year 1897, the bill (H. R. 6654) entitled "A bill to abolish the fee system as to United States district attorneys and marshals and substitute salaries, and for other purposes."

Thus the Committee on Rules, which has the power to make special rules for special cases, in the exercise of that power in the House, without objection, practically, regarded these provisions as so exceptional in their nature and so important as to their consideration that they should be embodied in and ingrafted upon the legislative, executive, and judicial appropriation bill.

All these provisions, I understand, received the careful scrutiny of the Committee on the Judiciary of the House of Representatives, not for a day, or a week, or a month, but for many weeks. The Attorney-General before the Committee on Appropriations of this body read in the presence of the committee every section and every provision of the bill, and stated to us that he had given this subject long, faithful, and careful attention during the winter months, and that every legislative provision here respecting the changes made necessary by the adoption of the salary clauses instead of the fee system received his unqualified support.

Mr. HILL. Will the Senator from Iowa allow me for a moment?

Mr. ALLISON. Certainly.

Mr. HILL. Of course the Senator from Iowa desires to state it with entire accuracy.

Mr. ALLISON. Yes, sir; so far as I can.

Mr. HILL. The House, after the elaborate investigation and deliberation referred to by the Senator, reported another provision to the bill to change the whole system relating to United States commissioners.

Mr. ALLISON. They did.

Mr. HILL. And after receiving the assent of the House Judiciary Committee, after receiving the assent of the House Appropriations Committee, after passing the House, the Attorney-General came before the committee, did he not, and disapproved of the whole proceeding?

Mr. ALLISON. I, of course——

Mr. HOAR. I do not like to interpose, but I wish to suggest to the Senator from Iowa whether it is in accordance with our rules to discuss a particular vote or majority or the proceedings in the other House.

Mr. ALLISON. I think it is not, and I will make no further allusion to the House. That statement has been made heretofore by other Senators in dealing with the question, and I suppose that my reference to what occurred there would at least be not objected to.

Mr. GEORGE. I ask the Senator from Iowa to allow me to interrupt him for a moment or two so as to get some information.

Mr. ALLISON. Certainly.

Mr. GEORGE. The Senator from Iowa has on two occasions in the Senate explained the difficulties that surround the matter. I have a serious difficulty about these provisions, which I desire to submit to the Senator from Iowa for solution. I understand, sir, the motive, the reason for the rule which excludes general legislation from an appropriation bill to be this: We are under a sort of moral and political necessity, in order to carry on the Government, to vote for and to pass general appropriation bills, so that when an amendment which is objectionable to a Senator or a majority of Senators is put on a bill and we can not get rid of it we are placed in an attitude where we must either vote for that which we do not approve or refuse the necessary appropriation for the Government. I should like the Senator to explain how any exceptional case can do away with the reason of that rule.

Mr. ALLISON. If I stated that this is an exceptional case, which in any sense changes the rule which I endeavored to state, namely, that if one House places new legislation upon an appropriation bill which the other House disagrees to, the House proposing the legislation must give way or themselves take the responsibility of a failure to pass an appropriation bill——

Mr. GEORGE. Why may we not pursue that course now?

Mr. ALLISON. I am stating as nearly as I can why I think we should deal with this question now. Of course I can not state it all in a sentence. I was stating, however, and I was not out of order, I believe, in stating what the rule of the House is and what an exception to its rules may be. Certainly it is in order in this body to read in debate the rules of the other House.

Mr. PLATT. There is no question about it.

Mr. ALLISON. It is in order to read the rules of the House in debate, I repeat. It is also in order to read every rule of the House. If you can read one rule, you can read all the rules. Therefore I submit to my honorable friend the Senator from Massachusetts [Mr. HOAR] that I was not out of order in stating that this legislation was put on the bill in the House in accordance with the rule which I read.

Mr. HOAR. I did not suggest that the Senator was out of order.

Mr. ALLISON. Oh!

Mr. HOAR. I did not make any such point. The Senator will pardon me. I did not refer in what I did say to that. I referred to the Senator's statement about the unanimity of the House in a certain matter. Will the Senator allow me to take the book he has in his hand? I referred also to his statement about certain votes on this subject.

Mr. ALLISON. The only——

Mr. HOAR. The Senator from Iowa will pardon me. What I had in mind is this:

> It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses. (8 Grey, 22.)

That is Mr. Jefferson's statement. I merely asked the Senator himself to consider whether a statement about the opinion of the House and its unanimity was in order here. The Senator very properly said he did not think it was, in which I agree with him.

Mr. ALLISON. I withdraw that part of my statement as to the vote.

The Attorney-General, I repeat, stated that the provisions as to changing from the fee system to the salary system met with his approval. In reference to changing the law as respects commissioners of United States courts, the Attorney-General said to the Committee on Appropriations (I do not know what he said to the Committee on the Judiciary) that there was doubt in his mind as to many of those provisions, and he did not, without condition, recommend to either committee, as I understand, that the provisions as to commissioners should remain in the bill. Therefore, the Committee on Appropriations, as I understood, in accord with the view of the Committee on the Judiciary, struck out the provisions as to commissioners, and, in association with the Committee on the Judiciary, inserted a clause in the bill requiring the Attorney-General to make investigation and examination as to commissioners and clerks of the courts.

So at every step of this bill and of these provisions the Committee on Appropriations yielded to the judgment of the Committee on the Judiciary. We did so for the reason that we understood the Committee on the Judiciary at this session, as at many former sessions, had under consideration bills looking to a change in the method of compensation to district attorneys and marshals.

Mr. HOAR. Will the Senator from Iowa allow me, before he passes away from that matter?

Mr. ALLISON. Certainly.

Mr. HOAR. I am not aware that there is any single provision on this subject reported or now recommended by the Committee on Appropriations in regard to which there is a difference of opinion between those two committees. Indeed, the Judiciary Committee also reported as bills what they reported as amendments to the pending bill.

In regard to the question whether this legislation should go on an appropriation bill, what I have said about it is merely my individual opinion and I have no authority to represent the committee at all. They have taken no action either way on that subject.

Mr. ALLISON. Now, it turns out that the Judiciary Committee have not only considered those provisions, but that they have also reported separate bills looking to the change which is proposed here.

I have made this narration for the purpose of showing or attempting to show that these are not amendments put into the bill on the floor of the Senate in haste upon the motion of a single Senator. They are not amendments that have not been considered by the two committees of this body, to say nothing of any other body, who have charge and jurisdiction of the subject. They have considered them. The provisions have the approval of the highest law officer of the Government; they have been debated in this body now for four days, and every Senator here has had his opportunity to criticise and to propose amendments to each and all of those sections.

Mr. President, it seems to me that the circumstances I have related which surround this important legislation are sufficient for us all to say that the provisions have been carefully and wisely considered by the highest law officer of the Government and by the two committees that necessarily have charge of those subjects. Certainly the committee of this body that has charge of the subject has considered them. If that be true the only question that should be considered, it seems to me, is whether or not the amendments are important. If they are important, then they have been carefully considered by the proper committees and by this body. The mere technical statement that they are all on an appropriation bill, whereas they should be in a separate measure, it occurs to me ought not to prevail.

I wish to say one thing further as to this matter. If I had my way, although I have not consulted anyone in reference to it, I should advise that as to these provisions, when the necessary appropriations have been concluded in regard to the pending bill, if there are serious differences between the two Houses upon the subject, those differences should be settled by the law committees of the two Houses and not by the Committees on Appropriations.

I believe that those provisions are valuable; that they are of importance; that in their general result they will greatly reduce

the expenses of the Department of Justice, and that the compensation provided here even by the Senate amendments as to marshals and district attorneys is smaller than they now receive by law.

Mr. HILL. Will the Senator from Iowa allow me for just a moment?

Mr. ALLISON. Certainly.

Mr. HILL. I wish to call the attention of the Senator to the unfairness of this proceeding, and to hear his views upon that question.

Adopting the suggestion that was made from some source, without now speaking of the Attorney-General, the Appropriations Committee and the Judiciary Committee have reported to strike out of the bill quite a portion of it relating to United States commissioners. Among other matters which the House inserted was a provision which prevented any district clerk from being a United States commissioner. That part of it goes out. It has not been discussed here; it can not be discussed here, as there is nothing before the Senate in regard to it. That is a matter which seriously affects the southern district of New York. I have letters signed by every judge of the courts—the district court and the circuit court—by the district attorney, by the leading members of the bar of New York, making suggestions upon that branch of the case.

Now, you have not brought that provision here and perfected it. It is going out, according to the idea of the Senate. The conference committee meets, and that question is to be determined. The conferees on the part of the Senate may yield to the House. Then when the bill comes back here we can not amend it. We have to vote down the whole report of the conference committee and attack it in that way, imperiling an appropriation for the support of the Government. That is the unfairness of the whole proceeding, I submit to the Senator from Iowa.

Mr. ALLISON. I agree that the sections respecting commissioners were stricken out of the bill on the report of the committee and have not been debated, but those sections certainly will be debated in this Chamber before they are agreed to by the Senate. For one I will not agree to the provisions with respect to United States commissioners as they stand in the bill, nor have we or the Attorney-General the information which would enable us to deal intelligently with those commissioners and the clerks of the courts.

Although what the Senator says is embarrassing, it certainly would be much more embarrassing if, instead of striking out one or two sections relating to commissioners, we had struck out every section relating to marshals and district attorneys as well, and thus thrown those provisions into a conference without having had the opportunity of hearing the expression of Senators as to their justice or injustice.

Mr. President, having said this much as to the bill, I believe we ought to deal with the subject here and now. I believe that a great majority of the Senators upon this floor favor these provisions. Certainly the Judiciary Committee favor them, because they have reported similar provisions to this body in a separate bill. The Senator from New York favors them, and so stated in the debate yesterday. The provisions as reported to us by the Attorney-General will save annually large sums of money to the Government without impairing the efficiency of the courts of the United States.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER (Mr. PROCTOR in the chair). Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. ALLISON. Certainly.

Mr. GEORGE. Will the Senator explain how, by what process, a saving will be made to the Government, and how much it will be?

Mr. ALLISON. There have been many tables presented upon this subject in the House debate, and I believe two or three have been introduced here. I will not stop to discuss them. The estimate is that the annual saving will be about $500,000. I will refer the Senator to the House debate upon the subject, where elaborate tables were produced, prepared in the office of the Attorney-General.

Mr. SHERMAN. I think there must be some misunderstanding about this matter, if my friend the Senator from Iowa will allow me, because we all want to get at the facts.

Mr. ALLISON. Certainly.

Mr. SHERMAN. As I understand, most of these officers are paid by fees which are levied according to law upon litigants. The United States pays fees in cases in which it is interested, and all other litigants pay fees. Those fees now pay the salaries of the district attorneys and the clerks, and probably the marshals to a certain extent, perhaps entirely.

The payment of these officers out of the Treasury will probably prevent the collection of fees. There will be no one interested in collecting the fees from parties litigant, and the result will be a large increase, in my judgment, whatever it may be nominally, in the expense of the Government and the expense of the courts, because the expenses which are now paid by fees will be paid out of the Treasury of the United States, with no assurance that the fees will be collected, as there is no one interested to collect them.

Mr. GEORGE. I should like to ask whether the fees which the marshals and district attorneys receive are not payable by the defendants in cases and not by the United States?

Mr. ALLISON. They are paid, of course, by the loser in the suit, whoever he may be.

Mr. HOAR. I should like to ask the Senator a question. Is there not the same motive for a district attorney or a marshal to collect fees which are adjudged by a court against the defendant that there is for an officer in the customs service to collect duties on imports or for an internal-revenue officer to collect excise duties? It seems to me the Senator from Ohio might as well say that we never will collect revenue under our customs laws because the officers have no interest in collecting it. It is the duty of the United States district attorney to tax and collect all costs against a defendant. In pretty nearly all the States of this Union, certainly in Massachusetts, the district attorney is paid by salary, but he collects the taxable costs against the defendant. I never heard of a suggestion that fees would not be collected because the officer himself was not interested. But what the salary system does remove is the motive on the part of officials to make litigation for the purpose of putting the fees in their pockets.

Mr. WOLCOTT. May I suggest to the Senator from Massachusetts that what it invariably leads to is fewer indictments and more convictions?

Mr. HOAR. Yes.

Mr. ALLISON. I can not for a moment agree to the suggestion made by the Senator from Ohio that the courts of the United States will fail in the discharge of their duties, because a statement that the fees will not be collected and paid is an imputation upon every judge of our courts and upon every lawyer who has the ability and capacity to become a district attorney of the United States. These are sworn officers. The fees are required to be paid into the Treasury, whether drawn from private litigants or from actions in which the United States is a party. All fees which will be collected after these provisions shall take effect will be paid into the Treasury of the United States. Walk across this corridor and you will find there the highest judicial tribunal in the world, with private litigants without number, and a fee bill which, to the losing litigant, is regarded as very large. Every dollar of that fee bill and of those fees, by a statute of the United States, is paid into the Treasury of the United States, although the litigants are private parties.

Mr. GEORGE. Will the Senator from Iowa allow me to ask him a question?

Mr. ALLISON. Certainly.

Mr. GEORGE. I understand that the Senator from Iowa relies with implicit confidence upon the integrity of the district attorneys and also of the courts, but mainly the district attorneys, who are the active agents in this matter, that all the fees will be collected. I understand (if I am wrong in this I desire to be corrected) that the main reason for changing from the fee system to the salary system is because the district attorneys can not be relied upon, and that they use the powers of their office unjustly and improperly for the purpose of increasing their fees.

Mr. ALLISON. The courts of the United States, like other courts, have their judges, their district attorneys, their marshals or sheriffs, as the case may be, and their commissioners. If a deputy marshal finds what he believes to be a case of wrongdoing as respects a United States statute, he commences a proceeding. That proceeding can not be commenced by a private citizen without the sanction of the district attorney. Therefore it is that I have no doubt that in some cases deputy marshals have inaugurated suits, which have resulted in large fees, that the laws compel the district attorney to deal with, although he may not believe that the cases ought to be dealt with. But I submit that these fees which go into the Treasury of the United States will continue to go there.

Mr. HOAR. Will the Senator from Iowa allow me to make a single remark? The Judiciary Committee has had this matter before it a long time. I have received a great many communications on this subject, and the complaints in this particular are not of the dictrict attorneys, but of deputy marshals and commissioners. The complaint is that the fees are multiplied and cases put off, taking three days where the work might be done in one, and ten witnesses being summoned when two would answer, and all that class of complaints, but not relating to the district attorneys. Certainly in some instances among the most earnest advocates of this change have been district attorneys, who say that it is impossible for them to control the matter as it now stands.

Mr. GEORGE. Will the Senator allow me just one word, and then I shall quit?

Mr. ALLISON. Certainly.

Mr. GEORGE. In response to the suggestion made by the Senator from Massachusetts, I will say that if the fault is not in the district attorney's office, but in the marshal's office, there is no necessity for a change from the fee system to the salary system in the district attorney's office; the change ought to be confined to the marshal's office.

While I am up I believe I will say that I am authorized to state

The PRESIDING OFFICER. Fifty-one Senators having an-

Mr. HOAR. I did not make any such point. The Senator will pardon me. I did not refer in what I did say to that. I referred to the Senator's statement about the unanimity of the House in a

of the two Houses and not by the Committees on Appropriations.

I believe that those provisions are valuable; that they are of importance; that in their general result they will greatly reduce

Mr. GEORGE. I should like to ask whether the fees which the | the marshal's office.

While I am up I believe I will say that I am authorized to state that no such abuse as has been alluded to in the debate here about deputy marshals and marshals putting up cases improperly for the purpose of obtaining fees exists in the State of Mississippi.

Mr. ALLISON. Mr. President, I do not care to go into that question. I will only refer the Senator from Mississippi to the page of the CONGRESSIONAL RECORD in which that showing appeared. It is of the date of March 4, 1896, page 2452, in which there is a full statement of the whole question.

What I mean to say is, as to this whole subject, that it having been thus dealt with at large by the Department and by the proper committees of the two Houses, all recommending that these changes should be made, all concurring that this is wise legislation, it seems to me that it is an unwise thing now, after having perfected it so nearly, that we shall in this method remove from the bill all these safeguards and provisions merely because, under our rules and the general rules of the House of Representatives, and under the ordinary rules of parliamentary procedure, this proposed legislation should not be on an appropriation bill.

I sympathize with every suggestion which has been made here as to the impropriety of putting legislation upon an appropriation bill. If the Judiciary Committee had come into this body and stated that any one of these provisions was unwise, and that they objected to it because of its unwisdom, I should be the last Senator here who would insist upon retaining it in the bill. So, without any feeling about it, I shall vote against the motion of the Senator from Ohio, believing that as we have progressed thus far with this important subject we may intelligently complete it in the pending bill.

Mr. HOAR. Mr. President, I agree, as I have already said, with the Senator from Iowa in his approbation of the provisions of the bill. They are substantially the same as the provisions which have been agreed to by the Judiciary Committee, which were reported in two private bills. I sympathize, however, with the Senator from Ohio [Mr. SHERMAN] and the Senator from New York [Mr. HILL] in the objection to putting them on an appropriation bill.

The Senator from Iowa does not seem to have answered the principal argument, which is, that when this goes down to the House of Representatives and comes back the proposition of the committee of conference can not be amended; that we shall have the naked question presented to us whether to swallow or reject the whole dose; and we shall be obliged to agree with the other House or take the risk of the defeat of the appropriation bill.

You have no right, it seems to me, to tie to a bill for carrying on the Government any general legislation. It is in effect the working of the old threat to withhold the supplies from the Government unless the House of Commons had its way in some particular measure. The Senator from Iowa simply says he agrees to all that, that it is a bad thing to put general legislation on appropriation bills, and the Senate is acting under a species of duress when the thing is done, etc. It is not that this particular thing is not right; it is not as to what the Senate wants; it is that you are inevitably, in all probability, going to have brought about in the future something which will be wrong, and that the Senate does not want, proposed elsewhere, and that you have got to take or leave.

The fact that this is a great temptation, and not a little one, to violate a principle, that it is violating it to get something you want instead of something you do not want, does not control my judgment, as it seems to control the judgment of my honorable friend from Iowa. The Senator from Iowa seems to me very much like the Scotch lassie who met Walter Scott on one occasion. She told him that she had always found in her experience that the best way to get rid of a temptation was just to yield to it. [Laughter.] That seems to be my honorable friend's notion in regard to the proper rule of procedure.

Mr. HILL. Mr. President, I want a yea-and-nay vote on this question, and I suggest the absence of a quorum in order that we may first get Senators in.

Mr. CULLOM. I have no doubt absent Senators are within hearing, and they will come in if we proceed to vote.

Mr. HILL. My idea was first to give them a little notice.

The PRESIDING OFFICER. The absence of a quorum is suggested.

Mr. CULLOM. All right.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cockrell,	Jones Ark.	Proctor,
Allison,	Cullom,	Lindsay,	Quay,
Baker,	Daniel,	McBride,	Sherman,
Bate,	Davis,	McMillan,	Shoup,
Berry,	Dubois,	Mantle,	Smith,
Blackburn,	Elkins,	Mills,	Stewart,
Brice,	Faulkner,	Mitchell, Oreg.	Teller,
Burrows,	Frye,	Mitchell, Wis.	Turpie,
Caffery,	Gear,	Nelson,	Vilas,
Call,	George,	Pasco,	Walthall,
Cannon,	Hale,	Peffer,	White,
Carter,	Hill,	Perkins,	Wolcott.
Chilton,	Hoar,	Platt,	

The PRESIDING OFFICER. Fifty-one Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment proposed by the Senator from Ohio [Mr. SHERMAN].

Mr. HILL. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GEORGE. I should like to have the amendment stated so that I may know what we are to vote upon.

The PRESIDING OFFICER. The amendment of the Senator from Ohio is to strike out sections 5 to 20, inclusive.

Mr. GEORGE. All that relates to the marshals and district attorneys?

Mr. CULLOM. If the Senator has the bill before him, he will see that those are the sections which refer to United States attorneys and marshals.

Mr. GEORGE. That is satisfactory.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I notice that my pair, the honorable Senator from Delaware [Mr. GRAY], is not present. Not knowing how he would vote if present, I will withhold my vote. If I were allowed to vote, I should vote "nay."

Mr. GEAR (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. GORDON]. If he were present, I should vote "nay."

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the junior Senator from New Jersey [Mr. SEWELL]. If he were present, I should vote "nay."

Mr. MORRILL (when his name was called). I am paired with the Senator from Tennessee [Mr. HARRIS]. Not knowing how he would vote, I withhold my vote.

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. ROACH]. He is unavoidably absent, and I will withhold my vote.

Mr. QUAY (when his name was called). I have a general pair with the Senator from Alabama [Mr. MORGAN]. Can his colleague inform me how that Senator would vote upon this question?

Mr. PUGH. My colleague would vote "nay."

Mr. QUAY. Then I will vote. I vote "nay."

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. CARTER. I desire to inquire whether the junior Senator from Maryland [Mr. GIBSON] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. CARTER. I have a general pair with the junior Senator from Maryland, and not knowing how he would vote, I withhold my vote.

Mr. MANTLE. I have a general pair with the Senator from Virginia [Mr. MARTIN]. However, it covers only political questions. Hence I am at liberty to vote upon this matter.

The result was announced—yeas 18, nays 30; as follows:

YEAS—18.

Baker,	Daniel,	Mantle,	Turpie,
Bate,	George,	Mills,	Vilas,
Blackburn,	Hill,	Pasco,	White.
Caffery,	Hoar,	Sherman,	
Chilton,	Lindsay,	Smith,	

NAYS—30.

Aldrich,	Cockrell,	McBride,	Quay,
Allison,	Davis,	McMillan,	Shoup,
Berry,	Dubois,	Mitchell, Oreg.	Stewart,
Burrows,	Elkins,	Nelson,	Teller,
Butler,	Faulkner,	Peffer,	Vest,
Call,	Frye,	Platt,	Wolcott.
Cannon,	Hale,	Proctor,	
Clark,	Jones, Ark.	Pugh,	

NOT VOTING—41.

Allen,	Gibson,	Martin,	Squire,
Bacon,	Gordon,	Mitchell, Wis.	Thurston,
Blanchard,	Gorman,	Morgan,	Tillman,
Brice,	Gray,	Morrill,	Voorhees,
Brown,	Hansbrough,	Murphy,	Walthall,
Cameron,	Harris,	Palmer,	Warren,
Carter,	Hawley,	Perkins,	Wetmore,
Chandler,	Irby,	Pettigrew,	Wilson.
Cullom,	Jones, Nev.	Pritchard,	
Gallinger,	Kyle,	Roach,	
Gear,	Lodge,	Sewell,	

So the amendment was rejected.

Mr. HILL. On page 61 of the printed bill, I move to strike out, in line 4, commencing with the word "*Provided*," down to the end of line 14. Upon that question, after it is stated, I desire to say a few words.

The PRESIDING OFFICER (Mr. WHITE in the chair). The Secretary will state the amendment offered by the Senator from New York.

The SECRETARY. After the word "dollars," line 4, page 61, it is proposed to strike out the following proviso:

Provided, That the next session of the legislative assembly of the Territory of New Mexico shall commence on the first Monday in May, 1897, and each succeeding session thereof shall commence on the first Monday in May of every odd-numbered year thereafter: *Provided further*. That no other offi-

cer of either house of said legislative assembly shall be elected or appointed, or paid out of any moneys appropriated by the Congress of the United States, or by the legislative assembly of said Territory than such as may be provided for by the laws of the United States except a translator and an interpreter.

Mr. HILL. Mr. President, the motion which I have made to amend presents again the question of the propriety of general legislation upon an appropriation bill. It ought not to require much argument to convince the Senate that this amendment should be carried. Why Congress can not make an appropriation for the support of the government of New Mexico without adding provisions changing the date of the meeting of the legislature and otherwise regulating the affairs of that Territory, I can not see.

This proposed legislation is not asked for by the legislature of New Mexico. I have letters from nearly all its members, especially those who belong to my own political party, protesting against this legislation as partisan. I have letters from the governor of the Territory protesting against this legislation as partisan. It is not asked for by the governor of the Territory. It is not asked for by the legislature. It is sought to be sneaked in under this appropriation bill.

There is already pending here a bill relating to the Territory of New Mexico. It has been considered, not by the Appropriations Committee—it has been considered by the appropriate committee, the Committee on Territories. They have reported that bill. It is here upon our files ready for action at the proper time. If this political amendment is necessary and proper, why is it not placed in that bill?

Mr. President, we might as well be plain with one another. The object of putting in this amendment is to force Executive approval. That is all there is of it. It can not be defended upon any other ground. Under existing laws the legislature of that Territory, the Democratic legislature, will assemble in December next, and this little trick is to postpone it until May, for the laudable purpose, it is believed, that by that time there may be a Republican President of the United States, and a Republican governor and all the other officers of the Territory to be appointed. If there have been excuses in the past for the placing of partisan legislation upon appropriation bills, it could at least be said in justification for it that they were great party measures; that they were put on when great exigencies in public affairs existed; that it could not be done otherwise, and that party interests required it to be done. Mr. President, this is a small, mean, contemptible, silly provision, and an attempt to get party advantage through the appropriation bill.

In the first place, I invoke the eloquent speech of the Senator from Iowa [Mr. ALLISON], who said he is opposed to putting amendments of general legislation upon an appropriation bill. But his excuse was that the provision which we have just voted upon relating to marshals and district attorneys was a great reform. Everything goes in the name of reform nowadays. If a man wants to do some questionable thing, he invokes the name of reform. If you want to secure the adoption of any questionable provision, it is a reform provision. The Senator from Iowa said that if there was great opposition to the provision relating to marshals and district attorneys, then it ought not to be pressed, but he spoke of the great unanimity in the other House in favor of that reform; he spoke of the unanimity here upon the general question of the propriety of the change of the system. What unanimity is there for this amendment? Will anybody tell me who is asking for it except the Delegate from New Mexico?

Mr. MITCHELL of Oregon. The Senator from New York speaks of it as an amendment. It is a part of the bill as it came from the House.

Mr. HILL. I speak of it as an amendment in a general appropriation bill. In that respect I am entirely accurate. It was put in in the House; that is true. That much is to be said, of course, in defense of the Appropriations Committee; they did not put it in; they tolerated it, that is all.

Mr. ELKINS. Will the Senator from New York allow me to ask him a question? The Senator says it was "sneaked" in. What does he mean? How does he know, and upon what authority, that it was sneaked in?

Mr. HILL. I thought I would stir up the Senator from New Mexico.

Mr. ELKINS. I am glad you did.

Mr. HILL. I have witnessed day after day his friend who sits by his side here looking after this little amendment. In three minutes by the clock after my motion was made he comes in here to defend this little amendment, to whisper in the ear of our friends on the other side that it is vital for his party in that Territory. What I mean by "sneaked in" is because a little partisan advantage of this kind is unworthy to be placed upon a great appropriation bill of the Government. Will the Senator from the State of New Mexico—I have got that wrong; it is substantially that, though, I guess—will the Senator from West Virginia tell me why this was not brought up in the Committee on Territories? I am a member of that committee, and he is a member of it. Why was it not brought up there, in the proper committee? Can not some other committee than the Appropriations Committee of the Senate be trusted to take care of important amendments like this?

Mr. ELKINS. The Senator from New York has not answered my question. I should like to have him answer it before he asks me another. It is a serious charge that he has made about the provision being inserted by the House of Representatives, that it was sneaked into the bill. Let the Senator confine himself to the word "sneaked."

Mr. HILL. I will explain precisely what I mean by it. In the first place, it has no business here, legitimately, properly; it ought not to be here. That is what I mean by it. I mean it was put in in violation of the rules of the House. That is what I mean.

Mr. ELKINS. Is not the other House the judge of its own rules and regulations and proceedings? How can the Senator attack the House and what the House does?

Mr. HILL. According to the statement made this morning by the Senator from Iowa [Mr. ALLISON] they have no rules. It has been shown that they have their standing rules, all made, published, placed in the Manual, and new members who come in examine them and they see how all their rights are protected. But they have another provision by which the Committee on Rules meet fifteen minutes before a bill is to be considered and set aside all their rules, one and all of them. So I am strictly accurate in saying that substantially there are no rules of the House of Representatives to-day, but whatever rules they do have in form, on paper, they overrule. Therefore I say that the amendment was sneaked in; it crept in. That is the reason for it.

Now, Mr. President, what is the effect of this provision? The fiscal year of that Territory ends March 1. How is the government to be supported from March 1 until May, when the legislature meets? It is not provided for. Who has asked for this change? Where does it come from? What officials of the Territory there have asked for it? Will the Senator from West Virginia—I have got it right this time, or substantially right—deny that this is a political amendment?

Mr. ELKINS. Mr. President, I do deny it. The Senator from New York says in one breath that this is a violation of the rules and in the next breath he says that they have no rules.

Mr. HILL. And I am substantially correct in both statements.

Mr. ELKINS. He again lays emphasis on the word "sneaked." That is an inconsistency which I wish the Senator from New York would explain.

Mr. HILL. If I have not explained it sufficiently, even to the comprehension of the Senator from West Virginia, I shall not attempt it again. I have said they have certain standing rules, of which I was speaking. They are rules carefully prepared, rules printed in the Manual, rules published to the world to show how fairly the rights of minorities are protected. Those are the standing rules. Those rules forbid the placing of general legislation upon appropriation bills. Then they have another arrangement invented, no matter by whom, by which the Committee on Rules reports special rules to pass a particular bill.

Who ever heard before in the history of the House of Representatives of the necessity for bringing in a special rule to pass a great appropriation bill for the support of the Government, which we all recognize must be passed? Mr. President, never before; and it is not necessary to be done, because every Senator and every Member of the other House stands ready at all times to vote for supplies to run the Government of the United States. Say what you will about either House of Congress, all the members are willing to provide adequate moneys for the support of the Government.

Mr. President, this provision did not get in here by accident. Oh, no. It is placed here deliberately; placed for partisan advantage; placed for a purpose. It is not placed in a regular Territorial bill. It has never been considered by the Territorial Committee of the Senate at all. I have attended nearly every session of that committee until to-day. This question has not been brought up. We have discussed all other questions relating to New Mexico; but this question never has been suggested. It comes in here, gets in, crawls into this appropriation bill.

Who has said that the month of May is the proper time for the meeting of the Territorial legislature? I have a remonstrance from people who say that at that time many of the people there are engaged in the great sheep industry of that Territory. They do not want the legislature to meet in May. They protest against it. Why not meet as it has been in the habit of meeting, in December? What point is there except a political point?

Now, when the Senator from West Virginia denies that this is a political amendment it shows his capacity. I say he is equal to the emergency. Of course he has got to deny it, if he has not already. The other Senator from West Virginia, not from New Mexico, says he did not really squarely deny it. I am assuming he will have to deny it, of course, before this debate is over. He will have to deny it, because he does not want to come here and father this little amendment containing a contemptible political advantage in an appropriation bill and say we had to put it in there because we doubted whether we could get it in in any other

way. Oh, no, Mr. President; he has got to say that this is in the interest of the people of the Territory and not a partisan amendment, and he is amazed to find any objection to it raised here. Did he not know that the governor of the Territory is opposed to it? Does he not know that a large number of the members of the legislature are opposed to it? If he knows as much about that Territory as I think he does, he knows of the opposition to this provision.

Mr. President, are we to be told again that it is necessary to put this provision in the bill? I invoke all the arguments made that nobody would think of putting it in an appropriation bill unless it was not by unanimous consent but by a sort of common consent. The only argument advanced here in favor of the amendment for marshals and district attorneys was that everybody was in favor of it.

Mr. President, I can not see why this should be pressed at this time. I can not see upon what ground it can be defended. Assume, for the purposes of the argument, that it is a proper amendment; assume, for the purposes of the argument, that the governor of the Territory is in favor of it; assume, for the purposes of the argument, that the legislature wants it, all of which is untrue, then what is the necessity to put it on this bill anyhow? Are these appropriation bills to be made mere sewers to put in odds and ends and scraps that everybody wants to place in a bill? I hope not.

I hold in my hand letters and papers from that Territory in which they are opposed to this amendment. I say it is uncalled for. I say it is unnecessary. I say there is no necessity for changing the date of the meeting of the legislature under these circumstances. Before I proceed further, I want to hear the reasons for this provision upon the other side, if there is any other side.

Mr. CULLOM. Mr. President, I shall not become so much excited at least as my distinguished friend from New York over the provision.

Mr. HILL. Not the slightest. I am under no excitement at all. I never was cooler in my life.

Mr. CULLOM. I was a little uneasy for fear the Senator might have a spasm over it before he got through.

Mr. HILL. The spasm is on the other side.

Mr. CULLOM. Not the slightest. This provision was put on in the House of Representatives, if I may be allowed to refer to that body, which I regard as out of order. The provision came to us just as it appears in the bill, with the exception that the words "except a translator and an interpreter" were added by the Committee on Appropriations of this body. The Delegate from the Territory appeared before the committee in favor of the retention of the provision, and desired additional amendments to it, which the Committee on Appropriations declined to give, except as to the words which I have quoted. I heard nothing and I think no member of the committee heard anything said about any politics that might be involved in it. Whether there is any, I am not prepared to say. The Delegate insisted that it would be in the interest of the Territory if the time for the commencement of the legislature should be fixed as is provided in the bill. I did not hear very much from the Delegate, because we told him early that we could not add any additional amendments to it.

I desire to say in behalf of the honorable gentleman who represents that Territory in the other body that he is a gentleman of character. He is a gentleman of eminent ability as a lawyer, perhaps as much so as any man living in the Territory. He comes here by the votes of the people of that Territory, and he had a perfect right to be heard in the Committee on Appropriations if he desired to be heard before the committee.

Mr. COCKRELL. Will the Senator from Illinois recall the fact that Governor Thornton was before us and stated——

Mr. CULLOM. I was about to do so.

Mr. COCKRELL. All right.

Mr. CULLOM. Before that time, however, we had sent for the Delegate to know whether he had anything which he desired to say. The governor of the Territory was before us and objected to the time named in the provision which was incorporated in the bill in the other branch. He preferred that it should be on the first Monday of January, instead of the first Monday of May, but, as I remember it (and the Senator from Missouri will correct me if I am mistaken), he stated that if there was any change made in the time of the meeting of the legislature he preferred it should be in February or March. Am I right in that?

Mr. COCKRELL. No; his statement was that he preferred to have the legislature meet in January.

Mr. CULLOM. I know he preferred January. He desired it should meet in January, but if any change should be made he did not want it later than February or March.

Mr. COCKRELL. Not later than March.

Mr. CULLOM. That is my recollection of his testimony. There was nothing of a partisan nature suggested by either of the distinguished gentlemen who were before us. The governor seemed to be a gentleman of character and intelligence. He is a gentleman whom I never had the honor of knowing before. The Delegate I have known for a number of years. I am prepared to say that so far as I have any information, both those distinguished men are honorable gentlemen and both of them had a right to represent to Congress or to either branch of it what their views and wishes were with reference to legislation.

Mr. COCKRELL. Let me refresh the memory of the Senator from Illinois. Does he not remember that Governor Thornton stated, after he had gotten through and made his suggestions, that it was due to the committee, or due to himself, that he should state it was a political matter?

Mr. CULLOM. Possibly he may have made that remark after he got through.

Mr. COCKRELL. After he had given his reasons, after the whole question was discussed, then he went on to state fully that this was purely a political matter.

Mr. CULLOM. He may have stated that, but there was not apparently——

Mr. COCKRELL. There was not a word said about politics until after the whole question was discussed.

Mr. CULLOM. That may be true.

Mr. COCKRELL. And then, before he left, you will remember he told us he felt it to be due to himself, as well as to the committee, to state that they regarded it as a political question?

Mr. GEORGE. We can not hear on this side the colloquy that is going on.

Mr. HILL. Who made that statement?

Mr. COCKRELL. Governor Thornton.

Mr. CULLOM. The Senator from Missouri states what the governor of the Territory said before our committee after the general statement which he was called upon to make had been concluded. I have rather an indefinite recollection of what he did say, because I was not impressed that there was much of anything in the subject. However, the governor stated, and so the Senator from Missouri says, that it was a political scheme or measure, and I take it for granted that the Senator from Missouri recollects definitely what was said by him. Now, whether it was or not, the governor argued that the 1st of May was at a time in the year when it was troublesome for members of the legislature or others engaged in agricultural pursuits to attend the legislature at all, because it was the season when the sheep needed to be attended to, etc., but there was no very strong impression made upon anybody's mind, I think, that there was very earnest objection to the provision in the bill. While it may have been out of order to put it on the bill, as it certainly would have been in the Senate in the first instance, having been embodied in the bill before it passed the House without very much or any discussion, the committee did not take any steps looking to getting rid of it.

The PRESIDING OFFICER. The Senator from Illinois will suspend to enable the Chair to lay before the Senate the unfinished business, which will be stated by title.

The SECRETARY. A bill (S. 502) to approve a compromise and settlement between the United States and the State of Arkansas.

Mr. CULLOM. I hope the unfinished business will be temporarily laid aside without losing its rights until the appropriation bill is concluded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CULLOM. I have a very few words more to say. I have felt that the honorable Senator from New York was a little severe, and that it was rather untimely for him to talk about this provision being sneaked into the bill by anybody or from any quarter. I hope he did not mean to reflect upon the Delegate from that Territory or upon anybody else. It got into the bill publicly by being introduced, I suppose, in committee in the other body, and adopted by that body without closed doors or any means which would look toward an unfair advantage. Certainly the Delegate from the Territory has a right to represent his Territory just as any Senator upon this floor or any Member of the other branch has a right to represent his State, taking his own view of what is best after looking into the question.

Mr. GEORGE. Will the Senator from Illinois allow me to ask him one question?

Mr. CULLOM. Certainly.

Mr. GEORGE. Was any specific fact or series of facts stated to the committee which showed that it was improper to hold the legislature in November and that it was proper to hold it in May? I should like to know as to that point.

Mr. CULLOM. There was some talk, and I have just been looking to see whether anything was taken down. I regret very much that the statements of the Delegate as well as those of the governor were not reported and printed for the use of the committee. However, they were not, as I find, and I did not charge my memory very closely in reference to what was said either by the governor or the Delegate as to specific reasons for or against the proposition. The Delegate representing the Territory——

Mr. HILL. Was it heard before a subcommittee or the full committee?

Mr. CULLOM. It was before a subcommittee, as I remember.

Mr. HILL. Not before the full committee?

Mr. CULLOM. The matter was subsequently before the full committee, of course, but the hearing was not before it.

Mr. HILL. No.

Mr. CULLOM. I do not care to take up the time of the Senate longer. I should like to have a vote upon the amendment so as to dispose of it as soon as possible in some way.

Mr. BERRY. Mr. President, I wish to state that on the vote to strike out the provisions in the bill in regard to the salaries of marshals and district attorneys, I voted "nay." I did so for the reason that for years an effort has been made in both Houses to establish the salary system. I believe it is most important to the entire country that the fee system for marshals and district attorneys should be dispensed with, and a salary system placed in lieu of it.

I would not have voted for those provisions on an appropriation bill had it not been shown that the matter was thoroughly considered by the Judiciary Committee of the House. The salaries were arranged by that committee, and it went from that committee to the Appropriations Committee and was placed on the bill, coming from the Judiciary Committee in the House. When the proposition came here the Appropriations Committee referred it to the Judiciary Committee of the Senate, which was the proper committee to deal with the subject. The result was that both the Judiciary Committees in the House and in the Senate have thoroughly considered these provisions of the bill; they have been placed there, and there is at present no other way by which legislation can be had on that subject.

Many of the salaries are too high, and I would not have voted for them for that reason separately; but believing, even high as they are, that there will be a great saving, taking the entire country over, I voted against striking out the provisions. In my own State the salaries fixed by the bill will be $4,000 less for the two marshals and the two district attorneys than under the present fee system.

But this is a great and important question. It is a question which affects the entire country. It is not political. It is out of the ordinary when it is put upon an appropriation bill, but it is only put there after thorough consideration by the committees of the two Houses that have charge of this subject.

The matter directly before the Senate—in regard to the time of meeting of the legislature in New Mexico—I understand, was never considered by the Committee on Territories. The Committee on Appropriations is not supposed to be familiar with or to know so well as the Committee on Territories what is required in the Territory of New Mexico. This provision comes in on an appropriation bill from the House without having been considered by the Committee on Territories of this body, and so far as I know, although I do not know as to that, by that committee in the House of Representatives.

The Senator from New York [Mr. HILL] says that some political advantage is sought. I do not know how that is, but if it be true it seems to me it is very small politics to ask the House to make a rule to put into an appropriation bill a subject-matter that does not belong here, in no way connected with the appropriation bill, in order to gain a political advantage, if that be the purpose.

If we can not enforce strictly and literally the rule that no general legislation shall go on appropriation bills, it seems to me all important that matters of this kind, which have not been considered by the proper committees, should not be put on an appropriation bill. And it is especially objectionable to attempt to pass political legislation in this way when it could not otherwise receive favorable consideration.

Mr. CARTER. Mr. President, it is important, apparently, that the Senate should understand the particular portion of the bill affected by the amendment proposed by the Senator from New York [Mr. HILL]. Since the first organization of the Territorial form of government in 1787, Congress has reserved unto itself the right not only to direct what can be done by Territorial legislatures, but likewise the right absolutely to abrogate any law passed by a Territorial legislature which does not appeal to the judgment of Congress as for the best interest of the people domiciled in that section of the country. Therefore, in attempting to place certain restrictions upon the authority of the legislature of New Mexico no innovation upon time-honored precedent is undertaken by the provision sought to be stricken out.

First, the provision designates the month of May instead of the month of December for the meeting of the Territorial legislature. Second, it provides that the Territorial authorities shall not be vested with the power to employ or pay for the use or service of the legislative assembly any person or persons in addition to those provided for by act of Congress to perform clerical service, except an interpreter.

With reference to the first matter, designating the time for the meeting of the legislature, I understand the fact to be that the legislature of the Territory meets in the month of December under existing law, and the meeting at that time brings about a state of affairs which I will describe. The election returns shall be filed with the secretary of the Territory within fifteen days after the election. In the case of a contest occurring, thirty days shall be allowed in which to give notice of intention to contest. This notice manifestly, under the law, would embody the complaint, as in an ordinary proceeding in the courts, setting forth the cause of action. Eight days are allowed for an answer to be filed. Thus the issue in a contested case would be framed. After the framing of the issue sixty days' time is allowed for the preparation of evidence or the presentation of the testimony. This allows a sufficient time in all for the meeting, the sessions, and the expiration of the legislative session before a hearing on a contested election case can occur.

So cases of fraud presented after the election in the Territory of New Mexico go unwhipped of justice. Instances are cited of cases after the last election wherein the secretary of the Territory by arbitrary and unauthorized action, in defiance of law and the will of the majority, placed upon the rolls of the legislature of the Territory a large number of men who did not have the semblance of credentials of any kind, character, or description. They were placed upon the roll as members of the Territorial legislature simply from and because of the fact that they had been candidates at the election and were defeated, while those who held credentials regular in form, commissioned by a majority of the people to represent them in territorial council, were absolutely deprived of the privilege by the fiat of the secretary of the Territory, who had supreme authority to make up the preliminary roll.

Thereafter, owing to this peculiar condition of things, allowing time to elapse within which the Territorial session would expire before a contest could be brought to a hearing, the people of the Territory were placed in the remarkable position of being represented by gentlemen whom they did not elect at all. It is now proposed to place the session of the legislature in the month of May, to the end that persons contesting the regularity of the seat of a member of the legislature may have a day in court, in the proper forum, before the legislature adjourns.

Mr. FAULKNER. Will the Senator from Montana permit me to ask him a question?

Mr. CARTER. With pleasure.

Mr. FAULKNER. Why, then, put in May, which is a very busy season with the people of that country, to accomplish the object which the Senator suggests? Why could it not be done by fixing the time suggested by the governor and other officers of the Territory, either in February or March?

Mr. CARTER. I will state in reply to the question suggested to me by the Senator from West Virginia that the question propounded by him was propounded to the Delegate of the Territory of New Mexico by me, and he replied that the people in the rural districts were very largely engaged in sheep husbandry, and that if the legislature should convene in the month of February it would interfere seriously with the attendance at the legislature of persons who happen to be engaged in that line of enterprise, whereas in that far southern region the shearing concludes in the latter part of April, and the month of May is comparatively free from any preoccupying engagements.

Mr. FAULKNER. I will state to the Senator from Montana that that is just exactly the reason the governor gave in his testimony before the subcommittee, as I understood, why May or April should not be selected, because April and the early part of May come in the busy season in reference to the sheep industry.

Mr. CARTER. That brings up a question as between those two gentlemen which can readily be determined by reference to ordinary geographical and climatic conditions. In the far northern region of Montana, on the Canadian line, the lambing and shearing season concludes in the month of June, and I am persuaded that as between the governor and the Delegate from New Mexico, the climatic and geographical argument is on the side of the Delegate.

Now, with reference to the second proposition presented by the Senator, to strike out that portion of the bill which restricts the local officers from fixing undue burdens upon the people by employing extra force in the legislature, I can speak from some experience, having been for a considerable number of years under the dominion of a Territorial form of government in our Commonwealth. The experience in the last legislature in New Mexico was this: Congress, contemplating the necessities of 36 members of the legislature, 24 in the house and 12 in the council of that Territory, provided ample clerical force for the transaction of the detail and necessary business. The Government of the nation pays the legislative expenses to the limit fixed by Congress. In addition, however, and I venture to say without any existing necessity for the act, in reckless disregard of public economy, the legislature of the Territory of New Mexico affixed for clerk hire $13,000 upon the people of that struggling community in addition to the Congressional appropriation. The second proposition, then, sought to be stricken out by the Senator from New York [Mr. HILL], is the restriction which prevents a recurrence of that abuse.

Relative to the appearance upon this floor of the Delegate from New Mexico a word should be said. I am glad the distinguished Senator from New York called the attention of the people of New

Mexico, through the CONGRESSIONAL RECORD, to the fact that their Delegate is here discharging his duty. By reference to the law providing for Delegates in Congress from the Territories the Senator will observe that it is not a Delegate to the House whom the Territorial citizens elect, but a Delegate to Congress, and the right of a Delegate to Congress is as strong upon this floor as upon the floor of the House of Representatives.

It is unfortunate that 200,000 people domiciled in New Mexico, law-abiding American citizens, who have conquered 122,000 square miles of territory, who have all the necessary qualifications for Statehood, should be voiceless in this Chamber and without a vote anywhere in those matters concerning their own destiny. Since the privilege is accorded the Delegate to appear upon this floor, his appearance must be mentioned to his credit and not to his detriment.

Mr. HILL. I find no fault with the Delegate from New Mexico for discharging his duties. On the contrary, it is very commendable upon his part. I do not understand that it is a part of his duty, however, to endeavor to place upon appropriation bills amendments of this character. I do not think he has any superior rights to Senators or Members. I am not speaking of the Delegate personally. I am speaking of the propriety of a Delegate so anxious to accomplish political purposes that he deems it his duty to insist to his party friends upon having a political provision agreed to, embarrassing them.

I am sure that the fair-minded men upon the other side of the Chamber were not aware of the political character of this provision in the first instance, when it was proposed. The Senator who last addressed the Senate knew all about it. He remained silent when I was making the accusation that it was a political provision, and he heard the Senator from West Virginia [Mr. ELKINS], who is equal to every emergency in that line, get up and strenuously deny that it is a political provision. In a few moments the Senator from Montana [Mr. CARTER] rose at his place and admitted the whole thing, that it is political in its character, for the very purpose of regulating the political affairs of that Territory.

What committee of this body has corroborated the Senator's statement? Not one. He has denounced the action of a Democratic secretary of the Territory. Where has the secretary been heard? What committee of this body considered this legislation? None. Sir, while complaining of me because I commented upon the diligence with which the Delegate has looked after the provision while it has been pending here, I beg to ask whether it was entirely in good faith for the Senator from Montana to assail the secretary of the Territory, who has no one to speak in his behalf, and has not had any opportunity here to be heard?

If you wish to pass a proposition like this, go at it like business men. Introduce it and have it referred to a committee. Let the opposition be heard. Let testimony be taken. If there is a great overwhelming necessity for this little, contemptible, political provision, let the subject be thoroughly investigated. Fellow-Senators upon the other side, am I asking anything but what is right?

Mr. President, what the secretary did or did not do, I can not inform you. I have some letters in regard to the matter, portions of which it would not be proper for me to read here. They are personal letters explaining this matter. I conversed with the governor when he was here. I learned the character of the provision. Is there any doubt about its character? Is there a Senator upon the other side, fair-minded men who do not want to be mixed up in this little petty squabble, who does not know what it is?

I ask whether there is a good reason for insisting on this provision? Let us see. In the first place, they want a change made from December to May as to the session of the legislature. The first question which would arise when men are asked to pass upon the matter is, What is the point to it? In the first place, what is the political complexion of the legislature? It is a Democratic legislature. Who suggested the amendment? The Republican Delegate from the Territory. I think a Democrat would want to know immediately, What is the point to it? What is the reason for it? Who is asking for it, the legislature? Does the governor ask for it? Whence does it come?

Mr. CARTER. Will the Senator from New York allow me?

Mr. HILL. Certainly.

Mr. CARTER. I will state that the legislature to be elected next November is the legislature to which I expect this particular provision would apply, and consequently the political character, so far as narrow partisanship is concerned, which the Senator refers to, can not be applied to a condition wholly unknown, for the clear reason that we can not predict what the political complexion of that legislature will be.

Mr. HILL. Do any of the members hold over?

Mr. CARTER. There are no holdovers.

Mr. HILL. None at all?

Mr. CARTER. There are no holdovers, either in the council or in the house. The entire legislature will be elected.

Mr. HILL. Who is the secretary of the Territory now?

Mr. COCKRELL. Lorion Miller is the secretary.

Mr. HILL. What is his politics?

Mr. CARTER. I am not informed. I suppose the Senator from Missouri can give the information.

Mr. COCKRELL. The secretary of the Territory is a Democrat.

Mr. HILL. The Senator from Missouri says he is a Democrat.

Mr. CARTER. Very well.

Mr. HILL. I understood the Senator from Montana to say that the same secretary at another time virtually organized the legislature.

Mr. CARTER. That is the statement made to me by an authority in which I place great reliance.

Mr. HILL. I ask the Senator whether the same secretary will not in December substantially organize the legislature?

Mr. CARTER. Yes, sir; without time——

Mr. HILL. There is where the point is.

Mr. CARTER. Without time for any contestant to be heard prior to the adjournment of the legislature or the expiration of the session by limitation.

Mr. HILL. It is not quite the thing, it strikes me, for Congress to attempt to regulate the length of time that a Territorial legislature shall sit merely for the purpose of determining the question of contested seats, nor do I think that mere loose allegations, not investigated, not proved, where the parties accused have had no hearing, constitute a sufficient argument why we should change existing laws to accomplish this result.

As the bill passed the House of Representatives with these provisions they limited and restricted the legislature to the appointment of only such officers as were expressly authorized by the Congressional act. The legislature has heretofore authorized translators or interpreters, and properly so. Sir, one-half or two-thirds of the people of that Territory speak the Spanish language, and it was necessary that they should have those officers. So long as the strict acts of Congress did not provide for it the legislature felt as though they were constrained to provide for their appointment. While the Delegate from the Territory did not look after this matter in the House of Representatives, the committee very properly added these exceptions.

Mr. President, I moved to strike out the whole provision because it is special legislation. The two distinct amendments go together; they are both legislative matters. One is clearly political; the other not so much so, and the amendment which has been added by the Committee on Appropriations is substantially unobjectionable. But I make the motion to strike it all out because it is legislation which does not belong here.

I have listened in vain in the elaborate apology made for this action by the Senator from Illinois for some reason why this should not be placed upon the bill for the admission of New Mexico. What reason has been stated? Why place it upon this bill?

The Senator from Montana [Mr. CARTER] gives the case away. He was right; he is a fair man. He will not attempt to say that this is not a political amendment, intended for advantage. I will spend no more time upon this question. Whether it is a political amendment or not, if we muster courage to accept the statement of the Senator from West Virginia [Mr. ELKINS] that it is not, why should it be placed here? What good reason can be urged for such legislation in this bill?

Mr. President, it is the duty of the Committee on Territories to investigate Territorial questions. I have been on that committee for several years. I served under the distinguished Senator from West Virginia [Mr. FAULKNER] who sits upon this side of the Chamber. We have never heard of this measure. The first we saw of it was when it turned up in this bill, and we have to get such information as we can in regard to it. Let it be stricken from the bill by common consent. If it is not a political amendment, as the Senator from West Virginia says it is not, why not let it go out by common consent and let it take its place in the regular bill for the admission of New Mexico and stand or fall with that bill?

Mr. President, it is put in here for the purpose of coercing us to pass it. It is put in here for the purpose of coercing the President of the United States to let it go. That is why it is put in. It will be argued that we must have money to run the Government. It is practically impossible to oppose an appropriation bill; and that is the reason it is placed here.

I cast no reflection upon anyone who differs from me on the general question of the propriety of placing general legislation on appropriation bills. Senators have voted as their judgments dictated. I am opposed to this provision upon principle. I am opposed to this kind of legislation. As I said yesterday, my attention has been called repeatedly to it for some years. I believe the safest course is to oppose it at all times, and I especially oppose it at this time, when I think I see from the statements made to me, from the admissions made upon the other side, that this is political in its character. That is the further reason why I oppose it.

Now, I submit this to Senators upon the other side who have conceded in the debate just had that an amendment of this kind ought not to be forced upon an appropriation bill. Here stands this minority. I am not authorized to speak for my party associates upon

this question, but I do not believe that they favor this amendment. Did not the Democrats in the Committee on Appropriations oppose it? They did. Yet it was forced on them. Still, the Senator from Illinois says he was not aware of its political character. Yet he recollects that the Democratic governor did say that it was political; that is all. Oh, no; that is altogether too innocent, Mr. President. I prefer the bold, frank, manly statement of the Senator from Montana [Mr. CARTER], that it is political, and that that is the reason he favors it.

Mr. DANIEL. Mr. President, I shall vote to strike out this provision from the appropriation bill. It seems to me that every member of this body and the country at large are interested to oppose on all occasions such a pernicious system of legislation. It is calculated to take the Senate by surprise. No one expects in the body of a general appropriation bill to find political legislation or legislation affecting those general subjects which are distributed and put in charge of the committees which especially pertain to them.

I have had various occasions recently to observe the ill effects of this class of legislation. There is a case in my own State in which a feud has arisen about a little provision interjected into a river and harbor act establishing a criminal code and requiring mine owners and furnace men not to empty the slag of their mines into the rivers, a measure that ought to have been referred to the Judiciary Committee of this body, where it may be presumed it would have been handled with some technical and legal skill, and when debated would have attracted the attention of the Senators or Representatives from the States affected.

The widespread discontent with having one committee of this body to handle all of the appropriations grows largely out of the toleration of such legislation as this. The Senate is not left as a free body to deal with this proposed legislation. I shall not address myself to the political aspect of it nor to the merit of the question itself. It is obtruded here. It is where no Senator has a right to anticipate its presence. It comes without the consideration of the committee of this body which has been duly selected with reference to its ability and fitness to consider such a question.

The third clause of Rule XVI with reference to amendments to appropriation bills provides that—

> No amendment which proposes general legislation shall be received to any general appropriation bill.

Suppose any Senator desires to amend this alien matter now in the body of the bill, he is not free as a Senator to offer that amendment here. Why? Not because the subject-matter ought not to be free to amendment; not because the subject-matter is not one which in our parliamentary scheme is intended to be first examined by a committee appointed with reference to it, and then to be open to any amendment or suggestion that any Senator may offer; but because of the fact that it has been isolated from its natural, its just, and systematic relation to our parliamentary proceedings and has been incrusted in the body of an appropriation bill, where no one can get at it.

Mr. President, is it not calculated to bring contempt and derision upon our rules to establish a system of parliamentary procedure which advertises to the whole world and notifies every Senator as to what are his rights and what are the rights of his constituents, and then openly, flagrantly, in protest of the minority, who have only the rules for their protection, to surprise them by putting this manner of legislation in an appropriation bill?

We have just perceived the embarrassment and difficulty of such a process. Here in the pending appropriation bill a matter with reference to marshals and district attorneys, which belongs to the Department of Justice and to the Committee on the Judiciary, was brought bodily into and obtruded into this measure. What is the result? If the Judiciary Committee desires to exercise its functions, if the Senate desires the enlightenment which it has appointed that body to give it, the appropriation bill must be broken up and there must be two committees at the same time considering fragmentary portions of it.

I am very much in favor of the reform contemplated by the provision which has been incorporated in this bill respecting marshals and district attorneys. I believe that it is a crying evil of this country that the ministers of justice, who should be fair-minded and dispassionate, should have contingent compensation based upon the measure of zeal which they may exercise in the prosecution of offenses. It is calculated to scandalize, to degrade, to pervert the whole system of justice to have such a system of fees upon our statute book. But desirous as I am to strike it down, feeling in my own State and witnessing in the practice of the law the evils of that system, I was yet unwilling in the little time that could be given to it in the midst of the consideration of an appropriation bill to foist upon the country such ill-considered and such an inappropriate style of legislation.

It is not for me, Mr. President, to criticise the House of Representatives. As a legal and coordinate body of this Government, it is competent constitutionally for it to send us its legislation in any such shape as it may please to put it, and there are occasions, extraordinary ones, it is true, in which it is not only fitting but is right for a House to associate its appropriations with conditions which may prevent abuses. But the Senate has established its system for itself, and if the two bodies shall not work in harmony with each other, it is at least possible for the Senate to work in harmony with itself. We shall improve general legislation; we shall tend to the betterment of all our processes of procedure; it will be fairer for everyone who has the burden of representing a constituency here, if it be known that the Senate will adhere to its system and that when it considers appropriation bills it will not tolerate the interjection of general legislation into them.

There are two clauses of our rules which tie our hands, which shackle the Senate, which deprive every Senator of his free right to offer an amendment upon this floor to the clause of the appropriation bill under consideration:

> No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received.

The clause which has been inserted in this bill is obnoxious to both objections. It is general legislation; it is not germane or relevant to the subject-matter contained in the bill.

What is the bill? It is a bill making appropriations for the legislative, executive, and judicial expenses of the Government. That is all it purports to be; that is all that under our rules it has a right to be; and I do not conceive that we could enter upon or enforce a more wholesome and just reform than to be true to ourselves and insist in our procedure upon the letter and spirit of the system which we have established.

Mr. CALL. Mr. President, I shall vote to strike out of the pending appropriation bill this provision in regard to the legislature of New Mexico meeting in May; but I think the criticisms which are made upon the placing of legislation upon appropriation bills are without just foundation in many respects.

The Senator from Virginia [Mr. DANIEL] holds that it is a system objectionable in every respect, that it is a surprise to the Senate, that provisions are imported into bills which can not be stricken out because of the Senate rules. If that be so it is an objection to the rules which prevent such an amendment.

But the construction which the Senator from Virginia makes of the Senate rules is not a correct one. There is nothing in the rules which prevents the amendment of a portion of an appropriation bill which is itself general legislation. It is the introduction into the bill of a new provision which is general legislation.

Then, when you come to define general legislation it is almost impossible to tell what it means. Is it general in respect to the subject, or in what respect is it general legislation? It is very difficult to define it. But be it general or not, be the language of the rule definite or not, precisely the same influences which will pass the legislation in a separate bill will pass it in an appropriation bill or strike it out. It is substantively and individually just as much subject to examination as it would be in a separate bill. If the Committee on Appropriations undertakes to consider, without the action of any committee of this body, a provision and puts it in an appropriation bill, the evil is there in the practice of the committee and not in the fact that it is general legislation upon an appropriation bill. All the processes of the Senate are as applicable to a provision in an appropriation bill, of general legislation or special legislation, as the report of an individual committee.

So the report of an individual committee on a bill may be a surprise, and the vast number of bills upon the Calendar are placed there without any kind of information or knowledge of Senators not upon the committees from which they are reported until they are heard and discussed in this body. When you come to investigate these propositions they have no true relation to the subject.

The practice of intermixing many subjects upon an appropriation bill which are not pertinent or relative to the appropriation is certainly objectionable. It is objectionable because it brings into one simple subject, the appropriation of money, matters that are not connected with it and that all come at once to the consideration of the body. But the proposition that it is a surprise to the Senate, that it is not subject to examination, that there is something in the mere fact that it is a general appropriation bill, and that it is legislation which does not relate to appropriations, does not affect the processes by which it is considered. They are the same precisely as if the special measure had been reported by a committee.

Mr. DANIEL. Will the Senator from Florida allow me to ask him a question?

Mr. CALL. Certainly.

Mr. DANIEL. If the Senator were chairman of the Committee on Territories, would he not be surprised to find in a general appropriation bill a proposed enactment with reference to the Territories which had never been referred to his committee?

Mr. CALL. Yes.

Mr. DANIEL. That was my argument, which the Senator is now answering.

Mr. HILL. Who is the secretary of the Territory now?
Mr. COCKRELL. Lorion Miller is the secretary.

not to be forced upon an appropriation bill. Here stands this minority. I am not authorized to speak for my party associates upon

any such shape as it may please to put it, and there are occasions, now answering.

Mr. CALL. That was not the Senator's argument—I beg his pardon.

Mr. DANIEL. That is the way I understood it. Perhaps the Senator may have understood it otherwise.

Mr. CALL. I will point out to the Senator wherein it was not his argument. The Senator said that this would be a surprise to the Senate, not to a member of the committee. Here is the difference. It would be a surprise to other Senators——

Mr. DANIEL. I am surprised that I know so little as to what would surprise the Senator from Florida.

Mr. CALL. The Senator of course knows a great deal, but that is not answering the argument. The Senator is here to make propositions and have them answered, and if they are not correctly answered, point it out. What the Senator from Florida knows or does not know, what the Senator from Virginia knows or does not know, is not the question. The question is whether, when upon an appropriation bill a subject of general legislation is placed of necessity, because it was on an appropriation bill, under the rules of the Senate, it was a surprise to Senators. I say that as to that proposition if I had been chairman of the Committee on Territories, and if I had reported a bill fixing the time for the meeting of the legislature of New Mexico in May, it would have been as much a surprise to every Senator not upon that committee as would be this provision upon the appropriation bill; and so of every other bill. Therefore the criticism that the placing of general legislation upon appropriation bills is a matter of surprise to other Senators is no more applicable to that species of legislation than it is to the report of any committee of this body on any bill before it.

There is an objection to this mode of legislating. That objection is that the Executive is compelled to choose between vetoing an appropriation bill or permitting the passage of some objectionable provision. It is a substantial objection that the President may be compelled either to veto the whole bill, disapprove it, or allow some objectionable provision to pass. But I am not concerned, for one, about that. If that were the only objection to putting such a provision upon an appropriation bill I should not object to it. The Executive power, voting two-thirds of the legislative power here, or exercising it, the power of the people, sub judice, as it were—the Executive power of two-thirds, less 1 vote, by which the power of legislation can be defeated—does not need any additional guard and assistance or protection from the other third of the legislative power that is vested in these two Houses. So that to me would be no kind of an objection.

It is a good rule that we should not have general legislation upon an appropriation bill, but you must not settle upon that rule all the objectionable practices of evil which result from careless legislation. It is objectionable because it collects in one single bill many subjects of importance which ought to have separate consideration and greater time given to them. But I have heard constantly in the seventeen years of my service here that legislation at every session of Congress has been forced upon appropriation bills because of the exigencies of the public service and the delays of legislation. We have had perpetual discussion of the necessary evils of legislating on an appropriation bill.

I think we had much better address ourselves to the amendment of the rules so that when general legislation is placed upon an appropriation bill it may be considered, and that any Senator may require it to be considered, with deliberation, and that it shall have been referred to the appropriate committee of this body before it goes upon the bill. If the Senator from Virginia or the Senator from New York desires to amend the rules in the interest of deliberate and careful and just legislation, let there be a rule adopted that will require the Committee on Appropriations, or any committee that is charged with appropriations, before putting general legislation upon a bill to have it referred to such committee of this body as properly has jurisdiction over the subject. That is the remedy, and not the proposition that the legislation is necessarily careless, indifferent, objectionable, and a surprise because it is put upon an appropriation bill and not brought in on another bill.

Mr. ELKINS. Mr. President, this amendment about which so much has been said as being in the direction of general legislation and a defeat of rights is simply a provision in the appropriation for the expenses of the Territory of New Mexico changing the time of the meeting of the legislature from December to May. There is no constitutional question, there is no question affecting anybody's right, involved in this amendment. The Delegate from New Mexico is authority for the statement that it suits his people better to have the legislature hold its sessions in May than in December. Who is authorized to speak for the Territory of New Mexico better than the Delegate who represents the people and who was elected by the people? He surely understands, with all due respect to the Senator from New York, the wishes of his constituents better than the Senator from New York.

Mr. HILL. Will the Senator allow me a moment?

Mr. ELKINS. Yes, sir.

Mr. HILL. For how many years has that Territory suffered under the same difficulty of meeting in December?

Mr. ELKINS. I do not know. That is not pertinent to this discussion.

Mr. HILL. And why the suddenness of this change now?

Mr. ELKINS. The Senator from New York challenges my interfering on this subject or making myself busy. I had never read this provision when he made his motion to strike it out. I sent for the Delegate from New Mexico to come and explain it, and I asked the Delegate if it was political in its character, and he said no. I notice that the distinguished Senator from New York made reflections upon the Senator from Montana about the good taste of attacking the secretary of the Territory. I do not think the Senator is authorized to talk about good taste when he can get up here in his place and charge that the House of Representatives sneaks an amendment into the law and that the Committee on Appropriations concurred in sneaking it through. I do not believe a Senator capable of making that statement is a good authority and should be trusted upon the subject of taste.

Mr. President, there has been dragged into this discussion a political feature. I do not see the politics in it. I stated at once frankly just what the Delegate said to me, that it suited his people better, and the provision is entirely immaterial. As I said, it enunciates no principle; it violates no principle; it affects no constitutional right. The people, through their Delegate, simply ask that the legislature shall meet in May instead of December.

Mr. BRICE. Before the Senator from West Virginia takes his seat, I would ask him if he has at any time represented the Territory of New Mexico as a Delegate in Congress?

Mr. ELKINS. Oh, yes; I had that honor.

Mr. BRICE. Did the Senator when he was Delegate believe that his constituents wanted the time of the meeting of the legislature changed? If so, why did he not initiate the legislation at that time?

Mr. ELKINS. The question never came up. If they had asked me, I surely should have moved this amendment. I do not think that that has anything to do with the discussion.

Mr. FAULKNER. Mr. President, I should not have engaged in this discussion but for the fact that, being a member of the Committee on Appropriations, I feel, after the developments which have taken place with reference to the provisions of the bill, that I have myself perhaps been somewhat derelict in not having ascertained the motives and purpose and intention of the insertion of this clause in the appropriation bill.

I will state that, not being on the subcommittee of the Committee on Appropriations having charge of the pending bill, I did not hear any of the statements made by the governor of New Mexico in reference to this subject to the effect that the provision was in itself and in character political, and that that was the object and purpose of its insertion. Had I understood that any such view was entertained by the governor of the Territory, I should have investigated the subject before voting in favor of retaining the provision; but not having learned it or heard any suspicion of it until after the bill was reported, it remains only for me to state my views in reference to the clause as it now appears in the bill.

There has been but one argument made that at all would justify the insertion of a clause for a change of the time of the meeting of the legislature of the Territory of New Mexico, and that was made by the distinguished Senator from Montana [Mr. CARTER]. He said that the meeting in December does not allow sufficient opportunity, first, to take the evidence, and, secondly, to determine the question as to contests before the adjournment of the legislature.

It is true that for a long number of years that objection has never been heard of and has never been brought to the attention of Congress, and yet I will say to the Senator that perhaps there is some justification in the suggestion he made that between the election in November and the meeting of the legislature in December sufficient time is not given to take evidence upon the question of contested elections. But, sir, that is no argument in favor of this provision. Why has not the Delegate from that Territory suggested that the legislature should meet, as the State legislatures do, in January? I hardly know a single legislature elected in November that does not convene in general assembly the following January for the purpose of transacting the legislative business of the State. Certainly it can not be claimed that the time required in New Mexico is greater than the time required in all the States of the Union to meet and properly and fairly examine into the question of contested elections. Therefore that argument is overthrown by the experience of all the States of the Union and by the past experience of the Territory itself.

Mr. CARTER. Will the Senator from West Virginia permit an interruption?

Mr. FAULKNER. Of course.

Mr. CARTER. I will state that in 1884 the legislature of New Mexico was authorized by Congress to fix a date for the meeting of the legislative assembly of the Territory. It fixed the last Monday in December, and it has been steadily held in the Territory by all authorities since then that, having exhausted the authority by a single act, the Territorial legislature is now without authority

to change or modify the condition brought about by that designation.

Mr. FAULKNER. I agree with the Senator from Montana fully as to the law of the case. But the legislature and the people of New Mexico stated that that was not a satisfactory time. As I was proceeding to state, that was done in 1885. Since that time, although they exhausted the power conferred upon the legislative body by that act of Congress, they could have applied at any time to Congress to be given authority to change the time or to have had it changed by an act of Congress. But now for the first time during the whole period we find a proposition made to change the date of the meeting as fixed by the legislative assembly, not by Congress, as is done in almost every Territory of the Union, but fixed by the people of that Territory in the legislative bodies assembled. They fixed the period as the last Monday in December, and yet, without any petition, without any application except from the Delegate of the Territory, we find that for the first time the Delegate asks that it be changed to May.

Mr. President, there is a controversy between the Delegate and the governor as to whether May is a proper time. There is a statement from the personal knowledge of the distinguished Senator from Montana that neither February nor March nor April, perhaps, would be a proper time. Then we have the month of January. There is no dispute as to that being a time when it would be convenient for the people of the Territory of New Mexico to assemble the members of their legislature for the purpose of transacting legislative business.

But we find that January will not suit, and why? Mr. President, the scheme and the purpose of this provision in the House bill are just as plain to my mind as anything possibly can be. It is the duty of the secretary of the Territory to determine as to who are the members elected in that Territory. The body that will assemble next in that Territory will be elected in November. It meets in December. The present secretary of the Territory is a Democrat and the governor is a Democrat. Now, it will not do to extend the time to January in order to meet the demands of the Senator from Montana in reference to the time needed for contests. It will not do to fix upon February or March as the time to meet, because of the difficulties in sheep-shearing just at that particular season, when the people of that Territory are occupied in that industry; but we must fix a time when, taking in all the probabilities and the anticipations and the hopes and the expectations of our Republican friends we shall have inaugurated a Republican President, who will appoint a Republican governor, and a Republican secretary of the Territory, and then organize the legislature in May following.

Mr. WOLCOTT. Do I understand the Senator from West Virginia to say that the probabilities are that there will be a Republican President inaugurated next spring?

Mr. FAULKNER. No, sir; I have not yet lost my balance so far as to make such an unwise prediction.

Mr. WOLCOTT. I understood the Senator to make that statement.

Mr. FAULKNER. I said that was the hope, the anticipation, and the expectation of our Republican friends, and especially, I may say, those who have very vivid imaginations and who dream when they are waking.

Mr. President, that is the whole purpose of this provision. If gentlemen desire to meet it fairly and squarely and honestly in a nonpartisan spirit and want more time for arranging and obtaining evidence of contests in the election of members of the legislature, let them offer an amendment to the bill fixing the period for meeting on the second Monday in January. That would test the sincerity of those gentlemen and disclose whether their motives and purpose and intention are political, or whether they desire to afford accommodation and convenience to the people of that Territory.

I sincerely hope that the amendment of the Senator from New York will be agreed to. Personally I am so bitterly opposed to allowing political provisions upon appropriation bills that I would not have any hesitation in staying here and making a contest upon this question just as long as we could get the members of the Senate who are opposed to political provisions on appropriation bills to stay here and make the contest.

Mr. PLATT. Mr. President, I want to contribute only one word to this discussion. I do not know how far this provision may be political and how far it may not be, but I know that when I was chairman of the Committee on Territories, and before the present secretary of the Territory was appointed, I received several letters from people in New Mexico asking me to see to it that the time of holding the legislature was changed. I do not know whether any bill was introduced or not. The matter perhaps never took sufficient shape to bring it to an issue, but I remember distinctly that I had letters of that kind from different residents of New Mexico complaining of the time when the legislature was held.

Mr. BATE. Mr. President, I desire to say in this connection that I am a member of the Committee on Territories, of which the Senator from Connecticut [Mr. PLATT], who has just taken his seat, is a member, and of which the Senator from West Virginia [Mr. ELKINS] is also a member, as well as the Senator from New York [Mr. HILL]. These matters came up in the committee. Without specially stating what occurred there, I may say there were letters received upon this very question in regard to the date, and that such as I received, and such as I have read since, were favorable to the view taken by the Senator from New York [Mr. HILL], and given at length in his to-day's speech, and which facts I will not restate.

In that committee, of which we are members, we have had a bill presented for our consideration asking that Statehood be given to the Territory of New Mexico. All the time required by that bill was given, and for one I heard no contest in the committee in regard to any difference of date. They seemed to agree there without dissent upon a time for submitting the constitution, and a date is named in the bill and is not earlier than the first Tuesday after the first Monday in November, 1896. That bill was reported favorably to this Senate and is now here, and I think if we could get a vote upon it and pass the bill giving Statehood to this Territory it would relieve this question, because it is not amenable to the criticism justly made against the clause sought to be stricken from this appropriation bill.

But, Mr. President, it is extremely doubtful if this can be done, and now it is thought best by certain persons, who speak for a certain political party in that Territory, that they shall put some provision in an appropriation bill that will change the time. I will not go over the reasons for that; they have all been given by the Senator from New York [Mr. HILL] and the Senator from West Virginia [Mr. FAULKNER]; and they are certainly very pertinent and quite conclusive, and strike me with much force.

I oppose the provision and will vote against it, first, upon the ground that it is vicious legislation, out of time and place; improper legislation, because it is upon a general appropriation bill, and that it is general legislation. In the second place, I shall do so because it is a very material character of legislation, far-reaching and hurtful in results. It affects directly the rights of the whole people in that Territory and indirectly the whole country, as in the election it may give the balance of power to a party, and for the further reason that it has not been submitted to the proper committee—it being Territorial legislation, should have been passed upon by the Committee on Territories of this Senate. Dates are sometimes material, and in this instance it goes to the essence of the law proposed to be thus put through. Then, again, I object to it because it certainly smacks of party politics, to say nothing more, and can not properly belong to an appropriation bill. With the explanation which has been given as to the dates and the reasons therefor by the Senator who has just taken his seat, it must strike the mind of every reasonable man that party politics are in it, and wherever there are party politics in legislation upon an appropriation bill it is vicious. You know, Mr. President, and we know, that perhaps the most vicious legislation, and that which has been most unfortunate to our country, has been legislation under cover of appropriation bills; and whether you say this has been "sneaked in" or not, it certainly has come in at the back door without knocking and untimely. Legislation which has been thus accomplished is dangerous and not creditable to the body that permits it. For these reasons I shall vote to strike this provision from this appropriation bill.

I regret, sir, that this matter was not before the committee of which I am a member, and where such matters have been discussed and ought to be discussed; I mean the Committee on Territories, of which the Senator from West Virginia [Mr. ELKINS], who seeks to avoid responsibility for it, is also a member. Had it gone first to that committee, we could possibly have agreed upon a time or date; but it seems to be necessary to effect some hidden object. There must be a cat in the meal. It must be to effect some object not expressed in the language used that it should come to the Senate from the House in an appropriation bill, as if to avoid the scrutiny of the Committee on Territories. I take that view of it, sir, and under that impression I shall certainly vote against retaining the provision in the bill. There should be no party politics in an appropriation bill.

Mr. CARTER. Mr. President, my regard for the judicial temperament of the Senator from West Virginia, who is so fair and just in his actions and expressions on this floor, constrains me to reply to two suggestions made in the course of his observations. First, as a reason why this legislation should not now obtain in the form in which it is presented, the lapse of time fixing the last Monday of December for the next meeting of the legislature is urged as an estoppel. The statute of limitations is thereby pleaded. Every Senator will recall the fact that the numerous amendments to the Federal Constitution in and of themselves offer a sufficient answer to the argument of the Senator in that behalf. The convention, composed of the most thoughtful, patriotic, and farseeing men the world has ever known to meet and discuss matters in convention, failed to provide for all necessities and contingencies, and their experience demonstrates the limitations of all deliberative bodies.

From 1884 up to the present time no occasion has risen until recent date to disclose the vicious and unfortunate possibilities existing under an infirm law now upon the statute book relating to New Mexico. It is a mathematical problem merely. My previous statement of time, I am advised by the Delegate from New Mexico, was incomplete in so far as it relates to the process of contest. The elections are generally held from the 1st to the 10th of November.

Now mark, calculate, and conclude as to the necessity for this provision. First, the returns must be filed with the secretary of the Territory within fifteen days. After the return of the notice there are thirty days in which to file a contest and eight days in which to file an answer; then thirty days in which to give notice of an intention to take testimony. Sixty days are then given in which to reduce the testimony to form for presentation to the legislature, making an aggregate of one hundred and forty-three days after the election before the contest is in form for presentation to the legislature. This will run the proceeding into the month of April under the laws of that Territory.

So the provision to contest is rendered absolutely nugatory because of the fact that the legislature may, under existing law, refuse to consider until the record is complete, and its term will expire by limitation before the resisting party can be brought to final issue.

It does seem to me under these circumstances that the answer is complete in so far as it refers to the question of the Senator from West Virginia drawing upon the month of January as a proper and a fitting time. The same difficulties sought to be remedied by fixing the month of May would obtain if the month of January instead of the month of December should be named. The obvious fact remains that the contest record would not be complete until after the session of the legislature had expired by limitation.

This, then, brings us back to the apparent political point connected with this transaction. No one can predict the complexion of the Territorial legislature of New Mexico to be elected at the next general election. Hence the law can not affect an officer now holding the office. If, however, it has appeared to the judgment of the Delegate from New Mexico, who speaks for the majority of the electors of that Territory, that the present incumbent of the secretary's office at the time of the assembling of the last legislature so far disregarded his duties under the law and his oath as to deprive citizens of that Territory of lawful representation under the supreme rule of the majority, it is the plain duty of Congress to deprive him of the privilege of inflicting that injustice in the future. If it be political to prevent a single appointee of the President of the United States from exercising the arrogated privilege of disfranchising any district in the Territory of New Mexico, then we should indulge in such politics. Let the supreme rule of the majority obtain. To allow the Territorial secretary to set at naught the voice of the majority of the people of New Mexico will be of little advantage to any party, and a great and an irreparable wrong to the people.

Mr. FAULKNER. In reply to the Senator as to his statement of the peculiar law of contest in that Territory, I desire to say that if the contestant does not give notice that he intends to make the contest before the end of the thirty days provided for, then it would be impossible even to get the notice of contest completed under the law, as he gives it, by the 1st day of May.

Mr. CARTER. Yes; it would be in the early part of April.

Mr. FAULKNER. It would be just about the 1st day of May if he waited until the end of the thirty days, as the Senator will see if he makes the calculation.

But I call the Senator's particular attention to a bill in considering which at the present session the Committee on Territories of the Senate has passed upon this question. Is it not remarkable that in reporting that bill the committee provide that the legislature of the Territory to be admitted into the Union shall convene on the third Monday of December following the vote and the proclamation by the President admitting the State as one of the members of this Union?

Is it not remarkable, if there be so much difficulty and so much trouble and inconvenience to the citizens of New Mexico, that their intelligent and active and energetic Delegate should have stood by and seen this great bill, admitting that Territory as one of the States of the Union, introduced into the Senate, passed through a committee of the Senate, and reported back to the Senate, providing that the representatives of those people when admitted as a State into the Union for the first time shall convene on the third Monday of December?

Mr. CARTER. I wish to interrupt the Senator from West Virginia, with his permission. I apprehend that some misunderstanding exists concerning the fixing of the date as suggested, and for this reason: In the regular course of procedure for the admission of a State into the Union authority is given the President of the United States to cause to be examined the constitution adopted by the people and presented to him for examination. If satisfied that such constitution presents a scheme of government republican in form, he thereupon issues his proclamation admitting the State into the Union.

It is left to the governor and the properly constituted authorities of the State, as a rule, to fix the time and place for the meeting of the legislature. That was the case in Utah and with reference to all the States recently admitted. If such a provision as the Senator describes has crept into the bill or any print of the bill for the admission of New Mexico, it would of necessity have to be amended in the Senate or in the other House, for the obvious reason that the Senate and the House of Representatives can not predict just when the President would issue the proclamation. His proclamation might be issued long after the time fixed in the act for the meeting of the legislature.

Mr. FAULKNER. The Senator from Montana will find that he is mistaken with reference to Utah. I do not know how it was as to other Territories. That bill designated when the legislature should convene for the first time as a State legislature, and it fixed the time. I understand the New Mexico bill fixes it distinctly, by saying that the legislature shall convene at the time now provided by law, which of course would be on the third Monday in December.

It strikes me as very remarkable that with this matter now assuming such important form, as affecting the inconvenience of the people of New Mexico, the measure to which I refer has been allowed to go through the Senate of the United States so as to reach its Calendar without even a suggestion of a change of the time when the legislature shall meet in order to accommodate the convenience of the people of the Territory. This is simply an additional reason which demonstrates the correctness of the views which I first expressed.

Mr. ELKINS. Mr. President, I find in the Statutes at Large, volume 20, page 193, that in the legislative appropriation act of 1878 there are two long sections providing for a government in the Territories. I will ask that those two sections be inserted in my remarks to show how important and material they were:

That from and after the adjournment of the next session of the several Territorial legislatures the council of each of the Territories of the United States shall not exceed 12 members and the house of representatives of each shall not exceed 24 members, and the members of each branch of the said several legislatures shall receive a compensation of $4 per day each during the sessions provided by law, and shall receive such mileage as the law provides: and the president of the council and the speaker of the house of representatives shall each receive $8 per day for the same time. And the several legislatures at their next sessions are directed to divide their respective Territories into as many council and representative districts as they desire, which districts shall be as nearly equal as practicable, taking into consideration population except Indians not taxed: *Provided*, That the number of council districts shall not exceed 12 and the representative districts shall not exceed 24 in any one of said Territories, and all parts of sections 1847, 1849, 1853, and 1922 of the Revised Statutes of the United States in conflict with the provisions herein are repealed.

That the subordinate officers of each branch of said Territorial legislatures shall consist of one chief clerk, who shall receive a compensation of $6 per day; one enrolling and engrossing clerk, at $5 per day; sergeant-at-arms and doorkeeper, at $5 per day; one messenger and watchman, at $4 per day each; and one chaplain, at $1.50 per day. Said sums shall be paid only during the sessions of said legislatures; and no greater number of officers or charges per diem shall be paid or allowed by the United States to any Territory. And section 1851 of the Revised Statutes is hereby repealed, and this substituted in lieu thereof: *Provided*, That for the performance of all official duties imposed by the Territorial legislatures, and not provided for in the organic act, the secretaries of the Territories respectively shall be allowed such fees as may be fixed by the Territorial legislatures. And in no case shall the expenditure for public printing in any of the Territories exceed the sum of $2,500 for any one year.

As distinguished from this provision, I will read a part of one section:

That from and after the adjournment of the next session of the several Territorial legislatures the council of each of the Territories of the United States shall not exceed 12 members and the House of Representatives of each shall not exceed 24 members, and the members of each branch of the said several legislatures shall receive a compensation of $4 per day each during the sessions provided by law, and shall receive such mileage as the law provides.

There was a radical revision of the law on the subject of Territories in the legislative and judicial act, and I do not know that there were any particular objections raised even to that sort of legislation, which is radical.

Here is a mere attempt to change the date for reasons represented by the Delegate from the Territory to be good and sufficient for his people. It has been the custom of Congress to legislate about Territories whenever it pleased. Congress has sole and exclusive jurisdiction over everything in a Territory, and if it has wanted to pass a law affecting Territories in an appropriation bill, it has done so. Any time and any place have seemed suitable in the discretion of Congress to pass legislation affecting the Territories.

If such legislation as I have referred to, found in the Statutes at Large, has been placed in an appropriation act, why all this objection simply to changing the date? The political significance or the political feature of the amendment which was made by the House of Representatives has been drawn into the debate by the Senator from New York [Mr. HILL] and the Senator from West Virginia [Mr. FAULKNER]. I answered promptly that it had no political significance, upon the authority of the Delegate from New Mexico.

I take it that my colleague has examined, as I have, the bill for the admission of New Mexico into the Union as a State, reported by the chairman of the Territorial Committee. There is in it no such provision as he states as to the meeting of the legislature.

Mr. FAULKNER. If my colleague will permit me——

Mr. ELKINS. I simply state that to correct a misapprehension. I know my colleague has not the bill before him.

Mr. FAULKNER. I have it before me, and I therefore want to ask the Senator to read anything in the bill which corrects my statement. He says he has the bill before him and that it corrects my statement.

Mr. ELKINS. I have the bill before me, but I did not observe the provision when I read the bill just now.

Section 19, which is the section that is pertinent, says:

That the constitutional convention may by ordinance provide for the election of officers for a full State government, including members of the legislature and Representative in Congress, at the time for the election for the ratification or rejection of the constitution; but the State government shall remain in abeyance until the State shall be admitted into the Union as proposed by this act, etc.

That is, by Presidential proclamation. Suppose the proclamation——

Mr. FAULKNER. If my colleague will permit me, like all lawyers he reads one side, and the most remarkable fact about reading one side is that he has stopped just where the express provision is made, which follows the very last word he read, designating when the legislature shall meet.

Mr. ELKINS. I will read the whole section for the information of the Senate. I did not want to take up the time, as I supposed the Senate wanted to vote on the motion.

In case the constitution of said State shall be ratified by the people, but not otherwise, the legislature thereof may assemble, organize, and elect two Senators of the United States in the manner now prescribed by the laws of the United States; and the governor and secretary of state of the proposed State shall certify the election of the Senators and Representative in the manner required by law, and when such State is admitted into the Union, as provided in this act, the Senators and Representative shall be entitled to be admitted to seats in Congress and to all rights and privileges of Senators and Representatives of other States in the Congress of the United States.

Does my colleague wish me to read further? That refers to the election of United States Senators under the law of the United States. I do not see what it has to do with the matter. I supposed there was something in my colleague's interruption. I had not read the bill carefully. I had only read a few lines, glancing over it hastily, and I was ready to be corrected, and I hope my colleague will stand ready to be corrected.

Mr. FAULKNER. I think the Senator is corrected by reading the statute.

Mr. ELKINS. We differ, as we do sometimes on other questions.

Mr. ALLEN. Mr. President, I rise only for the purpose of saying that the Senate seems to have turned into an experience meeting, and we are regaled here this afternoon by Democrats and by Republicans on the subject of the administration of the laws of Territories. About the only thing that appears to be in dispute is as to whether the Democratic secretary in the Territory of New Mexico shall conduct the affairs of his office upon the principles and precedents that have been set him by his Republican predecessors. If current history is to be believed, the Republican secretaries in the Territory of New Mexico have been in the habit, to some extent at least, from time to time, of placing upon the legislative rolls of that Territory Republicans who were not elected to offices which they claimed or where the offices were seriously in dispute.

Now, the Administration changes from a Republican to a Democratic Administration; a Democratic secretary of the Territory is appointed, and he seeks naturally to change the political complexion of the legislature of the Territory. Following the precedent of his illustrious predecessors, according to the statement of Senators made in this Chamber, he has placed upon the legislative rolls as elected to the different branches of the legislature gentlemen who were not elected or whose election is at least questionable. Under such circumstances it is very difficult to tell what course the Populists should pursue. Here is a confession of corruption on both sides; or, at least, no denial of the charge that the secretary of that Territory has been manipulating the returns of elections. So far as I know there has never been any denial of the charge of like conduct upon the part of his predecessors.

I infer, then, from this condition of affairs, and especially from some charges which have been made recently by my illustrious friend the Senator from New Hampshire [Mr. CHANDLER], who I regret is not in his seat to-day, that the claim of pure statesmanship and purity in elections made by the respective great political parties, as they are termed here, the Republican and the Democratic parties, is not altogether sincere.

Mr. President, it is a very sad spectacle indeed, it is humiliating to the ordinary American citizen, to say nothing about the ordinary American statesman, to witness this grave confession in the United States Senate that frauds of such a character are being practiced in one of the most important Territories in the Union. The only reason why complaint is now made upon the other side of the Chamber is that their men, who have practiced those frauds, have been turned out and the Democrat who has been longing for many years for accession to power has finally come into power in that Territory and is following Republican precedent.

I am inclined to believe that so far as I am concerned I will vote with my Democratic friends here, not because I approve their methods, but it is quite evident to me that the time is coming, and coming with great rapidity—it will be here, Mr. President, before we realize it—when our Democratic friends will be turned out of power in this country to browse as best they can, probably for the next third of a century. I think they will probably get no more than they are entitled to, considering the relation which exists in that Territory between the respective parties, by being held in power for the next eight or nine months.

Mr. COCKRELL. Mr. President, I hope the amendment of the Senator from New York [Mr. HILL] will prevail and that this provision will be stricken out. I think it is political and that the political objects to be attained by it are, first, to deprive the Territorial secretary of the power to organize the legislature and to place it in the hands of a Republican secretary. That would appear to most persons to be a decided party advantage. It is not such an advantage as should be legislated into an appropriation bill by Congress in regard to any of the Territories of this Union. The law now existing in the Territory, if I am not misinformed, was passed by a Republican Territorial general assembly or legislature, and Republican secretaries of the Territory have enforced and administered the law just as the present Democratic secretary has administered and enforced it, and if I am not misinformed the action of the present secretary of the Territory has been sustained by the courts.

The next objection to the provision is one which relates to the convenience of the people. I refer to the time for meeting, in May instead of in December or, as would be better, in January or February. I have no doubt that it would suit an overwhelming majority of the people of the Territory of New Mexico to have their legislative assembly meet in January, and not in December. I think it would be greatly to their inconvenience to meet in May. Why do I object to their meeting in May? Aside from the one political reason which I have given, I will recite another. I call the attention of Republican Senators to this fact. I understand the fiscal year of the Territory ends on March 1, and there is no provision made for paying the Territorial officers or supporting the Territorial institutions from the close of the fiscal year, March 1, 1897, until May, 1897. What are you going to do with your Territorial government, with not a dollar to maintain the Territorial administration from the 1st of March until the time proposed for the legislature to meet? Is that right? Is it just? Is it what the people of the Territory want? There is the dilemma.

In the next place, meeting in May will be the most inconvenient season for the people of New Mexico. Why? Because that Territory ranks fourth in size in the Union in the number of sheep and in the sheep-growing industry, and many of the members of the legislature to be elected and who have been elected and will be elected again are engaged in that business, and they would be busy at that particular season of the year in shearing and lambing. The cattlemen would also be engaged in rounding up their stock and the ranchmen in cultivating their crops. Here are two substantial reasons why this provision should not prevail which are not based upon political grounds. One very serious embarrassment in that Territory will be in consequence of the expiration of the Territorial fiscal year on the 1st of March, while the legislature will not meet until May, there being no appropriation for the support of the Territorial government for the period between the 1st of March and the meeting in May.

I have given one statement of the political feature of this matter, but I will go on about the expenses of the Territory, which is a more important matter. Now, mark you, the legislature is to meet in May, according to this provision. The appropriation provides for the payment of the expenses of the legislature—this appropriation itself, remember now—the printing of the journal and the laws thereof. If the legislature does not meet until May, it can not close until along in June. This is a bill for the expenses of the Government for the fiscal year ending 1897. That fiscal year expires on the 30th of June, 1897. This appropriation for the Territorial legislature is made, and the legislature meets in May, and it can not close until some time in June as a matter of course.

I call the attention of Senators on the other side to the fact that the legislature can not dispose of its business in less than six, eight, or ten weeks. It will take until the last of June. It would be impossible for the legislature to have the journals and the laws printed and for the disbursing officers to close up their accounts by the end of June for the work done during the session. It could not be done. The money appropriated would be covered back into the Treasury before the work could be completed. How are you going to obviate this difficulty? Here is the condition you have to confront. This appropriation is for the fiscal year ending on

that such constitution presents a scheme of government repub- | Mexico.

the United States Senate that frauds of such a character are being practiced in one of the most important Territories in the Union. | going to obviate this difficulty? Here is the condition you have to confront. This appropriation is for the fiscal year ending on

the 30th of June, 1897, and it is for all the expenses of the legislature to meet in May, 1897, and that legislature meeting in May can not complete its work and do what the money appropriated for it contemplates by the time the money will have to be covered into the Treasury.

Mr. President, those reasons, I think, are amply sufficient to cause our Republican friends to change the date of the meeting at least until January or February, not later than the second Monday in February. The first or second Monday in January would suit much better. It would be in consonance with nearly all the other legislative assemblies in the United States, which nearly all meet on the first Monday in January, and it would be only right and fair.

But here is another political reason, and I call the attention of my Republican friends to it. They certainly do not want to attempt to take any political advantage by a provision in an appropriation bill. Under the Territorial laws of New Mexico, as they exist to-day, all the Territorial officers who have been confirmed by the last legislature, and they are Democratic and were the successors to the Republicans, hold their offices for two years, until their successors have been appointed and have qualified. Under the same law the Republican Territorial officials continued in office until January, 1895, nearly two years after the Democratic administration came in, and until the last legislature met and made other provision. The officials who will be appointed and confirmed by the legislature that is to be held in December and January next will hold for two years, notwithstanding a Republican President may possibly be elected and a Republican governor appointed for the Territory.

Here is the politics in it. The Republicans hope to elect a President. They want the Republican President to appoint a Republican governor, and then they want the legislature to meet after that date and turn out the Democratic Territorial officials after the expiration of only a little over a year. Is this right and fair? Is it honorable and just that a great political party, branded G. O. P., should want to seek such a little political advantage? No, Mr. President, it is not.

Mr. PLATT. May I ask the Senator from Missouri a question?

Mr. COCKRELL. Certainly.

Mr. PLATT. Unless it is pretty certain that the Republican party is going to elect its candidate for President and get the governor of New Mexico there is no political advantage in this provision.

Mr. COCKRELL. Yes; there is.

Mr. JONES of Arkansas. The intention is political.

Mr. COCKRELL. The intention is political, necessarily so. There you see it upon its face. There are two political reasons. You can not deny them. They stand out in bold relief. They are advantages attempted to be taken by a great political party of its opponents by legislation in an appropriation bill. It is not right; it is not just.

There are these two substantial reasons why the time should not be changed to May. They arise first from the Territorial legislative law. The fiscal year of the Territory ending on March 1, 1897, there will then be no provision made for the expenses of the Territorial government until May, 1897, and until the Territorial legislative assembly can make provision. Is that right? Then, again, look at the inconvenience of it. The legislation in the pending bill appropriating money requires the legislature to meet in May, and the year for which the money is appropriated expires on the 30th of June. The legislature can not dispose of its business in a satisfactory manner before the money appropriated to defray the expenses of it will be covered into the Treasury, and you will be in this dilemma.

Unless Senators will agree to a modification as to the time, I insist that the provision shall be stricken out.

ADJOURNMENT TO MONDAY.

Mr. WOLCOTT. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. CULLOM. I hope the motion will not be pressed until the appropriation bill is disposed of.

Mr. WOLCOTT. I am sorry——

Mr. CULLOM. I am very anxious that the bill shall be disposed of this evening, and I hope the motion will not be pressed until the bill is disposed of.

The VICE-PRESIDENT. Does the Senator from Colorado withdraw the motion?

Mr. WOLCOTT. I do not withdraw the motion, but I express my deep regret that I have interfered with the plan of the Senator from Illinois.

Mr. CULLOM. I know the Senator from Colorado did not mean to do so.

Mr. WOLCOTT. I certainly did not.

Mr. CULLOM. I hope the Senator will withdraw the motion until the bill is disposed of, when I will join with him in favor of the motion.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Colorado [Mr. WOLCOTT], that when the Senate adjourn to-day it be to meet on Monday next. [Putting the question.] The ayes appear to have it.

Mr. CULLOM. I must ask the Senate to dispose of the bill to-night.

Mr. PLATT. Can we not have a vote on the pending amendment?

Mr. CULLOM. I ask that the yeas and nays may be called on this question.

The VICE-PRESIDENT. The question is on the motion of the Senator from New York [Mr. HILL], to strike out the clause which has been read.

Mr. GORMAN. What becomes of the motion to adjourn over?

Mr. VILAS. Was there an announcement of the decision on the motion to adjourn over?

The VICE-PRESIDENT. The Chair announced the fact that the ayes appeared to prevail.

Mr. CULLOM. I was calling for the yeas and nays on the motion.

The VICE-PRESIDENT. The Chair did not so understand. The question will be treated as still being open.

Mr. CULLOM. I hope the Senate will reconsider the vote and that it will let us see whether we can not come to an agreement about this matter so as to dispose of the bill to-night. I do not myself desire a session to-morrow, but I am very anxious to get the appropriation bill out of the Senate.

Mr. HOAR. The Senator from Illinois has the power to get a vote at any time he chooses. The amendment has been discussed very largely on both sides of the Senate. If the Senator will move to lay the amendment on the table he can get a vote.

Mr. FRYE (to Mr. CULLOM). Why do you not do that?

Mr. HOAR. If the Senator does not do that, I do not think we are bound to stay here on his account.

Mr. CULLOM. I will try that course.

The VICE-PRESIDENT. Does the Senator from Illinois demand the yeas and nays on the motion that when the Senate adjourn to-day it be to meet Monday?

Mr. CULLOM. I think the Senator had better——

Mr. WOLCOTT. Do I understand that the Senator from Illinois moves to reconsider the vote?

Mr. CULLOM. Yes, sir.

Mr. GORMAN. This is an important matter which is under consideration. It is the first time for the last fifteen years that a purely political question has been brought in on an appropriation bill. I say to the Senator that there ought to be and there will be fair time for the discussion of the matter.

Mr. WOLCOTT. I rise to a point of order. I do not understand that the good and fair time is pending a request for the yeas and nays.

Mr. GORMAN. I am merely giving the reason why I think we should adjourn over to-morrow, if the Senator from Colorado will permit me.

The VICE-PRESIDENT. If objection is interposed——

Mr. CULLOM. I ask that the Senator from Maryland may be allowed to make his statement, and then I wish to make one myself.

Mr. WOLCOTT. I beg pardon of the Senator from Maryland. I did not mean to interfere with him.

Mr. GORMAN. It is all right.

Mr. WOLCOTT. And I withdraw anything I can withdraw.

The VICE-PRESIDENT. The question is on the motion of the Senator from Colorado [Mr. WOLCOTT], that when the Senate adjourn to-day it be to meet on Monday next, on which the yeas and nays are demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CARTER (when his name was called). I am paired with the junior Senator from Maryland [Mr. GIBSON].

Mr. DANIEL (when his name was called). I am paired with the Senator from Washington [Mr. SQUIRE]. Under the circumstances, I shall not vote.

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH].

Mr. PLATT (when Mr. HAWLEY'S name was called). My colleague [Mr. HAWLEY] is detained from the Senate by indisposition. I presume he is paired with some Senator, although I am not sure. If he were present, he would vote "nay."

Mr. PASCO. The Senator from Connecticut [Mr. HAWLEY] has no pair, I will state.

Mr. PLATT. I trust, then, that the Senator from Florida [Mr. PASCO] will see that a pair is arranged for him in some way.

Mr. DUBOIS. I suggest to the Senator from Connecticut [Mr. PLATT] that he pair his colleague [Mr. HAWLEY] with the senior Senator from New Jersey [Mr. SMITH].

Mr. PLATT. That will be entirely satisfactory.

Mr. DUBOIS. That will allow me to vote. I vote "yea."

Mr. HILL (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE]. I transfer my

pair to the Senator from South Carolina [Mr. IRBY], and vote "yea."

Mr. MITCHELL of Wisconsin (when his name was called). I have a general pair with the Senator from New Jersey [Mr. SEWELL]. On this question I feel at liberty to vote. I vote "yea."

Mr. MORRILL (when his name was called). I am paired with the senior Senator from Tennessee [Mr. HARRIS]. Judging this to be a political question, I will withhold my vote.

Mr. WALTHALL (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. QUAY. I am paired with the Senator from Alabama [Mr. MORGAN]. I am not advised as to how he would vote on this question, and I therefore withhold my vote.

Mr. PASCO. I am paired with the Senator from Washington [Mr. WILSON]. I transfer my pair to the Senator from South Dakota [Mr. KYLE] and vote "yea."

Mr. TURPIE. I am paired with the Senator from Minnesota [Mr. DAVIS]. Not knowing how he would vote, I refrained from voting on the call of the roll. However, being advised that a quorum has not yet voted, I will vote. I vote "yea."

Mr. CAFFERY. I have a general pair with the Senator from Michigan [Mr. BURROWS]. I transfer my pair to the Senator from Georgia [Mr. GORDON], who is paired with the Senator from Iowa [Mr. GEAR]. I vote "yea."

Mr. GEAR. I have a general pair with the senior Senator from Georgia [Mr. GORDON]. My pair having been transferred, I vote "nay."

Mr. DANIEL. It is suggested to me that I transfer my pair with the Senator from Washington [Mr. SQUIRE] to the Senator from Nevada [Mr. JONES]. He is not present. I make that transfer and vote "yea."

Mr. PERKINS. I desire to announce my pair with the junior Senator from North Dakota [Mr. ROACH]. However, in order to make a quorum, I will vote. I vote "nay."

Mr. CULLOM (after having voted in the negative). This provision seems to have taken something of a political turn, and I think I ought to withdraw my vote, as I stand paired with the Senator from Delaware [Mr. GRAY], who is absent.

Mr. CALL. I transfer my pair with the Senator from Vermont [Mr. PROCTOR] to the Senator from Indiana [Mr. VOORHEES] and vote "yea."

Mr. CARTER. I transfer my pair with the junior Senator from Maryland [Mr. GIBSON] to the Senator from Nevada [Mr. STEWART], and will vote. I vote "nay."

Mr. CULLOM. The Senator from Mississippi [Mr. WALTHALL] stands paired with the Senator from Pennsylvania [Mr. CAMERON]. We will transfer our pairs, so that both the Senator from Mississippi [Mr. WALTHALL] and I can vote, and the Senator from Pennsylvania [Mr. CAMERON] will be paired with the Senator from Delaware [Mr. GRAY].

Mr. QUAY. To assist in producing a quorum I will take the liberty of voting. I vote "nay."

Mr. McBRIDE. I have a general pair with the Senator from Mississippi [Mr. GEORGE]. I transfer my pair to the Senator from Wyoming [Mr. WARREN] and vote "nay."

The result was announced—yeas 33, nays 12; as follows:

YEAS—33.

Aldrich,	Cannon,	Jones, Ark.	Turpie,
Allen,	Chilton,	Lindsay,	Vest,
Bate,	Cockrell,	McMillan,	Vilas,
Berry,	Daniel,	Mantle,	Walthall,
Blackburn,	Dubois,	Mitchell, Wis.	White,
Brice,	Faulkner,	Pasco,	Wolcott.
Brown,	Gorman,	Peffer,	
Caffery,	Hill,	Pugh,	
Call,	Hoar,	Sherman,	

NAYS—12.

Allison,	Frye,	Mitchell, Oreg.	Quay,
Carter,	Gear,	Perkins,	Shoup,
Cullom,	McBride,	Platt,	Teller.

NOT VOTING—44.

Bacon,	George,	Lodge,	Roach,
Baker,	Gibson,	Martin,	Sewell,
Blanchard,	Gordon,	Mills,	Smith,
Burrows,	Gray,	Morgan,	Squire,
Butler,	Hale,	Morrill,	Stewart,
Cameron,	Hansbrough,	Murphy,	Thurston,
Chandler,	Harris,	Nelson,	Tillman,
Clark,	Hawley,	Palmer,	Voorhees,
Davis,	Irby,	Pettigrew,	Warren,
Elkins,	Jones, Nev.	Pritchard,	Wetmore,
Gallinger,	Kyle,	Proctor,	Wilson.

So the motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 572) for the relief of James Duke was read twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. 2265) to provide for the reimbursement of the expenses of constructing a sewer upon the permanent reservation at Hot Springs, Ark., was read twice by its title, and referred to the Committee on the Public Lands.

The bill (H. R. 7170) to grant the Gulf, Colorado and Santa Fe Railroad Company the right to acquire depot grounds at the town of Davis, Tishomingo County, Chickasaw Nation, Ind. T., was read twice by its title, and referred to the Committee on Territories.

The bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The Senate resumed the consideration of the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, the pending question being on the amendment of Mr. HILL to strike out the proviso beginning in line 4, page 61.

Mr. CULLOM. If I may be allowed to make a motion, I move that the pending amendment, to strike out from the word "dollars," in line 4 on page 61, to and including line 16, be laid on the table.

The VICE-PRESIDENT. The question is on the motion of the Senator from Illinois to lay the pending amendment on the table.

Mr. GORMAN. Let the question be stated so that we may understand it.

Mr. CULLOM. I will state it again. The Senator from New York moved to strike out beginning with the word "*Provided*," in line 4, page 61, to and including line 16, on the same page. I move to lay that amendment on the table.

The VICE-PRESIDENT. The Chair so understands.

Mr. GORMAN. Will the Senator, before he makes that motion, permit me to say a word? Will he withdraw it for a second?

Mr. CULLOM. Of course.

Mr. GORMAN. I trust the Senator from Illinois will not move to lay the amendment on the table, but will let us have a perfectly fair vote on it in the Senate, after proper discussion, which would follow as a matter of course. If this course is not pursued, other amendments will be offered within the rule, and a fight will be inaugurated on an appropriation bill such as we have not had here for many years. I submit to the Senator in charge of the bill that it is not a fair way to treat this question. For the first time in the last ten or fifteen years purely a political matter is brought in upon an appropriation bill—legislation such as both parties have condemned. I trust that the Senate, on a fair vote, will strike out this provision. But at all events we are entitled to have, and we shall have, a fair discussion of the proposition, and it will extend away beyond the bounds which have been laid out at present.

Mr. CULLOM. If the Senator from Maryland will allow me to say a word (both of us are out of order, except by unanimous consent), I will state that I thought making a motion to lay the amendment on the table would be a test of the sense of the Senate as to whether the Senate is in favor of retaining the provision in the bill or not, and if it is not in favor of retaining it, so far as I am concerned I should not feel like pursuing the matter any further.

Mr. GORMAN. Then, if it is to be merely a test vote and the Senator puts it that way, so far as I am concerned I am ready to vote now.

The VICE-PRESIDENT. The question is on the motion of the Senator from Illinois to lay the pending amendment on the table.

Mr. CULLOM. I think we ought to have the yeas and nays on the question.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CAFFERY (when Mr. BLANCHARD'S name was called). My colleague [Mr. BLANCHARD] is absent on business. He has a general pair with the Senator from North Carolina [Mr. PRITCHARD].

Mr. CALL (when his name was called). I transfer my pair with the Senator from Vermont [Mr. PROCTOR] to the Senator from Indiana [Mr. VOORHEES] and vote "nay."

Mr. CARTER (when his name was called). Having a general pair with the junior Senator from Maryland [Mr. GIBSON], I will withhold my vote.

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH].

Mr. PLATT. I suggest to the Senator from Idaho that he transfer his pair, so that the Senator from New Jersey [Mr. SMITH] will stand paired with my colleague [Mr. HAWLEY].

Mr. DUBOIS. Very well; I will transfer my pair with the Senator from New Jersey [Mr. SMITH] to the Senator from Connecticut [Mr. HAWLEY], and I vote "nay."

Mr. HILL (when his name was called). I transfer my pair with the junior Senator from Massachusetts [Mr. LODGE] to the senior Senator from South Carolina [Mr. IRBY] and vote "nay."

Mr. MANTLE (when his name was called). I am paired with the Senator from Virginia [Mr. MARTIN]. If he were present, I should vote "yea."

THE VICE-PRESIDENT. The question is on agreeing to the junior Senator from Massachusetts [Mr. LODGE]. I transfer my

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the junior Senator from New Jersey [Mr. SEWELL]. If he were present, I should vote "nay."

Mr. PERKINS (when his name was called). I am paired with the junior Senator from North Dakota [Mr. ROACH]. If he were present, I should vote "yea."

Mr. QUAY (when his name was called). I have a general pair with the Senator from Alabama [Mr. MORGAN], but I have no doubt that in the present condition of the Senate he will excuse me for voting. I vote "yea."

The roll call was concluded.

Mr. WALTHALL. I desire to announce that on this vote the Senator from Delaware [Mr. GRAY] is paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. GEAR. I am paired with the senior Senator from Georgia [Mr. GORDON], but that pair has been transferred by an arrangement with the Senator from Wisconsin [Mr. MITCHELL] to the Senator from New Jersey [Mr. SEWELL], so that the Senator from Wisconsin and myself can vote. I vote "yea."

Mr. PERKINS. As I have before announced, I am paired with the junior Senator from North Dakota [Mr. ROACH]. I will transfer my pair to the Senator from Wyoming [Mr. CLARK] and will vote. I vote "yea."

Mr. MITCHELL of Wisconsin. I transfer my pair with the Senator from New Jersey [Mr. SEWELL] to the Senator from Georgia [Mr. GORDON] and I vote "nay."

Mr. BATE. I desire to announce that my colleague [Mr. HARRIS] is necessarily absent. He is paired with the Senator from Vermont [Mr. MORRILL]. Were my colleague here, he would vote "nay."

Mr. PROCTOR (after voting in the affirmative). I learn that before I came into the Chamber my pair with the Senator from Florida [Mr. CALL] was transferred to the Senator from Indiana [Mr. VOORHEES]. I therefore withdraw my vote.

Mr. MANTLE. As I have already announced, I am paired with the Senator from Virginia [Mr. MARTIN]. I now transfer that pair to the Senator from Wyoming [Mr. CLARK] and vote "yea."

Mr. PASCO. I transfer my pair with the Senator from Washington [Mr. WILSON] as before to the Senator from South Dakota [Mr. KYLE] and I vote "nay."

Mr. QUAY (after having voted in the affirmative). Before the result is announced, I desire to withdraw my vote. I did not understand when I cast it that there was any political question involved.

The result was announced—yeas 21, nays 29; as follows:

YEAS—21.

Aldrich,	Carter,	McBride,	Platt,
Allison,	Cullom,	McMillan,	Shoup,
Baker,	Davis,	Mantle,	Teller.
Brown,	Elkins,	Mitchell, Oreg.	
Burrows,	Gear,	Nelson,	
Cannon,	Hale,	Perkins,	

NAYS—29.

Allen,	Cockrell,	Hill,	Vest,
Bate,	Daniel,	Jones, Ark.	Vilas,
Berry,	Dubois,	Lindsay,	Walthall,
Blackburn,	Faulkner,	Mitchell, Wis.	White,
Brice,	Frye,	Pasco,	Wolcott.
Caffery,	George,	Peffer,	
Call,	Gibson,	Pugh,	
Chilton,	Gorman,	Turpie,	

NOT VOTING—32.

Bacon,	Harris,	Morrill,	Smith,
Blanchard,	Hawley,	Murphy,	Squire,
Butler,	Hoar,	Palmer,	Stewart,
Cameron,	Irby,	Pettigrew,	Thurston,
Chandler,	Jones, Nev.	Pritchard,	Tillman,
Clark,	Kyle,	Proctor,	Voorhees,
Gallinger,	Lodge,	Quay,	Warren,
Gordon,	Martin,	Roach,	Wetmore,
Gray,	Mills,	Sewell,	Wilson.
Hansbrough,	Morgan,	Sherman,	

So the Senate refused to lay Mr. HILL'S amendment on the table.

Mr. CULLOM. As the vote seems to indicate the sentiment of the Senate on this question, I shall make no further insistence upon retaining the provision in the bill.

The VICE-PRESIDENT. The question recurs on the amendment of the Senator from New York [Mr. HILL], to strike out the proviso on page 61 of the bill.

The amendment was agreed to.

Mr. COCKRELL. I suggest, on page 3, line 4, in the item for "assistant in the stationery room," to add, after "one thousand," the words "two hundred," and after the word "dollars," the words "while held by the present incumbent"; so as to read:

Assistant in stationery room, $1,200, while held by the present incumbent.

The amendment was agreed to.

Mr. PLATT. When this bill was in Committee of the Whole there was an amendment proposed by the Senator from South Dakota [Mr. KYLE], who is now absent, upon which a point of order was made and which was ruled out. I have modified the amendment so that I think it is not open to a point of order and I will offer it again. It comes in on page 88, after line 16.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 88, after line 16, it is proposed to insert:

That the Secretary of the Interior may, in his discretion, cause the present contract for producing copies of the drawings of the weekly issues of patents for inventions, trade-mark certificates, drawings for the library editions of patents, for producing exhausted copies, and copies of pending applications, and of foreign patents or publications, and for producing the photolithographic work for the illustrated pages of the Official Gazette of the Patent Office, to be extended for the term of one year from the 1st day of July, 1896.

Mr. CULLOM. I desire to make a statement in regard to this amendment. I made the point of order against the amendment as offered by the Senator from South Dakota. The amendment is now presented in a different shape, and until it took this shape I stated to my distinguished friend from Connecticut that I would not admit the amendment without making the point of order upon it unless the Senator from South Dakota himself asked it. He is not now present, however, and as we are about to conclude the consideration of the bill, I make no question as to the right of the Senator to offer the amendment.

Mr. CALL. I ask the Senator from Connecticut to state in a few words the change which has been made in the amendment as originally offered by the Senator from South Dakota.

Mr. PLATT. The amendment as formerly proposed would allow the Secretary of the Interior to extend for four years the contract which is made for these drawings. I think it ought to be extended for a year, and the amendment is now presented in that form.

Mr. CULLOM. The previous amendment extended it four years, and this is for one year.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Connecticut [Mr. PLATT].

The amendment was agreed to.

Mr. DUBOIS. After the word "dollars," in line 16, page 81, I move to add:

For ten examiners, to constitute a board of examiners of surveys, at $2,000 each, the appointment to be certified by the Civil Service Commission, $20,000.

I am very sorry that this matter was not brought to my attention sooner, in order that I might have gone before the Committee on Appropriations and urged it. It is for the appointment of examiners to examine surveyed lands in the West. These appointments are now made for political considerations, and we have had a great deal of trouble in that part of the country on account of it. Men who are inexperienced, who never have had an opportunity to visit that region, and who do not understand the surveys which have been made are sent out, and it makes great confusion. It ties up the contracts; months and months elapse before they can be finally settled.

The Commissioner of the General Land Office, Mr. Lamoreux, most heartily and cordially supports this amendment. Being chairman of the Committee on Public Lands, and having a great deal of business with him, I can say that he is a most excellent officer. He understands the wants of the Western country remarkably well. He has the entire confidence of all of the Western Senators. He is very anxious for this amendment to prevail, and asked me to endeavor to induce the Senate to accept it.

The amendment will not impose any additional expense upon the Government. When we come to consider the sundry civil appropriation bill, which makes provision for these examiners, the $20,000 which is appropriated here can be taken out, so that there will be no additional cost to the Government.

These examiners will not be appointed until after they are certified by the Civil Service Commission. They will be practical men in the office as well as men who understand surveys. It will expedite the business, as Mr. Lamoreux says, very much, and it is an amendment which I believe all of the Western Senators agree with me in thinking will be of great advantage to our part of the country.

As I stated, it has the hearty cooperation of the Commissioner of the General Land Office, and I must apologize to the Committee on Appropriations for not going before them in regard to it, as I should have done had my attention been called to it sooner.

Mr. TELLER. I dislike to differ from the Chairman of the Committee on Public Lands, but the Appropriations Committee had this question before it and fairly considered it. I have myself had a little experience in those matters, and I am satisfied that no benefit will be derived from the creation of a new division in the Land Office. I am willing to indorse everything that the Senator from Idaho has said about the present head of the Land Office, but I am certain that no good can come from the adoption of the amendment.

We have the special examiners of surveys, but unless they go into the field they know nothing whatever about the surveys. They can not tell, being located here, whether the surveys are properly made or not. We have always had a revision of the surveys in the Interior Department, and it was found some years ago that the surveyors were in the habit of sitting down in their offices and making the plats, without going into the field at all. The returns came to the office apparently perfect and complete, and

there was nothing in the office to show otherwise, as there will be nothing for these 10 men when they are appointed by which they can determine whether the survey has ever been actually made or not. All they can do is to correct irregularities in the papers which come in.

The special inspectors who are sent out go into the field; they hunt for the corner posts or stakes which by law have been set, and if they do find them, while they do not survey, they go over enough of the ground to find whether the stakes have been properly set, and in some instances of course they run a trial line.

Mr. DUBOIS. I wish to state to the Senator from Colorado that special examiners, just the same, will be provided for in the sundry civil appropriation bill. There is now, I think, $45,000 appropriated for this purpose.

Mr. TELLER. The special examiners will of course go into the field. I can not conceive the slightest benefit to the public service that these 10 men can be in the office here. They can know nothing about the surveys any more than the present clerical force does which revises the plats which come in. All they can tell is whether the mechanical work of the plats has been properly made.

What we have suffered from in the West is a failure of the engineers to go upon the ground and set the corner stakes of the owners of land and make an actual survey, a failure that can never be determined by men in the Land Office here; it must be determined by men on the ground.

In my judgment, there are many better ways in which the Government can spend this money in the Western country than to spend it for a division here in the General Land Office.

Mr. DUBOIS. These 10 men will go into the field also. They can be sent into the field at any time. Besides that, there will be others whose duty is in the field all the time. The amendment does not propose to interfere at all with that feature.

Mr. TELLER. If we want any more inspectors in the field they should be applied for, but I know enough of the way business is done there to know that the moment these people are located here and this division created in the General Land Office they will simply remain here and we shall get no service in the field whatever.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Idaho [Mr. DUBOIS].

The amendment was agreed to.

Mr. DANIEL. I wish to offer an amendment which I fear, if excepted to, is out of order, but I will ask the privilege of submitting a statement in respect to it from the Secretary of the Treasury. I desire to offer an amendment to come in on page 24, line 18, after the word "messengers" where it occurs the second time.

Mr. CULLOM. If the Senator will make a brief statement I shall not make the point of order on the amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Virginia will be stated.

The SECRETARY. On page 24, line 18, after the word "messengers" where it last occurs, it is proposed to insert:

For watchman to care for the monument and wharf at Wakefield, Va., $360; the wharf to be used by the public under such rules and regulations as may be prescribed therefor by the Secretary of State.

Mr. CULLOM. I make no objection to the amendment.

The amendment was agreed to.

Mr. DANIEL. I ask leave to have printed in support of the amendment a letter from the Secretary of the Treasury in reference to it.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

The letter referred to is as follows:

TREASURY DEPARTMENT, *March 5, 1896.*

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of State of the 4th instant, submitting an estimate of appropriation for the employment of a watchman, at a salary of $50 per month, to care for the monument being erected at the birthplace of Washington, Wakefield, Va., in pursuance of the joint resolution of Congress of February 26, 1881, and which will be completed in May of this year.

Respectfully, yours, S. WIKE, *Acting Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF STATE, *Washington, March 4, 1896.*

SIR: I have the honor to inclose, with a view to its transmission to Congress, a copy of a letter from Col. John M. Wilson, Corps of Engineers, United States Army, dated the 29th ultimo, stating that the monument to be erected at the birthplace of Washington, Wakefield, Va., pursuant to the joint resolution of February 26, 1881 (U. S. Stat. L., vol. 21, p. 519), will be completed in May next, and urging that a small appropriation for the employment of a watchman be granted.

I cordially indorse Colonel Wilson's recommendation, and trust that the sum of $50 per month may be allowed during the present session.

I have the honor to be, sir, your obedient servant, RICHARD OLNEY.

The SECRETARY OF THE TREASURY.

WAR DEPARTMENT,
OFFICE OF PUBLIC BUILDINGS AND GROUNDS,
Washington, D. C., February 29, 1896.

Mr. SECRETARY: I have the honor to report that it is probable that the monument to be erected at the birthplace of Washington under your direction, in accordance with the joint resolution of February 26, 1881, will be completed in May, 1896.

I beg to invite attention to the necessity of the appointment of a watchman to care for this monument, and to suggest that Congress may be requested to make provision for such a custodian at a small salary.

The stone slab placed in position about the year 1813 to mark the site of Washington's birthplace was carried away piece by piece by vandals seeking mementos of the spot, and I fear similar attempts will be made upon the new monument, as frequent efforts are made to break off pieces from the Washington Monument in this city.

Very respectfully, your obedient servant,
JOHN M. WILSON,
Colonel Engineers, United States Army.

Hon. RICHARD OLNEY,
Secretary of State, Washington, D. C.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ADJUSTMENT OF CLAIMS WITH ARKANSAS.

Mr. BERRY. I now ask that the unfinished business be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A bill (S. 502) to approve a compromise and settlement between the United States and the State of Arkansas.

Mr. BERRY. I wish to give notice that on Monday morning next, immediately after the conclusion of the morning business, I shall move to proceed to the consideration of the unfinished business.

Mr. WHITE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until Monday, March 30, 1896, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 27, 1896.

CONSUL.

Frank W. Roberts, of Maine, to be consul of the United States at Cape Town, Cape Colony.

COLLECTOR OF CUSTOMS.

George P. Decker, of New York, to be collector of customs for the district of Genesee, in the State of New York.

POSTMASTERS.

William A. Bucknam, to be postmaster at Truckee, in the county of Nevada and State of California.

Dora Austin, to be postmaster at Perris, in the county of Riverside and State of California.

Thomas H. Jackman, to be postmaster at Peabody, in the county of Essex and State of Massachusetts.

Stephen J. Lyon, to be postmaster at Collinsville, in the county of Hartfort and State of Connecticut.

George W. Merrill, to be postmaster at Orange, in the county of Franklin and State of Massachusetts.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 27, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

IRRIGATION.

Mr. PERKINS. Mr. Speaker, on behalf of the Committee on Printing, I submit the following report and ask for its present consideration.

The report was read, as follows:

The Committee on Printing, having had under consideration Senate concurrent resolution to eliminate from 10,000 copies of the Report on the Statistics of Agriculture in the United States, Census of 1890, the monograph entitled "Report on agriculture by irrigation in the Western part of the United States," and bind the same as a separate document, with an appendix bringing the water-supply information up to date, recommend that the same be agreed to.

The Public Printer estimates that the cost of this work will be about $3,000.

This report is much sought after in the Western States experimenting in irrigation, and, properly indexed when brought down to date as proposed, can be made readily available at comparatively small cost.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection, and the resolution was agreed to.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the following Senate bill was taken from the Speaker's table and referred by the Speaker as follows:

The bill (S. 1506) for the relief of Holmes & Leathers—to the Committee on Claims.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed joint resolutions and bills of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. R. 114) authorizing and directing Bernard R. Green to exercise the duties and powers heretofore conferred upon the late Gen. Thomas L. Casey in relation to the construction and completion of the Library of Congress;

A bill (S. 2629) to provide for the erection of a public building at Washington, Pa.;

Joint resolution (S. R. 111) to authorize Benjamin Harrison to accept certain medals presented to him while President of the United States;

Joint resolution (S. R. 110) providing for the appointment of a commission under the direction of the Secretary of War for the preliminary survey, with plans, specifications, and approximate estimates of cost thereof, for the construction of a ship canal of approved width and depth from the lower shore of Lake Michigan to the Wabash River, and for the further investigation of the practicability of the construction of such waterway;

A bill (S. 2546) concerning the court of appeals in the District of Columbia;

A bill (S. 2346) to prescribe the times and places of holding the district court of the United States in and for the District of Alaska;

A bill (S. 676) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," approved March 2, 1895;

Joint resolution (S. R. 107) to authorize Prof. Simon Newcomb, United States Navy, and Prof. Asaph Hall, United States Navy, to accept decorations from the Government of the Republic of France;

A bill (S. 1724) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across the Black River, in Louisiana;

The message also announced that the Senate had passed with amendment a bill of the following title; in which the concurrence of the House was requested:

A bill (H. R. 4254) granting to the Duluth and North Dakota Railroad Company right of way through certain Indian reservations in the State of Minnesota.

The message also announced that the Senate had passed without amendment the bill (H. R. 1861) for the relief of James Linskey from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed of the report of the special agent for the protection of the salmon fisheries of Alaska for the year 1894, 6,000 copies, 1,500 copies for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the Treasury Department.

ELISHA B. BASSETT.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3503) to correct the military record of Elisha B. Bassett.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States be, and hereby is, authorized to revoke, disapprove, and set aside so much of General Orders, No. 253, Headquarters Department of the Cumberland, Chattanooga, Tenn., dated October 23, A. D. 1863, by command of Maj. Gen. George H. Thomas, general in command, as confirms so much of Special Field Orders, No. 171, Headquarters Department of the Cumberland, Murfreesboro, Tenn., dated June 23, A. D. 1863, Maj. Gen. Rosecrans commanding, as dismissed Capt. Elisha B. Bassett, captain of Company B, Nineteenth Michigan Volunteer Infantry, from the service for cowardice exhibited by deserting his command while engaged with the enemy at the affair of Thompson Station, and to grant and cause to be issued and delivered to the widow of said Elisha B. Bassett a certificate of honorable muster out of the service as of the 23d day of June, A. D. 1863. And the widow and heirs of the said Elisha B. Bassett shall not be entitled by virtue of this act to any pay or allowance subsequent to said 23d day of June, A. D. 1863.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. TALBERT. Mr. Speaker, I would like to ask whether that is not a bill that ought to be considered at a Friday night session? What committee reports it?

Mr. THOMAS. This is a bill reported from the Committee on Military Affairs.

Mr. TALBERT. Then it would not come properly before the Friday night session?

Mr. THOMAS. No, sir.

Mr. BARTLETT of New York. Mr. Speaker, I will ask for the reading of the report.

The report (by Mr. FENTON) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3503) to correct the military record of Elisha B. Bassett, have had the same under consideration, and beg leave to report as follows:

The said Elisha B. Bassett, now deceased, was, in the year 1863, captain of Company B, Nineteenth Regiment Michigan Volunteer Infantry. In the early part of March of that year Captain Bassett was in command of his company during the march of his regiment from Brentwood to Franklin, Tenn. On the 5th of that month the enemy were encountered near Thompsons Station, Tenn., and during the engagement that followed Captain Bassett turned over the command of his company to the first lieutenant, Hubbard, and retired to the rear. The colonel of the regiment, H. C. Gilbert, thereupon reported Captain Bassett as guilty of cowardice, and recommended his dishonorable dismissal from the service, which recommendation was carried into effect. The purpose of this bill is to correct the military record of Captain Bassett so as to clear his memory from the stain of cowardice, which, we think, unjustly rests upon it.

In support of the bill there were laid before the committee the affidavits of Clark, surgeon, and Bennett, assistant surgeon, of the regiment; Adams, regimental adjutant, and afterwards assistant adjutant general of brigade; Anderson, first lieutenant of Company H, and afterwards major and colonel of the regiment; Shaffer, first lieutenant Company A, and afterwards colonel and brigadier-general, and Privates Bellinger, Beverly, and Ely, of Captain Bassett's company.

The facts supported by the mass of testimony submitted, and based on personal and professional knowledge, are, in substance, that in the fall of 1862, months prior to the engagement at Thompsons Station, Captain Bassett was attacked with tuberculosis, and was so prostrated that he was ordered on leave to recuperate his health, and went to his home in charge of his wife, who had been sent for to nurse him.

After an absence of about two months he rejoined and took command of his company, though greatly emaciated, and remained in service thereafter against the advice of the regimental surgeon. From this time until the following spring he spent considerable time in the hospital, leaving it only a few days before the march to Franklin and the engagement near Thompsons Station. During this march he was obliged to ride in an ambulance, but on meeting the enemy he took personal command of his company and participated in the engagement until a movement up hill being ordered at a double quick he found himself too weak to lead his men and turned over his command to his first lieutenant. This action coming to the notice of the colonel of the regiment, Captain Bassett was reported for cowardice, with the result already stated.

The colonel who preferred the charge and the captain who suffered disgrace are both dead. All the testimony goes to prove the high moral and soldierly qualities of Captain Bassett, and more especially to his conduct in the engagement near Thompsons Station, where he remained in command of his company as long as he was able, and proved himself a brave man. The evidence upon which this report is based also shows that the colonel of the regiment had a strong personal dislike toward Captain Bassett, amounting to a pronounced prejudice, which he took no pains to conceal, and which found voice and expression in the charge of cowardice preferred against Captain Bassett by his superior office. This conclusion seems abundantly warranted by the testimony submitted, which is based on the personal knowledge and observation of the affiants, and their character and opportunities are such as to absolutely compel belief.

The records show that Captain Bassett was mustered into service as captain of Company B, Nineteenth Michigan Volunteer Infantry, September 5, 1862, and that he was dishonorably dismissed the service of the United States by command of Major General Rosecrans, on the complaint and recommendation of Col. H. C. Gilbert, June 23, 1863.

It should be remembered that Captain Bassett was dismissed without trial, against which injustice he earnestly protested.

It is therefore considered an act of the merest justice that the cloud of dishonor which darkened Captain Bassett's life and followed him to his grave should now be lifted from his memory.

The committee therefore approve the bill and heartily recommend its passage.

Mr. TALBERT. Mr. Speaker, I would ask the gentleman in charge of this bill whether it is a bill to remove the charge of desertion or a bill to revoke the order of a court-martial?

Mr. GROSVENOR. It is neither.

Mr. TALBERT. This man was regularly court-martialed, as I understand.

Mr. THOMAS. He was not court-martialed. He had no trial; he was dismissed simply by an order.

Mr. TALBERT. I have no objection to the consideration of the bill.

Mr. BARTLETT of New York. Mr. Speaker, does the gentleman in charge of this bill take the position that a captain in active command of a company during an engagement is ever justified in turning over his command and going to the rear?

Mr. THOMAS. No, sir; unless it is impossible for him to continue in command, as it was in this case.

The record shows that Captain Bassett was ill and had been so for months, and got out of an ambulance and took command of his company at the time the charge was ordered; that he stayed with his company during the engagement until they reached the hill, in going up which he was compelled to resign his command.

Mr. STEELE. What is the name of the officer who ordered his dismissal?

Mr. THOMAS. Colonel Gilbert first made the order, and it was confirmed by General Thomas and General Rosecrans.

Mr. STEELE. I object to the consideration of the bill, Mr. Speaker.

Mr. GROSVENOR. I did not intend to object, but I did intend to make some remarks on this kind of legislation.

The SPEAKER. Objection is made.

J. J. LINTS.

Mr. POOLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 145) for the relief of J. J. Lints.

The bill was read.

Mr. POOLE. I ask for the reading of the report.

The Clerk proceeded to read the report.

Mr. HEPBURN (during the reading). Mr. Speaker, I demand the regular order as against that bill.

The SPEAKER. The gentleman from Iowa demands the regular order, which is equivalent to an objection.

Mr. HEPBURN. I do that for the purpose of moving that the House resolve itself into Committee of the Whole for the consideration of bills upon the Private Calendar, this being Friday, and the House in this session never yet having gone to that Order of Business.

Mr. POOLE. I would like to say a word, if I may be allowed.

The SPEAKER. The gentleman from Iowa has objected to the consideration of the bill.

Mr. HEPBURN. This bill, I take it, will come up in its regular order if we can go to the Private Calendar, the business of the day.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] gave notice that he would move to take up the sundry civil appropriation bill this morning.

Mr. CANNON. Yes. I suppose, Mr. Speaker, that the proper way to raise the question of consideration would be in Committee of the Whole; or would it be proper to ask the House to vote down the motion of the gentleman from Iowa, giving notice that if that is done I will move that the House resolve itself into Committee of the Whole on the state of the Union to consider the sundry civil appropriation bill?

The SPEAKER. That would be the proper way to raise the question of consideration.

Mr. CANNON. Then I ask the House to vote down the motion of the gentleman from Iowa.

The SPEAKER. The gentleman from Iowa [Mr. HEPBURN] moves that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar.

The question being taken, the Speaker declared that the ayes seemed to have it.

Mr. CANNON. I ask for a division. I rise——

Mr. HEPBURN. I call the gentleman to order. This is not debatable.

Mr. CANNON. I am not debating it.

Mr. Speaker, I rise——

Mr. HEPBURN. The gentleman can not debate the question, I insist.

The SPEAKER. The gentleman is correct. It is not debatable.

Mr. CANNON. I am not debating it. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. I want the House to understand what it is voting on——

Mr. HEPBURN. I call the gentleman to order. That is not a parliamentary inquiry.

Mr. CANNON. Is it not in order, after having raised the question of consideration on the motion of the gentleman from Iowa, for the Chair to state to the House what is involved in that question of consideration, so that the House can understand what it is voting on? [Laughter.]

The SPEAKER. The Chair thinks that the parliamentary inquiry of the gentleman from Illinois answers itself.

However, if the House votes down the motion of the gentleman from Iowa, it will be in order to proceed to the public business, as usual, under the rule.

The question being taken on the motion of Mr. HEPBURN, the House divided; and there were—ayes 90, noes 66.

Mr. CANNON. I demand tellers.

Tellers were ordered.

Mr. CANNON and Mr. HEPBURN were appointed tellers.

The House proceeded to divide. Before the announcement of the result,

Mr. CANNON said: I ask the yeas and nays, Mr. Speaker, at once on this motion.

The yeas and nays were ordered.

The question was taken; and there were—yeas 145, nays 77, not voting 132; as follows:

YEAS—145.

Abbott,	Cobb, Ala.	Gardner,	Kulp,
Acheson,	Connolly,	Gibson,	Lacey,
Adams,	Cook, Wis.	Griffin,	Latimer,
Aldrich, Ala.	Cooke, Ill.	Griswold,	Leisenring,
Allen, Miss.	Cooper, Fla.	Grow,	Leonard,
Allen, Utah	Cooper, Tex.	Halterman,	Lewis,
Andrews,	Cooper, Wis.	Hanly,	Linton,
Arnold, Pa.	Corliss,	Hardy,	Little,
Atwood,	Crowther,	Hartman,	Livingston,
Babcock,	Crump,	Hatch,	Long,
Bailey,	Cummings,	Heatwole,	Loudenslager,
Baker, Kans.	Curtis, Kans.	Heiner, Pa.	Low,
Baker, Md.	Curtis, N. Y.	Hepburn,	Maddox,
Barham,	Dayton,	Hicks,	Mahon,
Barney,	De Armond,	Hill,	McCormick,
Bartlett, Ga.	Denny,	Hopkins,	McCulloch,
Bennett,	De Witt,	Howe,	McLachlan,
Bishop,	Doolittle,	Huff,	McRae,
Blue,	Ellett, Va.	Huling,	Mercer,
Boutelle,	Ellis,	Hurley,	Meredith,
Bowers,	Evans,	Jenkins,	Miller, W. Va.
Broderick,	Faris,	Johnson, Cal.	Minor, Wis.
Bromwell,	Fenton,	Kerr,	Money,
Burton, Mo.	Fischer,	Kiefer,	Neill,
Chickering,	Foote,	Kirkpatrick,	Odell,
Clardy,	Gamble,	Knox,	Ogden,
Otey,	Settle,	Sulzer,	Wilber,
Otjen,	Shafroth,	Swanson,	Willis,
Overstreet,	Sherman,	Taft,	Wilson, Idaho
Pearson,	Skinner,	Tayler,	Wilson, S. C.
Phillips,	Smith, Ill.	Terry,	Wood,
Pickler,	Southard,	Tracey,	Woomer,
Poole,	Spencer,	Van Horn,	Wright,
Prince,	Sperry,	Walsh,	Yoakum.
Pugh,	Stahle,	Wanger,	
Richardson,	Stewart, Wis.	Watson, Ohio	
Scranton,	Sulloway,	White,	

NAYS—77.

Aitken,	Foss,	Lorimer,	Shuford,
Arnold, R. I.	Gillet, N. Y.	Loud,	Spalding,
Avery,	Graff,	Marsh,	Steele,
Bartholdt,	Grosvenor,	McCall, Tenn.	Stokes,
Bartlett, N. Y.	Grout,	McClellan,	Stone, C. W.
Bell, Colo.	Hainer, Nebr.	McCreary, Ky.	Strait,
Bingham,	Harrison,	Miles,	Talbert,
Black, Ga.	Hart,	Mozley,	Tate,
Brosius,	Henderson,	Noonan,	Thomas,
Cannon,	Hendrick,	Northway,	Tucker,
Clark, Iowa	Henry, Conn.	Parker,	Turner, Ga.
Cobb, Mo.	Hilborn,	Patterson,	Underwood,
Cockrell,	Hitt,	Pendleton,	Updegraff,
Codding,	Hull,	Perkins,	Wadsworth,
Coffin,	Johnson, N. Dak.	Pitney,	Walker, Va.
Crisp,	Jones,	Powers,	Williams,
Dingley,	Kem,	Quigg,	Wilson, N. Y.
Downing,	Lawson,	Raney,	
Elliott, S. C.	Layton,	Sayers,	
Erdman,	Lockhart,	Shaw,	

NOT VOTING—132.

Aldrich, Ill.	Dockery,	Linney,	Russell, Conn.
Anderson,	Dolliver,	Maguire,	Russell, Ga.
Apsley,	Dovener,	Mahany,	Sauerhering,
Baker, N. H.	Draper,	McCall, Mass.	Shannon,
Bankhead,	Eddy,	McCleary, Minn.	Simpkins,
Barrett,	Fairchild,	McClure,	Smith, Mich.
Beach,	Fitzgerald,	McDearmon,	Snover,
Belknap,	Fletcher,	McEwan,	Sorg,
Bell, Tex.	Fowler,	McKenney,	Southwick,
Berry,	Gillett, Mass.	McLaurin,	Sparkman,
Black, N. Y.	Hadley,	McMillin,	Stallings,
Brewster,	Hager,	Meiklejohn,	Stephenson,
Brown,	Hall,	Meyer,	Stewart, N. J.
Brumm,	Harmer,	Miller, Kans.	Stone, W. A.
Buck,	Harris,	Milliken,	Strode, Nebr.
Bull,	Hemenway,	Milnes,	Strong,
Burrell,	Henry, Ind.	Miner, N. Y.	Strowd, N. C.
Burton, Ohio	Hermann,	Mondell,	Tawney,
Calderhead,	Hooker,	Moody,	Towne,
Catchings,	Howard,	Morse,	Tracewell,
Clark, Mo.	Howell,	Moses,	Treloar,
Clarke, Ala.	Hubbard,	Murphy,	Turner, Va.
Colson,	Hulick,	Newlands,	Tyler,
Cousins,	Hunter,	Owens,	Van Voorhis,
Cowen,	Hutcheson,	Payne,	Walker, Mass.
Cox,	Hyde,	Price,	Warner,
Crowley,	Johnson, Ind.	Ray,	Washington,
Culberson,	Joy,	Reeves,	Watson, Ind.
Curtis, Iowa	Kendall,	Reyburn,	Wellington,
Dalzell,	Kyle,	Robertson, La.	Wheeler,
Danford,	Lefever,	Robinson, Pa.	Wilson, Ohio
Daniels,	Leighty,	Royse,	Woodard,
Dinsmore,	Lester,	Rusk,	Woodman.

So the motion of Mr. HEPBURN was agreed to.

The following pairs were announced:

Mr. TRELOAR with Mr. HALL.

Mr. STRODE of Nebraska with Mr. CLARKE of Alabama.

Mr. HENRY of Indiana with Mr. KENDALL.

Mr. BREWSTER with Mr. RUSSELL of Georgia.

Mr. STEWART of New Jersey with Mr. RUSK.

Mr. BURTON of Ohio with Mr. OWENS.

Mr. BAKER of New Hampshire with Mr. MOSES.

Mr. JOHNSON of Indiana with Mr. WASHINGTON.

Mr. REYBURN with Mr. MCKENNEY.

Mr. LITTLE with Mr. DINSMORE.

Mr. STRONG with Mr. STROWD of North Carolina.

Mr. MCCALL of Massachusetts with Mr. BELL of Texas.

Mr. MILLER of West Virginia with Mr. WOODARD.

Mr. HADLEY with Mr. MCDEARMON.

Mr. DOVENER with Mr. CATCHINGS.

Mr. HEMENWAY with Mr. ROBERTSON of Louisiana.

Mr. HOOKER with Mr. MINER of New York.

Mr. DALZELL with Mr. MCMILLIN.

Mr. HUBBARD with Mr. DOCKERY.

Mr. LEIGHTY with Mr. BANKHEAD.

Mr. DALZELL. Mr. Speaker, I find that I am paired, and shall therefore withdraw my vote. I voted in the negative on this question.

The result of the vote was then announced as above recorded.

Mr. TUCKER. Mr. Speaker, my colleague, Mr. TURNER, is detained from the House by reason of sickness. I ask leave of absence for him until Monday.

BERNARD R. GREEN.

Mr. QUIGG. Mr. Speaker, I rise to ask unanimous consent for the present consideration of the joint resolution sent over from the Senate this morning, providing for the appointment of a successor to the late General Casey. I do so in behalf of the Library Committee, and if my request can be entertained I hope it will be at this time.

The SPEAKER. It can only be done by unanimous consent.

Mr. QUIGG. I make that request.

The SPEAKER. The Clerk will report the resolution.

The joint resolution (S. R. 114) authorizing and directing Bernard R. Green to exercise the duties and powers heretofore conferred upon the late Thomas L. Casey in relation to the construction and completion of the Library of Congress was read at length.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. CANNON. Mr. Speaker, I shall not object; but as this makes a charge upon the Treasury, while I have no desire to delay it, I shall ask the gentleman to ask either that the House resolve itself into the Committee of the Whole to consider it, or that it be considered in the House as in Committee of the Whole. As I say, I have no desire to delay it, but there ought to be some little explanation about it, and possibly some amendment.

Mr. HEPBURN. If it is going to require delay I shall have to object.

Mr. QUIGG. I do not think it will cause delay.

Mr. HEPBURN. It will if you go into Committee of the Whole.

Mr. LIVINGSTON. Regular order.

Mr. CANNON. I have no desire to make any delay. I only ask that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Georgia [Mr. LIVINGSTON] demands the regular order. In accordance with the vote already announced, the House resolves itself into the Committee of the Whole House for the consideration of the Private Calendar, and the gentleman from Illinois [Mr. HOPKINS] will please take the chair.

Accordingly, the House resolved itself into the Committee of the Whole House on the Private Calendar, with Mr. HOPKINS in the chair.

ORDER OF BUSINESS.

Mr. PICKLER. Mr. Chairman, I offer the following resolution——

Mr. CANNON. I call for the regular order.

Mr. PICKLER. This is the regular order.

Mr. CANNON. I do not so understand it. The rule provides what shall be done when we go into Committee of the Whole on the Private Calendar.

Mr. PICKLER. That is just my motion exactly.

The CHAIRMAN. The Clerk will report the resolution. The Chair will then determine the point of order raised by the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. All I do is to demand the regular order.

Mr. PICKLER. This is the regular order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

I move that business on the Private Calendar from the Committees on Claims and War Claims be passed over without prejudice, and that bills from the Committees on Invalid Pensions, Pensions, and Military Affairs be taken up for consideration in their order upon the Calendar.

Mr. PICKLER. Mr. Chairman——

Mr. RICHARDSON. I make a point of order against that motion.

The CHAIRMAN. The Chair will hear the gentleman from South Dakota.

Mr. RICHARDSON. Is the point of order made?

The CHAIRMAN. The Chair will consider the point of order pending and will hear gentlemen upon it.

Mr. PICKLER. I refer to paragraph 4 of Rule XXIII:

4. In Committees of the Whole House business on their calendars may be taken up in regular order, or in such order as the committee may determine, unless the bill to be considered was determined by the House at the time of going into committee, but bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors shall have precedence.

I offer the resolution now, Mr. Chairman, in accordance with this provision, that the committee lay aside without prejudice bills from the Committee on Claims and from the Committee on War Claims and proceed to take up bills reported from the Committees on Invalid Pensions, Pensions, and Military Affairs.

I think, Mr. Chairman, this is too plain for any argument. It is the language of the rule, about which there can be no doubt, because the rule says that in Committees of the Whole House business on the Private Calendar may be taken up in the regular order, or in such order as the committee may determine.

If this resolution is carried, the Committee of the Whole can lay aside without prejudice bills reported from the Committees on Claims and War Claims, and that will enable us, as the resolution further provides, to take up business reported from the Committees on Invalid Pensions, Pensions, and Military Affairs. And I may say, Mr. Chairman, besides this being perfectly in order, in accordance with the rule, it seems to me it would be very advisable for this committee so to do. We have had experience here in the years past in trying to do something with the large number of private bills reported from other committees, and we have never yet made much headway with them. While I have nothing to say against the other bills, there are a large number of gentlemen in this committee interested in these bills reported from the Committee on Invalid Pensions, from the Committee on Pensions, and from the Committee on Military Affairs. It seems to me advisable that we should adopt this resolution and proceed to the consideration of pension bills and bills from the Committee on Military Affairs. We have a large Calendar of those bills, and a great many members are desirous that they should be considered.

Mr. LIVINGSTON. I want to suggest to the gentleman that his proposition will consume the time allowed for the Private Calendar for private claims, when we have given him every Friday night for pensions. That is the practical result of the gentleman's motion.

Mr. PICKLER. I will say to the gentleman——

Mr. RICHARDSON. Mr. Chairman, I ask for order. It is impossible to hear the gentleman.

The CHAIRMAN. The committee will be in order.

Mr. RICHARDSON. I should like to hear this statement as to why the point of order is not good.

Mr. PICKLER. Now, Mr. Chairman, I want to correct the gentleman from Georgia. We have stood here Friday night after Friday night and have not passed a bill through the House on a Friday night, as the point of no quorum has been made from that side, and for four weeks we have not been able to pass a bill.

Mr. LIVINGSTON addressed the Chair.

The CHAIRMAN. One moment. The gentleman from South Dakota must confine himself to the point of order. The merits of the case are not in issue.

Mr. DINGLEY. This is not a question of the wisdom of the matter.

Mr. PICKLER. The rule determines that it is in order.

Mr. RICHARDSON. What rule does the gentleman refer to?

Mr. PICKLER. Paragraph 4 of Rule XXIII. It is too plain to need any argument:

In Committee of the Whole House, business on their Calendar may be taken up in the regular order—

That is, taking the first bill, and then consecutively—

or in such order as the committee may determine.

Now, I offer a resolution stating the order in which they shall be taken up.

Mr. RICHARDSON. The committee is not in session under that item. I want to state that the rule sets apart Friday for the consideration of matters on the Private Calendar, and we are not in session under the item the gentleman suggests.

Mr. BOUTELLE. This rule was modified expressly, as it is clearly in recollection of the older members of this House, for the purpose of preventing procedure upon the Calendar from being blocked Friday after Friday through the whole session, as it was in former Congresses, because some obnoxious bill stood at the head of the Calendar and could not be evaded or avoided, there being no way by which to pass it over; and in order that the Committee of the Whole should be enabled to do business, and not be blocked because some bill at the head of the Calendar was obnoxious to the views of a large number of the House, this rule was made to enable the Committee of the Whole to take bills up in such order as it might determine or in the regular order of the business on the Calendar.

Mr. RICHARDSON. If I may be pardoned——

Mr. BARTLETT of New York. I desire to be heard on the point of order.

Mr. RICHARDSON. The gentleman from Maine is correct that the House has——

The CHAIRMAN. The gentleman from Tennessee will state his point of order against the written motion of the gentleman from South Dakota.

Mr. RICHARDSON. The House is in session in Committee of the Whole on the Private Calendar under the special rule of the House which provides that every Friday, unless otherwise ordered by the House, shall be set apart for the consideration of bills on the Private Calendar. Now, this House refused otherwise to decide, when it decided to go into Committee of the Whole on the Private Calendar.

Mr. BOUTELLE. We are on it now.

Mr. RICHARDSON. And the gentleman from Maine reads item 4 of Rule XXIII, which provides:

In Committees of the Whole House business on their calendars may be taken up in the regular order.

While we are in Committee of the Whole House. It is Committee of the Whole on the Private Calendar, and it is not in the Committee of the Whole to which the gentleman from Maine is addressing himself. When we go into Committee of the Whole the difficulty which the gentleman suggested arose several years ago, when an effort was made to pass over the appropriation bills and take up the tariff bill.

Mr. BOUTELLE. It was an omnibus war claim bill, reported by the gentleman from Tennessee, Mr. Enloe.

Mr. RICHARDSON. It was to take up a tariff bill, but the rule

provided that that could only be done by unanimous consent. In other words, to refuse to consider bills on the Private Calendar it required unanimous consent to do so; and if objection was made the Committee of the Whole House should rise and report that objection to the House, and then the House would go through a form of directing the committee to pass over that bill.

Mr. BOUTELLE. This rule was framed, if the gentleman will pardon me——

The CHAIRMAN. The gentleman can not be interrupted.

Mr. RICHARDSON. I will yield in a moment. This provision was made to obviate that objection—that when you go into Committee on the Private Calendar you must take them up in the order in which they are on the Calendar.

Mr. BOUTELLE. One express reason of the rule being modified was that the Private Calendar was blocked, as we all remember, by a long omnibus bill, reported, I believe, from the Committee on War Claims, I think, by Mr. Enloe of Tennessee, and this was modified to prevent business being blocked by such bills; so the language was put this way:

In Committees of the Whole House business on their calendars—

On the committee calendars; that includes the Private Calendar—

may be taken up in their regular order, or in such order as the committee may determine.

And this committee will now proceed to determine on it.

Mr. RICHARDSON. Now, I will say in reply that the gentleman states that this modification was inserted to meet the difficulty presented by an omnibus war claim bill reported by Mr. Enloe. Now, that bill, Mr. Chairman, was reported in the Fifty-second Congress. This item to which the gentleman is addressing himself is a part of the rule of the Fifty-first Congress.

Mr. BOUTELLE. Why, we had the same experience in the Fiftieth Congress and in the Forty-ninth Congress.

Mr. RICHARDSON. But Mr. Enloe had no bill in the Forty-ninth or Fiftieth Congress to pay this class of claims in bulk.

Mr. BOUTELLE. Yes, but it was of the same general character of bills as that which Mr. Enloe introduced that had been blocking the way in previous Congresses.

Mr. RICHARDSON. Now the gentleman is again mistaken, because the only general bill of that kind was brought in and passed by the Fifty-first Congress and the claims paid. There never were any general bills prior to the Fifty-first Congress. Consequently the gentleman is clearly mistaken; and I distinctly remember that in the Fiftieth Congress the effort was made to pass over some appropriation bills in order to reach a tariff bill which the gentleman from Texas desired to have considered. Older members of the House will remember that fact. This amendment was put in in the Fifty-first Congress simply to enable the Committee of the Whole, when it wanted to consider some particular appropriation bill, to decide the question of consideration for itself. But, Mr. Chairman, it has never been decided, and, in my opinion, an instance can not be found where any such motion was made when the Private Calendar was under consideration on the day set apart by the rules for that business.

Mr. BARTLETT of New York. Mr. Chairman, I should like to be heard for a moment on this point of order. It seems to me that the point is well taken. We must consider two rules of the House, not only the fourth subdivision of Rule XXIII, but also Rule XXVI, and our procedure here is governed by Rule XXVI. Now, what are the two salient provisions of that rule? First, that—

Friday in every week shall be set apart for the consideration of private business, unless otherwise determined by the House.

Second, that—

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered, etc.

The motion of the gentleman from Iowa [Mr. HEPBURN] was that the House resolve itself into Committee of the Whole, not for the purpose of considering your private pension bills, or bills for the removal of political disabilities, but for the purpose of considering bills on the Private Calendar.

Mr. PICKLER. That is right.

Mr. BARTLETT of New York. The fourth subdivision of Rule XXIII gives us a certain discretion, namely, to pass over one bill, say No. 33, and take up No. 34 when we come to that bill; but it does not give us discretion to interfere with another rule of the House by passing over a whole class of bills and to decide that we shall be relegated and confined to the regular business of the Friday evening session. That would be a monstrous construction. [Cries of "Rule!" "Rule!"]

The CHAIRMAN. The Chair is ready to rule on this question. Section 6 of Rule XXIV provides that—

On Friday of each week, after the unfinished business has been disposed of, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar, etc.

The first paragraph of Rule XXVI provides that—

Friday in every week shall be set apart for the consideration of private business unless otherwise determined by the House.

And the second paragraph provides that—

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered, etc.

That, of course, is mandatory upon the House. Paragraph 4 of Rule XXIII provides that after the House has gone into Committee of the Whole House the committee can then determine the order of business that shall be pursued, and the Chair holds that it is clearly within the province of the committee to determine whether it will take up the bills in the order in which they are found on the Private Calendar or whether, by motion, as proposed by the gentleman from South Dakota [Mr. PICKLER], it will proceed to take up a certain class of private bills. The language of paragraph 4 of Rule XXIII, as it seems to the Chair, is clear upon the subject. The Chair therefore holds that the written motion submitted by the gentleman from South Dakota [Mr. PICKLER] is in order.

Mr. SWANSON. The ruling of the Chair depends to a great extent, of course, upon the motion made by the gentleman from Iowa [Mr. HEPBURN]. If the gentleman's motion was that the House go into Committee of the Whole to consider business on the Private Calendar in the order in which it stands there, of course that would preclude such a ruling as the Chair has just made. Now, I would like to know what the form of the motion of the gentleman from Iowa was, as submitted by the Speaker, and upon which the House voted.

The CHAIRMAN. The Chair understands that the motion made by the gentleman from Iowa [Mr. HEPBURN] was that the House should resolve itself into Committee of the Whole House for the purpose of considering business on the Private Calendar. That left it for the committee to determine, after the House had resolved itself into Committee of the Whole House, the order in which the business on the Private Calendar should be taken up.

Mr. MCRAE. Mr. Chairman, I desire to move an amendment to the resolution of the gentleman from South Dakota.

Mr. SWANSON. Do the minutes show just what the motion was, as submitted by the gentleman from Iowa?

The CHAIRMAN. The Chair presumes they do. The gentleman from Arkansas [Mr. MCRAE] is recognized.

Mr. HEPBURN. Mr. Chairman, I raise a point of order under Rule XXV, which provides that—

All questions relating to priority of business shall be decided by a majority without debate.

This question is not debatable.

The CHAIRMAN. The point of order is well taken; but the debate was upon the point of order which has been raised by the gentleman from Tennessee, and therefore the Chair allowed the discussion to go on.

Mr. PICKLER. But that question has been decided.

The CHAIRMAN. That question has been decided.

Mr. HEPBURN. I make the point of order that there is no point of order now pending, the Chair having passed upon the one raised by the gentleman from Tennessee.

The CHAIRMAN. The Chair sustains the point. The Chair now recognizes the gentleman from Arkansas [Mr. MCRAE], who states that he desires to offer an amendment to the resolution pending before the committee.

Mr. MCRAE. I desire, Mr. Chairman, to amend by adding to the words of the resolution "beginning at the foot of the Calendar."

Can I be heard upon the amendment?

The CHAIRMAN. The matter is not debatable.

Mr. TALBERT. If in order, I would like to have the original resolution read.

Mr. MCRAE. Does the Chair hold that I am not entitled to debate the resolution?

The CHAIRMAN. The Chair has not held anything yet.

Mr. MCRAE. I insist that I have the right, then, to hold the floor until the Chair does rule.

The CHAIRMAN. Rule XXV provides that all questions relating to priority of business shall be decided by a majority without debate. The Chair thinks the amendment of the gentleman from Arkansas relates to the order of business, and is not debatable.

Mr. MCRAE. Then in that case I will not hold the floor. [Laughter.]

The CHAIRMAN. What amendment does the gentleman from Arkansas suggest?

Mr. MCRAE. I move to strike out of the resolution of the gentleman from South Dakota the words "in their order" and insert "beginning at the foot of the Calendar."

Mr. MAHON. I wish to offer an amendment to the amendment.

The CHAIRMAN. The Chair thinks it would not be in order to entertain another amendment at this time.

Mr. MAHON. Then I will wait until the others are disposed of.

Mr. SWANSON. Is there not a substitute pending for the motion of the gentleman from Arkansas? If not, I desire to offer a substitute.

The CHAIRMAN. The Chair will first recognize the gentleman from Pennsylvania, who desires to offer an amendment.

Mr. MAHON. I move to amend by inserting "that no cases of desertion shall be considered under that order."

Mr. CANNON. If the gentleman from South Dakota will permit me, I think perhaps I may be able to offer a suggestion that will satisfy all sides. I suggest that he modify the resolution by calling the bills on the Calendar, one at the head and another at the foot, thus alternating through the day. Many of us have bills scattered through the Calendar, and we can never reach them by proceeding as the gentleman's order proposes.

Mr. PICKLER. The gentleman from Illinois has had much experience here and knows that by proceeding in that manner we will finally strike one of those bills to which objection is made, and require us to spend the whole day in its consideration without effecting any result.

The CHAIRMAN. The matter is not debatable. The question is on agreeing to the motion of the gentleman from Pennsylvania.

Mr. BOUTELLE. What is the motion?

The CHAIRMAN. The Clerk will read the amendment proposed by the gentleman from Pennsylvania.

The Clerk read as follows:

That no claims for desertions shall be considered in order under this resolution.

Mr. DINGLEY. If the gentleman will permit me, that is an amendment in the first degree, and would be only in order after the others have been disposed of.

The CHAIRMAN. The Chair will hold that the point of order is well taken, and the question therefore recurs on the amendment of the gentleman from Arkansas, which will be read.

Mr. RICHARDSON. I desire to ask what has become of the amendment of the gentleman from Pennsylvania?

The CHAIRMAN. The amendment is not now in order.

The Clerk will read the amendment of the gentleman from Arkansas.

The Clerk read as follows:

Strike out the words "in their order on the Calendar" and insert "beginning at the foot of the Calendar."

The question was taken; and on a division there were—ayes 32, noes 96.

Mr. McRAE. I demand tellers.

Tellers were ordered.

Mr. McRAE and Mr. PICKLER were appointed tellers.

The committee divided; and the tellers reported—ayes 34, noes 90.

So the amendment was rejected.

The question recurred on the motion of Mr. PICKLER.

Mr. TERRY. I move an amendment to the pending resolution, that we begin at the middle of the Calendar and alternate both ways.

Mr. PICKLER. I make the point of order against the amendment that it is too indefinite. Nobody knows what the middle of the Calendar is.

Mr. TERRY. Why, it is a mere matter of mathematical calculation. We have some five hundred and eighty or ninety bills on the Calendar. But I will make it more definite. I move that we begin with No. 286 on the Calendar.

Mr. HAINER of Nebraska. I make the point of order that the motion is dilatory.

Mr. TERRY. Why is it dilatory?

The CHAIRMAN. The Chair will overrule both points of order, and allow the committee to determine the amendment.

Mr. BOUTELLE. Is it in order to pile up these amendments here?

Mr. GROW. Let us have a vote. Question!

Mr. BOUTELLE. Please do not call the question while I am addressing the Chair.

Mr. GROUT. This matter is not debatable.

Mr. BOUTELLE. The gentleman from Pennsylvania says I have no business to address the Chair, but with the indulgence of the Chair I desire to ask a parliamentary question, whether these amendments are in order, amendment after amendment without limit.

The CHAIRMAN. The Chair will state that the point of order was made by the gentleman from South Dakota that the motion was indefinite, and by the gentleman from Nebraska that it was dilatory. The Chair overrules the point of order, and will submit the amendment for the consideration of the committee.

Mr. BOUTELLE. But my inquiry was whether the motion of the gentleman from South Dakota is amendable without limit.

Mr. TERRY. Why, when you vote down one amendment another can be offered, of course. That is the parliamentary law.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

That we begin at No. 286 on the Calendar and alternate each way.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. TERRY. Division.

The committee divided; and there were—ayes 27, noes 83.

Mr. TERRY. Tellers, Mr. Chairman.

Tellers were ordered; and the Chairman appointed Mr. TERRY and Mr. PICKLER.

The committee again divided; and the tellers reported—ayes 20, noes 85.

Accordingly the amendment was rejected.

Mr. SWANSON. Mr. Chairman, I desire to offer a substitute for the pending amendment, which I send to the Clerk's desk.

The clerk read as follows:

That Calendar No. 158 be first considered—a bill for the relief of the book agents of the Methodist Episcopal Church South.

Mr. PICKLER. I am glad to see you do something pious; but I make the point of order that that is dilatory.

Mr. RICHARDSON. Can we be heard on that amendment? Does the Chair hold that debate is not in order on this amendment?

The CHAIRMAN. No debate relating to the order of business is permissible under Rule XXV, and the Chair has so held. The question is on the substitute offered by the gentleman from Virginia [Mr. SWANSON].

The question being taken, the Chairman announced that the noes seemed to have it.

Mr. SWANSON. Division.

The committee divided; and there were—ayes 37, noes 75.

The CHAIRMAN. On this question the ayes are 37, and the noes are 75. The noes have it——

Mr. SWANSON. Tellers, Mr. Chairman.

Mr. PITNEY. Too late, Mr. Chairman.

The CHAIRMAN. The Chair thinks not.

Tellers were ordered; and the Chairman appointed Mr. SWANSON and Mr. PICKLER.

The committee again divided; and the tellers reported—ayes 6, noes 94.

Accordingly, the substitute was rejected.

Mr. PICKLER. I call for a vote on my motion.

Mr. RICHARDSON. Mr. Chairman, I offer a substitute for the pending amendment, to consider the claim of the Southwestern Presbyterian University. There are a thousand petitions here in favor of that claim.

The CHAIRMAN. The Clerk will report the substitute.

Mr. DALZELL. Mr. Chairman, I make the point of order that the——

Mr. RICHARDSON. It has not been read yet, Mr. Chairman.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

That we consider No. 4435 on the Private Calendar, a bill for the relief of Stewart College (now the Southwestern Presbyterian University), located at Clarksville, Tenn.

Mr. DALZELL. Mr. Chairman, I make the point of order that the motion of the gentleman from Tennessee is dilatory.

Mr. RICHARDSON. Mr. Chairman, I desire to be heard on that. If that is not a meritorious motion, then I have never made one——

Mr. DALZELL. That is not debatable.

The CHAIRMAN. The Chair sustains the point of order.

Mr. RICHARDSON. Then I appeal from the decision of the Chair.

The CHAIRMAN. The Chair declines to entertain the appeal. [Applause.]

Mr. RICHARDSON. Of course it is in the power of the Chair to do so. [Cries of "Regular order!"]

The CHAIRMAN. Gentlemen will please observe order. Gentlemen will please resume their seats. The question is now on the motion of the gentleman from South Dakota.

Mr. COOPER of Texas. Mr. Chairman——

The question was taken on Mr. PICKLER's motion; and the Chairman announced that the ayes seemed to have it.

Mr. RICHARDSON. Division.

The committee divided; and there were—ayes 93, noes 1.

Mr. SWANSON. No quorum.

Mr. LOUDENSLAGER. Count, Mr. Chairman.

The CHAIRMAN (having counted the committee). One hundred and thirty-three members—a quorum—are present. The ayes have it, and the motion of the gentleman from South Dakota [Mr. PICKLER] is adopted. [Applause.]

Mr. PICKLER. Mr. Chairman——

Mr. COOPER of Texas. I move that the committee do now rise.

Mr. PICKLER. I believe I addressed the Chair first.

The CHAIRMAN. The Chair declines to entertain the gentleman's motion.

M. R. WILLIAM GREBE.

Mr. PICKLER. The first bill under that order is from the Committee on Military Affairs, and it is the bill H. R. 3139, Calendar No. 36, at the bottom of page 12.

The CHAIRMAN. The Clerk will report the bill.

The bill was read, as follows:

A bill (H. R. 3139) for the relief of M. R. William Grebe.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to revoke the order by which M. R. William Grebe was separated from the military service of the United States as a captain of the Fourth Missouri Volunteer Cavalry, and to honorably discharge said Grebe, to date from the 12th day of December, 1864.

Mr. TALBERT. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TALBERT. The point of order is this: As the Committee of the Whole have decided to take up only bills reported by the Committee on Invalid Pensions, I will call attention to the fact that on last Friday evening, when the committee rose, they were discussing a bill for the relief of Charles E. Jones. As you have decided to consider only bills from the Invalid Pensions Committee, I make the point of order that you must begin where you left off.

The CHAIRMAN. The point of order is not well taken. The gentleman from South Carolina has evidently misapprehended the motion of the gentleman from South Dakota.

Mr. TALBERT. Possibly so. I think there is a great deal of misapprehension going on.

The CHAIRMAN. The Chair is not responsible for that. The Clerk will proceed.

The Clerk read as follows:

The Committee on Military Affairs reported the following amendments:

First, strike out the word "separated," in the fifth line of said bill, and insert in lieu thereof the word "dismissed."

Amend by adding to the bill the following proviso:

"*Provided*, That nothing herein shall entitle said M. R. William Grebe to any back pay or allowances to which he might have been entitled but for the action of such court-martial."

Mr. McCLELLAN. The report.

Mr. BARTLETT of New York. I ask for the reading of the report.

The CHAIRMAN. The question is on the amendments.

Mr. RICHARDSON. Mr. Chairman——

The CHAIRMAN. The Clerk will please read the report.

The report (by Mr. TARSNEY) was read, as follows:

The Committee on Military Affairs, having had under consideration the bill (H. R. 3139) entitled "A bill for the relief of M. R. William Grebe," and having considered the same, respectfully report:

It appears from the official records of the War Department that M. R. William Grebe was mustered into the service as first lieutenant of Company I, Fourth Missouri Cavalry, November 22, 1862; he was promoted to be captain April 5, 1864, and was assigned to Company F of that regiment; he was detached and assigned to duty as aid-de-camp on the staff of the major-general commanding the Department of the Tennessee on July 5, 1864; he was cashiered December 12, 1864, by a sentence of a general court-martial promulgated in General Orders, No. 223, of that date, Department of the Missouri. From the record of the court-martial, its evidence, and the action taken thereon by the reviewing authority, and the report of the Judge-Advocate-General of the Army to the President of the United States, upon an application for Executive clemency in behalf of said Captain Grebe, it fully appears that one Ferdinand Hanson, then a captain in Company D, Fourth Regiment Missouri Volunteer Cavalry, M. R. William Grebe, major and aid-de-camp of the governor of the State of Missouri and captain of Company F, Fourth Regiment Missouri Volunteer Cavalry, and Gottlieb C. Rose, then a captain of Company C, said Fourth Missouri Volunteer Cavalry, were jointly tried by court-martial in December, 1864, upon the following charges, to wit: The said Captain Hanson, first, for sending a challenge to another officer to fight a duel; second, dueling, to the prejudice of good order and military discipline. The said Major Grebe, first, accepting a challenge from another officer to fight a duel; second, dueling, to the prejudice of good order and military discipline. The said Captain Rose, first, promoting a challenge to fight a duel; second, aiding and promoting a duel, to the prejudice of good order and military discipline.

The several specifications alleged in substance that said Captain Hanson sent a challenge to fight a duel to said Major Grebe; that Major Grebe accepted the same; that a duel was fought by these parties; that the said Captain Rose promoted and aided the same by furnishing them with pistols and by other aid, countenance, encouragement, and presence.

To the charges and specifications respectively alleged against them, each of said parties pleaded guilty, were convicted thereof on said 12th day of December, 1864, and sentenced to be cashiered.

In his address to the court Captain Hanson stated in substance that he was of foreign birth and had been educated in the manners and customs of a foreign country, and that the habits and thoughts which there prevailed had been to some extent impressed upon his character and formed a part thereof.

That the custom and practice of the duello obtained generally with the officers of the army of Schlesswig-Holstein, his native country, in which army he had formerly served, and although not recognized by law, yet when this practice of settling differences was pursued under circumstances of an extreme character, it by no means incurred the displeasure of the Government, and seldom deprived a soldier of rank or the privilege of defending his country in the field. He also called attention of the court to the fact that this practice prevailed to an extent in other countries, and to a considerable extent in the United States and in the Army of the United States; and called attention to the case of General Sumner and General Harney, the former of whom sent and the latter of whom accepted a challenge to fight a duel. While not arguing in favor of the practice to justify himself or combating the propriety of the regulations of the Army, which prohibited such practice, he endeavored to impress upon the court that in erring as he had he was entitled to some consideration in consequence of the early training and education he had received as a soldier in his native country.

In his address to the court Major Grebe stated that he was brought up in Europe as an officer, that he had been but a short time in this country; that according to usage in the old country he was obliged to accept the challenge; that he was still in the service of the King of Norway and was only on furlough to fight for the Union, and expected to resume his position as first lieutenant in the service of the King of Norway; that according to his idea and the usage of the old country he would have been considered infamous if he had not accepted this challenge, and other officers would not have associated with him; that he was not at the time a citizen of the United States and knew nothing of its laws.

Captain Rose stated to the court that he had been in this country only since 1861.

All the members of the court earnestly recommended Major Grebe to the leniency of the commanding general in consideration of the peculiar nature of the cases as presented by the several statements of the accused.

An application was made to the President for a review of the finding of the court in regard to these officers. The records show a petition of his excellency Thomas C. Fletcher, then governor of Missouri; Brig. Gens. S. A. Meredith, I. T. Copeland, John McNeil, Thomas Ewing, jr., George H. Hall; of Colonel Barstow, president, and Colonel Williams and Major Dietz, members of the court by whom they were tried; of John B. Gray, adjutant-general of Missouri, and others, praying the Executive, in consideration of the history and respective military careers of these officers, and for the interest of the service, that the record of their dismissal be set aside, that their services might be again placed at the disposal of the Government, and that they each might be reinstated with the rank they respectively held at the time of their dismissal.

Major-General Dodge certifies that he was acquainted with Major Grebe during the Atlanta campaign and knew him to be a reliable, brave, and competent officer. Hon. John B. Henderson, then a United States Senator from the State of Missouri, indorses the petition in the following words, namely:

"Mr. PRESIDENT: These men have no fault except that they want to fight too much. It is a good fault at present. Please restore them."

The application for reinstatement was denied, not on account of want of merit in the application, but on account of want of Executive authority.

The record indisputably shows Major Grebe to have been a brave, intelligent, and efficient officer, whose service for more than two years was so conspicuous as to particularly commend him to his superior officers and to the governor of the State who commissioned him—so conspicuous that Governor Fletcher made a special application to the President to remove Major Grebe's disability in order that his services might be utilized by the governor in raising a new regiment.

There is no question as to the legality of the proceedings of the court-martial, that the offenses alleged in the charges clearly constituted violations of the regulations governing the Army, or that such offenses at the time were prejudicial to good order and military discipline.

Your committee, however, are of the opinion that the previous education of this officer and the sentiment relating to the practice of the duello then prevalent in the country in which he was educated and to a considerable extent prevalent in our own country and Army at the time, while not justifying the officer for his offense, distinguishes such offense from the ordinary offenses violative of good order and military discipline, and appeals strongly at this time for the removal of the stain upon his otherwise unexceptionally creditable military record.

In consideration of the fact that sentiment favorable to the settlement of private dispute between citizens or between officers of the Army in this country by appeal to the duello has now happily entirely disappeared, the action here recommended will not be considered a precedent or encouragement for the revival of such sentiment, the committee recommend the passage of the bill with the following amendment:

First, strike out the word "separated," in the fifth line of said bill, and insert, in lieu thereof, the word "dismissed."

Amend by adding to the bill the following proviso:

"*Provided*, That nothing herein shall entitle said M. R. William Grebe to any back pay or allowances to which he might have been entitled but for the action of such court-martial."

Mr. BARTLETT of New York. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT of New York. I rise to inquire whether debate is to be absolutely cut off, or are we allowed to be heard on these pension bills?

Mr. PICKLER. Regular order.

Mr. RICHARDSON. This is debatable.

Mr. PICKLER. Regular order.

The CHAIRMAN. The gentleman from Kansas is recognized.

Mr. BLUE. I move the adoption of the amendments.

Mr. RICHARDSON. Well, Mr. Chairman, it is not in order to vote upon the amendments in gross, and I make that point of order. Besides, general debate has not been closed; and I object to voting on the amendments until general debate at least is closed on this bill, unless it is determined to close general debate without any explanation. I would like to hear something, Mr. Chairman, in favor of the passage of this bill by the gentleman from Kansas who introduced it. I want to hear the gentleman, if he wants to discuss it.

Mr. BLUE. The first thing is for the Chair to pass on the point of order.

The CHAIRMAN. The amendments are debatable.

Mr. RICHARDSON. The bill is debatable also.

The CHAIRMAN. The amendments are now being considered.

Mr. RICHARDSON. How is that, sir?

The CHAIRMAN. The gentleman from Tennessee is correct. The whole question is debatable—the bill and amendments.

Mr. BLUE. I suppose the motion is in order. I desire to say to the gentleman from Tennessee that when he understands this bill I am satisfied he will not object to it.

Mr. RICHARDSON. Will the gentleman yield to me for a moment? I have asked an explanation, Mr. Chairman, of the merits of this bill in general debate. I have no objection to its passage, but I could not understand the reading of the report in the confusion on the floor, and I was in hopes that the gentleman in general debate would tell us something of the merits of this

bill. We have not closed general debate now. That is the point I wanted to be understood.

Mr. BARTLETT of New York. I should like to be heard on this bill.

The CHAIRMAN. The gentleman from Kansas has the floor.

Mr. BLUE. This bill is for the relief of a soldier who was in the service of the King of Norway when our civil conflict began. He came by permission of his sovereign to this country to participate in the conflict on the side of the Union. He served with distinction, and participated in some 17 battles courageously and honorably. While the conflict was going on he attended a theater at St. Louis with a young lady who was the daughter of some member of the official family of that State. While there an officer of our Army insulted him in the presence of the lady. He returned home with her, and when he met that officer again he thrashed him soundly. For that the officer who had given the first insult challenged him, saying that he was a smaller man physically than Major Grebe, and that he might be able to thrash him with his fists, but that he did not dare to meet him in conflict with arms. Major Grebe accepted the challenge, and, as this report shows, an officer who was also educated in military affairs in the Old World became his second, while a third one procured the arms. They went upon the field of honor and Captain Grebe shot his man, but not mortally, and his antagonist shot a hole through Major Grebe's clothes. They were both arraigned before a court-martial, and the court, upon the plea of guilty with extenuating circumstances, entered a judgment cashiering each; but that court, immediately after entering this judgment of dismissal, unanimously joined in a recommendation to the President of the United States to remove and set aside the judgment of the court by pardoning Major Grebe. On the recommendation of the Judge-Advocate-General it was refused. The recommendation of the Judge-Advocate-General is included in the report on this bill.

The ground upon which he opposed it was that it was highly immoral and highly detrimental to the good of the service that officers should be permitted to fight duels and be relieved from the effects of them by pardon. Your attention is called to the fact shown in the report that Major Grebe said to the court in extenuation of what he had done that in his country it was regarded an honor to fight a duel when you were challenged, and that it would have been an everlasting disgrace for him in the land in which he was born and educated to have declined to accept this challenge, and not being educated in our institutions and not understanding our laws and regulations, he accepted the challenge and believed that he was doing honorable service when he fought that duel. He cited also the fact that in this country up to that time the duello had not been regarded as dishonorable, and he cited the fact that General Harney and General Hunter had been guilty of the offense, the one being challenged by the other and he having accepted the challenge to fight a duel. Under these circumstances, now, in his old age, he feels keenly the effect of this dismissal, which occurred many years ago, and all that he asks in this bill is that he may have this stigma removed.

Mr. CURTIS of Kansas. What is his age?

Mr. BLUE. He must be 60 or 65 years of age. His hair is white as wool, and the old man in his declining years, said to me, with tears in his eyes, "I can not become a member of the Grand Army, and when Decoration Day comes, and the procession goes by, my children inquire of me why I am not there, and I have to tell them that I was dimissed from the service and that I am not entitled to be recognized as a defender of the nation." It seems to me that under the circumstances of this case my friends from the South especially ought not to object to a bill of this character.

Mr. RICHARDSON. I see this bill contains a proviso that "nothing herein shall entitle the said William Grebe to any back pay or allowances to which he might have been entitled but for the action of such court-martial." I wish to ask what benefit this officer would receive from the passage of the bill other than that which the gentleman in charge of the bill has mentioned?

Mr. BLUE. It removes from him the stigma of a dishonorable discharge, but it gives him no back pay or allowance. That proviso was added by the committee and I did not object to it.

Mr. RICHARDSON. My question is, what further effect this bill would have on this soldier so far as his financial status is concerned? What right does it give him as to a future pension?

Mr. BLUE. There seems to be some difference of opinion as to what would be the effect of the proviso in that respect. I think the effect is to preclude him from receiving any back pay. For instance, whatever pay may have been due him at the time of his dismissal is forfeited by the judgment of the court-martial, but I do not think he would be prohibited from prosecuting a claim for a pension. So far as that proviso goes, it was put in there by way of precaution, so that the bill should not set aside or attempt to set aside any part of the executed portion of the sentence of the court-martial. That amendment was made by the committee intelligently, I have no doubt, because the Senate, I understand, insists strenuously upon the proposition that an execution of a judgment when once complete shall not be disturbed. Hence that proviso leaves the judgment of the court-martial undisturbed so far as back pay or other such compensation is concerned, but it removes the stigma of dismissal from this officer's record, so that he may prosecute a pension claim if he so desires.

Mr. RICHARDSON. Mr. Chairman, I will now use a portion of my time. I have not risen for the purpose of making any very sharp opposition to the passage of this bill. In some respects it seems to be a meritorious bill, but I can not understand why it is to be regarded as any more meritorious than several other measures that are pending upon the Private Calendar. I can not see why this bill should be singled out for consideration, a bill applying to a man who has been convicted of an offense against the law and made the subject of a sentence from which this bill seeks to relieve him.

Mr. BLUE. If the gentleman will permit an interruption, I wish to say that I do not understand that this bill is singled out. By the order under which we are now proceeding it is the first bill reached.

Mr. RICHARDSON. That is the very point that I am addressing myself to. This bill is singled out—a bill relieving a man from the effects of a sentence passed upon him for having violated the law in respect to dueling, a very grave and serious offense. To consider that bill we lay aside other measures, we lay aside these claims from my section of the country, and we undertake this partial legislation upon this at least doubtful subject.

I wish to say a word as to why I raised the question a while ago. When, in response to the appeals of gentlemen this morning, I assisted them to go into Committee of the Whole for the purpose of considering bills on the Private Calendar, I did think that we on this side would be treated as we have been treated in former Congresses, and that bills in which we are interested, highly meritorious bills, would be considered in the order in which they are found upon the Private Calendar. They are placed there by the committees of this House appointed by the Speaker, and we have confidence in these committees. They are regularly reported from those committees and entered upon the Private Calendar in their order. Our rules provide that Friday of every week shall be devoted, unless the House otherwise expressly directs, to the consideration of bills on that Calendar. In all my experience here I have never known an instance where the House was pressed into Committee of the Whole on the Private Calendar as it was this morning, and where then, by this—I will not call it legerdemain, because that might not be parliamentary, and I do not want to make any offensive intimation—but I will say where this unfair and unusual method has been adopted to evade the consideration of the bills in their order on the Calendar, and I say it is unfair to those who assisted in going into Committee of the Whole under the idea that the Private Calendar was to be considered and that business upon that Calendar was to be taken up in its order.

Mr. PICKLER. Will the gentleman allow me a word?

Mr. RICHARDSON. Certainly.

Mr. PICKLER. The gentleman's position is equivalent to saying that no pension legislation shall pass.

Mr. RICHARDSON. Now, my friend ought not to say that.

Mr. PICKLER. Let me show the gentleman why I say it. The private claim bills to which he refers are at the head of the Calendar, and none of our pension bills are where they can be reached, and for three or four Congresses, since I have been here, never on a Friday afternoon, when we have been considering the Private Calendar, has a pension bill been reached.

Mr. RICHARDSON. The gentleman from South Dakota is a fair fighter, and I do not object to that kind of warfare. The gentleman knows that on every Friday evening—meeting at about half past 7 o'clock or 8 o'clock, and lasting until 10 o'clock and 30 minutes, every Friday evening throughout the session—this House meets for the consideration of private pension bills. Is not that true?

Mr. PICKLER. In connection with other bills; yes.

Mr. RICHARDSON. In connection with bills reported from one other committee for the purpose of removing political disabilities and charges of desertion. Now, the gentleman is not satisfied.

Mr. PICKLER. No; certainly not.

Mr. RICHARDSON. Why not?

Mr. PICKLER. I will tell the gentleman——

Mr. RICHARDSON. If the gentleman will permit me a moment, I am perfectly willing to give you another night, if you are not content with one; that is, I will vote with you to have another night, or take any other action that may be considered necessary in order to secure the consideration of bills to which the gentleman refers.

Mr. PICKLER. Will the gentleman allow me to say this further? I do not think that there was a design of this sort on this side of the House when the motion of the gentleman from Iowa was made and adopted, and when the House declined to go into Committee of the Whole on the appropriation bill—that is to say,

that in regard to this matter of the consideration of the pension bills, it came up later.

Now, I want to know if the gentleman from Tennessee thinks this is the way to get the consideration of his private claims hereafter? Does he think that by filibustering against the rule of the House which we are now acting under he will promote the consideration of those claims? If so, I fear he is mistaken. Further, I think that there is a sense of fairness on this side of the House and a desire to have these claims considered, and in my opinion, if the gentleman from Tennessee would act the part of wisdom and let us go on under the rule—I speak, of course, for myself only—that on next Friday we will no doubt take up the Calendar and begin at the very beginning of it and have a try at the consideration of these bills at least.

Mr. RICHARDSON. The gentleman from South Dakota does me a great injustice to say or to intimate that I filibustered against the consideration of private pension bills. I have been in Congress with the gentleman for eight years, I think, and I never have filibustered against a private pension claim, and I think the gentleman will certainly bear me out in that if he will reflect for a moment.

Mr. PICKLER. I think that is true.

Mr. RICHARDSON. The gentleman knows it is true.

Mr. PICKLER. But the demonstration of the gentleman today is at least very suspicious.

Mr. RICHARDSON. Not at all; it means that we resent the treatment we are receiving at the hands of those we cooperated with in voting to go into Committee of the Whole on the Private Calendar.

And I want to answer the gentleman further. The gentleman says that at this time I am occupying the position of filibustering against the consideration of private pension bills. Now, I have shown, Mr. Chairman, that the gentleman has every Friday night for the consideration of his bills. Claims and war claims have every Friday, and I ask the gentleman if he has not already had every Friday night for the consideration of his bills—every Friday night when he himself has not consented to dispense with the evening session—for the consideration of private pension bills since the first Monday in December? He has, I will answer for him, and has had three hours or more every day—that is, every Friday evening—for the consideration of these bills.

I ask him in that connection if he has known this House, from the beginning of this session, to give one solitary moment to the consideration of those bills on the Private Calendar that come from the Committee on Claims and the Committee on War Claims, and which have been reported by the committees of this Congress? I ask him also if Friday, under the rules, is not solemnly set apart for the consideration of just such claims, and if on a single Friday we have been permitted to go into Committee of the Whole to consider them?

Mr. PICKLER. I have not charge of the bills coming from the Committee on Claims or War Claims. How many Fridays has the gentleman moved to go into Committee of the Whole for the consideration of these bills?

Mr. RICHARDSON. I did last Friday.

Mr. PICKLER. That is the solitary exception.

Mr. RICHARDSON. I moved on last Friday that the House go into the Committee of the Whole for the consideration of these bills and was not treated very ceremoniously. The Speaker informed me that a motion of a higher order was pending.

Now, I repeat, every Friday is set apart for the consideration of bills which we seek to have considered here to-day. We are not asking anything that is revolutionary or violent. We are only asking that the House shall adhere to its own rule. What are the bills that are here? You know what they are. They are bills that come from these committees after due and full consideration, every facility having been given to them for their consideration; and every solitary one that we want considered is a bill which has been passed upon by the Court of Claims, that tribunal consisting of five Republicans—not a single Democrat on the court.

Mr. WATSON of Ohio. Will the gentleman yield for a question?

Mr. RICHARDSON. I will.

Mr. WATSON of Ohio. Are you opposing the passage of this bill?

Mr. RICHARDSON. Well, I do not know whether I am yet or not. I am not entirely satisfied with the method of getting it before us.

I was saying, Mr. Chairman, that the Court of Claims has charge of these bills and refers them back to our committees. There are five members of that court, all Republicans. Now, what is done with a bill when it is referred to them? The first step in the consideration of the bill is to ascertain that the claimant was loyal. That does not affect me. I was not loyal during the war. I am not, therefore, partial to them because of political prejudice or bias. Fortunately, or unfortunately, as you may look at it, I was on the losing side in the past. But all of these claims come mainly from my country. The Court of Claims must find, as a jurisdictional fact, that the claimant was loyal. That objection stands in the court as a bar to further progress until it is removed by affirmative proof. Now, after that is done; after the loyalty of the claimant is ascertained, the claim is again referred to the same tribunal, just as to a master in chancery, to take proof upon the merits. Then, after that, if the court decides the claim is meritorious, a second finding is made and returned with the papers to Congress that the appropriations may be made.

Mr. Chairman, I insist that there ought to be no objection to the payment——

Mr. DINGLEY. Will the gentleman pardon me?

Mr. RICHARDSON. Yes.

Mr. DINGLEY. The gentleman refers to war claims that are referred to the Court of Claims simply for the finding of facts.

Mr. RICHARDSON. Under the Bowman Act.

Mr. DINGLEY. There is no adjudication by the Court of Claims on those cases.

Mr. RICHARDSON. There is an adjudication.

Mr. DINGLEY. No adjudication, but simply a finding of facts. They are to be tried out by the House the same as any claim subsequently.

Mr. RICHARDSON. The gentleman will not say that it is not an adjudication of a fact.

Mr. DINGLEY. It is a determination of a fact, but as to whether or no the facts justify an appropriation has to be determined by Congress.

Mr. RICHARDSON. If the gentleman from Maine will pardon me, Congress determined that in 1864, because they commenced affirmative action then, and said that "whenever a claimant is loyal in the insurrectionary States and his property is taken and used by the Army we will pay him for it." That affirmative action rests upon the statute book to-day.

Mr. DINGLEY. But the gentleman must be aware that every one of these claims to which he is referring was adjudicated by the Southern Claims Commission and rejected, or else these claims did not have merit enough to be presented.

Mr. RICHARDSON. The gentleman was never more mistaken in his life.

Mr. DINGLEY. To present the idea that these claims have been adjudicated in the Court of Claims, in any sense in which we speak of "adjudication," is not correct.

Mr. RICHARDSON. The gentleman is altogether mistaken when he says that all of these claims have been rejected; and I will tell him why.

Mr. DINGLEY. They have been rejected or else not presented, one or the other.

Mr. RICHARDSON. No; they were presented before the bar of the statute, which commenced on the 1st of January, 1880. Claims filed since that date are barred and can not be and are not considered.

Mr. DINGLEY. Every one of these claims is barred by the statute of limitations.

Mr. RICHARDSON. They are not barred. They are not considered by the Court of Claims if filed subsequently to the 1st of January, 1880. Now, the gentleman's statement that they have all been rejected is not true. The gentleman doubtless thinks so; but I will tell him why it is not so. A great many of these claims were filed and pending before the Southern Claims Commission. The gentleman knows that the law providing for that commission terminated the commission by its own operation, and when it was terminated there were thousands of cases pending which had never been heard at all.

What did Congress order done with those claims? It ordered them filed before the Committee on War Claims of the House, or transmitted to Congress. If I remember correctly, that is the wording of the law; and they are pending now before Congress and have never had the slightest adjudication on this earth. The Southern Claims Commission did not touch them. It did not have time to do it. It did consider a great many; allowed some and rejected many more. Now, under the Bowman Act it is provided that these claims may go to the Court of Claims.

Mr. DINGLEY. For a determination or finding of fact?

Mr. RICHARDSON. I have the law here and I will ask the Clerk to read it in order that there may be no misunderstanding.

The Clerk read as follows:

That whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation and determination of facts, the committee or House may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims of the United States, and the same shall there be proceeded in under such rules as the court may adopt. When the facts shall have been found, the court shall not enter judgment thereon, but shall report the same to the committee or to the House by which the case was transmitted for its consideration.

SEC. 2. That when a claim or matter is pending in any of the Executive Departments which may involve controverted questions of fact or law, the head of such Department may transmit the same, with the vouchers, papers, proofs, and documents pertaining thereto, to said court, and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall not enter

judgment thereon, but shall report its findings and opinions to the Department by which it was transmitted for its guidance and action.

SEC. 3. The jurisdiction of said court shall not extend to or include any claim against the United States growing out of the destruction or damage to property by the Army or Navy during the war for the suppression of the rebellion, or for the use and occupation of real estate by any part of the military or naval forces of the United States in the operations of said forces during the said war at the seat of war; nor shall the said court have jurisdiction of any claim against the United States which is now barred by virtue of the provisions of any law of the United States.

SEC. 4. In any case of a claim for supplies or stores taken by or furnished to any part of military or naval forces of the United States for their use during the late war for the suppression of the rebellion, the petition shall aver that the person who furnished such supplies or stores, or from whom such supplies or stores were taken, did not give any aid or comfort to said rebellion, but was throughout that war loyal to the Government of the United States, and the fact of such loyalty shall be a jurisdictional fact; and unless the said court shall, on a preliminary inquiry, find that the person who furnished such supplies or stores, or from whom the same were taken as aforesaid, was loyal to the Government of the United States throughout said war, the court shall not have jurisdiction of such cause, and the same shall, without further proceedings, be dismissed.

SEC. 5. That the Attorney-General, or his assistants, under his direction, shall appear for the defense and protection of the interests of the United States in all cases which may be transmitted to the Court of Claims under this act, with the same power to interpose counterclaims, offsets, defenses for fraud practiced or attempted to be practiced by claimants, and other defenses, in like manner as he is now required to defend the United States in said court.

SEC. 6. That in the trial of such cases no person shall be excluded as a witness because he or she is a party to or interested in the same.

SEC. 7. That reports of the Court of Claims to Congress under this act, if not finally acted upon during the session at which they are reported, shall be continued from session to session and from Congress to Congress until the same shall be finally acted upon.

Mr. RICHARDSON. Now, Mr. Chairman, I ask the attention of the gentleman from Maine. I wanted to have that statute read as a part of my remarks, because I wanted to comment on it for a moment. I want to ask the attention of the members of this House to it. I assert here, Mr. Chairman, that there is not a class of claims against this Government that has ever been treated more unfairly than these findings of the Court of Claims under this very act. The gentleman from Maine makes the point that these claims here are barred or have been barred at one time or other by the statute. He will find a reservation in this law against all such claims as those he referred to.

Mr. DINGLEY. Not by the statute of limitations.

Mr. RICHARDSON. Oh, well, barred in anyway. If they are barred the Court of Claims can not consider them.

Now, Mr. Chairman, what I want to emphasize is this fact—that these claims have been referred to the court under this act for years in order to relieve Congress and the Departments by having these questions taken out of Congress and from the different Departments and sent to a competent court where they could be investigated by a judicial tribunal. I say that was the object of the law.

Now, what is the practice? Remember this law provides that when they go there they shall be defended by the Attorney-General or an Assistant Attorney-General of the United States. They appear there, the claimant, with his counsel, on one side and the Attorney-General on the other. Now, they have that investigation, which I have just described, which is twofold in its character. First, to ascertain that the claimant was loyal. If he was not loyal—and, Mr. Chairman, it means loyal throughout the war, as you very well know. It is not a case where he came into the county seat and took the oath of allegiance while the war was going on, but he must prove affirmatively that he was loyal throughout the war; and if he was disloyal at any time he can not prosecute his claim under this act. Then, when this court of five Republican judges find affirmatively that the claimant has been loyal throughout the war, the only question it seems to me is, Has his property been taken and used by the United States Army to keep the United States Army alive during the war? That is the next question. When that finding is had, it is certified to Congress.

Mr. Chairman, it is a fact that these cases have been referred for the past four years and that there are to-day bills carrying over $900,000 of just such claims on which the findings have been favorable by this Republican Court of Claims. The claimant is proved to have been loyal and the property taken and used by the United States Army, and yet Congress refuses to appropriate one dollar. I want to say, Mr. Chairman, that when I say this I do not mean that my reflection, if it be a reflection, shall rest upon this House simply. I want to state as a fact that the Fifty-third Congress, when the party to which I belong had control in the House of Representatives, did not pay these claims. I want to state that the Fifty-second Congress, when the same party had control of the House, did not pay these claims; but the Fifty-first Congress, when your party, sir, was in power, did pay $548,000 of these findings. The bill passed nem. con. It was taken up by unanimous consent on the last day of Congress, and it passed this House unanimously, without a dissenting voice.

Now, is it not strange that in this Republican House we can get no justice done to this class of claimants, South and North—because many of them lived in the border States, some of them in the North? I insist, Mr. Chairman, that I had the right to make the contention I made. I insisted that we ought to go into Committee of the Whole for the purpose of considering these bills. I did not ask any advantage. I asked that they be taken up in their regular order as they have been reported by the committees of this House. The Chair declined to hear any discussion on the resolution—I will not say improperly—and there was no opportunity offered until this moment for gentlemen on this side of the House, or gentlemen who voted as we did, to say a word in favor of this contention, why we favored taking up and considering these claims, that are just claims, now piling up on the Speaker's desk until they amount to something over $900,000. Now I will yield to the gentleman for a question.

Mr. OTJEN. The gentleman has practically answered my question in stating that the last Congress paid none of these claims.

Mr. RICHARDSON. That is true.

Mr. OTJEN. Although he says they are just.

Mr. RICHARDSON. It is true. I have nothing to conceal. I find no reason to justify this Congrees in its course, if they are just. I want to say another thing, Mr. Chairman. No man, in my judgment, will vote against these claims when they are considered, but they will filibuster them out of the way, and they will not decide the motions that put them out of the way are dilatory, but the motion that makes them proper to be considered and brings them before us is a dilatory motion, possibly. I say this in justice to these claimants.

Now, further, upon the subject of the claims, Mr. Chairman, I assert that it is true, and I assert it upon information which I do not for one moment doubt, that there have been referred and passed upon by this Court of Claims claims aggregating in amount somewhere in the neighborhood of $15,000,000 to $18,000,000. Think about it for a moment. The gentleman from Maine [Mr. DINGLEY], whom I recognize as a legislator of long experience, of great ability, and of perfect and absolute honesty, undertakes to cast a slur upon this class of claims. I want to tell him a fact, which I think it likely he knows, but it will do no harm to repeat it here, that of the fifteen or eighteen million dollars of these claims that have been considered by the Court of Claims about 92 per cent have been rejected. Ninety-two per cent of these claims have been disallowed by the court and finally laid to sleep, and the little 7 or 8 per cent that have been passed upon favorably, that have gone through all the intricacies of the law and through all the difficult processes of that court, that have had a light equal to the cathode ray thrown upon them until you could see not only the outside of the claims but part of the way through and all the way through—the 7 or 8 per cent of these claims that have been found just and honest—are all that we are asked to pay.

Now, sir, I undertake to say that there never was a court or a tribunal of any kind appointed to investigate any class of claims which, if it allowed anything, allowed a smaller per cent than the Court of Claims has allowed of the class of cases which my friend from Maine attempts to discredit. It is for that 7 or 8 per cent of these claims found to be well founded and honest that I speak. I see the chairman of the Committee on War Claims present, and I have no doubt that he will sustain me as to the facts that I have attempted to state here. I tell you, Mr. Chairman, that these claims ought to be paid now, and they ought to be paid by this Congress. We have already kept the claimants out of their money for more than thirty years. We pay them no interest. First we reject through the court 92 per cent of these claims, and then the others that are not rejected are sent to Congress, but it is impossible to get Congress to pay them.

These, Mr. Chairman, are the facts, poorly expressed, that have led me to make the effort I have made to-day to have one hour or one day devoted to the consideration of these just claims. Already a resolution has been introduced to adjourn this Congress. It seems that in about one more moon we shall return to our homes, having done nothing but pass the appropriation bills. We could have done that by the 4th of March; we do it every alternate year. We could have passed the appropriation bills by the 4th of March and have gone home, and that is all that we are doing or that we are to do. It is announced that we are to do nothing else. We are told that we are here for nothing except to pass the appropriation bills and go home, and it is manifest that that is about all we shall do. But, Mr. Chairman, in justice to these claimants of whom I have spoken, in justice to these men who have been found to be loyal men, these men as to whom five Republican judges have told us that their property was taken and used by the United States Army, I do make an appeal.

The bills to provide for paying this class of claims ought to be passed. Understand, Mr. Chairman, that that court does not pass upon claims for occupation of property in the rebel territory by the Army of the United States. That court was not authorized to investigate claims for damages to property. Even if the property of loyal men was damaged, that court has no jurisdiction over

such claims. These claims, therefore, are all for property actually consumed by the Army of the United States as a means of maintaining itself while it was in that section of the country.

I have said this much because I felt that so much ought to be said on behalf of this worthy class of claimants. I yield the remainder of my time to the gentleman from New York [Mr. BARTLETT].

Mr. BARTLETT of New York. Mr. Chairman and gentlemen of the committee, some of the gentlemen who have been asked whether they were opposed to this bill have hesitated to answer. I do not hesitate to answer. I am opposed to this bill and I am opposed to every measure of this kind. Not that I am opposed to every bill for private relief. I propose to consider every bill on its own merits, but I am opposed to any bill which proposes to reverse the decision of a court-martial made and carried into effect thirty-two years ago, and I am opposed to any bill which puts the seal of the approval of the House of Representatives of the United States upon that which is a crime under the laws of all civilized countries. Do you care to go on record, gentlemen, as in favor of murder, as in favor of that form of homicide which is embraced in the term "duelling"? You may vote in favor of this bill because we are now in Committee of the Whole and no record can be taken of your votes, but I venture to say that if your names could be placed upon the roll call you would not dare to go before the people of this country, or before the people of your several districts, as voting in favor of an indorsement of an admitted crime.

What does this bill propose to do? It proposes, in substance, to reverse the decision of a court-martial which took effect in the year 1864, and to restore Major Grebe to his position on the register of the Army and thus to give him an honorable discharge. For what purpose? Not for purposes of pay and allowance, but for the purpose, undoubtedly, of securing for him hereafter a pension from the Government of the United States. Now, even if the gentleman who introduced this bill or the gentleman who moved its consideration would consent to an amendment providing that no pension should be granted to this claimant, I should still be opposed to the measure. For what reason? Because it would be a declaration by this body—it would be a declaration by the more popular branch of the Federal Legislature—that, as legislators, we believed in the justice and propriety of duelling; that we thought it was right. You gentlemen of the majority were very eager the other day when a bill was brought in from the Judiciary Committee to stop a prize fight—in many aspects a somewhat noble amusement, incomparably more noble than going out with sword or pistol to deprive your adversary of his life—you were very eager, I say, to pass that bill. Yet, what was at stake there? Simply the question whether Fitzsimmons or Maher should be knocked out in a few rounds, and yet the Congress of the United States rushed in and hurried that bill through in order that the prize fight might be, not stopped, but that it might be fought under the protection of Texan rangers in the territory of Mexico. [Laughter.] Yet now you come here and say, practically, that while a prize fight is very criminal, is very wrong, is very immoral, a duel, in which each party seeks to kill the other, is not only a proper but an eminently Christian amusement.

Now, it seems to me, Mr. Chairman, that we ought to go a little slow before we pass bills of this character involving a moral or an immoral declaration, as this would be. Dueling was all very well in the Middle Ages; it was all very well in the time of Charles II; it was all very well for the courtiers and rakes in the time of the four Georges; but is it the right and proper thing for legislators, in a constitutional Government like ours, at the end of the nineteenth century, to set the seal of our approbation upon such acts? I say, gentlemen, God forbid!

But before I go on further to discuss the question of dueling let me indicate to you some of the peculiar features of this case. Was this man convicted unjustly? Was he not, according to the record, convicted on his own confession? Did he not, as a matter of fact, interpose a plea of guilty to the charge of dueling? Here we find three captains of the Fourth Missouri Volunteer Cavalry while in our service in war time deliberately taking part in a duel, when these officers had taken the oath on entering the Federal service to comply with the rules and regulations of war and knew every obligation that thus became incumbent upon them. They knew at the time of taking the oath that the Articles of War, article 26, provided as follows:

> No officer or soldier shall send a challenge to another officer or soldier to fight a duel or accept a challenge so sent. Any officer who so offends shall be dismissed from the service. Any soldier who so offends shall suffer such punishment as a court-martial may direct.

Now, these three captains in that Missouri regiment, having been detected in the infraction of the Articles of War and of the Revised Statutes of the United States, having committed that which was a crime not only under the Federal law but which is also against the statutes of every one of the States, and having been, I say, detected in the offense, were arraigned before a general court-martial, and the three officers pleaded guilty to the offense, and were finally dismissed from the service of the United States. I do not believe, therefore, as a matter of precedent, that we have a right to come in here, over thirty years after the war has ended, and reverse the deliberate findings of a court-martial when those findings have been approved by the commanding general of the department and the officers who were familiar with the facts at the time of their occurrence.

But what is the other objection to this bill? After dueling has ceased in the United States of America it is now proposed that this body shall solemnly declare that dueling in reality is no offense.

Mr. STEELE. Will the gentleman allow me an interruption?

Mr. BARTLETT of New York. Certainly.

Mr. STEELE. I think our position is this: That this man was fresh from another country where dueling was permitted and had been challenged by a man in our country, and, being a stranger and new to the country, he felt that it would be dishonorable in him and that his actions might lead to misconstruction if he refused to accept the challenge and fight the duel, and, consequently, in violation of the law, he accepted the challenge. Now, as he was a brave soldier, as these things occurred thirty years ago, as the gentleman himself has said, while we do not say that dueling is right, yet we are willing to forgive. That is my position, at least.

Mr. BARTLETT of New York. The answer to the gentleman from Indiana is that such an excuse is hardly a plausible one. It may be to one unacquainted with the laws of European countries somewhat a specious excuse, but to anyone who is familiar with the criminal laws and statutes of European countries its falsity must be at once manifest. If these officers made such an excuse, it could not have been made in good faith; for, whatever may be said of the practice of dueling in France and other countries, it is certain that ever since the time of the great Frederick dueling among officers of the army in Prussia and in the German army has received the severest condemnation by law and statute. You all remember that Frederick the Great was against dueling, although the spirit of his time was in favor of it, and that when an officer came to him—an officer with whom he was friendly and intimate—and told him that he must accept a challenge to fight a duel, the great king said, "Yes, you can fight your duel." But when the morning came they found upon the dueling ground a scaffold erected. And they asked, "For what purpose is that erected"? The answer given to them was "Whoever survives the duel shall be hanged on the spot!" And yet we are told that in Schleswig-Holstein dueling was permitted in 1864. I ask any gentleman who makes that assertion to produce the law which governs Schleswig-Holstein in this matter, and which authorizes and permits anyone, or any officer in the service of that country, to take part in a duel or to send or accept a challenge.

Mr. STEELE. You will have to send for somebody to read the law even if I had it, if it is in German. [Laughter.]

Mr. BARTLETT of New York. Well, I could read it if it is in German.

Mr. GARDNER. Will the gentleman allow an interruption?

Mr. BARTLETT of New York. Certainly.

Mr. GARDNER. The gentleman has been referring to the law of Schleswig-Holstein as prohibiting dueling. It is not to be presumed, I suppose, that we are in the habit of keeping the statutes governing that country in our desks for convenient reference; but as the gentleman has made the suggestion he did, and as I have broken my glasses and can not read the article myself, I send to the desk and ask to have read a brief newspaper extract referring to a duel fought by a naval officer on yesterday who is connected with the German navy.

Mr. BARTLETT of New York. I can not yield for the gentleman.

The CHAIRMAN. The gentleman from New York declines to yield.

Mr. BARTLETT of New York. What is it that the gentleman desires to have read?

Mr. GARDNER. A brief account of a duel fought by a German naval officer.

Mr. BARTLETT of New York. That may be true, but it does not prove that there was any statute permitting dueling or that there was not a statute inhibiting it in Schleswig-Holstein in 1864.

Mr. GARDNER. All this proves is that the habit prevails in the army of Germany and among German-speaking people, and I simply want to say that the correctness of that belief is confirmed by a dispatch in the New Jersey State Gazette of this morning, containing an account of a duel fought only yesterday.

Mr. BARTLETT of New York. Mr. Chairman, this interruption of the gentleman from New Jersey is very interesting, but the authority of an account in a New Jersey newspaper could hardly be taken in the same light as an extract from the statute books.

Mr. GARDNER. I should like to read this.

Mr. BARTLETT of New York. I must decline to yield for that.

Mr. BLUE. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Kansas?

Mr. BARTLETT of New York. I yield.

Mr. BLUE. This committee report, if I remember it correctly, states in the portion pertaining to the court-martial that these officers, who were educated men, military men educated abroad, and who were doubtless familiar with the law, say that it was permissible there. I think that the burden of proof is on the gentleman from New York [Mr. BARTLETT] to show that there is any law there that prohibits it, especially when he sets up his mere ipse dixit against what they say about it. They may be presumed to have knowledge and information on the subject.

Mr. BARTLETT of New York. Mr. Chairman, I will venture to assert that dueling among officers of the army is illegal in every country in Europe and that it is punishable as a crime in every country.

Mr. BLUE. Cite your authority.

Mr. BARTLETT of New York. And that it is punishable in every army there by cashiering or dismissal from the service.

Mr. GROW. Will the gentleman allow me to ask him a question?

The CHAIRMAN. Does the gentleman yield?

Mr. BARTLETT of New York. Oh, I think so; yes, sir.

Mr. GROW. Does the gentleman yield for my question?

Mr. BARTLETT of New York. If it is not an argument on the tariff, or on the President, I will yield.

Mr. GROW. That is all right. There was a time when there was a law of Congress prohibiting dueling, and I think there is still such a law. Yet in my experience a good many gentlemen have gone out of these halls to fight duels.

Mr. BARTLETT of New York. I presume that the distinguished gentleman from Pennsylvania is still in favor of the practice, but I think it would be rather unfortunate. I do not think it has ever led to any good in this country, and I call the attention of the gentleman from Pennsylvania, who believes in dueling, to this somewhat tragic account of the Broderick-Terry duel——

Mr. GROW. I hope the gentleman will allow me to correct his statement. I do not believe in dueling. When challenged once, I rejected it on that ground.

Mr. BARTLETT of New York. Then I hope the gentleman from Pennsylvania will not vote in favor of this bill, which is in essence an approval of the system of dueling.

Mr. GROW. Oh, dueling has gone out with slavery. But my point was to call the attention of the gentleman to the fact that although there was a law of Congress prohibiting members of Congress from dueling, yet just as honorable gentlemen as any on the floor to-day used to accept challenges and fight duels.

Mr. BARTLETT of New York. Of course, if there is a general feeling in the Congress of the United States in favor of this form of murder known as dueling, then let us declare that it is all right. Let every State repeal its statute against dueling. If the gentleman from Pennsylvania thinks that dueling is a good thing, let him cast his eyes down the bloody record during the early part of this century. Let him recollect that in every State it has been made the object of general execration. Why? Because it led to so many inexcusable and wanton homicides. Now, if it were a general rule to settle all disputes by resort to dueling it would be perfectly agreeable to me, although it would necessarily take up a large part of that time which we ordinarily devote to public business. Now let us see what is the history of the practice of dueling in this country? I will ask the Chairman how much time I have?

The CHAIRMAN. The gentleman has two minutes.

Mr. BARTLETT of New York. Was I recognized in my own right?

The CHAIRMAN. The gentleman was recognized in the time of the gentleman from Tennessee.

Mr. BARTLETT of New York. There is one statement in conclusion to which I wish to call the attention of the committee, and it is this evasive statement contained in the report as to Executive authority:

The application for reinstatement was denied, not on account of want of merit in the application, but on account of want of Executive authority.

Did the committee mean to state that the President of the United States, the Chief Executive, had no power to pardon Major Grebe for the offense committed? Does not the Constitution, in Article II, give the express power of pardon to the President of the United States? And why was not the application for Executive clemency made to the President of the United States?

If there had been any circumstances which would have entitled the applicant to favorable consideration, will it for one moment be asserted that the President of the United States would not have pardoned this offender? It is, I apprehend, gentlemen, because there is some more sinister motive back of this than to clear the record of this soldier. I believe it is to entitle him to a pension, to which he is not entitled. Why? Because, in the first place, he had committed an offense, or crime, under the Articles of War; because, in the second place, he had been convicted by a general court-martial, and the sentence and finding of that general court-martial has never been reversed or set aside.

Mr. TALBERT. Mr. Chairman, I am not here to argue the justice or injustice of the dueling code or laws or anything of that kind. I am not here to argue the justice of the war claims, on which the distinguished gentleman from Tennessee [Mr. RICHARDSON] had so much to say in his eloquent remarks. Notwithstanding the fact, sir, of the doubtful way, the roundabout way, and the questionable way in which the majority of this House succeeded in getting into Committee of the Whole for the consideration of these private claims, and the way in which they took advantage of some of those who voted for it after getting into Committee of the Whole to bring up only pension claims, notwithstanding the fact of the apparent arbitrary ruling of the Chair and his refusal to entertain motions, I stand here and say that I for one am in favor of the bill before the committee at present.

In the first place, I am in favor of granting relief to this distinguished soldier, because the evidence shows, and it is voluminous, that he was a good soldier, that he was a brave soldier, and that he was a true soldier, fighting for what he honestly thought was right, coming from the Old World and doing his duty, and the only charge against him is that, having been insulted, he possibly agreed to fight a duel with some officer. The evidence does not go on to show whether he really fought a duel or not; but it does show that he was challenged and accepted the challenge. For that he was dismissed in a dishonorable manner from the Army; and now, after thirty years, there is no reason why this simple request should not be granted to this gallant, true Union soldier. The evidence shows that as an officer of the Army he was always at his post and secured the complimentary notice and praise of all his commanding officers. Consequently I shall vote to-day for this brave soldier, to have the order of the court-martial revoked, for that is all he asks.

In the second place, Mr. Chairman, I shall vote for it because this claim was favorably reported by the distinguished gentleman from Missouri, Mr. Tarsney, from the same State, and whose seat seems now to be vacant. I will vote for it, in the next place—and I hope the gentlemen on this side, especially from the South, will vote for it—to show that we can do justice to a brave soldier against whom there is no charge of unsoldierly conduct. If this man had been charged with desertion, or if it was a charge of being a "bum" or a "coffee cooler," I should raise my voice against his request; but as it is, he stands without a single stigma against his record as a soldier; and I hope every man on this floor will vote for this man, especially men from the South, for the special purpose of showing to gentlemen on the other side of the House that we stand ready to take up every case and do justice toward brave soldiers who fought for the side which they considered right.

Let it be a contrast to the treatment that you gave to that distinguished Union soldier, Mr. Tarsney, when you refused him an opportunity to reopen his case and bring out more evidence and let him bring in new evidence which had been discovered after the case was closed. Let it be in contrast to your conduct in kicking him out of his seat without giving him a chance to bring in new evidence which had been found and which he wanted to introduce. [Applause on the Democratic side.] Let us show that we stand ready to do justice to the brave soldiers, whether they fought on the one side or the other. Let us show that we will always recognize and always commemorate the merits of brave soldiers as becomes a people who commemorate deeds of valor in song and in story, and let us make an effort in this case, Mr. Chairman, to obliterate and do away with the only soldier in both armies, it seems, who now wants to fight the war over. I allude to the gentleman from Maine [Mr. BOUTELLE], and after we have thrown down this last soldier, then, in the language of General Grant, "Let us have peace." [Laughter.]

Mr. WALSH. Mr. Chairman, I want to occupy the time of the House for about five minutes on this case. Inasmuch as my colleague [Mr. BARTLETT of New York] has alluded to the fact that as we are in Committee of the Whole no record of our vote on this measure can be obtained, I want to say that I am going on record in favor of this bill.

It is not a question of the propriety of dueling. The statutes of most of the States have pronounced against that. It seems to me that we can look back with a great deal of charity upon the act of a man who came all the way from Norway in the time of our troubles to fight for the Union. He came as a volunteer from that country, and offered his service to us in our time of peril. He was in the act of defending his own honor and the honor, perhaps, of a lady who was with him, and was compelled by a citizen of our own country, who should have known our laws, who had done him an injustice, and who had challenged him—compelled by every rule of honor, every characteristic of a gentleman,

to accept that challenge. He pleaded nothing in extenuation of his act, but went before the court-martial and stated the facts to the court, and the history is presented here as it actually occurred. He accepted the verdict without complaint; and as the gentleman from Kansas [Mr. BLUE] said, that court-martial immediately afterwards unanimously recommended the wiping out of this stain that they had placed upon him and stated in that recommendation that they did so on account of the mitigating circumstances presented in the case. I say, irrespective of the manner in which the bill is brought before this House, irrespective of the question of whether dueling is proper or improper, this man has shown himself an honorable, brave soldier and true gentleman, and he deserves at the hands of this House the vote of every honorable man and every gentleman. [Applause.]

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

DAN S. PLACE.

The next business on the Private Calendar was the bill (H. R. 951) to amend the military record of Dan S. Place, first lieutenant, Eighteenth Indiana Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the military record of Dan S. Place so as to show him honorably discharged from the service as first lieutenant, Eighteenth Indiana Volunteers.

Mr. BARTLETT of New York. Mr. Chairman, I ask for the reading of the report.

The report (by Mr. TRACEY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 951) to amend the military record of Daniel S. Place, first lieutenant, Eighteenth Indiana Volunteers, have carefully considered the same and the papers pertaining thereto, and report:

Daniel S. Place was enrolled as a private in Company G, Eighteenth Indiana Volunteers, July 27, 1861, and was promoted to the rank of first lieutenant for meritorious conduct, to date April 23, 1863. He was severely wounded and partially disabled in action at Port Gibson, May 1, 1863. While convalescing was ordered on light duty at New Orleans, where he remained until September, 1864, and was placed on detached duty at Elmira, N. Y., by special orders from the War Department, dated October 29, 1864.

While serving at Elmira, on duty at Prison Camp, he was charged with "conduct prejudicial to good order and discipline" and "conduct unbecoming an officer and gentleman," the specification being that he did, contrary to orders, carry out and mail letters for prisoners of war confined in the camp.

He was found guilty of the offense charged by a court-martial, but as the letters were shown to be of purely social character and contained nothing of importance, the sentence of the court was out of all proportion to the offense, in that it sentenced him to be cashiered the service and forever prohibited from holding any office of trust or emolument under the United States Government; that his sword be broken by a noncommissioned officer, his straps taken from his shoulders, and his buttons cut from his coat in the presence of the troops of the command.

The latter part of the sentence, requiring his personal degradation in the presence of the troops of the command, was disapproved by Bvt. Brig. Gen. A. S. Devier, commanding the military district of New York.

On March 15, 1865, the case was reopened at the instance of Senator Henry S. Lane, of Indiana, and a lengthy report made and filed by the Acting Judge-Advocate-General of the Army, in which, among other things, he says:

"It is not believed that he should be disfranchised, and as he is represented to be a man of good character and undoubtedly loyal, the interests of the service would justify a removal of all disability in order to enable him to reenter the service if the governor of the State sees proper to commission him."

Upon this report, by direction of the President, the disability to reenter the service was removed.

There remains, therefore, against Lieutenant Place nothing of the original sentence save the dismissal from the Army, which, in view of his established loyalty before and after the offense charged, the trivial character of the offense itself, viewed in the light of the facts submitted to the Judge-Advocate-General upon the reopening of the case, his brave, efficient, and faithful services as a soldier, his high character and standing as a citizen during the thirty years that have passed since the war, your committee believe ought to be removed. Your committee do not discredit the necessity for the maintenance of military discipline, which it is conceded involves exact obedience to orders, but it believes the highest demands of such discipline have been more than met by the punishment already inflicted.

Your committee therefore report the accompanying bill favorably and recommend that it do pass.

Mr. RICHARDSON. Mr. Chairman, I understand that the gentleman from Florida [Mr. COOPER] is in charge of this bill, and I would like to hear a brief explanation of it.

Mr. COOPER of Florida. Mr. Chairman, this bill was introduced by me because the family of Mr. Place—that is, his wife and daughter—live in my district in Florida. Mr. Place went there after the war on account of the loss of health, which I understand was largely due to a wound received in active service in the Union Army. He went into the Eighteenth Indiana Volunteers as a private. He was promoted to a lieutenantcy for gallant conduct in the field. He was severely wounded at Fort Gibson and was invalided. While convalescing he was detailed to duty at the military prison at Elmira, N. Y. There he had in his service, as was customary among officers at the military prisons, a Confederate prisoner who acted as his secretary. This prisoner was corresponding with some ladies at home. The prison rules had been so changed that all letters written by prisoners had to go through the hands of a Confederate detail before they were mailed, and those fellow-prisoners would write upon the margin of the secretary's letters addressed to these ladies things that were unpleasant for him to have go upon his letters through the mails. I knew Mr. Place in his lifetime. He was as generous-hearted a man as ever lived. The secretary asked him if he would not mail some letters for him to his ladycorrespondents.

Mr. Place always claimed that he did not know there was any regulation against it, and he said that if the letters were handed to him open, so that he could see there was nothing contraband about them, he would mail them to the ladies, and he did so. He was arraigned on the charge of mailing the letters of prisoners. It was admitted that there was nothing contraband in the letters; his loyalty was never questioned; he was at that prison doing duty because he was suffering from wounds received in the field. He was invalided at the time, and, in fact, he never did recover his health. Later he went to Florida and died of disabilities received in the Union service. The court-martial dealt with him with wonderful severity; with such remarkable severity that, looking back, it is difficult to understand it. They sentenced him to be cashiered from the Army; they ordered that the sword which he had won by gallant conduct in the field should be taken away from him; that the buttons should be cut from his uniform, and that he should be degraded. That sentence went up to a superior tribunal. They struck out all those things which imposed personal degradation, on the ground that he had been a gallant and loyal soldier and did not deserve such punishment.

The sentence in that form went to the War Department. The Department amended it again by writing on it that, owing to the meritorious military record of this officer and his loyalty, while he should stand dismissed, he should be entitled to enter the Army again and to receive a commission. The State of Indiana gave him an honorable discharge. Later he went to Florida, where he was as good and useful a citizen as any man I ever knew. What his politics were I do not know. I do know that he died very largely as the result of wounds received in service in the field. He had been a gallant soldier of the Union. He had been promoted for meritorious conduct. He suffered to the end of his days from the wounds which he had received in battle, and he left a wife and daughter, who not only desire that his memory shall be relieved from this stigma, but who, I am free to say, are in exceedingly narrow circumstances, and if they should be entitled to any relief, by way of pension or otherwise upon application in due course before the Department, I desire that they shall have an opportunity to present their just claim. That, gentlemen, is the case, and I think it is one that appeals to the House.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEN. WILLIAM P. CARLIN.

The next business on the Private Calendar was the bill (H. R. 422) for the relief of Brig. Gen. William P. Carlin, retired.

The bill was read, as follows:

Be it enacted, etc., That Brig. Gen. William P. Carlin, retired, be, and he is hereby, relieved and discharged from any and all liability for the amount of $1,108.85, expended by Capt. J. McE. Hyde, assistant quartermaster, by his direction, while in command of the Department of Columbia, for expenses incurred in the search for and rescue of a party of citizens lost among the Bitter Root Mountains in a great snowstorm in the autumn of 1893.

Mr. JOHNSON of California. Mr. Chairman, I ask for the reading of the report.

The report (by Mr. PARKER) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 422) for the relief of Brig. Gen. William P. Carlin, retired, would report:

This is a bill to relieve General Carlin from liability for $1,108.85, expended by Captain Hyde, assistant quartermaster, under his direction, while in command of the Department of the Columbia, for expenses incurred in the search for and rescue of a party of citizens lost among the Bitter Root Mountains in a great snowstorm in the autumn of 1893.

The party went into a region inaccessible except in summer. Snows set in early. The party were reported snowed in, and would certainly have perished had not General Carlin ordered relief expeditions, who had to spend money for guides, snowshoes, toboggans, moccasins, etc. The party was rescued, but the sum so paid was charged to the General. After two hearings in the War Department, it has been decided that it can not be allowed under existing laws.

General Schofield, in a report on this matter to the Secretary of War, well states the custom of the Army to respond promptly, without orders, to all demands of humanity, wherever fire, flood, or other disaster has overtaken any part of the people, and especially where adventurous pioneers have incurred unusual dangers from which the troops alone were in position to rescue them. He further states that the use of Government property in such service has always been accepted as a matter of course, but that where the necessities of the service involve the purchase of supplies not provided by the Army it is more doubtful. He continues:

"If it is considered within the limits of administrative discretion to approve the purchases made in this case, I recommend that it be done. If not, I respectfully suggest that the matter be brought to the attention of Congress, in order that a bill providing the necessary relief may be passed."

The committee concur in this view, and recommend the passage of the bill.

General Carlin's son was one of five in the lost party. General Carlin has, however, spent over $1,400 in other expenses connected with the search for the party, for which he has not asked repayment as not being purely military, and we are of opinion that he should not bear the sum provided for in this bill, which was expended in what we deem a necessary and proper use of the Army in case of urgent need. Public policy demands that no officer should suffer for army expenses incurred in prompt and successful answer to the call of humanity.

The facts appear in the petition, letters, and brief of the War Department, which are appended.

WASHINGTON, D. C., *November 23, 1894.*

The undersigned, a brigadier-general in the Army of the United States on the retired list since November 24, 1893, respectfully appeals to Congress for relief under the circumstances and facts stated below:

In June, 1893, he was by order of the President of the United States assigned to the command of the Military Department of the Columbia, including the States of Oregon, Washington, and Idaho, and the Territory of Alaska, with headquarters at Vancouver Barracks, Wash. The troops of the United States in said department were under his command and, of course, subject to his lawful orders.

In the month of September, 1893, a party of five men left Spokane, Wash., on a hunting expedition in the spurs of the Bitter Root Mountains embraced by the branches of Clearwater River, in Idaho. The region designated is uninhabited and inaccessible, except in summer time. It was passed over by Lewis and Clarke, the great explorers, on their way to Columbia River in the year 1805, but was so rugged and inhospitable that they came near perishing, and would have perished but for the kindness of the Indians west of the mountains.

In the year 1893 the rainy season set in unusually early, and in September the high mountains and ridges were covered with snow.

Nothing was heard of the party of hunters after they left Spokane on the 18th of September by any of their acquaintances or friends till November 25, 1893. But on the 7th of November, 1893, a telegram was sent to me from Spokane saying that it was rumored that they had been snowed in and could not get out without help. This report becoming known to the officers at Vancouver Barracks excited great sympathy among them, and one of them, Lieut. Charles P. Elliott, Fourth United States Cavalry, came to me and asked me to order him out with a party of men of his troop to go in search of the lost party of citizens. I complied with his request and gave the necessary instructions for the movement of the detachment and for supplying them on their march. Subsequently I ordered out two small parties under command of Lieut. Clough Overton, Fourth United States Cavalry, and Lieutenant Voorhies, Fourth Cavalry. I also requested by telegram that the Major General Commanding the Army direct the general commanding the Department of Dakota to send a party from Fort Missoula, Mont. Major-General Schofield complied with this request and the party was sent by General Merritt, commanding the Department of Dakota.

In order to penetrate so rough and unknown a region, the officers in command of the parties ordered out to search for the men supposed to be perishing, or possibly murdered by Indians, it was necessary for them to hire civilians as guides and packers to build boats and to buy snowshoes, toboggans, forage, food for men, and to pay the prices of that region. When I ordered the movements of the troops stated above, I reported the facts by telegraph to the Adjutant-General for the information of the Major-General Commanding the Army and the Secretary of War, and requested the approval of my action. No direct reply was received, but from the subsequent action of the Major-General Commanding I inferred that my action was approved, or at least not disapproved.

The date of my retirement for age under the law was close at hand, and before that date I issued orders directing that all vouchers approved by officers sent out by my orders should be paid by the disbursing officers of my command.

On the 24th of November, 1893, I was retired by the operation of law. No news of the lost party had been received. The Department had been placed under command of General Ruger, then at San Francisco, Cal. On the 25th of November, the day after my retirement, I received a dispatch from Lieutenant Elliott saying that he had found the lost party on November 22, 1893, except one who was lost. It required nearly three days for this dispatch to reach me.

In the settlement of the accounts of Captain Hyde, the quartermaster at Vancouver Barracks, the Quartermaster-General United States Army, suspended vouchers to the amount of $1,108.85 against him. Captain Hyde wrote the facts to me, and I suggested that he had only obeyed my orders in paying these vouchers, and that he could have the responsibility transferred to me. This has since been done on the recommendation of the Quartermaster-General, approved by the Secretary of War.

The letter of the Quartermaster-General, indorsed by the Acting Judge-Advocate-General, the Major-General Commanding the Army, and the Secretary of War, is attached hereto. Your special attention is respectfully invited to the letter and indorsements. The Acting Judge-Advocate-General remarks that as it does not appear that General Carlin had any authority to order the payment of the expenditures, that he be held responsible. The opinion of the Major-General Commanding the Army justifies my action in this matter. I was placed in command of the troops and department by lawful orders of the President, and I hold that the authority I exercised was legitimate by long-continued custom in the Army, and that the expenditures were necessary to the success of the expedition. These men were in the greatest possible peril. They were exhausted by starvation and exposure when met by Lieutenant Elliott, and it is doubtful if any of them would have escaped alive if Lieutenant Elliott had not met them.

In addition to the sum of money for which I am held responsible by the Quartermaster-General and War Department, I paid out of my own pocket the following items on account of the search for the party of snow-bound citizens:

As reward to Lieut. C. P. Elliott, Fourth United States Cavalry, which he divided among his men	$500.00
To Lieut. C. Overton, Fourth Cavalry, to reimburse men for clothing worn out or lost	63.25
To W. H. Wright as guide to the Missoula party	250.00
To party of citizens at Missoula for preparing to search for the lost party	20.00
Other expenses for the party of hunters	550.00
Personal expenses for traveling, telegraphing, etc	50.00
Total	1,433.25

WILLIAM P. CARLIN,
Brigadier-General (Retired).

EBBITT HOUSE, *Washington, D. C., November 26, 1894.*

Since writing the above the Quartermaster-General has notified me of the suspension of two accounts paid by Capt. C. A. McCauley, quartermaster, and that the amount thereof, $42.82, has been charged against me. The total thus charged against me is $1,151.67, which amount he has requested me to deposit to the credit of the Treasurer of the United States.

WILLIAM P. CARLIN,
Brigadier-General United States Army (Retired).

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., September 19, 1894.

SIR: In the money accounts of Capt. J. McE. Hyde, assistant quartermaster, rendered from Vancouver Barracks, Wash., for the months of November and December, 1893, various expenditures appear on account of a relief party dispatched to the Clearwater River region, Idaho, under orders of Brig. Gen. W. P. Carlin, commanding Department of the Columbia, for the rescue of a party of hunters, citizens (among them a son of General Carlin), lost among the Bitter Root Mountains in a great snowstorm in the late autumn of 1893.

In the examination of these vouchers in this office disallowances to the amount of $1,108.85 were made—mainly for purchase of snowshoes, toboggans, moccasins, rubber boots, etc., reimbursement of expenses, services of boatmen, packers, guides and couriers, and hire of transportation at excessive rates. An abstract of these vouchers is submitted herewith, together with Captain Hyde's reply to the remarks of this office disallowing the expenditures as not a proper charge against the appropriations of the Quartermaster's Department. Captain Hyde explains that he paid the vouchers because he was ordered to do so by the department commander, whose approval appears on the vouchers. He adds that the officers who incurred the expenses were acting under a formal military order, and that the expenditures were absolutely necessary for the successful accomplishment of the specific duty to be performed.

Captain Hyde also cites Army Regulations 737, as follows: "An officer shall have credit for an expenditure of money or property made in obedience to the order of his commanding officer. If the expenditure is disallowed it shall be charged to the officer who ordered it."

It is recommended that General Carlin be held responsible.

In the same accounts are other vouchers for expenditures, aggregating $466.67, which are involved in somewhat similar conditions, paid under the same authority, but not disallowed in this office, as they are mainly for forage for public animals and expenses necessarily incurred for troops in the field. They are enumerated in Captain Hyde's reply, and an abstract of the vouchers is submitted.

Very respectfully,

R. N. BATCHELDER,
Quartermaster-General United States Army.

The SECRETARY OF WAR.

[First indorsement.]

To A. J. A. G.

[Second indorsement.]

WAR DEPARTMENT, JUDGE-ADVOCATE-GENERAL'S OFFICE,
Washington, D. C., September 22, 1894.

Respectfully returned to the Secretary of War.

Attention is invited to the statement of facts contained in the letter of the Quartermaster-General dated September 19, 1894. This recommendation that General Carlin be held responsible is concurred in, for the reason that it does not appear that he (General Carlin) had any authority to authorize the expenditures.

G. NORMAN LIEBER,
Acting Judge-Advocate-General.

HEADQUARTERS OF THE ARMY, *Washington, September 28, 1894.*

Respectfully returned to the Secretary of War.

It has been the custom of the Army during all its long and arduous services in the wild portions of the country, and even in those more civilized and densely populated, to respond promptly without hesitation and without orders to all demands of humanity.

Wherever fire, flood, or other disaster has overtaken any part of the people of the United States available troops have always rushed to the rescue without hesitation as to personal risk or sacrifice involved, or without question as to the use of United States property in the performance of such acts of humanity. Such service has, of course, been most common in the mountainous countries, where adventurous pioneers and settlers have incurred unusal dangers, and have been exposed to great suffering and death, from which the troops alone were in position to rescue them.

The use of Government property in such service, including the issue of rations when necessary, has always been accepted as a matter of course, but where the necessities of the service involved the purchase of supplies not provided by the Quartermaster's and Subsistence departments of the Army, the matter assumes a new aspect. I am not aware whether such purchases have ever been made for such a purpose. If it is considered within the limits of administrative discretion to approve the purchases made in this case I recommend that it be done. If not, I respectfully suggest that the matter be brought to the attention of Congress, in order that a bill providing the necessary relief may be passed.

In respect to the purely official question of responsibility for the purchases made, of course the commanding general who ordered them is the responsible authority.

J. M. SCHOFIELD,
Major-General Commanding.

WAR DEPARTMENT, *November 3, 1894.*

The recommendation of the Quartermaster-General, as concurred in by the Acting Judge-Advocate-General, that General Carlin be held responsible, is approved.

DANIEL S. LAMONT,
Secretary of War.

Respectfully returned to the Quartermaster-General, inviting attention to the orders of the Secretary of War indorsed hereon.

GEO. D. RUGGLES,
Adjutant-General.

Respectfully furnished Brig. Gen. William P. Carlin, United States Army, for his information.

ADJUTANT-GENERAL'S OFFICE, *November 8, 1894.*

In September, 1894, the Quartermaster-General reported to the Secretary of War that in the money accounts of Captain Hyde, assistant quartermaster, various expenditures appeared on account of a relief party dispatched to the Clearwater River region, Idaho, under orders of General Carlin, the department commander, for the rescue of a party of citizen hunters lost among the Bitter Root Mountains in a great snowstorm in the autumn of 1893, and that in the examination of these vouchers the amount of $1,108.85 was disallowed, mainly for purchase of snowshoes, toboggans, moccasins, rubber boots, etc., reimbursement of expenses, services of boatmen, packers, guides and couriers, and hire of transportation at excessive rates; that in reply to remarks of the Quartermaster-General disallowing this expenditure, Captain Hyde explained that he paid the vouchers because he was ordered to do so by the department commander, and cited paragraph 737, Army Regulations, 1889: "An officer shall have credit for an expenditure of money or property made in obedience to the order of his commanding officer. If the expenditure is disallowed, it shall be charged to the officer who ordered it."

The Quartermaster-General recommended that General Carlin be held responsible. The Secretary of War, November 3, 1894, approved this recommendation, and November 9, 1894, General Carlin was advised accordingly. (9621 A. G. O., 1894.)

December 5, 1895, Brigadier-General Carlin requests a reconsideration of the action of the Department in holding him responsible for the expenditure by officers of the Quartermaster's Department on account of parties of troops

sent out to relieve a party of citizens lost and snow-bound in the Bitter Root Mountains, Idaho, in November, 1893. He asks attention to paragraph 515, Army Regulations of 1895, which, he says, refers to such an emergency "involving loss of life," as the one which led to these expenditures, and also to other paragraphs prescribing the powers of department commanders, and states that last year a bill was introduced in the Senate for his relief, but he was advised to withdraw the same, which was done, although he is convinced that he erred in complying with this advice, and has taken steps to have a bill introduced in Congress directing that the vouchers be audited and allowed, but as the question is within the province of the Secretary of War, he prefers that the case should be decided by him, and therefore asks his approval.

December 4, 1894, a bill for the relief of General Carlin was introduced in the United States Senate and referred to the Committee on Military Affairs, but no further action seems to have been taken.

Referring to the previous correspondence on the subject, and to his letter of December 5, 1895, General Carlin was informed on December 14, 1895, by the Assistant Secretary of War, that after a careful reconsideration of the case the Department is constrained to adhere to its former decision in the premises, declining to approve the expenditure thus incurred.

January 16, 1896, the House Committee on Military Affairs transmits to the Secretary of War House bill No. 422, for the relief of General Carlin, discharging him from liability in the sum of $1,108.85, expended by his direction, while in command of the Department of the Columbia during the fall of 1893, in searching for citizens lost in a snowstorm, and requests that it be furnished with a record in this matter and an opinion whether the relief proposed is for the good of the service.

Mr. ALLEN of Utah. Mr. Chairman, the gentleman from Idaho is interested in this bill, and I understood that there was an agreement between him and those advocating the bill that it should not be called up in his absence. He is not present at this time, and I therefore ask that the bill be passed over for the time being without prejudice.

Mr. CONNOLLY. Mr. Chairman, the agreement was that the friends of the bill would not call it up in the absence of the gentleman from Idaho; but the bill has been reached now in its regular order, and I do not see any reason why it should not be proceeded with.

Mr. ALLEN of Utah. I would suggest to the gentleman that when we went into the Committee of the Whole House to-day it was generally understood, I imagine, that we were going to begin with the beginning of the Calendar. It was not then understood that we were going to take up these bills in this order, and it was hardly expected that that bill would be reached. The gentleman did not expect the bill to come up now. Certainly I did not, and under the circumstances I would ask that it be not considered at this time.

Mr. HULL. I wish to state, in addition to what has been said by the gentleman from Utah, that possibly I was the party that made the arrangement with Mr. WILSON. He had objected when I wanted to call the bill up at some former time by unanimous consent, but desired to be present, and that was all that he asked when the bill was taken up for consideration. The understanding was that the bill would not be taken up except when he was present, although the agreement went only to the fact of calling it up by unanimous consent. I am satisfied he left the Hall with the idea that this bill would not come up for consideration today; and in his absence I think it only right that the bill should go over.

The CHAIRMAN. Does the gentleman from Iowa make that request?

Mr. HULL. I am not at liberty to make the request to the House——

Mr. CONNOLLY. I will ask that the bill go over, under the circumstances, without prejudice.

There being no objection, the bill was laid aside, retaining its place on the Calendar.

FRANK M. MARSHALL.

The next business on the Private Calendar was the bill (H. R. 4510) for the appointment of Frank M. Marshall as lieutenant on the retired list of the Army.

The bill was read, as follows:

Be it enacted, etc., That in view of the long and faithful services of Frank M. Marshall as a hospital steward, Hospital Corps, United States Army, the President be, and he is hereby, authorized and directed to appoint said Frank M. Marshall a second lieutenant of cavalry in the United States Army, and to place him on the retired list with pay of the grade and increase on account of the length of service.

Mr. McCLELLAN. I ask the reading of the report in that case.

The report (by Mr. FENTON) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 4510) for the appointment of Frank M. Marshall as a lieutenant on the retired list of the Army, having considered the same, report the bill back to the House with a recommendation that it do pass as amended.

The bill is amended by striking out the words "and directed," in the clause relating to the authorization of the President.

From among the many letters, official and otherwise, attesting the meritorious services of Frank M. Marshall through a long period of years of continuous enlistment, the following are appended:

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
"*Washington, D. C., January 28, 1896.*

"*Record of the military service of Frank M. Marshall, Company C, Eighty-fourth New York Volunteers, and hospital steward, United States Army.*

"Enrolled May 18, 1861, and mustered in May 23, 1861, in Company C, Fourteenth New York State Militia (subsequently Eighty-fourth New York Infantry), and discharged March 13, 1863, per Special Orders 103, War Department, 1863, to enlist as a hospital steward, United States Army, a private.

"Enlisted March 13, 1863, as a hospital steward, United States Army, and discharged March 13, 1868, at Washington, D. C., by expiration of service, a hospital steward.

"Reenlisted March 13, 1868, and discharged March 13, 1871, at Washington, D. C., by expiration of service, a hospital steward.

"Reenlisted March 13, 1871, and discharged March 13, 1876, at Washington, D. C., by expiration of service, a hospital steward.

"Reenlisted March 13, 1876, and discharged March 12, 1881, at Washington, D. C., by expiration of service, a hospital steward.

"Reenlisted March 13, 1881, and discharged March 12, 1886, at Washington, D. C., by expiration of service, a hospital steward.

"Reenlisted March 13, 1886, and discharged March 12, 1891, at Washington, D. C., by expiration of service, a hospital steward.

"Reenlisted March 13, 1891, and is still in the service as a hospital steward United States Army.

"J. C. GILMORE,
"*Assistant Adjutant-General.*"

"OFFICE OF THE ATTENDING SURGEON,
"UNITED STATES ARMY,
"*Washington, D. C., December 5, 1893.*

"SIR: I have the honor to invite your attention to the case of Hospital Steward F. M. Marshall, United States Army, stationed at this office, and to request that you take such action as will secure for him a compensation somewhat in proportion to his abilities and the responsible duties he performs. Prior to the passage of the act approved June 30, 1893, he received in monthly pay, commutation, etc., the sum of about $95 per month. On this, which was certainly not extravagant, he managed, with more or less difficulty, to live and take care of his family.

"Since the act referred to has taken effect he has $37.88 pay per month with fuel and one ration in kind and the rent of one room. This altogether amounts to less than the pay of a messenger in the general service and is clearly insufficient.

"Hospital Steward Marshall has served for over twenty-five years, is a competent pharmacist and an excellent clerk. He is a good mechanist, and keeps many of the instruments, etc., in order without extra cost to the Government. He makes the chemical and microscopical examinations required in carrying on the care of the sick. For these various occupations, involving a high degree of intelligence, he should be paid not less than $125 per month.

"I therefore submit to you the propriety of recommending the insertion in the forthcoming Army appropriation bill of a section fixing $125 per month as the pay of one hospital steward, to be designated by the Surgeon-General, and making the clause operative from the date of the passage of the bill.

"I am, sir, very respectfully, your obedient servant,

"R. M. O'REILLY,
"*Surgeon, U. S. A., Attending Surgeon.*

"The SURGEON-GENERAL UNITED STATES ARMY."

On January 28, 1896, Dr. O'Reilly appeared before this committee in person and reiterated the substance of the foregoing letter.

The following extracts are from a letter addressed to a member of the Committee on Military Affairs by Surg. Gen. George M. Sternberg, United States Army:

"Mr. Marshall is a worthy man who has had long and faithful service as a hospital steward. He has been on duty at the Army dispensary in this city since October 5, 1865, and has been regarded by the medical officers under whom he has served as a most trustworthy and competent pharmacist. I should be glad to see him retired with the rank of a second lieutenant of cavalry, as provided by this bill. The only objection I see to the passage of this act is the fact that it will furnish a precedent for similar applications from other worthy men who have had long service as hospital stewards. It appears to me that it might be better to make some general provision for the retirement of hospital stewards who have served faithfully for thirty years or more which would provide more liberally for them than is done by the laws at present in force. If they could be given a retired pay equal to the retired pay of a second lieutenant of cavalry without conferring upon them the rank, it would perhaps be quite as satisfactory and on some accounts would be preferable."

In a letter addressed to Mr. Marshall under date of January 29, 1896, Col. F. C. Ainsworth, Chief of Record and Pension Office, War Department, says:

"Your long and faithful service in a position of great responsibility is certainly deserving of reward, and you have a right to expect that the officers of the Army who know how well you have discharged the duties imposed upon you should bear testimony in your behalf. I do not know of any enlisted man of the Army who has a stronger claim than you have for some such recognition as that proposed in the pending bill, and I hope that you may receive it."

It is evident from the foregoing record and personal testimony that Frank M. Marshall has not only performed faithful and honorable service from May 18, 1861, until the present time, but also that his service has been of a highly efficient and valuable nature, with which his rank and pay have been by no means commensurate. It is believed that there is no valid reason why he should not be retired with the rank and pay of a second lieutenant of cavalry.

Mr. PICKLER (during the reading of the report). I ask that the reading of the services of this soldier be omitted.

Mr. McCLELLAN. There is nothing to show why this bill should pass. The only possible reason is contained in the report of the committee.

Mr. PICKLER. I am not asking that the whole report be dispensed with, but ask that that part relating to the service of the soldier be not read.

Mr. RICHARDSON. That is part of the report. I have sent for the report and have been so far unable to get a copy of it.

Mr. McCLELLAN. I ask for the reading of the entire report.

The Clerk resumed and concluded the reading of the report as above.

The CHAIRMAN. The question is on agreeing to the amendment of the committee.

Mr. HULL. Mr. Chairman, I wish to make a very brief statement of this bill, which is now in the hands of my friend and colleague from Ohio [Mr. FENTON], who will explain fully its provisions to the committee.

This bill is a distinct departure from the general rule heretofore established, of conferring the rank of a commissioned officer of the Army on hospital stewards. Under the present law we have

112 hospital stewards. Under the law after this present fiscal year that number will gradually be reduced to 100.

This man has reenlisted at the different times and for the different periods under the law which are set forth in the report, which enlistments absolutely gave him no promise of ever becoming a second lieutenant. Personally, I should have preferred to see him receive, if necessary, a lump sum, rather than to increase the number of officers of the Army and gradually increase the retired list. But the committee decided to report it favorably, and I simply wish the committee now to understand the purport of the bill, which is a bill to give the rank of second lieutenant to a hospital steward, which will give him the rank and pay of such second lieutenant while on the active list and place him on the retired list as a second lieutenant. He is entitled, I will say, to be retired at any time.

Mr. BAILEY. Will the gentleman from Iowa tell the committee the pay of a second lieutenant?

Mr. HULL. One hundred and twenty-five dollars a month.

Mr. BAILEY. Does the gentleman mean the retired pay or the active pay?

Mr. HULL. The active pay.

Mr. BAILEY. Then this man would be entitled to three-fourths of that when he goes on the retired list?

Mr. HULL. Yes; and it would entitle him also to purchase supplies from the Government at Government cost.

Mr. BAILEY. And he would be entitled to the additional 10 per cent for each five years of his service?

Mr. HULL. Well, that is a question in my mind whether he would be entitled to it or not. If he had the additional rank for every five years during the thirty-five years that he has spent in the service it would be a very considerable amount. But I think it would hardly cut any figure, as he is ready to be retired now, and the only question for the committee is to determine whether it will take a hospital steward and make him a commissioned officer in the Army. As I have said, it is unusual and entirely a departure from our practice heretofore in that regard.

Mr. BAILEY. I understand the chairman of the Committee on Military Affairs, then, is opposed to that policy?

Mr. HULL. Personally, I am opposed to it. I think it is not a good policy for us to adopt. And yet this man has had a very exceptional service. There are circumstances which operate in this case which probably will never occur again.

But I wish to call the attention of the committee to the fact (and the committee is able itself to decide this matter as well as I am) that this is taking a hospital steward and giving him a commission in the Army. Now, as I have said, the committee is competent to determine whether, after thirty-five years of service, a man who has held the position of a hospital steward all the time, who has been drawing full pay and allowances during that whole period, should become a commissioned officer at the expiration of the thirty-five years' service?

I will say to my friend from Texas that, personally, I would much prefer that we pass a law that whenever a hospital steward passes thirty-five years of service he should be commissioned. I think it would be better than making an exception, as in this case. But I only wanted the committee to understand the exact facts as they are presented here, and with that statement my opposition to the bill will cease.

Mr. RICHARDSON. Will the gentleman yield for a question?

Mr. HULL. I yield.

Mr. RICHARDSON. I want to ask the gentleman if he is in favor of recommending to this House the passage of any such law?

Mr. HULL. That bill is not before us. I will answer that question when the bill comes up. Now, I do not want to take the time of the committee. My colleague from Ohio [Mr. GROSVENOR] has the bill in charge and will give excellent reasons for its passage.

Mr. CANNON. I want to ask the gentleman a question. In reading this report I find the following:

> Prior to the passage of the act approved June 30, 1886, he received in monthly pay, commutation, etc., the sum of about $95 per month. On this, which was certainly not extravagant, he managed, with more or less difficulty, to live and take care of his family.
>
> Since the act referred to has taken effect he has $37.88 pay per month, with fuel and one ration in kind and the rent of one room.

Is that additional to the $95 per month?

Mr. HULL. No; it is in lieu of that. The pay of hospital stewards has been reduced, I will say to my friend from Illinois——

Mr. CANNON. What is the pay in dollars?

Mr. HULL. You have read it just there.

Mr. CANNON. With fuel and one ration in kind and the rent of one room?

Mr. HULL. The rent of the room is $12 a month.

Mr. CANNON. That statement does not convey much information to the ordinary man. It says "with fuel and one ration in kind and the rent of one room." I do not know why the pay of army officers was originally fixed in this way, unless it was so as not to let people know what they got; but when you figure it down in dollars and cents, what does he get?

Mr. HULL. You can not figure it down in dollars and cents, because if a man is out on the frontier and the Government furnishes him his rations, one ration in kind is about all one man will eat during a day. It includes beans, meat, coffee, rice, and such things as go to make up the army fare. So that you can not figure it in dollars and cents. If you were in the East you could probably buy the food for a great deal less than it would cost if you were out in Colorado, or Arizona, or Utah, or some of those Western States. His fuel would be whatever would be necessary to keep him comfortable in any kind of weather that he was exposed to.

Mr. CANNON. That is commuted, is it not?

Mr. HULL. Not necessarily.

Mr. CANNON. But it can be.

Mr. HULL. Not when a man is in active service. They only get 30 cents a day as commutation of rations, as I recollect it now.

Mr. CANNON. I will ask the gentleman if it is not true that during many, many years this very worthy man—because I have no doubt he is worthy—has been on duty here in Washington?

Mr. HULL. The report does not state that.

Mr. CANNON. I want to know.

Mr. HULL. Yes; he has been on duty in Washington.

Mr. CROWTHER. Thirty cents a day is the commutation of rations.

Mr. CANNON. For how many years has he been in Washington?

Mr. HULL. For one or two enlistments. He has been a valuable man. I am not saying anything against him.

Mr. CANNON. I understand. He was so valuable, was he not, that he was on duty at the Surgeon-General's Office?

Mr. HULL. He was on duty in Washington.

Mr. CANNON. In the Surgeon-General's Office in Washington?

Mr. HULL. I will not undertake to answer that.

Mr. CANNON. Does the gentleman know?

Mr. HULL. He has been used wherever they have needed him. He has been detailed wherever he has been needed. The question as to where he has been on duty has nothing to do with this bill.

Mr. CANNON. It has something to do with it when it comes to the question of addressing itself to the discretion of the House whether a man shall have exceptional legislation, whether he has been on the frontier taking his chances with others not so favored in the service, or whether he has, through several enlistments, been on duty in Washington, detailed down here in the Surgeon-General's Office. I do not know that he has. I never heard of him until within the last ten minutes; but we are entitled to frank statements as to the facts here.

Mr. HULL. I will say to my friend from Illinois that the gentleman from Ohio will give him all the information that he desires. My understanding is that he has been on duty in Washington for several years. If that is of any importance whatever, it is a reason for an increase of his pay, because on the frontier he would have nothing like the expense which he would be under in Washington. So that, so far as that is concerned, the only effect of it would be that we ought to pass this bill in some shape to give him additional compensation.

Mr. CANNON. Does my friend understand that it is considered a hardship in the Army to be detailed for many, many years in Washington?

Mr. HULL. If I only had a salary of thirty-seven or thirty-eight dollars a month I should consider it a great hardship to be detailed here in Washington.

Mr. CANNON. After all, when the gentleman speaks of thirty-seven or thirty-eight dollars a month he has declined to give me the information as to what the allowances are.

Mr. HULL. His allowance is one ration in kind, and fuel and the rent of one room. The commutation of rations, as I have stated, is 30 cents a day.

Mr. CANNON. What is the fuel?

Mr. HULL. Whatever it costs to buy fuel.

Mr. CANNON. Is it not commuted?

Mr. HULL. That I could not state.

Mr. CANNON. And the rent is how much?

Mr. HULL. Twelve dollars a month for one room.

Mr. CANNON. So that the $37.88 per month wants to be increased about $26 a month? I did not suppose it amounted to so much.

Mr. HULL. It is about $30 a month extra.

Mr. CANNON. So that this $37.88 really means $67.88. And for the greater part of the time he was paid at the rate of $95 per month, until his pay was reduced a short time ago.

Now, what I want to ask the gentleman is this: He has already stated his position as to the policy of increasing the retired list of the Army. I want to suggest to the gentleman that if length of service should place a noncommissioned officer upon the retired list as a commissioned officer, it ought to be done by general law.

Mr. HULL. That is a question before the committee, Mr. Chairman.

Mr. CANNON. Well, will the gentleman give us, then, the

benefit of an amendment to this bill, making it include all hospital stewards of like service, on the one hand, or will he ascertain the facts as to the man's age and ascertain his expectancy by the Carlisle tables and give him a lump sum rather than make this provision?

Mr. HULL. I will answer the gentleman by stating that I will not make such an amendment to the bill, because I am rather of the opinion that I would oppose a measure of that kind if it were before the House. I wanted simply to rise here for the purpose of letting the House know what the bill was without intending to take a part in the debate for or against it. It is a subject that the committee has reported on, and only one case was before us. The man has had exceptional service; but to my mind it is a very serious question whether any man enlisted for a certain purpose, and who has received the pay that he was entitled to under that enlistment, should expect Congress to give additional pay, no matter what his services may have been.

Mr. CANNON. Has the gentleman investigated far enough to say that there is no hospital steward in the service who has had as meritorious service as this one?

Mr. HULL. Oh, yes; I have investigated far enough to know that I believe this man stands alone for length of service and distinguished service; but I do not know that that will be true. I think it is true to-day.

Mr. CANNON. That is, he has had longer service than the others.

Mr. HULL. He has had longer service, a great deal longer, than any of the others. I think the Medical Department would have been glad to see one hospital steward provided for at a higher rate of compensation without making him an officer of the Army.

Mr. CANNON. Well, now, if my friend will yield to me one moment; and then I think I will have stated what I desired to state, and I would rather not take time myself to do it.

Mr. HULL. I yield to the gentleman. I suppose I have plenty of time.

Mr. CANNON. If my friend will allow me, this class of applicants, I will say to my friend, in the military service and in the civil service that abound in Washington has easy access to Congress. That bare fact enables somebody to put them in when the waters are troubled. Now, then, in giving relief to this class of cases, when you fail to provide for them except in only worthy cases, I submit to the gentleman that wisdom dictates that in giving the relief we should not demoralize the service; and I submit to him that it is a demoralization of the service when, outside of general law, you place a man upon the retired list as a commissioned officer, the others, whether they are equally worthy or not, will feel that they are being discriminated against. Now, I far prefer making a general rule for all worthy hospital stewards to giving this relief, and if we give it, I would rather put it on the higher ground of thirty years' efficient service and give him a lump sum rather than to appoint him on the retired list by special or general act as a commissioned officer, when the man never did and never will perform a single day's service in his life as a commissioned officer.

Mr. HULL. Mr. Chairman, the gentleman from Illinois stated that he wanted to ask me a question; but in place of that he has gone ahead, in his lucid way, to express his own ideas in regard to this matter.

Mr. CANNON. I want to know whether it meets my friend's approval.

Mr. HULL. You did not even ask that. [Laughter.]

Mr. CANNON. That was implied. There was an interrogation point at the end.

Mr. HULL. I will say that this question of hospital stewards has been considered by some of us quite fully and an investigation had to the extent of asking the Surgeon-General as to the necessity of giving hospital stewards rank and as to the difficulty of keeping that branch of the service up to the required efficiency. The Surgeon-General replied that they had no trouble in getting the best of service; that they had more applications than they had positions to fill, and that it was not necessary to give any additional rank or additional pay for this branch of the service. The only question before the House, as I said in the beginning, is whether, in the case of a man serving thirty-five years, you shall single him out and by act of Congress give him something that he did not originally look for, that he had no reason to look for, and for which he had no equitable claim.

Mr. CANNON. Is the gentleman willing to give the committee his opinion upon this question?

Mr. HULL. No; I am not. I yield to the gentleman from Ohio [Mr. FENTON].

Mr. FENTON. Mr. Chairman, I have but one word to say in regard to this bill. Now, the position of the gentleman from Illinois was that if we pass this bill, which is to retire a noncommissioned officer instead of a commissioned officer, it will demoralize the service. Why not say when you have retired a second lieutenant as a first lieutenant that that will also be a demoralization, because it furnishes a precedent for a large class?

Now, that this is a meritorious bill is well attested by the evidence referred to in the report, and it is not necessary for me to touch upon that subject. It is a meritorious bill, and in passing it you will give a slight recognition to a very large class of men all over this country who served in the ranks of the Union Army, and, I might also say, of the army on the other side. They are entitled to recognition for special merit just as much as though they had worn stars. It is the prerogative of this House to judge as to merit, and it has done so in the past. Why not do so now and recognize an enlisted man who has served thirty-five years and who has been recommended by the highest medical authority of this city and of the Army as an expert in his way. The case has been proven clearly before the committee, and I am sorry that the distinguished chairman of the Committee on Military Affairs is not able to decide to-day exactly which side he is on in this matter. [Laughter.]

Pass this bill and you will recognize not only a worthy man, but many thousands or even millions of worthy men who did not all have the honor to wear shoulder straps during the recent unpleasantness. There are thousands, yea, millions of men in this country who left the college, the school, the workshop, the counting room, the farm, to enter the service of their country. They could not all be officers. There was not room for them all to be officers. But they did their duty in their several spheres. Many of them were wounded and stricken down upon the field before they had time or opportunity for promotion. I ask that this bill be passed. I did not intend to say a word upon it, but I have felt it my duty to a class of soldiers of whom I am an humble representative—the men who served in the ranks. I ask for those men recognition at the hands of this House. It is just that they should have it, and I trust that this bill will receive the support of both sides of the House. I have nothing more to say. [Applause.]

Mr. BARTLETT of New York. Mr. Chairman, of course I am aware that we in the minority are powerless, and that all the bills brought up this afternoon will be railroaded through regardless of what the special merit or demerit of any particular measure may be. Listening to the gentleman from Ohio, the exclamation occurred to me, "Oh, patriotism, how many crimes are committed in thy name!" This unworthy appeal on every occasion to the issues of the late civil war in order to pass some unmeritorious bill is something with which I have no sympathy.

Mr. WATSON of Ohio. Will the gentleman yield for a question?

Mr. BARTLETT of New York. No, sir; I am trying to talk now. In making that remark, Mr. Chairman, in connection with the measure that is now pending before the committee, I conceive that I do not transcend the limits of proper parliamentary discussion, for I can safely say that few bills of so little merit are ever brought before this body for consideration. This bill has so little to be said for it that even the chairman of the committee which reports it feels bound to rise and apologize and state that he does not believe in the policy of this bill or in the policy of any bill such as this. What does this bill propose to do? Let me call the attention of the committee to the fact that the appointing power is vested by the Constitution in the President of the United States, by and with the advice and consent of the Senate; and while it is true that Congress may vest in the President alone, or in any one of the Departments, the appointing power, still in reference to the appointment of officers in the Army or Navy it has always been held that the President should appoint by and with the advice and consent of the Senate. And yet, sir, in this bill the President alone is given the appointing power and the Senate is deprived of the conjoint executive power contained in its right to confirm appointments made by the Chief Magistrate. That of itself is a somewhat suspicious provision of the bill. I for one do not believe that it is constitutional in any bill to direct that the President shall appoint a particular individual.

Mr. FENTON. Does this bill direct the President?

Mr. BARTLETT of New York. Mr. Chairman, it has always been held, and it has been the uniform construction by the Executive Departments of this Government, that acts such as this are not merely directory, but that when they are passed by the Congress of the United States they become mandatory upon the Executive; and the gentleman from Ohio knows very well that after this bill has once become a law it will be said that the President must appoint, because the Congress of the United States have declared that such is their wish as expressed in their legislation. By this bill you direct the President that he shall appoint Frank M. Marshall—what? Not a second lieutenant of pharmacy, for which, he having been a hospital steward for many years, you might have some show of logic or reason, but a second lieutenant of cavalry. In the name of common sense, why should a hospital steward be appointed a second lieutenant of cavalry? Is not the proposition ridiculous on its face? Are we willing to go on record as saying that we are in favor of appointing hospital stewards, after a certain number years of service, second lieutenants of cavalry? Why not appoint them captains of artillery? Why not appoint them colonels of infantry? Why not appoint them captains in the

Navy? There would be just as much sense in appointing them to these offices as in appointing them second lieutenants of cavalry on the ground that they have served a certain number of years. What relation is there between the functions of a hospital steward and the duties of a second lieutenant of cavalry? Now, what is the object of this bill, Mr. Chairman? It is to give an individual a gratuity, a pension, and I submit to the gentlemen in the omnipotent majority here that it is a wrong thing to do, that it is improper legislation, and that legislation of this kind will come home to plague them in the future.

This man may be a very good man, but because he receives now $37.88 a month, is that any reason, I would ask, why we should increase it to $125 a month? Why, Mr. Chairman, there are thousands and tens of thousands of meritorious citizens in the United States of America to-day who do not receive even $37.88 a month, and have not received it during all of these thirty-five years that this man has been receiving his pay. Why not pension all of them? Why not give away more of the money of the people of the United States wrung from them by taxation? Are we to be guided by such logic as that simply because a member rises in his place on this floor and says this man has been meritorious and has rendered able and efficient services? Why, plenty of people do that. Is that a proper cause of legislation on our part to increase the salaries of men who do perform their duties? Shall we, under such circumstances, pass a bill in defiance of the words of the chairman of the Committee on Military Affairs? Shall we pass this bill because we are told that it would do no harm; because the man would like to have the money; because a distinguished surgeon says he has done a service that was efficient? Is that any reason why we should give him $125 a month?

Mr. FENTON. Will the gentleman allow an interruption?

Mr. BARTLETT of New York. No, sir; not at this time.

I continue, Mr. Chairman, that because a distinguished gentleman says he ought to have $125 a month, because he is a good mechanist and has done good service, has taken good care of the instruments, that he has been a hospital steward, and has been in the service for thirty-five years—I repeat, is that any reason why we should make him a second lieutentant in the cavalry to wear the yellow stripes and yellow shoulder straps and strut up and down with a sword? Why not put him on the active list if he is so important to the service? It is a mere farce to put these people on the retired list and give that as an excuse for increasing their compensation. Such claims as this come up every day in the year.

Do you want to extend the system of gratuities further than we have already extended it? Do you want further to extend the system of making presents of the money of the people? Are you ready to vote away their money in this manner without giving a chance, hardly, to hear the report read; without placing a copy of the bill in the hands of the minority or calling attention to the fact that you do intend to bring such bills before the House for consideration—a bill involving legislation that is condemned by your own leaders—and pass it against our remonstrances?

I tell you, gentlemen, you can not sustain that character of legislation. You may object as much as you please to the remarks that I am making, but the people of this country, when their attention is called to this matter, will speak to you in tones that you can not misunderstand, and tell you that they are not yet prepared for this character of legislation. Stand up like men now, and even if this be fathered by one of your omnipotent majority, for once vote it down and declare against this character of vicious and class legislation.

Mr. GROSVENOR. Mr. Chairman, if one kind word on behalf of any man who ever served in the United States volunteer forces is a crime committed under the guise of patriotism, the gentleman from New York will never be convicted. [Laughter.]

Mr. BARTLETT of New York. Will the gentleman——

Mr. GROSVENOR. No, sir; I will not yield to you. I treat you as you have treated other people. [Laughter and applause on the Republican side.] My colleague, an inexperienced man, in charge of this bill [Mr. FENTON], attempted to explain to the gentleman from New York its features and he brushed him out of his sight repeatedly. Therefore he can reply to me in his own time.

Mr. BARTLETT of New York. I will, sir.

Mr. GROSVENOR. It is no crime to pass this bill. My attention was not attracted to it until the gentleman from New York assailed it. [Laughter.] It always makes a prima facie case stronger when he attacks a bill or opposes it. [Laughter.]

This bill does not direct the President of the United States to put this man on the retired list. On the contrary, the legislative intent is manifested in the amendment reported by the committee. We amend the bill by refusing to direct, and simply confer on the President of the United States the authority.

I do not believe that the President of the United States, either the present one or any other who may come in the future, will do injustice to the country by putting a man on the retired list under a mere authority conferred by law unless he finds him, upon investigation, worthy, and that the case is a proper one to be so acted upon.

Now, in this case the contention is simply this and no more. Here is a man who for more than thirty-five years, more than a generation of the lifetime of the people of the world, has done duty, not the duty of the ordinary enlisted man, but has performed efficient duty for the Government. He has done duty of a high grade, and the commissioned officers in the line to which he belonged so testify. He is now old, broken down, and poor, no longer able to earn even the pittance he has been paid heretofore. And the whole question now that has brought out such attacks is the question whether the Government of the United States, having received these great services from this man through all of these years, now in his old age and poverty, is willing to give him this little pittance. That is all there is of it.

Such a case, probably, would never occur again in the legislation of the country. There are only a hundred of these men anywhere on earth, young and old; and probably not one will ever again attain to any such age as this man has reached. He has been spared to serve through the great struggle of his country, beginning in 1861 and coming down to the present day.

Now, is it worth while that we should reject this claim? Is it not, after all, for a man of the talent—the admitted talent—of the gentleman from New York, a rather unfortunate thing that he should deem it his duty to assail this poor, helpless man in this sort of way? I presume he would vote to give a pension to the widow of a major-general. I presume some of the votes that will be cast against this poor little bill would not be cast to repeal some of the $2,000 pensions that are now being paid to some of the widows of officers of the United States. I do not believe the gentleman from New York would. Why not do the fair thing then—even say it is a generous thing—why not do a generous thing?

Mr. BARTLETT of New York. Will the gentleman allow me one question?

Mr. GROSVENOR. Yes; and I never will knock the gentleman out again while I live. I feel sorry for having done it. I was only pointing out to him how he treated my colleague.

Mr. BARTLETT of New York. I desire only a minute or two. I am much indebted to the gentleman from Ohio [Mr. GROSVENOR] for the compliment which he has paid me in admitting that I have some talent——

Mr. GROSVENOR. Misdirected talent. [Laughter.]

Mr. BARTLETT of New York. But I desire to call the attention of the gentleman from Ohio to the fact that I do not assail this individual, Frank M. Marshall. I never heard of him, thanks to the policy of the majority, until a few moments ago. I did not even know that there was such a bill before this House. I did not know that there was a measure for the relief of Frank M. Marshall on the Private Calendar. We try to keep pretty well posted; but with all the matters of legislation here it is impossible for anyone to be familiar with every bill upon the Private Calendar. Now, my remarks were made with no reference to the individual. I have not a word to say against him; but what I have denounced and what I do object to is the pernicious character of legislation such as this. I believe that it is wrong in the mode and manner of its consideration. If you want to give a gratuity to Frank M. Marshall, then vote it to him. Give him $125 a month. If in the judgment of the majority here, with all their talk about a depleted Treasury, with all their talk about appropriations, they desire to give Frank M. Marshall $125 a month in proper form, I am not certain that I should not vote for such a bill; but I do object to bills of this character, bills which place——

Mr. PICKLER. I rise to a question of order. I thought I would not do it, but the gentleman has occupied so much time that I will. Paragraph 6 of Rule XIV provides that no member shall speak more than once on the same question without leave of the House.

Mr. GROSVENOR. I make the point of order that the gentleman from South Dakota [Mr. PICKLER] is wrong. The gentleman from New York [Mr. BARTLETT] is asking me a question. [Laughter.]

The CHAIRMAN. He is speaking in the time of the gentleman from Ohio.

Mr. PICKLER. The gentleman from Ohio had no time to yield.

Mr. GROSVENOR. I have not yielded the floor. I only sat down to rest, knowing the habit of the gentleman from New York, and that I should have time to rest while he was framing his question. [Laughter.]

Mr. PICKLER. That is simply an evasion of the question.

The CHAIRMAN. The Chair will overrule the point. The gentleman from New York [Mr. BARTLETT] will proceed.

Mr. BARTLETT of New York. I had intended to conclude my remarks and should have finished in a moment or two had it not been for the point of order made by the gentleman from South Dakota. Now, I admit—I will concede for this side of the House—that we have no rights, that we ought to be absolutely silent when any bill comes up reported from the Committee on Invalid Pensions.

Mr. PICKLER. You never support any bills for soldiers.

Mr. BARTLETT of New York. It may be that the gentleman

from South Dakota thinks that I ought to make the same concession in reference to bills coming from the Committee on Military Affairs; and it would have been indeed the height of temerity on my part to have ventured to object to any point of order made by the gentleman from South Dakota if it had been an invalid pension bill; but I hope, in view of the fact that it came from another committee, that he will overlook my offense, that he will pardon me for having interfered for a few moments with his desire to railroad these bills through, and force them through the House.

Mr. PICKLER. That is the most sensible of anything you have said to-day.

Mr. GROSVENOR. I desire to answer the question of the gentleman from New York [Mr. BARTLETT]. [Laughter.]

I think no one on this side desires that that side shall always keep still. I do think that some of us would be greatly obliged to the gentleman from New York if he would sometimes keep still. [Laughter.] That is as far as I would go along that line.

Mr. ALLEN of Utah. Will the gentleman from Ohio allow me to ask him a question?

Mr. GROSVENOR. Certainly. I have not answered the question of the gentleman from New York yet, but it is all right.

Mr. ALLEN of Utah. I got the impression from the gentleman's remarks that this bill gives general authority to the President, when he may see fit, to retire hospital stewards as second lieutenants. Is that correct?

Mr. GROSVENOR. Oh, not at all. It simply gives him the power in this one particular case.

Mr. ALLEN of Utah. It stops there?

Mr. GROSVENOR. Yes; and this is an extraordinary case. Everybody must admit that. There is only this one case, and I do not care whether you put it in the form of a gratuity or what you do. It is a great Government which has taken thirty-five years of this man's life in a grade of service outside of the ordinary service of an enlisted man. The gentleman from New York [Mr. BARTLETT] certainly knows that a hospital steward is not an ordinary enlisted man. He has to be an educated man. In these days of peace he has to be a man of extraordinary education, and by the statement of Dr. O'Reilly, whose word nobody will dispute and whose judgment as a medical man nobody will successfully criticise, it appears that he is a man of unusual education. Now, here is a special case of this character. That is all there is to be said about it. I never heard of Frank Marshall before, either. I stand equal with the gentleman from New York. And I imagine Frank Marshall never heard of the gentleman from Ohio—that is, myself. I suppose he has heard of the gentleman from New York [Mr. BARTLETT]. [Laughter.]

Mr. CANNON. Mr. Chairman, I desire to offer an amendment.

Mr. RICHARDSON. General debate has not been closed, and I make the point of order that it is not in order to offer an amendment at this time.

Mr. CANNON. Then I would be glad to be recognized for a single sentence or two. I am on all fours with the gentleman from Ohio [Mr. GROSVENOR]. I never heard of Mr. Marshall until the last half hour. I have nothing but the most kindly feeling toward him, having heard. He seems to have done long and honorable service for the Government. No doubt he deserves well of his country. Having said that much, I can not be successfully accused, and I think nobody will try to accuse me, of antagonism to this bill from any standpoint except——

Mr. RICHARDSON. I make the point of order that it is impossible for us to hear the gentleman on account of the noise.

The CHAIRMAN. The committee will be in order.

Mr. CANNON (continuing). Except from the standpoint of a proper policy. Our Government does not, except touching certain specified officers who represent the armed force of the Government—the Army and the Navy—give pensions or gratuities after the service ceases.

Mr. SPALDING. And the judiciary.

Mr. CANNON. And the judiciary, as the gentleman says. It is our boast that we have no civil pension list. Now, then, other governments pursue, so far as this retired pay is concerned, perhaps—I was going to say, a more liberal policy than we do; but that would not be true. They have a civil pension list, and we have it not, substantially. But we have so far as retired pay of army and navy officers or of enlisted men is concerned. The Government of the United States pays more than any other government on earth. I do not think it pays too much. When a commissioned officer goes upon the retired list he goes on at three-fourths pay. If an enlisted man goes upon the retired list with a length of service like unto that this man has had, or a much less length of service, he gets three-fourths pay; and if this hospital steward goes out of service, why he goes out with payment, as I have computed, of $57 a month as long as he lives. Now, then, so with every other hospital steward of considerable service. I know it is a hard thing to stand up and oppose the granting of considerable pay to anybody who has performed honorable service. It is so much easier to be courteous and do justice, as it is claimed, than to deny it. We are sometimes swept off our feet. That is all I want to say about that matter.

Now, if he goes on the retired list as second lieutenant of cavalry his pay is $122 a month. That is all. If he goes out of the Government service as a hospital steward his pay as long as he lives is $57 a month.

Mr. HULL. It is three-fourths of $122 a month he would get.

Mr. CANNON. Yes; he would get three-fourths of $122. He would now get $57 a month. Now, what kind of a position does that place us in? A man serves the Government actively for thirty-three years and when he retires you give him twice as much as he was getting while in the service! Well, that is a funny kind of precedent, is it not? It is unique. Now, then, when general debate shall have been exhausted I mean to offer this amendment to this bill in the best of faith, because if it is to be enacted we should make it general. Amend by adding at the end of the bill:

And it is further enacted, That hereafter any hospital steward who has served as such in the Army for thirty-three years may be appointed on the retired list as second lieutenant of cavalry.

Mr. GROSVENOR. I will make the point of order on that, that it is not in order.

Mr. CANNON. How is that?

Mr. GROSVENOR. I will make the point of order against that amendment.

Mr. MAHON. The gentleman can not offer as an amendment a provision which would be general on a private bill.

Mr. CANNON. I think so; and I think, considering the number of hospital stewards who have had thirty-three years of honorable service in the Army, I am quite sure that my kind and just friend from Ohio will not make any technical point of order against this act of justice to that class. I know his heart would not permit him to do it; and I only want to do complete justice.

Now, whether that is politic or impolitic, it is right, and it is wrong to make this precedent from a standpoint of public policy. This man goes out of employ in that class and gets $57 after he goes out of the service of the Government until he dies, and the only question is whether he shall get double that amount, substantially, by this legislation.

Mr. RICHARDSON. Mr. Chairman, after what the gentleman from Illinois has so well said as to why this bill should not pass, it is hardly necessary to say anything. I am opposed to it not only for the reason which the gentleman from Illinois has so well stated, but I am opposed to it on principle. Now, I understand that the chairman of the committee himself, in his opening remarks upon this bill, apologized to the committee for its appearance here. There never was anything like it, it seems to me, Mr. Chairman, in all legislation in this House. An effort is made to place a hospital steward upon the retired list as a lieutenant of cavalry.

Now, I can not understand why he should have picked out this position or why he should have selected the position of lieutenant of cavalry. He could have been made a lieutenant of infantry or a lieutenant of artillery. I suppose that for some special reason they selected the position of lieutenant of cavalry and assigned him to a position on the retired list as lieutenant of cavalry. I suppose the object is that he may join that famous band which, it is said, was commanded by Captain Jinks, if I remember the name correctly, who commanded the "Horse Marines." He wants to be in a position to feed his horse in a manner similar to that which the followers of Captain Jinks used. I can not see, Mr. Chairman, why this man should be put into the cavalry service on the retired list.

Mr. CONNOLLY. A cavalry lieutenant gets more pay than a lieutenant of infantry.

Mr. RICHARDSON. Yes; but if you wish to increase his pay you might make him a lieutenant in the artillery service on the retired list, and then I think he would receive still more. Whether that is so or not, I understand that as a lieutenant of cavalry he receives more than he would receive as a lieutenant of infantry, and I suppose that is the reason for putting him in the cavalry. I am opposed to increasing the retired list, unless it may be in a few exceptional cases. But, apart from that, why should you take a man who, so far as I see, never did a day's service in the Army?

Mr. HULICK. You are mistaken.

Mr. PARKER. He served two years.

Mr. RICHARDSON. Ah, as hospital steward; but, from my own observation during more than four years' service in the war, the duties of the hospital stewards were not very dangerous. They did not carry guns; they did not perform any duty where there was danger at the front. This man has had a pleasant position ever since the war, but even if he had not, no reason has been assigned why we should take men who have served as hospital stewards, even after thirty-three years of service, as suggested in the amendment of the gentleman from Illinois [Mr. CANNON], and place them on the retired list as cavalry officers. The Surgeon-General of the Army, Dr. Sternberg, is brought here to

testify in behalf of this man, and he says this is a very dangerous precedent. He says:

stance. Would the gentleman like to have been there on the 20th day of September, 1863, when the service was fired upon and many

our soldiers. He had knowledge and experience in the duties of the position which he assumed, and which he has filled so long

will adjourn until Monday at 12 o'clock. The gentleman from Illinois [Mr. HOPKINS] will please perform the duties of the Chair

testify in behalf of this man, and he says this is a very dangerous precedent. He says:

I should be glad to see him retired with the rank of a second lieutenant of cavalry, as provided by this bill. The only objection I see to the passage of this act is the fact that it will furnish a precedent for similar applications from other worthy men who have had long service as hospital stewards.

But again, why fix the period of service at thirty-three years? Why not retire these men after thirty years of service as hospital steward? Why not do it after twenty-five years of service?—for that is a long time. What is proposed here is to take a man whom you have worked during the prime of his life, when, doubtless, he rendered efficient service, when, by reason of his years, his experience, and possibly his special fitness, he was enabled to do good work, and then, after thirty-three years of service, to retire him, not by the usual method or on the usual basis of retirement, but with almost double the pay that he received in the days of his efficiency. Ordinarily the object of putting a man on the retired list is that an old war horse may not be displaced entirely or left without means of support. The country, in recognition of his past service, permits him to be put on the retired list, which keeps him still in an honorable position, but always carries a reduction of his pay. His rank is not reduced, but his compensation is. Here the proposition is to pursue the opposite course, to retire this man as an officer of cavalry and to nearly double his pay. A further object of the retired list is to give honorable recognition for past services rendered in the conflicts of war; but how long will that list be regarded as an honorable one if hospital stewards are to be placed upon it and their pay increased far beyond that they earned when in the prime of their life and efficiency?

Now, Mr. Chairman, that is the kind of a bill that we have here presented to this committee. I sought to have bills considered here to-day that had merit in them——

Mr. GROSVENOR. Will the gentleman permit a suggestion?

Mr. RICHARDSON. Yes, sir.

Mr. GROSVENOR. I feel very sure that the gentleman would not state as a fact that which is not a fact.

Mr. RICHARDSON. I certainly would not, and if I have made any such misstatement I shall be glad to have it corrected.

Mr. GROSVENOR. The records of the War Department show that this soldier was enrolled on the 18th of May, 1861, was mustered in on the 23d of May, 1861, in Company C, Fourteenth New York State Militia, which subsequently was the Eighty-fourth New York Infantry, and was discharged on March 13, 1863, two years and a half later, for the purpose of enabling him to enlist as a hospital steward. Now, if my memory serves me, that regiment, and that soldier as a member of it, had a splendid opportunity to see some of the bloodiest events of the war during the period of his service while he was a fighting, marching soldier in the line.

Mr. RICHARDSON. I am much obliged to the gentleman for calling my attention to the record. Perhaps I was inaccurate when I suggested that this man had not seen service at the front. If that regiment did go to the front and serve there, as the gentleman from Ohio seems to say it did, then I was inaccurate and I withdraw that part of my statement. But at the end of two years and a half this man sought a better position. I do not object to that. We all do that. It is a very desirable thing to get out of the ranks, to get rid of carrying a gun and facing the muskets of the enemy, and to march into the position of hospital steward. But let me ask the gentleman from Ohio whether he does not think that this man would have been doing much better and higher service for his country if he had continued as a soldier carrying his gun at the front?

Mr. GROSVENOR rose.

Mr. RICHARDSON. I will yield to the gentleman later. Let me ask him a further question. Suppose this man had done that and had gone through the entire war rendering his services as a private soldier, which I think would have been much more meritorious than the service of a hospital steward—at least, it would have been more dangerous—in that case would the gentleman from Ohio be in favor of setting the precedent of making that man a lieutenant of cavalry on the retired list and increasing his pay? I hardly think my friend from Ohio would be in favor of such a proposition.

Mr. PARKER. Mr. Chairman, I would like, as a member of the committee reporting this bill, to have a few minutes before the Committee of the Whole rises.

Mr. GROSVENOR. Mr. Chairman, I think that if the gentleman from Tennessee will refresh his memory by looking back over a third of a century he will remember that it was very difficult sometimes to get hospital stewards, and that men were selected and often compelled to take that class of service because they were competent to do it, and in that way were cut off from the opportunity of promotion, and yet were doing work not only as valuable, but in a great many instances as dangerous as any other service in the Army. Take as an illustration of the dangers attending this hospital service the battle of Chickamauga, for instance. Would the gentleman like to have been there on the 20th day of September, 1863, when the service was fired upon and many of the men wounded, killed, or taken prisoners?

Mr. RICHARDSON. No; I do not want any more of it. I am well satisfied with my experience and do not want to go through the same thing again.

Mr. PARKER. Will the gentleman give me five minutes?

Mr. RICHARDSON. I will close in a minute or two and the gentleman can take the floor in his own right.

In further answer to the gentleman from Ohio. He says, as I understand it, that the Government was glad to get hospital stewards at that time.

Now, Mr. Chairman, I do not know how that may be; but I can understand how there might have been very little difficulty in securing such service. Indeed, I can not see where the difficulty comes in. They did, no doubt, many of them, render excellent service; and this man, the beneficiary of this bill, the gentleman tells us, and as the report shows, was employed in this work for more than thirty years. Now, if he deserves more pay as a hospital steward for the efficient services he rendered, then bring in a bill and give it to him. If by reason of his long services he has earned more than the pay of a hospital steward, let him have it. Dr. O'Reilly, an eminent man, a surgeon in the United States Army, makes a recommendation in this case that is worthy of consideration. As I understand it, he opposes the placing of this man on the retired list at any rate of compensation. His letter suggests a different remedy to be applied in this case. Here is the letter; it is appended as a part of the report:

I therefore submit to you the propriety of recommending the insertion in the forthcoming Army appropriation bill of a section fixing $125 a month as the pay of one hospital steward, to be designated by the Surgeon-General, and to make the clause operative from the date of the passage of the bill.

I submit, Mr. Chairman, it will be, it seems to me, a little better to adopt this course to do this if you want to give the man an increase of salary—better as a precedent, better if you want to preserve intact the honor of the retired list than that you should fill it up with men who have never seen any cavalry service or any service, as you propose to do here. I think that statement that he never saw cavalry service is true. Of course I do not know the facts; but yet you propose to place this man on the retired list as a commissioned officer.

Mr. PARKER. Mr. Chairman——

Mr. PICKLER. Mr. Chairman, I hope we will now have a vote on this bill.

Mr. PARKER. I will not detain the committee five minutes. I was on the subcommittee that considered the bill and recommended its consideration here, and I do not propose to sit silent and allow the statements which have been made to go uncorrected.

The CHAIRMAN. The gentleman from South Dakota has been recognized. Does he yield the floor?

Mr. PICKLER. How much time does the gentleman wish?

Mr. PARKER. Only five minutes.

Mr. PICKLER. That will take us beyond the time when the committee must rise. I will yield to the gentleman three minutes.

Mr. McRAE. The general debate is not closed. The gentleman can take the floor in his own right.

Mr. PARKER. Mr. Chairman, I am on the committee which presented this bill, and was also on the subcommittee that reported it. I have heard the bill called ridiculous. Even my friend the chairman of the committee on which I serve (who has not seen this man) declares that in his judgment it is the establishment of a bad precedent. If the facts can be placed before us I think we may not concur with this view, but will recognize that it may be a special case, an exception, both as to the man and the circumstances. The man is a brother of Marshall, the artist, a man fitted to associate with officers and gentlemen anywhere, by his manners and evident intelligence and reading, as well as by his long and efficient services to his country and scientific knowledge and skill. I repeat, it is a special case and not a precedent. Why? Because there is no chance for promotion in this corps. If this man had remained in the line as a private in the Army he would, without doubt, have been commissioned as an officer long ago.

Mr. MILES. Why did not he?

Mr. PARKER. Because he did his duty to his country in the hour of his country's need, in the staff, in the field, wherein he was most useful, in the way that he was best educated to perform that duty.

Mr. Chairman, if he had remained in the line he would long ago have won a commission through good service and in the course of the ordinary examinations. We promote officers from the ranks by general law, making them first corporals, then sergeants, and then lieutenants. There is no man who served in the war, certainly who served with the skill of this man, who would not long ago have won his promotion and commission as an officer if he had continued in the line. But his service was needed in other fields. It was a service of equal importance with any other rendered by

our soldiers. He had knowledge and experience in the duties of the position which he assumed, and which he has filled so long and so ably. Any man with the intelligence and ability of this man who served in and since the war could have won a commission for himself. Unfortunately this branch of the service to which he was confined afforded no opportunities for promotion. No man can become a doctor unless he has gone through the various courses and the medical college training required to attain that position. It requires many years of outside study, training, and practice to obtain a commission as a surgeon. The avenues of promotion are closed in this Hospital Corps, in which it seems that this man stands alone, and in which he has served thirty-five years.

There are in that corps only 100 in all, and the question is raised here whether, under all of the circumstances, this man should be made an officer. The corps is so small that a general law seems inapplicable.

Mr. Chairman, the subcommittee considered this matter with care. I deprecate special laws as much as anyone. But we considered that in this case it was our duty to ask the House to determine whether or not it should extend to a member of this branch of the service, in a special case of so much merit, for skill and devotion, the promotion that he so justly deserves, and whether we should make him an officer. There is no general law to apply to the case. This committee may take into consideration that he would probably have been an officer if he had remained in the line, and this House only can do justice, if this measure be just.

Now, that is all I have to say. I have said it hurriedly in the few moments allotted to me. I trust that I have fairly stated the reasons that influenced the committee; and whether the bill be in the best form or not, whether it should be general or special, whether the House on the whole approve it or not, I do not think that there is justice in abusing the Committee on Military Affairs for bringing in a bad bill, or one that does not deserve the full and fair and careful consideration of the House.

[Here the hammer fell.]

Mr. CANNON. I desire to offer——

Mr. RICHARDSON. Mr. Chairman, I submit that general debate has not been closed.

Mr. HEPBURN. Mr. Chairman, I move that the committee do now rise.

Mr. PICKLER. I move that the committee rise and report the several bills as amended with a favorable recommendation.

Mr. RICHARDSON. That motion is not necessary. It has already been ordered on two bills.

The motion of Mr. HEPBURN was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS, Chairman of the Committee of the Whole House, reported that the committee had had under consideration sundry bills; that they had directed him to report the bill H. R. 951 without amendments and with a favorable recommendation; the bill H. R. 3139 with amendments and with a favorable recommendation, and that they had had under consideration the bill H. R. 4510 and had come to no resolution thereon.

The SPEAKER. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 3139)——

Mr. HEPBURN. I move that when the House adjourn to-day it adjourn to meet on Monday next.

The question being taken, the Speaker announced that the ayes seemed to have it.

Mr. CANNON. I guess we had better have a division, Mr. Speaker.

The House divided; and there were—ayes 123, noes 25.

Mr. CANNON. I demand tellers, Mr. Speaker.

Tellers were refused, 15 members, not a sufficient number, rising in support of the demand.

Mr. CANNON. By the bye, Mr. Speaker, on mature thought about the matter, it seems to me that it would be quite proper for me to demand the yeas and nays.

The yeas and nays were refused, not a sufficient number rising in support of the demand.

Mr. CANNON. Mr. Speaker——

Mr. HEPBURN. I raise the point of order that debate is not in order.

Mr. CANNON. Well, the gentleman can raise the point of order, and still I suppose——

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. CANNON. I think there was not a quorum in the House when we agreed to adjourn over.

Several MEMBERS. Too late.

The SPEAKER. It is too late to make that point.

Mr. CANNON. Well, Mr. Speaker, I think it is 5 o'clock. [Laughter.]

The SPEAKER. The ayes have it, and the House will now take a recess until 8 o'clock. At half past 10, by vote of the House, it will adjourn until Monday at 12 o'clock. The gentleman from Illinois [Mr. HOPKINS] will please perform the duties of the Chair this evening.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) resumed its session, with Mr. HOPKINS in the chair as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will report the rule under which the House is in session this evening.

The Clerk read as follows:

2. The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

SETH PORTER CHURCH.

Mr. BISHOP. Mr. Speaker, I ask unanimous consent to take from the Calendar of Unfinished Business the bill (H. R. 3292) granting an honorable discharge to Seth Porter Church, alias Samuel Church. It has passed the Committee of the Whole without objection. I ask unanimous consent for its consideration at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan for the present consideration of the bill?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to grant an honorable discharge to Seth Porter Church, alias Samuel Church, from Battery I, Second United States Artillery, to date August 29, 1848.

The following amendment, reported from the Committee of the Whole, was agreed to:

Insert at the end of the bill the following:

"*Provided*, That the passage of this act shall not entitle such soldier to any pay or allowances prior to the date of such discharge."

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. PICKLER, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. PICKLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole for the consideration of business on the Private Calendar under the special order.

Mr. ERDMAN. Mr. Speaker, a parliamentary inquiry. On what part of the Calendar will the committee begin as soon as the House goes into Committee of the Whole?

Mr. PICKLER. Calendar No. 127, the bill (S. 249) for the relief of Charles E. Jones.

The SPEAKER pro tempore. Senate bill 249 is the first bill to be considered.

The question was taken on the motion of Mr. PICKLER; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. TALBERT. Mr. Speaker, I demand a division, not for the purpose of making the point of no quorum, but just to see how many of us are here to-night.

The House divided, and there were—ayes 58, noes none.

So the motion was agreed to.

Accordingly, the House resolved itself into Committee of the Whole on the Private Calendar, Mr. HEPBURN in the chair.

The CHAIRMAN. The Clerk will report the first bill.

CHARLES E. JONES.

The first business on the Private Calendar was the bill (S. 249) granting a pension to Charles E. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Jones, late photographer for the Eleventh Pennsylvania Cavalry Volunteers, said pension to be at the rate of $30 per month.

Mr. PICKLER. Mr. Chairman, this bill was discussed and the report read the other evening, and I think we ought to be able to dispose of it without reading the report. I think it is well understood by the committee.

Mr. ERDMAN. Mr. Chairman, I do not think it will hurt to have the report read again.

The CHAIRMAN. Unanimous consent is asked that the report may be read.

Mr. ERDMAN. Mr. Chairman, I ask to have it read in my time.

The CHAIRMAN. The Clerk will read the report.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 908) granting a pension of $50 per month to Charles E. Jones, late photographer of the Eleventh Pennsylvania Volunteer Cavalry, for consideration in connection with Senate bill 249, which passed the Senate January 21, 1896, granting a pension of $30 per month to the said Charles E. Jones, having carefully

examined and considered the facts and circumstances in evidence in this case,

Mr. Martin, was its chairman. This bill was considered by the

The SPEAKER. The ayes have it, and the House will now take a recess until 8 o'clock. At half past 10, by vote of the House, it

examined and considered the facts and circumstances in evidence in this case, respectfully attach hereto the report of the Senate Committee on Pensions and adopt it as their report in this case, and adopt Senate bill 249 as a substitute for House bill 909, and earnestly recommend that the same do pass.

[Senate Report No. 21. Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 249) granting a pension to C. E. Jones, have examined the same, and report:

This bill passed the Senate during the Fifty-third Congress.

Claimant was not an enlisted man, and hence not pensionable under the general law. He was employed as a photographer, and in that capacity rendered valuable service to the Union cause. Not only did he faithfully perform his duties as a photographer, but the evidence clearly shows that he performed actual military service, and that while thus engaged he received a gunshot wound which has resulted in almost total blindness.

There seems to be no question as to the incurrence of the disability, the affidavit of Capt. R. B. Ward, herewith appended, being conclusive on that point. Many other affidavits are on file which tend to confirm Captain Ward's statement. Had claimant been an enlisted man there can be no reasonable doubt of his right to pension, and having performed actual military service, and being wounded while thus engaged, the duty of Congress to come to his relief is clear and imperative.

Your committee recommend the passage of the bill.

AFFIDAVIT OF CAPT. R. B. WARD.

STATE OF MISSOURI, *County of Jackson, ss:*

In the matter of Charles E. Jones, claimant.

On this 5th day of September, A. D. 1890, personally appeared before me, a notary public in and for said county, duly authorized to administer oaths, Robert B. Ward, age 61 years, a resident of Kansas City, in the county of Jackson and State of Missouri, whose post-office address is Kansas City, Mo., well known to me to be reputable and entitled to credit, and who, being duly sworn, declared in relation to aforesaid case as follows:

"I have known above claimant, Charles E. Jones, since the spring of 1862, when he came to and joined the Eleventh Pennsylvania Cavalry as photographer, I being captain of Company D of said regiment. Said claimant was not an enlisted man, but I know of him being in several engagements under military orders, and in April, 1863, I know of my personal knowledge that the said Charles E. Jones was ordered to take photographic view of Longstreet's fortifications at the siege of Suffolk, in the State of Virginia, and while performing his duty, acting under orders of Gen. John Peck, commanding officer, said claimant, Charles E. Jones, received gunshot wound from Longstreet's sharpshooters in the small of back, across the spine, which affected his eyesight and has caused blindness of both eyes to such an extent that said claimant has to be accompanied with a guide at all times to walk around, rendering him as good as totally blind.

"R. B. WARD."

Subscribed and sworn to before me this 5th day of September, 1890.

[SEAL.] ROBERT S. RODGERS, *Notary Public.*

AFFIDAVIT OF W. D. HOOVER, M. D.

STATE OF KANSAS, *County of Miami, ss:*

In the matter of appeal for pension through special act of Congress by Charles E. Jones, regimental photographer, Eleventh Regiment Pennsylvania Cavalry Volunteers.

On this 29th day of October, A. D. 1894, personally appeared before me, a notary public in and for the said country, duly authorized to administer oaths, W. D. Hoover, aged 60 years, a resident of Paola City, in the county of Miami and State of Kansas, well known to me to be reputable and entitled to credit, and who, being duly affirmed, declares in relation to aforesaid case as follows:

"That I have been acquainted with the said Charles E. Jones since 1867, when he first came to Paola, Kans., and that his eyes were diseased then, and that they continued to grow worse until he became totally blind, or nearly so. He can just barely grope his way with the use of his cane. He received a gunshot wound across the small of his back while in the line of duty in the Army during the late war. The ball passed across the back just over the second lumbar vertebra, and has left a scar over one-half an inch across and more than an inch in length. It is a wonder it did not cause paraplegia. His eyes became affected before he recovered from the wound in the back, and I am of the opinion, taking the prostrated condition of his system, especially the nervous system, into consideration, if the wound in the back was not a primary cause of the disease of the eye it certainly was a secondary cause. Said Jones has been a good citizen during his residence here.

"The above is from my personal observation of the case, and is written by myself."

His post-office address is Paola, Kans., and further declares that he has no interest in said case, and is not concerned in its prosecution.

W. D. HOOVER, M. D.

STATE OF KANSAS, *County of Miami, ss:*

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant, including the words erased and the words added, and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in the prosecution; and that said affiant is personally known to me, and that he is a credible person.

[L. S.] WARD J. CARPENTER, *Notary Public.*

(My term expires March 27, 1895.)

Mr. ERDMAN. Mr. Chairman. I thought I was recognized——

Mr. KIRKPATRICK. If the gentleman will allow me just a moment, I desire——

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. ERDMAN. Not just yet. There is plenty of time yet.

Mr. KIRKPATRICK. You can make your speech on the next bill. I simply desire to ask——

Mr. ERDMAN. I have not yielded the floor to the gentleman.

The CHAIRMAN. The gentleman from Pennsylvania is entitled to the floor.

Mr. KIRKPATRICK. I simply desire to make a request that this go over.

Mr. ERDMAN. I thought I recognized this as an old friend of the Fifty-third Congress. I happen to have been a member of the same committee in that Congress. The gentleman from Indiana, Mr. Martin, was its chairman. This bill was considered by the same committee; and I now send up to the desk, for the Clerk to read, the report of that committee of the Fifty-third Congress, so that the House may have the two reports and be able to contrast the views of that Congress with those of this Congress on this bill.

The Clerk read as follows:

The report (by Mr. Martin of Indiana) is as follows:

"The Committee on Invalid Pensions have considered the bill (S. 2351) to pension Charles E. Jones, and submit the following report:

"This bill passed the Senate January 24, 1895, and fixes the rate of pension at $30 per month.

"The petitioner, Charles E. Jones, was not a soldier. He was a civilian, who accompanied the Eleventh Regiment Pennsylvania Cavalry as a photographer. It is shown by the evidence that on one occasion, while taking a photograph of Longstreet's fortifications, under orders of Gen. John Peck, he received a gunshot wound across the small of the back from one of Longstreet's sharpshooters.

"The petitioner has since become almost totally blind, and it is claimed that this is a result of the wound referred to, but it is not shown to the satisfaction of the committee that the present condition is chargeable to said wound.

"The policy of the committee has been well defined in cases of this kind, namely, to report bills to pension civil employees and nonenlisted men only for wounds or injuries received in battle.

"It does not appear that this man was wounded in battle, but the testimony does show that he was acting under orders and received the wound at the hands of the enemy. Your committee therefore favor pensioning him for this gunshot wound and its direct results only, and therefore recommend that the bill do pass after being amended as follows:

"Strike out the words 'of $30 per month,' in line 8, and insert in lieu thereof the words 'proportionate to the degree of disability from gunshot wound of the back and results.'"

Mr. ERDMAN. Mr. Chairman, the policy of this Congress and of this committee is to pension anyone who can get a member to present a bill and demand it, provided it is backed by a few petitions, by a Senatorial request or some other request made upon him. The policy of the Fifty-third Congress, as announced in that report by Mr. Martin, had an entirely different end in view, as shown by what is contained in that report. I now make the same motion that was made by Mr. Martin in the Fifty-third Congress, namely, strike out the words "of thirty dollars per month" and insert the following in line 8: "Proportionate to the degree of disability from gunshot wound of the back and results."

The CHAIRMAN. The Clerk will report the amendment.

Mr. ERDMAN. This amendment I will send up in a minute. This will put him on an equality with other soldiers, with soldiers who have fought, not as an amateur photographer, probably a camp follower, who had a slight wound in the back and who is now sought to be pensioned for blindness, which never in the world resulted from that wound. The policy of the Fifty-third Congress was to establish equality as near as possible. The policy of this Congress seems to be to establish favoritism. I therefore send up the amendment, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 8, strike out the words "of thirty dollars per month" and insert the following: "Proportionate to the degree of disability from gunshot wound of the back and results."

Mr. PEARSON. Mr. Chairman, I desire to ask the gentleman from Pennsylvania if this amendment should be adopted will he then cease filibustering and vote for the bill?

Mr. ERDMAN. I will say to the gentleman that I have never yet filibustered. [Cries of "Oh!" on the Republican side.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

Mr. ERDMAN. Mr. Chairman, I have not finished on that subject. I have announced heretofore, as I announce here tonight, that I am in favor of scrutinizing and examining and passing bills with merit; but I am not in favor of demoralizing the whole country with the spectacle that we have been making here with favoritism.

Mr. KIRKPATRICK. Will the gentleman yield for a question?

Mr. ERDMAN. Yes, sir.

Mr. KIRKPATRICK. If this amendment should be adopted, what rate of pension do you understand this soldier would receive?

Mr. ERDMAN. Just the same rate as any other soldier with the same character of wound would receive.

Mr. KIRKPATRICK. Do you understand, if this bill should pass with the amendment you propose, that the soldier would receive anything?

Mr. ERDMAN. If any other soldier in his place would receive anything he would. The fact that he was a photographer, a civilian employee, should not raise him above the honest soldier who served and fought for his country.

Mr. PEARSON. Why, he took the breastworks with his camera!

Mr. KIRKPATRICK. I am speaking of this case. Do you not understand that if this bill should pass with the amendment you propose this man would not receive any pension at all?

Mr. ERDMAN. I think he would if he has a ratable disability, and if he does not have a ratable disability from that wound he is not entitled to it, no more than any other civilian employee is entitled to it.

Now, I am in favor of examining and acting in a judicial way

connection with Senate bill 249, which passed the Senate January 21, 1896, granting a pension of $30 per month to the said Charles E. Jones, having carefully

upon such bills and of passing those that have merit, but I am in favor also of exhibiting sufficient manhood to say to our constituents and to the country when bills are bad that they are bad, without being troubled by the opinions of the few people who may take offense.

Mr. BLUE. Mr. Chairman, I trust that this amendment will be voted down. It would simply send this soldier into the Pension Bureau for such magnanimous and generous treatment as he might expect there under existing circumstances, with no general law behind him. This bill passed both branches of Congress once and failed of signature only because the President had not time to sign it. It has passed the Senate and now awaits only the action of the House, and I trust the amendment will be voted down. [Cries of "Vote!" "Vote!"]

Mr. CONNOLLY. Mr. Chairman, I have sat here every Friday night since the beginning of this Congress and never raised one word of objection to the many, to me, objectionable bills that have been presented here and have passed this committee. Now, I think it is time—for I owe it to myself, and I owe it to the thousands of soldiers all over this country who are without pensions and suffering from the need of them—I think it is time to call a halt and see what we are doing, when, with the hundreds of soldiers' bills that are pending before this Congress, we are relegating them to the rear and bringing the photographers forward first and undertaking to provide pensions for them. I say, sir, that this is an insult to the thousands of soldiers in this country who are still unprovided with pensions and are to-day suffering for the necessaries of life because of disabilities incurred by them in their service to the country.

The beneficiary of this bill has been spoken of here as a civilian employee. He was no such thing. There were no such civilian employees as photographers; at least there were none in the army in which I served in the West. If Pennsylvania and the troops of the East were furnished with photographers to their regiments, it is something that we in the West never knew of. I often heard of the soft bread and the paper collars of the Army of the Potomac, but I never heard of their having photographers until this bill was presented to this House. [Laughter.] Let me add that when some of the Army of the Potomac, a corps or two, came West and joined hands with the men of the West, and when we saw them charge up the face of Lookout Mountain under old Joe Hooker, we never after that laughed at the paper collars and the soft bread of the Army of the Potomac. [Applause.] We struck hands with them as worthy comrades; but they brought no photographers with them. [Laughter.]

Now, sir, I say that this bill is not a fair appeal to those of us who were in the Army. It comes here under the guise of pensioning a civilian employee in the Army, and I can not understand what it is that influences the Committee on Invalid Pensions of this House to hold back and keep in the rear the bills for the pensioning of actual, sure-enough soldiers—men who carried sword and musket.

Mr. PICKLER. Mr. Chairman, I demand that the gentleman's words be taken down.

Mr. CONNOLLY. All right. Take them down.

Mr. MILES. Mr. Chairman, I protest.

Mr. CONNOLLY. This may be treason to the administration of the Invalid Pensions Committee, but if it is it is time that somebody on our side became a traitor. [Applause.]

Mr. PICKLER. I withdraw the demand, Mr. Chairman.

The CHAIRMAN. The demand is withdrawn, and the gentleman from Illinois will proceed.

Mr. CONNOLLY. Mr. Chairman, I say I can not understand what it is that actuates this Committee on Invalid Pensions to neglect the bills that are pending before them for sure-enough soldiers, men who carried sword and musket and stood in the forefront for years, but who can not bring themselves now within the strict letter of the law so as to obtain pensions under the general law.

Their bills are before the committee. They have been sleeping here the whole winter through, and in advance of them these other bills are pushed to the front, apparently with the desire on the part of each member to do something if he can for himself in his own district. That, I submit, is not the spirit that should control us here. We should grant these pensions under special laws, if we grant them at all, in cases where men are manifestly entitled to pensions but can not squarely bring themselves within the general law so as to enable the Pension Office to decide in their favor. As to that class of bills, bills giving pensions to soldiers and to their widows, the sentiment that has inspired the enactment of special laws of that kind has been approved for twenty-five years by the people of this country. We are justified in passing them; but are we justified in letting such claims sleep and bringing to the front bills for teamsters, photographers, camp followers of every grade and kind, and giving them pensions while the soldiers who are really entitled to pensions are one by one dropping into their graves, dying in poorhouses or living upon the crumbs of charity?

I maintain that it is time for some of us to speak out and call a halt in this thing. We have sleeping on the files of this House, and have had for months, a bill to amend the general pension law in such a way as to provide that thousands of these cases that now have to be passed upon by the House may be adjudicated in the Pension Office—the general bill prepared by the Committee on Invalid Pensions, providing modes of proof that will be more just than the rules laid down by the Pension Office. But, sir, we are so busy making Presidents—this Congress is filled up with so many candidates for the Presidency and so many Senatorial candidates—that we have no time to take up or allow to be taken up and enacted into a law this general bill for the benefit of those who are entitled to pensions.

Mr. ANDREWS. Will the gentleman yield for a question?

Mr. CONNOLLY. Certainly.

Mr. ANDREWS. Will the gentleman kindly put those remarks into a formal statement and submit them to the Committee on Rules, so that this Invalid Pensions Committee may secure consideration of that general bill for which we have petitioned earnestly?

Mr. CONNOLLY. I would be very glad to see any member of that Committee on Rules ever attend these Friday night sessions. [Applause.] We are left here; and of all the gentlemen who have been selected as the engineers of this House—the gentlemen into whose hands the machinery of this House and its leading committees has been put—not one of them ever deigns to show his face here at a Friday night session for the benefit of the old soldier. [Applause.]

When the various candidates for the Presidency are seeking the support of the old soldier they can coddle him and embrace him, but here in this House, when the old soldier and his widow come, feeble and tottering with wounds or age, there is no time to give them a hearing. And it is hard work in this House, with its two hundred or more Republican members, to get Republicans and Democrats enough together at a Friday night session to make 100.

Mr. PICKLER. The trouble is that there is so much speaking it takes up our time.

Mr. CONNOLLY. My dear sir, this is the first time I have troubled you or your committee with any remarks of mine. I have sat here and kept my mouth shut, and permitted you to run as you chose without a protest from this side of the House, and whenever a protest came from the other side I found somebody ready to fling the taunt that it came from a Confederate.

Mr. PICKLER. That is right.

Mr. CONNOLLY. Here is one, sir, that was not a Confederate—one who respects his comrades, one who loves the old soldier and believes that he is entitled to better treatment than he is receiving at the hands of this House in this Congress. We are running wildly——

Mr. GROSVENOR. I think we are not running at all. [Laughter.]

Mr. CONNOLLY. Well, that is true, sir. But, in so far as we can, we are shoving to the front the camp followers and providing pensions for them; but how are the really meritorious cases treated? Look at your files and look at the files of the committee and observe the hundreds of bills that are not touched, that sleep the sleep that knows no waking. Look at that bill providing for a general amendment of the pension laws that will open the doors of the Pension Office to the adjudication of thousands of cases against which the doors are now closed.

Why does that bill sleep? Why is no earnest step taken to have it passed? I will not say that it is because the chairman of the Committee on Invalid Pensions does not desire it; for I know from what I see of him that in his heart he does desire it. But there is a power somewhere in this House that is blocking this thing—holding it back; and I insist that with the numbers we have we break the chains that are binding us on this side of the House and bring up that general bill [applause] that shall open the door of the Pension Office, as the generous people of this great country intend that it shall be opened, to a fair adjudication of all the claims of the old soldiers and their widows that are still unadjudicated, and not force them to come here as beggars bowing down before their respective members of Congress, pledging their votes and support if a special bill can be got through Congress for their relief. Great God! has it come to this—that the men who bore the heat and burden of the day for three or four long years—the men to whom everything was pledged in the days of our nation's trial—shall now come crawling on their knees, suppliants to members of Congress, begging that a bill may be introduced to give them the pittance that the great hearts of the people of this country intend and always intended they shall have?

I insist that in disposing of this Private Calendar we should lay aside all bills proposing to pension camp followers and take up the bills that pension the men who carried the musket, the men who carried the sword, and the bills to pension their widows, who are suffering to-day for want of the necessaries of life. When all those bills have been acted on and no more of that class remain, then take up, if you choose, the cases of the sutlers, the

photographers, and all the other camp followers, and if you can get anything for them get it. But do not bring them here under the guise of soldiers and force the soldiers to stand back until the camp followers have been provided for.

I hope, Mr. Chairman, in this individual case, if this bill is to pass, instead of sitting here and saying that we will vote this man a pension of $30 a month, let us say that we are willing to put him on the roll precisely the same as a private soldier—an enlisted man—would be if he had been shot in the back. If he had been enlisted and forced to take the chances that the other soldiers had to take, and to apply for his pension under the general law, proving the degree of his disability resulting from that shot wound in the back, on the evidence that he presented the pension would be given to him under the general law—just such pension as he would be entitled to. Now, I say there would be some fairness in that.

Mr. MILES. Will the gentleman allow an interruption?

Mr. CONNOLLY. Certainly.

Mr. MILES. I believe the gentleman is trying to approach this question with a judicial spirit and fairness——

Mr. CONNOLLY. That is entirely immaterial. If the gentleman desires to ask a question——

Mr. MILES (continuing). And I have very much respect for the gentleman as a lawyer.

Mr. CONNOLLY. Never mind the respect. What is the question?

Mr. MILES. Very well. I wanted respectfully to ask if you do not believe that the amendment of my friend from Pennsylvania, Judge ERDMAN, which has been offered to this bill, will have the effect you refer to of putting this soldier upon an equality with those who were enlisted?

Mr. CONNOLLY. My dear sir, I was just about speaking of that when you asked the question. I was about to say that if this man had been a private soldier instead of a mere camp follower, that if he had been an enlisted man and forced to stay there as this man was not forced to stay there; if he had been a man who was obliged to stay in the ranks and take his chances there, and had been compelled to remain with his command in the service, and had received the same kind of a wound—a shot in the back—as this man is claimed to have received, when he got home he would have got a pension under the general law if he had applied for a pension. He would make his proof as to where, how, and when he received the wound; the Pension Office would examine him, evidence would be submitted in support of his claim, and after all the evidence had been carefully considered by the Pension Office, if he had been found entitled to a pension at all he would have received just that pension which the general law allows for such cases. We allow him a pension of so many dollars a month. We allow all men who served in the Army as enlisted men and who were wounded in the same way the same amount of a pension that would be received by him.

But in this case you undertake to increase it by a special act. Now, he would get a certain pension if he were an enlisted man, a man who was forced to take his chances in the Army, who could not leave and go away whenever he wanted to, who could not escape the duty imposed upon him, but must remain and face all of the consequences that confronted him as a soldier. But here is a proposition that a camp follower, a man who could leave when he wanted to, a man who was not an enlisted man, who was not strictly a soldier in any sense of the word, who gets shot in the back, may come to Congress (he does not go to the Pension Office, for he can not, he is not entitled to any pension there), but he comes to Congress and says, "I want a pension; I was wounded in the back; I am nearly blind now from the effects of it. I do not want to take my chances in the Pension Office like a common, enlisted soldier, for I was not that, but I want you gentlemen in Congress, I want my member in Congress, to whom I will give my support and the support of all my friends if he succeeds in getting me a pension, I want him to get Congress to say absolutely that I shall have $30 a month no matter what disability occurred to me by reason of the gunshot wound."

Mr. LACEY. Will the gentleman allow me a suggestion just there?

Mr. CONNOLLY. Certainly.

Mr. LACEY. We put that amendment into the act that passed the Senate, to which reference has been made heretofore.

Mr. CONNOLLY. I understand that.

Now, see the attitude here of gentlemen with reference to this bill. They do not want the camp follower to go down into the crowd of common soldiers and take his chances for a pension the same as if he had been an enlisted man. He did not take his chances with them in the field, and that is exactly what Mr. Jones did not want to do during the war. He did not want to take his chances with the enlisted men, because there was danger there. He does not want to take his chances with them now. He comes to us and asks us to make a special exception.

Let him, Mr. Chairman, if this thing is to be done, if you think he is a "sure enough" soldier and entitled to a pension just the same as the men who went to the front and took all the risks and hardships of the soldier's life, be served as you would serve the enlisted man, namely, put him on the pension roll as an enlisted man and at the same rate. Give him the right to obtain just such a pension as the private soldier would receive and as the general laws entitle him to receive. Is not that fair? Could these gentlemen from Kansas ask any more than that? Lord! what makes this man better than any private soldier or enlisted man in the Eleventh Pennsylvania? That is all these men could get. Why not adopt the amendment and let him have exactly the measure that he would have received had he been an enlisted man? [Applause.]

Mr. PICKLER. Mr. Chairman, I want to say a word in reference to the last remarks of the gentleman from Illinois. Evidently the gentleman from Illinois is not advised as to facts in this case. He shows that by his remarks.

Now, he asks, what are we putting a camp follower on the pension roll for? I deny it. The Committee on Invalid Pensions, from the showing that we have here before the committee, find that this man is totally and wholly incapacitated from performing any manual labor.

Now, any private soldier who was so incapacitated would be entitled to receive $30 a month. This man was wounded in the service, and we have placed him at $30 a month. Now, what does all this talk of the gentleman from Illinois amount to? We have given the very thing he says he wants, and the very thing he says ought to be done. He says, "Place this man on the same plane with the private soldier"; and there is where we have placed him exactly.

Now, the gentleman talks about camp followers, and says he has not taken up the time of the committee before, that he has sat here night after night and listened. Mr. Chairman, if one-half the members on this side of the House should make half-hour speeches condemning the pension legislation of this House, condemning the administration of this House, condemning the leaders of the House, condemning the Committee on Rules and everybody else—I say if one-half the members on this side wanted to consume half an hour each we should never touch a pension case. I confess it with regret—and I never criticise a gentleman's motives—we might just as well look this thing squarely in the face. I regret to say that the pension legislation during this session has been held back, it seems to me, by too much debate. That is the truth about it. It is because of speeches like that with which the gentleman from Illinois has arraigned the committee, which have been made criticising the Pension Committee—it is from that cause that the delay has come.

Now, the gentleman is very conscientious about this bill. Why, the last Democratic House and the last Democratic Committee on Invalid Pensions reported this same bill; and yet the gentleman from Illinois is so extraordinarily conscientious and has much to say for the old soldier and the widow; and probably, as we have found out in the committee, as the evidence comes to us, probably while the gentleman has been talking, two or three of them have died and lost their pensions by the gentleman's consuming time here in this committee.

Mr. LACEY (to Mr. PICKLER). You and I examined this case very carefully in the last Congress.

Mr. PICKLER. Yes.

Mr. LACEY. And you and I arrived at the conclusion——

Mr. GROSVENOR. Mr. Chairman, I rise to a point of order. The gentleman from Iowa is too well schooled in what is proper on this floor to carry on a colloquy in the first and second person between himself and other gentlemen. Let us have this out now in a parliamentary way.

The CHAIRMAN. The point of order is well taken.

Mr. LACEY. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from South Dakota yield to the gentleman from Iowa?

Mr. PICKLER. Yes.

Mr. LEWIS. Mr. Chairman, I want to know whether these Friday night meetings are held for the purpose of invalid pension business or for the purpose of turning this House into a schoolhouse debating society? [Applause.]

Mr. LACEY. After having carefully examined all the testimony in that case, did you not believe that justice would be arrived at——

Mr. KEM. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Nebraska rise?

Mr. KEM. I rise to a question of order. We can not hear a word that the gentleman is saying.

The CHAIRMAN. The point of order is well taken.

Mr. LACEY. I will address myself to the Chair, and I know if the Chair can hear me the gentleman from Nebraska can. I ask whether or not, after carefully examining the testimony, the gentleman from South Dakota [Mr. PICKLER] does not believe entire justice will be done this soldier by simply authorizing this man

to be pensioned for this wound, and not take up the time in discussing the question as to whether the rate ought to be increased, or in attempting to fix the rate in the House? The House seems to be united substantially upon this question, that we can not rate him for his injury.

Mr. PICKLER. Mr. Chairman, this committee is just as competent to fix the rate that man gets by law when he is totally incapacitated at $30 a month as to send it over to the Pension Office, to be delayed there for probably another six months, and possibly never allowed. Now, one word in regard to what the gentleman from Illinois [Mr. CONNOLLY] says—why can not the Committee on Invalid Pensions go to some of these old soldiers' and widows' bills, and not waste our time in arraigning camp followers. I characterize that as a baseless slander upon the Committee on Invalid Pensions. I do not know whether the gentleman from Illinois knowingly makes it; but it is just as false as if he did know it.

Of the pension bills we have passed this Congress so far there has only been one other case like this. That was the case of a teamster who was wounded, and who is dragging himself around the streets on one leg and a crutch. That is the only other case. These are the only two men whose cases have been reported and passed upon in this House from the committee of this character. Why should the gentleman get up here and heap charges up of that kind, and try to bring the Committee on Invalid Pensions into disrepute? He asserts that which is not the fact in any regard; it is not fair to us; and it comes with ill grace from the gentleman. Does he take the position that a man who presents a bill granting a pension has not a right to be heard on the case? Does he take the position when the bill was presented by the member—I do not remember who introduced it—that that man had not the right to have his bill considered, have it reported to this House, and have it passed upon by it?

The committee passed upon it and bring it in here. It is our duty to bring it here. If you do not think it right, vote against it. You talk about soldiers in your district and the great injustice being done. I never have yet heard, and I come pretty near knowing as many soldiers as most men around here, but I have never yet heard of any soldier complaining of the pitiable pension paid to any man who was shot in the service of the United States. [Applause.] The gentleman from Illinois [Mr. CONNOLLY] is the first man, I believe, that was ever heard to complain. He misstates the facts in this case. Further, this man, as the report shows, was taking these photographs by order of General Peck, commanding. He was ordered to go and take them. I do not know what for, but he was under military orders, and he had to take them.

Mr. PEARSON. Did he take any prisoners along with the breastworks?

Mr. PICKLER. Now, the gentleman can answer that himself. He was wounded while under orders of the general commanding, and that is sufficient for the Committee on Invalid Pensions; he should not be derided by gentlemen if they vote against him. The gentleman from Illinois, Mr. Chairman, criticises this committee for bringing in such a bill as this, when it has always been the custom, in every Congress, if a civilian was wounded in the service that he should receive a pension if it resulted in a disability. Why does he arraign us? Why does he find it necessary to attack the position of the Committee on Invalid Pensions, when we are doing no more than has been done by Democratic Committees on Invalid Pensions for all the years past. It is unfair; it is not right. You are putting a false construction before the country. You are trying to slander the committee of which I have the honor to be the chairman, and I again say it is not fair and not right.

In conclusion, as I said at the start, I regret that pensions are delayed at this session. The gentleman criticises the Committee on Invalid Pensions for following the precedents that have been followed for years. We have been criticised for that, and they have not produced a single instance where we have not followed the precedents of Congress after Congress in what we have done. I say that I regret the course the other side have taken in delaying us this session in this House and criticising the Pension Committee. They are delaying pension legislation; but to have Republicans get up here and attack the Committee on Invalid Pensions and delay the consideration of bills by making speeches is not right nor in the interest of the soldiers and their widows whom the Committee on Invalid Pensions are laboriously and faithfully seeking to pension.

Now, in conclusion, I desire to say that I allow to every gentleman the right to talk when he thinks he ought to. But, Mr. Chairman, this side of the House will be held responsible for the pension legislation of this session, and if we are to take up our time, as has been done on this side, criticising the committee and criticising its cases at the evening sessions when there is no ground for criticism, this House will be held responsible for not passing pension legislation. And it ought to be so held.

The fault is not with the Committee on Invalid Pensions that bills are not passed more rapidly, but with this House.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

Mr. TALBERT. Mr. Chairman, as I had occasion last Friday night to say something upon this bill, I desire to say, as I was endeavoring to say when we adjourned on that evening, that I shall vote against this bill because it is a bill that has no merit in it. It is undeserving, and one of the points that I was going to make against it was the insufficiency of the evidence.

There is not a scintilla of evidence to show that this photographer was ever ordered to photograph Longstreet's works. There is not an order which can be found showing that any general ever ordered him to go upon the field to do any service. There is not a single bit of evidence to show that he was ever an enlisted man. There is not a bit of evidence to show that that little scratch in the back that he received while he was running away is the cause of the blindness he is suffering from. There is not a single bit of evidence so show anything about it, even to show that there is such a man.

Mr. GROSVENOR. Mr. Chairman, if we are not to pass this bill I at least hope that the man himself will not suffer by being slandered on the floor of this House. The finding of fact is that he was not running when he was shot. He was not shot in that way. The statement is that the ball passed across his back while he was engaged in doing his work. Now, why assert that the man was running when he was shot? Is there any evidence of it?

Mr. TALBERT. Not at all; but I would like to ask the gentleman how you can shoot a man in the back before his face. [Laughter.] He certainly must have been getting away. I admit that it is only a presumption, but it is based on circumstantial evidence.

Mr. GROSVENOR. Did the gentleman from South Carolina ever retreat during the war?

Mr. TALBERT. I sometimes got to the rear [laughter], and I expect the gentleman has done it, too. I did not call it retreating, though. I just got tired fighting and wanted to go back to rest a while, and when I got rested I always came on again. [Laughter.] However, I do not care to enter into any levity with regard to this matter.

Mr. GROSVENOR. There is no levity about it. The gentleman says he sometimes went to the rear. A man has a right at times to leave a battlefield, and he generally has his back to the field when he is going away from it. [Laughter.]

Mr. TALBERT. Just as this man was doing, I suppose. But, Mr. Chairman, I am willing to admit that this photographer had a brave heart, only, like a good many other soldiers, he had a pair of cowardly legs that took him out of the way, and so he was shot in the back. [Laughter.] Furthermore, there is no evidence to show that his blindness was the result of that wound.

Mr. CURTIS of New York. Mr. Chairman, I would like to say a few words on this bill.

The CHAIRMAN. Does the gentleman from South Carolina yield?

Mr. TALBERT. I always yield to my friend from New York.

Mr. CURTIS of New York. Mr. Chairman, the Eleventh Pennsylvania Cavalry was at Suffolk during the time that General Longstreet was gathering provisions in the Blackwater section in the spring of 1863. I was there at the time and I know something about the situation. I knew General Peck—a man in ill health, who was unable to ride a horse; so that when he went out he went in a carriage. I knew the Eleventh Pennsylvania Cavalry, and I knew something of what has been termed here the works of General Longstreet. Longstreet's force was generally moving, gathering provisions and carrying them away. There was no engagement there except skirmishes between Longstreet's force and detachments that were sent out to defeat his purpose. I have not the slightest doubt, from the testimony in this case, that this man was there with the Eleventh Pennsylvania Cavalry as stated and that he did go out at the request of General Peck to take a picture of what may be termed General Longstreet's works, although they must have been very meager works, because his troops were moving most of the time, and while this man was taking pictures he undoubtedly got wounded.

Mr. TALBERT. While he was taking a picture?

Mr. CURTIS of New York. Yes.

Mr. TALBERT. Then he could not have been taking Longstreet's picture. There is a conflict of testimony right there. He must have been looking the other way. [Laughter.]

Mr. CURTIS of New York. If my friend from South Carolina will permit me——

Mr. TALBERT. I believe I have the floor, but now the gentleman from New York seems to have taken it away from me. The gentleman asked me to yield for a question.

Mr. CURTIS of New York. No; for a statement.

Mr. TALBERT. Then I misunderstood the gentleman.

Mr. CURTIS of New York. Well, will the gentleman permit

dropped from the roll, for the alleged reason that his eyes were diseased at

it was discovered that poor Jonathan Scott was receiving $72 a

answer that question without disclosing what occurred in the

Let him, Mr. Chairman, if this thing is to be done, if you think he is a "sure enough" soldier and entitled to a pension just the

tleman from South Dakota [Mr. PICKLER] does not believe entire justice will be done this soldier by simply authorizing this man

legislation. And it ought to be so held.

Mr. TALBERT. Then I misunderstood the gentleman.

Mr. CURTIS of New York. Well, will the gentleman permit me to conclude my statement?

Mr. TALBERT. Go ahead, though I think you are injuring your cause. [Laughter.]

Mr. CURTIS of New York. In doing that work a man might well have got in a position in which he could be shot across the back. I was about to say, however, Mr. Chairman, that I think this House will acquit itself to the satisfaction of everybody, except perhaps those who have special views as to the rate, by accepting the suggestion to put this man on the pensionable list and let the rate be determined at the Pension Office. If he was wounded as stated he will receive a pension such as would be given to a soldier who incurred a like disability in the service. I think that is quite enough. He will get $30 a month if totally disabled; if he requires an assistant a portion of the time he will get $50 a month, and if he can show total disability, requiring constant assistance, he will get $72 a month. I believe if he is given a pensionable status at the Pension Office the case can be adjudicated there in less time than it will take to get this through the Senate.

Mr. PICKLER. It has gone through the Senate. This is a Senate bill. Now, Mr. Chairman, we passed a bill exactly like this for the gentleman from Iowa [Mr. LACEY] in the Fifty-third Congress, but the Commissioner of Pensions refused to issue a certificate and the gentleman from Iowa has had to come into this Congress and introduce another bill.

Mr. LACEY. It was not a case exactly like this. That is the point.

Mr. CURTIS of New York. I think the plan I have suggested would be exceedingly fair to this man. It would place him upon the same status before the Pension Office as any soldier of the Eleventh Pennsylvania Cavalry. [Cries of "Vote!" "Vote!"]

Mr. TALBERT. Mr. Chairman, I think that if that disposition is made of the bill——

Mr. AVERY. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. AVERY. I rise in my own right.

The CHAIRMAN. The gentleman from South Carolina [Mr. TALBERT] has the floor.

Mr. TALBERT. Mr. Chairman, I only want to say that if the gentleman from New York will offer such an amendment as he suggests, providing that this man be put on the pension roll, the rating being left to the Pension Bureau, or if there is such an amendment pending, that will dispose of this case and we can go on with other business.

Mr. AVERY. Mr. Chairman, I do not very often trouble this committee, and I want to say just one word on this bill. The disability alleged in this bill is blindness. The wound received by this photographer was a wound in the back, and there is no evidence before this committee, at least none that I have seen, to show that that wound in the back has produced any other disability than this disease of the eyes. He is able to walk about the streets——

Mr. PICKLER. With some one to lead him.

Mr. AVERY. But there is no paralysis; there is no disease of any of his limbs; yet his blindness is attributed to the wound that he received in the back. I say, sir, that no surgeon of the Pension Office, no intelligent surgeon anywhere in this country or any other, will certify that this man's disease of the eyes is the result of that wound in the back. That is the fatal defect in this bill, which, in my judgment, should not have come before this committee. [Cries of "Vote!" "Vote!"]

The question having been put on the amendment of Mr. ERDMAN,

The CHAIRMAN. The ayes seem to have it.

Mr. PICKLER. I call for a division.

The question being again taken, there were—ayes 60, noes 49.

So the amendment was agreed to.

The bill as amended was then laid aside to be reported to the House with a favorable recommendation.

JONATHAN SCOTT.

The next business on the Private Calendar was the bill (H. R. 4526) granting a pension to Jonathan Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $72 per month, subject to the provisions and limitations of the pension laws, the name of Jonathan Scott, of Oswego, Kans., late of Company M, Sixth Regiment Iowa Volunteer Cavalry.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4526) granting a pension to Jonathan Scott, submit the following report:

The beneficiary, Jonathan Scott, was a member of Company M, Sixth Regiment Iowa Cavalry, and served for three years, receiving an honorable discharge from the service. He was subsequently pensioned for disease to his eyes contracted in the service, and his pension increased from time to time as the disease progressed, until he lost the sight of his eyes entirely, when the pension was increased to $72 per month. He was drawing this rate of pension up until about November or December, 1895, when he was entirely dropped from the roll, for the alleged reason that his eyes were diseased at the time he entered the service. The testimony filed in the Pension Office is very voluminous, but there can be no question but the great preponderance of the testimony shows that the soldier's eyes when he entered the service were sound and free from disease, and that the injury thereto was occasioned while in the service and in the line of duty.

This case was placed in the hands of a special examiner, who secured the testimony of two or three witnesses at the former residence of the soldier in Missouri, hostile to him, who testified that the soldier's eyes were weak when he entered the service. But in opposition to this is the sworn testimony of many neighbors, who have known the soldier prior to his enlistment for months and who were intimately acquainted with him from his childhood, who state emphatically and positively that his sight was not defective in the least, and that if he had been afflicted with weak eyes they would have known it. Notwithstanding this great preponderance of the evidence in the soldier's favor he was dropped from the roll and is now receiving no pension whatever.

Your committee believe that no unbiased man, on examining this mass of testimony, could reach any conclusion except that this claimant has been unjustly deprived of his pension. The committee therefore report the bill back to the House with the recommendation that it do pass.

Mr. ERDMAN. Mr. Chairman, I should be glad if the gentleman who has this bill in charge would lay before us the same evidence which he must have laid before the gentleman who made this report, but which, according to my recollection, was not laid before the committee. We ought to have some such statement in order that we may be able to judge of the remarkable condition of facts alleged here. If we act merely upon this report, we are asked to determine, without a scrap of evidence, without the citation of what any witness has sworn to, that the Pension Bureau did wrong in dropping a man who was receiving $72 a month. If the gentleman who has the measure in charge, either the gentleman who introduced the bill or the one who prepared this report, will give us some of the evidence upon which the report is based, we shall be able to act upon it more intelligently.

Mr. NORTHWAY. This report shows, does it not, that a former Pension Bureau awarded to this man a pension of $72 a month?

Mr. ERDMAN. The pension awarded him was gradually increased up to $72 a month, the full limit.

Mr. NORTHWAY. Precisely so. Now, is not that pretty strong evidence that the man was entitled to something?

Mr. ERDMAN. But is it not a fact that it was found by this Bureau that the man had this disease before he went into the service?

Mr. NORTHWAY. That was found by some bureau.

Mr. ERDMAN. By the same Bureau that had granted him the $72 a month.

Mr. NORTHWAY. Not the same Commissioner?

Mr. ERDMAN. Well, the same Bureau.

Mr. NORTHWAY. That is another thing.

Mr. ERDMAN. No, sir; it is the same thing.

Mr. NORTHWAY. It was not the same Commissioner.

Mr. ERDMAN. Not the same Commissioner, but the same thing. I refuse to recognize politics in this matter.

Mr. NORTHWAY. It is not the same thing when it is the action of a different Commissioner.

Mr. ERDMAN. Certainly it is.

Mr. NORTHWAY. Oh, no; when one judge of the court of common pleas overrules another judge without any evidence, it is not the same court by any means.

Mr. ERDMAN. Yes; it is the same court.

Mr. KIRKPATRICK. Will the gentleman from Pennsylvania yield to me?

Mr. ERDMAN. Yes, sir.

Mr. KIRKPATRICK. I shall take pleasure in giving the gentleman some information on this subject. If he had desired when this case was presented to the Committee on Invalid Pensions to examine the testimony before the committee from the Pension Office, embraced in 50 or perhaps 100 affidavits, he would have had no difficulty in ascertaining the facts connected with this case. I suppose that the Committee on Invalid Pensions, when it has examined the evidence in a case and reached its conclusions, is not required to bring before the House all the evidence upon which it bases its findings. If that were required, you might as well abolish the committee at once and save time. Now, the facts in this case are stated in the report of the committee and abundantly established by the testimony on file in the Pension Office; and the gentleman can have access to it at any time.

The gentleman from Pennsylvania said a few minutes ago that he wanted an opportunity to vote for the case of a real soldier. I have here the case of a man who enlisted almost before the sound of the first gun had died away, and who continued in the service until 1865—who served all through the war—who never shirked his duty. He received three honorable discharges, which I have now on my desk. He is to-day groping his way around, absolutely blind. That country which he offered his life to save is to him black as Egyptian night. He was placed upon the pension rolls at $72 a month. His loss of sight was progressive, and as it advanced from stage to stage his pension increased until it reached $72 a month. When the present Commissioner of Pensions assumed control, and when numbers of pensions were overhauled,

it was discovered that poor Jonathan Scott was receiving $72 a month. One of these special inspectors was placed upon his trail. This inspector went down to Missouri, the former residence of Jonathan Scott, where he had enlisted, and he found there three individuals who were willing to testify—not in their own language, as required by the rules of the Pension Office—that this man's eyes were weak when he entered the service of his country. Upon these three affidavits that special examiner reported against him and they dropped this claimant from the rolls, notwithstanding the fact that there were at least 40 affidavits of credible witnesses swearing to the contrary.

Mr. BRUMM. I would like to ask my colleague from Pennsylvania [Mr. ERDMAN] a question.

The CHAIRMAN. The gentleman from Kansas still has the floor.

Mr. BRUMM. I beg pardon. I thought the gentleman had yielded.

Mr. KIRKPATRICK. I hold in my hand a statement, Mr. Chairman, signed by men who have seen service, 200 of them, who were well acquainted with Jonathan Scott, and who know the existing conditions, who come before this House and beg the House most respectfully to restore the pension that was taken from him without authority of law.

I am here, sir, to say that I have examined carefully the evidence in the Pension Office in the hands of the Commissioner of Pensions, and I say now, without fear of successful contradiction, that there is not a man on this floor who will examine the testimony in that case and who will not admit that a great wrong and an injustice has been done to this man. No man can reach a different conclusion, 40 inspectors to the contrary notwithstanding.

Go to the office, read the testimony, examine all the papers in connection with this case, and I venture to assert that there is no one here who will not agree with me that a man who gave four years and a half of the best period of his life to the defense of his country, who has been wrongfully deprived of his pension after it had been granted, and who is groping his way in darkness—for to him there are no flowers and no bright light of the day—I say that there is no man who will not agree that his pension should be restored, and that a wrong, a grievous wrong, has been done him. If you only had the time to read the testimony in this case there is not a man here who would not vote to restore the pension to this soldier, who is now 72 years of age, blind, and helpless.

Mr. Chairman, I ask that the pension be restored. [Applause.]

Mr. NORTHWAY. If the gentleman will allow me, ought not we to say that when the Government mustered that man into the service they accepted him on the ground that his sight was good, and should we now plead as a defense against the just claim that is set up for him that his eyesight was not good? [Applause.]

Mr. BRUMM. That is the point I wanted to make to my colleague from Pennsylvania.

Mr. KIRKPATRICK. That is precisely what we say and what the patriotic people of this country say, and what the Committee on Invalid Pensions have said. That is what they propose to say by a general bill if they can ever get the action upon it. [Applause.]

Mr. BRUMM. Mr. Chairman, my friend from Ohio in his inquiry well-nigh covered the point that I desired to raise with my colleague. I wish to ask whether the prima facies are not in favor of this soldier from the fact that he was accepted and mustered into the service? Besides, if his eyes were good enough to enable him to perform five years of hard service for the people of the United States in the cause of the Union, is it not right that he should receive the pension that the law allows him, and should the Commissioner of Pensions have been permitted to deprive him of it? I say no. Besides, it is a violation of the rule established that when a soldier had enlisted we have no right to go back of that fact in order to ascertain whether he was fit to be enlisted at the time, unless, of course, there was fraud in the case. The presumption is all in favor of the soldier.

Mr. ERDMAN. Mr. Chairman, I have listened to a brief and fervent flow of eloquence, but have not been enlightened with reference to this case, nor do I think that anybody else has been.

You are going to put a man on the rolls at $72 a month without any evidence before you whatever. You are going to say that when a man is blind, whether he had the seed of the disease in him when he entered the service or not, he shall be the recipient of charity at your hands, provided he can find a member on this floor who will rise and offer a bill in his behalf and have it referred to the Pensions Committee.

Mr. McCALL of Tennessee. Is not the gentleman from Pennsylvania a member of the committee?

Mr. ERDMAN. I am.

Mr. McCALL of Tennessee. As a member of the committee, did you take the precaution to look at the evidence before this bill was called to the attention of the House?

Mr. ERDMAN. Does the gentleman want me to disclose all that occurred in the committee?

Mr. McCALL of Tennessee. No, sir, not that; but you can answer that question without disclosing what occurred in the committee.

Mr. PEARSON. I hope the gentleman will answer the question.

Mr. ERDMAN. If I do I will have a long story to tell.

Mr. BARHAM. Well, do not answer it, then. [Laughter.]

Mr. ERDMAN. Whether it is right, fair, and just to the people of this country to do what you are about to do here is the only question that concerns us now.

Mr. NORTHWAY. Will the gentleman permit me?

Mr. ERDMAN. Certainly.

Mr. NORTHWAY. It appears that this man was discharged three times from the service, so he must have been enlisted three times. Now, the Government having enlisted him three times, and having accepted his service for four and a half years without complaint, do you not think it a piece of cowardice and a very mean act to undertake at this late hour to set up the claim that his eyesight was defective when he was enlisted? Do you not think it cowardly and disgraceful to go back of this fact, which the evidence discloses in the case, and undertake to set up a different state of things from what must have existed at that time in view of the fact that he was enlisted?

Mr. ERDMAN. If the proof is clear, as in my judgment it must have been, that his eyes were diseased before he went into the service, unless we change the law for the benefit of every soldier you wrong all the rest, you wrong yourself, and you wrong the country by this action.

Mr. NORTHWAY. Well, we will try it anyhow. We will stand the wrong. [Cries of "Vote!" "Vote!"]

The question being taken on the motion that the bill be laid aside with favorable recommendation, it was agreed to.

SOPHIA J. HAMILTON.

The next business on the Private Calendar was the bill (H. R. 569) granting a pension to Sophia J. Hamilton, widow of Charles S. Hamilton, major-general of volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sophia J. Hamilton, widow of the late Charles S. Hamilton, major-general of volunteers, and pay her a pension of $50 per month.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 569) granting a pension to Sophia J. Hamilton, widow of Charles S. Hamilton, major-general of volunteers, after carefully considering the same, respectfully report:

Maj. Gen. Charles S. Hamilton served with great distinction in the war with Mexico and in the war of the rebellion. His military services, compiled from the records of the Adjutant-General's Office, are as follows:

He graduated at the United States Military Academy in 1843. He joined the Fifth Infantry in July, 1846, and served with it in Mexico in the war with that country, and was severely wounded in the battle of Moline del Rey September 8, 1847. Sick in the City of Mexico from wounds to November, 1847; on duty with his regiment in Mexico to the close of the war.

Besides the battle of Moline del Rey, he participated in the battle of Monterey, siege of Vera Cruz, capture of San Antonio, and battle of Churubusco.

Capt. William Chapman, Fifth Infantry, commanding regiment, says:

"Lieut. C. S. Hamilton, commanding Company I, was severely wounded early in the action while urging his company on, but he raised himself up with assistance and continued cheering and encouraging his men until they were beyond the reach of his voice."

His civil-war record is as follows: He entered the volunteer service as colonel Third Wisconsin Infantry May 11, 1861, and commanded the regiment in Maryland to August 31, 1861. He was appointed brigadier-general of volunteers to rank from May 17, 1861, and major-general September 19, 1862.

He commanded a brigade in General Banks's division, Army of the Potomac, to March 15, 1862; the Third Division, Third Corps, to May 2, 1862, and the left wing, Army of the Mississippi, from June 15 to August, 1862; on leave to September 15, 1862; commanded the Third Division, Army of the Mississippi, to October 26, 1862; the district of Corinth to January 10, 1863; the Sixteenth Army Corps to February 5, 1863; and district of Corinth and Jackson, Miss., to April 13, 1863, upon which date he resigned. He subsequently served as captain and provost-marshal, fourth district of Wisconsin, March 11 to October 15, 1865, when honorably discharged.

General Grant, in his report of the battle of Iuka, October 22, 1862, says:

"It was a part of General Hamilton's command that did the fighting, directed entirely by that bold and deserving officer. I commend him to the President for acknowledgment of his services."

General Rosecrans, in General Order No. 152, dated October 25, 1862, to the Army of the Third Division of the district of the West Tennessee, in regard to the battle of Corinth, says:

"It would be to me a great pleasure for me to signalize in this general order those whose gallant deeds are recorded in the various reports, but their number forbids. I will only say that to General Hamilton * * * and the brigadier and regimental commanders under them I offer my thanks to the gallant and able manner in which they have performed their several duties."

General Hamilton left the service of his country in broken health; his disabilities were progressive until he became practically helpless. Owing to the condition of his health, he lost much of his property, and at the time of his death left his widow in dependent circumstances. The Fiftieth Congress, by special act, pensioned the General at $50 per month in recognition of his eminent services.

His widow is now 71 years old and is greatly in need of the relief provided in the bill. The bill is reported favorably with the recommendation that it do pass.

Mr. KEM. Mr. Chairman, I should like to ask the gentleman who has this bill in charge to explain to the House why this woman should have $50 a month. I should like to ask first how much this woman would be entitled to under the law, if entitled to

anything? How much could she receive under the law, if she could receive anything? If there is any gentleman here who can answer that question, I should like to have it answered.

Mr. LACEY. She would be entitled to $30 a month.

Mr. KEM. The gentleman says she would receive $30 a month. Now, I want some one to explain upon what basis it is proposed to give her this extra $30 a month?

Mr. Chairman, on last Friday night there was a bill passed here, recommended by the committee, granting to the widow of a captain who gave his country no actual service other than three months, perhaps, a pension of $20 a month. Following that was a bill granting a pension to the widow of a private soldier in the ranks who gave his country three years of hard service and was very severely wounded in that service. This committee gave her but $12 per month. Now you come here to-night and are not satisfied with this unjust discrimination—unjust because it is unjustified—and you pension a photographer who saw no service at all, who was simply taking pictures under contract for private gain and private benefit. You follow that now with a bill granting to the widow of an officer $20 per month more than she is entitled to under the law and $38 per month more than the widow of a private soldier could get. Now, Mr. Chairman, I want to say that this sort of legislation does not meet with the approval of the common soldier of this country, and as evidence of that fact I want to send to the Clerk's desk and have read some resolutions passed by a Grand Army of the Republic post on the Pacific Coast covering this very point.

The Clerk read as follows:

Whereas the pension claims of tens of thousands of the soldiers and sailors of the late civil war remain undecided while thousands of the claimants are yearly going to their graves—

Mr. CURTIS of New York. I should like to inquire if this was read the other night?

Mr. CROWTHER. That is the same one.

Mr. CURTIS of New York. Is this read a second time?

Mr. KEM. Not by me.

Mr. CURTIS of New York. I think this was read the other night. If so, it ought to be put down as a part of the variation——

The CHAIRMAN. The gentleman has the right to have it read in his time.

Mr. KEM. I desire to have that read as a part of my remarks.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

And whereas we believe that the granting of special pensions at high rates to the widows of deceased officers of the Army and Navy is an unwarranted and unnecessary continuation of the discrimination of rank in favor of a class who were neither soldiers nor sailors, but only claim through inheritance: Therefore

Be it resolved by Sedgwick Post, Grand Army of the Republic, Department of California, That we oppose and condemn the granting of special pensions at high rates to the widows of deceased officers of the Army and Navy as an unjust distinction against ex soldiers and sailors and their widows, who are limited to pensions of eight or twelve dollars per month, if any, and we demand that the widows of officers shall be pensioned under existing general laws.

Resolved, That the adjutant of this post forthwith forward a copy of these resolutions to each member of Congress from the State of California and to the adjutant-general of the Department of California, Grand Army of the Republic.

Adopted at a regular meeting of the post held February 11, 1896.

E. D. COOKE, *Adjutant*.

Mr. KEM. Now, Mr. Chairman, in order to show that this sentiment is not confined to the Pacific Coast or to the Western part of the country, I desire to send to the Clerk's desk and have read some other resolutions.

The Clerk read as follows:

HEADQUARTERS NATHANIEL LYON POST, NO. 2,
DEPARTMENT OF CONNECTICUT,
GRAND ARMY OF THE REPUBLIC,
Hartford, Conn., February 4.

Whereas the members of this post in regular session assembled, having heard read the arguments and testimony from the CONGRESSIONAL RECORD of the date of January 14, 1896, pertaining to the bill for pensioning the widow of the late General Cogswell, of Massachusetts, and after a thorough discussion and careful consideration of the subject, desire to place on record the following resolutions:

Resolved, That Nathaniel Lyon Post, No. 2, Department of Connecticut, Grand Army of the Republic, regret to find a distinguished soldier and member of this post, in his place in the United States Senate, advocating sentiments and performing acts calculated to discriminate against the widow of the common soldier in favor of the widow of the commissioned officer in the matter of governmental recognition of the claim upon its bounty of one and the other.

Resolved, That we are unable to discern from the arguments adduced on what grounds of logic or of equity the case of men holding different grades of rank and receiving unequal compensation for time and services rendered in the cause of their country can at any time apply to relatives or friends of the same, never having rendered or being called to the performance of such service.

Resolved, That we most respectfully, yet earnestly, protest against the spirit of discrimination involved in the action of vouchsafing to the widow of the common soldier holding recognition from the Government of the faithful performance of patriotic duty equal to any comrade of any rank—an honorable discharge—the petty sum of $8, $10, and $12 per month, while the widow of another, who did no more than his duty (sometimes not even that), is accorded five, six, eight, and ten times as much.

Resolved, That if the larger amount is tendered, as is here claimed, in recognition of the greater service of one to his country, and to honor his memory for the same, the smaller amount must be held as the measure of the service of the other, and the honor therefor, whereas the honored and the beloved head of the nation proclaimed in its moments of crucial agony: "The only debt which we can never pay is the debt of gratitude we owe to our brave soldiers."

Resolved, That it is with feelings of deep regret the members of this post find themselves called upon to dissent from the position of the distinguished comrade of their own household, so to speak, in the matter here at issue, and to be obliged to record their indorsement of the sentiments and action of the "stranger," the also distinguished comrade, from Nebraska.

Resolved, That the thanks of this post are hereby tendered to the Hon. WILLIAM V. ALLEN, Senator from Nebraska, for the interest and gallantry manifested in the cause of the widow of the common soldier as equal to that of the widow of the commissioned officer, believing such conduct inspired by the same spirit that actuated the fathers of the nation in the immortal declaration that "All men are created equal, endowed by their Creator with the right of life, liberty, and the pursuit of happiness," and of course all that these noble words imply.

Resolved, That a copy of these resolutions be forwarded to Senator HAWLEY, one to Senator ALLEN, and one to Congressman HENRY, of the First Congressional district of Connecticut, and that we call on the Grand Army posts of the State and nation to speak out on this most important issue and record their convictions as to whether the veterans of the late civil war, fought on behalf of the perpetuation of free institutions, are worthy of the estimate placed on their patriotic services by the martyred Lincoln, or are more fairly and accurately adjudged by the estimate and action of the majority of our present national lawgivers.

I hereby certify that the foregoing is a correct copy of the resolutions passed as stated.

GEORGE JONES, *Adjutant*.

Mr. KEM. Now, Mr. Chairman, I desire to say that those are only a part of the protests that I have received from different parts of this country against this sort of pension legislation. Here is the Republican party, with 140 majority on this floor, that has posed before the people of this country for years and years as the friend of the common soldier; and I submit, and I want it to go to the people of this country, that the record shows that the Republican party is not the friend of the common soldier. Here you have come night after night, and you have made strenuous and bitter efforts and contests upon this floor to pension the widows of officers of the Army, to pension photographers and teamsters, and that sort of thing. You have been discriminating from time to time in their favor, but you have done comparatively nothing for the common soldier of this country, and I am glad of the fact that at last the common soldiers are waking up to that fact and are beginning to understand it.

I want to submit, Mr. Chairman, that this woman whose case is being considered at the very extreme is only entitled to $30 per month; and that is what she ought to have, and then she has an advantage of $26 a month over the common soldier.

Mr. MAHON. Mr. Chairman, a statement has been made upon the floor of this House that we, as Republicans, can not allow to go to the country with our assent. Of all things, I believe in decency in politics, whether it is with our opponents or among ourselves. I have no objection to any pleasant badinage about gentlemen who are aspiring to the high office of President; but when a serious charge is made that these men, who have been in the Republican party for years, and by their distinguished services to this country have reached that eminence in public life that their friends throughout this country are seriously urging them for the highest office within the gift of our people, for a member of this House to get up and seriously and earnestly try to send the impression out throughout this country that these eminent gentlemen, or either one of them, through their friends, would come into this House and undertake to use the old soldiers of this country as footballs to advance his candidacy, it is not correct. I refer to the remarks made by the gentleman from Illinois [Mr. CONNOLLY]. I am satisfied when he reads those remarks in cold print to-morrow morning that he will not be satisfied with them. No gentleman who is a candidate for that high office will for one moment approve remarks of that kind.

Now, Mr. Chairman, the rules of this House declare that every Friday night shall be set apart for pension business. That rule has been religiously kept, and although the Private Calendar, which contains many meritorious bills for money due to the people from this Government—though our business has not been reached, although we have been in session three and a half months—this House to-day gave way and allowed the day to be taken up in the interest of these men; and I say that when a certain gentleman, whom I need not name, of high standing among the Republicans of this House, and whom we recognize as our leader, is charged with undertaking to suppress legislation in the interest of the old soldiers, I denounce that statement as being without any foundation in fact. [Applause.]

Mr. CONNOLLY. Will the gentleman allow me——

Mr. MAHON. Now, Mr. Chairman, I have noticed since I have been here this session when gentlemen on the floor of this House, of both parties, have approached that gentleman in his private room——

Mr. CONNOLLY. What gentleman?

Mr. MAHON. I will name him after a while, if you want me to—[continuing] and have asked him for recognition that they might have a bill passed through this House in favor of some old soldier, the rest of us who had been asking for recognition for legislation

had to give way, because that gentleman, out of the kindness of his heart and his loyalty to those old soldiers, always gave the preference to gentlemen who had private pension bills. [Loud applause on the Republican side.] This House has consumed fifty-five hours on private pension bills. We have passed 40, or an average of about an hour and a half consumed on each pension bill.

Now, I am not criticising gentlemen for talking about pension bills on either side. That is the absolute and unqualified right of each gentleman under the rules of this House; but, nevertheless, the fact stands out that we have consumed on an average an hour and a half on every pension bill. Now, if gentlemen of the House propose to take up the time in talking, which they have the right to do, then pray do not let them criticise men who are not responsible.

Mr. GROUT. Let them not lay it to the Committee on Rules.

Mr. MAHON. Let them not lay it to the committee. So far as the committee is concerned, I have been before them, and made requests of them, and they have always treated me with the greatest consideration, for which I thank them. But I say I do not want the statement to go out to the country that the gentleman who has presided over this House—do you know who that is?

Mr. ARNOLD of Pennsylvania. TOM REED.

Mr. CONNOLLY. All the time except the Friday night sessions.

Mr. MAHON (continuing). Or his friends are undertaking to advance his interests as a candidate for the Presidency of the United States by trying to suppress pension legislation. [Loud applause.] I do not believe there is another Republican on the floor of this House, except the gentleman from Illinois, and I am sure there is not a Democrat on the floor of this House, who will charge that gentleman with conduct of that kind. [Renewed applause.]

Now, I have said enough on this subject. I simply want it to go out to the country that the man who presides in that chair is as good a friend to the soldiers of the United States as any man that lives in our land. [Applause.] To him everybody who knows anything about it will concede that—Democrats, Republicans, and other Presidential aspirants. That is all I have to say.

Mr. GROSVENOR. Mr. Chairman, I do not want to have any controversy with the gentleman from Illinois [Mr. CONNOLLY], but I think he probably has a tendency when he stands on his feet to say more than he would write in moments of cool, deliberate reflection. [Laughter.] I know him to be a very good friend to the soldier and I know that he was a good soldier. He and I together had the honor of putting down the principal part of the rebellion. [Laughter.] He is a good Republican, too, but I can tell him that before he arraigns the entire Republican party in this House for bad faith toward the soldiers he ought to have more details to go on than he has had thus far.

There is no trouble in this pension question except the defect in the general pension legislation of the country, and that defect has come in the lapse of time. There was a time, since I have been a member of this House, when I was opposed to some legislation that I am now distinctly in favor of. While I am on my feet I want to say that we shall not get rid of these troubles until we pass a uniform general pension law based upon honorable service. [Applause.] There are two incurable evils incident to this whole business. One of them is the accumulation of business in the Pension Office; but the great evil, the one that towers above all the rest, is the political aspect of the pension question.

I have thought a great many years about that; I have observed it, and I have stood here and stated the evil before. It is not an element in the Democratic party alone. Evils of this character will infest all political parties so long as the granting of a pension is a question of what the disability came from, how it was incurred, and how great it is. So long as those questions have to be settled by the report of an examining board and the case has to pass through this pension organization here, we can never have any successful relief from the political aspect of the business. It is a little worse in the Democratic party than it is in the Republican party, for the reason that the Republicans have most of the soldier vote, and the Democrats, from time to time, make piratical incursions into the Republican party by a system of administering and applying the pension laws and pension examinations, and in that way they push the political aspect all the time to the front.

These boards of pension examiners that go in and out with the changes and mutations of politics are not only of no benefit to the soldier, but they are a curse to the country. That is perhaps pretty severe language, but I only state the fact. We have all found it out, and we shall never get rid of the evil until we destroy the political power of the Pension Bureau, with its ramifications extending into every county in the United States, by a distinct law giving to every soldier what the Government can afford to give, based upon honorable service and upon nothing else. [Applause.] When we do that the machinery will be gotten rid of and all these questions will disappear from Congress and members can become something else than mere pension agents.

Now, what about this Invalid Pensions Committee? They have brought in a measure here that, in the main and practically in all respects, is a most valuable step forward in this matter of pensions, and I am not willing to be a member of a House, or a member of a political party, or a member of a committee, and stand by and hear an advantage taken that I know is not a fair advantage and remain silent, even though my doing so might inure to the benefit of some "fugleman," as somebody on this floor has been very politely called to-night—some fugleman of some candidate for the Presidency. I suppose we have a good many fuglemen here. I imagine that the gentleman who made the charge is a sort of a fugleman, possibly not a major-general, possibly only a corporal, but I think he will fugle some before he gets through. [Laughter.]

That measure has been brought into the House. Now, I claim to have some interest in the soldiers of the country. I look after their interests; and I am not a demagogue, either. I do not appeal for votes to the soldiers of my district or boast of anything that I do for them. If at the end of ten or twelve years spent as a Representative in Congress a man has not established a reputation by his action here, it is hardly worth while for him to set up a claim as to what he is doing for the old soldiers. They understand this thing now tolerably well.

I went to the Speaker and talked with him about this very matter, and he is not only willing, but anxious (I say it without qualification) that this bill as reported shall come up and have its fair hearing and shall be passed. He may have some suggestions to make about it. He is a Representative of his Congressional district, and he is a great leader of the Republican party here in this House. [Applause.] By no fair inference can it be said by anybody that he has laid an obstacle of any character in the way of that pension legislation. It is only justice to him that I should say this, inasmuch as I happen personally to know what I am talking about on this particular question. [Applause.]

Now, then, who is undertaking to control this House? The gentleman from Illinois [Mr. CONNOLLY] ought not to send out to the country the statement that there are a few men here (whoever he may have intended to include in that statement) who control this House. It is as much as I can do to control myself; and nobody can control me.

Mr. BOUTELLE. It didn't look very much as if anybody was "controlling the House" to-day.

Mr. GROSVENOR. No; there was not anybody in control here to-day; there is not anybody in control here to-night. The audience is quiet, that is all, but the House will break out again, and it will run as the majority wants it to run.

My friend from Illinois, if you want to do something, make your proposition; come to the front with it and shout. Do not stand around and charge somebody else with not doing that which you are abundantly capable of doing yourself. There are no committees of this House that are in control of it. The rules of the House give to certain committees the right of way, but the House can knock those committees out, as it did to-day. The Appropriations Committee to-day had the right of way. They had it just exactly as you have the right to walk on the street; but if there comes along a runaway team and runs over you, your right of way does not do you very much good. The Appropriations Committee got run over here to-day. [Laughter.] I voted to stand by it; I thought that the best thing to be done; and I will tell you why. Some gentlemen learned here to-day something that I learned ten years ago. I knew when we took up the Private Calendar to-day that we might just as well all have gone fishing. The first bill we struck was the last bill that we touched, as I knew would be the case. In the same time we could have passed, or nearly passed, that great appropriation bill if we had gone right ahead with it.

Now, my friends, that is all I want to say. It is not worth while to send out to the country the statement that there is a conspiracy here against the old soldier. The Republican party of this country has done for the soldier all that has ever been done for him that is worth remembering. [Applause.] And the Republican party of this country is just as faithful to the old soldier to-day as it ever was at any time in its history. The Republican party of this country, through the action of this House of Representatives, will do justice to the old soldier and will compel a recognition of that fact by the American people. [Applause.]

Mr. CONNOLLY. Mr. Chairman, the speech of the gentleman from Pennsylvania [Mr. MAHON] serves to illustrate very well the truth of the suggestion which I made when I was last on the floor, and which has been so kindly criticised by my Santa Claus friend from Ohio. [Laughter.]

Now, the gentleman from Ohio [Mr. GROSVENOR] suggested that when I got on my feet I, in all probability, said things that I would not say in cooler moments, if writing them.

Mr. GROSVENOR. Will the gentleman allow me to make a suggestion in connection with what he was saying, that were it not for circumstances over which he has no control he would probably be as much of a Santa Claus as I am. [Great laughter and applause.]

Mr. CONNOLLY. Now, I was saying that the gentleman from Ohio, Mr. Chairman, suggested that I probably, on my feet, said things that I would not have said had I been sitting down and writing them out. That is probably correct. I would in all likelihood have selected some different words and would have been able to make my suggestion in language more forcible, perhaps more elegant, than I did use when on my feet, called there by the bill under consideration.

But the gentleman seeks to put me in the attitude of attacking the Republican party, as not being the friend of the soldier. He certainly does not do that in sincerity and earnestness. It must be "fugling" when he does that, to use his own term. The general purport of what I said was that we were neglecting the interests of the old soldiers and at the same time pretending that we were giving strict attention to their interests at the Friday night sessions. I said that we had too many candidates for President and their fuglemen at this session of Congress to give very strict attention to the demands of the old soldiers, and in illustration of what I said I remarked that while we have a great big Republican majority on this side of the House, yet we hardly ever get a quorum at these evening sessions.

Now, gentlemen do not want me to say that, because it will go to the public. Is it true? Is it not true? Is not every word of it true, and all that I have said about it? Then, if it be true, why should we be ashamed of speaking of it? If it be true, let it be known that we are engaged too often and too much in the business of making Presidents to give strict attention to the Friday night sessions in behalf of the old soldiers of the country.

I say to the gentleman from Ohio that if I were sitting down writing this out I would probably extend it a little further; but when he and the gentleman from Pennsylvania [Mr. MAHON], the latter especially, come in here like Don Quixote, armed capa-pie, to defend the Speaker of the House against the assault they claim that I made upon him, they are fighting a windmill. [Great laughter and applause.] And that term, Mr. Chairman, I use with the full knowledge of the fact. It is no slip of the tongue. Even if I had been sitting down and writing it, as the gentleman suggests, I would have used the term, because that is what his prototype did—fought imaginary enemies.

But, sir, I made no assault on the Speaker of the House. I have always been treated kindly by him, quite as much as my deserts entitle me to, I may state. There is not the slightest reason why I should make an assault upon him, none on earth. But the gentleman thinks I referred to him when I was interrupted by a question in the course of my remarks a few moments ago, and when I said with reference to the Committee on Rules that I would be exceedingly glad to see any member of the committee here at any of the Friday night sessions. Now, the Speaker being ex officio a member of the Committee on Rules, that remark might be construed to include him. But I have no apology to make. There was no intention of referring to him in any discourteous manner whatever.

Mr. GROSVENOR. Will the gentleman allow me to put in a word there?

Mr. CONNOLLY. Certainly.

Mr. GROSVENOR. In the twelve years that I have been a member of this House I have never known any Speaker of the House of any party to be present at these Friday night sessions.

Mr. CONNOLLY. In the four or five months that I have been here my experience has been exactly the same as that of the gentleman of Ohio. [Laughter.] Now, I hope the gentleman will not compel me to put anything more before the public.

Mr. GROSVENOR. Let me complete what I was about to say. That it has been the uniform practice of the House always that these sessions are presided over by a member of the House selected by the Speaker for that purpose.

Mr. CONNOLLY. I have no question of that.

Mr. GROSVENOR. And the Speaker has a very laborious life——

Mr. CONNOLLY. Beyond question.

Mr. GROSVENOR. And it is not expected that he shall come to these evening sessions. Indeed, some of the older members might perhaps stay away with profit not only to themselves, but to the House. [Laughter.]

Mr. CONNOLLY. Well, I notice that they very often take leave of absence from the House without its consent.

Now, I do say, Mr. Chairman, that we are to a certain extent guilty of neglect in this—not so much in the passage of the private pension bills introduced, but because here is a most excellent bill reported from the Committee on Invalid Pensions that covers nine-tenths almost of all of the cases that are forced to be acted upon by special legislation, to which no attention has yet been paid. The Committee on Invalid Pensions introduced the bill, had it placed on the Calendar of the House—the Committee of the Whole House on the state of the Union—on the 11th day of February. That bill has lain there all of that time. I have asked the chairman of the committee—I know he is anxious to get it up whenever he can find a clear way for that purpose—I have asked when it would be taken up. I know that he wants to take it up as soon as possible. That bill ought to be considered, and it will perform more real service for the soldier than all the standing up on this floor we can do in these Friday night sessions—standing here, like the gentleman from Ohio, and protesting what good friends we are of the soldier. We had better by passing that bill prove our faith and earnestness by our work. Let us take up that bill, a bill that will do some good, and put it upon its passage. That is the way to prove our friendship and good will. [Applause.]

Mr. ERDMAN. Mr. Chairman, if the other side have got through determining whether anybody has been hurt or any Presidential toes have been stepped on, it might perhaps be in order to consider what is before the House at this time. But in passing, let me ask you, do you consider it fair, do you consider it just, do you consider it very manly to jump with both feet upon the gentleman from Illinois [Mr. CONNOLLY] because he has had the manhood to assert what he believed to be right with regard to a private pension bill? You admit that what he asserted was right, because you passed the amendment.

Mr. ANDREWS. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ANDREWS. I believe that the merits of the bill now under consideration are the proper subject for discussion, and that debate upon other matters is out of order.

The CHAIRMAN. The point of order is well taken.

Mr. MILES. Why was it not raised an hour ago?

Mr. CHICKERING. Because it is raised now. [Laughter.]

Mr. MILES. That is a brilliant remark.

The CHAIRMAN. The committee will be in order. The gentleman from Pennsylvania has the floor.

Mr. ERDMAN. Now, Mr. Chairman, I have no doubt the House thought it relevant a while ago, whether the eminent gentleman who presides over the House was a friend of the soldier or not, and whether the Democratic party was a friend of the old soldier or not.

Mr. WATSON of Ohio. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. ERDMAN. Yes, for a question.

Mr. WATSON of Ohio. Have you ever voted for a pension bill since you have been a member of the House?

Mr. ERDMAN. I have voted for a number of them, and I am going to vote for this bill, and I will tell you why. [Cries of "Vote!" "Vote!"] Mr. Chairman, a while ago I was about to say that it was relevant to this bill to determine whether or not the eminent gentleman who presides here was a friend of the old soldier, and I was delighted to hear the kind tribute that the gentleman from Ohio [Mr. GROSVENOR] paid, as the champion of a rival Presidential candidate; but when he undertook to say that the Democratic party was not liberal toward the old soldier he forgot the amount that Democratic Congresses have voted in every pension appropriation bill passed by them for many years. He forgot the fact that the Fifty-third Congress put more liberal pension legislation upon the statute books than the Fifty-fourth Congress has or ever will.

Mr. OTJEN. Mr. Chairman——

Mr. ERDMAN. Again, Mr. Chairman, it has been said that there is slumbering somewhere upon the Calendar—that last sleep that knows no waking, I believe the gentleman from Illinois terms it—a bill that will do away with Friday night pension legislation. Pass that bill as it is now and it will do away with the necessity for all Friday night pension legislation. It will do away with the necessity for a Pension Bureau at all. All that will be required will be scribes to write on the rolls the names of those who demand to be placed there. That is the purpose of it, and I wonder not that the Speaker stands appalled at the magnitude of the havoc it would wreak upon the Treasury. But that bill, when it is reached in its proper order, which I have no doubt will come some day—provided we do not get away from here by the 2d of May—will be criticised, probably amended, and passed with some good in it, though as it is now, in my judgment, it will never pass this House.

Now, as to the bill under consideration: The gentleman to whose widow it is sought to give a pensionable status had the rank and performed the eminent service, and his widow is dependent. What more should you want? It should entitle her to a pension such as the committee recommend. Therefore I intend to vote for it, and I hope gentlemen on the other side will not

detain the House again as long in making capital for Presidential aspirants as they have been detaining it on this bill. [Cries of "Vote!" "Vote!"]

Mr. OTJEN. Mr. Chairman, I have been trying to get a word in edgewise for some time. I introduced this bill, asking that a pension be granted to Sophia J. Hamilton. The report of the committee, which has just been read, giving the military record of General Hamilton, shows that it is a record of eminent services rendered to his country in two of its great wars.

General Hamilton was a graduate of the United States Military Academy at West Point in 1843. He served in various regiments of the Regular Army until the breaking out of the war with Mexico. He served throughout that entire war, being engaged in five of its great battles. He rendered gallant service at the battle of Molino del Rey, where he was wounded. Captain Chapman, who commanded the Fifth Infantry, in whose command he was, specially commends him for his gallant conduct on the battlefield. His record in the civil war is equally honorable and distinguished.

In May, 1861, when the civil war broke out, he led forth in defense of his country the Third Wisconsin Infantry. He was its colonel. He rose rapidly from one position to another, until in September, 1862, he was made major-general. General Grant specially commends him for his gallant conduct at the battle of Iuka, where his division did the most of the fighting. He commends him as a brave, bold, and deserving officer. Again, at the battle of Corinth, where nearly 6,000 men were killed and wounded, General Rosecrans publicly thanked him for the gallant and able manner in which he performed his duties upon the battlefield.

Now then, Mr. Chairman, when General Hamilton laid down the vocations of peace and entered into the service of his country in 1861 he was a well, strong, and healthy man. When he ceased the service of his country he was in broken health. He carried home with him diseases that were progressive, which gradually reduced him to an invalid.

Through the services he rendered to his country, from hardships and privations endured in the war, through the immense nervous strain of an active war career such as General Hamilton had, he lost his health, and he went home broken in health and gradually was reduced to a helpless invalid. On account of his invalid condition he was not able to attend to business, and thus lost most of his property, so that when he died he left his widow in dependent circumstances.

Now, Mr. Chairman, I think it is no more than just to grant to the widow of General Hamilton, now 71 years old, this pension in recognition of the honorable and distinguished services he rendered to his country; and I hope this Congress will treat the widow of Major-General Hamilton as generously as they have the widow of any other major or brigadier general. [Cries of "Vote!" "Vote!"]

The bill was ordered to be laid aside with a favorable recommendation.

FREDERICK VAN GUILDER.

The next business on the Private Calendar was the bill (H. R. 3046) for the relief of Frederick Van Guilder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against Frederick Van Guilder upon the records of Company K, One hundred and twenty-third New York Volunteers, and to issue to him an honorable discharge, to date July 6, 1863.

SEC. 2. That this act shall take effect and be in force from and after its passage.

The report (by Mr. PARKER) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3046) for the relief of Frederick Van Guilder, have had the same under consideration, and respectfully recommend that the bill do pass without amendment.

This is a bill to remove the charge of desertion and to issue an honorable discharge to date July 6, 1863.

The soldier enlisted September, 1862, was mustered November 5, 1862, and served till July 6, 1863, receiving no pay, because his name was not on the muster rolls, which appear to have been mislaid.

After serving through Gettysburg he surrendered to the provost-marshal to ascertain his status, and was discharged as not mustered in, by the Provost-Marshal-General; went home, and afterwards reenlisted and served faithfully, and was honorably discharged from the last service.

His statement in affidavit on the records of the War Department, and in the ingenuous autograph paper, of which a copy is annexed, is confirmed by these records as to the loss of muster rolls, the service, the want of pay, and that it was decided by the Provost-Marshal-General that he had not been mustered in.

The committee are of opinion that he had good warrant to go home and was not a deserter. Desertion is a question of intent. He is entitled to an honorable discharge, as provided in the bill.

Case of Frederick Van Guilder, Company K, One hundred and twenty-third New York Volunteers.

WAR DEPARTMENT, RECORD AND PENSION OFFICE,
January 28, 1896.

It is shown by the records on file in this office that Frederick Van Guilder was enrolled on September 5, 1862, and that he was mustered into service as a private of Company K, One hundred and twenty-third New York Volunteers, to serve three years, on November 5, 1862, at Albany, N. Y., by a regularly appointed mustering officer of the United States. He is borne as present with his command on all rolls of his company up to and including that for June 30, 1863. The next roll, that for August 31, 1863, reports him as absent without leave since July 6, 1863, and he is reported as absent on all subsequent rolls, except the muster-out roll of his company, which is dated June 8, 1865. On this roll he is reported as having deserted July 6, 1863.

It does not appear that the soldier received any pay from the time he enlisted until he left the service, and it is evident from the official records and from testimony that has been submitted to this Department that the fact of his having been mustered into service on November 5, 1862, was not communicated to his company officers until after he left his command on July 6, 1863.

On February 20, 1865, he enlisted to serve one year in Company A, Eighth Vermont Infantry, in violation of the twenty-second (now fiftieth) article of war, and was honorably discharged from that regiment on June 28, 1865.

In support of an application for removal of the charge of desertion from the One hundred and twenty-third New York Volunteers, Van Guilder has stated under oath that he served for many months without receiving any pay, that payment was refused him on the ground that the rolls did not show that he had been mustered into service, and that both he and his company officers were unaware that he had been mustered into service. This statement is corroborated to a certain extent by the official records and by the testimony of comrades which is on file in this Department; but, unfortunately, the soldier did not remain with his command until his case could have been adjudicated by the proper authorities, but abandoned the service without proper authority and went home, thereby making it necessary that the charge of desertion should be entered against him upon the records when his company officers discovered that he actually was mustered into the military service on November 5, 1862.

In view of the facts of record in this case, which do not conflict in any important particular with the statements made by the applicant and his witnesses, the War Department is unable to afford any relief under the provisions of the act approved March 2, 1889, which is the only law now in force governing the subject of removal of charges of desertion.

Respectfully submitted.

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

The SECRETARY OF WAR.

WAR DEPARTMENT, RECORD AND PENSION OFFICE,
Washington City, February 3, 1896.

SIR: In returning herewith the copy of the statement by Mr. Frederick Van Guilder, received by your reference on the 30th ultimo with the request to be furnished with certain information relative to the muster into service of Frederick Van Guilder, late of Company K, One hundred and twenty-third New York Infantry, and with the affidavits on file in this Department in his case, I am directed by the Secretary of War to inform you as follows:

No record has been found showing that shortly after the battle of Gettysburg this soldier reported to a provost-marshal, as alleged.

Upon a reexamination of the records of the provost-marshal at Baltimore, Md., it has been ascertained that under the name Fred Vangilder he was confined in the Gilmore House July 19, 1863, as an arrested deserter, with remark "not mustered in."

The "Letters Received Book," First Division, Twelfth Army Corps, shows that on June 11, 1863, H. O. Wiley, captain, One hundred and twenty-third New York Infantry, requested that Private Van Guilder be mustered into the United States service, and that on the following day Captain Wiley's communication was forwarded for information. The records of the Twelfth Army Corps furnish no additional information in the case.

There is no muster and descriptive roll in the case on file in this office, the muster roll of his company, dated August 31, 1863, being the basis for the statement that Van Guilder was mustered into service November 5, 1862, at Albany, N. Y.

An exhaustive investigation fails to elicit any further information in regard to the soldier as a member of Company K, One hundred and twenty-third New York Volunteers, additional to that contained in the report on H. R. bill No. 3046, Fifty-first Congress, first session. It appears, however, that on February 20, 1865, he enlisted for one year in Company A, Eighth Vermont Infantry, and was honorably discharged from that regiment on June 28, 1865.

If he was not in the military service as of Company K, One hundred and twenty-third New York Infantry, he could not, of course, be a deserter therefrom, and would not therefore be entitled to the benefits accruing from military service rendered therein, but whatever informality there may have been in the record of this man's muster into service it is evident that he was, at least constructively, mustered in, and was in the military service as a member of that regiment and a technical deserter therefrom.

Following is a synopsis of the testimony on file in the case:

March 27, 1890, the soldier testified that he enlisted as a private in Company K, One hundred and twenty-third New York Infantry, on or about September 5, 1862, at Granville, N. Y., but was not mustered into service until "about the last days of September, 1862, at Albany"; that his muster rolls could not be found, and the paymaster refused to pay him "on the grounds that I had not been mustered in," and said that "he could not muster me unless I enlisted over again, which would have caused me to lose all my pay"; that thinking he had served long enough without pay, he left his command, with his captain's consent, after the battle of Gettysburg; that he surrendered to the provost guard and was taken to the provost-marshal general at Baltimore, but the latter officer, failing to find his muster-in papers, sent him home; and that not until many years after the war did he (soldier) know that he had been mustered into service.

Cassius G. Waite, aged 43 years, of Granville, N. Y., testified, May 23, 1890, that he was well acquainted with Van Guilder before his enlistment, and served with him in Company K, One hundred and twenty-third New York Infantry; that Van Guilder left the service at the battle of Gettysburg, about July 3, 1863, because his captain (H. O. Wiley) refused to issue him any clothing, and for the further reason that "he was not known on the muster rolls of said company and the Government," and that "he heard Major-General Williams, division commander of Twelfth Corps, tell claimant not to fight unless the Government paid him, and to go home."

George W. Baker, late captain Company K, One hundred and twenty-third New York Infantry, testified September 15, 1890, that he was second lieutenant of the company at the date of Van Guilder's enlistment therein; that Van Guilder enlisted November 5, 1862, was mustered into service November 5, 1862, and left the regiment July 10, 1863; that the captain of the company (Henry O. Wiley) wrote several times to the adjutant-general of the State of New York for the mustering papers of the soldier, but was unable to obtain them, and that he was, therefore, "unable to get his pay or to find out whether he was a soldier or not"; and that on July 25, 1863, he (affiant) was detailed on detached service after drafted men in New York, and that on reaching Albany he obtained from the adjutant-general's office the mustering papers of Van Guilder and of two other members of the command and forwarded them to the regiment.

It is proper to add that a synopsis of the testimony should have been embraced in the report on bill H. R. 3846, Fifty-fourth Congress, first session, but was inadvertently omitted therefrom.

Very respectfully,

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

Hon. R. WAYNE PARKER,
Chairman Subcommittee B, Committee on Military Affairs, House of Representatives.

No. 1.

I have been requested to write a statement about my case. I inlisted about the last of September 1862 about three oclock in the after noon, in the one hundred and twenty third Nnew York in the town of Granvill Washington. Co: N. Y. and the rigment was in camp in Saylum about twenty miles away I took the train the next morning and I payed my own fair down to Saylum and the rigment had gon and what to do I did not know and then I and two more comrade payed my own fair back agane and reported to the recurting officer and he said that he would recurt some more and send us on with som more in a little while we had to wait about two weeks and then we was sent to Albany and stayed there about three weeks and I must have been mustured in while I was in Albany and then I was sent on to my rigment they was incamp in lodan valley I was with my rigment about three munts when the pay master com around and the capten said to me you cant draw any pay you have not been mustured into U. S. survis yet and you cant draw any pay but you com and sign thee pay rowl and I will try and get it for you and I thought it would be all right so I kepted right on doing survis and after the battle of chancevell the pay master came around again and the captain came around again and says you ant been mustered in the U. S. survis and he had the lutenent take me and the other two boys over to Gen. williams head quarters to be mustered and we went over three different times and the mustering officer said that he could not muster us in without we would inlist over again

And Gen. Williams said boys dont you fight without uncle Sam pays you and it seemed paty tuff to see the other boys get payed off and we could not get none and a wife and child at home. And it was known all thrugh the rigment that us three boys was not mustered in to United states survis. And we was advised by the other boys and som of the officers to go home. then the captain com to the ordley and said dont you call Fred C. G. and cashus weight nor Irey hall names any more at rowl call and dont draw any more clothing for them and have them turn their Guns and equitments over to you and shortly after that orders came for us to march to Getes Berg and just before we got to Getesberg one of the boys was sick and I took his equitment and fell into the ranks and I was in the first days fight at Getesberg and then the captain come to me and the other two boys and say if you should get killed here you would not get nothing for it and your family would not get nothing eather and he sent us back to tack care of his horse and send ther man that was taking care of his horse to the rigment but I did hate to leave the boys but I thought of the love ones at home and I thought I better go back and after the battle was over we started after Gen lee Across the patomic and then I went to the captain and I said cap this Is puty tuff the knees was out of my pants and my toes was thrugh my shoes and I toled him that I was agoig to give my elf up to the prol of guard and see if I was a soldier or a sitizen and he said he could not help it.

And I and one of the other boys started for Getesberg and was taken up by the prol of gard and taken to Getesberg before the prol marchal and was sent from there to laitmore before the prol marchal general and he said boys what are you here for and we told him that we was not mustered in to united states survis, and uncle sam would pay us we went on and told him how we inlisted and he swore out with a noath what kind of a captan we had but he said that he would telegraph to washington and find out whather we had been mustered in or not and the next day he called us up before him agane he said boys we cant find any mustering roles agants you and he said that the government did not want us to work for nothing and he said that if we would stay and do gard duty he would try and get our pay for us or he would give us a pass for home and he said boys you ant got any money how are you going to get home so he give us a pas for home I worked part of my way through and walked part and got home and that fall our lutenent com home a recruting and I see him a number times and he said to me one day fred i wish you could go back with me I told him that I would like to go back with him but I did not like to go back and go through what I did before now that fall he went back to his rigment and he stoped into Albany and fowned my mustering rowles aganested me and he sent them on to the captain but I did not know any thing about this untill about nine years ago I went back east and went and seen lutenent baker and he told me about finding the mustering rolles and sending them on

And he said that the captain put me down as a deserter but he said that he was ofle sorry and he said Fred you was one of our best soldiers and any thing I can do for you I will do it for you ought to have your pay for the time that you served this thing the last nine years has wored me to have them think that I was a dezerter for I was honest in the matter but I inlisted agane in the eight V. T. and staid with them untill the wore was over and got my discharge and now I donot get any pention nor pay for the time that I did sirve

respectfuly yours FREDICK VAN GUILDER.

Mr. PARKER. Mr. Chairman, may I interrupt the reading? Do gentlemen desire the whole record read in such a case as this? It is a perfectly plain case, which I can state in a moment. We annexed all the affidavits and papers, so that the case should be fully set out. Frederick Van Guilder enlisted in New York in September, 1862, and seems to have been mustered in Albany, just as the regiment was leaving, in November, 1862. The muster rolls got lost. He served all the time until Gettysburg, but got no pay, and had nothing to send home. He had a wife and children at home. When he applied for pay they told him that he was not on any muster roll. He served through Gettysburg, and waited until the Army chased the enemy across the Potomac, and then, as he could get nothing, he wanted to find out his standing, and surrendered to the provost-marshal, and the provost-marshal sent him to the general provost-marshal at Baltimore. The provost-marshal general kept him until he could send to Washington to see whether he was mustered. On doing so, it was found he was not mustered in, and he was told that he could go home. He went home, and about a year afterwards he enlisted again, in another regiment, and served throughout the war.

Now, this is his own story. We have looked it up, and we find that he was mustered, but the muster rolls never did get to the regiment until after the battle of Gettysburg, and then after they arrived he was marked as a deserter. The provost-marshal at Baltimore, opposite the name of Frederick Van Guilder, has in the record the mark, "Not mustered in." He was not really a deserter. He had been told to go home because it appeared that he was not mustered. [Cries of "Vote!" "Vote!"]

Mr. ERDMAN. Will the gentleman yield to a question?

Mr. PARKER. Certainly. I would like to answer the gentleman any question he desires to ask.

Mr. ERDMAN. That is a satisfactory explanation of the reason why he went home. But what explanation is there for thirty-three years' delay?

Mr. PARKER. This, sir, that Mr. Van Guilder did not find out that he was marked as a deserter until he got quite old and poor and applied for a pension.

The bill was ordered to be laid aside with a favorable recommendation.

ELIZABETH MARSHALL.

The next business on the Private Calendar was the bill (H. R. 1109) granting a pension to Elizabeth Marshall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Marshall, of Bridgman, Mich., widow of Henry L. Marshall, a private in Company A, One hundred and eighty-fourth Regiment Pennsylvania Volunteers, and pay her a pension of $12 per month.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1109) granting a pension to Elizabeth Marshall, having carefully considered the same, respectfully report:

Elizabeth Marshall claims as the widow of Henry L. Marshall, who enlisted September 2, 1861, in Company K, Fifty-fifth Pennsylvania Volunteer Infantry, and was discharged for disability December 24, 1862. On March 10, 1864, he enlisted in Company A, One hundred and eighty-fourth Pennsylvania Volunteer Infantry, and died October 23, 1864, at Andersonville, Ga., of scorbutus.

On June 21, 1865, the claimant filed application as widow of the soldier, and on November 16, 1865, Margaret Ann Marshall filed application, claiming as widow also. An investigation was made into the merits of the two claims, and in 1869 Elizabeth's was allowed at $12, to date from the soldier's death. This she continued to draw until 1884.

In 1884 Margaret renewed her claim, and Elizabeth was notified that if she did not produce within sixty days some additional evidence as to the legality of her marriage her name would be dropped from the rolls. At the time the pensioner was sick in Illinois and could do nothing. Her name was accordingly dropped and the pension granted to Margaret.

It appears that in 1852 Marshall and others were at a dance given by some one in the town in which he lived, and a mock marriage was proposed. Marshall and Margaret were willing to participate in the ceremony, and did so, but all parties were drunk, including the justice of the peace who officiated.

In 1858 the soldier married Elizabeth in due form, had four children by her, always recognized her as his wife, lived with her when at home, and sent her his pay while in the service. During all this time the parties resided in the same little town of 300 or 400 inhabitants.

Margaret died in 1889, and no pension is now being paid on account of the death of the soldier. Elizabeth is more than 60 years of age, and in destitute circumstances.

Your committee are of opinion, in view of all the facts, that Elizabeth is the legal widow of the soldier, and more especially so as the question was investigated within a short time after the transactions occurred and thus decided, and remained res judicata for fifteen years.

We therefore respectfully recommend the passage of the bill.

Mr. ERDMAN. I should like to get a little more information with regard to these double widows before we are called to pass upon this question.

Mr. THOMAS. I shall be glad to answer any questions the gentleman desires to ask in regard to the bill.

Mr. ERDMAN. I understand from this report that the mock-marriage widow drew the pension for many years.

Mr. THOMAS. She drew the pension from 1887, I think, for a few years. Elizabeth was drawing the pension prior to that time. She was the real widow, and had four children. The soldier sent his pay during the war to her. Then this other woman came in and proved this marriage at the dance, and thereupon the Bureau required Elizabeth to prove her marriage. She was unable to do it at that time, being away from home and away from where she could secure evidence, so the pension was awarded to the other woman. She has since died, and Elizabeth now asks Congress to give her the pension that she drew for many years.

Mr. ERDMAN. That is, as I understand the report, the real widow drew the pension from 1865 to 1884.

Mr. THOMAS. Yes, sir.

Mr. ERDMAN. And from 1884 to 1889 the mock-marriage widow drew the pension, and now this is a proposition to place the real widow on the pension roll.

Mr. THOMAS. That is the case.

Mr. ERDMAN. You say further in your report that the question was investigated and remained res adjudicata for fifteen years. To what does that refer?

Mr. THOMAS. I do not understand the gentleman's question. Does he want a definition of that term? I understand that they lived together as man and wife for fifteen years prior to the soldier's enlistment.

Mr. ERDMAN. But you say in your report that "the question

was investigated a short time after the transaction occurred and thus decided and remained res adjudicata for fifteen years." Now, what does that refer to?

Mr. THOMAS. It means that it was settled that Elizabeth was the widow.

Mr. ERDMAN. In what judicial proceeding was that determined?

Mr. THOMAS. I do not know about that. [Cries of "Vote!" "Vote!"]

The question being taken on laying the bill aside with a favorable recommendation, the Chairman declared that the ayes seemed to have it.

Mr. ERDMAN. I ask for a division.

The committee divided; and there were—ayes 82, noes 7.

Mr. ERDMAN. I demand tellers.

Tellers were refused, and the bill was laid aside to be reported to the House with the recommendation that it do pass. [Applause.]

Mr. PICKLER. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. HOPKINS having resumed the chair as Speaker pro tempore, Mr. HEPBURN, from the Committee of the Whole, reported that they had had under consideration sundry private bills, and had directed him to report them to the House with various recommendations.

Mr. PICKLER. Mr. Speaker, I ask unanimous consent that the previous question be ordered on the bills favorably reported from the Committee of the Whole, to the engrossment, third reading, and passage; and that fifteen minutes' debate be allowed on each side.

Mr. ERDMAN. I object to that.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BROSIUS, for this evening, on account of important business.

To Mr. ARNOLD of Rhode Island, for five days, on account of important business.

To Mr. BULL, for twelve days, on account of important business.

To Mr. HUFF, for one week from Monday, on account of important business.

The hour of half past 10 having arrived, the Speaker pro tempore, pursuant to the resolution previously adopted, declared the House adjourned until Monday next at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting estimates of appropriations required by the several Departments of the Government to complete the service for the fiscal year ending June 30, 1896, and for prior years, and for the postal service—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report in reply to joint resolution No. 32, Fifty-fourth Congress, directing the Secretary of War to submit estimates for necessary repairs at Cleveland Harbor, Ohio—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of plan and estimate for the improvement of Conneaut Harbor, Ohio—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BOWERS, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 191) granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State, reported the same without amendment, accompanied by a report (No. 973); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred House bill No. 4703, reported in lieu thereof a bill (H. R. 7665) to establish a life-saving station at or near the mouth of Rogue River, Oregon, accompanied by a report (No. 974); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HICKS, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution of the House (H. Res. 112) authorizing the employment of a skilled architect to assist the Supervising Architect of the Treasury in preparing the designs, plans, specifications, and other drawings of the mint building at Philadelphia, Pa., reported the same without amendment, accompanied by a report (No. 993); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. WOOMER, from the Committee on Military Affairs: The bill (H. R. 1345) to amend the military record of Charles Hentz, late private of Company C, Eleventh Regiment Connecticut Infantry Volunteers. (Report No. 968.)

By Mr. GRIFFIN, from the Committee on Military Affairs:

The bill (H. R. 1498) directing the Secretary of War to grant an honorable discharge to William M. Dalzell. (Report No. 969.)

The bill (H. R. 2618) granting honorable discharge to Andrew V. Sende. (Report No. 970.)

By Mr. COX, from the Committee on Claims: The bill (H. R. 6238) for the relief of the estate of Parkes & Ward, of Yell County, Ark. (Report No. 971.)

By Mr. STEPHENSON, from the Committee on the Public Lands: The bill (H. R. 6533) for the relief of A. A. Hosmer. (Report No. 972.)

By Mr. FENTON, from the Committee on Military Affairs:

The bill (H. R. 4625) for the relief of Charles Hurrle. (Report No. 977.)

The bill (H. R. 3771) for the relief of Stratton H. Benscoter. (Report No. 978.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (H. R. 4620) granting a pension to Samuel McKinsey. (Report No. 979.)

The bill (H. R. 1311) granting an increase of pension to Charles W. Sentman. (Report No. 982.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (S. 637) granting a pension to George M. Brooks. (Report No. 980.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 6233) granting increase of pension to John J. Boatwright. (Report No. 981.)

By Mr. HANLY, from the Committee on Claims: The bill (H. R. 5320) for the relief of Edwards & Co. (Report No. 983.)

By Mr. GRAFF, from the Committee on Claims: The bill (H. R. 1602) for the relief of A. P. Brown, late postmaster of Le Mars, Iowa. (Report No. 984.)

By Mr. DENNY, from the Committee on Claims: The bill (H. R. 753) for the relief of the legal representatives of John C. Howe. (Report No. 985.)

By Mr. HUTCHESON, from the Committee on Claims:

The bill (S. 644) to refund certain import duties. (Report No. 986.)

The bill (H. R. 6854) to pay for improving the street in front of the post-office site in the city of Poughkeepsie, State of New York. (Report No. 987.)

By Mr. ERDMAN, from the Committee on Invalid Pensions: The bill (H. R. 6528) to increase the pension of Clara L. Nichols, widow of Bvt. Maj. Gen. W. A. Nichols. (Report No. 989.)

By Mr. STALLINGS, from the Committee on Pensions: The bill (H. R. 7317) to increase the pension of Leroy M. Bethea. (Report No. 990.)

By Mr. HARDY, from the Committee on Pensions: The bill (H. R. 1474) granting a pension to John J. Copley. (Report No. 991.)

By Mr. COFFIN, from the Committee on Pensions: The bill (H. R. 1810) directing the Secretary of the Interior to place Sarah E. Comly on the pension roll, etc. (Report No. 992.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

By Mr. WANGER, from the Committee on Interstate and Foreign Commerce:

The bill (H. R. 235) to provide a life-saving station at or near Watsons Pier, on the coast of South Kingston, in the State of Rhode Island. (Report No. 975.)

The bill (H. R. 22) providing for a life-saving station at the entrance to Tillamook Bay, in Oregon, and for life-saving crew, etc. (Report No. 976.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 7666) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes"—to the Committee on the District of Columbia.

By Mr. GAMBLE: A bill (H. R. 7667) for the relief of homestead settlers upon unsurveyed public lands, and for other purposes—to the Committee on the Public Lands.

By Mr. OTEY: A bill (H. R. 7668) to establish a term of the district and circuit courts of the United States at Roanoke, Va., in the western district of Virginia—to the Committee on the Judiciary.

By Mr. WALKER of Virginia: A bill (H. R. 7669) to pay certain employees of the United States Government during the civil war wages illegally withheld from them—to the Committee on War Claims.

By Mr. HARDY: A bill (H. R. 7670) to regulate the pay of noncommissioned officers in the Army—to the Committee on Military Affairs.

Also, a bill (H. R. 7671) authorizing and directing the Secretary of the Navy to donate one condemned cannon and condemned cannon balls to U. S. Grant Post, No. 72, Grand Army of the Republic, of Washington, Ind., Department of Indiana—to the Committee on Naval Affairs.

By Mr. COFFIN: A bill (H. R. 7705) for the paving of the streets in the city of Annapolis adjacent to the United States Naval Academy—to the Committee on Naval Affairs.

By Mr. PERKINS: A joint resolution (H. Res. 150) relative to printing of the Annual Report of the Superintendent of the United States Coast and Geodetic Survey—to the Committee on Printing.

By Mr. BARHAM: A joint resolution (H. Res. 151) to authorize the Secretary of War to build military road through Lime Point, California—to the Committee on Military Affairs.

Also, a joint resolution (H. Res. 152) to authorize the Secretary of the Interior to use Fort Bidwell for an Indian training school—to the Committee on the Public Lands.

By Mr. SULZER: A joint resolution (H. Res. 153) increasing the limit of cost for erection of the appraisers' warehouse building in the city of New York, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. CURTIS of Kansas: Resolution (House Res. No. 226) to pay Thomas Adams for services in the document room, House of Representatives—to the Committee on Accounts.

By Mr. KYLE: Memorial of the legislature of Mississippi to grant a township of the United States land in the State of Mississippi for the support and maintenance of a hospital medical college and bureau of vital statistics of the University of Mississippi—to the Committee on the Public Lands.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 7435) for the relief of William M. Dotson—Committee on Naval Affairs discharged, and referred to the Committee on Claims.

The bill (H. R. 642) for the relief of James M. Oliver—Committee on Claims discharged, and referred to the Committee on War Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BROWN: A bill (H. R. 7672) for relief of Martin V. Brock—to the Committee on Military Affairs.

Also, a bill (H. R. 7673) for relief of Jacob M. Rife, of Hamilton County, Tenn.—to the Committee on War Claims.

By Mr. BROMWELL: A bill (H. R. 7674) for the relief of the estate of John H. Piatt, deceased—to the Committee on Claims.

By Mr. CURTIS of Kansas: A bill (H. R. 7675) granting a pension to Sarah Berry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7676) granting a pension to Emily Hayes—to the Committee on Pensions.

By Mr. DAYTON: A bill (H. R. 7677) for the relief of the Methodist Episcopal Church at Webster, W. Va.—to the Committee on War Claims.

By Mr. ELLIOTT of South Carolina: A bill (H. R. 7678) for the relief of certain light-house employees of the Sixth light-house district—to the Committee on Claims.

By Mr. FISCHER: A bill (H. R. 7679) for the relief of Mrs. Mary I. Brossman—to the Committee on War Claims.

Also, a bill (H. R. 7680) for the relief of the heirs or legal representatives of F. Z. Tucker, deceased—to the Committee on War Claims.

By Mr. HEINER of Pennsylvania: A bill (H. R. 7681) for the relief of William Schrecongost, of Kittanning, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7682) for the relief of George W. Shearer, of Olivet, Pa.—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: A bill (H. R. 7683) to correct the military record of John McCarthy, late of Company B, Eleventh Regiment Connecticut Infantry—to the Committee on Military Affairs.

By Mr. HILL: A bill (H. R. 7684) to correct the military record of Peter Buckley—to the Committee on Military Affairs.

Also, a bill (H. R. 7685) to correct the military record of William Murphy—to the Committee on Military Affairs.

Also, a bill (H. R. 7686) granting a pension to Julia A. Powell—to the Committee on Invalid Pensions.

By Mr. KERR: A bill (H. R. 7687) granting a pension to Eliza Stofer—to the Committee on Invalid Pensions.

By Mr. LAYTON: A bill (H. R. 7688) for the relief of John M. Laughlin—to the Committee on Invalid Pensions.

By Mr. LEONARD: A bill (H. R. 7689) to pension Sarah J. Bossert, widow of Henry M. Bossert, as a colonel's widow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7690) for the increase of the pension of John H. Smith, late Company H, Fifty-first Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 7691) granting a pension to Joseph Cater—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7692) granting a pension to Clara Matilda Bain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7693) for the relief of Richard Sickner—to the Committee on Military Affairs.

By Mr. MOZLEY: A bill (H. R. 7694) granting a pension to Elizabeth Frank—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7695) granting a pension to Lorenz Hafler—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Connecticut: A bill (H. R. 7696) for the relief of Samuel B. Horne—to the Committee on Military Affairs.

By Mr. SPENCER: A bill (H. R. 7697) for relief of the heirs of Mrs. Nancy Mitchell, of Lincoln County, Miss.—to the Committee on War Claims.

By Mr. TRELOAR: A bill (H. R. 7698) to carry out the findings of the Court of Claims in the case of John P. Clark—to the Committee on War Claims.

Also, a bill (H. R. 7699) for the relief of Mrs. Mary Craddock—to the Committee on War Claims.

Also, a bill (H. R. 7700) to carry out the findings of the Court of Claims in the case of James Pasqueth, Robert Brown, J. W. Patton, and others, trustees of the Presbyterian Church at Mexico, Mo.—to the Committee on War Claims.

By Mr. WILLIS: A bill (H. R. 7701) for the relief of John Green, late of Company C, Fourth Regiment Delaware Infantry Volunteers—to the Committee on Military Affairs.

By Mr. WOOMER: A bill (H. R. 7702) granting a pension to Kate E. Keiser—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 7703) to correct the muster roll of the Eighty-first United States Colored Regiment—to the Committee on Military Affairs.

By Mr. STRONG: A bill (H. R. 7704) granting a pension to Frances Coyner—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 7706) for the reimbursement of the heirs of James Anderson for transportation and expenses in recruiting troops for service in the Union Army—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred, as follows:

By Mr. ACHESON: Resolutions of Duquesne Council, No. 394, Order United American Mechanics, of Duquesne, Allegheny County, Pa., unanimously indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of A. C. Fenimore and B. C. Stark, of Monongahela, Washington County, Pa., praying that religious publications be given every advantage of the act of Congress of July 16, 1894—to the Committee on the Post-Office and Post-Roads.

By Mr. ALDRICH of Illinois: Petition of Rev. James Frothingham, pastor of the Presbyterian church, and 11 officers of other religious organizations in Harvey, Ill., representing 915 members, favoring the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of residents of Harvey, Ill., asking legislation prohibiting the sale of beer and spirituous liquors to immigrants landing at Ellis Island, in New York Harbor—to the Committee on Immigration and Naturalization.

By Mr. BABCOCK: Ten petitions of citizens of Washington, containing a total of 191 names, urging the passage of House bill No. 5220, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and opposing the extension of the tracks of said company until its existing lines are modernly equipped and operated—to the Committee on the District of Columbia.

Also, remonstrance of John Anthony and 48 others, of Arthur, Wis., against permitting the statue of Père Marquette to remain in Statuary Hall—to the Committee on the Library.

Also, petition of John J. Edson and 1,000 others, residents and taxpayers of the District of Columbia, in favor of House bill No. 4956, to authorize the construction of a bridge across the Eastern Branch of the Potomac River in line with Massachusetts avenue extended, eastward—to the Committee on the District of Columbia.

By Mr. BRUMM: Petition of Washington Camp, No. 52, of Tower City, Pa., and of Washington Camp, No. 475, of St. Clair, Pa., Patriotic Order Sons of America, unanimously indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. CONNOLLY: Remonstrance of A. C. Hunter and others, of Concord, Ill., against the appropriation of public moneys for sectarian undertakings; also petition for the passage of joint resolution No. 11, to amend the Constitution of the United States prohibiting further appropriations to institutions under ecclesiastical control—to the Committee on the Judiciary.

By Mr. COOK of Wisconsin: Protest of Frank Walker and 35 other citizens of Winnebago County, Wis., against raising the water in Lake Winnebago by placing flushboards on the Menasha Dam—to the Committee on Rivers and Harbors.

By Mr. COUSINS: Resolutions of the board of managers of the Society of the Sons of the Revolution of the State of Iowa, favoring the publication of certain records and papers of the Continental Congress—to the Committee on Printing.

By Mr. CRUMP: Petition of the Grit Publishing Company, of Williamsport, Pa., protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Philadelphia Maritime Exchange, regarding Senate bill No. 179, "to remove discriminations against American sailing vessels in the coasting trade"—to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Philadelphia Maritime Exchange, regarding Senate bill No. 180, for the licensing of masters and chief mates of sail vessels over 700 tons—to the Committee on the Merchant Marine and Fisheries.

By Mr. CURTIS of Iowa: Resolutions of the board of managers of the Society of the Sons of the Revolution of the State of Iowa, favoring the publication of certain records and papers of the Continental Congress—to the Committee on Printing.

By Mr. DAYTON: Petition of Benjamin Eckles, of Bolivar, Jefferson County, W. Va., praying for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, protest of J. D. Thompson, against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. W. Barnes and others, of West Virginia, praying for the passage of House bill No. 5969, providing for an equitable adjustment of the grants of land to the several States of the Union for State normal schools and other purposes—to the Committee on the Public Lands.

By Mr. ELLIS: Petition of Joseph Budd and 23 others, of Gilliam County, Oreg., protesting against any appropriation for sectarian purposes—to the Committee on Appropriations.

By Mr. EVANS: Petition of Henry Gagel and others of Louisville, Ky., respecting the Marquette statue—to the Committee on the Library.

By Mr. GAMBLE: Petition of C. H. Freeman and 35 other citizens of Elk Point, S. Dak., to grant aid to the Pacific Short Line Company to enable it to extend its line to a connection with the Union Pacific Railroad—to the Committee on Pacific Railroads.

By Mr. GRIFFIN: Protest of 83 citizens of Pierce County, Wis., against the passage of the joint resolution proposing an amendment to the Constitution of the United States for the recognition of God in the Constitution—to the Committee on the Judiciary.

By Mr. GROUT: Memorial of B. Lonto and 24 others, Spaniards, residing and doing business in New York, praying that the friendship between the United States and Spain shall stay unbroken—to the Committee on Foreign Affairs.

By Mr. HART: Petition of citizens of Bath, Pa., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HILL: Resolution of the Hartford Board of Trade, concerning the harbor at Block Island—to the Committee on Rivers and Harbors.

By Mr. KEM: Petition of 366 citizens of the counties of Sheridan, Grant, Deuel, Hooker, Thomas, McPherson, Cheney, Boxbutte, Custer, Dawson, and Arthur, Nebr., asking that the country known as the Sand Hills be exempt from the provisions of the bill ceding all public lands in the State of Nebraska to the State for irrigation purposes—to the Committee on the Public Lands.

By Mr. KIEFER: Petition of John Q. Adams, of St. Paul, Minn., against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LAYTON: Resolutions of the Maritime Associations of New York City, Philadelphia, Boston, etc., urging the enactment of House bill No. 2673, abolishing compulsory pilotage on coastwise sailing vessels throughout the United States—to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Light-House Keepers' Association of the United States, in favor of a bill to retire and pension employees of the Light-House Establishment—to the Committee on the Merchant Marine and Fisheries.

By Mr. LINTON: Remonstrance and petition of citizens of Buchanan, Mich., respecting the Marquette statue—to the Committee on the Library.

Also, petition of citizens of Chesaning, Mich., asking that religious publications be given the advantage of the act of Congress of July 16, 1894, relative to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LITTLE: Resolutions of the Commercial League of Fort Smith, for the improvement and protection of the river front at Fort Smith—to the Committee on Rivers and Harbors.

Also, petition of 50 citizens of Oakland, Ind. T., for the establishment of a Federal court at Oakland, Ind. T.—to the Committee on the Judiciary.

By Mr. LONG: Petition of Joe Hooker Post, No. 17, Grand Army of the Republic, of Hutchinson, Kans., praying for the passage of a joint resolution recognizing the Cubans as belligerents—to the Committee on Foreign Affairs.

By Mr. LOUD: Petition of The Carter's Ink Company, of Boston, Mass., asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUDENSLAGER: Sixteen petitions of the Liquor Dealers' Associations of Newark, Camden, Paterson, Hackensack, Perth Amboy, Plainfield, Elizabeth, Rahway, Carlstadt, New Brunswick, Passaic, Orange, and the counties of Monmouth and Warren, all in the State of New Jersey, against the passage of House bill No. 6668, to amend an act regulating the sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of John B. Smith and 11 others, of Newark, N. J., praying for the passage of House bill No. 1429, entitled "A bill to adjust the pensions of those who have lost limbs or have been totally disabled in them"—to the Committee on Invalid Pensions.

By Mr. McEWAN: Resolutions of Essex Trades Council, of Newark, N. J., asking passage of House bill No. 184, for the appointment of a commission of inquiry as to the feasibility of direct legislation—to the Committee on Rules.

By Mr. MERCER: Resolutions of the Board of Trade of Corning, Iowa, in favor of the transmississippi exposition at Omaha—to the Committee on Ways and Means.

By Mr. OVERSTREET: Petition of H. B. Wallace and 17 other Union ex-prisoners of the late war, asking for the passage of House bill No. 306, granting a pension to sailors and soldiers who were confined in so-called Confederate prisons—to the Committee on Invalid Pensions.

By Mr. POOLE: Memorial of citizens of Madison County, N. Y., members of Madison Grange, No. 716, Patrons of Husbandry, recommending the passage of House bill No. 5213, which places a tax on the manufacture and sale of filled cheese—to the Committee on Ways and Means.

Also, memorial of 800 citizens of Syracuse, N. Y., comprising Council No. 12, New York State American Protective Association, protesting against the continuance of the statue of Marquette in Statuary Hall—to the Committee on the Library.

By Mr. ROBINSON of Pennsylvania: Petition of Washington Camp, No. 594, Patriotic Order Sons of America, unanimously indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. RUSSELL of Connecticut: Petitions of Order United American Mechanics, General Lyon Council, No. 32, of Putnam; Jonathan Trumbull Council, No. 29, of Willimantic, and Manhanset Council, No. 47, of Mystic, all in the State of Connecticut, favorable to the Sperry or Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. STEELE: Petition of the Kokomo (Ind.) Association of Stationary Engineers, No. 24, by its secretary, John F. Alt, praying

for the passage of House bill No. 3618, to organize and increase the efficiency of the personnel of the Navy—to the Committee on Naval Affairs.

By Mr. STEPHENSON: Indorsements of 21 leading citizens of Sault Ste. Marie, Mich., of a proposed bill to amend the act of February 26, 1885, known as the alien contract-labor laws—to the Committee on Labor.

By Mr. THOMAS: Petition of Henry C. Rawson, to accompany House bill No. 7304, for the correction of his military record—to the Committee on Military Affairs.

By Mr. UPDEGRAFF: Petition of J. P. Eskildsen and 10 other citizens of Fort Atkinson, Iowa, asking that tracts and other religious matter be given every advantage of the act of July 16, 1894, relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WHEELER: Letter of A. O. Kincaid, of Woodward, Okla., in relation to lands in Oklahoma Territory—to the Committee on the Public Lands.

SENATE.

MONDAY, *March 30, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on motion of Mr. DAVIS, and by unanimous consent, the further reading was dispensed with.

PETITIONS AND MEMORIALS.

Mr. DAVIS presented a petition of the common council of Duluth, Minn., praying for the enactment of more stringent laws regulating immigration; which was referred to the Committee on Immigration.

He also presented a memorial of the common council of Duluth, Minn., remonstrating against the construction of a bridge across the St. Louis River between Duluth, Minn., and Superior, Wis., unless provision is made for the accommodation of all persons traveling in any manner whatsoever; which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of St. Paul, Minn., praying for the enactment of legislation granting protection to Americans in Turkey, and extending sympathy to the suffering Armenians; which was ordered to lie on the table.

He also presented a memorial of Local Union No. 113, United Garment Workers of America, of St. Paul, Minn., remonstrating against the passage of House bill No. 3346, relative to the sweating system; which was referred to the Committee on Finance.

He also presented a memorial of Worden Post, No. 12, Department of North Dakota, Grand Army of the Republic, remonstrating against the transfer of the Fort Pembina Military Reservation, N. Dak., to the Interior Department, and praying that the order be reconsidered; which was referred to the Committee on Military Affairs.

Mr. ALLEN presented a memorial of sundry citizens of Los Angeles, Cal., remonstrating against the passage of the Pacific Railroad funding bill; which was referred to the Committee on Pacific Railroads.

Mr. ALLEN (for Mr. THURSTON) presented a petition of the Corning Board of Trade, of Corning, Iowa, favoring the proposed transmississippi and international exposition to be held at Omaha, Nebr., in 1898; which was ordered to lie on the table.

He also (for Mr. THURSTON) presented a petition of S. A. Douglas Circle, No. 20, Ladies of the Grand Army of the Republic, Department of Nebraska, of North Platte, Nebr., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

Mr. LINDSAY presented a petition of sundry citizens of Stark, Ky., praying for the enactment of legislation giving second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry memorials of citizens of Louisville, Ky., remonstrating against the appropriation of money for sectarian institutions; which were referred to the Committee on Appropriations.

Mr. TURPIE (for Mr. VOORHEES) presented petitions of sundry citizens of Arcadia, Fort Wayne, Jonesboro, Fairmount, and West Indianapolis, all in the State of Indiana; the petition of P. A. Hall, of West Indianapolis, Ind.; the petition of F. W. Marting, of Oriole, Ind., the petition of Charles Jones, jr., of Mount Vernon, Ind., and the petition of Omar B. McCurdy, of Wanamaker, Ind., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which were referred to the Committee on Post-Offices and Post-Roads.

He also (for Mr. VOORHEES) presented a petition of the National Association of Agricultural Implement and Vehicle Manufacturers of the United States, praying for the enactment of legislation authorizing the railroads of the United States to give to shippers uniform classification; which was referred to the Committee on Interstate Commerce.

He also (for Mr. VOORHEES) presented a petition of the New York Produce Exchange, praying that a new custom-house be constructed in the city of New York on the old site known as Bowling Green; which was referred to the Committee on Commerce.

He also (for Mr. VOORHEES) presented a petition of the Light Keepers' Association of the United States, praying for the enactment of legislation to retire and pension employees of the Light-House Establishment; which was referred to the Committee on Pensions.

He also (for Mr. VOORHEES) presented resolutions adopted at a meeting of the board of directors of the Boston Merchants' Association, of Boston, Mass., remonstrating against the continuance of the agitation for the free coinage of silver, and favoring the maintenance of a gold standard; which were ordered to lie on the table.

He also (for Mr. VOORHEES) presented the memorial of Mrs. M. E. Whitmore, president of the Woman's Missionary Society of the Reformed Church of the United States, representing 10,000 women, remonstrating against the passage of House bill No. 4556, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also (for Mr. VOORHEES) presented a petition of the New York Mercantile Exchange, of New York City, N. Y., praying for the enactment of legislation regulating the sale and manufacture of "filled cheese"; which was referred to the Committee on Agriculture and Forestry.

He also (for Mr. VOORHEES) presented a petition of sundry citizens of Indiana, praying for the passage of House bill No. 2626, providing for the protection of agricultural staples by an export bounty; which was referred to the Committee on Agriculture and Forestry.

He also (for Mr. VOORHEES) presented a petition of the National Grange, Patrons of Husbandry, praying for the enactment of legislation relative to matters of vital importance to the farmers of the country; which was referred to the Committee on Agriculture and Forestry.

He also (for Mr. VOORHEES) presented sundry petitions of citizens of Columbus, Evansville, Bloomington, Goodman, Indianapolis, Kokomo, Milroy, and Princeton, all in the State of Indiana, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

He also (for Mr. VOORHEES) presented a petition of sundry citizens of Indiana, praying for the enactment of legislation to regulate and advance the salaries of the officers and privates in the watch force of the Executive Departments of the Government; which was referred to the Committee on Appropriations.

Mr. QUAY presented a memorial of Council No. 70, American Protective Association, of Williamsport, Pa. and a memorial of Council No. 24, American Protective Association, of New Castle, Pa., remonstrating against Federal appropriations for sectarian schools; which were referred to the Committee on Appropriations.

He also presented a petition of the select and common councils of Philadelphia, Pa., praying that an appropriation be made for the improvement of the Delaware and Schuylkill rivers; which was referred to the Committee on Commerce.

Mr. SEWELL presented a petition of the Light Keepers' Association of the United States, praying for the enactment of legislation to retire and pension employees of the Light-House Establishment; which was referred to the Committee on Pensions.

He also presented the petition of Rev. Gilbert C. Mouerdale, pastor, and the congregation of the Methodist Church of Farmington, N. J., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of Friendship Council, No. 81, Junior Order United American Mechanics, of New Market, N. J., and a petition of Fidelity Council, No. 8, Junior Order United American Mechanics, of Milleville, N. J., praying for the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration.

Mr. WOLCOTT presented the petition of S. Wilson and sundry other citizens of Canfield, Colo., praying for the adoption of the proposed religious amendment to the Consitution of the United States; which was referred to the Committee on the Judiciary.

He also presented memorials of Council No. 5, of Denver; of Council No. 66, of Leadville; of Council No. 69, of Erie; of Council No. 15, of Grand Junction, and of Council No. 11, of Colorado Springs, all in the State of Colorado, remonstrating against placing of the statue of Père Marquette in Statuary Hall; which were referred to the Committee on the Library.

Mr. McMILLAN presented sundry petitions of citizens of Washington, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and remonstrating against the extension of the tracks of that company until its existing lines are modernly equipped and operated; which were referred to the Committee on the District of Columbia.

He also presented a petition of Waiters' Union, No. 21, American Federation of Labor, of Detroit, Mich, praying for the free and unlimited coinage of silver at the ratio of 16 to 1; which was ordered to lie on the table.

He also presented a petition of the Marine Engineers' Beneficial Association, No. 27, of Bay City, Mich., praying for the passage of Senate bill No. 732, to improve the condition of naval engineers; which was referred to the Committee on Naval Affairs.

He also presented a petition of Detroit Lodge, No. 82, International Association of Machinists, of Detroit, Mich., praying for an investigation of the treatment of employees in the Brooklyn (N. Y.) Navy-Yard and other navy-yards of the United States; which was referred to the Committee on Naval Affairs.

Mr. HOAR presented a petition of Encampment No. 10, Union Veteran Legion, of New Bedford, Mass., praying for the enactment of legislation granting per diem pensions; which was referred to the Committee on Pensions.

Mr. CULLOM presented a petition of Galesburg Lodge, No. 213, International Association of Machinists, of Galesburg, Ill., praying for an investigation into the treatment of the employees in the Brooklyn (N. Y.) Navy-Yard and other navy-yards of the United States; which was referred to the Committee on Naval Affairs.

He also presented a petition of 920 citizens of Harvey, Ill., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. VILAS presented the memorial of Elman Dewey and 29 other citizens of Big Bend, Wis., remonstrating against the introduction of military training in the public schools of the country; which was referred to the Committee on Military Affairs.

He also presented a petition of the Algoma Street Methodist Episcopal Church, of Oshkosh, Wis., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. BRICE presented a petition of 107 business firms and representatives of sundry industries of Cleveland, Ohio, and a petition of sundry citizens of Ohio, praying for the enactment of legislation providing a reform in the postal affairs of the country, and also for the restriction of second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the German Association of Stationary Engineers No. 33, of Cleveland, Ohio, praying for the passage of Senate bill No. 735, to reorganize and increase the efficiency of the personnel of the Navy; which was referred to the Committee on Naval Affairs.

He also presented the petition of Emory A. Saddler, of Columbus, Ohio, and a petition of sundry citizens of Ohio, praying for the enactment of legislation giving second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BRICE. On the 26th instant I presented a memorial of the agents of the States of Ohio and Pennsylvania in connection with the claims of those States, under the act of July 27, 1861, as stated in Senate Document No. 75, Fifty-fourth Congress, first session, for the amounts due them for expenses incurred in raising troops, and the memorial was at my request referred to the Committee on Military Affairs. I find that a bill is pending before the Judiciary Committee touching the same subject. I ask that the reference be changed from the Committee on Military Affairs to the Committee on the Judiciary.

The VICE-PRESIDENT. If there be no objection, the change of reference will be made.

Mr. GORDON presented a petition of the faculty and students of Spelman Seminary, Atlanta, Ga., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. WHITE presented a petition of 138 citizens of Santa Clara County, Cal., and a petition of sundry citizens of San Francisco, Cal., praying for the adoption of the proposed religious amendment to the Coustitution of the United States; which were referred to the Committee on the Judiciary.

Mr. ALDRICH presented a petition of the Woman's Christian Temperance Union of Rhode Island, praying for the establishment of an international board of arbitration between Great Britain and the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of 45 citizens of Pawtucket, R. I., praying for the adoption of the proposed amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Saunderstown, R. I., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of Elmwood Lodge, No. 17, Order United American Mechanics, of Providence, R. I., and a petition of sundry citizens of Rhode Island, praying for the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration.

REPORTS OF COMMITTEES.

Mr. HILL, from the Committee on the Judiciary, to whom was referred the bill (H. R. 4053) repealing chapter 148 of the Supplement of the Revised Statutes of the United States, reported it without amendment.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (H. R. 900) to provide for the payment of the claim of William H. Mahoney, reported it without amendment, and submitted a report thereon.

Mr. DAVIS, from the Committee on the Judiciary, to whom was referred the bill (H. R. 5379) making it unlawful to shoot at or into any railway locomotive or car, or at any person thereon, or to throw any rock or other missile at or into any locomotive or car, and for other purposes, reported it with amendments.

Mr. SHOUP, from the Committee on Military Affairs, to whom was referred the joint resolution (H. Res. 85) relative to the medal of honor authorized by the acts of July 12, 1862, and March 3, 1863, reported it with an amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on Naval Affairs, to whom was referred the bill (S. 2017) authorizing and directing the Secretary of the Navy to donate one condemned cannon to the Allen M. Harmon Post, Grand Army of the Republic, at Northville, Mich., reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 1399) authorizing and directing the Secretary of the Navy to donate condemned cannon and condemned cannon balls to certain posts of the Grand Army of the Republic, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, reported two amendments concerning the Potomac Flats, intended to be proposed to the District appropriation bill, and moved that they be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. WOLCOTT. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the amendment submitted by the junior Senator from Massachusetts [Mr. LODGE] on the 16th instant, concerning the salary of the superintendent or clerk in charge of stations where any post-office is consolidated with any office so as to become a station or substation of the same, intended to be proposed to the Post-Office appropriation bill, to report it favorably and submit a report thereon. I move that the proposed amendment be referred to the Committee on Appropriations and printed.

The motion was agreed to.

Mr. WOLCOTT. I am directed by the same committee, to whom was referred the bill (S. 2199) to regulate the delivery of short-paid mail matter, to submit an adverse report thereon and recommend its indefinite postponement; but inasmuch as the junior Senator from Massachusetts [Mr. LODGE] introduced the bill, it had perhaps better go on the Calendar and await a motion of indefinite postponement.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. BAKER, from the Committee on the District of Columbia, to whom was referred the bill (S. 2572) to incorporate the Convention of American Instructors of the Deaf in the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. ALLISON. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897, to report it with amendments, and to submit a written report, which I ask to have printed.

I give notice that to-morrow, at some convenient hour, interrupting as little as I can the Senator from Arkansas [Mr. BERRY] in the management of his bill, I shall ask for the consideration of the appropriation bill which I have just reported.

Mr. GEORGE. I wish to state to the Senator from Iowa that I have given notice that I shall take the floor to-morrow morning after the morning hour on the Du Pont case.

Mr. ALLISON. I give the Senator absolute assurance that I shall not interrupt him in that case.

The VICE-PRESIDENT. The report will be printed under the rule, and the bill placed on the Calendar.

PUNISHMENT OF INDIANS.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 878) to reduce the cases in which the penalty of death may be inflicted, to report it favorably with amendments. I desire to state that it is a bill similar to a measure which, I believe, passed both Houses of Congress heretofore, but it did not reach the President in season to be signed. The amendment has already passed the Senate within a few days as a separate bill. I ask that the bill may be now put upon its passage.

The VICE-PRESIDENT. The bill will be read for information.

The bill was read.

Mr. VEST. Will the chairman of the Judiciary Committee be kind enough to explain what those sections are? It seems to me, without a reference to them, that the proposed act virtually abolishes capital punishment within the jurisdiction of the United States.

Mr. HOAR. It abolishes capital punishment except in the cases of treason, murder, and rape.

Mr. VEST. If the Senator will permit me, from the reading at the desk I inferred that the jury could recommend imprisonment for life.

Mr. HOAR. No; it is the same act we passed last winter after a full explanation, and in the cases of treason, murder, and rape that capital punishment is retained. In all other cases imprisonment at hard labor for life is inflicted where the cases are now capital. In the cases of treason, murder, and rape the jury may annex to their verdict the words "without capital punishment," and in those cases the punishment is to be imprisonment for life.

Mr. HALE. Does that apply to the three deepest crimes which are named, and so abolish capital punishment?

Mr. HOAR. It does.

Mr. HALE. It does, as the Senator says, abolish capital punishment?

Mr. HOAR. Where the offense of treason is committed and if there is a verdict "without capital punishment," capital punishment is abolished. So of murder, and so of rape.

Mr. HALE. It is left to the jury.

Mr. HOAR. Yes, it is left to the jury, as in a great many States now. Then, as to the added section, the statute passed in 1885 extended the punishment for offenses committed off Indian reservations in certain enumerated cases, and among them rape, to offenses committed on Indian reservations. So the judge has no discretion where the offense of rape is committed on an Indian reservation but to sentence the prisoner to death; and there are several cases now pending where that must happen. One of the judges, a judge from Idaho, Judge Beatty, formerly, I believe, a member of the other House, wrote to me that there are several cases now upon trial before him of boys who did not seem to understand that they had committed any very heinous offense, and admitted the offense readily without any attempt to conceal it whatever, and he has to sentence those poor creatures to death.

Mr. HALE. When was this bill reported?

Mr. HOAR. At the last session of the last Congress.

Mr. HALE. But the present bill?

Mr. HOAR. At this moment. The reason why I ask present consideration is because we have a communication from the Attorney-General stating that it is very important indeed that it shall be passed before the 6th of April, because there are some cases that ought to be brought under it, or otherwise the death penalty must be inflicted.

Let me repeat; this is not new legislation brought in here in haste and asked to be passed through at once. It was passed, on full consideration by both Houses in the last Congress, but failed to reach the President in time.

Mr. HALE. I merely wish to say that I have no desire to delay the matter much. I am in full accord with the committee on their proposition relating to capital punishment. I should like an opportunity to look at the bill, which I have not had, and therefore I ask that it may go over for a day. It need not go to the Calendar.

Mr. COCKRELL. Let it be printed as proposed to be amended, and the Senator from Massachusetts can call it up at any time.

Mr. HOAR. Very well. I will ask leave to make this same request for its consideration at this time to-morrow morning.

Mr. COCKRELL. The bill having been printed in the meantime and laid on the table.

Mr. HOAR. Yes.

Mr. HALE. Let it be printed.

The VICE-PRESIDENT. The order to print will be made.

Mr. HOAR. And I shall ask leave to make this same request to-morrow morning.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. HOAR subsequently said: I reported this morning a bill from the Judiciary Committee in regard to the death penalty, and several Senators desired to have it printed and it went over. I had asked for its present consideration. I should like to have the bill recommitted, so that I may report it again in the morning hour to-morrow.

The PRESIDING OFFICER (Mr. BURROWS in the chair). If there be no objection, the bill referred to by the Senator from Massachusetts will be recommitted as requested.

BILLS INTRODUCED.

Mr. SEWELL introduced a bill (S. 2657) to retire and pension employees of the Light-House Establishment and Life-Saving Service; which was read twice by its title, and referred to the Committee on Commerce.

Mr. TURPIE (for Mr. VOORHEES) introduced a bill (S. 2658) granting a pension to L. B. Hargrave; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also (for Mr. VOORHEES) introduced a bill (S. 2659) granting a pension to William Sible; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. VOORHEES) introduced a bill (S. 2660) granting a pension to Silas Jordan; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also (for Mr. VOORHEES) introduced a bill (S. 2661) granting a pension to Henry Charles; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. VOORHEES) introduced a bill (S. 2662) granting a pension to Alfred H. Burr; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. VOORHEES) introduced a bill (S. 2663) granting an increase of pension to John Campbell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. VOORHEES) introduced a bill (S. 2664) granting an increase of pension to Lafayette Wood; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. VOORHEES) introduced a bill (S. 2665) granting an increase of pension to James White; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. VOORHEES) introduced a bill (S. 2666) to remove charge of desertion from the naval record of Edward Hurley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

He also (for Mr. VOORHEES) introduced a bill (S. 2667) to remove the charge of desertion from the military record of Engelberth Bensinger; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also (for Mr. VOORHEES) introduced a bill (S. 2668) to remove the charge of desertion from the military record of Ambrose B. Jeffries, alias Henry O'Connell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also (for Mr. VOORHEES) introduced a bill (S. 2669) to remove the charge of desertion from the record of Andrew J. Dixon, deceased, late a private in Company A, Twenty-sixth Regiment Indiana Volunteers, and to show that he died in said service in line and discharge of duty; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 2670) to amend section 6 of the act of March 3, 1891, chapter 517, establishing circuit courts of appeals; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DAVIS introduced a bill (S. 2671) providing for the election of a Delegate from the District of Alaska to the House of Representatives of the United States; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Territories.

Mr. BRICE introduced a bill (S. 2672) granting a pension to John J. Shockey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2673) granting a pension to Eliza Rosenfeldt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 2674) granting a pension to Levi R. Long; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GRAY introduced a bill (S. 2675) to punish the false publication of awards for merit and medals to exhibitors at the World's

Columbian Exposition; which was read twice by its title, and referred to the Select Committee on International Expositions.

Mr. ALDRICH introduced a bill (S. 2676) for the relief of Capt. John T. Bruen, of the State of New York; which was read twice by its title, and referred to the Committee on Claims.

Mr. QUAY (by request) introduced a bill (S. 2677) to provide for the securing of plans and for the erection of the public buildings of the United States; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. DANIEL introduced a bill (S. 2678) to provide for the erection of a monument to the memory of James Monroe at Fredericksburg, Va.; which was read twice by its title, and referred to the Committee on the Library.

Mr. QUAY (by request) introduced a joint resolution (S. R. 117) increasing the limit of cost for the erection of the appraisers' warehouse building in the city of New York, N. Y.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CAFFERY submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GEORGE submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PERKINS submitted an amendment intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

REPORT ON THE UNIVERSITY OF THE UNITED STATES.

Mr. FRYE. I ask for the adoption of the following order:

Ordered, That there be printed for the use of the Senate 5,000 copies of the report of the Committee on the University of the United States on the bill creating such university.

The order does not require to go to the Committee on Printing, owing to the fact that the printing will not cost $500.

The order was agreed to.

ECONOMIC GEOLOGY OF THE MERCUR MINING DISTRICT.

Mr. BROWN submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office, at the earliest day practicable, 5,000 copies, in separate form, with paper covers, of the paper entitled "Economic geology of the Mercur mining district," being a part of the Sixteenth Annual Report of the United States Geological Survey, with accompanying illustrations; of which 2,500 copies shall be for the use of the House, 2,000 copies for the use of the Senate, and 500 copies for distribution by the Geological Survey.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 28th instant approved and signed the following acts and joint resolution:

An act (S. 789) for the relief of Kate Winter;

An act (S. 732) to regulate the issue and recording of the commissions of officers in several of the Departments:

An act (S. 990) to amend section 9 of an act entitled "An act to provide for the appointment of a sealer and assistant sealers of weights and measures in the District of Columbia, and for other purposes";

An act (S. 2251) to authorize the construction of a bridge across the Calumet River; and

A joint resolution (S. R. 75) providing for the disposition of certain property now in the hands of the receiver of the Church of Jesus Christ of Latter-Day Saints.

OFFICIAL REPORTERS OF DEBATES.

Mr. HALE. Is there not some morning business coming over?

The VICE-PRESIDENT. There is a resolution on the table that the Chair will lay before the Senate. The resolution will be read.

The Secretary read the resolution reported on the 27th instant by Mr. HALE from the Committee on Printing, as follows:

Resolved, That Theodore F. Shuey is hereby appointed Official Reporter for reporting the proceedings and debates of the Senate until further order of the Senate, subject to all the duties and obligations of the contract made with D. F. Murphy, deceased, late Reporter of the Senate, and to the supervision and control of the Committee on Printing on behalf of the Senate in all respects therein provided, and to receive payment for such service according to law.

Mr. HALE. I move an amendment to the resolution. After the name "Theodore F. Shuey," strike out the word "is" and insert "and Edward V. Murphy are," and strike out the word "Reporter" and insert "Reporters," so as to read:

Resolved, That Theodore F. Shuey and Edward V. Murphy are hereby appointed Official Reporters, etc.

The amendment was agreed to.

The resolution as amended was agreed to.

STEAMER MATTEAWAN.

Mr. HILL. In behalf of my colleague [Mr. MURPHY], who is ill and confined to the house, I ask consent to call up the bill (H. R. 4698) to provide an American register for the steamer *Matteawan*. The bill has passed the other House; the steamer wants to sail, and it will take only a few moments to pass the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OPERATORS OF MILITARY TELEGRAPH LINES.

Mr. QUAY. Before proceeding with the current business, I ask the unanimous consent of the Senate to call up the bill (S. 319) for the relief of telegraph operators during the war of the rebellion. It is a bill which has been twice reported favorably in the Senate, and once passed the Senate without opposition.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 4, after the word "served," to insert "not less than ninety days"; so as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to prepare a roll of all persons who served not less than ninety days in the operation of military telegraph lines during the late civil war and to issue to each, upon application, unless it appears that his service was not creditably performed, or to the representatives of those who are dead, suitable certificates of honorable service in the military telegraph corps of the Army of the United States, stating the service rendered, the length of such service, and the dates, as near as may be, between which such service was performed: *Provided*, That this law shall not be construed to entitle the persons herein mentioned to any pay, pension, bounty, or rights not herein specifically provided for.

Mr. PLATT. The object of the bill is simply——

Mr. QUAY. It is simply to give them a military status.

Mr. PLATT. It gives them a certificate of service.

Mr. QUAY. That is all. A similar bill passed the Senate in the last Congress and passed the other House, but did not reach the President in time.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of telegraph operators who served in the war of the rebellion."

ORDER OF BUSINESS.

Mr. BERRY. I ask unanimous consent to proceed to the consideration of the unfinished business, which is Senate bill 502.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. CULLOM. Will the Senator from Arkansas yield to me that I may call up a little pension bill?

Mr. BERRY. I will yield to the Senator from Illinois, but I should like to have permission to state to the Senate that I have this day promised me for the consideration of the unfinished business, and I hope that after the bill the Senator from Illinois calls up is considered the unfinished business will be proceeded with.

Mr. CULLOM. This little pension bill will not take a minute.

Mr. WOLCOTT. I ask the Senator from Arkansas if he will also consent to the consideration of a little bill. It is under peculiar circumstances that I want to ask the Senator to yield to me.

Mr. BERRY. Very well.

Mr. WOLCOTT. It is a bill reported by the Committee on Claims respecting a Senate employee who has been crippled for life and seriously injured here in the elevator, and the only chance of getting it through Congress is to take action at once. It will lead to no debate, and I should like to ask unanimous consent for its passage.

Mr. BERRY. After the Senator from Illinois is through I will yield to the Senator from Colorado.

Mr. PLATT. I suggest that the Senate, by unanimous consent, take up the bill to which the Senator from Arkansas refers, and then he will yield to these two matters.

Mr. CULLOM. I understand it is up.

Mr. BERRY. It is up, and I yield to the Senator from Illinois.

Mr. CULLOM. I am much obliged.

The VICE-PRESIDENT. The Chair recognizes the Senator from Illinois for the purpose of calling up a bill.

UZZIEL B. CHURCH.

Mr. CULLOM. I ask the Senate to proceed to the consideration of the bill (H. R. 711) to increase the pension of Uzziel B. Church.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension rolls the name of Uzziel B. Church, late of Company

D, Eleventh Regiment Indiana Volunteer Infantry, and late of Company I, Sixteenth Regiment Indiana Volunteer Infantry, at the rate of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS WILLIAMS.

Mr. WOLCOTT. I ask leave to call up the bill (S. 517) for the relief of Thomas Williams, an employee of the Senate folding room, for injuries received while in the discharge of his duties in the year 1892.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, in line 6, before the word "dollars," to strike out "three thousand" and insert "one thousand five hundred"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,500 to Thomas Williams, who was injured while in the discharge of his duties as an employee of the Senate folding room in the year 1892.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the time, and passed.

BENJAMIN F. HOWLAND.

Mr. SHOUP. I ask unanimous consent to call up the bill (S. 1565) granting a pension to Benjamin F. Howland.

Mr. BERRY. I hope the Senator from Idaho will let that go over for the time being. I dislike to refuse consent, but I have only this day for the consideration of the unfinished business. If it is delayed longer this morning it may be impossible to get through with it to-day. However, I will yield to the Senator from Idaho.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Benjamin F. Howland, late of the whale ship *Edward*, Mexican war.

Mr. HOAR. What is the title to a pension on which the bill rests?

Mr. SHOUP. Let the report be read.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report submitted by Mr. SHOUP on the 10th instant, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1565) granting a pension to Benjamin F. Howland, have examined the same and report:

The claimant made application for pension under the Mexican war service pension act of January 29, 1887, alleging that he enlisted in the United States service at St. Joseph, Gulf of California, in 1846, as a sailor on the ship *Edward*, commanded by Capt. John S. Barker. His claim was rejected in the Pension Bureau on the ground that the records fail to show that he was enlisted in the naval or military service of the United States.

The beneficiary is one of the survivors of the crew of the ship *Edward*, several of whom have been pensioned by special act of Congress, notably Charles H. Perry, June 20, 1890, and George James, February 28, 1891; and the widow of Charles Peirce, August 9, 1894.

The following extract from the report of the Committee on Pensions in the House of Representatives, Fifty-first Congress, first session, in the case of Charles H. Perry, above mentioned, contains the data relative to the service rendered the Government by the crew of the ship *Edward*:

"The claimant made application to the Pension Bureau March 24, 1887, for a pension under the Mexican war service act of January 29, 1887, declaring that while serving as fourth mate on the United States whaling ship *Edward*, commanded by Capt. John S. Barker, the ship touched the shores of Mexico at a place called San Joseph, where they were spoken by a trading sloop to go to the rescue of the garrison at said place, which was in the possession of our American troops (28 men), but which was surrounded by several hundred Mexicans, cutting off the water front.

"The whaling ship *Magnolia* dropped anchor near the *Edward*, and at the request of the garrison the forces of the two ships were combined, making a force of about 60 men, who landed, drove the enemy back, and remained there until the U. S. S. *Relief* relieved them. In order to perform the service above named the ships *Edward* and *Magnolia* were left in charge of two men each, and the landing force marched 1½ miles to reach the garrison. After relief came the ship *Edward* took dispatches to Commodore Shubrick, who was stationed at Mazland with the squadron. Commodore Shubrick returned thanks in behalf of the Government for the service rendered by the *Edward* on that occasion, and at his request the *Edward* carried fixed ammunition, shells, etc., back to the garrison.

"The official report of the United States Fish Commission for 1875-76 contains at the bottom of page 113 the following statement:

"'The London Mercantile Gazette of October 22, 1852, said: The number of American ships engaged in the Southern whale fisheries alone would of themselves be nearly sufficient to man any ordinary fleet of ships of war which that country might require to send to sea. Instances are not wanting, indeed, where whalemen have undertaken yeoman service for their country. Thus in November, 1846, Captain Simmons, of the *Magnolia*, and Capt. John E. Barker, of the *Edward*, both of New Bedford, hearing that the garrison of San Jose, Lower California, was in imminent danger, landed their crews and marched to its relief,' etc.

"On page 421 of the same volume a table showing returns of whaling vessels sailing from American ports has a marginal note mentioning the fact that Captain Barker, of the *Edward*, marched with his crew to the relief of the garrison of San Jose in 1846.

"Your committee believe, however, that in view of the service rendered by which the garrison of San Jose and the lives of more than a score of men were probably saved to the Government, the claim is an exceptionally meritorious one, and should be so recognized by the passage of the bill."

In a letter from the collector of customs at the port of New Bedford, Mass., he states "upon examination of the original crew list of bark *Edward*, of this port, which cleared July 14, 1845, on a whaling voyage, the name of Benjamin F. Howland appears, and is thus described: "Benjamin F. Howland, born in New Bedford, Mass.; aged 17 years; 5 feet 5 inches in height; light complexion; brown hair."

The claimant is 68 years of age, and from the affidavits of two of his neighbors it appears that he is suffering from rheumatism and disease of the kidneys and bowels.

In view of the precedents established by pensioning the survivors above referred to, and pensioning the widow of a member of the crew, your committee believe that the relief prayed for should be granted, and the passage of the bill is therefore recommended.

Mr. HOAR. I think that——

Mr. BERRY. If the bill leads to discussion I shall be compelled to object.

Mr. HOAR. I have the floor, and it will take but a moment. I suggest that it be amended. I move to amend by inserting after the word "Edward," in the sixth line, the words "for important services rendered in the"; so as to read:

Late of the whaleship *Edward*, for important services rendered in the Mexican war.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADJUSTMENT OF CLAIMS WITH ARKANSAS.

The VICE-PRESIDENT. The unfinished business will be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 502) to approve a compromise and settlement between the United States and the State of Arkansas.

Mr. BERRY. I ask that the bill be read in full.

Mr. MITCHELL of Oregon. Before that is done I desire to state that I had intended to call up the privileged question, but I shall give way to the Senator from Arkansas for to-day only, as he has been insisting for some time on getting his bill up and it has been the unfinished business. But I give notice that unless he can conclude the bill to-day I shall have to proceed to-morrow with the privileged case.

The VICE-PRESIDENT. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That the compromise and settlement effected February 23, 1895, between the United States and the State of Arkansas by John G. Carlisle, Secretary of the Treasury, and Hoke Smith, Secretary of the Interior, on behalf of the United States, and James P. Clarke, governor of Arkansas, on behalf of that State, which was made under and by virtue of the authority conferred by an act of Congress approved August 4, 1894, entitled "An act to authorize a compromise and settlement with the State of Arkansas," and the act of the general assembly of Arkansas approved April 8, 1889, authorizing the governor to act for that State, be, and the same is hereby, approved and given the full force and effect of law.

Mr. BERRY. Mr. President, I am glad to know that the time has come when there is a reasonable probability that a vote can be had upon the pending measure. For more than fifteen years the State of Arkansas, through her legislature, through her governor, and by her delegation in both Houses of Congress, has been striving to get the indebtedness of the State of Arkansas to the United States and the indebtedness of the United States to the State of Arkansas settled, adjusted, and compromised. My predecessor here, Mr. Garland, introduced a bill in, I think, every Congress of which he was a member. My colleague in the House, Mr. McRAE, has devoted ten years of his public life here in earnest effort to bring about some kind of a settlement of this long-standing claim of the United States and the State of Arkansas, and it was solely due to his energy, his intelligence, his love for his State, and his perseverance that the act of 1894, referred to in the present bill, was passed.

The act of 1894, approved the 4th of August, provided that the Secretary of the Treasury and the Secretary of the Interior on behalf of the United States and the governor of Arkansas on behalf of the State of Arkansas should settle, compromise, and adjust all claims that the Government might have against the State and all claims that the State might make against the Government. In pursuance of that law the then governor of our State came to Washington and had an interview with the Secretary of the Interior and the Secretary of the Treasury, but they were unable, from some cause or other, to consider the matter at that time.

Subsequently, under the authority contained in the act, the Secretary of the Treasury named an expert in the office, who was, I think, the chief of division, Mr. Doyle, and the Secretary of the Interior named a law clerk in his office—his name, I think, was Mr. Ross—to proceed to the State of Arkansas to investigate the State land records, to take testimony in all the claims that Arkansas might present, to examine the public-land laws here in the Land Office and the Treasury Department, and make a full statement of what would be a just, fair compromise and settlement between the United States and the State of Arkansas.

Those experts went to the State of Arkansas, took the testimony of some sixty-five witnesses, thoroughly examined all the records,

and made a report to the Secretary of the Interior and the Secretary of the Treasury, and that report, after being thoroughly considered by them, was adopted, and the present governor of Arkansas, Governor Clarke, accepted the terms laid down in that report and agreed to by the Secretary of the Interior and the Secretary of the Treasury, and Governor Clarke came to Washington and the agreement was signed by those officers thus representing the United States Government, and the governor, representing the State, and it is that agreement which this bill seeks to confirm and ratify.

I want the Senate to understand before I go into the character of these claims that if this bill passes it will forever settle all claims that the Government of the United States may have against the State of Arkansas or that the State may have against the General Government. I want the Senate to understand fully that under this bill the State of Arkansas will relinquish to the United States claims for more than a million acres of swamp lands. It will relinquish all claims for land taken by way of indemnity under the swamp-land act; all claims for money indemnity under the acts of 1855 and 1857; all claims for indemnity for school land; all claims for 5 per cent upon public lands to which the State was entitled by the act of admission as were other public-land States, and, in addition, I wish to say that she will be required to pay into the Treasury of the United States the sum of $160,572. This will be the result if the bill becomes a law.

In regard to the character of the claims that the United States holds against the State of Arkansas there has been much misrepresentation and much misstatement which has gone to the country and which has come to the Senate. Two anonymous pamphlets have been issued and sent here recently. One of those pamphlets, which is copied from a newspaper from beginning to end, is full of misrepresentations in regard to this claim.

This indebtedness of the State of Arkansas to the United States came about in this way: Soon after the admission of Arkansas to the Union, in 1836, she, unfortunately for herself, passed a law by which she authorized the issuance of $2,000,000 of Arkansas bonds to be loaned to a real-estate bank established in that State.

Mr. PLATT. What year was that?

Mr. BERRY. The State was admitted in 1836; the legislative act authorizing the issuance of these bonds, to be guaranteed by the State of Arkansas, was passed in 1837. The bonds were to aid in the establishment of what was known as the Real Estate Bank in the State of Arkansas. The Government of the United States held at that time money which had been received from Mr. Smithson, which had been given by him for the establishment of the Smithsonian Institution. The Secretary of the Treasury invested that money in bonds of several States, including some of the bonds issued by the State of Arkansas to the Real Estate Bank. Five hundred and thirty-eight bonds, each for the sum of $1,000, were purchased with the Smithson money at, I think, 99¼ cents on the dollar. That money was invested by the Secretary of the Treasury in those bonds issued by the State of Arkansas to aid the Real Estate Bank in that State.

In addition to that, the Secretary of the Treasury invested $90,000 of what was known as the Chickasaw national fund and $3,000 more of what was known as the Chickasaw orphan fund in these Arkansas bonds, making a total of $631,000 of bonds, for which the State of Arkansas was liable.

Mr. President, I wish to say here that so far as the State itself is concerned and so far as the great body of its people are concerned, it has never been the beneficiary of a single solitary cent arising from the issuance of these bonds. I do not mention this for the purpose of showing that the State is not liable to the Government for the bonds or for the purpose of showing that the Government was in any way liable for the failure of the Real Estate Bank, from which the State suffered; but I state it in order to meet the false charge which has been made in the anonymous pamphlet to which I have referred, which has been circulated here, that the money all went into the Arkansas State treasury and was for the benefit of the people of that State. I repeat that the State never received one cent of benefit from the money which was invested in these real-estate bonds.

Mr. GEORGE. Who sold the bonds?

Mr. BERRY. The State of Arkansas, or the bank sold them. They were issued to the bank.

Mr. GEORGE. Who got the money?

Mr. BERRY. The bank held the bonds and got the money and failed.

Mr. GEORGE. And never paid?

Mr. BERRY. And never paid.

I repeat, I do not state this for the purpose of showing that the State is not liable for these bonds, but I state it in order to show that she was the unfortunate victim of a bad law passed in the State of Arkansas in 1837.

One other fact, Mr. President, to which I desire to call the especial attention of the Senate. It is alleged in the communication to which I have already referred that, if this bill passes, the Smithsonian Institution and the Chickasaw National Fund will suffer. The Smithsonian Institution and the Chickasaws have not one cent in this fund. The Government of the United States long since paid all the money that they had invested in these bonds over to the Smithsonian Institution and to the Chickasaws. It is a question entirely between the Government of the United States and the State of Arkansas. The Smithsonian fund has been reimbursed; the Chickasaw fund has been provided for, and they are no longer parties in any way to this proposed settlement.

Mr. PLATT. I should like to ask a question right there; that is, whether the United States has actually paid the money to the Chickasaw fund for these bonds, or whether interest is still being paid?

Mr. BERRY. My opinion is that she has actually paid it and turned over the money, and interest is not being paid.

Mr. PLATT. And has reimbursed the fund?

Mr. BERRY. Absolutely. So that it is simply a question between the United States and the State of Arkansas. That is the foundation of the claim of the United States against the State. I repeat, so Senators may fully understand it, that they did purchase $631,000 of these bonds in the first part of the year 1838, I think, when they were issued.

The first objection which has been raised to this settlement and compromise, and one, I understand from a short conversation I had with the Senator from Iowa [Mr. GEAR] on which he insists, is that in making the settlement the Secretary of the Interior and the Secretary of the Treasury did not compute interest on the bonds after they had matured. That statement is true. The reason why interest was not calculated was because of the following opinion, given by the Attorney-General of the United States:

DEPARTMENT OF JUSTICE, *February 14, 1896.*

GENTLEMEN: I have the honor to acknowledge your joint communication of the 12th instant, calling my attention to certain coupon 6 per cent interest-bearing bonds of the State of Arkansas, all dated January 1, 1838, and a portion of which matured October 26, 1861, and another portion January 1, 1863. A copy of one of said bonds is inclosed, and you inquire whether the State of Arkansas is liable for interest on said bonds from and after their maturity.

In my judgment the question must be answered unhesitatingly in the negative. The rule laid down in the case cited by you, United States vs. North Carolina (136 U. S., 211), has been explicitly declared to be the law of Arkansas by the highest court of that State; and I find nothing in the terms of the bonds themselves or in any legislation of Arkansas having any tendency to show that the State has consented to pay interest on the principal of these bonds after such principal became payable.

Respectfully,

RICHARD OLNEY.

The SECRETARIES OF THE TREASURY AND OF THE INTERIOR.

It was under that decision, Mr. President, that the officials of the Government acted, that the State by the law was not legally liable for the interest which had accrued after the maturity of the bonds. That is one of the objections which will be raised. I answer that by the opinion delivered by the Attorney-General and by the North Carolina case referred to in that opinion.

The amount found by the Secretary of the Treasury and Secretary of the Interior to be due to the Government by the State of Arkansas, without counting interest on these bonds after maturity, was $1,611,803.61; and they also found that the State was entitled to credits for the sum of $1,451,231.61, leaving a balance due the Government from that State of $160,572. Another objection is made to some of the credits claimed and allowed to the State. In 1850 a law was passed by which the swamp and overflowed lands in all the States of this Union were donated to the respective States in which they were located for the purpose of the reclamation of such lands. Under that law thousands and millions of acres of land have been granted to a number of States. My State was largely swampy in character in its eastern portion, and a large part of those lands were so designated on the maps of the official survey.

I want to state here and now that, under the rulings made by the General Land Office, a State could either select under the official survey and take such lands as were designated as swamp by that survey, or they could take proof as to the swampy character of the lands, and make claim before the General Land Office. My State elected to take under the official survey, and thereby lost thousands of acres that other States obtained by reason of the fact that they had taken another method of making proof.

Subsequent to that act, in 1855 and 1857, Congress passed laws by which it was provided that wherever the Government had sold lands which turned out afterwards to be swamp lands, after the passage of the act of 1850, and sold them for money, the money should be refunded to the respective States in which the lands were located.

It furthermore provided that if the lands were located by scrip location or by military bounty land warrants, the State had a right to select other public lands without regard to their character, provided they were public lands, in lieu of the lands that had been located under the scrip location or the military bounty land warrant location.

A large part of the claim offset against this amount of money due the United States Government by my State comes from swamp

lands to which we are entitled in lieu of lands subject to bounty

entitled to indemnity lands we could select any character of land

money into the treasury of the State of Arkansas. I would not yield

be some to speak what is in the United States

lands to which we are entitled in lieu of lands subject to bounty land warrant and scrip location, and in lieu of the indemnity to which we were entitled by reason of the fact that the Government sold those swamp lands after the passage of the act of 1850 for cash. Under the acts of 1855 and 1857 the money belonged to the State of Arkansas.

I take occasion now, as I see the Senator from Iowa in his seat, to say that I was most profoundly astonished that the principal opposition to this bill should come from the State of Iowa, astonished for the reason that the character of claims we are making as an offset is the same from which that State has probably received more benefit than any other State in the Union.

Mr. President, those acts of 1855 and 1857, whether they were wise or unwise, provided that wherever the Government had sold land which was swamp at the time of the passage of the act of 1850 the money received should be paid to the State. Those acts furthermore provided that where the land was located by military bounty land warrants or scrip locations the State should select other land in lieu.

The State of Iowa, supposed to be a prairie State, high and dry, under these indemnity acts of 1855 and 1857 has drawn out of the United States Treasury in cash $540,173.07. She has certified indemnity lands to the amount of 341,632 acres, and that State yet claims an indemnity of 761,678 acres more. I repeat, that Iowa has already received under these acts of 1855 and 1857 more than $500,000 in cash; she has received indemnity land for more than 300,000 acres, and in addition she is claiming to-day indemnity, cash and land, for more than 700,000 acres.

Now, because we are to receive credit in this settlement for cash indemnity and for indemnity lands, the Senator from Iowa thinks that in the adjustment of this whole claim of ours that is unjust and unfair. If it be just that Iowa should receive this cash indemnity and these other indemnity lands, it seems to me that the rule of equity would apply with equal force to the State of Arkansas.

The main objection, as I understand, to the credit offered on behalf of the State of Arkansas is that which gives the State credit at $5 an acre for certain indemnity lands which she was entitled to select in lieu of military bounty warrant land and scrip land. I want to say in regard to that, that the experts in the Treasury Department took the testimony of 65 witnesses, three-fourths of them members of the legislature. They were as good men as we have in that State, and their testimony was that in the counties, while the average price was $1.25 an acre, yet in every county there was a large portion of the land which the State could take as indemnity which was worth from $5 to $10 an acre. This grew out of the fact that under this selection of lands we would be entitled to select coal lands if we could find such lands open to selection.

In addition to that, in the swamp lands in the Mississippi Valley there are thousands of acres of land which can not be homesteaded to-day because they are subject to overflow, upon which the timber now standing is worth more than $10 an acre, if there were any way of disposing of these lands except under the homestead law. I say, whether it be just or unjust, those 65 men have sworn that the average value of many of the lands outside of these one-dollar-and-twenty-five-cents-an-acre lands is more than $6.50 an acre instead of $5, the portion which we receive as a credit.

Those, I believe, are the two objections upon which these parties oppose the passage of the bill; but, Mr. President, those are not the real objections. I come now to speak of the only objection, the one but for which there never would have been any opposition in this or the other House to the passage of this bill. That objection refers to a clause made in the agreement by and between the Secretary of the Interior and the Secretary of the Treasury, which I shall ask the Secretary to read for me.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The Secretary will read as requested.

Mr. PLATT. Before the agreement is read by the Secretary, will the Senator from Arkansas please explain a little more fully to the Senate why it is that the State of Arkansas should be credited with $5 an acre for those lands? They were lands to which she was entitled under some grant and did not get, as I understand, and it would be supposed she was entitled to other lands at the same price, that is, $1.25 an acre. I hope the Senator will explain that.

Mr. BERRY. In answer to the Senator from Connecticut, I will restate what I before stated. Under the indemnity acts of 1855 and 1857 it was provided that wherever land had been located by scrip locations or by bounty land warrants by any State, the State should have the right to select any of the other public lands in lieu of those. We have been trying here for twenty years to get an adjustment in the Interior Department to show how much indemnity lands we were entitled to, and I will state to the Senator why it has not yet been adjusted. I tried to explain to the Senator a while ago that when it was ascertained that we were entitled to indemnity lands we could select any character of land that might be known as public lands in lieu of those which had been otherwise taken.

Now, in order to get the matter settled, in order that this eternal controversy and contention may not go on for fifty years more, the Secretary of the Interior and the Secretary of the Treasury thought that it would be better for Arkansas to quitclaim all claims to indemnity money or to indemnity lands hereafter, and figuring upon the amount of a certain character of indemnity lands—not all of them, but a certain portion of them—they came to the conclusion that the State was entitled to receive credit for whatever lands she might select at the price they might be worth in case an adjustment could be made, and then take those. The testimony of these 65 witnesses, as I have said, was to the effect that $6.25 an acre is the average price of this land now. I ask the Secretary to read the clause of the agreement, which, as I say, contains all the real objections to the passage of this bill.

The PRESIDING OFFICER. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

Nothing in this settlement and agreement is intended to or shall in any connection be held to prejudice the right of the State of Arkansas to assert and establish her title to any lands which were granted or confirmed to her by the said acts approved September 28, 1850; March 2, 1855, and March 3, 1857, in so far as the same is disputed by those claiming under any subsequent grant made or claimed to have been made, the scope and purpose of this settlement being hereby declared to be the adjustment of all disputes between the United States and the State of Arkansas, and to leave undisturbed incidental controversies between said State and other parties in which the United States is not beneficially interested.

Mr. BERRY. I want to state to the Senate that if the governor of Arkansas had consented to have omitted that provision from the bill, neither this Senate nor this Congress would ever have heard a solitary objection against it. The fight comes from the Iron Mountain Railroad Company in Arkansas, by which they seek to compel us to relinquish a claim that the State has against that company.

I want the especial attention of the Senator from Connecticut [Mr. PLATT]—inasmuch as he has asked me another question—to what I am now going to state. The provision of that agreement does not deprive that railroad company of any right which it has under the law; it puts it in no different condition, if the compromise shall be agreed to, from that in which it stands at present; it takes away from it no rights which it now has; and it gives to the State no greater right to secure money from it than she would have without the passage of the pending bill. But the Iron Mountain Railroad Company, seeing, as they thought, an opportunity to levy blackmail upon the State of Arkansas and compel the governor to agree to provisions which they knew he would never agree to, have come here with their agent, who has been here for weeks and for months lobbying with members of the Senate, to try to compel the State to relinquish a claim which she holds against that railroad company for 273,000 acres of land. That is the foundation of this fight. There is where the difficulty, and the whole difficulty, exists. I say to-day, if this bill took away any rights of the Iron Mountain Railroad Company—any character of rights—if it changed in any way the conditions which exist, then I would not blame them for their action or expect them to do otherwise than to make a contest against this bill; but they have said to us, "Unless you release us from your claim for 273,000 acres of swamp land, then you shall not pass a bill which would be beneficial, it may be, to the United States or to the State of Arkansas." That is the condition of affairs.

Mr. GEORGE. Will the Senator explain how the Iron Mountain Railroad Company has a claim?

Mr. BERRY. I will. The swamp-land act passed in 1850. The courts of the country have decided that it was a grant in præsenti, and if the land was swampy in character the title to the land passed to the State at the time the grant was made. In 1853 the United States granted to the Iron Mountain Railroad Company alternate sections of land amounting to 273,000 acres, which were swampy, running through my State, and which belonged to the State at the time the selection was made, and the railroad company has selected and sold this 273,000 acres of swamp lands which belonged to the State. In making this settlement the governor put in a provision that this should not be held to prejudice the rights of the State either one way or the other, but should leave the Iron Mountain Railroad Company and the State to litigate the question in regard to the 273,000 acres of land.

Mr. GEORGE. Not to interfere on either side?

Mr. BERRY. To have no effect whatever. Now they come here and have the assurance to hold up the Senate and the Congress of the United States, and their agent has stated that "Unless you release your claim for these 273,000 acres of land, your bill shall not pass."

Mr. President, much as I should be glad to have this settlement made, much as I should like to see the old controversy ended, yet if that could be brought about, and even if it should put $500,000

more into the treasury of the State of Arkansas, I would not yield to the demand of this insolent railroad company, who seek by blackmail to interfere with legislation in the Congress of the United States. I regret that the company has taken that view. Its road passes through the entire length of my State from north to south, and it has branches running from Little Rock to Fort Smith, from Little Rock to Memphis, and from Noble to Helena. Each year that has gone by the people of that State have contributed thousands and millions of dollars to this great railroad system in the way of freight rates, carrying out all their products and bringing in nearly all the articles that are imported into the State. It has had every kindness from the people of Arkansas, and yet it has the assurance to come here and, without pretending that this legislation interferes with any right it has, to say to the committee of the House, as it has said again and again, unless you agree to this there can be no settlement.

I do not know who sent out these secret, anonymous pamphlets which have been printed and distributed to each Senator, but I do know that the attorney of that railroad in the closing days of the last Congress filed this objection in writing over his signature to this provision. I do know that Mr. Dean, who is the land agent of that road, has been here for weeks and months lobbying with members of the House and of the Senate against the bill. Therefore, while I do not know it, I have not the shadow of a doubt that it paid for the slanders that are contained in this anonymous report upon the people of a State from whom they have derived such immense benefit. I say I regret that that course has been taken, but I ask the Senate to deal with the question upon its merits. If it believes that it is best that the bill should be defeated, then let it vote it down on its merits; but I appeal to the Senate not to be held up by the great Missouri Pacific system, with all of its immense power in the Western portion of the Union.

Mr. President, much is said in this pamphlet in an attempt to cast obloquy upon and to abuse the people of the State of Arkansas for the failure to pay the indebtedness when it fell due. The first of those bonds fell due in October, 1861. At that time civil war existed throughout the entire length and breadth of this country, and the State of Arkansas had attached herself to another Government for the time being. She could not, under such circumstances, have been expected to have met that obligation. In 1868, when the other bonds fell due, it was absolutely impossible for the State to pay.

When the war closed, in 1865, our State, from the north to the south almost, presented a scene of universal desolation. Throughout the southern and eastern portions of the State, the great cotton-raising section, the slaves had been freed, the stock and farming implements were gone, and there was scarcely a large plantation that did not bear a mortgage—executed prior to the war. Throughout the northern part of the State in which I reside, along the borders of Missouri, war in all its most horrible phases had prevailed for four years. The whole section of country was absolutely desolate. The people had fled North and South. The only evidence almost throughout the entire country that civilization had ever existed were the grass-grown fields and the lone chimneys that marked places which had once been happy and peaceful homes.

That condition existed in 1865. Then came four years of reconstruction, and while it is true that we paid four and five dollars a hundred of taxation on what little property we had, yet the amount received was not sufficient to pay the expenses of the State government, to say nothing of paying those bonds. From the time the people again got into possession of the State until this day we have made an earnest effort to get a settlement of the matter, together with an adjustment to find out how much we owe, with a view to paying it. That has been the object and purpose of the entire delegation. We have had no other object. We do not desire to borrow any money.

Mr. President, we levy taxes sufficient to-day to meet all the expenses of the State government, and the taking off of this matter would not enable us to borrow money. We do not desire to borrow it, but we do desire that this old claim and these claims shall be finally and forever adjusted. The balance of the State debt is not large, and provision will be made and is made to meet it promptly. We would be glad to have this thing removed. The State has shown much progress. To-day she has a free-school system which is equal to any State in this Union when you consider her resources and the number of her population. We appropriate large sums of money each year for the State University, which now has more than 500 pupils. We appropriate large sums each year to pay for the normal school at Pine Bluff, which is for the education of colored teachers, and the State is making every effort within its power to do justice to every creditor.

Now, then, this settlement has been made. Two high officials of the Government, the Secretary of the Interior and the Secretary of the Treasury, say it is a just and fair compromise. If it is approved, we will pay $160,000, and that is the end of it. But I will ask the Senator from Iowa [Mr. GEAR] to tell the Senate, when he comes to speak, what advantage can come to the United States or to any individual if the compromise be rejected. The Senator knows very well that after these high officials have said we owe only $160,000 no legislature in any State in the Union could ever be brought to appropriate one dollar over and above that sum. The Senator knows that there is no way by which the claims can be settled except by compromise and adjustment. He knows that there is no power in the United States Government to enforce payment. Then I ask what benefit can come to any individual by a rejection of the settlement, allowing this old controversy and these old claims to stand. If it is rejected, that is the end of it. Our delegation here will have no hope ever to attempt another settlement. The State will never be induced to appropriate more than the sum of $160,000, which the Federal officials, after mature deliberation, say is a just and fair settlement.

Then I ask what reason there can be or what benefit can come if this settlement is rejected and the old controversy continues. I will admit, if it be of any value to the Senator from Iowa, that if the Government is to deal with one of the States of the Union as a usurer would deal with his debtor and count every dollar of interest, while the United States pays no interest herself, you can make us more largely in debt than the sum of $160,000. I will admit that if the conditions were different perhaps the amount paid for those lands might be a just subject of controversy; but upon the great question of the United States dealing with one of the States of the Union I hope and trust that they will deal in a more liberal spirit.

I should regret to believe that the Senator from Iowa or any other Senator could permit his sectional prejudices to weigh one ounce in the balance in the settlement of a great matter like this. I have said before that the Government has dealt most liberally with States of the Union, and that Iowa has drawn out of the Treasury more than $500,000 and is claiming a million acres of land.

In addition to that, but four years ago the State of Iowa came here by her senior Senator [Mr. ALLISON] in regard to the claims of the Des Moines River settlers, and no man can examine those claims without being forced to the conclusion that the blame rested with the State of Iowa and not with the United States. Yet the Senate in dealing with that State was liberal enough to appropriate in the sundry civil act $220,000 in money to pay the Des Moines settlers, and I am informed that the claim is not yet settled, and they are asking for more.

The Government has never dealt with individuals, and especially with States, as a usurer would deal with his debtor. Upon the contrary, two weeks ago, in the present Congress, the national House of Representatives passed a bill to give to the people of Oklahoma $8,000,000. That measure is now before the Senate committee, and if it passes at all it will be with an amendment applying the provisions of the act to the Indian reservations in South Dakota, in Idaho, in Montana, and various other Western States, and it will be more than $15,000,000 which the Government will give to those settlers if the bill becomes a law.

In view of all these facts, all I ask of the Senate is to treat my State as fairly as it treats others. We beg no favors that are not extended to others, but we ask that we be treated fairly and honestly. The settlement of this matter will do that which we believe will best promote the interests of the people of the United States at large and the people of Arkansas.

Mr. GEORGE. I desire merely to ask the Senator from Arkansas, who has made what I regard as a very lucid explanation of the case, a question on one point of it, so that I may understand it accurately. If I understood him aright, the Senator said that the Iron Mountain Railroad Company had located about 270,000 acres——

Mr. BERRY. Two hundred and seventy-three thousand acres.

Mr. GEORGE. Two hundred and seventy-three thousand acres of land which had been donated to the State of Arkansas under the swamp and overflowed act of 1850. Under that act, as I understand him to say, and as I understand it to be from my own recollection of the decision of the courts on the subject, the grant was made ipso facto by the passage of the act, and vested title in the State of Arkansas. There is no doubt about it so far.

I understand that the settlement which has been made between the State of Arkansas and the United States, now asked to be ratified, leaves the claim of the State of Arkansas to the 273,000 acres of land and the claim of the Iron Mountain Railroad to the same land exactly as they exist now, giving to neither any rights whatever except what they possess at this date. Is that a fact?

Mr. BERRY. That is absolutely correct, and it is so stated in the agreement. It does not affect their rights in one way or another. If the State can recover from them now she can recover after the passage of the bill. If she can not recover now she can not recover then.

Mr. GEORGE. So any opposition that may be offered by the Iron Mountain Railroad to the passage of the pending bill amounts

simply to this: "Unless you surrender a claim to us"—speaking to the State of Arkansas—"in dispute between us, you shall not pass the bill."

Mr. BERRY. That is exactly correct.

Mr. PLATT. Let me ask one other question to see if I understand the matter. The State has a right to select these lands now under some indemnity act which has been passed. The State does not choose to do it. It prefers not to select the land, but to have the value of it credited to the State in this settlement and the value is fixed in the settlement. Is that the situation?

Mr. BERRY. That is not stating the matter as I understand it.

Mr. PLATT. I wish to get at the facts.

Mr. BERRY. The State has been trying for years to select the land. I wish to say furthermore that the swamp-land act did not make it necessary for the State to make the selection, but it required the Secretary of the Interior to make out the lists and furnish them to the State. The State has been trying for years to get those indemnity lands, but there has been no adjustment and settlement.

The Secretary of the Treasury and the Secretary of the Interior, in order that all matters should be settled, put this clause into the agreement. They suggested this compromise. They said it would be fair and just. They said, "We will give you so much credit for this and that." We claimed a credit for 906,000 acres of land, six hundred and seventy-odd thousand acres more than they gave us. Instead of giving us 906,000 acres, to which the State believes she was entitled, they gave us credit for 278,000 acres, about one-fourth of that amount. It was they who put this item into the agreement, and the State said, "In order that this may be finally settled, and that there shall be no hereafter in regard to it, we will give up our claim to the 906,000 acres; we will relinquish it to the Government of the United States. You can keep our 5 per cent money. We will relinquish all claims for indemnity in cash to which we are entitled under the law," while Iowa, as I said, has already drawn $500,000. "We will relinquish all that. You can keep our 5 per cent money, which every land State in this Union received and to which Arkansas was entitled. You can keep the indemnity to which we are entitled for school lands. You say that this is fair and just. We will take you at your word. We will sign the agreement," as our governor did, "and we will pay the $160,000 into the Treasury." We came to their terms and agreed, and I repeat that we did all they asked us to do, and I will state that it is all that ever can be done.

Mr. GEAR. Mr. President, I think the claim of the State of Arkansas and the claims between the State of Arkansas and the United States should be treated with great dignity. The claim of a State or a controversy between the Federal Government and a State should always be so treated. I have been at some pains to investigate the facts in this case. I wish to state them briefly to the Senate. After that, if the Senate is prepared to vote for the claim, all right. But it does not seem to me as a business man that this is a fair and just claim upon the part of the State of Arkansas against the Federal Government.

The Senator from Arkansas [Mr. BERRY] has alluded to my own State, the State of Iowa, as having been a large beneficiary under the so-called swamp-land grant of 1850. He says that the State of Iowa is a high, rolling, prairie State. That is true, to a certain extent. Yet on the eastern and western slopes of the State, along the Mississippi and Missouri rivers, there are vast bodies of so-called and what really are or were swamp lands. The State was justly and honestly entitled to every dollar that the Federal Government paid it by way of indemnity for those lands.

In regard to the Des Moines Valley, I will state that it is a different case. Men whom I know personally went onto the Des Moines Valley land forty years ago. They entered those lands and had the deeds of the Government, signed by Abraham Lincoln, and by a construction of the supreme court of Iowa they were deprived of those lands. They came to Congress and we granted them $220,000. We should have granted them $700,000 to have been just. So much for that matter.

The Senator has said that there is a wheel within a wheel regarding this case—a land-grant case in his own State connected with the Iron Mountain Road. I do not know anything about that. In fact, I learned for the first time to-day that there is a land-grant road in his own State. That has nothing to do with this question. The questions that underlie this matter are simply questions of fact. It is a common principle of law that men who come into court should come with clean hands, and I do not think, with all due deference to the Senator from Arkansas, that Arkansas comes into court in that condition.

What are the facts? This proposed amendment was authorized by an act passed two years ago empowering the Secretary of the Treasury and the Secretary of the Interior and the governor of Arkansas to do certain things. The Secretary of the Treasury and the Secretary of the Interior, respectively, sent a clerk from his Department who went out to the State of Arkansas and took sixty odd affidavits. And what do those affidavits amount to? They simply show the value of certain lands which the Government would be entitled to reimburse the State of Arkansas for at the rate of $1.25. Those affidavits to which the Senator alludes so pathetically simply show that the lands are worth to-day five or six dollars an acre. I do not doubt it. It is a fact, undoubtedly. But it has no bearing, it strikes me, on this case.

Arkansas was admitted a State in the Union under act of Congress approved June 23, 1836. (5 U. S. Stats., 58.)

Under said act said State was granted by Congress as follows, to wit:

1. Section 16 in every township therein, or lands in lieu thereof and equivalent in area thereto, equal to 886,460 acres. (See page 70, Senate Report No. 226, Fifty-fourth Congress, first session.)

2. Twelve salt springs with 6 sections of land to each, or 72 sections (with certain provisos), equal to 46,080 acres.

3. Five per cent of the net proceeds of the sales of all lands, claimed by said State to be 5 per cent of $19,811,641.43, equal to $990,582.07. (See pages 69, 70 of said Senate Report No. 226.)

4. Five sections of land for completing public buildings in addition to the 10 sections granted her as a Territory by act of March 2, 1831 (4 U. S. Stats., 473), and by act of July 4, 1832 (4 U. S. Stats., 563), or 15 sections of land, equal to 9,600 acres.

5. Two townships of land for a seminary, confirming in that regard the act of March 2, 1827 (4 U. S. Stats., 235), or 72 sections, equal to 46,080 acres.

6. Said State when a Territory having been granted for courthouse and jail purposes, under the act of June 15, 1832 (4 U. S. Stats., 531), equal to 1,000 acres.

7. On the same day (June 23, 1836) when the act to admit Arkansas was approved there was also approved another act, entitled "An act to regulate the deposits of the public money" (5 U. S. Stats., 52), under section 13 of which act Arkansas was paid her proportionate share of the $28,101,644.91 deposited with the several States in the Union on January 1, 1837, to wit, the sum of $286,-751.49.

The history of that allotment to Arkansas was that under the tariff of 1824 there had grown to be a large surplus in the Treasury of the United States, and the Congress at that time, thinking it was best, loaned—or perhaps it might be better to say donated, for I believe very little of it has ever been returned—this large sum of which the share of Arkansas was $286,000 in round numbers.

8. Under the act approved September 4, 1841 (5 U. S. Stats., 453), Arkansas was granted for internal improvement purposes 500,000 acres.

9. Under the act approved September 4, 1841 (5 U. S. Stats., 453), in addition to the 5 per cent of the net proceeds of the sales of the public lands theretofore granted her, Arkansas was granted an additional 10 per cent thereof.

10. By the act of September 28, 1850 (9 U. S. Stats., 519), Arkansas was granted all the lands in said State which on that date "were swamp and overflowed, and thereby made unfit for cultivation," and the State authorities of that State have already selected lands alleged by them to be of that class, and now recorded in the General Land Office, an area equal to 8,656,372.39 acres. (See page 300, Report G. L. O., 1895.)

One-fourth, practically, Mr. President, of the whole area of Arkansas. The whole area of her lands amounts to 33,948,000 acres.

11. Said State was entitled to receive indemnity lands in certain cases under the act of March 3, 1855 (10 U. S. Stats., 634), an act entitled "An act for the relief of purchasers and locaters of swamp and overflowed lands."

12. Said State was entitled to receive additional indemnity lands under the act of March 3, 1857 (11 U. S. Stats., 251), an act entitled "An act to confirm to the several States the swamp and overflowed lands under the act of September 28, 1850, and act of March 2, 1849."

13. Said State became entitled to credit for 5 per cent on lands embraced in any Indian reservations in said State under the act of March 3, 1857 (11 U. S. Stats., 200), an act entitled "An act to settle certain accounts between the State of Mississippi and other States."

14. Said State became entitled to credit for 5 per cent on any lands in that State located by Indian scrip under the decision of the Secretary of the Interior (Hon. Jacob Thompson) of March 20, 1858, in construing the meaning and intention of the aforesaid act of March 3, 1857 (11 U. S. Stats., 200), an act entitled "An act to settle certain accounts between the State of Mississippi and other States." (See pages 3 and 4 of said Senate Report No. 226.)

15. Said State received a grant of 150,000 acres of land in the form of 150,000 acres of agricultural college scrip under the act of December 13, 1862 (17 U. S. Stats., 397), which scrip was sold by said State and located on the public lands in other public-land States, subject to private entry therein, at $1.25 per acre.

At the dates of all these acts of Congress continuously to March 1, 1896, the minimum price of the public lands in Arkansas not mineral, when a lesser price had not been established by law, was

fixed by Congress at $1.25 per acre, except the alternate reserved sections inside of the geographical lateral limits of lands granted for railroad purposes, the price for which was fixed at the double minimum per acre.

It is alleged by the State of Arkansas substantially that officers of the Executive Departments of the United States Government, when executing these several grants and acts of Congress in her case, have in some way or other (not very clearly defined or fully specified or made as yet intelligible to Congress) so administered the same as, in the opinion of some persons, not to have done that State full justice, and hence contentions have arisen in the Executive Departments of the United States which constitute the alleged claims or the basis of the alleged claims of said State against the United States, to investigate, compromise, and settle which were the objects sought to be secured by the enactment of the act of Congress approved August 14, 1894, an act entitled "An act to authorize a compromise and settlement with the State of Arkansas."

THE CLAIM OF THE UNITED STATES AGAINST THE STATE OF ARKANSAS.

It is everywhere admitted and nowhere denied that on January 1, 1838, the State of Arkansas borrowed from the "Smithsonian trust fund" the sum of $538,000 from the United States as the trustee of said fund, which was held in trust by the United States, to whom it was generously donated on condition that the principal so donated and the interest earned by a safe and judicious investment of said principal should be sacredly dedicated "to the diffusion of knowledge among mankind."

To secure the full payment of said principal and the prompt payment of said interest when due of said loan from said "Smithsonian trust fund" so then held in trust by the United States for said purpose, the State of Arkansas deposited with the United States 538 of her $1,000 State 6 per cent coupon bonds, by her issued under the act of her legislature, an act entitled "An act to establish the Real Estate Bank of the State of Arkansas," approved October 26, 1836, and the act amendatory thereof, entitled "An act to increase the rate of interest on the bonds of the State issued to the Real Estate Bank of the State of Arkansas," approved December 19, 1837. (State Statutes of Arkansas, 1837, page 51.) Said bonds bore date January 1, 1838, and said coupons were payable on January and July 1 of each year.

Five hundred of said State $1,000 bonds, it is alleged, matured on October 26, 1861, and the remaining 38 thereof, it is alleged, matured on January 1, 1868, and it is also everywhere admitted and can not be anywhere successfully denied that none of said bonds, nor any portion of any of said coupons representing interest so earned by any of said bonds, were ever paid by said State, either on said dates or on any other dates, but, on the contrary, that all of same, principal and interest, remain wholly unpaid by said State up to this date.

It is true that between July 1, 1836, and December 31, 1845, said State earned the sum of $70,047.78 from the 5 per cent of the net proceeds of the sales of the public lands made therein by the United States; but between January 1, 1838, and December 31, 1845, the amount of interest due by said State on said $538,000 at 6 per cent per annum aggregated the sum of $298,240, or more than four times the amount of said earnings from the 5 per cent of the net proceeds of the sales of the public lands in said State, the payment of which 5 per cent earnings was not made to said State, but was withheld by the United States and applied to reduce pro tanto the amount of said unpaid interest due on said unpaid debt; as authorized to be done under the joint resolution of Congress of March 3, 1845 (5 U. S. Stats., 801), which is as follows, to wit:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any State shall have been or may be in default for the payment of interest or principal on investments in its stocks or bonds held by the United States in trust, it shall be the duty of the Secretary of the Treasury to retain the whole, or so much thereof as may be necessary, of the percentage to which said State may be entitled of the proceeds of the sales of the public lands within its limits, and apply the same to the payment of said interest or principal or to the reimbursement of any sums of money expended by the United States for that purpose.

2. In addition thereto the State of Arkansas, on January 1, 1849, borrowed the further sum of $3,000 from the "Chickasaw Indian orphan fund," a fund then held in trust by the United States for the benefit of the orphans of said Indians; and to secure the full payment of said principal and the prompt payment of interest due thereon at maturity said State deposited three of her State $1,000 5 per cent registered bonds, which matured on January 1, 1887, but no one of said bonds and no portion of any interest earned by either thereof were ever paid by said State on said date or on any other date, but all of the same, principal and interest, remain wholly unpaid up to this date.

Mr. PLATT. May I ask the Senator from Iowa a question for information? In this account the State of Arkansas is charged with the bonds which were issued on account of the loan from the Smithsonian fund, $500,000, and to interest on the bonds, but apparently the interest ceases at the maturity of the bonds.

Mr. GEAR. I will come to that in a moment.

Mr. PLATT. In this proposed settlement is interest charged on the bonds from the time they matured until the present?

Mr. GEAR. No; it is not. I shall come to that and state it in a moment.

3. Again, said State on January 1, 1838, borrowed the further sum of $90,000 from the "Chickasaw Indian national trust fund," a fund then held in trust by the United States for the benefit of said Indians. To secure the full payment of the principal and the prompt payment of the interest earned thereon, said State deposited with the United States 90 of her $1,000 State bonds, and which bonds matured on October 26, 1861; but no part of the principal and no part of any of the interest due on any of said bonds was ever paid by said State on that date or on any other date.

Prior to December 13, 1872, the State of Arkansas was a petitioner to the United States for a grant of 150,000 acres of public land under the agricultural college act of July 2, 1862 (12 U. S. Stats., 130), and on December 13, 1872 (17 U. S. Stats., 897), Congress passed an act authorizing an issue to her of 150,000 acres of agricultural college scrip, but with this proviso, to wit:

That no scrip as aforesaid shall be delivered to the authorities of the State of Arkansas until said State shall have made some satisfactory arrangement by which the bonds of said State, principal and interest, now held by the United States as Indian trust funds shall be funded in new bonds authorized to be issued by said State for this purpose.

About or soon after this date said debt of $90,000, with its earned and unpaid interest, aggregated, it is alleged, about the sum of $252,000, more or less. The said State accepted said act of Congress of December 13, 1872, with all its provisions and conditions, and liquidated its said accumulated debt of $90,000, which, with interest, had grown to a sum alleged to be $252,000, and did liquidate the same in the way that debts are sometimes liquidated, by taking up said $90,000 worth of old 6 per cent bonds and certain accumulated unpaid interest due thereon by issuing new 6 per cent coupon bonds in said equal sum of $252,000, and thereafter deposited the same with the United States, to wit, 252 of her $1,000 State 6 per cent coupon bonds of such new issue, bearing interest from January 1, 1874, to secure said debt in that amount of $252,000 then due by her to said "Chickasaw Indian national trust fund," said coupons being payable semiannually.

The statement of that debt puts me in mind of Dickens's character, Micawber, who was always "waiting for something to turn up." He always paid the debts that he owed with a note. So with Arkansas. She paid this original $90,000 debt, which amounted to $250,000 with accrued interest, with a new note, and considered the whole thing adjusted and settled. That is the kind of a settlement that they are here to make.

Said new bonds are alleged to mature on January 1, 1900; but, like said similar issue of said similar obligations to secure the full payment of said original principal and prompt payment of the interest due thereon, no portion of said interest has ever been paid by said State up to this date, except by the withholding in driblets said 5 per cent earnings, and thereby reducing pro tanto said unpaid accumulated interest debt.

This, then, constitutes substantially the claim of the United States against the State of Arkansas.

On the one hand, the claim so made by the United States is fixed in character, and though it may be many years old, yet it is immutable by time, because it is easily determinate, exactly determinable in amount, and concerning which, in equity, there should not be, and in conscience there can not be, any doubt or contention.

The amount of the principal due the United States by the State of Arkansas is mutually and universally admitted, not denied; and the amount of interest now due by said State on said principal has been fixed by said State itself and is easily computed, because of the recitals on the face of her own bonds, copy of No. 1 of which is as follows.

I will publish the bond and not read it. I will simply say that it is a facsimile copy of the bond, in English and French, issued by the State of Arkansas. I will merely say that these bonds were negotiated through the late W. W. Corcoran, and were paid for by the Secretary of the Treasury, and that is the way they became the property of the United States; that is, they were paid for by taking funds from the Smithsonian Institution which the United States held in trust and put into these bonds for security:

ONE THOUSAND DOLLARS. ARKANSAS STATE BOND.

UNITED STATES OF AMERICA,

STATE OF ARKANSAS.

A.

No. 1.

£ stg. 225. Fcs. 5,600.

REAL ESTATE BANK OF THE STATE OF ARKANSAS.

SIX PER CENT STOCK.

Under an act of the general assembly of the State of Arkansas entitled "An act to establish the Real Estate Bank of the State of Arkansas," approved October 26, 1836.

And an act supplementary thereto entitled "An act to increase the rate of interest on the bonds of the State, issued to the Real Estate Bank of the State of Arkansas," approved 19th December, 1837.

Know all men by these presents, that the State of Arkansas acknowledges to be indebted to the Real Estate Bank of the State of Arkansas in the sum of

$1,000, which sum the said State of Arkansas promises to pay in current money of the United States, to the order of the president, directors, and company of said bank, on the 26th day of October, 1861, with interest at the rate of 6 per cent per annum, payable half yearly, at the place named in the indorsement hereto, on the 1st day of January and July of each year, until the payment of said principal.

In testimony whereof the governor of the State of Arkansas has signed and the treasurer of the State has countersigned these presents, and caused the seal of the State to be fixed thereto at Little Rock this 1st day of January, in the year of our Lord 1838.

[SEAL OF THE STATE OF ARKANSAS.] SAM. C. ROANE, *Governor.*

Countersigned. WM. E. WOODRUFF, *Treasurer.*

ETAT D'ARKANSAS.

ETATS UNIS D'AMÉRIQUE.

Banque de Propriétés Foncières de l'Etat d'Arkansas.

Emprunt a 6 pour cent.

$1,000. £ stg. 225. Fcs. 5,600.

No.

En vertu d'un acte de l'assemblée générale de l'Etat d'Arkansas, appelé "Acte octroyant l'établissement de la Banque des Propriétés Foncières de l'Etat d'Arkansas," approuvé le 26 Octobre, 1836, et d'un acte supplémentaire, appelé "Acte autorisant l'augmentation de taux d'intérêt sur les obligations de l'Etat, émis en faveur de la Banque des Propriétés Foncières," approuvé le 19 Decembre, 1837.

MILLE PIASTRES.

L'Etat d'Arkansas reconnait par les presentes devoir a la Banque des Propriétés Foncières la somme de mille piastres, laquelle somme le dit Etat d'Arkansas promet de payer en monnaie courante des Etats Unis, a l'ordre du président, des directeurs, et de la Société de la dite banque le vingt-six Octobre, mil huit cent soixante-et-un, avec intérêts, à raison de six pour cent l'an, payable tous les six mois au domicile indiqué au dos, savoir le premier Janvier at le premier Juillet de chaque année, jusqu'au paiement du dit capital.

En témoignage de quoi le gouverneur de l'Etat d'Arkansas a signé et le tresorier de l'Etat a contresigné les presentes, et ils y ont fait oppesée le sceau de l'Etat à Little Rock le premier Janvier de l8an de grace, mil huit cent trente-huit.

(Indorsements.) *July 1, 1838.*

We hereby assign the within bond to W. W. Corcoran, or order, the principal and interest from this date on the same, payable at the city of New York.

A. H. DAVIES, *President.*
R. D. C. COLLINS, *Cashier.*

I hereby assign the within bond to the Secretary of the Treasury of the United States, for the time being, or his order, under the provisions of the act of Congress of 7th July, 1838. (See 5 U. S. Stats., 267-465.) W. W. CORCORAN.

CLAIMS OF THE STATE OF ARKANSAS AGAINST THE UNITED STATES.

On the other hand, the claims of the State of Arkansas against the United States have heretofore substantially consisted largely of disputed facts and controverted questions of law, growing out of the official administration and construction in the Interior Department of the laws of Congress relating to certain of the aforesaid Congressional grants, etc., which construction, so applied to Arkansas, has also been ever made equally applicable by that Department to all the other public-land States, under the same or similar laws and grants, to none of which has Congress ever made Arkansas an exception.

Before any of said claims of said State against the United States could possibly be fully understood by Congress they should be specifically and exactly stated by those having a thorough and full knowledge of and mature experience in all matters relating or germane thereto, and be reduced to a fixed money value, if they are to be accepted as proper set-offs or counterclaims to the money debt now due the United States by the State of Arkansas. No one, surely, will attempt to deny that this should be done to enable Congress, when sitting as a tribunal in equity in a controversy between litigants so dignified as the United States and one of the States of the Union, to intelligently and duly investigate and maturely consider the same, in order that such controversy may be finally determined and adjudicated upon principles of mutual fairness, to the end that said controversy and all contention in regard thereto should finally terminate.

It was looking to secure an end not of some but of all these contentions that seemingly justified the enactment of the act of August 4, 1894 (28 U. S. Stats., 299), entitled "An act to authorize a compromise and settlement with the State of Arkansas"; Congress in said act having reserved to itself, however, the right and duty to revise all acts had or done thereunder.

The question therefore to be considered is, Has said act of August 4, 1894, as reported to Congress on February 23, 1895, been carefully, clearly, exhaustively, and equitably executed in the equal and mutual interest of the United States and of that State?

Congress must ever remember that the Government of the United States stands the guardian and trustee, under sacred obligation, to guard and protect the trusts reposed in it, not only for the benefit of the Indians and their orphan children, the nation's wards at home, but in very honor, honesty, and gratitude occupy no less a relation to that generous donor—James Smithson—who, though speaking our language, yet never put foot on American soil, and who, though ever loyal to the land over which the flag of England floats, yet so loved his fellow-men and was so appreciative of the honest purposes and high destiny of our people that he bequeathed to our Government, in trust, the residue of his then large estate, to be honestly expended by us in diffusing knowledge among mankind, and in honor of whose name and high intentions the Smithsonian Institution now stands a monument beneath the very shadow of these legislative halls.

But said monument thus erected was not erected with Smithson's funds, because prior to its erection said funds had been intrusted to the safe and sacred keeping and secure protection of the State of Arkansas, and as to how sacredly and safely said trust funds have been kept, and as to how securely they have been protected by that State, let the records presented to the Senate be the unimpeachable witnesses.

The original attitude of the United States as a trustee only of said "Smithson fund" (5 U. S. Stats., 64, 267, 465) has been radically changed, a change enforced by honor and honesty, so that the United States have been compelled, out of their own Treasury, to make good the default of the State of Arkansas. I wrote a letter to the Secretary of the Treasury asking him when and how this money was reimbursed by Congress to the Smithsonian Institution. Much to my surprise, I was advised that there was no entry to be found upon the books of the Treasury as to when and how this money was reimbursed to the Smithsonian. A letter, however, from the Smithsonian Institution states that by a certain act of Congress, which I have not time to read or refer to, the money was reimbursed, as it should have been, by the United States, the United States being the custodian of that fund, and out of that money the present Smithsonian Institution was created, and out of the annual appropriation, which amounts to 6 per cent on the land originally granted by James Smithson, that institution is carried on and cared for by the Government, an institution which is the admiration not only of Congress but of the people of the whole United States, a people who will ever bear in mind a grateful recollection of the donor of that great fund.

In order, therefore, that Congress might be fully, correctly, and officially advised as to the kind, nature, and amount of the respective claims of the United States and of the State of Arkansas, and the date when and manner in which the same arose, so as to be enabled to compromise and settle the same, Congress on August 14, 1894, passed the act entitled "An act to authorize a compromise and settlement with the State of Arkansas." (28 U. S. Stats., 229.)

On February 23, 1895, the Secretary of the Treasury and the Secretary of the Interior submitted to the Senate a report of their action had thereon, which was printed as Senate Executive Document No. 91, Fifty-third Congress, third session. Action in the Senate and House then and now seems to have been limited to making reports thereon in the Senate and House.

House Report No. 1959, Fifty-third Congress, third session, seeming to contain nearly all the matters theretofore officially stated in reference to said act of August 14, 1894, a copy thereof will be submitted as a part of my remarks.

From this report it is alleged and is made to appear that the State of Arkansas is indebted to the United States only in the sum of $1,611,803.61, appearing more in detail thus:

ACCOUNT.

The State of Arkansas in account with the United States on account of bonds issued by the State, with the interest accrued thereon, the claims of the State arising under the public-land laws of the United States, and the claim of the State for care of military prisoners, adjusted to January 1, 1895.

(1) To State of Arkansas 6 per cent bonds (Nos. 1 to 500, inclusive), $1,000 each, issued January 1, 1838, and matured October 26, 1861, to secure a loan from the Smithsonian fund, held in trust by the United States, which bonds were subsequently acquired by the United States in their own right	$500,000.00
(2) To interest on 366 of these bonds (Nos. 135-500), at 6 per cent per annum, from July 1, 1842, to October 26, 1861 (nineteen years nine months and twenty-five days)	425,235.00
(3) To interest on 133 of these bonds (1 to 133), at 6 per cent per annum, from July 1, 1860, to October 26, 1861 (one year three months and twenty-five days)	10,529.17
(4) To interest on 1 of these bonds (No. 134) at 6 per cent per annum, from July 1, 1852, to October 26, 1861 (nine years three months and twenty-five days), less $19.72, paid on 1 coupon in 1860	539.44
(5) To state of Arkansas bonds (6 per cent coupons), of $1,000 each, 38 in number (Nos. 282-294, 359-373, 401-410), issued January 1, 1838, to secure a loan from the Smithsonian fund, which bonds matured January 1, 1868, and now belong to the United States	38,000.00
(6) To interest thereon, at 6 per cent per annum, from January 1, 1842, to January 1, 1868 (twenty-six years)	59,280.00
(7) To 3, $1,000 each, State of Arkansas 5 per cent registered bonds, acquired for the Chickasaw orphan fund by investing the proceeds arising from the sale of two quarter sections of land in the case of Hiram R. Pitchlyn, pursuant to article 8 of treaty stipulations with the Chickasaw Indians, which bonds now belong to the United States	3,000.00
(8) To interest on these bonds, at 5 per cent per annum, from January 1, 1849, to date of maturity, January 1, 1887 (thirty-eight years)	5,700.00

(9) To 252 new 6 per cent coupon bonds of $1,000 each, issued by that State under the adjustment of the Chickasaw national fund on January 1, 1874, in which it was agreed that the 90, $1,000 each, 6 per cent coupon bonds of that State, originally purchased out of that fund, together with the accrued and unpaid interest thereon, should be funded after crediting the State with $7,677.80 on account of care of military prisoners, and these 252 new 6 per cent coupon bonds issued in payment of old bonds and interest	$252,000.00
(10) To accrued and unpaid interest on these bonds from date of issue, January 1, 1874, to date of this settlement, January 1, 1895, at 6 per cent per annum, being $252,000, at 6 per cent, for twenty-one years	317,520.00
Total amount of bonds and interest	1,611,803.61

It is submitted, however, that said sum of $1,611,803.61 is too small by $1,104,746.67, because the more exact sum should be and is $2,716,550.28, as recited in a table compiled in the Treasury Department accompanying a letter from the Secretary of January 30, 1896, as follows, to wit:

SIR: In compliance with your request of the 25th instant, asking to be furnished with a statement showing the amount that would be due the United States from Arkansas, if all credits due the State be disregarded, and interest on the bonds be computed to January 1, 1896, I have the honor to transmit herewith such a statement, showing in aggregate $2,716,550.28.

Respectfully, yours,

E. S. HAMLIN, *Acting Secretary.*

Hon. GEORGE D. MEIKLEJOHN,
United States House of Representatives,
Washington, D. C.

A statement showing the amount of bonds and interest accrued thereon to January 1, 1896, held by the United States against the State of Arkansas, disregarding all credits to which said State may be entitled on any account:

1. State of Arkansas 6 per cent bonds (Nos. 1 to 500) of $1,000 each, issued January 1, 1838, and matured October 26, 1861, to secure a loan from the Smithsonian fund, held in trust by the United States, which bonds were subsequently acquired and are now held by the United States in their own right	$500,000.00
2. Interest on 366 of these bonds (Nos. 135-500) at 6 per cent per annum, from July 1, 1842, to January 1, 1896	1,174,860.00
3. Interest on 133 of these bonds (Nos. 1-133) at 6 per cent per annum, from July 1, 1852, to January 1, 1896	283,290.00
4. Interest on 1 of these bonds (No. 134) at 6 per cent per annum, from July 1, 1852, to January 1, 1896, less $19.72	2,590.28
5. Thirty-three State of Arkansas 6 per cent coupon bonds (Nos. 282-294, 359-373, 401-410) of $1,000 each, issued January 1, 1838, to secure a loan from the Smithsonian fund, which bonds matured January 1, 1868, and now belong to the United States in their own right	38,000.00
6. Interest thereon from January 1, 1842, to January 1, 1896, at 6 per cent per annum	123,120.00
7. Three State of Arkansas 5 per cent registered bonds of $1,000 each, acquired for the Chickasaw orphan fund, and matured January 1, 1887, but now belonging to the United States	3,000.00
8. Interest thereon from January 1, 1849, to January 1, 1896	7,050.00
9. Two hundred and fifty-two new State of Arkansas 6 per cent coupon bonds of $1,000 each, issued under the adjustment of 1874, growing out of the $90,000 originally borrowed from the Chickasaw national fund, which bonds belong to the United States	252,000.00
10. Interest thereon at 6 per cent per annum from January 1, 1874, to January 1, 1896	332,674.00
Total bonds and interest	2,716,550.28

Said lesser sum of $1,611,803.61 relies for exactness of computation upon an opinion of the United States Attorney-General of February 14, 1895, wherein the Attorney-General relied upon the decision of the United States Supreme Court in the North Carolina case (136 U. S. Reports, 211), as follows, to wit:

[A. G., 276-1895.]

DEPARTMENT OF JUSTICE, *Washington, D. C., February 14, 1895.*

The honorable the Secretaries of the Treasury and of the Interior.

GENTLEMEN: I have the honor to acknowledge your joint communication of the 12th instant, calling my attention to certain coupon 6 per cent interest-bearing bonds of the State of Arkansas, all dated January 1, 1838, and a portion of which matured October 26, 1861, and another portion January 1, 1868. A copy of one of said bonds is inclosed, and you inquire whether the State of Arkansas is liable for interest on said bonds from and after their maturity.

In my judgment, the question must be answered unhesitatingly in the negative. The rule laid down in the case cited by you (United States *vs.* North Carolina, 136 U. S., 211) has been explicitly declared to be the law of Arkansas by the highest court of that State.

And I find nothing in the terms of the bonds themselves or in any legislation of Arkansas having any tendency to show that the State has consented to pay interest on the principal of these bonds after such principal became payable.

Respectfully, RICHARD OLNEY,
Attorney-General.

It will be noted that this opinion is based upon the case of the United States *vs.* North Carolina (136 U. S., 211). In this case Chief Justice Grey says:

From the general principle that an obligation of the State to pay interest, whether as interest or as damages, on any debt overdue, can not arise except by the consent and contract of the State, manifested by statute, or in a form authorized by statute, it appears to us to follow as a necessary consequence that no authority to the officers of the State to bind it by such an obligation can be implied from the act of 1852, requiring the certificates or bonds issued under it to be made payable at a day named in them, and to have coupons of interest attached to them, and making no mention whatever of interest after the date at which the principal is payable.

In the light of the provisions of this statute, the agreement in the bonds sued on, that the principal sum shall be "redeemable in good and lawful money" at the place and day therein designated, must be deemed equivalent to an agreement that they shall be payable on that day, and if the further provision by which the interest is payable half-yearly "from the date of this bond and until the principal be paid, on surrendering the proper coupons hereto annexed," could, upon the face of the bonds, and without regard to the law under which they were issued, be construed to include interest after the date at which the principal is payable, and for which interest there were no coupons to be surrendered, it can not be allowed such an effect, because the State of North Carolina has never authorized its officers to incur any such obligations in its behalf.

There was nothing in the statute of North Carolina under which the bonds in question in this case were executed and delivered providing for the payment of interest on the bonds until they were paid, and, as the court holds, the State can not be made liable to pay interest on an overdue debt, except through its consent or on a contract duly authorized by legislative enactment.

While the bonds executed and delivered by the governor of the State of North Carolina and her treasurer contained a provision—

With interest thereon at the rate of 6 per cent per annum, payable half yearly at the said bank on the 1st days of January and July each year, from the date of this bond and until the principal be paid, on surrendering the proper coupons hereto annexed—

The court holds that there was no authority in the statutes under which the bonds were issued for the governor of the State and the treasurer to bind the State to pay interest until the principal was paid.

Mr. President, the bonds of the State of Arkansas involved in this settlement were issued under an act of the State of Arkansas entitled "An act to establish the Real Estate Bank of the State of Arkansas," approved October 26, 1836, and the act amendatory, entitled "An act to increase the rate of interest on the bonds of the State issued to the Real Estate Bank of the State of Arkansas," approved December 19, 1837, by the provisions of which the faith and credit of the State is not only pledged to the payment of the bonds and interest, but the legislature authorized in said act the governor and treasurer of the State to issue bonds in the sum of $2,000,000, a form of which bond is included in the statute, in which form provision is made for payment of interest on said bonds until the payment of the principal.

The following is a copy of the form to be used in the execution and delivery of said bonds, as found in section 10 of the act of October 26, 1836:

One thousand dollars.

Know all men by these presents, that the State of Arkansas acknowledges to be indebted to the Real Estate Bank of the State of Arkansas in the sum of $1,000, which sum the said State of Arkansas promises to pay in current money of the United States, to the order of the president, directors, and company of said bank, on the ——, with interest at the rate of 5 per cent per annum, payable half yearly at the place named in the indorsement hereto on the 1st day of —— and —— of each year until the payment of said principal.

In testimony whereof the governor of the State of Arkansas has signed and the treasurer of the State has countersigned these presents, and caused the seal of the State to be affixed thereto, at Little Rock, this —— day of ——, in the year of our Lord one thousand eight hundred and ——.

It will be seen from this that the case of the United States *vs.* North Carolina (136 U. S., 211) is not applicable to the bonds of the State of Arkansas included in the settlement between the State of Arkansas and the United States, as made by the Secretary of the Interior and the Secretary of the Treasury, representing the Government, and Hon. James P. Clark, governor of the State of Arkansas, representing the State of Arkansas, and that the amount due the Government on said bonds, including interest to January 1, 1896, is $2,716,550.28, instead of $1,611,803.61, as found by the Secretary of the Treasury and the Secretary of the Interior.

It is impossible for anyone to now state, and it seems to be almost impossible for anyone to find out as yet, just what the exact money value of all the claims of the State of Arkansas against the United States really is, but the items with which she is credited, so as to offset said $1,611,803.61, are recited in said House Report 1959 as follows, to wit:

ACCOUNT.

The State of Arkansas in account with the United States on account of bonds issued by the State, with the interest accrued thereon, the claims of the State arising under the public-land laws of the United States, and the claim of the State for care of military prisoners, adjusted to January 1, 1895.

By amounts accrued to the credit of the State under section 3 of the act of June 23, 1836 (5 Stat. U. S., 58), from July 1, 1838, to January 1, 1895, withheld by the United States (for which no interest coupons on the bonds held against the State have been surrendered), now applied as follows (Exhibit A):	
On bonds acquired through the Smithsonian fund	$12,822.59
On bonds acquired through the Chickasaw national fund	40,493.61
On bonds acquired through the Chickasaw orphan fund	1,800.00
(1) By 125,000 acres of land (Exhibit 3) claimed as swamp land in place, filed under act of September 28, 1850 (9 Stat. U. S., 519), reclaimed to the United States by this settlement, at $1.25 per acre	156,250.00
(2) By 90,400 acres of land (Exhibit 4) selected and filed as a basis of land indemnity, under acts of March 2, 1855 (10 Stat. U. S., 634), and March 3, 1857 (supra), reclaimed to the United States by this settlement, at $5 per acre	452,000.00
(3) By 118,760 acres of land (Exhibit 4) claimed as a basis of cash indemnity, under the act of March 3, 1857 (supra), reclaimed to the United States by this settlement, at $1.25 per acre	148,450.00
(4) By 63,920 acres of land (Exhibit 7), claimed to be swamp under the indemnity acts above named, which have been listed and filed by the State and disposed of by the United States subsequent to the passage of said indemnity acts; now reclaimed to the United States by this settlement at $1.25 per acre	79,900.00

(5) By 20,000 acres of land (Exhibit 9) listed by the agent of the State, Thomas G. Riley, as indemnity school lands, and sent to the governor of the State for amendment to comply with certain departmental regulations as to certificates of nonmineral character and not yet adjusted. These selections are believed to be a valid claim, and the lands are reclaimed to the United States by this settlement at $5 per acre $150,000.00

(6) By 1,792.85 acres of indemnity school land (Exhibit 8, Table 3), a list of which has been filed and officially reported as "apparently valid," which are reclaimed by this settlement at $5 per acre 8,964.25

(7) By 160 acres of land (Exhibit 8, Table 3), being the residue of the grant under act of June 15, 1832 (4 Stat. U. S., 531), entitled "Court-house and jail grant"; reclaimed by this settlement at $5 per acre 800.00

(8) By 110.97 acres of land (Exhibit 8, Table 3), granted under act of September 4, 1841 (5 Stat. U. S., 453), for internal improvements; reclaimed by this settlement at $5 per acre 554.85

(9) By 6,223.31 acres of seminary lands (Exhibit 8, Table 3), due the State under section 5, act June 23, 1836; reclaimed by this settlement at $5 per acre 31,116.65

(10) By 16.01 acres of land (Exhibit 8, Table 3) granted under the act of March 2, 1831 (4 Stat. U. S., 473), for the erection of public building at the seat of government; reclaimed at $5 per acre 80.05

(11) By 51.13 acres of land (Exhibit 8, Table 3) granted under section 4, act of June 23, 1836, being the residue of five sections granted under that act for the completion of public buildings; reclaimed at $5 per acre 255.65

(12) By 3,840 acres of salt-spring land (Exhibit 8, Table 3), being six sections not yet certified to the State under section 2, act of June 23, 1836; reclaimed to the United States by this settlement at $5 per acre 19,200.00

(13) By 278,835.248 acres of land, being about one-fourth of 906,260 acres, claimed as swamp land in place and as a basis of land and cash indemnity, under acts of March 2, 1855, and March 3, 1857, at $1.25 per acre, in satisfaction of the whole claim 348,544.06

(14) Leaving 160 of the 252 new 6 per cent coupon bonds of $1,000 each to be protected by the State and redeemed at maturity, January 1, 1900 ..... 160,000.00

(15) Leaving a balance, which the State is to pay in cash within thirty days, of 572.00

Total credits, bonds, and cash 1,611,803.61

As I said before, I do not know of any reason why the State of Arkansas should be paid $5 an acre for a claim which never has been allowed to any State by this Government that I am aware of, and more than the other States have been paid under the same conditions, that is, $1.25 an acre.

But these enumerated items of specific claims do not inclnde all the items of all the alleged claims of said State heretofore alleged to exist against the United States, but, such as said enumerated items are, as used as setoffs to cancel said debt even in the sum of $1,611,803.61, it seems to me that the Senate is utterly without proper and full official information as to their merits, or whether they actually existed on February 23, 1895, or even now exist.

The Senate by resolution (adopted March 2, 1896) called upon the Secretary of the Treasury and the Secretary of the Interior to furnish certain specific information, reply to which was made Monday, March 9, 1896, which I have not as yet examined, so as to enable me to know whether or not said reply furnishes data sufficient to enable the Senate to act intelligently in this matter, and until the Senate shall have fully acquainted itself with all the matters in said reply pertinent hereto I can not now clearly see how it can properly reach any final conclusion in these premises.

Mr. FRYE (at 2 o'clock p. m.). I ask the attention of the Senator from Arkansas [Mr. BERRY], and I desire the attention of the Chair too. This bill was made the unfinished business by unanimous consent, and on Friday it was removed from its character of unfinished business by being placed in the morning hour.

Mr. BERRY. No; if the Senator will pardon me, nothing was done on Friday, the last day's session. I simply gave a notice, and this morning, instead of making a motion, I asked unanimous consent that we might take up the unfinished business.

Mr. FRYE. Has the Senator from Arkansas any objection that the special order, which was made an order some time before the pending bill, shall take the place of the unfinished business and that the special order then be temporarily laid aside?

Mr. BERRY. I do not want the bill to lose its place as the unfinished business until it is concluded. After that I shall have no objection. I want it to retain its place. I am certain that we can get through with it to-day, but I do not want it to lose its place as the unfinished business. I do not think that would be right. I do not think the Senator from Maine would want to displace it as the unfinished business now that it is being disposed of.

Mr. GEAR. I will say to the Senator from Maine that I shall probably be through in about thirty-five minutes, and I shall then be ready for a vote. We can reach a vote to-day upon the bill, so far as I am concerned.

Mr. BERRY. I think we shall get through with the bill this evening, but of course it will remain as the unfinished business until it is disposed of. I have worked so long to get its consideration by the Senate that I trust the Senator from Maine will not interpose.

Mr. FRYE. If all that was done by unanimous consent was an agreement that it should be considered as the unfinished business, of course I have no right to ask it.

Mr. BERRY. It was all done by unanimous consent this morning.

Mr. FRYE. The special order does not take the place of the unfinished business, but unless this is disposed of the special order should be laid before the Senate as the unfinished business.

Mr. HOAR. What is the special order?

Mr. FRYE. The Alaska fur-seal bill.

Mr. GEAR. Mr. President, in order to aid the Senate in arriving at the true merits of all the matters alleged to be in controversy between the United States and the State of Arkansas, and in order to fully understand and know upon what basis said adjustment and settlement reported in Senate Executive Document No. 91, Fifty-third Congress, third session, equitably rest, I should like to know, and in my opinion the Senate should officially know, from the Commissioner of the General Land Office, over his signature, brought down to January 1, 1896, sundry matters hereinafter specifically enumerated, as the same now officially appear from his own records, and not otherwise.

This precaution is taken for the reasons following, to wit:

1. Because in said agreement, item 5, a credit of $150,000 is given said State for her claim to 30,000 acres of "indemnity school lands" not of record in the General Land Office at the date of said agreement, but said credit was based exclusively upon the ex parte affidavit of her own State agent, copy of which is as follows, to wit:

DISTRICT OF COLUMBIA, *Washington, D. C., ss:*

Thomas G. Riley, on his oath, being duly sworn, makes the following statement:

I was appointed by the governor of the State of Arkansas in February, 1886, to look after the interests of the State of Arkansas growing out of the swamp-land act of September 28, 1850, and was afterwards directed to look after the claim of said State for indemnity school lands.

Since the date of my appointment I have continuously resided in Washington, D. C., and have had, through the courtesy of the several Commissioners of the General Land Office, access to the tract books of the General Land Office.

To carry out the purposes of my designation as the agent of the State, I have examined said books with a view to determine the amount of cash indemnity and land indemnity due the State under the act of March 3, 1857; also to ascertain from the field notes the residue of swamp lands in place due the State under the act of September 28, 1850.

In addition to these duties as agent of said State I have ascertained the amount of school indemnity due the State by reason of the losses in the granted section (16) on account of fractional townships, and other losses to said section growing out of natural causes, i. e., the existence of rivers, lakes, etc., the meandering of which by the public survey lessened to that extent the amount of school lands allowed by law.

I have filed but one list for indemnity school lands, that of December 10, 1886, for 2,053.85 acres, of which amount 1,792.85 acres are held to be "apparently valid," though not yet approved.

In addition to this list I have prepared, since the year 1890, four other lists of indemnity school lands from bases above described. I am positive the bases of these selections were valid. I took these lists to Division "K" of the General Land Office for the purpose of filing, but was there advised that they could not be accepted by reason of an informality—namely, there were no nonmineral affidavits accompanying said lists. These lists were then returned to the governor of Arkansas for the purpose of securing the requisite affidavits. The lists have not yet been returned for filing. The lands selected in these four lists amounted to 30,000 acres, and the bases for the selections were valid.

THOMAS G. RILEY.

Sworn to and subscribed before me this 16th day of January, 1895.
[SEAL.] WM. H. DE LACY, *Notary Public.*

Upon this item the Commissioner of the General Land Office, in his said report of November 17, 1894, printed on pages 13, 14, and 15 of House Report 1959, Fifty-third Congress, third session, says as follows, to wit:

In regard to the amount of lieu land (sections 16) disposed of by the United States, the only way of ascertaining that fact would be to go through all the tract books, examine the sixteenth sections for any entries that may be shown, and also as to whether the State has selected indemnity for such entries, should any be found. This would be a work of weeks if not months.

There is one list of school indemnity selections by the State of Arkansas on file remaining unadjusted, embracing in the aggregate 2,074.55 acres, which appears to be valid and free from objection, except as to 280 acres, in which the basis has already been satisfied.

2. Because a credit in a lump sum of $348,544.06 in said agreement (item 13) is given said State for her claim to 906,260 acres of land alleged by her to be swamp, and cash indemnity for lands also alleged by her to be swamp, but not then of official record in the General Land Office; but said credit was based exclusively upon another ex parte affidavit of her said agent, wherein it is recited that he believed that 506,000 of said 906,260 acres of land were swamp, and wherein it is also recited that although said agent had not then examined the field notes thereof that he believed that 400,000 of said 906,260 acres are of the same class, and wherein it is also recited that about 50,000 of said 906,260 acres had not even been surveyed, all of which is shown by his affidavit, as follows, to wit:

DISTRICT OF COLUMBIA, *Washington, D. C., ss:*

Thomas G. Riley, on oath, being duly sworn, makes the following statement:

That he was appointed by the governor of Arkansas, in March, 1886, to examine the records, files, tract books, and plat books of the General Land Office for the purpose of determining therefrom the amount of swamp lands in place

due the State under the act of September 28, 1850; also the indemnity due the State under the acts of March 2, 1855, and March 3, 1857; that in pursuance of these duties he has from time to time filed various lists, which have been in part acted upon by the Commissioner of the General Land Office.

That he has prepared lists embracing 500,000 acres of land not heretofore selected, and which have not been, but are now ready to be, filed in the General Land Office; that from a careful and painstaking examination of the field notes of survey, for each 40-acre tract embraced in said lists, he believes that the greater portion of each 40-acre tract included in said list is swamp and overflowed land within the meaning of the swamp-land act.

That he believes the State entitled to all said lands or indemnity therefor.

That he has not yet finished the examination of the field notes of the State, and it is his opinion, from a careful estimate of the amount and character of the lands in the State, the field notes of which he has not yet examined, that there remains over and above said lists of 500,000 acres other swamp lands to the amount of 400,000 acres. This will include about 50,000 acres of what are known as "sunk lands," heavily timbered and not yet surveyed.

THOS. G. RILEY.

Sworn to and subscribed before me this 15th day of February, 1895.
[SEAL.] WM. H. DE LACY, *Notary Public.*

3. Because credit (items 7, 8, 9, 10, 11, 12) is given said State at the rate of $5 per acre for the alleged residue, respectively, of each of her several grants as named in said items.

One of said credits is based upon a report of the General Land Office, to wit: His annual report for the fiscal year 1850-51, forty-five years ago, while another credit is based upon a letter dated February 28, 1885, concerning all of which said report of said Commissioner of November 17, 1894, recites as follows, to wit:

Grants in aid of education and for other purposes.—Statement showing the status of the claim of the State of Arkansas, under its State grants, remaining unsettled on November 8, 1894.

In regard to the grant for internal improvements, the Commissioner's report for the fiscal year 1850-51, page 8, shows the status of the grant at that time to have been as follows:

	Acres.
Amount granted	500,000.00
Amount approved	499,889.03
Deficit	110.97

In regard to the seminary grant, by letter to Paul M Cobb, commissioner of State lands, dated February 28, 1885, volume 22, press copy, page 103, it was stated that the State was still entitled to select an amount not exceeding 6,223.31 acres in satisfaction of said grant. It does not appear that any selections have been made, in view of the above statement, and it is probable that the State is still entitled to the above amount under the grant for a seminary.

To verify these statements from the records would, I should say, take the time of an expert accountant for two or three weeks, the records being so faulty.

Considering the deficit in the internal improvement grant of 110.97 acres, deficit in the seminary grant, 6,223.31 acres, and the unadjusted list of school indemnity selections, 2,074.55 acres, the entire amount which the records show the State may claim under the several grants is 8,408.83 acres.

In the absence of a specific statement showing what is claimed by the State, the above is the best statement that can be made without a full review of all the selections under each grant made since the admission of the State into the Union in 1836.

4. Because credit is given said State in cases wherein, as recited in said report of said Commissioner of November 17, 1894, "a number of said tracts of land are in conflict with the claims of individuals, who contest the allegation that the lands are swamp in fact, and wherein said contest had not then been determined"; and in other cases where said State alleged claims to certain land that "the lands to which said State can assert no legitimate claim, and but for said act of August 4, 1894, would be rejected"; and again in other cases, where said State claimed title to still other lands, that "said lands had been approved and certified to said State under other grants, and under the decision of the Interior Department said State can not properly assert a claim to title thereto"; and because in still other cases that "title subsequent to the date of the indemnity laws (March 3, 1857) had passed to individuals, and hence such lands could not, under the law, be patented to said State, and hence also under existing laws said lands in the General Land Office were classified as unadjustable," and all of which more fully appears from said report of said Commissioner, as follows, to wit:

Claim under the swamp-land laws.—By the swamp-land grant of September 28, 1850 (9 U. S. Stat., 519), all the swamp lands then existing and not already disposed of in Arkansas were granted to the said State. The quantity granted is indefinite, since no other designation of the lands was given in the law than "swamp and overflowed lands."

By the confirmatory act of March 3, 1857 (11 U. S. Stat., 251), the claim to all lands reported on that date to the General Land Office, under the swamp-land grant, was confirmed to the State as swamp lands, whether they were of such character or not.

By the indemnity sections of the acts of March 2, 1855 (10 U. S. Stats., 634), and March 3, 1857 (11 U. S. Stat., 251), the State was granted cash and land indemnity in lieu of swamp lands granted, but sold to individuals up to the date of the passage of the said acts. No indemnity is authorized by law for swamp lands sold by the United States after the date of the passage of the confirmatory act of March 3, 1857.

There has been selected or claimed for or by the State under the swamp-land grant 8,656,372.39 acres, and of this quantity 7,673,555.16 acres have been patented as swamp lands. (Report of Commissioner General Land Office for 1894.)

There remains unsettled on the selection records of the division of swamp lands of this office a claim representing about 638,160 acres, as shown by a tabulated statement, with descriptive exhibits corresponding with the columns in the statement herewith submitted.

Exhibit No. 1 shows the lands approved to the State and which might be patented at this time but for the passage of the act approved August 4, 1894, entitled "An act to authorize a compromise and settlement with the State of Arkansas."

Exhibit No. 2 shows lands reported to the General Land Office prior to March 3, 1857, and which are, therefore, confirmed to the State. But for the act of August 4, 1894, these lands might be approved and patented.

Exhibit No. 3 shows lands reported or selected subsequent to March 3, 1857, and which are subject to adjustment. The claim of the State to a number of the tracts is in conflict with the claims of individuals, who contest the allegation that the lands are swamp lands in fact. The claim of the State to other tracts is not contested. The material question as to whether these lands are swamp lands or not has not as yet been determined.

Exhibit No. 4 shows lands disposed of to individuals, under locations made under the general land laws, between the dates of September 28, 1850, and March 3, 1857. If due proof is made by the State that the lands were in fact swamp lands at the date of the grant, the State will receive certificates authorizing it to locate an equal acreage of agricultural lands in lieu of the swamp land proved to have been lost.

The exhibit also shows the claim of the State for cash indemnity where the lands were entered by individuals under cash purchases.

Exhibit No. 5 shows lands to which the State can assert no legitimate claim, since the lands had already been disposed of at the date of the grant, and were, therefore, excepted from the provisions of the grant. But for the suspension of settlements by reason of the act of August 4, 1894, the improper claim of record might be rejected.

Exhibit No. 6 shows lands claimed by the State as swamp lands and by railroads, claiming under the State, as nonswamp lands. Having been approved and certified to the State under one grant, it can not properly assert a claim to the same lands under another grant (See State of Arkansas vs. St. Louis, Iron Mountain and Southern Railway Company, 10 L. D., 125.) The claim of the State on the basis of these lands might also be rejected but for the act of August 4, 1894.

Exhibit No. 7 shows lands the title to which passed to individuals subsequent to the indemnity period. The lands being patented to individuals, they can not be also patented to the State; and having been sold after the indemnity period, they can not under the law be made the subject of an indemnity claim. Hence they are classified as "unadjustable" under existing laws.

Very respectfully,

S. W. LAMOREUX, *Commissioner.*

The SECRETARY OF THE INTERIOR.

Wherefore, for these and other reasons, I should like the Committee on the Public Lands to fully and exactly inform the Senate, and if said committee is not in possession of the data sufficient and necessary to so answer the same, then and in that event I would like the Commissioner of the General Land Office and the Secretary of the Interior to fully and exactly answer the inquiries as follows, to wit:

1. How many acres of land as "swamp land in place" are now due the State of Arkansas?

How many acres are now due her as "indemnity for swamp lands"?

How many acres are due her as "indemnity under her school-land grant"?

How many acres are due her under her "court-house and jail grant"?

How many acres are due her under her "internal-improvement grant"?

How many acres are due her under the act of June 23, 1833, for "seminary purposes"?

How many acres are due her under the act of March 2, 1831, for the "erection of public buildings"?

How many acres are due her under the act of June 23, 1836, for "completing public buildings"?

How many acres are due her under her "salt-spring grant" of June 23, 1836?

2. Were the 125,000 acres of land (item 1 of said credit account) selected by said State prior or subsequent to March 3, 1857?

What part thereof, if any, has been examined and found to be not of the character of lands contemplated by Congress to be granted said State under the swamp-land act of September 28, 1850? (9 U. S. Stats., 519.)

How many acres of these lands are now being contested in the Interior Department by settlers and other persons upon the ground that said lands are not in fact swamp and overflowed?

3. Is not item No. 2 of said account—90,400 acres—for lands disposed of to settlers and others, under the general land laws of the United States? And if so, is not said State entitled to select other lands in lieu of those disposed of, and is it not entitled to cash indemnity therefor? Has said State made due proof, according to the rules and regulations of the General Land Office, that said lands were in fact swamp and overflowed at the date of the swamp-land grant, or has the credit in the sum of $452,000 been allowed said State solely upon the claim made by her therefor, without such due proof? Upon what theory, legal or equitable, can said State be allowed by the United States, a cash indemnity of $452,000, or at the rate of $5 per acre, for such alleged losses which would not and could not be asserted with equal force and justice against the United States by any of the other public-land States which were in the Union on September 28, 1850, which were entitled to all the benefits of the swamp-land grant of that date? Would not such allowance of said sum of $452,000, to enable said State to cancel, pro tanto, its indebtedness to the United States, prove a practical and actual loss to the United States in the sum of $452,000, and because of the present policy of the United States, making said land entrable under the homestead laws?

4. What part of the 118,760 acres (item 3 of said credit account), if any, were entered prior to September 28, 1850? What part thereof was entered subsequent to September 28, 1850, and prior to March 2, 1855? What part thereof was entered between March 3,

1855, and March 3, 1857? What part thereof was entered between March 3, 1857, and the present time? And has the State of Arkansas submitted due proof, showing that said lands were, in fact, swamp on September 28, 1850, and upon what authority has such credit been allowed?

5. Upon what authority was the credit of $79,900 (item 4 of said credit account) allowed said State, said sum being for 63,920 acres of land, at $1.25 per acre, claimed by said State to be swamp, but probably disposed of by the United States subsequent to the act of March 2, 1855 (10 U. S. Stats., 634), or subsequent to the act of March 3, 1857 (11 U. S. Stats., 200)?

6. What induced the allowance to said State of the sum of $348,544.06 (item 13 of said credit account), being a credit for "278,835 acres of land, being about one-fourth of 906,260 acres of land, claimed as swamp land in place, and as a basis of land and cash indemnity under the aforesaid acts of March 2, 1855, and March 3, 1857, at $1.25 per acre, in satisfaction of the whole claim," which appears to have been allowed without any claim thereto theretofore filed in the General Land Office as a basis therefor, but seems to rest solely upon a statement signed Thomas G. Riley as late as February 15, 1895?

The Senate should know whether said claim has yet been filed, and if so, when, and whether any part of the acreage embraced in this item can be approved, certified, and patented to said State under the swamp-land laws and the rules and regulations of the Interior Department?

7. Under what law and upon what principle or theory is it just or expedient for Congress to allow said State in said settlement the rate of $5 per acre for any residue of lands alleged to be due her under her "school," "court-house," "jail," "internal improvement," "seminary," "public buildings," and "salt springs" grants, originally made by Congress without price and at dates when the Government price of the public lands in said State was $1.25 per acre? If so, upon what theory or construction of law could similar claims be denied to the other public-land States?

8. Under what law and upon what principle or theory of law is it expedient for Congress to allow said State in said settlement the rate of $5 per acre upon a mere alleged right of a float, vesting in said State to select indemnity under the aforesaid acts of March 2, 1855, and March 3, 1857? If so, upon what theory or construction of law could similar claims be denied to the other public-land States?

9. Under what law and upon what principle or theory is it just or expedient for Congress to allow said State in said settlement the rate of $1.25 per acre for all lands therein alleged to be, and claimed by said State to be, swamp and overflowed without subjecting said claim to all the ordinary and usual tests to which similar claims of the other public-land States, grantees thereof, are subjected under the rules and regulations of the Interior Department?

10. If the State of Arkansas is legally entitled to receive any residue of any grant alleged to be due her, why has she not already selected the same and acquired legal evidence of title thereto in the usual way and have duly disposed of the same for $1.25 or for $5 or for $10 per acre (the last being their alleged value, as recited in some of the 65 affidavits referred to in Senate Executive Document 91, Fifty-third Congress, third session, and alluded to by the Senator from Arkansas this morning)?

11. Full explanation should be made to the Senate between the seeming discrepancies on the one hand in the report of the General Land Office made January 5, 1888, and recited on pages 74 and 75, Appendix L, Senate Report 236, Fifty-fourth Congress, first session, wherein it was recited that the acreage of land in the State of Arkansas claimed by said State as swamp and overflowed land aggregated, according to the report made January 5, 1888, 8,655,211.10 acres, of which there had been then patented 7,503,196.13 acres, making a difference of acreage of 1,152,013.97 acres, which difference, as recited in said report, embraced as follows, to wit:

The difference between the amount selected and the amount patented to the State (1,152,013.97 acres) is not the actual amount of land now in dispute. It embraces many duplicate selections: all the lands for which the claim of the State has been rejected; many tracts disposed of both before and after the date of the swamp grant by sales, or locations of warrants and scrip, or under other grants to the State, and numerous tracts covered by claims adverse to the State, yet to be determined, as well as for those for which the question of title between the State and the United States only remains to be decided. Separate records of these different classes have never been made up, so that the amount of land already selected to which the State is entitled can not even be estimated.

The full report so referred to is as follows, to wit:

APPENDIX L.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 25, 1888.

SIR: In reply to your letter of the 24th instant I have the honor to advise you that the lands selected by the State of Arkansas under the swamp grant of September 28, 1850, amount to 8,655,210.10 acres. Notice of these selections was given the local officers for the district in which the lands were situated as soon as practicable after the surveyor-general approved the selection, and the instructions given required that said lands be withheld from sale or entry; but in many cases lands were sold or entered before notice of the State's claim reached the local office, and in a number of other cases the lands selected have been found not to be swamp or overflowed within the meaning of the grant, and the claim of the State rejected and the lands opened to settlement and entry, so that the amount of land now withheld from disposition is not known and could not be ascertained without a detailed examination of the records of both this and the several local offices in the State, which would require several months.

Of the lands selected and reported to this office, 7,659,619.13 acres have been approved by the Secretary of the Interior, and 7,503,196.13 acres have been patented to the State under the grant. The difference between the amount selected and the amount patented to the State (1,152,013.97 acres) is not the actual amount of land now in dispute. It embraces many duplicate selections; all the lands for which the claim of the State has been rejected; many tracts disposed of both before and after the date of the swamp grant by sales, or locations of warrants and scrip, or under other grants to the State, and numerous tracts covered by claims adverse to the State, yet to be determined, as well as for those for which the question of title between the State and United States only remains to be decided. Separate records of these different classes have never been made up, so that the amount of land already selected to which the State is entitled can not even be estimated.

Under date of November 2, 1850, a circular (see Lester's Land Laws, vol. 1, p. 543) setting forth the provisions of the grant of September 28, 1850, with instructions thereunder, and allowing the States to elect which of two methods they would adopt for the purpose of designating the swamp lands, was sent to the governors of the States to which the grant applied. These methods are:

First. The field notes of Government survey to be taken as the basis for selections, and the lands shown by them to be swamp or overflowed within the meaning of the act, which were vacant and unappropriated September 28, 1850, would pass to the State.

Second. The selections to be made by State agents and reported to the United States surveyor-general for the district, with proof of the character of the lands.

By an act approved January 6, 1851, the legislature of the State of Arkansas provided for making selections according to the second method, which has since formed the basis of selections in said State.

Recently the State authorities sought to have the method of adjusting the claims of the State under the swamp-land acts changed, but so far they have not met the requirements of the Department in the matter. (See 4 L. D., 295-297, and 5 Id., 636.)

The regulations governing the adjustment of cases where persons seek to file claims for or enter lands claimed as swamp which have not been approved and certified to the States are contained in the inclosed circular of December 13, 1888. After such approval and certification the State's claim can only be contested upon a showing that the approval was the result of fraud or mistake, unless the applicant alleges some right under the public land laws acquired prior to the approval.

Under the acts of Congress approved March 2, 1855 (10 Stat., 634), and March 3, 1857 (11 Stat., 251), indemnity is allowed for lands entered with cash or located with warrants or scrip between September 28, 1850, and March 3, 1857, upon proof by the State that such lands were swamp or overflowed within the meaning of the grant of 1850. If the land was entered with cash the purchase money is paid over to the State, except in cases where more than $1.25 per acre was received. In such cases the rule is to allow only $1.25 per acre. Where the land was located with warrants or scrip, certificates issue authorizing the location of a like amount of public land, subject to entry at $1.25 per acre, within the limits of the State. In case of those States in which there are no public lands subject to entry at the price aforesaid this office has for a number of years refused to issue such certificates.

There is no authority of law for allowing indemnity for swamp lands sold or located after March 3, 1857, or for lands entered under the homestead or other later laws.

The State of Arkansas has received no indemnity, either in money or land, and has submitted no proof with a view to obtaining indemnity to swamp lands.

Very respectfully,

S. M. STOCKSLAGER,
Acting Commissioner.

Hon. THOMAS C. MCRAE,
House of Representatives.

On the other hand, in said House Report No. 1959, Fifty-third Congress, third session, it is recited that said State should be allowed by the United States certain credits for the alleged value of certain lands alleged by her to be swamp and for indemnity for certain other lands by her alleged to be swamp as follows, to wit:

	Acres.
$156,250 for her claim to	125,000
452,000 for her claim to	90,400
148,450 for her claim to	118,760
79,900 for her claim to	63,920
348,544 for her claim to	906,260
1,185,144 for her claim to	1,304,340
From which acreage deduct	1,152,013
Being the aforesaid difference, thereby leaving	152,327

in excess of the total acreage of lands selected by said State as swamp lands, as the same appear of official record in the General Land Office on June 30, 1895.

In other words, notwithstanding the said duplicate selections of swamp lands so made by said State, so recorded, and of her claim to alleged swamp land, so officially rejected after being recorded, the State of Arkansas has had patented to her 7,503,196.13 acres of land as swamp lands, and in addition thereto by said agreement is to be paid the sum of $1,185,144 for 1,304,340 acres of other lands alleged by her to be swamp, being 152,325 acres of land, alleged by her to be swamp land, more than said State has ever even selected, and now of official record in the General Land Office.

12. In this same line of claims of said State to lands by her alleged to be swamp under the said swamp-land act of September 28, 1850, and the indemnity swamp-land acts of March 2, 1855, and March 3, 1857, special attention is also called to pages 300-302 of the annual report of the Commissioner of the General Land Office,

dated October 1, 1895, for the fiscal year ending June 30, 1895, wherein it is recited that the total number of

Acres patented by Arkansas as swamp lands was	7,673,005.16
Total number of acres rejected by the United States as swamp lands was	1,144,612.16
Total number of acres of swamp-land indemnity unadjusted was	209,160.00
Total aggregate	9,027,777.32
From which deduct total acreage selected by the State of Arkansas as swamp land and of record officially in the General Land Office on June 30, 1895	8,656,373.29
Difference	371,405.03

Showing that there had been patented or rejected, or remain to be adjusted, 371,405.03 acres of land treated as swamp in excess of the total acreage of land selected by said State as swamp lands and of record in the General Land Office on June 30, 1895. Results like these surely should be duly inquired into and clearly and satisfactorily explained to the Senate before it should confirm the agreement recited in Senate Executive Document No. 91, Fifty-third Congress, third session, or now pass Senate bill No. 502.

The official tables from which the foregoing information was obtained, taken from pages 300-302 of said Report of the Commissioner of the General Land Office, are as follows, to wit:

I. SECTION OF SWAMP LANDS.—SWAMP LANDS IN PLACE.

The following tables will show work done in the adjustment of claims for swamp lands in place:

Statement showing rejections of claims and cancellations of selections under the swamp-land laws during the period from July 1, 1891, to June 30, 1895, and the fiscal year ended June 30, 1895, respectively.

State.	1892-1894.			1895.			Recapitulation.
	Swamp land in place.	Swamp land indemnity.	Total.	Swamp land in place.	Swamp land indemnity.	Total.	
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Alabama	23,200.00	9,560.00	32,760.00	13,800.00	620.00	14,420.00	47,180.00
Arkansas	536,632.16		536,632.16	607,980.00		607,980.00	1,144,612.16
California	1,960.00		1,960.00	52,440.00		52,440.00	54,400.00
Florida	303,520.00		303,520.00	85,130.00		85,130.00	388,650.00
Illinois	706,160.00	287,053.40	993,213.40	500.00	23,520.00	24,080.00	1,017,293.40
Indiana				7,200.00		7,200.00	7,200.00
Iowa	94,280.00	150,255.56	244,535.56	640.00	54,640.00	55,280.00	299,815.56
Louisiana	3,120.00		3,120.00	207,120.00		207,120.00	210,240.00
Michigan	920.00		920.00	4,320.00		4,320.00	5,240.00
Minnesota	202,580.00		202,580.00	200,040.00		200,040.00	402,620.00
Mississippi	1,440.00	20,760.00	22,200.00	106,629.50	27,160.00	133,789.50	155,989.50
Missouri	280.00	39,855.27	40,135.27	149,040.00	3,760.00	152,800.00	192,935.27
Ohio		37,722.79	37,722.79				37,722.79
Oregon	36,442.33		36,442.33	10,377.94		10,377.94	46,820.27
Wisconsin	4,240.00		4,240.00	28,400.00		28,400.00	32,640.00
Unclassified	72,804.29		72,804.29				72,804.29
Total	1,987,578.78	545,207.02	2,532,785.80	1,533,677.44	109,700.00	1,643,377.44	4,176,163.24

Lands selected by the several swamp-land States under the acts of Congress approved March 2, 1849 (9 Stat. L., 352), September 28, 1850 (9 Stat. L., 519; section 2479, Rev. Stat.), and March 12, 1860 (12 Stat. L., 3; section 2490, Rev. Stat.), from the dates of the said acts up to June 30, 1895.

State.	1894.		1895.		Year ended June 30, 1895.	Total since date of grant.
	Third quarter.	Fourth quarter.	First quarter.	Second quarter.		
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Alabama						531,355.60
Arkansas						8,656,372.39
California						1,883,555.90
Florida		240.00	120.00		360.00	22,252,276.07
Illinois						3,981,784.10
Indiana						1,377,727.70
Iowa			800.00		800.00	4,568,759.33
Louisiana (act of 1849)						11,214,996.32
Louisiana (act of 1850)						554,459.51
Michigan						7,293,159.28
Minnesota	1,406.72	8,286.58	65,566.30	43,520.57	118,780.17	4,728,186.95
Mississippi						3,602,963.30
Missouri			52.75		52.75	4,843,636.09
Ohio						117,931.28
Oregon				15,157.96	15,157.96	434,428.45
Wisconsin						4,569,712.12
Total	1,406.72	8,526.58	66,539.05	58,678.53	135,150.88	80,591,304.39

Swamp lands which have been certified or patented to the several States under the acts of Congress approved March 2, 1849 (9 Stat. L., 352), September 28, 1850 (9 Stat. L., 519; section 2479, Rev. Stat.), March 12, 1860 (Stat. L., 3; section 2490, Rev. Stat.), from the dates of said acts up to June 30, 1895.

State.	1894.		1895.		Year ended June 30, 1895.	Total patented since date of grant.
	Third quarter.	Fourth quarter.	First quarter.	Second quarter.		
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Alabama		4,296.74			4,296.74	413,487.36
Arkansas	440.00				440.00	7,674,005.16
California	2,036.83		1,239.69		3,276.52	1,535,128.37
Florida		9,959.00	100,094.78		110,023.78	16,686,023.77
Illinois						1,453,332.38
Indiana						1,252,982.85
Iowa	240.00			880.00	1,120.00	864,462.26
Louisiana (act of 1849)						*8,712,989.36
Louisiana (act of 1850)						273,652.28
Michigan	413.22		40.00		453.22	5,651,011.18
Minnesota	560.00		101,012.44	13,231.22	114,803.66	3,150,211.00
Mississippi			3,212.32	6,333.06	9,545.38	3,228,768.13
Missouri	80.00		80.00		160.00	3,341,865.42
Ohio		15.00			15.00	25,775.71
Oregon			40.00		40.00	218,038.29
Wisconsin		40.00			40.00	3,242,820.17
Total	3,770.05	14,310.74	205,689.23	20,444.28	244,214.30	57,785,553.69

Table showing the cash indemnity paid and the land certified under the swamp-land indemnity acts up to June 30, 1895; also the indemnity lands patented and the cash and land indemnity claims remaining unadjusted.

State.	Cash indemnity paid.	Land indemnity certified.	Indemnity lands patented.	Cash and land indemnity remaining unadjusted.
		Acres.	*Acres.*	*Acres.*
Alabama	$18,505.44	20,009.36	19,795.16	46,693.17
Arkansas				209,160.00
Florida	77,045.63	94,740.57	69,521.28	
Illinois	442,023.17	101,984.90	2,309.07	944,170.03
Indiana	39,080.91	8,434.84	4,880.20	
Iowa	540,173.07	341,632.97	321,605.23	761,638.46
Louisiana	49,371.07	29,214.25	24,368.06	36,059.01
Michigan	15,922.04	24,599.43	18,983.93	4,948.83
Mississippi	17,786.56	47,888.73	47,846.88	85,871.39
Missouri	191,241.03	81,497.43	79,376.69	4,779.51
Ohio	29,627.76			21,912.52
Wisconsin	185,278.91	106,042.08	105,047.99	
Total	1,605,455.59	856,044.56	693,164.18	2,115,232.92

* Under the act of March 2, 1849, which applies to Louisiana only, certified copies of approved lists, having the force and effect of patents, are furnished the State.

13. But a showing as peculiar as this seems to be is not all; for, in addition to the aforesaid claims of said State under said three beneficial and liberal acts of Congress, there are recited in said agreement in Senate Executive Document 91, reservations probably of vast proportions, a recognition certainly of the claim of said State to other and additional acres of lands as swamp, and which reservations are in words as follows, to wit:

The parties hereto agree that the land now patented, approved, or confirmed to the State of Arkansas under the acts of September 28, 1850, March 2, 1855, and March 3, 1857, shall constitute the full measure due the State under the said swamp-land acts, except, however, that the lands described in the following lists shall be patented to the State, namely: List No. 1, containing 12,640 acres, denominated "Approved, but not listed"; and list No. 2, containing 4,960 acres, denominated "Confirmed, but not listed," which lists were transmitted to the Secretary of the Interior on November 17, 1894, by letter "M" of the Commissioner of the General Land Office.

It is also agreed that any person who has heretofore filed a declaration of preemption, resides on, cultivates, or has purchased, under the laws of the State of Arkansas, any selected and unconfirmed swamp land hereby relinquished to the United States, his heirs or assigns, shall have the preference

right for one year from this date to purchase such land from the United States at the minimum price for public lands, under such rules and regulations as may be prescribed by the Secretary of the Interior.

Nothing in this settlement and agreement is intended to or shall in any connection be held to prejudice the right of the State of Arkansas to assert and establish her title to any lands which were granted or confirmed to her by the said acts approved September 28, 1850, March 2, 1855, and March 3, 1857, in so far as the same is disputed by those claiming under any subsequent grant made or claimed to have been made, the scope and purpose of this settlement being hereby declared to be the adjustment of all disputes between the United States and the State of Arkansas, and to leave undisturbed incidental controversies between said State and other parties in which the United States is not beneficially interested.

But it is agreed by the party of the second part that any person who has heretofore entered any such patented, approved, or confirmed swamp lands under the homestead or other law of the United States shall have the preference right for one year from this date to purchase such land from the State at the minimum price fixed by law for such land, upon exhibiting to the commissioner of State lands the patent receiver's receipt or certificate issued by the United States for such land.

In testimony whereof we have hereunto subscribed our respective names this the day and year first above written.

J. G. CARLISLE,
Secretary of the Treasury.
HOKE SMITH,
Secretary of the Interior.
JAMES P. CLARKE,
Governor of Arkansas.

Not only do the foregoing recitals absolutely confirm to the State of Arkansas an additional acreage of swamp lands, but they open up new, fresh, and it may be large fields of contention for still an additional acreage of swamp lands.

Where or before what tribunal shall said State duly assert and finally establish her title to any land as swamp alleged by her to inure to her under the aforesaid acts of September 28, 1850, March 2, 1855, and March 3, 1857, except before the Secretary of the Interior? The swamp-land laws make said Secretary the sole tribunal to fully hear and finally determine all questions as to whether any lands in Arkansas are swamp or not; and is it intended in this case to change the law in that regard so far as Arkansas is a claimant for swamp lands? And if not, then any defeat of any claimant before him "claiming under a subsequent grant made, or claimed to have been made," is simply to enable the Interior Department to add to the success of that State by passing title to additional acres of land as swamp after this settlement shall have been concluded, all words to the contrary notwithstanding, as recited in said agreement, to wit:

The scope and purpose of this settlement being hereby declared to be the adjustment of all disputes between the United States and the State of Arkansas, and to leave undisturbed incidental controversies between said State and other parties in which the United States is not beneficially interested.

In addition thereto, the plain English of the words in said agreement, as follows, to wit—

But it is agreed by the party of the second part that any person who has heretofore entered any patented, approved, or confirmed swamp lands under the homestead or other law of the United States shall have the preference right for one year from this date to purchase such land from the State at the minimum price fixed by law for such land, upon exhibiting to the commissioner of State lands the patent, receiver's receipt, or certificate issued by the United States for such land—

means simply to turn over to the tender mercy of the commissioner of State lands of Arkansas, without supervision or protection by the United States, all United States homestead settlers and other persons in that State to whom have heretofore been issued United States patents, United States receiver's receipts, or United States certificates by the proper United States land officers, for lands declared by them to be public lands of the United States and disposable under the various public land and settlement laws of the United States, under and by which said patents, said receipts, and said certificates so referred to were issued. In view of the fact that section 5 of the admission act of Arkansas, approved June 23, 1836 (5 U. S. Stats., 59), provides that—

The general assembly of Arkansas shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in said soil to the bona fide purchasers thereof—

it is difficult to see how any such article of agreement as the foregoing finds a proper place therein.

Congress is capable and should protect all claimants to any of the public lands in Arkansas without the leave, permission, or agreement at this date of the State of Arkansas.

So far as the Senate now knows, the language used in the aforesaid reservations may hereafter prove a nettle, if not a nest egg of danger, out of which, sooner or later, may be hatched other and new broods of complications, sufficient it may be to swallow up not only the $160,000, principal and interest, which said State in said agreement promises to protect (page 10 of House Report 1959), but may eventually bring the United States largely in debt to said State, so that an unbefitting sequel hereto may possibly be that after this magnificent donation of millions of acres of land and this donation of millions of dollars of money to said State the United States may again be compelled to go into its public Treasury for additional sums of money to terminate and rid itself of this contention, now half a century old, more or less.

In addition thereto the State of Arkansas has also made claim against the United States for 5 per cent of the value of all lands in that State disposed of by military bounty land warrants and scrip and entered under the homestead laws, or 5 per cent of the fees received from said homestead entries (see House Report No. 1571, Fifty-second Congress, first session, made by Mr. MCRAE of Arkansas).

In that report, made June 3, 1892, it appears that the claim of the State of Arkansas then made, and demand therefor by her insisted upon, was not only for a credit of 5 per cent of the legal value of all lands located in that State with military bounty land warrants and scrip, but also for a credit of 5 per cent of the legal value of all lands entered in that State under the homestead laws of the United States; and, in fact, has insisted upon a credit of 5 per cent of the legal value of all lands undisposed of within her borders in 1836, valued at $1.25 per acre, aggregating a sum of $922,404.91, claimed by her to be then due her by the United States as her 5 per cent fund.

On page 9 of said report Mr. MCRAE recites the claim and demand of the State of Arkansas as to lands located with warrants and scrip and entered under the homestead laws, in words following:

"The State (Arkansas) also insists that, as a matter of common fairness, she ought to be credited with 5 per cent on lands entered under the homestead laws and located with military bounty land warrants and scrip, estimated at the minimum price for Government lands—$1.25 per acre. In 1836, when the State was admitted into the Union, there was no way of disposing of public lands except by cash sale or for warrants and scrip.

"The homestead law was not passed until 1862, and the State, with such a contract as it made, does not think it just that the General Government should be allowed to adopt a policy that will have the effect to diminish the fund upon which she had a right to rely for the payment of the debt in question.

"The greater part of all lands disposed of in Arkansas within the last thirty years have been entered under the homestead law. Up to June 30, 1887, as shown by the letter of the Commissioner, the aggregate of such lands taken as homesteads and with bounty warrants and scrip was 7,795,451.02 acres. (See Appendix J.) For this land the Government received as fees the sum of $502,085. (See Appendix K.) Estimating these lands at the minimum price then and now fixed by law, the State, if her claim should be allowed, would be entitled to the sum of $487,215.65 more than has been allowed on this account—nearly twice as much as she has been allowed on sales under the present rulings. She is certainly entitled at least to 5 per cent of the fees received by the Government for lands disposed of in the State."

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 3, 1888.

SIR: I am in receipt of your letter of the 28th ultimo, asking to be informed of the area of lands in Arkansas entered under the homestead laws and located with military bounty land warrants and scrip since the admission of the State into the Union, and in reply you are informed that the areas of public lands thus disposed of to June 30, 1887, are as follows:

	Acres.
Area of original homestead entries	5,531,344.10
Area of military bounty land warrant locations	2,263,226.92
Area of scrip locations	880.00
Total	7,795,451.02

Very respectfully,
T. J. ANDERSON,
Assistant Commissioner.

Hon. T. C. MCRAE,
House of Representatives.

APPENDIX K.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE:
Washington, D. C., January 28, 1889.

SIR: I am in receipt of your letter of the 10th ultimo, requesting to be informed of the amount received as fees upon public lands entered in the State of Arkansas, and in reply thereto you are informed that the amount of money so received to June 30, 1888, is $502,085.

The figures above given are approximately correct.

Very respectfully,
T. J. ANDERSON,
Assistant Commissioner.

Hon. T. C. MCRAE,
House of Representatives.

Said claims of Arkansas so there recited and insisted upon are in perfect harmony with the act of the legislature of that State approved April 8, 1889, still an existing statute, recited on page 1054, section 4560, of the Digest of the Statutes of Arkansas, by Sandels & Hill, for 1894, which is in these words, to wit:

SEC. 4560. The governor is authorized and requested to take all necessary steps to secure to the State from the United States the 5 per cent of the proceeds of sales of public lands of the United States provided for in the act of admission, including the value of lands disposed of as homesteads and for military bounty land warrants and scrip; all swamp and overflowed lands granted to the State by the act approved September 28, 1850, or other acts; the proceeds of all swamp and overflowed lands which have been sold by the United States since the grant thereof to this State or which may be hereafter sold for cash; indemnity lands; lands or scrip or cash therefor, in lieu of swamp or overflowed lands which have been or may hereafter be disposed of otherwise than by sale; all other rights, interest, claims, and demands the State may have or be entitled to under existing or future laws and grants from or against the United States, whether in relation to public lands or otherwise.

The claims so clearly enumerated in said section No. 4560 seem to be still live, subsisting claims of said State against the United States, never heretofore expressly waived or specifically abandoned by said State, or if waived at all, must be by virtue of some consideration contemplated to be received therefor under cover of some of the general recitals contained in said agreement (Senate Executive Document 91, Fifty-third Congress, third session).

Have the United States an anxiety to purchase from the State of Arkansas her mere alleged claim or right to select a certain acreage of the public lands situate therein which is so great as to justify Congress to pay $5 or even $1.25 per acre for such claim or right, influenced thereto merely to enable and aid that State

to thereby liquidate a large money debt now due by her to the United States?

Would the United States ever exercise such claim or right, even if so paid for in money; and if so, how and by what machinery and for what purpose would it ever be exercised?

If the United States can legally and properly cancel outright the whole of said money debt now so due by said State, and can legally and properly grant said State and liquidate by payment each and every item of all of her alleged claims against the United States as by her now or heretofore alleged, it were far better then to do so than for Congress to engage in serious legislation by ratifying this so-called "settlement," declared in the minority report of the Committee on Public Lands in the third session of the Fifty-third Congress to be "a one-sided affair, not just to the Government." That was the report of an able minority of the House of Representatives in the Fifty-third Congress, the chairman of which was Maj. JOHN F. LACEY, of my own State, who is perhaps as familiar with the public-land history of this Government as any man in the other branch of Congress.

The State of Arkansas in the past has made haste very slowly in liquidating her obligations due the United States, and while there is, and it is proper that at all times there should be, a desire on the part of Congress to speedily adjust upon the principles of fairness and terminate any matter of controversy and contention between the United States and any of the several States of the Union, yet in this case it would seem that results more satisfactory to the Senate, and not less mutually equitable to the United States and the State of Arkansas, would be secured if additional time were consumed wherein to more fully examine into the details and the merits of all these matters.

Attention is called to the fact that in making said adjustment and agreement the official report of the Commissioner of the General Land Office, addressed to the Secretary of the Interior on November 17, 1894, in response to his own request of October 6, 1894, in reference to "the several claims of the State of Arkansas against the United States then of record and remaining unadjusted," seems to have been either wholly or very largely ignored.

Said report of said Commissioner to said Secretary is printed on pages 13, 14, and 15 of House Report No. 1959, Fifty-third Congress, third session.

In the light of that carefully prepared official report of said Commissioner to said Secretary, devoted exclusively to said subject-matter, and for that purpose made special, it is difficult, if not impossible, to now see how any such agreement was reached as that submitted to the Senate on February 23, 1895, contained in Senate Executive Document 91, Fifty-third Congress, third session, and which Congress is asked to ratify and approve by the passage of Senate bill No. 502.

The findings of fact contained in said report, made by said Commissioner on November 17, 1894, seem so inconsistent with the recitals contained in said agreement in said Executive Document 91, reported to the Senate February 23, 1895, and the recitals in the latter so inconsistent with those contained in said Annual Report of the Commissioner of the General Land Office, made as late as October 1, 1895, render it difficult, if not impossible, to satisfactorily harmonize the same.

If it be true that it is now difficult to finally and satisfactorily determine the merits of the mutual claims of the United States and the State of Arkansas with all the information submitted and all the light thrown thereon by two Secretaries, aided therein by their two representatives, then how much more difficult it must have been for Congress to heretofore satisfactorily determine these controversies without the aid of even said information?

Yet, as a fact, during the closing days of the second session of the Fifty-second Congress, to wit, on March 2–4, 1893 (RECORD, pages 2547, 2548, Fifty-second Congress, second session), the Senate concurred in a conference report finally adjusting not only the whole of the aforesaid Arkansas matter as recited in said agreement contained in Senate Executive Document No. 91, but also and in addition thereto undertook to finally adjust "all the claims and demands of said State against the United States for the 5 per cent fund allowances under the act of June 23, 1836," and which 5 per cent claims and demands do not seem to be specifically named in said agreement in said Senate Executive Document No. 91, but the money value of which claims and demands said State has alleged to be $487,215.65.

The action of said conference committee was prevented from becoming a law in 1893 only because of a point of order having been raised in the House "that the said matter came before the House improperly, by coming before it from a conference committee to which said subject-matter had never been referred for conference either by the Senate or by the House," as will fully appear from the proceedings had in the House under the titles "Settlers' rights and swamp-land grants" and "Settlement of agricultural public lands" (RECORD, pages 2624–2630), copy of which I now submit as a part of my remarks.

For these and other reasons which seem valid, but which I will not now further tax the time of the Senate to discuss, I think that this entire subject-matter should be recommitted to the Committee on Public Lands, and a motion to that effect I now make—

First. For the purpose of having the aforesaid suggestions and inquiries being there and by it fully inquired into, and after mature examination had thereon that the results thereof may be duly reported to the Senate to enable it to more satisfactorily arrive at the true merits of every item of all the mutual claims recited in Senate Executive Document 91, Fifty-third Congress, third session, alleged to exist and now in controversy between the United States and the State of Arkansas; and

Second. For the purpose of securing official and exact information thereon in order that the Senate may conform, as near as Congress can properly do so, with the views and wishes of the State of Arkansas as expressed by her legislature in its act approved April 8, 1889, recited as section 4560 of the "Digest of the statutes of Arkansas for 1894 of Sandells & Hill," said committee, when reporting back the aforesaid matters, shall also report to the Senate at the same time what amount of money would be included in an allowance by Congress to the State of Arkansas for 5 per cent of the value of all public lands in that State disposed of prior to January 1, 1896, for military bounty land warrants and scrip.

In conclusion, Mr. President, I wish to say a word in regard to the interest due on these bonds. It will be seen by an examination of the executive document to which I have already alluded, that the gross claim allowed against the State of Arkansas by the two Secretaries and their respective clerks amounts to sixteen hundred and odd thousand dollars. Eleven hundred and some odd thousand dollars of that is interest, computed simply to the maturity of the bonds. They based that calculation on the opinion of Attorney-General Olney. I do not wish to impute to Attorney-General Olney a lack of knowledge of the law. He is a gentleman of whose abilities I have the highest opinion, but Attorney-General Olney, like other people, may be liable to be mistaken. The great State of Arkansas itself by its legislature acknowledges this debt to amount in round numbers to two million seven hundred and odd thousand dollars. Her auditor of State, by his report to the general assembly of that great State, certifies that the debt due to the Government from that State is two million seven hundred and odd thousand dollars. All parties agree that the law of Arkansas itself, which created and authorized the issuance of these bonds, provided that they should bear interest until paid—not until their maturity. It was different with the case of the bonds of the State of North Carolina. Those bonds simply bore the interest stated on their face, and the Supreme Court said that they were only to pay interest to their maturity. Not so with the State of Arkansas, for the law of the State specifies that they shall bear interest until they are paid in full.

Mr. President, I have no wish to antagonize the State of Arkansas. Whatever claim a great State like that may have against the Government of the United States which is honest and just I would pay her, and I would pay her just as quickly and just as cheerfully as I would vote an allowance to the State that I have the honor in part to represent. There should be equal and even-handed justice between the Government and the State of Arkansas and between the Government and all the other land-grant States.

It should be borne in mind, however, that this settlement runs over about sixty years, and there are many things in it that need careful examination and full explanation. That careful examination should be had, and that explanation should be made, Mr. President, and that is the reason why I move that the bill be recommitted to the committee.

APPENDIX A.

[Fifty-third Congress, third session. House of Representatives. Report No. 1959.]

COMPROMISE AND SETTLEMENT BETWEEN THE UNITED STATES AND THE STATE OF ARKANSAS.

February 28, 1895.—Committed to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. NEILL, from the Committee on the Public Lands, submitted the following report, to accompany H. R. 8944:

The Committee on Public Lands, to whom was referred the bill (H. R. 8944) "to approve a compromise and settlement between the United States and the State of Arkansas," have had the same under consideration, and report it back with the recommendation that it do pass.

The compromise as agreed upon by the honorable Secretary of the Treasury and the honorable Secretary of the Interior on the part of the United States, and the Hon. James P. Clarke, governor, on the part of the State of Arkansas, is attached hereto, together with the report of the commission appointed by the Secretary of the Treasury and the Secretary of the Interior to investigate and report upon the matters in dispute, all of which is made a part of this report.

CITY OF WASHINGTON, *District of Columbia, ss:*

This indenture, made this 23d day of February, 1895, between John G. Carlisle, Secretary of the Treasury, and Hoke Smith, Secretary of the Interior, under the power and authority conferred by an act of Congress approved August 4, 1894, entitled "An act to authorize a compromise and settlement with the State of Arkansas," parties of the first part, and James P. Clarke, governor of the State of Arkansas, acting under the power conferred by the general assembly of the State of Arkansas, approved April 8, 1889, party of the second part, witnesseth:

That for and in consideration of the agreements and acts of the party of

the second part, hereinafter more fully set forth, the parties of the first part by these presents hereby make the following agreement, subject to the approval by Congress:

1. To surrender to the party of the second part for cancellation 500 6 per cent coupon bonds of $1,000 each, numbered from 1 to 500, inclusive, dated January 1, 1838, and matured October 26, 1861, issued by the State of Arkansas to secure a loan from the Smithsonian fund, and now held and owned by the United States.

2. To surrender the coupons attached thereto, representing the unpaid accumulated interest on said bonds, amounting to the sum of $436,303.61.

3. To surrender similar bonds of the State under same date (38 in number) of $1,000 each, numbered 282 to 294, inclusive, 359 to 373, inclusive, and 401 to 410, inclusive, issued to secure a similar loan from the same fund, and matured January 1, 1868, and now owned by the United States.

4. To surrender the coupons attached thereto, representing the unpaid interest thereon to date of maturity, $97,280.

5. To surrender three bonds of $1,000 each, being State of Arkansas 5 per cent registered bonds, acquired for the Chickasaw orphan fund, with interest thereon from date of default to date of maturity, January 1, 1887, $5,700.

6. To surrender 92 of the 252 new 6 per cent coupon bonds, $1,000 each (Nos. 2099 to 2190, inclusive), issued by the State of Arkansas January 1, 1874, under the adjustment of the Chickasaw national fund, and maturing January 1, 1900, and now owned by the United States; also all coupons attached to said bonds, representing the accrued interest to January 1, 1895 (21 years), and amounting to $115,828.

7. To surrender for cancellation all the unpaid coupons to January 1, 1895, on the remainder of the 252 new 6 per cent ($1,000 each) Arkansas bonds, being 160 in number, and numbered from 2191 to 2350, inclusive, issued January 1, 1874, under the adjustment of the Chickasaw national fund, amounting in unpaid interest to $201,600.

In consideration of the surrender by the parties of the first part to the party of the second part the bonds, coupons, and accumulated amounts of interest herein above set forth, the party of the second part, by virtue of the powers aforesaid conferred upon him, hereby makes the following agreement, conditioned on the approval thereof by Congress, namely:

1. To cause to be paid into the Treasury of the United States the sum of $572 within thirty days after the approval by Congress of this settlement.

2. To cause to be paid, at or before their maturity (January 1, 1900), the remaining Arkansas bonds, being 160 in number, of $1,000 each, and all coupons attached thereto, as they severally come due, all coupons due on such bonds on January 1, 1895, being surrendered for cancellation, under the terms of this agreement, as above set forth. If the State elects to pay such bonds before their maturity, the payment of all interest accrued thereon to that date shall be accepted in full satisfaction of all the coupons, and the same may be surrendered with the bonds.

3. As a further consideration for the surrender of the aforesaid bonds, coupons, etc., the party of the second part hereby relinquishes and quitclaims to the United States all claims or demands, adjusted or unadjusted, growing out of the act of September 28, 1850, known as the swamp-land act; also all land or cash indemnity growing out of the acts of March 2, 1855, and March 3, 1857; also all claims for indemnity school lands; the residue of the salt-spring lands; the residue of the lands under the court-house and jail grant (act June 15, 1832); the residue of lands under act of September 4, 1841, for internal improvements; the residue of the grant under the acts of March 2, 1831, and June 3, 1836, for public buildings, and all other claims or demands of whatever nature or character.

The parties hereto agree that the land now patented, approved, or confirmed to the State of Arkansas under the acts of September 28, 1850, March 2, 1855, and March 3, 1857, shall constitute the full measure due the State under the said swamp-land acts, except, however, that the lands described in the following lists shall be patented to the State, namely: List No. 1, containing 12,640 acres, denominated "Approved, but not listed"; and list No. 2, containing 4,960 acres, denominated "Confirmed, but not listed," which lists were transmitted to the Secretary of the Interior on November 17, 1894, by letter "M" of the Commissioner of the General Land Office.

It is also agreed that any person who has heretofore filed a declaration of preemption, resides on, cultivates, or has purchased, under the laws of the State of Arkansas, any selected and unconfirmed swamp land hereby relinquished to the United States, his heirs or assigns, shall have the preference right for one year from this date to purchase such land from the United States at the minimum price for public lands, under such rules and regulations as may be prescribed by the Secretary of the Interior.

Nothing in this settlement and agreement is intended to or shall in any connection be held to prejudice the right of the State of Arkansas to assert and establish her title to any lands which were granted or confirmed to her by the said acts approved September 28, 1850, March 2, 1855, and March 3, 1857, in so far as the same is disputed by those claiming under any subsequent grant made or claimed to have been made, the scope and purpose of this settlement being hereby declared to be the adjustment of all disputes between the United States and the State of Arkansas, and to leave undisturbed incidental controversies between said State and other parties in which the United States is not beneficially interested.

But it is agreed by the party of the second part that any person who has heretofore entered any such patented, approved, or confirmed swamp lands under the homestead or other law of the United States shall have the preference right for one year from this date to purchase such land from the State at the minimum price fixed by law for such land, upon exhibiting to the commissioner of State lands the patent, receiver's receipt, or certificate issued by the United States for such land.

In testimony whereof we have hereunto subscribed our respective names this the day and year first above written.

J. G. CARLISLE,
Secretary of the Treasury.
HOKE SMITH,
Secretary of the Interior.
JAMES P. CLARKE,
Governor of Arkansas.

Report of Burton T. Doyle, representing the Secretary of the Treasury, and George C. Ross, representing the Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, February 18, 1895.

Hon. J. G. CARLISLE,
Secretary of the Treasury, and
Hon. HOKE SMITH,
Secretary of the Interior.

GENTLEMEN: In pursuance of your respective designation or appointment of us as your representatives or agents under the act of Congress entitled "An act to authorize a compromise and settlement with the State of Arkansas," approved August 4, 1894, we have the honor herewith to submit our report.

We find that the United States now own, in their own right, bonds of the State of Arkansas in the sum of $793,000, and the interest accrued thereon from the date of default in payment thereof by the State to the maturity of said bonds amounting in the aggregate, bonds and interest, to $1,611,803.61. (Interest on these bonds is not computed from and after the date of their maturity under the authority of the Attorney-General of the United States. See opinion filed herewith, dated February 14, 1895.) And that the State of Arkansas has various claims against the United States under the public-land laws of the United States for lands and indemnity claimed by her, and never allowed by the United States, which she offers as offset or counterclaim. The claims and counterclaims between the two governments are succinctly set forth in the form of a debit and credit account accompanying this report, marked "Account," in which the claims of the Government are given on the debit side of the account and the allowances conceded on the counterclaims made by the State are shown on the credit side of the account; and we desire to call your attention to this account, and make our report in the form of a narrative explanation of the items in it.

Soon after the admission of the State of Arkansas into the Union the legislature thereof authorized the issue of $2,000,000 in 6 per cent interest-bearing coupon bonds of that State to run thirty years; and the United States, as the trustee of the Smithsonian fund, invested $538,000 of that fund in said bonds, getting 538 of such bonds at $1,000 each. The State of Arkansas defaulted in the payment of the interest on these bonds January 1, 1842; but as the State was entitled under the act of June 23, 1836 (5 Stat. U. S., 58), to 5 per cent of the net proceeds of the sale by Congress of lands lying within its borders, the United States withheld these 5 per cent net earnings under the joint resolution of March 3, 1854 (5 Stat. U. S., 801, carried into the Revised Statutes of the United States as section 3481), to be applied to the liquidation of the interest on these bonds which the State had defaulted in paying.

On December 31, 1860, there had been so withheld by the United States $146,292.72, which the Secretary of the Treasury applied to the redemption of overdue interest coupons on 134 of the 538 bonds of the State held for the Smithsonian fund, which coupons were surrendered as follows: Thirty-seven coupons each from bonds numbered 1 to 133, inclusive, each coupon representing $30 (4,921 coupons, amounting to $147,630), which paid the interest on these 133 bonds to January 1, 1860; 21 coupons from bond No. 134 ($630), which paid the interest on that bond to January 1, 1852, and left $19.72 over, which remainder was credited on the next coupon left attached to said bond No. 134. Since that application no moneys so withheld by the United States have been actually applied to the payment of the interest accrued on any of these bonds, leaving accrued interest due on 366 of them from the date of default in payment by the State, January 1, 1842, to the date of their maturity, October 26, 1861; on 38 of them from date of default, January 1, 1842, to January 1, 1868; on 133 of them from the time to which the last application paid it, January 1, 1860, to the date of maturity, October 26, 1861; and on 1 of them from the date to which that application paid the interest, January 1, 1852, to the date of maturity, October 26, 1861, less $19.72 credited on one of the retained coupons, making, in the aggregate, accrued and unpaid interest on these 538 bonds, $495,583.61; but there has been withheld and not yet applied $55,116.20, which is entered on the credit side of the account in favor of the State in this adjustment.

The United States, as the trustee of the Chickasaw fund, also invested $90,000 of that fund in the bonds of the State of this same issue; and the State defaulted in the payment of interest and principal; and the Secretary of the Interior, under the authority of the act of December 13, 1872 (17 Stat. U. S., 397), made an adjustment with the State of Arkansas in 1874, in pursuance of which the State of Arkansas funded these bonds and interest accrued thereon and issued, under date of January 1, 1874, 252 new 6 per cent coupon bonds, maturing January 1, 1900, on which no interest has been paid, leaving unpaid interest accrued and overdue on these 252 new bonds from January 1, 1874, to January 1, 1895, amounting to $317,520.

The United States also hold three 5 per cent registered bonds of that State purchased out of the Chickasaw orphan fund, with interest accrued thereon from the date of default to the date of maturity, January 1, 1849, to January 1, 1887, amounting to $5,700, making in all, bonds and interest, the aggregate above named, $1,611,803.61, which completes the debit side of the account.

CREDIT SIDE OF ACCOUNT.

Among other credits insisted on by the State are: 1. Five per cent of 16,676,465.85 acres, being, as alleged, "all the public lands then (1836) undisposed of within her borders," on the ground that the United States promised, on the admission of the State into the Union, "to turn over to the State 5 per cent of the proceeds of all public lands then undisposed of within her borders.

We do not think this contention of the State is tenable. The third section of the act for the admission of the State into the Union (5 Stat., 58) provides for the payment to the State of only "5 per cent of the net proceeds of the sale of lands lying within the State, and which shall be sold by Congress."

The claim, therefore, that the State was promised 5 per cent of the proceeds of "all public lands then undisposed of" is erroneous, for the admission of the State into the Union was upon her express agreement that she "shall never interfere with the primary disposal of the soil within the same by the United States," and we do not think that the agreement to pay to the State 5 per cent of the net proceeds arising from the sale of lands carried with it any obligation, either express or implied, that the United States should not thereafter extend to the citizens of that State the privilege of acquiring free homes upon the public domain within its borders under the beneficent provisions of the homestead act, or the privilege accorded in the location by warrants and scrip.

Again, to admit the justice of this contention would establish a precedent by which other States, similarly organized, could rightfully claim the same considerations.

2. The State claims cash indemnity "for all lands sold by the United States which rightfully belonged to the State under the swamp-land act."

Independently of the fact that there is no law for the allowance of the claim so stated, we do not think the precedent made by its allowance a good one, even on a compromise. To carry out the intention of Congress for a "just and equitable" settlement we have submitted for your approval the following credits, upon the basis of certain land claims adjusted and unadjusted:

UNADJUSTED CLAIMS.

The unadjusted claims are such as have been made by the State as inuring thereto under the swamp-land act and other acts supplemental thereto. In most cases lists of selections have been filed under the claim that the field notes of the public surveys show that the lands included in these lists were swamp and overflowed within the meaning of the act of September 28, 1850, the State having elected to accept the showing made by the field notes. The United States, not having yet verified the claims of the State as to the showing made by these field notes, is not in a position at this time to dispute their justness.

Lists for land indemnity and cash indemnity under the acts of March 2, 1855, and March 3, 1857, being supplementary to the act of September 28, 1850, have also been filed, the justness of which, for like reasons, we are not prepared to dispute.

An allowance of claims for land indemnity under said acts, as also for

school-lands indemnity (hereinafter referred to), gives the State the right ipso facto to select lands of equal acreage from the public domain within the State. In such case the State would have the right to select from the residue of the public lands the most valuable nonmineral lands. From the list aforesaid and other claims for the residue of lands under special acts (below mentioned), the State claims that she has the right to select 132,434.27 acres of land to make up for losses sustained by the State.

The relinquishment of the right to select these lands, leaving the title thereto undisputed in the United States, carries with it an obligation on the part of the United States to give credit to the State for their present actual value. This we have endeavored to do by taking the sworn statements of more than 65 reputable people in various parts of the State, all well informed as to the value of Government lands within their respective counties. Many of the affiants were members of the present general assembly. From these statements it is found that the average valuation of the Government lands within the State is $1.25 per acre, and that the lands subject to selection are worth $5 per acre. Many of the affiants place the last-named lands at $10 per acre. The affidavits taken by us accompany this report.

We accordingly recommend the following credits, upon these facts:

1. The sum of $156,250, being the value of 125,000 acres of land at $1.25 per acre (Exhibit No. 3) listed and filed by the State as inuring thereto under the act of September 28, 1850, and shown by the Government field notes of the public surveys to be swamp and overflowed within the meaning of said act.

2. The sum of $452,000, being the value of 90,400 acres of land (Exhibit No. 4) selected and filed as a basis of land indemnity under acts of March 2, 1855, and March 3, 1857, the claim of which is to be relinquished to the United States at $5 an acre.

4. The sum of $79,900, being the value of 63,920 acres of land (Exhibit No. 7) claimed to be swamp by the evidences of the field notes, and disposed of by the United States subsequent to the passage of the indemnity acts (supra) reclaimed, at $1.25 per acre.

5. The sum of $150,000, the same being for 30,000 acres of indemnity school land, at $5 per acre, to make up for deficiencies to the granted section (16) by reason of fractional townships and natural causes—that is, the existence of rivers, lakes, etc., within the granted section. The basis of this claim is an affidavit (Exhibit No. 9) filed by Thomas G. Riley, agent of the State, showing the reason for the failure to file proper lists. A careful investigation of this claim leads us to believe that it is just. Besides, the State has had only 2,345.37 acres of land of this character heretofore patented. (See also Exhibit No. 8.)

3. The sum of $148,450, the same being for 118,760 acres of land (Exhibit No. 4), listed and filed upon the showing made in the field notes of the public surveys that the land therein described was swamp and overflowed, and therefore passed to the State by the act of September 28, 1850, and thereafter sold by the United States prior to March 3, 1857, thus using the same as a basis for credit under the act of March 3, 1857, at $1.25 per acre.

13. The sum of $348,544.06, the same being for 278,835.248 acres of swamp lands in place and as a basis of land and cash indemnity at $1.25 per acre. This sum is made up by the allowance of about one-fourth of the amount claimed by the State through its agent, Thomas G. Riley, who has listed 506,290 acres of lands, the same not yet being filed in the swamp division. Mr. Riley states in his affidavit (see Exhibit No. 10) that he has not yet finished the examination of the field notes of the State, and that it is his opinion, from a careful estimate of the amount and character of the lands in the State, the field notes of which he has not yet examined; that there remained, over and above said lists of 506,290 acres, other swamp lands never yet listed or applied for to the amount of 400,000 acres, including about 50,000 acres of what are known as "sunk lands," heavily timbered, and not yet surveyed. This claim of 906,290 acres, not having been formally asked for by filing the lists in the proper office, we are not prepared to admit, as a whole; but, on a careful examination into the merits of the same for the purpose of an equitable adjustment of the whole swamp-land claims of the State, we recommend, as above shown, the allowance of the claim to the extent above mentioned.

LAND CLAIMS ADJUSTED AND ADMITTED.

6. The sum of $8,964.25, the same being for 1,792.85 acres of indemnity school land (Exhibit No. 8) at $5 per acre, a list of which has been filed and officially reported as "apparently valid."

7. The sum of $800, the same being for 160 acres of land at $5 per acre (Exhibit 8, Table 3), being the residue of the grant under the act of June 15, 1832, entitled "Court-house and jail grant."

8. The sum of $554.85, the same being for 110.97 acres of land at $5 per acre (Exhibit 8, Table 3), being the residue of the lands granted by the act of September 4, 1841, for internal improvements.

9. The sum of $61,116.55, being for 6,223.31 acres of land at $5 per acre (Exhibit 8, Table 3), being the residue of the seminary lands due the State under section 5, act of June 23, 1836.

10. The sum of $80.05, being for 16.01 acres of land at $5 per acre (Exhibit 8, Table 3), the same being the residue of lands due the State under the act of March 2, 1831, for the erection of public buildings.

11. The sum of $255.65, the same being for 51.13 acres of land at $5 per acre (Exhibit 8, Table 3), being the residue of land granted under section 4, act of June 30, 1836, for the completion of public buildings.

12. The sum of $19,220, the same being for 3,840 acres of Salt Spring lands at $5 per acre (Exhibit 8, Table 3), being six sections not yet certified to the State under section 2 of the act of June 23, 1836.

According to the report of the Commissioner of the General Land Office for the year ending June 30, 1894, there have been patented to the State of Arkansas 7,673,565.16 acres of swamp lands.

Arkansas is one of the States which elected to take its swamp lands upon the evidences contained in the field notes of the public survey. A very large part of the State was surveyed prior to the date of the swamp-land grant (September 28, 1850), and without reference thereto; it results therefrom that the surveys do not always accurately indicate the character of the lands, as do the surveys made subsequent to the date of its passage.

Many of the States have received large sums of cash and land indemnity under the acts of March 2, 1855, and March 3, 1857; these sums were paid under the terms of said acts on satisfactory proof being made by the State that the Government had sold lands which passed to the States under the swamp-land act. Illinois and Iowa have each received over $500,000 of such indemnity; other States received smaller sums, but Arkansas has never received any amount either of cash or land indemnity under these acts.

This may be in part accounted for on the ground that the sales and locations of swamp lands in Arkansas prior to March 3, 1857, were less than in other States which received generous amounts of cash and land indemnity. Again, the amount of swamp lands certified to the State, while vastly less than the amount asked for, is still greatly in excess of Illinois, Iowa, and other States receiving large indemnity.

Making these credits against the debit side of the account leaves $160,572 balance due from the State, which we recommend that the State meet by protecting 160 of her 252 new bonds—$1,000 each, and paying $572 within thirty days after the approval of this compromise; and we have prepared and herewith submit an agreement carrying into effect the provisions of this compromise, when duly signed by you and the governor of Arkansas and approved by Congress.

We have faithfully endeavored to arrive at a just and equitable settlement of the long-standing differences between the United States and the State of Arkansas. The time at our disposal was necessarily limited, but we believe the foregoing explanations will serve to make clear the basis of the proposed settlement.

Respectfully submitted.

BURTON T. DOYLE,
Representing the Secretary of the Treasury.
GEO. C. ROSS,
Representing the Secretary of the Interior.

Approved:
J. G. CARLISLE, *Secretary of the Treasury.*
HOKE SMITH, *Secretary of the Interior.*

ACCOUNT.

The State of Arkansas, in account with the United States on account of bonds issued by the State, with the interest accrued thereon, the claims of the State arising under the public-land laws of the United States, and the claim of the State for care of military prisoners, adjusted to January 1, 1895.

DR.		CR.	
(1) To State of Arkansas 6 per cent bonds (Nos. 1 to 500, inclusive), $1,000 each, issued Jan. 1, 1838, and matured Oct. 26, 1861, to secure a loan from the Smithsonian fund, held in trust by the United States, which bonds were subsequently acquired by the United States in their own right	$500,000.00	By amounts accrued to the credit of the State under section 3 of the act of June 23, 1836 (5 Stat. U. S., 58), from July 1, 1836, to Jan. 1, 1895, withheld by the United States (for which no interest coupons on the bonds held against the State have been surrendered), now applied as follows (Exhibit A):	
(2) To interest on 366 of these bonds (Nos. 135-500), at 6 per cent per annum, from July 1, 1842, to Oct. 26, 1861 (19 years 9 months and 25 days)	425,235.00	On bonds acquired through the Smithsonian fund	$12,822.59
(3) To interest on 133 of these bonds (1 to 133), at 6 per cent per annum, from July 1, 1860, to Oct. 26, 1861 (1 year 3 months and 25 days)	10,529.17	On bonds acquired through the Chickasaw national fund	40,493.61
(4) To interest on one of these bonds (No. 134), at 6 per cent per annum, from July 1, 1852, to Oct. 26, 1861 (9 years 3 months and 25 days), less $19.72, paid on one coupon in 1860	539.44	On bonds acquired through the Chickasaw orphan fund	1,800.00
(5) To State of Arkansas bonds (6 per cent coupons) of $1,000 each, 38 in number (Nos. 282-294, 359-373, 401-410), issued Jan. 1, 1838, to secure a loan from the Smithsonian fund, which bonds matured Jan. 1, 1868, and now belong to the United States	38,000.00	(1) By 125,000 acres of land (Exhibit 3) claimed as swamp land in place, filed under act of Sept. 28, 1850 (9 Stat. U. S., 519), reclaimed to the United States by this settlement at $1.25 per acre	156,250.00
(6) To interest thereon, at 6 per cent per annum, from Jan. 1, 1842, to Jan. 1, 1868 (26 years)	59,280.00	(2) By 90,400 acres of land (Exhibit 4) selected and filed as a basis of land indemnity, under acts of Mar. 2, 1855 (10 Stat. U. S., 634), and Mar. 3, 1857 (supra), reclaimed to the United States by this settlement at $5 per acre	452,000.00
(7) To three ($1,000 each) State of Arkansas 5 per cent registered bonds, acquired for the Chickasaw orphan fund by investing the proceeds arising from the sale of two quarter sections of land in the case of Hiram R. Pitchlyn, pursuant to article 8 of treaty stipulations with the Chickasaw Indians, which bonds now belong to the United States	3,000.00	(3) By 118,760 acres of land (Exhibit 4), claimed as a basis of cash indemnity, under act of Mar. 3, 1857 (supra), reclaimed to the United States by this settlement at $1.25 per acre	148,450.00
(8) To interest on these bonds, at 5 per cent per annum, from Jan. 1, 1849, to date of maturity, Jan. 1, 1887 (38 years)	5,700.00	(4) By 63,920 acres of land (Exhibit 7), claimed to be swamp, under the indemnity acts above named, which have been listed and filed by the State and disposed of by the United States subsequent to the passage of said indemnity acts; now reclaimed to the United States by this settlement at $1.25 per acre	79,900.00
(9) To 252 new 6 per cent coupon bonds of $1,000 each, issued by that State under the adjustment of the Chickasaw national fund on Jan. 1, 1874, in which it was agreed that the 90 ($1,000 each) 6 per cent coupon bonds of that State, originally purchased out of that fund, together with the accrued and unpaid interest thereon, should be funded after crediting the State with $7,677.80 on account of care of military prisoners, and these 252 new 6 per cent coupon bonds issued in payment of old bonds and interest	252,000.00	(5) By 30,000 acres of land (Exhibit 9) listed by the agent of the State, Thomas G. Riley, as indemnity school lands, and sent to the governor of the State for amendment to comply with certain departmental regulations as to certificates of nonmineral character and not yet adjusted. These selections are believed to be a valid claim, and the lands are reclaimed to the United States by this settlement at $5 per acre	150,000.00
		(6) By 1,792.85 acres of indemnity school land (Exhibit 8, Table 3), a list of which has been filed and officially reported as "apparently valid," which are reclaimed by this settlement at $5 per acre	8,964.25

The State of Arkansas, in account with the United States on account of bonds issued by the State, etc.—Continued.

Dr.		Cr.	
(10) To accrued and unpaid interest on these bonds from date of issue, Jan. 1, 1874, to date of this settlement, Jan. 1, 1895, at 6 per cent per annum, being $232,000 at 6 per cent for twenty-one years	$317,520.00	(7) By 160 acres of land (Exhibit 8, Table 3), being the residue of the grant under act of June 15, 1832 (4 Stat. U. S., 531), entitled "Court-house and jail grant"; reclaimed by this settlement at $5 per acre	$800.00
		(8) By 110.97 acres of land (Exhibit 8, Table 3), granted under act of Sept. 4, 1841 (5 Stat. U. S., 453), for internal improvements; reclaimed by this settlement at $5 per acre	554.85
		(9) By 6,223.31 acres of seminary lands (Exhibit 8, Table 3), due the State under section 3, act of June 23, 1836; reclaimed by this settlement at $5 per acre	31,116.65
		(10) By 16.01 acres of land (Exhibit A, Table 3) granted under the act of Mar. 2, 1831 (4 Stat. U. S., 473), for the erection of public building at the seat of government; reclaimed at $5 per acre	80.05
		(11) By 51.13 acres of land (Exhibit 8, Table 3) granted under section 4, act June 30, 1836, being the residue of five sections granted under that act for the completion of public buildings; reclaimed at $5 per acre	255.65
		(12) By 3,840 acres of salt-spring land (Exhibit 8, Table 3), being six sections not yet certified to the State under section 2, act of June 23, 1836; reclaimed to the United States by this settlement at $5 per acre	19,200.00
		(13) By 278,835.248 acres of land, being about one-fourth of 906,260 acres claimed as swamp land in place and as a basis of land and cash indemnity, under acts of March 2, 1855, and March 3, 1857, at $1.25 per acre, in satisfaction of the whole claim	348,544.06
		(14) Leaving 160 of the 252 new 6 per cent coupon bonds of $1,000 each to be protected by the State and redeemed at maturity, January 1, 1900	160,000.00
		(15) Leaving a balance, which the State is to pay in cash within thirty days, of	572.00
Total amount of bonds and interest	1,611,803.61	Total credits, bonds, and cash	1,611,803.61

VIEWS OF THE MINORITY.

We, the undersigned, members of the Committee on the Public Lands, feel constrained to dissent from the report of the majority of the committee on the bill H. R. 8944. We regret to do this, because we have not had an opportunity nor the time to give the matter such an examination as its importance demands. More than $2,000,000 are involved in the settlement, including the interest, and it requires an investigation of the transactions between the State and General Government from the time of the admission of the State into the Union. It would seem that as important a matter as this should be examined with due care by the committee. Congress only authorized a conditional settlement, which should have no binding effect until approved by Congress.

This reservation was put in the act in order that the proper committees and Congress might give the transaction a suitable and full examination. We have had no time to do this, as the matter was first heard in the committee on the 27th of February, 1895, with only three days remaining of the session of Congress; but from a report of the Secretary of the Treasury and of the Secretary of the Interior and the accompanying statement of certain experts it does seem to us that the settlement is not a just one to the General Government.

The Government held the bonds of Arkansas for large amounts. These bonds were held as trust funds, and must be made good by the United States. In making this settlement the interest is computed upon the bonds only to the date of maturity. A very large number of them matured in 1861. The settlement gives away thirty-four years' interest on these obligations. Under this contract these bonds are to be treated as paid because of the fact that the United States Government held land claimed to be swamp lands, which sales were made many years ago at the Government price of $1.25 per acre, and a large part was given to settlers as homesteads for nothing. The contract assumes that the State is now entitled to select other public lands in lieu thereof, and that the said lands should now be worth $5 per acre. Thus, by stopping the interest on the bonds and computing that the value of the lands have increased fourfold the rights of the Government have been cut off both ways.

The report shows that 7,673,565.16 acres of swamp land have all been patented to the State, amounting to nearly 12,000 square miles. The enormous quantity of lands thus patented as swamp lands would indicate that Arkansas has not been unjustly dealt with in the certification of such lands, but owing to the shortness of the time given to consider the matter it is impossible for us to examine the question from the records. The State claims that there are 906,260 acres of additional swamp land listed and unlisted. This claim is lumped off at 278,835 acres at $1.25 per acre. We are not prepared to say that a careful examination of the whole matter might not show that the settlement in some respects would be equitable in view of circumstances not brought to the notice of the committee, but in the light of what has been shown to the committee the settlement is certainly a one-sided affair, in which the interests of the General Government have not been suitably guarded.

This matter has been pending for twenty-five years. The settlement only gives the Government $72 in money and allows it to retain $160,000 of the bonds it now holds against the State. No great harm could befall the State if a settlement of this kind should be left open long enough so that it might be fully examined by committees and Congress. The act authorizing settlement was only tentative, intended as giving facts and figures from which Congress might act. Burton T. Doyle and George C. Ross, experts, seem also to have been very much hurried in making their examinations, and they state in the report that the time at our disposal was necessarily limited." The committee did not even have an opportunity to confer with these experts. This may be readily understood when we observe that the contract we are asked to railroad through in the expiring hours of the session was only executed on the 23d day of February, 1895.

There should be no disposition to hasten this matter to final action without at least reasonably fair consideration by the committee, which has not been able to give the matter such consideration. It was referred to a subcommittee, but the subcommittee did not have time to make any examination of the matter or make a report. There is another feature in the contract that is somewhat singular, and will no doubt result in a demand of additional legislation in favor of other States. The contract assumes that the sixteenth sections of land given for school purposes have fallen short on account of ponds and streams to the amount estimated roughly at 30,000 acres. This is credited at $5 instead of $1.25 an acre. We are not referred to any precedent for thus estimating shortages in these sixteenth-section grants. The seminary matter of 6,223 acres and the salt-springs item of 3,840 acres, both credited at $5 per acre, have not been explained, and are not understood by the committee.

If the Government buys back these lands at $5 per acre from the State, they will be immediately opened to homestead settlement and given away to settlers. If these lands were improperly sold they certainly ought not to be allowed at more than the Government price of $1.25 an acre.

Mr. MCRAE made the report on H. R. 4603, upon which this settlement is based, December 20, 1893. He uses the following language:

"From the statement of the Commissioner of the General Land Office it appears that the United States have sold 240,550 acres of such land for the sum of $196,960, and disposed of, for land warrants, scrip, and homestead, 162,080 acres, worth, at $1.25 per acre, the sum of $202,600. The State claims that she should be credited with the sums so received, as of the years in which the sales were made, and allowed $1.25 per acre for such lands as were otherwise disposed of, making a total claim on this account of $399,560."

From this it appears that the State only claimed $1.25 an acre then, instead of $5 an acre as allowed by the Secretary of the Treasury and Secretary of the Interior.

The agreement also is faulty in this, that it may subject the Government to the necessity of making good the titles of land held by third parties which the State reserves the right to assail in the courts. Purchasers of these lands may be subjected to much annoyance, litigation, and loss by reason of this provision of the contract.

The settlement reserves the right of the State to attack the titles of settlers and purchasers of these lands, as will be seen from the following paragraph in the agreement:

"Nothing in this settlement and agreement is intended to or shall in any connection be held to prejudice the right of the State of Arkansas to assert and establish her title to any lands which were granted or confirmed to her by the said acts approved September 28, 1850, March 2, 1855, and March 3, 1857, in so far as the same is disputed by those claiming under any subsequent grant made or claimed to have been made, the scope and purpose of this settlement being hereby declared to be the adjustment of all disputes between the United States and the State of Arkansas, and to leave undisturbed incidental controversies between said State and other parties in which the United States is not beneficially interested."

As to the opinion of the Attorney-General, holding that interest ceases at maturity, no copy was presented to the committee, and we do not know on what grounds he bases it.

Certainly if no interest on the bonds is to be allowed, the Government should not be compelled to pay $5 an acre for land which it gave to homesteaders or sold only at $1.25 an acre.

No action on this bill should be taken without at least reasonable consideration, which is impossible at this late day in the session.

JOHN F. LACEY.
G. B. MEIKLEJOHN.
J. W. MOON.
JOHN DAVIS.
IRVING P. WANGER.
W. R. ELLIS.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., November 17, 1894.

SIR: I have the honor to acknowledge the receipt of your letter of 6th ultimo requesting a "statement of the several claims of the State of Arkansas now of record and remaining unadjusted," with view to compromise and settlement under act approved August 4, 1894.

In response thereto I herewith transmit statements showing the status of the several claims, adjusted and unadjusted, in favor of said State of Arkansas, as follows:

Five per cent fund account.—There has accrued to the State of Arkansas from July 1, 1836, to June 30, 1893, the sum of $264,553.70 on account of the 5 per cent of the net proceeds of the sales of public land, of which amount the State has been paid $59,770.84 for making canals and roads, $162,902.31 retained by the United States to pay interest on State bonds held in trust for the benefit of the Smithsonian institution, $40,080.55 to pay interest on bonds held in trust for benefit of Chickasaw Indians, and $1,800 withheld for benefit of Chickasaw orphans, making a total of—

Amount paid the State	$59,770.84
Amount withheld by United States	204,782.86
Total	264,553.70

as fully set forth in exhibit marked A.

There is due the State of Arkansas the sum of $325.74 on account of 5 per

cent of net proceeds of sales of public lands during the fiscal year 1894, statement of which was sent to Treasury Department on 14th instant.

I would respectfully call attention to the adjustment of the account between the United States and the State of Arkansas, made July 1, 1881 (Report No. 32485), for the 5 per cent of the net proceeds of sales of public land from January 1, 1862, to June 30, 1880, which shows a balance due said State of $485.41.

In said adjustment the entire expenses of local land offices, amounting to $75,744.96, together with repayments of purchase money for land erroneously sold and fees and commissions erroneously paid, amounting to $13,823.28 during that period of over eighteen years, were deducted from total cash sales, whereas under the method of adjusting such accounts which has prevailed since that date (July 1, 1881), of prorating the expenses between total cash sales and total receipts from fees and commissions, the State would be entitled to some $2,000 or $2,500 more than found to be due by the above-mentioned Report No. 32485.

Distribution act, September 4, 1841.—There was found to be due the State of Arkansas under this act the sums of $4,482.79 and $329.37, making a total of $5,012.16, which amount was withheld by the United States and applied in part payment of interest on $538,000 6 per cent State bonds held in trust by the Treasurer of the United States for the Smithsonian institution.

Railroad grants.—The only grants by Congress to the State of Arkansas this office is charged with the administration of are the grants of lands to aid in the construction of the railroads now known as the St. Louis, Iron Mountain and Southern, the Little Rock and Memphis, and the Little Rock and Fort Smith railroads.

These grants were made by the act of February 9, 1853 (10 Stat., 159), and were revived and extended by the act of July 28, 1866 (14 Stat., 1866). The State conferred said grants upon three different corporations organized under its laws, for the purpose of securing the construction of the roads.

The roads were completed within the time prescribed by the law and the lands granted were thus earned; and it has always been the practice of this office, with the approval of the Department, to certify said lands to the State for the benefit of the company earning them. The companies to which the State transferred the grant are the beneficiaries, and the State is simply the trustee, deriving no benefit from the grants other than that resulting from the increased facilities for transportation.

The act of July 28, 1866, which revived and extended the grant of 1853, expressly declared that "all the lands therein granted which reverted to the United States under the provisions of said act be, and the same are hereby, restored to the same custody, control, and condition, and made subject to the uses and trusts in all respects as they were before and at the time such reversion took effect." The State, therefore, has no pecuniary interest in the lands granted to aid in the construction of these roads.

The grant for the Little Rock and Fort Smith road was reported by this office to the Department on November 12, 1889, as finally adjusted, but the Department has not yet passed upon the matter. The two remaining grants have not been finally adjusted.

Grants in aid of education and for other purposes.—Statement showing the status of the claim of the State of Arkansas, under its State grants, remaining unsettled on November 8, 1894.

In regard to the grant for internal improvements, the Commissioner's Report for the fiscal year 1850-51, page 8, shows the status of the grant at that time to have been as follows:

	Acres.
Amount granted	500,000.00
Amount approved	499,889.03
Deficit	110.97

In regard to the seminary grant, by letter to Paul M. Cobb, commissioner of State lands, dated February 28, 1893, volume 22, press copy, page 103, it was stated that the State was still entitled to select an amount not exceeding 6,223.31 acres in satisfaction of said grant. It does not appear that any selections have been made in view of the above statement, and it is probable that the State is still entitled to the above amount under the grant for a seminary.

To verify these statements from the records would, I should say, take the time of an expert accountant for two or three weeks, the records being so faulty.

In regard to the amount of lieu land (sections 16) disposed of by the United States, the only way of ascertaining that fact would be to go through all the tract books, examine the sixteenth sections for any entries that may be shown, and also as to whether the State has selected indemnity for such entries, should any be found. This would be a work of weeks, if not months.

There is one list of school indemnity selections by the State of Arkansas on file, remaining unadjusted, embracing in the aggregate 2,074.55 acres, which appears to be valid and free from objection, except as to 280 acres, in which the basis has already been satisfied.

Considering the deficit in the internal-improvement grant of 110.97 acres, deficit in the seminary grant, 6,223.31 acres, and the unadjusted list of school indemnity selections, 2,074.55 acres, the entire amount which the records show the State may claim under the several grants is 8,408.83 acres.

In the absence of a specific statement showing what is claimed by the State, the above is the best statement that can be made without a full review of all the selections under each grant made since the admission of the State into the Union in 1836.

Claim under the swamp-land laws.—By the swamp-land grant of September 28, 1850 (9 U. S. Stat., 519), all the swamp lands then existing and not already disposed of in Arkansas were granted to the said State. The quantity granted is indefinite, since no other designation of the lands was given in the law than "swamp and overflowed lands."

By the confirmatory act of March 3, 1857 (11 U. S. Stat., 251), the claim to all lands reported on that date to the General Land Office, under the swamp-land grant, was confirmed to the State as swamp lands, whether they were of such character or not.

By the indemnity sections of the acts of March 2, 1855 (10 U. S. Stat., 634), and March 3, 1857 (11 U. S. Stat., 251), the State was granted cash and land indemnity in lieu of swamp lands granted, but sold to individuals, up to the date of the passage of the said acts. No indemnity is authorized by law for swamp lands sold by the United States after the date of the passage of the confirmatory act of March 3, 1857.

There has been selected or claimed for or by the State under the swamp-land grant 8,656,372.39 acres, and of this quantity 7,673,565.16 acres have been patented as swamp lands. (Report of Commissioner General Land Office for 1894.)

There remains unsettled on the selection records of the division of swamp lands of this office a claim representing about 636,160 acres, as shown by a tabulated statement, with descriptive exhibits corresponding with the columns in the statement herewith submitted.

Exhibit No. 1 shows the lands approved to the State and which might be patented at this time but for the passage of the act approved August 4, 1894, entitled "An act to authorize a compromise and settlement with the State of Arkansas."

Exhibit No. 2 shows lands reported to the General Land Office prior to March 3, 1857, and which are, therefore, confirmed to the State. But for the act of August 4, 1894, these lands might be approved and patented.

Exhibit No. 3 shows lands reported or selected subsequent to March 3, 1857, and which are subject to adjustment. The claim of the State to a number of the tracts is in conflict with the claims of individuals, who contest the allegation that the lands are swamp lands in fact. The claim of the State to other tracts is not contested. The material question as to whether these lands are swamp lands or not has not as yet been determined.

Exhibit No. 4 shows lands disposed of to individuals, under locations made under the general land laws, between the dates of September 28, 1850, and March 3, 1857. If due proof is made by the State that the lands were in fact swamp lands at the date of the grant, the State will receive certificates authorizing it to locate an equal acreage of agricultural lands in lieu of the swamp land proved to have been lost.

The exhibit also shows the claim of the State for cash indemnity, where the lands were entered by individuals under cash purchases.

Exhibit No. 5 shows lands to which the State can assert no legitimate claim, since the lands had already been disposed of at the date of the grant and were, therefore, excepted from the provisions of the grant. But for the suspension of settlements by reason of the act of August 4, 1894, the improper claim of record might be rejected.

Exhibit No. 6 shows lands claimed by the State as swamp lands, and by railroads, claiming under the State, as nonswamp lands. Having been approved and certified to the State under one grant it can not properly assert a claim to the same lands under another grant. (See State of Arkansas vs. St. Louis, Iron Mountain and Southern Railway Company, 10 L. D., 365.) The claim of the State on the basis of these lands might also be rejected but for the act of August 4, 1894.

Exhibit No. 7 shows lands the title to which passed to individuals subsequent to the indemnity period. The lands being patented to individuals, they can not be also patented to the State; and having been sold after the indemnity period, they can not under the law be made the subject of an indemnity claim. Hence they are classified as "unadjustable," under existing laws.

Very respectfully,

S. W. LAMOREUX, *Commissioner.*

THE SECRETARY OF THE INTERIOR.

DISTRICT OF COLUMBIA, *Washington, D. C., ss:*

Thomas G. Riley, on his oath, being duly sworn, makes the following statement:

I was appointed by the governor of the State of Arkansas in February, 1886, to look after the interests of the State of Arkansas growing out of the swamp-land act of September 28, 1850, and was afterwards directed to look after the claim of said State for indemnity school lands.

Since the date of my appointment I have continuously resided in Washington, D. C., and have had, through the courtesy of the several Commissioners of the General Land Office, access to the tract books of the General Land Office.

To carry out the purposes of my designation as the agent of the State, I have examined said books with a view to determine the amount of cash indemnity and land indemnity due the State under the act of March 3, 1857; also to ascertain from the field notes the residue of swamp lands in place due the State under the act of September 28, 1850.

In addition to these duties as agent of said State I have ascertained the amount of school indemnity due the State by reason of the losses in the granted section (16) on account of fractional townships, and other losses to said section growing out of natural causes, i. e., the existence of rivers, lakes, etc., the meandering of which by the public survey lessened to that extent the amount of school lands allowed by law.

I have filed but one list for indemnity school lands, that of December 19, 1890, for 2,073.55 acres, of which amount 1,792.85 acres are held to be "apparently valid," though not yet approved.

In addition to this list I have prepared, since the year 1890, four other lists of indemnity school lands from bases above described. I am positive the bases of these selections were valid. I took these lists to Division "K" of the General Land Office for the purpose of filing, but was there advised that they could not be accepted by reason of an informality—namely, there were no nonmineral affidavits accompanying said lists. These lists were then returned to the governor of Arkansas for the purpose of securing the requisite affidavits. The lists have not yet been returned for filing. The lands selected in these four lists amounted to 30,000 acres, and the bases for the selections were valid.

THOMAS G. RILEY.

Sworn to and subscribed before me this 16th day of January, 1895.
[SEAL.] WM. H. DE LACY, *Notary Public.*

DISTRICT OF COLUMBIA, *Washington, D. C., ss:*

Thomas G. Riley, on oath, being duly sworn, makes the following statement:

That he was appointed by the governor of Arkansas, in March, 1886, to examine the records, files, tract books, and plat books of the General Land Office for the purpose of determining therefrom the amount of swamp lands in place due the State under the act of September 28, 1850; also the indemnity due the State under the acts of March 2, 1855, and March 3, 1857; that in pursuance of these duties he has from time to time filed various lists, which have been in part acted upon by the Commissioner of the General Land Office.

That he has prepared lists embracing 500,000 acres of land not heretofore selected, and which have not been, but are now ready to be, filed in the General Land Office; that from a careful and painstaking examination of the field notes of survey, for each 40-acre tract embraced in said lists, he believes that the greater portion of each 40-acre tract included in said list is swamp and overflowed land within the meaning of the swamp-land act.

That he believes the State entitled to all said lands or indemnity therefor.

That he has not yet finished the examination of the field notes of the State, and it is his opinion, from a careful estimate of the amount and character of the lands in the State, the field notes of which he has not yet examined, that there remains over and above said lists of 500,000 acres, other swamp lands to the amount of 400,000 acres. This will include about 50,000 acres of what are known as "sunk lands," heavily timbered and not yet surveyed.

THOS. G. RILEY.

Sworn to and subscribed before me this 15th day of February, 1895.
[SEAL.] WM. H. DE LACY, *Notary Public.*

APPENDIX B.

SETTLERS' RIGHTS AND SWAMP-LAND GRANTS.

Mr. MCRAE. Mr. Speaker, I present a conference report.

The SPEAKER. The Clerk will first report the title of the bill.

The Clerk read as follows:

"A bill (H. R. 7028) to protect settlers' rights where two or more persons

settled upon the same subdivision of agricultural public lands before survey thereof, and for other purposes."

The SPEAKER. The Clerk will now read the statement of the conferees.

The statement was read, as follows:

"1. The effect of the first amendment is to protect the rights of contests under section 1 of this act, initiated prior to its passage, and to allow all qualified persons who have subsisting timber-culture entries, and who have for at least eight years (the period required by that old timber-culture act) in good faith endeavored to comply with the law as to breaking the ground, planting the seeds, and cultivating the trees, to prove up and get title upon the payment of the fees required in homestead entries, without regard to whether the trees have been made to grow or not.

"The provision relating to persons who have in good faith initiated claims upon public lands, which may be afterwards selected and withdrawn for reservoir sites, is not changed by the conference committee. It provides that patent may issue containing a reservation in favor of the United States, reserving the right to use so much of the land as may be necessary for the construction of a reservoir thereon, and also provides for hearings to determine whether or not such lands should be reserved for such purposes. This will afford additional protection to the rights of settlers in good faith upon lands which have been or may be selected for reservoir purposes, and is not inconsistent with the purposes to be subserved by existing laws upon the subject.

"2. The twenty-fourth section of the act of March 3, 1891, authorized the President of the United States to reserve public timber lands from sale and disposal, and to set them aside for forestry purposes.

"About 10,000,000 acres have been preserved, presumably to protect the growth from destruction by fire and ax, and the preservation of forest conditions, upon which water conditions and water flow are said to be dependent. Under the second amendment of the Senate, as amended by the conference report, it is provided that, if, after examination, it shall be found to be better adapted to agricultural than forest uses, it may be restored to the public domain upon sixty days' notice in two newspapers. The Secretary of the Interior, with the cooperation of the Secretary of War, is required to protect the reservations against fire and depredations, and the Secretary of the Interior is authorized to make rules and regulations for the occupancy and utilization of said reservations. The purpose of this is to make proper provision for the administration and protection of the reservations created and to be hereafter created.

"3. The third amendment provides:

"(1) For the final and complete adjustment of the swamp-land grant upon the basis recommended by the Department of the Interior. It allows indemnity only for swamp land erroneously sold or located by warrant or scrip after relinquishment and waiver in such form as may be prescribed by the Secretary of the Interior. For lands sold the purchase money to the amount of $1.25 per acre is allowed, and for those erroneously located by warrant or scrip the price of the land at the date of location, not exceeding $1.25 per acre. It is in effect an extension of the act of March 2, 1855, as construed by the Department, except that cash indemnity of $1.25 per acre is allowed for lands located by warrants or scrip instead of nonswamp land subject to entry at that price.

"That act was passed before the passage of the homestead law. The change in this respect is in obedience to the policy of the Government to reserve the public lands for actual settlers under the homestead law. This amendment does not confirm the selections heretofore made and reported, as did the said act of March 3, 1857. It excludes all evidence of the character of the lands except the field notes of the Government survey in those States which elected to make them the basis of settlement. The other States are required to deposit in all cases, and to pay in those cases where the claim is rejected, the cost of the investigation into the character of any tract claimed by the State as swamp land. The illegal selections under the old act can be disposed of if the cost is not deposited in ninety days after notice, and no new claims will be examined until such deposit is made. The Secretary is given full power to determine what shall be satisfactory and sufficient evidence as to the character of the land at the time of the grant, and to investigate and reject any fraudulent returns of Government surveys.

"Agents and inspectors of the Department are authorized to administer oaths and take affidavits of witnesses. All claims under this act and prior acts are barred unless presented within one year from the passage of this act. A limitation upon the amount to be paid for lands sold and located since March 3, 1857, is fixed, but no appropriation is made, and no money can be paid to any State until the claim of each State under the swamp-land grant and under this act has been fully adjusted. Counties, parishes, districts, and individuals are not recognized as possessing the right to prosecute claims. This right is restricted to the States to which the original grants were made. It is not probable that the sum fixed will be required for the adjustment of claims since March 3, 1857. The valid claims of nearly all the States prior to that date have been allowed, but the examination of those pending will require a large amount of labor and money under existing law, which will be saved if the pending measure becomes a law.

"(2) The State of Arkansas owes the United States in all the sum of $625,000 principal on bonds past due. In addition to this the Treasurer of the United States holds for the Secretary of the Interior, trustee of the Indian trust fund, $168,000 worth of bonds, redeemable January 1, 1900. The State claims against the United States the sum of $679,548.51, which has accrued from time to time, and nearly a million acres of land selected under the act of March 3, 1857. The Secretary of the Treasury is authorized in his discretion to make a full and final compromise with the State.

"(3) The provision in relation to soldiers' additional homestead entries has been changed by the conference committee so as to make it conform to the recommendation of the Commissioner of the General Land Office. In some cases certificates were erroneously issued by the Department. In such cases the soldier may have entered land and disposed of his right thereto to innocent purchasers, who relied upon the certificates of right issued by the Department. The circular of February 1, 1883, discontinued the practice of certifying to the additional right, but did not apply to applications then pending or that might be filed in the Land Office prior to March 16, 1883. Consequently there were some certificates issued after the latter date. The lands which the outstanding certificates cover it is estimated would approximate 10,000 acres. The Commissioner of the General Land Office in his letter of February 25, 1893, says:

"'It has come to the knowledge of this office that a number of these certificates have been transferred, and locations made thereunder by parties who purchased them in good faith, and I think that this class of purchasers should be protected and that patent should issue to them and for their benefit.'

"4. The provision in relation to contests will change the present law so as to prevent personal contests after final entry, but it does not interfere with the right of the Government to cancel or hold for cancellation any entry for fraud on the part of the entryman. The purpose of this amendment is to protect bona fide settlers from blackmailing and speculative contests.

"THO. C. MCRAE.
"JOHN O. PENDLETON.
"J. A. PICKLER."

Mr. JOHNSON of Indiana. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman from Arkansas has the floor on a question of the highest privilege—a conference report.

Mr. TRACEY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. TRACEY. Would it be in order to raise the question of consideration on this report?

Several MEMBERS. It is too late.

Mr. MCREA. I submit, Mr. Speaker, that it is too late to raise a question of consideration after the House has entered upon the consideration.

The SPEAKER. It is not too late until the papers are read, because the House would not know what it was until they are read.

Mr. TRACEY. I desire to raise the question of consideration.

Mr. HOLMAN. Mr. Speaker, I suggest to gentlemen that, for the purpose of facilitating the adjustment of the other bills, it would be far better to take a recess until 8 o'clock.

Mr. MCRAE. I have no objection to a recess now, if it will be understood that we have entered upon the consideration of this bill, and that it will come up after the recess. [Cries of "Oh, no!"]

The SPEAKER. The Chair understands the gentleman from New York [Mr. Tracey] to raise the question of consideration.

Mr. TRACEY. I did.

Mr. MCRAE. Then, Mr. Speaker, I hope that we will settle that question before we take a recess.

Mr. HOLMAN. I move that we take a recess.

The SPEAKER. The Chair will submit the question. The question is whether the House will—

Mr. BUCHANAN of New Jersey. Will the gentleman from Indiana yield for a moment for a conference report which requires no debate?

The SPEAKER. This is a conference report.

Mr. HOLMAN. I think it is better to take a recess now.

The SPEAKER. The gentleman from Arkansas [Mr. MCRAE] calls up the conference report which has just been read, the gentleman from New York [Mr. Tracey] raises the question of consideration on the report, and the question for the House to determine is, Will the House proceed to the consideration of this conference report?

Mr. HOLMAN. Is not my motion in order to take a recess?

The SPEAKER. The Chair thinks not, pending this motion.

Mr. MCRAE. As there seems to be a disposition on the part of gentlemen to take a recess, I shall not insist on action upon the question of consideration at this time if it is agreed that all my rights are reserved.

The SPEAKER. The question of consideration is not debatable.

Mr. MCRAE. Then, Mr. Speaker, I have no objection to taking a recess, with the understanding that the status of the bill shall remain as it is now. I do not want to keep members from their dinner.

The SPEAKER. The Chair will state the question. The gentleman from Arkansas [Mr. MCRAE] presents a conference report, and the gentleman from New York [Mr. Tracey] raises the question of consideration upon it. The gentleman from Indiana moves that the House take a recess until 8 o'clock. If the House takes that recess the exact status that now exists as to this matter will obtain then. The question of consideration will be before the House.

Mr. DINGLEY. I desire to reserve all points of order in reference to this report.

Mr. MCRAE. If the House votes to consider the report, that should settle any points of order.

The SPEAKER. The Chair will state the question. The gentleman from Arkansas [Mr. MCRAE] calls up a conference report. The gentleman from New York [Mr. Tracey] raises the question of consideration, and pending that the gentleman from Indiana [Mr. Holman] moves that the House take a recess until 8 o'clock.

Mr. TRACEY. Mr. Speaker, I rise to a question of order. Is it in order to take me off the floor when I have raised the question of consideration?

The SPEAKER. The gentleman is off the floor as soon as he makes the motion, because the question of consideration is not debatable.

Mr. TRACEY. But I understood the Chair to say that the question of consideration must be put. Now, there has been no change in the situation since the Chair made that announcement.

The SPEAKER. The only question is whether, pending a conference report, the House may adjourn or take a recess. The Chair is inclined to think that the House has a right to do that, but will examine the question.

Mr. HOLMAN. I hope there will be no objection to taking a recess now. It will leave the situation unchanged.

The SPEAKER. Whilst the rule accords to gentlemen the right to present conference reports at any time, the Chair sees nothing in the rules that would prevent the Chair from entertaining either a motion to adjourn or a motion to take a recess pending the report. The question, therefore, is on the motion of the gentleman from Indiana, that the House now take a recess until 8 o'clock p. m.

Mr. DOCKERY. Mr. Speaker, pending that, I desire to say on behalf of my colleague on the Committee on Appropriations, Governor SAYERS, that he has been absent during this legislative day on committees of conference, and for that reason I ask that he be excused.

The SPEAKER. The rules excuse the gentleman when he is absent on the business of the House.

The motion of Mr. Holman was agreed to; and the House accordingly (at 5 o'clock and 15 minutes p. m.) took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the Speaker called the House to order at 8 p. m.

ORDER OF BUSINESS—PROTECTION OF SETTLEMENT RIGHTS ON PUBLIC LANDS.

Mr. MCRAE. Mr. Speaker, I call up the conference report on the bill (H. R. 7028) to protect settlement rights where two or more persons settle upon the same subdivision of agricultural public lands before survey thereof, and for other purposes.

Mr. TRACEY. Mr. Speaker, I raise the question of consideration.

The SPEAKER. Upon this conference report the gentleman from New York [Mr. Tracey] raises the question of consideration, and the question is, Will the House proceed to consider the report?

The question was taken; and the Speaker declared that the ayes seemed to have it.

Mr. TRACEY. I ask for a division.

The House divided; and there were—ayes 66, noes 11.

Mr. TRACEY. No quorum.

Mr. MCRAE. Mr. Speaker, I ask for the yeas and nays. That is the shortest way of settling this matter. I hope the friends of this measure will stand by it.

The yeas and nays were ordered.

The question was taken; and there were—yeas 131, nays 59, not voting 139; as follows:

YEAS—131.

Alderson,	Cummings,	Jolley,	Post,
Amerman,	Curtis,	Kem,	Reilly,
Antony,	Daniell,	Kribbs,	Richardson,
Arnold,	De Forest,	Kyle,	Robertson, La.
Atkinson,	Doan,	Lane,	Rockwell,
Bailey,	Durborow,	Lawson, Va.	Rusk,
Baker,	Edmunds,	Layton,	Sayers,
Bankhead,	Elliott,	Lester, Va.	Scott,
Barwig,	Enochs,	Livingston,	Scull,
Belknap,	Epes,	Long,	Shell,
Blanchard,	Everett,	Lynch,	Shonk,
Bowers,	Fithian,	Mallory,	Simpson,
Bowman,	Flick,	Mansur,	Snodgrass,
Brown, Md.	Gantz,	McClellan,	Snow,
Bryan,	Geary,	McKeighan,	Springer,
Buchanan, Va.	Gillespie,	McRae,	Stockdale,
Busey,	Gorman,	Meredith,	Stone, Ky.
Butler,	Grady,	Miller,	Stout,
Caminetti,	Greenleaf,	Mitchell,	Terry,
Capehart,	Hare,	Moses,	Tillman,
Caruth,	Harmer,	Oates,	Townsend,
Cate,	Hatch,	O'Ferrall,	Turpin,
Chipman,	Haugen,	O'Neill, Pa.	Waugh,
Clark, Wyo.	Hayes, Iowa	Outhwaite,	Weadock,
Clarke, Ala.	Heard,	Patterson, Tenn.	White,
Clover,	Henderson, Iowa	Patton,	Whiting,
Cobb, Ala.	Hilborn,	Paynter,	Williams, Ill.
Cobb, Mo.	Hitt,	Pearson,	Wilson, Mo.
Coburn,	Hooker, N. Y.	Peel,	Winn,
Cooper,	Hopkins, Ill.	Pendleton,	Wise,
Covert,	Houk, Tenn.	Perkins,	Wolverton,
Cox, N. Y.	Johnson, Ind.	Pickler,	Youmans.
Cox, Tenn.	Johnson, N. Dak.	Pierce,	

NAYS—59.

Bacon,	Dingley,	Lind,	Stahlnecker,
Beltzhoover,	Dockery,	Martin,	Stephenson,
Bentley,	Dunphy,	McCreary,	Stone, W. A.
Bontelle,	Geissenhainer,	Morse,	Storer,
Bretz,	Grout,	Mutchler,	Taylor, Ill.
Brosius,	Hall,	O'Donnell,	Taylor, J. D.
Brown, Ind.	Halvorson,	Ohliger,	Taylor, V. A.
Bunn,	Hamilton,	O'Neil, Mass.	Tracey,
Bynum,	Harmes,	Otis,	Turner,
Coombs,	Harter,	Payne,	Wadsworth,
Crosby,	Hopkins, Pa.	Powers,	Walker,
Dalzell,	Johnson, Ohio	Quackenbush,	Watson,
Davis,	Lawson, Ga.	Raines,	Wilson, Ky.
De Armond,	Lester, Ga.	Randall,	Wilson, W. Va.
Dickerson,	Lewis,	Ray,	

NOT VOTING—139.

Abbott,	Clancy,	Hooker, Miss.	Rayner,
Alexander,	Cockran,	Houk, Ohio	Reed,
Allen,	Cogswell,	Huff,	Reyburn,
Andrew,	Compton,	Hull,	Rife,
Babbitt,	Coolidge,	Johnstone, S. C.	Robinson, Pa.
Bartine,	Cowles,	Jones,	Russell,
Beeman,	Crain,	Kendall,	Sanford,
Belden,	Crawford,	Ketcham,	Seerley,
Bergen,	Culberson,	Kilgore,	Shively,
Bingham,	Cutting,	Lagan,	Sipe,
Bland,	Dixon,	Lauman,	Smith,
Blount,	Dolliver,	Lapham,	Sperry,
Boatner,	Donovan,	Little,	Stevens,
Branch,	Dungan,	Lockwood,	Steward, Ill.
Brawley,	Ellis,	Lodge,	Stewart, Tex.
Breckinridge, Ark.	English,	Loud,	Stone, C. W.
Breckinridge, Ky.	Enloe,	Magner,	Stump,
Brickner,	Fellows,	McAleer,	Sweet,
Broderick,	Fitch,	McGann,	Tarsney,
Brookshire,	Forman,	McKaig,	Taylor, Tenn.
Brunner,	Forney,	McKinney,	Taylor, E. B.
Buchanan, N. J.	Fowler,	McLaurin,	Tucker,
Bullock,	Funston,	McMillin,	Van Horn,
Bunting,	Fyan,	Meyer,	Warner,
Burrows,	Goodnight,	Milliken,	Washington,
Bushnell,	Griswold,	Montgomery,	Wever,
Byrns,	Hallowell,	Moore,	Wheeler, Ala.
Cable,	Haynes, Ohio	Newberry,	Wheeler, Mich
Cadmus,	Hemphill,	Norton,	Wike,
Caldwell,	Henderson, N. C.	O'Neill, Mo.	Willcox,
Campbell,	Henderson, Ill.	Owens,	Williams, Mass
Castle,	Herbert,	Page,	Williams, N. C.
Catchings,	Hermann,	Parrett,	Wilson, Wash.
Causey,	Hoar,	Pattison, Ohio	Wright.
Cheatham,	Holman,	Price,	

So the House decided to consider the conference report.

The following additional pairs were announced:

Until further notice:

Mr. Tarsney with Mr. Henderson of Illinois.

For the rest of the day:

Mr. Lanham with Mr. Taylor of Tennessee.

Mr. Compton with Mr. Lodge.

Mr. Causey with Mr. Haynes.

Mr. Rayner with Mr. Caldwell.

The result of the vote was announced as above stated.

The SPEAKER. The House has decided to proceed with the consideration of this report.

Mr. TRACEY. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from New York [Mr. Tracey] will suspend a moment until a report can be presented from the Committee on Enrolled Bills.

SETTLEMENT OF AGRICULTURAL PUBLIC LANDS.

Mr. TRACEY. I wish to reserve points of order on the bill which the House has just decided to consider.

The SPEAKER. The Chair in the confusion has difficulty in hearing the gentleman.

Mr. TRACEY. Mr. Speaker, it is my intention to raise a point of order against portions of this conference report. I wish to state before the report has been read that I reserve all points of order against the report.

The SPEAKER. The report will be read, and then the gentleman can make any point of order that may be proper to be made. The Clerk will read the report.

Mr. TRACEY. If in order, it will very much clear the atmosphere surrounding this rather peculiar conference report to have the bill read and the Senate amendments thereto, so that the House may have a clear understanding of the matter that is about to come before it. I ask to have that done.

The SPEAKER. The Clerk will first read the bill as it passed the House, then the amendments of the Senate, and then the conference report.

Mr. TRACEY. I will ask for order during the reading. I think this is a matter of very considerable importance which members of the House would much desire to hear and understand.

The SPEAKER. The House will be in order.

The bill as passed by the House was read, as follows:

"A bill (H. R. 7028) to protect settlement rights where two or more persons settle upon the same subdivision of agricultural public lands before survey thereof.

"*Be it enacted, etc.*, That where settlements have heretofore or hereafter been made upon agricultural public lands of the United States prior to the survey thereof, and it has been or shall be ascertained, after the public surveys have been extended over such lands, that two or more settlers have improvements upon the same legal subdivision, it shall be lawful for such settlers to make joint cash entry of their lands at the local land office, or for either of said settlers to enter into contract with his co-settlers to convey to them their portion of said land after patent for him, and after making said contract to make homestead entry in his own name, and prove up and pay for said land; and proof of joint occupation by himself and others, and of such contract with them made, shall be equivalent to proof of sale, occupation, and homestead entry by the applicant: *Provided*, That in no case shall the amount patented under this act exceed 160 acres, nor shall this act apply to lands not subject to homestead entry."

The amendment of the Senate was read, as follows:

"After line 19 insert the following:

"'SEC. 2. That an act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, be, and the same is hereby, amended by adding thereto the following provision: "*And provided further*, That any person who has made entry of any public lands of the United States under the timber-culture laws, and who has heretofore for a period of eight years in good faith attempted to comply with the provisions of said laws, and who at the time of making the entry was a bona fide resident of the State or Territory in which said land is located, or residing within five miles of the boundary line of such State or Territory, and where there was no pending contest on March 3, 1891, shall be entitled to make final proof thereto and acquire title to the same by payment of the customary fee for final proofs in homestead entries: *Provided*, That any person who has made entry upon any public lands of the United States under the timber-culture laws, and who has for a period of four years in good faith complied with the provisions of said laws, shall be entitled to make final proof thereto and acquire title to the same by the payment of $1.25 per acre for such tract, under such rules and regulations as shall be prescribed by the Secretary of the Interior, and registers and receivers shall be allowed the same fees and compensation for final proofs in timber-culture entries as are now allowed by law in homestead entries."

"'That section 24 of an act entitled "An act to repeal the timber-culture laws, and for other purposes," approved March 3, 1891, be amended by adding thereto the following words: "And he may, when deemed expedient, vacate any such reservation or any portion thereof, and by like proclamation restore the same to the public domain, subject to disposition under the land laws of the United States."

"'That whenever any person has initiated, in good faith, by settlement or otherwise, a claim to any of the public lands of the United States which shall afterwards be selected and withdrawn as a permanent site for a reservoir under any act of Congress, said person so initiating such claim may nevertheless make final proof and payment for said land and receive a patent therefor: *Provided, however*, That in all such cases the patent issued to such person shall contain a reservation in favor of the United States without any claim for cost or damages of any kind against the United States, its grantees or assigns, reserving the right to use so much of said land as may be found necessary for the purpose of constructing a reservoir or reservoirs thereon.

"'That whenever any settler upon lands which have been selected for reservoir sites under any act of Congress shall file in any United States land office an affidavit, corroborated by at least two witnesses residing in the vicinity of the land, setting forth that the lands so selected as aforesaid are not suitable for reservoir purposes, and can not be used for such purposes practicably, the Commissioner of the General Land Office shall order a hearing to be held to determine whether it is practicable to permanently reserve the said lands for the purposes contemplated by law, which said hearing shall be held as other hearings ordered by the Commissioner are held, and should it be finally determined in favor of the settler the land settled upon shall be held subject to entry by him in accordance with the settlement laws for thirty days from notice of the decision which shall be given him by the land officers for the proper land district.

"'That the agents appointed by the Department of the Interior to investigate claims under the swamp-land act, approved September 28, 1850, shall have the power to administer oaths and to compel the attendance of witnesses both on behalf of the State and of the United States, and witnesses swearing falsely before them shall be deemed guilty of perjury, and shall, on conviction, be punished as now prescribed by law.

"'SEC. 3. That where soldiers' additional homestead entries have been made or initiated upon certificate of the Commissioner of the General Land Office of the right to make such entry, and there is no adverse claimant, and such certificate is found erroneous or invalid for any cause, the purchaser thereunder, on making proof of such purchase, may perfect his title by payment of the Government price for the land. And nothing herein contained shall prevent the location of soldiers' homestead certificates heretofore issued under the rules and regulations of the General Land Office under section 2306 of the Revised Statutes of the United States, and patent shall issue therefor in the name of the locator, and issued and transferred in good faith prior to March 16, 1883.'

"Amend title so as to read:

"'To protect settlement rights where two or more persons settled upon the same subdivision of agricultural public lands before survey thereof, and for other purposes.'"

The SPEAKER (before the reading was concluded). The gentleman from Arkansas [Mr. MCRAE] will give his attention. The title as it occurs in these amendments does not appear to be the same as the title of the House bill.

Mr. TRACEY. That is one of the points which will appear later on. The title has been materially changed.

The Clerk resumed and concluded the reading of the Senate amendments.

The SPEAKER. The Clerk will now read the conference report.

The Clerk read as follows:

"The committee of conference on the disagreeing votes of the two Houses

on the amendments of the Senate to the bill (H. R. 7028) entitled "An act to protect settlement rights where two or more persons settle upon the same subdivision of agricultural public lands before survey thereof," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

"That the House recede from its disagreement to the amendments of the Senate and agree to the same amended as follows:

"'In lines 4 of said Senate amendments, after the word "provision," strike out the words "*And provided further*, That any person who has made entry of any public lands of the United States under the timber-culture laws, and who has heretofore for a period of eight years in good faith attempted to comply with the provisions of said laws, and who at the time of making the entry was a bona fide resident of the State or Territory in which said land is located, or residing within 5 miles of the boundary line of such State or Territory, and where there was no pending contest on March 3, 1891, shall be entitled to make final proof thereto and acquire title to the same, by payment of the customary fee for final proofs in homestead entries," and insert—

"'SEC. —. That section 1 shall not be construed so as to interfere with any valid right or contest initiated prior to the passage of this act: *And provided further*, That any person qualified to make entry, and who has a subsisting entry under the timber culture laws, and who has for at least eight years in good faith attempted to comply with the provisions of said laws, shall be entitled to make final proof, upon the payment of the fees required in homestead entry, and such attempt in good faith to comply with said laws shall be construed to entitle the entry man to all the benefits of said timber-culture laws and amendments thereto, and in computing the time before final proof under said timber-culture laws and acts amendatory thereof the same shall commence at date of entry."

"Strike out lines 27 to 35 inclusive and insert:

"'SEC. —. That any public lands embraced within the limits of any forest reservation made under section 24 of the act approved March 3, 1891, which after the examination shall be found better adapted to agricultural than forest uses, may be restored to the public domain upon the recommendation of the Secretary of the Interior, with the approval of the President, after sixty days' public notice in two newspapers of general circulation in the State where the reservation is situated.

"'SEC. —. That the Secretary of the Interior, with the assistance and cooperation of the Secretary of War, shall make provision for the protection against fire and depredations of the forest reservations, and the Secretary of the Interior shall make such proper rules and regulations for the occupancy and utilization of said reservations as will preserve the forest cover from destruction and insure the objects of the reservations.'

"Strike out lines 52 to 69, inclusive, of the second amendment of the Senate and all of the third amendment of the Senate, and insert in lieu thereof the following:

"'SEC. —. That the proper officers of the Department of the Interior and of the Treasury shall finally adjust and settle the claims of any State against the United States for all lands which have been sold or located by warrant or scrip that were included in any grant of swamp and overflowed lands, and in such settlement and adjustment such State shall, upon filing proper relinquishment and waiver to the land in place, in the manner to be prescribed by the Secretary of the Interior, be allowed, credited, and paid the purchase money to the amount of $1.25 per acre for all such lands situated therein as have been erroneously located by warrant or scrip therein, the amount of indemnity to be limited to the price at which the lands were held at the date of location, but not to exceed $1.25 per acre: *Provided*, That all claims for land or indemnity under any of the swamp-land laws or under this act shall be forever barred for lands now surveyed, unless presented to the Secretary of the Interior within one year from the passage of this act, and for lands unsurveyed, unless presented within one year after the filing in proper local land office of a copy of the officially approved township plat of the survey of the township in which said lands may be situated: *Provided further*, That under no circumstances shall more than $2,000,000 be paid under the provisions of this act for lands sold or located by warrant or scrip since March 3, 1857, and no money shall be paid to any State until the claim of each State under the swamp-land grant and under this act has been adjusted, so far as the surveyed land in each State will permit of such adjustment; and should the claims of the various States amount to more than the said $2,000,000, the claims shall be settled by the payment of said sum pro rata among the States, according to the number of acres each State is found to be entitled to under said adjustment.

"'SEC. —. That in those States which elected to make the field notes of the United States Government survey the basis for determining what lands passed to them under the swamp grant, together with the State of California, the State will not be permitted to offer any other evidence in support of any claim to any tract of land as swamp, but said field notes shall be final in determining the character of the land; and in those States where evidence is to be taken as to the character of the land the Commissioner of the General Land Office shall notify the governor of the State of the amount of estimated cost of the investigation into the character of any tract or tracts of land claimed by the State as swamp, and request that said amount be deposited in the Treasury of the United States, and after said investigation is concluded, if the claim of the State is allowed, said sum shall be returned to the State; but if the claim of the State is rejected, the balance only, if any, above the cost of the investigation shall be returned, and it shall be the duty of the Secretary of the Treasury to return said money upon an account rendered by the Commissioner of the General Land Office, approved by the Secretary of the Interior; and if any State shall neglect or refuse for a period of ninety days after notice to deposit said sum, the claim of the State to the tract or tracts of land in question shall be considered as abandoned and forever barred without further investigation: *Provided*, That the Secretary of the Interior shall have the power to determine what shall be satisfactory and sufficient evidence as to the character of the land at the date of the swamp grant: *Provided further*, That any agent or inspector appointed by the Department of the Interior to investigate claims under this or prior acts shall have the power to administer oaths and take affidavits of witnesses, both on behalf of the State and the United States, and any witness swearing falsely before such agent or inspector shall be deemed guilty of perjury, and shall, on conviction, be punished as now prescribed by law: *Provided further*, That nothing in this act shall deprive the Government of the right to investigate the matter, in any alleged fraudulent returns of Government surveys, and if land is falsely returned as swamp the claim to the same shall be rejected.

"'SEC. —. That upon the relinquishment, release, and quitclaim, in such form as may be approved by the Secretary of the Interior, to the United States by the State of Arkansas of all her claims and demands against the United States for the 5 per cent fund allowances under the act approved June 23, 1836, for keeping prisoners under the Executive order of February 5, 1867, for a portion of the distribution fund under the act approved September 4, 1841, for indemnity under the acts approved March 2, 1855, March 3, 1857, and under this act, and for all swamp and overflowed lands under the act approved September 28, 1850, not heretofore approved to the State, and all other claims of whatever kind or nature, the Secretary of the Treasury may, in his discretion, cancel or deliver to the proper officer of the said State of Arkansas all the bonds and coupons issued by the said State now in the possession of the Treasurer of the United States and owned or held in trust by the United States as a full and final compromise and settlement of accounts between the said State and United States.

"'SEC. —. That where soldiers' additional homestead entries have been made or initiated upon certificate of the Commissioner of the General Land Office of the right to make such entry, and there is no adverse claimant, and such certificate is found erroneous or invalid for any cause, the purchaser thereunder, on making proof of such purchase, may perfect his title by payment of the Government price for the land. And nothing herein contained shall prevent the location of soldiers' homestead certificates heretofore issued under the rules and regulations of the General Land Office under section 2306 of the Revised Statutes of the United States, or in pursuance of the decision or instructions of the Secretary of the Interior of date of February 1, 1883, when such certificates have been transferred or sold to purchasers in good faith; and all such transfers or sales shall be treated and considered as valid, and patent upon all such locations shall issue in the name of the transferee.

"'SEC. —. That in all cases arising under the homestead or the late preemption laws, where notice of the intention to make final proof has been or shall be published, as provided by the act of March 3, 1879 (20 Stats., 472), and final entry made thereunder, and where no lawful adverse claim has been or shall be filed with the register or receiver of the proper land office prior to such final entry, no contest shall be thereafter allowed by the Commissioner of the General Land Office or local land office: *Provided*, That nothing herein shall be construed to prevent the cancellation or holding for cancellation any entry for fraud on the part of the entryman.'

"Strike out the following: 'To protect settlement rights where two or more persons settle upon the same subdivision of agricultural public lands,' and insert the following as the title to the bill: 'To protect settlers, regulate contests, control forest reservations, adjust the swamp-land grants, and for other purposes.'

"That the sections be numbered consecutively.

"And the Senate agreed to the same.

"THO. C. McRAE,
"JOHN O. PENDLETON,
"J. A. PICKLER,
"*Managers on the part of the House.*

"J. N. DOLPH,
"R. F. PETTIGREW,
"JAMES H. BERRY,
"*Managers on the part of the Senate.*"

Mr. TRACEY. Mr. Speaker, I wish to make some points of order against this conference report. I claim, first, that it violates, in my opinion, the rules, practice, and custom of the House which limit the conferees appointed by the House to certain lines of procedure within their jurisdiction when in conference.

In the first place, the conference committee can not change the text of a bill to which both Houses have agreed, as they are limited strictly to the matters in dispute between the two Houses. A conference committee may report a substitute if the Senate present a substitute, but the conferees can not inject new matter not in dispute between the two Houses into their report for the reason that it presents a new subject not considered by either House.

A conference report can not be received if it contains new matter, which ruling by Mr. Speaker Blaine on the point of order made by the late President Garfield was acquiesced in unanimously by the House. Mr. Speaker, the additions which have been made in conference are not germane to the original subject-matter of the bill as it passed the House nor to any of the Senate amendments.

Now, sir, I will be obliged to in great part rely upon the judgment of the Chair in deciding this matter, without being able to point out to the House in detail the objectionable features of the bill, for the reason, which may be evident to all, that this House bill which has been read was a simple measure regarding the forestry laws, and went to the Senate, where some amendments were added to it; then came back to the House, was submitted to a conference committee, and the conferees have practically brought in a new bill, which is a bill made up of several bills not considered by the House.

It is well known, Mr. Speaker, to the members of this House that for some years past efforts have been made to open up the subject of the swamp lands of the country, to change the existing laws by which adjustments are now being made, and practically to set aside the statute of limitations, so that people who have claims, or pretend to have them, against the Government may come before the Land Office of the Interior Department and secure large amounts of money for them.

In my opinion, Mr. Speaker, the laws which were enacted about 1850 to 1857 gave to the people then the power to present their claims to the Government, and practically a great majority, at all events, I will say, of the just claims were filed at that time, and since that period additional claims have also been filed, and, as is shown by the reports from time to time, bills of this character, sometimes extending more in number than at other times, and at other times presented in different forms, have been considered, but so far the resistance has been sufficient to prevent change of existing law on the subject.

The Commissioner of the General Land Office in 1891 in his report recommends strongly against there being any doing away of the present limitations permitting the filing of these claims. We have already in this House had a discussion of this matter. Letters were read from the Commissioner of the General Land Office in which he did not approve of the bill then presented, and the House did not pass it.

Since then I have had some occasion to investigate on my own account, by reason of the allusions made to my interference when I opposed the measure in the House, and I took the precaution, Mr. Speaker, to address a communication to the Secretary of the Interior. He did not recommend the passage of the bill which had been before the House.

Now, Mr. Speaker, I wish to call the attention of the Chair and the House to what is deemed to be the duty of a conference committee appointed in such matters. We know that in the closing hours of Congress, such as we find ourselves in to-night, it is very difficult for members of the House to pay attention and realize everything that is being done on the floor of the House and in conference committees, and hence when conferees are appointed they are in duty bound to pay particular attention to the rules, practice, and precedents and will or wishes of the House, under every and all circumstances not to permit anything to be done which by any possibility could amount to a deception on the House, which has intrusted to them the consideration of matters so delicate to be settled, upon which the House is bound to rely.

Mr. Speaker, with reference to the point of order I have made, I refer the Speaker to the Digest of the second session of the Fifty-first Congress, page 350.

I will read this, Mr. Speaker, where it says:

"Neither is it competent for a conference committee to change the text of a bill to which both Houses have agreed, for it is not in conference and the committee has no jurisdiction of the subject-matter of the text."

And this Digest refers then to a ruling made by Speaker Clay in the first session of the Twelfth Congress, House Journal of 1812. The reference to that I have not with me, but it bears out the general statement I have made.

My claim is that this new matter is out of order, because a conference committee can not report a substitute which has not been proposed in either the Senate or the House and disagreed to by the other body.

In other words, it can not inject or present new matters not in dispute between the two Houses.

And on page 354 of the same Digest it is stated:

"It is in order for a conference committee to report a substitute bill for an original bill, and a substitute therefor proposed by the other House; where two separate bills have thus been referred to a conference committee it is in order to take either, or propose a new bill embracing parts of either.

"The committee has a right to report any bill that is germane to the bills referred to them."

Now, Mr. Speaker, in neither the bill nor the Senate amendments originally made were swamp lands treated, and I have heard enough of the proposed bill to satisfy me that the committee has exceeded its authority, and I make the point of order on this account against the conference report that it is against order, sound parliamentary practice, procedure, and well-established precedents, and on this question I ask for the ruling of the Chair.

Mr. McRAE. Mr. Speaker, I shall try not to discuss the merits of this proposition on the pending point of order, as has been done by the gentleman who has made it.

The only question presented by the point of order, as I understand the rules, is whether the amendment proposed by the conference committee is germane to the Senate amendment. That there is a matter in dispute between the two Houses touching swamp-land claims there can be no doubt.

The amendments first read by the Clerk, three pages of printed matter, relate to contests, to forest reservations, reservoir sites, to swamp-land claims, etc. These were all disagreed to by the House. The Senate asked for a conference. The House agreed to it, and the bill went to a conference committee. The first section of the bill was not amended in the Senate, but to that were added, as amendments, the provisions in question. I call the attention of the Speaker to one paragraph of the Senate amendment. It relates directly and exclusively to swamp-land claims, and is as follows:

"That the agents appointed by the Department of the Interior to investigate claims under the swamp-land act, approved September 28, 1850, shall have power to administer oaths and to compel the attendance of witnesses, both on behalf of the State and of the United States, and the witness swearing falsely shall be punished as in cases of perjury."

That, with the other paragraphs, was disagreed to by the House. In lieu of that paragraph the conference committee have submitted a proposition providing, when such agents shall be allowed to investigate swamp-land claims, by limiting them only to such States as have not adopted the field notes as the basis of settlement.

The report of the conference committee makes the field notes of the United States conclusive proof as to the character of the land, and provides for the adjustment of the claims without other testimony in certain States and along lines that have been suggested or approved by the Department of the Interior. This amendment, relating to swamp-land adjustment, was prepared by the Interior Department, and has received the approval of the Commissioner of the General Land Office. It looks to the settlement of the grants in question in other methods than those suggested by the Senate amendment, but adjustment is the ultimate object of both the Senate amendment and conference report.

The Senate amendment authorizes the investigation of the claims of the States under the swamp-land act, and would grant to the agents appointed by the Department for that purpose power to compel the attendance of witnesses. For what, I ask, is this investigation of such claims to be had? Evidently it is to enable the Interior Department to adjust and finally settle them. The conference report deals with the same character of claims, but proposes another method of adjustment for the most of the States. Both look to the adjustment of the same claims.

Mr. OUTHWAITE. Will the gentleman yield for a question?

Mr. McRAE. I will.

Mr. OUTHWAITE. I would like to ask whether this proposition was ever voted upon or considered by either House?

Mr. McRAE. The Senate proposition was.

Mr. OUTHWAITE. By which House?

Mr. McRAE. By both. It was proposed by the Senate as an amendment, and then disagreed to by the House, and sent to conference; and now, in lieu of that, the conference committee have submitted a proposition that has for its object the final, just, legal, and quick closing of this whole swamp-land matter, rather than to sending out agents to take testimony touching the character of the land in 1850, as the Senate proposed.

The question to be investigated is whether the land was swamp and overflowed at the time of the grant. That question the conference report will allow to be determined by the Secretary of the Interior upon the field notes of the Government surveys.

There is a reason for this. This Government has paid within the last twelve years $294,000 to special swamp-land agents for investigations of this character. It is time to stop such extravagance. The conference committee propose that the surveys made by the Government surveyors shall be made the basis of settlement and require those States that will not agree to be bound by them to deposit the estimated costs before examinations are made in the field by agents.

Now, the test, Mr. Speaker, as I understand the rule and practice, is this: Is the amendment proposed by the conference germane to the amendment of the Senate to the House bill; and if so, is it in order, whether it is germane to the original proposition or not? Would anyone insist that with the Senate amendment pending in the House as an independent measure that the proposition of the conference committee could not be substituted for it?

I ask the Clerk to read from the Digest the paragraph which I have marked on page 318.

The Clerk read as follows:

"Although the Senate had amended a bill of the House by striking out all after the enacting clause and inserting a different proposition in some respects, yet, having the same object in view, the question presented was not whether the provisions excepted to in the conference report were germane to the original House bill, but whether they were germane to the Senate amendment. In the opinion of the Chair they were clearly germane, for though different from the provision contained in such amendment, they related directly to the same subjects, and under the common parliamentary law and practice might be made, by way of amendment, a substantially different proposition from that originally passed by the House."

Mr. McRAE. In this case, as in the one cited, the propositions are different, but they relate directly to the same subject. Here the amendments both relate to swamp-land contests. The House bill treated of contests between settlers upon unsurveyed lands. The Senate extended it so as to cover those having claims under the timber-culture act, and those on reservoir sites, and to swamp land claims.

The main purpose of the first bill was the settling of contests. That is still the object sought by the conference report. And again, Mr. Speaker, this bill as amended by the Senate is a general land bill, and from beginning to end deals with the methods of the Department touching practice and administration. Such was the general character of the amendments made by the Senate, as well as those proposed by the conference committee. It seems to me there can be no question but that the point of order should be overruled. By a large vote the House has voted to consider the report.

Mr. Speaker, I have but to refer to the bill to which this is an amendment, to wit, the bill of March 3, 1891, passed by the Fifty first Congress, for a precedent for the action of the committee. That was a bill of one section, I believe, as this was originally. Upon that section a conference committee constructed a general bill of many subjects of twenty-four sections; and that was held to be in order by the Speaker of the last House, and is the law to-day. Nothing is more common in this House except to legislate upon appropriation bills.

Why, Mr. Speaker, half the legislation of Congress is shaped in conference. In the very nature of the case it must be prepared there when the two Houses of Congress disagree. I have nothing to conceal about the course which has been taken in this matter. I regret that by filibustering and misrepresentation the friends of this bill have been denied a vote on it in the House in the usual way, and that we have been driven to the necessity of reaching it in this way; but we have reached it fairly and openly under the rules and without any concealment. There is only one section in this bill which has not been considered by the Committee on Public Lands of this House.

There is not a section in it that does not meet the unqualified indorsement of the Department. It has been unanimously adopted by the Senate, where we have two of the ablest ex-Secretaries of the Interior we have ever had. I mean Senators VILAS and TELLER. The House has always approved it, because it is just and honest. It is an important matter not only to the United States, but to the swamp-land States and settlers as well. I believe that it is as just and honest a measure as was ever presented to the Congress of the United States; I believe the conference report is in accordance with the practice and rules of the House.

Now, Mr. Speaker, I will not refer to other decisions. It seems to me that the one I have cited ought to be conclusive upon the point in issue, and the point of order should be overruled.

I reserve the balance of my time.

[Cries of "Rule!"]

Mr. DINGLEY. Mr. Speaker, I desire to be heard very briefly. This is an exceedingly important matter, involving, as it does, the power of conference committees; it may be not simply for this particular bill, but may be as a precedent for the future. I take it for granted that nothing is better settled by the practice of the House and of all parliamentary bodies than that a conference committee can not touch any portion of a bill that has been committed to them as to which both Houses have agreed, and that it is to points of difference between the two Houses that they are confined, and the particular proposition on which there is a disagreement, otherwise conference committees could proceed outside of that entirely and legislate indiscriminately.

Now, I call attention briefly to one thing that has been done in this conference report, and to that I desire the attention of the Chair and of the House. A bill with reference to some disputed settlers' claims, containing comparatively a few lines, passed this House and was sent to the Senate. The Senate struck out all after the enacting clause and inserted another bill, one provision of which was as follows, this being the provision on which the conference committee seek to obtain jurisdiction:

"The agents appointed by the Department of the Interior to investigate claims under the swamp-lands act of September 28, 1850, shall be authorized to administer oaths."

A simple authority was given by the Senate provision to these agents to administer oaths in the investigation of swamp-land claims. Now, that was the original proposition, as to which this House was in disagreement with the Senate, and which was referred to the committee of conference.

On the basis of a disagreement as to that proposition simply, the committee of conference have included the extensive swamp-land adjustment bill, which has been once defeated in this House, a bill which authorizes the adjustment of these claims to the extent of $2,000,000; a bill of the utmost importance, fastened upon a proposition as to whether the agents appointed to adjust these claims shall be authorized to administer oaths—a proposition on which there was a disagreement which was referred to the committee of conference. Undoubtedly the committee of conference could report any amendment relating to the administering of oaths.

There can be no doubt about that. But they have gone outside of that, and undertaken to fasten the complete swamp-lands adjustment bill, to the extent of $2,000,000, a bill covering pages, a bill which has been rejected in this House. It seems to me, Mr. Speaker, that there can be no question but that the committee of conference have gone entirely beyond their jurisdiction.

Mr. PICKLER. This bill never has been considered in this House.

The SPEAKER. This is a very important question. The Chair is ready to decide it. The decision must be made without as much examination of precedents as the Chair would like, but under existing circumstances further delay must be avoided.

The question for the Chair to determine is whether the amendment which has been agreed to and reported by the conference committee is germane to the amendment of the Senate, or to the original bill. The amendment may not be germane to the original bill, yet if it is germane to the Senate amendment, the conference committee might report it.

The Chair thinks, and has always thought, that the practice of enlarging the powers of conference committees beyond the strict letter of the rule was wrong, that conferees ought to be held to the rule, and that amendments they propose in conference reports shall be germane either to the original text or to the amendment. The portion of the Senate amendment which the gentleman from Arkansas [Mr. McRAE] claims justifies and authorizes the amendment which the conference committee have reported in this case will now be read by the Clerk.

Mr. McRAE. Mr. Speaker, I also insist that, as the original bill related to contests, and as these matters of contest grow out of swamp lands, and as a part of the amendment of the Senate relates to contests, therefore, for that further reason, the amendment is germane.

The SPEAKER. The Clerk will report the part of the Senate amendment marked by the Chair.

The Clerk read as follows:

"That the agents appointed by the Department of the Interior to investigate claims under the swamp-lands act approved September 28, 1850, shall have the power to administer oaths and to compel the attendance of witnesses both on behalf of the State and of the United States, and witnesses swearing falsely before them shall be deemed guilty of perjury, and shall, on conviction, be punished as now prescribed by law."

The SPEAKER. The Clerk will now read from the Digest the paragraph which the Chair has marked.

The Clerk read as follows:

"The well-settled rule with respect to the jurisdiction and proceedings of a conference committee is that it is not competent for such committee to consider and report to their respective Houses any new matter, subject, or

proposition not in dispute between the two Houses, for the reason that such new matter, subject, or proposition has not been referred to said conference committee, and in that respect it has no greater authority or jurisdiction than is possessed by a standing or a select committee of either House.

"A conference is always asked and granted upon certain specified amendments, and necessarily must be restricted and confined to them; the exceptions being that additional matter which is germane to any particular amendment or amendments is in order. The practice in this regard has, however, been quite loose and irregular, owing largely to the fact that Congress has been without joint rules since the Forty-third Congress."

The SPEAKER. As stated in the Digest, the practice in this matter has been somewhat loose and irregular; yet the Chair thinks that conference committees ought to be held to a strict construction of the rule. In the opinion of the Chair conference committees should keep strictly within the rule, which is that any original amendment which they may recommend to the two Houses must be germane either to the original bill or to the amendments which are in dispute.

The Chair understands that the subject of this Senate amendment is the administration of oaths by special agents of the Interior Department in the investigation of frauds under the swamp-land act. The Chair understands that the amendment reported by the committee goes beyond any question of the duties of such agents, and provides for the adjustment, under the swamp-land act, between the several States and the United States Government of a large number of claims that are unadjusted.

The Chair, regretting, as he stated at the outset, that he has not more time to consider carefully the text of the bill and the precedents on the question, decides that this conference report goes beyond the power and jurisdiction of a conference committee, and can not be received by the House. [Applause.]

Mr. MCRAE. The Chair quoted the Senate amendments as authorizing simply the investigation of frauds under the swamp-land act. In that respect the Chair did not quote correctly. The Senate amendment provides for the investigation of "claims under the swamp-land act"; that is, claims of the States, the same subject to which the conference report relates.

The SPEAKER. The amendment does use the word "claims." The gentleman is correct.

Mr. MCRAE. In view of this correction, does the Chair hold to the same opinion?

The SPEAKER. The Chair is of the same opinion.

Mr. MCRAE. Then, Mr. Speaker, while regretting to do so, I respectfully appeal from the decision of the Chair.

Mr. BLOUNT. I move that the appeal be laid on the table.

The motion of Mr. Blount was agreed to; and the appeal was accordingly laid on the table.

Mr. PEFFER. Mr. President, I desire to be heard briefly on this bill. The substance of the bill has been before Congress in one form or another for some six or eight years. If my information is correct, in 1888 there was a movement made to inaugurate a compromise, something on the line of the one now before us, and a similar measure was introduced several times afterwards, until finally the act of 1894 authorized the proceeding which has resulted in the compromise which this bill proposes to ratify.

It appears that as far back as 1838 the legislature of Arkansas passed a bill to incorporate a real-estate bank, or a bank resting upon capital secured by mortgages on real estate, with a capital of $2,000,000. The bank was authorized to borrow money to carry on its business, the State guaranteeing the bonds. Out of that act and the proceedings following it came the borrowing by the State of Arkansas from the United States of the money represented by the bonds provided for in this agreement.

The State of Arkansas was admitted in 1836. Some years afterwards several acts of Congress were passed granting to that State, as had been done to other new States, certain swamp lands, different acts of Congress granting the same character of land. Some were for one purpose and some for another. I have a statement here showing what the different land grants were for. One of them was for building court-houses and jails, one of them for public buildings at the capital of the State, one for educational purposes, and so on.

The State of Arkansas has not paid any of the bonds. I have a statement showing the total number of the bonds which the State owes to the United States, amounting in all to $793,000. The bonds were issued at different times. The State has ceased to pay the interest upon them, beginning with the first as far back as 1861. Now the accumulated interest unpaid amounts to $1,878,952.50. The principal being $792,000, it appears that the interest due and unpaid—perhaps Senators will quarrel about the word "due"—but the interest unpaid, at least, amounts to more than twice as much as the principal; and if the principal and accumulated interest were added together they would amount to a total of $2,671,952.50. Then there is an amount due the State of $202,000. Subtracting that leaves a total amount due the United States of $2,469,659.17. The State comes in with a counterclaim, if I may use the expression, and a compromise, a settlement, is asked. The act of Congress of 1894 provided:

That the Secretary of the Treasury and the Secretary of the Interior, acting as agents of the United States, should deal with the governor of the State of Arkansas as the agent of that State, and that they should agree if possible upon a compromise.

Now, we have that compromise included in the report of the Committee on Public Lands, and it is for the purpose of ratifying the compromise so entered into that the pending bill has been prepared. It appears that the first thing agreed upon by the representatives of the United States with the governor of Arkansas is—

To surrender to the party of the second part—

Namely, the State of Arkansas—

for cancellation 500 6 per cent coupon bonds of $1,000 each, numbered from 1 to 500, inclusive, dated January 1, 1838, and matured October 26, 1861, issued by the State of Arkansas to secure a loan from the Smithsonian fund, and now held and owned by the United States.

The second part of the agreement is that the Government shall—

Surrender the coupons attached thereto, representing the unpaid accumulated interest on said bonds, amounting to the sum of $436,305.61.

Then, there are other recitals, 3, 4, 5, 6, and 7, all of the same character, going in groups of two, paragraph 3, for example, reading—

To surrender similar bonds.

And paragraph 4:

To surrender the coupons attached thereto.

And so on with 5, 6, and 7.

Then:

In consideration of the surrender by the parties of the first part to the party of the second part the bonds, coupons, and accumulated amounts of interest hereinabove set forth, the party of the second part, by virtue of the powers aforesaid conferred upon him, hereby makes the following agreement, conditioned on the approval thereof by Congress, namely:

1. To cause to be paid into the Treasury of the United States the sum of $572 within thirty days after the approval by Congress of this settlement.

2. To cause to be paid, at or before their maturity (January 1, 1900), the remaining Arkansas bonds, being 100 in number, of $1,000 each.

And this is all the cash that is proposed to be paid by the State of Arkansas to the United States in consideration of the surrender and cancellation of all of the bonds and all of the accumulated interest thereon in addition. That would make $160,572. Those two items are all that the State proposes to pay.

Again:

As a further consideration for the surrender of the aforesaid bonds, coupons, etc., the party of the second part hereby relinquishes and quitclaims to the United States all claims or demands, adjusted or unadjusted, growing out of the act of September 28, 1850, known as the swamp-land act; also, all land or cash indemnity growing out of the acts of March 2, 1855, and March 3, 1857; also, all claims for indemnity school lands, the residue of the salt-spring lands, the residue of the lands under the court-house and jail grant (act June 15, 1832), the residue of lands under act of September 4, 1841, for internal improvements, the residue of the grant under the acts of March 2, 1831, and June 3, 1836, for public buildings, and all other claims or demands of whatever nature or character.

It is observed here that there are some five or six different classes of land that are proposed to be relinquished to the United States. It does not appear anywhere in the report from the committee to the Senate that any portion of those lands has been passed upon in the Land Office, or by the Secretary of the Interior, or by any person who is authorized to pass upon them. In other words, as far as I am able to gather the history of this case, a large portion of the lands referred to do not belong and never did belong to the State of Arkansas, because, as is shown in a report of the Commissioner of the Land Office which I have before me, a considerable portion of the lands were granted in such way that the land officers are not able to specify the exact quantity of land granted because of the absence of information to show just what lands were actually conveyed.

Then, further, as to some of the lands for which the State claims a cash indemnity under the terms of the grant it is not entitled to a cash indemnity. The State was entitled to lands, to lands in place. Not having selected the lands, not having asked for them, not having received a patent for them, in other words, having done nothing whatever about it, the State now claims a cash indemnity for them.

Still further, I find that the State claims cash indemnity of $5 per acre for land that could not be sold for 12½ cents an acre—land the original price of which was $1.25 an acre—and if they were all swamp lands they never have been worth more than 12½ cents an acre, and probably are not worth more than that now.

In order that I may get before the Senate the point I wish to make, I will read a paragraph from a letter of the General Land Office transmitting some land reports to the Public Lands Committee of the House of Representatives:

The subcommittee request more specific and definite information than is contained in the report which accompanies the articles of agreement; and submit a large number of questions for answer.

Many of the questions propounded are manifestly based on the official action of the Secretary of the Treasury and the Secretary of the interior, or their representatives, and upon these I shall refrain from expressing any opinion. To the questions that relate to the business of this office, I submit the following observations and answers, namely:

1. By office letter (M) dated November 17, 1894, there was transmitted to your office Tabular Statements 1, 2, and 3, showing the status of the State's claim under the school and internal-improvement grants as deduced from various data in the several divisions of this office, and an additional statement (with seven exhibits) showing the status of the claim under the swamp-land grant, as represented on the selection records of the swamp land division of this office. The seven exhibits above referred to are composed of hundreds of pages of listing paper, upon which are described, by subdivisions, sections, townships, and ranges, about 15,654 tracts—estimated to average 40 acres each and aggregating about 626,160 acres—remaining unsettled on the selection records of the swamp land division.

2. To the questions that relate to the business of this office I answer as follows:

Question 1. "How many acres of swamp lands in place are now due the State?"

Answer. This question can not be answered, for the reason that the swamp-land grant is not a grant of quantity, but is an indefinite grant. The grant is of * * * "the whole of those swamp and overflowed lands, made unfit thereby for cultivation, which shall remain unsold at the passage of this act," * * * and as no precise, satisfactory method of determining which are swamp from arable lands has been discovered, and as there is no limit of

time in which the State may assert new claims and no limit to the quantity it may claim and upon which it may demand a settlement by the Land Department, it is utterly impossible at this time to determine the amount due the State under the swamp-land grant.

Senators will see from the reading of the answer which I have just read from the Commissioner of the General Land Office that in one particular class of cases there is great difficulty of determining what particular lands are due the State and what are not due the State.

In connection with that matter I have two or three letters here from citizens of Kansas who are personally interested in those lands. One of the letters is from Atchison, and comes from a firm of lumber dealers who have friends and business associates in the State of Arkansas. The letter, which is directed to me, reads as follows:

We herewith inclose you copy of letter from Mr. F. Pierce, vice-president Arkadelphia Lumber Company, Daleville, Ark., to Hon. GEORGE M. CURTIS, M. C.; also copy of letter from C. C. Henderson to Capt. R. W. Huie, general manager and secretary Arkadelphia Lumber Company and general manager Ultima Thule, Arkadelphia and Mississippi Railway, both of which are self-explanatory. We would ask that you carefully examine the situation as explained in the inclosures, and we are satisfied that you will at once observe the injustice that is about to be attempted on innocent purchasers of these swamp lands.

Before I read further from this letter I will read a clause in the compromise, page 3, second paragraph:

It is also agreed that any person who has heretofore filed a declaration of preemption, resides on, cultivates, or has purchased, under the laws of the State of Arkansas, any selected and unconfirmed swamp land hereby relinquished to the United States, his heirs or assigns, shall have the preference right for one year from this date to purchase such land from the United States at the minimum price for public lands, under such rules and regulations as may be prescribed by the Secretary of the Interior.

It appears from this article that persons who have purchased any of these lands from the State of Arkansas under the laws of that State, such lands being now relinquished to the United States, shall have the right of purchase again from the United States. They may purchase twice. They have already purchased from the State of Arkansas and they have paid for the lands. Now they shall have preference over other persons for one year to purchase the same lands from the United States. There is where my people come in.

Mr. PLATT. Will the Senator allow me? Do I understand they will purchase at $1.25 per acre the lands for which we allow $5?

Mr. PEFFER. I am not certain as to what particular class the lands belong. I will read a little further, and perhaps we will both gather it. I did not think about identifying the particular class. They are swamp lands, I am confident, partly covered with timber. I read further from the letter:

These parties, with several others, and ourselves among the rest, bought and paid their money to the State of Arkansas in good faith for these lands, and certainly should not now be called on to help pay the debt due from the State of Arkansas to the Government of the United States. We paid our money in good faith for these lands and have since paid our taxes on them, which is all that is required by any civilized government dealing in good faith with its loyal citizens. We, with many others that have purchased a portion of these lands, are operating mills in Arkansas, and we hope that the Representatives in Congress from the State of Kansas will see to it that their constituents are not robbed.

You can see from the language used that those gentlemen are not feeling very kindly about it.

Then here is one of the letters referred to by my correspondent. It is dated Daleville, Ark., February 28, 1896, and is directed to Captain Huie, general manager of the Ultima Thule, Arkadelphia and Mississippi Railway, Arkadelphia, Ark. I begin with the second paragraph:

The more I think about the State of Arkansas, or any other State, especially under Democratic administration, which is always presumably above reproach, playing a double-handed game like the State of Arkansas is trying to play with innocent and honest purchasers of land from her, the more I am mortified and astounded. It is true that the State of Arkansas only quitclaims this land; but if I know anything about principle, equity, justice, or law, when I quitclaim a piece of property I part with all my right, title, and interest in said property, and would not have any manner or means or method of adjustment the moral or legal right to go and resell that piece of property to another person. The State of Arkansas sold this land to us, quitclaimed it, and now it proposes to use it in settling a debt that it owes the United States Government, knowing that, if it succeeds in working this land into this settlement with the Government, it defeats us and destroys our title to said land.

It may be that those gentlemen are all mistaken as to their rights and wrongs in the case, and I feel very confident that the Senators from Arkansas, who are strenuously urging the passage of the bill, would not present to the Senate for ratification a settlement which in their judgment is not in all respects just between the two parties. Nevertheless, while that is true, here are some persons who regard their interests as being jeopardized to a greater or less extent, and we have had so much experience of that kind in the Western country, that when in the distance even, when we smell the battle from afar, we are nervous and fearful lest we shall have to face a long and costly litigation. It is for that reason I think the motion made by the Senator from Iowa [Mr. GEAR] ought to prevail. The bill ought to be recommitted to the committee, with a view of having a little more time to procure the necessary information, in order that Senators may vote upon it intelligently.

I have information that an elaborate report is now in progress of preparation; that, in fact, the records of the Land Office have been ransacked and that every different act of Congress granting lands to the State of Arkansas for any purpose has been overhauled, and all the lands that have been granted or have been claimed or that are in any wise connected with this transaction are identified, and that a full report has been made in writing upon the entire subject involved in this great field of controversy. I think that in a short time, probably this week, as my information is, the report will be ready, so that we could use it here within a few days. If so, it would not only aid us here materially, but it would aid us in satisfying the people who are behind us.

When a similar bill was before the Senate at the last session I asked to have it amended by striking out the third paragraph, on page 3, but the Senators from Arkansas were then of opinion, as they are now, that we must adopt the report in toto or not adopt it at all; we might amend the bill, but we can not amend the report. I have been studying how the bill could be so amended as to cover the point really in controversy. But I do not see how it can be done, and for that reason I suppose we would either have to take the compromise just as it is and adopt it, or reject it as a whole. That is an additional reason why I should like the Senate to have a little more time on it.

Mr. JONES of Arkansas. Mr. President, I hope the Senate will not recommit the bill, for the reason that two years ago the Senate authorized two of the Secretaries, representing the Government, acting in conjunction with the governor of the State of Arkansas, to ascertain the indebtedness on each side and to make a settlement. They have gone over the complicated details of an unsettled account between the Government and the State running for sixty years. Of course there are litigated questions; there are equities on both sides of all those questions, and the very best that possibly could be done would be to make a just and equitable settlement of all these controversies.

I believe sincerely that the settlement made by the Secretaries and the governor yields a large amount of money justly and fairly due to the State, but we have been asking the Government for twenty years to make some sort of a settlement of the long-standing controversy. We are willing to accept this, which we regard as a hard settlement, rather than to have the matter stand open longer. I hope the Senate will now pass the bill and will not recommit it.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Iowa [Mr. GEAR] to recommit the bill to the Committee on Public Lands. [Putting the question.] The noes appear to have it.

Mr. CULLOM. I think we ought to have a yea-and-nay vote on the question. There are very few Senators here.

Mr. FAULKNER. Let the yeas and nays come on the passage of the bill.

Mr. BERRY. I hope the Senator from Illinois will allow the yeas and nays to come on the passage of the bill.

Mr. MORRILL. Let us take them on this question.

Mr. JONES of Arkansas. Let us take a vote on the passage of the bill.

The PRESIDING OFFICER. The yeas and nays are demanded. Is there a second?

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa to recommit the bill to the Committee on Public Lands.

The motion was rejected.

The bill was reported to the Senate without amendment.

Mr. MORRILL. I ask for a call of the Senate. There are very few Senators present.

Mr. PEFFER. I was just going to suggest the lack of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Clark,	Hoar,	Platt,
Allison,	Cockrell,	Jones, Ark.	Pritchard,
Bacon,	Cullom,	Lindsay,	Proctor,
Baker,	Daniel,	McBride,	Quay,
Bate,	Davis,	McMillan,	Roach,
Berry,	Dubois,	Mantle,	Sewell,
Blackburn,	Elkins,	Mills,	Teller,
Brown,	Faulkner,	Mitchell, Oreg.	Turpie,
Burrows,	Frye,	Morrill,	Vest,
Butler,	Gordon,	Peffer,	Walthall,
Call,	Gray,	Perkins,	Wetmore,
Cannon,	Hill,	Pettigrew,	Wolcott.

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. A quorum of the Senate is present.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Namely, the State of Arkansas—

for cancellation 500 6 per cent coupon bonds of $1,000 each, numbered from 1 to 500, inclusive, dated January 1, 1838, and matured October 26, 1861, issued

is of the whole of these swamp and overflowed lands, made unfit thereby for cultivation, which shall remain unsold at the passage of this act," * * * and as no precise, satisfactory method of determining which are swamp from arable lands has been discovered, and as there is no limit of

The bill ought to be recommitted to the committee, with a view of

was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. PEFFER. On that I call for the yeas and nays.

Mr. MORRILL. I move again that the bill be recommitted to the Committee on Public Lands.

The PRESIDING OFFICER. The Senator from Vermont moves that the bill be recommitted to the Committee on Public Lands.

Mr. BAKER and Mr. MORRILL called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. HOAR (when his name was called). I am paired with the Senator from Alabama [Mr. PUGH]. I do not know how he would vote, and I withhold my vote.

Mr. MILLS (when his name was called). I am paired with the Senator from New Hampshire [Mr. GALLINGER]. I do not know how he would vote if he were present.

Mr. MORRILL (when his name was called). I am paired with the senior Senator from Tennessee [Mr. HARRIS], and not knowing how he would vote, I withhold mine.

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I would vote "yea."

Mr. QUAY (when his name was called). I have a general pair with the Senator from Alabama [Mr. MORGAN.] Unless I am advised that he would vote "nay" I shall not vote.

Mr. BERRY. The Senator from Alabama [Mr. MORGAN] would vote "nay" if he were present.

Mr. QUAY. Then I will vote. I vote "nay."

Mr. SEWELL (when his name was called). I am paired with the Senator from Wisconsin [Mr. MITCHELL.] Not knowing how he would vote, I withhold my vote.

Mr. SHOUP (when his name was called). I am paired with the senior Senator from California [Mr. WHITE], and therefore withhold my vote.

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON].

Mr. WOLCOTT (when his name was called). I am paired with the Senator from Ohio [Mr. BRICE].

The roll call was concluded.

Mr. PLATT (after having voted in the affirmative). My colleague [Mr. HAWLEY] is absent unpaired. I am very sure that he would vote as I have voted, and if any Senator desires to transfer a pair to my colleague he can do so and be enabled to vote.

Mr. MORRILL. I transfer my pair with the Senator from Tennessee [Mr. HARRIS] to the Senator from Connecticut [Mr. HAWLEY], and I vote "yea."

Mr. DUBOIS (after having voted in the negative). I am paired with the senior Senator from New Jersey [Mr. SMITH], but I understand that he would vote "nay," if present. Therefore I will allow my vote to stand.

Mr. PASCO. I am paired with the Senator from Washington [Mr. WILSON]. I transfer my pair to the Senator from Wisconsin [Mr. VILAS] and vote "nay."

The PRESIDING OFFICER (Mr. BURROWS, after having voted in the affirmative). The present occupant of the chair withdraws his vote, as he observes that the Senator from Louisiana [Mr. CAFFERY], with whom he is paired, is not present.

The result was announced—yeas 14, nays 29; as follows:

YEAS—14.

Aldrich,	Cullom,	McMillan,	Platt,
Allison,	Davis,	Morrill,	Wetmore.
Baker,	Elkins,	Peffer,	
Brown,	Gear,	Perkins,	

NAYS—29.

Allen,	Clark,	Gray,	Quay,
Bacon,	Cockrell,	Hill,	Roach,
Bate,	Daniel,	Jones, Ark.	Teller,
Berry,	Dubois,	Lindsay,	Turpie,
Blackburn,	Faulkner,	Mantle,	Vest.
Butler,	Frye,	Mitchell, Oreg.	
Call,	Gordon,	Pasco,	
Cannon,	Gorman,	Pettigrew,	

NOT VOTING—46.

Blanchard,	Hansbrough,	Morgan,	Stewart,
Brice,	Harris,	Murphy,	Thurston,
Burrows,	Hawley,	Nelson,	Tillman,
Caffery,	Hoar,	Palmer,	Vilas,
Cameron,	Irby,	Pritchard,	Voorhees,
Carter,	Jones, Nev.	Proctor,	Walthall,
Chandler,	Kyle,	Pugh,	Warren,
Chilton,	Lodge,	Sewell,	White,
Gallinger,	McBride,	Sherman,	Wilson,
George,	Martin,	Shoup,	Wolcott.
Gibson,	Mills,	Smith,	
Hale,	Mitchell, Wis.	Squire,	

Mr. GEAR. I understand that no quorum has voted.

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Clark,	Hill,	Perkins,
Allen,	Cockrell,	Hoar,	Platt,
Allison,	Daniel,	Jones, Ark.	Pritchard,
Bacon,	Davis,	Lindsay,	Proctor,
Bate,	Dubois,	McBride,	Roach,
Berry,	Elkins,	McMillan,	Sewell,
Blackburn,	Faulkner,	Mantle,	Shoup,
Brown,	Frye,	Mills,	Teller,
Burrows,	Gear,	Mitchell, Oreg.	Vest.
Butler,	Gordon,	Morrill,	Walthall,
Call,	Gorman,	Pasco,	Wetmore,
Cannon,	Gray,	Peffer,	Wolcott.

The PRESIDING OFFICER. Forty-eight Senators have responded to their names. A quorum of the Senate is present. The question recurs on the motion of the Senator from Vermont [Mr. MORRILL] to recommit the bill to the Committee on Public Lands. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH], but I am informed that if he were present he would vote "nay." Therefore I will vote. I vote "nay."

Mr. HOAR (when his name was called). I am paired with the Senator from Alabama [Mr. PUGH].

Mr. MILLS (when his name was called). I am paired with the Senator from New Hampshire [Mr. GALLINGER]. I do not know how he would vote, and therefore I withhold my vote.

Mr. MORRILL (when his name was called). I am paired with the senior Senator from Tennessee [Mr. HARRIS], and therefore withhold my vote.

Mr. PASCO (when his name was called). I make the same announcement of transfer of my pair as before, and vote "nay."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD].

Mr. SEWELL (when his name was called.) I am paired with the Senator from Wisconsin [Mr. MITCHELL].

Mr. WALTHALL (when his name was called). I transfer my pair with the Senator from Pennsylvania [Mr. CAMERON] to the Senator from South Dakota [Mr. KYLE] and vote "nay."

Mr. WOLCOTT (when his name was called). I am paired with the Senator from Ohio [Mr. BRICE].

The roll call was concluded.

Mr. CLARK. I desire to state that my colleague [Mr. WARREN] is detained from the Chamber by illness. I do not know how he would vote if present.

Mr. MILLS. I transfer my pair with the Senator from New Hampshire [Mr. GALLINGER] to the Senator from Indiana [Mr. VOORHEES] and vote "nay."

Mr. PRITCHARD. I transfer my pair with the Senator from Louisiana [Mr. BLANCHARD] to the Senator from Nevada [Mr. JONES] and vote "yea."

Mr. MORRILL. I will transfer my pair with the Senator from Tennessee [Mr. HARRIS] to the Senator from Connecticut [Mr. HAWLEY] and vote "yea."

Mr. WOLCOTT. I have a general pair with the Senator from Ohio [Mr. BRICE], but in order to make a quorum I will vote. I vote "yea."

The result was announced—yeas 18, nays 37; as follows:

YEAS—18.

Aldrich,	Cullom,	McMillan,	Proctor,
Allison,	Davis,	Morrill,	Wetmore,
Baker,	Elkins,	Peffer,	Wolcott.
Brown,	Gear,	Platt,	
Burrows,	McBride,	Pritchard,	

NAYS—37.

Allen,	Cockrell,	Jones, Ark.	Shoup,
Bacon,	Daniel,	Lindsay,	Teller,
Bate,	Dubois,	Mantle,	Tillman,
Berry,	Faulkner,	Mills,	Turpie,
Blackburn,	Frye,	Mitchell, Oreg.	Vest,
Butler,	George,	Pasco,	Walthall,
Caffery,	Gordon,	Perkins,	White.
Call,	Gorman,	Pettigrew,	
Cannon,	Gray,	Quay,	
Clark,	Hill,	Roach,	

NOT VOTING—34.

Blanchard,	Hansbrough,	Mitchell, Wis.	Squire,
Brice,	Harris,	Morgan,	Stewart,
Cameron,	Hawley,	Murphy,	Thurston,
Carter,	Hoar,	Nelson,	Vilas,
Chandler,	Irby,	Palmer,	Voorhees,
Chilton,	Jones, Nev.	Pugh,	Warren,
Gallinger,	Kyle,	Sewell,	Wilson.
Gibson,	Lodge,	Sherman,	
Hale,	Martin,	Smith,	

So the Senate refused to recommit the bill.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. GEAR. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH], but I understand that he would vote "yea" if he were present; therefore I will vote. I vote "yea."

Mr. HOAR (when his name was called). I am paired with the junior Senator from Alabama [Mr. PUGH].

Mr. MILLS (when his name was called). I am paired with the Senator from New Hampshire [Mr. GALLINGER], but I will transfer my pair to the Senator from Indiana [Mr. VOORHEES] and vote "yea."

Mr. MORRILL (when his name was called). I am paired with the Senator from Tennessee [Mr. HARRIS], but I transfer my pair to the junior Senator from Connecticut [Mr. HAWLEY] and vote "nay."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. I transfer my pair to the Senator from Nevada [Mr. JONES] and vote "nay."

Mr. QUAY (when his name was called). I have a general pair with the Senator from Alabama [Mr. MORGAN], but being assured that he would vote for the passage of the bill if present, I will vote. I vote "yea."

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Nebraska [Mr. THURSTON], but as this is not a political question, I will vote. I vote "yea."

Mr. WALTHALL (when his name was called). I transfer my pair with the Senator from Pennsylvania [Mr. CAMERON] to the Senator from South Carolina [Mr. IRBY] and vote "yea."

The roll call was concluded.

Mr. PASCO. I wish to announce that upon this vote the Senator from Wisconsin [Mr. VILAS] is paired with the Senator from Washington [Mr. WILSON].

The result was announced—yeas 38, nays 14; as follows:

YEAS—38.

Allen,	Cockrell,	Jones, Ark.	Quay,
Bacon,	Daniel,	Kyle,	Roach,
Bate,	Dubois,	Lindsay,	Teller,
Berry,	Faulkner,	McBride,	Tillman,
Blackburn,	Frye,	Mantle,	Turpie,
Butler,	George,	Mills,	Vest,
Caffery,	Gordon,	Mitchell, Oreg.	Walthall,
Call,	Gorman,	Pasco,	White.
Cannon,	Gray,	Perkins,	
Clark,	Hill,	Pettigrew,	

NAYS—14.

Allison,	Davis,	Peffer,	Wetmore,
Baker,	Gear,	Platt,	Wolcott.
Brown,	McMillan,	Pritchard,	
Cullom,	Morrill,	Proctor,	

NOT VOTING—37.

Aldrich,	Gibson,	Mitchell, Wis.	Squire,
Blanchard,	Hale,	Morgan,	Stewart,
Brice,	Hansbrough,	Murphy,	Thurston,
Burrows,	Harris,	Nelson,	Vilas,
Cameron,	Hawley,	Palmer,	Voorhees,
Carter,	Hoar,	Pugh,	Warren,
Chandler,	Irby,	Sewell,	Wilson.
Chilton,	Jones, Nev.	Sherman,	
Elkins,	Lodge,	Shoup,	
Gallinger,	Martin,	Smith,	

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4254) granting to the Duluth and North Dakota Railroad Company right of way through certain Indian reservations in the State of Minnesota.

The message also requested the Senate to transmit to the House a certified engrossed copy of the bill (S. 640) to increase the pension of Joseph W. Fisher, to replace the original engrossed copy, which had been lost.

The message further announced that the House had passed the following joint resolutions:

A joint resolution (S. R. 111) to authorize Benjamin Harrison to accept certain medals presented to him while President of the United States; and

A joint resolution (S. R. 114) authorizing and directing Bernard R. Green to exercise the duties and powers heretofore conferred upon the late Gen. Thomas L. Casey in relation to the construction and completion of the Library of Congress.

The message also announced that the House had passed a bill (H. R. 3292) granting an honorable discharge to Seth Porter Church, alias Samuel Church; in which it requested the concurrence of the Senate.

ORDER OF BUSINESS.

Mr. PROCTOR. I ask unanimous consent that the bill (S. 1159) to provide for fortifications and other seacoast defenses be made the special order for Thursday afternoon next, April 2, at 2 o'clock. It is an important matter, and should be considered in connection with or about the time of the consideration of the naval appropriation bill.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent that the bill named by him be made the special order for Thursday next at 2 o'clock. Is there objection?

Mr. CULLOM. I suppose that appropriation bills are always in order, notwithstanding a special order.

Mr. PROCTOR. Certainly.

Mr. MITCHELL of Oregon. I do not wish a special order to interfere with the Du Pont case.

Mr. PLATT. It can not.

Mr. FRYE. I call the attention of the Senator from Vermont to the fact that there is a special order preceding the one which he has just asked to be made.

Mr. PROCTOR. I understand that, and supposed this would be subject to a previous special order.

Mr. FRYE. Very well, then.

Mr. GORMAN. I want to ask, in regard to the special order suggested by the Senator from Vermont, whether it is the intention to press that bill as an addition to the general fortifications appropriation bill?

Mr. PROCTOR. Not being chairman of the committee and not having reported the bill, I am not prepared to answer fully in that regard. I have no plan and I think the committee has no plan to antagonize the appropriation bill or to add this bill to it or to interfere with it in any way. The desire is merely to bring this very important matter fairly before the Senate in some form.

Mr. GORMAN. If that bill proposing to appropriate $100,000,000 is to be pressed at this time, of course it must come up in the ordinary way, and be considered when the Senate is prepared for it. The Senator asks unanimous consent that the bill shall be considered at the time named. If it is understood that there is with the unanimous consent an agreement to do anything more than simply to consider the bill at the convenience of the Senate, I shall object to unanimous consent; in other words, I do not want to give that bill any special preference over the other legislation of this session. I do not object to a mere motion to make the bill a special order, but I do not want to have it understood by any means that unanimous consent is given to consider it to the exclusion of other business.

Mr. PROCTOR. I did not understand that my request carried with it any more than the ordinary consent to make the bill a special order for the time named.

The PRESIDING OFFICER. Objection is made to the request of the Senator from Vermont.

Mr. PLATT. Who made the objection?

The PRESIDING OFFICER. The Chair understood the Senator from Maryland [Mr. GORMAN] to object.

Mr. PLATT. I did not understand that the Senator from Maryland made objection.

The PRESIDING OFFICER. The Chair so understood.

Mr. GORMAN. I did not make an objection to having the bill fixed as a special order for the day named by the Senator from Vermont, provided that by the unanimous consent it is not to be considered that thereafter we shall continue the consideration of that bill. The custom has grown up recently, and only recently I think, that giving unanimous consent makes a continuing special order. I do not want it to be understood that that unanimous consent will compel us to consider that bill to the exclusion of other business. If it is understood that the bill is not given any special privileges, I have no objection.

Mr. MILLS. I will settle this controversy by objecting. Let the bill come up regularly.

Mr. CANNON. I ask that there be laid before the Senate the unfinished business.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation.

Mr. CANNON. I ask unanimous consent that the unfinished business may be temporarily laid aside without prejudice, stating as the reason for the request that the Senator from Wisconsin [Mr. VILAS] was obliged to absent himself from the Senate Chamber to-day, and not supposing that this order of business would be reached so early in the afternoon, he requested that it might go over, as he desires to be heard upon it. I greatly regret the necessity of deferring the measure, because we are anxious to bring it up, but I assented to his desire that it might go over without losing its place.

The PRESIDING OFFICER. The Senator from Utah asks that the unfinished business may be passed over without prejudice. If there be no objection, it will be so ordered.

Mr. CANNON. To be brought up to-morrow?

The PRESIDING OFFICER. The Chair understands that it will come up to-morrow.

Several SENATORS. Let us go to the Calendar.

Mr. FRYE. The bill (H. R. 3205) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," and for other purposes, was assigned as a special order two or three weeks ago. It has been displaced by other questions and by unfinished business. The joint resolution of the Senator from Utah [Mr. CANNON] became the unfinished business when I did not happen to be here, or I should at the time have objected to it, but it has its place as unfinished business. I am not prepared to proceed with the special order to-day, because the Senator from Alabama [Mr. MORGAN] desires to submit a few brief remarks in relation to the bill, and he is not present. Therefore I consent, without any hesitation, that the Calendar be taken up under the five-minute rule.

Mr. PEFFER. I move that the Senate proceed to the consideration—

Mr. CANNON. If the Senator will allow me to interrupt him, do I understand now that the unfinished business of to-day comes up to-morrow at 2 o'clock?

The PRESIDING OFFICER. The Chair so understands.

Mr. PLATT. I suppose always subject to appropriation bills.

Mr. CANNON. Certainly.

Mr. FRYE. Appropriation bills are privileged anyway.

Mr. PEFFER. I move that the Senate proceed to the consideration of the resolution providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. COCKRELL. If we are going to lay aside the regular order, why not go to the Calendar?

Mr. FRYE. The request made was that we should go to the Calendar under the five-minute rule.

Mr. COCKRELL. Let us go to the Calendar, and let everyone take his chances.

Mr. ALLISON. The Senator from Mississippi [Mr. GEORGE] gave notice this morning that at the earliest moment to-morrow he desired to make some observations on the contested-election case. I give notice now that when his remarks shall have been completed I shall move to take up the Post-Office appropriation bill. I do this so that there may be no trouble about what will be done to-morrow as to the unfinished business.

Mr. COCKRELL. Let us proceed with the Calendar.

The PRESIDING OFFICER. The Secretary will state the first bill on the Calendar.

SUBJECT CATALOGUE OF LAW LIBRARY.

The joint resolution (S. R. 69) authorizing the preparation of a subject catalogue of the books in the law library was announced as first in order on the Calendar.

Mr. COCKRELL. Let that be passed over without losing its place.

Mr. WOLCOTT. I move that that joint resolution be referred to the Committee on the Judiciary.

The PRESIDING OFFICER. The question is on the motion of the Senator from Colorado.

Mr. WOLCOTT. On the request of a Senator near me, I withdraw the motion.

Mr. PLATT. Then let the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

LINCOLN'S BIRTHDAY.

The bill (S. 1999) to provide for the observance of the 12th day of February as a national holiday was announced as next in order.

Mr. COCKRELL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. HOAR. I desire to have that bill go to the Calendar. I do not think it worth while to have it called up every day. It should be put under Rule IX.

The PRESIDING OFFICER. The bill will go over under Rule IX.

GEORGE H. PLANT.

The bill (S. 1083) for the relief of George H. Plant, of the District of Columbia, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to George H. Plant, of the District of Columbia, $5,216.85, that being the amount found to be due to him by the Court of Claims for losses and damages sustained by him by reason of a collision between the U. S. S. *Gettysburg* and the steamboat *Lady of the Lake*, on the Potomac River, and to be received by him in full satisfaction of all claims and demands in consequence of said collision.

Mr. PLATT. I should like to inquire of the chairman of the Committee on Claims whether that is a judgment of the Court of Claims, or whether it is a finding under the Bowman Act?

Mr. PASCO. In the absence of the chairman of the committee, I will state that I examined the case as a subcommittee, and these are findings of fact, as the Senator will see by referring to the report.

Mr. PLATT. The Senator is entirely satisfied that the claim ought to be paid?

Mr. PASCO. It has been reported twice, to my knowledge, by the Committee on Claims, and passed the Senate during the last Congress.

Mr. PLATT. All right.

Mr. DANIEL. I beg to inquire if there is any law under which the United States is liable for damages in such cases?

Mr. PASCO. There are a great many precedents, I will say to the Senator from Virginia, where cases of this kind have been acted upon favorably by the Committee on Claims and by the Senate.

This case, as the Senator from Virginia will remember, was considered at great length while he was a member of the committee, and this result was reached, as set out at length in the report, which is the same as that made during the last Congress.

Mr. DANIEL. I ask that the report may be read.

The PRESIDING OFFICER. The report will be read.

The Secretary proceeded to read the report, submitted by Mr. PASCO, from the Committee on Claims, February 12, 1896, but before concluding was interrupted by

Mr. COCKRELL. That is a very long report. I think it is equivalent to consuming more than five minutes under the general rule. Let that case be passed over without prejudice, retaining its place on the Calendar.

Mr. PASCO. I hope the Senator from Virginia [Mr. DANIEL] is satisfied from an examination of the report that this bill ought to pass, and that it be acted upon now. It has been waiting its turn in regular order for a good while.

Mr. DANIEL. It seems to me in this case that there is evidence of negligence on the part of the *Lady of the Lake*, with which the claimant was connected. The bill is for the relief of George H. Plant, of the District of Columbia, he being at the time the owner of the steamboat *Lady of the Lake*, which came in collision with the *Gettysburg*, a ship of the United States, and the steamboat was injured. I do not see any answer in the report——

Mr. PASCO. The Senator will see from an examination of the record that the fault was found to be with the Government vessel. The Supreme Court, in the case of the *Siren* (7 Wallace, 152), which is quoted on the fourth page of the report, has laid down the general law that—

> A claim for damages exists against a vessel of the United States guilty of a maritime tort as much as if the offending vessel belonged to a private citizen. In ordinary cases, however, such a claim can not be enforced, because, for reasons of public policy, jurisdiction is withheld from the courts.

Mr. DANIEL. That the ship was guilty of contributory negligence and the grounds of recovery are not set forth in the report. I do not pretend to be very familiar with this class of cases, and would listen to what might be said by my colleague with very great deference; but the report of Commander John H. Russell, the president of the naval court of inquiry, shows that "the pilot of the *Lady of the Lake*, though technically in the wrong, can not, in the circumstances, be considered as being very censurable." This is not a bill to censure him, but a bill to pay damages. Under those circumstances, even if the Government should be liable in such a case for damages, it does not appear to my mind on what ground the judgment could be justified.

Mr. COCKRELL. Let the bill be passed over.

Mr. PASCO. The Court of Claims found that a United States vessel was responsible for the damages and the United States local inspectors of steamers reached the same conclusion, and that has been the result of an examination of the case twice by the Committee on Claims. With all those findings against the Government vessel in its own courts and by its own officers, it seems to me it is clear that the claim ought to be paid.

Mr. COCKRELL. Let the bill be passed over.

Mr. PASCO. If it is to be passed over, I ask that it be without prejudice.

The PRESIDING OFFICER. It will be so ordered, in the absence of objection.

Mr. PASCO. I ask that the report, which was partly read by the Secretary, may, by unanimous consent, be printed in full in the RECORD as if read.

The PRESIDING OFFICER. If there be no objection, it will be so ordered. The Chair hears none.

The report submitted by Mr. PASCO February 12, 1896, is as follows:

The Committee on Claims, to whom was referred the bill (S. 1083) for the relief of George H. Plant, of the District of Columbia, have carefully examined the same and submit the following report thereon:

This claim has been before the committee on former occasions, and was originally for a larger amount. It met with favorable consideration, so far as the amount contained in the present bill was concerned, and the bills before the committee were amended in accordance with the recommendation of the committee.

The merits of the case have been fully stated in the former reports of the committee, and the following extract from the report made in the Fifty-second Congress, in which the facts are set forth, is adopted as a part of the present report:

The Committee on Claims, to whom was referred the bill (S. 707) for the relief of George H. Plant, of the District of Columbia, have carefully considered the same and submit the following report thereon:

The claimant in 1874 was the owner of a steamboat named the *Lady of the Lake*, then plying upon the waters of the Potomac River. On the 30th day of May of that year the boat was injured in a collision with the U. S. S. *Gettysburg*. On the 9th day of June the Secretary of the Navy appointed a court of inquiry to investigate all the circumstances relating to the collision, and report its causes, and upon whom the blame, if any, should rest. The findings of the court will be given in full further on in this report. Though some blame was cast upon the officers of the *Lady of the Lake*, the court found the officers of the *Gettysburg* responsible for the collision. Subsequently the Treasury Department ordered an investigation to be made by the supervising inspectors of steam vessels. They reported on the 17th day of July, 1874, that the pilot in charge of the *Lady of the Lake* complied with all the rules and regulations for the government of pilots applicable to the case, and that he was exonerated from all blame in the premises.

But no relief followed these findings of the two Departments, and the claimant found that he could only receive compensation for his damage and loss by legislative action. Accordingly a bill was introduced into the Senate in his behalf in the Forty-sixth Congress, and a similar bill in each successive Congress till the Forty-eighth, when on the 27th day of February, 1884, the claim was referred to the Court of Claims under the act of March 3, 1883.

On June 4, 1890, the court filed its findings of fact, and they were transmitted to the Senate June 6, 1890, and appear in Miscellaneous Document, Fifty-first Congress, first session, No. 159. The report of the case is here given in full:

[Court of Claims. Congressional case No. 32. George H. Plant *vs.* The United States.]

At a Court of Claims held in the city of Washington on the 2d day of June, A. D. 1890, the court filed the following findings of fact, to wit:

FINDINGS OF FACT.

The claim or matter in the above-entitled case was transmitted to the court by the Senate Committee on Claims on the 27th day of February, 1884.

Messrs. Goode & Goode, esqs., appeared for claimant, and the Attorney-General, by Henry M. Foote, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The case having been brought to a hearing on the 19th of May, 1890, the court, upon the evidence and after considering the briefs and arguments of counsel on both sides, finds the facts to be as follows:

I.

About sundown on May 30, 1874, a collision occurred on the Potomac River, nearly opposite Fort Washington, between the U. S. S. *Gettysburg* and the *Lady of the Lake*, under the following circumstances:

The *Lady of the Lake* had been down the river, with an excursion party from Washington, consisting of about 600 persons, and was on her return trip.

The *Gettysburg*, commanded by Lieutenant McRitchie, was going down.

When first sighted the steamers were about three-fourths of a mile apart. At that time the *Lady of the Lake* was on the Virginia side of the river and the *Gettysburg* on the Maryland side.

By the law of the road each steamer was required to keep to the right in passing, but the law also permitted them, by signal agreement, to keep to the left.

The officers of the *Lady of the Lake* preferred to hold their course on the Virginia side, because by so doing they avoided, to some extent, the rapid current of the ebbing tide. They also supposed the *Gettysburg* would prefer the Maryland side, because the channel there was deepest and the assisting current strongest.

Therefore, when the steamers were about half a mile apart, the pilot of the *Lady of the Lake* gave two blasts of her steam whistle, which was the proper signal to request that the steamers might pass by each keeping to the left. The pilot of the *Gettysburg* immediately responded by two blasts of the whistle, which was the proper signal of assent to the proposal. Each steamer then held her course for about a quarter of a mile. Then the *Gettysburg*, by order of Lieutenant McRitchie, gave one blast of her whistle, which is the proper signal for each vessel to keep to the right; and immediately ported her helm, thus directing her course to the Virginia side of the river. The *Lady of the Lake* immediately responded with two blasts of the whistle, thus indicating her wish to pass on the left, as already agreed, and held her course. A collision was imminent and both steamers reversed their engines, but collision could not then be avoided.

The bow of the *Gettysburg* struck the *Lady of the Lake* on her starboard bow, crushing in the upper and lower decks. No persons were injured.

Both Lieutenant McRitchie and the claimant agree in their testimony that the signals were given and heard by the officers of each steamer as above detailed.

The *Gettysburg*, by porting her helm and directing her course to the Virginia side of the river without timely warning, caused the collision.

II.

The rule established by the Board of Supervising Inspectors, undsecertion 29 of the act of February 28, 1871 (16 Stat., 450), to be observed by steam vessels in passing each other on rivers is as follows:

"RULE 1. When steamers are approaching each other 'head and head,' or nearly so, it shall be the duty of each steamer to pass to the right, or on the port side of the other; and the pilot of either steamer may be first in determining to pursue this course, and thereupon shall give, as a signal of his intention, one short and distinct blast of his steam whistle, which the pilot of the other steamer shall answer promptly by a similar blast of his steam whistle, and thereupon such steamers shall pass to the right, or on the port side of each other. But if the course of such steamers is so far on the starboard of each other as not to be considered by the pilots as meeting 'head and head,' or nearly so, or if the vessels are approaching each other in such a manner that passing to the right (as above directed) is deemed unsafe by the pilot of either vessel, the pilot so first deciding shall immediately give two short and distinct blasts of his steam whistle, which the pilot of the other steamer shall answer promptly by two similar blasts of his steam whistle, and they shall pass to the left, or on the starboard side of each other.

["NOTE.—In the night steamers will be considered meeting 'head and head' so long as both the colored lights of each are in view of the other. In the day a similar position will also be considered 'head and head.'"]

III.

June 9, 1874, the Secretary of the Navy constituted, by the following order, a naval court of inquiry:

To Commander JOHN H. RUSSELL,

United States Navy, Rockville, Md.:

By virtue of the authority conferred by the "Act for the better government of the Navy of the United States," approved July 11, 1862, I hereby appoint Commander John H. Russell president, Commander Montgomery Sicard and Lieut. Commander Frederick Rodgers members, and First Lieut. George C. Reid, of the Marine Corps, judge-advocate of a court of inquiry, which is ordered to convene at the navy-yard, Washington, D. C., on Thursday, the 11th day of June, 1874, for the purpose of investigating all the circumstances relating to the collision which took place on the Potomac River, near Fort Washington, on or about the 30th day of May, 1874, between the U. S. S. *Gettysburg* and the steamboat *Lady of the Lake*. In performing this duty the court will study closely the "Rules of the Road" and act of Congress relating thereto, and state the cause or causes that brought about the collision, with its opinion as to where the blame, if any, should rest.

Given under my hand at the Navy Department of the United States this 9th day of June, in the year 1874.

GEORGE M. ROBESON,
Secretary of the Navy.

June 19, 1874, the court found as follows:

That both the U. S. S. *Gettysburg* and the steamboat *Lady of the Lake* were subject to the act of Congress approved April 29, 1864 (page 158, Naval Laws), for preventing collisions on the water, and in addition to the above the court find that the *Lady of the Lake* was subject to certain rules laid down by the Board of Supervising Inspectors in pursuance of the act of Congress of February 28, 1871.

There is no conflict between these two sets of "rules," but the rules of the Board of Supervisors supplement the naval "Rules of the Road" by certain whistle blasts or signals to be used between vessels, subject to the directions of the Board of Supervising Inspectors.

As regards the facts connected with the collision, the weight of evidence, in the opinion of the court, establishes the point that the vessels, at the time of the exchange of their first whistle signals, must be considered as coming under article 13 of the "rules" for preventing collisions on the water (Naval Laws, page 161), and also under rule 1 of the "Rules issued by the Board of Supervising Inspectors for the government of pilots"; that is, they were meeting end, or nearly so. In this position the law requires that the helms of both vessels be put to port, and inasmuch as this course was not pursued by the *Lady of the Lake*, the court deem that vessel to have acted in violation of law, and find that her pilot committed an error of judgment in putting his helm to starboard.

At the same time, as the wording of the law (article 13), "end on or nearly end on," implies a certain margin for judgment on the part of pilots, the court are of the opinion that the pilot of the *Lady of the Lake*, though technically in the wrong, can not in the circumstances be considered as being very censurable.

As the vessels are considered as coming within the scope of article 13 of the law for preventing collisions on the water, the court find that the *Gettysburg* acted in violation of law in answering the *Lady of the Lake's* two whistles and in putting his helm to starboard; and that the fact of her pilot having done those acts renders her responsible for the collision.

The pilots of the two vessels are, therefore, considered by the court as having been principally to blame for the collision. Lieutenant McRitchie was following "the rule of the road" in putting his helm aport, as the weight of evidence shows that if both vessels had done so from the first signal the collision would in all probability have been avoided.

But when it became evident that the *Lady of the Lake* did not pursue the same course, and that a collision was very probable, he would, in the opinion of the court, have been justified in shifting his helm (in accordance with article 19, page 162, Rules of the Road—Naval Laws).

The evidence shows that after a collision became probable both vessels stopped and reversed their engines, in conformity with article 16, Rules of the Road, page 161, Naval Laws.

JOHN H. RUSSELL,
Commander, U. S. N., President Naval Court of Inquiry.

GEORGE C. REID,
First Lieutenant, U. S. Marine Corps, Judge-Advocate.

The Treasury Department also authorized an investigation by the supervising inspectors of steam vessels, who made the following report:

OFFICE OF UNITED STATES
LOCAL INSPECTORS OF STEAM VESSELS.
Baltimore, July 17, 187

SIR: In compliance with your instructions, we proceeded to Washington, D. C., to take the testimony of witnesses in the collision between the United States steamer *Gettysburg* and steamer *Lady of the Lake*, which occurred on the Potomac River, off Fort Washington, on the evening of 30th of May, 1874, and, after having received said testimony, both on the part of the officers of the *Lady of the Lake*, together with a number of disinterested passengers of said steamer, we find that the pilot in charge of the *Lady of the Lake* complied with all the rules and regulations for the government of pilots applicable to said case, and is therefore exonorated from all blame in the premises.

(They report also their inability to get the officers of the *Gettysburg* to testify.)

JAMES D. LOWRY,
WILLIAM O. SAVILLE,
United States Local Inspectors of Steamers, Baltimore District.

JOHN HENSHAW, Esq.,
Supervising Inspector of Steam Vessels, Third District.

IV.

May 30, 1874, the claimant was the owner of the *Lady of the Lake*, except a small interest, valued at $2,500, which he had agreed to transfer to —— Partridge, the captain of the boat. This interest had not been paid for, and claimant arranged with Captain Partridge for it and took it back.

V.

At the time of the collision the *Lady of the Lake* was engaged in the business of carrying freight and passengers between Washington and Norfolk

and taking excursion parties up and down the river. It was the busy season of the year, and her business was large and profitable.

The cost of repairing the boat amounted to $2,216.85. The loss in earnings while undergoing repairs amounted to $3,000.

After resuming her regular trips her earnings, in consequence of the interruption and loss of confidence in her safety, were much diminished. This loss can not be accurately calculated, but may be safely estimated at $1,500.

BY THE COURT.

Filed June 2, 1890.
A true copy.
Test, this 5th day of June, A. D. 1890.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

No action was taken upon the findings and opinion of the court during the Fifty-first Congress, except to refer the case to this committee with a bill to carry them out. During the time that the matter has been pending in the Senate and this committee and the Court of Claims, various bills have been introduced into the House of Representatives for the claimant's relief, but no final action has ever been there taken.

The Court of Claims came to the same conclusion as to the responsibility for the collision that was reached in the former investigations, and it only remains to be determined whether an appropriation shall be made in favor of the claimant, and if so, in what amount.

It is true that the Government does not hold itself generally responsible for acts of wrong or negligence on the part of its subordinate officers or agents, but this rule has not always been considered as applicable to cases of maritime collisions. It has been decided by the Supreme Court in the case of *The Siren* (7 Wallace, 152) that a claim for damages exists against a vessel of the United States guilty of a maritime tort, as much as if the offending vessel belonged to a private citizen. In ordinary cases, however, such a claim can not be enforced, because, for reasons of public policy, jurisdiction is withheld from the courts.

There has been a growing disposition of late years to give a general recognition to cases of damage from collisions and to treat them as essentially different from ordinary cases of negligence and wrongdoing on the part of Government agents, servants, and officials. This arises in part from the great power and authority which is necessarily given to an officer commanding a vessel, and it is argued, too, that when the Government mingles on terms of equality with others on the high seas and navigable inland waters the security of the citizen requires that the rules laid down for others should be observed by its own officers commanding its own vessels, and that these rules should be enforced against all alike, and that private persons should receive reparation for any injury done by their violation by officers of the United States.

In England the present practice is to file a libel in rem., upon which the court directs a letter to be written to the lords of the admiralty requesting an appearance on behalf of the Crown. This is generally given, and the case proceeds to judgment. It is insisted that the final decrees are little more than awards, so far as the Government is concerned, but the suits are instituted and conducted on the hypothesis that claims are created against the offending vessels by the collision, and it is presumed that the Government will satisfy a decree rendered by its own tribunals in a case in which it has voluntarily appeared.

Many in our own country have favored a general law for the trial of such cases in our courts, when the United States is alleged to be the offending party. Although no such law has ever been passed, the Government has, in many cases, by special laws and in appropriation acts, made provision for paying damages to those who have suffered loss from collisions when the vessel causing the injury belonged to the United States.

It is true that in the present case the findings of the Court of Claims do not have the same force as a judgment; but the claimant presented his case there with the permission of the Senate and in accordance with law. The United States was represented by an assistant of the Attorney-General and the case was duly defended, and a careful review of the findings shows that they are in accordance with the facts of the case so far as the party in fault is concerned.

After the matter has proceeded thus far with the consent of those who represented the Government, and who had authority under the law to act, the committee think that the claimant in this particular case should receive reimbursement for the damage which has resulted directly from the collision, without waiting for the enactment of a general law. The court finds that the cost of repairing the boat was $2,216.85, and that the actual loss in earnings while she was undergoing repairs was $3,000. These sums amount in the aggregate to $5,216.85, and the committee recommend the appropriation of this sum in full satisfaction of the claim.

The bill formerly recommended is in the same form as that now before the committee, and in this form it was passed by the Senate in the Fifty-second Congress, and again in the Fifty-third, and the committee, upon again considering the case, have reached the same conclusions as before, and recommend that the bill do pass.

ACCOUNT BETWEEN THE UNITED STATES AND FLORIDA.

The bill (S. 101) to authorize the Secretary of the Treasury to settle the mutual account between the United States and the State of Florida, heretofore examined and stated by said Secretary under the authority of the Congress, and for other purposes, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to settle the mutual account, heretofore stated, between the United States and the State of Florida, under the authority of an act of Congress, according to the mode of stating the same, found near the foot of the third page of the letter of the Secretary submitting his report, dated December 16, 1889, published as Executive Document No. 68, House of Representatives, Fifty-first Congress, by continuing the computation of interest upon the principal on both sides to the date of settlement, and ascertaining the balance due the State, and to surrender to the governor of the State of Florida the bonds of the State held by the United States which are included in such statement, and proposes to appropriate such sum as may be necessary to pay to the State of Florida whatever balance is found due.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF D. FULFORD.

The bill (S. 1075) for the relief of the heirs of D. Fulford was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments. The first amendment was, in section 1, line 5, before the word "bonds," to strike out "four" and insert "two"; and in line 7, after the word "dollars," to strike out "fifty dollars, and fifty dollars"; so as to make the section read:

That the Secretary of the Treasury be, and is hereby, instructed to redeem, in favor of the heirs at law of D. Fulford, two bonds of the United States, consols of 1867, of the denomination of $500, $100, and known as five-twenties, said bonds having been destroyed by fire the 9th day of July, 1872, and to pay to the heirs at law of said D. Fulford the amount of said bonds, together with accrued interest from July 1, 1872, to the date of the maturity of said bonds.

The amendment was agreed to.

The next amendment was, at the end of section 2, to add the following proviso:

Provided, That as it appears from the records of the Treasury Department that there are now outstanding and unpaid a one-hundred-dollar coupon bond numbered 8382, and two five-hundred-dollar coupon bonds numbered 12792 and 34411, of the loan known as consols of 1867, of which the last coupon bears date of July 1, 1872, the Secretary of the Treasury is hereby authorized and directed to proceed against said bond of indemnity whenever said coupon bonds shall have been redeemed.

So as to make the section read:

SEC. 2. That the said heirs of D. Fulford shall also execute and file with the Secretary of the Treasury a bond, with sufficient sureties, to be approved by the Secretary of the Treasury, in the penalty of $2,000, conditioned to save harmless the United States from loss or liability on account of said bonds or interest accrued thereon: *Provided*, That as it appears from the records of the Treasury Department that there are now outstanding and unpaid a one-hundred-dollar coupon bond numbered 8382 and two five-hundred-dollar coupon bonds numbered 12792 and 34411, of the loan known as consols of 1867, of which the last coupon bears date of July 1, 1872, the Secretary of the Treasury is hereby authorized and directed to proceed against said bond of indemnity whenever said coupon bonds shall have been redeemed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF GEORGE M'DOUGAL.

The bill (S. 621) for the relief of the legal representatives of George McDougal, deceased, was announced as next in order.

Mr. PLATT. I should like some explanation of that bill. It seems to provide for the payment of a claim the same as if it had been affirmed by a judgment of the Supreme Court. I do not know exactly what it means.

Mr. COCKRELL. Let the bill be passed over, the Senator reporting it not being present.

Mr. PLATT. Very well.

The PRESIDING OFFICER. The bill will be passed over.

SUFFERERS BY EXPLOSION OF AMMUNITION CHEST.

The bill (S. 1205) for the relief of the persons who sustained damage by the explosion of an ammunition chest of Battery F, Second United States Artillery, July 16, 1894, was considered as in Committee of the Whole. It appropriates $15,845.23, being the sum found just by a board of officers convened at Chicago July 17, 1894, under Special Orders, No. 72, issued by command of Major-General Miles, of the Department of the Missouri, which sum is recommended by him, with the concurrence of the Major-General Commanding the Army, to pay the awards of the board, according to the following schedule, as set forth in their report, made on November 3, 1894, and published in Senate Executive Document No. 21, third session Fifty-third Congress, to wit: P. J. Ryan, $1,307; Charles R. Cave, $1,840.61; Edward C. Huling, $742.26; Jacob R. Custer, $717.83; Herman Lehman, $829.75; Herman Grossman, $770; Phillip W. Raber, $1,848.99; F. A. Devlin, lessee, $160; Samuel B. Foster, $1,699.50; Amelia H. Dodge, $1,495.84; Frederick A. Howe, $893.06; Hellen Palmer, $946.75; James Wright, $1,213.68; W. H. Godair, $258.04; J. W. Morrison, $47.77; Mrs. J. E. Ellen, $25; W. W. Morrill, $50; Silas H. Finch, $54.39; David Mayer, lessee, $45; Howlin Horgenroth, $125; H. N. Stephens, lessee, $12.55; John W. Byers, $105.33; Edward D. Murray, $100; Arthur W. Allen, $99.15; Emilie J. Smity, trustee, $19; T. A. Keene, $50; Hannah Sullivan, $40; Armory Warehouse Company, $18; W. F. Horn, agent, $25.91; Alice York, $305; total, $15,845.23.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT MERIDEN, CONN.

The bill (S. 492) for the erection of a public building at Meriden, Conn., was considered as in Committee of the Whole. It proposes to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Meriden and State of Connecticut, the cost of the site and building, including

vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed $100,000, which is appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DR. JOHN B. READ.

The bill (S. 1491) for the relief of Dr. John B. Read was considered as in Committee of the Whole. It proposes to appropriate $17,000 to pay Dr. John B. Read his claim as royalty on all rifle projectiles with iron sabots furnished to the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF UNITED STATES PROPERTY IN THE DISTRICT.

The bill (H. R. 6408) authorizing the sale of title of the United States to certain tracts of land in the District of Columbia to Margaret Shugrue, Caroline Lochboehler, and John R. Scott was considered as in Committee of the Whole.

Mr. HOAR. I notice that the bill proposes that the sales shall be made provided the acquisition of title was not fraudulent. It seems to me it ought to say if the Secretary of War shall so find. There ought to be a finding of the fact; otherwise the title will always be in doubt.

Mr. McMILLAN. The matter has been considered very carefully by the Secretary of War, and Colonel Elliott, who has had charge of it for a great many years, drew up the bill. It is drawn with a great deal of care.

Mr. HOAR. He has made a mistake in it, in my judgment. If the Senator will pardon me, I think I can satisfy him of that fact.

Mr. McMILLAN. There is no objection to making such an amendment.

Mr. COCKRELL. Lines 15, 16, and 17, on page 2, cover the point.

Mr. HOAR. I think it is a mistake, which was made in adding the proviso after the bill was originally drawn. This conveyance is to be made, provided the—

Secretary of War shall be of the opinion that the said sales will in no wise be detrimental to the Washington Aqueduct: *Provided further*, That the encroachments thereon were not fraudulent.

It is not that the Secretary shall be of that opinion also, but it makes the existence of that fact the condition.

At any time, according to the bill, this paper would be open to question by anybody who would raise the doubt. The bill ought to provide that the condition should be that the Secretary of War is of opinion so and so, so that his finding would be conclusive forever of the fact. If we strike out the words "*Provided further*" and insert the word "and," in line 17, it will remove the difficulty.

Mr. McMILLAN. I have no objection to that change.

Mr. HOAR. I think, obviously, the way that happened was that the bill was first drawn without the proviso, and then it was put in without referring the question to the opinion of the Secretary of War, but making it an absolute condition.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 1, line 17, strike out the words "*Provided further*" and insert "and"; so as to make the proviso read:

Provided, That the Secretary of War shall be of the opinion that the said sales will in no wise be detrimental to the Washington Aqueduct and that the encroachments thereon were not fraudulent.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The preamble was agreed to.

Mr. McMILLAN. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. McMILLAN, Mr. BAKER, and Mr. FAULKNER were appointed.

DISTRICT INSPECTORS OF PLUMBING.

The bill (S. 1707) defining the qualifications of chief inspector and deputy inspectors of plumbing in the District of Columbia was announced as the next business in order on the Calendar.

Mr. COCKRELL. Let that bill go over under Rule IX.

The PRESIDING OFFICER. Objection being interposed, the bill will go over under Rule IX.

LICENSING OF BILLIARD AND POOL TABLES.

The bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The PRESIDING OFFICER. The amendment reported by the Committee on the District of Columbia will be stated.

Mr. BACON. I do not think there is a committee amendment. I think that is an amendment made in the House of Representatives.

Mr. COCKRELL. It could not have been made in the House of Representatives.

Mr. BACON. It must be a mistake in the printing. Here is the report of the committee, which shows that fact. I can not account for it in any way except that the bill has been brought here and printed by the Senate just as it was reported to the House of Representatives by the House committee. I hold in my hand the report of the House committee, in which they speak of that very amendment as the one which they have reported to the bill.

Mr. HOAR. I suggest that the bill be passed over for the present. We can go back to it.

Mr. BACON. Very well. I am satisfied it is not a Senate committee amendment.

The PRESIDING OFFICER. The bill will go over.

LANDS FOR RESERVOIR SITES.

Mr. PETTIGREW. I ask unanimous consent to call up a bill which was passed over some time ago in my absence. It is Senate bill 264.

Mr. PEFFER. I do not like to object, especially in view of the Senator's absence, but I think we had better go on with the Calendar.

Mr. PETTIGREW. I wish to say to the Senator from Kansas that I should not have made the request if it were not a bill which has precedence on the Calendar. It is a bill that was passed over without prejudice, and therefore it has a right to be ahead of the other bills on the Calendar. I am not trying to break into the order of proceeding. It is ahead of these other bills, and it was passed over on account of my absence.

Mr. PEFFER. To-day?

Mr. PETTIGREW. No, sir; some time ago. I have a right to call it up, I suppose, under the rule. I hope the Senator from Kansas will not object under the circumstances.

Mr. PEFFER. Will it lead to any discussion?

Mr. PETTIGREW. I see no reason why it should lead to any debate. It is a brief measure.

Mr. PEFFER. I will withdraw my objection on condition that it leads to no discussion.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (S. 264) providing for the location and purchase of public lands for reservoir sites.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 8, after the word "have," to strike out the words "exclusive possession and"; and in the same line, after the word "reservoir," to insert "under regulations prescribed by the Secretary of the Interior"; and at the end of the section to insert the following proviso:

Provided, That such reservoir shall not be fenced and shall be open to the free use of any person desiring to water animals of any kind;

So as to make the section read:

That any person, live-stock company, or transportation corporation engaged in breeding, grazing, driving, or transporting live stock may construct reservoirs upon unoccupied public lands of the United States, not mineral or otherwise reserved, for the purpose of furnishing water to such live stock, and shall have control of such reservoir, under regulations prescribed by the Secretary of the Interior, and the lands upon which the same is constructed, not exceeding 160 acres, so long as such reservoir is maintained and water kept therein for such purposes: *Provided*, That such reservoir shall not be fenced and shall be open to the free use of any person desiring to water animals of any kind.

The amendment was agreed to.

The next amendment was, in section 3, in line 13, after the word "therein," to strike out:

Or such person, company, or corporation may enter and purchase the land upon which said reservoir is situated, as aforesaid, in tracts of not to exceed 160 acres, but such person, company, or corporation shall not be allowed to enter or purchase more than 10 tracts of land in any one county under the provisions of this act.

The amendment was agreed to.

The next amendment was to strike out section 4, as follows:

SEC. 4. That before any person, company, or corporation shall be permitted to purchase land under this act a reservoir must have been maintained thereon and water kept therein at the proper season for at least two years prior to the date of final proof, which fact shall be established by at least two witnesses not relatives or employees; it must further be proven to the satisfaction of the register and receiver of the United States land office in which such land is located that such reservoir is constructed in a permanent manner and of the capacity of not less than 100,000 gallons; that the waters therein have been used for the purposes mentioned in this act, and that all the requirements of this act have been complied with. Final proof shall be made

within five years after filing the declaratory statement, and may be made in the same manner and place and upon like notice as is required in case of homestead entries, and upon the payment of the same fee.

The amendment was agreed to.

The next amendment was to strike out section 5, as follows:

SEC. 5. That upon completion of such reservoir the person, company, or corporation locating and constructing the same shall cause an accurate survey of such reservoir, and the land upon which the same is located and constructed, to be made and filed in the United States land office in and for the district in which such land is situated, and shall file therewith a statement of the capacity of such reservoir in gallons as constructed, and shall also set forth in what manner and of what material such reservoir has been constructed.

The amendment was agreed to.

The next amendment was to strike out section 6, as follows:

SEC. 6. That the entries, in their exterior boundaries, under this act shall conform as nearly as possible to the Government subdivisions, but where that is impracticable in order to include ravines, gulches, draws, or other irregular-shaped natural excavations or basins, the exterior boundary lines of such entry may be located without reference to the Government subdivisions.

The amendment was agreed to.

The next amendment was to insert the following as a new section:

SEC. 4. That Congress may at any time amend, alter, or repeal this act.

The amendment was agreed to.

Mr. COCKRELL. I have not a copy of the bill, and I ask that it now be read as amended.

The PRESIDING OFFICER. The Secretary will read as indicated.

The Secretary read as follows:

Be it enacted, etc., That any person, live-stock company, or transportation corporation engaged in breeding, grazing, driving, or transporting live stock may construct reservoirs upon unoccupied public lands of the United States, not mineral or otherwise reserved, for the purpose of furnishing water to such live stock, and shall have control of such reservoir, under regulations prescribed by the Secretary of the Interior, and the lands upon which the same is constructed, not exceeding 160 acres, so long as such reservoir is maintained and water kept therein for such purpose: *Provided*, That such reservoir shall not be fenced and shall be open to the free use of any person desiring to water animals of any kind.

SEC. 2. That any person, live-stock company, or corporation desiring to avail themselves of the provisions of this act shall file a declaratory statement in the United States land office in the district where the land is situated, which statement shall describe the land where such reservoir is to be or has been constructed; shall state what business such corporation is engaged in; specify the capacity of the reservoir in gallons, and whether such company, person, or corporation has filed upon other reservoir sites within the same county; and if so, how many.

SEC. 3. That at any time after the completion of such reservoir or reservoirs which, if not completed at the date of the passage of this act, shall be constructed and completed within two years after filing such declaratory statement, such person, company, or corporation shall have the same accurately surveyed, as hereinafter provided, and shall file in the United States land office in the district in which such reservoir is located a map or plat showing the location of such reservoir, which map or plat shall be transmitted by the register and receiver of said United States land office to the Secretary of the Interior and approved by him, and thereafter such land shall be reserved from sale by the Secretary of the Interior so long as such reservoir is kept in repair and water kept therein.

SEC. 4. That Congress may at any time amend, alter, or repeal this act.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CROW AND FLATHEAD INDIAN RESERVATIONS.

The bill (S. 1935) providing for a commission to negotiate with the Crow and Flathead Indians for the cession of portions of their respective reservations in the State of Montana was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, to add the following as a new section:

SEC. 2. That the agreements made under the provisions of this act shall provide that a certain sum of money shall be deposited in the Treasury of the United States, out of which to pay the taxes upon all inalienable allotments of lands to said Indians during the time said allotments are inalienable.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN ALABAMA, MISSISSIPPI, AND ARKANSAS.

The bill (H. R. 1244) to confirm certain cash entries of offered lands was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROPOSED INVESTIGATION OF BOND SALES.

Mr. HILL. I suggest that the next three orders of business, the resolution providing for an investigation into sales of United States bonds in the years 1894, 1895, and 1896, the resolution as to the claimant to a seat in the Senate from the State of Delaware, and the bill (S. 2147) establishing additional regulations concerning immigration to the United States, go over. Each of them will lead to some debate.

Mr. PEFFER. I move, notwithstanding the Senator's objection, that the Senate proceed to the consideration of the resolution submitted by me on the 12th of February, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896. We had it before the Senate twice on two different days and we had an opportunity then to discuss the resolution. I do not see why we might not as well take it up now, unless we can procure unanimous consent to set a particular time when it may be considered. I would not object to that course.

Mr. COCKRELL. What is the Senator from Kansas asking for? We can not hear him on this side.

Mr. PEFFER. Order of Business 332 was called, and the Senator from New York objected to its present consideration. I move that the Senate proceed to its consideration, notwithstanding the objection.

Mr. HILL. I suggested that the next three measures on the Calendar should go over, as each of them would lead to debate. I thought it would expedite business. It is no use to take up those matters now.

Mr. FRYE. Unanimous consent was given to proceed with the Calendar of unobjected cases under the five-minute rule. I do not think the Senator from Kansas can, under that agreement, make the motion which he proposes to make.

Mr. HOAR. Does that unanimous-consent agreement last forever?

Mr. WOLCOTT. I understand that any Senator can move to take up a measure from the Calendar without violating such a unanimous-consent agreement.

Mr. TELLER. That is done a hundred times.

Mr. WOLCOTT. It is always done.

Mr. COCKRELL. It can be taken up by unanimous consent.

Mr. WOLCOTT. But if objected to, a Senator can move to proceed with its consideration. It has been done repeatedly during the short time I have been in the Senate.

Mr. FRYE. That is done when we proceed with the Calendar under the ordinary rule.

Mr. PEFFER. My motion is to proceed to the consideration of the resolution.

Mr. HILL. I will raise the question whether under the existing status the motion of the Senator from Kansas is in order.

Mr. COCKRELL (to Mr. HILL). Object to the consideration of the resolution.

Mr. HILL. I object, then.

Mr. TELLER. The motion to take up must certainly be in order. There can not be any question about that.

Mr. JONES of Arkansas. My impression about the present status is that unanimous consent was asked that the Senate proceed to the consideration of unobjected cases on the Calendar. A number of Senators have gone away from the Chamber under the impression that that would be the order for the remainder of the day. I came very near going myself, believing that nothing whatever would be done except that cases unobjected to would be taken up. When a unanimous-consent agreement of that sort has been given in the Senate it seems to me that it would be a violation of it for any Senator afterwards to move to proceed to the consideration of any business objected to.

Mr. COCKRELL. This is objected to.

Mr. HOAR. Does the Senator mean that we should spend the whole day on the Calendar? I should like to have the unanimous-consent agreement read.

Mr. JONES of Arkansas. I understood it to be the agreement that we would spend the afternoon on the Calendar.

Mr. TELLER. I should like to say that is a very proper appeal to make to the Senate, but it does not raise the question that we can not move to take up the resolution.

Mr. JONES of Arkansas. I rose for the purpose of asking the Senator from Kansas not to insist on taking it up, as we had agreed to proceed to the consideration of unobjected cases on the Calendar.

Mr. TELLER. That might be persuasive, but the motion can not be held to be out of order.

The PRESIDING OFFICER. The Chair thinks that under the rule a motion to proceed to the consideration of the resolution is in order unless there has been some agreement on the part of the Senate that such a motion shall not be made.

Mr. WOLCOTT. May I make a suggestion to the Senator from Kansas? I suggest that he ask unanimous consent that we proceed to the consideration of this resolution to-morrow. It has had a most remarkable career. We were all apparently in favor of it. The junior Senator from Massachusetts [Mr. LODGE] brought

in a resolution to take its place, which was less drastic than this resolution, and it was defeated by an overwhelming majority. From that day to this neither the Senator from Kansas nor anybody else has been able to get up a resolution inquiring into these bond sales, and finally the Senator from Kansas, with that patience which characterizes him, has waited until finally the business of the Senate has rolled around until it has reached it; and now the Senator from New York objects.

Mr. HILL. It had better keep rolling, then.

Mr. WOLCOTT. In a moment, if the Senator from New York will pardon me. Now it will go over again until some other afternoon, when it will drift along, and when we come to it somebody else will object or it will not come within the unanimous-consent agreement. I ask the Senator from New York if he is not inclined to agree that we shall at least fix upon some time when this measure may be discussed and the Senate will give him an hour? I apprehend the Senator from Kansas is not insistent upon this afternoon.

Mr. HILL. The Senator from Utah had the right of way this afternoon. The Arkansas bill was disposed of more quickly than had been anticipated, and he would have moved that bill, except that unexpectedly the Senator from Wisconsin [Mr. VILAS] was absent, and of course he allowed it to go over. Then we proceeded to take up the Calendar. I have not known any case where we proceeded to the consideration of the Calendar and an objection was raised that we stopped then to enter on a fight upon the question of taking up a bill for consideration. This resolution will lead to considerable debate; in the language of the Senator from Maine, a brief debate. It can not be taken up very well this afternoon, but at any time when the Senate wants to enter upon this subject and we shall not be cut off by the morning hour, as I have been twice, I have no objection to proceeding with it. But I want to know the time a little in advance. I have not my papers here or anything else, and I certainly shall not proceed if I can help it this afternoon.

Mr. TELLER. I should like to ask the Senator from New York if he will agree upon some time to-morrow when the resolution may be called up?

Mr. HILL. The Senator from Oregon [Mr. MITCHELL] has notified us that to-morrow we shall have to proceed with the Du Pont case. Then another Senator notified us that an appropriation bill will be ready for to-morrow. Any time you can set to take it up and proceed with it until it is disposed of will be all right.

Mr. TELLER. I understand that there is a speech or two to be made to-morrow. Will the Senator accept the next day; that is, Wednesday?

Mr. HILL. What hour do you want to fix it for?

Mr. TELLER. Two o'clock. Would that suit the Senator?

Mr. PEFFER. Fifteen minutes after 2.

Mr. TELLER. Or fifteen minutes after 2.

Mr. HILL. I wish to make another suggestion to the Senator. I introduced a resolution some time ago and the Senate passed one requesting the Secretary of the Treasury to transmit to the Senate a list of the bidders and certain facts in connection with the transaction, and I had supposed that it had been answered. I find that it has not. I want a copy of that information. I prefer not to proceed with the debate until that report has been made. I do not know why the delay is that it has not yet been produced. I want that information before we proceed with the discussion.

Mr. TELLER. I suggest to the Senator that he could get that to-morrow without any trouble if we do not take up the resolution until the next day. He can certainly get the information to-morrow.

Mr. HILL. The report has not been made.

Mr. TELLER. A telegram sent to the Department this afternoon will bring it to-morrow, I have not any doubt.

Mr. WOLCOTT. A suggestion was made by my colleague which possibly the Senator from New York did not understand. It is that we fix upon day after to-morrow.

Mr. PEFFER. At half past 2 day after to-morrow.

Mr. WOLCOTT. At any time on that day, so that we can agree to take up the resolution.

Mr. PLATT. I believe I will object to any unanimous-consent arrangement.

Mr. GORMAN. So would I.

Mr. PLATT. Agreements are made here in a thin Senate, and we have a great deal of trouble with them when the Senate is full.

The PRESIDING OFFICER. Objection is made to the request of the Senator from Colorado.

Mr. TELLER. I should like to serve notice upon the Senator from Connecticut that we will take the resolution up, if a majority of the Senate vote for it; and we shall take it up very soon, too, if we do not do so to-day.

Mr. WOLCOTT. If the Senate is not too thin, we will take it up now. I understand that the motion of the Senator from Kansas [Mr. PEFFER] is before the Senate.

Mr. COCKRELL. I hope the Senator will not insist upon that course. It will simply be a waste of time to attempt that now. The Senator well knows the resolution can be taken up at any time; there is no trouble about that; but you do not want it taken up when it would be simply a waste of time and not accomplish anything. That is the point I make. There are plenty of votes here to take up the resolution whenever you want to bring it before the Senate.

Mr. PLATT. I have no objection whatever that a motion should be made now or at any time to take up the resolution. I have no objection to the resolution, but I simply desire to exercise a privilege which one Senator has not to make agreements by unanimous consent that we shall proceed at a fixed time to the consideration of a certain measure and find when the time comes that it is very inconvenient.

Mr. FRYE. I desire to say one word before the discussion proceeds any further, because there seems to be a misapprehension certainly on the part of the Senator from New York. The Calendar, under Rule VIII, is the regular order immediately after the routine business every morning. If nothing intervenes the Calendar is taken up after the morning business and you commence with the cases where you left off on the last consideration. Then any motion to proceed to the consideration of a resolution or bill on the Calendar is clearly in order, notwithstanding an objection may be made. But we are proceeding with the Calendar exceptionally to-day, under a unanimous request made that we might proceed to consider the unobjected cases. To-morrow morning, after the routine business is completed, the Calendar is in order, and the first business on it is the resolution of the Senator from Kansas. All that he has then to do is to ask that we proceed or move that we proceed to the consideration of the Calendar, and that resolution comes up; and if anyone makes an objection, a motion can at once be made to proceed to the consideration of the resolution notwithstanding the objection.

Mr. WOLCOTT. The explanation of the Senator from Maine is as lucid as a well, but the misapprehension arises from the fact that there was a unanimous-consent agreement that we should proceed to the consideration of the Calendar. In the minds of many of us here that was not intended to last any specific length of time. It was early in the afternoon when it was agreed to, and many of us have been looking along hoping that when this resolution was reached in due course it would receive consideration. We apprehended, and very naturally, that no Senator would object, and that we would bring it before the Senate. I suggest to the Senator from Kansas that if there is Calendar business to be transacted this afternoon, he give notice that he will move to take up the resolution to-morrow at some time, perhaps after the remarks of the Senator from Mississippi [Mr. GEORGE]. The resolution does not happen to be casually objected to, I do not mean by the Senator from New York, but I mean its progress is not casually objected to. It has been shoved over day after day and day after day, and something has always happened why we should not consider the investigation of the bond measure. In my opinion and in the opinion, I know, of very many Senators the time of the Senate could be just as well taken up in the discussion of the question of the sale of the bonds and of the policy of the Government which led to them as in discussing many of the abstract propositions which have taken the time of the Senate for many days in the past few weeks.

Mr. PEFFER. I think we can obviate all this difficulty by a simple notice. I give notice that to-morrow, immediately after the conclusion of the remarks of the Senator from Mississippi [Mr. GEORGE], I shall ask the Senate to proceed to the consideration of the resolution.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

Mr. JONES of Arkansas. I ask the Senator from Missouri to withhold that motion for one moment. I want to ask unanimous consent of the Senate to call up a bill authorizing the extension of a right of way to build a railroad in the Indian Territory. It will take but a few minutes to dispose of it.

Mr. COCKRELL. Is it a House or a Senate bill?

Mr. JONES of Arkansas. It is a House bill.

Mr. BROWN. I suppose the notice of the Senator from Kansas, that he will move to take up the resolution, will not interfere with the unfinished business which is set for to-morrow.

Mr. FRYE. That comes up at 2 o'clock.

Mr. COCKRELL. No notice can interfere with the regular order.

INTEROCEANIC RAILWAY COMPANY.

Mr. JONES of Arkansas. I ask unanimous consent to proceed to the consideration of the bill (H. R. 5914) to amend an act to authorize the Interoceanic Railway Company to construct and

operate railway, telegraph, and telephone lines through the Indian Territory.

Mr. COCKRELL. I yield temporarily until that can be disposed of.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT INDIANAPOLIS, IND.

Mr. TURPIE. I ask the unanimous consent of the Senate for the present consideration of the bill (S. 154) to provide for the erection of a public building at Indianapolis, Ind.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, in section 2, line 4, after the word "two," to insert "purchase, at a cost not exceeding $200,000, 15,200 square feet of ground adjoining the present site, and to"; and in lines 9 and 10, after the word "buildings," to insert "with the additional ground purchased"; so as to make the section read:

SEC. 2. That if, in the judgment of the Secretary of the Treasury, it shall be deemed in the best interest and economy of the public service, he is hereby authorized and directed, in lieu of the provisions of section 1 of this act, to purchase, at a cost not exceeding $200,000, 15,200 square feet of ground adjoining the present site, and to cause the present United States court-house and post-office and other buildings to be torn down and removed, and to cause to be erected on the site of said buildings, with the additional ground purchased, a new public building for the use and accommodation of the Government offices, upon sketch plans, drawings, and detailed estimates to be prepared and approved as specified in said section 1 of this act, at a cost not exceeding said sum of $2,000,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DESTRUCTION OF INCOME-TAX RETURNS.

Mr. ALLISON. I ask unanimous consent to call up the joint resolution (H. Res. 24) providing for the immediate destruction of income-tax returns, and so forth. It is a measure reported by the Finance Committee unanimously, and it will take but a moment for its consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAURICE RIVER LIGHT-HOUSE, ETC.

Mr. SEWELL. I ask leave to call up the bill (H. R. 55) for the establishment of a light-house and fog-signal station at or near Big Oyster Bed Shoal, New Jersey.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, in line 3, after the word "that," to strike out "a light-house and fog-signal station" and insert "range lights and keeper's quarters"; and in line 4, after the word "near," to strike out "Big Oyster Bed Shoal, mouth of the" and insert "the entrance to"; so as to make the bill read:

Be it enacted, etc., That range lights and keeper's quarters be established at or near the entrance to Maurice River, Delaware Bay, New Jersey: *Provided*, That the same shall not cost more than $4,500.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the establishment of a light-house and fog-signal station at or near the entrance to Maurice River, New Jersey."

HOUSE BILL REFERRED.

The bill (H. R. 3292) granting an honorable discharge to Seth Porter Church, alias Samuel Church, was read twice by its title, and referred to the Committee on Military Affairs.

JOSEPH W. FISHER.

The PRESIDING OFFICER laid before the Senate the request of the House of Representatives to furnish the House with a certified engrossed copy of the bill (S. 640) to increase the pension of Joseph W. Fisher, to replace the original engrossed copy, which had been lost; and, by unanimous consent, the request was complied with.

EXECUTIVE SESSION.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 31, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 30, 1896.

GOVERNOR OF ARIZONA.

Benjamin J. Franklin, of Phœnix, Ariz., to be governor of Arizona, vice Louis C. Hughes, removed.

ASSISTANT APPRAISER OF MERCHANDISE.

John B. Dusenberry, of New Jersey, to be an assistant appraiser of merchandise in the district of New York, in the State of New York, in the place of Henry W. Hart, deceased.

CHIEF ENGINEER, REVENUE-CUTTER SERVICE.

First Asst. Engineer Willits Pedrick, of New Jersey, to be a chief engineer in the Revenue-Cutter Service of the United States, in the place of Stephen Keogh, deceased.

POSTMASTERS.

Ansel E. Chamberlin, to be postmaster at Dalton, in the county of Berkshire and State of Massachusetts, in the place of Anson E. Chamberlain, to correct error in name.

Mollie E. Goolsby, to be postmaster at Chatham, in the county of Pittsylvania and State of Virginia, in the place of James Carter, whose commission will expire April 8, 1896.

PROMOTIONS IN THE NAVY.

Capt. Allen V. Reed, to be a commodore in the Navy from the 28th of February, 1896 (subject to the examinations required by law), vice Commodore Thomas O. Selfridge, promoted.

Commander Francis A. Cook, to be a captain in the Navy from the 28th of February, 1896, vice Capt. Allen V. Reed, promoted.

Lieut. Commander Charles T. Hutchins, to be a commander in the Navy from the 28th of February, 1896, vice Commander Francis A. Cook, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 30, 1896.

CONSUL.

Clement J. Dietrich, of Maryland, to be consul of the United States at Nantes, France.

PROMOTIONS IN THE ARMY.

Infantry arm.

Lieut. Col. Hugh Albert Theaker, Fourteenth Infantry, to be colonel.

Maj. George Briggs Russell, Fifth Infantry, to be lieutenant-colonel.

Capt. Charles Porter, Eighth Infantry, to be major.

First Lieut. Robert Fisher Ames, Eighth Infantry, to be captain.

Second Lieut. Frederic Homer Sargent, Seventh Infantry, to be first lieutenant.

Cavalry arm.

First Lieut. George Horace Morgan, Third Cavalry, to be captain.

Second Lieut. Edwin Moore Suplee, Second Cavalry, to be first lieutenant.

To be second lieutenant, cavalry arm.

Candidate Corp. Herman A. Sievert, Company G, Twelfth Infantry.

To be second lieutenants, infantry arm.

Candidate Corp. Frederick B. Shaw, Company A, Twenty-first Infantry.

Candidate Corp. Reuben S. Turman, Company G, Sixteenth Infantry.

Candidate Sergt. William B. Cochran, Company B, Fifth Infantry.

Candidate Sergt. Harry F. Rethers, Company A, First Infantry.

Infantry arm.

First Lieut. Robert Nelson Getty, Twenty-second Infantry, to be captain.

Second Lieut. Harold Lincoln Jackson, Fifteenth Infantry, to be first lieutenant.

POSTMASTERS.

Charles E. Wills, to be postmaster at Homer, in the county of Cortland and State of New York.

Theodore Smith, to be postmaster at Goshen, in the county of Orange and State of New York.

Patrick J. Ryan, to be postmaster at Durand, in the county of Pepin and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 30, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Friday was read and approved.

CORRECTION.

Mr. GROSVENOR. Mr. Speaker, I desire to call attention to a matter in connection with the RECORD which places me in rather an awkward position. At the evening session on Friday last, speaking of the Committee on Invalid Pensions, I used language which I now read from the RECORD:

They have brought in a measure here that, in the main and practically in all respects, is a most valuable step forward in this matter of pensions, and I am not willing to be a member of a House, or a member of a political party, or a member of a committee, and stand by and hear an advantage taken that I know is not a fair advantage—

And then I went on to say—

even though my doing so might inure to the benefit of some "fugleman," as somebody on this floor has been very politely called to-night—some fugleman of some candidate for the Presidency. I suppose we have a good many fuglemen here. I imagine that the gentleman who made the charge is a sort of a fugleman, possibly not a major-general, possibly only a corporal, but I think he will fugle some before he gets through. [Laughter.]

Now, if there was nothing to justify or provoke the use of that language, I am placed in the position of using expressions that under ordinary circumstances I should not use. The fact, however, is that the gentleman from Illinois [Mr. CONNOLLY], in his remarks preceding what I said, had used this language:

But, sir, we are so busy making Presidents—this Congress is filled up with so many candidates for the Presidency, so many fuglemen for other candidates.

It was in response to that remark of the gentleman from Illinois that I used the language which I have quoted; but for some reason or other—God only knows what it is—the gentleman's remark does not appear in the printed RECORD, so that I am left in the position of having made a slash at something that does not appear to exist. As the thing stands in the RECORD, it looks as if I had originated this word "fugleman" and was playing upon it and charging it upon the gentleman from Illinois, whereas in fact he first introduced the expression, though his printed remarks do not show that fact.

Mr. CONNOLLY. Mr. Speaker, as the gentleman from Ohio has referred to me and to something that I said at the last Friday night's session, I wish to state that whatever appears in the RECORD as having been said by me is just what the Official Reporters took down. If there is any mistake about it, it is not mine, for I have not changed a word or a letter. I certainly did not presume to charge that the gentleman from Ohio was a "fugleman" for any candidate for the Presidency. That, of course, could not be presumed for one moment from any remark of mine. Whatever appears in the RECORD is just what the Official Reporter took down. I have not been here long enough to learn the trick of changing what I say on the floor with my pencil after I have said it. What I say here I am willing to stand by.

Mr. GROSVENOR. All I can say is that the gentleman did use the words that I have attributed to him.

Mr. CONNOLLY. Then the gentleman should assail the reporter, and not me.

Mr. GROSVENOR. I do not "assail" anybody. I am defending myself for having used language that is senseless, in view of the condition of the RECORD. That is all.

Mr. CONNOLLY. I suppose the apology will be received. [Laughter.]

The SPEAKER. The Chair lays before the House the following public business. [Laughter.]

DULUTH AND NORTH DAKOTA RAILROAD COMPANY.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 4254) granting to the Duluth and North Dakota Railroad Company right of way through certain Indian reservations in the State of Minnesota.

Mr. JENKINS. I move that the amendments of the Senate be concurred in.

The motion was agreed to.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table,

JOSEPH W. FISHER.

Mr. ANDREWS, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Senate be requested to transmit to the House a certified engrossed copy of the bill (S. 640) entitled "An act to increase the pension of Joseph W. Fisher," to replace the original engrossed copy, which has been lost.

GOOD FAITH WITH THE INDIANS.

Mr. MONEY. I ask unanimous consent to have printed in the RECORD a memorial of the legislature of the State of Mississippi, which I send to the desk.

The memorial was read in part, when

Mr. DINGLEY said: I think it is unnecessary to have this paper read. I suppose there will be no objection to printing it in the RECORD, as it is a memorial of a State legislature.

The SPEAKER. If there be no objection, the memorial will be printed in the RECORD.

There was no objection.

The memorial is as follows:

Memorial of the legislature of the State of Mississippi to the Congress of the United States.

Whereas the State of Mississippi is composed largely of the lands ceded by the Chickasaw and Choctaw nations of Indians, by solemn treaties made by said Indians with the United States, by which said Indians acquired in exchange therefor the lands on which they now live in the Indian Territory; and

Whereas the Chickasaw Indians ceded all that part of our State from the Tombigbee on the east to the Mississippi River on the west, and the Choctaws ceded all that part of our State from the Alabama line on the east to the Mississippi River on the west and to the Gulf coast on the south; and

Whereas the Five Civilized Tribes, the Chickasaws, Choctaws, Cherokees, Creeks, and Seminoles, have ceded vast empires of lands to the Government of the United States, out of which State after State has been carved, and have received in exchange for this vast domain, by solemn treaties and formal letters patent, what is known as the Indian Territory, west of the Mississippi River; and

Whereas there is an effort now being made before your honorable bodies to virtually strip the five nations of Indians of the land thus solemnly conveyed to them, to destroy the autonomy of their respective governments, fashioned, as they all are, on the Constitution and Government of our own States, we respectfully memorialize your respective bodies to keep honorable faith with these weak nations, and in aid of our prayer and memorial beg leave earnestly to call the attention of the Congress of the United States to the terms of the treaties solemnly entered into with these Five Civilized Tribes of Indians.

In the year 1830 the United States Government announced its policy of removing the Indian tribes then located east of the Mississippi River to west of the river by an exchange of lands, and authorized the President, by an act of Congress passed on the 28th day of May, 1830—

"To assure the tribe or nation with which the exchange is made that the United States will forever secure and guarantee to them and their heirs and successors the country so exchanged with them; and if they prefer it the United States will cause a patent or grant to be made to them for the same: *Provided always*, That such lands shall revert to the United States if the Indians become extinct or abandon same."

And by treaty made on the 14th day of February, 1833, the Government of the United States, by authorized commission, guaranteed their present home to the Cherokees (and all the other tribes), in the words following:

"ARTICLE 1. The United States agree to possess the Cherokees (and same terms apply to the other tribes), and to guarantee it to them forever, and that guaranty is hereby pledged, of 7,000,000 acres of land, to be bounded as follows (and here land is described), which includes the land now owned and occupied by the Cherokees, and letters patent shall be issued by the United States as soon as practicable for the land hereby guaranteed."

By treaty of December 29, 1835, the United States confirmed the grant and renewed the pledge of a patent in the following words:

"ART. 3. The United States also agrees that the lands above ceded by the treaty of February 14, 1823, including the 'Outlet' and those ceded by this treaty, the so-called 'neutral' lands, shall all be included in one patent, executed to the Cherokee Nation of Indians by the President of the United States, according to the act of May 28, 1830."

This patent was issued December 31, 1839, and conveyed the lands to the Cherokee Nation, their heirs and successors, "to hold forever."

By treaty of August 17, 1846, the United States further declared:

"ART. 1. That the lands now occupied by the Cherokee Nation shall be secured to the whole Cherokee people for their common use and benefit."

By the treaty of 1835, sections 5, 6, and 7, all these grants of lands were solemnly confirmed, and so anxious was the Government of the United States to secure these lands lying within the limits of the States of Mississippi, Alabama, Georgia, Florida, and Tennessee, and to remove the Five Civilized Tribes to the west of the Mississippi River, that they agreed by the seventh article of the treaty of 1835 to grant to the Indian tribes, should they desire it, a delegate to the House of Representatives of the United States.

At the close of the war between the States, the Cherokees and Chickasaws having raised regiments and taken sides with the Confederates, it became necessary to make new treaties, to define the relation of the Indian nation to the United States, and by the treaty of 1866, made after the close of the war, it was provided—

"ART. 26. The United States guarantee to the people of the Cherokee Nation (and same provision applied to all the Five Civilized Tribes) the quiet and peaceable possession of their country, and protection against domestic feuds and insurrections, and against hostilities of other tribes. They shall also be protected from interruption and intrusion from all unauthorized citizens of the United States who may attempt to settle on their land or reside in their territory.

"ART. 27. All persons not in the military service of the United States not citizens of the nation are to be prohibited from coming into the Cherokee Nation, or remaining in the same, except as herein otherwise provided; and it is the duty of the United States Indian agent of the Cherokees to have such persons not lawfully residing or sojourning therein removed from the nation, as they now are or hereafter may be required by the Indian intercourse laws of the United States.

TREATY OF 1866.

"ART. 7. The Choctaws and Chickasaws agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of person and property within the Indian Territory; provided, however, such legislation shall not in any wise interfere with or annul their present tribal organization, or their respective legislatures or judiciaries, or the rights, laws, privileges, or customs of the Choctaw and Chickasaw nations, respectively.

"ART. 10. The United States reaffirms all obligations arising out of treaty stipulations or acts of legislature with regard to the Choctaw and Chickasaw nations extending prior to the late rebellion and in force at that time not inconsistent herewith; and further agrees to renew the payment of all annuities and other moneys accruing under such treaty stipulation and acts of legislation from and after the close of the fiscal year ending on the 30th day of June, in the year 1866."

It will thus be seen that by every treaty stipulation between the United States and the Indian tribes from 1830 to 1866 the right to govern themselves and to hold their lands in common was most solemnly guaranteed.

Now it is proposed to do away with these governments, all republican, and closely modeled after the Government of the United States and the State

The motion was agreed to; and the Senate proceeded to the con-

Pepin and State of Wisconsin.

RECORD a memorial of the legislature of the State of Mississippi, which I send to the desk.

Now it is proposed to do away with these governments, all republican, and closely modeled after the Government of the United States and the State

constitutions and governments, and to force them, against the most solemn treaty stipulations, to hold their lands in severalty.

It must be remembered that these Indians were asked to give up their homes, and the homes of their wives and children, and the graves of their ancestors, and seek new homes in the then wilds of the West. All this they did for the whites. The love and reverence of the Chickasaws for the homes they left behind them is shown by the fact that in naming the counties of the Nation they took the names of the old counties they left behind. They have their Tishomingo, Choctaw, Pontotoc, as we have. The Indians gave up their homes with fear and dread; but when the brave old hero whom they had learned to honor and respect (for he never spoke to them "with a forked tongue") said to them in their own beautiful and figurative language, "This land shall be yours as long as the grass grows and the water flows," they yielded, and sought a new home in the Western wilds, and have become a civilized and prosperous people. Shall our own Government go back on the word of the hero of New Orleans? While our Government is demanding that there shall be no dismembering of the territory of far-distant Venezuela, and proclaiming its advocacy of the far-distant Christians of Armenia and its horror of the Turkish barbarism which oppresses them, shall we go back on our plighted faith to the weak Indian nations in our very midst, who have yielded to the white man an empire of lands, the richest and most fertile on the globe? Shall we tarnish the honor and bright fame of our Government by keeping punic faith with the weak and the helpless?

We ask that you keep faith with these tribes, and break not the solemn treaties by which you have agreed to let them have their own government and conduct their own affairs.

Be it resolved by the senate (the house concurring), That a copy of this memorial, signed by the president of the senate and the speaker of the house, and attested by the secretary of state, with the great seal of the State attached, be forwarded to each of our Senators and each of our Representatives in the Congress of the United States.

Passed the house March 3, 1896.

FRANK A. CRITZ,
Speaker of the House.

Passed the senate March 14, 1896.

J. H. JONES,
President of the Senate.

A true copy.
[SEAL.] J. L. POWER, *Secretary of State.*

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; in which the concurrence of the House was requested.

The message also announced that the Senate had passed joint resolution (S. R. 114) authorizing and directing Bernard R. Green to exercise the duties and powers heretofore conferred upon the late Gen. Thomas L. Casey in relation to the construction and completion of the Library of Congress; in which the concurrence of the House was requested.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following bills and joint resolutions were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 2629) to provide for the erection of a public building at Washington, Pa.—to the Committee on Public Buildings and Grounds.

Joint resolution (S. R. 110) providing for the appointment of a commission, under the direction of the Secretary of War, for the preliminary survey, with plans, specifications, and approximate estimates of cost thereof, for the construction of a ship canal of approved width and depth from the lower shore of Lake Michigan to the Wabash River, and for the further investigation of the practicability of the construction of such waterway—to the Committee on Railways and Canals.

A bill (S. 2546) concerning the court of appeals in the District of Columbia—to the Committee on the Judiciary.

A bill (S. 2346) to prescribe the times and places of holding the district court of the United States in and for the District of Alaska—to the Committee on the Judiciary.

A bill (S. 676) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," approved March 2, 1895—to the Committee on Public Buildings and Grounds.

Joint resolution (S. R. 107) to authorize Prof. Simon Newcomb, United States Navy, and Prof. Asaph Hall, United States Navy, to accept decorations from the Government of the Republic of France—to the Committee on Foreign Affairs.

A bill (S. 1724) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across the Black River, in Louisiana—to the Committee on Interstate and Foreign Commerce.

A bill (S. 1872) authorizing the Secretary of the Treasury to exchange in behalf of the United States the tract of land at Choctaw Point, Mobile County, Ala., now belonging to the United States and held for light-house purposes, with the Mobile, Jackson and Kansas City Railroad Company for any other tract or parcel of land in said county equally well or better adapted for use for light-house purposes—to the Committee on Interstate and Foreign Commerce.

A bill (S. 2609) to amend chapter 341, section 9, of the acts of 1885, so far as the same prescribes the punishment of death for Indians committing the offense of rape—to the Committee on the Judiciary.

Joint resolution (S. R. 116) authorizing the Public Printer to print the Annual Report of the Superintendent of the United States Coast and Geodetic Survey in quarto form and to bind it in one volume—to the Committee on Printing.

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring), That there be printed of the report of the special agent for the protection of the salmon fisheries of Alaska for the year 1894, 6,000 copies; 1,500 copies for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the Treasury Department—

To the Committee on Printing.

FREDERICK B. BETTS.

Mr. PITNEY. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 4632) for the relief of Frederick B. Betts, surviving partner of the firm of Betts, Nichols & Co.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Frederick B. Betts, surviving partner of the firm of Betts, Nichols & Co., out of any moneys in the Treasury not otherwise appropriated, the sum of $250, being the amount of Treasury draft No. 5453, on Treasury interior warrant No. 4801, dated March 1, 1861, and drawn upon the assistant treasurer of the United States at New Orleans in favor of Lampson & Hendricks.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. RICHARDSON. I should like to have the gentleman make some explanation. It was almost impossible to understand the bill as read.

Mr. PITNEY. I will explain the bill, or will have the report read, as the gentleman may prefer.

Several MEMBERS. Explain it.

Mr. PITNEY. In 1861, just before the outbreak of the war, a draft was issued by the assistant treasurer of the United States at Washington upon the subtreasury at New Orleans, payable to order of the firm of Sampson & Hendricks, who were merchants in Austin, Tex. It was passed by Sampson & Hendricks to the New York firm of Betts, Nichols & Co., in payment of an obligation previously incurred.

About the time that the draft was sent to New York the war commenced, and mail intercourse was suspended, so that the New York firm could not send the draft to New Orleans for presentation at the subtreasury there. They kept it until the close of the war and then mailed it to the Secretary of the Treasury at Washington, stating that they desired the draft paid, but did not know whether it should be presented at New Orleans, and asking advice from him as to how payment could be obtained. Owing to some oversight the Secretary of the Treasury pigeonholed the draft, and it was kept at the Department from that time until now, the letters in regard to it never having been answered. Thus payment has been prevented until the present time. The claim is a perfectly proper one.

Mr. MCMILLIN. Has there been any call upon the Treasury Department for an explanation of the circumstances.

Mr. PITNEY. There has been. And I have submitted to the Committee on Claims the original letters. I have copies here.

Mr. MCMILLIN. Will the gentleman kindly have them read? He speaks of letters having been "pigeonholed"; and I think that in connection with such an accusation the defense of the Department ought to come in.

Mr. PITNEY. Well, there are a number of the letters.

Mr. MCMILLIN. Have them read, and I will reserve the right to object.

Mr. PITNEY. All right, sir; I ask the Clerk to read the communications which I send to the desk. The report, however, sets out the matter quite fully. I send a copy of it also to the desk.

The Clerk read as follows:

Mr. WOODARD, from the Committee on Claims, submitted the following report:

The Committee on Claims, to whom was referred the bill (H. R. 4632) for the relief of Frederick B. Betts, surviving partner of the firm of Betts, Nichols & Co., respectfully report:

That they have carefully considered the said bill, and report it back to the House with the recommendation that the bill do pass.

This is a claim for the payment of Treasury draft No. 5453, issued on Treasury Interior warrant No. 4801, dated March 1, 1861, drawn on the subtreasury at New Orleans in favor of Sampson & Hendricks, for $250. The consideration of the draft was the rent of rooms for the United States courts at Austin, Tex., for three months ending December 20, 1860. Shortly after receiving the draft, and on or about April 4, 1861, Sampson & Hendricks transferred it in the ordinary course of business to Messrs. Betts, Nichols & Co., of New York City, in payment of a debt incurred prior to January 1, 1861. The draft was received from Sampson & Hendricks in Austin, Tex., by the collecting agent of the New York firm. It reached the latter firm in New York about May 10, 1861, just after the commencement of the war, when it was too late to send the draft from New York to New Orleans for presentation at the subtreasury there for payment. Messrs. Betts, Nichols & Co. therefore

retained the draft in their possession until after the close of the war, and then (January 2, 1866) sent it to the Secretary of the Treasury at Washington with a letter explaining that by reason of the war they had been unable to present it to the assistant treasurer at New Orleans, the letter closing with these words:

"Not knowing whether there is now an assistant treasurer at New Orleans, we inclose it to you for payment or advice what to do with the same."

This letter, inclosing the draft, was duly received by the Secretary of the Treasury, but no answer was ever made to the letter, and the draft was retained in the Treasury Department from that day to this, and has never been paid.

On May 18, 1866, Betts, Nichols & Co. wrote again to the Secretary of the Treasury on the subject, but received no reply.

On June 13, 1870, they wrote again to the Treasury Department, and were informed by letter from the First Auditor that, as the draft was outstanding prior to April 13, 1861, it would be necessary for the holders to prove—

"That the original owners of the draft, Sampson & Hendricks, and all other persons who have had, or who may now have, any interest in said draft, did not promote, encourage, or in any manner sustain the late rebellion, and were distinctly known during said rebellion to be opposed thereto and in favor of its suppression."

Betts, Nichols & Co. were unable to furnish the required proof with reference to Sampson & Hendricks.

These requirements were imposed by a joint resolution approved March 2, 1867 (Rev. Stat., sec. 3480). No such obstacle stood in the way of the payment of the draft when it was sent to the Treasury in January, 1866, nor did any other legal obstacle then exist.

The joint resolution of 1867 is, in our opinion, unconstitutional and void, at least so far as a claim of this character is concerned. The Constitution prohibits the passage by Congress of any bill of attainder or ex post facto law. Your committee think that the joint resolution in question, in so far as it would operate to deprive Messrs. Betts, Nichols & Co., without a judicial trial, of property worth $250, for alleged offenses committed by a third party previous to the passage of the resolution, is manifestly unconstitutional.

The Treasury draft under consideration was a good and valid obligation of the United States Treasury at the time it was received by Betts, Nichols & Co., and we think it is so still. Consequently, it ought to be paid without further delay.

F. B. Betts is the sole surviving partner of Betts, Nichols & Co., and entitled to collect the assets of the said firm, including this draft.

The claim is an old one, but that is not the fault of the claimant. At frequent intervals since the adverse action of the Treasury Department in 1870 Congress has been petitioned to grant relief in the matter.

A bill directing the Secretary of the Treasury to pay the claim passed the Senate in the Forty-eighth Congress, and again in the Fifty-first and Fifty-second Congresses. In each instance it failed of consideration in the House, although in the Fifty-second Congress it was favorably reported by the House Committee on Claims.

[Copy.]

349 BROADWAY, *New York, January 2, 1866.*

SIR: We hand you the inclosed Treasury warrant, dated Washington, March 1, 1861, payable to and indorsed by Sampson & Henricks, of Austin, Tex., on assistant treasurer United States at New Orleans for $250.

This was taken by our young man in winter of 1861 while in Austin, Tex., and before it reached us the war commenced, and we were unable to get it to present to assistant treasurer at New Orleans.

Not knowing whether there is now an assistant treasurer at New Orleans, we inclose it to you for payment or advice what to do with the same.

Very respectfully, your obedient servants,

BETTS, NICHOLS & CO.

Hon. HUGH MCCULLOCH,
Secretary of Treasury United States, Washington, D. C.

[Copy.]

Direct post-office box 464.

117 BROADWAY, *New York, June 13, 1870.*

SIR: On the 2d of January, 1866, we addressed a letter to the Hon. Hugh McCulloch, the then Secretary of the Treasury, inclosing Treasury warrant dated Washington, March 1, 1861, payable to and indorsed by Sampson & Henricks, of Austin, Tex., our assistant treasurer United States at New Orleans for $250. This was taken by our young man in winter of 1861 while in Austin, Tex., and before it reached us the war commenced, and we were unable to get it to present to assistant treasurer at New Orleans.

Again we addressed the Department under date of May 18, 1866. To neither of our letters have we ever received a reply. Will you have the goodness to answer, and let us know if we can expect its payment?

Yours, truly,

BETTS, NICHOLS & CO.

Hon. GEORGE S. BOUTWELL,
Secretary of the Treasury United States, Washington, D. C.

[Copy.]

TREASURY DEPARTMENT, FIRST AUDITOR'S OFFICE,
June 20, 1870.

GENTLEMEN: Your letter of the 13th instant, addressed to the Secretary of the Treasury, having been referred to this office, I caused a search to be made of the letter of January 2, 1866, therein referred to, and found from the records of the Secretary's Office that it had been referred, with the draft inclosed, to the Comptroller of the Treasury on the 4th of January, 1870, and upon application to that office the letter and draft have been referred to this office for its proper action. As this draft was outstanding and unpaid prior to April 13, 1861, it will be necessary for you to furnish satisfactory proof that the original owners of the draft, Sampson & Hendricks, and all other persons who have had or who may now have any interest in said draft did not promote, encourage, or in any manner sustain the late rebellion, and were distinctly known during said rebellion to be opposed thereto and in favor of its suppression.

Very respectfully, etc.,

T. S. SMITH, *Auditor.*

Messrs. BETTS, NICHOLS & CO.,
No. 117 Broadway, New York.

[Copy.]

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE TREASURY DEPARTMENT,
Washington, D. C., January 16, 1896.

SIR: In reply to your verbal request of this date, I have the honor to state that an account was stated in the name of Sampson & Hendricks, per First Auditor's report No. 13216, for rent of rooms for the United States courts at Austin, Tex., for the three months ending December 20, 1860. Treasury warrant No. 4801 was issued, and on this warrant a draft was issued as follows:

No. 5453. Treasury warrant No. 4801.

$250. TREASURY
INTERIOR. OF THE
UNITED STATES.

WASHINGTON, *March 1, 1861.*

At sight, pay to Sampson & Hendricks, or order, two hundred and fifty dollars TRY.

WM. B. RANDOLPH,
Acting Treasurer of the United States.

No. 5453. Registered March 1, 1861. $250.

F. BIGGER, *Register of the Treasury.*

ASSISTANT TREASURER UNITED STATES,
New Orleans, La.

(Indorsed): Sampson & Hendricks.

On January 2, 1866, this draft was sent to the Secretary of the Treasury by Betts, Nichols & Co. On June 13, 1870, Betts, Nichols & Co. again wrote to the Secretary in regard to said draft. On June 20, 1870, the First Auditor wrote to Betts, Nichols & Co., stating that it would be necessary to prove the loyalty of the payees and of other persons who had had an interest in the draft, to and including the present holders. On June 21, 1870, Betts, Nichols & Co. wrote to the Auditor setting forth the following facts:

"Our young man, now dead, was in Texas in 1860 and 1861 collecting for us. Sampson & Hendricks, Austin, Tex., bought goods from us, and our young man settled with them for bill of goods sold October 30, 1860, and took from them this Treasury draft in payment.

"This settlement was made on the 4th of April, 1861, and the draft did not reach us until after the 13th of April, 1861, and we then were unable to send it to New Orleans for collection. We do not suppose it is in our power to furnish you satisfactory proof that Sampson & Hendricks were not engaged in the rebellion; we take it for granted they were. Of this we do not know. Now, at this writing, we do not know their residence. The Treasury draft is our sole property, and we are the only party from whom you want information. On this point we can satisfy you and the Department, and as we are the sole owners of the draft and as it came into our hands in the course of legitimate business we presume on your being satisfied about us is all that will be required for its payment."

On June 22, 1870, the First Auditor wrote to Betts, Nichols & Co. that the requirements of his letter of the 20th must be complied with before payment of the draft could be made.

The original draft, of which a copy is given herein, is now on file in my office.

Respectfully, yours,

R. M. COUSAR, *Acting Auditor.*

Hon. M. PITNEY, M. C.,
House of Representatives.

[Copy.]

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE TREASURY DEPARTMENT,
Washington, D. C., January 20, 1896.

SIR: In reply to yours of the 18th instant, I inclose herewith copy of letter of Betts, Nichols & Co., to Hon. Hugh McCulloch, dated January 2, 1866, also copy of letter from Betts, Nichols & Co. to Hon. George S. Boutwell, dated June 13, 1870.

In reply to your request for information as to what obstacle existed to the payment of the draft at the time it was presented, I would state that on January 2, 1866, at the time that this draft was forwarded to the Secretary of the Treasury for payment, there was no appropriation available to pay the same. The appropriation for payment of outstanding liabilities was made May 2, 1866 (see sections 306, 307, and 308, Rev. Stat.). From May 3, 1866, to March 2, 1867, the date of the act prohibiting payment of claims of this character, I do not know of any reason why this draft should not have been paid. It was held in the office of the Secretary of the Treasury, however, from January 2, 1866, to June 13, 1870, without any action being taken in regard to the claim, so far as I have any knowledge.

Respectfully, yours,

R. M. COUSAR, *Acting Auditor.*

Hon. MAHLON PITNEY, M. C.,
House of Representatives.

[Copy.]

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE TREASURY DEPARTMENT,
Washington, D. C., January 24, 1896.

SIR: In reply to your letter of the 23d instant, making further inquiry in regard to the claim of Betts, Nichols & Co., I have the honor to state that the papers on file in this office fail to show that any reply was made by the Secretary of the Treasury to the letter of Betts, Nichols & Co., dated January 2, 1866. On inquiry in the office of the Secretary I can find no record of any communication to Betts, Nichols & Co. in reply to said letter. There is no record in this office or in the Department, so far as I can learn, of the receipt of the letter of Betts, Nichols & Co. of date of May 18, 1866.

In further reply to your inquiry I would state that draft No. 5453 on Treasury warrant No. 4801, dated March 1, 1861, in favor of Sampson & Hendricks for $250, drawn on the assistant treasurer United States, New Orleans, La., and indorsed Sampson & Hendricks, has not been paid.

Respectfully, yours,

R. M. COUSAR, *Acting Auditor.*

Hon. MAHLON PITNEY, M. C.,
House of Representatives.

Before the reading of the above was concluded,

Mr. MCMILLIN. Mr. Speaker, I am satisfied with what has been read. I ask that the remaining communications be printed in the RECORD, to accompany the bill. I make no objection to the present consideration of the bill. I believe it to be correct, from what I can gather.

The SPEAKER. The Chair hears no objection to the present consideration of the bill.

Mr. PITNEY. Mr. Speaker, I move a formal amendment, to change in the last line of the bill the word "Lampson" to "Sampson." It is a misprint in the bill.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a

third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PITNEY, a motion to reconsider the last vote was laid on the table.

BERNARD R. GREEN.

Mr. QUIGG. Mr. Speaker, I send to the desk Senate joint resolution No. 114, authorizing and directing Bernard R. Green to exercise the duties and powers heretofore conferred upon the late Gen. Thomas L. Casey in relation to the construction and completion of the Library of Congress, and ask its present consideration.

The SPEAKER. The joint resolution will be read, after which the Chair will ask if there be objection to its consideration.

The joint resolution was read, as follows:

Resolved, etc., That Bernard R. Green be, and is hereby, authorized and directed to assume and exercise all of the duties and powers heretofore conferred by law upon the late Brig. Gen. Thomas L. Casey, in relation to the construction and completion of the Library of Congress, and he shall receive as compensation for his services the sum of $5,000 per annum, payable out of the appropriations for said Library building: *Provided*, That all expenses incurred in the prosecuting of said work, including compensation of employees, shall be paid by the Secretary of the Treasury under such rules and regulations as he may prescribe.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. MILES. I would like some explanation before consent is given.

Mr. QUIGG. Mr. Speaker, this resolution simply appoints the successor to General Casey, who has been his chief assistant in the completion of the Library building.

The haste in the passage of the resolution grows out of the fact that we are approaching the end of the month, and it will be very unfortunate for a great many people whose compensation depends on the signature of the superintendent of construction unless we can pass the resolution before the first of the month.

Mr. MILES. Is it not unusual to make an appointment of this character by joint resolution?

Mr. QUIGG. It may be unusual, but we appointed General Casey. This is the Library of Congress, and the appointment is necessary, in order that there may be a superintendent in charge of the work.

Mr. SAYERS. If the gentleman from New York will yield to me for a moment——

Mr. QUIGG. With pleasure.

Mr. SAYERS. I will state to the gentleman from Maryland that a clause was attached, I believe, to the sundry civil appropriation bill, either of the last Congress or the preceding one, continuing General Casey in charge of the work, notwithstanding that he may have been retired.

Mr. QUIGG. Precisely.

Mr. SAYERS. Now General Casey is dead, and it is intended that this gentleman, who is familiar with the progress of the work, shall take his place and superintend the construction.

Mr. QUIGG. That is correct. And the sum of money which is proposed to be paid is the exact amount which has been paid to General Casey for the same work.

Mr. MILES. This amount, as I understand it, General Casey would have received had he lived?

Mr. QUIGG. Precisely.

Mr. LIVINGSTON. In the event that this appointment is not made, would not General Craighill necessarily and naturally take charge?

Mr. QUIGG. Oh, no——

Mr. LIVINGSTON. Then let me ask if General Casey has yet been buried?

Mr. QUIGG. I do not know. But the great Government of the United States must go on.

Mr. MILES. So far as I am concerned, I have no objection to the consideration of the joint resolution.

Mr. McMILLIN. Mr. Speaker, Mr. Green is already drawing a salary under the Government of the United States, and there ought to be a provision, if it is not already inserted in the bill, that this shall be in lieu of the compensation now received by him. I ask to have it again read in order to see whether that point is guarded or not.

The SPEAKER. The joint resolution will be reported, if there be no objection.

The joint resolution was again reported.

Mr. McMILLIN. I am not sure that the point is guarded as it ought to be.

Mr. QUIGG. I am quite sure that it is, if the gentleman will permit me. The salary that this gentleman receives is one that he receives under the rule of the Treasury Department; that is, that he is appointed by the action of his superior and that appointment ends, and his salary ends with the new appointment.

Mr. McMILLIN. With the statement made and that this is in lieu of the salary now received, I will content myself with the explanation given to accompany the passage of the bill.

There being no objection, the joint resolution was considered and ordered to a third reading; and being read the third time, it was passed.

On motion of Mr. QUIGG, a motion to reconsider the last vote was laid on the table.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the legislative, executive, and judicial appropriation bill; that the bill be printed, the Senate amendments numbered, and the bill referred to the Committee on Appropriations.

The SPEAKER. The gentleman from Pennsylvania asks that the House take up the legislative bill with the Senate amendments, and that the amendments be printed and numbered, and the bill referred to the Committee on Appropriations. Without objection, it will be so ordered.

There was no objection.

BENJAMIN HARRISON.

Mr. STEELE. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 111, to authorize Benjamin Harrison to accept certain medals presented to him while President of the United States.

The joint resolution was read, as follows:

Resolved, etc., That Benjamin Harrison be, and he is hereby, authorized to accept certain medals presented to him by the Governments of Brazil and Spain during the term of his service as President of the United States.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. STEELE, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. CANNON. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the sundry civil appropriation bill.

CUBA.

Mr. HITT. Mr. Speaker, before the House proceeds to the consideration of the sundry civil appropriation bill, I desire to give notice that as soon as that bill is disposed of I will present a conference report on the Cuban resolutions.

Mr. BRUMM. Why not present it now?

Mr. HITT. I had proposed to bring it up, but the gentleman from Illinois, my colleague, desired to consider the sundry civil appropriation bill, owing to its great importance; and my colleagues on the Foreign Affairs Committee assenting to it, I agreed with him that the conference report should not be brought up for debate until the disposition of the appropriation bill.

Mr. PICKLER. How long will that probably take?

Mr. HITT. I am assured that the sundry civil bill will be disposed of very shortly.

SUNDRY CIVIL APPROPRIATION BILL.

And then, on motion of Mr. CANNON, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, with Mr. HOPKINS in the chair.

Mr. CANNON. I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection, and it was so ordered.

Mr. CANNON. I will take the floor and briefly explain some of the provisions of this bill.

I will say now that I probably shall want to take fifteen or twenty minutes to make a statement about the bill, and if the gentleman from Texas [Mr. SAYERS] is prepared now to state how much time the minority desire for general debate we might make an agreement upon that subject.

Mr. SAYERS. Mr. Chairman, I have not consulted with the minority as to whether or not any member of the minority desires to discuss this bill, but inasmuch as no one has approached me on the subject, I take it for granted there will be no disposition to delay the House in considering the bill item by item. I shall only want ten or fifteen minutes to reply to the gentleman from Illinois, and my opinion is that that will be the only time that the minority will desire for general debate.

Mr. CANNON. Would the gentleman care about agreeing now that we close general debate on or before the expiration of one hour, on my assurance that he may have at least thirty minutes of that time if he desires it?

Mr. SAYERS. Certainly; I do not object to that.

Mr. CANNON. Very well; I ask, then, unanimous consent that general debate be closed upon this bill on or before the expiration of sixty minutes.

Mr. BINGHAM. Right in that connection I desire to ask the gentleman from Illinois a question. There is a paragraph in this bill with reference to the Bureau of Engraving and Printing. When we reach that paragraph in the bill I desire to ask the gentleman to pass it by, going on with his bill, that we may recur to this paragraph at the close of the bill. When that occurs, should the gentleman concede my request, I desire more than five minutes' time, for the reason that it covers a proposition which I have been looking into with some care and about which I think the House should be informed.

Mr. CANNON. I am perfectly willing when we reach it to adjust the time satisfactorily to the gentleman.

Mr. JOHNSON of North Dakota. Mr. Chairman, I presume that the chairman of the committee has blocked out his own plan for the use of the thirty minutes. Now, unless he has planned to explain an item here on page 45, I should like to make the same reservation with regard to that item.

Mr. CANNON. What is the item?

Mr. JOHNSON of North Dakota. The Alaska seal fisheries. I should like to make the same reservation in regard to that as the gentleman from Pennsylvania [Mr. BINGHAM] made with regard to the other item. I should like to ask a question or two. Possibly it may not take very long.

Mr. CANNON. It will be under the five-minute rule. My recollection is we give the current-law estimates for the fiscal year for the seal fisheries. That is what we recommend.

Mr. JOHNSON of North Dakota. Unless the explanation should be satisfactory, I would like more than five minutes.

Mr. CANNON. There will be no trouble about that. I can yield to the gentleman such time as he may desire. Gentlemen understand that under the five-minute rule in a bill of this kind there is always a little give and take about the time.

The CHAIRMAN. Unanimous consent is asked that general debate upon the bill be limited to sixty minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. CANNON. Mr. Chairman, if the committee will give me its attention for a very few minutes I think I can give general information about this bill that it may desire to hear. I have no purpose to enter into any lengthly discussion or debate about it. I want what I do say to be practical, and as to the bill in hand. The name of this bill itself to some extent describes it. It is the sundry civil bill. In the main it covers items that the Army, the Post-Office, the naval, the deficiency, the fortifications, and the other twelve or thirteen general appropriation bills do not carry. It has been constructed as heretofore, substantially within the law. In fact, appropriations not authorized by law are subject to points of order; and your committee recognize that as the House in its wisdom has made this rule, that in a great bill of this kind, covering the sundry civil items in the public service, there is but one way to safely construct it, namely, to obey the rules of the House, and recommend for your consideration appropriations within the rules and within the law. I need not say that it is not satisfactory to me as an individual in some instances, and I dare say is not satisfactory as to some item or items to every member of the House; and yet in your wisdom you have made the rules, and we can not have safe appropriations and proper appropriations except as we adhere to the rule. Your committee this session, as in the main in former Congresses, in the preparation of the bill adhered to the rule.

Mr. TERRY. Will the gentleman allow me to ask him a question? Will the gentleman tell us if there are any items in this bill not provided for by existing law?

Mr. CANNON. I do not recollect any. If there be any, I am perfectly willing to call attention to them and let the point of order be made, and I invite the point of order.

Mr. TERRY. I ask the chairman of the committee for this information, as he is necessarily familiar with this bill.

Mr. CANNON. I do not now recollect any, but in so great a bill as this, composed of so many items, there may be something not authorized by law. I say again, I welcome the point of order on anything in this bill that has not law at the back of it.

Mr. RICHARDSON. May I ask the gentleman a question?

Mr. CANNON. Yes.

Mr. RICHARDSON. I want to ask the gentleman if the sundry civil bill has not heretofore carried appropriations for the Garfield Hospital and similar institutions in this city, and to inquire whether they are omitted from this bill.

Mr. CANNON. The names of hospitals are omitted in the bill, but the committee recommends the money for the purpose; and I think the gentleman will find, when we reach the item, that it is a wise provision.

Mr. RICHARDSON. I had my attention attracted to the item, and knew the gentleman was familiar with it.

Mr. CANNON. Attention will be called to it. I do not know that I will call attention to it in my general remarks, because my time is limited; but when we reach the real debate, in the consideration of the bill by items, it will receive attention.

Now, then, the regular estimates submitted by the Executive, upon which this bill is based, will be found in the Book of Estimates for the fiscal year 1897, and those estimates aggregate $40,000,000 in round numbers, and on the basis of those estimates there is a recommendation in the accompanying bill of $29,500,000 in round numbers, being almost $11,000,000 less than the estimates, and in round numbers $17,000,000 less than the law for the current year. This would seem to be a great reduction, yet we care substantially for the public service as well as, and in many instances better than, the law for the current year. It is proper that I should very briefly state to the committee wherein the items of this bill carry almost $17,000,000 less than the sundry civil law for the current year. They are very few. On river and harbor contracts we give $8,408,000, in round numbers, less than the current law calls for. For refund of sugar bounty $5,238,000 was provided in the current law, and there is no provision made this year. In fact, the law has been repealed. For the Library building the current law carried $900,000. The urgent deficiency bill that we passed carries $480,000; and that completes the building. For public buildings we give $1,838,000 less than the current law, which is all that is required for river and harbor work under contract and for public buildings until the sundry civil bill—this same bill—will become a law on the 3d day of March next.

Mr. SAYERS. Mr. Chairman, I hope the gentleman will state in this connection that he appropriates only until the 3d of March for public buildings and to execute river and harbor contracts.

Mr. CANNON. Oh, yes; certainly. Now, these items amount to $16,386,000, and substantially explain how and why this bill that we now report to the House is less than the current law.

Mr. McMILLIN. Will the gentleman state in that connection what the reason is for this extraordinary method of appropriation?

Mr. CANNON. In the first place, let me call attention to the fact that I apprehend the only difference substantially between the gentleman from Texas [Mr. SAYERS] and myself touching this bill lies in the recommendation of the committee in the bill which provides for all contract work touching rivers and harbors and public buildings for eight months of the fiscal year coming, instead of, as he claims, I presume—although he can make the claim himself—that it ought to provide for the whole twelve months.

Mr. SAYERS. I will be candid with the gentleman and with the committee, and will state that with the exception of those two classes of appropriations I have no fault to find with the remainder of the bill. I believe that with those exceptions it is a good bill. It is a clean bill. There are no jobs in it. But, Mr. Chairman, I shall contend when I get the floor that in this respect it is a departure from the custom that has obtained in the House, at least during the eight years that I have been a member of the Committee on Appropriations, to appropriate only for eight months instead of for twelve.

Mr. CANNON. Now, Mr. Chairman, I desire to call attention briefly to the practice of the House touching continuous-contract work. In my judgment the bill, in its recommendations for appropriations of that character, is right. It cares for the public service and cares for it logically and fully, and not only is the bill right upon the merits, but I call the attention of my friend from Texas to the fact that it comes in the line of precedent. The bill appropriates all that the Departments estimate will be required up to March 3, 1897, to meet authorized contracts for constructing public buildings and for river and harbor work. On the 3d of March, 1897, the sundry civil bill to be passed at the next session of Congress will become a law and should, and undoubtedly will, make provision in proper and ample measure for paying for the work under the contracts.

Now, I call the attention of the House to the fact that the appropriations for rivers and harbors and public buildings, like appropriations for fortifications, are available for expenditure as soon as made, and continue available until exhausted. Let me explain. The money appropriated by this bill for all of the public service for which it provides, except the contract work that I have spoken of, becomes available on the 1st day of next July; but for river and harbor contract work and for public buildings the amounts hereby appropriated become available the moment the bill is signed, and remain available through all time until the money is expended. All other appropriations made in the bill do not become available until the beginning of the next fiscal year, and must be expended or contracted for within two years. So it will be seen that there is a well-marked distinction between appropriations for fortifications, for contract work for rivers and harbors, and for public buildings and all other appropriations, and I hope gentlemen comprehend the distinction clearly.

Now, the policy of authorizing contract in advance of appropriation for public buildings and for river and harbor improvements was inaugurated by the Fiftieth Congress on the sundry civil act for 1890. It applied at that time only to the Congressional Library building. That, I believe, was the last Congress of which Mr. Carlisle was Speaker, and the continuous-contract system was at that time made to apply to the Congressional Library

building; that was the commencement of the system. The Fifty-first Congress, in the sundry civil act for 1891, extended the contract system to the Washington City post-office building. The Fifty-third Congress, in the sundry civil act for 1895, when my friend from Texas [Mr. SAYERS] presided over the Committee on Appropriations, further extended the authorization of contracts to the public buildings at Buffalo, Kansas City, Omaha, and St. Paul, the limit of cost on none of which was less than $500,000, and in the sundry civil act for 1896, passed at the last session of Congress, the authority was again extended to a number of unfinished buildings, including one whose total cost was limited to $60,000.

Now, until this continuous-contract system was inaugurated members might well have been anxious about the amount of the appropriations carried in the bills, because it was necessary that the appropriation should be made and should become available before the contract could be made for any given work, and the contract could not exceed the appropriation; but under the continuous-contract system contracts to complete buildings can be made from the time the first spadeful of earth is disturbed to make the foundation until the building is completed to the dome, without reference to the amount that is appropriated; and the same applies to contracts for completing river and harbor work. The contract is made practically in these great works long before the appropriations are made, and the contractor agrees to do the work and take his pay as the appropriations are made. The Fifty-first Congress, in the fortifications act—and I ask the attention of my friend from Texas especially to this—the Fifty-first Congress, in the fortifications acts of 1890 and of February 24, 1891, authorized contracts to the amount of $4,250,000 to be made for steel breech-loading guns for fortifications. That contract is not yet complete. The Fifty-second Congress, in the fortifications acts of 1893 and 1894, also authorized contracts for armament for fortifications amounting to $1,676,000 in excess of the appropriations.

After the first regular session of the Fifty-third Congress, in preparing to meet the contract obligations under the fortifications act, the House Committee on Appropriations, so well presided over by my worthy and able friend from Texas [Mr. SAYERS], provided only sufficient sums to meet the contracts until March 3 of that fiscal year—March 3, 1895. Provision was not made for the whole fiscal year, but precisely such a provision was made as we propose to make here in regard to this contract work.

That action distinctly established the precedent of appropriating at a long session of Congress for contract work only sufficient money to meet maturing contracts until March 3 of the following fiscal year, on which date the appropriation bills passed at a short session must necessarily go into effect. And the gentleman from Texas and his committee did wisely when they so provided for the public service, because the contracts were made, the work was going on, and the appropriations when made were immediately available; they never lapsed. They rested upon an entirely different principle and an entirely different foundation from all the other appropriations. Let me say again, the appropriations for public buildings and rivers and harbors are exactly like those for fortifications. In other words, they are excepted from the operation of the covering-in act of 1874; they are without limitation as to the time of their availability, and without restriction as to the period within which they shall be expended. Under these conditions there is no necessity for measuring according to the requirements of a fiscal year the amounts to be appropriated for either of these three classes of continuous-contract work. On the other hand, it is both reasonable and businesslike to gauge the appropriations by the natural periods within which Congress is called upon to enact money bills.

Mr. MCMILLIN. Will my friend allow me a question?

Mr. CANNON. Yes, sir.

Mr. MCMILLIN. If I understand the gentleman's explanation, this method of proceeding does not diminish the expenditures of the Government at all——

Mr. CANNON. Oh, no.

Mr. MCMILLIN. But simply diminishes the amount that this Congress seems to be charged with as an expenditure.

Mr. CANNON. Oh, that is a matter of argument.

Mr. BINGHAM. The appropriation is made up to the expiration of the Congress.

Mr. MCMILLIN. In other words, this bridges over the matter until after the election.

Mr. CANNON. Not at all. The gentleman has listened to me in vain if I have failed to convince him of the propriety of this method of appropriation, its justice to the Government, its justice to the contractor. I repeat that in reference to this class of appropriations we are simply following the precedent made by the last Congress.

Mr. BINGHAM. And unobjected to by the other side.

Mr. CANNON. Yes; unobjected to by the other side, the matter being frankly stated by the gentleman from Georgia [Mr. LIVINGSTON], who was in charge of the fortification bill, and whose words on that occasion I have now before me.

I say again—and I ask the attention of the gentleman from Tennessee—that to appropriate for this class of work by fiscal years (the fiscal year in no way applying to those expenditures) would result in a lapping of appropriations; that is to say, if this bill should make appropriations for these purposes until June 30, 1897, the next sundry civil bill, which must become a law on or before March 3, 1897, would carry provisions which, under the express provisions of the law, would be available on that day. So that you would have the last four months of the next fiscal year provided for by this sundry civil bill and also by the next sundry civil bill.

Mr. MCMILLIN. Not necessarily. It strikes me that the rule has been to appropriate from the 30th of June of one year to the 30th of June of another year.

Mr. CANNON. Certainly.

Mr. MCMILLIN. Now, here we have an innovation. Allow me to say, with all deference to the gentleman, that all we have to do is to continue the course that has been pursued heretofore, to follow the old rule, and then the country will understand exactly what we are appropriating for each fiscal year. But now you make a showing of economy, while there is no reduction at all. It strikes me that each fiscal year ought to be charged with its own expenditures.

Mr. CANNON. I say again to the gentleman that, instead of looking at the logical way of making appropriations for this continuous work, he comes to the conclusion that there must be some political move. I say to him again that, as to fortifications, as to public buildings, as to river and harbor improvements carried by the sundry civil bill, the moment that bill is signed by the President the appropriations are immediately available; so that if we now provide for these objects of appropriation for the whole of the next fiscal year, then the next sundry civil bill, which must become a law by the 3d of March, 1897, will provide for four months of that same fiscal year. Thus you have four months plastered over by both bills. Such a method is not logical; it is misleading. Instead of making a new precedent we follow the precedent that was so well made in the last Congress touching fortifications.

Mr. MCMILLIN. But the gentleman, in order to do so, departs from the precedents of one hundred years.

Mr. CANNON. Oh, no. On the contrary, I follow whatever was good that was inaugurated in the last Congress or the one before. I follow the logical method of recommending appropriations. I follow that method which will adequately care for the public service. I do not want to care for it twice, because it will do no good to have two bills whose appropriations touching these contract works are spread over the last four months of the next fiscal year.

Now, the gentleman from Tennessee refers to what he calls the precedents of a hundred years. But there has been a wide departure touching the care of our public works, commencing with the Fiftieth Congress, followed by the Fifty-first, Fifty-second, Fifty-third, and to be followed in the Fifty-fourth, namely, that, instead of making the appropriations for rivers and harbors and for public buildings, and doing a little at a time on them for years, and thereby paying the highest possible price instead of accomplishing much by contract—that is, under the old system—under the new system contracts are authorized at the beginning, the work is fully let, and the appropriations are made from one period to another, after careful inquiry, to meet the contract. It is estimated in the various Departments that this not only conduces to speedy construction of desirable public works, but also results in the saving of from 25 to 30 per cent in the cost of construction. This policy was begun, as I have said, in the Fifty-first Congress——

Mr. MCMILLIN. It is not the contract system of which I complain, but this method of appropriation for existing works. The result of such a mode of making appropriations must be simply to mislead somebody as to the expenditures made by Congress.

The contract system I do not object to, for I will admit that in many instances it has resulted in great saving to the Government.

Mr. DINGLEY. My friend did not think of that in the last Congress, when this same system was adopted.

Mr. CANNON. No; my friend from Tennessee discovers it now, apparently for the first time. Fortunately for the country, let me say to the gentleman that this precedent was followed in the last Congress.

Now, the gentleman from Tennessee will remember that when we were boys and used to play ball, we used to call out "Three times and out." Now, once more, this appropriation for continuing contracts is not an exceptional one. There is not a man who abounds in appropriations anywhere in his bailiwick but wishes they were under a continuous-contract system, and when the money is appropriated as it is earned. That is all that is proposed to be done in this case.

And now, while talking of the continuous-contract system, that was born in the Fifty-first Congress in connection with the Library of Congress building, I want to say that these appropriations are exactly what I have already expressed them to be, exceptional in their nature, and if I can get my way about it, if I am in the next Congress, I shall seek an amendment to the rule that will create another appropriation bill in addition to the thirteen, I believe, that we have now, that would be an appropriation bill, under the rule, to carry appropriations for continuous-contract work; and I repeat that is necessary, because they are exceptional in their nature. Why? asks somebody. Because it is a system that reaches out. Not only has it reached out heretofore, but it is reaching out at this session. Last Congress two battle ships were authorized by law. The contracts were made in January of this year, and the sundry civil bill will have to carry the appropriations in whole or part for armament for these ships until they are completed.

The naval bill for this year authorizes the construction of work which will amount to some $20,000,000: Four great battle ships, their armament, and 15 torpedo boats, the contracts to be made in ninety days. I have no doubt—what amount it may be I do not know—that when the river and harbor bill is reported, as was the case in the Fifty-first Congress, and the Fifty-second and Fifty-third Congresses as well, it will authorize contracts for the improvement of rivers and harbors without carrying the appropriation, and as the years roll around, these contracts being made and the work being done, a careful estimate will come from time to time as to how much money is to be paid on all of these contracts, and the sundry civil bill will have to carry them. It is perfectly evident to me that this kind of contract work for the public service touching these great improvements is right and will not be departed from, but will grow instead of lessening, and if that is the case the appropriations for it are exceptions, as I have said. Unlike any other appropriations they are immediately available, and never lapse. It may well be then, that, being unlike any other appropriation, instead of carrying them in the sundry civil bill, another appropriation bill should be framed, to be an appropriation bill, as I have said, for contract work or continuing contracts. But we can meet that when the time comes.

Now, I have nothing to conceal about the recommendations this committee makes. The recommendations are made deliberately; we believe it to be right, that they are in the line of precedent, that they are what was done touching fortifications in the last Congress, and we believe that there will be no deficiency at the time that this proposes to provide for. When we meet next winter, when the sundry civil bill is enacted into a law a little less than twelve months from this time, it will take up and appropriate for the same objects, the money being immediately available. Why, that is not new to any of us. It is the law. My friend from Texas [Mr. SAYERS], on the sundry civil bill for the current year, wanted to be absolutely certain about it, and not only wanted to enact the law to care for the public service, but wanted to take a bond of fate against the First Comptroller of the Treasury, so that in addition to appropriating for public works, he wrote into the bill what was law, namely, that the funds should be immediately available. It is right and proper in this connection that I should call attention to some of the items that we have increased upon this bill, for the public service.

Mr. DINGLEY. Before my friend passes from this portion of the bill, I desire to say, as long as he has not called attention to a fact which his report shows, that while as a matter of fact this bill is $16,000,000 less, or thereabouts, than the sundry civil appropriation bill of the previous year, as has already been stated, the decrease consists principally of three items, $8,000,000 being in river and harbor contract work.

Mr. CANNON. Yes.

Mr. DINGLEY. And $2,000,000, or thereabouts, in public buildings, and $5,000,000 in the sugar-bounty appropriation.

Mr. CANNON. That is right.

Mr. DINGLEY. Yet, as a matter of fact, if you had appropriated on the items in dispute for the full fiscal year, instead of for eight months, it would have increased this appropriation only $3,831,000.

Mr. CANNON. Yes.

Mr. DINGLEY. That is all there is in dispute, this question of $3,831,000. So far as this bill is less than the other, it arises from the fact that there is less contract river and harbor work and, of course, no appropriation for the sugar bounty?

Mr. CANNON. Oh, certainly. I am not criticising the bill for the current year, passed by the last Congress. So far as it provided for the public service it was well done. If it had sins at all, in my judgment they were sins of omission and not of commission. I will be exactly frank and say that if this bill, which your committee reports for your consideration, has sins at all they are sins of omission rather than of commission. Yet after diligent inquiry we have sought to make sufficient provision for the public service. Let me call your attention to a few items in detail that this bill carries that the law for the current year did not carry.

The CHAIRMAN. The Chair will call the attention of the gentleman from Illinois to the fact that he has exceeded his time.

Mr. SAYERS. I will ask for an extension, to give the gentleman such time as he wants.

Mr. MCMILLIN. This is a pretty important matter, and I think if it is desired on either side of the House, there ought to be a little extension of time. I suppose there will be no objection, and I move that the gentleman proceed without limit.

Mr. CANNON. In a very few minutes I will close. I have no desire to needlessly occupy the time of the committee.

The CHAIRMAN. Is there objection to the request that the gentleman's time be extended?

There was no objection.

Mr. HENDERSON. Is my friend going to take up another part of the bill now?

Mr. CANNON. I am going now to show where there are certain items of increase.

Mr. HENDERSON. I see on pages 54 and 55 of the bill you have made a provision for surveys west of the ninety-fifth meridian for permanent monuments.

Mr. CANNON. Yes.

Mr. HENDERSON. But you make no provision for the territory east of that meridian?

Mr. CANNON. That is right.

Mr. HENDERSON. You make provision for the country west of the Missouri practically, but cut out Iowa and all the country east of that?

Mr. CANNON. Yes.

Mr. HENDERSON. There are many of us who believe—whether these monuments should be in as great number as those west of the ninety-fifth meridian or not—that there should at least be permanent monuments in the country east of it. I should be glad to hear an explanation of that. I understand that the Superintendent of the Coast and Geodetic Survey, in a report previously made to Congress, has recommended that monuments be placed all over the country, although not as many in some parts of the country as in others.

Mr. CANNON. I will say to the gentleman that in my judgment this appropriation that he calls attention to is subject to the point of order. I will say to the gentleman from Arkansas [Mr. TERRY] that I did not recollect that at the time he spoke. That is one appropriation which, in my judgment, is subject to a point of order.

Mr. TERRY. And there are appropriations for light-houses, too, which are subject to a point of order, are there not?

Mr. CANNON. No; I think not. The full committee, or a majority of it, however, thought it was proper to report that appropriation for the marking of the topographical surveys, so that the House might adopt it if it desired to. We restricted it to the territory west of the ninety-fifth meridian, for the reason that it was urged strongly that it was necessary in the arid regions and in the mountainous regions, to enable them readily to make the irrigation and other surveys. We so restricted it for the reason that we doubted the necessity for this expensive marking of topographical surveys in Massachusetts, New York, and the country east of the ninety-fifth meridian. I will say, however, that if the item stands it is subject to amendment, and I do not know but that it ought to cover the whole country. That certainly can be considered when we reach it.

Mr. HENDERSON. I have no disposition to antagonize the item, unless we are to be deprived of the right of amendment. I understand it will only cost $250 per 1,000 square miles to make suitable marking in the regions east of the ninety-fifth meridian. If we are going to have markings made, I submit that they ought to be made for the entire country.

Mr. CANNON. I hope my friend, if he does extend it over the East, will put a limitation on it that it shall not cost over $250 for a thousand square miles. I shall be gratified at that, because I think it would cost $2,500, and I am not sure that a much larger amount would cover the cost. We can discuss that when we reach it.

Mr. HENDERSON. That is the estimate of the Superintendent. I say that on the basis of a conversation that the gentleman from West Virginia had with him on the subject; but here is what I want to submit—I may not be here when this matter is reached, and some other gentleman may call attention to it. I submit to the committee, if we are going to have a permanent marking of these lines, that we should have it for the whole country, although the Superintendent claims that it is not as necessary in the East as in the West. So far he agrees with the judgment of the committee.

Mr. CANNON. As to that class of appropriations, they are not best, in my judgment, and for this reason. The rule of this House is wise, in providing that appropriation bills shall not carry

legislation. Why? Because, like this very item, somebody wants to inaugurate a public work and gets his appropriation in. The gentleman gets it inaugurated. Yet, in ninety-nine cases out of a hundred, when it is inaugurated it goes in and grows to be elephantine. Therefore the legislation that enters upon marking 3,000 miles across this continent of the topographical surveys should be reported from the Committee on Public Lands, have its day in the House, and have full consideration and limitation. Now, that is my general objection to that class of amendments. The whole thing can come up, when we reach it, under the five-minute rule.

Mr. PICKLER. I would like to inquire of the gentleman from Illinois, in the line of the inquiry of the gentleman from Iowa [Mr. HENDERSON], how disputes would be determined? Will the Government go into the question of determining the lines?

Mr. CANNON. All these things would come up for consideration if the gentleman from Iowa [Mr. LACEY] reported a bill from the Committee on Public Lands, and we could have it properly matured and guarded.

Now, then, I was going to call attention to certain items wherein we find the public service required something more than it was getting for the current year. Take artificial limbs for soldiers. The increase is $445,000; and the reason for that increase is that every third year they are entitled to a new limb; and the coming year is the third year. Now, public buildings are increasing, and for assistant custodians and janitors, for taking care of public buildings, we make an increase of $35,000, which on inquiry I believe will probably better care for buildings in that respect than they are being cared for now. For the enforcement of the Chinese exclusion act we recommend an increase of $25,000. I am not criticising the amount appropriated this year. I am quite sure that the gentleman in charge of the bill last session recommended what he thought was necessary and sufficient, and perhaps it is; but under the new treaty and under the disposition of Chinese to come in along our northern and southern borders, we can properly limit their coming under the law; and it was the opinion of your committee, I believe unanimously, that this increase of $25,000 should be made to better enforce the law.

Mr. SAYERS. Not unanimously; but the minority were willing that the current appropriation should be carried in the bill.

Mr. CANNON. Well, whether it was unanimous or not, it seemed at least to the majority to be wise. For back pay and bounty allowance the increase is $31,000, because of the increased estimates, and there will probably be that much prepared for payment during the coming year. For fuel, lights, and water for public buildings the increase is $25,000. For the support of Soldiers' Homes in States and Territories the increase is $100,000, to meet the phenomenal increase in the inmates of the Homes under the stress of hard times, I suppose, in part, and increasing age of the inmates this increased appropriation is required.

Mr. SAYERS. In this connection I hope the gentleman from Illinois will state that at the last session the bill passed carried all that was asked for for this purpose by the Department.

Mr. CANNON. Oh, certainly; I am not criticising. I am only showing the growth of the service. I have no criticism to make in this respect of the law for the current year. For Life-Saving Service gentlemen know the increase, which is $49,690, due to the growth of that service. In the Light-House Establishment the increase is $112,000 over the current law, which is necessary to keep pace with the growth of that service, and, if possible, for greater efficiency. For the enlargement of military posts we recommend an increase of $75,000 for the repairs, care, and enlargement of posts. We recommend an increase of $55,000 for the revenue service. So I might go on and speak of similar increases.

Now, I want to say that this bill—and I ask the attention of the committee—was constructed along the line of the following principle: to care for the public service as liberally as the service is being cared for now, with only such additions as are absolutely necessary to render the service efficient where it is not now efficient, from growth of service or otherwise. Let me say again, that in the existing condition of the Treasury the bill provides for appropriations for new objects only where their importance is so great as in the opinion of the committee to absolutely demand the appropriation, and are of such importance that a wise economy demands they should be made, notwithstanding the money to meet them must be borrowed upon interest. Along the line of that general policy this bill is framed, and I think it comes fairly within the policy that I have just stated.

Now, a word in conclusion. I want to speak for a minute about the policy of appropriation and the amount that we shall probably appropriate this year, so far as we can estimate and forecast it from the bills that have passed the House and those that are yet to be enacted, and I want to compare the appropriations that we are liable and likely to make with the appropriations made in the last three Congresses. In the Fifty-first Congress, as shown by the official statement, we appropriated $988,000,000. That includes the permanent indefinite appropriations. That Congress was called "the billion-dollar Congress." It broke the record, and yet, in the main, the appropriations were wisely made, because, as somebody said at the time, this country in its great growth had gotten to be a billion-dollar country. The Fifty-second Congress, with a Democratic House, when the gentleman from Indiana, Mr. Holman, presided over the Committee on Appropriations, made appropriations aggregating, as shown by the official statement, $1,027,000,000, an increase over the appropriations made by the Fifty-first Congress. In the Fifty-third Congress, when my friend from Texas [Mr. SAYERS] presided over the committee, the aggregate of the appropriations, as shown by the official statement, was $989,000,000.

Mr. LIVINGSTON. I wish to ask the gentleman whether there was any impropriety in any of those appropriations? Is it not all a matter of politics?

Mr. CANNON. I was not speaking of them to show impropriety or for politics. I was trying to logically discuss for a moment, for the information and consideration of the House, what the amount of the appropriations to be made by this Congress might reasonably be expected to be, and right in the middle of my sentence the gentleman from Georgia breaks in with his remark, "The gentleman is talking about politics." [Laughter.]

Mr. LIVINGSTON. I desire to repeat the question.

Mr. CANNON. I will answer the question, and if the gentleman will only wait a minute—if he will not anticipate that nobody can open his mouth in this House except for some partisan advantage, and will let me complete my statement of the matter—I think that even the gentleman from Georgia will realize the fact that I am trying to logically discuss this matter of appropriations.

Mr. LIVINGSTON. I did not intend to throw you off your balance at all. [Laughter.]

Mr. CANNON. Oh, I thank the gentleman! If the gentleman had thrown me off my balance, perhaps I should have been for a second where the gentleman appears to be all the time. [Laughter.]

Mr. MEREDITH. We honestly tried in the Fifty-second Congress to carry out the works that had been commenced in the Fifty-first. Everybody concedes that.

Mr. CANNON. Now, Mr. Chairman, I do not speak of these appropriations made by the last three Congresses for the purpose of criticising them. In the main they were necessary for the public service. I call attention to these appropriations in order that I may discuss for a minute what will probably be the appropriations required of this session of Congress for the public service. In my judgment, after careful examination of the matter, saying nothing about authorizations in the naval bill or on the river and harbor bill, the appropriations for this session of Congress, including the permanent appropriations, can not fall below $506,000,000.

Mr. SAYERS. I understand my friend from Illinois, then, to be preparing the way for an appropriation of over $500,000,000 by Congress at this session.

Mr. CANNON. In my judgment, taking into consideration the estimates that have come down and what are to follow for the public service, the aggregate of our appropriations will not be less than $506,000,000, including the permanent indefinite appropriations and deficiencies.

Mr. LIVINGSTON. May I make a suggestion to my colleague on the committee?

Mr. CANNON. Certainly.

Mr. LIVINGSTON. If that amount is reached by the appropriation acts passed by this Congress at this session, then suppose that all the appropriations were made for the full fiscal year, instead of until March next, what would the aggregate be?

Mr. CANNON. If we made full appropriations for twelve months instead of for eight months for contract public buildings and contract river and harbor work, the increased amount in round numbers would be a little more or a little less than $3,000,000, but if we pursued the course that you pursued and avowed and defended (I have your language before me) on the fortifications act, only twelve months ago, we would not appropriate that $3,000,000. Does the gentleman want his recollection revived as to what he did say on that occasion?

Mr. LIVINGSTON. Just as you please about that.

Mr. CANNON. Well, I have it here and will read it if the gentleman wants to hear it. Now, Mr. Chairman, if I have said anything hasty, or seemingly so, to the gentleman from Georgia, if I have manifested that spirit in language or in manner, I withdraw both, because I have no unpleasant feeling toward the gentleman. Of course I can not withdraw the statement of fact that I have made. [Laughter.] Perhaps we are both a little hot-headed at times and not considerate enough. There is nothing in a business bill like this to beget any feeling. I have none. That is all I want to say.

Mr. LIVINGSTON. I bear no malice, I am sure, against the chairman of the committee.

Mr. CANNON. This increase comes from a growth of the public service. It is necessary to meet contracts which were

authorized in the Fifty-second and Fifty-third Congresses in part. It comes under the estimates submitted by a Democratic Administration, and we cut away below the estimates when we keep within the $506,000,000.

Some gentlemen may ask, Why call attention to this matter? I do so for this reason, and this reason only: You can not care for the public service of this country fairly well (without embarking upon new lines of service) for less than $500,000,000 and a little more.

Mr. LIVINGSTON. I may just as well suggest to the gentleman, in all candor and truthfulness, that you can not do it without an increased appropriation every year that this House meets from now for a hundred years to come.

Mr. CANNON. I think very likely that is true. The country grows. But in presenting this great appropriation bill I call attention to the conditions, because many individuals believe that this bill has sins of omission instead of commission; and I have called attention to the manner in which it was constructed so that gentlemen may see that we have been as careful as we could be to care for the public service, but have nowhere entered upon new service or continued old, except as it was absolutely necessary.

Now, there is one other matter to which I wish to call attention. In the Fifty-first Congress we gave the largest appropriations that ever had been given for the public service up to that time. That Congress was called "the billion-dollar Congress." And in the Fifty-second Congress that succeeded, when Mr. Holman presided over the Committee on Appropriations, we had a full Treasury. There was no dollar of the public money paid out to meet our appropriations that was not collected month by month to be paid out, leaving money there after we met all the expenditures. I am not going into the whys or wherefores; I am merely speaking of a fact. Since March 4, 1893, we have continued to make appropriations the same as the prior two Congresses, but we have borrowed $293,000,000, and there has been no month, if I recollect aright, during that whole period—certainly no quarter—in which the outgo was not greater than the income.

In this condition of affairs I appeal to each individual Representative that we be satisfied with caring for the public service—not meanly on the one hand or extravagantly on the other. Do the best we can, this borrowing has got to go on to meet our daily and monthly expenditures; and in this condition no new work should be entered upon, no new expenditures should be made, after we have provided for the absolutely necessary expenditures of the Government, unless there be some expenditure of such overmastering importance as to make us feel that when we come to render an account to our constituents we can say: "We made that expenditure, notwithstanding the money to pay for it had to be borrowed at interest."

I thank the Committee of the Whole for its attention, and beg pardon for having consumed far more time than I supposed I would or could.

Mr. PICKLER. I wish to call attention to one of the matters of "omission" in connection with this bill. On page 51 I find an appropriation of $250,000 for surveys and resurveys of the public lands. I see that the appropriation for this purpose for the present fiscal year was $375,000 and that the estimate for the coming fiscal year was $442,000.

Mr. CANNON. Unless I am mistaken in my recollection, the appropriation for that purpose in this bill is the same as for the current fiscal year.

Mr. PICKLER. I have read the figures from the gentleman's report.

Mr. CANNON. Then I think there must be a mistake in the report. The appropriation for the current year is, I believe, the same as the amount recommended in this bill. As I understand, the appropriation for the current year is $250,000, and we recommend in this bill $250,000 for the same purpose.

Mr. PICKLER. Two hundred and seventy-five thousand dollars in all you recommend.

Mr. CANNON. I believe the gentleman is right. Two hundred and fifty thousand dollars is the amount for surveys and resurveys of the public lands, and then there is an appropriation of $25,000 for survey of private land claims, etc. But if any discussion on that item be desired it can be had under the five-minute rule.

Mr. Chairman, I ask unanimous consent that such time be allowed the other side under the control of the gentleman from Texas [Mr. SAYERS] as he may desire.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Texas consume as much time as he may choose in the discussion of this bill. Is there objection? The Chair hears none.

Mr. SAYERS. Mr. Chairman, I do not intend to consume as much of the time of the committee (if the members will give me their attention) as has been occupied by the gentleman from Illinois.

It is due to the committee that I should state at the outset that the only objection I have to this bill goes to the fact that a majority of the committee have failed and refused to appropriate a sufficient amount for public buildings under contract, and for river and harbor improvements under contract, until the fiscal year ending June 30, 1897. As to the other items in the bill, I believe they are in the main correct.

There are no jobs in the bill; there are no items in it which have been put upon it for special purposes and not for the public good, and I have no hesitancy in saying that I shall oppose all efforts to increase the size of the bill, although the appropriations for rivers and harbors and for public buildings are confessedly insufficient for the coming fiscal year. I will also say in reference to the bill that I believe, so far as public buildings and river and harbor contracts are concerned, that there is a sufficiency appropriated for those contracts and for the buildings named until the 1st of March next, and that the sundry civil bill to be passed at the next session, as stated by the gentleman from Illinois, will take up these works at that time and carry them on to the extent of the appropriations then to be made.

But, Mr. Chairman, the pending bill is entitled "A bill making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes." The gentleman from Illinois will admit that for these particular classes of appropriations there will be a deficiency for the last four months of the next fiscal year.

Now, let us see how the gentleman from Illinois has proceeded with reference to appropriations. At the beginning of this session he had an eye to the size of this bill. I have served with the gentleman in committee, and have sat around the same table with him for eight years or more, and the gentleman could not help it if he would, and I will go further and in all kindness say I do not believe that he would, if he could, prevent a little bit of politics from entering into the bill.

Mr. Chairman, we had an urgent deficiency bill to pass the House a few week ago. There are two items in it to which I wish to invite attention. I will not delay the committee by reference to others that are equally liable to criticism. One is the appropriation for the building for the Library of Congress. It amounts to $480,000. Not one penny of that sum, as testified to by General Casey, who was before our committee, will be expended during the present fiscal year. It was in no sense of the word a deficiency. This accounts for the fact that there is no appropriation on this bill to complete the Congressional Library building, although the sundry civil bill, which I had the honor to report at the last session of the last Congress, was weighted down in the sum of $900,000 for that purpose.

Mr. CANNON. Will my friend permit me a moment? I know he does not want to misstate me.

Mr. SAYERS. Not at all.

Mr. CANNON. Just at this point, I recollect very well the appropriations that went on the urgent deficiency bill: $480,000, I believe, was the amount for the Library.

Mr. SAYERS. Yes.

Mr. CANNON. And the gentleman from Texas will recollect that General Casey came before our committee——

Mr. SAYERS. He did.

Mr. CANNON. And that appropriation went in there because it was for a class of work that was not included in the original authorization of Congress, and he said that he could not make a contract for it under the general authority of law, and that it was necessary to have the appropriation before he could make the contract.

Mr. SAYERS. Ah, but did he not state at the time that he would not expend a dollar of it during the present fiscal year?

Mr. CANNON. Certainly; but we made the appropriation so that he could make the contract.

Mr. SAYERS. But this bill is $480,000 less than it would be because of the fact that we put the appropriation on the urgent deficiency bill which this bill should have carried. It was in the power of the gentleman from Illinois, if he had desired to do so, to insert a clause in that bill authorizing the officer in charge of the building to make the contract. He did not do it, for the reason, I suspect, that the present sundry bill would be compelled to carry the appropriation. If this had been done the present Congress would be charged with the appropriation, whereas being on the urgent deficiency bill it could be and will be charged as a deficiency to the last Congress. But there is another item in the urgent deficiency bill. The publication of the Agricultural Report was improperly put on that bill also, and amounted to $300,000.

If we examine the sundry civil appropriation act for this year, that is the act that was passed at the last session of the last Congress, we will find an appropriation of $300,000 for the printing of an agricultural report; but the gentleman from Illinois, in order to oblige the members with a second report to come before the usual time, inserts $300,000 in the urgent deficiency bill for that purpose. It, too, will be charged to the last Congress. I could refer to other items, all aggregating nearly a million of dollars, none of which were deficiencies, though they were put on the

urgent deficiency bill. They were not deficiencies in any sense of the word, but they were put on that bill so as to relieve the present Congress of them.

But, Mr. Chairman, reference has been made to the Fifty-first Congress. The records of that Congress show that the appropriations made at its second session and after the election exceeded those made at its first session and before the election by $55,611,747.60.

In the Fifty-third Congress—that is, the last—the case was altogether different. The appropriations made at the last session of that Congress—that is, after the last election—were $8,221,440.69 less than those made at the preceding session and before the election.

The purpose of the Committee on Appropriations in the last Congress was to equalize, as near as could be done, the appropriations of the two sessions, and if possible to pave the way for still greater reductions during the present Congress.

But, sir, let us consider briefly the particular appropriations of which I complain. The gentleman says that the Fifty-second Congress inaugurated this method of making appropriations. Is this true? The estimates for river and harbor contracts for the first session of the Fifty-third or the last Congress—that is, to cover the entire fiscal year ending June 30, 1895—were $8,300,000. How much was appropriated upon those estimates? The sum of $8,400,000, as shown by the records. That was at the first regular session of that Congress. What was the sum total of the estimates for river and harbor work to the second regular or last session of the Fifty-third Congress? It aggregated $11,387,115 as necessary to carry such work through the present fiscal year; that is, until June 30, 1896. How much was appropriated upon those estimates? The sum of $11,547,115. So that the statement made by the gentleman from Illinois, that the Committee on Appropriations of the last Congress at either session had failed to give to the Government all the money that was necessary in order to carry out these contracts during the entire last fiscal year and the entire present fiscal year, falls to the ground. The record wholly disproves it.

I see my good friend from Pennsylvania [Mr. BINGHAM], who is second on the Committee on Appropriations—my genial and chivalric friend. I remember that at the last session of the Fifty-third Congress there was a cool round million dollars estimated for Philadelphia. The gentleman from Pennsylvania [Mr. BINGHAM] and I had a talk about that item. Said I: "Do you insist upon all of this item, General?" "Oh, yes; I must have it." And he looked as fiercely and determinedly as when he rode along the field of Gettysburg amid the carnage of battle, and he got the appropriation. But, lo, when the estimate came up this year for Philadelphia—$850,000—my good friend from Illinois [Mr. CANNON] called the gentleman from Pennsylvania to him, and putting his arm lovingly around his neck said: "Harry, my old boy, can you not get along with an appropriation up to the 1st of March next?" And Harry yielded, and instead of demanding $850,000 he was satisfied with $480,000. A Democrat is not now at the head of the Committee on Appropriations, but a Republican, who is making a record for the coming campaign.

Mr. LOUD. He took it because he had to.

Mr. SAYERS. Has my friend had a sad experience before that committee this session?

Mr. LOUD. Yes; and shed tears, too. [Laughter.]

Mr. SAYERS. Let us consider these particular items somewhat further and see what will be the result. When we meet here on the first Monday in December next this proposition will be presented to the gentleman from Illinois and he can not escape it: Will he appropriate only for one year; that is, until the 4th of March, 1898, for these river and harbor contracts and for these public buildings? If he does, he will make a deficiency for the next Congress to carry. Or will he appropriate for sixteen months instead of twelve months? If he does not appropriate for sixteen months instead of for eight months, as now, he is as certain to have a deficiency which the next Congress will have to meet as this building stands and the people are represented by a Congress. The gentleman will not deny it. He can not avoid it.

Mr. CANNON. I will say to my friend if he desires——

Mr. SAYERS. I will yield to the gentleman.

Mr. CANNON (continuing). That in my judgment the recommendations in this bill will carry all continuous-contract work up to the 1st of March, 1897.

Mr. SAYERS. I think so.

Mr. CANNON. The gentleman says he thinks so.

Mr. SAYERS. Yes.

Mr. CANNON. Perchance there may be some mistake about it. If there is any, when Congress meets in December we will do then just exactly what we did on the urgent deficiency bill, when we put in an item of $300,000 for payment of continuous work that was absolutely needed at Galveston.

Mr. SAYERS. The necessity for an appropriation for Galveston Harbor on the urgent deficiency bill of this session did not proceed from a failure to appropriate at the last session of the Fifty-third Congress up to the full estimate for the present fiscal year. Turning to the Book of Estimates for the present fiscal year we find the estimate for Galveston Harbor to be $1,000,000, every dollar of which was appropriated. The reason why a deficiency occurred in this appropriation was that the work has proceeded much faster at that point than was anticipated by the Chief of Engineers, and not because of the failure of Congress to appropriate up to the estimate.

But, Mr. Chairman, I ask my friend from Illinois to tell the House when the next sundry civil bill comes up for consideration whether he will recommend appropriations for twelve or for sixteen months.

Mr. CANNON. I will state to the gentleman that we will do precisely as you did with the fortification bill a year ago—we will recommend enough money to pay all bills until the next bill shall become law.

Mr. SAYERS. The gentleman speaks of the fortification bill. Every dollar asked for the river and harbor contracts for the present fiscal year was given by the last Congress, and will the gentleman say there is one dollar deficiency asked for the present fiscal year because of the failure of the fortification bill to carry enough?

Mr. CANNON. I am not speaking of deficiency. I am speaking of methods of appropriation; and I will say, as the gentleman appeals to me, in my judgment this bill for this purpose cares for the public service until the next bill becomes law; and in my judgment that is a proper policy to pursue.

Mr. SAYERS. The gentleman has not answered the question. He has not been as frank as he ought to have been. He ought to have told this committee whether it is his intention to recommend an appropriation for twelve months or for sixteen months in the next sundry civil bill. If he recommends an appropriation for twelve months, the next Congress as soon as it meets will have to appropriate in an urgent deficiency bill for the remainder of the fiscal year ending June 30, 1898.

Mr. CANNON. I will say to my friend, if he desires, just at this point, that if the House will follow the recommendation of the committee and make the provisions in the judgment of the committee, there will not be as large a deficiency appropriation as there will be for this session.

Mr. SAYERS. Does not the gentleman know that there will be fewer appropriations for deficiencies at this session than for any session of Congress for eight years past?

Mr. CANNON. I will say to my friend in reply that up to this time there is $11,000,000 in sight.

Mr. SAYERS. Of course, when you put upon the urgent deficiency bills items which the sundry civil bill should carry you will swell deficiencies; but if you will confine deficiencies to such as are truly within the definition you will not have as large a deficiency bill by very many millions as was in the second session of the Fifty-first Congress and in the first session of the Fifty-second. The deficiencies at the second session of the Fifty-first amounted to $38,699,746.96, and at the first session of the Fifty-second Congress to $14,441,121.22.

Mr. CANNON. If my friend will allow me, we have no desire to deceive each other.

Mr. SAYERS. We can not. [Laughter.] You can not deceive me and I can not deceive you as to what occurs around the committee table.

Mr. CANNON. I will ask my friend to indicate any item that has been put on any deficiency bill that ought not to go there.

Mr. SAYERS. I have just indicated——

Mr. CANNON. Which one?

Mr. SAYERS. Four hundred and eighty thousand dollars which went on the urgent deficiency bill for the completion of the Library building.

Mr. CANNON. My friend and I want to be entirely candid, and I will be candid. I ask him again if it is not true that that $480,000 had to be appropriated before contracts could be made for the work, that General Casey said that he had no authority to contract, and that if the building was to be completed by January 1 next that it was absolutely necessary that the appropriation should be made?

Mr. SAYERS. But it was not a deficiency. I am not objecting to the item as an improper appropriation. It was a proper appropriation. My contention is that you have shifted it from the sundry civil bill to a deficiency bill.

Mr. CANNON. The sundry civil bill could not be waited for, because the appropriation was necessary at once.

Mr. SAYERS. The gentleman knows very well that not one dollar of that money will be expended during the present fiscal year.

Mr. CANNON. I know it is all obligated now.

Mr. SAYERS. Of course.

Mr. CANNON. And the obligation could not have been made if the money had not been available.

Mr. SAYERS. It will not do to say that, because we have again and again, in every Congress, since the Fiftieth Congress, authorized contracts in advance of the appropriations.

Mr. CANNON. But my friend knows the character of appropriation. My friend will bear me out that this does not come under the contracting power in that bill.

Mr. SAYERS. It could have been authorized. But instead of doing that, and in order to save the appropriation on the sundry civil bill, the appropriation was made upon the urgent deficiency bill.

Mr. CANNON. The gentleman is not so candid as he ordinarily is.

Mr. SAYERS. I try to be. The difference between the gentleman and myself is that we are going to two different points. He is trying to accomplish one thing and I am trying to accomplish another; so we can not agree.

But, Mr. Chairman, the gentleman from Illinois has invoked the fortification bill as a precedent to sustain him in his method of appropriating in the pending bill for the construction of public buildings and for carrying out the river and harbor contracts. Sir, the two bills are not parallel. They are not on all fours, one with the other. Every sundry civil bill is entitled "A bill making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, and for other purposes."

The bill upon its face is intended to cover such expenses for an entire fiscal year, and not for a part of the year.

A fortification bill, however, is entirely different. It is always entitled "An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes."

As will be seen, no time is specified and no date is fixed in the fortification bill. It may be for a greater or less period than a year. No deficiencies are incurred under it, and it is solely within the discretion of Congress as to whether appropriations for such purposes are large or small.

I repeat the statement that the two bills are neither parallel nor analogous, and neither can stand as a precedent for the other.

As to the appropriations by the last Congress, at either session, to continue the construction of public buildings that were then authorized, it has not been contended, nor will it be contended, that such appropriations were not entirely sufficient for the entire year for which they were made. Not so in the pending bill. They are only until the 1st of March next—that is, for eight months, and not for twelve months.

As to the public buildings, Mr. Chairman, we find that the pending bill only carries $1,240,364.29, while $2,575,364.29 is demanded by the Department as absolutely necessary; and as to river and harbor contracts it carries $2,878,597 as against an estimate of $4,044,597.

But, sir, it is said in the report accompanying the bill that it carries $17,151,789.81 less than the same bill for the current year. That is true, Mr. Chairman, but it is only so to some extent from the unusual and unprecedented manner in which the bill has been made up. Besides, sir, the law for the current year contains many items which are not to be found in the pending bill, and which more than account for the difference.

I invite attention to a statement which I have prepared and which I will read:

Amounts appropriated in last sundry civil act for—	
River and harbor contracts	$11,387,115
Ohio River improvement	150,000
Sugar bounty, refund	5,398,289
Library building	900,000
Light-houses, construction	542,350
Sufferers Ford's Theater disaster	125,000
Revenue-cutter vessels	325,000
Public buildings, construction	3,395,450
Government Printing Office, addition	100,000
International Monetary Conference	100,000
Total	22,164,204
Amounts in this bill for above items:	
River and harbor contracts	2,878,597
Light-houses, construction	291,700
Revenue-cutter vessels	125,000
Public buildings, construction	1,558,074
Total	4,853,371

Notwithstanding these heavy and unusual items which are to be found in the sundry civil bill for the last session of the Fifty-third Congress and which are intended for the present fiscal year, it will be found upon examination that the appropriations at that session were less than those at the former session of that Congress by $8,221,440.69.

It was not so in the Fifty-first Congress, nor will it be so in the present Congress.

Mr. BINGHAM. Mr. Chairman, I ask the gentleman to yield me five minutes.

Mr. SAYERS. With pleasure.

Mr. BINGHAM. Mr. Chairman, of course I am under very great obligations to my distinguished colleague on the committee from Texas [Mr. SAYERS] for his more than kind and courteous reference to myself and to our relations in the past, if not at Gettysburg yet elsewhere, and in connection with those relations he spoke of my fierce martial expression. Certainly, Mr. Chairman, that did not intimidate the gentleman during the civil war——

Mr. SAYERS. I had a gun in my hands at that time. [Laughter.]

Mr. BINGHAM. The gentleman had a gun in his hands, but he had a much stronger gun when we were laboring together in the last Congress on the Appropriations Committee, an intellectual gun, and while mine did not approach it in power it was yet sufficient to convince the gentleman that as a million dollars was necessary to the great harbor in his State, so my great harbor, passing through several States, deserved equal recognition. I am free to say to this committee that no "fierceness" on my part or on the part of anybody else in the deliberations of the committee in the Fifty-second Congress ever troubled the gentleman from Texas in reaching his intellectual and wise conclusions as to giving to the House and to the country a fair bill under which the Government might be carried on. The gentleman calls attention to the fact that the bill under consideration appropriates for the fiscal year ending June 30, 1897, but the gentleman must understand that that wording of the bill applies to everything in the bill other than that which is carried under the contract system, other than that which is carried in contracts for public buildings, other than that which is covered by contracts on river and harbor work. Every other appropriation in the bill terminates with the fiscal year. The appropriations pertaining to those lines of the public service to which I have expressly referred run continuously; hence they are not made for the fiscal year.

The gentleman calls attention to the fact that our Svengali friend from Illinois influenced me to accept his conclusions upon the eight months' appropriation in the bill. I did accept them; but I did not accept them until I saw that full justice was being done to the great harbors and the other important contract work of the Government. I did not accept them until I saw that my own section of this great country had been properly cared for. I discovered that because of the generous action of the gentleman who was in control of this bill in the Fifty-second Congress there was standing to the credit of the contract service in the harbor of Philadelphia on the 1st day of March of the present year $375,000, and that this bill appropriated for the next eight months the full amount that the engineers said could be advantageously expended in that time. I found also that for the gentleman's own section of the country generous provision had been made in this bill. What I looked at was not the question whether there was precedent for this particular form of legislative appropriation. I simply looked at the question whether the contract work of the Government was going to be faithfully and fully performed during the first eight months of the coming fiscal year under the limitations of this bill, and I find that such is the case.

Mr. SAYERS. I do not think there is any doubt about that.

Mr. BINGHAM. One other point. I do not think the criticisms in this debate should be directed to the mere form in which you propose to enact your legislation. Those criticisms, if just, should apply to the necessity of the work proposed to be done, whether it can be well done for the sums proposed, and whether the system under which it is being done is economical and wise.

The gentleman knows that one of the first bills coming before us in every Congress is the urgent deficiency bill. We have had that bill before us in this Congress. Then later there comes the general deficiency bill, averaging, as a rule, from eight to ten million dollars at every session of Congress. That is because the normal appropriations under the statutes are less than the requirements for the service. Every appropriation in this great bill can be exceeded by the Departments. They are not limited to such expenditures as will make the appropriation suffice for the whole fiscal year. They will come into this House at the next session and they will ask for appropriations to meet the deficiencies which have occurred, because the allowances in your appropriation bills have not been sufficiently ample. I make the point that the criticisms indulged in in this House should run to the question whether the appropriations proposed are ample for the good conduct of the Government; they should not be directed to the mere form in which the paragraphs are inserted in the bill.

I believe this bill to be a good one throughout—as good a bill as we can present to this Congress. The gentleman has stated that we shall exceed in the sum total appropriated at this session what we have appropriated in preceding sessions. This is a fair bill. The gentleman's statement is correct. Outside of the criticism as to the contract service and as to the adoption of the eight months' limitation instead of the old limitation of twelve months I do not think there can be any just criticism against this proposed legislation. I am in hearty accord with the proposition that the appropriations for the contract service should run for eight months.

proceed from a failure to appropriate at the last session of the

again and again, in every Congress, since the Fiftieth Congress, authorized contracts in advance of the appropriations.

Mr. SAYERS. I yield to the gentleman from Missouri [Mr. DOCKERY] as much time as he may desire.

The CHAIRMAN. Under the order adopted general debate was limited to sixty minutes, which time expired some time ago; but unanimous consent was asked that the gentleman from Texas [Mr. SAYERS] have unlimited time.

Mr. MCMILLIN. I ask unanimous consent that the time for general debate be extended until those who are opposed to the method of appropriation embraced in the bill may have as much time as has been occupied by the gentlemen in favor of those provisions.

Mr. CANNON. That is all right. I suggest that the time of the gentleman from Texas be extended, and that he yield to any other gentlemen who desire to speak.

Mr. MCMILLIN. That is satisfactory.

Mr. SAYERS. That agreement, as I understand, has already been made.

The CHAIRMAN. How much time does the gentleman from Texas yield the gentleman from Missouri?

Mr. SAYERS. As much as he may desire.

Mr. DOCKERY. Mr. Chairman, I desire to occupy only a moment. The position of the minority of the Appropriations Committee has been so fully and clearly explained by the gentleman from Texas [Mr. SAYERS] that it is hardly necessary to make even a single observation. I desire, however, to extend my sympathy to the gentleman from Illinois, the chairman of the committee, in his efforts to secure a proper reduction of the appropriations. I believe he will bear testimony that I have earnestly sought, so far as I could, to limit the appropriations of the Government to the lowest point consistent with an honest, economical administration. I think the majority of the committee will bear witness in the same behalf.

I must say, however, Mr. Chairman, when the gentleman from Illinois declines to make appropriations in the usual way for the fiscal year, I am compelled to refuse to follow his leadership. I am sure that this side of the House during the present session has dealt with the question of public expenditures with as much fairness, as much honesty, and as much economy as when we controlled the organization of the House. Upon examining the official record, Mr. Chairman, I find that the appropriations for the Fifty-first (Reed) Congress amounted to $1,035,680,109.94; that those of the Fifty-second Congress aggregated $1,027,104,547.92, while the appropriations of the last Congress amounted to but $989,239,205.69.

The appropriations for the first session of the Fifty-first Congress—and I desire to call the special attention of the committee to the aggregate, because I concur in the view expressed by the gentleman from Texas that the appropriations of the second session of this Congress will largely exceed the $506,000,000 estimated by the gentleman from Illinois as the aggregate for the present session—the appropriations for the first session of the Fifty-first Congress were $494,456,248.65, while for the second session of the same Congress they were $541,223,861.29, which caused the total of the appropriations for the Congress to exceed the billion-dollar limit. In other words, Mr. Chairman, the appropriations for the first session of the Fifty-first Congress were fairly economical, and substantially in accord with the demands of the public service. It was at the second session of that Congress, however, when the unbridled Republican majority made the enormous appropriations that fixed the aggregate at the stupendous total of $1,035,680,109 for the Congress.

Now, Mr. Chairman, in this connection I desire to acquit the gentleman from Illinois [Mr. CANNON] and also the Speaker of this House [Mr. REED], because they endeavored to restrain the action of the majority in respect to expenditures—I desire to acquit them of having favored these enormously extravagant appropriations. I believe that the gentleman from Illinois and the present Speaker have never been quite content with the record of that Congress in so far as it related to the appropriation of public money. I know that the gentleman from Illinois, in the closing days of that Congress, standing in yonder aisle, over and over again appealed to the Republican side to stay their riotous assaults upon the Treasury. It is known also that the Speaker was not in sympathy with the profligate appropriations then made, and therefore I assume that the gentleman from Illinois, then as now in charge of the Committee on Appropriations, seeks to improve the record of that Congress and escape, if possible, a billion-dollar total.

I have sustained him up to this moment in his efforts to reduce expenditures. As a humble Democrat, I propose to stand by him to the end of the session in all proper efforts in behalf of judicious economy. But, Mr. Chairman, if the reduction of appropriations is to be accomplished in this bill and others that are to follow by the absolute omission of appropriations essential for the public service, I must decline to indorse such false economy. I will support the chairman when he seeks to reduce appropriations to the necessities of an honest, frugal administration, not because I am in political sympathy with the other side of the Chamber, but, being a Democrat, I believe that taxation in whatever form it may be imposed is a burden upon the productive capacity of the people. Whether it be levied by a collector of internal revenue, or through postal receipts, or by customs dues, it is no less a tribute exacted from the taxpayers of the country. Having favored economy in the last Congress, I will not depart from that policy now. In the hour of victory we upheld this doctrine. In defeat let us cling more closely to it.

The great founder of the Democratic party, in his inaugural address of March 4, 1801, concisely enumerated the essential principles of government. He declared, among other things, in favor of "economy in the public expense, that labor may be lightly burdened." It follows, therefore, that the hand of the Federal taxgatherer should be laid upon the resources of the people only to the extent of securing the necessary revenue to support and maintain the Government. I believe in this doctrine. It is essential to the happiness and prosperity of the people. But I challenge the attention of the House and the country to the fact that the majority of the Committee on Appropriations, in defiance of precedents, have refused to appropriate for the public service for the ensuing fiscal year an amount estimated at about $3,000,000. The necessities of the service call for this expenditure, but it is postponed until after the ensuing election. It may be that the aggregate total of this session's appropriations will exceed $500,000,000; but I submit to the House whether it is sound policy, whether it is a wise administration of public affairs, to deliberately refuse to appropriate that which the obligations of the Government demand during the coming fiscal year. It may be good politics, but it is faulty from a business standpoint.

Pursue your policy, gentlemen; we are in a feeble minority, and powerless except to enter our protest; but until the close of this Congress we shall continue to call the attention of the country to inadequate appropriations which may be prompted by partisan considerations. The total appropriations for this Congress doubtless will aggregate more than a billion of dollars, but if they are just, economical appropriations, and required by law the people will not complain.

I had occasion to say at the close of the last Congress that in my judgment the appropriations for that Congress, amounting in round numbers to $989,000,000, could not have been reduced much below $980,000,000 without repealing legislation which made the appropriations necessary. I believe that if we are to accomplish the desirable result of bringing the total of appropriations of the Government much below the billion-dollar mark, we must modify or repeal some of the legislation now on the statute books. But, Mr. Chairman, so long as these laws remain, so long as certain contracts exist to maintain public works, then this Congress should, without evasion and without attempting to mislead the people, make ample provisions for the public service, regardless of supposed party necessities in the approaching campaign.

Mr. SAYERS. I will yield ten minutes to the gentleman from Tennessee [Mr. MCMILLIN].

Mr. MCMILLIN. Mr. Chairman, there ought to be no concealment, indirection, or deception in legislation. Whatever is done in life, it is well that it be done openly. Whatever is done here ought above all things to be done with perfect candor and perfect openness.

Upon a few points both sides of this House agree. First, it is agreed that the Government of the United States, in pursuance of law, has entered into contracts for the completion of certain public works on rivers and harbors, public buildings, and other things commenced by the Government. It is also agreed that according to those contracts there will be required for the next fiscal year a certain amount of money.

It is agreed also that the amount necessary to comply with the contracts entered into by law is greater by $3,000,000 for the next fiscal year than is carried by this bill.

Therefore, I conclude that there can be no legitimate excuse for the shifting method by which we are proposing to appropriate for a part of a fiscal year instead of a whole fiscal year. The gentleman from Illinois [Mr. CANNON] admits that he is deliberately legislating $3,000,000 less than the contracts of the Government require. He admits that he is appropriating for a part of a fiscal year instead of a whole fiscal year. He admits that the deficiency thus created will reach or exceed $3,000,000. He also admits that this is a departure from the custom of the Government for one hundred years. Against that kind of legislation I desire very briefly to enter my protest.

The gentleman claims that he has warrant for this extraordinary proceeding on his part, and on the part of the great committee over which he presides with such distinguished ability, in the action of a preceding Congress.

If precedents are wise, they are to be followed. If otherwise, they are to be abandoned. I understand that the precedent which he claims justifies this action originated in connection with a fortification bill. It also transpired that the alleged deficiency thus

created has never been appropriated for since, and no demand has ever been made for it, thus showing that the action of the committee was wise and that the case cited as a precedent is no precedent.

Mr. SAYERS. I will say to the gentleman that the fortifications bill is not for any current year. It is just merely an appropriation without reference to current years.

Mr. MCMILLIN. Exactly so; and I will supplement the remark of my distinguished friend from Texas by saying that the amount appropriated proved itself amply sufficient for the purposes intended.

Mr. SAYERS. Entirely, and no deficiency followed.

Mr. MCMILLIN. No deficiency was created thereby; but here the gentleman from Illinois [Mr. CANNON] admits that he is evading the contract into which the Government has entered; that he is refusing to appropriate money that must be appropriated next year; that he is merely postponing, not defeating, this appropriation. Now, I know that this is a Presidential year, and I know that "stump doctrine" has much to do with Presidential years, and that this is mere "stump doctrine"; but I do insist that it ought not to be sufficiently potent to justify the violation, evasion, or postponement of solemn contracts entered into and work honestly done.

Sir, what has been the custom of the Government in the past? The appropriation bills have been such that at the end of each session of Congress we could foot up the appropriations made and know what the expenditures had been; but here my distinguished friend from Illinois has fallen upon a new method, by which no man in America, by footing up these appropriations, can tell what the expenditures of this Congress have been, for he postpones the appropriations till future years, and will confuse the people thereby.

Now, I do not propose to make any argument against the contract system. Wherever it proves itself more economical it is well to adopt it; but I do insist that when a contract has been entered into the people should know the amount that that contract is costing every year, and there ought not to be a postponement of appropriations or amount of expenditures until after the election. If it is done, let the people know beforehand how much has been postponed. Let them know beforehand for what purpose the postponement has been made. Does the gentleman from Illinois insist that this appropriation is not needed? Far from it. He admits that it is needed. Does he claim that it can be avoided? On the contrary, suits could be brought on the completion and payment forced; and yet he says, "We will not make the appropriation, because we are to come back here next winter"; and while he does not say so, we all know that, the election being over, the bridle can be taken off and the horse whipped down the same old track to the same destructive terminus.

Now, the action of the last Congress is not to be taken justly as a precedent for what is proposed here. What were the continuing appropriations asked for in the first regular session of the last Congress? I do not say the first session, because the first session was an extraordinary one. In the first regular session for this work the appropriations demanded amounted to $8,300,000. The sum of $8,400,000 was given.

At the second session the sum of $11,387,000 was demanded by the estimates, and $11,547,000 was given. Where work was shown to be necessarily more expensive than expected, the appropriation was made; but here we propose to avoid appropriating the money, to reduce the showing that is to be made, for campaign purposes; and I doubt not, as candid as my friend from Illinois is, that he, when he comes to make up the estimates of the appropriations made by this Congress, will be figuring it to the credit of the party that he represents and leaving out these items. My friend from Texas has commented on the fact that certain appropriations have already been shifted from this bill to a general deficiency bill. I insist that that was unjust. In addition to what he has stated, I will point out one or two. He has already shown to you wherein $400,000 that was not legitimately charged upon the deficiency bill, because no law authorized it, has already been appropriated for in a general deficiency bill for the completion of the Library building, although it can not be expended in this year. By that method it can be charged to the last Congress instead of this.

Again, there is an appropriation of $300,000 for the printing of the Agricultural Report. That legitimately goes upon the next appropriation bill and does not belong as a charge upon the last Congress, and yet that has been saddled upon the last Congress. That has been charged to the Democratic Administration instead of this House. What is the necessity for this legislation? Why not boldly come up and tell the people what the last Congress cost the country and what this House is costing it? But these are not all. There was in that urgent deficiency bill an appropriation of $16,000 for the purpose of purchasing a building in Japan, not authorized by law, not contemplated by law; and hence it can not be a deficiency. It was an original appropriation, and although it is made in this Congress, it is charged as a deficiency of the last Congress. By an increase for the navy-yard at Brooklyn, also not chargeable to the last Congress, $50,000 is heaped up against the appropriations of that Congress as a deficiency, when it is not a deficiency. Fifty thousand dollars more in the same way for the increase of the Navy. All of these items, amounting to $898,000, have been put upon a deficiency bill, when they should have been appropriated for on this bill or on the other regular appropriation bills of this Congress.

Now, Mr. Chairman, I was not content that this method of legislation should be entered upon without its being known how it came and to whose charge these expenditures properly belong. Let us go on as we have in the past. Let us make our appropriations for each fiscal year. Let us make them in such a clear and distinct way that when the year is ended every citizen of the United States will know what his Government has cost; and then we will have no trouble concerning these matters. Let us not try to deceive the people. We could not deceive them if we would, and we should not if we could.

Mr. SAYERS. Mr. Chairman, I will say to the gentleman from Illinois that the gentleman from Arkansas [Mr. TERRY] desires ten minutes; and if the gentleman from Illinois will agree that when we reach the paragraph on public buildings he may have an opportunity to offer an amendment and speak for ten minutes, I will agree that general debate be closed now.

Mr. CANNON. I am perfectly willing that the gentleman shall have the ten minutes. I do not want to agree to any amendment.

Mr. SAYERS. I only mean with reference to the time in which he may discuss the amendment.

Mr. CANNON. Oh, certainly.

Mr. SAYERS. Mr. Chairman, I believe that the minority does not desire any further time.

Mr. CANNON. Let the Clerk read.

The Clerk read as follows:

For post-office and court-house at Kansas City, Mo.: For continuation of building under present limit, $50,000.

Mr. PITNEY. Mr. Chairman, I desire to offer an amendment, which I send to the desk.

The Clerk read as follows:

On page 2, after line 19, insert the following:

"For custom-house and post-office at Newark, N. J.: For completion of building and for purchase or condemnation of additional land, under present limit, $150,000; and the money remaining unexpended under previous appropriations for the completion of said building shall be available either for that purpose or for the purchase or condemnation of additional land."

Mr. CANNON. I will state, Mr. Chairman, that on examination I find this is authorized by law, and within the limit, and if the estimate had come before the bill was prepared, as it has come since, it would have been in the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

Mr. NORTHWAY. I want to ask a question. Has the building been commenced?

Mr. PITNEY. This matter is in progress. The building is substantially totally completed. It is for the purpose of an extension and for additional land and to make the residue of the unexpended appropriation already authorized available for the purchase of additional land.

Mr. CANNON. And within the limit fixed by the law.

The amendment was agreed to.

The Clerk read as follows:

For the appraiser's warehouse at New York City, N. Y.: For continuation of building under present limit, $500,000.

Mr. SHAW. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

For completion of court-house and placing a clock on court-house in Newbern, N. C., $25,000.

Mr. CANNON. I shall have to make a point of order on that amendment. It is not authorized by law.

Mr. SHAW. As I understand the rule, an appropriation is proper to complete a work in course of erection. This court-house is only partially erected. There has been no provision made up to this time for the erection of a tower or for a clock. The people of Newbern have petitioned me time and again to see the Supervising Architect and arrange to have a clock erected on the building. I have written to the Architect, and he informs me that it will take about $25,000 to complete the building with the tower and clock.

Addressing myself, however, to the point of order, as I understand the rule it is that where a building is in course of erection an amendment to complete the work is in order. That is my understanding of the rule.

The CHAIRMAN. What is the law providing for the construction of that building? Has the limit been reached and is this amendment for an additional appropriation?

Mr. SHAW. Yes, sir.

I will support the chairman when he seeks to reduce appropriations to the necessities of an honest, frugal administration, not

authorized by law, not contemplated by law; and hence it can not be a deficiency. It was an original appropriation, and although

this amendment for an additional appropriation?

Mr. SHAW. Yes, sir.

The CHAIRMAN. The appropriation provided for in this amendment is not within the law?

Mr. SHAW. No, sir. This is for an additional appropriation of $20,000.

The CHAIRMAN. In the original appropriation act was the building limited to a certain amount?

Mr. SHAW. I am not sure about that.

Mr. CANNON. I can answer that question from the Supervising Architect's report. The limit was fixed March 3, 1889, at $75,000. By the act of 1890, $25,000 was appropriated, and by the act of March 3, 1891, $50,000 was appropriated; so that the limit was fixed at $75,000, and the whole amount has been appropriated.

The CHAIRMAN. The Chair sustains the point of order.

Mr. TERRY. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Add at the end of line 22, page 2, the following: "To supplement the appropriation heretofore made for the improvement and extension of the United States court-house and post-office building at Little Rock, Ark., in accordance with the recommendation of the Secretary of the Treasury, $63,000."

Mr. CANNON. Mr. Chairman, I desire to make the point of order on that amendment that it is not authorized by law, but I will reserve the point if the gentleman from Arkansas desires to be heard.

Mr. SAYERS. Mr. Chairman, I ask unanimous consent that the gentleman from Arkansas [Mr. TERRY] be allowed fifteen minutes in which to present the merits of his amendment.

There was no objection.

Mr. TERRY. Mr. Chairman, I have no general assault to make upon this sundry civil bill. The committee having it in charge doubtless had some sufficient reason for reporting it in the shape in which it appears here, but I desire to call the attention of the committee to a work of public necessity, a work of urgent importance, which the Committee on Appropriations has failed to provide for, and in connection with this subject I wish to ask attention to a statement transmitted to the Speaker of this House by the Secretary of the Treasury in reference to the court-house and post-office building at Little Rock, Ark. I read:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., December 19, 1895.

SIR: Referring to the United States court-house and post-office at Little Rock, Ark., I have the honor to submit the following statement:

Under date of August 27, 1894, the undermentioned act of Congress was approved:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause the following improvements to be made on the building and grounds of the United States court-house and post-office at Little Rock, Ark., and at a cost not to exceed the following, to wit:

"First. To construct an addition to said building for the purpose of creating more room therein, and enlarging the judge's chamber and the offices of the marshal and clerk of the circuit and district courts, at a cost not exceeding $54,000.

"Second. To put an elevator in said building at a cost not exceeding $4,000.

"SEC. 2. That the Secretary of the Treasury shall cause proper plans and estimates to be made for each of the improvements above contemplated, so that no expenditure shall be made or authorized for the full completion of either of them beyond the amount above provided therefor, said amount to be expended under the direction of the Secretary of the Treasury."

Also, under date of March 2, 1895, an item was included in the sundry civil bill for carrying into effect the above act, in amount $58,000.

In pursuance of the above legislation the Supervising Architect of this Department has had a sketch prepared of the proposed extension, and, after careful consideration of the matter, it is found that the sum mentioned in the above bill is inadequate for the purpose required, and that in order to provide an extension to the present building that will give the necessary accommodation to the various Government officials, enlarge the judge's chamber, provide a new court room and a new jury room, and construct the addition so that it will comport architecturally with the present building, which is faced with stone and fireproofed, will require an additional amount of $43,000.

I have, therefore, the honor to recommend that the additional amount of $43,000 be appropriated for the proposed extension.

Respectfully, yours,

J. G. CARLISLE, *Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Mr. Chairman, when I went before the Committee on Appropriations in relation to this matter I was told that a great number of persons were desirous of having provision made for public buildings in their localities, and I stated then to the committee that if there were any that occupied the same position as this work did, if there was a single one that stood on all fours with this, it was the duty of the committee to recommend the appropriation. Here you have a solemn estimate sent in by the Secretary of the Treasury to the Speaker of the House, showing the importance and the necessity of this appropriation. In addition to that, I desire to call the attention of this committee to a statement submitted by the circuit judge of the eighth circuit of the United States, Hon. Henry C. Caldwell. It was written to me when I applied for the first authorization for this work. I asked then for a larger amount, claiming that the sum authorized was not sufficient, and Judge Caldwell wrote me this letter. I ask attention to this letter, and then I desire to submit the question to the judgment and the fairness of this Committee of the Whole and of the gentleman from Illinois himself, who has reserved the point of order, whether he will not permit this necessary appropriation to be made. Judge Caldwell's letter is as follows:

DEPARTMENT OF JUSTICE, EIGHTH CIRCUIT,
Little Rock, March 28, 1892.

MY DEAR SIR: I have just seen a copy of your bill relating to the United States building in this city.

I have said and written so much about this building in the past that I have grown weary of the subject. My letters are on file in Washington protesting against laying the foundations of the building under the limitations and restrictions of the act making the first appropriation.

I said then—and time has verified the correctness of my judgment—that the building which it was proposed to erect would be found totally inadequate to accommodate the public officers and business expected to be provided for within its walls. I knew this was so so far as it related to the United States courts.

I pleaded for two court rooms, or a judge's chambers large enough for a chambers court room, but all in vain. There is but one court room, and the judge's chambers is barely large enough to contain my bookcases, a table, and two or three chairs.

The result is that when there are two judges here and it is desirable to hold two courts at the same time, as it frequently is, we are unable to do so, except when the county court-house is not in use and is loaned to us, or we can get in the State house.

The want of another court room is a source of expense to the Government and of delay and costs to parties and witnesses.

The circuit court of appeals ought to hold its winter sessions at this place, and doubtless would do so if we had a court room, but under existing conditions it is out of the question.

I know nothing about the wants of the other departments. I only know that the present building does not furnish adequate accommodations for the United States courts.

Yours, truly,

HENRY C. CALDWELL,
Circuit Judge.

Hon. W. L. TERRY, M. C.,
Washington, D. C.

Now, Mr. Chairman, see the position that this Government is left in at Little Rock on account of the want of a sufficient appropriation for this building. Both the judges, the district judge and the circuit judge, are residents of that city, and it often becomes necessary to have both the circuit and the district courts in session at the same time. When that is necessary, you have all the parties that are called to Little Rock in attendance on the courts, jurors who sometimes have to spend weeks there and sometimes months, parties who have to stay there at their own expense, and witnesses in criminal cases and jurors summoned at the expense of the United States. All these are delayed and all this is constantly going on, and the only chance of relief from such situation, that this great Government has to rely upon, is the courtesy of Pulaski County for a room in which to hold one of the courts of these United States.

Now, that is unseemly; and I appeal to the fairness and justice of this House, to its sense of what is due to this great Government, to permit this necessary appropriation to be made. I trust that my friend from Illinois [Mr. CANNON] will not insist on the point of order. In fact, I doubt whether the amendment is subject to the point of order, because this work has been undertaken; one appropriation to do the work has been made; estimates and plans have been prepared; and now, finding the matter in this shape, the Secretary sends to the Speaker of the House this estimate with a recommendation that the appropriation be made. I think, sir, that every consideration of justice, patriotism, and public spirit should induce this Committee of the Whole to grant the appropriation asked for.

Mr. CANNON. Mr. Chairman, without respect to the merits of this proposition, I insist on the point of order that it is not an expenditure authorized by law.

The CHAIRMAN. Is the appropriation beyond the limit?

Mr. CANNON. Yes, sir.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MERCER. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

After the word "dollars," in line 22, page 2, add:

"For post-office at South Omaha, Nebr.: For construction of building under present limit, $75,000."

Mr. MERCER. Mr. Chairman, with reference to this amendment, I wish to say that the Fifty-third Congress passed a bill providing for the purchase of a site and the construction of a building at South Omaha, Nebr., not to exceed in cost the sum of $100,000, including site and building. Time has elapsed, and thus far not a step has been taken by the Treasury Department even to purchase a site. Mr. Chairman, it does not take a great financier to buy a post-office site and erect a building thereon in one of the cities of the United States; and there is no excuse for it not doing justice to one of the busiest and most prosperous cities in the country by simply executing the law.

I submit, Mr. Chairman, that this amendment is not only not subject to a point of order, but that it comes within the purview of the legislation of this Congress. If we pass the amendment and appropriate this money, we can perhaps force the Treasury Department to purchase a site and erect a building, as should have been done some time ago. I submit to the House that this amendment should be adopted, and I trust that members will see the propriety of such action. For over a year $25,000 has been available,

fifteen thousand of which is to be applied in the purchase of a site. Months and months ago the Department asked for sites and several were offered, all within the amount prescribed by law. I can understand the delay in commencing a public building, but there is no reason whatever for postponing the purchase of a site. I appreciate the position occupied by the distinguished chairman of the Appropriations Committee, and regret that his hands are tied at this time. I will continue to bombard the Treasury Department, in the hope that a site may soon be purchased, and then will ask that a building be erected as rapidly as practicable. A dozen cities are in the same position as South Omaha.

Mr. CANNON. Mr. Chairman, this appropriation that the gentleman from Nebraska asks to have made is wholly unnecessary. It is true that the proposed appropriation is within the limit heretofore fixed, but it is also true that as to this particular building the gentleman is better off than are those interested in most of the public buildings throughout the country. The Secretary of the Treasury now has full authority to contract for that building from cellar to dome.

We examined into this question very fully. There has already been appropriated $25,000—appropriated twelve months ago. Not one cent of that amount has been expended. No site has been bought. And the Supervising Architect says that he can not prior to next winter make even the plans for that building; that he has not yet acquired the site, and that he will not exceed the $25,000 already appropriated within the next twelve months.

Mr. MILLIKEN. Does the Supervising Architect give any reason why he has not made the plans in all this time?

Mr. CANNON. Well, it seems to be the policy of the Treasury Department, under existing conditions, to go slowly. The Agricultural Department would not buy seeds. The Treasury Department in many instances (whether for a good or a bad reason) is proceeding slowly. Now, we can not have administration by legislation. The fact is, as I have stated, that the sum of $25,000 was appropriated twelve months ago, and that there has never been a site bought at South Omaha; that the Supervising Architect, after careful examination, tells us not only that the site has not been bought, but that the plans and specifications will not be made within the next twelve months.

Mr. MILLIKEN. If we can not have administration by legislation, and I concede that statement, and if a Department refuses squarely to carry out the intention of our law, why can it not continue to do so right along forever? If Congress makes an appropriation for anything and the Department refuses to act, what remedy is there on the part of Congress?

Mr. CANNON. Oh, Mr. Chairman, the gentleman knows the answer to that question. If any Administration pursues a policy which, upon the whole, does not meet with public approval, there is but one remedy—an appeal to the people.

Mr. MILLIKEN. We will take that appeal.

Mr. SAYERS. Mr. Chairman, I hardly think the gentleman from Illinois is dealing fairly with the Supervising Architect in this matter. This Administration has pursued the same policy that the former Administration did in regard to the execution of the law as to the construction of public buildings. The trouble has been that up to this date we have allowed that office only $200,000 per annum with which to prepare plans and specifications, advertise for bids, and do all those things of a preliminary character which are necessary before the actual construction of the building is entered upon. At this session this House has voted (and I believe the Senate has done the same) to increase that item of appropriation by the addition of $50,000, so that the Supervising Architect's Office will have after the 30th of June next $250,000 instead of $200,000, as at present, with which to execute the laws with reference to the construction of public buildings.

Mr. CANNON. May I ask my colleague a question there?

Mr. SAYERS. Certainly.

Mr. CANNON. I wish merely to make this suggestion, that I called this to the attention of the Supervising Architect while examining him touching these buildings, this being one of a class, and he said that notwithstanding the increase he could not make the plans until the next coming winter.

Mr. SAYERS. That is so.

Mr. CANNON. And so far as the expenditure is concerned I ask if this appropriation within the coming year is needed?

Mr. SAYERS. I think not. I will be candid with the gentleman.

What I desired, Mr. Chairman, was for the House to understand exactly the condition, and not be impressed with the idea that the delay was because of a policy of the Treasury Department not to proceed toward the construction of these buildings.

Mr. NORTHWAY. If the gentleman will permit me, I have in my district——

The CHAIRMAN. The time for debate has expired.

Mr. NORTHWAY. I move to strike out the last word.

I wish to say that in 1891 a public building was provided for in the town of Akron, in my district, and a year ago I went to the office and made inquiry about it, and they told me that they were anxious to put it up, but they did not have the money to make the plans and specifications.

Mr. SAYERS. That refers to the appropriation of $200,000 heretofore, which has been insufficient.

Mr. NORTHWAY. Yes. Now, this increase of $50,000 will enable them to go on with the work and put up the building.

Mr. SAYERS. Yes. That is the reason that I supported a resolution which passed the House recently allowing an item of $25,000 for the preparation of the plans and specifications for the building at Chicago.

Mr. NORTHWAY. I withdraw the pro forma amendment.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Nebraska [Mr. MERCER].

The amendment was rejected.

The Clerk read as follows:

For post-office at Washington, D. C.: For continuation of building under present limit, $275,000.

Mr. JOHNSON of California. I would like to ask the gentleman from Illinois in charge of this bill a question. Is not that very much lower than the estimate made by the Department for the construction of this building as being absolutely necessary to complete it?

Mr. CANNON. That is sufficient, I would say to the gentleman from California. It is all that is required for the building up to the 1st of March next. That is only a year from this time, and the fund will be sufficient to carry on the work up to that time. There is a desire and recommendation on the part of the Supervising Architect, for various reasons which I will not go into now, to break the limit of the cost on that building, but that will require legislation. We recommend, within the limit, all the money that is necessary for use between now and March 1, 1897.

Mr. JOHNSON of California. Is that all that could be used profitably if appropriated?

Mr. CANNON. There is about $100,000 still within the limit that is not recommended in the appropriation, because it is not necessary.

Mr. JOHNSON of California. If an extra amount was given, would not the work be pushed ahead a little more rapidly?

Mr. CANNON. No. There is power to contract, the gentleman knows, and this building is being carried on under contract now.

Mr. JOHNSON of California. I asked the question because the work seems to be slower now than tar in January. [Laughter.]

Mr. CANNON. All the appropriation that is available for the purpose during the year has been made.

Mr. JOHNSON of California. If the gentleman thinks so, I will not offer the amendment I had intended to offer at this time.

Mr. WELLINGTON. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Insert after the sixth line on page 3:

"For court-house and post-office building at Cumberland, Md.: For continuation of building under present limit, $50,000."

Mr. WELLINGTON. Mr. Chairman, I desire to say that I offer this amendment for the reason that during the last Congress there was passed an act authorizing the erection of a public building for a United States court-house and post-office building in the city of Cumberland, Md., and $75,000 was set apart for that purpose. In the appropriation act of that Congress an appropriation of $25,000 was set apart to begin work on this building. The site has not yet been purchased, it is true, but if we purchase the site with the money already appropriated we will not have money enough to carry out that part of the contract, and it seems to me that it is therefore necessary for Congress in some way to provide not only for the purchase of the ground, but for the beginning of the erection of the building, if not its completion.

It may seem a little previous to suggest it at this time, on the ground, it may be alleged, that it is not necessary just now. At the same time, when you take into consideration the conditions existing, it seems appropriate that the amendment should be adopted. I think it is necessary that the $50,000 should be appropriated now, for if the work is to go on at all we should take steps not only to purchase the ground, but to begin the erection of the building at once.

Our people are anxiously looking for it. It is a matter of public necessity. It is the first time in the history of the Government that an appropriation of that kind has been asked by our section of the State. The Department seems to be slow in moving, I suppose because we live up yonder in the mountains, and they think we are not entitled to much consideration. The people are desirous that there shall be a session of the United States court held at Cumberland, and although the authorization has been given, it has not yet been held, because of the fact that there was no court-house in which to hold the court.

Now, we need a court-house and we need a post-office building. The sum of $25,000 has already been set aside. The Department

does not seem to be in a hurry, and one excuse is that there is not enough appropriated to begin the building. Therefore I appeal to Congress now that, in addition to the $25,000 appropriated by the last Congress, you add this $50,000, so that they may purchase ground and begin the erection of this building.

Mr. CANNON. I ask the gentleman's attention. The sum of $25,000 was appropriated a year ago. Not one cent of it has been expended.

Mr. WELLINGTON. Not one.

Mr. CANNON. Not even a site has been purchased. We made diligent inquiry touching this building, and at the end of that inquiry ascertained that there could be no site purchased or plans and specifications made so as to be ready to contract before next winter.

Mr. WELLINGTON. Will the gentleman permit me to interrupt him?

Mr. CANNON. Yes.

Mr. WELLINGTON. I wish to say that I have personal knowledge of the fact that the Treasury Department, more than four months ago, received bids; that they have not seen fit since that time to give satisfaction to anyone as to what they propose to do; and I think that if the Treasury Department do not move, it is the business of Congress at least to put them in such a shape, anyway, that they can not have any further excuse.

Mr. CANNON. My friend will bear me out that they have no excuse now, so far as the means are concerned to begin this work. I call my friend's attention to the fact that the law gives the Secretary of the Treasury power to contract for the completion of this building, the same as all other continuous contracts. He comes and says, through his proper official, that the plans will not be made in any event before almost twelve months from this time. There is already $25,000 available, and the want of appropriation is not what is causing the delay. So that, in harmony with this whole bill, the appropriation need not now be made, and will not hasten the thing one thousandth part of a second if it is made.

Mr. LOUD. Will the gentleman yield for a question?

Mr. CANNON. In a moment.

Mr. WELLINGTON. I wish to ask another question.

Mr. CANNON. Certainly.

Mr. WELLINGTON. Suppose the Treasury Department after having invited these bids and having already allowed four months to pass in which they have not moved a hand or foot or said a word or given a sign by which the people may know what they intend to do—suppose they go on in this way for a year or two? Are we to wait forever before they act upon this matter?

Mr. CANNON. Now I will play Yankee with my friend.

Mr. WELLINGTON. Do not do that.

Mr. CANNON. I will answer his question by asking another. How would the making of this appropriation affect that?

Mr. WELLINGTON. It would affect it in this way: The Treasury Department seems to intimate that the $25,000 may not be enough to purchase this site.

Mr. CANNON. Oh, no; on the contrary——

Mr. WELLINGTON. I want to say, if the gentleman will permit me, that the Treasury Department does not know what this site will cost, and we know something about it.

Mr. CANNON. On the contrary—because I am better advised, I think, than my friend—we went to the bottom of all these public building appropriations and authorizations, and we found that it was not for the want of appropriations, so far as that is concerned. I have been entirely frank with the gentleman. This appropriation of $50,000 which he moves will not hasten the contracting for or the completion of that building a moment.

Mr. WELLINGTON. But will it not do this: Will it not put us in a position to buy this site beyond a peradventure and then begin the erection of this building?

Mr. CANNON. Why, you are in a position now to do it.

Mr. WELLINGTON. We are not in a position to do anything, except to purchase that site, and possibly not that; and if the site is purchased and we have not a dollar more to go forward with, the building can not go forward.

Mr. CANNON. On the contrary—I have failed to make myself understood—the Secretary of the Treasury has the power to contract for this whole building at once.

Mr. WELLINGTON. Yes; but there will not be a dollar of the $25,000 expended.

Mr. CANNON. He has the power to make the contract; and he finds out from the bids on the contract what the building will cost.

Mr. WELLINGTON. If the Secretary has the power to contract up to $75,000, why not appropriate to pay after he makes the contract?

Mr. CANNON. Oh, my friend, occupying the fortunate position that Cumberland does over ninety-nine one-hundredths of the balance of the public service, with full power to contract, she can afford to be content with that, it seems to me, because there is no way, in making these appropriations, to expedite the matter.

Mr. WELLINGTON. I can not see it in the same light.

Mr. CANNON. Oh, well, I am sorry. I am telling my friend the facts.

Mr. WELLINGTON. But there is a difference of opinion.

The CHAIRMAN. Debate upon this amendment is exhausted.

Mr. SAYERS. I move to strike out the last word. I will say to the gentleman from Maryland that it seems that the policy has been adopted to appropriate only for eight months. That being the policy, the gentleman from Illinois, in my judgment, is quite correct in his statement that an additional appropriation will not be necessary for this building up to the 1st of March. Now, if there has not been a purchase of a site for the building, if I mistake not, if you examine the law you will find that the purchase of the site can not be made until what is called "sketch plans" shall have been prepared, and it shall be the judgment of the Supervising Architect, approved by the Assistant Secretary of the Treasury, that he can afford to pay so much for the site and at the same time complete the building.

Mr. WELLINGTON. Will the gentleman permit a question right there?

Mr. SAYERS. Certainly.

Mr. WELLINGTON. As I understand, the Secretary of the Treasury has already sent out and requested bids for this site. Would not that indicate that that stage of the proceedings had already been reached?

Mr. SAYERS. Certainly.

Mr. WELLINGTON. That has already been done. That stage has been passed. The bids were sent to the Secretary of the Treasury four months ago.

Mr. SAYERS. But the Secretary of the Treasury has not opened the bids for the site. And even after they shall have been opened, if the propositions exceed a certain amount—if they reach an amount which if paid will prevent the construction of the building within the limit prescribed in the bill—then the purchase of the site can not be made.

Mr. WELLINGTON. Then it will be necessary to have an additional appropriation?

Mr. SAYERS. Certainly.

Mr. WELLINGTON. That is just what I am trying to reach by this amendment. I think it may be necessary, in order to purchase a site and make provision for putting up this building, to have an additional appropriation. Now, then, it is true that this can not be done by next March if the present policy of administration is followed, but we do not know but by to-morrow or next week the Secretary of the Treasury may see fit to open these bids and settle the matter, and then we should not be in shape to go on with this building. We have waited up yonder quite a long number of years. We have waited anxiously, and we have gotten to a point where an appropriation has been made for our benefit; and after the law has been passed setting aside a certain sum of money we appeal to Congress now to give us a chance and let us purchase this site. Let us make the plans and go to work and put up this court-house, which we have needed there for a number of years.

Mr. CANNON. Now, if my friend will allow me——

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. CANNON. I move to strike out the last word. The trouble is that the gentleman is not bringing the medicine to cure the disease. It is not the fault of appropriation about that building, should the Secretary enter upon it. As a matter of fact, he has not only got the appropriation, but authority to contract. I can tell my friend where the trouble is.

Mr. WELLINGTON. I would like to know where it is.

Mr. CANNON. It is a question of money in the Treasury, and that goes to a general policy that I do not care to discuss now.

Mr. WELLINGTON. We are anxious to know why it is.

Mr. CANNON. It is not a question of appropriation; it is not a question of authority to contract; but it is a question of money in the Treasury of the United States that stands in the way.

Mr. WELLINGTON. Why, the claim is made that there is a surplus in the Treasury of the United States. [Laughter.]

Mr. LIVINGSTON. There is no necessity for an appropriation. If you get the contract, the work will go on under the contract.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. WELLINGTON. I ask for a division.

The committee divided; and before the result of the vote was announced

Mr. WELLINGTON said: I make the point that there is not a quorum in the House.

Mr. CANNON. I ask the Chair to count. There is a hundred present.

The CHAIRMAN (after a count). One hundred and twenty-six members are present. On this question the ayes are 11, noes 49; the noes have it, and the amendment is rejected.

Mr. DOCKERY. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

On page 3, after line 6, insert:

"The limit of cost of the public building at Kansas City, Mo., is hereby increased $116,000."

Mr. CANNON. Mr. Chairman, I make the point of order upon that amendment.

Mr. DOCKERY. I concede the point of order to be well taken, but ask the gentleman to reserve it until he hears the letter of the Secretary of the Treasury read, and then, perhaps, he may relent.

Mr. CANNON. If my friend wants to be heard on his amendment I will with great pleasure, out of my love for him, reserve the point of order, but at the end I will make it all the same.

Mr. DOCKERY. Mr. Chairman, I see an unrelenting look in the eye of the gentleman in charge of this bill, so I will simply ask to have printed in the RECORD the letter of the Secretary of the Treasury. In my judgment it conclusively establishes the necessity for this increase of limit.

There was no objection, and it was so ordered.

The estimate is as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., March 2, 1896.

SIR: I have the honor to submit the following statement relative to the United States post-office and court-house building at Kansas City, Mo.

The limit of the cost of the site and building as fixed by act of Congress of January 2, 1891, is $1,200,000, of which amount the cost of the site was $451,578.33, leaving a balance applicable to the construction of the building of $748,421.67.

The cost of the contracts and contingent expenses to date is $508,285.46, leaving a balance for the completion of the building of $240,136.21.

The work yet uncontracted for consists of the dome, roofing, terra-cotta arches, plastering, joiner work, iron stairs, plumbing, heating, electric wiring, elevators, approaches, etc., and the Supervising Architect of this Department estimates that to complete these items the sum of $356,136.21 will be required.

Thus it appears that the additional sum of $116,000, over and above the present limit of the cost of said building as now fixed by Congress, is necessary for the completion of the building, and I therefore have the honor to recommend that the said additional amount be appropriated for that purpose.

The cause leading to the necessity for this additional appropriation is that Llano County (Tex.) granite was used in the construction instead of limestone or sandstone, the materials originally intended in the official estimate, which change incidentally largely increased contingent expenditures also.

Respectfully, yours,

J. G. CARLISLE, *Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

The Clerk read as follows:

For repairs and preservation of public buildings: Repairs and preservation of custom-houses, court-houses, post-offices, marine hospitals, quarantine stations, and other public buildings under the control of the Treasury Department, $250,000, of which amount the sum of $30,000 to be used for the marine hospitals and quarantine stations: *Provided*, That of the sum hereby appropriated not exceeding $10,000 may be used, in the discretion of the Secretary of the Treasury, in the employment of superintendents and others at a rate of compensation not exceeding for any one person $6 per day.

Mr. POWERS. Mr. Chairman, I submit the amendment which I send to the desk.

The amendment was read, as follows:

Line 19, page 34, after the word "stations," insert "and the sum of $70,000, or so much thereof as may be necessary, to be immediately available, to be used in making repairs to the Federal building at St. Albans, Vt., recently partially destroyed by fire."

Mr. CANNON. Mr. Chairman, I shall be compelled to reserve the point of order on that amendment.

Mr. POWERS. Mr. Chairman, I insist that this amendment is not subject to the point of order. The Chair will notice that the appropriation under this paragraph is for the purpose of repairing and preserving "custom-houses, court-houses, post-offices, marine hospitals, quarantine stations, and other public buildings under the control of the Treasury Department, $250,000." Now, the amendment which I propose simply appropriates a portion of this gross sum of $250,000 for the repair of a Federal building coming within the class of buildings named in the paragraph, the public building at St. Albans, Vt., which was recently partially destroyed by fire.

Mr. Chairman, in reference to the merits of the proposition, I have to say that the Government, at a large expense—I forget the amount, but nearly $200,000—constructed a public building for the purposes of a court-house, custom-house, internal-revenue collector's office, and other Federal purposes at St. Albans, which was, to all intents and purposes, completed the day that the fire occurred in that town. The furniture for the building had been contracted for, the doors and windows put in, and within three weeks the building would have been open for the occupancy of the Government officials. A fire came upon that town which, in proportion to the size of the town, was as disastrous as the Chicago fire of 1871 was to the city of Chicago. The business portion of St. Albans was wiped out in two hours, and this public building was very badly damaged. It is built of Vermont marble. Some portions of the walls still remain intact and unharmed, but the Secretary of the Treasury sent an expert there, who has estimated that it will take $70,000 to restore the building to the condition it was in before the fire.

Mr. BINGHAM. What was the date of that fire?

Mr. POWERS. Some time last July.

Mr. BINGHAM. That was prior to the estimates being made.

Mr. POWERS. Very likely. One word more, Mr. Chairman. The Senate has already passed a special bill appropriating $70,000 for the purpose of making these repairs. That bill has come to the House and has been unanimously reported by the Committee on Public Buildings and Grounds, but there is not likely to be action upon it for some time. The circumstances are these: Here is a building with the roof burned off, the inside finish destroyed, some portions of the walls not injured, but a great portion of them so damaged that they must be rebuilt. The Government will not even incur the expense of putting a shed over the building, because the officials say they have no money available for that purpose. Now, I do not ask for a specific appropriation of $70,000, which would increase this bill by so much, but I do ask to have $70,000 of the sum already carried in the bill for the general purpose of repairs applied specially to the repairs of this building at St. Albans.

Why, Mr. Chairman, if the roof of your house should be burned off, would you not, as a prudent man, repair it at once, and thereby preserve the balance of the structure? Just so ought the Government to do in this case. Any man who looks at the circumstances for a single moment must see that good business husbandry demands that this building of the Government be taken in hand at once and speedily put into the condition that is needed for the public business. The Government is now paying heavy rent for the use of offices at that place, St. Albans being the third largest port of entry in this country. This appropriation is absolutely demanded in the interest of business at that point.

Mr. BARTLETT of New York. Allow me to ask the gentleman whether this building which was burned down was insured?

Mr. POWERS. It was not. The Government never insures its public buildings; it declines to do so.

Mr. BARTLETT of New York. Why?

Mr. POWERS. That is a question which I would like to have the gentleman answer. I never could understand the reason.

Mr. BARTLETT of New York. I am not in the Government.

Mr. POWERS. I insist that the amendment is not subject to a point of order. It simply proposes to utilize a portion of the $225,000 that the bill itself carries.

Mr. CANNON. Mr. Chairman, the gentleman from Vermont has presented this matter (as he does every question that he treats) so clearly and so strongly that if a bill to exceed the limit in the construction of this public building were before the House for consideration I think I should vote with him. But as the proposition now comes upon this appropriation bill it is clearly subject to a point of order, because it proposes to legislate. The gentleman substantially gives his case away when he says the Senate has passed a separate bill which is now pending before the Committee on Public Buildings and Grounds of this House. But I am not driven to that argument. I hold in my hand the report of the Supervising Architect, which states that the act of January 26, 1891, limits the cost of the site and building at St. Albans, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, to $60,000, every cent of which has been appropriated. There is the whole story. I ask for a ruling.

The CHAIRMAN. The Chair sustains the point of order.

Mr. POWERS. With all due respect to the Chairman, I ask to take an appeal.

The question being taken, "Shall the decision of the Chair stand as the judgment of the committee?" it was decided in the affirmative.

The Clerk read as follows:

MARINE HOSPITALS.

For marine hospital at Boston, Mass.: For additional for elevator, $1,500; board fence, $350; in all, $1,850.

Mr. WHEELER. Mr. Chairman, early in this session I introduced a bill which was referred to the Committee on Appropriations, a bill which, if it had been acted on, might have placed us in such a position that all the appropriations here asked for could have properly been granted.

The CHAIRMAN. There is no question before the Committee of the Whole.

Mr. WHEELER. I move to amend by striking out the last word.

Mr. Chairman, that bill provided that so long as the gold standard is maintained in this country the salary of all the officials, including Congressmen, be reduced to three-fourths the salaries now provided by law, and that the committees of this House having charge of appropriations be instructed to prepare said bills in conformity with the provisions of this act.

Now, Mr. Chairman, we must either reduce salaries or we must enact the Senate substitute into law, and thus provide for the

coinage of silver. The arguments in favor of the gold standard were little more than the reiteration of the same scarecrow doctrines that were sent here from Wall street to oppose the silver-coinage law of 1878 and which have been reiterated every time a silver-coinage bill has been brought before this body. The arguments were shown to be fallacious then and the history of the last eighteen years has proven them to be utterly without foundation.

A most distinguished member of this body—probably the ablest lawyer from the State which he represents on this floor, and by far the ablest advocate of the gold standard on this side of the House, a gentleman for whom we all entertain profound regard, a gentleman whom I saw in his seat a few moments ago—after the fallacy of those arguments had been exposed, after every principle and theory that he advocated on this question had been refuted, cried out: "Stop all this agitation for the free and unlimited coinage of silver."

Yes, the distinguished gentleman cried, "You must not agitate." That, Mr. Chairman, has been the exclamation of tyrants in all ages—"you must not agitate." [Applause.] When gentlemen resort to this ultimatum they admit that their arguments are fallacies. Nero told the people that they "must not agitate"; Caligula told the people that they "must not agitate." The gold-standard bankers of New York City, who now own substantially all the gold in the United States—so much was shown by the late bids on the bonds—were able to purchase bonds for gold to the amount of $102,448,199.55, while the 20,000,000 people who live south of the Ohio and Potomac rivers were only able to purchase to the amount of $222,086.

These gentlemen of New York insist that "this gold must be the only money of ultimate redemption." They have the farmers of the South and West by the throat, and they say, "You must not agitate. If you do, we will make it worse for you; we control the money of the land; we have a power which you can not resist"; and the distinguished gentlemen who advocate the gold-standard policy cry out, "You must not agitate." "You farmers of the West, you farmers of the South," cry the bankers and monied men, "we have by our methods reduced the value of your products to one-half; we have degraded you to mere toilers; we have elevated ourselves to be money kings and sovereigns; and now we say, 'You must not agitate' [applause]; if you agitate this question we will make matters worse for you."

A few days ago I was cut off in the midst of a sentence while showing the inconsistency of my friend, Mr. PATTERSON, in contending that an excess in silver production made bimetallism impossible.

When Mr. PATTERSON was as ardent a bimetallist as myself silver production was nearly double that of gold and there might then have been a shadow of ground for such a contention.

Now he admits that the production of gold far exceeds that of silver, and certainly if it was right and wise for him to contend for silver coinage then it is ten times as right and wise and there are ten times the reasons for him to contend for it now.

The distinguished gentleman, Mr. PATTERSON, also said:

By the laws of the United States all the gold in the world can be lawfully brought to the mints of the United States and there coined into money, without charge for mintage, at the rate of 23.22 grains of pure gold to the dollar; it follows necessarily that the commercial value of 23.22 grains of gold is exactly equal to the purchasing power of the dollar into which it is coined.

Now, I ask my friend if he will not admit that silver would have the same dignity and the same power if its treatment were the same as that which he states is accorded to gold?

In all his long speech he did not utter a syllable to refute this. His entire speech was little more than personal assertions and fearful forebodings.

The speeches of these gentlemen are merely a repetition of the exploded theories which the Wall street and Lombard street bankers and brokers sent here in 1877 and 1878 to oppose the silver-coinage law of 1878, and which were reiterated by the same men when they struck the final blows upon silver by the bullion bill of 1890 and purchase-clause repeal of 1893.

Every prediction made by these men has proven to be false, and every prediction made by the friends of silver has proven to be correct and true. They said the silver-coinage act of 1878 would be followed by panic and distress. We denied this and insisted that it would bring prosperity. We were right and the gold-standard bankers were wrong.

And yet the burden of Mr. PATTERSON'S speech is a reiteration of this scarecrow fallacy which the Wall street men have sent here to induce representatives of the people to enact laws which will double the value and power of the money which they possess. In the summer of 1893 they and their friends in this House insisted that the purchase-clause repeal would promptly restore prosperity and a rise in prices; we denied it and said distress and falling prices would follow. The result proves that we were right and they were wrong.

I assert that every material prediction made by the gold-standard advocates has been proved to be fallacious and devoid of truth and that every material prediction made by the opponents of the gold-standard policy has proved to be sound and true.

I beg that Mr. PATTERSON will explain to this House why it is that his predictions that panic would follow a silver-coinage act now have any more basis than the same refuted predictions which were made just before the silver-coinage act of 1878. But they say if the Government should coin and pay out silver, gold would cease to circulate as money and would go to a premium.

I deny this, and in reply state that under the ruinous gold-standard policy gold has ceased to circulate as money and is being hoarded by the bankers and moneyed men to be used in coercing the issuance of more bonds.

So effectually has gold been hoarded that, as indicated by the late bids for bonds, for each $1 of gold per capita south of the Potomac and Ohio rivers there is $5,532 in New York City; and during the last two years the Government has paid, or obligated itself to pay, these bankers and brokers and the Rothschilds a premium on gold to the amount of $244,000,000.

This is for interest alone, saying nothing about the principal we have obligated ourselves to pay.

The gentlemen commit a great error when they say that the opponents of the gold standard insist and will accept nothing but free and unlimited coinage of silver at 16 to 1. This is not true.

The bill I offered and have urged before this House is free from every objection which has been urged against free coinage, and yet the gold-standard men oppose it and oppose even its consideration. The bill is as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby directed to purchase all pure silver bullion and all pure gold bullion which may be tendered to the Government at a price not exceeding the average market price of said gold and silver bullion in the six leading markets of the world, said average price to be determined by the latest reports in the possession of the Secretary of the Treasury.

SEC. 2. That the Secretary of the Treasury shall issue in payment of such purchases of silver and gold bullion Treasury notes of the United States, to be prepared by the Secretary of the Treasury in such form and of such denominations as he may deem most suitable for the use of the people; and such Treasury notes shall be a legal tender in payment of all debts, public and private, except where otherwise expressly stipulated in the contract, and shall be receivable for customs, taxes, and all public dues, and when so received may be reissued; and such notes, when held by any national banking association, may be counted as a part of its lawful reserve.

SEC. 3. That the Secretary of the Treasury shall cause to be coined all of said gold and silver purchased under the provisions of this act, or so much thereof as it is possible to coin by using the fullest capacity of the mints of the United States. But it shall be the duty of the Secretary of the Treasury to, as nearly as practicable, coin the same amount of dollars in silver as is coined in gold, and a sum sufficient to carry out the provisions of this act is hereby appropriated.

SEC. 4. That the Treasury notes issued in accordance with the provisions of this act shall be redeemable on demand, in coin, at the Treasury of the United States, or at the office of any assistant treasurer of the United States, and when so redeemed may be reissued.

SEC. 5. That it shall be the duty of the Secretary of the Treasury in redeeming the Treasury notes issued under the provisions of this act to redeem them partly in gold and partly in legal tender silver, in that proportion in which the two metals were in the Treasury at the opening of business on the day on which the Treasury notes are presented.

SEC. 6. That all laws or parts of laws inconsistent with this act are repealed.

I also introduced a bill to repeal the unconstitutional tax of 10 per cent upon issues of banks other than national banks.

This would divorce our banking system from the Government Treasury and would restore prosperity to the rural sections, and would break the tyrannical power of the moneyed men of the Northeast, but this bill is opposed by the New York bankers and their friends and champions in this House. It is as follows:

Be it enacted, etc., That all laws or parts of laws that place a tax upon the circulation of banks chartered by States, or in any way restrict banks chartered by States from issuing bills for circulation, be, and the same are hereby, repealed.

In order to do partial justice to the producing classes, and so far as I could induce Congress to consider silver legislation, I introduced the following bill:

Whereas the establishment of the gold standard in this country has reduced prices of products to about half their value under the double standard; and

Whereas the farmers and producing classes, who from their incomes pay the salaries of all Government officials, have by reason of the gold standard suffered a loss of one-half of their incomes:

Therefore, in order to do a measure of justice to the 40,000,000 farmers and producers of our country,

Be it enacted, etc., That so long as the gold standard is maintained in this country the salaries of all officials, including Congressmen, be reduced to three-fourths the salaries as now provided by law.

SEC. 2. That the committees of this House having charge of appropriation bills be instructed to prepare said bills in conformity with the provision of the first section of this act.

I contend that if these bills should be enacted into law it would preserve the honor and dignity of the country and restore the people of the entire land to prosperity and happiness. [Applause.]

The Clerk read as follows.

LIFE-SAVING SERVICE.

For salaries of superintendents for the life-saving stations as follows:
For one superintendent for the coasts of Maine and New Hampshire, $1,600.

Mr. LOUD. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question with reference to this part of the bill.

I would like to ask the gentleman in charge of this bill what salary is now allowed by law for the superintendent of the Life-Saving Service for the district of Maine and New Hampshire?

Mr. CANNON. The salary fixed by legislation is $1,800, I will say to the gentleman from California.

Mr. LOUD. Then I would like to ask what object the committee has in cutting down the salary of these men, as in this case, from $1,800 to $1,600—men who perform some of the most important and trying duties connected with any part of the United States service?

Mr. CANNON. I would state to the gentleman that the law for the current year, the appropriation bill providing for the Life-Saving Service, fixes the salary of the superintendent at this point at $1,600——

Mr. LOUD. I understand that.

Mr. CANNON. And I think it was cut down two years ago from $1,800 to that sum in an appropriation bill. I suppose the gentleman desired to ask the question as to the time it was done. Two years ago, I think, when the Democratic party had the House and Senate, they took into consideration the condition of the Treasury and the great decrease in the price of living, and came to the conclusion that $1,600 was enough for these life-saving superintendents, and made the appropriation accordingly. We followed that lead, believing that if for two years past it was enough and the compensation was then adequate, that it is still enough, for there has been no very material advance in the cost of living and no special increase in the duties. And the truth of the matter is that, while there has been a movement all along the line for more salaries in the public service, it occurred to the committee that we would not recommend them or recommend the appropriation for increased amounts at this time. We find it that way, and repeat the recommendation carried in the current appropriation bill. That is all.

Mr. LOUD. Mr. Chairman, I think the gentleman from Illinois will find me as conservative as the average member of this House. But I do not believe that there is a person within the limits of the House, who will for a moment investigate the facts and ascertain the duties performed by the superintendents of the life-saving stations, who will not come honestly to the conclusion with me that, instead of being paid $1,800 a year as their compensation, they should be paid at least $3,000 a year.

Mr. SAYERS. Oh, no!

Mr. LOUD. The gentleman from Texas dissents. Is the gentleman aware of the fact that these men have to give heavy bond? They give a bond of from thirty to fifty thousand dollars each; $30,000 being the minimum.

Take my own case as an illustration—my district. The superintendent of the life-saving service there has a length of 1,200 miles of coast line to supervise, while the number of stations which he is compelled to visit and inspect I am not able to state; but the number is very great.

I remember a number of years ago when I first met him. I supposed, in my simplicity, that the superintendent of the life-saving service, a man who had such important duties to perform, who was intrusted with such a responsible service, ought at least to get a respectable salary; but when I discovered that he got only $1,800 a year, as prescribed by law, it is not too much to say that I was perfectly paralyzed.

Because, Mr. Chairman, when you come to take into consideration the duties they perform, the immense responsibilities that devolve on them, and contemplate that they are not receiving the average salary that is paid to the ordinary clerk in the Departments at Washington, you must agree with me that the effort of law to fix the salary of these men at something commensurate with their services was a lamentable failure.

Of course there is a little history connected with the transaction which brought about the reduction from $1,800 to $1,600. The gentleman from Texas is probably as familiar with that as anybody in the House. Some superintendents were getting fourteen or fifteen hundred dollars a year, and gentlemen representing those districts desired to get them increased. The fact that the law only allows $1,400 or $1,500 was no barrier, for they undertook to make the increase in the appropriation bill. It went to the Senate, and this salary is the result of a compromise in conference. Because one or two gentlemen sought to have the salaries raised to a half-way respectable amount for the superintendents in their districts, as a consequence, by reason of a compromise, all of the salaries were cut down to $1,600.

Now, while I shall make no factious fight on this matter and offer no amendment at this point, I shall, when we come to my district, offer an amendment, and appeal to the sense of justice of the House to support it, to increase the salary, because, permit me to say, the day may come when your life may depend upon the efficient services rendered by these superintendents of the life-saving service. There is not a day passes but that hundreds of the lives of our people are dependent upon their efficiency.

I withdraw the pro forma amendment.

Mr. McCORMICK. Mr. Chairman, I renew the amendment.

The explanation of the gentleman from Illinois, the Chairman of the Committee on Appropriations, is ingenious but not satisfactory. The pay was not $1,800 in the district of Maine and New Hampshire, as the gentleman suggested, but $1,500, and last year it was raised to $1,600 in that and other districts. In order to do that those superintendents who were paid $1,800 were reduced to $1,600. So instead of being a reduction in the districts named, it was a positive increase of $100 in each. Let me state that I represent here one of the largest life-saving districts in the country, with over thirty life-saving stations, including the whole of Long Island and the State of Rhode Island, covering in all 41 life-saving stations, as I understand it. The superintendent was paid $1,800. He gives a $50,000 bond. It is the opinion of the Treasury Department that the salary is wholly inadequate. I have here the last report of the Secretary of the Treasury, and I ask that the Clerk read the extract which I send to the desk.

The Clerk read as follows:

The uniform rate of $1,600 per annum, appropriated by the act making appropriations for sundry civil expenses of the Government for the current fiscal year, as compensation for the superintendents of life-saving districts, is not deemed adequate to the service performed in any of the districts, except one. These officers are charged with duties of great importance and responsibility, and are required to furnish bonds ranging from $10,000 to $50,000. A salary of $1,800 per annum, which was paid to the superintendents of 8 of the 12 districts prior to the present fiscal year, would be no more than fair compensation to any of them, except in the seventh district, where all but two of the stations are houses of refuge, without crews, and the duties are consequently less important than in the other districts, and it is recommended that with this exception the salaries be fixed at that rate.

Mr. McCORMICK. Mr. Chairman, the law is still in existence. We do not change the law by placing the salary back at $1,800. We simply make the appropriation that the law requires.

The Superintendent of the Life-Saving Service, Mr. Kimball, favorably known to us all, speaks very earnestly on this whole question in his last report, an extract from which he has given me in proof sheets. I will make it a part of my remarks. It is as follows:

COMPENSATION OF SUPERINTENDENTS AND SURFMEN.

In the estimates of appropriations required by the Life-Saving Service for the current year, an increase of $300 in the salaries of each of three of the district superintendents was submitted, the reasons for the recommendation being stated in a note appended to the estimates, as follows:

"The salaries of the superintendents of the First, Second, and Fifth districts, for an increase in which, of $300 each, an estimate is submitted, were fixed at the present rates by the act of May 4, 1882. At that time the number of stations in the First district were 7; in the Second, 15; and in the Fifth, 11. The bonds which they were then required to give amounted, respectively, to $20,000, $25,000, and $25,000. Since then the number of stations in these districts has been increased, so that there are now in the First district 12 stations, in the Second, 23, and in the Fifth, 17, and other stations are authorized by law to be established in each. The sums of money which now have to be placed in the hands of these officers for disbursement have made it necessary to exact additional bonds, which now amount, respectively, to $30,000, $50,000, and $40,000. The fact that the First district includes a smaller number of stations than the other two is fully offset by the greater extent of territory which it embraces, and the additional hardships and privations that must be endured on account of the severity of the winters in this latitude in making the required visits to the stations. The wide separation of the stations from each other and their great distance from the superintendent's office also largely increase the difficulties of exercising proper supervision. The present compensation of the three superintendents above referred to is entirely inadequate to the duties they perform, and the proposed increase would put them more nearly on an equal footing with the superintendents of the other districts."

This estimate was approved by the Secretary of the Treasury and submitted to Congress. The increase recommended would have involved an addition of $900 to the annual expenditures. Congress, however, appropriated a uniform rate of $1,600 per annum as compensation for each of the 12 district superintendents embraced in the service, reducing the salaries of 8 of them $200 each below the rate established by the act of May 4, 1882, and increasing those of 4 $100 each; a net reduction of $1,200 per annum. This action inflicted serious injustice upon 8 deserving officers already underpaid and fell short of doing justice to 3 of the remaining 4, while it extended to the fourth an unsolicited and unnecessary increase.

With the exception of the officer last referred to, who has charge of the Seventh district, in which there are but two stations manned by crews (the remaining nine being merely houses of refuge in charge of keepers only), all the superintendents have duties of a very onerous, responsible, and exacting character. They are charged with the direct control and management of the service in their respective districts, which duties include the selection and nomination of the station keepers, the supervision of the selection of the crews by the keepers (which, under the law, must be made with exclusive reference to fitness), the enforcement of proper discipline, the instruction and drilling of the crews, the ascertainment of the needs of the stations as to appliances, equipments, and supplies, making requisition for what is wanted, etc., and as paymasters of their respective districts they are required to disburse large amounts of public funds on account of which the heavy bonds specified in the above note are exacted.

The mere accounting and clerical work incident to the performance of these duties is sufficient to occupy nearly or quite all of their time, and most of them have to employ clerical assistance at their own expense to enable them to make their required visits to the stations. But it is obvious that the clerical work is of minor importance compared with their other duties, and calls into exercise the least important of their qualifications, the chief of which are necessarily of an exceptional character, involving a technical knowledge of surfmanship and life-saving methods not often found combined with the requisite business training. Furthermore, the possession of good judgment, sound discretion, unswerving integrity, uncompromising moral courage, and a standing in the community that commands respect and confidence are indispensable. To these considerations should be added the fact that these officers,

in their official routine, are exposed to hardships and dangers which do not fall to the lot of ordinary officeholders.

During the active season, which embraces the most inclement portions of the year, they have to make frequent visits to the several stations in their respective districts, in most instances extending hundreds of miles along desolate and inhospitable coasts and distant from railroad facilities, often through storms and drifting snows, sometimes camping out and subsisting upon rough fare, frequently making their way in small boats upon dangerous waters, and always under circumstances as widely at variance as is conceivable with the comforts and luxuries of ordinary travel. They are, moreover, frequently summoned by the keepers to trying scenes of shipwrecks where all efforts at rescue have proved fruitless and inevitable failure seems imminent, and on these occasions they assume command. In several such instances successful issues have resulted. But their heroic struggles are not always so rewarded, nor are the hardships and perils of their calling always encountered with impunity. Out of the small number of these officers two have perished by drowning, one has escaped that fate only by mere chance, after prolonged suffering in the water, and one has died from exposure.

It is submitted that it is neither right nor creditable to a great nation to dole out to men like these a paltry pittance of compensation that hardly affords them a decent livelihood. All of those for whom an increase of pay is herein recommended have the supervision of a large number of men—the keepers and crews of the stations in their respective districts—in one district 328, and an average in the 11 districts in question of 160. To other official positions, involving the supervision of even a smaller force of employees and having no responsibility in the disbursement of public funds, has been attached a compensation of $2,500 or $3,000 per annum, and it would seem that the smaller of these sums, at least, should be accorded to those under consideration.

Mr. Kimball is good authority, and knows the situation thoroughly. He thinks the district superintendents are not paid in proportion to other officers of the Government. They take large responsibilities and perform arduous labor. They are among the most trusted and responsible officers of the Government.

Mr. SAYERS. Did I understand the gentleman to state that the superintendent of the district to which he refers has no assistant?

Mr. McCORMICK. No; I did not mean that. I believe he has an assistant for Rhode Island.

Mr. SAYERS. For that district there is a superintendent, and also an assistant superintendent.

Mr. McCORMICK. According to the statement in this bill, yes.

Mr. NORTHWAY. These superintendents have nothing to do with the life-saving work, have they? They do not venture out upon the water, do they.

Mr. McCORMICK. Yes; often. In case of extremity they are always sent for.

Mr. NORTHWAY. They simply superintend the various stations, do they not?

Mr. McCORMICK. They superintend the stations, and are called out in case of emergency—are frequently called out. There are two instances, I believe, in which superintendents' lives were lost by exposure in rescue work.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT of New York. I ask unanimous consent that the gentleman from New York have five minutes additional time.

There was no objection.

Mr. McCORMICK. I do not know that I shall want five minutes. I simply wish to add, in conclusion, that it is the general sentiment of the Department having control of this service that these men are inadequately paid and have always been inadequately paid. It is the opinion that the salaries should not have been reduced last year. The complaint may not have reached the ears of the chairman of the Appropriations Committee, but it has reached my ears, and I pledged myself to my constituents that I would endeavor in every way to have these salaries restored. Some of the new members may not know that this is a nonpolitical office. It is political in no sense of the term. Under the law it can not be political. The occupant of the office in my district is not of my party, and has never been in sympathy with me politically. But I recognize that he is a responsible man, performing valuable service, for which he is very poorly paid, and I believe we ought not to follow a bad precedent in this matter; that we ought not to follow what may have been done by a former Congress, but do right and act justly and fairly in behalf of men who rank among the bravest that we have in the public service.

Mr. ALLEN of Utah. May I ask the gentleman from New York a question?

Mr. McCORMICK. Yes.

Mr. ALLEN of Utah. I understood by the question asked by the gentleman from Ohio [Mr. NORTHWAY] that these officers are not subjected to any danger of life in the performance of their duties. I did not hear the gentleman's reply.

Mr. McCORMICK. I answered to the contrary. I answered that they were called to assist the life-saving crews in cases of emergency, and that there was a record at the Treasury Department of the loss of lives of superintendents in the performance of duty in connection with shipwrecks.

Mr. ALLEN of Utah. Just one question. The gentleman said this was not a political office.

Mr. McCORMICK. It is not.

Mr. ALLEN of Utah. Perhaps if it were made a political office the salary would be raised.

Mr. McCORMICK. Perhaps it would. It is a thoroughly nonpolitical office, and, as I have said, the superintendent in my district is not of my party.

The Clerk read as follows:

For one superintendent for the coasts of Maine and New Hampshire, $1,600.

Mr. LOUD. Mr. Chairman, I move to strike out the word "six," in line 20, and insert the word "eight," in order to test this question.

Mr. CANNON. I reserve the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Illinois on the point of order.

Mr. LOUD. If the gentleman stated the law to me correctly, there is no ground for a point of order. The gentleman told me the salary was $1,800.

Mr. CANNON. In charge of a bill of this kind, calling on my recollection, even when reenforced by a man who rarely makes a mistake—I refer to the clerk of the committee—I am liable to be mistaken now and then. I inquired what they were in the bill before this decrease was made, and his general recollection and mine was that my statement was justified; but when the gentleman from New York [Mr. McCORMICK] rises in his place and challenges the correctness of that statement, I find the enabling act, and if the gentleman wants to know what these salaries are I will read it:

But hereafter all district superintendents of life-saving stations shall be disbursing officers, * * * and the compensation of superintendents of the districts herein named shall be as follows: For the first district, embracing the coasts of Maine and New Hampshire, $1,500.

That is the act of 1882.

Mr. LOUD. I withdraw my amendment.

Mr. JOHNSON of California. I want to introduce the amendment again.

Mr. McCORMICK. I renew the amendment raising it to $1,800 for the coast of the district of Rhode Island and Long Island—striking out $1,600 and inserting $1,800. That is the salary now fixed by law; and that is all I ask.

The CHAIRMAN. The Chair understood the gentleman from New York only to make a pro forma amendment——

Mr. McCORMICK. I move this amendment.

The CHAIRMAN (continuing.) To strike out the last word. The gentleman's amendment will be in order when the committee shall have reached that paragraph. That paragraph to which the gentleman from New York spoke has not yet been reached by the Clerk in the reading. We are now on the paragraph on which the gentleman from California has renewed the amendment.

Mr. JOHNSON of California. I renew the amendment of my colleague from California; and before the Chair rules upon any point of order I would like to inquire of the chairman of the Committee on Appropriations if the law that he read just now as being the law covering this salary is the law that applies.

Mr. CANNON. Oh, yes; I so understand it.

Mr. JOHNSON of California. Well, now, I would like to inquire of the gentleman why it is that he has reduced the salary from $1,800 to $1,600?

Mr. CANNON. I will be very glad if by unanimous consent I can tell the gentleman. My understanding is that this act of 1882 fixed certain salaries at $1,500 and in three or four districts at $1,800 a year. Now, that bred much complaint. The $1,800 men wanted to keep the $1,800, and the $1,500 men stated they were doing just as much service and that they should all receive the same or that these others should come down. Now, my understanding is that the gentleman from Texas [Mr. SAYERS] took this matter up a couple years ago and looked into it and equalized these salaries. He recommended the appropriations, and it was recommended in the appropriation bill and not in a law. It is the law for the last year. Now, for Maine and New Hampshire the appropriation is $1,600. That is more than the law provided by $100. For coast of Massachusetts $1,600. That is $100 more than the law. For one superintendent for the coasts of Rhode Island and Long Island, $1,600. That is $200 less than the law. In other words, he equalized them according to the recommendation of the General Superintendent of the Life-Saving Service.

Mr. McCORMICK. Oh, no; oh, no.

Mr. JOHNSON of California. One other point I wish to——

Mr. CANNON. I withdraw that latter remark; but no doubt it seemed to be just to equalize the pay, and it has been done for two years. Now, that is all I desire to say.

Mr. JOHNSON of California. I would like to inquire, a little further, why, on page 13, line 1, which provides for one assistant, the salary is fixed at $1,200?

Mr. CANNON. That is an assistant superintendent.

Mr. JOHNSON of California. That is the reason?

Mr. CANNON. He is an assistant superintendent.

Mr. JOHNSON of California. Then, as I understand it, these are salaries which are fixed by an appropriation bill and not by law.

Mr. CANNON. Oh, no; they are fixed by a law.

Mr. JOHNSON of California. Mr. Chairman, after the explanation given by the gentleman from Illinois, I fail to see any merit in the point of order. Either we have a right to raise this salary to $1,800 or we have no right to raise it at all. Of course I shall not make any point of order, but the salary is altogether too small.

Mr. McCORMICK. We have a right to raise it to $1,800, because that is the existing law, while there is no law authorizing us to raise it to $1,600.

Mr. CANNON. Mr. Chairman, what is the pending proposition?

The CHAIRMAN. It is the amendment of the gentleman from California increasing this salary from $1,600, as proposed in the bill, to $1,800.

Mr. CANNON. And on that I make the point of order.

The CHAIRMAN. The Chair understands that the point of order is pending.

Mr. JOHNSON of California. Yes, and I am endeavoring to convince the Chair that the point of order is not good. Who shall decide when doctors disagree? I suppose the patient. Here we have two gentlemen of equal learning in these matters; one of them, the gentleman from Illinois, tells us that the salary fixed by law is $1,500, while the other, the gentleman from New York, says it is $1,800.

Mr. BINGHAM. They are referring to different paragraphs in the bill.

Mr. JOHNSON of California. Well, I frankly confess that I do not see anything in the point of order. If the gentleman from New York is correct and the law makes this salary $1,800, why can not we raise the appropriation to that amount?

Mr. McCORMICK. That is the law now.

Mr. CANNON. Mr. Chairman, if the Chair desires to see the law, I will send it up.

The CHAIRMAN. It is not necessary. On the statement of the gentleman in charge of the bill that the salary fixed by law is $1,500, the Chair will hold that the amendment is obnoxious to the point of order.

The Clerk read as follows:

For one superintendent for the coasts of Rhode Island and Long Island, $1,600.

Mr. McCORMICK. Now, Mr. Chairman, I move that that salary be raised to $1,800 in accordance with existing law.

The CHAIRMAN. The Chair will hear the gentleman on the existing law.

Mr. CANNON. The gentleman is correct about it. I hold the existing law in my hand, and it provides $1,500 for Maine, New Hampshire, and Massachusetts, I believe, but provides $1,800 for the Rhode Island and Long Island district.

Mr. McCORMICK. And for Virginia, North Carolina, the Lake Ontario district, Lake Huron——

The CHAIRMAN. The question is on the amendment of the gentleman from New York.

Mr. BARTLETT of New York. Mr. Chairman, I desire to say a word on this amendment. I make it a rule to support bills coming from committees of which I have the honor to be a member, and therefore it is with some hesitation that I rise to support the amendment of my colleague from New York [Mr. McCORMICK]. I am somewhat familiar with the coasts of Long Island and of Rhode Island, and there are certain peculiar reasons why the salary of the superintendent of that district should be raised to the old standard of $1,800 instead of being allowed to remain at the lesser sum of $1,600. Gentlemen of the committee will bear in mind that all the great transatlantic liners must pass along the coast of Long Island, and that nearly all the great wrecks of the year are on that coast; so that it is of the greatest importance to the commercial and maritime interests of this country that the men intrusted with life-saving duties along that perilous coast should be adequately paid, and it seems to me that this little increase of $200 asked for those hardy seafaring men who risk their lives through every season of the year is one that should be granted by this committee without any division.

Mr. CANNON. Mr. Chairman, I desire to add only a word. These superintendents of the life-saving service are doubtless very worthy and meritorious officers. The law was passed in 1882, and since that time it has been developed that the best interests of the service require the equalization of the salaries; so the $1,500 men have been put up to $1,600, and one or two or three of the $1,800 men have been put down to $1,600. Now, I make no point of order on the $1,600 people. I could, but I do not. But the gentleman from New York seeks now to come in with an amendment to raise these salaries to $1,800. I am not here to say that the salaries are extravagant, but $1,600 in cool cash is not a bad salary for most men. I worked many a year for one-third of the amount and part of the time for one-quarter of the amount.

Mr. BINGHAM. That was when you were young.

Mr. CANNON. Yes; when I was young, and therefore when I could do twice as much work as I can do now, and it is above the average salary for similar talent throughout the United States. I am not, however, opposed to this salary of $1,600. Now, the superintendent of any one of these life-saving stations is, after all, quite as well paid as are the surfmen, who get but $60 a month, and who, taking their lives in their hands, go out in their boats and actually do the rescuing. Those are the men who save the lives. And, sir, whenever I have voted for the appropriation of $60 a month (the sum fixed by law) for those men, who in case of shipwreck actually do the work of bringing in crew or passengers through the billows, I have always felt that this was tolerably small compensation. I have said all I want to say about this matter.

Mr. WALSH. Will the gentleman vote to raise the salaries of the surfmen?

Mr. CANNON. I am here in charge of an appropriation bill that is presumed to be in pursuance of existing law—a bill upon which the rules will not allow me to cut down extravagant salaries—a bill which, in simple justice to the House and to the committee, I must insist shall conform to the law. If the gentleman from New York [Mr. WALSH] will bring in a bill from the Committee on Commerce to increase the salaries of these surfmen and will ask the House to adopt that bill upon its own merits I will vote for it.

Mr. BINGHAM. The pay of these men was increased two years ago.

Mr. CANNON. Yes; they have been increased somewhat.

Mr. McCORMICK. I have before the House a bill increasing the salaries of these surfmen, and I shall be glad to vote for such increase as an amendment to this bill.

Mr. WANGER. Mr. Chairman, I was authorized by the Committee on Commerce at its last meeting to report to this House a measure fixing the salaries of these superintendents (with the exception of one district) at $2,100 per annum, and to fix the monthly pay of surfmen at $65. That report will be submitted to-morrow. It is based largely on the recommendations of the General Superintendent of the Life-Saving Service, who, in his last annual report (which is accessible to every member), states that upon the basis of the salaries of other public officers these district superintendents ought to receive from $2,500 to $3,000. They have a large number of stations to visit, and they must do this in inclement weather. They are required to pay out of their salaries a considerable amount as clerk hire. When a wreck occurs, if it is of any magnitude, the first thing which the local superintendent or the light-house keeper does is to send word to the district superintendent, who, if it is at all possible, goes to the scene of the wreck and takes charge personally of the relief force. As a matter of example, if for no other reason, he is often required under such circumstances to show the most sublime courage, as is always done when the occasion demands it. Two of these district superintendents have lost their lives in the performance of their duties, and another received such injuries that he subsequently died therefrom.

The distinguished chairman of the Committee on Appropriations says that it has been deemed wise to equalize these salaries. That is perhaps true but the revision has been entirely in the wrong direction. It is such a revision as has never been recommended by the officers having jurisdiction of this branch of the public service. The last bill which was passed by this House, introduced by the distinguished gentleman from Texas, and based upon recommendations of the Treasury Department, fixed the salary of this superintendent at $1,800, and raised the salaries of four others, who were receiving a less amount, to this sum.

That bill having passed the House, the Senate, without debate, and without any recommendation from anybody connected with the service so far as the records disclose, changed the bill so as to appropriate only $1,600 as the amount of these salaries. So far as appears in the RECORD no reason whatever was given for reducing the salaries of these superintendents. Since these salaries were fixed at the figures named by the gentleman from Illinois the number of life-saving stations has largely increased and the amount of money disbursed is far greater than at the time of the passage of the act of 1882. There is every reason why these officers should receive more liberal compensation.

The question being taken on the amendment of Mr. McCORMICK, it was adopted.

The Clerk read as follows:

For one superintendent for the coast of New Jersey, $1,600.

Mr. WANGER. I move to amend the paragraph just read by striking out "six" and inserting "eight"; so as to make the salary of this superintendent $1,800.

Mr. CANNON. If in the case of any one of these officers whose salary is fixed by law at $1,800 the appropriation is increased to that amount, a similar increase ought to be made in every case where the law gives the same amount of pay. Let the vote be taken, unless the gentleman from Pennsylvania [Mr. WANGER] desires to say something.

Mr. WANGER. Nothing except that the New Jersey district is one of the largest in the service.

Mr. BINGHAM. Does the statute fix the salary in this case at $1,800?

Mr. WANGER. Yes, sir.

The amendment was agreed to.

The Clerk read as follows:

For one superintendent for the coasts of Delaware, Maryland, and Virginia, $1,600.

Mr. WANGER. I move to amend this paragraph so as to increase the appropriation to $1,800.

Mr. CANNON. I am not going to move to reduce the appropriation named in the bill nor am I going to make a point of order on the amendment. But the legal salary of this officer is only $1,500.

Mr. WANGER. Then I withdraw the amendment.

Mr. MILES. I desire to ask the chairman of the committee what is the amount fixed by law as the salary of the superintendent for the coasts of Delaware, Maryland, and Virginia?

Mr. CANNON. I am informed that the pay is $1,500 a year.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For one superintendent of the coasts of Virginia and North Carolina, $1,600.

Mr. SHAW. Mr. Chairman, I move to amend, on page 13, line 8, by striking out the word "six" and inserting "eight"; so that it will read "$1,800."

Mr. CANNON. The law seems to fix this at $1,800.

The amendment was adopted.

The Clerk read as follows:

For one superintendent for the life-saving and lifeboat stations on the coasts of Lakes Ontario and Erie, $1,600.

Mr. SPALDING. Mr. Chairman, I move to strike out "six," in line 17, on page 13, and make it "eight"; so as to read "$1,800."

The amendment was adopted.

The Clerk read as follows:

For one superintendent for the life-saving and lifeboat stations on the coast of the Gulf of Mexico, $1,600.

Mr. CROWLEY. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

After the words "one thousand," in line 13, on page 13, strike out "six" and insert "eight"; so as to read "on the coast of the Gulf of Mexico, $1,800."

Mr. CANNON. Well, the law fixes $1,500 for this salary, just as in those other cases where the law fixes the same salary, and it has been increased to sixteen hundred. No effort has been made to go beyond that. I trust the gentleman will not offer the amendment. I will be compelled to make the point of order upon it.

Mr. CROWLEY. Will the gentleman reserve the point of order for a little while?

Mr. CANNON. Certainly. But what I mean to say to the gentleman is that the others are fixed by law at $1,500, and stand on precisely the same footing. They have been allowed $1,600 in this bill, and if you increase this to $1,800 we will have to go back and put all on the same footing.

Mr. CROWLEY. With all due deference to the farmer from Illinois, who knows more of a bicycle than he does of the Life-Saving Service [laughter], I want to say to him that this particular superintendent does more work than any man in the United States. He has the entire coast district from the Rio Grande River to Florida—the entire Gulf Coast. He is always on duty, always ready and willing to do what is right, and certainly deserves a better salary than the meager compensation allowed to him.

Now, the gentleman from Illinois [Mr. CANNON] jumps up every time an amendment is offered, and, with might and main, makes the point of order. If he had to undergo the examination that this particular superintendent underwent to obtain his position, he would not stand "deuce high." [Laughter.] I will guarantee that there are not ten members on the floor of this House to-day who can stand the examination required for one of these positions of superintendent of the life-saving service. Besides that, they must give a bond running all the way from $10,000 to $50,000.

Now, why should you make fish of one and flesh of the other? Here is a man who does more of this work than any other man in the Service, and the gentleman says the law makes the salary $1,500. If a man in Maryland, or Massachusetts, or New York, or elsewhere gets $1,800 for the same work, what is the matter with the man from Texas obtaining the same amount of money? [Laughter.]

Mr. CANNON. Mr. Chairman, the law of 1882 fixed the salary of these superintendents, dividing them into two grades at $1,800 and certain others at $1,500 a year. The $1,500 salaries are increased, without law, to $1,600, and they are just now putting the $1,800 people back to what they are entitled to under law.

Now, this Galveston keeper is getting, under this appropriation, $100 more than he is entitled to. I am quite sure I am not going to agonize about these appropriations, either $100 more or $100 less; but if this man is increased $200 more than he has been already increased, then, in simple justice, we ought to go back and take all of the others and do the same for them.

I thank my friend from Texas, a superior man, a scientific man; a man who is competent to come to Congress by civil-service examination, and who at the same time could stand the examination which would authorize him to occupy a position in the Life-Saving Service—I thank him for his kindly remarks about me. It does not hurt me, and may elect him. Try it over. [Laughter.]

The CHAIRMAN. Does the gentleman insist upon the point of order?

Mr. CANNON. I am compelled to do so.

The CHAIRMAN. The Chair sustains the point of order; and the Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For one superintendent for the life-saving and lifeboat stations on the coasts of Lakes Huron and Superior, $1,600.

Mr. SPALDING. Mr. Chairman, I move to strike out "six," in line 20, and insert "eight"; so as to make it read "$1,800."

Mr. CANNON. The law fixes it at $1,800.

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For one superintendent for the life-saving and lifeboat stations on the coast of Lake Michigan, $1,600.

Mr. BISHOP. Mr. Chairman, in line 22 I move to strike out the word "six" and insert the word "eight."

Mr. CANNON. The law fixes that salary at $1,800.

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For one superintendent for the life-saving and lifeboat stations on the coasts of Washington, Oregon, and California, $1,600; in all, $20,300.

Mr. LOUD. Mr. Speaker, I move to strike out the word "six," in line 1, page 14, and insert the word "eight."

Mr. CANNON. The law fixes that salary at $1,800.

The amendment was agreed to.

Mr. MILES. Mr. Chairman, will it not be necessary to change the total of that paragraph?

Mr. CANNON. I ask that the Clerk may correct the total.

The CHAIRMAN. Unanimous consent is asked that the Clerk may rearrange the total in accordance with the amendments agreed to. Is there objection?

There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

For pay of crews of surfmen employed at the life-saving and lifeboat stations, including the old Chicago station, during the period of actual employment; compensation of volunteers at life-saving and lifeboat stations, for actual and deserving service rendered upon any occasion of disaster or in any effort to save persons from drowning, at such rate, not to exceed $10 for each volunteer, as the Secretary of the Treasury may determine; pay of volunteer crews for drill and exercise; fuel for stations and houses of refuge; repairs and outfits for same; rebuilding and improvement of same; supplies and provisions for houses of refuge and for shipwrecked persons succored at stations; traveling expenses of officers under orders from the Treasury Department; commutation of quarters for officers of the Revenue-Cutter Service detailed for duty in the Life-Saving Service; for carrying out the provisions of sections 7 and 8 of the act approved May 4, 1882; for draft animals and their maintenance, and contingent expenses, including freight, storage, repairs to apparatus, labor, medals, stationery, newspapers for statistical purposes, advertising, and miscellaneous expenses that can not be included under any other head of life-saving stations on the coasts of the United States, $1,248,200.

For establishing new life-saving stations and lifeboat stations on the sea and lake coasts of the United States, authorized by law, $40,000.

Mr. McCORMICK. I should like to ask the chairman of the Committee on Appropriations if he is willing now to entertain a motion to increase the salaries of surfmen from $60 to $65—in other words, to put the salaries back to what they formerly were?

Mr. CANNON. What is the salary fixed by law?

Mr. WANGER. If the gentleman will allow me, the pay of surfmen, under a recent provision of the Revised Statutes, is $65 per month, provided their services do not continue longer than nine and a half months. Where they are longer than that, the surfmen are only paid $60 per month, in accordance with a previous act of Congress. The result will be that, by raising the pay of all of them to $65 per month, no matter how long they serve, very little additional money will be required, owing to the fact that most of these stations are not open more than nine months. Only in very rare instances do they reach the full limit of nine and a half months. The effect of the law as it exists at this time is that where the stations are open the entire year, or more than nine and a half months, the men who stay throughout the entire year can only get $60 a month, while men who resign from the force in the summer, and go into private employment and earn $100, $150, or even $250, running fishing parties and sailing their own craft, come back in the fall, and during the time while they are in the Service get $65 per month. The result is a bad feeling among the men, which, in the judgment of the Treasury officials,

is not warranted by the small amount of money involved. My recollection is the General Superintendent of the Life-Saving Service is unable to estimate just how many men are cut off under the present law.

Mr. McCORMICK. Complaint has been made that the pay of these men has not been restored. It has been my purpose from the beginning to ask to have it restored to $65 per month, which is little enough, and I now ask the chairman of the committee whether he will agree that the pay of these life-saving crews shall be so restored? The reduction was the cause of great complaint along the whole coast. The men serve for about eight months in the year. It is not as though they were employed the entire year: and as the gentleman from Pennsylvania has just said, the fact that extra men may be brought on who get $65 per month for a part of the time, while the regular employees get only $60, is a constant aggravation. Some of these men came to me before I came to Washington, asking that this restoration be made at this session as an act of simple justice. Of course we should not restore the pay of superintendents and neglect the crews. I am sure you would not object to this if you knew as I do, and as those who live on the coast do, the danger and hardship to which these brave and faithful men are exposed winter after winter and year after year, often taking their lives in their hands.

Mr. CANNON. What is the amendment?

The CHAIRMAN. There is no question before the committee.

Mr. McCORMICK. I ask the gentleman whether he will agree to this change?

Mr. WANGER. Mr. Chairman, I offer the following amendment:

Provided, That the pay of surfmen shall be at the rate of $65 per month, no matter what portion of the year they may be employed.

Mr. CANNON. To that amendment I make the point of order, and upon the point of order I will read the law. I had no recollection about the law, but I inquired of a gentleman who is rarely mistaken about these matters. It was enacted since the provision in the Revised Statutes was enacted. The matter was considered, and the bill was passed last year, in 1895.

Mr. WANGER. I wish to say that when I said Revised Statutes I should have said an appropriation bill.

Mr. SAYERS. No; it was not on an appropriation bill. It was by an independent statute.

Mr. CANNON (reading):

The proviso of section 1 of the act approved August 3, 1894, is hereby amended; so as to read as follows:

"*Provided*, That those surfmen who enlisted for a term including more than eight and a half months in that service and those who have enlisted to fill vacancies caused from the promotion, death, resignation, or dismissal of such surfmen shall receive $60 per month during said period of active service."

Now, this bill provides the money to pay in pursuance of the law, and therefore I make the point of order upon the gentleman's amendment, not that it may not have merit, but it is not the right place to legislate.

The CHAIRMAN. The Chair will sustain the point of order.

Mr. CANNON. I will ask how far the Clerk has read?

The CHAIRMAN. Up to and including line 7, on page 15.

Mr. CANNON. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 7664, and had come to no resolution thereon.

Mr. CANNON. Mr. Speaker, I move that the House do now adjourn.

The question was taken.

The SPEAKER. Pending the announcement the Chair submits the following requests of members:

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STAHLE, for five days, on account of business.

To Mr. CROWTHER, for ten days, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. TATE to withdraw from the files of the House the proofs in support of the bill (H. R. 3706) of the Fifty-third Congress to increase the pension of Rodney F. McDonald, no adverse report having been made thereon.

The motion to adjourn was then agreed to; and accordingly (at 5 o'clock and 6 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Meade Frierson, administrator of W. J. Anderson, deceased, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, recommending the passage of an inclosed amendment to section 5430 of the Revised Statutes of the United States, relating to counterfeiting—to the Committee on the Judiciary, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation for repairs of the Industrial Christian Home building, Salt Lake City, Utah—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the location of a canal connecting Lake Superior and the Mississippi River—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CORLISS, from the Committee on Election of President, Vice-President, and Representatives in Congress, to which was referred House joint resolution No. 106, reported in lieu thereof a joint resolution (H. Res. 155) proposing an amendment to the Constitution providing for the election of Senators of the United States, accompanied by a report (No. 994); which said joint resolution and report were referred to the House Calendar.

Mr. WILSON of Idaho, from the Committee on the Public Lands, to which was referred House bills Nos. 33, 295, 1208, 1240, 3269, 3632, 3633, and 5910, reported in lieu thereof a bill (H. R. 7708) fixing the times when, regulating the manner in which, and declaring the character of the accounts between the United States and the several public-land States relative to the net proceeds of the sales and other disposition of the public lands made and to be made therein by the United States, which shall hereafter be stated and certified to the Treasury Department for payment, accompanied by a report (No. 996); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CROWTHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1694) for the relief of certain State militia, reported the same with amendments, accompanied by a report (No. 1000); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHAFROTH, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 5481) to restore the lands embraced in the Fort Lewis Military Reservation, in the State of Colorado, to the public domain, reported the same with amendments, accompanied by a report (No. 1013); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WHITE, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 1470) to provide for the securing of plans and for the erection of the public buildings of the United States, reported the same with amendments, accompanied by a report (No. 1014); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BRUMM, from the Committee on Claims: The bill (H. R. 3225) for the relief of John F. Bretz, of Springfield, Ill. (Report No. 995.)

By Mr. WOOMER, from the Committee on Military Affairs: The bill (H. R. 7066) for the relief of John Berrisford. (Report No. 997.)

By Mr. TRACEY, from the Committee on Military Affairs:

The bill (H. R. 537) to remove the charge of desertion from the military record of Bernhard Stueber. (Report No. 998.)

The bill (H. R. 2364) for the relief of Joseph H. Johnson. (Report No. 999.)

By Mr. SNOVER, from the Committee on Claims:

The bill (H. R. 956) for the relief of Sophia Sparks and Julia C. Sparks, of Annapolis, Md. (Report No. 1001.)

The bill (H. R. 5388) for the relief of F. E. Alberts & Co., Muskegon, Mich. (Report No. 1002.)

The bill (H. R. 570) to refund to city of Milwaukee money expended by said city in paving Wisconsin street in front of United States Government property. (Report No. 1003.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 5061) to pension Ira Powers, of Henderson County, Tenn. (Report No. 1005.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 4941) to pension Hester A. Bostwick. (Report No. 1006.)

By Mr. MILES, from the Committee on Invalid Pensions: The bill (H. R. 6841) granting a pension to George L. Benner. (Report No. 1007.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (S. 2129) granting an increase of pension to Annie E. Nolan. (Report No. 1008.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 1505) granting an increase of pension to Rufus H. Paine. (Report No. 1009.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (S. 878) granting a pension to Jared S. Chamberlain. (Report No. 1010.)

By Mr. THOMAS, from the Committee on Invalid Pensions:

The bill (H. R. 4823) for the relief of Margaret O'Donnell, nurse, United States Volunteers. (Report No. 1011.)

The bill (S. 1128) granting a pension to Isabella Morrow. (Report No. 1012.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. OTEY: A bill (H. R. 7707) to maintain and protect the integrity of the coins of the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. HARDY: A bill (H. R. 7709) to establish a retired list for the men employed in the Life-Saving Service of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. BROMWELL: A bill (H. R. 7710) to amend section 4896, Revised Statutes of the United States, to enable guardians of insane persons to apply for letters patent—to the Committee on Patents.

By Mr. BELL of Colorado: A bill (H. R. 7711) to fix times and places of holding terms of district and United States courts—to the Committee on the Judiciary.

By Mr. JOHNSON of California: A bill (H. R. 7712) authorizing the purchase by the United States and the making free of the toll roads passing over the Yosemite National Park—to the Committee on the Public Lands.

By Mr. WHEELER: A bill (H. R. 7713) to reduce salaries so long as the gold standard is continued—to the Committee on Appropriations.

By Mr. COCKRELL: A bill (H. R. 7714) to validate the judgments of the districts courts of Greer County, and for other purposes—to the Committee on the Judiciary.

By Mr. HERMANN: A bill (H. R. 7715) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891—to the Committee on Indian Affairs.

By Mr. CATRON: A bill (H. R. 7716) to amend section 1921 of the Revised Statutes, and for other purposes—to the Committee on the Territories.

By Mr. HEATWOLE: A bill (H. R. 7717) to emend an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands," approved June 16, 1880 (21 Statutes, page 287)—to the Committee on the Public Lands.

By Mr. COCKRELL: A bill (H. R. 7718) to define the preference right of settlers in Greer County, Okla., and other purposes—to the Committee on the Public Lands.

By Mr. MILLIKEN: A bill (H. R. 7719) to authorize the purchase of a site for the Government Printing Office and to commence the erection of said printing office—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 7720) giving to any State having a claim for expenses incurred in defense of the United States the right to have the same adjudicated by the Court of Claims—to the Committee on War Claims.

By Mr. JOHNSON of California: A bill (H. R. 7721) to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States—to the Committee on Naval Affairs.

By Mr. LOUD: A bill (H. R. 7722) authorizing the appointment of four additional superintendents of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. MOODY: A bill (H. R. 7769) to incorporate the John A. Winslow Kearsarge Survivors' Association—to the Committee on the Judiciary.

By Mr. STEWART of Wisconsin: A joint resolution (H. Res. 154) providing for an investigation by the Secretary of the Interior of the claims of certain homestead entrymen in the State of Wisconsin for loss occasioned by the subsequent cancellation of their entries, and appropriating a sum of money to pay the expenses thereof—to the Committee on the Public Lands.

By Mr. BELL of Colorado: A joint resolution (H. Res. 156) proposing an amendment to the Constitution of the United States providing for the election of Senators by the votes of the qualified electors of States—to the Committee on Election of President, the Vice-President, and Representatives in Congress.

By Mr. WILLIS: A joint resolution (H. Res. 157) to amend the preamble to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. SMITH of Michigan: A joint resolution (H. Res. 158) establishing a reciprocity commission—to the Committee on Ways and Means.

By Mr. HILBORN: A resolution (House Res. No. 227) appointing J. C. Boatman clerk to continue Digest of Claims—to the Committee on Accounts.

By Mr. PAYNE: A concurrent resolution (House Con. Res. No. 36) relative to printing 10,000 copies of the Statistical Abstract of the United States for the year 1895—to the Committee on Printing.

By Mr. BELKNAP: A memorial of the Illinois general assembly, praying for the enactment of legislation providing a general system of dock and harbor improvement upon the Great Lakes—to the Committee on Rivers and Harbors.

By Mr. WALKER of Massachusetts: A memorial of the general court of Massachusetts, relative to granting pensions to soldiers and sailors confined in Confederate prisons—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 3692) granting a pension to Mrs. Annie M. Clemens—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 7555) granting a pension to Anne M. Post—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ABBOTT: A bill (H. R. 7723) for the relief of W. L. Cabell, ex-United States marshal for the northern district of the State of Texas—to the Committee on Claims.

By Mr. ATWOOD: A bill (H. R. 7724) for the relief of Charles Erskine—to the Committee on Claims.

By Mr. BINGHAM: A bill (H. R. 7725) to correct the military record of Capt. D. Mullen, Company E, Ninety-eighth Regiment Pennsylvania Volunteer Infantry—to the Committee on Military Affairs.

By Mr. BLUE: A bill (H. R. 7726) for the relief of Charles S. Schellner, of Leavenworth, Kans.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7727) granting an honorable discharge, with back pay and bounty, to John Courtney, late private Company D, Sixth Regiment Kansas Cavalry Volunteers—to the Committee on Military Affairs.

By Mr. CHICKERING: A bill (H. R. 7728) for the relief of Samuel B. Whittaker—to the Committee on Claims.

By Mr. CURTIS of Kansas: A bill (H. R. 7729) granting an increase pension to Aaron Rudy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7730) to pension George W. Champney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7731) granting an increase of pension to Susan R. Knight—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7732) granting a pension to George W. Jackson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7733) granting a pension to William Lambert, of Latham, Kans.—to the Committee n Invalid Pensions.

Also, a bill (H. R. 7734) granting an increase of pension to R. W. Sill—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 7735) for the relief of the heirs of certain seamen lost in the foundering of light vessel No. 37—to the Committee on Claims.

By Mr. DRAPER: A bill (H. R. 7736) granting a pension to Mrs. Clifford Neff Fyffe—to the Committee on Pensions.

By Mr. EVANS: A bill (H. R. 7737) granting a pension to Richard Porter, of Louisville, Ky.—to the Committee on Invalid Pensions.

By Mr. FARIS: A bill (H. R. 7738) to increase the pension of John F. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7739) to correct the military record of George Yeager—to the Committee on Military Affairs.

By Mr. HAINER of Nebraska: A bill (H. R. 7740) granting an increase of pension to Lewis Keiser, of Hubbell, Nebr.—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 7741) for the relief of C. J. J. Martyr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7742) for the relief of William J. Ford—to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 7743) granting a pension to Emily J. Lyons, widow of Aaron D. Lyons, late a private in the Third Regiment United States Dragoons, Mexican War—to the Committee on Pensions.

Also, a bill (H. R. 7744) to correct the military record of John Bass, late a private in Company G, Forty-eighth Illinois Volunteers, and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. HATCH: A bill (H. R. 7745) to pay Perry B. Bowser $500 as back pay for recruiting and for expenses borne in the military service of the United States—to the Committee on War Claims.

By Mr. HEINER of Pennsylvania: A bill (H. R. 7746) for the relief of Tobias Stiveson, jr., of Indiana County, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7747) for the relief of William F. Craile, of Leechburg, Pa.—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 7748) to pension Robinson C. Grable—to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 7749) to increase the pension of William H. Hanford, Company B, Thirteenth Connecticut Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. JOHNSON of California: A bill (H. R. 7750) to increase the pension of Charles Woods—to the Committee on Invalid Pensions.

By Mr. KERR: A bill (H. R. 7751) granting a pension to Daniel Garber—to the Committee on Invalid Pensions.

By Mr. LESTER: A bill (H. R. 7752) for the relief of the owners of the steamer *Leesburg*—to the Committee on War Claims.

By Mr. MEYER: A bill (H. R. 7753) for the relief of Offner & Laumar—to the Committee on War Claims.

By Mr. PAYNE: A bill (H. R. 7754) granting an increase of pension to William D. Seamans, late a private Company L, Fourteenth New York Heavy Artillery—to the Committee on Invalid Pensions.

By Mr. STRODE of Nebraska: A bill (H. R. 7755) to remove the charge of desertion from the military record of Emanuel Benton Schamp—to the Committee on Military Affairs.

Also, a bill (H. R. 7756) granting a pension to Elizabeth Culp—to the Committee on Invalid Pensions.

By Mr. TRACEY: A bill (H. R. 7757) granting a pension to George De Wolf—to the Committee on Invalid Pensions.

By Mr. UPDEGRAFF: A bill (H. R. 7758) for the relief of Mrs. Cheste Tompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7759) for the relief of Abraham Judd—to the Committee on Military Affairs.

By Mr. VAN HORN: A bill (H. R. 7760) for the relief of Charles M. Neet—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7761) for the relief Joseph T. S. Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7762) for the relief of John M. Fleming, of Lexington, Mo.—to the Committee on War Claims.

Also, a bill (H. R. 7763) to increase the pension of William A. Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7764) to increase the pension of Mary B. Morgan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7765) to increase the pension of Thomas Wright—to the Committee on Invalid Pensions.

By Mr. WALKER of Massachusetts: A bill (H. R. 7766) granting a pension to William T. Hill—to the Committee on Invalid Pensions.

By Mr. WHEELER (by request): A bill (H. R. 7767) for the relief of the heirs of Clement A. Peck—to the Committee on Claims.

By Mr. WILLIS: A bill (H. R. 7768) for the relief of certain members of Fifth Delaware Volunteers—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH of Illinois: Resolutions of the Chicago Board of Trade, favoring the creation of a new executive department, to be known as the Department of Commerce and Manufactures—to the Committee on the Judiciary.

By Mr. ARNOLD of Pennsylvania: Petition of Washington Camp, No. 591, Patriotic Order Sons of America, of Clearfied, Pa., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BABCOCK: Two petitions of citizens of Washington, D. C., containing 100 names, urging the passage of House bill No. 5220, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines and opposing the extension of the tracks of said company until its existing lines are modernly equipped and operated—to the Committee on the District of Columbia.

Also, remonstrance of James A. Whiteley and 57 others, of Reedsburg, Wis., against permitting the statue of Père Marquette to remain in Statuary Hall—to the Committee on the Library.

Also, petition of E. J. Kidd and 18 others, of Madison, Wis., in favor of House bill No. 5729, for the protection of game, birds, and fish—to the Committee on Interstate and Foreign Commerce.

By Mr. BELKNAP: Resolutions adopted by the Board of Trade of the city of Chicago, recommending the creation of an executive department of the Government, to be known as the Department of Commerce and Manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. BELL of Colorado: Petitions of citizens of Crested Butte, Colo., favoring the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BROMWELL: Petition of Joseph S. Peebles and others, of Cincinnati, Ohio, favoring House bill No. 5729, for the protection of game, birds, and fish—to the Committee on Interstate and Foreign Commerce.

By Mr. CATCHINGS: Papers relating to the claim of Sidney R. Smith and others—to the Committee on War Claims.

By Mr. CHICKERING: Petition of citizens of Oswego, N. Y., in relation to a bridge across Detroit River—to the Committee on Interstate and Foreign Commerce.

Also, petition of members of Parish Grange, No. 575, in favor of export bounty for the protection of agricultural staples—to the Committee on Agriculture.

Also, petition of citizens of Hannibal, N. Y., members of the Woman's Christian Temperance Union, asking legislation prohibiting the sale of beer and spirituous liquors to immigrants landing at Ellis Island—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Hannibal, N. Y., members of the Woman's Christian Temperance Union, asking legislation prohibiting the sale of beer at military posts on Staten Island—to the Committee on Military Affairs.

By Mr. COUSINS: Protest of Prof. E. R. Ristine, Rev. A. K. Knox, and E. W. Jeffries; also protest of Prof. W. S. Ebersole, all of Mount Vernon, Iowa, against the introduction of military instruction in public schools—to the Committee on Education.

By Mr. CURTIS of Kansas: Petition of the members of the Coffee County (Kans.) bar, asking for a division of the State of Kansas into two Federal judicial districts—to the Committee on the Judiciary.

By Mr. CRUMP: Remonstrance and petition of Joseph O. Spencer, E. E. Anderson, and 78 other citizens of Columbia, Mich., against the continuance of the statue of Marquette in Statuary Hall or any public national room, building, or public ground—to the Committee on the Library.

Also, resolutions adopted by the Marine Engineers' Association of Bay City, Mich., praying for the passage of Senate bill No. 1242, relating to engineers in the merchant-marine service—to the Committee on the Merchant Marine and Fisheries.

By Mr. DALZELL: Memorial of the Philadelphia Maritime Exchange and others, for the removal of discrimination against American sailing vessels in the coasting trade—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Engineering School of the Western University of Pennsylvania, in favor of House bill No. 3618, relating to the personnel of the Navy—to the Committee on Naval Affairs.

Also, resolutions of Philadelphia councils, in favor of appropriations for the improvement of the Delaware and Schuylkill harbors—to the Committee on Appropriations.

By Mr. DOCKERY (by request): Petition of Milton Mann and others, praying for additional pension legislation—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petitions of citizens of New York, Baltimore, Boston, and Philadelphia, favoring the passage of House bill No. 6577, for the registration of trade-marks in the Patent Office—to the Committee on Patents.

By Mr. EVANS: Petition of W. G. Force and others, of Louisville, Ky., respecting the Marquette statue—to the Committee on the Library.

Also, petition of Richard Porter, asking for restoration of his pension, to accompany House bill—to the Committee on Invalid Pensions.

By Mr. FOSS: Resolutions of the board of directors of the Chicago Board of Trade, recommending the establishment of a new executive department, to be known as the Department of Commerce and Manufactures—to the Committee on the Judiciary.

By Mr. GRISWOLD: Petition of E. A. Hempstead, editor of the Journal, Meadville, Pa., favoring the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. GROUT: Resolutions adopted by the New York Mercantile Exchange, of New York City, favoring the passage of House bill No. 5213, imposing a tax upon and regulating the manufacture and sale of filled cheese—to the Committee on Ways and Means.

Also, petitions of Mark J. Sergeant, of South Royalton, Vt., and of F. P. Cheney, of Glover, Vt., protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HARDY: Petition of citizens of Lawrence County, Ind., praying for the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. HARTMAN: Protest of J. F. Davis and others, of Butte, Mont., against any appropriation for sectarian purposes—to the Committee on Appropriations.

Also, protest of publishers of the Helena News, against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HATCH: Paper to accompany House bill for the relief of Perry B. Browser—to the Committee on War Claims.

By Mr. HENDERSON: Resolutions of the Society of the Sons of the Revolution in the State of Iowa, favoring the preservation of the records and papers of the Continental Congress—to the Committee on Appropriations.

By Mr. HENRY of Indiana: Papers to accompany House bill No. 7598, for the relief of Thomas Cox—to the Committee on Military Affairs.

By Mr. HILBORN: Petition of J. W. Hudson, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, protest of the Patriot Publishing Company, against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HOOKER: Petition of the Vart Land Publishing Company, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Woman's Christian Temperance Union of Cherry Creek, N. Y., protesting against the sale of beer at military posts on Staten Island—to the Committee on Military Affairs.

Also, petition of Woman's Christian Temperance Union of Cherry Creek, N. Y., protesting against the sale of beer to immigrants at Ellis Island—to the Committee on Immigration and Naturalization.

By Mr. HYDE: Resolutions of George H. Thomas Post, Grand Army of the Republic, of Olympia, Wash., favoring a service-pension bill—to the Committee on Invalid Pensions.

By Mr. KULP: Petitions of citizens of Stonington, Seven Points, and vicinity, in the State of Pennsylvania, against sectarian appropriations, and favoring the passage of joint resolution No. 11, to amend the Constitution of the United States, acknowledging the Deity—to the Committee on the Judiciary.

Also, petition of citizens of Limestoneville, Pa., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

Also, petitions of Washington Camp, No. 660, of Shamokin, Pa.; Camp No. 204, of Newlin, Pa.; Camp No. 106, of Centralia, Pa.; Camp No. 315, of Turbotville, Pa., and Camp No. 672, of Elk Grove, Pa., Patriotic Order Sons of America, asking for the passage of the Stone bill restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. LACEY: Petition of M. E. Moore and others, of Davis County, Iowa, praying for the establishment of a commission on arbitration—to the Committee on Foreign Affairs.

By Mr. LINTON: Protest of citizens of Mahoney City, Pa., against the appropriation of public moneys for sectarian undertakings; also petition for the passage of joint resolution No. 11, to amend the Constitution of the United States—to the Committee on the Judiciary.

Also, remonstrances and petitions of J. H. Daniel, W. C. Hancock, and 66 others, of Augusta, Ga.; also of citizens of Flatwoods, W. Va., and vicinity, against the acceptance of the Marquette statue—to the Committee on the Library.

By Mr. LOUD: Petition of the Koenig Medicine Company, of Chicago, Ill., asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McCALL of Massachusetts: Petition of Nathan Appleton and 10 other citizens of Boston, Mass., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. McRAE: Protest of the Nettleton Commercial School, against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLER of West Virginia (by request): Petition of Rev. John M. Crowe and 75 other citizens of Parkersburg, W. Va., in relation to the Marquette statue in Statuary Hall—to the Committee on the Library.

By Mr. MOODY: Petition of George P. Morris, Howard A. Bridgman, and Henry H. Stickney; also of Levi C. McKinstry, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. OTJEN: Remonstrance of J. W. Boyd and 36 others, and of John Harder and 95 others, all of the State of Wisconsin, against the continuance of the statue of Marquette in Statuary Hall—to the Committee on the Library.

Also, petitions of J. W. Boyd and 33 others, and of R. G. Owens and 54 others, all of the State of Wisconsin, favoring the passage of joint resolution No. 11, proposing an amendment to the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. OVERSTREET: Papers to accompany House bill No. 5147, for the relief of Gavin Adams—to the Committee on Invalid Pensions.

By Mr. PITNEY: Petition of 21 branches of the Liquor Dealers' Protective League of New Jersey, protesting against the passage of House bill No. 6668, amending an act regulating the sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of the Woman's Christian Temperance Unions of Chatham and Rockaway, N. J., in favor of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of William S. Canon and 11 other citizens of Newark, N. J., in favor of a bill to adjust the pensions of those who have lost limbs—to the Committee on Invalid Pensions.

By Mr. POOLE: Memorial of citizens of Eaton, N. Y., members of Eaton Grange, No. 811, Patrons of Husbandry, recommending the passage of House bill No. 5213, which places a tax on the manufacture and sale of filled cheese—to the Committee on Agriculture.

By Mr. RICHARDSON: Petition of publishers of the Marshall County Sentinel, also of the Colored Cumberland Presbyterian, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. RUSSELL of Connecticut: Resolutions of the Board of Trade of Hartford, Conn., in favor of Government control of the new harbor at Block Island, R. I.—to the Committee on Rivers and Harbors.

Also, resolutions of the Board of Trade of Hartford, Conn., urging legislation which shall reform our currency system—to the Committee on Banking and Currency.

By Mr. SAUERHERING: Petition of Austin Lines and 24 other citizens of Wisconsin, asking for the removal of the statue of Père Marquette from Statuary Hall—to the Committee on the Library.

By Mr. SCRANTON: Resolutions of the select and common councils of Philadelphia, Pa., concerning deepening the channels of the Delaware and Schuylkill rivers—to the Committee on Rivers and Harbors.

Also, petition of Wyoming Valley Veterinary Medical Association, of Pennsylvania, favoring bill fixing pay, allowances, etc., of the veterinary surgeons of the United States Army—to the Committee on Military affairs.

By Mr. SPALDING: Petition of D. A. Patterson and others, of Hudson, Mich., asking that pensioners be granted free use of mails in transmitting vouchers to United States pension agents—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Petition of Seaside Lodge, No. 88, of Madison, Conn., Order United American Mechanics, indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petitions of Excelsior Lodge, No. 2, of Waterbury, Conn.; also of Quinnipiac Council, No. 77, of North Haven, Conn., and of Seaside Lodge, No. 88, of Madison, Conn., Order United American Mechanics, in behalf of the Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. STAHLE: Petition of Union Veteran Legion, No. 65, of York, Pa., praying for the passage of House bill No. 3727, granting a service pension to all soldiers and sailors who served ninety days or more in the late war—to the Committee on Invalid Pensions.

By Mr. STEPHENSON: Indorsements of the Stonecutters' Union; also of the Cigar Makers' Union; also of building mechanics, and E. S. B. Sutton, all of Sault Ste. Marie, Mich., favoring the proposed bill to amend the act of February 26, 1885, known as the "contract-labor laws"—to the Committee on Labor.

By Mr. STRODE of Nebraska: Petition of members of William A. Butler Post, No. 172, Grand Army of the Republic, of Burchard, Nebr., praying for the passage of service-pension bill—to the Committee on Invalid Pensions.

By Mr. TRACEY: Affidavits in support of bill granting a pension to Isaac Dale, to accompany House bill No. 6920—to the Committee on Invalid Pensions.

Also, affidavits in support of House bill No. 6921, granting a pension to Henry Gross—to the Committee on Invalid Pensions.

By Mr. VAN HORN: Petition of Mary B. Morgan for a pension under special act, to accompany House bill—to the Committee on Invalid Pensions.

By Mr. WALKER of Massachusetts: Resolutions of the Commercial Club of Boston, Mass., Jerome Jones, president, against the free silver coinage measure—to the Committee on Banking and Currency.

Also, resolutions of the Massachusetts Board of Trade, Boston, Mass., Edwid S. Barrett, secretary, in favor of a declaration by Congress that the word "coin" in the bonds and notes of the United States shall be always construed to mean "gold"—to the Committee on Banking and Currency.

By Mr. WELLINGTON: Petition of citizens of Baltimore, Md., protesting against the continuance of the statue of Marquette in Statuary Hall—to the Committee on the Library.

By Mr. WILLIS: Petition of Georgetown Council, No. 12, Order United American Mechanics, of Georgetown, Del., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

SENATE.

TUESDAY, *March 31, 1896.*

Prayer by the Chaplain, REV. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Chamber of Commerce of Nashville, Tenn., remonstrating against a further continuance of the discussions in Congress on international questions, and praying for a wise and careful consideration of our currency and finances; which was referred to the Committee on Finance.

Mr. BURROWS presented a petition of Kalamazoo Lodge, No. 387, International Association of Machinists, of Kalamazoo, Mich., praying for an investigation of the treatment of employees in the Brooklyn (N. Y.) Navy-Yard and other navy-yards of the United States; which was referred to the Committee on Naval Affairs.

He also presented the memorial of Charles Flowers and 43 other citizens of Detroit, Mich., remonstrating against the appropriation of public money for sectarian purposes; which was referred to the Committee on Appropriations.

Mr. DAVIS presented a petition, in the form of resolutions adopted by the Commercial Club of Duluth, Minn., praying that the bill to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota shall provide for the free passage over the bridge of all foot passengers, bicycle riders, wagons, and vehicles of all kinds; which was referred to the Committee on Commerce.

He also presented a petition, in the form of resolutions adopted by the Grand Army of the Republic of the State of Minnesota, praying for the passage of House bill No. 4339, to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg; which was referred to the Committee on Military Affairs.

He also presented a petition, in the form of resolutions adopted by the Grand Army of the Republic of the State of Minnesota, praying for the speedy recognition as belligerents of the Cuban patriots in their struggle for freedom; which was ordered to lie on the table.

Mr. McMILLAN presented a memorial of Linton Loyal Orange Lodge, No. 315, of Grand Rapids, Mich., remonstrating against the appropriation of money for sectarian institutions; which was referred to the Committee on Appropriations.

Mr. MITCHELL of Oregon presented a petition of Highland Grange, No. 261, Patrons of Husbandry, of Oregon, praying for the passage of House bill No. 2626, providing for the protection of agricultural staples by an export bounty; which was referred to the Committee on Agriculture and Forestry.

Mr. GORMAN presented the petition of Miss Mary Hayne, of Washington, D. C., praying that she be granted a pension on account of services rendered as hospital nurse at the United States Naval Academy at Annapolis, Md., during the late war; which was referred to the Committee on Pensions.

Mr. ELKINS presented the memorial of John M. Crowe and 73 other citizens of West Virginia, remonstrating against the continuance of the statue of Père Marquette in Statuary Hall, and praying that it be immediately removed; which was referred to the Committee on the Library.

Mr. VILAS presented a petition of the Free Methodist Church of Plattsville, Wis., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of Mrs. F. B. Williams and 35 other citizens of Trim Belle, Wis., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

REPORT OF COMMITTEES.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 289) for the relief of Ames & Detrick, of San Francisco, in the State of California, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1831) for the relief of William J. Bryan, reported it without amendment, and submitted a report thereon.

Mr. BACON, from the Committee on Claims, to whom was referred the bill (S. 1734) for the relief of Mrs. Sarah H. Wood, reported it without amendment, and submitted a report thereon.

Mr. HALE. I am directed by the Committee on Naval Affairs, to whom was referred the amendment submitted on the 10th instant, proposing to authorize the Secretary of the Navy to contract with The John P. Holland Torpedo Boat Company, of New York, for six submarine torpedo boats of the Holland type, intended to be proposed to the naval appropriation bill, to report a substitute therefor. I ask that the original amendment be indefinitely postponed, and that the amendment reported in lieu of it be referred to the Committee on Appropriations and printed.

The report was agreed to.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. CAFFERY, from the Committee on Claims, to whom was referred the bill (S. 71) for the relief of the Catholic Church at Macon City, Mo., reported it without amendment.

Mr. PROCTOR, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 3281) to authorize reassessments for improvements and general taxes in the District of Columbia, and for other purposes, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3279) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. TILLMAN, from the Committee on Naval Affairs, to whom was referred the joint resolution (S. R. 112) donating a condemned cannon and some shells to the Guilford Battle Ground Company, near Greensboro, N. C., reported it without amendment.

BILLS INTRODUCED.

Mr. MORRILL (by request) introduced a bill (S. 2679) for the relief of the heirs or legal representatives of F. Z. Tucker, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. WOLCOTT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 2680) granting a pension to Edgar L. Beckwith;

A bill (S. 2681) granting an increase of pension to Charles Wallace;

A bill (S. 2682) granting an increase of pension to Oscar Abbott;

A bill (S. 2683) granting an increase of pension to Felton D. Edson;

A bill (S. 2684) granting a pension to James Smith;

A bill (S. 2685) granting a pension to Mary Picard;

A bill (S. 2686) granting a pension to Charles E. Locke;

A bill (S. 2687) granting an increase of pension to George W. Neely;

A bill (S. 2688) granting a pension to John C. Reed;

A bill (S. 2689) granting an increase of pension to Octavia F. Crews; and

A bill (S. 2690) restoring a pension to Hubbard W. Goodrich.

Mr. MITCHELL of Oregon introduced a bill (S. 2691) for the relief of George E. Zimmerman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. GORMAN introduced a bill (S. 2692) to amend the act authorizing the Washington and Marlboro Electric Railway Company of Maryland to extend its lines into and within the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. TURPIE introduced a bill (S. 2693) granting jurisdiction to the Court of Claims and the Supreme Court of the United States of certain State claims; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MANTLE submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GORDON submitted an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Education and Labor, and ordered to be printed.

UNSURVEYED PUBLIC LANDS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Florida [Mr. CALL], coming over from a previous day, which will be stated.

The SECRETARY. A resolution proposing to direct the Committee on Public Lands to inquire and report such legislation, by bill or otherwise, as may be necessary to prevent the unsurveyed lands of the United States from being approved and patented without a survey, etc.

Mr. CALL. I should be very glad to have the resolution go over.

The VICE-PRESIDENT. Without objection, the resolution will go over without prejudice.

SENATOR FROM DELAWARE.

Mr. MITCHELL of Oregon. I call up the privileged question, being the report of the Committee on Privileges and Elections on the claim of Mr. Du Pont.

The Senate resumed the consideration of the resolution reported by Mr. MITCHELL of Oregon from the Committee on Privileges and Elections February 18, 1896, as follows:

Resolved, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

Mr. GEORGE. Mr. President, I wish, before I commence my speech, to acknowledge the courtesy of the Senator from Oregon [Mr. MITCHELL] in allowing the case to be postponed until such time when I hoped my physical condition would be better than it was some days ago. I wish also to say that those Senators who desire to follow me in my remarks would do well to have a pamphlet copy of the constitution of Delaware before them.

This case is one of very great importance, not only to the person who seeks to be seated in this body, but also to the people of Delaware, whose Senator he claims to be, and, I might also add, of very supreme importance to the people of the United States, as in it is involved the determination of a question which seriously affects our institutions in a very material point.

It will help to understand the argument which I shall make, because I shall make nothing but a law argument, if I shall in the beginning clear away somewhat the mist that has been thrown around this case by a reference to and reliance on two principles which have cut a very large figure in the majority report of the committee, and also in the very able, elaborate, and carefully prepared speech of the Senator from Oregon.

Great reliance has been placed upon the common-law rule in relation to the incompatibility of offices. Great reliance has also been placed upon a supposed principle said and claimed to be a fundamental principle of our American system; that is, a necessary division of the powers of government into three distinct and separate and independent departments—executive, judicial, and legislative. It will be seen before I get through, by those who shall honor me by their attention, that whilst the validity of these two principles are not denied by me, their importance has been very much magnified by those who advocate the seating of Mr. Du Pont.

A consideration of those parts of the constitution of Delaware which refer most directly to the case involved will show that in its provisions with relation to the holding of incompatible offices no force is given to the supposed common-law rule of incompatibility. It will be found that provisions are made denying the simultaneous exercise of two offices under the constitution of Delaware. I say provisions are made in reference to that point which have no reference to their supposed incompatibility at common law. It will also be found that in the same provisions there is an utter ignoring, a contemptuous disregard, if I may use the expression, of the supposed great fundamental principle said to arise out of our American system.

It may be as well to state to the Senate in the beginning of the argument that there is no incompatibility at common law between the exercise of legislative and executive powers by the same officer. On the contrary, the union of the two in the same person is more a principle of the common law than the rule of exclusion to which Senators on the other side refer. The King of Great Britain is a part of the legislature of that country. In the enactment of laws the phrase by which the legislature expresses its wish or will to make a law in England is about in these words: "Be it enacted by His Most Excellent Majesty the King, by and with the advice of the lords temporal and spiritual and his commons," so and so.

That is not all, Mr. President. It is a settled part of the common law of Great Britain not only that the King is a part of the legislature, but that the great executive officers of that Empire must be members of the legislature. The prime minister and all the cabinet are members of the legislature. Lord Coke lived in the days of James I. It was a very dark period in the constitutional history of Great Britain. Lord Coke, who had not only distinction as a lawyer, but for those days was somewhat distinguished for his respect for the rights and liberties of the people of England, was a member of Parliament. It was sought to get rid of this adversary to despotic government, and so the King was induced to appoint him a sheriff of one of the counties. By a rule which has existed in England for a long time, an appointment from the King always vacates the seat of a member of Parliament, not because, as I shall show, there is any incompatibility between the duties and office of a member of Parliament and the office to which the appointment is made. The reason for this vacating of the office is wholly different. It is that he who has accepted the high commission from the people of England as a member of Parliament shall not be in such a condition by accepting an office from the King, that he will be the servitor of the King instead of the servant of his constituents. So the appointment of Lord Coke under that rule vacated his seat in Parliament. But, sir, he was immediately returned, as he had a right to be, as a member for his old district, and when the men who counseled the King to stifle the voice, to destroy the influence of Lord Coke as a member of Parliament resisted his seating again, it was held that there was no incompatibility between the office of sheriff and that of a member of Parliament, and he was seated and served his term out.

Right here it will probably aid to understand the argument which I shall make if I read some short extracts from a work of acknowledged authority upon the subject of the incompatibility at common law of various offices, and it will be seen again that there is no incompatibility arising from this supposed American system of the exclusion from all the other departments of an officer in one.

Before I forget it, I may as well remark that the American rule, as it is called, has no reference whatever to the holding of offices. It is a question of a division of powers, the rule being, as far as it has been observed at all, that persons holding or exercising powers in one department shall not exercise powers in the other. It will be well to remember right here (because this goes along through this whole argument) that when that law, or that supposed law, is violated, it does not have the effect of the common-law rule of incompatibility. The common-law rule is always this in its effect: That where a man holds an office and accepts one incompatible with that, it is an election upon his part to take the second office and to resign the first. But no such consequences have ever been applied or can be applied to this rule growing out of what is called the American system. There when a party or an officer in one department assumes powers in another, as was done by the House of Representatives in the case of Kilbourn, I believe, the rule is not that the officer assuming the exercise of these powers vacates his office but that his assumption is a nullity. He holds his office, but he is prohibited from exercising these other powers. That ought to be borne in mind also as we go along.

I read a short extract from the opinion of the supreme court of New York, in which they hold that at common law, without any constitutional inhibition, there is no incompatibility between a legislative and an executive office:

Nor is the office of a member of the assembly—

The legislature—

in the legal sense of the word, incompatible with that of deputy clerk of the court of sessions of the city of New York.

And here, as a part of this extract, I might read another which overturns the answer which the Senator from Oregon made to a question propounded by me during his very able argument, when he insisted that as one of the tests of the incompatibility of offices there should be a capacity in every instance on the part of the incumbent to exercise both offices. I asked him whether that

meant a physical impossibility or something else. He said physical impossibility.

Mr. MITCHELL of Oregon. I said physical impossibility might be and often was one element constituting incompatibility.

Mr. GEORGE. I give the Senator the benefit of his explanation, and he will see that thus explained it is not sustained by the authorities:

It may be granted that it was physically impossible for the relator to be present in his seat in the assembly chamber in the performance of his duty as a member of that body and at the same time at his desk in the court doing his duty as deputy clerk.

But it is clearly shown by those opinions that physical impossibility is not that incompatibility spoken of or recognized in law.

Mr. MITCHELL of Oregon. What case is the Senator reading from?

Mr. GEORGE. The People *vs.* Green.

Mr. MITCHELL of Oregon. From what book?

Mr. GEORGE. Fifty-eighth New York Reports, opinion by Judge Folger. I will read from another section of this book to show the kind of incompatibility which prevents the union of two offices in the same person:

In England it has been held that a justice of the common bench can not be also a justice of the King's bench, because the King's bench corrects the errors of the common bench. But if the chief justice of the common bench is made keeper of the great seal he continues to be justice, and so a justice of the common bench may be chief baron of the exchequer.

In the first instance he is prohibited from holding two offices on the ground that one exercises a supervision and control over the other. I assert now that without exception in well considered cases there is no incompatibility in the offices except when they arise from the subordination of one office to the other whereby one has the right to control, manage, and direct the other; and that, sir, I believe, is the very language of the supreme court of New York in the case to which I have alluded. I will read it:

A man may not be landlord and tenant of the same premises.

Because the landlord controls and manages the tenant.

He may be, however, landlord of one farm and tenant of another, though he may not at the same hour be able to do—

As my friend insists—

the duty of each position. The offices must subordinate one the other, and they must per se have the right to interfere one with the other before they are incompatible at common law.

Great as the powers are of my distinguished friend from Oregon, I think it will exceed them for him to show that there is any subordination between a member of the legislature of a State and the governor of that State.

Now, sir, I go a little further on to this supposed great principle of the American system. In the first place, I feel warranted in saying that no such principle exists except as the result of a written constitution establishing it. A fact must be borne in mind which sometimes occurred to me when I listened to the very able and ingenious argument of my friend from Oregon, that we are here construing a constitution, not making one. If this was a convention assembled for the purpose of framing a constitution, then it would be quite competent, quite in order, quite the thing for members of the convention to remind the body that there is a propriety in having three distinct departments of the Government and confining the powers of each to a separate magistracy; but when we come to construe a written constitution we must find what that constitution does, not what it ought to do, in order for it to square with our notions of what may be the proper method by which constitutions should be framed.

I desire here to say that this supposed rule of the American system has not been recognized in a single constitution that has ever been framed in the United States of America. It has been ignored, disregarded, from the very beginning until now. I call the attention of the Senator from Oregon and those who agree with him to the very first constitution for the United States of America, the Articles of Confederation. In those articles there were no judicial powers conferred. In those articles the executive and legislative powers were all in the same body, there was no distinction, and if it be true, as my friend from Oregon seems to think, that the freedom and liberty of this people, the perpetuity of our free institutions, were dependent upon the recognition of this principle, I desire to call his attention to the fact that the very first effort made on the American Continent to establish free institutions utterly ignored this. That constitution was not entirely satisfactory, I admit.

Mr. MITCHELL of Oregon. I was about to suggest that.

Mr. GEORGE. It was not entirely satisfactory, but it did not destroy liberty. It was the only governmental agency by which the freedom and independence of this people were secured.

Mr. MITCHELL of Oregon. Will the Senator from Mississippi allow me to make a suggestion?

Mr. GEORGE. Of course.

Mr. MITCHELL of Oregon. I wish to call his attention to the fact that even in the first constitution our forefathers made there was not one word upon the subject of the freedom of speech or the freedom of the press.

Mr. GEORGE. No, sir.

Mr. MITCHELL of Oregon. It became necessary to amend the Constitution in order to guard the freedom of speech and the freedom of the press.

Mr. GEORGE. I suppose we have made some improvements, but, sir, in the constitution of the Confederacy—I do not mean to refer to our late government in the Southern States—there was no power granted which could interfere with the freedom of speech or the freedom of the press. They only had express powers; there were no implied powers; and it was unnecessary in that great instrument to deny that which could not be assumed.

Mr. President, coming shortly after that there was another great instrument, the exemplar of free constitutional governments in the States of this Union, called the Ordinance of 1787, by which the magnificent territory which the mother of States and statesmen donated to this Union was governed. In that ordinance, in the first place, who was the legislature? The governor and the judges are constituted the legislature. Was liberty stricken down in that great part of our country by that provision? I admit that was temporary; I have no concealment to make; but, sir, when they come in that same instrument to form a permanent government for the Northwest Territory, what provision did they make? The governor, the council, and the assembly were the legislature, all united, the governor exercising legislative powers just as he did in some other cases to which I shall call the Senator's attention.

So in the two first great grand instruments which were formed in this country for the purpose of establishing free institutions, one for the nation at large and the other for local communities, there was an intermingling and intermixing of legislative, executive, and judicial powers.

I come now to the Constitution of the United States. In the days during which it was being discussed before the American people whether they would accept the Constitution which had been framed by the convention of 1787, there were men, like my friend from Oregon, who had an ideal, who had learned from the Frenchman Montesquieu that there must be, in order to have free institutions, a complete and perfect and absolute separation of the three great departments—the executive, the legislative, and the judicial. Those men, like my friend in his eloquent peroration to his magnificent address to the Senate, thought that if this great principle was violated there was an end to freedom in this country. So they opposed the ratification of the Constitution upon the ground that it utterly ignored, utterly repudiated, this so-called principle of the American system. I think, if I remember correctly, though it has been a long while ago, in these exciting times, since my attention has been called to the fathers of the Republic, but I have a sort of indistinct memory—it may be but the memory of a tradition—that James Madison knew something about how to frame a constitution for a free people. So he, in the forty-seventh number of the Federalist, and in subsequent numbers, written and published to the people of the United States for the purpose of meeting objections to the ratification of the Constitution which had been submitted to them, noticed this objection, and he modifies the statement somewhat as put out by the friends of Montesquieu, and he put it in this way, and as he puts it I accept it as the American principle. He says that this maxim of Montesquieu can not amount to more than this, that the same hand which possessed the whole powers of one department shall not be allowed to exercise the whole powers of another department.

Mr. MITCHELL of Oregon. Will the Senator allow me right there to interrupt him?

Mr. GEORGE. Yes, sir.

Mr. MITCHELL of Oregon. Conceding that to be the correct interpretation of the doctrine—and for the sake of argument I grant it—Mr. Watson while exercising the office of governor, the Senator from Mississippi will admit, of course, exercised the whole power.

Mr. GEORGE. Every bit of it.

Mr. MITCHELL of Oregon. Every bit of it. And when he left the exercise of that office, or rather left the office, and went into the joint assembly on the 9th day of May, 1895, did he not, by his controlling vote, exercise the whole power of that assembly for the purposes of the election of a Senator?

Mr. GRAY. That is very easy to answer.

Mr. GEORGE. Let me answer that question. He exercised the whole power, just as any other man who voted on the same side.

Mr. GRAY. That is it.

Mr. GEORGE. I will go along with Mr. Madison. I do this, Mr. President, because it is easier to bring the short notes of Mr. Madison upon the various State constitutions then existing than to bring bodily here those constitutions and read them and comment on them to the Senate. Mr. Madison, in answer to these

objectors, to these men who saw nothing in these incompatible, as they called them, provisions of the Constitution of the United States but destruction to freedom and to liberty and to independence, called attention to the State constitutions then existing. Referring to the constitution of New Hampshire, he said:

The president—

The governor was then called president in the State of New Hampshire—

who is the head of the executive department, is presiding officer of the senate, and besides an equal vote in all cases, and has a casting vote in the case of a tie.

So, if my friend from Oregon is right in the suggestion that, because Mr. Watson voted, that vote prevented Mr. Du Pont from getting into the United States Senate, here is the case of a governor who voted twice. He not only presided, but on the main proposition, as it went to the body, he voted once, and if that made a tie, then he voted again. Certainly, if the position of my friend from Oregon be correct, liberty had two deathly stabs at the same time and by the same hand under the constitution of New Hampshire.

Mr. MITCHELL of Oregon. I think myself it was a very bad constitution on that point.

Mr. GEORGE. I have no doubt that my friend thinks so. The truth about it is that my friend has been indulging in these fanciful theories, as put out by Montesquieu, about the proper way of framing a constitution, and he can not get himself down to the duty of construing one.

Mr. Madison said again:

In New York the court of errors—

The highest court—

composed of a senate—

A legislative body—

the judges—

Who had a right to be in the court, according to my friend from Oregon—

and the governor.

That is the way those old fathers of ours did in those days, yet I believe we are still a free people.

In New Jersey—

I am quoting now again from Mr. Madison—

the governor is chancellor and ordinary or surrogate of the State, a member of the supreme court of appeals, and president of the senate, with a casting vote in case of a tie.

The men who framed that constitution knew how to unite in the Declaration of Independence, knew how to levy armies, to enlist armies, and to fight for seven long years in order to establish the freedom and independence of this country, and yet, according to the view of the Senator from Oregon, they did not have sense enough to preserve the freedom which they had thus nobly and gallantly won.

Delaware, too, had a constitution in those days—the same State whose fortunes we are now deciding. Says Mr. Madison:

The speakers of the two legislative branches are vice-presidents in the executive department, and the president—

Who is the governor, for they were called "presidents" in those days—

is a member of the supreme court of appeals.

And, says Mr. Madison:

Throughout all the States the members of the legislature were justices of the peace.

Now, Mr. President, going back a little to the Constitution of the United States, I remind Senators that we are creatures of that Constitution. This body is organized under the Constitution of the United States. It has only the powers—I hope my friend from Oregon will not forget that—which the Constitution of the United States has given us, and we to-day, at the very moment I am addressing the Chair, are in direct, open, flagrant disregard of the maxim upon which the Senator thinks the freedom and independence and the liberties of these people are conserved. We are a part of the legislative power, yet now we are performing the functions of judge—judicial powers, the highest judicial power, I might say, in the Union, because on its honest, fair, just, and intelligent exercise depends that provision in the Constitution of the United States which alone, of all others, is embedded in our institutions forever, and can not be amended except by the unanimous consent of every State in the Union—equal suffrage in the Senate. That is the question we are trying. That equal suffrage in the Senate is more flagrantly violated by the seating in this body of a man as Senator from the State of Delaware who never had a commission from that State than when a properly constituted elected member may be excluded. One exclusion of a proper man only silences a legal and proper constitutional voice, while the other turns loose into this Chamber a man who has no authority to speak for the people whose Senator he claims to be. He is a usurper.

Mr. President, right here we are performing now an incompatible function, according to the idea of the Senator from Oregon. We are judging when we pronounce judgment that this is the right or that is the right, and when we legislate we ordain that this shall be or shall not be.

The very first words in the Constitution of the United States after the preamble, which is not a part of it, for it is a mere introduction to it, are:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

"All legislative power." What is legislative power? The power that makes laws; and yet, sir, we go to another part of the Constitution, and we find that this Senate and the President of the United States, two-thirds of the Senate concurring, can make treaties. A treaty is not only a compact between the United States and the foreign country with which it is made, but in the language of the Constitution it is "the supreme law of the land." So that is one violation of the maxim. Now, let us take another:

The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the Congress may from time to time ordain and establish.

And yet we here to-day are exercising a judicial power. The House of Representatives exercises a judicial power when it prefers articles of impeachment; and this body exercises a judicial power when it tries the impeachment—so high a judicial power, if I do not misstate it, that the Constitution requires that we Senators, after having once been sworn to discharge the duties of the office of Senator upon our induction into office, are required to be again sworn when we come to try an impeachment.

Then as to the legislative power. I have noted one exception to it, but there is another, and a very important one. Though all legislative power is vested in a Congress of the United States consisting of a Senate and House of Representatives, yet no act concurred in by both can be a law without the approval of the President, unless we overrule him by a vote of two-thirds.

That is but a little of the Constitution. Everybody can remember when he looks through it all these various exceptions. Now I wish to say something of the practice of the Government under it.

In the very beginning of our Government—I forget the exact date—a Chief Justice of the United States was taken from his seat and made to perform the executive act of framing a treaty—Chief Justice Jay. Nobody thought that was a destruction of the Government. Coming down to a later time, right under our own observation, and I find that some two or three years ago two members of this body, the Senator from Nevada [Mr. JONES] and the Senator from Iowa [Mr. ALLISON], went, without losing their seats in this body, to the city of Brussels and performed the executive act of entering a conference of representatives from other powers in relation to the monetary system. No objection was made to that.

Let us see what else was done. Only a year or two ago another Senator was taken from this body—the Senator from Alabama [Mr. MORGAN]—and sent to Paris to sit in an international tribunal to decide a controversy between this country and Great Britain. That was certainly not a legislative act. Whether we call it executive, as carrying out the executive policy of the country, or whether we call it judicial, it was equally inhibited to the Senator from Alabama upon the principles which are put forward here by the Senator from Oregon. And if he shall say, "Oh, it had so much of the legislative about it that we ought to excuse him," then what will the Senator say when I tell him that Mr. Justice Harlan, a member of the Supreme Court of the United States, was sent on the same mission? One of them was there wrongfully, if not both, if the principles of the Senator from Oregon be correct.

Mr. LINDSAY. What about the Venezuelan Commission?

Mr. GEORGE. I almost forgot that Mr. Justice Brewer was appointed on the Venezuelan Commission. I am glad the Senator has called my attention to that. What kind of a power is Mr. Justice Brewer exercising in that Commission to-day? Under an appropriation made and sanctioned by us—I suppose that is clearly an executive power—he is trying to find out something upon which the Executive can act. And if my friend should say it is a judicial act because it is a commission to ascertain facts, then I will call his attention to the colleagues of Judge Brewer, none of whom are judges, but citizens taken at large. If there is anything settled in the constitutional jurisprudence of this country it is that the judicial power or any part of it can never be vested in any single human being unless he be appointed for life.

Now we come down to the State of Delaware, and she, just like the United States and just like every other State in the Union, tramples upon, utterly ignores, this pretended or assumed principle of the Senator from Oregon. Now, let us see. I read from section 8 of Article III of the constitution of Delaware:

No member of Congress nor any person holding or exercising any office under the United States shall at the same time hold or exercise the office of judge, treasurer, attorney-general, secretary, clerk of the supreme court, prothonotary, register for the probate of wills and granting letters of administration, recorder, sheriff, or any office under this State with a salary by law annexed to it.

So when the constitution of Delaware comes to make its prohibitions about holding the same office it pays no attention either to the incompatibility rule at common law or to the supposed American rule upon which the Senator relies. The great point in the constitution of Delaware is that none of those men shall hold an office under the State who gets a salary. That is not in either of the principles relied upon by the Senator.

I go to another clause, more expressive:

No person concerned in any army or navy contract, no member of Congress, or any person holding any office under this State, or the United States, except the attorney-general, officers usually appointed by the courts of justice, respectively, attorneys at law, and officers in the militia, holding no disqualifying office, shall, during his continuance in Congress or in office, be a senator or representative.

So, under the constitution of Delaware which I have just read, the attorney-general, who is an executive officer; officers appointed by the courts of justice, who are judicial officers, officers in the militia, who are all executive officers—all of those may be members of the legislature. So they did not follow any rule either of the common law or the supposed American system in their inhibition to double officeholding in the constitution of Delaware.

Then we go to another section, and one to which we are obliged to give a good deal of consideration in this case. It is Article III, section 5. It states that—

No member of Congress, nor person holding any office under the United States, or this State, shall exercise the office of governor.

So when it comes to that there is not the slightest reference either to the common-law rule upon that subject or the supposed rule arising out of the American system. Every officer, executive, judicial, and legislative, is, under that provision of the constitution, taken alone, prohibited from exercising the office of governor in the State of Delaware.

So, Mr. President, I feel authorized in saying that both the common-law rule of incompatibility and the other maxim, or principle, or whatever it may be, arising out of what is called the American system, which prohibits the exercise of powers given one department by a person exercising power in another, are utterly repudiated and ignored in the State of Delaware. It must be noticed—I do not know whether the attention of the Senator from Oregon has been called to it heretofore in the debate—that there is an absence in the constitution of Delaware of the provision found in many of our State constitutions that the powers of government are hereby divided into three distinctive departments, the legislative, executive, judicial, and that a person exercising power in one shall not exercise it over another. There is no such provision in the constitution of Delaware. On the contrary, that principle, or maxim, or whatever you may call it, is utterly ignored and repudiated all through the constitution.

Mr. President, just to show what value courts give to this supposed principle alluded to by the distinguished Senator from Oregon, like that in the State of Delaware, where the constitution transgresses it, I will read a short extract from 2 Cushing's Reports, page 580. Before I read it is well to read a quotation in that opinion from the constitution of Massachusetts to show how very pertinent this is. I read now a quotation from the constitution of Massachusetts:

In the government of this Commonwealth the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them.

I will now read a phrase that will do my friend's soul good.

To the end—

Says the constitution—

it may be a government of laws and not of men.

With that emphatic declaration in the constitution of Massachusetts, a controversy arose about whether the office of justice of the peace, a judicial office, and the office of constable, an executive office, could be held by the same person, and here is what the court said:

The provisions of this article are general in their terms, expressive only of a principle, and not intended to mark with precision the incompatibility of different offices. The article must have been so understood by the framers of the constitution, as in other parts of that instrument certain offices are enumerated and their incompatibility directly declared.

Exactly what is done in the constitution of Delaware. I think, if I have not been very unfortunate, that the Senate, or those Senators who have done me the honor to listen to me, will find how little, how infinitesimally small these principles so much relied upon by the Senator from Oregon are in this case. In other words, sir, we are remitted, as in good sense and in good logic we ought to acknowledge we are remitted, to the written provisions of the constitution of Delaware itself. What that forbids is forbidden; what that commands must be obeyed. Now let us see what that is. There are three provisions in the constitution of Delaware which are the foundation of all the arguments that have been made. All the balance of the constitution is ancillary thereto. I suppose the Senate understands, for it has been over and over explained here, which I have not done, that the contest here is whether Mr. Watson, having been elected a senator and speaker of the senate in the State of Delaware, upon acceding to the exercise of the office of governor of that State, was in any way disqualified to act as senator. That is the question.

The first provision of the constitution to which I wish to call attention is one which I have already read, but it is right to put it in the RECORD again at this place. Article III, section 5, says:

No member of Congress nor person holding any office under the United States or this State shall exercise the office of governor.

Taking that alone, by itself, it is utterly impossible for any officer, either State or Federal, however high or however low, to exercise the office of governor of the State of Delaware. It is an absolute inhibition against all officers, State and Federal, ever exercising the office of governor of the State of Delaware.

There is another one which I will read, leaving out what my friend will admit has nothing to do with the understanding of the case.

Mr. MITCHELL of Oregon. From what section does the Senator propose to read?

Mr. GEORGE. From section 12, page 27.

No person * * * holding any office under this State, * * * except the attorney-general, officers usually appointed by the courts of justice respectively, attorneys at law, and officers in the militia holding no disqualifying office, shall during his continuance in * * * office be a senator or representative.

I have left out some words which the Senator will admit have nothing to do with the understanding of the case. That is one. With the exception now of these officers specially enumerated, the attorney-general, etc., no officer of the State of Delaware can ever be a member of its legislature, either senator or representative. That is settled.

So we start out with two sections in the constitution of Delaware absolutely interdicting any officer of the United States or the State of Delaware from being governor of the State or from being a senator or representative. If this thing stopped there, there would be some plausibility in Mr. Du Pont's case; but the constitution does not stop there. I will insert here, as it is as good a place as any at which to put it into my remarks, section 14 of Article III of the constitution, which, as I am a little tired, I hope the Senator from Tennessee [Mr. BATE] will read for me.

Mr. BATE read as follows:

SEC. 14. Upon any vacancy happening in the office of governor, by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office *until a governor elected by the people shall be duly qualified*. If there be no speaker of the senate, or upon a further vacancy happening in the office, by his death, removal, resignation, or inability, the speaker of the house of representatives shall exercise the office *until a governor elected by the people shall be duly qualified*. If the person elected governor shall die, or become disqualified before the commencement of his term of office, or shall refuse to take the same, the person *holding the office* shall continue to exercise it *until a governor shall be elected and duly qualified*. If, upon a vacancy happening in the office of governor, there be no other person who can exercise said office within the provisions of the constitution, the secretary of state shall exercise the same until the next meeting of the general assembly, who shall immediately proceed to elect, by joint ballot of both houses, a person to exercise the office *until a governor elected by the people shall be duly qualified*. If a vacancy occur in the office of governor, or if the governor-elect die or become disqualified before the commencement of his term, or refuse to take the office, an election for governor shall be held at the next general election, unless the vacancy happen within six days next preceding the election, exclusive of the day of the happening of the vacancy and the day of the election; in that case, if an election for governor would not have been held at said election without the happening of such vacancy, no election for governor shall be held at said election in consequence of such vacancy. If the trial of a contested election shall continue longer than until the third Tuesday of January next ensuing the election of a governor, the governor of the last year, or the speaker of the senate or of the house of representatives, who may then be in the exercise of the executive authority, shall continue therein until a determination of such contested election. The governor shall not be removed from his office for inability but with the concurrence of two-thirds of all the members of each branch of the legislature.

Mr. GEORGE. I am very much obliged to my friend the Senator from Tennessee.

Mr. President, this fight centers around these three sections. It may be well to state right here that I do not care what construction you put upon those sections of the constitution of Delaware; "Mr. Du Pont, you can not sit in a seat in this Chamber without destroying the Constitution of the United States." Let it be what construction you please. But as men are more inclined to adopt and consent to a rule which cuts out an applicant from a seat in this body when they are satisfied that on other grounds the applicant is not entitled, we on this side, conceding and believing that any argument made on that subject is *dehors* the record and unnecessary, go into the argument for the purpose of showing that he is not entitled on the facts of the case without reference to the strict rule which cuts out the Senate from adjudicating upon his title. Of course section 5 of Article III and section 12 of Article II, as I have before stated, taken by themselves prohibit Mr. Watson from exercising the office of governor. I admit that.

Now, the question is, What effect has section 14 of Article III upon that question? The Senator from Oregon made a speech

which was admirable in all things but one—admirable in its ability, admirable in the skill with which he manages a very difficult side, but allow me to say, with due respect to my friend, a speech which did not have in it one single solid constitutional truth taken plain and naked by itself. His reasonings are skillful, logical, but always from false premises, as I shall demonstrate before I get through, not only to my own satisfaction, which is very easy to do, but I am not entirely without hope that I can satisfy my candid and ingenuous as well as ingenious friend the Senator from Oregon.

Mr. MITCHELL of Oregon. I am all attention.

Mr. GEORGE. I know the Senator is. The distinguished Senator from Oregon spoke about the inconsistencies and incongruities and all that sort of thing in the constitution upon the idea that we advance, and he thought he had found a key by which all those inconsistencies and incongruities should be solved. That section of the constitution which has been read says in its first clause:

Upon any vacancy happening in the office of governor by his death, removal, or inability, the speaker of the senate shall exercise the office.

The distinguished Senator argued and seemed to think, and I have no doubt does think, that if we will just interpolate after the word "speaker" the further words "after vacating his office" everything, every incongruity, every inconsistency, in the constitution would be made harmonious. His contention is that the speaker, not as speaker, exercises the office of governor, but that the constitution merely nominates him or declares that he may be governor. He discards the words "exercise the office of governor" and inserts the words "shall be governor," and my distinguished friend thinks that when he has done that he has removed every inconsistency, every incongruity, in the constitution of Delaware; and everything from that point upon his theory goes along smoothly and easily and consistently.

Mr. MITCHELL of Oregon. May I ask the Senator a question at this point?

Mr. GEORGE. Certainly.

Mr. MITCHELL of Oregon. How does the Senator from Mississippi think he exercises the office of governor? Does he do it as speaker of the senate?

Mr. GEORGE. I do not quite understand the Senator.

Mr. MITCHELL of Oregon. Does he exercise the office of governor as speaker of the senate ex officio?

Mr. GEORGE. Of course I wish to answer all questions propounded by the Senator at any time, but I will state to the Senator, without going into any argument upon the point now, that I have a full argument written out showing that to be so. I do not want to go into it now. I have not reached that question.

Mr. MITCHELL of Oregon. Then the answer of the Senator is "Yes."

Mr. GEORGE. Yes.

Mr. MITCHELL of Oregon. Then allow me one other question right here, as I believe it will perhaps fill out the argument of the Senator a little better to present both sides. There have been cases in Delaware where the senatorial term of the speaker of the senate who succeeded to the exercise of the office of governor and his term as speaker of the senate expired long before he ceased to exercise the office of governor. In a case of that kind, his term as senator having expired, his term as speaker of the senate having expired and he is still exercising the office of governor, is he doing it as speaker of the senate?

Mr. GEORGE. I have an argument upon that subject which I know will convince the senator.

Mr. MITCHELL of Oregon. I should like to have an answer to that question.

Mr. GEORGE. The constitution of the State of Delaware in that very case prolongs his office as speaker, not as senator, until he fully discharges the commission which the constitution has imposed upon him.

Mr. MITCHELL of Oregon. That is the answer?

Mr. GEORGE. That is the answer I make, and I will make my argument directly. I do not want to make it now.

Mr. MITCHELL of Oregon. I do not think that will do.

Mr. GEORGE. I know the Senator does not.

Mr. GRAY. I suggest to the Senator from Oregon that he wait until he has heard the Senator from Mississippi.

Mr. GEORGE. The Senator from Oregon has not heard my argument. I hope the Senator, when he comes to consider this matter very seriously, will discover that not only is my position true but that the contrary position is absurd.

I was going back to say that the Senator thought he had found a key which solved all these inconsistencies in the constitution of Delaware. If he could just make the speaker governor and vacate the office of speaker, then everything would go on smoothly. Now, let us see how that is. Let us see if the Senator is not involved in more contradictions and inconsistencies under that view of it than under any other that could possibly be presented. The constitution of the State of Delaware declares—I call the attention of the Senator to this matter—that the governor shall hold his office for the term of four years from the third Tuesday in January. The speaker-governor—I call him governor now—holds for a few months only, from the time the vacancy happens until the new governor is qualified. Is not there an inconsistency? The governor of the State holds for four years while the speaker-governor holds for a few months. That is one.

The constitution of Delaware says that the governor shall be at least 30 years of age. The governor they make out of the speaker may be only 24 years of age. How does the Senator reconcile that? The constitution of Delaware says the governor shall have been an inhabitant and citizen of the United States for twelve years, the last six of the State. This new kind of governor they make of the speaker of the house of representatives and of the senate may be an inhabitant of the State only three years. Now, let us go a little further.

The constitution, Article VII, section 12, says:

No property qualification shall be necessary for the holding of the office of governor.

That is, for holding any office in the State except certain specified ones, and the governor is not specified. Yet this new governor which they make of the speaker of the senate must have 200 acres of land or other property worth $5,000. There seems to be a little inconsistency and incongruity there.

The constitution of Delaware says "the governor shall be chosen by the citizens of the State," the persons qualified to vote, or in case of a tie, one of the two, by joint ballot, of the two houses. That is the way the governor gets in by the constitution. He is to be chosen from all the citizens of the State who possess the requisite qualifications. He is eligible then to the office of governor. Yet this new governor is elected as speaker by the members of one house alone and from the members of that house alone. In the case of the senate there are just nine and only nine persons in the State of Delaware who can be governor, and they are elected by five persons; that is, a majority of the senate. Does the Senator see no inconsistency, no incongruity, between those two provisions of the constitution?

Next, the governor is elected—that is, selected—for the place or office of governor. That is, when the men vote for him they vote for him to be governor. This new governor that they want to make out of the speaker of the senate is elected for some other duties and may never be governor, and if he gets the office at all it is only by a contingency which may or may not happen. The other man goes in just on his election. Now, how are these various provisions of the constitution, repugnant and contradictory as they are, on the theory of Mr. Du Pont's friends, reconciled?

Mr. GRAY. If the Senator will permit me, I will point out another illustration.

The PRESIDING OFFICER (Mr. CHILTON in the chair). Does the Senator from Mississippi yield to the Senator from Delaware?

Mr. GEORGE. Of course.

Mr. GRAY. By the constitution of Delaware a governor is ineligible for reelection, whereas no one can contend that a speaker of the senate exercising the office of governor may not be nominated for governor while he is thus exercising the office and be elected. That case has actually occurred.

Mr. GEORGE. I believe Governor Saulsbury had it consecutively. That is true. These are the inconsistencies which remain under the view of the Senators on the other side.

Now, our theory reconciles everything. It happens to be a theory which not only reconciles this law, but it is a theory which must be applied to every system of laws, human and divine, which was ever reduced to writing. I will read a well-settled canon of construction from the brief of the counsel, and then I will call the attention of those who are paying any attention to this discussion to the point:

Where there are words expressive of general intention and of a particular intention incompatible with it the particular must be taken as an exception of the general, and so all parts of the act will stand as a particular proposition. General words in one clause may be restrained by particular words in a subsequent clause of the same statute.

Or constitution, or Bible, or anything else. Sir, the Decalogue can not be construed itself without the application of this principle. "Thou shalt not kill." In other parts of the same great book, there is not only permission but command to kill public enemies and those who assault one's life, and yet the Decalogue says, "Thou shalt not kill." There is not a constitution in the United States which must not resort to this rule to be understood. How can the President of the United States and the Senate exercise the legislative power of making a treaty, so far as it is a law, when all legislative power is vested in the Congress except under this rule? The general words are to be qualified and restrained by the particular words. They are to be construed as the exception. There is no way known to man by which any writing whatever can be construed except in that way. You can not construe a contract, you can not construe a will, you can not construe a law, you can not construe a book upon any scientific or other subject without giving the author the benefit of that rule. A general

statement, a universal statement, in one part of it is to be considered as qualified by the particular instances contrary to it in others.

Now, we go on to that rule, and what do we find out? The two first sections must be construed as meaning "no person" so and so "shall be" so and so "except as hereinafter provided," and it is hereinafter provided that the speaker shall be so and so.

That brings me to consider the meaning of this very important section 14. I will read only the first clause of it now. The whole of it has been read:

Upon any vacancy happening in the office of governor by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor, elected by the people, shall be duly qualified.

The advocates of Mr. Du Pont say this means the speaker shall "be" governor or "become" governor. We on the other side say that it does not mean this; and we say further that if it did mean, as claimed, that the speaker became governor, actual governor, for the time and under the conditions mentioned in the constitution, it would not make out Mr. Du Pont's case. I shall not discuss that part of the case now, that is, whether if he became governor it would help Mr. Du Pont—I will do so hereafter—because, it being essential to the argument on the other side, if I show that the section does not mean "become governor" or "be governor," their case is lost. To state their position fairly, I quote from the speech of the Senator from Oregon and put that in the RECORD. Referring to section 14, the Senator from Oregon, on page 2818, says:

It declares in legal effect to the person who is speaker of the senate: "You, in a certain contingency—that is, in case of the death, removal, resignation, or inability of the governor elected by the people—have a preference right over every other citizen of the State to become governor and exercise that office, a right, however, you can avail yourself of or not at your own option. There is nothing compulsory connected with it."

Then again, proceeding with the declaration, as he quotes it, of the constitution of Delaware to the speaker of the senate—

"You can waive it if you please," says the constitution in legal effect, "and continue to be senator and speaker of the senate, notwithstanding your eligibility to become governor, notwithstanding you hold the preference right over every other citizen of the State of Delaware to become governor; but if you avail yourself of this preference right given you by the constitution, and take the gubernatorial oath, and enter voluntarily, as you must if you enter at all, upon the exercise of the office of governor, then that moment you cease to be senator, your right to exercise the functions of either senator or speaker of the senate is at once gone, or at least held in abeyance and suspended so long as you continue to exercise the office of governor."

That is the position of the Senator from Oregon. Now, we will see how that stands with the constitution. The first and most obvious comment to be made on this extract is that if the framers of the constitution of Delaware meant that the speaker should "become" governor, it was the easiest thing in the world to say so. The word "become" is an ordinary word, in common use in the signification insisted on by the Senator from Oregon. So is the word "be." The constitution might have said "he shall be governor." Its use here would have saved the employment of many other words which appear to have and do have a different signification. It would also have saved the use of all the words in clause 2 of section 14, referring to the speaker's exercise of the office.

The natural and easy way of expressing the idea that these temporary substitutes became governor in the contingency mentioned would have been to declare "on the happening of any vacancy in the office of governor the speaker of the senate shall become governor [or be governor], and on a further vacancy, or if there be no speaker of the senate, the speaker of the house shall become governor [or be governor] until," etc. Why depart from the ordinary language "be governor" used twice in Article I, section 2, page 28?

The framers of the constitution of Delaware were not unacquainted with the mode of expressing the idea of being governor. Let us see what they said, who they really meant should be governor. Article III, section 2, which is in a section providing for the counting of the votes cast for governor at a general election, provides that—

the person having the highest number of votes shall be governor.

There is one place where the framers of the constitution, when they wanted to make a man governor, used the proper language: "He shall be governor." Now, I go on:

But if two or more shall be equal in the highest number of votes the members of the two houses shall by joint ballot choose one of them—

To be what?

to be governor.

When the framers of the constitution of Delaware meant to express the idea that on a certain event a man shall be governor they said so. He shall be governor. They shall proceed to elect a man to be governor. Will the Senator from Oregon explain why in section 14, which we are now considering, if it had been the meaning of the framers of the constitution that on the contingency therein named the speaker of the house shall be governor, they did not say so? Instead of saying that they used a phrase which excluded the idea that he was to be governor, the phrase "shall exercise the office of governor," as I shall show before I get through. Instead of this plain and obvious method the very extraordinary language which, if it was intended to express that idea, is used to which I now call attention. The language is on the happening of a vacancy:

The speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified. If there be no speaker of the senate, or upon a further vacancy happening in the office by his death, removal, resignation, or inability, the speaker of the house of representatives shall exercise the office until, etc.

First, it will be noticed that in describing the second or further vacancy which might happen after the speaker of the senate has commenced to exercise the office—and is, under the view of the opposite side, a real constitutional governor, having become such by such exercise—that further vacancy is to occur, not from the death, resignation, etc., of the governor, as they say the "exerciser" of the office is, but from the death, resignation, removal, etc., of the speaker of the senate then exercising the office, who they say does not exist at that time, having ceased to be such when he entered on the exercise of the governor's office.

Mr. President, if men intended to express the idea contended for by the Senators upon the other side, were they not most unfortunate in the language they used? First, they say the speaker of the senate shall exercise the office of governor, and, second, if there be no speaker, or if that speaker shall die or resign, then the speaker of the house of representatives shall exercise the office of governor. This is the grammatical and also the plain and obvious meaning of the clause. I will call your attention to that:

If there be no speaker of the senate, or upon a further vacancy happening in the office by his death—

Whose death? Will the Senator answer?

Mr. MITCHELL of Oregon. Yes, sir. The death of the man who was speaker of the senate and who is then governor.

Mr. GEORGE. It does not say that. Here is what it says——

Mr. MITCHELL of Oregon. But it certainly means that.

Mr. GEORGE. Of course it means that if you are allowed to interpolate and obliterate both at the same time.

Mr. MITCHELL of Oregon. I obliterate nothing and interpolate nothing.

Mr. GRAY. Strike out and insert.

Mr. GEORGE. Strike out and insert, a motion to amend. The Senator speaks all along on a motion to amend the constitution of Delaware.

Mr. MITCHELL of Oregon. Whom does the Senator say it refers to?

Mr. GEORGE. It refers to the speaker.

Mr. GRAY. The constitution says to whom it refers.

Mr. GEORGE. I will read it:

If there be no speaker of the senate, or upon a further vacancy happening in the office by his death—

The death of the speaker of the senate.

Mr. GRAY. The pronoun refers to the noun.

Mr. BURROWS. Will the Senator from Mississippi allow me to ask him a question?

Mr. GEORGE. Of course.

Mr. BURROWS. Does the Senator mean upon the death of the speaker before he enters upon the exercise of the office of governor?

Mr. GEORGE. Oh, no.

Mr. BURROWS. Afterwards.

Mr. GEORGE. Afterwards. The other contingency is taken care of in the phrase "if there be no speaker."

Mr. BURROWS. I merely wanted to understand the Senator.

Mr. MITCHELL of Oregon. Then it means the death of the person exercising the office of governor.

Mr. GEORGE. It means exactly what it says. It means the death of the speaker of the senate.

Mr. BURROWS. After he has entered upon the office.

Mr. GEORGE. After he has entered upon the exercise of the duties of governor.

Mr. MITCHELL of Oregon. That is right.

Mr. GEORGE. "His" must refer to the last antecedent, the speaker of the senate. That is the rule of grammar; it must refer to the last antecedent. It can not refer to the old governor in the first clause, for he is already dead. It does not refer to him. If they intended to refer to him as governor why did they say "speaker" instead of saying "governor." If he became governor, as the Senator contends, upon the devolution upon him of the exercise of the office of governor, why do they continue to call him speaker? Why did they not call him governor if he had become such? If it had been the intent of the framers of the constitution that the speaker of the senate became governor they would have said so in the first clause, and if they had desired to make a new clause for the speaker of the house of representatives the natural and proper way to frame the clause would be to say, "if there be no speaker of the senate." That means, of course everybody will agree, at the time of the death or resignation of the first governor, "or if the office again become vacant by the death or resignation,

etc., of the governor, then the speaker of the house of representatives shall become governor." That is the natural and proper way. If they intended that they committed a fraud upon the English language and upon the people of the State of Delaware by using the language which they did. This is the first trouble our opponents encounter. They will have more as they go along.

It is well to notice now another position taken in the extract from the Senator's speech that I have read. It is claimed that section 14, now being considered, only makes the speaker of the senate "eligible" to become governor, gives him a preference right to become governor, which right he may accept and become governor, or he may refuse and still be speaker of the senate. I admit that this is the necessary and logical result of their position that he becomes governor. My distinguished friend reasons correctly, but always from false premises. When, therefore, I show that this position can not stand with the words of the clause and with other parts of the constitution, I overthrow the whole theory of the other side.

The second clause devolves the right to exercise the office of governor on the speaker of the house of representatives only on two contingencies, and I desire to call the attention of the Senator from Oregon to that. It devolves it only on two contingencies, one of which must happen or the exercise of the office can never come to him. The first is expressed in the words, "if there be no speaker," which, without doubt or possible room for controversy, means if there be no speaker of the senate when the vacancy happens. The Senator will agree with me, I know, about that, for notice that the language is "if there be no speaker of the senate," without adding—and I want to call the Senator's attention to that—what is said in clause 3 of the same section, where provision is made not to fill a vacancy, but to prevent one "or refuse to take the office." I want to call attention to that. Recollect the contingency upon which this thing is to go to the speaker of the senate or the house is if there be no speaker, not, as the Senator claims, if he refuses to take the office. Those who are following me in the constitution will commence at the last word on page 29 and read:

If a person elected governor shall die or become disqualified before the commencement of his term, or shall refuse to take the same, the person holding the office shall continue to exercise, etc.

So when provision is made for a man for the exercise of the office of governor upon a refusal of somebody, the word "refusal" is used. In this phrase there is no refusal and there can be none.

Mr. MITCHELL of Oregon. I do not wish to interrupt the Senator unless he is willing to be interrupted.

Mr. GEORGE. I am perfectly willing.

Mr. MITCHELL of Oregon. I should like to ask the Senator from Mississippi a question right on the clause which he is discussing now so interestingly. Suppose a governor is elected by the people for the full term and before he takes the oath of office he dies or becomes disqualified.

Mr. GEORGE. Or refuses.

Mr. MITCHELL of Oregon. Or refuses to take the oath. A governor is then in office who had been elected previously by the people. This clause provides that in a case of that kind the governor——

Mr. GEORGE. The old governor.

Mr. MITCHELL of Oregon. The old governor shall continue to exercise it.

Mr. GEORGE. But not continue to be governor.

Mr. MITCHELL of Oregon. Well, I will come to that. It provides that the person holding the office shall continue to exercise it until a governor shall be elected and duly qualified. Now, the question I want to put to the Senator from Mississippi is this: Does he, after the regular term has expired, cease to be governor?

Mr. GEORGE. He ceases to be governor in the constitutional sense and becomes a mere exerciser of the office, as I shall show to the Senator before I get through. I have not overlooked that point.

Mr. MITCHELL of Oregon. He is governor, then, of the State of Delaware for four years?

Mr. GEORGE. For four years.

Mr. MITCHELL of Oregon. Until the time when the other man would have taken the oath of office, and after that, until somebody else comes in to take the office, he is not governor.

Mr. GEORGE. He is the exerciser of the office of governor, and not governor. Though the Senator is making me anticipate some part of my argument, I will state that if they had intended him to continue in the office of governor they would have said in that case—they had the best opportunity in the world to say it—"the person holding the office shall continue to hold it." I will show you before I get through that "hold" always refers to the original legal constitutional incumbent for the full term, and "exercise" always refers to a temporary substitute. I will show you before I get through that if it had been intended to prolong the office of governor they had the best opportunity in the world for doing it.

The person holding the office shall continue to hold the same. That is exactly what they did in another case when they wanted to prolong the office of sheriff and of coroner. The Senator, however, is making me go ahead of my argument. Then they said, when providing for the term of sheriff and coroner, that the sheriff and the coroner shall hold for two years, and hold until their successors are elected.

The second clause devolves the right to exercise the office of governor on the speaker of the house of representatives only on two contingencies, one of which must happen or the exercise of the office can never come to him. I want the Senator to bear that in mind, because that is crucial. If he can break me down on that I will give up that part of the case.

The sole contingency in this part being, "if there be no speaker of the senate" at the time the vacancy happens, then the speaker of the house shall exercise the office. If the speaker of the senate refuse the office and still remain speaker, as the Senator from Oregon contends logically and correctly from his premises, there remains after his refusal a speaker of the senate, for he is speaker still, as my friend says he is, and that being so, the *casus* of "no speaker" does not exist and the exercise of the office can not go to the speaker of the house, nor can it go to anyone else, as I will show further on.

Now, I should like to ask the Senator a question. You say he may refuse the office of governor and remain speaker. You have got no governor yet. He refuses it. Where are you going to get a governor? You have two contingencies; one is that there be no speaker. That has not happened, because he remains speaker according to your own theory. It does not say—I called the Senator's attention to this a little while ago—in the third clause which I read, if he refuses to accept the office, then it shall go to the speaker of the house of representatives; but it says "if there be no speaker." But you say he is speaker; he remains speaker. How can you jump over the plain language of the constitution of the State of Delaware?

Mr. MITCHELL of Oregon. Does the Senator from Mississippi contend that that clause is compulsory?

Mr. GRAY. Certainly it is.

Mr. MITCHELL of Oregon. And that whether he wills it or not he is compelled to be governor?

Mr. GRAY. Just as much as any other duty belonging to him.

Mr. MITCHELL of Oregon. Does the Senator hold that a constitutional convention can declare that he shall act as governor, either be governor or exercise the office of governor of a State, against his will? Is that the contention?

Mr. GEORGE. I will come to that directly. The Senator keeps getting ahead of me. But just now I will say that if he really vacated the office of senator and became governor, or became acting governor, the Senator is right; but if, as the constitution says, it annexes to the office of speaker the additional duty of exercising the office of governor, he can not refuse to exercise it until he resigns the office of speaker.

Mr. GRAY. And it is compulsory.

Mr. BLACKBURN. That is sound.

Mr. GEORGE. I call that to the Senator's attention. I think I shall get every difficulty in his head removed before I get through.

Mr. MITCHELL of Oregon. Suppose the term of speaker expires——

Mr. GEORGE. I will answer all that later. It can not go to anyone else, nor can it go to the speaker of the house under the second contingency. There are two contingencies, one if there were no speaker at the time of the happening of the vacancy, and the other if a further vacancy happens upon the resignation of the speaker. It can not go to him under that, for there could be no *further* or additional vacancy happening unless it had once been filled by the speaker of the senate, and then only "on his resignation, death," etc.

It is the same, original, and only vacancy that happened when the governor died, resigned, etc., as stated in the first clause of the section.

So, under the construction placed on this section by the opposite side, upon the mere refusal of the speaker of the senate to accept, as they call it, the office of governor, all this carefully devised and arranged section to prevent an interregnum in the government of Delaware falls to the ground, is utterly destroyed by the mere exercise of a plain legal right of the speaker of the senate, as they allege, to refuse to accept the office of governor.

No other provision in the constitution supplies this. If so, point it out.

I will point out the only one that looks like it. Let us see if there is any comfort to the Senator and his friends in that. That is found in the fourth clause of that section:

If upon a vacancy happening in the office of governor there be no other person who can exercise—

Not who will—

who can exercise said office within the provisions of the constitution, the secretary of state shall exercise the same, etc.

So it does not go to him because there is a person, the speaker of the senate, still *in esse* who can, if he will, exercise the office of governor of the State. If there is any answer to that, I should like to hear it.

Mr. MITCHELL of Oregon. I am not responsible for any omissions in the constitution of Delaware.

Mr. GEORGE. If the Senator had given his attention a little more to construing the constitution of Delaware as it was written, instead of framing one as he thinks it ought to have been written, he would not have fallen into that mistake.

A construction against the plain and clear meaning of the words used, adopted only to meet an objection coming from a fancied theory as to the proper mode of making a constitution, can not be adopted when it involves such absurdities in the construction of a constitution already made—made, too, upon a clear and express disregard of that theory.

In opposition to this view we say that on the happening of the vacancy no office is tendered to anyone, no preference right to fill an office is given; no acceptance or refusal of an office is either contemplated or tolerated; no qualification of an officer is required. The only office named or contemplated is the speaker of the senate. The words used, "the speaker of the senate shall exercise the office of governor," in their plain and obvious sense commands that speaker, that officer, to perform certain official duties which the public good requires to be performed, the officer primarily charged with them—that is, the governor—no longer being in existence. The speaker can not lawfully refuse to perform them any more than he can refuse to perform any other duty imposed on him by the constitution and laws of Delaware. If he refuse to perform these duties he is guilty of a high misdemeanor in his office of speaker, for which he may be impeached or removed from office—removed from the office of speaker, not of governor, because he never held that office. He can resign if he does not like the superadded duties, but if he does he must resign the office of speaker. That relieves him from the exercise of the office of governor. But he can not resign that "exercise" alone; it belongs to his office as speaker; for if he could resign that exercise, he still being speaker, the exercise would immediately come back to him as speaker, or it would be lost forever. It could go nowhere else, as I have shown.

But it is said in opposition to this view that the speaker took an oath to perform the duties of the office of governor, and that showed he was governor. The journal of the senate was read to show that he took such oath. I answer, the oath was purely voluntary. There is no provision of law requiring him to take it. The oath for all officers in Delaware is exactly the same. I will read that. All officers in that State take the same oath:

Members of the general assembly and all officers, executive and judicial, shall be bound by oath or affirmation to support the constitution of this State and to perform the duties of their respective offices with fidelity.

That is the only oath required by the constitution of Delaware to be taken by any officer of the State, except in two instances, which I shall point out, and neither of them is the speaker of the senate.

If he was sworn again he repeated only an oath he had already taken. An oath once taken is as binding and effectual as if repeated every day or thrice a day.

There is no provision in the constitution of Delaware for any additional oath to any public officer when new duties are imposed not appendant to his office except in two instances.

One instance is the oath required to be taken by senators on trying an impeachment (see Article V, section 1), and the other is that imposed on members of the legislature who are selected to try the case of a contest for governor (see Article III, section 2, last clause). In these two cases extraordinary duties are imposed on the senators and representatives of a judicial nature, and the constitution requires an additional oath. But in these cases the oath did not install them into new offices nor vacate their old ones. They were still senators and representatives, exercising an extraordinary duty imposed on them by the constitution as senators and representatives, and they retain their character as such.

This ought to dispose of the oath voluntarily taken by Speaker Watson, for it is certain that no man can swear himself into an office to which he has not been designated, nor create an office not established by law for him by taking an oath not authorized by law to perform the duties of such nonexistent office. But the advocates of Mr. Du Pont seek to maintain his cause by another equally unwarranted assumption. The Senator from Oregon referred to the third clause of section 14, and I think my friend from Oregon, from the way that he talked about this, put a good deal of stress upon it. That clause is in the following words:

If the person elected governor shall die, or become disqualified before the commencement of his term of office, or shall refuse to take the same, the person *holding the office* shall continue to exercise it *until a governor shall be elected and duly qualified.*

And the Senator from Oregon with, as I thought, an air of triumph, claimed that in this clause, in the words "holding the office," there was a distinct recognition and assertion in the constitution that the speaker, exercising the office of governor, was in fact governor and held the office of governor. It is only a hasty and careless reading of section 14 that could have misled the Senator from Oregon. An analysis of that section shows that the third clause, relied on by him, does not and can not refer to the speaker exercising the office of governor. In the first place, this clause does not assume to supply a vacancy in the office of governor, but to prevent one. The speaker's sole connection with the office of governor is to supply or fill a vacancy which has already occurred. He has no right anywhere in the constitution to exercise the office except where a vacancy has first occurred by either the death, removal, resignation, or inability of the governor and by which occurrence he gets his sole power to exercise the office. He gets this power under the first clause of the section, and that clause continues his power to exercise the office, not merely till a governor is elected, but in express terms (I quote literally) "until a governor elected by the people shall be duly qualified." It is the qualification of an elected governor, and nothing else, that terminates his exercise of the office. If an elected governor for any cause, whether by death, resignation, refusal to accept, or by any other means, fails to qualify, then there is no governor elected by the people who has been duly qualified, and until this due qualification takes place the speaker's right and duty to exercise the office are not terminated. So that this third clause can not refer to the speaker exercising the office. To say it refers to him is to attribute to the framers of the constitution pure nonsense and an absurdity, because the commission originally got under the first clause of the section extended all over the period which this third clause was intended to supply.

It does not refer to the speaker. That is clear. Now, to whom does it refer? The framers of the constitution of Delaware, I must suggest to my friend from Oregon, used the English language with somewhat of care as to its force and meaning. It refers to the only person named in the constitution as having the right and power to exercise the office, and whose right to exercise the office would be extended or in the least affected by the clause in question. That person also is the only person who in the constitution of Delaware is ever spoken of as "holding" the office of governor or called governor or declared to be governor. That person is the governor elected by the citizens of the whole State, or in case of a tie, then chosen by the legislature on joint ballot from the two persons having the highest and an equal number of votes. His term of office is four years from the third Tuesday in January of an odd-numbered year. At that last date his successor has been elected and ought to qualify. If he does not qualify—for any cause mentioned or for any cause—if the regularly elected governor be then in office, or, as the clause says, "holding the office," there would be an interregnum but for this clause, for the old governor holds for four years only.

Every substitute holds over the term, until a new governor qualifies. The governor is the only one who stops with the end of his four years. If any substitute provided for in the constitution be then exercising the office, he, whoever he may be, would, by the express provision of the clause which gave him the authority to exercise the office, continue such exercise till the qualification of a newly elected governor, without depending in the least upon this clause of the constitution.

Those provisions of the constitution to which I have just referred contain in themselves an unanswerable demonstration that "holding" the office of governor in this third clause of section 14 does not in any way refer to the speaker of the senate or the speaker of the house of representatives exercising the office of governor. But this third clause does, indeed, in using the words "the person *holding* the office shall continue to *exercise* it until," etc., show unmistakably that the words "hold" and "exercise" have in the constitution of Delaware a distinctly different signification, clearly marked and carefully preserved.

Mr. MITCHELL of Oregon. If the Senator will allow me, he admits that a case might occur, and perhaps has occurred heretofore in Delaware, where the speaker of the senate has succeeded to the exercise of the office of governor and is in the exercise of that office at a time when there has been a failure of the governor-elect to qualify.

Mr. GEORGE. I think so. I think he holds on.

Mr. MITCHELL of Oregon. Then under what clause of the constitution does he hold on?

Mr. GEORGE. I will tell the Senator.

Mr. MITCHELL of Oregon. There is nothing in the clause, it seems to me, which the Senator has just read, which would justify the interpretation that it relates only to the governor who had been elected by the people holding the office.

Mr. GEORGE. Every single substitute or *ad interim* or provisional exerciser of the office of governor under the clause of the constitution from which he gets his power to exercise the office holds it not only until the election of the governor but until the governor-elect qualifies; and so if a new governor-elect should refuse to qualify the *ad interim* officer holds until there is a qualification.

Mr. MITCHELL of Oregon. That may be true; but this clause

Mr. MITCHELL of Oregon. Not always, if the Senator will

Mr. MITCHELL of Oregon. That may be true; but this clause in a case like that undoubtedly refers to the person then in office as well, it seems to me.

Mr. GEORGE. It can not refer to a person as holding the office who never held it; it can not refer to the exerciser of the office, because he holds it without reference to that clause. That answers the Senator. This distinction is not accidental or casual, but is preserved throughout that instrument. This distinction is that "hold an office" always refers to the original incumbent selected in the mode prescribed in the constitution for a full term, while universally an officer clothed by the constitution with power to perform the duties of another and distinct office, or authorized to perform duties belonging to another office, is always so clothed, so authorized to do so by the use of the words "exercise the office" or "exercise the powers" vested in another officer. In other words, "exercise the office" or "exercise the powers of an office" refers to an officer already holding an office, who, by these words, is made for a limited time, in a particular emergency, the "exerciser" of duties which do not ordinarily attach to him in the office he holds.

In this very third clause this distinction is clearly marked. It is not said that the "person holding the office" shall continue to hold it "until a new governor is qualified." That would have been the natural and obvious way in which to express the idea of a prolongation of the original term of the office. That is the way in which is expressed the prolongation of the terms of the only two officers whose terms are prolonged or extended by the constitution of Delaware. In Article VII, section 3, it is provided that the sheriff and coroner "shall hold their respective offices for two years * * * and until their successors are duly qualified," thus making them full constitutional officers, entitled to their official names, not only for the term of two years, but also for the additional time which might intervene between the expiration of the two years and the qualification of their successors.

That is the only instance in Delaware where there is provision made to prolong the constitutional office of the incumbent. They have adopted that language in one place, and why should they not have adopted it in another if they meant the same thing?

Why this was not done in this third clause is to be accounted for only on the idea that the constitution had already, in Article III, section 3, said "that the governor shall hold his office for four years," and that the framers of the constitution would not prolong it. They meant to use that person so holding the office to prevent an interregnum in the contingency mentioned, but to accomplish this in the same way exactly that they had provided for preventing an interregnum in the same office in other contingencies by other officers, the speakers of the senate and house and secretary of state; so at the expense of changing the phraseology and using some circumlocution they substituted "exercise" for "hold."

I now show how "exercise" and "hold" are used in the constitution of Delaware.

If the Senator from Oregon, or any other Senator who wants to follow this argument closely, will refer to the constitution of Delaware, Article III, section 3, he will find that—

> the governor shall hold his office during four years—

Not exercise it, but shall hold it.

Article VI, section 14, provides that—

> the chancellor and the judges shall respectively hold their offices during good behavior.

Article VII, section 1:

> The sheriff and the coroner shall hold their respective offices for two years.

These are all for original terms.

In filling vacancies in the senate and house, where the new man is elected in the same way as the old, and is necessarily from the nature of his office a full officer, the word *hold* is used. You can not have a provisional ad interim representative or senator. He is a full senator or he is a full representative. So when the constitution comes to speak of filling vacancies in the office of senator or representative, the language is different from that in any other part of the constitution as to filling vacancies, for it is said as to the new man that he shall "hold."

Mr. GRAY. He is to be elected by the people, in the same way as the original man was elected.

Mr. GEORGE. In the same way.

Article II, section 13, provides:

> When vacancies happen in either house writs of election shall be issued * * * and the persons chosen shall hold their seats—

Not exercise their office.

Mr. President, I have shown that wherever the constitution of Delaware refers to the occupancy or holding or exercise of the original term, when he is elected and comes in in the regular constitutional way, it always says he holds his office or holds his seat. Now I mean to say that when they refer to an ad interim, a provisional man, they always say "exercise."

Mr. MITCHELL of Oregon. Not always, if the Senator will allow me. I think that if the Senator will turn to section 16, page 27——

Mr. GRAY. Section 16?

Mr. MITCHELL of Oregon. Section 16 of Article II, in regard to the State treasurer. It says:

> The State treasurer shall be appointed biennially by the house of representatives, with the concurrence of the senate. In case of vacancy in the office of State treasurer in the recess of the general assembly, either through omission of the general assembly to appoint or by the death, removal out of the State, resignation, or inability of the State treasurer, or his failure to give security, the governor shall fill the vacancy by appointment, to continue until the next meeting of the general assembly.

Mr. GEORGE. It is continuing the appointment. That is all. That is an exception. But everything else is as I have stated. I admit that that is an exception.

Mr. MITCHELL of Oregon. I just happened to see that section.

Mr. GEORGE. Let us come to section 13 of Article VI, and see how this theory of mine runs out, and how the Senator's theory will come, making "exercise" "hold":

> Until the general assembly shall otherwise provide, the chancellor shall exercise all the powers which any law of the State vests in the chancellor, besides the general powers of the court of chancery.

That is where extraordinary powers are conferred upon a regular-named officer. Here is another:

> And the chief justice and associate judges shall each singly exercise all the powers which any law of this State vests in the judges singly of the supreme court or court of common pleas.

By this constitution the supreme court and the court of common pleas were abolished, so that if the Senator's construction of the exercise of the powers of an office be correct, it had the effect in this case to resurrect two dead offices, which were abolished by the constitution.

The speaker "shall exercise." The secretary of state shall "exercise" in case of vacancy. The person holding the office of governor shall continue to "exercise." If there be no person who can exercise the office, the secretary of state shall exercise it. That is another vacancy. The governor of last year shall exercise. That is a clear case. I have not called the attention of the Senate to that point, but I tell you the constitution is full of refutations, and you can not put your finger down without finding a refutation of the Senator's theory. Let us see. We will get to that directly. I want to call the Senator's attention to it.

"If the trial of a contested election shall continue longer than until the third Tuesday of January next ensuing the election of a governor"—that is the time when he has to be installed under the constitution—"the governor of the last year," etc. Now, it names him, instead of as before holding the office, "governor of the last year." He is not to continue to be governor, but he shall continue to exercise the office of governor or the executive authority in that case. This ought to be conclusive. But it is said that the effect of section 14, article III, is only to make the speaker eligible to become governor. That is the distinct position of the committee and of the Senator from Oregon. How eligible, except by dispensing with the conditions which are prescribed in the constitution as qualifications for the office and adopting those prescribed in section 14? That is the only way you can do it. There is no other mode known to man in which eligibility to become governor can be effected by section 14. That eligibility consists in the fact, and in that fact alone, "that he is speaker of the senate," when the vacancy occurs. If there be any other claim I would be glad to have it mentioned here and now. I ask for a statement.

Mr. MITCHELL of Oregon. There is no other claim.

Mr. GEORGE. There is no other claim. That is right.

Then we reach the point that being speaker constitutes the eligibility to become governor. Yet the contention is that as soon as the speaker so made eligible to exercise the office—or, if the other side prefer, to become governor—accedes to the place, his eligibility is lost—gone forever. Or put it more sharply, the fact or condition of being speaker constitutes his sole eligibility to exercise the office or to become governor. As soon as he becomes governor he loses his eligibility, and is therefore no longer eligible to the place. Does this logic need refutation? And yet that is the exact position of the other side.

Mr. MITCHELL of Oregon. If the Senator will allow me, I will state that the exact position of the other side is simply that the constitution makes him eligible to become governor just as a man who may be 30 years of age and who has the other necessary qualifications is eligible to become governor.

Mr. GEORGE. Would it not be singular if then, as soon as he becomes 30 years of age, he loses the qualification?

Mr. MITCHELL of Oregon. Oh, no——

Mr. GRAY. Ceases to be 30 years of age?

Mr. GEORGE. I should like very much to get into the office of governor of Delaware if it would put me back twenty or thirty years, under the construction which the Senator from Oregon puts on this clause.

THE ARGUMENT TO SUSTAIN OUR VIEW.

Up to this point I have been mainly engaged in answering objections of our opponents to our construction of the constitution of Delaware, without stating the argument fully on our side.

I now do this more fully, and in doing so will answer other objections.

We are to construe the constitution by giving force to each word in it in its plain and ordinary signification, unless the context shows that some other specific meaning was intended.

Recalling that the word "hold," without exception, is used in its ordinary sense—the possession of an office by an actual, legal incumbent, selected in the mode prescribed for a full term named in the constitution—and that "exercise" is always used to describe that which a provisional and *ad interim* substitute may do in supplying a vacancy, I proceed with this duty.

Referring to section 14 of Article III, we find that on the happening of a vacancy in the office of governor the provision is that "the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified."

The language is mandatory, not permissive—the speaker "shall exercise" it. He has no option; he must exercise it or incur the condemnation of disobedience to the constitution, which he has sworn to obey. The constitution in this very section avers that there may be "no speaker." The speakership always exists, but there can not be a speaker unless there be a person *in esse* who has been chosen to that office in pursuance of the constitution, and who still, at the very moment spoken of, holds the office. The union or connection between the office and the officer who holds it is indissoluble. The fact that a person actually holds the office is the essential fact to constitute him speaker. When he enters the office he becomes speaker; when he goes out of the office he is no longer speaker. So that speaker always means the officer who, at the time indicated, holds the office. We may conceive of the office without an incumbent; it is then the "speakership." But it is inconceivable that there should be a "speaker" who does not hold the office—that is, who is not an officer filling the speakership.

So that when a duty is imposed on the speaker it is always imposed on the officer who holds the speakership, and when a mandate is laid on the speaker it is laid on the officer, to be obeyed by the officer, and by no one else. Where the mandate is a continuing one, requiring for its observance the doing of a series of acts to be performed during a considerable period of time, when he ceases to be speaker the mandate no longer applies to him, unless his office be continued *pro hac vice* to enable him to obey it, but in that case he is still speaker so far as the execution of the mandate is concerned.

The command in the constitution is that *the speaker*—the officer—shall exercise the office of governor. If we construe this to mean that he shall be speaker at the moment the mandate is laid on him, but from that moment he ceases to be speaker, then it is certain that it is not the speaker but an ex-speaker that exercises the office when the constitution says the speaker shall do it.

In that case we reach this absurd conclusion: That the constitution selects the officer—the speaker—to exercise the office of governor, commands him *eo nomine* to exercise it, and then at the moment he begins the exercise the constitution says he shall no longer be speaker, and he shall exercise the office, not as speaker, as he is commanded to do, but as one who has been but is no longer speaker.

I can not think the great ability of the distinguished Senator from Oregon can make this proposition acceptable to anyone who has not determined beforehand that he will reject no proposition, however absurd, which may be necessary to seat Mr. Du Pont.

Mr. MITCHELL of Oregon. Will the Senator from Mississippi allow me?

Mr. GEORGE. Certainly.

Mr. MITCHELL of Oregon. I understood the Senator from Mississippi to state at the outset that if there were in the constitution no other provisions bearing upon this subject than section 12 of Article II and section 5 of Article III, there would be ground for holding that Mr. Du Pont is entitled to his seat.

Mr. GEORGE. No; not that. There would be ground not for holding that Mr. Du Pont is entitled to his seat, because there are many other things on which he may be excluded, which I will show the Senator before I get through, but for holding that Mr. Watson was not a proper member of the legislature.

Mr. MITCHELL of Oregon. I wish to ask a question which I will premise by a statement of a word or two. The Senator has been at least an hour in trying to demonstrate the falsity of the argument of the other side by pointing out that the word "hold" is used in the Delaware constitution whenever applied to an original incumbent. I wish to call the attention of the Senator from Mississippi to a fact, and then to ask him if it does not destroy that argument altogether. In the first place, section 5 of Article III and section 12 of Article II, contain these provisions:

> No * * * person holding any office under the United States, or this State, etc.

There the word "holding" is used—

> No person * * * except officers in the militia, holding no disqualifying office, shall, during his continuance in Congress or in office, be a senator or representative.

There the word "holding" is used.

Then section 5 says:

> No member of Congress nor person holding any office * * * shall exercise the office of governor.

The Senator has stated that if those two clauses stood alone and there was no other reason why Mr. Du Pont should not be seated, he thinks he ought to be seated, as I understand him. It refers to the speaker of the senate as holding an office.

Mr. GEORGE. The speaker of the senate does hold an office.

Mr. MITCHELL of Oregon. The speaker of the senate as holding the office of governor.

Mr. GEORGE. No; it does not.

Mr. GRAY. No.

Mr. MITCHELL of Oregon. Certainly.

Mr. GEORGE. Where?

Mr. MITCHELL of Oregon. Or else the Senator's admission is not well grounded.

Mr. GEORGE. Where does it say that the speaker holds the office of governor?

Mr. MITCHELL of Oregon. The Senator must put that construction upon it or else it amounts to nothing.

Mr. GEORGE. There is nothing in that argument. Read the clause where you say it is plainly inferable that the constitution of Delaware says that the speaker of the senate holds the office of governor.

Mr. MITCHELL of Oregon. Both of those clauses in speaking of both members of the legislature and governor speak of them as holding the office.

Mr. GEORGE. Holding the office of what? Not of governor.

Mr. MITCHELL of Oregon. One as holding the office of governor and the other as holding the office of legislator.

Mr. GEORGE. That is what I have said all along. When, however, it speaks of the original incumbent it says "hold." Whenever it speaks of an *ad interim*, a provisional officer to take care of the office during the interim, it says "exercise."

Mr. MITCHELL of Oregon. This applies as well to a person who succeeds to the exercise of the office as to a man who is elected governor.

Mr. GEORGE. I do not see it. I do not understand the Senator's argument.

Mr. GRAY. The Senator from Oregon is begging the question.

Mr. MITCHELL of Oregon. Oh, no.

Mr. GRAY. That is the very question we have been discussing, and the Senator from Oregon says the clause in the constitution to which he refers is as applicable to a person who exercises the office as to one who holds the office.

Mr. GEORGE. I defy the Senator from Oregon, or any other Senator who advocates his side of the question, to put his finger on that clause of the constitution which says anything about the speaker of the senate holding the office of governor under any circumstances whatever. It is not in the constitution. If you get it in there you interpolate it. If you get it in there you not only interpolate it, but you obliterate language which is directly opposed to it.

On this point I will add that "become" governor, as the phrase is in the constitution of Pennsylvania, is altogether an instantaneous operation and can not be repeated. If a man once becomes governor, he is, without any further "becoming," governor till the end of his term. He does not become governor anew every time he performs an official act. On the other hand, the act of "exercising" the office of governor is performed every time an official duty is performed till the end, so that when the constitution commands the speaker, the officer, to exercise the office of governor, it commands that speaker, that officer, not only to perform the first official act as speaker, but every other official act, up to and including the last.

Clear as this reasoning makes out the case against Mr. Du Pont, yet the importance of this matter is such, not only to the people of Delaware but to the friends of constitutional government everywhere, I feel that I ought to adduce a further argument which in my judgment settles this controversy.

THE AMENDED CONSTITUTION.

The present constitution of Delaware, in numerous instances, refers to itself as "the amended constitution," and to changes made by it in the prior constitution of 1792 as "amendments to the constitution." We therefore can, and even must, under a well-recognized rule of construction, refer to the former as a proper aid in construing the later and amended constitution. Doing this, we find a provision in the former constitution (of 1792) which makes it absolutely certain, if certainty already attained can be made more certain, that the command in section 14 of the present constitution, which we are now construing—"the speaker of the senate shall exercise the office" of governor—is addressed to

him in his official character as speaker and not to him as a person. In that constitution of 1792 a provision is made to fill a vacancy in the office of governor happening at a time when there was no speaker of the senate or of the house, and no other officer in whom the framers of the constitution were willing to vest the exercise of the office. They found themselves under a necessity to give this exercise to a person without reference to any official position he then held.

They did this in the following language: "The executive authority shall devolve upon the *person* who was speaker of the council at the next preceding session of the general assembly," and then "on the person who was speaker of the house of assembly at the said next preceding session."

Mr. GRAY. From what does the Senator read?

Mr. GEORGE. I am reading from the old constitution.

Mr. GRAY. What part of it?

Mr. GEORGE. I have not the page here.

Mr. MITCHELL of Oregon. The old constitution?

Mr. GEORGE. The preceding constitution.

Mr. GRAY. The one that was amended.

Mr. MITCHELL of Oregon. The constitution of 1792.

Mr. GEORGE. There can be no mistake about this meaning. This language to designate a person, not an officer, had by this use in the constitution of 1792 become naturalized—if I may use the expression—at all events, had been adopted as the constitutional form of expression for the idea that the devolution was on the person. And so if the framers of the constitution of 1831, having this old constitution before them and amending it, had meant to express the same idea they would have used the old, recognized constitutional language already adopted for that purpose instead of language which meant exactly the contrary.

Another provision in the constitution of 1792 makes the construction we contend for so plain that when it is called to the attention of the Senator from Oregon I indulge the hope, with some confidence, that he will abandon Mr. Du Pont's case and allow the people of Delaware to enjoy and live under their constitution as they made it.

Mr. MITCHELL of Oregon. There is one clause of the constitution on which I should like to hear the Senator, if it will not disturb him.

Mr. GEORGE. If the Senator will call my attention to it, although I will not say I will do it now, I will do so before I get through.

Mr. MITCHELL of Oregon. It is section 1 of Article III. It is very short, containing only 13 words:

The supreme executive powers of the State shall be vested in a governor.

When the speaker of the senate succeeds to the exercise of the office of governor, I understand the argument on the Senator's side to be that he is not governor. Where are the supreme executive powers of the State vested then during the time he exercises the office of governor?

Mr. GEORGE. The Constitution of the United States says the executive power of the United States shall be vested in the President of the United States, and before the framers of that instrument get through with that section they authorize Congress to provide by law for a person to act as President in case of the resignation, disability, or death of the President and Vice-President. In 1792 Congress, in pursuance of that provision, named as the officer to act as President the President pro tempore of the Senate, and it has never been held or suggested, but on the contrary everybody admits that that man, although he would act as President, would not be President of the United States. He would act as President, and if he acts as President he must exercise the powers of President. If he exercises the powers of President and still remains simply the President pro tempore of the Senate, as is admitted on all hands here, I do not see why it could not be done in the State of Delaware.

There is another answer to that question, and if the Senator will wait until I get through he will see it all answered. The office of governor was vacant. This is a temporary provision to prevent an interregnum by the selection of another officer, not to be governor, but to exercise the powers of governor. While he may exercise the supreme executive power vested in the governor, he is not governor, because the constitution says he is not. That is all there is in that.

Mr. BURROWS. Will it trouble the Senator from Mississippi if I ask him a question?

Mr. GEORGE. Certainly not.

Mr. BURROWS. I understand the Senator to contend that Watson was a senator?

Mr. GEORGE. A senator.

Mr. BURROWS. Holding an office?

Mr. GEORGE. Holding an office.

Mr. BURROWS. And simply exercising the office of governor?

Mr. GEORGE. That is what I contend.

Mr. BURROWS. I was not in when the Senator explained the fifth section of Article III, which says that no person holding any office under the State shall exercise the office of governor. How can he exercise the office of governor if he is holding another office?

Mr. GEORGE. In virtue, as I explained here at great length, of the exception made to that by the positive provisions of section 14.

Right here, since I have been interrupted, it reminds me that I ought to call the attention of the Senators who have taken so much interest in this matter, very much to my gratification, to another provision in the constitution. They have paid some attention to what I was remarking here, and I call their attention to another provision of the constitution of Delaware, which I omitted in the proper place. I think when they get over that they will have some trouble.

Mr. MITCHELL of Oregon. If it is of so much importance the Senator ought not to have forgotten it.

Mr. GEORGE. I did pass it over.

Each house shall choose its speaker and other officers.

Section 12 of the same article provides that—

No * * * person holding any office under this State * * * shall be a senator or representative.

When they elected a senator speaker of the senate how do you reconcile it with the positive prohibition in the twelfth section? He is an officer.

Mr. MITCHELL of Oregon. I reconcile it by the fact that as soon as he becomes a governor he ceases to be senator.

Mr. GEORGE. I am not talking about governor. I am talking about the provision which I will read. I have not made myself fully understood.

Mr. MITCHELL of Oregon. Probably not.

Mr. GEORGE. Section 12 provides that—

No * * * person holding any office under this State * * * shall be a senator or representative.

I have left out a good deal, but that is the substance of it.

Section 5 of the same article says:

The house shall choose its speaker and other officers.

Now, how can the speaker of the senate, when chosen to that office, be a member without violating section 12, which I have just read? Do you say he is not an officer?

Mr. MITCHELL of Oregon. He is an officer.

Mr. GEORGE. How, then, can the senate of Delaware elect one of the senators to the office of president without violating section 12 of the constitution, which provides that no person holding any office under the State shall be a senator or representative? Does the Senator think he vacates the office of senator when he is elected speaker of the senate?

Mr. MITCHELL of Oregon. My impression is that there is a clause in the constitution which provides that they shall elect one of their own number speaker.

Mr. GEORGE. It is not in there. It only comes in there by virtue of common parliamentary law.

Mr. MITCHELL of Oregon. Then that is a part of the law of the State.

Mr. GEORGE. If that be so, if we can read section 5——

Mr. MITCHELL of Oregon. My impression is there is a direct clause in the constitution.

Mr. GEORGE. There is not.

Mr. MITCHELL of Oregon. Have you examined it carefully?

Mr. GEORGE. Oh, yes. It is not there. Now, then, we are to read section 5 as if it read this way: "Each house shall choose its speaker from its own members and other officers." That is what the Senator means, then?

Mr. MITCHELL of Oregon. While the office of speaker is an office in one sense it is not an office under the State. He is a senator, and simply by virtue of the fact that he is senator and in virtue of parliamentary law he is selected to preside over the senate. That is all there is to it.

Mr. GEORGE. Does the Senator deny that he is an officer under the State of Delaware?

Mr. MITCHELL of Oregon. He is not a distinct officer under the State of Delaware. He is not an officer under the State of Delaware within the meaning of that clause of the constitution, in my judgment.

Mr. GEORGE. That may be so, if you want to put any meaning to it, but he is an officer under the State of Delaware.

Mr. MITCHELL of Oregon. He is a State senator; that is the office he holds, and by virtue of that office and only by virtue of that office and by the consent of his fellows, he is permitted to preside and exercise the duties of speaker.

Mr. GEORGE. Do you deny that the office of the speaker, then, is a distinct office from senator?

Mr. MITCHELL of Oregon. The Senator can designate it as he likes.

Mr. GEORGE. Here is the way it reads: "Each house shall choose its speaker and other officers." What does the phrase "other officers" mean if it does not mean the speaker as an officer?

Mr. MITCHELL of Oregon. Then there is a distinct provision, just as I supposed there was, authorizing them to select one of their number as a speaker.

Mr. GEORGE. If a distinct provision authorizes the senate of Delaware to elect one of its senators to a distinct office under the State of Delaware in contravention of Article XII, section 2, which I have read, why may not section 14 require the same speaker to exercise the office of governor? I should like to have that explained. Here is the constitution of Delaware, which says, "No person holding any office under the State." That is the word used. Let me see if it is not "any":

No person * * * holding any office under this State * * * shall * * * be a senator or representative.

Mr. MITCHELL of Oregon. The trouble with the Senator from Mississippi is that he is now trying to construe the constitution of Delaware by simply taking one clause instead of taking the two clauses of the constitution together.

Mr. GEORGE. I am taking it all together. I am going to show by taking them all together that it lets Mr. Watson in as speaker of the senate as well as it lets him in as a member of the legislature, holding the office of speaker.

Now, if anybody denies that he was speaker, the constitution expressly refers to him as speaker. I call attention to that point. It is not an honorary office. It is an office with certain specified, distinct duties as speaker. He can issue a writ of election. That is a pretty high function for him to perform. I will tell you another thing he can do, and it will help the Senator along a little, I think, in his incongruities of this constitution. I want to call attention to it. In the first place, I want to call attention to the fact that he is called an officer directly.

The returns of every election for governor shall be sealed up and immediately delivered by the returning officers of the several counties to the speaker of the senate, or, in case of the vacancy of the office of the speaker of the senate—

Then it shall go to somebody else. I want to tell you another great power which the speaker has which seems to be, according to my friend from Oregon, a very incongruous and inconsistent thing. This very same speaker, when there is a tie in the popular vote for governor and that is referred to the legislature, as speaker and as senator votes for one of the two for governor, and when there is a tie there, he votes again for governor.

Mr. LINDSAY. It is New Hampshire over again.

Mr. GRAY. That is a pretty important office.

Mr. GEORGE. A pretty important office.

Mr. MITCHELL of Oregon. The only trouble between the Senator from Mississippi and myself in regard to these two offices, if you choose to call them so—that is, governor and speaker of the senate—is that I insist there is an express provision of the constitution which authorizes the senate of the State of Delaware to choose one of their own number speaker.

Mr. GEORGE. But it is not in there.

Mr. MITCHELL of Oregon. I am stating my claim. I will make my claim and then I will hear the Senator's, and we will see the difference. I insist that there is an express provision in the constitution authorizing that thing to be done, and, therefore, that provision must be taken in connection with the other provision which says that—

No person * * * holding any office under this State * * * shall * * * be a senator.

Mr. GEORGE. The Senator is exactly right about that.

Mr. MITCHELL of Oregon. Then, on the other hand, the Senator from Mississippi claims that there is an express provision, as I understand him, authorizing that same speaker to exercise the office of governor. I admit that, but I contend that the moment he takes the oath of office as governor and enters upon the exercise of that office, then he ceases absolutely to be speaker.

Mr. GEORGE. Why did not the speaker when elected speaker of the senate vacate that office under the same kind of constitutional rule?

Mr. MITCHELL of Oregon. For the simple reason that in one case there is absolute incompatibility, as I think, while in the other case there is complete compatibility.

Mr. GEORGE. Now, Mr. President, I supposed the Senator would land on that. There is no incompatibility between the legislative officer exercising, as I have shown already here in my argument, the executive office. There is none whatever at common law, and none under the constitution, unless there be an express provision to that effect. If the Senator from Oregon, or any other Senator who listens to me who wishes to reply to anything I have said on this subject, will show to me how he understands that there is incompatibility at common law between the exercise of the office of a member of the legislature and an executive officer, I should like to have him do so.

Mr. HOAR. What does the Senator from Mississippi mean by incompatibility?

Mr. GEORGE. I am trying to mean exactly what the Senator from Oregon means, an incompatibility which means he can not hold two offices, a legal incompatibility, such an incompatibility as prevents one man from holding both offices. That is what I mean.

Mr. HOAR. I do not know whether the Senator from Mississippi intended his invitation to any other Senator to accept now.

Mr. GEORGE. You may go on if you desire to do it.

Mr. HOAR. It seems to me the answer to the Senator's proposition is not a difficult one. Of course, nobody expects to take these constitutional provisions with the literal exactness of phrase that you apply to a plea in abatement or to a demonstration in logic. For instance, when the constitution of Delaware says that no person holding any office under the State shall exercise the office of governor, I suppose my honorable friend himself, unless he were driven into a very small corner indeed, would not claim that it meant the person who held the office of governor.

I suppose something is applied between the lines in all constitutions, especially in so excellent a State as Delaware, and words have a little common sense in construing this instrument; otherwise it will not work. When they say that the senate or the house of representatives may choose its own presiding officer, although they say in the same instrument that no person holding any office under the State shall be a senator or a representative, they are speaking of legislative bodies, in which the uniform practice of all mankind that have free governing bodies is that the presiding officer is taken from among the members, and a speaker of the house of representatives or president of the senate is expected as a matter of course to be one of the number, except in the few instances where States have provided the contrary. It would, I suppose, shock the whole sense of the country if we were to choose a President pro tempore of this body who was not a member of the Senate, though there is nothing that I now recall in the Constitution which prevents it. So you construe it. Even the Senator from Mississippi does not claim to construe that provision as prohibiting a Senator from being chosen to the office of presiding officer, or acting as such, whatever particular phraseology has been used.

On the other hand, when you come to take a member of a legislative body and make him governor of a State or President of the United States, you have got two offices in regard to which the universal sense of the country is declared. In all constitutions the universal sense of the people of that generation, as declared in writers whom they followed and studied, like Montesquieu and Sidney, both of whom have very strong statements on this subject, is that the two things shall not go together; that the man who is to make laws shall not execute them. Therefore, when you inquire in regard to these two offices, whether the man who held an executive office should not be a legislator, and the reverse applies to the one or the other, you have got a general proposition where, as a matter of course, the presiding officer of a body is to be taken from the body by the universal understanding of mankind. You have got another where, with the exception which, if I am not trespassing too much on the patience of the Senator, I will state presently—as a matter of course the two men can not do the same thing at once, and therefore, when the question comes whether the exercising the one vacates the other, the general proposition of the constitution applies, and there is no reason why it should not. Applying the general proposition of the constitution to that carries out the universal desire of the American constitutions framed in all the States in the nation and the universal principle which applies to such things.

I do not claim that the two offices are absolutely incompatible in the sense that the two things can not be done, as when you would say that an office to be performed in Washington and an office to be performed in London at the same time are incompatible, but I mean incompatible according to the established policies of the people of that generation in framing governments.

Now, there is one exception to that which I should like to state if I am not abusing my honorable friend's courtesy, and he is very courteous in allowing me to make this statement. He invited it himself. There are certain cases which the people of the United States provided for which you may speak of perhaps as vacancies in the second, or third, or fourth degree. Of course the country or a State can not go on without somebody all the time capable of acting as the chief officer, commanding the troops, seeing that the laws are faithfully executed, and doing all the other numerous functions that are attached to the chief executive office. In general, the people have provided for the case of a vacancy by death or inability by having one man set apart to be ready in the contingency which has happened, I think, four times in our national history, and which has happened in all our States, to step into the office of the chief executive.

In Massachusetts the lieutenant-governor is the president of the council and acts as one of the council of the State. In the United States the Vice-President is President of the Senate and presides over this body. We do not take our Vice-President from the body itself, as was expected. He is kept on hand and set apart from all other things. But you can not go on forever in that way. There might come a pestilence or an invasion by an enemy or a calamity like the explosion of the steamer on the Potomac River that happened years ago, where the President and Vice-President

would both be killed. That might happen, perhaps, once in three or four centuries, as it happened here in one hundred and seven years of this Government. It never happened, I believe, in a single State of the Union that the governor and lieutenant-governor both died at the same time, but still in that most extraordinary and unexpected and unlikely contingency our ancestors did not leave the thing to be without some remedy, and in that case they said, "We must, of course, take some existing officer and let him, whatever may be the inconveniences, add the duties of chief executive to that of his existing office."

That is what they did in the Constitution of the United States. They said that if the President and Vice-President both died Congress should determine what officer should act as President, and, as I stated once before on a very important occasion, in my judgment in that case, however inconvenient it must be by the law providing for the President of the Senate and the Speaker of the House succeeding, while constitutional, of which I express no opinion now, the President of the Senate must have acted as President of the United States, and we could have changed him every morning. They took that risk. The Constitution did not put that officer in. The Constitution simply said that Congress might designate the officer, but the first Congress, owing to the dislike of Mr. Jefferson, who was then Secretary of State, did not want to make the present arrangement that we have, and made the provision for the President of the Senate and the Speaker of the House. That, however, was one of the vacancies which I spoke of just now as vacancies in the second degree; and if he died the Speaker of the House would succeed.

Now, in regard to this Delaware case, it is an original primary vacancy; a common case, which has happened some four or five times in the history of the United States. It has happened, I think, six times in the history of my State. It has happened four or five times, I believe, in the history of Delaware already.

Mr. BURROWS. Nine times.

Mr. HOAR. It has happened nine times, my friend says, in the history of Delaware. Therefore, when we are construing the Delaware constitution we look at what they intended to provide for a common case, and their opinion was that in common cases senators should not be governors and governors should not be senators or representatives. It seems to me that the doctrine which is applicable to this case, as they have stated in so many words, is that when they say "hold the office" and when they say "exercise the office" they mean the same thing. That is clear by looking at this constitution. They say that no man who is a senator shall exercise the office of governor. That they have said in this constitution. Now, then, when you are looking to see whether the particular provision, that the speaker of the senate, as they call him there, shall succeed, is governed by that general rule or no, it seems to me you can find the answer by seeing that all the reasons which could have made then establish that general rule in providing for an original vacancy in the first degree applied to that.

Mr. GEORGE. I am very much obliged to the Senator from Massachusetts for occupying time enough for me to get a little rest for I was very much tired. But the Senator wandered from the point in the very beginning of his remarks. It is when a constitutional and express provision says that no person holding an office under the State of Delaware shall be a senator, and that by construction the president of the senate, who is an officer, is allowed to retain his office as senator, why can not the same express provision of the constitution, which says the speaker of the house of representatives shall exercise the office of speaker without losing his office of senator, apply to that case? The rule, as I pointed it out in the first part of my remarks, is that general provisions in the constitution are always to be modified and limited by particular provisions, and when the general rule was that no officer under the State shall be a senator or representative then the special rule that a speaker provided for in the constitution as senator should also hold the office of senator, is an exception from the other.

Referring now to the old constitution of Delaware of 1792, I proceed. That constitution, as to the section now in controversy—that is, section 14 is the same as this. That constitution, in case of vacancy in the office of governor, commands, as this does, "that the speaker of the senate shall exercise the office." These words mean the same thing in that constitution that they do in this. The constitution of 1792 put a construction on these words utterly repugnant to the construction put on them by the advocates of Mr. Du Pont, in a clause which provides that in case of the death, resignation, or inability, or absence from the State of the governor (there called president), the speaker of the legislative council (and in case of his death, resignation, or absence from the State, the speaker of the house of assembly) shall, respectively, with the privy council, exercise the executive authority of the State "till the third Tuesday in January next."

Under the construction of Mr. Du Pont's advocates this would give to the State of Delaware five actual governors at one time; the privy council, consisting of four, with, in case of the absence of the president and of the speaker of the council, two additional governors *in posse*—quite a number of governors for so small a State as Delaware. The same construction of words as adopted by the Senator from Oregon applied to the constitution of Massachusetts would give that State eight governors to fill a vacancy in that office provided for one only.

If executing the powers of the office of governor makes a man governor, then, under the constitution of Massachusetts, as I have just stated, they would have eight governors. Article VI of chapter 2 of the constitution of Massachusetts says:

ART. VI. Whenever the office of the governor and lieutenant-governor shall be vacant by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority to do and execute all and every such acts, matters, and things as the governor or the lieutenant-governor might or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

If the power to execute the duties of the office of governor makes a man governor as it is insisted in this case that it does, then under the constitution of Massachusetts in case of a vacancy in the office of governor and lieutenant-governor the council does that thing, and, therefore, there would be eight or nine who would all be governors at the same time.

Nor can the other side avoid the force of this by stating that in the clause quoted from the constitution of 1792 the words used are "shall exercise the executive authority," while in the section we are now considering the words are "shall exercise the office of governor" for "exercise the executive authority," and "exercise the office of governor," in whom the executive authority is vested, are exactly of the same force and signification. And this is expressly recognized by the present constitution of Delaware we are now considering, in the last clause of this same section 14, wherein it is declared that in a certain contingency named in it "the governor of the last year, or the speaker of the senate, or of the house of representatives, who may *then* be in the exercise (not of the office of governor, but of its exact equivalent) of the executive authority, shall continue therein," etc.

But strong and conclusive as this is, I have not as yet called attention to the full significance of this last quotation made from this same section 14. I want to read that so that the Senator from Oregon may see the utter want of force in his contention.

If the trial of a contested election shall continue longer than until the third Tuesday of January next ensuing the election of a governor—

That is the time when the governor's office commences—

the governor of the last year, or the speaker of the senate or of the house of representatives, who may then be in the exercise of the executive authority, shall continue therein until a determination of such contested election.

This occurs, as has been seen by the mere reading of it, in a clause framed to prevent an interregnum in the executive authority in a contingency which had not before been mentioned in the constitution. It was designed to prolong and recognize the prolongation of the authority of a person to exercise the executive authority in the contingency named.

It provides—

First. That the regular governor, if there be one, shall continue not indeed to hold but to exercise the executive authority.

Second. That the speaker of the senate or of the house who may THEN be in the exercise of executive authority shall continue in it.

Now, in this clause are two distinct and unequivocal assertions of facts, each and both of which destroy Mr. Du Pont's case—destroy it forever without possibility of resurrection.

One is express and the other a necessary implication, each of which and both of which are false assertions made with deliberation in the constitution itself if the position of Mr. Du Pont's advocates be correct.

The first, express, is that on the third Tuesday of January, the ordinary end of the exercise by the speaker of the senate or of the house of the executive authority, he is still at the end speaker exercising that authority. The language is, "The speaker of the senate or house, who may *then* (on the third Tuesday of January) be in the exercise of the executive authority." This is a false assertion if he ceased to be speaker months before on his entry on, at the moment he began, this exercise. There can be no doubt of this proposition. I challenge its contradiction here and now.

The next assertion is made by necessary implication, and is that a speaker exercising the executive authority is not governor; for if he were governor, if he became governor on his entry into the exercise of that office, he so remained as long as he continued that exercise, and hence was governor on the third Tuesday of January, and was named and included in the words "governor of the last year" just as fully as a governor elected by the people is so named. Therefore, on that construction, the addition of the words "speaker of the senate or of the house then exercising the executive authority" was not only unnecessary, but pure and unmitigated and also misleading nonsense. And I now add, with absolute confidence that what I say can not be overthrown, that as the speaker of either house, under clause 1 of this section commanding him to exercise the office till a governor elected by the people

should be duly qualified—this last clause we are now considering—as to him, the speaker, could have no other effect and no other purpose than to put in the constitution a clear and unequivocal expression as to the true construction to be placed on his exercise of the executive authority; that he was not governor, but was, up to the end of such exercise, speaker, and nothing else than speaker. It could not extend or prolong his exercise of the executive authority as it did that of the governor of the last year, for it already extended to the period mentioned—the end of the contest—for there could be no qualification of the newly elected governor till it was ascertained who was elected; and that ascertainment was the determination of the contest.

Constitutions are designed to furnish as the fundamental law a rule of action not only to the people who are governed but for those who govern them. They should be framed so as to be as easily understood as human writings can be. They are not designed to furnish riddles or puzzles or questions to be solved only by the exercise of extraordinary aptitude for clearing up the dark and mysterious. The framers, therefore, of such instruments are under the highest and most solemn obligation to so do their work that the task of ascertaining what is meant in a clear and certain sense shall not be beyond the powers of the ordinarily intelligent. The people ought to be able to understand what all their officers, high or low, are sworn to support.

A careful consideration of the constitution of Delaware impresses me that its framers understood their duty as I have explained it and faithfully performed it.

So, inspired by these sentiments, as I believe they were, when they came to frame this last clause in section 14, in reference to *ad interim* and provisional substitutes for governor, there came an opportunity to remove all doubt as to their meaning on this subject. If they meant that this substitute should be governor—should hold the office of governor—they had then the opportunity and it was their plain duty to stop at the words "the governor of the last year" in designating the instrument to exercise the executive authority till the determination of the contest. That would have removed all doubt and would have included "speaker of the senate or of the house" if the intent and meaning of the former provisions were that these officers should become governor when the executive authority devolved on them. But they did not do this; but acting on this idea, and on that alone—to make clear the meaning of the constitution—they inserted after the words "the governor of last year" the words "or the speaker of the senate or of the house who may *then* be in the exercise of the executive authority." By this they asserted, as I have shown beyond doubt, that the speaker so acceding to the exercise of the office of governor under the first clause of this section acceded to duty and power superadded to his office as speaker, which duty and power he performed and exercised as speaker till the very end.

If there be any answer to this I am unable to see it, and I respectfully ask my friend the distinguished Senator from Oregon to state it.

This last clause upon which I have just commented contains a provision—necessarily involved in its plain meaning and easily perceived when attention is called to it—which I think I ought to call to the attention of the Senate. It answers beyond controversy the objection made by the opposition—that the speaker could not as speaker exercise the office of governor after the termination of his regular official term as speaker. I admit there is plausibility in this objection, but mere plausibility can not overturn the positive commands of the constitution. The constitution says not only that the speaker can but that he "shall" so exercise the executive authority "until a governor elected by the people shall be duly qualified." And I submit that what the constitution commands must be obeyed. In this very clause the power of the governor of the last year—after he had ceased to be governor—is continued beyond his term, and identically the same thing is done in clause 3 of the same section. I have shown beyond controversy that the speaker *eo nomine* in his official character in the beginning of the vacancy exercised the executive authority and that at the end of his service the constitution asserts that he is still speaker at that time in the exercise of that authority.

Mr. MITCHELL of Oregon. Will the Senator allow me just there?

Mr. GEORGE. Certainly.

Mr. MITCHELL of Oregon. Suppose in the meantime—which may be the case—a new senate comes in and elects another speaker, then there would be two speakers, would there not?

Mr. GEORGE. That is all provided for. I will answer all of that.

Can the friends of Mr. Du Pont, in construing this very constitution containing this express and unequivocal assertion, deny that the constitution itself is to be heard? They claim that these provisions, construed in their plain and necessary meaning, would give the senate of Delaware, after the legislature met, two speakers, and that would be an altogether incongruous and incompatible arrangement. The Senator will see now, I think, that he is answered.

All provisions to supply a temporary and unlooked-for vacancy in the office of the chief executive of a State are necessarily incongruous and inconsistent with other parts of the constitution, and must be held to be exceptions to general provisions when that officer is elected by the people, as all of them in the United States now are. There must be great delay in having a new election by the people, but the exercise of the powers of the office must constantly go on; there must be no *interregnum;* there must be some person to execute the laws, or to take care that the laws are faithfully executed; there must be no anarchy. So provisions incongruous and inconsistent with other parts of the constitution must necessarily be made. Another officer must be selected for this particular emergency arising outside of the regular, normal administration of the government. In doing this, the selected officer may be transferred to the governor's office and displaced from his old office, or the selected officer may be merely endowed in his official character with the exercise of executive duties. Either and both are inconsistent with the other parts of the constitution. Both are incongruities, but the first is the greater of the two, for in that case an officer elected by one branch of the legislature—it may be the senate, where the votes of five men (in Delaware) would create him, or by some small constituency much less than one-half the State—is deprived of the office to which he was elected and for which he has the constitutional qualifications, and the right of his constituents to his service in that office taken away, and he is transferred to and placed in an office for the whole State, to which he was not chosen, without regard to his want of constitutional qualifications for that office. What greater incongruity than this?

But to return more directly to the objection about two speakers.

It is not certain by any means that the senate of Delaware would have two speakers on the construction of the constitution that we contend for. The permission in the constitution given to elect a speaker *pro tempore* when the speaker exercises the office of governor is limited only by the termination of such exercise. I will read that provision of the constitution of Delaware:

SECTION 5, ARTICLE II.

Each house shall choose its speaker and other officers; and also each house, whose speaker shall exercise the office of governor, may choose a speaker *pro tempore*.

Read it, ponder it, and you can get no other limitation than that while the speaker is exercising the office of governor the legislative body may have a speaker pro tempore. Such is the construction of the constitution of Pennsylvania of 1838, which is exactly like the constitution of Delaware on this point. Here is a case which I will read from the brief of counsel against Mr. Du Pont:

On July 9, 1848, the general assembly of Pennsylvania not being in session, Governor Shunk resigned, and William F. Johnston, who was chosen as speaker of the senate at the last preceding session, took an oath faithfully to discharge the executive duties, and entered upon the exercise of the office of governor. The general assembly met on January 2, 1849. In the meantime an election for governor had been held, and Mr. Johnston had become governor-elect, but his term as governor did not begin till January 17, 1849. When the general assembly met, George Darsie was chosen by the senate as speaker pro tempore, and Mr. Johnston's name appears in the journal as that of a senator whose term was to continue till 1850.

But still more unequivocal are the following extracts from the senate journal of January 13, 1849, showing what Mr. Johnston, who was then exercising the office of governor, did in anticipation of his inauguration as elective governor on the 17th of the month:

To the honorable the senate of Pennsylvania:

SENATORS: I hereby tender my resignation as speaker of the senate of Pennsylvania. * * *

I remain, respectfully, your obedient servant,

WM. F. JOHNSTON.

JANUARY 13, 1849.

He had been in the exercise of the duties of the office of governor, under a provision in the constitution of the State of Pennsylvania exactly like the constitution of Delaware, since July 9, 1848. He resigned the office, and his resignation was accepted on the same day, when he addressed the following letter to the speaker of the senate:

JANUARY 13, 1849.

SIR: Permit me, through your kindness, to present to the senate my resignation as a member of that body.

I am, truly yours, WM. F. JOHNSTON.

To the Hon. GEORGE DARSIE, *Speaker of the Senate.*

These communications having been disposed of, Mr. Darsie resigned the office of speaker pro tempore and was elected speaker.

But if there were at the same time that the speaker is exercising the executive authority a new speaker—a full speaker is elected—then we would have in Delaware, to meet an emergency for a short time, only what they have in Rhode Island as the regular normal condition, two regular constitutional presiding officers, one with right to preside all the time, and the other with right to preside in the absence of the other. I think I had better read that provision of the constitution of Rhode Island to show that it is not so much of an incongruity after all.

SEC. 2. The governor, and in his absence the lieutenant-governor, shall preside in the senate and in grand committee. The presiding officer of the senate and grand committee shall have a right to vote in case of equal division, but not otherwise.

I read that for the purpose of showing that in the State of Rhode Island they have two regular constitutional presiding officers all the time. I read it also to show that it is not altogether such an incongruous, incompatible, and unrepublican provision that the governor of a State should be actually the presiding officer of one body of the legislature.

Mr. MITCHELL of Oregon. May I make a suggestion to the Senator at that point, which has just occurred to me, and which I have not heard suggested by anybody else?

Mr. GEORGE. What is the suggestion?

Mr. MITCHELL of Oregon. If the theory of the Senator be correct, that this man can be senator, speaker of the senate, and governor all at one and the same time——

Mr. TURPIE. Nobody claims that.

Mr. MITCHELL of Oregon. The senate of the State of Delaware have certain prerogatives, certain rights that they can exercise, and certain duties which they are compelled to perform under certain circumstances, as, for instance, they can send for and issue writs of arrest for members. Now, the question I wish to put to the Senator from Mississippi is this: Suppose Mr. Watson—Senator Watson, Governor Watson, Speaker Watson—while in his gubernatorial office, exercising the office of governor, refuses to respond to a call of the senate, can the senate of Delaware issue a writ and send the sergeant-at-arms into the gubernatorial office, arrest the governor of the State, and bring him into the senate?

Mr. GEORGE. If he remains senator, he is subject to all the rules and regulations by which other senators are governed.

Mr. MITCHELL of Oregon. He, while exercising the office of governor, is also commander-in-chief of the militia of the State, except in a certain case. Suppose there is an insurrection going on and he is at the head of the militia, or he is commander-in-chief, can the senate then send their writ with their sergeant-at-arms and bring the commander-in-chief of the forces of the State, the governor of the State, into the senate, and compel him to perform senatorial duties?

Mr. GRAY. Will the Senator from Mississippi allow me to ask the Senator from Oregon a question there?

Mr. GEORGE. Certainly.

Mr. MITCHELL of Oregon. I should like to get an answer to that question.

Mr. GRAY. The Senator will get an answer to it; but in case under the act of 1792 the President *pro tempore* of the Senate had been acting as President, and as such was Commander-in-Chief of the Army and Navy of the United States, while he was on board a ship commanding it, or at the head of the Army, with his cocked hat on his head and his sword by his side, I will ask the Senator from Oregon whether the Senate of the United States could, according to his theory and that of the Senator from Massachusetts, send the sergeant-at-arms and bring him here, for I understand the Senator from Massachusetts has said this afternoon that such a person continued to be a Senator of the United States?

Mr. HOAR. That is the reason why we changed that law.

Mr. GRAY. But that was the effect of the law; and we have not changed the law in Delaware.

Mr. MITCHELL of Oregon. I supposed the Senator from Delaware lived entirely too far south to come back at me in Yankee fashion, answering my question by asking another.

Mr. GEORGE. In the case put by the Senator from Delaware——

Mr. MITCHELL of Oregon. I should like to hear an answer to my question from the Senator from Mississippi.

Mr. GEORGE. I will answer the Senator by saying that an answer to his proposition is not at all necessary to the settlement of this question, and I suppose, if anything of that sort should occur in the State of Delaware, the courts there would settle it.

In Delaware there would be two speakers, one with right to preside over the senate, and that would exclude the speaker exercising the office of governor from the duty of presiding. The duties of the two from the date of the election of the new speaker would be entirely independent and not at all conflicting.

I do not say that is the best way of making a constitution, for we are not now making one; but I do say that it is a way of forming their constitution which the people of Delaware had an undoubted right to adopt, and if they have adopted it no person on earth can set it aside upon the ground that he thinks it is altogether an unheard-of and incongruous proceeding.

But this idea of two officers for a temporary emergency, when there is otherwise only one officer, is not unheard of, nor is it so incongruous as our opponents suppose. The common law, said to be the perfection of human reason, does that thing exactly with reference to the office of sheriff. By the common law, when a writ is directed to the sheriff of a named county and he commences the execution of it (and the rule is the same if there be a dozen or an indefinite number of writs), and after such commencement and before he completes the execution of the writ his term of office expires and a successor is chosen and qualifies, this same old sheriff, whose term has expired, acting in his capacity as sheriff, continues to exercise that office as to that particular writ until execution of it is complete, the other sheriff in the meantime fulfilling his office as to all other matters.

What the common law does with reference to a sheriff may certainly be done by the people of a sovereign State in their constitution with reference to any officer provided for in it. The people of Delaware have declared that the speaker of either house of their legislature, having commenced, under a constitutional mandate, the exercise of the office of governor to supply a vacancy, shall as to that particular duty continue to exercise it till the end—till the vacancy no longer exists—notwithstanding his office as to other duties may have terminated.

The alleged incongruities and inconsistencies, whether real or imaginary, must give way before the commands of the constitution. I have shown beyond doubt that such command has been given.

I will state to the Senator from Illinois [Mr. CULLOM] that if he now desires to go on with any other business, and I can have leave to proceed with my remarks to-morrow at the conclusion of the routine morning business, I shall be glad to give way at this time, as I am exhausted.

Mr. CULLOM. I will accept the suggestion of the Senator from Mississippi, and, by his leave, will ask that the Senate proceed to the consideration of the Post-Office appropriation bill.

Mr. PASCO. Without displacing the unfinished business?

Mr. CULLOM. Without displacing the unfinished business.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BINGHAM, Mr. MCCALL of Tennessee, and Mr. DOCKERY managers at the conference on the part of the House.

The message also announced that the House had passed the following joint resolutions:

A joint resolution (S. R. 99) authorizing the immediate use of a portion of the unexpended balance of appropriations heretofore made for construction of canal and locks at the Cascades of the Columbia River in construction of protecting walls necessary to the opening of said canal and locks to navigation; and

A joint resolution (S. R. 103) directing the Secretary of War to submit estimates of cost for further improvement of Providence River and Narragansett Bay, Rhode Island.

The message further announced that the House had passed a bill (H. R. 4632) for the relief of Frederick B. Betts, surviving partner of the firm of Betts, Nichols & Co.; in which it requested the concurrence of the Senate.

POST-OFFICE APPROPRIATION BILL.

Mr. CULLOM. I ask the Senate to proceed to the consideration of the Post-Office appropriation bill.

Mr. PEFFER. Before the bill is proceeded with, will the Senator from Illinois allow me just a moment?

Mr. CULLOM. Let us get the appropriation bill before the Senate.

Mr. PEFFER. Very well.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897, which had been reported from the Committee on Appropriations with amendments.

Mr. CULLOM. I now yield to the Senator from Kansas [Mr. PEFFER].

Mr. PEFFER. I will take but a moment. Yesterday I gave notice that to-day, after the remarks of the Senator from Mississippi [Mr. GEORGE], I would ask the Senate to take up a certain resolution. Now that the address is not yet concluded, I give notice that at the conclusion of his remarks to-morrow, if they are then concluded, I shall make the motion indicated.

Mr. GRAY. At the conclusion of the remarks of the Senator from Mississippi without reference to the day.

Mr. BROWN. In arranging the order of business for to-morrow I wish again to ask that the unfinished business, the joint resolution with respect to the Uncompahgre Reservation in Utah, shall have precedence over the resolution, and that nothing shall displace that order of business except appropriation bills.

Mr. CULLOM. That has already been arranged.

Now let us proceed with the appropriation bill. I ask that the first formal reading of the bill be dispensed with, and that the committee amendments be acted upon as they are reached in the reading of the bill.

The PRESIDING OFFICER (Mr. KYLE in the chair). Without objection, that course will be pursued.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, on page 2, line 1, after the word "dollars," to insert:

Provided, That no post-office established at any county seat shall be abolished or discontinued by reason of any consolidation of post-offices made by the Postmaster-General under existing law, and any such post-office at a county seat heretofore consolidated shall be established as a separate post-office at such county seat;

So as to make the clause read:

For compensation to postmasters, $16,250,000: *Provided*, That no post-office established at any county seat, etc.

The amendment was agreed to.

The next amendment was, on page 2, line 8, before the word "thousand," to strike out "three hundred and fifty" and insert "five hundred"; and in line 10, before the word "used," to strike out "may be"; so as to make the clause read:

For compensation to clerks in post-offices, $10,500,000, $800,000 of which shall be available and used in payment of clerk hire in third and fourth class separating post-offices.

The amendment was agreed to.

The next amendment was, on page 3, after line 3, to strike out:

For pay of letter carriers, $12,240,300;
For marine free-delivery service, $3,500;
For horse hire allowance, $344,000;
For car fare and bicycle allowance, $170,000;
For street letter boxes, posts, and pedestals, $15,400;
For package boxes, $10,250;
Twelve mechanics in the six largest cities, exclusively employed in repairing boxes and locks, and erecting boxes, planting posts and pedestals, at $900 per annum, $10,800;
Incidental expenses, including repairs, painting, freight, straps, time cards, maps, directories, furniture, etc., $24,000;
In all, $12,748,250,

And insert:

For free-delivery service, including existing experimental free-delivery offices, $12,818,250.

Mr. PLATT. I notice that the amendment increases by about $70,000, I think, the amount of the several items for free-delivery service in the bill as it comes from the other House, which are proposed to be stricken out. It has been suggested to me that it might be possible under this item as it is proposed to amend the bill to pay for an additional number of post-office inspectors. I have not so understood the bill. I should like to inquire of the chairman of the committee whether it would be possible for the Postmaster-General to appoint 40 or 45 additional inspectors and pay them out of this particular appropriation. I find that further along in the bill there is provision made for the payment of post-office inspectors.

Mr. BACON. I raise the point that no quorum is present. I ask for a call of the Senate.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Cockrell,	Kyle,	Roach,
Allison,	Cullom,	Lindsay,	Sewell,
Bacon,	Daniel,	Lodge,	Teller,
Baker,	Davis,	McMillan,	Tillman,
Bate,	Faulkner,	Mantle,	Turpie,
Berry,	Frye,	Mills,	Vest,
Blackburn,	George,	Mitchell of Oreg.	Vilas,
Brice,	Gordon,	Pasco,	Walthall,
Brown,	Gorman,	Peffer,	Wetmore,
Burrows,	Gray,	Perkins,	White,
Call,	Hale,	Pettigrew,	Wolcott.
Cannon,	Hawley,	Platt,	
Chilton,	Hill,	Proctor,	
Clark,	Hoar,	Pugh,	

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is present.

Mr. PLATT. Out of abundant caution, I move to amend the amendment by inserting after the word "dollars," on page 4, line 2, the following proviso:

Provided, That no portion of this sum shall be expended for the payment of post-office inspectors.

Mr. ALLISON. In response to the inquiry of the Senator from Connecticut, I will state that in my belief and judgment no portion of this sum can be so used, but out of abundant caution, as he says, I am entirely willing that the amendment to the amendment shall be adopted. The First Assistant Postmaster-General, under whom this money is expended, stated to us distinctly that no part of it would be so used.

Mr. CALL. I should like to know if it should be necessary for the public service to expend some portion of the sum for post-office inspectors why it should not be done?

Mr. ALLISON. I will say to the Senator from Florida that the reason is because this appropriation is for a wholly different purpose. In another part of the bill we have made ample provision for post-office inspectors.

Mr. CALL. If it be true that we have made ample provision, that presents a different case. I happen to know of an instance where there was great necessity that there should be a fund from which an officer could be paid because of the impossibility of rendering service in the delivery of the mail without a person perfectly familiar with some foreign language. There was such an office in New Orleans for some years. The necessity for it occurred last summer in a portion of Florida, and there was no manner in which the Postmaster-General could provide either for the appointment or for the payment of the officer; so a little discretion is very necessary at times, even in reference to what we suppose we have done properly.

The PRESIDING OFFICER. The amendment of the Senator from Connecticut [Mr. PLATT] to the amendment of the committee will be stated.

The SECRETARY. After the word "dollars," in line 2, page 4, it is proposed to insert:

Provided, That no portion of said sum shall be expended for the payment of post-office inspectors.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

Mr. WOLCOTT. I am a little at sea as to the progress the bill is making. Did the amendment offered by the Senator from Connecticut to the amendment carry?

The PRESIDING OFFICER. The amendment to the amendment was agreed to.

Mr. WOLCOTT. Providing that no portion of this amount shall be applied to the payment of post-office inspectors?

Mr. PLATT. For the payment of post-office inspectors.

Mr. WOLCOTT. I am a little late, apparently. The matter will come up again on a vote, I take it, however. Does it leave the Postmaster-General without authority to employ post-office inspectors?

Mr. FAULKNER. Oh, no.

Mr. ALLISON. They are provided for.

Mr. WOLCOTT. They are provided for in another portion of the bill?

Mr. PLATT. On the ninth page.

The next amendment of the Committee on Appropriations was, on page 4, line 10, before the word "dollars," to strike out "twenty-seven thousand five hundred" and insert "thirty thousand"; so as to make the clause read:

For postmarking and rating stamps, and repairs to same, and ink and pads for stamping and canceling purposes, $30,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 16, on page 4.

Mr. ALLEN. I desire for a moment to ask the attention of the Senator in charge of the bill to that part of it which provides for the rent of canceling machines:

For rental of canceling machine, $90,000.

What is the character of those machines, and what objection is there to making provision for their purchase?

Mr. ALLISON. I will state to the Senator from Nebraska that there are three or four patented instruments called canceling machines. Those who invented the machines regard the inventions as very valuable, and they refuse to sell at any reasonable price. The machines have been in use for a number of years in the different post-offices in the larger cities of the United States. They effect a great saving and are of value.

During the last two years the number of machines has been increased and the rental value largely diminished, so that those having authority believe it is wiser to rent machines than to buy them. They are used for canceling letters at the rate of twenty to thirty thousand an hour. They make a large saving in time to the Government, and are regarded as of great value.

Mr. ALLEN. Can not the work be done cheaper by some other method?

Mr. ALLISON. Those who are familiar with the subject practically say that this is the cheapest and best method. The machines did rent at the rate of $400 a year, but I think the present Postmaster-General has brought the rental down to $150. I have the figures here.

Mr. FAULKNER. For some $225 a year is paid, and for others $150.

Mr. ALLISON. I think the Department now utilizes two patented machines. One they rent at $225 a year and the other at $150. The best machines rent at an annual rental of $225. They are used in all of the great cities in the United States, I believe.

Mr. ALLEN. I should like to ask the Senator from Iowa whether the patentees of those machines are employees or officers of the Government?

Mr. ALLISON. I can not give the Senator information upon that subject, but I have no doubt they are not employees of the Government.

Mr. ALLEN. I think it has been held that an employee or officer of the Government can not patent an article which is to be used in the line of his duties and as against the Government charge for its use.

Mr. ALLISON. I can not state positively, but I feel quite certain that no one of the patentees is an employee of the Government.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 5, line 9, before the word "thousand," to strike out "twenty-five" and insert "forty-five"; so as to make the clause read:

For mail bags and mail-bag catchers, cord fasteners, label cases, and for labor and material necessary for repairing equipment, $345,000.

The amendment was agreed to.

The next amendment was, on page 5, line 13, before the word "thousand," to strike out "forty" and insert "forty-five"; so as to make the clause read:

For mail locks and keys, chains, tools, and machinery, and for labor and material necessary for repairing same, $45,000.

The amendment was agreed to.

The next amendment was, on page 5, line 24, before the word "million," to strike out "twenty-seven" and insert "twenty-eight"; so as to make the clause read:

For inland transportation by railroad routes, of which a sum not exceeding $30,000 may be employed to pay freight on postal cards, stamped envelopes, and stamped paper, and other supplies from the manufactories to the post-offices and depots of distribution, $28,500,000.

The amendment was agreed to.

The next amendment was, on page 6, line 3, before the word "hundred," to strike out "six" and insert "seven"; so as to make the clause read:

For railway post-office clerks, $7,739,000, of which sum not to exceed $15,000 may be used to pay necessary traveling expenses of chief clerks and railway postal clerks traveling on duty under order of the Postmaster-General.

The amendment was agreed to.

The next amendment was, on page 7, line 5, after the words "International Postal Union," to insert:

And not exceeding $10,000 for transferring the foreign mail between the steamship piers in New York City and Jersey City and the post-office and railroad stations.

So as to make the clause read:

For transportation of foreign mails, $1,750,000: *Provided*, That hereafter the Postmaster-General shall be authorized to expend such sums as may be necessary, not exceeding $55,000, to cover one-half of the cost of transportation, compensation, and expense of clerks to be employed in assorting and pouching mails in transit on steamships between the United States and other postal administrations in the International Postal Union, and not exceeding $10,000 for transferring the foreign mail between the steamship piers in New York City and Jersey City and the post-office and railroad stations.

The amendment was agreed to.

The next amendment was, on page 7, after line 8, to insert:

For additional compensation to the Oceanic Steamship Company for transporting the mails by its steamers sailing from San Francisco to New Zealand and New South Wales by way of Honolulu, all mails made up in the United States destined for the Hawaiian islands, the Australian Colonies, New Caledonia, and the islands in the Pacific Ocean, $80,000: *Provided*, That said additional sum with the sum now paid shall not exceed $2 per mile, as authorized by act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce."

Mr. VILAS. I wish simply to inquire upon what basis or for what reason this amendment is proposed?

Mr. ALLISON. The amendment was inserted by the Senate Committee on Appropriations upon letters and statements furnished to us by the Senator from California [Mr. PERKINS], showing that the compensation paid at present for the transportation of those mails is not sufficient to enable the line which is now transporting the mails to continue the transportation in competition with a similar line known as the Canadian line from Victoria. The Canadian line is subsidized, I believe, to the extent of three times the amount now paid by the United States for the transportation of its mails from San Francisco to the points named in the amendment. It must go without saying that the American line can not compete with the Canadian line unless some additional subsidy or allowance is made for carrying the mails.

Mr. WOLCOTT. Is it an American line, I would ask?

Mr. ALLISON. It is an American line, with ships built in the United States, and wholly owned by citizens of the United States.

Mr. WOLCOTT. I ask the Senator what is the present compensation per mile?

Mr. ALLISON. The present compensation for the entire service is $50,000 per annum. This is an addition of $80,000. I will state that the amount authorized by the amendment is within the compensation authorized to be paid to American ships by the act of 1891.

Mr. WOLCOTT. Are we paying as great compensation to any other line; and if so, to what line?

Mr. ALLISON. We are paying much larger compensation to several lines.

Mr. HALE. We are paying to other lines twice as much as this will be with the amendment added.

Mr. WOLCOTT. By special act?

Mr. ALLISON. By the act of 1891, under contracts made with the Postmaster-General.

Mr. HALE. The subsidy act.

Mr. ALLISON. The subsidy act of 1891. The committee, after making such examination as was possible, I think were all of opinion that this additional sum should be allowed for the current year, and then we will see what will follow later on.

Mr. VILAS. Mr. President, I do not suppose there is any prospect of gain to the country in antagonizing any new proposal for an increase of the subsidy. But I wish to remark that I observe the total appropriation in the pending bill for the transportation of foreign mails is $1,750,000. This will add $80,000 more, making $1,830,000. I think there has been gained not a single line, not an hour's expedition, not a particle of advantage to the transportation of the mails by the subsidies which were provided for some years ago, while the increase of charges upon the postal service has been about $1,300,000, as I remember the figures.

I do not believe there has been increase of facilities of transportation, increase of expedition, or any advantage whatever to the mail service by the giving of these subsidies. Of course, the reason for the insertion of this amendment is, as stated by the chairman, not to secure expedition, increased service, but only to assist in maintaining the profitable conduct of a line of steamships.

Mr. ALLISON. It is to secure service and not to increase it.

Mr. VILAS. The same service which will be secured with the addition of this amendment was for years rendered to the Post-Office Department without the expenditure of any subsidy whatever. I believe that between this country and Europe the mail service has rather been diminished than improved by the subsidy which has been paid.

It interests me to point out this fact, because a good many years ago it became incumbent upon me in an official position to consider whether a subsidy which had been appropriated by Congress should be paid or not. For particular reasons, somewhat limited to that case and at that time, it was impossible then to distribute the bounty which had been proposed in any reasonable manner, and the appropriation was not expended. Subsequently Congress adhered to that view until during the Fifty-first Congress, when the large subsidies were added. Now the deficiency in the postal revenues to meet the expenditures of that service approximates, I believe, $10,000,000. It seems to me that with all the burdens there are upon the people of this country, with our gross excess of expenditures and our diminished revenues, it would be wise at least not to add to the burden by increased subsidies for the purpose of maintaining or assisting to maintain the profits of a line of steamers.

Mr. PERKINS. Mr. President, the $80,000 which it is proposed by the committee to add in the form of a subsidy, as the Senator from Wisconsin terms it, is for additional compensation for carrying the mails of this Government to the islands of the Pacific, New Zealand, and Australia. This steamship company has been in operation for some eight or ten years. It has been a successful line of steamers. The ships were built in the United States by American mechanics; they are manned by American seamen, and they have been successfully plying on the Pacific Ocean between San Francisco and the islands of the Pacific, New Zealand, and Australia. They were satisfied, because our Government would do no more, with the meager sum which they received in ocean postage, which amounted to about $55,000 per annum. They were bringing to the United States the trade of the Australian colonies. The line became popularized by our own people, as well as the people of New Zealand, to such an extent that the colonies of New Zealand have yearly aided them by a mail subsidy.

This condition of affairs continued until the completion of the Canadian Pacific Railroad across the continent. The well-known enterprise of our British friends was first manifested by subsidizing a line of steamers between Vancouver, Japan, and China. They gave the line a subsidy which was equivalent to the operation of their steamers and interest upon their investment. They continued that line, taking away a part of the business that was controlled by the Pacific Mail Steamship Company and the Occidental and Oriental Line of steamships; but by the action of the transcontinental railroad in making a through rate from China to New York and other Atlantic ports we have been enabled to keep a part of that business.

Not satisfied with endeavoring to monopolize the trade of the Orient, they have now placed on a line of steamers between Vancouver and Australia and New Zealand. The Canadian line between Vancouver and Australia consists of two steamships with monthly sailing. They receive a subsidy from the Canadian Government of £25,000 per annum, and from the Australian colonies a subsidy of £10,000 per annum, equivalent to $14,533 per voyage. In addition to this, the steamship line is to participate in the subsidy granted by the Imperial Government to the Atlantic connection of the great transcontinental Canadian railroad. At the present time I can not state what that subsidy will amount to, but certainly not less than, and perhaps far in excess of, £10,000 per annum, thus bringing up the entire payment that the line will receive in subsidy from Vancouver to Australia to $18,750 per voyage. In addition to this they have their agents to-day in the

Hawaiian Islands and in the Society Islands asking those Republics and colonies to aid them with a subsidy. Wherever the flag is, the trade follows it, and England, with her well-known maritime and commercial enterprise, is to-day striving for the trade of the Pacific Ocean.

What are we doing for this steamship company? The Oceanic Steamship Company, which is the only successful rival, the only steamship company that flies the American flag south of the equator on the Pacific Ocean, receives from our Government the magnificent sum of $4,615.40 per voyage for carrying the mails of our Government to those colonies, while New Zealand alone gives $5,769 per voyage to this American line of steamers—one-third more than our own Government is paying for this service. I say it is a shame; I say it is a reflection upon American patriotism, when we sit idly by and permit the British to come in and take this trade away from us by subsidizing their ships by mail subsidies, by commercial subsidies, and by a subsidy making them naval auxiliary ships. No private company can compete with such competition. England is reaching out with both hands with an avaricious grip upon the trade of New Zealand and Australia.

Our American steamship company, with their well-known enterprise, would not have asked one farthing increase in the meager sum that they are receiving were it not in a measure to neutralize the effect of our competitors on the north. We are not asking you to give us as much as New Zealand gives an American steamship. The British colony want to stimulate competition, and they ask, "Why do not the people of the United States do something for their own flag, for their own shipping, if they want the trade to follow?" I presented these facts to the Committee on Appropriations and to the Committee on Commerce, and without a dissenting word they said, "We will increase the subsidy to what you ask and certainly be as liberal as the people of New Zealand." I believe it is a religious duty that we owe to the maritime commerce of this country to do something by paying our people for carrying this mail, if it is only one-quarter what the British are paying for similar service. Under the provisions of this proposed act we could perhaps receive this amount if the steamers of the line were faster in speed. They make 16 knots per hour now, and under this subsidy we are giving them about that which would amount under the schedule in the act of 1890 to 2 knots faster. We are paying for coal in San Francisco from $2 to $3 per ton more than our British neighbors are paying in Vancouver. The consular reports from Liverpool show us that we pay from 27 to 33 per cent more wages on American ships. The consular reports show that it costs us 40 cents per day to feed American seamen on American ships, while on the English ships it costs but 29 cents per day; but yet, with all these disadvantages, American pluck, American energy, has said, "We are going to stay with the British until the end if you will only deal half fairly with us."

I will not weary you, because I feel assured that the Senate will almost unanimously adopt the recommendation of the committee.

Mr. WHITE. Mr. President, it appears to me that the real issue with reference to this matter can be expressed in a few words. It is necessary for the Government of the United States to pay for the transportation of mails. That we all concede. We are now making a more liberal appropriation than common. It is true that we are not getting faster service, but it is also true that in providing compensation we should take into consideration the fact that this is an American line of steamers, and that it is better for us to have our business done by an agency to some extent of our own creation. From an investigation which I have made into this subject—and I have tried to make it rather carefully—I do not believe it possible that the service will continue at all unless the compensation is increased.

I think that the competitive features alluded to by my colleague [Mr. PERKINS] show positively that unless we are more liberal in the matter of paying for the transportation of mails over this route we shall have to seek some foreign agencies in the premises. I believe that this steamship company is the only American line going south of the equator, and transporting American merchandise to the ports of Australia and the southern seas. I think, in view of the surroundings of the case, that the compensation is liberal; it may be called a subsidy in one sense; it is a generous compensation—that is, sufficiently so to permit the vessels to operate. If we force the matter by leaving the amount paid as it has been, I do not think the service can continue. Under these circumstances I shall vote for the amendment.

The PRESIDING OFFICER. If there be no objection, the amendment will be considered as agreed to.

Mr. VILAS. I should like to have a vote of the Senate on the amendment.

Mr. VEST. It increases the subsidy?

Mr. VILAS. It increases the subsidy.

Mr. ALLISON. I hope the Senator will agree to take a vote on the amendment after the bill gets into the Senate.

Mr. VILAS. What is the objection to taking a vote now?

Mr. TELLER. Let us take it now.

Mr. CULLOM. We would be left without a quorum, I fear.

Mr. VEST. I do not want to vote for an increase of the subsidy.

Mr. MILLS. Let us adjourn.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. ALLISON. I ask the Senator from Wisconsin to agree to take a separate vote on the amendment when the bill is reported to the Senate. I hope there will be no objection to that course. We can then go on with the bill, and it will save time.

Mr. MILLS. I move that the Senate adjourn.

Mr. ALLISON. I hope the Senator from Texas will allow us to go on a few minutes longer.

Mr. MILLS. Oh, no; it is nearly 5 o'clock. Let us adjourn. We can finish the bill in the morning.

The PRESIDING OFFICER. The Senator from Texas moves that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 1, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 31, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

IMPROVEMENT OF HARBOR AT PORTLAND, ME.

Mr. HOOKER. Mr. Speaker, I desire to submit a joint resolution for consideration.

The Clerk read as follows:

Joint resolution (H. Res. 159) to authorize the Secretary of War to prepare and submit estimates for the improvement of the harbor of Portland, Me.

Resolved, etc., That the Secretary of War is hereby directed to prepare and submit estimates for the improvement of the harbor at Portland, Me., with a view of securing a depth of 30 feet at mean low water.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER. Without objection, the title will be inserted. [After a pause.] The Chair hears none.

The question was taken; and the joint resolution was passed.

On motion of Mr. HOOKER, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

FURTHER IMPROVEMENT OF PROVIDENCE HARBOR AND NARRAGANSETT BAY, RHODE ISLAND.

Mr. HOOKER. I desire to present another resolution.

The Clerk read as follows:

Joint resolution (S. R. 103) directing the Secretary of War to submit estimates of cost of further improvement of Providence River and Narragansett Bay, Rhode Island.

Resolved, etc., That the Secretary of War is hereby directed to prepare and submit estimates for the improvement of Providence River and Narragansett Bay, Rhode Island, with a view of securing a ship channel 400 feet in width and of a depth of 25 feet at mean low water from Sassafras Point, in Providence Harbor, through Providence River and Narragansett Bay by the most direct route practicable to the ocean by way of the "western passage," so called.

The SPEAKER. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HOOKER, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

CASCADES OF THE COLUMBIA RIVER.

Mr. HOOKER. Mr. Speaker, I present another resolution.

The Clerk read as follows:

Joint resolution (S. R. 99) authorizing the immediate use of a portion of the unexpended balance of appropriations heretofore made for construction of canal and locks at the Cascades of the Columbia River in construction of protecting walls necessary to the opening of said canal and locks to navigation.

Resolved, etc., That the Secretary of War be, and is hereby, authorized and directed to expend so much as may be necessary of the unexpended balance of appropriations heretofore made by Congress for construction of the canal and locks at the Cascades of the Columbia River, not to exceed the sum of $20,000, in constructing on the land and river sides of the canal, between the upper lock gate masonry and the upper guard gate masonry, such portions of the walls proposed in the modified project presented by the Board of Engineers in its report of October 18, 1894 (which report was printed in the Annual Report of the Chief of Engineers for the year 1896, part 5, pages 3576 and following), as may be necessary to construct in advance of the opening of the canal to commerce: *Provided*, That the contractor or contractors for completing the construction of the said canal in accordance with the present adopted project shall consent to such use of a portion of the appropriations aforesaid, and shall make no claim of any kind against the United States on account thereof.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. DINGLEY. One moment. This is a dispute of

Mr. DINGLEY. One moment. This is a diversion of an appropriation made for another purpose?

Mr. HOOKER. Yes, sir.

Mr. DINGLEY. Is it a part of the same work?

Mr. HOOKER. It is a part of the same work.

Mr. DINGLEY. It is really to carry on the same work and does not make any further diversion?

Mr. HOOKER. No additional expense is necessary.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HOOKER, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, informed the House that the President had approved and signed bills and joint resolutions of the following titles:

On March 13, 1896:

An act (H. R. 2300) to incorporate the Supreme Council of the Thirty-third Degree of Scottish Rite Masonry for the Southern Jurisdiction of the United States;

An act (H. R. 1712) granting to the First Regiment North Carolina State Guard two condemned cannon;

An act (H. R. 162) regulating proof of death in certain pension cases; and

Joint resolution (H. Res. 98) directing the Secretary of War to submit a plan and estimate for the further improvement of Conneaut Harbor, in the State of Ohio.

On March 16, 1896:

An act (H. R. 5359) making appropriations for the support of the Army for the fiscal year ending June 30, 1897; and

An act (H. R. 3964) to reorganize the customs collection district of Alaska.

NOTE.—The following bill was presented to the President March 6, 1896, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, it has become a law without his approval:

An act (H. R. 1691) to authorize the St. Louis and Oklahoma City Railroad Company to construct and operate a railway through the Indian and Oklahoma Territories, and for other purposes.

On March 20, 1896:

An act (H. R. 7137) to provide for printing and binding for the Navy Department;

An act (H. R. 3265) donating one condemned cannon and four pyramids of condemned cannon balls to Stone River Post, No. 74, Grand Army of the Republic, Sedan, Kans., and for other purposes;

Joint resolution (H. Res. 105) for the relief of ex-Naval Cadets John P. J. Ryan, John R. Morris, and Chester Wells; and

Joint resolution (H. Res. 140) directing the Secretary of War to make a survey and submit an estimate for a breakwater in Marquette Bay.

On March 23, 1896:

An act (H. R. 573) for the relief of Frances R. Jack, Elizabeth J. Jack, and Matilda W. Jack;

An act (H. R. 6250) to authorize the construction of a bridge across the Mississippi River in the county of Aitkin, State of Minnesota;

An act (H. R. 2921) to repeal section 6 of an act entitled "An act to define the duties of pension agents, to prescribe the manner of paying pensions, and for other purposes," approved July 8, 1870, and now being section 4784, Revised Statutes of the United States;

An act (H. R. 5229) for the relief of George H. Lott; and

Joint resolution (H. Res. 133) directing the Secretary of War to submit estimates for necessary repairs at Cleveland Harbor.

On March 24, 1896:

Joint resolution (H. Res. 141) directing the Secretary of War to submit plans and estimates for the improvement of Fairport Harbor.

On March 25, 1896:

An act (H. R. 3886) to reimburse W. W. Rockhill for moneys erroneously paid United States.

On March 28, 1896:

An act (H. R. 5382) to authorize the Kansas City, Fort Scott and Memphis Railroad Company to extend its line of railroad into the Indian Territory, and for other purposes;

An act (H. R. 5979) for the right of the Rock Island, Muscatine and Southwestern Railway Company to build a bridge across the Illinois and Mississippi Canal;

An act (H. R. 6304) to authorize the construction of a bridge across the Tennessee River at Knoxville, Tenn.;

An act (H. R. 6936) for the reconstruction of the Rock Island bridge; and

An act (H. R. 1616) to pension Michael E. Bricker, of Edgerton, Ind.

NOTE.—The following bill, having been presented to the President on March 18, 1876, and not having been returned by him to the House of Congress in which it originated within ten days prescribed by the Constitution, has become a law without his approval:

An act (H. R. 67) authorizing the St. Louis, Oklahoma and Southern Railway Company to construct and operate a railway through the Indian Territory and Oklahoma Territory, and for other purposes.

On March 31, 1896:

An act (H. R. 4463) to grant certain condemned cannon and cannon balls to the Thirteenth and Forty-third Separate Companies, National Guard of State of New York.

CLIFTON R. ANDERSON.

Mr. McCREARY of Kentucky. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6425) for the relief of Clifton R. Anderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Clifton R. Anderson, of Danville, Ky., the sum of $46.09, the amount he was required to pay to the United States Government, burglars having, without any fault or negligence of his, broken into his office while he was a stamp deputy in the United States Revenue Service and carried away said amount which belonged to the United States Government.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. McCREARY of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 319) for the relief of telegraph operators during the war of the rebellion;

A bill (S. 517) for the relief of Thomas Williams, an employee of the Senate folding room, for injuries received while in the discharge of his duties in the year 1892;

A bill (S. 1565) granting a pension to Benjamin F. Howland;

A bill (S. 502) to approve a compromise and settlement between the United States and the State of Arkansas;

A bill (S. 1205) for the relief of the persons who sustained damage by the explosion of an ammunition chest of Battery F, Second United States Artillery, July 16, 1894;

A bill (S. 101) to authorize the Secretary of the Treasury to settle the mutual account between the United States and the State of Florida, heretofore examined and stated by said Secretary under the authority of the Congress, and for other purposes;

A bill (S. 1075) for the relief of the heirs of D. Fulford;

A bill (S. 621) for the relief of the legal representatives of George McDougal, deceased;

A bill (S. 492) for the erection of a public building at Meriden, Conn.;

A bill (S. 1491) for the relief of Dr. John B. Read;

A bill (S. 264) providing for the location and purchase of public lands for reservoir sites;

A bill (S. 154) to provide for the erection of a public building at Indianapolis, Ind.; and

A bill (S. 1935) providing for a commission to negotiate with the Crow and Flathead Indians for the cession of portions of their respective reservations in the State of Montana.

The message also announced that the Senate had passed with amendments the bill (H. R. 55) for the establishment of a lighthouse and fog-signal station at or near Big Oyster Bed Shoal, New Jersey; in which the concurrence of the House was requested.

The message also announced that the Senate had passed with amendments the bill (H. R. 6408) "authorizing the sale of title of the United States to certain tracts of land in the District of Columbia to Margaret Shugrue, Caroline Lochboehler, and John R. Scott"; had asked a conference with the House on the bill and amendments, and had appointed as the said conferees on the part of the Senate Mr. McMILLAN, Mr. BAKER, and Mr. FAULKNER.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 5914) to amend an act to authorize the Interoceanic Railway Company to construct and operate railway, telegraph, and telephone lines through the Indian Territory;

A bill (H. R. 4698) to provide an American register for the steamer *Matteawan;*

A bill (H. R. 1244) to confirm certain cash entries of offered lands;

A bill (H. R. 711) to increase the pension of Uzziel B. Church; and

Joint resolution (H. Res. 24) providing for immediate destruction of income-tax returns, etc.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to furnish to the House, in compliance with its request, a duplicate engrossed copy of the bill (S. 640) to increase the pension of Joseph W. Fisher.

GEORGE A. ORR.

Mr. BURTON of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 60) for the relief of George A. Orr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury, through the accounting officers of the Treasury Department, is hereby authorized and directed to audit and pay, out of any money in the Treasury not otherwise appropriated, the claim of George A. Orr as acting assistant provost-marshal at Mount Vernon, Mo., from May 28, 1863, to January 30, 1864, at the rate of $100 per month for his services and such sum for legitimate expenses during said period as may be shown and found to have been actually expended by him in the lawful discharge of his duties and necessary for the public service.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BARTLETT of New York. Mr. Speaker, I ask for the reading of the report.

The report (by Mr. OTJEN) was read in part.

Mr. BURTON of Missouri (interrupting the reading). Mr. Speaker, I desire to say to the gentleman that the report consists largely of a statement in chronological order of the orders of the general commanding that department. These services were rendered by the claimant as provost-marshal and his account has never been settled. The Senate has passed this bill once, and it was favorably reported to the House in the Fifty-second Congress, and also in the Fifty-third. The report, as I have said, is largely a statement of the military orders in relation to the matter, and I hope the gentleman will not delay the bill by insisting on the full reading of them, but will permit a vote to be taken.

Mr. BARTLETT of New York. What is the total amount involved?

Mr. BURTON of Missouri. Six months' pay, if it is found that he did the service.

Mr. McMILLIN. What is the reason he was not paid before?

Mr. BURTON of Missouri. The report shows that he never has been paid. He was originally an officer in a Missouri militia regiment, and was detailed by these orders for United States service.

Mr. McMILLIN. But why was he not paid at the time?

Mr. BURTON of Missouri. Because the Treasury Department had never made an accounting with him, upon the theory that there is no authority for it, but the report sets forth the orders, one after another, of the officers in charge of the department.

Mr. McMILLIN. It is a very strange situation that a man should work for six or eight months under military orders and should not be paid, and that it should not be discovered until nearly a third of a century after.

Mr. BURTON of Missouri. It is; but if the gentleman will read the report he will be quite satisfied, I think. If my friend desires fuller information, let the report be read in full.

Mr. McMILLIN. I think it had better be read. No statement has yet been made by the gentleman from Missouri which I think would justify this appropriation.

Mr. BURTON of Missouri. Well, if the Clerk will skip the orders and come to the conclusion of the report it will save time.

The SPEAKER. Without objection, that will be done.

The Clerk read the latter part of the report.

The report in full is as follows:

The Committee on War Claims, to whom was referred the bill (S. 60) for the relief of George A. Orr, having had the same under consideration, respectfully recommend the passage of the bill.

The committee adopt the Senate report made by the Committee on Military Affairs.

[Senate Report No. 30, Fifty-fourth Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (S. 60) for the relief of George A. Orr, have duly considered the same, and submit the following report:

A precisely similar bill was reported favorably and passed in the Senate, and favorably reported in the House in the Fifty-second Congress, and likewise in the Fifty-third Congress.

Senate Report No. 212, Fifty-second Congress, has been reexamined and is again adopted, and is as follows:

The Committee on Military Affairs, to which was referred the bill (S. 2097) for the relief of George A. Orr, have duly considered the same and submit the following report:

The following order was issued by the War Department:

[General Orders, No. 135.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, September 19, 1862.

I. By direction of the President the States of Missouri, Arkansas, Kansas, and the bordering Indian Territory will constitute the Department of the Missouri, and will be commanded by Maj. Gen. S. R. Curtis, headquarters at St. Louis.

Alton, Ill., is attached to the Department of the Missouri.

II. Western Virginia is attached to the Department of the Ohio, headquarters at Cincinnati.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

General Curtis issued the following order:

[Special Orders, No. 105.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, Mo., April 20, 1863.

[Extract.]

* * * * * * *

3. Maj. M. L. Stephenson, Tenth Illinois Cavalry Volunteers, is assigned to duty as district provost-marshal, District of Southwest Missouri. He will repair without delay to Springfield, Mo., and report in person to district commander for duty. The quartermaster will furnish transportation for his authorized horses and servants.

By command of Major-General Curtis:

H. Z. CURTIS,
Assistant Adjutant-General.

The following order was issued by Major Stephenson:

[Special Orders, No. 41.]

HEADQUARTERS DISTRICT SOUTHWESTERN MISSOURI,
OFFICE PROVOST-MARSHAL,
Springfield, Mo., May 28, 1863.

Capt. George A. Orr, Company B, Seventy-sixth Regiment E. M. M., is hereby appointed acting assistant provost-marshal at Mount Vernon, Lawrence County, Mo., and will be respected accordingly.

M. L. STEPHENSON,
Major and Provost-Marshal, District Southwestern Missouri.

In pursuance of the above order, Captain Orr entered upon the duties of acting provost-marshal, and continued in the discharge of such duties up to January 30, 1864, and then accounted for and duly turned over to his successor, Lieut. James A. Gibson, and received his receipt for, all property and articles of his office.

The following orders were issued by the War Department touching provost-marshals, their duties, pay, etc.:

[General Orders, No. 140.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, September 2, 1862.

Order respecting special provost-marshals, and defining their duties.

First. There shall be a Provost-Marshal-General of the War Department, whose headquarters will be at Washington, and who will have the immediate supervision, control, and management of the corps.

Second. There will be appointed in each State one or more special provost-marshals, as necessity may require, who will report to and receive instructions and orders from the the Provost-Marshal-General of the War Department.

Third. It will be the duty of the special provost-marshals to arrest all deserters, whether regulars, volunteers, or militia, and send them to the nearest military commander or military post, where they can be cared for and sent to their respective regiments; to arrest upon the warrant of the judge-advocate all disloyal persons subject to arrest under the orders of the War Department; to inquire into and report treasonable practices, seize stolen or embezzled property of the Government, detect spies of the enemy, and perform such other duties as may be enjoined upon them by the War Department, and report all their proceedings promptly to the Provost-Marshal-General.

Fourth. To enable special provost-marshals to discharge their duties efficiently, they are authorized to call on any available military force within their respective districts, or else to employ the assistance of citizens, constables, sheriffs, or police officers, so far as may be necessary, under such regulations as may be prescribed by the Provost-Marshal-General of the War Department, with the approval of the Secretary of War.

Fifth. Necessary expenses incurred in this service will be paid on duplicate bills certified by the special provost-marshals, stating the time and nature of the service, after examination and approval by the Provost-Marshal-General.

Sixth. The compensation of special provost-marshals will be —— dollars per month, and actual traveling expenses and postage will be refunded on bills certified under oath and approved by the Provost-Marshal-General.

Seventh. All appointments in this service will be subject to be revoked at the pleasure of the Secretary of War.

Eighth. All orders heretofore issued by the War Department conferring authority upon other officers to act as provost-marshals (except those who have received special commissions from the War Department) are hereby revoked.

By order of the Secretary of War:

L. THOMAS, *Adjutant-General.*

[Circular, No. 19.]

WAR DEPARTMENT, PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., June 8, 1863.

I. Paragraph 11, page 3, Regulations for the Government of the Bureau of the Provost-Marshal-General of the United States, is hereby amended so as to read as follows:

"Provost-marshals are directed to appoint a deputy provost-marshal for every county in their district, except for the county in which the district headquarters are located. These deputies should be selected with care, and should be men suited for the performance of the duties which will devolve upon them. They should acquaint themselves thoroughly with the county and the people in it, and should be able to secure the arrest of all deserters now in their counties, as well as of those men who may become deserters by failing to answer the summons of the provost-marshal in case of draft. The pay of a deputy provost-marshal shall not exceed $100 per month."

II. Paragraph 12, page 3, of same regulations, is so amended as to read as follows:

"Special officers or agents for detecting and arresting deserters or spies may be employed when necessary; but not more than four shall be employed in a district without the approval of the provost-marshal-general. Their names must be reported, and the amount of compensation proper to be allowed must be recommended. They may be paid," etc. * * *

III. Returns required by Forms Nos. 7, 8, 9, and 10 will hereafter be made quarterly instead of monthly.

A careful study of these and all other "forms" is recommended, as all returns and papers must be in strict accordance therewith. Any failure, even in a slight degree, to conform to them will result in a return for correction of such papers.

IV. Provost-marshals are reminded that parties themselves must sign all receipts, the Government not recognizing the signature of one party for another, unless a power of attorney in each case accompany such signature.

Where employees are not present at the headquarters of a district to sign the receipt rolls (Form 17), their accounts may be made on separate vouchers (Form 18), but no accounts will be paid unless the name of the person be borne on Form No. 4, monthly.

V. Until further orders, boards of enrollment shall not adjourn over a day, except Sunday, without the permission of the acting assistant provost-marshal-general of the State. The business of the enrollment, and that connected with the Invalid Corps, must receive constant attention until completed.

Members of boards of enrollment are forbidden to absent themselves from their duties or their district without leave first obtained from the acting assistant provost-marshal-general of the State, who shall not grant leave of absence for more than five days at one time without the approval of the provost-marshal-general.

JAMES B. FRY,
Provost-Marshal-General.

The Seventy-sixth Regiment Enrolled Missouri Militia, of which George A. Orr was a captain, was a State organization, and the official records show that Captain Orr was in service from August 15, 1862, to March 31, 1863, when he was relieved, and was paid by the State of Missouri for such service $187, and said State was reimbursed that amount by the United States; and further shows that Captain Orr was not paid by said State for any service from May 28, 1863, to January 30, 1864, and was never paid anything by the United States for said period for any service. He was paid by the State of Missouri while on duty as such captain in said regiment at the rate of $128.50 per month, and the State of Missouri was reimbursed accordingly by the United States.

General Curtis, while commanding the Department of Missouri, was a United States officer, and so was Major Stephenson while acting as provost-marshal for District Southwest Missouri, and Captain Orr was, while acting as assistant provost-marshal at Mount Vernon, Mo., an acting United States officer, and was not therefore recognized by the State of Missouri as in its service, and was not therefore paid by the State, and no claim by the State made for reimbursement. Mr. Orr presented his claim for pay, etc., to the accounting officers of the Treasury Department, and after a very voluminous correspondence between them and the War Department, copies of all which are before your committee and have been carefully considered, the Second Auditor made the following decision:

"TREASURY DEPARTMENT, *Second Auditor's Office, April 4, 1891.*

"I certify that I have examined the claim of George A. Orr (captain Seventy-sixth Missouri Enrolled Militia) on account of pay for services as provost-marshal at Mount Vernon, Mo., from May 28, 1863, to January 1, 1864 (the records of the War Department showing that he served as acting assistant provost-marshal at said place from May 28, 1863, to January 30, 1864, and failing to show any payment therefor), and find that said claim should be disallowed as a charge against any appropriation under the jurisdiction of this office (the Secretary of War having declined to approve it in any amount to be paid from "Contingencies of the Army"), for the reason that the office of assistant or acting assistant provost-marshal was not, at the time of said services, recognized by Army Regulations or statute law, nor was compensation for services under that title authorized by any appropriation made therefor. Claimant's regiment was not in the United States service.

"Said claim and all the vouchers and papers are transmitted, with this certificate, to the Second Comptroller for his decision thereon.

"J. N. PATTERSON, *Auditor.*"

This decision was approved by the Second Comptroller on August 22, 1891.

This decision shows the claim of Orr to be a just one and never paid, and that there is no existing appropriation out of which the same can be paid. Had Captain Orr been on duty as captain of his company in the State organization, then his claim would be against the State of Missouri for such services, but having been relieved from duty on March 31, 1863, he was no longer in the service of the State. When he was appointed acting assistant provost-marshal at Mount Vernon, Mo., by Major Stephenson he was, and so continued to be, until relieved on January 30, 1864, in the service of the United States, under the authority and control of United States officers and amenable to their orders, and is justly entitled to be paid a reasonable compensation for his services as acting assistant provost-marshal, and not as captain of Company B, Seventy-sixth Regiment Enrolled Missouri Militia.

No specific contract as to amount of pay was made, but under the general orders of the War Department $100 was fixed as the maximum pay of a deputy United States marshal in June, 1863, and this bill authorizes the payment of that sum per month during said period, and authorizes the payment of whatever legitimate expenditures he may have made which were necessary for the public service.

Your committee therefore report this bill back to the Senate and recommend its passage.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DINGLEY. I desire to make one suggestion: This claim seems to be for services rendered as provost-marshal?

Mr. BURTON of Missouri. Yes, sir.

Mr. DINGLEY. Of course, if this man was appointed by United States authority to do that service he would have been paid at the time.

Mr. BURTON of Missouri. Yes; but at the time he was appointed he was serving in a Missouri militia organization.

Mr. DINGLEY. That is, the Government claimed that the State of Missouri should pay him.

Mr. BURTON of Missouri. That was the ground taken by the accounting officers, but the Senate committee and the House committee have examined the case, and have found that, as a matter of fact, he was acting as a United States officer in rendering these services.

Mr. DINGLEY. The amount involved in this case may not be important, but the question is whether there are not thousands of others in precisely a similar situation, and whether this precedent will not involve the payment of many other such claims.

Mr. BURTON of Missouri. I think not.

Mr. STEELE. The mistake was evidently made by the commanding general in detailing a militia officer instead of an officer in the United States service. That is a very rare occurrence. I never heard of such a case before.

Mr. DINGLEY. The gentleman thinks, then, that there would be no danger in this as a precedent.

Mr. STEELE. I think not.

Mr. LOUD. I will say to the gentleman from Maine that I have had three cases of this very same character pressed upon me for years, but I have never had nerve enough to bring them before Congress. And they are from Missouri, too. [Laughter.]

Mr. BURTON of Missouri. That may be. I do not know anything about the gentleman's cases and I do not want to enter into a contest of nerve. But this is a just claim and ought to be paid. As the gentleman from Indiana [Mr. STEELE] says, it is a peculiar case where, instead of detailing an officer of the Regular Army or of the volunteer force, he detailed an officer in a militia regiment. But the man performed the service; there is no question about it.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLUE. Mr. Speaker, I should like to know why this was not paid by the State of Missouri.

Mr. BURTON of Missouri. Because the services were rendered to the United States and not to the State of Missouri.

Mr. BARTLETT of New York. I should like to ask the gentleman whether the provost-marshal had any authority of law to appoint an acting assistant?

Mr. BURTON of Missouri. This man was appointed by general orders of a United States officer.

Mr. BARTLETT of New York. Well, you would not let the orders be read, so that we could not know that.

Mr. BURTON of Missouri. They have been read; they are in the report. One of them is from Major-General Curtis, commanding that department.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MCMILLIN. I must ask that the matter go over. The report was so long that I did not insist on having it read through.

Mr. BURTON of Missouri. I hope the gentleman will withdraw his objection. It will take just as much time on another occasion to dispose of the matter. You have now heard the report. I ask the gentleman to withdraw his objection.

Mr. MCMILLIN. I prefer to look into the matter. If the claim should seem satisfactory I shall interpose no objection.

Mr. BURTON of Missouri. Yes; but somebody else will. [Laughter.]

LIGHT-HOUSE, ETC., NORTH MANITOU ISLAND, LAKE MICHIGAN.

Mr. MAHANY. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 5736) to authorize the Light-House Board to proceed with the construction of the light-house and fog signal on North Manitou Island, Lake Michigan, was read.

Mr. BURTON of Missouri. I object.

Mr. CANNON. I call for the regular order.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. The Committee on Appropriations, to which was referred the amendments of the Senate to the bill (H. R. 6348) making appropriations for the legislative, executive, and judicial expenses of the Government, has directed me to report back the amendments with the recommendation that they be disagreed to and that a conference with the Senate be asked.

The SPEAKER. The gentleman from Pennsylvania [Mr. BINGHAM] moves that the House nonconcur in the amendments of the Senate to this bill and ask for a conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. BINGHAM, Mr. MCCALL of Tennessee, and Mr. DOCKERY as conferees on the part of the House.

SUNDRY CIVIL APPROPRIATION BILL.

On motion of Mr. CANNON, the House resolved itself into Committee of the Whole House on the state of the Union (Mr. HOPKINS in the chair), and resumed the consideration of the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

The Clerk resumed the reading of the bill.

When the paragraphs headed "Engraving and printing" were reached,

Mr. BINGHAM said: I ask unanimous consent that the consideration of these paragraphs and any amendments thereto be passed over until we reach the close of the bill.

Mr. CANNON. That will cover the paragraphs under the head of "Engraving and printing," beginning on page 16 of the bill and extending to the heading "Coast and Geodetic Survey," page 17.

The CHAIRMAN. Unanimous consent is asked that the paragraphs relating to printing and engraving, on pages 16 and 17, be passed over, to be considered after the rest of the bill is finished. Is there objection? The Chair hears none.

The Clerk read as follows:

For field expenses: For survey of unfinished portions of the Atlantic coast from Maine to Florida, including Portsmouth Harbor and Piscataqua River; Hudson River to Troy; and for the necessary resurveys, including the coast from Lynn to Cape Ann, the shores of Marthas Vineyard and Nantucket Sound, approaches to New Bedford, Buzzards Bay, Chesapeake Bay and tributaries, and Savannah River Bar, eighteen thousand dollars.

Mr. MILES. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out, in line 12, page 19, the word "eighteen" and insert "twenty-five"; so as to make the appropriation $25,000.

Mr. MILES. Mr. Chairman, I desire especially to call the attention of the distinguished chairman of the Committee on Appropriations to this amendment. In the first place, I wish to read to the committee a letter addressed to the Secretary of the Treasury by General Duffield, the Superintendent of the Coast and Geodetic Survey, upon the subject of field expenses, which is the subject of the paragraph now under consideration. This letter appears as Appendix Q, on page 314 of the Book of Estimates. I will read it, as I believe I can better intone it for the committee than probably the Clerk would do.

TREASURY DEPARTMENT,
OFFICE OF THE COAST AND GEODETIC SURVEY,
Washington, D. C., September 29, 1895.

SIR: I have the honor to transmit herewith the estimates of appropriations required for the service of the United States Coast and Geodetic Survey and Office of Construction of Standard Weights and Measures for the fiscal year ending June 30, 1897:

The amount asked for "field expenses" is $169,000, as against $110,500 appropriated for 1895-96, an increase of $58,500. An increase of appropriation under this head is necessary for the rapid and economical prosecution of surveys urgently demanded in the interest of commerce along our coasts and for the advancement of other important field operations of the Survey. With a less amount the parties of the Survey can not be employed to full advantage, as it is possible for them to remain in the field only for a portion of the available working months, while the expense of fitting out and transporting parties to the field and return is the same for a short as for a long season. The vessels engaged in the hydrographic portions of the work should be employed almost continuously to keep pace with the demand for surveys and examinations in various important localities, but this will be impracticable with the amount appropriated for the current year.

Now, here is the particular part of this letter to which I wish to direct the attention of the committee:

The original survey of the Chesapeake Bay was made many years ago, and since then the erosive action of the tides has washed away entire points, eaten into the shore and deposited the material in the channel, so that neither the shore lines nor depths of water shown upon the charts of this bay agree with the true condition of affairs at the present time. These charts are therefore defective and misleading, and hence the necessity of an entire resurvey of Chesapeake Bay.

I have read all of this letter to which I wish specially to direct the attention of the committee at this time. Of course what I am particularly interested in is the resurvey of the Chesapeake Bay. That is not, however, a matter of purely local importance, and to this view of the subject I invite the attention of the Committee of the Whole and particularly the distinguished chairman of the Appropriations Committee.

The Chesapeake Bay, as everybody on this floor understands, is the great thoroughfare into which the Potomac River empties. The Superintendent of the Coast and Geodetic Survey says in this letter that the chart for that bay was made many years ago. I visited the office of the Superintendent this morning, in order to obtain accurate information on this point, and was informed by him that this chart was absolutely made half a century ago.

The chart which guides the mariner upon this great thoroughfare of commerce was made a half century ago, and the last work done upon it——

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. MILES. Mr. Chairman, I move to strike out the last line. I believe that is a fiction that will permit me to proceed for five minutes.

Mr. CANNON. I ask unanimous consent that the gentleman from Maryland be permitted to occupy five minutes longer.

There was no objection.

Mr. MILES. I am very much obliged to the gentleman from Illinois.

I wanted to call the attention of the committee to these matters and shall hurry through as rapidly as possible. I was proceeding to say that I had been informed by the Superintendent of the Coast and Geodetic Survey that the last important amendment made to the chart in question was made thirty years ago, and I ask the privilege of quoting him on this floor, and in doing so I will go further and say that he assured me that in case this country was suddenly involved in a war and the commander of a war ship would follow the guidance of this chart it would be impossible for him to bring his vessel, for defensive purposes, to the capital through the Chesapeake Bay and up the Potomac without running the risk, ninety-nine in a hundred, that he would put his vessel ashore. That statement, it will be observed, Mr. Chairman, says nothing whatever of the great importance of this question to the commercial interests of the city of Baltimore. The legislature of Maryland has memorialized Congress upon the question and the boards of trade and Chamber of Commerce of the city of Baltimore have done the same.

Now, as to the figures, I will call your attention briefly. The Superintendent of the Coast and Geodetic Survey asks an appropriation of $169,000. One hundred and ten thousand five hundred dollars was carried by the last appropriation bill, so that it will be seen that he asked an increase of $58,000 over the amount of last appropriation bill for the field items alone. The Secretary of the Treasury recommended an appropriation of $114,800. This bill carries on its face $103,800. My amendment asks for an increase in this paragraph of $7,000, so that if the amendment should carry, and I sincerely hope that it will receive the careful consideration of the gentleman in charge of this bill and of the full committee, yet it would still provide for the "field items" an appropriation not greater than the appropriation carried in the last appropriation bill and only equal to what was recommended by the Secretary of the Treasury.

Now, Mr. Chairman, I desire only to say a word to gentlemen on the other side of the House, who have two votes to one on this side of the House, to which I am attached. I am very much in earnest about this matter, but with the brief statement which I have made, from the facts submitted to me by the Superintendent of the Coast and Geodetic Survey, you can see that the subject is one not of local importance but of national importance. I should not have offered the amendment except with the hope of getting some increase in the appropriation. If I had intended merely to make an impression upon the people of my State and particularly of the people of the great city of Baltimore, I should have asked for an increase of $12,000. If I had asked the amount recommended by the Superintendent of the Coast and Geodetic Survey, it would have amounted to nearly twice the increase that my amendment proposes. But I had a conference with the distinguished chairman of the Committee on Appropriations, a leader on the other side of this Chamber, for whose fairness, intelligence, and general patriotism I have the greatest respect, and have yielded $6,000 worth of my own judgment; and so I hope I may have his support and that of the committee to secure the adoption of the amendment. If I can accomplish my wish in this matter, as expressed by the amendment I have offered, I shall feel that I have contributed something to a matter of legislation of national importance, and in the name of the people of the great city of Baltimore shall be ready to thank this House for what it has done in the interest of the commerce and trade of that great city.

Mr. CANNON. Mr. Chairman, this bill recommends the full estimate as submitted by the Secretary of the Treasury for these surveys, not only on the Atlantic coast, but on the Pacific coast. The whole amount is given as recommended.

The gentleman states correctly, however, that the Coast Survey Office, through its Superintendent, did submit that increase of $58,000 for these surveys for field work; and the Secretary of the Treasury, the superior officer of the Superintendent of the Coast Survey, did cut it down, with or without reason I do not know. My friend from Maryland says that it was done without rhyme or reason. Well, I do not know, but my friend is better informed than I am, because I am not in harmony with either the Secretary of the Treasury or the Superintendent of the Coast Survey, and, for that matter, I am not in harmony with the Administration. My friend is, or ought to be, and I suppose is very good authority, and is doubtless orthodox touching the controversy or difference in opinion between a bureau of the Treasury Department and the chief of that Department.

Mr. MILES. I would like to say, if my friend will permit me——

Mr. CANNON. Certainly; I yield to the gentleman.

Mr. MILES. What I wish to say in connection with the statement of the gentleman from Illinois is that the Superintendent of the Coast and Geodetic Survey told me—and I had his permission to use his statement in the House, as well as others with reference to these matters that I had asked him about—that the Secretary of the Treasury was perfectly willing that he should disclose to me and to Congress the fact that he recommended $30,000 and had the figures to exhibit here on the floor. He stated that it was unusual for the Secretary of the Treasury to publish such a letter as he had addressed to the Secretary on this matter.

I do not know. I am inexperienced. I have placed myself at the tender mercy of the distinguished chairman of the Committee on Appropriations.

Mr. CANNON. Oh, no; it is not within my jurisdiction to settle a dispute between the superintendent of a bureau in the Treasury Department and the Secretary of the Treasury.

I want to be entirely frank with the gentleman from Maryland and the Committee of the Whole touching the matter. Within the last three years the most competent Superintendent of the Coast and Geodetic Survey—admitted as such by everybody who had knowledge touching the matter—who ever presided over the Bureau was frozen out. I refer to Dr. Mendenhall. That office never had—and I am not speaking less for others but more for him—so competent a head as Dr. Mendenhall. The present Administration came in and the war commenced upon him. First his salary was arbitrarily attempted to be decreased in appropriation from $6,000, the amount fixed by law, to $5,000. Next he was deprived of power, practically, in his Bureau by the Administration. He was not only a competent man, but able to make a living elsewhere than in that Service. He had manhood, and he said, "I am persona non grata here, and I have ability enough to get

along. I can not do myself or the Service justice," and he stepped down and out.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I should like to have five minutes more.

Mr. MILES. I ask unanimous consent that the gentleman's time be extended until his remarks are concluded.

The CHAIRMAN. Unanimous consent is asked that the gentleman's time be extended five minutes. Is there objection?

There was no objection.

Mr. CANNON. He stepped down and out, and then the present head of the Coast Survey—and I am not going to speak disrespectfully of him; I know but little of him; he seems to be a gentleman, and he is a gentleman in his demeanor—was discovered somewhere and was appointed to succeed Dr. Mendenhall. Well, he goes on, no doubt, and does the best he can. He submits his estimates to the Secretary of the Treasury and the Secretary of the Treasury arbitrarily reduces them $58,000 for the field work.

Mr. GROSVENOR. Do you not think that the Secretary of the Treasury knew of the incompetency of his own employee?

Mr. CANNON. I do not know. I think he knew of the competency of Dr. Mendenhall; but, anyhow, this discovery, this new man, the creation of the present Administration, submitted his estimates and the Secretary of the Treasury reduced them. Now, I expect the Lord knows, I do not, whether the head of the Coast Survey or the head of the Treasury Department knows most about the necessities of the service. I can not tell.

Mr. MILES. Will the gentleman allow me a suggestion right there?

Mr. CANNON. Certainly, although I want to conclude in five minutes.

Mr. LIVINGSTON. The gentleman's time is not limited.

Mr. MILES. I think you will admit that the reduction was not exceptional in this instance, but that he reduced the estimates submitted to him by all the heads of Departments, did he not?

Mr. CANNON. Oh, no; not of all the heads by any manner of means. As a rule, the estimates submitted were forwarded without change in the various Departments of the public service; but I am speaking now of this particular Department.

Mr. LIVINGSTON. Now, I should like to ask my colleague a question. His time is not limited.

Mr. CANNON. I will need two or three minutes to conclude; but I will yield to the gentleman.

Mr. LIVINGSTON. Do you mean to say that the Secretary of the Treasury cut this estimate because of the inefficiency of the present administration over there in the Coast Survey Office?

Mr. CANNON. No——

Mr. LIVINGSTON. You do not want to leave that impression?

Mr. CANNON. No; I do not know. I do know, however, that by the letter that General Duffield, the Superintendent, forwarded to the Secretary of the Treasury he asked and urged $58,000 more for field work than the Secretary recommends. The Secretary of the Treasury arbitrarily, with or without reason, I do not know which, has reduced the estimate $58,000.

Mr. LIVINGSTON. May I ask my friend this question, if that is unusual: Did not the Secretary of War cut the estimates from the different arms of that service in the same way?

Mr. CANNON. Oh, in some instances, yes, and in other instances, no. In most instances, no.

Mr. LIVINGSTON. Then one more question. The Secretary of the Treasury did not cut this estimate of $30,000 for this specific purpose, did he? That was done in the committee room?

Mr. CANNON. Oh, no; not at all. We literally follow the recommendation of the Secretary of the Treasury, because he is the superior officer, and the law puts the duty on him to bring in the final estimate for his Department. We literally recommend what the Secretary of the Treasury recommended, without a cut of one cent. Now, what happened? Why, the board of trade, the commercial bodies over there at Baltimore, go to work and hold meetings and resolve that the Chesapeake Bay ought to be resurveyed. The chief of the Coast Survey says it has been fifty years since it was surveyed and that the public service requires that it should be resurveyed, that the charts made on the old surveys are unreliable, and that the great commerce upon the Chesapeake requires that this survey shall be made, and the gentleman from Maryland [Mr. MILES] comes in and moves to increase the item for service along the Atlantic coast $7,000, hoping and expecting that the most of it, if not all, will be expended for a resurvey of the Chesapeake.

I am quite sure I do not know just what the necessities in this case are. We recommend the full estimates. I have called the attention of the Committee of the Whole to a brief history of the Coast Survey for the last three years and the history of these estimates. They may or may not be important. If I thought this was important—that the new discovery in the Coast Survey Office was right beyond question, and the Secretary of the Treasury was wrong—then I would be in favor of increasing the appropriation asked for by $7,000; and also, later on, in favor of making an increase of $5,000 to be utilized in the San Francisco Harbor, because the same claim, I apprehend, will be made there that was made here.

Now, having stated how this matter is, I am perfectly content. If the Committee of the Whole House has any more knowledge than I have about it, or any more knowledge than the Secretary of the Treasury has about it, then I am content with the amendment offered by the gentleman from Maryland.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. CANNON. I call for a division.

Mr. MILES. I hope the gentleman will not ask for a division.

Mr. CANNON. It is a division. If the majority is for your amendment I have nothing further to say.

The committee divided; and there were—ayes 55, noes 54.

So the amendment was adopted. [Applause.]

The Clerk read as follows:

To continue the primary triangulation from the vicinity of Montgomery toward Mobile, and for triangulation, topography, and hydrography of unfinished portions of the Gulf Coast, including Lake Pontchartrain and Sabine Lake, and for the necessary resurveys, $7,800.

Mr. ADAMS. I move to strike out the last word.

Mr. Chairman, a statement has gone broadcast through this land that the Manufacturers' Club of the city of Philadelphia, which is composed of the leading industrial establishments of that city, is in favor of the free and unlimited coinage of silver; not only that, but a committee of that club came to Washington and made a compact with the free-silver Senators, in which they agreed to make the compact that if they would support the free and unlimited coinage of silver they would yield to the great American doctrine of protection in order to accomplish that result. Sir, that was a self-constituted committee, and with no authority to act for the club. The first answer that has come to that alleged compact has come from the State of one of the silver Senators, South Dakota, which has utterly repudiated the position which her Senator took on that occasion; and now, in response to that message from the far West, come resolutions of the Manufacturers' Club, passed last night in the city of Philadelphia. Assembled in its hall were 500 members of that club; and, sir, as a member of that association, I desire to have the Clerk read as a part of my remarks the resolutions which were passed almost unanimously—there were only 20 votes against them out of 500.

Mr. LIVINGSTON. I want to ask the gentleman what this has to do with this appropriation bill.

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Georgia?

Mr. ADAMS. No, sir.

The CHAIRMAN. The gentleman can not be interrupted.

The Clerk read as follows:

Whereas false and misleading reports have been spread broadcast over the country as to the conference at Washington on March 19, between a number of Philadelphia manufacturers and those free-silver Senators who, though elected as Republicans and avowing themselves protectionists, declined to vote for the Republican revenue measure known as the Dingley bill unless coupled with a free silver coinage amendment; and

Whereas these reports have created the impression that the friends of a protective tariff are willing to compromise the cause of protection by indorsing the free and unlimited coinage of silver at a ratio of 16 to 1 in exchange for additional protection; and

Whereas these statements are not only compromising the integrity and patriotism of our manufacturers as individuals, but especially so as members of the Manufacturers' Club: Therefore

Be it resolved, That the Manufacturers' Club, speaking for its members, emphatically denounces as false the statement made by the friends of free silver and echoed by those of free trade, that our Philadelphia manufacturers are willing to barter with the silver Senators for the free coinage of silver in exchange for additional protection.

Resolved, That the question of bimetallism can be permanently settled only through an international agreement, and that the Manufacturers' Club declares its unalterable opposition to the free coinage of silver by the United States alone, firmly believing that such a policy would result in disaster at home and dishonor abroad, and would only operate to place this country upon the basis of silver monometallism.

Mr. ADAMS. Mr. Chairman, I withdraw my amendment.

Mr. HARTMAN. I move to strike out the last word.

Mr. Chairman, I have listened to the resolutions read at the instance of the gentleman from Pennsylvania. I am glad that they have been read. It gives me an opportunity to say upon this floor what ought to have been said some days ago. It is true, as has been stated by the gentleman from Pennsylvania, that false and misleading reports have been circulated through the press of this country relative to what transpired at what was familiarly known as the Washington conference. It is true that those reports were false, and that they have been circulated without any regard whatever to the truth. But, Mr. Chairman, it is only due to those men whom it is attempted to malign and stigmatize as being responsible for that false report that I make a plain statement to this House and to the country of what occurred. At the invitation of a representative of the manufacturers, a letter inviting them to come over and see the silver Senators here in Washington and confer was written and sent and the invitation accepted. These

manufacturers came, and about three and a half hours were spent in conference.

Mr. ADAMS. Will the gentleman say it was an official acceptance?

The CHAIRMAN. The gentleman can not be interrupted without his consent.

Mr. HARTMAN. I do not know whether it was or not. I know that 28 of them came; and it strikes me that, after coming here, they had no right, then, to deny the validity of the invitation which they did accept. I do not know whether it was official; I do not care about that; but I want to say, Mr. Chairman, that the report which was given out was prepared by Senators MANTLE and CARTER of Montana, Senator DUBOIS of Idaho, and Senator CANNON of Utah, and by me, and was published in the Post of the following morning; and I ask any member upon this floor who read that if he finds any suggestion of making an agreement between us having been accomplished. It is true we were endeavoring to arrive at some conclusion whereby we might meet upon common ground; but that report specifically disavowed having arrived at any agreement; and then, for the purpose of breaking down and stigmatizing and vilifying and bemeaning in the public mind the men who have had the hardihood to stand up for free silver, the gold-standard press of this country denounced that as a false statement and said that we had put it into circulation.

Mr. Chairman, no more utter falsehood, no more willful and deliberate and malicious lie ever was circulated to the American people. [Applause.] Read it and you will find my statement to be true. Nowhere in that official report we are responsible for was there a suggestion of an agreement. The gold-standard press used that for the purpose, as I said before, of slandering and stigmatizing the men who were engaged in the support of silver; coined the lie, and then attempted to force it down our throats and hold us responsible for it. These are the facts, and I defy any man to read the report that was published in the Post the next morning and discover any suggestion of an agreement.

Mr. CANNON. Mr. Chairman, I think I can settle this whole matter. I accept the amendment of the gentleman from Pennsylvania, and ask that the Clerk proceed with the reading of the bill. [Laughter.]

Mr. LIVINGSTON. Mr. Chairman, I ask that it be incorporated in the bill.

Mr. CANNON. The gentleman's amendment was to strike out the last word.

Mr. LIVINGSTON. I mean the amendment that was read.

Mr. ADAMS. That was not my amendment; those were my remarks. My amendment was to strike out the last word.

Mr. ALLEN of Utah. Mr. Chairman, I move to strike out the last word. I do not wish to take the time of this committee for idle discussion, but assertions are constantly being made concerning this subject which are, as the gentleman from Montana [Mr. HARTMAN] has said, absolutely and unqualifiedly false. I was one of the gentlemen who were present at that conference. The silver Senators did not ask for that conference, and the statement that they did is the first falsehood which I wish to brand in public. The suggestion was made to them that there should be a conference between them and certain manufacturers of the city of Philadelphia, and the silver Senators, so-called, said that they would gladly meet those gentlemen, and they did meet them. In addition to the Senators there were present the gentleman from Idaho, Mr. WILSON, the gentleman from Montana, Mr. HARTMAN, and myself.

The gentleman from Pennsylvania talks about compacts. No compact was attempted. The silver men made no proposition for a compact to be made between them and the manufacturers. No paper was laid before that assembly of gentlemen expressing the views either of the manufacturers or of the silver men. The discussion was simply for the purpose of finding out whether there was any common ground which the manufacturers of Philadelphia and the silver men of the nation could stand upon; that and nothing more. Why are these falsehoods circulated in the press and by the press of the United States? Is not the cause of gold monometallism able to win this fight without resorting to such tactics? Can not the advocates of gold monometallism win this battle by appealing to the power of reason in the minds of the people of the United States? This is only one of the many rumors of statements that are constantly being set afloat throughout the country by the papers of the United States, as witness the statement concerning Senator PETTIGREW of South Dakota a few days since. It seems to me that a cause which must be bolstered up by such tactics must be inherently bad. It seems to me that the time has come when the people of the United States should have this question openly and fairly discussed before them, as it never has been discussed and as it never will be discussed so long as the men who control the sentiment in favor of gold monometallism in the United States can muzzle the press.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ALLEN of Utah. I withdraw the formal amendment.

The Clerk read as follows:

For triangulation, topography, and hydrography of the coasts of California, Oregon, and Washington, and for necessary resurveys, San Francisco Harbor, triangulation, topography, and hydrography, $15,000.

Mr. LOUD. Mr. Chairman, I move to strike out "fifteen," before the word "thousand," and insert "twenty." In support of that amendment I desire to say that the Superintendent of the Coast Survey put in a separate estimate of $10,000 for the resurvey of San Francisco Harbor. That item was eliminated by the Secretary of the Treasury. Permit me to say in regard to this work that it was started through the able assistance of my generous friend from Texas [Mr. SAYERS], who had incorporated in the sundry civil bill two years ago a provision that the resurvey of the harbor of San Francisco should proceed.

There had been no survey of that harbor for forty-five years. Two years ago the work was undertaken, but it is not progressing as fast as we would wish. We really ought to have $10,000 for that survey work during the coming year, as the Superintendent has estimated, but in view of the stringency in the money market and the lack of funds in the Treasury we are modest and will ask for but $5,000, and I would not ask even for that had I not been informed by the Superintendent of the Coast Survey that under this appropriation as it stands in the bill he could not proceed with the work in San Francisco Harbor, which I suppose might be interpreted to mean that he would not proceed with it. Now, everybody knows that after a survey has been begun it ought to proceed continuously with all practicable speed, and not be spun out so as to cover a long period of years. This survey will cost, on the whole, I understand, about $90,000, and at the rate they have been proceeding it would certainly take ten years to complete it. The survey, as far as it has gone, has made some valuable discoveries in that harbor. All of the hydraulic mining has taken place in the State of California since the previous survey of that harbor, and many shoalings have been discovered in the harbor. I think that the generous chairman of the committee, the gentleman from Illinois, will perhaps concede without very much opposition this modest request for $5,000, which is absolutely necessary in order that this very important work shall proceed.

Mr. CANNON. Mr. Chairman, in view of the action of the Committee of the Whole a few minutes ago increasing the amount of the appropriation for the Atlantic coast $7,000, in harmony with the recommendations of the Superintendent of the Coast Survey and against the recommendation of the Secretary of the Treasury, it seems to me I am not warranted in this instance in interposing opposition. This proposed increase of $5,000 for the Pacific Coast would seem to follow logically the increase of $7,000 made on the Atlantic Coast.

The CHAIRMAN. Unless objection be made, the amendment will be considered as adopted.

There was no objection.

The Clerk read as follows:

Salaries Coast and Geodetic Survey: For Superintendent, $5,000.

Mr. CHARLES W. STONE. I move to amend the paragraph just read by striking out "five" and inserting "six;" so as to appropriate as the salary of this officer $6,000. By section 4689 of the Revised Statutes the salary of the Superintendent of the Coast Survey is fixed at $6,000. It was fixed at that amount in 1853, when the currency was not inflated, when prices were not high; and since that time many salaries, including that of the President of the United States, have been increased, and largely increased. On account of the peculiar qualifications required in this officer the salary was fixed at a liberal amount. It has remained at that amount ever since until one year ago. In the meantime, since the salary was fixed, the duties of the position have been largely increased. The Superintendent of the Coast Survey has been made the superintendent of standard weights and measures; he has been made a member of the boundary commission fixing the lines in the northwestern part of the country; of the commission fixing the boundary line in the northeastern part; of the commission fixing the line between the inner waters of the country and the outer waters—the international lines; of the commission fixing the outer line of the harbor boundary at Brunswick, Ga.; of the Light-House Board—all involving much labor and taking much time. Besides this, various duties of a very important character, involving a good deal of labor, have been imposed upon him. His salary, however, has remained the same.

I think the distinguished chairman of the Appropriations Committee is in error in saying that the former occupant of this position had his salary reduced. I concur most heartily in everything the gentleman has said in relation to the eminent qualifications of the predecessor of the present incumbent, and I concur most thoroughly in what he said as to the injustice of whatever was done to "freeze out," as he expressed it, that gentleman. But I want to say that the present incumbent had nothing to do with that matter. At the time of his appointment he was engaged in scientific labor in behalf of his country; he was not at that time

a newly discovered man. He is a man of scientific eminence, who has served his country in many capacities in war and in peace for nearly fifty years. There is no personal conflict or rivalry between the former incumbent and the present that should affect this question.

So we have presented here the simple question whether we shall now appropriate for this officer the salary fixed by statute forty years ago, since which time extra duties have been imposed; and in determining this question we are to consider the action of this House in going back to the statutory salaries for the superintendents of the Life-Saving Service, for the Indian commissioners, and for other positions of less importance and requiring a lower degree of talent and capacity than this position. I trust that the amendment may be adopted.

Mr. CANNON. Mr. Chairman, I am not in harmony with this amendment. It is well enough to be practical and to realize the existing conditions. It is true that the Revised Statutes did fix the salary of this officer—the Superintendent of the Coast Survey—at $6,000. It is also true that the law fixed the salary of the chief of the Geological Survey at $6,000. Now, the Secretary of the Interior, at the very commencement of this Administration, formally recommended that only $5,000 be appropriated for the chief of the Geological Survey. That position was then occupied by Major Powell (known to many of us); and the office of Superintendent of the Coast Survey was occupied by Professor Mendenhall. The result was that both Major Powell and Professor Mendenhall went out of the service.

Now, I have not a thing to say against the present head of the Geological Survey or the present head of the Coast Survey. But there is the fact—both of these gentlemen, appointees under this Administration, have been receiving a salary of $5,000, fixed in the house of their friends.

Mr. DOCKERY. Do I understand that the gentleman from Pennsylvania [Mr. CHARLES W. STONE] is seeking to increase the salary of this officer?

Mr. CHARLES W. STONE. My amendment simply proposes to appropriate the salary fixed by the Revised Statutes.

Mr. CANNON. The gentleman proposes to increase the appropriation from $5,000 to $6,000.

Mr. DOCKERY. And the present incumbent accepted the office at the present salary?

Mr. CANNON. So I understand.

Mr. CHARLES W. STONE. No, sir.

Mr. DOCKERY. The gentleman from Illinois does not think this a very good time to increase salaries?

Mr. LIVINGSTON. This salary was $6,000 when this man accepted the office?

Mr. CHARLES W. STONE. Certainly.

Mr. CANNON. Now, all I want to say to the House is that Major Powell went out of the Geological Survey and has a successor; Professor Mendenhall went out of the Coast Survey and has a successor. Both of these successors entered office under this Administration; and this Administration, when both the Senate and the House were in harmony, deliberately fixed the salaries by appropriating $5,000 for each place.

Now, I wish to suggest to this side of the House that we are not called upon to undo what was done for these gentlemen in the house of their friends; and I especially am not called upon to do so, because I do not care about quarreling with my friend from Texas [Mr. SAYERS] or my friend from Missouri [Mr. DOCKERY], both of whom were on the Committee on Appropriations when these salaries were appropriated for at $5,000 each. Five thousand dollars is a good deal of money, and whether it is too much or too little, under all of the circumstances I do not think that this side of the House should, and I do not believe that that side of the House is inclined to, increase the appropriation. I hope it will not be done.

Mr. SAYERS. Mr. Chairman, I desire to be heard briefly upon this question.

The CHAIRMAN. The time for debate on the amendment has expired.

Mr. SAYERS. I move to strike out the last word.

I do not know whether the gentleman from Illinois intended to leave the impression on the committee that the Administration had anything to do with the resignation of Major Powell——

Mr. CANNON. Oh, I do not know anything about that.

Mr. SAYERS. The intimation was——

Mr. CANNON. Oh, no.

Mr. SAYERS. Well, the impression was left on the minds of a good many, at least.

Mr. CANNON. No; I did not say that. I have no knowledge of it, and did not make the charge. I did make a statement, based only on public rumor, touching Professor Mendenhall.

Mr. SAYERS. I think the Administration did perfectly right to remove Professor Mendenhall, and my own impression is that he ought to have been removed before. But the Administration had nothing to do with the resignation of Major Powell, and if the gentleman from Illinois will inquire into the facts attending it he will come to the same conclusion with myself.

I withdraw the pro forma amendment.

Mr. CHARLES W. STONE. Mr. Chairman, I desire to call the attention of the committee to two facts: In the first place, the present incumbent accepted the office and resigned another position where he was drawing a good salary on the faith of the legal provision of the Revised Statutes fixing the salary at $6,000 a year. On the strength of that provision of law he accepted the position and resigned another appointment which was of value to him. For the first year he received $6,000 according to the provision in the statutes defining the amount he was entitled to receive. Further, the Superintendent of the Geological Survey, let me state to the gentleman from Illinois, has no salary fixed by the Revised Statutes, but simply a provision inserted in a comparatively recent appropriation bill giving him $6,000 a year; and since that time his duties and responsibilities have not been increased, as has been the case in the Coast Survey. The officer in charge of the Coast Survey has, as I have already stated, had his duties largely increased. So that there is an entirely different condition of affairs presented between the Geological Survey without a fixed salary and the Coast Survey with a fixed salary, which the incumbent has enjoyed for forty years and more.

Now, sir, I am not here advocating any increase of salary, but simply saying that "this side of the House," at least, as the gentleman from Illinois is pleased to term it, on a question of this kind can not afford to ignore the statutes of the United States nor a legal obligation imposed by them. It is enough for them to know that a legal obligation exists, and we can not afford, when a question of this kind arises, to ignore this obligation, particularly when our action affects a man who served his country as faithfully and well as General Duffield has done, a man who was a gallant soldier in two wars, who has carried in his body for fifty years the lead received in fighting the battles of his country, a man who came out of the last war with the brevet rank of major-general for gallant and meritorious services—I repeat, you can not, or at least you should not, make an exception against an old soldier when you make none in the case of a civilian Superintendent of the Life-Saving Service or in the case of Indian agents who have been charged with being simply the private agents of a Cabinet officer.

That is all I desire to say about it.

Mr. CANNON. Is this a proposition to pension General Duffield?

Mr. CHARLES W. STONE. No, sir; but simply to give him the contract price which the Government agreed to give him when he took the position that he now holds. That is all he asks.

Mr. MCCREARY of Kentucky. Mr. Chairman, the gentleman from Illinois [Mr. CANNON], in referring to Dr. Mendenhall's resignation, said that the present chief of the Coast and Geodetic Survey, General Duffield, had been "discovered" by the President when he was appointed. I suppose, therefore, the gentleman from Illinois is not informed as to the record of General Duffield. He has a record as a soldier in the Mexican war, as well as in the late war, that has made him conspicuous in this country. He has also been recognized for years as an engineer of great ability, and has a record not only in military but in civil life of which any man may well be proud. I was surprised that my friend from Illinois should not have been familiar with the brilliant services of General Duffield, rendered during the last forty years. When he was appointed Superintendent of the Coast and Geodetic Survey the salary was $6,000 per annum, and it should be fixed at that amount in this bill.

In my time I ask to have read from Appleton's Cyclopedia a brief reference to General Duffield, which may be of interest to the gentleman from Illinois, as well as to the committee.

The Clerk read as follows:

William Ward Duffield, soldier; born in Carlisle, Pa., November 19, 1823; was graduated at Columbia in 1842. He served in the Mexican war, was wounded at Cerro Gordo April 18, 1847, and also at Contreras August 20, 1847, while acting adjutant of the Second Tennessee Infantry and on Gen. Gideon J. Pillow's staff. After the close of the war he became a civil engineer. He was resident engineer of the Hudson River Railroad in 1851; chief engineer of the Oakland and Ottawa Railroad, Michigan, and located that line from Pontiac to Grand Haven; chief engineer of the Central Military Tract Railroad, Illinois, in 1854 (now part of the Chicago, Burlington and Quincy Railroad), and built that line; division engineer of the Grand Trunk Railroad and built the line from Detroit to Port Huron. He served as lieutenant-colonel of the Fourth Michigan Infantry in 1861, and was in the first battle of Bull Run. On September 10, 1861, he was appointed colonel of the Ninth Michigan Infantry. He joined General Sherman at Louisville, Ky., and was sent by him to occupy and fortify the pass through Muldraugh Hill, West Point, Ky., January 22, 1862. He was appointed by General Buell commander of the Twenty-third Brigade, Army of the Cumberland, April 22, 1862, and brigadier-general and president of the examining board under the act of Congress to test the efficiency of volunteer officers May 2, 1862. He overtook the Confederate forces under Col. John Morgan at Lebanon, and captured the place after a sharp fight. He was assigned by General Buell to command all the forces in Kentucky on May 8, 1862, and was relieved of this post on September 10. He rejoined the Fourteenth Corps, Army of the Cumberland, under General Thomas, and served with it until the battle of Murfreesboro, where he was disabled by two severe wounds and captured. Unable to take the field at the time required by the act of Congress, he resigned, and was appointed chief engineer of the

Hudson River Railroad. He was employed in 1869 to survey lands in Colorado; in 1871-72 was chief engineer of the Kentucky Union Railroad and located that line from Paris to Hazard. He was elected to the Michigan State senate in 1880, and in 1882 was employed in surveying Government lands in Dakota. In 1885 he was reappointed chief engineer of the Kentucky Union Railroad. He has published School of Brigade and Evolutions of the Line.

Mr. CANNON. Mr. Chairman, I have no assault to make upon General Duffield. More than a generation ago, from that record, he seems to have been prominent in the Mexican war. He seems to have had a successful life in war and in peace. I do know, without quarreling with my friend from Texas [Mr. SAYERS], that he succeeded as Superintendent of the Coast Survey a man who, in my judgment, was the most competent that ever held that position, as I have before indicated. I do know, further, that his salary, as fixed in the house of his friends, a Democratic House and a Democratic Senate, and appropriated for, was $5,000. I do know that he has held the place from that time to this at a salary of $5,000.

Now, in my judgment, the increase of this appropriation from $5,000 to $6,000, under the changed condition, championed by the gentleman from Pennsylvania [Mr. CHARLES W. STONE], is not called for, first, for the necessities of the service, and second, that this side of the House is not called upon to make it. I was surprised at the gentleman from Kentucky [Mr. MCCREARY]. His clarion voice is now lifted for this increase. He was as silent as the grave in the last Congress when this salary was appropriated for at $5,000.

Now, without making any assault upon General Duffield, who has a splendid record, as read there, I want to say that, wounded as he was in the service, if he is upon the retired list I am willing to let him remain there. If he was wounded and is pensioned, he has the same provision that other worthy soldiers have. And while I deny nothing that can be properly given for the men who were renowned in war, I submit that when gentlemen bring that forward as a makeweight, touching this office that this man holds, to affect this increase of appropriation for salary, I am not much in harmony with it.

Mr. CHARLES W. STONE. Will the gentleman allow me to ask him a question?

Mr. CANNON. Certainly.

Mr. CHARLES W. STONE. The gentleman alludes to it as an increase of salary. Will the gentleman state to me whether I am correct in the statement that until last year this salary was uniformly $6,000?

Mr. CANNON. I so understand it.

Mr. CHARLES W. STONE. And that last year, without any change of the statute, a less amount was appropriated in the appropriation bill?

Mr. CANNON. I so understand it. And now will the gentleman answer me if General Duffield is not receiving that $5,000, and if it was not fixed in the house of his friends, when the House and the Senate and the President were Democratic, he being an appointee under that Administration?

Mr. CHARLES W. STONE. I will answer the question.

Mr. CANNON. I am asking a very simple question. It can be answered yes or no.

Mr. CHARLES W. STONE. I will answer that it was done in that way; but there are many things done by the Democratic President and Democratic Congress that do not meet with my approval, and when they undertake to ignore the provisions of the statute I am not with them.

Mr. CANNON. Oh, well, what the gentleman's reason for this may be I do not know; but so far as I am concerned I think it is sound economy, and sound politics as well, that we leave this Democratic employee as his Democratic friends fixed him, and that $5,000 is, in my judgment, quite enough.

Mr. WILLIAMS. May I ask the gentleman from Illinois a question before he sits down?

Mr. CANNON. Yes.

Mr. WILLIAMS. Is General Duffield drawing a pension?

Mr. CANNON. I do not know.

Mr. WILLIAMS. I understood you to say so.

Mr. CANNON. Oh, no; I said when his record was read here that I understood from that record that he was wounded while in the Army; that if there was an application to pension him, or if he is on the retired list, I would treat him as a magnificent defender of the Union, just as I would treat his comrades; but that constitutes no argument as to how much salary an official of the Government should get in its civil service. That is all I want to say, and I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. CHARLES W. STONE].

Mr. UNDERWOOD. Let the amendment be read again.

The amendment was again read.

The question being taken, on a division (demanded by Mr. CHARLES W. STONE) there were—ayes 29, noes 54.

Accordingly the amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

Office expenses: For the purchase of new instruments, for materials and supplies required in the instrument shop, carpenter shop, and drawing division, and for books, maps, charts, and subscriptions, $8,000.

Mr. PICKLER. Mr. Chairman, I move to strike out the last word.

There has been a good deal of comment in the committee this morning and in the newspapers of the last few days in regard to the action of the Republican convention in South Dakota last week. It has been referred to two or three times here this morning. I only rise to correct some of these false reports. I want to say that the Republicans of South Dakota are Republicans, and they will remain Republicans.

Now, Mr. Chairman, to apprise the committee, as the matter has been brought up here, and the country as to just what position the Republicans of South Dakota took last Wednesday on the financial question, that it may be known what their official action was, I desire to send to the Clerk's desk the resolution which was adopted by the Republicans of South Dakota in convention in regard to finances.

Mr. HILL. What is their position as to protection?

Mr. PICKLER. We are for protection in every respect.

The Clerk read as follows:

Whereas there is a diversity of opinion among the Republicans of the State upon the financial question; and

Whereas we have perfect confidence in the wisdom and patriotism of the Republican party that shall assemble at St. Louis next June that it will consider and adopt a platform broad and strong enough for every Republican to stand upon: Therefore,

We reaffirm our devotion and loyalty to the platform adopted at Minneapolis in 1892, and adopt it as our platform until the national convention shall give us another.

[Applause on the Republican side.]

Now, Mr. Chairman, as to protection and as to finances and as to every other Republican doctrine, if you want to know our position, for that we refer you to the platform adopted at Minneapolis until the St. Louis Republican platform shall declare another. [Renewed applause on the Republican side.]

Mr. HARTMAN. I wish to ask the gentleman a question if he will yield.

Mr. PICKLER. Yes, sir.

Mr. HARTMAN. Does it not appear to the gentleman, in view of the fact that the views and position of everybody who happens to entertain similar views on the financial question have been falsely represented by the gold-standard press, that that press, while opposed to the free coinage of silver, is unalterably in favor of the free coinage of falsehood? [Laughter.]

Mr. PICKLER. Mr. Chairman, I know there have been a great many misrepresentations in the papers that the gentleman describes, but I only desire to set the Republicans fairly before the country.

Mr. MEREDITH. You take it on faith, do you?

The Clerk read as follows:

Neosho (Mo.) station: Superintendent, $1,500; foreman, $720; one laborer, $600; in all, $2,820.

Mr. BURTON of Missouri. Mr. Chairman, I desire to offer the following amendment:

The Clerk read as follows:

Amend by striking out the word "five," in line 23, on page 33, and insert in lieu thereof the word "eight."

Mr. BURTON of Missouri. Mr. Chairman, the direct effect of this amendment is to increase the salary of the superintendent from $1,500 to $1,800. He received——

Mr. CANNON. Well, Mr. Chairman, I did not get my eye on the amendment until this moment. I ask that it be read again. I am not sure that I have it now.

The amendment was again reported.

Mr. CANNON. Mr. Chairman, I think that is subject to the point of order.

Mr. BURTON of Missouri. What is the point of order?

Mr. CANNON. The salary now is $1,500 and there is no law authorizing $1,800, I believe. He gets $1,500.

Mr. BURTON of Missouri. Pardon me. He got $1,800 for a number of years.

Mr. SAYERS. But not for the last two years.

Mr. BURTON of Missouri. The last Congress, or possibly the Fifty-second, reduced it to $1,500. I do not think the gentleman's point of order is well taken; because I do not think the law limits the salary to $1,500. He was originally appointed at $1,500, and after serving a while his salary was increased, upon the recommendation of the Fish Commissioner, for work remarkably well done; and for a series of years he received $1,800 a year. Now, I desire to say that this man has devoted more than eighteen years of his life to this position. He is well qualified, and is an author; and the Fish Commissioner over here is using a work of this man on the Propagation of Black Bass in responding to the queries

that are made of that Department, and they do not pay him one cent for it. And I say that a man of that character, of that experience, who has devoted the number of years he has to it, and who for a number of years received $1,800 a year, ought to receive that amount; and simply because some preceding Congress has reduced, in an appropriation bill, his salary from $1,800 to $1,500 is not a reason why this House should continue to do him wrong. I earnestly hope that this House will give to this man that which he received for a number of years, that which his qualifications and which his service entitle him to.

Mr. CANNON. I do not know, Mr. Chairman, as to whether, strictly speaking, this is subject to a point of order or not. I understand it to be the fact that there is no statute fixing the salary. For the current year he receives $1,500 by an appropriation, and did, as I understand, last year, and some years prior thereto, along with other like officials at the various stations. I suppose that that constitutes the law, if there be any, fixing his salary. The gentleman can not show anything where the law says he shall have $1,800.

Mr. BURTON of Missouri. Then if the appropriation cut it down to $500, it never could be increased.

Mr. CANNON. Well, it is competent to legislate. I am discussing what constitutes the law, in the light of the rule, for these salaries. If it is competent to appropriate $1,800 instead of $1,500, it is competent to appropriate $18,000.

Mr. BURTON of Missouri. There is no legislation.

Mr. CANNON. There is no legislation for $1,800 or $18,000, and there is no legislation for $1,500 except the current law. The salary that he gets at present is $1,500, appropriated for in the sundry civil law for the current year, and has been that for several years. I suppose that, for the purposes of the rule, that would be considered as law.

Mr. SAYERS. Mr. Chairman, I desire to say a word about this appropriation. During the last Congress—I do not remember whether it was at the first or the second regular session—there was an effort made to equalize the stations in this respect, and after careful inquiry the conclusion was reached that the salaries then carried in the appropriation bill were ample for the office. My recollection is—and I speak only from recollection—that at most of these stations the superintendents are supplied with houses in which to live. That being the case, and with the advantage of continual residence at the stations, very light work indeed, and not very great responsibility, it does seem to me that this Congress ought not to undertake to return to the old system of salaries for these superintendents. As they now stand in the bill they are all equalized, but if you return to the salaries that obtained more than two years ago you will have them unequal at the different stations, and there will be a constant effort on the part of those who are receiving the smaller salaries to put themselves on an equality with those who are better paid, and at the same time those receiving the larger salaries will be trying to have them increased. This ought to be permanent law instead of annual law, and the salaries of the superintendents of these stations ought not to be larger at any place than the amount fixed in this bill.

Mr. SMITH of Illinois. Mr. Chairman, on the point of order made by my colleague [Mr. CANNON] I desire to say that I do not think it is well taken. The salary is provided for this position in each annual appropriation bill, and failure to provide the salary in an annual appropriation bill would virtually abolish the office. The appropriation made in the last appropriation bill provides a salary for the present fiscal year. The appropriation bill now under consideration is intended to provide a salary for this officer for the next fiscal year. Hence, under a ruling made a few days ago by the gentleman then in the chair, there is no existing law fixing this salary, and there being no existing law, I am compelled to differ with my colleague as to his point of order being well taken. As to the merits of the case, as to whether this salary should or should not be increased, I have nothing whatever to say. I simply desire to emphasize the point that where a salary is fixed annually in an appropriation bill a point of order will not hold against a proposition to increase that salary for the next fiscal year in an appropriation bill.

The CHAIRMAN. The Chair overrules the point of order.

Mr. CANNON. Well, Mr. Chairman, on the merits I only want to say that all along the line for these superintendents of fish stations estimates were submitted for increase of salaries, but I do not think we want to enter upon that kind of legislation. One thousand five hundred dollars a year for the keeper of a fish station, when he has a house furnished by the Government free of rent and all repairs made, is a good salary, and I do not believe that we want to disturb this happy Democratic family in the salaries fixed for these superintendents under the lead of the eminent gentleman from Texas [Mr. SAYERS].

Mr. SAYERS. I trust the gentleman from Illinois will continue to follow the example set by the Democratic Congress in all his appropriations. [Laughter.]

Mr. CANNON. I wish to follow it in this instance, because I think it is good.

Mr. SAYERS. The gentleman will make no mistake if he follows the policy of the last Congress in the matter of appropriations.

Mr. CANNON. I am content to do it in this case.

The amendment was rejected.

Mr. BURTON of Missouri. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Amend by striking out from the paragraph all after the words "six hundred dollars," in line 24, page 33, and insert in lieu thereof the following: "One skilled laborer, $720; in all, $3,540."

Mr. CANNON. Mr. Chairman, I think that is subject to a point of order. I do not know of any law that authorizes the employment of a skilled laborer at this fish station. The Chair is familiar with the law under which laborers, messengers, clerks of class 1, 2, 3, and 4 may be increased, according to the wants of the service—that kind of increase specially authorized in the Revised Statutes—so that that may be either an increasing or a decreasing force, according to the requirements of the service; but skilled laborers do not come within the provision. So far as any general authorization by law is concerned, they stand upon the same ground as a chief of division or any other officer not authorized by the common statutory provision.

Mr. BURTON of Missouri. Mr. Chairman, as to my friend's point of order, if there is anything in the word "skilled" which brings the amendment within the point, or which would justify the Chair in sustaining the point of order, then I ask leave to modify the amendment by striking out that word. Now, as to the merits of the amendment, this fishery is established at the little town of Neosho, a place of some 4,000 people, situated upon a series of hills at the base of which there rush out most magnificent springs of living water. The Government has gone to that town and established a fishery. Originally not only did they allow this superintendent $1,800 a year, not only did they allow labor as they now allow it, but they allowed also what I am pleased to call a skilled laborer, by which I mean a man who can do rough carpenter work, who can do rough painting, who can make flues and boxes and trays, who can build a dam, if necessary. For a number of years that skilled laborer was there in the employ of the station, and when his time was not devoted to the discharge of such duties he was occupied in fish-culture. Eventually he took a civil-service examination and was promoted to be a fish-culturist and was transferred to another station. Since that time his place has never been supplied.

Mr. Chairman, from the day that plant was established until now the business there has constantly increased. To-day it is especially devoting itself to the propagation of rainbow trout and black bass, particularly black bass. There is not now at that point sufficient force to handle the black bass and ship them to meet the demand therefor. Why, Mr. Chairman, I assure this House that last spring when I was there, standing upon the banks of one of those magnificent ponds, the black bass came up and even whined for more laborers that they might be taken out and distributed throughout the country. [Laughter.]

The CHAIRMAN. The Chair sustains the point of order.

Mr. BURTON of Missouri. Then I modify my amendment and reoffer it with the word "skilled" stricken out.

Mr. CANNON. If the gentleman strikes out the word "skilled," so as to provide simply for a laborer, I presume that a motion to increase the force of laborers is within the rule, because that general class of employees is authorized by the Revised Statutes.

The gentleman has spoken to the merits of the proposition. Mr. Chairman, the Government of the United States in its policy touching the Fish Commission and its work has never been niggardly. It is a magnificent service in the number of its officials and the efficiency of their work. Some people believe that it is not a very important service. Frankly, I think it is. But last year we appropriated $336,240 for the distribution and propagation of fish, and this bill contains an increased appropriation, $339,340. The matter was fully examined in committee and from a friendly standpoint. After the fullest inquiry the committee is satisfied that it has been not only just but liberal toward this service in the appropriations reported. I trust that the recommendations of the committee as reported will stand.

The question being taken on the amendment of Mr. BURTON of Missouri, it was rejected; there being—ayes 14, noes 39.

The Clerk read as follows:

Clackamas (Oreg.) station: Superintendent, $1,500; one laborer, $720; one laborer, $900; in all, $2,820.

Mr. HARTMAN. Before offering the amendment which I have in view I will ask the chairman of the committee a question. Is this matter of the continuation of the fish hatcheries already under construction to be taken care of in this bill or in the general deficiency bill?

Mr. CANNON. At the time this bill was completed we had not received any estimates for that purpose; they would not belong on this bill; they would be considered with the deficiency estimates.

Mr. HARTMAN. Then this matter will come in properly on the general deficiency bill?

Mr. CANNON. The matter has not been examined as yet.

Mr. SAYERS. I think there is a clause in this bill which provides for these hatcheries when they shall have been completed. Is not that so?

Mr. CANNON. That is for the personnel.

Mr. HARTMAN. I will state my reason for this question. In my town in Montana there is now a hatchery in process of construction; it is partially completed.

Mr. CANNON. That will go upon the general deficiency bill.

Mr. HARTMAN. Very well. If that be the case I will not detain the Committee of the Whole at this time by offering an amendment.

Mr. SIMPKINS. Mr. Chairman, having been absent for a few moments, I ask unanimous consent to recur to line 11, page 32, to which I wish to offer an amendment.

The CHAIRMAN. Is there any objection?

Mr. CANNON. The gentleman, as I understand, was not present when that paragraph was read. I suspect that I am not in harmony with his amendment, but I have no disposition to object to giving the gentleman a chance to test the sense of the committee upon the amendment.

There being no objection, the Committee of the Whole recurred to the following paragraph:

Woods Hole (Mass.) station: Superintendent, $1,500; machinist, $960; fish-culturist, $900; pilot and collector, $720; three firemen, at $540 each; two laborers, at $540 each; in all, $6,780.

Mr. SIMPKINS. I move to amend by striking out the words "five hundred and forty," in lines 10 and 11, and substituting the words "seven hundred and twenty;" so that the clause will read:

Three firemen, at $720 each.

Mr. Chairman, the object of this amendment is to make the salaries of the firemen engaged at Woods Hole equal to the salaries of the firemen engaged at the New York station. The work of the firemen in these two places being identical, there is no reason, I believe, why their pay should not be the same. It is conceded by all that the pay of the firemen at the New York station, $720 each, is not too large. I hope, therefore, that my amendment will be adopted.

Mr. CANNON. Mr. Chairman, this appropriation for the station at Woods Hole was written formally in the appropriation bill four years ago, in accordance with the amounts which were then being paid to these employees, there having been full authority on the part of the officers in charge to make what disbursements they chose for this purpose from a lump sum which had been appropriated. Congress thought it wise to make the appropriations for all these stations specific; and the salaries having been fixed at these amounts when those in authority had plenary power in the premises, Congress adopted the roster as we now have it. It seems to me we can not undertake to regulate and change these salaries by amendment in Committee of the Whole. I trust the amendment will not be adopted.

The question being taken, the amendment of Mr. SIMPKINS was rejected, there being—ayes 10, noes 31.

The Clerk read as follows:

Punishment for violations of internal-revenue laws: For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violations, $50,000; and the Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year as to how he has expended this sum, and also a detailed statement of all miscellaneous expenditures in the Bureau of Internal Revenue for which appropriation is made in this act.

Mr. McCALL of Tennessee. Mr. Chairman, I would like to ask the gentleman in charge of this bill if he will not consent to pass over this paragraph, beginning with line 15, on page 38, and extending to line 24, with permission to return to it after the bill has been concluded?

Mr. CANNON. I am quite content that we should pass over that paragraph and return to it after we read the bill through.

Mr. LINNEY. I want to offer an amendment, Mr. Chairman, to strike out that whole paragraph.

Mr. McCALL of Tennessee. I withdraw the request.

The CHAIRMAN. That will have to be done, the Chair will state, by unanimous consent.

Mr. McCALL of Tennessee. I have withdrawn the request.

Mr. CANNON. Whichever way the gentleman from North Carolina prefers, I have no objection, either to let it be considered now or accept the suggestion of the gentleman from Tennessee and let it be passed over by unanimous consent, to be recurred to hereafter.

Mr. LINNEY. I prefer its consideration now. I offer the amendment I send to the desk.

The Clerk read as follows:

Amend, on page 13, by striking out from the bill the paragraph beginning with line 15, down to and including line 24.

Mr. TATE. Mr. Chairman, I offer an amendment to strike out a portion of the paragraph, which I believe has precedence.

The CHAIRMAN. Does the gentleman offer an amendment to the amendment?

Mr. TATE. No, sir; to strike out a part of the paragraph, which amounts to an amendment to perfect the text of the bill.

The CHAIRMAN. The Chair thinks, unless the motion of the gentleman from North Carolina is temporarily withdrawn, that under the circumstances it would be first in order.

Mr. SWANSON. A motion to strike out takes precedence of a motion to perfect the text? As I understand it, Mr. Chairman, a motion to amend would take precedence.

The CHAIRMAN. The Chair will cause the amendment of the gentleman from Georgia to be read, and will then determine whether it has precedence.

The Clerk read as follows:

Amend by striking out, in lines 18 and 19 of the paragraph, the words "including payments for information and detection of such violations."

Mr. TATE. The Chair will see that the purpose of my amendment is to strike out the provision providing for the payment for information or the purchase of information on the part of the Government, and leaves the appropriation as it was made in the bill for the detection and prevention of frauds.

The CHAIRMAN. The Chair thinks the amendment of the gentleman from Georgia has precedence.

Mr. TATE. If the gentleman from North Carolina wishes to proceed. I do not want to take the floor from him.

The CHAIRMAN. The Chair has decided that the amendment to perfect the text takes precedence of the amendment to strike out entirely. The gentleman from Georgia has sent up an amendment to perfect the text, which the Chair recognizes as first in order.

Mr. McCALL of Tennessee. Let us have the amendment again reported.

The amendment was again read.

Mr. TATE. Mr. Chairman, this question has been gone over by the House heretofore in discussing the bill to pay district attorneys, marshals, and other United States officials salaries in lieu of fees, and it seems scarcely necessary to discuss it at length now, and I will not undertake to again discuss this question in the short time allowed. The purpose is not to strike out the entire section of the bill nor to prevent the appropriation from being used for the purpose of detecting, arresting, and bringing to trial people who violate the internal-revenue laws. The purpose is to strike out that clause and that provision which allows the purchase of information by the Government and to pay for criminal information against the citizen who may violate the law.

The question of fees, and the manner in which the fees in the Internal-Revenue Department have been made heretofore, by which expenses have been piled up against the Government; the work of the informer, the manner in which he makes his fees and how these detestable spies and informers are used to harass the people and how they are paid for the same, has been gone over very thoroughly, as I said, in the discussion on the fee bill a short time ago. Under no other system of prosecution does the State courts or any other court provide money for the purpose of buying information. I undertake to say that such a proposition would not be tolerated by the State courts for a moment. The appropriation of money by the States for the purpose of buying information in criminal cases has never been done.

Mr. Chairman, I again appeal to this House to break up the business of the professional spy and informer by adopting this amendment. We should not appropriate the people's money to pay a class of people who are generally the greatest criminals to be found.

Mr. EVANS. Mr. Chairman, I feel constrained to differ with the gentleman from Georgia who offers this amendment, as well as with the gentleman from North Carolina [Mr. LINNEY], who proposes to strike out the entire provision. I believe there is no more important provision in this bill than the one now proposed to be stricken out, and I shall urge upon the House not to paralyze the arm of the Commissioner of Internal Revenue by striking out or altering this proposed section of the bill.

This is a very broad country of ours, and the internal-revenue service ramifies the whole of it, and unless the Commissioner has authority, and money to pay for the exercise of that authority in the detection of fraud and in acquiring information concerning fraud, you had as well not undertake to prevent fraud in the internal-revenue service at all. It seems to me to be a most wise provision, not only wise in terms, but wise by the experience of the Internal-Revenue Service, for it is probably a quarter of a century since there was the absence of such a provision in the law as this.

I insist that it should not be stricken out, that the words suggested by the gentleman from Georgia remain in, and that both of the amendments be voted down. I think the House will forget the importance of the provision if we yield to either of the proposed amendments.

Mr. LINNEY. Mr. Chairman——

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. SAYERS. I move to strike out the last word. I wish to say a few words only, Mr. Chairman. This particular service is not the only one in which the Government makes use of informers. The alien contract labor law, under which the informer is entitled to receive pay for information which leads to the arrest, indictment, and conviction of a person violating that law, and other laws pertaining to other branches of the service, under which informers are also employed and paid, are as susceptible of criticism as the clause under consideration.

Now, I agree with the gentleman who has just taken his seat [Mr. EVANS] that if this appropriation be stricken out the arm of the Commissioner of Internal Revenue will be paralyzed, and that illicit distilleries will spring up in certain parts of the country, and especially in the good old State of Virginia, and in North Carolina and in Georgia. Certain gentlemen, whether Republicans, Democrats, or Populists, must depend for their election to Congress, to some extent at least, upon the votes of those who are engaged in this illicit and unlawful business. I am told, Mr. Chairman—I do not assert it as a fact—that when conventions are held in certain districts by the three parties there is one plank in the platform which is absolutely identical in all. We hear much about the free and unlimited coinage of silver at the ratio of 16 to 1, but in those parts the burning question is, "Freedom to the moonshiners and permission to violate the internal-revenue laws of this country with impunity." Now, this is no exaggeration. Gentlemen may smile when I make the assertion, but it is believed by many to be true. I have before me the official statement of the Commissioner of Internal Revenue as to the manner in which the appropriation of $50,000 made at the last session of the last Congress for the current fiscal year has been expended during the last eight months.

First I will take the State of North Carolina. If gentlemen will turn to their Congressional Directory they will find out who represent the Fifth and Eighth districts of that State. During eight months of the present fiscal year in the Fifth district of North Carolina 160 illicit distilleries were seized and destroyed. The persons operating them were violating the law and making a hell of one of the fairest portions of this country, converting into whisky the corn which should have been used for furnishing bread to their families and food to their stock.

My friend from North Carolina [Mr. LINNEY] may rise in his place and talk most eloquently of the old Flag and the Union, and yet in his very district men are thus violating the laws of his country. The number of fermenters seized and destroyed in his district were 558, and the number of gallons of beer seized and destroyed were 32,550. All this during the past eight months.

But what of the Eighth district of North Carolina? I can not recollect which gentleman represents that district, but I believe he sits on the majority side of this House. We find that in that district during the past eight months 100 illicit distilleries, 755 fermenters, and 78,650 gallons of beer were seized and destroyed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAYERS. Mr. Chairman, this is an important item, and gentlemen will assail it most vigorously. I ask unanimous consent for ten minutes longer.

The CHAIRMAN. Unanimous consent is asked that the gentleman's time be extended for ten minutes. Is there objection?

There was no objection.

Mr. SAYERS. During the same time 11,047 gallons of spirits were also seized and destroyed. The report does not show whether it was brandy or whisky. So much for North Carolina. And it is enough. We will now turn to Georgia, represented in part by my good friend [Mr. TATE], who has already spoken and who has offered the pending amendment. Here we find in the Ninth district that 299 illicit distilleries were seized and destroyed during the past eight months.

Mr. ALLEN of Utah. In one district?

Mr. SAYERS. In one district; and also 3,645 gallons of spirits.

Mr. LIVINGSTON. What kind of spirits?

Mr. SAYERS. My friend lives in that State and he knows better than I. There were also seized and destroyed 292,535 gallons of beer. As to Virginia, the good old State, the mother of Presidents, the home of Madison and of Jefferson, so ably represented on this floor by gentlemen of high character and ability, we find that in the Fifth Congressional district alone 83 illicit distilleries, 8,394 gallons of spirits, 600 fermenters, and 75,100 gallons of beer were seized and destroyed. I ask leave, Mr. Chairman, to print the entire statement in the RECORD as a part of my remarks.

Report of work done by revenue agents and amount expended from "fraud fund" from July 1, 1895, to February 29, 1896, by Congressional districts.

State.	Congressional district.	Amount expended from "fraud fund."	Registered distilleries seized.	Illicit distilleries seized and destroyed.	Gallons of spirits seized.	Fermenters seized and destroyed.	Gallons of beer seized and destroyed.	Horses and mules seized.	Wagons seized.	Value of property seized.	Assessments reported.
California	Fourth	$1,550.10		1						$951.15	$10,674.09
Do	Second	31.45									131.22
Minnesota	Sixth										7,446.25
Do	Seventh										300.00
North Dakota										3,758.00	1,585.50
Montana											250.00
Nebraska	Fourth										102.50
Do	Sixth	18.66		1							150.00
Iowa	Third										100.00
Illinois	First	251.82			606					114.87	5,727.07
Do	Eighth									47.70	1,538.84
Do	Twelfth										221.83
Do	Fifteenth										112.50
Do	Seventeenth										350.00
Do	Twenty-first										91.67
Do	Twenty-second										216.67
Wisconsin	First	59.38									
Do	Second	41.00			24					4.80	212.50
Do	Third	101.56									275.00
Do	Fifth	213.71									156.25
Do	Sixth	44.38									91.67
Do	Seventh	241.27									150.00
Do	Eighth	168.38									540.64
Do	Ninth	33.82									97.50
Do	Tenth	33.82									173.75
North Carolina	First										
Do	Second	34.00	1	3	178	33	2,200				3,856.16
Do	Third	436.00	1	26	85	167	14,850				
Do	Fourth	585.00	4	31	1,398	189	15,000				1,294.80
Do	Fifth	803.30	3	60	5,246	558	32,550	5	5		151.95
Do	Sixth	747.00		3	2,456	33	1,900	7	4		1,104.84
Do	Seventh	1,114.90	20	41	9,156	314	27,500	4	4		26,458.42
Do	Eighth	2,186.00	11	100	11,047	755	78,650	7	4		22,186.00
Do	Ninth	1,254.00	6	71	1,868	497	49,350	4	2		9,433.38
South Carolina	Third	232.00		38		420	43,600			2,975.60	
Do	Fourth	1,991.50		67	158	760	83,250	2	4	5,267.00	
Virginia	Second		6		1,520					2,341.09	
Do	Fourth	88.00		5	24	46	2,880			535.00	299.37
Do	Fifth	1,995.00	45	83	8,394	600	75,100	6	3	14,775.85	1,140.63
Do	Sixth	296.07	3	15	570	37	2,200	6	4	1,873.86	2,255.63
Do	Seventh	800.75	27		8,843					4,999.95	1,545.00
Do	Eighth	112.87			26					29.15	
Do	Ninth	647.00	2	23	40	134	9,700			1,661.75	159.37
Do	Tenth	883.90	5		3,597					3,890.41	128.13
Tennessee	First	84.00	1	4	273	12	1,000			511.00	
Do	Second	88.00		3	799	20	2,300			958.00	
Do	Third	178.00	1	6	3,567	70	46,700	2	1	5,682.00	
Do	Fourth	70.00	2	3	1,409	40	7,700			2,285.00	165.00
Do	Fifth	36.00	5		2,085	78	20,200			3,514.00	18.75

Report of work done by revenue agents and amount expended from "fraud fund" from July 1, 1895, to February 29, 1896, by Congressional districts—Continued.

State.	Congressional district.	Amount expended from "fraud fund."	Registered distilleries seized.	Illicit distilleries seized and destroyed.	Gallons of spirits seized.	Fermenters seized and destroyed.	Gallons of beer seized and destroyed.	Horses and mules seized.	Wagons seized.	Value of property seized.	Assessments reported.
Tennessee	Sixth				90					$128.00	$58.33
Do	Seventh	$83.00		3		44	200				
Do	Eighth	119.00		3	190	21	5,000	1		466.00	
Arkansas	First										
Do	Second	170.00		5		40	3,000			385.00	
Do	Third	670.00		18	47	121	12,300			1,508.00	
Do	Fourth	160.00		6	5	41	100			550.00	
Do	Fifth	10.00		1	2		100			25.00	
Do	Sixth	26.00		1			100			30.00	
Missouri	First										345.84
Do	Fifth				162					216.25	1,062.50
Do	Tenth, Eleventh	91.05			154					142.50	22,784.68
Do	Twelfth, Thirteenth	61.00		6	92	16	640			164.00	
Iowa	First										679.17
Do	Sixth										216.67
Do	Ninth										450.00
Kansas	First										150.00
Louisiana	First	608.00			47					163.00	2,430.05
Do	Fifth	38.52		2		23	3,000			268.00	
Mississippi	First	173.15	2	9	180	39	5,070			1,206.00	
Do	Second	57.78		3		12	350			402.00	
Do	Third				40					100.00	250.54
Do	Fourth	135.03		7	175	52	7,485		1	938.00	
Do	Fifth	38.52		2						268.00	250.54
Texas	First										62.51
Do	Second										30.00
Do	Third										37.50
Do	Sixth										58.12
Do	Seventh										28.51
Do	Twelfth				55					100.00	16.67
New Jersey	Sixth	38.00		1	20	8	250	1	1	4,200.00	250.00
Do	Seventh	58.22		1	3	4	40			2,250.00	50.00
New York	First	40.00		1	222	7	430	2	4	2,000.00	
Do	Nineteenth	40.61									617.00
Do	Twentieth	104.08									
Do	New York City	1,357.33		1	30	10	400			100.00	751.67
Do	Brooklyn	583.25		2	50	27	1,015	1	1	4,350.00	840.50
Pennsylvania	Philadelphia	319.52									1,362.63
Do	Ninth	12.56									147.50
Do	Tenth	6.71									
Do	Eleventh	39.63									300.62
Do	Thirteenth	50.24									30.00
Do	Twentieth	25.48									
Do	Twenty-second	26.71									4,063.34
New Jersey	First	30.57								200.00	350.00
Do	Second	13.36									
Maryland	Baltimore	26.48									3,570.87
District of Columbia	Washington	160.60									
Kentucky	First				480						10.00
Do	Second										75.00
Do	Third	10.00	4	1	2,180					1,540.00	583.22
Do	Fourth	67.00	1	6	306	28	2,850			625.00	
Do	Fifth				280						1,629.62
Do	Sixth										
Do	Seventh	335.41			1,255					500.00	883.25
Do	Eighth	444.00	2	10	372	35	1,600			755.00	744.32
Do	Ninth	328.24	3	1	106	3	100			200.00	2,055.52
Do	Tenth	584.00	3	9	232	20	900			345.00	1,142.98
Do	Eleventh	636.82		13	240	91	5,150			1,090.00	
Georgia	First	6.00		1	880		100			1,582.00	
Do	Second			1	43	2				51.00	
Do	Third				122					340.00	
Do	Fourth	79.00	3	17	655	144	6,650			1,880.00	
Do	Fifth	68.00	1	2	474	114	7,490			1,229.00	
Do	Sixth	90.00		17	90	100	5,180	1	1	1,134.00	
Do	Seventh	1,428.74		68	548	495	44,470			6,549.00	
Do	Eighth	806.44	1	16	337	130	5,615			1,465.00	
Do	Ninth	4,552.54	4	299	3,645	4,625	292,559	15	6	41,055.00	
Do	Tenth		1		731					2,590.00	173.36
Do	Eleventh										
Alabama	First	15.00									
Do	Second	23.00		3	4	9	50			85.00	
Do	Third	10.00		4	1	7	80			38.00	
Do	Fourth	633.00		49	47	266	14,690	1	1	4,093.00	
Do	Fifth	559.00		49	152	294	34,835	2	1	3,750.00	
Do	Sixth	257.00		28	254	152	8,215	2	1	1,685.00	
Do	Seventh	105.00		16	2	84	6,885			805.00	
Do	Eighth	194.00		20	97	171	13,800	2	1	1,520.00	
Do	Ninth			1	8	7	200			60.00	

In large cities, viz., San Francisco, Chicago, St. Louis, Milwaukee, New York, and Brooklyn, it has been impracticable to separate the items expended from the "fraud fund" according to Congressional districts, owing to the fact that when a man is employed on Form 10 and paid from this fund he may often do work in two or more Congressional districts in the same day, thereby rendering it impossible to give actual data, as above stated.

While this report shows approximately the amount expended from this fund, it does not exhibit the correct results, for the reason that many cases discovered within the time named have either not been reported or are before the courts or pending a settlement by offers in compromise in this office, the aggregate results of which would materially increase the sums reported.

Attention is further called to the fact that the limited time allowed for gathering this data and putting it in its present shape was not sufficient to make the most accurate report possible.

In some districts the reports show violations of law and seizures of property and assessments resulting therefrom, while but little, and in some instances, none of the "fraud fund" was expended. The results reported in such cases are due to the individual work of the agents or the deputies under their direction, and the "fraud fund" is not entitled to the credit for such work.

Five hundred and thirty-two arrests have been made within the time named which it is proper to report as a part of the work resulting from the use of this "fraud fund."

But I do not wish gentlemen who live in the North to think that the violation of the internal-revenue laws is confined to the States that I have mentioned. Let us go to the State of New York. We were told by the Commissioner of Internal Revenue that in the basement of a house standing upon one of the most prominent streets in the city of New York an illicit distillery was being operated and that the illegal act was discovered and the gentlemen—I refer to them thus courteously—who were thus engaged in the willful, premeditated, deliberate, and continual violation of the law, when arrested paid to the Government $12,000 and costs at one time in order to escape further prosecution.

Mr. EVANS. I will remind the gentleman that this appropriation yields to the Government better returns than any other appropriation in any appropriation bill, in my judgment.

Mr. SAYERS. I think so. I agree with the gentleman.

Mr. SAYERS. There are not 350 voters in Floyd County

Do	Fifth	36.00	5		2,085	78	29,200		3,514.00	18.75

ated and that the illegal act was discovered and the gentlemen—I

tion yields to the Government better returns than any other appropriation in any appropriation bill, in my judgment.

Mr. SAYERS. I think so. I agree with the gentleman.

Mr. LIVINGSTON. May I suggest to my colleague, Mr. Chairman, that in recovering this revenue for the Government, private houses, private bureaus, private closets are entered and broken open and searched without warrant, under no legal process whatever? I want to ask my colleague if he indorses that part of this system?

Mr. SAYERS. Mr. Chairman, I do not know that such things are done, and until a case is made and established I will not express an opinion. But I know this, that if the houses of innocent men are broken into and their property destroyed, they have their recourse under the Constitution and laws of the country.

Mr. LIVINGSTON. Now, will my colleague bear with me, because I do not want to make any speech on this subject?

Mr. SAYERS. Certainly.

Mr. LIVINGSTON. Their recourse, Mr. Chairman, is through the courts of the country; and it would cost them more to fee a lawyer in most cases than the damages accruing. It is not the amount of property that they lose so much as the insult and injury that they sustain, being free citizens of a country over whom the flag of the country floats, when their houses and premises are searched without warrant. Now, I want to ask my friend if he would be willing, and if the chairman of this committee will, if this clause is kept in, add an amendment to the clause, "*Provided, however*, That all search and all investigation of private houses and private closets shall be done under legal process of law"?

Mr. SAYERS. Now, Mr. Chairman——

Mr. LIVINGSTON. Are you willing to do that?

Mr. SAYERS. I will answer. If such should be done, Mr. Chairman, it will only advertise to the fellows that the officers are coming [laughter], and there are nine chances out of ten that the officers will never reach the house when the illicit distillery is being operated. The newspapers of the country give us, week by week, accounts in which some one has been shot down at night at his fireside with his family, and when the authorities endeavor to find out who it was that did the assassination, it is found that some man suspected of moonshining has suddenly left the country. This appropriation ought to be made, not only for the purpose of maintaining the majesty of the law, but for the purpose of relieving these sections of the deplorable consequences which always result from the illicit distillation of liquors. The House can do as it pleases. This law does not affect my constituency. Illicit whisky is not distilled there. The duty of this committee is plain; it should sustain this appropriation.

Mr. KIEFER. Will the gentleman allow me to ask him a question?

Mr. SAYERS. I will.

Mr. KIEFER. What does the gentleman understand by the statement, so many thousand gallons of beer have been destroyed?

Mr. SAYERS. I do not know anything other than what is contained in the statement from which I have read. I am not acquainted with the revenue laws.

Mr. CONNOLLY. That is the mash that has not been sufficiently fermented.

Mr. KIEFER. Then it is not the beer, as we understand it, under the term of "lager beer," but is a mash?

Mr. SAYERS. I suppose not; it is the mash.

Now, Mr. Chairman, I will not detain the committee longer. I have said all that I care to say on the subject, and if the committee should strike out the clause and leave the Internal-Revenue Office to the mercy of those who are engaged in the violation of the law it must bear the responsibility. The load will not be on my shoulders.

Mr. LINNEY. Mr. Chairman, I move to strike out the last two words.

The gentleman from Texas has been rather severe on the State of North Carolina, and especially on two districts, the Fifth and the Eighth. I want to call the gentleman's attention to the fact that, if the conditions are similar, his State is vastly more derelict than mine. I see from the report of the Commissioner of Internal Revenue of this year, on page 385, that while North Carolina reports and paid tax on 708,971 gallons per year, the distinguished gentleman's State only reports 4,623 gallons per year. Texas is as large as four or five North Carolinas; she is the greatest corn State of the age, and drinks more brandy than 10,000 Maines, and yet only reports 4,623 gallons per year. Now, Mr. Chairman——

Mr. SAYERS. We feed our corn; we feed it to our horses and our hogs.

Mr. LINNEY. Then where do you get the vast amount of liquor that you enjoy so much in the great State of Texas? [Great laughter.]

Mr. SAYERS. Has the gentleman been in Texas?

Mr. LINNEY. Many a time. I own property in that State.

Mr. SAYERS. Where?

Mr. LINNEY. In Floyd County, where there is no brandy.

Mr. SAYERS. There are not 350 voters in Floyd County.

Mr. LINNEY. You are just 600 citizens behind the times. You know as little about Floyd County as about the liquor of North Carolina. [Laughter.]

Now, let me show, Mr. Chairman, the great iniquity of this appropriation. I maintain before this intelligent body of legislators and statesmen that no fund has ever operated upon the popular mind at any time in the history of the world that has produced as much corruption, save and except that thirty pieces of silver that were connected with the wonderful treachery that we read of in sacred history, as does this $50,000 which provides for the payment of special agents.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LINNEY. Mr. Chairman, I should like about ten minutes on this subject.

Mr. SAYERS. Mr. Chairman, I ask unanimous consent that the gentleman be allowed ten minutes.

There was no objection, and it was so ordered.

Mr. LINNEY. I want to state further, for the benefit of this Committee of the Whole and of the distinguished gentleman from Texas in particular, that while North Carolina pays out annually over $2,000,000 under the internal-revenue system in excess of what she receives by way of pensions, the gentleman's own State does not pay a tithe of that amount, so that to-day my State is feeling the weight of the Government burdens growing out of this internal-revenue system ten times more than the great State of Texas, and therefore this is a matter of ten times more interest to the people of the Eighth district and of the Fifth district of North Carolina than it is to any district in the gentleman's State.

But now, Mr. Chairman, I want to address myself to the proposition which I have already announced, that this $50,000 stands in your appropriation bill, not as a fund for the purpose of enforcing the law, but as a very dangerous corruption fund, and to show that I am correct in that statement I ask the attention of the House to page 20 of the report of the Commissioner of Internal Revenue for the year ended June 30, 1895. I find in that report that one B. B. Bouldin received $12,116.20 last year for his work as a spy, and on another page I find that a man by the name of Pitts received $13,504.29 for his services as a spy. Neither of those men has one-fiftieth part of the brain power which the distinguished gentleman from Texas possesses, and yet for engaging in this disreputable business they receive about four times the salary that the gentleman receives for his valuable public services.

I want to call attention to another fact, to show that this fund acts as a corruption fund. From the reports which these agents have made—not the regular officers, but these spies—it appears that in each of these States they have reported something like 3,000 violations of internal-revenue laws, and yet there have been only about 600 arrests upon the information so received, and I undertake to say that probably not one-tenth of the parties arrested upon the information of these agents are ever prosecuted and convicted. This shows, sir, that there have emanated from these special agents over 3,000 falsehoods, that 3,000 of the citizens of the State of North Carolina have been slandered by them, and that that slander had its origin in this appropriation. It was your appropriation of $50,000 that produced those slanders. It was this $50,000 that constituted the motive, the incentive, which prompted these men to make these 3,000 false and slanderous reports.

Now, sir, I ask this House if it is not infinitely better that we should have a little blockade whisky occasionally than that the Government itself should go in partnership with a force which deals in lies and gets those lies placed upon the records of this country? By encouraging these men the Government of the United States becomes a party to one of the most disreputable enterprises known to mortal man. That is why I oppose this appropriation. It is not that we in North Carolina are not in favor of the enforcement of the internal-revenue laws, because we are in favor it. If the people of North Carolina were opposed to the enforcement of the internal-revenue law you would not see $2,000,000 pouring from the pockets of those people into the Treasury annually in excess of what they receive from the Government, but you would find North Carolina dwindling down in this respect to the condition occupied by the State of the gentleman from Texas, giving a sum so meager that you must have a spyglass to see it at all. [Laughter.]

Mr. Chairman. I am surprised anyway that the distinguished gentleman from Texas should become the champion of the internal-revenue system in the South. [Laughter.] I will venture to say that he never made a speech in Texas in which he did not denounce the internal-revenue system. [Laughter.] If he did, he is about the only Democrat in the South that ever did so. It has been suspected that the Democracy were blowing hot and cold on this question, but they have always denied it so vigorously that

sometimes it has dampened the ardor of some good Republicans in opposition to it.

But, seriously, Mr. Chairman, this appropriation ought to be stricken out. In that way you will save $50,000 a year from a fund that has never yet since it was first appropriated resulted in one good prosecution—not one. It is wrong, also, from another point of view. This matter of employing spies in a republican form of government is wrong, it is odious, it is distasteful to every honest and good citizen. Why, even the Athenians called their informers "sycophants." It has come down to us from ancient times that men whose business it was to lie around their neighbors' houses and catch the conversation going on there and twist and torture it and misuse it so as to make it the basis for a prosecution were engaged in a most disreputable business, and they were described by the disreputable term "sycophant." For one, I shall not join the army of sycophants, but I call upon this House to rise to the importance of the occasion and to strike from our statute books this fund, which simply fosters the most disreputable business that ever was encouraged by a law of the United States. I will not occupy further time.

[Mr. SWANSON addressed the committee. See Appendix.]

Mr. McCALL of Tennessee. Mr. Chairman, I move to strike out the last two words.

I am sure that if the members of this committee could fully understand and appreciate the purpose and manner in which this money is used that this feature will go from the bill. Now, those who are opposed to the appropriation are not opposed to the enforcement of the internal-revenue law, but they are in favor of having it enforced in a high and honorable way, not through a detective agency, but by known officers of the law. The gentleman from Texas [Mr. SAYERS] sanctioned the suggestion by the gentleman from Kentucky, and stated that there was more profit derived to the Government from the expenditure of this money than any other known expenditure made.

I challenge that statement. There is the report of the Attorney-General, in which you will find that of all the convictions in these courts in the States named and elsewhere for infractions of the internal-revenue law, there is not 1 per cent of the fines collected, although the Government pays the expense of the entire proceedings. But, further, the gentleman will find that there is not 25 per cent of those arraigned by means of this appropriation who are ever convicted, and still the Government pays the bills.

The class of men who will get the benefit of this appropriation are leeches on the Government. They are men who come to your home, ingratiate themselves into your confidence, sit at your table, break bread with you, sleep and eat under your roof, and to-morrow, if possible, will scheme to entrap you and drag you to the court or to the prisons of the country. That is the class of men who are affected by this provision.

Why, Mr. Chairman, a few days ago one-half of the membership of this House were on their feet denouncing the inspectors of the Post-Office Department. We heard New York members say that the letter carriers of that city were hounded by men who followed them around and were not known to be Government officers. You heard later the friends of the pensioners telling you how great an outrage it was to employ detectives to go around through the country and bring charges against the pensioners with a view of depriving them of their pensions. You said that it was an outrage that ought not to be tolerated. You said it was a damnable outrage upon the people. We come to you from the South—and two-thirds of this appropriation is spent in the Southern States—we say our good people, our poor people, are hounded down by the Government sleuthhounds, who by means of frivolous prosecutions are enabled to involve our innocent citizens in illimitable trouble and enormous expense; men who know how to take advantage of the confidence of the people, of the illiteracy of many of the people, men whose living depends on their labor, men whose very names mean that we employ them to bring information for use in criminal cases, men who understand that if they do not bring the information their job is lost, while if they do bring information they will be paid for it.

It is "information or no butter." That is what it amounts to, and they will descend to any kind of villainy in order to hold on to the Government jobs that they have, at $100, $200, or $300 a month. I appeal to the members of this House, and I ask them to think well before they continue a detective agency to go up and down the length and breadth of this country for the purpose of enforcing the law. I say to you, when this Government has come to that pass that the law must be enforced through a detective agency, we have come to a bad pass indeed. Let us enforce the revenue law, but let it be done in a high-minded, honorable way, openly and aboveboard, by the known officers of the law, and not by hired spies and detectives, to follow in the tracks of every suspected citizen and drag him from his home into imprisonment and into the courts, and to compel him to incur large expenses in order that they may hold their jobs.

I withdraw my amendment.

Mr. EVANS. Mr. Chairman, I beg to say a few words more upon this subject, chiefly in answer to the very remarkable statement of the gentleman from North Carolina [Mr. LINNEY]. He stated that one reason why this amendment should be adopted was that there was one man, named B. B. Bouldin, who received $12,116.28 last year as salary out of this appropriation. Now, the remarkable part about that statement is that that man did not receive a dollar, except as the mere disbursing officer of the Commissioner of Internal Revenue. The Commissioner is required by this section, and has always been required from the time this clause was first put into an appropriation bill, probably twenty-five years ago—for it was as necessary then as it is now—to make a detailed statement to Congress of how this appropriation, which is usually, and for short, called the "fraud fund," was expended. In his report last year, on page 20, he made a statement pursuant to that provision of law showing in detail how this money was expended. The statement from which the gentleman read was headed—

Amount expended through revenue agents for fiscal year 1895.

One of those revenue agents through whom this fund was thus expended was named B. B. Bouldin. The sum of twelve thousand one hundred and odd dollars was expended through him, though he did not and could not get one dollar of it as his own. Yet the gentleman says that was paid to him in salary, which sum of $12,000 the gentleman thought was enormously more than the distinguished gentleman from Texas could or did earn in the way of salary.

Mr. LINNEY. Will the gentleman allow me?

Mr. EVANS. I will yield for an inquiry.

Mr. LINNEY. What is the meaning of the last item in that column, "C. J. Fleming, $36"?

Mr. EVANS. That means that C. J. Fleming, a revenue agent, was allowed to expend, under the direction of the Commissioner, $36 in that one year for the detection of fraud, and that is all. Now, I say again that this committee will, in my judgment, commit an act of folly if it permits itself to adopt either of these amendments. I say again that no appropriation, in my judgment, yields better returns to the Government than this, not perhaps in dollars and cents coming into the Treasury, but in the prevention of frauds upon the revenue, because those who know the workings of this law know that the services required for the expenditure of this money can not be performed as well by deputy collectors, marshals, and commissioners as by special employees. This money is probably for the most part expended in cities for the detection of frauds upon the revenue; and if it be wise to detect frauds, if it be wise to have these gentlemen who represent constituencies in which there are moonshiners disturbed by their arrest, if that be wise, then we ought to insist upon this expenditure. Some of these gentlemen, I am inclined to think, are disturbed today by the fact that perhaps some of the members of the legislature in their districts have, under the operations of this appropriation, been detected within the last forty-eight hours in having five or six barrels of illicit spirits in their own houses. I was so informed by the Commissioner of Internal Revenue this morning.

Mr. LINNEY. If the gentleman will allow me an interruption, I am satisfied that he is wrong. Will the gentleman look at page 19 of the Internal Revenue Commissioner's report? He will there find this:

There has been expended from the appropriation for salaries and expenses of revenue agents the following sums: Salaries of agents, $46,000

Mr. EVANS. That is a very different thing. That is for the salaries of revenue agents. That has nothing to do with the $50,000 appropriated for the detection of fraud. That sum of $46,000 expended for salaries of revenue agents has nothing more to do with this item than the sum expended for the salaries of deputy collectors. It is a different work, a different service.

Now, gentlemen, I speak with some knowledge and experience upon this subject, and I say that you will, in my judgment, commit a most unwise act, an act of folly, if you sustain either of the amendments of these gentlemen.

I should like to include in my remarks an extract from the last annual report of the Commissioner, and the one the gentleman from North Carolina had before him when he spoke, explanatory of the statements I have made.

Mr. LIVINGSTON. Let it be read.

The statement referred to by Mr. EVANS is found on page 20 of the report, and is as follows:

EXPENDITURES FOR THE DISCOVERY AND PUNISHMENT OF VIOLATORS OF LAW.

In accordance with the provisions of the act making the appropriation, the following detailed statement of expenditures for detecting and bringing to trial and punishment persons guilty of violating internal-revenue laws is submitted.

Amount expended through revenue agents for fiscal year 1895.

Name.	Amount.	Name.	Amount.
A. H. Brooks	$2,942.10	Wayne Ferguson	$3,439.53
B. B. Bouldin	12,116.28	David A. Gates	489.00
W. H. H. Bowen	1,117.20	James W. McGinnis	1,329.16
W. H. Chapman	8,578.76	A. C. McGlachlin	2,698.10
George B. Clark	1,685.96	W. L. Pitts	13,564.29
B. L. Cromwell	619.79	J. M. Tobin	152.12
T. B. Carson	372.14	M. L. Wood	56.00
H. P. Dunlap	486.20		
C. J. Fleming	36.00	Total	49,673.63

RECAPITULATION.

Amount expended by revenue agents	$49,673.63
Amount expended by collectors	5.90
Amount expended for rewards	125.98
Amount expended for miscellaneous expenses	194.49
Total	50,000.00

The accounts for expenditures under this appropriation are rendered monthly, with an itemized statement, and in all cases supported by proper subvouchers duly sworn to. These accounts pass through all the accounting offices in the Treasury Department and are filed in the Register's Office.

Mr. SKINNER. When I classified myself as a Democrat I was proud to belong to the Randall school as distinguished from the Carlisle school. I never have seen any reason in the many years since Mr. Randall has been removed from the leadership of this House for changing my opinion, either in respect to the abolition of the internal revenue, or what he tried to teach the Democracy of the country, that the internal revenue system was an infringement upon the individual and natural rights of the individual citizens of this great Government, and through the great doctrine of protection that you could not only have the natural rights of the citizen but the great blessing of American prosperity through the doctrine of protecting and fostering her every interest and industry.

Mr. Chairman, I was brought up in the school of Democracy that led me to believe that when it attained the majority this system of internal revenue, a system of spies and detectives, would be wiped from the statute books. But when it came in power the enforcement of the internal-revenue system was made more odious to the people than it was under prior Republican Administrations. Yet under the general policy of the Government, the great will of the majority, we are willing to submit to the internal-revenue law as a means of collecting revenue to support the Government and to supply the deficiency in the Treasury; but as an honest people, as law-abiding people, as the people of North Carolina have ever and anon proven themselves to be, we appeal to the American people to relieve us of the suspicion that we are dishonest, that we are scoundrels, and that we must have a detective service to enforce this branch of the public service.

If the internal-revenue laws are so odious to the vast majority of the people of this country that it has to employ special detective service to enforce them—a service that is contemptible and despicable, and a stench in the nostrils of honest men and liberty-loving citizens—then the time has come when they should be wiped from the statute books, because we want no law, whether it is in favor of this section or that section of the common country, that can not be executed by the legitimate officers of the Government that are intrusted with the power to execute this branch of the service without special detective agents. I am satisfied that so far as North Carolina is concerned the service is abused; that it is turned to political and partisan purposes for the view of helping the party that happens to have the administration of the office at the time; and besides, Mr. Chairman, you can not name any other coordinate branch of the service where you are called upon to administer the law, except perhaps when you administer pensions, where you treat the individuals and the citizens of the country in such a way as you do the people engaged in distilling—as a people who desire to avoid the execution of the law. So far as North Carolina is concerned, I repel the imputation upon the good name of her citizens. We are opposed to the internal revenue because freedom was born upon our soil and our natural inclination is to rebel against any infringement upon our natural rights, especially so when you accept as a premise that we desire to evade the law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, I would be glad to have a vote upon this proposition.

The CHAIRMAN. The Chair would state that debate is exhausted on the pending amendment.

Mr. CANNON. The amendment is to strike out the last word.

The CHAIRMAN. The pending amendment is the amendment offered by the gentleman from Georgia [Mr. TATE].

Mr. CANNON. Let it be reported.

The CHAIRMAN. To strike out parts of lines 18 and 19.

Mr. CANNON. Let us see. I did not catch what that was.

The amendment was again reported.

Mr. CANNON. Now, a single word, and then, so far as I am concerned, I shall be glad to have a vote. I never have been particularly zealous in advocating appropriations anywhere in the public service for detective work. I have the prejudice against detectives that most people have. But, after all, it does seem, not only in the public service but elsewhere, in the enforcement of law that it takes sometimes a pretty sly man, and, I have sometimes thought, a pretty mean man under some circumstances, to detect people who were evading the law. Now, then, the whole thing is in a nutshell. You can make from 4 to 5 gallons of whisky from a bushel of corn, and the tax upon each gallon is $1.10.

Mr. LIVINGSTON. That is pretty thin whisky. [Laughter.]

Mr. CANNON. I am speaking of the latest improvements—not diluted—from 4 to 5 gallons. It runs as high as 5 in many instances. Now, then, a bushel of corn is worth about 30 cents. The tax upon the product of a bushel of corn is, say, $4 to $5. You can see at once what the temptations are to a man who thinks that his natural rights are being curtailed in what he regards as a legitimate business. The temptation is very strong if he can, and if he is inclined to do so, to make that profit by escaping the tax. Well, for year after year this appropriation has been made. Year after year that great temptation to evade the law leads many to attempt its evasion. Now, I want to say to the gentlemen down South you have no monopoly in moonshining. Perhaps you have more of it down there——

Mr. SAYERS. You call it by another name in your country.

Mr. CANNON (continuing). But not infrequently you find people evading this law elsewhere. In the city of New York there have been seizures this year and elsewhere throughout the country.

Mr. LIVINGSTON. We may have a monopoly of making it down South, but we never have been charged with a monopoly of drinking it. [Laughter.]

Mr. CANNON. Well, as far as my observation has gone as to individuals, I never saw any evidence that you gentlemen were unable to get away with your share. Of course I can not speak for all, but only for the Southern gentlemen that I have had the good fortune to meet. [Laughter.] In my own State of Illinois I suppose that more of this commodity is produced than anywhere else in the United States. From the Peoria district alone I think the internal-revenue returns are up toward $20,000,000, and it is only necessary to consider the great profit there is in the business if the producer can escape taxation to see the necessity that all of the product shall pay the tax if any does. Our internal revenue is about $160,000,000, a large part of which comes from whisky.

Now, I have no doubt that there are instances, perhaps many instances, where hardship is worked and where it looks, perhaps, like oppression rather than like due enforcement of the law, but, after all, that is true all along the line. There is no system of law that does not here and there work hardship in its enforcement, and there is a great necessity, in the interest of justice as well as of revenue, that the internal-revenue laws shall be fully and equally enforced, so that I am inclined to be of the opinion, while I am not in love with this appropriation, that it would not be safe to strike it out, and if I am correct in that, neither would it be safe to adopt this amendment, which virtually strikes out the very meat of the appropriation.

Mr. LAYTON. Mr. Chairman, I move to strike out the last four words.

Mr. CANNON. Before the gentleman proceeds I should like to come to some agreement about closing the debate on this paragraph.

Mr. LAYTON. I want to say only a few words.

Mr. CANNON. Then, Mr. Chairman, I will ask consent that debate on this paragraph close in five minutes, and that the gentleman from Ohio [Mr. LAYTON] have leave to occupy that time.

There was no objection, and it was so ordered.

Mr. LAYTON. Mr. Chairman, I have just come into the Hall, and I understand that there is an amendment pending to strike out the appropriation for the employment of agents for the purpose of detecting violations of the internal-revenue laws, what is known as the secret service, connected with the Bureau of Internal Revenue.

Mr. SWANSON. I will say to the gentleman that the Commissioner is entitled to 20 regular agents, who are paid out of a different fund.

Mr. LAYTON. Oh, yes. Of course the members of the subcommittee, of whom I had the honor to be one, are perfectly familiar with this subject and with all the facts connected with it. This appropriation has no connection with the regular officials to whom the gentleman from Virginia refers. The service for which this appropriation provides is of an entirely different character, and in this connection I want to call the attention of the law-abiding members of this House to certain facts. The testimony which the Commissioner of Internal Revenue gave before the committee was to the effect that the particular business or duties performed by these special agents could not be transacted by the regular officials of the Government. In other words, he stated that every

dollar of this appropriation was necessary and could be usefully and profitably expended, and that by means of it in the past fiscal year he had been enabled to detect and locate from 1,000 to 1,100 illicit moonshine distilleries in the mountain districts of the South. It will be observed, I have no doubt, that the opposition to this appropriation comes especially from the Representatives of the mountain moonshine districts in Tennessee, in North Carolina, in Virginia, and in Georgia. [Laughter.]

Now, the Commissioner of Internal Revenue stated—I repeat it so that every member may know just what is involved here and why he is voting for or against this appropriation—that the Commissioner himself asserted that by means of the agents employed under this appropriation, by means of these detectives, these informers, if you please to call them so, he was enabled to discover, detect, and destroy from one thousand to eleven hundred illicit stills in the States I have mentioned and a few in the Northern States, which would not have been done by the regular officers. It seems to me, Mr. Chairman, that this statement of fact is sufficient to fully meet the objections of gentlemen who represent the moonshiners of the mountain districts of North Carolina, Virginia, Tennessee, and Georgia. The question resolves itself into this: Whether you will permit the gradual but certain destruction of the internal-revenue system, so far as revenue from whisky is concerned by permitting these moonshiners to go on and manufacture and sell this illicit whisky, or whether they shall be suppressed by a proper enforcement of the law.

The Commissioner of Internal Revenue said that in no other way than by such an appropriation as this could the result be successfully achieved. As is well understood by members of the committee and by everyone who has given the matter consideration, the regular officers of the Government to whom the gentleman on my left [Mr. SWANSON] has referred are well known in their respective localities, so that it is utterly impossible for them to detect this illicit business and the persons engaged in it, and hence it is only by employing persons who are not known to those engaged in the business that it can be ferreted out. By means of these special agents, paid from this appropriation, the Department has been enabled to discover and suppress the number of illicit distilleries I have mentioned, and the Commissioner emphatically says that it is only by such means that that work can continue to be done with any large degree of success.

The question being taken on the amendment of Mr. TATE, the Chairman declared that the noes seemed to have it.

Mr. LINNEY. I ask for a division.

The committee divided; and there were—ayes 24, noes 71; so the amendment was rejected.

Mr. LINNEY. Mr. Chairman, I withdraw the amendment that I offered.

The Clerk read as follows:

To enable the Secretary of the Treasury to furnish food, fuel, and clothing to the native inhabitants on the islands of St. Paul and St. George, Alaska, $19,500.

Mr. JOHNSON of North Dakota. I raise a point of order against the clause just read, being lines 12 to 15, inclusive, on page 45. I raise this point on the ground that the appropriation is not authorized by any existing law. The first appropriation of this kind was passed four years ago; and it has every year since been passed in exactly the same language, but no point of order has been raised upon it heretofore.

Mr. CANNON. Mr. Chairman, it seems to me that this point of order is not well taken. To give the history, so far as I recollect it, of this appropriation will lead me necessarily and incidentally to speak of why it was made and under what authority. Of course the Chair will take notice of the acquisition of Alaska from Russia and will also take notice of the location of these islands—St. Paul and St. George. They are the Seal Islands. The Chair will also take notice of the contract which was made with the American Fur Company, which contract resulted in the employment of the inhabitants resident upon those islands. The public history also is that as the catch decreased the means of support of these Indians diminished, that being all they had to live upon, the employment they received and the product. Perhaps this matter can be stated in fewer words if I read from the hearing of the Assistant Secretary of the Treasury before the committee on this subject. It is short.

By the terms of the modus vivendi the number of seals allowed to be taken on the Seal Islands was reduced greatly, and it became necessary in consequence to provide for the support of the native inhabitants on the Seal Islands. An annual appropriation of $19,500 for this purpose has been made since 1892. Of the appropriation for the fiscal year ended June 30, 1895, $3,325 was used to reimburse the bishop of the Greek Church for moneys collected by him as gratuities from the natives and which were redistributed to the donors by order of the Government agent in charge of the Seal Islands. This action, which was directed by the Congress, reduced the appropriation to $16,175, which was insufficient for the support of the 21 families, comprising 89 persons, on the Island of St. George, and 54 families, comprising 196 persons, on the Island of St. Paul.

I think this is the fourth or fifth annual appropriation which has been made; I believe four have already been made, and made upon information that led Congress to believe that these people would starve if the appropriation were not made. It does seem to me that a fair construction of the rule——

The CHAIRMAN. The Chair would like to ask the gentleman in charge of this bill whether any points of order were reserved against the bill when it was reported to the House?

Mr. CANNON. I do not recollect. The Journal will show.

The CHAIRMAN. The Clerk reports to the Chair that no points of order were reserved. In view of that statement, the Chair would like to hear from the gentleman making the point of order.

Mr. JOHNSON of North Dakota. When this bill was introduced the gentleman from Pennsylvania reserved points of order and an opportunity to discuss certain measures. Following that, when an agreement was about to be made for one hour's debate, I arose, and before consenting to limiting general debate to one hour I inquired of the gentleman in charge of the bill whether he would explain in his thirty minutes this paragraph, and if not I wished to reserve my right to object to the paragraph. A general understanding was had then——

The CHAIRMAN. The question which the Chair is now raising is whether any points of order were reserved against this bill when it was reported to the House by the Committee on Appropriations.

Mr. CANNON. Gentlemen about me say that no points of order were reserved, but I have no recollection on the subject.

The CHAIRMAN. The Clerk says that the Journal shows that no points of order were reserved.

Mr. GROSVENOR. Mr. Chairman, if it should transpire that no points of order were reserved, the question then arising would be a very important one, which ought to be discussed and decided very carefully. In my opinion (in which I think I am supported by the highest parliamentary authority in this House) it does not make a particle of difference, when a bill is reported, whether points of order are reserved or not. The questions arising in connection with the bill come up one by one as the Committee of the Whole considers the particular paragraphs or subjects.

I know it has been customary to reserve points of order on an appropriation bill when reported by the committee, but it has never been held, so far as I know, that the failure to do so waives any point of order upon any given paragraph of the bill. I have no interest in this question except as a matter of parliamentary propriety.

Mr. DOCKERY. The gentleman will allow me to suggest as a fact that the Speaker, at the opening of this session, upon an inquiry of mine, held that it is necessary to reserve points of order when appropriation bills are reported. Subsequently the gentleman from Maine [Mr. DINGLEY] made the same inquiry in the House, and the response of the Speaker on that occasion was to the same effect.

Mr. GROSVENOR. That is not my recollection of the suggestion of the Speaker; my recollection is quite the reverse.

The CHAIRMAN. The Chair will state for the benefit of the gentleman from Ohio, if he desires to discuss the matter, that according to the understanding of the Chair the Speaker has held more than once during this session of Congress that points of order must be reserved when a bill is first reported. The Chair of course desires to make a ruling that will be in accordance with the precedents, and will be very glad to hear from any gentleman who is informed upon the subject.

Mr. GROSVENOR. If the Speaker made that ruling it is, of course, the law of the House, and I would not controvert it. But I can see no philosophy, under my observation of parliamentary law, that bears out such a construction of the rule as that. The House has control over its legislation; this is the first time that it reaches the point or comes to the particular paragraph in question; the question then arises, Is that paragraph within the jurisdiction of the rules of the House? And whether the points of order were reserved upon the bill or not, that question there arises for the first time, and could not have arisen at any other point in the proceedings.

Mr. DOCKERY. I agree very fully with the gentleman from Ohio, but, as a matter of fact, the Speaker did so rule.

Mr. LACEY. Let me ask the Chairman how is a member of the House, or a member of the committee, to have an opportunity to know anything that may be contained in the bill on which he may desire to make the points of order? These bills are handed in sometimes, and very frequently, too, when the House is not full, when the members are absent, sometimes just on the point of adjournment; and in that way, perhaps, when there are not 20 members present, the chairman of the committee submits his bill, which is not read for the information of the House, but is simply ordered to be printed and go upon the Calendar; and for all the information the House has to the contrary it may be loaded down with matters that are objectionable under the rule.

Mr. GROSVENOR. It is simply a vain thing and has no application. For instance, I stand here and say, "I reserve all points

of order upon the bill" when it is reported. Why? Because there is presumably something in the bill that I think is not in harmony with our rules or warranted by the law. But how am I to know, when the chairman of the committee comes in and presents the bill, that anything of that character is contained in it? It sounds almost like an imputation upon him that he will bring in a bill here which contains some illegal legislation; but, acting on that assumption, I say I reserve all points of order, when the chance is that, as a matter of fact, he has done nothing but what the law allows him to do.

Mr. McMILLIN. Mr. Chairman, I do not undertake to say what the ruling has been on this subject. I have a very high regard for the clearness of the rulings of the Speaker of the House, and his ruling on a question of that kind would have very much weight with me. But what the law is in principle I have no doubt; and I have no doubt but that the gentleman from Ohio [Mr. GROSVENOR] is entirely correct as to what the rule should be and is, in principle, taken independently of what may have been the drifting course of the House.

I have frequently myself, and very many other members also, reserved points of order on appropriation bills when reported, because there has been a controversy always as to whether or not it was necessary to reserve the points of order in advance. But I have never seen any foundation or any reason for the claim that it was necessary to reserve points of order against a bill that had never been read, its contents unknown to the House, not at that time to be entered upon for consideration, no possible means by which the membership of the House should know that there was an infraction of the law in the bill, and when, on the contrary, every presumption was that it had been framed in strict accordance with the rules of the House.

I trust, therefore, the Chair will look very carefully into this matter before deciding so important a question. I do not remember that it has ever been decided directly, when the point of order was raised actually upon some provisions of the bill. Opinions have doubtless been given by the Chair at different times, or suggestions thrown out with reference to the matter, and it has been held safer to reserve the points of order. But I think it has been done more from custom and abundant caution that on any fixed principle of parliamentary law which makes it necessary to do so.

Mr. SAYERS. Mr. Chairman, I wish to make a single suggestion with reference to this matter: That the gentleman in charge of the bill will allow this clause to pass over until to-morrow morning, the point of order being reserved, and the Chair can then make inquiry into the law. It is a matter of importance.

Mr. CANNON. That will be entirely satisfactory to me after a minute or two, which I wish to devote to the question of order.

Mr. DALZELL. I would suggest that the same question will arise in a few minutes again.

Mr. CANNON. Very well; I am perfectly willing to have it out now. A single word on this question.

The CHAIRMAN. The Chair will decide on the point of order——

Mr. CANNON. If the Chair does not desire to hear argument——

The CHAIRMAN. The Chair would like very much to hear any gentleman who desires to be heard on the subject, although the Chair has views of his own upon this question.

Mr. CANNON. I have no desire to be heard, or to consume the time of the House for the mere purpose of talking——

The CHAIRMAN. The Chair only meant to say that the Chair had views of his own; to which he will adhere unless he shall see cause to change them by reason of arguments that may be presented. But he is not so set in his views as to be entirely unwilling to be guided by gentlemen who are informed upon the question.

Mr. CANNON. Then, perchance, I had better say a single word now.

I can see a reason for the ruling that points of order must be reserved in the House. This bill is committed by the House to a Committee of the Whole House for consideration in committee, and I suppose it is the duty of the committee to consider it. Therefore if it is to be returned for consideration by the House because points of order have been made, it seems to me that the direction ought to have been given in the House, namely, that the Committee of the Whole should consider the bill and report it to the House, except as to such portions of the bill as may be subject to points of order.

Mr. GROW. Will the Chair allow me a moment?

The regular course of procedure on an appropriation bill would be first to have it read through. Every member would then know what is in the bill; and I can see that there would be propriety in the Chair holding that without that all points not reserved could not be subsequently brought up. But when, by unanimous consent, the first reading of a bill is dispensed with, how is the House to know what is in the bill except as it comes up? The committee reports it at 5 o'clock in the afternoon and calls it up the next morning when the House meets at 12 o'clock. It does not come back from the Printing Office until 12 o'clock; so that, the first reading of the bill being dispensed with, it strikes me that it is proper to make points of order as we proceed, section by section; but if the bill had been read through the first time, as of course the rules require, and no one had made any point, then I think the decision would be right that the point of order was not reserved.

Mr. GROSVENOR. Mr. Chairman, there must be some reason for a ruling such as is sought to be made here, and that reason must be based upon some philosophy of parliamentary procedure.

It may be said, and I think it has been said, that the committee can not reject, as not in order, that which the House has sent to it. That is the ground upon which the proponents of this proposition must stand, and I may say that that was the ground upon which the intimation of the Speaker was based; but I ought also to say in that connection that the present Speaker of the House, than whom there is no better parliamentary authority in the United States, said he would hear argument upon the proposition. And that was said in response to the inquiry by the gentleman from Maine [Mr. DINGLEY].

Now let us see how much there is in that proposition. Has the House sent to the committee anything that is binding upon the action of the committee? And if so, what is it? It is reported from the Committee on Appropriations, and nothing is said about it. It is true that the House makes the reference of the bill.

I will turn aside right here and say that the doctrine of waiver can not apply. Nobody has waived anything, for the very first underlying principle of a waiver, in all relations of life, whether in law or anywhere else, depends upon the knowledge on the part of the party of the existence of the thing which he waives the existence of. So, therefore, the fact that the members of the House have stood by and made no objection can not have any effect. And why not? It is a vain thing to make this reservation. It is made in the House, and not in the committee. The House can not hear it, for the House has no jurisdiction. Suppose when this bill came in a point of order had been made instantly. Suppose some member had risen and said, "Mr. Speaker, I make the point of order that paragraph 1 of section 2 is not in order." That question could not then be heard. There was no tribunal to try it. It was simply an utterance that was idle, because it would have no effect whatever. So nothing has been waived.

Now, what did the House send to the committee? It sent that bill to the committee, and it said: "Take that bill, subject to the rules of the House." What are the rules of the House? Why, in the first place, that we shall not consider that bill except at a time when there is a quorum of the Committee of the Whole present. You must have that as a foundation of your jurisdiction. And next, you take it subject to another rule of the House, which is that there shall be no new legislation upon that appropriation bill. That is one of the rules that is to guide you in the consideration of that bill. Can it be said that the House has, by a mere reference to the committee, purged that bill and given to these proposed enactments a quality that they did not have when they were brought in here by the chairman of the Committee on Appropriations?

This is a matter of very considerable importance. The trouble under which we labor has been very well put by the gentleman from Iowa [Mr. LACEY]. It is this: Just as the House is about to adjourn—as it was in this case—the chairman of the committee asks that the motion to adjourn be withdrawn just to permit him to introduce an appropriation bill. The whole membership of the House is moving to leave the Hall. Is it possible that we are in the midst of a procedure so entirely and wholly technical, that because that consent is given and no objection or reservation is made and no vain thing is done, that therefore we are bound by all the provisions of that bill? We ought to be compelled only to do things that have intelligence about them. We ought not to be compelled to do unintelligent things, and we ought not to be compelled to say there are irregularities in that bill. We ought not to be compelled to say, "I charge that there are things in that bill that violate the rules of the House," when we know nothing about it.

Suppose I should stand up now and reserve all points of order, and the distinguished chairman should turn around and say, "What is the matter with the bill? What is there in this bill subject to the point of order?" Why, I should have to say, "I have no confidence in you. I am afraid you have got something in there which should not be there." See how unintelligent the whole proceeding is. See how unreasoning it is, that because I have not seen a bill, and have had no opportunity to examine it, I must do a vain thing, an abrupt and unparliamentary thing, or else I am estopped afterwards to say that the thing is not in order.

Now, I have said this much, Mr. Chairman, out of my high regard for the propriety of the rulings in the Committee of the Whole House. I have no interest in this paragraph. I do not know what it is. I do not know what is the subject-matter; but I have always held this view and have always stood ready to

occupy the position which I now do in the interest, in my judgment, of sound parliamentary law.

The CHAIRMAN. The Chair is desirous of rendering a decision which shall——

Mr. GROSVENOR. Unless the Chair is abundantly ready to decide the question, I ask whether we might not pass over the paragraph, reserving the point until to-morrow?

The CHAIRMAN. If that is the will of the committee——

Mr. CANNON. I have no objection.

Mr. JOHNSON of North Dakota. I have no objection.

Mr. DALZELL. The same question may come up again.

Mr. GROSVENOR. Well, if it does, we shall have two of them.

The CHAIRMAN. What is the pleasure of the committee?

Mr. CANNON. I ask unanimous consent, if the Chair would prefer, to let the matter go over; but if the Chair is prepared to rule, I would be glad to have a ruling.

The CHAIRMAN. The Chair has stated that if pressed to a decision he is ready to decide the question now, but if there is any member of the committee who desires to be heard, and time be taken up so that this matter can be brought out more clearly, the Chair would be glad to defer the decision.

Mr. GROW. The Chair might as well decide it now, as it may come up in the next section of the bill.

Mr. BARTLETT of New York. Mr. Chairman, I am a member of the Committee on Appropriations, and should like to say a word. I believe that this question is in some doubt. It being res novo, I take it it ought to be decided in favor of the liberty of the member; that is, that the member should not be cut off for his failure to raise the point of order to the items in the bill when the bill is first brought in. Now, I believe that this appropriation should be passed; but I frankly say that I do not think any member of this House or committee ought to be deprived of his inherent right to object to any obnoxious legislation as soon as it is brought to his knowledge; and, as has been stated by the distinguished gentleman from Ohio [Mr. GROSVENOR], it is impossible to take up one of these large appropriation bills and to be fully informed of all it contains without examination, and thus see if there is anything in the bill that is obnoxious to the rule. And unless the Chair feels bound by precedents, I think the decision should be in favor of the liberty of the member and substantial justice.

Mr. LACEY. I would like to make one further suggestion in regard to paragraph 2 of section 21. You will observe that it reads:

> No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law—

Drawing the distinction between an appropriation reported and one not authorized by law—

> unless in continuation of an appropriation for such public works and objects as are already in progress—

Now notice the section of the clause—

> nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

There are two distinctive propositions. First, that it shall not be reported—that is, any appropriation that is not authorized by existing law. That would be a point of order against reporting the bill. Next, that a provision changing existing law shall not be in order.

The CHAIRMAN. The Chair would like to ask the gentleman from Iowa if that language is not identical with the language found in section 3 of Rule XXI of the Forty-eighth Congress?

Mr. LACEY. I do not know how it runs in the Forty-eighth Congress. It is different in some respects to the same rule, Rule XXI, of the last Congress.

The CHAIRMAN. The Chair has the rules of the Forty-eighth Congress before him, and will read a few lines of section 3.

Mr. LACEY. If the Chair will read them I will compare them with the rule I have referred to.

The CHAIRMAN (continuing). It says:

> No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

Mr. LACEY. This is like it that far. Is that all there is?

The CHAIRMAN. Oh, no.

Mr. LACEY. Now read the balance.

The CHAIRMAN (reading):

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order unless such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, etc.

The only difference between that clause of the Forty-eighth Congress and the last Congress is the exception:

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order.

The exception, however, so far as this point is concerned, is immaterial.

Mr. LACEY. So that, having passed the point of reporting, it not being in order to report matter in the bill when you did not make an exception at the time it shall not be in order in the bill itself. Then the point of order can still be made as to its existence in the bill. You can object to it when you come to the point in the bill.

The CHAIRMAN. In determining this question, the Chair thinks it is important to take into consideration the organization and power of the Committee of the Whole, which is simply to transact such business as is referred to it by the House. Now, the House referred the bill under consideration to this committee as an entirety, with directions to consider it. The objection raised by the gentleman from North Dakota would, in effect, cause the Chair to take from the committee the consideration of part of this bill which has been committed to it by the House. The committee has the power to change or modify this bill as the members, in their wisdom, may deem wise and proper; but it is not for the Chairman, where no points of order were reserved in the House against the bill——

Mr. JOHNSON of North Dakota (interposing). Mr. Chairman, may I be allowed now to withdraw the point?

The CHAIRMAN. Not until the Chair gets through. As the Chair was observing, the effect would be, should the Chair sustain the point of order made by the gentleman from North Dakota, to take from the consideration of the Committee of the Whole a part of this bill which has been committed to it by the House without reservation of this right to the chairman. Now, inasmuch as no points of order were made in the House and none were reserved against any of the provisions in the bill when it was committed to this Committee of the Whole, the Chair holds that the point of order of the gentleman from North Dakota should be overruled and the Committee of the Whole should be allowed to consider the bill in its entirety, as was proposed by the House when it committed the bill to the Committee of the Whole. In rendering this decision the Chair thinks he is sustained not only by the views of the present Speaker of the House, as intimated to the House in a recent instance, but also by those of Chairmen of the Committees of the Whole in preceding Congresses. In the Forty-eighth Congress this question was presented when the river and harbor bill was under consideration. In that bill, as the Chair now remembers, there was a provision for the project known as the Hennepin Canal. When the bill was under consideration in Committee of the Whole the point of order was made against that provision. In that case points of order had been reserved in the House when the bill was committed to the Committee of the Whole; but the Chair held that if they had not been reserved he would have overruled the point of order and remitted the question to the committee.

Mr. GROSVENOR. Then let me say, Mr. Chairman, that that case is no authority whatever, because the question was not before the committee. It was simply an obiter dictum of the Chairman, and that is all.

The CHAIRMAN. In the first session of the Forty-eighth Congress this question was directly considered on a parliamentary inquiry made by the gentleman from Indiana, Mr. Holman, and the Chair then said:

> The Chair will cause to be read what is said by the compiler of the Digest in regard to the practice in Committee of the Whole House on the state of the Union.
>
> The Clerk read as follows:
>
> "In a case of an appropriation reported by the Committee on Appropriations in conflict with Rule XXI, clause 3 (the language of which is identical with the corresponding rule that governs this body), and committed with a bill, it is not competent for the Committee of the Whole or its Chairman to rule it out of order because the House are presumed to have received, as in order, the report in its entirety. So far as the proposed amendments are concerned, the current of the decisions of the Committee of the Whole House have been to exclude not only an appropriation not previously authorized by law, but also independent legislation, admitting, however, limitations and provisions which are themselves in order."

In accordance with this principle, the Chairman then ruled that, inasmuch as points of order had not been reserved by the House when the bill was committed, he therefore could not entertain the point of order made.

With these precedents in view, and in accordance with the reasons given above, the Chair overrules the point of order.

Mr. JOHNSON of North Dakota. Mr. Chairman, now I move to strike out lines 12, 13, 14, and 15, on page 45, and, in accordance with the agreement as to the closing of general debate, I hope that I may have a reasonable time to discuss the amendment.

Mr. CANNON. How much time does the gentleman desire?

Mr. JOHNSON of North Dakota. I do not think I shall occupy more than fifteen or twenty minutes.

Mr. CANNON. I ask unanimous consent that the gentleman be allowed twenty minutes.

There was no objection, and it was so ordered.

Mr. JOHNSONof North Dakota. Mr. Chairman, the chairman of the Committee on Appropriations states that there are 275 of these Indians residents on the Pribilof Islands. He states that there was a contract of employment with the American Commercial Company. Mind you, the Government of the United States

was not a party to that contract. These Indians are in no sense the employees of the Government. They are in no sense the pensioners of the Government. They have no claim whatever upon the Government for support. They are not, except in a very peculiar sense, natives of those islands. Those islands were uninhabited a hundred years ago. These Indians and their ancestors were brought there as laboring men for the exclusive purpose of killing and skinning fur seals, and they were given a monopoly of that business. They have that monopoly to-day. Your constituents and my constituents have no right to go to those islands and compete with those Indians for employment.

During the twenty years when the Alaska Commercial Company had a lease of the islands these Indians lived on the fat of the land. They were making at that time enormous wages for the time they were employed. According to their contracts they could make twenty or thirty dollars a day each, and did make twenty or thirty dollars a day each at times. As contradistinguished from the other Indians, they were familiarly known throughout the Alaskan and the Aleutian regions as "the rich Aleutians." They were rich. The Alaska Company, under its contract, was authorized to take a hundred thousand seals per year. As nearly as they could compute the number they took about a hundred thousand seals a year for about twenty years, and these natives—there were only a very few of them—got 40 cents apiece for killing and skinning those seals, and it took them but one month to do it. There are only 76 families; there are less than 76 able-bodied laboring men among them. About fifty or sixty men did this work. In some months they would earn and did earn $40,000. When the Alaska Company first took charge of the islands it required three months to do the job, to kill and skin a hundred thousand seals, the maximum that the company was allowed to take annually; but by improvement in methods of living, of education, of instruction, and in the health of the Indians, they were trained and kept in such condition that at the close of the twenty years' lease they could perform this task in one month. That left them eleven months of absolute idleness, during which they lived on the earnings of one month—lived extravagantly as a rule, especially for the first few months after the close of the season.

When we first commenced to appropriate money for food, fuel, and clothing for these natives there was some reason for it. The first bill was passed at the first session of the Fifty-second Congress. Coincident with the expiration of the contract of the Alaska company and when the American company took charge we had difficulty with the Canadian poachers and other robbers; and by order of the Treasury Department these natives were then forbidden to catch more than 7,500 seals per annum. As they received only 40 cents apiece, of course this regulation of the Treasury Department reduced immensely their income. They could not then earn enough in one month to support them in idleness the other eleven months of the year. There was some reason then why we should contribute toward their support, because they were forbidden by the Treasury Department to catch more than 7,500 seals per annum during the modus vivendi according to our treaty relations with the British Government. The Treasury Department forbade them to earn any more than that. But now it is different; now they are earning more. Last year the restriction was removed, and they were allowed to catch as many seals as they could find of the class that it was profitable to catch. They worked last summer for three or four months, and they found 16,000 seals of a marketable grade. Forty cents each on 16,000 skins would amount to something like $6,400—a very fair income for 76 families of Indians.

Those Indians are not destitute; they had a pretty fair income last summer. But even if they did not receive enough to support them in idleness during eleven months of the year, we must ask ourselves the question, When shall the time come when these Indians shall become self-supporting? Will it ever come? In my opinion never, so long as they are dependent exclusively upon that business. But if it be true that this business during the time it continues can not yield enough for the whole support of these Indians, is there any more reason why we should pay the hired men that are working for this company than that we should pay the hired men who go to the pineries in the winter and to the wheat fields of North Dakota in summer?

I am situated in my business in very much the same way that this American Commercial Company is in its business. That company needs a large number of hands for a short time, and finds it cheaper to get the Government to keep these men the year round than to ship laboring men up there during the season when they are required and then ship them back again. My laboring men come to me from the pineries of Minnesota, Michigan, and Wisconsin, and from the Great Lakes or from the railroads. They go into my wheat fields in August and September. I pay them for the time I employ them; and when I discharge them they go elsewhere to find employment. Those men are not allowed to go to the Aleutian Islands, because the contract with this company gives these Indians the exclusive right to that employment, which was very profitable up to 1890. I do not ask you to appropriate money to feed the men that I employ for two months of the year. I pay them good wages for two months in the year, and then when the work is done let them go. I do not ask the Government of the United States to come in year after year and support these men in idleness for ten months in order that they may be on hand when I want them for two months the next year. Yet that is exactly what the Government is doing for this company.

These people on those islands were first taken there by the Russians as slaves; they were to all intents and purposes slaves when we bought Alaska.

Mr. KIEFER. Not slaves, but serfs.

Mr. JOHNSON of North Dakota. Well, serfs is perhaps the better term. Now they are as free to go or come as we are. In my judgment the monopoly which has been maintained in reference to that seal industry should be broken up. American citizens should have a right to visit every foot of soil over which the Stars and Stripes float, and to seek employment there. If my laboring men wish to go to those islands in the Bering Sea to seek employment for two or three months in the year and to earn in a luxurious season $20 or $30 a day for a few days, they should have the right to do so.

Those Indians were brought there simply for the purpose of having their labor during the short season when that labor was necessary. Until the British Government sent a squadron of war ships into the Pacific Ocean for the express purpose of following the seal herd throughout the winter and mapping their course and publishing their charts, and until our Government by submitting to the Paris arbitration stood idly by and saw those charts published, it was possible to preserve those seal herds; but after the report of the Paris Tribunal, and after the British Government published those charts showing exactly where the seal herd is in the broad Pacific every day of the winter, there was scant reason to hope for the permanency of the seal industry.

After we had failed in our contention that the seal herd was our property when 3 leagues, or at a later day 60 miles, beyond the islands, then we could not hope to recover our right of property in that seal herd while on the ocean. Every poacher and every pirate on the broad Pacific now has those charts, prepared under the direction of the British Government, and can stay right by the herd as accurately as you can stay by a flock of sheep in your pasture. The Assistant Secretary of the Treasury, Mr. Hamlin, in giving his testimony this winter before the committee, said: "I can tell you now, within a few miles, the exact spot on the Pacific where that seal herd is in its migration toward Sitka."

Since the British Government published those charts and gave them into the hands of their poachers—since the Paris Tribunal compelled their publication and our Treasury agents reported them, it is as utterly impossible for us ever to save a remnant of that seal herd as it is for you to restore the buffalo herds on the prairies of Kansas and Illinois.

How many of these seals have we left? In 1887 there were six and a half million. Now the evidence of experts, given before the committee this winter, showed that there were only 175,000 of them left, and they doomed to extermination.

The occupation of these Indians is gone. They must sooner or later seek other employment. We have only one thirty-fifth or one thirty-seventh as many seals now as we had in 1887, and the only protection they had, namely, secrecy as to where they lived in the winter, has been removed, and you can no more save the Alaska seal herd from extermination now than you could restore the mastodon, the Irish elk, or the great auk, when God decreed the entire extermination of the species.

How long shall we go on appropriating $19,500 a year to the support of 59 families of Indians in idleness? If you want to support people in idleness, if you propose to expend the money of the Government in that way, then let us select somebody who pays taxes, who bears some of the burdens of Government, or who can bear arms. I do not want it done for my constituents in my district; I do not want it done for the labor that I employ; and I protest against having our public moneys expended in this manner to support these Indians in idleness, when they are better off and happier if they are employed like other Indians making a living—following hunting, shipping, fishing, or whatever other work they can secure.

Mr. CANNON. Mr. Chairman, I have no desire to follow the gentleman from North Dakota in discussing the fate of the seal, except as the fate of the seal, so far as this appropriation is concerned, means either subsistence or starvation, as the case may be, for some 289 people in these two islands.

And I want to say to the gentleman that I do not understand that to be the most luxurious agricultural country in the world. If I have a correct knowledge about it, the two islands are but two rocks in that inhospitable ocean, and the only possible means of subsistence to the inhabitants of these two islands comes from the seal life.

The gentleman says that these people were taken there perhaps

a hundred years ago—long before we acquired Alaska. I do not know about that. I am not informed. It is very likely that it is true, for the gentleman is usually correct in his statement of facts. But at all events these people are there—men, women, and children. They got along fairly well as long as the Alaska company, under contract with the Government, furnished medicines, cared for the sick, and paid them 40 cents for their services for each seal caught. It was not a luxurious subsistence. The gentleman says that it paid good wages for about a month in every year and supported them in idleness for the other eleven months. Now, in the name of all that is good, what else could they do, or find to do, except to be idle under the circumstances?

But, Mr. Chairman, when this company quit killing 100,000 seals a year, when the Government said, "You shall not kill a hundred thousand, but a smaller number," every reduction made in the number killed took away the subsistence of these 289 people. Then, when under the modus the company killed only 7,000 or 7,500 seals it reduced them from the fatness of the land to less fatness, for you do not get much fatness out of 7,500 seals, and the compensation of 40 cents a head for killing them, for 289 people, instead of the compensation that they got at 40 cents a head for a hundred thousand. The gentleman says this year they killed 16,000.

Mr. JOHNSON of North Dakota. They killed 16,000 last year.

Mr. CANNON. Last year. Well, that would be $22 per head, at 40 cents compensation, to support these 289 people. The bare statement shows that it means poverty and simple starvation for the inhabitants of these two islands.

Mr. KIEFER. Can not they be taken away from there?

Mr. CANNON. Likely they could——

Mr. JOHNSON of North Dakota. Is it not the obligation of the people who employed them to pay them and take care of them?

Mr. CANNON. Not at all. My recollection is that the company is required to take care of them, as it pays the compensation fixed by the contract, namely, 40 cents a head for killing the seals. The company is required to furnish also certain fuel under a contract, I think, and once, indeed, I believe, a deficiency appropriation was made to the company for extra amount of fuel and provisions furnished that it was not bound to furnish under the contract, and but for that these people would have starved then; but it has grown worse since the Government has further limited the catch.

Now, I will give you all the information I have, except my general recollection, on the subject. We had this information in 1893. The Secretary of the Treasury, Secretary Carlisle, says in his report:

With reference to the appropriation of $19,500 for food, fuel, and clothing for the native inhabitants of the islands of St. Paul and St. George, Alaska, which has been made annually for two years past, I have to say that while the appropriations have been in excess of the sums actually expended, yet in view of an opinion of the First Comptroller—

The First Comptroller even gets in up there, you see—

to whom this subject was to-day referred, to the effect that the appropriation is not a continuing one, and therefore can be used only for the payment of expenses incurred during the year for which the appropriation is made, the full amount appropriated for the current year would be required for the ensuing fiscal year. The suggestion made to your committee yesterday by Mr Maher, of this Department, that $10,000 would be sufficient, was upon the assumption that such an unexpended balance of the appropriation for the current year as might remain would be available during the ensuing year. It is therefore recommended that $19,500 be appropriated for the purpose stated.

Now, we did not go very fully into this matter at this time. It was looked into as fully as we could look into it when it commenced, if I recollect, in the Fiftieth or Fifty-first Congress.

Mr. JOHNSON of North Dakota. The Fifty-second, I think.

Mr. CANNON. Perhaps it was the Fifty-second. Our action at that time has been followed since, so that we only gave it a casual examination this time. We asked Mr. Hamlin, Assistant Secretary—

As to the next item—

Which is this item—

I suppose it is absolutely necessary, to enable you to procure fuel and clothing for the inhabitants—$19,500?

Mr. Hamlin replied:

That is absolutely necessary. Up to 1892 or 1893 we killed anywhere from 30,000 to 100,000 seals, and the natives were paid 50 cents each. The catch in 1892 was cut down to 7,500, and the natives would starve if it were not for this assistance.

Then we asked him to write us a letter about it, giving the number of these inhabitants, and so on, and he gives the number on one island at 21 families, comprising 89 persons, and on the other, 54 families, comprising 196 persons. Now, I think the gentleman has probably correctly stated that the seals are doomed, and these people are doomed, so long as they remain there with the seals. One proposition is to kill all the seals. The law has been enacted which provides that unless we can get a modus with Great Britain and perhaps other countries—certainly Great Britain, including Canada—which will absolutely limit to the lowest amount the seals that are to be destroyed, that the whole herd is to be killed off, the killing to take place in the open sea or elsewhere. Then, indeed, the occupation of these people will be entirely gone.

My friend asks, "Are we to support them always?" I hope not; but the United States, in dealing with the Indians on this continent elsewhere than Alaska, has always, in the presence of starvation, appropriated money to support the Indians, although they could go anywhere 3,000 miles across this magnificent continent of ours. The Government has done that rather than let them starve; and in other instances are supporting, rather than fight them. Now, there are those poor people. They and their ancestors have been there for a hundred years, and the means of support provided for them has, by the action of this Government and other governments, supplemented, if you please, by accident, disappeared. They can not get away. There is no land for them to plow. There is for them neither seedtime nor harvest. Pending the solution of the question as to what is to be done with them, I shall, for one, vote for this appropriation to keep them from starving.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota [Mr. JOHNSON].

The amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

Lighting the Capitol: For lighting the Capitol, including the Botanic Garden, Senate and House stables, Maltby Building, and folding and storage rooms of the House of Representatives; for gas and electric lighting; pay of gas fitters, and for materials and labor for gas and electric lighting, and for general repairs, $16,000.

Mr. CANNON. Mr. Chairman, I submit the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

On page 48, line 20, after the words "pay of," insert "superintendents of meters, lamplighters"—

Mr. CANNON. That should have been reported in that way. It is for current service.

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

SURVEYING THE PUBLIC LANDS.

For surveys and resurveys of public lands, $250,000, at rates not exceeding $9 per linear mile for standard and meander lines, $7 for township, and $5 for section lines: *Provided*, That in expending this appropriation preference shall be given in favor of surveying townships occupied, in whole or in part, by actual settlers and of lands granted to the States by the act approved February 22, 1889, and the acts approved July 3 and July 10, 1890, and other surveys shall be confined to lands adapted to agriculture and lines of reservations, except that the Commissioner of the General Land Office may allow, for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding $13 per linear mile for standard and meander lines, $11 for township, and $7 for section lines, and in cases of exceptional difficulties in the surveys, when the work can not be contracted for at these rates, compensation for surveys and resurveys may be made by the said commissioner, with the approval of the Secretary of the Interior, at rates not exceeding $18 per linear mile for standard and meander lines, $15 for township, and $12 for section lines: *Provided*, That in the States of California, Idaho, Montana, Oregon, Arizona, Wyoming, and Washington, there may be allowed, in the discretion of the Secretary of the Interior, for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding $25 per linear mile for standard and meander lines, $23 for township, and $20 for section lines. And of the sum hereby appropriated not exceeding $15,000 may be expended for resurveys, and not exceeding $40,000 may be expended for examination of public surveys in the several surveying districts in order to test the accuracy of the work in the field, and to prevent payment for fraudulent and imperfect surveys returned by deputy surveyors, and for examinations of surveys heretofore made and reported to be defective or fraudulent and inspecting mineral deposits, coal fields, and timber districts, and for making such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States.

Mr. ALLEN of Utah. Mr. Chairman, I have an amendment which I should like to offer.

The amendment was read, as follows:

On page 52, line 4, strike out "and," after the word "Wyoming," and insert "Colorado and Utah," after "Washington."

Mr. CANNON. Mr. Chairman, the gentleman has offered his amendment. If he yields the floor now, he will be entitled to it in the morning. If he will yield, I will move that the committee rise.

Mr. ALLEN of Utah. Very well, Mr. Chairman.

And then (on motion of Mr. CANNON) the committee rose; and, the Speaker having resumed the chair, Mr. HOPKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, and had come to no resolution thereon.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 1861) for the relief of James Linskey from the

operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens;

A bill (H. R. 4254) granting to the Duluth and North Dakota Railroad Company right of way through certain Indian reservations in the State of Minnesota;

A bill (H. R. 4698) to provide an American register for the steamer *Matteawan;*

Joint resolution (S. R. 111) to authorize Benjamin Harrison to accept certain medals presented to him while President of the United States; and

Joint resolution (S. R. 114) authorizing and directing Bernard R. Green to exercise the duties and powers heretofore conferred upon the late Gen. Thomas L. Casey in relation to the construction and completion of the Library of Congress.

REPRINT OF A BILL.

By unanimous consent, on motion of Mr. HAINER of Nebraska, a reprint of the bill H. R. 306 was ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BROSIUS, for the remainder of this week, on account of important business.

To Mr. JOHNSON of California, for five days, on account of illness.

To Mr. BRUMM, for one week, on account of important business.

Mr. KIEFER. Mr. Speaker, my colleague, Mr. EDDY, desires to have his leave of absence prolonged for another ten days, on account of serious illness in his family.

There was no objection.

And then, on motion of Mr. CANNON (at 5 o'clock p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a letter from Col. John M. Wilson, of the Corps of Engineers, requesting authorization to pay the rent of a building occupied by his assistant in the construction of a new building at the Government Printing Office—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, inclosing a letter from the Acting Chief of Engineers, United States Army, together with a report relative to the cost of broadening and deepening a channel to a width of 150 yards and to a depth of 28 feet from Hampton Roads to the United States navy-yard at Norfolk, Va., and also for improving the Western Branch of Elizabeth River—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WILBUR, from the Committee on Agriculture, to which was referred the bill of the House (H. R. 1221) to make oleomargarine and all other imitation dairy products subject to the laws of the State or Territory into which they are transported, reported the same with amendment, accompanied by a report (No. 1015); which said bill and report were referred to the House Calendar.

Mr. AVERY, from the Committee on War Claims, to which was referred the bill of the House (H. R. 7326) to provide for the restatement, readjustment, settlement, and payment of dues to army officers in certain cases, reported the same without amendment, accompanied by a report (No. 1016); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WADSWORTH, from the Committee on Agriculture, reported a bill (H. R. 7780) for the establishment of a bureau of animal industry for the inspection of meat products and live stock, suppression and extermination of contagious and infectious diseases among cattle and live stock, to regulate the transportation of cattle and live stock, and prevent the exportation or importation of diseased cattle, live stock, domestic or other animals, and for other purposes, accompanied by a report (No. 1031); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DALZELL, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 6259) to expedite the delivery of imported parcels and packages not exceeding $500 in value, reported the same without amendment, accompanied by a report (No. 1032); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 2757) to fix the compensation of district superintendents and of the crews of life-saving stations, reported the same without amendment, accompanied by a report (No. 1033); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PAYNE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 1423) to protect the wages of seamen, reported the same without amendment, accompanied by a report (No. 1034); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. WOODARD, from the Committee on Claims: A bill (H. R. 7816) for the relief of John S. Burwell, administrator of the estate of A. L. Burwell, deceased, reported in lieu of House bill No. 1130. (Report No. 1004.)

By Mr. AVERY, from the Committee on War Claims:

A bill (H. R. 7774) for the relief of Francis L. Abbott, administrator of the estate of Thomas J. Treadwell, deceased, reported in lieu of House bill No. 69. (Report No. 1017.)

The bill (H. R. 1808) for the relief of Agnes and Maria De Leon. (Report No. 1018.)

By Mr. COOPER of Texas, from the Committee on War Claims:

The bill (H. R. 642) for the relief of James M. Oliver. (Report No. 1019.)

The bill (H. R. 641) for the relief of Charles P. Anderson. (Report No. 1020.)

By Mr. MAHON, from the Committee on War Claims:

The bill (S. 662) for the relief of William S. Grant. (Report No. 1021.)

The bill (S. 753) for the relief of Margaret Kennedy. (Report No. 1022.)

By Mr. GIBSON, from the Committee on War Claims: The bill (H. R. 5329) for the relief of Dr. Thomas J. Coward. (Report No. 1023.)

By Mr. HURLEY, from the Committee on War Claims:

The bill (H. R. 7680) for the relief of the heirs or legal representatives of F. Z. Tucker, deceased. (Report No. 1024.)

The bill (H. R. 7643) for the relief of the legal representatives of David Heustis, deceased. (Report No. 1025.)

By Mr. OTJEN, from the Committee on War Claims: The bill (S. 792) for the relief of Wells C. McCool. (Report No. 1026.)

By Mr. HATCH, from the Committee on War Claims: The bill (H. R. 3290) for the relief of Goff A. Hall. (Report No. 1027.)

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 505) for the relief of Rev. Edwin Warriner. (Report No. 1030.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

By Mr. OTJEN, from the Committee on War Claims: The bill (H. R. 6619) for the relief of Sidney M. Davis, late a private in Company F, Sixth Regiment of Cavalry, Army of the United States. (Report No. 1028.)

By Mr. NEILL, from the Committee on War Claims: The bill (H. R. 5746) for the relief of Benjamin F. Fox. (Report No. 1029.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. TOWNE: A bill (H. R. 7770) to provide for the erection of a public building in the city of Brainerd, Minn.—to the Committee on Public Buildings and Grounds.

By Mr. BURTON of Missouri: A bill (H. R. 7771) authorizing and directing the Secretary of the Navy to donate condemned cannon and condemned cannon balls to certain posts of the Grand Army of the Republic—to the Committee on Naval Affairs.

By Mr. MOODY (by request): A bill (H. R. 7773) to require common carriers engaged in interstate commerce to provide sleeping berths for certain passengers and to regulate the rate to be charged therefor—to the Committee on Interstate and Foreign Commerce.

By Mr. MAHANY: A bill (H. R. 7775) to appropriate $2,000,000 to widen the locks in the Erie Canal so as to permit the passage of modern torpedo boats for the protection of the lake cities—to the Committee on Railways and Canals.

By Mr. MONEY: A bill (H. R. 7776) to increase the efficiency of the personnel of the Navy—to the Committee on Naval Affairs.

By Mr. BERRY: A bill (H. R. 7777) to authorize the Secretary of the Navy to furnish condemned cannon to Fort Thomas, Ky.—to the Committee on Naval Affairs.

By Mr. BARRETT: A bill (H. R. 7778) establishing gas buoys in Linn Harbor, Massachusetts—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTLETT of New York: A bill (H. R. 7779) to allow the return of certain kinds of mail matter without the prepayment of postage—to the Committee on the Post-Office and Post-Roads.

By Mr. BABCOCK: A bill (H. R. 7813) to authorize the extension of the Columbia Railroad eastward from its present terminus, and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 7814) to amend the charter of the Eckington and Soldiers' Home Railway Company of the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 7815) to amend the charter of the Belt Railway Company of the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHUFORD: A resolution (House Res. No. 228) to investigate bond sales—to the Committee on Ways and Means.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 2011) for the relief of Capt. John T. Bruen, of the State of New York; and the same was referred to the Committee on War Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. WHEELER: A bill (H. R. 7772) to increase the pension of Theodore N. Cobia—to the Committee on Pensions.

By Mr. ALDRICH of Alabama: A bill (H. R. 7781) to provide an American register for the barge *Black Diamond*—to the Committee on the Merchant Marine and Fisheries.

By Mr. BINGHAM: A bill (H. R. 7782) to grant a pension to William Nugent, late of Company E, One hundred and eighty-third Regiment Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. BLUE: A bill (H. R. 7783) granting a pension to John H. Justice, of Paola, Kans.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7784) to correct the military record of John Sullivan, of Lawrence, Kans.—to the Committee on Military Affairs.

Also, a bill (H. R. 7785) increasing the pension of Charles L. Thomas, of Dwight, Kans.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7786) granting a veteran bounty to James H. Tullis, of Stanley, Johnson County, Kans.—to the Committee on Military Affairs.

Also, a bill (H. R. 7787) granting a pension to Angelina Welden, of Media, Kans., as army nurse—to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 7788) for the relief of Newton Boughn—to the Committee on Military Affairs.

By Mr. BURTON of Missouri: A bill (H. R. 7789) granting a pension to George R. Grubaugh—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 7790) granting an honorable discharge to Stillman Stotts—to the Committee on Military Affairs.

By Mr. CRUMP: A bill (H. R. 7791) amending the military record of Louis P. Kleine and granting his widow, Sade P. Kleine, a pension—to the Committee on Military Affairs.

By Mr. FENTON: A bill (H. R. 7792) recognizing the military service of Theodore W. Tallmadge—to the Committee on Military Affairs.

By Mr. GILLET of New York: A bill (H. R. 7793) to increase the pension of Caroline Smith, widow of Captain Smith, of Company F, Twenty-second New York Volunteers—to the Committee on Invalid Pensions.

By Mr. HARRIS: A bill (H. R. 7794) for the relief of Frances Delaplane, sister of Joshua Delaplane, Company C, Forty-third Regiment Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7795) for the relief of Morgan H. Anway, late of Company K, Forty-ninth Regiment Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. HEATWOLE: A bill (H. R. 7796) granting a pension to Dennis O'Shey—to the Committee on Pensions.

By Mr. HYDE: A bill (H. R. 7797) to increase the pension of J. W. Range, of Seattle, Wash.—to the Committee on Pensions.

Also, a bill (H. R. 7798) for the relief of E. Gerry—to the Committee on Claims.

By Mr. KERR: A bill (H. R. 7799) for the relief of John Sheehy—to the Committee on Military Affairs.

By Mr. MEREDITH: A bill (H. R. 7800) to increase the pension of William Hall—to the Committee on Pensions.

By Mr. MILLIKEN: A bill (H. R. 7801) to remove the charge of desertion from the record of Daniel W. Morton—to the Committee on Military Affairs.

By Mr. TRELOAR: A bill (H. R. 7802) granting a pension to John P. Clark—to the Committee on Invalid Pensions.

By Mr. WALSH: A bill (H. R. 7803) granting a pension to Edward Binnix—to the Committee on Invalid Pensions.

By Mr. WATSON of Ohio: A bill (H. R. 7804) for the relief of Kate Winter—to the Committee on the District of Columbia.

By Mr. WILSON of New York: A bill (H. R. 7805) for the relief of George M. Clapp, of the Washington Iron Works—to the Committee on War Claims.

By Mr. RAY: A bill (H. R. 7806) for the relief of William F. Alger—to the Committee on Military Affairs.

Also, a bill (H. R. 7807) for the relief of Marvin Coman, late Company C, One hundred and seventy-eighth New York—to the Committee on Military Affairs.

Also, a bill (H. R. 7808) granting a pension to Ross W. Titus, late of Company I, Eleventh United States Colored Artillery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7809) granting a pension to Charles H. Wickham, late second lieutenant Twenty-ninth United States Colored Troops—to the Committee on Invalid Pensions.

By Mr. TUCKER: A bill (H. R. 7810) to remove the charge of desertion against Addison C. Stanton—to the Committee on Military Affairs.

By Mr. WHEELER: A bill (H. R. 7811) to restore the name of Henry Graves to the pension roll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7812) to increase the pension of John W. Carter—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Four petitions of citizens of Washington, D. C., urging the passage of House bill No. 5220 or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and opposing the extension of the tracks of said company until its existing lines are modernly equipped and operated—to the Committee on the District of Columbia.

By Mr. BARRETT: Petition of Post No. 12, Grand Army of the Republic, Wakefield, Mass., for a revision of the pension laws—to the Committee on Invalid Pensions.

By Mr. BARTLETT of New York: Resolution of the Chamber of Commerce of the State of New York, for a light vessel off Fire Island, and favoring the passage of House bill No. 5293—to the Committee on Interstate and Foreign Commerce.

By Mr. BLACK of New York: Petition of sundry citizens of Batavia on Hudson, against the appropriation of public moneys to sectarian institutions—to the Committee on Appropriations.

Also, petition of W. Le Conte Stevens and other citizens of Troy, N. Y., asking for the passage of bill looking toward the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. BREWSTER: Petition of Moss Mosely, John H. Schmidt, and others, of Rochester, N. Y., asking for the passage of House bill for reclassification of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. BROSIUS: Petition of the congregations of United Brethren churches at Brunnersville and Lititz, Lancaster County, Pa., in favor of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. CODDING: Sixteen petitions of Patriotic Order Sons of America, State of Pennsylvania—Camp No. 400, of Gibson; Camp No. 652, of Forkston; Camp No. 190, of Towanda; Camp No. 638, of Canton; Camp No. 199, of Nicholson; Camp No. 368, of Hollisterville; Camp No. 210, of Aldenville; Camp No. 465, of Waymart; Camp No. 674, of North Towanda; Camp No. 489, of East Lemon; Camp No. 616, of Camptown; Camp No. 422, of South Sterling; Camp No. 340, of Glenwood; Camp No. 197, of Laceyville; Camp No. 632, of Franklindale; and Order United American Mechanics, Council No. 363, of Hamlinton, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. DOCKERY: Petition of Edgar N. Tesler and others, of Stanberry, Mo., praying for the repeal of postal laws concerning college publications—to the Committee on the Post-Office and Post-Roads.

By Mr. EVANS: Petition of John A. Frey and others, of Louisville, Ky., in relation to the Marquette statue in Statuary Hall—to the Committee on the Library.

By Mr. PARIS: Petition and papers to accompany House bill

to the treatment of employees in the navy-yards and arsenals—

By Mr. FARIS: Petition and papers to accompany House bill No. 7008, granting a pension to Rhoda L. Day—to the Committee on Invalid Pensions.

Also, petition and papers to accompany House bill No. 2365, to increase the pension of James F. Dickey—to the Committee on Invalid Pensions.

By Mr. GIBSON: Petition of citizens of Harriman, Tenn., asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HARTMAN: Petition of publishers of the Yellowstone Valley Recorder, of Billings, Mont., protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post Roads.

By Mr. HENDERSON: Petition of M. F. Edwards and 38 other citizens of Butler and Grundy counties, Iowa, favoring the passage of House bill No. 3299, in behalf of C. S. Lobdell, of Parkersburg, Iowa—to the Committee on War Claims.

Also, resolution of the sixteenth annual encampment, Department of Minnesota, Grand Army of the Republic, favoring the establishment of a national park at Vicksburg, Miss.—to the Committee on Military Affairs.

Also, paper from Messrs. White & Co., cheese manufacturers, Charles City, Iowa, praying for legislation taxing "filled cheese"—to the Committee on Agriculture.

By Mr. HILL (by request): Petition of Lieut. Charles Smith and others, of South Norwalk, Conn., asking for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HOWELL: Petition of citizens of Middlesex County, N. J., praying for an appropriation for having the channel of South River deepened by removing certain accumulations in said stream—to Committee on Rivers and Harbors.

By Mr. HUTCHESON: Petition of Peter Ramadanovitch, for relief—to the Committee on Foreign Affairs.

By Mr. KIEFER: Petition of the Department of Minnesota, Grand Army of the Republic, favoring the bill establishing a military park at Vicksburg; also in favor of recognizing the belligerent rights of the Cuban people—to the Committee on Military Affairs.

By Mr. LEISENRING (by request): Petition of W. H. Capwell, of Dallas, Pa.; also of Robert Baur & Son, of Wilkesbarre, Pa., asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also (by request), petition of Washington Camp, No. 623, of Parsons, Pa.; also of Camp No. 234, of Kingston, Pa., Patriotic Order Sons of America, for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. LEONARD: Petition of 40 citizens of Glenmoore, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. McEWAN: Petition of Typographical Union No. 277, of Missoula, Mont.; also resolution of Women's Populist League of Colorado, asking for the passage of House bill No. 184, for appointing a committee of inquiry as to the feasibility of direct legislation—to the Committee on Rules.

By Mr. McRAE: Petition of A. S. Gibson and 12 other citizens of Duncan, Ind. T., in favor of House bill No. 7476, for the appointment of additional judges in Indian Territory—to the Committee on the Judiciary.

By Mr. MOODY: Petition of 83 citizens and soldiers of Beverly, Mass., praying for the enactment of House bill No. 2859, granting a pension to Harriet F. Herrick, of Beverly, Mass., widow of Moses S. Herrick, late of Company E, Eighth Massachusetts Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. POOLE: Memorial of citizens of Madison County, N. Y., members of Poolville Grange, No. 770, Patrons of Husbandry, recommending the passage of House bill No. 5213, which places a tax on the manufacture and sale of filled cheese—to the Committee on Agriculture.

By Mr. RAY: Petition of citizens of New Berlin, Chenango County, N. Y., and vicinity, to compel the study of the nonimportation act of the Colonial Congress—to the Committee on Education.

Also, petition of Charles H. Wickham, for a pension—to the Committee on Invalid Pensions.

Also, affidavit of Morris P. Blair, in behalf of the claim of Ross W. Titus—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Pennsylvania: Petition of Highland Grange, No. 980, Patrons of Husbandry, favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. ROYSE: Petition of Elkart Lodge, International Association of Machinists, in favor of House bill No. 216, in relation to the treatment of employees in the navy-yards and arsenals—to the Committee on Naval Affairs.

By Mr. SHERMAN: Petition of the International Association of Machinists of Ilion, N. Y., with reference to navy-yard employees—to the Committee on Naval Affairs.

Also, petition of stationary engineers of Utica, N. Y., favoring the passage of House bill No. 3618, to increase the efficiency of the personnel of the Navy—to the Committee on Naval Affairs.

By Mr. SORG: Petition of the International Association of Machinists, of Dayton, Ohio, for an investigation of the treatment of employees in the navy-yards and arsenals—to the Committee on Naval Affairs.

By Mr. STEELE: Petition of the International Association of Machinists, Lodge No. 150, of Huntington, Ind., by its secretary, Mr. T. P. Annan, for an investigation into the treatment of the members of the association employed in the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. STOKES: Memorial of citizens of Sumter County, S. C., asking for the erection by the Federal Government of a monument to Gen. Thomas Sumter, in the city of Sumter, S. C.—to the Committee on Appropriations.

By Mr. WANGER: Petition of Middletown Grange, No. 684, Patrons of Husbandry, of Bucks County, Pa., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty in order to equalize the benefits and burdens of the protective system—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *April 1, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

CLAIMS FOR BARRACKS AND QUARTERS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, in response to a resolution of the 12th ultimo directing the Secretary of the Treasury to cause the proper accounting officers of the Treasury to reexamine certain claims reported to Congress in House Executive Document No. 234, Fifty-third Congress, third session, transmitting a report by the Comptroller of the Treasury; which, with the accompanying report, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. NELSON presented the memorial of Robert A. Young and sundry other citizens of St. Paul, Minn., remonstrating against the appropriation of money for sectarian institutions; which was referred to the Committee on Appropriations.

He also presented a petition in the form of resolutions adopted by the Commercial Club of Duluth, Minn., praying that the bill to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota shall provide for the free passage over the bridge of all foot passengers, bicycle riders, wagons, and vehicles of all kinds; which was referred to the Committee on Commerce.

Mr. McMILLAN presented a petition of sundry citizens of Washington, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to wholly dispense with the use of horses on all its lines within a fixed time, and to substitute therefor an approved modern system of rapid transit; which was referred to the Committee on the District of Columbia.

Mr. SHERMAN presented a petition of the Central Labor Union of Cleveland, Ohio, praying for the free and unlimited coinage of silver; which was referred to the Committee on Finance.

He also presented the petition of W. D. Miller, of Alton, Ill., praying that soldiers of the late war who lost one eye be allowed a pension of $20 a month; which was referred to the Committee on Pensions.

He also presented a memorial of the Woman's Christian Temperance Union of Troy, Ohio, remonstrating against the introduction of military training in the public schools of the country; which was referred to the Committee on Military Affairs.

Mr. PROCTOR presented a petition of the Young Men's Christian Association of Washington, D. C., praying that Congress carefully scrutinize the bill to establish a racing commission; which was referred to the Committee on the District of Columbia.

Mr. SEWELL presented the memorial of Rev. William I. Gill and 41 other citizens of Asbury Park, N. J., remonstrating against the introduction of military training in the public schools of the

District of Columbia; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Trenton, N. J., praying for the enactment of legislation granting protection to American citizens in Turkey and extending sympathy to the suffering Armenians; which was ordered to lie on the table.

He also presented the memorial of Isaac Cooper and 17 other citizens of Trenton, N. J.; and the memorial of Benjamin W. Wilson and 35 other citizens of Camden, N. J., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which were referred to the Committee on the Library.

Mr. VEST presented a petition of the St. Louis Association of Stationary Engineers, No. 2, of St. Louis, Mo., praying for the passage of Senate bill No. 735, to reorganize and increase the efficiency of the personnel of the Navy; which was referred to the Committee on Naval Affairs.

Mr. CAMERON presented a petition of sundry citizens of Philadelphia, Pa., praying for the passage of the so-called Teller bill, relative to the appointment of Indian agents; which was referred to the Committee on Indian Affairs.

He also presented a petition of sundry citizens of Pennsylvania, praying for the erection of an industrial home for habitual drunkards; which was referred to the Committee on Education and Labor.

He also presented a petition of Encampment No. 9, Union Veteran Legion, of Newcastle, Pa., praying for the passage of a per diem pension bill; which was referred to the Committee on Pensions.

He also presented resolutions adopted by Council No. 70, American Protective Association, of Williamsport, Pa., approving the clause in the Indian appropriation bill providing that no public money shall be appropriated for sectarian institutions; which were referred to the Committee on Appropriations.

He also presented a petition of Highland Grange, No. 980, Patrons of Husbandry, of Lenover, Pa., and a petition of Lawrence Grange, Patrons of Husbandry, of Clearfield, Pa., praying for the passage of House bill No. 2626, providing for the protection of agricultural staples by an export bounty; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition, in the form of resolutions adopted by the Trades League of Philadelphia, Pa., praying for the passage of the so-called Frye bill, providing for the creation of a department of commerce; which was referred to the Committee on Commerce.

He also presented a petition, in the form of resolutions adopted by the select and common councils of Philadelphia, Pa., praying that an appropriation of $500,000 be made for the improvement of the harbor at Philadelphia; which was referred to the Committee on Commerce.

He also presented sundry petitions of citizens of Pennsylvania, praying for the enactment of legislation to provide 1-cent letter postage per half ounce, and also to amend the postal laws relating to second-class and free mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Pennsylvania, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

He also presented sundry memorials of citizens of Pennsylvania, remonstrating against the introduction of military training in the public schools of the United States; which were referred to the Committee on Military Affairs.

Mr. FRYE presented a petition of the inhabitants of Kittery, Me., praying for the construction of a dry dock at that place; which was referred to the Committee on Naval Affairs.

Mr. ALLEN (for Mr. THURSTON) presented a memorial of Rescue Council, No. 1, American Protective Association, of Omaha, Nebr., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

He also (for Mr. THURSTON) presented a petition of Omaha Lodge, No. 31, International Association of Machinists, of Omaha, Nebr., praying for an investigation of the treatment of the employees in the Brooklyn (N. Y.) Navy-Yard and other navy-yards of the United States; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Board of Trade of Dallas, Tex., praying for the passage of a bankruptcy law that will be just to both creditor and debtor; which was referred to the Committee on the Judiciary.

Mr. GORMAN presented a petition of the Baltimore Conference of the Methodist Episcopal Church South, in session at Roanoke, Va., praying for the enactment of legislation giving relief to the book agents of the Methodist Episcopal Church South; which was referred to the Committee on Claims.

Mr. McBRIDE presented a petition of Milwaukie Grange, No. 268, Patrons of Husbandry, of Clackamas County, Oreg., praying for the passage of House bill No. 2626, providing for the protection of agricultural staples by an export bounty; which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Foreign Relations, reported an amendment intended to be proposed to the sundry civil appropriation bill, the amendment providing for subscription of the United States as an adhering member of the International Prison Commission and the expenses of a commissioner, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. MORGAN, from the Committee on Foreign Relations, to whom the subject was referred, reported a bill (S. 2694) for the relief of the heirs of Lorenzo Andenino, Francisco Ronchietto, and Stanislao Vittone; which was read twice by its title.

Mr. KYLE, from the Committee on Education and Labor, to whom was referred the amendment submitted by Mr. GORDON on the 31st ultimo, intended to be proposed to the sundry civil appropriation bill, reported it favorably, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. CHILTON, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 5672) to grant to railroad companies in Indian Territory additional powers to secure depot grounds, reported it with an amendment.

Mr. PERKINS, from the Committee on Fisheries, to whom was referred an amendment submitted by Mr. PETTIGREW on February 12, 1896, the amendment providing for the establishment of fish-culture stations in the Black Hills, in the State of South Dakota, intended to be proposed to the sundry civil appropriation bill, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

BILLS INTRODUCED.

Mr. PRITCHARD introduced a bill (S. 2695) granting an increase of pension to Mrs. Jane V. Davidson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2696) granting arrears of pension to Daniel Lucas; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2697) to complete the military record of Stephen Joiner, and granting him an honorable discharge; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2698) for the relief of David S. Quinn, jr., administrator of David S. Quinn, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. BAKER introduced a bill (S. 2699) authorizing the Secretary of the Interior to convey a certain lot in the District of Columbia to John H. Gause and others; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SEWELL introduced a bill (S. 2700) for the relief of the heirs of certain seamen lost in the foundering of light-vessel No. 37; which was read twice by its title and referred to the Committee on Commerce.

Mr. CAFFERY (by request) introduced a bill (S. 2701) for the relief of Whitty S. Miller, administrator of Whitty M. Sasser, deceased, and Jessie W. Pollitt, administrator of Amanda Sasser, deceased, both decedents late of Rapides Parish, La.; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALLEN (for Mr. THURSTON) introduced a bill (S. 2702) granting an increase of pension to Samuel A. Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. THURSTON) introduced a bill (S. 2704) to remove the charge of desertion from the military record of Joshua B. Webster; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. HILL (by request) introduced a bill (S. 2705) to amend an act entitled "An act relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia"; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. MITCHELL of Oregon (by request) introduced a bill (S. 2706) to extend New Jersey avenue northwest from Brightwood avenue to Whitney avenue; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) introduced a bill (S. 2707) to extend Eleventh street northwest from Florida avenue to New Jersey avenue extended; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WHITE introduced a bill (S. 2708) authorizing the purchase by the United States and the making free of the toll roads passing

over the Yosemite National Park; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. GORMAN introduced a bill (S. 2709) for the relief of Michael Z. Hammen; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALLEN introduced a joint resolution (S. R. 118), to prohibit the contracting of a liability or obligation on behalf of the United States in certain cases, and for other purposes; which was read twice by its title, and referred to the Committee on Finance.

EQUALITY OF LEGAL-TENDER MONEY.

Mr. BUTLER. I introduce a bill and ask that it be read in full for information.

The bill (S. 2703) to prevent discrimination between various kinds of legal-tender money of the United States, and to maintain the equal debt-paying and purchasing power thereof, and for other purposes, was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That any note, bill, bond, draft, check, exchange, contract, mortgage, public or private obligation, or pecuniary liability, hereafter made or contracted, which may provide for its payment in a specific kind or kinds of legal-tender money of the United States, may be paid or discharged in any kind of legal-tender money of the United States current at the time of its maturity or collection, at its face value, such stipulation or agreement to the contrary notwithstanding.

Mr. BUTLER. Mr. President, I should like to explain the bill in a few words.

By its title, it will be seen that it is a bill to maintain the equal debt-paying and purchasing power of all the legal-tender currency of the country. I see that the various State conventions which are now being held to elect delegates to the coming Republican national convention are declaring in favor of this policy and pledging their party to give the people such a currency. Both of the old parties declared that it was their policy in their last national platforms, and will probably so declare again this year. In order that we may be able to turn some promises into performances before another campaign, I hope the Committee on Finance will report this bill promptly. We shall then be able to redeem before their next national conventions are held the promises which both of the old parties made, so that they will not have to make the promises over again. The People's Party stands ready to help either party to redeem this promise, and we are ready to do it now.

The bill proposes to put a stop to the gold mortgages and gold notes that are now being taken all over the country. Every day men are forced to make contracts under dire necessity to pay their mortgages and notes in gold. The gold they can not get without buying it at a premium.

Mr. HILL. Will the Senator allow me a moment? Does the bill propose to affect existing contracts at all?

Mr. BUTLER. It does not. The present law allows such gold notes and mortgages to be taken. Contracts have been made under this law. It is a hard bargain which men have been forced to agree to, but this bill does not propose to nullify those contracts. It proposes to make such contracts illegal in the future. The clause in the Bland-Allison Act which allows contracts to be made payable in gold only, known as the "gold exception clause," is the provision to which I refer. It is the law, but it is a bad law, and I believe it was put into that act for the benefit of the bondholder. But the money lender has used it in his private contracts, not only to the oppression of the creditor, but also to advance the price of gold in which his debt must be paid. I think that law should be repealed. Both parties have promised to do it. The opinion of the country by a large majority is opposed to continuing the present policy. The law as it now stands tends to cause a disparity between different kinds of legal-tender money. The law is a discrimination against silver and greenbacks, and also against the debtor class.

Mr. President, we can pass this bill by both Houses, if the committee will report it, and let both parties redeem one of their pledges before they go before the people again. Gold mortgages are plastered over every town and hamlet in this country. In every little town of even a thousand inhabitants every man to-day who borrows money is forced to give a gold mortgage or note. No Government should allow any such discrimination against any of its legal tender and lawful money. It is not only an injustice to the debtor class but it is a suicidal governmental policy. It is wrong. No party can defend it. Both the Democratic and Republican parties say that they are opposed to such a policy, but they have done nothing to correct it. They can correct it by passing this bill. The law as it now stands, instead of maintaining the equal debt-paying power and purchasing power of all lawful money, actually makes gold dearer. How can the Government deliberately legislate to increase the purchasing power of gold, and then insist on paying its own debts in this dear money, and force private debtors to do the same?

The money lender and the bondholder are the only people benefited by the present law; it is to the detriment of everybody else. The bill which I offer will correct this wrong.

I ask that the bill be referred to the Committee on Finance, and hope that they will report it back to the Senate at an early day.

The VICE-PRESIDENT. The bill will be referred to the Committee on Finance.

ALLEGED ATROCITIES IN CUBA.

Mr. CALL. I introduce a joint resolution, and ask that it be read and lie over under the rule until to-morrow.

The joint resolution (S. R. 119) relative to the putting to death of prisoners of war in Cuba and providing for intervention by the United States, if necessary, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That the continued violations of the usages and rules of war between civilized peoples, the inhuman and brutal outrages on men, women, and children constantly reported on reasonable evidence, either authorized or permitted not only on the Cuban revolutionists, but also on citizens of the United States, in the war now carried on between the Government of Spain and the revolutionary forces organized as the Republic of Cuba, demand the immediate action by the United States of America not only for the protection of the citizens of the United States who have become residents and acquired interests in Cuba under treaties with Spain for their protection, but also under the higher considerations of the rights and interests of a common humanity and of a civilization shamed and imperiled by barbarities and cruelties known only in the darkest, most cruel, and bloody periods of human history.

Resolved, That an adequate naval force of the United States shall be immediately sent to Cuba as shall be sufficient to protect by force, if necessary, citizens of the United States from wrong and the violations of treaty obligations between Spain and the United States.

Resolved, That the President of the United States communicate to the Government of Spain these resolutions and inform that Government that the United States will forcibly intervene to protect the rights of American citizens and the interests of civilization if there shall be further occurrence of murder and outrage or the shooting or putting to death of prisoners of war in the conflict between Spain and the revolutionary forces in Cuba.

The VICE-PRESIDENT. The joint resolution will lie on the table at the request of the Senator from Florida.

Mr. CALL. I understand that the joint resolution will come up to-morrow morning.

The VICE-PRESIDENT. Under the rule the joint resolution has been read the second time, and will lie upon the table. It can be reached by a motion at any time the Senator desires to move to take it up.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BAKER submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. SEWELL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HILL submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Fisheries, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Mines and Mining, and ordered to be printed.

Mr. QUAY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also submitted four amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

TELEGRAPHIC CABLES IN THE PACIFIC OCEAN.

On motion of Mr. SHERMAN, it was

Ordered, That the hearings before the Committee on Foreign Relations in regard to the bills S. 1316, to facilitate the construction and maintenance of telegraphic cables in the Pacific Ocean for the use of the Government in its foreign intercourse, represented by Messrs. Z. S. Spalding and Wager Swayne, and S. 876, to provide for telegraphic communication between the United States of America, the Hawaiian Islands, and Japan, and to promote commerce, represented by Messrs. James A. Scrymser and Edmund L. Baylies, be printed for the use of the Senate.

FRANCIS HALL AND JURIAH HALL.

On motion of Mr. McMILLAN, it was

Ordered, That Senate Report No. 581, Fifty-fourth Congress, first session, accompanying the bill (S. 2469) authorizing and directing the Secretary of the Interior to quitclaim and release unto Francis Hall and Juriah Hall and their heirs and assigns all the right, title, and interest of the United States in and to the east 20 feet front by the full depth of 100 feet of lot 2, in square 456, in the city of Washington, D. C., as laid down on the original plan or plat of said city, be reprinted, together with additional papers.

REPORT ON RACING COMMISSION BILL.

On motion of Mr. McMILLAN, it was

Ordered, That Senate Report No. 330, Fifty-fourth Congress, first session, accompanying the bill (S. 1866) for the incorporation of associations for the improvement of the breed of horses, and to regulate the same, and to establish a racing commission, be reprinted, together with additional papers.

BOOKS FOR THE SENATE LIBRARY.

Mr. CAFFERY. I submit a resolution, and ask unanimous consent for its present consideration.

The resolution was read, as follows:

Resolved by the Senate, That the Secretary be directed to purchase for the Senate Library the following books on international law, viz:

Bar's International Law.
Bluntschli's International Law, translated by M. C. Lardy, 1894.
Hall's International Law, 2 copies.
Halleck's International Law.
Lorimer's International Law, 2 volumes.
Wheaton's International Law, Dana's edition.
Wheaton's International Law, Lawrence's edition.
Woolsey's International Law, edition 1890.
And that the same be charged to the contingent fund of the Senate.

Mr. GRAY. Let me ask what the resolution proposes. I did not hear the first part of it.

The VICE-PRESIDENT. The Senator from Louisiana asks unanimous consent for the present consideration of the resolution.

Mr. CAFFERY. I will say to the Senator from Delaware that the very efficient librarian of the Senate library has stated to me that these books are frequently called for.

Mr. GRAY. They are for our library?

Mr. CAFFERY. Yes; and the librarian desires to have them in the library to meet the calls of Senators.

Mr. SHERMAN. My impression is that the law requires the resolution to be referred to the Committee on Contigent Expenses. That reference ought to be made.

Mr. JONES of Arkansas. It has to be made.

Mr. CAFFERY. Very well.

The VICE-PRESIDENT. Under the rule the resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on March 31, 1896, approved and signed the act (S. 1179) to repeal section 1218 of the Revised Statutes of the United States as amended by chapter 46 of the laws of 1884, relating to the appointment of officers in the Army and Navy of the United States.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM. I ask the Chair to lay before the Senate the action of the other House upon the legislative, executive, and judicial appropriation bill.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, and requesting a conference on the disagreeing votes of the two Houses thereon.

Mr. CULLOM. I move that the Senate insist on its amendments, and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. CULLOM, Mr. TELLER, and Mr. COCKRELL were appointed.

UNSURVEYED PUBLIC LANDS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Florida [Mr. CALL], coming over from a previous day. The resolution will be read.

The Secretary read the resolution submitted by Mr. CALL on the 27th ultimo, as follows:

Resolved, That the Committee on Public Lands be directed to inquire and report such legislation, by bill or otherwise, as may be necessary to prevent the unsurveyed public lands of the United States from being approved and patented without a survey and examination, and report as to their being swamp and overflowed in the meaning of the act of Congress.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. CALL. Mr. President, I hope the resolution will be passed. When I introduced it I accompanied it with a letter from the Commissioner of the General Land Office, stating that the land in the southern part of Florida, near Cape Sable and covering a considerable part of the peninsula, had been patented to the State of Florida, or approved, rather, as swamp and overflowed land and as unsurveyed land. The letter was in reply to persons who had settled or desired to settle as homesteaders on that land. It is quite obvious that under the swamp and overflowed land act of 1850 an examination and report is required before there can be any approval of public lands under that act. This is unsurveyed land, and therefore must be land that has not been examined and has not been reported upon, and that it has been selected without authority of law, to the detriment of homestead settlers who have a right to it for free homes, if it is, as they allege, not swamp and overflowed, but, on the contrary, dry land fit for cultivation.

Mr. HOAR. I have an impression that the resolution is intended and does in some way affect a controversy about land with a railroad of which I believe people from my State are the owners. I do not know anything about the merits of the controversy, at least I do not remember what it is; if I have ever heard of it I have forgotten; but the resolution proposes peremptorily to order the Committee on Public Lands to bring in a bill. Perhaps the Senator from Florida will be content to have the resolution referred to the committee. That will give the committee full jurisdiction over the subject, and if they find it is proper that some action shall be taken they will report a bill. It seems to me it is a little doubtful whether the Senate ought peremptorily to commit itself, however clear may be the doctrine, in advance of an examination by the committee. I therefore suggest that the resolution be referred to the Committee on Public Lands.

Mr. CALL. I should like to have the Senator from Massachusetts give some reason why when it is reported here officially from a Department of the Government that they have patented or propose to patent lands unsurveyed under the swamp and overflowed land grant act——

Mr. HOAR. Does the Senator say that the Department have patented the lands?

Mr. CALL. I understand that they have either approved or patented the land; and when it is evident that it is done without authority of law (because it is a self-evident proposition that no land unsurveyed can be approved under that grant), why should not this action be taken? The grant requires that the field notes of the survey shall be taken, and there being no survey, there can be no rightful approval of the land as swamp and overflowed. Neither can there be any examination or selection of land as swamp and overflowed and unfit for cultivation under an act of Congress that requires the greater part of each 40 acres to be so swamp and overflowed as to be thereby rendered unfit for cultivation.

The resolution proposes to direct the committee to inquire whether that is true or not, and to report by bill or otherwise such legislation as may be necessary. It seems to me that there is no reason, because a railroad company may have some claim to land, why it should not be investigated, and if the claim is not right why that should not be deferred in favor of the homestead settlers. I think there is no reason why the resolution should not be passed.

It is entirely evident that great wrongs have been inflicted on the people of the United States, and especially on the people of Florida, in the nullification of the homestead laws as to the public land, and depriving the people of Florida of their right to free homes, and approving the homesteads of the people to individuals, railroad corporations and their agents, who have grown rich on the labor of the people wrongfully forced from them.

Mr. HOAR. The stronger the reason for having the resolution passed, the stronger the reason, it seems to me, for sending it to the committee without tying their hands. Here is a Department of the Government, as the Senator from Florida says, which has come to the conclusion that it is proper and right and lawful to patent certain lands without a survey and examination. Whether that is true of course I have no information except what I derive from the Senator from Florida; but if they have come to that conclusion there must be some reason for it. Whether it is a good reason or a bad one, there must be some reason for it. Now, it is proposed that the Senate shall come in and commit itself absolutely. If we were to pass a bill it would have three several readings and hearings. It seems to me that as there is no member of the Committee on Public Lands present on our side of the Chamber—the chairman is absent, certainly—the proper course to pursue is to send the resolution to the committee, and if a grievance exists, the stronger the grievance the more absolutely certain the committee will be to act upon and deal with the subject.

Mr. CALL. Does not the resolution send it to the committee?

Mr. HOAR. I do not think the honorable Senator from Arkansas [Mr. BERRY] on the left of the Senator from Florida is likely to be silent or inactive or indifferent if there is anything wrong being done with the public lands of the country. My only suggestion is in favor of orderly proceeding. I do not think that resolutions in the morning hour, which are not expected to be debated, ought to assert principles of legislation and bind and tie up committees in advance.

I have not investigated this matter. I do not know what the

reason is. The Senator says the resolution is to condemn in substance the action of some Department. I do not mean to say that

absence of the chairman of the Committee on Public Lands, at whose request it went over the day it was first introduced. I can only say that the Committee on Public Lands, of which I am a

Mr. GEORGE. I have a right to vote to make a quorum. I vote "nay."

Mr. WOLCOTT. I vote "yea."

Mr. GEORGE. Mr. President, I had reached this point yesterday evening when I surrendered the floor. One of the main points relied upon by the advocates of Mr. Du Pont's right to seat in the

reason is. The Senator says the resolution is to condemn in substance the action of some Department. I do not mean to say that he uses that term, but he says that the Department has done something which is clearly illegal. That I know nothing about. I only suggest to the Senator that, instead of making the Committee on Public Lands absolutely bound to report a bill of a certain character, they be directed to inquire whether such a bill is necessary, and if necessary, then to report it.

Mr. CALL. That is just what the resolution does.

Mr. HOAR. No.

Mr. CALL. It directs them to inquire and report. If they inquire and find there is no reason for it in their opinion, they will so report.

Mr. HOAR. I do not so understand the resolution.

Mr. CALL. That is the resolution.

Mr. HOAR. Very well.

Mr. CALL. It is a self-evident proposition, it seems to me, that if the Interior Department is approving and patenting lands unsurveyed, as to the character of which they can have no proper information, if they are approving land of that description——

Mr. HOAR. Will the Senator pardon me a moment? If he understands the resolution as he states it, and will put in before the words "may" the words "in their judgment," so as to read "report such legislation, by bill or otherwise, as may in their judgment be necessary," I will consent to the resolution.

Mr. CALL. Very well. I have no objection to that, because it does not make a particle of difference in the resolution.

Mr. HOAR. It will save the whole trouble.

Mr. CALL. But I wish to say a word more. A great part of the area of the State of Florida has been taken away from the settlers upon the public lands of the United States who have, by law, a right to them. We should not be so considerate of the claims of the nonresident people in the shape of corporations as to deprive the people who are to live and labor on this land of their right under the law. The Interior Department should not be allowed to approve and patent land that is obviously not within the terms of the act and which they are prohibited from doing. This is a subject which should have the attention of Congress. Nothing can be more oppressive to the people than to allow the public land to be unlawfully approved in great bodies to individuals and land speculators, agents, and corporations.

I have not drawn the resolution with a view of censuring or affecting any corporation, but I have a letter from settlers who in that far region of the South, away down upon the coast near Cape Sable, desire to make a home there, and they are making application for the land and stating that it is high and dry land and suitable for settlement, and they are informed from the Interior Department that without a survey and without examination it has been approved as swamp and overflowed land under the selection of some agent or other. That is the whole of it, and I was further informed by an official letter from the Department some months ago that there was an agreement to approve nearly the whole peninsula of Florida, under the name of the Everglades, by its exterior lines and without an interior survey or examination, to the State, and that would be to railroad corporations and would cover the whole area with a denial of the right to free homes.

Mr. HOAR. If any citizens of the United States, wherever they dwell, or any corporation composed of citizens of the United States, have got hold of, or are trying to get hold of, any land they ought not to get and have not a title to, of course they ought to be stopped, and it is the business of the Department to do it; and if the Department does not do it, it is the business of Congress to see that the proper legislation is enacted. There is no objection to that. What I do object to is the coming in and taking of those things for granted and having the Senate order legislation before the committee have inquired into the facts or into the necessity for it; but if the Senator now consents to the amendment that they shall report such legislation as in their judgment may be necessary, I have not anything further to say.

Mr. CALL. I only wish to say before the subject passes away that I have been protesting year after year against this deprival by the action of the Department of the people of the United States of their right to free homes, secured to them under the acts of Congress. I state that there has been a vast portion of the State of Florida that has been approved under the swamp and overflowed land grant act which is as high and dry as the top of this building, and that under this action of the Interior Department free homes have been and are to-day denied to a large portion of the people who are endeavoring to obtain them, who have a right under the law to have them, and that it has been and is now the imperative duty of Congress to examine into this subject and to see that the Department executes the law as Congress makes it. This is all I have to say on the subject.

Mr. PASCO. Mr. President, I do not know exactly the purpose of the present resolution. I have not been consulted with reference to it, and I did not suppose it would be called up in the absence of the chairman of the Committee on Public Lands, at whose request it went over the day it was first introduced. I can only say that the Committee on Public Lands, of which I am a member, has always been disposed to protect the actual settlers and to see that they have their proper rights upon the public lands. Those who have already settled upon them and those who desire to make entries and establish their homes there have no better friend than myself. Since I have been in the Senate, and even before, I have endeavored to secure fair and just treatment for them, and I have done so as a Senator, as an individual, and as a member of that committee. Their interests are safe in the committee, and if the resolution is referred there for examination it will receive all proper attention and consideration.

I move that the resolution be referred to the Committee on Public Lands.

Mr. CALL. Mr. President, there is but little difference between passing the resolution and referring it to the committee, but I hope that motion will not be agreed to, as the resolution simply proposes, and the Senator from Massachusetts has agreed to it, that the committee shall be directed to inquire and report. After what I have said I hope it will not be referred, but that the Senate will direct this inquiry, because we have an official statement from the Interior Department, upon the application of a settler for a homestead upon the public lands of the United States, that it has been approved under the swamp and overflowed land-grant act, without an examination and without a survey, and that is a sufficient reason for directing the committee to inquire and report. I do not see why there should always be opposition made to resolutions of this kind, which only seek to affirm and protect the right of the people to their free homes on the public lands.

I have no criticism to make upon my colleague or upon the Committee on Public Lands. I state facts which are contained in the records of the Interior Department and of Congress. I state here that the people of Florida and the people of the United States who may emigrate there are to-day deprived of homes upon more than two-thirds of the area of public land, the greater part of which is as high and dry as the roof of this Capitol, under an unlawful selection of the land as swamp and overflowed, each 40 acres of which is required to have the greater part of it so "swamp and overflowed as to be thereby rendered unfit for cultivation, and in the further condition that the land should be sold and the proceeds applied to its reclamation by the construction of the levees and ditches necessary to make it dry and fit for cultivation."

The VICE-PRESIDENT. The question is on the motion of the Senator from Florida [Mr. PASCO] to refer the pending resolution to the Committee on Public Lands.

Mr. CALL. I ask for a yea-and-nay vote on the motion.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON]. I transfer my pair to the Senator from South Carolina [Mr. IRBY] and vote "yea."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD], and withhold my vote.

Mr. WOLCOTT (when his name was called). I am paired with the Senator from Ohio [Mr. BRICE], and for the present withhold my vote.

The roll call was concluded.

Mr. MORRILL (after having voted in the affirmative). I withdraw my vote, being paired with the Senator from Tennessee [Mr. HARRIS] and not knowing how he would vote.

Mr. BLACKBURN. I am paired with the Senator from Michigan [Mr. McMILLAN]. Not seeing him in the Chamber, I will withhold my vote for the present.

Mr. MANTLE. I have a general pair on political questions with the Senator from Virginia [Mr. MARTIN]. I will vote on this question. I vote "nay."

Mr. GEAR. I have a general pair with the senior Senator from Georgia [Mr. GORDON]. Not knowing how he would vote, I withhold my vote.

Mr. MILLS. I am paired with the Senator from New Hampshire [Mr. GALLINGER]. I do not know how he would vote, and therefore withhold my vote.

Mr. GEORGE (after having voted in the negative). I should like to inquire whether the Senator from Oregon [Mr. McBRIDE] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. GEORGE. I am paired with that Senator and withdraw my vote.

Mr. GORDON. Has the junior Senator from Iowa [Mr. GEAR] voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. GORDON. I am paired with that Senator and withhold my vote.

Mr. GEORGE. I have a right to vote to make a quorum. I vote "nay."

Mr. WOLCOTT. I vote "yea."

The result was announced—yeas 28, nays 20; as follows:

YEAS—28.

Bate,	Daniel,	Hoar,	Sewell,
Brown,	Faulkner,	Lodge,	Sherman,
Burrows,	Frye,	Mitchell, Oreg.	Vest,
Caffery,	Gorman,	Mitchell, Wis.	Vilas,
Cameron,	Gray,	Pasco,	Walthall,
Carter,	Hale,	Platt,	Wetmore,
Cullom,	Hawley,	Proctor,	Wolcott.

NAYS—20.

Allen,	Call,	Mantle,	Roach,
Bacon,	Cannon,	Morgan,	Shoup,
Baker,	George,	Nelson,	Tillman,
Berry,	Jones, Ark.	Peffer,	Turpie,
Butler,	Kyle,	Perkins,	White.

NOT VOTING—41.

Aldrich,	Elkins,	McBride,	Smith,
Allison,	Gallinger,	McMillan,	Squire,
Blackburn,	Gear,	Martin,	Stewart,
Blanchard,	Gibson,	Mills,	Teller,
Brice,	Gordon,	Morrill,	Thurston,
Chandler,	Hansbrough,	Murphy,	Voorhees,
Chilton,	Harris,	Palmer,	Warren,
Clark,	Hill,	Pettigrew,	Wilson.
Cockrell,	Irby,	Pritchard,	
Davis,	Jones, Nev.	Pugh,	
Dubois,	Lindsay,	Quay,	

So the resolution was referred to the Committee on Public Lands.

PACIFIC RAILROADS.

Mr. MORGAN. I give notice that on next Tuesday at the conclusion of the routine morning business I shall call up a resolution which I submitted on the 9th of March and which has been lying upon the table, proposing to instruct the Committee on Pacific Railroads. I desire to discuss the proposed instructions on that day.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 55) for the establishment of a light-house and fog-signal station at or near Big Oyster Bed Shoal, New Jersey; and

A bill (H. R. 6408) authorizing the sale of title of the United States to certain tracts of land in the District of Columbia to Margaret Shugrue, Caroline Lochboeler, and John R. Scott.

The message also announced that the House had passed the bill (S. 494) constituting Stamford, Conn., a subport of entry.

The message further announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 6425) for the relief of Clifton R. Anderson; and

A joint resolution (H. Res. 159) to authorize the Secretary of War to prepare and submit estimates for the improvement of the harbor at Portland, Me.

The message also announced that the House had passed a concurrent resolution providing for the compilation of all the annual, special, and veto messages, proclamations, and inaugural addresses of the Presidents of the United States from 1789 to March 4, 1897; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (H. R. 1861) for the relief of James Linskey from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens;

A bill (H. R. 4254) granting to the Duluth and North Dakota Railroad Company right of way through certain Indian reservations in the State of Minnesota;

A bill (H. R. 4698) to provide an American register for the steamer *Matteawan;*

A joint resolution (S. R. 111) to authorize Benjamin Harrison to accept certain medals presented to him while President of the United States; and

A joint resolution (S. R. 114) authorizing and directing Bernard R. Green to exercise the duties and powers heretofore conferred upon the late Gen. Thomas L. Casey in relation to the construction and completion of the Library of Congress.

SENATOR FROM DELAWARE.

The Senate resumed the consideration of the resolution reported by Mr. MITCHELL of Oregon, from the Committee on Privileges and Elections, February 18, 1896, as follows:

Resolved, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

Mr. GEORGE. Mr. President, I had reached this point yesterday evening when I surrendered the floor. One of the main points relied upon by the advocates of Mr. Du Pont's right to a seat in the Senate is that the speaker as speaker can not exercise the office of governor after the expiration of his legislative term.

EXPIRATION OF THE LEGISLATIVE OFFICE.

Our opponents make another objection which they seem to think formidable—another incongruity. It is that the office of representative in Delaware always expires and the office of senator may expire before the time when the powers of a speaker exercising the office of governor will terminate.

They argue that as the speaker must be a member of the house over which he presides, that when his membership ceases he must cease to be speaker, and as he *must*, in case of the speaker of the house, always exercise the office of governor after he ceases to be a member, therefore the constitution could not mean what it plainly says—that he "shall" exercise the office of governor all the way through as speaker; and therefore our construction of the constitution must be wrong.

I take the case of the speaker of the house being most favorable to the other side, as his membership in the house always expires before the termination of his exercise of the office of governor, as the basis of the answer I shall make.

The members of the house are elected for two years from the first Tuesday in November of the even-numbered years—as 1892, 1894, 1896. Hence their term of office always expires in two years from that date. This date necessarily precedes the expiration of the governor's term at least two and one-half months, his term only expiring on the third Tuesday of the succeeding January.

I agree that the office of speaker of the senate also terminates at the same time, for that is the end of that legislature.

I make freely on this point all the admissions required by the other side, and they are all required by the constitution of Delaware.

This construction of the constitution of Delaware, admitted on both sides, fixes this situation as the true one and the one before the framers of the constitution of Delaware. That the vacancy in the office of governor, which causes a devolution on either speaker, must occur during the terms of the speakers, viz. prior to the first Tuesday in November in the even-numbered years. If it occurred after that time, and before the first Tuesday in January succeeding, when the legislature meets and elects new speakers, then there would be no speaker of either house during this interim, and under the fourth clause of the said section 14 the exercise of executive authority would go to the secretary of state, there being no other person who under the provisions of the constitution can exercise that office.

So that, and this must be remembered, when the framers of the constitution provided for the devolution of the exercise of the duties of the office of governor on the speaker of either house they knew that the office of speaker of the house would cease in all cases, and might cease in every case as to the speaker of the senate, at least two and one-half months prior to the third Tuesday of January, when such duties must cease. The same thing is true with reference to the membership of these speakers in their respective houses.

When, therefore, they said the speaker shall exercise the office of governor at a time when his office as speaker would otherwise cease, they ordained necessarily that his office should not then cease; otherwise they made a command which could not be obeyed.

I have already shown, and shown conclusively, that during all this time of such exercise that the speaker is and remains speaker, at least as to the exercise of the command of the constitution that the speaker shall exercise the office till a new governor is qualified. I have not made this proof with reference to the office of senator or representative. I admit, if it will gratify the Senator from Oregon, that I can not make it. And I admit further that if it be necessary to make out so much of our case as depends on the construction we place on section 14, that the speaker is not governor, but exercises the office of governor as a superadded power and duty imposed on him, that I show he remains senator or representative after the expiration of his term as such. I have failed on that point. I admit that it is of the essence of a free representative government (and it can not be free unless it be representative) that the periods which the people in their organic law have fixed for the return to them for a new selection of the political power they have granted to their representatives are so essential to free government that these periods can not be changed by mere inference and argument, but only by clear and unmistakable language. We can have substitutes—provisional and *ad interim* selections for executive and judicial officers, but none for senators and representatives. These have been selected by the people to stand for them, to act for them, and under a responsibility that comes from a return of their power at stated periods to the people themselves. They are entitled to representatives chosen by them, who are to stand for them at all times as active, living agents, whose commissions can neither be enlarged nor diminished nor suspended.

I find nothing in the constitution of Delaware which changes or modifies this in the least. But I find in this constitution ample provision to retain the old regular representative system with full senators and representatives all through the time that the speaker of either house is exercising the office of governor.

It must be borne in mind that there is no provision in the constitution of Delaware which requires the speaker of either house to be a member of the body over which he is chosen to preside. Notwithstanding he is an officer under the State of Delaware, and all officers are prohibited from being a senator or representative, I have admitted, and do now admit, that he may be selected from the members. I am also willing to admit that he has always been so selected in Delaware; and except where the constitution has provided a speaker or presiding officer for a legislative house, I admit that he has always been so selected from the members in every State in the Union. But why, when there is no provision in the constitution regarding it? The only answer is, that by the common, unwritten parliamentary law the selection should be made from the members of the house over which he presides. This law, however strong it may be, however binding it may be on each house separately, in electing a speaker is not beyond constitutional or legislative control. This is seen in those States where a lieutenant-governor is made the presiding officer of the senate. This is a total abrogation of that rule as to that branch of the legislature in those States. If the constitution can abrogate the rule wholly, as all must admit it may, it is equally clear it may abrogate it partially, and in any particular instance.

It has been abrogated partially in Delaware by express constitutional provision. The constitution commands that the speaker shall exercise the office of governor, as speaker, as I have shown, beyond his regular term as a senator or representative. This must mean either that the term of the senator or representative is also extended with that of the speaker or that the speaker, as to that duty, that exercise, remains speaker till the exercise is finished, though he may cease to be a member.

I have shown that the first alternative is not allowable. It follows that the second is the true one. A constitution never commands the doing of a thing and at the same time annexes conditions to the doing which renders performance impossible.

This common law parliamentary rule, like every other rule of the common law, may be repealed by legislative action. It would not alter the constitution of that State as expressed in section 14, if in pursuance of an act of the legislature the houses should select as speakers persons not members. The being a member is not a constitutional qualification for being speaker, but a mere common-law regulation, which must yield to the constitution making provisions contrary to it, as in the case of a lieutenant-governor made the presiding officer of a senate.

SPEAKER PRO TEMPORE.

The importance of this contest is such that I feel compelled to add yet another argument, based on another provision of the constitution, to remove the slightest doubt, if any yet remain, as to the true character in which the speaker of the senate, or of the house, acts in exercising the executive authority of the State of Delaware.

The provision of the constitution referred to is section 5 of Article II, and is in these words:

> Each House shall choose its speaker and other officers; and also each house whose speaker shall exercise the office of governor may choose a speaker *pro tempore*.

This section, as to the speaker and the other officers, is mandatory. It commands the house to choose a speaker. It ought to have stopped here, as the Constitution of the United States does in case of the Speakership of the House of Representatives, if the framers of the constitution of Delaware were content to leave the power to choose a speaker *pro tempore* where it rests in parliamentary law—namely, in the absence of the speaker, either voluntary, or caused by disability or otherwise, for it is an essential and inherent power in a legislative body authorized to choose its speaker to do these two things—

First. To remove the speaker for just cause, to be judged of by them.

Second. To choose a speaker *pro tempore* in the absence of the speaker, however occasioned.

I suppose I ought to read from authorities on that last point, and I read from Cushing's Parliamentary Law, page 121, chapter 2, as follows:

> The power to choose one of their own members a temporary presiding officer, in case of the absence or other disability of the officer designated, though expressly given in most instances, is a necessary incident to a parliamentary assembly in this country, and would be considered as given unless expressly withheld.

So that it was wholly unnecessary to add this power, as was done by the words, "and also each house whose speaker shall exercise the office of governor *may* choose a speaker *pro tempore*,"—"may" being used simply in the sense of conferring a power upon the house—if the power to elect a *pro tempore* speaker was intended to be given only when the speaker was absent, whatever might be the cause of such absence, whether voluntary or enforced.

Mr. MITCHELL of Oregon. Mr. President——

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Does the Senator from Mississippi yield to the Senator from Oregon?

Mr. GEORGE. Yes, sir.

Mr. MITCHELL of Oregon. The Senator states, what we all admit, that even in the absence of any express power given in a constitution this power to elect one of their own number exists under general parliamentary rules. That being so, does it not strike the Senator that the very fact that they inserted such a clause in this constitution indicates that it was the intention of the constitutional convention to make the clause, as I think it is, mandatory?

Mr. GEORGE. I do not.

Mr. MITCHELL of Oregon. And that the word "may" there should be construed as "shall."

Mr. GEORGE. My friend now, as throughout this whole debate, has insisted on using or constructing the English language as employed in the constitution of Delaware in a directly contrary sense from that which it ordinarily has. I will answer the Senator on that point, and it is part of my argument:

But there was no power to elect a speaker *pro tempore*, outside of or without this clause, when other and independent powers not relating to presiding in the house were conferred on the speaker. It existed only in his absence. The power existed to elect a full regular speaker whenever the office was vacant. So this was the situation confronting the framers of the constitution of Delaware. If we make the office of speaker vacant when he exercises the executive authority, then no further authority is needed, for it is already conferred under the first clause, "each house shall elect its speaker." That power is just as full when he vacates it by going into the office of governor as when he vacates it by death or resignation. There is no speaker. The language of the constitution and the power conferred by the constitution is in full operation.

If we intend—I am now speaking of the situation which presented itself to the framers of the constitution of Delaware—that such exercise of executive authority shall not vacate the speaker's office, then further power is needed, unless we intend that there shall be no choosing of a speaker *pro tempore* except when and as often as the speaker shall be absent.

So in this situation, determining, as they did, not only in section 14, on which I have so fully commented, but in this very section, that there shall be no vacancy in the office of speaker when in the exercise of executive authority, they confer this power to elect a speaker *pro tempore* in a new *casus*, wherein it did not exist before—namely, when the speaker was in the exercise of executive authority. This power was conferred so that it may be exerted at any moment after the commencement of such exercise of the executive authority. Whether the speaker was absent or present, it made no difference as to the exercise of the power. When the choosing was made this *pro tempore* speaker presided or not as the regular speaker might be absent or present, just as the President *pro tempore* of this body presides.

This reasoning establishes beyond controversy, as I respectfully submit, that the office of speaker was not vacated by his exercise of the executive authority, and also shows the true reason for the power given—not the duty imposed—to choose a speaker *pro tempore*.

It equally establishes that there was no suspension of the speaker from his office as speaker during such exercise. If the suspension took place at all it continued, as the advocates of Mr. Du Pont contend, till the end of his exercise of the executive power. This is exactly in plain English equivalent to a provision that he shall not exercise the office of speaker or any part of it till the end of his exercise of the executive authority. I have shown already that the speaker's office always ends, without exception, at the very moment of the termination of this exercise of the office of governor. Not one jot or tittle of it either in power or in name ever extends beyond that moment.

So that if on his entry on such exercise he was suspended from the office of speaker, or, in plainer English, he lost the power to fill the office or to exercise the office, he necessarily remained in that condition till the end of his exercise of the executive authority. A suspension from office or its equivalent, a loss of power to exercise an office, which *must* necessarily continue till the end, the full and complete end, of the term of the officer, is neither more nor less than, nor in the slightest degree different from, a full and complete vacancy in the office. Recollect, I admit that the so-called suspension or loss of power to execute the office *must*, not *merely may*, extend through the whole term. If there be a contingent remainder in the exercise of the office, or a possibility that the alleged suspended speaker may, in any event provided for in the constitution, go back to the office and hold it as of his old term, I do not make out suspension to be equivalent to vacating

the office. There is in fact no such remainder, no such possibility.

He can not resign the exercise of the office of governor, because the constitution says: "The speaker of the senate (or of the house) shall exercise it till the elected governor is qualified." As I have demonstrated over and over again in this argument, he exercises this office as speaker and in no other way. He can resign the speakership or be removed from it, as the first clause of section 14 says he may, and thus create a further vacancy in the office of governor; but having so resigned or having been so removed from the speakership, his whole office of speaker is gone; there is left no contingent remainder in it for him.

But I should add a statement to prove what I have already said—that this very section 5 of Article II, providing for the election of a speaker *pro tempore*, asserts in the plainest terms that the speaker exercising the office of governor exercises it in his character as speaker. The language is, "And also each house whose speaker shall exercise the office of governor, may choose a speaker *pro tempore*." Here again we have a direct and unequivocal assertion that the speaker, as such, exercises the office of governor. This choosing of a speaker *pro tempore* manifestly can never take place simultaneously with the beginning of such exercise nor prior thereto. It must take place afterwards if at all, and as the legislature is in session but for a small portion of the term of a speaker, the choosing may be many months after the entering of the speaker on such exercise, yet the plain meaning of the section is: That the choosing shall be only *when* the speaker shall exercise the office of governor.

This is but a repetition of all the statements of the constitution on that subject—that it is the speaker and no one else who exercises the executive authority all along through the whole period of such exercise. Recollect, now, we are considering a case of vacating the office or suspending the officer by implication and inference, and not a case of an express declaration that the office shall be vacated, as in the Pennsylvania constitution, nor a case of express suspension of the officer, as in case of the constitution of Maine. Of course, when the constitution says expressly one or the other, the constitution must be obeyed, just as much as when it says the speaker shall exercise the office of governor. But when it is argued, as here, that such must be the result—from provisions of the constitution in relation to the office, arising from an alleged incongruity of such provisions with the idea of a full office—then we may argue, as I have done here, that no such incongruity exists, and that the meaning of the constitution is directly the reverse. And I may add here that it is impossible to conceive that the framers of the constitution meant either total vacation of the office or suspension of the officer, since they refused to say either.

This ends what I have to say on the true meaning of clause 1 in section 14, Article III, of the constitution of Delaware, wherein it is provided that "upon any vacancy happening in the office of governor, by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified." I have demonstrated that this speaker, by the plain words used, as above quoted, exercises that office, as he is therein commanded to do, as speaker, in that character alone; that this exercise in that character was imposed on him in the beginning and remained with and on him from that moment to the end of such service, with his powers as speaker unimpaired and unaffected. And further, that his powers as senator were likewise unaffected as long as his term of senator was unexpired, and that as Mr. Watson's term either as speaker or senator had not expired on the 9th day of May, 1895, when he voted for Senator, that such vote was legal and valid in all respects whatsoever.

I add as fully sustaining this view certain authorities, which are conclusive on the subject:

Mr. MITCHELL of Oregon. Will the Senator from Mississippi allow me at this point?

Mr. GEORGE. Certainly.

Mr. MITCHELL of Oregon. In order to test the validity of the Senator's argument, as I think it has a bearing upon the question, I would inquire of the Senator whether, in his judgment, Mr. Watson, while exercising the office of governor, could be impeached as governor? The constitution of Delaware provides that the governor of the State may be impeached for high crimes and misdemeanors, as I believe it reads. Could he, in the event of his being guilty of high crimes and misdemeanors, be impeached by the house of representatives, and could he be tried by the senate of the State of Delaware on that charge?

Mr. GEORGE. The answer is very plain. Under the constitution of Delaware all civil officers are liable to impeachment for high crimes and misdemeanors. The speaker of the senate is a civil officer under the constitution of Delaware, as I demonstrated yesterday. Those executive functions having been annexed to him, imposed on him by the constitution of Delaware, they became his duties and his functions as speaker of the senate, and he could be impeached as speaker of the senate for high crimes and misdemeanors in his office in not discharging those extra duties imposed on him under this clause of the constitution. That is my answer.

Mr. MITCHELL of Oregon. He could not be impeached, then, I understand, as governor, according to the opinion of the Senator from Mississippi?

Mr. GEORGE. If they were to impeach him as governor they would use a misnomer, but they could impeach him as president of the senate exercising the office of governor and allege as the cause for the impeachment that it was a part of the exercise of the office of governor to do so and so, and that he did not do it, or that he did it wrongfully and falsely.

Mr. MITCHELL of Oregon. There is another question. Suppose while exercising the office of governor he commits a high crime and misdemeanor after the time for which his term as speaker would run: can he then be impeached for high crimes and misdemeanors, and would he then be impeached as governor or as speaker of the senate, although his term as speaker had expired?

Mr. GEORGE. I have proven, if any faith can be put in human reasoning, that he remains speaker of the senate notwithstanding the expiration of his term as senator and his original term as speaker of the senate, up to and including the very last moment of the exercise of the executive authority.

Mr. MITCHELL of Oregon. The Senator from Mississippi has charged me pretty distinctly several times in his argument with interpolating and striking out——

Mr. GEORGE. Obliteration and interpolation.

Mr. MITCHELL of Oregon. With obliteration and interpolation. The Senator then is forced to the conclusion which he maintains here by being compelled to insist that this clause of the constitution imposing upon the speaker of the senate the duties of governor extends the term of the speaker?

Mr. GEORGE. I have argued that, and for the very plain and manifest reason that it is impossible, under the constitution of Delaware, for the end of the speaker's service under clause 14 ever to be prior to the qualification of the governor in January. So the framers of the constitution, knowing that his office as senator and speaker would expire in November, commanded him as such officer to exercise those powers until the third Tuesday in January, and they necessarily conferred upon him the power to exercise the duty imposed on him. The constitution says so.

Mr. MITCHELL of Oregon. The Senator's argument compels him to that position, namely, that notwithstanding, in my judgment, there is nothing in the constitution of Delaware to warrant it, the term, the tenure of the office of senator or of speaker of the senate, at least——

Mr. GEORGE. Only of speaker——

Mr. MITCHELL of Oregon. Is extended.

Mr. GRAY. There is nothing in the constitution——

Mr. MITCHELL of Oregon. In other words, it extends the office of speaker beyond the time for which he was elected speaker and after the time of the expiration of his term as senator.

Mr. GEORGE. I am under no compulsion in this case except the compulsion to get at the true meaning of the constitution of Delaware. The answer to all that my friend says is found in the first clause of section 14:

> Upon any vacancy happening in the office of governor, by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office *until a governor elected by the people shall be duly qualified.*

That is never before the third Tuesday in January succeeding the November in which he may go out of office, or must go out of office, as speaker.

Mr. MITCHELL of Oregon. I simply wanted to have that position made plain.

Mr. GEORGE. Let it be understood. I am not here, as I fear my friend from Oregon is, to construe this constitution according to an ideal which I have framed in my mind as the proper mode of framing a constitution. I am here to ascertain what the people of Delaware did when they framed their constitution; and if they have put incongruities and inconsistencies into it, it was within their constitutional power to do so.

Mr. President, I said I would read some authorities. The people of Delaware were originally a part of the State of Pennsylvania.

Mr. GRAY. The Senator means that the people of Pennsylvania were originally a part of the State of Delaware.

Mr. GEORGE. Have it that way. They were both under the same government. William Penn gave those three counties in Delaware—Newcastle, Kent, and Sussex, I believe—the privilege of establishing a separate and independent government, with a legislature, which was called "the government of the three counties of Sussex, Kent, and Newcastle." So there was a sort of kinship, a community of ideas and feelings, between the people of the two States, and it is found in the framing of that constitution. I wish to show how they went together. The first thing I will read here is simply to show that the one constitution was copied from

Resolved, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

stand for them at all times as active, living agents, whose commissions can neither be enlarged nor diminished nor suspended.

the other, and that the great statesmen of those two States thought in the same channels and in the same words.

Mr. MITCHELL of Oregon. What is the date of the constitution from which the Senator is about to read?

Mr. GEORGE. The constitution of Pennsylvania of 1838, which was seven years after the constitution of Delaware was framed.

Each house shall choose its speaker and other officers; and the senate shall also choose its speaker pro tempore when the speaker shall exercise the office of governor.

They said "shall." There is a little difference. They "shall" choose a speaker pro tempore. The people of Delaware said "may." That shows they were running along in the same language.

Mr. MITCHELL of Oregon. They used a different word which meant the same.

Mr. GEORGE. It is the same language except in that respect, and they reached a different conclusion.

The Pennsylvania people wanted to make their legislature elect their speaker pro tempore, and the people of Delaware did not want to have that thing. They merely gave them the power.

The Senator from Oregon seems to think it such a great outrage, such a great anomaly, for the speaker of the senate of Delaware to exercise the office of governor and at the same time to preside in the senate. How many members compose the senate of Delaware? Not so many as compose some of the committees of the United States Senate. So that his duty in presiding over the senate would not much more interfere with his business than being chairman of one of our committees would interfere with being a Senator in this body. It is a very small body. There are nine members. The legislature of the State ordinarily sits—how long?

Mr. GRAY. Three months.

Mr. GEORGE. Three months every two years, one and one-half months a year.

Then right here, to show that the States have a right to do as they please about it, I will state that the constitution of Rhode Island makes the governor the presiding officer of the senate or council, and then the old constitutions to which I referred yesterday, that is, those quoted from by Mr. Madison in the forty-seventh number of the Federalist, made their governor not only presiding officer of the senate, but one of them also made him judge of the supreme court of the State. All those things are very incongruous. All those things are very much against the idea which my friend from Oregon, the ideal, not the idea, which he has fixed in his own mind as the one by which all constitutions ought to be framed.

Here is another provision. I believe it is in exactly the same words as the constitution of Delaware:

No member of Congress, or person holding any office under the United States or this State, shall exercise the office of governor.

I believe that is verbatim.

Then I come down to section 14. It seems they have the same sections meaning the same thing. Section 5 here is the same as section 5 in the constitution of Delaware. Here is section 14, which is the same as the section we have been commenting on so long, conferring powers upon the speaker:

In case of the death or resignation of the governor, or his removal from office, the speaker of the senate shall exercise the office of governor until another governor shall be duly qualified.

It is the same thing exactly, and yet, as I showed to the Senate yesterday, when Governor Johnson, one of the most distinguished men in this country, was speaker of the senate and exercised the office of governor of Pennsylvania, under that clause he felt it his duty to resign his office of senator and his office of speaker of the senate before he took upon himself the newly elected office of governor, never assuming or aspiring to be governor until he took it under the election by the people. The people of Pennsylvania somehow or other did not like the way that thing worked.

Mr. MITCHELL of Oregon. About when did Mr. Johnson resign?

Mr. GEORGE. He was elected in 1848, and served in 1848 as speaker of the house. I remember it very well.

Mr. BROWN. In 1849.

Mr. GEORGE. In 1849.

Mr. MITCHELL of Oregon. Did Mr. Johnston resign his speakership and senatorship prior to the time when he ceased to exercise the office of governor?

Mr. GEORGE. I think he was to go into the office of governor on the 15th.

Mr. BROWN. On the 17th.

Mr. GEORGE. Or the 17th, and he resigned on the 13th.

Mr. MITCHELL of Oregon. What I want to get at is whether, as a matter of fact—my impression is it is a fact—he continued to exercise the office of governor, to which he had succeeded by reason of being speaker of the senate, after he resigned the speakership.

Mr. GEORGE. He might have thought he had a right to do it.

Mr. MITCHELL of Oregon. If he did, that is rather a little antagonistic to the argument of the Senator from Mississippi.

Mr. GEORGE. I do not know about that.

Mr. MITCHELL of Oregon. Because then, according to the concession of the Senator, he could not exercise the office of speaker if he ceased to be speaker.

Mr. GEORGE. He could not resign the office of speaker if he ceased to be speaker either.

Mr. MITCHELL of Oregon. It seems to me it is authority in our favor.

Mr. GEORGE. He could not resign the office of speaker if, as the Senator contends, he had vacated both of them. He would have nothing to resign.

Mr. GRAY. The Senator from Mississippi will allow me. It does not militate from the force of the precedent that the Senator from Mississippi cited yesterday from Pennsylvania that Governor-elect Johnston resigned his position as speaker of the senate and afterwards as senator on the 13th in preparation for his inauguration as governor-elect on January 17, four days prior thereto. The point of that precedent is that undoubtedly within the contemplation of the legislature of Pennsylvania and probably of all its people he continued to be senator, by that showing, and speaker, notwithstanding his exercise of the office of governor. Whether or not by his resignation of the office of speaker and senator there was an interregnum in which there was no governor does not at all affect the argument of the Senator. There may have been.

Mr. BROWN. The Senator from Mississippi will allow me to answer the Senator from Delaware. It affects the question which is the real one we are reaching at as to whether the governorship or the exercise of the office of governor is connected with the speakership in the opinion of Mr. Johnston. He is cited merely as an authority to show that it was one and the same; that they are exercised together. He resigned as speaker on the 13th, which was Saturday, and he resigned as senator on the same day, but continued in the office of governor——

Mr. GRAY. It does not say so.

Mr. BROWN. Exercising that office——

Mr. GRAY. There is nothing to show it.

Mr. BROWN. Until the 17th.

Mr. GRAY. There is nothing to show that he did.

Mr. BROWN. Very well. If the Senator will refer to the authority from which he has clipped that extract, he will see that there is. On the 16th he still remained as governor.

Mr. GEORGE. The answer to that is all very plain. He only tendered his resignation on the day fixed, and it was not complete until it was accepted by the senate, to whom it was addressed.

Mr. BROWN. If the Senator will allow me, I think if he will examine the record of the journal from which that must have been taken, he will see that his resignation was accepted on the 13th. He continued as governor for the other four days.

Mr. GRAY. Then there was no vacancy in the exercise of the office?

Mr. GEORGE. In 1873 the people of Pennsylvania made a new constitution. They were not satisfied with that state of affairs, and this is the way they provided in the same section 14. In the meantime they had provided for a lieutenant-governor who was to succeed to the governorship in case of vacancy, and then here in section 14, which makes provision for vacancy in the office of lieutenant-governor.

In case of a vacancy in the office of lieutenant-governor, or when the lieutenant-governor shall be impeached by the house of representatives, or shall be unable to exercise the duties of his office, the powers, duties, and emoluments thereof for the remainder of the term or until the disability be removed shall devolve upon the president pro tempore of the senate.

I do not know that that is very different from what the constitution of Delaware says on that subject, and it is not material whether it is or not. But here comes the point:

And the president pro tempore of the senate shall in like manner become governor if a vacancy or disability shall occur in the office of governor.

They discard the old constitutional language of the constitution of 1838, "He shall exercise the office of governor," and use language which I insisted on yesterday——

Mr. GRAY. Which the Senator from Oregon uses.

Mr. GEORGE. And which the Senator from Oregon uses. They use that as proper language in the constitution. They had a right to strike out, because they were framing a new constitution. They struck out the words "shall exercise the office of governor" and inserted "shall become governor," and when they made him a real governor it became necessary to make some other provision which was not in the constitution of 1838, and that is in the following words:

And the president *pro tempore* of the senate shall in like manner become governor if a vacancy or disability shall occur in the office of governor; his seat as senator shall become vacant whenever he shall become governor, and shall be filled by election, as any other vacancy in the senate.

That is the way in which constitution makers express the idea which the Senator from Oregon and those who agree with him insist is in the constitution of Delaware. They abandoned the language in their old constitution, which was exactly the same on this point as the constitution of Delaware, and they inserted language which makes their meaning plain.

Mr. President, I have another authority. I read now from the constitution of Maine. The Senator from Oregon called our attention to an opinion given by the supreme judges of Maine, or at least three of them, in relation to the meaning of their constitution. The Senate will do well to note the difference between a decision of the court, made on argument by counsel, where it decides the case, and where it is a mere unargued, unadvised opinion of a judge.

I wish to call the attention of the Senate to section 5. It seems that sections 5 and 14 in these three constitutions are the same.

Mr. MITCHELL of Oregon. It is very singular.

Mr. GEORGE. It is very singular, but it is a fact.

Mr. MITCHELL of Oregon. I noticed that.

Mr. GEORGE. Section 5, of article 5 of the constitution of Maine is in the exact words of section 5 of article 3 of the constitution of Delaware.

No person holding any office or place under the United States, this State, or any other power—

I believe that is added—

shall exercise the office of governor.

That is in the constitution of Maine.

Section 14 is in substance exactly the same as section 14 of the constitution of Delaware, so far as the question before the Senate is concerned:

Whenever the office of governor shall become vacant by death, resignation, removal from office, or otherwise, the president of the senate shall exercise the office of governor until another governor shall be duly qualified.

It does not say until another governor is elected by the people. It says merely another governor. That is about the only difference. The same judge or set of judges who were quoted in seventh Maine were asked their opinion on that subject.

Mr. MITCHELL of Oregon. Seventh Maine?

Mr. GEORGE. Sixth Maine. The Senator quoted from seventh Maine.

Mr. MITCHELL of Oregon. I quoted from Greenleaf.

Mr. GEORGE. Sixth Greenleaf. You can call it Sixth Maine.

Mr. MITCHELL of Oregon. What page?

Mr. GEORGE. Page 508. Somebody asked the judge about how the speaker of the senate exercised the office of governor, and he uses this language:

The fourteenth section of the second article of the constitution provides—

That is the very thing which I have just read, and I want to read it again, and no man who will hear read or read clause 1 of section 14 of the constitution of Delaware will be able to discover the slightest particle of difference between that constitution and this one.

Whenever the office of governor shall become vacant by death, resignation, removal from office or otherwise, the president of the senate shall exercise the office of governor until another governor shall be duly qualified.

That is the quotation. Here is what the judge said:

This office he is to exercise because he is president of the senate and in virtue of his character as such officer at the time of such exercise of the office, and not because he had been president during the year next preceding.

That establishes as the construction of the constitution of Maine the exact construction which we place upon this. I think there is another part of one of the opinions here that also ought to be noticed. Notwithstanding these judges thought that the office of governor was so annexed to the office of president of the senate that when the president of the senate went out of office it went to his successor, they yet were compelled to admit that the interval of two or three or four days occurring between the expiration of the office of speaker of the senate and the date of the inauguration of a new governor—they did not give a very good reason for it, as judges never do who give offhand opinions without argument—they were compelled to admit that from necessity he was constrained to fill up these two or three days by the exercise of executive duties. That would be a horrible incongruity, enough to make the gentlemen who have this high ideal about constitutions blush almost with shame that any American people should ever have framed a constitution with such a provision in it. Now, what does this judge say:

So in case of vacancy in the office of governor, the president of the senate the preceeding political year, whose term of service as senator expires with the year, must from necessity act as governor, and the council of the preceding year continue to act as such, under the like necessity as above stated in qualifying the new legislature. (6 Maine Reports, page 512.)

He must go on from necessity. There was no provision in the constitution of Maine that he should continue the exercise of his office until a new governor elected by the people was qualified. He fell short of that in the opinion of these judges, and yet there was a hiatus, an interregnum, and they filled it by saying it was a matter of necessity that he should continue to exercise the duties of his office until the other one was qualified.

Mr. MITCHELL of Oregon. May I look at the book?

Mr. GEORGE. Yes; I think the Senator ought to read that. It is very useful reading.

Mr. MITCHELL of Oregon. I have read it.

Mr. GEORGE. I know the Senator has. He had better study it and sleep on it.

Mr. MITCHELL of Oregon. I have studied it also.

Mr. GEORGE. Now, I come to the Seventh Maine case.

Mr. GRAY. The Seventh Greenleaf case.

Mr. GEORGE. The Seventh Maine, too, in which my friend from Oregon and a majority of the committee have exercised, I will say, a remarkable ingenuity. Here is the question: They have a way up in Maine, whenever they want a constitution construed—under a provision of their constitution, too—to write a letter to the judges of the supreme court—I believe that is the name of the court, and ask them what they think about it, and frequently, without getting together, as stated in one of these cases and consulting, each one of the judges writes what his views are on the subject. I do not know that it is stated in the constitution anywhere what effect these opinions of the supreme court judges shall have, but I know there is a provision there that they shall give opinions. I suppose they are intended to be given for what they are worth, and if that is the standard by which they are tried in Maine I believe I will state that if they are all like the one I am going now to read in the hearing of the Senate they are worth exactly nothing.

Mr. MITCHELL of Oregon. How about the one you have just read?

Mr. GEORGE. They reason that out. They give some reasons for that. They ask the judge this question:

Has the president of the senate, when the office of governor is vacant, and when he ought to be acting as governor, a right to preside and vote at the senate board? (7 Maine Reports, page 488.)

Here is the opinion of the court:

As to the second question—

Not the opinion of the court, but the opinion of one member of it, concurred in by all of the three members of the court—

As to the second question my opinion is that, while the president of the senate, in virtue of his office as such, is clothed with the power of exercising the office of governor, he has no right to preside over the senate or vote as a member of that body. (7 Maine Reports, page 489.)

Now, if the constitution of Maine on that point had been like the constitution of Delaware there might be, even with this unargued, unconsidered opinion of the judges, some weight attached to it. But my friend from Oregon, the chairman of the committee, has discovered a difference and has made some remarks on this subject. There is a vast difference. He tried to whittle it down to a very small difference, but there is a very vast difference when we come to that part of the case, and that difference will be seen at once by anyone who will give attention to the reading of the following clause:

And whenever either the president of the senate or speaker of the house shall so exercise said office he shall receive only the compensation of governor, but—

And here is the difference—

his duties as president or speaker shall be suspended.

Mr. MITCHELL of Oregon. But not his power?

Mr. GEORGE. No, it does not say that.

Mr. MITCHELL of Oregon. It says simply duties?

Mr. GEORGE. Simply duties, and I am very glad that my friend has called my attention to the fact, because I was about to forget it, that it only said duties and did not include powers. Since my friend has called my attention to the fact he must deem it as a matter of some importance.

Mr. MITCHELL of Oregon. I do.

Mr. GEORGE. Does he insist, will he state, that a suspension of the duties did not suspend the power of the president of the senate to preside in the senate?

Mr. MITCHELL of Oregon. I think there is very serious question about it.

Mr. GEORGE. The Senator only thinks there is a serious question. I do not think there is any question about it.

Mr. MITCHELL of Oregon. Personally I am frank to say I do not believe the suspension of duties simply in a constitutional provision is a suspension of power, although it may be a debatable question.

Mr. GEORGE. That is all there is to it. Then, if I understood the report of the committee drawn up by the Senator from Oregon, his opinion is that he could, though he was not obliged to do so, preside in the Senate.

Mr. MITCHELL of Oregon. Exactly.

Mr. GEORGE. Now, Mr. President, I am going to make some remarks on this point. I have some already written on this subject, but the easiest way in the world to overturn the Senator on that point is to read the question and the answer. Here is the question, and I want to call my friend's attention to it:

Has the president of the senate, when the office of governor is vacant, and when he ought to be acting as governor, a right to preside and vote at the senate board?

"A right." The answer is, as I have read:

As to the second question, my opinion is that while the president of the senate, in virtue of his office as such, is clothed with the power of exercising the office of governor, he has no right to preside over the senate or vote as a member of that body.

Now, I should like to have the Senator tell me, if he has the power to preside over the senate, why he did not have the right to preside over it? The Senator says he had the power, and in his report he says he might exercise it or not, as he saw proper; and yet in this very authority which he brings to the attention of the Senate the judge says he has no right to preside or to vote. The Senator sees it.

Mr. MITCHELL of Oregon. I stated just what the court states.

Mr. GEORGE. No; the court says, or the judge says, he has no right. I am not going to call that a court any more than I would call this body a Senate if they were scattered down here on Pennsylvania avenue talking about the weather or politics. It is not a court. It is the judge. The judge says he has no right.

Mr. GRAY. May I ask the Senator from Oregon a question?

Mr. MITCHELL of Oregon. I am not on the witness stand.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Delaware?

Mr. GEORGE. Certainly.

Mr. GRAY. The Senator from Oregon has made what seemed to me a very attenuated distinction between powers and duties. I should like to call his attention to the language of that clause in the constitution of Maine which the Senator from Mississippi has been discussing. After saying that the duties of the president of the senate, when he exercises the office of governor, shall be suspended (and the Senator from Oregon says there is a difference between duties and powers), the constitution goes on to say:

And the senate or house shall fill the vacancy until his duties as governor shall cease.

What become of the powers, or duties either, if a vacancy has been filled in obedience to that provision of the constitution?

Mr. MITCHELL of Oregon. I did not hear all of the Senator's statement. Will he please repeat it?

Mr. GRAY. The Senator from Oregon made the comment, when this provision of the constitution of Maine was read by the Senator from Mississippi, that there was a difference between powers and duties; that is, in the provision of the constitution that where the president of the senate exercises the office of governor his duties as president or speaker shall be suspended. If only his duties were suspended and his powers remained, which was the suggession of the Senator from Oregon, what shall become of either duties or powers if the following provision of the constitution is carried into effect?

And the senate or house shall fill the vacancy until his duties as governor shall cease.

What shall become of the powers or the duties if that vacancy shall be filled in obedience to that provision of the constitution?

Mr. MITCHELL of Oregon. The Senator from Delaware attracts my attention to the latter clause of section 14, which I admit is an argument on your side of the case, in favor of the suspension of the power as well as the duty. I am frank to admit that it is an argument on your side of the case so far as that is concerned; but I want to call the attention of the Senator from Delaware and the Senator from Mississippi to this feature of the clause.

Mr. GRAY. On what page?

Mr. MITCHELL of Oregon. On page 22 of the report. The opinion of the court—I call it the court—the supreme court of Maine, in responding to the question submitted to it, concedes this:

As to the second question, my opinion is that while the president of the senate, in virtue of his office as such, is clothed with the power of exercising the office of governor, he has *no* right to *preside* over the senate or to *vote as a member of that body*. (Opinion of the justices, 7 Greenleaf, 483.)

The constitution says nothing at all about suspending his right to vote. It simply relates to a suspension of his duties as speaker. Now concede, for the sake of the argument, that suspension of duties carries with it suspension of power. After all, it relates only to his duties and his power as speaker of the senate, and not to his duties and power as a senator. So this opinion of the court, so far as the right to exercise the duties and the power of a senator is concerned, proceeds exactly as though the constitution of Delaware and the constitution of Maine were precisely alike. Is not that a fact?

Mr. GEORGE. I think not. I will answer the Senator's point.

Mr. MITCHELL of Oregon. I think there is no question about that.

Mr. GEORGE. I will show the difference.

Mr. MITCHELL of Oregon. I think so, because the only difference in the two constitutions, as stated by the Senator from Mississippi very correctly, is the fact that the Maine constitution has in it a provision providing that while the presiding officer of the senate exercises the office of governor his duties as speaker of the senate shall be suspended, but it does not suspend either the power or duty of senator. Therefore I contend that this opinion, for whatever it is worth, of the supreme court of Maine is upon a constitution in all respects similar to the constitution of the State of Delaware so far as that point is concerned.

Mr. GEORGE. I have looked through my manuscript, I will say to the Senator from Oregon, and I find that in the course of fifteen or twenty minutes I shall reach a discussion of the very question which he now propounds, which I prepared in answer to the same position which he takes in the report of the committee, and so, to prevent repetition, I hope the Senator will indulge me until I get to that part.

Mr. MITCHELL of Oregon. Certainly; that is all right. I am very anxious to hear the Senator upon that point.

Mr. GEORGE. Now, Mr. President, we have got to the point where the judge in Maine said that under that constitution where is suspended his exercise of the office of vice-president he can not preside or vote. I have corrected, I think, sufficiently the argument of my friend about the distinction between powers and duties by calling his attention to the fact that the judge decided he had no right, and if he did not have any right he did not have any power. If he ever had any power it was suspended, and therefore he had no right. I think that ends that part of it, but the Senator insists that this word "suspended," as used in the constitution of the State of Maine, applies only to his suspension of the duties of the office of president of the senate and not of senator. I am not going into that now. I will go into it further on. As I have just stated, I arranged to discuss the question further on, and so I will postpone it until I reach that part of my argument.

Mr. President, I claim with confidence that the plain words of section 14, Article III, devolve the exercise of the duties of the office of governor on the speaker of the senate or of the house as such, as the judges expressly said those words did in the constitution of Maine and that was their obvious meaning. And I also claim that it not only can not be construed to mean that he became governor, but that the contrary meaning is not only supported by the language of that section, but by all other parts of the constitution which can have any application to the subject. But even if we could legitimately call him governor when in the exercise of the executive authority, it makes no difference as to his exercise of the office of speaker or the office of senator—to his being speaker and senator.

I have shown in the first part of the argument that there is no common-law incompatibility between the exercise simultaneously of an executive and legislative office; that to constitute this incompatibility, to use the language of the supreme court of New York—

The offices must subordinate one the other, and they must *per se* have the right to interfere one with the other.

The same doctrine is announced by Meacham on Public Officers, in section 422, in the same words.

It is equally clear that there is no vacating the first office—I want to call the attention of the Senator to that—where the party has no lawful right to decline the acceptance of the second, for this whole doctrine is founded on the principle that the officer voluntarily chooses to accept the second office. There is a decision which I could bring to the attention of the Senate if I saw proper to enforce that view which says that where a penalty imposed upon a party accepting the second incompatible office if he do not accept it, this rule of incompatibility did not apply.

It is equally clear that there is no vacating the first office where the party has no lawful right to decline the acceptance of the second, for this whole doctrine is founded on the principle that the officer voluntarily chooses to accept the second office and relinquish the first. If the law or the constitution commands an officer to discharge the duties of another office in a certain contingency or for a certain limited time, and such command shall be construed to mean that he shall actually become or be the second officer for the time specified, then without a positive provision, as in the constitution of Pennsylvania, declaring the first office vacant, the officer does not vacate the first office, however incompatible they may be by the common law, for in that case the command of the constitution destroys the incompatibility. The constitution commands "the speaker to exercise the office of governor." Construe that to mean, as my friend from Oregon contends it does mean, "that the speaker shall be governor"; still it is a command, a positive and plain command, of the constitution that the speaker "shall" be governor. It commands nobody else to be governor. The speaker is the officer filling the speakership. He can not be speaker unless he is in the office of speaker. The office and the incumbent of the office are inseparable. Then, when the constitution commands the speaker to be governor, if we attribute that meaning to "shall exercise the office of governor," as it plainly does here, to fill an unexpected vacancy, an emergency which must be met at once, and for a time limited by the emergency, is it possible to conceive that the constitution meant not what it plainly says, but directly the reverse, viz, that the speaker shall not be governor? And that is what the argument of the Senator from Oregon means, because as soon as he

touches the office of governor he ceases to be speaker. Does implicit obedience to the constitution by an officer have the effect to make him not an officer, but an ex-officer? That the constitution means what it plainly says, that the speaker of the senate shall exercise the office, or, under the construction of the other side, "shall" be governor as speaker, is further evident from the fact that if he refuses the office of governor and remains speaker, as our opponents say he would remain if he refused the office, then it would turn out as I demonstrated yesterday, that the office of governor could never go to any other person, for while he is speaker no other person in the world can "exercise the office of governor," as the constitution says, or "be" governor, as the Senator says. I think that answers it exactly.

If the Senators on the other side rely on other provisions of the constitution which prohibit generally other officers from being governor or senator, and claim that these vacate the office of senator when a senator becomes governor under clause 1 of section 14, otherwise these different parts of the constitution are repugnant, then I rely with confidence on the argument I have already made as to these repugnancies—that section 14 must be treated and held as an exception to the general rule laid down in other parts of the constitution. I have shown that these repugnancies are greater on the theory of the other side than on our theory. I call the attention of the Senate to what I said on that subject, without repeating it, except to say that this new governor, as our opponents insist he is, may be without a single qualification required by the constitution for the office of governor, either as to age, citizenship, or residence, or the manner of election, and must necessarily have as a qualification property to the amount of $5,000, which, the constitution says, shall not be required of the governor. What do our opponents say to avoid these manifest repugnancies?

But if it were possible that all the arguments I have heretofore advanced should be by anyone regarded as fallacious, I direct another argument to that person which can not be overturned. It is the same argument on this point presented with such force and ability by the honorable Senator from Indiana [Mr. TURPIE], and to support it I use the same authorities he relied on.

I read sections 477, 478, and 479 of Cushing's Parliamentary Law, the very same sections which were read by the distinguished Senator from Indiana:

477. Whenever a member ceases to possess those qualifications which are in their nature continuing, or which members are expressly required to possess during their continuance in office—as, for example, when a member removes from the State or other local constituency in which he is required to continue to reside whilst in office—the seat of such member is hereby liable to be adjudged vacant, upon the fact of such disqualification being brought to the knowledge of the assembly. To the disqualifications of this kind may be added those which result from the commission of some crime which would render the member ineligible, or from some gross official or other misconduct, in consequence of which he is expelled, or discharged from being a member. In all these cases, unless there is some express provision of law by which the subject is regulated, the fact of disqualification can only be inquired into and decided upon by the assembly itself.

478. The distinction has already been explained between those offices or employments the possession of which at the time of the election renders a person ineligible and those the functions of which are merely incompatible with the functions of a member, the former avoiding the election, the latter only preventing the person elected from exercising the functions of a member until they are removed. When, however, a member has once been duly elected and taken his seat, this distinction no longer exists, the acceptance of disqualifying and incompatible offices being equally effectual to create a vacancy.

479. The only practical question in cases of this kind usually relates to the time when the acceptance of an office takes place. The subject is sometimes regulated by law, but where this is not the case it may be considered as a rule, founded in the reason of the thing and corresponding with the practice, so far as it is known, of all our legislative assemblies, that in order to vacate the seat of a member by the acceptance of a disqualifying or incompatible office the election or appointment thereto alone is not sufficient, but the member must either have signified his acceptance of the office in a formal manner, or have done what is incumbent on him to qualify himself to discharge its duties, or have actually entered upon their discharge. In cases of this kind the existence of the vacancy must be declared by the assembly itself.

If it be required to support so eminent an authority by argument, such support will be found in the following considerations:

Conceding for the present, for the sake of the argument (what I have heretofore shown to be utterly unfounded), that the speaker of the senate becomes governor and that by the constitution of Delaware the act of becoming governor is incompatible with the office of senator, still there is no vacancy in or amotion from that office, as shown by the Senator from Indiana, until the senate of Delaware so adjudges. There is no other tribunal in the world which has jurisdiction—power—to make such judgment. The constitution of Delaware requires the speaker of the senate to issue a writ of election in case of vacancy. He is the only person authorized to issue such writ when the vacancy occurs during the session of the legislature. What he does as speaker, the senate being in session, he does as the organ of the senate and by their direction and order; and yet four or five instances are found in the history of Delaware where, when the speaker of the senate was exercising the office of governor, other vacancies in that body occurred, and there is a direction for the writ, or for the requisition of the writ, for filling the vacancy in everyone of them; and yet, although there have been ten speakers who were exercising the office of governor, and who, under the theory of the advocates of Mr. Du Pont's right to a seat, all ceased to be senators, there is not a single iota on the journals of either house of the legislature of Delaware to show that either body ever considered the offices as vacant. The journals show the writs to fill other vacancies existing at the same time, and yet no notice was taken of these.

Mr. MITCHELL of Oregon. That antagonizes but one branch or theory of our case.

Mr. GEORGE. But one theory.

This necessarily comes from the exclusive right of the senate to judge of the qualifications and election of its own members. Mr. Watson had been admitted as a member possessing all the legal qualifications and thereby adjudged to be qualified. It is now alleged that since that time he has become disqualified, thereby vacating his office by accepting an incompatible office. He denies the incompatibility and asserts his right to be a senator and to act as a senator. Who must judge? Only the senate of Delaware, for they are the exclusive judges of his qualification, or, if you please, his disqualification. No other tribunal in the world can so adjudge, as was shown so clearly and conclusively in the able argument of the Senator from Indiana.

But Senators on the other side say that an incompatible office accepted *ipso facto vacates* the first. That is the language, I believe, of the law books; but still there must be an adjudging as to the incompatibility unless the officer admits it. If he admits it, that is resignation, because the books say that when he accepts the one he resigns the other.

It may be a doubtful question, or it may be, as here, an alleged incompatibility only; in reality no incompatibility at all. When and where and before whom must the question of this incompatibility be tried and determined, and what is the condition of the officer—the senator—pending the trial of this question? These are very important questions. It can be tried by no other tribunal in the world (leaving out now the power of this body to be afterwards considered) but the senate of Delaware. Will Senators favoring Mr. Du Pont say it may be tried before a judicial tribunal in Delaware by quo warranto proceedings? They will not, I am sure, because every authority in the world on such questions says the senate of Delaware has full and exclusive jurisdiction over the matter. Can any such tribunal decide it in any collateral proceeding wherein Mr. Watson is not a party, such as deciding on the validity of any act done by him as senator after the alleged acceptance of the alleged incompatible office?

I ask Senators, any of them on the other side, to answer that question.

There is but one answer, and that is in the negative.

THE IPSO FACTO ARGUMENT.

If I am met again by the assertion that he *ipso facto* by acceptance vacates the office and therefore can no longer act, I answer that if it should be decided that the offices are not incompatible, then there is no *ipso facto* vacating of the office, as they allege. If decided by a competent tribunal—the senate of Delaware—that the offices are incompatible, what is the effect of that judgment as to the acts of Mr. Watson between the acceptance of the office and the judgment—his amotion from his office of senator? This is an important inquiry. Will the Senator from Oregon answer? I hope he will now, or some other Senator on the other side. If not, I will answer from the law books.

Why, Mr. President, in all the many contests about seats in Congress, in either House, and the legislatures of the States of the Union, the judgment of the legislative body turning out of their seats men who had been seated, either for want of qualifications or for not being legally elected, there has never been a question up to this day of the validity of the official acts of the person so ejected, so declared not to have been a rightful member.

The condition of a person occupying a seat in a legislative body who was without the qualifications necessary to entitle him to a seat, or who was never elected to a seat, can not be better as to this fact than that of a person who was properly elected, had the necessary qualifications, but lost them by accepting an incompatible office. In both cases the incumbent is unlawfully and improperly in office, and ought to be ejected, but he is in office until he is turned out.

If the Senators on the other side assert that there is something peculiar, something different, as compared with other cases, in this acceptance of an incompatible office, that in that case the law is that by the very act of acceptance he vacates or is ejected from office, still they do not help Mr. Du Pont's case, for it is settled by the highest authorities that in a case of that kind the incumbent still remaining in office, still recognized as in office, is a *de facto* officer, and that his acts as such are valid as to all the world. These same authorities, too, without an exception, so far as I have observed, assert another principle equally destructive to Mr. Du Pont's case, namely, that the validity of his title to the office can not be inquired into in a collateral proceeding; that it can only be questioned in a direct proceeding instituted by the State

whose officer he claims to be to eject him from the office, or in some cases by an action against the officer himself. I here quote from the case of Woodside *vs.* Wagg, 71 Maine Reports, pages 209 and 210:

That the two offices, judge of the municipal court and member of the legislature, were incompatible can not be denied. (Constitution of Maine, Article IX, section 2; Commonwealth *vs.* Hawkes, 123 Mass., 525.)

That to accept and qualify for one of these offices while holding the other would be a resignation of the one first held, is a rule already adopted by this court. (Stubbs *vs.* Lee, 64 Me., 195.)

It follows that when Judge Humphreys was qualified as a member of the legislature his strictly legal authority to act as judge of the municipal court ceased. He was no longer judge *de jure*. If he continued to exercise the functions of a judge, he might have been ousted by an information in the nature of a *quo warranto*. (Commonwealth *vs.* Hawkes, 123 Mass., 525.)

But the immediate question under consideration is, What was the character of his acts, as to validity or invalidity, during such continuance in the exercise of the duties of his judicial office, after expiration of the legal tenure? They must be void, unless they are to be upheld on the ground that a judge holding over under such circumstances is to be regarded as an officer *de facto*.

Mr. President, I shall read other authorities to sustain that view as to incompatible offices, the same as to every other office. In the first place, I suppose it will help the understandng of the argument which I am making if I shall read from a distinguished court the difinition of a *de facto* officer, so that we may all know with what we are dealing. I read from volume 1 of Allen's Massachusetts Reports, page 557. Say the court:

The precise definition of an officer *de facto* is, One who comes in by the forms of law—

I think Mr. Watson got in in that way—

and acts under a commission or election apparently valid, but, in consequence of some illegality, incapacity, or want of qualification, is incapable of lawfully holding the office.

That is what the Senator from Oregon alleges to be the case of Mr. Watson.

The exact distinction between an usurper or intruder and an officer *de facto* is this: The former has no color of title to the office; the latter has, by virtue of some appointment or election.

Mr. MITCHELL of Oregon. Our claim is that Mr. Watson went in under the form of law and went out under the form of law.

Mr. GEORGE. I understand that, and I am going to show you he had not got out.

I read from 122 Massachusetts Reports, page 446, from an opinion delivered by Mr. Justice Gray, now of the Supreme Court, then chief justice of the supreme court of Massachusetts. In that case a man by the name of Hawkes had been a justice of the peace of the State of Massachusetts and had been elected to a seat in the house of representatives of that State. After he had taken his seat in that house, the offices being incompatible, he issued a judicial warrant. The only question was as to the validity of that warrant. Says Mr. Justice Gray, speaking for the court:

But if Mr. Hawkes, upon taking his seat in the house of representatives, ceased to be a justice *de jure*, he was, by color of the commission which he still assumed to hold and act under, having the usual signs of judicial office—sitting in the court, using its seal, and attended by its clerk—and no other person having been appointed in his stead, a justice *de facto*.

Then he cites a great many cases to the same effect. I will read another:

Judicial acts done in a court baron by a steward not duly appointed, or by an understeward who kept court as steward without authority of the lord or high steward, or even by a clerk holding a court without disturbance by the lord, were held good, as done by color of authority, the lawfulness of which the suitors were not compellable to examine or inquire into.

Then several cases from the State of Vermont are quoted. Says the court:

The constitution of the State of Vermont declares that no person holding any office of profit or trust under the authority of Congress shall "be eligible to any appointment in the legislature, or of holding any executive or judiciary office under this State." In McGregor *vs.* Balch, 14 Vt., 428, a plea to the jurisdiction of a justice of the peace, that at the time of signing the writ, and at the time of the trial, he was a postmaster under the authority of Congress, and as such was ineligible to the office of a justice of the peace, and unauthorized to take cognizance of the action, was adjudged, upon full consideration, to be bad, because he was a justice *de facto*, and the question whether, on the one hand, upon accepting and qualifying as a justice, he resigned the office of postmaster and became a justice *de jure*, or, on the other hand, continued to hold the office of postmaster, and therefore could not legally hold the office of justice also, could not be tried and determined in an action to which he was not a party.

These are all cases about the incompatibility of offices and this *ipso facto* vacating.

In 123 Massachusetts Reports, on page 254, there is another opinion by Justice Gray to the point only that I have just made, that the right of a man who was elected and had accepted an incompatible office could not be determined in a collateral proceeding. The court say:

As, upon the allegations of the plea, he was at least a judge *de facto*, his jurisdiction could not be controverted upon this ground, nor the question whether the two offices were incompatible be tried, in a proceeding to which he was not a party.

The court also refer to the following cases:

Milward *vs.* Thatcher, 2 T. R., 81, 87; McGregor *vs.* Balch, 14 Vt., 428; Coolidge *vs.* Brigham, 1 Allen, 338; Sheehan's Case, 122 Mass., 445.

Mr. MITCHELL of Oregon. Does the Senator think that this is in the nature of a collateral proceeding or like unto it?

Mr. GEORGE. I do not know that I can say that it is like a collateral proceeding. It seems to me to be no proceeding at all. Neither the State of Delaware nor anybody else has any notice here. The Senate of the United States are requested by Mr. Du Pont, and that request seems to have met the assent of a majority of the Committee on Privileges and Elections, without any proceeding, without any process, to turn a member out of the legislature of the State of Delaware. If it is any proceeding at all, it is collateral; it is not a direct proceeding against Mr. Watson to vacate his office.

I read now from one of the greatest judges who ever presided in any of the courts of the Union, the old Chief Justice Parsons. The Senator from Oregon will recognize that I am right in describing him in that way. This is as to *de facto* offices generally; the others all relate to persons holding incompatible offices.

The question which, by the plea before us, we are called on to decide in this action is whether the service of the original writ by Rodney Day was legal. That Jonathan Smith, jr., is sheriff of the county of Hampden de facto is very certain; but whether he is sheriff de jure is the question made by the defendants.

Mr. Smith is no party to this record, nor can he be legally heard in the discussion of this plea—

Neither can Mr. Watson—

although our decision would as effectually decide on his title to the office as if he were a party. This would be judging a man unheard, contrary to natural equity and the policy of the law. From considerations like these has arisen the distinction between the holding of an office de facto and de jure.

That is enough. If my friend from Oregon will not believe these witnesses, then, in the language of Holy Writ, he would not "be persuaded though one rose from the dead" to testify.

So, Mr. President, whatever view may be right as to whether Mr. Watson held the office of governor, and if so holding, whether such office was incompatible with the office of senator, still he was at least a de facto officer and his acts valid, and that defeats Mr. Du Pont's pretensions.

This is the law of the Senate as expressly laid down in the case of Clark and Maginnis. All the judges and courts where the English language is spoken, where English liberty is enjoyed, where common right and justice is supposed to be the end of government, are in perfect accord with the idea that Mr. Du Pont can not try the question of the title of Mr. Watson in a case like this; and also upon the further great principle that while he is in office, actually exercising the duties of the office, and before he has been adjudged out of the office, before there has been a judgment of a motion or removal, his acts are valid. Not only all these, but the Senate—this court—has announced the same doctrine. The Senate was asked to adjudicate the title of certain members of the legislature of the State of Montana who actually voted for Senators.

Mr. TURPIE. For United States Senators?

Mr. GEORGE. For United States Senators. Those gentlemen, without the votes of those men in the legislature of Montana, were not entitled to seats in this body. That case was tried before the Committee on Privileges and Elections. I will just read one sentence from the report of the committee, and that will be enough. The committee were asked to adjudicate those men out of office, and they said:

This adjudication is only operative for the future, and has no retroactive effect whatever.

So Clark and Maginnis did not get their seats in the senate, and the other men remained in the legislature. Will this same court now, on exactly the same facts and principles, undertake to seat Mr. Du Pont, because the Senate may think that one man who voted for him ought not to have been in the legislature when he was? Are they going, contrary to the express doctrine here laid down and sanctioned by the Senate, to give their judgment a retroactive effect, and seat Mr. Du Pont in this body?

But he was not only *de facto*, but also, under the unanswerable argument of the Senator from Indiana, a legal officer—a senator—until the senate of Delaware should otherwise adjudge. I have argued as if he were a *de facto* officer; but under the argument of the Senator from Indiana, which has not been answered and can not be answered, and under the authorities read in support of it, Mr. Watson does not become a *de facto* officer; he still retains his character as a legal senator until the senate adjudges otherwise. I ask my friend, the Senator from Indiana, whether that is not correct?

Mr. TURPIE. Yes, sir.

Mr. GEORGE. This that senate has never done, but on the contrary, as I will hereafter show beyond successful controversy, they have adjudged that he was a rightful officer, and he was recognized as such by the other branch of the legislature.

Mr. President, the argument I have made up to this point seems to dispose finally of the question as to whether Mr. Watson by entering on the exercise of the office of governor vacated his office of senator.

But it may be as well to call the attention of the Senate to the fact that the uniform construction of the constitution of Delaware by the State authorities and the people of that State for one

hundred years has been, without a single break or exception, to the effect that the speaker of the senate or of the house exercising the office of governor under this same section 14 has not vacated his office of legislator, but uniformly returned to his place in the legislature after the end of this exercise.

I will ask the Senator from Delaware [Mr. GRAY] whether he thinks I need refer to the cases. They have been referred to. There are five cases of that sort.

Mr. MITCHELL of Oregon. It is conceded. There is no controversy on that question. In five instances they returned.

Mr. GEORGE. There are five cases of that sort running over nearly a century, I believe.

Mr. MITCHELL of Oregon. But it is also admitted, I suppose, in the same connection, that in not a single instance did any presiding officer, either of the senate or of the house, who succeeded to the exercise of the office of governor, attempt to exercise the office of speaker of either house, or senator or representative while he was exercising the office of governor.

Mr. GEORGE. Exactly. That is the fact. I will dispose of that.

Mr. MITCHELL of Oregon. And we claim that the uniform construction of a hundred years upon this point ought to be good.

Mr. GEORGE. In other words, the Senator claims, as I will show before I get through—I will put it right here, in short, by consent, as is sometimes pleaded in the courts—that five cases of neglect of duty on the part of five separate and distinct officers constitute a revocation of the constitution of Delaware, an annulment of the constitution of Delaware. I will come to that question directly.

As to the binding effect of this construction on this Senate I will discuss hereafter, quoting on this point now only an extract from the report of a committee of this body in the contested election case of Potter *vs.* Robbins, in Taft's Election Cases, on page 94. This is a very important case, Mr. President. I will read from the report of the committee directly, but I want to tell the Senate who composed the committee. If there ever was a committee of this body which had five men on it of equal distinction and ability as lawyers I am not acquainted with it.

Here are those who formed the committee: First, there was George Poindexter, of Mississippi, than whom no greater man except the great trio, Clay, Webster, and Calhoun, ever had a seat in this body, who as a jurist stood in the first rank of his profession. The next man was William C. Rives, of Virginia. I think he has a history in this country as one of the ablest statesmen and lawyers who ever came into the Senate of the United States from the grand old State of Virginia. Here was another, Mr. Frelinghuysen, the gentleman who was so able and so distinguished that he was made the colleague of Mr. Clay in 1844 as a candidate for Vice-President. Here is another, Silas Wright. It is not worth while for me to say anything about Mr. Wright, of New York, though I will state right here that Mr. Wright dissented from the views of the others. But his ability insured that the question and every question before the committee should be fully argued and understood. Then there is another, Mr. Peleg Sprague, of Maine, one of the ablest lawyers who ever came here from that State, and who after his service in this body went on the United States district court bench and won a reputation as a jurist second to but few in this country. They were the committee who made the report. Silas Wright did not agree, but the committee had the benefit of Mr. Wright's talents and his arguments in committee in making up their opinion.

The attempt was made in that case to set aside the election of a Senator upon the ground that one house of the legislature of Rhode Island was a nullity; that they had actually legislated themselves into office. It seems that under the peculiar constitution of the State at that time they had an election every six months, I believe, for representatives and senators, and it required a majority vote to elect. The result was they frequently missed fire, and it became an intolerable evil, having elections and nobody elected. And so this legislature, becoming tired of it, passed a law that when their successors came around to be elected that the old members held over until men were elected by a majority vote. So they put themselves in office for six months, and then they elected a man to the Senate. Then the next legislature met. They thought it was a usurpation that those men should thus have continued themselves in office, and they passed a resolution declaring the election void—that that was no legislature—and elected another man. The contest was between those two. Here is what that distinguished committee say:

It would seem to your committee a very dangerous assumption of power in one branch of Congress, or even in every department of the General Government combined, to interfere with the internal regulations of the State, and to denounce the body by which these laws and resolutions were passed as a mere assemblage of citizens without any public authority whatever, and not the legislature of the State. Such a power does not belong to the Federal Government, and would, if claimed and carried out to its full extent, annihilate all the reserved rights of the States. It is a general principle of national law, applicable to all distinct and independent governments, that if there arise any disputes in a State on the fundamental laws and public administration, or on the prerogatives of the different powers of which it is composed, it is the business of the State alone to judge and determine them in conformity to its political constitution. No government has a right to intrude into the domestic affairs of another State and attempt to influence its deliberations or to control its action. This principle is recognized in the Constitution of the United States, by which the respective States united and formed themselves into a Federal Republic.

That is the doctrine. We are not through with the case yet, or with the report of the committee. It had to come before the Senate. The report was sustained by a vote of 27 yeas for the report to 17 against it. I call the attention of the Senator from Oregon and the Senate generally, if it takes any notice of those things, as to how certain men voted on the report.

The second name I find among the yeas is Mr. Bibb of Kentucky, a man who sat for a long time in the supreme court of that State, and one of the ablest judges who ever lived in this country. The next man is John C. Calhoun. Then comes Henry Clay.

Mr. GRAY. They did not divide politically.

Mr. GEORGE. Then comes John M. Clayton, of Delaware. He was somebody in those days.

Mr. GRAY. We thought so in Delaware.

Mr. GEORGE. Then Thomas Ewing, of Ohio, one of the ablest men who ever was in public life in this country. Then the same Mr. Frelinghuysen who was on the committee. Then passing over many names of great distinction, and all able men, I come to a man whose ability as a lawyer placed him in the front rank of the American bar—Alexander Porter, of Louisiana. All of you—we are nearly all living here in common-law States—may not have read and considered the opinions in the old time of the supreme court of Louisiana, when Alexander Porter and Francis Xavier Martin were on that bench; but all of you have read Story's Conflict of Laws, and when you read that book you will find that Mr. Porter, up to the time that book was written, had done more than any and all other American jurists put together to naturalize in this country private international law. He voted "yea," too.

I pass over a good many and come to the last name, that of Daniel Webster. I think, Mr. President, some years ago Mr. Webster had some standing in this country as an expounder of the Constitution of the United States. That is the way Mr. Calhoun and Mr. Webster and all of the great men whose names I have alluded to expounded the Constitution of the United States on the exact point involved in this controversy.

Mr. MITCHELL of Oregon. Will the Senator from Mississippi allow me right at this point?

Mr. GEORGE. Certainly.

Mr. MITCHELL of Oregon. The Senator from Mississippi has stated in a very general way what the controversy was up in that State. Then he has read an extract, a very ably written extract, of glittering generalities from the report of the committee. I should like to have him tell the Senate the precise point this body voted on when those great men voted one way and other great men voted the other way.

Mr. GEORGE. They seated the man who was selected by the legislature which I described, who had put themselves in office by their own votes.

Mr. GRAY. Extending their terms.

Mr. GEORGE. Extending their terms. That was the result. They seated the man.

Mr. MITCHELL of Oregon. There was a controversy as to which of the two bodies claiming to be the legislature was the legislature of the State.

Mr. GEORGE. Certainly.

Mr. MITCHELL of Oregon. That was the controversy.

Mr. GEORGE. They had a right to decide it.

Mr. MITCHELL of Oregon. That was all there was in that case.

Mr. GEORGE. And a great deal of it.

Mr. MITCHELL of Oregon. And a great deal of it, certainly. It has always been held by the Senate that where there are two bodies each claiming to be the legislature of the State, it has the right to determine which is the legislature.

Mr. GEORGE. Yes, sir.

Mr. MITCHELL of Oregon. Because there can be but one legislature of a State. That was all there was to that controversy.

Mr. GEORGE. Yes, sir. As shown by the Senator from Indiana [Mr. TURPIE] the other day, for one hundred years no Senate has ever dared to inquire into the qualifications of a member of a legislature who had cast his vote for a Senator.

Mr. TURPIE. It never has been done.

Mr. GEORGE. Never.

SUSPENSION OF MR. WATSON AS SENATOR AND ABEYANCE IN THE OFFICE.

But the Senator from Oregon contends that if there was no vacancy in the office the office must have been suspended, or at all events the office was in abeyance. I asked him to state which of these was correct, which he would place his case on, but while he stated that as an original question he would say the office was vacant, yet he would not state which of these conditions was

right now. And he never has stated it. Only one of them can possibly be right—vacancy, suspension, or abeyance. If it can not be made out that one of them is right, then it follows that none of them are right. You can not splice them together, because they are incompatible, to use the phrase of my friend. An office can not be in the condition of all of them combined. If it be vacant it has no incumbent and there can be no suspension of an incumbent, for there is none; and if the incumbent be suspended there can be no abeyance of the office. I asked the Senator from Oregon to state one or the other of these to be the true situation. He declined to do it. I give him the opportunity now to do it if he wants to.

Mr. MITCHELL of Oregon. I stated most distinctly in answer to the Senator, when I was addressing the Senate and he interrupted me some days ago, that it is my opinion——

Mr. GEORGE. As an original question we put it.

Mr. MITCHELL of Oregon. Clear and distinct that a proper, fair construction of the constitution of the State of Delaware makes it an absolute vacancy.

I said in the same connection that the fact that four or five of the speakers of the senate and of the house who had succeeded to the exercise of the office of governor had gone back after they had finished their terms as governor and resumed their seats was a construction, so far as they could give a construction to the constitution of the State of Delaware, to the effect that the duties of senator and speaker of the senate were simply held in suspension while exercising the office of governor, because not one of the ten except Mr. Watson ever attempted to exercise any of the duties of senator or speaker of the senate while exercising the office of governor.

Mr. GEORGE. I understood the Senator's position exactly as he states it now.

Mr. MITCHELL of Oregon. There is no controversy about it, then.

Mr. GEORGE. What I am trying to do is to ascertain whether the Senator will say now, and whether he will put Mr. Du Pont's case on it for the committee, that the office was vacant, or leaving out that, that the office was suspended, or leaving out both of the others, will say it was in abeyance?

Mr. MITCHELL of Oregon. If the Senator will allow me, it is not necessary for me to select one branch of a case and abandon another branch of a case, when either branch is good and makes out my case.

Mr. GEORGE. And whether——

Mr. MITCHELL of Oregon. Now, one moment. Then whether the office became absolutely vacant or whether the functions were suspended during his exercise of the office of governor, in either event Mr. Du Pont's case is made out. Why, then, should the Senator from Mississippi insist that I abandon one theory when I have two theories, either one of which is good?

Mr. GEORGE. I would have no right to make the Senator do that——

Mr. MITCHELL of Oregon. And, moreover, is there any inconsistency——

Mr. GEORGE. I was going to state that.

Mr. MITCHELL of Oregon. Is there any inconsistency upon my part and upon the part of those who agree with me in claiming before the Senate and before the world that here is a constitution of a great State which is susceptible of two constructions. It may be susceptible of three constructions. We say it is susceptible of only two, and no matter which one of those two constructions you give it, in either event it seats our man. I insist that we are not inconsistent in making such claim.

I might say further that it is susceptible of three constructions. The Senator from Mississippi puts one construction upon it, and says it is susceptible of that one construction and no other. We upon our side say it is susceptible of two constructions and only two, either one of which, if applied to it, makes our case. If his construction is the correct one, it makes his case out.

Mr. GEORGE. That is very plausible and very incorrect.

Mr. TURPIE. It is absurd.

Mr. GEORGE. I will not say absurd.

Mr. TURPIE. I will.

Mr. GEORGE. No constitution ever said, "I mean this or I mean that."

Mr. MITCHELL of Oregon. Mr. President——

Mr. GEORGE. Let me go on. The Senator has had his time. I must go on now. No constitution ever said that. When you come to apply your intellect to a constitution you may say, "I am unable to determine whether it means this or whether it means that or the other, but it means one."

Mr. GRAY. And only one.

Mr. GEORGE. And only one.

Mr. MITCHELL of Oregon. Will the Senator allow me now?

Mr. GEORGE. No; not now. It means only one and it means one of these, as he points them out, and each one of these as he points them out is inconsistent with the other.

I have just shown if an office is vacant the office can not be suspended, because there is nothing to suspend. If it is in abeyance it can not be suspended or vacant except *sub modo*, as I will show about abeyance directly.

No, the trouble with our friends is that they have tried each of those theories, and neither one of them will work out under the constitution of Delaware. When you come to your claim of vacancy the Senator himself stated the argument by which that was overthrown. The senate of Delaware and the people of Delaware for a hundred years have said it was not vacant. When he comes to suspension, then he has not the benefit of his incompatible common-law rule, that when a man holds two offices he vacates the first one. That is the rule. It never suspends. So you have nothing for that.

Now, when we come to abeyance, that is a very hard word, and I will say something about it hereafter. I will state that I know of but one instance in American law where an office is in abeyance. There may be others; I do not know them all. When a man asserts negatively that nothing can be found he makes a broad assertion. I am not going to do that. I am going to say that, so far as my poor and limited observation has gone, I know of but one instance in American law where it is said that an office is in abeyance. I will allude to that hereafter. That was made so by act of Congress.

The argument is so overwhelming that Mr. Watson's senatorial seat was not vacant that the advocates of Mr. Du Pont's case are driven to assert that though he was in law and in fact a senator he could not act as a senator, his functions as senator being suspended.

I may say at the outset that a suspension in the duties of an officer—he being still a legal and constitutional incumbent—is a status not favored in law, and is never held—I shall not be so broad, for I talked to a good lawyer who will probably vote the other way in this matter, whose name I will not give, and who agreed with me in this assertion—to exist except in pursuance of some positive provision of law authorizing it. If there be such an instance I ask Senators who support this view to bring it forward. There must be some positive provision of law to authorize the suspension of an officer. I am not now speaking of certain prohibitions which may exist against the performance of particular acts, as that a judge shall not sit in his own case, or a sheriff shall not execute a writ for or against himself. In such cases there is always a provision that these prohibited functions shall be discharged by another officer, as by the coroner for the sheriff, or another judge for the interested judge.

These cases are not suspensions of the power and duties of the officer *in toto*, but a restriction in law upon the exercise of his powers in certain cases. Nor am I speaking of a mere omitted or suspended exercise of the duties of an officer, coming from a voluntary neglect on his part to attend at the time and place required by law for the discharge of his official duties—or from his compulsory or enforced absence by sickness, arrest, capture in war, or absence from the State or jurisdiction. In such cases it may, though with no great propriety of language, be said that there is a suspension in *fact* of the exercise of the duties of the office. Though the incumbent is not deprived of his legal right to discharge them, he is by the circumstances placed in that condition where he is physically unable to act.

The suspension claimed in behalf of Mr. Du Pont is a total suspension of Mr. Watson's powers as senator, whereby, though remaining an incumbent—legal and constitutional incumbent, holding the office so as to exclude another incumbent—he can not perform a single official duty. In this sense, and in this sense only, can the alleged suspension of Mr. Watson from his office as senator be of the slightest consequence in this case.

This alleged suspension is claimed to come from the prohibitions in the constitution before referred to, as resulting from the incompatibility of the two offices coming from these interdictions, and the common-law rule that in such cases the acceptance of the last office is necessarily a vacating of the first.

But the answer to that is that in no case does such rule *operate to suspend an officer;* but always, universally, without exception, makes the office vacant, wholly vacant, to be filled by another incumbent. I have found no instance, and I believe no well-considered precedent can be found, where there has been a total suspension of the right of an incumbent to exercise his office, except when such suspension has been brought about by the exercise of a power conferred on another office to make that suspension, or is the result of an express enactment to the effect that in a certain case the powers of the officer shall be suspended. An instance of this last kind is found in the constitution of Maine, Article V, first part, section 14, which provides—

> That when the president of the senate or speaker of the house of representatives "shall so exercise said office (of governor) * * * his duties as president or speaker shall be suspended; and the senate or house shall fill the vacancy until his duties as governor shall cease."

Now, I will answer what the Senator from Oregon asked me some time ago. It will be noticed that the provision is inserted

in the constitution of Maine, notwithstanding there is a provision in it against senators or representatives holding State offices, exactly the same in substance as in the constitution of Delaware. Yet the framers of the constitution of Maine found it necessary to insert express suspension.

We are referred by the committee to the opinion of the justices of the supreme court of Maine to support the idea that a constitutional provision expressly suspending the president of the senate from the exercise of the duties of president while exercising the office of governor includes also a suspension of this officer from the exercise of his powers as senator.

The provision in the constitution of Maine on which this opinion is based is that which I have just read.

I have also read in the former part of my argument the very able and lucid opinion of the judge who delivered his opinion on that subject, not the opinion of any court. I read all of it. It is a mere *ex cathedra* opinion given by judges, formed without the benefit of argument by counsel and expressed without giving any reason whatever to sustain it. It does not say, however—I want the Senator to bear that in mind—that the office of senator is suspended.

We are left to mere conjecture as to the reasons which governed the judges. The constitution of Maine contains a provision, and a very important provision, on this point not found in the constitution of Delaware.

My friend was mistaken in supposing that there was no other clause of the constitution of Maine which could have the effect to give this judge the right to stumble on the idea that the office of senator could not be exercised than could be found or an equivalent one in the constitution of Delaware. But I will read to the Senate now something which is in the constitution of Maine and is not in the constitution of Delaware, and which has a very important bearing on this subject. I read from Article III:

> SEC. 1. The powers of this government shall be divided into three distinct departments, the legislative, executive, and judicial.
>
> SEC. 2. No person or persons belonging to one of these departments shall exercise any of the powers properly belonging to either of the others, except—

Bear that in mind—

> except in the cases herein expressly directed or permitted.

That is not the constitution of Delaware; it is in the constitution of Maine. The judge, as I stated, did not give his reasons. It is a mere ex cathedra opinion; "I think," so and so.

If I were to conjecture as to the reasons which influenced the judges, I would say the following probably controlled them. The above extract it will be noted, after dividing the powers of the government into the three departments, legislative, executive, and judicial, expressly prohibits any person "*belonging* to one of these departments from exercising any powers properly belonging to either of the others, except in the cases herein *expressly* directed or permitted," "properly belonging to either of the others, except in the cases herein," not by indirection, not by argument or inference, but "except in the cases expressly directed," authorized "or permitted."

The governor's office is expressly assigned in the constitution of Maine to the executive department. The office of speaker of the senate and the office of senator belong to the legislative department; hence are within the prohibitions, express prohibitions, of the constitution. Neither could exercise the office of governor unless he comes within the exception; that is, "except in the case herein expressly directed or permitted."

In Article V, section 14, the president of the senate is expressly directed to perform the duties of the office of governor in case of a vacancy. That brings him within the exceptions in Article III, which I have just read, as one "expressly directed or permitted" to so act. So he could act and so the judges held he did act as "president."

If the constitution of Maine had in section 14 stopped at commanding the president of the senate to act as governor, then the condition would have been exactly as in the Delaware constitution; he could have exercised the office of governor as president, and in that character, as was held to be the case in Sixth Maine Reports, which I have quoted, and could have exercised and performed the duties of governor and senator at the same time.

But the framers of the constitution of Maine were not content with that situation, and so they added the clause above quoted, in which they provided that when so exercising the office of governor his duties as president shall be *suspended*. No reference is made in this whole section to the office of senator, except so far as it was necessarily included in the office of president; so that considering the incumbent as one person, a suspension of the president was also a suspension of the senator—because you could not suspend half of him; you must consider him as one person. And considering the president as holding two offices now——

Mr. MITCHELL of Oregon. He uses the word "duties."

Mr. GEORGE. I will get to that directly.

And considering the president as holding two offices—one president and the other senator—then it would follow—I call my friend's attention to that—that "a permission or direction" given expressly to him as president would not include him in his other office of senator under that exception which I read in the hearing of the Senate. And the office of senator not being included, that office remained under the general prohibition in said Article III, prohibiting persons having powers under one department from exercising powers in either of the others, and that settles the case.

Whether I conjecture right or not, I can not say. I am only guessing at the reasoning of the judge; the judge gave us no reasons.

But the committee were not satisfied with the ex cathedra opinion of the judge, and so they attempt to show that a suspension of the duties of the president did not include a suspension of his powers. It is true that the committee do not absolutely commit themselves to this position, but leave the matter somewhat in doubt by the suggestion that it is "not so clear," but that this view is the correct one. Yet as this "not-so-clear" position is made a part of the chain of reasoning by which they arrive at the conclusion that this express suspension of the duties of the president did not include a suspension of his powers as senator, it is well to make "it clear" that the committee is wrong on this point. The duties of an office are those acts which the incumbent ought in law to do as such incumbent; that is, whatever the law requires an incumbent to do constitutes the duties of the officer. The powers of an officer are no more and no less than the full power to do these acts which make up the duties of the office or of the officer. Without power to do a thing, as the committee rightly admit, there is no duty as to that thing except to refrain from doing it, as I hope the Senate will refrain from doing the thing which the Senate Committee on Privileges and Elections asks them to do in this case, because they have got no power, as I shall show before I get through.

Duties in an office—what an officer ought to do—include not only the performance of what he ought to perform, but also the nonperformance of everything not committed to him to do. So that powers and duties—legal powers and legal duties—and we can consider no other, when considering an officer, are always correlated, are always coextensive—where the one begins the other begins; where one ends the other necessarily ends. Will the committee, or some member of it, tell the Senate what function, what act, what duty of the officer could be performed when his duties—all of them—were suspended? The committee say the power remains—but without obligation to exercise it. Then where is the suspension of his duties? In that view we must discard the word "suspend" and do what the committee and the Senator from Oregon so often do in this argument, insert other words, insert the words "excused from the duties if he wishes to be so excused." That is what the committee say this thing means—he is not suspended; he is only excused.

Whether I be right in my conjecture or the committee be right in their conjecture as to the grounds of this opinion is after all immaterial, since there is no such provision about suspension in the constitution of Delaware.

The word "suspend" occurs twice in the constitution of Delaware—once prohibiting the suspension of the laws without authority from the legislature, and once prohibiting the suspension of the writ of *habeas corpus*. If the framers of the constitution had intended to effect suspension of the exercise of constitutional offices, they were not unacquainted with the language proper to accomplish it, and their failure to use the word "suspend," or any other word or phrase equivalent to it, makes it clear that they did not mean suspension in the case claimed by the committee, and of course they did not mean excuse.

An instance of the other kind of suspension—that is, by positive enactment authorizing a person to suspend, etc.—is found in the Revised Statutes, section 1768, authorizing the President to suspend an officer in certain cases.

It also must be noticed that in both of these cases provision is made for filling the office *temporarily* during the suspension.

The difference between a removal from an office and a suspension of the right to exercise it is fully explained and pointed out by the New York court of appeals through Judge Peckham in a case wherein the court decided that an express power to remove an officer does not include the power to suspend him.

The court says (113 N. Y. Reports, page 420):

> The power to remove is the power to cause a vacancy * * * which may be filled at once, and if the duties are such as to demand it, it should be filled. The power to suspend causes no vacancy and gives no occasion for the exercise of the power to fill one. The result is that there may be an office, an officer, and no vacancy, and yet none to discharge the duties of the office. By suspension the officer is prevented from discharging any duties, and yet there is no power to appoint anyone else to the office, because there is no vacancy.

That is the way the supreme court of New York decided through the eminent judge who now sits on the Supreme Court bench of the United States, that a power to remove did not include the power to suspend.

Mr. MITCHELL of Oregon. The decision simply amounts to this: Where a statute authorized——

Mr. GEORGE. Authorized the removal and undertook to suspend——

Mr. MITCHELL of Oregon. That they could suspend.

Mr. GEORGE. Yes. And the supreme court of New Jersey (see 25 New Jersey Law Reports, on page 544) is equally emphatic in condemning the idea of a suspended officer, saying:

This proceeding amounts to a suspension of the relator from the exercise of his official duties as a member of that body [common council of Jersey City]. It leaves his constituents unrepresented and without a remedy. Expulsion creates a vacancy that can be supplied by a new election. Suspension from the duties of the office creates no vacancy; the seat is filled, but the occupant is silenced.

Mr. MITCHELL of Oregon. Admitting all that to be true, which I do, as good law, does it touch this question?

Mr. GEORGE. If the Senator will wait, I will show that it does touch it.

Mr. MITCHELL of Oregon. The question here is whether there can be, or whether there is in this particular case, a suspension of duties without a suspension of power? That is the question.

Mr. GEORGE. I am not arguing that. I have got through with that point. The point I am arguing now is that there can not be any suspension at all of the senator or representative. I have quit the other.

Mr. MITCHELL of Oregon. Well, go on.

Mr. GEORGE. Suspension is a condition which the law does not favor. You have an office, you have an incumbent, and yet nobody to perform the duties of the office.

Thus it is established that there can be no suspension of an officer by mere implication; never. The common law never creates an office and fills it and then suspends the right of the officer to exercise it. No statute law, so far as I have discovered, ever made a suspension in office without at the same time providing for the discharge of the duties of the office by another person or officer during the period of suspension. When an office is created, especially by a constitution, it is always, without exception, on the idea that the office is necessary; that is, that the discharge of the duties of the office is essential to the public welfare and to the maintenance of the polity established by the constitution.

If we apply these principles to the case of Mr. Du Pont we find that the argument is overwhelmingly against him.

Delaware has had three constitutions—one framed in 1776, one in 1792, and one in 1831.

There are just three counties in the State. In the beginning these three counties, being territories of the province of Pennsylvania, were permitted by William Penn to have a separate legislature. The government was styled "The government of the counties of New Castle, Kent, and Sussex upon Delaware." In 1776, pursuant to a recommendation of the Continental Congress, these three counties formed a State government and called it "Delaware State." In the constitution of 1776 provision was made for each county to have an equal representation in the senate and also in the house of representatives—the same in 1792, and the same in 1831—each county under each constitution having three senators and seven representatives. This apportionment of representation was wholly territorial, taking no account of population or wealth. The scheme was to have equality of political power in each of the three counties. The scheme was so in the beginning, and the scheme is so to-day.

I do not contend that there is any sovereignty in these counties which makes it impossible to destroy this equality of political power. That is not in question here. But I insist that this settled policy of the State fixed in the beginning, disregarding all consideration of population or wealth in the legislative apportionment, so as to have perfect equality in the political power of these counties, is not to be overturned by mere implication and construction. The legislature is small, nine in the senate and twenty-one in the house of representatives, so that any change in the representation, a loss even of one senator, makes a vast difference in the equality of political power thus sedulously preserved. The difference between three-ninths and two-ninths which a loss of one senator to a county would make is vastly greater than the difference between three-thirtieths and two-thirtieths, if the senate had been composed of thirty members, about the usual number in the United States. So, under these circumstances, I may fairly argue, not, I admit, that this policy of equality in the three counties is irreversible, but that it should not be considered as abandoned in any part of the constitution without a clear provision to that effect. And I may further fairly and justly argue that this policy must be considered as potential, even conclusive, in favor of that construction of any particular clause of the constitution which would carry it out if not against the plain meaning of the words used in it.

If we give the meaning to the clauses in question that the incumbent of the office of senator or representative is suspended from the right of exercising his office when he exercises the executive authority provisionally, we destroy this equality of political power so carefully provided for in all the constitutions of Delaware, from 1776 to the present day. We do more than this; we do that which the learned supreme court of New Jersey in the case I have cited and common right and justice declare ought not to be done in any case. We deprive the constituents of the senator or representative thus suspended of their guaranteed right as provided for in their constitution—in all their constitutions from the beginning. We do this, too, I feel free to say, without warrant of constitutional law, by our mere whim and caprice, following an ignis fatuus, an uncertain light, to have a constitution framed according to an ideal which never was realized in the United States or anywhere else.

Leaving out all consideration as to equality of political power in the three counties, we find the argument irresistible that in a free, representative, republican government no construction by inference or mere argument shall prevail to deprive the people of any part of their representation.

Right here, before I go any further, I want to ask the Senator from Indiana if he did not, on investigation, find out and so state to the Senate that in the House of Commons of England, whiel there was a right to suspend, it never extended to the suspension of the right to vote?

Mr. TURPIE. That is correct.

Mr. GEORGE. This suspension, even in a monarchical government, where it may be used to discipline a man, where it may be used to make him feel belittled in the presence of his colleagues, has never been carried to the extent of silencing, in the language of the supreme court of New Jersey, the voice of his constituents.

Mr. GRAY. They might punish him, but not his constituents.

Mr. GEORGE. Not his constituents. Let the man suffer, but preserve the great and sacred right of representation in a free government. This right of representation is, in fact, the foundation stone of republican government. This right is the substitute for the personal presence of the people themselves in an assembly authorized to make laws. This right can exist only where there is a selection of representatives by the people—by the electors whom they have authorized to perform that duty. In American constitutions we have had, and possibly have now, provisions for selecting officers other than by the free choice of the people. But in none has there ever been a provision to select the legislature, or either branch of it, otherwise than by the people, or, as in the single instance of the United States Senate, by persons selected by them and charged with the selection of legislators. So this great right is fundamental—essential even to free government. It may be, and always is, regulated by law; but it exists independent of law as the essence of free government. While the right thus exists it can be exercised only in accordance with law. Who are to be electors, when and where and how they shall vote, and the qualifications of the person they may vote for are all fixed by law. The right is fundamental, even sacred, in a free government, and is beyond the reach of him who would destroy or even impair it in the least degree. The people have it under the law and they have it to the full extent provided by law. It can not be enlarged nor diminished other than by law. As the law they have ordained is, so their right is—neither more nor less. So that when the law gives the right to have a senator or representative, or a certain number of them, they have the right to all of them, and the right to them and each of them as full senators or representatives, with all the powers incident to the office—with power of deliberation, debate, and voting, expressing the voice of their constituents with full legal force. There is no such thing in American constitutional law as a crippled, maimed, or emasculated representative. He is a full, complete representative, the equal of all others, or he is no representative at all. The Constitution of the United States, and, I believe, the constitution of every State in the Union, gives an express power to each branch of the legislature to expel a member; no constitution ever gave a power to suspend one.

ALLEGED GROUND OF THE SUSPENSION.

If what I have said be correct—and I do not think it can be overturned—the alleged suspension has been shown to be a mere figment of the imagination, and nothing further need be added.

But the necessity for a correct decision in this case is such that I fear to leave unpressed any argument which fairly tends to support the position I maintain.

I next inquire into the alleged grounds for the suspension of Mr. Watson's right to act as senator. It can not, as claimed, come from the alleged incompatibility in the office of senator and that of governor, for we have seen that in all cases of incompatibility, where any effect whatever is produced, the result is the full and complete vacating of the office first acquired. But whatever may be alleged in reference to this incompatibility of executive and legislative duties, as belonging to separate and distinct departments of government, that rule can not apply in this case, for if we allow that this incompatibility operates to any extent in suspending the simultaneous exercise of incompatible functions, it can not operate beyond the point where the incompatibility exists, and therefore the officer would be allowed to execute so much of the duties of the suspended office as were entirely consistent and not incompatible with the duties of the office he holds.

The choosing by the legislature of a State of a Senator is an executive act imposed on it by the Constitution of the United States. When a legislature acts in its legislative capacity it makes a law. The language by which it acts is, "Be it enacted," or, "Be it resolved, that the law shall be henceforth as by this act ordained." The result is a new rule of action by which men regulate their conduct.

The language which expresses the action of electing or choosing a United States Senator is, "We select this man, or choose this man, to discharge duties already fixed by the Constitution of the United States."

In the one case the result of the action is to make law; in the other it is to select an agent to carry out law. So the choosing or appointing an officer is in its essence always an executive act. The vote, therefore, of every member of a State legislature for Senator is an executive and not a legislative act. Hence there can be no incompatibility in discharging executive duties, or performing the executive act of voting for a Senator, and hence no suspension from office as to that act. The Constitution of the United States vests in Mr. Watson as the executive of the State the power to appoint a United States Senator to fill a vacancy, recognizing such appointment as an executive act. Would it not be a singular and unexplainable action if the Senate of the United States should refuse to allow Mr. Watson's vote for Senator to stand upon the ground that such vote was incompatible with his exercise of executive authority? The Constitution allows him to make a full Senator by his own act. The Senate of the United States is asked by the majority of the Committee on Privileges and Elections to say that he shall not be one of a State body to help make a Senator.

The alleged suspension can not come from that provision in the constitution which merely prohibits an incumbent in the senatorial office from exercising the executive authority. For it has been shown that this prohibition on the words of the constitution—their true and plain meaning—does not apply to this case, and the settled construction of the constitution for one hundred years has been against that position.

Now, I will come to the point to which the Senator from Oregon was kind enough to call my attention sometime ago. I believe my friend from Indiana interpreted the Senator's remarks as meaning the refraining of Mr. Watson from voting.

Mr. TURPIE. The Senator from Oregon used the word himself.

SUSPENSION BY NONACTION.

Mr. GEORGE. But it is said that it appears that no senator while exercising the office of governor ever did discharge any duty as senator, though some or all of them whose constitutional term of senator had not expired when their executive authority ceased returned to their seats in the senate and filled them to the end of their senatorial terms. It is claimed that this failure to exercise simultaneously executive and senatorial duties constitutes a settled construction on the part of the proper authorities of the State that such senators had no right to exercise senatorial duties while in the exercise of executive authority. This certainly is a most remarkable claim, and shows into what straits the advocates of Mr. Du Pont's alleged rights are driven.

Certainly it has not before this been deliberately asserted that the failure or neglect of an incumbent to perform his official duties operated per se as a legal suspension of his right and duty to perform them. Let us see the exact situation. Under the claim that the speaker of the senate was suspended in the exercise of his senatorial duties we have this admitted fact, that he was, during the whole of the time of his exercise of executive authority, the constitutional and rightful incumbent of the office of senator even up to the expiration of his constitutional term. That is admitted in the claimant's contention. That being so, as I have shown beyond controversy, and as is admitted by asserting this ground of suspension, then he was a full senator with full powers and duties, given not for his own advantage, but for the interests of the people—his constituents—as a result of their plain constitutional right to full and constitutional representation in the legislature of Delaware. Then how can it be maintained that a mere failure of an incumbent, having other constitutional duties to perform, to sit actually in his seat in the senate caused a legal suspension of his right to do so? He by his neglect of duty might have incurred such censure as to have authorized his expulsion or removal; so that the people might have elected another to discharge his official duties; but it could not have effect to deprive the people of their right to full representation. Besides this, the failure of each of these incumbents in the discharge of senatorial duties may properly be attributable to other motives than a conviction that he had no right to discharge them. He may have refrained from acting as senator from motives of personal delicacy—personal convenience—and from a belief that no measure which he opposed would fail to be defeated, and no measure which he approved would fail to be enacted by reason of his absence. That his power to act during his absence from the senate chamber was in fact suspended by want of his personal presence I have shown may be true. But is it to be inferred that an actual absence, operating as a suspension of the discharge of his duties, terminable at his will, is a legal suspension of his right to represent his constituents and, what is more, a suspension of their right to full representation?

It results from this that the voluntary abstention by an incumbent from the exercise of his rights as such has no other effect than his voluntary suspension by his own act of the exercise of the duties of his office—terminable at his will. The repetition by all of the senators exercising executive authority of such abstention can not have the effect of making a legal suspension of the incumbent's right to exercise his senatorial office.

The multiplication of nonentity can not produce substance; the repetition of several acts of negligence and failure can not make that failure and that negligence no negligence and no failure, much less an actual performance of official duty. Yet such must be the conclusion if we adopt the view contended for. It can not justly be argued, as I have shown, that the failure on the part of these incumbents meant that each of them had the view that he could not act, for each may have had other motives for his conduct. Before any conduct can be held to be a construction of law such conduct must amount to an affirmation in actual practice that such is the law, and such affirmation can only come from such unequivocal conduct on the part of the official as would necessarily have been illegal under any other construction of the law. Such was the exact case with the senator who, after the expiration of his exercise of executive authority as speaker, resumed his seat and duties as senator: for such resumption necessarily meant that not only the senator but the senate in which he took his seat construed the constitution to mean that he had a right to do so. If such construction was not right such senator so resuming his seat would have been an intruder, without authority or color of authority to act.

In the case of this voluntary nonattendance of the speaker exercising executive authority, there was no occasion or opportunity for the senate to make any decision or take any action which would involve a construction of the constitution, for the senate had no power to compel his attendance. A minority of the senate, when there was no quorum, had the authority to compel the attendance of absentees; but even in that case a failure of the minority, which had no other power than to adjourn from day to day and compel the attendance of absentees, to send for the person exercising executive authority might, and probably would, have come from a desire not to interfere with the executive authority when such interference was wholly unnecessary to make a quorum, as they had full power to make the quorum by compelling the attendance of other absentees. Besides, a proper courtesy to the executive authority would have prevented his arrest to compel a quorum. It is respectfully submitted that other senates than this body have a right to regulate their proceedings with reference to senatorial courtesy.

CONSTRUCTION BY JOINT ASSEMBLY AND SENATE OF DELAWARE.

That I am right in this view, that the nonexercise of his senatorial powers by each of these speakers acting as governor was not understood in Delaware, and in the legislature of Delaware, as a construction of the constitution impairing in the least his full rights as senator, is conclusively shown by the very proceedings about the election of Senator which have given rise to the controversy.

It is shown even by the proof introduced by Mr. Du Pont that Mr. Watson took the speaker's chair of the senate a few minutes before that body went into the hall of the house of representatives to hold the joint assembly on May 9. Then he actually presided, taking the gavel, the speaker *pro tempore* surrendering it and the chair; that he announced that the senate would proceed in a body to the representative hall, which they did, headed and led by him.

He had communicated his intent to preside to several Republican senators on the floor of the senate. They were, therefore, not taken by surprise when he took the seat of speaker. They did not object when he took his seat. They obeyed his announcement to proceed to the representative hall by following him with all the other senators. When they arrived at the hall, Mr. Watson took his seat as president of the joint assembly without objection from any quarter. He conducted the election. There were many ballots, and there were 28 in which Mr. Du Pont received 15 votes, or just one-half the votes cast *in all*, counting Mr. Watson. At the end of each of these ballots or votes the announcement was made by the presiding officer that Mr. Du Pont had received 15 votes and all others 15; that no person having received a majority another vote would be taken. And in this way and in this exact state of the vote 27 other votes or ballotings were taken in order that the assembly might have the opportunity of casting a majority for some person.

During all this time and when all these announcements were made of "no election" and for proceeding to another vote, not one senator, and they were all present, not one representative, and they were all present, made any objection either to Mr. Watson's presiding or voting. No one claimed that an election had been completed. It was only after this last vote or ballot was taken,

and when the joint assembly was about to adjourn, that one man alone presented a protest denying Mr. Watson's right to sit and vote as a senator, and he did not think enough of his protest to have it put on the journal, and it is not on the journal of either house. Is not that true?

Mr. GRAY. That is true.

Mr. GEORGE. This is strong and conclusive evidence of the construction put on the constitution of Delaware, not by the mere expressing of an opinion, but by the solemn performance of official acts, which could not have been performed except on the construction that Mr. Watson's seat was not vacant nor his power and duties as senator suspended.

I note this only on the question of construction, showing, as it conclusively does, that there was in such action a construction that there was no suspension of the power of Mr. Watson as senator. This should end the controversy. Hereafter I will show that these acts were actual, legal, technical adjudications in favor of Mr. Watson's right to vote.

Mr. ALLISON. Will the Senator from Mississippi yield to me?

Mr. GEORGE. I will, with the understanding, as I have a little more to say on this very interesting case, that I shall be entitled to take the floor to-morrow at the conclusion of the routine morning business and finish, as I think I can then do in a very short time.

PROPOSED INVESTIGATION OF BOND SALES.

Mr. PEFFER. The Senator from Iowa [Mr. ALLISON] kindly yields to me a moment, in order that I may again renew the notice I have given for the last two days, that when the Senator from Mississippi [Mr. GEORGE] concludes his remarks to-morrow, if he does so conclude, I shall then ask the Senate to take up the resolution providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. ALLISON. That is, of course, with the understanding that no appropriation bill will then be ready for the action of the Senate.

HOUSE BILLS REFERRED.

The bill (H. R. 6425) for the relief of Clifton R. Anderson was read twice by its title, and referred to the Committee on Finance.

The joint resolution (H. Res. 159) to authorize the Secretary of War to prepare and submit estimates for the improvement of the harbor at Portland, Me., was read twice by its title, and referred to the Committee on Commerce.

COMPILATION OF MESSAGES, ETC.

The PRESIDING OFFICER (Mr. FAULKNER in the chair) laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

Resolved by the House of Representatives (the Senate concurring), That the concurrent resolution passed by Congress on the 27th day of July, 1894, authorizing and providing for the Compilation of all the Annual, Special, and Veto Messages, Proclamations, and Inaugural Addresses of the Presidents of the United States from 1789 to 1894, inclusive, be, and the same is hereby, amended, so as to strike out of the resolution the words, "to 1894, inclusive;" and insert in lieu thereof the words "to March 4, 1897," so as to require said compilation to be brought down to the ending of the present Administration; and the Public Printer is hereby authorized and directed to apply so much of the money appropriated for public printing and binding for the current year, in addition to the $60 heretofore appropriated or setapart for that purpose, as may be found necessary to complete the copying of the said messages and other documents for printing.

The PRESIDING OFFICER. The resolution will be referred to the Committee on Printing, in the absence of objection.

Mr. GORMAN. I ask unanimous consent that the resolution may be now considered. I am authorized by the Committee on Printing to make the request.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? The Chair hears none, and the question is on concurring in the resolution.

The resolution was concurred in.

POST-OFFICE APPROPRIATION BILL.

Mr. ALLISON. I now ask the Senate to resume the consideration of the Post-Office appropriation bill without displacing the unfinished business.

The PRESIDING OFFICER. Before submitting the request of the Senator from Iowa, the Chair will lay before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all of that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the unfinished business be temporarily laid aside, and that the Post-Office appropriation bill be now considered. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897, the pending question being on the amendment reported by the Committee on Appropriations, on page 7, after line 8, to insert:

For additional compensation to the Oceanic Steamship Company for transporting the mails by its steamers sailing from San Francisco to New Zealand and New South Wales by way of Honolulu, all mails made up in the United States destined for the Hawaiian Islands, the Australian colonies, New Caledonia, and the islands in the Pacific Ocean, $80,000: *Provided*, That said additional sum with the sum now paid shall not exceed $2 per mile, as authorized by act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce."

Mr. VILAS. Mr. President, yesterday I made the statement that I did not believe there has been an increase in the facilities of transportation, increase of expedition, or any advantage whatever to the mail service by the giving of the subsidies which have followed the legislation enacted by the Fifty-first Congress. I should like the opportunity of pointing out a little more in detail what has been the effect of the course of subsidizing steamships entered upon by that Congress. I begin by renewing the statement after such examination as I have been able to make during the evening and this morning. This appropriation was reported yesterday or the day before. The bill at least was laid upon our desks yesterday, and no opportunity had previously been afforded for its examination, and my attention had not in any wise been called to this proposal for a new subsidy.

The fact is, that the United States has paid and is now called upon—beginning last year with the operation of a contract then taking effect—to pay a sum which will probably be not less than $600,000 or $700,000 more for the transportation of the mails than would otherwise have been necessary to pay, and I think I state it moderately when I say that there has not been gained to the transportation routes upon the sea a single line which adds anything of increased facility. There has not been gained an hour's increase of expedition or any improvement or increase in any wise whatever to the mail service, and none is likely to ensue from any of the contracts which have been made. We have simply paid more to the ships which were employed because they happened to be owned by Americans. Previously to that time American ships had a special preference by which they enjoyed better payment than any other vessels, and better payment than was necessary in order to the carriage of the mails. It was by a practice which took full effect while I was in the Department, and partly due to my order.

Now, I wish to point out a little something upon this subject from the reports. In the year 1887 the total cost of the foreign mail service, not only including all the payments made to vessels for transportation of the mails, but all payments on account of balances to foreign countries and for our share of the expense of the International Bureau, was $480,105.39. The amount proposed by the pending bill to be paid for the transportation of the foreign mails is $1,750,000, besides an appropriation of $120,000 for balances due foreign countries and the $80,000 proposed to be added to the Oceanic Steamship Company, thus making $1,950,000 as the cost of our foreign mail service instead of $480,000.

Some increase, and a large increase, in the cost of the service has arisen by reason of the increased weights of mails which have been transported. In some instances, upon some lines, the increased weight of mails has been considerable.

Mr. WOLCOTT. What year did the Senator from Wisconsin say it was $480,000?

Mr. VILAS. In 1887.

Mr. ALLISON. Does that include the items which are included in this appropriation?

Mr. VILAS. Yes, sir.

Mr. ALLISON. I will be glad if the Senator will read them.

Mr. VILAS. I took that year because I was driven, for want of time, to take statements with which I was familiar. I read from the Postmaster-General's report of 1887, pages 59 and 60, in which the items are stated as follows:

For transatlantic service	$314,380.32
For transpacific service (including inward service on certain mails from nonconventional countries)	38,465.49
For West Indian, Mexican, Canadian, Newfoundland, and Central and South American service	51,416.44
For the postal agencies at Shanghai and Panama	2,392.20
For Panama Railway service	6,018.74
For foreign closed mails	24,773.86
	437,447.05

From this sum is deducted the amount settled for in payment of balances to foreign countries, $11,628.52, and there is to be added, for I included it all, the expense charged to the appropriation for payment of balances to foreign countries and for our share of the expenses of the International Bureau, $54,286.86, making the total cost of the service as given—that is for the fiscal year ended June 30, 1887.

The Senator from Iowa will perceive that it covers the entire service.

Mr. ALLISON. It does, and I simply call the attention of the Senator to the fact that the amount paid to foreign countries for

the intermediary transit of closed mails of United States origin last year was $236,000 instead of the small sum named, and that in return the amount received was $196,000, showing an enormous increase in the foreign mail service itself.

Mr. VILAS. I had already stated a very large increase in the mail service, but I was next about to call attention to something of what the increase of expense is.

The increase in the transatlantic service was so great that the entire payment for the fiscal year ending June 30, 1895, was $607,698.47. That large increase in the cost of the transatlantic service was due in some part to the fact that the American line—the steamers belonging to the International Steamship Company—received under the order of which I have spoken, an order which discriminates in favor of the American steamship companies, the sum of $220,257.58 for their carriage.

The rule was this—it is the rule of the statute: There can be paid to foreign vessels what is known as, or what was called in the statute, sea postage only. There is no longer any sea postage, and hence for many years the payment to foreign vessels of the amount provided by the term sea postage has been regulated by the allowance made by the International Postal Union of 5 francs per kilogram, which is approximately 50 cents per pound.

Let me just show how much the International Steamship Company gained by the allowance to them of the discriminating rate of sea and inland postage. That company carried in the fiscal year ended June 30, 1895, a total of 281,195,180 grams, of which only about 50,000,000 was the weight of letters, and 230,000,000 the weight of printed matter. The total, in the report of the Superintendent of Foreign Mails, in grams, amounts, when expressed in pounds, to 611,200 or thereabouts, in round numbers, or about 305½ tons. Thus for the transportation of 305½ tons of mail the International Navigation Company received $220,257.68.

Mr. WOLCOTT. That is for the last year?

Mr. VILAS. For the year ended June 30, 1895.

Mr. WOLCOTT. I ask the Senator what page he is reading from?

Mr. VILAS. I read from page 440 of the consolidated report of the Postmaster-General.

Now, take the Cunard Company. I will omit the grams and the computations. The Cunard Company, on the other hand, carried for us 658½ tons, in round numbers, more than twice as much as the International Company carried, and received in payment $144,752.11. In other words, stated briefly, for carrying more than twice the matter they received about two-thirds as much as the International or American Company, such being the effect of the discrimination made by the Post-Office Department between American and foreign vessels, permissible under the statute, between the sea, and sea and inland rate.

On the 12th of October last the contract made in pursuance of the legislation of the Fifty-first Congress took effect, and the International Navigation Company henceforth, for ten years from that date, will enjoy a payment of $4 per mile for their carriage of the mails. The total sum allowed to them and included in the estimates for which this appropriation is to be made is $757,328. Thus it is now contracted for by the United States that they shall pay to the two ships of that company, for I believe there are but two——

Mr. GORMAN. Four.

Mr. VILAS. To the four ships of that company, or whatever the number is, over $150,000 more for such of the mails as they shall carry to Europe than was paid last year for the services of all the ships of all the lines available from this country to Europe.

Mr. President, in the year 1887 there was addressed to the head of the Post-Office Department a letter which was signed—I have a printed copy of it here—by the great importers, merchants, and bankers of New York, Boston, Philadelphia, Baltimore, Chicago, St. Louis, San Francisco, New Orleans, Cincinnati, St. Paul, Buffalo, Louisville, and Charleston, in which they expressed their obligations to the Department for the measure of efficiency which had been secured in the transportation of the foreign mails to Europe, and urged upon the Postmaster-General that he should use his good offices to secure from the Governments of the Old World the adoption of the same system which was prevailing at that time in this country.

Mr. HAWLEY. Will the Senator from Wisconsin allow me?

Mr. VILAS. In one moment, if the Senator please. Let me add that by a curious change in the relation of affairs, the name of the same distinguished gentleman who subsequently, under the legislation of Congress, made these contracts for subsidies was signed to that communication addressed to the Department, the Hon. John Wanamaker.

Mr. HAWLEY. I wished to call the attention of the Senator from Wisconsin when I rose a moment ago to the fact that the mail service is not all. Four at least of the vessels of the International Navigation Company are fitted to carry guns and are convertible into cruisers on demand of the Government.

Mr. VILAS. I suppose there is not a ship that sails across the seas which might not carry guns.

Mr. HAWLEY. Ah! But if the Senator will excuse me——

Mr. VILAS. But with what success they would carry them would depend upon the fleetness with which they could escape.

Mr. HAWLEY. The Senator from Wisconsin will allow me to answer that the *Paris* and *New York*, which were built by the British Government, are heavily built, to carry strong guns, as are the two new ships built under contract with our Government.

Mr. WOLCOTT. The Senator from Connecticut does not mean to say that the *Paris* and *New York* were built by the British Government?

Mr. HAWLEY. I did not mean to say that they were built by the British Government.

Mr. FRYE. Under inspection of the British Government.

Mr. HAWLEY. Under inspection of and contract with the British Government. The two other vessels of the International Navigation Company were built under the same policy and of the same style. There is no question about their carrying guns.

Mr. VILAS. Those vessels may be able to carry guns.

Mr. HAWLEY. They are able.

Mr. VILAS. Undoubtedly they are; but neither one of them would be of any service in war beyond such service as it could render in transportation.

Mr. HAWLEY. Will the Senator permit me——

Mr. VILAS. And will it be suggested by my distinguished friend the Senator from Connecticut that the fact that those vessels were built so that guns might be put upon them is a sufficient consideration to the United States for paying them $500,000 a year extra for carrying the mails?

Mr. HAWLEY. Perhaps the Senator will accept as authority upon questions of that sort the British Government if he will not accept our Government. Great Britain does not make any mistake in what she does about fighting on the water. She has not done so for several hundred years, and she thinks it very profitable indeed to make contracts for these most powerful steamers fitted for carrying guns. She knows she can convert them into other useful service besides transporting cattle and horses and soldiers.

Mr. WOLCOTT. The Senator from Wisconsin did not mean $500,000?

Mr. VILAS. One moment. I wish to make one remark. The example of Great Britain is proffered to us.

Mr. HAWLEY. I commend it to the Senator because he is supposed to be a free trader and Great Britain is his idol sometimes. I commend it to him thinking the example of that great free-trade country would have some influence with him.

Mr. VILAS. I am very willing, I hope, to take instruction by the experience of any country and by the wisdom of any man, but upon this subject I should certainly be very far from expressing my own opinion if I did not say I believe all that has been done by Great Britain has been done from a very different motive than the building up of her navy.

Mr. WOLCOTT. Did the Senator mean to say that $500,000 a year is paid to this line?

Mr. VILAS. The amount which is contracted to be paid will be found stated on page 11 of the report of the Superintendent of Foreign Mails. It is $757,328 a year, more than $500,000 in excess of what was paid to the same line under the discriminating rule which awarded to them a vastly greater share of payment than is awarded to other vessels which carry twice the amount of mail.

Let me say another thing. What is to be the result of making this contract for mail service with the American line of steamships to Great Britain? If the Post-Office Department limited the mail carriage to those vessels there would be a roar from the business men in this country that would be heard here, and consequently the Post-Office Department does not make that contract an exclusive one. They do not propose to withdraw the employment of other vessels. On the contrary, a telegram from the Department to-day informs me, in answer to that inquiry, that—

Mails for Great Britain are sent, in addition to International Line steamers, by vessels of the Cunard, White Star, North German Lloyd, and Hamburg-American lines. The Cunarders take "prints" as well as letters, but the White Star, North German Lloyd, and Hamburg-American take only prints which are "specially addressed." Heretofore all prints as well as letters were sent by the fastest steamer.

The rule has been for a long time established in the Post-Office Department that it should avail itself of that vessel which among those about to sail was sure to reach the destination quickest, and every vessel that thus could carry mail of any one or all of those great lines of steamers was in employment. They were all eager to take it. They all desire that carriage, for there is no freight, if you term mails freight in any sense, there is no carriage which probably pays them so well for the amount of space and trouble and care as the carriage of the mails at sea postage only. Therefore it will become necessary for us, in order to enjoy the advantage of the other vessels, to pay in addition to what is paid the American Steamship Line the sum, so near as I can make the

calculation in a moment, of about $350,000 or $400,000 if they carry the same, thus making the cost for the transportation of the mails to Europe over eleven hundred thousand dollars or thereabouts—perhaps twelve hundred thousand dollars. Now, let me call attention to another illustration.

Mr. GRAY. What was the amount paid last year?

Mr. VILAS. The total cost of the carriage to Europe was $607,000. I can not readily separate those to England alone, which is by far the greater part.

Mr. GRAY. I meant to Europe.

Mr. VILAS. Six hundred and seven thousand six hundred and ninety-eight dollars and forty-six cents, to be exact.

Now, let me draw attention to another case to illustrate the subsidies. There is a route from New York to Mexico, and upon that route during the last fiscal year there were carried 649 pounds of letters and 8,343 pounds of prints, making a carriage during the entire year of 3 tons of mail matter. Let me first state the payment for that mail transportation. There was paid the sum of $130,104—about $43,000 a ton.

Mr. ALLISON. Will the Senator state the amount again? What was the total amount paid?

Mr. VILAS. One hundred and thirty thousand one hundred and four dollars.

Mr. HILL. Will the Senator allow me to ask if the Department was obliged to pay that sum?

Mr. VILAS. These are contracts made in pursuance of the legislation of the Fifty-first Congress, by which a dollar a mile was agreed to be paid to the vessels for sailing on these routes whether they had a newspaper, a letter, or not, so that they were ready to carry what trivial mail was desired to be carried.

Why is the mail small? Because the mail for Mexico is mainly transported over our railroads. The steamship that carries the mails to Vera Cruz touches at two other ports on the Mexican coast, the farthest being Tuxpan, I think. They have to lay down at those ports such mails as are addressed thither, mainly such as relates to their cargoes, but little besides.

Mr. HILL. How long do those contracts continue?

Mr. VILAS. The contract with that company lasts for five years from the 1st day of October, 1892; the others for ten years.

Mr. HOAR. Will the Senator state the number of tons once more?

Mr. VILAS. The number of tons carried by the New York and Cuba Mail Steamship Company during the last fiscal year was about 3 tons.

Mr. ALLISON. The Senator is mistaken, I think. Will he state the number of pounds?

Mr. VILAS. There were 649 pounds of letter mail and 8,343 pounds of prints. Yes, I made a slight mistake. It would be over 4 tons; nearly 4½.

Mr. HOAR. I should like to have the Senator state that that is equivalent to 256,000 ordinary 2-cent letters. I should like to have him state it both ways.

Mr. VILAS. I have not made the computation. At the half-ounce rate for foreign letters it would be about 32 to the pound of letter mail.

Mr. HOAR. Then it would be twice as many.

Mr. VILAS. It would be 32 letters to the pound of letter mail.

Mr. HOAR. Then it would be over 600,000 ordinary 2-cent letters, unless I have made a mistake.

Mr. VILAS. The Senator will make a very much larger computation if he will compute the number of letters to Great Britain. The total number of letters may of course correspond with the weight. If the Senator wishes to make statement of a large number of letters carried, let him make the computation of the mails to Great Britain, where there are carried, perhaps, 50 tons by one line and perhaps 100 tons by another. There is a vast amount of letters carried in our mails; they run into the trillions when you estimate the whole. It takes a great many letters at 2 cents apiece to make $70,000,000, which is in round numbers approximately our postal receipts, the greater share of which comes from letters.

Take another case. The same company by contract carries mail from New York to Habana. The quantity they transport is about the same, about 4½ tons; and they receive under that contract from New York to Habana $73,476.

The Superintendent of Foreign Mails in his report has made a comparison of the cost of the service on those lines under the present method and under the former. Let me give it in a word. By those two routes there were paid under these contracts last year $203,580. The cost for the service rendered, if computed at full sea and inland postage, would have been but $3,832,96; so that the excess of cost on those two routes paid to the Cuban Mail Steamship Company is $199,747.04. I should like to say to the Senator from Connecticut that those vessels do not carry guns and were not made to carry guns. They are the same ships that were in our service when this system was adopted.

Let me add another statement. Except for the International Company, there is not a new ship on the sea in pursuance of these subsidies. They are the same old ships, as the Senator from Missouri [Mr. VEST] aptly says. There were two new ships built by the Oceanic Company which, as it would appear from the remarks yesterday, would not be able to survive if they did not have an increased subsidy. But the keels for those ships were laid before the act of Congress was passed, and when the Department proposed to put an inspector on them with reference to contracting, under the act of the Fifty-first Congress, they declined. They said, "No; these ships are being built on our own account and are not subject to the inspection of the Government." And no contract was made with that company. So those two ships, though new ships in the service, were not built in pursuance of the subsidies, nor does that line receive subsidy, though especially large rate of pay. They were built by enterprising, active business men who wanted to make money by carrying goods upon the seas, and they like to carry the mails, as I said before, because it is the most profitable carriage they enjoy, except possibly (and I am not sure that exception would hold out upon critical examination) jewels and money.

There was another contract which was made, the contract given to the Red D Line, which sails from this country to Venezuela. That line would have received last year $14,783.74 under the allowance of sea and inland postage. It received under its contract $79,030, being an excess over the service rendered at that special rate of $64,246.26.

There are three routes—to Venezuela, to Habana, and to Mexico. The first is necessary to us—that is, transportation by sea is the only way in which we can send our mails to Venezuela. To Mexico and to Habana the sea service is practically of no value. The two companies operating those three routes "struck" in 1885 when the Post-Office Department decided that, under the peculiar terms of the appropriation just then made, it was impossible to award a subsidy, and they refused their services to the Government. In consequence, a service was established to Cuba which shortened the transportation by a day and a half, and gave the same number of trips all the year and half the year an additional trip per week. Yet those lines (identically the same, I think, without a new ship), which then refused their service to the Government in order to compel its submission (it was a mistaken effort), are favored now by these contracts to the extent of being awarded $265,000 for transportation of the mails over and above the amount due under the liberal rule of sea and inland postage always paid to American vessels since 1885.

Mr. President, that illustrates the beauty of the contract subsidy service for carrying the mails. What do we derive from these increased subsidies? No expedition. Let me pause there for a moment. I believe some figures were made since the change of this service for the purpose of showing a gain of time. I inquired into those figures carefully. How was it done? Under the old system they counted from post-office to post-office. Under the contract, which requires them to sail from port to port, they counted from the extreme edge of the port to the extreme edge, from light-house to light-house, and thus made an appearance of expedition in time without an alteration of a minute in actual fact.

Then, inquiring what have we gained, I say no expedition, no increased lines, no additional vessels, no benefit, save only that which the Senator from Connecticut called my attention to, anticipating what I intended to have done myself, the fact that on two of the ships which sail to Europe there was a stipulation in respect to strength of construction, probably quite in accord with the interest of the vessel owners, for such strength as would enable the United States, in case it should at any time seize those ships for its own uses, to put guns upon them. Of course the guns would be of no service if they encountered a vessel of war. They would only be of service in case they encountered a vessel unprepared to contest the supremacy of the sea with them.

Mr. President, having pointed out the character and efficiency of the contract service which we now have, I think it would be wise for Congress, instead of promoting subsidies, to interpose at once in this bill a direction to the Post-Office Department to make no further contracts of a subsidy nature.

But, sir, this bill proposes, and it was to that point I began the argument, to add to the Oceanic Steamship Company the sum of $80,000 a year as further compensation besides what they now enjoy. They now receive $40,000 a year, not by contract, but by an order of the Post-Office Department, esteemed within the law, to estimate the sea and inland postage at a fixed sum. Probably it is a sum in excess of what by a strict computation they would receive, but they get by that order on that estimation a fixed yearly sum of $60,000. Last year there was a deduction of $5,000 from the amount, to compensate five other vessels which made five trips in carrying the mails. Their trips are, I believe, 13 in number during the year. I think they sail a little oftener than once a month. They are well paid. The compensation awarded to them is a generous one. For what reason should we increase it? The Senator from Iowa [Mr. ALLISON] was asked by me to state that reason,

and he said it was because we were in danger of losing that service unless we made this additional subsidy.

Mr. HILL. Are any increased facilities promised?

Mr. VILAS. None whatever.

Mr. HILL. Any increased service of any kind?

Mr. VILAS. None whatever. It is so stated in the bill:

For additional compensation to the Oceanic Steamship Company for transporting the mails, etc.

As I was remarking, the reason, and I believe I state correctly, the only reason, which the Senator from Iowa gave us was that we should lose that service or were in danger of losing that service if we did not make this additional payment.

Mr. ALLISON. And that it is the only line from San Francisco to those points.

Mr. VILAS. Yes.

Mr. ALLISON. I do not know that I stated it, but I understand that to be the fact.

Mr. VILAS. Yes; and therefore you meant to imply that we were in danger of losing the service, because it was said a rival line had been subsidized by the English Government from Vancouver to the Australian colonies. So the Senator interrupted my remarks to add "it is to secure service and not to increase it," which stated exactly his reason, as it appears in the RECORD.

Mr. HILL. Is there a contract now?

Mr. VILAS. I hold in my hand the annual report of the post and telegraph department of New Zealand, the report made last July, in which it is stated that the San Francisco service (between the colonies and San Francisco) has been renewed for three years from November, 1894, in terms of the following resolutions approved by the house of representatives last session:

Resolved, 1. That this house empowers the Government to arrange for a renewal of the San Francisco mail service for a period not exceeding three years.

Mr. WOLCOTT. What year was this made?

Mr. VILAS. It was last year.

Mr. ALLISON. In 1894.

Mr. VILAS. The contract began in November, 1894. I shall not stop to read all the provisions, except they add:

2. That the basis of the payment for conveyance of mails from New Zealand shall be a rate of 11 shillings per pound on the net weight of the letters conveyed.

3. That all payments or contributions from Great Britain or other countries shall be receivable by the contractors, the colony's direct liability to be for payment of its outward letters only.

Mr. FRYE. Does that report give the net amount paid by New Zealand to this American line for carrying the mail?

Mr. WHITE. If the Senator from Wisconsin will permit me, I will state the amount paid, as I understand it, by the British Government. It amounts to $5,769 per voyage, while we pay $4,617.

Mr. VILAS. I can not give the exact cost. I could compute it only on the weight of our mails, which I have, but not upon the mails from New Zealand.

Mr. FRYE. I have had an impression that it is about $100,000 a year that New Zealand paid.

Mr. VILAS. Oh, no; I do not think it amounts to so much as that, but if the Senator from California is correct——

Mr. WHITE. I did not hear the statement of the Senator from Maine.

Mr. FRYE. I say I understood that New Zealand paid to this line about $100,000 a year.

Mr. PERKINS. New Zealand is paying the Oceanic Steamship Company five thousand and some odd dollars (my colleague has the exact figures, which I gave to him) for 13 trips per year made by the Oceanic Steamship Company.

Mr. VILAS. That would be about $65,000.

Mr. PERKINS. We are now receiving $60,000 a year from the American Government, while the Canadian Pacific Steamship Company is receiving eighteen thousand and some odd hundred dollars per trip subsidy from the English Government and the Canadian Pacific Railroad, and the New Zealand colonies.

Mr. FRYE. About $65,000, then, New Zealand pays.

Mr. VILAS. Do I understand the Senator from California to have personal knowledge of the matter? He spoke of "we." Is the Senator interested in the company?

Mr. PERKINS. I am interested as an American citizen in fostering American shipping as against English shipping. England, France, and Russia last year gave $18,000,000 in postal subsidies. My friend from Wisconsin would not give one dollar to American shipping, excepting the postage, if he had his way.

Mr. VILAS. Mr. President, it was by my order that we made the full measure of statutory discrimination possible to be made in favor of American vessels at the time when I was in the Department, and awarded sea and inland postage to American vessels as supposed to be within the then expectation of Congress.

Mr. FRYE. What was the pay before the Senator issued that order?

Mr. VILAS. To some sea and inland postage, to others sea postage only.

Mr. FRYE. And the Senator did not issue the order, did he, until Congress had repealed the two statutes which authorized the Post-Office Department to seize any American vessel, detain her at her port, and compel her to take the mails for sea postage?

Mr. VILAS. Yes, sir; without the slightest reference——

Mr. FRYE. It was after that time that the Senator, as Postmaster-General, issued the order.

Mr. VILAS. Before that, because the order was made before Congress assembled—after I went into the Department.

Mr. FRYE. That would be before the Senator became Postmaster-General, would it not?

Mr. VILAS. I think not.

Mr. FRYE. My recollection is that we repealed those statutes before the Senator became Postmaster-General.

Mr. VILAS. The action had not the slightest reference whatever to that, and there never has been a time when an American vessel, being about to sail on its journey, was not desirous of carrying the mails for the compensation which was given, and I always acknowledge the earnestness of its desire to get as much more as it could.

Mr. President, the New Zealand post-office report adds that the London post-office agreed to continue these payments in aid of the service until 1897, and the subsidy of £4,000 a year now paid by the Government of New South Wales is also to be continued, subject to the amount being annually appropriated by Parliament.

Mr. WOLCOTT. To the same steamship company, the Oceanic?

Mr. VILAS. The same steamship company, the Oceanic Company.

Mr. President, let me say with reference to that, in a word, that this entirely disposes of and answers the apprehension that we should at once lose the services of this company if we were to refrain from giving it an additional $80,000 a year. We are giving it, if the Senator from California is correct, about the same sum that New Zealand is giving.

Mr. WHITE. Thirteen thousand pounds a year.

Mr. VILAS. Sixty thousand dollars a year, as against 13 trips at about $5,000 each a year, according to the Senator.

Mr. WHITE. About $65,000.

Mr. FRYE. Has the Senator any idea of the comparison between the mails of New Zealand and those of the United States of America carried on those ships?

Mr. VILAS. I do not know which way the heavier mail is carried, whether from New Zealand or from this country, but the great service which is conducted by those ocean lines between San Francisco and Auckland is to the Australian colonies, because that is the shortest route by which they can communicate with the mother country, England. The closed mails of England are put on our cars in New York and delivered on board of these ships at San Francisco. On the other hand, the closed mails from the Australian colonies are delivered at San Francisco, transported to New York, and put on vessels for England. I have not the figures of the weights of the mails that are transmitted from Australia—perhaps they are obtainable—but, in comparison to the advantage we derive, theirs is almost like communication with the whole foreign world as against an inconsiderable fraction of it to us. Of course, the colonies of Australia, New Zealand, New South Wales, and the others must maintain a mail service with England; they must have an establishment in some way, and it would not, in their case, be a subsidy whatever its necessary cost. If they can not procure it for less money than they actually pay, it is strictly mail pay, the least pay they could procure the mail carried for, in no sense subsidy; and that is precisely what they are continuing. They are not subsidizing; they are hiring. We are not now subsidizing; we are hiring, but we are paying a generous compensation to the laborer who enjoys the hire.

I do not care, Mr. President, to take the time of the Senate any longer. I desired only to point out a few of the reasons which seem to me to stand against our adoption of this amendment.

Mr. WOLCOTT. I simply desire to ask the Senator from Iowa [Mr. ALLISON] a question in connection with the matters which were brought up by the Senator from Wisconsin [Mr. VILAS], having no immediate reference to this amendment.

The Senator from Wisconsin dwelt upon the amount involved in this bill as payments for transatlantic service. I want to ask the Senator from Iowa if the amount appropriated this year for the transatlantic service is in excess of the amount appropriated last year?

Mr. ALLISON. It is in excess of the amount appropriated last year.

Mr. WOLCOTT. Will the Senator give me about the amount of the excess?

Mr. ALLISON. The amount proposed to be appropriated this

year is $1,750,000, and the amount appropriated for the current year was $1,600,000.

Mr. WOLCOTT. Was the attention of the Senator from Iowa and the attention of the Committee on Appropriations called to the fact that the postal business between this country and Europe is less this year than it was last year? In other words, that our [illegible] between this country and Europe, both in

on page 10 of the Superintendent's report, at a total cost of $1,173,000. So that the appropriation for the current fiscal year, made in the last Congress, took into view the beginning of the contract service at one trip a week for transatlantic service, and inasmuch as it was for only about nine months of the year, the amount appropriated was not as much as will be necessary for the ensuing year.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 1, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

Mr. McMILLIN. So that the authorization given here would not require any double construction.

Mr. MAHANY. It is the same land.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

year is $1,750,000, and the amount appropriated for the current year was $1,600,000.

Mr. WOLCOTT. Was the attention of the Senator from Iowa and the attention of the Committee on Appropriations called to the fact that the postal business between this country and Europe is less this year than it was last year? In other words, that our mail communication between this country and Europe, both in the form of letters and in the form of parcels, is falling off, not increasing; that in 1894, referring to the report of the Superintendent of Foreign Mails, the aggregate weight was 852,068 pounds, and in 1895, 805,017 pounds; and the amount of other articles carried was within a few pounds of the same in 1894 and in 1895. I ask the Senator if the amounts are increased because the business is less, thus making the receipts from postage less?

Mr. ALLISON. I think the Senator from Wisconsin partially stated the reason for the increase, namely, that the contracts which the Senator named will be paid next year, which of course will increase the cost of this service.

Mr. WOLCOTT. What contracts?

Mr. ALLISON. The contracts to which the Senator from Wisconsin alluded, with the International Steamship Company.

Mr. WOLCOTT. Were not those contracts in force last year?

Mr. ALLISON. I believe not.

Mr. FRYE. Only partially. There were only two ships last year, and now two more have been added.

Mr. ALLISON. Now we have four ships, instead of two.

Mr. WOLCOTT. We pay these ships for carrying the mails $14,564 every trip they make; that is, one ship each week. That is what we paid in 1895. Are we going to pay more than that per trip this year?

Mr. ALLISON. I think not; but we have to pay for the service of four ships instead of two.

Mr. FRYE. Two more have been added.

Mr. WOLCOTT. I find in the report of the Superintendent of Foreign Mails:

Route No. 57, "O. M. S.," New York to Southampton, 52 trips of 3,641 miles = 189,332 statute miles, at $4 ..... $757,328

Mr. ALLISON. That is for the current year?

Mr. WOLCOTT. For last year.

Mr. ALLISON. From what page does the Senator read?

Mr. WOLCOTT. From page 445 of the last report of the Postmaster-General. The $757,328 would amount to $14,564 a trip. Now, do I understand the Senator, because the company have two new ships, that their compensation is to be doubled?

Mr. ALLISON. It will not be doubled if the amount the Senator now states is the correct amount.

Mr. WOLCOTT. I am reading from page 445 of the report of the Postmaster-General. Will the Senator from Iowa kindly tell me how much the increase will be?

Mr. ALLISON. It will not be doubled.

Mr. WOLCOTT. Is the amount increased; and if so, to what extent, because there are two more ships?

Mr FRYE. It will be increased.

Mr. ALLISON. The figures given by the Senator were made for the current year. If the Senator's statement is correct, the report for 1895 shows a total estimate of $607,698.47 for transatlantic service.

Mr. WOLCOTT. The Senator is correct. I see that the amount of $757,328 is the estimate for the coming year.

Mr. ALLISON. Yes, sir.

Mr. WOLCOTT. And that is proposed to be increased because there are two additional ships?

Mr. ALLISON. Yes, sir; because there are two additional ships.

Mr. WOLCOTT. If I may be enlightened at the expense of the time of the Senate for a moment further, I ask the Senator in what proportion are the payments to be increased because there are two new ships?

Mr. ALLISON. In proportion to the number of ships used.

Mr. WOLCOTT. We now pay for one trip per week, and the line always ran one ship. Are we now to pay for one additional ship per week?

Mr. SEWELL. I will state to the Senator from Colorado that the contract does not go into effect until October, and that makes a difference.

Mr. VILAS. I will state——

The PRESIDING OFFICER. The Senator from Iowa is entitled to the floor. Does he yield to the Senator from Wisconsin?

Mr. ALLISON. I do so, that this matter may be thoroughly understood.

Mr. VILAS. I will call the attention of the Senator from Colorado to some figures right under his eye which will relieve him. The current year, for which $1,600,000 was appropriated, is this fiscal year, to end with the coming month of June. During that year for the first time the subsidy contract on the Atlantic became operative. Those vessels began on October 12 last. The compensation paid for the preceding fiscal year the Senator will find stated on page 10 of the Superintendent's report, at a total cost of $1,173,000. So that the appropriation for the current fiscal year, made in the last Congress, took into view the beginning of the contract service at one trip a week for transatlantic service, and inasmuch as it was for only about nine months of the year, the amount appropriated was not as much as will be necessary for the ensuing year.

Let me add right there that the steamship companies were not willing to accept, under their contracts, the claim of the Post-Office Department that the compensation per mile was for a nautical mile; and they have succeeded in obtaining a construction that we are to measure on the sea the statute mile, whereby they increase about one-sixth the compensation which it was supposed would be paid them.

Mr. GORMAN. Who made that construction?

Mr. VILAS. I will not undertake to say, but it is in my mind that it was the Attorney-General of the United States, or some attorney-general in the Department perhaps. I shall not undertake to be specific about it.

Mr. ALLISON. It appears, Mr. President, that this additional appropriation made for the Oceanic Steamship Company has led, and perhaps will lead, to a general discussion respecting the propriety of paying subsidies. Anticipating that some Senator will in a few minutes move to adjourn, in order to facilitate the consideration of this bill I ask that the Secretary go on and read the remainder of the bill, which will take but a little time, and that the pending amendment may be passed over for consideration when the Senate is fuller than it is now. I hope there will be no objection to that request.

Mr. WHITE. I desire to inquire of the Senator from Iowa whether it is designed to press the Oceanic Steamship matter to a vote to-night?

Mr. ALLISON. It is not. I have just asked that it might be passed over; and I wish to state now that I desire that the consideration of the bill shall be concluded to-morrow, and hope that the Senate will then stay in session until it is completed, especially if we are to adjourn over Friday, as I understand is suggested.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa, that the pending amendment be passed over and the remainder of the bill proceeded with? The Chair hears none, and it is so ordered. The Secretary will proceed with the reading of the bill.

The reading of the bill was resumed at line 21, on page 7. The next amendment of the Committee on Appropriations was, under the head of "Office of the Third Assistant Postmaster-General," at the top of page 8, to insert:

For rent of office for use of the agent of the Post-Office Department to supervise the distribution of stamps of the Bureau of Engraving and Printing, $900.

The amendment was agreed to.

The next amendment was, under the head of "Office of the Fourth Assistant Postmaster-General," on page 8, after line 22, to strike out:

Mail depredations and post-office inspectors: For pay of post-office inspectors and clerks, $176,066.66.

For per diem allowance to inspectors in the field while actually traveling on business of the Department, at the rate of $3 per day (exclusive of Sundays except in cases of emergency), $80,000.

For incidental expenses, including prosecution of official investigations, office rent, telegrams, etc., $13,000.

For the allowance to post-office inspectors (excepting those receiving salaries of $2,500 per annum) of such items of actual and necessary personal expense incurred in the discharge of their official duties as may be in excess of the per diem of $3 allowed by law, upon presentation and approval of vouchers covering the total expenditure for personal expenses for the dates for which such excess may be claimed; or, if the exigencies of the service render the taking of vouchers impracticable or inexpedient, the sworn statement of the inspector reciting the objects, amounts of and necessity for such expenditures, may be accepted in lieu of vouchers, $17,000; in all, $266,066.66.

And insert:

For mail depredations and post-office inspectors, $300,000: *Provided*, That not exceeding $5,000 of this amount may be expended for fees to United States attorneys, marshals, clerks of courts, and special counsel necessarily employed in prosecuting civil suits instituted by the Auditor for the Post-Office Department, through the Solicitor of the Treasury, against the sureties on the official bonds of late postmasters, as provided for by section 292, Revised Statutes of the United States.

The amendment was agreed to.

The next amendment was, on page 10, line 9, before the word "thousand," to strike out "thirty-five" and insert "twenty-five"; so as to make the clause read:

For payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers, $25,000.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. WOLCOTT. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 2, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 1, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

LIGHT-HOUSE AND FOG SIGNAL, BIG OYSTER BED SHOAL, NEW JERSEY.

The SPEAKER laid before the House the bill (H. R. 55) for the establishment of a light-house and fog-signal station at or near Big Oyster Bed Shoal, New Jersey, with Senate amendments.

The bill and amendments were read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

SALE OF TITLE OF THE UNITED STATES TO CERTAIN TRACTS OF LAND IN THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill (H. R. 6408) authorizing the sale of title of the United States to certain tracts of land in the District of Columbia to Margaret Shugrue, Caroline Lochboehler, and John R. Scott, with a Senate amendment.

The bill and amendment of the Senate were read.

The SPEAKER. The question is on concurring in the Senate amendment.

Mr. RICHARDSON. I would like to hear the Senate amendment reported.

The SPEAKER. It has just been reported to the House, but the Clerk——

Mr. RICHARDSON. Not the entire amendment. That was not the amendment that the Clerk read, as I understood.

The SPEAKER. The Clerk read the entire bill, and then read the Senate amendment, which will be again reported.

The Senate amendment was again reported.

The amendment of the Senate was concurred in.

LIGHT-HOUSE AND FOG SIGNAL ON NORTH MANITOU ISLAND, LAKE MICHIGAN.

Mr. MAHANY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5736) to authorize the Light-House Board to proceed with the construction of the light-house and fog signal on North Manitou Island, Lake Michigan.

The bill was read, as follows:

Be it enacted, etc., That the Light-House Board be authorized to proceed with the construction of the light-house and fog signal on North Manitou Island, Lake Michigan, heretofore appropriated for, and that the aforesaid board be authorized to lease the land necessary for the site of said aid to navigation until a perfect title to said site can be secured by condemnation proceedings.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McMILLIN. I would ask the gentleman in charge of the bill to indicate whether there is a report accompanying this bill?

Mr. MAHANY. The report——

The SPEAKER. One moment. The House will be in order.

Mr. McMILLIN. Let the report be read or a statement made.

Mr. MAHANY. I ask that the Clerk read the report.

The report (by Mr. CORLISS) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 5736) entitled "A bill to authorize the Light-House Board to proceed with the construction of the light-house and fog signal on North Manitou Island, Lake Michigan," beg leave to submit the following report, and recommend that said bill do pass.

This is a bill authorizing the Light-House Board, pending the procuration of a perfect title by condemnation proceedings, to lease land necessary for the site for a light-house and fog signal heretofore authorized by Congress.

The interests of navigation demand the immediate construction of the light-house, and the passage of the bill is therefore approved by the Treasury Department, as shown by the accompanying letter:

TREASURY DEPARTMENT,
Washington, D. C., March 3, 1896.

SIR: I have the honor to acknowledge the receipt of a letter from your committee, dated February 26, 1896, inclosing House bill No. 5736, to authorize the Light-House Board to proceed with the construction of the light-house and fog signal on North Manitou Island, Lake Michigan, and to lease land necessary for its site, pending the procuration of a perfect title by condemnation proceedings, with request for suggestions as to the merits of the bill and the propriety of its passage.

This matter was referred to the Light-House Board, which reports that it approves the proposed bill and recommends its passage.

Respectfully, yours,

S. WIKE, *Acting Secretary.*

The CHAIRMAN COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
House of Representatives.

Mr. McMILLIN. I will ask the gentleman whether the lease is to be made of land that it is proposed ultimately to condemn, and not to require a double construction?

Mr. MAHANY. Yes; it is.

Mr. McMILLIN. So that the authorization given here would not require any double construction.

Mr. MAHANY. It is the same land.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MAHANY, a motion to reconsider the vote by which the bill was passed was laid on the table.

PRINTING OF VETO MESSAGES, PROCLAMATIONS, AND INAUGURAL ADDRESSES OF PRESIDENTS OF THE UNITED STATES.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent for the present consideration of the concurrent resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the concurrent resolution passed by Congress on the 27th day of July, 1894, authorizing and providing for the Compilation of all the Annual, Special, and Veto Messages, Proclamations, and Inaugural Addresses of the Presidents of the United States from 1789 to 1894, inclusive, be, and the same is hereby, amended so as to strike out of the resolution the words "to 1894, inclusive" and insert in lieu thereof the words "to March 4, 1897," so as to require said compilation to be brought down to the ending of the present Administration; and the Public Printer is hereby authorized and directed to apply so much of the money appropriated for public printing and binding for the current year, in addition to the $900 heretofore appropriated or set apart for that purpose, as may be found necessary to complete the copying of the said messages and other documents for printing.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

On motion of Mr. RICHARDSON, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

STAMFORD, CONN., A SUBPORT OF ENTRY.

Mr. DINGLEY. Mr. Speaker, I ask unanimous consent to take from the Calendar the bill (S. 494) constituting Stamford, Conn., a subport of entry. It is a bill reported from the Committee on Ways and Means.

The bill was read, as follows:

Be it enacted, etc., That Stamford, Conn., be, and is hereby, constituted a subport of entry for the customs collection district of Fairfield, Conn.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. DINGLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

ABRAHAM O. WAUCOP.

Mr. LAYTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 5127) for the relief of Abraham O. Waucop.

Be it enacted, etc., That the Secretary of War be, and hereby is, directed to correct the military record of Abraham O. Waucop, late captain Company F, One hundred and eighteenth Regiment Ohio Volunteer Infantry, by removing the charge of absence without leave and dishonorable dismissal from the service, and grant him an honorable discharge as of the date of May 15, 1865: *Provided*, That no pay, bounty, or emoluments shall become due the said Abraham O. Waucop by virtue of this act.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BARTLETT of New York. I ask that the report be read.

Mr. TALBERT. I ask if this bill has been considered at the Friday night session?

Mr. LAYTON. I will say to the gentleman from South Carolina that the charge against this man is that he was dismissed for absence without leave, and hence the Friday night session has no jurisdiction over the case. The report, Mr. Speaker, is very full and fair, and I ask careful attention to its reading.

Mr. CANNON. Is it a long report, I will ask the gentleman?

Mr. LAYTON. No, sir; it is not very long.

The report (by Mr. GRIFFIN) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 5127) for the relief of Abraham O. Waucop, having had the same under consideration, would report thereon as follows:

A similar bill was considered by the Committee on Military Affairs, House of Representatives, third session Fifty-third Congress, which committee recommended the passage of such bill.

The soldier's record, as set forth in such report, as found in Senate Report No. 1015, is stated to be as follows:

"It appears from the records of the War Department that the beneficiary, Abraham O. Waucop, was enrolled and mustered in Company F, Fifteenth Regiment Ohio Volunteers (first three months' service), on the 17th day of April, 1861, and was honorably discharged, by reason of the muster out of said company, on the 27th day of August, 1861.

"That on the 10th day of September, 1861, he reenlisted in Company F, Benton Cadets, Missouri Volunteers, and served as such soldier until the 8th day of January, 1862, when he was honorably discharged by reason of the muster out of said company.

"That on the 22d day of August, 1862, he again reenlisted, and was mustered in and appointed first sergeant Company C, One hundred and eighteenth Ohio Volunteers, September 15, 1862. On March 1, 1863, he was promoted to second lieutenant, same company; on May 14, 1864, he was wounded at the battle of Resaca, Ga. On the 4th of March, 1865, he was promoted to captain and assigned to duty with Company F, same regiment.

"It is further noted in the report from the War Department that two days later (March 6) he absented himself from his command without authority, and thereafter his movements or whereabouts do not appear.

"That on the 28th day of March, 1865, his regimental commander reported that he had rendered himself unfit for duty and had been absent without leave since March 6, 1865, and recommended his dismissal from the service.

"That on the 12th day of April, 1865, the case was submitted to General ending June 30, 1897, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULLOM, Mr. TELLER, and Mr. COCKRELL as the conferees on the part of the Senate.

MARCUS D. BOX.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2410) to amend an act increasing the pension of Marcus D. Box.

Mr. PERKINS. Now, you had better not object to this, Mr. LOUD—— [Laughter.]

Mr. LOUD. Mr. Speaker, I object to the gentleman appealing to me personally in this way in this case. [Laughter.]

Mr. PERKINS. Well, this is a very meritorious case.

Mr. LOUD. It may be, but this House has a right to have a report from the Post-Office officials upon all cases of this character. Perhaps the bill is right. I do not say that it is not; but the case has undoubtedly been investigated by a post-office inspector, and we ought to have his report.

proposes to extend it to Utah and Colorado. This proposition is now presented for the first time.

Mr. LIVINGSTON. May I ask the chairman of the committee whether the amendment meets his approval?

Mr. CANNON. Well, yes and no, both; that is to say, I have no doubt there are some lands, not great in extent, in Idaho and Colorado where the Department can not get the surveys made for the statutory price. The case is the same with a great portion of the lands in Washington; there is quite a small quantity, I apprehend, of such lands in Utah and Colorado.

"That on the 23d day of August, 1862, he again reenlisted, and was mustered in and appointed first sergeant Company C, One hundred and eighteenth Ohio Volunteers, September 15, 1862. On March 1, 1863, he was promoted to second lieutenant, same company; on May 14, 1864, he was wounded at the battle of Resaca, Ga. On the 4th of March, 1865, he was promoted to captain and assigned to duty with Company F, same regiment.

"It is further noted in the report from the War Department that two days later (March 6) he absented himself from his command without authority, and thereafter his movements or whereabouts do not appear.

"That on the 28th day of March, 1865, his regimental commander reported that he had rendered himself unfit for duty and had been absent without leave since March 6, 1865, and recommended his dismissal from the service.

"That on the 17th day of April, 1865, the case was submitted to General Grant, who recommended that Captain Waucop be dishonorably dismissed from the service for absence without leave, whereupon he was summarily dismissed on the 24th of April, 1865, by Special Order No. 183, War Department, Adjutant-General's Office.

"It appears from the verified statements of two of his comrades, Sergeant Ailes and Captain Rhodes, of the same regiment (two reputable gentlemen), and the petition of the survivors of the regiment that at and during the time he is reported as being absent without leave (and for which he was afterwards dismissed from the service) he was actually unable to march with the regiment, and so informed the surgeon at the time. That he voluntarily rejoined his regiment after his recovery in the latter part of April, 1865, at Raleigh, N. C., where he was arrested and charges of absence without leave preferred against him. That at the time a copy of the charges was served on him he was given the alternative of resigning or standing a court-martial.

"That he refused to resign and demanded a trial and remained with the regiment for that purpose until the 15th day of May, 1865, when he was officially notified of his summary dismissal, by special order, as above stated. That no opportunity was ever given him to be heard in answer to said charges, and that he labored under the impression that he would be accorded a trial before a court-martial until the day he received official notice of his dismissal from the service.

"His honorable discharge, as provided in this bill, is also prayed for by substantially all of the surviving officers and members of the One hundred and eighteenth Ohio Volunteer Infantry who served with him in the Army, about 100 in number."

In view of the facts, and especially in view of the fact that Mr. Waucop served his country faithfully and well for nearly four years, and placing special stress upon the manner in which he was summarily dismissed from the service without a hearing, and also that it appears that he never in fact deserted nor intended to desert, your committee feels that it would be but an act of simple justice to remove the stain of dishonor from his record by granting him an honorable discharge, and therefore adopts and approves the former report herein referred to and recommends the passage of the bill.

Mr. LAYTON. Mr. Speaker, I desire to say, in addition to that full report, that a similar bill to this was passed during the last Congress, both through the House and the Senate, but failed to reach the President in time to receive his signature, from the fact that it was only passed on the 2d day of March.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LAYTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 319) for the relief of telegraph operators during the war of the rebellion—to the Committee on Military Affairs.

A bill (S. 517) for the relief of Thomas Williams, an employee of the Senate folding room, for injuries received while in the discharge of his duties in the year 1892—to the Committee on Claims.

A bill (S. 1565) granting a pension to Benjamin F. Howland—to the Committee on Pensions.

A bill (S. 502) to approve a compromise and settlement between the United States and the State of Arkansas—to the Committee on the Public Lands.

A bill (S. 101) to authorize the Secretary of the Treasury to settle the mutual account between the United States and the State of Florida, heretofore examined and stated by said Secretary under the authority of the Congress, and for other purposes—to the Committee on Claims.

A bill (S. 1075) for the relief of the heirs of D. Fulford—to the Committee on Claims.

A bill (S. 492) for the erection of a public building at Meriden, Conn.—to the Committee on Public Buildings and Grounds.

A bill (S. 1491) for the relief of Dr. John B. Read—to the Committee on Claims.

A bill (S. 264) providing for the location and purchase of public lands for reservoir sites—to the Committee on the Public Lands.

A bill (S. 154) to provide for the erection of a public building at Indianapolis, Ind.—to the Committee on Public Buildings and Grounds.

A bill (S. 1935) providing for a commission to negotiate with the Crow and Flathead Indians for the cession of portions of their respective reservations in the State of Montana—to the Committee on Indian Affairs.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULLOM, Mr. TELLER, and Mr. COCKRELL as the conferees on the part of the Senate.

MARCUS D. BOX.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2410) to amend an act increasing the pension of Marcus D. Box.

The bill was read, as follows:

Be it enacted, etc., That the act approved February 8, 1895, be amended so as to read as follows: "That the Secretary of the Interior is hereby authorized and directed to place upon the invalid pension roll the name of Marcus D. Box, late a private of Company D, First Missouri Volunteer Infantry, afterwards First Missouri Artillery, subject to the limitations of the pension laws, at the rate of $25 per month, in lieu of the pension which he is now receiving."

Mr. TALBERT. Mr. Speaker, I will ask the gentleman from Iowa whether this bill has been considered in Committee of the Whole at a pension session?

Mr. LACEY. Mr. Speaker, the object of this bill is simply to correct a bill which was passed by the last Congress. Owing to a mistake of my own there was a proviso inserted in that bill requiring proof of total blindness, my understanding at the time being that the man was totally blind; but instead of that the fact is that while one eyeball has run out, there is a faint glimmer of sight in the other. The effect of that state of facts has been to defeat that act which was passed in the last Congress for the relief of this claimant, and the purpose of this bill is to make that act operative. The man was drawing a pension for a wound in the head, but he has lost his sight.

Mr. TALBERT. The bill then would not necessarily come before a Friday night session for consideration?

Mr. LACEY. Not necessarily. The object of it is merely to amend an act passed in February, 1895.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

A. P. BROWN.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1602) for the relief of A. P. Brown, late postmaster at Le Mars, Iowa.

The bill was read, as follows:

Be it enacted, etc., That the sum of $888.98 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of reimbursing A. P. Brown, late postmaster at Le Mars, Iowa, for loss sustained by reason of burglary of postage stamps and money from said post-office on January 9, 1894.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. LOUD. I think we should have the report read, Mr. Speaker, or else there should be an explanation of the bill.

Mr. PERKINS. I can make a brief explanation, which I think will satisfy the gentleman and the House. The case is simply this: The postmaster at Le Mars, Iowa, in January, 1894, had his office burglarized and robbed of about $500 in money and about $900 in stamps. Subsequently $500 worth of stamps were recovered, and the guilty party was prosecuted, but the Department required the postmaster to settle for the remainder on the ground that he had not confided the combination of his safe to a second person, as he was required to do. The son of the postmaster was his deputy, but the postmaster himself was taken suddenly ill while his son was away, and when night came the clerk in charge, not understanding the combination, locked the safe with a day lock only, and that night burglars came and burglarized the office; their tools were found the next morning.

Mr. LOUD. Is there a report of a post-office inspector in this case?

Mr. PERKINS. The ground upon which the Department required the postmaster to pay for the stamps was negligence. It was charged that he had not confided the combination of the safe to another person; but the evidence in the case shows that that was a mistake, and that, in fact, he had complied with the rule in that respect.

Mr. LOUD. I ask the gentleman if there is any report of a post-office inspector in the case?

Mr. PERKINS. I do not know that there is. I had a conversation with the Postmaster-General in regard to the matter myself, and he stated to me that no doubt it was a case of great personal hardship to this postmaster——

Mr. LOUD. I think it would be better to have a report from an inspector.

Mr. PERKINS. Now, you had better not object to this, Mr. LOUD—— [Laughter.]

Mr. LOUD. Mr. Speaker, I object to the gentleman appealing to me personally in this way in this case. [Laughter.]

Mr. PERKINS. Well, this is a very meritorious case.

Mr. LOUD. It may be, but this House has a right to have a report from the Post-Office officials upon all cases of this character. Perhaps the bill is right. I do not say that it is not; but the case has undoubtedly been investigated by a post-office inspector, and we ought to have his report.

Mr. PERKINS. When this one-legged soldier came to retire from the office the Department said that he must settle his accounts, and he paid over the money. There was nothing else for him to do under the circumstances. In fact, however, there was no ground for the charge of negligence against him, and there is really no suspicion of neglect of duty on his part. But, coming under the regulation of the Department requiring that the combination of the safe should be confided to a second person, it was held that he had been guilty of negligence because he had not done that, when in fact, as the evidence shows, he had done it.

Mr. LOUD. That is just the point I would like to know about, and I should like to hear the report of the post-office inspector who investigated the case.

Mr. PERKINS. The Committee on Claims has thoroughly investigated this matter and you have their report here.

Mr. LOUD. I would rather have the report of the post-office inspector who investigated it. It is very hard, Mr. Speaker, when the gentleman appeals to me personally, as he has done, to object to a bill of this character——

Mr. PERKINS. The gentleman may make a demand upon me that it is perfectly impossible to comply with, but he can not clear himself by doing that.

Mr. LOUD. Well, Mr. Speaker, permit me to say that this case has been investigated by a disinterested person, a post-office inspector, and we ought to have his report.

The SPEAKER. Objection is made.

ORDER OF BUSINESS.

Mr. CANNON. Mr. Speaker, I must call for the regular order. I move that the House resolve itself into Committee of the Whole for further consideration of the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HOPKINS in the chair.

SUNDRY CIVIL APPROPRIATION BILL.

The CHAIRMAN. The gentleman from Utah [Mr. ALLEN] is entitled to the floor on his pending amendment.

Mr. CANNON. Before the gentleman from Utah proceeds, I ask unanimous consent that we return for a moment to page 29, line 16, for the purpose of striking out the word "west," which has been inadvertently inserted.

The CHAIRMAN. In the absence of objection, that verbal amendment will be made.

There was no objection.

Mr. ALLEN of Utah. I call for the reading of my amendment.

The Clerk read as follows:

In line 4, page 52, strike out, after the word "Wyoming," the word "and" and insert after the word "Washington" the words "Colorado and Utah"; so as to make the clause read:

"*Provided*, That in the States of California, Idaho, Montana, Oregon, Arizona, Wyoming, Washington, Colorado, and Utah there may be allowed, in the discretion of the Secretary of the Interior, for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding $25 per linear mile for standard and meander lines, $20 for township and $20 for section lines."

Mr. ALLEN of Utah. Mr. Chairman, the effect of this amendment is simply to place the State of Colorado and Utah upon the same footing as the States of California, Idaho, Montana, Oregon, Wyoming, and Washington and the Territory of Arizona with respect to extra compensation for certain surveys in mountainous and heavily wooded sections of the country.

Mr. LIVINGSTON. May I ask the gentleman why these two States were not inserted by the Committee on Appropriations?

Mr. ALLEN of Utah. I can not answer that question.

Mr. LIVINGSTON. Then I ask the chairman of the committee [Mr. CANNON] why that was not done?

Mr. CANNON. If the gentleman from Utah will allow me to answer in his time——

Mr. ALLEN of Utah. Certainly.

Mr. CANNON. I will state that some years ago it was found that in the thickly timbered parts of Washington, Oregon, and California contracts for the surveys could not be made at the price fixed in the statute; and therefore the Commissioner of the General Land Office was authorized in his discretion to pay in those States the prices named in the bill. From time to time that provision has been extended to other States. The amendment proposes to extend it to Utah and Colorado. This proposition is now presented for the first time.

Mr. LIVINGSTON. May I ask the chairman of the committee whether the amendment meets his approval?

Mr. CANNON. Well, yes and no, both; that is to say, I have no doubt there are some lands, not great in extent, in Idaho and Colorado where the Department can not get the surveys made for the statutory price. The case is the same with a great portion of the lands in Washington; there is quite a small quantity, I apprehend, of such lands in Utah and Colorado.

But I am not antagonizing the amendment; it can do no harm if there is honest administration. In other words, if the Commissioner of the General Land Office will not contract for the payment of this increased price except where it is necessary the provision is proper; if, on the other hand, there should be bad administration and the Commissioner of the General Land Office should make contracts at this advanced price where it is not necessary to do so, then this legislation would be unfortunate.

Mr. LIVINGSTON. I think the administration will be all right.

Mr. ALLEN of Utah. The criticism of the gentleman from Illinois [Mr. CANNON] would apply to the whole appropriation, would it not?

Mr. CANNON. Well, to a greater or less extent. I do not care to antagonize the amendment.

The question being taken, the amendment was agreed to.

Mr. WILSON of Idaho. I move to amend by striking out, in line 45, page 51, the words "two hundred and fifty thousand" and inserting in lieu thereof the words "three hundred and seventeen thousand four hundred and eighty."

I offer this amendment primarily for the purpose of obtaining information from the chairman of the Committee on Appropriations. The estimate for 1897, under which this bill was doubtless drafted, called for an appropriation of $442,480 for this purpose. I find that the appropriations for the fiscal year ending June 30, 1896, on account of these surveys, were $375,461.21. The appropriations for this purpose under this bill are $275,000. I should like to ascertain what is the cause of this great decrease in these appropriations for a matter which I apprehend is as essential as any other embraced in the bill.

Mr. CANNON. There is no decrease in fact. The appropriation for surveys of the public lands for the current year was $250,000; and in this bill it is the same, although there is an appropriation of $25,000 for the survey of private land claims, making all together $275,000.

Mr. WILSON of Idaho. That I understand.

Mr. CANNON. That amount also was appropriated for the current year. Now, there was an appropriation of $100,000 for the current year for the survey of railroad land grants—an appropriation which has not been expended—and the Department does not ask for any further appropriation of that kind. This is a continuing appropriation. So that for the surveys of the lands proper the appropriation recommended by this bill is precisely the same amount as for the current year.

Mr. SAYERS. I should be glad to have the gentleman from Illinois state that though the appropriation of $100,000 was made for the survey of railroad lands, yet the railroad companies reimburse to the Treasury their proportion of that expenditure.

Mr. CANNON. I so understand.

Mr. WILSON of Idaho. This is a very important matter, and it has not yet been satisfactorily explained. This House ought to know all about it. As I understand, the appropriation of $100,000 is a continuing appropriation under the law.

Mr. CANNON. I so understand.

Mr. WILSON of Idaho. Then it would be carried over to the fiscal year ending June 30, 1897.

Mr. CANNON. It is only $100,000, but it does not lapse. It is a continuing appropriation until expended.

Mr. WILSON of Idaho. How is it expended?

Mr. CANNON. I am quite sure I do not know; but no estimate is submitted in connection with it.

Mr. WILSON of Idaho. Very well, then, notwithstanding that explanation, you have still a discrepancy of $42,480 according to your report.

Mr. CANNON. Oh, I did not catch on to the gentleman's point exactly. Now, touching this $100,000 the provision is:

And any money which shall be expended of such appropriation and reimbursed and paid into the Treasury is hereby reappropriated, and the said sum shall remain a continuing appropriation.

So that it can not be used for surveys of the railroad lands without reimbursement by the railroads as soon as expended and the law at once reappropriates it. So it is practically, until repealed, a continuing appropriation of $100,000, and whatever may have been expended out of it, there is just as much as when we commenced by way of reimbursement.

Mr. WILSON of Idaho. Then there still remains the $42,480 less than the amount recommended by the Department.

Mr. CANNON. Less than the amount recommended?

Mr. WILSON of Idaho. Yes.

Mr. CANNON. Oh, it is $150,000 less than the estimate?

Mr. WILSON of Idaho. No; as I understand your report, the estimate is $42,480 more than the total appropriation.

Mr. CANNON. No; the estimate was but $400,000 for surveying the public lands.

Mr. WILSON of Idaho. Well, I am reading from your report, on page 6, which shows that it is $442,480.

Mr. CANNON. There are some other items, the gentleman will find. I have a statement of the amounts here. The estimate for the surveys of the public lands was $400,000, and we recommend of the estimate the sum of $250,000.

Mr. WILSON of Idaho. Then do I understand that the appropriation is the same as last year?

Mr. CANNON. Precisely.

Mr. WILSON of Idaho. I withdraw the amendment.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For survey of private land claims in the States of Colorado, Nevada, and Wyoming, and in the Territories of Arizona, New Mexico, and Utah, confirmed under the provisions of the act of Congress entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and for the resurvey of such private land claims heretofore confirmed as may be deemed necessary, $20,000.

Mr. SHAFROTH. Mr. Chairman, in behalf of the gentleman from Utah [Mr. ALLEN], who stepped out of the Hall temporarily, I ask to offer the amendment I send to the desk.

The Clerk read as follows:

On page 52, line 24, strike out the word "and," after the word "Nevada," and insert after the word "Wyoming" the words "and Utah." Also, in the twenty-fifth line, strike out the words "and Utah" and insert "and" after "Arizona."

Mr. SHAFROTH. The object of the amendment is simply to have Utah classed as a State instead of a Territory; the object being to place that State among the list of States instead of among the list of Territories.

Mr. CANNON. That is right.

The amendment was adopted.

The Clerk read as follows:

For topographic surveys in various portions of the United States, $150,000, to be immediately available; $35,000 of which shall be expended west of the ninety-seventh meridian in the States of North Dakota, South Dakota, Nebraska, Kansas, Texas, and the Territory of Oklahoma, and at least one-third of the remainder shall be expended west of the one hundred and third meridian: *Provided*, That hereafter in such surveys west of the ninety-fifth meridian elevations above a base level located in each area under survey shall be determined and marked on the ground by iron or stone posts or permanent bench marks, at least two such posts or bench marks to be established in each township or equivalent area, except in the forest-clad and mountain areas, where at least one shall be established, and these shall be placed, whenever practicable, near the township corners of the public-land surveys.

Mr. WHEELER. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Insert, after the word "surveys," in line 3, page 55, "and in the areas east of the ninety-fifth meridian at least one such post or bench mark shall be similarly established in each area, equivalent to the area of a township of the public-land surveys."

Mr. WHEELER. This will cost but very little money, the purpose being that when elevations shall be determined by a survey they shall be permanently marked. It is strictly in the line of economy——

Mr. CANNON. Will the gentleman allow me to make a suggestion in the shape of a compromise?

Mr. WHEELER. What is it? If fair, I am willing to accept it.

Mr. CANNON. That by unanimous consent we agree to the amendment.

Mr. WHEELER. That is capital. I accept it. [Laughter.]

The amendment was agreed to.

The Clerk read as follows:

For the preparation of the report of the mineral resources of the United States, $18,000.

Mr. JOHNSON of North Dakota. Mr. Chairman——

Mr. BERRY. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

In line 16, page 55, amend by substituting the word "twenty" for the word "eighteen" after the words "mineral resources of the United States"; so as to read:

"For the preparation of the report of the mineral resources of the United States, $20,000."

Mr. CANNON. I will state, Mr. Chairman, that the quickest way to dispose of this, being within the estimate, and as on investigation it seems to be proper, is to ask unanimous consent that it be adopted without discussion.

The amendment was agreed to.

The Clerk read as follows:

For gauging the streams and determining the water supply of the United States, including the investigation of underground currents and artesian wells in arid and semiarid sections and the preparation of report upon the best methods of utilizing the water resources of said sections, $35,000.

Mr. CANNON. Mr. Chairman, I ask to make a verbal correction in line 2, on page 56. The word "report" should be "reports." I ask that the correction be made.

The CHAIRMAN. Without objection, the modification will be made.

There was no objection.

Mr. SAYERS. I would suggest to the gentleman from Illinois that he ask permission at the same time to authorize the Clerk to amend the totals of the various paragraphs.

Mr. CANNON. I think I have already secured permission to that extent. But in the event that I have not done so, I now ask unanimous consent that the Clerk be permitted to amend the totals of the paragraphs which are modified by the committee, either by increasing or decreasing the amounts.

There was no objection, and it was so ordered.

The Clerk, proceeding with the reading of the bill, read as follows:

For repairs to the buildings of the institution and for the furnishing of the new buildings provided for by act approved March 2, 1895, $3,000.

Mr. EVANS. Mr. Chairman, I offer the following amendment at this point.

The amendment was read, as follows:

Amend by inserting after the word "dollars," in line 3, on page 59, the following:

"HOWARD UNIVERSITY.

"For maintenance of the Howard University, to be used in payment of part of the salaries of the officers, professors, teachers, and other regular employees of the university, the balance of which will be paid from donations and other sources, $27,500; for tools, materials, wages of instructors, and other necessary expenses of the industrial department, $3,000; for books for library, law library, bookcases, shelving, and fixtures, $800; for material and apparatus for chemical, physical, and natural history, and laboratory, $200; for improvement of grounds and repairs of buildings, $1,000; in all, $32,600: *Provided*, That no part of the money hereby appropriated shall be paid to any teacher or professor of theology or religion, or to any chaplain in said university."

Mr. EVANS. Mr. Chairman, for many years an appropriation substantially similar to this has been made for the benefit of Howard University. It seems to me that this Congress ought not to withdraw that appropriation. While I do not desire to debate this proposition, I do desire to submit it to the House, feeling perfectly assured that it will not take this appropriation from that university.

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

REINDEER FOR ALASKA.

For support of the reindeer station at Port Clarence, Alaska, and for the purchase and introduction of reindeer from Siberia for domestic purposes, $5,000.

Mr. PITNEY. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Insert in line 11, page 59, after the word "dollars," the following new paragraph:

"UNDER THE DEPARTMENT OF STATE.

"For subscription of the United States as an adhering member of the International Prison Commission and the expenses of a commissioner, to be appointed by the President, to be immediately available, $2,000."

Mr. PITNEY. Mr. Chairman, I will state that this appropriation is urgently recommended by the Secretary of State, but the letter of transmittal, bearing the documents pertaining to the matter and containing the recommendation, was so late in arriving before Congress that it did not reach the Committee on Appropriations in time to be considered when this bill was being made up. I have in my hand a copy of this letter of transmittal, and if there is any question raised about it I will read the letter. Otherwise I will ask to have it embodied in the RECORD as a part of my remarks.

Mr. CANNON. The statement of the gentleman is correct.

The CHAIRMAN. If there be no objection, the letter referred to by the gentleman from New Jersey will be incorporated in the RECORD.

There was no objection.

The letter is as follows:

DEPARTMENT OF STATE, *Washington, March 21, 1896.*

SIR: I have the honor to lay before you, with a view to its consideration by the Congress, the report of the delegates of the United States to the Fifth International Prison Congress, which was held at Paris, France, in July, 1895.

It presents a comprehensive statement of all that transpired on that occasion, and contains much valuable information that might profitably be considered with a view to the alleviation of certain phases of human misery without sacrificing any of the absolute prerequisites to or guarantees of social order.

In connection with this report Gen. R. Brinkerhoff, president of the American delegation, has submitted to the Department, under date of the 19th instant, a request from the International Prison Commission, which is the executive and permanent arm of the congress, that the Government of the United States be represented by a delegate in its organization. Although this Government suggested and founded the International Prison Congress, it does not contribute anything toward its expense and has never had a representative on the permanent Commission. Even the delegates from this country, who have been commissioned by this Department and who have attended the quinquennial meetings of the congress, have uniformly borne their own expenses, with the single exception of the late Dr. E. C. Wines, for the payment of whose expenses Congress made provision.

The subscription to the International Prison Commission is based upon the population of the countries represented, being $5 per 1,000,000 inhabitants. Assuming the population of the United States to be 65,000,000, the annual subscription would be but $325, or $1,625 for the five years. The money thus received by the International Commission is expended in the publication of monographs, bulletins, reports, and the proceedings of the International Prison Congress, which are sent to the Governments in proportion to their subscriptions.

The Commission holds a meeting every alternate summer in Switzerland, and the appropriation of the United States should properly include the expenses of the delegate from this country. Thus, an annual appropriation of $2,000 would not only defray the subscription of this Government toward the support of the Commission, but also the expenses at home and abroad of the United States commissioner.

It may be observed that the rules of the Commission do not require that any delegate shall commit his Government to any action taken by the Commission; it simply secures the support and cooperation of the different nations represented in the study of the great problems relating to the suppression of crime, the protection of society, the proper treatment of the criminal, the moral rescue of children, the organization of every means for preventing the discharged prisoner from relapsing into the life of crime.

The American delegation feel very strongly the importance of acceding to the request of the International Prison Commission, not merely because the Government of the United States appears to be morally bound to support an international enterprise which it practically inaugurated, but because the American people may reap the greatest benefit from so doing. The International Prison Congress is a great humanitary movement. It is not confined, as its name might suggest, merely to the question of administering prisons, but to the whole subject of the prevention and treatment of crime in all its aspects. In this broad aspect of the case it strongly appeals for sympathy and aid, to the end that the work may be prosecuted under the most favorable and most advantageous conditions.

In view of the considerations herein advanced, of others equally cogent that may be found from a careful reading of the correspondence, of the recommendation of the American delegation, and of the formal request of the International Commission, I strongly urge that the sum of $2,000 annually be appropriated for the subscription to the Commission and for the expenses of the American member thereof.

If possible the appropriation desired should be included in the sundry civil bill or in some other available form.

I have the honor to be, sir, your obedient servant,

RICHARD OLNEY.

Hon. ADLAI E. STEVENSON,
Vice-President of the United States.

Mr. HITT. Mr. Chairman, the substance of that amendment was communicated by the Department of State to the Committee on Foreign Affairs with a favorable letter. This is a matter that was initiated by our Government many years ago. The provision is simply to provide for our representation in the International Prison Commission of the International Congress, that congress having been begun and organized by the United States. Dr. Wines, an eminent American citizen, whom I met when he was abroad, engaged in and enthusiastically devoted to that great work, was the earliest inspiring advocate of the cause. For us to abandon it now would seem to be inconsistent. The amendment provides only for the expense incurred by our representation on the Commission and does not give any person any money in the way of salary.

Mr. PITNEY. That is correct, Mr. Chairman; it carries no salary.

The amendment of Mr. PITNEY was agreed to.

Mr. BARTLETT of New York. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

On page 59, after line 11, insert:

"UNDER THE DEPARTMENT OF STATE.

"For copying and preparing for publication the Revolutionary archives, including the papers and records of the Continental Congress, under the direction and control of the Secretary of State, $10,000."

Mr. CANNON. Mr. Chairman, to that amendment I make the point of order that it is not authorized by law, and therefore it is in conflict with the rules.

Mr. BARTLETT of New York. I ask the gentleman from Illinois to reserve his point of order until I can present the matter.

Mr. CANNON. I shall be very glad to do so.

Mr. BARTLETT of New York. And I ask the chairman of the committee to allow me ten or fifteen minutes.

Mr. CANNON. I ask unanimous consent that the gentleman have fifteen minutes.

There was no objection.

Mr. BARTLETT of New York. Mr. Chairman and gentlemen of the committee, for once I believe I shall advocate a proposition which will receive the approval of nearly every member of this committee, whether he be a Democrat or a Republican, because I come to you on the ground of patriotism and in behalf of the preservation of those historical manuscripts which form our common heritage, coming down to us from the formative period of this Republic. It is now, Mr. Chairman, nearly eight years—that is, on the 12th day of April next it will be eight years—since the President of the United States transmitted to the Congress of the United States a letter recommending that measures be taken for the preservation and publication of the Revolutionary archives. The message sent by the President of the United States transmitted also a letter from the then Secretary of State, Mr. Bayard, and many letters received from various parts of the country, from scholars all over the country, advocating the plan which had been suggested by Mr. Bayard. It was only last year, in 1895, when a second letter was transmitted to Congress by Mr. Gresham, then Secretary of State, advocating the adoption of some consistent plan for the preservation and publication of these manuscripts.

Now, what are they? You will remember that the preliminary period before the entering of the United States Government on its new form under the Constitution of 1787 extended from the 5th day of September, 1774, the day when the delegates of the various provinces or colonies assembled in Carpenter Hall, at Philadelphia, until the 4th day of March, 1789, when the new Government went into being. This formative period may be divided into two subdivisions: The first from September 5, 1774, until the adoption of the Articles of Confederation on the 8th day of July, 1778; and the second term embracing all the years of the Confederation; that is, the whole period in which we were governed by the Articles of Confederation, and ending with the practical coming into operation of the Constitution of 1787.

Mr. WATSON of Ohio. Is there a bill pending before the House embodying your idea?

Mr. BARTLETT of New York. There is an amendment proposed to the sundry civil bill, which has been read by the Clerk, which provides for an initial appropriation of $10,000 for copying and preparing for publication these Revolutionary archives.

Mr. WATSON of Ohio. Well, I am very much in favor of the amendment, but what I ask is, Is there an independent bill before the House?

Mr. BARTLETT of New York. No, sir; this work is to be provided for now.

The Revolutionary archives consist of two classes of papers. The first are the journals of what is termed the Continental Congress—the journals of the Congress of the Colonies or of the United States from 1774 to 1789—and all the records of the various departments of Government, which were then kept under the control of Congress. For you must remember, gentlemen, that the only central authority in our early Government was the Congress of the United States. All central executive power was vested in the Congress and in the various departments of the Government under Congress.

The other papers are the papers of Washington, of Franklin, of Hamilton, of Jefferson, of Madison, and of Monroe, and these papers in all amount to some 50 volumes—that is, the scheme of publication embraces 50 volumes of 800 pages each. The total cost of the work of publication is estimated at $100,000, but all that can be utilized within the present fiscal year will be the sum of $10,000. The first thing to be done is to have the historical manuscripts copied, and the second thing is to have them prepared and edited for publication.

Now, only two objections have been made to this proposition. The first objection is that there is no urgency. That is a mistake. I have the statement of Mr. Gresham that it is most urgent that these papers be preserved at once, and that the only way to preserve them and properly guard them is to copy them. The other objection is that there is a great mass of manuscripts, and certain papers should be selected for publication. It is the opinion, not only of the Secretary of State, but of all historical scholars, that it will not answer to have a fragmentary publication; but that all the documents must be published. In support of that view I call the attention of the committee to the value of the publications of papers which are now being made in Great Britain.

I ask for order, Mr. Chairman.

The CHAIRMAN. The point of the gentleman is well taken. The committee will be in order.

Mr. HEPBURN. Before the gentleman enters upon this branch of the discussion, I want to ask him what is the size of the edition that is contemplated by an expenditure of $100,000; how large?

Mr. BARTLETT of New York. I do not go into the question of publication to-day, but I offer my amendment only because it is important that these papers should be copied. These papers are falling to pieces, and they must be copied, because they were bought for the people of the United States. Every scholar and every student who goes to the State Department has the right of access to and examination of these papers; and in point of fact they are falling to pieces and in danger of absolute obliteration. What I ask for to-day is that we may have enough money appropriated to copy them and let the question of their printing and publication come up in the future; but I will state clearly that my

object is ultimately to secure their publication. This is from the letter of Mr. Gresham in 1895. He says:

There is, it seems to me, an urgent need for adequate provision for this work, for the reason that under present conditions the papers are liable to serious injury and defacement.

Mr. HEPBURN. I understood the gentleman to say that the estimated cost of this work that he proposes to enter upon was $100,000, and that the edition would consist of six volumes. Now, how many copies of each volume does he expect to produce for $100,000?

Mr. BARTLETT of New York. If the distinguished gentleman from Iowa will allow me, I will read the estimate in detail:

Of these the first 1,000 copies, bound in cloth, would cost $100,750. Each additional 1,000 copies would cost $22,750. The rate per volume would be $2,015 for the first 1,000 copies, and $445 per each additional 1,000 copies. The cost of a single copy of a volume of the first edition of 1,000 would therefore be about $2, and for a single copy of the subsequent editions of 1,000 copies each 44½ cents.

Upon this question of expense I want to call the attention of the committee to the fact that we have spent enormous sums for the publication of the records of the Union and the Confederate armies—I believe the appropriation for that purpose in this very bill is $145,000. We are appropriating large sums for the publication of the naval records; we are appropriating enormous sums every year for the preservation of rock and hill and vale, that can not be obliterated, upon all our battlefields. And yet, Mr. Chairman, a point of order is raised here against an appropriation for the preservation of the muniments of our early history, these invaluable historical manuscripts. But before arguing the point of order I want to say one or two more words upon the merits of this proposition. The British Government for many years has been engaged in the publication of several series of original historical manuscripts. They publish a series called the Domestic Series, of which I have a volume on my desk. These volumes include state papers extending as far back as the reign of Edward VI, and the publication has already come down as far as the time of Charles II. There is another series called the Foreign Series; there is another called the Colonial Series; there are one or two volumes of a Scottish series, and there is also a calendar of Irish state papers. Thus far there have been published over 100 volumes of these records. A similar course has been followed by France, and I believe it will be ultimately adopted by every civilized Government. Now, certainly, if anything can be of interest, of importance, and of value to the people of this whole country, it is the preservation of our Revolutionary archives.

A word now as to the point of order. I say that a point of order can not be maintained against this appropriation, for two reasons. In the first place, what does this amendment propose to do? It proposes to appropriate $10,000. For what? For copying and preparing for publication the archives of the Revolution, including the records and papers of the Continental Congress. I submit to the chairman of this Committee of the Whole that under existing provisions of law the Secretary of State, or the Department of State, has full power and authority to copy any records in the custody of that Department, and that such power has existed or subsisted in that Department ever since July 27, 1789. The Chair will recollect that on that day an act was passed by the Congress of the United States transferring all the papers and records then in the custody of the department for foreign affairs to the new Department of State, and in that act it is provided that the custody of all those records shall be in the Department of State, and that for copying the records there shall be allowed a certain fee, to wit, 10 cents per folio.

Now, there can not be a fee for copying fixed by statute unless there be the power to copy the papers for the copying of which the fee is to be exacted. More than that, I say there is an inherent power in every Department of this Government to copy any of the records in its custody, and I insist that the only limitation on that power is the amount of money which can be made available. But more than that, Mr. Chairman, I call attention to the Revised Statutes of the United States, Title V, Department of State. Section 203 provides that the Secretary of State shall have the custody of all these records, and section 213 provides that for making out and authenticating copies of the records in the Department of State a fee of 10 cents for each sheet containing 100 words shall be paid by the person requesting such copy.

But aside from these provisions of the Revised Statutes, and of the act of 1789 incorporated into the Revised Statutes, I say that there are special appropriation bills or items in appropriation bills which demonstrate beyond doubt that this is a public object already in progress and that this appropriation would be merely a continuance of a public work already in progress. What is my authority for that? It is this: In 1789 certain acts were passed giving custody of all the public records to the new Department of State. The next legislation that we find bearing upon the subject is the act of 1834, which appropriated $25,000 for the purchase of the papers of George Washington. That was followed in 1848 by a further appropriation of $20,000. We find various other acts of like tenor and effect. For instance, under the act of May 31, 1848, the papers of James Madison were purchased and the sum of $25,000 was appropriated therefor. Under the act of August 12, 1848, the papers of Thomas Jefferson were purchased for $20,000, and an appropriation of a like sum was made for the purchase of the papers of Alexander Hamilton. Again, as late as August 17, 1882, the papers of Benjamin Franklin were purchased, or an appropriation was made for their purchase, at a cost of $35,000. Other appropriation bills appropriated $14,000 for restoration, mounting, and binding. Thus we find that by previous acts of Congress $157,000 in all has been appropriated for the purchase of these historical manuscripts, and $14,000 for their restoration, mounting, and binding.

In the sundry civil appropriation act of 1894 there was inserted a provision directing the Secretary of State to do what?

To cause the Revolutionary archives, except the military records now deposited, to be carefully examined and to ascertain what portion are of sufficient importance and historical value to publish.

Now, I say that under these various appropriation acts and the other acts referred to we find a system looking to certain ends. What ends? In the first place to secure to the people of the United States the Revolutionary archives. For what purpose? To lock them up in the vaults of the Department of State and to deny to the scholar, the student, or to any citizen the right of access to those documents? Why, sir, the very appropriation of these large sums of money implies the purpose and intent of Congress that these papers should be preserved for the great body of the citizens of the United States. It would be futile to appropriate $157,000 for the purchase of historical manuscripts if the people are to be denied access to those manuscripts.

I call the attention of the Chair and of the distinguished gentleman from Illinois, the chairman of this committee (who I sincerely trust will not press his point of order), to the fact that in one of these appropriation acts to which I have referred there is a specific appropriation made for printing and publishing. The act which makes double provision for the purchase of the papers of Thomas Jefferson and the papers of Hamilton—the act of August 12, 1848—provides "for paying to Thomas Jefferson Randolph, executor of Thomas Jefferson, deceased, the sum of $20,000 for all the papers and manuscripts of said Thomas Jefferson;" then for printing and publishing the said papers and manuscripts the sum of $6,000 is appropriated. Then, again, a like sum is appropriated for purchasing and printing under the same conditions the papers and manuscripts of Alexander Hamilton. So that if the amendment which I now offer should fail, I could introduce an amendment providing for copying, printing, and publishing all the papers of Jefferson and Hamilton; and if my amendment were limited to those, no point of order could be made against it. I ask the distinguished gentleman from Illinois, the leader of my committee and in many respects my leader on all these questions of appropriations, whether, in view of the fact that no point of order would lie against the more restricted amendment—that is, an amendment providing an appropriation for copying, printing, and publishing the works of Jefferson and Hamilton—he will insist on his point of order, and cut off the papers of Washington, Franklin, Monroe, Madison, and the Journals of the Continental Congress itself? [Applause.]

Mr. CANNON. Mr. Chairman, I desire only to say that in my judgment the point of order is well taken. I have listened with great interest to the remarks of my colleague on the committee, the gentleman from New York [Mr. BARTLETT], in his history of the appropriations made by Congress for these various purposes since 1789; but, sir, the rule which we have adopted touching legislation on general appropriation bills is not quite so ancient. It dates back to some time in January or December last—I am not sure which—and it prohibits any legislation on a general appropriation bill, and any appropriation on such a bill, unless it be authorized by law. Now, it is not necessary to multiply words. The language of the amendment itself appropriates this sum for what? For preparing for publication certain documents. I do not think I could make the matter any plainer if I should talk an hour.

The CHAIRMAN. The Chair is in entire sympathy with the amendment of the gentleman from New York; but if the point of order is pressed the Chair feels constrained to sustain it, and must rule the amendment out of order.

Mr. BARTLETT of New York. Then I offer the following amendment:

For copying, printing, and publishing the papers and manuscripts of Thomas Jefferson and Alexander Hamilton, $15,000.

Mr. CANNON. Upon that amendment I make the point of order that such an appropriation is not authorized by law and therefore comes within the inhibition of Rule XXI.

The CHAIRMAN. Does the gentleman from New York [Mr. BARTLETT] desire to be heard further?

Mr. BARTLETT of New York. I wish to be heard for a moment. The act of August 12, 1848, makes a distinct appropriation for printing and publishing the papers of Jefferson and Hamilton. That act at that time became existing law. This amendment is a continuation of an appropriation made in 1848.

Mr. CANNON. Is the work still "in progress"?

Mr. BARTLETT of New York. Yes, sir. I can say that this work is still in progress. I am assured by the State Department that there is now being printed and published a part of these records in the form of bulletins; and I am therefore surprised that my distinguished friend urges the point of order.

Mr. BINGHAM. Where does the Department get the money with which to do that?

Mr. BARTLETT of New York. It uses what little money it has at its disposal. But there is no doubt in the State Department of its power to publish these records.

Mr. BINGHAM. Why, then, does it not go on and do so?

Mr. BARTLETT of New York. The power of the Department is limited only by the money at its disposal for this purpose. I am asking only for an appropriation.

Mr. CANNON. Will the gentleman allow me to say that the State Department, I think, is something like Tennyson's brook: "Men may come and men may go," but it can go on with its work perhaps forever. But I am not yet prepared, even with the statement of the gentleman from New York, to believe that an appropriation made in 1848 (that, if we had the rules we now have in operation, would have been subject to the point of order on an appropriation bill) to publish the works of Thomas Jefferson is a public work still "in progress," in the language of the rule, and as such not subject to the point of order.

That is all I desire to say. I ask the ruling.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Illinois.

The Clerk read as follows:

Buildings and grounds in and around Washington——

Mr. SAYERS. Mr. Chairman, I have an amendment I desire to offer at this point.

The Clerk read as follows:

On page 61, after line 15, insert:
"For the purchase of the house on Tenth street northwest, between E and F streets, in the city of Washington, where Abraham Lincoln died, $30,000, or so much thereof that may be necessary; for repairs of said building after purchase, $1,000; in all, $31,000."

Mr. SAYERS. I ask the adoption of this amendment because——

Mr. CANNON. Will the gentleman from Texas allow me a moment?

I had supposed that any amendment that might be offered to this bill which was subject to a point of order would meet my opposition, and that I would feel compelled, in pursuance of my duty to the committee and to the House, to raise the point of order upon it. But for several years I have myself investigated this matter, and I may say that it has been investigated by the committee at this session of Congress, and after I have called attention to the fact that it is undoubtedly subject to the point of order, still, considering the nature of the amendment offered by the gentleman from Texas, I feel that if I have apparently misstated my action touching points of order in connection with the bill, the committee will deal leniently with me, and therefore, so far as I am concerned, I will not make the point of order against this proposed appropriation.

Mr. SAYERS. Then, Mr. Chairman, I trust the amendment will be adopted.

Mr. BARTLETT of New York. I would like to reserve the point of order, unless I waive it by permitting debate to proceed.

The CHAIRMAN. The Chair will regard the point of order as reserved if the gentleman desires it.

Mr. SAYERS. I wish to state, Mr. Chairman, to the committee that this building in which President Lincoln died is now under the care of an association organized for that purpose in the District of Columbia. That association has been paying rent to the owner of the building for a number of years past.

The gentlemen who now have charge of this building were before the Committee on Appropriations recently, and stated that they had about exhausted their means. They have, however, as I understand, an option on the purchase of the building at what is regarded a fair price; and we were told that the amount stated in the bill was regarded as a fair marketable price for the property. In this building are stored very many articles which were the property of Mr. Lincoln, and it is now being used as a museum, to which the public generally have access.

I hardly think it necessary for me to say anything as to the propriety of making the proposed appropriation. It commends itself to the patriotism of the country. It is not an extravagant appropriation. I have only to say further that no more meritorious appropriation of a similar character has, in my judgment, passed the House since I have been a member of it.

I trust the gentleman from New York will not insist upon the point of order.

Mr. BARTLETT of New York. Mr. Chairman, I do not know whether we have any rules of consistency in the practice before this House or not. When we find the distinguished chairman of the Committee on Appropriations stating that this appropriation is clearly subject to the point of order, but not insisting upon it, and having, but a few moments ago, pressed his point of order against an amendment relating to our common heritage which has come down to us from the Revolutionary epoch, we may well ask ourselves the question whether there is any consistency or not. The gentleman gives way for the purchase proposed by the amendment of the gentleman from Texas—of what? A little brick house on one of the side streets of this city up here.

Now, sir, I yield to no man in my admiration for Abraham Lincoln. I think he was one of the greatest men that ever lived in the United States of America, and second to none, not even to George Washington himself.

A MEMBER. What is before the House?

Mr. BARTLETT of New York. I am speaking to a point of order.

The CHAIRMAN. A point of order has been made on the amendment of the gentleman from Texas by the gentleman from New York.

Mr. BARTLETT of New York. Now, Mr. Chairman, when I was interrupted by the gentleman I was addressing myself to the consideration of the question of order. I understand that it is the rule of the House that no appropriation shall be germane to any appropriation bill or be considered as an amendment to an appropriation bill for a public work or object not already in progress. It may very well be that a bill providing for the purchase of this house in which President Lincoln died would at once pass the House. I have no doubt of that. I for one would support it and vote gladly for such a proposition. But I believe in a uniform system of legislation here. I do not believe in tacking this amendment on an appropriation bill, ruling it to be in order, or at least not making the point of order against it, while amendments of a precisely similar character are objected to on that score by the gentleman in charge of the bill.

I think, therefore, that I should press the point of order, under the circumstances.

The CHAIRMAN. The Chair is ready to rule upon the point of order.

Mr. SAYERS. Let me ask the gentleman from New York not to press the point of order.

Mr. BARTLETT of New York. Very well, Mr. Chairman; I will withdraw the point of order.

The question being taken on the amendment of Mr. SAYERS, it was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For electric lights for three hundred and sixty-five nights for 24 posts in Lafayette, Franklin, and Judiciary parks, at 28 cents per light per night, $2,452.80: *Provided*, That all wires shall be placed under ground, and that the conduits, wires, lamp-posts complete, shall be furnished by the electric light company without expense to the United States, and that 28 cents per lamp per night shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in the parks mentioned.

Mr. HEPBURN. Mr. Chairman, I desire to ask the chairman of the committee if this electric-lighting system for the parks named in this paragraph is as cheap as the old system of gas lighting?

Mr. CANNON. I will say to the gentleman that we inquired touching the lighting of the grounds about the Capitol, from here to the Congressional Library and from here to the Avenue, and we found that for the lights provided for in this bill, which will furnish a far better illumination than is now being furnished, the cost, as we are informed, is about $8,000 for the gas, and it will be between $5,000 and $6,000 for the electric lights.

Mr. HEPBURN. Then, Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

On page 65 strike out lines 8, 9, 10, and 11 and the word "cents" in line 12, and insert in lieu thereof the following:
"For electric lights for three hundred and sixty-five nights, for not exceeding 32 posts, in Lafayette, Franklin, Judiciary, and Lincoln parks, at 28 cents per light per night, $3,270.40."

Mr. CANNON. I will say to the gentleman that that is a continuation of the provision which the committee recommends as to Lafayette, Franklin, and Judiciary parks, and extends it to Lincoln Park. It also says "not exceeding 32 posts."

Mr. HEPBURN. Yes.

Mr. CANNON. It may be that that many posts will not be necessary. I think the amendment is wise, and I see no objection to it.

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

MILITARY POSTS.

For the construction of buildings at, and the enlargement of, such military posts as in the judgment of the Secretary of War may be necessary, $300,000.

Mr. HYDE. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Amend by adding, after line 19, page 67, the following:

"*Provided*, That of the sum above appropriated, $75,000 shall be expended by and under the direction of the Secretary of War for beginning the construction of permanent buildings providing for sewerage, water supply, roads and other means of communication, and other necessary improvements at the United States Army post at Spokane, in the State of Washington."

Mr. HYDE. Mr. Chairman, I have not taken up much of the time of the committees in the consideration of the various bills which have passed the House, and I now ask unanimous consent that I may have fifteen minutes in which to present this amendment.

Mr. CANNON. That is right.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Washington be allowed fifteen minutes in which to discuss the pending amendment. Is there objection?

There was no objection.

Mr. HYDE. Now, Mr. Chairman and gentlemen of the committee, I desire to say that this is an amendment which does not increase the appropriation. It is an amendment which, so far as I have learned parliamentary law since coming here, I believe to be in entire accord with the system of doing business in the House, and not subject to any point of order. I wish to say to the gentlemen of the committee also that it has never been rejected by the Committee on Appropriations. It was thought best to present the matter here at this time, and I ask of the committee a patient consideration of what little I will say upon the subject.

It appears, Mr. Chairman, that away back in 1882 General Wheaton, as well as Captain Symons before that time, were much impressed with the value of Spokane as a place for a permanent and large military post. They have urged it from time to time in their reports made to the War Department, and finally, in 1894, Congress passed an act authorizing the establishing of a military post at Spokane, if the people of that city would donate to the United States, free of cost, 1,000 acres of ground. The statute reads as follows:

That upon the transfer and conveyance to the United States of a good and sufficient title to not less than 1,000 acres of land without cost to the United States, situated at or near the city of Spokane, in the county of Spokane, in the State of Washington, and on or near a railroad, and constituting an eligible and suitable site for an army post, if approved and accepted by the Secretary of War for that purpose, then and thereupon the Secretary of War is hereby authorized to establish and locate on said land a United States Army post of such character and capacity as the Secretary of War shall direct and approve.

In pursuance of that act the people of Spokane have gone to work and in these hard times have expended more than $20,000 in clean cash to procure a site for that military post. The site is beautifully located. A part of it had been platted into an addition to the city of Spokane, and the raising of this $20,000 was but a small part of the hard work that they performed.

If gentlemen will bear with me for a moment, I will show you the location of the post by reference to this chart, a bird's-eye view of Spokane and surroundings. You will see that the site is a beautiful one, overlooking the city. The Secretary of War, on the last Fourth of July, was there with his aids, and rode over the tract of land which has been donated by the people of Spokane to the United States. He said it was the most beautiful site for a military post there was in the United States, with the possible exception of West Point. He said that after being there and seeing it himself.

Mr. ALLEN of Utah. I should like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Utah?

Mr. HYDE. Certainly, I always yield to the gentleman from Utah.

Mr. ALLEN of Utah. Had the Secretary of War visited Salt Lake when he said that?

Mr. HYDE. Well, he went there afterwards. He had not been there then. [Laughter.] I said, Mr. Chairman, that part of that tract had been platted. It was owned by hundreds of different owners, and yet the title to all that property was secured in exchange for other property and turned over to the Government; and that property has cost the people of Spokane $50,000. There are 1,022 acres of it. It has over 4 miles of river front, and is one of the most beautiful sites in the world. In the very near future that 1,000 acres will be worth $100 an acre, which is $100,000. The city has made a grant to the United States of water for ninety-nine years at $1 per year, which is practically free, and enables it to connect with the city waterworks.

Now, I want to show you something more in regard to where this army post is situated, and to talk to you about another Schomburgk line, one that is far more important, and it is definitely fixed. Here is the city of Spokane, 20 miles from Idaho [illustrating]. Here is a railway [illustrating] that runs up to the British line, which is only about 75 miles to the north. To-day you may go from here [indicating] east or west on the Great Northern Railway, and this post, you will understand, gentlemen, is located at such a point that troops can be sent out on the most northerly line of railroad in the United States. And remember this, gentlemen, that probably not for fifty years will there be another line of railway between the British line and the Great Northern Railway.

This is a great railroad center. Spokane has more lines of railway running into it than any other city west of Denver, Minneapolis, and St. Paul. They reach out in every direction. There are four transcontinental lines centering in Spokane; the Great Northern, the Northern Pacific, the Union Pacific, and the Canadian Pacific are connected here. It is about 75 miles from the British line; near enough, they tell me at the War Department—as near as they would like to have a post. That is the line that I wish to speak of. That line, in my opinion, is a greater menace to the future of this country than all the foreign questions we have discussed in this House during this session. Canada is all very nice with 5,000,000 of people; but, Mr. Chairman, what shall we say when she has 50,000,000 of people, which is coming on to be a great fact in the future? Canada as an independent country would live side by side with the United States to the benefit and glory of both, but as a possession of Great Britain I say it is a menace to the future of this country. It can not stand. We shall have one vast ocean-bound republic or two independent nations.

This post has been established at a place which is both desirable and necessary. Now, I wish to say a few words more. The Secretary of War, in his report, has said of this post that the ground has been accepted. I have the letters here. The title has been approved; the deed has been accepted by the United States and placed on record. It is deposited in the office of the Secretary of War. Everything has been done, Mr. Chairman, except to spend some money in the erection of this post. I have all the correspondence here. I will not take time to read it.

But it may be said, Mr. Chairman, on the other hand, here is a general appropriation of $300,000. Very well. I want to say that General Schofield, in reports which I have here and which I will ask to have printed in the RECORD, has recommended the appropriation. General Otis has recommended it, and his report has been approved by General Schofield. In other words, Mr. Chairman, there is not a dissenting voice anywhere. "Well," they would say, "what is the matter, then?" Well, the War Department asks for an appropriation of $1,000,000, but the committee, in its wisdom, only appropriates $300,000.

Now, then, I say that, the people of Spokane having performed their part of the contract, there is an obligation on the part of the United States to proceed with the work. This committee is the lawmaking power of this House; and it ought not to be left to the ministerial officers of the Government to perhaps divert this money and begin the construction of posts that have been authorized by statutes passed later than the one which authorized this post—passed later and located later, if you please, Mr. Chairman, than the location of this one.

Now, it seems to me there can be no objection; and for that reason I ask that this sum, or, if in the opinion of the chairman of the committee he can not allow the sum of $75,000, why not allow $50,000, showing the good faith of this House? I want to say further that I hold in my hand a letter from the honorable Secretary of War, stating that if the appropriation is made they will expend the sum of $75,000 upon this post this year; and that is why I have fixed the sum at $75,000, the same sum that the Secretary of War has said they could profitably expend during this year.

The following is what is stated in the Annual Report of the Secretary of War for 1895:

The policy of concentrating the Army and abandoning unnecessary posts has not only won the approval of all those acquainted with the lines of progress which conditions have marked out for our Army, but is approved by all thoughful citizens. It has been shown that sufficient bodies of troops can be transported for service to any necessary point in shorter time and at less cost than under the old system, that the area under effective military protection is consequently much larger, and that all elements of expense have been perceptibly reduced.

This policy has also rendered it possible for this Department since March 4, 1893, to turn over to the Department of the Interior 741,000 acres of public land, conveniently situated, for the use of actual settlers. At the present time there are 18 posts whose garrisons exceed a full regiment, while 30 stations are garrisoned by less than a battalion. This policy, with everything to commend it, should be steadily pursued.

Agreeably to the act of Congress the Department has accepted from the citizens of Spokane, State of Washington, a tract of land embracing 1,022 acres for military purposes. Eventually this should be availed of by the erection of barracks and quarters to take the place of some of the posts in that vicinity which, under the conditions following the development of the country, are not well located for present needs.

The following correspondence covers the reports of the officers of the Army in relation to the post:

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Vancouver Barracks, Wash., July 24, 1894.

SIR: On the 13th instant I forwarded to your office a report of my recent inspection of the post of Fort Sherman, Idaho, which was in answer to a communication suggesting a removal of department headquarters to the city of Portland, for the purpose of giving additional shelter to troops at Vancouver Barracks, as then appeared to be necessary on account of the supposed destruction of Fort Sherman by the spring floods.

In that report I suggested that, in case Fort Sherman should be discontinued, the city of Spokane offered the greatest advantages of any point within the department for a permanent military station, and remarked that the city "is the strategic point throughout that section and recent experience has clearly demonstrated its importance. While there during the latter part of last month, the citizens expressed a great desire that a post should be located in or contiguous to the city and a willingness to contribute suitable grounds." I stated that I overlooked some of the locations which they informed me might be offered to the Government for such a purpose, and in that connection further remarked as follows: "One such was viewed which was about 3 miles below the center of the city, located on the opposite side of the Spokane River and on the line of the Great Northern Railway. The property is held at a high figure, but the citizens thought that they might obtain and connect it with the city water supply. It might be advantageous to hold this proposition in reserve for future consideration, as I believe when money is available for the construction of a new post within the present department lines Spokane or its near vicinity will be determined on as the place to build it."

In connection with the above subject I have the honor to transmit herewith the proposition of representative citizens of Spokane, accompanied by a railroad map of the section of country tributary to that city, also a blue print showing the manner in which the city has been laid out or plotted. The proposition contains a presentation of the military advantages which would result from the establishment of a permanent post within or in near contact to the place, and so ably discusses the subject that further comment is unnecessary.

The 640 acres mentioned therein embrace the site to which I particularly invited attention in my report of the 13th of the month, from which I have above made quotation, and its location is northwest of the city, or in its northwestern extremity, beyond the Spokane River, and is well represented upon the accompanying blue print. By reference thereto it will be seen that it is situated in the bend of the river and is connected with the city by a single bridge. The river, which here has a deep channel, constitutes one-half of its boundary. I did not make a close inspection of the ground by passing over it, but viewed it from the bridge, which is probably 100 feet above the bed of the stream; and this after I had casually observed other proffered sites, one of which is a stony, barren plain, up the river, about 4 miles from the business center of the city, and between the river and the Northern Pacific Railroad.

This location would be dependent upon the city for water and is deficient in sewerage necessities. Another proffered site is about 6 miles to the northeast of the town and near the outer terminus of the street railway shown on the map. It is on the line of the Great Northern Railroad, has good soil, and some good natural advantages, but is dependent upon springs for its water supply. Another is to the south of and near to the city, three or four hundred feet above it; is reached by a road of very steep ascent, and is also watered by springs. The point would be a desirable one were it not for its elevation, its distance from railway facilities, and the precarious nature of continued sufficient water privileges.

The site which the town offers has complete water, sewerage, and drainage conditions. The flow of water in the river is abundant and eternal. The pipe line of the city water system can easily be thrown across the bridge to the highest point of the land marked for the Government reserve. The first bench of land skirted by the river is about 50 feet above it and is admirably adapted for quartermaster buildings, corals, and storehouses of the various staff departments. The second bench, some 50 feet above the first, is of sufficient dimensions to contain all the buildings needed for quartering a large garrison. The wooded grounds beyond are easy of ascent and not much elevated, as may be readily supposed from the fact that they are traversed by the Seattle, Lake Shore and Eastern Railway.

All this land has good natural drainage and can be sewered at light expense—the sewage thrown into the river, which is not objectionable, as the point is below the city. The railroad facilities which are presented can not be excelled. The Great Northern road crosses the river at good distance below and out of sight of the bridge connecting the site with the city, and skirts the low land along the river and within the proposed reservation lines. A station within the reserve could be reached by a good wagon road of very easy grade, and as located the railroad would not endanger the buildings of the post by reason of fire. I do not know what facilities the grounds offer for target requirements, but am of opinion that they are adequate and excellent.

A supposed objection to the location might be urged because of its nearness to the business center of Spokane. I look upon that as one of its main advantages, isolated therefrom as it is by its natural features. The city does not extend its growth to that neighborhood, but off to the north and east. To the northeast its development has been rapid and continuous, and it will continue to build in that direction. This is isolated 640 acres is, in fact, well removed from city disturbances and more than half of its exterior line is protected from encroachment by its natural barriers. Situated as it is, it would present for officers and enlisted men school, business, and social benefits, and would not inflict any more demoralization upon troops than if located 10 miles beyond the city confines.

This proposition of the citizens of Spokane is extremely liberal. The ground offered has great natural beauty, has been used as a suburban park, and its pecuniary value is estimated at a high figure. In presenting it I am influenced by the recently ascertained knowledge that Fort Sherman must sooner or later be abandoned, because the possible overflow of the Coeur d'Alene Lake at any time renders its tenure very precarious, and further by the great importance of permanently maintaining troops in that section of country. By the establishment of a large military post in the city of Spokane, Forts Sherman, Spokane, and Wallawalla could be abandoned, although the latter, by the recent transactions between the Oregon Railway and Navigation Company and the Great Northern Railroad, has been placed upon one of the main railroad routes of the Northwest. By the establishment of such a post all points in northern Idaho and the State of Washington to the Cascade range of mountains could be quickly furnished with military protection when necessary.

An attempted removal of troops from northern Idaho might be met with opposition from the citizens of that State as endangering the safety of the inhabitants of its mining regions and their railroad connections. In fact, however, a military force at Spokane would hold the key to all their endangered points much better than if stationed at Fort Sherman or at any other place. As regards southern Idaho, the emergencies of the past three months indicate the importance of Boise Barracks, and the impression which has generally prevailed in military circles as to the uselessness of that post must be modified. It is a convenient point for a garrison of four companies, and it could be made to accommodate a force of that strength at a very moderate expenditure. Its water problem appears to be solved through the efforts of the Boise City authorities, who have placed an extended pipe line from certain distant springs to the city, which passes through the military reservation and discharges into the Government reservoir, as reported, 86,000 gallons of water daily.

This project when proposed was remarked on at the headquarters as one which required Congressional action, since it created an easement in the reservation land. I was not aware then that this difficulty had been met by the act of Congress of 1891, and its subsequent amendments, under which common-law riparian privileges had been greatly augmented. While at Boise Barracks the party who had proposed to place this pipe line met me with a communication from the Quartermaster-General showing that his proposition had been accepted. He stated that he had laid his pipe to the reservation line, but that the post commander could not permit him to enter it until he had received the requisite authority; that his force was on the ground, and that it would enhance the cost of the labor which he had undertaken should he be obliged to temporarily stop the work.

This was my first intelligence of the interest manifested and of the action taken by the Quartermaster-General in regard to the Boise Reservation, and I was glad to obtain it even through the source which I did. Under the circumstances the party was permitted to enter the reservation at once, with the condition that he would remove from the same with all his property should information not soon be obtained of the due acceptance of his proposition. Proper authority has since been obtained, the pipe line has been finished, and the present flow of water is abundant. I see, therefore, no apparent difficulty in retaining Boise Barracks as a permanent station for troops.

Should the accompanying proposition of the citizens of Spokane be favorably considered by the War Department, and should the Department conclude to request the necessary Congressional action for the establishment of a post at or near that city, I would respectfully suggest that measures be taken in due season to select an appropriate site and to ascertain how great may be the liberal feeling of its citizens with regard to it.

Very respectfully, your obedient servant,

E. S. OTIS,
Brigadier-General, Commanding.

ADJUTANT-GENERAL UNITED STATES ARMY,
Washington, D. C.

[First indorsement.]

ADJUTANT-GENERAL'S OFFICE, *August 8, 1894.*

Respectfully submitted to the Major-General Commanding the Army.

GEO. D. RUGGLES,
Adjutant-General.

[Second indorsement.]

HEADQUARTERS OF THE ARMY,
Washington, September 6, 1894.

Respectfully submitted to the Secretary of War, with the recommendation that the offer of the city of Spokane be accepted of a suitable tract of land, containing not less than 640 acres, as a site for a military post, and that an appropriation of the necessary funds be made for the construction thereon of accommodations for eight companies of infantry and four troops of cavalry, with the corresponding number of field and staff officers, depot buildings, etc. That upon the approval of this proposition and an appropriation of the necessary funds by Congress so rapidly as the new post shall be completed the troops now occupying Fort Sherman, Fort Spokane, and Fort Wallawalla be transferred to that point. The posts above named to be abandoned as no longer needed.

J. M. SCHOFIELD,
Major-General, Commanding.

[Third indorsement.]

WAR DEPARTMENT, *October 3, 1894.*

Seen by the Secretary of War; file for the present.
By order of the Secretary of War.

JOHN TWEEDALE, *Chief Clerk.*

FORT SHERMAN, IDAHO, *December 1, 1894.*

SIR: In compliance with Special Orders No. 179, Headquarters Department of the Columbia, current series, I have the honor to report that on November 7, accompanied by First Lieutenant Leyden, Fourth Infantry, I proceeded to Spokane, Wash., to examine a tract of land tendered to the Government by the citizens of that city for the establishment thereon of a military post. (See inclosure marked A.)

On the morning of the 8th Mr. Lewis F. Clark, representing the citizens by whom the tender was made, accompanied us to indicate the boundaries of the tract in question.

From the accompanying map (No. 1) it will be seen that the plat is located on the banks of the Spokane River, west of and about 2½ miles in a direct line from the center of the city, and that it extends along the river about 4 miles.

The present approach to the tract is by the county road, about 4½ miles from the city; a shorter route, less than 3 miles in length, exists, but will require the reconstruction of a bridge across the river, the old bridge having been destroyed last year.

In total acreage the plots examined aggregate about 1,000 acres. Concerning the suitableness of the tract for military purposes, it was, in some degree, essential to assume a maximum strength of the proposed garrison. Upon the basis that the post should accommodate a regiment of infantry, a squadron of four troops of cavalry, and a battery of light artillery, with a possible strength of twelve to fifteen hundred men, I made a careful examination of the ground, extending over two days of rather unfavorable weather. As a result of that examination my judgment is that the tract is suitable, and in many particulars highly desirable, for the ordinary purposes of a garrison of the strength indicated.

The main and most desirable portion of the tract is a plotted addition called Twickenham. The greater part of this addition, about 253 acres, is a high and approximately level plateau that appears admirably adapted for the site of the post proper and for parade and drill grounds. This main plateau, as shown in the map (No. 2), is about 176 feet above the river; but on the slopes to the river banks there are several benches or terraces of considerable extent, especially toward the bend of the river, that seem adapted for stables, corrals, storehouses, etc. The lowest one of these terraces is from 30 to 50 feet above extreme high water.

Of the remaining portion of the tract the ground is more or less broken, but there exists large plats that seem adapted to the location of smaller or sub posts for cavalry or artillery, should such be considered desirable.

There is no difficulty in locating known-distance target ranges up to 1,000 yards in length, but for skirmish practice some expenditure of money and labor will be required to construct a range to fulfill desirable conditions. Reference is here made to a portion of the map No. 2, marked in blue pencil.

Concerning a water supply, I invite attention to the inclosed proposal of the city authorities (marked B). It is presumed that a hundred gallons a day is a liberal allowance per capita for ordinary drinking and domestic purposes. The water offered is from the city mains, and but small expenditure will be required to connect, near the boundary of the tract, the necessary mains for the post. The location of the tract, being downstream from the city, is such that water from the river could not be used for domestic purposes. For fire, irrigation, flushing tanks, etc., an auxiliary supply could be pumped from the stream.

The drainage of the tract is natural, and the establishment of a sewerage system a very simple matter.

The county road is located on the southern portion of the tract and it would seem to interfere but little with any military use of the ground in question. The Seattle, Lake Shore and Eastern Railroad, now operated by the Great Northern Company, has a right of way through the tract as indicated on map No. 2. The location of the railroad, like the county road, is such as to interfere very little, if any, with military requirements.

Accompanying this report are eight photographic views, lettered to correspond with the points on map No. 2, from which they were taken.

Lieutenant Leyden has given me very valuable assistance in the performance of the duties devolved upon me in this matter.

Very respectfully, your obedient servant,

ROBERT H. HALL,
Colonel Fourth Infantry.

The ASSISTANT ADJUTANT-GENERAL,
Headquarters Department of the Columbia,
Vancouver Barracks, Wash.

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[First indorsement.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Vancouver Barracks, Wash., December 8, 1894.

Respectfully forwarded to the Adjutant-General of the Army.

I consider it of great importance that this tract of land be accepted at once and that an appropriation be sought for the construction of a military post which would accommodate at least a regiment of infantry. My reasons have been fully given in previous reports.

E. S. OTIS,
Brigadier-General, Commanding.

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[Second indorsement.]

ADJUTANT-GENERAL'S OFFICE, *December 8, 1894.*

Respectfully submitted to the Major-General Commanding the Army.

H. C. CORBIN,
Assistant Adjutant-General.

—

[Third indorsement.]

HEADQUARTERS OF THE ARMY,
Washington, December 10, 1894.

Respectfully submitted to the Secretary of War, recommending favorable action.

J. M. SCHOFIELD,
Major-General, Commanding.

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HEADQUARTERS OF THE ARMY,
Washington, D. C., January 8, 1894.

SIR: Referring to the amendment to the Army appropriation bill proposed by Senator SQUIRE to appropriate $50,000 to commence the construction of barracks and quarters, etc., at the post to be located at Spokane, Wash., I have the honor to submit the following considerations:

It is desirable, in the interest of the public service, that the construction of the new post be commenced as soon as Congress may feel justified in making the necessary appropriation. The garrison of the old post of Fort Spokane should be removed to the new post as soon as practicable, for the reason that the troops are of no use where they are now stationed, and are kept there solely on account of the lack of suitable accommodations elsewhere, and for the reason that the post is so far from the railroad that the troops can not be made quickly available for service in other places. Hence the necessary accommodations should be provided at the new post as soon as practicable.

This is not one of those pressing necessities which demand appropriations without regard to the financial condition of the country. Yet it is one for which an appropriation may well be made as soon as, in the wisdom of Congress, it shall seem justifiable.

Very respectfully,

J. M. SCHOFIELD,
Major-General, Commanding.

To the Honorable SECRETARY OF WAR.

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HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Vancouver Barracks, Wash., August 15, 1894.

SIR:

* * * * * * *

VALUE OF PRESENT STATIONS OF TROOPS.

The withdrawal last fall of two of the three companies which composed the Fort Spokane garrison looked to the complete abandonment of that post in the near future, since it was considered to be inconveniently situated, difficult to reach in certain seasons of the year, expensive to maintain, and that it served no practical purpose in the region of country in which it was located. Fort Sherman, the headquarters of the regiment to which the Fort Spokane troops belonged, was deemed to be the proper point to which they should be drawn, and there it was believed that they could be comfortably quartered if comparatively inexpensive barracks could be constructed soon.

Still, this disposition was viewed as of a temporary nature, since neither Fort Sherman nor Fort Spokane was properly located to meet all the conditions which a regimental post should possess, as both were removed from important lines of travel and centers of population. Estimates for the necessary barracks were submitted, but failed to receive the requisite approval. The increase in the Fort Sherman garrison overcrowded the buildings of the post—especially those occupied by the enlisted men—causing much discomfort and annoyance, and in order to give required relief a request was made early in the spring to withdraw part of the troops and regarrison Fort Spokane as formerly, which was favorably considered.

A careful computation of the cost of supplying the last-named post shows that it is not as great as that of supplying most of the others of the department, though greater than that attending Fort Sherman. The frequent calls of the last few months for the employment of troops to assist in maintaining law along the principal railway lines of the Northwest indicate that, with proper telegraphic communication maintained, the troops at Spokane are almost as quickly available for service as those stationed at Sherman. The city of Spokane, though much nearer the latter, must be drawn on for railway transportation whenever required by the garrison of either post, and the time consumed in an overland march of 25 miles might be regarded as the difference of the periods of availability of one over the other.

Fort Sherman, however, is nearer the turbulent mining section of Idaho, where the use of troops has been frequently demanded, and to which they are often sent, and on this account it has the most desirable location. But neither satisfies conditions which should determine permanence; and since the experience of last spring at the last-named post, with the overflowing waters of the Coeur d'Alene Lake, by which it was submerged and its destruction threatened, the claim that it could or should be permanently maintained can not be reasonably supported. The experience of the last few months also demonstrates the wisdom of uniting the garrisons of these two posts at some more convenient point than either of those which they now occupy, in order to obtain quicker response to the demand for active service and to be able to place in the field the largest numerical force possible. The strength of this military department is small, and it has been lately taxed to its full capacity to respond fully to all the calls which have been made upon it. Had the garrisons of these two posts been united at a single station the force available for detached duty would have been greater by at least one-eighth.

Viewing that entire scope of country to ascertain what locality best meets all the important requirements for which a post of our small army under present Government conditions should possess, it is found that none offers the advantages of the city of Spokane. The main railway center of the extreme Northwest, it throws out its lines of speedy transportation in every direction. They reach the international boundary line to the north, extend to the east and west under antagonistic managements which offer competing accommodations for travel, pierce southern Washington, and northern Oregon, connecting with other railway systems, and penetrate the mining sections of Idaho by two routes.

In matter of time required to reach the different places of population in that region of country the city of Spokane is nearer than any other point available for the permanent station of troops. It possesses also the advantages of excellent climate, healthy location, with abundant good water, and the construction there of a large military post and its subsequent maintenance would be attended with a less expenditure of money than one at any other point in the Northwest. Troops quartered there would have under observation the great stretch of northern country from the Cascade range of mountains to the State of Montana and south to the Oregon line, and could be expeditiously placed wherever therein their lawful employment might be demanded. They would also be most conveniently quartered should it become necessary to temporarily detach from them any portion for service in a distant locality.

Since 1866 Government has done very little looking to the protection of the Puget Sound and adjacent United States territory contained within the State of Washington against possible foreign attack; and there, within the last few years, population has greatly increased, and important coast cities, now conducting a considerable international commerce, have been constructed. No one doubts that the time is rapidly approaching when an extensive ocean trade will be carried on between these cities and the Asiatic and some of the European seaports, and a wise precaution must suggest that measures should be taken as soon as practicable to supply these growing communities with the material for land defense. Thus far the full limit of Government assistance extended in that direction has consisted in the selection by expert army officers of various points as sites for defensive fortifications, which in most instances the President has declared shall be reserved for such purposes, and of maintaining one or more companies of troops, primarily sent there to prevent Indian depredations.

During the ten years ending with 1886 33 of these sites, lying along the straits of Juan de Fuca, the waters of Puget Sound, and Bellingham Bay, have been declared military reservations, and 10 since that time. Some of the Executive orders of declaration have been revoked, a few of the reservations have been given up, and many of those still in part existing have been affected by individual claims at date of declaration which have since been perfected, have been much reduced in so far as extent of Government title therein is concerned. Recent improvements in ordnance, with its greatly extended range of fire, have rendered many of these sites of no further practical importance for military uses, and should be abandoned. The United States Fortification Board so found, after an inspection of the boundaries of Puget Sound, made a few weeks ago to determine the best points at which to construct defensive works, and it reported but very few of the many sites still formally retained by Government as suitable. It recommended 11 prominent points as naturally adapted to such purposes, some of which have never been covered by declarations and are owned by individuals, corporations, or Indians, or belong to the State of Washington.

Should its recommendations be approved, it is urged that all locations in the Puget Sound country now held as military reservations, and which the Fortification Board has virtually found not required for defensive works, be turned over to the Interior Department for disposition, and that such as it has reported to be needed therefor be placed under military control, and by proper acquisition if necessary. By these means the way will be opened for the construction of the Government defenses which are generally conceded to be demanded and which undoubtedly will be undertaken as soon as general financial improvement admits of the requisite appropriations.

As regards protection given to the inhabitants of that section through garrison posts, it has been in the nature of police and of benefit only in seasons of Indian hostilities. Fort Townsend, established originally in 1859, still remains and is garrisoned by a single company of infantry. The only advantage to be derived from its retention consists in the fact that it furnishes shelter for troops; for as far as the possibility of employing its small garrison is concerned, in the performance of duty for which the Army is maintained, it might almost as well not exist. True, that a detachment was drawn from it for service at Tacoma in the recent railway disturbances, but that was because of the necessity to concentrate as large a military force as possible to successfully execute the instructions of the War Department. It is only under such pressing exigencies that the Townsend garrison would be summoned from its secure retreat.

In some locality of the northern section of this State, beyond the Cascade Mountains, where now dwell 100,000 people, part of whom are restless, demonstrative, and oftentimes turbulent upon fancied provocation, and a population, too, which is destined to be greatly augmented within a brief period of time, one moderately large garrison should be established and permanently maintained. The vicinity of Seattle offers the most favorable conditions for location, as that is the center of a small territory in which the future use of troops will be demanded, and the place at which exhibitions of lawlessness

beyond the power of the State to control have so frequently manifested themselves.

A short distance beyond the city, extending into the waters of the sound, Magnolia Bluff, one of the most important points selected by the Fortifications Board for defensive works, would appear to be the proper site for the post of an infantry garrison, to be succeeded, as it doubtless would be in a few years, by an artillery command.

There the Fort Townsend garrison should be stationed and be materially increased. A force there of only a single infantry battalion, if no more troops were available, would be of great service. With efficient garrisons at the cities of Spokane and Seattle and with the present Vancouver Barracks' strength kept intact, all localities within this military department, with the exception of southern Oregon and Idaho, could be quickly reached by effective bodies of troops, and as permanently placed would be in position to observe the northern international boundary line. Southern Idaho and a good portion of southern Oregon would be in easy communication with Boise Barracks, in respect to which the long-mooted objection to its indefinite continuance as a military station has been met by a recent abundant supply of water. Should not some such use of the Fort Townsend garrison be made, I would then respectfully recommend its removal to this point and the abandonment of the post.

Fort Canby, at the mouth of the Columbia River, is increasing in importance. The long jetty projecting from Fort Stevens, against which sand, drift, and sediment gradually accumulate, will extend the south bank of the river by constant accretion forward the ocean, and leave the last-named fort considerable distance inland. The river channel has been straightened and its outlet carried farther out to sea, which will bring entering vessels more completely under Fort Canby's guns. These, with the assistance of those which it is contemplated to place, in the distant future possibly, at Stevens and on the military reservation of Scarboro Head, will effectually command the river entrance and connecting harbor, and no other land defenses on the river banks are needed. The Three Tree Point Military Reservation, containing 640 acres of unencumbered land, could with propriety be turned over to the Interior Department for disposition.

* * * * * * *

I am, sir, very respectfully, your obedient servant,

E. S. OTIS,
Brigadier-General, Commanding.

To the ADJUTANT-GENERAL UNITED STATES ARMY,
Washington, D. C.

The following correspondence has passed between the War Department and members of Congress on the subject:

WAR DEPARTMENT, *Washington, D. C., October 21, 1895.*

SIR: I have the honor to return herewith the deed of the Spokane and Eastern Trust Company to the United States, dated September 16, 1895, which was transmitted, together with abstracts of title and other papers, for the acceptance of the Secretary of War under the act of Congress of February 12, 1895. (Ch. 83, 28 Stat., 657.)

In his report dated October 18, 1895, on the validity of the title to the lands described in said deed, the Attorney-General says:

"On examination of said abstracts, together with the papers accompanying them, I find that said company can convey to the United States a good and sufficient title to the premises referred to for the purposes hereinbefore mentioned, and am of opinion that such title will pass by said deed.

"I observe, however, that said deed purports to be made solely for the consideration of $10,000, whilst the act above cited provides that the conveyance to the Government of the land for the proposed army post shall be 'without cost to the United States.' If, as I understand the case to be, it was the intention of the grantor in said deed to convey the land described therein without cost to the Government for the purpose of an army post, in accordance with the requirements of said act, the consideration expressed in the deed is not the true one and should be omitted. I suggest that it would be better to have a new deed from the company, leaving out that consideration, and after setting forth by way of recital the provision made by Congress for the establishment of an army post near Spokane, the approval by the Secretary of War of the land selected for the site of such post, etc., declaring that in consideration of the premises and of a nominal sum (say $1) the company does thereby grant, etc. This would disclose the real consideration for the transfer, be in harmony with the statute, and at the same time be efficient as a conveyance."

A new deed prepared in the form indicated by the Attorney-General is inclosed herewith, and it is requested that you will have the same properly executed and filed to be recorded in the land records of the county.

The lands described in said new deed are approved and accepted by the Secretary of War as a site for an army post to be situated near the city of Spokane, in the county of Spokane, in the State of Washington, as provided in said act, on condition that said new deed shall be properly executed and filed for record in the land records of the county before November 1, 1895.

Very respectfully,

DANIEL S. LAMONT,
Secretary of War.

HENRY L. WILSON, Esq.,
Chairman Military Post Committee, Spokane, Wash.

—

WAR DEPARTMENT, *Washington, D. C., November 29, 1895.*

SIR: I have the honor to acknowledge the receipt of your letters of October 31 and November 15, 1895, respectively, as well as the receipt of the deed, executed and recorded, to the military post site, Spokane, Wash.

Very respectfully,

JOSEPH B. DOE,
Acting Secretary of War.

HON. HENRY L. WILSON, *Spokane, Wash.*

—

WAR DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., March 2, 1896.

DEAR SIR: The Secretary of War has requested me to forward to you the inclosed copy of a letter addressed by the War Department to Hon. JOSEPH B. HAWLEY, chairman of the Senate Committee on Military Affairs.

Very sincerely, yours,

JNO. SEAGER, *Private Secretary.*

HON. S. C. HYDE,
House of Representatives, Washington, D. C.

—

[Copy.]

WAR DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, February 25, 1896.

SIR: I have the honor to return herewith the amendment proposed to be offered to the sundry civil bill for the fiscal year ending June 30, 1897, which has for its object the appropriation of $200,000, to be immediately available, for the construction of a military post at Spokane, Wash.

In response to your request for information, etc., I would state that, under a recent authority of Congress, the Government has acquired, by donation of the citizens, a site for a military post near Spokane, having an area of some 1,000 acres. Estimates have been submitted to Congress for the sum of $1,000,000 "for repair and improvements of military posts." Should this sum be granted, it is proposed to apply a portion of it to the commencement of improvements on the site at Spokane, but the Department can not recommend any special appropriation for this particular post.

The first work required on this site would be sewer construction, provision of water supply, roads, and other means of communication, and the beginning of construction of permanent buildings.

If means are placed at the disposal of the Department, the expenditure of about $75,000 would be made during the next fiscal year.

Very respectfully,

DANIEL S. LAMONT,
Secretary of War.

HON. JOSEPH R. HAWLEY,
Chairman Committee on Military Affairs, United States Senate.

Mr. DOOLITTLE. Mr. Chairman, I only desire to say a few words by way of supplementing what has been so well said by my colleague from the State of Washington [Mr. HYDE]. Everything that he has said relative to the beauties of this location selected by the Secretary of War at Spokane and also as to the title being clear and complete in the Government is absolutely true. That there is great need for the establishment of this post there can be no question. As my colleague has stated, it is one of the most advantageous positions for a military post in the whole Northwest, and the establishment of a post there would result in lessening the expenses of the Military Establishment by the assembling of troops at a point from which they can be distributed most readily whenever the necessity for using them shall arise. The people of Spokane, after the selection of the ground, in spite of their burdens, in spite of the depression and the hard times under which they have labored, went forward and raised with the utmost difficulty the money required to obtain the title to this ground, believing, of course, that after the location was selected and the title turned over to the Government Congress would at once see to it that the money required for the erection of the buildings and the completion of the post would be appropriated.

Now, Mr. Chairman, I claim that the Department and the people of Spokane having taken this action, it is only fair to the people of that city that this Congress should at once appropriate a sufficient amount of money to carry on the work as it should be carried on, and it seems to me that no point of order ought to be raised against this proposition, nor do I know that the chairman of the committee intends to raise a point of order. At least the sum named in this amendment should be appropriated here and now by this House. The representatives of the American people here assembled should, it seems to me, recognize the fairness of this proposition and should respond by standing with us. The amount of $75,000 is necessary for this purpose as stated by the War Department, and it ought to be appropriated without delay. We know not, any of us, when it may be necessary to make use of this post in a greater way than anybody now anticipates. No one knows what troubles may arise, or what circumstances may make an imperative necessity the occupancy of this post, and buildings should be erected there that the purposes for which the post was selected may be carried out in a liberal and proper way. I trust that this amendment may be adopted, and that if necessary it be left to the Senate to increase the amount of the appropriation in the bill out of which this $75,000 is to be taken. I do not care to say anything further at this time, save to again express to the House my earnest hope that this amendment may be adopted.

Mr. CANNON. Mr. Chairman, this bill recommends as follows:

For the construction of buildings and the enlargement of such military posts as in the judgment of the Secretary of War may be necessary, $300,000.

It will be observed that this is a general appropriation of a lump sum for all the army posts, those that have been commenced and that are contemplated but have not been commenced, to be expended by the Secretary of War; and when the appropriation is made, in theory if not in practice—and I think substantially in practice—the Secretary of War, having full knowledge in the premises (if he has not, he ought to have), makes inquiry touching this branch of the public service and apportions the money according to his judgment for work on the various posts throughout the United States. For instance, there is a post at Fort Harrison, at Helena, perhaps four-fifths completed and occupied. How much it would take to finish it I do not now recollect.

Mr. HARTMAN. About $60,000.

Mr. CANNON. Sixty thousand dollars, the gentleman from Montana says. Then at Fort Riley there is another important post not completed. There is Sheridan at Chicago, on which much work has been done, a large post, not yet completed. There is a post at Plattsburg, N. Y., and there is a post at Jefferson Barracks, St. Louis, and at Fort Thomas, Omaha, and there is one authorized on the sound.

Mr. DOOLITTLE. That is simply an artillery post.

Mr. CANNON. Yes; but it is a military post. Then there is this one at Spokane, and there is one at Bismarck. In the last

Congress or the Congress before, probably in the last, these three posts, the one on the sound, the one at Spokane, and the one at Bismarck, were authorized. At Spokane the title to the site has been acquired. I think I saw that ground several years ago, a magnificent site, containing some 800 or 900 acres, I believe.

Mr. HYDE. One thousand and twenty-two.

Mr. CANNON. One thousand and twenty-two, the gentleman says. That was bought, I believe, by the citizens of Spokane and donated to the Government. Now, the $300,000 appropriated in this bill will not, of course, complete all of these posts. For several years the appropriation for this purpose has been cut pretty close; but your committee, after inquiry, notwithstanding the present condition of the Treasury, recommend an increase of $75,000. The appropriation for the current year is $225,000, and in the preceding bill I think the amount was the same. We recommend an increase of $75,000, making the total appropriation for this purpose $300,000.

Mr. HARTMAN. How much does the gentleman estimate it would require to complete all of these posts?

Mr. CANNON. I do not know that. The estimate, I will say to the gentleman, is for a million dollars, and even that would not complete them all. The estimate for last year was for a million dollars. I think that is about the current average estimate for this purpose; but, as I have said, for some time past the appropriation has been only $225,000, and we recommend an increase of $75,000.

Mr. HARTMAN. Under the allowance provided for by this bill what will be the amount that each post will receive?

Mr. CANNON. I can not tell that.

Mr. HARTMAN. Is there any way that that can be ascertained?

Mr. CANNON. Only by application to the Secretary of War after the appropriation is made. Under this form of appropriation the apportionment of the money is a matter of administration.

Mr. HARTMAN. Then it is entirely in the Secretary's discretion?

Mr. CANNON. Certainly.

Mr. DINGLEY. Depending upon the exigencies of the service.

Mr. HARTMAN. But the Secretary may devote the whole of this money to one post if he chooses.

Mr. CANNON. It is to be presumed that the Secretary of War will do his duty in the apportionment of this money, taking into account the exigencies of the service. I will say further that it was impossible for your committee, and I think it is impossible for the Committee of the Whole, to administer an appropriation like this by legislation.

Mr. HARTMAN. What was the motive of the committee in reducing the amount from $1,000,000, the sum named in the estimate, to $300,000, which the bill proposes to appropriate?

Mr. CANNON. Considering the condition of the Treasury in connection with the necessities of the public service, the judgment of the committee was that we would not be warranted in recommending an appropriation of a million dollars. But after full inquiry we were of opinion that there ought to be an increase of $75,000; so that the amount, instead of being $225,000, is now $300,000 in all.

Mr. HARTMAN. When the spring issue of Government bonds shall come, as it undoubtedly will, I presume we shall then have sufficient money to build these posts.

Mr. CANNON. That brings us right up to the question of how liberally we should make our appropriations. My position touching this and all other appropriations has been, as I have stated before in this House, that no appropriation looking toward new work should be made unless the importance of the work is so overmastering that a sound public sentiment would say we ought to borrow the money to carry it on.

Mr. HYDE. There was one fact which I forgot to state, that the precedents of the Fifty-second and the Fifty-third Congresses are all in favor of this specific appropriation. The Helena post was built in this same way; there was a specific appropriation. I forgot also to state that this proposition contemplates a reduction, not an increase, of military posts. The post at Fort Spokane (Miles) and that at Cœur d'Alene, Idaho, will be removed to this point. The reports and recommendations from the Army, which I did not trouble the committee to read, all point in that direction.

Mr. CANNON. The policy of Congress and of the Department for many years has looked to the abandonment of posts upon the frontier and in the Indian country. As the building of railroads has proceeded, the older posts have from time to time been abandoned, and new posts established at such points as to enable the Government to utilize its forces for the best interests of the service, taking into consideration transportation and everything of that kind. The gentleman from Washington [Mr. HYDE] is correct in stating that from time to time specific appropriations have been made to construct some of these posts. The gentleman has cited, I believe, precedents in the Fifty-first and Fifty-second Congresses. He might, no doubt, have gone further back and found similar precedents in the Forty-ninth and Fiftieth Congresses. But the gentleman will recollect that when those posts were established we had a very different condition from that now existing. We had a Treasury full and running over, so that we were paying from $100,000,000 to $150,000,000 a year—sometimes $200,000,000—on the public debt, after providing liberal support for the Government.

The committee having made this recommendation in, I think, fairly liberal form, amounting to $300,000—an excess over the corresponding appropriation for the current year—I trust it will be the sense of the Committee of the Whole and the House not to undertake in this case a matter of administration. When the gentleman presents himself to the Secretary of War, I trust that that officer, in the exercise of wise discretion, may make a commencement on this post at Spokane. But I do not believe that we can safely undertake to go into these matters of detail here, because if we commence by saying that a particular portion of this sum shall be used at one designated place, it will necessarily follow that we must adopt similar provisions with reference to other places; and in such a course we should be undertaking to do, without sufficient knowledge, what the Secretary of War ought to do, and I believe will do much better. I am ready for the vote.

Mr. GROSVENOR. I move to amend by striking out the last word. It is greatly to be regretted that it becomes the duty of the chairman of the Appropriations Committee of this House to state constantly to the representatives of the people that there is existing in this country a condition which requires something more and worse than economy in the public expenditures. Economy is one thing—just economy—economical administration of the country. Parsimony is another thing. But worse than either of those is the existence of a public necessity for the expenditure of public money, with an impossibility on the part of the House of Representatives to furnish that money. That is not economy; that is not parsimony; that is an admission of a condition which at the present time is unsurmountable and which we are all compelled to recognize and which we are all bound by.

I stood here in the Fifty-first Congress, when we were making appropriations liberally and generously—not extravagantly. No Appropriations Committee of the House of Representatives ever did its duty more faithfully than did the Appropriations Committee of that Congress. In the two sessions of the Fifty-first Congress we appropriated something like a billion dollars; and our enemies called us, in language intended to be a reproach, "the billion-dollar Congress." That was their watchword and battle cry in the unfortunate campaign in 1892. In passing I desire simply to say that in no single instance were they able to point out where there was a dollar of money appropriated that was not needed for the public service, which was not wisely appropriated. Yet the cry was that we had been extravagant because of the enormous aggregate of appropriations.

Now we find ourselves limited. The question with us now is not, What is the public demand? The public buildings of the country, partly constructed, are wasting and suffering by the lapse of time, and we are unable to make the appropriations for their preservation or maintenance. The public works on the rivers and harbors of the country are wasting by erosion to the extent of more than a million dollars annually, and we are unable to appropriate the necessary money either to push forward the work or to providently protect the work already done. The demands of commerce for greater depth of water in our harbors and rivers have to be met by the declaration of our inability to do anything in that direction.

Now, I want to point out (and I have not quite as much time as I should like) a comparison between two enactments—one a Republican enactment and one a Democratic enactment—through which and by which practically the whole of the revenue of this Government is derived. And I want to show you in figures, figures that nobody will criticise or dispute, just where the fault lies, so that the Committee on Appropriations of this House is to-day compelled, in the execution of a plain duty, to stand here protesting against appropriations that are absolutely needed and ought to be made, in which the representatives of the people are interested, and appropriations which they are in duty bound to insist upon.

During the Fifty-first Congress we had enacted a revenue law, supplementary to a Republican revenue law, based upon the general principle not of revenue but of protection, and yet we had money enough under that law, and I propose to put in contrast now—and I can do it without any great exhaustion of the time of the committee—a few tables compiled for me from the official records of the Treasury Department by Mr. O. P. Austin, an efficient man who has given the subject careful attention and consideration, and who is especially efficient in these matters.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEELE. If I can be recognized, I will yield to the gentleman.

Mr. GROSVENOR. If it is competent, I would like five minutes more.

The CHAIRMAN. Without objection, the gentleman will proceed.

Mr. GROSVENOR. Mr. Chairman, these tables, one by one, are as follows: The first I offer is a table of the receipts and expenditures for the first nineteen months of the operation of the Wilson law. I want the country and I want my friends on the other side of the House to realize what it is that they are responsible for, and to ask them to atone for what they have done in the past by a recantation in the present. I give by months the receipts and expenditures of the first nineteen months of the general operation of that law. It will be seen from this table that the total receipts amount during that period to $481,423,509. During the same period the expenditures of the United States for the necessities of the Government amounted to a total of $557,581,385, showing a deficiency between the receipts and expenditures during that period of $76,157,876.

This table, which I append, is in detail as follows:

Receipts and expenditures, first nineteen months of Wilson law.

	Receipts.	Expenditures.
1894.		
September	$22,621,238	$30,323,018
October	19,139,240	32,713,639
November	19,411,403	28,477,188
December	21,366,136	27,135,460
1895.		
January	27,804,399	34,523,447
February	22,888,057	25,606,035
March	25,470,575	25,716,951
April	24,247,836	32,990,676
May	25,272,836	28,558,213
June	25,615,474	21,683,029
July	29,009,697	38,548,063
August	28,952,696	32,588,184
September	27,549,678	24,320,481
October	27,901,748	34,503,425
November	25,986,503	27,199,283
December	26,288,937	25,814,317
1896.		
January	29,207,670	32,694,830
February	26,059,228	26,749,956
March	26,041,148	27,344,000
Total	481,423,509	557,581,385

Deficiency, $76,157,876.

I give also in this connection the customs receipts for the same period, by months, under the McKinley law as compared with the Wilson tariff law. For the first nineteen months of the McKinley law the total receipts were $302,884,886, while for the same period under the Wilson law the total was $257,069,273.

The table by months is as follows:

Customs receipts under McKinley and Wilson tariff laws.

Month.	Customs receipts first 19 months of McKinley law.	Month.	Customs receipts first 19 months of Wilson law.
1890.		**1894.**	
October	$24,934,114	September	$15,564,990
November	15,227,641	October	11,962,118
December	16,104,533	November	10,590,692
1891.		December	11,236,049
January	23,987,953	**1895.**	
February	18,994,189	January	17,361,916
March	15,373,522	February	13,334,691
April	12,591,990	March	14,929,789
May	11,996,141	April	12,453,086
June	14,168,745	May	12,474,558
July	15,468,163	June	12,130,443
August	15,164,674	July	14,076,934
September	14,120,940	August	15,639,047
October	13,980,687	September	14,653,957
November	12,659,029	October	13,773,045
December	13,336,555	November	11,455,314
1892.		December	12,169,172
January	17,459,235	**1896.**	
February	16,782,419	January	16,380,796
March	16,415,312	February	13,906,392
April	13,709,989	March	13,344,215
Total	302,884,886	Total	257,069,273

I have also a table of the internal-revenue receipts under the McKinley and Wilson laws, to which I ask your attention. For the first nineteen months under the McKinley law the total receipts were $231,222,122, while under the Wilson law the total was $201,069,812. The table by months is as follows:

Internal-revenue receipts under McKinley and Wilson laws.

Month.	Internal-revenue receipts first 19 months of McKinley law.	Month.	Internal-revenue receipts first 19 months of Wilson law.
1890.		**1894.**	
October	$12,840,250	September	$6,182,149
November	11,322,047	October	6,693,438
December	12,944,173	November	7,774,074
1891.		December	9,934,039
January	11,253,863	**1895.**	
February	9,489,029	January	9,034,964
March	11,206,723	February	8,860,480
April	11,430,455	March	9,854,977
May	12,232,706	April	10,648,880
June	13,725,652	May	10,754,053
July	14,551,867	June	11,810,385
August	12,501,329	July	12,888,405
September	11,956,331	August	12,172,104
October	13,036,461	September	12,260,008
November	12,480,326	October	13,216,563
December	12,427,046	November	13,040,084
1892.		December	12,750,771
January	11,439,956	**1896.**	
February	12,189,387	January	11,041,401
March	12,133,501	February	10,806,652
April	12,048,622	March	11,536,264
Total	231,222,122	Total	201,069,812

Now comes a table of the total receipts of the Treasury Department for the first nineteen months under the Wilson law as compared with the first nineteen months, and also the last nineteen months, under the McKinley law. I ask your special attention to this. It shows for the first nineteen months of the McKinley law a total of receipts of $566,919,004, and the total receipts under the same law for the last nineteen months, after the law had been assailed and discredited by the presence of a Democratic majority in the country, of $521,819,675, while under the operations of the Wilson bill for the first nineteen months the total was but $481,423,509. The table showing the total receipts to which I have referred by months, and also a summary giving a comparison of the two laws and the net results of the same, I append here.

Total Treasury receipts first nineteen months of Wilson law compared with firs nineteen months and last nineteen months of McKinley law.

Month.	Receipts, McKinley law first 19 months.	Month.	Receipts, McKinley law last 19 months.	Month.	Receipts, Wilson law first 19 months.
1890.		**1893.**		**1894.**	
October	$39,222,174	February	$29,698,142	September	$22,621,238
November	28,678,674	March	34,115,809	October	19,139,240
December	27,646,515	April	28,415,367	November	19,411,403
1891.		May	30,928,857	December	21,366,136
January	36,810,283	June	30,717,101	**1895.**	
February	29,273,173	July	30,965,776	January	27,804,399
March	29,427,455	August	23,890,885	February	22,888,057
April	25,465,231	September	24,582,750	March	25,470,575
May	27,631,849	October	24,553,594	April	24,247,836
June	31,289,205	November	23,979,460	May	25,272,078
July	34,158,244	December	22,312,027	June	25,615,474
August	28,773,981	**1894.**		July	29,009,697
September	27,565,454	January	24,082,738	August	28,952,696
October	28,448,562	February	22,269,399	September	27,549,678
November	26,804,887	March	24,842,797	October	27,901,748
December	27,646,515	April	22,692,364	November	25,986,503
1892.		May	23,096,994	December	26,288,937
January	30,383,478	June	20,485,125	**1896.**	
February	30,598,944	July	34,809,339	January	29,207,670
March	29,836,606	August	40,117,605	February	26,059,228
April	26,971,224	Total	521,819,675	March	26,041,148
Total	566,919,004			Total	481,423,509

SUMMARY.

Comparative receipts of two laws.

McKinley law receipts first nineteen months	$566,919,004
McKinley law last nineteen months' receipts	521,819,675
Wilson law receipts first nineteen months	481,423,509

Comparative net results of two laws' operation.

McKinley law first nineteen months, surplus	$24,988,221
Wilson law first nineteen months, deficiency	76,157,876

These tables, Mr. Chairman, show simply this, that while we are here clamoring for higher appropriations, and nobody is more in

favor of them than I am, we are met by a condition of the country that compels this economy of administration, or whatever term you may choose to apply to it, and it all comes from the domination in this country of a party—the Democratic party—a party which undertook legislation for revenue only and condemned the principles of the Republican party, repudiating in toto the proposition that we had a right to legislate in favor of the protection of American industries. It has come about in some way, in more ways than one, in fact, but the great way which rises above all the other ways is the fact that it inflicts upon the country a paralysis of business from which we have not yet recovered and from which we never can recover while the existing law presses down upon us as it now does.

People are coming here to-day asking the Republican majority of the Committee on Ways and Means to lift from a great industry of this country—the sugar industry—the incubus put upon us by Democratic legislation, and when we point to them that in the other end of the Capitol there are two representatives of their own State absolutely blocking the way of the very legislation they ask for, they turn in astonishment and say: "Why, we never understood it to be so." A very small matter is asked for in the matter of a change in the tariff law, but we are compelled to say to the representatives from Louisiana: "Go to the other end of the Capitol and tell your two Senators to step out of the way and permit the Dingley law to pass, and we will attach to it the amendment that will give you the relief you seek against the legislation of the German Empire;" and they stand aghast when they learn that the men claiming to represent the interests of the State of Louisiana to-day stand and obstruct the passage of tariff legislation of any kind at the other end of the Capitol. Silence alone on their part and the Dingley bill can come up and we can add this relief to the bill in conference. Will these Democrats do that much for their own local interests?

Mr. TALBERT. If the gentleman will permit me, I would ask if he has made a calculation as to how much the income tax would have brought to the Treasury if that law had been sustained by the Supreme Court, and whether, in his judgment, it would not have met the deficiency of which he speaks?

Mr. GROSVENOR. My dear sir, we might have gone out on the high seas as pirates and seized the ships of foreign nations and robbed them and put the proceeds into our Treasury. [Applause and laughter.] One would have been piracy——

Mr. TALBERT. Was the income tax of 1867 a robbery?

Mr. GROSVENOR (continuing). One would have been piracy, and the other was a violation of the Constitution.

Mr. TALBERT. Was the other income tax that was passed before a violation of the Constitution?

Mr. GROSVENOR. I turn you over to the Supreme Court of the United States. [Laughter.]

Mr. TALBERT. I think I should be in very bad hands. I should rather stay in your hands, bad as you are, than to go to the Supreme Court.

Mr. GROSVENOR. Is that the idea? The Democratic party have depleted the Treasury. They have left it bankrupt, and now their idea is, "What is the Constitution among friends"? when it comes to a matter of that sort. [Laughter.]

The CHAIRMAN. The question is on the amendment of the gentleman from Washington [Mr. HYDE].

The question being taken, on a division (demanded by Mr. CANNON), there were—ayes 64, noes 37.

Mr. CANNON. I ask for tellers, Mr. Chairman.

Tellers were ordered; and the Chairman appointed Mr. CANNON and Mr. HYDE.

Mr. BRODERICK. Can we have the amendment again read?

The amendment was again read.

The committee divided; and the tellers reported—ayes 58, noes 53.

Accordingly, the amendment was agreed to.

Mr. CANNON. Mr. Chairman, I want to give notice now, so that gentlemen can govern themselves accordingly, that if I can get one-fifth of those present to second my demand I will call the yeas and nays upon this amendment in the House. I want to do it out of fairness to the membership.

The Clerk, proceeding with the reading of the bill, read as follows:

Chickamauga and Chattanooga National Park: For compensation and expenses of two civilian commissioners and the assistant in historical work; maps, surveys, clerical and other assistance, messenger, office expenses, and all other necessary expenses. For foundations for State monuments, wire fencing, cutting out underbrush and mowing; historical tablets and iron gun carriages, for roads and their maintenance, and for the purchase of land already authorized by law; in all, $75,000.

Mr. SAYERS. Mr. Chairman, I move to strike out the last word, and do so only for the purpose of asking permission to have inserted in the RECORD a memorandum handed me by General Boynton, which will give the House thorough and accurate information as to the status of this park. It may be relied upon. I make it a part of my remarks.

The CHAIRMAN. Leave will be granted to print this memorandum in the RECORD, unless there is objection.

There was no objection.

The memorandum is as follows:

MEMORANDUM—CHICKAMAUGA PARK.

The portion of the Chickamauga battlefield already purchased covers 5,096 acres. This has been obtained at an average price of $28 per acre. With the exception of a few small strips containing in the aggregate not over 12 acres, all being inexpensive lands, this comprises all that there is present purpose of obtaining to complete that portion of the park.

At the Chattanooga end of the park there remains to be consummated a purchase of land already authorized by Congress upon the northern slope of Lookout Mountain, and it is the purpose to apply whatever can be made available of the present appropriation in that direction. It is the opinion of the Commission that $25,000 could be applied toward that portion of the battlefields of Generals Hooker and Walthall, which, by authority of Congress, have been heretofore made a part of the park plan.

The Chattanooga portion of the park consists chiefly of roads ceded by the State of Tennessee along the crest of Missionary Ridge, following the lines of battle of General Bragg's army. Orchard Knob is also owned by the Government, and at the north end of Missionary Ridge 50 acres belong to the park, covering the ground of General Hardee's defense and of General Sherman's assault. It is 20 miles from these northern portions of the park at Chattanooga to the southern portions of the Chickamauga Park, and the roads already completed between these points and throughout the several battlefields are some 50 miles in length. There remain about 10 miles of road to construct to complete this work of the park according to the plans which have been adopted.

There is no official or employee not fully engaged in the work of establishing it. Whenever any department of the work decreases in extent the force has always been decreased in corresponding ratio, and at present is at a minimum. Aside from the Commission the park force consists of one engineer and his assistant, one assistant superintendent, one bookkeeper, one clerk, and one messenger, four guardians for the 10 square miles embraced in the Chickamauga portion of the park, and two guardians for the whole extent of the Chattanooga portion, one driver, and one stableman. The engineer has charge of the park office in the custom-house building at Chattanooga, and has neither messenger, clerk, nor shorthand writer. The park headquarters upon the Chickamauga field is in charge of the assistant superintendent, who has neither clerk, messenger, nor shorthand writer; and the main office in the War Department, in which work continues the year round, has but one clerk and a messenger, and no other assistants of any kind. The historical work of the park is conducted by two assistants, one specially charged with preparing the Confederate history of the six days' battle operations in and about the park.

No item estimated for has been padded, and the entire sum contained in the bill can be well used in prosecuting and will well-nigh complete all of the heavier work of finishing the park according to the present plan.

None of the money appropriated by Congress passes through the hands of either the Commission or any of its employees. All money is expended upon recommendations submitted to the Secretary of War and first approved by him, and subsequently each item is paid upon vouchers which receive his approval, and are audited by the accounting officers of the Treasury Department and paid directly to those interested by the disbursing clerk of the War Department.

It is proposed to use the present sum as follows:

For Lookout Mountain land		$25,000
Salaries of Commission, employees, and office expenses		25,000
Foundations for State monuments	$1,500	
100 historical tablets	2,680	
Finishing the clearing out of the field	2,500	
Gun carriages	2,100	
Maps contracted for	4,500	
Two iron bridges	4,000	
Road construction, care of roads, labor of quarrying for foundations for monuments	8,000	
		24,680
Total		74,880

An officer of the War Department sent by the Secretary of War to examine the plan upon which the park work was proceeding, to inquire into the efficiency of the force and the character of the work thus far accomplished, expressed the opinion upon his return that the park force was a minimum; that everyone in it seemed to understand his full duties and to perform them efficiently, and that the Government was receiving full return under economical expenditures for all money used.

Twenty-six State commissions are now engaged with the National Commission in locating lines of battle and other historical points connected with the operations of the troops of their several States within the limits of the park and along its approaches. It will be readily seen that this portion of the work alone is of a very extended character.

H. V. BOYNTON.

MARCH 27, 1896.

Mr. SAYERS. I withdraw the formal amendment.

The Clerk, proceeding with the reading of the bill, read as follows:

Shiloh National Military Park: And the Secretary of War and the Secretary of the Navy are hereby authorized to deliver to the Commissioners of the Shiloh National Military Park at the park, upon the requisition of said Commissioners, such condemned cannon, cannon balls, and shells as may be needed for the purposes of the park.

Mr. McCALL of Tennessee. Mr. Chairman, I move to strike out the last word.

At the last session of the Fifty-third Congress there was an act passed creating the Shiloh National Military Park. The sum of $75,000 was appropriated for the purpose of acquiring the land and opening up such roads as may be necessary, and so forth. In the estimates submitted by the War Department I am informed there was an item of $75,000 for this park. I see it has been left out of the bill, and my purpose in rising is to ask the chairman of the committee to state why the appropriation as submitted by the Department is not carried in the bill?

Mr. CANNON. I will state to the gentleman that we made very full inquiry touching the improvement of the Shiloh battle ground. There is yet a considerable sum unexpended. Of the

$75,000 appropriated the sum of $50,000 remains unexpended. There is authority to purchase and condemn land. The original act bounded the territory that must be purchased. We had before us the chairman of the Commission and inquired very fully about the matter. We find that they have not yet purchased the ground, except that they have succeeded in condemning about 200 acres. Until the ground is purchased they can not enter upon the improvement.

Mr. GROSVENOR. The work of acquiring the land and the laying out of these parks necessarily goes on very slowly, and in the early years of these improvements not very much money can be profitably expended, because the improvement of the park can only keep pace with the acquirement of title to the land.

Mr. CANNON. I will state further that the chairman of the Commission expressed entire satisfaction touching this matter when we called his attention to the fact that he had $50,000 yet unexpended.

Mr. McCALL of Tennessee. If I understand, then, the chairman of the Shiloh National Military Park Commission is satisfied that with the remaining $50,000 unexpended in his hands he will have sufficient funds to carry on the work during the coming year?

Mr. CANNON. That is correct.

Mr. McCALL of Tennessee. I withdraw my formal amendment.

The Clerk read as follows:

For improving harbor and bay at Humboldt, Cal.: Continuing improvement, $150,000.

Mr. BARHAM. Mr. Chairman, I would like to make an inquiry of the chairman of the committee, as we have reached Humboldt Harbor. The sum of money recommended by the engineer in charge of this improvement was $475,000. I understand why there have been great decreases in this appropriation. I understand, also, that at the rate named by the War Department the sum named by the committee will not be sufficient to continue the improvement until the 1st of March next at the rate of $30,000 per month.

Mr. CANNON. I will state to the gentleman that we found on inquiry that is quite sufficient. I will read from the hearing of the Chief of Engineers or his representatives:

The CHAIRMAN. Improving harbor at Humboldt, Cal. What did you have on hand on the 1st of July last?

Captain MACKENZIE. The balance unexpended June 30 was $442,000.

The CHAIRMAN. What has been expended since?

General CRAIGHILL. The balance February 1 was $231,000.

The CHAIRMAN. It will run about that way, as near as you can estimate?

General CRAIGHILL. Yes, sir.

The act of July 13, 1892, authorized contracts to be entered into for the whole work, to be paid for as appropriations may be made from time to time by Congress.

Amount of contract authorized		$1,715,115
Beginning with the act of July 13, 1892, there has been appropriated to date (in three acts)		897,000
Average annual appropriation		224,250
Amount necessary to complete the project (according to the original estimate)		818,115
Amount estimated for next fiscal year		375,000
A contract was entered into December 16, 1892, covering the completion of the whole work. Under the terms of the contract, work, including the delivery of material in place, must be vigorously pushed at such rate that the contractor shall earn not less than $90,000 per year, if appropriations to that extent or at that rate are made by Congress. Should a less appropriation be made at any one time the contractor must perform work under it and to the extent it admits within a proportionately less time.		
During the fiscal year ended June 30, 1895, there was expended		300,244
Average monthly expenditure during the year ended June 30, 1895		25,020
Balance unexpended June 30, 1895, was		442,772
Balance unexpended February 1, 1896		231,912
Amount expended since June 30, 1895		290,860
Average monthly expenditure since June 30, 1895		30,122
Balance available February 1, 1896		0

Now, I will say to the gentleman, taking the amount unexpended and adding to it the amount we recommend, there is ample to run that work up to the 3d of March, 1897.

Mr. BARHAM. I understand, Mr. Chairman, that there is now, on the 1st of April—that is, to-day—$150,000 only, and that it will lack $30,000 to carry on the improvement until the 3d day of March. If the gentleman is satisfied that that statement is not true, and we have sufficient to continue this improvement at the rate of $30,000 per month, I have no objection to the appropriation as it stands; but I would not like to have this work stopped for a month after expending a million of dollars. We have got to a point in the construction of the jetties where it is of great importance to continue this work. This is simply for an appropriation of $30,000, and I hope, if the gentleman is not entirely satisfied, that $180,000 will be appropriated instead of $150,000.

Mr. CANNON. I will say to the gentleman there is no difficulty about it. The whole work is under contract. It is exceptionally situated for completion. The contract has been made, and we not only asked the Chief of Engineers about it, but we had him take time; and after days had passed by and investigation was had he brings us the data which I have read to the gentleman.

The CHAIRMAN. The Chair will state that there is no motion before the committee.

Mr. BARHAM. No, sir; it is only a matter of inquiry.

Mr. CANNON. There is no trouble about it.

Mr. BARHAM. All right.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL CEMETERIES.

For national cemeteries: For maintaining and improving national cemeteries, including fuel for superintendents of national cemeteries, pay of laborers and other employees, purchase of tools and materials, $100,000.

Mr. DINGLEY. Mr. Chairman, I move to strike out the last word, for the purpose of making an inquiry of the chairman of the committee in reference to these contracts for river and harbor improvements. We have just passed over them. I had not noticed until now. Is the authorization such, and are the contracts such, that the Government is obliged to have this work go on and to make payments from the Treasury as rapidly as the contractor may hurry up his work? In other words, does the contractor control the rapidity by which the appropriation is to be made or does Congress?

Mr. CANNON. Well, my understanding is that there is a minimum amount of work that the contractor must do.

Mr. DINGLEY. In the contract?

Mr. CANNON. Yes.

Mr. DINGLEY. Is there anything in the law of that kind?

Mr. CANNON. My recollection is that the law is a general authorization to the Secretary of War to make contracts.

Mr. DINGLEY. I think the phrase is used, Mr. Chairman, in the original authorization of this contract work, that it is to be paid as the appropriations may be made by Congress. Now, it is exceedingly important—of course this section is passed, but contracts are quite likely to be authorized in the future—it is exceedingly important that the Government, particularly the Treasury, should have some control of the amount that is to be paid on these river and harbor contracts, because if we are going to authorize, as we possibly may in this Congress, a large amount of contracts on river and harbor improvement work, the contractor practically has control as to how fast he will carry on that work. In other words, if he compels the Government to appropriate and pay out in a given fiscal year any amount he may perform of this work, then we are at the mercy of the contractors.

Mr. BINGHAM. The gentleman is wrong.

Mr. DINGLEY. I think I have heard the argument made here that we must appropriate because the work will be so much.

Mr. BINGHAM. If the gentleman will allow me, I have here a copy. These improvements run in this way: Under the terms of the contract the work must be prosecuted as rapidly as the Engineer officer may indicate, "provided funds are available in payment thereof." That is a qualification put upon the Engineer officer. Now, I will go a step further. The contractor will not be required to dredge more than so many cubic yards in any one month. There are two limitations. One upon the engineer, that is the qualification as to the funds being available, and then as to the maximum amount of work which he may require the contractor to do. Therefore the matter is always within your control.

Mr. DINGLEY. Is that so?

Mr. BINGHAM. That runs in all the contracts.

Mr. DINGLEY. But is it true, for example, in the contracts for the next fiscal year?

Mr. BINGHAM. I do not know about the new contracts. What I have said applies to the old contracts.

Mr. DINGLEY. Well, is it true under the old form of contract, if we should follow that form? Suppose this deficiency in the Treasury should go on; we are borrowing money for whatever expenditures we are making for this extraordinary work. Now, are we tied up under this contract system so that we must go on borrowing money for the purpose of doing the work, or can we suspend the work for the time being?

Mr. BINGHAM. Your engineer officer always has the matter under his control, being governed by the available funds that Congress appropriates; and the contractor is protected by the fact that he can not be called upon to do more than so much work each month; so that the Government is protected and the contractor is protected.

Mr. DINGLEY. Then it is in the power of the Government to suspend this work?

Mr. BINGHAM. Certainly. The matter is regulated by the funds that are appropriated.

Mr. DINGLEY. I have frequently heard the argument made in respect to these works that the contractor will do a certain amount of work, and that therefore the appropriation must be made. I had supposed that we had fixed these contracts so that we could appropriate just as fast or just as slowly as we chose, and not be controlled by the contractors. If that is not so, I think the matter ought to be regulated so as to have it understood that

the Government has control of the rate of speed at which the work shall be prosecuted, and not the contractor.

Mr. GROSVENOR. I suggest to the gentleman from Maine that the real object of letting these works under contract is to get the benefit of the cheapening of the operations by reason of contracting for a certain amount; and therefore, if the Government stops the work of construction, it will be at the expense of the Government, and the cost of completing the work will be practically what it would be under the old system. For that reason it is necessary to go forward continuously in order to get the benefit of the contract system.

Mr. PATTERSON. Mr. Chairman, I move to strike out the last word. I have always deprecated the injection of matters political when an appropriation bill is under consideration, and I would not now notice the remarks made a few moments ago by my friend from Ohio [Mr. GROSVENOR] if it were not for the fact that he appears here as the advance agent of the McKinley boom. [Applause on the Republican side.]

Mr. Chairman, from my standpoint I desire for a few moments to state some facts. When Grover Cleveland retired from the Presidency on the 4th day of March, 1889, the credit of this Government was unquestioned by the commercial world. On the 14th of July, 1890, during a Republican Administration, when the Republican party had control of this Government, what was known as the Sherman law was passed. At that time 90 per cent of the money that came into the Treasury of the United States from the custom-houses was being paid in gold. From that hour the commercial world took alarm, and during the remainder of that Republican Administration there was increasing and augmenting evidences of financial distress. On the 1st day of January, 1891, the gold receipts had fallen from 90 to 75 per cent. By the 1st day of January, 1892, they had fallen to 40 per cent. By the 1st day of January, 1893, they had fallen to 8 per cent. The day that Grover Cleveland was inaugurated President of the United States a second time they had fallen to 4 per cent. By the 1st day of April, 1893, they had fallen to 2 per cent, and when he called Congress in extra session in August, 1893, not one grain of gold was finding its way into the Treasury of the United States through the channel of the custom-houses. At that time this great Republic was reeling and rocking in the throes of a great financial panic. From that day until this, this Government of ours has been in financial distress. The whole commercial world recognizes it. The whole business world knows it.

What effect has that had upon our revenue receipts? What effect has it had upon the receipts of our custom-houses? What effect has it had upon the receipts in our Internal-Revenue Bureau? And yet the gentleman from Ohio [Mr. GROSVENOR] takes that period of distress as his standard of comparison to show that there has been a falling off in the revenues, and holds up the McKinley law as a guide out of the difficulty.

Mr. Chairman, this logic will not do. The responsibility for that condition of affairs is on the Republican party, and it is on the gentleman's champion, William McKinley. [Applause on the Democratic side.] The gentleman's proposition is that the way out of this difficulty is to filch money from the pockets of the people by means of class legislation. I for one stand here to say that the Wilson bill, but for the conditions imposed upon the country by the Sherman law and by the financial distress which followed it, would have yielded money enough to support the Government, and that the deficiency which the gentleman has pointed out——

The CHAIRMAN. The time of the gentleman has expired.

By unanimous consent, the time of Mr. PATTERSON was extended for five minutes.

Mr. PATTERSON. Mr. Chairman, I maintain that, aside from the income-tax feature of the Wilson bill, if this country had not been burdened with the conditions to which I have referred the Wilson law would have yielded enough revenue to support this Government—aye, it would have yielded more than the McKinley law!

Mr. Chairman, the gentleman whom my friend from Ohio champions as a candidate for the Presidency represents the idea of practically relegating the financial question to the rear. In Ohio they have straddled the question. They have declared for a gold and a silver standard. They dodged the question there, and after having dodged it they come before the country and hold up as the sole remedy, the sole relief from existing conditions, the further taxation of the people.

Make the country prosperous by taxing the people! Make the country prosperous by taking the money out of the pocket of A and transferring it to the pocket of B! That is the doctrine. I wish to say to my friend from Ohio that he can not escape the main issue. The whole commercial world, the entire business community of the United States, knows where the disease lies—knows where the trouble is; and there is no escaping the issue. I predict to-day that if the Republican party follows the Ohio platform and nominates William McKinley upon the idea that there is no salvation for this country except in a high protective tariff, it is doomed to defeat, as it was in 1892. Oh, if I could have my fellow-Democrats to see this thing as I see it. [Laughter.] If we could bring the great Democratic party up to the standard which I am advocating. [Laughter.] Gentlemen may laugh; but if the Democratic party stood for the liberty of the citizen; if it stood for the liberty of the State; if it stood for the liberty of commerce; if it stood for tariff reform and sound money, there is no escape from it. It would regain the confidence of the people; it would retain the control of the administration of this Government.

Mr. LIVINGSTON. As the gentleman appealed to his Democratic colleagues, I should like to ask him this question: Did he not say in 1893 that if we would repeal the silver-purchasing clause of the Sherman law all these good things would follow?

Mr. PATTERSON. I did not. I was dealing with my Republican friend from Ohio——

Mr. LIVINGSTON. You turned to us.

Mr. PATTERSON. But as long as the gentleman has asked me the question, I will briefly answer it. Yes, I believed that the repeal of the purchasing clause of the Sherman law would have a great tendency, as it did have, to restore public confidence, to restore public credit, and bring about a better condition of affairs. The fact is that within less than a month after the repealing act was passed the receipts of gold in the custom-houses went up to nearly 50 per cent. But Congress convened again, the Democratic party having control of all the departments of the Government. We clamored for the free coinage of silver, and we never tired in keeping the country in a state of distress and doubt and anxiety in respect to the stability of our currency. I freely admit that the conduct of the Fifty-third Congress perpetuated that condition of affairs which the called session of that Congress found existing in August, 1893—in a modified form, however. But I will not discusses that question further.

Mr. SHAW. May I ask the gentleman a question?

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. PATTERSON] has expired.

Mr. GROSVENOR. Mr. Chairman, one of the first demands made upon an ambassador coming from a foreign country and purporting to represent a sovereignty is that he shall present his credentials and make known whom he represents. Mr. Chairman, I did not speak——

Mr. PATTERSON. If the gentleman wants to know whom I represent in what I say, my reply is, I represent, so far as I can, and in a very modest way, a Democratic Administration. [Laughter and applause.]

Mr. GROSVENOR. In the few remarks which I made a short time ago, and which were mainly made up of figures——

Mr. BAILEY. Does the gentleman from Ohio accept the statement of the gentleman from Tennessee as a presentation of his credentials?

Mr. GROUT. I supposed that the gentleman represented a Congressional district in Tennessee.

Mr. GROSVENOR. I think I can make the matter plain if I can have the opportunity for a few moments.

In what I said, Mr. Chairman, I undertook to represent the general trend of the political party to which I belong. I did not speak on behalf of any particular individual; I did not say anything about any one person. But the gentleman has the misfortune just at this time to represent nobody on God's earth unless it be himself; and I think he has had a struggle with himself. [Laughter and applause.] I read the other day that the leaders of his State—the Senators, and most of the Representatives on this floor—held a convention or a gathering down in Tennessee; and it was announced in the public press that the State of Tennessee in the Chicago convention would be overwhelmingly in favor of the free and unlimited coinage of silver. [Applause on the Democratic side.]

I read that the gentleman had wrapped "the drapery of his couch about him" and did not lie "down to pleasant dreams," but fled away to the wilds of Missouri, and entered upon a pilgrimage of education of the benighted denizens of that magnificent State. And I learned with a good deal of interest, through the public press of both parties, that on his return to St. Louis, on his way here, it was announced officially by the Democratic party there that in the Chicago convention that State would be overwhelmingly in favor of the free and unlimited coinage of silver. [Applause on the Democratic side.]

Now, I respectfully submit, Mr. Chairman, that my friend, able as he is, distinguished as he is, comes here without credentials. He is a political guerrilla. [Laughter.] He does not belong to any political party.

Mr. BINGHAM. In nautical language he is a "tramp."

Mr. GROSVENOR. Yes; he is what they call in the merchant marine a "tramp." He goes from port to port. [Laughter.] He talks about somebody on this side representing some candidate. I do not know anything about that. But whom does he represent?

Several MEMBERS. Cleveland.

Mr. GROSVENOR. Cleveland! Why, Mr. Chairman, from

the day the Fifty-third Congress was organized down to to-day Mr. Cleveland has not been able to rally a majority of the Democrats in either body of this legislative organization. He has been an Ishmaelite in politics, with his hand against every Democratic organization and every Democratic organization against him.

I do not care to discuss who was right and who was wrong. The presumption is that anybody who is against the great body of the Democratic party is always right. [Laughter and applause.] I was talking about the effect on the country of the change of Administration, and the gentleman answered by getting into a controversy with his own party. [Laughter.] I was talking of the effect of the diminution of our revenues and the paralysis of our business, and am answered by the gentleman saying that the Democrats of the Fifty-third Congress did not behave themselves. Certainly not; they never do. [Laughter.] But what right has the gentleman who differs with me to read a lecture to the Democrats?

I submit my figures must stand, and the condition of the public Treasury must stand, the paralysis of public business everywhere throughout the country must stand, until that party, not under the leadership of any one man, but under the inspiration of the great principles which it indorses, comes back into power and sets right that which went wrong in 1892. [Prolonged applause on the Republican side.]

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For superintendents of national cemeteries: For pay of 75 superintendents of national cemeteries, $61,880.

[The reading of the above was greeted with laughter and applause.]

Mr. MEREDITH. I wish to say to our friends on this side of the House that we can not be buried in the national cemeteries, so we have no interest in the matter.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Road to national cemetery, Presidio of San Francisco, Cal.: For continuing the work of improving the reservation at the Presidio of San Francisco, Cal., by developing and perfecting the water supply, the reclaiming of sand dunes, the planting of trees and shrubs, and construction of new roads, the erection of a permanent fence or wall on the south and east lines of the reservation, the erection of permanent gateways, the reclamation of the marsh, and other general and much-needed improvements, $10,000.

Mr. SMITH of Illinois. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

On page 72, after the word "dollars," in line 22, insert the following, namely:

"For the construction of a graveled road starting at a point on the north side of Cache River, in Pulaski County, Ill., where the present county graveled road from Cairo, in Alexander County, Ill., and the bridge across said Cache River terminates, and running thence to a point connecting with the present national graveled road from Mound City, in said Pulaski County, with the Illinois Central Railroad in said county, at a point on said national graveled road at or near the national cemetery in Pulaski County, the sum of $15,000.

"Said road to be constructed above high-water mark; to be 18 feet in width on top surface, graveled similar to present national road to said cemetery, same to be in continuation of graveled road to said national cemetery."

Mr. CANNON. Notwithstanding, Mr. Chairman, that this is to be expended in my State, I am compelled to make the point of order upon it.

Mr. SMITH of Illinois. Mr. Chairman, if the chairman of the Committee on Appropriations will kindly give me his attention for a moment—and I believe I have not occupied the time of the House very long—I would like to be permitted to explain this amendment and submit the facts in connection with it to the House, after which the question will be for the gentleman himself to determine whether he will care to make the point of order.

Mr. CANNON. I reserve the point of order. I have no desire to cut my colleague out of an explanation of the amendment.

Mr. SMITH of Illinois. Mr. Chairman, I desire to say, with reference to the amendment, that it is asked and offered in perfect good faith, and to meet a public necessity at this time. It is not for the purpose of subserving personal ends in the county in which the road is asked to be built. But in the county of Pulaski, in the State of Illinois, there is located what I believe is the third largest national cemetery in the United States. There—on the border of what was the North and the South, the armies contending within a few miles of that place during the war—were brought to this point where this cemetery is located thousands and thousands of those who had fallen in defense of their country, as well as many of those who had fallen in defense of the Lost Cause. They were buried in what was then a swamp, but since that time—since the close of the war—the Government has built along that national cemetery a levee which is from 14 to 15 feet in width to protect the graves of those who fell in that struggle, both North and South, and were buried there, from being covered with the waters of that swampy country.

In the Fifty-first Congress I asked an appropriation of $25,000 to build a graveled road to this national cemetery, starting at the point, mentioned in the amendment, leading to the cemetery, and from there to the Illinois Central Railroad. I asked it for the purpose of furnishing to those who desired to place flowers on the graves of fallen comrades and friends on each 30th of May an opportunity of being able to travel to the cemetery without having to go in dugouts at that time. Congress failed to give the $25,000, but did give an appropriation of $10,000. That was not sufficient to construct the road in the manner that it was necessary to construct it to the cemetery from the point mentioned in the amendment; but I was grateful for this small amount, and believed that I would be doing the people and the country a service to accept it, and then go to the people of that section, poor though they are, and ask them to contribute of their means to assist a great Government like this in building a highway to one of its own national cemeteries. I received the $10,000, and my people raised $8,000 themselves to assist the Government in building that piece of road. They built it as well as they could, and they have built a good one, as far as the means allowed; but there is yet 1¼ miles that is necessary to complete the entire work, and for that purpose I desire to have this money appropriated to construct and complete the road and all the roads that the Government needs to the national cemetery there. It is but a small amount.

I will say, Mr. Chairman, that it may be that under the rules of the House the point of order might be raised against this appropriation; but less than two hours ago this House voted an appropriation, which was subject to the point of order, to purchase a two-story brick building in this city, where Lincoln died. I think the House performed a patriotic duty, and that the chairman of the committee and members of the House did themselves credit and justice by not raising the point of order and by making the appropriation. Without a dissenting voice on either side, we voted to buy that house, and now I am asking a less sum to build a road to a silent city where thousands of the nation's dead lie sleeping. Will the chairman, patriotic as he is, will any one refuse this small amount, which I assure the House is all we will ever ask? And we shall have to raise money out of our own pockets to complete this road, even with this amount which I do ask.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Illinois. I should like about a minute longer.

Mr. CANNON. I ask that the gentleman have his minute.

The CHAIRMAN. Unanimous consent is asked that the gentleman be allowed to conclude his remarks. Is there objection?

There was no objection.

Mr. SMITH of Illinois. Then, Mr. Chairman, in conclusion I simply desire to say that I trust the chairman of the Committee on Appropriations will not press his point of order to this small amount asked for national purposes and for the benefit of the people of this country.

A MEMBER. What is the amount?

Mr. SMITH of Illinois. Fifteen thousand dollars. Within that cemetery there are 26 States of this Union represented. In that silent city sleep citizens from 26 States of this Union, and their friends desire to have proper facilities for visiting their resting place on the 30th of May. I trust the gentleman will withdraw his point of order.

Mr. CANNON. Mr. Chairman, I desire to ask my colleague a question.

Mr. SMITH of Illinois. Certainly.

Mr. CANNON. How much road is it desired to complete?

Mr. SMITH of Illinois. About one mile and a quarter.

Mr. CANNON. Is it inside the cemetery or outside of the cemetery?

Mr. SMITH of Illinois. The road is outside of the cemetery of course.

Mr. CANNON. And about how far from the cemetery?

Mr. SMITH of Illinois. This road that I ask to have built is about a mile and a quarter from the cemetery. I have here a map, which I will show to the gentleman, and which will explain the location. Here is the cemetery; here is the present national road out to the Illinois Central Railroad; here is the river which has been referred to; here is the gravel road, which has been built by private means, from Cairo, Ill., out to this river. They have built a bridge across. The distance from the national cemetery to this point would be a mile and a quarter. There are some points where the distance would be less than a mile and a quarter, and we care not whether the road is built to one point or the other, but on a straight line it would cost less.

Mr. CANNON. How far is it from Cairo out to this cemetery?

Mr. SMITH of Illinois. Seven miles.

Mr. CANNON. I want to get at the facts, because I do not know.

Mr. SMITH of Illinois. Certainly; I will give the gentleman any information I can.

Mr. CANNON. From Cairo to the cemetery it is 7 miles?

Mr. SMITH of Illinois. Yes.

Mr. CANNON. Now, there is a gap of a mile and a quarter?

Mr. SMITH of Illinois. Yes.

Mr. CANNON. As I understand, there is a mile and a quarter built from the cemetery toward Cairo, and probably about 4 miles, or in that neighborhood, from Cairo toward the cemetery?

Mr. SMITH of Illinois. No; my friend is in error there. A gravel road has been built from Cairo here clear out 6 miles to this river, and the gap is from the river out to the cemetery.

Mr. CANNON. Is that a county road or a State road now?

Mr. SMITH of Illinois. It is a public road, that was built by the county and by private subscription.

Mr. CANNON. It is outside of the cemetery. The Government does not own it?

Mr. SMITH of Illinois. Why, of course not; but we will give the Government the land over which to build it, as we did over there.

Mr. CANNON. Is it a county or State road that is proposed to be improved?

Mr. SMITH of Illinois. Oh, not at all. There is no road there. I am asking to have the road built. It is now under water, and you will have to go in a dugout to cross there.

Mr. CANNON. Does the land belong to private parties or to the United States where the gentleman proposes to construct the road?

Mr. SMITH of Illinois. To private individuals, of course.

Mr. CANNON. Mr. Chairman, I am reluctantly compelled to make the point of order, in view not only of this amendment, but in view of the fact that many members have come to me asking that I would not make a point of order against amendments to build roads to cemeteries. It is ungracious, I know, to make the point of order, and I would not do it if it were not for the fact——

Mr. SMITH of Illinois. If it were not a necessity I would not urge it upon the gentleman.

Mr. CANNON. The bare statement of the proposition and the bare statement that I am pressed on all sides to withhold points of order for similar amendments——

Mr. SMITH of Illinois. Will you permit me a word here?

The CHAIRMAN. The gentleman can not be interrupted.

Mr. SMITH of Illinois. Well, if he does not yield——

Mr. CANNON. Certainly; I always yield to my colleague.

Mr. SMITH of Illinois. I should have added a point. I have petitions of many thousand people from that and other States to allow this little thing to be done.

Mr. CANNON. Now, then, this appropriation is not authorized by law. I am inclined to think, from the statement of the gentleman from Illinois, if the Military Committee will report a bill here that I would vote for it; but on this appropriation bill it is clearly within the purview of the rule, and I am compelled to make the point of order.

The CHAIRMAN. The Chair will sustain the point of order unless the gentleman desires to be heard further on the point of order.

Mr. SMITH of Illinois. I was going to add just a word on the point of order. It is stated in one clause of the amendment that it is a continuation of work already begun. It is part of the work contemplated originally, and which has not yet been provided for. It is a part of the original work I asked an appropriation for, and I have stated in my amendment that it is a continuation of a work already begun. That is all I care to add.

The CHAIRMAN. The Chair will sustain the point of order.

Mr. SMITH of Illinois. Then I will ask unanimous consent, Mr. Chairman, for the consideration of the amendment.

The CHAIRMAN. Unanimous consent is asked for the consideration of the amendment.

Mr. CANNON. That is equivalent to not making the point of order. It is ungracious, I know, to stand up here and resist an amendment of a colleague; but if I did not do it here I can not do it as to any other amendment, and there are a good many of them of a similar nature.

The CHAIRMAN. Objection is made.

Mr. SMITH of Illinois. I believe my colleague has always objected to everything I have asked.

Mr. CANNON. That is unkind and farfetched.

Mr. SMITH of Illinois. It is true, nevertheless.

Mr. CANNON. I move to strike out the last word. My colleague has served long enough in this House not to plead that he does not know the rules of the House, and I do not now recollect what other matter he ever did ask for that I objected to. I hope I have his attention, and I will wait until I get it.

Mr. SMITH of Illinois. How is that?

Mr. CANNON. I hope I have my colleague's attention.

Mr. SMITH of Illinois. Certainly.

Mr. CANNON. He has served long enough here to know what the rules of the House are, and to understand that, standing as I do, charged with the care of this bill, that I may have at times to make points of order that run across the desires of individual members and of colleagues. The House has made the rule, and, occupying this situation, I make the point of order; and when my colleague travels out of his way, as it seems to me he has, in a manner not usual with him, petulantly to say that I lay awake at nights to object to something he wants, I think it is not just to himself; I know it is not just to me.

Mr. SMITH of Illinois. I will answer to myself, and care nothing for the balance.

Mr. CANNON. Ah——

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Publication of Official Records of the War of the Rebellion: For continuing the publication of the official records of the Union and Confederate armies, including the atlas of maps and plans, in accordance with the plan approved by the Secretary of War August 3, 1889, and for the compensation of the civilian members or the board of publication, appointed in accordance with the act of March 2, 1889, and for the compensation of such temporary expert services in connection with the preparation, publication, and distribution of said records as may be deemed necessary by the Secretary of War, and for the purchase of stationery and for additional rent, not exceeding $1,800, and for traveling expenses of the agent for collection of records, to be disbursed under such regulations as the Secretary of War may prescribe, not exceeding $50, $145,000: *Provided*, That no part of this appropriation shall be expended for the compensation of any person not actually and necessarily employed in the said work of preparation, publication, and distribution.

Mr. SAYERS. I call the attention of the gentleman in charge of the bill to a motion which I propose to make, to strike out all after the word "dollars," in line 16 of page 75, down to and including the word "distribution," in line 20. I will state that the proviso was put on by the committee, and I think it is hardly advisable that it should remain.

Mr. CANNON. What is it the gentleman proposes to strike out?

Mr. SAYERS. The proviso; that is, all after the word "dollars," in line 16.

Mr. HENRY of Indiana. What is the page?

Mr. SAYERS. Page 75.

Mr. CANNON. I will say to the gentleman, if no other member of the committee objects, I shall not object to striking out the proviso.

The CHAIRMAN. Does the gentleman from Texas make a motion to that effect?

Mr. SAYERS. I do.

The CHAIRMAN. The amendment will be agreed to unless there is objection. [After a pause.] The Chair hears none.

The Clerk read as follows:

Artillery school at Fort Monroe, Va.: To provide for means of instruction, such as text-books, instruments, drawing materials, and stationery required in the courses of artillery, engineering, law, and the art and science of war, and for other necessary expenses of the school, $5,000.

Mr. BOWERS. I move to strike out the last three words of the paragraph. Mr. Chairman, there is a seeming difference in the platforms in Ohio, in Massachusetts, and in New Hampshire, but I am satisfied that the difference is only apparent, and that at St. Louis everything will be settled, and we shall have only one good Republican platform.

Mr. RAY. That will be the Morton platform. [Laughter.]

Mr. BOWERS. That will be the Republican platform. But I want to call attention to a matter on which I think we ought to take some action. Our attention was called yesterday by the gentleman from Pennsylvania [Mr. ADAMS] to some dangerous practices that were being indulged in by members of this House. You can find in the RECORD a report of the matter, from which it will be seen that these "silver cranks" here attempted to fool and deceive the manufacturers of this country.

Now, Mr. Chairman, I think we ought to take some position upon this question. It is one that must be settled, and the House ought to express its judgment in regard to it. I have therefore drawn up some brief resolutions, which perhaps the House may not desire to adopt at this time, but which I think reflect the general sentiment. I will read them in my own time. They are as follows:

Resolved, That in the judgment of this House the so-called silver members of this body are dangerous cranks, threatening the prosperity and perpetuity of the business interests of the nation, and therefore ought to be expelled.

[Cries of "Vote!" "Vote!"]

Mr. BOWERS. We will vote on the resolutions together. The next is:

Resolved, That in the judgment of this House no member can be a good Republican or a good Democrat who does not get onto the platform, and stay on the platform, invented, constructed, and patented by Grover Cleveland, and to which it appears the Republican party has secured a reversionary interest.

[Laughter.]

Resolved, That while we consider the silver members, owners, or representatives of silver mines who come among us seeking to benefit their mining industry through legislation as dangerous and a menace to the country, we at the same time welcome the presidents, directors, stockholders, and representatives of national banks who come here as members to protect and benefit their business; and we pledge them our earnest support in their efforts to establish an elastic currency which may be increased or diminished in amount as the interests of the bankers may seem to require; and also in their efforts to be authorized to issue more currency on less security, to the end that a system of "sound currency" may be established, every dollar of which shall be redeemed in gold purchased by the sale of United States bonds in accordance with the new system of "sound finance."

Mr. BARHAM. Mr. Chairman, I join my colleague in asking unanimous consent for the present consideration of those resolutions.

Mr. BOWERS. The resolutions are before the House.

Mr. GROSVENOR. The gentleman from California better look out, or he may be taken in earnest. He may have some constituents who will not understand the sarcasm of those resolutions of his. [Laughter.]

Mr. BOWERS. Well, Mr. Chairman, I will take the chances with my constituents. I always did. My constituents understand that the miner and the silver member have as good a right to come here and work for the interest of the men who dig the gold and the silver out of the hills as the banker has to come here and work to protect his banking interests. There are two sides to this question, and I have got a little tired of this talk about "silver cranks" as men who "threaten the business interests of the country." You have not got any business interests. They went to the devil long ago under your "sound-money" system. [Laughter.]

Mr. HARDY. Then, if I understand the gentleman, he recommends legislation here solely in the interest of silver-mine owners.

Mr. BOWERS. The Chairman has been making so much noise with his mallet that I have been unable to hear the gentleman's question. [Laughter.]

Mr. CANNON. Mr. Chairman, if I can have the attention of the committee for a moment, after the storm and the lightning and the wind [laughter], I shall be glad, if it is the will of the committee, to complete the pending bill this evening, and we can very well do it if we get down to business for the next hour. [Cries of "Read!" "Read!"]

The Clerk read as follows:

For pay of inspectors and deputy inspectors, office force, and expenses of office, $10,260;

For pay of crews and maintenance of 4 steam tugs and 3 launches, $48,740.

In all, $59,000.

Mr. WALSH. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Strike out "ten," in line 11, and insert "thirteen"; strike out "fifty-nine," in line 16, and insert "sixty-two."

Mr. CANNON. I believe we have passed that paragraph, Mr. Chairman.

The CHAIRMAN. The Clerk informs the Chair that the two paragraphs following the one to which this amendment is offered have been read.

Mr. WALSH. I understood that the Clerk had just read the paragraph.

Mr. CANNON. I will say to my friend that we have recommended the full amount of the estimate.

Mr. WALSH. No, sir; the appropriation is $3,000 short. The estimate is $62,000, and the appropriation recommended in the bill is $59,000.

Mr. BARTLETT of New York. Allow me to state, in answer to my colleague [Mr. WALSH], that Lieutenant-Commander Delehanty, who has charge of this work, assented to this reduction from $62,000 to $59,000.

Mr. WALSH. I think that this is a matter that goes beyond the individual opinion of any single officer. I think, Mr. Chairman, this is a very important matter. The question of disposing of the refuse from the large cities adjacent to New York Harbor has been a perplexing one to every administration of affairs in those cities. This is especially true of the city of New York. I need not dwell on two prominent facts; their statement will be sufficient for my purpose: First, the importance of that city as a manufacturing center; second, its importance as the gateway of our commerce. One necessitates the wisest legislation in favor of the health and comfort of the producers, and the other argues for its own protection better than anything I could say. Two things must be preserved at any cost—the sanitary welfare of the manufacturing thousands, the prevention of contagion in anything we send to the States or abroad, and, besides, that condition of the harbor channels which will permit the giant carriers of commerce to enter and go from our ports over an unobstructed waterway.

The evils that are evident can be prevented by reasonable vigilance exercised in the harbor of New York. Yet I submit the present force is not adequate to perform that task. The usual mode of disposing of the city garbage is to gather it on the scows at the New York docks, tow it seaward, and there unload the scows. But, whether the subordinates have willfully disobeyed instructions, or contractors having the disposition of these scow loads of refuse have winked at it, the refuse is very often dumped very near and perhaps in the channel line of the harbor, and is a menace to the health and the commerce of the country—part of it by floating back to the popular resorts surrounding our cities, and most of it by sinking and making more shallow our already shallow channel.

You can see that this is not entirely a local matter; it affects every community having business relations with New York, and unless you desire to divert the lines of trade from New York, unless you think there are better harbors for our commerce than the grand harbor of New York, unless you think there are fairer-dealing merchants and manufacturers elsewhere, and desire to strike a blow at her well-earned commercial and manufacturing supremacy, you should pass this amendment. The members from the city of New York have from their experience about made up their minds not to ask Congress for anything for purely local reasons. But we do think that we are entitled to some sort of relief if we can accompany a local complaint with a demonstration of a plain menace to the health and commerce of the whole Union.

Mr. CANNON. I ask for the reading of the letter which I send to the desk.

The Clerk read as follows:

WAR DEPARTMENT,
OFFICE SUPERVISOR OF THE HARBOR OF NEW YORK,
New York, March 23, 1896.

SIR: Acting on your suggestion, I would respectfully submit that the estimate of appropriation required for this office for the fiscal year commencing July 1, 1896, might be reduced $3,000 by appropriating a lump sum for the pay of crews and maintenance of all the boats, instead of a limited sum for each boat. This would enable me to provide a certain sum for contingencies, such as unexpected repairs, which might be applied to any one of the boats, instead of making an estimate for such repairs for each boat.

The estimate of appropriation required for fiscal year ending June 30, 1897, would therefore be as follows:

For pay of inspectors, deputy inspectors, office force, and expenses of office	$10,260
For pay of crews and maintenance of 4 steam tugs and 3 launches	48,740
Total	59,000

Very respectfully,

DANIEL DELEHANTY,
Lieutenant-Commander, U. S. N., Supervisor.

Hon. JOSEPH G. CANNON,
Chairman Committee on Appropriations,
House of Representatives, Washington, D. C.

Mr. CANNON. It will be seen that in this bill, following the recommendation of the officer in charge of this work, we have given a consolidated instead of an itemized appropriation, and in doing so we have thoroughly cared for the work.

Mr. WALSH. I will say to my friend from Illinois that some injustice must be done to somebody by this reduction of $3,000. The original estimate, as I understand, was $62,000.

Mr. CANNON. I can explain the matter to my friend in a moment. The current law makes a specific appropriation for each vessel and its crew, there being four steam tugs and three launches engaged in this service. Under specific appropriations, if there should be expended for one of these vessels $100 or $500 less than was appropriated, the difference would go back into the Treasury, although some other vessel might be short $100 or $500. The officer in charge said that by making a lump appropriation the amount could be reduced $3,000 and that the work would be better cared for than heretofore.

Mr. WALSH. I suggest to the chairman of the committee whether it would not be just as well to give the $3,000 and allow this officer to employ three additional inspectors? Those are what we want there—not so much the tugs and their crews as the inspectors.

Mr. CANNON. Lieutenant-Commander Delehanty, in charge of this work, appeared before the committee and made his request. I asked him to put it in writing, and he did so. His letter has been read. It might be very desirable that three additional inspectors should be appointed there, if the gentleman would let me furnish them from my district. [Laughter.]

Mr. WALSH. I will see that the gentleman gets his share if I have anything to do with it. [Laughter.]

Mr. CANNON. I am ready for a vote.

The question being taken on the amendment of Mr. WALSH, it was rejected.

The Clerk read as follows:

That hereafter the Medical Department of the Army is authorized to sell medical and hospital supplies at its contract prices to the National Home for Disabled Volunteer Soldiers.

Mr. STEELE. I move to amend this paragraph by inserting after the word "hereafter" the words "upon proper application therefor."

Mr. CANNON. In my judgment this amendment does not change the proposition as recommended. I have no objection.

The amendment was adopted.

The Clerk read the following under the heading "National Home for Disabled Volunteer Soldiers":

For farm, namely: Pay of farmer, chief gardener, harness makers, farm hands, gardeners, horseshoers, stablemen, teamsters, dairymen, herders, and laborers, and for all tools, appliances, and materials required for farm, garden, and dairy work; for grain, hay, straw, dressing seed, carriages, wagons, carts, and other conveyances; for all animals purchased for stock or for work (including animals in the park); for all materials, tools, and labor for flower garden, lawn, and park; and for repairs not done by the Home, $15,000.

Mr. CANNON. I move to amend by inserting a comma after the word "dressing," in line 11 of this paragraph.

The amendment was agreed to.

The Clerk read as follows:

For household, including the same objects specified under this head for the Central Branch, $15,000.

Mr. CANNON. I move to amend by making the amount of this appropriation $17,500, instead of $15,000.

The amendment was agreed to.

Mr. STEELE. Mr. Chairman, under the head of "For farm," in the item for this Home, I ask that the Clerk read that provision again.

The Clerk read as follows:

For farm, including the same objects specified under this head for the Central Branch, $6,000.

Mr. STEELE. Now, Mr. Chairman, I move to strike out "six thousand," and insert "seven thousand five hundred." There is a cut of $3,000 on the farm. If we can get fifteen hundred dollars more we can get along, although we have roads to build and few trees planted as yet.

Mr. CANNON. Well, I would say to the gentleman that for the current year you have only four thousand five hundred.

Mr. STEELE. But that is not enough.

Mr. CANNON. And we recommend a good deal more in this bill.

Mr. STEELE. The appropriations of last year resulted in forcing the selling off of a great deal of stock that was absolutely necessary. We could not keep it because the appropriation was not sufficient to care for it. We are trying to make the Home what it ought to be.

This appropriation, if increased as proposed by the amendment, would enable us to keep going until we can get on our feet out there. This is a new Home, and we will need all we can get to put the farm in good shape. We need roads and other facilities on the farm that will require this additional appropriation.

Mr. CANNON. I suggest that we have appropriated quite a large sum for that Home. We appropriate, for instance, $66,000 for additional barracks, $2,500 for boiler house, $5,000 for gas well, $1,300 for leasing additional ground, and a great many other items are also carried by the bill. We also include $6,000 for the farm, including the same objects specified under the Central Branch Home. The amount appropriated here is an increase of $1,500 over the current year.

Now, the gentleman says that they have no roads——

Mr. STEELE. No, we have not sufficient roads yet. There are quite large expenditures involved in the farming business. Farm hands are needed, gardeners, hostlers, stable men, laborers, dairymen, herders, and a large amount of the appropriation will be absolutely necessary in the construction of roads and the hauling of material.

Mr. CANNON. Now, seriously, let me say to the gentleman from Indiana, as I have said before, that the full estimate is given to keep the Home in this case. Every dollar has been given that was necessary for that purpose. We are trying as a matter of policy to keep the various items of these appropriations within reasonable limits.

I want to say to my friend that I have a suspicion, that almost amounts to actual knowledge, that under the head of "farms," at these various Homes, the appropriation is used largely in the matter of beautifying the grounds rather than for farming purposes.

Mr. STEELE. And largely for building roads, let me say to the gentleman.

Mr. CANNON. Undoubtedly some for building the roads. But the appropriation is largely used to beautify the parks, and is expended for the benefit of people who do not occupy the Homes rather more than for those who do occupy them, I suspect.

Mr. STEELE. I plead guilty of trying to make the Homes attractive.

Mr. CANNON. Well, we have given large appropriations in this case, and I think we had better let the farm item stand as it is.

The CHAIRMAN. Does the gentleman from Indiana insist upon his amendment?

Mr. STEELE. I would like to have a vote on the amendment.

The amendment was rejected.

The Clerk read as follows:

For president of the Board of Managers, $4,000; secretary of the Board of Managers, $2,000; one general treasurer, who shall not be a member of the Board of Managers, $3,000; one inspector-general, $2,500; one assistant inspector-general, $2,000; clerical services for the offices of the president and general treasurer, $5,500; messenger service for president's office, $144; messenger service for secretary's office, $52; clerical services for managers, $1,500; agents, $2,400; for traveling expenses of the Board of Managers, their officers and employees, $11,500; for outdoor relief, $1,750; for rent, medical examinations, stationery, printing of blanks at depot and necessary materials therefor, telegrams, and other incidental expenses, $2,500; in all, $88,846.

Mr. STEELE. Mr. Chairman, I move to strike out the words "three thousand," as compensation for the general treasurer, and insert "three thousand five hundred."

Mr. CANNON. Let us have the amendment reported from the desk.

The Clerk read as follows:

On page 86, line 9, after the word "thousand," insert "five hundred"; so that it will read "$3,500."

Mr. CANNON. I am compelled to make the point of order on the amendment. It is not authorized by law.

The CHAIRMAN. Does the gentleman from Indiana desire to be heard on the point of order?

Mr. STEELE. I do not think it comes within the point of order. The law provides that these men shall have such compensation as is fixed by the Board of Managers. The compensation of this officer has been $3,000 for a number of years past, but under a new system inaugurated at the last Congress it was provided that the treasurer of the National Home should give a satisfactory bond to the War Department. The Secretary has provided that the bond shall be in a trust company; that personal security that has heretofore gone on bonds will not be accepted, and under the ruling—having to give a bond of $100,000—this officer is compelled to pay $500 for the bond; and the salary has been reduced by that amount. It seems unfair to him to specify that he shall pay for that bond, and that the payment shall come out of his own salary, which is small enough anyway.

Mr. BLUE. Will the gentleman permit me to interrupt him just there?

Mr. STEELE. Certainly.

Mr. BLUE. I would like to know in what company that gentleman gets his bond, and also whether or not any member of the Board of Managers is interested in the company?

Mr. STEELE. Mr. Chairman, that is an implication that I would not deign to answer if it did not come from the gentleman from Kansas. I desire to say that there is no member of the Board of General Managers who is interested in anything excepting in the welfare of the Home. They are not interested in any surety company of which he talks, directly or indirectly, so far as my information goes, and so far as I am personally concerned I know I am not, and I do not think that any other member is. The company was selected by the treasurer of the Home.

Mr. BLUE. I should like to ask the gentleman a further question. I have understood that it is now required of the several treasurers of the different Homes that they, too, shall give bonds in this same company?

Mr. STEELE. The gentleman's information is not correct in that respect.

Mr. BLUE. I want to find out whether it is or not, if the gentleman will permit me. I have understood that they have recently been required to give bonds in the same company, at a large expense, while heretofore they have been allowed to give their bonds in the ordinary way, signed by persons who know them, in the communities where they reside. I wish to know authoritatively whether that is so or not?

Mr. STEELE. Certainly not. By a regulation of law provided by the Committee on Appropriations, at the instance of the Inspector-General's Department, I think, returns are now made to the War Department instead of to the proper accounting officers of the Treasury Department as heretofore. Another condition is that the bond shall be made to the satisfaction of the Secretary of War; but one of the officers—I am not prepared on the instant to say which one, not the Board of Managers—prescribes where this bond shall be given. He is an officer over whom the Board of Managers have no control whatever, who provides the kind of bond that shall be given.

Mr. WILLIAM A. STONE. Will the gentleman allow me to ask him a question?

Mr. STEELE. Yes.

Mr. WILLIAM A. STONE. Is the gentleman not aware of the fact that the Fifty-third Congress passed a law giving permission to any person who had to give a bond under any law of the United States to give as surety a company organized under any State law, but expressly provided that in no instance should any officer of the Government require a bond to be given by such company provided the person of whom the bond was required should furnish individual sureties, as heretofore? If what the gentleman states is true, it is being done directly in the teeth of an act of Congress passed within the last two years.

Mr. STEELE. I have not seen that law, and I do not understand that to be the law. If it is the law, I should like to see it. I am not saying that it is not the law.

Mr. WILLIAM A. STONE. I think I can very soon find it.

Mr. STEELE. I think the officer who prescribes the character of the bond—I am sorry I can not give his designation or name—is not satisfied with personal bonds, and the law provides that the bond shall be satisfactory to this officer or the Secretary of War. He insists that it shall be one of these trust or fidelity company bonds.

Mr. BLUE. Will the gentleman permit me to ask him another question?

Mr. STEELE. Certainly.

Mr. BLUE. Now, Mr. Chairman, I ask that question in good faith, and I say here, so that the gentleman may have an opportunity to look it up, that it comes to me from a source that I believe to be reliable that it is required by somebody in the management of this Home or somebody under the control of the Managers, without authority of law—it is required that these different treasurers shall give their bonds in the same company, and that this general treasurer gives his bond through that company, and, it is claimed, at an expense of $500. I say to you that it comes in such a way that it smacks, to my mind, of speculation somewhere. And if the gentleman does not know positively about this, I hope he will confine himself to what he does know. If he is not informed, I wish he would obtain the necessary information as soon as possible.

Mr. STEELE. I do know that the Board of Managers have nothing to do with any company. I do know that this man is required to give his bond, not by the Board of Managers, but by an officer of the War Department, to whom he reports and makes returns, who prescribes what kind of a bond it shall be, and that the Board of Managers have not sought to have the bond made in any particular company; and I do not believe that any officer or any manager has any interest in any company, or that they have prescribed any particular company. I know that the Board has not done so, and I do not believe any officer has.

Mr. BLUE. Now, Mr. Chairman, I want to make another suggestion to the gentleman, if he will permit me.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment.

Mr. BLUE. No, Mr. Chairman, there is a point of order pending, and for that reason I want to ask the gentleman the question. I take the remarks of the gentleman kindly, but he has, in an expressive way, given to my question the force of an imputation upon somebody. Now, in order that he may understand that I am making the statement in good faith and that I mean what I say, I will state further to him that I have been informed that, in violation of the practices of this Government, this Board of Managers are in the habit of insuring the post buildings, built out of the post funds, upon the Government grounds, in a company at Hartford, Conn., of which General Franklin is an officer. Is that so?

Mr. STEELE. I do not know. I do not know of any building belonging to the Government that is insured. I do not believe there is a single building belonging to the Government that is insured. I do know that while I was at home a few days ago I inquired about the hall at Marion, known as the Stimson Memorial Hall, which was erected out of money that came out of the post fund and out of a charitable donation; a very large per cent from the latter. I asked the governor of the Home if it was insured, and told him it ought to be if it was not. He said that it was insured. I do not know in what company. That is the only building that I know of at any of the Homes that is insured. The Government buildings or those erected by it are not insured.

Mr. BLUE. I will ask the gentleman if it is not a fact that all the buildings that are built out of the post funds at these various homes—I mean by that the funds that are raised by the inmates themselves—are insured by direction of the managers in this company at Hartford, Conn.

Mr. STEELE. It may be. I am not prepared to say if they are all insured or not. If they are not, they ought to be. But they are not insured by the order of the Board in any particular company, being in a sense buildings owned in common by the Government and members of the various Homes.

Mr. BLUE. No, sir; they are a part of the Government grounds.

Mr. STEELE. But suppose that memorial hall at Marion should be burned up; we can not come to Congress to get an appropriation to build it. By charity we got the money out of which to build that hall largely, and we ought to preserve it; and if we do, we ought not to take chances on having it burned down and lost. That would destroy the charity—wipe it out. Therefore I think it the part of wisdom, especially where they are for amusement—halls and churches erected by charitable appropriations—to preserve them.

Mr. TRACEY. I would like to ask the gentleman a question if he will permit me.

Mr. STEELE. Certainly.

Mr. TRACEY. Will you be kind enough to state how often the Board of Managers meet and what is the extent of their examination of the affairs of the Home when they do meet?

Mr. STEELE. The Board of Managers meet at least four times each year, and oftener when occasion requires. It is the intention that they should make the necessary estimates of what will be required by the various Homes, to go through the routine business, and to hear complaints. Men are turned out for one cause or another; and sometimes incorrigible men are turned out and want to return. We look into all matters pertaining to the discipline and welfare of the Homes. We try to visit each one of the Homes once a year; and when we do visit a Home we make a very careful inspection, not only of the books, but of the Home. The men are all invited to appear if they have any complaints to make. We examine carefully the rations, how they are cooked, as to the cleanliness, as to the sanitary condition of the Home, and, in fact, make a thorough inspection.

Mr. TRACEY. One other question. Are these questions made a part of the examination by the Board—that is, are the bonds given by the different treasurers looked after and examined?

Mr. STEELE. Oh, yes. This has been a departure not of the seeking of the officers of the Homes or the Managers at all. It is a departure made at the last session of Congress, entirely different from what has heretofore been the custom.

Mr. WILLIAM A. STONE. If the gentleman will allow me, I will furnish him the law now.

Mr. STEELE. Excuse me for a moment. These bonds have been called for by the War Department and to be made in a security company by the treasurer and general treasurer. The bonds are not made to the Managers, and the Branch treasurers' bonds are made to the general treasurer, who is responsible for them.

Mr. TRACEY. Is the matter of the insurance of the post buildings gone into at these quarterly examinations?

Mr. STEELE. All matters pertaining to the Homes are gone into. I think I have seen something about insurance. Generally I have been one of a subboard who audit the accounts, and I do not remember to have been on an inspection of the buildings not in use by the members or those which are used for amusements. [Cries of "Vote!"]

Mr. WILLIAM A. STONE. Now, Mr. Chairman, the point I wish to make is that no Government officer has any right to insist on a bond or any surety being a corporation. There it is. There are a number of companies organized under State laws as surety companies. This act of Congress was passed at the last session, entitled "An act relative to recognizances, stipulations, bonds," etc. It was approved August 13, 1894; and it expressly provided:

But no officer or person having the approval of any bond shall exact that it shall be furnished by a guarantee company or by any particular guarantee company.

So that if the case is as presented by the gentleman from Indiana—if any officer, whether it be in the War Department or Department of Justice, insists on any person furnishing a surety on a bond, the surety to be one of those guaranty companies, he violates the plain provision of that law, because under that law, and only under that law, would he have any right to receive any bond given by a surety company; and that very law provides that he shall not insist on it, but simply permits the person required to give surety to give a surety company if he wants to; and that is all there is of it. [Cries of "Vote!" "Vote!"]

Mr. STEELE. But the statute also says:

Provided, That such recognizance, stipulation, bond, or undertaking be approved by the head of Department, court, judge, officer, board, or body, executive, legislative, or judicial, required to approve or accept the same.

Now, suppose that officer does not approve the bond.

Mr. WILLIAM A. STONE. The idea of an officer refusing to approve a good bond because he insists on the bond of a security company would be absurd.

Mr. STEELE. But that is what has been done.

Mr. WILLIAM A. STONE. Well, it is all wrong.

Mr. STEELE. I think so; but that does not relieve this treasurer from having to pay against his will $500 for his bond.

Mr. WILLIAM A. STONE. But he can still have individual sureties on his bond. They can not refuse them.

Mr. STEELE. But they do it.

Mr. DOCKERY. Has he made any effort to give individual security?

Mr. STEELE. He was notified that he must give the security company bond.

Mr. WILLIAM A. STONE. Who notified him of that?

Mr. STEELE. The regular officer. I am sorry that I can not give his name or title.

Mr. WILLIAM A. STONE. In what Department is he?

Mr. STEELE. In the Treasury Department, I think. On reflection, however, I do not know whether he is in the Treasury Department or in the War Department.

Mr. WILLIAM A. STONE. The Treasury Department has been accepting these security bonds ever since this act was passed, but in no instance has the Department required such a bond. The statute was only an enabling act, authorizing the Department to accept such bonds, but not authorizing it to require them.

Mr. CANNON. As to requiring such a bond this provision of the statute settles it:

But no officer or person having the approval of any bond shall exact that it shall be furnished by a guarantee company or by any particular company.

Mr. WILLIAM A. STONE. That is what I read a while ago.

Mr. CANNON. I did not know that the gentleman had read it.

The question being taken on the amendment of Mr. STEELE, it was rejected.

Mr. HAINER of Nebraska. Mr. Chairman, I move to strike out the last word. I desire to submit a few observations on an amendment which is already passed. I shall probably require an extension of time, and I should like to arrange for it now, as I wish to deliver my observations in a somewhat orderly way.

REPRINTING OF CERTAIN REPORTS.

which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CANNON. Let us have the amendment reported from the desk.

Mr. BLUE. Now, Mr. Chairman, I ask that question in good faith, and I say here, so that the gentleman may have an oppor-

ine carefully the rations, how they are cooked, as to the cleanli- I wish to deliver my observations in a somewhat orderly way.

Mr. CANNON. I will ask the gentleman whether he would rather have the time now or in the morning? But first I will ask him how much time he requires?

Mr. HAINER of Nebraska. I think I shall want about half an hour.

Mr. CANNON. Would the gentleman rather have the time now, before we complete the bill, or would he prefer to let the bill be read through this evening and then an adjournment be taken, the gentleman having thirty minutes in the morning before I move the previous question on the passage of the bill?

Mr. HAINER of Nebraska. I would prefer to take the time in the morning, if such an arrangement can be made.

Mr. CANNON. I will say to the gentleman that I think I shall have it in my power to give him the time. If I can not get unanimous consent of the House that he shall have thirty minutes, I can refrain from moving the previous question for that length of time.

Mr. HAINER of Nebraska. If I can have the gentleman's assurance of his cooperation in securing me the time, I shall be quite content, but of course I can not depend upon getting unanimous consent.

Mr. BARTLETT of New York. Mr. Chairman, I wish to ask the gentleman in charge of the bill whether there will be any provision made for the other side if this should turn out to be, as I anticipate, a religious debate. [Laughter.]

Mr. CANNON. As it is late, I would suggest to the gentleman from Nebraska that the safer way would be to finish the reading of the bill to-night, and when the last paragraph is read I will move that the committee rise. Then an amendment, formal or otherwise, would be in order when the committee reassembles to-morrow.

Mr. McMILLIN. Then the gentleman would permit this paragraph to go over without final disposition.

Mr. HAINER of Nebraska. That would leave only one paragraph, which would hardly admit of sufficient amendment.

Mr. CANNON. Then, Mr. Chairman, I will now ask unanimous consent that my colleague on the committee, the gentleman from Nebraska [Mr. HAINER], shall have thirty minutes, at the conclusion of the bill, to address the committee.

Mr. BARTLETT of New York. I have no objection to that, Mr. Chairman, provided some provision is made for those who may desire to reply to the gentleman from Nebraska.

Mr. CANNON. How much time will the gentleman from New York want?

Mr. BARTLETT of New York. I may want fifteen minutes.

Mr. CANNON. Then, Mr. Chairman, I ask unanimous consent that after the conclusion of the reading of the bill in Committee of the Whole one hour be allowed for debate, thirty minutes to be controlled by the gentleman from Nebraska and thirty minutes by the gentleman from Kentucky [Mr. EVANS].

There was no objection, and it was so ordered.

The Clerk read as follows:

For advertising in newspapers, including proposals for supplies and other necessary advertisements, $100.

Mr. STEELE. I move to strike out the last word. I send to the Clerk to be read the provision of the statute in regard to the bonds to be given by the general treasurer and the local treasurers of these Soldiers' Homes.

The Clerk read as follows:

The general treasurer shall give good and sufficient bond to the United States in a sum not less than $100,000, as the Secretary of War may direct, and to be approved by him, faithfully to account for all public moneys and property which he may receive, and the treasurers of the several Branch Homes shall give good and sufficient bonds to the general treasurer in such sums as he may require, and to be approved by him, faithfully to account for all public moneys and property which they may receive.

Mr. STEELE. I withdraw the pro forma amendment.

The Clerk read as follows:

For the Department of Agriculture, including $10,000 for the Weather Bureau, $85,000.

Mr. RICHARDSON. I move, pro forma, to strike out the last word. I wish to inquire of the chairman of the Committee on Appropriations whether this $10,000 for the Weather Bureau is included in the amount set apart in the beginning for the public printing and binding. As I understand, the printing done at the Weather Bureau is not under the direction of the Public Printer, and therefore this $10,000 should not be included in the amount set apart for public printing and binding. It is not used by the Public Printer.

Mr. CANNON. The gentleman asks me whether or not it is necessary to say "including $10,000 for the Weather Bureau." Is that the gentleman's query?

Mr. RICHARDSON. Not exactly that. My inquiry is whether this $10,000 is intended to be charged as part of the appropriation for public printing and binding. It ought not to be so charged, because the amount is not disbursed at all by the Public Printer.

Mr. CANNON. This is the usual appropriation for the Department of Agriculture in this allotment of the printing for the different Departments.

Mr. RICHADSON. The only point is this: The printing officer in the Weather Bureau is not under the jurisdiction of the Public Printer; and the question in my mind was whether this $10,000 would be charged to public printing and binding, when really it is not chargeable at all to the Public Printer.

Mr. CANNON. I understand this appropriation is in the usual form.

The CHAIRMAN. In the absence of objection, the pro forma amendment will be regarded as withdrawn.

The Clerk read as follows:

That paragraph 46, section 73, of an act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895, be, and the same hereby is, amended by striking out the following words: "Of which number 8 copies shall be sent by the superintendent of documents, one each to such public or school libraries other than designated depositories as shall be designated for this purpose by each Representative and Delegate in Congress."

Mr. RICHARDSON. As I understand it, this provision will change the public printing act of the last Congress in respect to the 8 copies of the CONGRESSIONAL RECORD which members are allowed to have sent to libraries in their districts. Is that all the change that is intended? Does the provision take away from the member those 8 copies, or does it simply change the law requiring that they be sent to libraries designated by the member? Is there any reduction of the quota of members?

Mr. CANNON. I know what was intended by the provision. It was intended to increase the quota of each member to the extent of 8 copies, by repealing the provision of law requiring 8 copies of each member's quota to be sent to designated libraries.

Mr. RICHARDSON. I am in perfect sympathy with the gentleman on that proposition; but I am inclined to think the language used here would cut off the 8 copies.

Mr. CANNON. I think not. We strike out that provision of the existing law which requires those 8 copies to be sent to libraries designated by the Representative or Delegate.

Mr. RICHARDSON. I have in my hand the printing law, but I have not yet been able to turn to the provision here referred to.

Mr. CANNON. I have the law and will read the language:

To the Secretary and Sergeant-at-Arms of the Senate, 20 copies; to the Secretary, for office use, 10 copies; to each Representative and Delegate, 30 copies, of which number 8 copies shall be sent, etc.

The provision for 30 copies for each Representative and Delegate is allowed to stand, and we simply strike out the requirement that 8 copies of those 30 shall be sent to designated libraries.

Mr. RICHARDSON. The gentleman's explanation is satisfactory.

The Clerk resumed and concluded the reading of the bill.

Mr. CANNON. Now, Mr. Chairman, there is one section of the bill incomplete, under the head of "Engraving and printing."

The CHAIRMAN. On page 16 of the bill.

Mr. CANNON. The gentleman from Pennsylvania [Mr. BINGHAM] desires to occupy some time upon that. I would ask the gentleman if he would prefer to proceed to-night?

Mr. BINGHAM. No; I prefer to go on in the morning. I shall take some time probably, and perhaps I shall bring out, by what I may have to say, some discussion upon the provision.

Mr. SAYERS. I would ask the gentleman if he proposes to move to strike out any portion of it?

Mr. BINGHAM. I will move to amend one of the paragraphs. I have no antagonism to the appropriation for the Bureau in any respect.

Mr. CANNON. I move that the committee do now rise.

The motion was agreed to.

The Speaker accordingly resumed the chair; and Mr. HOPKINS reported that the Committee of the Whole House on the state of the Union, having had under consideration the sundry civil appropriation bill, had come to no resolution thereon.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 711) to increase the pension of Uzziel B. Church;

A bill (H. R. 1244) to confirm certain cash entries of offered lands;

A bill (H. R. 5914) to amend an act to authorize the Interoceanic Railway Company to construct and operate railway, telegraph, and telephone lines through the Indian Territory;

Joint resolution (H. Res. 24) providing for immediate destruction of income-tax returns, etc.;

Joint resolution (S. R. 103) directing the Secretary of War to submit estimates of cost of further improvement of Providence River and Narragansett Bay, Rhode Island; and

Joint resolution (S. R. 99) authorizing the immediate use of a portion of the unexpended balance of appropriations heretofore made for construction of a canal and locks at the Cascades of the Columbia River in construction of protecting walls necessary to the opening of said canal and locks to navigation.

REPRINTING OF CERTAIN REPORTS.

By unanimous consent, on motion of Mr. CHARLES W. STONE, a reprint was ordered of House Report No. 795, Fifty-fourth Congress, first session, on metric weights and measures, to accompany H. R. 7251, the supply of the same having been exhausted.

Also, on motion of Mr. PAYNE, a reprint of Report No. 848 was ordered, the original number having been exhausted.

ORDER OF BUSINESS.

The SPEAKER. The bill (H. R. 880) designating Stamford as a subport of entry will be laid upon the table, in the absence of objection, the Senate bill on the same subject having been passed by the House.

There was no objection, and it was so ordered.

And then, on motion of Mr. LOUD (at 5 o'clock and 10 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation for support of Sioux of different tribes, subsistence and civilization, 1893 and prior years; to pay for the rent of a warehouse at Rushville, Nebr.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of State, requesting an appropriation to enable the Government to take part in the international exposition at Brussels in 1897—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General, submitting an estimate of an appropriation for repairs and preservation of public buildings in the custody of the United States marshal for the district of Alaska, and for building the necessary vaults therein—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HOPKINS, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 1767) to provide for subports of entry and delivery in the State of Florida, reported the same without amendment, accompanied by a report (No. 1035); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. OWENS, from the Committee on the Territories, to which was referred the bill of the House (H. R. 4052) approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory, with certain amendments of the Senate thereto, reported the same with the recommendation that Senate amendment No. 1 be concurred in; that amendment No. 3 be nonconcurred in; and that amendment No. 2 be concurred in with an amendment, accompanied by a report (No. 1036); which said bill and report were referred to the House Calendar.

Mr. BARNEY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 2132) for the relief of settlers upon lands within the indemnity limits of the grant to the New Orleans Pacific Railway Company, reported the same without amendment, accompanied by a report (No. 1037); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PAYNE, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 6836) to amend section 2981 of the Revised Statutes as amended by the act of June 10, 1880, reported the same with amendment, accompanied by a report (No. 1038); which said bill and report were referred to the House Calendar.

Mr. ELLIS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 3124) to amend section 34 of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1892, and for other purposes," approved March 3, 1891, reported the same with amendment, accompanied by a report (No. 1039); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PHILLIPS, from the Committee on Labor, to which was referred the bill of the House (H. R. 268) concerning carriers engaged in interstate commerce and their employees, reported the same with amendments, accompanied by a report (No. 1058); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, reported a joint resolution of the House (H. Res. 160) to appoint four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers, accompanied by a report (No. 1056); which said joint resolution and report were referred to the House Calendar.

Mr. CONNOLLY, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 4154) to amend section 9 of an act entitled "An act to provide for the appointment of additional judges of the United States court in the Indian Territory, and for other purposes," reported the same without amendment, accompanied by a report (No. 1063); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. ERDMAN, from the Committee on Invalid Pensions: The bill (S. 1682) granting an increase of pension to Mrs. Sarah B. Leet. (Report No. 1040.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: A bill (H. R. 7821) granting a pension to Annie Schifirli, reported in lieu of H. R. 4496. (Report No. 1041.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (H. R. 2257) to increase the pension of Charles H. Twomey. (Report No. 1042.)

The bill (H. R. 2725) granting increase of pension to Henry Slaughter. (Report No. 1043.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 5068) to grant a pension to Jane Cunningham, widow of James Cunningham. (Report No. 1044.)

By Mr. POOLE, from the Committee on Invalid Pensions:

The bill (H. R. 7349) to pension Lewellyn D. King. (Report No. 1045.)

The bill (S. 646) for the relief of Francis Brown. (Report No. 1046.)

The bill (H. R. 1323) for the relief of Ira H. Sweatt. (Report No. 1047.)

By Mr. CROWTHER, from the Committee on Invalid Pensions:

The bill (H. R. 4629) granting a pension to William R. Harless. (Report No. 1048.)

The bill (H. R. 6234) to restore the name of James R. Pack to the pension roll. (Report No. 1049.)

By Mr. WOOD, from the Committee on Invalid Pensions:

The bill (H. R. 4528) granting a pension to Katherine S. McCartney, widow of William H. McCartney. (Report No. 1050.)

The bill (H. R. 7115) granting a pension to Joseph Warbrook. (Report No. 1051.)

The bill (H. R. 6539) granting a pension to Richard C. Enright. (Report No. 1052.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 5620) to pension George E. Reid. (Report No. 1053.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (S. 1835) to execute the findings of the Court of Claims in the matter of the claim of John J. Shipman against the United States. (Report No. 1062.)

By Mr. HULL, from the Committee on Military Affairs:

The bill (H. R. 7395) to authorize the Secretary of the Treasury of the United States to reconvey to the former owners a certain tract of land in Valverde County, Tex. (Report No. 1064.)

The bill (H. R. 3772) to correct the muster roll of Company I of the Seventh Iowa Infantry Volunteers. (Report No. 1055.)

By Mr. PARKER, from the Committee on Military Affairs: The bill (H. R. 2259) for the relief of William B. Ellis. (Report No. 1057.)

By Mr. KERR, from the Committee on Invalid Pensions:

The bill (S. 350) granting an increase of pension to George C. Abbey. (Report No. 1059.)

The bill (S. 1888) granting an increase of pension to William T. Walker. (Report No. 1060.)

By Mr. BRUMM, from the Committee on Claims: The bill (H. R. 5253) to reimburse John Waller, former postmaster at Monticello, N. Y., for moneys expended in carrying the mails. (Report No. 1061.)

ADVERSE REPORTS.

Under clause 2, Rule XIII, Mr. BISHOP, from the Committee on Military Affairs, reported adversely (Report No. 1054) the bill (H. R. 3952) granting to the State of Minnesota in perpetuity the old buildings and the ground upon which they stand, which constitute the old and original Fort Snelling, in the State of Minnesota; which said bill and report were laid on the table

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WOODMAN: A bill (H. R. 7817) for the protection of persons who may be considered insane—to the Committee on the Judiciary.

By Mr. LOW: A bill (H. R. 7818) to establish Appomattox Park in the State of Virginia—to the Committee on Military Affairs.

By Mr. TURNER of Virginia: A bill (H. R. 7819) to preserve the grave of Gen. Daniel Morgan and erect a monument over the same—to the Committee on the Library.

By Mr. TYLER: A bill (H. R. 7820) to provide for the erection of a post-office building at Fortress Monroe, Va.—to the Committee on Public Buildings and Grounds.

By Mr. POWERS: A bill (H. R. 7822) to amend section 747 of the Revised Statutes, relating to admission of attorneys and counselors—to the Committee on the Judiciary.

By Mr. MEIKLEJOHN: A bill (H. R. 7823) directing the Secretary of the Navy to donate two condemned cannon and cannon balls to the Northeastern Nebraska Reunion of the Grand Army of the Republic—to the Committee on Naval Affairs.

Also, a bill (H. R. 7824) directing the Secretary of the Navy to donate two condemned cannon and cannon balls to the Soldiers' Home at Grand Island, Nebr.—to the Committee on Naval Affairs.

By Mr. WANGER: A bill (H. R. 7825) to amend certain sections of Title LII of the Revised Statutes, relating to steam vessels, and to codify therein all existing amendments to the same enacted by Congress since the close of the Forty-fourth Congress—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAINER of Nebraska: A bill (H. R. 7856) granting pensions to soldiers and sailors confined in so-called Confederate prisons—to the Committee on Invalid Pensions.

By Mr. WILBER: A bill (H. R. 7857) to amend section 3339 of the Revised Statutes of the United States—to the Committee on Ways and Means.

By Mr. HARRIS: A bill (H. R. 7858) to regulate actions for infringements of patents—to the Committee on Patents.

By Mr. GRAFF: A resolution (House Res. No. 230) to pay out of the contingent fund $150 to J. A. Miller, assistant clerk of the Committee on Claims—to the Committee on Accounts.

By Mr. DAYTON: A resolution (House Res. No. 231) for the appointment of an assistant clerk in the document room—to the Committee on Accounts.

By Mr. AVERY: A resolution (House Res. No. 232) to authorize the Clerk to appoint an additional clerk for service about the Clerk's desk—to the Committee on Accounts.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 6268) to increase the pension of William N. Wells—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

Resolutions of the Military Order Loyal Legion of the United States, Milwaukee, Wis., to grant a pension to the widow of Gen. John Gibbon—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

Memorial praying the allowance of accrued pension to John L. Springston—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. WHEELER: A bill (H. R. 7772) to increase the pension of Theodore N. Cobia—to the Committee on Pensions.

By Mr. AITKEN: A bill (H. R. 7826) to remove the charge of desertion against Thomas Egan—to the Committee on Military Affairs.

By Mr. BENNETT: A bill (H. R. 7827) granting a pension to Joseph Buckle—to the Committee on Invalid Pensions.

By Mr. BISHOP: A bill (H. R. 7828) granting an increase of pension to Alexander O. Campbell—to the Committee on Invalid Pensions.

By Mr. McDEARMON: A bill (H. R. 7829) for the relief of the estate of Thomas Brooks, deceased, late of Gibson County, Tenn.—to the Committee on War Claims.

By Mr. FARIS: A bill (H. R. 7830) to increase the pension of William H. Arbuckle—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 7831) to remove the charge of desertion from the record of Friedrich Bertram—to the Committee on Military Affairs.

By Mr. LIVINGSTON (by request): A bill (H. R. 7832) for the relief of James Condon—to the Committee on Claims.

By Mr. LONG: A bill (H. R. 7833) for the relief of Adelbert D. Lee—to the Committee on Military Affairs.

Also, a bill (H. R. 7834) for the relief of William L. Rose—to the Committee on Military Affairs.

By Mr. MEIKLEJOHN: A bill (H. R. 7835) for the relief of Peter Coyle—to the Committee on Military Affairs.

By Mr. MEREDITH: A bill (H. R. 7836) for the relief of Charles H. Stunkle—to the Committee on War Claims.

Also, a bill (H. R. 7837) for the relief of John W. Beekley and others—to the Committee on War Claims.

Also, a bill (H. R. 7838) for the relief of Paris Simms and others—to the Committee on War Claims.

Also, a bill (H. R. 7839) for the relief of Malvina Maxwell, administratrix of John Churchman—to the Committee on War Claims.

Also, a bill (H. R. 7840) for the relief of Robert E. Adams—to the Committee on War Claims.

By Mr. MOZLEY: A bill (H. R. 7841) granting a pension to William Thompson—to the Committee on Invalid Pensions.

By Mr. MURPHY of Arizona: A bill (H. R. 7842) authorizing payment to Dr. Warren E. Day for professional services rendered and drugs furnished the Hualapai Indians—to the Committee on Indian Affairs.

By Mr. PUGH: A bill (H. R. 7843) removing the charge of desertion against Harrison Riddell—to the Committee on Military Affairs.

Also, a bill (H. R. 7844) removing the charge of desertion in military record of Hiram Pierce—to the Committee on Military Affairs.

Also, a bill (H. R. 7845) for the relief of Oliver Miller—to the Committee on Invalid Pensions.

By Mr. RUSK: A bill (H. R. 7846) for the relief of the crew of the U. S. S. *Wyoming*—to the Committee on War Claims.

Also, a bill (H. R. 7847) granting a pension to Laura V. Swearer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7848) for the relief of Michael Z. Hammen—to the Committee on Claims.

By Mr. RUSSELL of Connecticut: A bill (H. R. 7849) granting a pension to L. Electa Brown—to the Committee on Pensions.

Also, a bill (H. R. 7850) granting an honorable discharge to Charles A. Geer—to the Committee on Military Affairs.

By Mr. SPENCER: A bill (H. R. 7851) for the relief of the estate of Thomas Owens, deceased, late of Claiborne County, Miss.—to the Committee on War Claims.

By Mr. TRELOAR: A bill (H. R. 7852) for the relief of B. F. Richardson—to the Committee on War Claims.

By Mr. TUCKER: A bill (H. R. 7853) for the relief of William Wheeler Hubbell—to the Committee on Naval Affairs.

Also, a bill (H. R. 7854) to pay just compensation to William Wheeler Hubbell for his invention of high-power steel guns and improvements in other guns, made and adopted by the United States for its military service and Navy at the present time—to the Committee on Naval Affairs.

By Mr. WHEELER: A bill (H. R. 7855) for the relief of Bettie Linder, administratrix of B. Franks, deceased, of Lauderdale County, Ala.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Philadelphia Maritime Exchange, in favor of the Torrey bankruptcy bill—to the Committee on the Judiciary.

Also, resolutions of the Union Veteran Legion, favoring a per diem pension bill—to the Committee on Invalid Pensions.

By Mr. AITKEN: Petition of William Henry Le Roy and 18 other ex-soldiers of the Union Army, asking for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of W. H. Weitheiser & Sons, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany a bill to remove the charge of desertion against Thomas Egan—to the Committee on Military Affairs.

By Mr. BELL of Colorado: Three petitions of citizens of Colorado, favoring the passage of joint resolution No. 11 proposing an amendment to the preamble of the Constitution of the United States—to the Committee on the Judiciary.

Also, petitions of James Lyttle, F. P. Murray, E. M. Hawkins, J. S. Swan, and Evan Williams, publishers, praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BENNETT: Papers to accompany House bill granting a pension to Joseph Buckle—to the Committee on Invalid Pensions.

By Mr. CRUMP: Copy of letter from shipowners of Bay City, Mich., asking for the passage of House bill No. 7546, and showing the necessity of a fog whistle at Ottawa Point, Lake Huron, by giving list of vessels and lives lost at this place from 1870 to the present time—to the Committee on Rivers and Harbors.

By Mr. DALZELL: Petition of Hilltop Lodge, No. 88, Junior Order United American Mechanics, of Pittsburg, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of sundry citizens of Pittsburg, Pa., asking for the passage of bill looking toward the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, memorial of the Philadelphia Maritime Exchange, in favor of the passage of the Torrey bankruptcy bill—to the Committee on the Judiciary.

By Mr. DINSMORE: Petition of sundry citizens of various States, asking for an appropriation for the establishment of a home for aged and disabled soldiers of the rebellion of the Union and Confederate armies at Eureka Springs, Ark.—to the Committee on Military Affairs.

By Mr. GILLETT of Massachusetts: Resolutions adopted by the Nuttall Ornithological Club of Cambridge, Mass., in favor of establishing the office of director-in-chief of scientific divisions in the Department of Agriculture—to the Committee on Agriculture.

By Mr. GRAFF: Petition of citizens of Peoria, Ill., to reclassify and prescribe the salaries of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. HAGER: Petition of citizens of Council Bluffs, Atlantic, and Honey Creek, Iowa, asking that religious publications be given the advantage of the act of Congress of July 16, 1894, relative to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, protests of J. B. Stewart, of Bayard, Iowa, and H. C. Ford, of Woodbine, Iowa, against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HOOKER: Petition of citizens of Fillmore, Allegany County, N. Y., praying for legislation taxing "filled cheese"—to the Committee on Agriculture.

By Mr. HITT: Petition of R. J. Haight, publisher, of Chicago, Ill., for the passage of House bill No. 4566, relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. KERR: Petition of the Oberlin Temperance Alliance, of Oberlin, Ohio, with a membership of 400 voters, for the appointment of a national commission of inquiry to investigate and report upon the alcoholic liquor traffic and its relations to crime, pauperism, and the public welfare—to the Committee on Alcoholic Liquor Traffic.

By Mr. LINTON: Remonstrance and petition of James Rath and 18 others, of Utica, N. Y.; also of J. H. Johnson, William T. Dougherty, and 142 others, of Buffalo, N. Y., against the continuance of the statute of Marquette in Statuary Hall—to the Committee on the Library.

Also, remonstrance of S. D. Andrews and others, of Pittsburg, Pa., against the appropriation of public moneys for sectarian undertakings, and a petition for the passage of joint resolution No. 11, to amend the Constitution of the United States—to the Committee on the Judiciary.

By Mr. LIVINGSTON (by request): Petition of Eugene A. Johnson and others, of Washington, D. C., asking for the appointment of a commission to investigate the administration of the Howard University—to the Committee on Appropriations.

Also (by request), affidavit of the services of James Condon, to accompany House bill for his relief—to the Committee on Claims.

By Mr. LOUD: Petition of Felton, Sibley & Co., Philadelphia, asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUDENSLAGER: Petition of Benjamin W. Wilson and 35 other citizens of Camden, N. J., for the removal of the statue of Père Marquette from Statuary Hall—to the Committee on the Library.

Also, petition of the Liquor Dealers' Protective League of New Jersey, against the passage of House bill No. 6668, to amend an act regulating the sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. McCALL of Massachusetts: Resolutions of the Nuttall Ornithological Club, of Cambridge, Mass., favoring the creation of a new bureau in the Department of Agriculture—to the Committee on Agriculture.

By Mr. McCLEARY of Minnesota: Petition of Bert R. Beymer and 49 other citizens of Minnesota, favoring the passage of House bill No. 5729, for the protection of game, birds, and fish—to the Committee on Interstate and Foreign Commerce.

By Mr. McEWAN: Resolution of Detroit Typographical Union, No. 18, asking for the passage of House bill No. 184, for appointing a committee of inquiry as to the feasibility of direct legislation—to the Committee on Rules.

Also, resolutions from the New Jersey Liquor Dealers' Protective League, and from the following branches: Newark, Orange, Passaic, Town of Union, Rahway, New Brunswick, Coverstadt, Hoboken, South Amboy, Phillipsburg, and the counties of Monmouth, Huntington, and Hudson, State of New Jersey, protesting against the passage of House bill No. 6668, amending an act regulating the sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. McRAE: Petition of R. C. Wigand and 17 other citizens of Colbert, Ind. T., asking for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. MEREDITH: Paper to accompany House bill for the relief of Robert E. Adams—to the Committee on War Claims.

By Mr. MEIKLEJOHN: Six petitions of citizens of Duff, Plainview, Emporia, Brewster, Dunning, and Butka, of the State of Nebraska, asking for the construction of a railroad from Sioux City, connecting with the main line of the Union Pacific at or near North Platte, Nebr.—to the Committee on Pacific Railroads.

Also, statement of George E. Wilson, of Royalton, Minn., relative to the "relief bill" for settlers of the Northern Pacific Railroad lands—to the Committee on the Public Lands.

Also, petition of B. W. Clark and others, of Nebraska, asking for the passage of the bill promoting Gen. Nelson A. Miles to Lieutenant-General of the United States Army—to the Committee on Military Affairs.

By Mr. MILLER of West Virginia: Evidence in support of House bill No. 7299, for the relief of Jackson Lykins—to the Committee on Invalid Pensions.

By Mr. POWERS: Petition of James H. Burke, of Essex, Vt., asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. PUGH: Petition of the officers and members of George H. Taylor Post, No. 160, Grand Army of the Republic, of the Department of Kentucky, favoring service-pension legislation at the rate of $12 per month for all pensionable soldiers of the war of the rebellion—to the Committee on Invalid Pensions.

Also, papers to accompany House bill removing the charge of desertion in the military record of Hiram Pierce—to the Committee on Military Affairs.

Also, paper to accompany House bill to remove the charge of desertion against Harrison Riddell—to the Committee on Military Affairs.

By Mr. REYBURN: Three petitions of citizens of Philadelphia, Pa., in favor of a bill to fix the standard of weights and measures by the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. RUSK: Petition of Annie Delaney, for her relief—to the Committee on Invalid Pensions.

By Mr. SIMPKINS: Petition of Light-Keepers' Association, through Joseph G. Remsen, Nantucket, Mass., to retire and pension employees of the Light-House Establishment of the United States—to the Committee on Pensions.

Also, resolutions of the Nuttall Ornithological Club, of Cambridge, Mass., in favor of creating the office of director-in-chief of scientific divisions of the Department of Agriculture—to the Committee on Agriculture.

By Mr. STEELE: Petition of Encampment No. 90, Union Veteran Legion, of the National Military Home, Indiana, by its colonel, F. C. Palmer, asking that a per diem pension bill be passed—to the Committee on Invalid Pensions.

By Mr. STEPHENSON: Indorsement by local Ore Trimmers' Union, No. 48, of Sault Ste. Marie, Mich., of proposed bill to amend act of February 26, 1885, known as alien-labor laws—to the Committee on Labor.

By Mr. STEWART of Wisconsin: Protest of C. N. Johnson; also of publishers of the Iron County Republican, of Hurley, Wis., against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of A. D. Pergoli, of Peshtigo, Wis., favoring the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the business men of the Fox River Valley, Wisconsin, to secure remedial plans to overcome a low stage of water in Lake Winnebago and the lower Fox River, Wisconsin—to the Committee on Rivers and Harbors.

By Mr. CHARLES W. STONE: Resolutions of the Board of

Trade of Bradford, Pa., asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. TRELOAR: Papers to accompany bill granting a pension to Emily Hutchins—to the Committee on Invalid Pensions.

By Mr. TYLER (by request): Petition of citizens of Newport News, Va., asking for the removal of the statue of Père Marquette from Statuary Hall—to the Committee on the Library.

By Mr. WALKER of Massachusetts: Resolutions of the Nuttall Ornithological Club of Cambridge, Mass., favoring the creation of the office of director-in-chief of scientific divisions in the Department of Agriculture—to the Committee on Agriculture.

By Mr. WANGER: Petition of Pomona Grange, No. 22, Patrons of Husbandry, of Bucks and Philadelphia counties, Pa., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty in order to equalize the benefits and burdens of the protective system—to the Committee on Ways and Means.

By Mr. WHEELER: Letter of Frank P. Blair, of Chicago, Ill., to accompany House bill No. 7351, concerning the retirement of B. F. Handforth—to the Committee on Military Affairs.

Also, petition of the National Association of Agricultural Implement and Vehicle Manufacturers, of Chicago, Ill., in favor of uniform freight classification throughout the United States—to the Committee on Interstate and Foreign Commerce.

Also, petition of the estate of Elizabeth Dillard, of Jackson County, Ala., praying reference of her war claim to the Court of Claims—to the Committee on War Claims.

SENATE.

THURSDAY, *April 2, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HOAR, and by unanimous consent, the further reading was dispensed with.

ADJOURNMENT TO MONDAY.

Mr. HOAR. I move that when the Senate adjourn to-day it adjourn to meet on Monday next.

The motion was agreed to.

CREDENTIALS.

Mr. GORMAN presented the credentials of George L. Wellington, chosen by the legislature of the State of Maryland a Senator from that State for the term commencing March 4, 1897; which were read, and ordered to be placed on file.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the delegates of the Oklahoma Sac and Fox tribes of Indians, wherein they disclaim having withdrawn their protest to the finding against their branch of the tribe or of their intention to do so, and requesting that Congress be informed of the facts, and asserting that a mistake had been made by the Department in this respect; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2410) to amend an act increasing the pension of Marcus D. Box;

A bill (H. R. 5127) for the relief of Abraham O. Waucop; and

A bill (H. R. 5736) to authorize the Light-House Board to proceed with the construction of a light-house and fog signal on North Manitou Island, Lake Michigan.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (H. R. 711) to increase the pension of Uzziel B. Church;

A bill (H. R. 1244) to confirm certain cash entries of offered lands;

A bill (H. R. 5914) to amend an act to authorize the Interoceanic Railway Company to construct and operate railway, telegraph, and telephone lines through the Indian Territory;

A joint resolution (H. Res. 24) providing for immediate destruction of income-tax returns, etc.;

A joint resolution (S. R. 99) authorizing the immediate use of a portion of the unexpended balance of appropriations heretofore made for construction of canal and locks at the Cascades of the Columbia River in construction of protecting walls necessary to the opening of said canal and locks to navigation; and

A joint resolution (S. R. 103) directing the Secretary of War to submit estimates of cost of further improvement of Providence River and Narragansett Bay, Rhode Island.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Association of Railway Superintendents of Bridges, of Concord, N. H., praying that a liberal appropriation be made for the continuance of the investigation and tests of timber under the direction of the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

Mr. LODGE presented a petition of the Carter's Ink Company, of Boston, Mass., praying for the enactment of legislation providing 1-cent letter postage per half ounce, and also to amend the postal laws relative to second-class and free mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Commander Post, No. 12, Department of Massachusetts, Grand Army of the Republic, remonstrating against the excessive rates of pensions created by special legislation to widows of officers, and praying for the adoption of a uniform system of pensions to be granted to the widows of deceased soldiers; which was referred to the Committee on Pensions.

He also presented a petition of the Nuttall Ornithological Club of Cambridge, Mass., praying for the creation of the office of director in chief of the scientific division in the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Massachusetts State Board of Trade, of Boston, Mass., and a petition of the Commercial Club of Boston, Mass., praying for the maintenance of the gold standard; which was referred to the Committee on Finance.

Mr. SHERMAN presented a petition of the Drill Press and Milling Machine Union, No. 6505, American Federation of Labor, of Toledo, Ohio, praying for the free and unlimited coinage of silver; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Cincinnati, Ohio, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

Mr. BACON presented a petition of sundry citizens of Hart County, Ga., praying for the enactment of legislation prohibiting the licensing of distilleries by the Government in States and counties where the liquor traffic is prohibited; which was referred to the Committee on the Judiciary.

Mr. TURPIE presented a petition of sundry citizens of North Indianapolis, Ind., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Bimetallic Union No. 599, of Rockfield, Ind., praying for the adoption of an amendment to the Constitution of the United States, relative to the election of United States Senators by a direct vote of the people; which was ordered to lie on the table.

Mr. VILAS presented a petition of the State Epworth League, of Madison, Wis., praying for the repeal of the ninety-day divorce law of Oklahoma Territory and other laws of the Territories; which was referred to the Committee on Territories.

He also presented sundry petitions of the State Epworth League, of Madison, Wis., praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a petition of the State Epworth League, of Madison, Wis., praying for the enactment of legislation raising the age of consent in the District of Columbia and all the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the State Epworth League, of Madison, Wis., praying for the enactment of legislation providing for the enforcement of the child-labor law and for compulsory education; which was referred to the Committee on Education and Labor.

He also presented a petition of the State Epworth League, of Madison, Wis., praying for the appointment of an impartial commission to investigate the labor problem; which was referred to the Committee on Education and Labor.

He also presented a petition of the State Epworth League, of Madison, Wis., praying for the enactment of legislation to substitute voluntary arbitration for railroad strikes; which was referred to the Committee on Education and Labor.

Mr. CAMERON presented sundry petitions of citizens of Pennsylvania, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

He also presented a petition of Washington Camp, No. 597, Patriotic Order Sons of America, of Rehrersburg, Pa., and a petition of sundry citizens of Pennsylvania, praying for the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration.

He also presented a petition, in the form of resolutions adopted by the Republican county committee of Cameron County, Pa., praying for the speedy recognition as belligerents of the Cuban patriots in their struggle for freedom; which was ordered to lie on the table.

He also presented a petition of Encampment No. 2, Union Veteran Legion, of Philadelphia, Pa., praying for enactment of a per diem pension law; which was referred to the Committee on Pensions.

He also presented a petition of the Woman's Christiam Temperance Union, of Troy, Pa., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented resolutions adopted by Welcome Council, No. 134, Junior Order United American Mechanics, of Pittsburg, Pa., approving the clause in the Indian appropriation bill providing that no public money shall be appropriated for sectarian institutions; which were referred to the Committee on Appropriations.

He also presented resolutions adopted by the Central Labor Union, of Scranton, Pa., favoring the free and unlimited coinage of silver at the ratio of 16 to 1; which were ordered to lie on the table.

He also presented the memorial of L. S. Shinnwell, of Harrisburg, Pa., remonstrating against the introduction of military education in the public schools of the country; which was referred to the Committee on Military Affairs.

He also presented a petition of the Maritime Exchange, of Philadelphia, Pa., praying for the passage of the so-called Torrey bankruptcy bill; which was referred to the Committee on the Judiciary.

He also presented a memorial of the United Labor League, of Philadelphia, Pa., remonstrating against any change being made in the law of February 18, 1895, relating to seamen; which was referred to the Committee on Commerce.

He also presented sundry petitions of citizens of Pennsylvania, praying for the enactment of legislation to provide 1-cent letter postage per half ounce, and also to amend the postal laws relating to second-class and free mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Pennsylvania, praying for the passage of House bill No. 2626, to protect agricultural staples by an export bounty; which were referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. HOAR on the 18th ultimo, concerning the fog bell near Castle Hill, Newport, R. I., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and submitted a report, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 2549) for the establishment of a light-house on Swan Island, belonging to the United States, in the Caribbean Sea, reported it with an amendment, and submitted a report thereon.

Mr. CLARK, from the Committee on the Judiciary, to whom was referred the amendment submitted by Mr. TURPIE on the 25th ultimo, in relation to traveling expenses of justices or judges attending circuit or district courts, intended to be proposed to the sundry civil appropriation bill, reported it with amendments, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. MANTLE, from the Committee on Indian Affairs, to whom was referred the amendment submitted by himself on the 31st ultimo, in relation to the appointment of a commission to negotiate with the Crow and Flathead Indians for the cession of portions of their reservations, intended to be proposed to the Indian appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 2334) construing the acts of Congress in relation to the award of life-saving medals, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2120) to release and quitclaim to the commissioners of Lincoln Park, in the county of Cook and State of Illinois, certain littoral or riparian rights belonging to the United States, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the joint resolution (S. R. 100) granting a life-saving medal to Daniel E. Lynn, of Port Huron, Mich., reported it with amendments, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3596) to remove the charge of desertion from the military record of Michael McKenna, reported it without amendment, and submitted a report thereon.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 435) for the relief of the trustee of St. Joseph's Catholic Church, at Martinsburg, W. Va., reported it with an amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2451) to correct the records of the War Department in the case of Capt. Henry S. Pratt, reported it without amendment, and submitted a report thereon.

Mr. PETTIGREW. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, to report it with amendments and to submit a report thereon.

I give notice at this time that I shall call up the bill on Monday for action on the part of the Senate.

The VICE-PRESIDENT. The bill will be printed and placed on the Calendar.

Mr. ALLEN. On the 20th of March there was reported from the Committee on Indian Affairs by the Senator from South Dakota [Mr. PETTIGREW] an amendment intended to be proposed to the Indian appropriation bill. I am directed by the Committee on Indian Affairs to report an amendment to that amendment, so as to include the Santee Sioux Indians of Nebraska. I move that the amendment be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. ALLEN, from the Committee on Indian Affairs, reported an amendment intended to be proposed to the Indian appropriation bill in reference to the Santee Sioux Indians of Nebraska, and moved that it be referred to the Committee on Appropriations; which was agreed to.

RIGHT OF WAY OVER INDIAN LANDS IN KANSAS AND NEBRASKA.

Mr. ALLEN. I am directed by the Committee on Indian Affairs, to whom was referred the bill (H. R. 2912) granting to the Atchison and Nebraska Railroad Company and the Chicago, Burlington and Quincy Railroad Company, its lessee in perpetuity, the right of way over a part of the Sac and Fox and Iowa Indian Reservation in the States of Kansas and Nebraska, to report it favorably without amendment. I desire to state in this connection, that early in the session a bill in almost the same language was passed by the Senate and sent to the House of Representatives, but a copy of the bill having been introduced in the other House at the same time, it met with some slight verbal amendment and was passed. I ask unanimous consent to put the House bill on its passage, concurring with the amendments inserted in the House, and then I shall ask for an order recalling the Senate bill which passed the Senate and was sent to the other House.

The VICE-PRESIDENT. The Senator from Nebraska asks unanimous consent for the present consideration of a bill which will be read for information.

The Secretary read the bill.

Mr. SHERMAN. Has the bill been referred to a committee?

Mr. ALLEN. If the Senator from Ohio will permit me, I will state that on the 16th day of December I introduced this bill in the Senate as Senate bill 941. A copy of the bill was introduced a few days later in the House of Representatives.

Mr. SHERMAN. Has the bill been referred to a committee in this body?

Mr. ALLEN. Oh, yes, sir.

Mr. SHERMAN. What committee acted upon it?

Mr. ALLEN. The Committee on Indian Affairs.

Mr. SHERMAN. If this bill is reported from the Committee on Indian Affairs it seems to me they have given most drastic and extreme power to these two corporations to gain land and to hold land in that region, not only to buy land for right of way, but to take it in unusual width. It appears to me that it is a bad bill, but as it is reported from the Committee on Indian Affairs I do not propose to interpose my objection to its passage.

Mr. ALLEN. I can explain in a very few words the history of the bill. Senate bill 941 was introduced here and passed. A few days later a copy of Senate bill 941 was introduced in the House. Senate bill 941 went to the Senate Committee on Indian Affairs and was reported back favorably and passed by the Senate. In the meantime the House bill, which is the bill I have now reported, had been sent by the Committee on Indian Affairs of the House of Representatives to the Secretary of the Interior and it came back with certain amendments, which are the provisos to the first and second sections of the bill, and as amended it passed the House of Representatives.

Mr. PLATT. We passed the Senate bill. Now the House has passed the House bill with some unimportant amendments.

Mr. ALLEN. With two provisos.

Mr. PLATT. What the Senator from Nebraska desires is to have the House bill passed.

Mr. ALLEN. I want to have the House bill passed, and then have an order recalling Senate bill 941.

the opening of said canal and locks to navigation; and

the Committee on Immigration.

Mr. SHERMAN. If the measure has been acted upon by the Committee on Indian Affairs I do not object.

Mr. ALLEN. Yes, sir; it has the approval of the committee.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. ALLEN. I ask for an order recalling Senate bill 941 from the House of Representatives.

The VICE-PRESIDENT. It will be so ordered, without objection.

JUDICIAL DISTRICTS IN TENNESSEE.

Mr. BATE. I ask consent to call up the bill (H. R. 4053) repealing chapter 148 of the Supplement of the Revised Statutes of the United States. It is a mere local bill.

Mr. HOAR. Is morning business over?

Mr. BATE. It will take only a moment, and it is necessary for it to be passed soon.

The VICE-PRESIDENT. The Chair will state, in response to the inquiry of the Senator from Massachusetts, that morning business has not been concluded. At the conclusion of the morning business the Chair will recognize the Senator from Tennessee.

Mr. BATE. I shall ask for the consideration of the bill at the conclusion of the morning business.

ECONOMIC GEOLOGY OF THE MERCUR MINING DISTRICT.

Mr. HALE, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. BROWN on the 30th ultimo, reported a substitute therefor; and the substitute was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office, at the earliest day practicable, 5,000 additional copies, in separate form, with paper cover, of the paper entitled "Economic geology of the Mercur mining district," being a part of the Sixteenth Annual Report of the United States Geological Survey, with accompanying illustrations; of which 3,000 copies shall be for the use of the House, 1,500 copies for the use of the Senate, and 500 copies for distribution by the Geological Survey.

WOMAN SUFFRAGE HEARING.

Mr. HALE, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. CALL on the 23d ultimo, reported a substitute therefor; and the substitute was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 copies of the report of a hearing before the Committee on Woman Suffrage, January 28, 1896; 2,000 copies for the Senate and 3,000 copies for the House of Representatives.

BILLS INTRODUCED.

Mr. MITCHELL of Wisconsin introduced a bill (S. 2710) to remove the charge of desertion from the record of Daniel O'Connell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2711) granting a pension to Ira Harris; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GORMAN introduced a bill (S. 2712) to relieve the heirs of John H. Waring, deceased, and to give the Court of Claims jurisdiction, and to remove the bar of statute of limitations; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2713) granting a pension to Miss Mary Hayne; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 2714) to equalize the postage on monthly publications when admitted to be carried as second-class matter; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN introduced a bill (S. 2715) authorizing and directing certain extensions of street-railway routes within the District of Columbia, and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. PERKINS introduced a bill (S. 2716) for the relief of Harlow L. Street; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SHERMAN introduced a bill (S. 2717) to regulate the use of a uniform flag in the Army and Navy, its proportions, and the location of the stars in the union or blue field; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 2718) granting an increase of pension to Clarinda S. Hillman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VILAS introduced a bill (S. 2719) granting an increase of pension to J. N. Brundage; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 2720) for the relief of Samuel B. Horne; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CAMERON introduced a bill (S. 2721) for relief of owners or legal representatives of canal boats *Swan* and *Lewis and Butler*; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 2722) granting a pension to Mrs. May Z. Eckels; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2723) to remove the charge of desertion from the military record of Michael Neidinger; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. PEFFER introduced a bill (S. 2724) providing for the relinquishment of the title of the United States to certain lands in the State of Arkansas; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CAMERON submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. LODGE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. HILL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. PEFFER submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

ADJUSTMENT OF STATE CLAIMS.

Mr. MITCHELL of Oregon submitted an amendment in the nature of a substitute for the bill (S. 2624) giving to any State having a claim for expenses incurred in defense of the United States the right to have the same adjudicated by the Court of Claims; which was referred to the Committee on the Judiciary, and ordered to be printed.

INTERNATIONAL PRISON CONGRESS.

Mr. SHERMAN submitted the following resolution; which was referred to the Committee on Printing:

Resolved by the Senate, That there be printed 3,000 additional copies of Senate Document No. 181 of the first session of the Fifty-fourth Congress, being the report of the delegates of the United States to the Fifth International Prison Congress, held at Paris, France, in July, 1895, for distribution under the direction of the Secretary of State.

CLAIMS FOR BARRACKS AND QUARTERS.

Mr. ALLISON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to cause the proper accounting officers of the Treasury to reexamine Treasury settlement No. 133, being claims for barracks and quarters certified for appropriation in House Executive Document No. 234, Fifty-third Congress, third session, for the payment of which no appropriation has been made; and if found correct to report the same to Congress at as early a day as practicable at the present session.

FREDERICK B. BETTS.

The VICE-PRESIDENT. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 4632) for the relief of Frederick B. Betts, surviving partner of the firm of Betts, Nichols & Co., was read twice by its title.

Mr. TELLER. That is a little bill, appropriating only $250. A similar bill has passed the Senate three times. I have examined it; it is a proper bill, and I ask that it may be put on its passage.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Frederick B. Betts, surviving partner of the firm of Betts, Nichols & Co., out of any moneys in the Treasury not otherwise appropriated, the sum of $250, being the amount of Treasury draft No. 5453 on Treasury interior warrant No. 4891, dated March 1, 1861, and drawn upon the assistant treasurer of the United States at New Orleans in favor of Lampson & Hendricks.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The bill (H. R. 2410) to amend an act increasing the pension of Marcus D. Box, was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. 5127) for the relief of Abraham O. Waucop, was read twice by its title, and referred to the Committee on Military Affairs.

SENATOR FROM DELAWARE.

The Senate resumed the consideration of the resolution reported by Mr. MITCHELL of Oregon from the Committee on Privileges and Elections February 18, 1896, as follows:

Resolved, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

THE OFFICE IN ABEYANCE.

Mr. GEORGE. Mr. President, I do not know precisely what the Senator from Oregon means by asserting as a third alternative that the office of senator is in abeyance. He has not defined what he means by this expression, nor has he pointed us to any legal work which explains it.

As I understand, a right to an estate may be, or is said to be, in abeyance where there is no person in esse, or in actual existence, in whom it can vest, but there is a legal possibility of such person coming into existence. One of the most eminent of our legal writers, Mr. Fearne, in his work on Contingent Remainders, asserted that abeyance was a condition in which no estate could ever be; that there must be always some person in which a title could vest; it could not be *in nubibus*. Where an office is hereditary and appendant to an estate there is a possibility that the office might, like the estate to which it is appurtenant, be in the condition called abeyance if the estate itself was in that condition. But as there are no hereditary public offices in the United States, and can be none under a republican form of government, I can not see how a public office can ever be in abeyance in the sense in which an estate may be.

I know of no instance in which an office is declared to be in abeyance except that one provided for in the statute of Congress, Revised Statutes, section 1769, which is as follows:

The President is authorized to fill all vacancies which may happen during the recess of the Senate by reason of death, resignation, or expiration of term of office, by granting commissions which shall expire at the end of their next session thereafter. And if no appointment, by and with the advice and consent of the Senate, is made to an office so vacant or temporarily filled during such next session of the Senate, the office shall remain in *abeyance* without any salary, fees, or emoluments attached thereto until it is filled by appointment thereto, by and with the advice and consent of the Senate; and during such time the powers and duties belonging to such office shall be exercised by such other officer as may, by law, exercise such powers and duties in case of a vacancy in such office.

According to this definition of abeyance, the following is the situation:

First. The office is vacant.

Second. It can not be filled without the advice and consent of the Senate.

Third. Until so filled it remains in abeyance.

Which is described to be without salary, fees, or emoluments; but its duties and powers are to be exercised by that person authorized by law to exercise such powers in case the office is vacant.

This means, when expressed in plain English, that there is an office vacant which the appointing power is prohibited from filling except by consent of another power, and until that is gotten the office remains vacant without salary or emolument, but the duties thereof shall be discharged by another officer as in case of a vacancy.

If that be abeyance, and I know of nothing else that can be called abeyance, then the office is vacant of a legal incumbent until filled in the mode prescribed and another officer discharges the duties thereof.

That can never be applied to the office of senator in the State of Delaware, for whenever that office is vacant, there is a peremptory constitutional command that it be filled at once by a new election, and no substitute, no other officer is ever allowed to fill it. It can only be filled by a regularly elected senator.

This is sufficient on the "abeyance," it being shown that the office of senator in Delaware was not in that condition and in fact could never be.

THE JOINT ASSEMBLY.

Mr. President, I have shown by reasoning which I believe to be clear and conclusive that Mr. Watson's office as senator was not, during his exercise of executive authority, vacant or in abeyance, nor was he suspended from its exercise. I have shown also that his right to vote as a senator during that term was recognized by the State authorities and people of Delaware in a construction put by them on their constitution for a century. I have further shown that the senate of Delaware and the joint assembly of the general assembly of that State fully recognized Mr. Watson's right as I have stated it, and thus concurred in and repeated the construction of the constitution of Delaware which recognized Mr. Watson's right.

I proceed now to show that the senate of Delaware, acting in and as a part of this joint assembly, and this joint assembly itself, in the most solemn and unequivocal manner, actually adjudged that Mr. Watson, on May 9, 1895, was a senator legally and constitutionally in his office and that he had a right to vote for United States Senator on that day.

The constitution of Delaware makes each house of its legislature the judge of the election and qualifications and returns of its members. In Mr. Watson's case there is no dispute as to the election or returns. He has been sworn in and acted without dispute or controversy as a senator. This is the judgment of the senate of Delaware as to both, and also as to his qualifications, up to the point where this controversy begins.

No one pretends we can go behind the action of the State senate in accepting Mr. Watson at first as a legally qualified and elected senator. The controversy is that, conceding these in the first instance as finally settled and determined, has he become disqualified since, so that he could not, under the constitution and laws of Delaware, on the 9th of May, 1895, cast his vote for United States Senator, and can we so adjudge—have we that power?

It is alleged that there has been no judging by the senate of Delaware on this point. The senate, it is claimed, has not acted on it. If it be the meaning of this contention on the other side that, in order to prevent this Senate from reversing the action of the senate of Delaware on its judgment as to the qualifications of its members, there must have been an actual contest made and that case tried and determined, then any rule prohibiting us from reversing the action of a State body on this subject is utterly worthless. For in nearly every instance there has not been, and never will be, such a case made and tried, as there are rarely contests of this sort. And, under that view, we are at liberty to try in every case the qualifications of a member of the State legislature, when such trial may be asked for, in a contest for a seat in this body.

I take it that no such rule will be seriously contended for.

Then, when is there such a judgment as will conclude us, if in truth any judgment is necessary?

My answer is that the mere fact that a State legislative body accepts a man as qualified and elected and permits him to exercise his duties as such, whether there has been a dispute or contest about it or not, constitutes an adjudication of his right. That there has been no dispute or controversy makes the case stronger, for in that case it is certain that every member assents to his qualifications and election.

But it is alleged that Mr. Watson took his seat so near the time of the departure of the senate for the joint assembly that there was no time for such trial. But there was time for objection. Mr. Watson performed several duties as presiding officer of the senate, and one an essential duty, in announcing that the senate proceed to the house of representatives. No one objected to the announcement, but every member assented to his authority to make it by obeying it. Did not failure to object, as there was time for that, imply an assent on the part of every member that Mr. Watson was rightfully exercising his office as senator? That was an adjudication expressly affirming that right.

THE JOINT ASSEMBLY WAS THE LEGISLATURE.

But, moreover, the joint assembly was the legislature of Delaware, or else it had no power to choose a Senator. The Constitution of the United States provides for two Senators from each State, "chosen by the legislature thereof." No other body, official or otherwise, has power to choose a Senator (for a full term). Such action must be by the legislature, and by the legislature alone. Whether as an original question the legislature can, by act of Congress, be authorized and compelled to act except as provided for by the State law, each house acting separately, I will not inquire at this day, as it is settled that such legislature may—even must—act (after a failure of the two houses to agree) in joint assembly in pursuance of the act of Congress. But whether the choosing comes from the concurrent action of the two houses or from the single action of the joint assembly of the two houses, such choosing is by *the legislature*, or else it is not a constitutional choosing, and Mr. Du Pont's case fails on that ground. The constitution of Delaware declares "that the legislative power shall be vested in a general assembly, which shall consist of a senate and house of representatives"—two bodies. The act of Congress requires these two bodies to act together in a joint assembly in choosing a Senator. Still it is the legislature which acts, and nothing but the legislature, and that consists of the two houses. The two houses are in a constitutional and legal sense present and acting in the joint assembly, or else that assembly is not a legislature and therefore not competent to elect a Senator.

In this case they were not only constitutionally present but actually present, every senator and every representative being in attendance and participating in the proceedings.

What could this legislature, thus assembled under the statute of Congress and under the Constitution do, and what was it bound to do in order, in the language of the statute, "to choose by the viva voce vote of each member present a person for Senator"? That was its constitutional and legal duty—keep that in mind—and being its duty it had full power to do all things necessary to the effectual and legal performance of that duty. Among those essential powers were these:

First. To choose a presiding officer to conduct the proceedings, and a clerk or secretary to record them, unless such officials had already been provided by law and were present and acting. And if they were so provided by law the joint assembly had power to

determine whether the persons presenting themselves as such were the identical persons so authorized by law to act.

Second. To determine who had a right to participate in the proceedings—that is, who were members of the two houses—and to so order that each member present should have the right to cast his vote, and also to take care that none but members should vote, which is again but a determination of the question of who were members and entitled to vote.

Third. To ascertain the result by ascertaining whether or not any person had received a majority of the votes of the members, and on that determination to declare a completed election, or that the election was not complete, and then to take further action from day to day to secure a proper result—that is, an election.

These are duties, some expressly enjoined and all clearly and necessarily implied, imposed by law on this joint assembly. Among them, it will be noticed, are the necessary powers and the plain duty to determine whether Mr. Watson was a member—full member—of the legislature and entitled to vote.

It is an unthinkable proposition that a law directing the assembling in one body of certain persons occupying certain official and legal relations as members of two other named bodies for the performance of a legal duty did not empower the assemblage to decide who were entitled to sit in it—who occupied the legal relation of membership in each of the bodies—and to exclude all who were intruders, or vest this essential power in some other judicatory then and there present and acting. Without such power present and acting the assembly could never meet. That in reaching this determination the joint assembly is bound by law to admit all who had been expressly or by implication adjudged by each of the two houses to be its own members and to exclude all who had been thus determined not to be members, makes no difference. For in that case the assembly still had authority to adjudicate and to determine as to the only material fact relating to the membership, namely, what action had been taken by either house as to persons claiming to be members.

It is true that the fact that a person had been recognized, and was then recognized, as a member by the body of which he claimed to be a member was conclusive on the joint assembly. This is only on the ground that such recognition is in fact and in law an adjudication which is binding on all the world. Nevertheless, the permitting by the joint assembly of a person so recognized by one of the houses as one of its members to sit in it and participate in its proceedings is a conclusive adjudication of his right to so participate in the proceedings of the joint assembly, and the exclusion by the joint assembly of one who had been thus excluded by one of the houses is a conclusive adjudication as to his rightful exclusion.

Mr. MITCHELL of Oregon. Will the Senator allow me to ask him a question at that point, though I do not like to interrupt him?

Mr. GEORGE. Yes, sir.

Mr. MITCHELL of Oregon. The Senator argues that the joint assembly has not only the right, but the power to adjudicate as to the right of a senator to sit in that assembly and vote for Senator. In order to test the validity of that argument, I ask the Senator this question: The legislature of Delaware is composed of 9 senators and 21 members of the house. Suppose the senate should have declared that a certain person, Mr. Watson, for instance, was not entitled to a seat in the senate, but yet that person, knowing that he would have a majority vote in the joint assembly because the house could outvote the senate two or three times, takes his case into the joint assembly, and by a majority vote of a few senators and all the members of the house it is adjudicated by a two-thirds vote of that joint assembly that he has a right to sit there and vote, would that be an adjudication that would be good and that would bind the Senate of the United States? In other words, would it be an adjudication at all as to the right of that person to hold a seat in the senate?

Mr. GEORGE. Mr. President, the answer to that question is contained in what I have already stated to the Senate; and if the Senator had paid close attention to my remarks, he would have found the answer.

Mr. MITCHELL of Oregon. I heard everything the Senator said on that subject.

Mr. GEORGE. I will state it again, and see if the Senator does not understand it better this time.

Mr. MITCHELL of Oregon. I should like a direct answer to the question.

Mr. GEORGE. Of course it would not.

Mr. MITCHELL of Oregon. That is all I want.

Mr. GEORGE. I will repeat my statement.

Nevertheless, the permitting by the joint assembly of a person so recognized by one of the houses as one of its members to sit in it and participate in its proceedings is a conclusive adjudication of his right to so participate in the proceedings of the joint assembly. I reckon the Senator will agree to that. If this be not so the result is absurd.

The joint assembly was empowered and directed by the law of Congress which gave it existence to choose a Senator by a majority of all votes cast by members of the legislature, and to continue its session from day to day till such a result should be reached, and to determine when that result had been reached, or else they would never have known how to stop, and when it had not been reached, because then they could not have determined that they would meet again the next day, so that they might in the one case continue their proceedings and in the other cease from further voting. And if it was not an incidental and necessary power to determine that a person recognized as a member of one house and actually participating in the proceedings when such voting by the member actually affected the result, as in this case, was validly or invalidly so acting, but this power could only be exercised by the Senate of the United States, we reach this absurd result, that the law of Congress enacted especially to regulate the proceedings of the joint assembly and empowering and directing it to continue to act until some person had received a majority of its votes and had been duly elected a Senator is impotent for the very purpose of its enactment. By that construction the law requires a thing to be done and withholds the power to do it. More than this, if this Senate possess this power and it is denied to the joint assembly, then the Senate possesses a power to supervise and regulate these elections in a matter other than and distinct from the mere power to adjudge whether the election has been conducted in accordance with the law. We may annul an election conducted in all respects by the State authorities in pursuance of the law which we ourselves have prescribed, and we may affirm an election not conducted in accordance with that law. Or, to state the matter more clearly, we have enacted that a joint assembly shall choose a Senator according to terms prescribed by us. And if they have not the power to exclude an intruder, and an intruder comes in and they let him vote, then they are acting according to the law we prescribe. They have followed strictly the law we have prescribed, with the result that there is no election according to that law. We then say—not that the assembly violated the law, but concede that they followed it, and hold that because we did not give them the power to do a thing which ought to be done, and which was necessary to be done in order to perform the duty we imposed on them—we may proceed to do that thing and declare a valid election. This conclusion, I confidently believe, will not be adopted by the Senate.

SENATE OF DELAWARE PRESENT AND COMPETENT TO ACT.

If it be objected that the constitution of the State of Delaware vested the power of judging of the election and qualifications of members in that house only to which the member belongs, or claims to belong, and not in a joint assembly of the two houses, the answer, so far as Mr. Du Pont's title is concerned, is conclusive.

The two houses were present, constitutionally and actually present, in the joint assembly. It was the presence of the two houses which made that assembly the joint assembly of the legislature of Delaware; and if the power to determine who were entitled to vote in the assembly did not vest in the assembly as one body, it must have remained in each house thus assembled to determine who were its own members—or else the power to determine this essential point vested in each house by the constitution of Delaware was lost or suspended at the very moment when its excercise was essential to the proper performance of a high constitutional duty. That power can never be suspended nor lost, because its continuous existence is essential to the constitutional organization and action of the legislature. Being then in full existence, it was competent for any senator who denied the right of Mr. Watson to preside over the joint assembly and to vote to make his objection. And on that it was in the power of the senate then and there to decide it, or to withdraw from the joint assembly to its chamber, and there decide it. The senate of Delaware was there—constitutionally there and actually there—every senator being present. Then, having this clear power and the undoubted right to object existing, the failure of every member of that senate, all of them being present, to make the objection, and the action of that senate in proceeding with the election and allowing Mr. Watson to vote and his vote to be counted was a clear recognition of his membership and of his right, and is as solemn and as conclusive an adjudication on that point as was its recognition of the right of every other member of the senate then present to take part in the proceedings.

Suppose when each house, on the second Tuesday after the organization of the legislature, acting under this same law of Congress, voted for a Senator and the vote had stood in the senate a tie, Mr. Watson, having acceded to the exercise of the executive authority, presiding and voting against Mr. Du Pont, whereby if Mr. Watson had not voted Mr. Du Pont would have received a majority of both houses and would have been elected Senator. That is a reasonable supposition. It might have happened. And suppose further, that after this proceeding whereby Mr. Du Pont was defeated, or appeared to be defeated, the two houses had met in joint convention and had elected some other person, Mr. Watson not voting, or notwithstanding his vote, or

had failed for the whole session to make an election, could Mr. Du Pont successfully assert his right to a seat here upon the ground that he was duly elected on said second Tuesday, he receiving a majority of the legal votes in each house if Mr. Watson had no right to vote? If we assert that he could do this thing, then we assert that the senate of Delaware, acting in its separate and constitutional character, was not constitutionally competent to decide upon the election and qualifications of its members; a proposition never yet asserted. If we concede, as we are bound to do, that Mr. Du Pont could not take his seat under that proceeding because we would be concluded by the action of the senate of Delaware, and we then say that we are not concluded by the same action of the senate in the joint assembly, then we affirm that the law of Congress, in requiring the meeting of the two houses in joint assembly, deprived them of their constitutional right to judge of the election and qualification of their members.

But, sir, we even do more than this; that is bad enough; we reach the conclusion that Congress, in exercising a power to regulate merely the manner in which a State legislature shall choose a Senator, may so provide that not only a necessary function and a high constitutional right of that legislature shall be destroyed or suspended, but that this suspended or destroyed function shall, in virtue of such destruction or suspension, caused by our own act, be usurped and exercised by the Senate of the United States.

Mr. President, I have to be a little elementary here. I have to go back to first principles. Everything that I have ever recognized as settled in the constitutional law of this body has been disputed from the very beginning of this controversy; and hence the necessity of a more particular examination into the power of a legislative body under our system to judge as to the election and qualification of its own members, that is, to determine what persons are its members. That power is never in abeyance, never asleep, never suspended. It remains in full force and vigor at every moment of its existence, and is exercised, though sometimes silently, yet always effectively, at every one of its sessions. At every roll call, on every division, every time a motion is made, the question of membership is raised and settled. Should an intruder invade the chamber in which the body sits and make a motion or attempt to cast a vote he would be instantly expelled as a disorderly person.

The permitting a person to make a motion or to cast a vote and counting that vote is a clear recognition of that person's right as a member. Such a power to determine, at every moment of its existence as an organized body actually engaged in the discharge of its duties, as to who has a right to participate in its proceedings is essential to its very existence, essential to prevent its becoming a mob of unauthorized and disorderly persons. It is this power which makes the assembly a legislative body and not a mass meeting with membership in all who may choose to attend. Deprive a legislative body of this power, or even suspend it, and its legal death ensues with as much certainty as a natural death would ensue from depriving a living, organized being of that organ which circulates its lifeblood.

If a legislative body were voluntarily to surrender this power it would be *felo de se*. The same result would happen if its members, instead of judging who were entitled to fill the seats ordained by the constitution to be filled, should invite a company of militia or a town council to sit with them and participate in their proceedings. Such action would not be a judging of the election and qualifications of its members, but a revolution, an overthrow of the government as organized by their constitution. And in such a case it would be the duty of this Senate, in exercising its power to judge of the election of its members, to say that no legal legislature existed competent to elect a Senator, and to refuse admission to anyone such a body might assume to elect.

Mr. GRAY. May I ask the Senator a question just there in the line of the argument he is making?

Mr. GEORGE. Certainly.

Mr. GRAY. The contention of the Senator from Oregon and those who agree with him is based mainly on section 12 of Article II of the constitution of Delaware, which reads as follows:

> No person concerned in any army or navy contracts, nor members of Congress, nor any person holding any office under this State or the United States * * * shall, during his continuance in Congress or in office, be a senator or representative.

Their contention, as I understand it, and as I suppose the Senator from Mississippi understands it, is based largely upon that prohibition of the constitution of Delaware. Now, the disqualification of holding an office under the State, which they claim that Mr. Watson did when he exercised the office of governor, under the constitutional provision is a disqualification that is enumerated along with other disqualifications, such as that no person concerned in any army or navy contract shall be a senator or representative, no Member of Congress, no person holding any office under the United States, and so on; that is, the holding of such an office as they claim Mr. Watson held is one of the disqualifications enumerated in that section; and they say the prohibition of that section operates upon him and prevents his being a senator.

I would ask the Senator from Mississippi, suppose there was a person voting that day for United States Senator in the joint assembly, a State senator, who was interested in a navy contract, or affected by some other of the disqualifications enumerated in the constitution other than this of exercising the office of governor, and his vote in the joint assembly, as well as in the Senate, had been acquiesced in without protest or objection, much less without any judgment of ouster by the senate, can it be claimed that the Senate of the United States can adjudicate his right to act as senator and practically pronounce a judgment of ouster against him on the ground that he was interested, for instance, in a navy contract?

Mr. GEORGE. Mr. President, that is a very plain question, and a very plain answer can be made to it.

Mr. GRAY. And does it differ at all in principle from the disqualification urged of exercising the office of governor?

Mr. GEORGE. I was going to say that nobody in the world—that is, I would have supposed some time ago that nobody in the world—would have asserted that the man was not a senator under the circumstances mentioned by the Senator from Delaware; but inasmuch as the case is exactly parallel and the same thing as the one now before the Senate, I must confess that I have made a discovery on that point.

Mr. MITCHELL of Oregon. Will the Senator allow me a moment?

Mr. GEORGE. I would prefer to go on; but I will hear the Senator.

Mr. GRAY. Oh, yes, let us hear the Senator from Oregon.

Mr. MITCHELL of Oregon. I should be glad to ask the Senator from Delaware whether he thinks that precisely the same inhibition applies to a person holding an army or navy contract as is applied to a person who holds an office by this section 12 of Article II?

Mr. GRAY. I have just read the language of the inhibition. I do not see how there can be any difference. They are both inhibited from being senators or representatives. A man who holds an army or navy contract and a man who holds an office under the United States or the State shall not be a senator or a representative.

Mr. MITCHELL of Oregon. I think if the Senator will examine the clause more critically he will find that there is a wide difference, and for this reason. I read:

> No person concerned in any army or navy contracts, nor members of Congress, nor any person holding any office under this State, or the United States, except the attorney-general, officers usually appointed by the courts of justice, respectively, attorneys at law, and officers in the militia, holding no disqualifying office, shall, during his continuance in Congress, or in office, be a senator or representative.

It does not state during his continuance to hold the contract as well. Undoubtedly this clause declares the office vacant absolutely, without any question, in the case of a person holding an army or navy contract, while as to a person holding an office, it may be open to question as to whether the office is absolutely vacant or not. In other words, that the Senator may understand exactly what I am driving at, if it had been intended to apply the same disqualification to a person holding an army or navy contract which is applied to a person holding an office, then, in addition to stating "during his continuance in Congress or in office," it would have said "during the time of his holding such contract."

As it does not apply those words to a person holding an army or navy contract, it is perfectly clear to my mind that the disqualification applied to the one, namely, the office holder, is not the kind of disqualification applied to the other, namely, the person holding an army or navy contract.

Mr. GRAY. If the Senator from Mississippi will indulge me a moment, apart from the obvious criticism that can be made, a verbal criticism, I admit that the words "during his continuance in Congress or in office" are words of supererogation so far as the question we are now concerned in goes. If we leave out all the intervening words between "no person concerned in any army or navy contracts" and the prohibition, which we can do for the purposes of this inquiry, so as to read, "no person concerned in any army or navy contract shall be a Senator or Representative," then my question is, suppose, as a matter of fact, it is believed or proved in some way to the Senate of the United States that A B, a person elected a senator and actually seated as a senator, ~~whose~~ participation in the office of senator is acquiesced in, against whom no judgment of ouster has been made by the senate of Delaware, should participate in the election of a United States Senator. Can the Senate of the United States pronounce a judgment of ouster——

Mr. HOAR. Allow me.

Mr. GEORGE. I shall object to any further debate.

Mr. GRAY. And say it was void?

Mr. MITCHELL of Oregon. That is a different question.

Mr. HOAR. I hope the Senator from Mississippi will allow me to say one word. I shall be very much obliged if he will.

Mr. GEORGE. I never in the world will get through with my speech if I allow this debate to proceed.

Mr. GRAY. I hope the Senator from Mississippi will allow the Senator from Massachusetts to proceed.

so the result is absurd.

The joint assembly was empowered and directed by the law of

houses had met in joint convention and had elected some other person, Mr. Watson not voting, or notwithstanding his vote, or

person voting that day for United States Senator in the joint

Senator from Massachusetts to proceed.

Mr. GEORGE. Will the Senator from Massachusetts indicate how much time he desires?

Mr. HOAR. The Senator from Mississippi has allowed one side to be heard.

Mr. GEORGE. I have allowed the other side, the Senator from Oregon [Mr. MITCHELL]. How much time does the Senator from Massachusetts want?

Mr. HOAR. Two minutes.

Mr. GEORGE. Very well; take it.

Mr. HOAR. In answer to the Senator from Delaware, I will state that the distinction is between an official incompatibility, which is the case of the governor and senator, and a personal disqualification.

Suppose the Chief Justice of the United States had sympathized with the eager majority who desired to convict Andrew Johnson and turn him out of office, and they had said, "In order to get a two-thirds vote, we will add the Chief Justice of the United States to the Senate, and let him vote, and thus count a two-thirds." Would that have been binding on anybody else under the sun? Is that the same thing as if the question had been whether some senator was interested in a contract? There is the broad distinction between those two cases. The majority in the senate under this great temptation said they would add to the senate the governor of the State, a man who had gone out of the senate, in order to defeat the choice of the people of Delaware. That is the difference.

Mr. GEORGE. Of course I desire to be as liberal as any man in the world to interruptions, as I have been, but it will prolong my remarks indefinitely if I allow debates to occur between Senators during the time I ought to be engaging the attention of the Senate. As I am making, as I think, an argument which is very concise, although it is of some length and requires some attention, interruptions make a break in my argument.

The requirement of the Constitution that Senators shall be chosen by the legislatures of the States necessarily imposes a duty on this Senate in admitting a person claiming to be a Senator of deciding that the body which elected him was the legislature of the State. How far this body can go in that direction it is not necessary now to discuss. Perhaps it would be difficult to draw a line which would always and under all circumstances mark the boundary of our power in that respect.

It may be that, in the language of Chief Justice Marshall—

> The power and the restriction on it, though quite distinguishable when they do not approach each other, may yet, like the intervening colors between white and black, approach so nearly as to perplex the understanding as colors perplex the vision in marking the distinction between them.

[See Brown *vs.* Maryland, 12 Wheaton, page 441.]

We have no need to define the demarcation in this case. The validity and legality of the legislature of Delaware are not denied, but affirmed on all sides. The constitution of Delaware is plain, fixing the number of senators at 9 and of representatives at 21. The constitution is plain also in its mandates, that all these 9 and all these 21 shall be elected and shall qualify and take their seats. The constitution is also plain in requiring all vacancies in any of these seats to be filled, and that the total membership shall be kept always full.

The fact is also plain and undisputed that all the 30 members of both houses had been duly elected and were duly qualified and took their seats in their respective houses. The fact is also plain and undisputed that all these identical 30 members took their seats in the joint assembly of the legislature on May 9 last, and every one of them, without objection from any quarter whatever, voted twenty-eight times for Senator, each voting resulting exactly alike. If the contention of Mr. Du Pont that he was elected on the first of these votings or ballots be sustained, then the further fact is plain that the general assembly in proceeding to have twenty-seven other distinct votes or ballots for Senator did that which they had no right to do, because their business was completed. These twenty-seven votings were had by the unanimous consent and approval of every representative and senator of the legislature of the State, all being present and actually voting every time of the twenty-seven.

Here were twenty-seven distinct and unequivocal affirmations and adjudications, as shown by the Senator from Indiana [Mr. TURPIE], not only of the general assembly, but of the senate then present and agreeing thereto, that Mr. Watson's vote was a lawful vote.

I wish Senators to bear in mind that if Mr. Watson's was not a lawful vote, then Mr. Du Pont was elected on the first ballot, and when the senate of Delaware and the house of representatives of Delaware, both being then present actually, upon a proper motion, proceeded to vote again, they decided what? They decided that Mr. Watson's vote was legal and proper.

There is a little more on this subject which I want to bring out. It was omitted by my friend, the Senator from Indiana [Mr. TURPIE]. Let the Senators bear in mind that Mr. Watson's vote being out, there was an election on every ballot, and that when the joint assembly or when the house of representatives and the senate proceeded to another ballot they necessarily determined that Mr. Watson's vote was a good one and that there was no election. They did some other things, too, which emphasized this, which were not noticed by my friend from Indiana. After the fourth ballot, after they had voted four times, each one resulting exactly alike, a member of the joint assembly, a member of the senate, I suppose thought they had been wasting time there long enough, and he made the following motion:

> Mr. Fenimore, of the senate, moved that the two houses separate.

It was their business to have separated immediately on the taking of the first ballot if Mr. Du Pont had been elected. They had no power to stay there after that. The joint assembly was a tribunal with only a special and limited jurisdiction, and that was to perform the duty of electing a Senator, and when that duty was performed they had no other power. Mr. Fenimore, who had been voting all along against Mr. Du Pont, supposing that, as the law of Congress only required them to take one vote, it was about time to separate, moved to separate. The yeas and nays being called for, the speaker of the senate, this same man Watson, then and there presiding, directed the clerk to call the rolls of the respective houses, and the members having answered as their names were called, the result was as follows: Ten for separating, 20; including every man who voted for Mr. Du Pont, against separating. What did that mean? It was a solemn affirmation on the part of the joint assembly that their business had not been concluded; that they had business on hand, and that business was to elect a Senator. If the Senator had been elected, it was their duty to separate. That same motion was made, as will be seen on pages 11 and 12 and others, five or six times, and every time it was voted down by the joint assembly.

But the committee undertake to meet this solemn adjudication of the senate of Delaware by asserting a proposition of law which I undertake to say was never before heard of, and which is certainly without foundation in our Constitution.

They assert that the senate of Delaware, if it made a judgment in this case, could not make it final and conclusive as to the law. The committee says:

> What the senate—
>
> Of Delaware—
>
> has a constitutional right to do is to judge whether a particular person is possessed of the qualifications which the constitution and the statutes have prescribed.

In another place they say:

> While it is the constitutional right of the senate of Delaware to judge as to the qualifications of a senator, this does not include the right to determine the kind or number of qualifications. * * * These are determined by the constitution.

If this only means that the senate of Delaware has no right to add to or to take from the qualifications prescribed by the constitution, then the committee has asserted a truism which nobody disputes and which is of no earthly value in this case. If they mean, however, as they evidently do, that in judging of the qualification of a senator as prescribed by the constitution, the State senate can not ascertain what qualifications the constitution of Delaware prescribes, then the committee asserts an absurdity and a contradiction. For how can the State senate judge as to what qualifications the constitution prescribes unless they can first ascertain and judge what qualifications are prescribed by the constitution? And how can they do this without considering the language of the constitution and ascertaining what that language means? What is that ascertainment but a judging as to the law which they are administering? There can be no answer to these questions which does not admit the fact that the senate of Delaware is full judge of the law as well as of the facts in this case.

If the senate of Delaware mistake as to the law or as to the facts, who can correct it? There is no tribunal, State or Federal, which has a revisory power. If the Senate of the United States undertakes to do this thing, then they usurp a power not granted to them. They possess the power to judge of the qualifications of their own members, both as to law and as to fact. They have this power by virtue of a grant of jurisdiction to them in the same language exactly as is the grant to the senate of Delaware—

> Each house shall judge of the election and qualifications of its own members.

In our case that language is understood to mean to be the absolute judges of the fact as well as the law, with no revisory power whatever, and in the case of the State of Delaware in their constitution it is held to mean something else.

This senate has solemnly decided, whenever the question has been presented, that it has no power to revise or reverse the judgment of a State legislature as to the qualifications of its own members. The contention of the committee overrules this settled doctrine and makes this strange anomaly in constitutional law: that it requires both the State senate and the United States Senate to judge finally of the qualifications of a State senator—the one possessing full power as to the facts and the other as to the law. This

is but holding that it requires both senates, State and Federal, to make a legal tribunal competent to decide on the qualifications of a State senator—the one body acting as judge to expound the law and the other as jury to ascertain the facts. Under this view the judgment of a State senate as to the qualifications of one of its own members is no more than a special verdict found by a jury—ascertaining the facts upon which the Senate of the United States shall render final judgment. It is impossible that the Senate shall yield assent to that view.

THIS SENATE HAS NO POWER, EVEN IF THERE WAS NO DECISION BY THE STATE SENATE.

But, Mr. President, I have been discussing at very great length a question which this Senate has no right to decide—no power to decide. My apology for this is that these questions have been raised in support of Mr. Du Pont's claim and urged with great zeal and distinguished ability, and though I feel assured that his claim must fail upon another ground independent of the considerations which I have pressed, I could not foresee that this ground would be accepted as good and valid by the Senate.

The Senate has ruled that way during its whole existence. It might, however, being somewhat of a partisan body, do what the Supreme Court has recently done, go back on its decisions for half a century and rule another way.

I now proceed to discuss this ground of objection to Mr. Du Pont's claim.

It is that the Senate of the United States have no power to deny the right of any person acknowledged and recognized by the legislature of Delaware as a member thereof. Our duty and our power extend only to this point, Was there a legislature of the State of Delaware, and did that legislature, in pursuance of law, elect Mr. Du Pont? We have no power whatever to inquire into and decide as to the qualifications and right of any member sitting in that body. Our power and duty begins and ends in the inquiry, What did that legislature do?

This ground is stated very clearly and forcibly in the case of Mr. TURPIE, decided in 1888. The report of the committee says:

> This body (the Senate of the United States) is made by the Constitution the judge of elections, qualifications, and returns of its own members.
>
> The senate of Indiana is likewise the judge of the election and qualification and returns of its own members. We must determine all questions arising out of the proceedings of the electors.
>
> But who sustain the character of electors is to be determined by the legislative body of that State.

This is the solemn decision of this body by one of the ablest committees that ever had a trust committed to it by the Senate, assented to by the Senate by an almost unanimous vote in seating Mr. TURPIE upon that report. The judgment is, we deal with the proceedings of the legislature, "but who sustain the character of electors"—that is, members of the legislature—"is to be determined by the legislative body of that State." That is exactly what they are trying to do here, neither more nor less, as everybody who has listened to the debate up to this point knows.

And as to the force of a mere recognition without an actual case made and a direct adjudication I quote from the same report, as follows:

> It seems to us that, without entering upon the question whether there was a vacancy in the office of lieutenant-governor (the presiding officer of the senate), which Mr. Robertson was duly elected to fill, the recognition of Mr. Smith (the person actually presiding) by a majority of the senate as its lawful presiding officer, and the recognition of the senate as a lawfully organized body by the other house as well as by its own members who remained and took part in the legislative proceedings, and by the executive department, require us to consider it as a lawful senate, lawfully organized so far as to be entitled to take part in the joint convention which elected a Senator of the United States.

Where is recognition here? Everywhere. The recognition by the executive department of Delaware, recognition by the senate of Delaware, in joint assembly; recognition by the house of representatives of Delaware in the same joint assembly, 27 times recorded on the journals, besides five other instances, to which I called the attention of the Senate, in relation to motions to adjourn and to take a recess.

The Senator from Colorado [Mr. TELLER]—who I believe was at that time a member of the Committee on Privileges and Elections, was he not?

Mr. PUGH. He was.

Mr. GEORGE. The Senator from Colorado made use of language which I want to read, not only on account of the high character of the Senator who uttered it, but also for the great truths it expresses in terse and unmistakable language:

> It does not lie in the power of the Senate of the United States when it comes to a question of this kind to reverse the decision [the decision of the senate of Indiana], and no matter where it may take us, no matter where it may land us, with reference to the misconduct of State legislatures, it never was intended by the framers of this Government that that question of the right of members of the Indiana State legislature to sit in each body there would ever be a subject of discussion in this body. We must accept [as] the legislature of Indiana that which the people of Indiana in all departments of its State government recognized as their legislature.

That is the decision of the Senate. From the foundation of the Government up to this time not only has there been no decision against it, but there has been no serious claim made by anybody that that was not the law. The eminent Senator from Massachusetts [Mr. HOAR], who was the author of the report which I have just read, in defending the report, said further:

> The objection of the remonstrants, the gentlemen who contest Mr. TURPIE's title, was to the recognition of both these men—Branahan on the ground that he was unlawfully put in his place by the exclusion of the Republican McDonald, and the Democratic McDonald on the ground that he had no right to sit there, he being *ineligible*.

That is, not possessing the qualifications required by the constitution of the State. That was the contention. That was the proposition which the remonstrants made to the Senate of the United States, and asked to be admitted to test Mr. TURPIE's seat.

Mr. PUGH. To show that he was an intruder.

Mr. GEORGE. To show that he was an intruder. They asked the Senate to permit them to prove those facts in order to unseat Mr. TURPIE; and what did the committee do? The committee said, "Taking all you say to be true, taking every word of your claim, as you have put it out here, to be true, we will not inquire into it. You have not said enough to bring the title of Mr. TURPIE into disrepute or into question."

Mr. MITCHELL of Oregon. Will the Senator from Mississippi allow me to say a word right here?

Mr. GEORGE. I am not through with this point. I shall have to go back and read again the language of the report, as I have been interrupted.

> The objection of the remonstrants * * * was to the recognition of both these men—Branahan on the ground that he was unlawfully put in his place by the exclusion of the Republican, McDonald.

The charge was there that a Republican was actually turned out of the seat to which he was elected and another man put in his place who was not elected. That was a pretty serious charge. The committee said, "we will not look into that." Another charge was that the Democrat, McDonald, was ineligible, I believe, because he held the office of postmaster of the United States.

Mr. TURPIE. He was a postmaster.

Mr. GEORGE. And under the constitution of Indiana persons holding offices of that sort were supposed to be excluded from holding a State office. That was the claim made. That was the ground of ineligibility there, and Mr. HOAR, in defending this report, says:

> And in regard to both of which—
>
> The man who had been put in, who was not elected, and the man who had not been turned out, who was ineligible—
>
> the Committee on Privileges and Elections are of the opinion that the judgment of the senate of Indiana is final.

Mr. MITCHELL of Oregon. May I say a word?

Mr. GEORGE. Yes; you may ask me a question.

Mr. MITCHELL of Oregon. I would not wish the Senator from Mississippi or the Senate or anybody to understand for one moment that I deny the doctrine asserted in that report. I agree to every word of it. The case of Mr. TURPIE in Indiana was simply this: There were two persons in the Indiana legislature who were seated on their certificates. They claimed they had a right to be there. Two other persons on the outside claimed that they were the lawfully elected men to those two seats, and that they ought to have the seats. Contests were inaugurated, and the Indiana senate decided that the two men who were in had no right to be there and they put them out and put in the two contestants. That was a case pure and simple of passing upon the qualifications of persons to those two seats. The senate of Indiana had the right, and the exclusive right, to pass upon the facts that were raised in those two cases. They did pass upon them, and that was the end of it, and the Senate of the United States so decided, and decided correctly.

I will state what I understand to be the difference in the cases, for the question here is entirely different, as I contend. The question here is not as to the qualifications of this man Watson to a seat in the senate, but the question is whether there was a seat in the senate to be filled.

Mr. GEORGE. I will answer that now. That is enough.

Mr. MITCHELL of Oregon. The question is whether there was a seat in the Delaware senate to be filled; whether during the time of the exercise of the office of governor by Mr. Watson the senate of the State of Delaware was to be composed of nine members or of but eight members. I contend, and those who agree with me contend, that under the constitution of the State of Delaware during that time the senate of the State of Delaware was to be composed, in one theory of the case, of but eight members, and therefore there was no seat to be filled.

Mr. GEORGE (to Mr. GRAY). Give me the constitution of Delaware.

Mr. MITCHELL of Oregon. You can read it all, but do not read simply one clause.

Mr. GEORGE. I am going to read just exactly enough to refute everything the Senator from Oregon has said. That is enough. There is no use of beating a man after you have ruined him and struck him down.

out, there was an election on every ballot, and that when the joint

sessing full power as to the facts and the other as to the law. This

government up to this time not only has there been no decision

Mr. MITCHELL of Oregon. That is the reason why I do not wish to say anything more now.

Mr. GEORGE. The Senator from Oregon says the senate of Delaware by the constitution of Delaware was to have only eight members.

Mr. MITCHELL of Oregon. During the time that the speaker exercised the office of governor.

Mr. GEORGE. Now, I am going to read what the constitution says. If you can find the words "during the time he was governor" in the constitution you can read that.

There shall be seven representatives chosen in each county.

Three times seven are twenty-one. Twenty-one representatives were here in this joint assembly acting and voting.

There shall be three senators chosen in each county.

There are three counties in the State of Delaware. Three times three are nine. The Senator from Oregon says three times three are eight. [Laughter.] That is all of it.

Mr. MITCHELL of Oregon. I am afraid that is begging the question a little.

Mr. GEORGE. Everything is begging the question with my distinguished friend except when he is allowed to interpolate in the constitution of Delaware words which are not there and to erase from that constitution important words which are there. That settles that point.

With this eminent and conclusive authority, sustained by the Senate of the United States, by seating Mr. TURPIE, it would seem that no further argument is needed. Yet the fact exists that a majority of the Committee on Privileges and Elections now report that we can go behind the action of the senate and legislature of Delaware, and by casting out a vote which they recognized and received as being cast by a lawful senator, determine that a choosing of a Senator has been made, when both branches of the legislature had decided to the contrary. This position of the majority of that committee imposes on me the duty of inquiring into the foundation upon which rests the rule of law stated by that same committee and sanctioned by the Senate in Mr. TURPIE'S case, and also sanctioned by the Senator from Oregon in the remarks which he has just now made.

Mr. MITCHELL of Oregon. Yes, I agree to it; it is good law.

Mr. GEORGE. I hope the Senator will not think while I am reading this that I am putting in Confederate politics here, because I will prove by the best authority in the world that I am only quoting from official language of the highest character. Each State is sovereign in respect to all powers not delegated to the United States nor prohibited to it by the Constitution. The United States are sovereign in respect to all powers delegated to them by the Constitution. This principle is stated by Chief Justice Marshall in McCulloch *vs.* The State of Maryland, 4 Wheaton's Reports, on page 410, in these words:

In America—

The United States—

the powers of sovereignty are divided between the Government of the Union and those of the States. They are each sovereign with respect to the objects committed to it, and neither sovereign with respect to the objects committed to the other.

That is John Marshall in the Supreme Court of the United States in one of the greatest judgments that was ever pronounced in that court.

That the United States in some one of the organisms provided in the Constitution have the power to judge finally as to the extent of the powers delegated, as well as of the powers reserved (that is an admission I make since the war), does not absolve them from the great duty of marking this extent rightly, giving to the United States only such powers as are granted and denying to the States no power reserved. On the contrary, it increases this duty to judge carefully and rightfully, in a case of disputed powers, that the right of final judgment rests with one of the claimants. I invoke the observance of this obvious duty in deciding this case.

The Government of the United States is partly Federal and partly national in its organization. These two principles are intermingled throughout the system. This double nature is not the result of accident, but was impressed on the Constitution of the United States in indelible characters in order to give the Government that shape and operation which our forefathers deemed essential to carry out the objects of its establishment as expressed in the preamble to that instrument:

To form a more perfect union, to establish justice, insure domestic tranquillity, provide for the common defense, and secure the blessings of liberty to ourselves and our posterity.

This double nature has always been considered as potential in construing different parts of the Constitution. In relation to the election of a President, the power of each State in the Electoral College is based partly on a Federal and partly on a national basis. Two votes represent the Senators and then each Representative represents an elector. But in the process of making the election the provision is wholly Federal. The Constitution gives to each State the power to appoint electors for President in such manner as its legislature may direct. Hence it is held that the power of appointment includes within it the power to determine finally and conclusively who are appointed. The apportionment of Representatives is almost wholly national, being made according to the population in each State; yet it is also partly Federal, in that the apportionment is among the several States, and each State "is entitled" to at least one Representative, however small its population may be.

The election, however, of Representatives is wholly national, the qualification of the electors being prescribed in the Constitution, and the manner, time, and place of elections being subject to the authority of Congress.

That the Constitution declares that the electors for Representatives shall have the qualifications of electors for the most numerous branch of the legislature of the State in which the Representative is chosen does not contravene the idea that the qualifications are fixed by the Constitution of the United States. The Constitution, it is true, does not particularize what these qualifications shall be, but it adopts as qualifications those which the State has fixed for electors for the most numerous branch of its legislature. It is not in the power of a State to fix other and different qualifications for a Representative than it has fixed for electors of the most numerous branch of its legislature. In fact, a State can not directly fix the qualifications for Representative at all. It can, in virtue of its reserved power, fix the qualifications of electors of the most numerous branch of its legislature, and that is all the State can do as to this point. When it has done this, the Constitution of the United States adopts these qualifications for Representative from that State. The State law thus adopted by the Constitution of the United States becomes in effect, as to qualifications for Representatives, a national law. So that it results naturally and logically that the power given to the House of Representatives to judge of the elections, qualifications, and returns of its members carries with it the power to determine in each case whether a claimant or the sitting member has received the greater number of qualified electors, and in determining this the House may judge as to the qualifications of every elector voting in the election. But when we consider the Senate we find the whole matter changed. The members of the House are elected, as expressed in the very language of the Constitution, "by the people of the several States." The Senate, on the other hand, is "composed of two Senators from each State, chosen by the legislature thereof."

The language is, "chosen by the legislature thereof," and not by the members of the legislature.

There are no electors for the Senate named in or contemplated by the Constitution.

The report in the TURPIE case said, as to these electors, who they are, who they may be, we have no authority to decide.

The choosing is the act of a body organized under and by virtue of the constitution of the State and endowed with the power and duty of making the laws of the State. Where the power to make the laws of the State is, there also rests the power to choose a United States Senator, and when you say that here is a body which may make the laws of a State as organized, and that that body can not elect a Senator as thus organized, or defeat one, then you destroy the Constitution as it is plainly written.

The Constitution of the United States takes no notice whatever of the manner in which this organism is created, nor of the persons who compose this body; nor of their qualifications; nor as to who shall have the right to vote for them; nor of the length of their official terms; nor of the powers vested in them, except only it shall have the power to make laws for the State. It says nothing and means nothing as to the number of persons who shall constitute a *quorum*. If the constitution of a State provides—as the English constitution does—that a small number, less than one-tenth of the whole number, shall constitute a *quorum*, then such constitutional number being present in both houses during a sitting constitutes the legislature, capable of doing any act whatever which the legislature of the State may lawfully do. And when—note now—any official act is performed it is the act, not of the individual members of the legislature, but of the State organism endowed with legislative powers.

It is just like the acts of Congress. I had a curiosity the other day to see how the very first statute ever passed by Congress claimed to be passed. It did not say, "be it enacted by the Senators and the Representatives of the several States in Congress assembled." It said "be it enacted by the Senate and House of Representatives of the United States in Congress assembled," that such and such shall be the law; and every act passed from that first one on the 1st day of June, 1789, and approved by George Washington, down to the present time has contained that same formula.

No man has ever seen an act passed by any legislature in this Union that did not express in its enacting part the idea of enactment in either one of these two ways, "Be it enacted by the legislature of the State" (I believe that is the rule in Mississippi), or "Be it enacted by the senate and the house of representatives of

the State in general assembly convened." Not one of them ever said or could say, "Be it enacted by the senators and representatives" that such is the law.

Mr. MITCHELL of Oregon. I quite agree with the Senator, but I should like to ask him one question just to get his opinion on a certain point.

Mr. GEORGE. Very well.

Mr. MITCHELL of Oregon. I have been very much interested and entertained by what the Senator has been saying recently.

Mr. GEORGE. I hope you have been instructed.

Mr. MITCHELL of Oregon. And instructed. I should like to have the opinion of the Senator from Mississippi on one point. I do not know that it has any bearing on this case particularly.

Mr. GEORGE. Please do not ask me anything outside of this case.

Mr. MITCHELL of Oregon. But it has occurred to me just now, and it is a very interesting question. The Senator is arguing that it is the legislature of the State that must elect the Senator, to which I agree. The act of Congress passed in pursuance of that constitutional provision speaks of the members of the legislature who shall meet in joint assembly. I suppose the Senator would agree that in this case, for instance—take a legislature that has 21 members of the house and 9 members of the senate, if there is a majority of the whole number present in the assembly, although not a majority——

Mr. GEORGE. In either house.

Mr. MITCHELL of Oregon. Although not a majority of both houses.

Mr. GEORGE. Of both houses.

Mr. MITCHELL of Oregon. I suppose the Senator would agree that that would be the legislature of the State within the meaning of the Constitution of the United States, and that such a joint assembly could elect a Senator.

Mr. GEORGE. I have just gone over that. If the Senator had given me his attention he would have seen what my views are upon that subject. I say that when this joint assembly meets it is the joint assembly of the two houses of the legislature. The constitution of Delaware says there shall be two houses, and unless in a constitutional sense the two houses are present it is not the legislature and can not elect a Senator. But in this case (and I am not going outside of this case) they were every one of them present, and on that we are trying this case. Every one of them was present.

Mr. MITCHELL of Oregon. The Senate has held several times, as I understand it, that it is not necessary that there should be a majority of the members of both houses present. It does not bear on this case, I admit.

Mr. GEORGE. Do you mean to say that the joint assembly is not a legislature?

Mr. MITCHELL of Oregon. Oh, no; I do not mean to say that.

Mr. GEORGE. That is enough.

Mr. MITCHELL of Oregon. But I do mean to say that the joint assembly may be composed of a majority of all the members of the two houses, and yet a majority of each house may not be present.

Mr. GEORGE. That may be true or it may not be true, but it is not a question in this case.

Mr. MITCHELL of Oregon. It does not affect this case, I admit.

Mr. GEORGE. Because every member of each house was present.

Mr. MITCHELL of Oregon. Certainly.

Mr. GEORGE. Actually present and voted.

Mr. MITCHELL of Oregon. Undoubtedly.

Mr. GEORGE. I want to call my friend's attention to what I shall read, because I took some pains in drawing it up so as to express my ideas correctly.

The members, or rather the persons claiming to be elected members, do not of themselves constitute the legislature, and can do no official act as persons or individuals. It is only after organization—that is, after the members elected meet together in the place fixed by law and at the time prescribed by law, and ascertain, *prima facie* at least, who are elected, and then proceed to take the oath prescribed by law, and then elect a presiding officer (if none has been furnished by law, as a lieutenant-governor for the senate in some States)—that a legislature is constituted or organized, and can be said to be the legislature or lawmaking power of the State. And when this is done, then no member of the legislature—recollect that—can do or perform a legislative act, except in and as a part of this organized body. Before that there is no legislature; nothing but a number of men authorized by law to become a legislature.

To illustrate: As soon as the Senator from Oregon, or any other Senator, steps outside of this Hall, he can not perform a legislative act until he gets back in here. Now, Mr. President, I want to emphasize that idea, because it has a good deal to do with making still more and more plain the utter absurdity of the claim of Mr. Du Pont.

In 1839 a very remarkable contest occurred in the House of Representatives. There were five members elected from the State of New Jersey, who held certificates from the governor of the State. There were five others who held certificates from somebody else—I believe from the secretary of state. It just so happened that if the five on either side were seated (they were all Whigs on one side and all Democrats on the other) that side would have the control of the House of Representatives. Of course there was intense interest there. The House was many days organizing. The old Clerk of the House for awhile tried to regulate the proceedings of the meeting. Finally he could not do it, and after some days Mr. Rhett of South Carolina offered a resolution:

Mr. Rhett then offered a resolution that Lewis Williams, the oldest Member of the House, be appointed chairman of this meeting until the House should be organized.

Not Speaker pro tempore of the House, but "chairman of this meeting." He soon afterwards changed it:

Mr. Rhett then varied his motion so as to bring Mr. Adams to the chair instead of Mr. Williams, and putting the question himself to the meeting—

Not to the House—

it was carried, and Mr. Adams took the chair.

There was a great deal of excitement and debate, and I remember in reading over the proceedings that Mr. Adams before he had been made chairman in addressing that body of men addressed them as "Fellow-citizens." This shows what I have stated here, that the Members are nothing per se; that it is only when they have been organized into a House and acting as a House that they possess any powers whatever.

This view is plainly recognized in the statute of Congress regulating the election of Senators. Does that statute say that the legislature shall proceed to elect a Senator on the second Tuesday after the date fixed by the constitution for its meeting? No. On any other date? No; except this one date:

The legislature shall proceed to elect a Senator (only) on the second Tuesday after its organization.

Recognizing plainly that until there was organization there was no legislature.

Before organization the persons elected can do nothing but proceed to organize. This reasoning establishes beyond controversy the proposition that the act of a State legislature in choosing a Senator, when accomplished lawfully and constitutionally, is the official and corporate act of a State organism authorized and formed under the laws of that State, with membership powers and faculties fixed by those laws. The sole question we can consider in this case is, Was there a legislature of the State of Delaware on May 9 last, and did that body as then organized proceed according to law in electing a Senator? What was the result of that proceeding? In fact we have but one question, for Mr. Du Pont's claim eliminates the first question. Since if there were no legislature, no valid and legal legislature as organized at the time, he has no claims here.

He necessarily asserts the existence of a valid and constitutional and duly organized legislature in asserting his right to a seat here. He asserts that there was such a legislature, which did in law elect him; yet, strange as it may seem, he also asserts that the actual voting in the legislature did not elect him.

We are asked to affirm that the legislature of Delaware on May 9, 1895, was a valid, constitutional, and duly organized body—organized as required by law and capable of electing a Senator. Then we are asked to affirm that notwithstanding the action of the legislature as organized resulted in no election, yet Mr. Du Pont was duly and constitutionally elected and should be seated.

In other words, we are asked to affirm that the lawful and constitutional legislature was so organized and constituted at that time, contrary to law, that it could not express its will by a vote of all the members—recognized members present and voting—but did express its will validly and constitutionally if only the Senate of the United States, ten months thereafter, will eliminate one name from the roll of its membership as it actually existed on May 9, 1895. In Mr. TURPIE'S case it will be noticed there was no attempt to seat his opponent. They had not advanced then up to the point to which our friends have advanced here. They undertook only to invalidate the proceedings of the legislature in making any election at all. In this case the attempt is to invalidate what the legislature actually did and to set up as valid something that the legislature did not do.

These inconsistencies, not to say absurdities, are the necessary condition into which Mr. Du Pont's claim has placed his advocates.

It is admitted in the report in Mr. TURPIE'S case that the senate of a State is the judge of the election and qualifications of its members as much so as the Senate of the United States is the judge of the election and qualifications of its members. It is also admitted in that report that this Senate in exercising its power to judge of the election and qualifications of its members has no right to revise and reverse the action of the State senate; that in the exercise of this power of judging vested in this body we must

State the power to appoint electors for President in such manner | "Be it enacted by the senate and the house of representatives of

accept as settled and beyond our jurisdiction to disturb the action of the senate of Indiana. We are asked now to disregard, to trample upon, to spit upon, the action of the senate of the State of Delaware. It seems manifest that this admission is conclusive in this case, unless we hold that there is no judgment or determination of the question as to Senator Watson's membership by the State senate, and, further, that such judgment is necessary to prevent our acquiring jurisdiction.

I have sufficiently discussed the question of the judgment of the Delaware senate and have proved that such judgment was rendered in every constitutional sense in this case.

But since it is disputed I go further. I am authorized, even required, by a due fidelity to the Constitution of the United States to go further and to affirm that even if there was no technical judgment rendered at all by the senate of Delaware, there is no power in this Senate to judge of the qualifications of Mr. Watson as a member of the senate of Delaware. Whether he were qualified to act on May 9 last is not a question submitted to our judgment by the Constitution of the United States.

The power to judge of the elections and qualifications of members of this Senate has been assigned by the Constitution of the United States to us. The power to form a legislature or law-making body for a State is a reserved power to each State. This power in all its amplitude, in whatever form it may be necessary to exercise it, is a State power, and a State power alone. It happens to be one of the few powers reserved to the States which is expressly recognized in the Constitution to be a State power. There is no limit or restriction placed on this State power—to form and organize a legislature—except that it shall be republican in form, that is, elected by the people and not hereditary.

The provision in the constitution of Delaware (and in every State) making each house of its legislature the judge of the election, qualifications, and returns of its own members is not in any respect the source from which the State gets this power. That is a mere provision for the exercise of the undoubted reserved power which belongs to each State, which may be exercised by such agencies and in such manner as the State may ordain. The State might, if it saw proper, give the power to the supreme court of the State. The failure of a house of a State legislature to exercise this power might possibly result in a total failure to organize the house as a legislative body, whereby it would not be competent to concur in making a law or to do any other act imposed on it as a part of the legislature; but such failure could not have the effect to transfer or, what is possibly a better word, to delegate that power to the United States to be exercised by this Senate or by any other Federal organism. Every power possessed by the Government of the United States or any department or officer thereof is a power delegated by the Constitution of the United States, either expressly or by implication, as proper and necessary to carry into effect an expressly granted power. No provision is made for the Government of the United States to acquire a new power or, which is the same thing, to enlarge a granted power by any lapse or failure in any State to exercise a reserved power. A new Federal or national power can come only from an amendment to the Constitution of the United States.

The Senate of the United States is as much bound by the Constitution of the United States and as much bound to observe the line of demarcation between granted and reserved powers as any other department or officer of the Government. This duty to obey the Constitution is as binding on the Senate when it exercises one of its granted powers as when it exercises another; as much binding in the judging of the elections and qualifications of its members as in enacting a statute. We can not, in judging as to the election of our members, invade the domain of the reserved powers of the States and determine for the State the qualifications of the members of its legislature.

Clear and unanswerable as I believe the argument to be that we have no power to judge of the qualifications of a member of a State legislature, yet I deem this matter of such moment as to authorize and even require me to go further. If we usurp the power we are incompetent to exercise it wisely and properly, and especially in a case like this, when the contention is that a member once duly qualified has become disqualified during his term, and the effort is, as here, to remove or suspend him from the exercise of the duties and powers of his office.

Calling attention again to what has been said about the undisputed right of Mr. Watson to act as a duly elected and qualified senator up to the 9th of May, 1895, and to the argument showing that only the senate of Delaware could determine whether he had vacated or become disqualified for his office as senator by exercising under constitutional mandate the office of governor, and to the authority from Cushing's Parliamentary Law read to support that argument; and proving that he is in fact and in law a senator, whatever disqualifications may have ensued after his first seating as a senator until that body has adjudged otherwise—under these circumstances, the true and legal circumstances of this case, the seating of Mr. Du Pont by adjudging that Mr. Watson had either vacated his seat or was suspended from its exercise is neither more nor less than a judgment of amotion of Mr. Watson from office.

It is well to bear in mind what we are asked to do in determining whether we will usurp or, if that word be preferred, assume the power to do it. It is also well to bear in mind that what we do here in this case will be a precedent for the future, to be avoided, not followed, will be—if we use the power needed to seat Mr. Du Pont—a solemn adjudication of this body that in all cases hereafter when a question is made as to the vacating or suspension of a member of a State legislature from his office in order to judge who has been elected a Senator by that legislature, that we have the power to do that thing.

Let us see what difficulties impossible of removal we will encounter in the performance of this assumed task.

The constitution of New Hampshire, in part 2, section 14, reads as follows:

> Every member of the house of representatives shall be chosen by ballot, and for two years at least preceding his election shall have been an inhabitant of this State [*shall have an estate within the district which he may be chosen to represent of the value of 100 pounds, one-half of which is to be a freehold whereof he is seized in his own right*]—

The words in brackets were stricken out in 1852—

> shall be at the time of his election an inhabitant of the town, parish, or place he may be chosen to represent; *shall be of the Protestant religion*—

These words were stricken out in 1877—

> and shall cease to represent such town, parish, or place immediately on his ceasing to be qualified as aforesaid.

That turns him out, and in express terms, as soon as he ceases to be a Protestant, and as soon as he ceases to be a resident of the town or parish in which he lived at the time of his election then he is out, and ceases to be a member. If we go into the business of determining whether a member of a State legislature has ceased to be qualified by changing his religion or by removing from one district to another, where will this thing end?

Mr. GRAY. To the constitution of what State does the Senator refer?

Mr. GEORGE. The constitution of New Hampshire.

There are at least seven States which provide expressly for vacating the office of a legislator by his removal from the district in which he was elected. Rhode Island provides that "if a senator or representative, after his election and engagement, accept any appointment under any other government his office under this shall be vacated."

So it is seen what questions are to be decided by this Senate within the rule sought to be established in this case. In New Hampshire prior to 1852 it would have been our duty to inquire whether the representative still owned his estate to the value mentioned in their constitution, and prior to 1877 it would have been a proper question for us to decide whether such a representative had ceased to be of the Protestant religion. And in reference to that State now, and at least six others, it would be necessary to decide whether a legislator had moved from the district in which he was elected.

Rhode Island would furnish us with the question whether a senator or representative, after his election, had accepted an appointment from any other government.

In all these cases there is an express provision for the immediate vacating of the office. There is none such in the constitution of Delaware.

Mr. President, I am very nearly through, and I feel that kind of joy which the weary traveler who has been for many days working his way homeward under troubles and difficulties feels when he comes in sight of the old homestead. There is but one other absurdity, allow me to say, with due deference to my distinguished friend from Oregon, which needs to be exposed, and which can be exposed in a few words.

SEAT NOT SUBJECT TO OCCUPATION.

The report of the committee discloses a new invention to avoid the irresistible argument that this Senate can not judge of the election and qualifications of a member of a State legislature. The committee asserts that the question here is not as to the qualifications of Mr. Watson to be a senator, but whether the senate of Delaware can fill a seat which under the constitution of Delaware is not subject to occupation, whatever that may be. The answer to that is plain and easy. That seems to be the last ditch into which our friends have been driven, and in which they propose to die. The Senator from Oregon a few moments ago would not allow me to get to this part of the argument without reiterating to the Senate that while the constitution of Delaware provided for nine senators, it also provided that the State should only have eight. Now we will see what few words will expose that fallacy:

First. The constitution of Delaware, as I have shown, does not vacate the office of senator held by the president of the senate when he exercises the office of governor, nor does it suspend the senator from his office. That has been made so clear that the Senator from Oregon, and no other Senator, will say that either

one or the other is true. He will say that one of those must be true, but he will not say which.

Second. There are nine seats in the senate of Delaware, every one of which is expressly required by that constitution to be filled at the general elections, and to be kept filled should a vacancy occur in it.

There never was a constitution in the world framed so carefully and with so many provisions to fill vacancies in the legislature as the constitution of Delaware. Let me mention some of them. I can do it without reading. In the first place, the speaker of either house shall issue writs of election whenever a vacancy may occur. Then the constitution says, in addition to that, any other person authorized by law shall issue such writs. Whether they have ever passed a law of that kind in Delaware I do not know; but the constitution was so careful that vacancies should be filled, that the power was vested not only in the speakers of the respective houses, but in any other person who might be designated by law. They were not satisfied with that, and in vacation they authorize the governor of the State to issue writs. If the Senator from Delaware will put his finger upon that clause of the constitution where provision is made for the filling of vacancies I shall be glad to read it.

Mr. GRAY. Section 3, on page 26.

Mr. GEORGE. The language of the constitution is as follows:

> If the office of representative or the office of senator become vacant before the regular expiration of the term thereof, a representative or a senator shall be elected to fill such vacancy, and shall hold the office for the residue of said term.
>
> When there is a vacancy in either house of the general assembly, and the general assembly is not in session, the governor shall have power to issue a writ of election to fill such vacancy; which writ shall be executed as a writ issued by a speaker of either house in case of vacancy.

I do not know any way the Senator from Oregon can get out of that, unless he reverses in one respect and follows exactly in another the performance of electing a president *pro tempore*. There the constitution said either house may elect a president *pro tempore*. The Senator said that meant "shall." Now, when we come to this clause, the Senator finds himself in a difficulty about "shall," and he will have to change that into "may." There never was in any constitution such particular provisions for the purpose of keeping every one of the nine senators' seats and every one of the twenty-one representatives' seats full, not only during the session of the legislature, but in vacation, for the governor is authorized to issue the writ when the legislature is not in session.

With that provision of the constitution, the Committee on Privileges and Elections and the Senator from Oregon assert to the Senate that there is a seat, one of the nine seats in the senate of Delaware, which is not subject to occupation, which I suppose means—I do not know what it means unless it means this—is not subject to have an incumbent in it.

Mr. GRAY. That it is vacant and can not be filled.

Mr. GEORGE. That it is vacant and can not be filled, when the constitution says it shall be filled.

Third. There are nine seats—and all required to be filled. The contention is that Mr. Watson could not further occupy the seat to which he was elected and in which he was duly installed, and the trouble is not that the seat could not be occupied at all, but could not be occupied by Mr. Watson after the 9th of April, he becoming on that day, according to the contention of the committee, disqualified to fill it. There is no provision there, and the Senator does not even argue that there is, that there shall be a vacant seat, but he says, admitting that there are nine seats there, Mr. Watson could not occupy one of them. That is the whole contention on the other side.

Mr. GRAY. The Senator from Oregon just now contended that there were only eight seats.

Mr. GEORGE. Yes, sir; eight. Where is the provision of the constitution of Delaware which says, under any circumstances, that the constitutional number of seats in the senate—nine—shall be reduced to eight? This whole debate on the other side, and nearly all of it on this side, has been conducted on the idea on one side that Mr. Watson could not fill the seat and on the other that he was in the seat; and that is all there is in it. If he was qualified under the constitution to fill it, then he could fill it. The contention is that he could not fill it because on that day he became disqualified. Whether he was so disqualified or not was in effect the same thing exactly as whether he was qualified or not, and this is the sole question in this case. It is not denied but admitted that the senate of Delaware is the judge and the sole judge of his qualifications. Is not the same senate the sole judge of the disqualifications? The Senate of the United States has not the slightest jurisdiction over that question, as has been held for a hundred years and never disputed until this case came up.

Mr. GRAY. Is not the meaning of "qualification" the absence of disqualification?

Mr. GEORGE. Certainly it is. One is put in the affirmative and the other in the negative; and that is all there is in it. It is just the same as the proposition that all men are mortal, or no man is immortal. That kind of Jesuitical hair-splitting will not do for the judgment of the United States Senate in seating a man in this body who has never been elected to it.

My friend got up to-day an eighth-member theory. In the committee and in the argument heretofore he thought it was better to go for a tenth member. We were to have ten members. Then he supposed the case of the tenth member of the senate; he put the supposition of Grover Cleveland, the President of the United States, being a member of the senate of Delaware, and asked what we were going to do then? Then a case from Kansas was brought up, upon which all this sophistical reasoning is based, in which the supreme court of that State decided that for four men who voted for a public printer, or something of that kind, there were no seats, not that there were seats there not subject to occupation, but that by the law of Kansas there were no seats for those four men. It is all based on that. Here is a seat; here is the ninth seat; and the constitution of Delaware says it shall be filled, and points out the mode in which it shall be filled.

Mr. ALLEN. And the man who shall fill it.

Mr. GEORGE. And the man who shall fill it. Now, they say if Mr. Watson was not exercising the office of governor they will admit that he could fill the seat in the senate. The Senator from Oregon admitted some time ago that the decision of the senate of Delaware for many years had been that the man exercising the office of governor did not lose his seat in the senate, but had come back to it; and he is bound to admit, under that argument, that if Mr. Watson on the morning of the 9th day of May had resigned what my friend calls the office of governor, which he says Mr. Watson could resign, he would then be a senator and in his seat. What is that but saying, not that there is no seat there subject to occupation, but that there is no man there who is authorized and qualified under the constitution to occupy it? That seems to me, sir, to answer the question.

Mr. MITCHELL of Oregon. I say it is not subject to occupation only during his continuance in the office of governor. That is the answer.

Mr. GEORGE. Mr. President, I have now performed my duty as I understand it in reference to this case. I have discussed at some length, probably more than I ought to have done, the various phases of this question. In conclusion I only desire to say this, and no more than this, that after a very careful examination of the case I can reach but one conclusion, and that is that if Mr. Du Pont is seated in the Senate of the United States the Senate will perform no act different for Mr. Du Pont than electing him to a place to which the legislature of his State failed to elect him.

Mr. MITCHELL of Oregon. Will the Senator from Mississippi allow me to ask him two questions before he takes his seat?

Mr. GEORGE. Certainly.

Mr. MITCHELL of Oregon. I have listened with a great deal of interest to the lengthy and interesting speech of the Senator from Mississippi, and I simply wish to ask him two questions. The first question is in reference to the matter discussed last by the Senator. The constitution of the State of Delaware provides that a person to be entitled to a seat in the senate of the State of Delaware shall have certain specific qualifications, namely, he shall be of a certain age; he shall have a certain amount or kind of property; he shall have lived in a certain county a certain length of time, etc. Does the Senator from Mississippi hold that the right of the senate of Delaware to pass upon the qualification of a senator in the senate of Delaware extends beyond those specific qualifications enumerated in the constitution of Delaware, or is it confined to them? That is the first question.

Mr. GEORGE. I will answer the question. I have already stated very fully to the Senate that at every moment of the existence of the senate of Delaware it had before it the question of the right, the power, of any man who assumed to be a member of that body, and it had the right to decide on the question.

Mr. MITCHELL of Oregon. I admit that, but——

Mr. GEORGE. And they decide it. They first ascertain what the qualifications are, and then they decide whether the man possesses them; but whether they decide right or wrong it is not subject to review in the Senate of the United States.

Mr. MITCHELL of Oregon. That is not an answer to the question.

Mr. GEORGE. That is an answer.

Mr. MITCHELL of Oregon. That is not an answer to the question, as I think, with all due respect to the Senator. My question was whether the right of the senate of Delaware to pass upon the qualifications of its own members extends to the question of passing upon some other matter than the specific qualifications of the constitution. That is the question. Of course, the answer would mean, although it was not specific, that it does extend beyond that. I deny that as a legal proposition.

Mr. GEORGE. My answer is that they have a right to determine whether A, who presents himself as a member of the senate, is entitled to a seat. That includes all qualifications and all disqualifications, because there are disqualifications put in the constitution of Delaware, which they could decide upon.

No person concerned in any army or navy contracts, nor member of Congress, nor any person holding any office under this State, or the United States, except the attorney-general, officers usually appointed by the courts of justice, respectively, attorneys at law, and officers in the militia, holding no disqualifying office, shall, during his continuance in Congress or in office, be a senator or representative.

They can pass upon all of those disqualifications and every one of them, and it is absolute, final judgment.

Mr. MITCHELL of Oregon. I understand the position of the Senator from Mississippi, and I do not agree with him. There is one other question——

Mr. GRAY. I should like to ask——

Mr. MITCHELL of Oregon. There is one other question I desire to ask the Senator from Mississippi. I said I would ask two questions, and I shall confine myself to those two. The other question relates to another branch of the subject. The Senator, in his speech, has contended very vigorously that the speaker of the senate, when he succeeds to the exercise of the office of governor, exercises such office not in his own right, but *as speaker*, and that the speaker of the senate can not, in the event of the death of the governor, resign the right to exercise the office of governor, but that the only way he can get out of exercising the office of governor is to resign as speaker of the senate.

Mr. GEORGE. That is my view.

Mr. MITCHELL of Oregon. That is the Senator's view. The question I wish to ask the Senator is this: Suppose, after the speaker of the senate, Mr. Watson, had entered upon the exercise of the office of governor, the senate of the State of Delaware had expelled Senator Watson for some good reason, and whether it was a good reason or not, had actually done so, because he is still senator, according to the theory of the Senator from Mississippi——

Mr. GEORGE. Yes, sir.

Mr. MITCHELL of Oregon. He is still speaker of the senate, according to the Senator's theory.

Mr. GEORGE. And according to the theory of the Senator from Oregon.

Mr. MITCHELL of Oregon. Suppose the senate of Delaware had expelled Senator Watson from the senate, which, of course, would have dragged down the speakership as well, he would have been expelled not only as senator, but as speaker of the senate.

Now, what I wish to know is, whether, after that is done, is he still governor—the constitution says he is, or at least that he shall continue to exercise such office until a governor elected by the people is duly qualified—and if so, is he still governor *as speaker*, or in his own right—how is he governor? Can he exercise the office of governor after that? And if so, does he exercise it in his own right, or as speaker of the senate, although he is no longer speaker?

Mr. TURPIE. That is an inability provided for in the constitution of Delaware.

Mr. MITCHELL of Oregon. I am asking the Senator from Mississippi.

Mr. TURPIE. That is an inability——

Mr. MITCHELL of Oregon. I am asking the Senator from Mississippi. I wish to have the question answered by that Senator, as I think it thoroughly tests the validity of the whole argument of the Senator from Mississippi.

Mr. TURPIE. It does not test any argument.

Mr. MITCHELL of Oregon. I am asking the Senator from Mississippi.

Mr. GEORGE. I shall be very glad to answer all the conundrums which my distinguished friend——

Mr. MITCHELL of Oregon. I have no conundrums, only that plain and very pertinent question, and I should like to have it answered.

Mr. GEORGE. I shall be very glad to answer all the conundrums which my distinguished friend may see proper to put to me. But there is no case before the Senate which involves any question of that sort. I have thought of it a good deal. Either one of two things is true. One plausible view is that in virtue of that provision of the constitution which says that the speaker shall exercise the office of governor until a certain time, he is kept in there, except he be impeached. The other is the one suggested by the Senator, that being a senator and speaker, independent of and contrary to the express command of the constitution, he may be removed. There are two ways to get rid of him. He may be removed by a majority vote from the office of speaker or he may be expelled by a two-thirds vote. Unless that provision of the constitution to which I have alluded makes it absolutely impossible for the senate to proceed in that way, he could neither be expelled nor removed. My own idea would be that he could be removed from the office of speaker by a majority vote of the legislature, and then he would not any longer be the governor.

Mr. GRAY. He would no longer exercise the office of governor.

Mr. GEORGE. He would no longer exercise the office of governor.

Mr. GRAY. Words are things now.

Mr. MITCHELL of Oregon. These are all of the questions I wish to have answered.

Mr. GRAY. I want to ask the Senator from Oregon a question.

Mr. MITCHELL of Oregon. I am not on the witness stand.

Mr. GRAY. I wish to put the Senator there. This matter is before the Senate, and it is a privileged question. When the Senator from Mississippi yields the floor I propose to take it. Let me ask the Senator from Oregon a question.

Mr. GEORGE. I wish to try to find something. Here it is:

Upon any vacancy happening in the office of governor by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified.

Whether or not that would continue him against the removal by the legislature I am not prepared to say. I am inclined to think it would not.

If there be no speaker of the senate, or upon a further vacancy happening in the office by his death, removal, resignation, or inability, the speaker of the house of representatives, etc.

That seems to go to sustain the idea that he could be removed, not only by impeachment, but by the action of the legislature.

But that is not in this case.

Mr. GRAY. I should like to ask the Senator from Oregon, if he will so far indulge me, to make a little more clear to my mind at least his position in regard to the extent of the jurisdiction of the senate of Delaware to judge of the qualifications of its members. I understood him to say—and if I misunderstood him I hope he will correct me—that that jurisdiction extended only to those qualifications which are enumerated in section 3 of the constitution, to wit:

No person shall be a senator who shall not have attained to the age of 27 years, and have, in the county in which he shall be chosen, a freehold estate in 200 acres of land, or an estate in real or personal property, or in either, of the value of £1,000 at least, and have been a citizen and inhabitant of the State three years next preceding the first meeting of the legislature after his election, and the last year of that term an inhabitant of the county in which he shall be chosen, unless he shall have been absent on the public business of the United States, or of this State.

Will the Senator so far indulge me as to say whether I am correct in the assumption that he contends that the jurisdiction extends only to those qualifications enumerated in that section?

Mr. MITCHELL of Oregon. I simply desired to get the opinion of the Senator from Mississippi [Mr. GEORGE] on that point, as to whether he holds that the right of the senate of Delaware extends to questions beyond those specified in the constitution.

Mr. GRAY. I understood the Senator from Oregon to say that in his opinion it did not extend. Am I right in that respect?

Mr. MITCHELL of Oregon. I think it is very doubtful whether it does.

Mr. GRAY. Very doubtful?

Mr. MITCHELL of Oregon. Yes; very doubtful, at least.

Mr. GRAY. Then the Senator's opinion is that it does not extend to the disqualifications mentioned in the same article which I will not take up the time of the Senate by repeating, but which are very familiar to the Senator. Perhaps I had better enumerate them. It says:

No person concerned in any army or navy contracts, nor member of Congress, nor any person holding any office under this State, or the United States—

With certain exceptions—

shall during his continuance in Congress or in office be a senator or representative.

Does the Senator think the jurisdiction of the Senate to judge of the qualifications of its members does not extend to the matters enumerated in that section? Is that his view?

Mr. MITCHELL of Oregon. I was calling upon the Senator from Mississippi to define his opinion of it.

Mr. GRAY. I beg the Senator's pardon. I understood him to say that he differed with the Senator from Mississippi.

Mr. MITCHELL of Oregon. I do. I certainly differ so far as this question is concerned. Here is a constitutional provision which states that in a certain contingency the speaker of the senate shall become the governor or shall exercise the office of governor.

So far as that question is concerned, which involves a construction of the constitution of the State, as to the status of this person, after he succeeds to the exercise of the office of governor, I do undertake to say in the most positive terms that in my judgment it is a disqualification, if you so please to call it, or, to be more accurate, it places the seat of that person in a certain state as to its being subject to occupation or nonoccupation, and thus presents a question upon which the senate of Delaware can not, under its power to judge of the qualification of its own members, act so as to bind the Senate of the United States. That is my opinion.

Mr. GRAY. Is it the Senator's view that the jurisdiction of the senate of Delaware, while it extends to those qualifications mentioned in section 3, does not, so far as being conclusive upon the Senate of the United States is concerned, extend to the matters mentioned in section 12?

Mr. MITCHELL of Oregon. It certainly does not, in my judgment, extend to any question which involves a construction of the constitution of the State of Delaware. I am not prepared to state positively that they would not have the power to pass upon the question as to army and navy contracts, because that is a plain provision not open to construction. There is no constitutional

question whatever involved. But the other matter involves the construction of the constitution of the State of Delaware, and upon that question I do undertake to say, and have said from the first, and I insist upon it, that the decision of the senate of the State of Delaware is not binding.

Mr. GRAY. Then, in other words, if I understand the Senator, the jurisdiction of the senate to judge of the qualifications of its members extends to every case enumerated in the constitution, both of qualification and disqualification, except as to that matter which concerns the decision of this case?

Mr. MITCHELL of Oregon. Oh, Mr. President, that is not a fair comment upon what I have said.

Mr. GRAY. That is exactly what the Senator has said.

Mr. MITCHELL of Oregon. I have not said so by any manner of means. In one case there is a plain, specific, statutory provision that a person holding an army or navy contract shall not be a Senator, while in the other case——

Mr. HILL. What does the Senator from Oregon mean by a statutory provision?

Mr. MITCHELL of Oregon. I stand corrected. I did not mean to say statutory, but a plain, specific, constitutional provision, not open to construction.

Mr. ALLISON. I rise to a point of order.

The VICE-PRESIDENT. The Senator from Iowa will state his point of order.

Mr. ALLISON. What is the pending question?

Mr. GRAY. The pending question is the privileged matter of the Senatorship from Delaware, which I am discussing and upon which I have the floor.

Mr. ALLISON. I do not so understand it.

Mr. GRAY. I understand it is a privileged question at all times.

Mr. ALLISON. I had the floor three days ago and yielded to the Senator from Mississippi [Mr. GEORGE], who desired to make a speech. Of course I do not wish to interfere with proper debate of the privileged question.

Mr. GRAY. I am not going to interfere with the Senator from Iowa longer, but I do not care to be taken off the floor in a summary way.

Mr. ALLISON. Mr. President——

Mr. GRAY. I am here discussing a privileged question, as I understand it——

Mr. ALLISON. I understand——

Mr. GRAY. To wit, the right of a claimant to a seat in this body.

The VICE-PRESIDENT. The Chair will hear one Senator at a time.

Mr. ALLISON. I rise to a question of order.

The VICE-PRESIDENT. The Senator from Iowa will state the point of order.

Mr. ALLISON. I have a right to make it——

Mr. GRAY. I am discussing the point of order.

Mr. ALLISON. Without having the Senator from Delaware intimate that I am taking him from the floor. I yielded to the Senator from Mississippi to make a speech upon the privileged question, and for that purpose only. I did not know that the debate was to last three or four days. If it is the purpose of Senators to complete the privileged question, I of course yield the floor and will make no further objection.

Mr. GRAY. I did not suppose that I was trespassing upon anybody's time or anybody's rights. I merely rose to add something to what had been said in regard to the privileged question before the Senate. I did not propose and I do not now propose to occupy the time of the Senate further. But I merely wish to assert in regard to the point of order that I believe under the rules of the Senate I was occupying the floor in my own right, and that I am not amenable to the point of order made by the Senator from Iowa.

Mr. WOLCOTT. The Senator from Delaware was in the middle of a question which he was asking the Senator from Oregon [Mr. MITCHELL]. I hope we may have the question completed, so that we may also have the answer.

Mr. GRAY. The Senator from Oregon was in the middle of an answer to the question.

Mr. WOLCOTT. I knew it was one or the other. We on this side could not tell which it was.

LEVI STOLTZ.

Mr. ALLISON. I ask that the Post-Office appropriation bill may be laid before the Senate.

Mr. SHERMAN. I hope the Senator from Iowa will allow me to call up a private bill. It will take but a few moments to read it. If the bill excites any opposition at all I will yield at once.

The VICE-PRESIDENT. The Senator from Ohio asks unanimous consent for the present consideration of a bill which will be stated by title.

The SECRETARY. A bill (S. 1546) for the relief of Levi Stoltz.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. ALLISON. I yield if the bill does not lead to debate.

Mr. SHERMAN. If it leads to discussion I shall not ask for its consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments, in line 4, after the word "directed," to insert "any statute of limitation to the contrary notwithstanding"; in line 7, after the name "Ohio," to insert "in accordance with the provisions of section 6, act of March 1, 1879, as amended by subsequent acts"; in line 10, after the word "him," to insert "prior to January 1, 1874"; in line 14, after the word "amount," to insert "of taxes"; and in line 15, after the word "overcharged," to insert "or allowable on account of accident"; so as to make the bill read:

Be it enacted, etc., That the Commissioner of Internal Revenue be, and he is hereby, authorized and directed, any statute of limitation to the contrary notwithstanding, to consider and adjust the claim of Levi Stoltz, a citizen of Greenville, Darke County, in the State of Ohio, in accordance with the provisions of section 6, act of March 1, 1879, as amended by subsequent acts, for excess of taxes and assessments charged by the United States against him prior to January 1, 1874, on the Greenville Distillery, owned and operated by him, said excess of assessments caused by accidental bursting of the stills, necessary changes in the still tubs by errors in surveys, and to refund the amount of taxes that may be found to have been thus overcharged, or allowable on account of accident: *Provided*, That the whole sum allowed shall not exceed the sum of $1,153.56.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED INVESTIGATION OF BOND SALES.

Mr. PEFFER. With the consent of the Senator from Iowa, I ask unanimous consent of the Senate that upon the conclusion of the Post-Office appropriation bill the Senate will proceed to the consideration of the resolution proposing an investigation into recent sales of bonds, not, of course, to displace the unfinished business.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kansas?

Mr. HILL. As it is impossible to state how long the consideration of the Post-Office bill will take, I must interpose an objection. Twice I have proceeded to discuss the question involved in the resolution, and twice have I been cut off, when it could not be prevented. I want the resolution brought up some time when it can be taken up like any other order of business and continued until disposed of. What has become of the unfinished business, the Utah joint resolution? Whenever the resolution of the Senator from Kansas can be taken up to be continued to the end, not only so that I can express my views upon it, but that other Senators may do so, will be ample time to call it up.

Mr. ALLISON. The Utah joint resolution, I understand, is the regular business.

The VICE-PRESIDENT. It is the regular order.

Mr. CULLOM. I desire to state that the Senator from Utah [Mr. CANNON] is attending a funeral at this hour, but he probably will be in his seat before the Post-Office appropriation bill is disposed of. If so, he will be glad to proceed with the consideration of the unfinished business.

The VICE-PRESIDENT. The Chair will then lay the unfinished business before the Senate.

POST-OFFICE APPROPRIATION BILL.

Mr. ALLISON. I hope we can now proceed with the Post-Office appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897, the pending question being on the amendment reported by the Committee on Appropriations, on page 7, after line 8, to insert:

For additional compensation to the Oceanic Steamship Company for transporting the mails by its steamers sailing from San Francisco to New Zealand and New South Wales by way of Honolulu, all mails made up in the United States destined for the Hawaiian Islands, the Australian colonies, New Caledonia, and the islands in the Pacific Ocean, $80,000: *Provided*, That said additional sum with the sum now paid shall not exceed $2 per mile, as authorized by act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce."

Mr. HILL. I understood last night that the Senator from Iowa [Mr. ALLISON] took the floor to explain to the Senate more particularly in regard to the question involved in the amendment. Did not the Senator intend to answer the Senator from Wisconsin [Mr. VILAS]?

Mr. ALLISON. I am not aware that there was any specific question to which I was to make answer.

Mr. WOLCOTT. Will the Senator from Iowa allow me to interrupt him for a moment?

Mr. ALLISON. Certainly.

Mr. WOLCOTT. I ask the Senator from Iowa whether he is ready at this time to have extraneous amendments offered?

Mr. CULLOM. Not until this amendment is disposed of.

Mr. ALLISON. There is an amendment pending.

Mr. WOLCOTT. As to the Oceanic Steamship Company?

Mr. ALLISON. Yes.

Mr. WOLCOTT. I understood the Senator to ask that the bill be proceeded with for the present, and that this matter should be passed over. I do not understand whether he wanted it passed over only until the reading of the bill was completed.

Mr. ALLISON. I am perfectly willing that other amendments shall be offered, allowing this amendment to be passed over until other amendments are disposed of.

Mr. WOLCOTT. Just as suits the convenience of the Senate. It is unimportant to me. I have an amendment which I shall be glad to offer now if it is agreeable to the Senate and the Senator from Iowa.

Mr. ALLISON. I have no objection.

Mr. WOLCOTT. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment submitted by the Senator from Colorado will be stated.

The SECRETARY. On page 2, line 1, after the word "dollars," it is proposed to insert the following additional proviso:

Provided, however, That whenever, by order of the Postmaster-General, any post-office is consolidated with any office so as to become a station or substation of the same the salary of the superintendent or clerk in charge of such station or substation may then be paid out of the appropriation; not, however, to exceed the amount of the salary previously paid to the postmaster of the office which has become such station or substation.

Mr. WOLCOTT. Mr. President, the amendment just read was reported unanimously by the Committee on Post-Offices and Post-Roads and was referred for action to the Committee on Appropriations. Not only was the action of the Committee on Post-Offices and Post-Roads unanimous, but each member of the committee, and I imagine very many members of the Senate, have received during the last week or two repeated letters and telegrams and inquiries from citizens all over the country having no interest in this matter except that interest which every good citizen feels in the economical and wise administration of the law, urging that the amendment be brought to the favorable consideration of the Senate. I have referred to the Committee on Appropriations from the Committee on Post-Offices and Post-Roads resolutions passed by the Democratic State committee of Massachusetts, and various resolutions passed by other organizations of both political parties throughout the United States.

The reason for the amendment is very easily understood if a word of explanation is given concerning it. It has for some years been the belief of many incumbents of the office of Postmaster-General that the present organization of the Department was unfortunate so far as concerns the securing of economy and safety and celerity in the transacton of the business of the Department. There are something more than 68,000 fourth-class post-offices, all the postmasters of which report directly to Washington. They are like an army of privates with no intermediate officers. When each one of them desires stationery, or stamps, or supplies of any character, he communicates with the home office at Washington. Whatever supervision is extended over him reaches from Washington to the possibly remote place where he may be filling the little office of postmaster in some small community.

The Postmaster-General under the Administration of Mr. Harrison made an earnest representation to Congress in favor of the distribution of the United States into 100 post-office districts. He suggested that there should be appointed to each of these districts, under the title of supervisor or superintendent, or whatever you like, some person whose business it should be to gather together the affairs of the fourth-class post-offices within that district; that he should instruct new appointees in their duties; that they should apply to that supervisor for such supplies as they might need, for such instructions as might be needed; that he should generally oversee them in the conduct of their business, and that if there was inspection to be made of their offices the inspection should be made through one of these 100 supervisors. He showed, and showed with quite an array of facts, the utter lack of economy in the present methods of conducting the business of the office and the utter inability of the Department properly to investigate the conduct of the offices by the fourth-class postmasters.

The recommendation of that Postmaster-General was followed by Postmaster-General Bissell, who in a very strong communication to Congress adopted the suggestion of his predecessor and urged that the country be divided into districts. He was in doubt as to the wisdom of dividing it into 100 districts, but he suggested that there should be a district perhaps for each State, with the larger States perhaps divided into additional districts, and that the supervision should come through those districts. He showed, I think, with much conclusiveness that such a division would add greatly to the good conduct and the economical administration of the office.

But Congress has not acted. Under existing law the Postmaster-General may establish and may vacate such offices as he shall see fit. Under this construction of the law the Postmaster-General from time to time has been disestablishing or closing smaller offices near large cities, and has been gathering them in as a part of the metropolitan district of those cities. The result has been that he closes the office and that the person in charge ceases to be an appointive officer by the Postmaster-General, coming under the Assistant Postmaster-General, but the office is then administered by a clerk of the Post-Office Department at a certain salary which is regulated by law. Under the existing provisions of law that salary may be from $300 to $1,000 at the option of the Postmaster-General of the United States, the salary being paid in accordance with the service rendered. The effect of that has been not to obliterate the office. It keeps its name.

For instance, at Chicago there are countless small offices, Presidential offices, second-class, third-class, and fourth-class offices, which have from time to time been gathered into the administration of the office at Chicago. They keep their names. There are Englewood and Lake View and a number of different towns all embraced in the same district. They keep their autonomy. Except that the public gets better and more economical and quicker service, the public rarely knows that the change has been made, and yet it is true that those offices have ceased to be appointive offices and come under the administration of the postmaster of the metropolis of the district. At Cambridge, another large city in immediate communication with the city of Boston, this same extension has been had, and in Brooklyn an order was recently made attaching several districts. The Postmaster-General in a report which he has made, and which is published with the report upon this amendment (it has been upon the desks of Senators, and I have no doubt they have read it), recites that in Brooklyn a few offices have been attached, and that with great economy and wisdom all of Long Island could be attached to the city of Brooklyn, and if it should be so attached the mails could be carried much cheaper and much better than they are at present carried.

There is nothing political in this, Mr. President. It does not savor in the slightest degree of politics. As I have said, there are now 68,000 fourth-class offices. Between now and the close of the present Administration there could not be a thousand offices changed if they worked night and day. The change must be gradual. It is not for the aggrandizement of either political party; it is solely for the benefit of the public service.

It is true, and we must face the fact, that this is doing by indirection what Postmasters-General have asked in vain of Congress. They have suggested a division into districts. They have suggested that Congress find some way for gathering together these offices so that they may be administered from a few heads. We have failed to do it. Postmasters-General, relying upon the general provisions of law, have gone to work themselves and have gradually reached out and gathered the offices in. You must leave it to their discretion.

I looked for some time to see if we could not suggest in this bill some amendment that should make it connect, for instance, with the extension of trolley service or of other communications where there should be some natural limit which we could prescribe to it. You can not with safety do it. There are often offices which are disconnected by any quick method of travel and yet which in the conduct of the business of the Department should be associated and connected with metropolitan offices.

I am free to say that the amendment which has been adopted tentatively as we have gone along—the amendment which immediately follows the amendment which I have offered on page 2, an amendment to the effect that no office shall be discontinued at any county seat—is not in accordance with the principles which I am here declaring. It is not necessarily fatal to them, but it is not in the line of the suggestions I have made. I understand probably why the amendment has been interposed, or perhaps one of the controlling reasons. I am advised that the Postmaster-General, in one of the States in this Union, in the State of Maryland, reached out some 14 miles and took the post-office at Ellicott City, a second-class post-office, a Presidential office, closed it, discontinued it, and attached it to the post-office administration of the city of Baltimore. This would have been all right provided it was in the line of a legitimate extension of the business of the office, but I am advised that in doing this he reached over and skipped office after office, leaving a great lot of them between Baltimore and Ellicott City, and seized upon that particular office. Without some explanation, which I have not yet been able to receive, such a proceeding is destructive of the very principle which this amendment seeks to establish and which is itself recommended by the Postmaster-General.

It may be that he has some adequate explanation for it; I do not know what it is, but I do say that even if it shall have been in one instance abused it is in the line of good service and economical administration, and that all of us should look forward to the time when these post-offices will be administered principally from the larger cities, where the new appointees in the little offices may

receive the benefit of the counsel and advice and suggestion of the postmasters in the cities; that they may receive the benefit of close proximity to some head, who shall guide them in the discharge of their duties and be able to ascertain if they are fulfilling them.

The Postmaster-General says that as a rule this service is so scattered, with so few facilities for investigation, that there is practically never an investigation made of a post-office until there comes a complaint. There ought to be some head near by to whom these men can look up, to whom they can report.

As far as the expense of it goes, it is a very great saving. The report shows how great is the saving. It is a saving in a thousand offices of more than a half million dollars a year. Of course, the amount of the saving varies in different offices, but you get better service and you get it for less money.

Under the present condition of affairs the payment of fourth-class offices depends upon the business transacted. The fourth-class postmaster gets all the proceeds of the cancellation of stamps up to a certain amount, and then it is graded up to a certain other amount, until his pay becomes $1,000, and as soon as his pay becomes $1,000 then at once it becomes a third-class office and he is appointed. In addition to that, the Postmaster-General in his option may make certain further allowances to the fourth-class postmaster. If he is on a line where a route starts off from some other place and where there may be letters to be assorted and counted and stamped, he may make certain allowances for clerk hire. All this will be brushed away. There will be a simple, direct administration of the office, out of politics, by some competent clerk who is able to take the position for less remuneration, as a rule, than the cost of the administration of the office, with very possibly a larger individual salary to the person conducting it than has heretofore been received.

Mr. President, I trust that the Senate will see, as the committee has seen, the wisdom of adopting this amendment. In my opinion there should, perhaps, be from the amendment as it has been reported by the committee the elimination of all the words in the amendment after the word "appropriation," and for the reasons which I shall give. As the amendment was proposed, it is as follows:

That whenever, by order of the Postmaster-General, any post-office is consolidated with any office so as to become a station or substation of the same, the salary of the superintendent or clerk in charge of such station or substation may then be paid out of the appropriation.

Then comes the clause—

Not, however, to exceed the amount of the salary previously paid to the postmaster of the office which has become such station or substation.

The inequality of that is evident. It is difficult to determine it. Not only may it be different last year from what it was year before last, but it may differ in different quarters of the year, and it may be difficult for the Postmaster-General to determine it.

Then, also, it would be so permanently fixed that it would require an express provision of law to change the remuneration of it. As these communities near the larger cities grow larger, the pay should increase. The Postmaster-General under existing law may make his allowances not less than $300, and up to $800, and it is not necessary that this provision should remain upon the statute. So, with the permission of the committee which reported the amendment, I will strike out from it all after the word "appropriation" in the fifth line, so that the amendment will read as I have suggested.

Mr. ALLISON. I call the attention of the Senator from Colorado to the fact that the proposed amendment, if inserted at all, should be inserted at the end of line 11, rather than after the word "dollars," in line 1, page 2.

Mr. WOLCOTT. Very well, I accept that. I agree to anything that will make the bill symmetrical.

Mr. ALLISON. The compensation to postmasters provided for in the bill, $15,250,000, is a specific appropriation for their compensation, and the amendment is a proposition to compensate clerks of post-offices. So it should be added to the provision for clerks.

Mr. WOLCOTT. I accept the suggestion.

Mr. ALLISON. I have no objection to the amendment, if it is thought necessary, except that I think by implication even we should not provide for superintendence. That is an office not now known to the law, so far as I am aware.

Mr. WOLCOTT. Right at the inception of the Senator's remarks I should like to suggest that nowhere is that intended.

Mr. ALLISON. Will the Senator from Colorado look at line 3? It reads, "Salary of the superintendent or clerk." I think we might strike out the words "superintendent or"; so that it would read:

The salary of the clerk in charge of such station.

Mr. WOLCOTT. Very well.

Mr. ALLISON. They are, then, to be paid out of the appropriation. With those modifications, the one suggested by the Senator himself and the one now suggested by me, I have no objection to the amendment. I think, however, that it is unnecessary, and the First Assistant Postmaster-General so stated to the Committee on Appropriations. The only difficulty as respects the payment of clerk hire was in the fact that the appropriation was too small, and therefore, in order to meet this condition, as also one or two other conditions, the Committee on Appropriations increased the item for clerk hire from $10,350,000 to $10,500,000. The First Assistant Postmaster-General, or perhaps one of the subordinates under him—I am not certain on that point—stated to us that with this increase of appropriation they could deal and would deal with this entire question.

As respects the consolidation of offices in the neighborhood of cities, the power is clearly given now by statute for the Postmaster-General to accomplish this end. Whether he is authorized to skip over half a dozen post-offices in order to reach a county seat and abolish a post-office there, I am not quite so clear; but it is certainly within the power of the Postmaster-General to establish post-offices and to abate offices or discontinue offices.

Mr. WOLCOTT. May I interrupt the Senator from Iowa for a moment? I beg pardon if I interrupt him untimely. I do not mean to do so.

Mr. ALLISON. Certainly; I yield to the Senator.

Mr. WOLCOTT. I think the First Assistant Postmaster-General would feel very badly to be quoted as the Senator from Iowa has quoted him, I am certain under some misapprehension. The Senator and I talked this over the other day and I was aware of the understanding with the Senator that the First Assistant Postmaster-General looked upon this as a matter of appropriation. Since that time I have talked with him. It was only the latter part of the clause, which is stricken out, that he thought doubtful, and he expressed himself to me as feeling deeply the importance of the first portion of the clause. So there is a bare possibility, and I want to do him that justice——

Mr. ALLISON. I may possibly be mistaken in my impression of what the Postmaster-General said.

Mr. WOLCOTT. The Postmaster-General himself reported this amendment in its very phraseology——

Mr. ALLISON. The First Assistant Postmaster-General?

Mr. WOLCOTT. No, the Postmaster-General; and I should not like to see the First Assistant Postmaster-General quoted as against his chief if he did not intend to be so quoted.

Mr. ALLISON. Neither would I. I am very certain the First Assistant Postmaster-General suggested that latter clause of the amendment was not only an unwise one, but that it would interfere with the proper success of the enterprise of consolidating offices. But if there is any doubt about the power of the First Assistant Postmaster-General to execute the proposed reform, I am perfectly willing that the amendment as modified shall be added to the provision. I do not understand that it changes existing law or affects existing conditions.

Mr. LODGE. As I introduced the amendment which has been reported and approved by the Committee on Post-Offices and Post-Roads, I merely desire to say that it certainly has the cordial approval of the Postmaster-General, from whom I have a letter here, as the Senator from Colorado has already stated, and, with the lines omitted which have been stricken out, it has also certainly the very hearty approval of the First Assistant Postmaster-General, whom I saw this morning.

In my State, where the population, especially in the eastern part, is very dense and the cities and towns are large and near together, the consolidation of offices has taken place to a considerable extent. In every case it has made an improvement of the service. More persons have been able to be served by the carriers than before and better service has been given to the public in every way. I know that in my own State, where it has been so largely tried, there will be great objection to giving up that consolidated service at the large metropolitan offices. Also, as the Senator from Colorado has pointed out, it will make a great saving of money to the United States. Probably $500,000 will be saved the first year. When we can get such a vast improvement in the service as this amendment will permit, and also at a reduction in expense, it seems to me that there is no serious argument to be made against it. I have no objection to the amendment, which I think has already been adopted, at the top of the page, in regard to county seats; but I should like to add at the end of the amendment:

Provided, however, That this shall not apply to the city of Cambridge, in the State of Massachusetts.

The city of Cambridge has been for a long time consolidated with the metropolitan system of Boston. Although there are two cities and two municipal organizations, the community is the same practically, and all the service is conducted through carriers and local lines of street cars. It would entirely break up the present system if Cambridge could not be excepted from the amendment. Cambridge happens to be a county seat, one of the county seats of Middlesex County, and I should like, if there is no objection on the part of those who are interested in the amendment, to except the city of Cambridge from the operation of the amendment by the

words which I have proposed, which I ask to be inserted at the end of line 6 on page 2.

The VICE-PRESIDENT. The amendment submitted by the Senator from Massachusetts will be stated.

The SECRETARY. Add at the end of line 6, page 2, the following proviso:

Provided, however, That this provision shall not apply to the city of Cambridge, Mass.

The VICE-PRESIDENT. Without objection, the amendment is agreed to. The question is on the amendment of the Senator from Colorado [Mr. WOLCOTT].

Mr. GORMAN. Let the amendment be read as modified.

The VICE-PRESIDENT. The amendment as modified will be read.

The SECRETARY. Insert after the word "post-offices," line 11, page 2:

Provided, however—

Mr. ALLISON. Strike out "*however*" after "*Provided*."

The Secretary read as follows:

Provided, That whenever, by order of the Postmaster-General, any post-office is consolidated with any office so as to become a station or substation of the same, the salary of the clerk in charge of such station or substation may then be paid out of the appropriation.

Mr. WHITE. I should like to inquire of the Senator from Colorado whether he understands that the effect of the amendment, if adopted, would be that the Post-Office Department may create any number of substations with reference to the main office? Is there to be any limitation on the power of the Postmaster-General?

Mr. WOLCOTT. No; the Department may do that now. They may extend the system as they see fit.

Mr. WHITE. In cases where the substation system is extended the salary system now prevailing will be changed, I presume.

Mr. WOLCOTT. It does away entirely with the present system of payment, which depends on the cancellation of stamps.

Mr. WHITE. I understand that is the law now.

Mr. WOLCOTT. It does away entirely with that system, and a salary of from $300 to $800 per annum is paid under existing law, at the option of the Postmaster-General.

Mr. WHITE. Then in those cases where postmasters of the fourth class now receive smaller salaries of course the bill will inure to their advantage.

Mr. WOLCOTT. Oh, yes; generally speaking, the bill inures to their advantage, because they get more. Additional service is cut off, because additional expense is not incurred in transportation in reaching the different places. It is all done through fewer hands and more directly.

Mr. GORMAN. Mr. President, the amendment, if adopted, will, I understand, be the first direct approval by Congress of the system which has been entered upon of the consolidation of any number of small, fourth-class post-offices with the large post-offices of the cities. It is a reversal of the practice of the Department from the beginning. It is in accord with the general tendency of all the business affairs of the world to wipe out all of the small offices and concentrate the power in the hands of a few men.

Under the statute the Postmaster-General, having the unquestioned right, has taken quite a number of the large cities in the Union and abolished the independent offices in the little country places entirely outside, in the villages, the ordinary country post-offices, and has placed such office in charge of a clerk who is an appointee or under the control of a postmaster 10½ miles distant. To illustrate, the city of Baltimore, with 500,000 inhabitants, has a post-office, but they are not content with serving the people in that community who are engaged in business enterprises and who want frequent deliveries of mails, where such a system has become a necessity for them, but by an order of the Department a circle of 10 miles is thrown around that city. It embraces the farming section and fifteen or twenty little post-offices outside of the city, where there is no necessity for daily delivery or delivery by carriers, and where the people in those communities prefer to assemble at the local post-offices, and get their mail once or twice a day. This provision must of necessity increase the expenses of the office. It can not be otherwise. It is a hardship upon the people who use the small post-offices. The man in charge of a little post-office is the neighbor and the friend of those residing in the community. The mere fact that there is a change of power from one political party to another amounts to nothing. These postmasters remain, no matter what party is in power. But these people want the post-offices near their own homes. They communicate through the local postmaster with the Postmaster-General at Washington. To communicate with the postmaster at Baltimore is no convenience to them; on the contrary, it would be a hardship, and there is no desire for such a change.

It is said that this system is to be adopted so that the people will get more frequent deliveries, and all the small post-offices be brought within the supervision of a single man. That may be, Mr. President, but, at the same time, it will be taking from the people that to which they have been accustomed, and I do not believe they will long submit to it.

Take the case of the abolishment of the Presidential post-office in the community in which I reside—not within the county of Baltimore, not a part of the Baltimore post-office, and having no connection with it—an office as old as that in the city of Baltimore. It is the distributing office for the country back of it for 20 miles, and was by this order consolidated with the city of Baltimore. There is no way to reach Baltimore from it except by a winding road around the Patapsco, and then into Baltimore, 14 miles distant. I know the people of that community. They denounce the act; they know it is an inconvenience to them; they know that under this system which is being entered upon, if it is unlimited, as is proposed, the whole post-office business of the State will be centered in the hands of one postmaster.

Mr. ALLEN. For political purposes?

Mr. GORMAN. Yes, sir; of course, for political purposes. I do not care, however, to speak of that. I am against the principle which enables the Postmaster-General to abolish all the small offices at his will. It is not only undemocratic and unrepublican, but it is un-American, as we have understood the meaning of the term American. The people have looked to the small post-offices as the only places through which they come in contact with the officers of the Government. They care nothing about your custom-houses. It is not the office or the salary of the office, but it is the fact that as American citizens they should have a place near their door where they may go and tell their postmaster what they desire, and let him communicate directly with the Postmaster-General, or the President, it may be, but the Postmaster-General as a rule.

Mr. President, I can go from here to the city of Philadelphia in less time than the Baltimore city post-office could be reached from one of these substations, and the postmaster at Baltimore would be as foreign to those agricultural people as the postmaster at New York.

I see that there is a provision in this bill for the purchase of bicycles, horses, and wagons. We will see a man wearing a uniform start from the city of Baltimore on a bicycle, with a small mail bag on his back, riding up into these communities and delivering mail to them. If they wanted to make complaint they could not catch the mail carrier, because the riders are usually expert.

I agree that around cities like Baltimore, Philadelphia, Brooklyn, New York, or Boston, where the street-railroad cars operated by electricity have penetrated, communication is easy and swift, and better mail service can be established. Consolidation would be a great benefit to communities so situated, but it ought to be done with discretion. It ought not to include the agricultural portions of the various States. No such lines as have been drawn around Brooklyn and Baltimore for from 15 to 20 miles ought to be permitted.

I think the present Postmaster-General or the First Assistant Postmaster-General, who is a very capable and bright man, and, I think, one of the best we have ever had in the Department, has made the suggestion, though it did not originate with him, but he has emphasized it, that he ought to have a hundred districts in the country, with the Assistant Postmaster-General, if you please, or some important officer, to supervise the system within each district, to examine its workings, and to report upon it. It may be all right and it may be a wise provision, but I am opposed to abolishing these offices for the purpose of putting them under the civil service. That is all there is in it; that is the incentive and the motive—to get these small offices within the classified service.

Mr. FRYE. Will the Senator allow me?

Mr. GORMAN. Certainly.

Mr. FRYE. I understood the Senator from Colorado to say that under existing law these consolidations were now being made, and I understood the Senator from Maryland to say that a town in his own county, 14 miles off, had been consolidated with the post-office at Baltimore. Will the Senator be kind enough to explain to me how this amendment affects that, and how that consolidation is to be prevented, or is to be aided, by this amendment in any way?

Mr. GORMAN. It does not prevent the consolidation. The Postmaster-General has construed the present laws to give him this authority; and I rather think he is right about it, although there may be some doubt concerning it, but he finds this trouble in extending the system. He can not find the money to compensate the agents; he can not any longer use the amount of compensation which the postmasters at the small offices have received of forty, fifty, or one hundred dollars to pay the clerks. This provision opens the door so that he can go to the general fund and use that, as I suppose has been done, to compensate those clerks.

Mr. FRYE. Then, to carry out the Senator's proposition and prevent this undemocratic and, as he says, unrepublican method

of doing business, why is it not necessary to amend the bill and forbid the Postmaster-General from making any such consolidation?

Mr. GORMAN. I should be delighted to do it within reasonable bounds, as I said a moment ago. Take the large towns around a great city like Baltimore, or Philadelphia, or Boston. In the instance given by the Senator from Massachusetts of Boston and Cambridge and New York and Brooklyn there ought to be discretion, in my judgment, in the Postmaster-General to permit such consolidation; for in those cases the community is homogeneous, consisting of business people, and in all such cases there ought to be discretion, but the provision regarding it should be carefully drawn.

Mr. FRYE. Will the Senator allow me again?

Mr. GORMAN. Certainly.

Mr. FRYE. Why is not the amendment offered by the Senator from Colorado a necessary auxiliary to the existing power of the Postmaster-General if he may now consolidate, and why should he not have, as provided in this amendment, the power of paying for the offices in the consolidated district?

Mr. GORMAN. He has that power now, but if this amendment be adopted it will give him additional power to extend the system to any places he pleases, not only for 10 miles from the center of a city, but for 100 miles. At present he is limited in the territory to which the extension can be applied because of the want of sufficient legislation to allow him the money to pay his clerks. This amendment proposes an enlargement of his power.

Mr. HILL. I ask the Senator, under the bill as it now stands and under the amendment should it be adopted, if the only limitation is as to county seats?

Mr. GORMAN. A provision has been already adopted as to county seats; but now the Senator from Colorado, the chairman of the Committee on Post-Offices and Post-Roads, brings in another proviso, which enables the Postmaster-General to draw from the general fund a sufficient amount to pay all the men who may be employed in the substations. In other words, it gives him sufficient money for the first time to enlarge the scope of the operation of this theory of his, which he can not do now because of the want of money.

Mr. ALLEN. I should like to ask the Senator how far can the Postmaster-General, through the postmaster, for instance, in Baltimore, extend these substations?

Mr. GORMAN. I have no doubt he may embrace the whole State of Maryland.

Mr. ALLEN. Over a hundred miles?

Mr. GORMAN. There is no limit except the amount of money at his disposal.

Mr. ALLEN. Then the postmaster at Baltimore would be practically the postmaster of Maryland?

Mr. GORMAN. He would be, and it would be the same in any other State. There is absolutely no limit except as to the amount of money.

Mr. BATE. How about the postmasters at county towns?

Mr. GORMAN. As to the postmasters of county towns, the amendment has been adopted. As I said to the Senate before, in quite a number of these cases, two, I think, in my own State—I do not know how many in others, but there are quite a number—the office at the county seat, being a Presidential office, has been abolished and subagents appointed to fill the office.

Mr. BATE. How can that be done?

Mr. GORMAN. By the order of the Postmaster-General, as Senators will find if they read the report which the Senator from Colorado has made, Report No. 592, which was placed on our desks yesterday.

Mr. WHITE. If the Senator from Maryland will permit me a question in reference to this matter, I will say that I notice on page 5 of the report to which the Senator refers that there is a recommendation that the sum of "$2,000,000 be taken from the appropriations for the salaries of postmasters, and that in place of this an increase of $1,500,000 be added to the appropriation for clerk hire." Has that been done in this bill?

Mr. GORMAN. The amendment now pending, reported by the Senator from Colorado, enables the Postmaster-General to take any amount of this money. There is no limit to it, as I understand. I ask the Senator from Colorado if I am correct in that?

Mr. WOLCOTT. Mr. President, my understanding, unfortunately, is that the effect of this amendment is not to enlarge the power of the Postmaster-General in the application of the fund. I should be very glad if it did. I understand—I should be glad to have the chairman of the Committee on Appropriations correct me if I am wrong, as I am very apt to be [laughter]—that the effect of this amendment is simply to declare the opinion of Congress that it recognizes the right of the Postmaster-General to so distribute, coalesce, and consolidate these offices as the public business shall require. The necessary effect will be at a subsequent Congress that the necessary appropriations will be changed from such sums as are applicable to fourth-class postmasters, so that they will be gradually applied, as necessity may require, to the payment of clerks. I take it that that will be so. I should be very glad if this amendment did enlarge the powers of the Postmaster-General; but I do not see that it does, and I ask the chairman of the Committee on Appropriations to tell me if it does.

Mr. ALLISON. Will the Senator from Maryland allow me a moment?

Mr. GORMAN. Certainly.

Mr. ALLISON. If the pending provision shall be added to the appropriation for clerk hire it will place the clerks at the substations in the city post-offices upon the same plane as the clerks in the post-offices themselves; they will be paid out of the same appropriation, and will be employed, as now, practically by the Postmaster-General under one of the divisions of the Post-Office Department.

As to the appropriations for postmasters, if the Senator from Maryland will allow me a moment further in answer to the suggestion of the Senator from California [Mr. WHITE], we have appropriated here $16,250,000 for the salaries of postmasters, the Postmaster-General saying that the amount needed is $17,000,000. So we have appropriated in this bill $750,000 less than the Post-Office Department says is necessary for the payment of the salaries of postmasters; and those salaries, being fixed by law, must be paid through a deficiency bill to the extent of the deficiency in this bill.

Mr. WHITE. I should like to ask the Senator from Iowa if the $750,000 is necessary why it is not appropriated?

Mr. ALLISON. According to the statement just made by the Senator from California, if this new system is applied to the whole country it will reduce $2,000,000 on postmasters and increase a million and a half on clerks, and thus save a half million dollars. So we have gone at least part way in this bill thus far, by reducing the compensation of postmasters from the estimate to the extent of $750,000.

Mr. GORMAN. I want to ask the chairman of the Committee on Appropriations what is the necessity for this amendment, if it does not enlarge the powers of the Postmaster-General or empower him to pay these clerks? I want to call his attention to the provision contained in the bill. It reads:

For compensation to clerks in post-offices, $10,500,000; $900,000 of which shall be available and used in payment of clerk hire in third and fourth class separating post-offices.

If the Senator is correct that the amendment offered by the Senator from Colorado does not enlarge that, I do not understand it. Let me read the proposed amendment as it now stands:

Provided, however, That whenever, by order of the Postmaster-General, any post-office is consolidated with any office so as to become a station or substation of the same, the salary of the clerk in charge of such station or substation may then be paid out of the appropriation.

I say that is an enlargement of the powers of the Postmaster-General. To-day he has not the power to pay the clerks out of that fund to the extent which is necessary for him to conduct his scheme of consolidation.

Mr. ALLISON. Mr. President, I am glad to have the Senator from Maryland state that he does not think this power exists now. I am not absolutely familiar with the details of the administration of the postal laws as to compensation to clerks. I will illustrate by taking the city of Chicago, where there are a dozen substations. The cost of maintaining those substations is paid out of the compensation and allowances to the postmaster at Chicago. If he fixes a salary for a substation he can, as I understand, assign any one of the clerks in that post-office to the substation. If the clerk has a salary of $300 or $600 or $900, or any other sum, he will earn it in that substation. If that be true, this consolidation, so called, is nothing more than the abolition or discontinuance of certain post-offices, and the people who are supplied from the post-office are drawn into the substations of the city post-office. If that be so the substations come under the general provision. That is my idea. I believe that is the law now. If that is to be enlarged so as to take $2,000,000 or $1,000,000, by gathering in all the post-offices in a community, I can quite understand that it would be necessary to wholly change the present system as to the delivery of mails to those offices and the payment of those who are charged with the duty of delivering letters. But I do not understand that that is the project here; at least it is not so disclosed so far as I have seen.

The intention is simply to gather around the large cities the small offices, and make them substations or branch offices to the main office. That power may be abused, but I am surprised to hear an intimation here that it has been abused. I hope that will turn out not to be true, but it seems to me that it is a reasonable thing to trust the Postmaster-General not to abuse this power as against the wish and will of the community which receives its mail at these little or great offices. I know of nothing about which the people of a locality are more sensitive than having a post-office taken away from them or having any of the privileges

as to the prompt delivery of mail taken away from them at any time. Therefore I had supposed, and still suppose, that if we should agree to this amendment there would be some sense and discrimination in the exercise of the powers already in the law and only recognized by this amendment.

If it be true that the Postmaster-General has not now the power to fix the compensation of the clerks at substations, of course that power ought to be given him, and I suppose it is given in this amendment. My impression was that the power existed now without the amendment; but the Senator from Maryland has examined the law upon that subject and thinks the power does not exist, while I have not made any special examination on that point.

Mr. CULLOM. The power has been exercised, has it not?

Mr. GORMAN. No, sir.

Mr. CULLOM. I supposed it had been.

Mr. GORMAN. That is the object of the amendment. I will illustrate it by the offices right here under our eyes. The law fixes the compensation of a postmaster to-day by the receipts of his office from the sales of stamps. The postmasters at small offices get from $30 up to two or three hundred dollars; the salaries of the Presidential offices are fixed according to their receipts. When the consolidation took place in the office at the county seat of the county in which I reside, where the postmaster's compensation was fixed by the receipts of the office—twelve or fourteen hundred dollars—he was appointed as a clerk or a keeper of a substation, and his compensation was fixed at one-half, we will say, of what his compensation was as postmaster. The salary of the postmaster of adjoining post-office, which was consolidated, was only $25. No substation man could be employed there for that sum. Owing to the expense of the letter carrier on his bicycle running out 10 or 12 miles from Baltimore on the turnpike road, the delivery could not be had at any such amount. So the Postmaster-General found he was embarrassed under the present law in paying for the number of clerks it was necessary to employ, instead of the small postmasters appointed under the general law. Hence the enlargement of that provision becomes necessary if this scheme is to be extended.

Mr. ALLISON. Then, if I understand the Senator from Maryland, the effect of this scheme would be to increase to a certain degree the expenditures rather than to diminish them, because these men would not take care of the substations as they now do for the letter postage.

Mr. GORMAN. The Postmaster-General's statement and his belief is, I have no doubt, that in the end he will probably save a large amount; at all events, that is his assertion. This plan has not yet gone far enough to test it; it is a mere speculation. The estimate of its cost is as wild, I think, as the estimates of the amount of revenue to be derived from the revenue bill which we passed several years ago, and also of the revenue to be derived from the last bill. Nobody to-day knows just how it will work out, but the Postmaster-General can not carry it out to the extent he desires without some such provision as that now pending. It must go on, then, if we can not prohibit it, as I should like to do, outside of the corporate limits of the great cities, with a few exceptions I have named. I want to limit it by the amount of money he can use. Let the law remain as it is; let the experiment which is going on in several of our great cities be tried for a year or two until we can ascertain what will be its effect.

I am loath to have the Post-Office Department enter upon a scheme which will remove the post-offices from the people. The whole tendency of legislation, the whole thought of the country, it seems, at this time, if we are to believe the press, is that you are to discredit the people, to take away from them all power under the Government, to remove from the people of the communities any power to determine who are to be their public servants.

Good as civil service may be for the great Departments of the Government, I do not believe in it when it comes to these small offices, which belong to the people and which are of them.

I believe, Mr. President, that this Government will be a failure if we are to have guardians appointed for the people, if we are to have a permanent tenure in all these small offices which are scattered through the country. When changes are made in such offices they are denounced as part of the spoils system. Nobody cares for the small post-offices so far as political power is concerned. There is no political power in the small post-offices in the country districts so long as they are scattered, so long as the postmasters are the servants of the people, selected by the residents of the neighborhood without regard to politics, or with regard to politics, if you please. I do not want to see a system inaugurated which will take the men of the counties of the State in which I reside to the city of Baltimore to consult with a postmaster to be selected by and from that city, who has no interest in their small affairs. I want to see those people continue now, as they have for a hundred years, to feel that they have a right to go directly to the Postmaster-General or to his agent in their neighborhood, the man whom they have selected. I am against this consolidation in everything wherever it can be prevented by legislation. With all we can do it is impossible to restrain it.

I have seen, Mr. President, under the guise of civil-service reform, men who shouted loudest in my own party use this very system, which is now attempted to be broadened and enlarged, as a powerful political machine to bring about results while they were clamoring and crying for civil-service reform and protesting that they were the only honest men. I take the case of the Baltimore post-office, enlarged as it has been. It embraces two entire Congressional districts, and reaches now, with this enlargement, to two more districts, not the entire districts, but within the districts, making it in touch with four of the six Congressional districts in the State of Maryland. From headquarters came the order to this man with enlarged power to select the men who should be sent to the Congress of the United States, and at least one of them came. I would limit the power by keeping those offices spread throughout the country in the hands of the people. I am sorry to say—and I do it without any disrespect—that we have been following too closely on the line we have charged has been the practice on the other side.

Mr. President, I trust the amendment will not be adopted. Let the law remain as it is. Let the experiment which has been inaugurated be tried in Boston and Brooklyn and Baltimore and Chicago and the other large cities; permit the consolidation of the offices within the corporate limits of those cities or within given territory, but do not extend the system, for it will be abused, as it has been abused.

Mr. VILAS. Mr. President, I desire to say but a very few words in reference to this subject; and I am sorry that, with respect to it, I am obliged to disagree to some extent with the distinguished Senator from Maryland [Mr. GORMAN]. I think the amendment ought to be adopted, and the reason for its adoption, in my opinion, which controls my judgment more than almost any other, is twofold. First, that perhaps there will be some improvement in the service; and I think there must be some improvement in the service resulting from its adoption. But the second one is that I think it will prove a step in the gradual extension of the principles of civil-service reform, as it is called, over the post-office system of the United States. There has been so much exploitation of civil-service reform by those who use the subject only to talk about it and to attract attention to themselves in regard to it that I do not care to spend any time arraying myself among the class of those who favor the principle for any other reason than because I believe it is the true principle for the maintenance of democratic institutions in the country. I do not use the term "democratic" in a political sense or with reference to any division of party. I use it in the sense of the principles which I profess as necessary to the maintenance of the system of republican government which we enjoy.

Mr. FRYE. No one suspected the distinguished Senator of such a use of the word, because everyone now understands that it would not have commended the amendment to the American people.

Mr. VILAS. I must decline to make a trivial jest with my distinguished friend the Senator from Maine when we are discussing something which I would prefer should be quite removed from partisan politics, and to discuss it upon the basis of a larger view.

Mr. FRYE. I am glad the Senator recognizes it as a jest.

Mr. VILAS. Perhaps something might be said on that subject in view of some recent developments which may lead us to hope that the American people are not quite ready to be sold or bought.

Mr. FRYE. The Senator is taking me altogether too seriously.

Mr. VILAS. Ah!

Mr. FRYE. Altogether too seriously.

Mr. VILAS. For a great many years there have been gradual, moderate efforts to improve the postal service of this country. It has grown and developed with enormous rapidity. Within ten years 20,000 new post-offices have been added. There is no country in the world which possesses anything like the number of post-offices that the United States affords to its people. Its use of railroads for the transportation of the mails is so great that almost as many miles of railroad are in the employ of the United States postal service as in all the rest of the globe combined.

The laws which control the system were devised at a very early day, when the post-office was placed in the hands of the Postmaster-General, and he himself in the first place declined to accept the appropriation which Congress made for an assistant, because he said he found himself able to do all the work of the office himself. But without much change in the system there has been a tremendous spread of its extension until the number of people employed in the Department now is probably not less than 150,000. It is necessary in such a vast force of men that there should be some division and separation, some orders established, as it were, in the arrangement of the force.

I do not understand, when we come to the particular subject of the post-offices, that anything very extraordinary is to be done

with the post-offices as they exist under the policy which the Postmaster-General proposes to try to a certain extent. Small post-offices lying within a district of country which may be better governed by one postmaster will be discontinued. In their place a station will be established. The clerk in charge of that station takes the place of the postmaster who was there. He will conduct the office substantially as the postmaster did. He can supply every convenience and advantage which the postmaster could supply to that community. He is just as much the servant of that community, he is just as much to belong to them, he is to be their man, to live with them, as he would be under the present system. The postmaster is appointed at Washington.

Mr. HILL. The Senator from Wisconsin will allow me for a moment. Is there any law requiring actual residence in the town where the post-office is located?

Mr. VILAS. The statute requires the postmaster to live in the town.

Mr. HILL. The clerk, however, can live in the city and be sent out into the rural district?

Mr. VILAS. It can be very easily corrected, if it is necessary.

Mr. HILL. It is a fact that he can be sent there? There is no law to the contrary?

Mr. VILAS. Perhaps the law does not explicitly say that a clerk shall live in the district where he serves.

Mr. HILL. If that be true, the clerk has not the same relations to the locality as has the postmaster who lives among the people and is a resident of the community.

Mr. VILAS. So far as the legal provision is concerned, there may be a slight difference. So far as the practical result is concerned, there can be none, in all probability.

The Postmaster-General now possesses the power to establish an office, to discontinue an office, to define the districts of country over which the authority of the office shall extend, to appoint the clerks, to assign them their compensation. I should prefer that the word "salary" in the amendment should be changed to "compensation," because we do not fix salaries for the clerks. The phrase generally employed, I believe, is "compensation." I merely mention that and call attention to it in passing. The Postmaster-General does not, as I understand it, intend to sweep away the system of post-offices in this country. It may have happened that in some particular instance an injury has been sustained or some wrong thing has been done. It would be a wonder if something of the kind did not happen in the administration of a system so vast. But if there be any fault of that kind, it is ordinarily immediately corrected when the facts are represented to that officer. It may be expected that a mistake of the kind will always be promptly corrected. If not, there is the same authority to correct the abuse of power which is intrusted to him that exists now.

Mr. ALLEN. I should like to ask the Senator from Wisconsin a question or two which I regard as very important. Do I understand that as the law exists now and as it is proposed to perfect it, the Postmaster-General may, for instance, say that a post-office 50 miles from the city of Omaha in the country shall be a subpost-office of Omaha?

Mr. VILAS. The law as it stands now gives the Postmaster-General power to establish or discontinue a post-office at pleasure. It gives him power to establish substations within any post-office district, and it is within his power to define what the post-office district shall be.

Mr. ALLEN. Then I understand the Senator to assert this——

Mr. VILAS. But I wish to add that it is not to be presumed that a law which has existed like that since the beginning of the Government, since the establishment of the Post-Office Department under Benjamin Franklin, is to be abused as is indicated by that question.

Mr. ALLEN. But I do not understand that since the time of Benjamin Franklin the law has existed to establish subpost-offices. I understand that the power to establish or abolish a post-office exists, but what I want to know of the Senator——

Mr. VILAS. It has existed since the system was begun.

Mr. ALLEN. What I want to know of the Senator is how long there has been a law upon our statute books that would authorize the postmaster of the city of Baltimore, for instance, to create subpost-offices beyond the corporate limits of that city?

Mr. VILAS. I think since the system was originally devised.

Mr. ALLEN. Since the system was originally devised?

Mr. VILAS. Yes. The law now directs, and always has directed, everything within the postal service to be done by the Postmaster-General. The law says the Postmaster-General shall stamp and back stamp letters. The Postmaster-General carries the mail. The Postmaster-General does everything. Congress simply provides him with authority to employ means to do it. Originally postmasters were known as and called deputy postmasters, because they were the deputies only of the Postmaster-General. The phrase "deputy" was afterwards dropped.

Mr. ALLEN. The question I put to the Senator, which he does not answer—at least I have not heard his answer—is, how long has the Postmaster-General had the right, for instance, to create a subpost-office to the main post-office of the city of Baltimore beyond the corporate limits of the city of Baltimore?

Mr. LODGE. He has always had it.

Mr. VILAS. I think he has enjoyed the same right that he now has since the Government of the United States was instituted and the Post-Office Department was established, if I am not mistaken.

Mr. LODGE. He has always had it.

Mr. VILAS. He has always had it.

Mr. ALLEN. How long has the system of substations been in existence?

Mr. VILAS. A very great many years. I can not undertake to tell the Senator when the first substation was established. Probably it was in the city of New York. But it must be understood that there is a vast difference in the character and classes of substations. The Postmaster-General now has in the city of New York probably a hundred stations where nothing is permitted but the sale of stamps, others where letters are received and transmitted, others where money orders may be issued, others where various different descriptions of business may be done, so as to accommodate, by all the various agencies that he can provide, the community which is to be served.

This system is nothing new. It is merely to do for a community at large just what has been done ever since there was a necessity for it by the growth of population in localities.

Mr. ALLEN. If the position of the Senator from Wisconsin is correct, what is there to prevent the Postmaster-General from making, for instance, a post-office 400 miles across the entire width of the State of Nebraska a substation of the post-office at Omaha?

Mr. VILAS. We do not as a rule have Postmasters-General made of that stuff.

Mr. ALLEN. I ask what is there in the laws to prevent it?

Mr. VILAS. There is nothing in the law to prevent it. What is there in the law to prevent the Chief Justice of the United States from doing something unbecoming his station and abusing the lofty trust which is reposed in him?

Mr. ALLEN. There is the power of impeachment.

Mr. VILAS. The power of impeachment rests with Congress as regards the Postmaster-General equally as with respect to the Chief Justice.

Mr. ALLEN. Very well. If under existing law the Postmaster-General may—I am not saying certain whether or not he will—establish a subpost-office 400 miles from the city of Omaha, then the Postmaster-General may make the postmaster at Omaha the postmaster-general of the State of Nebraska, with every office under his control, and he may send from that city or from any other place a citizen, 400 miles from where he lives, to act as agent or postmaster in a given community. Is not that true?

Mr. WOLCOTT. I suggest that some of the railway mail clerks are much farther from home than that.

Mr. VILAS. I know; and Congress last year, when it was suggested——

Mr. ALLEN. I hope the Senator from Wisconsin will not undertake to avoid the question.

Mr. VILAS. I have not. I think I have answered it fully.

Mr. ALLEN. The Postmaster-General has the power, then, if he sees fit to exercise it, and we have to trust to his honesty or knowledge of the fitness of things as to whether he will exercise it.

Mr. VILAS. I think the Postmaster-General has almost a plenary, despotic power over the postal service.

Mr. ALLEN. He has the power to send into the community where I reside a man from a place 400 miles distant, who is to act as postmaster and distribute the mails to my people.

Mr. VILAS. Let me say——

Mr. ALLEN. Has he that power?

Mr. VILAS. Let me say to the Senator that he has the power to appoint a postmaster for the city in which the Senator resides, subject, perhaps, in that case, to confirmation by the Senate, from any place, and all that the law requires is that he shall be a resident of that city while he is postmaster.

Mr. ALLEN. That does not answer the question.

Mr. VILAS. It shows what great power——

Mr. ALLEN. The question is, has he the power to send a man from a point 300 or 400 miles distant from where those people live to administer the affairs of their office?

Mr. VILAS. I suppose he has power now to send one a thousand miles.

Mr. ALLEN. Yes; and the Senator wants to increase that power.

Mr. VILAS. Not at all. I do not propose to interfere with that power. I am simply proposing to regulate its exercise.

Mr. ALLEN. Does not the Senator think that the power should be curtailed and that the Postmaster-General should be confined in the creation of substations to the corporate limits within which the main office is situated?

Mr. VILAS. I do not. I think the power should be left substantially as it is.

Mr. ALLEN. Then I understand the Senator wants to take the power out of the hands of the people in their own community and centralize it in the hands of some one man in the State or in the hands of the Postmaster-General.

Mr. VILAS. Oh, Mr. President, the Senator from Nebraska is very far off. What power have the people now over a postmaster?

Mr. ALLEN. They have this power: By the established custom of the country, which has become a law, the postmaster must come from the community where the post-office is situated. He must be a member of that community whom the people approve—that is, whom they know and who can be answerable to them while he administers the affairs of the office, and not only at that time, but in his social, his business, and his political relations for all time.

Mr. VILAS. I should like to ask the Senator if he has not known of a great many instances—and if he has not, I presume other Senators have—where postmasters have been imported from a considerable distance to localities they afterwards served as postmasters? Does he not know also that in a great many instances postmasters have been appointed whose appointments were by no means in accordance with the desires and wishes of the communities they served?

Mr. ALLEN. I have known of the latter, but I have never known of the former.

Mr. VILAS. There have been instances of the former.

Mr. ALLEN. I do not think the American people would tolerate the importing of a man from one State or section of a State into another section of it to act as postmaster for them. There may be some instances——

Mr. VILAS. I agree entirely with the Senator from Nebraska that there is a force of public opinion which no officer of the Government would wantonly disregard, but it would be just as efficacious in respect to the appointment of clerks at stations where those post-offices were as it is now with respect to the appointment of the little postmasters, so called, who serve them.

Mr. GORMAN. Will the Senator from Wisconsin permit me for a moment?

Mr. VILAS. With pleasure.

Mr. GORMAN. Does not the Senator know the fact that the moment the offices are consolidated they go into the classified service? The moment that occurs the appointment of the substation agent or clerk must come from the classified civil-service list, and it will not be within the power of the Postmaster-General to select a resident of the neighborhood. He will have to take the first on the civil-service list, and he may be a resident of a place 200 miles distant. If the consolidation takes place there is no help for it. It destroys the right of the people in this respect.

Mr. VILAS. Let me answer the question first in this way. The first superintendent is the man now there.

Mr. GORMAN. That depends upon circumstances.

Mr. VILAS. The Postmaster-General's universal rule would be necessarily so. He makes the postmaster in charge of the office the clerk in charge of the station.

Mr. PLATT. He may not wish to remain as such, though.

Mr. VILAS. No, he may not; and then the civil-service rules, I understand, require that the eligible list from which clerks are chosen shall be made up of residents of the locality.

Mr. ALLEN. I wish to call the attention of the Senator from Wisconsin to this fact. I had occasion to investigate it a short time ago as respects a citizen of my own State. The Senator from Maryland is wrong in his statement that the Postmaster-General must take the first person on the classified list. He may go down to the very bottom of the list. A man may pass a perfect examination under the civil-service rule and may be eligible and remain upon the list for years and never receive an appointment, while some other man who has taken the examination is selected for an office. I know it from the fact that I investigated the matter some time ago with reference to a citizen of my State.

Mr. VILAS. I have no doubt at all that there have been many abuses and gross mistakes made in the administration of that law, as there may be in the administration of any new law.

Mr. ALLEN. One question more. Suppose a man living in the community where the post-office substation is located should pass an examination and be placed upon the classified list. What is to prevent the Postmaster-General from selecting some one from some other community, to pay a political debt possibly or a personal obligation, and sending him to that community to administer the affairs of the office?

Mr. VILAS. I think the rules of the civil service governing the mode of choice sufficiently provide to prevent the exercise of any such capricious or malicious authority.

Mr. BATE. Is not the Postmaster-General absolutely denied the right to appoint to one of those substations anybody outside of the civil service, although those on the eligible list may live ever so far away?

Mr. VILAS. I suppose he would be obliged, except in the first instance, to make the appointment, when the office is brought within the classified service, on the same principle upon which clerks are appointed in other offices now.

Mr. BATE. Has it not now gone so far in the classified service as to deny to the Postmaster-General the power to appoint anyone who may be a favorite in the neighborhood or anyone outside of the classified service, though there may be no one living in the community who is on the eligible list? Is he not denied that right now?

Mr. LODGE. Will the Senator from Wisconsin allow me on this point?

Mr. VILAS. I will. The Senator from Massachusetts wanted to interrupt me a few moments ago.

Mr. LODGE. I merely wish to say that the appointments in the classified service to local offices are made from the locality. They can not be made from elsewhere.

Mr. GORMAN. They are made from the States.

Mr. LODGE. I think they are made from the locality.

Mr. GORMAN. No; from the State.

Mr. LODGE. No. For instance, take the custom-house at Boston or Baltimore. A man can not be sent from Washington and put into the post-office or the custom-house at Baltimore or Boston.

Mr. GORMAN. But any——

Mr. LODGE. If the Senator from Maryland will allow me, in the substations the clerks of course are simply detailed from the force of the office. They are all, as a matter of fact, citizens of Boston or of Baltimore, within the Baltimore and Boston districts. I wish before I sit down to ask the Senator a question which I have been trying to ask him. The Senator from Maryland gave the impression that this is a new movement. Am I not right in saying that this consolidation in the metropolitan districts has extended over some years? Certainly it has been going on in Boston for ten or fifteen years.

Mr. VILAS. It has been gradually going on for a great many years. When I was in the Department I contemplated pushing the very system of extending the consolidation of offices with a view to the improvement of the service. But there were so many difficulties pressing at the time and there were so many other directions in which preparation was necessary for changes gradually coming over the Department that it was impossible to undertake this improvement, or it was thought inexpedient then to undertake it. I believe it will prove a great benefit and a great advantage to every community where one of these stations is located, and that instead of resulting in being poorly served they will enjoy a great deal more facility in respect to the use of the postal service.

Mr. BATE. As a matter of fact, the Senator from Wisconsin has not answered my question, if I understand him.

Mr. VILAS. I perhaps did not hear the Senator from Tennessee.

Mr. BATE. Has the Postmaster-General——

Mr. VILAS. I yielded to the Senator from Massachusetts [Mr. LODGE].

Mr. BATE. The Senator from Wisconsin yielded to the author of the amendment. Does the right now exist in the Postmaster-General to appoint to one of the substations anyone outside of the civil service, no matter how far those on the eligible list may reside from the city or the locality where the service is to be performed?

Mr. VILAS. Except in the first instance, I understand not.

Mr. BATE. Then my question went further. Suppose there is no one in that district, or around anywhere near the city, who belongs to the civil service, are they not going to import a man who may be objectionable to the people, and have they the right to do that under the law?

Mr. VILAS. As I understand it, all the eligibles for appointment to a post-office within a certain district must be made up from citizens within that post-office district.

Mr. GORMAN. No, no. Mr. President.

Mr. VILAS. I may be mistaken. I do not profess a particular knowledge of the rules of the Civil Service Commission.

Mr. GORMAN. The law is and the rule is that for a position in the custom-house in the city of Baltimore a resident of Maryland may apply, and so with regard to the post-office at Baltimore. So no matter in what part of the State a person may reside he is eligible to an examination, and if he passes it he is entitled to appointment when his name is reached. It embraces the whole State.

Mr. VILAS. I am under the impression that the Senator from Maryland is mistaken in regard to post-offices like the post-office in Baltimore. I think the rules do not admit the authority of the postmaster at Baltimore to appoint except from an eligible list

made up from citizens of Baltimore or of the district which is comprised within the Baltimore post-office.

Mr. WOLCOTT. I do not think perhaps the Senator from Wisconsin correctly understood the Senator from Tennessee [Mr. BATE]. I understood the Senator from Tennessee to ask if there was no one fitted to fill the office or to pass the examination in the locality where the post-office was, what would happen? I understand that under the rules of the Civil Service Commission, if there is nobody in the community who cares to act or who is intelligent enough to act, then the law permits the postmaster to go somewhere else and find a man who will act.

Mr. VILAS. I did not understand that to be the question of the Senator from Tennessee.

Mr. BATE. I ask if the postmaster is not denied the right of appointing anyone unless he belongs to the civil service in that community? I do not care how many there may be there who are capable and who might desire it, or might be popular with the people, and they might ask for their appointment, yet he is confined to the rule of the civil service in appointing some one who belongs to the district.

Mr. WOLCOTT. The Senator from Tennessee talks as if belonging to the civil service was like belonging to a fire company. Anyone who is 21 years of age and sound in health can present himself for examination. Four times a year or oftener there are examinations held, and anybody in a community is eligible to be examined. The civil service board go around and make as many stations as possible to receive applicants for examination, and the members of each community have a chance to be examined. If a vacancy occurs there is an examination, and anybody in the community may be examined.

Mr. BATE. I suppose, then, the man will have to wait after he has been examined. I have had something to do with the rule in trying to get appointments. In making the selection, they begin at the top, and the first three have to be chosen, I understand, and you can not go beyond that. I understand that they must make the selection in that way.

Mr. WOLCOTT. But giving preference to the locality.

Mr. LODGE. The entire three may be rejected by the appointing officers.

Mr. VILAS. Mr. President, I do not propose to spend much time in discussing the rules of the Civil Service Commission or the method by which they make their appointments. I only desire to say if these rules require amendment in order to perfect that system, let us amend them and perfect them. That is not the question I am now debating. I am merely insisting now that we shall get a far better service and that we shall very much relieve the country by the regulation of the system of post-offices so that we shall not have a vast number of independent post-offices scattered through the country to the extent that now prevails under no local supervision or control.

When I was in the Department, I asked Congress to give $100,000 extra for the inspection force one year in order that we might inspect the post-offices of the country. Congress made the appropriation for a particular inspection, and the post-offices were inspected by a systematic examination such as had never before taken place in the country. It was found that in these little local post-offices in remote quarters of the country gross abuses were perpetrated upon the service; that men obtained for themselves as much as $1,000 a year for salary when there was not in reality $50 of legitimate business in the office.

Mr. BATE. Will the Senator pardon me? He has had more experience than any other Senator, having been Postmaster-General. Was this system of substations in vogue when he was Postmaster-General, and did he ever make an appointment outside of a corporation?

Mr. VILAS. Substations were in existence long before I was Postmaster-General. There were many substations established by my order, and the postmaster in every case made the appointment at those substations.

Mr. BATE. But did he make the appointment from a list of eligibles after a civil-service examination?

Mr. VILAS. If the post-office was in the classified service, he did; if it was not within the classified service, he did not. The practice is simply this, let me say, so far as the Postmaster-General is concerned: He considers the service at a particular locality, sometimes upon reports of inspectors, sometimes he depends upon the report of the postmaster, and at other times sends out a commission for a special inquiry. Then he awards to that post-office so many clerks at such a salary; so many at such other salaries; so many in charge of stations; so many as assistants at stations; so many for a minor station where it is allowed, perhaps, $25 a year. Then the postmaster makes the appointments.

Mr. BATE. Have they a right to go to all ages? Are they not required to take persons between 40 years and 20 years, and does not that rule disfranchise two-thirds of the population?

Mr. VILAS. Whenever the office is within the classified service, they must comply with the rules fixed by the President for the guidance of the Civil Service Commission, but when it is not, the postmaster exercises his own discretion, subject to the review of the Postmaster-General.

Mr. BATE. He is confined to those ages, is he not?

Mr. VILAS. Not in the latter case. There are a great many—probably thousands—clerks in post-offices who are under the age of 20 years, and I suppose that will always be permitted; I presume in many of the cities persons under that age may now be employed. I am not quite certain in respect to that fact, however.

Mr. BATE. Pardon me; are those rules established by an act of legislation or is it done simply by a regulation of the Post-Office Department?

Mr. VILAS. The rules of the Civil Service Commission are prescribed by the President under the authority given to him by the act establishing the Civil Service Commission. They are, of course, in the first instance, prepared by the Civil Service Commission after a long study and examination into the nature of the case for which they are devised, but none of them have force until they receive approval, and thus may be said to receive the enacting force of the President, to whom Congress has committed the authority. It is just so with the regulations of the Army and the regulations of the Navy. The President is delegated with the authority.

Mr. BATE. One is a military and the other a civil department. I think there is a great difference.

Mr. VILAS. Certainly there is a great difference between them. There is great difference in the methods. But I want to add another thing.

I was about to explain that by reason of a very careful inspection of the post-offices which took place, and systematically, so that one section after another was swept with the examination as with a broom, no office being omitted from it, it was found that so many offices ought to be discontinued and so much saving was actually effected in the obliteration of abuses that the cost of the inspection was very much more than repaid by the immediate saving effected as its result.

This simply shows that what the Postmaster-General says in his letter is true, that there is needed some more immediate and direct inspection of the various local post-offices. How is it possible for the Postmaster-General or either of his four assistants to make an inspection of the offices even with the aid of the force of inspectors, who are generally very useful men and very effective men? I want to say right here that I am obliged to the Committee on Appropriations for one thing they have done in this bill. They have amended the provision which the House inserted that would change the rate of expense for an inspector from $4 a day to $3 a day. If we are going to effect savings in the expenses of this country I trust they will not be of that nature.

There is another consideration. Aside from the mere abuses which may be put upon the Department by these scattered postmasters without any local supervision and control, there is great risk of loss. Perhaps it is not known to the extent to which it is worth while it should be known that there is in this country a system of thieves whose business it is to rob post-offices. It is well known by the inspecting force that there is a well established and organized gang of thieves who devote their attention to post-offices. They particularly fall upon the little isolated post-offices. There the postmaster is obliged to get his stamps from the Department in order to supply the office, and almost invariably he carries a considerable amount in value of stamps. It is a very simple thing to rob such post-offices. The post-offices are often in stores, and often when they are in separate buildings there are a great many ways by which burglars can effect entrance to the post-offices. If we had a system like this, we ought to save a great deal in the mere matter of the burglaries which take place as well as in the losses by fire.

Mr. WHITE. Can the Senator from Wisconsin state how much was lost during the last year by burglaries in the postal service of the United States?

Mr. VILAS. I presume I could by referring to the figures.

Mr. WHITE. If the Senator has not the figures at hand he need not spend the time.

Mr. WOLCOTT. I can refer to it.

Mr. VILAS. It will be found in the report which lies on my table. It is usually a great many thousand dollars every year.

Mr. ALLEN. Does the Senator from Wisconsin know whether the postmasters at the small offices are more dishonest than those at the larger ones? Does he mean to assert that the percentage of dishonesty is greater among them?

Mr. VILAS. Not in the least. I am not speaking of the question of the honesty of postmasters in that respect. I am speaking of the exposure to thieves to which they are necessarily subjected.

Mr. WOLCOTT. I dislike to interrupt the Senator from Wisconsin unless he wants me to do so, but I have looked up the

the right to appoint to one of those substations anybody outside of postmaster at Baltimore to appoint except from an eligible list

figures on his behalf, and can answer the Senator from California if he desires.

Mr. VILAS. I will thank the Senator to do so.

Mr. WOLCOTT. The Department lost last year $138,000 and upward for burglaries committed, outside of the bills which Congress passed. The Department can only settle claims of $2,000 and under.

Mr. MILLS. What was the amount of revenue paid in by all the post-offices of the United States?

Mr. WOLCOTT. I do not know. The Senator can easily look it up.

Mr. ALLISON. About $85,000,000.

Mr. WOLCOTT. This $138,000 was a part of it; that was taken in, if that is what the Senator from Texas desires to know.

Mr. VILAS. Mr. President, I will not engage the attention of the Senate further in this matter. I have said a great deal more than I expected to say. I merely wish to say in general that as the result of such experience as I have been able to have I think this is one of those steps which with care, with prudence, with good common sense, with gentle and reasonable effort ought to be gradually pressed forward as a step in advance in the postal service and in the reformation of the business of the country.

Mr. HAWLEY. Mr. President, so far as I can discover the thing aimed at here is something I am not friendly to. Some one says, and everybody knows it, that the Postmaster-General has always had the power to discontinue a post-office, to consolidate one, or to establish a branch of a post-office. Certainly that was true a hundred years ago. We all know how it was exercised. But I deny that the law to that effect had in view anything whatever of the system that is now submitted for our consideration. I do not like it. I prefer the old-fashioned post-office in the country districts and suburban villages. One must confess that in a place like Boston and the neighborhood around there, where there are half a dozen municipalities, all practically one now, where the means of communication are exceedingly facile and easy, it is quite proper perhaps to make branch stations of the general office, as we have here in Washington and elsewhere. But that is a different thing from reaching out 5, 10, or 15 miles in the country and taking the old-fashioned rural post-office, which is an institution in the affections and traditions and feeling of the people.

Now, going out of my own town, I can imagine places you would not know anything about if I did name them, and you will find in some suburban village or country settlement one country store where by general consent the post-office has been kept for a generation. Very likely it is a place of resort; it is a fountain of news; it answers the purpose of a clubhouse, in a certain way, for the people of that neighborhood. The postmaster and his father before him knew everybody in the town. If he saw a country wagon moving along he would go to the door and hail the man to know if he was going by Oak Lane. "Yes." "Well, take along a weekly or religious newspaper or some letters to an old widow who lives out there. She has not been downtown this week." A hundred things of that sort occur to every man who has had the pleasure of living in one of those simple regions.

Now, there is to come to that little place some young gentleman who has happily passed a civil-service examination in the city 20 miles off. He does not know anybody there, he does not own a house, he has not a wife, he has not a shop at all, he has no place to put his post-office in, and the old postmaster does not look upon him with friendship and will not let him have a corner of the country store. What is he going to do? Who wants him, anyhow?

As the old concern goes on now, when the citizens get uneasy about some management of the post-office they make trouble for the postmaster certainly, and when he is their friend he is the only intermediary between them and the great fountain of power here in Washington. Under your system they may make complaint to this civil-service clerk, and he will give his own impression of it to a certain postmaster, and then it will, perhaps, go on to Washington or be entirely overruled in the beginning of it.

It is impossible to say that the postmaster—I beg pardon, the clerk—under the new system shall be a resident of his country post-office. It possibly might be the case, but he will more likely be a foreign element injected there. I dislike this thing because in a certain way it comes out of a tendency common to human nature, and, as the Senator from Alabama said, human nature is a thing not confined to a few persons; it is pretty generally diffused. It comes out of a tendency to think that you can boss other people and do their business better than they can do it, and a tendency to put everything on earth in the form of a machine.

I am a civil-service man. I was chairman of the committee that reported the bill, and I worked for it with all my power for months, but there is a possibility of carrying it to the ridiculous. If you carry out these forms and these ideas of minute organization and centralization of power, taking it away from the locality, you will not find in the end, in my judgment, that you have made any special improvement in the morals or in the business of the community. It is making a sort of military organization of it, gathering them into one shop like the hands in a factory or the soldiers in a company, to be under a central discipline. The central postmaster will have 50 or 100 postmasters in his district, and he will have, if he chooses to exercise it, obviously a great deal more political power than he has now. Inevitably the men he has under him will be more his slaves than anybody in the old-fashioned post-office, and it will be done under a machine known as the Civil Service Commission, carried to an extreme.

I do not like it. It is against the feeling, the old-fashioned feeling, of what the post-office ought to be. The postmaster, as a rule, is a respectable and capable man. As a rule the people collect the $85,000,000, and throughout the great body of the country the postmasters are practically chosen by the neighborhood. I had some experience as a member of the House, where I was supposed to select the postmasters over two counties. I do not think that I ever selected one. My practice was to write to one or two leading citizens in the locality when I found there was to be a resignation or heard there was a death and say, "Put half a dozen or ten names of your best men to an application for the man you think ought to be postmaster." Then I looked it over and said, "I know these men; that is all right. Whatever they say is just what the neighborhood wants." I simply visèd or indorsed it and sent it on here. That is the way I appointed postmasters. I give you my word I never appointed one because he was my political henchman; never. Now, I would a great deal rather be that kind of a postmaster, selected instinctively, as they are ninety-nine times out of a hundred, by the people whom the postmaster is to serve, and whom they knew beforehand, than to have a boy sent down because he has passed a civil-service examination.

Mr. ELKINS. I wish to ask the indulgence of the Senate to allow me to make a few observations on the amendment that is really pending, which is the subsidy to the Oceanic Mail Steamship Company, as I shall not be in the city on Monday. I shall not take more than ten or twenty minutes, if the Senate will allow me.

The VICE-PRESIDENT. The Senator from West Virginia will proceed.

Mr. ELKINS. Mr. President, I favor the amendment reported by the committee. The Oceanic Line is one of our American lines on the Pacific Ocean, and I think it is now in great peril owing to British competition. It needs this aid, but I doubt whether, when it gets it, it will be able to sustain itself.

In the able report of the Commissioner of Navigation for 1892 I find that he anticipated the difficulties this line would have to encounter in trying to sustain itself and continue business on the Pacific Ocean. I will read from the report what the Commissioner says in relation to the Oceanic Line. It will be found on page 13.

In this connection I would allude to the difficulties which just now threaten the Oceanic Steamship Company (American), which for years, under great difficulties, has maintained a monthly line between San Francisco and Australia. This line is composed of three American-built ships and one foreign-built ship. Upon the passage of the subsidy act of March 3, 1891, the Oceanic Company decided, upon purely business considerations, that it could not afford to tender for the carriage of the mails under the provisions of that act. It is, therefore, receiving from the United States the postage on the mails carried by it, which amount to about $5,000 per trip. Besides, it receives a subsidy from the Government of New Zealand, the Australian colonies having withdrawn the subsidies formerly paid by them. Just at this juncture the Canadian Pacific is scheming in Australasia and New Zealand and openly declares its intention of putting on a line of steamers heavily subsidized by the British and Canadian Governments. That, in the absence of some energetic action by the Government of the United States, would mean the destruction of a trade which has grown as follows:

Merchandise value of imports and exports.

Year.	Exports.	Imports.
1880	$4,748,590	$2,920,812
1891	13,017,132	6,239,021
1892	11,386,677	8,492,306

Mr. President, the anticipation of the Commissioner as to the establishment of a rival line by the Canadian Pacific has come about. The British and Canadian Governments have established a line on the Pacific Ocean in competition with the Oceanic Line, and it is running to-day from Vancouver to Australia. The amendment brought forward by the Committee on Appropriations is to save, if possible, this American line from being driven off the ocean by British competition.

In 1895 we paid for carrying foreign mails $1,173,561. Of this sum there was paid to American ships for carrying the mails $633,350. This is the only compensation that American ships got during that year. In the same year England paid for carrying the mails about $3,885,000, and suffered an actual loss in this

branch of her service of $2,225,000; that is to say, the mail service cost England $2,225,000 more than she received.

American citizens have only two steamship lines on the Pacific Ocean. One is the Pacific Mail, running from San Francisco to China and Japan, which receives a subsidy of $6,384 per trip; the other, the Oceanic Mail Steamship Company, the one which is under consideration and named in the amendment, receives about $5,000 per trip from the United States, according to the report of the Commissioner of Navigation, and received $4,400 a trip last year, as suggested to me by the Senator from California [Mr. PERKINS].

Now, let us see what British ships get in those waters in competition with the Oceanic and the Pacific Mail steamship lines. The British and Canadian lines on the Pacific Ocean to China and Japan from Vancouver get $400,000 a year from England and Canada, or $30,767 a trip.

How is the Pacific Mail Steamship Company to survive this sort of competition? The Pacific Mail Steamship Company gets $6,384 per trip, while one of the British steamship companies gets $30,767 per trip for like service, and the other, to Australia, gets about $175,000 per year.

How can the American lines survive this competition? How can they successfully compete against such odds? How can they stand out and hope to do business upon any profitable basis? It is simply impossible.

Only the other day it was decided to establish a fast steamship line from Halifax to Queenstown, and tenders have been invited to build this line, which is to consist of four first-class ships, as good as the *Teutonic*, to run 20 knots per hour, of 8,500 tons burden, and to make the trip in five and one-half days. Now listen to the subventions, or subsidies, if you please, which this line is going to get, making it the rival of any line out of New York City. It is to get from the Canadian Government a subsidy of $750,000 and from England $350,000 a year, making a total of $1,100,000 a year from those two Governments; nearly twice as much as all the American ships get for all the mails they carry.

Mr. PLATT. Is that the Montreal line?

Mr. ELKINS. It is the new line from Halifax to Queenstown. This fast line is to connect at Halifax with the Canadian Pacific Railroad, and at Vancouver the railroad is to connect with the Canadian Pacific Steamship Line to China and Japan and the other Canadian Pacific line to Australia. This is a vast scheme reaching halfway around the world, the Canadian Pacific Railroad forming the link on land. It is both a railroad and a shipping enterprise, and threatens the interest of the United States. The subsidies for these two steamship lines, one on the Pacific and the other on the Atlantic, amount in the aggregate to $1,500,000 per annum.

In connection with the efforts being made to destroy our shipping, particularly on the Pacific, I wish to read from the report of Gen. E. C. O'Brien, Commissioner of Navigation, for 1892, pages 11 and 12:

The Canadian Pacific Railway was constructed almost entirely by gifts of money, gifts of constructed railroad, gifts of land, the guaranty of bonds and of stocks and franchises, exemptions from taxations, and exclusive privileges conferred upon the Canadian Pacific Railway Company by the Canadian Government. These gifts and subventions of various sorts amount to a donated capitalization of about $210,000,000, a sum considerably in excess of the officially reputed cost of the entire Canadian Pacific Railway.

The Canadian Pacific Railway Company has besides established a steamer line between the western terminus of its road and China and Japan. This line, started in the year 1886, is also heavily subsidized by the Canadian Government and by the British Government. The combined subventions and largesses to this transcontinental railroad and associated steamer line, with exemption from taxation, amount to a discriminating annual subvention of at least $10,000,000 over and above the aids extended to any transcontinental railroad in the United States, even in connection with the aids extended to any American steamer line plying between San Francisco and China and Japan. This powerful Canadian and British combination was inaugurated and consummated with the openly-avowed object in view of securing the control of the commerce of the United States with Asia and of diverting from American internal transportation lines and from American trade centers as large a portion as possible of our own domestic commerce. In all the wondrous history of British commercial aggression there is nothing so audacious or so potential. The whole enterprise seems to be predicated upon the long-continued failure of the United States to protect its own foreign commerce.

Mr. President, in view of this official statement—and I think it is borne out by the facts—how can the United States hope to meet and resist this vast combination? It is the greatest combination in the interest of trade and commerce ever formed on sea and land, and is backed by the treasuries of two governments.

Then, again, we are threatened on the south by another British line across the continent. It is stated upon good authority that English capital has brought about an arrangement by which she is to secure a railroad through Mexico, connecting the Gulf of Mexico and the Pacific Ocean. She already has a great line on the north, and will soon have one on the south; and our people sit idly by and make no attempt to meet this aggression and invasion of our commerce and our trade.

The Canadian Pacific Railroad, Mr. President, has been styled the Canadian Government on wheels, oiled and pushed by England. I make no such statement. But I do say it is the natural enemy of the transportation interests of the United States, and it stands to-day as our greatest commercial antagonist. It violates our interstate-commerce law with complacent indifference; it cuts rates, and it takes freights from our Pacific railroads, in which the United States has a direct interest. It hauls more cheaply from St. Louis and other interior points in our country, by way of Canada to Oregon and San Francisco, than the Pacific roads can do, though the distance is much shorter. It is a sharp competitor now for business with all the Pacific roads from and to California. For 2,000 miles the Canadian Pacific traverses a nonproductive country, one not able to support a railroad. It lives off its subventions and the business it takes from the railroads of the United States.

The agents of the Canadian Pacific Railroad Company, I am told, are now in Washington about this Capitol. I suppose they are here to make cut rates to Halifax, Vancouver, Hongkong, and Shanghai, and working against any aid being given to American steamship lines. This cutting of rates, this violation of our interstate commerce law, this invasion of our trade, should be stopped, and we can do it; we have the remedy in our own hands. All we have to do is simply to discontinue the bonding privilege, under which they carry goods in bond, starting from Vancouver, to Europe and points in the United States. I would suggest that we stop every car and break every consular seal at our frontiers beyond Chicago and the Soo. This would throw the trade from Asia to San Francisco and pass it over the Pacific Railroad lines. It would break up in part, or largely, the violation of the interstate-commerce law and stop the giving of rebates and the cutting of rates.

It is claimed that this bonding privilege, under which the Canadian Pacific Railroad Company is able to live and do business, is authorized under the twenty-ninth article of the treaty of Washington, which was entered into and ratified in 1871. At that time these privileges were confined exclusively to the Eastern roads and water routes. The Canadian Pacific never had been dreamed of at that time, and its construction took place long afterwards.

Under a fair construction of that treaty, the Canadian Pacific Railroad would have no right to pass its cars into the United States at points in the far West; and we have it in our power, by a rule or regulation of the Treasury Department, to open each car and examine the contents thereof. If that were done it would stop this invasion of our commerce, the taking of our trade, and the violation of the interstate-commerce act.

To oppose this active, open, and oppressive hostility to American trade, American steamships, and American railroads by England and Canada is the kind of Monroe doctrine I favor. And I am sure it will have better results to our people and their interests than a dispute with England over an obscure boundary in a foreign country 3,000 miles away. The United States, in my opinion, should at once withdraw this bonding privilege to the Canadian Pacific.

In twenty-six years we have collected from the tariff $4,300,000,000. That is an appalling sum. Our people have paid out to foreigners for foreign shipping about $4,100,000,000. The larger part of this vast sum of money could have been paid to our own people. It should have been kept in our own country, and would have been if we had extended the proper protection to American shipping.

From 1848 to 1891 Great Britain paid in the way of subsidies and mail pay to her steamers $197,027,789, while the United States paid in the way of mail payments and help only $25,546,330; that is to say, $8 to our $1 to support her shipping. We can not cope with England by subsidies at this late day. She is too strongly intrenched and established on the seas. It would take fifty years, if we should match our Treasury against England's, to even catch up or be on an equal footing with her in shipping and as a maritime power.

Mr. Chamberlain, in his speech of March 25 before the Canada Club in London, said:

The greatest obligation is the imperial defense, the greatest interest the imperial trade. The former must be reached through the latter.

Why can not we learn a lesson from these utterances? This is the policy of England and this has made her the mistress of the sea, controlling the commerce of the world. If we were to adopt such a policy and protect our own interests, then we would be a great maritime and a naval power, the equal of England, our flag known and respected all over the world.

Mr. President, the question is how to bring this about. The Senator from Wisconsin [Mr. VILAS] in his speech yesterday opposed this amendment; he opposed subsidies. I take it this is so. I heard his speech and I take it he means that it is the duty of our Government to secure the transportation of the mails for the least amount of money, and therefore, if British ships will carry them cheaper, let the British ships have the business and the American ships go out of business. That is the way I interpret the Senator's speech. But, Mr. President, that would leave

us at the mercy of England without any shipping or without any pretension to being a maritime power.

The best plan that suggests itself to my mind is that we should go back to the teachings of our fathers, and that we should restore the old discriminating duties; that we should impose a tax of 10 per cent ad valorem, in addition to whatever tax is imposed by law, on all goods, wares, and merchandise imported into the United States in vessels not of the United States. It seems to me that this would settle the question upon the best possible basis and in time revive and restore our shipping.

Our first Congress, upon the recommendation of Washington, Madison, and Hamilton, passed just such a law as I suggest, which lasted more than twenty-six years; and under the operation of which, in 1807, we were equal to England in the shipping and carrying trade of the world. Such an act would take no money out of the Treasury. It would not be open to the objection that a subsidy is open to, and that our people so persistently fight and have fought. It would, on the contrary, put money into the Treasury, and at the same time give shipping a new life. If we would enact such a law, within two years we would find money coming into the Treasury and American ships in every port of the world. Under such a law our shipping would prosper at once.

We began our Government with protection to American manufacturers and likewise with protection to our shipping interests. We have continued, under constant assaults, however, protection to our manufactures, and the result is that we are the leading manufacturing nation of the world. At the end of twenty-six years of protection to shipping, by the persuasion of England we abandoned it. What is the condition now? Had we continued throwing around our shipping the same protection we afforded to our manufactures, our shipping interests would be in just the same condition that our manufacturing interests are, and we should be leading the world in shipping.

After seventy years of abandonment of protection to American shipping, the result is that to-day American ships are carrying but 11 per cent of our foreign trade, and we are getting worse off in that direction every year. It is very significant, however, and also gratifying, that this subject is engaging the attention of the country. I beg the indulgence of the Senate while I read from the platform adopted by the Republican convention of Massachusetts last week bearing on this subject.

> We have always given protection to our shipbuilders. In late years we have neglected to protect our shipowners. We believe the time has come to return to the policy of Washington and Hamilton, which by discriminating duties in favor of American bottoms secured 90 per cent of our carrying trade to American ships, and which, if now restored, would again revive our shipping and cause American freights to be paid to Americans.

That I believe to be sound doctrine. Listen to what Jefferson said on the same subject in 1791:

> If particular nations grasp at undue shares of our commerce, and more especially if they seize on the means of the United States to convert them into aliment for their own strength, and withdraw them entirely from the support of those to whom they belong, defensive and protective measures become necessary on the part of the nations whose marine sources are thus invaded, or it will be disarmed of its defense, its productions will be at the mercy of the nation which has possessed itself exclusively of the means of carrying them, and its politics may be influenced by those who command its commerce.—*Jefferson's Works*, volume 7, page 648.

Mr. President, what is the position of the United States? It has to-day the best business stand on this planet. On one side of us are 800,000,000 people, and on the other side 400,000,000 consumers. We are located between these vast populations; we have the longest seacoast line of any country in the world; we are the richest nation; we consume more and produce more than any other nation in the world. With these advantages and with a proper policy, we should be and we will be the greatest shipping and maritime power on earth.

But what is our present condition? As I have said, we carry only 11 per cent of our foreign trade, and this percentage is growing less every year. This is humiliating to Americans. Our flag is almost a myth and not known or seen in many important cities of the world. Notwithstanding our greatness, we are in some parts of the world almost an unknown people. Think of it! In 1895 only two American sailing vessels visited Liverpool, and during the same year not a single American vessel touched at the great cities of Glasgow, Hull, Cardiff, Belfast, Dublin, Stockholm, Portsmouth, Genoa, Naples, or Rotterdam. The United States flag was not seen on a ship in any one of those great cities of the world in 1895. In Barcelona only two American sailing vessels were seen last year. No wonder the Spaniards were willing to assault and insult our consul. What reason had they to believe that we had any flag, or a people capable of defending it? They scarcely ever see the flag of the United States in their waters.

In Bergen, the second largest city in Norway—and Norway is one of the largest shipping countries in the world, ranking next to Germany—the United States consul overcharged some person 25 cents in connection with a bill of lading. He was reported to the State Department, and on being called on for an explanation his answer was: "I am not familiar with the regulations, I confess. This is the first American ship that has come to this port in twenty-five years; and it is the first time I have had to look up the regulations."

Mr. President, I shall at some later day discuss further the question of discriminating duties. But in view of the circumstances surrounding this very steamship line, which needs this help, I state frankly that I do not believe that with the $80,000 with which we are trying to bolster it up it will be possible to save it for more than two or three years against Canadian and English opposition.

Mr. PASCO. I send to the desk an amendment which I intend to offer, and give notice of it now.

Mr. PLATT. Let it be read.

The VICE-PRESIDENT. The amendment intended to be proposed by the Senator from Florida will be read.

The SECRETARY. At the end of the pending amendment it is proposed to add:

> *Provided*, That nothing herein contained shall authorize the establishment of any substation or branch office beyond the limits of any city or town in which the principal office is established.

Mr. PASCO. I shall desire to say a few words in support of the amendment at some time on the next legislative day. I understand the bill is not to be further considered to-day.

Mr. ALLISON. If the Senator from Florida will yield to me, I will say that I do not expect to conclude the bill to-night, but hope to take it up on the next legislative day immediately after the routine morning business is disposed of. I have promised to yield to the Senator from Maine [Mr. FRYE] that he may ask for the consideration of a bill which he has in charge.

HARBOR IMPROVEMENT AT PORTLAND, ME.

Mr. FRYE. I report at this time, from the Committee on Commerce, without amendment, a joint resolution (H. Res. 159) to authorize the Secretary of War to prepare and submit estimates for the improvement of the harbor at Portland, Me., and ask unanimous consent for its immediate consideration, as it is important to get the information.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 494) constituting Stamford, Conn., a subport of entry;

A bill (H. R. 55) for the establishment of a light-house and fog-signal station at or near the entrance to Maurice River, New Jersey; and

A bill (H. R. 6408) authorizing the sale of title of the United States to certain tracts of land in the District of Columbia to Margaret Shugrue, Caroline Lochboehler, and John R. Scott.

NORTH MANITOU LIGHT-HOUSE AND FOG SIGNAL.

Mr. HILL. I ask unanimous consent to have laid before the Senate House bill 3736, which came over fr[illegible] House of Representatives this afternoon, so as to h[illegible] considered at this time.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 5736) to authorize the Light-House Board to proceed with the construction of the light-house and fog signal on North Manitou Island, Lake Michigan; which was read the first time by its title, and the second time at length, as follows:

> *Be it enacted, etc.*, That the Light-House Board be authorized to proceed with the construction of the light-house and fog signal on North Manitou Island, Lake Michigan, heretofore appropriated for, and that the aforesaid board be authorized to lease the land necessary for the site of said aid to navigation until a perfect title to said site can be secured by condemnation proceedings.

Mr. HILL. This bill has been passed by the House of Representatives, and I am authorized by the Committee on Commerce to say that they have approved the bill informally and recommend its passage. I will state that it is also recommended by the Light-House Board, and it is important that it be passed immediately. I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT M'GEE.

Mr. VEST. I ask the Senate to consider the bill (S. 229) for the relief of Robert McGee.

The VICE-PRESIDENT. The bill will be read for information. The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. PETTIGREW. If the Senator from Missouri will reduce the amount to $5,000 I shall not object; otherwise I shall object.

Mr. VEST. That is the report of the committee.

Mr. PETTIGREW. Ten thousand dollars is a very large sum in these times especially, and $5,000 is certainly more than enough. It comes out of the Indians of my State. I have heretofore objected to the passage of the bill.

Mr. VEST. I have simply to say in regard to this case that it is the most atrocious that has ever come within my observation even among Indian depredations. Mr. McGee was utterly incapacitated, by reason of the great outrages by this tribe, for any business whatever. The whole top of his head was absolutely removed by the tomahawk and the scalping knife, and to-day and since that time his living at all is almost a miracle. I have seen him. There is only a membrane, and you can see the pulsation of the brain.

In addition to that he has, as the report shows, some twenty-odd wounds, inflicted by lances and knives, and the surgeon of the United States Army who attended him, and who made the report upon the case, says that he can not explain how the man survived those injuries at all. He is an object of charity now and has been ever since. Ten thousand dollars is a mere pittance, if the Indians can ever be made to pay the money. I do not know——

Mr. PETTIGREW. I should like to ask the Senator from Missouri what committee reported the bill?

Mr. VEST. The bill was reported by the Committee on Indian Depredations. The report was made by the Senator's colleague [Mr. KYLE], and is filed with the bill.

Mr. PETTIGREW. I object.

The VICE-PRESIDENT. Objection being interposed, the bill goes over.

Mr. VEST. Then I shall ask the Senate to pass the bill when it is reached by the Senate on the Calendar, notwithstanding the objection of the Senator from South Dakota.

GEORGE H. TICE.

Mr. SEWELL. I ask unanimous consent to call up the bill (S. 1585) to authorize and direct the Auditor for the Post-Office Department to credit the account of George H. Tice, postmaster at Perth Amboy, N. J., for postage stamps and money-order funds stolen from his office.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. HILL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, April 6, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 2, 1896.

ASSISTANT ATTORNEY-GENERAL.

William A. Little, of Georgia, to be Assistant Attorney-General, vice John I. Hall, resigned, to take effect May 1, 1896.

POSTMASTERS.

Richard P. Nelson, to be postmaster at Juneau, in the Territory of Alaska, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

I. B. Barnes, to be postmaster at Ferndale, in the county of Humboldt and State of California, in the place of Garland W. Dungan, resigned.

Mary Hansborough, to be postmaster at University, in the county of Los Angeles and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Thomas M. Greene, to be postmaster at Tifton, in the county of Berrien and State of Georgia, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Frederick Holtz, to be postmaster at Williamsport, in the county of Warren and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Herman A. Kohnke, to be postmaster at Hammond, in the county of Tangipahoa and State of Louisiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Simon B. Guthrie, to be postmaster at Gorham, in the county of Cumberland and State of Maine, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

James Hudson, to be postmaster at Guilford, in the county of Piscataquis and State of Maine, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Cheney E. Parker, to be postmaster at Phillips, in the county of Franklin and State of Maine, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Charles Kernan, to be postmaster at Newaygo, in the county of Newaygo and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

William O. Wallace, to be postmaster at Glenwood, in the county of Pope and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Catherine E. McInnis, to be postmaster at Mosspoint, in the county of Jackson and State of Mississippi, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Charles S. Millen, to be postmaster at King City, in the county of Gentry and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Alfred G. Rodgers, to be postmaster at Wymore, in the county of Gage and State of Nebraska, in the place of William H. Dolan, resigned.

William Morgan, to be postmaster at South River, in the county of Middlesex and State of New Jersey, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Charles M. Goodspeed, to be postmaster at Shamrock, in the county of Onondaga and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

J. Crawford Hoag, to be postmaster at Akron, in the county of Erie and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

John Leonard, to be postmaster at Port Chester, in the county of Westchester and State of New York, in the place of William H. Hyler, whose commission will expire April 8, 1896.

Bernard Indlekofer, to be postmaster at Weston, in the county of Wood and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Frank Verrier, to be postmaster at Fayette, in the county of Fulton and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Alexander J. Myers, to be postmaster at Natrona, in the county of Allegheny and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Jay R. Worst, to be postmaster at Berwyn, in the county of Chester and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Charles Quinn, to be postmaster at Riverpoint, in the county of Kent and State of Rhode Island, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Landrum Padgett, to be postmaster at Pelzer, in the county of Anderson and State of South Carolina, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Daniel Rice, to be postmaster at Tennessee City, in the county of Dickson and State of Tennessee, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Isaac O. Epes, to be postmaster at Blackstone, in the county of Nottoway and State of Virginia, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Mathias Melchior, to be postmaster at Ahnapee, in the county of Kewaunee and State of Wisconsin, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Louis Schuknecht, to be postmaster at Mayville, in the county of Dodge and State of Wisconsin, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

the State Department, and on being called on for an explanation | The Secretary read the bill.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 2, 1896.

UNITED STATES ATTORNEY.

Charles W. Comstock, of Connecticut, to be attorney of the United States for the district of Connecticut.

ASSISTANT APPRAISER OF MERCHANDISE.

John B. Dusenberry, of New Jersey, to be an assistant appraiser of merchandise in the district of New York, in the State of New York.

POSTMASTERS.

Albert Snyder, to be postmaster at Greencastle, in the county of Franklin and State of Pennsylvania.

Jesse M. Ballard, to be postmaster at Marion, in the county of Grant and State of Indiana.

T. G. Boyer, to be postmaster at Altamont, in the county of Effingham and State of Illinois.

Thomas A. Weger, to be postmaster at Delphos, in the county of Allen and State of Ohio.

Joseph N. Wheatley, to be postmaster at Chestertown, in the county of Kent and State of Maryland.

E. C. McKay, to be postmaster at Conneautville, in the county of Crawford and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 2, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

A. P. BROWN.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1602) for the relief of A. P. Brown, late postmaster at Lemars, Iowa.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the sum of $888.98 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of reimbursing A. P. Brown, late postmaster at Le Mars, Iowa, for loss sustained by reason of burglary of postage stamps and money from said post-office on January 9, 1894.

There being no objection, the bill was considered, and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

CHARLES P. ANDERSON.

Mr. TERRY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 641) for the relief of Charles P. Anderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury pay to Charles P. Anderson, late first lieutenant of Company B, Second Regiment Arkansas Infantry Volunteers, out of any moneys in the Treasury not otherwise appropriated, a sum equal to the pay of a first lieutenant for the period beginning on the 10th day of September, 1863, and ending on the 16th day of February, A. D. 1864: *Provided*, That the Secretary of the Treasury shall deduct from the sum so paid claimant any sums which have been heretofore paid him by the United States for his services in any military or other capacity from September 10, 1863, to February 16, 1864.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SAYERS. I would like to have some explanation as to this bill; why, at this late date, you want this officer paid? This has been running over a period of some thirty years.

Mr. TERRY. Mr. Speaker, I ask that the report of the Committee on War Claims be read, which will answer fully the inquiry of the gentleman from Texas.

The report (by Mr. COOPER of Texas) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 641) entitled "A bill for the relief of Charles P. Anderson," beg leave to submit the following report, and recommend that said bill do pass without amendment:

The facts out of which this bill for relief arises will be found stated in House report from the Committee on War Claims of the Fifty-third Congress, hereto attached and made a part of this report:

[House Report No. 350, Fifty-third Congress, second session.]

The Committee on War Claims, to whom was referred the bill (H. R. 2560) for the relief of Charles P. Anderson, submit the following report:

A bill, in all respects like the present one, for the relief of this claimant was investigated by this committee in the first session of the Fifty-second Congress, upon which the following report was submitted by Mr. COBB of Missouri:

"The Committee on War Claims, to whom was referred the bill (H. R. 3827) for the relief of Charles P. Anderson, submit the following report:

"This is a claim for pay for services rendered prior to muster by Charles P. Anderson, formerly first lieutenant Company B, Second Regiment Arkansas Infantry Volunteers.

"It appears from the petition and evidence filed in support thereof that Charles P. Anderson was appointed first lieutenant of said company and regiment on September 10, 1863. He was mustered into service as first lieutenant Company B, Second Arkansas Infantry Volunteers, to date from February 16, 1864, to fill an original vacancy. He tendered his resignation as such September 14, 1864, which was accepted September 19, 1864.

"By the act of Congress approved June 4, 1884, it was intended by a general bill to give relief in this class of claims, and it appears that Mr. Anderson presented his case to the War Department under the act, and that his case has been decided adversely, because 'there is no record of a commission or appointment having been issued for him as of the grade and organization named; there was then no governor of Arkansas.'

"In the latter part of the summer of 1863 the Secretary of War transmitted to Maj. Gen. John M. Schofield, then commanding the Department of the Missouri, authority to organize and equip Union soldiers from citizens of Arkansas. In conformity with that authority General Schofield, in paragraph 5 of Special Orders, No. 238, dated at St. Louis, Mo., September 1, 1863, put Brig. Gen. John McNeil, commanding the District of Southwest Missouri, in charge of the organization of the troops. General McNeil was also instructed to appoint some officers to take immediate charge of organizing the troops. The officer thus appointed was authorized to recommend, with the concurrence of General McNeil, competent and efficient men to fill the positions of company officers in the various companies raised, such officers to be taken as far as practicable from citizens of Arkansas, the recommendation so made to be forwarded to department headquarters for reference to the Secretary of War.

"In pursuance of these orders M. L. Stephenson was appointed by General McNeil to take immediate supervision of the organization of the Second Arkansas Infantry by paragraph 7, Special Orders, No. 170, dated at headquarters, District of Southwest Missouri, Springfield, Mo., August 31, 1863. Charles P. Anderson was appointed first lieutenant of Company B, Second Regiment of Arkansas Infantry, under this authority on the 10th of September, 1863.

"While the decision of the War Department may be in accordance with the law, the fact remains that from September 10, 1863, to February 16, 1864, Anderson was on duty and recognized as first lieutenant; that his services as such were accepted by the Government. Having obtained the benefit of Anderson's services, the Government ought not to set up a technical plea in bar of its obligation to make compensation therefor, and your committee is of opinion that payment should be made Mr. Anderson."

In the conclusion reached and stated in said report the present committee concur, except in one particular.

It is obvious that if the claimant was paid by the United States in any other capacity than as first lieutenant for the period between September 10, 1863, and February 16, 1864, the sums so paid ought to be deducted from the payment authorized by this bill.

The committee therefore recommend that the bill be amended by adding this clause:

"*Provided*, That the Secretary of the Treasury shall deduct from the sum so paid claimant any sums which have been heretofore paid him by the United States for his services in any military or other capacity from September 10, 1863, to February 16, 1864."

The committee also recommend the following amendment to correct an error in drafting the bill:

In line 7 strike out "second lieutenant" and insert "first lieutenant."

And the committee recommend to the House that when so amended the bill do pass.

Mr. HULL. Mr. Speaker, reserving the right to object, inasmuch as I could not hear all of the report read owing to the confusion on the floor, I would like to ask the gentleman in charge of this bill if the command to which this man was attached was ever mustered?

Mr. TERRY. No, sir. The facts are these, I will state to the gentleman and to the House, so that there can be no misapprehension in reference to the matter:

This man went into the service on the 10th day of September, 1863, but a point was raised that there was no governor of the State of Arkansas at that time to commission him, and he was not duly mustered until February, 1864. The report shows, and the facts are, that he was doing duty and served as a first lieutenant in the Army of the United States from the date he entered the service—that is, September, 1863, and there was a general bill passed in 1884 which it was supposed would give relief in this and similar cases. But the point was made that he was not duly mustered in at that time, and it was answered there was no governor to grant commissions. We did have a governor, it is true, but he was on the other side of that business. Mr. Anderson was mustered under authority of the Secretary of War, transmitted to General Schofield, who placed General McNeil in command of the troops authorized to be raised in Arkansas.

Mr. HULL. Do the records of the War Department show that this man was on the rolls at that time?

Mr. TERRY. I suppose the roll that went to the Department would be the roll that was made up after he was mustered, but the report of the committee shows that he performed the service as first lieutenant, that he was recognized as such, although he did not receive pay from the 10th of September, 1863, until the date specified in the bill. The bill was fully considered and unanimously reported by the Committee on War Claims, and if there is any objection to the relief asked, I have no knowledge of it. Mr. Anderson is a very worthy man.

Mr. HULL. Mr. Speaker, it seems to me that these bills ought to be investigated as to the remuster. We have before the Military Committee probably 300 bills or more of this character.

Mr. GROSVENOR. There is another very important question,

and that is, whether the command was of a size that authorized the muster in.

Mr. HULL. I was going to refer to that. We have a large number of Tennessee cases especially. The law of 1863 provided that a man, even if he was regularly commissioned, could not be mustered unless he had a command of sufficient size to justify mustering a commissioned officer. In other words, under the law of 1863, in a large number of these cases there was no vacancy for a man to be mustered in even if he had been commissioned.

Mr. TERRY. This was a full regiment, as I understand, and I will call the attention of the gentleman to this part of the report——

Mr. HULL. I object, because I think the matter ought to be investigated. I hope the gentleman will withdraw the bill and let it go over until to-morrow, until I can tell whether I will object or not.

The SPEAKER. Objection is made.

T. J. PITZER.

Mr. COLSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4842) for the relief of T. J. Pitzer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, directed to pay to T. J. Pitzer, of Barbourville, Ky., out of any moneys in the Treasury not otherwise appropriated, the sum of $400 for mules taken from him and used for the public service during the late civil war.

Mr. BARTLETT of New York. I ask for the reading of the report.

The report (by Mr. PUGH) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 4842) for the relief of T. J. Pitzer, report as follows:

The facts out of which this bill for relief arises will be found stated in House report from the Committee on War Claims of the Forty-ninth Congress, a copy of which is hereto appended and made a part of this report.

Your committee adopt the said report as their own, and recommend that the bill referred to them do pass.

[House Report No. 1625, Forty-ninth Congress, first session.]

The claimant, Thomas J. Pitzer, of Knox County, Ky., brings this claim for $400, the price of two good mules taken from him in 1864, at or near Barbourville, Ky. The proof is conclusive that claimant was a loyal citizen, and it is equally as well shown that the two mules were taken and used by the Army of the United States. The witnesses differ a little as to the value of the mules, one witness fixing the value at $150 each, and the other at $200 each. The committee fix the value at the sum of $200 each, making $400 for the two, and this sum they recommend be paid claimant. The committee think there is nothing in the statement of the agent of the Quartermaster-General that claimant purchased these mules from some men residing in a State in insurrection, there being absolutely nothing in the record to show any collusion or bad faith in any part of the transaction.

The committee are of opinion that the claim should be allowed, and therefore recommend that the bill do pass.

Mr. BARTLETT of New York. Mr. Speaker, I should like to ask the chairman of the Committee on War Claims, or any member of that committee if any member be present, what is the aggregate of the claims for mules taken in the war by our forces? How many bills are now pending?

Mr. DOCKERY. And for horses also?

Mr. BARTLETT of New York. And I should like to ask further why these claims should not take the same course that is taken by other claims for supplies? Is there any difference in law between a claim for a mule and a claim for corn or oats or hay?

Mr. COLSON. Mr. Speaker, I am not on the Committee on War Claims, but this bill has come through the proper channel. It is a meritorious claim, it was early established, and this money should have been paid years ago. This man is entitled to the value of his mules, which were taken and used by the Government, as shown by the testimony on file in the committee room. I hope there will be no objection to the consideration of the bill.

Mr. BARTLETT of New York. I should like to ask if this claim has been considered by the Court of Claims?

Mr. COLSON. It has not, and it is not such a claim as should properly go to the Court of Claims.

Mr. BARTLETT of New York. I should like to ask whether the claimant, the alleged owner of the mules, was a loyal man or not?

Mr. COLSON. His loyalty is shown by the testimony on file in the committee.

Mr. BARTLETT of New York. Was he loyal throughout the war?

Mr. COLSON. Loyal throughout the war, as shown by the testimony.

Mr. LOUD. How many mules are provided for in this bill?

Mr. COLSON. Two.

Mr. LOUD. And $400 is asked?

Mr. COLSON. Two hundred dollars each. They are shown by the testimony to have been worth that, and this man has been kept out of his money for a long time.

Mr. BARTLETT of New York. Mr. Speaker, I should like to state that I understand there is another mule bill to be brought up for consideration after this one, and the price of the mules in that bill is $150 each.

Mr. COLSON. Mr. Speaker, these were Kentucky mules. [Laughter.]

Mr. BARTLETT of New York. I move that the bill be amended by substituting $300 for $400. Will that amendment be accepted?

Mr. COLSON. No; I do not accept that amendment.

The SPEAKER. The amendment is not in order until consent is given for the consideration of the bill. Is there objection to the present consideration of the bill?

Mr. LOUD. I object, Mr. Speaker.

BONDS OF THE TERRITORY OF NEW MEXICO.

Mr. LOW. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4052) approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory.

The bill was read.

The SPEAKER. The bill which has been read has passed the House.

Mr. LOW. There is a Senate amendment to this bill.

Mr. LACEY. There is a Senate amendment and a House amendment to the Senate amendment.

The SPEAKER. The Chair has the engrossed copy——

Mr. DOCKERY. Just a word——

The SPEAKER (continuing). Which will be read to the House. This is a House bill with Senate amendments. The House bill will be read first, and then the amendments offered by the Senate.

Mr. DOCKERY. And it is a request for unanimous consent.

The SPEAKER. The Chair understands it is a request for unanimous consent.

Mr. OWENS. I believe in addition to the Senate amendments the bill was reported back from the Committee on Territories with the recommendation that the House concur in the Senate amendments with an amendment.

The SPEAKER. The Chair will see that the Clerk reports the bill so that the House can understand it. The Clerk will first report the House bill.

The House bill was read.

The SPEAKER. The Clerk will now report the amendments of the Senate.

The Senate amendments were read.

The SPEAKER. The Clerk will now read the recommendation of the committee. The gentleman from New York will state what the action of the committee was.

Mr. LOW. The committee reported favorably on the bill and amendments.

The SPEAKER. What amendment?

Mr. LOW. The Senate amendment and the amendment made in the committee.

Mr. COOPER of Texas. Mr. Speaker, this is a bill that involves an important question of law as well as of fact, and was only reported yesterday, and therefore I will have to object to its present consideration.

The SPEAKER. Objection is made.

FREDERICK VAN GUILDER.

Mr. HEATWOLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3046) for the relief of Frederick Van Guilder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against Frederick Van Guilder upon the records of Company K, One hundred and twenty-third New York Volunteers, and to issue to him an honorable discharge, to date July 6, 1863.

SEC. 2. That this act shall take effect and be in force from and after its passage.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. I would like to ask the gentleman if that bill was considered at a Friday night session?

Mr. HEATWOLE. It was favorably considered last Friday evening and recommended to pass.

Mr. BARTLETT of New York. I would like to have an explanation of the bill.

Mr. HEATWOLE. Mr. Speaker, the gentleman named in this bill enlisted in a New York regiment, and the muster rolls were mislaid and not sent to the proper officers. Mr. Van Guilder served about eleven months with the regiment without pay, and it was also refused to issue clothing to him. After the fight at Gettysburg, in which he participated the first day, he surrendered to the provost-marshal at Baltimore, who sent to Washington to find whether this man had been mustered in. The records did not show that he had been mustered, and the provost-marshal then gave him a pass to New York and discharged him. Afterwards the muster rolls were found at Albany and sent to Washington, and then this man was marked as a deserter. He afterwards enlisted in a Vermont regiment, and served throughout the war and was honorably discharged. The bill passed through the Committee of the Whole last Friday night without objection.

This bill has been favorably considered by Colonel Ainsworth, of the War Department.

Mr. BARTLETT of New York. What is the object—to give him a pension?

Mr. HEATWOLE. He did not know until a few years ago that this charge was against him. He is in every way an honorable man. I am personally acquainted with him, and can vouch for him.

Mr. TALBERT. I would like to state that this bill came up at the last Friday night session and there was no objection.

Mr. BARTLETT of New York. But the gentleman from South Carolina agrees to a number of bills I can not. For instance, the other day he advocated dueling, notwithstanding——

Mr. TALBERT. Oh, no.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HEATWOLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

SAMUEL BURRELL.

Mr. BURRELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2320) for the relief of Samuel Burrell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to remove the charge of desertion now on the records of the War Department against Samuel Burrell, late first lieutenant of Company M, Fifth Illinois Cavalry Volunteers, and grant him an honorable discharge, to date from November 26, 1862.

Mr. BARTLETT of New York. I should like to ask if this bill has been considered at a Friday night session?

Mr. BURRELL. It has been through both committees some time back.

Mr. BARTLETT of New York. Has it been considered at the Friday night sessions?

Mr. BURRELL. Last Friday night?

Mr. BARTLETT of New York. Any Friday night?

Mr. BURRELL. Yes, sir.

Mr. BARTLETT of New York. I should like an explanation of the bill.

Mr. BURRELL. If the gentleman insists I will ask for the reading of the report. The bill passed in the Fifty-first, Fifty-second, and the Fifty-third Congresses, and there was no objection to it. It is simply to correct an error in the record.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendments recommended by the committee are as follows:

Strike out all of line 8 and insert in lieu thereof the words "April 13, 1863"; also by adding thereto the following: "*Provided*, That he shall receive no pay or allowance by virtue of this act."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BURRELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 2912) granting to the Atchison and Nebraska Railroad Company, and the Chicago, Burlington and Quincy Railroad Company, its lessee in perpetuity, the right of way over a part of the Sac and Fox and Iowa Indian Reservation in the States of Kansas and Nebraska; and

A bill (H. R. 4632) for the relief of Frederick B. Betts, Nichols & Co.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That the concurrent resolution passed by Congress on the 27th day of July, 1894, authorizing and providing for the Compilation of all the Annual, Special, and Veto Messages, Proclamations, and Inaugural Addresses of the Presidents of the United States from 1789 to 1894, inclusive, be, and the same is hereby, amended, so as to strike out of the resolution the words "to 1894, inclusive," and insert in lieu thereof the words "to March 4, 1897," so as to require said compilation to be brought down to the ending of the present Administration; and the Public Printer is hereby authorized and directed to apply so much of the money appropriated for public printing and binding for the current year, in addition to the $600 heretofore appropriated or set apart for that purpose, as may be found necessary to complete the copying of the said messages and other documents for printing.

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office, at the earliest day practicable, 5,000 additional copies, in separate form, with paper cover, of the paper entitled "Economic geology of the Mercur mining district," being a part of the Sixteenth Annual Report of the United States Geological Survey, with accompanying illustrations, of which 3,000 copies shall be for the use of the House, 1,500 copies for the use of the Senate, and 500 copies for distribution by the Geological Survey.

Also:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 copies of the report of a hearing before the Committee on Woman Suffrage, January 28, 1896; 2,000 copies for the Senate and 3,000 copies for the House of Representatives.

Also:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 941) granting to the Atchison and Nebraska Railroad Company, and the Chicago, Burlington and Quincy Railroad Company, its lessee in perpetuity, the right of way over a part of the Sac and Fox and Iowa Indian Reservation in the States of Kansas and Nebraska.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the following Senate bill was taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 1205) for the relief of the persons who sustained damage by the explosion of an ammunition chest of Battery F, Second United States Artillery, July 16, 1894—to the Committee on Military Affairs.

VENEZUELA.

Mr. HITT. Mr. Speaker, I submit a report on a privileged question from the Committee on Foreign Affairs.

The report was read, as follows:

The Committee on Foreign Affairs, to whom was referred House resolution No. 225, respectfully report the same back and recommend its adoption.

Resolved, That the President be requested, if in his opinion not incompatible with the public interest, to transmit to the House of Representatives copies of all dispatches, notes, and cablegrams in the Department of State, from and after the 1st day of December, 1895, until the present time, that relate to mediation or intervention by the United States in the affairs of Venezuela, together with all correspondence with foreign governments relating to the same topic.

Mr. HITT. Mr. Speaker, the resolution is guarded as in case of resolutions of inquiry ordinarily. It has received the assent of all the members of the Committee on Foreign Affairs who are at present in the city, and I hope it will be passed without objection.

The resolution was adopted.

CORRECTION.

Mr. STEELE. Mr. Speaker, I desire to correct a statement which I made on the floor yesterday. I stated that the general treasurer of the Soldiers' Home was compelled to give a security company bond by some officer of the Government, presumably by the Secretary of War, as he was the officer to whom the bond was made. My information was incorrect as to the treasurer having been compelled to give such a bond. What seemed to force the action of the treasurer in securing the bond was the fact that the Homes had been without funds for about three months and that he could more readily and promptly secure a bond from the security company than a personal bond. That was what induced him to give the security company bond, and not any requirement by the Secretary of War.

Mr. BLUE. Will the gentleman let me ask him a question?

Mr. STEELE. Yes, sir.

Mr. BLUE. Is it not a fact that you have appointed a man as general treasurer of the Home who can not give any other kind of bond?

Mr. STEELE. It is not a fact.

Mr. BLUE. Are you sure of that?

Mr. STEELE. I am.

ORDER OF BUSINESS.

Mr. BINGHAM. Mr. Speaker——

Mr. CANNON. Mr. Speaker, I call for the regular order.

The SPEAKER. The gentleman from Illinois demands the regular order.

Mr. CANNON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of further considering the sundry civil appropriation bill.

DEPARTMENT OF JUSTICE.

Mr. BINGHAM. Mr. Speaker, pending that motion, with the permission of the gentleman and of the House, I will say that there is a very decided contention between the House and the Senate upon the legislative, executive, and judicial appropriation bill with reference to the compensation of the subordinates of the Department of Justice, and I desire to have printed in the RECORD, for the information of the House in the future, a letter from the late district attorney for the eastern district of Pennsylvania, Mr. Ingham, who went out of office yesterday and whose successor comes in to-day. I desire to have that letter put into the RECORD for future use by members of the House.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania, to have printed in the RECORD the letter described by him?

Mr. RICHARDSON. I will ask the gentleman whether there is anything political in the letter?

Mr. BINGHAM. Nothing whatever. It simply relates to the question of fees as against other methods of compensation.

There was no objection.

The letter is as follows:

PHILADELPHIA, *March 31, 1896.*

MY DEAR SIR: Referring to the bill fixing the salaries of United States attorneys, in which Philadelphia is placed at $5,000, and at a lower rate than Chicago, Boston, and several other districts, notably several in the Western and Southern States, I desire to again call to your attention the large amount of important litigation which is transacted in this district and causes it to rank second in the country in the number and importance of the cases tried.

In the first place, the business in the criminal court here is large and would be much larger if many trivial cases were prosecuted. There never has been a year for many years when the United States attorney could not earn his maximum in criminal cases alone had the office been conducted with that object in view, but to the credit of the several gentlemen who have held the position it has been the uniform practice to issue warrants only when a prima facie case was made out and the offense a proper one to prosecute.

The criminal cases which I have in mind which required careful preparation (in some of them weeks and months) during my term of office, are—

United States *vs.* Evans, director Spring Garden National Bank. Convicted under section 5209, Revised Statutes.

United States *vs.* Young, director Spring Garden National Bank. Convicted under section 5209, Revised Statutes.

United States *vs.* H. H. Yard. Indicted for aiding and abetting officers of the Keystone National Bank. Acquitted.

United States *vs.* C. W. and E. M. Raymond, directors Middletown National Bank. Convicted under section 5209, Revised Statutes.

United States *vs.* Hunter, cashier Phœnixville National Bank. Convicted.

United States *vs.* Grady, cashier Marietta National Bank. Convicted.

United States *vs.* Baker, teller Consolidation National Bank. Convicted.

United States *vs.* Halterman, teller Columbia National Bank. Convicted.

United States *vs.* ——, cashier Ellenville National Bank. Convicted.

United States *vs.* Cochran. Robbing the United States Mint of $110,000. Convicted.

United States *vs.* Garfinkle et al. Organized band of counterfeiters. Convicted.

United States *vs.* Rosengarten et al. Organized band of counterfeiters. Convicted.

United States *vs.* Wibourg et al. Aiding a military expedition against Spain and landing force on the island of Cuba. Convicted.

United States *vs.* Durland et al. and United States *vs.* Chambers et al. Schemes to defraud by means of investment companies. Convicted.

In the district court there are also a large number of civil cases. These are suits on official bonds; suits to recover duties, and various other cases. Among those I now think of as being more difficult of preparation than ordinary are—

United States *vs.* E. C. Knight et al. This was the sugar-trust case, involving the validity of the sale of four sugar refineries in Philadelphia to the sugar trust at a price of over $20,000,000. It occupied much of my time in the years 1892 and 1893; was argued in the district court and in the circuit court of appeals. I was never allowed any compensation for this, but would, I presume, be entitled to a docket fee of $20.

United States *vs.* Queen et al. A suit to recover duties on certain lenses. The case was tried twice, and involved a large sum of money, and established a new principle of law in favor of the Government.

United States *vs.* Snowden et al. Suit on official bond of H. S. Cochran, convicted of robbing the mint.

United States *vs.* Bosbyshell et al. Suit on official bond on account of defalcation of H. S. Cochran.

United States *vs.* Lees, United States *vs.* Wanamaker, and several other cases, for importing alien laborers under contract.

United States *vs.* Kenworthy. A suit for duties. Tried twice in the district court and once in the circuit court of appeals.

This list could be prolonged indefinitely, but is sufficient to show the character of the civil business in the district court. In addition to this there were a number of cases in admiralty—actions by the United States for penalties and forfeitures, and actions against the United States for salvage.

In the circuit court all the customs cases are tried. The United States attorney receives compensation for his services in these cases, which does not appear in his emolument account. Under the new act he must perform this service without any compensation. The cases are of vast importance to the Government. To be well tried they must be prepared thoroughly, and no class of cases are harder to understand and intelligently prepare. It is a distinct branch of the law, as much so as patent cases, and to do good work the United States attorney must spend much time and thought in the preparation of his cases. To convince one of the necessity of good legal ability in this class of cases it is only necessary to refer to the Hat Trimming Cases, several of which were tried in Philadelphia. These cases involve $25,000,000, and the ablest customs lawyers in the country are employed by the plaintiffs. The customs cases are very numerous; hundreds of them are still pending in Philadelphia; and the new cases under the act of June 10, 1890, are also numerous. During my term of office I disposed of a great many of these cases. The more important ones were those known as the Tile Cases. The winning of this case saved the United States in Philadelphia $20,000, and in New York I am informed more than $100,000. I also tried and won the Wool Waste Case, which involved quite as much money; the Yarn Case, which involved a large sum of money, and many others. The importance of properly trying these cases is not alone for the amount actually involved in the cases, but because the Treasury Department follows the decisions and applies them to all other cases of a like nature wherever pending.

There is no district in the country where more favorable results to the Government have been obtained than in Philadelphia, and this has been largely owing to the fact that the cases are thoroughly prepared and the facts completely digested before going into court. The bulk of these cases are tried in New York, Philadelphia, Boston, Chicago, Baltimore, and New Orleans.

It certainly seems a short-sighted policy to ask a lawyer in addition to trying all the criminal and civil cases in the district court to go into the circuit court and try the customs cases as they should be tried all on a salary of $5,000, when his predecessors have all earned from $8,000 to $15,000 per annum for like services.

But in addition to the customs cases in the circuit court there are also condemnation proceedings and other cases; for example, the Interstate Commerce Commission *vs.* the Lehigh Valley Railroad, which has just been argued, but which has required attention in taking testimony, etc., for several years.

In condemnation proceedings during my term of office I have had several very important and difficult cases. The site for a new mint at Sixth and Walnut streets required months of the severest labor. There were 140 different defendants. Each case had to be separately prepared. Experts had to be employed, and as the Treasury Department requested quick work, it kept the office busy almost day and night. The owners claimed $1,600,000 and were allowed $800,000. The site not being approved, I brought new proceedings against the site at Broad and Race streets. The defendants were not so numerous, but the work was severe. The owners asked $1,200,000 and were awarded $550,000. Appeals were taken and cases tried in the circuit court before a jury of twelve.

Also I have had several proceedings for condemnation of land on the Gettysburg battlefield. The ground was owned by an electric railway company, which made the most bitter opposition. My work here was made lighter by the intelligent and valuable aid of the Battlefield Commission, but there was a great deal of work still left for the United States attorney. The case was appealed to the circuit court and finally to the Supreme Court of the United States. A favorable decision there will enable the Commission to go ahead with the cases to a final determination.

For all this work in condemnation proceedings not one dollar is allowed. The United States attorney performs it, according to the Comptroller's decision, as part of his duty under the salary of $3,000 per annum. My term of office was not an unusual one. My predecessor, Mr. Read, had as much or more to do, and the present United States attorney will have the same experience. In my judgment nothing less than $6,000 is a fair compensation, and Congress will simply make a blunder if the salary is cut down to a point where the best lawyers will be unwilling to take it.

Certainly, Philadelphia is entitled to as great compensation as any city except New York, and it will be a mistaken policy to cripple the service at this important point.

Trusting you may be able to get for Philadelphia at least as much consideration as is accorded to Chicago or Boston,

I am yours, very truly,

ELLERY P. INGHAM.

P. S.—I am informed by my assistant, Mr. Newitt, that my emolument account for the last quarter, which does not include customs cases, will amount for the quarter to $4,500.

E. P. I.

Hon. H. H. BINGHAM.

SUNDRY CIVIL APPROPRIATION BILL.

The motion of Mr. CANNON was then agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HOPKINS in the chair.

The CHAIRMAN. The House is in Committee of the Whole for further consideration of the sundry civil appropriation bill.

Mr. CANNON. Mr. Chairman, I ask unanimous consent to return to pages 76, 77, and 86 to make what are substantially two or three verbal corrections.

There was no objection.

On motion of Mr. CANNON, by unanimous consent, the following changes were made:

Page 76, line 23, after the word "home," the words "clerks and orderlies" were inserted.

Page 77, line 20, after the word "bedding," the words "bedding material" were inserted.

Page 86, lines 21 and 22, the words "printing of blanks at depot and necessary materials therefor" were stricken out.

The CHAIRMAN. The Clerk will now read that portion of the bill, beginning on page 16, which has not been considered by the committee.

The Clerk read as follows:

For labor and expenses of engraving and printing: For salaries of all necessary clerks and employees, other than plate printers and plate printers' assistants, $420,000, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired.

For wages of plate printers, at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants, at $1.25 a day each when employed, $516,250, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired.

For engravers, printers, and other materials, except distinctive paper and for miscellaneous expenses, $166,650: *Provided*, That the appropriation herein made shall be used for all expenditures of the Bureau of Engraving and Printing in the manner in which appropriations for said Bureau have heretofore been used, and no part of said appropriation shall be held to be contingent expenses of the Treasury Department, nor be subject to the provisions of sections 240 and 3683 of the Revised Statutes: *And provided further*, That all the business of the Bureau of Engraving and Printing shall be under the immediate control of the director of said Bureau, subject to the direction of the Secretary of the Treasury, and the director of said Bureau shall report to and be responsible directly to the Secretary of the Treasury.

For rent of office for agent of the Post-Office Department to supervise the distribution of stamps of the Bureau of Engraving and Printing, $600.

Mr. BINGHAM. Mr. Chairman, by unanimous consent, the paragraph just read was passed over when regularly reached in the consideration of the bill. I very much prefer that the gentleman from Nebraska [Mr. HAINER], who desires to be heard with reference to the appropriation for the Howard University, should go on now (as I understand he is ready) and that this question which I desire to bring to the attention of the Committee of the Whole should come up immediately after the discussion with reference to the Howard University has closed.

Mr. CANNON. If the gentlemen concerned are agreed in reference to this order of proceeding, it is satisfactory to me.

The CHAIRMAN. If there be no objection, the amendment of the gentleman from Pennsylvania [Mr. BINGHAM] will be withheld for the present; and the Chair will recognize the gentleman from Nebraska [Mr. HAINER].

There was no objection.

be printed at the Government Printing Office, at the earliest day practicable, letter described by him

Mr. HAINER of Nebraska. Mr. Chairman, on yesterday, while I was momentarily absent from the Chamber, an amendment relating to the Howard University was offered and, without discussion, was adopted by the Committee of the Whole House. The circumstances attending the offering of that amendment, the utter absence of any objection on the part of anyone, including the gentleman in charge, whose duty it was to protect the bill as reported, the very significant action of sundry members of the Appropriations Committee, left an impression upon many members of the House that as a matter of fact the amendment which was proposed was satisfactory to everyone; it was passed pro forma, as I understand, not exceeding half a dozen members voting for it. I apprehend the Committee of the Whole little understood the nature and far-reaching effect of that amendment; and in order that we may intelligently discuss it now under the arrangement which has been made, I ask the Clerk to read the amendment as it appears on page 3444 of the RECORD.

The Clerk read as follows:

Amend by inserting after the word "dollars," in line 3, on page 59, the following:

"HOWARD UNIVERSITY.

"For maintenance of the Howard University, to be used in payment of part of the salaries of the officers, professors, teachers, and other regular employees of the university, the balance of which will be paid from donations and other sources, $27,500; for tools, materials, wages of instructors, and other necessary expenses of the industrial department, $3,000; for books for library, law library, bookcases, shelving, and fixtures, $900; for material and apparatus for chemical, physical, and natural history and laboratory, $2,00; for improvement of grounds and repairs of buildings, $1,000; in all, $32,600: *Provided*, That no part of the money hereby appropriated shall be paid to any teacher or professor of theology or religion, or to any chaplain in said university."

Mr. HAINER of Nebraska. Mr. Chairman, I think it will be admitted on all hands that the Howard University is an institution situated in the District of Columbia; that it is a private institution; and I think, beyond all question, every candid person must admit that it is also a sectarian institution. The House will readily understand what is involved in this amendment. Already on two different occasions this House, after full debate—debate of a character calculated to bring out the real judgment and sense of the House—has placed itself emphatically upon the ground that it will not appropriate a single dollar to any sectarian institution. I think it may also be fairly argued from the action already had that this House goes further, and that it is not in favor of appropriating money for any private purposes.

Let me first address myself to the character of this institution. I hold in my hand its official catalogue, the last one issued, covering the period from March, 1894, to March, 1895. That catalogue tells me—I read from page 66:

This institution is always emphatically Christian. Its instructors believe in Christianity as the only basis of true culture. But pupils here are given no denominational bias. The Bible is one of the regular text-books.

Referring to the first pages of this same catalogue, I find that its first department, the one to which greatest prominence is given, is the department of theology, of which the president is dean. I find that it has a department of medicine, a dental college, a pharmacentical college, a department of law, a college department, a preparatory department, a normal department, a department of music, and an industrial department. It will therefore be observed that this institution is endeavoring to do not only preparatory work but work of a high grade, such work as is usually done by a university as contradistinguished from a college.

Theological students attend classes in other departments. I think it will be admitted that at no time has the Congress of the United States ever gone so far as to commit itself to a national university. Ever since the days of Washington various Presidents have recommended the chartering of such an institution. Petitions in favor of such a project have come in from all parts of the Union. Educators all over this land have strenuously advocated it. But never to this day has the Congress of the United States set apart a single dollar for university education of the youth of our land, except as small tracts of land have been set apart for the use of State universities, and in this regard the several States have fairly shared. We have in the main thus far limited our appropriations and all governmental agencies to such education as is deemed on all hands necessary to qualify a person for the ordinary duties of citizenship. With the common-school education we have stopped, save and except only the aid which has been granted the industrial colleges and State universities of the land. I do not now refer to the class of appropriations by way of subsidies, and which appropriations I am attacking.

This Howard University is an institution for colored people, primarily and principally. Generally speaking, there are no white students there. I want to know on what principle of equity, on what principle of right or of equality, gentlemen will vote for the so-called higher education of the colored race money which they withhold from their own race—from their own children. What excuse can you give—those of you who live in New York or in Georgia, in Nebraska or in Kansas—for appropriating money for the so-called higher education here in the District of Columbia of a certain race, when you deny such appropriations to your own people? If you must appropriate for the institution, why not do so out of District of Columbia funds? You support your State schools by State taxation.

Mr. Chairman, I am in favor of the broadest and the most liberal education. But one of the first essentials of the right kind of education is equality in education as well as before the law. You have no right to make preferences. You have no right to single out one race, one nationality, one creed, or one social class, and confer upon that race, nationality, creed or class benefits which you deny to others. There is absolutely no excuse or justification for taking one dollar by taxation from the masses and bestowing it upon the few. Favoritism has no place whatever in an intelligent republic. Here is this institution, which is admittedly private, taking care of the few; but we are doing it in a way in which we have never taken care of any other class when we have known what we were doing.

I said this is a sectarian institution. Let us see. This catalogue says:

The students conduct with enthusiasm literary and missionary societies. Africa is regarded with prayerful attention as a missionary field.

So we are educating these missionaries for Africa. I submit the time is now and here when the colored people of this country need, and the white people need, missionaries at home, not abroad; men and women who can rise to the plane of good citizenship here and not undertake to work out, at the public expense, a system of evangelizing the people in Africa.

But further, Mr. Chairman, we are informed here in this same catalogue to which I have already referred "that the students preach sermons and conduct pulpit exercises in the presence of one another and of the faculty, who kindly criticise them."

And I may say for the edification of the members of the House who have been given some extraordinary exhibitions of delsartean oratory here from time to time that, so the catalogue says, "much attention is devoted to pulpit elocution, with a large application of delsartean principles." And yet you propose for that purpose to take and expend the public money.

But it is insisted that the amendment provides that no part of the money appropriated shall be paid for theological or religious teachings. Not so. Gentlemen, we can not afford to attempt to deceive each other by any such subterfuges in order to get in an appropriation of money. We owe it to ourselves to be reasonably candid, at least. We can not deceive the people of the United States. You may cover it up here under a form of words in the excitement of the moment, but in the calmer moments which come to the people out yonder by their firesides—the people whose representatives you are will read what you have done here. They will not be deceived. They will discover the true nature of this amendment. They will see its pernicious doctrine and pronounce their righteous judgment on such actions. But what does this amendment provide? After making the appropriation of $32,600, it proceeds with a sham effort at self-disinfection:

Provided, That no part of the money hereby appropriated shall be paid to any teacher or professor of theology or religion or to any chaplain in said university.

I ask you in all candor what practical effect has that? Are there no other expenses of the university than those involved in teaching theology? Is there no other income than that which you propose to appropriate here for this establishment? Why, gentlemen, I find in the report of this institution for 1895 that the income of the institution itself was $57,640.55, of which the Government of the United States appropriated $29,500. In other words, only about one-half of the money came from the United States, and that the balance for the support of the establishment came from other sources. Now, I ask, if that is the condition of affairs, what is the practical effect of the proviso which is added to this amendment, and which was thrown in for the purpose of catching the House on yesterday? What is its practical effect? Can not the institution take the $29,000 received from other sources and use that for religious instruction, and use the other $29,000 or $30,000 that the Government of the United States appropriates for other purposes?

Suppose you would provide in express terms that the expense of the theological department should be paid out of this appropriation. What difference would it make? To ask the question is to show that the proviso is inoperative. Not a dollar of the money appropriated by the Government need be used for that purpose, and yet every dollar that is appropriated is simply that much in addition to the sum to be applied for theological teaching. What difference does it make, practically speaking, then, whether that proviso is inserted or not. If we make the appropriation in any form they will continue to use their other funds for theological

purposes. If we do not, they will have less money to use for their departments of law and theology. When the gentleman, Mr. Chairman, who introduced the proviso comes to speak, I ask him, in all fairness, in the name of common honesty, to explain what he meant by the proviso? If he had an honest purpose, it is so skillfully concealed that the average mind is unable to discover it. I repeat, it has no practical effect, and you may as well give the $32,600 without any proviso whatever.

But it may be insisted, Mr. Chairman, that this institution has received other funds with which it supports the theological chair. There is some foundation, I will admit, for that claim. For in their report we find they receive from the Board of American Missions, in addition to the Stone endowment, a total fund for this purpose of $4,475, and that fund is paid, I find, to the officer who lectures in the department of theology. Upon another page of the same report I find the president receives out of this fund, as a part of his salary of $4,000, $2,800, and the Government appropriates the other $1,200 from the amount set apart for the theological department.

In order that the committee and the House may clearly see the method of disbursement, and also the sources of income, I make as part of my remarks extracts from the last annual report of this institution to the Secretary of the Interior:

The amount appropriated by Congress for the coming year, including $8,200 for the law department, is $34,500. The trustees would earnestly request the same amount for the next year, which, with the $1,000 for the library fixtures in the new chapel building, will make $35,500.

The president of the university, who receives $4,000 per year, with the use of a house, was paid from the appropriation	$2,800.00
The secretary, treasurer, and business manager, whose annual salary is $2,000, received from the appropriation	1,800.00
Seven professors in the college, preparatory and normal departments, who receive $1,500 per year each, with use of house, were paid from the appropriation, each, $1,350	9,450.00
Three teachers, who receive $800 per year each, were paid from the appropriation, each, $720	2,160.00
One lady teacher, who is paid $900 per year, received from the appropriation	810.00
One lady teacher, who is paid $1,000 per year, received from the appropriation	900.00
One lady teacher, who receives $600 per year, was paid from the appropriation	480.00
One teacher, who is paid $700 per year, received from the appropriation	630.00
One matron, whose annual salary is $600, was paid from the appropriation	540.00
Four assistant teachers, whose salaries are $500 each per year, were paid from the appropriation an aggregate of	750.00
Four professors in the law department were each paid from the appropriation $800	3,200.00
Total for salaries	23,500.00

The sum of $3,000 appropriated for the manual-training school (industrial department) was expended as follows:

For instruction	$2,420.66
For material	330.59
For fuel	121.75
For janitor and fireman	127.00
Total	3,000.00

The sum of $1,000 appropriated for the repairs of buildings was mostly expended in the repair of tin roofs and decayed woodwork under the same. To this sum there was added $1,564.29, which was used in general repairs where most needed.

The sum of $500 appropriated for the improvement of grounds was used in the construction of a substantial fence along the west side of the campus, on Sixth street.

The sum of $300 appropriated for library books, the $1,000 appropriated for law library, and $200 appropriated for the laboratories of the university, chemicals, apparatus, etc., were used for the purposes indicated.

Treasurer's statement of receipts and disbursements from July 1, 1894, to June 30, 1895, pertaining to current expenses.

RECEIPTS.

Balance on hand July 1, 1894	$112.90
From United States:	
For salaries	23,500.00
For industrial department	3,000.00
For chemical apparatus	200.00
For library books	300.00
For law library	1,000.00
For repairs	1,000.00
For grounds	500.00
From rents	5,167.18
From income from invested fund	8,492.68
From American Missionary Association (including Stone endowment) for theological department	4,475.00
From donations for prizes	81.00
From room rents	1,364.50
From miscellaneous sources	301.83
From industrial department, proceeds of shops	158.21
From medical department, income and tuition, including $137.75 interest on Stevens fund	6,771.25
From law department, tuition	1,216.00
Total	57,640.55

EXPENSES.

Paid officers, professors, and instructors in academic branches	$25,134.75	
Paid officers and lecturers in theological department, from donations	4,475.00	
Paid professors and instructors in medical department	$5,855.00	
Paid other expenses of the department	1,808.50	
		$7,663.50
Paid professors and instructors in law department	4,968.15	
Paid other expenses of the department	347.85	
		5,316.00
Paid instructors of the industrial department	2,420.66	
Paid for material, industrial department	330.59	
Paid for fuel, industrial department	121.75	
Paid for janitor and fireman, industrial department	127.00	
Paid for material, presswork, composition, etc., from proceeds of shops	140.94	
		3,140.94
Paid chemical apparatus		200.00
Paid library books		300.45
Paid law library		1,000.00
Paid repairs of buildings		2,564.29
Paid improvement of grounds		781.01
Paid fuel and gas		1,363.69
Paid janitors and firemen		1,670.92
Paid insurance		1,066.73
Paid interest on $13,000 transferred to aid fund		780.00
Paid miscellaneous expenses, including postage, advertising, telephone, stationery, furniture, stoves, diplomas, prizes, and other expenses of a general character		2,043.16
Balance, June 30, 1895		140.11
Total		57,640.55

Gentlemen will bear in mind there are other expenses in the theological department than the pay of the lecturers; for instance, the maintenance of the building, the use of the class room, heating, lighting, repairs, incidental expenses, text-books, and so on, which are all paid out of other funds. Only a few days ago the House, as I said, after a full discussion, ingrafted into the Indian appropriation bill a provision that no money should be paid to any institution in whole or in part under sectarian or ecclesiastical control. That was adopted after discussion as the deliberate judgment of the House. It was placed in that bill well knowing that the principal society order to be affected by the provision would be Catholic. I ask, in all earnestness, on what possible principle of right could you do that and still appropriate to this institution, which is in part admittedly maintained by the American Missionary Society, a wellk-nown Congregational society, a fact which is stated in the report from which I have already quoted? Is the House prepared to say that they will not make an appropriation for an institution that is controlled in whole or in part by a Catholic society, but will make an appropriation to one that is supported in whole or in part by the Congregational society? Is that the judgment of the members of this body? Is that its sense of fairness and right?

Gentlemen, it is folly and inexcusable cowardice to attempt to evade the issue.

You must meet it fairly and squarely like men. Do not believe for a moment that the generous people of the United States will tolerate any such favoritism as that. When I addressed myself to this proposition in the Indian bill I disclaimed, as I felt in my heart that I had a right to do, any opposition to the Catholic Church as a church. I say to you here now that if there is to be a dollar of appropriation for any sectarian institution, you have no right to withhold like aid to a Catholic institution. Do you say that this institution does good work? I grant it for the sake of argument. Will any man say that excluded Catholic institutions do not also do good work? If he does, he speaks without understanding, for many of them do most excellent work. We voted against aid to Catholic institutions, not because they were not doing good work, but because we recognized it as a fundamental principle of government that we have no right whatever to vote one dollar of money for sectarian purposes.

Ah, gentlemen, I know how easy it is for this insidious process to effect your real purpose. This is truly "the nose of the camel entering the tent." The Catholics, with a craft which excels that of Talleyrand, usually accomplish their purpose by the exercise of brains, and there are not wanting Protestants who, with a lack of perception which is akin to idiocy, allow themselves to be lured by a small bait, as in this instance, to commit themselves to a principle which has in the past taken multiplied millions out of the Treasury of the United States and placed them in the coffers of sectarian institutions.

No, gentlemen, you must place yourselves upon principle. This Howard University was founded about the close of the war. For about sixteen years it prospered. It rested in the bosom and on the heart of the great people of this country, who are quick and zealous to respond to all good work. It prospered until 1880 as it has never prospered since. There had been no thought of Government aid. In 1880, long after the war and after the colored people were already getting on their feet, there came first the appropriation of $10,000. From that small item the appropriation has grown gradually, until this year they receive $34,500. In the aggregate they have received $401,600 since 1880.

I offer as part of my remarks a table furnished me by the president of this university, which gives the details.

Appropriations by Congress for Howard University from July 1, 1879, to June 30, 1896, inclusive.

Year ending—	Salaries.	Repairs of building.	Industrial department.	Library and fixtures.	Chemicals, etc., for laboratory.	Improvement of grounds.	Law library.	Total.
June 30, 1880	$10,000							$10,000
June 30, 1881	10,000							10,000
June 30, 1882	10,000							10,000
June 30, 1883	15,000	$10,000						25,000
June 30, 1884*	15,000							15,000
June 30, 1885	18,500	4,000						22,500
June 30, 1886	18,500	4,000		$2,000				24,500
June 30, 1887	18,500	5,000		2,000				25,500
June 30, 1888*	18,500	4,000						22,500
June 30, 1889†	18,500	3,000	$1,500					23,000
June 30, 1890	18,500	3,000	1,500					23,000
June 30, 1891	20,300	2,400	4,000	1,000	$500	$1,000		29,200
June 30, 1892	24,300	2,400	4,000	1,000	500	1,000		33,200
June 30, 1893	23,500	1,500	3,000	500	500	500		29,500
June 30, 1894	23,500	1,000	3,000	300	500	500		28,500
June 30, 1895	23,500	1,000	3,000	300	200	500	$1,000	29,500
June 30, 1896	28,600	1,000	3,000	300	200	500	1,000	34,500
Total								401,600

* Water supply—$3,500 in 1884; $2,000 in 1888. † Fire escapes—$400 in 1889.

From $10,000 it gradually grew until it reached, for the current year, the sum of $34,500, of which over $8,000 went to support a college of the law. Is it claimed, can it be truthfully claimed, there is a pressing necessity for this? What special humanitarian, sentimental need is there in this country for colored lawyers, preachers, doctors, or music teachers? All over this land of ours the schools are as open to the colored boy and the colored girl as they are to the white. In my own town I have seen graduate from our high school and pass on to the university a colored boy by the side of whites in the same class. They can enter any school in all the Northland, and many of the schools of the South. The agricultural colleges are open to them; and only day before yesterday I was informed by one of the trustees of Howard University (Mr. Cook) that his son graduated from the public schools of Washington and entered Yale direct without any further preparation. Do not tell me, then, there has not been fair provision made for the colored boy and the colored girl. Do not tell me that there is any pressing need for high-toned education, free of charge, for these people, when you deny like facilities to your own sisters and your own brothers.

What has been the result of this policy which we have inaugurated? I have in my hand a detailed list of the appropriations by the United States to private sectarian, charitable, and reformatory institutions in the District of Columbia alone, from July 1, 1871, to June 30, 1896. I will make it a part of my remarks.

It illustrates the length to which we have gone in appropriating without authority, and too often without the knowlege, of the people.

Appropriations by the United States to private and sectarian charitable and reformatory institutions in the District of Columbia from July 1, 1871, to June 30, 1896, as per United States Statutes at Large.

	1895-96.	1894-95.	1893-94.	1892-93.	1891-92.	1890-91.	1889-90.	1888-89.	1887-88.	1886-87.	1885-86.	1884-85.	1883-84.
Municipal Lodging House	$4,000	$4,000	$4,000	$4,400				$2,500					
Ex-Union soldiers and sailors, Grand Army of the Republic	2,500	2,500	2,500	2,500	$2,500	$1,000							
Women's Christian Association	4,000	4,000	4,000	4,000	4,000	4,000	$4,000	4,000	$4,000	$4,000	$5,000	$5,000	$5,000
Central Dispensary and Emergency Hospital	12,000	15,000	9,000	4,500	30,000	30,000	12,250	12,250					
Columbia Hospital for Women	30,000	25,000	20,000	20,000	20,000	20,000	20,000	25,300					
Children's Hospital	10,000	10,000	10,000	10,000	10,000	10,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
National Homeopathic Hospital	8,000	8,500	7,000	7,000	9,000	12,000	5,000	6,500					
Freedman's Hospital	53,025	54,025	53,025	53,025	52,500	54,025	54,025	54,575	51,140	52,575	49,900	50,000	50,000
Reform School for Girls	9,425	23,050	20,128	35,000									
Washington Hospital for Foundlings	6,000	6,000	6,000	6,000	6,000	7,000	6,000	12,000					
Church Orphanage, St. John's Parish	1,800	1,800	1,181	2,000	2,000	1,500	1,500	5,500					
German Orphan Asylum	1,800	1,800	1,181	2,000	6,000	6,000	10,000						
Destitute colored women and children	9,900	9,900	7,680	13,000	12,000	12,000	27,000	10,000					
St. Ann's Infant Asylum	5,400	5,400	3,840	6,500	6,500	6,500	6,000	6,000	6,000	5,000	5,000	5,000	5,000
St. Joseph's Asylum	1,800	1,800	1,181	2,000									
Association for Works of Mercy	1,800	1,800	1,181	2,000	3,000	8,042	5,500	5,000	3,000	5,000			
House of Good Shepherd	2,700	2,700	3,000	3,000	3,000	3,000	15,000						
Industrial Home School	9,900	9,900	7,680	13,000	11,500	14,000	17,300	11,500	10,000	10,000	12,000	5,000	10,000
St. Rose's Industrial School	4,500	4,500	2,953	5,000	2,500	2,500	5,000	5,000					
Board of children's guardians	17,000	4,000	24,200										
Deaf and Dumb Asylum	64,000	94,000	64,000	52,500	13,900	10,500	60,000	249,015	52,500	52,500	52,500	72,000	55,000
Government Hospital for the Insane*	96,480	304,700	342,286	390,300	318,130	297,000	246,400	79,185	75,132	75,132	246,238	226,300	222,000
Garfield Memorial Hospital	19,000	19,000	12,500	15,000	15,000	15,000	12,500	10,000					
Providence Hospital*	19,000	19,000	19,000	19,000	19,000	19,000	17,000	17,000	17,000	15,000	15,000	15,000	15,000
Reform School, District of Columbia	50,952	44,402	62,452	40,252	45,652	39,696	51,596	52,726	40,616	51,176	37,996	32,916	31,950
Washington Asylum Hospital	62,415	62,915	62,195	63,345	116,377	18,742	94,311	105,561					
Women's Union Christian Association		150		250									
Young Women's Christian Home				1,000	1,000	1,000	1,000						
Hope and Help Mission				1,000	1,000	1,000							
National Temperance Home				2,000	2,000	2,500	2,500	2,500					
Woman's Christian Home						5,400							
Total	507,397	739,842	752,163	779,572	712,559	601,409	678,782	677,112	264,438	275,383	428,604	416,216	408,950

	1882-83.	1881-82.	1880-81.	1879-80.	1878-79.	1877-78.	1876-77.	1875-76.	1874-75.	1873-74.	1872-73.	1871-72.	Total.
Municipal Lodging House													$18,900
Ex-Union soldiers and sailors, Grand Army of the Republic													13,500
Women's Christian Association	$5,000	$5,000	$5,000					$25,000					95,000
Central Dispensary and Emergency Hospital													125,000
Columbia Hospital for Women													181,300
Children's Hospital	5,000	5,000	5,000	$5,000	$5,000	$5,000	$5,000	5,000	$5,000	$5,000			145,000
National Homeopathic Hospital													63,000
Freedman's Hospital	53,000	41,800	41,800	41,800	41,736	42,500	45,000	45,000	50,000	60,000	$74,000		2,218,474
Reform School for Girls													87,603
Washington Hospital for Foundlings													55,000
Church Orphanage, St. John's Parish													17,281
German Orphan Asylum													28,781
Destitute colored women and children													101,480
St. Ann's Infant Asylum	5,000	5,000	5,000	5,000	5,000								97,140

Appropriations by the United States to private and sectarian charitable and reformatory institutions in the District of Columbia—Continued.

	1882-83.	1881-82.	1880-81.	1879-80.	1878-79.	1877-78.	1876-77.	1875-76.	1874-75.	1873-74.	1872-73.	1871-72.	Total.
St. Joseph's Asylum													$6,781
Association for Works of Mercy													36,323
House of Good Shepherd													22,400
Industrial Home School	$5,000	$10,000	$10,000	$5,000	$5,000								176,680
St. Rose's Industrial School													31,953
Board of children's guardians													45,200
Deaf and Dumb Asylum	55,000	63,742	61,000	50,000	58,500	$48,000	$117,524	$88,000	$77,000	$48,000			1,559,181
Government Hospital for the Insane*	202,500	165,000	173,000	160,000	159,583	150,000	160,000	215,107	203,751	171,700	$178,800	$153,000	5,021,724
Garfield Memorial Hospital													118,000
Providence Hospital*	15,000	15,000	15,000	15,000	15,000		15,000		15,000				330,000
Reform School, District of Columbia	37,950	31,600	31,000	20,000	10,000	15,000	10,000	11,000	20,750	24,700	110,000	12,000	916,442
Washington Asylum Hospital													585,861
Women's Union Christian Association													400
Young Women's Christian Home													4,000
Hope and Help Mission													3,000
National Temperance Home													11,500
Woman's Christian Home													5,400
Total	383,450	342,142	346,800	301,800	299,819	260,500	352,524	389,107	371,501	309,460	362,800	165,000	12,122,306
Little Sisters of the Poor													30,000

* Appropriations for Providence Hospital, 1866 to 1870, and for the Government Hospital for the Insane, 1862 to 1870, are contained in the following table:

	1870-71.	1869-70.	1868-69.	1867-68.	1866-67.	1865-66.	1864-65.	1863-64.	1862-63.
Providence Hospital	$6,000		$30,000		$30,000				
Government Hospital for the Insane	175,482	$113,500	97,500	$113,500	111,500	$116,500	$78,000	$67,500	$47,500

Total for Providence Hospital from 1866 to 1896	$390,000
Total for Government Hospital for the Insane from 1862 to 1896	5,942,706

In this list alone you find $12,122,306, not including the appropriation of $30,000 made to the Little Sisters of the Poor, and not including one cent which has been appropriated to Howard University. It therefore follows that about $13,000,000 has already, in that comparatively brief time, been appropriated in the District of Columbia alone to institutions of the character named. Add the appropriations for sectarian Indian schools, which amount to fully as much, and you have an aggregate of $25,000,000 or $26,000,000 for such purposes. Take the list from year to year and see how they grow, how they swell. There is not a man who ever studied this question for one moment but knows that if you want to dispense that kind of charity you can have all of it that you can pay for. Just say to the people of the United States, "By a considerable use of the teasing process you can obtain money from the public Treasury," and where will you stop? If you say that any person who does good work shall have access to the public Treasury, where will you draw the line? There is absolutely no stopping place. Talk about your sectarian appropriations, you can not draw the line there. There is no real definition of the word sectarian. The word sect applies to a denomination or a school of science, philosophy, politics, or what not. There are a thousand and one different schools. Again, how easy it is, by a skillful use of the incorporation laws, to found societies which, by their charters and by-laws, are absolutely silent on any question of sectarianism. You can do that very easily, and in a roundabout way draw money out of the public Treasury.

Suppose you were to apply that same doctrine to our other public works and were to allow a person or company to light one of these streets in the city of Washington and, if it did good work, appropriate for it, subsidize it. Suppose you allow any person to pave a street, and, if he does a good job of paving, if he suits the people, make him an appropriation to cover the expense of paving. Would you tolerate that for one moment? If you would not tolerate that, tell me what excuse is there for it in any of these educational societies, and especially where they undertake to teach religion. Will anyone say that the president of this institution, who, until he assumed the duties of that office, was a Congregational minister in this city, can teach the Bible as a regular text-book without giving it a Congregational bias?

Here is an institution which is presided over by a lifelong Congregationalist.

The principal professors are Congregationalists. They maintain a theological department, in which the president and principal professors spend a large part of their time.

Special attention is paid to theology.

The institution has for its largest and most liberal patron, excepting only the Government, a Congregational society whose only object is to spread Congregationalism. It is a missionary society.

Missionary work for what? For the Congregational Church. Certainly not for any other church. You may depend on that. It is to the Congregational Church precisely what the Jesuit order is to the Catholic Church. Will any gentleman who values his word deny this? Will you bolt at the name of Jesuit and embrace a Congregational missionary society? If so, what becomes of your opposition to sectarian appropriations? If you oppose aiding an institution in which proselyting is done for a Protestant church, what objection have you to a Catholic priest or the sworn devotee of some Catholic order doing exactly the same thing for that church. There is only one safe ground, and that is to make no appropriations whatever for private institutions.

Now, Mr. Chairman, let me briefly recount some of the reasons why subsidies should never be tolerated. I think it will be conceded that every objection which can be made to the principle of subsidy as a general one applies with peculiar force wherever religious or political passions or prejudices of the people may be involved. No man can teach politics—should you establish a chair of politics—if he were a Republican, without teaching his pupils Republican doctrines; if he were a Democrat, he would teach the doctrine of the Democracy, and if he were a Populist, he would probably teach that all property, and especially prosperity, is a crime against the laws of God and of man. I oppose subsidies to schools and charitable institutions for many other reasons.

First, because it promotes pauperism by disguising it. Many will go into one of these subsidized institutions and accept aid from the Government, deeming it a matter of right and not a gratuity. They would help themselves rather than accept charity, but will accept a benefit which is offered as a right rather than gain it by work. You should not place a premium upon pauperism. Charity should have a twofold purpose. First, to relieve those who are deserving and really in want; and second, to better the condition of the people and make want less and less in the land. So, I say, whatever disguises pauperism, whatever tends to make it respectable tends as a matter of fact to make people throw themselves prone upon society to take care of them. Whatever teaches the doctrine that the world owes a person a living, owes him an education, owes him medical treatment or care, demoralizes society and works evil. You ought to teach that every man should, by his own unaided force if possible, take care of his own wants. It is true that St. Paul, in one of his epistles, said that each man should bear the burdens of his neighbor, but in the same——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Would the gentleman like some additional time?

Mr. HAINER of Nebraska. Yes; I would like about fifteen minutes.

Mr. EVANS. I have no objection, if the same is granted to the other side.

Mr. CANNON. I ask unanimous consent that debate may be extended to thirty minutes, fifteen minutes to be occupied by the gentleman from Nebraska, and fifteen minutes under the control of the gentleman from Kentucky.

The CHAIRMAN. The gentleman from Illinois asks unani-

mous consent that the time for closing this debate be extended thirty minutes, to be equally divided between the gentleman now on the floor and the gentleman from Kentucky [Mr. EVANS]. Is there objection? [After a pause.] The Chair hears none.

Mr. HAINER of Nebraska. I was just stating that St. Paul's doctrine was that we should bear each other's burdens; but side by side with that, and as a part of the same text, he added that each man shall bear his own burden. In that teaching is the true philosophy of all work which is truly charitable. When you place men on their feet and make them do for themselves as much as possible, you elevate them, you make them manly men, you encourage true nobility, you do abiding good. Another bad effect of subsidies is that they produce a duplication of institutions. Once enter upon the policy and it is hard to draw the line. No institution willingly relinquishes it. Suppose you make an appropriation here for this institution, largely because of race; another institution comes up and it claims it on the score of nationality.

We had a heated discussion in this House on the proposition that we should make an appropriation for an institution because it was German. If you make appropriation on that ground, then you will be required to make it in the case of the Scandinavians, in the case of the Italians, and in the case of the Bohemians. There may be among some constituencies voters who may be caught with that kind of chaff, but I trust they are few indeed. I know there are gentlemen in this House who make use of such arguments, and one gentleman who is active in urging this amendment stated in my hearing that in his district there were many colored voters, and this was absolutely necessary for the purpose of cajoling them into his support. I want to say to those gentlemen they place a low estimate upon the colored race, that race which gave to the United States a Frederick Douglass; that race which placed in the halls of this Congress a man during the last session who ought to occupy the same seat now; that race which gave to the present generation a Booker Washington. That race, Mr. Chairman, does not need any cajoling. They do not need coddling. They want their rights, and their rights alone. They want to be treated as men and women, because they are men and women. They ask not the hand of charity. You insult them when you extend it; you depress them when you give it. You seek by that method to retain them in the position in which they were so many years—a servile position; you seek to educate them into barbers, waiters, and bootblacks, a servient instead of a self-asserting people. He is no good friend of the colored race who asks charity at your hands for them.

Another thing. These subsidies should never be tolerated, because in voting against them you are obliged to resist special pressure. If it were proper for me to relate what has occurred in our committee room, I could tell you of men of high position in the United States who, forgetting the places which they occupy, regardless of the duties which they owe to the country, came there as truckling mendicants for the purpose of obtaining little appropriations, because, forsooth, their wives happen to be presidents of some of these institutions, or they themselves happen to be occupying some honorary position with respect to other institutions. It pleases them to occupy the positions, and in turn they use their social and official prestige to secure appropriations. Anything that leads to practices of that kind is vicious and only vicious, and should be cut up by the roots. There ought not to be any favoritism in this House, and when a man comes to a committee, whether it be to the Ways and Means, the Appropriations, or any other, for the purpose of asking a favor at their hands and a discrimination in his own favor, or in favor of some pet institution of his, against the great body of the people, he ought to be shown the door; and I hope the time will come when the American Congress will rise to such a plane as will make such demands upon it impossible.

The habit of appropriating for these institutions does another thing—it dries up the sources of private charity. Take the history of any of these institutions, and you will find that when they are supported by public subsidies private contributions fail. The report from which I have quoted shows that in 1895 this institution which we are considering received but $30 from private sources. An institution which sustained itself prior to 1880 exclusively by private contributions received only $30 in 1895. The same is true in every State and in every community where this practice has prevailed, and in my remarks, with the permission of the House, I will quote from the experience of Pennsylvania and New York on this point.

Mrs. Lowell, prominent in charity work in New York, states that of the 18,900 children supported by charity in New York City 2,700, or one-seventh, are supported in private institutions at private expense (14 per cent of the total expenditure), and that 1,200 are supported at public expense in public institutions. Of the total expenses for all purposes of the 23 institutions caring for the remaining 15,000, 8.8 per cent is contributed by private benevolence. From this it appears that 21 per cent of the expense of caring for dependent children is borne by private benevolence, while 79 per cent is borne by the city.

In Philadelphia, under a different system, the proportion borne by private benevolence is 97 per cent. In New York one institution that received in 1892 $250,000 from the city received from private sources less than $500, and in case of 12 institutions the receipts from private sources were less than 5 per cent of the total expenditure.

Commissioner Bolles, of Pennsylvania, says:

> The State by appropriating so generally is drying up the interest of individuals in organized charities. Our people have acquired great wealth, and their sympathies should be cultivated in every possible manner. The State can never do through its long perfunctory arm acts of mercy with the same degree of kindly interest as individuals who live nearer the scene of relief and who have a more distinct interest in the sufferers.

What is true of these dependents is true of every other branch of charitable relief. It applies with equal force to the support of schools by subsidies. Divided responsibility means no responsibility.

Another thing, Mr. Chairman, it destroys usefulness by hampering the institution itself, and reducing it from the high position which every educational and charitable institution ought to maintain, and bringing it down to the low level of partisan politics and traffic with members of legislatures and of Congress for their support.

Every request for subsidy is treated with reference to its probable political effect, or at best as a matter of administrative detail, involving no principle and having no significance as a precedent.

A legislative committee can not investigate; it has no knowledge of the practical workings of the institution. It has neither time nor opportunity to attend to those. It must rely on reports which are largely perfunctory. It is nobody s business to look after or scrutinize the expenditures. Everything is left to those who are interested in a continuance of the appropriations. If we are to appropriate on the score of indigency, then I submit there ought to be some ascertained and certain gauge of indigency and some assurance that the gauge is used. We have nothing.

Mr. Chairman, I see that my time is fast fleeting, and I know of no better way to close my remarks, although I must leave much unsaid which I would gladly say, than to send to the desk and have read an extract from an address made by that splendid man and soldier, General Grant, at a reunion of the Army of the Tennessee, held in Des Moines, Iowa, in 1875.

The extract was read as follows:

> If we are to have another contest in the near future of our national existence, I predict that the dividing line will not be Mason and Dixon's, but between patriotism and intelligence on the one side and superstition, ambition, and ignorance on the other. Now, in the centennial year of our national existence, I believe, is a good time to begin the work of strengthening the foundations of the structure commenced by our patriotic forefathers one hundred years ago at Lexington. Let us all labor to add all needful guarantees for the security of free thought, free speech, a free press, pure morals, unfettered religious sentiments, and of equal rights and privileges to all men, irrespective of nationality, color, or religion. Encourage free schools, and resolve that not one dollar appropriated to their support shall be appropriated to the support of any sectarian schools. Resolve that neither the State nor the nation, nor both combined, shall support institutions of learning other than those sufficient to afford to every child growing up in the land the opportunity of a good common-school education, unmixed with sectarian, pagan, or atheistical dogmas. Leave the matter of religion to the family altar, the church, and the private schools supported entirely by private contributions. Keep the church and the state forever separate.

Mr. HAINER of Nebraska. Mr. Chairman, I shall at the close of this debate ask consent to return to this section and move to strike out the paragraph making this appropriation. If that should meet with objection, I give notice now that I will in the House demand the yeas and nays on the amendment, to the end that the country shall understand exactly by what vote it is sought to reverse the action which has been had in this House on a previous occasion. I feel that I owe that to myself, I owe it to my constituency, I owe it to every gentleman who has participated in the gallant fight that has been made heretofore to place the House of Representatives on the footing of principle and to square our action with our professions.

Public funds should be sacredly devoted to public uses.

We are the trustees of those funds. Let us discharge our duty now as we would require at the hands of one to whom we had confided our private fortunes intended for our own children.

Mr. CANNON. Mr. Chairman, if the gentleman will allow me, I will say to him that this bill as reported does not carry the item which the sundry civil bill for many years has carried for Howard University. The gentleman from Kentucky [Mr. EVANS] moved an amendment yesterday inserting this item with a proviso, which gentlemen will recollect. So that as it stands now, if there can be no reconsideration of this item in Committee of the Whole, it will be reported to the House as an amendment to the bill with a favoralbe recommendation; and it seems to me that is perhaps as good a shape as the item can be in, because it is a proposition that can be disposed of by the House, or will have to be disposed of by the House, under the rules, and one on which the yeas and nays

can be called, and I think perhaps it will be better to have the House deal with it than to try to do something which is not within parliamentary rules.

Mr. EVANS. Mr. Chairman, before the gentleman from New York [Mr. BARTLETT], to whom I shall yield fifteen minutes, begins his remarks, I think it well that the amendment should be again reported.

The amendment was again read as above.

Mr. EVANS. I yield fifteen minutes to the gentleman from New York [Mr. BARTLETT].

Mr. BARTLETT of New York. Mr. Chairman, the gentleman from Nebraska [Mr. HAINER], not satisfied with having by his previous course of action defeated one appropriation bill, being mindful of the grave responsibility placed upon him by the people of the United States, and finding that this appropriation for the Howard University had been slipped through during his absence, rushed in yesterday afternoon and obtained, by the indulgence of the distinguished chairman of the Committee on Appropriations, an opportunity to make his speech this morning. It is, sir, somewhat unfortunate that our regular proceedings are interrupted week after week by these discussions of a semireligious character. But as a Democrat, I deem it my duty to raise a voice of protest against the principles enunciated by the gentleman from Nebraska in opposition to education on the one hand and to charity on the other hand.

Let us see what is the proposition of the gentleman from Nebraska. That, in the first place, we should make no appropriations for private institutions or in aid of any private institution of learning or of charity; in the second place, that no appropriation should be made by the Congress of the United States in aid of any institution where the Christian religion is taught in any form, or where the inmates are instructed in any of the tenets of Christianity. This is, indeed, sir, a fin de siècle period when we come here not to listen to an apostle of Christianity, but to listen to an advocate for the proscription of every form of the Christian religion. Dominated to a certain extent by his feeling toward the Roman Catholic Church, the gentleman feels bound to-day to attack the cause of the education of that unfortunate race which was liberated and emancipated by the great Lincoln, in whose honor yesterday we appropriated $30,000 for the purchase of the house in which he died. Is that consistency? Is this a consistent theory for the Republican party here, which supported that appropriation which was passed yesterday without a voice of dissent? Having myself objected on the ground of principle to the appropriation of $30,000, I withdrew my objection because I did not want to be placed in an unpatriotic light. Is it consistent, gentlemen, after making that appropriation yesterday, to refuse an appropriation of the sum of $32,000 for the cause of the education of the colored people of this District and the colored people of the United States?

Mr. HAINER of Nebraska. Is it not true that you are personally responsible by your vote for the action of the Appropriations Committee in striking out the appropriation for the Howard University?

Mr. BARTLETT of New York. Responsible for what?

Mr. HAINER of Nebraska. By your vote—by your direct affirmative vote?

Mr. WILLIAM A. STONE. I make the point that anything which occurred in the committee ought not to be referred to here.

Mr. BARTLETT of New York. The gentleman from Nebraska has made various statements in regard to what took place in the committee room. He has gone so far as to tell you that gentlemen appeared before that committee who were influenced by improper motives. Now, sir, I have never seen anyone before the Committee on Appropriations whom I should venture to accuse of such an offense. As to my vote at any time in any body, I am responsible for it; but I do not feel that I am at liberty in this Committee of the Whole to reveal the secret deliberations of a committee of the House of which I am a member.

Mr. Chairman, I am not a member of the Roman Catholic Church. I am a Protestant, and in my veins courses no Catholic blood, save that Catholic blood which comes down to all of us, for we must all have been Catholics before the era of the Reformation. So, sir, I am absolutely unbiased. But I plead in behalf of each and every Christian denomination. I do not believe in attacking any Protestant denomination or the Roman Catholic Church, or any Christian creed whatsoever.

Some gentlemen of this House seem to have an idea that no money should be given, that no appropriation should be made to any denominational institution; and they refer vaguely to the Constitution of the United States. Why, sir, the only provision in the Federal Constitution on this subject is that found in the first amendment, which provides—what? Not that you shall not give a dollar of money to an institution because some Christian creed may be taught in it, because some prayer may be offered under the roof of the institution to which the appropriation is made, but that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

Now, gentlemen of the committee, in all such speeches as those which have been uttered by the able gentleman from Nebraska what is the dominant spirit? It is against creed; it is against religion; it tends to prohibit the free exercise of religion—to declare that not one dollar shall be given to an institution, however deserving, if any tenet of the Christian religion, be it Protestant or Catholic doctrine, be uttered within the walls of that building. In other words, we are asked here now, at the end of the nineteenth century, to proscribe and denounce Christianity, to couple with each appropriation made a condition precedent that not one dollar of the appropriation shall be available unless Christianity is expelled from the institution. Why, sir, what a terrible doctrine; what a monstrous doctrine for the people of the United States!

But aside from this question, sir, of Christianity and of religion, why should we start out with a proposition that we can give no money to advance the cause of education or the cause of charity? The gentleman from Nebraska takes high ground. He says that in the first place the public money should not be used for a private institution. Let me call the attention of this committee to the fact that day after day, hour after hour, the Congress of the United States appropriates public moneys for private uses—for the benefit of private individuals. Let me call attention, aside from the various pension bills introduced by the gentleman from Nebraska, to the bills introduced by him for the benefit of the militia of Nebraska; that is, a specific appropriation is to be made by the Congress of the United States for the special benefit of the militia of the State—why? Because one of the leaders of our House and the leader of the crusade against religion and education and charity happens to be a distinguished representative here from that State. Let me call attention to this bill.

Mr. HAINER of Nebraska. I hope the gentleman does not mean to misrepresent me.

Mr. BARTLETT of New York. I never intend to misrepresent anyone; and I do not think the gentleman will accuse me of any such intention. I will allow the gentleman to interrupt me.

Mr. HAINER of Nebraska. The gentleman certainly is mistaken.

Mr. BARTLETT of New York. In what?

Mr. HAINER of Nebraska. That bill which I introduced was to restore arms and munitions which were destroyed by fire, and which had been used by the National Guard, a part of the militia of the United States.

Mr. BARTLETT of New York. That is all right. I speak whereof I know—that is, that the same ground of objection applies to the measures you did introduce, and I wish to call attention to some of these bills for the purpose of demonstrating the point. The first is a bill providing for the extension of the dependent pension act of June 27, 1890, to—what? To the militia of the State of Nebraska.

Mr. HAINER of Nebraska. Well, they rendered a public service. They fought against the enemy.

Mr. BARTLETT of New York. Well, let us see whether you have not got your bills a little mixed up.

Mr. HAINER of Nebraska. Oh, no. The gentleman from New York, in not observing the Raines law, is doubtless somewhat mixed himself.

Mr. BARTLETT of New York. Well, I do not know what the gentleman from Nebraska means by that. If he means to imply by that reference that I have not observed the Raines law, I will be compelled to have his words taken down. I will not allow the gentleman to make such a remark about me, or such an intimation.

Now I ask if the gentleman from Nebraska meant to intimate that I was under the influence of any spiritual intoxicant except the influence of his spiritual speeches? [Laughter.]

Mr. HAINER of Nebraska. Well, I did not know what actuated the gentleman. But if he means to ask me the sober question, whether in my judgment he is intoxicated or not, then, of course, I would have to frankly say no.

Mr. BARTLETT of New York. What, then, did the gentleman mean?

Mr. HAINER of Nebraska. Simply that the gentleman was badly mixed in his statement of facts.

Mr. BARTLETT of New York. And that was intended to be humorous, I suppose. [Laughter.]

Mr. HAINER of Nebraska. I presume so.

Mr. BARTLETT of New York. Now, Mr. Chairman, the first of the bills to which I have referred I will call your attention to, and let us see whether I am accurate or not in that statement. I refer to House bill No. 6722; that is a provision for the extension of the dependent act of 1890 to the officers and privates of the Nebraska militia. In other words, it gives all of them a pension to which they are not entitled under the general law. Is that appropriating the money of the United States for the use of your

State? Is that appropriating the money of the United States for a public rather than for a private purpose?

Next we find a bill to reimburse the State of Nebraska for expenses incurred in repelling a threatened invasion by the Sioux Indians in 1890-91. There is a bill that covers some $42,000, to be taken from the Treasury of the United States for the benefit of the gentlemen in Nebraska.

Then the next bill is one to reimburse the State of Nebraska for what? Why, for some stores that were destroyed by fire, belonging to the State militia. Is that a Federal purpose? Does that belong to the Congress of the United States?

Of course, Mr. Chairman, I have drawn attention to these several bills; but the bills themselves are now before me on my desk and will verify the correctness of my remarks. The mere titles that I have read indicate their substance. There are many other such bills. I do not know how many of them there are, but the general purpose is to take the public money for private individuals by the gentleman from Nebraska. I am aware, in reference to these matters of appropriation, that he believes in the extension of paternalism and the extension of that form of socialism known as centralization.

He believes we ought to have a national university, I presume, in Washington, but he does not believe in aiding what is practically a national university for the benefit of the colored race, and an institution now existing here. There are special reasons why these people should be treated fairly. They are in a peculiarly helpless condition; the fact that a large number of colored people, amounting to somewhere between 70,000 and 90,000, are in this city should be considered, and the further fact that there is no other institution of knowledge, or university, devoted mainly to the education of the colored race——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT of New York. Mr. Chairman, I ask an extension of five minutes longer.

Mr. EVANS. Mr. Chairman, I can not yield any of the time allotted to me, as I shall require it all.

Mr. CANNON. I will ask, with great pleasure, that there shall be a further extension of fifteen minutes on a side.

Mr. McRAE. I would like to know something as to how that time is going to be divided. I want five or ten minutes myself.

Mr. CANNON. If there is an extension of fifteen minutes on a side there will be no difficulty, I am sure, of the gentleman getting five minutes.

Mr. McRAE. Can I have five minutes of the time if extended?

Mr. CANNON. Well, I do not control it, but I have no objection.

Mr. McMILLIN. I suggest to the gentleman from Illinois that he ask an extension of twenty minutes on a side, and the gentleman from Arkansas will then be able to secure five minutes of it.

Mr. CANNON. I have no objection. I would like myself to have ten or fifteen minutes on this question.

But I will make the request, Mr. Chairman, and if granted I can accommodate the gentleman with five minutes out of the time, that it be extended for twenty minutes longer on a side, and that I have control of twenty minutes and the gentleman from Texas [Mr. SAYERS] have control of the other twenty minutes.

Mr. EVANS. I have no objection to the extension of the time, but I think the control of it had better be left as the first hour was controlled.

Mr. CANNON. Very well; let it be twenty minutes on a side, to be controlled by the gentleman from Kentucky and the gentleman from Nebraska.

Mr. McRAE. I will not consent unless it is understood that I am to have five minutes.

Mr. EVANS. You may have it. I yield five minutes to the gentleman from New York.

Mr. BARTLETT of New York. Mr. Chairman——

The CHAIRMAN. The time of the gentleman from New York has expired, and objection has been made to the extension.

Mr. McRAE. With the assurance that the gentleman from Kentucky will give me five minutes I withdraw the objection.

Mr. ANDREWS. Will the gentleman from New York yield for a question which I desire to ask for information?

Mr. BARTLETT of New York. Certainly.

Mr. ANDREWS. Does the Federal Government own the property of this university?

The CHAIRMAN. One moment. The Chair would like to inquire of the gentleman from Kentucky [Mr. EVANS] how much time he yields to the gentleman from New York [Mr. BARTLETT].

Mr. EVANS. I will yield to the gentleman from New York what he asks, five minutes more. That will be all that I can spare.

Mr. BARTLETT of New York. In answer to the gentleman from Nebraska [Mr. ANDREWS] I will say that I understand that these buildings are now the property of the Federal Government.

Mr. ANDREWS. The Federal Government, then, owns the property of this university?

Mr. BARTLETT of New York. So I understand, but I am not a trustee of the institution.

Mr. ANDREWS. Does it have legal control over the university to the extent——

Mr. BARTLETT of New York. I do not know; but I will refer the gentleman to the chairman of the Committee on Appropriations.

Now, Mr. Chairman and gentlemen, of course the position of the gentleman from Nebraska [Mr. HAINER] is sound, in so far as the proviso is concerned, that this money shall not——

Mr. CANNON. If the gentleman from New York will allow me, my attention has been called to the fact that he was under the impression that the Government owned the buildings of Howard University. I will say that it does not.

Mr. BARTLETT of New York. Very well. That is neither here nor there.

Mr. Chairman, I was about to remark, when interrupted by the distinguished chairman of the committee, that the gentleman from Nebraska [Mr. HAINER] is right in so far as his contention goes that the limitation, that this money shall not be spent by Howard University for any theological instruction, amounts to nothing. All the moneys given to charitable and educational institutions necessarily go into a common fund. They go into a general bank account, and each and every dollar of the money given is appropriated pro rata among all the items of expenditure, in the eye of the law. So of course that proviso is nugatory. It amounts to nothing; but I take the position that it is within our gift and power that we can give the moneys of the United States to any extent and in any form we see fit for the benefit either of education or of charity, and that such are appropriate and wise public uses.

Now, let me direct the attention of the committee to what we did yesterday, and to another item of the sundry civil bill which has escaped the observation of the distinguished gentleman from Nebraska [Mr. HAINER] who leads this anti-Christian raid. What is it? In the item for the National Home for Disabled Volunteer Soldiers at the Central Branch at Dayton, Ohio, a specific appropriation is made for the chaplain and for religious instruction. Does that meet with the views of the gentleman from Nebraska? Is not that making a specific appropriation of the moneys of the United States for teaching the tenets of some special Christian denomination? Because you all know that the chaplains of the National Homes belong to one of the Protestant sects and that the religious instruction which they give in the National Homes is the doctrine of the Protestant Church.

Now, I do not object to that. I say that is all right. I say that is a proper use of the public funds; but let us have fair play all around. Let us be just as fair to the Roman Catholic Church as we are to the Protestant Church, and do not let us unanimously pass a bill such as this, making specific appropriations for paying a chaplain and for religious instruction by a Protestant chaplain in the National Home for Soldiers at Dayton, Ohio, and then come in and in the same breath say you must not give one dollar or one penny to any Roman Catholic charitable or educational institution, either within the District of Columbia or anywhere within the United States.

Now, if a proviso were inserted with reference to these institutions to which I now refer, that is, the institutions controlled by Roman Catholic sisterhoods, or by Roman Catholic authorities, a proviso similar to that inserted in reference to the Howard University, that not one dollar should be used for the payment of religious instruction, that would be gladly accepted, because those who teach and those who devote their lives, their time throughout the whole year, to these institutions receive no pay, because they ask no salary. For that reason these Roman Catholic institutions are better able to give the same amount of care, attendance, and maintenance for the least possible sum, and for a lesser sum than that for which it can be given by any other institution.

[Here the hammer fell.]

Mr. EVANS. Mr. Chairman, I will yield five minutes to the gentleman from Texas [Mr. SAYERS], if he is ready to proceed, or to the gentleman from Arkansas [Mr. McRAE], if he is ready to proceed.

Mr. McRAE. Perhaps I ought to say to the gentleman from Kentucky that I do not favor the amendment, and it would be more proper for me to accept time from the other side.

Mr. EVANS. All right. I thought the gentleman favored the amendment. If the gentleman from Texas is not ready to proceed, I will yield ten minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, if I can have the attention of the committee I will try to talk directly to the point in my ten minutes. Howard University was incorporated many years ago. About the year 1880, it being then a full-fledged university and substantially engaged in the education of colored people, situated here in Washington, Congress then, for the first time, under the

lead of Representative Monroe of Ohio, appropriated $10,000 to assist that university in its work. From year to year that appropriation has been contributed until the present time, and grown, until this year it is $34,500. It is a complete university, and while white people are not barred out, it is substantially a university for the instruction of colored people. It has a medical, a law, a dental, a literary, a scientific, and a theological chair. When I say university, I mean it is a university in the broad sense.

Mr. WATSON of Ohio. May I ask the gentleman a question?

Mr. CANNON. Yes, sir.

Mr. WATSON of Ohio. Has the university a preparatory department?

Mr. HAINER of Nebraska. It has.

Mr. CANNON. Yes; it has a preparatory department. I had just as well be square—all of us have to be square with each other in this and all other questions. Being a university, it has that which some gentlemen object to (and I may say I would rather it did not have if it has public money to support it), a theological chair, in which theology is taught from the Protestant standpoint.

Mr. ANDREWS. Will the gentleman allow me to ask him a question?

Mr. CANNON. Certainly.

Mr. ANDREWS. As I understand, the Government does not own any portion of the property of this university; then what legal control, if any, has the Government over the institution?

Mr. CANNON. If the gentleman will allow me to proceed in my own way I think I will answer his question. I have only ten minutes' time.

Now, then, it is stated, and I think no doubt truly stated, in the prospectus here that the expense of the theological chair is contributed substantially by the American Missionary Society. That is substantially true. I read from the prospectus and verified it later as to the theological chair. It says it is wholly supported by the funds of a single religious society.

Now, the president of Howard University gets a salary of $4,000 a year. Twenty-eight hundred of that $4,000, he having the supervision over the whole university, is paid from the appropriations made by Congress. A portion of this fund, $6,000, is for repairs of the buildings of the Howard University. So that it may be said in part that the Government appropriates and keeps up the institution, paying the largest part of its funds, although the salaries of those who teach in the theological department are paid from the funds that I spoke of, contributed by the American Missionary Society.

Now, before I speak of the general object of this institution, or of the amendment of the gentleman from Kentucky, I will say that the Committee on Appropriations, by a majority vote, dropped this appropriation, some thinking it was a private institution, and that it ought not to receive Government aid, others objecting from the fact that there was a shadow of aid to the teaching of theology, and thereby joining church and state. Anyhow, the appropriation was not recommended in the bill by the Committee on Appropriations in their report. The gentleman from Kentucky [Mr. EVANS] moves an amendment to appropriate thirty-two thousand and some odd hundred dollars, and it is with a proviso that seems to me might well be enlarged, possibly later on in the House, when the House may have a chance to enlarge it, so as to absolutely prohibit the use of any money, in the event the House concurs in the appropriation, for the support of a theological institution or theological instruction. In other words, before the university could utilize the money that might be appropriated they would have to so divorce the theological school that it could not be supported from the public appropriations. It seems to me, if we make this appropriation, that is but just and proper.

Now, then, I am in favor, temporarily, and have been up to this time, and probably shall be for some years, of continuing aid from the national Treasury to Howard University; and for this reason——

Mr. Chairman, there is so much noise around me that I can hardly hear myself talk, and my throat is a little sore.

The CHAIRMAN. The committee will be in order. Gentlemen will cease conversation. Gentlemen in the rear of the seats will retire to the cloakroom or cease conversation.

Mr. CANNON. It is a matter of some importance that we consider.

The CHAIRMAN. Gentlemen in the rear of the seats will please cease conversation.

Mr. CANNON. Our Government is of the people; therefore the people are sovereign and must have both character and knowledge, and therefore we have the common school system, that I believe in.

That is entirely defensible. I will not go further into the argument; gentlemen know upon what ground those institutions stand. In addition to that the new States, when they are organized, receive grants of land for the support of common schools and the founding of universities. I believe in that also. Universities have also been founded in the older States through grants of land made within the last thirty-five years. Now, it has seemed to me that in this capital city of the nation, under the peculiar conditions that prevail here, we might well afford to take this university and assist it from the public Treasury in the education of the colored people of the country. Somebody says, "Why the colored people?"

The CHAIRMAN. The time of the gentleman has expired.

On motion of Mr. McMILLIN, by unanimous consent, the time for debate on the pending paragraph was extended twenty minutes; ten minutes on each side.

Mr. CANNON. Gentlemen know the history of the country. A great block of people who are now clothed with sovereign power but a short time ago were slaves, having practically no rights under the law. In the twinkling of an eye their fetters were stricken off, and, without serving a probationary period of a generation or two, they were clothed with full citizenship, with sovereign power. The great mass of them were not competent to its exercise by education, by training, or by practice. They have made progress and they are making progress, and let me say that, in the nature of things, it would be impossible for a servile race suddenly to acquire a full equal status in fact with the race that had dominated it. That must be a matter of growth.

Now, from the standpoint of self-defense on the part of the people who are not colored, when we took in this great block of slaves and made them citizens it was necessary that we should do what we aptly could to make them worthy of citizenship, and the appropriation for this university was originally made to help support this institution, so that the colored people who attended it should receive instruction in the preparatory department, should receive instruction in the law, in the medical, and in the dental departments—should receive a little better instruction than they could get at their homes scattered through the North and the South, where, in many localities, great facilities for instruction do not exist—the appropriation, I say, was made to help this institution, to give those people instruction, so as to enable them to become in their turn instructors. It is the mission of this university to instruct these colored people and make them competent to go out as teachers among the people of their color. It has already, as I understand, borne much good fruit, and I believe that in the future it will bear more good fruit. I do not know whether Booker Washington, of Alabama, ever had training in this university or in any university like unto it, but the function of the university is to train men to do such work as he is doing for his race. One colored man well balanced, well instructed, well intentioned, going out among his fellows, can, by precept, by example, and by association do more to elevate them than 20 white men similarly equipped.

Now, Mr. Chairman, it is from that standpoint that I have felt that we ought not to withdraw support from this institution, which has 500 colored people under its guidance and instruction, giving them the training which will make them in turn competent to go out among the 7,000,000 of their race and help to raise them up to the common civilization. But it is said this is a private institution. So it is, and on the broad principle I agree with my friend from Nebraska [Mr. HAINER] that the permanent policy of assisting private institutions from the public Treasury ought not to be continued. But here is a private institution already organized which is doing its work well. We have not seen proper here in the capital of the nation to buy the necessary ground and erect a great university and officer it with men employed by the Government. That would be an immensely more expensive way of doing the work, though perhaps it would be the better way; but, pending the determination of that question, in my judgment, the greatest good to the greatest number of the people, black and white, is to be found along the line of letting this university continue its work.

"But," says somebody, "they have got a theological chair, and that is objectionable. You can not sacrifice principle." That is true. They have a theological chair, supported, in fact, by the contributions of the missionary society; but housed in that building which we repair, and presided over, if you please, by Dr. Rankin, the president of the university, whom we, in part, pay. For one, for the reasons I have stated, I am not willing to withhold this appropriation from this institution; but I do stand ready to say that no part of this public money shall be used for the purposes of the theological department of the institution. "But," says somebody, "are you not against religion"? No; I am not against religion; but I am against supporting religion from the public Treasury. That is all; and let me say here, measuring my words, after all the talk about sectarian appropriations out of the public Treasury, after careful examination, so far as I know, this is the only substantially sectarian institution here that has received the public aid. Speaking, in my judgment, advisedly, I make that assertion. So, Mr. Chairman, I believe for the present——

Mr. HAINER of Nebraska. I understand the gentleman to admit that this is a sectarian institution.

Mr. CANNON. I have admitted broadly that they have a theological chair there; that they teach theology in that university; and I say that, for that and perhaps other reasons, the item was

not reported by the Committee on Appropriations in this bill; but when the gentleman from Kentucky [Mr. EVANS] comes—and if he had not come somebody else would have come—and moves to restore the appropriation and puts in the proviso that this public money shall not be used directly or indirectly to support in the least degree the theological department of the university, then it is free, in my judgment, from the criticism which is made upon it from that point of view.

Mr. HAINER of Nebraska. Is it not true that even with the proviso to which the gentleman refers this appropriation would simply release other funds from pressure in other directions, and would practically allow the institution more money for theological purposes than it would have without this appropriation? In other words, are we not by the proviso simply beating about the bush?

Mr. CANNON. I will answer the gentleman's question. I have no objection to any honest religious opinion held or maintained by any Christian that draws the breath of life.

Mr. HAINER of Nebraska again rose.

Mr. CANNON. Let me answer your question. I will do so fairly. Mr. Chairman, I have no war—and I know that my friend has not—with any religion (I care not what you call it) that anybody honestly entertains and which makes him better or satisfies his conscience. But I want to be equally frank on another point and say that there is no man anywhere that in his private and his public action has been more consistent than I have in doing whatever was practicable toward keeping apart church and state; and in so far as any support which may be given this institution from the public Treasury can be tortured into support of the theological branch of the institution, I will not vote one cent until by apt provision we have negatived, if you please, the power to apply any part of this money to promoting theological instruction. I think the amendment offered by the gentleman from Kentucky [Mr. EVANS] substantially does this; but if there be any doubt on this point I will see that an amendment is moved in the House that will place the matter beyond all possible doubt.

Mr. HAINER of Nebraska. My friend misapprehended me. If he will notice the statement which he holds in his hand, he will find that the income of this institution is about $57,000——

Mr. CANNON. Yes.

Mr. HAINER of Nebraska. Half of which comes from the Government.

Mr. CANNON. Oh, yes.

Mr. HAINER of Nebraska. Now, as the expenses of the theological department do not amount to $29,000, is it not true that the proviso to which the gentleman refers can cut no figure, can have no practical force whatever, because the appropriation simply relieves the stress upon other funds?

Mr. CANNON. I will say to my friend, so far as that is concerned, that, in my judgment, the withholding of this $32,000 from an income which, with the $32,000, amounts to only $57,000, will practically cripple and destroy the institution.

I have no objection to religion being taught to any of God's creatures. Howard University may teach religion if it wants to. My objection is to the teaching of religion—Protestant or Catholic or pagan—in a theological department at the public expense, and I will see to it before I vote for this appropriation that the amendment is put in such a form that not one cent of the public money thus appropriated can be directly or indirectly used to support a theological school or department in any institution.

Having said that much, I will conclude in a few words. From a standpoint of broad patriotism, in my judgment these 7,000,000 people who are part and parcel of the sovereign power of this country—who were slaves and are now free—many of whom are still ignorant, but who are in process of education, must be helped where help will make them progress. From the standpoint of self-defense for them, and in a far greater degree for the white people of this country, these people are to be encouraged in every effort that leads to industry and true education. I believe that this institution, by thoroughly equipping black men to go forth educated fairly well to instruct other black men in the country who are without instruction and who meet them as social equals, should not be hampered in its work. [Applause.]

Mr. EVANS. I had proposed to yield five minutes to the gentleman from Texas [Mr. SAYERS], whom I do not now see in the Hall. Mr. Chairman, how much time have I left?

The CHAIRMAN. Thirty-five minutes.

Mr. EVANS. I will yield three minutes to the gentleman from Ohio [Mr. WATSON].

Mr. WATSON of Ohio. I do not care to occupy the time.

Mr. EVANS. I yield now to the gentleman from Texas [Mr. SAYERS].

Mr. SAYERS. Mr. Chairman, I did not expect to take part in this debate, but I have no hesitancy in expressing an opinion as to what the committee should do touching this appropriation. I shall vote for it, coupled with the amendment that will be proposed by the gentleman from Kentucky [Mr. EVANS], which is as follows:

Provided, That no part of this appropriation shall be used directly or indirectly for the support of the theological department of said university, nor for the support of any sectarian, denominational, or religious instruction therein: *And provided further*, That no part thereof shall be paid to said university until it shall accord to the Secretary of the Interior, or to his designated agent or agents, authority to visit and inspect such university and to control and supervise the expenditure therein of all moneys paid under this appropriation.

This proviso, Mr. Chairman, will not only entirely and successfully prevent the use of a single dollar of the appropriation for sectarian, denominational, or theological instruction, but it goes further. It puts the instruction under the direct supervision and control, so far as the expenditure of the appropriation is concerned, of the Secretary of the Interior.

Sir, this appropriation has been placed on this bill at each recurring session of Congress since 1880; but to-day and for the first time in its history an objection has been raised against its allowance. Heretofore the appropriation has been in a much more liberal and unrestricted form, but no one—Democrat, Republican, Greenbacker, Populist, or Independent—has ever been heard in the committee room or on this floor, or in the Senate, by speech or by vote, in opposition to it until now. Session after session, for the past sixteen years, this item has appeared, as I have already said, on the sundry civil bill, and it has been read from the Clerk's desk and in the actual presence of members and in the open House, and has been considered in the Committee of the Whole separately and distinctly from every other item in the bill, and has always passed the committees of both Houses, and also both Houses themselves, without a single dissenting voice. And, if I mistake not, the gentleman from Nebraska [Mr. HAINER], the leader of the opposition to the appropriation, sat in his seat during both sessions of the last Congress while the item was under consideration and was not heard at any time to raise the slightest objection to its passage. Why this sudden change now? Have members been sitting in their seats all these years with their eyes closed and their ears stopped? Have they—those here at this time, and all of those who have gone out of this House since 1880—been so blind that they could not read this particular item of appropriation, which since that year has always appeared on every sundry civil appropriation bill, and that, too, at the very same place in every bill? Or have they been so deaf that they have not been able to hear the item when read from the Clerk's desk in distinct and audible tones in the Committee of the Whole House as the bill was under consideration? Or have all these Representatives, able, careful, and patriotic as they were, been so dumb that they were not able to make known their objections, if any they had, by voice or by vote? Or, finally, have they been too cowardly to criticise and to denounce such an appropriation, supposing they may have deemed it improper? The RECORD, I repeat, signally fails to show that at any time and on any occasion during sixteen years past any member of either branch of Congress has, until now, in any way criticised or condemned it.

And yet, sir, the gentleman from Nebraska [Mr. HAINER], who has suddenly sprung to the front as the strongest and most prominent objector to this particular appropriation, was a member of the last Congress. If it would be wrong to make this provision now, it was quite as wrong to have made it at each regular session of that Congress, for the institution itself has in nowise changed; and yet not a word of objection or of protest was heard to fall from the lips of the gentleman at either session of the last Congress when this item was considered and when he was present, as he is to-day, though certainly in a different frame of mind.

Sir, I do not claim to be the especial champion of the colored people beyond other gentlemen on this floor, but I can fairly claim to possess a somewhat accurate acquaintance with their present condition, and also with their present necessities. I believe that what they most need in the South is good teachers—teachers who possess a thorough knowledge of the elementary and higher branches of education, and who have been so taught as to be able to properly and successfully instruct the children of their race. There are seven millions, or thereabouts, of these people in our country. They are endowed with the rights of citizenship and of suffrage. We appropriate annually large sums of money for the support and maintenance of the military and naval academies, including chaplains therein, to say nothing of the chaplains in the Army and Navy, and the chaplains for the two Houses of Congress; we appropriate also large sums annually for the education of Indian children, for the education of children in Alaska, irrespective of race, and for the higher education in this city of deaf and dumb unfortunates who are to become teachers in deaf and dumb institutions generally throughout the country. Shall we now draw the line on the preparatory education of colored youths which fits them for teaching the children of their own race, simply on the pretext that the rudiments of religion and theology are taught incidentally in connection with the regular

branches of scholastic instruction, the funds for the purpose accruing through private contribution? Congress appropriates each year for religious instruction to the Army and to the Navy, and to the two academies and to itself; yet one of the two reasons assigned for the rejection of this item is that the Howard University has a theological chair, which is not in any way, or to any extent, supported by Governmental appropriation, but solely and entirely from private sources and personal contributions. Are not gentlemen straining at a gnat and swallowing a camel? It is no answer to say that our Naval and Military Academies are legally open alike to the white and the colored. Practically they are not, and the whites are the only recipients of instruction in those institutions. Furthermore, we have an agricultural and mechanical college in almost every state, largely endowed through the bounty of the Federal Government, and receiving increasing permanent appropriations every year from the Federal Treasury, in pursuance to the enactment of Congress. These agricultural and mechanical colleges, moreover, are supplied at the Government expense with military instructors detailed from the officers of the Army. Their salaries are paid from appropriations made by Congress. And finally, in addition to these instances of appropriation for education, we annually grant large sums, not only for the education of the Indian, but for the importation and purchase of reindeer for the Alaskan Indians; and this year an appropriation is made, as has been done for several years past, for the physical support and subsistence of the Aleutian Indians on the islands of St. Paul and St. George, in Bering Sea.

Ah, Mr. Chairman, Congress has gone so far as to appropriate largely every year even for the maintenance of a magnificent park in the suburbs of this city for the preservation of the animal species indigenous to this country, and for the indirect education of the people. Congress appropriates likewise every year for the support of the National Museum and for the support of an organized Bureau of Education, all doubtless on the sound philosophy that education in a broad sense is a legitimate object of the concern of a Republic, a proper object of appropriation by the National Legislature, within certain obvious restrictions. With these, and many other educational objects of a kindred character that have received Congressional sanction and support, why should the committee hesitate to adopt this item as heretofore and pass this appropriation? The institution known as Howard University rests upon a corporate existence created by an act of Congress, and it is not under the auspices or control of any religious denomination whatever; and it has practically been for years a part of the school system of the District of Columbia, for whose support annual appropriations are made elsewhere. Since these appropriations began, in 1880, tuition has been free to all who came. Under these circumstances, to my mind, only an extreme and unreasonable hypercriticism can justify or seek to justify an objection to this appropriation of $32,000 toward the maintenance of this institution. Guarded, as the appropriation will be, by the proviso to be submitted by the gentleman from Kentucky [Mr. EVANS], the money can not be used for sectarian or church purposes, and, to the extent of the expenditure, it is under complete governmental control. It is open to the colored youth of every State and Territory in the Union; and I am told that there are now twenty students from the State of Texas, though she is among the most distant States from the Federal capital.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAYERS. I would like ten minutes longer.

Mr. Chairman, this appropriation was inaugurated by the Forty-sixth Congress, by a Democratic House, on the report of a Democratic Committee on Appropriations, of which Gen. J. D. C. Atkins, of Tennessee, was the chairman. This, as I have already said, was in the year 1880, and the appropriation has been continued without interruption or objection from any quarter whatever until this date. I do not think it should be discontinued as long as the institution is properly conducted and no scandal arises in its administration. I have heretofore voted for the appropriation, and during the last Congress, when I had the honor to be chairman of the Committee on Appropriations, this bill was in my especial charge. I believed the appropriation to be a proper one then, and I believe it to be a proper one now. It has not been abused in the past, and the gentleman from Nebraska [Mr. HAINER] will not urge upon this floor to the contrary. He will not say that a single dollar of the appropriations heretofore made by Congress to assist this institution has been used for the payment of professors for teaching theology. He can not do so. There will be found in the catalogue of the institution a chair of theology——

Mr. HAINER of Nebraska. Will the gentleman allow me——

Mr. SAYERS. Certainly.

Mr. HAINER of Nebraska. I know my friend wants to be entirely fair.

Mr. SAYERS. Entirely so.

Mr. HAINER of Nebraska. The examination of the report of the institution shows that the whole amount of the appropriation is covered into the treasury, and there is no segregation of it at all.

Mr. SAYERS. Certainly not.

Mr. HAINER of Nebraska. Then how can the gentleman state that no professor of theology has been paid out of this appropriation?

Mr. SAYERS. But the report shows, as I understand it from the reading by the gentleman from Illinois [Mr. CANNON], that the appropriation for the support of the theological chair, or, more properly speaking, the money for its support, comes from an appropriation or donation by some charitable association or society.

Mr. HAINER of Nebraska. I had read to the gentleman already a statement to the effect that there is an equal amount contributed to the college from other sources, and that out of the whole amount there are paid the salaries of the professors of theology. But the gentleman must not forget that the same professors teach other branches.

Mr. SAYERS. Oh, that may be, but the amendment which the gentleman from Kentucky [Mr. EVANS] will offer will exclude the payment of a single dollar for any theological professor whomsoever, will it not?

Mr. HAINER of Nebraska. Not practically; no. It is covered into their treasury, and a portion of it is used for one purpose and a portion of it for another. We had better be honest about this.

Mr. SAYERS. My understanding is that the gentleman from Nebraska bases his opposition to this appropriation solely upon the fact that it is a private institution?

Mr. HAINER of Nebraska. That includes it all. Of course I base it on the dual fact that it is a private institution, and that it is sectarian. Nobody disputes the proposition that it is sectarian, and that it is private.

Mr. SAYERS. The amendment offered by the gentleman from Kentucky [Mr. EVANS] prohibits the use of the appropriation for teaching any sectarian doctrine.

Mr. HAINER of Nebraska. The gentleman must know, as a practical man, that he is mistaken about that.

Mr. SAYERS. No; my construction of the amendment is that no portion of the appropriation can be used for the purpose.

Mr. HAINER of Nebraska. But it releases an equal amount of other moneys and will do it indirectly.

Mr. WILLIAMS. That is, with other money, which is not public money, they will teach theology.

Mr. SAYERS. If they should wish so to use the money that comes from private sources, let them do so.

Mr. HEPBURN. I should like to ask the gentleman from Texas is there any change in the situation now from a few days ago, when the committee, as I understand, by a unanimous vote, excluded this proposition from the bill? Why was it proper, by a unanimous vote in the secrecy of the committee room, to exclude this item, and here in the House now to be so eloquent in its advocacy?

Mr. SAYERS. It was not done by a unanimous vote. It was not done by my vote. I have no hesitancy in saying that. [Applause.] I will not do in the committee room what I hesitate to do in the House. Other gentlemen can speak for themselves as to that matter. As for myself, I voted for the appropriation in the committee room, and it was not stricken out from the sundry civil bill by my vote.

Mr. GROUT. It was by a bare majority that the item was stricken out in the committee.

Mr. SAYERS. I stood by the appropriation in the last Congress; and merely because this House is Republican, I shall not now condemn that which I then did, and admit that I did wrong when I was chairman of the Committee on Appropriations. [Applause.] If it is wrong to make this appropriation to-day, it was wrong two years ago and one year ago, and it was wrong all the time previous.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. TRACEY. I should like to ask the gentleman from Texas a question, and I ask unanimous consent that his time be extended five minutes.

Mr. CANNON. I ask that the gentleman's time be extended ten minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TRACEY. The question I want to ask is this, and I ask it because I believe the gentleman can give me the information I want——

Mr. SAYERS. I will give it if I can. I will answer the gentleman honestly.

Mr. TRACEY. This being admittedly a private institution in every sense of the word, why should it be singled out for an appropriation of public money in preference to other private institutions doing the same sort of work?

Mr. SAYERS. Well, my friend, I will answer the question.

It is a fair question, and I can answer it at leasats tisfactorily to myself. My answer is, that because of the peculiar condition of the colored people, and their peculiar relation toward the entire country—because they have not the same advantages as the white people [applause], because this institution has been to a great extent, or at least to some extent, supported by the Government ever since 1880, and has become accustomed to rely upon it, and in consequence has opened its doors to all and made its tuition free to all, I do not think it should be stricken down without a moment's warning.

Mr. HAINER of Nebraska. Will the gentleman allow me?

Mr. SAYERS. Certainly.

Mr. HAINER of Nebraska. Will the gentleman explain to this House why his reason applies to this institution rather than to the university at Atlanta, which is a colored institution doing the same kind of work and as high grade, or to the Indian schools, which give education to the Indians, who certainly present as equitable considerations as any other class?

Mr. SAYERS. We spend large sums of money for educating the Indians, and is not a colored man as good as an Indian? [Applause.]

Mr. HAINER of Nebraska. Certainly; but is it not true that this House has refused appropriations for sectarian schools for the Indians?

Several MEMBERS. Oh, no.

Mr. SAYERS. The gentleman pretends to be the especial friend of the colored race, and I have no doubt, again and again, when he is stumping his district in the State of Nebraska, one of the main points in his argument against the Democratic party was that it did not permit the colored people of the South to have a fair chance. Now let him give them a fair chance here. [Applause.]

Mr. HAINER of Nebraska. I want to say to my friend, whatever may be the practice which prevails in Texas, I do not play the demagogue when I am at home, and neither do I here.

Mr. SAYERS. Of course not.

Mr. HAINER of Nebraska. But I have branded the Democratic party and denounced them because they have robbed the colored man of his rights as a man: and I would be worse than an enemy to them if I undertook to repay by extending charity to them.

Mr. SAYERS. Mr. Chairman, I denounce what the gentleman from Nebraska has said in respect to the treatment of the colored people by the South as untrue. [Applause on the floor and in the galleries.] Let me inform him as to the manner in which the colored people are treated in my own State. For every dollar that goes out of our State treasury for the education of a white child in our common schools, another dollar goes to a colored child.

Mr. TUCKER. The same in Virginia.

Mr. SAYERS (continuing). We have a princely domain set apart in our State for the support of our common free schools, and also a very large investment in interest-bearing bonds. And in addition to these sources of revenue we subject ourselves to an ad valorem tax for the same purpose. To the amount accruing from this tax the colored people contribute but a very small proportion indeed, yet the colored child receives of this fund just as much as the white child—no more and no less.

But this is not all in the matter of education. In very many, if not all, of our incorporated towns and cities we have a system of graded schools, to support which our people subject themselves to an additional tax, and the proceeds of this tax—an ad valorem one—are applied in the fairest possible manner to the education of the children of both races, though the colored people contribute but very little to this tax. For the preparation of young colored men and women for teaching we have a splendid college, supported and maintained by the State. It is true that we do not have mixed schools. To attempt such a policy would be disastrous in the extreme. Sound policy, as well as common humanity, requires that the races, as regards education, should be kept apart; and they will be kept apart, however distasteful that policy may be to those who live elsewhere and know nothing of our peculiar conditions.

Mr. TRACEY. I would like to ask one more question.

Mr. SAYERS. I will answer it. But before doing so I wish to say that every charge made here or elsewhere against the people of the South in regard to the manner of their treatment of the colored people—that they do not afford them all the advantages to better their condition in life—is false, in whole or in part.

Mr. HAINER of Nebraska. Mr. Chairman——

Mr. SAYERS. Not now. I am not yet through with what I desire to say.

Mr. Chairman, in Texas every avocation and trade is open as well to the colored man as to the white man. In the district which I have the honor to represent we have colored ministers and teachers, colored lawyers and physicians; and in the various trades and handicrafts the colored race has its representatives. Colored mechanics find constant and lucrative employment, not only at the hands of their own people, but also by the white people, and in a much larger degree. There is no discrimination whatever against them because of their color. The only question as to a colored workman is, "Can he do, and will he do good work?" If so, he will be employed, and for his labor he will receive good wages. Sir, it is no unusual thing to see the white man and the colored man, side by side, nailing shingles on the same roof or standing together at the same forge. Nowhere in this country does the colored man possess such facilities for intellectual and material advancement as in Texas. Economy, integrity, and industry there, on his part, will insure to him wealth and independence commensurate with his efforts.

Mr. Chairman, the South is the colored man's home; and whatever may be said to the contrary, he knows and feels that the Southern people are his best and his truest friends. If this be not so, why has he not gone elsewhere? Why does he continue to abide among the scenes and memories of his former slavery? He has been free for more than thirty years, and during that time the opportunity for migration to the Western States and Territories has been open to him. Why has he not availed himself of the opportunity? If he has been so robbed by the Southern people as has been alleged by the gentleman from Nebraska [Mr. HAINER], why has he continued and remained among his despoilers and oppressors for so many years, when he need travel but a short distance to find a home among those who freed him and who profess to be his best and his truest friends? Why has he not secured for himself a dwelling place in the West or in the Northwest, under the beneficent land system of the General Government? Why has he not hied himself to Nebraska, or to some other new Northwestern State? You, gentlemen, who live in those States, can perhaps answer the question.

Some months before his death, Frederick Douglass was before the Committee on Appropriations of the House asking that provision be made for workshops in Howard University, so that young men might be taught the mechanical arts. He said before the committee that he had but lately returned from Georgia and other Southern States, where he had seen colored carpenters, blacksmiths, and mechanics of every kind doing well whenever they were industrious and economical. He was asked how it was with respect to his race in such avocations in the North. The venerable man bowed his head and replied, in despondent tones, that colored men had but little opportunity to engage in such pursuits in the North. Is this true, gentlemen? Was he, the most famous man of his race on this continent, mistaken, or was he correct? He said that the rules and regulations established and enforced among the trades unions kept the colored man in the background. I know nothing about such matters, and will not assume to speak upon them. Gentlemen who represent Northern constituencies know whether this be true or not. I do not, and therefore do not make the charge.

Mr. HAINER of Nebraska. Mr. Chairman, if the gentleman will allow me——

Mr. SAYERS. Now, the gentleman knows whether that to which I have referred be true or not [laughter]; and if there is a member of this House who will say that it is not true, I would like for him to arise from his seat and deny it.

Mr. HAINER of Nebraska. I do not care to follow you in any excursion in respect to alleged facts as to unions.

Mr. SAYERS. Of course not.

Mr. HAINER of Nebraska. I call your attention to the fact that you based your former argument on the fact that these people had not received fair treatment.

Mr. SAYERS. I say that in the North they do not receive as fair treatment as in the South. We see colored waiters and colored barbers, but not any colored Representatives on this floor from the North.

Mr. HAINER of Nebraska. You count them out. Mr. Chairman, I call the gentleman's attention to the fact that he predicated his argument on the fact that the colored people had not been received on an equal footing, that they had been held down, and, therefore, they should have this school. He now makes the argument that in the South, where they live, that they receive equal aid and facilities in acquiring education.

Mr. SAYERS. Certainly.

Mr. HAINER of Nebraska. Then, if they do, what is the necessity of giving them this undue advantage, which you do not extend to the whites?

Mr. SAYERS. Does the gentleman call this an undue advantage?

Mr. HAINER of Nebraska. It is an unequal advantage. I understand you to say that the colored children have the same advantages in your State as the white children have?

Mr. SAYERS. Yes: they have exactly the same as to common free schools. Will the gentleman answer this question?

Mr. HAINER of Nebraska. Yes, sir.

Mr. SAYERS. Has a colored boy ever been nominated to the Military or Naval Academy from Nebraska?

Mr. HAINER of Nebraska. Yes, sir; I will. I want to say that in every district in my State appointments to West Point or Annapolis have been determined by competitive examination, where there has been absolutely no distinction made with respect to the color of any competitor. Now, did you ever nominate or appoint a colored boy to one of those institutions?

Mr. SAYERS. Certainly not. I never have.

Mr. HAINER of Nebraska. Did you ever know of a Democrat who did?

Mr. SAYERS. I have not done so.

Mr. HAINER of Nebraska. Why not? You claim to be the friend of the colored people.

Mr. SAYERS. I will answer the question; because I believe the white race to be the superior race, and that an appointment to either of the academies would be of no value whatever to a young colored man. Appointments to the Academies should be given only to those who are fitted to accomplish the course successfully and make good officers. So far, whenever attempted, trouble has resulted and no good whatever has accrued to the colored student. It is said that the cadets at these academies would not and did not receive them on equal terms, and therefore their lives there were very unpleasant.

Mr. HAINER of Nebraska. And yet you say you are the friend of the colored man.

Mr. SAYERS. Yes; I claim to be. I am certainly as good a friend to him as is the gentleman from Nebraska. Why should I not be? I have known him and been with him all the years of my life.

Mr. TRACEY. Now, I would like to ask the question I started to ask a few moments ago. Have I the gentleman's permission?

Mr. SAYERS. The gentleman has.

Mr. TRACEY. I wish to ask the gentleman a question for information. I do not know very much about this university, having had no opportunity to investigate it. Will the gentleman be kind enough to tell us of some of the beneficial results that have come to the colored people, as a practical matter, from the operations of the university and the appropriations heretofore made for it?

Mr. SAYERS. Will the gentleman admit that every young man or young woman who is educated at this university and goes out among his or her people to instruct them, and does properly instruct them, is a benefit to the community?

Mr. TRACEY. Certainly: and that is what I want to know about—what the university has done in that way.

Mr. SAYERS. Well, it has instructed many such people and qualified them to go out as teachers.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SAYERS. I would like to have a little more time.

Mr. HAINER of Nebraska. Mr. Chairman, I suppose it is understood that any extension of time that may be given will apply equally to both sides.

Mr. SMITH of Illinois. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Texas be extended ten minutes.

Mr. EVANS. How will that leave the general question of time, Mr. Chairman?

The CHAIRMAN. As the Chair understands, this is a request for a special extension of ten minutes for the gentleman from Texas, which would leave the general arrangement for time as it was before.

Mr. HAINER of Nebraska. Mr. Chairman, I hope that fairness will be observed in this matter of extending the time, and that both sides will be treated equally.

Mr. SAYERS (to Mr. HAINER). You can have as much time as you desire. I don't think your cause is advanced by discussion. [Laughter.]

Mr. HAINER of Nebraska. I thank the gentleman for his courtesy, but if he is correct he ought not to object to my having more time. Mr. Chairman, I desire to modify the request so as to provide that the additional time shall be divided equally between the two sides.

Mr. SAYERS. I have no objection to such an arrangement.

The CHAIRMAN. Unanimous consent is asked that the time for discussion of this question be extended twenty minutes, ten minutes to be controlled by the gentleman from Texas and the other ten by the gentleman from Nebraska. Is there objection?

Mr. SHERMAN. I object.

Mr. WILLIS. Mr. Chairman, I ask unanimous consent that the gentleman from Texas [Mr. SAYERS] be allowed five minutes more.

There was no objection and it was so ordered.

Mr. SAYERS. Mr. Chairman, much that is irrelevant and somewhat unpleasant has crept into this debate. This I deeply regret. As to the colored race, I have only to say, further, that the section most favorable to their happiness, prosperity, and advancement is the South. He has tried Mexico, and his efforts in that direction have resulted most disastrously to him. He has tried Oklahoma and other portions of the West, and there he has been equally unfortunate. It is in Dixie that he must live and die, and upon the Southern people will devolve the proper solution of this, the greatest problem that confronts the country. The South, and the South alone—if it can be done at all—can and will successfully meet the issue: and this she is attempting to do. Of necessity the process of solution must be slow. But I sincerely believe that, if let alone and uninterfered with by well-meaning but altogether incompetent influences from without, the South will pursue a policy that will be mutually beneficial to the white and colored races.

Speaking for my own State, Mr. Chairman, I can truthfully say that there is not the slightest disposition among her people to do the colored man injustice. They have been willing, and they are now willing, and, in my opinion, they will always be willing, to accord to him every civil right and every political right consistent with his capacity, and at no time will they refuse to him that just recognition which every human being is entitled to have, for every virtue that he may possess. Whenever and wherever and however he may show himself to be economical, industrious, honest, and law abiding, he will be permitted to reap the full reward of such qualities. Every trade, avocation, and profession is open to him in our State under the law, and there is no under-running current of public opinion that will prevent his hopefully entering upon any pursuit which he may desire to follow. In my judgment, safety to both races imperatively demands that the two should, in all matters affecting domestic, educational, and social life, be kept rigidly apart and distinct. This our people are firmly resolved to do. In matters of business the situation should be, and is, different; and along that channel they can and do move together harmoniously and to the mutual benefit of them both. With the right of suffrage equally accorded to both and respected alike by both: in the equal enjoyment of our magnificent common-school system; with the right to adjudicate differences and to redress wrongs upon appeal to the courts equally shared by both, and with the right to sit on juries, when qualified, under a law that is absolutely impartial—under these conditions, I say, the way to further and continued advancement, intellectual, moral, and material, is open and clear to the colored man. Such, Mr. Chairman, is the policy of our State, as determined by her constitution and her laws, sanctioned by the approval of the entire people. Under the operation of such a policy I can not doubt that the colored man can, if he but will, realize the full fruition of his industry, honesty, energy, and economy.

But, Mr. Chairman, returning to the question directly under consideration, I venture to express the opinion that this committee will not be driven by the opposition of the gentleman from Nebraska [Mr. HAINER], and of those who concur with him, to refuse this appropriation, which has been annually made with the consent of every Senator and Member present when it has been under consideration in the two Houses of Congress since the year 1880, and thus deprive, without warning, this institution of the customary assistance which has thus far for so many years been given it.

Mr. BAILEY. May I ask my colleague a question?

Mr. SAYERS. Certainly.

Mr. BAILEY. I desire to know whether there are public schools provided for the education of the negro children in the District of Columbia?

Mr. SAYERS. There are such schools.

Mr. BAILEY. But I understand that this is a private institution?

Mr. SAYERS. It may have been a private institution, incorporated as such; but since governmental assistance was first rendered to it in 1880 it has become in a manner public—that is, its tuition has been and now is free to all; and it is required by its act of incorporation to make an annual report to the Secretary of the Interior, exhibiting the several items of expenditure and the objects thereof, and generally the work accomplished by said institution—all of which has heretofore been done, year by year. The effect of the amendment to be offered by the gentleman from Kentucky [Mr. EVANS] will be to give to it an additional public character and to make it more responsible to the Government. Whether my contention in this respect be true or not may be seen from the portion of the amendment which I will read:

No part thereof shall be paid to said university until it shall accord to the Secretary of the Interior, or his designated agent or agents, authority to visit and inspect such university, and to control and supervise the expenditure therein of all moneys paid under this appropriation.

Mr. BAILEY. I agree with my colleague that it is proper to provide educational facilities for the children of the District; but if educational facilities are already provided at the public schools, then it occurs to me that it may be a valid objection against this appropriation that it goes to a private institution.

Mr. SAYERS. I can only say further, Mr. Chairman, in reply to what has been said by my colleague, that in the city of Washington, and the District of Columbia, and by Congress, this institution has for sixteen years been regarded as a part of the school

Colored mechanics find constant and lucrative employment, not

Military or Naval Academy from Nebraska?

that direction have resulted most disastrously to him. He has

tution has for sixteen years been regarded as a part of the school

system of this city and District. It has been regularly appropriated for since 1880, and in consequence of such appropriations its tuition has been made free to the colored youth, not only of this city and District, but also of the States and Territories. By virtue of the amendment to be offered by the gentleman from Kentucky [Mr. EVANS], it will be impossible to use a single dollar of the appropriation for sectarian or religious instruction; and further, it will be put under the immediate and direct control of the Secretary of the Interior, to the extent of the aid furnished by the Government. These provisions, it seems to me, should be satisfactory to all who favor appropriations for the education of colored children in the District. I have heard no one object to such appropriations.

Mr. Chairman, I do not care to consume further time. I am, indeed, obliged to the committee for its indulgence and attention. [Applause.]

Mr. HEPBURN. Mr. Chairman, I had no desire or intention to participate in this debate until I heard some of the astonishing theories of the gentleman from Texas [Mr. SAYERS]. The gentleman from Texas now appears here as a special champion of the colored race. He favors this proposition in order that the colored people may have proper educational advantages. I would like to ask the gentleman if in his own State, in the University of Texas or in the Agricultural College of Texas, colored men born in that State are eligible for membership?

Mr. SAYERS. I will answer that question. I reply frankly no; but the State of Texas supports other institutions for the education of the colored race.

Mr. HEPBURN. Ah, the State of Texas supports other institutions, but institutions of this class, about which the gentleman is so solicitous now, and of which he now appears to assume the championship—such institutions in his own State, as in every other State of the South, exclude colored youth from their benefits. The gentleman tells us here that there is a preeminent necessity for institutions of this kind; that the colored youth receiving higher education should be sent as missionaries among their own people, where one of them would be the equal of many whites in extending the great advantages of education. But in his own State, where he and his party have the power—in other States where they have the power—they refuse to give the colored people these advantages and reserve all efforts of that kind to public debate here, where they can secure the applause of the galleries.

The gentleman indulges in the other extraordinary statement that the people of the South are better friends of the colored people——

Mr. MILES. Will the gentleman allow me a moment?

Mr. HEPBURN. Though it may seem discourteous, I must decline, as I have but ten minutes. The gentleman has forgotten some scenes in this House and some evidences that have been brought before the House bearing on this question—this House, I mean. The people of the South are the better friends of the colored people in securing them their rights! What wrong, then, has been done you if that is true? Let me refer to the proofs in the election cases that have been presented here, where it appeared that you had not only refused education of the better kind to the colored people, but where it was shown that you had robbed them of their civil rights, had refused them the right of suffrage, and, not content with stripping them of their rights, had used the stolen power thus given you here in this House of Representatives. Is it not true that it was shown in an election case here recently that many thousands of the colored people in one of the Alabama districts who had refused to vote, who had refused to be registered, who knew that their power would be rifled from them and prostituted to uses that they did not choose—that those people were registered without their knowledge or consent, that they were seemingly voted without their knowledge and consent, and that those votes were counted in order to give a fraudulent certificate to a man who presented it and added his vote to the political strength of the minority of this House?

Mr. Chairman, I could go on with one proof after another if it were necessary. Sir, another State, illustrating its great solicitude for the colored youth, has recently adopted a constitution—a deliberate act, an act intended not for the day, not for this year, but for time. I find among the provisions of that constitution this:

> Separate schools shall be provided for children of the white and colored races; and no child of either race shall ever be permitted to attend a school of the other race.

There is not, I am told, a single educational institution of the higher class in the South at which the brightest colored youth in all the land is eligible for membership.

Mr. SAYERS, Mr. ELLIOTT of South Carolina, and others. That is not true.

Mr. HEPBURN. If I am in error I am willing to be corrected.

Mr. OWENS. The State of Kentucky has her normal college for the education of colored youth.

Mr. HEPBURN. With the whites?

Mr. OWENS. No, sir; by themselves.

Mr. HEPBURN. Oh, yes; you establish beggarly, "measly" institutions, to which you send persons of the colored race, but your institutions of the better class close their doors to them.

Mr. SAYERS. That is not so.

The CHAIRMAN. The gentleman from Iowa must not be interrupted without his consent.

Mr. HEPBURN. In the North, at Harvard, at Yale, at the Michigan University, at the Iowa University, and other institutions, all the doors are thrown wide open and colored people are invited to enter. Yet you tell us that you are the friends of the colored people; that you are their peculiar champions; that you of all men are those who best know what is for their good and are most solicitous to accomplish it.

Mr. LIVINGSTON. Will the gentleman allow me to correct him?

Mr. HEPBURN. I shall be glad to be corrected.

Mr. LIVINGSTON. I call the gentleman's attention to Clark University, Georgia, for colored people——

Mr. HEPBURN. For colored people!

Mr. LIVINGSTON. Sustained equally, by taxation on the whole people, with the State university for the whites. There is no better institution of learning in the United States than the Clark University, supported under the legislation of the State by the common taxes of the people of Georgia. [Applause on the Democratic side.]

Mr. OWENS. The gentleman from Iowa will allow me to say that Berea College, in Kentucky, is open to both whites and blacks.

Mr. HEPBURN. Is it sustained by the State?

Mr. OWENS. No, sir; there are only two institutions sustained by the State, one for the whites and one for the colored people.

Mr. ALLEN of Utah. Was not Berea College founded by the abolitionists? [Laughter and applause.]

Mr. HEPBURN. "I thank thee, Jew, for teaching me that word."

Mr. OWENS. What was the gentleman's remark? I did not catch it.

Mr. HEPBURN. This is the first time that I have ever seen gentlemen on the other side assuming to be the champions of the colored race or the champions of Howard University. I commend them, however, for this new departure. I am glad to see that at last their eyes are beginning to be opened and that they see it is necessary for them to do something for this race. Gentlemen tell us that they have, by taxation——

Mr. OWENS. Will the gentleman permit me?

Mr. HEPBURN. I must decline respectfully to be interrupted now.

Mr. OWENS. I am only trying to get on your side of the question, if I can find out what side you are on.

Mr. HEPBURN. Well, I am not seeking support in that direction, at the expense of my time. [Laughter.]

Gentlemen tell us that they are entitled to special credit because in these Southern States, especially Texas, the white people pay nine-tenths of the taxes. Why, they do not pay it. Your taxation is levied on the property. The property pays it, and you have seen to it that the colored people have not very much chance of getting rich.

Mr. SAYERS. That is not true; not a word of truth in it. You have not been down there. I dispute the statement. What do you know of Texas? [Laughter.] Why such people as my friend do not live in Texas——

Mr. HEPBURN. Well, "I appeal from Philip drunk to Philip sober." A little while ago we were told by the gentleman that the white people of the State paid nine-tenths of the taxes——

Mr. SAYERS. Now, if the gentleman will allow me——

The CHAIRMAN. The Chair must remind gentlemen that the speaker can not be interrupted without his permission and consent. I am sure that the members here who are experienced in parliamentary affairs will appreciate the importance of adhering to that rule.

Mr. SAYERS. Just a moment, if the gentleman will permit me. If the gentleman will confine himself exactly within the limits of parliamentary debate of course he will not be interrupted.

The CHAIRMAN. The Chair trusts that gentlemen will observe the rule and not interrupt without consent.

Mr. SAYERS. Certainly not.

Mr. HEPBURN. Is the gentleman from Texas through? [Laughter.]

Mr. SAYERS. Go on.

Mr. HEPBURN. If I indulged in error it was because of the statement of the gentleman himself. I learned from him this morning that the whites of Texas paid nine-tenths of the taxes, and I assume that that taxation is based on the property in the State as it is everywhere else. But, Mr. Chairman, when it comes to the head tax, the poll tax, the per capita tax, I ask if the colored man does not pay just as much as my friend from Texas—just the same amount?

Mr. SAYERS. Certainly, and he should do it.

Mr. HEPBURN. Undoubtedly; I am not quarreling with that; I am only seeking for information. [Laughter.]

Mr. SAYERS. The objection I have to my friend is this: That all he wants with the colored man is to get his vote and have him attend political conventions.

Mr. HEPBURN. Well, the objection I have to the gentleman from Texas is that he insists on occupying all of my time. [Laughter.]

The CHAIRMAN. The time of the gentleman has expired. [Laughter and applause.]

Mr. HAINER of Nebraska. I yield five minutes to the gentleman from California [Mr. JOHNSON].

Mr. JOHNSON of California. Mr. Chairman, Oliver Wendell Holmes, the poet of Massachusetts, told the people that they could order up their ascension robes and prepare for the millennium when certain things would occur. I am of the opinion now that every man, woman, and child in the United States of America, particularly those of the colored race, can order up their ascension robes for use on the day of the millennium, which is certainly near at hand. [Laughter.]

According to the statement of my learned friend from Texas [Mr. SAYERS], the only decent place, the only paradise for the colored people is in the South. It is their paradise; it is their home; the only friends they have in the United States are the Southern people; the only advocates that they have on the floor of this House are the Southern Representatives, elected as Democrats and unjustly accused of depriving black men of their votes. In view of these statements, so earnestly and apparently sincerely made, I am convinced now that the end of the world is near at hand, and we all ought to be ready to put off things earthly and take upon us things spiritual in the unknown land beyond the dark river of death. The day has come when the lion and the lamb shall lie down, nay, have laid down, together in the South, although, privately, I may say I am confident if we had the X rays turned onto the lion we would find that the lamb was inside of the lion, and not pleasantly sleeping by his side. [Loud laughter.]

But what has it to do with the question now before the committee whether or not the Southern people make a "little tin god" of the colored man, or whether or not it is a passport to society in the South or a sure ticket of admission to the best Southern institutions of learning to be a colored man. Why, sir, I had no doubt when listening to the eloquent efforts and the rhetorical periods of my friend from Texas, so fervently were they pressed upon us, that all I needed to-day to obtain entry into the most fashionable and exclusive society of the South, especially in Texas, was to black my face, go down there, and say, "I am Sambo Johnson, from the plantation fields of old Virginia," and all doors would fly open to receive a colored man. [Laughter.]

Mr. SAYERS. The gentleman misapprehended me. He would not be likely to get into the most exclusive society in Texas.

Mr. JOHNSON of California. Mr. Chairman, I have not been very well for some time past, and am filled up with medicine, and so did not hear what the gentleman from Texas said, but no doubt it was a good thing, for everything that he says is good.

I have no doubt that from now on when the colored man comes to a Representative here or elsewhere and asks for a home for himself and for his family, and when he in addition says that he seeks education for himself or for his children; when he says, as many of them have said and many more will say, "I was a slave, I have felt upon my back the lash of my master, I feel now the degradation of my position, but, thanks to God, to Lincoln, and the American people, I am free, and I want my children to taste the blessings of that freedom I received so late in life and to obtain that education which every child upon this continent has a right to enjoy"—I have no doubt that we will all unite in one grand acclaim in singing the old plantation song and advising him to leave the cold and snowy fields of the North and go into the rich cotton fields of the South, where only he can find true friends of his race. Then we will further tell him that, thanks to the gentleman from Texas, you and your children will be educated in the best colleges the State of Georgia or the State of Texas can afford. [Applause and laughter.]

Does any one of us believe that? Does the gentleman from Texas or any other gentleman from the South believe that? If they do, then the day of the millennium has come and gone, and we are now living in a different atmosphere from that of humanity or even that of spirits. [Laughter.] No man has any right to expect us to believe it or to accept the roseate-hued picture painted by the gentleman from Texas of the kind and loving care taken of the colored man and his education by the Southern States as being as lovely as it is painted. No man has any right to expect us to believe anything except the facts as we know them, and from a study of them we feel constrained to differ from the verbal sketch of Southern white and black man that has been presented to us. But what has this to do really with the question before us? The question before us is, Shall we appropriate money for a sectarian institution? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILES. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to get to the question.

Mr. KEM. Mr. Chairman, I ask that the gentleman's time be extended five minutes.

Mr. HAINER of Nebraska. Mr. Chairman, the time of the gentleman from Texas has been repeatedly extended, and I ask unanimous consent that the time of the gentleman from California be extended five minutes.

Mr. WOODMAN. I should like to know how long this discussion is to go on.

The CHAIRMAN. That is entirely under the control of the committee. This debate is proceeding by unanimous consent.

Mr. WOODMAN. I want to call the attention of the House to one thing——

The CHAIRMAN. Debate on this request for unanimous consent is not in order.

Mr. WOODMAN. It is to explain my position.

The CHAIRMAN. Is there objection to the request that the time of the gentleman from California [Mr. JOHNSON] be extended five minutes?

There was no objection.

Mr. JOHNSON of California. The question before the House, as I understand it, is whether we shall vote money for sectarian institutions or not, and that is all the question.

I understand, and such was my understanding of his remarks, that my genial friend from Illinois [Mr. CANNON], the chairman of the Committee on Appropriations, has admitted squarely and frankly, as he always does when he admits anything, that this is a sectarian institution, and that we therefore are appropriating money for a sectarian institution when we pass this amendment. Hence there is no escape from the sole and only issue of whether we shall appropriate money for the support of a sectarian institution.

Mr. WILLIAM A. STONE. I wish to correct the gentleman in this. I was not present when the chairman of the committee made the admission, if he made it, but as a member of that committee, and having some knowledge of this institution, I do not admit that it is a sectarian institution.

Mr. JOHNSON of California. I am taking the statement of the chairman of the committee, and I am taking in addition a very little of my own knowledge of the matter, and therefore I reiterate that when the chairman of the Committee on Appropriations makes such an admission we must face the matter squarely as being a sectarian appropriation. It looks to me as though we were getting aside entirely from the question when we discuss, as we have been doing for some time, the relations of the South and North to the colored race and spend many minutes in friendly rivalry as to who is and has been their best friend. Let us reserve that for other days and other subjects. I will go as far as any man—I will take my friend from Texas [Mr. SAYERS], who during the twelve years that he has been a member of this House has been known to be always liberal, even to prodigality, with the people's money [laughter]—and I will go as far as he will in spending the money of the people to take care of the colored race, but I will not vote one dollar for any sectarian institution, I do not care what denomination it is, whether it is this, that, or the other. [Applause.] I voted with the majority of this House, some weeks ago, in favor of striking out sectarian appropriations, not because I was opposed to any particular religion, for I am not, nor because I belong to any political society, for I do not, but because I believe in the complete divorcement of church and state. I regard an appropriation to one religious association as equally wrong with any other, and shall and will consistently so vote.

I am opposed to all sectarian appropriations now, just as I was then. The question before us is not whether the colored race are entitled to support at our hands, nor whether the North or the South takes the better care of the colored people, or is more entitled to their support and friendship; but the question is, Shall we appropriate money to carry on a sectarian institution and excuse ourselves for so doing because it is one designed to better the condition by increasing the educational facilities of the colored race? If the question was squarely presented as to whether we should appropriate money to take care of a Government institution for the colored people alone, wherein they could acquire a higher education, I believe it would be carried unanimously. We would all like to favor this amendment; but you ought to take the religious question out of it. You ought not to appropriate money for a colored people's university and permit it to be used for sectarian purposes. The color of the students does not cure the sectarian character of the college.

The proviso in the amendment does not in my judgment cure the evil. It still leaves it a sectarian institution. It still leaves the money liable to be expended for sectarian purposes. It indirectly at least appropriates the money for sectarian purposes. It simply puts it into one fund to be used in one manner; but the character of the university is not changed by the verbiage of the amendment creating the fund.

I care not what religion is taught, I am unalterably opposed to the appropriation of any public money to any sectarian institution.

Mr. HEPBURN. With the whites?
Mr. OWENS. No, sir; by themselves.

Mr. HEPBURN. Undoubtedly; I am not quarreling with that; I am only seeking for information. [Laughter.]

gentleman be allowed to get to the question.

the appropriation of any public money to any sectarian institution.

I do not follow those who make war on only one religion and except all others. They are not true to the noble American doctrine that church and state must be forever divorced in our country; they are mischief makers. The only salutary rule is to oppose giving public money to any and all sectarian institutions. I believe in the doctrine laid down in the constitution of my own State of California, that no public money shall be appropriated for sectarian institutions.

Section 22 of Article IV, constitution of California, contains these words, namely:

And no money shall ever be appropriated or drawn from the State treasury for the use or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a State institution, nor shall any grant or donation of property ever be made thereto by the State. * * *

And section 30 of the same Article IV of the constitution of California contains the following words, namely:

Neither the legislature nor any county, city, and county township, school district, or other municipal corporation, shall ever make an appropriation or pay from any public fund whatever, or grant anything to or in aid of any religious sect, church, creed, or sectarian purpose, or help to support or sustain any school, college, university, hospital, or other institution controlled by any religious creed, church, or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the State, or any city, city and county, town, or other municipal corporation for any religious creed, church, or sectarian purpose whatever. * * *

The State reserves the right to grant aid to institutions "for the support and maintenance of minor orphans or half orphans, or abandoned children, or aged persons in indigent circumstances," with the condition that the State has the right to inquire at any time into the management of such institutions and that reports shall be made to the legislature and published with the laws at each session.

These are noble words; they express the true doctrine; they voice the sentiment of the people of California. They should be adopted by the people of every State in the Union. They act as a safeguard to the Treasury and a protection from religious zeal, which often runs to bigotry.

We had a long and a hard fight to get that incorporated into our constitution. We carried it by a large majority. We are in favor of it now, and I believe I echo the voice of the people of my State when I say, regardless of the question whether the people of the North employ colored carpenters and the people of the South do not, or vice versa, or whether there is a good school for the colored people in the South or a good school for the colored people in the North—regardless of any and all such facts, I voice the feeling of Californians when I say that they are opposed to sectarian appropriations, and that it makes no difference to them whether you say it is a colored man's religion or a white man's religion you are encouraging, they are both amenable to the objection. [Applause.] It may be that the gentleman from Texas [Mr. SAYERS] thinks this university is like Parson Brownlow said his paper was. I heard Parson Brownlow say that before the war he published the only religious journal that was published south of Mason and Dixon's line, "and God knows," he said, "that it was not pious enough to hurt." [Laughter.] So it may be with the religion of this institution, that it is not enough to hurt; but if it is sectarian at all I am opposed to it, and opposed to the appropriation upon that ground. [Applause.]

[Here the hammer fell.]

Mr. HAINER of Nebraska. I yield ten minutes to the gentleman from Arkansas [Mr. MCRAE].

[Mr. MCRAE addressed the committee. See Appendix.]

Mr. HAINER of Nebraska. I yield three minutes to the gentleman from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I send to the Clerk's desk and ask to have read a petition signed by every prominent colored pastor and elder in this city, asking Congress to investigate the disbursements of the funds appropriated for Howard University, and charging not only irregularity, but grave offenses against the management of that institution.

Now, if an appropriation for that university is to be made in this bill, I trust that it will not be made available until after this investigation shall have been concluded, so that Congress may have an opportunity to know whether these charges are true or false. I ask that the Clerk read the petition.

The petition was read, as follows:

WASHINGTON, D. C., *February 24, 1896.*

To the Senate and House of Representatives of the United States in Congress assembled:

The undersigned, citizens of the United States and residents of the District of Columbia, very respectfully represent to your honorable body:

That in view of the frequent statements and charges made to the public to the effect that the administration of affairs at Howard University has been marked in recent years by unjust discriminations, irregularities, and questionable methods in using the funds of said university, to wit:

By unjust methods in dismissing earnest, efficient, and honest members of the faculty for personal reasons;

By improper use of the student's aid fund to debase so-called beneficiaries:

By unwarrantable and extravagant use of university funds in building an additional and unnecessary residence for the president thereof, at a cost of $22,000;

By building an additional and unnecessary chapel at a cost of several thousand dollars at a time when buildings of the university already constructed were in need of repairs, and at a time when the funds for the university demanded the strictest economy in their use;

By the defective methods of instructing and graduating students of the normal and college departments; and

Whereas all these statements and charges were presented in writing to the board of trustees of said university at their semiannual meeting held on January 29, 1896, with a respectful request to them to make an immediate investigation and remedy of the same, all of which they have failed in doing; and the presiding officer, through the public press of January 30, has declared such investigation to be impossible:

Therefore the undersigned most respectfully petition your honorable body to appoint a committee to investigate the present administration of Howard University as to those statements and charges and to recommend such changes in the same, to improve the present conduct of its affairs, and restore to this institution the moral and educational facilities and the material interests and purposes for the benefit of those for whom this institution was originally established, and your petitioners will ever pray.

Eugene A. Johnson, Lincoln Memorial Congregational Church; John H. Collett, presiding elder of the Potomac district African Methodist Episcopal Church; Collin B. Curson, 2450 B street northwest; H. Feb. Doyle, Israel Metropolitan Church, corner First and B streets southwest; J. J. W. Navin, pastor of Saint Paul African Methodist Episcopal Church; James E. Hunt, 2013 Vermont avenue; D. P. Seaton, pastor of Ebenezer African Methodist Episcopal Church, O street; W. H. Chambers, pastor Galbraith African Methodist Episcopal Zion Church; S. A. Lewis, pastor Mount Zion Methodist Episcopal Church, 1412 Twenty-eighth street northwest; R. A. Fisher, pastor; John Wesley, residence 719 Second street northwest; F. G. Barbadoes, 1824 Eleventh street northwest; W. C. Payne, 1321 Twenty-seventh street northwest, secretary E. R. Council; W. Bishop Johnson, pastor Second Baptist Church; J. A. Taylor, pastor Shiloh Baptist Church; George W. Lee, pastor Vermont Avenue Baptist Church; I. V. Bryant, pastor Walker Memorial Baptist Church; James H. Lee, pastor of the Third Baptist Church, northwest; Guy H. Berkley, pastor Mount Bethel Baptist Church of Howarditown, D. C.; Sandy Alexander, pastor First Baptist Church, West Washington, D. C.; William P. Gibbons, pastor Mount Carmel Baptist Church; Rev. Junius I. Loving, 1511 Fourth street northwest; Rev. Edward Hillis, Liberty Baptist Church.

During the reading of the petition the following took place:

Mr. HEPBURN. Mr. Chairman, how does this come before the House?

The CHAIRMAN. It is sent up by the gentleman from Georgia [Mr. LIVINGSTON], who desires to have it read.

Mr. BARTLETT of New York. Mr. Chairman, I rise to a parliamentary inquiry. I desire to know whether this comes from the Committee on Appropriations or from the gentleman from Georgia as an individual?

Mr. LIVINGSTON. I introduced the petition into the House by request, and I am now having it read as a part of my remarks.

Mr. BARTLETT of New York. It does not come from the committee, then?

Mr. LIVINGSTON. No; I am responsible for it.

The CHAIRMAN (before the reading of the names attached to the petition had been concluded). The time of the gentleman from Georgia [Mr. LIVINGSTON] has expired.

Mr. LIVINGSTON. I ask that my time be extended until those names can be read. That paper is signed by the pastors of twenty different churches of this city, including a number of presiding elders. Among the signers are Baptist ministers, Congregational ministers, and many other ministers of this city.

Mr. SAYERS. Allow me to ask the gentleman from Georgia a question. Why did he not submit that paper to the Committee on Appropriations when we had this matter under consideration?

Mr. LIVINGSTON. I will answer the gentleman. This petition was only handed to me yesterday afternoon. I was asked to introduce it, and I did so, by request. I had it referred to the Committee on Appropriations. There has been no meeting of the committee since. I will see that the gentleman has ample opportunity to correct any of those statements, if he wants to do so, in the committee room.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. HAINER of Nebraska. I ask unanimous consent that the names attached to that petition be read for the information of the House.

Mr. BARTLETT of New York. I object.

Mr. SAYERS. Oh, let them be read.

Mr. LIVINGSTON. I ask consent that the names be all printed in the RECORD.

Mr. BARTLETT of New York. I withdraw my objection to the reading. I prefer that the names should be read rather than that they should be printed in the RECORD without reading.

The Clerk resumed and concluded the reading of the names attached to the petition as already given.

Mr. HAINER of Nebraska. I yield the remainder of my time to my colleague [Mr. ANDREWS].

Mr. ANDREWS. Mr. Chairman, the sectarian bias given to these discussions should not detract our attention from the central point in the problem. No question which has come before us in connection with this appropriation bill has appealed to my sympathies more strongly and distinctly than the proposition now under consideration. Believing as I do that this modern civilization of ours is very largely the result of Christian culture and

higher education, I would turn with pleasure to the support of any constitutional measure that would enlarge the influences that have brought about the benefits that we now realize from the operation of these forces during the centuries of the past. But this is not a question of sentiment. While the proposition appeals to me on the ground of high morals, while it appeals to me on the ground of high intellectual development, I come face to face with the question of public duty and responsibility: Should public funds be appropriated and expended otherwise than for public purposes and through public channels?

It has been conceded in these debates that this institution is distinctively a private institution so far as the Government is concerned. It has been conceded by the chairman of the Committee on Appropriations that the Government does not own any part of the property of the institution. It is also conceded that the Government does not exercise any direct legal control over the institution. Then we are called to pass upon the question of appropriating money out of the public Treasury for an institution which, so far as the Government is concerned, is a private institution. Believing firmly as I do that we are not justified in making appropriations of public money for private purposes, after those funds have been secured by public taxation upon all the people of this country, I do not see my way clear to support this amendment, however strongly it appeals to my sympathies. I gladly note the fact that higher education has always inspired the intellectual activity of the race and has borne the torch of knowledge from Greece to Italy, from Italy to the Continent, from the Continent to the British Island, and from the British Island to the land of American freedom, where it completed the splendid work of the intellectual emancipation of the people.

I also recognize the equally significant fact that Christianity has been the polar star of conscience during the heroic voyage of the race from realms of monarchy and intolerance across the storm-tossed ocean of human passion into the joyful harbor of American freedom.

Together they waged the warfare of popular rights and crowned their victories with civil and religious liberty. Neither could have won without the aid of the other. But, united, they laid here in this, "the land of the free and the home of the brave," the foundation of the American Constitution, reared upon it the best type of civil government the world has ever known. Of course such themes should appeal not simply to our sympathies but also to our highest admiration, to the highest and noblest manhood.

Nevertheless, the proposed appropriation involves merely the question of sworn duty and official responsibility. Then, dismissing the questions of education and religion and their sectarian bearings, and bidding godspeed to every denomination that is unfolding good influences for the elevation of our people in all the different walks and stations of life, are we justified as the representatives of the American people in voting public funds to an institution over which the Government has no control, in which it has no ownership, and for which funds we have no legal right to demand a clear accounting under the shadow of the law and the control of the officers of the Government?

Hence, Mr. Chairman, unless it shall be made plain by those who shall follow in support of this amendment that we are realizing some public benefit which the people who pay the public taxes will admit as a public benefit, I can not support this measure, however strongly I may sympathize with the enterprise, and however commendable the work may be that this institution or like institutions are doing in this country.

Mr. Chairman, I yield back the residue of the time to my colleague [Mr. HAINER].

The CHAIRMAN. The gentleman from Nebraska has three minutes remaining.

Mr. HAINER of Nebraska. I would like to have the other side exhaust at least a portion of their time.

Mr. EVANS. As I expect to use all the remaining time on this side, I would rather that gentlemen on the other side should get through before I begin.

Mr. HAINER of Nebraska. I think, Mr. Chairman, I have the right to close the debate.

Mr. EVANS. It is my amendment that is under discussion.

Mr. HAINER of Nebraska. We are not discussing the amendment.

Mr. EVANS. Oh, yes; nothing else. I admit that some gentlemen have not done so. [Cries of "Vote!" "Vote!"]

Mr. HAINER of Nebraska. Mr. Chairman, I rise to a parliamentary inquiry. In the present status, who has the right to close the debate?

The CHAIRMAN. The impression of the Chair is that the gentleman from Nebraska, who opened the debate, has the right to close it.

Mr. HAINER of Nebraska. Then I ask that the gentleman from Kentucky [Mr. EVANS] now proceed.

Mr. SAYERS. Before the gentleman from Kentucky begins, I wish to ask unanimous consent to extend my remarks in the RECORD. I entered into the debate without any previous expectation of doing so.

Mr. LIVINGSTON. I ask that other gentlemen who have addressed the House may have the same privilege.

The CHAIRMAN. Unanimous consent is asked that all gentlemen who have addressed the Committee of the Whole on this subject may have the privilege of extending their remarks in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

Mr. BOUTELLE. Before the gentleman from Kentucky proceeds, while I have no doubt he is thoroughly familiar with the whole subject and will very likely call attention to the point I have in view, yet I beg to ask the attention of the committee and his attention to the statement, in the remarks of the gentleman who recently addressed the House, that this institution is not of a public character. I hope he will direct the attention of the committee to the fact that the president of this institution is recognized as the president of a public institution, in so far as the printing of his reports by the Government is concerned—the report he makes to the Secretary of the Interior—and further, in regard to its being a matter of common knowledge on the part of the House that as to the appropriations for this institution the report submitted shows that he is required to make and does make specific statements of the expenditure of the funds appropriated by the Government.

Mr. ANDREWS. Let me ask the gentleman how the president of this institution is appointed?

The CHAIRMAN. The gentleman from Kentucky is entitled to the floor.

Mr. BOUTELLE. The gentleman from Kentucky will undoubtedly call attention to the official reports of the establishment, and at the same time answer the inquiry of the gentleman from Nebraska.

Mr. EVANS. Mr. Chairman, had I dreamed that the very innocent amendment—as I supposed it to be—which I had the honor—and I esteem it an honor—to submit to the House on yesterday to the pending bill would have raised such a breeze, I do not know but that I should have sought the assistance of some of the older and abler members rather than to have taken upon myself the burden of its support. I had no idea that the hubbub which has been created would have arisen in connection with the amendment. But I am here to defend every word of it, and I may further say that I do not fear the call of the yeas and nays, threatened by the gentleman from Nebraska [Mr. HAINER], because I for one would have insisted, if the opportunity offered, that every member of the House should put himself on record upon the question, and state fairly, fully, and distinctly whether or not he is willing for this House, with its hundred and odd Republican majority, to strike down an appropriation which the Fifty-second and the Fifty-third Congresses, and indeed many previous Congresses, made without hesitation for this institution. [Applause.]

So far from the yeas and nays having any terrors for me, I tell the gentleman that if I can get the requisite assistance of one-fifth of the members of the House, there shall be no escape from the yea-and-nay vote on the question, for I want to know if this appropriation is to be stricken down in the House on a false clamor that it is the extension of Government aid to a sectarian institution. For, Mr. Chairman, that clamor and that statement have no foundation in fact, and I want also to speak in the most emphatic manner on another proposition before I go further into the argument.

There is not a man within the sound of my voice who more earnestly condemns, or who would more earnestly condemn, an appropriation of the public money for sectarian purposes than would myself. I have never voted for such an appropriation, although I understand that some of those who are now opposing the amendment have heretofore done so. For one, Mr. Chairman, I repeat that I have never voted for the appropriation of a single dollar of the public money to a sectarian purpose, and so long as I have the right to vote here or elsewhere I shall never do it. Furthermore, I wish to say that I am willing to go still further on that line, and am prepared to vote—if I can not secure it in any other way—for an amendment to the Constitution of the United States that will forever forbid such a use of the public funds by Congress; and will go still further and settle the question by forbidding that right to any State or Territory.

Mr. FAIRCHILD. Do I understand the gentleman to claim that this university is not under sectarian control?

Mr. EVANS. I do most emphatically. I claim that it is not a sectarian institution in any just sense of the word, so far as this appropriation goes or can go.

Mr. WATSON of Ohio. That is right.

Mr. EVANS. Undoubtedly it is right. The opposition to this appropriation, under all the circumstances, is the exaggeration of sensitiveness upon the subject. We ought to discriminate justly and fairly in such cases and not jump to indefensible conclusions.

additional and unnecessary residence for the president thereof, at a cost of $[illegible];

tion of ours is very largely the result of Christian culture and

I repeat, Mr. Chairman, that no man can be more opposed to the appropriation of moneys for sectarian purposes than I am, and I will state the history of the introduction of this amendment. I have no connection whatever with the Committee on Appropriations. If I were asked to do so, I could not probably name five members of this House who are members of that committee. I know nothing of its business or proceedings except as they are developed in their reports to the House and in the discussions on this floor. But I happened to see in a newspaper that the appropriation for the Howard University was left out of the bill. I at once went, while the bill was under discussion, and got the twenty-eighth volume of the Statutes at Large to see in what part of the bill this appropriation had ordinarily been placed, and I found it just after the clause providing for the Columbian Institution for the Deaf and Dumb.

I prepared an amendment specifically appropriating, and in nearly the same terms as was usual, the amount now in the bill, and I went to the Chairman of the Committee of the Whole and told him of my purpose, and up to the time that the amendment was offered no other member had the slightest idea or knowledge that it was to be offered or that there was any suggestion of such an amendment excepting the Chairman of the Committee of the Whole House. I had not time or perhaps inclination to call attention to it. There was no special reason why I should do so, or why I should not have done so; but, at all events, nobody knew it; and when the time came and we had read the bill up to the proper point the amendment was offered and read.

A little manifestation of objection was made, not amounting to a great deal, but evidently there was no need to discuss it—and I never wish to detain the House in discussion if I can help it—and when the time came for a vote it was carried, and I supposed it was satisfactory to everybody. But it did chance that in passing one of the members of the Committee on Appropriations I incidentally said to him, without his having the slightest idea of my object, "Why did you leave out the appropriation for Howard University?" He said, "Oh, there was some objection to it on account of religion," and I at once went and prepared the proviso which appears in the amendment adopted, which I thought was ample to protect the fund appropriated against use by any sort of sectarian or religious agency or for any sort of sectarian or religious purpose.

But if that proviso is not sufficient, if it is inadequate for that purpose, I want it strengthened, so there can be no doubt about its being certain that no part of this money can be devoted in any way, directly or indirectly, to sectarian purposes. With the permission of the House, when an amendment shall be in order, I shall propose this substitute for the proviso:

Provided, That no part of this appropriation shall be used, directly or indirectly, for the support of the theological department of said university, nor for the support of any sectarian, denominational, or religious instruction therein: *And provided further*, That no part thereof shall be paid to said university until it shall accord to the Secretary of the Interior, or to his designated agent or agents, authority to visit and inspect such university, and to control and supervise the expenditure therein of all moneys paid under this appropriation.

Now, Mr. Chairman, I did not detect, and do not now detect, anything sectarian that can possibly be supported or encouraged by this appropriation. So far from that, permit me to say that I looked entirely to other objects and purposes when I was considering this amendment. I considered alone the colored people. If I may so state, the chords of memory, stretching back to the playgrounds of my earliest years and back to the time when, departing from the playground, I, too, much to my benefit in many ways, had to work in the field with 25 or 30 of them, I learned to be an abolitionist, learned then to hate and abhor slavery and all its concomitants so much that the first time I had the right to vote I voted for Abraham Lincoln, although living as I did in the heart of the slave region on the southern border of Kentucky. [Applause.] The second time I had the opportunity to vote I did not prate about my friendship for the colored man and do nothing for him, but I went to the polls and voted to give him the inestimable right of freedom, so far as by my vote I could do it. [Applause.] I say my memory went back to those days when I, living in a slaveholding family as I did, became an abolitionist. And it has always been my idea, not merely to talk on one side or the other, but to endeavor to do something for the colored man.

I remember, too, that this race has been a useful one, that though servile, though once enslaved, it has been most useful in a humble way and place in the development of this country. I remember that it has worked our fields for centuries. I remember that, though humble, it performs a most important function to-day. I remember that in the time of rebellion the slave, with his patient disposition, the counterpart of which has never been seen in this or any other age, found an army fighting to keep him in bondage, and actually labored peacefully at home to support that army; and I have thought when the Southern people were talking of pensioning anybody in the South that they should at least have granted a form of pension certificate to the colored people in their midst, which would have given to them the free right to vote, and entire exemption from Kuklux or anything of that sort. [Applause.]

I am not saying here that the South mistreats the colored man to-day. I hope his rights are accorded to him. Nor do I say with some of our friends from the South that we are doing everything for the colored man there, but will not do anything for him in the nation at large. I am not here to speak from the political standpoint or to twit the South with this, that, or the other thing in reference to the colored race, and still get up and say that I am afraid to vote away a little public money for the benefit of this race. On the contrary, Mr. Chairman, it seems to me that this is a remarkable and exceptional case in every point of view. Hundreds of years ago the slave, against his will, was brought to this country from Africa. By brute force he was compelled for centuries to labor for his master. In the moment of rebellion he was made free. He had labored for centuries; and let me call the attention of my oversensitive friends who fear to make a little appropriation for this school to the fact that, notwithstanding the enthrallment of the colored man, when he came from Africa, notwithstanding his years of lowly useful toil without recompense, when he was made free you turned him loose; and now this little appropriation, doled out from year to year by Congress to this little university, is the only thing that this Government has ever given, as a Government, to the colored race as such for its hundreds of years of unrequited toil. [Applause.]

It is an exceptional instance, and I say if there were nothing else in this case the people of this country owe to the 7,000,000 of the colored race at least this much—that they shall not take from that race the only place, the only thing whereby they get the smallest amount of sustenance from the Federal Government for a most useful public purpose. If expenditures of public money for educational purposes; if the $75,000,000 or more which are annually spent in this country for public schools is justifiable, then there can be no just cause of objection to this, because it all rests on the same principle.

Is there any other 7,000,000 of people belonging to any other class of our community who get and who demand so little from the public Treasury as the colored race? Is there any other race who asks so little, even those who have only gotten here from abroad within a few months and want education or other advantages?

If you take the foreigners who come and who are gladly welcomed to this country, within a few months after that class of men reach here they get more from the Government of the United States than the whole negro population of this country. [Applause.] I say it would be an outrage, in my judgment, if this Republican House in this exceptional instance should strike down this little institution, which can not live without this appropriation, and which has done great good as a means of education for the colored race. I have here a letter from one of the professors of the university addressed to another member of the House, from which I will read only one sentence:

Howard University was established thirty years ago by the National Government especially for the education of colored youth. It is a national institution, 42 States being represented by the students now in attendance. Thirteen hundred have been graduated from all departments; between 500 and 600 students attend annually, and they represent all shades of belief and denominations.

Now, it is for this House to decide. You have as much interest in it as I have. It is not the act of a politician with me; but I speak from the heart when I say that so long as I have known the colored man so long have I known him to be a fairly good citizen with the best lights before him. I am willing that the Government of the United States should dole out this little appropriation of some $30,000 for the benefit, not of any church or creed, but of 7,000,000 of our population whom we held in bondage for a hundred years or more, and to whom we have given as a nation very little return for what benefit they did this country as laborers during that period, and who now, at least, should be accorded this much educational opportunity. It is something unexampled in history for 7,000,000 of negro slaves to be set free without education, helpless as babes politically, to be turned loose, and then to be refused this little appropriation upon the miserable pretext that it is for sectarian advancement, and upon that ground gentlemen would take away from these people that little pittance. If I thought this House would do that, I would go home a sadder man than I expect to be when we adjourn. If I thought this House would do such an injustice, or would be misled into supposing that a principle with the abstract justice of which I fully agree applied to this institution, I say I should be greatly shocked.

What is this amendment? I find that for sixteen years appropriations in some form or another have been made for this institution. The items making up the aggregate sum are separated. The first is:

For maintenance of the Howard University, to be used in payment of part of the salaries of the officers, professors, teachers, and other employees of the

university, the balance of which will be paid from the donations and other sources, $27,500.

For tools, materials, wages of instructors, and other necessary expenses of industrial department, $3,000.

And yet I am afraid some gentlemen may find something sectarian in that item!

For books for library, law library, bookcases, shelving, and fixtures, $900.

There is nothing sectarian in that. And then, after the other items, comes the proviso:

That no part of the money hereby appropriated shall be paid to any teacher or professor of theology or religion or to any chaplain in said university.

I believe the proviso is in apt language to prevent any perversion of this fund to sectarian uses. If it is not, I am willing to make it stronger. I am willing that this House shall make it as strong as the most strenuous opponent of sectarian appropriations (and I am one) could desire. Let us not reject the amendment upon the misconception that it is sectarian; but let us leave it for the purpose we have in view, of doing something for this institution. It has been assisted in this way for sixteen years, upon the faith that this would continue. Nearly 500 pupils are now there. If we think the time is approaching to stop the custom of making this appropriation, let us give timely notice a few years in advance, and see if by extraordinary exertions the benevolently inclined can supply the deficit. [Loud applause].

Mr. HAINER of Nebraska. Mr. Chairman, the discussion of this question has taken a wide range. The advocates of this appropriation have ingeniously sought an appeal to sentiment rather than principle. The practical facts involved have almost, I am afraid, been lost sight of. I wish, therefore, in closing to recall the attention of the committee to them. Thus far no person has disputed any proposition of fact which I laid down. This is a private institution. Its property is owned exclusively by the corporation, which was founded more than thirty years ago. The Government has absolutely no right to determine who shall enter that institution, how long a student or professor shall remain there, or when he shall be dismissed. The Government has absolutely no right whatever to control that institution in its operations. Its entire control is vested in the faculty and the board of trustees.

It is, therefore, a private institution. In fact, it was admitted by the president of the institution itself, in the hearing before the committee, that the Government has absolutely nothing to do with it except to make this appropriation. It is also a sectarian institution, for reasons which I have explained, and that is not denied. Even the chairman of the committee practically admits it. It is absolutely impossible for any person belonging to a particular church to teach theology without teaching the doctrines of that particular church. It is not worth while to mince matters. The facts are as they are. If this is not a sectarian institution none can be found. The gentleman who has just concluded urges this as an exceptional case; that we should give exceptional benefits to this class because they have so long been downtrodden. No other reason has been suggested. These people do not need any exceptional treatment; and they ought not to have it. They have no right to insist upon it. What they need, what justice demands, and what the cause of education demands, is that in all parts of this Union, North and South, and East and West, they shall be put upon the same platform and the same standing as any others. They are human beings, brothers and sisters of the gentleman from Texas and myself, and they should be treated as such. Give to them the same advantages and the same benefits that you ask for yourselves and your children, and then all will be well. But do not deal out charity to them instead of justice.

Mr. LEWIS. Will the gentleman permit me to ask him a question?

Mr. HAINER of Nebraska. I decline to yield.

Mr. Chairman, from the beginning of the consideration of this bill until its conclusion the chairman of the Committee on Appropriations at every step has felt bound to oppose appropriations for useful, beneficial, and proper objects, for the sole reason that there was no money in the Treasury out of which to pay such appropriations. Let gentlemen who propose to vote for this appropriation go home and say to their constituents, "We could not have those things which are legitimately demanded by the public interest; we could not take care of the maimed soldier; we could not establish a national university for all the people; we had no money for that; but we could vote an appropriation for the higher education, as it is technically called, of a favored few in the District of Columbia."

[Here the hammer fell.]

Mr. LEWIS. The question I wanted to ask the gentleman from Nebraska was whether he would be willing to go into slavery for two hundred years and then take his chance afterward of catching up and getting even?

The CHAIRMAN. The time limited for this debate has expired.

Mr. CANNON. As the amendment of the gentleman from Kentucky [Mr. EVANS] was adopted by the Committee of the Whole, there will be, of course, a vote on it in the House in a few minutes. But before I move that the committee rise I wish to ask unanimous con——

Mr. SAYERS. Before that is done allow me a single word. During this debate a paper was read, which will appear in the RECORD, reflecting upon the character of the institution which has been under discussion. This is the first time I ever heard of that paper. One of the pages has just brought me a communication on the subject, which I ask to have read, so that it may appear in the RECORD along with the statement already read.

The CHAIRMAN. The gentleman from Texas asks the privilege of having read a communication which he sends to the desk. Is there objection?

Mr. SAYERS. I have just received it. I know nothing about it.

The CHAIRMAN. The Chair hears no objection. The Clerk will read.

The Clerk read as follows:

LIBRARY OF CONGRESS.

Governor SAYERS:

The paper presented by Mr. LIVINGSTON of Georgia was inspired by one Prof. James M. Gregory, who was dismissed from the university for borrowing money from the students and others and refusing to pay the same. The same individual was several years ago appointed a trustee of the public schools of the District of Columbia, and was dismissed by the District Commissioners for selling teacherships in the public colored schools. I myself aided in bringing this dishonest practice to the attention of the Commissioners.

DANIEL MURRAY.

Mr. CANNON. I ask unanimous consent to return to page 67 of the bill for the purpose of offering the amendment which I ask the Clerk fo read.

The Clerk read as follows:

In lieu of the amendment offered by Mr. HYDE, insert, after line 19, page 67, as a separate paragraph, the following:

"For beginning the construction of permanent buildings, providing for sewerage, water supply, roads, and other means of communication and other necessary improvements, at the military post at Spokane, Wash., to be expended under the direction of the Secretary of War, $50,000.

"To continue construction of buildings at the Fort Riley (Kans.) military post, to be expended under the direction of the Secretary of War, $50,000."

The CHAIRMAN. Unanimous consent is asked that the amendment just read be adopted in lieu of the amendment offered yesterday by the gentleman from Washington [Mr. HYDE] and adopted in Committee of the Whole.

Mr. TERRY. What is the total amount which this amendment proposes to give to the Secretary of War for these purposes?

Mr. CANNON. This leaves the amount for general purposes the same as in the bill—$300,000 for the construction of buildings and enlarging military posts.

Mr. TERRY. Do you take $100,000 off that and give it to the two places named?

Mr. CANNON. No. I think the $300,000 should not be disturbed. But yesterday an amendment was adopted taking $75,000 of that amount for the construction of a new post at Spokane.

Mr. TERRY. This does not break in on the $300,000?

Mr. CANNON. No, sir. This inserts the two $50,000 items, and it leaves the general appropriation intact.

There being no objection, the amendment offered by Mr. CANNON was adopted.

Mr. CANNON. There is one other matter in connection with this bill which has been left undisposed of—the paragraphs relating to the Bureau of Engraving and Printing. The gentleman from Pennsylvania [Mr. BINGHAM], I believe, desires to move an amendment to those provisions.

Mr. BINGHAM. If I am in order, I submit the amendment which I send to the desk.

The Clerk read as follows:

After the words "Revised Statutes," line 13, page 17, insert:

"*Provided*, That on and after the 1st day of January, 1897, no postage stamps shall be manufactured or furnished by the Bureau of Engraving and Printing; but said stamps shall be procured by the Post-Office Department as formerly, under the provisions of section 3709 of the Revised Statutes of the United States, requiring such work to be given out upon competitive bidding, after public advertisement for proposals."

Mr. SAYERS. Mr. Chairman, I reserve the point of order on the amendment. It is new legislation; and were it not, that it should appear on the Post-Office appropriation instead of the sundry civil bill.

Mr. BINGHAM. The gentleman from Texas makes the point of order?

Mr. SAYERS. I am perfectly willing to reserve the point of order.

Mr. CANNON. Mr. Chairman, I will ask the gentleman from Pennsylvania whether we had better settle the point of order now or does he prefer to have it reserved?

Mr. BINGHAM. I am perfectly willing that it shall be reserved until I have made a statement to the committee in connection with the amendment, to which I wish to call their special attention.

Mr. SAYERS I shall agree, Mr. Chairman, that the point of

order be allowed to stand until the gentleman from Pennsylvania gets through with his remarks.

Mr. BINGHAM. Mr. Chairman, in October, 1893, when the then pending contract for the supply of adhesive postage stamps was about to expire, the Postmaster-General, in compliance with law (section 3709, Revised Statutes of the United States), published an advertisement inviting sealed proposals for furnishing stamps, such proposals to be received on or before November 15, 1893, and upon the receipt and opening of the proposals the bidders and the amounts of their respective bids, based upon the actual issue of postage stamps for the year ended June 30, 1893, were found to be as follows:

First. The Hamilton Bank Note Company, of New York, $179,294.

Second. The American Bank Note Company, of New York, $162,401.51.

Third. Charles F. Steele, of Philadelphia, Pa., $146,454.71.

On the 20th of November, 1893, five days after the receipt and public opening of the foregoing bids, submitted in compliance with law, the Chief of the Bureau of Engraving and Printing submitted to the Postmaster-General an offer to furnish the stamps called for by the advertisement for the sum of $139,487.52. The bid of the Bureau, it will be observed, was at only a comparatively small figure below that of Mr. Steele, of Philadelphia, who is my constituent.

Protests were made by the other bidders against the acceptance of the Bureau bid, on the ground that it was in violation of law; that it was unjust to private bidders, who had already exposed their figures; that it was contrary to the established policy of the Government to do work which could be as well if not better done by private enterprise, and that it would be found that the stamps, if produced by the Government, would cost much more than if furnished under the offers of the private bidders. These protests were disregarded upon no higher authority, upon the legal question involved, than that of the Solicitor of the Treasury, the Postmaster-General and the Secretary of the Treasury having refused the request of the private bidders to have the question appealed to the Attorney-General of the United States for opinion, and the contract was awarded to the Bureau by the Postmaster-General.

The claim of the Bureau was that its offer would fully cover the entire cost of producing the stamps, and that it would entail no additional expense upon the Government for furnishing the same. The Bureau also claimed to have abundant facilities for doing the work, and to be able to do it as well as it was then being done under existing contract.

The offer of the Bureau to undertake this additional work was made, as above stated, on the 20th of November, 1893, and the Commissioner of Internal Revenue, in his annual report for the fiscal year ended June 30, 1893, submitted under date of November 1, 1893, twenty days previous to the date of the Bureau bid for postage stamps, made the following statement with regard to the inability of the Bureau of Engraving and Printing to comply with the requirements of the Internal Revenue Bureau, namely:

STOCK OF STAMPS IN VAULT.

The present stock of stamps in the vaults of this Bureau does not come up to the requirements of the statute, and is inadequate to meet the demands of the service. It is estimated that the three months' supply which the statute requires to be in the vault should be 353,268,000 stamps of the various classes and denominations. The stock on hand in the vault at the present time is only 108,708,844 stamps of all denominations. The inability to maintain the stock at the statutory requirement is due to the failure of the Bureau of Engraving and Printing to fill the orders from this Bureau as called for. There are now due from the Bureau of Engraving and Printing on past orders 108,550,100 stamps, and orders for the November delivery amount to 76,940,000 stamps.

It may be well to add here that statements similar to the foregoing were made by the Commissioner of Internal Revenue in his subsequent reports for the fiscal years 1894 and 1895. Thus it would appear that the Bureau at the time of bidding for the contract for furnishing postage stamps was not able to do the work without detriment to its regular business, and that it has continued up to the present time to furnish the stamps at the expense of its regular work.

The prices to be paid to the Bureau by the Post-Office Department for furnishing the stamps were as follows:

First. For ordinary postage stamps, 5 cents per 1,000.
Second. Newspaper and periodical stamps, 11.40 cents per 1,000.
Third. Postage due stamps, 6.05 cents per 1,000.
Fourth. Special-delivery stamps, 11.40 cents per 1,000.

In his report for 1894 the Chief of the Bureau in referring to the manufacture by his Bureau of postage stamps stated that—

As the estimates of this (his) Bureau for the first year of this contract included the cost of new machinery amounting to something over $40,000, an item of expense connected with the work which will not appear in subsequent years, it is safe to predict an annual saving to the Government of over $50,000.

How absurd this claim was will appear hereafter in the light of actual results for the first year of the contract.

The Bureau contract was to begin on the 1st of July, 1894, but not being ready at that time to comply with its agreement about 650,000,000 stamps, equal to about three months' supply, were purchased by the Post-Office Department from the old contractors and paid for out of the appropriation for the year ended June 30, 1894. These stamps were turned over to the Bureau for issue to postmasters on and after July 1, 1894.

The following statistics, compiled from the official records, will show how far the Chief of the Bureau has failed to carry out his agreement to produce postage stamps at the price at which he agreed to furnish them to the Post-Office Department.

EXHIBITS OF BUREAU OF ENGRAVING AND PRINTING FOR 1894 AND 1895.

At the last session of the Fifty-third Congress the Chief of the Bureau was called upon to show the results of his work in connection with the production of postage stamps up to and inclusive of December 31, 1894. The exhibits made were in short as follows (see CONGRESSIONAL RECORD of January 25, 1895, pages 1505 to 1517), namely:

1. Number of stamps originally printed to December 31, 1894	1,488,886,200
2. Number of stamps originally printed but unfit for use	733,615,037
Balance acceptable stamps produced	755,271,163
	Per cent.
Proportion of spoiled work	42.5
Proportion of acceptable work	57.5
Cost of above as given by Chief of Bureau, namely:	
Wetting	$1,070.62
Plate printing	35,318.24
Examining	4,408.82
Gumming and perforating	22,865.94
Packing and issuing	4,860.20
Running machinery	2,877.18
Miscellaneous expenses	1,213.72
Total cost	72,610.72

This amount is equal to about 9¾ cents per thousand for the 755,271,163 acceptable stamps produced to December 31, 1894. The foregoing statement, it will be observed, does not include the cost of the plant nor of the material entering into the manufacture of the stamps. It also allows nothing for the use of the building, heat, light, etc. The price paid by the Post-Office Department for the stamps was 5 cents per thousand for the acceptable stamps and nothing for the spoiled stamps.

The so-called acceptable stamps were really not fit for use, and they were used only under the spur of necessity. Their bad quality was freely commented upon by the public press throughout the entire country, and generally by people who were compelled to purchase and use them in payment of postages.

In face of the foregoing exhibits the Chief of the Bureau, in December, 1894, insisted over and over again before the subcommittee of the House Committee on Appropriations (see pages 35 to 42 of Hearings before subcommittee of House Committee on Appropriations in charge of sundry civil appropriation bill for 1896) that the money to be received from the Post-Office Department for the stamps to be furnished during the year ended June 30, 1895, would fully cover not only the cost of manufacturing the same, but also the cost of the plant to produce stamps, then estimated at about $50,000.

STAMPS FURNISHED BY BUREAU, YEAR ENDED JUNE 30, 1895.

Total number of stamps of Bureau manufacture delivered to Post-Office Department, year ended June 30, 1895, as shown by report of Chief of Bureau for that year (Tables Nos. 4 and 5, page 13, Report of Chief of Bureau of Engraving and Printing for fiscal year ended June 30, 1895)		2,180,229,948
Number of acceptable stamps produced to December 31, 1894, as previously shown		755,271,163
Balance to complete deliveries from January 1 to June 30, 1895		1,424,958,785
Amount finally received from Post-Office Department for 2,180,229,948 stamps delivered year ended June 30, 1895	$107,699.78	
Expended to December 31, 1894, for 755,271,163 acceptable stamps produced to that date	72,610.72	
Balance remaining to cover cost of manufacture of 1,414,958,755 stamps required from January 1 to June 30, 1895, and to pay cost of plant, finally given by Chief of Bureau at $56,243		35,089.06

What an absurd claim to make to the Committee on Appropriations of the House of Representatives in the light of such results!

The Chief of the Bureau was called upon early in January, 1896, by letter from myself, as chairman of the Committee on Expenditures of the Post-Office Department, to furnish a statement of the number and cost of the stamps produced for the year ended June 30, 1895, in detail of items as above; but up to the present time he has made no reply to that letter, although requested by me to do so, both orally and in writing.

It is only proper to call attention here to the fact that there is a very serious discrepancy between the number of postage stamps

issued during the year ended June 30, 1895, as reported by the Chief of the Bureau of Engraving and Printing and as reported by the Post-Office Department, the number shown in the Bureau report being considerably larger than that shown by the report of the Post-Office Department. Under a proper system of accountability there should not be a difference of so much as a single stamp between the reports of the two Departments.

The utter absurdity of the claim of the Bureau as above, and the fact that its annual appropriations were very largely drawn upon to cover the cost of producing the stamps over and above the price paid for the same by the Post-Office Department, will be readily apparent from an examination of the figures of the Bureau with regard to its work chargeable to annual appropriations.

First, as to—

ESTIMATES AND RESULTS FOR THE YEAR ENDED JUNE 30, 1895, COMPARED.

See Table No. 1, herewith.

Number of sheets of work to be produced, year ended June 30, 1895, payable out of annual appropriations (see letter of Chief of Bureau, dated October 16, 1893, page 323, Book of Estimates for 1895, Executive Document No. 5, Fifty-third Congress, second session)	52,340,285
Number of sheets actually produced during 1895, chargeable to annual appropriations, as shown by report of Chief of Bureau for that year (see Table No. 2, herewith)	44,711,351
Deficiency in number of sheets produced from number called for by estimates	7,628,834
Or 14.6 per cent.	

ESTIMATED COST OF ABOVE.

Estimated cost of 52,340,285 sheets for 1895, for which appropriations were asked by the Chief of the Bureau in Book of Estimates, as above, namely:

1. Compensation of employees		$419,800.00
2. Plate printing		495,400.00
3. Materials and miscellaneous expenses		196,200.00
		1,111,400.00
4. Add salaries estimated for in legislative bill		17,450.00
Total estimates		1,128,850.00
Average cost per 1,000 sheets		21.57

Appropriations were made in pursuance of the foregoing estimates as follows:

1. Compensation of employees:		
Sundry civil act August 18, 1894	$378,000	
Deficiency act March 2, 1895	41,800	
		$419,800.00
2. Plate printing:		
Sundry civil act August 18, 1894	469,000	
Deficiency act March 2, 1895	26,400	
		495,400.00
3. Materials and miscellaneous expenses:		
Sundry civil act August 18, 1894	181,000	
Deficiency act March 2, 1895	15,200	
		196,200.00
		1,111,400.00
4. Add salaries appropriated for in legislative act		17,450.00
Total appropriations as finally made, agreeing with original estimates of the Chief of Bureau in Book of Estimates above referred to		1,128,850.00
Amount expended out of foregoing appropriations for production of 44,711,351 sheets, as shown by Chief of Bureau was		1,127,946.12
Leaving unexpended balance of		903.88
Average cost per 1,000 sheets of the 44,711,351 sheets actually produced		25.23
Estimated cost per 1,000 sheets of work to be produced in 1895, as shown above, was		21.57
Excess per 1,000 sheets of actual overestimated cost, therefore, was		3.66
Amounting on the 44,711,351 sheets actually produced in 1895 to		163,643.54

On the 11th of February, 1895, the Chief of the Bureau of Engraving and Printing was before the subcommittee of the House Committee on Appropriations in charge of the general deficiency bill for 1895 and prior years (see pages 72–74 of Hearings before Subcommittee, etc.) to explain his reasons for asking for deficiency appropriations sufficient to meet the amount of the reduction of his estimates as made by the sundry civil act of August 18, 1894, for the service of the year 1895. He then stated that his original "estimates were made carefully and down to the lowest figure at which they could be made," and that "the cost of the work is just what the estimates are." In his letter to the subcommittee of the same date he stated that "the number of impressions estimated to be produced in 1895 is substantially the same as was produced in 1894."

Estimated when? In his original estimates of October 16, 1893, for the year 1895, or at the time he wrote the subcommittee on appropriations, on the 11th of February, 1895?

Now, it has already been stated that the number of sheets produced out of annual appropriations in 1895 was 44,711,351, and it will be shown presently that this was 7,894,610, or 15 per cent, less than the number (52,605,961 sheets) produced out of annual appropriations in 1894, as shown by the reports of the Chief of the Bureau. Was the Chief of the Bureau intentionally deceiving the committee, or was he in ignorance of the fact, when nearly two-thirds of the fiscal year 1895 had gone by, that the year's product would show a falling off of 15 per cent, or about one-seventh, from the number produced in 1894? Either horn of the dilemma is bad enough.

Be that as it may, by his urgent appeals to the committee on the deficiency appropriation bill the Chief of the Bureau got all the money for the year 1895 he originally asked for, and he spent it all except the insignificant sum of less than $1,000. He represented to the subcommittee on the sundry civil bill that he was making economies in various directions; that he had reduced the wages of printers engaged on internal-revenue stamps at the rate of about $23,000 per annum, amounting from the date of the reduction to the close of the fiscal year 1895 to about $11,000, and that the cost of material was much less than it had been during the previous year. The undeniable fact was that he was obliged to skin his annual appropriations in every direction to meet the extra expenditure involved in the production of postage stamps over and above the amount which he was paid for the same by the Post-Office Department, and even then he came out barely ahead.

The Chief of the Bureau of Engraving and Printing having claimed before the subcommittee on the deficiency bill for 1895, as already mentioned, that the number of sheets of work payable out of annual appropriations for 1895 would be as great as that produced out of the corresponding appropriations for 1894, let us now examine the actual results for both of said years, as shown by his reports, to see how far his claim was sustained. The figures in detail for both years, as taken from his annual reports for the same, will be found in table marked No. 2, herewith, compiled from the Bureau reports, to which attention is invited. The exhibits are as follows:

NUMBER OF SHEETS OF WORK PRODUCED OUT OF ANNUAL APPROPRIATIONS IN 1894 AND 1895 COMPARED.

Total number of sheets produced year ended June 30, 1894, payable out of annual appropriations	52,605,961
Total number of sheets produced year ended June 30, 1895, payable out of annual appropriations	44,711,351
Decrease for 1895 as compared to 1894	7,894,610
Or 15 per cent.	

These results are not open to the allegation that the work produced in 1895 was generally of a more expensive character than that produced in 1894, but the fact is that the work of 1895 was as a whole of a cheaper grade than that of 1894, as an analysis of the figures will prove. Aside from United States and other bonds, the most expensive work involved was that under the head of "United States notes and certificates," together with that on "national currency," the cost of which several kinds would average about the same for like quantities.

Number of sheets of United States notes of 1880, silver certificates of 1891, currency certificates of 1875, and national currency produced in 1894	13,776,194
Number of sheets of United States notes of 1880, silver certificates of 1891, currency certificates of 1875, and national currency produced in 1895	11,721,158
Decrease for 1895 as compared to 1894	2,054,966
Or 14.2 per cent.	

So much for the foregoing, and now for all the remaining work (except United States and other bonds), which is generally of the same character, namely:

Number of sheets of United States internal-revenue stamps, custom stamps, checks, drafts, certificates, etc., and certificates of indebtedness for Cherokee Indians produced in 1894	38,726,251
Number of sheets of United States internal-revenue stamps, custom stamps, checks, drafts, certificates, etc., and certificates of indebtedness for Cherokee Indians produced in 1895	32,803,043
Decrease for 1895 as compared to 1894	5,923,208
Or 15.3 per cent.	
Number of sheets of United States bonds, District of Columbia bonds, and Pacific Railroad bonds produced in 1894	93,896
Number of sheets of United States bonds, District of Columbia bonds, and Pacific Railroad bonds produced in 1895	187,150
Increase for 1895 as compared to 1894	93,254
Or nearly 100 per cent.	
	Per cent.
Proportion of total number of sheets produced out of annual appropriations represented by United States notes, silver and currency certificates, and national currency in 1894	26.1+
Proportion of total number of sheets produced out of annual appropriations represented by United States notes, silver and currency certificates, and national currency in 1895	26.1
Proportion of total number of sheets produced out of annual appropriations represented by United States internal-revenue stamps, custom stamps, checks, drafts, certificates, etc., in 1894	73.7
Proportion of total number of sheets produced out of annual appropriations represented by United States internal-revenue stamps, custom stamps, checks, drafts, certificates, etc., in 1895	73.5
Proportion of total number of sheets produced out of annual appropriations represented by United States and other bonds in 1894	.18
Proportion of total number of sheets produced out of annual appropriations represented by United States and other bonds in 1895	.42

INTERNAL-REVENUE STAMPS PRODUCED IN 1894 AND 1895 SEPARATELY COMPARED.

By far the largest number of sheets of any single class of work done, very nearly three-fourths of the whole, is that of internal-revenue stamps, and these stamps are accordingly worthy of particular notice, especially as the Bureau of Engraving and Printing has not been able during the past two years or more to meet the demand of the Internal-Revenue Bureau, or to enable it to comply with the law governing the supply of stamps to be kept on hand. The exhibit for the years 1894 and 1895, as appearing from the reports of the Chief of the Bureau for said years, is as follows:

Number of sheets of internal-revenue stamps produced year ended June 30, 1894	37,097,706
Number of sheets of internal-revenue stamps produced year ended June 30, 1895	31,545,838
Decrease for 1895 as compared to 1894	5,551,868
Or 15 per cent.	Per cent.
Proportionate number of sheets to total number of sheets produced out of annual appropriations in 1894	70.5
Proportionate number of sheets to total number of sheets produced out of annual appropriations in 1895	70.6

Upon a close examination of the product of 1894 and 1895 by classes it will be found that the proportion of the more expensive stamps to the whole number was greater in 1894 than it was in 1895. Thus the total number of stamps produced in 1894 was 1,060,270,374, and this was an average of 28.58 stamps per sheet.

The total number of stamps produced in 1895 was 1,016,550,112, and this was an average of 32.22 stamps per sheet. The average number of stamps per sheet was, therefore, 3.64 greater in 1895 than in 1894.

The larger and more expensive stamps—those containing from one to five stamps per sheet—are put up in volumes, making an additional expense for this work. The number of volumes in 1894 was 90,818, containing 5,057,800 stamps, and the number of volumes in 1895 was only 64,728, containing 3,741,480 stamps. This was a decrease for 1895 as compared to 1894 of 26,090, or 29.8 per cent, in the number of volumes, and of 1,316,320, or 26 per cent, in the number of stamps put up in volumes. The decrease in the total number of sheets of internal-revenue stamps, in volumes and not in volumes, it will be remembered, was at the rate of 15.3 per cent.

Thus it is conclusively proved that an unduly large share of the falling off in the total number of sheets for 1895 consisted of the larger sized and more costly stamps, and consequently that the work on internal-revenue stamps was less expensive in 1895 than it was in 1894 for like quantities.

Here it may be well to quote what the Commissioner of Internal Revenue had to say in his report, dated November 1, 1895, for the fiscal year ended June 30, 1895, concerning the failure of the Bureau of Engraving and Printing to furnish an adequate supply of internal-revenue stamps up to that time, namely:

STOCK OF STAMPS IN VAULT.

The stock of stamps on hand in the vault October 1, 1895, of the various classes and denominations is 126,722,664, and the value of the same is $57,296,359.29.

This is very much below the estimated three months' supply which the statute requires to be kept in the vault; but the inability to maintain the stock at statutory requirement is due entirely to the failure of the Bureau of Engraving and Printing to deliver the stamps ordered by this Bureau, and not to any official neglect on the part of this office. The statement of the Bureau of Engraving and Printing of October 1, 1895, shows a balance due on past orders of 154,600,100 stamps, and the orders for October delivery amount to 102,462,000.

The Bureau of Engraving and Printing was a delinquent to the Treasury Department, the very Department for whose sole use it was created, when it voluntarily and with much self-contention assumed the work of making postage stamps for the Post-Office Department in 1893, and it was still a worse delinquent to the Treasury Department in 1895 as a consequence of making postage stamps. The Bureau would have been guilty of a much greater delinquency to the Post-Office Department, one entailing the most serious consequences to the public convenience and to the postal revenue, if the Post-Office Department, at the very outset of the Bureau contract, had not purchased about 650,000,000 postage stamps, or a supply for nearly three months, from the old contractors, to enable the Bureau to finally get ready to keep its agreement. Even then the Bureau imposed upon the public postage stamps whose bad quality was a disgrace to the Government and the nation. And the question occurs, how much of the delinquency of the Bureau of Engraving and Printing to the Treasury Department in 1895 was due to the necessity on the part of the Bureau of diverting its regular appropriations from the purposes for which they were provided to enable it to keep up the supply of postage stamps?

GOVERNMENT AND OTHER BONDS IN 1894 AND 1895.

The only item in the list of work payable out of annual appropriations which shows an increase for 1895 over 1894 is that of Government bonds; but this item constitutes too small a proportion of the total work to appreciably affect the totals of work and cost. In neither year did this item constitute as much as one-half of 1 per cent of the total number of sheets produced. In 1894 the number of sheets of Government bonds produced was 90,646, and in 1895 it was 186,150, or a little more than double the number produced during the previous year. So far as the cost is concerned, there should not have been a corresponding increase, as it is to be presumed that the expense of engraving the designs and of preparing the plates for printing was in the main paid out of the appropriations for 1894. In the matter of material alone the increase must have been insignificant, as the paper, like that of all securities for the Treasury Department, was paid out of separate and independent appropriations not under control of the Bureau.

Before comparing the aggregate cost of the work for 1894 and 1895 it may be well to make some contrast in the items of expenditure for the said years.

COST OF WORK FOR 1894 AND 1895 COMPARED BY ITEMS.

The increase of expenditure for 1895 over 1894 for like quantities of work payable out of annual appropriations, by items, as shown by the reports of the Chief of the Bureau of Engraving and Printing, is as follows, namely:

1. Salaries:	
Expenditure for 1894	$17,397.35
Expenditure for 1895	17,290 35
Decrease for 1895	107.00
Or 6 per cent.	
Average cost per 1,000 sheets for 1894	.33
Average cost per 1,000 sheets for 1895	.39
Excess per 1,000 sheets for 1895 over 1894	.06
Amount of excess on 44,711,351 sheets for 1895	2,683.00
2. Compensation of employees:	
Expenditure for 1894	440,507.12
Expenditure for 1895	419,775.28
Decrease for 1895	20,731.84
Or 4.7 per cent.	
Average cost per 1,000 sheets for 1894	8.37
Average cost per 1,000 sheets for 1895	9.39
Excess per 1,000 sheets for 1895 over 1894	1.02
Amount of excess on 44,711,351 sheets for 1895	45,605.58
3. Plate printing:	
Expenditure for 1894	537,455.27
Expenditure for 1895	495,034.62
Increase for 1895	42,420.65
Or 7.9 per cent.	
Average cost per 1,000 sheets for 1894	10.22
Average cost per 1,000 sheets for 1895	11.07
Excess per 1,000 sheets 1895 over 1894	.85
Amount of excess on 44,711,351 sheets for 1895 over 1894	38,004.65
4. Material and miscellaneous expenses:	
Expenditure for 1894	186,413.16
Expenditure for 1895	195,845.87
Increase for 1895	9,432.71
Or 5.1 per cent.	
Average cost per 1,000 sheets for 1894	3.54
Average cost per 1,000 sheets for 1895	4.38
Excess per 1,000 sheets for 1895 over 1894	.84
Amount of excess on 44,711,351 sheets for 1895 over 1894	37,557.53

Totals of (1) Salaries; (2) Compensation of employees; (3) Plate printing; and (4) Material and miscellaneous expenses for 1894 and 1895, compared:

Expenditure for 1894	$1,181,772.90
Expenditure for 1895	1,127,946.12
Decrease for 1895	53,826.78
Or 4.5 per cent.	
Average cost per 1,000 sheets for 1894	22.46
Average cost per 1,000 sheets for 1895	25.23
Excess per 1,000 sheets for 1895 over 1894	2.77
Amount excess on 44,711,351 sheets for 1895 over 1894	123,850.44

A closer analysis of the foregoing will show the following results (see Table No. 3, compiled from the reports of the Chief of the Bureau for 1894 and 1895, herewith), namely:

First. As to compensation of employees: Notwithstanding that there was a falling off of 15 per cent in the number of sheets of work produced out of annual appropriations in 1895 as compared to 1894, there was a decrease of only 4.7 per cent in the expenditure for compensation to employees. The rate of expenditure was, therefore, 10.3 per cent greater in 1895 than it was in 1894 for like quantities, in spite of the fact that there was an admitted saving of $11,000 for 1895 caused by a reduction of wages.

The number of employees engaged on each of the several classes of work is not given by the Chief of the Bureau, but the total

average number of employees engaged on all classes is stated in his reports at 1,380 for 1894 and 1,427 for 1895. The number of employees engaged on postage-stamp work alone in 1895 was given by the Chief of Bureau in his testimony before the subcommittee on the sundry civil bill in December, 1894, at "less than 100; possibly 90 or 95." Allowing 95 for this class of work would leave a balance of 1,332 to perform all the other classes of work, namely, work payable out of annual and permanent appropriations. The total number of sheets of these two classes produced in 1894 was 55,516,961, and in 1895 it was 49,012,351. This was an average of 40,230 sheets to each employee in 1894, and of only 36,796 sheets in 1895. There was consequently a decrease of 3,434 sheets or 8.5 per cent per employee for 1895 as compared to 1894.

But it is not at all reasonable to suppose that the employees of the Bureau suffered such a decrease of efficiency for 1895 as compared to 1894 as would appear from this exhibit of decreased production. It is more reasonable to suppose, indeed it is susceptible of demonstration, that the number of employees actually required to do the work on postage stamps was more than double the number stated by the Chief of the Bureau. Thus, allowing 1 employee for each 40,230 sheets of work, being the average rate for 1894, would make 1,218 as the number of employees engaged in producing the 49,012,351 sheets of work payable out of annual and permanent appropriations in 1895; and this would leave 209 employees, out of the total force of 1,427, to do the work of producing postage stamps in 1895. The Chief of the Bureau stated in his testimony before the Committee on Appropriations in December, 1894, that the employees of the Bureau were engaged indiscriminately on the regular work and on postage stamps, no separate roll being kept for the different classes of work; and it is reasonable, therefore, that the work on postage stamps would require the exclusive services of at least 209 employees, especially since it has been claimed that the number of employees engaged on this work under the last contractor in New York was nearly 200. It is well also to remember that the employees of the Bureau work only eight hours per day and are allowed thirty days leave of absence with pay, while the employees of private establishments work ten hours per day and, as a rule, get no leave of absence with pay. Now, the Chief of the Bureau, in accounting for the $107,699.78 received from the Post-Office Department in payment for postage stamps, charged only $29,167.84 to the item of compensation to employees. Two hundred and seven employees for, say, three hundred working days in the year would make a total of sixty two thousand one hundred and eighty days' service for a single employee, affording a compensation, out of the $29,167.84 alleged to have been expended for employees on postage-stamp work, of about 47 cents each per day. What a ridiculous compensation that would be, and how absurd to suppose that $29,167.84 covered the cost of employees for doing the work on postage stamps in 1895. The real fact is that in the matter of compensation to employees, as in all other items of expenditure connected with the production of postage stamps, the regular appropriations of the Bureau were drawn upon to supply the deficiencies in the amounts received from the Post-Office Department to pay for the stamps.

What a pity that the employees of the Bureau of Engraving and Printing were assessed a portion of their hard-earned wages in order that the Chief of the Bureau might be enabled to cover up his mistake in undertaking to furnish the Post-Office Department with postage stamps at about one-half the actual cost of producing the stamps.

SECOND—PLATE PRINTING.

The decrease in the number of sheets of work produced out of annual appropriations in 1895 as compared to 1894, it will be remembered, was at the rate of 15 per cent, while the decrease in the rate of expenditure for plate printing was only 7.9 per cent. The increased rate of expenditure for 1895 over 1894 was, therefore, 7.1 per cent for like quantities, and this increase was in spite of the fact that there was, as already shown, a reduction of $11,000 in the wages of plate printers for 1895.

Of the $107,699.78 paid by the Post-Office Department, outside of the annual appropriation in payment for postage stamps produced during 1895, the sum of $17,622.03 was charged by the Chief of the Bureau to the item of plate printing, and this amount was to cover the expense of plate printing for a total of 2,180,229,948 stamps produced during the year. In the detailed statement of expenditure in the letter of the Chief of the Bureau of January 11, 1895, the cost of plate printing the 755,271,163 stamps produced to December 31, 1894, was given at $35,318.24. That is to say, the cost of printing the stamps produced to December 31, 1894, was stated by the Chief of the Bureau in his letter of January 11, 1895, at more than twice the amount given in his annual report for printing nearly three times as many stamps, constituting the entire product of the year. Further comment on the subject of plate printing is unnecessary.

THIRD—AS TO MATERIALS AND MISCELLANEOUS EXPENSES.

This item is the only one which shows an absolute increase in the amount of expenditure for 1895 over 1894, in face of the largely decreased quantity of work produced during the latter year. The decrease in the quantity of work for 1895, it will be remembered, was at the rate of 15 per cent, while the increase in the aggregate cost of materials was at the rate of 5.1 per cent, making a total increase of over 20 per cent of expense for 1895 as against 1894 for like quantities. And yet the Chief of the Bureau stated in his testimony before the subcommittee of Appropriations on the sundry civil bill, in December, 1894, that "we are buying material for a good deal less than we bought in the past."

The average cost of material for work payable out of annual appropriations, as already shown, was $3.54 per thousand sheets in 1894, and $4.38 per thousand sheets in 1895, being a difference against 1895 of 84 cents per 1,000 sheets, amounting on the 44,711,351 sheets produced in 1895 to $37,557.53.

The amount charged by the Chief of the Bureau for materials and miscellaneous expenses against the funds received from the Post-Office Department in payment of the stamps was $60,909.91, which, added to the $37,557.53 taken out of the annual appropriations, would make the cost of material used for postage stamps in 1895, $98,467.44, or only $9,232.34 less than the entire alleged cost of producing the stamps. Now, the Chief of the Bureau stated, as already mentioned, that he was "buying material for a good deal less" in 1895 than in 1894, and therefore, except for this reduction, the aggregate cost of material would have been much greater in 1895 than it actually was. What is a "good deal less"?

Let us ascertain the amount from his own figures. For the year ending June 30, 1894, the cost per thousand sheets for work payable out of annual appropriations was $3.54. In his estimates submitted to Congress in 1895 for the service of the year ending June 30, 1897, he allowed for a total production of 56,830,437 sheets of work payable out of annual appropriations, and as a part of the cost of producing this work he asked for an appropriation of only $166,650 for the item of materials and miscellaneous expenses. This amount on the 56,830,437 sheets to be produced would be equal to $2.93 per thousand sheets, being a reduction of 61 cents, or a little over 17.2 per cent, in the cost of materials for 1897 as compared to that of 1894 for like quantities. Allowing for a reduction of only 15 per cent in the cost of material for 1895 as compared to 1894—and let us remember that the Chief of the Bureau testified before the subcommittee on Appropriations that he was buying material for a good deal less in 1895 than in 1894—would make the saving for materials used in 1895, as compared to the prices of 1894, $34,561.03, as will appear from the following statement, namely:

Actual cost of materials for the 44,711,351 sheets of work payable out of annual appropriations produced in 1895	$195,845.87
Amount of which $195,845.87 is 85 per cent, to represent cost of work for 1895 as compared to that of 1894 for like quantities	230,406.90
Gives balance to represent the amount of savings in materials payable out of annual appropriations for 1895	34,561.03

The saving of $34,561.03 in the cost of material payable out of annual appropriations in 1895 was swallowed up by the extra cost of producing postage stamps over and above the amount paid for the same by the Post-Office Department, and it is therefore properly chargeable to the actual cost of the stamps for that year.

So much for materials, and now for other items of expense to the Government occasioned by the manufacture of postage stamps.

RENT OF POSTAGE-STAMP AGENCY.

The specifications in the contract for postage stamps required the contractor to furnish suitable office room for the use of the agent and clerical force of the Post-Office Department to supervise the manufacture and distribution of the stamps without extra cost to the Government. The space available in the Bureau building did not admit of these office rooms, and accordingly outside rooms for the use of the agent and his clerical force were rented in a building on F street northwest, more than 1 mile from the Bureau of Engraving and Printing in Washington. How well the agent could perform his duties of inspection at this distance from the place of manufacture can readily be surmised. Be that as it may, the rental of these outside office rooms constituted an additional charge upon the work of producing postage stamps. The amount of annual rental was $600, and the amount expended during the year ended June 30, 1895, for this purpose was $566.67, and it was paid, not out of the funds of the Bureau, nor out of the amount reimbursable by the Post-Office Department, but out of specific appropriations by Congress.

THE RENTAL OF OUTSIDE QUARTERS FOR OTHER WORK.

The occupancy in the Bureau building of a large quantity of space, given by the Chief of the Bureau at nearly 10,000 square feet, necessitated the rental of outside quarters for doing some special work on World's Fair business, and the "act (Public—No. 29) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes," contains an item of $860 for

the rental of outside quarters from April 20, 1895, to June 30, 1896, at $60 per month. Of the $860 thus appropriated $140 is due to the fiscal year 1895 and $720 to the fiscal year 1896, and both amounts are properly chargeable to the extra cost of producing postage stamps in both of said years.

ACTUAL COST OF PRODUCING POSTAGE STAMPS IN 1895.

Having considered the various known elements of expense involved in the manufacture of postage stamps by the Bureau of Engraving and Printing during the year ended June 30, 1895, the approximate, if not actual, cost of the work may now be ascertained. There is of course an omission of one element of expense not ascertainable in amount through the failure to include a proper allowance for the use and care of the building in which the work is done, and for heat and light of the same, payable out of permanent appropriations for the Treasury Department and not charged to the cost of work produced by the Bureau.

The recapitulation by items of the cost of producing postage stamps by the Bureau of Engraving and Printing in 1895, as far as known, is as follows:

1. Amount reimbursed at contract price by the Post-Office Department for postage stamps produced	$107,699.78
2. Amount expended on production of postage stamps over and above the foregoing and taken out of annual appropriations, as ascertained by the excess of cost for 1895 over 1894 for like quantities of work payable out of said appropriations	123,850.44
3. Amount of admitted savings by reduction of wages of employees in 1895 absorbed in the cost of producing postage stamps	11,000.00
4. Amount of savings by reduction in cost of materials as shown for 1895 and absorbed in the cost of producing postage stamps	34,561.03
5. Amount paid for rental of postage-stamp agency for 1895 under special appropriation by Congress, and not included in the foregoing statement of cost	566.67
6. Amount paid from April 20 to June 30, 1895, for rental of outside quarters for World's Fair work, necessitated by use of space in Bureau building for producing postage stamps and supplied by urgent deficiency appropriation by Congress	120.00
Total cost of producing postage stamps for 1895, as far as ascertainable	277,797.92

Number of stamps furnished by Bureau of Engraving and Printing, year ended June 30, 1895, 2,180,229,948.

Average cost per 1,000 stamps, 12.79 cents.

The price paid by the Post-Office Department for the foregoing stamps was $107,699.78, as above. The excess of cost over and above this amount payable out of the general Treasury was therefore $170,098, and this amount represented only a little more than three-fourths of the amount of stamps required by the Post-Office Department for the fiscal year ended June 30, 1895, nearly one quarter's supply having been purchased from the old contractors by reason of the inability of the Bureau to begin the work at the time at which it stipulated to do it. If, therefore, the Bureau had manufactured all the postage stamps required by the Post-Office Department for the fiscal year ended June 30, 1895, the extra cost of their production payable out of the general Treasury over and above the amount reimbursable by the Post-Office Department would have amounted to about $225,000.

The foregoing computation of course includes the cost of the plant—that is, of the additional machinery required to manufacture postage stamps. The cost of this additional machinery, originally estimated at $40,000 or $50,000, was finally given in exact figures in the text of the report of the Chief of the Bureau for the year ended June 30, 1895, at $56,243. This amount nowhere appears in the detailed statement of expenditures out of the various items of appropriations, but it is of course divided up and covered up among the various items of expenditure.

It is only fair to say, however, that this machinery having already been purchased and paid for, while an element of actual cost of the stamps for 1895, will not appear as a part of the cost of the stamps for subsequent years.

Let us ascertain the actual cost of stamps, exclusive of the cost of the plant, for the year 1895, namely:

COST OF STAMPS FURNISHED IN 1895, EXCLUSIVE OF COST OF PLANT.

Total cost of stamps and plant for 1895, as previously shown	$277,797.92
Deduct cost of plant, as above given	56,243.00
Leaves balance to represent cost of stamps exclusive of cost of plant	221,554.92
Number of stamps furnished by Bureau June 30, 1895, as above	2,180,229,948
Average cost per thousand stamps exclusive of cost of plant for 1895	10.11+ cts.

These figures include nothing for the use and care of the building in which the stamps were manufactured, and nothing for heating and lighting the same payable out of permanent appropriations and not chargeable to the Bureau of Engraving and Printing.

Aside from this latter expense, and from the cost of the additional machinery, it will be seen that the cost of the stamps was more than double the price paid for them by the Post-Office Department, and consequently that nearly one-half the cost of the same was borne out of the general Treasury.

Number of stamps furnished by Bureau of Engraving and Printing, year ended June 30, 1895, as above	2,180,229,948
Cost to the Government for production of the same, including cost of plant, as above	$277,797.92
Amount paid by Post-Office Department for same, as above	107,699.78
Excess of actual cost to the Government over amount paid by the Post-Office Department, as above	170,098.14
Cost to the Government at prices in the bid of Charles F. Steele, the lowest bidder, under the advertisement for the contract	115,120.43
Excess of cost to the Government through production of the stamps over amount in bid of Charles F. Steele	162,677.50
Cost of the foregoing stamps at the price in the bid of the American Bank Note Company, of New York, the next lowest bidder for the contract, uniform at 5.85 cents per 1,000 stamps	127,543.45
Excess of cost to the Government through production of stamps by the Bureau of Engraving and Printing in lieu of the American Bank Note Company, inclusive of $56,243 paid for additional machinery by the Bureau of Engraving and Printing	150,254.47

To recapitulate: First, if the postage stamps furnished to the Post-Office Department by the Bureau of Engraving and Printing during about three-quarters of the year ended June 30, 1895, at a cost of production to the Government of $277,797.92, had been obtained from Charles F. Steele, at the prices in his bid, the Government would have saved $162,677.50; and, second, if an equal number of stamps had been obtained from the American Bank Note Company, the next lowest bidder and the old contractor, at the price in the bid of the said company, the Government would have saved $150,254.47 and, besides, have gotten very much better stamps.

STOCK ON HAND AT CLOSE OF 1895.

In the table (No. 12) in his report for the year ended June 30, 1895, "showing the annual production of securities in sheets," etc., the Chief of the Bureau gives only the number of sheets of stamps delivered to the Post-Office Department, making no allowance for any stamps remaining on hand at the close of the year, but in the text of his report (page 3, report for 1895) he says that the Bureau had "accumulated in its finished vaults a stock of finished stamps of the value of $27,754." He must have had some stamps on hand, because he could not be expected to deliver stamps fresh from the presses, but it is not likely that he had in stock any considerable quantity of stamps that were fit for issue.

In his letter of January 11, 1895, to the chairman of the Committee on Appropriations of the House (pages 1511 to 1513 of the CONGRESSIONAL RECORD of January 25, 1895), he admitted that he had a large quantity of damaged stamps in his vaults, a part of which had been condemned as unfit for use, and a very large part of which had been returned from the post-offices as unserviceable. Some of these stamps he thought might be worked over so that they would go, the public expectation having been greatly lowered by the quality of the stamps furnished by the Bureau of Engraving and Printing. Did not the $27,752 worth of stamps reported on hand on the 30th of June last consist mainly of the bad work referred to above?

QUALITY OF STAMPS FURNISHED.

The bad quality of the stamps furnished has just been referred to, and there is need of saying very little more on the subject. The Chief of the Bureau professes to be satisfied with the quality of the work, but that is very much more than the public was. The public prints have been filled with complaints touching nearly every detail of manufacture, the color, the quality of printing, the perforation, and, above all, the gumming.

Will the Chief of the Bureau urge, in extenuation of the excessive cost and bad quality of the work produced, a lack of experience, technical skill, and expertness during the first year of his contract term? If so, he will be met with his own published assurances to the contrary, to be found on page 4927 of the CONGRESSIONAL RECORD of April 25, 1894, namely:

The Bureau is amply able to do the work on postage stamps. There is no kind of work on these stamps that the Bureau is not now doing on the stamps for the Internal Revenue Bureau, and surely if it has, without interruption, successfully executed these for the past sixteen years, it can execute the work on postage stamps. The number of sheets of internal-revenue stamps executed annually is five times as great as the number of sheets of postage stamps that will be required.

THEFT OF POSTAGE STAMPS FROM BUREAU OF ENGRAVING AND PRINTING.

One of the principal reasons urged by the Chief of the Bureau of Engraving and Printing for having the work on postage stamps done by his Bureau was that it might be surrounded with greater security than was possible when done under private contract. On this point, as well as on the question of cost, he made the following statement, to be found on the same page of the CONGRESSIONAL RECORD just referred to, namely:

Mr. Carlisle has reported to the House that this work can be done by the Bureau of Engraving without any expense whatever, except within the amount appropriated in the pending Post-Office bill. All the securities of the Government are now made by the Bureau of Engraving and Printing with absolute safety against robbery or peculation of any kind that surrounds that establishment. It is certainly safer for the Government to do this work than to place it in the hands of any private individual. While no robberies are known to have occurred, and probably none have ever occurred in the establishment of private contractors who have made the stamps, yet they are liable to occur, and may have occurred in the past without the knowledge of any one except the perpetrators.

How did the vaunted security of the Bureau of Engraving and Printing turn out? The Bureau had hardly commenced its work before the public prints were filled with the story of thefts by employees, under most disgraceful circumstances, of postage stamps from its vaults, and these thefts were only revealed to the Bureau after they had been discovered by outside detectives, who found the thieves publicly disposing of the stamps in large quantities. One or more of the thieves are now in the penitentiary. There is pretty good reason also to believe that these are not the only thefts of postage stamps from the Bureau since it undertook the work of making the stamps.

An equally striking commentary on the boasted security of the Bureau, through its alleged system of checks and balances to insure a proper accountability for its product, is to be found in the very large discrepancy, already referred to, between the accounts of the Bureau and the Post-Office Department as to the number of stamps furnished to postmasters. The accounts between the Post-Office Department and its old contractors never varied so much as a single postage stamp.

LIABILITY TO THE USE OF WASHED STAMPS.

A great source of danger to the postal revenue is through the liability to the use of washed stamps caused by the bad standards furnished to postmasters by the Bureau of Engraving and Printing. The worst effort at cleansing stamps for reuse is liable to escape detection when compared with the wretched standards of the Government, and in this way many washed stamps will be passed by postmasters because of the inability to detect the difference between them and the Bureau stamps which have not been previously used.

COUNTERFEITING STAMPS.

Another source of danger to the postal revenue from the bad standards set up was through the counterfeiting of stamps, and this danger materialized by the discovery in the summer of 1895 of a large number of spurious stamps in actual circulation. It was said in official quarters, and not in an ironical way, that the discovery of the bogus stamps was due to the superiority in their workmanship over that of the stamps produced by the Government.

Having disposed of the work of 1894 and 1895, let us now turn to the estimated cost of postage stamps for the year ending June 30, 1896, the present fiscal year, namely:

ESTIMATED COST OF POSTAGE STAMPS FOR 1896.

Number of postage stamps of the various kinds to be required during the fiscal year ending June 30, 1896, as estimated by the Third Assistant Postmaster-General (page 25, pamphlet edition, Report of Third Assistant Postmaster-General for year ended June 30, 1894)	3,180,124,000
Estimated cost to the Government for production of the same by the Bureau of Engraving and Printing, at — cents per thousand, being the rate of cost shown for stamps produced in 1895, exclusive of cost of plant	$321,510.53
Estimated amount to be paid to Bureau of Engraving and Printing for furnishing the above stamps at Bureau prices	159,943.00
Excess of actual cost to the Government over amount to be paid by the Post-Office Department for the stamps	161,567.53
Cost to the Government of the foregoing stamps at the prices in the bid of Charles F. Steele, the lowest bidder under the advertisement for the contract	167,829.77
Excess of cost to Government over amount of bid of Charles F. Steele	
Excess of cost to the Government through production of stamps by the Bureau of Engraving and Printing in lieu of Charles F. Steele	153,680.76
Cost of the foregoing stamps at the price in the bid of the American Bank Note Company, of New York, the next lowest bidder for the contract, uniform at 5.85 cents per 1,000 stamps	186,037.25
Excess of cost to the Government through production of stamps by the Bureau of Engraving and Printing in lieu of the American Bank Note Company	135,473.28

To recapitulate for the year ending June 30, 1896: First, if the postage stamps estimated to be required during the above year at a cost of production to the Government of $321,510.53 could have been obtained from Charles F. Steele at the prices in his bid, the Government would have saved $153,680.76 by giving the contract to Mr. Steele instead of the Bureau of Engraving and Printing; and second, if an equal number of stamps had been obtained from the American Bank Note Company, at the price in the bid of said company, the Government would have saved $135,473.28 for the year 1896 alone by giving the contract to the said Bank Note Company instead of the Bureau of Engraving and Printing.

The American Bank Note Company was the existing contractor at the time the various bids were submitted in November, 1893, and it had for years acceptably and faithfully carried out its contract obligations. To repeat, the Government would have saved $135,473.28 during the year ended June 30, 1896, if the contract had been awarded to the American Bank Note Company in lieu of Charles F. Steele and the Bureau of Engraving and Printing, which, with all its facilities, proved to be no better than an untried bidder. Will the Congress of the United States further permit the Bureau to do the work at such a greatly increased cost to the Government? The Post-Office Department may claim a trifling saving, as it did, by giving the work to the Bureau, but it was largely at the expense of the Government as a whole.

FURTHER EXTRA EXPENSE TO BE INCURRED.

That the Government may be put to still further expense by the voluntary assumption by the Bureau of Engraving and Printing of the work of producing postage stamps appears from the fact that the Secretary of the Treasury in his annual estimates for 1897 (Executive Document No. 12, Fifty-fourth Congress, first session, page 175) called for an appropriation of $92,000 for the erection of additional buildings for the use of the said Bureau. Could not this proposed outlay for new buildings have been avoided if such a large quantity of space had not been appropriated by the Bureau for the work of producing postage stamps? Will Congress give its sanction to the enterprise (?) of the Bureau by making the appropriation asked for the new building?

CONCLUSION.

Now, Mr. Chairman, I have gone over this case pretty exhaustively, and think I have shown conclusively that the Government has indulged in a very costly experiment in transferring this work of making postage stamps to the Bureau of Engraving and Printing. I opposed this transfer originally, and I have been persistent in trying, whenever suitable opportunity occurred, to remedy the evil. An injustice was done to all the bidders for the contract, who, in good faith, submitted their offers in pursuance of the advertisement published in compliance with law. It was little short of an outrage for the Bureau of Engraving and Printing, after all the bids had been submitted and opened, to come in and make an offer which was just a shade below the prices named by the lawful bidders, and without any regard to the expense to which the Government would be put in producing the stamps. What mattered it to the Bureau of Engraving and Printing, so that it magnified its own importance, if the stamps should cost the Government, as they have done, twice the amount at which it agreed to furnish them? The private bidders would suffer financially if the work should prove to be undertaken at a loss; but the Chief of the Bureau could lose nothing in a pecuniary way if he failed to produce the stamps at the price at which he offered them to the Post-Office Department. Unlike the private bidders, he had the Treasury of the United States back of him to supply any deficiency.

The award to the Bureau was especially unjust to Mr. Steele, of Philadelphia, my constituent, who was the lowest bidder for the work. He should have been given the opportunity to do the work, and if he failed the Post-Office Department could have fallen back upon the next lowest bidder, the American Bank Note Company of New York, whose bid was a reasonable one, and concerning whose ability to carry out the contract there was no question of doubt.

The rejection of all the private bids by the Postmaster-General was not only unfair to all the private bidders but it was calculated to cause great injury to all the engraving and printing interests of the country. This view of the case was presented to me in the strongest light within the past few days by the president of the Western Bank Note Company of Chicago, a most reputable concern, who was not even a bidder for the contract, but who, in common with others in the same line of business, has come to me in the name of the guild to urge me to use my efforts to right the wrong which was committed by the Government in the matter of this award. The Government works its employees but eight hours a day, and gives them thirty days' leave of absence with pay; and, as a preference is always given to employment under the Government, outside concerns are compelled to pay higher salaries, and to take the chances of having their employees leave them under more tempting offers by the Government. Incidentally, the withdrawal of work from the private engraving and printing establishments to the Government has the result of causing the loss to the private establishments of much work which has come here from abroad, notably the South American countries, by reason of the superiority of the engraving and printing talent of our workmen. In this way the country suffers as a whole when the Government by its action depreciates the standards of private enterprise.

It is in direct contravention of our institutions for the Government to undertake the production of work which can be done as well, if not much better, by private enterprise.

TABLE No. 8—Continued.

the same was borne out of the general Treasury.

ble to occur, and may have occurred in the past without the knowledge of any one except the perpetrators.

The postage stamps of the United States have heretofore taken high rank among the nations of the world for excellence of design and superiority of workmanship. Postage stamps are used by everybody and go everywhere; and by many people they are accepted as a criterion of the artistic tastes of the people of the country which produces them. How far we have suffered in this respect through the circulation of the bad work produced by the Bureau of Engraving and Printing is simply incalculable. The work of the Bureau has met with the derision of the stamp-collecting fraternity, whose names are legion throughout the entire world.

In the name, therefore, of fair play, which has been outraged; in the name of my constituents, whose rights were trampled upon; in the name of the engraving and printing interests of the United States, which suffer as a class; in the name of the Government, which is being put to a large and wholly unjustifiable expense; and, above all, in the name and for the sake of the majesty of the law, which was violated in giving this contract to the Bureau of Engraving and Printing, I ask that this House in Committee of the Whole will sustain the amendment which I have offered, depriving the Bureau of a further continuance of the work.

Appendixes to speech of Hon. HENRY H. BINGHAM, of Pennsylvania, chairman of the Committee on Expenditures in the Post-Office Department and member of the Committee on Appropriations of the House of Representatives, on the subject of manufacturing and issuing adhesive postage stamps for the Post-Office Department by the Bureau of Engraving and Printing of the Treasury Department.

TABLE No. 1.

Estimates submitted in 1893 of work to be done by the Bureau of Engraving and Printing of the Treasury Department during the fiscal year ended June 30, 1895, compared to actual results finally shown for said fiscal year.

[Compiled from reports of Chief of Bureau of Engraving and Printing.]

Description.	Number of sheets of articles called for by estimates.	Number of sheets of articles in estimates not produced.	Number of sheets in estimates actually produced.	Number of sheets of articles not in estimates but actually produced.	Total number of sheets actually produced.	Decrease of total production from total estimates. Number of sheets.	Decrease of total production from total estimates. Per cent.	From what fund payable.
United States notes and certificates:								
United States notes, series of 1880, unsealed					2,121,000			Annual appropriations.
Silver certificates, series of 1891, unsealed					7,580,000			Do.
Currency certificates, series of 1895, unsealed					1,500			Do.
Total	10,925,000		9,702,500		9,702,500	1,222,500	11.2	Do.
National currency:								
Series of 1875	185,000		163,113					Do.
Series of 1882	2,060,000		1,855,545					Do.
Total	2,245,000		2,018,658		2,018,658	226,342	10	Do.
United States internal-revenue stamps	36,679,260		31,545,838		31,545,838	5,133,422	14	Do.
Customs stamps	430,000		199,000		199,000	231,000	53.7	Do.
Checks, drafts, certificates, etc	2,060,025		1,056,205		1,056,205	1,003,820	48.7	Do.
Pacific Railroad registered bonds, unsealed	1,000	1,000				1,000		Do.
4 per cent certificates indebtedness for Cherokee Indians				2,000	2,000	*2,000		Do.
3.50 per cent District of Columbia registered bonds, unsealed				1,000	1,000	*1,000		Do.
United States bonds:								
5 per cent registered bonds, unsealed				18,000	18,000	*18,000		Do.
5 per cent coupon bonds, unsealed				37,500	37,500	*37,500		Do.
4 per cent registered bonds, unsealed				49,700	49,700	*49,700		Do.
4 per cent coupon bonds, unsealed				80,950	80,950	*80,950		Do.
Total payable out of annual appropriations	52,340,285	1,000	44,522,201	189,150	44,711,351	+7,628,934	+14.6	Do.
Treasury notes, series of 1891, unsealed (payable out of permanent appropriations)	3,850,000		4,301,000		4,301,000	*451,000	*11.7	Permanent appropriations.
Total of estimates, etc	56,190,285	1,000	49,012,351	189,150	49,012,351	+7,177,934	+12.8	Annual and permanent appropriations.
Add postage stamps not in estimates and not furnished prior to 1895; cost of production reimbursable out of price paid for the stamps by the Post-Office Department					21,873,682			Reimbursable.
Total number of sheets of all kinds produced					70,886,033			Annual and permanent appropriations and reimbursable.

* Increase. † Net decrease.

TABLE No. 2.

Statement showing number of sheets of work produced by the Bureau of Engraving and Printing of the Treasury Department for the fiscal years ended June 30, 1894 and 1895, with comparison of same; estimates of work to be produced during the fiscal years ending June 30, 1896 and 1897; funds out of which payable; appropriations and estimates of appropriation, and cost of each of several classes of work.

[Compiled from reports of Chief of Bureau of Engraving and Printing.]

Classification of work and fund out of which payable.	Number of sheets actually produced. Year ended June 30, 1894.	Year ended June 30, 1895.	Decrease for 1895. Number of sheets.	Decrease for 1895. Per cent.	Estimated number of sheets to be produced. Year ending June 30, 1896.	Year ending June 30, 1897.
1. Payable out of annual appropriations:						
UNITED STATES NOTES AND CERTIFICATES.						
United States notes, series of 1880, unsealed	1,871,000	2,121,000	*250,000	*13.4		
Silver certificates, series of 1891	8,838,000	7,580,000	1,258,000	14.2		
Currency certificates, series of 1875	3,000	1,500	1,500	50		
Total	10,712,000	9,702,500	1,009,500	9.43	10,375,000	10,375,000
UNITED STATES BONDS.						
4 per cent coupon bonds, unsealed		80,950	*80,950			
5 per cent coupon bonds, unsealed	44,500	37,500	7,000	15.7		
4 per cent registered bonds, unsealed	27,146	49,700	*22,554	*83		
5 per cent registered bonds, unsealed	19,000	18,000	1,000	5.3		
Total	90,646	186,150	*85,504	*94.3	12,000	24,000

TABLE No. 2—Continued.

Statement showing number of sheets of work produced by the Bureau of Engraving and Printing of the Treasury Department, etc.—Continued.

Classification of work and fund out of which payable.	Number of sheets actually produced. Year ended June 30, 1894.	Year ended June 30, 1895.	Decrease for 1895. Number of sheets.	Decrease for 1895. Per cent.	Estimated number of sheets to be produced. Year ending June 30, 1896.	Year ending June 30, 1897.
UNITED STATES BONDS—continued.						
1. Payable out of annual appropriations—Continued.						
3.65 District of Columbia registered bonds	1,000		1,000			
3.50 District of Columbia registered bonds		1,000	*1,000			
Pacific Railroad registered bonds, unsealed	1,940		1,940		1,000	1,000
4 per cent certificates of indebtedness for Cherokee Indians		2,000	*2,000			
National currency	3,064,124	2,018,658	1,045,466	34.1	3,058,000	2,680,000
United States internal-revenue stamps	37,097,706	31,545,838	5,551,868	15	41,689,296	41,678,880
Customs stamps	201,000	199,000	2,000	1	372,000	382,000
Checks, drafts, certificates, etc	1,437,545	1,056,205	381,340	26.5	1,815,300	1,689,557
Total, payable out of annual appropriations	52,605,961	44,711,351	7,894,610	15	57,322,596	56,830,437
2. Payable out of permanent appropriations: Treasury notes, series of 1891, unsealed	2,911,000	4,301,000	*1,390,000	*47.75	4,800,000	4,800,000
Total, payable out of annual and permanent appropriations	55,516,961	49,012,351	6,504,610	11.7	62,122,596	61,630,437
3. Reimbursable by Post-Office Department: Postage stamps		21,873,682	*21,873,682		†32,354,300	32,430,600
Grand total of sheets	55,516,961	70,886,033	*15,369,072	*27.7	94,476,896	94,061,037
PRODUCTION AND COST OF SAME.						
4. Payable out of annual appropriations:						
Number of sheets a above	52,605,961	44,711,351	7,894,610	15	57,322,596	56,830,437
Cost of same as shown by Bureau	$1,181,772.90	$1,127,946.12	$53,826.78	4.55	‡$1,196,750.00	$1,131,450.00
Average cost per 1,000 sheets	$22.46	$25.23	*$2.77	*12.33	$20.88	$19.90
5. Payable out of permanent appropriations:						
Number of sheets of Treasury notes of 1891, as above	2,911,000	4,301,000	*1,390,000	*47.75	4,800,000	4,800,000
Cost of same, as shown	$134,039.90	$198,043.87	*$64,003.97	*47.75	$250,000.00	$250,000.00
Average cost per 1,000 sheets	$46.05	$46.05			$52.08	$52.08
6. Payable out of annual and permanent appropriations:						
Number of sheets, as above	55,516,961	49,012,351	6,504,610	11.7	62,122,596	61,630,437
Cost of same, as shown	$1,315,812.80	$1,325,989.99	*$10,177.19	*.77	$1,446,750.00	$1,381,450.00
Average cost per 1,000 sheets	$23.70	$27.05	*$3.35	*14.13	$23.29	$22.42
7. Reimbursable by Post-Office Department:						
Number of sheets of postage stamps, as above		21,873,682			†32,354,300	32,430,600
Cost of same, as shown by Bureau, viz:						
a. Amount reimbursed by Post-Office Department		$107,699.78			$163,612.16	$164,585.29
b. Amount appropriated for rent of postage stamp agency		$566.67			$600.00	$600.00
Average cost per 1,000 sheets		$4.95			$5.07½	$5.07½
8. Payable from all sources:						
Grand total of sheets, as above	55,516,961	70,886,033	*15,369,072	*27.7	94,476,896	94,061,037
Total cost of same, as shown	$1,315,812.80	$1,434,256.44	*$118,443.64	*9.00	$1,610,962.16	$1,546,635.29
Average cost per 1,000 sheets	$23.70	$20.23	$3.47	14.64	$17.16	$16.44

* Increase.
† Estimate calls for 8,088,575 sheets of 400 stamps each, extended as above to 32,354,300 sheets of 100 each, the same as given for other years.
‡ Amount of Bureau estimates. Appropriation is $1,157,450.

NOTE.—The 44,711,351 sheets of work furnished in 1895 payable out of annual appropriations, if produced at a cost of $22.46 per thousand sheets—the rate of cost exhibited for the work of 1894—would amount to $1,004,216.94, or $123,729.18 less than the actual cost of the same as shown above.

TABLE No. 3.

Statement showing expenditure and funds out of which payable for work done by the Bureau of Engraving and Printing of the Treasury Department for the fiscal years 1894 and 1895, with comparison of same, average cost per 1,000 sheets of work produced in each of said years, etc.

[Compiled from report of Chief of Bureau of Engraving and Printing.]

Funds out of which payable and items of expenditure.	Amount of expenditure. Year ended June 30, 1894.	Year ended June 30, 1895.	Increase 1895 over 1894. Amount.	Increase 1895 over 1894. Per cent.	Average cost per 1,000 sheets. 1894.	1895.	Excess of cost per 1,000 sheets 1895 over 1894.
1. Payable out of annual appropriations:							
A. Salaries	$17,397.35	$17,290.35	*$107.00	*0.6	$0.33	$0.39	$0.06
B. Compensation of employees	440,507.12	419,775.28	*20,731.84	*4.7	8.37	9.39	1.02
C. Plate printing	537,435.27	495,014.62	*42,420.65	*7.9	10.22	11.07	.85
D. Materials and miscellaneous expenses	186,413.16	195,845.87	9,432.71	5.1	3.54	4.38	.84
Total	1,181,772.90	1,127,946.12	*53,826.78	*4.5	22.46	25.23	2.77
2. Payable out of permanent appropriations (Treasury notes of 1891):							
A. Salaries	53,851.88	95,669.58	41,817.70	77.6	18.50	22.24	3.74
B. Compensation of employees	47,101.18	53,905.70	6,804.52	14.4	16.18	12.54	*3.64
C. Plate printing	33,086.84	48,468.59	15,381.75	46.5	11.37	11.27	*.10
D. Materials and miscellaneous expenses							
Total	134,039.90	198,043.87	64,003.97	47.7	46.05	46.05	
3. Reimbursable by Post-Office Department (postage stamps):							
A. Salaries		29,167.84				1.33	
B. Compensation of employees		17,622.63				.81	
C. Plate printing		60,909.91				2.78	
D. Materials and miscellaneous expenses							
E. Rent of postage-stamp agency (paid out of special appropriations)		566.67				.03	
Total		108,266.45				4.95	
4. Total payable from all of the above sources:							
A. Salaries	17,397.35	17,290.35	*107.00	*.6	.31	.25	*.06
B. Compensation of employees	494,359.00	544,612.70	50,253.70	10.2	8.91	7.68	*1.23
C. Plate printing	584,556.45	566,562.35	*17,994.10	*3.1	10.53	7.99	*2.54
D. Materials	219,500.00	305,224.37	85,724.37	39	3.95	4.30	.35
E. Rent of postage-stamp agency		566.67	566.67			.07	
Total	1,315,812.80	1,434,256.44	118,443.64	9	23.70	20.23	*3.47

* Decrease.

PRODUCTION.

Number of sheets of work payable out of annual appropriations, produced in 1894	52,695,961
Number of sheets of work payable out of annual appropriations, produced in 1895	44,711,351
Decrease for 1895	7,894,610 or 15 per cent
Number of sheets of work payable out of permanent appropriations, produced in 1894	2,911,000
Number of sheets of work payable out of permanent appropriations, produced in 1895	4,301,000
Increase for 1895	1,390,000 or 47.7 per cent
Number of sheets of work payable from all sources, produced in 1894	55,516,961
Number of sheets of work payable from all sources, produced in 1895	70,886,033
Increase for 1895	15,369,072 or 27.7 per cent

TABLE No. 4.

United States internal-revenue stamps produced by the Bureau of Engraving and Printing for the years ended June 30, 1894 and 1895, compared.

[Compiled from reports of Chief of Bureau of Engraving and Printing.]

Classification.	Year ended June 30, 1894.			Year ended June 30, 1895.			Number of stamps per sheet.	
	Number of volumes.	Number of sheets.	Number of stamps.	Number of volumes.	Number of sheets.	Number of stamps.	1894.	1895.
Tax-paid stamps for distilled spirits, series of 1878	15,504	775,200	2,325,600	2,666	133,300	399,900	3	3
Tax-paid stamps for distilled spirits, series of 1894				4,220	211,000	633,000		3
Tax-paid stamps for distilled spirits, series of 1878, imprinted				2,100	105,000	315,000		3
Stamps for rectifiers, series of 1892	16,730	423,500	1,694,000	13,194	355,500	1,422,000	4	4
Stamps for wholesale liquor dealers, series of 1878	2,920	292,000	876,000	2,140	214,000	642,000	3	3
Tax-paid stamps for oleomargarine, series of 1886	14,870	743,500	2,974,000	6,680	334,000	1,336,000	4	4
Warehouse stamps, series of 1878	4,540	454,000	1,816,000	3,390	339,000	1,356,000	4	4
Warehouse stamps, series of 1890	140	14,000	56,000	80	8,000	32,000	4	4
Warehouse stamps, series of 1894				750	75,000	300,000		4
Brewers' permit stamps, series of 1878	190	19,000	76,000	165	16,500	66,000	4	4
Export distilled-spirits stamps, series of 1878	490	49,000	196,000	90	9,000	36,000	4	4
Export tobacco stamps, series of 1883	220	23,000	92,000	240	24,000	96,000	4	4
Export cigar stamps, series of 1883				20	2,000	8,000		4
Export oleomargarine stamps, series of 1886	20	2,000	8,000	90	9,000	36,000	4	4
Export fermented-liquor stamps, series of 1891	300	30,000	120,000	70	7,000	28,000	4	4
Stamps for fortified sweet wines, series of 1890	30	3,000	12,000	60	3,000	12,000	4	4
Tobacco stamps, stub, series of 1891	28,345	2,267,600	11,338,000	21,555	1,724,400	8,622,000	5	5
Snuff stamps, stub, series of 1891	150	12,000	60,000	120	9,600	48,000	5	5
Special-tax stamps for liquors, series of 1895				5,822	149,420	263,420		1+
Special-tax stamps for oleomargarine, series of 1895				1,276	12,760	12,760		1
Beer stamps, series of 1878		4,977,000	99,540,000		4,160,000	83,200,000	20	20
Tobacco stamps, strip, series of 1891, new issue		12,855,000	464,625,000		12,618,000	461,245,000	36+	36+
Tobacco stamps, sheet, series of 1891		55,000	660,000		80,000	960,000	12	12
Snuff stamps, small, series of 1891		400,000	61,896,000		371,000	55,860,000	154+	150+
Snuff stamps, strip, series of 1891		682,000	12,460,000		533,000	9,740,000	18+	18+
Snuff stamps, sheet, series of 1891		57,000	684,000		46,000	552,000	12	12
Cigar stamps, strip, series of 1891					52,000	520,000		10
Cigar stamps, strip, series of 1883		8,797,000	86,455,000		5,959,000	58,115,000	9+	9+
Cigarette stamps, small, series of 1893, new issue		3,232,300	258,664,000		3,779,600	302,760,000	80	79+
Cigarette stamps, strip, series of 1883		65,000	672,000		64,000	664,000	10+	10+
Stamps for playing cards					134,350	26,870,000		200
Lock seals, series of 1875		5,556	300,024		7,408	400,032	54	54+
Special-tax stamps for liquors, series of 1891	155	3,800	6,300				1+	------
Special-tax stamps for oleomargarine, series of 1893	250	2,500	2,500				1	------
Special-tax stamps for liquors, series of 1894	4,680	149,310	263,210				1+	------
Special-tax stamps for oleomargarine, series of 1894	1,274	12,740	12,740				1	------
Cigar stamps, strip, series of 1891		46,000	460,000				10	------
Cigarette stamps, small, series of 1883		648,700	51,896,000				80	------
Total	90,818	37,097,706	1,060,270,374	64,728	31,545,838	1,016,550,112	28.58+	32.22+

EXTRACT FROM TESTIMONY OF MR. CLAUDE M. JOHNSON, CHIEF OF BUREAU OF ENGRAVING AND PRINTING, ON THE 5TH OF DECEMBER, 1894, BEFORE THE SUBCOMMITTEE ON THE SUNDRY CIVIL APPROPRIATION BILL FOR 1896. SEE PAGES 35 TO 42 OF PRINTED COPY OF "HEARINGS BEFORE SUBCOMMITTEE OF HOUSE COMMITTEE ON APPROPRIATIONS, CONSISTING OF MESSRS. SAYERS, O'NEIL OF MASSACHUSETTS, BROOKSHIRE, COGSWELL, AND CANNON OF ILLINOIS, IN CHARGE OF SUNDRY CIVIL APPROPRIATION BILL FOR 1896."

Mr. CANNON. Right at that point. How much is your estimate for postage stamps?

Mr. JOHNSON. The Post-Office Department has estimated they will require 8,088,575 sheets, which, according to our estimates, will cost $150,798.50. That, of course, comes in the Post-Office appropriation. It is repaid to the Bureau by them on bills rendered for a certain number of postage stamps which are delivered.

Mr. CANNON. Have you a deficiency in that matter this year?

Mr. JOHNSON. No, sir.

Mr. CANNON. Then, if any inquiries are to be made about that expenditure, they would have to be made upon this bill; that is, the Post-Office bill carries the item for printing for the postage stamps, and you are reimbursed from that appropriation, but as to the Treasury notes, that is a permanent appropriation by law.

The CHAIRMAN. Your next item is "for wages of plate printers." You ask for $547,700 for this item. How is it that the estimate is so large this year as compared with previous years? Now, for 1895 you had an estimate for $495,400. It is $52,000 more this year than last year.

Mr. JOHNSON. Well, the same answer applies to that; that nearly 5,000,000 more sheets are to be printed. The same answer applies to each one of these items of appropriations. It is the increase of the number of sheets to be produced by the Bureau; each department of the service every year increases estimates and uses more. The Government is growing.

Mr. CANNON. What is this I notice in the public prints about reduction of the wages of plate printers?

Mr. JOHNSON. Well, sir, it is a fact that the rates have been reduced 10 per cent on the internal-revenue work only; not on bank-note, or faces, or miscellaneous work, but internal-revenue work only.

The CHAIRMAN. Why is this?

Mr. JOHNSON. Because it is a cheaper grade of work. The internal-revenue stamp is made up principally of lathe work and lettering and printed on green paper, and it does not require the same care which it does to print the bank notes, which are pictures and portraits, and printed on white paper, and they have to be printed very carefully, and the men who were printing internal-revenue work were making more money than the men who were printing the faces on the bank notes under the rates which prevailed in the Bureau, and it looks to me like it was a gratuity of twenty-odd thousand dollars a year for the men doing the cheapest work, and I explained that to the Secretary, and it was reduced 10 per cent.

Mr. O'NEIL. What pay do they make at the reduced rates?

Mr. JOHNSON. They make on an average of from $4 to $5 a day under the new arrangement.

* * * * * * *

Mr. CANNON. I want to ask a question right there. You say between $4 and $5 would be their average wages. What is that for, a day of eight hours?

Mr. JOHNSON. Yes, sir.

Mr. CANNON. How does that pay compare with wages for similar employees in private establishments?

Mr. O'NEIL. Say the American Bank Note Company?

Mr. JOHNSON. Well, the rates of the American Bank Note Company, in some instances, possibly, are a little higher than in the Bureau of Printing and Engraving; but what they call jobs are small. For instance, they will have two or three kinds of securities a day to print, whereas the printers in the Bureau have continuous work on one class of work.

Mr. CANNON. Do they have thirty days' leave of absence under you?

Mr. JOHNSON. Yes, sir; and in a private establishment they do not.

Mr. CANNON. Do you take that into consideration?

Mr. JOHNSON. Yes, sir.

Mr. CANNON. You mean the wages here and the wages of a private establishment which gives thirty days' leave?

Mr. JOHNSON. No, sir; but I was going to say the printers of the Bureau make more money than the printers in private establishments in the country.

The CHAIRMAN. Without regard to the thirty days?

Mr. JOHNSON. That is counted in, as they get pay for the thirty days' leave of absence.

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Mr. CANNON. What are the hours of work for private establishments?

Mr. JOHNSON. My impression is, it is ten hours.

Mr. CANNON. Do you mean a little more pay, hour for hour, or a little more pay for the printers in the Government office for eight hours than for the printer in the private office for ten hours? Do you reckon that by hours or by the year?

Mr. JOHNSON. By days. My information is that printers in the Bureau make a little more than in private establishments day by day.

Mr. CANNON. Notwithstanding they work two hours less?

Mr. JOHNSON. Yes, sir.

The CHAIRMAN. And have thirty days' leave of absence?

Mr. JOHNSON. Yes, sir.

Mr. O'NEIL. These are highly skilled men?

Mr. JOHNSON. Yes, sir; they are skilled men.

Mr. O'NEIL. You only select the best men you can get, and if they are not good you let them go?

Mr. JOHNSON. Yes, sir.

The CHAIRMAN. "For engravers', printers', and other materials, etc.," you ask $200,000. That is about as much as you asked last year?

Mr. JOHNSON. Yes, sir. Well, we have a great many more sheets to print, nearly 5,000,000, as we say; but we have not asked for much more, because we are buying material for a good deal less than we bought it in the past.

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Mr. BINGHAM. You have simply taken an exception to the fact that you are or are not the contractor; but as to this agent, his line of work is the verification of stamp delivery to the Post-Office Department, etc., and he represents the Post-Office Department?

Mr. JOHNSON. That is true.

The CHAIRMAN. I wish you would explain the method you have adopted in order to prevent them from being stolen or lost, and also the method which you have also adopted for distribution.

Mr. JOHNSON. Well, in the first place all paper that we receive for the purpose on which postage stamps are printed is delivered to us and we are charged with that by the Treasury. The division of loans and currency receives all the paper; therefore we have to account for every sheet. Then it goes into what is known as the "wetting division," and they are charged with this. They wet and distribute it among the printers, and it is returned at night to the examining division, and from the examining division it goes to the gumming division, and from that division to the perforating division, and finally, after being completed, to the finish vault. Now, each one of the various branches of the Bureau is charged with every sheet of paper, and they have to account for them or put up the money themselves for it; and even if it is a blank sheet and it is lost the money has to be put up for it.

Every impression that is made by a press is registered by automatic registering machines, and we have register clerks who watch every revolution of that press, so it is impossible for a revolution to be made and an impression to be taken from these plates without a full record of it. After being delivered to the finish vault, then they are counted out by the vault keeper to the packing branch, and they are packed under the inspection of the man who is supposed to be the representative of the Post-Office Department, and is the representative of that Department, and delivered to the city post-office. They never go into the Post-Office Department at all, and we have the complete handling of them.

The CHAIRMAN. Is this agent there the person who has supervision of the distribution of these stamps?

Mr. JOHNSON. No, sir; he has a clerk who stays over there, and he comes there once in awhile, but very seldom.

The CHAIRMAN. So the clerk does the work?

Mr. JOHNSON. Yes, sir.

Postage stamps, manufacture of:

The CHAIRMAN. General BINGHAM, you may now ask Mr. Johnson any questions you desire in regard to the manufacture of stamps.

Mr. BINGHAM. What was the price bid per 1,000 by the Bureau for those stamps?

Mr. JOHNSON. Five cents for the ordinary stamps.

Mr. BINGHAM. That is, for the great body of stamps, 5 cents per 1,000. Now, what was bid by the Bureau in 1885?

Mr. JOHNSON. Really, I can not say.

Mr. BINGHAM. Was it not 7¾ cents per 1,000?

Mr. JOHNSON. I can not say, as I can not recollect now.

Mr. BINGHAM. Was not that estimate made by Mr. Sullivan?

Mr. SULLIVAN. No, sir; that was not made by me; it was made by the accountants.

Mr. BINGHAM. The bid of the Bureau in 1893 was 5 cents per 1,000 and in 1885 it was 7¾ cents per 1,000, and I am simply asking if you made that bid, Mr. Sullivan.

Mr. SULLIVAN. No, sir.

Mr. BINGHAM. My purpose in making that inquiry was to ask you why that difference between 1885 and 1893—a difference of 2¾ cents per 1,000; but that you do not know?

Mr. SULLIVAN. I did not make the estimate.

Mr. BINGHAM. What is the cost of manufacturing and issuing stamps per 1,000, as shown by your work, actually, up to date?

Mr. JOHNSON. Well, sir, it is less than our estimate.

Mr. BINGHAM. Can you give a detailed statement of how you make up that cost in your estimate?

Mr. JOHNSON. No, sir; we could not do it now, but I could furnish it.

Mr. BINGHAM. You can furnish it. Mr. Chairman, can Mr. Johnson furnish that statement?

The CHAIRMAN. Certainly. Mr. Johnson, will you furnish that statement?

Mr. BINGHAM. Is an account kept of the cost of postage stamps in your department apart from the other work?

Mr. JOHNSON. Yes, sir.

Mr. BINGHAM. Has there been a recent reduction of wages of employees in the department with reference to that kind of work?

Mr. JOHNSON. No, sir.

Mr. BINGHAM. What has been the general quality of the work you have done?

Mr. JOHNSON. You mean what we have done or what we are doing?

Mr. BINGHAM. I mean of what you have done since taking the contract.

Mr. JOHNSON. The first shipments of stamps were not satisfactory. The haste in making them was too great, and we went too fast at first; but the Post-Office Department insisted upon so many being produced each day, and the Bureau was not fully equipped at that time to do that many. We did not think it was necessary, but they insisted upon it, and there were a great many stamps which went out which were not properly gummed. They thinned the gum and ran them through the machines too fast, and it sunk into the paper and did not stay on the surface.

Mr. BINGHAM. In other words, there was a defect in the gumming. Was there any defect in the engraving or printing?

Mr. JOHNSON. No, sir.

Mr. BINGHAM. Was it not criticised?

Mr. JOHNSON. Yes, sir; the color was somewhat weak at first, but the stamps are now absolutely satisfactory in every respect.

Mr. BINGHAM. Well, what about the perforating? Have there been any complaints heretofore?

Mr. JOHNSON. No, sir.

Mr. BINGHAM. Just give us your explanation covering what is called a stamp, the engraving, printing, gumming, perforating, etc. You know better than I do what a stamp means.

Mr. JOHNSON. The stamps now being produced are absolutely satisfactory in every particular as to the printing, gumming, and perforating. The stamps previously, as I stated before, issued in the first shipments were not satisfactory.

Mr. BINGHAM. You have submitted in your statement to the committee as to the careful preservation and records kept of each sheet of paper furnished. What number of stamps have been spoiled in the course of manufacture and destroyed up to December 1, and what proportion was this of the total number originally printed? That, of course, you can not give from memory, but you can give it in the statement.

Mr. JOHNSON. Yes, sir.

Mr. BINGHAM. Because each sheet will be a sheet of record, and that will show whether the work is good or poor.

The CHAIRMAN. Right here, now, I want you to append to that statement a note of explanation whenever it becomes necessary to explain anything, as we have no technical knowledge of this subject.

Mr. CANNON. That is, you want all the facts?

Mr. JOHNSON. I will give you all the facts.

Mr. BINGHAM. In the same connection you can give me the number of stamps manufactured by the Bureau furnished to postmasters upon requisitions of the Post-Office Department up to December last. That is matter, of course, of record?

Mr. JOHNSON. Certainly.

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Mr. O'NEIL. When you give this information just asked for by General BINGHAM about the return of unfit stamps, I wish you would also give the dates. In other words, you admit in the beginning of the manufacture of these stamps they were faulty, but you claim that to-day they are all right; so we want the date of these returns so as to bear out that statement.

Mr. CANNON. Now, I want a little information about another matter, and when you go to answer those questions put this down. Does your estimate of the cost of stamps include the plant? I mean by plant the house, heating, lighting, presses, and everything that is necessary to make stamps.

Mr. JOHNSON. It includes presses and all machinery that has been bought. We will pay for the plant, what we call the plant, out of the appropriation for this year which we will receive from the Post-Office Department. Of course next year we will not have any plant to buy. We do not include house and light and heat, because those expenses are permanent and on the Government before.

Mr. CANNON. And they are not increased?

Mr. JOHNSON. Well, yes; to some extent, but not to any material extent.

The CHAIRMAN. How many employees are there engaged in printing these stamps?

Mr. JOHNSON. Less than 100; possibly 90 or 95.

The CHAIRMAN. Are they not paid out of the Post-Office appropriation?

Mr. JOHNSON. They are paid out of our appropriation, of course, but we get reimbursed from the Post-Office Department.

Mr. CANNON. One further question. The expense of the presses of which you spoke, is that an independent expense—I mean independent of the 5 cents a thousand?

Mr. JOHNSON. No, sir; it is included in our estimate.

Mr. CANNON. Your estimate was 5 cents a thousand for the production of stamps. Now, does that 5 cents a thousand include the cost of presses?

Mr. JOHNSON. It does.

Mr. CANNON. So that the first year you will print at 5 cents a thousand, and out of that 5 cents a thousand you buy the plant?

Mr. JOHNSON. Yes, sir.

Mr. CANNON. Without any increased cost?

Mr. JOHNSON. Yes, sir.

The CHAIRMAN. I would like to ask you another question. Will that 5 cents a thousand also compensate you for whatever losses may be incurred in the way of paper by imperfect manufacture, etc.?

Mr. JOHNSON. It will. We expect to come out even on the postage stamps this year.

The CHAIRMAN. Will the expenses be reduced the next year?

Mr. JOHNSON. Yes, sir; $50,000.

The CHAIRMAN. And they will be $50,000 under those of the present year?

Mr. JOHNSON. I do not want to make too extreme a statement.

The CHAIRMAN. How much will they be under the expenses of the present year?

Mr. JOHNSON. Our plant will cost nearly $50,000, and we will pay for it this year. That will be our profit this year substantially, and next year we do not have to pay for a plant.

The CHAIRMAN. Then it will be $50,000 under the present year?

Mr. JOHNSON. Yes, sir; fully $50,000. The printing of stamps at the Bureau of Engraving and Printing will save this Government at least $50,000 a year. I do not hesitate to state that.

Mr. BINGHAM. In one year or four years?

Mr. JOHNSON. In one year.

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Mr. BINGHAM. Have you any figures there which indicate the amount of stock transferred for issue of stamps from the old contractor on the 1st of July last; how many millions?

Mr. JOHNSON. My impression is it was about 600,000,000.

Mr. BINGHAM. That was enough to run you for two months or three months?

Mr. JOHNSON. Four months; well, three at any rate.

Mr. BINGHAM. Therefore you had three months after the commencement of your contract to get ready for the contract?

Mr. JOHNSON. Yes.

Mr. BINGHAM. I merely wish to show that they had ample time to do the work, because they had an amount of stock on hand for three months.

Mr. JOHNSON. Let me say right here we did not have ample time. When we made the estimate for the printing of the postage stamps in October, the Post-Office Department did not accept it until the last of February, nearly the 1st of March, leaving us only four months to the 1st of July, when our work began, instead of seven, as we anticipated; when we had calculated, we had that seven and the three in addition, on account of turning over this stock from the American Bank Note Company. It was quite an undertaking to prepare. We had to make new machinery. We had to make new presses, new gumming machines, and new perforators. We had to invent our gumming machine. There were none for sale in this country—no manufactory established in this country, that I could find, that could furnish those gumming machines.

Mr. BINGHAM. Right in that connection I want to ask, did not you make your estimates after the proposals had been duly advertised and bids opened by the Post-Office Department? Did not you submit your estimate to the Post-Office Department after all the other bidders had submitted their bids, and therefore you were at no disadvantage?

Mr. JOHNSON. Yes, sir.

Mr. BINGHAM. Your estimate came in after all the bids had been opened and after all the other contractors had submitted their bids?

Mr. JOHNSON. We did not bid.

Mr. BINGHAM. Well, you estimated, then?

Mr. JOHNSON. We made an estimate and submitted it to the Department for their consideration, that we could do this work at a certain figure, and that we have done.

Mr. BINGHAM. What number of stamps were there in the stock of Bureau manufacture on the 1st of December fit for issue, and what were the number of finished stamps in the vaults or in stock on the 1st of December which were regarded as unfit for issue? I wish to ascertain your failures in connection with your work. State also what safeguards are used to prevent thefts by employees while the stamps are in course of manufacture or in stock. Also, give the system of checks and balances in detail, and that is for the reason there has been a defalcation in the Bureau. There are a great many other questions I will submit to you without bringing them in to consume time. What is your daily supply to the Post-Office Department?

Mr. JOHNSON. The daily consumption is about 8,000,000.

Mr. BINGHAM. Does that run the Department?

Mr. JOHNSON. Yes, sir.

Mr. BINGHAM. How do you employ your subordinate force in connection with this Post-Office work?

Mr. JOHNSON. They are employed as all the other employees.

Mr. BINGHAM. How are they paid?

Mr. JOHNSON. As all the other employees.

Mr. BINGHAM. On the same roll; in the same way?

Mr. JOHNSON. Yes, sir.

Mr. BINGHAM. Do you keep a distinct roll for this work?

Mr. JOHNSON. No; not a distinct roll.

Mr. BINGHAM. How do you make up the estimate of cost, then?

Mr. JOHNSON. We know exactly the employees who are engaged on this particular work.

The CHAIRMAN. Let me ask a question right there. Do we make an appropriation upon this bill for these employees who manufacture postage stamps?

Mr. JOHNSON. Yes; but the reimbursement comes from the Post-Office Department.

The CHAIRMAN. Then, why is it necessary to make an appropriation upon this bill, if you get it from the Post-Office Department?

Mr. JOHNSON. Oh, no; you misunderstand me. You do not appropriate for that at all, except we pay, you understand, right along, and we get reimbursed from the Post-Office Department from time to time as we render bills for so many stamps.

The CHAIRMAN. Then I understand you to say in these estimates, while they have been increased over the sum for the present fiscal year, they do not result from the fact that you are engaged in the manufacture of postage stamps?

Mr. JOHNSON. None in the least. They have no bearing whatever on the manufacture of postage stamps.

Mr. BINGHAM. Right in that connection, Mr. Chairman, I would like to ask what disposition is made of the money appropriated for the Post-Office Department for procuring the stamps?

Mr. JOHNSON. It is paid the Bureau of Printing and Engraving just as it was paid to the American Bank Note Company—on its bills.

Mr. BINGHAM. The $100,000 that will be appropriated in the bill for the next fiscal year for the Post-Office Department for the manufacture of adhesive postage stamps is paid to your Bureau?

Mr. JOHNSON. Yes, sir.

Mr. BINGHAM. To whom in your Bureau?

Mr. JOHNSON. It is deposited to the credit of the appropriations for the Bureau.

Extract from testimony of Mr. Claude M. Johnson, Chief of the Bureau of Engraving and Printing, on February 11, 1895, before the subcommittee of the House Committee on Appropriations, in charge of deficiency appropriations for 1895 and prior years. (See pages 72 to 74 of printed copy of "Hearings before subcommittee of House Committee on Appropriations," consisting of Messrs. BRECKINRIDGE, of Kentucky, SAYERS, LIVINGSTON, CANNON of Illinois, and HENDERSON of Iowa, in charge of deficiency appropriations for 1895 and prior years.)

The CHAIRMAN. Your Bureau asks for $41,800 for salaries of clerks and employees other than plate printers and plate printers' assistants, $26,400 for wages of plate printers, and $15,200 for various materials for engraving and printing other than distinctive paper. Will you please give us briefly your reasons for there being a deficiency, and an explanation of why these amounts are necessary for your Bureau?

Mr. JOHNSON. The reason for there being a deficiency is the fact that the committee cut down the appropriation that much below the estimates submitted for the cost of the work for this year, and those estimates were made carefully and down to the closest figure at which they could be made. The cost of the work is just what the estimates are.

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The CHAIRMAN. Are the wages of plate printers for which you ask fixed by law?

Mr. JOHNSON. They are fixed by the Secretary.

The CHAIRMAN. As these are the two items for which you ask a deficiency, I will ask you if it was not within the power of the Secretary or yourself, by reducing salaries, to come within the sum fixed by legislative enactment?

Mr. JOHNSON. It was probably technically within the power of the Secretary to do it, but whether it could have been done successfully is the question. The rates for plate printing are fixed, I might say, by agreement with the plate printers.

Mr. HENDERSON. Between them and the Secretary?

Mr. JOHNSON. Not exactly an agreement; but in case of a reduction in the rates the plate printers would be liable to strike and cause an interruption of the operation of the Bureau.

The CHAIRMAN. Were not the wages of the plate printers recently reduced?

Mr. JOHNSON. Yes, sir.

The CHAIRMAN. How much?

Mr. JOHNSON. Ten per cent on a certain class of work.

The CHAIRMAN. What was the aggregate saving by that reduction?

Mr. JOHNSON. My recollection is that it was $25,000. The saving for this year would be about half of that, or $11,000.

The CHAIRMAN. Was that $11,000 taken into account when you made your estimate for this year?

Mr. JOHNSON. No, sir.

The CHAIRMAN. Has that been taken into account in making these estimates for this deficiency?

Mr. JOHNSON. Yes, sir; we must get this amount to come out even. We have been endeavoring to economize on our estimates to keep down the deficiency.

Mr. HENDERSON. Then your estimates were too low?

Mr. JOHNSON. I think they were a little bit too low.

The CHAIRMAN. If you can save that, and if you did not take into account the $11,000, your estimates must have been at least $11,000 too low.

Mr. JOHNSON. In making these estimates I anticipated a saving. I saw various places where I could save.

The CHAIRMAN. In the second item you asked this year for $495,400, and we gave you $469,000, which was the amount you spent last year minus $17,000 deficiency; and this year you ask $26,400 deficiency, which is $9,000 more than you spent last year. Why do you estimate for this increase?

Mr. JOHNSON. This year we are printing bonds, as you know, and that is very expensive printing. Then the work on postage stamps has added to the bank notes, which are pictures and portraits, and printed on white paper, that. We have had to increase expenses in plate printing on account of making the postage stamps. It is taking it off one and putting it on another item.

Mr. CANNON. The matter of postage stamps is reimbursable.

Mr. JOHNSON. We have to pay the money out. I think you will see that we ask for less money this year than we did last.

The CHAIRMAN. Not on this item. Will you send a statement so that we can get it to-morrow, explaining this matter?

Mr. JOHNSON. I will do so.

The CHAIRMAN. The next item is for rental of office by the agent of the Post-Office Department. What office is that?

Mr. JOHNSON. The Post-Office Department has an agent and we have rented an office for that officer in the new building on F street, the Insurance Building. There is no suitable place in the Bureau for him.

Mr. SAYERS. What does that agent do, now that your Bureau has undertaken the printing of postage stamps?

Mr. JOHNSON. I do not see that he has anything to do, if you ask me the direct question.

Mr. SAYERS. Why does your Department have to rent a room for him?

Mr. JOHNSON. That is a part of the agreement between the Treasury and the Post-Office Department, that we should provide office room for the agent of the Post-Office Department.

The CHAIRMAN. This agency was established when the printing of stamps was done by private contract, and then the Government was compelled to have some one to represent it in receiving and distributing these stamps; but now that the printing of stamps is done by the Bureau of Engraving and Printing, is it your judgment that there is any necessity whatever for this expenditure?

Mr. CANNON. I should think that it would be entirely proper that these stamps, which are to be distributed through the country, ought to be looked after by the Post-Office Department. That Department ought to attend to it and know where they go, or otherwise the Department should do the distributing; that is to say, the Post-Office Department takes the stamps and becomes responsible for them in their distribution to the 65,000 post-offices.

Mr. JOHNSON. No; the Post-Office Department never sees the stamps.

TREASURY DEPARTMENT,
Bureau of Engraving and Printing, February 11, 1895.

SIR: In answer to your interrogatory as to why the appropriation for the plate printing for the fiscal year 1895, including the deficiency asked, should exceed the appropriation for the year 1894 by something over $9,000, I beg to say that such is not the case, which will be shown by the following table:

For fiscal year 1894:		
Act of March 1, 1893	$469,000.00	
Act of April 21, 1894	72,665.92	
		$541,665.92
For fiscal year 1895:		
Act of August 18, 1894	469,000.00	
Deficiency asked	26,400.00	
		495,400.00
Decrease in amount for 1895		46,265.92

The appropriations for compensation of employees for the year 1894 were $440,549.47. The deficiency asked will make this appropriation for 1895 $419,800, showing a decrease in 1895 under the amount appropriated for 1894 of $20,749.47. The appropriations for materials and miscellaneous expenses are substantially the same for the two years. Notwithstanding the reductions which are thus shown, the number of impressions estimated to be produced in 1895 is substantially the same as was produced in 1894.

Very respectfully,

CLAUDE M. JOHNSON,
Chief of Bureau.

Hon. W. C. P. BRECKINRIDGE,
Chairman Subcommittee on Appropriations,
House of Representatives, United States.

Supplemental hearings before subcommittee of House Committee on Appropriations, consisting of Messrs. Sayers, O'Neil of Massachusetts, Brookshire, Cogswell, and Cannon of Illinois, in charge of sundry civil appropriation bill for 1896, concerning printing of postage stamps.

TREASURY DEPARTMENT,
Bureau of Engraving and Printing, January 11, 1895.

SIR: I have the honor to acknowledge the receipt of your letter of the 21st ultimo, inclosing interrogatories suggested by Hon. H. H. BINGHAM, of Pennsylvania, a member of the Committee on Appropriations, relative to the manufacture of adhesive postage stamps by this Bureau, and to submit answers thereto.

I desire to say, in connection with said answers, and in accordance with your instruction to submit any additional information pertaining to this subject, that this Bureau submitted estimates to the Post-Office Department November 20, 1893, of the cost of printing adhesive postage stamps for the sole purpose of saving the Government unnecessary expenditure of money and of giving to the manufacture of about $50,000,000 worth of these stamps the additional security of the system of checks employed in the handling of the bank notes, bonds, and other securities of the country without additional cost.

These estimates were accepted and notice of the acceptance was given this Bureau about March 1, 1894, thus allowing but four months for preparation for this work, whereas the Bureau had expected at least seven months. The machines used in the manufacture of postage stamps in this Bureau are entirely new, of new pattern, and in several instances were invented by employees of the Bureau. The work of manufacturing the stamps was begun July 1, 1894, with, as before stated, an entire new outfit of machinery and without a single operative skilled in this particular work on the rolls of the Bureau. Therefore it devolved upon this office to educate a great number of people in this work and at the same time accomplish the manufacture of postage stamps in immense quantities to the satisfaction of the Post-Office Department and of the people. It would therefore be unreasonable to expect that during the first six months of this great undertaking the same good results should be attained as would be shown at the end of the fiscal year in the annual report on the operations of the Bureau. In fact, it seems very unfair that under these conditions the Bureau should be required to make a statement upon which judgment of any kind is to be passed so soon after undertaking this work.

The advantage that would be gained in a statement of the cost of this work at a later period of the year is shown by the fact that from July 1 to November 30, 1894, the spoilage in printing, etc., was 21½ per cent, while during the month of December alone it was but 14.8 per cent. I anticipate that the spoilage in the next few months will be reduced to about 5 per cent, which will make considerable difference in the general cost of the work. There is no doubt that the more familiar the operatives become with the machinery and the more experience they have in the processes, the less will be the amount

of spoiled work and the fewer the number of people required to do the work, which must result in a reduction of cost. The estimate submitted by this Bureau of the cost of printing the 1 and 2 cent ordinary postage stamps, which represent about 90 per cent of the whole amount of these stamps required, was 5 cents per 1,000 stamps, or $20 per 1,000 sheets. From a careful summary of the cost of producing these stamps to-day in this Bureau I find the total cost per 1,000 sheets to be $18.0178.

With certain contemplated improvements to the Bureau's machinery, some of which are now in course of construction, I can safely predict that the present cost will be reduced to a considerable extent, and while the experience of the past six months will show that this Bureau has spent more than the amount estimated for that period, I am gratified to say that said experience justifies the estimates made, and that the future will produce the full amount of saving promised when the estimates were submitted. It should be remembered that the difficulties have been so great at the commencement of this work that it has not been a question of cost so much as a question of supplying, from day to day, the stamps necessary for the business of the country, and that a great deal of the work has been done in over hours and at night, which is less productive of good results for the same proportion of expenditure than work done in the ordinary business hours. This condition, now that our operatives are trained to the work, will not exist longer than the present month, and after that time I am confident that the cost of this work will be reduced even below that of the present time.

The answers to the interrogatories submitted by General BINGHAM are as follows:

(1) The estimates submitted in 1885 by this Bureau for the manufacture of postage stamps was $0.0775 per 1,000 stamps. The estimate submitted in 1893 was as follows: Ordinary stamps, $0.05 per 1,000; postage due stamps, $0.0605 per 1,000; special delivery stamps, $0.114 per 1,000. The estimate of 1893 was submitted after the bids received by the Postmaster-General were opened.

(2) The estimate submitted in 1885 included a pro rata of the cost of superintendence and other items that would not be increased by the addition of the postage stamps to the work of the Bureau, while the estimate of 1893 covered only the cost of the additional labor and material required to execute the stamps.

(3) The cost of the additional labor and material required for manufacturing and issuing the stamps, as shown by the work actually done to December 31, 1894, is:

Wetting	$1,070.62
Plate printing	35,318.24
Examining	4,404.82
Gumming and perforating	22,865.94
Packing and issuing	4,860.20
Running machinery	2,877.18
Miscellaneous expenses	1,213.72
Total	72,610.72

No account is kept of the cost of the postage stamps apart from that of other work, but the additional expense on account of their manufacture can be ascertained from the accounts as kept.

(4) The general quality of the work done has been good, and there have been no special defects in the printing, perforating, or general workmanship. A few of the 2-cent stamps first issued were light in color, but this defect was at once remedied. The officials of the Post-Office Department made complaint as to the gumming of the stamps first sent to postmasters, and investigation showed that the gum applied was too thin and was absorbed by the paper to such an extent that sufficient deposit of it was not left on the surface of the stamps to adhere properly when applied to mailing matter. This condition of affairs was the result, in my opinion, of undue haste in the gumming of the stamps, caused by apprehension on the part of the postage-stamp agent of the Post-Office Department that the stock of stamps transferred from New York would be exhausted before those prepared by this Bureau would be ready for delivery.

Although I assured the Post-Office Department that the Bureau would be able to supply all demands for postage stamps, an order was issued that this Bureau should finish 60,000,000 stamps a day, which was a greater amount than the capacity of the Bureau at that time warranted. To accomplish this the operatives employed in gumming the stamps thinned the gum, with the result above indicated. The assignment to this work of inexperienced examiners who were entirely unfamiliar with the requirements and passed the thinly gummed sheets was another result of the undue haste referred to. The defect was not discovered until the stamps were issued to the postmasters and used to a certain extent by the people, but when brought to the attention of the Bureau was at once corrected. Since the 25th of October the stamps have been gummed to the satisfaction of the Post-Office Department, and there is now no complaint as to any of the work on the stamps, except some imperfect perforation of the stamps, caused by the dies of the perforating machines being too much worn, and as the urgency of this work has required the operation of these machines day and night, there has not until recently been an opportunity to make the necessary repairs. The machines are now being furnished with new dies and no cause for complaint on this ground will any longer exist.

(5) The number of stamps spoiled in the course of manufacture up to December 31 was 291,821,700, and this is 19.6 per cent of the total number originally printed.

(6) The number of stamps of Bureau manufacture furnished to postmasters upon requisition of the Post-Office Department up to December 31 was 683,830,666. Of these 30,298,183 stamps were returned by the Post-Office Department upon complaint of postmasters as to their unfitness for use. The unfitness was due to the gumming only.

(7) The number of stamps of Bureau manufacture in the vault on December 31 was 395,466,589. Of this amount, 236,727,909 stamps were of the stock gummed prior to October 25 and were not being issued on requisitions, but it is believed that a very considerable portion of them are fit for issue, and it is the intention to have them examined and assorted when opportunity permits.

(8) The system of checks and balances in operation in this Bureau to prevent the abstraction of sheets by employees is the same that has been in operation here with regard to all the securities of the United States. The paper is required to be carefully counted and put up in packages of 1,000 sheets each at the mill where manufactured; is then shipped in cases to the Office of the Secretary of the Treasury; is then counted in that office and held for issue to this Bureau upon proper orders and requisitions. On the proper order being issued by the Post-Office Department, the amount of paper authorized is placed to the credit of this Bureau for each denomination, and, as it is needed, requisitions are made daily, specifying the number of sheets, the size, and the denomination for which intended. It is charged to this Bureau on the basis of the number of stamps of the denomination called for which can be printed upon the sheet specified, and this Bureau is liable for the face value of each of these blank sheets delivered to it.

On receipt of the paper by this Bureau it is carefully counted, prepared for printing, and held subject to the requisition of the printing division. Each day a specified quantity of paper is delivered to the printing division for each printer employed on the stamps. It is counted by the printing division and issued to the printer. On each press there is a mechanical device known as a register for recording every impression which is made by the press. Every impression so recorded is charged to the printer, and at the close of the day the number of impressions recorded by the register, the number of blank sheets delivered, and the number of printed sheets returned by the printer are compared, and, if they tally, he is relieved from further responsibility.

As each 200 impressions are printed they are taken from the press and sent to the examining division, where they are counted and entered to the credit of the printer on his pass book and on the entry book of that division. They are then spread on racks to dry. When dry they are counted and examined, and the perfect impressions are put up in packages of 100 sheets each, and these packages are combined into larger packages of 1,000 sheets each. The imperfect impressions are put up into packages in the same manner, and, after being canceled, are delivered to the division of loans and currency, office of the Secretary of the Treasury, and final receipt taken therefor.

The perfect impressions are pressed and again counted. They are then sent to the gumming room, gummed, straightened, pressed, and counted, and the day's work balanced. They are then examined, and those fit for perforation are put up in packages of 1,000 sheets each and sent to the perforating room. The imperfect sheets are canceled and sent to the Treasury Department, as above indicated. Those sent to the perforating room are perforated, separated into sheets containing 100 stamps each, and are taken from the machines directly to the counters, who count them. The perfect sheets are made up into packages of 500 sheets, or 50,000 stamps each, each hundred sheets being separated by a printed marker. Each of these packages is counted by two counters, each of whom acts as a check upon the other.

The perfect sheets are tied up between boards in bundles of four packages each and are delivered to the finished vault. The imperfect sheets are canceled and delivered to the division of loans and currency, as above indicated. Each day a requisition is received from the Post-Office Department and the stamps necessary to fill it are counted out of the stock in the finished vault and are sent to the packing room. In this room the counters lay out the stamps necessary to supply each postmaster named in the requisition. The odd sheets in these separate orders are counted by the Bureau counters and verified by a counter representing the Post-Office Department. The stamps for each of these separate orders are placed in envelopes where the order is for 5,000 stamps or less, and when over 5,000 stamps, are put up in packages inclosed in strong manila wrappers. The envelopes are gummed and closed with a paper seal. The packages are closed with sealing wax and a paper seal is placed on each end. These envelopes and packages are then sent to the Washington City post-office and registered.

During the entire progress of this work, from the blank paper to the finished stamp, there is constant supervision and watchfulness to prevent inaccuracies, serious errors, or loss from theft. It is, however, impossible to guard against the dishonesty of a trusted employee at certain points.

(9) Some time after this Bureau had commenced to issue the stamps transferred to it from the former contractor claims were made by postmasters of shortages in the shipments of stamps made to them. At first it was supposed that these shortages were the result of errors, and efforts were made to trace the errors and rectify them.

On October 8, 1894, the most serious case was reported—that of the postmaster at Ionia, Mich.—who claimed to have 50,000 2-cent stamps short, the value of which was $1,000. Upon an examination of the original package returned by the postmaster, it became evident that his claim was correct, as the wrapper would not hold the full amount of 100,000 stamps which should have been sent to him. It was even then thought this was the result of a missshipment, and that some postmaster who should have received 50,000 stamps had, by an error in packing, received 100,000 stamps. In accordance with this theory the Third Assistant Postmaster-General sent out tracers to all postmasters who had been supplied on the same order with the postmaster at Ionia, Mich. These tracers had hardly been sent when information was received which led to the suspicion that an employee of this Bureau, William B. Smith, was abstracting stamps.

The circumstances, as they came to the knowledge of the officers of this Bureau, were immediately submitted the Secretary of the Treasury, with a request that the Secret Service Division of that Department be authorized to make full investigation. The case was placed in the hands of that division, and within a few hours facts were developed which warranted the arrest of Smith. It was found that he had offered for sale postage stamps at a very large discount, and that some of the stamps so offered were of the Bureau manufacture, which had not been issued to postmasters or placed on sale, and which therefore could not have come into his hands except by theft. Smith was at once arrested.

William B. Smith, the principal, was appointed a laborer and assigned to duty in this Bureau June 20, 1894. He was at first assigned to packing stamps in the packing room, and subsequently was transferred as a helper in the vault. It was his duty to put in their proper places the stamps delivered to the finished vault and to take out for delivery the stamps required to fill the daily requisition from the Post-Office Department. It was also his duty to keep a memorandum account of the stamps that were deposited in and taken from the finished vault. His compensation was at the rate of $470 a year for eight hours a day, with an allowance for such extra time as he actually made. His compensation averaged, during the time that he was employed in the Bureau, $40.43 a month. He was recommended by Hon. John T. Dunn, of New Jersey; Hon. JOHN W. DANIEL, of Virginia, and Mr. L. Cabell Williamson. His statement when he reported for duty was that he accepted the small place only as a temporary matter and until such time as he should be given a better one.

(10) The number of stamps stolen is as follows:

	Stamps.
Bank-note manufacture	52,100
Bureau manufacture	40,000

The stamps were missed from this Bureau before their loss was discovered by outside detectives, but no circumstance had transpired to throw suspicion upon any employee of this Bureau or to lead to the belief that stamps were being stolen until the information was received as above stated. The detective who first discovered that stamps were being offered for sale failed to communicate the fact to the officers of this Bureau, and thus some time was lost. It is difficult to determine the precise dates when the thefts occurred.

(1) The stamps could not have been missed sooner by this Bureau under any system of checks and balances that could be devised. These thefts were the result of dishonesty on the part of an employee who was supposed to be fully trustworthy, and who was therefore in a position to purloin the stamps, as he did, from packages which had been finally prepared ready for shipment to postmasters. The thieves were sent to jail pending action of the grand jury.

(12) The money appropriated to the Post-Office Department for the manufacture of adhesive postage stamps is used by that Department to pay the bills of this Bureau for the number of stamps completed and delivered by it, and the amounts of these bills are carried by warrant to the credit of the appropriations for this Bureau, and thus become available by it to pay the expenses of manufacturing and furnishing the stamps. This is done in accordance with the uniform practice of the Treasury Department for years. The internal-revenue stamps were formerly furnished by this Bureau under

this system, and the Treasury notes of 1890 are now being furnished by it in the same way.

(13) The total floor space in use in the building of this Bureau for the manufacture, storage, and issue of the postage stamps is, as far as it can be separated from the other work, 9,537 square feet. This, however, includes the gumming room and the examining and straightening rooms connected with that process, in which about one-fifth of the work performed is internal-revenue stamps. This work is not all done in one room, not on the same floor, but in the different rooms of the building devoted to the processes involved in the work of the Bureau. The manufacture of postage stamps is, in fact, treated as a part of the regular work of the Bureau, and is performed in the same manner and in the same rooms as the internal-revenue stamps, United States notes and certificates, drafts, warrants, and other work for the different Departments of the Government.

(14) The estimate for outbuilding submitted last year was omitted from the estimates for this year by an oversight, and the attention of the Department was called to the matter prior to the submission of these interrogatories.

(15) The agreement between the Secretary of the Treasury and the Postmaster-General under which the work of preparing and delivering the postage stamps is now being done requires that the stamps shall be manufactured and issued under the supervision of an agent of the Post-Office Department, and that he shall be furnished suitable rooms for himself and his assistants. In accordance with this agreement, rooms were furnished the agent of the Post-Office Department in this Bureau, but, being located so near the space in which the stamps were being packed for shipment, they were not deemed suitable by the agent, and, at his request and with the approval of the Secretary of the Treasury and the Postmaster-General, rooms were procured for him in the National Union Building, on F street, near Ninth street, this city. The rental of these rooms was authorized by Congress for a period of four months, and an appropriation was made for the expense thus incurred. These rooms were selected by the postage-stamp agent, with the approval of the Postmaster-General, which is sufficient to indicate that they are properly located for the purpose intended.

As an evidence of the fact that the work of manufacturing the stamps is progressing to the satisfaction of the Post-Office Department, I have the honor to submit herewith a copy of a letter received from the Third Assistant Postmaster-General.

Very respectfully,

CLAUDE M. JOHNSON,
Chief of Bureau.

Hon. JOSEPH D. SAYERS,
Chairman Committee on Appropriations,
House of Representatives United States.

POST-OFFICE DEPARTMENT,
OFFICE OF THIRD ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., January 9, 1895.

DEAR SIR: After a careful inspection of the manufacture of postage stamps at the Bureau of Engraving and Printing, I am convinced that there is no longer any doubt of the ability of the Bureau to furnish stamps in sufficient quantities to meet the demands of the Post-Office Department. I think, however, a reserve of several hundred millions should be accumulated as soon as possible, to provide against any contingency.

It affords me pleasure to state that much progress and improvement have been made in the manufacture of stamps. The printing, gumming, and coloring show a decided improvement. The perforation is still objectionable. The perforated line not infrequently runs into the engraved surface, and when torn apart presents a ragged edge. This defect should be remedied. I feel confident that in a short time you will be able to produce a finished stamp which will be beyond criticism.

Yours, very respectfully,

KERR CRAIGE,
Third Assistant Postmaster-General.

Mr. CLAUDE M. JOHNSON,
Chief of Bureau of Engraving and Printing, Washington, D. C.

I

Copy of blank form of proposal and specifications issued to bidders in pursuance of public advertisement of the Postmaster-General, dated October 16, 1893, for contract for furnishing the Post-Office Department with adhesive postage stamps for and during a period of four years, beginning on the 1st day of July, 1894, said advertisement having been issued in compliance with the requirements of section 3709 of the Revised Statutes of the United States.

Specifications submitted to bidders competing for the contract and showing the requirements for doing the work. Special attention should be given to the covenant and agreement on the part of the contractor and his sureties that on failure to do or perform any or all of the stipulations he shall forfeit and pay to the United States the sum of $20,000, as well as the guaranty requirement of $25,000 in case of failure to enter into contract.

PROPOSALS FOR ADHESIVE POSTAGE STAMPS.

The undersigned, ——— ———, doing business as ———, in the city of ———, submit to the Post-Office Department, in conformity to the terms of an advertisement and specifications dated October 16, 1893, a printed copy of which is hereto attached and made part hereof, the following proposal for furnishing adhesive stamps during a period of four years beginning on the 1st day of July, 1894, the work to be done in apartments containing ——— square feet of available space in the fireproof building known and designated as ———, on ——— street, in the city of ———, and State of ———, to wit:

Classification of bids.	No. 1.—Price per 1,000 stamps if printed on hand-roller presses.		No. 2.—Price per 1,000 stamps if printed on steam power presses which require a portion of the work, such as wiping and polishing, to be done by hand.		No. 3.—Price per 1,000 stamps if printed entirely by steam power.	
	Dollars.	Cts.	Dollars.	Cts.	Dollars.	Cts.
Ordinary stamps for use of the public						
Newspaper and periodical stamps						
Postage-due stamps						
Special-delivery stamps						

In the event of the acceptance of the foregoing bid, or any item or items thereof, the said ——— ——— agree ———, within ten days from the date of such acceptance, to enter into contract according to the terms, conditions, and requirements of the advertisement and specifications aforesaid; in which contract the contractor and ——— sureties shall covenant and agree that in case the said contractor shall fail to do or perform all or any of the covenants, stipulations, and agreements of said contract on the part of the said contractor to be performed, as therein set forth, the said contractor and ——— sureties shall forfeit and pay to the United States of America the sum of $20,000, for which said forfeiture the said contractor and ——— sureties shall be jointly and severally liable as fixed and settled damages, and not as a penalty to be reduced or diminished, to be sued for in the name of the United States.

(Signature of the bidder.)* ——— ———.

GUARANTY.

We, ———, guarantee and bind ourselves, and each of us, our and each of our heirs, executors, and administrators, in the event that a contract for furnishing adhesive postage stamps, or any of them, according to the advertisement and specifications of October 16, 1893, shall be awarded to ———, and in case of failure of the said ——— to enter into contract as above, that we will forfeit and pay to the United States the sum of $25,000, for which forfeiture we will be jointly and severally liable, as liquidated damages.

Dated, ———, 1893.

(Signatures of guarantors.) ——— ———.
——— ———.

CERTIFICATE.

The undersigned, ——— ———, in the State of ———, certifies, under his oath of office, that he is acquainted with the above guarantors, and knows them to be men of property, and able to make good their guaranty.

Dated at ———,
———, 1893. †———.

PROPOSALS FOR FURNISHING ADHESIVE POSTAGE STAMPS.

[Advertisement.]

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., October 16, 1893.

Sealed proposals are invited from parties carrying on the business of steel-plate engraving and plate printing, or who have had experience in conducting that business, and will be received at this Department until 12 o'clock noon, on Wednesday, the 15th of November, 1893, for furnishing adhesive postage stamps of the following-named classes, in such quantities as may be called for by the Department during a period of four years, beginning on the 1st day of July, 1894, viz:

Ordinary postage stamps for the use of the public.
Newspaper and periodical stamps.
Postage-due stamps.
Special-delivery stamps.

Proposals must be made on the blank forms provided by the Department, securely enveloped and sealed, indorsed "Proposals for furnishing adhesive postage stamps," and addressed to the Third Assistant Postmaster-General, Washington, D. C. Bids delivered in person must be handed in at or before the hour above specified for the receipt thereof; otherwise, they will not be considered.

Blank forms of proposal, with full specifications, will be furnished upon application to the Third Assistant Postmaster-General.

WILSON S. BISSELL,
Postmaster-General.

Specifications—Furnishing adhesive postage stamps.

KIND OF STAMPS.

Bids are invited for each of the several kinds of stamps, as follows:

Ordinary stamps for use of the public.
Newspaper and periodical stamps.
Postage-due stamps.
Special-delivery stamps.

SIZES OF STAMPS.

The sizes of the stamps shall be the same as those of the corresponding kinds now in use, namely:

Ordinary stamps, three-fourths by seven-eighths ($\frac{3}{4}$ by $\frac{7}{8}$) of an inch for the engraving, exclusive of blank margin.

Newspaper and periodical stamps, a little over fifteen-sixteenths of an inch by one inch and three-eighths ($\frac{15}{16}$ by $1\frac{3}{8}$) for the engraving, exclusive of blank margin.

Postage-due stamps, a little over twelve-sixteenths of an inch by one inch ($\frac{13}{16}$ by 1) for the engraving, exclusive of blank margin.

Special-delivery stamps, a little over thirteen-sixteenths of an inch by one inch and seven-sixteenths ($\frac{13}{16}$ by $1\frac{7}{16}$) for the engraving, exclusive of blank margin.

To admit of proper perforation, the blank space or margin between the different stamps on a sheet shall be of equal width to that on the corresponding kinds now issued.

DIES, ROLLS, AND PLATES.

The dies and rolls now in use for furnishing postage stamps, being the property of the Government, will be turned over to the successful bidder as soon after the execution and approval of the contract as he may require them; and from such dies and rolls he must produce the necessary working plates with which to provide a sufficient supply of stamps of the several kinds and denominations to make deliveries promptly as called for from the beginning of the contract term. The working plates from which stamps are now being furnished will also, if found by the Department to be necessary, be turned over to the new contractor as soon as their use can be dispensed with under the present contract, either before or after the beginning of the new contract term.

The contractor will be required to keep in repair all dies, rolls, and plates from which the stamps are produced, and to renew them whenever required.

The several series of stamps comprehended in these specifications are now made up—

The ordinary stamps, of 11 denominations.
The newspaper and periodical stamps, of 24 denominations.
The postage-due stamps, of 7 denominations.
The special-delivery stamps, of 1 denomination.

It is not likely that any of the designs of the newspaper and periodical, the postage-due, or the special-delivery stamps will be changed during the existence of the contract. As to changes in the series of ordinary stamps, nothing

* When the bidder is a partnership or firm, the names of all the persons composing it must be signed to the proposal or embodied therein.

† To be signed by a district or circuit judge of the United States, or by a United States district attorney.

positive can be now stated, except that the present 30 and 90 cent denominations will probably be at once abandoned, and four new denominations—50 cents, $1, $2, and $5—adopted. In this event the contractor will be required to get up drawings of appropriate designs, subject to the approval of the Department, and to have the necessary dies, rolls, and plates made in time for printing when the contract term begins.

It is to be distinctly understood that the Postmaster-General reserves the right to change the designs of any of the stamps whenever he may deem it proper, or to add new denominations, and in any such case the contractor shall prepare the necessary drawings, dies, rolls, and working plates without cost to the Department.

All the work in connection with the preparation, renewal, and repair of the dies, rolls, and plates shall be done under the immediate supervision of the contractor and of the Government agent, and in accordance with such regulations as the Postmaster-General may prescribe.

The contractor shall not manufacture or permit to be manufactured by any person in his employ any dies, rolls, or plates for producing postage stamps, except such as may be required for his use in carrying out the contract, and he shall be liable in damages for the unauthorized manufacture of such dies, rolls, and plates, and for the production of stamps therefrom. He shall be responsible for the safe-keeping of the dies, rolls, and plates while in his use or custody; when not in use they shall be safely stored and kept in such manner and under such regulations as the Postmaster-General may prescribe.

All dies, rolls, and plates made or used at any time in filling the contract shall immediately become the absolute property of the United States, and, together with those that may be turned over to the contractor, shall be delivered in good working order to the Postmaster-General, or his authorized agent, whenever demanded.

Worn-out or discontinued plates may be required to be canceled or destroyed at the discretion of the Postmaster-General, under such regulations as he may prescribe.

COLORS OF STAMPS.

The colors of the stamps at the outset shall be the same as those of the corresponding kinds now used; but the Postmaster-General shall have the right to change the colors whenever he may think proper to do so, provided that in any such changes the contractor shall be compensated for any extra expense thereby involved; and also provided that if less expensive colors be selected, the Department shall be credited with the reduction in cost, the amount of such increase or reduction to be determined by the Postmaster-General. Aniline colors shall not be used.

New denominations, when introduced, shall be of such colors as the Postmaster-General may select.

MODE AND QUALITY OF PRINTING.

Proposals should comprehend the furnishing of stamps printed on both hand-roller and steam-power presses, as follows:

No. 1. For stamps printed on hand-roller presses.

No. 2. For stamps printed by steam-power presses which require a portion of the work, such as wiping and polishing, to be done by hand.

No. 3. For stamps printed by presses upon which all the work is done by steam power.

After the proposals shall have been received and opened, the Postmaster-General will determine under which of these items he will award the contract.

The printing shall be done from hardened steel plates, engraved in the highest style of the art of steel engraving, and shall be subject in every respect to the approval of the Postmaster-General or his duly authorized agent.

PAPER, GUMMING, PERFORATIONS, ETC.

The paper from which the stamps are to be printed must be run and calendered to a uniform thickness, each sheet to be fair, perfect, and free from creases and folds, and it shall be equal in quality, sizing, finish, and tensile strength to that of the samples attached to these specifications. The paper may be required to be watermarked, in the discretion of the Postmaster-General, with such design of watermark as he shall approve. The stamps shall be well gummed with the best quality of adhesive gum uniformly laid on. The stamps shall be perforated in the best manner, so that every stamp may be readily detached for use. The sheets shall be well pressed and suitably packed or put up, so as to prevent them from adhering together—each sheet of the finished work to contain not more than 100 stamps. The stamps shall be subject in every respect to the approval of the Postmaster-General or his duly authorized agent, and his right of rejection shall be absolute. All spoiled and rejected stamps shall be effectually canceled by and at the expense of the contractor, in such manner as the Postmaster-General may direct, and shall then be turned over to the Postmaster-General or his duly authorized agent for destruction.

BUILDING, PLACE OF MANUFACTURE, ETC.

The stamps will be required to be manufactured in a fireproof building and in apartments distinct from those in which any other work is done, and the premises shall be fitted up with a fire and burglar proof safe or vault, to be specially provided for storing the finished stamps; the said building, apartments, and safe or vault to be subject to the approval of the Postmaster-General. Suitable provision will also be made by the contractor for the safe-keeping on the premises of the stamps while in course of preparation, under such regulations as may be prescribed by the Postmaster-General or his duly authorized agent, and subject to his approval. The building must at all hours of the day and night be policed or guarded in such manner as the Postmaster-General shall require; and the contractor, his employees, and agents shall conform to such regulations as the Department may from time to time adopt for the security of the Government. Each bidder will be required to designate in his proposal the building in which he proposes to manufacture the stamps, and the quantity of space to be devoted to the purpose.

AGENT—OFFICE ROOMS—INSPECTION.

A resident agent and inspector of the Department will have supervision of the manufacture, storage, and issue of the stamps, and he shall at all times have full and free access to the apartments, safes, and vaults where the stamps are manufactured and stored, for the purpose of inspecting them. The Postmaster-General shall also have the right at any time to cause an inspection to be made, by any agent or agents whom he may specially designate for the purpose, of the apartments, safes, and vaults used for the manufacture and storage of stamps, and of the stamps in course of manufacture or in stock.

The contractor shall furnish the resident agent of the Department and his clerks suitable and properly furnished office rooms connected with the premises on which the stamps are made, for the transaction of the business of the agency, without cost to the Government.

STOCK ON HAND.

The contractor will be required to have at the beginning of the contract term a sufficient stock of the several kinds and denominations of stamps to meet the requirements of the Department, and thereafter he shall at all times keep on hand such a quantity of finished stamps as will suffice to promptly meet the orders of the Department, and to provide against any and all contingencies that may be likely to occur during the existence of the contract; the stamps to be held subject to the control of the Postmaster-General or his duly authorized agent or agents. The Postmaster-General, moreover, shall have the right to require the contractor, at any time or times during the existence of the contract, to provide an extra quantity of stamps, not exceeding a supply for three months. The contractor may be required to continue the issue after the close of the contract term of all stamps ordered by the Department during its existence.

The contractor shall faithfully account to the Postmaster-General, or his duly authorized agent, for all stamps printed or produced by him, and he shall be liable in damages for the theft, misappropriation, or loss, before they leave his custody, of any stamps that may be manufactured by him or come into his hands as contractor.

The Postmaster-General reserves the right to impose a fine upon the contractor, in such sum as he may deem proper, to be deducted in the settlement of accounts, for the failure to have on hand at any time a sufficient supply of stamps to promptly meet the demands of the Department.

The Postmaster-General also reserves the right to impose a fine, in such sum as he may see proper, for errors made by the contractor in the count of stamps when issued to postmasters, whereby either a greater or less number or a greater or less value shall be sent than the orders of the Department call for.

In the event that the exigencies of the public service shall require the acceptance by the Department of any stamps which, in the opinion of the Postmaster-General or of his duly authorized agent, are not fully up to contract requirements, the right is reserved to the Postmaster-General absolutely to fix such price therefor, less than the regular price, as may seem to him just and reasonable under all the circumstances; and payment at this rate shall be a complete discharge of all liability on the part of the Government for such stamps.

On failure to promptly furnish, when called for, any of the stamps covered by the contract, the Postmaster-General reserves the right to cause them to be manufactured and furnished by such parties as he may select; and if a greater price be paid than that fixed by the contract for like articles, the difference shall be charged to the contractor in the settlement of accounts. Failure to furnish stamps promptly after they shall have been ordered may be regarded by the Postmaster-General as a sufficient cause for the annulment of the contract.

Should the contractor, in the performance of work under the contract, make unauthorized use of any machinery, or material, or other thing on which a patent has been granted by the United States, the Government is to be made free of all liability for such infringement.

PACKING—BLANKS.

When fifty or more sheets of stamps are required to be sent to any address, they must be packed in strong binders' board boxes, bound on the edges and corners with muslin, and enveloped in two thicknesses of strong manila paper; but when less than that number are required to fill an order they shall be inclosed in strong manila envelopes equal to those now in use for the same purpose; such envelopes, as well as blank labels of directions for the wrapped packages, to be furnished by the contractor and addressed by the agent. All the wrapped packages and the envelopes inclosing stamps shall be securely sealed with wax and impressed with a stamp of special device, or securely fastened with a paper seal of special design, subject to the approval of the Postmaster-General or his duly authorized agent. The contractor shall also furnish all blanks required to be inclosed with the stamps.

DELIVERY.

Delivery of the stamps will begin on the 1st of July, 1894, and thereafter they shall be furnished in such quantities as may be ordered by the Department, daily or otherwise, to fill the requisitions of postmasters, every lot to be put up separately for mailing.

The stamps may be required to be delivered by the contractor in separate packages, as above provided for, at the post-office in the place where they are manufactured, or at such other post-office in the immediate vicinity of the place of manufacture as the Postmaster-General may direct, and under such regulations as he may prescribe.

STOCK ON HAND AT EXPIRATION OF CONTRACT.

The Department will, after satisfactory inspection, accept and pay for, at the regular contract prices, the stock of stamps that may remain on hand at the close of the contract term; and the contractor may be required, at the discretion of the Postmaster-General, to continue the issue of such stamps until they shall be exhausted, subject to all conditions of the contract; but provided that such stock shall not exceed in quantity the average requirements of the Department for a period of one-half of one-quarter of a year. Any surplus over that quantity may be destroyed, at the discretion of the Postmaster-General, without any compensation therefor. The right is also reserved to the Postmaster-General to authorize the issue by the present contractors of such stamps as may remain in their hands at the close of their contract, and the new contractor shall not be entitled to damages on account of such issue.

REPORTS.

The contractor will be required to report weekly or otherwise, under oath, and in such manner and form as may be prescribed by the Postmaster-General, the number, denomination, and kind of stamps manufactured (finished, unfinished, and spoiled), the number issued, and the number available for issue.

AWARD—FORM OF BIDS.

The contract will be awarded, as a whole, to the lowest responsible bidder, on the basis of the number of the several kinds of stamps issued during the year ending June 30, 1893, as follows:

Ordinary stamps for use of the public	2,750,293,633
Newspaper and periodical stamps	4,171,091
Postage-due stamps	18,101,939
Special-delivery stamps	3,528,070

The amount of a bid will be ascertained by multiplying these figures by the prices bid respectively for the several kinds of stamps under each item comprehended in the blank form of proposal herewith, and then severally aggregating the results. It must be understood, however, that the above-stated issues are given merely as a basis for making the award, and that the contractor will be required to furnish all the stamps of the several kinds and denominations that may be called for by the Department during the contract term. Should the use of any kind or denomination be discontinued, the contractor will not be entitled to compensation on account of such discontinuance.

Each bidder must submit a proposal for furnishing stamps of all the above kinds; and his proposal should comprehend also the furnishing of stamps printed by one or more of the several modes of printing hereinbefore set forth, and described in the form of proposal. The prices named in the proposal shall include everything required to be done and furnished as set forth in these specifications. In determining upon the award, the Postmaster-General reserves the right to make a selection from among the several classes of bids specified. Preliminary to an award, the bidder will be required to demonstrate to the satisfaction of the Postmaster-General, within ten days from the date of notice given him to do so, that he either has in his possession or is able to procure within a reasonable period all suitable and necessary facilities with which to properly commence and carry on the contract. If the Postmaster-General shall be satisfied of the inability of a bidder to perform the contract, he may, in his discretion, decline to accept the bid, without notice,

Special-delivery stamps ..... | posing it must be signed to the proposal or endorsed therein.

†To be signed by a district or circuit judge of the United States, or by a United States district attorney.

the stamps to be held subject to the control of the Postmaster-General or contract, he may, in his discretion, decline to accept the bid, without

In case it should be decided by the Secretary of the Treasury to submit bids or estimates for doing the work and furnishing the stamps by the Bureau of Engraving and Printing, the Postmaster-General reserves the right to make award under said bids or estimates, if they should be found to be lower or more advantageous to the Government than the bids submitted by private bidders, the work to be performed in such event in general conformity to these specifications, under such regulations as may be adopted by the Postmaster-General with the concurrence of the Secretary of the Treasury.

PROPOSALS—AGREEMENT—BOND.

Each proposal must be signed by the individual or partnership making it, and when made by a partnership the name of each partner thereof must be disclosed; and it must be accompanied with a guaranty, signed by at least two responsible guarantors, that the bidder shall, within ten days after being called upon to do so, execute a contract, with at least two good and sufficient sureties of the character and to be certified as hereinafter required, to furnish promptly and in quantities as ordered the article or articles to be furnished by him, and faithfully and diligently to keep, perform, and abide by each and every of the requirements, provisions, and terms of such contract, and these specifications to be thereto annexed, the responsibility and sufficiency of the signers to such guaranty to be certified to by a district or circuit judge or a district attorney of the United States; and by such contract the contractor and his sureties shall covenant and agree that in case the said contractor shall fail to do or perform all or any of the covenants, stipulations, and agreements of said contract on the part of the said contractor to be performed, as therein set forth, the said contractor and his sureties shall forfeit and pay to the United States of America the sum of $20,000, for which said forfeiture the said contractor and his sureties shall be jointly and severally liable, as fixed, settled, and liquidated damages, and not as a penalty to be sued for in the name of the United States. Such sureties shall justify their responsibility by affidavit, showing that they severally own and possess property of the clear value in the aggregate of $400,000 over and above all debts and liabilities and all property by law exempt from execution, to be sworn to before a district or circuit judge of the United States, and to be approved by him or by a district attorney of the United States.

If the bidder to whom the first award may be made should fail to enter into a contract, as herein provided, or if after entering into contract it should be annulled by the Postmaster-General because of the contractor's inability to properly begin work under it, then the contract may be let to the next lowest responsible bidder, if not deemed too high by the Postmaster-General, and so on until the required contract is executed; and such next lowest bidder shall be required to fulfill every stipulation embraced herein as if he were the original party to whom the contract was awarded.

The contract will also provide that if at any time during its continuance the sureties, or either of them, shall die or become irresponsible, the Postmaster-General shall have the right to require additional and sufficient sureties, which the contractor shall furnish to the acceptance of the Postmaster-General within ten days after notice; and in default thereof, the contract may be annulled.

RESERVATIONS.

The Postmaster-General reserves the right to reject any and all bids if, in his judgment, the interest of the Government shall require it; also the right to annul the contract when made, if the contractor shall fail to properly begin work under it, or if there shall be a failure at any time to perform faithfully any of its stipulations, or in case of a willful attempt to impose upon the Department stamps inferior to those required.

The contract can not in any case be lawfully transferred or assigned.

PAYMENTS.

Payments for stamps actually issued and delivered will be made monthly, after proper examination and verification of accounts.

Payments may be withheld by the Postmaster-General if it shall appear to his satisfaction that the contract has not been complied with in any particular.

EXTENSION.

Should the interest of the Government require, the contract may be extended for any period or periods beyond the time named, not exceeding three months in all, by order of the Postmaster-General, and the contract prices and all conditions herein set forth shall govern in such extended contract.

ADDRESS OF PROPOSALS.

Proposals must be made on the blank form hereto annexed, securely enveloped and sealed, indorsed "Proposals for furnishing adhesive postage stamps," and addressed to the Third Assistant Postmaster-General, Washington, D. C.

WILSON S. BISSELL,
Postmaster-General.

POST-OFFICE DEPARTMENT,
Washington, D. C., October 16, 1893.

COPY OF ORDER (NO. 18) OF POSTMASTER-GENERAL, DATED FEBRUARY 21, 1894, AWARDING TO THE BUREAU OF ENGRAVING AND PRINTING THE WORK OF FURNISHING ADHESIVE POSTAGE STAMPS TO THE POST-OFFICE DEPARTMENT FOR AN INDEFINITE PERIOD, AND REJECTING THE PROPOSALS OF PRIVATE BIDDERS SUBMITTED IN PURSUANCE OF PUBLIC ADVERTISEMENT DATED OCTOBER 16, 1893; AND IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 3709 OF THE REVISED STATUTES OF THE UNITED STATES, FOR CONTRACT FOR FURNISHING THE POST-OFFICE DEPARTMENT WITH ADHESIVE POSTAGE STAMPS FOR AND DURING A PERIOD OF FOUR YEARS, BEGINNING ON THE 1ST DAY OF JULY, 1894.

No. 18.—*Order of Postmaster-General awarding work of furnishing adhesive postage stamps to the Bureau of Engraving and Printing.*

No. 59.] FEBRUARY 21, 1894.

Ordered: It appearing to the Postmaster-General that the interest of the Government requires it, it is hereby ordered that the proposals received at this Department on the 15th of November, 1893, for furnishing adhesive postage stamps during the four years beginning on the 1st day of July, 1894, be all rejected, and that the work of preparing and furnishing such stamps be done by the Bureau of Engraving and Printing of the Treasury Department, upon the basis of its estimate transmitted through the Secretary of the Treasury.

Memorandum of agreement between the Secretary of the Treasury and the Postmaster General, relative to the furnishing of adhesive postage and special-delivery stamps by the Bureau of Engraving and Printing.

1. The Bureau of Engraving and Printing is to manufacture, substantially after the manner of manufacturing now in vogue, furnishing the necessary labor and materials therefor, and in all respects subject to the approval of the Postmaster-General or his authorized representatives, all the adhesive postage and special-delivery stamps, of the kinds and denominations now in use or hereafter to be adopted, that may be called for by the Post-Office Department during the period of four years from the 1st of July, 1894; and it is to keep constantly on hand a stock of all such stamps sufficient to promptly meet the wants of postmasters as communicated in orders of the Department.

The several kinds of these stamps now in use and to be furnished are known as—

Ordinary postage stamps.
Newspaper and periodical stamps.
Postage-due stamps.
Special-delivery stamps.

2. The stamps in general are to be turned over daily to the agent of the Post-Office Department upon formal orders sent to him by the office of the Third Assistant Postmaster-General, embodying the needs of postmasters throughout the country, and in such quantities as may be therein specified, each lot of the several kinds and denominations for any one postmaster to be put up separately for mailing. After verification by the agent, and when these packages are all securely sealed, addressed, and ready for mailing, they are to be placed in secure iron boxes, locked, and taken to the Washington City post-office for dispatch to their several destinations by registered mail. Deliveries of stamps will also comprehend such as may be turned over to the Bureau on or before the 1st of July, 1894, from the stock of stamps made up to that time by the American Bank Note Company, the present contractor for furnishing stamps.

3. When fifty or more sheets of stamps are required to be sent to any address they are to be packed in strong binder's-board boxes, bound on the edges and corners with muslin, and enveloped in two thicknesses of strong manila paper; but when less than that number are required to fill an order they are to be inclosed in strong manila envelopes equal to those now in use for the same purpose; such envelopes, as well as blank labels of direction for the wrapped packages, to be furnished by the Bureau and addressed by the postage-stamp agent. All the wrapped packages and the envelopes inclosing stamps are, after verification by the agent, to be securely sealed with wax and impressed with a stamp of special device, or securely fastened with a paper seal of special design, subject to the approval of the Postmaster-General. The Bureau is also to furnish blank invoices for transmission with the stamps, intended to be signed as receipts by the postmasters to whom the stamps are sent, which invoices or receipts are to be filled up properly by the agent and inclosed with the stamps before sealing. Any other blank forms or circulars that may be found necessary to inclose with the packages of stamps are also to be furnished by the Bureau. Whenever necessary the stamps are to be so wrapped in paraffin paper as to prevent their adhesion during transmission, the wrapping to be similar to what is now done.

4. The Bureau is to furnish to the agent of the Post-Office Department, contiguous to the rooms where the stamps are to be packed, suitable and properly furnished quarters for himself and the employees under him, and to give him every facility for superintending the manufacture, packing, and delivery of the stamps. He is to be the general medium of intercourse between the Post-Office Department and the Bureau, is to have the right to look generally after the interests of that Department connected with the making and issuing of stamps, and is to be subject only to its orders.

5. The Bureau is to keep securely all the stamp dies, rolls, or plates now in existence that have been or may be turned over to it, and it is to make new ones whenever necessary, and to keep all of them in proper repair, constantly ready for use. All such dies, rolls, and plates are to be regarded as the property of the Post-Office Department, and are therefore to be disposed of as the Postmaster-General may at any time direct. The Postmaster-General is to have the right to order changes of design for any of the stamps whenever he deems it proper, to discontinue any denomination or kind of stamps, to change the colors thereof, and otherwise to do as under the law or practice he may now do; and the Bureau is to conform to his wishes in all such cases.

6. The Bureau is to make regular weekly reports in detail to the postage-stamp agent, showing the kinds and denominations of stamps manufactured, issued, and on hand, and the number spoiled. And all spoiled stamps are to be destroyed weekly, under the supervision and with the cooperation of the agent.

7. At the end of every month accounts are to be rendered to the postage-stamp agent by the Bureau, showing the number and kinds of stamps delivered during the month, whereupon, after such accounts have been verified and approved by the agent, the Post-Office Department is to pay the Bureau by warrant on the United States Treasurer, the cost of manufacture at the following rates:

	Cents.
Ordinary postage stamps a thousand	5
Newspaper and periodical stamps a thousand	11.4
Postage-due stamps a thousand	6.65
Special-delivery stamps a thousand	11.4

8. This arrangement may be modified, with the consent of the Postmaster-General and the Secretary of the Treasury, at any time when found to be desirable.

J. G. CARLISLE,
Secretary of the Treasury.
W. S. BISSELL,
Postmaster-General.

WASHINGTON, D. C., *June 9, 1894.*

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The gentleman from Texas [Mr. SAYERS] has made a point of order. Does the gentleman in charge of the bill desire to say anything on the point of order?

Mr. CANNON. No; I am willing to let the Chair rule.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. BINGHAM] desire to say anything on the point of order made against the amendment?

Mr. BINGHAM. Yes, Mr. Chairman; but I supposed from the statement of the Chair that the matter of the point of order was held in abeyance until I had completed my statement.

The CHAIRMAN. The gentleman has occupied his ten minutes on the merits of the case.

Mr. BINGHAM. Is there any limitation in the time?

The CHAIRMAN. The Chair so understood from the gentleman in charge of the bill.

Mr. CANNON. There was a limitation as to the other matter, but I do not think there is here, except the five-minute rule, and I think it was understood between the gentleman from Pennsylvania and myself, with consent of the Committee of the Whole House, that he should have such time as he desired.

Mr. BINGHAM. As I understood the gentleman in charge of the bill, when we came to this paragraph there was to be general debate. That was the understanding when the bill was first submitted to the House.

Mr. CANNON. I will say to the gentleman that I have no desire to prevent his having such time as he wishes; but I suggest to him that it is now half past 4. Does the gentleman think we can complete the bill this afternoon? How much time does he think the discussion will take?

Mr. BINGHAM. I do not know.

Mr. CANNON. Well, how much time does the gentleman desire?

Mr. BINGHAM. I want a very few moments myself; but hope that I shall provoke a debate upon the proposition.

Mr. CANNON. I hope such time as the gentleman desires may be given.

The CHAIRMAN. The gentleman from Pennsylvania will proceed, if there is no objection.

Mr. HAGER. I object.

Mr. BARTLETT of New York. Mr. Chairman and gentlemen of the committee, the question here involved is simply the throwing open to public competition of the printing of postage stamps. The practical question is, How can postage stamps be printed at the lowest cost?

Mr. Chairman, it may well be that if this point of order be pressed by the distinguished gentleman from Texas, who yesterday succeeded in having an appropriation of $30,000 inserted in this bill, without the report of any committee of the House in favor of it—it may be that if this point of order be pressed, against the interests of American labor, the Chairman will feel bound to sustain it.

Mr. SAYERS. I want to say to the gentleman that I am going to press it, and I am not going to withdraw it.

Mr. BARTLETT of New York. The information is satisfactory enough to me, though it was hardly necessary for the gentleman from Texas to have conveyed it at this time, especially as it came out of my five minutes. But I want to call the attention of the committee to this fact, that one amendment in the interest of American labor, providing for back pay for three years on leave of absence to the next of kin or legal representatives of printers employed in the printing office, was passed here without objection. Why? Because, although we all knew that this change of the existing law was there, we did not care to take a stand against the manifest justice of the proposition in favor of the interest of skilled labor.

Now, I speak in behalf of the skilled artisan, the skilled mechanic, in all our great cities; that is, in Chicago, Philadelphia, New York, and every city where men are employed by bank-note printing companies. I say that the statistics show that our bank-note companies can make these stamps at a cost varying from 5¼ cents to 5.85 cents per thousand, whereas the same number of postage stamps now cost the Treasury Department 9¾ cents. It is for this reason that I advocate the amendment proposed by the gentleman from Pennsylvania [Mr. BINGHAM], because the record shows that since the change has gone into operation there has been a spoilage account of 4,000,000 postage stamps. I say that the printing of these stamps should be thrown open to public competition, because in the large cities our skilled mechanics with plants that have been in existence for the last half century can do the work better and at less cost than the Government of the United States can do it; and it is for this reason the amendment should be incorporated into the statutes of the United States.

The CHAIRMAN. On the point of order raised by the gentleman from Texas [Mr. SAYERS]——

Mr. BINGHAM. I understand the question is upon the point of order?

The CHAIRMAN. It is. The Chair will say that there is much force in what the gentleman from Pennsylvania has said respecting that section of the statute, and the bidding of different parties for the privilege of supplying those articles to the General Government; but it is the understanding of the Chair that the Attorney-General has made a construction of that by which the Bureau of Engraving and Printing can compete for the printing of these stamps. Now, as the Chair understands, the amendment further——

Mr. BINGHAM. That I do not dispute. A fair competition I do not dispute.

The CHAIRMAN. The amendment offered by the gentleman from Pennsylvania prohibits the Bureau of Engraving and Printing from printing these stamps after 1897, which is clearly new legislation, inasmuch as it prohibits the Government from becoming a bidder in competition with private individuals; and for that reason the Chair will sustain the point of order made by the gentleman from Texas.

Mr. CANNON. Mr. Chairman, I move that the committee rise and report this bill with amendments to the House with a favorable recommendation.

Mr. BINGHAM. If the gentleman will allow me.

Mr. CANNON. For one moment, certainly.

Mr. BINGHAM. I now submit the following amendment:

The Clerk read as follows:

After the words "Revised Statutes," on line 13, page 17, insert the following: "*And provided*, That no part of the moneys herein appropriated shall be expended or used for the production and issue of postage stamps, the cost of producing and issuing said stamps being reimbursable out of the funds appropriated to the Post-Office Department for procuring the same, and the Chief of the Bureau of Engraving and Printing in his annual report shall state the cost by items of producing postage stamps apart from that of the other work done by his Bureau."

Mr. SAYERS. I raise the point of order on that amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CANNON. Mr. Chairman, I now ask unanimous consent to return to page 2, for the purpose of enabling the gentleman from New York [Mr. DANIELS] to move an amendment which will explain itself.

There was no objection.

Mr. DANIELS. I offer the amendment which I send to the desk.

The amendment was read, as follows:

At the end of line 12, page 2, add, as a new paragraph, the following:

"For a brick addition, 1 story in height, extending northerly 18 feet from the northerly side and 10 feet from the easterly end of the United States post-office building in the city of Buffalo, and 73 feet in depth on the northerly side, and 43 feet on the easterly end of said building, a sum not exceeding $4,300."

Mr. CANNON. Mr. Chairman, this provides for a temporary building to be used in connection with the present building, pending the construction of the new post-office building in Buffalo. Having looked into the matter myself, as the gentleman from New York has done, we are satisfied that it is necessary in order to carry on the public service there, unless you rent a building outside.

The amendment was adopted.

Mr. CANNON. I move that the committee rise and report the bill and amendments to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS, from the Committee of the Whole, reported that they had had under consideration the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, and had directed him to report the same to the House with sundry amendments and with the recommendation that the bill as amended do pass.

Mr. CANNON. Now, Mr. Speaker, I yield a moment to the gentleman from Kentucky [Mr. EVANS], who desires to offer a substitute for the proviso in an amendment offered by him in Committee of the Whole, and adopted by the committee and reported to the House.

Mr. EVANS. Mr. Speaker, I offer the amendment which I send to the desk as a substitute for the proviso in the amendment already offered by me and adopted by the Committee of the Whole.

The amendment was read, as follows:

Provided, That no part of this appropriation shall be used directly or indirectly for the support of the theological department of said university, nor for the support of any sectarian, denominational, or religious instruction therein: *And provided further*, That no part thereof shall be paid to said university until it shall accord to the Secretary of the Interior, or to his designated agent or agents, authority to visit and inspect such university and to control and supervise the expenditure therein of all moneys paid under this appropriation.

Mr. CANNON. I understand that that is an amendment which proposes to strike out the proviso in the amendment offered by the gentleman from Kentucky in Committee of the Whole and to substitute the language just read.

Mr. EVANS. That is correct.

Mr. BINGHAM. Mr. Speaker, I ask to be allowed to extend in the RECORD my remarks, which were somewhat limited by lack of time.

There was no objection, and it was so ordered.

Mr. CANNON. Now, Mr. Speaker, I move the previous question upon the third reading and passage of the bill.

Mr. RICHARDSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. I did not understand what disposition was made of the proposition of the gentleman from Kentucky [Mr. EVANS].

The SPEAKER. That proposition is pending.

Mr. CANNON. And the previous question will operate upon it as well as upon the bill and the other amendments.

Mr. RICHARDSON. Does the gentleman offer that as a substitute for the amendment which was adopted in the Committee of the Whole, or as an amendment to the amendment?

The SPEAKER. The gentleman offers it as an amendment to the amendment adopted in the Committee of the Whole. He moves to strike out the proviso in that amendment and to insert what has just been reported to the House.

The previous question was ordered.

The SPEAKER. Is a separate vote asked for on any other of the amendments?

Mr. HAINER of Nebraska. I desire a separate vote on the amendment relating to the appropriation for Howard University.

The SPEAKER. A separate vote must be taken on that. There is an amendment to the amendment pending. Is a separate vote demanded on any other amendment? [A pause.] The Chair hears none.

The remaining amendments were agreed to.

The SPEAKER. The question is now upon the amendment of the gentleman from Kentucky [Mr. EVANS] to strike out the proviso of the amendment adopted by the Committee of the Whole and substitute the proviso which has been read.

The amendment to the amendment was adopted.

The SPEAKER. The question is now on agreeing to the amendment as amended.

Mr. HAINER of Nebraska. On that question I call for the yeas and nays.

known as—
Ordinary postage stamps.
Newspaper and periodical stamps.

can complete the bill this afternoon? How much time does he think the discussion will take?

Mr. SAYERS. I raise the point of order on that amendment.
The CHAIRMAN. The Chair sustains the point of order.

and nays.

The yeas and nays were ordered, there being—ayes 58, noes 116 (more than one-fifth voting in the affirmative).

Mr. BAILEY. I rise to a parliamentary inquiry. The yeas and nays having been ordered, if the House should now adjourn would not this question be the first to be considered at the session to-morrow?

The SPEAKER. It would.

Mr. BAILEY. I do not desire myself to make the motion to adjourn, but I suggest it to the gentleman from Illinois, as it is now within three minutes of 5 o'clock.

Mr. CANNON. There is now a full attendance of members, and the vote will take but a short time.

The question was taken; and there were—yeas 128, nays 106, not voting 120; as follows:

YEAS—128.

Adams,	Dingley,	Lacey,	Russell, Conn.
Aldrich, Ala.	Dolliver,	Lawson,	Sayers,
Aldrich, Ill.	Dovener,	Leighty,	Sherman,
Arnold, Pa.	Elliott, S. C.	Leonard,	Skinner,
Avery,	Erdman,	Lewis,	Smith, Ill.
Baker, Kans.	Evans,	Lorimer,	Sorg,
Baker, Md.	Fairchild,	Loudenslager,	Southard,
Barham,	Faris,	Low,	Steele,
Bartholdt,	Fischer,	Marsh,	Stewart, N. J.
Bartlett, N. Y.	Fitzgerald,	McCleary, Minn.	Stokes,
Belknap,	Fletcher,	McClellan,	Stone, C. W.
Bennett,	Foote,	McClure,	Stone, W. A.
Bingham,	Foss,	McCormick,	Strowd, N. C.
Boutelle,	Gamble,	Meyer,	Sulzer,
Bromwell,	Gardner,	Miles,	Tait,
Burrell,	Gibson,	Milliken,	Tawney,
Burton, Ohio	Griswold,	Murphy,	Tayler,
Calderhead,	Grout,	Noonan,	Thomas,
Cannon,	Grow,	Northway,	Towne,
Chickering,	Halterman,	Odell,	Updegraff,
Clark, Iowa	Hardy,	Overstreet,	Van Horn,
Clark, Mo.	Heatwole,	Parker,	Walker, Mass.
Cobb, Mo.	Henderson,	Patterson,	Walsh,
Codding,	Henry, Ind.	Pendleton,	Warner,
Cooke, Ill.	Hopkins,	Perkins,	Watson, Ohio
Cousins,	Howe,	Pickler,	Wellington,
Crowley,	Hulick,	Pitney,	White,
Cummings,	Johnson, N. Dak.	Poole,	Willis,
Curtis, N. Y.	Kerr,	Powers,	Wilson, N. Y.
Daniels,	Kiefer,	Pugh,	Wilson, S. C.
Dayton,	Kirkpatrick,	Ray,	Woodman,
De Witt,	Kulp,	Royse,	Wright.

NAYS—106.

Allen, Miss.	De Armond,	Lester,	Sauerhering,
Allen, Utah	Dinsmore,	Little,	Shafroth,
Andrews,	Doolittle,	Livingston,	Shuford,
Apsley,	Downing,	Lockhart,	Simpkins,
Atwood,	Ellett, Va.	Long,	Snover,
Babcock,	Ellis,	Loud,	Sparkman,
Bailey,	Gillet, N. Y.	Maddox,	Stewart, Wis.
Barney,	Gillett, Mass.	McCreary, Ky.	Strait,
Bell, Colo.	Graff,	McCulloch,	Strode, Nebr.
Berry,	Griffin,	McDearmon,	Strong,
Bishop,	Hager,	McLachlan,	Swanson,
Black, Ga.	Hainer, Nebr.	McLaurin,	Talbert,
Blue,	Hanly,	McMillin,	Tate,
Bowers,	Harrison,	McRae,	Terry,
Broderick,	Hartman,	Meiklejohn,	Tracey,
Buck,	Hatch,	Mercer,	Tucker,
Burton, Mo.	Hendrick,	Minor, Wis.	Turner, Ga.
Clardy,	Hepburn,	Money,	Turner, Va.
Clarke, Ala.	Hermann,	Moody,	Tyler,
Cockrell,	Hilborn,	Mozley,	Underwood,
Connolly,	Hitt,	Neill,	Wadsworth,
Cook, Wis.	Hull,	Ogden,	Williams,
Cooper, Tex.	Hyde,	Otey,	Wilson, Idaho
Cooper, Wis.	Johnson, Cal.	Otjen,	Wood,
Crump,	Jones,	Owens,	Yoakum.
Curtis, Iowa	Kem,	Richardson,	
Curtis, Kans.	Knox,	Russell, Ga.	

NOT VOTING—120.

Abbott,	Denny,	Kyle,	Reeves,
Acheson,	Dockery,	Latimer,	Reyburn,
Aitken,	Draper,	Layton,	Robertson, La.
Anderson,	Eddy,	Lefever,	Robinson, Pa.
Arnold, R. I.	Fenton,	Lessenring,	Rusk,
Baker, N. H.	Fowler,	Linney,	Scranton,
Bankhead,	Grosvenor,	Linton,	Settle,
Barrett,	Hadley,	Maguire,	Shannon,
Bartlett, Ga.	Hall,	Mahany,	Shaw,
Beach,	Harmer,	Mahon,	Smith, Mich.
Bell, Tex.	Harris,	McCall, Mass.	Southwick,
Black, N. Y.	Hart,	McCall, Tenn.	Spalding,
Brewster,	Heiner, Pa.	McEwan,	Spencer,
Brosius,	Hemenway,	McKenney,	Sperry,
Brown,	Henry, Conn.	Meredith,	Stable,
Brumm,	Hicks,	Miller, Kans.	Stallings,
Bull,	Hill,	Miller, W. Va.	Stephenson,
Catchings,	Hooker,	Mines,	Sulloway,
Cobb, Ala.	Howard,	Miner, N. Y.	Tracewell,
Coffin,	Howell,	Mondell,	Treloar,
Colson,	Hubbard,	Morse,	Van Voorhis,
Cooper, Fla.	Huff,	Moses,	Walker, Va.
Corliss,	Huling,	Newlands,	Wanger,
Cowen,	Hunter,	Payne,	Washington,
Cox,	Hurley,	Pearson,	Watson, Ind.
Crisp,	Hutcheson,	Phillips,	Wheeler,
Crowther,	Jenkins,	Price,	Wilber,
Culberson,	Johnson, Ind.	Prince,	Wilson, Ohio
Dalzell,	Joy,	Quigg,	Woodard,
Danford,	Kendall,	Raney,	Woomer.

So the amendment reported from the Committee of the Whole, as amended on motion of Mr. EVANS, was adopted.

The following pairs were announced:
Until further notice:
Mr. HEMENWAY with Mr. ROBERTSON of Louisiana.
Mr. HADLEY with Mr. MCDEARMON.
Mr. MILLER of West Virginia with Mr. WOODARD.
Mr. REYBURN with Mr. MCKENNEY.
Mr. SETTLE with Mr. DINSMORE.
Mr. HOOKER with Mr. MINER of New York.
Mr. HUBBARD with Mr. DOCKERY.
Mr. WHITE with Mr. CLARKE of Alabama.
Mr. EDDY with Mr. KYLE.
Mr. LEISENRING with Mr. STALLINGS.
Mr. MILLIKEN with Mr. BANKHEAD.
Mr. RANEY with Mr. COWEN.
Mr. JOHNSON of Indiana with Mr. WASHINGTON.
Mr. GROSVENOR with Mr. BARRETT.
Mr. DALZELL with Mr. CRISP.
Mr. WOOMER with Mr. WHEELER.
Mr. MCCALL of Massachusetts with Mr. BELL of Texas.
On this vote:
Mr. BAKER of New Hampshire with Mr. MOSES.
Mr. CROWTHER with Mr. LAYTON.
Mr. TRELOAR with Mr. HALL.
Mr. STRODE of Nebraska with Mr. CLARKE of Alabama.
Mr. SPENCER with Mr. JENKINS.

Mr. MOODY. Mr. Speaker, my colleague, Mr. BARRETT, is paired on this question with the gentleman from Ohio, Mr. GROSVENOR. If my colleague were present he would vote "nay," and Mr. GROSVENOR, if present, would vote "yea."

Mr. GIBSON. My colleague from Tennessee, Mr. MCCALL, is absent on account of sickness. If present he would vote "yea."

Mr. MOZLEY. I wish to say on behalf of my colleague, Mr. TRELOAR, that he was present and voted "nay" on the first roll call. I believe his name was read with the names of those who are paired.

Mr. MADDOX. My colleague from Georgia, Mr. BARTLETT, is confined to his room to-day by sickness. If he were present, he would vote "nay."

The result of the vote was announced as above stated. [Applause.]

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 55) for the establishment of a light-house and fog-signal station at or near the entrance to Maurice River, New Jersey; and

A bill (H. R. 6408) authorizing the sale of title of the United States to certain tracts of land in the District of Columbia to Margaret Shugrue, Caroline Lochboehler, and John R. Scott.

RETURN OF BILL TO THE SENATE.

The SPEAKER laid before the House the following resolution of the Senate; which was read:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 941) granting to the Atchison and Nebraska Railroad Company and the Chicago, Burlington and Quincy Railroad Company, its lessee in perpetuity, a right of way over a part of the Sac and Fox and Iowa Indian reservations, in the States of Kansas and Nebraska.

The SPEAKER. Without objection, the request of the Senate will be granted.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PITNEY, for three days, on account of important business.

To Mr. SCRANTON, indefinitely, on account of sickness.

And then, on motion of Mr. CANNON (at 5 o'clock and 25 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting the report of the Attorney-General of the payments made from the appropriation for protecting property in the hands of receivers of United States courts—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior, submitting estimates of appropriations to pay certain United States deputy surveyors—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Interior, giving a statement in regard to an account between the Oklahoma and Iowa branches of the Sac and Fox (of Mississippi) tribe of Indians—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior, submitting an additional estimate of appropriation for the expenses of the Eleventh Census—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred House bill No. 5676, reported in lieu thereof a bill (H. R. 7862) to provide for the relief of certain officers and enlisted men of the volunteer forces, accompanied by a report (No. 1066); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARTHOLDT, from the Committee on Immigration and Naturalization, to which was referred House bill No. 9, reported in lieu thereof a bill (H. R. 7864) to amend the immigration laws of the United States, accompanied by a report (No. 1079); which said bill and report were referred to the House Calendar.

Mr. TRACEY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 7468) to improve Jefferson Barracks and making an appropriation therefor, reported the same without amendment, accompanied by a report (No. 1081); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DANFORD, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 58) providing for the inspection of immigrants by United States consuls, reported the same with amendment, accompanied by a report (No. 1082); which said bill and report were referred to the House Calendar.

Mr. SHAFROTH, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 1317) to grant certain lands to the city of Colorado Springs, Colo., reported the same without amendment, accompanied by a report (No. 1094); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. SNOVER, from the Committee on Claims: The bill (H. R. 7226) for the relief of Twyman O. Abbott. (Report No. 1067.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (H. R. 6431) to pay Peter P. Ferguson $1,765 and interest. (Report No. 1068.)

By Mr. DOWNING, from the Committee on Claims: The bill (H. R. 1021) granting relief to Albert Augustine for property taken for the Cayuse war. (Report No. 1069.)

By Mr. GRAFF, from the Committee on Claims: The bill (H. R. 5740) authorizing the Secretary of the Treasury to issue a duplicate bond to Benjamin March, guardian of Ruth March. (Report No. 1070.)

By Mr. DENNY, from the Committee on Claims:

The bill (H. R. 1845) for the relief of George H. Plant, of the District of Columbia. (Report No. 1071.)

The bill (H. R. 3705) for the relief of F. F. White. (Report No. 1073.)

The bill (H. R. 4434) for the relief of P. M. M. Alexander, of Holmes County, Miss. (Report No. 1074.)

The bill (H. R. 7161) for the relief of Benjamin F. Jones. (Report No. 1075.)

The bill (H. R. 6137) for the relief of Joshua Bishop. (Report No. 1076.)

By Mr. DE WITT, from the Committee on Claims:

The bill (H. R. 596) for the relief of Ellis H. Roberts. (Report No. 1077.)

The bill (H. R. 1121) for the relief of C. W. Michaels, postmaster at Yalesville, Conn. (Report No. 1078.)

By Mr. WOOMER, from the Committee on Military Affairs: The bill (H. R. 1515) for the relief of Hugh McLaughlin. (Report No. 1080.)

By Mr. STRODE of Nebraska, from the Committee on Pensions: The bill (H. R. 3688) to pension James L. McKinney for services in Oregon Indian wars. (Report No. 1083.)

The bill (H. R. 3939) to pension Daniel Giles for services in Oregon Indian wars. (Report No. 1084.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 3166) granting a pension and arrearage of pension to George B. Merchant. (Report No. 1085.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 5793) granting a pension to Mary L. Tweddle. (Report No. 1086.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 5532) to increase the pension of Josephine Glover. (Report No. 1087.)

By Mr. MILES, from the Committee on Invalid Pensions:

The bill (H. R. 6560) to increase pension of Emily M. Tyler. (Report No. 1088.)

The bill (H. R. 1095) granting a pension to Annie M. Ermer. (Report No. 1091.)

By Mr. MCCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 1066) granting a pension to Ella Hatfield, invalid daughter of Maj. David Hatfield, First Regiment New Jersey Infantry Volunteers. (Report No. 1092.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 2396) granting a pension to Isaac Holbrook, late private in Company G, One hundred and twenty-first Regiment Ohio Volunteer Infantry. (Report No. 1089.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 6099) granting a pension to Margaret Kirkpatrick. (Report No. 1090.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 6730) granting a pension to Edward C. Spofford. (Report No. 1093.)

By Mr. LOUDENSLAGER, from the Committee on Pensions: The bill (H. R. 1832) granting a pension to Hannah E. Rogers. (Report No. 1095.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. DENNY, from the Committee on Claims, reported adversely (Report No. 1072) the bills (H. R 1076 and H. R. 6043) for the relief of George T. Vance and Guy P. Vance, executors of William L. Vance, deceased; which said bills and report were laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 7859) authorizing and directing certain extensions of street railway routes within the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. WATSON of Ohio: A bill (H. R. 7860) making an appropriation for the erection of a monument to commemorate the services and achievements of the private soldiers and sailors of the United States in the late war of the rebellion—to the Committee on the Library.

By Mr. MEIKLEJOHN: A bill (H. R. 7861) to protect commerce and to countervail foreign discriminating duties, exactions, and conditions—to the Committee on Ways and Means.

By Mr. MCCALL of Massachusetts: A bill (H. R. 7863) to provide for a commission to investigate the consular and diplomatic service with reference to its reorganization—to the Committee on Foreign Affairs.

By Mr. ADAMS: A bill (H. R. 7865) to allow the return free of duty of certain articles exported from the United States for exhibition purposes—to the Committee on Ways and Means.

By Mr. MOODY: A bill (H. R. 7866) to require all American vessels carrying lifeboats, yawls, gigs, dories, or small boats of any description to equip such boats with a provision safe—to the Committee on the Merchant Marine and Fisheries.

By Mr. LITTLE (by request): A bill (H. R. 7867) for the payment of arrears of interest to Chickasaw Nation of Indians—to the Committee on Indian Affairs.

By Mr. HUBBARD: A bill (H. R. 7868) authorizing the construction of a bridge across the Missouri River at or near the city of Boonville, Mo.—to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of Arizona: A bill (H. R. 7869) to ratify and confirm an agreement with the Indians of the San Carlos Reservation, Ariz., for the cession and relinquishment to the United States of a certain portion of the reservation—to the Committee on Indian Affairs.

By Mr. KIRKPATRICK: A bill (H. R. 7870) to donate one condemned cannon and balls for two pyramids to Coffeyville Post, Grand Army of the Republic, No. 153, of Kansas—to the Committee on Military Affairs.

The bill was read, as follows:

So the amendment reported from the Committee of the Whole, as amended on motion of Mr. EVANS, was adopted.

By Mr. LACEY: A bill (H. R. 7905) to establish and provide for the government of Greer County, Okla., and for other purposes—to the Committee on the Judiciary.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 7736) granting a pension to Mrs. Clifford Neff Fyffe—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 3898) granting a pension to Herbert W. Leach—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BERRY: A bill (H. R. 7871) for the benefit of George W. Herndon, of Campbell County, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7872) for the benefit of Joel H. Hallowell, of Covington, Ky.—to the Committee on Invalid Pensions.

By Mr. BLUE: A bill (H. R. 7873) increasing the pension of Ephraim Pringle, of Lawrence, Kans.—to the Committee on Invalid Pensions.

By Mr. COOKE of Illinois (by request): A bill (H. R. 7874) for the relief of James McCauley—to the Committee on War Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 7875) to increase pensions in certain cases—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7876) to increase the pension of James K. Van Matre, late of the Fifth Wisconsin Battery—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 7877) for the relief of Jason R. Gossett—to the Committee on Military Affairs.

By Mr. HENDRICK: A bill (H. R. 7878) for the relief of Samuel C. Green—to the Committee on War Claims.

Also, a bill (H. R. 7879) for the relief of the heirs of Jacob Ullman, deceased, of McCracken County, Ky.—to the Committee on War Claims.

By Mr. HILBORN: A bill (H. R. 7880) to correct the military record of Frank D. Sweetser, late captain of Company E, Second (Berdan's) United States Sharpshooters, and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. HULING: A bill (H. R. 7881) granting a pension to Arthur G. Kiddy, late a private of Company D, Home Guards, One hundred and thirty-third Regiment Virginia Militia—to the Committee on Invalid Pensions.

By Mr. KERR: A bill (H. R. 7882) to remove the charge of desertion against William Thomas—to the Committee on Military Affairs.

By Mr. KIRKPATRICK: A bill (H. R. 7883) granting a pension to Barney Schriver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7884) granting a pension to Isaac N. Cisson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7885) granting a pension to Evan Schriver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7886) granting a pension to Patrick Lacy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7887) granting a pension to Clara M. Keath—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7888) for the relief of Martha A. and B. W. Hiatt—to the Committee on War Claims.

Also, a bill (H. R. 7889) granting a pension to Josiah Moosa—to the Committee on Pensions.

By Mr. PICKLER: A bill (H. R. 7890) granting a pension to Samuel G. Trine—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 7891) to refer the claim of Joseph W. Parish to the Secretary of the Treasury for examination and report—to the Committee on Claims.

By Mr. TERRY: A bill (H. R. 7892) for relief of the estate of Charles Labell—to the Committee on War Claims.

By Mr. THOMAS: A bill (H. R. 7893) granting a pension to Jane Innels—to the Committee on Invalid Pensions.

By Mr. VAN HORN: A bill (H. R. 7894) for the relief of Elizabeth P. Wethers, of Kansas City, Mo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7895) for the relief of William H. Trabue, of Kansas City, Mo.—to the Committee on Claims.

Also, a bill (H. R. 7896) for the relief of Cornelius Boyle, of Kansas City, Mo.—to the Committee on War Claims.

By Mr. WHEELER: A bill (H. R. 7897) to pension Mrs. Kathrine Clark—to the Committee on Pensions.

By Mr. PAYNE: A bill (H. R. 7898) granting an increase of pension to William D. Seamans, late a private Company L, Fourteenth New York Heavy Artillery—to the Committee on Invalid Pensions.

By Mr. MEYER: A bill (H. R. 7899) to correct military record of James Fanning—to the Committee on Military Affairs.

By Mr. TERRY: A bill (H. R. 7900) for the relief of Elvy Brewer, of Saline County, Ark.—to the Committee on War Claims.

By Mr. GIBSON: A bill (H. R. 7901) for the relief of Miller E. Rosier—to the Committee on Military Affairs.

Also, a bill (H. R. 7902) for the relief of David Hampton Rosier—to the Committee on Military Affairs.

By Mr. WOOD: A bill (H. R. 7903) granting a pension to Mrs. Hester A. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7904) to increase the pension of John M. Robinson—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AITKEN: Petition of Gordon H. True and 38 others, of Agricultural College, Mich., asking for the passage of House bill No. 7251, looking toward the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. ALLEN: Protests of certain citizens of Cleveland, Ohio, against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BABCOCK: Petition of citizens of Washington, D. C., containing 47 names, urging the passage of House bill No. 5220 or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and opposing the extension of the tracks of said company until its existing lines are modernly equipped and operated—to the Committee on the District of Columbia.

By Mr. BARTHOLDT: Petition of the St. Louis Association of Stationary Engineers, favoring the passage of House bill No. 3618, to increase the efficiency of the personnel of the Navy—to the Committee on Naval Affairs.

By Mr. BINGHAM: Memorial of the Philadelphia Maritime Exchange, favoring the passage of the Torrey bankruptcy bill—to the Committee on the Judiciary.

By Mr. DALZELL: Remonstrance of 120 citizens of the Twenty-second Congressional district of Pennsylvania, against the maintenance of the Père Marquette statue at the Capitol and petitioning for its removal—to the Committee on the Library.

By Mr. DAYTON: Petition of T. S. Pumnall, of Cumberland, W. Va., asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. EVANS: Petition of W. E. Loughridge and others; also of George T. Lonnon and others, all of Louisville, Ky., respecting the Marquette statue—to the Committee on the Library.

By Mr. FOSS: Papers to accompany House bill No. 783, to remove the charge of desertion from the record of Friedrich Bertram—to the Committee on Military Affairs.

By Mr. GROSVENOR: Memorial of M. W. Whitney, of the Labor Independent, Nelsonville, Ohio, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HARMER: Memorial of the Philadelphia Maritime Exchange, in favor of the passage of the Torrey bankruptcy bill—to the Committee on the Judiciary.

By Mr. HILBORN: Memorials from the State of California, of citizens of Oakland, Crescent Mills, Waterford, Farmersville, National City, Susanville, San Francisco, Healdsburg, Greenville, Escondido, and the county of Alameda, against the appropriation of public moneys for sectarian undertakings, and a petition for the passage of joint resolution No. 11, to amend the Constitution of the United States—to the Committee on the Judiciary.

By Mr. HOWELL: Eighteen petitions of the Liquor Dealers' Protective League of the State of New Jersey, protesting against the passage of House bill No. 6668, to raise the license fee in the District of Columbia from $400 to $800—to the Committee on the District of Columbia.

Also, petition of the American Association of Masters and Pilots of Steam Vessels of New York; also of James W. Hoff and other citizens of Keyport, N. J.; also of James E. Terry and others, urging the passage of House bill No. 5687, appropriating $25,000 for the erection of a light-house at East Point Shoals, Raritan Bay, New Jersey—to the Committee on Rivers and Harbors.

Also, petition of Mrs. M. C. Laviness and others, of Asbury Park and Ocean Grove, N. J., protesting against the introduction of military training in the public schools of this country—to the Committee on Education.

By Mr. KENDALL: Papers relating to the claim of C. C. Haggard, of Mount Sterling, Ky.—to the Committee on War Claims.

By Mr. KIRKPATRICK: Memorial of the International Association of Machinists, of Parsons, Kans., for an investigation into the treatment of the members of the association employed in the Brooklyn Navy-Yard—to the Committee on Labor.

Also, memorial of Eggleston Post, No. 244, Grand Army of the Republic, of Wichita, Kans., praying for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, memorial of the White Ribbon Women of Pomona, Kans., praying for the appointment of a commission of arbitration to adjust all troubles between the United States and England—to the Committee on Foreign Affairs.

By Mr. LEIGHTY: Resolutions of De Long Post, No. 67, of Auburn; also of Sion S. Bass Post, No. 40, of Fort Wayne, Grand Army of the Republic, Department of Indiana, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of citizens of Lagrange, Ind., favoring House bill No. 5729, for the protection of game, birds, and fish—to the Committee on Interstate and Foreign Commerce.

By Mr. LINTON: Resolutions adopted by the Trades League of Philadelphia, Pa., asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LONG: Petition of John Goldy Post, No. 90, of Milan, Department of Kansas, praying for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: Petitions of the Liquor Dealers' Association of Phillipsburg, N. J.; also of Retail Liquor Dealers' Association of Mercer County, N. J.; also of Hudson County Liquor Dealers' Association, New Jersey; also of Hunterdon County Hotel Keepers' Association, New Jersey; also of Retail Liquor Dealers' Association of South Amboy, N. J., against the passage of House bill No. 6668, amending an act regulating sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MORSE: Petition of the Brockton Central Labor Union, of Brockton, Mass., asking for the unlimited coinage of silver at the ratio of 16 to 1—to the Committee on Coinage, Weights, and Measures.

By Mr. SNOVER: Petitions of Typographical Union, Trades and Labor Council, Cigarmakers' Union, Journeymen Barbers' Union, Longshoremen's Union, and Eddison Union, all of Port Huron, Mich., for a law restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. SORG: Petition of Cincinnati Chamber of Commerce and Merchants' Exchange, of Cincinnati, Ohio, indorsing a bill to create a department of commerce and manufactures as a branch of the executive department of the Government, signed by Fred Guckenberger, secretary—to the Committee on the Judiciary.

By Mr. STEWART of Wisconsin: Remonstrance and petition of A. E. Montgomery and 77 others, of Bay Shore Council, No. 48, of Marinette, Wis., against the continuance of the statue of Marquette in Statuary Hall—to the Committee on the Library.

By Mr. WILLIAM A. STONE: Resolution of Council No. 92, Daughters of Liberty, of Allegheny, Pa.; also resolution of Lodge No. 397, Order of St. George, of Washington, D. C., unanimously indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. THOMAS: Petition of David Handshaw and 106 other citizens of Parkville, St. Joseph County, Mich., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. UPDEGRAFF: Petition of White & Co., of Charles City; also petition of Ice Cave Creamery Company of Decorah, Iowa, recommending the passage of House bill No. 5213, which places a tax on the manufacture and sale of filled cheese—to the Committee on Agriculture.

By Mr. VAN HORN: Paper to accompany House bill for the relief of Elizabeth P. Wethers, of Kansas City, Mo.—to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 3, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

BRIDGE ACROSS THE MISSISSIPPI AT ST. LOUIS.

Mr. MURPHY of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the East St. Louis and St. Louis Bridge and Construction Company, of the city of East St. Louis, of the county of St. Clair and State of Illinois, a corporation organized under the laws of the State of Illinois, its assigns, successors, grantees, mortgagees, representatives, and successors in interest, to build, own, operate, and maintain a bridge and approaches thereto, as hereinafter described, across the Mississippi River, from some point suitable to the interests of navigation between the north line of St. Clair County, Ill., and the southwest line of said county, to the city of St. Louis, State of Missouri: *Provided*, That the plan and location of the said bridge, so far as the interests of navigation are concerned, shall be recommended by a board of three United States engineers appointed by the Secretary of War and shall be approved by the Secretary of War. And it shall be the duty of the said board to give a public hearing in the city of St. Louis to all parties interested in the construction of said bridge whenever the design and drawings of said bridge and maps of location shall have been submitted to the Secretary of War as herein provided. Said board to give reasonable notice of time and place of such hearing and report its recommendations to the Secretary of War as soon thereafter as may be expedient. Said bridge shall be constructed for the purpose of providing for the passage of wagons, vehicles, street cars, animals, and foot passengers, and shall be deemed and taken as a public highway for the purposes named only, subject to the provisions hereinafter set forth: *Provided*, That street-railway companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of cars over the same and over the approaches thereto, and in case the owner or owners of said bridge and the street-railway companies, or any one of them, desiring such use shall fail to agree upon the rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War, upon hearing the allegations and proofs of the parties in question.

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure and shall be recognized and known as a post route, upon which also no charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, and it shall enjoy the rights and privileges of other post roads in the United States; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal telegraphic purposes.

SEC. 3. That in case the said bridge shall be built below the bridge heretofore constructed and known as the Eads Bridge, it shall be built with unbroken and continuous spans, and shall have at least two channel spans of not less than 750 feet clear width, each measured at right angles to the current at any and all stages of water; and the lowest part of said spans shall not be of less elevation in any case than 75 feet above the St. Louis city directrix; and in case the said bridge shall be built above the said Eads Bridge there shall be at least three channel spans of not less than 500 feet clear width, each measured at right angles to the current at any and all stages of water; and the lowest part of said span shall not be of less elevation in any case than 50 feet above the St. Louis city directrix plus the slope of the river from the foot of Walnut street, in the city of St. Louis, to the point where the bridge shall be built; and the piers of said bridge shall be parallel with the current of the river.

SEC. 4. That the piers of all high-channel spans shall be built parallel with the current of the river at the stage of water which is most important for navigation, and riprapping or other protection for imperfect foundations which will materially lessen the waterway or which may injure navigation shall not be employed in the channel ways of the high spans, and piers which will produce cross currents or bars dangerous to navigation shall not be constructed; and if, after construction, any piers or protection walls are found to produce the above-mentioned effects the nuisance shall be abated or corrected by or at the expense of the persons owning said bridge, and the approaches to the channel spans mentioned in this act shall provide sufficient waterway for the passage of floods.

SEC. 5. That the persons owning, controlling, or operating the bridge authorized by this act shall maintain, at their own expense, from sunset to sunrise, throughout the year, and during heavy fogs, such lights or other signals as the Light-House Board shall prescribe, and shall also each day during the season of navigation have posted in a conspicuous place the clear headroom under the channel span on that day, the figures expressing this height to be readily visible to the naked eye from any point in the channel of the river for a stretch of 4,000 feet, of which 3,000 feet shall be above and 1,000 feet shall be below the channel span of the bridge.

SEC. 6. That no bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said river; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions removed at the expense of the persons owning or controlling such bridge; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, the case shall be brought and tried in the circuit court of the United States for the southern district of Illinois.

SEC. 7. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge and a map of the location, giving, for a sufficient distance above and below the bridge, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the current at low, medium, and high water stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any changes be made in the plan of said bridge during the progress of construction, such changes shall be subject to the approval of the Secretary of War.

SEC. 8. That in case the construction of the bridge authorized in this act shall not be commenced within one year and completed within five years from the date of its approval, then this act shall be null and void.

SEC. 9. That a principal reason for giving authority to build the bridge herein contemplated is to secure reasonable rates and tolls to that class of traffic described in this act for passage over the same, and to facilitate the transaction of business across the Mississippi River at the city of St. Louis.

SEC. 10. That said corporation may transport on said bridge and approaches thereto persons and property of the class described in this act, and may allow others so to do; and said bridge and approaches may be used for the transportation of all that class of persons and property described in this act, under such regulations as the directors of said corporation or the parties owning the said bridge may prescribe. The said corporation or individuals owning the said bridge may take, receive, and collect such rates and tolls for travel,

teenth New York Heavy Artillery—to the Committee on Invalid Pensions.

gard, of Mount Sterling, Ky.—to the Committee on War Claims.

By Mr. KIRKPATRICK: Memorial of the International Asso-

The SPEAKER. The bill will be read, subject to objection.

the said bridge may take, receive, and collect such rates and tolls for

passage, or transportation over said bridge and approaches as the directors or individuals owning said bridge may from time to time fix and establish: *Provided*, That the rates charged for such travel, passage, or transportation shall not exceed the following, to wit: For each foot passenger over 5 years of age, 3 cents; for every person on horseback, including horse, 7 cents; for every gig, buggy, carriage, cart, or wagon drawn by one animal, 10 cents; for every buggy, carriage, cart, or wagon drawn by two animals, 20 cents; for every buggy, carriage, cart, or wagon drawn by three animals, 25 cents; for every buggy, carriage, cart, or wagon drawn by four animals, 30 cents; for every buggy, carriage, cart, or wagon drawn by more than four animals, 5 cents extra for each animal; for each head of cattle, horses, mules, or other animals other than those attached to vehicles, 10 cents; for each head of sheep or swine, 5 cents. In case said directors or individuals owning said bridge shall operate a street-car line, or permit any street-car company to operate a street-car line on said bridge and approaches, the fare for a single passenger over the same for persons over 5 years of age shall, in either event, not exceed 5 cents.

SEC. 11. That said corporation shall have power to acquire title to lands, by condemnation or otherwise, as may be necessary for the construction of said bridge and approaches thereto, in accordance with the laws of the State or States wherein title to such property may be necessary to the construction of such bridge.

SEC. 12. That the said corporation, its assigns, successors, grantees, mortgagees, representatives, and successors in interest may, from time to time, borrow money at any rate of interest and issue bonds or other evidences of indebtedness bearing such rate of interest and payable at such time and at such place or places as may thereby be deemed advisable or proper, and may secure such bonds or other indebtedness by mortgage of such bridge and approaches and such tolls and of the privileges, rights, and franchises given by this act.

SEC. 13. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The committee recommend the adoption of the following amendments:

Section 1, by inserting after the word "passengers," in the twenty-eighth line of page 2, the words "and shall be constructed of sufficient strength and dimensions to provide for the passage over it of railway passenger and freight trains, and the accommodation of double tracks therefor."

Section 9, by inserting after the word "St. Louis," in the fifth line of page 7:

"The East St. Louis and St. Louis Bridge and Construction Company or its successors or assigns shall not agree or assent to the consolidation of this bridge company with any other bridge company across the Mississippi River, or to the pooling of the earnings of this bridge company with the earnings of any other bridge company across said river, nor shall any person who is or may be a director, manager, or any other officer or agent of any other bridge over said river be a director, manager, or officer or agent of the bridge herein provided for: *Provided*, That if this provision of this act shall at any time be violated in any of these particulars, such violation shall, without legal proceeding, at once forfeit the privilege hereby granted, and said bridge shall become the property of the United States, and the Secretary of War shall take possession of the same in the name and for the use of the United States."

Section 10, by inserting after the words "to wit," in line 14, page 7, the words:

"For each freight car loaded or unloaded, $3; for each passenger car (exclusive of passengers riding therein), $3; for each passenger over 5 years of age crossing in any passenger car, 15 cents."

By adding after the end of section 13 the words:

"SEC. 14. That all acts and parts of acts in conflict with this act are hereby repealed."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. I would like to ask the gentleman if this bill carries any appropriation whatever?

Mr. MURPHY of Illinois. Not a dollar.

Mr. BARTHOLDT. I do not desire to object to the consideration of the bill if I am given an opportunity to offer some amendments to it.

Mr. MURPHY of Illinois. There is no objection to that.

The SPEAKER. The Chair hears no objection to the present consideration of the bill.

Mr. BARTHOLDT. I offer the amendment I send to the desk.

The Clerk read as follows:

Insert at the end of line 25 the following:

"*And provided further*, That said bridge shall be located not less than 1¼ miles and not more than 2¼ miles south of what is known as the Eads Bridge."

The question was taken; and on a division (demanded by Mr. BARTHOLDT) there were—ayes 4, noes 47.

So the amendment was rejected.

The amendments recommended by the Committee on Interstate and Foreign Commerce were adopted.

Mr. HEPBURN. Mr. Speaker, in my judgment this bill ought not to pass. It passed the committee at a time when I was not present; and while it is reported here from the committee, it is not a unanimous report.

This is a proposition to put a third bridge across the Mississippi River within a distance not greater than 2 miles from each other. It is right across the harbor of the city of St. Louis. This is a harbor in which there is a rapid current, in which there is difficult navigation, in which there are scores of vessels constantly moving about; and it will be a serious impairment of the navigation of the river, as was shown by the testimony of a number of experts capable of discussing the matter appropriately and intelligently who appeared before the committee. The only reason assigned for the construction of a new bridge there is that excessive tolls are charged by the other two bridges already existing. This is an argument that does not have any force, because of the fact that this Congress has the absolute control of the entire matter; can take from the companies that operate the bridges the right to let them exist for a day; can modify the regulations in any way they please; can establish a schedule of rates, and give to the people the relief they ought to have from exorbitant charges without in any way impairing the navigation of the river.

I want to remind gentlemen that this is not a matter of interest to the city of St. Louis alone. It is a matter that affects the navigation of the entire Mississippi River, and is of deep interest to all persons engaged in that navigation.

Within the last ten years the United States Government has expended some $30,000,000 in its efforts to improve the navigation of the Mississippi River, and yet here is a proposition to put an impediment in the way of commerce, infinitely greater than any single impediment to be found on the entire river; three bridges within a distance of 2 miles in a crowded harbor with a current of from 4 to 8 miles an hour. It is absolute nonsense for any man to say that this bridge will not be a detriment and an impediment to the navigation of the river. Every man with an iota of common sense knows it must be, and yet this is the proposition involved in the pending bill.

I thought it due to the House that it should know the real situation and the facts involved, and for that reason I have seen proper to make this statement.

Mr. MURPHY of Illinois. Mr. Speaker, the chairman of the Committee on Interstate and Foreign Commerce says that this bill was reported from the committee at a time when a full committee was not present. That may be true, but nevertheless it was reported at a time when every member of the committee who was present voted to report the bill favorably to the House. This bill has passed this House once before. The sole object which it accomplishes is to reduce the charges for crossing the river. The present charge, for instance, is 35 cents for a one-horse vehicle. This fixes the maximum charges, and makes them about one-half to one-third the present rate.

So far as obstruction of navigation to the river is concerned, this bill provides that the bridge shall be located at a point to be selected by three river engineers appointed by the War Department, and if in their judgment it will obstruct the navigation of the river it will not be built. I ask who is better posted or better qualified to tell where the location of such a bridge should be than river engineers? That is their business. They are appointed by the War Department, and I take it that the Department will appoint competent engineers. The location is to be selected by them, after giving public notice for a public hearing in the city of St. Louis. And if, after that, reasonable objection can be made to it, then there will be no bridge built. It seems to me that an objection of this kind should not be presented here. If this location was left to me, it might be different; but it is left to three river engineers, to be appointed by the War Department, as I have stated.

Mr. HOPKINS. So that it is under the control of the Department anyway?

Mr. MURPHY of Illinois. It is under the control of the War Department.

Mr. JOY. Mr. Speaker, I desire to say only a very few words with reference to this bill, and to answer some of the statements made by the chairman of the Committee on Interstate and Foreign Commerce [Mr. HEPBURN].

This bill is offered by the gentleman from Illinois [Mr. MURPHY] for the purpose of bettering the conditions of traffic across the Mississippi River at St. Louis.

Mr. HEPBURN. Will the gentleman allow me to interrupt him?

Mr. JOY. Certainly.

Mr. HEPBURN. In your judgment, is it not entirely competent for Congress to correct every evil of which you complain, and to give to you every advantage in the way of fair rates that will be obtained through this bill? Can there be any question about the right of Congress to prevent these extortions of which you complain?

Mr. JOY. There may be no question about the right of Congress to do it, but it is a fact that these extortions have existed for fifteen years now, and I will state the additional fact that a bridge, called the Merchants' Bridge, was built with the express understanding and with a provision that it should never be under the control of the officers of the Eads Bridge. That bridge was to give a lower rate than we have now. That was the proposition; but it is a fact that that bridge is now owned and controlled by the Gould Bridge or Eads Bridge. These facts show me that while it is possible for Congress to correct these evils, it is not probable that it can be done. Every freight car crossing from East St. Louis to St. Louis pays an arbitrary charge of $5. Every passenger pays 25 cents or more going one way or the other. On the Merchants' Bridge they pay 30 cents and upward. This bill provides a forfeiture unless the rates are kept down to a maximum of less than 60 per cent of the present charges.

The business interests of the city of St. Louis demand the passage of this bill. The bridge, if built, will not be an impediment to river navigation. I have the statements of men who signed the protest that went before our committee, among others the statement of the president of the St. Louis and New Orleans

Anchor Line, a man who has been before another committee for a long time, seeking the improvement of the Mississippi River, Mr. Isaac M. Mason. His statement is that this bridge will inconvenience to a small extent, but will not impede or interrupt the commerce of the river past the city of St. Louis.

Mr. CANNON. I want to ask the gentleman a question to see if I understand this matter right. This is to authorize the construction of a bridge across the Mississippi River at St. Louis, upon an investigation and favorable report by the Engineer Department?

Mr. JOY. Yes; a bridge at a point which those engineers shall fix.

Mr. CANNON. Is there due provision made in the bill against the extortions now practiced?

Mr. JOY. There is a maximun fixed, which is less than 60 per cent of the present rate. They can not go above that maximum without forfeiting their charter.

Mr. CANNON. If that is what this means, I want to say that with the great State of Illinois just across from St. Louis, and the great commerce between my State and the city of St. Louis, I am heartily in accord with anything that will give us free access to that city, or access to it at a more reasonable rate than we have been compelled for many years to pay.

Mr. JOY. That is the identical and only purpose of the bill. [Cries of "Vote!" "Vote!"]

Mr. BARTHOLDT. Mr. Speaker, this is the first time since I have been on this floor that I have found myself compelled to disagree with my colleague from St. Louis [Mr. JOY], and in this instance I only partly disagree with him. I thoroughly concur in his statement that the extortion practiced by the Eads Bridge and by the Merchants' Bridge should be stopped by additional franchises granted by Congress, although I think it may fairly be questioned, Mr. Speaker, whether Congress has any jurisdiction in the matter of rates. My understanding is that Congress has nothing to do with the question of constructing bridges, except in so far as pertains to the question of navigation; in other words, all we are called upon to determine is whether a bridge is an obstruction to safe navigation or not. But I thoroughly and entirely disagree with the gentleman, because I represent another section of the city of St. Louis. It is merely a local question. My friend and colleague [Mr. JOY] desires the bridge to be located in the district which he represents, near that part of St. Louis which already has a bridge, while South St. Louis, the district I have the honor to represent, has no bridge; and for that reason I presented to this House the other day a petition signed by 10,000 citizens and manufacturers in favor of the location of the third bridge in South St. Louis.

That location is the only location to which the river interests do not object. I think it ought to be understood by everyone within the sound of my voice that it is intended on the part of this company to build this bridge only two or three blocks north of the present Eads Bridge. A gentleman who has his all invested in river navigation, and is an authority on the question—Mr. Hoarstick, of St. Louis—appeared before the Committee on Interstate and Foreign Commerce and told them that if that bridge were located there it would seriously obstruct the safe navigation of the Mississippi. But, as is usual in committees, the gentleman from St. Louis being on that committee, by courtesy it was left to him to say where the bridge ought to be located. The gentleman from Illinois [Mr. MURPHY] says it ought to be left, and is left by the bill, to a board of army engineers to decide where the location shall be, but I desire to call the attention of the House to the fact, and I wish gentlemen would give attention to the statement I am going to make in this connection, that if that board of army engineers should report in favor of the location of the bridge in South St. Louis the company will refuse the charter which you are now asked to grant them.

Mr. MURPHY of Illinois. Will you build the bridge if it is located where you want it?

Mr. BARTHOLDT. Yes, sir.

Mr. MURPHY of Illinois. If the military board located it in South St. Louis, why should not you be satisfied?

Mr. BARTHOLDT. This charter would not be valid. We can not build a bridge under your charter.

Mr. MURPHY of Illinois. You can not?

Mr. BARTHOLDT. This bill authorizes an East St. Louis company to build the bridge; not us. And I desire to call attention to another contradiction, and that is in the third section of the bill. It reads as follows:

That in case the said bridge shall be built below the bridge heretofore constructed and known as the Eads Bridge, it shall be built with unbroken and continuous spans, etc.

Now, what is this provision brought into this bill for? It is well known that the company will not accept the charter if the bridge is located below the Eads Bridge, or in South St. Louis.

Mr. MURPHY of Illinois. Does the bill say that?

Mr. BARTHOLDT. Here it is.

Mr. MURPHY of Illinois. Read it.

Mr. BARTHOLDT (reading):

SEC. 3. That in case the said bridge shall be built below the bridge heretofore constructed and known as the Eads Bridge, it shall be built with unbroken and continuous spans.

Mr. MURPHY of Illinois. They do not say they will not build it.

Mr. BARTHOLDT. But you stated it before the committee. The authorized representatives of your company stated it at a meeting of the committee, that they will not accept the charter at the hands of Congress if the army engineers should report in favor of a southern location.

Mr. GRAFF. Will the gentleman allow me to ask him a question?

Mr. BARTHOLDT. Certainly.

Mr. GRAFF. If the army engineers should locate it at the point you wish to locate it, in South St. Louis, what would prevent the incorporators from building the bridge at the point they locate it?

Mr. BARTHOLDT. Nothing whatever.

Mr. GRAFF. Is there any provision in the bill which would prevent them from taking advantage of it if the army officers should locate the bridge at the point you think it ought to be located?

Mr. BARTHOLDT. I am only contending, Mr. Speaker, that this is not in good faith.

Mr. TERRY. I would like to ask the gentleman a question.

Mr. BARTHOLDT. Certainly.

Mr. TERRY. If this company that proposes to build this bridge is incorporated——

Mr. BARTHOLDT. It is incorporated.

Mr. TERRY (continuing). How can you take the name of that corporation and build it?

Mr. BARTHOLDT. Certainly we can not.

Mr. WATSON of Ohio. Is there anything in this bill which provides that this bridge shall be built at any particular place?

Mr. BARTHOLDT. No, sir.

Mr. WATSON of Ohio. Why can not they build it wherever they see fit?

Mr. BARTHOLDT. They can not because the interests of navigation have to be considered.

Mr. WATSON of Ohio. Of course I would not want to interfere with the interests of navigation.

The SPEAKER. The question is on the engrossment and third reading of the bill. [Laughter.] The Chair understood what was going on was merely a conversation between members. The House will be in order.

Mr. BARTHOLDT. Mr. Speaker, I desire to offer another amendment, which I send to the desk.

The amendment was read, as follows:

Insert at the end of line 25 the following:

"*Provided further*, That said bridge shall be located not less than 1¼ miles and not more than 2 miles south of what is known as the Eads Bridge."

The SPEAKER. The question is on the amendment.

Mr. CLARK of Iowa. Mr. Speaker, I received yesterday telegrams of protest from the three great lumber interests at Keokuk, in my district, against the location of this bridge as proposed. We are spending multiplied thousands and millions of dollars to improve the navigation of the Mississippi River, and then special enterprises come in here to thwart the great national enterprise contemplated by our system of Mississippi River improvement. Sir, the great lumbering interests and the great shipping interests of the Upper Mississippi are a unit against the location of this bridge where it will be an obstruction to the navigation of that river, and I insist that this bill should not pass until due and adequate provision is made in its terms for the location of this bridge so that the navigation of the Mississippi shall not be hindered in the interest of a corporation.

Mr. BARTHOLDT. Mr. Speaker, for the information of the gentleman who has just taken his seat and of the House, I desire to state that the river interests, the interests of navigation, are supporting my amendment. They are in favor of the location mentioned in that amendment, and therefore I hope it will be adopted.

Mr. GRAFF. Mr. Speaker, the pending amendment is practically the same as the one that was offered a while ago by the same gentleman and defeated. If he desires to have a bridge located at the particular point he proposes, let him introduce a bill for that purpose. The gentleman from Illinois [Mr. MURPHY] has introduced a bill which he thinks is in the interest not only of his own people, but of the people of St. Louis and East St. Louis also. There is nothing in the provisions of that bill to prevent the War Department having full discretion as to the particular location of this bridge. The officers of the War Department are in a better position than we are in to be advised as to the best place to locate this bridge, and under the provisions of this bill as reported from the committee they have full power, in their discretion, to put the bridge exactly at the point where the gentleman from Missouri says it ought to be; but he now, finding fault with the decision of the committee reporting the bill in its

let them exist for a day; can modify the regulations in any way they please; can establish a schedule of rates, and give to the peo-

the protest that went before our committee, among others the statement of the president of the St. Louis and New Orleans

Mr. BARTHOLDT. Here it is.
Mr. MURPHY of Illinois. Read it.

fault with the decision of the committee reporting the bill in its

present shape on the ground that the bridge is likely to be placed under the discretion given to the War Department at a point where it will injure navigation, proposes to put his own judgment against the judgment of the Department and to limit the discretion conferred upon the Department by the bill as originally introduced and as reported from the committee.

Mr. BARTHOLDT. Will the gentleman allow me to ask him a question?

Mr. GRAFF. Certainly.

Mr. BARTHOLDT. It seems to me that the judgment of the engineers of the War Department will be very seriously limited by the stand which this company takes in stating before the committee that if the bridge should be located south of the Eads Bridge it will not accept the charter.

Mr. GRAFF. But we were advised a little while ago that if the bridge is located on the other side the interest the gentleman represents is willing to build it.

Mr. HOPKINS (to Mr. BARTHOLDT). Your amendment, as I understand, seeks to defeat this legislation.

Mr. BARTHOLDT. No, sir.

Mr. HOPKINS. I understood you to state to my colleague that if the bridge was located down there the enterprise would not be carried out.

Mr. BARTHOLDT. I do not intend to defeat this bridge.

Mr. HOPKINS. But I understood you to make that statement to my colleague, and if that is correct it certainly looks as if you are simply seeking to defeat this legislation.

Mr. BARTHOLDT. Mr. Speaker, I do not desire to be misunderstood. I am in favor of a third bridge.

Mr. GRAFF. But are you not seeking to hamper and limit the discretion of the War Department? Is not that discretion wider under the bill as it stands than it would be if your amendment were adopted?

Mr. BARTHOLDT. I will say that my judgment about the matter was formed in the committee room, after I heard the statements and arguments of the gentlemen representing river interests. Those gentlemen stated that the only location to which they would have no objection was the one which I am advocating, South St. Louis.

Mr. GRAFF. Is it not true that you said that if the Department, under the discretion given in this bill, located the bridge at a point where you do not think that the parties for whom the bill is introduced wish it, but at a point you preferred, you were willing to build the bridge?

Mr. BARTHOLDT. Certainly.

Mr. GRAFF. There is nothing in the bill to keep you from incorporating a company at South St. Louis if the War Department in its discretion, after looking over the field, should locate it at the point which you favor.

Mr. BARTHOLDT. The gentleman understands that we could not use this charter. If it is granted to an East St. Louis company we South St. Louis people could not use it.

Mr. GRAFF. There is no particular company mentioned in the bill.

Mr. BARTHOLDT. Yes; there is.

Mr. GRAFF. Well, there is nothing in the bill to prevent your obtaining the benefits of the charter. I understand you could obtain this charter should the members of this company mentioned not desire to build at the point finally located.

Mr. BARTHOLDT. Mr. Speaker, again I call attention to section 3. I think it ought to be stricken out, because the company say that they will not build below the Eads Bridge. The question is on my amendment, and I ask for a vote on my amendment.

Mr. HOPKINS. I desire to add just a word before the vote is taken on the amendment. Under the bill as reported, according to my understanding, the location of this bridge is to be determined according to the discretion of the War Department, upon the report of three Government engineers, selected by the Secretary of War. If the view of the gentleman from Missouri [Mr. BARTHOLDT] is correct, then this bridge will be located by the Government engineers at the point he favors; but if those engineers, who are familiar with the river and all the points which have been mooted in this debate, choose to locate the bridge at some other place, they will, if this amendment be not adopted, have that privilege. It seems to me that in the interest of commerce this discretion ought to be left with the engineers who are to be selected to supervise the construction of the bridge. [Cries of "Vote!" "Vote!"]

The question being taken on the amendment of Mr. BARTHOLDT, it was rejected.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MURPHY of Illinois, a motion to reconsider the last vote was laid on the table.

SEWERAGE SYSTEM AT FORTRESS MONROE.

Mr. HULL. I ask unanimous consent for the immediate consideration of a resolution submitted by the War Department. It makes no appropriation. It simply relates to the flushing in connection with the sewerage system at Fortress Monroe.

Mr. PICKLER. What is before the House?

The SPEAKER. The gentleman from Iowa [Mr. HULL] asks unanimous consent for the present consideration of the joint resolution which the Clerk will read.

Mr. HULL. If it takes any time I will withdraw it.

The Clerk read the joint resolution to amend the act approved August 1, 1894, making appropriations for fortifications and other works of defense, etc.

Mr. HULL. I think I can state this matter more quickly than it can be presented to the House by the reading of the report of the War Department. By appropriation already made there is provision for the construction of a sewerage system at Fortress Monroe. As that system is now rapidly approaching completion, it is necessary to have authority to sink this other well and to construct pumping works out of the present appropriation, so as to flush the sewerage system and complete it. That is all there is in the resolution. It is recommended by the Chief of Engineers of the War Department and has been considered informally by the Military Committee.

Mr. SAYERS. How came this resolution before the Committee on Military Affairs?

Mr. HULL. It was sent there by the War Department.

Mr. SAYERS. The matter properly belongs to the Committee on Appropriations.

Mr. HULL. Well, the Department sent it to us.

Mr. SAYERS. It ought to have been referred to the Committee on Appropriations.

Mr. HULL. Of course, if the consideration of the resolution is objected to, I will withdraw it; but I really think there can be no good ground for objection.

Mr. LIVINGSTON. I object to the consideration of the resolution; it ought to have gone to the Committee on Appropriations.

ORDER OF BUSINESS.

Mr. PICKLER. I demand the regular order.

The SPEAKER. This being private bill day——

Mr. PICKLER. I understand that the unfinished business on the Private Calendar is the regular order.

Mr. HITT. Does the gentleman from South Dakota [Mr. PICKLER] propose to go to the Private Calendar now? If that is the case, I shall have to interrupt him.

Mr. PICKLER. No, sir; except as to the unfinished business on the Private Calendar—the bills that have passed the Committee of the Whole and are now ready to have the previous question ordered upon them in the House. There are about twenty such bills, I think, that have not yet been acted on by the House.

Mr. HITT. Does the gentleman propose to have debate?

Mr. PICKLER. No, sir; there has been debate on all of these bills in the Committee of the Whole.

Mr. HITT. I am informed by gentlemen around me that there will be debate on several of these bills.

Mr. McCLELLAN and others. On all of them.

Mr. HITT. Gentlemen here tell me that these bills will lead to debate.

Mr. PICKLER. Not if the previous question is ordered.

Mr. McMILLIN. Mr. Speaker, I do not know what the recent ruling on the subject has been, but formerly, for a number of years, the ruling was that such business as the gentleman from South Dakota refers to was taken up as first in order after the House came out of Committee of the Whole on Friday afternoon. Speaker Carlisle used to hold that way. I do not know whether there has been any change in the method of conducting this class of business. That was the former ruling.

The SPEAKER. The Chair had occasion to rule on this subject in the Fifty-first Congress.

Mr. McMILLIN. I had not recalled the ruling, Mr. Speaker, when I spoke.

The SPEAKER. The ruling was that the bills which have come out of the Committee of the Whole were unfinished business, and therefore would have to be taken up before the House would go into Committee of the Whole again.

The particular case on which the ruling was given was not a pension case; but an examination of the authorities as to the origin of the pension evening makes it clear, in the opinion of the Chair, that the pension bills would be within the purview of that ruling, although the Chair reserves his judgment if gentlemen desire to be heard upon the question.

Mr. McMILLIN. I am not making the point, Mr. Speaker, that that should not be the rule. On the contrary, I think the ruling is in accordance with the proper principle. But the practice, I believe, has been the other way.

The SPEAKER. The rule has been somewhat changed, as the gentleman will remember, in this Congress. The Chair thinks that the change in the rule obviates the doubt.

Mr. McMILLIN. The Chair is undoubtedly correct. I could

readily see, after the provision of the rule was adopted, how that principle should prevail in the consideration of these matters, for it would seem entirely appropriate that the business which had been considered on a preceding day, and had reached a further stage of advancement, should come up first.

The SPEAKER. That seems to be the principle involved.

Mr. PICKLER. I desire to call up the bills, Mr. Speaker, reported from the Committee of the Whole.

Mr. HITT. I wish to call the attention of the gentleman from South Dakota to the fact that I am informed by a number of gentlemen around me that they desire to debate some of the bills, and that it is very likely the consideration of them will take several hours. Of course I do not wish to antagonize his bills, but I feel it my duty to proceed with the consideration of the conference report on the Cuban question.

Mr. PICKLER. I think it the duty of the House to pass the private pension bills. Cuba can wait as well as the private pension bills. [Applause.] You have plenty of time for that.

Now, if it is the will of the House, of course no bill can be debated, because it is within the power of the House to order the previous question, in which event there will be no debate.

Mr. McMILLIN. The gentleman forgets that even after the previous question there may be limited debate.

The SPEAKER. How?

Mr. McMILLIN. Not, of course, if the bill had been debated in Committee of the Whole.

Mr. PICKLER. All of these bills have been debated in Committee of the Whole.

Mr. DINGLEY. Mr. Speaker, it seems to me, this being Friday, and there being quite a number of private pension bills reported from the Committee of the Whole favorably, that these bills ought to come up first; and I hope the gentleman from South Dakota will call them up and move the previous question on them as they are reached.

Mr. HITT. If the gentleman can assure me that he will move the previous question when he calls up the bills, and that there will be no debate, of course I will not interfere.

Mr. PICKLER. I can not say what action the House may take, but if I can get recognition I will move the previous question. I was going to say that all of these bills have been debated in Committee of the Whole, the reports were read in full, and they were disposed of in committee.

The SPEAKER. The Clerk will read the first bill reported from the Committee of the Whole House on the Private Calendar.

RACHEL PATTON.

The first bill reported from the Committee of the Whole House was the bill (H. R. 1185) granting a pension to Rachel Patton.

The bill was read at length.

Mr. PICKLER. I demand the previous question on the bill to its passage.

The question was taken on ordering the previous question; and on a division (demanded by Mr. ERDMAN) there were—ayes 127, noes 6.

Mr. ERDMAN. No quorum.

The SPEAKER (having counted the House). Two hundred members are present—a quorum; and the previous question is ordered.

The question recurring on the engrossment and third reading of the bill, and being taken, on a division (demanded by Mr. ERDMAN) there were—ayes 115, noes 42.

Mr. ERDMAN. I call for the yeas and nays. This is the case of a remarried widow, and we ought to have an opportunity of testing the sense of the House on the principle involved.

The yeas and nays were not ordered.

So the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS HOLADAY.

The next bill reported from the Committee of the Whole was the bill (H. R. 2326) granting a pension to Thomas Holaday, with an amendment reported from the Committee of the Whole.

The bill and amendment were read at length.

Mr. PICKLER. I demand the previous question on the bill and amendment.

The question was taken; and on a division (demanded by Mr. ERDMAN) there were—ayes 140, noes 0.

Mr. ERDMAN. No quorum.

The SPEAKER. The Chair overrules the objection, stating to the House that there is evidently a quorum present. [Applause.]

So the previous question was ordered.

The amendment recommended by the committee was adopted, and the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question being taken on the passage of the bill, on a division (demanded by Mr. ERDMAN) there were—ayes 135, noes 4.

So the bill was passed.

LEWIS C. SCHILLING.

The next bill reported from the Committee of the Whole was the bill (H. R. 2224) granting an increase of pension to Lewis C. Schilling.

Mr. PICKLER. I demand the previous question on the bill to its passage.

The previous question was ordered, under the operation of which the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CHARLES W. RINEHARDT.

The next bill reported from the Committee of the Whole was the bill (H. R. 2054) to correct the military record of Charles W. Rinehardt and to grant him an honorable discharge.

The bill was read.

Mr. PICKLER. Mr. Speaker, I demand the previous question.

Mr. ERDMAN. Mr. Speaker, I rise to a parliamentary inquiry. Will it be in order at this time to have the reports read in these cases?

The SPEAKER. It would not be in order. The report of a committee can be read by a member as a part of his remarks.

Mr. PICKLER. The reports have all been read, and the bills have all been considered in Committee of the Whole.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

WILLIAMSON DURLEY.

The next bill reported from the Committee of the Whole was the bill (H. R. 2234) granting a pension to Williamson Durley.

The bill, with an amendment reported from the Committee of the Whole, was read.

Mr. PICKLER. Mr. Speaker, I demand the previous question.

The previous question was ordered.

The amendment reported from the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

WILSON KALE.

The next bill reported from the Committee of the Whole was the bill (H. R. 1836) granting an honorable discharge to Wilson Kale.

The bill was read.

On motion of Mr. PICKLER, the previous question was ordered.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

FRANCIS E. HOOVER.

The next bill reported from the Committee of the Whole was the bill (H. R. 1094) granting a pension to Francis E. Hoover.

The bill, with an amendment reported from the Committee of the Whole, was read.

On motion of Mr. PICKLER, the previous question was ordered.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

FRANCIS WALSH.

The next bill reported from the Committee of the Whole was the bill (H. R. 491) granting an increase of pension to Francis Walsh, of Stockham, Nebr.

The bill, with an amendment reported from the Committee of the Whole, was read.

On motion of Mr. PICKLER, the previous question was ordered.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JEFFERSON FUESTON.

The next bill reported from the Committee of the Whole was the bill (H. R. 3689) granting an increase of pension to Jefferson Fueston, of Company M, Tenth Ohio Volunteer Cavalry.

The bill, with an amendment reported from the Committee of the Whole, was read.

On motion of Mr. PICKLER, the previous question was ordered.

The amendment reported from the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CAROLINE D. MOWATT.

The next bill reported from the Committee of the Whole was the bill (H. R. 1139) granting a pension to Caroline D. Mowatt.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

THEODORE WERNER.

The next bill reported from the Committee of the Whole was the bill (H. R. 2142) to remove the charge of desertion from the military record of Theodore Werner.

Mr. HULL. I ask unanimous consent for the immediate consideration of a resolution submitted by the War Department. It

the change in the rule obviates the doubt.

Mr. McMILLIN. The Chair is undoubtedly correct. I could

On motion of Mr. PICKLER, the previous question was ordered.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JOSEPH PORTER.

The next bill reported from the Committee of the Whole was the bill (H. R. 3993) granting a pension to Joseph Porter.

The bill, with an amendment reported from the Committee of the Whole, was read.

Mr. PICKLER. Mr. Speaker, I desire to correct a clerical error in line 5. It reads "Eighth New York," and it should be "Sixth." I ask unanimous consent to insert the word "Sixth" in place of the word "Eighth."

Mr. ERDMAN. I object.

Mr. PICKLER. Then I move that amendment, and I demand the previous question on the amendment and the bill to its passage.

The SPEAKER. The Chair thinks that the bill can not be amended in that way. What is the error?

Mr. PICKLER. It is a clerical amendment, to strike out the word "Eighth" and insert the word "Sixth." The previous question has not been ordered.

The SPEAKER. The Chair misunderstood it. The gentleman from South Dakota moves an amendment, and demands the previous question on the amendment and on the bill to its passage.

The previous question was ordered.

The amendment proposed by Mr. PICKLER was read, as follows:

In line 5 strike out the word "Eighth" and insert the word "Sixth."

The question was taken on the amendment; and the Speaker announced that the ayes seemed to have it.

Mr. ERDMAN. Division.

The SPEAKER. Does the gentleman demand a division on the amendment?

Mr. ERDMAN. Yes.

The House divided; and there were—ayes 145, noes none.

Accordingly the amendment was agreed to.

The amendment reported from the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

GEORGIANNA C. HALL.

The next bill reported from the Committee of the Whole was the bill (H. R. 4182) to increase the pension of Georgianna C. Hall, with amendments.

The bill and amendments were read.

Mr. PICKLER. Mr. Speaker, I demand the previous question.

The SPEAKER. Without objection, the previous question will be considered as ordered.

There was no objection.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY ANN TRACY.

The next bill reported from the Committee of the Whole was the bill (H. R. 152) granting a pension to Mary Ann Tracy, with an amendment.

The bill and amendment were read.

Mr. PICKLER. Mr. Speaker, I demand the previous question.

The SPEAKER. Without objection, the previous question will be considered as ordered.

There was no objection.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN DALTON.

The next bill reported from the Committee of the Whole was the bill (H. R. 3221) granting a pension to John Dalton, with amendments.

The bill and amendments were read.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LYDIA A. TAFT.

The next bill reported from the Committee of the Whole was the bill (H. R. 577) granting a pension to Lydia A. Taft, with amendment.

The bill and amendment were read.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HORACE TOWNSEND.

The next bill reported from the Committee of the Whole was the bill (S. 136) granting an increase of pension to Horace Townsend.

The bill was read.

Mr. PICKLER. Mr. Speaker, I demand the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALBERT ELLIS.

The next bill reported from the Committee of the Whole was the bill (H. R. 708) to increase the pension of Albert Ellis.

The bill was read.

Mr. PICKLER. I demand the previous question.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. ERDMAN. Division.

The House divided; and there were—ayes 108, noes none.

Mr. ERDMAN. No quorum, Mr. Speaker.

The SPEAKER. The gentleman makes the point of no quorum. [After counting.] One hundred and seventy-eight gentlemen are present. The ayes are 108, the noes none—the ayes have it, and the previous question is ordered.

Mr. RICHARDSON. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. The Speaker has announced that 178 is a quorum. One hundred and seventy-nine is a majority, unless the Chair intended to change a ruling he has made.

The SPEAKER. The Chair does intend to change it. [Applause on the Republican side.]

Mr. RICHARDSON. This is a mere parliamentary inquiry. I make no issue about it and gentlemen need not get excited. I understand the Chair in the Fifty-first Congress——

A MEMBER. I understand that other gentlemen have come in.

Mr. RICHARDSON (continuing). I do not make any point, as there would be no difficulty in getting a quorum, but there is a question of practice involved. The ruling of the Chair, as I remember it, was, the Chair held in the Fifty-first Congress that it took 179 members to make a quorum of the House of Representatives, and he now rules that 178 members, which is one less than a majority, is a quorum. That would seem to be a new ruling, and therefore I call the attention of the Chair to it simply. I am making no point on it.

The SPEAKER. The Chair took occasion at the close of the Fifty-first Congress to put on record his views in regard to the ruling which he made and to which the gentleman from Tennessee alludes. At that time the Chair, as was announced to the House, out of abundant caution, the question having risen somewhat suddenly, or rather the question which was in the Speaker's mind having arisen somewhat suddenly, made a decision which he intended should be a safe one, which was that 166 was a quorum, instead of 164, which the Speaker now believes to have been a quorum. In that expression of his views, which were presented to the House, and which will be found in the RECORD, the Speaker stated that he agreed with the rulings which had previously been made by various Speakers and the ruling which was made in the Senate after full deliberation, if the Chair recollects aright, under the lead of the late Reverdy Johnson, whose reputation as a lawyer has always been very high. The Chair thinks the ruling should have been 164 instead of 166; but, as it was made to the disadvantage of the Speaker's side of the House, he thought it safe to make——

Mr. RICHARDSON. My only object was to have a ruling.

The SPEAKER (continuing). The Chair desires to make that ruling.

Mr. GROSVENOR. Mr. Speaker, if the question should ever become an important one, I reserve the right to present some views in support of the ruling that the number of living members is the basis upon which a quorum must be counted, and I shall cite the opinion of one of the leading supreme courts of the country where this identical question was heard and determined.

The SPEAKER. The Chair made the ruling to which the gentlemen from Tennessee [Mr. RICHARDSON] has called attention at a time when there was considerable confusion. In making it the Chair announced some doubt as to the proper ruling, and subsequently made a statement to the House of the opinion which he entertained after careful examination of the question.

The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH DESHLER WHITING.

The next bill reported from the Committee of the Whole was the bill (H. R. 1050) granting an increase of pension to Elizabeth Deshler Whiting.

The bill was read.

Mr. PICKLER. Mr. Speaker, I move that this bill be recommitted to the Committee on Pensions, and upon that I demand the previous question.

Mr. DANIELS. Mr. Speaker, I desire to be heard upon that question.

Mr. DINGLEY. I suggest to the gentleman from New York that it is better to let the bill be recommitted, according to the recommendation of the Committee of the Whole.

The motion of Mr. PICKLER was agreed to, and the bill was recommitted to the Committee on Pensions.

ISAAC N. WILLIAMS.

The next bill reported from the Committee of the Whole was the bill (H. R. 1104) granting a pension to Isaac N. Williams.

The bill, with the amendments reported from the Committee of the Whole, was read.

On motion of Mr. PICKLER, the previous question was ordered.

The amendments were adopted, and the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JAMES P. HURLEY.

The next bill reported from the Committee of the Whole was the bill (H. R. 3216) granting an increase of pension to James P. Hurley.

The bill was read.

On motion of Mr. PICKLER, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

HENRY V. ANDREWS.

The next bill reported from the Committee of the Whole was the bill (H. R. 2605) granting a pension to Henry V. Andrews, of Fulton County, Ill., a survivor of the Black Hawk war.

The bill was read, with the amendments recommended by the Committee of the Whole.

On motion of Mr. PICKLER, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MRS. EUNICE IDA RHOADES.

The next bill reported from the Committee of the Whole was the bill (H. R. 3749) to increase the pension of Mrs. Eunice Ida Rhoades.

The bill was read.

On motion of Mr. PICKLER, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

HELEN A. JACKMAN.

The next bill reported from the Committee of the Whole was the bill (H. R. 4968) granting a pension to Helen A. Jackman.

The bill was read.

On motion of Mr. PICKLER, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MICHAEL H. J. CROUCH.

The next bill reported from the Committee of the Whole was the bill (H. R. 5140) for the relief of Michael H. J. Crouch.

The bill was read.

The amendments recommended by the Committee of the Whole were adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARY B. HOUK.

The next bill reported from the Committee of the Whole was the bill (H. R. 4606) to grant an increase of pension to Mary B. Houk.

The bill was read.

An amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question being on the passage of the bill——

Mr. ERDMAN. I ask for a division.

The House divided; and there were—ayes 115, noes none.

Mr. ERDMAN. Mr. Speaker, I make the point of no quorum.

The SPEAKER (after a count). There are 183 gentlemen present—a quorum. On this question the ayes are 115, the noes are none, and the bill is passed.

ELIZA WILSON.

The next bill reported from the Committee of the Whole was the bill (H. R. 4265) granting a pension to Eliza Wilson.

The bill was read.

On motion of Mr. PICKLER, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARIA E. WILSON.

The next bill reported from the Committee of the Whole was the bill (H. R. 1181) for the relief of Maria E. Wilson.

The bill was read.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JANE WEBSTER.

The next bill reported from the Committee of the Whole was the bill (H. R. 2631) to increase the pension of Jane Webster, widow of Joel Webster.

Mr. PICKLER. I move to recommit this bill to the Committee on Invalid Pensions, and on that motion I demand the previous question.

The SPEAKER. Is there objection to the recommittal? The Chair hears none, and it is so ordered.

WILLIAM F. GOOD.

The next bill reported from the Committee of the Whole was the bill (H. R. 1634) to grant a pension to William F. Good, Company L, Tenth Indiana Cavalry Volunteers.

The bill and amendment were read.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JOSEPH A. COOPER.

The next bill reported from the Committee of the Whole was the bill (H. R. 2234) granting a pension to Joseph A. Cooper.

The bill having been read, it was ordered to be engrossed for a third reading; and it was accordingly read the third time.

The SPEAKER having put the question on the passage of the bill, it was declared passed.

Mr. ERDMAN. I think there ought to be a division on this vote.

The question being taken, there were—ayes 109, noes 1.

Mr. ERDMAN. I make the point of no quorum. There ought to be a quorum to pass on this important measure.

The SPEAKER. The Chair has the impression that a quorum is present, but will count the House.

After a count, the Speaker declared 184 members present.

There being a quorum, the bill was accordingly passed.

MOLLIE CRANDALL.

The next bill reported from the Committee of the Whole was the bill (S. 507) to pension Mollie Crandall.

The bill was read.

Mr. PICKLER. I call for the previous question.

Mr. TALBERT. I rise to a parliamentary inquiry. Is it in order under the peculiar circumstances existing, while matters are being run through in such a heedless manner——

The SPEAKER. The gentleman will confine himself to a parliamentary inquiry.

Mr. TALBERT. I will try to do so, if the Chair will allow me to lay down the premises.

The SPEAKER. The Chair will answer a parliamentary inquiry, but not a "premiss."

Mr. TALBERT. The parliamentary inquiry is just this: Will it be in order to ask that the present bill or any one of these bills be passed over on account of its being an outrage to pass it? Now, I ask permission to make a statement. Here is a bill claiming to pension——

The SPEAKER. One moment——

Mr. TALBERT. Claiming to pension a person on account——

The SPEAKER. The gentleman is not in order.

[Mr. TALBERT continued to speak while the Speaker rapped for order.]

The SPEAKER. The gentleman will take his seat. He is not in order.

Mr. TALBERT. I only want to ask——

The SPEAKER. The gentleman must take his seat.

The question being taken, the previous question was ordered; and under the operation thereof the bill was ordered to a third reading, read the third time, and passed.

Mr. TALBERT. I rise to a parliamentary inquiry. I desire to ask whether it would be in order to move to amend the title or caption of this bill?

The SPEAKER. It would be in order to make such a motion.

Mr. TALBERT. I move, then, to amend the caption of the bill so as to read, "A bill not to pension Mollie Crandall," if that is in order.

The SPEAKER. The gentleman moves to insert the word "not"? [Laughter.]

Mr. TALBERT. I thought the Speaker decided it was in order to move to amend the caption of the bill.

The SPEAKER. The gentleman moves to insert the word "not"?

Mr. TALBERT. Yes, sir; the word "not."

The SPEAKER. The question is on the amendment offered by the gentleman from South Carolina.

Mr. TALBERT. Can I be heard on that motion?

The SPEAKER. Not under the rules of the House. [Laughter.]

CUBA:

your conferees agreed to the two Senate resolutions. We now

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Deshler Whiting.

The bill was read.

bill (H. R. 1181) for the relief of Maria E. Wilson.

The bill was read.

Mr. TALBERT. Can I be heard on that motion?

The SPEAKER. Not under the rules of the House. [Laughter.]

The question being taken on the amendment of Mr. TALBERT, it was rejected.

MARY A. HALL.

The next bill reported from the Committee of the Whole was the bill (S. 344) granting a pension to Mary A. Hall.

The bill was read.

Mr. PICKLER. I call for the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to a third reading, read the third time, and passed.

WILLIAM HENRY JOHNSON.

The next bill reported from the Committee of the Whole was the bill (H. R. 486) for the relief of William Henry Johnson

The bill was read.

Mr. PICKLER. I call for the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bill and joint resolution of the following titles:

A bill (H. R. 5736) to authorize the Light-House Board to proceed with the construction of the light-house and fog signal on North Maniton Island, Lake Michigan; and

Joint resolution (H. Res. 159) to authorize the Secretary of War to prepare and submit estimates for the improvement of the harbor at Portland, Me.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1585) to authorize and direct the Auditor for the Post-Office Department to credit the account of George H. Tice, postmaster at Perth Amboy, N. J., for postage stamps and money-order funds stolen from his office; and

A bill (S. 1546) for the relief of Levi Stoltz.

SENATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XXIV, the following Senate bills and resolutions were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 1546) for the relief of Levi Stoltz—to the Committee on Claims.

A bill (S. 1585) to authorize and direct the Auditor for the Post-Office Department to credit the account of George H. Tice, postmaster at Perth Amboy, N. J., for postage stamps and money-order funds stolen from his office—to the Committee on Claims.

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 copies of the report of a hearing before the Committee on Woman Suffrage, January 28, 1896; 2,000 copies for the Senate and 3,000 copies for the House of Representatives—

To the Committee on Printing.

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office, at the earliest day practicable, 5,000 additional copies, in separate form, with paper cover, of the paper entitled "Economic geology of the Mercur mining district," being a part of the Sixteenth Annual Report of the United States Geological Survey, with accompanying illustrations, of which 3,000 copies shall be for the use of the House, 1,500 copies for the use of the Senate, and 500 copies for distribution by the Geological Survey—

To the Committee on Printing.

M. R. WILLIAM GREBE.

The next bill reported from the Committee of the Whole was the bill (H. R. 3139) for the relief of M. R. William Grebe, reported from the Committee of the Whole with amendments.

Mr. PICKLER. I demand the previous question on the bill.

The previous question was ordered.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

DAN S. PLACE.

The next bill reported from the Committee of the Whole was the bill (H. R. 951) to amend the military record of Dan S. Place, first lieutenant Eighteenth Indiana Volunteers.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CHARLES E. JONES.

The next bill reported from the Committee of the Whole was the bill (S. 249) granting a pension to Charles E. Jones, with amendments recommended by the Committee of the Whole.

Mr. TALBERT. Mr. Speaker——

Mr. PICKLER. I demand the previous question.

Mr. TALBERT. Mr. Speaker, I wish to offer an amendment here.

The SPEAKER. It is the custom of the House, the Chair will state, to allow the gentleman in charge of the bill to make such motion as he desires first.

Mr. TALBERT. I rose to make a motion to amend the bill.

The SPEAKER. If the House desires to amend the bill it can vote down the previous question, and it will then be open to amendments.

Mr. TALBERT. Well, crack away. [Laughter.]

The previous question was ordered.

Mr. TALBERT. Is it in order now to offer an amendment?

The SPEAKER. It is not; the previous question has been ordered. [Laughter.]

Mr. TALBERT. I understood the Speaker to say that I could offer an amendment——

The SPEAKER. The Chair said that if the previous question was voted down it would be open to amendment. [Laughter.]

The amendments recommended by the Committee of the Whole were agreed to.

The question recurring on the third reading of the amended bill, and being taken, on a division (demanded by Mr. TALBERT) there were—ayes 104, noes 5.

Mr. TALBERT. No quorum.

Mr. PICKLER. I make the point of order that that is merely a dilatory objection.

The SPEAKER. The Chair will count nevertheless.

One hundred and eighty-two members are present, a quorum, and the bill is ordered to a third reading.

The bill was accordingly read the third time, the question recurring on its passage.

Mr. ERDMAN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ERDMAN. Am I entitled to have a copy of the engrossed bill at this time before its passage?

The SPEAKER. This being a Senate bill, it is already engrossed. [Laughter.]

The bill was passed.

JONATHAN SCOTT.

The next bill reported from the Committee of the Whole was the bill (H. R. 4526) granting a pension to Jonathan Scott.

Mr. PICKLER. I demand the previous question on the bill.

The previous question was ordered, under the operation of which the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. ERDMAN. I would like to have a copy of this engrossed bill if in order. This, I see, is a House bill.

The SPEAKER. The engrossed copy of the bill, the Chair will state, is not here.

Mr. PICKLER. I ask that this bill be passed over without prejudice, and the next taken up.

The SPEAKER. The bill will have to be laid aside if demand is made for the engrossed copy.

The Clerk will report the next bill.

SOPHIA J. HAMILTON.

The next bill reported from the Committee of the Whole was the bill (H. R. 569) granting a pension to Sophia J. Hamilton, widow of Charles S. Hamilton, major-general of volunteers.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ELIZABETH MARSHALL.

The next bill reported from the Committee of the Whole was the bill (H. R. 1109) granting a pension to Elizabeth Marshall.

The bill was ordered to a third reading.

Mr. PICKLER. I demand the previous question.

The previous question was ordered, under the operation of which the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

RECONSIDERATION.

Mr. PICKLER. Mr. Speaker, I move to reconsider the several votes taken with reference to these pension bills, and move to lay that motion on the table.

The latter motion was agreed to.

ELIZABETH DESHLER WHITING.

Mr. DANIELS. Mr. Speaker, the bill (H. R. 1050) granting an increase of pension to Elizabeth Deshler Whiting, which was referred back to the Committee on Pensions, has been reported favorably again to the House. There is no objection to the form of the bill. The merits were not considered. I now ask leave of the House to restore the bill to its place upon the Calendar. It was Calendar No. 92, and I ask that it may take its former place so that it may be considered. The bill has already passed this House in a preceding Congress, but not in time to pass the Senate. There seems to be no objection to the merits of the bill, so that it will require a very short time to dispose of it.

The SPEAKER. The gentleman from New York [Mr. DANIELS] asks that the bill H. R. 1050, which by the action of the House was referred back to the Committee on Pensions, be allowed to take its place on the Calendar of the Whole House, to resume its former position. Is there objection?

There was no objection.

CUBA.

Mr. HITT. Mr. Speaker, I present a conference report from the committee of conference on the disagreeing votes of the two Houses touching the Cuban resolutions. I ask for the reading of the report, and of the resolutions recommended.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the concurrent resolutions of the Senate (concurrent resolution 19, part 5), having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments to the Senate concurrent resolution, and agree to the same.

ROBERT R. HITT,
ROBERT ADAMS, JR.,
JAMES B. McCREARY,
Managers on the part of the House of Representatives.

JOHN SHERMAN,
JOHN T. MORGAN,
H. C. LODGE,
Managers on the part of the Senate.

CONCURRENT RESOLUTION.

Resolved by the Senate (the House of Representatives concurring therein), That, in the opinion of Congress, a condition of public war exists between the Government of Spain and the Government proclaimed and for some time maintained by force of arms by the people of Cuba; and that the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.

Resolved further, That the friendly offices of the United States should be offered by the President to the Spanish Government for the recognition of the independence of Cuba.

Mr. HITT. Mr. Speaker, the two resolutions which have just been read, and to which the conferees on the part of the House, in committee of conference, have agreed propose, first, that our Government should accord to the struggling people of Cuba belligerent rights; and second, tender friendly offices to the Spanish Government for the recognition of Cuban independence. These resolutions passed the Senate on the 28th of February by the overwhelming majority of 58 votes. The House of Representatives a few days later, on the 2d of March, adopted by 245 majority, as a substitute for them, declarations very similar in purport, including one additional resolution, that we ought to be prepared to protect the interests of American citizens in Cuba by intervention if necessary.

When they had gone back to the Senate that body asked of the House a conference upon the disagreeing votes. In that committee of conference, after we had discussed the three resolutions which had been adopted by the House and the two adopted by the Senate, it was agreed by the Senate conferees that the House resolutions were in some respects preferable, and they yielded and agreed to our resolutions.

They and many other Senators made an earnest effort to have them adopted by the Senate; but after weeks had passed away in debate which appeared likely to be indefinite in length, the Senate, on the motion of the chairman of the Committee on Foreign Relations, who had urgently pressed those resolutions, nonconcurred and asked for another conference. We met them again, and they assured the House conferees that while they were as earnestly of opinion as ever that the resolutions which the House had adopted ought to pass, yet they could give no assurance that they would at any time pass the Senate, as there was manifestly an organized obstruction, which, under the antiquated rules of that body, where there is no means of stopping debate and bringing on a vote, might continue indefinitely. They asked us to now act in the same liberal spirit in which they had met us, to agree to the Senate resolutions, take them back to the House, and pass them. This would at once secure final and complete action and defeat the dilatory debate.

Remembering the great majority by which the House had adopted our resolutions and considering the vote an instruction, we who were conferees for the House for a long time insisted upon the action of the House being adhered to. The first resolution, that which favors the recognition of the belligerency of those struggling in Cuba, is substantially the same as passed by the Senate and as passed by the House. The second, which relates to the "independence" of Cuba, as stated in the Senate resolution, and to "a government by the free choice of the people of Cuba," as stated more cautiously in the House resolutions, aimed at the same thing, the tender of good offices to secure that purpose. The third House resolution, which related to the protection of American interests in Cuba, though wholly unobjectionable, though in accordance with international law, the usage of nations, and the practice of our Government, so plainly so that the only objection to it would seem to be that it was hardly necessary for Congress to make such a suggestion to the Executive—this resolution they asked us to drop.

It would be in no worse position if it were dropped than if we persisted, and all of the resolutions would fail because there was no limitation on debate there. All of them would be talked to death if they once got back to the Senate, though there were not a dozen votes that could be mustered against them. Accordingly your conferees agreed to the two Senate resolutions. We now ask their adoption by the House.

The second resolution differed from ours in that it proposed the tender of the good offices of this Government to secure the recognition of the independence of Cuba by Spain. It was said—I said it and others said it on this floor in the former debate—that the expression "independence" seemed harsher than was necessary, and we said so to the conferees; but it was urged, and it is true, that while a proposition to any Government in ordinary time of peace to recognize the independence of a part of its territory as independent would be offensive, the reason why it is offensive is because it is on its face manifestly intended to offend.

A proposition by the British representative here that we should recognize New England or California as independent would be offensive; manifestly it would be intended as an offense. There is no reason in the present state of our affairs, no excuse for such a suggestion. But when war between a parent government and a dependency has gone on for some time and separation is the best solution of the war, it has often occurred that the mediation, the tender of good offices by another to the parent government to induce the recognition of the dependency has been an easy way to peaceful arrangement and has so been received as a truly friendly act. That has happened with us several times, and there was no objection taken in cases parallel to this, and can be none in this case unless there be a captious disposition to seek a quarrel.

When the Spanish Government, in the early part of this century, was at war with its colonies on this continent, in South America, and Mexico, our Government took the very step proposed in this second resolution—tendered its good offices and friendly counsels with Spain, urging upon Spain the recognition of the independence of the colonies. That was done, bear in mind those of you who think that we are going too fast in this, and that there is danger of our being called jingoes, by the most cautious and prudent of our Presidents, Mr. Madison. That is in the early history, and is a precedent of great authority, made by the man who more than any other may be called the father of the Constitution; and the Secretary of State who carried it out was Mr. Monroe, whose name is synonymous throughout the world with the wisest and noblest feature of the foreign policy of the Republic. That I may not misstate it in the least, I will read the words by which the President stated exactly what action he had taken touching the Spanish colonies in revolt on this continent after the war had gone on for some time.

In Mr. Monroe's message, after he was elected President, November 14, 1820, he relates the negotiations to adjust the differences, and says:

That the colonies, in their Congress of Angostura, would accept of nothing short of independence as a basis of negotiations.

And then states the action of our Government in these words, which are almost the words of this resolution:

To promote that result (independence) by friendly counsels with other powers, including Spain herself, has been the uniform policy of this Government.

There is the first, the great precedent, eighty years ago, for the very action to which your conferees have assented and which they recommend to you to-day. I will not follow through all the precedents, but I will come to one which is brought up so often in this House in another light—that of General Grant, when the Cubans were engaged in the ten years' war with Spain from 1868 to 1878. General Grant then made a proposition to Spain, that she should recognize the independence of Cuba. Those of you who care to read it at length will find the discussion in the instructions by Mr. Fish and the dispatches of Minister Sickles at Madrid. It is the very case we have in hand. That was an insurrection or rebellion in Cuba not half so extensive as the present, and it was near the beginning. Then the good offices of the United States were offered to bring the war to a close on the basis of Cuban independence, Spain to be paid an indemnity which the United States should guarantee.

The ruler of Spain was General Prim, and he received that proposition in the same friendly spirit in which it was made. There was no rupture of relations. I will not read all his answers, which are contained in and discussed through several dispatches of considerable length, but only to show its spirit I will give a few words. They may conveniently be found by members in Senate Report 141, if anyone desires to read it. At the conclusion of his remarks, assenting to the proposition of Mr. Sickles, he said:

I do not flatter myself that Spain will retain possession of the island. I consider that the period of colonial autonomy has virtually arrived. However the present contest may end, whether in the suppression of the insurrection or in the better way of an amicable arrangement through the assistance of the United States, it is equally clear to me that the time has come for Cuba to govern herself; and if we succeed in putting down the insurrection to-morrow I shall regard the subject in the same light, that the child has attained its majority and should be allowed to direct its own affairs. We want nothing more than to get out of Cuba, but it must be done in a dignified and honorable manner.

That was in response to General Grant's proposition that the

immediate effect of our resolutions—of things completely within all that we can to the disadvantage of those with whom every true

The SPEAKER. It is the custom of the House, the Chair will state, to allow the gentleman in charge of the bill to make such motion as he desires first.

place on the Calendar of the Whole House, to resume its position. Is there objection?

There was no objection.

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That was in response to General Grant's proposition that the

independence of Cuba should be recognized and that an indemnity should be made to Spain, which would be guaranteed by the United States. General Prim, however, made a condition that the Cubans must first lay down their arms, and after that there might be a vote by the people of Cuba on the question of separation. But the Cuban people would not consent to lay down their arms. They knew those with whom they were dealing. They thought they knew them too well to do that, and that stopped the negotiations, together with the fact that the matter became public and created excitement in Spain. Subsequent events showed that the distrust of the Cubans was a wise one. No offense was taken by General Prim at the friendly counsel of our Government that the independence of Cuba should be recognized.

I mention this as showing why we can, with reason, come to the suggestions of the Senators whom we met in conference, and adopt that resolution which passed the Senate by so great a majority. It is only advice that we give to another Government. It is not a matter of great importance. It is all in the future anyhow. It is possible that Spain will not heed the advice; but whether she heeds it or not, we know how events are moving, that the car of destiny is bearing the cause of freedom to triumph, and the success and the independence of Cuba with or without the counsel of the stranger or the consent of Spain will soon be achieved, accorded, and established. [Loud applause.] But the matter now most important is not giving advice, it is the proposition for immediate action. That is in the first resolution proposing that our Government at once recognize the belligerency of those who in Cuba are struggling for their liberty.

Mr. HENDERSON. If it will not interrupt the gentleman, I wish to make a suggestion.

Mr. HITT. Not at all.

Mr. HENDERSON. Most of us, I think, understand the meaning of the recognition of belligerency, but the country at large does not know just what is to be gained by the revolutionists from a recognition of their right of belligerency, and if it will not break into the line of the gentleman's thought, I wish he would explain that.

Mr. HITT. I will endeavor to answer the question as clearly and practically as I can. The gentleman has struck the essential question—the one that transcends all the rest. That question of recognizing Cuban belligerency is the one on which the American people have been fixing their attention most earnestly. This House has been flooded with petitions and memorials by thousands from legislatures, chambers of commerce, societies, from churches, from associations of every kind, and from individual citizens by tens of thousands. Your committee room has been choked with them. There is no other subject for years on which there has been so vast and multitudinous an expression of the people's will as this question of recognizing the belligerency of the Cubans who are struggling for freedom. They go to the very heart of the question. The people know just what is most wanted and they ask us to do it.

Some individuals, generally those who call themselves business men, brokers, and financial men, write us letters deprecating action of any kind, opposing any agitation or discussion on any foreign question that may disturb the market. They are not in favor of the Spaniard; they are not in favor of the Cuban. They care nothing whatever for either side. They simply deprecate any action which will affect the markets in which their hearts are bound up. But the unmistakable voice of the people of the United States as expressed in the enormous majority given in this House a month ago—262 to 17—and in the Senate—64 to 6—is in favor of immediately recognizing the belligerency of the Cubans.

Now, to answer the gentleman from Iowa, the effect of recognizing the belligerency of the Cubans will be, first, to give them a flag and a status. If a ship should enter New York Harbor this afternoon belonging to the Cuban insurgents, flying the Lone Star flag, she would be liable to be treated as a pirate and all on board might be treated as criminals, as violators of law, as enemies of mankind. With recognition, the belligerents will have a flag with the same status as that of any other country, and a vessel flying that flag can go into New York Harbor right alongside of a Spanish frigate. But as we stand now, if they should go in there this afternoon, the Spanish minister would be at the State Department immediately asking to have them seized and treated as pirates.

Why, his predecessor made that very request, that high-handed and bloody request, of our Secretary of State eighty years ago, when a ship of one of the Spanish colonies, bearing its independent colors, entered our port, the minister claiming that they were pirates and demanding that they be treated as such. Pronounce that magic word "belligerency," recognize those as belligerents who are truly belligerents, who are carrying on war, and you at once give them that advantage and that status among nations in our ports. The word "belligerency" exactly defines and describes what they are doing. They are carrying on war. Recognize them as belligerents and you enable them at once to do all that other nations are entitled to do—to carry a flag, to purchase in our markets munitions of war and supplies of every kind, to purchase them openly and take them out openly, just as the Spanish Government now does—not hiding and skulking in obscure and distant ports by night to escape seizure, dogged every hour by spies and informers to give notice to our Government and have them arrested. Then men could go openly to join them, if not in armed expeditions. They could negotiate loans and sell bonds just as the Spanish Government is doing now.

Mr. SWANSON. May I ask the gentleman a question for information? Does he mean to say that if this resolution, as we are going to vote upon it to-day, is passed it will enable the Cubans to do all that?

Mr. HITT. I believe that it will, because I believe that the President of the United States is not so recreant to his duty as an agent and servant of the people that he will disregard the vote of the people of the United States as expressed through the House of Representatives and Senate by vast majorities. [Applause.] The House has already given a majority of 245 upon this question, but it has been null because, the action of the two Houses not being in accord, it has been in the air; but when these Senate resolutions have passed both Houses I have faith that we have a President who will act as the elect of the people of the United States, the agent of the people of the United States, and not their "ruler." Therefore I say that I believe that the passage of this resolution will secure the recognition of the belligerency of the Cubans.

Mr. LIVINGSTON. Would it not be a safer and far more certain course to ask unanimous consent to strike out the word "concurrent" and insert the word "joint"?

Mr. HITT. I think we can not make that change, as such a proceeding is not in order on a conference report. Indeed, I think it is unimportant, because I have a different opinion from the gentleman concerning the President of the United States. I will not admit that he has yet taken up the conceit which has unfortunately been expressed of late elsewhere that he is a "ruler" and a "strong man." He may be a strong man, but he is strong because he is our President and not our ruler. [Applause.]

Mr. LIVINGSTON. I did not intend, Mr. Speaker, that the gentleman should understand me as questioning what the President will do. I only make the point that this proceeding would be far more certain to accomplish the results which the House committee contemplate if we should substitute the word "joint" for the word "concurrent."

Mr. HITT. I do not think so. It would then simply require the President to sign it or take action necessarily within ten days, and would necessitate a different mode of voting here. We get at the essence of the matter in this way. Nobody will mistake the purpose of the American Congress.

Mr. McMILLIN. If the gentleman will permit me, in response to the gentleman from Georgia, it is proper to state in justification of the committee of conference that such an amendment as the gentleman suggests would have been entirely in order. The committee of conference had to deal only with questions in dispute, and with matters not in dispute they had nothing to do.

Mr. HITT. I will say to the gentleman from Georgia that we had no power over the form of the resolution; it came to us a concurrent resolution both from the House and from the Senate, and while we could have changed the matter of the resolutions in our conference with the Senators, none of us could change them from being concurrent. On the enacting clause the two Houses were agreed, and we were to confer on their matters of disagreement.

Mr. SWANSON. As I understand, a concurrent resolution is simply the expression of an opinion of Congress. It has no more force than the action of a moot court. But a joint resolution, if signed by the President, would have the force and effect of law. Did the committee when it made this proposition simply a concurrent resolution determine the scope that a concurrent resolution would have? There is some difference of opinion as to that.

Mr. HITT. The committee of conference had no authority to approach or touch that question. The difference between the two Houses did not relate to any such matter of form; both propositions which went to the committee of conference were concurrent resolutions. Had one resolution been joint and the other concurrent—had there been any such disagreement involved in regard to the form of the resolution—the case would have been different. We had the right to consider changes affecting the language of the resolutions themselves, but not affecting their form; the committee of conference, as a matter of parliamentary necessity, was obliged to report them as concurrent resolutions.

I was trying to explain, in answer to my friend from Iowa [Mr. HENDERSON], the force and practical effect of the action which I have no doubt will be taken in the adoption of these resolutions——

Mr. LIVINGSTON. Would not another result follow the recognition of belligerency—that the war between the two parties in Cuba would have to be a humane war, that prisoners captured from the Cuban ranks by Spanish troops would have to be treated as prisoners of war?

Mr. HITT. That is argumentative. I am speaking of the

immediate effect of our resolutions—of things completely within our power—which we can determine absolutely ourselves.

Mr. NORTHWAY. I hope that the chairman of the committee [Mr. HITT] will not be further interrupted while he is stating the effect which a recognition of belligerency would have. We desire to have his statement on that point in compact form for the information of this House and the public. I hope gentlemen will defer their questions until the gentleman from Illinois is through with his statement.

Mr. HITT. After we have recognized the belligerent rights of the Cubans men can openly leave our shores to aid the Cubans. The Cubans can go upon the stock boards in this city or anywhere else and publicly offer a loan—offer to negotiate their bonds, as our fathers did, during the Revolution, in Amsterdam. They can negotiate loans either with other Governments or with private citizens.

I will give the House a definition of belligerent rights in words that will not be questioned. Mr. Canovas, the prime minister of Spain, made public last summer a statement in which he discussed this very question. No one will accuse him of straining the definition in favor of the Cubans. I will read his words. What I am about to read is no "fake." This is no unsubstantial or unauthenticated paper. It comes to us from the President, and is a part of House Document No. 224. Says Minister Canovas:

From the moment of their recognition they can send out vessels upon the ocean under the flag of the lone star; raise funds in foreign countries; move about with a freedom that otherwise they could never enjoy; and they could even carry on privateering.

That does not state all that the recognition of belligerency would accomplish, but it states the great and important advantages that such an act would give to the Cubans. The Spanish Government to-day is doing all those things. It sends its agents to Hartford to buy arms; they buy them also in Philadelphia. Any man can openly go from this country to join the Spanish forces. He may, if he chooses, announce the fact in the newspapers and have a reception before he starts, yet go unmolested. The Spanish Government is, in fact, buying supplies here.

Why, sir, the United States is at this hour a base of operations of the Spanish Government in crushing the Cubans who are struggling for their freedom. Under the pretense of neutrality we are, every time the Spanish minister gives intimation to the State Department, running to capture men who may be about to start to Cuba or to seize supplies of arms intended for the Cubans, in any port, in any remote corner of the country anywhere. We have not even confined our assistance to our own ports. In the case of the *Hawkins* we pursued the Cubans out upon the high seas at the behest of Spain. Is that real neutrality? Is that fairness? Is it justice? Are we not in spirit and in fact the efficient oppressors of the Cubans ourselves?

Much has been said about this proposed action being a departure from the custom of our fathers—from the course pursued by former Presidents. Why, sir, this is nothing new. That great man to whom I referred a few moments ago dealt with this question so practically that there is little more left to be said as to the duty and the right of a nation to recognize belligerency in such a case. In 1815, after Mr. Madison had issued his proclamation touching the Spanish-American colonies—the ordinary proclamation of neutrality to forbid armed expeditions—the Spanish minister, Chevalier De Onis, demanded that our President should send orders to seize in our ports any ship that came from any of the rebel colonies. He denounced the men on any such vessel as pirates, bandits, and brigands.

Do you observe, gentlemen, that these phrases now so glib upon Spanish tongues and in the mouths of friends of the Spanish cause are not new at all? When a man is not an humble follower of oppressive authority, he is a "brigand." When he is not on their side, but fighting with such resources as God has given to him to save the liberty that God gave him, then he is a wandering bandit. That minister demanded that these ships should be seized and the men treated as pirates. He demanded that our ports be closed to the revolutionists under the flags of Buenos Ayres, Carthagena, and the Mexican Congress, and other places which have, he says, "revolted against the authority of the King, my master." It is a pleasure to read the dignified and noble language in reply by a great patriot and statesman. Let me read the words; Mr. Monroe wrote them January 19, 1816, as Mr. Madison directed:

The President thought it proper some time past to give orders to the collectors not to make the flag of any vessel a criterion or condition of its admission into the ports of the United States.

And again, in reply to that haughty demand of the Spanish minister, he said:

All that your Government had a right to claim of the United States was that they should not interfere in the contest or promote by any active service the success of the revolution, admitting that they continued to overlook the injuries received from Spain and remained at peace. This right was common to the colonists. With equal justice might they claim that we would not interfere to their disadvantage—

Who thinks of that now in this great contest, where we are doing all that we can to the disadvantage of those with whom every true heart now sympathizes?—

that our ports should remain open to both parties as they were before the commencement of the struggle; that our laws regulating commerce with foreign nations should not be changed to their injury. In these principles the United States have acted.

I wish, Mr. Speaker, that I could say to-day that on these principles the United States have acted within the last year.

Now, do not say that this action of President Madison was limited simply to letting the ships come into the ports of this country. It was to do more than that. It was a direct practical recognition of belligerency with all of its consequences. Afterwards Mr. Monroe, when he had become President, recited these events and their consequences, and stated what had been the conduct of the United States toward the participants in the conflict. Mark these words; this was the way the great American acted eighty years ago to men situated as the Cubans are now situated:

They have enjoyed an equal right to purchase and export arms, munitions of war, and every other supply, the exportation of all articles whatever being permitted under laws which were passed long before the commencement of the contest. Our citizens have traded equally with both, and their commerce with each has been alike protected by the Government.

That is what we ought to do to-day. There is a sentence a little farther on which I commend to the attention of the House. I will not detain you by reading at length even the words of this great man, save to give an extract here and there:

As soon as the movement assumed such a steady and consistent form as to make the success of the provinces probable the rights to which they were entitled by the law of nations as equal parties to a civil war were extended to them. Each party was permitted to enter our ports with its public and private ships and take from them every article which was the subject of commerce with other nations.

And then he recites again with emphasis and fullness our conduct toward both parties in the contest. Now, what is the situation? Is not the success of the province of Cuba probable? Have not these men there in arms shown that they can not be subdued? The Spanish minister made public an address to the people of the United States on the 22d day of February, in which he said that Spain had sent 125,000 troops. The Spanish war publications show that there were 21,000 troops already in Cuba as a permanent army, holding the people said to be so loyal to the Spanish Government before this great army went.

And yet, Mr. Speaker, in spite of the coming of these men, 125,000 in number—with infantry, cavalry, and artillery, and besides that 40 ships of war—to crush the Cubans, they have baffled them and defied them. Yes, and General Weyler, it is said, has just asked for 40,000 more troops. More than that: Beginning in the eastern provinces at Santiago, these revolutionists have swept westward, steadily, resistlessly, fighting, avoiding, gaining all the time, choosing their own ground of battle, commanded by leaders whose ability now has long been vindicated, ability which none will question, until province after province has fallen before them; and they have passed through 700 miles of vanquished Spanish territory and Spanish armies. To-day they hold three-fourths of the Island of Cuba.

The Spanish troops are practically penned up in the cities. They have only detachments outside of towns. The country is Cuban and the Cuban army holds it. The Cuban capital, Cubitas, is more secure than Habana is to-day. It is not a war of similar dimensions to the ten years' war of 1868 and 1878. That never extended far beyond the eastern province of Santiago, and even that it was impossible for the power of Spain to subdue. They held that monarchy at bay for ten years, although they had not an armed force one-fourth as great as that now under the commands of Generals Gomez and Maceo.

They never were subdued at all. They were induced to treat, and General Campos, who had not been successful in subduing them, made a compact with them—the peace of Zanjon. This was done upon the suggestion of the Government of the United States. By that compact the Cubans were to have self-government, reduced taxation, taxation only with representation. They were to have the expenditure of those taxes at home in large part. They were themselves to share in full proportion in administering the government.

On that pledge, on those promises, they laid down their arms. Every promise was violated. Every pledge in that compact, followed by submission, though kept to the ear, was broken to the hope; though kept in form in many cases, was utterly disregarded in fact, and they were subjected to oppression as harsh as ever. They were promised freedom of elections, representation in the Spanish parliament, self-government in the provinces and in the cities, the control of the taxation laid upon themselves. There is a paper which has been sent to every member of the House, I understand, and I had a copy of it, purporting to be signed by a number of Spaniards in New York. They do not pretend to be Cubans, but Spaniards, who say in this letter that they know about these affairs. They seem to have read up or learned in some way, or think they have, and they assert that Cuba is a free country; that

of Cubans—I mean citizens of the island, not resident Spani-

Mr. HITT. Mr. Speaker, the government of the insurgent

those people are entirely mistaken in thinking they are not free; that Cuba is as free as Canada, and Cubans have ample representation in the Cortes or Spanish parliament.

Now, we have before us a document sent by the Secretary of State in Senate Document 166, prepared, not by Spaniards nor by our own people, but by Cubans. They know of what they speak; and while I will not go over the details, I will give the statement of one of the real Cuban members of the Spanish parliament, who himself tells just what a mockery is the pretended voting or suffrage and representation of Cubans. Only a little over 9 per cent of the people of Cuba are Spaniards—that is, Spanish residents in Cuba whose homes are in Spain; yet that electoral law is so framed that as a matter of fact there are only 53,000 of the 1,600,000 people of Cuba who are on the electoral lists, and the Spanish element, with only 9 per cent of the population, have a preponderence of the men elected to parliament and everywhere else. They administer it all. Here is a specimen: In the municipal district of Güines the population is 13,000, of whom 500 are Spaniards. On the electoral list, out of the 13,000 native Cubans, there are 62, and out of the 500 Spanish residents there are 400 who are voters.

Now, to clinch this whole business, there is a permanent commission to revise the electoral list and settle all disputes, and that commission is appointed by the captain-general, by Weyler, a nice officer to appoint a reviewing board for an electoral list. Here are numbers of instances stated of the flagrantly arbitrary conduct by which the people were disfranchised. There are several scores of members of the Cortes sent from Cuba, but they are not Cubans. They are the bitterest enemies of the Cubans. There are sometimes Cubans elected to the Spanish Cortes, but the men who are elected under these forms as Cuban members of that parliament and representing Cuba are of that envenomed class that is the most bitterly hostile to them all, the resident Spaniards. Says Mr. Varona, himself long a member, in the most favorable epochs the number of Cuban representatives, out of the dozens that are sent, has not exceeded six.

Now, as to the local government, what kind of self-government have they? This gentleman states that of which Cubans know—not newspaper tales, nor official falsehoods and bulletins. Lately in the board of aldermen in Habana there was not a single Cuban. In the board at Güines, with a population of 12,500 inhabitants, there was not one Cuban found in the council of that province. So, too, in Matanzas, there were two, and in Santa Clara there were two. These are the most populous provinces in Cuba. That is the "self-government" to which they have been treated!

Mr. PATTERSON. Will my friend allow me to interrupt him?

Mr. HITT. Yes.

Mr. PATTERSON. I understand that the population of Cuba amounts to about 1,600,000. Now, what information have the Committee on Foreign Affairs, what official information, in respect to the proportion of that population engaged in the effort to throw off Spanish authority or in sympathy with that element?

Mr. HITT. We have a document that was sent to this House at the request of our committee, which gives scores of statements from our consular officers in Cuba, giving the number of armed men. As long ago as last August the force of Cuban insurgents in the field was given at 30,000, of whom 10,000 were pretty well armed. They have increased steadily since. If the gentleman desires information on that subject—and of course the essence of it all is, what is the scope, extent, and force of the military power of the insurrection—I will say to him that I hold in my hand a detailed statement, handed to me since the House was called to order to-day, giving the number of troops who are now organized, and a large part of whom are in active campaign for the Republic of Cuba. I will have the statement read at the desk if the gentleman desires it.

Mr. PATTERSON. Will the gentleman state the substance of it?

Mr. HITT. In the Province of Santiago de Cuba the total is 13,900. The divisions and the names of the commanding officers and the posts at which they are located are given. In the Province of Puerto Principe, which is a small province, there are 2,500. In the Province of Santa Clara there are 5,000 troops in the field.

Mr. PATTERSON. Let us have the aggregate.

Mr. HITT. I will come to that in a moment. In Matanzas there are 8,900; in Habana, 8,160; in Pinar del Rio, 5,562, and in the armies of Generals Gomez and Maceo, 16,700. The total is 60,722 men. I will insert the whole statement:

CUBAN ARMY OF OCCUPATION.

Province of Santiago de Cuba.

Maj. Gen. José Maceo (black)	3,000
Brig. Gen. Perico Perez (white)	2,000
Brig. Gen. Matias Vega (white)	1,000
Gen. Augustin Ceureco (mulatto)	1,600
Gen. Carnelio Rojas (white)	600
Gen. José Rabi (Indian)	1,200
Gen. Manuel Capoti (white)	800
Col. Felix Ruea (mulatto)	800
Col. Francisco Delgado (white)	400
Colonel Carthagena (black)	500
Colonel Heabovaria (white)	400
Col. Joaquin Planao (white)	200
Col. Remegio Mariero (white)	200
Colonel Rodrigues (Spaniard) (white)	400
Col. Salvo Reos (black)	600
Col. Pedro Popa (black)	200
Total	13,900

Province of Puerto Principe.

Maj. Gen. Mayia Rodrigues (white)	1,500
Brig. Gen. Lope Recio (white)	1,000
Total	2,500

This force serves as escort to the officials of the Cuban Republic, who, like the first Congresses of America, as after the burning of Washington in the war of 1812, are compelled to move by the exigencies of war, but they remain within a zone about equal to the area of our State of Delaware. The Marquis of Santa Lucia, president; the vice-president, Bartolo Masso; Minister of War Roloff, Minister of Treasury Pina, and all others are white.

Province of Santa Clara.

Maj. Gen. Serafin Sanchez (white)	2,000
Colonel Roban (white)	600
Colonel Rogo (white)	1,200
Colonel Corteña (white)	300
Col. Felipe Toledo (white)	200
Col. Lino Perez (white)	300
Lieut. Col. Leon Clo Vedal (white)	200
Lieut. Col. Sixto Roque (white)	200
Total	5,000

Province of Matanzas.

Maj. Gen. Francisco Carillo (white)	3,000
Brigadier General Lacret (white)	1,500
Gen. Pancho Perez (white)	1,500
Col. Clotilde Garcia (black)	400
Col. Joseph Roque (white)	800
Colonel Oulet (white)	200
Colonel Morijon (mulatto)	200
Col. Demas Martinez (black)	200
Col. (Alfred Godoy) "El Inglesito" (white)	500
Col. Edward Garcia (white)	400
Total	8,800

Habana Province.

Maj. Gen. José Maria Aguirre (white)	2,000
Gen. Rafael de Cardenas (white)	2,500
Col. Juan Masso Parra (white)	1,500
Colonel Castillo (white)	1,200
Colonel Aranguerena (white)	300
Major Villanueva (black)	200
Col. Diaz Hernandez (white)	200
Lieutenant-Colonel Corbo (white)	60
Lieutenant-Colonel Palacios (black)	200
Total	8,160

Pinar del Rio Province.

Maj. Gen. Dioniosio Gil (white)	1,000
Gen. Perico Diaz (black)	800
Col. Perico Delgado (white)	600
Col. Rafael Socorro (white)	200
Col. Frederico Alphonso (white) (recruits)	62
Colonel Olivia (white)	300
Col. Miguel Laso (white)	800
Col. Estaban Varona (white)	1,500
Major Castillo (black)	300
Total	5,562

ARMIES OF INVASION.

General-in-chief, Maximo Gomez (white)	5,000
Lieut. Gen. Antonio Maceo (mulatto)	5,000
Brig. Gen. Quinton Bandera (black)	2,500
Brig. Gen. José Miro (Spaniard, white)	1,000
Brig. Gen. Bruno Zayas (white)	1,000
Gen. Estabo Tamayo (white)	600
Colonel Nunez (white)	600
Col. Cayito Alvarez (white)	400
Col. Roberto Bermudez (white)	600
Total army invasion	16,700
Total army occupation	44,022
Total of all forces in arms	60,722

Officers.	No.	Color.			
		White.	Black.	Mulatto.	Indian.
Generals	24	19	3	1	1
Colonels	34	27	5	2	
Lieutenant-colonels	4	3	1		
Majors	2	1	1		
Total	64	50	10	3	1

In ranks bearing arms, 40 per cent black and 60 per cent white.

This is a table of officers commanding operating columns. Each of their separate columns is regularly officered as in the United States Army, the tables showing color and strength of leader.

Mr. PATTERSON. Now, one further question. What number

of Cubans—I mean citizens of the island, not resident Spaniards—what number of Cubans have enlisted in the cause of Spain in an effort to put down the insurrection?

Mr. HITT. It is said there are many Cubans—it is even stated officially. But I understand from Cubans who are in earnest in behalf of their cause that those who are thus entitled Cubans and who are in the Spanish armed forces are the same class as those men called "volunteers." Perhaps the gentleman is aware of what is misnamed a "volunteer" in Cuba. The Cuban "volunteer" means a Spaniard in Cuba who is subject to military duty under the Spanish law in Spain; but by a provision of the law he is allowed the choice of performing service in Cuba, and that is called "volunteering" to do duty abroad instead of at home. These are the bitterest men, the most implacably hostile and cruel, that the Cubans have to meet. They are the men who form the cloud of vultures, of officeholders, speculators, privileged spoilers, who have made the island poor. It pays $26,000,000 a year in taxes, and besides that the exactions and peculations.

Mr. PATTERSON. From what source do you get that information?

Mr. TUCKER. The gentleman from Tennessee means the information about the number of troops.

Mr. HITT. That was handed me by a gentleman who returned from Cuba within a day or two—a very responsible gentleman, who was introduced to me by members of the House who knew and vouched for him as a man of intelligence, integrity, and high character. I have not permission to use his name, but it will be given me in a moment, if desired, by the gentleman who presented him.

Mr. PATTERSON. Then, if I understand it, substantially it is about this: The native population of Cuba have contributed about 60,000 men to resist the authority of Spain, that that army is maintained by the native population of Cuba, and that the natives of Cuba have directly contributed no soldiers to the Spanish cause.

Mr. HITT. Well, I would not answer that I know that fact one way or the other. That is a question in dispute. But we can infer some things which are so plain that by the laws of moral evidence and reason we can not be but convinced. I see the point of the gentleman's question. What is the tendency and wish of the people? There is every reason to believe, I think, that the people of Cuba are most earnestly devoted to the cause of independence and are determined to separate from Spain. The insurgent forces have worked in perfect harmony; the people recruit them spontaneously as fast as they fall away from exhaustion on the march or perish in battle. They have no uniforms, no rations. They have all the hardships of war and none of its splendors. Their arms were simply rough chopping knives of the plantations, called machetes, until they captured better arms from the Spaniards whom they overthrew and stripped of their Mauser rifles. If the Spanish Government believed what its officers constantly say and publish abroad in bulletins, that Cuban armies only represent brigands, incendiaries, and marauders, why do not they arm the good citizens and let them drive out the brigands? They would do it if these were brigands. Our people did it in the West; did it often in my youth. They organized to catch the brigands and executed them. But instead of that being the fact in Cuba, we have every evidence that the Cuban people regard the Spanish rule with the utmost detestation.

Mr. PATTERSON. If my friend will pardon me for a moment, I will tell him the thought I have in mind.

Mr. HITT. I will be glad to yield to the gentleman.

Mr. PATTERSON. And that is this: If the people of Cuba, the inhabitants of the island, are practically united, or substantially united, in an effort to secure their autonomy and their liberty, in my judgment they are entitled to it. And if this Government would interpose its authority to prevent Spain from acquiring by force of arms territory contiguous on the North American continent, I do not see why Spain should be permitted to retain territory by means of subjugation. [Loud applause.]

Mr. HITT. The gentleman speaks to a point which is not now proposed for action, and as I am simply explaining a conference report the gentleman will not expect me to respond to his remarks.

Mr. POWERS. Will the gentleman yield to me for a moment?

Mr. HITT. With pleasure.

Mr. POWERS. I observe the gentleman from Illinois is thoroughly conversant with the fact touching this interesting matter; interesting not only to Cuba, but to this nation. I would like to request him to state to the House what the form of government is in Cuba that is directing the action of those insurgents. It has been stated, as the gentleman no doubt is well aware, that there is no such thing as any form of government there in an organized capacity, but that the army is made up of a band of marauders fighting for spoil. Now, if it be true that the army is made up of soldiers fighting for civil rights, is there a central power, is there a council with an administration that directs the movements of that army?

Mr. HITT. Mr. Speaker, the government of the insurgent movement, the revolution, in Cuba is a republican government, with a president; but in its beginning, like all revolutions, the very essence is the military power; that overshadows all other. They have an organization of civil officers. They have secured possession of province after province. In some cases they have almost the whole of the territory of a province in peaceful occupation administered by their officers. I have here an official copy of the constitution of the Cuban Republic. They have worked harmoniously from the beginning, each obeying his superior, showing the highest confidence—a real organization. Organization does not lie in words nor in printed papers. It is a fact. They obey their officers; their officers work in harmony. It is a consistent political and military movement, such a one that it can carry on war, and has carried it on vigorously, successfully, victoriously, from the very start.

The question as to the unity of the Cubans is a serious one. As to their sincerity in opposing Spanish domination, whether they are brigands or whether they are patriots, they have a great army against them, armed with all the appliances that the modern art of war can furnish. They are without pay. No Cuban soldier has ever received a day's pay in all this long year of battle and march and suffering. They have no uniforms. They can be described in the same language that Cornwallis applied to Washington's army when he followed its trail through New Jersey and described the soldiers of that army as "tatterdemalions." Barefooted, half-clad, armed only with the weapons they have torn from their conquered enemies, those Cuban soldiers have marched on from fight to retreat and from retreat to fight.

Their generals have not let the Spaniards set for them the places of battle. I do not know but that the Spanish generals have been able men. It is not my part to speak of them otherwise than with respect as to their abilities. But if they are able men, then the Cuban generals are men whose names should be placed beside that of Toussaint, who organized the black army in Haiti which defeated the French, or by that of Hannibal, who organized savage tribes into armies that defeated the finest infantry in the world. Their generals have created out of the humblest raw material soldiers who have borne what our troops could not bear—delay, defeat, retreat, return to action, reattack, and victory. That is the proof of ability in the generals and in every individual soldier.

They have shown all these high qualities and done all these great deeds without the sordid hope of reward, bearing themselves more patiently through this incessant struggle than our fathers did during the saddest period of our Revolutionary war, when they had to change their capital nine times in the course of the struggle, when the troops were without pay and clothing and were sometimes on the verge of disorder and mutiny. There has been no such complaint on the part of the Cuban soldier, who humbly took what he could get, ate what he could find, and went forward with unfaltering heart, with bare and bloody feet, to meet the enemy and fight again. [Applause.] Such a people deserve liberty. They earn it. General Campos complained, and General Weyler has repeated the complaint, that their want of success in many instances was owing to the fact that they operated in a country where they could get no trustworthy information and where they never could rely upon their guides. Mark that significant testimony.

Remember that the guide was in the clutch of those cruel hands that love to strangle, and yet, looking death in the face, those humble, lowly men and women in the cabins and by the wayside in Cuba who were taken as guides would rather face death than lead the Spanish troops to the slaughter of their brethren in arms. Could there be a more striking testimony than this from the mouth of the Spanish commanders themselves of the devotion of the Cuban people to their cause, like that of the early martyrs to the Christian faith?

Mr. Speaker, I have endeavored to explain the reasons which led your committee to accept these resolutions, and in doing so I have been drawn into talking longer than I had intended. The suggestion has been made more than once that our action, if it led to the recognition of the Cuban Republic and its independence, would be but an introduction to a period of revolutions and anarchy, as in the other South American colonies of Spanish origin. But bear in mind one fact, which is never mentioned by those who make this prediction. There are only two spots in America where the Spanish race in considerable numbers really colonized as did the Anglo-Saxons in our country. One is Chile; the other Cuba.

In all the other Spanish-American countries the population has been, and is to-day, almost wholly Indian, with a little per cent of Spanish blood ruling. But few Spanish women or families ever came. In Chile the Spaniards transplanted themselves actually. The European race went to live there, as it did in Cuba, and in Cuba to-day there are a million people of the European race and only 600,000 others. Forty years ago the securities of Chile were good in the markets of the world. It has a compara-

tively stable government. Let the people of Cuba, who are of a fiber and spirit that knows how to work, a people with heads that know how to think—let them once become free and they will soon know how to rule themselves and to organize a government which will be stable and prosperous and which will earn our heartiest good wishes for its permanent success.

It is our duty to pass these resolutions. These people are imitating us. All the traditions of Americans, all our past, everything in our own history, appeals to us to cheer and encourage rather than aid to trample upon these men in Cuba who are struggling to become what we are. Why, Mr. Speaker, the very men who are now blackening the characters of the "bandits" will be, or their grandchildren will be, among those who will show themselves most anxious to prove that they are descendants from some of Gomez's captains [laughter]; just as in the cities along the Atlantic coast one hundred and twenty years ago, at the time when the barefooted soldiers of Washington were marching over the Jersey hills and plains, there were persons not overcharged with devotion to the cause of freedom, but whose descendants are most active in their efforts to discover or to invent stories of pedigrees showing descent from those soldiers, organizing "Sons" and "Daughters" of the Revolution. [Laughter and applause.]

The SPEAKER pro tempore (Mr. DALZELL). The time of the gentleman from Illinois [Mr. HITT] had expired.

Mr. McCREARY of Kentucky. I ask that the gentleman's time be extended to allow him to conclude his remarks.

There was no objection.

Mr. HITT. I do not care to prolong these remarks much further. I will simply answer one suggestion which has been made. It has been frequently urged that we are under friendly obligations to Spain and that the action here proposed would be ungrateful on our part, as everybody knows that Spain is most intensely averse to our taking this step.

Sir, not long ago the Spanish Government had an opportunity to show its friendship for us when we were embarrassed by the war of the rebellion. The Spanish Government at that time organized a fleet, arranged a movement with two other Governments, made a naval demonstration in the West Indies, and seized upon the Island of Santo Domingo. They held that island for a considerable time while our country was engrossed in the war of the rebellion. Afterwards they were expelled by the people there. It was disclosed subsequently in a debate in the Spanish Cortes by the men who as ministers had conducted that business that they did it in order to "drive out the Yankees"; that that whole movement was organized to prevent our getting the naval station of Samana; that it was carried on in concert with Louis Napoleon, who was organizing a movement on Mexico to overthrow a republic there and set up an empire while we were engaged in a great duty that prevented our interfering with him.

Such is the friend that the Spaniard was to us. We are under no obligations to favor Spain and oppression as against Cuba and freedom. The truth is that in such matters as these there are no friendships. Friendship is no sentiment, any more than would be aversions and hates, on which to base a national policy or a national movement. The prime consideration in a question like this is justice—fairness to all. Enlightened self-interest as to our own people and all that concerns them should guide us in the discharge of our duty. It is our duty now to say we believe that these people, struggling as did our fathers, should be recognized as men carrying on war, as belligerents. When this utterance has gone from the representatives of the people to the White House I have faith to believe that the Executive will heed the voice of this nation, expressed by such vast majorities in House and Senate and by every sign that indicates the wish of the American people. [Applause.]

The cause of Spain is manifestly waning from week to week. The rainy season will soon come on, and then the stars in their courses will fight for Cuban freedom. An end will come to Weyler boasts and savageries. Our action here will speedily be followed by results great and practical, and the sufferings of those unfortunate people, their tortures in prison pens and lonely marshes and mountain retreats, will come to an end. They will see the sunrise—the morning of a new and brighter day—and we shall all be glad to say that we hailed the coming of free Cuba. [Applause.]

Mr. HULICK. Before the gentleman takes his seat, I should like to suggest a question to him relative to the terms of the first and third resolutions.

Mr. HITT. The resolutions to which the gentleman refers are not those now before us. The resolutions before us are the Senate resolutions, which in the print of the document the gentleman has in his hand appears as struck out.

Mr. HULICK. Then I have no question to ask. The question I had intended to ask had relation to the subject of strict neutrality and of intervention.

Mr. HYDE. Allow me a single question. Are we to understand that if the President should fail to take any action upon these concurrent resolutions they would then be entirely nugatory except as an expression of opinion and of our friendly feeling toward Cuba?

Mr. HITT. I will not assume that such a thing is possible; therefore I decline to answer the gentleman's question. [Applause.]

Mr. Speaker, the gentleman from Virginia [Mr. TUCKER] took the opposite side in the recent discussion on this subject, and I trust the Chair will recognize him, if debate is desired, to control the time on that side.

The SPEAKER pro tempore. The Chair will recognize the gentleman from Virginia.

Mr. TUCKER. I yield thirty minutes to the gentleman from Maine [Mr. BOUTELLE].

Mr. BOUTELLE. Mr. Speaker, I desire to take the floor in my own right on this conference report.

The SPEAKER pro tempore. The Chair, then, will recognize the gentleman from Maine after the gentleman from Virginia or some other member of the committee has spoken.

Mr. BOUTELLE. If any member of the committee desires to speak, I will postpone my remarks; but I wish to speak in my own right on this conference report, under the rule.

Mr. McCREARY of Kentucky. I suggest that as the gentleman from Illinois, the chairman of the committee [Mr. HITT], has made a speech in favor of adopting the conference report, it would be proper and right now to recognize some gentleman who is opposed to the report. I would not like to waive my right as a member of the committee to speak later, if I should choose to do so, but I do not think it would be well to have now another speech on the same side, after the exhaustive argument of the gentleman from Illinois in favor of the conference report. I suggest, therefore, that the debate go on and that some gentleman opposed to the report be now recognized.

Mr. BOUTELLE. If no member of the committee desires to be recognized now to oppose these resolutions, I will take the floor in my own right.

The SPEAKER pro tempore. The Chair feels disposed to recognize first gentlemen on the committee if they desire to take the floor; otherwise he will recognize the gentleman from Maine.

Mr. BOUTELLE. I understand, Mr. Speaker, that no gentleman on the committee desires to take the floor now in opposition.

Mr. TUCKER. I do not know that any member of the committee desires to take the floor at this time.

The SPEAKER pro tempore. Then the Chair will recognize the gentleman from Maine in his own right.

Mr. BOUTELLE. Mr. Speaker, the resolution for which the pending one has been substituted in conference committee was first brought into this House on the 27th day of February; and at 5 o'clock in the afternoon the House was requested to take up and dispose of that most important resolution from the Committee on Foreign Affairs, which was presented to this body without any explanatory report, without any statement of facts upon which the resolution was based, and without any information on which the members of the House could base their conclusion as to how their votes should be recorded on that matter.

In the exercise of my right as a member of this body, and as I believed in the exercise of my duty to my constituents and to the country, I objected to that summary method of dealing with a matter of such grave importance as the resolution involved. I had no idea in so doing that I was the only member of the House who objected to acting on a subject of that character in such a manner, without proper thought and proper care. The press of the country, however, have seen fit to give me a very wide distinction as being responsible for resisting that summary procedure. I have never complained of that distinction. I have no reason to complain of it to-day. I have seen no reason to regret the action that I then took; and if I needed any vindication of my action on that occasion I certainly ought to be fully satisfied with that which appears of record here to-day, when more than a month afterwards this measure again comes up for discussion and consideration in this body.

It is very obvious, Mr. Speaker, that some one somewhere in the United States besides myself has deemed this to be a matter of moment, and believed that a subject of so grave a character should receive more deliberation than would consist in rushing it through the House while the members were putting on their overcoats to hurry off to their belated dinners. There is no need for us to try to deceive ourselves when we are here together. There is not a man within the sound of my voice who does not understand how this resolution comes here and why it is here. We have had in connection with this question one of the most remarkable illustrations that has ever come within my observation of an attempt to put into practical operation the theory of how not to do it. We have passed a resolution in this House that could accomplish nothing if adopted. That has been proclaimed in the other end of the Capitol, and has been practically acknowledged by the representatives of this body to be the fact since the resolution which was passed by the House of Representatives was abandoned by the conference and surrendered by its friends

because it was conceded not to be so desirable a resolution as the one that had been prepared by the Senate.

Mr. HITT. Not at all, if the gentleman will permit me. I said just the reverse of that. If the gentleman will allow me, I will state again the fact, because I am sure the gentleman is incapable of stating anything that he knows to be incorrect.

Mr. BOUTELLE. I certainly do not desire to do so.

Mr. HITT. Both the Senate and the House agreed at the first conference that the House resolution was preferable as to form, and there was one resolution additional——

Mr. BOUTELLE (interrupting). If the gentleman will permit me, I think I have reversed the order of proceedings with reference to the resolutions.

Mr. HITT. I knew the gentleman from Maine would not misstate the facts if he knew it.

Mr. BOUTELLE. The condition of affairs to which I have just referred was brought about, I will say, after mature deliberation in the committee. In the first conference the Senate conferees seemed to concede, or did concede, that the House resolution was preferable to that of the Senate.

Mr. HITT. That is correct.

Mr. BOUTELLE (continuing). And the House resolution was reported from the Senate and brought before that body. It was debated in the Senate, and every man, woman, and child in the United States who followed public proceedings had become thoroughly satisfied that it was as dead as Julius Cæsar and never could pass that body. It was sent back to the conference, and when that conference met the House conferees conceded—parliamentarily, of course—that the Senate resolution, which was first declared to be inferior to that of the House, was more desirable, and in that way this resolution has escaped the final entombment in the Senate, where it never could have been passed, by a reversal of the action of the representatives of this body, who now come here and reverse, in fact—for it makes no difference what explanation is made of the matter, that is the parliamentary effect of it—reverse the views entertained by the Committee on Foreign Affairs and the House, and recommend the adoption of the Senate resolution as better than the House resolution.

Mr. HITT. Will the gentleman permit me?

Mr. BOUTELLE. Certainly.

Mr. HITT. I stated that the conferees of the Senate and the House were of the same opinion at the last conference that they were in the first instance, but that the Senate conferees told us that although there were not more than ten or a dozen men, at the outside, who were opposed to the Senate resolution, yet owing to the antiquated rules of the Senate (and there were only 6 votes against the resolution) that a half dozen men could delay action until the final adjournment of Congress, and therefore owing to these rules of the Senate, in the face of the statement of the chairman of the Committee on Foreign Relations that there was an overwhelming majority in the Senate for the resolutions, for all of them, still that this course was necessary under the circumstances to secure any action. [Applause.]

Mr. BOUTELLE. Now, Mr. Speaker, after this first report and explanation of the Committee on Foreign Affairs, I desire to say that I do not find myself at liberty to account for any action or proposed action of this House by referring to the "antiquated rules" or methods of procedure in the Senate of the United States; and I will only say, in reply to what has been stated by my friend from Illinois [Mr. HITT], that my information as to the complexion of the Senate on that matter is very different. I am informed that a large number of Senators would have voted against that resolution; and the best proof of that is in the fact that the chairman of the Committee on Foreign Relations in that body—or perhaps I ought not to go so much into detail as to say that—that the Senate of the United States abandoned the effort to pass that resolution of the House, went back into conference, and now we are here with the Senate resolution before us. We have had thirty days in which to consider it, and every day of consideration has weakened the feeling in behalf of intermeddling with the foreign affairs of other nations. No man who watches the pulsation of what is called public sentiment can for a moment believe that there is anything like the heat and impetuosity in the public mind to-day on this subject that there was thirty days ago. But whether there be or not, my contention remains, that on a question of this kind it is the duty of the Congress of the United States to obtain requisite information, and to act deliberately and carefully upon absolute facts developed. I say that up to this time I have been unable to find, in any of the discussions, in any of the statements, in any of the information that has been brought to the public, any such demonstration of the actual existence of the fact of belligerency as is required by the rules laid down and that have been recognized from the days of George Washington to the present hour.

Now, gentlemen may say that this is a light thing, because it is not binding upon our Government. We ought not to trifle with a question of that kind. If we propose to interfere, as a Government, in the establishment of the independence of a Spanish colony lying along our shore, we ought to do it manfully, boldly, and specifically, and when my friend from Illinois [Mr. HITT] says that this resolution will be effective; that he assumes that it must be effective because the President of the United States will not disregard the expression of the Congress of the United States, I want to remind him that the Congress of the United States had the power, had the opportunity, to have put these resolutions into such form as would have compelled the action of the President of the United States, and that up to the present hour the record shows that Congress carefully avoided taking such action as would require the President to disapprove or put into force its recommendations. Nothing has been more fully discussed than the different constructions and operations of a concurrent and a joint resolution. There is no joint resolution before this body. The concurrent resolution is one that does not affect the action of the President except by its moral force. And we have abundant information—it comes to us in every way that it could come except by a special message from the Executive—that the executive department of this Government does not believe that a state of belligerency such as will warrant our interference at this time has been demonstrated to exist.

Now, Mr. Speaker, a great deal has been said here about the sentiment of the country, about what the people demand. Why, everyone who advocates a public measure always says that he is the retained counsel or attorney for the people at large. I undertake to say that the public sentiment of this country has not been proclaimed by authority upon this floor by any gentleman who has spoken. I do not pretend to say that I can voice the entire public sentiment of this country, but I do say that I voice what I regard to be a most respectable portion of the public sentiment of the United States. I voice sentiments that I know are entertained by thoughtful, patriotic men of all parties, of all conditions, of all relations in life, who deprecate this disposition which they apprehend, on the part of Congress, to be rushing off hither and yon to embroil ourselves in all sorts of foreign complications, or even to threaten embroilment in foreign wars. I need not cite the expressions that have come to me. They have been numerous, they have been entitled to consideration, and I say as my experience that up to this hour I have not received one communication from a person whom I know to be a thoughtful or considerate person of reliable judgment, in favor of embroiling ourselves in this contention on the Island of Cuba.

Gentlemen need not undertake to apply this opposition to what they call the moneyed classes of the United States, as I have heard upon this floor so often. The sentiment that I refer to comes from the quiet, sober, thinking people of the United States, and there is nothing novel about it.

It has been customary for the sober second thought of our people to be conservative and wise and pacific. The methods that have been employed to stir up this so-called public sentiment are perfectly familiar. Everybody understands how much a certain portion of the press of the United States depends upon sensationalism, and how it is catered to to-day. I have it in illustrated form. I will not take up the time of the House to show the portraiture, but will state the facts. A few days ago a gentleman came to me and unfolded a sheet of paper about the size of a newspaper, upon which was depicted a most revolting scene of the execution of a criminal by the use of the garrote. Every detail of the portraiture was calculated to harrow up the soul of the observer. The taking of human life in any form is revolting to humanity. This gentleman wanted to know from me——

Mr. SMITH of Michigan. Mr. Speaker——

Mr. BOUTELLE. I hope the gentleman will not interrupt me right at this point.

Mr. SMITH of Michigan. If you will permit me later, I will not.

Mr. BOUTELLE. Certainly. I think perhaps my story would be more complete if I should tell it all at once than it would be if I projected it in sections. He said a certain prominent newspaper of this country wanted my opinion as to whether that sort of transaction should be permitted in a civilized age. It represented an execution inside of the walls of Morro Castle. Well, I told him if he wanted my opinion on the general subject I would give it to him. I told him that that question brought up the whole controversy as to the death penalty, and that my friend from New York, General CURTIS, could give him a whole volume on the subject of the barbarity of the execution of men at all. I told him that I had never heard from any man who had been executed that he was particularly in love with the form of taking his life.

So far as the relative barbarity was concerned I could not give testimony as an expert. I had read, I remembered, years ago, when the garrote was invented, that its inventor claimed that it was the most humane method of execution that ever had been devised; that its special recommendation was in some sort of back-action appliance based on the experience of matadors in the bull-fighting arenas of Spain, that to sever the spinal column near the

base of the brain was supposed to be the most painless method of producing death, and that the garrote was constructed on that theory. I did not know whether it was or not. I never had any testimony that I could rely on, but I told him that when it came to determining whether we should recognize the belligerency of the Cuban insurrection by considering whether that was the most painless execution that might have taken place, I thought it a very fallacious argument, because I remembered well that when in the great State of New York, where this paper was printed, the last and highest reach of scientific ingenuity had devised what was claimed to be an absolutely painless method of execution by electricity, the reports through the papers of the first experiments made under that law were more harrowing than anything I had ever read; and, so far as I could judge, it was regarded as a barbarous punishment, although intended to be humane.

At this point I was interrupted by the statement that he did not want that for the paper. "Well," I said, "what do you want?" He answered that they wanted my opinion about the barbarity of the Spaniards in Cuba. They did not want it respecting the methods of execution in New York or in this country. I replied, "Very good; then do not print anything I have said." He finally concluded that perhaps that position was untenable, and said he would print what I had to say. I then said to him that the old method that had been in vogue for generations, of putting men to death by a rope halter, had produced scenes of barbarity in this country that made humanity shudder, such as could not be exceeded, that could not be described; therefore I did not see that the depicting of an execution was a legitimate method of convicting a cause. Still, when the time came around, the picture of Spanish barbarity appeared in all its horrors. I presume gentlemen here have all seen it. With it were several gentlemen's opinions of the horrible character of this scene. These interviews accompanied it; but none of my remarks appeared. It was not in the line of "firing up" sentiment on the Cuban question to print anything but an expression of horror at something the Spaniards had done somewhere.

Now, Mr. Speaker, that only illustrates the method that is employed to stir up sensational feeling in this country on one side of a controversy about a contest that has been carried on in a foreign country.

Mr. STEWART of New Jersey. Does the gentleman from Maine mean to say to this House that the feeling of the sober and intelligent people of this country is not in sympathy with the Cubans?

Mr. BOUTELLE. I mean to say that I will not admit that it is the judgment of the sober and intelligent American people until I get through trying to state my position to this House. [Laughter.]

Mr. STEWART of New Jersey endeavored to address another question to Mr. BOUTELLE.

Mr. BOUTELLE. I can not yield to the gentleman.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. HOOKER. Will the gentleman from Maine yield to me while I submit a privileged report?

Mr. BOUTELLE. Yes, sir.

Mr. HOOKER. I am directed by the Committee on Rivers and Harbors to report the bill (H. R. 7940) making appropriations for construction, repair, and preservation of certain public works and rivers and harbors, and ask that it be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON. Mr. Speaker, I desire to reserve all points of order against this bill.

The SPEAKER pro tempore (Mr. DALZELL). All points of order will be reserved.

Mr. HOOKER. I ask that the report may be submitted for printing to-morrow.

The SPEAKER pro tempore. Without objection, that leave will be granted.

There was no objection.

Mr. GROSVENOR. Mr. Speaker, I desire to reserve the point of order on the first paragraph of the fourth page. I desire to have it decided in the House, and I make the point now, so that I can have it here when the bill comes up in the House.

The SPEAKER pro tempore. The point of order will be reserved.

CUBA.

The SPEAKER pro tempore. The gentleman from Maine.

Mr. SMITH of Michigan. Will the gentleman yield to a question now?

Mr. BOUTELLE. What is it?

Mr. SMITH of Michigan. Mr. Speaker, I want to ask a question of the gentleman from Maine. It is very brief. He said a moment ago that he had not heard a single expression in favor of recognition——

Mr. BOUTELLE. Well, now, Mr. Speaker, from the way the gentleman is proceeding he is going to predicate a question on something I did not say, and by that means he will waste my time and his.

Mr. SMITH of Michigan. What did you say?

Mr. BOUTELLE. I said I had received no communication of the kind.

Mr. SMITH of Michigan. I will ask the gentleman if he has seen the resolution adopted by the Republican convention of Massachusetts, which declares for the recognition of the belligerency in Cuba. [Loud applause.]

Mr. BOUTELLE. I will say to the gentleman that I have received no communication from that source.

Mr. HENDERSON. Read the hearts of the American people and you will find that expression. [Great applause.]

Mr. BOUTELLE. Very good. Here is one more gentleman who represents the American people.

A MEMBER. And he is right.

Mr. HENDERSON. I am with them; I can tell you that. [Loud applause.]

Mr. GILLETT of Massachusetts. Will the gentleman permit me a moment?

Mr. BOUTELLE. I yield to the gentleman from Massachusetts.

Mr. GILLETT of Massachusetts. I wish to correct the statement just made by the gentleman from Michigan, in saying that the platform adopted by the Republican convention in Massachusetts demanded the recognition of Cuba. No doubt he did that unintentionally; but it made no such statement.

Mr. SMITH of Michigan. Will the gentleman quote from the language?

Mr. GILLETT of Massachusetts. I do not carry it in mind. I only know that they did not recommend the recognition of belligerency in Cuba.

Mr. TAWNEY. The gentleman doubtless referred to the platform of the Republicans of Minnesota. [Applause.]

Mr. BOUTELLE. Well, Mr. Speaker, if I can keep Presidential politics out of this debate until I can get through with my speech, I should be very much pleased.

Mr. HENDERSON. Who has injected them, Mr. BOUTELLE?

Mr. BOUTELLE. I have not.

Mr. HENDERSON. I have not.

Mr. SMITH of Michigan. And I have not.

Mr. HENDERSON. The man who makes that insinuation is saying something very far from the truth.

Mr. BOUTELLE. I did not get up in favor of a Presidential candidate. It has got to be very nearly a political debate.

Mr. SMITH of Michigan. They come very near being the expression of public opinion, too. [Laughter.]

Mr. BOUTELLE. Very good; I will take care of that.

Mr. SMITH of Michigan. You will in Massachusetts, but we will in Michigan.

Mr. BOUTELLE. No; I will not in Massachusetts. Massachusetts will take care of herself, and she will be taken care of on this floor by the men who have been elected to represent her here.

Mr. SMITH of Michigan. Not by the gentleman from Maine.

Mr. BOUTELLE. No, sir; the gentleman from Maine has no desire to represent Massachusetts; nor to represent Michigan, either. [Laughter.]

Mr. SMITH of Michigan. And Michigan has no desire to be represented by the gentleman from Maine. [Laughter.]

Mr. BOUTELLE. Very well; if the gentleman will remove Michigan from this arena until I get through with my speech, I shall feel obliged to him.

Mr. SMITH of Michigan. That is something that you can not do.

Mr. ADAMS. Will the gentleman yield for a question?

Mr. BOUTELLE. No, sir; and when I say that, I intend, as my friend very well understands, no discourtesy to him.

Mr. ADAMS. I understand that; but I was just going to ask who is to be the next President of Cuba? [Laughter.]

Mr. BOUTELLE. It does seem to me, Mr. Speaker, that if a man stands here alone, as so many gentlemen are very anxious to have it appear that I do, he ought at least to have an opportunity to express his views, and I want to say to you gentlemen that I propose to exercise the right to make my own speech.

Mr. SULZER. We are glad you stand alone.

Mr. BOUTELLE. The gentleman from New York [Mr. SULZER] would evidently have been glad to have stood somewhere else a few days ago, when he stirred up the wrong man here.

Mr. SULZER. In this case you are the "solitary horseman" that G. P. R. James used to tell about. [Laughter.]

Mr. BOUTELLE. Now, Mr. Speaker, I desire to resume my discussion of these resolutions, which are intended to express a quasi recognition of a state of war in the Island of Cuba, and I repeat with emphasis that if gentlemen in discussing this question, which is one of international and not of Presidential politics, will be kind enough to keep the Presidential question out of this debate, I shall not bring it in. I called attention a few moments ago to some of the methods of inflaming public sentiment that have been resorted to in this Cuban matter, and I denounced those methods.

I do not believe that the opinion of any citizen of the United States, or of any Representative of the American people, or of any Senator of the United States, ought to be influenced by the depicting of scenes of alleged horror, about which we have no evidence, concerning which we do not know the facts. You can not indict Spain, you can not indict the Cubans, upon a lithographic representation of the taking of human life under circumstances that are unknown to you.

If you could, the people of this country might stand indicted to-day for scenes of horror in the taking of human life which, so far as my observation has gone, are unparalleled either in Spain or in the history of the civilized world. It ill becomes us to stand here and denounce a people as barbarians because life is taken among them by means recognized as lawful in that country, when only a few months ago the press of our own country was teeming with descriptions of the most horrible orgy in the sacrifice of human life ever reported in print. While the memory still exists among us of a human being bound to a gridiron of railroad bars, burning and writhing in a public square, amid the applauding shouts of a portion of the populace, when the very paper which has given us this representation of barbarity in Cuba itself recorded the fact that water was put on the despairing victim from time to time to alleviate his sufferings for the moment only in order that they might become more agonizing by the relighting of the flames—while the memory of that transaction is still fresh in our minds it ill becomes us to go into paroxysms of horror over an instance of the execution of some man, I know not whether justly or otherwise, and to point to that execution as showing such a barbarous condition of things that the United States must rise in its wrath and cross the Gulf and take possession of the island where the transaction occurred.

Mr. GROSVENOR. Will the gentleman permit me to ask him a question?

Mr. BOUTELLE. I will, if the gentleman feels that he must do it. [Laughter.]

Mr. GROSVENOR. Is there not a wide difference between barbarity perpetrated by national authority, under the law, and barbarity perpetrated by an incensed mob?

Mr. BOUTELLE. I will answer the gentleman from Ohio by saying that if human life is to be taken, I am always in favor of its being taken by legal process rather than by a mob. [Applause.] I will say to the gentleman further—and I know he does not misunderstand my position on this question, for he knows perfectly well what I am endeavoring to demonstrate, and in his heart he believes in it—that it will not do to indict a people or a government merely because somebody has been hanged by it under certain circumstances, or because some one has been garroted under the forms of law, and I want to say further that my sympathy is always with the people who, if they have to take human life, take it under the forms of law and by legal methods, rather than with those who do it by violence and outrage, or who permit or condone such things.

I am not in favor of either. I do not want to see human life taken anywhere. Nobody in this House mistakes my attitude in using this illustration. I protest against that method of inflaming public sentiment. It is no more just to Spain (whatever may be the merits of this controversy) to parade an execution inside Morro Castle by presenting nothing but the bare, naked horror of the infliction of death than it would be to indict the United States or the great State of New York upon an engraving or a lithograph showing the miserable victim writhing in the "electrocuting" chair, with the smoke of his death fire assailing and offending the nostrils of humanity. That is what I am trying to enforce; and I undertake to say that two-thirds at least of what has been brought to bear upon public sentiment in this country in regard to this Cuban question has been through methods like that.

Now, Mr. Speaker, suppose all this horror is true; suppose that barbarities are being carried on in Cuba. Without the interposition of a link of logic gentlemen jump instantly from the assertion or declaration that wrong exists somewhere to the conclusion that it is the duty of the United States of America to rise up in arms and right the wrong. I deny it. I deny it on the authority of the fathers of the Republic. I deny it in the name of the public policy of the United States that has been indorsed by every great statesman whose name is embalmed in our history. We can not right all the wrongs in the world if we try; and if we make the attempt we abandon the mission which is given to us of working out the destinies of a free people whose example of self-government, of self-control, of the creation of liberty and prosperity within their own domain, will do more for liberty in every land than all the foreign embroilments we could enter upon in generation after generation. [Applause.]

It is not our duty to be the Don Quixote of the earth; and if it were, we are not capable of performing the function. Why, sir, there are people in this country to-day—not my enthusiastic friends around me here, but there are old-fashioned people in the country to-day—who really entertain serious doubts as to the ability of what we call the Government of the United States—the House, the Senate, and the Executive—to successfully run this Government of ours. There is quite a respectable number of people entertaining that opinion. Yet here we are, every man looking into every other man's face and acknowledging—no man denies it to-day—that as we are now situated, with our three coordinate branches, we can not enact legislation to give this country money enough to pay for its daily bread. That is true, is it not? If it is not true, let us have some enactment to fusnish revenue for the Government of the United States. [Applause.] We are here to-day acknowledging in private and in public that this great Government about which we swell and strut and orate so magniloquently is not able to enact a law that will enable this country to obtain revenue or to borrow money with which to pay its debts. Yet we are absolutely aching to waltz out into the international arena and "lick" all the other nations of the world. [Laughter and applause.] I am glad to be complimented by being designated, however conspicuously, as one man who does not believe in that sort of nonsense.

Mr. MAHON. Will the gentleman allow me to sak him a question?

Mr. BOUTELLE. I wish you would not.

Mr. MAHON. It is a short one.

Mr. BOUTELLE. I am just getting under way——

Mr. MAHON. If Spain should declare war against this Government the gentleman will find that we shall have men and money and power to take care of her.

Mr. BOUTELLE. That is the gentleman's argument, and I will let it stand right in the midst of mine. So much weight as it carries in answering my statement I hope it will have.

Mr. Speaker, a few weeks ago the country was startled by an experiment of our executive department in this line. You remember, I remember—I was here; I was lonely here then; I am not so lonely now—the President of the United States, returning from a sojourn in the swamps of North Carolina, where his prowess in the demolition of waterfowl had been so great as to cause him a sudden fit of belligerency [laughter], rose up in his wrath and sent out a message that rang with all the emphasis of a slogan of war to Great Britain. Oh, it was a ringer! [Laughter.] Inside of twenty minutes after that message came here I was "held up" by more than forty newspaper men, who wanted me to give my judgment upon this "magnificent manifestation of Americanism by our great President." "Why," they said, "he has called Great Britain down; he has told John Bull that he can go no farther; he has given the British lion's tail the most terrific twist in the history of diplomacy."

Mr. MAHON. And England has not gone any farther, either.

Mr. BOUTELLE. Now, if the gentleman wants to make my speech, I will give him the floor. But I am just at this moment getting warmed up, and I am inclined to the opinion that I can make a better speech from my point of view than he can. If he will let me do it I shall be glad.

That magnificent declaration represented the Chief Magistrate with the full epaulets of Commander-in-Chief, with a plume taller than the one worn by the bandmaster at West Point, with a sword 10 feet long and spurs 4 feet broad, standing on the shore of the Atlantic and shouting across the water, "Fee! fi! fo! fum! I smell the blood of an Englishman." [Laughter and applause.]

Mr. Speaker, that was on Tuesday afternoon. It was just before the Christmas holidays; and just four days after that (in the interval of which time John Bull, I am bound to say, had exhibited a degree of candor, coolness, and civility that we might well have imitated, during which time the only effect on international affairs the world over was the tumbling home of American securities at a rate that created a panic in Wall street and came near submerging the country), four days after that, as Congress was packing its grip, with a keen appetite for the Christmas turkey, and when about wending its way to the delights and recreations of home, our great American champion, with his plume broken in the middle, his sword dangling between his legs, one epaulet lost, and his spurs tangled in his pantaloons, came hurriedly rushing to the Capitol with the plaintive appeal: "For God's sake don't go home; we haven't money enough to run the Government until after Christmas!" [Applause and laughter.]

There are men in this House who thought that a marked demonstration of a "strong and vigorous" foreign policy. [Applause and laughter.] There are men here now who think to-day that it was a creditable episode in the career of the United States, and how do they seek to prove it? Why, I heard a man within a few hours past claiming to me that that was "splendidly successful." Why? Because Great Britain, showing more sense than we did, had declined to be driven by that course, by that undignified and unprecedented message, into precipitating a war with us, for they had sense enough to know that if we did succeed in getting into a war it would have the effect of arresting the march of progress by a hundred years, and would inflict untold misery and misfortune on the two great English-speaking people of the world, who

Mr. BOUTELLE. Well, now, Mr. Speaker, from the way the gentleman is proceeding he is going to predicate a question on

some of the methods of filibustering public sentiment I have resorted to in this Cuban matter, and I denounced those methods.

ought to stand side by side in the onward march of Christianity and civilization. [Prolonged applause.]

Mr. Speaker, I do not want to repeat that experience. I say to my fellow-Representatives here, when they talk of what "public sentiment" is, and what the clamor out of doors is, I want to ask, what is their duty here? Why do you not try to elevate public sentiment? Why do you not perform your duty, and endeavor to lead public sentiment in this country? Why should the representatives of the people on the floor of the House of Representatives be blown hither and yon like waste paper in the street corners on a windy day? The people, my associates, are looking to us. They think we ought to know more about these things than they. I think we ought to know more about them; and I think we ought to know a great deal more of the Spanish-Cuban controversy than we do now before taking the action that is suggested here and which might plunge us into the complications of a foreign war.

Somebody says, "Oh, Spain don't amount to very much anyhow. We can lick her easy." How many lives do you want to sacrifice to do it? Somebody said that the adoption of this resolution will not bring on a war. But why run the risk? It has been suggested, doubtless because of my opposition to this resolution and the policy it inaugurates, that the opposition was not that of a very brave man. I make no boast of bravery, and I did not hesitate to say that war is horrible. William Tecumseh Sherman said, "War is hell," and he knew a great deal more about war than I do. We should not permit ourselves—we can not afford to be rushed by popular clamor into what is unjustifiable and what is against the best interests of our country. Stop and reflect what it is that you propose to do.

Mr. Speaker, I think I have just as much sympathy, so far as my capability goes—for we are all different in our make-up—I think I have as much sympathy for people striving for freedom as as any other living man. I think I love liberty just as well, and think I sympathize as much with the necessities of other people and their misfortunes, as well as their efforts to gain freedom. But, Mr. Speaker, at the same time, we present a most remarkable spectacle here, when in our own country, even in the Republican party, there has come to be apparently either a tacit consent or an admission that we, with our Constitution, with our laws, and with our forms of government, are unable to maintain the independence and the liberty of our own citizens.

It is declared on this floor in every election case. We have that great race of people—I do not know of how many souls it consists, eight or ten millions of colored people, I believe—concerning whom it was said on yesterday by my distinguished friend from Iowa [Mr. HEPBURN] and by other gentlemen in the course of the discussion that over a vast expanse of our own country there are these millions of people who are still denied some of the most sacred rights guaranteed to the people of this country in the Declaration of Independence. With this condition confronting us, it is strange, indeed, for us to insist that the first duty resting on us is to dash across the Gulf of Mexico and establish and maintain the independence and freedom of the insurgents in the Island of Cuba. I can not so understand it. I do not believe it to be our duty.

Now, Mr. Speaker, how do we get the information that we have upon the subject? I desire to be clearly understood. I desire in every possible way to avoid anything that might be construed into a criticism of either the action or the great ability of the distinguished chairman of the Committee on Foreign Affairs. But I recognize that the pressure or the clamor, the persistence of what is called "public sentiment," sometimes sweeps a committee off its feet, and even Congress itself is at times swept from its moorings. But permit me to call your attention to the fact that in this great matter we have had no facts officially stated to us that would warrant the action proposed in running counter to the best judgment of our conservative people, while I am at liberty to say, from what already appears as exhibited in the action or the nonaction of the Administration, that the President and his advisers have not received information, officially, that they deem such would justify them in granting belligerent rights.

I am bound to believe that the Chief Magistrate of this country, with such information in his possession officially, would not delay an hour, and the fact that recognition has not been extended is evidence that there is no such information, and none such has been sent to Congress. We have statements, we have eloquent appeals, some of them from questionable sources. My attention was called the other day to an article in a New York paper in behalf of Cuba. Some gentleman has kindly disturbed my papers to which I wished to refer. I am under great obligations to him. You see this determination to interfere with other people's business is individual as well as collective. [Laughter.] It has taken possession of this body not only collectively but individually.

Well, my memory is pretty good, although it is a little more forceful to read the exact language. As I say, there was an article in a New York paper the other day, a very eloquent article, in behalf of the Cuban cause and denouncing Spanish outrages. It was signed by a man named Pierras. He spoke of the horror of the outrages upon Cubans, presenting them in the most lurid light. It turns out that this same man was once connected with the Pan-American Congress here, from some other portion of the civilized globe; that he made himself very obnoxious; that he was finally sent away by Mr. Secretary Blaine or discontinued in his position, and that he then attacked the American people in a most scurrilous article. The RECORD which I had here, which some friend of the insurgents has undoubtedly abstracted [laughter], and very wisely, too, contained a debate in the Senate to a portion of which I desired to refer. When that man was spoken of as sponsor for certain statements derogatory to the American people, just after the adjournment of the Pan-American Conference, Senator HAWLEY arose and denounced him as a liar and a blackguard. General HAWLEY is not a man who often resorts to that sort of explosive remark. He repeated it two or three times. Ah, my good friend from New York [Mr. RAY] has rescued the volume to which I desire to refer. This article was read, when Mr. HAWLEY arose and said:

I wish to inquire, in the first place, whether the Senator knows who wrote that; and, in the next place, whether it is quite fair and decorous and civil to foreigners and to respectable gentlemen in America to read us that mass of irresponsible blackguardism.

Then Mr. VEST said:

Whoever he is, he is the secretary of a society in the city of Buenos Ayres, and accompanied the delegation from the Argentine Republic to the Pan-American Conference.

Mr. HAWLEY. I regret, Mr. President, that I must leave town, but I wish to leave my parting remark that he is a liar and a blackguard.

A few days later Senator FRYE, of Maine, referred to the very same person in the following remarks:

Mr. FRYE. The Senator from Missouri [Mr. VEST], in a speech made in the Senate a few days ago, I am very sorry to say, caused to be read a letter, in my judgment a very infamous letter, in which the writer attacked grossly the character and qualifications of the American delegates to this Pan-American Congress, and in the course of his speech the Senator said that this person was connected with the Argentine Republic delegation, and, as I understood him, was a resident of that country.

Now, as a matter of fact, Mr. President, this man was a Cuban, never had been in the Argentine Republic in his life, had been a resident of New York City for fifteen years, engaged in merchandising. He could talk the Spanish and English languages equally well, and either by his own exertion, or in some other way, he became an invited guest with the members of this congress in their tour of the United States. He made himself of some use on account of his knowledge of the two languages. He made the members and delegates acquainted with each other, and when he came back to Washington he was elected as one of the secretaries of this conference. The American delegates voted for him for that position.

These very gentlemen whom he abuses so outrageously in that letter undoubtedly gave him this position of secretary. He had not been secretary a week before he began to make trouble. He assumed that he was bearing the full responsibility and the entire dignity of the international conference. He insisted upon constant personal interviews with the Secretary of State. He carried that to such an extent that the Secretary was compelled, in defense of himself and his office and his business and his duties, to refuse personal interviews to this man. Thereupon there was a revolt and trouble, and he tendered his resignation.

He next insisted that his pay was too small. His pay was $300 a month; as much, I think, as the pay of any head of a bureau in the city of Washington, is it not? I ask the Senator from Missouri [Mr. COCKRELL]. It is larger, at any rate, than that of any clerk in the city of Washington and a very liberal salary for the duties he performed. They refused to increase his pay, and thereupon he tendered his resignation, and, I think, five times the resignation of this man was tendered to that conference, and at least four weeks were wasted over the quarrels and controversies and perplexities induced by this man.

Finally he offered his resignation once too often, and it was promptly accepted, and immediately he was in arms against the delegates representing the United States, and wrote this letter as a kind of circular to be distributed all over the Latin-American countries, abusing and traducing the American delegates in order to send broadcast over those countries the idea that the United States had selected fourth-rate men to meet the gentlemen from those Republics, and that that indicated the estimate which the United States was placing upon the gentlemen who had been sent here as delegates from those Republics.

I simply desired to make this statement so that it might be understood why this attack was made upon the United States and upon its delegates.

Now, I will not emulate the example of some people in this debate by saying that that discredits the Cuban cause, that every Cuban revolutionist is a "liar and a blackguard." I have no such idea; but I say that is one man whose testimony is being adduced to govern the opinions of American citizens and Representatives in regard to that matter.

Now, in regard to the actual status of the conflict, I make no confession when I say I do not know what the facts are; and I am as much in that position to-day as I was when this matter was first brought up. I read articles in the newspapers. They are colored on the one side and on the other. I understood my distinguished friend, the chairman of the Committee on Foreign Affairs [Mr. HITT], to say that he has no knowledge of any Cubans being engaged in fighting against the rebellion.

Mr. HITT. I said I had no personal knowledge on the subject.

Mr. BOUTELLE. The gentleman said he had no personal knowledge. Mr. Speaker, neither have I; but I have the distinct averment, that comes from different sources, one of them the paper to which the gentleman referred, and which has been sent, I presume, to other members, a respectful document, purporting to be signed by gentlemen of Spanish blood in New York. I do not know who

they are. I do not know how truthful their statements may be, but I insert the letter in the RECORD. It is as follows:

NEW YORK, *March 23, 1896.*

To the Congress of the United States:

At a meeting of native Spaniards residing and doing business in New York, friendly to the Government and people of the United States, and strongly desirous that the friendship between our nations shall stay unbroken, the undersigned were this day instructed by such meeting to make to you, in the spirit of that friendship, a statement of important facts, in correction of widespread misrepresentations, and in the hope that the spread of truth will prevent misunderstandings.

Spain, though once a despotism, is now a free land. In the past fifty years, step by step, freedom has been established. Spain is now governed by a parliament elected by the people, with universal suffrage.

In the same way, step by step, liberty has been established in the Spanish colonies. Cuba and Porto Rico are allowed to choose more than 60 members of the parliament of Spain.

This is a far greater liberty than Britain allows to the neighboring colony of Jamaica or to the Dominion of Canada—a far greater one than Britain ever allowed to any colony.

Had Britain let the North American colonies choose members of the British Parliament the American Revolution might never have occurred. Just what Britain then refused to North America—representation in connection with taxation—Spain has granted to Cuba. In fixing the taxes, not only in Cuba but in Spain, Cuba's representatives have votes.

The whole general taxation in Cuba, with more than a million and a half people, and territory about the size of Pennsylvania, Ohio, Virginia, or Tennessee, is only $22,000,000 a year.

Cuba has fewer people than the city of New York. Its total taxes are about half the taxes of New York for city use alone. Cuba's taxable property is about as much as that of Boston. But Boston and New York's city tax rates average over 1 per cent. Cuba's tax rate for all general purposes is less than 5 mills on the dollar. Cuba's sugar and tobacco products are about $100,000,000 a year. The taxes on these are about one-fourth of 1 per cent.

Such are the fruits of representation. The deputies are chosen by vote of all adult male citizens who pay $5 a year taxes. Men can also vote on taxes paid by their mothers, wives, and children. Holders of school or college degrees can vote without paying taxes.

Every province has its legislature and every municipality has its council, chosen by the voters therein. These councils and legislatures, with leading taxpayers, choose the senators from Cuba in the parliament of Spain.

Cubans are appointed to all public offices in Cuba as well as in Spain. Very many such offices in Cuba are filled by native Cubans, subject only to civil-service rules. The rector of the University of Havana is a Cuban. The faculties of all the colleges and the teachers of public schools are mostly Cubans. The courts contain 36 judges, 27 of whom are Cubans.

The parliament of Spain, with the full consent of Cuba's representatives therein, years since abolished slavery.

The presence of a great mass of freedmen, still burdened with the ignorance due to bondage, and the insurrections of a small but turbulent portion of these freedmen, with a small part of the more ignorant and idle white men, have obliged the parliament of Spain to go slowly and cautiously in extending freedom and home rule to Cuba. But two years ago the representatives from that island of all parties unanimously agreed on a bill transferring the administration of Cuban affairs to a colonial council, and this bill, asked for by the whole Cuban delegation and by all parties in Cuba, the parliament of Spain, on motion of Señor Abarzuza, minister for the colonies and himself a Cuban, enacted as a law.

The great majority of the people of Cuba, having got what reforms they asked, are satisfied to remain in the Spanish Empire. But the insurrectionists, who are but a small part of the people, mostly ignorant, violent, and lawless, whose chief leaders are foreigners or natives of Cuba whose long absence from the island prevents them from understanding the present state of affairs, and who are supported by the contributions of absentees equally ignorant—these insurgents refused to acquiesce in the reforms achieved, demanded what the mass of the people do not desire, independence, and, under cover of this unpopular demand, are roaming through the country, committing all sorts of misdeeds, and preventing the industrious poor from earning their living, and on the approach of troops retreating into the mountains.

When in 1861 attempts were made to overthrow by arms and force the Government of the United States, the American people declared that this should never be: that any change should come through peace and not through war; and they sternly crushed the effort at armed revolution and forcible separation. This is the precise situation in Cuba to-day. Armed revolution and forcible separation the people of Cuba do not desire. Though Cubans are not required to do military duty, 40,000 Cubans are voluntarily fighting side by side with Spaniards to suppress disorder and crime, uphold law, freedom, and safety to property and life, and enable the masses to earn their living in peace. The people of Cuba are now doing what the people of America did in the same situation; and they desire the sympathy of America. They will never submit to be ruled by such men as the insurgents show themselves to be. To be ruled by such men means the ruin of the industries and commerce of Cuba by the dominion of ignorance, tyranny, and fraud. The owners of over $800,000,000 of property are under arms, operating in the field to suppress these men and restore order. Three hundred Cuban officers, from major-generals through all ranks, are on the rolls of the army; and not one has joined the disturbers.

Very respectfully,

B. SONTO,	JOSÉ E. GARCIA,
LAUREANO F. AUJA,	ARTURO CUYÁS,
QUINTIN GARRETA,	ANTONIO CUYÁS, JR.,
FRANCISCO GARCIA,	I. V. ABUO,
CESAREO VIGIL,	MANUEL BUENO,
JOAQUINO MENENDEZ,	ADE SILVA,
REMIGIS JIMENEZ,	F. TOLEDO,
PEDRO R. DE FLOREZ,	V. TOLEDO,
EMILIO M. CASTILLO,	R. TINOCO,
C. ROSICH,	REGINO TRITEZ,
EMILIO PUIG,	CIRIACO VIODERO,
R. PERA,	FELIPE CHIRINO,
X. CAIRE,	*Committee.*

Has my time expired, Mr. Speaker?

The SPEAKER pro tempore (Mr. DALZELL). The gentleman has a half minute remaining.

Mr. BOUTELLE. Considering the interruptions to which I have been subjected, I will ask the House for a few minutes longer. I should like twenty minutes.

Mr. HOPKINS. I ask that the time of the gentleman be extended until 5 o'clock, the time when we take a recess.

Mr. MILLIKEN. I hope my friend's time will be extended, but I should like to ask him a question right where he is now.

Mr. BOUTELLE. I hope my colleague will not interrupt me.

Mr. MILLIKEN. I will not interrupt you.

The SPEAKER pro tempore. Unanimous consent is asked that the gentleman's time be extended until 5 o'clock. Is there objection?

Mr. SKINNER. I object.

The SPEAKER pro tempore. Objection is made.

Mr. CANNON. I hope the gentleman will not object.

Mr. HITT. Mr. Chairman, I ask that the gentleman's time be extended until within five minutes of 5 o'clock. The gentleman from North Carolina [Mr. SKINNER] desires five minutes.

Mr. LIVINGSTON. The gentleman from North Carolina [Mr. SKINNER] must leave for home this evening, and he is entitled to the recognition which is asked.

Mr. MILLIKEN. Mr. Speaker, there are other gentlemen who would like to be heard. I should like to speak on this question myself, but I will yield to my colleague what time there is to-day.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois that the time of the gentleman from Maine be extended until five minutes to 5 o'clock?

There was no objection.

Mr. GROSVENOR. Mr. Speaker, I should like to inquire whether it is proposed to have a session of the House to-morrow, or to adjourn over until Monday?

Mr. HITT. I hope we can have a session to-morrow. This matter has been deferred a long time.

Mr. BOUTELLE. My time is slipping along very fast——

Mr. HOPKINS. Regular order, Mr. Speaker.

Mr. BOUTELLE. Mr. Speaker, I will not abuse the patience of the House. I have very few words of my own to say, but I desire to call the attention of this House to words that have been uttered by men who ought to be heard, and heard respectfully, by the American Congress. First, however, in regard to this matter of the actual status in Cuba. I have received another document, concerning the accuracy of whose statements I can not vouch, but it comes to me under the authority of a respectable publication. It is the organ of the building and loan associations of the United States. It claims to represent 6,000 of these associations, which we all recognize as among the most useful in our country. This paper editorially states that it had taken pains to look into this matter or into some contradictory statements that had been made, and it gives its conclusions, some of which I desire to call to the attention of the House for what they may be worth. It says:

UNMASKED—READ THE TRUTH ABOUT THE "REPUBLIC OF CUBA."

Our proposal, in our first edition this month, that both Spaniards and Cubans stop fighting and that the whole people of Cuba freely discuss their form of government and settle it by peaceful vote—which proposal will also be found in this edition—is so new and so fair that it gained prompt and wide attention. From many quarters come facts and points which throw strong light on the case.

So much has been said that we have investigated for ourselves.

Here is what, to our astonishment, we find:

The American press and public are misinformed and misled.

A great party of Cuba's people oppose independence.

In fact, this home-rule party, the "Autonomists," who prefer to remain in the Spanish Empire, are the great mass of the people.

A more astonishing fact is that many Cubans, both there and elsewhere, who are opposed to the "Republic of Cuba" dread to say so. They fear that these self-styled "republicans" will ruin their property, harm them in business, or commit outrages on their families and friends, as those separatists are daily doing to others.

We have tried hard to get these gentlemen in this country to speak out; but they dare not.

They complain bitterly that the truth and the views of the great majority of Cuba's people are not known to the American press and people—are carefully withheld; and these Cuban gentlemen desire us to make known to the journals and citizens of this country the facts we have learned.

Here they are:

The "Republic of Cuba" is a fraud.

Cuba's people are not fighting for independence.

They are fighting against it.

Forty thousand Cubans are in arms to prevent it.

These 40,000 men are not in the Spanish army. They have volunteered as soldiers against independence; to put down the so-called "Republic."

They own nearly all the property and pay nearly all the taxes of the island.

If they are satisfied, what right have others to complain of the taxes?

Especially, what right have those who do not pay taxes to make those taxes an excuse for war, plunder, rapine, arson, and murder?

Three hundred Cubans are officers in the army and navy of Spain. They hold all ranks, from second lieutenants to major-generals.

Not one of these 300 Cuban officers has joined the "army of the Republic." They are fighting against it.

Not one of the three political parties—Conservatives, Reformers, Home Rulers—desires independence.

The "army of the Republic" are small bands, like the "jayhawkers" of our civil war, the guerrillas of Spain, the brigands of Italy and Sicily, the buccaneers of the West Indies. They fly party flags to cloak their crimes. When troops come near, they hide in woods, swamps, and mountain dens.

Their leaders—Gomez, Gil, and Roloff—are not Cubans. Gomez fought to subject his own country, San Domingo, to Spain. He sold the Cuban rebels out to Spain in 1878. He later tried to prove in public that Cuba never should be independent. These leaders are professional soldiers, adventurers, habitual disturbers.

General Sherman made short work of such men here.

They are not supported by the people, but by foreigners and absentee Cubans, who do not know the present state of things.

The cry that Cuba's people are fighting for freedom and self-rule is false. They have freedom and self-rule now, except as rebellion prevents.

Spain was a despotism. So was Cuba. Spain was oppressed and robbed thereby. So was Cuba, but not worse than the mother land. Spain was almost ruined.

Let practical men not confuse their minds by mixing the misdeeds of the dead with the doings of to-day.

Spain now is a free country, ruled by a parliament chosen through universal suffrage.

In this parliament Cuba has 64 representatives.

Forty-six deputies are elected by all adult male citizens, of every race, who pay, or whose families pay, $5 a year taxes, and all such who have taken degrees in schools or colleges need not even pay this small sum.

Every province has its legislature; every town its council, chosen by these voters.

These legislatures and councils, with the main taxpayers, choose the 18 senators from Cuba.

The general taxes are laid by the parliament of Spain, in which Cuba has these 64 votes, cast by representatives chosen by the taxpayers.

The statement that Cuba is "fighting against taxation without representation" is absurd.

Cuba's delegation, voting together, can hold the balance of power between parties in Spain—can turn out of power any ministry that refuses their demands.

Is not this "representation"?

Had Britain given America 50 members in the House of Commons and 20 in the House of Lords—had she enabled America to vote on the taxes, to hold the balance of power in Parliament, and to turn out of power any party and any ministry that refused American demands—Americans would have had no cause to complain, no wrong to resist; the American Revolution would not have occurred.

Spain treats Cuba better than Britain treats Jamaica, Guiana, or Canada. Not one representative from any colony votes or sits in the British Parliament.

None ever did.

Britain's Parliament never enacted reforms in these colonies on request of colonial members. There were none.

But the ports of Cuba were opened to the trade of all the world at the request of a Cuban deputy, Señor Arango, a leading journalist of Habana. The Spanish Government granted all the reforms which he requested in the course of many years; and, far from punishing him, made him a member of the imperial council for the colonies in Madrid, and later a member of the Spanish house of lords, which has since been abolished.

Britain never made a colonist an officer of the House of Commons. But in the late parliament of Spain a Cuban, Señor Francisco Lastres, of Habana, was elected by the Spanish majority vice-president of the house of representatives.

Britain never made a citizen of Jamaica, Guiana, or Canada minister for the colonies; but the late parliament of Spain made a Cuban, Señor Abarzuza, minister for the colonies.

The whole representation from Cuba, of all parties, in that parliament united on a bill transferring the main administration of Cuban affairs from Madrid to Habana and creating a colony executive council. This Cuban measure the parliament, on motion of that Cuban minister for the colonies (Abarzuza), unanimously enacted into a law. It has been delayed in execution only by the insurrection.

The Cuban delegation, of all parties, even the most radical, consented, in order to get the executive administration transferred to Habana, consented that the home Government should reserve the right to confirm or reverse the colony council's acts, should appoint half the members (the other half being elected by the taxpaying voters of the provinces according to population), and should continue to appoint the governor-general of the colony; that he should preside over the council, decide questions in case of tie votes, and suspend members if necessary.

This is the common course when any colony is first intrusted with self-government. Having got this much by peaceful methods, and these reservations being accepted by the whole representation of the colony, there is no excuse whatever for violence and blood. Peaceful means, step by step, will complete the work.

The parliament of Spain years ago abolished slavery in Cuba, established freedom of the press, and secured personal liberty to all.

If Cuba's people ever do desire independence, it can, and should, be had without war and carnage.

The greatest of all crimes is to begin a war. William T. Sherman, General-in-Chief of the United States Army, said truly, "War is hell!" It includes crimes of every kind.

The insurgents had no ground for beginning war; and their record is a frightful mass of crimes—robberies, murders, arson, wrecking railroads, ruining bridges, destroying buildings and crops, undoing the industrious work of years, and, worse than all, starving thousands of honest workmen by forbidding them to make sugar, and so earn their bread. These bandits deserve no sympathy or recognition from America. They deserve the fate they suffer when they are caught, the same that guerrillas met in our civil war. No act nor word of the American people or Government should give them the slightest aid. Nor should the money or blood of our people be spent to help them.

This country has no business meddling with matters elsewhere. With territory as large as all Europe and 70,000,000 people—as many as England, Scotland, Wales, Ireland, Holland, Spain, and Portugal together—far more people than Canada, South America, and all America besides—we have all we can do to manage our own affairs.

The disturbers who are trying, in Congress and outside, to draw this country into such meddling are seeking to repeat the stale trick of tyrants—make war to divert the public from wrongs at home—or to fill their pockets at the cost of their countrymen's cash and blood.

We do not take the side of Spain against Cuba. We take the side of the people of Cuba against violence and crime; the side of the people of America against crushing taxes and wicked bloodshed.

The toiling masses of this country have burdens and problems enough without adding these.

Mr. TUCKER. Where is that paper published?

Mr. BOUTELLE. It is published in New York; called the Building and Loan News. I give it for what it is worth. It is published by evidently a reputable paper; and it seems to me there must be some modicum of truth in that statement, affirmed by these Spanish residents of New York.

I will try to call attention very briefly, for my time is limited, to the policy of this country in regard to this sort of interference. Reference has been made here several times to the action of General Grant. I want to emphasize the fact that General Grant in 1875 declined to recognize the belligerency of the insurgents of Cuba on grounds stated in his special message to Congress. It was stated here, and truthfully, that General Grant once had prepared a message of recognition, or a proclamation. That is true. Mr. Fish, with a calm equipoise that must be admired to-day, declined to issue it, and persuaded General Grant to issue the message from which I will quote. And within a few weeks the diary of Secretary Fish, one of the ablest diplomats and one of the greatest patriots in our country, has disclosed the fact that subsequently, when he desired to retire from his position as Secretary of State, General Grant in reply stated that he was under great obligations to Mr. Fish, and that on at least two occasions the Secretary had saved him from committing mistakes; and that one of those occasions was when he was about to issue a proclamation recognizing the belligerency of Cuba.

In that message President Grant said (this was in 1875):

I have hoped that Spain would be enabled to establish peace in her colony, to afford security to the property and the interests of our citizens, and allow legitimate scope to trade and commerce and the natural productions of the island. Because of this hope, and from an extreme reluctance to interfere in the most remote manner in the affairs of another and a friendly nation, especially of one whose sympathy and friendship in the struggling infancy of our own existence must ever be remembered with gratitude, I have patiently and anxiously awaited the progress of events. Our own civil conflict is too recent for us not to consider the difficulties which surround a government distracted by a dynastic rebellion at home at the same time that it has to cope with a separate insurrection in a distant colony. But, whatever causes may have produced the situation which so grievously affects our interests, it exists, with all its attendant evils, operating directly upon this country and its people. Thus far all the efforts of Spain have proved abortive, and time has marked no improvement in the situation. The armed bands of either side now occupy nearly the same ground as in the past, with the difference, from time to time, of more lives sacrificed, more property destroyed, and wider extents of fertile and productive fields and more and more of valuable property constantly wantonly sacrificed to the incendiary's torch.

I understand, Mr. Speaker, that it is not only conceded, but it is the boast of those who champion the cause of the insurgents that the incendiarism, the destruction of crops, the ravaging and burning of villages by the insurgents, is being done in order to weaken the cause of Spain and to drive the people of that island into insurrection. I do not understand that it is alleged anywhere—certainly I have not heard it—that the Government in Spain has entered upon any systematic destruction of public or private property; but that the destruction of towns, the laying waste of fields, this widespread disorder and anarchy, is being carried on by those armed bands in the name of liberty and of the people.

Only a few weeks ago we had a proclamation issued by the leader of the insurrectionary forces absolutely threatening any man who attempted to produce sugar on his plantation, thus depriving peaceful citizens of Cuba of their only means of providing subsistence for their families; the idea being to shorten the sugar crop of the world so as to compel interference to put a stop to a war that was thus disturbing the comfort of mankind. That was the case in 1875, and it is so to-day. Now, says Mr. Fish (and however little gentlemen may regard my judgment or my opinions, I ask them to give calm consideration to this definition by Mr. Fish of the duty of a nation under international obligations):

In contests of this nature, where a considerable body of people who have attempted to free themselves of the control of the superior government have reached such point in occupation of territory, in power, and in general organization as to constitute in fact a body politic, having a government in substance as well as in name, possessed of the elements of stability and equipped with the machinery for the administration of internal policy and the execution of its laws, prepared and able to administer justice at home as well as in its dealings with other powers, it is within the province of those other powers to recognize its existence as a new and independent nation. In such cases other nations simply deal with an actually existing condition of things, and recognize as one of the powers of the earth that body politic which, possessing the necessary elements, has, in fact, become a new power; in a word, the creation of a new state is a fact.

It is not our duty, nor is it competent for us, to assume to establish such a condition of things. Before we can recognize it that condition of things must be in fact established. Every man knows that we have had no demonstration of the establishment of such a condition of things in Cuba up to this time. It was for that reason that General Grant refused recognition.

The creation of a State, as Mr. Fish says, is a fact. It is not a matter of sentiment. You can not create "the Republic of Cuba" by voting it in the American Congress to be a State. You can not establish belligerent rights unless belligerency is an international fact.

To establish the condition of things essential to the recognition of this fact, there must be a people occupying a known territory, united under some known and defined form of government, acknowledged by those subject thereto, in which the functions of government are administered by usual methods, competent to mete out justice to citizens and strangers, to afford remedies for public and for private wrongs, and able to assume the correlative international obligations and capable of performing the corresponding international duties resulting from its acquisition of the rights of sovereignty. A power should exist, complete in its organization, ready to take and able to maintain its place among the nations of the earth.

While conscious that the insurrection in Cuba has shown a strength and endurance which make it at least doubtful whether it be in the power of Spain to subdue it, it seems unquestionable that no such civil organization exists which may be recognized as an independent government, capable of performing its international obligations and entitled to be treated as one of the powers of the earth. A recognition under such circumstances would be inconsistent with the facts, and would compel the power granting it soon to support by force the government to which it had really given its only

claim of existence. In my judgment, the United States should adhere to the policy and the principles which have heretofore been its sure and safe guides in like contests between revolted colonies and their mother country, and, acting only upon the clearest evidence, should avoid any possibility of suspicion or of imputation.

A recognition of the independence of Cuba being in my opinion impracticable and indefensible, the question which next presents itself is that of the recognition of belligerent rights in the parties to the contest.

In a former message to Congress I had occasion to consider this question, and reached the conclusion that the conflict in Cuba, dreadful and devastating as were its incidents, did not rise to the fearful dignity of war. Regarding it now, after this lapse of time, I am unable to see that any notable success or any marked or real advance on the part of the insurgents has essentially changed the character of the contest. It has acquired greater age, but not greater or more formidable proportions.

Referring now to another point that has been brought up in this debate, the appeal to our retaliatory disposition, I wish to quote the advice of a great soldier and statesman. We are told that because Spain did something that we did not like at the outbreak of the rebellion in this country, therefore we should retaliate now by recognizing the belligerency of Cuba. Upon that subject General Grant used these words, which should have great weight:

It is possible that the acts of foreign powers, and even acts of Spain herself, of this very nature might be pointed to in defense of such recognition. But now, as in its past history, the United States should carefully avoid the false lights which might lead it into the mazes of doubtful law and of questionable propriety, and should steadily adhere to the rule which has been its guide, of doing only that which is right and honest and of good report. The question of according or of withholding rights of belligerency must be judged in every case in view of the particular attending facts. Unless justified by necessity, it is always and justly regarded as an unfriendly act and a gratuitous demonstration of moral support to the rebellion. It is necessary and it is required when the interests and rights of another government or of its people are so far affected by a pending civil conflict as to require a definition of its relations to the parties thereto. But this conflict must be one which will be recognized in the sense of international law as war. Belligerence, too, is a fact. The mere existence of contending armed bodies and their occasional conflicts do not constitute war in the sense referred to.

Applying to the existing condition of affairs in Cuba the tests recognized by publicists and writers on international law, and which have been observed by nations of dignity, honesty, and power, when free from sensitive or selfish and unworthy motives, I fail to find in the insurrection the existence of such a substantial political organization, real, palpable, and manifest to the world, having the forms and capable of the ordinary functions of government toward its own people and to other states, with courts for the administration of justice, with a local habitation, possessing such organization of force, such material, such occupation of territory as to take the contest out of the category of a mere rebellious insurrection or occasional skirmishes and place it on the terrible footing of war, to which a recognition of belligerency would aim to elevate it. The contest, moreover, is solely on land. The insurrection has not possessed itself of a single seaport whence it may send forth its flag, nor has it any means of communication with foreign powers except through the military lines of its adversaries. No apprehension of any of those sudden and difficult complications which a war upon the ocean is apt to precipitate upon the vessels, both commercial and national, and upon the consular officers of other powers, calls for the definition of their relations to the parties to the contest.

Considered as a question of expediency, I regard the accordance of belligerent rights still to be as unwise and premature as I regard it to be at present indefensible as a measure of right. Such recognition entails upon the country according the rights which flow from it difficult and complicated duties, and requires the exaction from the contending parties of the strict observance of their rights and obligations. It confers the right of search upon the high seas by vessels of both parties; it would subject the carrying of arms and munitions of war, which now may be transported freely and without interruption in the vessels of the United States, to detention and to possible seizure; it would give rise to countless vexatious questions; would release the parent Government from responsibility for acts done by the insurgents, and would invest Spain with the right to exercise the supervision recognized by our treaty of 1795 over our commerce on the high seas, a very large part of which, in its traffic between the Atlantic and the Gulf States and between all of them and the States on the Pacific, passes through the waters which wash the shores of Cuba. The exercise of this supervision could scarce fail to lead, if not to abuses, certainly to collisions perilous to the peaceful relations of the two States. There can be little doubt to what result such supervision would before long draw this nation. It would be unworthy of the United States to inaugurate the possibilities of such result by measures of questionable right or expediency or by any indirection. Apart from any question of theoretical right, I am satisfied that while the accordance of belligerent rights to the insurgents in Cuba might give them a hope and an inducement to protract the struggle, it would be but a delusive hope and would not remove the evils which this Government and its people are experiencing, but would draw the United States into complications which it has waited long and suffered much to avoid.

To my mind those are words of absolute wisdom.

Now, Mr. Speaker, if the House would kindly extend for a few moments the time for taking the recess, I should like to read a few words of George Washington.

Mr. HITT. I ask unanimous consent that the hour for the recess be deferred for thirty minutes, with the hope of closing this debate and this whole proceeding this evening and adjourning until Monday. Otherwise we shall have to sit here to-morrow. Why not close the whole subject this evening?

Mr. TUCKER. I can not agree to that. I do not object to extending the time as requested by my friend from Maine, but I can not consent to closing the debate in so brief a time as my friend from Illinois suggests. There are a number of gentlemen who wish to speak on this question.

Mr. BOUTELLE. Then I ask that the hour for the recess be extended ten minutes, so that I may read a few extracts from President Washington.

The SPEAKER. The gentleman from Maine [Mr. BOUTELLE] asks that the time for taking the recess be extended for ten minutes.

Mr. SKINNER rose.

Mr. BOUTELLE. Reserving the time of the gentleman from North Carolina [Mr. SKINNER].

Mr. SMITH of Michigan. I can not consent unless the gentleman from Maine will agree to give me one minute in which to make a statement in reply to the statement of the gentleman from Massachusetts [Mr. GILLETT].

Mr. BOUTELLE. I will do that.

The SPEAKER. Is there any objection to extending the time for the recess for ten minutes?

There was no objection.

Mr. BOUTELLE. Mr. Speaker, in that memorable legacy, his Farewell Address, which President Washington left to the American people as a gift, commensurate with his relations to the new nation which he had so preeminently helped to establish, he uses some very instructive and weighty words which, it seems to me, ought easily to find application at the present time. We all know the strength of Washington's advice, and the earnestness of his appeal to his countrymen, to avoid foreign complications. In that connection he used these memorable words:

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct. And can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas, is it rendered impossible by its vices? * * *

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded, and that in place of them just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation prompted by ill will and resentment sometimes impels to war the government contrary to the best calculations of policy. The government sometimes participates in the national propensity and adopts through passion what reason would reject. At other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

Again he says:

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements let them be fulfilled with perfect good faith. Here let us stop.

Now for the application. We are called upon in the name of patriotism, in the name of brotherhood, in the name of humanity, in the name of sympathy. We have had cited frequently in this debate the help that France extended to us when we were engaged in the struggle to establish our liberty—help that we all recognize, and our recognition of which is attested by the portrait of our great French ally, Lafayette, that adorns this Chamber. Yet, Mr. Speaker, no American familiar with our history can forget that, with all that obligation of gratitude—with a knowledge such as Washington must have had more clearly and deeply than any other man, of what we owed to France—we find that later in his career he was not swept from his feet by the clamor for interfering in behalf of France in a European complication, but steadily and firmly resisted that appeal in the interest of the American people and because he believed our duty was to establish the rights and strengthen the foundations of our own Government. He said:

How far in the discharge of my official duties I have been guided by the principles which have been delineated the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

I see the keen eye of my distinguished friend from Illinois [Mr. HITT] upon me; and I anticipate his statement shortly to be made that this was a proclamation of neutrality on the part of the United States between France and the allies with whom she was engaged in war; and that "neutrality" is what this resolution proposes. But I want to remind my friend and the House that I am addressing myself now to that phase of this question which deals with the obligation assumed to rest upon us to interefere in behalf of somebody with whom we have sympathy, how far we are called upon to interfere in Cuba because we may sympathize with the struggle of the Cuban insurgents, how far it is our duty to embroil our nation in a war because we desire to see some people somewhere, and perhaps especially in the Island of Cuba, establish

reforms and obtain rights that they do not now enjoy. It is impossible that any such obligation should be so strong in this case as was our obligation to France to aid her in war when she had so aided us in war. Yet in all the stress of those circumstances Washington stood like a rock against interference. He asserted the neutrality of the American Republic between our ancient ally and her enemies, and sustained himself upon the broadest ground. He says further in his Farewell Address:

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position.

That is the position I want this country to take in regard to any interference with the strife in Cuba to-day.

Mr. GROSVENOR. Will my friend allow me a question?

Mr. BOUTELLE. I have just stated what I know my friend wants to refer to.

Mr. GROSVENOR. I wanted to ask whether there is any proposition here to take any other than a neutral position?

Mr. BOUTELLE. My friend did not do me the honor to listen to my remarks, or he would not have asked that question.

Mr. GROSVENOR. And I wanted further to ask, How is it an act of war to recognize the belligerency of those who are at war with another country?

Mr. BOUTELLE. I have just read the opinion of General Grant on that subject—an opinion expressed with so much more strength than any words of mine could express it that I did not care to do more than read it. If my friend had done me the honor to listen while I was reading from public documents the expressions of that great captain of our armies and that great President of the United States he would have observed that I did not attempt to put upon this proposition my own version, but planted myself behind the joint judgment of Hamilton Fish and Ulysses S. Grant, as I am now putting myself behind the judgment and the expressions of George Washington, of whom I suppose the gentleman has heard. [Laughter.]

Further he says:

Having taken it—

That position—

I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

Again, and I call special attention to the language:

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct. And can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded, and that in place of them just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation prompted by ill will and resentment sometimes impels to war the government contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject. At other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

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The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements let them be fulfilled with perfect good faith. Here let us stop.

And further on:

How far in the discharge of my official duties I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

I hold in my hand a volume of the writings of Washington, edited by Jared Sparks, in which the President of the United States submits to his Cabinet, in a communication dated April, 1793, thirteen questions, as follows:

PHILADELPHIA, *18th of April, 1793.*

I. Shall a proclamation issue for the purpose of preventing interferences of the citizens of the United States in the war between France and Great Britain, etc.? Shall it contain a declaration of neutrality or not? What shall it contain?

II. Shall a minister from the Republic of France be received?

III. If received, shall it be absolutely without qualifications; and if with qualifications, of what kind?

IV. Are the United States obliged by good faith to consider the treaties heretofore made with France as applying to the present situation of the parties? May they either renounce them or hold them suspended till the Government of France shall be established?

V. If they have the right, is it expedient to do either, and which?

VI. If they have an option would it be a breach of neutrality to consider the treaties still in operation?

VII. If the treaties are to be considered as now in operation is the guaranty in the treaty of alliance applicable to a defensive war only, or to war either offensive or defensive?

VIII. Does the war in which France is engaged appear to be offensive or defensive on her part; or of a mixed and equivocal character?

IX. If of a mixed and equivocal character, does the guaranty in any event apply to such a war?

X. What is the effect of a guaranty such as that to be found in the treaty of alliance between the United States and France?

XI. Does any article in either of the treaties prevent ships of war, other than privateers, of the powers opposed to France from coming into the ports of the United States to act as convoys to their own merchantmen? Or does it lay any other restraint upon them more than would apply to the ships of war with France?

XII. Should the future Regent of France send a minister to the United States, ought he to be received?

XIII. Is it necessary or advisable to call together the two Houses of Congress with a view to the present posture of European affairs? If it is, what should be the particular object of such a call?

GEORGE WASHINGTON.

That Cabinet, to which those inquiries were propounded, I may say, was composed of men who, I suppose, are of fair repute today, such men as Thomas Jefferson, Alexander Hamilton, and men of that character. The Cabinet determined, on the first question propounded, that a proclamation should issue forbidding all citizens to take part in hostilities upon the high seas with either of the belligerent powers, and warning them of penalties to be inflicted in the event that they should do so. The opinion of the Cabinet was as follows:

At a meeting of the heads of Departments and of the Attorney-General at the President's, April 19, 1793, to consider the foregoing questions proposed by the President, it was determined by all on the first question that a proclamation shall issue forbidding any citizen or citizens to take part in any hostilities on the high seas with or against belligerent powers, and warning them against carrying to any such powers any of those articles deemed contraband according to the modern usage of nations, and enjoining them from all acts and proceedings inconsistent with the duties of a friendly nation toward those at war.

PROCLAMATION.

Whereas it appears that a state of war existing in Austria, Prussia, Sardinia, Great Britain, and the United Netherlands on the one part and France on the other, and the duty and interest of the United States require that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial to the belligerent powers:

I have therefore thought by these presents to declare the disposition of the United States to observe the conduct aforesaid toward those powers, respectively, and to exhort and warn the citizens of the United States carefully to avoid all acts and proceedings whatsoever which may in any manner tend to contravene such disposition.

I may say in this connection that there is an explanatory note appended to the third question propounded by President Washington, which throws considerable light upon the feeling then existing in reference to this question. It is in the following words:

On the third question (propounded by President Washington) Jefferson and Randolph were of opinion that the minister should be received absolutely and without qualifications. Hamilton and Knox deemed advisable that the reception of the minister expected from the Republic of France should be qualified substantially to this effect:

"That the Government of the United States, uniformly entertaining cordial wishes for the happiness of the French nation and disposed to maintain with it an amicable communication and intercourse, uninterrupted by political vicissitudes, does not hesitate to receive him in the character which his credentials import; yet, considering the origin, course, and circumstances of the relations continued between the two countries, and the existing position of the affairs of France, it is deemed advisable and proper on the part of the United States to reserve for future consideration in discussing the question whether the operation of the treaties, by which those relations were formed, ought not to be deemed temporarily and provisionally suspended; and under this impression it is thought due, in the spirit of candor and friendly procedure, to apprise him beforehand the intention to reserve that question, lest silence on the point should occasion misconstruction."

With reference to the foregoing questions submitted by President Washington, I desire also, Mr. Speaker, to call the special attention of the House to a letter from Henry Lee, so well known

as "Light-Horse Harry," addressed to President Washington from Richmond on the 14th day of June, 1793, in which he says:

MY DEAR SIR: Plain and evident as is the wise policy of neutrality on the part of the United States during the present European war, I find that the papers teem with publications reprobating this system.

If I am to judge of the feelings and dispositions of the people of the United States from what I believe to be the temper of the people of Virginia on this question, I can not doubt that nine-tenths of America applaud the policy adopted and feel increased gratitude and love for the man who has declared the same as the rule of conduct for his fellow-citizens. There are in all societies at all times a set of men anxious for change in the political machine and fond of confusion. This disposition results in part from love of novelty, from ruined private circumstances and disappointment in political stations. This class of men receive the aid of the wicked and abandoned of every description, and therefore in free countries are considered more numerous than they really are, because they are noisy, clamorous, and impudent.

[Applause and laughter.]

But when their weight in society is taken they will be found as light as straw.

[Laughter.]

So it is here at present. If a stranger were asked his opinion of the wishes of the people of this country with respect to war he would probably declare the same to be universally favorable; for he would gather his information from the conversations he has heard at taverns, where this order of men abound, gambling and drinking all night, and all day abusing men and measures, however respectable, however proper.

[Laughter and applause.]

I returned yesterday from a visit to our arsenal at the Point of Fork, and took occasion during my journey to talk freely with the planters respecting your proclamation. I found every person regarding it as highly wise, duly timed, and all expressed a confidence in you adhering invariably to its purpose.

To my mind these communications were not unexpected, and yet I profess I derived great satisfaction from them because from the clamor issuing out of the towns and promulgated in the papers, I began to fear that the golden prospects of felicity before us would be lost by our country in spite of the wisdom and firmness of our Government, and I have been induced to give to you my observations thereon as in your situation at this crisis the happiness of the people requires you should be well acquainted with their opinions.

When M. Genet was here we conversed very freely with respect to the neutrality of the United States. I attempted to convince him, and I thought with some effect, that from the superiority of the enemy's fleet it was the only way we could take which promised to France those provisions which we had and which she might want, and concluded the argument I held on this subject by asserting that, had you determined the interests of France to every other consideration, you could not have acted more effectually than you did when you issued your proclamation, and that happily on this occasion, while you did the greatest good to the United States, you did all the possible good to their allies; that we had no fleet, no army, no money, to authorize us to take a part in the war with effect, and to do it pitifully was to risk our own destruction without the consolation of affording material aid to our friends.

He seemed to acquiesce in my reasoning, but insinuated that in case the royal government was reestablished in France the kings of Europe would combine to destroy liberty here, and that our existence as a nation depended on the success of the republican system, and that we might conveniently make an important diversion in her favor on our southern and northern neighbors.

To this I opposed our infant situation as a people, our love of peace, the heavy debt which oppresses us in consequence of the last war, the probable futility of such vast enterprises, and the certainty that France would derive more benefit from holding within her own bosom all her means of men and money than she possibly could by such quixotic adventures. I augured ill of their late efforts against Belgium (which have turned out since as I presumed) and contended that the sure way to effect their object was to be content with defending their own country.

The impressions which he seemed to entertain when we parted induced me to hope that he would never attempt to disturb the system of neutrality adopted.

But opinions of moderation and wisdom can scarcely be held long by any man in his situation when our citizens seemed to take an active part in commending very opposite conduct. I judge by what I read in the Philadelphia papers, then, that his will be soon turned from those proper sentiments which he possessed when here and that our only route to national prosperity may experience new obstructions.

But, sir, let whatever may happen or be effected, in your firmness we all rest, thoroughly convinced that you can never be brought to depart from that line of conduct which in your judgment best promotes the public good.

With best wishes for your health and happiness, I am ever your most affectionate friend and humble servant,

HENRY LEE.

The SPEAKER. The time of the gentleman has expired.

Mr. BOUTELLE. My time has expired and I must close my argument. [Prolonged applause.]

The SPEAKER. The gentleman has one minute, which the Chair understands is to be yielded to the gentleman from Michigan [Mr. SMITH].

Mr. BOUTELLE. Certainly, I yield that to the gentleman, and hope it will not be necessary to ask a further extension of time for a reply.

Mr. SMITH of Michigan. Mr. Speaker, I intended, in my interruption of the gentleman from Maine a few moments ago, to say that a sentiment had been expressed in Massachusetts against the proposition that he was advancing, and in favor of that contended for by the Committee on Foreign Affairs. I now quote the language of the Massachusetts Republican State convention, embodied in the platform adopted the 27th day of March:

We sympathize with the Cubans in their struggle for independence. As friends of freedom everywhere we wish them success and believe that the United States should use its influence and good offices in the interest of humanity to bring to an end the useless and bloody war now desolating Cuba, and to give to the people of that island peace and self-government.

[Prolonged applause.]

The SPEAKER. The gentleman from North Carolina [Mr. SKINNER], the Chair understands, is entitled to five minutes.

Mr. BOUTELLE. I had just risen to remind the Chair that I had included that in my request for an extension of time.

Mr. SKINNER. Mr. Speaker, perhaps I represent the most ancient and at the same time the most patriotic territory within this Government; a territory where Sir Walter Raleigh first landed; the first colony where the foot of the Anglo-Saxon pressed American soil; the territory whereupon this country, this great continent, was dedicated to God and afterwards to liberty; the territory in which the first form of civil government on American soil was organized and out of which this great Government has grown.

I only say that, Mr. Speaker, prefatory to the remarks which I am impelled to make when my eyes fall upon the flag which overhangs your head. Because, as I look upon the Stars and Stripes there, I recall the fact that it is the same flag which floated over the venerated veterans of the Revolution, which cheered the half-fed and half-clad heroes of Valley Forge, which waved over the redoubts of Bunker Hill, which floated from the masthead of the *Bon Homme Richard*, which kissed the breezes over the waters of Erie and Champlain, which waved in triumph over the immortal field of Chippewa. And, Mr. Speaker, when I recall the anxious hours during which the followers of that flag were fighting for life and for liberty; when I turn my eyes to the south and see, a few leagues from Florida, the Cuban patriots fighting for liberty as our Revolutionary fathers were fighting, I turn with the Cubans to that flag as the Emperor Constantine did to the cross in the heavens, to in hoc signo vinces. As written then, the Cubans think in this sign we shall conquer.

I tell you, Mr. Speaker, the Cubans look upon this flag to-day as the emblem of liberty, as we look upon the cross as the emblem of Christianity; and wherever you would advance the cross to establish the Christian religion, I take that flag as the counterpart of the cross, as the emblem of liberty. I would place it over Cuba. I would have this flag, the emblem of liberty, floating over Cuba, and it ought to wave in triumph over her dominion, and she ought to be made a State of this Union. These palliative measures do not concern us. They accomplish nothing unless that flag stands for liberty. And liberty to the Cuban is as much as liberty to Americans. I want to see it established in every land and on every sea, not only in America but over every people on this continent who ask for the blessings of liberty.

[Here the hammer fell.]

The SPEAKER. Under the rule the House will now take a recess until 8 o'clock, when the gentleman from New York [Mr. PAYNE] will please discharge the duties of the Chair.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) resumed its session, with Mr. PAYNE in the chair as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will report clause 2 of Rule XXVI.

The Clerk read as follows:

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. PICKLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar, under the special order.

The question was taken; and on a division (demanded by Mr. TALBERT) there were—ayes 56, nays none.

Accordingly, the House resolved itself into Committee of the Whole on the Private Calendar, with Mr. HEPBURN in the chair.

ELIZABETH DESHLER WHITING.

The CHAIRMAN. The Clerk will report the first business on the Private Calendar.

The Clerk read as follows:

A bill (H. R. 1050) granting an increase of pension to Elizabeth Deshler Whiting.

Mr. PICKLER. Mr. Chairman, I think that is hardly on the Calendar. That is the bill which the gentleman from New York [Mr. DANIELS] had restored to its place to-day.

Mr. DANIELS. It was restored to its place on the Calendar by order of the House.

Mr. LIVINGSTON. Mr. Chairman, I suggest that when the Clerk reads a bill he give us the Calendar number.

The CHAIRMAN. This bill has no Calendar number, having been recommitted to the committee, and reported back from the committee to-day.

Mr. CURTIS of New York. Its former number on the Calendar was 92, but having been taken off it lost its place by way of

number; but by order of the House it was restored to the Calendar, to be the first bill under consideration.

The CHAIRMAN. This bill has been read, and the report has been read. The question is, Shall the bill be laid aside to be reported to the House with a favorable recommendation?

Mr. ERDMAN. Mr. Chairman, a parliamentary inquiry. What is this bill?

The CHAIRMAN. This bill is one which was recommitted to the Committee on Pensions, and was reported to-day by unanimous consent and placed upon the Calendar in its old position.

Mr. DANIELS. I will say to the gentleman that the bill passed the House in a former Congress, on the 2d of March, but too late to pass the Senate.

Mr. ERDMAN. It is not that bill on which the other side of the House antagonized the gentleman from New York, is it?

Mr. DANIELS. Not at all, sir. I ask that the bill be laid aside to be reported to the House with a favorable recommendation.

The bill was laid aside to be reported to the House with a favorable recommendation.

ELIZABETH MOORE ENGLISH.

The next business on the Private Calendar was the bill (S. 1271) granting a pension to Elizabeth Moore English.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Moore English, widow of Rear-Admiral Earl English, at the rate of $50 per month.

Mr. PICKLER. Mr. Chairman, this is a Senate bill with quite a lengthy report. The gentleman from Maryland [Mr. MILES] makes the report, and I ask unanimous consent that he make a statement in regard to this bill without consuming the time necessary for the reading of a lengthy report.

Mr. ERDMAN. Mr. Chairman, in view of the railroad proceedings we had this afternoon, I think it would not hurt if the House heard these bills and reports in full. I object.

The CHAIRMAN. The Clerk will read the report.

The report (by Mr. MILES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1271) granting a pension to Elizabeth Moore English, adopt the accompanying Senate report (No. 20) as their own, and respectfully recommend its passage.

[Senate Report No. 20, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1271) granting a pension to Elizabeth Moore English, have examined the same and report:

During the third session of the Fifty-third Congress both Houses of Congress passed a bill in behalf of this claimant, but which went to the Executive at so late a day in the session as not to receive consideration. The history of the bill is as follows:

The House Committee on Invalid Pensions reported the bill at $50 per month, but when passed it was reduced to $30. The Senate Committee on Pensions recognized the fact that the claimant was justly entitled to a higher rate, but in consequence of the near approach of the close of the Fifty-third Congress, adopted the House report and passed the bill, which, as before stated, did not reach the President in time to receive his signature.

The present bill proposes to pension the claimant at the rate of $50 per month. Mrs. English's petition for relief by special act of Congress is as follows:

To the honorable Senate and House of Representatives of the United States:

The petition of Elizabeth Moore English respectfully represents—

First. That she is the widow of Earl English, late a rear-admiral in the United States Navy, who departed this life on the 16th of July, 1893, in the city of Washington, being at the time of his death on the retired list of the Navy.

Second. That the said Earl English entered the Navy as midshipman the 25th of February, 1840, and passed through all the grades to that of rear-admiral, the highest rank in the Navy under existing laws, and was retired on the 18th of February, 1886.

Third. That the said decedent served with distinction through three wars and the exposures and hardships of forty-six years on the active list, more than twenty-seven of which were spent at sea, twelve years having been passed in the East Indies, where he was severely wounded in an engagement at the barrier forts in the Chinese war. Never wavering in his allegiance to the United States throughout his long career, he was distinguished by his services, characterized by wisdom and bravery.

Fourth. That your petitioner's husband died leaving her little property, and that she is in embarrassed circumstances and without adequate means of support. Your petitioner therefore prays that your honorable body will pass an act for her relief, granting to her, as the widow of the late Earl English, a pension of $100 per month.

The following is the report made in this case:

Mrs. English is the widow of Earl English, late rear-admiral, United States Navy, whose record is as follows:

Earl English, rear admiral, United States Navy. Born in Crosswicks, Burlington County, N. J., February 18, 1824.

Appointed midshipman from his native State February 25, 1840.

Was attached to the line-of-battle ship *Columbus* until December of same year; was then ordered to the frigate *Constellation* and made the cruise in her to the East Indies and around the world, arriving home May 8, 1844; was attached to the *Princeton*, on gun practice, 1844 and 1845; was then ordered to the Naval Academy, where he graduated July, 1846; was then ordered to the frigate *Independence* and actively employed on the Pacific station, coast of Mexico and California, and participated in the capture of Mazatlan, and in other important naval operations on the coast and in California. After the Mexican war he made a year's cruise in the *Vixen* to the West Indies. He then joined the *Southampton* for two years on special service in the Pacific and California. Returning, he joined the *Dolphin* in April, 1853, on deep-sea soundings between the United States and England.

While on this duty, in the month of July, 1853, he was successful in bringing up the first soundings from the bottom of the ocean at the depth of 2,500 fathoms, the result of which was the laying of the first ocean cable between England and America in 1855. Having finished that duty, he joined the Coast Survey, and was attached to the schooners *Crawford* and *Varina* for two years. He was then attached to the *Levant* and joined the East India squadron, and in November, 1856, in the capture and reduction of the barrier forts in the Canton River, he was seriously wounded. Returning from that cruise, he joined the *Wyoming* and went to the Pacific station, where he remained until the breaking out of the rebellion, when he returned East and took an active part until the close of the war, commanding the *Somerset* and *Sagamore* in the East Gulf squadron, capturing a large number of blockade runners, Cedar Keys, St. Marks, as well as destroying large numbers of salt manufactories on the coast.

Health failing him, he returned North for a short time. May, 1864, he took command of the *Wyalusing* in the sounds of North Carolina, where he remained until the suppression of the rebellion. While in the sounds he assisted in the capture of the city of Plymouth and the rebel ram *Albemarle*, and in numerous engagements up the Roanoke River and in various places in the sounds. The war ending, he was ordered to the navy-yard, New York, on ordnance duty, until, in November, 1866, he took command of the *Iroquois* and once more joined the East India station; was in Japan during the revolution in that country, and when the Tycoon was defeated by Satsuma at Osaka, he and his official followers fled and took refuge on board of the *Iroquois*, for which kindness he received the thanks of the Tycoon. He returned home in November, 1870, and for three years was on special service with Admiral Porter and at navy-yard, Portsmouth, N. H. March, 1874, he took command of the *Congress* and joined the European station, and in the absence of Admiral Worden the duty of settling a difficulty between the Pasha of Tripoli and the United States consul devolved upon him.

The Government was so well satisfied with the result that General Grant, then President of the United States, thanked him in person. Returning home in 1876, he was ordered as senior naval officer afloat at the Centennial, Philadelphia, where his sailors and marines were given a post of honor in the grand procession on the day of the opening.

July 31, 1876, was ordered as commandant of the Portsmouth (N. H.) Naval Station, where he remained until November, 1878, when he was appointed Chief of the Bureau of Equipment and Recruiting, Navy Department. While in the Bureau he had a law passed authorizing the enlistment of 750 naval apprentices. At the same time Coasters Harbor Island, at Newport, R. I., was ceded by the State to the National Government for the headquarters for the training station, where it remains at the present time in a most flourishing condition.

He was instrumental in having President Arthur sign the order increasing the pay of the enlisted men and boys in the Navy. September 4, 1884, he resigned from the Bureau and took command of the European station. Returning home, he retired, according to law, February 25, 1886.

Promotions.—July 11, 1846, passed midshipman; March 1, 1855, master; September 16, 1855, lieutenant-commander; July 25, 1866, commander; September 28, 1872, captain; March 25, 1880, commodore; September 4, 1884, rear-admiral.

Admiral English died July 16, 1893, and his widow filed an application for pension December 19, 1893, but the same was disallowed April 26, 1894, on the ground that the disease from which he died (acute enteritis) could not clearly be traced to diseases originating in line of duty during his active service. It is believed, however, that a liberal view of the testimony would have justified the medical authorities of the Pension Office in allowing the claim, as the hospital records show that the officer was frequently under treatment during his active service for diseases similar in character to the one which caused his death. The physician (a naval surgeon) who treated Admiral English during his final illness gave it as his opinion that the officer's "long and arduous service brought a train of infirmities which gradually sapped vitality" and assisted in bringing about a fatal termination to his illness.

After a careful and thorough examination of all the facts in the case, and in view of the long and valuable services of Rear-Admiral English, your committee is of opinion that the relief asked for should be granted, and therefore report the bill back with a recommendation that it pass.

The CHAIRMAN. The question is on laying aside this bill with favorable recommendation.

Mr. GARDNER. Mr. Chairman, only one word. I simply want the House to understand that this bill, being a Senate bill, was also introduced in the House and went to the Committee on Pensions and not to the Committee on Invalid Pensions; so that a separate committee, following their own line of inquiry and from separate sources, have reported the bill back favorably, making a report very similar to the one which has been read. So that the House bill is before the House in the unusual position of having passed one or two Congresses and failed merely to get the signature of the President, of having passed the Senate this session, and having been favorably reported by the Committee on Invalid Pensions; and the Committee on Pensions, having a House bill, have also favorably reported on it. [Cries of "Vote!" "Vote!"]

Mr. ERDMAN. Mr. Chairman, one weak point in the report there is the failure to connect the cause of death with the disease contracted in the service. An abstract of the evidence in the Pension Bureau, I think, will clearly connect that; and I send it up to be read, in order that it may go into the RECORD, to show that he died from disease contracted in the service.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Was under treatment December, 1849, for cholera morbus; in 1851, for obstipatio; January, 1851, tonsilitis; April, 1855, gastric derangement; 1856, head, ache, and wound of spine, congestio hepatitis, and dysentery; 1857, orchitis-rannea, furunculus; 1874, bronchitis acute, icterus, chronic hepatitis; 1880, catarrhus; 1881, malarial cachexia; 1892, febris remittens; 1883, pneumonia; 1892, diabetes incident to long service in line of duty. Died July 16, 1893, of acute enteretis due to long and arduous service in Navy.

Extract from certificate of death: "Attacked with acute indigestion July 14, from partaking of blackberries. After several hours of suffering became comfortable. Stage of calm of short duration. Inflammation of small intestines supervened. Liver became intensely congested, very painful, and increased in size. Owing to alteration of tissues, the strain caused perforation or rupture of intestines, permitting escape of fæcal matter into peritoneal cavity. Peritonitis not very well pronounced, because life was so abruptly terminated. Deceased possessed but little resiliency."

"There is good evidence that the disease (or disability) causing death was in line of duty, the facts being as follows: Long and arduous service brought a train of infirmities which gradually sapped vitality. Suffered diabetes mellitus for many months. Gangrene of senile character followed. There was extensive atheromatous degeneration, which largely prevented removal of foot when gangrene threatened its integrity.

"WM. S. DIXON, *Surgeon, U. S. N.*"

Liver much congested, painful, increased in size, and the strain caused perforation of, or rupture of, intestines.

Mr. LITTLE. Mr. Chairman, I would like to inquire if the report shows how this claimant stood on the tariff and the financial questions.

The bill was ordered to be laid aside with a favorable report.

THOMAS CORIGAN.

The next business on the Private Calendar was the bill (H. R. 1838) granting an increase of pension to Thomas Corigan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and empowered to place on the invalid pension roll of the United States the name of Thomas Corigan, late a member of Company B of the Eighty-eighth Illinois Volunteer Infantry, at the rate of $50 per month, from and after the passage of this act.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1838) granting an increase of pension to Thomas Corigan, respectfully report as follows:

Your committee have carefully examined into the facts in this case, and find that the soldier served in Company B, Eighty-eighth Illinois Volunteer Infantry, from July 25, 1862, until he was discharged on account of disability.

At the battle of Chickamauga, September 20, 1863, he was severely wounded in the left hand, and is now drawing a pension of $30 per month for that injury, the arm being rendered wholly useless by the wound. At the same time he was wounded by a buckshot in the neck, and the soldier claims that this wound has affected his spine and has produced epilepsy.

The medical evidence shows that the wound in the neck produces distinct crepitus on movement of the neck. The epileptic fits have gradually increased until the soldier is totally helpless and requires constant aid and attendance and has become almost imbecile mentally.

The Pension Bureau in 1892 held that it can not accept the "fits" as a result of the wound in the back of the neck; but no other cause is evident, and medical evidence has been furnished to show that the wound in the neck is the cause of his present condition.

The soldier's condition is helpless in the extreme, and if the wound in the neck is the cause of his injury he would be entitled to $72 per month under the general law. We are not disposed to criticise the action of the Pension Bureau in rejecting this portion of the soldier's claim, but we think that it might have very fairly decided the other way under the evidence and examination of the medical boards.

Your committee think that the soldier should be given the benefit of the doubt to the extent of being raised to the second grade, or $50 a month. The committee is adverse to reporting bills changing the rate of pension as fixed by the Pension Bureau, but in case of extreme helplessness like the present, where the wound has been followed by such helplessness, and there is much evidence to show that the soldier's condition is due to his wound, we are inclined to relax the rule.

If this case were before us as an original question we would probably have come to a different conclusion from that arrived at by the Pension Bureau, but in the doubt raised in the case we think that the second grade would relieve the wants of the soldier and ought to be granted, especially as the claimant was an excellent soldier, highly commended by Gen. W. T. Sherman, and his severe wounds received in the battle of Chickamauga are clearly shown.

A bill granting the same amount of pension passed both Houses of the last Congress, but failed of action by the President.

Your committee recommend that the bill do pass.

Mr. ERDMAN. Mr. Chairman, I recollect this case. It engaged the attention of the Fifty-third Congress on several Friday nights. It engaged the attention of the Committee on Invalid Pensions for a long while. So much so that majority and minority reports were filed. The case was carefully investigated, judicially scrutinized, thoroughly discussed; and, in order that we may contrast the processes of the Fifty-third Congress in arriving at what it considered doing justice in cases of this kind, I send up to have read in my time a part of the RECORD.

The Clerk read as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 5260) to increase the pension of Thomas Corigan from $30 to $72 per month, and submit the following report:

Thomas Corigan was a corporal in Company B, Eighty-eighth Illinois Infantry, enlisted July 28, 1862, and was discharged on January 24, 1864.

At the battle of Chickamauga, September 20, 1863, he was severely wounded in the left hand and is now drawing a pension of $30 per month for that injury, the arm being rendered wholly useless by the wound. At the same time he was wounded by a buckshot in the neck, and the soldier claims that this wound has affected his spine and has produced epilepsy.

The medical evidence shows that the wound in the neck produces distinct crepitus on movement of the neck. The epileptic fits have gradually increased until the soldier is totally helpless and requires constant aid and attendance and has become almost imbecile mentally.

The Pension Bureau in 1892 holds that it can not accept the "fits" as a result of the wound in the back of the neck, but no other cause is evident and medical evidence has been furnished to show that the wound in the neck is the cause of his present condition.

The soldier's condition is helpless in the extreme, and if the wound in the neck is the cause of his injury he would be entitled to $72 per month under the general law. We are not disposed to criticise the action of the Pension Bureau in rejecting this portion of the soldier's claim, but we think that it might have very fairly decided the other way under the evidence and examination of the medical boards.

Your committee think that the soldier should be given the benefit of the doubt to the extent of being raised to the second grade or $50 a month. The committee is adverse to reporting bills changing the rate of pension as fixed by the Pension Bureau, but in a case of extreme helplessness like the present, where the wound has been followed by such helplessness, and there is much evidence to show that the soldier's condition is due to his wound, we are inclined to relax the rule.

Your committee recommend that the bill be amended by striking out "seventy-two," in line 7, and inserting "fifty."

If the case were before us as an original question we would probably have come to a different conclusion from that arrived at by the Pension Bureau, but in the doubt raised in the case we think that the second grade would relieve the wants of the soldier and ought to be granted, especially as the claimant was an excellent soldier, highly commended by Gen. W. T. Sherman, and his severe wounds received in the battle of Chickamaugua are clearly shown.

The letter of Colonel Sherman is as follows:

"HEADQUARTERS FIRST BRIGADE,
"SECOND DIVISION, FOURTH ARMY CORPS,
"*Camp near Blains Cross Roads, East Tennessee, January 10, 1864.*

"To whom it may concern:

"This is to certify that Thomas Corigan, an enlisted man of the Eighty-eighth Regiment Infantry, Illinois Volunteers, and corporal of Company B, same regiment, is a soldier good and true; ever faithful in the discharge of duty, never absent without leave, brave as a lion in action, and always at his post. He won the confidence and esteem of his commanding officers by his uniform good conduct and soldierly bearing. I therefore take great pleasure and bear willing testimony to his merit, and request that his wishes may be consulted inasmuch as he is disabled from active field service by reason of wounds received on the hard-fought and bloody field of Chickamauga on the 20th of September, 1863.

"F. T. SHERMAN,
"*Colonel Eighty-eighth Infantry, Illinois Volunteers.*"

Your committee recommend that the bill do pass after being amended by striking out the word "seventy-two," in line 7, and inserting in lieu thereof the word "fifty."

The CHAIRMAN. The question is, Shall this bill be laid aside with a favorable recommendation?

Mr. ERDMAN. That is not all that I want read. Go to the places that I have marked.

Mr. PICKLER. What has already been read is almost verbatim the present report. It is simply to consume time.

The CHAIRMAN. Is objection made to the reading of this paper?

Mr. PICKLER. You are reading the same report that we have reported.

The CHAIRMAN. The Clerk will read Rule XXXI, on the reading of papers.

The Clerk read as follows:

When the reading of a paper other than one upon which the House is called to give a final vote is demanded and the same is objected to by any member, it shall be determined without debate by a vote of the House.

Mr. POOLE. I object.

The CHAIRMAN. The question is, Shall this paper be read?

The question was taken.

The CHAIRMAN. The noes seem to have it; the noes have it, and the committee refuses to have the paper read. The question is, Shall this bill be laid aside with a favorable recommendation?

Mr. ERDMAN. Mr. Chairman——

The CHAIRMAN. The gentleman from Pennsylvania has been recognized once upon this question.

Mr. ERDMAN. Is there any other gentleman who desires to talk?

Mr. HARDY. Yes.

Mr. ERDMAN. Then go on.

Mr. HARDY. I yield my time to the gentleman from Kansas [Mr. KIRKPATRICK].

Mr. KIRKPATRICK. I will ask for a vote, if that is all.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. ERDMAN. Mr. Chairman, the minority report of the Committee on Invalid Pensions of the Fifty-third Congress is as follows on this case:

The minority of the Committee on Invalid Pensions have considered the bill (H. R. 5260) to increase the pension of Thomas Corigan, and submit the following statement of their views:

The records of the War Department show that this soldier served from July 25, 1862, to January 29, 1864, in Company B, Eighty-eighth Illinois Infantry. He was discharged on account of disability from gunshot wound of hand received at Chickamauga. He has been pensioned for this wound ever since discharged, and now receives $30 per month since August 4, 1886. His application, filed February 12, 1864, alleged only this wound. A later application, filed September 11, 1866, states that he also "suffers pain in the neck from the effects of a wound there received." In 1887 he claimed that deafness had resulted from that wound, and states that the ball was removed in the field hospital; in April, 1888, he alleged resulting impairment of vision and of hearing; in September, 1888, he refers to "buckshot wound in back of neck"; in February, 1892, he alleged affection of sight and hearing and epilepsy as a result of said wound.

Mr. STEWART of New Jersey. I rise to a parliamentary inquiry. Can the gentleman from Pennsylvania, by indirection and evasion, defeat in this way the action and vote of this House?

The CHAIRMAN. The gentleman from Pennsylvania is not reading. He is speaking. [Laughter.]

Mr. STEWART of New Jersey. I submit that the gentleman is reading, and is doing so in direct violation of the action of the House.

The CHAIRMAN. The Chair thinks the gentleman from Pennsylvania is entitled to proceed.

Mr. ERDMAN (continuing to read):

In September, 1892, the Pension Bureau accepted the fact that he had received this wound in the neck, but rejected the claim for additional pension on the ground that he had suffered no ratable disability from it at any time since the war, and none of the alleged results were accepted as sequences of such wound. This action was taken after a careful special examination of the claim, and was affirmed by Secretary Bussey on appeal January 3, 1893.

It will be observed that you are about to overrule General Bussey. I congratulate you on your success.

In his deposition before the special examiner in June, 1892, the pensioner stated that he received the wound of neck at Chickamauga; that the doctor who took the bullet out put a sticking plaster over the wound and it remained until it fell off.

"The first time I felt any serious disability from the wound of my neck was about fourteen years ago (1878). I was flagging at a railroad crossing * * * in Chicago. I felt a cloud come over me and I fell down right in the track. * * * It was a hot day just like this. * * * I have had convulsions for the past fourteen years, but not so much until the last eight years. I saw the shot that was extracted from my neck. I had it a long time. I lost it. It was a buckshot, and went as far as the point of my ear. The doctor said to me when he extracted it, 'Pat, if the shot had gone a quarter of an inch farther you would never eat any more potatoes.' * * * I was not bothered with the wound of my neck in 1873, but I knew I had been shot in the neck. In 1875 I was not suffering with the wound in my neck much."

His wife, Rosetta Corigan, corroborates his statement as to the first convulsion or fit about fourteen years previously.

An examination by medical officers of the Pension Bureau September 6, 1873, reports: "Flesh wound of the neck, not rated"; September 7, 1873, "slight flesh wound on the back of the neck, not rated"; September 4, 1877, "slight wound of neck, not rated"; June 22, 1882, "wound on posterior surface of neck, size of a nickel, white in color, nonadherent, nondragging, nondepressed; the vertebræ do not seem to have been injured, but there is thickening of soft tissues beneath the integument."

From the facts stated it seems reasonably clear that the pensioner's present condition as to epilepsy is not chargeable to the slight wound of the neck, but rather originated in 1878 in the manner described by himself and wife.

Moreover, he is in receipt of a pension of $1 a day, and the question involved is purely one for the determination of the Pension Office, and the committee has repeatedly refused to interfere in the individual adjudications of the Pension Bureau in matters clearly within their jurisdiction and presenting no technical hardship. To pass this bill is squarely in violation of the principle enunciated in several adverse reports on bills of this character, and the minority do earnestly recommend that the bill do lie on the table.

JOHN J. McDANNOLD.
M. R. BALDWIN.
C. J. ERDMAN.

The question was afterwards discussed by the gentleman from Virginia [Mr. JONES], the gentleman from Iowa [Mr. HULL], the gentleman from Iowa [Mr. LACEY], the gentleman from Alabama [Mr. STALLINGS], and other gentlemen.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with a favorable recommendation?

The question was decided in the affirmative.

JOSEPH W. FISHER.

The next business on the Private Calendar was the bill (S. 640) to increase the pension of Joseph W. Fisher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Joseph W. Fisher, late colonel of the One hundred and ninety-fifth Regiment of Pennsylvania Volunteers, at the rate of $100 per month, in lieu of the pension he is now receiving.

The amendment of the committee, to strike out "$100" and insert "$75," was read.

The Clerk was proceeding to read the report, when

Mr. ANDREWS said: Mr. Chairman, if there be no objection, the reading of the report might be dispensed with, and a brief statement of the facts covered by the report might disclose the essential features of this case.

Mr. ERDMAN. Mr. Chairman, I notice that gentlemen on the other side are very considerate of my wishes in matters of this kind; and therefore I think I must insist on having the report read in full.

Mr. ANDREWS. I simply supposed that this matter had been fully examined and was well understood by members of the committee, otherwise I would not have asked that the reading of the report be dispensed with.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 640) to increase the pension of Joseph W. Fisher, having carefully considered the same, adopt the accompanying Senate report (No. 62) as their own, and respectfully recommend its passage.

[Senate Report No. 62, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 640) granting a pension to Joseph W. Fisher, have examined the same, and report:

A similar bill was introduced in the Fifty-third Congress, referred to the Committee on Pensions, examined, reported favorably, and passed the Senate.

The facts are as follows:

The object of the bill is to increase the pension of Gen. Joseph W. Fisher, late colonel of the One hundred and ninety-fifth Regiment of Pennsylvania Volunteers, from $30 per month to $72 per month.

General Fisher at the breaking out of the civil war entered the service as a lieutenant-colonel of the Fifth Pennsylvania Reserves, and in July, 1862, he was promoted to the colonelcy of the regiment. He served as such for a full term of three years, the time of enlistment. Being mustered out, he raised the One hundred and ninety-fifth Regiment Pennsylvania Volunteers, and at the expiration of their term of enlistment he again raised a regiment known as the One hundred and ninety-fifth Regiment Pennsylvania Volunteers. He continued in the service until January 31, 1866, when he was finally mustered out.

He was engaged in all the battles in which his regiments participated, frequently received the compliments of his superior officers, was recommended for the position of brigadier-general, and was appointed brigadier-general by brevet in 1865. He performed conspicuous service at the famous Little Round Top at the battle of Gettysburg.

At the time General Fisher first enlisted he was past the military age, but he served during the entire war and came out of the war broken down in health, and has suffered from the exposures and hardships of the war ever since. He has had four different strokes of paralysis; he is 80 years old and is well-nigh helpless. He is by profession a lawyer. He held the office of associate justice and the office of chief justice of the supreme court of the Territory of Wyoming for a number of years. He has no means of support, and is totally disabled for mental and physical work.

A petition signed by several hundred representative citizens of his town (which is hereto annexed with the omission of the signatures) gives a statement of his condition mentally and physically, while the affidavits of two representative physicians, who are members of the pension board of examiners (hereto annexed and made a part of this report), confirm the statements contained in the petition.

The committee recommend that the bill be amended by striking out, in line 7 of the bill, the words "one hundred" and inserting in lieu thereof the words "seventy-two," as this will grant to General Fisher a pension equivalent to that provided for privates in the volunteer service who are totally disabled.

To the Honorable the Members of the Senate and House of Representatives of the Congress of the United States:

GENTLEMEN: We, the undersigned citizens of the United States, do hereby most respectfully petition your honorable body to grant a pension to Gen. Joseph W. Fisher, formerly of the State of Pennsylvania, and for twenty-three years last past a resident of Wyoming.

General Fisher's military record, which is part of the history of the late civil war, is, briefly, as follows: He entered the service in May, 1861, as lieutenant-colonel of the Fifth Pennsylvania Reserves; in July, 1862, he was promoted to the colonelcy of the regiment; he served as such for the full three years' time of enlistment. When he was mustered out he raised the One hundred and ninety-fifth Regiment Pennsylvania Volunteers for one hundred days' service, being colonel of the regiment, and at the expiration of that term again raised a new regiment known as the One hundred and ninety-fifth Regiment Pennsylvania Volunteers, of which he was colone), and continued in service until January 31, 1866, when he was finally mustered out of service.

During all his term of service General Fisher was engaged in all the battles in which his various regiments participated and was frequently complimented in orders by his superior officers, all of whom recommended him for promotion to a brigadier-generalship, and he was appointed brigadier-general by brevet in November, 1865. His chief achievement as an officer was the taking and holding of Little Round Top, at the battle of Gettysburg, at a critical juncture in that battle, which fact was well known throughout the Army.

At the time he was finally mustered out of service he was suffering from disability caused by exposure and hardship in war and has ever since been in feeble health in consequence. He has sustained four strokes of paralysis and is now suffering from the effects of the last, being unable to speak fluently and being extremely weak. He is 80 years of age, and has been for about four years last past and is now absolutely unable to follow his profession as a lawyer (he was chief justice of Wyoming from 1871 to 1879), and will never recover sufficiently to engage in any business or employment. That he is without means of support. Your petitioners, therefore, pray that a reasonable pension be granted General Fisher, believing that no more worthy case has appealed to the sense of justice of your honorable body.

(Here follow nearly 300 signatures.)

STATE OF WYOMING, *County of Laramie, ss:*

CHEYENNE, WYO., *April 13, 1894.*

To whom it may concern:

This is to certify that I was called to attend, professionally, Hon. J. W. Fisher, of this city, on December 2, 1890, he being the subject of apoplexy, with right hemiplegia, labial paralysis, and amnesia aphasia. My attendance continued daily until the 18th of December, 1890, and occasional visits for a variable period; the dates of the visits have not been kept. At no time since the attack of December, 1890, has he been in a condition, either mental or physical, to attend to any kind of business, and, owing to his advanced age, never will be able to earn a livelihood in any manner. While in certain respects he has improved slightly, yet it is not of a character to hope for improvement, as the attack may recur at any moment and place him in a more deplorable state than he has yet been in.

ROBERT B. GRIMES, M. D.,
Late A. A. Surgeon, U. S. A.

Subscribed and sworn to before me this the 14th day of April, A. D. 1894.

W. P. CARROLL, *Justice of the Peace.*

To whom it may concern:

This is to certify that I have attended Joseph W. Fisher professionally at various times within the past year, and that I find his physical condition to be such as to totally disable him from manual labor of any sort whatever. He has "amnemonic aphasia," resulting from senile degeneration, which unfits him from all business pursuits where memory, a normal coordination in thought, and a concise manner of expression are required.

His condition during a greater portion of the past six months has been such as to require the services of an attendant to supply his wants, having been afflicted with a catarrhal inflammation of the ears, which resulted in the perforation of the drums of both ears and an almost entire loss of hearing of the right one.

Taking into consideration his age and his present condition of general senile degeneration, it is quite probable that he will require the care of an attendant most, if not all, of the time of the remaining period of his life.

GEO. P. JOHNSTON, M. D.,
Secretary Board United States Examining Surgeons, Cheyenne, Wyo.

April 7, 1894.

THE STATE OF WYOMING, *County of Laramie, ss:*

George P. Johnston, being first duly sworn, deposes and says that the facts contained in the foregoing statement are true.

GEO. P. JOHNSTON, M. D.

Subscribed and sworn to before me this 11th day of April, A. D. 1894.
[SEAL.] LOUISE S. SMITH, *Notary Public.*

Mr. TALBERT. Mr. Chairman, I had no objection to the passage of the bill which was before us a few moments ago—the bill in the case of Mr. Thomas Corrigan. In the last session of the Fifty-third Congress that same bill passed, and I voted for it. I learned from the gentleman from Iowa [Mr. HULL] and his colleague [Mr. LACEY] that his case was meritorious. I investigated it myself and found that the applicant deserved what the bill asked for. I found that he was a true, a tried, a brave, and gallant soldier [applause], who had never turned his back upon the enemy except in a legitimate retreat. I found he was a soldier who had been complimented as one of the bravest that ever fought in any army. For these reasons, I made no objection a while ago to the passage of the bill giving that brave old man something

with which he could take care of himself in his declining years. But, Mr. Chairman, right upon the heels of that bill comes this, which, like many others that have passed this House, discriminates against the gallant private soldier in favor of the officer, and I am opposed to it. I hope it will not become a law.

Mr. PICKLER. The gentleman will allow me to suggest that this pension is not based upon the rank which this man held. If he had been only a private, and were in his present condition, he would get $72 a month. He is 80 years old, and has had four attacks of paralysis.

Mr. TALBERT. Yes; but his case is not presented here as that of a private, but because he is an officer.

Mr. PICKLER. We can not reduce him.

Mr. TALBERT. The reason adduced in the report in favor of granting this pension is that he is an officer; that is the inference drawn—that there must be a discrimination in his favor as against the private soldier. I am opposed to any such discrimination. It is not right. It is not proper. It is not just. An officer is no better than a private soldier.

Mr. LIVINGSTON. Does the gentleman note the fact that this man has had four attacks of paralysis?

Mr. TALBERT. Yes; and it seems to me his case is somewhat like that of the man whose case was before us the other night, who, according to the statement of his disability in the report, was about six-tenths beyond being dead. And I voted for the bill so that he might have enough money to pay his funeral expenses. [Laughter.]

Mr. Chairman, I sat here to-day and witnessed the unpleasant, uncomely, and unusual spectacle of an attempt to stifle debate. I witnessed the unpleasant and uncomely attempt, by means of the previous question, to railroad through these undeserving bills—bills having no merit in them whatever—bills which, by the apparent tyrannical and arbitrary rulings of the Chair, were passed without giving anyone an opportunity to make an explanation or to learn something about them, or to have any light thrown upon them by discussion.

We passed here to-day two bills giving pensions to remarried widows in violation of all law, in violation of every principle of right. Not that I am opposed to the remarrying of widows, for I wish they were all married, but the law says when they remarry they relinquish their right to the pension; and this House has no more right to violate the law than the private individual has. This was done to-day; and I claim that it is not right, for when a widow remarries, knowing the effects of the law, she has no claim upon Congress for restoration to the pension roll. She relinquishes voluntarily her claim.

But, Mr. Chairman, upon the heels of that, under whip and spur, the Chairman and the distinguished chairman of the Committee on Invalid Pensions railroaded through the House a pension for the widow of a man who was only in the Army three months, who never heard a gun fired, and who was never in an engagement with the enemy—that is, there is no testimony to show that he was—who claimed that his deafness asserted as his disability arose from the firing of a cannon that never was fired and that he never heard. [Laughter.] I submit it was not right. I rose in the House when the bill was under consideration and asked if it was in order to offer an amendment to the bill to make it "not granting a pension." The Speaker decided that it was in order to amend it, and I made the motion, but it was ruled out, after it was presented to the House, and no debate allowed at all. I say it was arbitrarily done; it was tyrannical; it smacks, sir, of arbitrary power; and I say we should rebuke such conduct, for if we do not do so we are laying the foundation for despotism and anarchy in this country; the premonitory symptoms are already upon us. It is not right.

I rose when the next bill was under consideration and made a similar inquiry as to an amendment, and made the same motion, but was again ruled out of order. I was thereby refused an opportunity of amending the bill.

A MEMBER. But that was done under the rules of the House. The previous question had been ordered.

Mr. LIVINGSTON. I know my friend from South Carolina does not want to do the Speaker of the House any injustice or any wrong, especially in his absence. The bill to which the gentleman alludes came from the Committee of the Whole, and was debated in the Committee of the Whole, and amendments considered and adopted. It was not subject to amendment in the House after the previous question was ordered, and the Speaker of the House, on the demand of the chairman of the Committee on Invalid Pensions, submitted the question, and the House ordered the previous question. It was the action of the House itself, and the Speaker was simply carrying out the rules of the House.

There was no opportunity for the gentleman to submit his motion to amend after the previous question had been ordered by the House. [Applause.]

Mr. TALBERT. Well, that may be; but I do not think there is anything to laugh about. I do not wish to do the distinguished gentleman any injustice, and certainly will not do him any injustice that he does not do to himself, and I accept the correction offered by the gentleman.

But I repeat, the House, under whip and spur, put in a pension for a man and carried it through, when there is not a scintilla of evidence showing that he ever enlisted in the Army or that he was ever forced to go onto the battlefield; that he ever heard the firing of a gun; that he was ever compelled to take photographic pictures of the contending forces or anything else, and the evidence in this case shows still further that he had only a little scratch in the back and claims that that scratch caused him to go blind without any evidence whatever beyond the mere assertion. For what appears in the report of the committee was not satisfactory to the House or anybody else.

Now, Mr. Chairman, I want to be particularly understood on this question, for I claim to represent no men or set of men who oppose on this floor any claim which is just and right for the granting of pensions. I oppose no claim that is based in justice and founded in right. All I ask is fairness and honest dealing in these matters. I will oppose any pension that is not based upon fairness, that is not based upon principle, and upon right, notwithstanding any arbitrary rulings that have been made to the contrary; and the opposition that I make to such cases is entirely in harmony with what I believe to be the proper principle of our Government; for I am advocating principles that are founded on the solid basis of everlasting truth and justice.

Mr. STEWART of New Jersey. Will the gentleman allow me a question? Do you think it right and just or gallant on the part of a man to assail the Speaker of the House in his absence?

Mr. TALBERT. I never knock a man in the back before his face, my friend. [Laughter.] And I want it understood that I am not one of those who think that "the king can do no wrong." I have rights on this floor as well as the Speaker or anybody else; and I am one of those who dare to assert them. I make no charges upon the Speaker.

Mr. LIVINGSTON. That is, "My king can do no wrong"?

Mr. TALBERT. Well, I have no doubt that the gentleman who asks the question might do a little wrong, if he tried right hard.

Now, I want my position particularly understood on the question of granting pensions. [Cries of "State it!"]

My friends, I am making this speech now, but if you want to make one I will wait until you get through. [Laughter.] I am like the gentleman from Maine or the gentleman from Hawaii, I do not know which. But I have the floor; I have got it now, and I mean to hold it.

I feel myself backed up in the position I take by the old soldiers of this country, and touching on that very subject I send to the desk to have read a letter that I received from an old soldier from the town of Olney, Ill., on this subject, a letter received this afternoon, by which I am justified in saying that the soldiers of this country appreciate the stand that has been taken in support of justice and right on this floor.

I ask the Clerk to read this letter.

The Clerk read as follows:

OLNEY, ILL., *March 31, 1896.*

MY DEAR SIR: I have been reading in the CONGRESSIONAL RECORD the debates in Congress and I have about come to the conclusion that you are about as true a friend as the real soldiers have in this Congress. Now, I am going to give you something to work on. I was one of the very first men in this country to enlist. I enlisted on the 17th of April, 1861, three months; reenlisted and was mustered out of the service February, 1865, on account of a gunshot wound which took my leg off. While I was being hauled to the hospital at Atlanta, Ga., my leg all inflamed, swelled up, and got worms in the wound, and the consequence is that there is not flap enough over the stump; consequently my leg has been bleeding more than one-half the time, and am and have been for thirty years poulticing and bathing in cold water in order to get a little rest at night, and my wife has all these long years been up and down of nights nursing me; so she, too, has lost her health. She has washed these old bloody stockings. Now, my friend, if you will take the trouble to go down in the Pension Office and look at account for increase No. 65380, you will find just what I have told you; will find that in the last two years I have been totally helpless. My claim was rejected because I was drawing all the law allows for a man with a leg off. They did not take in consideration that there is not another case in the United States like this one. My family physician here is one of Mr. Cleveland's appointees, and he told me to-day to write you and when some of these camp followers, wagon masters, or photographers are up have you move to strike out the name and insert my name. Hon. BENSON WOOD introduced a bill for me, but I wrote him to drop the private bill and work to get a certain general bill through which would apply to wounded men like me.

Now, my friend, I can assure you that the old soldiers are getting mighty tired seeing General So-and-So's wife getting $100 per month, when our poor wives have sat by our bedsides, night after night and day after day, dressing our old wounds, and they have been put off with $8 and $12 per month. I suppose THOMAS is afraid he will offend some of the Moneybags if he allows a bill to go through helping wounded soldiers and their wives. I am really entitled to $72 per month. I have not been out of my room but four times in five months, and am aware that I have not long to stay on this earth; but what I want—if you think you could get my pension raised—I want a clause in the bill that if my wife lives longer than I do she is to have the same amount until her death. I do not want to displace anyone that has merit, but I do not like to be put in with deserters. If you will, please write me what you think of this kind of a proposition before you try. Dr. Foster told me to write you and see what you thought about it.

Respectfully,

JOHN S. COCHENNOUR,
Late Captain Company H, Sixtieth Regiment Illinois Volunteers.

Hon. JASPER W. TALBERT.

(which is hereto annexed with the omission of the signatures) gives a state- | to the passage of the bill giving that brave old man something

gentleman any injustice, and certainly will not do him any injus- | Hon. JASPER W. TALBERT.

During the reading of the above,

Mr. GIBSON. I want to inquire whether the correspondent of the gentleman is in a lunatic asylum?

Mr. TALBERT. That shows what the gentleman thinks of the old soldiers, after he has been spending every evening here pretending to advance their interests.

This is a brave soldier, and he is not afraid to express his views in reference to matters pending in the House of Representatives. Besides that, he is not under bond for libel or anything of that sort, and he is no lunatic, either.

Mr. PICKLER. Mr. Chairman, I ask, if this letter is to be read, to have it read. Let us go on with the consideration of this bill.

The Clerk resumed and concluded the reading of the letter as above.

Mr. TALBERT. Now, Mr. Chairman——

Mr. NORTHWAY. May I ask the gentleman a question?

Mr. TALBERT. I want to ask the gentleman from Tennessee [Mr. GIBSON] if he thinks that letter sounds like a letter written by a lunatic?

Mr. GIBSON. I will take it all back.

Mr. TALBERT. I am glad to hear that. I forgive the gentleman, and I hope God and this House will. [Laughter.]

Mr. NORTHWAY. Have you introduced a private bill to help this man?

Mr. TALBERT. I just got the letter to-day, and I stand ready to advocate anything that old soldier wants in reason and equity, and I want to say I stand ready to fight deserters and teamsters and photographers and everything of that kind, and I do hope gentlemen on the other side of the House will have manhood enough, after hearing that letter, to rise up and not bring in any more such unmeritorious, infamous, scandalous bills as they have been bringing in heretofore.

Mr. NORTHWAY. If you will introduce a bill in behalf of that man I will stay here and vote for it, if I have to stay until midnight, or I will come up to-morrow night to vote for it.

Mr. TALBERT. The gentleman from Illinois [Mr. WOOD], as the letter says, has that bill in charge.

Mr. NORTHWAY. I will vote to give that man $72 a month.

Mr. TALBERT. Please let me say I did not have that letter read to create any laughter or anything of that sort. I had it read in good faith. I believe it ought to have been read here to show the sentiment of that grand old soldier who is lying suffering to-day, with an invalid wife.

Mr. PAYNE. Will the gentleman allow me to ask him a question?

Mr. TALBERT. Certainly.

Mr. PAYNE. If I understand the gentleman, he is in favor of giving $72 a month to this old soldier who has written this letter. Is that true?

Mr. TALBERT. This old soldier does not ask for $72 a month.

Mr. PAYNE. Yes, he does, in that letter.

Mr. TALBERT. One thing that he asks for is to be put upon an equality with some of these colonels and generals who never smelled powder, who were always in camp—a great many of them—and who knew nothing about it, but viewed the battle from afar off.

Mr. PAYNE. Are you willing to vote this old soldier $72 a month, as he asks in this letter—this private soldier?

Mr. TALBERT. My friend, I want to say that I will advocate what is right for this old soldier.

Mr. PAYNE. You said you were willing to give him what he wanted. Now, are you willing to give him $72 a month?

Mr. TALBERT. Introduce a bill and try me, my friend. I never answer a question until I reach it. I never cross a bridge until I get to it. But you show your willingness first to do your duty. [Laughter.]

Mr. PAYNE. If you are willing to give that soldier $72 a month, why do not you allow the committee to give this other soldier from Illinois $72 a month, as asked in this bill?

Mr. TALBERT. I will answer your question by asking another. Why is it you stand up here night after night and vote to put bummers and deserters and camp followers and coffee coolers along with such men as he is? Answer that question. [Applause and laughter.]

Mr. PAYNE. I never have done it. I have not voted for any of that class.

Mr. TALBERT. I say you have done it, and the RECORD shows it. I appeal to the RECORD.

Mr. BURRELL. We did not have that kind of men in our army.

Mr. TALBERT. Yes, sir; you had a number of them, and they were in every other army that ever existed, and you know it.

Mr. GROSVENOR. I want to ask the gentleman a question.

Mr. TALBERT. I do not know that I am standing a civil-service examination. [Laughter.] But my old friend is so good-natured—and I know he wants to ask something about McKinley. [Laughter.]

Mr. GROSVENOR. It will fill up the time just as well as anything else. Do you remember the time when this old soldier's pension was raised in common with that of every other soldier who had lost a leg or an arm? Do you remember when the pension of every such man was raised from one rate to a higher rate?

Mr. TALBERT. I suppose he is rated according to his disability.

Mr. GROSVENOR. I am asking you whether you have any knowledge of the change in the law that raised his pension and the pensions of all the legless and armless pensioners from one grade up to a higher one.

Mr. TALBERT. I suppose he has a rating; but as to keeping up with all the laws that you people make, it would take a faster man—as fast as I am—it would take a faster man than I am to keep up with them, you change them so often; but of course I recollect this instance.

Mr. GROSVENOR. I want to ask you if you have any knowledge of how many Democrats voted for that increase in the House of Representatives?

Mr. TALBERT. I am not dealing in statistics just now. We are discussing pensions and not statistics.

Mr. GROSVENOR. If you will find out, you will learn a great deal.

Mr. TALBERT. The other day when I asked the gentleman how much money there would have been in the Treasury if the income tax had not been repealed he did not answer, but went off into the high seas and went into piracy. [Laughter and cries of "Vote!"]

Mr. ERDMAN. Why is it that this Republican House and Republican majority——

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. ERDMAN (continuing). Of the Invalid Pension Committee.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. TALBERT. I have the floor. I yielded to the gentleman from Pennsylvania for a question.

The CHAIRMAN. The gentleman did not address the Chair, and the Chair had no knowledge of that private conversation.

Mr. TALBERT. I yield to the gentleman from Pennsylvania.

Mr. PICKLER. He has no time that he can yield.

Mr. TALBERT. I think I have. I have more time than money; and I expect the gentleman from South Dakota is in the same condition. [Laughter.]

The CHAIRMAN. The gentleman says that he yielded for a question.

Mr. ERDMAN. Why is it that this Republican House and the Republican Committee on Invalid Pensions, the majority of them, have had before the committee for four months a bill to increase the rating of the armless and legless which it has not reported to this House at all?

Mr. TALBERT. I will answer the gentleman as far as I am able. I want to give him a correct answer, and if I do not state it right, I want to be corrected. I suppose they have not got through the bills for all the camp followers and coffee coolers and deserters. I suppose when they get through with them, they will report the bill.

Mr. WOOD. Mr. Chairman, as the letter which has just been read has introduced my——

Mr. TALBERT. I want to say, Mr. Chairman, just right here——

The CHAIRMAN. The gentleman from Illinois has the floor.

Mr. TALBERT. I have the floor. I submit that I have never yielded the floor.

The CHAIRMAN. The Chair understands that when the gentleman started away, after closing his remarks, that he had yielded the floor, and has recognized the gentleman from Illinois.

Mr. TALBERT. Now, I understand that the Chair has the right to so decide, and I have no objection.

The CHAIRMAN. The gentleman is out of order and will take his seat.

Mr. TALBERT. I will stand up, if I see proper, but of course I yield to the Chair.

Mr. WOOD. I will occupy the attention of the committee but a very few moments. As my name was introduced in the letter which was read at the Clerk's desk, addressed to the gentleman from South Carolina [Mr. TALBERT], I will just state here that Captain Cochennour, the writer of this letter, is personally known to me, and a more gallant soldier never went out from any State in the Union. He lost his leg by a gunshot wound in a charge at the battle of Jonesboro, Ga., September 1, 1864. It is true, as that letter has stated, that, realizing the fact that some pension legislation was needed in behalf of the legless and armless soldiers, he generously requested me to withhold his bill until a general act could be put through Congress that would cover all cases.

I wish that everyone who was a claimant on the bounty of the Government or the just dues of the Government had taken the same honorable course he has. There can be nothing said against the character of that man. He is a good citizen. His neighbors about him, who know his condition, have written me repeatedly

since I have been here. The fact is, that the stump of that leg has not healed entirely in all these thirty years. I am glad that this matter has come up, for I desire to give notice to the committee that on the first opportunity I shall ask unanimous consent to have the bill increasing his pension brought before the House and put upon its passage. That is all I have to say.

Mr. TALBERT. Mr. Chairman, I only intend——

Mr. PAYNE. I rise to a point of order.

Mr. TALBERT. I just desire to say that I did not——

Mr. PAYNE (continuing). The gentleman has already been recognized once upon this question——

Mr. TALBERT. I desire only to make an explanation.

Mr. PAYNE (continuing). And he can not be heard again without consent of the committee.

The CHAIRMAN. The Chair holds the point of order well taken.

Mr. TALBERT. I rise to a question of personal privilege.

The CHAIRMAN. The gentleman will state his question of personal privilege.

Mr. TALBERT. I just simply desire to say, in reference to what the gentleman has said, that I introduced that letter in good faith, and without having any thought of raising all this hullabaloo; but that it might be brought up in this way and that it might do good. I disclaim introducing it with any disrespect to that old soldier or to have any levity about it. I did it in good faith, am not ashamed of having done so, and I will stand by it, no matter how many points of order the gentleman from New York may raise. [Laughter, and cries of "Vote!" "Vote!"]

Mr. LIVINGSTON. Mr. Chairman, I understand that these Friday night sessions came into existence for the purpose of meeting emergencies that are not provided for under the general law. These cases that come before us at Friday night sessions are those not covered by the general statutes. Now, I find that on this floor there are two extremes that are very damaging to the old soldiers; and I want to say to my friends on both sides of the House that they do an injustice to themselves and to the old soldier by taking these extreme positions. We have some men on our side who seem to be opposed to any kind of pensions; you have men on your side [addressing the Republican side] who are willing to burden this country with any kind of a pension.

Mr. ERDMAN. Will the gentleman allow me to ask him a question?

Mr. LIVINGSTON. Yes, sir.

Mr. ERDMAN. Have you heard any gentleman on this side express himself as opposed to all pension legislation?

Mr. LIVINGSTON. No, sir.

Several MEMBERS on the Republican side (addressing Mr. ERDMAN). You are!

Mr. ERDMAN. No, sir; I am not.

Mr. LIVINGSTON. Now, Mr. Chairman, there is no man on this side or on the other, whether he be Democrat, Populist, or Republican, who ought not to vote for every meritorious case that comes before this body at these Friday night sessions. At the same time the chairman of the committee and the gentlemen who stand behind him on his side of the House ought to be extremely careful that they do not put before the House unmeritorious cases. If both sides were thus careful, all this contention and all this loss of time would cease.

It is true we should not have so much political capital on which to go before our people when we come to stand for reelection; but at the same time the old soldier would fare better. We should have less turmoil and strife in this House at these Friday night sessions. I am not here to-night to make any speech; but I do want to say to the chairman of this committee, in all candor, that during my membership of this House there have been brought here on Friday nights and on private-bill day pension cases which ought never to have been passed, but which have been railroaded through. It was a dishonor to the old soldier, and it was no honor to the chairman of the committee and the majority of this House, to put through such pension bills. And on the other side of the House the opposition at times to gentlemen on our side who were conscientiously opposing pension bills was not at all creditable. That is true also.

Mr. PICKLER. Will the gentleman from Georgia state what case has been reported this session from our committee which ought not to have been reported?

Mr. LIVINGSTON. Well, I am not going to particularize cases.

Mr. PICKLER. I want to say to the gentleman from Georgia that the most questionable case we have reported in this House at this session is one which was favorably reported in the last House.

Mr. LIVINGSTON. What I want to say is this: If the chairman of the committee and the majority of the House will only take up meritorious cases, I shall insist with all the power and influence which I may have that gentlemen on this side of the House shall let such bills go through without opposition, without dilatory motions, and without unnecessary consumption of time. Why can we not do that? Why can we not behave here like Congressman ought to do; and why can we not legislate for the benefit of the old soldier?

Mr. PICKLER. Simply because the gentleman from Pennsylvania will not let us do so.

Mr. LIVINGSTON. Now, the gentleman is becoming personal. What I desire is that we shall stop all this personal crimination and recrimination. We ought to do it. All I am saying now is in the interest of the soldier and on behalf of the credit of this House and this Congress, and on behalf of the peace and sobriety of spirit which should characterize our action at these Friday night sessions. [Applause.]

Mr. POOLE. Mr. Chairman, on last Friday night we had a speech from the gentleman from Illinois [Mr. CONNOLLY] attacking the work of the Invalid Pension Committee. To-night a similar attack is made by the gentleman from South Carolina [Mr. TALBERT]. It is time that these attacks should be met by the Invalid Pensions Committee, and I propose to meet them in a few words here to-night. I call attention to the words spoken by the gentleman from Illinois [Mr. CONNOLLY] on this floor last Friday night:

> Mr. Chairman, I say I can not understand what it is that actuates this Committee on Invalid Pensions to neglect the bills that are pending before them for sure-enough soldiers, men who carried sword and musket and stood in the forefront for years, but who can not bring themselves now within the strict letter of the law so as to obtain pensions under the general law.

Again, the gentleman from Illinois said:

> As to that class of bills, bills giving pensions to soldiers and to their widows, the sentiment that has inspired the enactment of special laws of that kind has been approved for twenty-five years by the people of this country. We are justified in passing them; but are we justified in letting such claims sleep and bringing to the front bills for teamsters, photographers, camp followers of every grade and kind, and giving them pensions, while the soldiers who are really entitled to pensions are one by one dropping into their graves, dying in poorhouses, or living upon the crumbs of charity?

Now, Mr. Chairman, if those words are true, if this Invalid Pensions Committee has been guilty as thus charged, we deserve the censure not only of this House, but of the entire country. But I say, Mr. Chairman, those charges are a base slander. There is no committee of the House that has such hard work as the Committee on Invalid Pensions. We do not originate many of these bills ourselves. We take them as members present them to our committee, examine them and the testimony submitted; and I wish to show what we have accomplished in that direction. There have been presented to the committee 1,863 private pension bills. We have made favorable reports in 261 cases up to the 1st day of April.

I claim, Mr. Chairman, that the committee has been unjustly attacked, and I wish to show in a few words what we have done and say something in defense of our action. As I said, sir, we have made favorable reports in 261 cases. There have been probably three times that number of bills presented that we have examined and rejected individually as members of the various subcommittees who had them to consider.

Of the bills reported—and I want the House to distinctly understand just the class reported, and then if we have been guilty of bringing teamsters, photographers, and camp followers to the front, and relegating to the rear the soldiers who carried muskets and who served the country faithfully, we are willing if that fact is exhibited by the work we have done, to accept the censure of the House. The following bills were reported by the committee:

Invalid, original and increase of pension	109
Widows, original and increase of pension	105
Dependent mothers	10
Nurses	3
Minors	1
Permanently helpless:	
Dependent daughters of soldiers	13
Dependent sons of soldiers	1
Dependent sisters of soldiers	2
State militia disabled while in United States service	4
Contract surgeon	1
Civilian employees injured in United States service	3
Citizens injured doing military duty	2
United States Revenue Marine	1
Widow of scout and guide (spy)	2
Foster father	1
Stepmother	1
Mother of civilian employee (boy drowned)	1
Total	261
Total number of private bills referred to committee up to April 1	1,863
Total number of public bills referred to committee up to April 1	121
Total number of Senate bills referred to committee up to April 1	103
Total	2,087

It will be seen, therefore, from this table that there have been 261 bills favorably reported by the committee in all. In addition to these bills, as will be seen by the same table, we have had 121 general bills under our charge for consideration. We have also had from the Senate 103 bills, making a total of 2,087 bills all told that we have had for consideration in the committee during the present session of Congress.

I claim that from this record it is demonstrated, beyond any reasonable doubt, that we have worked faithfully and earnestly

words of this amendatory act were ample to cover the Blackman case, but

Mr. POOLE. He certainly did complain that all this class of

Mr. ERDMAN. I will tell gentlemen on the other side what it

[Laughter.]

Mr. GROSVENOR. It will fill up the time just as well as any-

the character of that man. He is a good citizen. His neighbors about him, who know his condition, have written me repeatedly

dilatory motions, and without unnecessary consumption of time.

reasonable doubt, that we have worked faithfully and earnestly

on this business and that we have not relegated the invalid soldiers and their widows to the rear and brought forward the camp followers and photographers and others of that class, as has been alleged on this floor.

The case of that photographer, which was argued with so much spirit a week ago, and in reference to which the gentleman from Illinois [Mr. CONNOLLY] made such an attack, was a case of unusual hardship. I do not propose, Mr. Chairman, to go over the evidence in the case again, but merely wish to state that this was the man who was wounded in the service of the Government under circumstances, as I have said, of peculiar hardship; and we believed that it was only right and proper that he should receive a pension, and thought we were fully justified in giving him the pension of $30 a month in view of the terrible injury he had received. He was wounded, I repeat, while doing duty, taking photographs of the earthworks of the enemy, by the direct request of Maj. Gen. John J. Peck.

But now let us turn our attention for a few moments to the bills that the gentleman from Illinois [Mr. CONNOLLY] introduced, a gentleman who seems to be so much better than the rest of us. Let us see what bills the gentleman from Illinois presented, because we must take the bills that the members present, not our own bills, for consideration before our committee. It is right, of course, that we should expect this gentleman only to send us such bills as would take care of the interest of what he calls the "sure-enough soldiers," the old soldiers, the men who carried the muskets and performed hard duty in the field, and we should not expect that any bill coming from that source would be open to the slightest question as to its propriety or the wisdom of its passage in the House. Let us examine, then, the character of bills the gentleman has introduced and see whether they come up to his standard.

The first bill I find is the bill (H. R. 4184) "granting a pension to Nancy Hollenbank, formerly Nancy Boaz, formerly Nancy Yeley, a hospital nurse during the war of the rebellion." She did not carry a sword or musket, and does not come under the head of the class of soldiers which the gentleman from Illinois thinks should only be pensioned. That is the first bill. The second was a bill granting a pension to William C. Estell, a disabled dependent son of a soldier. It may be a very worthy bill. I do not attack the bill at all; I am simply asking attention to those presented by the gentleman from Illinois, who says that we are bringing the camp followers to the front and relegating the old soldiers to the rear. I only want to call attention to the character of the bills that he has introduced, to see how they compare with those this committee has reported. I want to let you see what bills he has presented for consideration. The third bill is House bill 7628, which proposes to put the name of William T. Evans, late a hospital steward, on the pension rolls; a man who never carried a musket, who never carried a sword. That is the third case. The fourth bill that he presented for consideration was to pension Hannah Bailey Munson, a nurse, a woman, who never carried a sword or a musket. Those, gentlemen, are the only bills that the gentleman from Illinois [Mr. CONNOLLY] has presented to our committee for pensioning what he calls sure-enough soldiers. But upon looking over the record I find that in addition to those bills he has presented to the Committee on Military Affairs some bills for the benefit of men who were possibly sure-enough soldiers. The first one was the bill (H. R. 4183) to remove the charge of desertion from Peter Gehm. That was a bill for a man who possibly at one time did carry a musket. But he deserted.

Mr. MCCALL of Tennessee. What became of that man?

Mr. POOLE. He deserted from the service of the United States, and now the gentleman from Illinois [Mr. CONNOLLY] is trying to restore his record, and possibly at the next Congress he will present a bill to pay him a pension.

The second bill, and the only other bill he has presented for a sure-enough soldier, was H. R. 5931, to remove the charge of desertion from William C. Johnson, another deserter.

Those, Mr. Chairman, are the only bills that the gentleman from Illinois has presented to this Congress for the consideration of any committee that benefited any man who had ever been a soldier. Now, Mr. Chairman, I do not know what his purpose was in making this attack upon our committee.

Mr. CONNOLLY. Will the gentleman allow me?

Mr. POOLE. Wait a moment. You had the floor last week. It may be possible that the gentleman made this attack last week because early in this week there was a Congressional convention in his district, and it might have been necessary for him to let the people in his district and the soldiers there know how much he was doing for the old soldiers of Illinois.

Now, I do not attack these bills which he has presented. I do not think the committee have examined these bills. The subcommittee having charge of these bills from Illinois has not yet found enough merit in them to present them to the entire committee.

Mr. MILES. I should like to ask my friend a question right there. Did not the gentleman from Illinois [Mr. CONNOLLY] complain last Friday night that these bills had not been considered?

Mr. POOLE. He certainly did complain that all this class of bills—bills for sure-enough soldiers—had not been presented and considered, but I claim it is a base slander.

Mr. MILES. Do we not sometimes have the custom in our committee of giving such bills as that a pocket veto?

Mr. POOLE. Certainly we do. I can prove by my own record that I have been compelled to abandon more bills than I reported, and I have reported perhaps as many bills as any other member of the committee. We do not waste your time, gentlemen of this committee, by presenting bills to you that have no merit. We present those bills that our consciences tell us are right.

Now, we were taunted by the gentleman from Pennsylvania [Mr. ERDMAN], at the last Friday night meeting of this committee, that we did not pass these bills. Who is to blame? It is not the Committee on Invalid Pensions; it is the gentleman from Pennsylvania [Mr. ERDMAN], who has fought us every night and done everything in his power to prevent our passing these bills—bills that he knew were meritorious. [Applause.]

Mr. ANDREWS. Mr. Chairman, with the forbearance of the committee, I should like to add just a word or two, in order that we may return to the bill under consideration and give a moment's attention to its merits.

The beneficiary named in this bill is in such a helpless physical condition that he needs and must have one attendant constantly, and two attendants a greater portion of the time. All of the facts presented in this case and stated in the communications that came to me before the bill was recommended for passage led me to the conclusion that if there is any meritorious case for Congress to pass upon this is one of the meritorious cases. It must be remembered that this man is 80 years of age, that his life perchance may close any day. I will not intrude upon the forbearance of the committee further, but hope we can now have a vote.

The CHAIRMAN. The question is, Shall this bill be laid aside with a favorable recommendation?

Mr. ERDMAN. Mr. Chairman——

The CHAIRMAN. Those who favor laying aside the bill with a favorable recommendation will say "aye."

The affirmative vote was taken.

Mr. ERDMAN. Mr. Chairman——

The CHAIRMAN. Those opposed will say "no."

The negative vote was taken.

The CHAIRMAN. The ayes appear to have it; the ayes have it, and the bill is laid aside to be reported to the House with a favorable recommendation.

AGNES A. BLACKMAN.

The next business on the Private Calendar was the bill (H. R. 2151) to restore to the pension rolls the name of Agnes A. Blackman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and instructed to restore to the pension rolls the name of Agnes A. Blackman, widow of George C. Blackman, brigade surgeon, United States Volunteers, certificate No. 34624, at the rate of $8 per month.

Mr. ERDMAN. Let us have the report.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2151) granting a pension to Agnes A. Blackman, having carefully considered the same, respectfully submit the following report:

This bill grants a pension of $8 a month to Agnes A. Blackman, as widow of George C. Blackman, a brigade surgeon in the war of the rebellion.

This woman applied for pension under the old law, and pending the determination of that claim she applied for and was granted a pension of $8 per month under the law of 1890.

After this she presented her claim under the old law, and in that investigation the question as to the validity of her marriage to Dr. Blackman arose.

Dr. Blackman had been married and divorced in Kentucky prior to his marriage to this woman. This divorce was a limited one, and the question was whether under it this subsequent marriage was legal.

Before entering into this second marriage Dr. Blackman took the advice of eminent counsel, and he was advised that he was perfectly free to marry again, and that the marriage would be valid.

While the matter was pending in the Pension Office an autograph opinion of Justice Stanley Matthews and ex-Attorney-General Alphonso Taft was filed, in which opinion they declared that the second marriage was valid. Notwithstanding these opinions the law clerk of the Pension Bureau decided against the validity of the marriage and her claim was rejected, and her pension under the law of 1890 stopped.

The law question appears in the following facts. Prior to 1853 the law of Kentucky relative to divorce was as follows:

"CHAP. 47, ART. 3, SEC. 2. No decree of divorce shall authorize or permit the party obtaining the same to marry again until one year after the final decree except when it is herein allowed in favor of both parties, etc.

"SEC. 8. A divorce from bed and board shall operate, as to property thereafter acquired, and upon the personal rights and legal capacities of the parties, as a divorce from the bonds of matrimony, except that neither shall marry again during the life of the other, and except, etc.

An act approved March 10, 1854, repealed the provisions limiting the right to remarry and is as follows:

"An act to amend the third article of the Revised Statutes, entitled 'Divorce and alimony.'

"*Be it enacted, etc.*, That a party obtaining a divorce may marry again at any time after the final decree was rendered; may marry again at any time after one year from said decree."

The law clerk held that this did not reach the case of persons divorced from bed and board, for the reason that it could not be presumed that the legislature intended to make a divorce from bed and board the equivalent of one from the bonds of matrimony. There was not much question but that the

words of this amendatory act were ample to cover the Blackman case, but the words were limited by the law clerk's construction by what he assumed was the intention of the legislature.

The weight of authority seems to be with Justice Matthews and Judge Taft and against the law clerk; so your committee recommend the passage of the bill.

Mr. ERDMAN. Mr. Chairman, if the Chair will but permit his eye to wander over this way, we may get a little more frequent recognition on this side. In reply to the gentleman from New York [Mr. POOLE], when he says that I stand here night after night and oppose pensions, I beg to say it is he and people with his disposition, who never scruple to vote for any bill, that have not stopped at teamsters, photographers, bums, and bounty jumpers, and, in the language of the gentleman from South Carolina, coffee coolers——

Mr. POOLE. Where were you during the war?

Mr. ERDMAN. It is by the act of those gentlemen, driving through all bills, refusing to discriminate, that pension legislation is delayed and pension legislation is sometimes blocked. I have expressed myself on a number of occasions as willing to scrutinize every bill and willing to vote for all those that are found with merit and willing to vote against all those that are without merit—what the other side is not willing to do. Now, we had a feast today, a royal feast, in which many deserters, bounty jumpers, and photographers sat down to $20, $30, $50, and $100 a month pension, and the crumbs go to the common soldiers.

Mr. PICKLER. Will the gentleman allow me a question?

Mr. ERDMAN. Scarcely the crumbs. The gentleman can speak in his own time.

Mr. PICKLER. Will you name any of them?

Mr. ERDMAN. I have named them.

Mr. PICKLER. That statement is untrue——

The CHAIRMAN. The gentleman from South Dakota is out of order.

Mr. PICKLER (continuing). And you know it. Absolutely untrue.

Mr. ERDMAN. When the gentleman wants to characterize me as opposed to pension legislation——

Mr. PICKLER. Yes; I do.

The CHAIRMAN. The gentleman from South Dakota is out of order. The gentleman from Pennsylvania declines to be interrupted.

Mr. ERDMAN. He knows that it is not correct. Now, in regard to that bill that was up a while ago, I desire to have inserted in the RECORD some further history of the claim of General Fisher. If there is objection to it, I will read it or have it read in my time. I ask unanimous consent to have it inserted.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to have read——

Mr. ERDMAN. No; to insert.

The CHAIRMAN (continuing). The paper that he holds in his hand.

Mr. PICKLER. Will the gentleman state what it is?

Mr. ERDMAN. It is a further history of the case of General Fisher.

Mr. PICKLER. Is it from the Pension Office?

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none. The Clerk will read.

Mr. PICKLER. He only asked to have it inserted in the RECORD.

Mr. ERDMAN. Yes, sir.

Mr. PICKLER. Let him insert it.

Mr. GROSVENOR. Mr. Chairman, I do not know that as a matter of practice that thing ought to be allowed. Unless the gentleman will state——

Mr. PERKINS. Mr. Chairman, I shall interpose an objection to printing in the RECORD without any knowledge of the contents of the paper.

The CHAIRMAN. The request was made to the House. The Chair stated that the gentleman made the request for unanimous consent, and no objection was made.

Mr. GROSVENOR. To read.

The CHAIRMAN. To read and insert.

Mr. HARDY. I object to the reading.

Mr. GROSVENOR. I object to its going in without being read, where it relates to the history of a dead man, without the House having knowledge of what it is.

The CHAIRMAN. The objection should have been made before.

Mr. GROSVENOR. I was making it as fast as I could. Two or three were talking at once, and I was asking the gentleman what it was. The gentleman was proposing to insert it in the RECORD, and I wanted him to state whether it was something of his own creation or something——

The CHAIRMAN. Is there objection to the insertion of this paper in the RECORD?

Mr. PERKINS. I object.

Mr. ERDMAN. I will tell gentlemen on the other side what it is, if they care to know.

Mr. WOOD. I hope the gentleman will be permitted to read it. If there is anything in it relating to the history of this case, it is proper.

Mr. ANDREWS. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. ANDREWS. The bill to which these remarks are intended to relate has been passed, and is not now under consideration.

Mr. PICKLER. I thought it was to this case.

Mr. ERDMAN. It is to the case of General Fisher.

The CHAIRMAN. Objection has been made to the insertion of the paper in the RECORD.

Mr. ANDREWS. I ask for a ruling of the Chair on the point which I submitted. I did not understand the decision.

The CHAIRMAN. Objection has been made to inserting the paper in the RECORD.

Mr. ANDREWS. My point is, that the bill to which the matter relates has already been passed, and that the matter is wholly out of order.

Mr. ERDMAN. I want to say that the matter I desired to publish is in advocacy of the bill which has just been passed, and tends to show conclusively that the bill ought to have been passed. For that reason I wanted to put it in the RECORD.

Mr. PICKLER. We do not need any more proof in favor of the bill.

Mr. ERDMAN. I know you "do not need any more proof"; that is the way many of these bills come in here.

Mr. HARDY. Mr. Chairman, I have been very much pleased with the remarks made here to-night by the distinguished gentleman from Georgia [Mr. LIVINGSTON]. But sir, I feel that I can not indorse the action at Friday night sessions of the warm friend of us all, the gentleman from Pennsylvania [Mr. ERDMAN]. He assumes the right to criticise the action of the Committee on Invalid Pensions, and also the Committee on Pensions, of which committee I have the honor to be an humble member. He insists that every bill coming before this Committee of the Whole from either of the Pension Committees shall be subjected to the most rigid investigation and scrutiny. Sir, this is a reflection upon those committees that is not warranted, in view of the careful investigation they give to every claim coming before them.

Mr. MILES. One question, if the gentleman will permit me.

Mr. HARDY. Certainly.

Mr. MILES. I believe I understood you to say that the gentleman from Pennsylvania had on some Friday night——

Mr. HARDY. To-night.

Mr. MILES. Or to-night.

Mr. HARDY. Every night.

Mr. MILES. Every night—as you please—criticised the Committee on Pensions.

Mr. HARDY. Oh, no; to-night the Committee on Pensions——

Mr. MILES. Of which you are one member.

Mr. HARDY. Yes, of which I am one very humble member.

Mr. MILES. When did he do it? In what case?

Mr. HARDY. Why, he has criticised on every Friday night that we have been in session the Committee on Pensions, and has demanded and required debate upon every bill in this House, while he has stood here on this floor and voted for bills submitted by the Committee on Appropriations and the Committee on Ways and Means, voting away $590,000,000 of the money of the Government.

Mr. MILES. Keep cool.

Mr. HARDY. I am cool as an iceberg.

Mr. MILES. What I wanted the gentleman to do, in fairness to the gentleman from Pennsylvania, was to give to this House the name of one case reported by the Committee on Pensions—not the Committee on Invalid Pensions—which the gentleman from Pennsylvania has criticised or debated.

Mr. HARDY. Why, I have stated that the gentleman has objected to and criticised nearly every pension bill that has been introduced in this House.

Mr. MILES. Name one.

Mr. HARDY. Why, the last one—the one a moment ago—when he wanted to read a voluminous record.

Mr. MILES. That did not come from your committee; and if you do your duty on that committee, you ought to know that it did not.

Mr. HARDY. I qualified my remark by saying the Committee on Invalid Pensions and the Committee on Pensions.

Mr. MILES. Well, it is as to the Committee on Pensions that I am objecting.

Mr. HARDY. What is your objection?

Mr. MILES. You stated that you were a member of the Committee on Pensions and that the gentleman from Pennsylvania had criticised the bills that came from that committee.

Mr. HARDY. Well, I will qualify that remark by stating that the gentleman has opposed nearly every bill that has been reported

plain last Friday night that these bills had not been considered?

from the bonds of matrimony. There was not much question but that the

to this House on Friday nights from either of the Pension Committees. [Applause.]

Mr. MILES. Now that the applause has subsided, all I desire to say in answer——

The CHAIRMAN. Does the gentleman from Indiana yield?

Mr. HARDY. Certainly.

Mr. MILES. All I desire to say to that is that it is not true.

Mr. HARDY. Well, I desire to say in reply to you that you do not know anything about either committee.

Mr. MILES. That is all very fine!

Mr. HARDY. Now, I do not rise to make an attack on the gentleman from Pennsylvania. I am a friend of his, and he is a friend of mine. But I am talking simply to this point——

Mr. MILES. I do not know——

Mr. HARDY. I refuse to yield. If the gentleman does not know what he is talking about, I refuse to yield further. Now, Mr. Chairman, what I simply desired to say was this——

Mr. MILES. Mr. Chairman——

Mr. HARDY. I refuse to yield.

Mr. MILES. Very well, that is right. Now I protest——

The CHAIRMAN. The gentleman from Maryland is out of order.

Mr. MILES. Very well, I respectfully yield to the Chair.

Mr. PICKLER. Sit down.

Mr. MILES. You must not tell me to sit down.

The CHAIRMAN. The gentleman from Maryland is out of order.

Mr. MILES. Yes; and the gentleman from South Dakota is out of order, but you can not see that.

Mr. HARDY. Now, Mr. Chairman, what I simply desired to say was that the gentleman from Pennsylvania and one or two others, I might say—all friends of mine on that side——

Mr. MILES. Do you include me?

Mr. HARDY. All friends of mine, including yourself.

Mr. MILES. I do not know when the friendship began.

Mr. HARDY. Many years ago.

Mr. ANDREWS. Will the gentleman yield for a question?

Mr. HARDY. Well, if it is brief and pertinent.

Mr. ANDREWS. Will the gentleman who now occupies the floor and the gentleman from Maryland kindly consent to finish this dialogue in the lobby while we pass a few pension bills? [Laughter.]

Mr. HARDY. I will say to the gentleman from Maryland that the gentleman from Pennsylvania is eminently able to sustain himself on the floor of the House against any man upon it.

What I desire to say is that the gentleman from Pennsylvania and one or two others on the floor of the House have occupied the time of the House on Friday nights in protesting, by speeches, against the passage of pension bills, and yet at the same time proclaim themselves to be the friends of the Union soldier. The man that proclaims himself to be the friend of the Union soldier on this floor, as some of these gentlemen have done, and who occupies the position that they have occupied with reference to these bills, is not as good a friend of the Union soldier as I would be of the Confederates, and I was a noncombatant upon either side.

Now, Mr. Chairman, I merely desire to say further that the people of this country, from the districts represented by these gentlemen and from all over the land, ask nothing but justice to the Union soldiers. [Cries of "Vote!" "Vote!"]

Well, you will vote when I get through; hardly before.

And furthermore I wish to discuss this point, and I rose mainly for that purpose, as to the widow of a dead Union soldier who remarries, that she shall, in the event of the death of her second husband, lose her pension. In many of these cases the children of the dead soldier are gathered about her and dependent upon her; and so, if in order to better her condition she has made a mistake in marrying again and has a worthless husband whom she can not live with, or where the second husband has died, I claim that she should be reinstated to the position she held as the widow of the soldier. The mere act of trying to better her condition should not exclude her from the pension rolls. "Love levels all ranks"; and many a soldier's widow, with his children about her, has sought to better her condition by marrying again, hoping thus to be enabled to support them in a little more comfort. The second husband may have been enabled to provide a better living for her, or he may have failed to do so; but whether he did or not, he has gone to his reward, and I claim that under such circumstances it is not right that the widow, who was the wife of a soldier while he was in the Army and serving his country, should have to lose her pension altogether.

Mr. ERDMAN. Mr. Chairman, in this bill we are about to establish another kind of a widow, and while we are making these different kinds of widows we might just as well pause for a minute and see precisely what we are doing.

This soldier was married and obtained a divorce a mensa et thoro, and thereafter proceeded to marry somebody else. Now, we are saying that that is a legitimate divorce, which authorizes a remarriage. The Pension Bureau has said no; and I will warrant the assertion that every reputable lawyer and every reputable legal authority anywhere, except perhaps in this House, will say that it is not such a divorce as will entitle anybody to marry again.

Mr. LOUDENSLAGER. Mr. Chairman, I rise to a question of order. I do not think the gentleman from Pennsylvania is in order under Rule XIV, clause 6.

The CHAIRMAN. The Chair will state that no objection was made at the time the gentleman began the discussion. The Chair, therefore, overrules the point of order at this time.

Mr. ERDMAN. Now it is pretended that there was an opinion by Justice Stanley Matthews and by ex-Attorney-General Taft upon this subject. The gentleman who drew the bill, I warrant, would not produce or publish that opinion, and yet you are about to say that that is the law.

If that is not another instance of reckless pension legislation, I do not know what is. I am told to point them out. I will point them out, and accentuate them as we go along; and yet I warrant that all the gentlemen on the other side of the House, embracing among them many of the best lawyers in the country, will stand up and vote for the passage of the bill against their own better judgment.

Mr. BROMWELL. Mr. Chairman, I want to say but a word with reference to the attack that has been made upon Dr. Blackman. He was probably the most eminent surgeon that ever practiced in the city of Cincinnati; and the reflection that is made upon him by the remarks of the gentleman who has just taken his seat, it seems to me, ought not to go unnoticed. The facts in the case are fully stated in the report——

Mr. ERDMAN. Will the gentleman allow a question?

Mr. BROMWELL. Certainly.

Mr. ERDMAN. Do you assert, as a question of law, that this gentleman had a right to marry again in view of the divorce that he received?

Mr. BROMWELL. I do. I assert most emphatically as a question of law that he had, and that is the opinion of Justice Matthews, of the Supreme Court, and of Judge Alphonso Taft, Attorney-General of the United States. It is a question that the best legal talent in the country has settled. These gentlemen, when consulted upon the subject, gave their opinion, as a question of law, that he had a right to marry again.

Now, that is all I have to say. This man was divorced. He went to these eminent legal authorities, than whom there were none better in the United States, and they advised him that under the law he had a right to remarry. He did remarry, and he lived for forty years with his second wife. This is the woman who now applies for this pension.

The bill was laid aside to be reported to the House with a favorable recommendation.

ORDER OF BUSINESS.

The CHAIRMAN. The Clerk will read the next bill.

Mr. ANDREWS. I rise to ask unanimous consent in relation to Calendar No. 434, granting a pension to Gen. John M. Thayer. I will state the point briefly, and if there be objection, I will not consume time. General Thayer, the beneficiary named in the bill, is in a very critical condition. He is without means of support, and dependent entirely upon the charity and voluntary service of neighbors and friends, and unless we can reach this bill speedily it is probable that we will not be able to extend any relief whatever in his behalf.

The CHAIRMAN. What is the request of the gentleman? He has made none up this time.

Mr. ANDREWS. My request is for unanimous consent that this bill may be taken up and passed upon to-night, in order that we may possibly extend relief to General Thayer in the hour of his need.

Mr. PAYNE. I hope that will be done, although the next bill on the Calendar in the regular order is one in which I am interested.

The CHAIRMAN. The gentleman from Nebraska [Mr. ANDREWS] asks unanimous consent that Calendar No. 434 may be considered. Is there objection?

Mr. PICKLER. Mr. Chairman, I object.

Mr. ANDREWS. I hope the gentleman will not object.

Mr. PICKLER. I withdraw the objection.

The CHAIRMAN. Is there further objection?

Mr. PICKLER. The whole Calendar will be disarranged if we begin this.

Mr. LOUDENSLAGER. Mr. Chairman, I object.

EBENEZER G. HOWELL.

The next business on the Private Calendar was the bill (H. R. 5254) granting an increase of pension to Ebenezer G. Howell, late a private Company F, One hundred and sixtieth New York Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll of the United States the name of Ebenezer G. Howell, late a private in Company F, One hundred and sixtieth New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of all other pensions.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5254) to pension Ebenezer G. Howell, after duly considering the same, respectfully report:

Ebenezer G. Howell enlisted in the war September 5, 1862, as a private in Company F, One hundred and sixtieth New York Infantry, and was discharged as sergeant April 25, 1864. He reenlisted April 26, 1864, as second lieutenant Company K, Seventy-third United States Colored Troops, and was discharged January 29, 1866, having served faithfully three years and four months. November 3, 1879, he applied for pension for bayonet wound of right hand injuring little finger, and was pensioned April 10, 1883, to date from April 30, 1866, at $7.50 per month, "for incised wound of right hand affecting little finger." This was increased May 12, 1890, to $11.50 per month, to date from April 30, 1866.

The evidence in this case shows that Ebenezer G. Howell was, on the 6th day of March, 1888, badly injured in a railroad accident near Hobart, in Indiana. The train upon which he was riding was standing upon the track over a high trestle, and was run into by another train from the rear. The engine of the other train telescoped the car in which he was riding, filling the wrecked car with steam. He attempted to escape from the car, which is known as the caboose, and tried to get upon the top of the car and save himself from being scalded to death. He got hold of the ladder leading to the top of the car, but by reason of the injury of his right hand from the bayonet wound he received in the Army was unable to hold himself, and consequently fell a distance of 27 feet, breaking his right arm near the shoulder and also between the elbow and wrist; also injuring his spine and left side to such an extent that he has been partially paralyzed ever since.

The testimony shows clearly that from that time he has been unable to dress or feed himself without assistance and is unable to do any kind of labor. The records of the Pension Office show that Howell made claim for an increase of his pension January 14, 1893, as follows:

Alleges "pensionable disabilities and an injury received in a railroad accident March 6, 1888, in consequence of not being able to hold to the iron on side of the car by reason of said pensioned disability of right hand, said injury on railroad resulting in total physical and partial mental disability, and being sequence of said pensioned disability."

He was examined by the board of examining surgeons at Auburn, N. Y., September 6, 1893, and as a result of that examination, which was made with great detail, they concluded: "As a result of these injuries he is totally and permanently incapacitated for the performing of manual labor."

The increase claim was rejected January 24, 1895, on ground of "no special results." He again made claim for increase July 11, 1895, was examined by same board of surgeons, and was again rejected, on the ground, "Condition of hand, injury due to accident since discharge."

A large number of affidavits have been examined by the committee above referred to, made by residents of Cortland, N. Y., who have known this man before, during, and since the war, and all show him to be a man of pure life and highest character, and that he is now, and has been since the railroad accident entirely incapacitated for labor, and that to a great degree his right hand was useless since his recovery from the bayonet wound received in battle at Fort Blakley, Ala., and that he is now 64 years old and is entirely without means of support.

While the soldier is not pensionable under the present pension laws, it is manifestly clear from the facts and circumstances in evidence that his claim is a very meritorious one, and that the disabilities incurred in the railroad accident were unavoidably received because of his inability to save himself from being completely cooked to death by steam on account of the injured hand for which he is pensioned. It is therefore such a case as should receive the benefits of direct legislation by Congress, and a pension of $30 per month is recommended by this committee.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ORDER OF BUSINESS.

Mr. ARNOLD of Pennsylvania. Mr. Chairman, I ask unanimous consent to take up Calendar No. 270. I will simply state that this applicant is very needy.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to take up Calendar No. 270. Is there objection?

Mr. PICKLER. Regular order.

Mr. FAIRCHILD. I object.

Mr. ARNOLD of Pennsylvania. I am satisfied the gentleman would not object if he heard the statement.

Mr. FAIRCHILD. All of these cases are equally deserving.

CAROLINE A. HOUGH.

The next business on the Private Calendar was the bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Caroline A. Hough, widow of the late Brig. Gen. John Hough, upon the pension roll, subject to the provisions and limitations of the pension laws, and grant her a pension of $50 per month, in lieu of the pension of $17 per month which she is now receiving.

The Committee on Invalid Pensions recommended an amendment striking out "fifty" and inserting in lieu thereof "thirty."

Mr. WOOD. Mr. Chairman, let the report be read.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough, submit the following report:

The committee have carefully examined the evidence in support of the above bill and find that John Hough enlisted as a private in May, 1861, in Seventeenth Illinois Volunteers. He was wounded in battle in 1861, which compelled his discharge, but in 1862 he reenlisted and was made adjutant of the Seventy-seventh Illinois Volunteers, and was successively promoted to assistant adjutant-general of volunteers with rank of captain, and then major. He was chief of staff of Gen. A. J. Smith, and was brevetted as colonel and brigadier-general for meritorious service in the field. He was a participant in 19 battles. His record is a most honorable one, receiving the commendation of General Smith and General Grant. He remained in the service during the whole war except a short period above mentioned, when he was disabled by wounds and rheumatism.

He was pensioned for gunshot wound of left foot, with loss of great toe, also for rheumatism and resulting disease of the heart, and drew until his death $17. His widow has drawn the same pension since his death.

There is no question but that these wounds and diseases were of service origin.

The evidence shows conclusively that the widow, Caroline A. Hough, has no income, property, or means except her pension of $17 per month, which is insufficient for her support, she being in the sixtieth year of her age and in feeble health.

The committee recommend that the bill be amended by striking out the word "fifty" in seventh line and inserting in lieu thereof the word "thirty," and that the bill as thus amended do pass.

Mr. MILES. Mr. Chairman, I simply want to remark that this is a case over which this side of the House will make no point. It is the second such case in succession. I want that to appear in the RECORD, in view of some remarks that have been made to-night. This is a meritorious case.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JAMES H. JONES.

The next business on the Private Calendar was the bill (H. R. 4122) granting an increase of pension to James H. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase to the sum of $30 per month the pension of James H. Jones, of Cusseta, Ga., late of the Georgia Volunteers, Indian war.

The report (by Mr. MOSES) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4122) granting an increase of pension to James H. Jones, have considered the same, and report:

The claimant served from May 9, 1836, to September 2, 1836, as a private in Captain Urquhart's company of Georgia Volunteers in the Florida Indian war, and he is now receiving, under certificate 1470, the pension of $8 per month allowed by the Indian war act of July 27, 1892.

Mr. Jones is now about 83 years of age, in a helpless condition physically, and wholly dependent upon his small pension for support. He and his aged wife are both almost totally deaf, and they have an invalid daughter, who is dependent upon them for maintenance.

In view of the above facts, your committee recommend the passage of the bill.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

EUGENIA R. SWEENEY.

The next business on the Private Calendar was the bill (H. R. 3426) granting an increase of pension to Eugenia R. Sweeney, widow of Brig. Gen. Thomas W. Sweeney, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eugenia R. Sweeney, widow of Thomas W. Sweeney, deceased, late a brigadier-general, United States Army, and pay her a pension at the rate of $50 per month, in lieu of the pension she is now receiving.

The report (by Mr. HOWE) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3426) to increase the pension of Eugenia R. Sweeney, beg leave to submit the following report:

Previous to the third session of the Fifty-third Congress the claimant had been in the receipt of a Mexican war pension of $8 per month, when, at the suggestion of her friends, she petitioned Congress, through the Senate of the United States, to grant her a pension of at least $50 per month, which was referred to the Senate Committee on Pensions (the chairman of which was Senator JOHN M. PALMER, who well knew her husband, General Sweeny, both in the Mexican war and the war of the rebellion), who unanimously declared that—

"The long and faithful service of the soldier, the wounds that he received in two wars, which finally compelled his retirement from the service, and the poor health and poverty of the widow, make the case one of unusual merit, and we therefore recommend that the bill do pass."

In pursuance thereof said report was adopted by the Senate, and reaching the House committee for action in almost the last hours of the session for consideration by the committee as well as the House of the Fifty-third Congress, a modification by the committee was made reducing the sum from $50 to $30, and for fear that all might be lost by the failure in conference for the want of time for consideration, should it go to conference, the friends of the bill decided to accept the reduction, and stated that they would renew the application for the $50 per month at the present Congress, in view of the meritorious character of the general's services and the necessities of his widow; and therefore your committee recommend the passage of the bill H. R. 3226, and at the same time beg leave to append Senate Report No. 802 to their report, and adopt the same as a part thereof:

[Senate Report No. 802, Fifty-third Congress, third session.]

The Committee on Pensions, to whom was referred the bill (S. 2511) granting an increase of pension to Eugenia R. Sweeny, have examined the same, and report:

The claimant under this bill is the widow of Brig. Gen. Thomas W. Sweeny, late of the Army of the United States, who died at Astoria, N. Y., April 10, 1892. The widow is now in receipt of a Mexican-war pension of $8 per month.

The records show that General Sweeny entered the service as a second lieutenant December 23, 1846, and continued in practically constant service

until May 11, 1870, when he was mustered out in consequence of wounds received in the Mexican war and the war of the rebellion. Special Orders, No. 190, reads as follows:

[Special Orders, No. 190.]

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, May 11, 1870.

A board of examination having found Maj. Thomas W. Sweeny, United States Army, unassigned, incapacitated for active service, and that said incapacity is due primarily to a wound received in the battle of Churubusco, Mexico, while a second lieutenant in the First New York Volunteer Infantry, on the 20th of August, 1847, which occasioned the amputation of his right arm at the middle third; and, secondly, to a gunshot wound received in the right leg at the battle of Wilson Creek, Missouri, August 10, 1861, while acting as inspector-general to Brigadier-General Lyon, and at which time he (Major Sweeny) was a brigadier-general of the Three Months Volunteers, under an election of the officers approved by Brigadier-General Lyon; and, thirdly, by a gunshot wound in the flesh of the left arm above the elbow, received at the battle of Shiloh, Tenn., while commanding a brigade, these several wounds being aggravated by long and faithful service and exposure in the line of duty, the President directs that his name be placed on the list of retired officers of that class in which the disability results from long and faithful service, or from wounds or injury received in the line of duty. In accordance with section 32 of the act approved July 28, 1866, Major Sweeny is, by direction of the President, retired with the full rank of brigadier general.

By command of General Sherman:

E. D. TOWNSEND, *Adjutant-General.*

J. R. MARTIN, *Assistant Adjutant-General.*

Mrs. Sweeny's petition to Congress is in the following words:

To Congress of the United States of America:

The petition of the undersigned, Eugenia R. Sweeny, respectfully shows:

I am the widow of Thomas W. Sweeny, late brigadier-general, United States Army, retired, deceased. I was married to him at Augusta, Ga., on September 30, 1867, and we lived happily together until his death on April 10, 1892, and I have not remarried.

My husband at the time of his death was an officer in the United States Army, holding the rank of brigadier-general, retired. I refer to his honorable war record from the time he entered the Army, serving through the Mexican war in 1846-1848, wherein he lost his right arm and received other wounds; afterwards on the great plains in the West, and all through our great and lamentable civil war, wherein he earned and attained the rank of brigadier-general.

In consequence of the loss of his arm and wounds received in active service my said husband was retired on the 11th day of May, 1870, with such rank of brigadier-general. Being physically incapacitated by reason of wounds received during service in the United States Army, consisting in the loss of his right arm, a saber cut on forehead, and bullets in legs and remaining arm, he never entered any private business or accepted any political position. His only income was his pay as such retired officer, and he had no property or other income of any kind. He had dependent upon him for support his family, consisting of two sons and two daughters, my mother, and myself. I had no property or income, and with so many dependent upon him for support my husband's whole salary was used to give his family a comfortable living, and he was unable to save any of it for the future, and on dying he left no property or estate.

I am, and for many years have been, a partial invalid from rheumatism and nervous prostration, and am utterly unable to perform manual labor of any sort. My daughter Fannie has secured a position at a small salary, and is absent from home from early in the morning until late in the evening. One of my sons has also obtained a position at a very small salary, but must, when possible, learn and enter some other business before he can earn enough to support himself. My other son has no business, and by reason of a severed tendon in his arm is incapacitated for manual labor. Since my husband's death I have moved into a smaller house to secure a lower rent, and have taken boarders in the attempt to support myself and family, yet so small is the return that I can not hire a servant; hence my mother, who is aged 66 years, does most of the housework. My income is insufficient to provide myself and family with the necessaries of life.

Compelled by my necessities, I now petition that your honorable body will take note of them, and of my late husband's lifelong services rendered to the Government, preventing him from accumulating property, and grant me a life pension of at least $50 per month.

Dated October 12, 1893.

EUGENIA R. SWEENY.

STATE OF NEW YORK, *County of Queens, ss:*

Eugenia R. Sweeny, being duly sworn, deposes and says that she is the petitioner named in the foregoing petition; that she has read the same and knows the contents thereof, and the same is true.

EUGENIA R. SWEENY.

Subscribed and sworn to before me this 12th day of October, 1893; and I hereby certify that the person who signed and executed the foregoing petition and affidavit to be a creditable person and of good repute for truth and veracity in the community in which she lives, and that the contents of the above petition were fully known to her before signing.

[SEAL.] WALTER G. SCOTT,
Notary Public, Queens County.

The following is General Sweeny's military record, as furnished by the War Department:

WAR DEPARTMENT, RECORD AND PENSION OFFICE,
December 20, 1894.

VOLUNTEER RECORD.

Thomas W. Sweeny was enrolled November 23, 1846, at New York, and was mustered into service as second lieutenant with Company A, First Regiment (Burnett's) New York Volunteers, December 23, 1846. He is reported present on the rolls of his company, except as follows:

Roll dated August 31, 1847, "Wounded severely at battle of Los Portalas, August 20, 1847"; October 31, 1847, to February 28, 1848, "On sick leave from October 27, 1847"; April 30, 1848, "Absent on recruiting service October 29, 1847, General Orders, No. 328, October 26, 1847"; roll for May and June, 1848, not on file.

He was honorably discharged as second lieutenant, said company and regiment, March 16, 1848, to enable him to accept an appointment as second lieutenant, Second United States Infantry.

T. W. Sweeny, captain Second United States Infantry, was assigned to the command of a brigade of Missouri militia May 20, 1861, and was honorably mustered out as brigadier-general of Missouri Infantry August 14, 1861.

Thomas W. Sweeney was mustered into service as colonel Fifty-second Regiment Illinois Infantry Volunteers, to date January 21, 1862, and is reported on the field and staff rolls of the regiment as follows:

Roll dated February 28, 1862, "Present," with remark: "On special duty in St. Louis, per letter of instructions, dated headquarters Department of Missouri, St. Louis, February 24, 1862"; April 30, 1862, "Present," with remarks: "Wounded in battle April 6, 1862, at Pittsburg, Tenn."; June 30, 1862, "Absent," with remark: "Away on leave of absence"; August 18, 1862 (special muster), "Absent," with remark: "On leave of sixty days from June 26, 1862"; August 31, 1862, "Present," with remark: "Joined from leave of absence, August 30, 1862"; October 31, 1862, "Absent," with remark: "On detached service, commanding Second Division"; December 31, 1862, and February 28, 1863, "Absent," with remark: "On detached service, commanding First Brigade Dodge's Division, per Special Orders, No. 9, dated headquarters Sweeny's division, October 30, 1862."

He was honorably discharged as colonel of said regiment to date April 20, 1863, to enable him to accept an appointment as brigadier-general of volunteers.

The medical records show that Colonel Sweeny was wounded in the arm and had his horse shot under him at the battle of Pittsburg Landing, Tenn., April 6 or 7, 1862.

Thomas W. Sweeny was, while serving as colonel Fifty-second Illinois Volunteers, commissioned brigadier-general of volunteers March 11, 1863, to rank from November 29, 1862, and accepted the commission April 21, 1863. He is reported as follows:

In command of the First Brigade, Second Division, Sixteenth Army Corps, from date of appointment to July —, 1863; absent with leave to September —, 1863; in command of Second Division, Sixteenth Army Corps, from September 12, 1863, to July 24, 1864; relieved and ordered to Nashville, Tenn., in arrest, to await trial on charges preferred; stations from August to December 31, 1864, not given; January 1, 1865, at Louisville, Ky., under trial; acquitted by a general court-martial of the charges preferred; February — to April —, 1865, at Brooklyn, N. Y., awaiting orders; April 10, 1865, ordered to report to commanding general, Military Division Mississippi, for duty. No further record of service found.

He was honorably mustered out of service as brigadier-general of volunteers August 24, 1865.

Respectfully submitted.

F. C. AINSWORTH,
Colonel, U. S. A., Chief Record and Pension Office.

THE SECRETARY OF WAR.

Your committee are unanimously of opinion that this case is worthy of favorable consideration. The long and faithful service of the soldier, the wounds that he received in two wars, which finally compelled his retirement from the service, and the poor health and poverty of the widow make the case one of unusual merit, and we therefore recommend that the bill do pass.

Mr. MILES. Mr. Chairman, this is a case reported from the Committee on Pensions. I desire simply to take occasion to say that the minority of this House is represented on the Committee on Invalid Pensions by Messrs. ERDMAN, MCCLELLAN, LAYTON, and myself, and that from the beginning of this Congress down to this moment this is the very first time that any member of the minority of the Committee on Invalid Pensions has opened his mouth in these debates upon any case coming from the Committee on Pensions. I say that in view of some remarks that have fallen from the lips of the gentleman from Indiana in the debate to-night. We have never at any time objected to or debated any case coming from the Committee on Pensions, any of us.

The bill was laid aside to be reported to the House with a favorable recommendation.

NANCY G. ALLABACH.

The next business on the Private Calendar was the bill (S. 894) granting a pension to Nancy G. Allabach.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy G. Allabach, widow of Peter H. Allabach, late colonel One hundred and thirty-first Pennsylvania Volunteers, and pay her a pension at the rate of $30 per month.

The report (by Mr. MCCLELLAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 894) granting a pension to Nancy G. Allabach, having examined and considered the same, report it back to the House with a recommendation that it do pass, after being amended by adding at the end thereof the words "in lieu of that she is now receiving."

Your committee submit as their report the report on the same bill adopted by the Committee on Pensions, as follows:

The Committee on Pensions, to whom was referred the bill (S. 894) granting a pension to Nancy G. Allabach, have examined the same, and report:

The military record of Peter H. Allabach, who served as colonel One hundred and thirty-first Pennsylvania Volunteers, and also in the Mexican war, is as follows:

Peter H. Allabach was mustered into service as colonel One hundred and thirty-first Pennsylvania Infantry Volunteers August 18, 1862, to serve nine months; was in command of the Third Provisional Brigade from August 22, 1862, to October 10, 1862, and of the Second Brigade, Third Division, Fifth Army Corps, from October 16, 1862, to May 14, 1863; and was mustered out of service with the field and staff of his regiment May 23, 1863.

The records on file in the Office of the Adjutant-General of the Army show that Peter H. Allabach was enlisted in Company K, Third United States Infantry, at Philadelphia, Pa., November 25, 1844, was transferred to Company E, same regiment, September, 1849, and was discharged from the latter company, as a sergeant, at Paso del Norte, N. Mex., November 25, 1849, by reason of expiration of term of service.

Your committee, having become satisfied that the only income petitioner has is the Mexican war pension of $8 per month and is supported by the charity of friends, therefore recommend the passage of the bill.

It will be observed that the soldier had an honorable service in two wars, and that he was a colonel in the late war. The widow was granted a pension of $8 per month under the Mexican war pension law, and for this reason she has not applied for pension under the act of June 27, 1890.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CATHERINE R. JARDINE.

The next business on the Private Calendar was the bill (S. 349) granting a pension to Catherine R. Jardine, widow of Brig. Gen. Edward Jardine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Catherine R. Jardine, widow of Edward Jardine, late brigadier-general of the Army of the United States, and pay her at the rate of $100 a month.

Mr. PICKLER. This is an extraordinarily long report, and I think the gentleman from New York [Mr. MCCLELLAN] who made the report can give a succinct statement without it being necessary to have the report read.

Mr. MCCLELLAN. I should not care to undertake to do it. If my colleague [Mr. QUIGG] were here he could do it possibly. My colleague [Mr. CURTIS], who was an intimate friend of General Jardine, would do it better than I.

Mr. CURTIS of New York. I think if the House would accept a short statement which I could make on this bill it would save time for the consideration of other bills.

Mr. ERDMAN. I suggest the reading of the first part of the report, and omit the record from the Record and Pension Office.

Mr. PICKLER. All right; let that go.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 345) granting a pension to Catherine R. Jardine, widow of Brig. Gen. Edward Jardine, have had the same under consideration, and submit as their report the report upon the same bill adopted by the Senate Committee on Pensions, as follows:

"At the outbreak of the war, in 1861, Edward Jardine, then 32 years of age, recruited a company in New York and joined the Ninth New York Volunteers. He was rapidly promoted from captain to major, from that to colonel, and finally made a brigadier-general.

Having acquired a knowledge of military matters through his connection in his early years with the New York Seventh Regiment, National Guard, he brought with him to the war a spirit of discipline that made itself felt in his company and regiment from the very beginning. It was this spirit and knowledge, coupled with his courage and bravery, that contributed greatly to the subsequent success and fame of his regiment, known as the Hawkins Zouaves. Captain Jardine was particularly conspicuous in his early service with this regiment in the command of scouting and reconnoitering parties and in other special duties at the front that required courage and daring. Specially notable were his services in command of a small detachment of the Ninth New York in covering the retreat of the Union forces after the battle of Big Bethel, Va., and bringing away the body of Lieutenant Greble.

He displayed conspicuous gallantry and coolness in the landing of the troops at Hatteras Inlet, North Carolina, under the heavy fire of Forts Hatteras and Clark, in August, 1861.

At the first bayonet charge of the war on Roanoke Island, Jardine, in command of his company, was among the first to enter the enemy's works. His services were especially useful at Camden, Winton, and Elizabeth City, N. C., and earned for him his promotion to the rank of major. He took an active part in all the subsequent battles in which his regiment was engaged, and at the battle of Antietam he was assigned by General Fairchild to the temporary command of the Eighty-ninth New York Regiment, which afterwards presented him with a gold medal as a mark of the appreciation of the officers and men of that regiment of his gallant services while commanding it. An incident of that battle, which well illustrates the character of the man, has been thus described:

"At Antietam, brigaded with his old regiment, was the Eighty-ninth, to whom he was assigned as colonel ad interim, leading them over Antietam Creek, fighting in the water up to their armpits, then up the bank and away at their head, never faltering, although he saw the most cherished friends of his old regiment falling like grass before the scythe, until 63 per cent of those engaged had been killed or wounded, pausing only for a moment as an aid of General Rodman rode up to give him an order, which was interrupted by a shell exploding between them, killing the aid and almost blinding Jardine with the blood from the horse which fell dead at his side. The same shot killed the horse he was riding, hurling him violently to the ground. He arose, wiped the blood from his face, and calmly turning to his regiment, his command rang out to his ashbed men who thought him dead, 'Forward,' and on they went again, to sure and certain victory."

He afterwards rejoined his own regiment and participated in the battle of Fredericksburg and the engagements around Suffolk, Va.

In these fierce fights at the front he was badly wounded many times, his left thumb being almost severed from his hand, a ball piercing his thigh and destroying one kidney, and at another time he was severely injured in the right shoulder. He was wounded twice at the battle of Camden, April 19, 1862, and though suffering intensely he refused to leave the field until the fight was over, and not until the next day were his wounds dressed.

He came back to New York in 1863, when his regiment was mustered out, and at once undertook the reorganization of the regiment as colonel for the term of the war. While engaged in this duty the draft riots broke out in New York City in July, 1863, and Colonel Jardine was directed by General Wool, then chief in command of the department, to assist with what men he could raise in quelling the riot. He immediately called on all the men he could find of his old regiment and some of the Seventh, making in all about 175 men. With this handful of soldiers he marched against the mob, numbering nearly 15,000, most of whom were as well armed as his own men. They were soon overcome by sheer force of numbers, and one of the mob placed a loaded musket to Colonel Jardine's head, but just as it was discharged one of the zouaves struck the piece down, the charge entering Jardine's knee and thigh, making a frightful wound, it having been loaded with a slug made from a piece of lead pipe.

Some of his men managed to elude the rioters and bear him to a nearby house, where he was concealed in the cellar, seemingly in a dying condition. While there the house was forced, and his life was spared merely because the leader of the mob, on seeing his condition, said he was as good as dead now, and there was no use bothering with him.

From this wound he never recovered. Every day brought pain; operation after operation to extract fractured bone was borne by him with patient heroism. During the remaining thirty years of his life he had to go on crutches, and hardly knew an hour free from intense pain and distress. Obliged, however, to do something to maintain himself and his family, he accepted a subordinate position in the New York custom-house, which he retained until about four months before his death, when his sufferings became so great that he was compelled to relinquish his position and take to his bed, which he never afterwards left.

He underwent nine separate surgical operations on his thigh, the last one being in October, 1892.

During the four months preceding his death, in which General Jardine was confined to his bed, Mrs. Jardine, for whose relief the bill referred to your committee is drawn, was in almost constant attendance upon him, refusing to take rest, until she finally broke down under the strain of constant nursing and was herself in a physician's care, suffering from complete nervous prostration.

In view of the especially meritorious and useful services of General Jardine, and of his terrible wounds and intense suffering, which incapacitated him from earning a competency to leave for the support of his widow, and of the further fact that during the eight years of their married life Mrs. Jardine was devoted and constant in her unremitting care for her crippled husband, your committee recommend the passage of the accompanying bill.

The bill was ordered to be laid aside with a favorable recommendation.

SARAH G. IVES.

The next business on the Private Calendar was the bill (H. R. 4887) granting a pension to Sarah G. Ives.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed, subject to the limitations of the pension laws, to place upon the pension roll the name of Sarah G. Ives, widow of Joseph C. Ives, late of Company A, Iowa Volunteer Infantry, in the war with Mexico, at the rate of $8 per month.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4887) granting a pension to Sarah G. Ives, have considered the same, and report:

The claimant's deceased husband, Joseph C. Ives, was enrolled July 3, 1846, in Captain Morgan's company, Iowa Infantry (Mexican war), and mustered out July 15, 1847. He reenlisted July 15, 1847, in the same company and regiment, and served until September 11, 1848, when honorably mustered out with the company.

The soldier was pensioned under the provisions of the Mexican war service-pension act of January 29, 1887, and after his death his widow, the beneficiary, filed a claim under the same law, but the claim was disallowed on the ground that the soldier did not serve in Mexico, on the coasts or frontier thereof, or en route thereto. It seems that although the enlistment was for the Mexican war the regiment was assigned to post duty at Fort Atkinson, Iowa, and to field duty along the Upper Mississippi.

The service is fully shown by the records of the War Department, and the widow would have been pensioned under her application at the Pension Bureau if the same rulings had prevailed at the time of the soldier's death as when his claim was allowed. His enlistment was clearly for service in Mexico, and his being retained for duty in the North was due to the exigencies of the situation at that time.

The claimant is now 63 years old, and her identity as the widow of the soldier is fully established by the testimony filed at the Pension Office.

The passage of the bill is respectfully recommended.

Mr. TRACEY. Mr. Chairman, I move that the word "eight" be stricken out and the word "twelve" be substituted.

The CHAIRMAN. The gentleman from Missouri moves to strike out the word "eight" and insert the word "twelve."

Mr. LOUDENSLAGER. I hope he will not do that. This is in accordance with uniform precedents, and under the general law all the others are getting but eight.

Mr. TRACEY. Let us vote on it.

The question was taken; and the amendment was rejected.

The bill was ordered to be laid aside with a favorable recommendation.

ELIZABETH MOORE ENGLISH.

The next business on the Private Calendar was the bill (H. R. 5345) granting a pension to Elizabeth Moore English.

Mr. LOUDENSLAGER. Mr. Chairman, I ask that that bill be laid on the table. A similar bill has passed this evening.

Mr. PICKLER. The Senate bill has passed.

The CHAIRMAN. It is not in the power of the committee to lay the bill on the table, but the committee can recommend that it be laid on the table.

Mr. LOUDENSLAGER. I ask that it be reported to the House with the recommendation that it do lie on the table.

The motion was agreed to.

Mr. PICKLER. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. PAYNE having resumed the chair as Speaker pro tempore, Mr. HEPBURN reported that the Committee of the Whole House had had under consideration the bill H. R. 5345, and had directed him to report the same back with the recommendation that it do lie on the table. The committee had also had under consideration the bill H. R. 2604 and the bill S. 894, and had directed him to report the same with amendments, and recommended their passage. The committee had also had under consideration the bills H. R. 1050, H. R. 1271, H. R. 1838, S. 640, H. R. 2151, H. R. 5254, H. R. 4122, H. R. 3456, S. 345, H. R. 4887, and had instructed him to report the same with the recommendation that they do pass.

The SPEAKER pro tempore. The Clerk will report the first bill.

ELIZABETH DESHLER WHITING.

The first business reported from the Committee of the Whole was the bill (H. R. 1050) granting an increase of pension to Elizabeth Deshler Whiting, widow of Lieut. Henry Whiting.

Mr. DANIELS. I ask for the passage of the bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH MOORE ENGLISH.

The next business reported from the Committee of the Whole was the bill (S. 1271) granting a pension to Elizabeth Moore English.

The bill was ordered to a third reading; and it was accordingly read the third time.

Mr. ERDMAN. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. ERDMAN. For the purpose of trying to get an understanding with the chairman of the Committee on Invalid Pensions as to the passage of these bills, or nearly all of them.

Mr. PICKLER. What understanding does the gentleman want?

Mr. ERDMAN. I shall be willing, and shall help to pass all the bills that were considered to-night except House bill 2151.

Mr. PICKLER. When we come to that I do not think there will be any controversy. When we come to that we will——

Mr. MILES. You can not pass that.

The SPEAKER pro tempore. The question is, Shall the bill pass? There is no objection to this bill, as the Chair understands.

The bill was passed.

THOMAS CORIGAN.

The next bill reported from the Committee of the Whole was the bill (H. R. 1838) granting an increase of pension to Thomas Corigan.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH W. FISHER.

The next bill reported from the Committee of the Whole was the bill (S. 640) to increase the pension of Joseph W. Fisher.

The bill was ordered to a third reading, and it was accordingly read the third time.

The question being on the passage of the bill,

Mr. TALBERT. I call for a division.

The question being taken, there were on a division—ayes 80, noes 1.

Mr. TALBERT. No quorum.

Mr. PICKLER. I ask the gentleman to withdraw the point and let this bill lie over.

Mr. TALBERT. I withdraw the point if the bill is withdrawn.

The SPEAKER pro tempore. Without objection, this bill will be passed over without losing its place on the Calendar.

There was no objection.

AGNES A. BLACKMAN.

The next bill reported from the Committee of the Whole was the bill (H. R. 2151) to restore to the pension roll the name of Agnes A. Blackman.

Mr. ERDMAN. That is the bill that I object to.

The SPEAKER pro tempore. Without objection, this bill will be passed over, retaining its place on the Calendar.

There was no objection.

EBENEZER G. HOWELL.

The next bill reported from the Committee of the Whole was the bill (H. R. 5254) granting an increase of pension to Ebenezer G. Howell, late a private in Company F, One hundred and sixtieth New York Volunteers.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

CAROLINE A. HOUGH.

The next bill reported from the Committee of the Whole was the bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough.

The amendment reported from the Committee of the Whole was read and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JAMES H. JONES.

The next bill reported from the Committee of the Whole was the bill (H. R. 4122) granting an increase of pension to James H. Jones.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

EUGENIA R. SWEENEY.

The next bill reported from the Committee of the Whole was the bill (H. R. 3426) to increase the pension of Eugenia R. Sweeney, widow of Brig. Gen. Thomas W. Sweeney.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

NANCY G. ALLABACH.

The next bill reported from the Committee of the Whole was the bill (S. 894) granting a pension to Nancy G. Allabach.

The amendment reported from the Committee of the Whole was read and agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

CATHERINE R. JARDINE.

The next bill reported from the Committee of the Whole was the bill (S. 345) granting a pension to Catherine R. Jardine, widow of Brig. Gen. Edward Jardine.

The bill was ordered to a third reading, read the third time, and passed.

JOSEPH W. FISHER.

Mr. TALBERT. As all these other bills have passed, I withdraw my objection to the bill to pension Joseph W. Fisher.

The House proceeded to the consideration of the bill (S. 640) to increase the pension of Joseph W. Fisher; which was ordered to a third reading, read the third time, and passed.

SARAH G. IVES.

The next bill reported from the Committee of the Whole was the bill (H. R. 4887) granting a pension to Sarah G. Ives.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. PICKLER, a motion to reconsider the votes by which the various bills reported from the Committee of the Whole were passed was laid on the table.

AGNES A. BLACKMAN.

Mr. PICKLER. I ask unanimous consent that the bill (H. R. 2151) to restore to the pension roll the name of Agnes A. Blackman be considered as engrossed and read a third time. This is agreed to by the gentleman from Pennsylvania [Mr. ERDMAN], who objected to the bill.

The SPEAKER pro tempore. Without objection, House bill 2151 will be considered as engrossed and read the third time.

There was no objection.

ELIZABETH MOORE ENGLISH.

The next bill reported from the Committee of the Whole was the bill (H. R. 5345) granting a pension to Elizabeth Moore English.

The SPEAKER pro tempore. This bill has been reported from the Committee of the Whole with a recommendation that it lie on the table. Without objection, that order will be made.

There was no objection.

The SPEAKER pro tempore. The hour of half past 10 o'clock having arrived, the House, under the rule, stands adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Interior, transmitting copy of a report from the Commissioner of Indian Affairs showing payments by Cherokee Indians to certain intruders—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Thomas L. Shamblin against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John T. Ezzell against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CURTIS of Kansas, from the Committee on Indian Affairs, to which was referred the House bills Nos. 7378 and 6309 and Senate joint resolution No. 19, reported in lieu thereof a bill (H. R. 7907) for the protection of the people of the Indian Territory, extending the jurisdiction of the United States courts, providing for the laying out of towns, the leasing of coal and other mineral, timber, farming, and grazing lands, and for other purposes, accompanied by a report (No. 1102); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HILBORN, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 744) providing for a naval training station on the island of Yerba Buena (or Goat Island), in the harbor of San Francisco, Cal., and for other purposes, reported the same without amendment, accompanied by a report (No. 1111); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. GRIFFIN, from the Committee on Military Affairs:

The bill (H. R. 3714) removing the charge of desertion from the military record of James Charles Cramer. (Report No. 1096.)

A bill (H. R. 7906) to grant an honorable discharge to Adam Hand as first lieutenant of Company B, One hundred and eighty-fourth Regiment Pennsylvania Infantry Volunteers, reported in lieu of House bill No. 1090. (Report No. 1097.)

By Mr. PARKER, from the Committee on Military Affairs:

The bill (H. R. 3659) for the relief of John E. Wilbur. (Report No. 1098.)

By Mr. FENTON, from the Committee on Military Affairs:

The bill (H. R. 989) to amend the military record of Capt. Thomas M. Elliott. (Report No. 1099.)

The bill (H. R. 6686) to correct the military record of Joseph A. Blanchard, late first lieutenant of Troop E, First New York Mounted Rifles. (Report No. 1100.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 6915) granting a pension to Julia D. Beebe, widow of Frank D. Beebe, late assistant surgeon, One hundred and fifty-seventh Regiment New York Volunteers. (Report No. 1101.)

By Mr. DENNY, from the Committee on Claims: The bill (H. R. 1598) for the relief of A. G. White, postmaster at Beaver, Pa. (Report No. 1103.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 1310) granting an increase of pension to Shubael Gould. (Report No. 1104.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (S. 638) granting an increase of pension to John Nichols. (Report No. 1105.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (S. 1806) granting a pension to George B. Custer, late sergeant of Company H, Seventy-third Regiment Indiana Volunteer Infantry. (Report No. 1106.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 5853) granting a pension to Arminda Stucker, of Gallatin, Mo. (Report No. 1107.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions: The bill (H. R. 3690) restoring a pension to Henry Mackvill, alias Henry Mackey. (Report No. 1108.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 2221) granting an increase of pension to Peter J. Claassen. (Report No. 1109.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 4930) granting a pension to Mary Forward. (Report No. 1110.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. RUSK: A bill (H. R. 7908) providing for the erection of a light-house at the middle grounds of the Chesapeake Bay—to the Committee on Interstate and Foreign Commerce.

By Mr. CATRON: A bill (H. R. 7909) to enable the people of New Mexico to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States—to the Committee on the Territories.

By Mr. DENNY: A bill (H. R. 7910) for improvement of the national cemetery roadway at Natchez, Miss.—to the Committee on Military Affairs.

By Mr. CUMMINGS: A bill (H. R. 7911) granting thirty days' leave of absence with pay to the compositors and pressmen employed in the awards division of the Bureau of Engraving and Printing, Treasury Department—to the Committee on Appropriations.

By Mr. ODELL: A bill (H. R. 7912) granting a condemned cannon to Fairchild Post, No. 564, Grand Army of the Republic, Walden, N. Y.—to the Committee on Military Affairs.

By Mr. DENNY: A bill (H. R. 7919) providing for the erection and maintenance of a charity hospital by the city of Biloxi, Miss.—to the Committee on the Public Lands.

By Mr. PHILLIPS (by request): A bill (H. R. 7939) to amend an act entitled "An act relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia"—to the Committee on Labor.

By Mr. FARIS: A joint resolution (H. Res. 161) for the relief of James P. Veach—to the Committee on Military Affairs.

By Mr. HULL: A joint resolution (H. Res. 162) to amend the act approved August 1, 1894, making appropriations for fortifications and other works of defense, etc.—to the Committee on Military Affairs.

By Mr. RICHARDSON: A concurrent resolution (House Con. Res. No. 38) to print extra copies of the Bulletin of Nut Culture in the United States—to the Committee on Printing.

By Mr. HERMANN: A memorial of the Oregon legislature, relative to the forestry reserve, and requesting that part of it be thrown open for sale, purchase, and settlement—to the Committee on the Public Lands.

Also, memorial of the Oregon legislature, requesting the forfeiture of Quadrant in Washington, Tillamook, and Columbia counties, in Oregon—to the Committee on the Public Lands.

Also, memorial of the Oregon legislature, respecting the destruction of eggs of wild fowl in Alaska—to the Committee on the Territories.

Also, memorial of the Oregon legislature, for protection against fires on forest reserves—to the Committee on the Public Lands.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Naval Affairs was discharged from the consideration of the bill (H. R. 7853) for the relief of William Wheeler Hubbell; and the same was referred to the Committee on Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BAKER of Kansas: A bill (H. R. 7913) for the relief of Joseph Thompson—to the Committee on War Claims.

By Mr. BELL of Colorado: A bill (H. R. 7914) for the relief of John H. Shaw, of Del Norte, Colo.—to the Committee on Invalid Pensions.

By Mr. BLUE: A bill (H. R. 7915) granting an honorable discharge to Samuel Dollaff, of Turner, Kans.—to the Committee on Military Affairs.

By Mr. BRODERICK: A bill (H. R. 7916) granting a pension to Allen T. Ontis—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 7917) to increase the pension of Medora H. Lovell—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 7918) granting a pension to David S. Taylor—to the Committee on Invalid Pensions.

By Mr. FARIS: A bill (H. R. 7920) for the relief of Thomas Sutton, late of Company E, Sixth Regiment Tennessee Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 7921) to correct the military record of Joseph Case—to the Committee on Military Affairs.

By Mr. GROUT: A bill (H. R. 7922) granting a pension to Caroline H. Hatch, of Worcester, Vt.—to the Committee on Invalid Pensions.

By Mr. HARRISON: A bill (H. R. 7923) granting a pension to John McGiloray—to the Committee on Invalid Pensions.

By Mr. HULICK: A bill (H. R. 7924) granting a pension to Daniel B. Young, of Higginsport, Ohio—to the Committee on Invalid Pensions.

By Mr. JOHNSON of California: A bill (H. R. 7925) for the relief of Christopher Green and the legal representatives of Hugh C. Trainor, deceased—to the Committee on War Claims.

By Mr. MILLIKEN: A bill (H. R. 7926) for the relief of Loring G. Emerson—to the Committee on Claims.

Also, a bill (H. R. 7927) for the relief of Loring G. Emerson—to the Committee on Claims.

By Mr. PICKLER: A bill (H. R. 7928) granting a pension to John Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7929) granting a pension to Phebe Richison—to the Committee on Invalid Pensions.

By Mr. SPENCER: A bill (H. R. 7930) for the relief of James J. Person and Isabella M. Person—to the Committee on War Claims.

By Mr. TRACEY: A bill (H. R. 7931) for the relief of William W. Armstrong—to the Committee on Military Affairs.

By Mr. WATSON of Ohio: A bill (H. R. 7932) to purchase the portraits of Chief Justices Marshall, Taney, Chase, and Waite—to the Committee on the Library.

By Mr. ARNOLD of Pennsylvania: A bill (H. R. 7933) granting a pension to William Lutman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7934) granting an increase of pension to S. H. Griffith, alias H. S. Griffith, late of Company G, First Battalion Pennsylvania Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7935) to amend the military record of C. Wilson Walker, late of Company H, One hundred and thirty-seventh Regiment Pennsylvania Volunteers—to the Committee on Military Affairs.

By Mr. HERMANN: A bill (H. R. 7936) to pension Daniel F. Fisher for services in Oregon Indian wars—to the Committee on Pensions.

Also, a bill (H. R. 7937) to pension James N. Conklin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7938) for the relief of Roger S. Littlefield, formerly captain of Companies L and B, First Massachusetts Heavy Artillery—to the Committee on Claims.

By Mr. TATE: A bill (H. R. 7941) for the relief of Essos N. Gribble—to the Committee on Military Affairs.

Also, a bill (H. R. 7942) for the relief of Jessee Combs—to the Committee on Invalid Pensions.

The next bill reported from the Committee of the Whole was the bill (S. 345) granting a pension to Catherine R. Jardine, widow of Brig. Gen. Edward Jardine.

fourth Regiment Pennsylvania Infantry Volunteers, reported in lieu of House bill No. 1090. (Report No. 1097.)

Also, a bill (H. R. 7943) for the relief of Peter Parris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7944) for the relief of Elizabeth S. Mullins—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Petition of the State Epworth League of Wisconsin, to raise the age of consent in the District of Columbia to 18 years—to the Committee on the District of Columbia.

Also, petition of the State Epworth League of Wisconsin, in favor of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the State Epworth League of Wisconsin, for the appointment of a commission to investigate the labor question—to the Committee on Labor.

Also, petition of the State Epworth League of Wisconsin, to substitute voluntary industrial arbitration for railway strikes—to the Committee on Labor.

Also, petition of the State Epworth League of Wisconsin, to repeal the ninety-day divorce law in Oklahoma—to the Committee on the Territories.

Also, petition of the State Epworth League of Wisconsin, to enforce the compulsory-education law and suppress child labor in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BARTLETT of Georgia: Papers relating to the claim of Richard Morris, of Henry County, Ga.—to the Committee on War Claims.

By Mr. BOWERS: Remonstrance and petition of 55 citizens of San Diego, Cal., for the removal of the statue of Marquette from Statuary Hall—to the Committee on the Library.

By Mr. BRODERICK: Petition of J. G. Ellis and other ex-prisoners of war, citizens of Osage County, Kans., favoring House bill No. 306, granting $12 per month pension and $2 per day for time served in rebel prisons—to the Committee on Invalid Pensions.

By Mr. DALZELL: Petition of sundry citizens of the Twenty-second Congressional district of Pennsylvania, asking that religious publications be given the advantage of the act of Congress of July 16, 1894, relative to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. EVANS: Petition of Thomas M. Hicks and others, of Louisville, Ky., in relation to the Marquette statue in Statuary Hall—to the Committee on the Library.

By Mr. GRISWOLD: Petition of Summit Grange, No. 1079, Patrons of Husbandry, asking for the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. GROUT: Petition of citizens of Worcester, Vt., in the matter of granting a pension to Caroline H. Hatch at the rate of $12 per month—to the Committee on Invalid Pensions.

By Mr. HAINER of Nebraska (by request): Petition of B. W. Cowan and other citizens of Nebraska, relating to the matter of the Marquette statue—to the Committee on the Library.

By Mr. HARTMAN: Remonstrance of T. B. Hammond and others, of Butte, Mont., against permitting the statue of Marquette to remain in Statuary Hall—to the Committee on the Library.

By Mr. HERMANN: Petition of the White Ribbon Women's Association of the Woman's Christian Temperance Union, for the adoption of a resolution and appointment of a commission looking toward the establishment and continuance of peace—to the Committee on Foreign Affairs.

Also, petition and remonstrance of citizens of Oregon, against the acceptance of a statue of Père Marquette, presented by the State of Wisconsin—to the Committee on the Library.

Also, petition of citizens of Aumsville, Oreg., in favor of the passage of the joint resolution proposing an amendment to the Constitution of the United States recognizing God in the preamble—to the Committee on the Judiciary.

Also, petition of F. W. Chausse, of Grants Pass, Oreg., in favor of the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Milwaukee Grange, No. 268, Patrons of Husbandry, of Milwaukee, Wis.; also petitions of sundry citizens of the State of Oregon, favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Portland, Oreg.; also petition of citizens of Oregon, protesting against Senate bill No. 1055, providing for compulsory military drill in the public schools of the States and Territories and for the establishment of a bureau of military education—to the Committee on Education.

Also, petition of soldiers and sailors of the late rebellion residing at Forest Grove, Oreg., and vicinity, for the passage of a service-pension bill of at least $8 per month to every honorably discharged soldier, sailor, and marine who served ninety days in the late war on the Union side—to the Committee on Invalid Pensions.

By Mr. HOOKER: Petition of A. B. Kenyon and 14 others, of Alfred, N. Y., favoring a bill to fix the standard of weights and measures by the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. HULL: Papers to accompany House bill No. 5562, authorizing the Secretary of War to reorganize the organizations of the Sons of Veterans as part of the military reserve of the United States—to the Committee on the Militia.

By Mr. LINTON: Remonstrance and petition from citizens of Omaha, Nebr.; also from P. A. Rice and 18 others, of Memphis, Tenn.; also from L. B. Griffith and 38 others, of Philadelphia, Pa.; also from T. A. Lickhart and 114 other citizens of Elizabeth, N. J., against the statue of Père Marquette remaining in the Capitol of the United States—to the Committee on the Library.

By Mr. LONG: Petition of E. G. Nettleton, also of Lyman Nangle, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUDENSLAGER: Petition of the Liquor Dealers' Association of West Hoboken, N. J., against the passage of House bill No. 6668, to amend an act regulating the sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MOODY: Petition of 102 citizens of Gloucester, Mass., for the enactment of House bill No. 7866, requiring vessels carrying small boats of any description to equip such boats with a provision safe—to the Committee on the Merchant Marine and Fisheries.

By Mr. ODELL: Petitions of citizens of Newburg, N. Y., in favor of joint resolution No. 11, to amend the Constitution of the United States—to the Committee on the Judiciary.

By Mr. TAFT: Memorial of the Cincinnati Chamber of Commerce, in favor of the establishment of a department of commerce and manufactures—to the Committee on the Judiciary.

By Mr. TATE: Papers to accompany House bill for the relief of Jessee Combs—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of Enos N. Gribble—to the Committee on Military Affairs.

Also, petition of Elizabeth S. Mullins, widow of Alfred W. Mullins, of Company B, First Georgia Volunteers, United States Army, to remove the barrier to the payment of her claim for pension—to the Committee on Invalid Pensions.

By Mr. TRACEWELL: Petition of Lanesville Post, No. 527, Grand Army of the Republic, of Harrison County, Ind., favoring a general service pension bill—to the Committee on Invalid Pensions.

Also (by request), petition of N. P. Watts and 85 other citizens of Nebraska, Ind., asking for the removal of the Marquette statue from Statuary Hall—to the Committee on the Library.

By Mr. SNOVER: Petition of N. S. Boynton, mayor, and 316 other citizens of Port Huron, Mich.; also of Ed. Allurn, master, and 128 other citizens of Port Huron, Mich., for the establishment of a live-saving station, to accompany House bill No. 7262—to the Committee on Rivers and Harbors.

By Mr. WHEELER: Papers of Nathaniel Kennemer, of Jackson County, Ala., relating to his claim—to the Committee on War Claims.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 4, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

NEW ORLEANS PACIFIC RAILROAD COMPANY.

Mr. OGDEN. Mr. Speaker, I desire to ask unanimous consent to call up for present consideration the bill (S. 2132) for the relief of settlers upon lands within the indemnity limits of the grants of the New Orleans Pacific Railroad Company.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That authority be, and is hereby, given the New Orleans Pacific Railroad to relinquish any lands within the indemnity limits of its grant, which by decision of the Land Department of the Government has been awarded it, in favor of any settler entitled to the right of entry under the laws of the United States who has been allowed to make entry thereof, or who has resided upon and improved the same for five years, and to select in lieu thereof an equal quantity of other lands, from any of the public lands not mineral, and within the limits of its grant and not otherwise appropriated at the date of selection, to which it shall receive title the same as though originally granted.

Mr. OGDEN. I yield to the gentleman from Iowa to make an explanation of the bill.

The SPEAKER. Is there objection to its present consideration?

Mr. DINGLEY. Before consent is given I would like the gentleman to make an explanation of the effect of the bill.

Mr. LACEY. This can be done, Mr. Speaker, in a word.

There are 75 to 100 settlers who have taken possession of lands, which proved to be railroad lands, lying along the line of this road. After a contest they were adjudged to belong to the railway company. The company, however, is averse to turning the settlers off the land, and is willing to take wild lands in lieu of those the settlers are occupying, and the Department requests that this permission be given to them. That is all the bill does.

Mr. DINGLEY. The lands when selected in lieu will be ordinary lands?

Mr. LACEY. Yes; ordinary wild lands. Perhaps not so good as those on which the settlers have made their homes, but the railroad company does not want to disturb them any more than possible.

There being no objection, the bill was considered and ordered to a third reading; and being read the third time, it was passed.

On motion of Mr. OGDEN, a motion to reconsider the last vote was laid on the table.

PUBLIC LANDS, VALVERDE COUNTY, TEX.

Mr. NOONAN. Mr. Speaker, I ask present consideration for the bill (H. R. 7395) to authorize the Secretary of the Treasury of the United States to reconvey to the former owner the said tract of land in Valverde County, Tex.

The bill was read, as follows:

Whereas on the 15th day of April, A. D. 1880, the San Felipe Agricultural, Manufacturing, and Irrigation Company, by deed of conveyance, did convey to the United States of America a certain tract, piece, or parcel of land then in Kinney County, now in Valverde County, Tex., containing 409 acres of land, and fully described in said aforesaid deed of April 15, 1880, for the purposes of a military garrison and reservation; and

Whereas the United States of America, not wishing to use said land for the said purposes aforesaid, and having by its proper officers renunciated title to said land, and is willing to reconvey the same to the grantees, the said San Felipe Agricultural, Manufacturing, and Irrigation Company: Therefore

Be it enacted, etc., That the Secretary of the Treasury of the United States of America is hereby authorized by proper deed to reconvey by quitclaim deed said aforesaid land to said aforesaid company.

The SPEAKER. Is there objection to its present consideration?

There was no objection.

The bill was considered, and ordered to be engrossed and read a third time; and being read the third time, it was passed.

On motion of Mr. NOONAN, a motion to reconsider the last vote was laid on the table.

REPORTS OF SUPERVISING INSPECTORS OF STEAM VESSELS.

Mr. PERKINS. Mr. Speaker, on behalf of the Committee on Printing I desire to submit at this time for present consideration a concurrent resolution.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed, for the use of the Treasury Department, Steamboat Inspection Service, 300 copies each of the proceedings of the Board of Supervising Inspectors of Steam Vessels for the years 1895 and 1896.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the resolution was considered, and agreed to.

REPORT OF UNITED STATES COAST AND GEODETIC SURVEY.

Mr. PERKINS. I am also requested, on behalf of the Committee on Printing, to ask consent for the present consideration of the joint resolution (S. R. 116) authorizing the Public Printer to print the Annual Report of the Superintendent of the United States Coast and Geodetic Survey in quarto form and to bind it in one volume.

The joint resolution was read, as follows:

Resolved, etc., That paragraph 8, section 73, of the act of January 12, 1895, providing for the public printing and binding, etc., be amended by striking out all of said paragraph after the word "survey," at the end of the first and beginning of the second lines, and substituting in lieu thereof the following words: "Two thousand eight hundred copies in quarto form, bound in one volume, 200 for the Senate, 600 for the House, and 2,000 for distribution by the Coast and Geodetic Survey."

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. PERKINS. The committee recommends an amendment to the resolution, and I report it in the shape in which it is desired to be passed.

The SPEAKER. The question will be taken on the joint resolution as reported from the committee.

There being no objection, the joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CIRCULAR, BUREAU OF EDUCATION.

Mr. PERKINS. On behalf of the Committee on Printing I desire to submit another resolution for present consideration.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound, in paper covers, 25,000 additional copies of Bureau of Education Circular of Information, No. 200, Catalogue of the American Literary Association Library; 5,000 copies for the Senate, 10,000 copies for the House of Representatives, and 10,000 copies for the Bureau of Education.

The SPEAKER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered, and agreed to.

COMMERCIAL RELATIONS FOR 1894 AND 1895, ETC.

Mr. PERKINS. Mr. Speaker, I have one more resolution from the Committee on Printing.

The SPEAKER. The gentleman from Iowa [Mr. PERKINS], on behalf of the Committee on Printing, presents a concurrent resolution, which the Clerk will report.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized and directed to print, for distribution by the Department of State, 2,500 copies of Commercial Relations for 1894 and 1895, and (in separate form) 10,000 copies of the "Review of the world's commerce," etc., being pages 1 to 235, inclusive, of said Commercial Relations.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The concurrent resolution was agreed to.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

DISTRIBUTION OF SEEDS.

Mr. FISCHER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, etc., That the Secretary of Agriculture be, and he is hereby, directed to comply with the letter and spirit of the act heretofore adopted by Congress, and that he deliver to each Senator and Representative, for distribution, the quota of seeds to which he is entitled, and that the packages be made up as each Senator and Representative may direct.

Mr. LIVINGSTON. Mr. Speaker, that resolution ought to be amended by saying that these packages shall be done up in fives.

Mr. FISCHER. "As each Senator or Representative may direct." One may want 5 and one may want 10.

Mr. LIVINGSTON. That is too indefinite.

Mr. FISCHER. Some may want 5 and some may want 15.

Mr. LIVINGSTON. "In blocks of 5."

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. LOUD. Mr. Speaker, I object.

SEWERAGE SYSTEM AT FORT MONROE, VA.

Mr. HAINER of Nebraska. Mr. Speaker, I ask for the present consideration of the joint resolution which I send to the Clerk's desk. This is the same resolution which was offered by the gentleman from Iowa [Mr. HULL] yesterday. Upon an informal consultation with members of the Committee on Appropriations, I am directed to report this resolution and to ask for its immediate consideration.

The joint resolution was read, as follows:

Joint resolution (H. Res. 163) to amend the act approved August 1, 1894, making appropriations for fortifications and other works of defense, etc.

Resolved, etc., That the act approved August 1, 1894, entitled "An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes," be, and the same is hereby, so amended as to remove the restriction that the United States shall bear only one-half of the expense of the cost of construction of the sewerage system at Fort Monroe, Va., provided for in said act, in so far as may be necessary to authorize the Secretary of War to expend for the completion of the construction of said sewerage system, including a flushing system therefor, so much as may be necessary, not exceeding $5,000, of the balance now remaining from the appropriation of $37,500 made in said act for the construction of one-half of said sewerage system, the funds to be immediately available and the work to be done by contract or otherwise, as may deemed by the Secretary of War most economical and advantageous to the Government.

Mr. HAINER of Nebraska. Mr. Speaker, in further explanation, I desire to send to the Clerk's desk a letter from the Chief of Engineers.

The SPEAKER. This requires unanimous consent.

Mr. LIVINGSTON. Mr. Speaker, yesterday morning I objected to the consideration of this resolution. I have examined it, and I withdraw my objection. I think it ought to be passed, and I hope it will be passed.

The SPEAKER. The Clerk will read the letter.

The Clerk read as follows:

OFFICE CHIEF OF ENGINEERS, UNITED STATES ARMY,
March 9, 1896.

Respectfully submitted to the Secretary of War.

Congress, by act approved August 1, 1894, appropriated $37,500 for one-half

Also, petition of soldiers and sailors of the late rebellion resid-

originally granted.

of the cost of construction of a sewerage system at Fort Monroe, Va., the other half to be paid by the owners of nonmilitary buildings at the fort. Plans were prepared and approved for a sewerage system, which, with contingencies, inspections, superintendence, etc., was estimated to cost $45,000, and on that estimate the moiety was assessed against and collected from nonmilitary interests, thereby making the sum of $22,500 available from the appropriation made by Congress, and leaving a balance of $15,000 from the appropriation.

The construction of the sewerage system under the approved plans is now nearing completion.

A flushing system will be necessary in connection with this sewer, for which there is no adequate supply of water provided. Experience has shown that the well recently sunk for the Chamberlin Hotel at Fort Monroe does not yield potable water. The funds appropriated for an artesian well at Fort Monroe are not sufficient to sink a well of materially greater depth than that of the Chamberlin well, and as these funds were appropriated upon estimates submitted to provide a water supply for the fort, it is believed that they are not available for the sinking of a well for the procurement of a supply of water that could be used solely for flushing the sewer.

It will be necessary, therefore, to provide a supply of water, by pumping or from some other source, for the flushing system of the sewer, and it is thought that it will be in the interest of economy that this water supply should be provided by the Government alone, and not jointly with the nonmilitary residents, especially as a flushing arrangement would be necessary for the United States sewers if there were none other.

I have, therefore, the honor to recommend that Congress be asked to authorize at once the use of $5,000 of the balance of the sum appropriated for the construction of one-half of the sewerage system at Fortress Monroe for the completion of the sewerage system and for providing a flushing system for the sewers, the funds to be immediately available and the work to be done by contract or otherwise, as may be most economical and advantageous to the Government.

W. P. CRAIGHILL,
Brigadier-General, Chief of Engineers.

The SPEAKER. Is there objection to the consideration of the joint resolution?

There was no objection.

Mr. HULL. Mr. Speaker, I desire simply to state that this question was up yesterday. There was a question of jurisdiction involved. I still think it should have gone to the Military Committee, but at the request of some members we have turned it over to the Committee on Appropriations, on account of the importance of having it at once passed. I ask that the Military Committee be discharged from the further consideration of the resolution.

Mr. LIVINGSTON. The Committee on Appropriations do not object to the passage of the resolution.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HAINER of Nebraska, a motion to reconsider the last vote was laid on the table.

Mr. HULL. Now, Mr. Speaker, I move that the Committee on Military Affairs be discharged from the further consideration of the resolution.

The SPEAKER. It is ipso facto discharged, because the bill has passed.

BENJAMIN F. JONES.

Mr. SPENCER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7161) for the relief of Benjamin F. Jones.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. Mr. Speaker, I should like to have the report read.

Mr. ODELL. Mr. Speaker, I object to the present consideration of the bill.

The SPEAKER. Objection is made.

JOHN S. BURWELL.

Mr. SWANSON. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 7816) for the relief of John S. Burwell, administrator of the estate of A. L. Burwell, deceased.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ODELL. Mr. Speaker, I object.

SALMON FISHERIES OF ALASKA.

Mr. KNOX. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 6403) to amend an act entitled "An act to provide for the protection of the salmon fisheries of Alaska."

The bill was read, as follows:

Be it enacted, etc., That the act approved March 2, 1889, and entitled "An act to provide for the protection of the salmon fisheries of Alaska," is hereby amended and reenacted as follows:

"That the erection of dams, barricades, fish-wheels, fences, traps, pound nets, or any fixed or stationary obstructions in any part of the rivers or streams of Alaska, or to fish for or catch salmon or salmon trout in any manner or by any means with the purpose or result of preventing or impeding the ascent of salmon or salmon trout to their spawning ground, is declared to be unlawful, and the Secretary of the Treasury is hereby authorized and directed to remove such obstructions and to establish and enforce such regulations and surveillance as may be necessary to insure that this prohibition and all other provisions of law relating to the salmon fisheries of Alaska are strictly complied with.

"SEC. 2. That it shall be unlawful to fish, catch, or kill any salmon or salmon trout of any variety, except with rod or spear, above the tide waters of any of the creeks or rivers of less than 500 feet wide in the Territory of Alaska, or to lay or set any drift net, set net, or seine for any purpose, across the tide waters of any river or stream, for a distance of more than one-third of the width of such river, stream, or channel, or lay or set any seine or net within 100 yards of any other net or seine which is being laid or set in said stream or channel, or to take, kill, or fish for salmon in any manner or by any means in any waters of the Territory of Alaska, either in the streams or tide waters, from noon on Saturday of each week until 6 o'clock postmeridian of the Sunday following, or to fish for, or catch, or kill in any manner or by any appliances, except by rod or spear, any salmon or salmon trout in any stream of less than 100 yards in width in the said Territory of Alaska, between the hours of 6 o'clock in the morning and 6 o'clock in the evening of the same day of each and every day of the week.

"SEC. 3. That the Secretary of the Treasury may, at his discretion, set aside certain streams as spawning grounds in which no fishing will be permitted; and when, in his judgment, the results of fishing operations on any stream indicate that the number of salmon taken is larger than the capacity of the stream to produce, he is authorized to establish weekly close seasons, to limit the duration of the fishing season, or to prohibit fishing entirely for one year or more, so as to permit the salmon to increase.

"SEC. 4. That to enforce the provisions of law herein, and such regulations as the Secretary of the Treasury may establish in pursuance thereof, he is authorized and directed to appoint one inspector of fisheries at a salary of $8 per day, and two assistant inspectors at a salary of $6 each per day, and he will annually submit to Congress estimates to cover the salaries and actual traveling expenses of the officers hereby authorized and for such other expenditures as may be necessary to carry out the provisions of the law herein.

"SEC. 5. That any person violating the provisions of this act, or the regulations established in pursuance thereof, shall, upon conviction thereof, be punished by a fine not exceeding $1,000, or imprisonment at hard labor for a term of ninety days, or both such fine and imprisonment, at the discretion of the court: *And provided further*, That in case of the violation of any of the provisions of section 1 of this act, and conviction thereof, a further fine of $250 per diem will be imposed for each day that the obstruction or obstructions therein are maintained after notice to remove the same; said notice may be given by any Government officer or private citizen."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. Mr. Speaker, this is a measure of so great importance that I hardly think it ought to pass by unanimous consent.

Mr. KNOX. It has been to the committee and I have here the report of the inspector. It has been carefully gone over by the committee in connection with the Treasury Department. The need for immediate consideration is thus stated: The run of salmon commences on the 1st of June, and unless the bill can be passed and got through the Senate these provisions will not be put into active operation during this season.

The SPEAKER. The Chair thinks the gentleman's remarks must be addressed to the Chair and through the Chair to the House. If gentlemen would keep their seats and cease conversation it might be possible to hear in this Hall, although, of course, that is a question.

Mr. KNOX. Mr. Speaker, the present bill is a bill which has been reported from the Committee on Territories, and its object is the protection of the salmon fisheries of Alaska. In the Fiftieth Congress, in chapter 415, it was provided:

That the erection of dams, barricades, or other obstructions in any of the rivers of Alaska with the purpose or result of preventing or impeding the ascent of salmon or other anadromous species to their spawning grounds is hereby declared to be unlawful, and the Secretary of the Treasury is hereby authorized and directed to establish such regulations and surveillance as may be necessary to insure that this prohibition is strictly enforced and to otherwise protect the salmon fisheries of Alaska; and every person who shall be found guilty of a violation of the provisions of this section shall be fined not less than $250 for each day of the continuance of such obstruction.

SEC. 2. That the Commissioner of Fish and Fisheries is hereby empowered and directed to institute an investigation into the habits, abundance, and distribution of the salmon of Alaska, as well as the present conditions and methods of the fisheries, with a view of recommending to Congress such additional legislation as may be necessary to prevent the impairment or exhaustion of these valuable fisheries and placing them under regular and permanent conditions of production.

Under the provisions of this law passed by the Fiftieth Congress an inspection has been made carefully of the various streams of Alaska and the various canneries that are established upon those streams, and a careful inquiry made by the inspector, Mr. Murray, upon consultation with those who are interested in the preservation of those fisheries, as to the best method of preserving them, and the report, which is a very careful and voluminous one, compares the provisions of this country with those in Scotland and those in England, which have been tested, and which have preserved for generations the salmon fisheries in Scotland and other countries.

Now, Mr. Speaker, there is a danger of the present supply of fish in Alaska being destroyed by the method of taking salmon. The streams of Alaska, with two exceptions, are small, running into the interior to the extent perhaps of 20 miles. The fish that go up there to the spawning grounds are caught by damming the streams and taking them out or scooping them out in hundreds and hundreds of thousands, thus preventing the propagation of the species, until in but a few years the great industry of the salmon fisheries of Alaska will be utterly destroyed and the food supply of the natives gone, and a very great source of supply and profitable industry to the people of the United States exhausted.

Mr. PERKINS. Will the gentleman permit me one moment?

Mr. KNOX. Certainly.

Mr. PERKINS. In addition to what he has stated, in regard to the origin of this bill, I think that it may be stated that the excuse for bringing this matter in this morning to ask for unanimous consent is that this legislation is required immediately to be

effective, as the salmon begin to run about the 1st of June, and unless this legislation can be had in advance of that time it will be ineffective for the purpose intended. I believe the gentleman has stated that this bill emanates from the Treasury Department in pursuance of the section of the statute which he has read. It was carefully prepared in the light of all the facts by the Treasury experts, and it is asked by those who have charge of the preservation of that industry that this legislation be had without delay.

Mr. HERMANN. Mr. Speaker——

Mr. KNOX. I have not yielded the floor. I will answer in a moment. I was about to say that that was precisely what I stated to the gentleman from California [Mr. LOUD] in the duet that I was obliged to maintain with him in order to be understood at all—which was that it is represented by the Treasury Department that the necessity for this immediate action rests upon the ground that the salmon run commences the 1st of June, and in order to get it through both Houses and to get any of this supervision in operation it will be necessary for immediate consideration, if the bill is thought one that is worthy and proper to pass.

Mr. HERMANN. Will the gentleman permit me to ask him whether his committee has heard from the interests that are to be affected by this bill, not only through the Treasury Department but directly from the interests themselves? And, in connection with that question, let me say to him that a great many of our people on the Pacific Coast, in the States of California, Oregon, and Washington, are largely interested not only in the fishing in the streams of Alaska but also in the canning of the salmon, and therefore it strikes me that until he shows the House that those interests have had proper representation before his committee he ought not to ask to have this bill considered under these circumstances.

Mr. WILLIAM A. STONE. Mr. Speaker, I would like to hear this bill reported again, if it can be done under the rule.

The SPEAKER. Objection is made to the consideration of the bill.

Mr. WILLIAM A. STONE. I do not object, Mr. Speaker.

The SPEAKER. The Chair understood the gentleman from Oregon to object.

Mr. HERMANN. No, Mr. Speaker, I did not object.

The SPEAKER. If there is no objection, the Clerk will again report the bill.

Mr. HERMANN. I do not object to the consideration of the bill, but I think we ought to have a little more explanation with reference to it.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. LOUD. I do not think the gentleman can put this bill through in this way.

Mr. WILLIAM A. STONE. Mr. Speaker, I understood that, pending objection, an explanation of the bill would be made, and I ask to have it read again.

Mr. LOUD (to Mr. KNOX). It seems to me that you ought to consider those interests——

Mr. KNOX. Mr. Speaker, I would say to the gentleman that those interests have been heard before the committee, not only through the Treasury Department, but through the inspector, Mr. Murray.

Mr. WILLIAM A. STONE. Is the gentleman unwilling to let the House know what his bill is about?

Mr. KNOX. Certainly not.

Mr. WILLIAM A. STONE. Then why do you not let it be read again?

The SPEAKER. Without objection the bill will be again reported to the House, but if any gentleman intends to object to its consideration, it is hardly worth while to repeat the reading. The Clerk will again report the bill.

The bill was again read as above.

Mr. BARHAM. Mr. Speaker, I would like to ask the gentleman to let that bill go over for two or three days, so that we may consider it. It may be just what we want on the Pacific Coast; I do not know. Our people there are very much interested in the subject of the bill.

Mr. KNOX. Well, if the bill may be considered as up for consideration without objection, I will agree to that.

Mr. BARHAM. I must reserve the right to object, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BARHAM. I object.

JOHN C. HOWE, DECEASED.

Mr. WALKER of Massachusetts. Mr. Speaker, I ask unanimous consent to take up the engrossed Senate bill (S. 32) for the relief of the legal representatives of John C. Howe, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representatives of John C. Howe, deceased, $66,907, out of any money in the Treasury not otherwise appropriated, the same being compensation in full for the use by the United States, to wit, in 66,907,313 cup-anvil cartridges, of the invention secured to John C. Howe and his assigns by letters patent of the United States issued to him August 16, 1864, and numbered 43851, during the entire term of said letters patent, as appears in the findings of law and of fact made by the United States circuit court for the district of Connecticut in the case of Forehand and others vs. Porter, reported in volume 15 of the Federal Reporter, at page 256, and as further appears in the findings of fact made by the Court of Claims, after full testimony and full hearing in Congressional case No. 1, entitled Forehand and others vs. The United States, heard on reference of the matter to said Court of Claims by the Committee on Claims of the Senate under and pursuant to the act of March 3, 1883, commonly known as the Bowman Act, said findings of fact having been certified to the Committee on Claims of the Senate by said court on the 26th day of April, 1889.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. AVERY. Mr. Speaker, has this bill been considered in Committee of the Whole?

Mr. WALKER of Massachusetts. This bill has passed the Senate twice unanimously; it has been reported twice by the Senate committee; it failed in the House on two occasions because it was not allowed to be brought up for consideration; it has been reported unanimously by two committees at this session, the Committee on Claims and the Committee on War Claims, and it was reported by the Committee on War Claims favorably at the last session.

Mr. AVERY. Has it been considered in Committee of the Whole?

Mr. WALKER of Massachusetts. It has not; but it has been passed twice by the Senate. It is one of the most meritorious bills that has come before the House.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. AVERY. I object.

GEN. JOHN M. THAYER.

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6644) granting a pension to Gen. John M. Thayer, United States Volunteers. After the reading of the bill and report I shall ask consent to make a brief statement in explanation of the merits of the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Thayer, late brigadier-general and brevet major-general of volunteers, at a pension of $100 a month.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6644) granting a pension of $100 per month to John M. Thayer, late brigadier and brevet major-general of volunteers, having carefully considered the same, respectfully report as follows:

In 1855 the Territorial legislature of Nebraska provided for the organization of the militia and for the calling out of volunteers for the defense of the settlers, and elected John M. Thayer brigadier-general to command the troops on the frontier, and subsequently elected him to be major-general. It devolved on General Thayer to defend the people of the frontier settlements against the hostile Indians. He was not only protecting the settlers of the Territory of Nebraska, but was defending what was then the frontier of the United States. This service he performed continuously from 1855 to 1861, and has never received any compensation therefor.

In 1861 he raised the First Regiment Nebraska Infantry, took it to St. Louis, and reported to General Grant at Pilot Knob, Mo. In the battle of Donelson General Thayer commanded a brigade, and at a critical moment, when General McClernand's division had exhausted their ammunition and were compelled to fall back closely pursued by the enemy, General Thayer rushed his brigade forward, got in the rear of the retiring division, formed a line of battle, met General Buckner's army, and drove them back into their works. For this gallant service he was given great credit and honorable mention by General Grant. He commanded a brigade in the battle of Shiloh, at the siege of Vicksburg, led his brigade as a storming column at Chickasaw Bayou, had his horse shot from under him in the battle at Arkansas Post, and participated in other battles.

The records of the War Department show that he was promoted from colonel to brigadier-general of volunteers October 4, 1862, and that he commanded a brigade from that time until the close of the war; that on March 13, 1865, he was made a brevet major-general of volunteers "for gallant and meritorious service during the war."

The evidence in this case shows that General Thayer is now 77 years of age, and that he is wholly without means of support, and a subject of charity for his neighbors and friends.

Dr. W. G. Houtz testifies:

* * * "That for the last four years he has had the said John M. Thayer under his care and medical treatment, and much the greater part of that time he has been wholly unable to do any kind of manual labor, and for many weeks at a time he was confined to his bed. Determination of blood to his head is of such frequent occurrence as to constantly threaten apoplexy. Loss of locomotion (locomotor ataxia) unfits him to be left without some one to be constantly with him and care for him."

N. S. Harwood, president of the First National Bank, of Lincoln, Nebr., testifies as follows:

"For the last four or five years he has been in a helpless condition; the only means of earning a livelihood has been by his pen, and but very little of this period has he been in sufficient health to enable him to do this. He is a very proud and sensitive gentleman; he will not let his poverty and helplessness be known, and it is impossible for friends who would gladly render him assistance to do so. I think he would rather starve or die of neglect than to accept alms. He is now dangerously ill at the home of his comrade in arms, Capt. Adam Bax, who is himself broken in health, and whose family is in no suitable condition to care for him."

There is abundant evidence establishing the fact that the said John M. Thayer is wholly without means of any kind and that he is entirely unable to do anything for his own support, and that his condition is such as to require some one to be with and care for him all the time.

Your committee respectfully recommend that the bill do pass.

of the creeks or rivers of less than 500 feet wide in the Territory of Alaska. | mous consent is that this legislation is required immediately to be

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. RICHARDSON. I desire to ask the gentleman in charge of the bill what this pensioner is now drawing?

Mr. ANDREWS. He is drawing nothing. He declined to accept any assistance in this direction so long as he was able to care for himself, and he has consented to permit his friends to make this effort on his behalf now only because he is no longer able to care for himself, as the report shows.

It has been the pride of General Thayer's life, so far as I know him, to serve his country from a true spirit of genuine patriotism. In the time of his country's need he gave the best services of his life for its preservation and advancement. After the close of his brilliant military career, briefly sketched in the report, he served with honor and distinction in the United States Senate.

At a later date the people of Nebraska elected him twice to the governorship of their State. In every station he has served the interests of his State and nation with marked fidelity and ability, and now, in the hour of his weakness, the people of Nebraska and all who know him and have learned to love him will greet the passage of this bill with most hearty approval.

The Nebraska delegation upon this floor earnestly request that unanimous consent be granted for the immediate passage of this bill.

But, Mr. Speaker, I must not intrude upon the time of the House, although I would gladly extend the history of this brave patriot, soldier, and statesman. I esteem it one of the privileges of my life to have the honor of requesting the passage of this the first bill placed in my charge on the floor of this House. What we do must be done speedily, as it may be too late to give relief. Let him have at least a token of his nation's gratitude for his loyalty to the flag and the Union. Let him know that we will care for him in the hour of his weakness as faithfully as he cared for the Union in the hour of its need.

Mr. RICHARDSON. And he is in a needy condition?

Mr. ANDREWS. Absolutely so, and also in a very critical condition of health.

Mr. RICHARDSON. And he is 77 years old?

Mr. ANDREWS. Yes, sir; and I hope we can have a vote on the bill. [Cries of "Vote!" "Vote!"]

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

REPRINT OF RIVER AND HARBOR BILL.

Mr. HOOKER. Mr. Speaker, I ask unanimous consent for a reprint of the river and harbor bill.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

A MEMBER. Regular order.

The SPEAKER. The regular order is demanded. The regular order is——

Mr. HITT. The conference report on the resolutions in relation to Cuba.

Mr. DANIELS. Mr. Speaker, I ask the gentleman to yield to me for a moment while I present a privileged report.

Mr. HITT. I yield to the gentleman for that purpose.

ELECTION CONTEST—GOODWYN VS. COBB.

Mr. DANIELS. I am directed by the Committee on Elections No. 1 to submit their report on the contested-election case of Goodwyn *vs.* Cobb, from the Fifth Congressional district of Alabama. The majority of the committee report that Mr. Cobb was not elected and that Mr. Goodwyn is entitled to the seat. The committee have agreed to give to the minority of the committee one week from Monday in which to prepare the statement of their views; and we expect to bring up this case on Monday week for the consideration of the House.

The SPEAKER. The Chair can not hear the statement of the gentleman from New York [Mr. DANIELS]. The House will please be in order.

Mr. DANIELS (after order had been restored). Mr. Speaker, we desire to bring up the case of Goodwyn *vs.* Cobb on Monday week for final action; in the meantime the minority of the committee will prepare the statement of their views.

The SPEAKER. This report of the Committee on Elections will be ordered to be printed. How much time is desired for the minority to file their views?

Mr. DANIELS. A week from Monday next.

The SPEAKER. Is there objection to allowing the minority of the committee that time? The Chair hears none.

ELECTION CONTEST—ROBINSON VS. HARRISON.

Mr. LEONARD. Mr. Speaker, by direction of the Committee on Elections No. 1, I present their report on the contested-election case of Robinson *vs.* Harrison from the Third Congressional district of Alabama. I ask for the consideration of the report at this time.

The SPEAKER. Is it a unanimous report?

Mr. LEONARD. It is a unanimous report in favor of the contestee.

The SPEAKER. If there be no objection, the House will proceed to the consideration of the report.

There was no objection.

The resolutions appended to the report were read, as follows:

Resolved, That W. C. Robinson was not elected a Representative in the Fifty-fourth Congress for the Third Congressional district of Alabama at the election held in said district on the 6th day of November, 1894, and is not entitled to the seat.

Resolved, That George P. Harrison was elected a Representative in the Fifty-fourth Congress for the Third Congressional district of Alabama at the election held in said district on the 6th day of November, 1894, and is entitled to the seat.

The resolutions were agreed to.

On motion of Mr. LEONARD, a motion to reconsider the last vote was laid on the table.

Mr. DANIELS. I ask that the report in the case just disposed of be printed.

The SPEAKER. In the absence of objection, that order will be made.

Mr. BARTLETT of Georgia. Mr. Speaker, I desire to make a motion to reconsider the vote on agreeing to the report of the committee in the election case of Robinson *vs.* Harrison and to lay that motion on the table.

The SPEAKER. That motion was made by the gentleman from Pennsylvania [Mr. LEONARD] and was agreed to.

CUBA.

Mr. HITT. I now call up the regular order—the conference report in reference to Cuban belligerency. As the last speaker was opposed to the report, I will ask the Chair to recognize the gentleman from Pennsylvania [Mr. ADAMS], a member of the committee.

The SPEAKER. For how much time?

Mr. ADAMS. I desire to speak in my own right.

The SPEAKER. The gentleman from Pennsylvania [Mr. ADAMS] is recognized.

Mr. ADAMS. Mr. Speaker, it had been my full intention not to address the House again on this subject, because when the question was up before I occupied a short time in endeavoring to state as briefly as possible the reasons which led the subcommittee to the conclusion expressed in the resolutions which were at that time under consideration. But, sir, in view of the extraordinary remarks made yesterday by the gentleman from Maine [Mr. BOUTELLE] embracing statements of which I can only say that I do not know from what source he could possibly have obtained his information, and in view of the fact that the many questions interjected into the remarks of members of the committee have indicated a desire for further information by members of the House on this subject, and in view of the fact, also, that when I last spoke my time was so limited, I desire now to restate briefly the reasons which led the subcommittee to come to their conclusion in favor of the resolutions originally reported here.

In the first place, it has been claimed by the gentleman from Maine, and has been asserted in other quarters, that the sentiment of the American people is not behind these resolutions, and that therefore the House is not justified in adopting them. I should like to ask what better evidence can the representatives of the people have as to the sentiment of the country than the expressions which have come to us in behalf of these resolutions? If members here had seen the numbers of petitions coming to this House from all parts of the country, they would have realized how deeply the people are interested in this question, and how eagerly they have exercised their constitutional right of petition in order to convey to Congress their sentiments in behalf of these resolutions. I have heard some of the members of this House longest in experience here state that never have they known so many petitions to be filed in favor of any proposition pending before Congress as have been filed here in favor of doing something to aid the struggling Cubans in their fight for liberty.

It was my office, as chairman of the subcommittee, to go over these petitions. They numbered hundreds; and the thousands of signatures appended to them represented every class and condition of life in this Republic. There were official petitions from boards of trade and business bodies; there were the individual petitions of men who, moved by a spirit of patriotism which they could not repress, felt it incumbent upon them to appeal to the Congress of their country to do something to assist these lovers of liberty. Some of these petitions had been placed in public places such as drug stores and others, where the passer-by unsolicited might affix his signature to this call upon the representatives of the country to do something for the Cubans.

Under these circumstances, Mr. Speaker, how a Representative of this House can rise here and say that the sentiment of the American people does not demand the passage of these resolutions I am at a loss to understand.

Furthermore, in response to the petitions, these resolutions were passed both by the House and Senate practically unanimously;

and does anyone dare to say at this time and under these circumstances that we, the representatives of the people on this floor, are false to our duties, false to our oaths, that we sat here and cast our votes in diametrical opposition to the wishes of our constituents, and that it was not in obedience to the will of the people of the country that we have acted?

Why, Mr. Speaker, what proof can we ask further than what we have right before us at this time?

Now, the gentleman from Maine claims that this sentiment among the people has changed. He stated that when these resolutions reached the other branch of Congress, after being debated there, the chairman of the Committee on Foreign Relations of that body found that they could not pass, and therefore had them sent back to the conference, so that it might be taken out of the jurisdiction of the Senate. I do not know where he got that information. The Senators who argued against the adoption of the House resolutions were just the same as those who opposed the adoption of the Senate resolutions. There were no accessions apparently to their ranks. The same arguments were repeated over and over again. It became apparent in the course of the discussion, from the nature of the remarks made, that they were not seeking to amend the resolution, that it was not the subject-matter of the House resolution to which they objected, but that the men who spoke were in opposition to the expression on the part of the American people of any sympathy with the struggling people of Cuba.

Mr. BOUTELLE. Mr. Speaker——

Mr. ADAMS. I decline to yield. The gentleman from Maine denied me the courtesy yesterday of an interruption. He must excuse me now for not granting it to him.

The gentleman from Maine may criticise the sentiments embodied in the resolution. This was done during the discussion in the Senate on the part of a few of the members in that body who desired to defeat all expressions of sympathy on the part of the people of this country with Cuba. The Senator from New York said he did not like the resolution because it enunciated the doctrine that this country would protect American property wherever it was situated. He did not like, he claimed, pecuniary motives or considerations to be incorporated in a solemn resolution expressive of sympathy.

Ah, Mr. Speaker, he was at a loss for some criticism in order to sustain the position of opposition that he took to the resolution. And, in another part of my remarks, I will refer to the position taken by several Senators on this point.

Another gentleman objected on the ground that the grammar of one of the sections was not strictly correct, but he took good care not to state what the section or paragraph was or to cite the rule of Murray to which it would not accord. Another had objections on the ground that the Senate should adhere to their own resolutions, and not be coerced, bulldozed, or carried away by the House of Representatives. In other words, it was a claim that Senatorial dignity must be maintained.

When the chairman of the Committee on Foreign Relations found it was obstruction and not opposition with which he was confronted, he asked leave to withdraw the report and let it go back to the conference committee. I do not wish to disclose in any improper way the proceedings of the conference committee, but, inasmuch as assertions have been made which were entirely inaccurate, I know of no other way to remedy them except by a statement of the facts. No claim was made by the conferees on the part of the Senate that the resolutions of the House could not pass the Senate; but it was stated that a small number of Senators, from 6 to 10, at the outset of the controversy had announced a purpose to filibuster, if necessary, to the end of the session to defeat the express will of the whole American people and not allow the resolutions to go on the records of Congress. When that situation was made known to the conferees on the part of the House, we saw that if we wished to carry out the will of the people, there was but one way, and that was to acquiesce in the Senate resolutions, withdraw them from the consideration of that body, and bring them back to the House of Representatives, which is closer, nearer, and dearer to the people of this country, and where we could see that the wishes and sentiment of the American people might be embodied in the resolution of sympathy and put on the records of Congress, and that this, the mother of Republics, was ready to hold out the hand of relief in any part of this continent to our struggling sisters who were seeking the establishment of self-government. The members of the Senate who were in the majority saw that under the rules of the Senate they could not force a vote to be taken on the resolution; and hence this was the only parliamentary solution of the difficulty. It is for this reason that the conferees, having held out for the adoption of their own resolution, agreed to accept the Senate resolutions and bring them back and recommend their passage by the House of Representatives.

Now, another claim has been set up here that there is no government in the nature of a Republic in Cuba; that these men were bandits; that it was a negro uprising or insurrection, and that we have no information here to warrant us in extending belligerency to those people fighting for liberty on the Island of Cuba.

I wish to state, sir, and I do it on the most accurate information which, after two months of investigation, I have been able to obtain, that that charge is absolutely untrue. There was a congress held at Jimaguyu, a town in the Island of Cuba, at which there were representatives from every province of that island. They adopted a constitution. So careful was their consideration and so well weighed was their action, that when it was proposed to establish a military dictatorship it was not allowed. They said they would have a civil form of government, that the military should be subservient to it and under its direction, and a regular civil government was organized then and there. I will give you a list of the men who constituted the president and cabinet of this Republic, because I wish to show their character; that they are not adventurers; that they are people of standing and position; that they are patriots who are striving, as did our forefathers over a century ago, to establish the eternal right of self-government on the Island of Cuba, almost the last vestige of land on this Western Continent of ours that is subject to royal control.

The president is the ex-Marquis Santa Lucia, a man whose love of liberty was so great that he laid down his title and became a plain citizen.

The vice-president is Bartolomè Masso.

The secretary of foreign affairs is Rafael Portuondo, who was an attorney of good standing, and assistant district attorney under Spain.

The secretary of war is General Roloff, a man well known as being always ready to lend his aid to the cause of liberty.

The subsecretary of war is Mario Menocal, an engineer, a name well known in our country, and he is the nephew of the man who has had so much to do with the Nicaragua Canal.

The secretary of the treasury is Sarcio Pina, a man of good family and of high distinction.

The secretary of the interior is Dr. Santiago Canizareo, who was port physician under Spain.

The subsecretary of foreign affairs is Dr. Dominiquez, one of the survivors of the massacre of the students by the volunteers, which cast such a stain on the last war that was waged in Cuba in 1871.

The subtreasurer is Dr. Joaquin Castillo, who is known probably to every man in this House as having been a member of the *Jeannette* expedition to the polar regions.

Sir, there is not a colored man in the whole list that I have read. There is not a man who holds a high commission in the insurgent army, except Maceo, who is not a white man. When these claims are made in order to deprecate these struggling patriots it is time they should be repudiated on the floor of this House, and that the truth may prevail.

Now, sir, to sustain this position, that even in the ranks there are plenty of native Cubans, I will quote from the official letters of the consuls of the United States. These are not newspaper reports. These are what the subcommittee waited for before they reported these resolutions to the House, in order that they might have official information. Consul Hyatt writes:

During the past week about 100 men have left Santiago to join the insurgent forces. Many of these men belong to the best families of the town, which gives a new phase to the uprising.

Another consul writes:

Men are constantly leaving the large centers of population to join the insurgents, and the public opinion is rapidly going in that direction.

There is another letter here somewhere, of similar import, which I can not at this moment find.

Now, sir, the charge has been made—was dragged into this debate yesterday, and I do not see how it applies—of the great barbarity that has been practiced in Spain. It was held up here, and the method of public execution described. How was it answered? Sir, when the gentleman from Maine rose in his place and in order to palliate the legalized cruelties of other countries cited the illegal acts of his own, and began to put in the official record of Congress the story of lynchings and tortures that had taken place in our country, it shows the weakness of his argument. In the one horrible case which the gentleman cited as having occurred in this country, he did not even give the cause of it. He did not state that the mob was roused to its point of fury in avenging a crime that was so atrocious that I can not name it on the floor of this House.

Sir, it is a bad cause and a weak argument when a man has to derogate his own country in order to mitigate the crimes of other lands when cruelty is charged against them. Sir, I care not whether garroting be cruel or not—the gentleman says it is the legal death penalty in Spain—I only know that in the last case of which I read in the papers it was stated that the public executioner and his assistant fled from their work and could not pursue it. It was even too much for men trained to execute their public function.

Sir, all the cruelties that exist in this case are to be placed at the door of the Spanish as against these insurgents. I ask any man of fair judgment to read the official proclamation of the new governor-general, Weyler, who has taken his place to put down

to be the sentiment of the Republican platform in Massachusetts.

The time has come, therefore, when something ought to be done,

time.

The SPEAKER. Is it a unanimous report?

Furthermore, in response to the petitions, these resolutions were passed both by the House and Senate practically unanimously;

have no information here to warrant us in extending belligerency to those people fighting for liberty on the Island of Cuba.

this rebellion because Campos, who closed the last rebellion, not by force but by compromise, has not succeeded in putting down this one. Campos closed the last rebellion by promising to these people autonomy, representation in the Cortes, and reform in the taxation. These were promised after the vain endeavor for ten long years to put down the rebellion by force. Not one of those promises, practically, has been kept, and that is the reason for this new outburst on the part of the Cubans against Spanish imposition and Spanish cruelty, in order to free themselves from the great burden of taxation which has been imposed upon them.

Now, sir, I come down to the question of belligerency. It has been much discussed on the floor of this House. We are told that these people are not entitled to the rights of belligerents, first, because they have no capital; second, because they do not possess a seaport, and third, because they fly no flag on the high seas. Gentlemen, these are not requisites under international law for the granting of the rights of belligerency. The fact of the existence of a capital permanently located is the best evidence probably of the existence of a permanent government. The possession of a port shows they are able to hold it against the force of the parent government. So far as this cause is concerned, they have got a capital; it is located, I will admit, on the Cubitas Mountains; but it is so strong and so impregnable that, although 6,000 Spanish troops have occupied a position for a space of one year within 6 miles of that place, they dare not attempt to take it. The gentleman from Maine has said that this is one reason why belligerency should not be granted.

I wonder, Mr. Speaker, if when some sturdy delegate to the Continental Congress when he arrived at the city of Philadelphia, to take his place there and represent his district, had found that the capital of the then struggling Republic of the United States had been moved to Lancaster, would he have said, "Our cause is lost; our cause is not just, because our permanent capital has been removed"? Methinks he would have pursued his travel to Lancaster; and when he arrived there, and found that the capital of the Republic had been moved farther on, do you think that the heart of that sturdy old New England delegate to the Continental Congress would have failed him and that he would have said, "The Republic is lost; our cause is a hopeless cause; the capital has moved back to the mountains of Pennsylvania, to York"? No, sir; methinks he would have gone to the mountains of Pennsylvania, where was located the capital of our Republic, and when there he would have voted for new supplies and made arrangement for the raising of new men, and not have said that the cause of the great American people was hopeless or lost because the capital had been moved to the mountains. [Loud applause.] But, sir, the tone of New England was different in those days from what it is now; and we in the Middle States look for inspiration to Plymouth Rock, and not for cold water and arguments against the people who are struggling for liberty.

Now, sir, belligerency means a state of war. Whenever men can establish under international law that a state of war has been maintained for a reasonable time its people are entitled to belligerency. I will ask any rational man if, when the official records of Spain show that 120,000 Spanish troops have been sent to Cuba in the past year, that is not a state of war? I will quote from a Spanish newspaper to show that my sources of information are utterly impartial. It says (I will translate):

> We hold in front of our troops 53,000 insurgents. Thirty thousand of them are well mounted [referring to the cavalry] and perfectly armed.

This is from El Pais of the 9th of January of this year.

Can any man maintain that an army of 120,000 troops, reenforced by 40,000 volunteers in Cuba, on the one side, and on the other 53,000 men, who, in spite of the disparity of the numbers to-day, at the end of eighteen months of battle, the Spaniards have not even gained a foot from the Cubans, but have lost, lost until they have gone to the very gates of Habana, the capital of the island; and had they had artillery or had they more arms to equip a sufficient number of men they could have captured the city and swept the Spaniards into the sea.

Now as to the message of General Grant, which was quoted here as a precedent. No man, sir, should stand higher or have more weight with the people of this country and with its representatives, especially on a question of war, than the great captain-general who saved our country. But, sir, one fact must be remembered: General Grant personally always gave his sympathy, and would have recognized the belligerency of the Cubans if it had not been for the advice and influence of his Secretary of State. In a recent interview with the Hon. Hamilton Fish, his son, now living in Albany, he gave out a portion of his father's diary, where General Grant was just about to recognize the Cubans, when the Secretary of State sent for him and persuaded him against it; and General Grant, with that great breadth of mind for which he was so much credited, at the advice of the Secretary of State, did not carry out his purpose. Sir, with all due respect to Hamilton Fish, whom I honor and admire and whose acquaintance I possessed, it was the same influence upon Secretary Fish—the business interests of New York—that had great weight with him, and the same that makes a Senator of that State stand on the floor of the Senate and oppose it to-day. The business interests and the stock market do not represent the sentiment of 70,000,000 people of our great Republic.

Now, sir, I claim that under international law they are entitled to belligerency, because they have an established government of their own. They have gained possession of almost the entire island, and have an independent government of the island. They have governors in their provinces who control the civil authorities. They have prefectos in every district who administer justice, and who levy supplies and forward them to the army; and while that may not be called taxation, that is what it is to all intents and purposes, for the money is generally used just as if it were raised by taxation.

There is one other point of international law that I wish to refer to before I close. It is a well-admitted principle which has been enforced time and time again, that when the material interests of any country are affected by strife, either internal or foreign, going on in a neighboring state—when the commerce, the manufactures, or the sources of commercial supply of that country are seriously interfered with—its government, under the law of self-preservation, has a right to intervene to put an end to the strife.

Before emphasizing this proposition I wish to advert for a moment to another point. It has been asserted here that the people in the towns in Cuba are not in sympathy with the revolutionary movement and that it is limited entirely to the agricultural districts. I have here a copy of a set of resolutions adopted by the officials of the town of Mantua, one of the towns that the insurgents captured and held for quite a time. The original of these resolutions, attested by the seal of the town, is in possession of Senator SHERMAN, so that there can be no doubt as to its authenticity. In that town when the people were free, under the protection of the insurgents, and had full liberty to express their opinions, they passed these resolutions:

> Pedro Sanchez Espinosa, secretary of the municipal council of Mantua, certifies that in the archives under his charge and responsibility exists, which literally says:
>
> Minutes: In the town of Mantua on the 23d day of the month of January, 1896, there assembled in the town hall the most important residents of this place without distinction of political opinions, presided over by the mayor. The following were present at the session: The lieutenant-general and chief of the invading army, Antonio Maceo, accompanied by his chief of staff, Brigadier Jose Maceo, and the chief of the First Brigade of Las Villas, Juan Bruno Zayas. I declare as follows:
>
> First, that the town of Mantua is in the western extremity of the island, in the Province of Pinar del Rio.
>
> Second, that General Maceo with forces under him has occupied the town and municipal districts, having respected lives and all kinds of property, keeping the public order with his troops, and leaving the authorities which were under the Spanish Government in their places, and that seeing the conduct of the army of liberation and of his chief they adhere to its principles and arms, believing that it would be for the benefit not only of this district, impoverished already by the many exactions of which it was the victim, but also for the benefit of the whole country which suffered the same ill treatment.
>
> And the persons assembled, who represent the living forces of the territory in real estate, in cattle raising, in manufactures, in trade, in art, in the professions, in banking, and in agriculture, signed with the foregoing before me, the secretary, as a witness: Jose Tors, A. Maceo, Martin Viladomat, priest; the chief of staff, J. Miro; Brigadier Juan B. Zayas; the governor, Oscar A. Justiniani; the auditor of war, Jose Antonio Cainas; first lieutenant major, Jose Fernandez; Simon Docal, alderman; municipal judge, Nicholas Reyes; Dr. S. Carbonell, notary public; D. Tors; substitute municipal judge, Santiago Muguruza; Prof. Pedro Lozano, secretary of the municipal court; Rafael Ynglesi, merchant; Narciso Fontanella, secretary of the marine department; Jose Ruiz, G. Morell, Juan Ocariz, Manuel Rego, Fidel Pedraja, Jose Granda, Branño V. Blanco, Antonio Menendez, Manuel Quintana, Jaime Vives, Jose H. Pelaez.
>
> The secretary of the council, Pedro Sanchez, and at the request of Brigadier Jose Miro, I give the above copy with the assents of the president, in Mantua, on the 23d of January, 1896.
>
> [SEAL OF THE TOWN.] PEDRO SAUCHEZ (signed).
>
> The President TORTS (signed).

Now, Mr. Speaker, I revert to the principle of international law of which I have just spoken, the right of a country to intervene where its material interests are affected. Our own country is dependent on the Island of Cuba for some of the necessaries of life. It is also dependent on that island for some of the materials which go into our great structural buildings. It is also dependent on that island for some of the fruits in most common use. It is also dependent on that island for several of its luxuries. Now, when the condition has arrived in which the material wealth of our country, the necessities of our people, the luxuries of our people, the materials which go into our manufactures, the trade and commerce in which our merchants make their profits—when the condition is reached where those great interests have been materially interfered with for a period of one year, we have the right, under the principle of international law which I have cited, to intervene in this dispute. If the war in Cuba continues, the island will be devastated from one end to the other in such a way and to such a degree that fifty years will not suffice to restore it to a condition which will enable it to supply us with those necessaries and luxuries which we have heretofore obtained from there.

The time has come, therefore, when something ought to be done, and if the granting of belligerency tends in the direction of putting an end to this struggle, this House will be fully justified in passing these resolutions.

But, Mr. Speaker, there is another consideration, a higher consideration. I believe, sir, that this Western Hemisphere of ours has been dedicated to the right of self-government. One by one Spain has lost her colonies. Following the example set by this, the mother of republics on our Western Continent, they have separated from the mother country. One by one they have established themselves as republics in North, South, and Central America, until now Cuba and Costa Rica alone remain. Spain can not hold Cuba. That island is bound to follow the inevitable law of nature. Spain will lose Cuba just as she lost her other colonies. For seventy years this warfare has been going on in the Island of Cuba. As I have already stated, the last rebellion was put down only by compromise. It was never conquered. Those people never will be conquered.

Meet them; see the spirit that animates them; look how they fight! The well-trained soldiers of the regular army of Spain can not withstand the onset of those Cuban patriots, armed simply with the machete; they can not withstand the onset of those men fighting for liberty. The Spanish troops dare not go beyond their own fortifications. Whenever they do so they are compelled to retreat. On the other hand, the insurgent forces wander at will from one end of the island to the other. The Spaniards, with all their warlike appliances, their armed railroad cars, their cannon, and their well-trained troops, can not prevent the insurgents from traveling from one province to another. They have had them hemmed in time and time again, but never have been able to hold them there. The continuance of the conflict is inevitable and can have but one result. Why? Because it is a war waged on the part of liberty as against oppression; because it is waged by a people who are fighting for the same cause that sustained our ancestors—the right not to be taxed without representation.

The people of Cuba are overtaxed, and not only that, but the appointments of collectors of taxes are limited entirely to minions of Spain who are sent to Cuba from the mother country. Even the Cuban volunteers, so called, that they claim are fighting for Spain are Spaniards, not Cubans. They dare not arm the Cubans. They raised a regiment of native Cubans and sent them into the field; as soon as they met the insurgent forces the entire regiment deserted, under the command of the lieutenant-colonel, and the colonel of the regiment (Cineros) was so mortified that he committed suicide. The so-called Cubans who are fighting for Spain are not native Cubans; they are Spaniards who have gone to Cuba in times of peace, many of them to escape the five years of military service required in Spain, preferring to serve in Cuba, where the term is but three years. The Spaniards can not get white native Cubans to fight against their country. The native Cubans are with the insurgents in the field, and I believe that if they could get into the towns nearly everywhere would be heard similar expressions to that which I have read you from the city of Mantua.

Sir, the conflict will go on until victory crowns the efforts of those men fighting for freedom. Spain will never conquer Cuba. Cuba will join the list of the great Republics founded in this our Western Hemisphere, and soon from one end of the continent to the other there will be only that form of government which is dedicated to the rights of mankind, where white and black shall have the same civil and religious rights, and where the people shall have that free government which is their right, undictated to and uncontrolled by any power of Continental Europe. [Loud applause.]

Mr. HITT addressed the Chair.

The SPEAKER pro tempore (Mr. POWERS). The gentleman from Massachusetts [Mr. GILLETT] is recognized.

Mr. GILLETT of Massachusetts. Mr. Speaker, I am aware——

Mr. HITT. The gentleman from Massachusetts [Mr. KNOX], who has a letter he desires to read from his colleague [Mr. DRAPER], a member of the committee, would like to be recognized for seven minutes.

Mr. GILLETT of Massachusetts. I have no objection to yielding for that purpose.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. KNOX] will proceed.

Mr. KNOX. Mr. Speaker, I have intrusted to me a letter from my colleague, General DRAPER, a member of the Committee on Foreign Affairs. He has sent me this letter that I may read it to the House. I differ with him, much to my regret, in the position he takes. He is opposed to these resolutions, while I am in favor of them. I differ, with similar regret, from others of my colleagues from Massachusetts. It seems to me that the struggle of the patriots of Cuba can not but excite the sympathy of a free people and their earnest solicitude for the success of those who in the love of liberty and the desire for a free government have taken up arms and appealed to the God of battles. This I understand to be the sentiment of the Republican platform in Massachusetts. That platform expresses not merely sympathy for the Cubans, but desire for their success, and urges the United States (of which we here are the representatives) to take measures to put an end to this cruel and barbarous war. Now, if we fail to express in some practical and efficient manner such sympathy and solicitude for the Cuban patriots we shall incur, I think, not only the loss of our own self-respect, but the contempt of foreign nations.

There are two ways in which this sympathy may be expressed. If it shall be made to appear that this war is carried on with barbarity, cruelty, and atrocity on the part of the Spanish soldiery, is attended with the slaughter of noncombatants and women and children, then it would be the duty of this Government (if such course should be necessary) to interfere in the interest of our common humanity. The locality of this contest is so near that we could not be indifferent. We could not shelter ourselves by saying that we were ignorant of the facts; and if such crimes were permitted by one great power of the Western Hemisphere, we should be held responsible for them in the eyes of the civilized world.

But in the absence of such evidence there are other ways by which we can show our sympathy. One is by the adoption of such resolutions as those now pending, in favor of giving belligerent rights to these struggling Cubans. This course all the undisputed facts clearly point out as correct. It can be said with no extravagance of statement that if there ever was a revolution which was absolutely justified it is that now in progress in Cuba. Long years of misrule, of oppressive taxation wrung from the people with no beneficial returns, the denial of common right and justice to numbers of those people, left no course to the Cubans but an appeal to arms. That appeal has been sustained by an organized army, equipped and officered, which has made marches and fought battles and endured privations and sufferings that challenge the admiration of the world. And somewhere, Mr. Speaker, in the mountains of Cuba, those ancient fastnesses of liberty, there has been a government established, founded on justice and the equality of man.

Now, Mr. Speaker, the Cubans may point, as to the permanence of this revolution, not alone to their present achievements, but to their past history. That history is glorified by deeds of valor, by endurance of suffering that always accompany a struggle for freedom wherever it is carried on. They surrendered in 1878; but they were unconquered, although they had met the whole power of Spain for more than ten years in open warfare, unaided and alone. Is there any reason to suppose, Mr. Speaker, that the present war will be less prolonged? Can anybody say with any foundation of fact or reason that this is but a temporary revolution—a mere ebullition of popular discontent? No, sir; it is war, bitter and prolonged war, and can have but one result—the freedom of Cuba or the annihilation of the native population of that island.

If we consider the facts as they exist, and judge the future by the past, we should give to these men the rights of belligerents. If we fail to do it we shall be false to that changeless tradition of our own country, to that love of liberty which has here its highest earthly exemplification, and shall be unfaithful to a duty that is laid upon us and which we have no choice but to discharge.

And now, Mr. Speaker, lest my time should entirely expire, I will discharge the duty imposed upon me of reading this letter of my distinguished colleague, with whom I differ with so much regret.

WASHINGTON, D. C., *March 26, 1896.*

MY DEAR FRIEND KNOX: I am unfortunate as a Representative in Congress in having a business that makes occasional imperative demands, and these demands sometimes come at unfortunate times. As a member of the Foreign Affairs Committee, I have formed some definite ideas on the Cuban question, and though I expressed them fully in committee, I was compelled to be away when the resolutions were brought before the House some weeks ago.

Having no idea that they would be back again in any form, I have made engagements necessitating my leaving for New England to-morrow, and now it seems probable that resolutions in some form according belligerent rights to the insurgents will be reported from the conference committee during my absence.

Under these circumstances, if you will get time during the debate and read this note in the course of your remarks, it will explain my absence to those who feel as I do, and who might expect to hear from me as a member of the committee.

I am opposed to any resolution according belligerent rights to the Cubans under present circumstances for at least two reasons:

First. The facts do not warrant according them, if the writers on international law have any weight in such matters.

Second. These unnecessary disturbances of our foreign relations are having and will have a disastrous effect upon business in our own country.

I should say much more if I had opportunity to speak, but perhaps this is all of your time that I ought to occupy.

Sincerely, yours,

WILLIAM F. DRAPER.

Hon. W. S. KNOX,
House of Representatives.

I read this letter during my own time, and regret that I can not agree with the opinion therein expressed. I am in favor of granting belligerent rights to the Cubans, that they may have their freedom, that their country may be as free as ours. [Applause.]

tempted within the last year to offer his friendly offices; suppose

whom I honor and admire and whose acquaintance I possessed, it | ries and luxuries which we have heretofore obtained from there.

Mr. HITT. Mr. Speaker, I should be glad if we could agree as to the time at which to take the vote on these resolutions. A number of gentlemen have asked to speak, and I do not think there is any disposition to curtail debate unnecessarily. A great many gentlemen, however, are desirous of voting to-day. If the gentleman from Virginia [Mr. TUCKER], who is aware of the claims upon his side of the question for time, can suggest an hour when we may take a vote, I hope it will meet the assent of the whole House.

Mr. TUCKER. If my friend will postpone his request until after the gentleman from Massachusetts [Mr. GILLETT] has spoken, I think we can agree upon a time.

Mr. HITT. How much time does the gentleman from Massachusetts desire to occupy?

Mr. GILLETT of Massachusetts. Possibly not more than a few moments myself.

The SPEAKER pro tempore. How much time does the gentleman from Illinois [Mr. HITT] yield?

Mr. GILLETT of Massachusetts. The Chair will excuse me. I had the floor and yielded to my colleague [Mr. KNOX.]

Mr. BOUTELLE. There has been no limitation yet upon the time.

Mr. HITT. No; my proposition was to arrange a time for taking the vote. As the gentleman from Massachusetts expects to occupy but a few moments——

Mr. GILLETT of Massachusetts. I desire there should be no misunderstanding. I was recognized and yielded to my colleague [Mr. KNOX]. He spoke in my time. Now, I again have the floor.

Mr. BOUTELLE. There has been no limitation of time. The gentleman from Massachusetts was recognized in his own right.

Mr. TUCKER. We will agree on the division of time hereafter.

The SPEAKER pro tempore. The Chair will ask the gentleman from Illinois if he has yielded time to the gentleman from Massachusetts?

Mr. HITT. There has been no adjustment of time yet, and no one has been designated to control the time. The gentleman from Massachusetts desired to be recognized in his own right.

The SPEAKER pro tempore. The Chair will then recognize the gentleman in his own right.

Mr. GILLETT of Massachusetts. Mr. Speaker, I am aware that it is useless as well as unpopular to oppose these resolutions.

The overwhelming majority by which the resolutions presented before were passed showed the temper of the House, and for myself I am ready to admit that I do not believe that it exaggerated public opinion. But with all due deference I do not think that public opinion ought to guide us in this instance, because I do not believe that public opinion observed the details of this measure but looked at it simply as an expression of a sentiment of good will and friendliness toward the struggling people of Cuba. That, I think, is a sentiment in which we all participate. We all feel and would all be glad to express sympathy with Cuba, but everyone will admit that when the House of Representatives comes to express an opinion, not on a general question of sympathy, but on a very delicate question involving constitutional and international law, it is not for us to be guided entirely by our sympathies or by public sympathies, but it is our duty to analyze the question before us and decide it according to the law and the evidence.

For myself, I sympathize most heartily with the cause of the Cuban insurgents. I do not see how an American citizen, with the historical memory coming down from our own Revolution, can feel otherwise toward an American colony struggling against a European power, though I do not admit that the Cuban insurgents are of the same stuff as were our Revolutionary ancestors. And if my sympathy was not enough, I might point to the fact that self-interest also calls for the absolute independence of Cuba, for Cuba free and independent would present an opening to our market and our industries and for the investments of capital and a reciprocal trade greatly to our advantage.

So, Mr. Speaker, I freely admit at the outset of my remarks that not only motives of sympathy with the cause of struggling Cubans, but motives of self-interest as well, make us desire the success of Cuba.

But that is not the question presented to us to-day. We are not here to-day either to express sympathy or annex territory, and I think it is necessary for us to use special caution lest unwittingly to ourselves we mix the motives of love of humanity with self-interest, and lest when we think we are merely influenced by those feelings the real motive might be mercenary.

The gentleman from Pennsylvania [Mr. ADAMS] said we were not in the habit of hearing from Massachusetts or New England voices against human freedom. That is true; but, Mr. Speaker, it is not simply love of freedom that characterizes Massachusetts. It is love of justice as well. And I think when a question of law is presented to us on which we must pass judgment, a grave question of intricate, delicate, constitutional law, she will insist upon her Representatives not deciding from sympathy or sentiment, but she will expect them to hear the evidence, and if the evidence is against their sympathy she will expect them to stand by the dictates of judgment and justice; and although her sympathy, like ours, would naturally be with these resolutions, I think she will not blame us if we are compelled to decide against them, nor will she be ashamed if we are in a small minority, when we are supported by the words of George Washington and Ulysses S. Grant read yesterday.

What is the resolution before us here? We are asked to express an opinion upon the rights of Cuba to belligerency. Now, the fact that this is a mere question of opinion, a question of which we have no jurisdiction, is not to me an insuperable objection. If I sat on the other side of the House, if I had recently argued and voted for the doctrine that the House had no right to express an opinion on the conduct of a foreign ambassador because it was beyond our jurisdiction, I might myself feel constrained to oppose this resolution on that ground. I think, however, this House has a right to express an opinion on any subject. It is a question of expediency; and the question raised now is whether it is wise on the part of Congress to express an opinion on a moot question of international law. To that there is this objection: The gentleman from Illinois [Mr. HITT] yesterday admitted that this resolution accomplished nothing. He admitted that by expressing our opinion that they are entitled to belligerent rights we do not give them those rights. Another department of the Government decides that. So we are here arrogating rights which are not given to us. We are here usurping a jurisdiction which is not ours, simply in the hope of impressing the judgment of the Executive, who by the Constitution has that jurisdiction.

Now, it seems to me that on a delicate question of international relations it is not wise for us to express an opinion unless it amounts to something. It is not wise for us to usurp a jurisdiction and to express our opinion when we know and it is admitted that that opinion has no force. It does not bind Cuba. It does not bind Spain. It does not bind the United States. It binds no one but ourselves; and if our decision is right, if it is in accord with constitutional law, it does not help constitutional law any, and it does not help anyone else. If it is wrong, if we are making a mistake, if it is against constitutional law, it does not hurt constitutional law, but it does hurt the House of Representatives. It establishes a bad precedent for no useful purpose. That is one reason why I decline to vote for these resolutions.

And there is another reason still more influential. I think that when we come to assume a jurisdiction that does not belong to us, and express an opinion on a question of fact and of law which is not of right ours to decide, which is intruding upon another department of the Government, I think we ought to have evidence to support it beyond all question. If there is a doubt on the matter, if we can not be sure, if the evidence is conflicting or if it is vague, then I think we ought to abstain from any opinion.

Now, in this case there is no question that the evidence is vague and contradictory and insufficient. What is it that they must prove? I wish to read just one sentence, stating the constitutional law as General Grant understood it. He says in his message to Congress during the former Cuban revolution:

> To justify a recognition of belligerency there must be, above all, a de facto political organization of the insurgents sufficient in character and resources to constitute it, if left to itself, a state among nations.

What do we know about the political organization of the Cuban insurgents? Do we know that they are able to take their place as a state among nations? Why, criticism has been passed upon Spain because in our civil war it prematurely recognized the Confederacy. It has been said that was an improper and unfriendly act, and it has been argued upon that ground that we ought to recognize Cuban belligerency. When Spain recognized the Confederacy it held within its own exclusive power all the jurisdiction which it ever aimed to hold. It had driven from its borders the only hostile force. The courts were in session. Municipal government existed. States existed, all recognizing the supreme power of the government which was organized, and there was a unanimity among the people supporting it greater than there was among its opponents. There were also armies formed, recognizing the jurisdiction, not merely prepared for guerrilla skirmishes or for devastation, but armies which, if war came, were sure to make a terrible and prodigious conflict. And there was no cause for them to make an attack. Unless the armies of the United States advanced to attack them, they not only would be recognized as belligerents but as independent. So that at that time they controlled all their territory. Their political organization was in full power, and they had an army ready to resist attack. It seems to me, when compared to that, it is preposterous to say that the present condition equally demands recognition. And yet we then complained that it was an improper, unfriendly act for Spain to recognize belligerency; and it seems to me if that did not

justify recognition, then we can not possibly claim to-day that recognition of the Cuban insurgents is justifiable.

But my main objection, as I said before, is that this is an intrusion upon an executive function which we ought not to undertake unless we are absolutely sure that the evidence warrants it. We are not sure. The evidence is doubtful, unreliable, and conflicting, and upon that ground we ought not to interfere with the executive function.

Then there follows another objection to these resolutions. A recognition of belligerency does not depend simply upon the condition of the belligerents. Even if the facts justify it, there must still be decided the question of expediency. First, the facts must authorize it, and second, it must be expedient.

Is it expedient to grant it? That is not for us to say. A department of the Government has been constituted to decide that question, and if this House intrudes there, again we are usurping an executive prerogative. Now, why is recognition expedient? Does it do Cuba any good? Is it helpful to Cuba? The gentleman from Illinois [Mr. HITT] yesterday brought forward as the main advantage to Cuba the fact that it would give her power and freedom upon the sea. I do not know that there are any sailors in Cuba. The insurgents have no ports. They have no ships. Of what advantage will it be to recognize her belligerency and allow her to have her flag and her impossible vessels upon the sea?

But there is another advantage to Cuba which I fear may follow. It will be likely to embroil us in war with Spain, and I believe that is the main reason why the Cubans desire the passage of these resolutions. Their best hope of independence is a war between the United States and Spain, and the passage of these resolutions is one step toward it. I do not believe we have any moral right to enter upon war with Spain for this purpose. However we might think that we do it from love of humanity, certainly the other nations of the world would say we did it for greed of Cuban territory, and it seems to me it is wise for the United States, if it is going to wage war as a champion of humanity, to do it in a cause where we can not be accused of using humanity as a mere cloak for ambition. It is wise for us not to attempt to rescue Cuba in the name of philanthropy and leave it open for other nations to say we are aggrandizing our own territory.

Mr. WATSON of Ohio. Is there any attempt in these resolutions to rescue Cuba?

Mr. GILLETT of Massachusetts. There is no attempt in these resolutions, Mr. Chairman, but the argument that supports these resolutions, the reason that the Cubans desire them—and the only reason they would do Cuba any good—is because it may lead to that.

Mr. WATSON of Ohio. Do not the resolutions declare neutrality on our part.

Mr. GILLETT of Massachusetts. They do.

Mr. FAIRCHILD. Has the gentleman any objection to ambition when ambition is founded on humanity?

Mr. GILLETT of Massachusetts. No, Mr. Speaker; only I think if the basis of our action is ambition we ought to make it known. I do not especially object to ambition for aggrandizement. England has been attacked very much for her ambition; but I think if the United States is going to be actuated by ambition she ought to say so, and not say she is actuated by philanthropy. I think hypocrisy is a vastly worse vice than ambition or greed of territory.

Now, Mr. Speaker, the second resolution, which suggests that our friendly offices should be tendered to Spain, expresses my feelings, and I should be glad to have the United States use any friendly offices and do anything it could in the way of kindness and peaceful intervention in order to effect the independence of Cuba. The gentleman from Illinois [Mr. HITT] yesterday assured us that this resolution could not give just offense to Spain. I do not see why it could. This same step, as he said, has been taken before. In the seventies the United States Government tried to intervene. She had negotiated a partial arrangement by which we should guarantee the obligations of Cuba and Cuba should be declared free. I should rejoice if such an arrangement could be made to-day. Gladly we might pay $100,000,000 to secure this.

But, Mr. Speaker, it seems to me that this very resolution shows the folly of our present conduct. Does any man think that we can to-day usefully intervene? Does any man think, with the state of public opinion in Spain, any friendly intervention of the United States would be possible? Of course it would not. And why? Because the Congress of the United States has stepped beyond its proper province and has used words which have offended the sensitiveness of Spain, so that no friendly intervention from this country will be allowed, and it seems to me that that very fact illustrates the folly of the House of Representatives engaging, outside of its province, in matters of diplomacy. It seems to me that it is very possible that when intervention was before attempted it may have been acts in the United States that prevented its fulfillment. Suppose our President, our Secretary of State, had attempted within the last year to offer his friendly offices; suppose negotiations have been going on, would not the conduct and the words that have been spoken in another branch of the Congress of these United States have entirely stopped any such negotiations? So, it seems to me, this last resolution, whose spirit I heartily approve, has been rendered impotent by the acts and words of Congress.

Mr. BLACK of Georgia. May I interrupt the gentleman?

Mr. GILLETT of Massachusetts. Certainly.

Mr. BLACK of Georgia. In that connection—and I am in entire sympathy with the argument of the gentleman—on page 2343 of the RECORD, dated March 2, when we had these Senate resolutions under consideration, the distinguished chairman of the committee, for whom we all entertain the highest respect, expressed himself in reference to this second resolution which we are now asked to vote for, and said that it would be an insult to Spain.

Mr. GILLETT of Massachusetts. Well, if the chairman of the committee said that at that time, certainly he said yesterday quite the contrary. I know that Philip was sober in both cases [laughter], but I do not know which to accept, so I will accept the one which is most in accord with my own judgment, and that is the statement made yesterday.

Mr. HITT (to Mr. GILLETT of Massachusetts). If you say that I have made two contradictory statements, tell us what they are.

Mr. GILLETT of Massachusetts. I did not say so. The suggestion was made by the gentleman who interrupted me [Mr. BLACK of Georgia].

Mr. BLACK of Georgia. I called attention to the fact that on the 2d of March, when we had these resolutions under consideration the first time, the gentleman from Illinois, the chairman of the Committee on Foreign Affairs, said this:

> The resolutions of the Senate, for which those of the House committee now offered are a substitute, are two in number; the first substantially the same as that reported by the House Committee on Foreign Affairs, and the second proposing that our Government should offer its friendly offices to Spain for the recognition of the independence of Cuba.

Now, on that second resolution he said:

> Every gentleman, on hearing that suggestion made or that proposition presented to him, must think in a moment what would be the response if a proposition were made to our Government, for example, by the British minister, presenting resolutions adopted by the British Parliament asking and desiring us to consent at once to the independence of Texas, of Florida, or of Michigan. How long would he remain in Washington after presenting such a proposition as that—after the self-respect of our Government had been thus insulted?

Mr. GILLETT of Massachusetts. If the gentleman from Illinois desires to say anything in reply to the gentleman from Georgia now, I will of course yield for the purpose, but if he had just as soon wait until I finish——

Mr. HITT. As the gentleman from Massachusetts himself has expressed an opinion about my having made contradictory statements, if he had done me the honor to listen to what I said on yesterday——

Mr. GILLETT of Massachusetts (interposing). Mr. Speaker, the gentleman must have misunderstood me. I simply said that the gentleman who now stands before me [Mr. BLACK of Georgia] had suggested that there was a contradiction between the two statements of the gentleman from Illinois, and I also said that my own judgment was in accord with the statement made by the gentleman from Illinois on yesterday, which I did him the honor and myself the pleasure to listen to with great attention.

Mr. HITT. Then, if the gentleman did me the honor to listen to what I said, he knows that there is not the slightest contradiction between what I said yesterday and what I said on a former occasion. I explained yesterday that an offer of that kind made by England to our Government in time of peace would be regarded as unfriendly and offensive, and meant to be so, but that such an offer to Spain by our Government as was done by two of our Presidents to Spain when war is actually in progress would be a friendly act, and had been so received twice by Spain.

Mr. BLACK of Georgia. Mr. Speaker, I did not say that the gentleman from Illinois had made contradictory statements; I simply called the attention of the gentleman from Massachusetts to what the gentleman from Illinois had said about this second resolution which we are now asked to vote for.

Mr. GILLETT of Massachusetts. I thank the gentleman; and I repeat again, Mr. Speaker, that I entirely agree with and accept the opinion which the gentleman has expressed——

Mr. HITT. Which gentleman? Two gentlemen have had a confidential conversation over there, none of which could be heard here. [Laughter.]

Mr. GILLETT of Massachusetts. I accept implicitly, as I have already said, the statement which the gentleman from Illinois made yesterday and which I listened to with great pleasure and profit, and it is because I do agree with him, because I do not believe that this resolution conveys an insult to Spain, because I believe it is a friendly suggestion on our part—it is for that reason that I approve it and would gladly vote for it. But, as I said

before, I also think it is useless, and our friendly intervention with Spain would now be ineffectual, because in another branch of this Congress words have been spoken which have aroused the sensitiveness of Spain to such a point that no friendly intervention by the United States will be accepted. It seems to me that this case illustrates very well the wisdom of that provision of our Constitution which places the power of dealing with these matters in another branch of the Government and not in Congress, where public excitement, the desire for applause, the desire to be on the popular side, may lead to speeches which are not discreet and which may excite foreign complications in connection with matters that ought to be dealt with in a secret, restrained, reserved manner, in order that finally some friendly intervention may be made effectual. In short, I think the obvious fact that this last resolution would now be ineffectual is a conclusive proof of the folly of introducing and discussing these resolutions here.

Now, Mr. Speaker, I do not think this House has any occasion to go into such a discussion. It may be different elsewhere. It is an old trick of European sovereigns when the people are restive under their restraints to try to divert their attention from misgovernment at home by directing it to foreign war and conquest. I can imagine something of that sort in this country. It is not, I believe, parliamentary to mention the other branch of Congress, but I can conceive that if there is anywhere on this hemisphere a legislative body which has forfeited public confidence, which is distrusted and discredited, which, when legislation for the good of its constituents has been presented to it, has steadfastly put it to one side, which sees the country in bankruptcy and suffering, trade dull, commerce paralyzed, industry dead, everybody appealing to it for aid, and then which deliberately refuses that aid, I can, I say, conceive that if there were anywhere such a body as that, it might well try to divert public attention from its own misconduct by stirring up an excitement about foreign affairs, a sentiment for war, a fever of martial ambition and military glory, even if thereby they still further disturbed business and shattered public confidence, and might hope, by exciting some such gale of factitious enthusiasm, to turn from itself the reprobation it deserved and fan itself back into popularity and power.

I do not believe this House needs to engage in any such discussion. I believe that its members have vigorously, energetically, wisely tried to improve the deplorable condition of the country and better the welfare of their constituents. If their efforts have not succeeded, the people know where the responsibility rests; and I believe it is not only for the present good of this House, but for our permanent popularity at home and the good of our constituents, to continue devoting ourselves to the legitimate province of Congress and the best interests of this country, letting it be understood that this end of the Capitol is here for business and not for "buncombe." I believe such a course will ultimately tend to the strength of the House as well as to the good of the country.

Now, Mr. Speaker, I suppose I shall undoubtedly be misrepresented outside for the ground I have taken here. I shall be accused at home of being a friend of Spain and an enemy of liberty. But I hope in this House I shall not. I hope it will be explicitly understood that, as I have stated, I am in entire sympathy with the independence of Cuba. I hope there may be established a stable, permanent, and successful republic. I wish it because of my sympathy with Cuba and also because of a sentiment of self-interest on the part of the United States. So wishing, I would gladly vote for any resolutions of sympathy. But I will not vote for this resolution recognizing belligerency, which calls upon us to decide on doubtful evidence a question of fact and of law on an important international issue which is beyond our province, binds nobody but ourselves, and accomplishes nothing except to establish a precedent which may come back to plague us. [Applause.]

Mr. Speaker, I reserve the remainder of my time.

Mr. HITT. The gentleman can not reserve the remainder of his time, if the arrangement which I am about to suggest should be made.

Mr. GILLETT of Massachusetts. I do not desire to reserve the time for myself.

Mr. HITT. The gentleman can not reserve it for anybody else. If an arrangement for taking the vote should now be made, as I trust it may be, I should be glad if the House would assent to the proposition to have the vote to-day—at 4 o'clock or 5 o'clock. [Cries of "Now!" "Now!"]

Mr. TUCKER. There are gentlemen on this side of the House who desire to be heard on this question, and I think there would be desired on this side about an hour and thirty minutes—perhaps an hour and forty-five minutes.

Mr. QUIGG. Then we could not vote to-night.

Mr. HITT. I suggest, then, Mr. Speaker, as there is a desire on the part of many members to address the House, that it be agreed by unanimous consent that the remainder of this day's session, prolonged to whatever hour the House may see fit, be devoted to the discussion of this conference report, and that the vote be taken on Monday morning, without further debate, immediately after the reading of the Journal.

Mr. McCREARY of Kentucky. I suggest to the chairman of our committee [Mr. HITT], and also to my colleague on the committee, the gentleman from Virginia [Mr. TUCKER], that we have a vote this afternoon. Let the question be discussed from now until half past 4 o'clock or 5 o'clock, and then let the vote be taken. [Applause.]

Several MEMBERS. Let us vote now.

Mr. McCREARY of Kentucky. Next Monday is suspension day, and other matters of importance will come up then. I think we might have a vote this afternoon at 5 o'clock. [Cries of "All right."]

Mr. HITT. I ask unanimous consent, then, that the vote be taken at 5 o'clock this afternoon.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. HITT] asks unanimous consent that the vote be taken on the pending question at 5 o'clock this afternoon.

Mr. MAHON. I object.

Mr. McCREARY of Kentucky. Then I suggest 4 o'clock.

The SPEAKER pro tempore. Does the gentleman from Illinois modify his request by substituting 4 o'clock?

Mr. HITT. As objection has been made, my request is now at an end.

Mr. TUCKER. I hope the suggestion of the gentleman from Kentucky [Mr. McCREARY] will not be adopted. There are gentlemen here who want to be heard on this question and who have a right to be heard.

Mr. McCREARY of Kentucky. I withdraw the suggestion for a vote at 4 o'clock.

Mr. TUCKER. I am perfectly willing that we should have a vote this evening; but these gentlemen have the right to be heard.

Mr. HITT. There has been objection raised by so many gentlemen to any proposition to close debate this afternoon that it would seem impossible to secure consent for any proposition of that kind. I therefore make the motion—I do not ask unanimous consent—that the time for debate on this conference report be limited to this day and that the vote be taken on Monday after the reading of the Journal without further debate.

Mr. RICHARDSON. It is not in order, I will suggest to the gentleman, to make the motion. I think we can agree by unanimous consent on a time.

Mr. HITT. Objection is made to the request. I make the motion, Mr. Speaker, if in order; and on that demand the previous question.

Mr. CANNON. I will make no objection to the motion; although it seems to me that the gentleman can get unanimous consent if he asks again. I know of no way of closing debate except by moving the previous question.

Mr. RICHARDSON. I suggest that the gentleman make the request again.

Mr. HITT. Then I will make the request again, Mr. Speaker; the same request.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the debate close to-day, and that the vote be taken on Monday morning immediately after the reading of the Journal, without further discussion. Is there objection?

Mr. MAHON. I will object to that if the gentleman will not include also a night session to be held for debate.

Mr. QUIGG. Why do you want a night session?

Mr. MAHON. There are men here, let me say to the gentleman, who wish to be heard. Why not have a session to-night and give them a chance? This is a very important question.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. MAHON. I object unless we can agree to have a night session.

Mr. HITT. Then I will put it as a part of my request that the House at 5 o'clock take a recess until 8 o'clock, to continue in session, say until 10 o'clock, for debate only on this question, and that the vote be taken on Monday immediately after the reading of the Journal without further debate.

The SPEAKER. The Chair will submit the gentleman's request to the House. The gentleman from Illinois asks unanimous consent that the House, at 5 o'clock, take a recess until 8 o'clock, the evening session to close at 10 o'clock, for debate only on the conference report, and that a vote be taken on Monday morning immediately after the reading of the Journal, without further debate. Is there objection?

There was no objection, and it was so ordered.

Mr. HITT. Now, Mr. Speaker, if the Chair will recognize some one on either side to control the time we can make some arrangement or adjustment of it.

Mr. McCREARY of Kentucky. If it requires a motion, I would move that the gentleman from Illinois [Mr. HITT] have the control of the affirmative and the gentleman from Virginia [Mr. TUCKER] the negative.

The SPEAKER. That would require unanimous consent. If there be no objection, the Chair will recognize the gentlemen named to control the time.

There was no objection.

Mr. HITT. I yield ten minutes to the gentleman from Texas [Mr. COCKRELL].

Mr. COCKRELL. Mr. Speaker, I have listened with a great deal of interest to this debate from its inception to this time, and have felt no disposition at all to enter into any discussion of the question as presented by the resolution before the House. But as there has been no one from my part of the country who has seen fit to express any views on the subject at all, at the solicitation of some of my friends I agreed to make a few remarks.

I have no disposition to go into an extended or elaborate argument on the question; but I do desire to answer some arguments that have been presented by gentlemen on the other side of the question. Now, it has been said by my friend from Pennsylvania, who sits before me [Mr. ADAMS], that those who oppose these resolutions declare that there is no one supporting the resolution except the people of the country. That may be so to some extent, but I have long since learned that the country people as a rule are generally on the right side of all questions. I have also learned, and have learned since the discussion of these resolutions commenced, within the last two or three weeks, that there is a certain class of men who live on the continent of America (and who ought to have more patriotism) who have been covering every member's desk for the last two or three weeks with cries that the commercial interests of the country will be ruined, that the money interests were all involved in this question, and "for God's sake stop this hue and cry about Cuba." I received some of these circulars this morning, and after reading them came to the conclusion that there was a great number—no; I will not say a great number; I will take that back—but that there is a small number of people who claim to be American citizens, and if their combined patriotism was all condensed into a small space it would not exceed the size of a copper cent. [Laughter and applause.]

They have forgotten the duties and obligations, it seems to me, that they owe to a struggling people—Cuba; and when I read the history of the struggles of this nation in its infancy, when that gallant General Washington was being driven from post to pillar by overwhelming forces, how any man on this floor can say that the Cubans are not entitled to belligerent rights because they failed to face the Spanish army and fight some great battle—that they are always on the retreat—I can not understand why they should be condemned for this method of warfare, for this has always been the policy of a wise general in command of an army, to adapt himself to the conditions surrounding him and make, if necessary, a skillful and successful retreat in the face of an overwhelming enemy; and the general who can do that is a greater general than he who fights and has his men slaughtered that he may hold the battlefield.

It is the policy of a wise general to husband his resources, to husband the lives of his soldiers, to husband the lives of his men, through which alone he can expect to succeed against overwhelming numbers. And I say to-day that Maceo and Gomez have exhibited a degree of generalship that has never been excelled in the history of this or any other nation. On an island not larger than my district, not containing as much territory as there is in my Congressional district, Spain has landed 125,000 troops to put down what it says is a mere faction in that island, who are mere bandits. In addition to that, the gentleman from Maine [Mr. BOUTELLE] yesterday said that large numbers of Cubans had entered the field on the side of Spain. He said about 40,000 had done so. These, with 125,000 sent by Spain to Cuba, make 165,000. So 165,000 men who have been upon the trail of these patriots for more than a year have never been enabled to hold any of the territory of Cuba out of the reach of the cannon of the Spanish gunboats.

These Cubans are struggling for liberty, and it will be a blot upon the American name if we do not raise our voices in defense of these people; and not only that, but take whatever steps are necessary to uphold the hands of these struggling patriots while they wrestle against an overwhelming force.

Now, if these people are not entitled to belligerent rights, what was our condition during our struggle for independence? We never had in the American Army more than 38,000 soldiers at any one time. The British never exceeded over 68,000, and for seven long years we struggled with might and main. Never have a people struggled harder than we did. Our rights were recognized. While we were driven from our capital, while we held none of the coast, while we had no navy, yet the nations of the earth said to us, "You are entitled to belligerent rights." And yet Americans in this day and time tell us that these struggling Cubans are not entitled to belligerent rights. If I had my way I should go further than this resolution goes; but as the committee in its wisdom has seen fit to accept these resolutions as they come from the Senate, I am willing to accept them, not as an antidote for all the crimes that have been perpetrated, but I say to-day that we owe it to these struggling patriots upon our border to acknowledge their independence. That is what they deserve. [Applause.] They have won the right to that recognition, and are entitled to it. If I had my way I should take this old wolf Spain, which has had all of its colonies by the throat for the last hundred years, and has sucked the life blood out of them until they could stand it no longer and have revolted, and as my friend to-day said, Spain has lost the last colony which she has upon our border—I tell you it is an act that we owe to these people to take this old wolf by the throat and tell her that she must take her Weyler and her murderers off the Island of Cuba and give its people their independence. [Applause.]

Mr. HITT. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. WOODMAN].

Mr. WOODMAN. Mr. Speaker, it seems time that the matter of recognition of the Cubans was disposed of. It has been dragging along week after week, while some of the honorable gentlemen at the other end of the Capitol have been talking eloquently against it and against time.

Now, I submit that it is time to act, The butchery and outrage of the Spanish commander in that island is daily going on, and the brutality of it is recorded in the morning papers every day. Only a day or two ago was the record published of five men, captured as prisoners of war, who were garroted as murderers, violators, and incendiaries.

Mr. Speaker, this nation should enter a protest against such inhumanity and such arrant cowardice as is involved in the butchery of prisoners of war. The granting of belligerent rights to Cuba will do more than to enable the government of that island to purchase arms, ammunition, and supplies in the United States; it will place upon Spain the necessity of conducting its warfare according to the recognized rules of war. It is considered in international law that any nation has a right to interfere in any conflict if such interference be on the grounds of ordinary humanity. And the rules of war do not encourage, under any circumstances, the massacre of defenseless prisoners who may have been captured. There is one pertinent fact in this connection. All the prisoners taken by the Spanish army are executed, while the Spanish troops, when taken by the patriots of Cuba, either join the Cuban army or are confined till Cuba shall be free.

Much has been said of the incendiarism of the patriots. That is simple. The orders of the Republic of Cuba were that no cane should be ground, as the product of the cane fields produce a large revenue for Spain. It is probable that the fields of such planters as disobeyed the order may have been burned, just as any army would destroy supplies to prevent their falling into the hands of the enemy. On the other hand, Spain insists on treating Cuban patriots, the men who possess and maintain control of almost the whole island, except a few seaports, as murderers and incendiaries, and executes them forthwith. It is a violation of humanity; it is a violation of the rules of warfare; it is a violation of all the principles that men hold most dear. Consequently, I say that it is true that Congress should put its seal of condemnation on the practices of Spain in Cuba, and give to those who are struggling for freedom the rights which nature and nature's God demand. [Applause.]

Mr. TUCKER. Mr. Speaker, I yield five minutes to my colleague [Mr. ELLETT of Virginia].

Mr. ELLETT of Virginia. Mr. Speaker, the House is now considering a question of great moment and importance, and the result of its deliberations will affect most gravely not only our own country, but Spain and her struggling dependency—Cuba, "the Gem of the Antilles." As an individual, as a simple American citizen, I, from the bottom of my heart, would rejoice to see Cuba free. My warmest sympathies go out to every people struggling for the blessings of liberty, to every man who, following the example of our patriots of the Revolution, is seeking those blessings which we have enjoyed for over one hundred years.

Addressing this body, however, and in this presence, I have what I consider a higher duty to perform. We are not here to express our individual sympathies, preferences, or prejudices, as seems to have been the case with many. We are here as the direct representatives of 173,000 people of our respective districts, but over and above that we are here as the representatives of this great Union, and in that capacity our responsibility becomes those of judges in this matter.

Therefore we should approach and discuss this question with deliberation and not with passion and prejudice. We should not endeavor to inflame the passions of this House by such terms as "the wolf of Spain," "the tyrant Weyler," and by introducing pictures from illustrated papers with long citations from prejudiced journals, but should approach the subject with that calm deliberation worthy of the dignity of this great Republic. We should consider the international laws relating to belligerency and be guided thereby, and this country should act as becomes one of the friendly family of nations.

the discussion of this conference report, and that the vote be taken | TUCKER] the negative.

from the Senate, I am willing to accept them, not as an antidote I one of the friendly family of nations.

Mr. Speaker, belligerency is a pure question of fact. The definition of the word belligerent is "actually at war." And the question of recognition of belligerent rights is not one inherent in the country which is seeking recognition, but it is one entirely at the will and pleasure of the country granting that recognition, and they must take the responsibility therefor. I should certainly be inclined to defer to the great will of the majority as so numerously expressed here, were I not well fortified by the past history and precedents of my own country and sustained by no less a soldier than General Grant, who, when President of the United States, and acting under identically the same circumstances, laid down this as the rule that should govern the Congress of the United States at that time.

Before I read it, however, permit me to state that, while I was not here, I have been authoritatively informed, that the same passions and prejudices were rushing through both branches of Congress at that time as seem now to prevail. This message not only allayed that feeling, but caused the question to pass from discussion by both bodies of the Congress and by the people of the whole country.

The question of belligerency is one of fact, not to be decided by sympathies for or prejudices against either party. The relations between the parent State and the insurgents must amount in, fact, to war in the sense of international law. Fighting, though fierce and protracted, does not alone constitute war; there must be military forces acting in accordance with the rules and customs of war, flags of truce, cartels, exchange of prisoners, etc., and to justify a recognition of belligerency there must be above all a de facto political organization of the insurgents sufficient in character and resources to constitute it, if left to itself, a State among nations capable of discharging the duties of a State and of meeting the just responsibilities it may incur as such toward other powers in the discharge of its national duties.

Applying the best information which I have been enabled to gather, whether from official or unofficial sources, including the very exaggerated statements which each party gives to all that may prejudice the opposite or give credit to its own side of the question, I am unable to see, in the present condition of the contest in Cuba, those elements which are requisite to constitute war in the sense of international law.

The insurgents hold no town or city; have no established seat of government; they have no prize courts; no organization for the receiving and collecting of revenue; no seaport to which a prize may be carried or through which access can be had by a foreign power to the limited interior territory and mountain fastnesses which they occupy. The existence of the legislature representing any popular constituency is more than doubtful.

In the uncertainty that hangs around the entire insurrection there is no palpable evidence of an election, of any delegated authority, or of any government outside the limits of the camps occupied from day to day by the roving companies of insurgent troops. There is no commerce, no trade, either internal or foreign; no manufactures.

Mr. Speaker, that was written by the President of the United States, Gen. Ulysses S. Grant in 1870, and I, without fear of contradiction, claim that it applies to the present situation, and that the present situation is identical, so far as the facts are concerned, with that which existed at the time when this message was written.

Why, it is claimed that they have a small capital in the mountains of Cuba protected by about 1,500 men in an impregnable fastness. This capital is situated on an elevated plateau containing about 15 square miles, the valley being surrounded by mountains. Is that a ground for the recognition of a government? Why, in Tazewell County, Va., we have Burke's Garden, containing 30 square miles of beautiful blue-grass country, with only one outlet in the mountain defiles, which could be protected by 1,500 men. If the Southern Confederacy had permanently held that one place only, with small bodies of troops scouring the rest of the country, recklessly and wantonly destroying the property of their own people, do you suppose that Spain, France, or England would have accorded to her belligerent rights? Why, of course not!

Another thing. Where is the insurgent seaport, where is organized war? Where is the great battle that has been fought, such as Bull Run or Gettysburg? None. All the news that comes to us comes under a cloud and shadow; and then again, the distinguished gentleman from Tennessee [Mr. PATTERSON] said yesterday that he would favor independence of these people provided they were unanimous in this rebellion; but the gentleman from Pennsylvania [Mr. ADAMS] and all others whom I have heard speak in favor of the resolutions, concede that there are 53,000 insurgents on the one side and 43,000 Cubans enlisted on the other or Spanish side.

Again, Mr. Speaker, here is what Mr. Fish, Secretary of State, addressed to Mr. Motley, then at the Court of St. James:

The President does not deny, on the contrary he maintains, that every sovereign power decides for itself, on its responsibility, the question whether or not it will, at a given time, accord the status of belligerency to the insurgent subjects of another power, as also the larger question of the independence of such subjects and their accession to the family of sovereign states.

But the rightfulness of such an act depends on the occasion and the circumstances, and it is an act, like the sovereign act of war, which the morality of the public law and practice requires should be deliberate, seasonable, and just, in reference to surrounding facts.

Deliberate! How can men saturated with the war spirit which seems to pervade this House be deliberate?

National belligerency, indeed, like national independence, being but an existing fact, officially recognized as such, without which such a declaration is only the indirect manifestation of a particular line of policy.

* * * * * * * *

But circumstances might arise to call for it. A ship of the insurgents might appear in the port of the neutral, or a collision might occur at sea, imposing on the neutral the necessity to act. Or actual hostility might have continued to rage in the theater of insurgent war; combat after combat might have been fought for such a period of time; a mass of men may have engaged in actual war until they should have acquired the consistency of military power, to repeat the idea of Mr. Canning, so as evidently to constitute the fact of belligerency, and to justify the recognition by the neutral. Or the nearness of the seat of hostilities to the neutral may compel the latter to act; it might be his sovereign duty to act, however inconvenient such action should be to the legitimate Government.

Mr. Fish says:

The question of according or withholding rights of belligerency must be judged, in every case, in view of the particular attending facts. * * * This conflict must be one which will be recognized in the sense of international law as war. Belligerency, too, is a fact. The mere existence of contending armed bodies and their occasional conflicts do not constitute war in the sense referred to.

Now let us see what President Woolsey, one of the highest modern authorities on international law, has to say on this subject:

There may be a difficulty in ascertaining when the fact of war begins, and this difficulty is the greater in cases of insurrection or revolt, where many of the antecedents and premonitory tokens of war are wanting, where an insurrection may be of little account and easily suppressed, and where war bursts out full-blown, it may be, at once. Our Government has more than once professed to govern its action by the following criteria expressed in Mr. Monroe's words relating to the Spanish South American revolts: "As soon as the movement assumes such a steady and consistent form as to make the success of the provinces probable, the rights to which they were entitled by the law of nations, as equal parties to a civil war, have been extended to them." But this rule is breaks down in several places. The probability is a creature of the mind, something merely subjective, and ought not to enter into a definition of what a nation ought to do. Again, the success does not depend on steadiness and consistency of form only, but on relative strength of the parties. If you make probability of success the criterion of right in the case, you have to weigh other circumstances before being able to judge which is most probable, success or defeat. Would you, if you conceded belligerent rights, withdraw the concession whenever success ceased to be probable? And, still further, such provinces in revolt are not entitled by the law of nations to rights as equal parties to a civil war. They have properly no rights, and the concession of belligerency is not made on their account, but on account of considerations of policy on the part of the state itself which declares them such, or on grounds of humanity.

And last but not least I will request the Clerk to read in full the note of Richard Dana to Wheaton's International Law, which is admitted to be the clearest and ablest presentation of this doctrine of belligerency, and I submit it fully sustains the position I have taken.

The Clerk read as follows:

The occasion for the accordance of belligerent rights arises when a civil conflict exists within a foreign state. The reason which requires and can alone justify this step by the Government of another country is that its own rights and interests are so far affected as to require a definition of its own relations to the parties. Where a parent Government is seeking to subdue an insurrection by municipal force, and the insurgents claim a political nationality and belligerent rights which the parent Government does not concede, a recognition by a foreign state of full belligerent rights, if not justified by necessity, is a gratuitous demonstration of moral support to the rebellion and of censure upon the parent Government. But the situation of a foreign state with reference to the contests, and the condition of affairs between the contending parties, may be such as to justify this act. It is important, therefore, to determine what state of affairs, and what relations of the foreign state, justify the recognition.

It is certain that the state of things between the parent state and insurgents must amount, in fact, to a war, in the sense of international law—that is, powers and rights of war must be in actual exercise; otherwise the recognition is falsified, for the recognition is of a fact. The tests to determine the question are various and far more decisive where there is maritime war and commercial relations with foreigners. Among the tests are the existence of a de facto political organization of the insurgents sufficient in character, population, and resources to constitute it, if left to itself, a state among the nations, reasonably capable of discharging the duties of a state; the actual employment of military forces on each side, acting in accordance with the rules and customs of war, such as the use of flags of truce, cartels, exchange of prisoners, and the treatment of captured insurgents by the parent state as prisoners of war; and, at sea, employment by the insurgents of commissioned cruisers, and the exercise by the parent Government of the rights of blockade of insurgent ports against neutral commerce, and of stopping and searching neutral vessels at sea. If all these elements exist, the condition of things is undoubtedly war; and it may be war before they are all ripened into activity.

As to the relation of the foreign state to the contest, if it is solely on land and the foreign state is not contiguous, it is difficult to imagine a call for the recognition. If, for instance, the United States should formally recognize belligerent rights in an insurgent community at the center of Europe, with no seaports, it would require a hardly supposable necessity to make it else than a mere demonstration of moral support. But a case may arise where a foreign state must decide whether to hold the parent state responsible for acts done by the insurgents or to deal with the insurgents as a de facto government. (Mr. Canning to Lord Granville on the Greek war, June 22, 1826.) If the foreign state recognizes belligerency in the insurgents, it releases the parent state from responsibility for whatever may be done by the insurgents, or not done by the parent state where the insurgent power extends. (Mr. Adams to Mr. Seward, June 11, 1861, Dip. Corr., 105.) In a contest wholly upon land, a contiguous state may be obliged to make the decision whether or not to regard it as a war; but, in practice, this has not been done by a general and prospective declaration, but by actual treatment of cases as they arise. Where the insurgents and the parent state are maritime, and the foreign nation has extensive commercial relations and trade at the ports of both, and the foreign nation and either or both of the contending parties have considerable naval force, and the domestic contest must extend itself over the sea, then the relations of the foreign state to this contest are far different.

In such a state of things the liability to political complications and the questions of right and duty to be decided at once, usually away from home, by private citizens or naval officers, seem to require an authoritative and general decision as to the status of the three parties involved. If the contest is a war, all foreign citizens and officers, whether executive or judicial, are to follow one line of conduct; if it is not a war, they are to follow a totally different line. If it is a war the commissioned cruisers of both sides may stop, search, and capture the foreign merchant vessel, and that vessel must make no resistance and must submit to adjudication by a prize court; if it is

not a war, the cruisers of neither party can stop or search the foreign merchant vessel; and that vessel may resist all attempts in that direction, and the ships of war of the foreign state may attack and capture any cruiser persisting in the attempt. If it is war, foreign nations must await the adjudication of prize tribunals; if it is not war, no such tribunal can be opened. If it is war, the parent state may institute a blockade jure gentium of the insurgent ports, which foreigners must respect; but if it is not a war, foreign nations having large commercial intercourse with the country will not respect a closing of insurgent ports by paper decrees only. If it is a war, the insurgent cruisers are to be treated by foreign citizens and officials, at sea and in port, as lawful belligerents; if it is not a war, those cruisers are pirates, and may be treated as such. If it is a war, the rules and risks respecting carrying contraband, or dispatches, or military persons come into play; if it is not war, they do not. Within foreign jurisdiction, if it is a war, acts of the insurgents in the way of preparation and equipments for hostility may be breaches of neutrality laws; while, if it is not war, they do not come into that category, but under the category of piracy or of crimes by municipal law.

Now, all citizens of a foreign state, and all its executive officers and judicial magistrates, look to the political department of their government to prescribe the rule of their conduct in all their possible relations with the parties to the contest. This rule is prescribed in the best and most intelligible manner for all possible contingencies by the simple declaration that the contest is or is not to be treated as war. If the state of things requires the decision, it must be made by the political department of the government. It is not fit that cases should be left to be decided as they may arise, by private citizens, or naval or judicial officers, at home or abroad, by sea or land. It is, therefore, the custom of nations for the political department of a foreign state to make the decision. It owes it to its own citizens, to the contending parties, and to the peace of the world, to make that decision seasonably. If it issues a formal declaration of belligerent rights prematurely, or in a contest with which it has no complexity, it is a gratuitous and unfriendly act. If the parent government complains of it, the complaint must be made upon one of these grounds. To decide whether the recognition was uncalled for and premature requires something more than a consideration of proximate facts and the overt and formal acts of the contending parties. The foreign state is bound and entitled to consider the preceding history of the parties, the magnitude and completeness of the political and military organizations and preparations on each side, the probable extent of the conflict by sea and land, the probable extent and results of its development, and, above all, the probability that its own merchant vessels, naval officers, and consuls may be precipitated into sudden and difficult complications abroad. The best that can be said is that the foreign State may protect itself by a seasonable decision, either upon a test case that arises or by a general prospective decision; while, on the other hand, if it makes the recognition premature, it is liable to the suspicion of an unfriendly purpose to the parent state. The recognition of belligerent rights is not solely to the advantage of the insurgents. They gain the great advantage of a recognized status, and the opportunity to employ commissioned cruisers at sea, and to exert all the powers known to maritime warfare, with the sanction of foreign nations. They can obtain abroad loans, military and naval materials, and enlist men, as against everything but neutrality laws; their flag and commissions are acknowledged, their revenue laws are respected, and they acquire a quasi-political recognition. On the other hand, the parent government is relieved from responsibility for acts done in the insurgent territory; its blockade of its own ports is respected; and it acquires a right to exert, against neutral commerce, all the powers of a party to a maritime war.

Mr. ELLETT of Virginia. Third. Now, Mr. Speaker, let us look into the character of this war. It is alleged that the Spaniards, and especially General Weyler, are guilty of butchery and cruelty. I am not here to accuse or defend them. We have such vague and exaggerated reports that it is almost impossible to form a satisfactory opinion except on one point, and that is that both insurgents and Spaniards are engaged much more in marauding, murdering, burning, and devastating than they are in carrying on war, and in the eyes of civilized nations this is not belligerency, but atrocious barbarism.

I again quote President Grant's message, describing the state of affairs in Cuba when it was written, and it can but be admitted that this accurately portrays the present situation:

During the six months which have passed since the date of that message the condition of the insurgents has not improved, and the insurrection itself, although not subdued, exhibits no signs of advance, but seems to be confined to an irregular system of hostilities carried on by small and illy-armed bands of men, roaming, without concentration, through the woods and the sparsely populated regions of the island, attacking from ambush convoys and small bands of troops, burning plantations and the estates of those not sympathizing with their cause.

But if the insurrection had not gained ground, it is equally true that Spain has not suppressed it. Climate, disease, and the occasional bullet have worked destruction among the soldiers of Spain; and although the Spanish authorities have possession of every seaport and every town on the island, they have not been able to subdue the hostile feeling which has driven a considerable number of the native inhabitants of the island to armed resistance against Spain and still leads them to endure the dangers and the privations of a roaming life of guerrilla warfare.

On either side a contest has been conducted and is still carried on with a lamentable disregard of human life and of the rules and practices which modern civilization has prescribed in mitigation of the necessary horrors of war. The torch of Spaniard and of Cuban is alike busy in carrying devastation over fertile regions; murderous and revengeful decrees are issued and executed by both parties. Count Valmaseda and Colonel Boet, on the part of Spain, have each startled humanity and aroused the indignation of the civilized world by the execution, each, of a score of prisoners at a time, while General Quesada, the Cuban chief, coolly and with apparent unconsciousness of aught else than a proper act, has admitted the slaughter, by his own deliberate order, in one day, of upward of 650 prisoners of war.

It is but human nature for either side in civil strife to charge the other with brutality, whether with or without just cause. The English to-day claim that we were guilty of brutality in the execution of André, and Americans make a like charge against Benedict Arnold and Tarleton.

But the facts must rule in these matters. Why this picture which has been so vividly drawn this morning by the gentleman from Pennsylvania [Mr. ADAMS] of five men who were garroted in Moro Castle, Habana? I, like the gentleman, had read the harrowing description of these executions in the New York World of Sunday. My blood boiled to think that patriots should be executed as felons. I do not believe in quoting mere newspaper statements, but as the gentleman from Pennsylvania makes his charge on the basis of the World's report, it is fair to answer him in kind. Who were these five men, the subjects of this bungling execution? Patriots? No! but felons of the deepest die. Here is what the Post of yesterday says of them:

HABANA, *April 2.*

The following is the story of the crime committed by the five negroes who were the victims of the bungling execution by the garrote on Monday. Their names were Sacarias Santa Cruz, Isidro Calderon, Juan Bautista Gutierrez, alias Lucumi, Ruffino Ordenez, and Marcelino Gonzalez.

The scene of the bloody crime was a lonely house on the road from San Jose to Tijiragua. On the evening of July 12 José Castillo, the owner of the house, had just left it, his wife, four daughters, and three friends remaining there, when the galloping of several horses approaching the house on the highway aroused the inmates as if by a presentiment of the wretched fate they were to meet. Soon afterwards five negroes dismounted before the house, brandishing their glittering machetes, and ordered everyone in it not to move. They then demanded of Castillo's wife that she should give them all the money there was in the house. She gave them two gold pieces, asserting that that was all they had.

But some of the wretches, in ransacking the house, found 36 more gold pieces, which brought the men up to a state of fury over the deception played upon them. One of them struck the poor woman with the keen edge of his machete, decapitating her with a blow.

The negroes, seeing the blood of their first victim, became transported with rage, and put to death all but one of the inmates, the exception being one of the visitors, who was left so badly wounded that he died soon after giving testimony of the affair.

Gentlemen, I do not know anything about the garrote. I am not here to defend it, but I hear that it is a very quick and sharp chisel that cuts the spinal cord, and death is caused more quickly than by hanging. I say if these men were guilty of these crimes they most richly deserved the punishment inflicted upon them in Morro Castle.

But that is going a little away from the subject. This war, in its character, is one of pillage, devastation, fire, and ruin upon the part of the insurgents.

Here is what the recognized Cuban organ in this country boastfully says of the methods and actions of the insurgents:

Maceo's Great Raid—The Insurgent General has Devastated the Whole of Pinar del Rio.

That is the name of a province. The next heading is:

Thirteen Towns Burned—All the Tobacco Crops Destroyed and People Wandering About Without Clothing.

What is the next heading?

Spain Beaten Everywhere.

That is the method, Mr. Speaker, that the insurgents are taking to beat Spain everywhere—"thirteen towns burned; all the tobacco crop destroyed"—"people wandering about without clothing." Here is the report in full, with further heading:

The true story of the result of the raid made by Antonio Maceo into Pinar del Rio is beginning to crop out. So effectual was the work of the insurgent general that 13 towns held by the Spaniards have been destroyed and the rich tobacco lands throughout the province have been laid waste. Practically all of the island west of Habana is a wilderness. This news has heretofore been suppressed by the Spanish censors, and it is believed that matters are much worse than the news depicts.

HABANA, *March 5.*

The reopening of telegraphic communication with the region of Pinar del Rio brings the first detailed information of affairs in that province for several weeks.

This is where the insurgents had been with their bands in possession of this territory for several weeks, and were at last driven out, when the Spanish troops occupied the territory, and then, as this Cuban organ says, for the first time light was let in on the situation. Now, let us see how these patriots in their struggle for freedom dealt with this province:

The condition of affairs disclosed is little less than appalling. The rich Vuelto Abajo tobacco district seems to have been put to the torch and is apparently reduced to a wilderness.

Whole towns have been obliterated or reduced to a heap of ashes, and their inhabitants are wandering helpless over the face of the country, without a place to lay their heads or wherewithal to be clothed, and many of them starving.

TOWNS DESTROYED.

The villages and towns of Cabanas, Bahia Honda, San Diego de Nunez, Santa Cruz de los Pinos, Los Palacios, Piso Real de San Diego, and San Diego de los Banos are known to be reduced to ashes, and reports of others will bring the number destroyed up to thirteen. All of these were important and thriving centers of population and business.

The last town which has succumbed to the insurgents' torch is San Juan y Martinez. The tobacco from this town is famous the world over to all connoisseurs for its matchless flavor. Its cultivation brought great wealth to the people of the district and gave material for a large commerce in the town and support to over 1,000 families.

San Juan de Martinez is, however, no more.

WAITING FOR HELP.

When the first column of Spanish troops arrived on the site of the town they found only débris and smoking ashes, and all around a seemingly limitless sea of fire. A hundred desolate families had taken refuge in poor huts outside of what was once the town and were waiting helplessly for any assistance that would save them from starvation. They were without clothes and without food and saw no prospect ahead in their despair of securing either.

San Juan y Martinez is erased from the map. The adjoining town of San Luis had a narrow escape from the same fate, but escaped almost by a miracle. The inhabitants had already fled outside, seeking a refuge from the flames

But circumstances might arise to call for it. A ship of the insurgents might appear in the port of the neutral, or a collision might occur at sea, imposing different line. If it is a war the commissioned cruisers of both sides may stop, search, and capture the foreign merchant vessel, and that vessel must make no resistance and must submit to adjudication by a prize court; if it is

which the torch was ready to apply, when General Cornell, at the head of a detachment of troops, made his appearance on the scene, and the insurgents evacuated the town.

Such is the result of Maceo's raid.

A committee representing the Chamber of Commerce and the Spanish Casino called upon Captain-General Weyler to-day and assured him of their patriotic adhesion to him in his policy.

WEYLER'S PROCLAMATION.

In consequence of the distribution of a circular containing General Weyler's proclamation requiring the concentration of all country people within the limits of the towns for protection, there have been many delegations of farmers coming to Santiago de Cuba to inquire of the military authorities how far the requirement applies to them and for an interpation of its provisions. The consuls of foreign governments are seeking the same information.

Generals Bernal and Vicuna have arrived here for a conference with Captain-General Weyler.

Mr. Speaker, after the above description, can it be claimed that that is civilized war? Freedom is not secured nor the blessings of liberty acquired by such methods. Neither fight their battles that way. Should such people drive out the Spaniards I doubt their capacity for self-government.

Do you call the burning of dwellings, the destruction of plantations, and the devastation of the whole country war? Is that public war? Do you call the taking of 650 prisoners and slaughtering them in cold blood war? General Quesada did that in the prior rebellion, and his example has been followed on a smaller scale in this one. We learn from information as authentic and accurate as any that has been produced on the other side that the insurgents, as well as the Spaniards, are carrying on this fight not in accord with civilized warfare. I had intended to make further quotations setting forth the horrors of this war; but, gentlemen, it is not to my taste, and I hope that your ears do not desire to hear them. I will spare your feelings and not harrow them by such blood-curdling recitals.

Now, Mr. Speaker, permit me to say this: I represent, in part, upon this floor a grand old State whose history is familiar to you all. Some may be surprised that I speak here as a man of peace, but I believe that the sentiment of that State is behind me in opposing this measure. The people of this land have weighed in the balance the Fifty-third Congress and found them wanting. The people of this land will soon weigh in the same balance the Fifty-fourth Congress, and, if we are not careful, we too shall be found wanting. We have done nothing for the public interest, and while all through this land the pockets of the people are empty——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. TUCKER. Mr. Speaker, I yield five minutes more to my colleague.

Mr. ELLETT of Virginia. All through this land the business interests, the farming interests, the laboring interests, all interests, are clamoring for the Congress of the United States to give them a remedy for the financial distress which prevails, but instead of that we fritter away our time by trying in the most offensive manner to intermeddle in the affairs of other nations and in making attacks on one of America's purest and most conscientious statesmen; and for what? Because of two speeches that he made in England. I may not approve in full those utterances, but I say to you that you might as well censure General Sherman because, in a moment of excitement, he happened to strike one of his troops on the back with his sword, as attempt to censure a man who has given a lifetime of pure, efficient, and able service to his country. Thomas F. Bayard, I am proud to say, is not injured thereby, but other countries are amazed at the lengths to which we will permit the petty politics preceding a Presidential election to carry us, and Congress loses in dignity and the esteem of the people.

Mr. WATSON of Ohio. Will the gentleman yield for a question?

Mr. ELLETT of Virginia. Certainly.

Mr. WATSON of Ohio. Do you approve of the language which Ambassador Bayard used?

Mr. ELLETT of Virginia. I will be perfectly candid, sir; I think it was slightly indiscreet, but I say it was beneath the dignity of the Congress of the United States to take notice of so small a matter.

Mr. WATSON of Ohio. That was not my question. My question was whether you approved of the language that Ambassador Bayard used.

Mr. ELLETT of Virginia. I have replied to that, sir. Turn your attention, gentlemen, to our own internal affairs and let the business of other people alone for a while. Do not keep the markets of your country jumping up and down, the business of your country stagnant, while you waste the people's time and money in this Congress. As I remarked a while ago, I represent in part the State of Virginia, and I believe my people are against the expensive amusement of frittering away the time and attention of Congress upon measures in which they have no direct or immediate interest and which tend to war. If the honor of this country should be in any way involved, the people of Virginia would be among the most ready to respond; but their history has been this. They have, as a State, always taken the position that Laertes was advised to take by Polonius:

Beware of entrance to a quarrel, but being in,
Bear it that the opposed may beware of thee.

At the time of the Revolution Virginia was not the first to sound the tocsin of war; but when America was struck she marched to the North to assist her Northern brethren. Subsequent to that her voice, through John Randolph and others, was always raised in the councils of this nation on the conservative side, against war, unless it became a dire necessity. Coming down to the war of the rebellion, as you term it on the Republican side of this Chamber, but to the war between the States, as it should be properly styled, Virginia had the honor to originate the Peace Commission, the purpose of which was to prevent, if possible, war between the States. Virginians are ready to-day, as they have been always, to take up arms to preserve and defend the honor of their country. In my district there are 25,000 ex-Confederates, men who know what war is. In defense of their country they are willing to contribute millions of men and money, but they will never, without a protest, give one man or one stiver for the purpose of intermeddling with the affairs of other peoples. [Applause.]

Mr. HITT. I yield ten minutes to the gentleman from Nevada [Mr. NEWLANDS].

Mr. NEWLANDS. Mr. Speaker, the Senate resolutions are substantially the same as those which were passed recently by the House, though they are not, perhaps, couched in language so diplomatic and courteous. Two objections are urged against these resolutions. One is that there is not a state of public war in Cuba. The able and convincing speech of the chairman of the Committee on Foreign Affairs [Mr. HITT] has fully established that there is a state of public war in Cuba. One hundred and twenty-five thousand soldiers have been employed for a long period of time in attempting to suppress the rebellion, and, notwithstanding the great strength employed in that effort, three-fourths of the island is now in the hands of the insurgents.

It is true that the insurgents have not been able to meet the army of the oppressor with the force and vigor with which equal armies meet. They have been obliged to resort to the tactics always employed by insurgents against a strong and despotic power. They have been obliged to resort to guerrilla warfare—the war of attack and retreat and reattack, as the chairman of the committee so aptly stated yesterday. They have been guerrillas, not banditti. The latter attack only for plunder, but the Cuban insurgents have had a high and noble purpose—the liberation of their country, and though their destruction of property has been great, it has its justification in the fact that only by destroying the sugar crops and thus impairing the revenue of the Spanish Government can its efficiency in suppressing the rebellion be impaired. But the war so conducted has been effective. An organized government has been created which now wields its power in three-fourths of that island; and the captain-general of the Spanish forces has declared that he will require at least two years more to suppress the rebellion. I take it, then, that there is existing in Cuba a condition of affairs which justifies us in asserting that there is a state of public war and that the insurgents are entitled to belligerent rights.

The next objection urged is that Spain is a friendly nation and friendship requires that we should not intervene in a difficulty between a friendly nation and her colonies. International law is appealed to. But that law is not a rule of action which can be enforced by any tribunal. It is a code of etiquette between nations. And what does that code of etiquette require? Why, simply that nations should bear toward each other the general friendliness and courtesy which individuals in organized society entertain, but whenever a nation, like an individual, puts itself in a position where it is chargeable with the repudiation of the obligations of honor and with acts of perfidy and cruelty, then the friendship may well cease in the case of a nation, just as in the case of an individual.

Nations are not really friendly to each other. They are simply either at peace or at war with each other. War necessarily implies enmity. Peace does not necessarily involve friendship. And I take it that a great and powerful nation like the United States, the greatest and most powerful nation in this part of the world, has a certain duty to perform to other nations, just as every individual in our social organization has a duty to perform to other individuals, and this duty is the higher and the stronger in proportion to the power and the strength of the individual or the nation. I take it, then, that just as the powerful nations of Europe have felt that they had the right again and again to interfere in the affairs of Turkey for the purpose of securing to a people cruelly oppressed and downtrodden a certain protection, a protection which we have demanded in behalf of those people in certain resolutions recently passed, an equal obligation is imposed upon

the most powerful nation on this side of the world to protect a country that lies at our very doors against perfidy, cruelty, and oppression, for it should be remembered that the ten years' rebellion, from 1868 to 1878, was only ended upon certain guarantees of autonomy and representative government made by the Spanish Government—guarantees which were repudiated when peace was restored—and that Spain's perfidy lit the fires of a new rebellion.

In these resolutions what do we do? We simply express the opinion of the two Houses of Congress that Cuba is entitled to belligerent rights and that the friendly offices of this Government should be used to insure the recognition of free Cuba. We have extended the hand clothed in velvet, but it should be understood that under the glove of velvet is concealed the hand of iron which will ultimately by vigorous action break the bonds which hold an outraged colony to a perfidious, cruel, and despotic Government.

I think this country has some duty to perform besides a duty to its own people. We have not the right to pursue the policy of selfish exclusion any more than an individual has in organized society. I think we have a duty to perform to all the Republics of this continent that now, with the exception of Mexico, cast disgrace upon the very name of republicanism. Instead of maintaining the policy of selfish exclusion which we have maintained for years, saying to the great powers of Europe, and particularly to England, "Hands off! we will not permit you to extend to these countries the government of law and order," we have a certain duty to discharge to humanity and to civilization in seeing that those countries are no longer dedicated to disorder and violence. There is a certain duty as protector that devolves upon the people of this country with reference to the nations on this continent. It should be exercised through the Pan-American Congress—through treaty relations for mutual cooperation and support—by all the moral influence which a great nation can exercise in its communion with weaker powers, and, if necessary, when civil war, anarchy, and mutual destruction blot the fair name of republicanism and substitute military despotism, by an armed intervention, commanding order and good government.

Now, of course, we all understand that the people of the Latin race are not so well fitted as those of the Anglo-Saxon race for free government. We through generations and through centuries have had a training for freedom—in our trial by jury, in our legislative system, and by all the machinery of our forms of government—so that it may be said that the Republic of America was the very evolution of the education of ages. The Latin race has not been prepared for such an evolution. Yet must we say that the colony of this European despotism must be kept always under the heel of the oppressor because its people are not fitted for self-government? Shall we keep people in darkness in order to train them for the light? I apprehend that the very fact that disorder and violence exist in the Central American and South American Republics, that the Latin race is illy fitted for free government, is no objection to a bold and decided stand on the part of this country in favor of the independence of Cuba, for I claim that the very first step in the evolution of liberty is to break the shackles that bind a dependent colony to a despotic country.

So from every point of view my judgment is that we should take a firm, self-reliant, and powerful position with reference to this entire continent—with reference to the Central American and the South American Republics and with reference to dependent colonies suffering under oppression and cruelty. In that view, regardless of the talk about the friendship which should exist between nations and the etiquette that should control friendly nations in their dealings with each other, I say that some duty devolves upon us toward civilization and humanity and human liberty, and this duty is best discharged by prompt and vigorous action with reference to this struggling country at our very doors.

[Here the hammer fell.]

Mr. HITT. I yield three minutes to the gentleman from New Jersey [Mr. STEWART].

Mr. STEWART of New Jersey. Mr. Speaker, yesterday I was astounded and surprised at the stand and argument of the brilliant, persistent, but inconsistent man from Maine. His argument, forsooth, was because our Treasury was depleted by the unwisdom and maladministration of the Democracy that therefore we should close our hearts to charity and close our mouths to words of pity and sympathy. He charges that we should not, on this account, because our Treasury is empty, protest against the bloody hand of Spain and the cruel proceedings of that bloodthirsty, cruel, and vindictive nation that has looked on in all the years of history with bloodshot eyes on all the nations of the earth.

Why, Mr. Speaker, it is an inherent right in all nations to exercise a just, proper, and reasonable discretion in recognizing the belligerency of other nations or peoples struggling for liberty. It is not an act of war, and does not necessarily place us under the perils of war.

More than a month before the battle of Bull Run, Spain had recognized the belligerency of the Southern States of the Confederacy, when that government simply existed on paper, and before it had shown itself able to resist in any degree the armies of the United States. What sympathy, then, does America owe to Spain? But, on the other hand, do we not owe every consideration of compassion to our downtrodden and persecuted neighbor, Cuba? How like our case in the dark and lonely days of the Revolution is hers! She now is experiencing her "Valley Forge," and her sufferings—how like ours in the dreary and hopeless swamps of the Carolinas!

I appeal to this House in the name of humanity, in the name of all that is just and right and pure, in the name of human sympathy and pity, to recognize poor, struggling Cuba, and give her the rights to which she is justly entitled in order that she may have a better standing before the world. [Applause.]

[Mr. RUSSELL of Georgia addressed the House. See Appendix.]

Mr. HITT. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I will merely occupy the time of the House for the purpose of putting myself on record in favor of the resolutions offered here, and for the purpose of correcting an impression which might have been gathered from the remarks of the gentleman from Pennsylvania [Mr. ADAMS] who spoke here this morning. In the course of the eloquent speech that he made in favor of the resolutions, in nearly all of which I heartily and sincerely concur, he attributed to the Senator from the State of New York a motive which is as foreign to him as it can be to any man in public life who enjoys his enviable record. The gentleman from Pennsylvania suggested that Senator DAVID B. HILL, in his attitude toward this resolution, reflected the sentiment of Wall street.

Now, Senator HILL has his strong points and, I suppose, his weaknesses, like most men. He has his friends and his enemies. There are those who praise him and those who censure him; but all must admit that if there is one lesson we can gather from his career it is that throughout the whole of that career he has been in touch, in sympathy with, in harmony with the plain people of the State he represents and of the United States. He has not advanced a single step in favor of the money power except so far as its welfare was incidental to the general good. His personal integrity can not be questioned. His alliance with that power can not be shown in a single sentence he has uttered. In fact, he has been opposed to those who have made alliances with Wall street; that is, with exponents of inordinate speculation, and has made that opposition emphatic in every act of his on the floor of the Senate and long before he came to the Senate. So when Senator HILL says he is in favor of these resolutions for humanitarian reasons, I say we should attribute to him the full credit that such an utterance from such a man invites. I am for the resolutions for the same reasons. The Cubans are struggling as our fathers struggled, and they are entitled to encouragement from us. If another reason were necessary for favoring these resolutions, it is that while America has proclaimed her belief, whether sentimental or real, in the Monroe doctrine, what can we expect from that great power England if in our present situation we back down from that weak power Spain?

We have a right, gentlemen, to interfere for Cuba. She is our neighbor. She is contending for all that is right and true and beautiful in human character and in the character of nations.

I trust that these resolutions will pass with an almost unanimous vote in this House, and that we shall give emphasis to anything we do here by showing that the Congress of the United States is behind the department of this Government which has the power to declare for belligerency in any reasonable length to which that department may go for the relief of these struggling people. [Applause.]

Mr. TURNER of Georgia. Mr. Speaker, before making my statement I should like to ask of the gentleman from Illinois [Mr. HITT] if any reason exists why we might not have a brief debate on Monday on this proposition, when gentlemen will all be in their seats—say half an hour on Monday, to be equally divided between the two sides? I call the attention of the gentleman to the fact that the House is not now full, and that gentlemen seem to be weary of the week's work. I would suggest that we take a recess earlier and take half an hour on Monday in order to conclude this debate.

Mr. WHEELER. It would be better to have two hours on Monday, an hour on each side.

Mr. HITT. I am obliged to ask the House to act as soon as possible. I made several requests to-day, to all of which there was objection, until I yielded so far as to allow the vote to go over until Monday. I do not think gentlemen ought to press me to go further. A number of members of the House told me they would object to anything which should carry this matter further into Monday than the mere taking of the vote.

Mr. TURNER of Georgia. I was not in the Hall at the time to which the gentleman refers. I hope he will not feel that I am pressing him. I withdraw my request.

Mr. HITT. I understand the gentleman's position very well. I was simply endeavoring to say that a number of gentlemen told me they would object to making any encroachment upon Monday, for anything other than the mere vote. Those gentlemen have now left the Hall, and I must keep faith with them.

Mr. TURNER of Georgia. I withdraw my request.

The SPEAKER pro tempore. The request is withdrawn.

Mr. TURNER of Georgia. Mr. Speaker, repeating what I said on a former occasion, I regret that in so grave a matter, involving delicate foreign affairs, we have so little information on which to predicate our action.

I yield to no man in my sympathy for a people who may be struggling for freedom; but this is not a question of sympathy. It is a question which affects our own interests and which relates to our duty as a member of the family of nations. The step we propose to take to-day also concerns our duty under treaty stipulations.

In the Island of Cuba, Mr. Speaker, there are peculiarities of topography, population, and social conditions which are very little known to the rest of the world. The white population live chiefly on the coast and surround the island. The interior is still a wilderness. It consists of mountain fastnesses and swamps, without highways. These insurgents, so called, are said to occupy these fastnesses and swamps and contiguous territory, while the people loyal to Spain occupy the coast towns and fortifications and their vicinity.

No safe access, as a general rule, exists from one side to the other pending hostilities, and no actual, reliable information has reached us as to the condition of this struggle so far as the insurgents are concerned. The gentleman from Illinois [Mr. HITT] read yesterday a statement which undertook to give the military force of the insurgents. It was an anonymous statement; its author's name was suppressed. But even taking that statement as printed to-day in the RECORD, it is apparent there are only 16,000 men engaged in active operations on the side of General Gomez and General Maceo, and nothing is said of the character of their arms; the rest of the 60,000 thus loosely reported is said to form an army of occupation. What that means the statement does not disclose.

Mr. PATTERSON. Will my friend yield to me, in that connection, just one moment?

Mr. TURNER of Georgia. I will.

Mr. PATTERSON. I desire to state, before I answer the question, that the matter that influences——

Mr. TURNER of Georgia. I asked my friend no question. [Laughter.]

Mr. PATTERSON. I understand that; but I was going to ask you a question. It is this: Is it not impossible for the Cubans to carry on the character of campaign which they have carried on, are now conducting, and have conducted, without practical unanimity upon the part of the Cubans in the support of their cause? The question is this: From your knowledge of military operations, would it not be impracticable to carry on and conduct the character of a campaign which they are conducting unless the Cubans were practically unanimously their friends? If they were surrounded by an unfriendly population it would simply be impossible, in my judgment, for them to do it.

Mr. TURNER of Georgia. The gentleman has answered his own question, then. [Laughter.]

Mr. PATTERSON. I think so.

Mr. TURNER of Georgia. The gentleman has interjected into my brief space the argument to which he desired to address himself on this question.

Mr. PATTERSON. Well, perhaps so.

Mr. TURNER of Georgia. He has relieved me of a very considerable embarrassment, no doubt. [Renewed laughter.]

We know, Mr. Speaker, that in very recent history, within a day's ride of this city, when a country having the greatest armies and the greatest resources of modern times was engaged in a great war, Mosby, with a few guerrillas, was able to carry on hostile operations in the sight of the Dome of this Capitol for months and years.

Mr. PATTERSON. And simply because he was operating in the midst of a friendly population.

Mr. TURNER of Georgia. Admitting that the army of General Lee occupied largely the attention of Mosby's foes, still he operated successfully against great odds, because he was sheltered by mountains and could concentrate or disperse his small force at pleasure. The country he occupied was practically depopulated. The Cubans have a still better field, which they seem to have improved for military operations with the torch.

I do not deny, Mr. Speaker, that these people may be engaged in a just cause. I do not wish to prejudice their character; far from it; but what I insist upon is that we ought to know something about them before we commit our people to an attitude which may involve us in the most serious consequences. War is a serious business. The most of us have had some experience of its hardships; and I know that if the people of this great commercial and agricultural country should become engaged in a foreign war its consequences may bring unutterable woe to millions of our countrymen. At this time we are entering manfully upon a struggle for our old dominance on the ocean; war would drive our commerce from the sea except in neutral bottoms. The flag of England, our great rival, would float above our trade, while our own, except on our ships of war, would disappear from the seas. The price of cotton, already low, would go still lower. The section of the country already desolated by war would be still further impoverished.

I should have no fear of Spain or any other country in the world in a physical conflict with our country so far as military success is concerned; but the waste and woes of even a successful war are irreparable. "There is nothing so melancholy as a victory won, except a victory lost," said Wellington. Just at this time, when we have not yet recovered from the horrors of civil war and their fearful consequences, I am not willing to take the risk of another war.

But, sir, I had wandered somewhat from the question which I had intended to discuss. I recur to it. A month has elapsed since I challenged my honorable friend from Illinois [Mr. HITT] to give us reasons for this proposed action. A long debate has taken place elsewhere, and the newspaper press of the country has been engaged in sifting this matter from day to day and week to week, and yet it has nowhere and in no way appeared that the conditions prescribed by all the authorities for recognizing a new power as a belligerent have been fulfilled by these Cuban insurgents. Plantations have been burned and villages destroyed, but where have they made any real achievement in public war?

I ask again, after the interesting and learned argument of my friend from Illinois, what at last did he give us as the basis for our action here except the statement of an unknown author?

If these resolutions be postponed for thirty days I would be willing if at the end of that time we should not have more definite information as to the condition of the struggle in Cuba, to favor an official inquiry.

It must be noted, Mr. Speaker, that during the interval which has elapsed between the former debate in this House and the present time some discussion of this question has taken place at the other end of the Capitol, and it is now said that the House resolutions could not be passed in that body. I undertake to say, sir, that the Senate resolutions we are now considering would encounter indefinite obstruction in that body. The second sober thought has ensued, and the only way in which the gentlemen interested in this measure could bring it to a direct result was to take it away from the deliberative body at the other end of the Capitol and force it to a vote in the House of Representatives. In my opinion nothing on this subject would now pass the other House of Congress; and I believe that when the vote is taken it will be shown that many gentlemen here have reconsidered their views of this subject.

Allow me now to refer to the effect of a recognition of belligerent rights which has to some extent been defined by the gentleman from Illinois. When a force is recognized as a belligerent power, certain results ensue; but it must be remembered that in this particular case we are governed also by a treaty existing between this country and Spain, ratified and approved in 1795. That treaty contains a provision that if war ensues between Spain and any other power, she shall have a right to stop our merchantmen on the high seas and search them for articles contraband of war.

According to all the authorities that treaty would operate if we should recognize the force in Cuba as a belligerent power. At the present time it does not operate. On the authority of our courts, notably in the *Ilata* case, originating in the late Chilean war, each party to a civil war has the right of access to our markets for the munitions of war. The Cuban people have that right at this time. They can buy all the munitions of war that they desire in our ports and there is no authority which can say them nay; and when those goods are shipped in accordance with law as merchandise, in a regular way, there is no power on earth, in the present state of things, that dare go on the decks covering those munitions of war and assert the right of search, or that dare look into that vessel's hold to see if she contains articles contraband of war.

The Cubans are buying munitions of war already in this country. According to reports in the papers they get their supplies from this country and from no other. Now, if we should recognize them as a belligerent power, while it might have the effect of giving them access to our ports with prizes captured on the high seas and the advantage of coming in and having their prizes condemned, a further effect would be to confer on the Spanish King and the Spanish Government the power to search every merchantman that might go from our ports in that direction.

In my opinion, the present condition of things is more advantageous to the people engaged in the struggle against the Spaniards in Cuba than would be their condition if we should actually give them recognition of belligerent rights. I need not pause to cite the authorities on which this conclusion is reached. I take it for granted that they are familiar to all lawyers and to all gentlemen who have studied this subject, so that I need not dwell upon the point. I have them here.

Mr. Speaker, I approach now a subject involving some delicacy, but I trust that I shall not be suspected of sectional bias or improper feeling when I refer to events of recent occurrence in our own history. Perhaps the matter is too recent to admit of the impartiality with which history will hereafter record the events following our great civil war. However, having had experience in this matter after the war was over amid the most trying circumstances of which I have ever read, I want to remind gentlemen that in the Island of Cuba there is a condition of things even worse than that which prevailed in the Southern States after the civil war.

Mr. Speaker, the race to which we belong is one which has the instinct of self-government. You may put a thousand or ten thousand of this race in a country where no flag floats—in some corner known as "no man's land"—and they will meet together and make government; they will establish order, they will pass laws, they will create courts. It is the proudest boast of our race that they have this great and glorious endowment. [Applause.] But, sir, there is no other race on earth that has it in so high a degree. There is the Spanish race, with whose descendants we sympathized in their struggle for freedom in the colonies to the south of us, and we gave them recognition.

And how have they prospered since their freedom has been established, in comparison with the country in which we live? Revolutions and anarchy have been their portion.

But my friend from Illinois said yesterday that the pure race settled in largest degree in Chile and in Cuba. But, Mr. Speaker, I answer that the example of Chile is not particularly inspiring, yet I presume that there are in that country very few persons of African descent. Mexico is the most progressive, perhaps, of all the Spanish-American Republics, but her most distinguished statesmen were not the descendants of the Spaniards; they were of the natives. Juarez and Diaz were of pure Indian blood.

A MEMBER. How about the Argentine Republic?

Mr. TURNER of Georgia. My friend suggests the Argentine Republic as a successful Government. Mr. Speaker, I will not undertake to state anything with which I am not entirely familiar; but if I have not been misled and misinformed as to that country the best hopes of the Argentine Republic to-day consist in the development of that country by the sturdy Scotchmen and Germans who have gone there and taken possession of the wild plains. [Applause.]

But, sir, if the Spanish people, once so imperial in the world and having the noblest and fairest portions of the American continent, have lapsed from their proud position, it is not for us to reproach them in their decline. How is it with the other race which constitutes nearly half of the population of Cuba? We know that the African race, while perhaps it has admitted of larger growth and progress than many of us anticipated, has never yet manifested that genius for liberty and good government and free institutions which has characterized other races of the earth, but the misfortune is that in Cuba both of these races are trying to govern, each of which has never been eminent in the business of governing. According to information published in the papers, the struggle there pending is largely a race conflict. You have them there contending with each other for the mastery.

Now, my friend from Tennessee, who is doing me the honor to hear me, will see the serious situation in which those people in the Island of Cuba would at once be placed if we could go to the utmost hopes of some of our people and set them free from Spain. I for one, Mr. Speaker, have had enough of reconstruction; and I would not be willing to be a party to such an experiment under the conditions which are said to exist in that island. I confess that I have no definite information on the subject. I wish I knew more about it. I can respect a black patriot, or a Cuban patriot, or a mulatto patriot, or a patriot anywhere in the world if he has the capacity, the courage, and the disposition to organize and maintain good government rather than anarchy, revolution, spoliation, and barbarism. Let us not forget Haiti and San Domingo.

Mr. Speaker, I have rapidly gone over considerations which appeal to my judgment in this grave contingency. At this late hour I will not further detain the House. [Loud applause.]

Mr. QUIGG. Much has been said, Mr. Speaker, concerning the obligations that we owe to a friendly nation. I want to remind gentlemen that if there is any quality that has especially distinguished the attitude and conduct of the United States toward foreign countries it is respect for their rights and consideration of their susceptibilities. This has been due not entirely to the absence on our part of a selfish concern in their affairs, nor entirely to our preoccupation with our own, but a sincere desire in the American people, always and faithfully reflected by their Government, to do unto others as they would have others do unto them.

No nation can in fairness find less fault with us than Spain. For, with no interests in common, with many opportunities of controversy, and with our sympathies naturally attracted in directions antagonistic to her purposes, we have well and faithfully performed to the Government of Spain every obligation which from her own point of view is implied in the existence of friendly relations.

Spanish control in Cuba, Mr. Speaker, has been exercised at our sufferance for more than fifty years; and in the light of human nature, and in view of our commercial and other relations to that island, it is not too much to say that nowhere in history is there an example of such forbearance as we have shown to Spain. For we have been the life and breath of Cuba for all of half a century. We have opened her mines, builded her railroads, cultivated her plantations. We have taken into our markets substantially the whole of her surplus product; and although perfectly conscious that every dollar of the enormous sum annually wrung by Spain from the Cuban people is a tax on American capital and American enterprise, we have assumed and in good faith performed the part of a stranger to Cuba and a fair friend to Spain.

We have shut our eyes to public abuses and private wrongs compared with which the grievances that drove our fathers into revolution were an amiable caress. The evils against which the Cuban people have risen are not new. They began, sir, with the Spanish conquest. They result from the Spanish character. They follow from the Spanish point of view. They are inseparable from the colonial rule of Spain, and for the reason that the chance to perpetrate them have supplied the motive of Spanish control wherever it has been exercised on the soil of these continents. It is a government of the sword for plunder, and not of the head and heart for the high purposes of civilization.

We have known this, Mr. Speaker. Even while our officials were inditing proclamations forbidding us to manifest our sentiments about it, we have known it well. I mean that we shall have the credit, if in it credit can be found, for the fair and generous course our Government has pursued toward the Government of Spain. We have known that its treatment of its "Ever faithful isle" was that of a selfish oppressor; that by the denial of such political rights as are elementary in our system, by forms of taxation that would be to us utterly unendurable, it has earned the enmity of the people whose interests it should have dearly cherished. We have known that its continued exercise of sovereign power in Cuba was at conflict not only with Cuba's interest, but our own; that it exposed our trade to unfair exactions and our properties to the risk of ever-recurring political agitation, and that it interfered with the possibility of friendly and neighborly arrangements that would be highly beneficial to our commerce and our national position.

And above and beyond all of this, sir, we have known that the cause of the Cuban insurgents is the cause of human liberty; that they are applying the doctrines we have taught, acting on the motives we have inspired, and venturing their lives for principles we have declared to be the common birthright of mankind.

When we have read in the newspapers Presidential proclamations warning us against giving aid and comfort to the Cuban insurgents, we have known in our hearts that they deserved both. We have watched our cruisers chasing their little privateers on the high seas, profoundly desiring a fruitless result. And we have seen the powers of our judicial department bent to the undoing of the plans of their little bands of patriotic adventurers with less pride at the way in which the obligations of friendship work being met than mortification and regret at the prostitution to our Government to the office of a tyrant's policeman.

It may be possible to confuse the American people about the requirements of international customs and public law, but they know their own history, Mr. Speaker; they know the lesson it teaches and the duty it enforces. There is one obligation of a king to a king; there is another of a people to a people. The royalty that frowns at his royal cousin's rebels frowns to anticipate his own. Our function, we may well remember, is another and a nobler one. On our faith in free government, on our allegiance to the creed it proves, we are bound to listen when above the din of revolution the voice of an injured people cries out that they are, as of right they ought to be, a free and independent state. [Applause.]

I think it may be fairly claimed, Mr. Speaker, that in so far as any obligation to Spain exists, under the rules that govern the intercourse of nations, from the mere fact that we have no direct cause of quarrel with that country, it has been well and faithfully performed. The time has now come when we may fairly consider whether, in the situation that exists in Cuba, there is not an obligation to ourselves and to the Cuban insurgents. And I am frank to admit that I for one approach the consideration of that question

from the point of view of one who fails to discover any reason whatever why any American community should longer be held in subjection to a European crown. [Applause.]

The progress of the human race is the one high purpose of government, and no political relation between two communities that has become injurious to either or that is not affirmatively beneficial to both is entitled to be perpetuated. To the maintenance of this doctrine and to its firm application within the limits of our natural and proper influence we are invited both by its propriety and by our interests. A new gospel has taken the place of the gospel of royal prerogative. The reign of the common people has come to all the earth, and with it an end to the fancy that a great and beautiful country, capable of maintaining millions of inhabitants in happiness and plenty, can forever remain the unchallenged property of a foreign prince, hundreds of leagues distant, merely because certain adventurers, owing allegiance to one of his ancestors, happened to discover it three or four centuries ago. It is not right; it is not reasonable. [Applause.] The day has dawned when things are, not because they have been, but because they should be. The sovereignty of Cuba resides, in justice, as it shall in fact, wherever the welfare of the Cuban people places it.

Mr. Speaker, I hardly think it worth while to discuss the moot question of whether the conditions that exist in Cuba are or are not a state of war; and even of less importance is the quaint contention of the gentleman from Maine [Mr. BOUTELLE] and the gentleman from Georgia [Mr. TURNER], that belligerent rights should be denied the Cuban people because they are not fighting according to the rules of warfare laid down by the professors of international law! [Laughter.]

How are they fighting? Why, sir, they are fighting in a way that has enabled them within a single year to extend their authority from a single spot in a single province all over the island, until only three or four seaport cities remain to the Spanish Crown. They are fighting in a way that has increased their armies from a little band of 500 rebels into a magnificent force of 60,000 victorious, well-disciplined, and well-equipped soldiers. They are fighting in a way which has exhausted the resources of Spain to maintain an ineffectual and hopeless resistance. They are fighting in a way that has enabled one Cuban to contend successfully against three Spaniards; and not their bravery, nor their patriotism, nor the brilliant leadership of their generals, nor their unqualified success can be impeached by calling them brigands or by alleging that their methods are not the methods of civilized warfare.

The way to fight, I take it, is to fight to win. [Applause.] And that art, sir, the Cuban soldiery has learned in a degree that commands the admiration of all the world. Army after army has been sent into Cuba only to encounter defeat and humiliation. One general has displaced another, and yet, even with the assistance of a very resolute and very indefatigable press censor, who has converted defeat into victory upon innumerable occasions, who has captured Gomez and shot Maceo half a hundred times, who has exterminated more bands of Cuban rebels than there are palms in the Cuban forest, who has converted a maddened population into a loyal and contented colony, who has changed acts of infinite cruelty into acts of compassion and gentle mercy—even with his aid it has not been possible to conceal the fact that Cuba is forever lost to Spain. [Applause.] "This may not be war, sir; but I give you that it is no summer's holiday." [Laughter.]

Mr. Speaker, I believe it is the duty of the Government of the United States to bring the war in Cuba to a close. Nor do I urge this view solely for the sake of the Cuban people. We must bear in mind the fact when we come to vote upon these resolutions that the expense of this war is being paid, and must be paid hereafter, not by Spain, but by the American people. When Spain has lost Cuba, what has she lost? Simply an annuity. The invested capital engaged in developing the resources of the island is ours. Already our losses have been prodigious. Our mines have been closed. Our plantations have been burned. Our mills and railroads destroyed.

And even this measures only a fraction of the loss to us of what has already occurred in Cuba. Our principal sugar and tobacco supplies are obtained from this island. We must look elsewhere for them now and get them at a greater expense. And when the war is over it is from our reinvested capital and our recovered trade that the revenues must be drawn wherewith to pay an enormous accumulation of war debt. We have lost already more than we can afford, and more than we should endure. The ground upon which we can intervene is the just, firm, sensible ground of self-interest.

Gentlemen say that the intervention contemplated in these resolutions is a dangerous thing and may actually involve us as a principal in the conflict. That, of course, is mere speculation, as would be any reply that I might make. But, sir, I apprehend that a war with the United States is not an enterprise upon which any European nation, even the most sufficient, will lightly wish to engage. This is not a consideration, obviously, that entitles us to do an unfair or an ungenerous thing. On the contrary, it warns us, as the greatest force among the nations of the earth for progress and civilization, to act the part of an enlightened and honorable Government.

Our country is at peace to-day, and it is the duty of every citizen here or at home to strive to keep it so. We seek no quarrel. We make no causes of quarrel. Our time and energies are consumed in efforts to make the earth better and happier for our existence as a nation. For the European war lords, strutting about in their anxiety for combat, our sentiment, if not wholly respectful, is thoroughly charitable. But we have small interest in their ambitions, and only commiseration for the unfortunate people whose blood and treasure must soon become the price of their royal vanities.

The land we live in is a land of peace, of liberty, of progress, and of Christian civilization. But, sir, it must not become a land of pusillanimity. It must not forget its place in the family of nations, nor the duty which that place imposes, of commanding the respect and the influence of a power no less competent than it is benignant. The ends of peace are not promoted by cultivating among the people a sentiment of dull disregard for events in which are involved their commercial welfare and their national authority. The policy that would have us shut our eyes and ears to what is going on around us, that would have us allow our neighbors without protest or intervention to be subjected to humiliation and injury, to be despoiled of their territory, to be embarrassed in the exercise of their sovereign rights, to be confronted with a foreign fortification flying a European flag, is not possible to a nation of our responsibilities and our destiny. The United States are no longer a little string of Commonwealths along a little strip of coast. From the blue of their starry banner blaze not thirteen brilliants, but forty-five. They stretch across a continent and launch their fleets in either ocean. We must accept our part in the affairs of mankind, faithfully performing its duties and bravely accepting its consequences.

Although a war with the United States is not within the imagination, much less the purpose, of any responsible Spanish statesman, the consideration that should constrain us in the adoption of these resolutions is far remote from that. The end we seek to attain is peace, and not war; peace for a desperate and distracted people who have made the only choice that men can make when confronted with the alternative of abject slavery or revolution. They come to us with a petition for fair play. They do not seek to involve us in their quarrel. They ask no favor. They ask simply—and this is the significance of our resolutions—that we shall hold the scales even between them and their enemy. If we refuse this reasonable request; if we deny to them the position that their cause justifies and their valor has won; if we declare them to be wanton rebels, nay, plundering disturbers of the public peace, I say we shall be false to our history, false to the genius of our people, and false to the mission that it is ours to serve in the development of mankind. [Loud applause.]

Gentlemen say, do nothing. But we can not do nothing. We are not on earth to do nothing. [Applause.] And by doing nothing what they mean is to do something that is very bad indeed. By doing nothing they mean that we shall take the part of Spain as against this struggling colony, our neighbor and our friend. By doing nothing they mean that we shall take the part of despotism as against liberty. To do nothing is to accept the Spanish view—that the insurgents are not entitled to belligerent rights, that their armies are brigands, their ships pirates, and their flag not an emblem of national life, but of anarchy and of crime.

I am very frank to admit to the gentleman from Maine [Mr. BOUTELLE] and the gentleman from Georgia [Mr. TURNER] that it is a matter of regret that the necessity to do something has been imposed upon the Congress of the United States. It would have been much better if the action contemplated in these resolutions had been taken by the Executive long ago, and not left to Congress [loud applause]; but his failure, which I submit to my Democratic friends is chronic and characteristic [laughter], properly to represent the views of the American people, does not excuse us from so doing. On the contrary, it renders our duty all the more imperative.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. QUIGG. I will yield to myself five minutes more time. I have charge of the time on our side. [Laughter.]

There are only one or two other points that I desire to notice.

It has been said that the Cuban forces fight in disorder. So did the farmer lads at Bunker Hill. They say that the Cuban Government frequently moves. So did the Continental Congress. They say that the Cuban armies are little bands of guerrillas. So were Marion's men. So was Sumter's brigade. So, indeed, were all the armies of the Revolution, the total number of whom were not half the force that is now engaged for Cuba free? I say to gentlemen that it is not for us, the sons of the ragged and forlorn miserables who froze at Valley Forge and starved in the swamps

of the Carolinas, but out of whose glorious aspiration and noble daring free government was born, to sneer at the distresses through which the men of Cuba, brave with the same hope, fierce with the same passion, are fighting their hard way to freedom! [Great applause.]

Cuba ought to be free, Mr. Speaker; Cuba must be free. [Renewed applause.] Aye, and by the favor of a just God, to whom serfdom is hateful and all is good that tends to the advancement and improvement of His creatures, Cuba shall be free! [Loud applause.]

Mr. HITT. I yield thirteen minutes to the gentleman from Alabama.

[Mr. WHEELER addressed the House. See Appendix.]

QUESTION OF PRIVILEGE.

Mr. BARTLETT of Georgia rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. BARTLETT of Georgia. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT of Georgia. Mr. Speaker, on the 19th of March last a debate occurred in this House in which a circular issued by the gentleman from Tennessee, Mr. GIBSON, was used by the gentleman from New York, Mr. SULZER. The matter was the subject of newspaper comment and subsequently of a prosecution. All that I desire at this time is to call attention to a statement made by the gentleman from Tennessee, Mr. GIBSON, contained in the papers of yesterday afternoon and of this morning, and to make a statement of my own. It is proper to say that had I been present this morning and not detained by my work in the committee room, I would not at this hour interrupt the House. It is stated in the newspapers that on the trial it was developed by the testimony of the gentleman from Tennessee, Mr. GIBSON, that Mr. BARTLETT of Georgia, and not Mr. BARTLETT of New York, was the man who had obtained and furnished the circular in question.

Mr. Speaker, it is true that circular was given to me by a printer to whose office I went for the purpose of having some business transacted. It is true that without any purpose or intention of having the same used in debate, but as a mere matter of curiosity, I brought that circular to the House, and that it passed from my hands to the hands of other gentlemen and reached the hands of the gentleman from New York [Mr. SULZER]. I had no concern or connection with his using it.

All I desire now to say is that I hold in my hand a statement—which it is not necessary to read, unless called for—from the printer, which shows that I came by this circular legitimately; that upon my going to his business place for the purpose of procuring some printing done for myself, he called my attention to these circulars and showed them to me. My recollection is—the printer's recollection is not positive about it—that he handed me one of them, and I simply said: "Can I have it?" and he said that I could. I brought it to the House in my pocket. Upon taking it out, as I said, it was passed from hand to hand.

Now, I want to say that this statement of the printer which I hold in my hand shows that I got that circular legitimately, with his knowledge and consent. The use made of it afterwards I am not responsible for. I desire further to say that I made no statement to anyone that the gentleman from Tennessee was sending these circulars to his constituents under his frank.

This is all I desire to say now, Mr. Speaker. I simply desired to call the attention of the House to the matter as it stands and to the statement which I hold in my hand signed by the printer who furnished the circular to me in order to show that my possession of it was legitimate and proper. Having said this, I have nothing further to say unless it should become necessary.

Mr. GIBSON. Mr. Speaker, all I wish to say is that I am satisfied from an investigation of the facts of the case that the gentleman from Georgia [Mr. BARTLETT] obtained that circular with the consent of the printer; and any implication to the contrary in the remarks I heretofore made I am glad to withdraw. I am also glad to learn from the gentleman from Georgia that he did not state to the gentleman from New York [Mr. SULZER] that I was sending that circular out under my Congressional frank. I wish only to add that hereafter, when the gentleman from Georgia has a paper of that character, he be a little more careful of it when he is within reach of the gentleman from New York. [Laughter.]

Mr. BARTLETT of Georgia. Pardon me a moment. I did not distinctly hear the remarks just made by the gentleman; but I understand him to withdraw any statement that he has made to the House or elsewhere reflecting upon me or implying that I got that circular improperly.

Mr. GIBSON. I withdraw everything whatever that reflects upon the gentleman; I am glad to do so.

Mr. BARTLETT of Georgia. That is perfectly satisfactory.

CUBA.

Mr. TUCKER. I yield eight minutes of my time to the gentleman from New York [Mr. MAHANY].

Mr. MAHANY. Mr. Speaker, it is an easy and a gracious thing to speak upon the popular side of any public question; but it is also at times wise and expedient to give some attention to the considerations involved in the opposite contention. I desire to say at the outset of my remarks that I intend to vote for these resolutions, but I vote for them under protest at the manner in which they have been brought before this House.

When these propositions, involving an important international question affecting the relations of comity between two Governments, were first brought before the House of Representatives, the distinguished chairman of the Committee on Foreign Affairs [Mr. HITT] proposed to "railroad" them through on a debate limited to twenty minutes on each side. Now, I am a new member and a young one, and far be it from me to seem even remotely to criticise the methods of procedure that obtain in this House. But I have seen this legislative assemblage spend hours and hours in what appeared to me idle and fruitless disputation on subjects infinitely less important than this. Were I to cite an example, I might refer to discussions on such questions as whether eight or ten more pages should be employed in the service of this House, or whether the compensation for ten or twelve more charwomen should be included in a general appropriation bill. It would seem to me, therefore, that the way in which the Cuban question has been brought before the House of Representatives is neither in accord with the sentiment of the American people nor consistent with the dignity of this body.

I for one decline to believe that the applause of the galleries is the voice of the American people. I have an impression that the great body of thoughtful citizens in this Republic deprecate the war talk of this House and of the other legislative branch of the Government; and I am convinced that the conservative sense of this nation is against idle and officious intermeddling affecting relations of friendship between this Government and foreign powers.

I desire to say in addition that it has occurred to me that the House Committee on Foreign Affairs was established to prevent exactly the condition of things which that same committee has brought about on the floor of this House. By any proper conception of their duties they should have acted as a brake upon the war talk and war clamor which have disturbed and are disturbing the business interests of this Republic. As one of the majority loyal to that committee I must enter a protest against the manner in which, on the contrary, they have seemed to lead the procession of jingo enthusiasm.

I say I am going to vote for these resolutions, and why? Because, Mr. Speaker, I yield to no man in my devotion to human liberty or in my feelings of sympathy for the struggling patriots of Cuba. [Applause.] But, sir, between sympathy and international procedure, betweea impulse and government, there is a wide dissociation. What sort of a government are we asked to recognize? A government whose seat is a saddle, whose capital is a burro, whose chief of state is a general in the field. But let no gentleman understand me as casting any reflection on these conditions, because in that saddle may ride human liberty and on that burro may depend the hope of a nation's success.

But, my friends, by all the established rules of international law we recognize only such governments as those with which we may actually treat. The gentleman from New York [Mr. QUIGG] who spoke next before the last said we should brush aside all considerations of international law. In that expression he appears to voice exactly the methods and procedure of the committee of which he is a member, because, to judge from their attitude toward the international questions that have come before this session of the House, they are of the belief that we should dispense with the State Department altogether and carry on our foreign affairs by legislative precipitation!

We have here, Mr. Speaker, unquestionably a great duty to perform. But if we desired to place the sentiment of this country on record in behalf of the Cuban insurgents we could have done it in a manlier way by adopting straight and aboveboard resolutions of sympathy with that struggling people. But it was the duty of the Foreign Affairs Committee not to place us in the false position that if we voted against these resolutions of possible intervention we might thereby seem to exhibit indifference or hostility to the efforts of those gallantly struggling for national freedom. As the case now stands we are given no choice in the matter. We are forced to vote for the resolutions lest by proceeding along the established lines of international law and voting against them we should strike down a people that for over a year have won the admiration of the entire world by their heroic efforts to gain their independence, a consummation which it is the fervent hope of every patriotic American the Cubans may in the fullness of time secure. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HITT. Mr. Speaker, in view of the fact that the gentleman

conducting the negative proposition promised me an opportunity to yield time on our side, I yield seven minutes to the gentleman from Louisiana [Mr. BUCK].

Mr. BUCK. Mr. Speaker, as both an explanation and perhaps apology for taking the floor at this late hour, not only of the day, but in the discussion of this question, I ask to have read to the House a telegram which was received yesterday within an hour after the pending measure had been taken under consideration by the House.

The Clerk read as follows:

NEW ORLEANS, LA., *April 3, 1896.*

Hon. CHARLES F. BUCK:

We indorse and approve Cuban resolutions, and urge Louisiana Representatives to support them. Please communicate to Louisiana delegation.

THE DAILY PICAYUNE,
Per THOS. G. RAPIER.
THE TIMES-DEMOCRAT,
Per PAGE M. BAKER.
THE DAILY STATES,
Per H. J. HEARSY.
THE DAILY ITEM,
Per D. C. O'MILLY.

Mr. BUCK. Mr. Speaker, the papers represented by those who signed that telegram are all the important and influential daily papers in the great city of New Orleans, published in the language of the land. I had it read, among other things, for the reason that it has been said upon this floor by the gentleman from Maine [Mr. BOUTELLE] that a change had come over the spirit of the American people since barely four weeks ago, when resolutions more vigorous, more comprehensive, than these we are now considering went through this House upon a wave of just sympathy with struggling humanity by an almost unanimous vote. If there has been a change of sentiment, that message testifies that the change—at least so far as the constituency from which it comes is concerned—is one of emphasis in favor of speedy and effective action by this House. The people which I have the honor in part to represent have always been in sympathy with the people of Cuba; but they have been thoughtful and conservative, and if to-day they send us this message, it is because I think they feel that the time has come when inaction ceases to be virtue and silence is no longer honorable.

As we are lying there at the very gateway to that island, close to the scenes of conflict, it may be that the cries of its despair and the wails of its uncertain hope strike the more deeply into our hearts, and the daily stories of outrage and atrocity begin to sound in the ears of American freemen like reproaches to our common humanity. [Applause.]

Mr. Speaker, no one upon this floor has a higher admiration for the genius, the eloquence, or the judgment of the gentleman from Georgia [Mr. TURNER] than myself, since it has been my fortune and my pleasure to sit on this floor and take instructions from him; and no one realizes or feels more comprehensively than I do the magnificence of Anglo-Saxon civilization. But the Anglo-Saxon people are not the only nations of this world whose hearts are inspired by the instincts of freedom. The Greeks were not Anglo-Saxons; the Gauls were not Anglo-Saxons, when a century ago, following in the spirit our philosophy, which declared the equality of man, they overturned the dynasties of centuries and put forever a check upon the power of kings and the traditions of feudal and Middle Age despotism. The instincts of liberty belong to the human heart, as a portion of its divine being and its immortal aspirations.

Mr. Speaker, I will not weary the patience of this House by repeating a word or a thought that has been expressed. We are told that we should hesitate, because we know not the condition of the Cubans. We do know that they fight, we do know that they lay down their lives upon their blood-drunk soil. Is not this war?

Nature's primeval state returns again
When man stands hostile to his fellow-men.

And we also know that if we have not all the knowledge we should have of their affairs it is because the power of Spain has surrounded that island, which lies in God's expanse of waters, with a wall of night which keeps the light of day and humanity from the struggle which its people are waging. [Applause.]

Some one has said, "Give us a month to deliberate; give us that time to study the situation further." What assurance have we that access will be given; that information will be true; that history will be correct? Accord to these people belligerent rights, yield to them the dignity, for the time being, of an equal nation upon the earth, and light will come from them and go to them, and then it will be demonstrated whether they are right or whether they are wrong. If we are to be wrong, let us err on the side of humanity; let us err in pursuit of the principles which we advocate and teach. [Applause.]

Mr. Speaker, it is seriously contended that this House is dealing with a matter not within its jurisdiction. It seems, rather than take their share of responsibility, gentlemen would prefer to shift the question and consign it to the lazy-footed dignity of diplomatic donothingness or the calculating selfishness of politic statecraft. The contention seems supremely farfetched. The highest power of the Government, which controls all others, subject only to express constitutional limitation, the very branch which exclusively holds the power to declare war, should not have the power to declare the policy and shape the action of the nation when international complications confront us. The House has settled this question, not only in this case but by a hundred precedents. Argument would be the very idleness of declamation.

But, Mr. Speaker, the gist of all opposition to these resolutions is the contention that neither the magnitude nor the manner of the warlike operations are such as indicate the existence of a national autonomy entitled under the law of nations to be accorded "belligerent rights" by neutral powers. I have already conceded that possibly we do not know the whole truth; and I have shown the reason of it and expressed the belief that we know enough to bind us, in the interest of freedom and humanity, to give to the weak and the oppressed the benefit of the doubt.

As to the magnitude of the operations, I am content to rest the question on the information submitted to the House by the honorable the chairman of the Committee on Foreign Relations. As to "the manner" of them, it may be true that no great battles have been fought, that no quarter is given or taken, and that no prisoners are exchanged; that no instances of magnanimity or forbearance on either side have come to light to soften somewhat the gruesome picture of a wholly savage warfare; that atrocious acts of outrage and cruelty are common incidents. Who is responsible? Spain is the master power of the two, and she claims to be the sole power. She dictates and determines the conditions of the conflict. On her and her alone civilization and humanity will place the responsibility for the consequences. Spanish methods in warfare against her colonies or foreign possessions are matter of history. If the Cubans practice "barbaric cruelty," it is not far to look for the masters whose "instructions" they but "better." The romantic and eloquent Castelar says: "Spain's Government is free, liberal, progressive." Granted; but, if so, only "at home."

Heaven forbid I or any Representative on the floor of this House should utter a word to offend the dignity, prejudice the interests, or question the honor of any nation with which this country is in peaceful and harmonious relations; but the facts of history are the property of mankind, and truth is the only thing that is permanent.

Spain is proverbially proud; but her pride is rigid with cruelty and her cruelty has reddened in the blood of fanaticism. Great, and perhaps free, at home, she has ever been unjust to her colonies; and in consequence has lost them all but one, and that one is irrevocably fixed in its determination to follow the others to freedom and independence.

She is ever the mistress, they the slaves; she rules to oppress and conquers to destroy. Somewhat over two centuries back a Duke of Alva gave to Brabant and Flanders the peace of the churchyard and the charnel house; and in our enlightened days a General Weyler will accomplish the same fate for Cuba if she gets no encouragement from the "outer world" until she places grand armies in the field, establishes custom-houses, and sends ambassadors to the nations of the earth.

It is said Spain will declare war against this country if these resolutions are adopted. That might be a great calamity, but Spain would have no just cause for war. Under the principles of both international comity and law the United States of America as a nation have the right to determine the fact of "belligerency," and to declare it, whether in the pursuit or protection of material interests or in the assertion of a principle of human liberty and justice.

Mr. Speaker, if that which we are about to do is right, it is right that we should do it even at the hazard of war. Life and property are not the best of earth's possessions; to nations, as to individuals, all is lost when honor is not maintained.

It would be idle to reason on the possible effects or foretell the probable consequences of a war between this country and Spain; it might be deemed vain boasting and perhaps convey the sting of offense, which is not intended; but every American schoolboy can play the prophet and predict its results.

In the nature of things, from the virtue of necessity, if you will, we know that if ever the flag of this great country is borne aloft against a foreign foe, it will never turn back to be furled in the gloom of defeat; it will wave high on the ramparts, even amid ruin and disaster, until at last, resplendent in victory and refulgent with the very blaze of glory, it shall plant itself on the achievement of an honorable peace.

The SPEAKER. According to the unanimous consent heretofore given, the House will now be in recess until 8 o'clock this evening, when the gentleman from Massachusetts, Mr. MCCALL, will please discharge the duties of the Chair.

EVENING SESSION.

The recess having expired, the House, at 8 o'clock p. m., resumed its session, with Mr. MCCALL of Massachusetts in the chair as Speaker pro tempore.

Mr. QUIGG. Mr. Speaker, I yield to the gentleman from Missouri [Mr. DOCKERY] five minutes.

Mr. DOCKERY. Mr. Speaker, to the student of history it is not a matter of surprise that the people of Cuba should now be engaged in a struggle for independence. A little more than one hundred years ago our fathers declared the great fundamental doctrine that governments derive their powers from the consent of the governed, and that before the law all men stand upon the plane of absolute equality. This cardinal tenet of republican institutions was not then, as I now recall, believed in or recognized by any government of the world. It was born on this continent, and grew into strength and power here, its champions being the descendants of the rugged pioneers who settled the New World. Around this doctrine their hopes and aspirations twined and clustered. To them it was the language of freedom, and it seemed as though the air, the mighty seas, and the rivers proclaimed it.

Mr. Speaker, it is unnecessary to recite the familiar history of the wondrous struggle which resulted in American independence. The doctrines of freedom and self-goverment have made marvelous progress since that period and have exercised a beneficent influence upon all the governments of the world. They have leaped the barriers of the Atlantic and substituted written constitutions for the despotic will of absolute monarchs. It should not, therefore, Mr. Speaker, be the occasion for comment or criticism when the people of Cuba, so closely allied to and identified with us in commercial relations, aspire to independence and self-government.

Sir, I am not familiar with international law, and do not claim to be advised as to its technicalities and intricate proprieties. It may be that under the strict terms of this code a state of war does not exist on the Island of Cuba which justifies the United States in according to the Cuban patriots belligerent rights. To the untutored layman, however, seeking only to know the truth and to deal justly, it would seem that the warfare now devastating that island rises far above the level of mere guerrilla strife. If not, Mr. Speaker, why is it that the armies of Spain, so repeatedly reenforced by veteran battalions, have thus far been unable to repress the people of Cuba in their efforts to achieve national independence? The spirit of American freedom seems to have been wafted to Cuba across the Gulf of Mexico, and I bid the Cubans godspeed in their efforts to establish a free and independent nation. [Applause.]

Mr. Speaker, possibly the situation may not be unvexed with doubt, but if doubts there be, I shall resolve them here and now in favor of the struggling patriots of Cuba, and cast my vote in favor of the Senate resolutions. [Applause.]

Mr. TUCKER. Mr. Speaker, I yield ten minutes or more to the gentleman from New York [Mr. DANIELS].

Mr. DANIELS. Mr. Speaker, I design to do no more than simply to vindicate the vote which I shall give when these resolutions come before the House for adoption. I have considered this to be somewhat important upon my part, for the reason that when the resolutions that the House passed were up for a vote I voted for those resolutions. I voted for them, not because I approved the second and third resolutions by any means, but I was heartily in accord with the first of the resolutions, providing for neutrality between the two belligerents on the part of the United States. The first of the resolutions we have now proposed to the House for adoption is substantially the same as the resolution which was then adopted, and seems to be free from all substantial doubt as to its propriety.

This resolution provides for the neutrality of the United States between these two contending forces upon the Isle of Cuba. It is not the purpose of the United States by this resolution to intervene in any respect between these two contending parties, but to allow the struggle to go on with the understanding, nationally, in this country, and of course in others, that the United States is a neutral power, standing between these persons and acknowledging the belligerency of the forces engaged in the insurrection upon this island. So far I see no impropriety whatever in the resolution; but it (the second resolution) goes a step further than that; and the next step, to my judgment, is fraught with danger to the peace, the stability, the quietude, and the responsibility of the United States as a nation. It has been the policy of the United States at all times since the Government was formed to abstain from all entangling relations with European powers and not to permit European powers to acquire any standing or to exert any national policy or influence that is adverse to the institutions created by the people of the United States.

That was the declaration of policy of the first President of the United States. It has been observed faithfully from that time down to the present time; and the United States upon all occasions has abstained from interference with the domestic affairs of European Governments. Besides that, when the South American Republics had acquired what the United States believed to be their independence and the Holy Alliance was set on foot in Europe to reconquer those States and to aid or assist Spain in doing so, and to reestablish its government, the United States took decisive ground at that time, declaring substantially that the same policy which had prevailed in reference to foreign interference should also be applied to this newly existing state of things, and that the United States would not permit any European country to plant its institutions in this country or maintain them by force of arms, regarding that as a solemn menace to the stability and safety of our own institutions; and a counterpart or equivalent of this doctrine was also asserted, that the United States would not interfere adversely in the affairs of European people; and that has been a part of the policy of the Government, maintained from that time down to the present hour. And it is only a few weeks since that a solemn asseveration by this House and the body at the other end of the Capitol asserted that we should not interfere with the affairs of other nations, but we should not permit their interference with the affairs of the American nations to their detriment, or to an encroachment upon their soil.

Now, what has this second resolution provided for? Simply for intervention on the part of the United States in this struggle that is proceeding between the insurrectionists in Cuba and the Government of Spain. It is true that the resolution has been couched in very measured terms:

That the friendly offices of the United States should be offered by the President to the Spanish Government for the recognition of the independence of Cuba.

That is perhaps not of itself, abstractly considered, any dangerous exercise of authority; but when we look back at the history of nations we see that slight causes, slight disagreements, have often precipitated the most remarkable and the most dangerous consequences between them. We see that it is a delicate subject for one nation to attempt to interfere in any manner in the internal affairs of another nation. And no one nation of a civilized character and standing can interfere with the affairs of another of equal standing, although of inferior authority, without exciting resentment on the part of the nation whose affairs are interfered with. And if the United States should undertake to exercise this authority, as the second resolution porposes, in the future, we can see at once that it is not going to result in the independence of Cuba or the success of the insurrectionists, but it is going to result in a feeling of exasperation on the part of the Spanish Government against the Government and people of the United States. They are already excited very much, and an interference of this character might exasperate that excitement beyond a point of all reasonable restraint and precipitate upon our country a series of consequences that every member of the community would deplore.

We can not for ourselves portray with certainty what would be the effect of such interference by the President of the United States. It would be the exercise of a new and undefined authority. It never has been recommended or acted upon under similar circumstances, and it is not to be expected that it can be exercised now without exciting animosity and resentment on the part of the Spanish people. It is true that that people are inferior in power, vastly so, to the people of the United States; that their resources have been seriously drained in the contest that has been going on for over a year upon the Island of Cuba; but it is to be remembered that in controversies of this character other nations may come in to sustain the hostilities that Spain may enter upon toward this country and produce a series of disasters that we can not now either anticipate or measure.

It is necessary in matters of this kind for every nation to take counsel of its own prudence and not to allow itself to transcend the bounds of propriety in reference to the affairs of other nations—certainly not to place itself in an equivocal position whereby its intentions and its influence may be misunderstood, provoking national resentments by which war may be brought precipitately upon the country interfering in this manner without any suspicion of the danger lurking beneath the efforts attempted to be made. It is because of the danger that may lurk in the exercise of this authority, that may accompany it or follow it, that it strikes me that these resolutions as they are now combined together ought not to receive the vote of this House.

If the first resolution could be presented to the House separately and distinctly, simply acknowledging the belligerency of Cuba and asserting the neutrality of the United States between the insurrectionists and the Government of Spain, I should see no objection to that, because it could not be regarded, in any possible view, as an effort on the part of the people of the United States or their Government to interfere in the deplorable condition of affairs existing on the Island of Cuba at the present time. It would be nothing more than a declaration that the United States generously desired to see the insurrectionists upon that island enjoying the rights of belligerents, so that they might be protected against the allegation that they are criminals or traitors to the Government of Spain because they have arisen and endeavor to overthrow the government of the island.

There would be no harm, apparently, nor any danger in declaring that to be the position of the people and the Government of the United States. There would be in that no reason for Spain's

taking offense. But when it comes to the question of intervention, even possible intervention, we can see at once that this is the first step, which may result later in forcible intervention and bring about a warlike condition of things between the two Governments, and we can not be too cautious in the exercise of authority of such a character. It is because of the danger that may follow the attempt on the part of the United States to interfere to secure the independence of Cuba even by the aid of our moral influence that it strikes me that this second resolution is improper in its character.

When I found on consultation with the gentleman who introduced the resolutions that no vote was to be had upon them separately, but that they were to come before the House and be either accepted or rejected as a whole, I was astonished; for while the doctrine embodied in the first resolution is unobjectionable and might be entirely acceptable, the other, as qualifying the first resolution and this exercise of neutrality on the part of the United States, is such as to indicate certainly a possibility, and indeed a probability, that, by our attempting to interfere through the action of the President in the existing situation between the insurrectionary forces and the Government of Spain, there may be precipitated a war that would be dangerous, lasting, and destructive to many of the interests of our country.

And, Mr. Speaker, we should receive no equivalent, no recompense, for that state of things brought about by our intervention in the dispute that is now existing between Spain and its subjects upon the Island of Cuba. In case of war it would become an independent assault against our Government, against our people, against our seacoast cities, and no person can measure in advance the extent to which the injury might be carried resulting from hostilities carried on against us by Spain and very likely to be joined in by other European powers.

Such might be the result, and where would be the recompense, where would be the equivalent, coming to this country as the result of such an intervention, if it should by any possibility produce such consequences as I have indicated? It is true we may exercise a moral influence without offense. It is true we place ourselves thereby in a position of hostility to Spain; but if that action on our part should lead to another and to still another and finally to a state of war, certainly there would be no equivalent that the people of the United States could receive, no recompense that would in any considerable degree counterbalance the resulting disadvantage and the injury. It is for these reasons, Mr. Speaker, that I desired to present my views to the House as justifying, and not only as justifying, but as requiring that, as these resolutions that the House, when they are presented for adoption or rejection, must be presented together, they shall be voted down, and I hope will reject the resolutions.

Mr. QUIGG. I yield ten minutes to the gentleman from Kansas [Mr. BAKER].

Mr. BAKER of Kansas. Mr. Speaker, the resolutions which this House in its wisdom adopted a few weeks since were much more in accord with my individual views than those which I presume will be adopted on Monday next—the resolutions which have come to us from the Senate. There seems to be a diversity of opinion among the members of this House in regard to what the sentiment of the country is. More than that, there appears to be a diversity of opinion in regard to our duty as a nation in regard to this subject. I believe, sir, that if the 175,000 citizens of my district were appealed to to say whether, on this question, I should cast my vote in the interest of human freedom by voting for these resolutions and thereby expressing my sympathy with the cause of humanity, 174,999 of those citizens would say, "Vote for those resolutions."

But, Mr. Chairman, I go a little further in my sentiments than the resolutions now before us. I have no disposition to criticise the committee for what they have seen fit to report to us. They are doubtless better informed on this question than we can possibly be. But, sir, we know not only that there is existing to-day in the Island of Cuba a state of war, but there is existing a very inhuman war. We know that Spain has been using her great power for the last twelve or fifteen months to subdue those people, and that at this particular time she is not in actual possession and control of more than one-fifth of that island. It is impossible for us to know just what the present condition is there. But, sir, I believe for myself in the declaration that was adopted by our forefathers. I believe in a government of the people. I believe in the formation of those laws and the recognition of those rights which will guarantee to a people that they shall be at least treated in a humane way.

If Cuba had in the past been treated as citizens of any government should have been, our duty at the present time would perhaps be different. But we know that they have been terribly oppressed. We know that people of the Anglo-Saxon or English race would not have tolerated what they have been compelled to submit to for years past. We know that history proclaims to the world that they have been debased; that they have been taxed beyond all reasonable power of endurance; that they have been denied the right of trial by jury; that they and their families have been deprived of the essential rights of freemen. In consequence of being thus treated they have seen fit to rise up in rebellion.

Sir, on this question there is a law as broad as humanity, as deep as human affection, that appeals to the American people to-day in such a way that we dare not do otherwise than express for the people of Cuba our sympathy. I can not conceive how it is possible for any American citizen to allow his imagination to be so worked upon as to induce him to believe that we shall give Spain any cause of offense if we should try to use our good offices in bringing to a peaceful termination the struggle now being carried on in Cuba. If two men are engaged in deadly conflict and a third person tries to interfere in order to separate the combatants, it is barely possible that they will not appreciate his efforts; but if he steps in with power enough to command the peace, not only will they honor him, but every other man must do the same.

That is the condition, as I understand it, existing in Cuba to-day. The people now struggling there are not those that have had the advantages of education and other improving influences such as we have had. In their struggle to-day they are acting with the best light that they have been able to enjoy. They see a great nation on the north of them that is enjoying the blessings of civil and religious liberty, the blessings of national prosperity. They see themselves, on the other hand, in a condition of abject slavery. They have risen in rebellion; they have appealed to the God of battles; they have gone forth to make the sacrifices that only true, brave, and courageous men dare make in order that the cause of liberty and humanity may move onward and upward. [Applause.] Sir, I would dare to say to those people—and I do not believe that I am the only member of this House ready to say so—"In God's name we wish you success in your undertaking; we give you all the words of encouragement that it is in our power to give." [Applause.]

Mr. Speaker, I had hoped that we should have had presented to the two Houses of Congress resolutions recognizing Cuban independence. I would be only too glad to vote for such resolutions. I have no idea that there would be any danger of our being obliged to back up that act by force of arms. But, sir, he whose cause is founded in righteousness and truth is doubly armed; and if it should be necessary in the onward march of the nineteenth century that this great Government of ours should take a stand in the cause of humanity, let us bid those who are struggling in that cause Godspeed; let us give them the assurance of our cordial sympathy, our moral support, in the struggle.

How far we should go in extending our sympathy and aid to people struggling as the Cubans now are I know not. Possibly I am too radical in my views on this question. But I say this, that in adopting these resolutions we take a step which I have no doubt future generations will approve. More than that, I believe that the cause of humanity, by reason of our action in behalf of Cuba, will take new vigor; the cause of education and of civil and religious liberty will receive an impetus that will help forward the progress and elevation of the human family. Let us, then, take this step. Let us give Spain the means of knowing just how we do stand on this question. That is exactly my feeling in regard to this subject.

Let us meet the issue like men; and I will take that issue, so far as my people in Kansas, and particularly my district, are concerned, and have not a doubt that every member of the House will be more than satisfied with the result that attends the passage of these resolutions, because we have assurances from the chairman of the committee, assurances that ought to be fully satisfactory to the members of the House, that the resolutions will accomplish the happy result we all so much desire. [Prolonged applause.]

Mr. MAHON. Mr. Speaker, perhaps I ought to have kept quiet during this discussion, but some things that have been said against the passage of the resolution induce me to occupy the floor for a short time, and I do not think it would be out of place for me to give the reasons that actuate me in voting for the passage of the resolution.

The gentleman from Maine [Mr. BOUTELLE] on yesterday said that a picture was presented to the members of this House, a horrid picture of a man suffering death by a garrote, which was sent out for the purpose of trying to create a false sentiment of sympathy. I saw that picture. It is the execution of a man in a Spanish prison in the Island of Cuba; not that he had committed murder or a foul crime of any kind, but simply a human being brought to death in that barbarous fashion because he had—after his people for over three hundred years had been struggling to gain their liberty—saw fit to join the Cuban patriots and had been captured as a prisoner of war and was taken to prison and was put to death as there exhibited. That is the reason that that picture was sent throughout the country; not to show how they put to death men guilty of heinous crimes, but to show how they deal with men who desire to secure their liberty. [Applause.]

Mr. Speaker, there is no nation on the face of this globe which will countenance putting political prisoners to death with that horrible

instrument that deserves any consideration at the hands of any civilized or any Christian government. [Loud applause.] During the war of the great rebellion, at a time we classed our brethren across Mason and Dixon's Line as rebels and recognized them only as insurgents, and while they were captured at the first fight—Bull Run—in a war that continued for four long years in this country, a war in which 600,000 men went down into untimely graves, no man in that strife who had lifted his arm against this Government, no insurgent or rebel, lost his life except in battle. Not a solitary man during that long war was executed, either with the garrote, or by a rope around his neck, or by any other means. We recognized during that struggle that they were blood of our blood and flesh of our flesh, and, remembering the teachings of Him who came into the world eighteen hundred years ago to teach men and point the way of eternal life and how to live in this world as citizens and as men, remembering His teachings, recognizing the principles taught by Him, I say that no man in that great struggle was put to death in this barbarous manner. That is one reason why, Mr. Speaker, I shall vote for the resolution.

Now, there is another reason. I claim that this Government, as a government, has a right to recognize any people in any part of the world who are struggling for their liberty where a state of war exists. I do not propose as a member of the American Congress to ask Spain, that superannuated old giant, that bronze corpse, a cipher among the alphabet of the nations, whether she likes it or not. The only question to me is, is it right? I believe we ought to recognize the Cuban patriots who are struggling against the Spanish Government with every prospect of success, and I propose to vote for these resolutions, be the consequences what they may. [Prolonged applause.]

I was surprised to hear in this American Congress in the past few days that this great Government of ours had no right to give to the Cubans belligerent rights, and to do so was an insult to Spain—a declaration of war. Why, sir, during the late war, as we have been told in the debate here, before a battle was fought on land, the Government of Spain, 8,000 miles away from us, knowing but little about us, knowing nothing about our domestic troubles, with indecent haste poked her nose into our affairs and gave to the Confederate States belligerent rights. Did this Government recognize that act as a cause for war? Did we declare war against Spain? No. And why? Because this Government recognized that all the Governments of Europe, if they saw proper, had a right, if they believed that a state of war existed, to recognize the Confederate Government as belligerents; and I propose that this Government of ours, so far as my vote and influence are concerned, shall give to the Cubans all the rights of belligerents, with the hope that they may gain their independence in the near future. [Applause.]

Now, I want to make a reply, in the very brief time allotted to me, to the gentleman from Maine [Mr. BOUTELLE], and I will read a short extract from a speech of his delivered in the Fifty-third Congress, and as I read this extract from his speech I want you simply, in your own mind, to insert the word "Cuba" in place of "Hawaii," and see where he stood in the Fifty-third Congress, when he was ready to involve our Government in a war if necessary for the purpose of giving these Hawaiian people their freedom. I agreed with him in that fight, and I was ready to vote for his resolution if an opportunity was given, and I am with him on that controversy. The reason that he then set forth in support of his action on the Hawaiian question, Mr. Speaker, influences me in giving my support to the resolutions now pending, and I shall vote for the report of the conference committee.

Mr. TUCKER. Will not my friend allow a man time for repentance?

Mr. PICKLER. We hate to see him fall from grace. [Laughter.]

Mr. MAHON. Now, Mr. Speaker, you will find in the CONGRESSIONAL RECORD of the Fifty-third Congress, second session, volume 144, page 8003, the following:

> Mr. BOUTELLE. * * * I understand further, Mr. Speaker, that it has been the uniform policy of the United States to be prompt and earnest in encouraging and recognizing all movements tending toward the establishment of free republican governments, in whatever parts of the world they may be. I understand this to have been the settled policy of the United States from the foundation of this Republic. I need not enforce upon the mind of the House the fact, it seems to me, that the establishment of a republic in the Hawaiian Islands is an event that, under all the circumstances, appeals to the sympathy of the people of the United States with the most peculiar and extraordinary strength.

And a few days afterwards he offered a joint resolution (see CONGRESSIONAL RECORD, second session Fifty-third Congress, volume 144, page 8010) "congratulating the people of the Hawaiian Islands on their peaceable assumption of the powers of self-government and recognizing that Republic as free, sovereign, and independent." That was the gentleman from Maine [Mr. BOUTELLE] in the Fifty-third Congress. He has departed from that. I say that the doctrine laid down by the gentleman in that speech is sound American doctrine, and I am willing to vote for the resolutions on the speech he made in the Fifty-third Congress, a part of which I have just read. [Applause.]

Mr. MAHANY. Will the gentleman allow me a question?

Mr. MAHON. Yes.

Mr. MAHANY. Do you not recognize the difference between a government which has only a general in command of an army in the field and a government established and able to maintain law and to preserve order?

Mr. MAHON. Well, Mr. Speaker, these people fifteen months ago commenced with three or four thousand struggling patriots, without arms or munitions of war. They have grown until to-day they have a magnificent army of from fifty to sixty thousand men. They have fought their way from one end of that island to the other, and have hovered around the capital of Cuba. They have whipped one of the great generals of Spain and sent him home under a cloud, and, mark my word for it, they will whip the man who is in command of the Spanish armies on the Island of Cuba to-day. [Applause.] They have kept the field against an army of 120,000 well-trained Spanish troops. They have never had a dissension in their ranks, they have never had a deserter from their ranks, and for fifteen long months they have contended successfully against this well drilled and disciplined army of Spain. Yet you state to me to-day that they are not entitled to the same recognition that those people were in Hawaii.

Mr. Speaker, we are told that the Cuban army is composed largely of mulattoes, men not fit to govern themselves. I assert that as a class of men they stand much higher in intelligence and morality than the majority of the people of the Hawaiian Islands, and are at least as well fitted for self-government. I suppose if the Hawaiian Islands had belonged to Spain, a great deal of the patriotism and fighting spirit that almost submerged the Fifty-third Congress would never have been heard of. Mr. Speaker, this great Republic is the foster parent of all republics in the Western Hemisphere, and we must, in the language of the gentleman from Maine [Mr. BOUTELLE], "be prompt and earnest in encouraging and recognizing all movements tending toward the establishment of free republican governments." The passage of these resolutions is not a declaration of war. As a great nation we have a perfect right to give to Cubans belligerent rights. If Spain sees fit to declare war, she must take the responsibility and the consequences. The conflict will be short and decisive. Cuba will belong to the United States and Spain will have learned a lesson she will never forget. One more victory will be won over despotism and inhumanity. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MAHON. If there is no objection, I should like to extend my remarks in the RECORD. I could have completed them in about five minutes.

The SPEAKER pro tempore. The gentleman asks leave to extend his remarks in the RECORD. Is there objection?

Mr. TUCKER. Mr. Speaker, I think general leave to print has been extended.

Mr. QUIGG. Oh, no; I do not think so.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. TUCKER. Mr. Speaker, I yield ten minutes to my colleague [Mr. OTEY].

Mr. OTEY. Mr. Speaker, it has been said that doctors practice on their own patients, but that members of Congress, especially when they are on the Cuban resolutions, practice on the patience of others. I propose to take advantage of that prerogative for the few minutes allowed me.

There is a story told of a man and his wife who quarreled as to what they should have for dinner. The one wanted terrapin stew and sherry, and the other wanted canvasback ducks and champagne. They wrangled and quarreled, and finally compromised on cabbage. [Laughter.] We have had the terrapin stew of the Senate and the canvasback duck of the House, and now we have come in and compromised on cabbage, in the form of this resolution.

Mr. SMITH of Michigan. If the gentleman will permit me, I should like to ask him a question.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. OTEY. Yes, sir; with pleasure.

Mr. SMITH of Michigan. I should like to ask you if you have not misstated the facts? Do you not mean that they have had the canvasback ducks at the White House? [Laughter.]

Mr. OTEY. Mr. Speaker, I can only answer that question in this way. It is said that Chief Justice Chase was talking to a nigger one day. I mean no disrespect to the colored people by saying "nigger." It is a word most appropriately derived from "niger," meaning black. He said to this coon—negro, I mean [laughter]—"I have always thought that it was very strange that a coon wore his fur on the outside. When I have a coat with fur on it, I generally put the fur on the inside. I find that it is warmer

to wear it that way, and I do not see why a coon should not wear it in that way. Why is it?" "Well," said the negro, "you'd know if you was de coon." [Laughter.] "Why?" asked the Chief Justice. "Because," said the negro, "you would have more sense." Without reflecting on your intelligence, sir, and with the utmost of pleasantry, you have a complete answer. [Laughter.]

I never visit the White House. I am a spring chicken of this House and do not go there unless sent for to be consulted about great matters of state, and I do not suppose the gentleman from Michigan does. I do not know anything about what they have there to eat. But a spring chicken had better stay away. I have only been there once or twice, and I do not know that I will ever go there again. [Laughter.]

Now, Mr. Speaker, we hear a great deal of talk about war. I am opposed to war. Thirty-five years ago I talked about war, and I was red hot for it. [Laughter.] But, sir, in the language of that great man—I do not know whether I pronounce it right or not—veni, vidi, vici; I came. Yes, sir; I "came" to the front, and for four years I stayed there. I remained there. No surgeon's certificate, sir, ever sent me home; and in the language of a great judge in Virginia, a friend of my friend Mr. TUCKER, no one sent me there to have "the perpetual enjoyment of the rascally immunity of bombproof security." [Laughter.] "I was not to be heterogeneously bamboozled by the unsophisticated audacity of any man," as an old soldier said. [Great laughter.] No, sir; I was not; but veni, I say, I came. Then vidi, I saw. Yes; I saw rebels there in thousands, with belligerent rights. I know, gentlemen, that you do not know yet which side of this question I am on [laughter], although you can guess which I was on then. I will get to that presently. The trouble about it is that I have not been able to tell which side a great many now are on, because they have been talking about national law, and international law, what General Grant, Henry Clay, Madison, and Monroe said, and all that sort of thing, of which the average Congressman knows but little.

Yes, sir; I saw the rebels in thousands and thousands, with belligerent rights, marching toward a gallant foe. I saw them charge, I saw them stand, I heard them yell, I heard the thunder of their cannon, maintaining belligerent rights. It is not out of place, therefore, for me to say lastly that, after veni and vidi, vici, I conquered. But, sir; not until the big guns at Fort Delaware, where I had been invited to stay a few days by Uncle Sam [laughter], just one month before the surrender—not until these big guns thundered there and informed me that the name of Appomattox had been made immortal, and that the great Army of Northern Virginia had surrendered, making the name of Ulysses S. Grant immortal, not until then did I conquer; and then I conquered what? My insatiable desire for renown as a belligerent! [Great laughter.] That time came and I bowed to the inevitable. I confess, sir, that ever since then I have had no more thirst for gore. [Renewed laughter.]

Now, Mr. Speaker, why all this talk about war, and all this talk about rights and principle, international law and justice, and all such things? Mr. Speaker, just let us see what would be the application of principle, right, and international law under certain circumstances. Let us suppose a case—you all would not suppose it was a supposable case—but just suppose a case [laughter], and that is, suppose that the Northern States had seceded and that the Southern States had undertaken to maintain the Union. What would have been the result? Exactly the same as it was. [Great laughter and applause.] Secession would have succeeded then. No doubt about that. You all had too heavy guns for us and too many people, and it mattered not which was abstractly right, the same causes would have produced the same effects. Therefore, if the cause of the Union had been the whale represented by the Southern States, then it would have been the whale that the fish swallowed, instead of the fish that the whale swallowed. See? There is no question about that. Now, sir, nobody doubts this proposition of international law; but the pertinent inquiry now is, what has this to do with Cuba? [Great laughter.] About as much as the speeches against these resolutions.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. TUCKER. I yield five minutes more to my colleague.

Mr. OTEY. Thanks. I am much more pleased than I make out I am. Well, sir, I was going on about the question of right and international law when I was hammered out, etc. These things of right and justice in international affairs are settled by the arbitrament of arms. That settles the question, as a general thing. Of course secession was wrong, because the arbitrament of arms settled it. I am not going to discuss secession, gentlemen, not only because I know that has nothing to do with Cuba, but because it is, as we know, a new question. In dealing with Cuba we should remember that the United States does not follow the example of other nations in starting anything. We do not need to follow the example of other nations; and we do not want to wait to see what England is going to do, thank the Lord. [Laughter.] We ought not to wait to see, and I hope we will not wait to see, what England is going to do about finances or any other thing. I hope we will make precedents instead of waiting for them. I do not believe with some of my friends on the other side of this Chamber that the people of the United States can whip the whole world, but I do not believe that the whole world can whip the United States [great applause and laughter], and hence we should act independently and courageously.

Now, sir, I am not like that gentleman who delivered a Fourth of July oration on one occasion, when he said that the American eagle had plumed her wings and soared aloft and had scanned the whole world and then "lit" in America, with one foot in the Atlantic Ocean, the other foot in the Pacific Ocean, with her tail flopping in the Gulf of Mexico, and picking grass in Canada. [Great laughter.] No, sir; I do not believe that. But I do believe, sir, that the United States is big enough to take care of herself in maintaining any opinion which it may express through us in this House—I being one of "us"—and capable of giving belligerent rights to Cuba [great applause], even though they be rebels.

My time is so limited that I will have to skip a great deal of my speech. [Laughter.] I was somewhat inclined to the other side when this question was first before us, and had prepared a great speech on that occasion. I lost it coming down here [laughter], and I think Mr. TUCKER or Judge TURNER found it, and I believe you will probably hear part of that speech to-night from my colleague, Mr. TUCKER. [Laughter.] However, after hearing the arguments of the gentlemen against the resolutions, I was by them persuaded to go for them and for the belligerent rights of Cuba.

Now, to come down to the point, everybody that has spoken on the other side has suggested something about war. Mr. Speaker, I sympathize with people that are struggling for their independence. I sympathize with rebels. I was a rebel once myself. [Laughter.] In fact, I do not see how any of us on this side can help sympathizing with rebels. [Laughter.] The people of the United States being a free people, the freest in the world, ought to want to see everyone else free, and our neighbor, Cuba, as we know, is not free. I do not believe that the United States ought to go to war about Cuba, and I have not the slightest idea that they are going to do so. However, I am beyond the military age myself, so it would not make so much difference to me personally if they did. [Laughter.] It might increase my sugar bounty. But we shall not go to war. I do not believe we ought to meddle with other people's business. Of course we should not. But no one has suggested that we should interfere with other people's business. Our opinion is our business.

It is true something has been said about intervention, but that was in a pickwickian sense. The real question here is whether there is war in Cuba; not whether we are going to war. Is there war in Cuba? If so, these resolutions are right. If not, they are wrong. That is all there is in the whole matter. Cuba began this attempted revolution in 1849, and she failed. She took it up again in 1854, and she failed again. She made another attempt in 1873, and she failed. If she fails again this time, some of these wise gentlemen, like my friend Mr. TUCKER and others who have spoken here, will say, "I told you so." [Laughter.] Well, if she does fail, we shall not be in any worse fix than Spain and all the nations of Europe were in when we of the South failed, because they all recognized us—everyone of them. [Great laughter.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. TUCKER. Mr. Speaker, as I do not expect to deliver the speech that my friend has referred to [laughter], I will yield him five minutes more of my time.

Mr. OTEY. I am much obliged to my colleague. As I said before, gentlemen, I expected to practice upon your patience on this occasion, but I have never done it before except once, and then there was nobody in the *House*. I beg pardon; I ought to have said *Hows*. [Laughter.] We are not inviting war by these resolutions. What are we doing? We are simply expressing our opinion. Well, has not the House of Representatives of the United States a right to express its opinion? Do not we do that out here in the cloakrooms, and everywhere else? [Laughter.] Did not we express our opinion the other day about Mr. Bayard? Of course we did. And has Mr. Bayard got mad about it and resigned? [Laughter.] You recognized him as a belligerent then. It was harmless. Did it hurt anybody? No, sir; not at all. Cuba is not going to get mad about this. Is Spain going to get mad about it? What if she does? What are we doing? As I said before, only expressing our opinion, which is an inalienable right. [Laughter.] We are not inviting war, as I said before.

What do these resolutions say? In all this war talk and this talk about international law gentlemen have lost sight of these resolutions. A friend with whom I talked a few minutes ago did not know which were the resolutions. He thought the ones that were struck out were the resolutions we were considering, and that the ones that we are considering were those that were struck out. [Laughter.] I do not believe he is the only man here who

was in that state of mind. I did not know which were the resolutions myself until I picked up this copy. [Laughter.] We say in these resolutions that in our opinion a condition of public war exists in Cuba. Let us consider that for a moment. Can anybody deny that war exists in Cuba? Does anybody deny that war exists there—I do not say public war, but war? What is the meaning of war? War, as they tell me in the dictionary, is an old English word which originated in the laws of Canute—you all know who Canute is. You remember Canute. [Laughter.] It originated from the word "w-e-r-r-e" in old French, and in modern French guerre, and it means vexation, strife, confusion, broil. The verb means to embroil, to bring into confusion, to entangle.

Do not all of these conditions exist in Cuba? They certainly do. Well, if they do exist it is clearly war, and if war at all, it must be public, not private war. Now, that is what this resolution says, that in our opinion a condition of public war exists there. If war does exist in Cuba, and if it is public war, you ought not to be afraid or ashamed to say so. [Laughter.] You ought to say so if you really think so. The question is, Does it exist? It certainly does exist. I have demonstrated that so conclusively that even my colleague, Mr. TUCKER, can not gainsay it. [Laughter.] My argument has been complete in this respect, and the authorities I have given can not be questioned. [Laughter.] Again, if public war does exist in Cuba, between whom does it exist? It exists between Spain and her subjects (so called) in Cuba, who are supposed to be rebels. Now, if war exists between Spain and those people, then that is just what this resolution says. It says that war exists between the Government of Spain and the Cubans, and has been for some time maintained by force of arms by the people of Cuba. The question now arises, Has it been maintained? Well, it looks very much that way. [Laughter.] This is a war carried on as other wars, for either the purpose of advantage, revenge, for lust of gain, territorial possession, race and sentiment, civil liberty, or some kindred cause. Those are the objects for which wars are generally carried on, and when a war is so carried on it is a public war, and such a war clearly exists between the Government of Spain and the people of Cuba.

The fact that 100,000 men are under arms, all regular soldiers of Spain, with a powerful navy, experienced generals, all the munitions of war at its beck and call, and still held in Cuba, when there is no war there, is astonishing if not absurd. Who can assert under such circumstances that war does not exist in Cuba, and public war at that?

When this resolution says this, it could not have uttered or proclaimed a more potent truism than if it had said that a state of public war does not exist in the United States of America.

How should we act, then? The resolution says we should maintain a strict neutrality. Anything wrong about that; if so, what?

Now, as to the second resolution I shall have very little to say. It is true that some are in favor of the first and yet object to the second resolution. Why, this is putting the cart before the horse. The objectionable part, if any, is in getting ourselves in trouble by maintaining perfect neutrality, thus according to both contending parties belligerent rights. The second is so very inoffensive that I would as soon have it stricken out as not, but not for the same reasons as those expressed by others on this floor. It is so harmless that I would not object to its being stricken out. But I suppose there is something in the mist surrounding international law which hides the great affront which such a resolution gives to a friendly power.

Why, I would vote for just such a resolution to be addressed to England in regard to Ireland. What does it say? Only that our friendly offices should be offered to Spain for the recognition of the independence of Cuba. Why, I would vote for a constitutional amendment that the friendly offices of the United States should be offered by the President to every Government for the recognition of any of their people who were struggling to become free and independent, if such struggle develop to such proportions as to keep an army of 100,000 men a year or more trying to quell the disorder. Strip these resolutions of all war talk, of the dark mantle of legal lore and international erudition which has been thrown over them and turn on the search light of common sense, and we find them unadorned but in all their beauty, a great nation telling struggling humanity everywhere that it sympathizes with them, that they have a right to fight for liberty, that it will ever espouse the cause of freedom, and dare to tell their oppressors that our hearts are with the oppressed, and we tender our good offices to secure them just such rights as those for which we suffered and fought and which we secured.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OTEY. Mr. Speaker, I thank the Hows and you all for allowing me to practice upon your patience so long. I am not half through. I could have demonstrated my position beyond a doubt and could have secured a unanimous vote in favor of these resolutions if I had had a little more time. I could see the work of conversion manifesting itself. [Laughter and applause.]

Mr. QUIGG. Mr. Speaker, I will ask my friend from Virginia [Mr. TUCKER] whether he desires now to occupy further time on his side?

Mr. TUCKER. There is no one on this side of the House who desires to speak now.

Mr. QUIGG. Then I yield ten minutes to the gentleman from Maine [Mr. MILLIKEN].

Mr. MILLIKEN. Mr. Speaker, I had not hitherto expected to say a word on this question, although my convictions upon this subject have from the beginning been settled. It is a question upon which, fortunately for myself (differing in this respect from some others), I have never had any doubt in my own mind.

Sir, we approach these resolutions to-night in a somewhat different attitude from what we would occupy if this were absolutely a new question, or if the question were whether we should recognize the rebels in Cuba as belligerents or should do nothing. Now, sir, the Senate has adopted, by a large majority, resolutions in favor of recognizing the Cuban patriots as belligerents. When those resolutions came up for consideration in this House we passed a somewhat different and stronger proposition, substantially, however, the same. We have had a committee of conference; and the question to-night is whether we shall adopt the resolutions as agreed on by that committee or repudiate the action that has been taken and defeat the committee's report.

We are now so placed that we must speak either for or against the patriots in Cuba. We must give to the Cubans struggling for independence our moral influence, our encouragement, our indorsement, or we must give countenance and encouragement to Spain in her effort to crush this struggling people. In adopting these resolutions, as I have no doubt we shall do next Monday, this great Government, with all its influence, will voice, as I believe, almost the universal sentiment of our people and indorse the efforts of a people battling for freedom on a neighboring island, bravely striving to throw off the yoke of perhaps as grinding a tyranny as has cursed mankind in modern times. If, on the contrary, we should vote these resolutions down, what would be the effect? Who would be encouraged by our action? What kind of word should we send forth to the world? How would our action be looked upon by the Cubans? How would it be looked upon by the Spaniards? How would it be looked upon by the great nations of the earth?

Why, gentlemen, this Government ever since it has been established has been the great fortress and home of freedom upon the face of the globe. It has been the only great, well-organized, well-established Republic on the earth. Everywhere, in every country where men and women were hoping and struggling and praying for freedom, for better government, for equal laws, for independence from tyranny, they have looked to this great Republic as the mariner looks to the north star for guidance. This Republic has been their hope and their encouragement. And, sir, I believe that if this Republic in its struggle against the rebellion had been destroyed, the loss of our influence in the earth would been calamitous to mankind. If we had not maintained the integrity of the Union, France would not be a Republic to-day; Brazil would not have put off the panoply of monarchy and put on the habiliments of a democratic government; England and Germany and the other Governments of the Old World would not have been liberalized as much as they have been. The success and the benign influence of this great Republic gave an impetus to liberty and the equal rights of man such as they have received from no other great human achievement.

Now the question recurs, whether our influence shall continue in the same direction in which it has heretofore gone forth—whether we shall continue to be the beacon light for every people struggling for free government, for independence, for the liberty of the individual and the masses, or whether we shall take a backward course and throw the influence of this great nation in favor of oppression.

My colleague [Mr. BOUTELLE], from whom I dislike to differ, talked yesterday about the sentiment of the people of this country being stirred up by pictorial representations in the newspapers. Ah, I think if he could feel the pulsations of the great heart of the people of this country he would find that no pictorial illustrations are necessary to stir up a sentiment in favor of a people struggling for liberty. [Applause.] That sentiment is a living one with Americans, and needs only a just cause to kindle it. Our people have not forgotten the history of their own country. They have not forgotten the seven years of war for independence, when the patriots of the Revolution showed perhaps as much fortitude, as much courage, as much persistence, as much of a spirit of self-sacrifice, as much readiness to suffer uncomplainingly for the cause in which they were engaged, as any people on the face of the globe have done since the dawn of history. And I ask my friends on the other side, have these Cuban patriots shown any less a spirit of self-sacrifice, any less determination to achieve their independence than our forefathers did? Have they not done quite as well?

Why, sir, I was rather amused when my colleague said that 40,000 Cubans are now fighting in the ranks of the Spanish army in Cuba. The prime minister of Spain says that Spain has sent 125,000 soldiers there. There were about 21,000 on the island before, making 186,000 well-trained, well-organized, well-equipped Spanish soldiers upon the Island of Cuba, according to their reckoning. Yet this band of insurgents, as they are called, these scattered freebooters, who, as somebody—I do not remember who—said in this House, number only 16,000, have, in the face and against the resistance of those 186,000 of Spanish soldiery, marched over the Island of Cuba and to-day occupy and control and tax and administer justice in more than three-fourths of it.

Ah, gentlemen, either our friends are mistaken as to the number of men fighting upon the Spanish side in Cuba or else these Cuban patriots are showing a strategy, a courage, a skill in arms which the armies of Hannibal never showed upon the battlefields of Rome. I say that a people who can thus maintain their struggle so long against such an enemy, who can continue to extend their jurisdiction over that country, can continue to achieve victory after victory, can not only maintain themselves but drive so great an army as gentlemen say the Spanish have into the fortresses and the cities of Cuba, so that they hardly dare come out except once in a while to send a detachment to meet the Cuban patriots when they taunt and defy them close to the walls of their strongholds—a people who are doing this and are to-day in control of almost the whole of the Island of Cuba have earned their independence and are entitled to recognition as belligerents at the hands of this great, liberty-loving, democratic Republic. [Loud applause.]

The SPEAKER pro tempore. The time of the gentleman from Maine has expired.

Mr. MILLIKEN. I believe, Mr. Speaker, that I am entitled to more time from the predecessor of my friend from New York, and I prefer not to accept the curtailment that he has made on the time yielded me by his predecessor. I hope he will see his way clear in allowing me to continue for the time to which I am entitled.

Mr. QUIGG. After so graceful a request, Mr. Speaker, I could not, of course, deny the gentleman.

Mr. MILLIKEN. I am always graceful to the gentleman who is so graceful himself. I can not help being graceful to my friend, and I thank him for his courtesy.

Now, our friends on the other side proclaim that they have an immense amount of sympathy for the insurgents in Cuba. Their hearts are on fire with love for them and their eyes are filled with tears on account of their sufferings, but they can not see their way to help them or to offer them any encouragement in their hours of trial and tribulation. They can not vote for the recognition of their belligerency. This is the kind of friendship which sounds well, but the fellow befriended does not care for it. Why can not they believe that the Cubans are entitled to recognition? Oh, because they say the Cubans have no government. Is that true? Of course they have not as stable a government as we have, but they have about as stable a government as our forefathers had when they had been fighting for eighteen months for their independence. Has Spain any right to complain of us if in the interest of humanity or of common justice we recognize the Cuban patriots to-day as entitled to belligerent rights?

Why, Mr. Speaker, if I recollect right, it was hardly forty days after the first gun was fired by the rebels upon Fort Sumter before they were recognized by Spain. Were they more entitled to recognition then than Cuba is to-day? It is true that they had a government. They had a form of government. They had a place for their capital, as indeed the Cubans have to-day; but had they made more progress, according to the numbers fighting, than the Cubans have made? Had they, in forty days after the first gun fired upon Sumter, invaded any part of our territory, driven us into our fortifications, captured any large body of Federal troops, or in any other manner established the fact that they were able to cope with the powers of the General Government? Why, I think not. Even the disaster of Bull Run, which was the first victory of any consequence achieved by the rebels and the first serious disaster to the Union arms, had not occurred when Spain recognized the belligerency of the Confederates. Indeed, there had then been no battle fought between the Confederates and ourselves, unless you call the bombardment of Fort Sumter a battle, when Spain recognized them. The rebels had merely declared their intention and were getting ready.

Now, after eighteen months, when the Cubans have taken control of three-fourths of the Island of Cuba, when the only places almost which they do not occupy are the fortified cities that the insurgents can not take because they have not artillery to batter down walls and fortifications, when they are not retreating but are advancing, daily, continually, tirelessly fighting and whipping the Spaniards, further and further gaining accretions to their forces, showing a skill in the movement of armed forces that perhaps has never been excelled, when we find that they are acting together with perfect harmony, with no breach in their ranks, no squabbles among their leaders, no division among them, but a uniform, steady purpose to achieve their independence, when we find them banded together by the strongest ties that can bind humanity, by all the ties of patriotism in the heart of each and every man, when we find them pushing forward for the one great object of their struggle, the independence of their country, I ask if, under these circumstances, if sustaining themselves as they have sustained themselves during all this time against the power of Spain, they are not quite as much entitled to recognition at our hands as the Confederates in our war for the suppression of the rebellion—in forty days after the first gun was fired and before the battle of Bull Run had been fought—were at the hands of Spain?

Why, my friends are talking as if war was right upon us if we give to the Cuban patriots this recognition. They seem to assume so much. Mr. Speaker, some of the statements that have been made here remind me of the story of the old maid, away up in the seventies, who was standing before a burning furnace, and the poor old woman began to cry, when someone standing near her asked what was the matter, why she was crying? "Why," she said, "I was just thinking that if I should ever get married, and should have a child and it should fall into the furnace, what a fearful thing it would be!" [Laughter and applause.] And so our friends on the other side are asserting here what a fearful thing it would be if we should have war with Spain on account of recognizing as belligerents the Cuban patriots a year and a half after they have begun the struggle and have been making their marvelously successful fight for independence, when we know that Spain recognized the Confederacy so soon after the beginning of hostilities; and yet, notwithstanding that action, no threat of war was ever made in this whole broad land on account of that action of the Spanish Government. [Applause.] And be it remembered, too, that Spain recognized the Southern rebels when the stake was not the retention of an island 3,000 miles away, but the life of our Government, the existence of our National Union. Indeed, had the rebels a better cause to fight for thirty-five years ago than the Cuban patriots have now? They were contending to destroy the grandest, justest, and most beneficent Government ever instituted among men. The Cuban patriots are fighting to overthrow a despotism which has robbed them of their substance, dwarfed the development of their resources, hindered progress, repressed improvements, ground them with taxation too burdensome to bear, violated all promises, and practiced the brutalities of the Middle Ages.

Gentlemen on the other side say, Who knows all these things? Why, they are as notorious as is the existence of Cuba itself, and the best evidence of any fact, next to an ocular demonstration, is its universal and indisputable notoriety.

Spain, by her cruelties and barbarities in Cuba, has richly earned the title of the Turkey of America. We have formally expressed our sympathy for the outraged Armenians, and have condemned the great Christian nations of Europe. We have called them selfish and cowardly because, controlled by their fear of each other and their own interests, they have raised no hand to arrest the butchery of Armenians by the thousands. And shall we have another Armenia, with all its inhuman cruelties, in this hemisphere, and close to our own doors, and hear the crying appeals of the oppressed, without so much as a formal protest, washing our hands, like Pontius Pilate, of responsibility? We can not escape responsibility by saying, like Cain, as do gentlemen upon the other side, "I am not my brother's keeper." [Applause.]

Thomas Jefferson said, "I tremble for my country when I remember that God is just." He referred to the responsibility of his countrymen for maintaining human slavery. His solicitude was well founded. Four years of civil war, the death by slaughter and disease of 300,000 brave, devoted Americans, and the destruction of billions of dollars' worth of property were a part of the penalty which we have paid for that national crime.

I believe in God's justice. I believe that Europe will pay dearly for her cold indifference to the bloody butchery of the Armenians. And if we shall show equal indifference to the barbarities committed upon the Cuban patriots, struggling as our forefathers struggled for liberty and independence, if we shall give them no friendly recognition, but by defeating these resolutions send word to them, to Spain, and to the world that great, free, republican America casts her weight into the scale of the oppressor, then I believe we shall have another crime to answer for, the penalty of which we can not measure and can not escape. [Great applause.]

Do we prize liberty only for ourselves? Shall men lose their souls when they aggregate into a nation?

Let us do right; right in the eyes of God and humanity; right in the eyes of men who have freedom and know what it costs, who can understand the longings and aspirations of patriotic hearts, and who believe that every oppressed people struggling for freedom is entitled to the sympathy and help, so far as it can be extended, of every nation that is free. In this direction lie safety and honor. In any other direction lie dishonor and danger.

[Here the hammer fell.]

Mr. QUIGG. I now yield five minutes to the gentleman from Michigan [Mr. AVERY].

Mr. AVERY. Mr. Speaker, I am not in a general way disposed to be belligerent. I have seen something of war and do not care to see any more of it. It does not produce a pleasant sensation to stand up and be shot at. It has a peculiar effect upon the knees that renders a man a little unsteady in his gait and gives him an awkward appearance. I do not think anyone really enjoys such a position. But no man likes to be called a coward, and no nation can afford to acquire such a reputation. A man standing by to see a brute pound a helpless woman would be branded a coward. If he should witness a murder which he had power to prevent, and made no effort to prevent it, he would be regarded as a party to the crime.

The civilized world has stood aghast at the spectacle of the great powers of Europe eyeing each other while the Turks, in full view, have been butchering the helpless Christians of Armenia. These barbarities have even aroused the indignation and called forth a vigorous protest from our friends in Massachusetts and other New England States. Here upon our very shores lies the fairest island of the Atlantic Ocean. For three hundred years it has been under the iron heel of a cruel and merciless despot, whose only effort has been to extort the last farthing of revenue from its hapless people. This despot first enslaved and then, in less than one hundred years, exterminated the native population, and then he supplied their place with slaves stolen from Africa and overseers brought from Spain. And from that day until this the whole conduct of Spain toward this island has been "marked by every act which may define a tyrant."

No chapter in the history of the last three hundred years is so crowded with acts of oppression, cruelty, barbarities, and suffering and with such heroic efforts to throw off the oppressor as that which relates to the conduct of Spain toward her fairest colony. And now this long-suffering and heroic people are engaged in a life and death struggle for the God-given right to govern themselves—"a right inestimable to them and formidable to tyrants only." These people, in sight of our shore, are engaged in actual war for liberty and the right of self-government. They stretch out their hands across the narrow waters which separate them from us and ask the poor boon of being recognized as belligerents. For one, I know that my constituents expect and desire me to vote to accord them all the rights of war which belong to a brave people engaged in actual war for liberty; and I would be glad indeed to vote to acknowledge them as a free and independent nation, and, if need be, to vote money to aid them in maintaining their independence. By her long course of tyranny over Cuba Spain has forfeited every right to its ownership; and the same law which would deprive a cruel parent of the control of his child should be invoked to deprive Spain of any further control over Cuba. I say this with a full appreciation of the effect words spoken in this Hall may have upon the relations of this Government with other nations.

Cuba lies at the entrance of the great gulf that washes our Southern shore. She commands the entrance to that gulf, to the mouth of the Mississippi River, and the Nicaragua Canal, whenever it is built. In the possession of a strong naval power she would be a constant menace to our commerce and a vantage ground from which to threaten our whole Atlantic Seaboard. Spain has a treasury as empty as our own and a credit not quite so good. She needs money. England has money to loan, and she is constantly on the lookout for good investments and for strategic positions. Where can she find a stronger naval position than the harbors of that island or better security for investments?

Possibly the shadow of the Monroe doctrine may deter her for a time, but let trouble arise between this Government and England and the harbor at Habana will be the point from which demonstrations will be made along our eastern and southern coast. Cuba belongs to this continent; she has a right to be free. Self-interest, self-defense, humanity, and duty alike demand that the United States should aid her to attain this right; and all liberty-loving people everywhere will rejoice to welcome free Cuba into the great family of Western Republics. [Applause.]

Mr. QUIGG. Mr. Speaker, I yield five minutes to the gentleman from South Carolina [Mr. TALBERT].

The SPEAKER pro tempore. The Chair will state to the gentleman from New York [Mr. QUIGG] that his time is exhausted.

Mr. QUIGG. The gentleman from Virginia [Mr. TUCKER] has courteously agreed to yield to me some time.

Mr. TUCKER. I yield fifteen minutes to the gentleman.

Mr. QUIGG. Then, Mr. Speaker, I yield five minutes of that time to the gentleman from South Carolina [Mr. TALBERT].

Mr. TALBERT. Mr. Speaker, in the short time allotted to me I shall not be able to go into the details of this question, but it seems to me that if talking and speech making would do the Cubans any good, they would have been relieved sometime ago.

I want to say, Mr. Speaker, that the time for talking has ceased and the time for action has come. I for one stand here ready and willing to do anything that is honorable and upright in the way of action that will relieve these Cuban patriots from the distresses and burdens under which they are laboring. [Applause.] What are they fighting for? Are they fighting for the blood of their brethren? No! Are they fighting for conquest? No! They are fighting for a word. It is that word that led downtrodden Israel through the bowels of the Red Sea; it is that word that rendered Marathon and Salamis and Thermopylæ immortal ideas; it is that word which sanctified even the blood upon the blade of Brutus; it is but a word, and that word is "liberty." [Applause.] They should have it; and if they need anything at the hands of this great, grand nation, the greatest upon the face of the earth, we should not withhold it, but give it to them in sympathy and in help, not only in words but in deeds.

I, sir, shall not only vote for these resolutions, but I stand ready to go further and to vote for a joint resolution calling upon the President to take decisive action, and if necessary to go down there and see that they do have an independent government set up for themselves. [Applause.] While they are fighting for that word "liberty," that word which will go sounding down the ages until the Jordan be dried up at its fountain and the Ægean rolls no more upon its shores, why should we, this great and powerful nation, stand here fearing to help our little neighbor when we can do it? Talk about the power of the United States. A distinguished Fourth of July orator has said, and I believe it is almost the truth, that the great United States could whip the world; that she had on two occasions whipped Great Britain; that she had whipped Mexico several times; that every time she got at leisure she would go out and whip the Indians, and finally the top and bottom of the map fell out and she turned in and flogged herself, and that is what the last war meant. [Laughter.] Bounded as she is on the east by the turbulent Atlantic, on the west by the smooth Pacific, on the north by the Aurora Borealis, and on the south by the Day of Judgment, why can she not take care of that little baby down there, if necessary, and annex her and have her as her own, having her own sugar in her coffee and plenty of molasses to lick. [Laughter.]

Talk about the Cubans being guerrillas! Let me call your attention to those brave South Carolinians—Marion, the swamp fox, and Sumter, the gamecock. Did they have any particular place to fight? Did they go out and meet the enemy? No; they hung upon the flanks of the enemy and baffled them. They are the men who repulsed the bloody Tarleton at Kings Mountain, when the spirit of freedom and independence was slowly ebbing. They turned the tide and gave us this great, grand, glorious Government of ours—the land of the free and the home of the brave—where every man can worship under his own vine and fig tree, or not worship at all, if he likes.

Then let us recognize that these Cuban patriots are striving for freedom, are striving for liberty, and let them have that help which they need at the hands of this nation. The spirit which imbues them, the spirit which pushes them on, is that same spirit of freedom which actuated our forefathers when the flag of revolt was flying to the breeze against the black-hearted despotism of Great Britain when our independence was achieved. Let us do all that we can to help the Cubans, who are struggling in that same spirit, for independence, liberty, and freedom. [Applause.]

Mr. QUIGG. I yield five minutes to the gentleman from Minnesota [Mr. KIEFER].

Mr. KIEFER. Mr. Speaker and gentlemen, nearly six weeks have elapsed since these resolutions, having reference to the situation in Cuba, were reported to the House by the Committee on Foreign Affairs. We had been impatient, and I believe the country had been impatient for a long time prior to the 27th day of February, when the report was finally brought in by the distinguished chairman of the committee, Mr. HITT of Illinois. I had filed many petitions from my people, and I know of my own personal knowledge that the heart of every true lover of liberty within the confines of the Fourth Congressional district of Minnesota is in sympathy with those struggling patriots in Cuba, who have for years been denied the privilege of self-government. And I doubt not that my district is but a fair indication of the sentiments and the sympathies of the people of this country from one end to the other. We have received no protests against the passage of these resolutions. And so great was the pressure of public opinion in favor of the recognition of the belligerency of the Cubans when the resolutions were first reported that the upper branch of the Congress—the Senate, which generally moves with such deliberation as to cause the wish to be often expressed in the public prints and elsewhere that that body might reform itself—the Senate of the United States in this instance actually discounted our efforts, and before we could call the previous question on the resolutions the other branch of Congress sent to our doors a set of resolutions declaring that a state of public war existed in the Island of Cuba, and that the struggling people in that benighted land should be duly accorded the rights to which every nation is entitled in the event of hostilities with another nation.

This House saw fit to amend the Senate resolutions in a few minor details. The main and central idea was not changed in the least. By an overwhelming vote we passed them and sent them back to the Senate with slight amendments. But, alas, where was the spirit of liberty and the genius of representative government which had marked the brief but eloquent and soul-stirring debate only a few days previous? Liberty seems to have fled from the Senatorial semicircle and an evil genius crept in, and, like the serpent at the ear of Mother Eve, whispered "delay." And then light gave way to darkness, patriotism to distrust and doubt, and the Senate abjectly capitulated and refused to maintain its former position or stand by its first declarations. I know not why this was done. I do know that it presents an absurd position to the country. For months we have ample evidence that a state of war existed in Cuba. The army of invasion has been pouring in. Spanish men-of-war have been unloading munitions and provisions to lay siege to the citadels of the Cubans. Why delay action a moment longer? Both House and Senate have once said that we should declare the belligerency of the insurgents. There need be no fear of war with Spain. That effete and crumbling monarchy, which for ages suppressed the freedom of the individual, is now making its last rally to perpetuate primogeniture on the Western Continent. I venture the assertion that if we declare in favor of the Cubans other nations will soon follow, and there will be a new republic established within the next year. So I say, let us pass the Senate resolutions, and thus prevent any more delay. Liberty is the watchword of the American people. Do not let us hesitate to declare for the same rights for others which we ourselves enjoy and which cost so much to secure during the first hundred years of this great Republic. [Applause.]

Mr. QUIGG. I yield five minutes to the gentleman from South Dakota [Mr. PICKLER].

Mr. PICKLER. Mr. Speaker, I simply desire to express my sympathy on the side of the Cuban people, and to say that I am for these resolutions. Gentlemen say there is some risk in taking this step. I think that, as far as that is concerned, the risk is small; but, Mr. Speaker, there comes a time to nations as well as to men when to achieve the right, when to stand for principle, when to work out the best results; nations as well as men must take a stand on the side of humanity and progress.

Only a few weeks since, when that ringing message came from the President in regard to upholding the Monroe doctrine on this continent, we heard the same prediction, that war was inevitable. But this House stood by the other House and by the President—stood for the right, stood for the voice of this people as a nation—and the clouds of war have disappeared, and the decision of this people is practically unanimous that Congress was right in the position taken.

The darkest blot, Mr. Speaker, upon the national history in recent years was the refusal of sympathy with the Hawaiian Government in the time of her trouble; and the nation will never be satisfied in regard to that struggling Republic until we have had an opportunity to evince the sentiment which this people have always entertained, and which was misrepresented when the representatives of our Government hauled down the flag upon that island. When freedom, from her mountain height, gave that old standard to this people she required of them that they should keep this old banner in the sky, not only as the emblem of the freedom of her own people, but for liberty struggling people everywhere; that men striving for liberty, men battling for freedom, should behold its folds, be encouraged, and thus be aided in achieving victory.

Struggling Republics always look to this Government. And why? Simply because we are recognized as the greatest Republic on earth; and when gentlemen say we are to take a risk, I would ask them if it is not worth while, when we consider that notwithstanding what it has cost this nation in treasure and lives to uphold a republican form of government, that our liberties maintained and blessings enjoyed compensate for the great cost, is it not worth our while to take such a risk, as we shall in this case, to seek to encourage a people who are striving for liberty and who seek our sympathy in establishing a like form of government, and who are in the same position that we know our fathers were at the institution of this Republic?

There are times, Mr. Speaker, when patriotism can not be measured with dollars. There are times when commerce can not be set off against liberty; and I believe the time has come in this nation as regards the future of that island that for mere mercenary reasons we can not afford to longer remain silent; and the time has come now, in my opinion, when we should speak and when we should speak unanimously. I believe that the people of this nation, Mr. Speaker, after more than a year's reflection, have come to the conclusion not only in the mountains of New England and in the valleys of the West, but on the great prairies beyond, that Congress should act in this matter. I know, Mr. Speaker, that in my own State, where brave pioneers are building homes, sympathy for the struggling people of Hawaii and Cuba, the desire for the enforcement of the Monroe doctrine and a vigorous American policy abounds; and they are willing to assume the responsibility of an affirmative declaration on the resolutions before this House. The people, after mature reflection, have come to the conclusion that it is our duty as a people loving liberty, disregarding the technical and refined constructions, if need be, of international law, it is our duty as a people honoring our fathers, who fought for freedom, to recognize this people; and, Mr. Speaker, I believe that in this case the voice of the people is the voice of God; and that it is our duty to carry out the wishes of the people of this great Republic. [Applause.]

Mr. TUCKER. Mr. Speaker, on a former occasion I gave to the House my views on these resolutions, and as the House has doubtlessly cherished those views very sacredly, I shall not inflict myself upon it to-night but for a moment. But in closing this debate, sir, I want to call the attention of gentlemen to the cardinal principle involved in these resolutions. We are inaugurating in this second resolution a departure from the precedents of this Government, which, if followed, will return to plague the inventor. It is a disposition of interference in the domestic policy of other nations with whom we are on friendly terms that may be brooked by Spain, but the time will come when, if persisted in, we will meet a foeman worthy of our steel.

Mr. Speaker, I am opposed to the resolutions because they are not right. Sympathy for freedom, for liberty, is cheap and beautiful; but I say to my honorable friend from Maine [Mr. MILLIKEN], who always appeals to the warmest sympathies of my heart, that I carry in my heart greater sympathy for 70,000,000 Americans than for a million and a half Cubans. What will it profit this Government if you free Cuba but enslave your own people?

Mr. MAHON. It is not our purpose to do that.

Mr. PICKLER. There is no danger of that.

Mr. TUCKER. Ah! no danger of that. What business have you to interfere with the domestic policy of a foreign country, invite war, and increase the debt of the country?

Mr. MAHON. What business had she to interfere with us?

Mr. TUCKER. When did she interfere?

Mr. MAHON. In 1861. [Loud applause.]

Mr. TUCKER. Why, she did exactly right.

Mr. MAHON. Then we are doing right now. [Renewed applause.]

Mr. TUCKER. Let me say to the gentleman that he is speaking of the first resolution; I am speaking to the second. The first resolution is abstractly right, as the honorable gentleman from New York [Mr. DANIELS] has shown us to-night; but, Mr. Speaker, the first resolution refers merely to belligerency. What right has this House to declare belligerency. The honorable gentleman from Massachusetts who spoke this evening amply developed that subject, showing that the recognition of belligerency is an executive function, and not a legislative one. And but a few weeks ago we heard gentlemen on this floor criticising the Secretary of Agriculture and Mr. Bowler, the Comptroller of the Treasury. Why? Because they had attempted, as parts of the executive of the Government, not to execute its laws, but to make them, as was claimed. Now, what are you doing? With your powers as a legislative body you are simply returning the compliment and attempting to interfere with an executive function. Take the beam out of thine own eye.

Mr. TRACEY. We are trying to hold up his hands.

Mr. TUCKER. Whose hands?

Mr. SMITH of Michigan. I will ask the gentleman from Virginia what section of the Constitution or what law of the United States vests the power to confer belligerency in the Executive of this nation?

Mr. TUCKER. Mr. Speaker, if I had the time, which I have not to-night, I could convince even my unwilling friend from Michigan of the correctness of that proposition.

Mr. SMITH of Michigan. Can you name a section of the Constitution or a law of the United States which vests that power in the Executive?

Mr. TUCKER. I have authorities here by the cart load—more than my friend could carry home with him.

Mr. SMITH of Michigan. If you do not name such a section of the Constitution or such a law, I shall deny that it exists and defy you to name a constitutional provision or a statute that confers that power.

Mr. TUCKER. Well, I shall have to take my friend's defiance for the present. All I mean is this, and my friend himself must recognize it, that whether it is in the Constitution in words or not the right to accord belligerency is an Executive function.

Mr. SMITH of Michigan. I do not recognize it.

Mr. TUCKER. Then my friend is in a large minority.

Mr. SMITH of Michigan. I say to my friend from Virginia that Henry Clay, a distinguished Representative coming from the South, as the gentleman himself does, said in the House of Representatives that when the Executive fails to do his duty, it is the duty of the Legislature to prod him to it and to force him to it. [Applause.]

Mr. TUCKER. And I suppose the gentleman, knowing the

weak character that is now sitting in the White House [laughter], is attempting by these resolutions to force him to do his duty. [Laughter.]

Mr. SMITH of Michigan. We want to call the roll on him.

Mr. TUCKER. Mr. Speaker, the gentleman from Illinois took that view of this matter, that we, as a legislative body, are kindly giving advice to the Executive as to what he ought to do. But, Mr. Speaker, I am not going to take up further time, because I have promised to yield what remains to me to my friend from New York. I hope these resolutions will be defeated for the benefit of Spain, for the benefit of Cuba, but more than all, and above all, for the benefit of the free American people of this country. I hope they will be defeated, because it is the beginning of a policy that means the destruction of our old-time American policy. Unless the United States proposes to become the guardian for all of the weak, puling countries in the South American continent we must not vote for these resolutions.

I now yield the balance of my time to my friend from New York, Mr. QUIGG.

Mr. PICKLER. Before the gentleman sits down, I would like to ask him if he does not think that Cuba is alarmingly near the United States for Spain to be upholding such a government there? Is not Spain a long way from home to maintain a government of that kind?

Mr. TUCKER. Not farther from home than my friend is on this question. [Laughter.]

Mr. BRODERICK. Mr. Speaker, by the law of nations the discovery of new lands, followed by actual possession, invests the discoverer with good title. Spain having discovered and colonized Cuba, she is entitled to the possession of the island against all the world, except it be the Cubans. The claim that the Cubans assert to the country and the right to an independent government rests upon a different principle.

An island or province situated remotely from the parent government and held after the province has sufficient population, intelligence, and resources to maintain a government and desires its establishment is, as a rule, held for revenue only. History abundantly proves that remote possessions have usually been by the parent government negligently or criminally governed. In the very nature of things they could not be fostered and protected as are the people of the home government. The government for Cuba has been no exception to this rule. She has been denied equal representation in the Spanish Cortes, and there has been scarcely any limit to the taxes imposed on the people. Every species of taxation which the ingenuity of man has been able to devise since the beginning of civil government has been imposed in Cuba. These burdens have been laid on both their imports and exports, on every sort of occupation, and in addition to these a per capita tax has been imposed.

Cuba has much more to complain of against Spain because of unjust and burdensome taxation than the American colonies had when they so heroically resisted the stamp act and the Parliamentary tax upon tea.

The title of Spain, derived through discovery and colonization, does not carry with it the right to oppress. There is no such natural or acquired right as this. Governments are no longer maintained for the benefit of kings and princes, though some, I confess, are a little slow in learning this great truth.

Spain's relation to Cuba, from equitable considerations, is somewhat analogous to that of guardian and ward. Having planted her colonies on the island it was her duty to promote their welfare until the colonies had reached their majority; that is, until they were able and desirous of maintaining a government for themselves. Spain can have no title to the inhabitants—to human beings—and the Cubans have, through taxation, paid the Spanish Government for the island more than a hundredfold. In equity she would not be bound to pay for the lands after the long and continuous occupancy, but the fact that she has paid the full value many times over ought to strengthen the claim of her people.

Cuba is now past her majority and asserts her right to freedom. She bases her claim upon her long occupancy, upon the broken promises, mismanagement, and oppressions of the parent Government, and upon the further assertion that she is amply able to establish and maintain a form of government better suited to the wants and conditions of her people.

I take it that any people situated as the Cubans are with reference to Spain, when they are prepared for self-government, even if there were no systematic oppression, would have a good claim to independence, and would be entitled to fair consideration from other nations. Separated by the ocean, and thousands of miles from the home Government, Cuba would almost of necessity be neglected. Add to this neglect the broken promises of 1878, long continued abuses, and misgovernment, and her cause most forcibly appeals to everyone who believes in fair dealing and good government. I take it that it will not be denied that the right of revolution to establish independence is inherent in every people which are so widely separated by the seas from the parent Government as is Cuba.

But the serious question and the one about which there are some differences of opinion is, What are we going to do about it? Our Government is republican in form. All our institutions are founded and conducted upon the idea that the people rule. It is therefore natural that our people should sympathize with those of every land who are contending for better conditions and for larger liberties.

I understand that there is a treaty with Spain which prohibits in this country the organization of military companies for the purpose of aiding revolt in any of the Spanish possessions, but this treaty in no sense precludes our Government from recognizing the fact that a state of hostilities exists in Cuba.

By the Chinese restriction act, passed a few years ago, Congress annulled a stipulation in the treaty with China regarding immigration to this country, and the Federal Supreme Court sustained this act. Hence the law is well settled that Congress has power to annul or modify an international treaty. I am willing to concede that such legislation is not defensible, except in extraordinary cases, but every nation has the undoubted right to self-preservation so long as it is endeavoring to uphold and perpetuate good government. But where a province adjacent to the United States is striving to throw off the yoke of oppression and establish a republican form of government this Government has the right, and it is its duty, to see that fair treatment is accorded to such province. And I say in all candor that I believe the time is at hand when the Chief Executive of the United States should accord to the Cubans full belligerent rights. I know this is an important step, and should always be taken with due sense of the responsibility, but when questions of humanity and free government are involved this, the greatest of Republics, should not hesitate to assert its judgment. When emergencies present themselves responsibilities must be taken. Mr. Lincoln drove the French invaders from Mexico near the close of our great civil war. It required courage, under the circumstances, but Mr. Lincoln was equal to the occasion, and he was sustained by his countrymen.

Mr. Speaker, I am not unmindful of the fact that by international law there are certain tests to be applied by a foreign government in determining when belligerency should be extended to a revolting state. I understand the chief test is whether a state of actual war, as distinguished from a mere insurrection, exists. Another test requires that the revolting state must have made some effort to set up a government, for there should be some tangible organized civil authority or some government in process of formation to supersede the former government, if the revolution should succeed. In the case of Cuba, there can be no question but there exists to-day a military conflict within its borders. Civil government is suspended, or set at naught, except in a few places. The Spanish authorities are, and have been for many months, treating the military operations of Cuba as a forcible revolt against the parental sway. These evidences, coming to us in the most authentic manner, settle the question that Cuba is prosecuting a contest by military force for independence, and that Spain is resisting such contest with all the military force at her command. Every gentleman on this floor must be satisfied that there is public war in Cuba. It is waged by the Cubans on the same principle that our patriot fathers made war against British authority in 1776. It can not be expected, nor has it ever been required, that there should be a fully equipped civil government in operation before belligerency should be accorded. It is sufficient if there is an honest effort being made to organize a new government. The Cubans are making this effort. The evidence on this point is conclusive.

In considering the war between Spain and her colonies in 1825, Mr. Clay, then Secretary of State, said:

> No statesman can have contemplated the colonial relations of Europe and continental America without foreseeing that the time must come when they would cease. That time might have been retarded or accelerated, but come it must, in the great march of human events.

The former relations between Spain and most of her American colonies did cease about that time, but Cuba still remained under parental control. From 1868 to 1878 she made a heroic contest for freedom, but was finally reconciled by promised reformation. These promises have been broken, or at least have not been kept in good faith, and Cuba has again asserted her right to a separation. She has caught the spirit of the age, and is going to be free. Her cause can hardly be retarded much longer.

It has been said that Cubans are not prepared for self-government. This charge was made against the American colonies. It has been made against every people who were struggling to free themselves from the oppressions of old governments. New responsibilities develop latent powers. Experience has demonstrated that self-government produces independent thought and the ability to meet additional obligations. I am convinced that when Cuba becomes free she will be able to establish and maintain a far better government than Spain has ever given her. Believing this, I shall heartily support these resolutions.

The tendency of the times for nations, as well as for individuals, is toward greater freedom. All peoples are seeking better conditions. This onward march can not be checked. Napoleon once

the enforcement of the Monroe doctrine and a vigorous American

[Applause.]

Mr. TUCKER. And I suppose the gentleman, knowing the

are so widely separated by the seas from the parent Government as is Cuba.

is toward greater freedom. All peoples are seeking better conditions. This onward march can not be checked. Napoleon once

declared that "the highest quality of a great general is the ability to see things as they are, and not to make pictures in his own mind." We see to-day this battle being waged everywhere. As Americans, we ought to send greetings to every people who are engaged in this struggle. Every member who has spoken upon these resolutions has asserted his sympathy with Cubans. Declarations upon the floor will give little relief, but we can give substantial aid and sympathy by adopting these resolutions, and I trust it will be done by an unmistakable majority. [Applause.]

The SPEAKER pro tempore. The hour of 10 o'clock having arrived, the Chair, in accordance with the previous order, declares the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. LACEY, from the Committee on the Public Lands, to which was referred House bill No. 7718, reported in lieu thereof a bill (H. R. 7945)) to provide for the entry of lands in Greer County, Okla., to give preference rights to settlers, and for other purposes, accompanied by a report (No. 1113); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. HANLY, from the Committee on Claims:

The bill (H. R. 574) for the relief of Maj. Charles A. Woodruff. (Report No. 1114.)

The bill (H. R. 1625) authorizing the Secretary of the Interior to determine and pay certain claims against the Fond du Lac Indians. (Report No. 1115.)

The bill (H. R. 5701) for the relief of Julius Stahel. (Report No. 1116.)

The bill (H. R. 953) for the relief of William Gray. (Report No. 1120.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 4281) granting a pension to George Johnson, of Lenox, Iowa. (Report No. 1123.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GROSVENOR: A bill (H. R. 7946) to reorganize and increase the efficiency of the personnel of the Navy of the United States—to the Committee on Naval Affairs.

By Mr. PAYNE: A bill (H. R. 7947) to amend section 2502 of the Revised Statutes of the United States—to the Committee on Ways and Means.

By Mr. KIEFER: A bill (H. R. 7948) authorizing the Secretary of War to recognize the organizations of the Sons of Veterans as part of the military reserve of the United States—to the Committee on the Militia.

By Mr. FISCHER: A concurrent resolution (House Con. Res. No. 39) concerning the distribution of seed—to the Committee on Agriculture.

By Mr. PICKLER: A resolution (House Res. No. 235) to fix time for consideration of H. R. 5549—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. DOLLIVER: A bill (H. R. 7949) to increase the pension of Margaret E. Pierce—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 7950) granting a pension to Mary E. Radcliffe, of Wheeling, Ohio County, W. Va.—to the Committee on Invalid Pensions.

By Mr. FARIS: A bill (H. R. 7951) to pension Rhoda L. Day and Jettie Annis—to the Committee on Pensions.

By Mr. HAGER: A bill (H. R. 7952) granting a pension to Mary J. Shaw—to the Committee on Invalid Pensions.

By Mr. HANLY: A bill (H. R. 7953) to increase the pension of Philip Caslow—to the Committee on Invalid Pensions.

By Mr. HOOKER: A bill (H. R. 7954) to pension James H. Rathburn, father of Charles B. Rathburn—to the Committee on Invalid Pensions.

By Mr. HOWE: A bill (H. R. 7955) to remove the charge of desertion from the naval record of William Kiernes—to the Committee on Military Affairs.

By Mr. HULICK: A bill (H. R. 7956) to remove the charge of desertion from the military record of John S. Cadamy—to the Committee on Military Affairs.

Also, a bill (H. R. 7957) to remove charge of desertion from military record of Thomas Reveal—to the Committee on Military Affairs.

By Mr. HULL: A bill (H. R. 7958) for the relief of Edmund E. Schreiner—to the Committee on Military Affairs.

By Mr. MILLIKEN: A bill (H. R. 7959) granting an increase of pension to Robert W. Groves—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7960) granting an increase of pension to John Dow—to the Committee on Invalid Pensions.

By Mr. NOONAN: A bill (H. R. 7961) for the relief of John Mellifont and Ellen Riordon—to the Committee on War Claims.

By Mr. PICKLER: A bill (H. R. 7962) granting a pension to Horace Perry—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 7963) grating a pension to Bertha Lovings—to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 7964) granting a pension to Annie E. Bassett—to the Committee on Invalid Pensions.

By Mr. WELLINGTON: A bill (H. R. 7965) to carry out the findings of the Court of Claims in the case of the estate of Joshua Newcomer, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7966) to carry out the findings of the Court of Claims in the case of the estate of John Middlekauff, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7967) to carry into effect a finding of the Court of Claims in favor of William Garrett, late of Montgomery County, Md.—to the Committee on War Claims.

Also, a bill (H. R. 7968) to carry out the findings of the Court of Claims in the case of H. Harrison Beeler—to the Committee on War Claims.

By Mr. WILLIS: A bill (H. R. 7969) to increase the pension of Joseph E. Vantine—to the Committee on Invalid Pensions.

By Mr. PEARSON: A bill (H. R. 7970) for the relief of Christian Hahn, in accordance with the award of the Court of Claims—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AITKEN: Petition of the Michigan Agricultural College, in favor of a bill to fix the standard of weights and measures by the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. ALDRICH of Illinois: Petition of residents of the First Congressional district of Illinois, favoring a bill to fix the standard of weights and measures by the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. BARHAM: Petition of citizens of Santa Rosa, Cal.; also of citizens of Tehama County, Cal., asking for the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. BROSIUS: Petition of the Christian Temperance Alliance of Pennsylvania, in favor of a national commission to investigate and report upon the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. CURTIS of Kansas: Petition of the members of Woodson Post, No. 185, Grand Army of the Republic, Department of Kansas, of Yates Center, and citizens of Yates Center, Kans., for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: Affidavits in support of House bill No. 4376, for the relief of Christian Daniels—to the Committee on Invalid Pensions.

By Mr. DOLLIVER: Papers to accompany House bill to increase the pension of Margaret E. Pierce—to the Committee on Invalid Pensions.

By Mr. DOVENER: Petition of W. W. Badley and 47 other residents of Wheeling, W. Va.; also of Washington Council, No. 1, Order United American Mechanics, of Wheeling, W. Va., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. EVANS: Petition of Marion Gordon and others, of Louisville, Ky., in relation to the Marquette statue in Statuary Hall—to the Committee on the Library.

By Mr. FARIS: Papers to accompany House bill No. 6079, for the relief of Jeremiah Sullivan—to the Committee on Military Affairs.

By Mr. HANLY: Evidence to be filed with and accompany House bill to increase the pension of Philip Caslow—to the Committee on Invalid Pensions.

By Mr. HEATWOLE: Petition of citizens of Minnesota, praying for the protection of game, birds, and fish—to the Committee on Interstate and Foreign Commerce.

By Mr. HEMENWAY: Resolutions of Council No. 61, American Protestant Association, relating to the matter of the Marquette statue—to the Committee on the Library.

By Mr. HULICK: Petition of the Chamber of Commerce of Cincinnati, Ohio, indorsing the proposition to create a department of commerce and manufactures as a branch of the executive department of the Government—to the Committee on the Judiciary.

By Mr. LACEY: Petition of C. C. Terrell, of Forest Home,

Iowa, asking that religious publications be given the advantage of the act of Congress of July 16, 1894, relative to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of George E. Wilson, of Royalton, Minn., for relief—to the Committee on the Public Lands.

By Mr. LAYTON: Memorial of the American Society for the Prevention of Cruelty to Animals, protesting against the passage of Senate bill No. 2261 (H. R. 6508), providing for an international humane and sanitary conference—to the Committee on Interstate and Foreign Commerce.

By Mr. LEONARD: Remonstrance of citizens of Lycoming County, Pa., against permitting the statue of Marquette to remain in Statuary Hall—to the Committee on the Library.

By Mr. LINTON: Petition of Charles H. Bement, of Laingsburg, Mich.; also of G. H. Slocum, of Caro, Mich., in favor of the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Frank H. Rose, of Corunna, Mich., protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of St. Louis, Mo., praying for the passage of joint resolution No. 11, that neither Congress nor any State shall pass any law respecting the establishment of religion, etc.—to the Committee on the Judiciary.

Also, resolutions adopted by the National Association of the Agricultural Implement and Vehicle Manufacturers of the United States, asking that the Interstate Commerce Commission publish certain statistics—to the Committee on Interstate and Foreign Commerce.

Also, petition signed by citizens of Saginaw County, Mich., asking that a bill be passed taxing filled and skimmed cheese—to the Committee on Ways and Means.

By Mr. McCLEARY of Minnesota: Petition of the Department of Minnesota, Grand Army of the Republic, favoring the bill establishing a military park at Vicksburg—to the Committee on Military Affairs.

By Mr. PRINCE: Petition of W. H. Gibbs and 110 other citizens of Galva, Ill., in favor of the passage of the joint resolution No. 11, proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. RUSSELL of Connecticut: Petition of the Liquor Dealers' Association of Connecticut, against the passage of House bill No. 6668, to amend an act regulating the sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHAFROTH: Petition of George H. Harries, of Pueblo, Colo.; also of J. N. Counter, of Colorado, for the passage of House bill No. 4566, relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Colorado Woman's Christian Temperance Union, Mary Jewett Telford, president, favoring the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of citizens of Longmont and Boulder County, Colo., favoring the passage of joint resolution No. 11, proposing an amendment to the Constitution—to the Committee on the Judiciary.

By Mr. SORG: Petition of Wayne Council, No. 90, Order United American Mechanics, unanimously indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. SNOVER: Petition of Detroit Manufacturers' Club of Detroit, Mich., for financial legislation—to the Committee on Banking and Currency.

By Mr. SULLOWAY: Petition of Annie Bell Carswell, councilor, Benjamin Leacock, secretary, and 73 others, of Lady Wentworth Council, No. 18, Daughters of Liberty, Manchester, N. H., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. TRELOAR: Petition of Fred Reather Post, No. 420, Grand Army of the Republic, Department of Missouri, of Montgomery City, praying for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. WELLINGTON: Petition of Mrs. R. T. Viers, of Montgomery County, Md., praying that the war claim filed by William A. Viers, now deceased, be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of D. H. Wyand, executor, asking aid in the settlement of the war claim of Frederick Wyand—to the Committee on War Claims.

Also, petition of Basil L. Bean, of Montgomery County, Md., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the heirs of James Orme, deceased, late of Montgomery County, Md., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of John Mullieau, of Montgomery County, Md., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of James T. West, of Montgomery County, Md., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of William R. Beall, of Montgomery County, Md., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of B. L. Fox, of Montgomery County, Md., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Alexander F. Boswell, of Montgomery County, Md., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the heirs of Patrick Connolly, deceased, late of Montgomery County, Md., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

SENATE.

MONDAY, *April 6, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Thursday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with the provisions of the act of March 2, 1895, a report from the Commissioner of Indian Affairs, together with a report from Indian Agent D. A. Wisdom, of the Union Indian Agency, Ind. T., showing payments by the Cherokee Nations to such persons as would accept the same and the amounts awarded them by the appraisers appointed under the provisions of the act to appraise the value of improvements of intruders in that nation; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Postmaster-General, transmitting, in compliance with the act of Congress of May 9, 1888, the claim of R. M. Ridgely, postmaster at Springfield, Ill., for credit on his postal account for postage stamps and key-deposit funds stolen from his office April 3, 1895; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the American Society for the Prevention of Cruelty to Animals, of New York, remonstrating against the passage of Senate bill No. 2261, providing for an international humane and sanitary conference; which was referred to the Committee on Commerce.

He also presented a petition of the National Woman's Christian Temperance Union, praying for the appointment of an impartial national commission of inquiry to investigate and report upon the alcoholic liquor traffic, its relation to crime, pauperism, and the general welfare of the public; which was referred to the Committee on Education and Labor.

He also presented a petition of the assembly of the State of New York, praying for the enactment of legislation establishing a military park to commemorate the campaign, siege, and defense of Vicksburg; which was referred to the Committee on Military Affairs.

He also presented a petition of the Chamber of Commerce of New York, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a petition of the faculty and students of Tualatin Academy and Pacific University, Forest Grove, Oreg., and a petition of the Woman's Christian Temperance Union of Wisconsin, praying for the establishment of an international board of arbitration between the United States and Great Britain; which were referred to the Committee on Foreign Relations.

Mr. SHERMAN presented a petition of Unity Lodge, No. 309, International Association of Machinists, of Cleveland, Ohio, and a petition of Lodge No. 438, International Association of Machinists, of Canton, Ohio, praying for an investigation of the treatment of employees of the Brooklyn (N. Y.) Navy-Yard and other navy-yards of the United States; which were referred to the Committee on Naval Affairs.

Mr. PEFFER presented the petition of Joseph Silver, of Aberdeen, S. Dak., praying for the enactment of legislation requiring the Secretary of the Treasury to redeem Government obligations in gold and silver coin alike; which was referred to the Committee on Finance.

He also presented the petition of A. N. Lee and 18 other citizens

of Kansas, and the petition of E. E. Warner and 183 other citizens of Randolph County, Ind., praying for the passage of Senate bill No. 239, to amend the internal-revenue laws of the United States so as to prohibit the issuance of permits to sell intoxicants in the State of Kansas except to those who hold permits issued by the laws of that State; which were referred to the Committe on Finance.

Mr. McMILLAN presented sundry petitions of citizens of Washington, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and remonstrating against the extension of the tracks of that company until its existing lines are modernly equipped and operated; which were referred to the Committee on the District of Columbia.

He also presented petitions of the congregations of the Christian, Methodist Episcopal, and Congregational churches of Romeo, Mich., and a petition of the Woman's Humane Missionary Union of the Congregational churches of Michigan, praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a petition, in the form of resolutions adopted by the Northeast Washington (D. C.) Citizens' Association, praying for the enactment of legislation to compel the Washington Gas Light Company to publish a list of names of persons who have deposited money with that company for the purpose of securing the payment of gas bills; which was referred to the Committee on the District of Columbia.

Mr. PRITCHARD presented the memorial of Marcus Mason and sundry other citizens of Beaufort, N. C., remonstrating against the enactment of legislation abolishing compulsory pilotage; which was referred to the Committee on Commerce.

He also presented the petition of James E. Shepard, Rev. J. S. Derry, Rev. S. H. Witherspoon, Rev. A. Shepard, Hon. J. H. Young, and 96 other citizens of North Carolina, praying for the passage of Senate bill No. 886, to provide a national home for aged and infirm colored people of the United States of America; which was referred to the Committee on the District of Columbia.

Mr. MILLS presented sundry petitions of citizens of Greer County, Okla., praying that they be relieved from the present uncertain condition of their lands, and stating that it would be to the best interest of that county to cede or sell these lands to the State of Texas; which were referred to the Committee on Public Lands.

Mr. FRYE presented a petition, in the form of resolutions adopted by the Chamber of Commerce of Louisiana, of New Orleans, La., and a petition, in the form of resolutions adopted by the Bangor Board of Trade, of Bangor, Me., praying for the establishment of a department of commerce and manufactures; which were referred to the Committee on Commerce.

Mr. PETTIGREW presented the memorial of Dr. A. Slaman and 89 other citizens of the United States, remonstrating against the adoption of the proposed religious amendments to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented the memorial of Thomas Austin and 17 other citizens of Davison County, S. Dak., and the memorial of James S. Hunter and 15 other citizens of Mount Vernon, S. Dak., remonstrating against the introduction of military training in the public schools of the country; which were referred to the Committee on Military Affairs.

Mr. BURROWS presented the memorial of William Jackson and 34 other citizens of Detroit, Mich., and a memorial of sundry citizens of Michigan, remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which were referred to the Committee on the Library.

He also presented the petition of Rev. Dan F. Bradley, pastor, and the congregation of the Park Congregational Church, of Grand Rapids, Mich., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of 125 citizens of Grand Rapids, Mich., remonstrating against the appropriation of money for sectarian purposes; which was referred to the Committee on Appropriations.

Mr. LODGE presented the petition of Gen. Francis A. Walker, president of the Massachusetts Institute of Technology, and 33 other citizens of Massachusetts, praying for the adoption of a uniform metric system of weights and measures; which was referred to the Committee on Finance.

Mr. NELSON presented a petition of the Grand Army of the Republic, Department of Minnesota, praying for the establishment of a military park to commemorate the campaign, siege, and defense of Vicksburg; which was referred to the Committee on Military Affairs.

He also presented a petition of the Grand Army of the Republic, Department of Minnesota, praying for the speedy recognition as belligerents of the Cuban patriots in their struggle for freedom; which was ordered to lie on the table.

Mr. TURPIE (for Mr. VOORHEES) presented sundry petitions of citizens of Indiana, praying for the enactment of legislation to provide 1-cent letter postage per half ounce, and also to amend the postal laws relating to second-class and free mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also (for Mr. VOORHEES) presented a memorial of the American Society for the Prevention of Cruelty to Animals, remonstrating against the passage of Senate bill No. 2261, providing for an international humane and sanitary conference; which was referred to the Committee on Commerce.

He also presented the memorial of Miss L. E. Reed, editor of the Organizing Publishing Company, of Indianapolis, Ind., and a memorial of sundry citizens of New Albany, Ind., remonstrating against the passage of House bill No. 4566, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented a memorial signed by sundry citizens of Nebraska, Idaho, and Washington, remonstrating against the passage of a Pacific Railroad funding bill; which was referred to the Committee on Pacific Railroads.

He also presented a petition of sundry citizens of Sidney, Nebr., praying for the enactment of legislation granting to the State of Nebraska, for educational purposes, the grounds of the old Fort Sidney Military Reservation; which was referred to the Committee on Military Affairs.

Mr. HOAR presented the petition of Rev. Hugh Johnston, pastor of the Metropolitan Methodist Episcopal Church, of Washington, D. C., praying for the enactment of legislation prohibiting interstate gambling; which was referred to the Committee on the Judiciary.

He also presented the petition of Charles A. Burnham, of Derry, N. H., praying for the enactment of legislation to pay him an amount of money claimed to have been unlawfully withheld from his grandfather, Maj. John Burnham, an officer in the Revolutionary war; which was referred to the Committee on Claims.

Mr. HARRIS presented a petition, in the form of resolutions adopted by the Chamber of Commerce of Nashville, Tenn., praying for a discontinuance of the discussions in Congress on international questions, and also for a wise and careful consideration of our currency and finances; which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Tennessee, remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

Mr. MANTLE presented the memorial of T. B. Hammond, W. Winlan, F. E. Curtis, L. M. Boyce, and sundry other citizens of Butte, Mont., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

Mr. VILAS presented the petition of Rev. S. H. Anderson and Rev. William A. Gerrie, pastors of the Methodist and Congregational churches of Clintonville, Wis.; the petition of David J. Whiting, pastor of the Methodist Episcopal Church of Platteville, Wis., and a petition of the South Central Wisconsin Christian Endeavor Union, praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

AMENDMENT OF HOMESTEAD LAWS.

Mr. PETTIGREW. I present an argument made by Hon. H. R. Pease, before the Senate Committee on Public Lands, April 3, 1896, on Senate bill No. 1571, proposing to amend the homestead laws. I move that the paper be printed as a document, and that it be referred to the Committee on Public Lands to accompany the bill.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on the Judiciary, to whom was referred the bill (S. 1200) providing for an additional circuit judge in the sixth judicial circuit, reported it without amendment.

He also, from the Committee on Territories, to whom was referred the bill (H. R. 5217) making one year's residence in a Territory a prerequisite to obtaining a divorce there, reported it with amendments.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 614) for the relief of James G. Reed, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. PERKINS, from the Committee on Fisheries, to whom was referred the bill (S. 2022) to amend an act entitled "An act to provide for the protection of the salmon fisheries of Alaska," reported it with amendments.

Mr. BUTLER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1082) for the relief of Irwin Tucker, postmaster at Newport News, Va., reported it without amendment, and submitted a report thereon.

Mr. PETTIGREW, from the Committee on Public Lands, to whom the subject was referred, reported an amendment intended to be proposed to the sundry civil appropriation bill, the amendment authorizing the use or lease of Sibley Island, in the Missouri River, near the city of Bismarck, N. Dak., for public assemblies, etc., and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. VILAS, from the Committee on Pensions, to whom was referred the bill (S. 2635) granting a pension to Caroline Watkins, reported it without amendment, and submitted a report thereon.

Mr. GORMAN. On behalf of my colleague [Mr. GIBSON], who is detained from the Senate by illness, I have been requested to report for him, from the Committee on Naval Affairs, with an amendment, the joint resolution (S. R. 89) directing and authorizing the Secretary of the Navy to appoint a board of three officers of the Navy to proceed to Navassa Island, in the West Indies, and examine and report upon the cost of establishing a coaling station for the United States Government on said island.

The VICE-PRESIDENT. The joint resolution will be placed on the Calendar.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 2725) to establish a railroad bridge across the Illinois River at a point within 5 miles from and above the upper limits of Grafton and a point in Calhoun County, in said State, opposite or nearly opposite the said point in said Jersey County, all in the State of Illinois; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MITCHELL of Oregon introduced a bill (S. 2726) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891; which was read twice by its title, and referred to the Committee on Indian Depredations.

Mr. SHERMAN introduced a bill (S. 2727) to relieve Alfred Burgess from the charge of desertion; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. BATE introduced a bill (S. 2728) for the relief of George T. Vance and Guy P. Vance, executors of the estate of William L. Vance, deceased, late of Memphis, Tenn.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 2729) granting a pension to Emma Weir Casey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 2730) for the relief of Kate Winter; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PRITCHARD introduced a bill (S. 2731) for the relief of Thomas H. Atkinson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2732) for the relief of G. M. Woodruff; which was read twice by its title, and referred to the Committee on Claims.

Mr. PETTIGREW introduced a bill (S. 2733) to provide for the purchase of a site and the erection of a public building thereon at Lead, in the State of South Dakota; which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. TURPIE (for Mr. VOORHEES) introduced a bill (S. 2734) granting an increase of pension to Jesse C. Yocum; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. VOORHEES) introduced a bill (S. 2735) to give a special rating to certain wounds received by soldiers and sailors of the late war of the rebellion, and other wars not heretofore rated in former pension legislation; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. VOORHEES) introduced a bill (S. 2736) granting a pension to James McCarthy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. VOORHEES) introduced a bill (S. 2737) granting a pension to Mrs. Henrietta Bixler; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. VOORHEES) introduced a bill (S. 2738) granting an increase of pension to William A. Brown; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 2739) to confirm the title to the Aspen town site in the State of Colorado; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. CHILTON introduced a bill (S. 2740) to establish and provide for the government of Greer County, Okla., and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BURROWS introduced a bill (S. 2741) to reclassify railway postal clerks and prescribe their salaries; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. HAWLEY introduced a bill (S. 2742) for the relief of Charles Fletcher, alias James H. Mitchell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2743) to determine the lineal rank of medical officers of the Army upon entrance into the service; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CARTER introduced a bill (S. 2744) for the relief of Andrew Lindsay, of Rancher, Custer County, Mont.; which was read twice by its title, and referred to the Committee on Indian Depredations.

Mr. MITCHELL of Oregon introduced a joint resolution (S. R. 120) to declare the intent and meaning of the act of Congress approved January 29, 1887, granting pensions to the soldiers and sailors of the Mexican war; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McMILLAN introduced a joint resolution (S. R. 121) to amend an act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian reservations, in the State of Minnesota; which was read twice by its title, and referred to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the sundry civil appropriation bill, providing for the erection of a public building at Deadwood, S. Dak.; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. GEORGE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. GORMAN (for Mr. GIBSON) submitted an amendment intended to be proposed to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 1st instant approved and signed the following joint resolutions:

A joint resolution (S. R. 111) to authorize Benjamin Harrison to accept certain medals presented to him while President of the United States; and

A joint resolution (S. R. 114) authorizing and directing Bernard R. Green to exercise the duties and powers heretofore conferred upon the late Gen. Thomas L. Casey, in relation to the construction of the Library of Congress.

THE REVENUE BILL AND SILVER COINAGE.

Mr. MANTLE. I give notice that upon next Thursday, at the conclusion of the morning business, I shall call up the resolution submitted by my colleague [Mr. CARTER] February 19, 1896, proposing to recommit House bill 2749 to the Committee on Finance, and with the indulgence of the Senate I shall ask permission to submit a few remarks thereon.

POST-OFFICE APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of House bill 6614, being the Post-Office appropriation bill.

The motion was agreed to.

The VICE-PRESIDENT. The pending question is on the amendment of the Senator from Colorado [Mr. WOLCOTT].

WAR IN CUBA.

Mr. CALL. I propose to ask the Senator from Iowa if he has any objection to the consideration of the joint resolution in relation to Cuba, which I introduced on the last legislative day? The Senator from Indiana [Mr. TURPIE] is ready to submit some remarks upon it if there is no particular reason for urgency in regard to the appropriation bill.

Mr. ALLISON. I shall gladly yield to the Senator from Florida to take up any question that will not lead to debate, but certainly no more important question can now be brought before us than the consideration of the appropriation bills. I much regret to decline to yield, but I must do so, as I presume the joint resolution will lead to more or less debate.

Mr. CALL. I give notice, then, that I shall ask to-morrow morning, after the conclusion of the routine business, to take up for consideration the joint resolution relating to Cuba that I introduced on the last legislative day.

Mr. HALE. What is the condition of the resolution offered

by the Senator from Florida? I supposed it had gone to the Calendar.

The VICE-PRESIDENT. It is a joint resolution, and it has gone to the table.

Mr. HALE. Under the rule a resolution going over goes to the Calendar on the second day.

Mr. CALL. I asked that it should be laid upon the table in order that it might be taken up at any time the Senate is willing that it shall be considered. I shall ask to-morrow morning, after the morning business, that it may be taken up at least for some observations to be made by the Senator from Indiana and perhaps by myself.

The VICE-PRESIDENT. In response to the parliamentary inquiry of the Senator from Maine, the Chair will state that the resolution introduced by the Senator from Florida is a joint resolution, and it has gone to the table. It can be taken up by motion.

Mr. HALE. I so understand. It can only be taken up by motion.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897.

Mr. ALLISON. I believe the pending question is on the amendment proposed by the Senator from Florida [Mr. PASCO], and that he is entitled to the floor.

Mr. WOLCOTT. I understand that the amendment now in order is the amendment offered by the Senator from Massachusetts [Mr. LODGE] and reported by me from the Committee on Post-Offices and Post-Roads.

Mr. ALLISON. I may be mistaken, but I understood the Senator from Florida at the last day's session to offer an amendment to that amendment.

Mr. PASCO. It was in connection with the same subject-matter, but I decided, for the time being at all events, not to offer it as an amendment to the amendment.

Mr. WOLCOTT. So I understood.

Mr. PASCO. I will let it stand on its own merits for the present.

Mr. WOLCOTT. Mr. President, I find it necessary to ask the indulgence of the Senate for a few moments more in reference to the amendment which was offered originally by the junior Senator from Massachusetts [Mr. LODGE], and which was afterwards reported by the Committee on Post-Offices and Post-Roads, and referred upon the recommendation of that committee to the Committee on Appropriations, and which, unfortunately, from the point of view I take, was not reported from that committee.

I find that we were all of us in some error on Thursday last as to the phraseology of the amendment, and if I shall not only ask to correct it, but also ask to add to the amendment, and if these constant amendments seem rather of a blundering character, the Senate will understand that when the pending appropriation bill was brought in for consideration it was the first time that the Committee on Post-Offices and Post-Roads or any member of it had seen it. There is perhaps no reason why we should have seen it; and yet if an opportunity had been tendered to the committee or its members to have seen something of the provisions to be inserted, if we could have been advised somewhat as to the character of the amendments recommended by the committee or which were to be rejected, it is possible we might have saved a little of the time of the Senate, although I do not know that we could have hoped to have illumined the intelligence of the Committee on Appropriations.

Upon Thursday we unanimously excluded the use of the word "superintendents" upon the suggestion of the chairman of the committee that there were no such persons as superintendents in the postal service. I find that under the provisions of law there are superintendents who are very much alive and very much needed in the postal service. These superintendents fill a recognized function, and the presence of the word "superintendent" is absolutely essential in the amendment and should not have been stricken from it. I refer the chairman of the committee to section 451 of the postal laws, at the top of page 200:

Superintendents of stations, 10 classes, salary graded in even hundreds of dollars, from $1,000 to not exceeding $2,000 per annum, except at New York, N. Y., where the salaries of the superintendents of stations "A" and "D" shall be fixed at $2,500 each per annum, and superintendents of stations "E" and "F" shall be fixed at $2,200 each per annum.

These superintendents take the place wherever a second-class post-office is consolidated with the other post-offices under the classification of clerk hire. The clerk in charge of these stations is known as a superintendent of the office, and therefore this word should have been retained in the amendment.

There are in the postal service the post-office, the station, the substation, and the stamp agency. To the public at large it is a post-office, but these distinctions are the distinctions recognized by the Department. The post-office has its boxes, its money orders, its registry division, its stamps, its carriers, and its clerks, if it is a free-delivery office. The person in charge when it becomes a station is a superintendent, and his salary is fixed at from $1,000 to $2,000. The substation under the consolidation plan of the Department ordinarily has no boxes, although it sometimes has. It does not have free delivery—that is, the free delivery in the community, if it is a substation, comes from the main office. It does have the sale of stamps; it has registry; it has money orders. These clerks are compensated under the provisions of section 451 and paid from $100 to $1,000. A substation is usually located in a community where there is free delivery, but the free delivery is not from the substation itself—that is, the carriers do not start on their rounds from the substations—but the public is equally served from the substations. Stamp agencies are common in all cities of the country, and the compensation of a stamp agent is $24 a year. There is no clerk hire in third and fourth class post-offices, and whenever clerk hire is to be awarded, as it often must, it comes under the provisions of law which provide for compensation where there are separating offices; for instance, at the terminus of a railroad there will be mail distributed for a half dozen stage routes, and there there may be clerk hire needed.

Then, under the clause of the appropriation bill which applies money is allowed the third and fourth class offices for separating offices. So the offices are gathered together for the efficiency of the service. For instance, there is the main office in the city of Chicago. There are 26 stations; there are 69 substations; there are 190 stamp agencies. And to secure this result there were 59 post-offices consolidated inside the city of New York and its suburbs and brought under one management, and some of those offices are 15 miles from the city. They have not lost their separate names to the public at large; they are still separate post-offices, but as a matter of fact they come under one compact, simple business management, where there is upon the ground and in the immediate vicinity a supervising head, who inspects the offices regularly and looks after the management of their affairs, and sees that they are conducted upon business principles, and instructs new postmasters in their duties.

Mr. President, do you know that we are now making fourth-class post-offices, and have done so for the last ten years, at the average rate of 2,013 a year? At 50,000 of the fourth-class post-offices of the United States the postmaster has an annual compensation of less than $50. It is utterly impossible under present appropriations to make any sort of investigation and inspection of all these offices. I am told that there are offices where for fifteen years no inspector has been able to go, because there are too few inspectors. They are called upon to report as to the changing of routes, as to the construction of new buildings, and as to a thousand other things; indeed, when there is a specific case of robbery; but as to the general inspection of this great army of 70,000 postmasters it is utterly impossible that from this main office, where there is no intermediate authority to supervise and to inspect and to govern, there should be any sort of efficient management of those offices.

Meanwhile from the central office at Washington there are 70,000 separate accounts to be kept, increasing, as I have said, at the rate of something like 2,000 a year; and it goes not only to the supply of stamps and stamped envelopes, but if there is twine needed, or wrapping paper, or canceling stamps, or the thousand and one little items that go to make up the small business of a postmaster in a little town, he is compelled to send his requisition here to the Post-Office Department, which has to open a separate account with him, sometimes four or five thousand miles away, with the same particularity and the same precision and the same separateness with which it would be compelled to deal with the postmaster at San Francisco, Cal. All this is to be averted and avoided by putting in central communities an inspection power, a supervisory power, which is to reach out and take in these postmasters.

There are no politics about it. Politics cut not the least figure in it in the world; it is efficiency of management. Of all business in the world which the Government conducts, there is none which should be so free from political taint as the post-office. It is essentially a great, huge business. The man who has to receive our letters and transmit them for delivery ought not to be a man whose employment and detention in office depend upon whom he voted for for President of the United States and as to whom he will vote for next. It ought to be based upon his integrity, his ability, his intelligence, and upon nothing else. Just so long as we base these employments upon political service alone, just so long will there be constant deficits in the Post-Office revenues as against its expenditures, and just so long will the people be prevented from having that low rate of letter postage which is the goal to which we all look forward, which is the reform which every Postmaster-General hopes to see some day attained.

Mr. President, the Senate is composed of men of consummate wisdom, but it seems that the assembled wisdom of the Senate on Thursday last was not sufficient to embrace the subject of the

civil service, and so far as I know no one of us knew what the provision of the civil-service law was. At least, no one was able to enlighten us, and the consequence was that we all talked a great deal more learnedly than we would probably have done if we had known anything about it. We had a great deal of pathos wasted here about the old postmasters at the country stores, who had served for years, reading everybody's postal cards, and, as the Senator from Connecticut [Mr. HAWLEY] suggested, finding somebody going down Oak lane and getting him to carry a religious newspaper to his neighbor, and he feared these men were to be turned adrift upon a cold and unfeeling world and their place supplied by somebody who knew something.

As a matter of fact, Mr. President, the provisions of the civil-service law adopted in 1893 provided for the general classification of these clerks. As post-offices were extended, widened out, more offices embraced, then the clerks of the classified service were to be embraced in the office. But as late as November 12, 1895, the Civil Service Commission promulgated a proclamation by the President of the United States which entirely protected the people now employed in office by amending as follows:

And whenever, by order of the Postmaster-General, any post-office shall be consolidated with, and made a part of, another post-office where free delivery is established, all the employees of the office thus consolidated, whose names appear on the roster of said office approved by the Post-Office Department, and including the postmaster thereof, shall, from the date of said order, be employees of said free-delivery office, and the person holding on the date of said order the position of postmaster at the office thus consolidated with said free-delivery office may be assigned to any position therein and given any appropriate designation under the classification act which the Postmaster-General may direct.

Clerks were provided for in 1893. In 1895 it was expressly provided by law that when an office is consolidated the postmaster in charge shall be covered into the civil service as a clerk and shall continue to be employed. So far as the post-offices are concerned in the little stores, they will continue to be kept in the same little places. The local habitation of the post-office is not changed, but instead of its being swapped around whenever there is a change of Administration so that the Democratic grocery store keeper gets it one Administration and the Republican grocery store keeper gets it the next Administration, instead of being run as a sort of political machine, irrespective of the integrity or the ability or the training of the person who has charge of the letters, at some proper place within each village the little post-office is established. The clerk put there is under the immediate supervisory power of some postmaster near by who can keep him inspected and see that he does his duty, and see that he does not keep letters a month until he finds somebody going down Oak Lane to deliver them, and see that the office is managed so that the public gets the benefit of it.

Mr. HAWLEY. Will the Senator allow me to ask him a question? A clerk goes from Baltimore to Laurel to take charge of the post-office there, and the old postmaster is dismissed. Who is going to keep the office? The clerk is not supposed to be a resident of the place.

Mr. WOLCOTT. The old postmaster is not dismissed. If the Senator from Connecticut had done me the honor to listen to this proclamation of the President he would see that the postmaster is not dismissed by the fellow who goes down from Baltimore to Laurel.

Mr. HAWLEY. But what is the fellow who goes down going to do when he gets there? Your civil-service clerk is sent down from Baltimore. He can not run the post-office.

Mr. WOLCOTT. I understand that the old postmaster is retained.

Mr. HAWLEY. But what is the new man going to do when he gets there?

Mr. WOLCOTT. If the old postmaster is retained there is no need of a new man.

Mr. HAWLEY. But how do you know that the old postmaster wants to be a clerk?

Mr. WOLCOTT. If the old postmaster resigns and gets out of the office then the new man goes there. He goes around to two or three stores in the village and they are all tickled to death to get the post-office, because it brings trade. He looks around and finds that here is the cleanest and best place, with the least suspicion of rumselling about it, a place where little children and ladies would go to get their mail, and he rents that for an office. He makes an arrangement a great deal better for the Government and a great deal better for the persons who get their mail than the old arrangement which gave the office as a reward for party service.

Mr. HAWLEY. Then you would have two postmasters there?

Mr. WOLCOTT. You would not have two postmasters. If the old postmaster should resign he would probably go out West and grow up with the country.

Mr. HAWLEY. And the new man has to go around and beg for a place in which to hold the post-office.

Mr. WOLCOTT. No; the Government pays the rent. He has not to beg for anything. The statistics of the consolidated offices show that they have a great deal better service, and that it costs much less money than by the old system.

Mr. HAWLEY. It shows that to be the case in the big cities.

Mr. WOLCOTT. It shows it in the country towns, too. Now, I will come to what the Senator from Connecticut is objecting to. You would find sometimes in the limits of a city a whole lot of different postmasters. I will call the Senator's attention to some of these Oak Lane places. Here is the post-office at New Haven, Conn. Within the city limits of New Haven there is the post-office known as Westville, and the population served is about 2,000. Westville is distant from the city of New Haven about 3 miles, while just outside the city limits, and in some cases actually nearer the New Haven post-office, are the following independent post-offices:

West Haven, 2½ miles from New Haven post-office; salary of postmaster, $1,400. Population about 3,000.

East Haven, 5 miles from New Haven post-office; salary of postmaster, $342.

Montowese, 4½ miles from New Haven post-office; salary of postmaster, $1,100. Population about 2,000.

Whitneyville, 5 miles from New Haven post-office; salary of postmaster, $1,000. Population about 2,000.

Highwood, 2½ miles from New Haven post-office; salary of postmaster, $327.

The total salary and allowances of the six independent offices named above is $5,530. Stations and substations in lieu of these offices could probably be maintained for less than $5,000 and far better service given.

Now, I will ask the Senator from Connecticut if he thinks there is a place where these country postmasters ought to be kept. Every one of these places is within 4 or 5 miles of New Haven, and I will show him in a moment where, within the limits of the cities of Connecticut, they have post-office after post-office.

Mr. HAWLEY. I thought the Senator asked me a question.

Mr. WOLCOTT. I did.

Mr. HAWLEY. I will say, then, while the Senator is looking at his papers, that I distinctly said last Thursday, when this matter was up, that this consolidation would work excellently well. For example, taking Boston, there is no reason why Brookline, Roxbury, Cambridge, etc., all within easy reach, should not be under one system. So with places in the immediate vicinity of Baltimore. Everybody knows that it is necessary in the city of of New York to have some substations, etc. What I am objecting to is the spreading of the system all over the land, so as to take in the country post-offices in the United States.

Mr. WOLCOTT. I will show the Senator the reason for it in a minute—as soon as I look over the papers I have here. I understood the Senator to say that he favored civil service generally; that he was the father of the law; but that he did not believe in it in this case.

Mr. HAWLEY. I do not believe in carrying it to an extreme.

Mr. ALLISON. May I ask the Senator a question for information?

Mr. WOLCOTT. With pleasure.

Mr. ALLISON. Do I understand the Senator from Colorado to maintain that the Postmaster-General can not, under existing law, consolidate the post-offices in the country surrounding New Haven with the office in the city of New Haven?

Mr. WOLCOTT. The Postmaster-General can do so, but under the present law he can not do it efficiently.

Mr. ALLISON. Then I will ask another question. Having abolished the minor offices and made them a part of the New Haven post-office, is there not ample authority to provide the necessary clerk hire for the substations without additional law?

Mr. WOLCOTT. No; and it is to that I will address myself in a moment.

Mr. ALLISON. I shall be glad to hear the Senator on that point.

Mr. WOLCOTT. If the Senator will bear with me until I show the Senator from Connecticut [Mr. HAWLEY] how these towns are built up in New England, which seem as if they needed consolidation, I will come to the question he suggests.

Mr. ALLISON. Very well.

Mr. WOLCOTT. The organization of cities in New England seems peculiar to that section of country in this, that within the limits of many cities we find several other cities or towns with separate post-offices. For instance, the city of Gloucester, Mass., has five post-offices within its limits, in addition to the main office at Gloucester. Annisquam, with a population of 900, which is distant from the main office at Gloucester 4½ miles; Bay View, with a population of 1,000, is 5 miles distant; Lanesville, with a population of 1,900, is 6 miles distant; West Gloucester, with a population of 400, is 4½ miles distant; and Magnolia, with a population of 1,500, is 4½ miles distant. These five offices are to be abolished and stations established at Annisquam, Bay View, and Lanesville,

and substations established at Magnolia and West Gloucester, and which is 1½ miles distant. These are to be abolished, and five

Now, I am very proud to say that the Post-Office Department under this Administration is sought to be properly conducted, so

word "superintendent" should be stricken out was because it is a word not known to the law in this connection. If the Senator

by the Department. The post-office has its boxes, its money orders, its registry division, its stamps, its carriers, and its clerks,

wisdom, but it seems that the assembled wisdom of the Senate on Thursday last was not sufficient to embrace the subject of the

and substations established at Magnolia and West Gloucester, and four additional carriers added, three for Bay View and one for Annisquam.

Medford, Mass., has three within its limits besides the main office—West Medford, with a population of 2,811, which is 1¼ miles distant from the main office; Wellington, with a population of 453, which is 1¼ miles distant, and Tuft's College, five-sixths of a mile distant. These are to be abolished and substations established, with two additional carriers to deliver mails to the patrons.

Manchester, N. H., has three additional post-offices within the city limits—Massabesic, with a population of 300, which is 4½ miles distant from main office; Goffs Falls, with a population of 150, which is 4 miles distant, and Amoskeag, with a population of 2,000, which is 1¼ miles distant. These are to be abolished, and five substations to be established, as follows: At West Manchester, East Manchester, Amoskeag, Goffs Falls, and Massabesic, with one additional carrier for the main office.

Fitchburg, Mass., has two additional post-offices within its limits—West Fitchburg, with a population of 3,000, and South Fitchburg, with a population of 1,000, which are both made stations to Fitchburg.

This is true of most, if not all, of the New England States, and it is true also of many towns in Connecticut. I seem to have mislaid for a moment the memoranda referring to the Connecticut towns. The following statement shows some of the independent offices within city limits:

Office.	Post-office within corporate limits.	Distance.	Population served.	Salary.	Gross receipts.	Clerk hire.	Rent, fuel, and light.
		Miles.					
Auburn, Me	North Auburn	6¼	300	$172	$170		
	East Auburn	3	300	149	154		
	West Auburn	1½	400	188	139		
	Auburn Plains	5½	20	188	146		
	Danville	6½	300	208	232		
	South Danville	11¼	100	75	86		
	Lewiston Junction	5	100	92	141		
Newton, Mass	Newtonville	1		2,400	13,322	$1,000	$650
	West Newton	2		2,100	9,065	1,400	500
	Auburndale	3½		2,400	5,581		280
	Newton Lower Falls	5		443	1,527		
	Newton Upper Falls	5	15,000	1,400	3,014		223
	Waban	4½		320	815		
	Newton Highlands	4½		1,900	7,555		275
	Newton Center	3½		2,200	10,043	900	500
	Chestnut Hill	3½		1,002	3,220		
Northampton, Mass	Bay State	1½	500	257	254		
	Florence	2½	2,500	1,600	4,533		275
	Leeds	5	1,000	433	656		
	Loudville	6½	150	85	99		
	Mount Tom	4	200	300	439		
	Smiths Ferry	5½	75	68	69		
	West Farms	4	50	46	55		
Duluth, Minn	Lakeview	5	1,000	244	248		
	West Duluth	6½	6,000	1,700	5,702	400	410
	Smithville	7½	200	86	216		
	New Duluth	12½	800	490	779		
	Fond du Lac	13	300	199	122		
Brooklyn, N. Y	Bath Beach	7.5	2,400	1,100	2,289		148
	Bay Ridge	5	2,800	1,000	1,825		
	Bensonhurst	7.75	1,050	522	724		
	Bloomingdale	5.5	1,000	918	1,461		
	Fort Hamilton	6.75	3,900	1,008	1,713		
	Van Pelt Manor	7	750	365	469		
	West Brooklyn	4.75	600	884	1,585		
	Coney Island	10	5,100	1,031	2,529		275
	Gravesend	8	1,200	481	700		
	Gravesend Beach	8.25	500	282	959		
	Sheepshead Bay	6.5	1,700	815	1,502		
	Lawnwood	4.25	700	80	88		
	Flatlands	5.75	1,300	245	327		
	Canarsie	11	2,300	406	606		
Rome, N. Y	Coonrod	4		35	35		
	Greenway	5		80	102		
	Lorena	6		23	40		
	Plains	11		31	35		
	Ridge Mills	2		94	98		
	Stanwix	2		36	35		
Seattle, Wash	Interbay	4	300	130	143		
	Ross	5	300	89	97		
	Fremont	4	1,500	684	826		
	Greenlake *	7	100				
	Latona	6	500	230	250		
	Ravenna	6.5	100	66	71		
San Diego, Cal	North San Diego	3	275	175	177		
	Pacific Beach	8	175	193	195		
	La Jolla *	10	100				
	Point Loma	5	150	57	51		
	Sorento	15	150	81	96		

* New office.

Mr. President, the theory of this attempt of the Post-Office Department is to gather all these offices, as far as possible, under one management, and under the provisions of the civil-service law, as I have stated, every old postmaster is retained; but we must face the fact that as to the new postmasters, as to those who are to come after, they are to be clerks, pure and simple. We may amend, if we like, the civil-service law, whereby these clerks shall be appointed from the counties or from the towns in which vacancies occur if there are proper persons there who offer to be employed; otherwise they are to come from the State the residents in which furnish the material for their employment.

But, Mr. President, the carriage of letters is not a sentimental business. It is built up just like any other business. You put stamps on sale and give the people ample post-office accommodations, and they will buy stamps and write letters. The experience of the Department is that wherever the people are given special facilities for the exchange of ideas and of getting their periodicals the business comes, and the people write as they are encouraged to write.

What earthly difference does it make in these little towns in the country whether or not a man who lives there is postmaster, or whether or not some efficient clerk, whose business is solely that of looking after his duties as a post-office clerk, and is not that of a merchant seeking trade, who does not want to gather in the poor people who come after letters in order to sell them molasses or rum, but who wants to give them the benefit of delivering their letters promptly and receiving those written by them, and nothing else? In the great business of the Post-Office Department, which represents an expenditure of so many million dollars and the loss of so many million dollars, what is there incongruous with the system of our institutions if these people can be better employed, because they are intelligent and they give their whole time to the business of the post-office; and we say: "Mr. Postmaster-General, employ as many in that way as you want; you can not look personally after 70,000 people when they want a bundle of twine or a package of wrapping paper; take these people and put them under competent heads who can supervise them and manage all these small details." That is the theory.

Now, I am very proud to say that the Post-Office Department under this Administration is sought to be properly conducted, so far as I know, and it has been, so far as I have observed, since I have been in public life. I am not by any means friendly with this Administration or with the administration of the Post-Office Department; I have nothing to do with them, but I do know that the affairs of that office are ably and intelligently conducted, and that the object of this movement is to remove it from politics, and not make it more political. Those who want the loaves and fishes need not be afraid, for if they worked night and day they could not take in a thousand offices between now and the time when there will be a change of Administration. We are establishing 2,000 post-offices a year and more. There is nothing political in this provision. It simply means better and more efficient service.

I tell you I think this love and appreciation of civil service is an acquired taste, and I think when you once get it it never leaves you. [Laughter.] I think, further, that any man who can stay here in public life during four years of an unfriendly Administration in his own party and who finds whenever he goes to seek appointments to office, even when "Yes" is said to him, it is said in the most offensive fashion; and when he is in public life with an Administration opposed to him he sees appointed in the State, whose interest and welfare he has at heart, unworthy men who are not fit to hold office, men whom their own fellow-citizens would never elect to an office or put into a place of public confidence, discharging these important duties, unintelligent and unprincipled as many of them are, and even people who are receiving the reward for political dirty work done in some other States than the States in which they are appointed—I say he can not fail to appreciate from a selfish point of view some of the beauties of civil-service reform.

I should be very glad, for my part, if this business could be taken from us and from patronage and given where the public could get their letters more promptly, where they could have greater facilities for obtaining post-office accommodations, and where the business could be conducted more like a business and less like a political job.

The chairman of the Committee on Appropriations has asked me about the authority of the Postmaster-General to make these changes. Without the amendment, as the matter stands now, the Postmaster-General may establish or close any post-office he desires. He has the general power given to him to establish post-offices and the power to close and do away with offices; but the appropriations which are given by the committee are for clerk hire for post-offices. Unless some provision of law is adopted, when he closes a post-office the Postmaster-General puts it under clerk hire employment. He has to take the money for the clerk out of the appropriation for clerk hire, and the money for the salary of the postmaster lapses. He has not the power to-day, and therefore we must have some amendment to the law which will permit him to use the money no longer needed as salary for the postmaster, where the office has been consolidated. If the amendment is made in the form I seek to make it, then he will have the necessary power to consolidate offices and to make all proper arrangements for carrying on the business. With that in view there is an amendment suggested by the chairman of the committee which permits us to put back the word "superintendent," so that it may stand as it was originally and cover the people who have been postmasters in second-class offices, and who become clerks under the title of "superintendents," which is their title at free delivery offices.

Mr. ALLISON. I will say to the Senator they are not given that title by law. That is the title, as I understand, by the regulations of the Department, not by law.

Mr. WOLCOTT. I think not.

Mr. ALLISON. Will the Senator show me where they are called "superintendents" by law and where they are provided for by law?

Mr. WOLCOTT. I am looking at section 451 of the Postal Laws and Regulations. I take it that that is a section of the Revised Statutes.

Mr. ALLISON. That is not a section of the Revised Statutes.

Mr. WOLCOTT. I have not the statutes before me.

Mr. ALLISON. I think that is only a section of the Postal Regulations. The reason I stated it was not necessary to insert "superintendents" was that I did not know of such a designation in the statutes. Of course, if there are superintendents of these offices, so designated by statute, that is a proper phraseology, but if they are not so designated, then we inject into the law an office which is not known to the law. I know there are superintendents of those stations; there are superintendents of mail delivery at local offices in cities where there are a number of railroad stations; but they are mere designations under the Postal Regulations; and the officials are paid either from the mail-messenger service or from the clerk-hire service. The only reason why I suggested that the word "superintendent" should be stricken out was because it is a word not known to the law in this connection. If the Senator can point me to a law that recognizes the superintendent locally in charge of mails I should be very glad to agree to restore the provision, but otherwise I should object to it.

Mr. WOLCOTT. Mr. President, it does seem to me, with all deference to the Senator from Iowa who is chairman of the Committee on Appropriations, that it is rather hypercritical, because that word "superintendent" is not in the Revised Statutes, but is in the regulations of the Department under which we are doing business, and under which the Senator's committee has year after year reported bills giving money to the Department, for the Senator to say that it is now injecting a new word into the law. Certainly the superintendent is included in the rules of the Department, and if the word "superintendent" is stricken out the Department will not have the ability to apply the appropriations to the persons who fill the position of superintendent of the mails.

Mr. ALLISON. I do not wish to disturb the Senator's line of argument, but there are three designations of these officials in the appropriation bills as to the conduct of the Post-Office Department. One is the designation of postmasters, another is the designation of clerks in post-offices, and another is the mail-messenger service. Those are the three designations under which all the employees of the postal service are paid in the management of the post-offices.

The Senator said a moment ago—and I mention that in connection with what I am about to say—that the reason for this change was that if these post-offices are consolidated less money will be needed for the salaries of postmasters and more money will be needed for the salaries of clerks. The Committee on Appropriations made full provision for that. We have reduced or rather failed to appropriate to the extent of $750,000 for the salaries of postmasters below what the present estimate of those salaries is, but we have increased the appropriation for clerk hire $150,000, so as to cover the clerk hire of those consolidated offices, if they are consolidated, thus leaving absolutely free play to the Postmaster-General to do what we think he can now do under existing law.

I will say now to the Senator from Colorado, if it is his purpose, under the guise of an amendment in the nature of a proviso, to reorganize the postal service of the United States and consolidate counties into a single post-office, it will be better for the Committee on Post-Offices and Post-Roads of this body to deal with the subject in a separate bill and not upon an appropriation bill, so that such safeguards may be thrown around it as will protect the revenue as well as protect those who are patrons of those post-offices. That is my objection to putting it in in this way as a new relation and as a new condition respecting all the post-offices in the United States. I did not so understand it on Thursday last, and I do not so understand it now, except from the argument made by the Senator from Colorado. If that be the purpose, I submit that the amendment should be more carefully framed than it is as it stands now.

Mr. WOLCOTT. Mr. President, of course this apparent doubt does not really exist in the mind of the Senator from Iowa. He knows perfectly well that the Committee on Post-Offices and Post-Roads is not, as a matter of fact, in the guise of anything else in the world, attempting to do anything except exactly what the language of the amendment shows it is intended to do, the purpose of which has been stated with entire frankness by everybody who has spoken upon the subject; and nothing I have stated this morning changes in the slightest degree either the apparent or the real meaning at least of this member of the committee or of any other member who has seen fit to address the Senate on the subject. The fact is, that it is not under the guise of anything. This is a simple, honest attempt to bring about a knowledge of the question as to whether or not it is not wise that the lesser post-offices of the country should be consolidated as nearly as possible, and as frequently as possible, and as often as practicable, with the greater commercial centers connected with the small offices by improved methods of transportation, whereby the public will be better, more efficiently, and more cheaply served. That is the only guise under which we are here masquerading.

Mr. ALLISON. If the Senator will allow me, I meant what I said in no offensive sense. But the Senator in his argument stated that, under existing conditions, if a postmaster 5,000 miles away wanted to secure a bundle of twine or the necessary wrapping paper to conduct the business of a small office, he must send to Washington for it and have it sent to him; and therefore, if this consolidation could be made, it would concentrate the distribution of the supplies necessary to the conduct of the post-offices more nearly to those offices. If that be true, it would require a change in our entire arrangement and adjustment, not only of the post-office regulations, but also in the appropriations; because now it is true that if a postmaster in San Francisco or in the neighborhood of San Francisco, or in Oregon or Alaska, needs a

bundle of twine or wrapping paper, he would have to make a requisition and send to the Post-Office Department here for it. That requisition would, under the contract, be filled up, a supply of the articles sent to the postmaster himself, and an account kept of it. That was what I said, that if it was the intention to so enlarge the amendment as to gather in all the suggestions made by the Senator from Colorado, I thought it was too important an amendment to be placed upon an appropriation bill. That is all I meant to say.

Mr. WOLCOTT. Mr. President, nothing has been said on that subject that was not said with a great deal more emphasis on Thursday last. It was, in effect, that those of us at least who believed in the policy of this amendment looked forward with the most pleasurable anticipation to the time when all these small offices would be consolidated with the offices nearer to them in such a way that the public would be better and more cheaply served, and the Department saved from the necessity of opening trivial accounts with postmasters thousands of miles away, where they can not be properly served and can not be properly inspected.

On Thursday last, I am inclined to think—although I had not been to see the Postmaster-General—I did a great injustice respecting the post-office at Ellicott City. I am advised that there was no sort of politics affecting that change, and that, instead of being 14 miles distant, it is 9½ miles distant from Baltimore, and that all the leading offices around Baltimore have been consolidated with it. It is true that dissociated and unconnected offices in the country have not been so consolidated, but where they were in the direct line of the business of the Department the post-offices were sought to be gathered together.

Mr. GORMAN. Will the Senator permit me?

Mr. WOLCOTT. Certainly.

Mr. GORMAN. The Senator, of course, is now only making a statement which comes to him secondhand.

Mr. WOLCOTT. Certainly; and I am subject to correction.

Mr. GORMAN. The Senator does not speak of his own personal knowledge. I desire to say to him that his statement is not correct and that he has been misinformed.

Mr. WOLCOTT. In what respect, will the Senator state, am I misinformed?

Mr. GORMAN. I will tell the Senator. The Senator's statement was a little inaccurate on Thursday last, when he said that the post-offices between Baltimore and Ellicott City on a direct line had been jumped over and Ellicott City included in the classified service. The fact is, that there was first an extension from the Baltimore City post-office, embracing the villages near at hand, Towson, Catonsville, and Stephenson. Not satisfied with making the service apply to villages within 2 miles or 2½ miles of the city limits of Baltimore, a circle of 10 miles was drawn around the city of Baltimore, including agricultural communities, and embracing within the Baltimore City service nearly all the post-offices within that 10-mile circle, while the only direct communication between Baltimore and Ellicott City is by the Baltimore and Ohio Railroad, which runs out to the Relay House and then up the Patapsco River, and when they came to the Relay House they jumped next to Ilchester, within the 10-mile limit, which they exempted. Then they came to Ellicott City and embraced that; and then above Ellicott City, still within the 10-mile limit, they left out the little office there. There can not be any question of personal knowledge about it, for it is in my own county. I know all about it, and the Senator from Colorado is simply misinformed.

When it comes to the reasons for making this proposed change, I hope I shall be able to show the Senator from Colorado that at least those of us who represent Maryland know a little more about the affairs of that State than my distinguished friend the chairman of the Committee on Post-Offices and Post-Roads.

Mr. WOLCOTT. I will say that I do not assume to understand the political affairs of Maryland.

Mr. GORMAN. No.

Mr. WOLCOTT. And I certainly do not undertake to keep track of the quarrels of the Senator from Maryland with members of his own party.

Mr. GORMAN. I have no quarrels.

Mr. WOLCOTT. I am simply endeavoring to do my duty here and endeavoring to meet the most astounding amendment that the most solemn body of people, known as the Committee on Appropriations, has ever put on an appropriation bill, to the effect that no post-offices could be discontinued where they were at county seats; and then the Senator from Maryland accepted the exception in favor of Cambridge. There had never been but three county seats where the offices had been consolidated, two of them in Maryland and one in Massachusetts, which were excepted from the provisions of the law, and the Committee on Appropriations is very much afraid that under the guise of doing something we want to do something else respecting this amendment, and has finally brought in an amendment which provides that the office at a county seat shall not be consolidated.

The information that I received as to Ellicott City from the Post-Office Department is as follows:

> Although there are a few small offices on the steam-railroad line between Ellicott City and Baltimore not taken into this consolidation, their receipts are very small, ranging from $40 up to about $200, and the postmaster's salary ranging from about $90 up to $150; and the moment they are consolidated they must be taken care of by the clerk-hire appropriation, and at the same time, there being no electric lines to these places, their service would not be increased, as was the case with Ellicott City, and temporarily were left out of the consolidation. This applies for the same reason to other small post-offices within this radius of 10 miles.

Excepting it apparently in good faith. Of course I can not speak from my own knowledge; I can not walk through that county and look at those post-offices and examine the books, but I must take the statement of the Department, which is the statement I have, and upon that statement I relied in perfect good faith until the Senator from Maryland corrected me. If there are errors in the statement, I have no doubt the Senator will point them out. But whether or not there are political differences of opinion between a Department of this Government and any one of these Senators, if the public service is to be furthered and helped and increased by the consolidation of these offices, then I say that private differences should give way for the public service.

For one I shall be very glad to reach a vote upon this amendment. To me personally it is a matter of entire indifference whether the amendment passes or not. I can see that the amendment will probably fail. It does not meet the approval of the Committee on Appropriations; it was reported by the Committee on Post-Offices and Post-Roads; it has not the approval nor the important seal of the confidence of the Committee on Appropriations; but, Mr. President, the agitation of the question ought to bring before the people the knowledge that the affairs of the post-office should be conducted as a business, wisely and economically, and that they are not so conducted because the legislative department of this Government desires that they shall be controlled as a political machine, which will, in its time and in its own good season, work its own cure. The time will come when the people of this country will invest the smaller post-offices of this Government in proper hands and will not require one officer at the seat of Government to personally conduct the affairs of 70,000 offices, 50,000 of which bring in less than $50 a year, and which are increasing at the rate of over 2,000 a year.

Mr. GORMAN. Mr. President, the Senator from Colorado [Mr. WOLCOTT] seems to place the discussion of this question on an unusually low plane for him. He seemed in his closing remarks to intimate, if he did not state, that this is a mere personal or political question. If it be a political question, I congratulate the Post-Office Department that a distinguished Senator on the other side of the Chamber is its defender. There has been a suspicion on the part of a great many Democrats that many acts of the Administration in Maryland could best be defended by some Republican; and I am delighted that the Senator from Colorado comes forth as the champion of a Department which is departing from the usage and also from the law, as I think, and which is now advocating the consolidation of all the post-offices in the Union under a hundred or a fewer heads, and to take from the people the right to select their own servants, the little fifty-dollar post-offices in their localities. I understand the Senator to say that is precisely what he is inaugurating, a system which will consolidate under some great city head and embrace within the civil service all these little country post-offices.

Against that, Mr. President, I protest. I protest against it not because of any political differences, not because the appointment of a postmaster for political purposes amounts to anything. I will say to the Senator from Colorado that I have served in the Senate under Republican Administrations and Democratic Administrations, and the mere appointment of a postmaster has never been of any especial interest to me.

What I desire, if I can get it from Congress, is a provision in the pending bill that the post-office at the county seat in which I reside, and at every county seat, shall be maintained as an independent office. The Ellicott City post-office is as old as that of Baltimore City. It is a community as intelligent, it is a community as wealthy per capita as any county in the Union. The people there have a pride in having their office, and I insist that it shall be restored to them, knowing full well from recent events that any recommendation I might make for a postmaster would be rejected. It is therefore the office and not the officer that I contend for.

Mr. President, this attempt to place in the classified service all the fourth-class post-offices is civil-service attempt run mad. We passed an act authorizing the President by his proclamation at any time to place in the civil service the offices of the Government. It was intended for the great offices in Washington and the large custom-houses and post-offices in the cities. No man dreamt that it would be extended to the country post-offices at $50 each. The Senator from Colorado [Mr. WOLCOTT] says it will

give better service; that it will give a service which will do no injustice to a locality; that under the order of the President and the Postmaster-General the local man who is in office will be retained. So he will be retained, but the moment a vacancy occurs by death or resignation then you go to the civil-service list under the order and take one of the first three who stand the highest upon the roster, no matter from what part of the State he may come, and send him to your village and to mine to distribute the letters and to look after our affairs.

It is not political, says the Senator from Colorado. The friends of the proposition protest that it is not political. They protest that it will give us better service. I see before me the distinguished Senator from Wisconsin [Mr. VILAS], who in sentiment is a thorough and complete civil-service reformer, as I have always understood him. He believes in applying it to the great Departments of the Government. He at one time held a high position in the Post-Office Department, and he did place the men in official positions in that Department here, and possibly the railway mail clerks, under civil service.

Mr. VILAS. There was no extension of the classified service to any of the offices of the Department during the time I was in the service. There were ample reasons, peculiar and special to the time, which were sufficient to require it to be delayed.

Mr. GORMAN. Then it followed by order of the successor in that office of the distinguished Senator from Wisconsin, I think.

But what was the operation of it? Under that Administration about one-half of all the railway mail clerks were changed and new men were installed. The Postmaster-General reported great efficiency in the service from the injection of new blood and new men. Then, under Postmaster-General Dickinson, came an order from the President of the United States placing them all under the civil service. No sooner had the Administration changed and Mr. Wanamaker become the Postmaster-General than that order was suspended, that the political friends of the distinguished Senator from Colorado might be installed. When they were, civil service was applied, and they stand to-day within the classified service. The Senator from Colorado says there is no politics in this movement. I could read to him from a statement of the civil-service reformers of Maryland that the very office in Baltimore, so far as it could be made, was a partisan machine and is a partisan machine. They did there the most extraordinary thing. On the 2d day of November a year ago, when the service there was all placed under the civil service, appointments were permitted to be made because the postmaster had verbally notified several gentlemen that they would be removed later on, but who were not removed until after the order went into effect. So far as my experience with the matter goes, the men who are shouting for civil service first aim to get their friends in office and then by an order they hope to keep them in for all time.

Mr. President, what is proposed here? The Postmaster-General says frankly that he proposes to extend this system, as the Senator has well said, until it covers all the offices in the country. The reorganization of the Post-Office Department so as to place it under a closer and more compact business arrangement has been the work of every Postmaster-General as the service has grown. It was Postmaster-General Wanamaker who conceived or rather enforced the idea that the whole country should be divided into a hundred districts and a principal officer stationed within each district to supervise the business of the small offices, consolidate the reports, and send them to the Post-Office Department. That was his scheme. It was so extreme, however, it involved so much, that Congress, both Republican and Democratic, has not authorized that it be carried out. The people are jealous of their right to go to the headquarters of their Government. Now comes the Postmaster-General, installed in office because of the success of the Democratic party at the last Presidential election, who makes a rule, adopts a line of action that was never contemplated by any of his predecessors and which no Congress, in my judgment, would ever have tolerated, absolutely by an order to wipe out any number of those small offices and consolidate them under one great head.

Chicago and Baltimore and New York and Boston and Brooklyn were contemplated. They were enlarged. In Baltimore first only the villages which had communication with the city by electric cars were involved, and then came the agricultural community which I have described. When it comes to the great city of Brooklyn, listen, Mr. President, to what the Postmaster-General says, that it would be well to consolidate under the Brooklyn post-office all the offices on Long Island, a stretch of land 90 miles in length. The plain intimation from his report and from the letter of the Postmaster-General to the chairman of the Committee on Post-Offices and Post-Roads, which is on the desk of every Senator, is that his intention is to proceed as the business will permit and bring within the embrace of each of those cities all of the post-offices in their vicinity. I take it, it would embrace the whole State of Maryland in the one post-office at Baltimore.

It does seem to me, sir, that there is a deliberate, a well-organized attempt, a thorough determination on the part of some gentlemen both in and outside of the Democratic party to take from the people of this country the opportunity to determine who shall be their public servants—to eliminate, to take away, as the Senator says, from Congressmen and Senators the bother of looking after the people's interests. In my view of it, no man has the right to be upon this floor or in the other House who thinks that his time is so valuable or his taste so æsthetic that he can not listen to the appeals of the people in his neighborhood who wish to have their little affairs attended to.

It is complained of the agitation about the small post-office, at the corner grocery, with the people excited and struggling for the office. This right is the very corner stone of our form of government. It is the agitation which keeps the waters from becoming stagnant. The people should assemble; and if controversies occur, have they not occurred by the thousand heretofore? Who is the worse off? Who suffers by it if the Postmaster-General or his numerous assistants are compelled to listen to their appeals? They had better be engaged in listening to the appeals of the people from those small places than to be delivering lectures upon the tariff, the currency, or any other question. When he accepts this employment he is the servant of the people. When he accepts it and attempts to consolidate his power, as is being attempted in this case, at the same time proclaiming that he is doing it in order that we may have a better civil service, one freed from politics, we had better go back to the old idea of the people in the country, and remember that when a man is constantly proclaiming his virtue and his honesty and distrusting everybody he can not meet with favor.

But the Senator says we are to have more frequent service, better service, more economical service. I do not understand how it is possible to have five or six more deliveries of mail in villages all over the country and more frequent collections of mail without multiplying the offices and increasing the pay in the aggregate. It will decrease some of the Presidential offices, which may be abolished, but it will increase by hundreds the carriers and the small clerks and will increase the army, already grown to 200,000, in the postal service. But it will do another thing that the Senator from Colorado does not take into account. It will give greater compensation to the railroads—the electric railroads and the steam railroads—and there is where the extravagance comes in the appropriations for the postal service. The distinguished Senator from Wisconsin demonstrated a year ago that the extravagance which exists in this Department came from that item, and those of us who have been giving attention to the amount of appropriations have looked forward to the time—and have hoped that it would be at the present session—when, with a revenue not sufficient to support the Government, the Post-Office Department, as one of the great Departments of the Government, would present a bill through the Post-Office Committee cutting down those extravagant charges and saving the people money without reducing the service. Instead of that we come to the proposition presented by the distinguished Senator from Colorado, to take from the people, under the guise of reform, their right to select their own postmasters in their neighborhoods.

The Senator from Colorado was not quite frank, and it was unlike him. He read the order of the President of the United States embracing within the classified service the postmasters who are already in. That is true. But it lasts only so long as the present incumbent lasts. When he passes away from any cause—by removal, death, or resignation—then you go to the eligible list of the civil service, and it is nine chances out of ten that no man would be selected as a clerk in my village who is a resident there.

Mr. WOLCOTT. The Senator from Maryland——

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Does the Senator from Maryland yield to the Senator from Colorado?

Mr. GORMAN. Certainly.

Mr. WOLCOTT. The Senator from Maryland will recall that I distinctly stated that it applies only to the present incumbent; that when he passes away or leaves another clerk will take his place.

Mr. GORMAN. I overlooked the Senator's statement. I understand the correction.

Mr. WOLCOTT. The Senator will find it when he looks over my remarks.

Mr. GORMAN. I ask the Senator whether he advocates distinctly a proposition that would end in bringing a man from a distance, from another neighborhood or another county, to act as postmaster in his own town or county?

Mr. WOLCOTT. I would with the same cheerfulness that I take my letter which is brought by railway post in a car from a man who may live in Kalamazoo or Calcutta. I do not care where he lives so long as he brings my letter on a railroad train. What do I care as to the place of his birth or his residence? It does not make the slightest difference in the world to me where the man lives.

Mr. GORMAN. Then I can——

Mr. WOLCOTT. I may say that the presiding genius of the Post-Office Department in Colorado comes from West Virginia. It is not satisfactory, but so long as we get our letters we do not care.

Mr. GORMAN. The Postmaster-General?

Mr. WOLCOTT. No; I refer to the inspectors of our post-offices in Colorado.

Mr. GORMAN. That is the general departmental service here. Now, the Senator would apply this system to the little postmaster at the corner store in my own neighborhood and his, and merely because some man from the city of Denver or the city of Baltimore has passed the examination he would like to have him located in his neighborhood. Is it not monstrous that we are to have men imported from other localities to hold local offices? Are we to see it inaugurated here under the name of civil service? Does the Senator from Colorado or any other Senator know of a postmaster in one of the great cities who does not deal in politics to some extent? He ought to do it. He ought to take an interest in the affairs of his country, no matter what his politics is. Then human nature follows; it has followed, or it exists, and to a certain extent he uses the force he has to carry out his own views. He may proclaim his virtues every morning, but he nevertheless uses the power and the information which he has from this great corps of men to promote his own views or the views of the master who appoints him.

Sir, the safety of our institutions, the safety of the Government, depend on having this power distributed, permitting the people to determine in their own way who shall be their servants in these important little places in their localities. I trust, Mr. President, that Congress will not give its sanction to this beginning of the consolidation of the great power of this Postmaster-General or any other Postmaster-General. I hope to see the time when we shall have a Postmaster-General, no matter what his politics may be, who will reform the Department, who will cut down its expenditures without diminishing the efficiency of the service, and when we have that it will be done on the lines I have indicated by cutting down extraordinary compensation for the carriage of mails and high salaries, and promoting the interests of the small post-offices which are in touch with the people.

Mr. PASCO. Mr. President, during my service here I have not been connected with any of the great committees which have supervision of the affairs of the Post-Office Department. My attention was arrested last week when this discussion commenced, and I noticed that for the first time an effort was being made to establish by law a system providing for stations and substations and post-office districts. It is quite probable that very many advantages may come from such a system, as the Senator from Colorado [Mr. WOLCOTT] stated to us in his remarks this morning, but it is new legislation, and in this apparently innocent amendment we have really a very great change in the statutory law of the country. The amendment provides—

That whenever, by order of the Postmaster-General, any post-office is consolidated with any office so as to become a station or substation of the same, the salary of the superintendent or clerk in charge of such station or substation may then be paid out of the appropriation, etc.

I speak of the amendment as first introduced. I am satisfied that if the amendment shall be adopted the word "station" or "substation" will appear in the legislation of the country for the first time in connection with the Post-Office Department. I have examined the statutes with reference to postal affairs from the beginning of the Government, and nowhere do I find any authority whatever for the establishment of a station or substation of the Post-Office Department. We were informed by Senators who took part in the discussion on Thursday that this condition of affairs has existed ever since the formation of the Government; that it was established when Benjamin Franklin was made Postmaster-General. But I have been unable to find any authority whatever for that statement.

The first time that anything of the sort is found in the legislation of Congress is in 1862, when there was a provision made for the establishment of branch post-offices; and I understand that upon that foundation all this subsequent action has been based. This law appears in the twelfth volume of the Statutes at Large, and is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster-General be authorized and directed, when in his judgment the public interest or convenience may require it, to establish one or more branch post-offices, to facilitate the operation of the post-office in any city or place which, in the opinion of the Postmaster-General, may require such additional accommodations for the convenience of the inhabitants; and it shall be the duty of the Postmaster-General to prescribe the rules and regulations for the branch post-office which may be established by virtue of this act.

Then it goes on to provide that there shall be additional postage on letters deposited and delivered through those branch offices. It will be seen that this legislation provided that the branch offices should be for the convenience of the inhabitants and that they should be operated in the city or place where the original post-office was established. It was not contemplated that there should be any exercise of authority beyond the limits of the city or the town where the principal office is located.

This remained the law until 1872, ten years later, when a general law was passed consolidating the laws which related to the Post-Office Department. It is a law approved June 8, 1872, entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department." Section 98 of that statute provides—

That the Postmaster-General, when the public convenience requires it, may establish within any post-office delivery one or more branch offices, for the receipt and delivery of mail matter and the sale of stamps and envelopes; and he shall prescribe the rules and regulations for the government thereof. But no letter shall be sent for delivery to any branch office contrary to the request of the party to whom it is addressed.

The main difference between this law and the one passed in 1862 is that the branch offices were to be established within the post-office delivery, and, in my judgment, the plain meaning of that was that it should be within the limits of the city or town where the principal office was located, and that it should not be extended beyond.

Mr. GORMAN. Will the Senator from Florida read that clause again? I did not fully hear it.

Mr. PASCO. It provides:

That the Postmaster-General, when the public convenience requires it, may establish within any post-office delivery one or more branch offices for the receipt and delivery of mail matter and the sale of stamps and envelopes, and he shall prescribe the rules and regulations for the government thereof.

There was no provision that a station should be provided for the city of Cambridge or the city of Worcester or the city of Lowell, in Massachusetts. They were not within the delivery of the Boston post-office. They were separate and independent offices, and it could not have been within the contemplation of those who passed this law that there should be any general authority to wipe out, to discontinue, and abolish all the post-offices in a particular district of country and establish in their places a lot of stations and substations.

There is no hint at any such power in this statute, and there certainly is none in the statute which preceded it. There is no other statute which I can find which relates to this subject-matter, and in neither of these statutes is there any mention of or authority for the establishment of stations and substations. The establishment of such stations and substations was not the work of Congress, but, in my judgment, purely the result of departmental construction. It was not Congressional law, but departmental law.

Mr. ALLEN. I wish to ask the Senator from Florida a question. When did I understand him to state that the establishment of substations was first authorized?

Mr. PASCO. I say it was never authorized by Congress.

Mr. ALLEN. It never was authorized?

Mr. PASCO. It never was authorized. I say that the branch post-offices were first authorized in 1862, and that when this subsequent statute gathering together all the legislation with reference to the Post-Office Department was passed in 1872 the statute passed in 1862 was incorporated with a little change in the new law, and the statement that this system and condition of things date back to the days of Benjamin Franklin is a mistake, and so far as I can find has no substantial foundation.

Mr. ALLEN. When was the Postmaster-General first authorized to convert a regularly established post-office into a substation of some other post-office?

Mr. PASCO. I have not been connected with the work of the Post-Office Department through any of the committees of this body in such a way as to enable me to give the Senator the information.

Mr. VILAS. I should like to ask the Senator from Florida who made the statement that the power to establish substations dates from the time of Benjamin Franklin and where the statement is found?

Mr. PASCO. I find it on page 3485 of the RECORD.

Mr. ALLEN. It was made by the Senator from Wisconsin [Mr. VILAS].

Mr. PASCO. The Senator from Wisconsin [Mr. VILAS] said:

The law as it stands now gives the Postmaster-General power to establish or discontinue a post-office at pleasure. It gives him power to establish substations within any post-office district, and it is within his power to define what the post-office district shall be.

Thereupon the Senator from Nebraska [Mr. ALLEN] said:

Then I understand the Senator to assert this——

The Senator from Wisconsin went on:

But I wish to add that it is not to be presumed that a law which has existed like that since the beginning of the Government, since the establishment of the Post-Office Department under Benjamin Franklin, is to be abused as is indicated by that question.

After an interruption by the Senator from Nebraska, which interruption was as follows:

Mr. ALLEN. But I do not understand that since the time of Benjamin Franklin the law has existed to establish subpost-offices. I understand that

the power to establish or abolish a post-office exists, but what I want to know of the Senator——

The Senator from Wisconsin said:

It has existed since the system was begun.

Mr. VILAS. I wanted to understand the Senator's reference. I will make that statement plain in a few moments.

Mr. PASCO. If there is any other authority than that which I have read, any statute in this country authorizing the establishments of stations or substations, I should like to see such authority or statute now, or to have it produced during the progress of this discussion. As I said before, in my opinion it is the result of departmental construction, and it is not Congressional law. I can not state, in answer to the question of the Senator from Nebraska, when this system was commenced, but I find that at the present time it is going on at a rapid rate. The report offered by the Senator from Colorado [Mr. WOLCOTT], and from which he read this morning, shows that during last year the number of post-offices discontinued has been 94, and in their place a lot of stations and substations have been established in different places, in Illinois, Maryland, New York, Massachusetts, and other States. This statement is found on pages 5 and 6 of Report No. 592, made by the Senator from Colorado in reporting the amendment.

Mr. VILAS. I should like also to ask the Senator from Florida what he understands the delivery of a post-office to be under the law to which he has made reference?

Mr. PASCO. I think that history teaches us, certainly it is within the experience and knowledge of every Senator who has lived thirty or forty years, as the Senator from Wisconsin and myself have, that the delivery of an office was always understood to be the country within reach of and immediately around the office, occupied by the people who did business with the office and who went there to receive their letters and went there to mail their letters; and it never was contemplated that the delivery of a post-office extended 30, 40, 50, or 100 miles off from the place where the post-office was established. There is nothing in any of the statutes defining what delivery is, but in connection with the prior statute which I read, which says that these stations and substations were to be established within the city where the post-office was located or established, I think the proper and fair construction is that branch post-offices, to use the statutory designation, were to be established within the limits of the cities and towns where the office was established.

Now, Mr. President, on looking a little further into the matter (I have not had much time to examine it since Thursday, when the question came up before the Senate), I find that a project is on foot to establish districts which may, when the system is carried out to the full extent, extend all over the country. Already there is a proposition to consolidate all the country in the eastern part of Massachusetts into a single district, and the postmasters at those different offices are to be mere superintendents of stations and clerks. I suppose the amendment of the Senator from Colorado is for the purpose of facilitating the carrying out of this scheme, and giving it for the first time some legislative recognition. I was very glad the Senator from Massachusetts [Mr. LODGE] excluded from the operations of this intended arrangement the city of Cambridge, the seat of the grand old university of Harvard.

Mr. LODGE. If the Senator from Florida will pardon me, by the exception Cambridge is kept within the metropolitan district. The object of my amendment was to prevent its being taken out and reestablished as a separate post-office, because the service is so much better.

Mr. PASCO. The Senator then wishes Cambridge to be simply a substation?

Mr. LODGE. Cambridge is now and has been for years a part of the metropolitan district of Boston.

Mr. PASCO. Then, Mr. President, this matter has gone on a great deal further than I knew anything about. I supposed that the amendment offered by the Senator from Massachusetts was to spare Cambridge from being put down simply as a substation of the Boston post-office.

Mr. LODGE. The proposed change in the law, which was put in by the Committee on Appropriations in order to oblige the Senator from Maryland, a member of the committee, included Cambridge; that is, because it is a county seat, it took it out of the present metropolitan district. As the change was made many years ago and resulted in better service, and nobody I knew of wanted it changed back again, I asked to have Cambridge remain as it is at present.

Mr. PASCO. How many years ago did that change take place?

Mr. LODGE. I do not recall how many, but a good many years ago. It has been so for a long time.

Mr. PASCO. It then took place long since the Senator and I were at college?

Mr. LODGE. Yes, since I was in college, I am sorry to say.

Mr. PASCO. Now, Mr. President, I am not in favor of wiping out the old-fashioned post-office. I do not believe there will be any advantage to the civil service of the country in establishing these districts and subdistricts instead of post-offices. They may cover a large territory, perhaps entire Congressional districts. They may extend over two or three States. Some of the smaller States may be swept into a district of another State. I am not in favor of abolishing the lines of towns and counties and States. I believe in retaining the post-offices in the same form and covering the same territory that they have had ever since the foundation of the Government until this new scheme, which has crept into existence through the action of a Department, has made a change. I do not believe that we are going to escape political interference simply by changing post-offices into postal districts. I am in favor of a reasonable civil-service reform, but I do not believe that this will advance it.

When we divide up a State into two or three postal districts we make vast organizations, and we make, in one sense, vast machines; and as long as the condition of things exists in this country that exists to-day, whenever we have these vast machines there will be some way or other of managing them in a political sense; they will be political factors, no matter what you call them. You may have all the civil-service rules that exist and a great many more, but you will not by that means take these organizations out of the operation of political influence. They who are united in the management of these post-office districts, whether as clerks or as superintendents, or in other positions, will in some way work together and bring their action together, and they will have their influence upon the politics of their districts and of the country.

I hastily prepared an amendment on Thursday for the purpose of preventing the extension of this change and of bringing back the postal service of the country in this respect to what it was for a hundred years after the Government was organized. I hesitated whether to offer it as an amendment to the pending amendment or as a separate amendment. I believe I will test the views of the Senate on this question, and it is a very interesting and important one. I regret very much that it is brought in here in the fag end of a debate on an appropriation bill. I think if this great change in the postal system of the country is to be made, if it is to be recognized by law, it should be done in a separate and independent statute; and we should know well what we are doing when we make a change of so great importance and consequence as this is. I offered the amendment, but without stating definitely whether it was to be an amendment to the amendment offered by the Senator from Colorado or not. I shall now offer it as an amendment to that amendment. It is found on page 3490 of the RECORD. I will read it:

Provided, That nothing herein contained shall authorize the establishment of any substation or branch office beyond the limits of any city or town in which the principal office is established.

Mr. HILL. Will the Senator from Colorado allow me to propose an amendment right here to that amendment?

Mr. PASCO. I will listen to any suggestion the Senator from New York may wish to make.

Mr. WOLCOTT. I suggest that, inasmuch as the Senator from Florida says he does not know whether he is going to offer this as an amendment to the pending amendment or as a separate amendment——

Mr. PASCO. Oh, no.

Mr. WOLCOTT. Perhaps the Senator from New York would like to ascertain where the tail of his kite is to land.

Mr. PASCO. The Senator from Colorado misstates me. He was not listening to what I said.

Mr. WOLCOTT. I did listen, and I will ask to have read what the Senator said.

Mr. PASCO. I stated that on Thursday I was uncertain whether to offer it as an original amendment.

Mr. WOLCOTT. I understood the Senator to say he was not certain whether he would offer it as an amendment or not.

Mr. PASCO. That shows the Senator was not listening.

Mr. WOLCOTT. I now understand the Senator to say that. I hope he will correct me. I am in perfect good faith about it. Does not the Senator now say so? Senators about me so understood him.

Mr. PASCO. If the Senator is through I will state what I wish to say. He keeps on interrupting me. I will wait until he has finished.

I said on Thursday, when this matter was up, I was uncertain whether I should offer it as a separate amendment or as an amendment to the amendment offered by the Senator from Colorado, but that, in order to test the sense of the Senate upon this legislation, which I went on to say I regarded as important and that I did not think it ought to be brought in at the fag-end of the discussion upon an appropriation bill, but that, being a very important matter, and in order to test the views of the Senate, I should offer it now as an amendment to the amendment offered by the Senator from Colorado, and at that stage I was interrupted by the Senator

from New York, to whom I very cheerfully yielded to propose a modification of the amendment.

Mr. WOLCOTT. I desire to explain to the Senator from Florida that I regret extremely if I misquoted him. I did not intend to do so. I certainly did not mean to ruffle his feelings.

Mr. PASCO. I do not suppose that the Senator from Colorado desired to misquote me and his statement is satisfactory, but my wish is to test the question by offering my amendment as an amendment to his, and this is now my motion.

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New York?

Mr. HILL. I will wait until the Senator is through.

Mr. PASCO. I should like to hear the suggestion of the Senator from New York.

Mr. HILL. After the word "authorize," in line 1, I suggest to insert the words "or permit"; after the word "establishment" to insert the word "hereafter"; and in line 2, after the word "beyond," to insert the words "5 miles outside of." Will the Senator from Florida pardon me a moment?

Mr. PASCO. Certainly.

Mr. HILL. When the amendment of the Senator from Colorado was first suggested, I believed that it had reference to the consolidation of post-offices very near large towns and cities. In that view I was disposed to support it. For instance, Boston was cited as one of the places where the amendment could well apply. I can see no reason why, in certain cities where the boundaries are very limited in their character, where towns have grown up in the immediate vicinity that really constitute a part of the city in fact, but not according to law, it would not be proper to have substations, and in that view I can see no objection to the amendment.

Mr. President, from the debate already had it seems to me the scheme embraces something far beyond this, and that it is an entering wedge for something new. I simply suggest to the Senate that if some grand new scheme is to be inaugurated that is to overturn the system which has been in existence for years it had better be done in some other place than on an appropriation bill. I am disposed to vote against any amendment of this character whatever to an appropriation bill, but we find before us an amendment relating to the subject, and if the bill is to be amended at all in this respect it should be amended correctly.

I am not going to discuss the great question of civil-service reform which has been so well discussed here this morning. If we are to have a change in the post-offices of the country upon that basis let the Post-Office Committee or some other committee bring in a bill to that effect and we will discuss it on its merits. If the whole of Long Island, which embraces three county seats, a vast territory 100 miles and over in length, is to be embraced in one post-office substantially and all the rest are to be substations—if that is the scheme I want to know it. I will discuss it when the question comes up; but I must object to this provision being inserted in this way if it means that. I am with the Senator from Colorado on the general proposition of including the small post-offices within the incorporated limits or just within the outskirts, and such places are numerous.

The PRESIDING OFFICER. The Senator from New York will suspend. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, the title of which will be read.

The SECRETARY. A joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation.

Mr. ALLISON. I ask unanimous consent that the unfinished business be informally laid aside in order that we may continue the consideration of the appropriation bill.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none; and the Senator from New York will proceed.

Mr. HILL. Let us proceed one step at a time. I do not believe that there is really any objection here to the scheme of consolidating post-offices within the very reasonable distance of a great city. If that is what is contemplated, and it requires additional legislation to do it, then we are in favor of it. My amendment to the amendment of the Senator from Florida simply fixes the limit. There must be some arbitrary limit. Five miles is a sufficient limit. I am not familiar enough with the territory around Boston to know how far Cambridge is from the limits of the city. I presume it is not over 5 miles, but I am not familiar with it; it may be more.

Mr. President, there must be some limit. Five miles will give a chance to consolidate all the little post-offices on the outskirts of cities, and I am with the amendment to that extent. I am disposed to object to it beyond that, at this time, on an appropriation bill. Whether this scheme is a wise one or not (and we have heard many arguments from the Senator from Colorado that it would be a wise one), let it be brought in as a separate bill that we may direct the Postmaster-General just what he shall do or shall not do. Let us know just what is to be done. I object to legislating in the dark and to have such measures for reform carried out by departmental officers and the first thing we know about it is when we are confronted with the scheme. I should like to consult with the people of Long Island, embracing three counties, before any department of the Government shall abolish all the offices within that Territory of a hundred miles in extent. I want to see what is proposed; I want to see how it affects the whole State, and how it affects the country. If we are to proceed to legislate upon the true lines of civil-service reform let the whole scheme be presented, so that we may act intelligently.

I do not propose to discuss the great question involved here any further than I have done. I am willing to go to the extent of limiting the consolidation to within 5 miles of the cities. That would be far enough, in my judgment. Of course the limitation as to the county seat can also remain in—it is there now; that they shall not take away the post-office from a county seat. Therefore, if there is such an instance where a county seat is within 5 miles I do not think it should be consolidated. The two provisions can stand together. The change shall not be made at the county seat and it shall not be done unless within 5 miles of the limits of the city.

Mr. STEWART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Nevada?

Mr. PASCO. I would rather settle the question as to the amendment before I give up the floor. I suggest to the Senator from New York that his amendment is rather doubtful with reference to the limit. Has he examined it carefully? I understand the purpose and object of it. The words come in after "beyond."

Mr. HILL. Yes; "beyond 5 miles outside of the limits of the city or town."

Mr. PASCO. Would it not be better to say "5 miles beyond the limits"?

Mr. HILL. Yes; that makes it a little better.

Mr. PASCO. I merely want it to express the meaning.

Mr. BACON. Will the Senator from Florida permit me to make a suggestion?

Mr. PASCO. Certainly.

Mr. BACON. A limit which might be proper in the case of a large city would be entirely too great in the case of a small city. I have in my mind certain small towns which are clustered comparatively near together, and it would be a very great hardship to consolidate all the post-offices in the limits of a town that might be no larger than some of the neighboring towns.

Mr. NELSON. Will the Senator from Florida allow me a minute?

Mr. PASCO. Certainly.

Mr. NELSON. I have an amendment to propose which I think will cover and meet the views both of the Senator from Florida and the Senator from New York. Will the Senator from Florida give me the floor?

Mr. PASCO. Will the Senator from Minnesota have his amendment read?

Mr. NELSON. I will read it, and I should like to make a few remarks.

Mr. PASCO. Certainly.

Mr. NELSON. I offer an amendment, to come in at the end of the amendment of the Senator from Massachusetts [Mr. LODGE] that was adopted at the end of line 6. His amendment excepted from the proviso the post-office at Cambridge, I think. At the end of that clause, I move to insert the following additional proviso:

And provided further, That no post-office situate in the midst of a farming community and not directly connected by streets and street-car service of any kind with the post-office with which it is proposed to consolidate the same shall be consolidated with any other post-office or abolished or discontinued.

Mr. President, in support of this amendment I ask leave to say a few words. I was astonished the other day when I heard the claim made by the Senator from Wisconsin [Mr. VILAS] as to the powers of the Post-Office Department to consolidate, and I was still more astonished when I heard the statement of the Senator from Maryland [Mr. GORMAN] as to the fact that the post-office at Ellicott City had been consolidated with Baltimore. I know something about Ellicott City. I carried a musket in the streets of that city in 1861 and I know that it is as disconnected from the city of Baltimore as is the city of Alexandria from Washington. You might as well consolidate the city of Alexandria, across the river here in Virginia, with the city of Washington as to consolidate the city of Ellicott Mills or Ellicott City with the post-office at Baltimore. It is entirely disconnected. On a branch line going by rail from Baltimore it must be upward of 14 or 15 miles from the city of Baltimore, and it has no other than an ordinary rail

connection on a branch line; it is not on the line between Washington and Baltimore.

More than that, Ellicott City is the county seat of one of the prosperous counties in Maryland, and it is in the midst of a fine farming community. There are a large number of farms between that place and the city of Baltimore. I confess that when I heard the other day the fact that it had been consolidated and made a substation of Baltimore I became perfectly frightened, not knowing what might happen in my own part of the country. I did not know but that if this scheme of consolidation should prevail they would undertake to consolidate all the little offices with the office at the county seat, making one great post-office for the whole county.

Within recent years there has been a revolution going on in the commercial world in the way of stores, commerce, and traffic. A few years ago we had little stores, each handling one line of goods. We had clothing in one store; we had dry goods in another; we had stores for boots and shoes; we had hardware stores, and we had furniture stores, each store managed by the owner himself, with the aid of a few clerks who were treated almost as his equals, and the public were well accommodated. All that is being fast done away with. It went out of existence by that devil-fish of modern society, the department stores. The department stores have crushed out everything in the commercial world, and we have a great big chief man who sits in his office and plans how to consolidate all the different varieties of trade and commerce under one single roof; his clerks and employees are treated practically as an army of serfs, and the public at large get, to be sure, cheaper goods, but they are oftentimes nastier.

Mr. President, I believe that the department stores are a curse in the commercial world, and I should like to see them eliminated. I am opposed to injecting the department system into the post-office system. I do not believe in reducing it to the mere basis of a department store, a mere matter of dollars and cents.

In most of our local and municipal affairs the people deal with the constitutions and the laws of their respective States. It is only in little matters that they occasionally come in contact with the Federal Government. Those who are wealthy and who do a large business have the luxury of coming in contact with the Federal Government in the United States; but with the most of us in the everyday affairs of life the connecting link with our Federal Government here at Washington is the Post-Office Department. Would you, Mr. President, for the sake of a few dollars and cents, sever this connection and reduce our postal system, just for the sake of the almighty dollar, to the mere principle and basis of a department store? I hope that the American people have not got to that low level. From what little I know of the feeling of the public at large, it is that there is no fault found with the expenses of the Post-Office Department. There is not a Department of this Government in whose affairs the people take so much interest and the expenses of which are so cheerfully borne. I am sorry to see that this Department is put on the mere basis of dollars and cents. We want a good postal service, and we want that service to be on the old fashion, so that the postmasters of our little places in the country can be a part of the community in which they live and be looked up to as leaders.

It does not cut much figure whether the postmasters be Democrats or Republicans. The great body of the American people belong to one or the other of these parties, and they do not care to have a mere machine, a mere Department clerk, put into a post-office. We want a representative of our common humanity, whether he be a Democrat or a Republican, and we want him there as the representative of our great Government. If we put no limitations upon it and leave to the Postmaster-General unlimited power of consolidation, there is no telling to what it may lead. I have before me a letter of the Postmaster-General on this subject. He first cites the opinion of Postmaster-General Wanamaker, in which he recommended that the country be divided into districts, and a head placed over each district. Then he cites the opinion of Postmaster-General Bissell, in which he suggests something of a similar kind. Then the Postmaster-General adds:

Fortunately, the natural growth of the country, and the consequent development of the postal service, has suggested a plan which, by the test of experiments already made, promises to effect this substantial improvement without further legislation than an increase in the allowance for clerk hire, more than counterbalanced by a still larger decrease in the appropriation for the salaries of postmasters.

This plan contemplates the consolidation of smaller and contiguous post-offices with the free-delivery offices.

There is no limit to this, and unless we in this legislation inject some limit, this thing may go on without limit. As I say, there is nothing under it to hinder the Postmaster-General from taking and consolidating all the offices in a rural community, with the office at the county seat, and having all the little offices mere suburban stations, with one great office in the county.

I wish to say that the American people want nothing of that kind. They want the old system as we have had it in the country in many forms. It is all right if you consolidate the little suburban towns that are connected with the large cities by electric cars and by interurban cars and streets at places where men do business, and go and spend their evenings and stay over night. That is all right; but you do, as has been done in the case of Baltimore and Ellicott City, a great wrong to the people of the United States and a great wrong to the whole postal system.

Mr. LODGE. Mr. President——

Mr. PASCO. I had the floor and yielded it, and I should like to dispose of the proposition to amend the amendment that I offered. It will take but a moment, if the Senator from Massachusetts will yield to me.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Florida?

Mr. LODGE. Certainly. I only desired to speak to the amendment which has been pending.

Mr. PASCO. I suppose I had better put the amendment in proper shape before it is discussed. I think the amendment as I originally offered it might enable us to test the views of the Senate with reference to the establishment of these substations, and I prefer the language in which I have already prepared it to that offered by the Senator from Minnesota [Mr. NELSON], and without adopting the suggestion offered by the Senator from New York [Mr. HILL]. I do not accept any of the proposed amendments, and shall offer the amendment in the language in which it was originally proposed, and with that language will submit it to the Senate.

Mr. STEWART. Does the Senator offer the amendment now?

Mr. PASCO. I have al eady offered it.

Mr. LODGE. Mr. President, a great many objections have been made to this amendment which has been moved by the Senator from Colorado and which I originally had the pleasure of presenting to the Senate for the consideration of the Committee on Post-Offices and Post-Roads.

I think as the debate has proceeded we have got gradually down to the real objection to the amendment. We were first told that it enlarged enormously the powers of the Postmaster-General. It does not, Mr. President. It does not add to his powers, nor will it deduct from his powers. The power which he has had from the beginning is the power to establish and discontinue post-offices. The Post-Office Department can not be carried on without that power, and nobody proposes to take that power away from the Postmaster-General, and nobody can. Under that power this matter of the establishment of branch offices, that is, of post-offices in another form, has grown up. It can not be stopped; it is bound to go on. The only question is whether we shall struggle against it and show how far behind the times we are, or whether we shall provide for its being done properly and sensibly. The modern department shop may be a terrible thing, but you are not going to prevent people doing business in the cheapest, most expeditious, and best way by assailing them in the Senate. The best methods of doing business, whether in the postal service or in trade, are going to prevail, and there is no use of trying to stop it by legislation.

Another objection that has been made is that post-offices are to be abolished. Nobody proposes to abolish post-offices. It is a perfectly disingenuous objection. There is to be substituted for one kind of post-office another kind of post-office, and that is all—for a clumsy system a better system. Then lurid pictures have been drawn of sweeping the country post-offices of a whole State into a metropolitan district, thus introducing into a town or a harmless village some dangerous stranger from the classified service who happens to have been born in another village of the same State. All these awful pictures have been conjured up to frighten the Senate.

Mr. President, the Postmaster-General has the power of putting offices into a single district, and he is going to exercise it with reasonable discretion. There is no possibility of providing by law against every conceivable abuse of power. It is to be assumed that a Cabinet officer will exercise his powers reasonably. He is not going to rush out and take in all the country post-offices in a State or do any other absurd thing; but where a large city is so situated that a number of suburban post-offices can be advantageously consolidated with it, it is going to be done. It is certain to come sooner or later.

Mr. President, the system of consolidation which has been going on for some years has brought economy. That is a matter provable by figures. It is not true to say that it is said to have brought economy; it has brought it. In 90 post-offices consolidated last year the average saving has been $350 annually per office. The system of consolidation also brings better service as a matter of fact. It is not a matter of experiment or prediction.

The Senator from Maryland [Mr. GORMAN] is quite aware, from his familiarity with business, that consolidation in railroads, in mills, in telegraph offices, and anything else almost always brings greater economy in the management of the business. It requires fewer persons, perhaps, and gives better service in the end.

But, Mr. President, none of these objections is the real objection

to this amendment. The amendment will give better service and will give more economy. It abolishes no offices; it does not add to the Postmaster-General's power; it does not deduct from it. The real objection and the foundation of the opposition to it here is that it facilitates changing certain kinds of post-offices into post-offices of another kind. The postmasters at those new offices will cease to be the creatures of patronage, and will become clerks. That is the real source of the opposition to this amendment.

The Senator from Minnesota [Mr. NELSON] has just told us that he wants the postmasters to belong to our common humanity and not be men taken from the classified service. I should like to know, Mr. President, after a man has passed an examination in an honorable way, and when he has got an appointment under his Government in a fair and honorable way, how he ceased to belong to our common humanity? Is the only being who has got common humanity in him the man who has done some political service to the Congressman in the district? I think not. Those men from the classified service are better fitted for their duties than the men who are selected after a bitter village wrangle as to who shall have the post-office, which the Senator from Maryland tells us is the corner stone of American Government—think of it, fighting over small post-offices the corner stone of Amercan Government!

As to the county seats, that amendment has been put in the bill by the Committee on Appropriations so that they can not possibly be consolidated, and it appears that there are three county seats affected, two in Maryland and one in Massachusetts. I asked to have Cambridge omitted because it was consolidated some years ago with the Boston office. I have never heard it questioned that the result was better service. This outrage, Mr. President, was consummated on the people of Cambridge almost without their knowing it. That is a city of 70,000 inhabitants. It is quite as old a city and—I say it with all respect—it is quite as famous a city as Ellicott City, near Baltimore, and yet the people of Cambridge seem to have borne this outrage on their rights with perfect philosophy. They have not been stirred up to anger, but, on the contrary, I think they have welcomed the better service that they have obtained. The only reason that Cambridge is brought into this discussion is because it happened to be a county seat. There are a number of other large cities of separate corporate limits near to Boston which have been consolidated with Boston's postal service, but, not being county seats, they do not necessarily come up in this discussion.

I have said, Mr. President, that the real objection to this amendment was because it took away a few fourth-class postmasters, or second or third class postmasters, and turned them ultimately into the classified service. It takes very few. As the Senator from Colorado [Mr. WOLCOTT] has suggested, it perhaps in one year would take a thousand, and we should make 2,000 fourth-class offices in that time. Personally I am very glad to have them consolidated and have them put into the classified service, but it is a very trifling advance in the right direction, as it seems to me. I wish it went much further and that every fourth-class office could be taken finally out of politics. But I am glad to get anything that tends in that direction.

I have listened with a great deal of interest to the pathetic appeals which have been made to leave the people their rights; to the earnest objections that we were depriving the people of their rights by taking from them a fourth-class or third-class postmaster here and there and changing him ultimately into a clerk in the classified service. I think we might as well be honest about this business.

Mr. President, the only people Senators are disturbed about in this connection are themselves and members of the other House. The people do not select the postmaster under the present system. Under the present system there is a struggle of factions in a town or city, and then the postmaster is appointed on the recommendation of the member of the House of Representatives, with the indorsement, perhaps, of the Senator. That is the way postmasters are now selected. We all know it; we have all done it; and we might as well be honest about it and not talk about the people being so much injured by our giving up something which we have ourselves.

I do not in the least undertake to put forward any superior claim to virtue in this respect for myself or anybody else who thinks as I do in regard to this amendment. I have recommended men for post-offices when I was in the other House, and I have no doubt I shall do so again; but when I do it and recommend a postmaster for appointment to office, I am not going to get up in the Senate and object to having that patronage taken from me on the pretense that the people are going to be interfered with. The only persons who will be interfered with by a consolidation of offices are those who now have the gift of those offices, and those persons are the members of the House of Representatives and of the Senate. I do not think that patronage belonging to the Senate or the other House ought to stand in the way of the proper administration of the postal service of the Government. It is a great business service; it comes home closer to the people than any other part of the Government service. You may be perfectly certain that if the people get bad service through consolidated offices they will remonstrate and they will bring it to an end.

Mr. HAWLEY. May I ask the Senator a question there?

Mr. LODGE. Certainly.

Mr. HAWLEY. Is it not their habit now under the present system to remonstrate against bad service?

Mr. LODGE. I did not say it was not.

Mr. HAWLEY. What is the difference?

Mr. LODGE. The argument I am trying to meet is that this amendment is taking from the people something which belongs to them. I say it takes from them nothing whatever. It takes away from Senators and Members of Congress a certain amount of patronage and kills it; but that is not taking anything from the people. The people are not going to submit to a bad service under a consolidated district any more than they will submit to bad service very long from a fourth-class postmaster. They mean to have good service; and if they have a good office, well managed, well lighted, with a civil clerk and a civil postmaster, that contents them, as the Senator from Colorado said. That is what they want. They are not worrying as to whether the friend of some Representative or Senator has got the place or whether he is a Democrat or Republican. They want to get their letters, and they want to get them in the best way. They want to get as many deliveries as they can have and as many mails as they can have. Those are the wishes of the people; and they are troubling their heads very little about how many offices members of the other House and Senators may have to dispose of.

In the few words I said about this amendment when it first came up I did not undertake to argue it on civil-service grounds, because I am sorry to say that I think that is only a very small part of it. It does not seem to me to go very far in that direction. I wish it went much further. Incidentally it takes a few offices out of the present system and puts them into another, which I think is an excellent thing.

But the great argument for it is that it is going to give us a better and more economical postal service. Five hundred thousand dollars can be saved in one year. That is admitted by the Committee on Appropriations, and yet better service be given. There is no need of conjuring up bugbears or seizing in imagination whole States and wiping out all the delightful and delectable country post-offices in order to interfere with and stop a measure of economy and good sense.

Whether the amendment carries or not, attention has been called to it, and I think Senators will find that what the people really want is the best possible postal service, and that this amendment helps in that direction. They want the greatest economy, because economy in the postal service means in a very short time cheaper letter postage to them; and if we keep or make a more expensive system, we simply deprive the people of the advantages which they ought to have and will ultimately get. If they do not get this reform this year they will get it later. You can no more put back the wheels of progress in a thing like this—a pure question of intelligent business management—than you can put back the course of human invention or human enterprise.

It has been intimated that there was politics in this. I can not conceive how there should be any politics in it. This is the scheme of a Democratic Postmaster-General. I think it carries out the principles which have been advocated by Postmasters-General of both parties. It certainly has been advocated on this floor by a former Democratic Postmaster-General—the one man here who, by actual experience, knows more about the administration of the post-office than all the other members of the Senate put together, because he had to run it and knows exactly what it is. We have, in fact, the opinion of every man who has been charged with the duty of postal administration in favor of the principle of this amendment.

The present Postmaster-General is not of my party. I disagree with his policy in regard to the tariff, for instance, as widely as one man can differ from another, but that does not prevent me from realizing and saying that he has made an excellent Postmaster-General, and that when he proposes an improvement it ought to be passed, and that his support gives great weight to the argument. I can not for the life of me see any politics concealed in this thing anywhere. It seems to me purely a case of improved administration. That is the reason I introduced the amendment; that is the ground on which it has been advocated by the Senator from Colorado and myself, and that is the reason why I hope it will be adopted.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing

votes of the two Houses on the amendment of the House of Representatives to the concurrent resolution of the Senate in regard to the insurrection in Cuba.

The message also returned to the Senate, in compliance with its request, the bill (S. 941) granting to the Atchison and Nebraska Railroad Company and the Chicago, Burlington and Quincy Railroad Company, its lessee in perpetuity, the right of way over a part of the Sac and Fox and Iowa Indian reservations in the States of Kansas and Nebraska.

The message further announced that the House had passed the following bills:

A bill (S. 136) granting an increase of pension to Horace Townsend;

A bill (S. 344) granting a pension to Mary A. Hall;

A bill (S. 345) granting a pension to Catherine R. Jardine, widow of Brig. Gen. Edward Jardine;

A bill (S. 507) to pension Mollie Crandall;

A bill (S. 640) to increase the pension of Joseph W. Fisher;

A bill (S. 1271) granting a pension to Elizabeth Moore English; and

A bill (S. 2132) for the relief of settlers upon lands within the indemnity limits of the grant of the New Orleans Pacific Railway Company.

The message also announced that the House had passed the following bills and joint resolution with amendments; in which it requested the concurrence of the Senate:

A bill (S. 249) granting a pension to Charles E. Jones;

A bill (S. 894) granting a pension to Nancy G. Allabach; and

A joint resolution (S. R. 116) authorizing the Public Printer to print the annual report of the Superintendent of the United States Coast and Geodetic Survey in quarto form and to bind it in one volume.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 152) granting a pension to Mary Ann Tracy;

A bill (H. R. 486) for the relief of William Henry Johnson;

A bill (H. R. 491) granting an increase of pension to Francis Walsh, of Stockham, Nebr.;

A bill (H. R. 569) granting a pension to Sophia J. Hamilton, widow of Charles S. Hamilton, major-general of volunteers;

A bill (H. R. 577) granting a pension to Lydia A. Taft;

A bill (H. R. 708) to increase the pension of Albert Ellis;

A bill (H. R. 951) to amend the military record of Dan S. Place, first lieutenant Eighteenth Indiana Volunteers;

A bill (H. R. 1050) granting an increase of pension to Elizabeth Deshler Whiting, widow of Lieut. Henry Whiting;

A bill (H. R. 1094) granting a pension to Francis E. Hoover;

A bill (H. R. 1104) granting a pension to Isaac N. Williams;

A bill (H. R. 1109) granting a pension to Elizabeth Marshall;

A bill (H. R. 1139) granting a pension to Caroline D. Mowatt;

A bill (H. R. 1181) for the relief of Maria E. Wilson;

A bill (H. R. 1185) granting a pension to Rachel Patton;

A bill (H. R. 1602) for the relief of A. P. Brown, late postmaster at Lemars, Iowa;

A bill (H. R. 1634) to grant a pension to William F. Good, Company L, Tenth Indiana Cavalry Volunteers;

A bill (H. R. 1836) granting an honorable discharge to Wilson Kale;

A bill (H. R. 1838) granting an increase of pension to Thomas Corigan;

A bill (H. R. 2054) to correct the military record of Charles W. Rinehardt and to grant him an honorable discharge;

A bill (H. R. 2142) to remove the charge of desertion from the military record of Theodore Werner;

A bill (H. R. 2151) to restore to the pension rolls the name of Agnes A. Blackman;

A bill (H. R. 2224) granting an increase of pension to Lewis C. Schilling;

A bill (H. H. 2234) granting a pension to Joseph A. Cooper;

A bill (H. R. 2320) for the relief of Samuel Burrell;

A bill (H. R. 2326) granting a pension to Thomas Holaday;

A bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough;

A bill (H. R. 2605) granting pension to Henry V. Andrews, of Fulton County, Ill., a survivor of the Black Hawk war;

A bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county;

A bill (H. R. 3046) for the relief of Frederick Van Guilder;

A bill (H. R. 3139) for the relief of M. R. William Grebe;

A bill (H. R. 3216) granting an increase of pension to James P. Hurley;

A bill (H. R. 3221) granting a pension to John Dalton;

A bill (H. R. 3234) granting a pension to Williamson Durley;

A bill (H. R. 3426) to increase the pension of Eugenia R. Sweeney, widow of Brig. Gen. Thomas W. Sweeney, deceased;

A bill (H. R. 3689) granting an increase of pension to Jefferson Fueston, of Company M, Tenth Ohio Volunteer Cavalry;

A bill (H. R. 3749) to increase the pension of Mrs. Eunice Ida Rhoades;

A bill (H. R. 3993) granting a pension to Joseph Porter;

A bill (H. R. 4122) granting an increase of pension to James H. Jones;

A bill (H. R. 4182) to increase the pension of Georgianna C. Hall, dependent mother of Maj. John W. Williams, deceased, late surgeon, United States Army;

A bill (H. R. 4265) granting a pension to Eliza Wilson;

A bill (H. R. 4606) to grant an increase of pension to Mary B. Houk;

A bill (H. R. 4887) granting a pension to Sarah G. Ives;

A bill (H. R. 4968) granting a pension to Helen A. Jackman, dependent daughter of Lieut. William Jackman, late of Company I, Fourteenth Regiment of Maine Volunteers;

A bill (H. R. 5140) for the relief of Michael H. J. Crouch, late of Company M, Sixth Regiment Pennsylvania Cavalry;

A bill (H. R. 5254) granting an increase of pension to Ebenezer G. Howell, late a private Company F, One hundred and sixtieth New York Volunteers;

A bill (H. R. 6644) granting a pension to Gen. John M. Thayer, United States Volunteers;

A bill (H. R. 7395) to authorize the Secretary of the Treasury of the United States to reconvey to the former owners a certain tract of land in Valverde County, Tex.;

A bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; and

A joint resolution (H. Res. 163) to amend the act approved August 1, 1894, making appropriations for fortifications and other works of defense, etc.

The message also announced that the House had passed a concurrent resolution providing for the printing of 25,000 additional copies of Bureau of Education Circular of Information, No. 200, Catalogue of the American Literary Association Library; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution providing for the printing of 2,500 copies of Commercial Relations for 1894 and 1895, and 10,000 copies of the Review of the World's Commerce, etc.; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution providing for the printing of 300 copies of the Proceedings of the Board of Supervising Inspectors of Steam Vessels for the years 1895 and 1896; in which it requested the concurrence of the Senate.

NANCY G. ALLABACH.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 894) granting a pension to Nancy G. Allabach, which was, in line 9, after the word "month," to insert "in lieu of that she is now receiving."

Mr. PALMER. That is an unimportant amendment and I move that the Senate concur in it.

The amendment was concurred in.

PROCEEDINGS OF BOARD OF INSPECTORS OF STEAM VESSELS.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Treasury Department, Steamboat Inspection Service, 300 copies each of the Proceedings of the Board of Supervising Inspectors of Steam Vessels for the years 1895 and 1896.

CATALOGUE OF AMERICAN LITERARY ASSOCIATION LIBRARY.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound, in paper covers, 25,000 additional copies of Bureau of Education Circular of Information, No. 200, Catalogue of the American Literary Association Library; 5,000 copies for the Senate, 10,000 copies for the House of Representatives, and 10,000 copies for the Bureau of Education.

COMMERCIAL RELATIONS FOR 1894 AND 1895.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized and directed to print, for distribution by the Department of State, 2,500 copies of Commercial Relations for 1894 and 1895, and (in separate form) 10,000 copies of the "Review of the world's commerce," etc., being pages 1 to 235, inclusive, of said Commercial Relations.

REPORT OF COAST AND GEODETIC SURVEY.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 116)

authorizing the Public Printer to print the annual report of the Superintendent of the United States Coast and Geodetic Survey in quarto form and to bind it in one volume, which was, in line 4, to strike out "six" and insert "five."

Mr. HALE. I move that the Senate concur in the House amendment.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 152) granting a pension to Mary Ann Tracy;

A bill (H. R. 491) granting an increase of pension to Francis Walsh, of Stockham, Nebr.;

A bill (H. R. 569) granting a pension to Sophia J. Hamilton, widow of Charles S. Hamilton, major-general of volunteers;

A bill (H. R. 577) granting a pension to Lydia A. Taft;

A bill (H. R. 708) to increase the pension of Albert Ellis;

A bill (H. R. 1050) granting an increase of pension to Elizabeth Deshler Whiting, widow of Lieut. Henry Whiting;

A bill (H. R. 1094) granting a pension to Francis E. Hoover;

A bill (H. R. 1104) granting a pension to Isaac N. Williams;

A bill (H. R. 1109) granting a pension to Elizabeth Marshall;

A bill (H. R. 1139) granting a pension to Caroline D. Mowatt;

A bill (H. R. 1181) for the relief of Maria E. Wilson;

A bill (H. R. 1185) granting a pension to Rachel Patton;

A bill (H. R. 1634) to grant a pension to William F. Good, Company L, Tenth Indiana Cavalry Volunteers;

A bill (H. R. 1838) granting an increase of pension to Thomas Corigan;

A bill (H. R. 2151) to restore to the pension rolls the name of Agnes A. Blackman;

A bill (H. R. 2224) granting an increase of pension to Lewis C. Schilling;

A bill (H. R. 2234) granting a pension to Joseph A. Cooper;

A bill (H. R. 2326) granting a pension to Thomas Holaday;

A bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough;

A bill (H. R. 2605) granting a pension to Henry V. Andrews, of Fulton County, Ill., a survivor of the Black Hawk war;

A bill (H. R. 3216) granting a pension to James P. Hurley;

A bill (H. R. 3221) granting a pension to John Dalton;

A bill (H. R. 3234) granting a pension to Williamson Durley;

A bill (H. R. 3426) to increase the pension of Eugenia R. Sweeney, widow of Brig. Gen. Thomas W. Sweeney, deceased;

A bill (H. R. 3689) granting an increase of pension to Jefferson Fueston, of Company M, Tenth Ohio Volunteer Cavalry;

A bill (H. R. 3749) to increase the pension of Mrs. Eunice Ida Rhoades;

A bill (H. R. 3993) granting a pension to Joseph Porter;

A bill (H. R. 4122) granting an increase of pension to James H. Jones;

A bill (H. R. 4182) to increase the pension of Georgianna C. Hall, dependent mother of Maj. John W. Williams, deceased, late surgeon, United States Army;

A bill (H. R. 4265) granting a pension to Eliza Wilson;

A bill (H. R. 4606) to grant an increase of pension to Mary B. Houk;

A bill (H. R. 4887) granting a pension to Sarah G. Ives;

A bill (H. R. 4968) granting a pension to Helen A. Jackman, dependent daughter of Lieut. William Jackman, late of Company I, Fourteenth Regiment of Maine Volunteers;

A bill (H. R. 5140) for the relief of Michael H. J. Crouch, late of Company M, Sixth Regiment Pennsylvania Cavalry; and

A bill (H. R. 5254) granting an increase of pension to Ebenezer G. Howell, late a private Company F, One hundred and sixtieth New York Volunteers; and

The bill (H. R. 6644) granting a pension to Gen. John M. Thayer, United States Volunteers, was read twice by its title.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 486) for the relief of William Henry Johnson;

A bill (H. R. 951) to amend the military record of Dan S. Place, first lieutenant, Eighteenth Indiana Volunteers;

A bill (H. R. 1836) granting an honorable discharge to Wilson Kale;

A bill (H. R. 2054) to correct the military record of Charles W. Rinehardt and to grant him an honorable discharge;

A bill (H. R. 2142) to remove the charge of desertion from the military record of Theodore Werner;

A bill (H. R. 2320) for the relief of Samuel Burrell;

A bill (H. R. 3046) for the relief of Frederick Van Guilder;

A bill (H. R. 3139) for the relief of M. R. William Grebe; and

A joint resolution (H. Res. 163) to amend the act approved August 1, 1894, making appropriations for fortifications and other works of defense, etc.

The bill (H. R. 1602) for the relief of A. P. Brown, late postmaster at Lemars, Iowa, was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 7395) to authorize the Secretary of the Treasury of the United States to reconvey to the former owner a certain tract of land in Valverde County, Tex., was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

WAR IN CUBA.

Mr. SHERMAN. I wish to present a conference report, which will take but a moment. No action is required upon it, the other House having receded from its action.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The report will be read.

The Secretary read as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to Senate concurrent resolution No. 19, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment to the Senate concurrent resolution and agree to the same.

JOHN SHERMAN,
JOHN T. MORGAN,
H. C. LODGE,
Managers on the part of the Senate.

ROBERT R. HITT,
ROBERT ADAMS, JR.,
JAMES B. McCREARY,
Managers on the part of the House.

The PRESIDING OFFICER. The Chair is advised that no action is required on the report.

Mr. ALLISON. I call the attention of the Senator from Ohio to the report as it appears upon the Secretary's desk. Of course, the ordinary procedure would have been for the House of Representatives to have receded from its disagreement to our resolution and agree to it, but the report, as it appears on the Secretary's table, simply says that the House of Representatives agree to the conference report. I do not know what the Journal of the other House may show, but that Journal certainly ought to show that they have agreed to the resolution of the Senate. The report does not show it.

Mr. SHERMAN. That is the action of the House. I do not know how the report is worded.

Mr. HARRIS. Let the report be read again.

Mr. COCKRELL. Let us again hear the conference report?

The PRESIDING OFFICER. The report will be again read.

The Secretary again read the report of the committee of conference.

Mr. HARRIS. That covers the whole case.

Mr. ALLISON. Let the message be read which was just laid before the Senate.

The PRESIDING OFFICER. The message will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *April 6, 1896.*

Resolved, That the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the concurrent resolution of the Senate in regard to the insurrection in Cuba.

Mr. SHERMAN. The Senator from Tennessee [Mr. HARRIS] would know whether that is sufficient. I think it covers the whole ground.

Mr. HARRIS. I think clearly the House of Representatives recedes from its disagreement to the Senate resolution.

Mr. COCKRELL. The House does not say so.

Mr. ALLISON. The message does not show that; and that is the point I am making.

Mr. LODGE. The report of the conferees shows it.

Mr. ALLISON. That is not the report submitted to the Senate.

Mr. HARRIS. I think it does clearly show that the other House has agreed to the Senate resolution, receding from its amendment to that resolution. If the report shows anything, it shows that unquestionably, as it seems to me.

Mr. SHERMAN. If the Senator will allow me, I am told that the report was agreed to by a majority of 244 to 27.

Mr. ALLISON. As a matter of fact, the committee of conference did not need to make a report in this case. Whenever the other House agreed to recede from its disagreement to our resolution that settled the whole question. The conferees have made a report. That report has gone to the other House, and the report here at our Secretary's desk says that that House have agreed to it. It does not show, and they have not reported to us, that they

have receded from their disagreement to the Senate resolution and have agreed to it. That is the point I make.

Mr. SHERMAN. They have agreed to the conference report, which shows that the House have receded from their disagreement to the Senate resolutions.

Mr. ALLISON. I defer to the Senator from Ohio. I assume for myself, at least, that the House of Representatives have not in form receded from their amendment.

The PRESIDING OFFICER. The Chair thinks no action is required upon the report.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897.

Mr. ALLEN. Mr. President, the discussion of the pending amendment which took place on Thursday last and which has taken place so far to-day is a revelation to me. I have learned from the remarks of the junior Senator from Colorado [Mr. WOLCOTT], of the senior Senator from Wisconsin [Mr. VILAS], and also of the junior Senator from Massachusetts [Mr. LODGE] that we have had in this country since its organization a tyrannical system of administering the affairs of the Post-Office Department. I believe the people of the United States will be deeply interested in reading the discussion of Thursday last and in reading that portion of the discussion of to-day which has taken place up to this hour. I turn to page 3483 of the CONGRESSIONAL RECORD of Thursday last, when this question was under discussion, where I interrupted the Senator from Maryland [Mr. GORMAN] and put him this question:

Mr. ALLEN. I should like to ask the Senator how far can the Postmaster-General, through the postmaster, for instance, in Baltimore, extend these substations?—

Speaking at that time of the substations around the city of Baltimore—

Mr. GORMAN. I have no doubt he may embrace the whole State of Maryland.

Mr. ALLEN. Over a hundred miles?

Mr. GORMAN. There is no limit except the amount of money at his disposal.

Mr. ALLEN. Then the postmaster at Baltimore would be practically the postmaster of Maryland?

Mr. GORMAN. He would be, and it would be the same in any other State. There is absolutely no limit except as to the amount of money.

Further along in the discussion the junior Senator from Colorado [Mr. WOLCOTT] used this language:

Mr. President, my understanding, unfortunately, is that the effect of this amendment is not to enlarge the power of the Postmaster-General in the application of the fund. I should be very glad if it did. I understand—I should be glad to have the chairman of the Committee on Appropriations correct me if I am wrong, as I am very apt to be [laughter]—that the effect of this amendment is simply to declare the opinion of Congress that it recognizes the right of the Postmaster-General to so distribute, coalesce, and consolidate these offices as the public business shall require. The necessary effect will be at a subsequent Congress that the necessary appropriations will be changed from such sums as are applicable to fourth-class postmasters, so that they will be gradually applied, as necessity may require, to the payment of clerks. I take it that that will be so. I should be very glad if this amendment did enlarge the powers of the Postmaster-General; but I do not see that it does, and I ask the chairman of the Committee on Appropriations to tell me if it does.

Later in the discussion I had the honor to interrupt the senior Senator from Wisconsin [Mr. VILAS], who was discussing this matter, in the following language:

Mr. ALLEN. I should like to ask the Senator from Wisconsin a question or two which I regard as very important. Do I understand that as the law exists now and as it is proposed to perfect it the Postmaster-General may, for instance, say that a post-office 50 miles from the city of Omaha in the country shall be a subpost-office of Omaha?

Mr. VILAS. The law as it stands now gives the Postmaster-General power to establish or discontinue a post-office at pleasure. It gives him power to establish substations within any post-office district, and it is within his power to define what the post-office district shall be.

Mr. ALLEN. Then I understand the Senator to assert this——

Mr. VILAS. But I wish to add that it is not to be presumed that a law which has existed like that since the beginning of the Government, since the establishment of the Post-Office Department under Benjamin Franklin, is to be abused as is indicated by that question.

Mr. ALLEN. But I do not understand that since the time of Benjamin Franklin the law has existed to establish subpost-offices. I understand that the power to establish or abolish a post-office exists, but what I want to know of the Senator——

Mr. VILAS. It has existed since the system was begun.

Mr. ALLEN. What I want to know of the Senator is how long there has been a law upon our statute books that would authorize the postmaster of the city of Baltimore, for instance, to create subpost-offices beyond the corporate limits of that city?

Mr. VILAS. I think since the system was originally devised.

Mr. ALLEN. Since the system was originally devised?

Mr. VILAS. Yes. The law now directs, and always has directed, everything within the postal service to be done by the Postmaster-General. The law says the Postmaster-General shall stamp and back stamp letters. The Postmaster-General carries the mail. The Postmaster-General does everything. Congress simply provides him with authority to employ means to do it. Originally postmasters were known as and called deputy postmasters, because they were the deputies only of the Postmaster-General. The phrase "deputy" was afterwards dropped.

Mr. ALLEN. The question I put to the Senator, which he does not answer—at least I have not heard his answer—is, how long has the Postmaster-General had the right, for instance, to create a subpost-office to the main post-office of the city of Baltimore beyond the corporate limits of the city of Baltimore?

Mr. LODGE. He has always had it.

Mr. VILAS. I think he has enjoyed the same right that he now has since the Government of the United States was instituted and the Post-Office Department was established, if I am not mistaken.

Mr. LODGE. He has always had it.

Mr. VILAS. He has always had it.

Mr. ALLEN. How long has the system of substations been in existence?

Mr. VILAS. A very great many years. I can not undertake to tell the Senator when the first substation was established. Probably it was in the city of New York. But it must be understood that there is a vast difference in the character and classes of substations. The Postmaster-General now has in the city of New York, etc.

Further along there occurred the following colloquy:

Mr. ALLEN. If the position of the Senator from Wisconsin is correct, what is there to prevent the Postmaster-General from making, for instance, a post-office 400 miles across the entire width of the State of Nebraska a substation of the post-office at Omaha?

Mr. VILAS. We do not as a rule have Postmasters-General made of that stuff.

Mr. ALLEN. I ask what is there in the laws to prevent it?

Mr. VILAS. There is nothing in the law to prevent it.

So the discussion runs on over several pages of the RECORD of Thursday last, revealing what is to me at least the astounding fact that the Postmaster-General from the organization of the Government has been a supreme and unlimited dictator in the administration of the affairs of that Department. The senior Senator from Wisconsin [Mr. VILAS] seemed to think it was something peculiar that a man should show any ignorance upon the subject. Of course the senior Senator from Wisconsin, having himself at one time occupied the important position of Postmaster-General, is entirely familiar with the laws governing that Department. I take it he states the law as it exists when he says there never has been a time when the Postmaster-General could not abolish or establish an office at any place in the United States where he might see fit, and that there has never been a time when the Postmaster-General could not take a post-office removed three or four or five hundred miles from a given post-office and make it the substation of that office. In fact, the Senator in the discussion on Thursday last stated that he could do so with an office a thousand miles distant, or any distance. I think I can find the remark, and I shall find it before the discussion is over.

Now, what is proposed? Is it proposed to limit the power of the Postmaster-General, whose power is plenary, unrestrained? No, sir. It is proposed to enlarge it if it were possible to enlarge unrestrained power. The Postmaster-General is to have the power to absorb all the little post-offices in a State or in two or three States and make them subpost-offices of some central point, and by that means make them all tributary to a central point. Why should that be done? Why does the junior Senator from Colorado [Mr. WOLCOTT] or the senior Senator from Wisconsin [Mr. VILAS] ask the Senate to adopt this amendment? They say to us that it is in the interest of civil-service reform, and that we will get better service from it; that it is proper to put all those offices in the classified service, because thereby the people of this country will obtain for less money better service than they now enjoy.

There has not been one word said here, there has not been a fact adduced in the discussion, showing that the service would be improved. It is true we have heard the junior Senator from Colorado [Mr. WOLCOTT] and the Senator from Massachusetts [Mr. LODGE] and the Senator from Wisconsin [Mr. VILAS] so argue, but not one fact has been adduced by any of those gentlemen to prove that the service as it now exists would be improved by enlarging the powers of the Postmaster-General or by giving him power to absorb all these offices.

Then, what is the purpose of the amendment? The honorable Senator from Colorado and the honorable Senator from Massachusetts say that there is nothing of sentiment in this matter; that it is a mere business transaction. There is something of sentiment in it. There is a great deal of sentiment in it. We are told by the advocates of civil-service reform that a republican form of government upon this continent is a failure, for that is what it means. Why not continue the system as it is? Why have a man who wants a fourth-class post-office answer 400 or 500 questions that may be put to him by some boy who is just out of his knickerbockers and who has recently left the graduating class of a high school? Why not continue the service as it is? Certainly there is no complaint coming from any responsible source that the little fourth-class post-offices are not properly administered. It is just and right that this power should be diffused among the people, and among all classes of people, so far as it can be done.

We are told that the boy who graduates from school to-day, under better advantages than his father enjoyed, by force of that fact is more clearly eligible to the service of his country than is his father, and the father who did not enjoy those opportunities and who can not answer the questions which a few gentlemen put to him is by virtue of that fact denied the privilege of entering the civil service of his country. Senators say that the people do not complain. They do complain. If the question were to-day put to the people of this country by a popular vote whether substations should be created and clerks sent to them from a distant

The bill (H. R. 1602) for the relief of A. P. Brown, late post-

office of the city of Baltimore beyond the corporate limits of the city of Baltimore?

it. It does not show, and they have not reported to us, that they

part of the country to administer them, for instance, in a neighborhood where some old man has administered the office for ten, fifteen, or twenty years, the vote would be almost unanimous against the adoption of the system. The people look upon those offices as theirs, and they are theirs. Sir, the people of this country are supreme. They are supreme in electing everybody from the roadmaster of an obscure road to the present occupant of the White House, and anything that looks like absorbing power, anything that looks like taking power from the people, is wrong. It is not only not democratic or republican, but it is not American.

How much education must a man in this country have to run a fourth-class post-office which has a salary of one hundred, or two hundred, or five hundred dollars attached to it? With some of us it was a misfortune that we did not enjoy an opportunity to procure an education. We were not to blame for it. I remember distinctly when my education began in a log schoolhouse in the State of Ohio, where I was born, and when I graduated from a sod schoolhouse in the State of Iowa, to which I had removed. I had no opportunity to procure a more complete technical school education. I had not the means to procure such an education if the opportunity had otherwise been presented. Yet millions of citizens of this country who were born in or who in early manhood went to the great West and Southwest are, under this system of classification, to be deprived of their interest in the Government, and of the right to participate in the administration of the affairs of this and other Departments of the Government in consequence of a lack of a perfect technical school education.

Mr. President, I venture the statement that there is not a Senator in this Chamber who, without some preparation, can go down to the Civil Service Commissioner's office and pass an examination in any classified department. Necessarily the man or the boy who is freshest from the books passes the most creditable examination. Yet all of the men who, under the rule laid down by the Senator from Colorado and the Senator from Massachusetts, are deprived of the right to participate in the affairs of this Government in holding these little offices and in holding little offices in other departments of the Government have a right to vote as American citizens. They have a right to choose other officers. They have a right to choose the very officers who appoint the Civil Service Commissioners, as well as those who create the law authorizing the existence of such a commission. Yet because they do not pass a particular examination or answer correctly a certain percentage of questions which may be put to them by the examiners under the civil service, they are rendered ineligible to hold the position of postmaster of a fourth-class post-office.

Senators say that the people have no interest in this matter. There are hundreds and thousands and tens of thousands of little towns scattered through the country where the post-office is the place at which the men of the neighborhood meet to discuss political and other questions. It is an important matter to them to have a man chosen from the community with whom they are acquainted and who will be responsible to them for the administration of the affairs of the office. Does the honorable Senator from Colorado believe, does any candid man believe, that a man sent into that community from another community to hold this little office and administer its affairs can be in sympathy with the people who reside there? Not at all. He is not answerable to the people. He is answerable alone to some postmaster situated three or four hundred miles from the office or the substation he occupies. Would not appeals from the people of that community fall upon deaf ears if they should complain of the manner in which that man administered the affairs of his office?

Sir, he may not be a voter in the community. He may not have reached the years at which he is eligible to vote. He is not a taxpayer. He does not participate in the affairs of the community. He is not responsible to the people of the community, and therefore he has no sympathy with them and gives ear to no grievance which they may lay before him or before the office to which his station is tributary. But what can he do? He will carry out the behest of the man who appoints him in working political schemes in that neighborhood. It is the most gigantic attempt ever made in this country to control the political affairs of the nation. Here is an army of 150,000 men responsible, not to the communities in which they discharge their duties, but to some central point, who are not in sympathy with those communities, who are there for the purpose of working in the interest of a particular political party or organization which they represent.

The Civil Service Commissioners tell us that the appointees are not to take any part in politics. There was an illustration of that under the Administration of Mr. Hayes, I think. The very first order that was issued by the late President Hayes was his celebrated Order No. 1. Under it no man holding an office was permitted to go to a convention or a caucus and participate in the affairs of the community or locality or State in which he resided. Was it observed? Were not those who advocate the system of civil-service reform, as they call it, the first to trample down Order No. 1 of President Hayes? Was it not openly violated and flagrantly abused by them from that time on? So strong was the protest of the Republican party against the issue of the order that there was not the slightest attempt to carry it into execution, and the old order of rewarding those who worked during the heat and burden of the day in the campaign was reinstated, and, Mr. President, it is in practice in this Government to-day, notwithstanding the sham pretense of civil-service reform.

How was it under a Democratic Administration? The great Mugwump of this country to-day is installed in the White House. It is very difficult to tell whether Mr. Cleveland is more Mugwump than he is imperial Democrat, but certainly he has led the hosts of Mugwumps in this country for the last ten or fifteen years. Has it not been a common thing under the present Administration to remove for political causes men who were holding positions under the so-called civil-service reform? What became of Mr. Johnston, a member of that Commission, two years ago? I refer to George D. Johnston, of Louisiana. He had the temerity to disagree with Teddy Roosevelt, the great New York Mugwump, second only to Cleveland himself. He did not agree with him as to the administration of some of the affairs of that office. Mr. Johnston seems to have been an honest reformer. It did not seem to have dawned upon his mind until about the time he was removed that civil-service reform was an absolute sham; a sham, Mr. President, under which dishonest men undertake to work political ends and then claim great virtue for having done so.

Mr. Johnston disagreed with his associates, Mr. Roosevelt and Mr. Lyman. Immediately he was removed. The President of the United States could not even suffer this Commissioner to entertain an independent opinion. We are told that this system is desired so that men can be free from annoyance for expressing their opinions upon political questions; that it shall be nonpartisan; that a man, if he is a Republican and well qualified, can hold his office through a Democratic Administration, and that a Democrat who is well qualified can hold his office through a Republican Administration. Yet when one of those Commissioners at the head of this branch of the service disagreed with his associates and seemed to block the way of carrying out political schemes and purposes in the Commission itself; when he seemed to think that the law was an honest law and should be honestly administered, suddenly he found the President calling for his resignation, and offering to transfer him to a different line of the public service.

I wish to call attention to some letters which appeared in the press some time ago:

EXECUTIVE MANSION, *November 25, 1893.*

DEAR SIR: I am sorry to hear through your friends, Senator CAFFERY and Mr. Secretary Herbert, who conveyed to you my request that you acquiesce in your transfer from the Civil Service Commission to another post of honorable duty, that you decline the proposition and refuse to resign your present position. I am so certain that the public good requires a change in the Commission, involving your retirement, that I am constrained to request you to reconsider your decision and put me in possession of your resignation as early as Monday afternoon, the 27th instant, at 4 o'clock.

Yours, very truly, GROVER CLEVELAND.

Hon. GEORGE D. JOHNSTON.

The world, however, has remained in ignorance of the good that the public service would derive by the transfer of Mr. Johnston from the Civil Service Commission to the consular service of the Government. What had Mr. Johnston done? Had he been guilty of violating any statute? Had he said or done anything that was not proper for him to say or do? No. He had simply seen fit to enter a dissenting opinion upon some question of legal construction entertained by his associates, Mr. Roosevelt and Mr. Lyman. The President might as well say to a man whom he is about to appoint a justice of the Supreme Court, "I have appointed a Chief Justice of the Supreme Court of the United States who believes that every corporation has wings, who believes that corporations have all the rights and the people have none. Now, I appoint you as an associate justice upon that bench; but, mark you, whenever you manifest any independence of opinion or character or disagree with the Chief Justice you will be removed." Here were three commissioners appointed with coordinate powers, the office of one as high as the office of the other, and yet because Mr. Johnston saw fit in the exercise of an honest conviction to disagree with his associates he was removed for the good of the public service from that Commission and was to be transferred to the consular service. But where did he go? He went where all such men go under this Administration.

Now, Mr. Johnston replied to this letter, and he replied in perfectly polite language. He wrote under date of "Washington, November 27, 1893," two days later, and said:

The PRESIDENT.

SIR: Your letter of the 26th instant is received. Senator CAFFERY and Mr. Secretary Herbert conveyed to me your offer of the consulship at Victoria, which meant, of course, that you propose to retire me from the Civil Service Commission—

The President was ready to dicker with him; he was ready to transfer him to the consulship at Victoria if he could only get rid

of him, get him off of the Civil Service Commission and give his henchmen a full opportunity at that tribunal—

You did not communicate to me through these gentlemen your reasons for my retirement, nor have you ever spoken to me in regard to this or any other matter connected with the discharge of my duties, or relating to the Commission or its work. Though conscious of having discharged the duties of my office faithfully, and, as I believe, in furtherance of the best interests of the people and the Government, I would promptly acquiesce in your wish that I resign had you given me an opportunity to be heard before you decided upon your action. Under present circumstances, however, I can not, consistently with my sense of duty to myself or my friends who recommended my appointment, consent either to resign or accept a position inferior to the one I now hold.

Respectfully, GEORGE D. JOHNSTON.

Mr. Johnston had not been informed of the charge made against him. He had not been called to the White House and given an opportunity to explain anything. He had been the victim of a star-chamber judgment upon the part of the Chief Executive of this nation. He was not even permitted to go before some person representing the President and lay his cause before him. I suppose that is Democracy according to the Senator from Wisconsin.

Mr. President, without knowing the charge against him, and being ignorant of the charge against him to this day, for that matter, as I am informed, except that he disagreed in the construction of a statute from his associate Commissioners, this man was removed after the President could not purchase him and dispose of him by sending him as consul to Victoria. Then his majesty—or his excellency, I should say—sent the following letter to Mr. Johnston:

Hon. GEORGE D. JOHNSTON.

SIR—

He ceased to be "Dear sir." In the first letter it was "Hon. George D. Johnston, dear sir," an affectionate sort of a letter, but when informed that Mr. Johnston would not resign and could not be bought—for that is what he undertook to do with him—the President for the first time shows his hand in the cold and stereotyped expression, "Sir"—

Hon. GEORGE D. JOHNSTON.

SIR: You are hereby removed from the office of United States Civil Service Commissioner.

Yours, truly, GROVER CLEVELAND.

For what cause was he removed? Why was this man, who was at the head of the Civil Service Commission of the United States, taken, so to speak, by the nape of the neck and thrown out of office without a charge being made against him, without being given an opportunity to be heard in his defense? Will the President of the United States hear a charge that involves the character, the integrity, or the manhood of a public officer and not give that officer an opportunity to explain it or to be heard upon it? If he will do that, Mr. President, then he is a disgrace to the great office he occupies, and he should not be returned, as he doubtless will not be returned, to that position.

Mr. TELLER. I should like to make an inquiry, if the Senator from Nebraska will allow me to ask him a question.

Mr. ALLEN. Certainly.

Mr. TELLER. Does the Senator himself know what was the alleged cause of Mr. Johnston's removal?

Mr. ALLEN. I can not give it in detail. I read it at the time and I have read it since, but it is not important here. That is not the question I am discussing. I have discussed the action of a man who will pursue the tactics that were pursued in the days of Jeffreys and the Old Bailey, a man who will hear whisperings and charges against the character or against the fitness of a man holding a public position and remove him without giving him an opportunity to be heard in his defense. Then Mr. Johnston acknowledged the receipt of the letter of removal, as follows:

The PRESIDENT.

SIR: Your note of this date informing me that you have removed me from the office of United States Civil Service Commissioner is hereby acknowledged.

Respectfully, GEORGE D. JOHNSTON.

And Mr. Johnston passed from an important office in this country, with headquarters in this city, into private life, not knowing the accusation made against him except that he had disagreed with his associates in some respects.

Now, Mr. President, this is civil service. What is to be gained by the introduction of such a system of civil service when it is rotten at the very fountain source, when it is used by the Chief Executive, when it is used by his Cabinet officers, as a mere cloak to the accomplishment of their political and personal desires and purposes? There may be a few persons in this country who are gullible enough to think that this is a wonderful scheme for renovating offices, putting competent men at the head of affairs, reducing the crimes in offices and the cost of their administration. There may be a few such people, I say, but there are not many. There are but few of the people of the United States who do not know to-day that the so-called civil-service reform is a snare, a fraud, and a delusion, and that it is made to work out political purposes as much now as the old system did before the introduction of the present system.

Mr. President, if the Senators who advocate this measure are to be believed, every man who enters the classified service is a saint; there is some peculiarity in the blood that courses through his veins; and every man who is not eligible to it is by force of that fact dishonest or unfit to be considered as a citizen of the United States, or he is a mere groundling with water coursing through his veins instead of blood. It counts for nothing that the Revolutionary fathers established this Government for all, not alone for the educated man, but in the interest of the man who was not educated. It matters not to the distinguished Senator from Colorado or the Senator from Massachusetts that those men spilled their blood from Concord to Yorktown in rescuing our country from the yoke of English oppression.

It matters not that their descendants from that time to this have upheld the flag of this country in every great struggle we have had for the maintenance of our Government and the maintenance of our freedom. After this country has been brought in safety to its present position we are to have this un-Democratic, un-Republican, un-Populistic, un-American distinction introduced into our service that the man who spells "copy" with one "p" is to have an office against another fellow who was taught forty years ago to spell it with two "p's." That is the distinction. That is the crown of the distinction. And a lot of men, boys from school, who have never done anything in defense of their country, who might prove the most impotent of all if called upon to discharge any great public service in the hour of danger, are to be enthroned in the most important offices of the country, and the old men and the old women, the middle-aged men and the middle-aged women, who did not enjoy equal opportunities of education with them, are to be placed in the background.

Now, what can be accomplished by the scheme before us? We are told that there are something like 150,000 persons in the mail service of this country. I will ask the Senator from Wisconsin if I am right.

Mr. VILAS. About that number.

Mr. ALLEN. How are they to be used? They are to be nonpartisan. Mr. President, you and I know how this nonpartisan civil service works. You know, and so does the Senator from Wisconsin, what would be the result if the postmaster at Milwaukee, for instance, should say to the clerk who is holding a subpost-office 50 miles from there: "See the people in your community and get as many of them to go to the Democratic caucus as you can and support the good old party."

Mr. President, do you suppose that clerk would refuse to carry into execution the order? Suppose it were not placed as an argument, but said to him, "Now, would it not be a pretty good plan for you to see some of the old men in the communities where your subagents are and see if you can not induce them to go to the town caucuses and get on the delegations from the towns to the county conventions," do you not suppose the clerks would carry into execution the request and wishes of their master? Sir, the clerk does it to-day in the classified service and out of it, and if in the classified service he is not answerable to the people upon whom he would commit and does commit such an outrage.

Mr. President, it has been a common thing since I have been a member of this body to have employees in the Departments in this city come to me (I am not at liberty to call their names, nor am I at liberty to speak as plainly as I should upon the subject for fear that some Civil Service Commissioner or his agent may be around and chase them down and chase them out of their offices) and say that they had risen under the civil service from a six or eight hundred dollar job a year up to $1,800, and sometimes as high as $2,000 or more, and they had been in the service for years.

When Mr. Harrison went out and Mr. Cleveland came into power they were told that they would have to take a reduced position. I will venture the remark that 50 per cent of the Republicans that are in appointive positions in this city to-day have been reduced from the position they occupied when Harrison went out of the White House and Cleveland went in. They were told that they must take a reduced position, and some Democrat in the same service, who came in later than they did, or who has been appointed to the service since the present Administration, was promoted above them.

I could call the names and the offices this moment if I were permitted to do so, but the interests of those persons will not permit me. I have known a few instances where the occupants of the office thought the law was passed to be observed, where they had not discovered that it was a mere cloak under which political parties were masking their purposes. I recall an instance right now where a man had been in the service for over ten years in one of the Departments in this city. I have known the man personally for twenty-five years—a thoroughly competent, honest, and well-equipped man.

Within a short time after Mr. Cleveland came into power in 1893 it was indicated to this gentleman that he must take a reduced position at $1,200 a year, as the chief of the bureau wanted his place for a Democrat. He rebelled. Did not the statute say,

does not the President say, do not the Civil Service Commissioners say, do not the Mugwumps say as well, that a man in such a position can not be removed for political causes, that if he is a gentleman and qualified and in the classified service he can remain whether he is a Democrat or a Republican? They all said this, the law said this, and the man construed the statute and he construed their words to be honest and as showing the evident purpose of the framers of the statute. When he informed the chief of the bureau under whose charge he was that he could not take the reduced position, the chief of the bureau said to him, "Well, you will have to resign, because I want your office for a good Democrat here." He did not resign; the chief could not get rid of him that way; but finally he did get rid of him by abolishing the office.

You know we permit these Departments to establish a limitless number of offices and fill them. The office was abolished. Then the victim of civil-service reform discovered for the first time that it was a delusion and a snare, and he went out into the cold, chilly atmosphere of the world to struggle for himself, and he is down along the cool waters of Babylon, I presume, at this moment. Now, what was the result? The Republican had not left that office three weeks until the office was created again, and it was filled by the Democrat who sought it.

Mr. President, I speak of this not as an isolated case. Cases can be found by the hundreds right in this city and in other cities and centers of population in this country. Yet Senators will stand in this Chamber and advocate the adoption and enforcement of this iniquitous system of doing business. They will say, notwithstanding this, that the great body of the American people should be shut out of holding these little offices that are scattered throughout the States and Territories of the Union. Why, Mr. President, what would you do with one of the little fellows who had been reared in the civil service and who could not tell a horse from an ox except that the one has horns and the other has not? What would you do with such a person as that, who feels himself above all responsibility in a moral, a social, and a business sense to the people whose office he administers, in putting him out at some country crossroad store to administer the mail service, at a salary of $100 or $200 a year, for the people who congregate there, when some young man living in the community who has a little store and carries on a little business can administer the affairs of that office in the interest of the people who live around it and who are tributary to it? Under the system advocated by these gentlemen a man might be sent a distance of 100 or 500 or 1,000 miles to administer one of these offices and the people of the community where he went be given to understand that he was sent there because there could not be found in that community a man who had intelligence enough to discharge the duties required of a little fourth-class postmaster.

But the Senator from Wisconsin says this is Democratic. I think I heard him say on Thursday last that this is Democratic, and the Senator says now that it is Democratic. Well, Mr. President, it may be Democratic. I do not know; I would not say that it was not modern Democracy. It is certainly not ancient Democracy. What did the fathers of the Democratic party teach in this country? They said liberty was most secure when the power of administering the affairs of the Government ramified all communities and was held in the hands of the common people. I suppose after a while we shall be carrying the rules of civil-service reform into the New England town meetings, and the junior Senator from Massachusetts will tell the people of that Commonwealth that it is necessary for the efficient administration of the public service in these communities that only the highly educated classes shall be permitted to levy the taxes and discharge the various duties devolving upon town offices.

This spirit has run wild; it has gone to the very verge of idiocy; it stands stamped with the condemnation, in my judgment, of every man who is a true friend of this country, of every man who does not want to erect upon this continent a ruling class and a class to be ruled. I imagine it would be a remarkable scene, if it could be so, to witness the senior Senator from Wisconsin discussing this question with the illustrious Jefferson. I imagine if Mr. Jefferson could rise from his grave to-day and walk into the Senate Chamber and hear the Senator from Wisconsin declare that this is Democratic doctrine, he would believe that his great rival, Hamilton, or the descendants of Hamilton, had come into control of the Government. Jefferson did not believe this doctrine; it was not even believed in by the most radical men of that age.

Mr. President, it proves another thing. There is no difference between Cleveland Democracy and gold-bug Republicanism. I classify gold-bug Republicanism because it leads to many other heresies, but that is the chief one. What distinction is there between the opinion of the junior Senator from Colorado or the junior Senator from Massachusetts and the illustrious Senator from Wisconsin upon this subject? They are glad to embrace, so says the junior Senator from Massachusetts, and he walks over toward the senior Senator from Wisconsin as though he were going to embrace him on this subject; he is glad to agree with him upon this great, supreme proposition of the hour, civil-service reform. There is not the slightest distinction between them upon any other great political question now agitating the country. They are simply agreed upon these great propositions, except that the senior Senator from Wisconsin is on the Democratic stage driving the team, and the Senator from Massachusetts is on the Republican stage driving a like team. They are in perfect harmony, in perfect accord upon this, as well as upon other great political questions which are now agitating the people.

Of course, Mr. President, men like myself are away behind. We have not had the opportunities of seeing the beauties of civil-service reform as administered under the Administration of Mr. Cleveland and under the Administration of Mr. Harrison. We are not supposed to have cultivated taste enough to appreciate it if we came in close contact with it. The great masses of the people are supposed, according to this system, to be absolutely incapable of conducting their own affairs. When you say that that distinction shall be erected, that it shall be incorporated into our laws and applied, do you not say to the great majority of the people of this country that they are incapable of self-government and that self-government is a failure?

You say to these men, "Yes, you can pay taxes, that is all right; you can support the Government in discharging your duties as a citizen in the payment of taxes; you can support the Government by discharging your duty as a juror when called into court, in determining great questions that are submitted to you; you can support your Government by taking your musket and joining the Army and fighting your country's battles, if you will; you do not have to spell very well when you do that; no, you are a good citizen when you do that; you can fight in defense of your country; you may stand by its flag on fifty occasions when it is imperiled and endangered by its enemies. All these as a citizen of this country you can and must do; but when you come home you find the dudes intrenched in the civil service, and if you fail to pass an examination such as is described in this book [indicating], you can get nothing out of this Government, not even a fourth-class post-office." We who do not believe in this are told that we are not æsthetic, that we do not rise to that high, keen intellectual appreciation of how this great Government should be run by the few and the masses excluded from any responsibility.

There is nothing political in it; of course not. You let Mr. Wilson, the present Postmaster-General, have all these great offices, some 68,000, I think, consolidated with your substations at 40 or 50 different points in the United States, with a superintendent over every division, and every postmaster or clerk in every division will be throwing up his hat for the Democratic party this year, or, if he does not, his office will be abolished, and after a while the office will be restored and a Democrat put in his place.

Mr. President, I recall a year ago last fall, in 1894—and I am speaking now of the bond of sympathy which exists between Democrats and Republicans here—the great contest for the office of governor in my State, where the present chief executive, a Populist, was finally elected by 3,100 majority over his Republican competitor. When the news first came to the centers of population in that State, it was that his Republican competitor had been elected. Every Cleveland Democrat in the State of Nebraska supported the Republican candidate for governor, every man who believed in the gold standard, every man who wore a collar round his neck labeled "My dog," every Government official walked to the ballot box and cast his vote for the Republican candidate for governor. When the news came that he was elected—it was a mistake, however—there were a dozen or more places in the State of Nebraska where the postmasters walked into the streets, threw their hats into the air, and almost split their lungs in cheering for the supposed triumphant election of the Republican candidate for governor. It was only two or three days after that when they discovered their mistake and found that the Populist had slipped through and that the Republican had not succeeded.

What difference is there between these parties? I say, Mr. President, that the gold wing, the Cleveland element of the Democratic party of the State of Nebraska, has supported the Republican ticket for the last seven or eight years in that State. So it has been in other sections of the country. Those gentlemen who are solidified upon this question and upon other questions would rather see a certain element of the Republican party win, or a certain element of the Republican party would rather see a certain other element of the Democratic party win, than to see any person win who is in full accord and sympathy with the masses all the time.

Mr. President, this is not a question of sentiment, these gentlemen say; it is a question of efficiency of the service. I say it is a question of sentiment to a certain extent. There is nothing to which the people of this country are more securely attached, especially in the rural districts, than to the postmaster and the administration of the little post-offices in which they feel a personal

interest, a place where they can congregate and get their mail; where they can exchange ideas upon neighborhood and other subjects, if they see fit. To send a stranger among them, who is not of them or for them, who does not pay a cent of taxes in the community where he has been sent, who is not a part and parcel of their organization, and not eligible to any other office there, would be like sending a man from Russia or from some distant country into their midst to administer the affairs of their community.

The process has begun; the process of absorption has already taken place. In the last fiscal year the number of post-offices discontinued by order of the Postmaster-General was 94; the number of stations established in lieu of the 94 independent post-offices was 74, of the carrier stations 20, and the substations 54. How long will it take under this system until all the principal States of this Union will be affected by this process of absorption?

Then, Mr. President, these gentlemen are not contented with turning over the entire Post-Office Department to so-called civil-service reform, but it will appear from this bill that they are going into partnership with the manufacturers of bicycles. We have suffered every trust in this country to organize with impunity that wanted to do so without restraint. Notwithstanding we have statutes containing ample provisions against the formation of trusts of various kinds, we sit here powerless, and the different branches of the Government sit here powerless to enforce these statutes, or refuse absolutely to enforce them, in many instances refusing to enforce the statutes against these trusts because they are depending upon the trusts for a campaign fund to conduct the Presidential and other important campaigns of this country. I heard it charged openly but a short time ago that $300,000 was raised by certain parties in Wall street, New York, for the nomination of Mr. Cleveland for the Presidency in 1892, and that the same identical individuals raised a like sum to secure the nomination of Mr. Harrison as the Republican nominee in the same year. The statement was made in the presence of some gentlemen who sit here at this time and who ought to know, and it was not denied, and if there is any denial to be made to it I am perfectly willing that it should be made now.

Mr. GRAY. Were not some such charges made against Mr. McKinley?

Mr. ALLEN. I have not read the latest evidence upon the McKinley case. I have the primary evidence, however, in my desk here, which I shall use at the proper time.

It was charged, furthermore, that up to four weeks before the election of 1892 these gentlemen in Wall street, who manipulate the affairs of this country, and all of whom are civil-service reformers, of course, did not know whether they would support Mr. Cleveland or support Mr. Harrison. Their affection was divided. Of course the average Wall street shark has nothing like patriotism about him. It is only a question, as has been said, of cent per cent with them; a question as to whom they can control and manipulate to the best advantage. So they were divided in their affection.

Mr. Harrison had swung around the circle, and had given utterance to that phrase, which finds expression in the Republican platform, that he was in favor of every dollar being as good as every other dollar. No man ever saw one dollar that was not as good as another; but he coined that phrase, and it went into the Republican platform of 1892. Finally they concluded that Harrison was a little too far West; that he could not be depended upon at a critical time; that Cleveland had his office on Wall street, and that his associations and sympathies there were such that $400,000 of money went from those people into the campaign fund, and Cleveland was elected and Harrison defeated. One of those gentlemen who contributed so largely to this fund was Mr. John J. Van Alen. I think he gave $50,000. He was one of those American citizens who has become "so English, you know," that when he can not find a genuine fox to chase, he puts a darky on a horse, ties a piece of white paper to the horse, sends him through the woods, sets his hounds after that, and he and his friends chase it.

That man gave $50,000, as appeared in the sugar investigation—it is in a public document, and there is no question about it—to the Cleveland campaign fund, and in the course of events, Mr. Cleveland found something in his views of civil-service reform which permitted him to appoint that individual as minister or ambassador extraordinary to Italy. We had quite a contest over it, and that man was finally confirmed. Here was a man who gave $50,000 to the Presidential campaign fund, who was getting his quid pro quo in the form of a foreign appointment, and such a man as that received the approval of this Senate by a majority vote.

Was it any different when Mr. Harrison was elected? Not at all. The great and good Mr. Wanamaker, the superintendent of Sunday schools, it is said, gave $400,000 for the elevation of Benjamin Harrison to the Presidential office, and after a few suns had risen and set, after a few months had elapsed, the President saw fit to invite the great and good John into his Cabinet to act as Postmaster-General from that time on, and he did.

I speak of these things as conspicuous examples of civil-service reform. This rotten system is corrupting the very foundations of the Government itself. This placing of the Presidential office on an auction block for bids, and selling it to a man who will pay the most boodle for it, can go on uninterruptedly; but when it comes to a question of disposing of a little fourth-class post-office with a salary of $50 or $100 a year attached to it, civil-service reform must be enforced and insisted on!

Mr. HAWLEY. May I interrupt the Senator a moment?

Mr. ALLEN. Yes, sir.

Mr. HAWLEY. I take it for granted that neither the Senator from Nebraska nor anybody else in the world supposes that John Wanamaker gave $400,000 to make Benjamin Harrison President. Mr. Wanamaker is an active and influential politician, and I have no doubt that all he did was to circulate a paper for subscriptions and that he raised a large sum of money—how much I do not know, but I heard the sum mentioned once at $10,000. That, however, is the private business of the gentlemen contributing, and nobody supposes that Mr. Wanamaker gave $400,000 or that he bought his office, and I do not believe that there is a respectable Democrat in the United States who will say that he believes that Benjamin Harrison would have gone into any such contract or that anybody bought him or that he bought anybody else.

Mr. ALLEN. There was never a man in this world caught in doing what he ought not to do who did not have an apology and some subterfuge to offer for his conduct. I say that charge was made against Mr. Wanamaker and ex-President Harrison openly through the press of this country, and it never has been denied from that moment until this, when the distinguished Senator from Connecticut rises at his desk and denies it.

Mr. HAWLEY. Which charge? I do not understand distinctly what the charge is.

Mr. ALLEN. I will make it so distinct that you can understand it—that John Wanamaker contributed $400,000 to the Harrison campaign in 1892. That is the charge I refer to.

Mr. HAWLEY. I wish to say that I do not believe it, and I do not know of anybody else besides the Senator who believes that Mr. Wanamaker contributed any such sum.

Mr. ALLEN. Mr. President, there is not a Democrat on this side—mark you, now, a Democrat; I do not mean a Democrat sailing under Democratic colors who is a Republican—who will get up and say he does not believe it. No; they are perfectly silent here; but a bitter, uncompromising partisan of Harrison and of Wanamaker can say he does not believe it, and that he does not believe that anybody in this country believes it but me. I do not know whether it is true or not; I know the charge was made; that it rang from Maine to California, through the press of this country, and I have never heard it openly denied until this moment. The statute of limitations has run against it, I suppose, by this time at least. Harrison served out his term and passed into private life. To-day he undertakes the discharge of additional duties, and I suppose the American people will forgive him.

Mr. Cleveland will pass from the White House within the next eleven months back to his office in Wall street, to enjoy the fruits of his fortune, if he has one, made out of the misfortunes of this country, and the people will lose sight of him, and the crime that was committed in 1892 in contributing to his campaign fund will be forgotten; but the Mugwump who stands on his heel and howls every time he gets an opportunity about civil-service reform or the civil-service reformer, who has himself been particeps criminis in these greater offenses, will still continue to stand up and howl that all the old men and the old women in the little country post-offices must be swept aside for the dude.

Mr. CALL. Mr. President, I desire to say a very few words.

Mr. ALLEN. I send to the desk an amendment which I desire to offer at the proper time.

The VICE-PRESIDENT. The amendment submitted by the Senator from Nebraska [Mr. ALLEN] will be stated.

The SECRETARY. It is proposed to amend by inserting, on page 2, after line 6, the following, as an additional proviso:

Provided further, That no subpost-office or station shall be established outside of or beyond the corporate limits of the town or city in which the principal office is established, nor shall a postmaster or clerk of any such subpost-office or station be appointed to administer the affairs thereof who is not at the time of his appointment a bona fide resident and elector of the community in which said subpost-office or station is located.

Mr. CALL. Mr. President, I desire to say a very few words on the amendments. The amendment which the Committee on Appropriations put into the bill requires the establishment of a post-office at every county seat, restoring them where they have been discontinued. The present amendment proposes to give authority to the Postmaster-General to apply the money appropriated to the payment of any superintendent or other officer who may be substituted in place of the discontinued postmaster.

There is no doubt that the power to discontinue a post-office is

involved in the power to establish it. There is no question that the power to establish a post-office was conferred in the creation of the Department; but, as has been truly said, the importance of this provision is that it places the officer substituted for the person who was the postmaster and upon whom the duties of that office were imposed subject to the civil-service law. That is all. It makes the selection of that officer from the general list of eligible persons having been examined and having passed. So from all parts of the United States, not from the State alone, a person eligible in the highest degree may under the amendment be assigned to the performance of the duties of postmaster at any place.

That brings up the whole question as to how far it is consistent with the theory of this Government to divorce the appointment of officers from the source in which the Constitution of the country has placed it. That is the question. The superior efficiency of such an organization may or may not be questioned, but certainly it could be attained equally by requiring the postmaster in any particular region of country to report to and be under the supervision of some one person in that particular locality. So it is not of the essence of the amendment that there should be superior efficiency to that which exists. But upon that subject it may be said that the constitutions of government are not formed upon the sole idea of efficiency. I believe it is Blackstone who in his Commentaries says, quoting from Montesquieu, that the best government in the world is a monarchy, provided you can be assured of the greatest wisdom and the greatest integrity in the person of the monarch. Certainly the greatest efficiency and the most direct execution of the law is to be found in the person of a monarch, a single person. But other considerations require that there should be different forms of government. Personal liberty, the preservation of the rights of every man as against arbitrary power constitute the foundation upon which liberal governments are established.

Now, what do we find upon the subject of civil-service reform, as it is called? We find that in this country the power of Executive duty was carefully considered and framed. And where was it placed? Where was the power to create offices and to fill them placed by the Constitution? I need not say that it was in the President of the United States and in the Congress of the United States, who are authorized to create inferior offices and vest the appointment in the heads of Departments. Is it an idle purpose to vest the appointing power of officers created by Congress in the heads of Departments? Has it any utility at all? Is it to be supposed that it has no purpose in this form of government and that the Executive power, the President of the United States, should have all power of appointment, of even the smallest officers of this Government, which may be created by Congress?

It is the proposition of those who advocate the amendment that the whole power of appointment of officers created by Congress shall be vested in the President of the United States and in three Commissioners, who shall execute this power under the sole will of the President, an officer who holds two-thirds of the legislative power of the Congress of the United States in every vote that is cast less 1 vote. That is the scheme which is now proposed in this and like amendments, that a single official, having two-thirds of the legislative power of this Government in his hands less 1 vote, shall have the sole power to appoint every officer in this Government from the smallest to the highest.

Now, is it safe to so intrust this power, contrary to the provisions of the Constitution? In the midst of this vast concentration of power, in the alienation of the franchises of taxation into private and individual hands as property, when the great corporations of this country, owned by a few men, some domestic and largely foreign, collecting three times the tax that the Government itself can collect, when a few individuals have accumulated by the power of taxation upon the people from one to five hundred million dollars each, is it wise and according to our system of Government, is it consistent with the preservation of this Government, that you should vest the power of appointing every officer from the lowest to the highest in the President of the United States and three men who are his creatures and subject to his will?

It seems to me that there is a consideration which should give us pause. It does not matter what the provisions of the statutory law are. It is true that the amendment of the Senator from Minnesota [Mr. NELSON] ought to be adopted which limits the power of creating substations and of putting into them, not postmasters of the vicinage, which ought to be required, for every postmaster ought to be selected according to the will of the patrons of the office in the locality, but persons selected from a list of eligibles embracing all the people of the United States. I undertake to say that if we continue the system by which you disfranchise from eligibility to office every man over 40 or 45 years of age and every man or woman under 20 years of age, and leave to the individual possessing this great power, the Presidency, the right still further to limit the qualifications, he may limit them to persons over 21 years of age and under 30 years of age. He therefore possesses the absolute power of depriving of eligibility the larger portion of the people of the United States.

But it is said that you must consider that officials will interpret the law reasonably and execute the law reasonably. That is not the proposition upon which constitutions and institutions of government are formed. They are formed upon the idea that public officials will not execute the laws fairly and justly, and restraints and limitations and checks and prohibitions are imposed upon the theory that the people shall be guarded against the abuse of power. So when it is proposed now that a list of eligibles shall be formed from persons who are over 20 and under 40 or 45 years of age, the power of appointment to be conferred not upon the heads of Departments, but upon rules formulated by a single man, the President of the United States, in my judgment you overthrow this form of government or place it in a condition where it may be subjected to great danger. But at all events, upon the pending appropriation bill a scheme of such great influence should not be allowed to go.

Mr. WHITE. Mr. President, it appears that the consideration of the pending amendment does not involve necessarily, or, indeed, at all, any criticism either of the President of the United States or of the Postmaster-General. While I am not in favor of the amendment of the Senator from Colorado [Mr. WOLCOTT], and while I believe that the system with which we are to some extent threatened, looking to the consolidation of remote post-offices with city post-offices, is a bad one, I express that view without feeling that I am criticising anybody particularly. I have great personal respect for the Postmaster-General, but I also have my own views upon this subject.

In the report of the Postmaster-General made during the present session, page 40 of House Document No. 4, I find the following:

> The question of extending civil-service methods to the selection of fourth-class postmasters has naturally received my attention since I have been at the head of this Department. It is beset with difficulties which my experience as a Representative in Congress of a large country district during three changes of Administration has brought home to me more clearly than they might appear to a theoretical reformer or to the Representative of a city constituency. I have studied various bills introduced in both branches of Congress in recent years and welcomed suggestions from other quarters. But I do not find myself able to make, as yet, any specific recommendations on this important subject in the line of the legislation which has been proposed.

Here is a statement, therefore, made officially by the Postmaster-General to Congress, wherein he notifies us that, in his opinion, it is inadvisable, as the matter now appears to him, to pass any of the bills proposing to extend the classified service to postmasters of the fourth class.

Mr. President, there is an effort, as we learn from the discussion here, at least by some of those who advocate the amendment, indirectly to do that which the Postmaster-General does not feel that he is prepared to recommend.

Mr. VILAS. I should like to ask the Senator from California to read the next paragraph following the one he has read.

Mr. WHITE. I shall do so with pleasure.

Mr. VILAS. The Senator will see, then, that all the suggestion there is in regard to this amendment is in line with what the Postmaster-General has said.

Mr. WHITE. I will read the next section:

> The order which you have recently approved, providing that when the Postmaster-General shall consolidate with a free-delivery office any other post-office, such consolidation shall carry into the classified service at the free-delivery office the Post-Office Department roster of employees of the office consolidated, including the postmaster, may be accepted as the beginning and foundation not only of a better postal service of the public, a better and more business-like accounting to this Department, but also a wise extension of the civil-service system to postmasters. It is my purpose to proceed under the authority of this order as discreetly as I can, and in the long run as far as experience will justify, so as to secure these commendable results.

Is that all the Senator from Wisconsin alluded to?

Mr. VILAS. Yes.

Mr. WHITE. Reading that portion of the report of the Postmaster-General I arrive at a conclusion entirely opposite from that suggested by the interruption of the Senator from Wisconsin. It is well known to us all that as a rule the fourth-class post-offices are small affairs. As a general thing there are no clerks. In many of the rural regions of the United States some one attends to the post-office duties in his own house. This recommendation plainly has reference to larger offices where more business is done, because the Postmaster-General says:

> The order which you have recently approved, providing that when the Postmaster-General shall consolidate with a free-delivery office any other post-office such consolidation shall carry into the classified service at the free-delivery office the Post-Office Department roster of employees of the office consolidated, etc.

I would construe that recommendation, coupled with the other which precedes it, as meaning that the Postmaster-General does not favor consolidation in the case of small fourth-class offices, but that he does as to larger offices situated near a free-delivery office. Such would be my construction. However, as to what he intended perhaps others know better than I do.

Mr. President, I admit that the evil which must result from this amendment will depend upon the extent to which the Postmaster-General carries the authority with which he is to be clothed. I agree, also, that it is dangerous to extend power too far, but I likewise concur in the observation made by some one that it is impossible to place a nice, an absolutely correct, limitation. But we must construe the intention of the officers who are to execute this authority by what they have recently said, even since this report was written.

We find a suggestion by the Postmaster-General on page 4 of Report No. 592, as follows:

> A few days ago an order was issued from this office consolidating with the Brooklyn post-office 14 independent post-offices hitherto existing in the corporate limits of that city. Every post-office on Long Island Sound might thus be consolidated with the Brooklyn post-office, with an improvement of the service.

My attention was directed to the radical change proposed in the administration of the Department by the statement that every post-office on Long Island Sound might properly be consolidated with the Brooklyn post-office. Such an extensive and radical alteration in modes of procedure heretofore adopted seems to me worthy of more than passing consideration, and when I reflect that this discussion and this matter are injected into an appropriation bill, when it is impossible for us adequately to place before our view and to fully consider and act upon the various phases of the subject, I at once think that the amendment should be retired, so that it may be more fully and completely discussed.

My distinguished friend the Senator from Colorado [Mr. WOLCOTT] referred to several cities in the United States within the corporate limits of which I understood him to say there were post-offices which should be or could be successfully consolidated. He has, I believe, a list before him—officially prepared, I suppose, as he tells us he has obtained the information from reliable sources—showing that within certain municipal jurisdictions there are various post-offices which really should be under central control. If I remember rightly, in the case of San Diego, which was the only instance in California cited by him, he referred to Point Loma and Sorrento and Lajolla and North San Diego as places within the jurisdiction or limits of the city of San Diego.

I wish to call the attention of my friend to this proposition. Point Loma is a very small office. The Senator himself will observe by looking at the returns that certainly it can not contribute more than a hundred or two hundred dollars per annum to the Government coffers. I do not believe it contributes that much. It is located 8 miles from the city of San Diego. Lajolla is 12 miles from the city of San Diego, not within the municipal limits at all. Sorrento is 15 miles distant, and they are all very small offices. It would be impracticable to bring them under one jurisdiction.

But it seems to me it would be bad policy at least to adopt any system which must result in sending a young man who has passed a civil-service examination from some of our cities, on his bicycle or by other mode of conveyance, to distribute mail in the rural regions to persons with whom perhaps he is not acquainted and to whom to some extent he may be a cause for alarm. Surely the particular instance cited by the Senator from Colorado as affording a justification for consolidation does not come even within the theory which he has advanced, and therefore I simply submit that he has been misinformed regarding it.

It is true that we ought to have the best service we can get, but it is likewise true that there are thousands of small post-offices in this country in towns where there reside a population who wish to administer the post-office as nearly as they can themselves, and in most cases they do. I know it has been said here, and it is true in many instances perhaps in larger offices, that communities do not obtain the men for postmasters whom they desire. But that is not generally true, especially in the smaller places where some one accepts the office really as a matter of accommodation to his neighbors. Take counties—and I am thinking of some in my own State—where there may be a town of eight or ten thousand inhabitants, and where there is a man of a higher class, so far as education and attainments are concerned, in the central post-office than in some of the country post-offices. I would not, for that reason, place the smaller offices under his jurisdiction. They get along very well. Of course, there may be burglaries committed; but I submit that the burglar will be just as liable to get into the office when it is attended by a gentleman who rides a bicycle as he will when it is attended by some old farmer in the country, who would be far more able in dealing with an unwarranted intrusion. There is nothing, I think, in the matter of loss.

When we come to the matter of embezzlement, I do not think there would be anything found there. I know, of course, that there may be frauds committed in the little post-offices, but I do not believe they are very extensive. There will be frauds committed in every service which we can devise, but I do not believe that if we change the method we will obtain any more honest men than we have now; and while theoretically it may be a good thing to create a great post-office trust and to put all of those people under one central control, practically I believe it will lead to a great deal of trouble.

For myself, so far as the patronage is concerned, I do not believe it is of any benefit to an individual to enjoy patronage. I do not think it is any satisfaction to an individual to have the authority to fill fourth-class post-offices throughout the United States. I would welcome a law which would consign to instantaneous death a member of Congress who would apply for any sort of an office for anybody.

But I do not think that now at this date we should add anything to the bill in this direction. The Senator from Iowa informs us that without any particular mention in the bill of the matter, $750,000 have been diverted into the clerk-hire channel, so as to enable the Postmaster-General to further experiment. I am unwilling to add anything to his power in this matter, because I do not think that a theory which is supported by an example which tells us that all the post-offices on Long Island Sound can be successfully consolidated in Brooklyn is a good system. It has nothing to commend it to me, or if there were any commendatory features they are overborne by others.

Mr. WOLCOTT. I know the Senator from California wishes to be accurate. May I suggest to him that the post-offices proposed to be consolidated are not on Long Island Sound, but on Long Island?

Mr. WHITE. If the Senator from Colorado will lend me his ear, I will read to him from the report of the Postmaster-General upon that subject, and it sounds to me as though I were right:

> Every post-office on Long Island Sound might thus be consolidated with the Brooklyn post-office.

So I said, or intended to say if I did not, that the proposition of the Postmaster-General was to consolidate all of the post-offices on Long Island Sound and bring them within the Brooklyn jurisdiction, and I think I was right about that. It rather astonished me, but I stated it upon that authority upon which I was told later in the discussion the Senator from Colorado largely relied.

I desire to say (though I do not consider it essential to this controversy) that I do not wish anything I have said to be construed into any reflection upon the civil-service system. Properly applied I approve of it, but I agree with the Postmaster-General that it is inapplicable to the conditions surrounding the service of the fourth-class postmasters of the country.

That is all I wish to say upon the matter, Mr. President.

Mr. STEWART. Mr. President, I have listened to the argument of the junior Senator from Massachusetts [Mr. LODGE] with a good deal of interest, particularly that portion of it in which he said that the business could be conducted so much more cheaply. I have heard that from several. There is no doubt that the whole Government could be carried on much more cheaply if we trusted entirely to one man; but the question is, would it be as successful? All the arguments in regard to consolidation that I have heard have a tendency to advocate a system of one-man power with regard to the Post-Office Department. We all know that the post-office has been exceedingly popular, and that, although the Executives under different Administrations have sometimes appointed unfit men, they have invariably suffered politically for it, for it is the only outrage that can be usually met with adequate punishment if any political party attempts to interfere with the post-office. It belongs to the people in their local capacity, so much so that it has been very popular ever since I can remember to advocate the election of postmasters by the people, leaving the Executive the power of removal. Many Congressmen have been in the habit, when they were allowed to nominate, so to speak, or recommend the appointments in their districts, to submit it to a vote of the people. I think that very few members of Congress who have the responsibility of recommending a postmaster will now disregard the views of the citizens in the locality.

With regard to the post-office, the people have more to do with it. We are aware that republican government costs more to conduct than a monarchical government, but here is a branch of the service which has been regulated practically by the people and we see how popular the post-office is. The post-office is the most popular branch of the public service; everybody refers to it as a benefaction, and I believe it is, because it has been brought clearly home to the people.

With reference to supplying the local post-offices in the small localities, at the crossroads, under any civil-service arrangement, it would be impossible to do it as satisfactorily as the service is now performed. I believe nine times out of ten in very small places the man who takes the post-office is the country storekeeper at that point, or he has a drug store where everybody goes, and he is appointed practically by the people by unanimous consent. If he does not act right, complaint is promptly made. There are generally two persons, one Democrat and one Republican, where they are divided politically in that way, who live at the crossroads, and one or the other takes it when his party is in power, and both of them

conduct the office satisfactorily. If either should prove unsatisfactory, there would be protest, and it is generally heeded.

I would be opposed to any consolidation that interfered with the favorite system of popular self-government as it has been conducted with regard to the Post-Office Department. Before we make any serious changes it should be discussed on something besides an appropriation bill, and the manner in which it can be carried out should be considered more at length than is possible at the present time. This is all I have to say.

Mr. ALLISON. Mr. President, I hope to finish the bill to-night, if practicable. We have now spent about five hours in the debate upon this proposition.

Mr. PEFFER. Will the Senator from Iowa yield to me just a moment to propose an amendment?

Mr. ALLISON. I will yield a moment for that purpose.

Mr. PEFFER. I propose an amendment, to come in at the proper place. I ask that it be read for information.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

Provided further, That when two towns or cities lie adjoining, but are situate in different States, the post-offices in said towns or cities shall not be consolidated in one office.

Mr. ALLISON. That is only an added reason why I should make the motion which I propose to make. I think the Senate thoroughly understand this question, and I move to lay the amendment of the Senator from Colorado, with all the amendments thereto, upon the table.

Mr. PASCO. Will the Senator from Iowa allow me one moment? In order that there may be a direct vote on the amendment offered by the Senator from Colorado, and without having it affected by the amendment which I offered, I will ask leave to withdraw my amendment to the amendment.

Mr. ALLISON. I withdraw my motion for that purpose.

Mr. PASCO. Then the question will be settled entirely upon that amendment.

Mr. VILAS. I hope the Senator from Iowa will not make that motion yet. I wish to engage the attention of the Senate for a few moments in respect to some things that have been said regarding the remarks I made on Thursday. I do not believe the Senator would gain anything in time by pressing a vote on this subject unreasonably. I doubt whether it would be possible for us to dispose of the bill to-night.

Mr. ALLISON. I certainly do not wish to press the bill unreasonably or the disposition of the amendment unreasonably. If the Senator from Wisconsin could indicate to me how much time he desires I would withdraw the motion for that purpose; or if I can have an understanding that the amendment shall be voted upon after the Senator from Wisconsin has concluded his observations I will yield to him.

Mr. VILAS. So far as the time required by me is concerned, it will be just such as I find necessary to make the few remarks I desire to make. I can not engage for a vote for anybody else after I am done.

Mr. ALLISON. After the observations to be made by the Senator from Wisconsin I will test the sense of the Senate by moving to lay the pending amendment on the table.

Mr. VILAS. I trust the Senator from Iowa will withdraw that motion, because it cuts off debate.

Mr. ALLISON. I understand that.

Mr. VILAS. And no debate is practically going to be cut off in that way. I certainly trust the Senator will not insist upon making the motion.

Mr. ALLISON. I understood the Senator to make that threat, and I understand perfectly well that the Senator from Wisconsin can make such observations as he chooses upon the bill at such time as he chooses; and that being true, I wish to test the sense of the Senate upon the amendment; that is all.

Mr. VILAS. The Senator from Iowa did not understand me correctly; I am sure he did not. I simply made a request which I think it is very common to have granted in the Senate. I certainly trust the Senator from Iowa is not, in his urgency to pass this appropriation bill, going to adopt a course of practice that is so unusual in this body. I have not engaged the attention of the Senate at length upon the subject. Several things have been said by the Senator from Florida on my right [Mr. PASCO] and the Senator from Nebraska [Mr. ALLEN] with respect to some observations I submitted to the Senate on Thursday that demand brief reply.

Mr. ALLISON. I wanted to yield to the Senator from Wisconsin and was asking him about how much time he would require, when he said to me that he did not expect to limit himself, but would occupy such time as he chose, and then notified me that the bill could not be finished to-night. If we are going on in this way, without having any arrangement, of course the Senator will make such motions as he sees proper to make. That is all I wish to say to the Senator from Wisconsin.

I desire to get through with the appropriation bill in a reasonable time. I desire also to give every Senator an opportunity to debate the pending question. But we have now spent from half past 12 until 5 o'clock upon this single amendment of the Senator from Colorado. I do not know, but from everything I can see about me the sense of the Senate is against the amendment. I only desire to test the sense of the Senate, not to cut off debate. Now, I will yield to the Senator from Wisconsin to make such observations as he chooses, and I give notice that after he has finished his remarks I shall renew my motion.

The VICE-PRESIDENT. The Chair desires to inquire of the Senator from Iowa whether he withdraws his motion to lay the amendment of the Senator from Colorado on the table?

Mr. ALLISON. I withdraw it for the time being.

The VICE-PRESIDENT. The motion is withdrawn. The Senator from Wisconsin is recognized.

Mr. WOLCOTT. Will the Senator from Wisconsin yield to me for a moment?

Mr. VILAS. With pleasure.

Mr. WOLCOTT. I shall try not to trespass upon the time of the Senate for more than three or four minutes, if I have to do so at all; but in view of the fact that I reported the amendment, it may be possible that I shall ask the Senator from Iowa to yield a moment to me to respond to one or two suggestions which have been made.

Mr. ALLISON. I shall certainly yield for that purpose. What I want is to have the bill disposed of before we adjourn to-day.

Mr. WOLCOTT. I have no desire to take up any time.

Several SENATORS. Let us adjourn.

Mr. VILAS. If the Senator from Iowa does not insist upon going on to-night, I am willing that that motion shall be made. I do not feel that I am at liberty to yield for the purpose of making it.

Mr. ALLISON. I will try to be as amiable as possible. If we can fix an hour to-morrow when the pending bill shall be disposed of without further debate, and all amendments made to it or proposed to it hereafter shall be disposed of without debate, and the bill shall pass before final adjournment to-morrow, fixing an hour, I will yield to the wishes of the Senator from Wisconsin.

Mr. WOLCOTT. That there shall be no debate upon any other amendment? Is that the Senator's suggestion?

Mr. ALLISON. It is not. My suggestion is that we shall fix an hour to vote upon the bill and all amendments relating to it, and after that hour we shall proceed to vote without further debate. Then I will yield to the disposition of Senators as respects adjournment.

Mr. WOLCOTT. I have only to say that except as to the amendment respecting experimental offices, which I desire to call to the attention of the Senator from Iowa, I suppose very briefly, I know of no other amendment, so far as I am concerned, which will take any time in discussion.

Mr. ALLISON. I ask unanimous consent, then, that to-morrow at 3 o'clock we shall proceed to vote, without further debate, upon all amendments to the bill then pending or of which notice has then been given.

Mr. VILAS. I suggest to the Senator from Iowa that he ask that the vote be taken to-morrow, without fixing an hour.

Mr. ALLISON. I will ask unanimous consent that we may vote at 4 o'clock.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Iowa?

Mr. ALLEN. I wish to ask the Senator from Iowa one question. Why not take the bill at the conclusion of the routine morning business and discuss it up to a certain hour, and then proceed with it under the five-minute rule for an hour or so and consider other amendments, and vote on it at 4 o'clock? Agreements upon other measures, such as the one proposed, have shut out the offering of amendments, the Senate having fixed a definite hour upon which to vote and the discussion having occupied the entire time up to that moment.

Mr. ALLISON. Then I will modify my proposition, in view of the suggestion made by the Senator from Nebraska. I request that we agree to take the bill up immediately after the routine business in the morning, proceed with it until 3 o'clock, and at 3 o'clock proceed with it, say, from 3 to 4, under the five-minute rule as provided by Rule VIII, and that at 4 o'clock we shall proceed to vote upon the bill and amendments without further debate.

Mr. ALLEN. And during which time amendments may be offered.

Mr. ALLISON. If they can be disposed of in the meantime, of course I shall make no objection.

Mr. VILAS. I suggest again to the Senator from Iowa that he simply ask the Senate to agree that a vote shall be taken to-morrow. We have had only one day's debate, practically, on the bill. There were some things said on it in a hurried way in the latter part of the afternoon for two or three days last week, but there has been very little discussion upon the bill of as much consequence as this is, and unfortunately, as I think, a good deal of it has been

devoted to this very simple amendment to-day, taking a wide range beyond perhaps what the nature of the amendment called for. That is uncontrollable, but that ought not to prevent the discussion of the bill in other particulars in which it may be necessary to present some amendments and observations on the part of different Senators.

Mr. ALLISON. Then I will modify my request still further and ask the Senate to agree that we shall proceed until half past 3 o'clock to-morrow with the general debate; that from that hour we shall debate the bill under the five-minute rule, and at 5 o'clock proceed to take a vote upon amendments and on the bill without further debate.

Mr. CULLOM. Unless it is sooner disposed of.

Mr. ALLISON. Unless it is sooner disposed of.

Mr. BUTLER. Will the Senator from Iowa pardon me? I have an amendment that I want to offer to the bill which might be ruled out on a point of order if the chairman of the committee objected to it. I should like permission to have the amendment read, so that I may know whether it would be objected to.

Mr. ALLISON. I will say to my friend from North Carolina that I will be reasonable in respect to amendments and as to points of order.

Mr. BUTLER. But, if the Senator from Iowa will pardon me, if the point of order should be made against my amendment, it would have to go before the Committee on Post-Offices and Post-Roads, which will not hold a meeting until Wednesday morning.

Therefore, I much prefer the bill should not be acted on before Wednesday, so that the Committee on Post-Offices and Post-Roads could make a report upon it, in which case it would not be subject to the point of order. Will the Senator from Iowa permit me to have the amendment read so as see if there is any objection to it?

Mr. ALLISON. I would prefer to have that subject considered when we reach it. Of course I know that it is within the power of a Senator to object if he chooses. I assure him that I will be reasonable with him as respects the amendment.

Mr. BUTLER. I do not think there will be any objection to it, but I want to protect it against objection, which may be done by having the amendment read. It will take but a moment's reading.

Mr. ALLISON. The Senator will see that in making an adjustment now for a vote to-morrow I can not accept such a condition. Therefore I must decline his suggestion. Of course he has it in his power to object and thus to prevent me from obtaining the agreement which I very much desire.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Iowa?

Mr. ALLEN. I want just one definite understanding and then there is no objection on my part. That is, that at any time during the discussion under the five-minute rule amendments may be offered up to the hour of 5 o'clock.

Mr. ALLISON. Undoubtedly, up to 5 o'clock.

Mr. VILAS. I wish to call the attention of the Senator, under that suggestion, to the fact that I shall desire to strike out from the bill the provision for necessary and special facilities on railroads, and if that amendment be not adopted I shall ask the Senate to reduce the amount to $175,000.

Mr. ALLISON. I will take no advantage of Senators as respects amendments. All I desire is to complete the consideration of the bill to-morrow and have unanimous consent that it may be done. I do not wish to detain the Senate here beyond a reasonable hour on that day. Therefore I have made every proposition that will facilitate what I wish to have done to-morrow.

The VICE-PRESIDENT. The Chair submits again, Is there objection to the request of the Senator from Iowa? The Chair hears none. It is so ordered.

Mr. HAWLEY. I desire to send to the desk an amendment to come in on page 7, line 25.

GEN. JOHN M. THAYER.

Mr. THURSTON. I ask unanimous consent to make a momentary statement concerning a bill that came over from the House to-day, and then I shall ask unanimous consent to have it passed.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Nebraska? The Chair hears none. The bill will be read for information.

The Secretary read the bill (H. R. 6644) granting a pension to Gen. John M. Thayer, United States Volunteers, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Thayer, late brigadier-general and brevet major-general of volunteers, at a pension of $100 a month.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POST-OFFICE APPROPRIATION BILL.

Mr. CULLOM. I rose to call up a pension bill, but I yield to the Senator from Iowa to make a statement.

Mr. ALLISON. I asked the Senator from Illinois to yield to me that I might state the unanimous understanding as respects the disposition of the Post-Office appropriation bill to-morrow. The request I made was, that immediately after the completion of the routine business in the morning the bill should be taken up and continued under the general rule of debate until half past 3; that from that time until 5 o'clock it should be considered under the five-minute rule, and at that hour we should proceed to vote upon all amendments and upon the bill without further debate.

Mr. ALLEN. With the right to move to amend up to what hour?

Mr. ALLISON. Up to 5 o'clock.

Mr. WOLCOTT. I wish to ask a question for information. For instance, an amendment is to be offered suggesting that the experimental free-delivery offices be discontinued. The discussion upon that when it comes will be limited to the five-minute rule under this agreement?

Mr. ALLISON. If it does not come until half past 3 it will.

Mr. WOLCOTT. It is very certain, of course, not to come until half past 3.

Mr. PASCO. Before we pass away from the appropriation bill, I ask leave to offer an amendment. I ask that it may be printed in the ordinary form and also in the RECORD.

The VICE-PRESIDENT. It will be so ordered.

Mr. PASCO's amendment is as follows:

On page 2, after "seat," in line 6, insert the following additional proviso: "*And provided further*, That nothing herein contained shall authorize the establishment or maintenance of any station, substation, or branch post-office beyond the limits of any city or town in which the principal office to which such station, substation, or branch office is attached is located."

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 2912) granting to the Atchison and Nebraska Railroad Company and the Chicago, Burlington and Quincy Railroad Company, its lessee in perpetuity, the right of way over a part of the Sac and Fox and Iowa Indian Reservation in the States of Kansas and Nebraska;

A bill (H. R. 4632) for the relief of Frederick B. Betts, surviving partner of the firm of Betts, Nichols & Co.;

A bill (H. R. 5736) to authorize the Light-House Board to proceed with the construction of the light-house and fog signal on North Manitou Island, Lake Michigan; and

A joint resolution (H. Res. 159) to authorize the Secretary of War to prepare and submit estimates for the improvement of the harbor at Portland, Me.

MISS MARY E. HULL.

Mr. CULLOM. I ask the Senate to put on its passage the bill (H. R. 1141) granting a pension to Miss Mary E. Hull, dependent sister of John A. Hull, deceased, late of Company F, Eighty-first Regiment of Illinois Volunteer Infantry, in the late war of the rebellion.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place upon the pension rolls the name of Miss Mary E. Hull, dependent sister of John A. Hull, deceased, late of Company F, in the Eighty-first Regiment of Illinois Volunteer Infantry, in the late war of the rebellion, and to pay her a pension at the rate of $12 per month.

Mr. COCKRELL. Let the report be read in that case.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report submitted by Mr. GALLINGER February 27, 1896, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1141) granting a pension to Miss Mary E. Hull, have examined the same, and report:

The report of the Committee on Invalid Pensions of the House of Representatives hereto appended is adopted, and the passage of the bill is recommended.

HOUSE REPORT.

The evidence fully establishes the fact that the beneficiary in said bill was the sister of James and John A. Hull; that said James died in the service of his country in the war of the rebellion; that said John A. was a member of Company F, Eighty-first Illinois Volunteers, in the war of the rebellion, and also was in the Mexican war; that said Mary E. is now and always has been a single woman.

That her brother John A. was a widower when he entered the service of the United States in the war of the rebellion; that she lived with and was keeping house for him at said time; that he then had three young, helpless children, and the said Mary E. took charge of them during his absence, cared for and educated them; that she had no money or property of her own, but devoted her energies and life to her said brother John A. and his children both during and after the war; that her brother John A. remained a widower till his death.

That he died about eight years ago, leaving no property or money, and that

ator will make such motions as he sees proper to make. That is all I wish to say to the Senator from Wisconsin.

mittee of the Whole.

That he died about eight years ago, leaving no property or money, and that

said Mary E. has no property or money, is near 63 years of age, from disability is unable to support herself, and is dependent upon her friends for support; that said John A. Hull contracted disabilities while in the line of duty in the service of his country in the late rebellion from which he never recovered and of which he died; that he was at the date of his death drawing a pension for such disabilities; that said Mary E. was dependent upon her said brother John A. for support during his life, and since his death on the charity of friends; that from medical evidence furnished your committee she is now, from age and disability, unable to work or labor to support herself.

That she is and always has been a lady of good and irreproachable character and reputation, respected by those who know her; that said Mary E., by her devotion to the family of her said brother John A., caring for and rearing them from childhood to maturity, lost and abandoned the opportunities of young womanhood, and your committee, fully believing that after these years of devotion to this soldier of the Union and his children she should in her old days be cared for by a generous Government, recommend that said bill do pass at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PERRY COUNTY, TENN.

Mr. BATE. I ask unanimous consent for the present consideration of House bill 4053. It is purely a local bill which has passed the other House. It will take but a few moments.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4053) repealing chapter 148 of the Supplement of the Revised Statutes of the United States. It proposes to repeal the act of March 3, 1875, chapter 148 of the Supplement of the Revised Statutes of the United States, and that the county of Perry, in the middle judicial district of the United States in the State of Tennessee, shall hereafter compose a part of the western judicial district of the United States in that State; and all cases now commenced or depending in the district affected by this act shall be heard, tried, and determined in the same manner as if this act had not been passed; and the prosecution of all crimes heretofore committed in the district shall be prosecuted and punished in the same manner as if this act had not been passed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPITAL RAILWAY COMPANY.

Mr. WALTHALL. I ask unanimous consent for the present consideration of Senate bill 888.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1892.

The bill was reported from the Committee on the District of Columbia with an amendment, to strike out all after the words "striking out," in line 6, and insert:

In the first section all after the words "a common seal," to the end of the section, and inserting the following: "Said corporation is hereby authorized to construct and lay down and complete a single or double track street railway in the District of Columbia, and run cars thereon for carrying passengers by and along the following route: Beginning at a point on the District line near the Potomac River southeast of Shepherd's Ferry, thence by such route as shall be approved by the Commissioners of the District of Columbia to the south side of the Eastern Branch or Anacostia River at the Navy-Yard Bridge; thence across said bridge to Eleventh street east; thence north on Eleventh street east to M street south; thence west on M street to a point to be located by the District Commissioners near Eighth street east, connecting with the lines of the Capital Traction Company, and returning over the same route to the point of beginning. Also, beginning at the eastern end of the Navy-Yard Bridge, easterly along Monroe and Harrison streets and Good Hope road, and from Good Hope road to the District line, over such route as the District Commissioners shall approve, and returning over the same route to the point of beginning: *Provided*, That within the city of Washington a double-track railway shall be constructed."

SEC. 2. That the motive power to be used on the lines in this act specified shall be the underground electric system within the city of Washington and the overhead trolley system outside the city of Washington. For crossing the Navy-Yard Bridge the said company may, in the discretion of the Commissioners of the District of Columbia, use either horse power or the underground electric system to propel its cars; and the said company shall have the privilege of carrying an electric current across the said Navy-Yard Bridge in such manner as the said Commissioners of the District of Columbia shall prescribe.

SEC. 3. That the Capital Railway Company and the Capital Traction Company are hereby required to issue free transfers at the point of intersection of their respective lines, so that for the payment of one fare a passenger on either road shall have the privilege of riding over the lines of both.

SEC. 4. That the portion of the company's route from Congress or Pencote Heights to Shepherd's Landing shall be completed within four years from the date of the passage of this act.

SEC. 5. That Congress reserves the right to alter, amend, or repeal this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA CRAIG HECKMAN.

Mr. SEWELL. I ask unanimous consent for the present consideration of the bill (S. 1816) granting a pension to Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place the name of Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman, on the pension roll at $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CUSTOMS OFFICERS AND ASSISTANT TREASURERS.

Mr. WHITE. I ask unanimous consent for the present consideration of the bill (S. 972) to provide for the continuance in office of customs officers and assistant treasurers until successors shall have been appointed and qualified.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that hereafter all customs officers and assistant treasurers appointed by the President, by and with the advice and consent of the Senate of the United States, for a term of four years, shall hold their offices until their successors shall have been duly appointed and qualified according to law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RAILROAD DEPOT GROUNDS IN INDIAN TERRITORY.

Mr. CHILTON. I ask unanimous consent for the present consideration of House bill 5672.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5672) to grant to railroad companies in the Indian Territory additional powers to secure depot grounds.

The bill was reported from the Committee on Indian Affairs with an amendment, to insert at the end of the bill, as a new section, the following:

SEC. 4. That all lands acquired under the provisions of this act shall be used for railroad purposes strictly, and not more than 20 acres of land at any one station shall be acquired hereunder by any one railroad company; nor shall any additional land be so acquired which is not contiguous to land already occupied for railroad purposes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

A. H. M'LAWS.

Mr. GORDON. I ask unanimous consent for the present consideration of the bill (H. R. 5083) granting an increase of pension to A. H. McLaws.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to increase the pension of A. H. McLaws, of Dublin, Ga., late second lieutenant in Captain Dill's Company (B), First Georgia Regiment, Mexican war, to $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIBBONS OF HONOR.

Mr. SHOUP. I ask unanimous consent for the present consideration of the joint resolution (H. Res. 85) relative to the medal of honor authorized by the acts of July 12, 1862, and March 3, 1863.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That the Secretary of War be, and he is hereby, authorized to issue to any person to whom a medal of honor has been awarded, or may hereafter be awarded, under the provisions of the joint resolution approved July 12, 1862, and the act approved March 3, 1863, a rosette or knot to be worn in lieu of the medal, and a ribbon to be worn with the medal; said rosette or knot and ribbon to be each of a pattern to be prescribed and established by the President of the United States, and any appropriation that may hereafter be available for the contingent expenses of the War Department is hereby made available for the purposes of this act: *Provided*, That whenever a ribbon issued under the provisions of this act shall have been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the person to whom it was issued, the Secretary of War shall cause a new ribbon to be issued to such person without charge therefor.

Mr. COCKRELL. I move to strike out the proviso from that amendment. I do think it is too small a business for this Government to engage in to be furnishing ribbons to men who have had medals. It is small enough, I think, to furnish them in the first place; but when a man loses or defaces his ribbon, then to have the Secretary of War solemnly issue a little piece of ribbon to him, and send it to him by mail or express, seems to me to be absurd. I move to strike out that part of the amendment.

Mr. HOAR. I should like to inquire of the Senator if he knows of what the cross of the Legion of Honor is composed, which all French soldiers prize more than they do their lives?

Mr. COCKRELL. I do not. Is there any little ribbon attached to it?

Mr. HOAR. Oh, yes.

Mr. SHOUP. Yes; there is a ribbon attached to it, and if it wears out, it is replaced.

Mr. COCKRELL. Why could not the man replace it himself?

Mr. SHOUP. The demand for these ribbons will be so small that dealers will not be justified in carrying them in stock, and the cost is but trifling.

Mr. COCKRELL. The cost is such a minimum and such a little thing that I do not think the Government should be called upon to furnish the ribbons; and I must insist on my amendment.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Missouri, to strike out the proviso which will be stated.

The SECRETARY. It is proposed to strike out the proviso at the end of the amendment, which reads:

Provided, That whenever a ribbon issued under the provisions of this act shall have been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the person to whom it was issued, the Secretary of War shall cause a new ribbon to be issued to such person without charge therefor.

Mr. SHOUP. I hope the Senator will not insist on that.

The amendment was rejected.

Mr. COCKRELL. I object to the further consideration of the bill.

The VICE-PRESIDENT. Objection being interposed, the bill will go over.

CONDEMNED CANNON TO GUILFORD BATTLE GROUND COMPANY.

Mr. BUTLER. I ask unanimous consent for the consideration at this time of the joint resolution (S. R. 112) donating a condemned cannon and some shells to the Guilford Battle Ground Company, near Greensboro, N. C.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FOG SIGNAL AT MENOMINEE HARBOR, MICHIGAN.

Mr. McMILLAN. I ask unanimous consent for the present consideration of the bill (H. R. 5363) authorizing the construction of a fog signal on the north pier of the entrance to Menominee Harbor, Wisconsin.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, in line 4, after the word "Harbor," to strike out "Wisconsin" and insert "Michigan"; so as to make the bill read:

Be it enacted, etc., There is hereby authorized to be constructed, at the north pier of the entrance to Menominee Harbor, Michigan, a fog signal, to cost not exceeding $5,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill authorizing the construction of a fog signal on the north pier of the entrance to Menominee Harbor, Michigan."

W. H. L. PEPPERELL.

Mr. BAKER. I ask unanimous consent for the present consideration of the bill (S. 250) for the relief of W. H. L. Pepperell.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Postmaster-General to cause the accounts of W. H. L. Pepperell, late postmaster at Concordia, State of Kansas, to be credited with $1,545, and cause the credit to be certified to the Auditor of the Treasury for the Post-Office Department, being on account of the loss of $1,345 in postage stamps and $200 in postal funds stolen from the post-office on August 27, 1887, it appearing that the loss was without fault or negligence on the part of the late postmaster, and appropriates $1,545 to pay the claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. GORMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 7, 1896, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 6, 1896.

ASSISTANT ATTORNEY-GENERAL.

William A. Little, of Georgia, to be Assistant Attorney-General.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

First Asst. Engineer Willits Pedrick, of New Jersey, to be a chief engineer in the Revenue-Cutter Service of the United States.

INDIAN AGENT.

John C. Keenan, of Stringtown, Ind., to be agent for the Indians of the Neah Bay Agency in Washington.

POSTMASTERS.

Ansel E. Chamberlin, to be postmaster at Dalton, in the county of Berkshire and State of Massachusetts.

Martin McCabe, to be postmaster at Winchenden, in the county of Worcester and State of Massachusetts.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 6, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Saturday was read and approved.

SEED DISTRIBUTION.

Mr. HITT. Mr. Speaker, I ask the regular order.

Mr. WADSWORTH. Mr. Speaker, I wish to make a brief announcement, with the consent of the gentleman from Illinois.

The SPEAKER. Will the gentleman from Illinois yield for a moment?

Mr. HITT. Certainly.

Mr. WADSWORTH. Mr. Speaker, I ask that the following letter be read for the information of the House. It is from the Secretary of Agriculture and relates to the subject of seed distribution.

The Clerk read as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., April 6, 1896.

SIR: Complying with your request, and what seems to be the almost unanimous desire of the House of Representatives, I have telegraphed Landreth & Sons that their proposition to put the seeds into packages of 5 instead of 15 packets (making 2,625,000 packages instead of 675,000) for $5,000 extra compensation has been accepted, and the seeds will be so done up.

Respectfully, yours,

J. STERLING MORTON, *Secretary.*

Hon. J. W. WADSWORTH,
Chairman Committee on Agriculture, House of Representatives.

Mr. HULICK. That is right.

[The reading of the letter was received with applause.]

CUBAN AFFAIRS.

Mr. HITT. Mr. Speaker, I call up the conference report.

The SPEAKER. Under the order of the House, the vote will now be taken on the report of the conference committee on the resolutions relating to Cuba.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. HITT. I ask for the yeas and nays.

Several MEMBERS. Oh, no.

The SPEAKER. The gentleman demands the yeas and nays.

Mr. HITT. I withdraw the demand.

Mr. TUCKER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 247, nays 27, not voting 80; as follows:

YEAS—247.

Abbott,	Cannon,	Dockery,	Hemenway,
Adams,	Catchings,	Dolliver,	Henderson,
Aitken,	Chickering,	Doolittle,	Henry, Ind.
Aldrich, Ala.	Clardy,	Dovener,	Hepburn,
Allen, Utah	Clark, Iowa	Eddy,	Hermann,
Arnold, Pa.	Clark, Mo.	Ellis,	Hilborn,
Avery,	Cobb, Mo.	Evans,	Hill, Conn.
Babcock,	Cockrell,	Fairchild,	Hitt,
Bailey,	Codding,	Fenton,	Hooker,
Baker, Kans.	Colson,	Fischer,	Hopkins,
Baker, N. H.	Connolly,	Fletcher,	Howe,
Barham,	Cook, Wis.	Foss,	Howell,
Barney,	Cooke, Ill.	Gamble,	Hubbard,
Bartholdt,	Cooper, Fla.	Gardner,	Huff,
Beach,	Cooper, Tex.	Gibson,	Hulick,
Belknap,	Cooper, Wis.	Graff,	Hull,
Bell, Colo.	Corliss,	Griffin,	Hunter,
Bell, Tex.	Cousins,	Griswold,	Hurley,
Bennett,	Crowley,	Grosvenor,	Hyde,
Bishop,	Crump,	Grow,	Jenkins,
Blue,	Cummings,	Hadley,	Johnson, Cal.
Broderick,	Curtis, Iowa	Hager,	Johnson, Ind.
Bromwell,	Curtis, Kans.	Hainer, Nebr.	Johnson, N. Dak.
Brosius,	Curtis, N. Y.	Halterman,	Kem,
Brown,	Danford,	Hanly,	Kerr,
Brumm,	Dayton,	Hardy,	Kiefer,
Buck,	De Armond,	Harris,	Kirkpatrick,
Burrell,	Denny,	Hart,	Knox,
Burton, Mo.	De Witt,	Hartman,	Kulp,
Burton, Ohio	Dingley,	Hatch,	Lacey,
Calderhead,	Dinsmore,	Heatwole,	Latimer,

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place the

Mr. SHOUP. Yes; there is a ribbon attached to it, and it wears out, it is replaced.

William A. Little, of Georgia, to be Assistant Attorney-General.

Calderhead, Dinsmore, Heatwole, Latimer,

Lawson, Meredith, Ray, Sulloway,
Layton, Meyer, Reeves, Sulzer,
Leighty, Miles, Reyburn, Swanson,
Leisenring, Miller, W. Va. Richardson, Taft,
Leonard, Milliken, Robinson, Pa. Talbert,
Lester, Milnes, Royse, Tate,
Lewis, Minor, Wis. Russell, Conn. Tawney,
Linney, Mondell, Sauerhering, Tayler,
Linton, Money, Sayers, Terry,
Little, Mozley, Scranton, Thomas,
Livingston, Murphy, Shafroth, Towne,
Long, Newlands, Sherman, Tracey,
Loudenslager, Noonan, Shuford, Treloar,
Low, Northway, Smith, Ill. Underwood,
Maddox, Odell, Smith, Mich. Updegraff,
Mahany, Ogden, Southard, Van Horn,
Mahon, Otey, Spalding, Van Voorhis,
Marsh, Otjen, Sparkman, Walsh,
McCall, Tenn. Overstreet, Spencer, Wanger,
McClellan, Owens, Sperry, Warner,
McClure, Patterson, Stahle, Washington,
McCormick, Payne, Steele, Watson, Ohio
McCreary, Ky. Pearson, Stephenson, Wellington,
McCulloch, Pendleton, Stewart, N. J. Wilber,
McDearmon, Perkins, Stewart, Wis. Willis,
McLachlan, Phillips, Stokes, Wilson, Idaho
McLaurin, Pickler, Stone, C. W. Wood,
McMillin, Powers, Stone, W. A. Woodard,
McRae, Prince, Strait, Woodman,
Meiklejohn, Pugh, Strong, Yoakum.
Mercer, Quigg, Strowd, N. C.

NAYS—27.

Arnold, R. I. Daniels, Lefever, Turner, Ga.
Atwood, Draper, Lockhart, Tyler,
Berry, Ellett, Va. McCall, Mass. Wadsworth.
Black, Ga. Elliott, S. C. Moody, Walker, Mass.
Black, N. Y. Gillet, N. Y. Poole, Walker, Va.
Boutelle, Gillett, Mass. Simpkins, Wright.
Culberson, Grout, Tucker,

NOT VOTING—80.

Acheson, Crisp, Joy, Russell, Ga.
Aldrich, Ill. Crowther, Kendall, Settle,
Allen, Miss. Dalzell, Kyle, Shannon,
Anderson, Downing, Lorimer, Shaw,
Andrews, Erdman, Loud, Skinner,
Apsley, Faris, Maguire, Snover,
Baker, Md. Fitzgerald, McCleary, Minn. Sorg,
Bankhead, Foote, McEwan, Southwick,
Barrett, Fowler, McKenney, Stallings,
Bartlett, Ga. Hall, Mo. Miller, Kans. Strode, Nebr.
Bartlett, N. Y. Harmer, Miner, N. Y. Tracewell,
Bingham, Harrison, Morse, Turner, Va.
Bowers, Heiner, Pa. Moses, Watson, Ind.
Brewster, Hendrick, Neill, Wheeler,
Bull, Henry, Conn. Parker, White,
Clarke, Ala. Hicks, Pitney, Williams,
Cobb, Ala. Howard, Price, Wilson, N. Y.
Coffin, Huling, Raney, Wilson, Ohio
Cowen, Hutcheson, Robertson, La. Wilson, S. C.
Cox, Jones, Rusk, Woomer.

So the conference report was adopted.

The following pairs were announced:

Until further notice:

Mr. DALZELL with Mr. CRISP.

Mr. WILLIAMS with Mr. HUTCHESON.

Mr. WOOMER with Mr. SORG.

Mr. HICKS with Mr. MOSES.

Mr. HARMER with Mr. DOWNING.

Mr. BARTLETT of New York with Mr. CLARKE of Alabama.

Mr. BREWSTER with Mr. ALLEN of Mississippi.

Mr. HULING with Mr. STALLINGS.

Mr. WATSON of Indiana with Mr. WILSON of South Carolina.

Mr. RANEY with Mr. COWEN.

Mr. WHITE with Mr. HARRISON.

Mr. SETTLE with Mr. RUSK.

Mr. CROWTHER with Mr. LAYTON.

Mr. MILLER of West Virginia with Mr. WOODARD.

Mr. HULICK with Mr. COX.

Mr. HEMENWAY with Mr. ROBERTSON of Louisiana.

Mr. LOUD with Mr. KYLE.

Mr. ANDREWS with Mr. MINER of New York.

Mr. TRACEWELL with Mr. HENDRICK.

Mr. LORIMER with Mr. MAGUIRE.

On this vote:

Mr. DRAPER with Mr. GAMBLE.

Mr. JONES with Mr. TURNER of Virginia.

Mr. BARTLETT of Georgia with Mr. RUSSELL of Georgia.

Mr. STRODE of Nebraska with Mr. ERDMAN.

Mr. HOPKINS. Mr. Speaker, my colleague, Mr. LORIMER, is necessarily absent to-day. If present, he would vote "yea" on this question.

Mr. LAYTON. Mr. Speaker, I have a general pair with the gentleman from Missouri [Mr. CROWTHER], but it was expressly understood that I might vote on this proposition; and he asked me to state that if present, he also would vote "yea."

My colleague, Mr. SORG, was called suddenly away, and requested me to announce that if present, he would vote "yea."

Mr. JONES. Mr. Speaker, I find that I am paired with my colleague, Mr. TURNER, and therefore withdraw my vote.

Mr. BREWSTER. Mr. Chairman, I find that I am paired with the gentleman from Mississippi [Mr. ALLEN]. I voted "yea," but withdraw my vote.

Mr. DRAPER. I understand that I am reported as being paired. I paired when going away, a week ago, with the understanding that the pair would expire on Saturday last. The pair related to political questions, and has expired; besides, this is not a party question; and I therefore voted and desire my vote to be recorded in the negative.

Mr. WILLIAMS. I inadvertently voted on this resolution, forgetting the fact that I was paired with the gentleman from Texas [Mr. HUTCHESON]. I voted "yea," and withdraw my vote. He would vote "nay," if present. I wished to explain this fact.

Mr. TRACEWELL. Mr. Speaker, I see that I am paired, by a friend, with the gentleman from Kentucky [Mr. HENDRICK]. If not paired, I should have voted "yea."

Mr. MERCER. My colleague [Mr. ANDREWS] is paired. If present, he would vote in the affirmative on this question.

Mr. McDEARMON. I was erroneously reported as paired. I voted, and wish the announcement of the pair to be withdrawn.

Mr. WHEELER. I should like to have my vote recorded.

The SPEAKER. Was the gentleman in the Hall and listening to his name?

Mr. WHEELER. I was detained at the door talking to a man, and when my name was called, in the confusion, I did not catch it in time to vote.

The SPEAKER. Was the gentleman listening for his name?

Mr. WHEELER. I was, as well as a man can who is talking. I should like to have my vote recorded in the affirmative.

The SPEAKER. The Chair can not entertain a request under the rule, as the gentleman is aware.

Mr. FOOTE. Mr. Speaker, I was in the corridor when my name was called. If present, I should have voted "nay."

Mr. DAYTON. My colleague, Mr. HULING, was called home unexpectedly. If present, he would vote "yea."

Mr. MILES. Mr. Speaker, would it be in order to ask that the gentleman from Alabama be permitted to record his vote?

The SPEAKER. The Chair can not entertain the request under the rules.

Mr. NEILL. I desire to have my vote recorded, Mr. Speaker.

The SPEAKER. Was the gentleman present?

Mr. NEILL. I was in the House during the second call.

The SPEAKER. Under the rule that is not sufficient.

Mr. NEILL. I can not say whether I was actually present when my name was called or not. I came in during the call. I should have voted "yea," if present.

Mr. BABCOCK. I ask a recapitulation of the vote.

Mr. WHEELER. Would it be in order to state that I should have voted "yea"?

Mr. DALZELL. I find that I am paired with the gentleman from Georgia [Mr. CRISP]. I voted "yea," but not knowing how he would vote, I will withdraw mine.

Mr. HULICK. I find, since recording my vote, that I am paired generally with the gentleman from Tennessee [Mr. COX]. I learn that he would have voted "yea," if present, and with the understanding that he would have so voted, I desire to let my vote stand.

Mr. FOOTE. Mr. Speaker, I desire to have my name recorded. I was in the Hall when the first roll was called.

The SPEAKER. Was the gentleman listening to his name?

Mr. FOOTE. I was just across in the cloakroom——

The SPEAKER. The Chair is not allowed to entertain a request, under the rule, unless the gentleman was present and failed to hear his name.

Mr. WILLIAM A. STONE. Mr. Speaker, my colleague, Mr. ACHESON, is unavoidably detained from the House. If present, he would vote "yea."

Mr. RICHARDSON. My colleague, Mr. COX, is absent by permission of the House. If present, he would vote "yea."

Mr. JOY. I supposed, Mr. Speaker, that I was paired, and did not vote when my name was called. I find by the list of pairs, however, that the information given me was erroneous, and I ask to have my name recorded.

The SPEAKER. The Chair is unable to entertain the request under the circumstances.

Mr. JOY. I desire to say that I should have voted "yea," had I not been under the impression that I was paired.

The result of the vote was then announced as above recorded.

The announcement was received with prolonged applause.

On motion of Mr. HITT, a motion to reconsider the last vote was laid on the table.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. HOOKER. Mr. Speaker, I move to suspend the rules and pass the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from New York [Mr. HOOKER] moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. HOOKER. Mr. Speaker, I ask that a second be considered as ordered.

Mr. RICHARDSON. Mr. Speaker, is it not proposed to read this bill at all? I understand that it carries ten millions of appropriations and authorizes about $50,000,000 of contracts.

Mr. HOOKER. This is generally the way this bill is passed. It passed this way in the last Congress.

Mr. DOCKERY. A bill carrying $62,000,000 of obligations ought to be read.

Mr. RICHARDSON. I ask that the bill be read.

The SPEAKER. The bill will have to be read, if gentlemen desire it, of course.

Mr. HOPKINS. Every member is familiar with this bill. It seems to me it is useless to take up the time——

Mr. WHEELER. Mr. Speaker——

The SPEAKER. The gentleman from New York [Mr. HOOKER] has the floor.

Mr. HOOKER. Mr. Speaker, after a second shall have been considered as ordered, or has been ordered by the House, I propose to ask unanimous consent that debate upon the pending bill may be extended.

The SPEAKER. The gentleman asks that a second be considered as ordered. Is there objection?

Mr. WHEELER. Mr. Speaker, I simply want about five minutes to speak upon this bill. Can I have that?

Mr. HOOKER. You shall have the time. There will be no objection to that.

Mr. DOCKERY. Mr. Speaker, I have no objection to considering a second as ordered, but I shall object to dispensing with the reading of the bill.

The SPEAKER. There being no objection, a second is ordered. The gentleman from New York.

Mr. COLSON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. COLSON. I rise to ask if any changes have been made in the bill since it was printed?

Mr. HOOKER. Yes; there have been some changes. I will state to the gentleman that there have been some immaterial changes ordered by the committee this morning, which changes I will explain when the bill is being considered.

Now, Mr. Speaker, I ask unanimous consent that the time for debate be extended until 3 o'clock.

The SPEAKER. The gentleman from New York [Mr. HOOKER] asks unanimous consent that the time for debate be extended until 3 o'clock. Is there objection?

Mr. UPDEGRAFF. Is it to be general debate?

Mr. HOOKER. General debate, under suspension of the rules.

Mr. CATCHINGS. What was the request? I was unable to hear it.

The SPEAKER. That the time for debate be extended until 3 o'clock.

Mr. OWENS. I object.

Mr. HOOKER. Unless some agreement can be had, then only the debate can be had which is provided by the rule. I hope no objection will be made.

Mr. GIBSON. I object, Mr. Speaker.

Mr. HOOKER. Then, Mr. Speaker, I ask that the bill be read.

The SPEAKER. The Clerk will read the bill.

The bill was read, as follows:

Be it enacted, etc., That the following sums of money be, and are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be immediately available, and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the construction, completion, repair, and preservation of the public works hereinafter named:

Improving harbor at Camden, Me.: Continuing improvement, $10,000.

Improving harbor at Rockland, Me.: Continuing improvement, including project recommended by Chief of Engineers under date of December 14, 1895, $25,500, of which $1,500 may be expended for the removal of an old hulk sunk in the harbor: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary for the completion of said projects for the improvement of said harbor, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $760,500, exclusive of the amount herein and heretofore appropriated.

Improving Moosabec Bar, Maine: Continuing improvement, $12,000.

Improving Portland Harbor, Maine, according to the report of the Chief of Engineers dated April, 1896, and continuing improvement of Back Cove, according to existing project, $20,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary for the completion of such projects, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $810,000, exclusive of the amount herein appropriated.

Improving harbor at Belfast, Me.: Continuing improvement, $8,000.

For construction of breakwater from Mount Desert to Porcupine Island, Maine: Continuing improvement, $10,000.

Improving harbor at Sullivan Falls, Me., in accordance with approved project, $5,000.

Improving Carvers Harbor, at Vinal Haven, Me., $10,000, in accordance with plans submitted by the Chief of Engineers.

Improving harbor of refuge at Little Harbor, N. H.: Continuing improvement, $10,000.

Improving harbor at Burlington, Vt.: Continuing improvement, $10,000.

Improving harbor at Boston, Mass.: Continuing improvement, $70,000: *Provided*, That this sum shall be used in the preservation and improvement of said harbor other than the project for improving the main ship channel, and that $7,000 of this sum shall be used in improving Chelsea Creek: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry out such improvement, submitted August 11, 1892, such contracts to provide that said ship channel shall be widened to a minimum width of 1,000 feet and a minimum depth of 27 feet, to be paid for as appropriations may from time to time be made by law, in the aggregate not to exceed $1,145,000, exclusive of amount herein and heretofore appropriated.

Improving harbor at Lynn, Mass.: Continuing improvement, $30,000.

Improving harbor of refuge at Nantucket, Mass.: Continuing improvement, $20,000.

Improving harbor at Plymouth, Mass.: Completing improvement, $1,500.

Improving harbor at Provincetown, Mass.: Completing improvement, $1,500.

Improving harbor at Newburyport, Mass.: Continuing improvement, $16,000.

Improving harbor at Scituate, Mass.: Continuing improvement, $6,000.

Improving harbor at Hyannis, Mass.: Continuing improvement, $6,000, of which sum $2,500 shall be expended for dredging.

Improving harbor at Vineyard Haven, Mass.: Continuing improvement, $7,000.

Improving harbor of refuge at Sandy Bay, Cape Ann, Mass.: Continuing improvement, $150,000.

Improving harbor at Gloucester, Mass.: Continuing improvement, $34,000: *Provided*, That of this appropriation a sum not exceeding $2,000 may, in the discretion of the Secretary of War, be expended in removing from Gloucester Harbor a pinnacle rock in the outer harbor, a rock called "Elisha's Rock," in the inner harbor, and a rock near the ferry landing at Rocks Neck, in the inner harbor.

Improving Woods Hole Channel, Massachusetts, $20,000, in accordance with project approved by Chief of Engineers.

Manchester Harbor, Massachusetts: The Secretary of War is directed, out of the appropriation on hand, to make a resurvey of Manchester Harbor with a view of straightening the channel between its mouth and Proctors Point, removing obstructions at the mouth of the channel and at the point of rocks, dredging the channel for its entire length between its mouth and the town wharf to a width of from 200 feet narrowing to 150 feet and a depth of 8 feet, and providing turning basins and anchorage for boats by the dredging of the flats for that purpose.

Improving New Bedford Harbor, Massachusetts: Continuing improvement, with a view of securing an increased area for anchorage in the upper harbor, in accordance with report submitted by Maj. D. W. Lockwood, in House document No. 59, Fifty-fourth Congress, first session, $10,000.

Improving harbor Great Salt Pond, Block Island, R. I., $10,000, in accordance with the report of Chief of Engineers, November 29, 1895.

Improving harbor at Newport, R. I.: Continuing improvement, $15,000.

Improving harbor at Wickford, R. I., $6,300, in accordance with project of September 4, 1895, which said sum the Secretary of War is authorized and directed to expend from the balance on hand heretofore appropriated for entrance to Point Judith Pond.

Improving harbor at Bridgeport, Conn.: Continuing improvement, $18,000, in accordance with the modified project for the improvement thereof.

Constructing breakwaters at New Haven, Conn.: Continuing construction, $100,000.

Improving harbor at New Haven, Conn.: Continuing improvement, $10,000, and the Secretary of War is directed to make a resurvey and submit plans and estimates for the improvement thereof.

For continuing improvements at Stonington Harbor, Connecticut, $5,000, this sum to be applied for the completion of a dike or water break around Stonington Point.

Improving harbor at Five Mile River, Connecticut: Continuing improvement, $2,500.

Improving harbor at Duck Island, on Long Island Sound, Connecticut: Continuing improvement, $24,000.

Improving harbor at Stamford, Conn.: Continuing improvement, $10,000.

Improving harbor at Cos cob and Miamus River, Connecticut: Continuing improvement, $8,000, in accordance with the modified and approved project.

Improving harbor at Norwalk, Conn., $10,000, in accordance with the approved modified project for the improvement thereof.

Improving harbor at Westport, Conn., in accordance with approved project for the improvement thereof. The Secretary of War is hereby authorized and directed to expend the sum of $3,000 out of the balance unexpended for entrance to Point Judith Pond, Rhode Island, for the improvement of said harbor at Westport, Conn.

Improving harbor at Buffalo, N. Y.: Improvement by extending the breakwater southerly to Stony Point: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry out such extension and the plan of such improvement as modified in the report of the Chief of Engineers for the improvement of that harbor for 1895, such contracts to provide that the sand-catch pier be extended to the bulkhead line, at a cost not exceeding $35,000, and that the northerly section of said extension to Stony Point and the sand-catch pier extension shall first be constructed, to be paid for as appropriations may, from time to time, be made by law, in the aggregate not to exceed $2,200,000.

Improving harbor at Canarsie Bay, New York: Continuing improvement, $10,000.

Improving harbor at Charlotte, N. Y.: Continuing improvement, $12,000.

Improving harbor at Wilson, N. Y.: For dredging and maintenance, $5,000.

Improving harbor at Dunkirk, N. Y.: Continuing improvement, $10,000, in accordance with the modified project for its improvement: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the modified project for its improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $398,258, exclusive of amount herein and heretofore appropriated.

Improving harbor at Flushing Bay, New York: Continuing improvement, $4,000.

Improving harbor at Glencove, N. Y.: Continuing improvement, $8,000.

Improving Bay Ridge, Gowanus Creek, Red Hook, and Buttermilk channels, and removing triangular area between Red Hook and Bay Ridge channels, in the harbor of New York, N. Y.: Continuing improvement, $90,000: *Provided*, That the work shall be begun at the southerly end of Bay Ridge Channel and continue through it and the others northerly until completed, so that each shall have a uniform mean low-water depth of 26 feet and width as recommended for each: *And provided further*, That out of said sum $5,000 shall be expended in dredging Gowanus Canal from Percival street to Hamilton Avenue Bridge: *And provided further*, That contracts may be entered into by the Secretary of War for the completion of the whole or any part of said work, to be paid for as appropriations may be made from time to time by law, not exceeding in the aggregate $777,300, exclusive of the amount herein and heretofore appropriated.

And in order to meet the demands of the greatly enlarged size of vessels,

and of increasing commerce, it is hereby further provided that such piers as may be built between Seventeenth street, on the south shore of Gowanus Creek, and Fort Hamilton may be constructed so that so much thereof as shall be between the pier and bulkhead lines may be of a linear width not to exceed 300 feet, and, whether of that width or of less width, may be filled with solid materials when an equal tidal prism or space to receive the inflow of the tides is provided in compensation therefor, behind the authorized bulkhead line and adjacent to said piers.

For the purpose of straightening the channel of Gowanus Bay, the harbor line of the northerly shore of Gowanus Bay, instead of extending from a point on the easterly side of Court street (as said Court street existed and was laid out May 20, 1875), distant 500 feet southerly from the intersection of the said easterly side of Court street with the southerly side of Bryant street (as said Bryant street existed and was laid out May 20, 1875), running thence westerly parallel with said Bryant street and 500 feet therefrom, 380 feet, and thence southerly and at right angles to the last-mentioned line and parallel with Clinton street 393 feet, to the exterior sea wall, as at present established, shall extend from the point first above described in a straight line in a southwesterly direction to said point where the above-described line parallel with Clinton street and 393 feet in length intersects the above-mentioned exterior sea-wall line.

Improving Newtown Creek, part of the harbor at New York: Continuing improvement in accordance with modified project submitted in report of Maj. H. M. Adams, Corps of Engineers, United States Army, dated March 24, 1896, $20,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the modified project of improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $420,000, exclusive of the amount herein and heretofore appropriated.

Improving harbor at Great Sodus Bay, New York: Continuing improvement, $8,000.

Improving harbor at Little Sodus Bay, New York: Continuing improvement, $8,000.

Improving harbor at Ogdensburg, N. Y.: Continuing improvement, $20,000.

Improving harbor at Oswego, N. Y.: Continuing improvement, $60,000, in accordance with the modified project for its improvement.

Improving harbor at Rondout, N. Y.: For maintenance, $2,500.

Improving New York Harbor, N. Y.: Continuing improvement, $60,000.

Improving harbor at Saugerties, N. Y.: For completion, $2,500.

Improving harbor at Port Chester, N. Y.: Continuing improvement, $5,000.

Improving Tonawanda Harbor and Niagara River to the north line of the village of North Tonawanda, N. Y.: Continuing improvement, $60,000.

Improving channel between Staten Island and the New Jersey shore, New York and New Jersey: Continuing improvement, $13,000, out of which sum $5,000 shall be used in dredging Lemon Creek, on Staten Island.

Improving harbor at Huntington, N. Y.: Continuing improvement, $5,000.

Improving harbor at Larchmont, N. Y.: Continuing improvement, $5,000.

Improving harbor at Port Jefferson Inlet, New York, $7,500.

Improving harbor at Pulteyville, N. Y.: Continuing improvement, $1,500.

Improving harbor at Peekskill, N. Y., in accordance with report submitted by Col. G. L. Gillespie, Corps of Engineers, November 26, 1894, $10,000.

Improving harbor at Mattituck, N. Y., according to the approved project for the improvement thereof, $10,000.

Improving harbor at Cape Vincent, N. Y., according to the approved project for the improvement thereof, $25,000.

Improving harbor at Raritan Bay, New Jersey: Continuing improvement in accordance with modified project, $50,000.

Improving Keyport Harbor, New Jersey: For maintenance, $2,500.

Improving harbor at Erie, Pa.: The Secretary of War is hereby directed to cause a resurvey to be made of the harbor at Erie, Pa., out of the unexpended money heretofore appropriated for the improvement of said harbor.

Improving Delaware Breakwater, Delaware: Continuing improvement, $80,000.

Constructing harbor of refuge, Delaware Bay, Delaware, in accordance with plans submitted by the Chief of Engineers January 29, 1892, $5,000: *Provided*, That contracts may be entered into by the Secretary of War for such material and work as may be necessary to complete said harbor of refuge, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $4,600,000, exclusive of the amount herein appropriated.

Improving harbor at Wilmington, and Christiana River, Delaware: Continuing improvement, $20,000, in accordance with the modified project for the improvement of the same: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project of improvement, not including estimate for flushing basin and extension of jetty, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $235,846.

For maintenance and repairs of iron pier, Delaware Bay, near Lewes, Del.: Continuing improvement, $7,660.

Improving Rock Hall Harbor, Maryland: Completing improvement, in accordance with report submitted by Gen. William P. Craighill, in House Executive Document No. 200, Fifty-third Congress, third session, $9,000.

Improving Queenstown Harbor, Maryland: Continuing improvement, $5,000.

Improving harbor of Southwest Baltimore (Spring Garden), Md., in accordance with report of Col. Peter C. Hains, dated March 7, 1896, for constructing channel 100 feet wide on the bottom, $5,000.

The proviso relating to the appropriation of $10,000 for continuing the improvement of harbor at Cape Charles City, Va., and its approaches, as contained in the act of July 13, 1892, be, and the same is hereby, repealed.

Improving harbor at Norfolk and its approaches, Virginia: Continuing improvement, $100,000.

Improving harbor at Beaufort, N. C.: Continuing improvement, $4,000.

Improving harbor at Winyaw Bay, South Carolina: Continuing improvement, $110,000.

Harbor of Savannah, Ga.: Continuing improvement, $5,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project of further improvement recommended by Capt. O. M. Carter in his reports of December 7, 1894, and July 1, 1895, and to complete the project for the steamboat channel between Beaufort, S. C., and Savannah, Ga., recommended by Capt. O. M. Carter in his report of December 4, 1895, and mentioned in that report as route 2; to be paid for as appropriations may from time to time be made by law, not to exceed the amounts recommended in said reports, the aggregate of which for both projects is $1,093,959, exclusive of amount herein or heretofore appropriated.

Improving harbor at Brunswick, Ga.: For maintenance, $15,000, $7,000 of which may be expended in improving Academy Creek.

Improving the outer bar of Brunswick, Ga.: C. P. Goodyear, the contractor with the Government of the United States to deepen the outer bar of Brunswick, Ga., under the river and harbor act of 1894, shall be paid the sum of $30,000 for a 25-foot depth when he shall receive a certificate that a 24-foot depth has been obtained under said act, together with the $40,000 to which he will be entitled for such 24-foot depth, out of moneys heretofore appropriated by said river and harbor act of 1894. The survey provided for in said act shall be made by an experienced official of the Coast and Geodetic Survey, to be designated by the Secretary of War.

Improving Cumberland Sound, Georgia: Continuing improvement, $5,000: *Provided*, That contracts may be entered into by the Secretary of War for such material and work as may be necessary to complete the present project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,641,500, exclusive of amount herein and heretofore appropriated.

Improving harbor at Darien, Ga.: Continuing improvement, $20,000; and the Secretary of War is hereby directed to report what is necessary to be done to deepen the bar known as Doboy Bar to 24 feet at mean high water, and whether the present obstruction can not be removed by means of dredging, and what the estimates of cost may be.

Improving harbor at Apalachicola Bay and River, Florida: Continuing improvement, $12,000.

Improving harbor at Pensacola, Fla.: Continuing improvement, $100,000.

Improving entrance to harbor at Key West, Fla.: Continuing improvement, $80,000.

Improving Charlotte Harbor and Pease Creek, Florida: Continuing improvement, $16,000.

Improving Carrabelle Bar and Harbor, Florida, $10,000, which sum shall be used in making a 10-foot channel from the mouth of Carrabelle River to the channel in the bay.

Improving mouth and passes of Calcasieu River, Louisiana: Continuing improvement, $10,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $325,000, exclusive of the amount herein and heretofore appropriated.

Improving and maintaining ship channel in Galveston Bay, Texas: Continuing improvement according to the existing project, $80,000.

Improving channel in West Galveston Bay, Texas: Continuing improvement according to existing project, $5,000.

Improving harbor at Sabine Pass, Texas: Continuing improvement, $50,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,403,856, exclusive of the amount herein and heretofore appropriated.

Improving harbor at Ashtabula, Ohio: Continuing improvements, $50,000, of which amount not less than $40,000 shall be applied toward the construction of breakwaters according to a survey and recommendation approved in 1894.

Improving harbor at Black River (Lorain), Ohio: Continuing improvements, including necessary dredging between piers, $20,000; and the Secretary of War is authorized and directed to cause a survey of said harbor to be made with a view to recommending such improvements as may be necessary to provide better access to said harbor and the safety of boats therein.

Improving harbor at Cleveland, Ohio: Continuing improvements, $80,000, to be used for extension of breakwater, according to plans heretofore adopted; also, in accordance with the recent report and recommendation of the local engineer, Col. Jared A. Smith, for repair and rebuilding, as well as relocation, when desirable, of the piers and breakwater already constructed, and for widening and extending the channel between the piers and in the outer harbor and maintaining the necessary depth: *Provided*, That the Secretary of War is hereby authorized and directed to enter into contracts for the completion of the above projects, to be paid for as appropriations may from time to time be made by law, the cost not to exceed in the aggregate $1,354,000: *And provided also*, That the Secretary of War be directed to cause a survey to be made of the said breakwater, as heretofore planned, with a view of determining the advisability of changing the plan thereof, so as to abandon the proposed construction of the eastern shore arm, and in lieu thereof extending the said breakwater eastwardly in a general direction parallel with the shore; and the sums hereby appropriated, or authorized to be expended, may be expended in such manner as the Secretary of War may deem best for the improvement of said harbor.

Improving harbor at Fairport, Ohio: Continuing improvement, $20,000, of which amount not less than $20,000 shall be applied toward the construction of a breakwater according to the approved project for the improvement thereof.

Improving harbor at Huron, Ohio: Continuing improvement and making necessary repairs to piers, $8,000.

Improving harbor at Port Clinton, Ohio: Continuing improvement, including necessary repairs, $5,000.

Improving harbor at Sandusky, Ohio: Continuing improvement, $40,000; and the Secretary of War is directed to cause a survey to be made of the bar at the mouth of the harbor, with a view to recommending such means as shall secure and maintain a permanent navigable channel of sufficient depth next to Cedar Point.

Improving harbor at Toledo, Ohio: Continuing improvements of straight channel through Maumee Bay, including necessary expense for dredging and maintenance of the harbor, $150,000, a part of which may be used in the discretion of the Secretary of War in removing shoal in the old channel and in extending the improvement up the Maumee River.

Improving harbor at Vermillion, Ohio: Continuing improvement, $4,000.

Improving harbor at Conneaut, Ohio: For improvements under existing plans, $40,000, of which amount not less than $20,000 shall be applied toward the construction of a breakwater according to the latest approved project recommended for the improvement thereof.

Improving outer harbor at Michigan City, Ind.: Continuing improvement, $70,000.

Improving inner harbor at Michigan City, Ind.: Continuing improvement, $10,000.

Improving outlet to Wolf Lake, Indiana, in accordance with the approved project for the improvement thereof, $8,000.

Improving Calumet Harbor at Chicago, Ill.: Continuing improvement, including the amended project proposed by Maj. W. L. Marshall, of the Corps of Engineers of the United States Army, under date of June 30, 1895, $75,000.

Improving harbor at Waukegan, Ill.: Continuing improvement, $20,000.

Improving harbor at Charlevoix and entrance to Pine Lake, Michigan: Continuing improvement, $20,000.

Improving harbor at Frankfort, Mich.: Continuing improvement and repairs, $15,000.

Improving harbor at Grand Haven, Mich.: Continuing improvement, $20,000.

Improving harbor of refuge at Grand Marais, Mich.: Continuing improvement, $24,000.

Improving harbor at Manistee, Mich.: Continuing improvements, and for repairs, $12,000: *Provided*, That all money heretofore appropriated and now on hand unexpended may also be used in this same project.

Improving harbor at Holland (Black Lake), Mich.: Continuing improvement, $8,000.

Improving harbor at Monroe, Mich.: Continuing improvement by dredging channel, $5,000.

Improving harbor at Muskegon, Mich.: Continuing improvement, $30,000.

Improving harbor at Ontonagon, Mich.: Continuing improvement and for repairs, $10,000.

Improving harbor at Pentwater, Mich.: Continuing improvement, $5,000.

Improving harbor of refuge at Sand Beach, Mich.: Continuing improvement according to the existing project, $16,000.

Improving harbor of refuge at Portage Lake, Mich.: Continuing improvement, $25,000.

Improving Benton Harbor Canal and harbor at St. Joseph, Mich.: Continuing improvement, $30,000.

Improving harbor at South Haven, Mich.: Continuing improvement, $15,000.

Improving harbor at White Lake, Mich.: Continuing improvement, $5,000.

Improving harbor at Marquette, Mich.: Continuing improvement, $24,000.

Improving harbor at Ludington, Mich.: Continuing improvement, $20,000.

Improving harbor at Petoskey, Mich.: Continuing improvement, $8,000.

Improving harbor at Saugatuck, Mich.: Continuing improvement, $10,000.

Improving harbor at Menominee, Mich. and Wis.: Continuing improvement, $7,150.

Improving Cheboygan Harbor, Michigan: Continuing improvement, $12,000.

Improving harbor at Alpena, Mich.: Continuing improvement, $2,500.

Constructing harbor of refuge at Presque Isle Point, Marquette Bay, Michigan, in accordance with report of Chief of Engineers under date of March 21, 1896, in House Document No. 318, of Fifty-fourth Congress, first session, $20,000.

Improving harbor at Ahnapee, Wis.: Continuing improvement, $5,000.

Improving harbor at Green Bay, Wis.: Continuing improvement, $25,000, of which sum $5,000 may, in the discretion of the Secretary of War, be expended on the Fox River, below Depere, Wis.

Improving harbor at Kenosha, Wis.: Continuing improvement, $24,000, of which sum $4,000, or so much thereof as may be necessary, shall be expended in dredging in the harbor basin, and the balance of said $24,000, or so much thereof as may be necessary, may be used for repairing piers and deepening and maintaining channel.

Improving harbor at Kewaunee, Wis.: Continuing improvement, $25,000.

Improving harbor at Manitowoc, Wis.: Continuing improvement, $24,500, to be expended on plan submitted and approved by the Chief of Engineers in House Document No. 300, Fifty-fourth Congress, first session, for extending piers to the 22-foot contour and dredging channel.

Improving harbor of refuge at Milwaukee, Wis.: Continuing improvement, $20,000: *Provided*, That the Secretary of War may enter into contracts for such material and work as may be necessary to complete the present project of said harbor of refuge, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $168,737.91, exclusive of the amount herein and heretofore appropriated.

Improving harbor at Milwaukee, Wis.: For maintenance, $7,000.

Improving harbor at Port Washington, Wis.: Continuing improvement, $5,500.

Improving harbor at Racine, Wis.: Continuing improvement, $27,000; of which sum so much as may be necessary may be used for repairs of piers and maintenance of channel.

Improving harbor at Sheboygan, Wis.: Continuing improvement, $26,000.

Improving harbor at Ashland, Wis.: Continuing improvement, $27,000.

Improving harbor at Two Rivers, Wis.: Continuing improvement, $5,000.

Improving Sturgeon Bay Canal harbor of refuge: For maintenance of channel and piers, $5,000.

Improving harbor at Oconto, Wis.: Continuing improvement, $4,000.

Improving harbor at Pensaukee, Wis.: For maintenance, $1,000.

Improving Sturgeon Bay and Lake Michigan Ship Canal: Continuing improvement, $20,000.

Improving harbor at South Milwaukee, Wis., in accordance with report and plan submitted by Capt. Carl F. Palfrey, Corps of Engineers, July 8, 1895, $5,000.

For improving the harbor at Duluth, Minn., and Superior, Wis., at the west end of Lake Superior: Continuing improvement, $60,000, whereof $20,000 shall be expended upon the Duluth portion of said harbor, and $20,000 shall be expended upon the Superior portion thereof; and contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project for deepening said harbor and the entrances thereto, reported to the War Department by the commission of engineers appointed under the joint resolution of Congress approved June 29, 1894, consisting of Col. O. M. Poe, Maj. James F. Gregory, and Maj. Clinton B. Sears, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate the sum of $3,080,553, exclusive of the amount herein and heretofore appropriated: *Provided*, That such project of improvement may be subject to modification in the interests of commerce, as the Secretary of War may direct, as the work progresses, without, however, increasing the above aggregate: *And provided further*, That the Secretary of War may reserve out of appropriations for such work, as the same shall become available, a sufficient amount, to be applied under his direction, to the repairing and maintenance of the present piers at the entrances to said harbor.

Improving harbor at Grand Marais, Minn.: Continuing improvement, $8,000.

Improving harbor at Agate Bay, Minnesota: Continuing improvement, $20,000.

Improving harbor at Oakland, Cal.: Continuing improvement, $100,000, of which $12,000, or so much thereof as may be necessary, shall be used in opening the western end of the tidal canal in said harbor to the depth of 8 feet below low tide.

Improving harbor at San Diego, Cal.: Continuing improvement, $40,000.

Improving harbor at San Luis Obispo, Cal.: Continuing improvement, $32,000.

Improving Wilmington Harbor, California, in accordance with the report of Col. W. H. H. Benyaurd, submitted in Senate Executive Document No. 61, Fifty-third Congress, third session, $50,000.

Improving entrance and harbor at Coos Bay, Oregon: Continuing improvement, $25,000.

Improving Yaquina Bay, Oregon: Continuing improvement, $25,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project as recommended by the board of officers of the Engineer Corps, October 11, 1893, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,000,000, exclusive of amount herein and heretofore appropriated.

Improving harbor at Coos Bay, Oregon: Dredging to complete, $14,300: *Provided*, That so much of this sum as may be necessary shall be added to the amount now on hand for the construction or purchase of a dredge, and that dredging may be contracted for in the discretion of the Chief of Engineers, and in such portion of the bay as may be found necessary.

Improving Port Orford Harbor, at Grave Yard Point, Oregon, according to plan recommended by Capt. Thomas W. Symons, of the Corps of Engineers, as per House Document No. 313, Fifty-third Congress, third session, January 30, 1895, to cost not to exceed $293,336, and the unexpended balance of the appropriation heretofore made March 3, 1879, for the establishment of a harbor of refuge on the Pacific coast is hereby transferred to be expended on this improvement.

Improving Tillamook Bay and Bar, Oregon: Continuing improvement, $17,000.

Improving Grays Harbor and bar entrance, Washington, $10,000, as recommended by Capt. T. W. Symons, Corps of Engineers, March 30, 1895: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said improvement, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $960,000, exclusive of the sum herein appropriated.

Improving Olympia Harbor, Washington: Continuing improvement, $22,000; and that a survey be made of the Deschutes River at its entrance in Olympia Harbor, with a view to its improvement.

Improving Everett Harbor, Washington: Continuing improvement, $20,000.

Improving Bagaduce River, Maine: Continuing improvement, $5,000.

Improving Kennebec River, Maine: Continuing improvement, $40,000.

Improving Narragangus River, Maine: Continuing improvement, $5,000.

Improving Saco River, Maine, including breakwater: Continuing improvement, $10,000.

Improving Lubec Channel, Maine: Continuing improvement, $32,000.

Improving Georges River, Maine, in accordance with plan submitted by Col. D. P. Heap, January 10, 1895, $10,000.

Improving Sasanoa River, Maine, according to plan submitted by Col. D. P. Heap, December 13, 1894, $12,000.

Improving Cocheco River, New Hampshire: Continuing improvement, $15,000.

Improving Otter Creek, Vermont: Continuing improvement, $5,000.

Improving Powow River, Massachusetts: Continuing improvement, $12,000.

Improving Taunton River, Massachusetts: Continuing improvement, $5,000.

Improving Weymouth River, Massachusetts: Continuing improvement, $15,000, of which $10,000 shall be used in the improvement of Weymouth Back River.

Improving Essex River, Massachusetts: Continuing improvement, $5,000.

Improving Mystic and Malden rivers, Massachusetts: Continuing improvement, $10,000.

For the improvement of the channel of the Merrimac River, Massachusetts, by removing certain rocks therein below Rock Bridge, $5,000. The Secretary of War is directed to furnish to the House of Representatives an estimate of the cost of improving the Merrimac River, Massachusetts, by dredging the channel thereof between Newburyport and Haverhill of the width of 150 feet and of the depth of 7 feet at mean low water, provided the estimate can be furnished from surveys already made.

Improving Town River, Massachusetts, in accordance with recommendations submitted by Col. S. M. Mansfield December 31, 1890, $10,000.

Improving Sakonnet River, Rhode Island: For widening and deepening the passage at the draw of the Stone Bridge over the Sakonnet River, Rhode Island, $20,000.

Improving Pawtucket River, Rhode Island: Continuing improvement, $20,500.

Improving Pawcatuck River, Rhode Island and Connecticut: Continuing improvement, $6,000.

Improving Providence River and Narragansett Bay, Rhode Island: Continuing improvement, $14,000.

Improving Green Jacket Shoal, Providence, R. I.: Continuing improvement, $7,500.

Improving Connecticut River below Hartford, Conn.: Continuing improvement, $20,000.

Improving Housatonic River, Connecticut: Continuing improvement, $25,000.

Improving Thames River, Connecticut: Continuing improvement, $12,000.

Improving Mystic River, Connecticut: Continuing improvement, $3,500.

Improving Harlem River, New York: Continuing improvement, $125,000.

Improving East River and Hell Gate, New York: Continuing improvement, $60,000.

Improving Browns Creek, Sayville, Long Island, New York: For maintenance, $4,000.

Improving East Chester Creek, New York: Continuing improvement, $10,000.

Improving Patchogue River, New York: Continuing improvement, $9,000.

Improving shoal between Sister Islands and Cross-Over Light, St. Lawrence River, New York: Continuing improvement, $25,000, to be expended for improving shoals between Sister Islands and Cross-Over Light, and in the St. Lawrence River between Ogdensburg and the foot of Lake Ontario.

Improving Niagara River from Tonawanda to Port Day, in accordance with plan adopted by river and harbor act of August 17, 1894: Continuing improvement, $15,000.

Improving Bronx River, New York, in accordance with the plan submitted by Col. G. L. Gillespie, August 25, 1891, $10,000.

Improving Passaic River, New Jersey: Continuing improvement, $15,000.

Improving Raritan River, New Jersey: Continuing improvement, $20,000.

Improving Shrewsbury River, New Jersey: Continuing improvement, $15,000.

Improving South River, New Jersey: Continuing improvement, $5,000.

Improving Alloway Creek, New Jersey: Continuing improvement, $3,000.

Improving Dennis Creek, New Jersey, in accordance with the approved project for its improvement, $5,000.

Improving Elizabeth River, New Jersey: Continuing improvement, $3,100.

Improving Mattawan Creek, New Jersey: For dredging, $3,000.

Improving Rancocas River, New Jersey: Continuing improvement, $2,000, which sum shall be expended in the improvement of the Lumberton branch of said river.

Improving Shoal Harbor and Compton Creek, New Jersey: Continuing improvement, $5,000, which sum shall be expended for extending the improved channel farther toward the 5-foot contour of Raritan Bay.

Improving Goshen Creek, New Jersey: Continuing improvement, $3,000.

Improving Cooper Creek, New Jersey: Completing improvement in accordance with the plan recommended by Maj. C. W. Raymond, and printed in House Executive Document No. 176, Fifty-third Congress, third session, $35,000, of which amount $2,500, or so much thereof as may be necessary, shall be immediately available, to be expended in rebuilding the dike on Government reservation in the Delaware River at Woobury Creek.

Improving Allegheny River, Pennsylvania: Continuing improvement, $12,500.

For completion of lock and dam at Herr Island, Allegheny River, and construction of the two locks and dams referred to in the report of Maj. R. L. Hoxie in House Document No. 294, Fifty-fourth Congress, first session, $50,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the projects of improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $894,500, exclusive of the amount herein and heretofore appropriated.

Improving Schuylkill River, Pennsylvania: Continuing improvement, $20,000.

Improving Delaware River, from Trenton to its mouth, Pennsylvania and New Jersey: Continuing improvement, $500,000, of which $5,000 shall be expended in the improvement of the channel over Perriwig Bar.

Improving the Monongahela River, Pennsylvania: The Secretary of War is hereby authorized and directed to institute and carry to completion

[illegible] improvement, $25,000, of which $5,000 are to be used on that portion of the river

Little Rock, Dardanelle, Van Buren, and Fort Smith, to determine whether

on the Ohio River, in Pope County, Ill., the sum of $3,000: *And provided for-*

proceedings for the condemnation of all the property and its appurtenances of the Monongahela Navigation Company, a corporation of Pennsylvania, said condemnation proceedings to be as prescribed and regulated by the provisions of the general railroad law of Pennsylvania approved February 19, 1849, and its supplements, except that the United States shall not be required to give any bond, and except that jurisdiction of said proceedings is hereby given to the circuit court of the United States for the western district of Pennsylvania, with right of appeal by either party to the Supreme Court of the United States. And the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to pay the necessary costs of said proceedings; and upon final judgment being entered therein, the Secretary of War, if in his opinion the judgment is reasonable, is hereby authorized and directed to draw his warrant on the Treasury for the amount of said judgment and costs, and said amount for the payment thereof is hereby appropriated out of any moneys in the Treasury not otherwise appropriated. And when said property and its appurtenances shall have been acquired by the United States, whether by purchase or condemnation, the Secretary of War shall take charge thereof and the same shall thereafter be subject to the provisions of section 4 of an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 5, 1884.

Improving Appoquiniminik River, Delaware: Continuing improvement, $5,000.

Improving Smyrna River, Delaware: Continuing improvement, $5,000.

Improving Murderkill River, Delaware: Continuing improvement, $6,500.

Improving the inland waterway from Chincoteague Bay, Virginia, to Delaware Bay, at or near Lewes, Del., to be used from Delaware Bay to Indian River: Continuing improvement, $25,000: *Provided*, That no part of this appropriation shall be expended until the right of way is secured without cost to the United States.

Improving Broad Creek River, Delaware: Continuing improvement, $5,000.

Improving Choptank River, Maryland: Continuing improvement, $2,000.

Improving Chester River, Maryland: Continuing improvement, $1,500.

Improving Manokin River, Maryland: Continuing improvement, $4,000, of which sum $2,000 shall be expended in improving said river between Dashiells Creek and a point on said river known as the Red Bridge or County Wharf.

Improving Wicomico River, Maryland: Completing improvement, $5,700.

Improving Pocomoke River: Continuing improvement, $5,000.

Improving Warwick River, Maryland: Continuing improvement, $2,000.

Improving Patapsco River and channel to Baltimore: For maintenance, for main ship channel to Curtis Bay, $50,000.

Improving Nanticoke River, Delaware and Maryland: Continuing improvement, in accordance with report and plan submitted by Maj. William F. Smith in House Executive Document No. 323, Fifty-third Congress, third session, $3,000.

Improving Potomac River, Washington, D. C.: Continuing improvement, $100,000.

Improving Appomattox River, Virginia: Continuing improvement, $5,000.

Improving Nansemond River, Virginia: Continuing improvement, $5,000.

Improving James River, Virginia: Continuing improvement, $120,000.

Improving Mattaponi River, Virginia: Continuing improvement, $2,500.

Improving Nomini Creek, Virginia: Continuing improvement, $2,500.

Improving Pamunkey River, Virginia: Continuing improvement, $2,000.

Improving Rappahannock River, Virginia: Continuing improvement, $8,000.

Improving Urbanna Creek, Virginia: Continuing improvement, $3,000.

Improving York River, Virginia: Continuing improvement, $16,000.

Improving Western Branch of Elizabeth River, Virginia, according to report submitted by Chief of Engineers March 25, 1896, $45,000, to complete.

Improving Aquia Creek, Virginia: Continuing improvement, $3,000.

Improving Occoquan Creek, Virginia: Continuing improvement, $2,500.

Improving Lower Machodoc Creek, Virginia: Continuing improvement, $1,500.

Improving Nandua (historically known as Andura) Creek, Virginia, in accordance with approved project for the improvement thereof, $3,000.

Protecting Jamestown Island from the encroachments of James River, $6,000, or so much thereof as may be necessary.

Improving Elk River, West Virginia: Continuing improvement, $2,000, to be expended on said river from Frametown, Braxton County, up said river.

Improving Guyandotte River, West Virginia: For maintenance, $1,000.

Improving Gauley River, West Virginia: Continuing improvement, $3,000.

Improving Cheat River, West Virginia: Continuing improvement in accordance with recommendations of Maj. R. L. Hoxie, submitted July 10, 1895, $5,000.

Improving Little Kanawha River, West Virginia: For maintenance, $1,500.

Improving the upper Monongahela River, West Virginia: Continuing improvements, $20,000; and the Secretary of War, at such time as the United States shall become the owner, by condemnation or otherwise, of the dams on the Monongahela River belonging to the Monongahela River Navigation Company, in Pennsylvania, may place the construction of the six dams heretofore recommended and reported by the United States engineers on the Monongahela River, in the State of West Virginia, under contract at a sum not exceeding $1,000,000, to be paid for as appropriations may from time to time be made by law.

Improving inland waterway between Beaufort Harbor and New River, North Carolina: Continuing improvement, $1,000.

Improving Cape Fear River, North Carolina, above Wilmington: Continuing improvement, $4,000.

Improving Cape Fear River, North Carolina, at and below Wilmington: Continuing improvement, $100,000.

Improving Neuse River, North Carolina: Continuing improvement, $5,000.

Improving Pamlico and Tar rivers, North Carolina: Continuing improvement and maintaining, $2,500.

Improving Trent River, North Carolina: Continuing improvement, $2,000.

Improving Black River, North Carolina: For maintenance, $1,000.

Improving inland water route from Norfolk Harbor, Virginia, to Albemarle Sound, North Carolina, through Currituck Sound: Continuing improvement, $10,000.

Improving Great Pedee River, South Carolina: Continuing improvement, $12,000.

Improving Santee River, South Carolina: Continuing improvement, $48,000, to be used in snagging and in making new cut between Estherville and Minim Creek, and in maintaining the Musquito Creek Channel.

Improving Waccamaw River, South Carolina: Continuing improvement, $6,000.

Improving Wappoo Cut, South Carolina: Continuing improvement, $2,500.

Improving Wateree River, South Carolina: For maintenance, $5,000.

Improving Congaree River, South Carolina: Continuing improvement, $2,000.

Improving Little Pedee River, South Carolina: Continuing improvement, $3,000.

Improving Beaufort River, South Carolina: Continuing improvement, $1,000.

Improving Altamaha River, Georgia: Continuing improvements, $10,000.

Improving Chattahoochee River, Georgia and Alabama: Continuing improvement, $25,000, of which $5,000 are to be used on that portion of the river between West Point and Franklin.

Improving Flint River, Georgia: Continuing improvement, $8,000.

Improving Ocmulgee River, Georgia: Continuing improvement, $10,000, of which $5,000 are to be expended between Macon and Hawkinsville, and the like sum below Hawkinsville.

Improving Oconee River, Georgia: Continuing improvement, $10,000, of which $3,000 are to be expended between Milledgeville and the Central Railroad bridge.

Improving Savannah River, between Savannah and Augusta: Continuing improvement, $15,000.

Improving Savannah River, above Augusta, Ga.: Continuing improvement, $3,000.

Improving Coosa River, between Rome, Ga., and the East Tennessee, Virginia and Georgia Railroad bridge, in Alabama: Continuing improvement, $50,000, $10,000 of which, or so much as may be necessary, shall be used in deepening the channel over the several shoals and removing the obstructions therefrom between Cedar Bluffs, Alabama, and Rome, Ga.

Improving Coosa River, between Wetumka, Ala., and the East Tennessee, Virginia and Georgia Railroad bridge: Continuing improvement, $50,000.

Inside water route between Savannah, Ga., and Fernandina, Fla.: Continuing improvement, $14,000.

Improving Apalachicola River, Florida, including the cut-off and Lower Chipola River: For completion, $5,000.

Improving Apalachicola River, Florida: For maintenance, $1,000.

Improving Choctawhatchee River, Florida and Alabama: Continuing improvement, $5,000: *Provided*, That no part of said sum shall be expended above Hollis bridge until a draw, approved by the Secretary of War, is put in said bridge.

Improving Escambia and Conecuh rivers, Florida: Continuing improvements, $4,000.

Improving Manatee River, Florida: Continuing improvement, $4,000: *Provided*, That $3,000, or so much thereof as may be necessary, be used in dredging, deepening, and otherwise improving the navigation of the channel known as the Cut-Off, extending from said Manatee River, on the north side thereof, and below the town of Palmetto, in Terraceia Bay.

Improving Suwanee River, Florida: Continuing improvement, $3,000.

Improving Volusia Bar, Florida: For maintenance, $1,000.

Improving Ocklawaha River, Florida: For maintenance, $3,000.

Improving Sarasoto Bay, Florida: Continuing improvement, $2,500.

Improving Indian River, Florida: By dredging channel at Negro Cut, near Indian River Inlet, $7,500.

Improving St. Johns River, Florida, from Jacksonville to the ocean, in accordance with latest approved project for its improvement, $25,000.

Improving Alabama River, Alabama: Continuing improvement, $40,000.

Improving Black Warrior River, Alabama, from Tuscaloosa to Daniels Creek: Continuing improvement, $40,000.

Improving Warrior and Tombigbee rivers, Alabama, from mouth of Tombigbee River to Tuscaloosa: Continuing improvement, $115,000, of which $75,000 is to be expended on the Tombigbee River and $40,000 on the Warrior River; and so much of said sums as may be necessary is authorized to be expended in acquiring, by purchase or condemnation, under the laws of Alabama, the lands needed in making such improvements.

Improving Tombigbee River from Fulton to Columbus: Continuing improvement and maintenance, $8,000.

Improving Tombigbee River from Demopolis, Ala., to Columbus, Miss.: Continuing improvement, $50,000.

Improving Tombigbee River from Walkers Bridge to Fulton: Continuing improvement and maintenance, $1,000.

Improving Big Sunflower River, Mississippi: Continuing improvement, $5,000.

Improving Noxubee River, Mississippi: For maintenance, $3,000.

Improving Pascagoula River, Mississippi: Continuing improvement, $6,000, and so much of said sum as may be necessary may be used for removal of the bar in Horn Island Pass.

Improving Pearl River, between Edinburg and Carthage, Miss.: For maintenance, $500.

Improving Pearl River, between Carthage and Jackson, Miss.: For maintenance, $2,400.

Improving Pearl River, below Jackson, Miss.: Continuing improvement, $10,000, which shall be expended in work on the river, beginning at the head of Holmes Bayou and continuing up the river to Monticello.

Improving Tallahatchee River, Mississippi: Continuing improvement, $4,000.

Improving Yazoo River, Mississippi: Continuing improvement, $20,000, of which so much as may be necessary shall be expended in removing the bar at Yazoo City.

Improving Chickasahay River, Mississippi, from the mouth up to railroad bridge, near Shubuta: Continuing improvement, $2,000.

Improving Leaf River, Mississippi, from its mouth to Bowie Creek: Continuing improvement, $2,500.

Improving mouth of Yazoo River and harbor of Vicksburg, Miss.: For the purpose of completing the project of improvement as heretofore adopted and entered upon, in addition to expending the balance on hand, contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the same, or said materials may be purchased and work may be done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $800,000, exclusive of the amount heretofore appropriated.

Improving Amite River and Bayou Manchac, Louisiana: For maintenance, $2,500.

Improving Boeuf River, Louisiana: Continuing improvement, $6,000.

Improving Bayou Bartholomew, Louisiana and Arkansas: Continuing improvement, $4,000.

Improving Tensas River and Bayou Macon, Louisiana and Arkansas: Continuing improvement, $5,000.

Improving Red River, Louisiana and Arkansas, from Fulton, Ark., to the Atchafalaya River: Continuing improvement, according to the plan of Capt. J. H. Willard, Corps of Engineers, United States Army, $75,000.

Improving Tickfaw River, Louisiana: For maintenance, $1,000.

Improving Bayou Plaquemine, Louisiana: Continuing improvement, $110,000.

Improving Chefuncte River and Bogue Falia, Louisiana: For maintenance, $1,000.

Improving Bogue Chitto, Louisiana: Continuing improvement, $5,000.

Improving channel, bay, and passes of Bayou Vermilion, Louisiana: Continuing improvement, $1,000.

Improving Bayou Teche, Louisiana: Continuing improvement, $6,000.

Improving Buffalo Bayou, Texas: Continuing improvement, $20,000.

Improving Trinity River, Texas: Continuing improvement, $5,000.

Improving Cypress Bayou, Texas: Continuing improvement, $5,000.

Improving Sabine River, Texas: For completion, $2,000.

Improving Arkansas River, Arkansas and Indian Territory: Continuing improvement, $100,000: *Provided*, That the Secretary of War may, in his discretion, cause examinations and surveys to be made at or near Pine Bluff,

Little Rock, Dardanelle, Van Buren, and Fort Smith, to determine whether or not, by reason of dikes or other Government works, any part of the harbors or river banks in their vicinity have been so injured or endangered that the Government should guard against or remedy the same; and for the purpose of making such surveys and works as may be found necessary to remedy and guard against such injury, the Secretary of War is authorized to set apart and use, in his discretion, a sufficient amount of this appropriation: *And provided further*, That, in the discretion of the Secretary of War, the sum of $15,000 of the amount hereby appropriated for said river may be used in removing obstructions and operating snag boats, in addition to the amount hereinafter appropriated for that purpose.

Improving St. Francis River, Arkansas: Continuing improvement, $8,000; and the Secretary of War is hereby directed to cause surveys to be made, and submit with his next report on St. Francis River plans and estimates for the improvement of said river by locks and dams to give slack-water navigation from its mouth to Wittsburg and to Marianna on L'Anguille River, its tributary, if in his judgment said improvement is practicable; the cost of the same to be paid out of this appropriation.

Improving Arkansas River: Removing snags and operating snag boats, $20,000.

Improving Black River, Arkansas and Missouri: Continuing improvement, $8,000. Of this appropriation $2,000 may be expended, in the discretion of the Secretary of War, in reconstructing the old dam at or near Big Island.

Improving White River, Arkansas: Continuing improvement, $22,000; of which sum $2,000 may, in the discretion of the Secretary of War, be expended in removing obstructions in Cache River, its tributary.

Improving Ouachita and Black rivers, Arkansas and Louisiana: Continuing improvement, $70,000; of which sum $50,000, or so much thereof as may be necessary, shall be used by the Secretary of War for the completion of the survey of said Ouachita River heretofore authorized, and he is directed to submit as soon as practicable a plan of construction and estimates of the cost of the locks and dams necessary to give slack-water navigation.

Improving Red River above Fulton, Ark.: Continuing improvement, $3,000.

Improving Current River, Arkansas and Missouri: Continuing improvement, $2,000.

Improving Cumberland River, Kentucky and Tennessee: Continuing improvement, between the State of Tennessee and the town of Burnside, $30,000, to be expended in purchasing sites for locks and dams 21 and 22 and in laying masonry for locks 21 and 22.

Improving Cumberland River below Nashville, Tenn.: Continuing improvement, $80,000, of which sum shall be expended as much as may be necessary for the completion of the lock and dam near the mouth of Harpeth River.

Improving Cumberland River above Nashville, Tenn.: Continuing improvement: The Secretary of War may enter into contracts for the completion of the whole or any part of locks Nos. 5, 6, and 7, above Nashville, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $600,000, exclusive of the amounts heretofore appropriated.

Improving French Broad and Little Pigeon rivers, Tennessee: Continuing improvement, $5,000.

Improving Tennessee River below Chattanooga, Tenn.: Continuing improvement, $50,000.

Improving Tennessee River above Chattanooga, Tenn., $15,000, of which sum a sufficient amount shall be expended in the removal of the obstructions to navigation at Knoxville.

Improving Obion River, Tennessee, from its mouth to the town of Obion, on the Newport News and Mississippi Valley Railroad, in Obion County: Continuing improvement, $6,000.

Improving Forked Deer River, Tennessee: For maintenance, $1,000.

Improving Kentucky River, Kentucky: Continuing improvement, $50,000: *Provided*, That a contract may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of improvement, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $1,349,000, exclusive of the amount herein appropriated.

Improving the Falls of the Ohio River and Indiana Chute Falls, Ohio River: Continuing improvements, $10,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of improvement, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $517,250, exclusive of the amount herein appropriated.

Improving Rough River, Kentucky: Continuing improvement, $43,000.

Improving Levisa Fork, Big Sandy River, Kentucky: For maintenance, $1,000.

Improving Tug Fork, Big Sandy River, Kentucky: For maintenance, $2,000.

Improving Green River, Kentucky, about the mouth of Big Barren River: Continuing improvement: Lock No. 3, according to report and recommendation of Maj. D. W. Lockwood, Corps of Engineers, United States Army, submitted August 11, 1891, $20,000.

Improving Big Sandy River near Louisa, Ky.: For continuing construction of movable dam in accordance with the existing plans, $30,000.

Improving Ohio River, at or below the mouth of Big Beaver River, by the construction of Movable Dam No. 6: Continuing improvement, $25,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of improvement, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $300,000, exclusive of the amount herein appropriated.

Improving Ohio River, by the construction of Dams Nos. 2, 3, 4, and 5, between Davis Island Dam and Dam No. 6, in accordance with the approved project for the completion thereof, $10,000: *Provided*, That contracts may be entered into by the Secretary of War for the whole or any part of the material and work as may be necessary to complete said movable dams, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $1,990,000, exclusive of the amount herein appropriated.

Improving Ohio River, Ohio and West Virginia: Continuing improvement, $250,000, of which $25,000, or so much thereof as may be necessary, the Secretary of War is hereby authorized to expend in a survey of the said Ohio River from Marietta, Ohio, to the city of Pittsburg, Pa., and report the number of movable dams necessary to improve said river between said points to provide 6 feet of water therein at low water, and the proper location of necessary dams, as well as probable cost thereof: *Provided*, That the sum of $35,000, or so much thereof as may be necessary, shall be used for snagging purposes: *And provided further*, That the sum of $22,250, or so much thereof as may be necessary, shall be used, at the discretion of the Secretary of War, in the construction of three ice piers substantially similar to those now along the Ohio River, one additional at Middleport, one at Syracuse, and one at or near the mouth of Big Hocking; the precise points for the construction of said piers at said localities shall be fixed by the Secretary of War so as to best accommodate the commerce of those sections of said river: *Provided further*, That out of said sum there shall be expended in the improvement of the harbor of Evansville, Ind., $39,592: *And provided further*, That out of said sum there shall be expended for the improvement of the harbor of Golconda, on the Ohio River, in Pope County, Ill., the sum of $3,000: *And provided further*, That there shall also be expended out of said sum $5,000 for the improvement and continuance of the work on the harbor at Brooklyn, Ill.: *And provided further*, That there shall also be expended out of said sum $5,000 for continuation of work on the improvements of the Ohio River near Mound City, Ill.

Improving Saginaw River, Michigan: Continuing improvement, $50,000, of which $16,000 shall be expended on the river above Bay City. The Secretary of War is hereby directed to cause surveys to be made and estimates of the cost of improvement of the Saginaw River from its head to a point in Saginaw Bay, with a view of securing a channel 200 feet wide and an increase in depth to 14 feet from the head of the river to the Third Street Bridge, so called, in Bay City, thence of the same width to Saginaw Bay, with a view to securing an increase of the depth of the channel to 16 feet; also to submit plans and estimates for improving the west channel of the Saginaw River between Middle Ground and West Bay City, with a view to securing a depth of said channel to 14 feet; also to improve the Shiawassee River from the Saginaw River to the Bad River; Bad River to the village of St. Charles, and the Flint River from the Shiawassee as far as practicable, to such an extent as will afford a reliable navigation for light-draft boats between Saginaw River and the village of St. Charles and on the Flint River as far as practicable.

Improving Belle River, Michigan, in accordance with plans submitted by Col. G. J. Lydecker, November 30, 1895, in House Document No. 72, Fifty-fourth Congress, first session, $5,000.

Improving Sebewaing River, Michigan, in accordance with plans submitted by Col. G. J. Lydecker, November 30, 1895, in House Document No. 71, Fifty-fourth Congress, first session, $5,000.

Improving Pine River, Michigan, in accordance with report submitted by Col. G. J. Lydecker, December 7, 1895, in House Document No. 73, Fifty-fourth Congress, first session, $5,000.

Improving Grand River, Michigan: Continuing improvement in accordance with the modified project for constructing an open 10-foot channel of navigable width, $50,000.

Improving mouth of Black River, Michigan: Continuing improvement, $4,000.

Improving Clinton River, Michigan: Continuing improvement, $10,000.

Improving Rouge River, Michigan: Continuing improvement, $5,000.

Improving Detroit River, Michigan, by removal of shoals from the city of Detroit to Lake Erie: Continuing improvement, $30,000.

Improving Black River at Port Huron, Mich.: Continuing improvement up to Washington avenue, $4,000.

Improving the water communication across Keweenaw Point, Lake Superior, from Keweenaw Bay to Lake Saperior, in the State of Michigan: Continuing improvement in accordance with the existing project, $50,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,065,000, exclusive of the amount herein and heretofore appropriated.

Improving St. Joseph River, Michigan: Continuing improvement, $500.

Improving Kalamazoo River, Michigan, from Lake Michigan to Saugatuck, in accordance with plans submitted by Col. G. J. Lydecker in House Document No. 192, Fifty-fourth Congress, first session, $5,000.

Improving Chippewa River, including Yellow Banks, Wisconsin: Continuing improvement, $10,000.

Improving Fox River, Wisconsin: Continuing improvement, $37,500, of which said sum $1,500, or as much thereof as may be necessary, shall be used to remove bars and snags from the Wolf River, below Shawano, Wis.; and $3,500, or as much thereof as may be necessary, shall be used in providing a harbor of refuge on the east shore of Lake Winnebago, Wisconsin, at one of the several landings on said shore, the location of which said harbor of refuge shall be determined by the Government engineer.

Improving Menominee River, Wisconsin and Michigan: Continuing improvement, $15,000, of which said sum an amount sufficient is hereby appropriated, and shall be used—

First. To widen the main channel to a width of 250 feet for a distance of 600 feet down the river from the present west line of the channel, and to deepen the same to a depth of 16 feet.

Second. To extend the present main channel from its west line up the river a distance of 425 feet to the west line of Wells street, with a width of 75 feet and a depth of 16 feet, the south line of said extension to be the south line of the main channel extended.

Improving St. Croix River, Wisconsin and Minnesota: Continuing improvement, $10,000.

Improving Red River of the North, Minnesota: Continuing improvement, $12,000.

Improving Minnesota River, Minnesota: Continuing improvement, $4,000.

Improving Wabash River, Indiana and Illinois, above Vincennes: Continuing improvement, $6,000.

Improving Wabash River, Indiana and Illinois, below Vincennes: Continuing improvement, $15,000.

Improving White River, Indiana: Completing improvement, $2,500.

Improving Calumet River, Illinois: Continuing improvement, $50,000: *Provided*, That the expenditure of said money shall be made upon said river from the mouth thereof to the forks in said river.

Improving Illinois River, Illinois: Continuing improvement, $40,000.

For the construction of the Illinois and Mississippi Canal: Continuing construction, $25,000: *Provided*, That the Secretary of War may enter into contracts for such material and work as may be necessary to complete the present project of said Illinois and Mississippi Canal and to acquire such further right of way as may be necessary therefor, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $5,710,900, exclusive of the amount herein and heretofore appropriated: *Provided*, That in acquiring right of way the Secretary of War may make agreements for joint user where the canal crosses other lines of transportation if such agreements can be made upon reasonable terms: *Provided further*, That in acquiring right of way by agreement or otherwise for the crossing of existing public highways over the parts of the canal constructed on land the basis of agreement or condemnation shall be the construction and maintenance of bridges by the United States Government, as provided for in the detailed plans and estimates heretofore submitted to Congress, but this provision shall not apply to bridges constructed over public waters of the United States now occupying part of the line of the said canal, nor to bridges constructed after the completion of said canal or part thereof adjacent to the bridge sites: *Provided further* That in the event that the Secretary of War shall be unable to obtain such right of way as may be necessary in the prosecution of this work, upon reasonable terms by agreement, purchase, or voluntary conveyance, he is hereby authorized to apply at any term of the circuit or district court of the United States for the northern district of Illinois, and in the name of the United States institute and carry on proceedings to condemn such lands as may be necessary for right of way as aforesaid; and in such proceedings said court shall be governed by the laws of the State of Illinois so far as the same may be applicable to the subject of condemning private property for public use.

Improving Alsea River, Oregon: Completing improvement in accordance

LOUISIANA.

Improving Altamaha River, Georgia: Continuing improvements, $10,000.
Improving Chattahoochee River, Georgia and Alabama: Continuing improvement, $100,000: *Provided*, That the Secretary of War may, in discretion, cause examinations and surveys to be made at or near Pine Bluff,

For improving the Chicago River, in Illinois, from its mouth to the stock yards on the South Branch, and to Belmont avenue on the North Branch, as far as may be permitted by existing docks and wharves, to be dredged to admit passage by vessels drawing 16 feet of water, according to the recommendation of Capt. W. L. Marshall, of the Corps of Engineers of the United States Army, in his report under date of August 9, 1893: Continuing improvement, $50,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the said project of improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $650,000, exclusive of the amount herein and heretofore appropriated.

Reservoirs at the head waters of the Mississippi River: Continuing improvement, $80,000.

Improving the Mississippi River between the Chicago, St. Paul, Minneapolis and Omaha Railroad bridge at St. Paul to the Washington avenue bridge at Minneapolis: Continuing improvement, $100,000.

Improving the Mississippi River from the mouth of the Ohio River to St. Paul, Minn.: Continuing improvement, $375,000, of which amount $200,000 shall be expended on that portion of said river from St. Paul to the mouth of the Missouri River, and $175,000 from the mouth of the Missouri River to the mouth of the Ohio River: *Provided*, That on and after the passage of this act additional contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry on continuously the systematic improvement of the Mississippi River between the points mentioned, or said materials may be purchased and work may be done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $5,625,000: *Provided further*, That for the fiscal year ending June 30, 1897, said contracts and materials purchased and work done otherwise than by contract for the section of said river between St. Paul and the mouth of the Missouri River shall not exceed $270,000, and thereafter shall not exceed for the three years beginning July 1, 1897, the sum of $828,656.66 annually: *Provided further*, That such contracts and materials purchased and work done otherwise than by contract for that section of the said river between the mouth of the Missouri and the mouth of the Ohio River for the fiscal year ending June 30, 1897, shall not exceed the sum of $425,000, and thereafter for the three years commencing July 1, 1897, shall not exceed the sum of $973,333.33 annually: *And provided further*, That the money hereby appropriated and authorized to be expended in pursuance of said contracts for the said section of said river between the mouth of the Missouri River and the mouth of the Ohio River, or so much thereof as may be necessary, shall be expended in the construction of suitable dredge boats, portable jetties, and other suitable appliances, and in the maintenance and operation of the same, with the view of obtaining a navigable channel from St. Louis to Cairo not less than 250 feet in width and 9 feet in depth.

That $50,000, or so much thereof as may be necessary, of the money herein appropriated for the improvement of the Mississippi River between Cairo and the mouth of the Missouri River shall be expended, under the direction of the Secretary of War, to protect the east bank of the Mississippi River from caving in and being washed away at or near a point opposite the mouth of the Missouri River and extending south along said east bank as far as may be necessary to effect the purpose above mentioned.

That of the money herein appropriated for use on the Mississippi River from Cairo to the mouth of the Missouri River the sum of $30,000, or so much thereof as may be necessary, is directed to be expended in removing the bar in front of Chester, Ill., and protecting the west bank of the Mississippi River opposite Chester, Ill.

That of the money herein appropriated for the improvement of the Mississippi River from St. Paul to the mouth of the Missouri River there shall be expended the following respective amounts, or so much thereof as may be necessary, under the direction of the Secretary of War, in improvements at the following places, to wit:

For the protection from erosion of the east bank of the Mississippi River along and in front of the Sny Island Levee in the counties of Adams, Pike, and Calhoun, in the State of Illinois, by revetment work, $50,000.

For the removal of the bar in the Mississippi River, on the east side thereof, opposite the city of Dubuque, in the State of Iowa, $5,000.

For the repair and maintenance of the natural and artificial banks of the Mississippi River from Warsaw to Quincy, in the State of Illinois, $5,000.

For dredging the channel at Quincy Bay, at Quincy, in the State of Illinois, $5,000.

For removing the sand bar in front of the steamboat landing at Quincy, in the State of Illinois, $10,000.

For maintaining the harbor at Rock Island, Ill., $5,000.

For maintaining the harbor at La Crosse, Wis., $5,000.

For the purpose of constructing a harbor of refuge on the west shore of Lake Pepin, Mississippi River, at or near Kings Coulee, between Lake City and Reeds Landing, Minn., $20,000.

For the purpose of continuing the work of constructing artificial banks between the mouth of Flint River, in Des Moines County, Iowa, and running along the west bank of the Mississippi River to the mouth of the Iowa River, $50,000.

And the Secretary of War, out of the money herein appropriated for the improvement of the Mississippi River, from St. Paul to the mouth of the Missouri River, shall cause surveys to be made as follows:

On the east side of the Mississippi River, commencing at Drurys Landing, in Mercer County, State of Illinois, and running along the east bank of said river to New Boston, with a view to the improvement of navigation by preventing the overflow of the natural and artificial banks, and by deepening the channel; also along the east bank of said river, from at or near the city of Oquawka, Ill., to at or near Dallas City, in the said State, with a view to the improvement of navigation by preventing the overflow of the natural and artificial banks and by deepening the channel, with an estimate of the cost thereof; also on the west side of said river from the bluff above the city of Madison, Lee County, in the State of Iowa, along the west bank of said river to the mouth of Skunk River, in said Lee County, and along the west bank of the Mississippi River from the mouth of the Iowa River, in Louisa County, to the city of Muscatine, in Muscatine County, Iowa, with a view of improving the navigation by preventing the overflow of the natural and artificial banks and by deepening the channel.

Also on the west side of the Mississippi River, commencing at a point near Lagrange, in the county of Lewis and State of Missouri, above high water, running along the bank of the river to a point near the railroad bridge over the Mississippi River, near and above the city of Hannibal, in the county of Marion and State of Missouri, with the view of improving navigation by preventing the water from overflowing the natural and artificial banks along that part of the river and deepening the channel.

Also of the Egyptian levee, beginning at a point on the Des Moines River, in the county of Clark, State of Missouri, running along the south bank of said river to or near the Mississippi River at Alexandria, thence along the west bank of said river to terminus of said Egyptian levee, and estimate the cost of raising and strengthening said levee so as to confine the water to the river and thereby deepen the channel and improve navigation.

Also commencing at Drurys Landing, in Rock Island County, Ill., and running along the east bank of said river to New Boston, Ill., with a view to improving the navigation by preventing the water from overflowing the natural and artificial banks along those parts of the river and deepening the channel.

Improving Mississippi River from Head of Passes to the mouth of the Ohio River, including salaries, clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission: Continuing improvement, $625,000, which sum shall be expended under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the general improvement of the river, for the building of levees, and for surveys, including the continuation of the survey between Head of Passes and the head waters of the river, in such manner as in their opinion shall best improve navigation and promote the interests of commerce at all stages of the river: *Provided*, That on and after the passage of this act additional contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry on continuously the plans of the Mississippi River Commission as aforesaid, or said materials may be purchased and work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $8,375,000: *Provided further*, That for the fiscal year ending June 30, 1897, said contracts, and materials purchased, and work done otherwise than by contract shall not exceed the sum of $825,000, and thereafter shall not exceed the sum of $2,583,333 annually for the three years beginning July 1, 1897: *Provided further*, That the money hereby appropriated and authorized to be expended in pursuance of said contracts, or so much thereof as may be necessary, shall be expended in the construction of suitable dredge boats and other devices and appliances, and in the maintenance and operation of the same, with a view of obtaining a navigable channel from Cairo down, not less than 250 feet in width and 9 feet in depth: *Provided further*, That of the sum hereby appropriated and authorized to be expended the sum of $64,000 shall be expended in the rectification of the banks at Greenville, Miss., and $64,000 in the rectification of the banks at Helena, Ark., according to late plans submitted by Capt. Graham D. Fitch, Corps of Engineers, and $16,000 in the rectification of the banks at New Madrid, Mo.

For work in accordance with the plans and specifications of the Mississippi River Commission:

At the harbor of New Orleans, La.: Continuing improvement, $110,000.

At the harbor of Natchez and Vidalia, Mississippi and Louisiana, $84,000.

For rectification of Red and Atchafalaya rivers, Louisiana: Continuing improvement, $40,000.

At the harbor of Memphis, Tenn., $70,000, of which $35,000 shall be expended in dredging and improving Wolf River from its mouth to the county bridge on Second street, not exceeding 2½ miles up said stream.

Improving Gasconade River, Missouri: Continuing improvement, $5,000; and improving Osage River, Missouri: Continuing improvement, $50,000, to be expended by the Missouri River Commission.

Improving Missouri River, including salaries, clerical, office, traveling, and miscellaneous expenses of the Missouri River Commission, survey, permanent bench marks, and gauges: Continuing improvement, $250,000, to be expended under the direction of the Secretary of War in the systematic improvement of the river according to the plans and specifications of the Missouri River Commission, as approved by the Chief of Engineers: *Provided*, That in the discretion of said Commission a portion of such sum may be expended in protection of harbors and localities on said river: *And provided also*, That on and after the passage of this act additional contracts may be entered into by the Secretary of War for such material and work as may be necessary to carry on continuously the plans of the Missouri River Commission for the improvement of said river, or said material may be purchased and work may be done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $250,000 per annum for three years, commencing July 1, 1897.

Of the money hereby appropriated and hereby authorized to be contracted for, $80,000 may be expended at Omaha and Council Bluffs; at Rocheport, $80,000; at Glasgow, $60,000; at Miami, $75,000, and at St. Charles, Mo., $50,000.

Improving the upper Missouri River between Stubbs Ferry, in Montana, and the lower limits of Sioux City, Iowa, $100,000, of which $50,000 may be expended in the protection and completion of the works at Sioux City; $50,000 in the rectification of the river at Pierre and Fort Pierre; $20,000 for the protection of Bismarck Harbor and the rectification of the river to prevent erosion of the banks, and cutting a new channel at or near that point; $20,000 between the Great Falls, in Montana, and Stubbs Ferry, in Montana; $40,000 at Yankton, and $10,000 for improvement of river at Elk Point.

Improving Flathead River, Montana, $10,000, which sum shall be expended in snagging from Demersville to the Flathead Lake, in accordance with the plan submitted by Capt. Thomas W. Symons, Corps of Engineers, August 5, 1895.

Improving Yellowstone River, Montana: Continuing improvement, $10,000, which sum shall be expended at or near Glendive, Mont.

Improving river at and near Greatfalls, Mont., $15,000.

Improving Sacramento and Feather rivers and their tributaries, California: The Secretary of War is hereby authorized and directed to appoint a board, consisting of three engineers of the United States Army, for the purpose of making surveys and examinations of said rivers, and submit the most feasible plan for the improvement of said rivers and the maintenance of navigation thereon; said board may, under the direction of said Secretary of War, expend any balance now remaining to the credit of said rivers in the improvement of the same, after deducting the expense of said surveys and examinations.

For the construction of restraining barriers for the protection of the Sacramento and Feather rivers in California, $250,000; such restraining barriers to be constructed under the direction of the Secretary of War in accordance with the recommendations of the California Débris Commission, for the purposes set forth in sections 23, 24, and 25 of the act entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California," approved March 1, 1893: *Provided*, That said sum shall be available only on condition that the legislature of the State of California shall have appropriated at least an equal sum for the purposes herein set forth, to be expended in accordance with the recommendations of engineers of the United States Government.

Improving San Joaquin River, California: Continuing improvement, $20,000.

Improving Napa River, California: Continuing improvement, $4,000.

Improving upper Columbia River, including Snake River as far up as Asotin, Oregon and Washington: Continuing improvement, $5,000.

Improving lower Willamette River in front of and below Portland, Oreg., and Columbia River below the Willamette River in Oregon and Washington: Continuing improvement, $50,000.

Improving Coquille River, Oregon: Continuing improvement, $20,000.

Improving the mouth of Siuslaw River: Continuing improvement, $27,000.

For gauging waters of the Columbia River, measuring tidal and river volumes, $1,000.

Improving upper Coquille River, between Coquille City and Myrtle Point, Oreg.: Continuing improvement, $12,000.

Improving Umpqua River, Oregon: Completing improvement $6,000.

Improving Coos River, Oregon: Completing improvement in accordance with plans submitted by Capt. T. W. Symons in House Executive Document No. 257, Fifty-third Congress, third session, $5,000.

Improving Alsea River, Oregon: Completing improvement in accordance with plans submitted by Capt. T. W. Symons in House Executive Document No. 255, Fifty-third Congress, third session, $3,000.

Improving Nestucca River, Oregon, from town of Woods to the ocean, in accordance with plans submitted by Capt. T. W. Symons in House Executive Document No. 224, Fifty-third Congress, third session: Completing improvement, $3,000.

Improving Willamette and Yamhill rivers, Oregon, $30,000, as recommended by Capt. W. L. Fisk, Corps of Engineers, for Willamette River from Portland to Eugene (House Document No. 260, Fifty-fourth Congress, first session), and as recommended by Maj. J. C. Post, Corps of Engineers, in report to Chief of Engineers, dated March 6, 1895, for lock and dam on Yamhill River: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete such improvements, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $200,000, including the amount herein appropriated.

Improving Columbia River below Tongue Point, by way of the South Channel in front of Astoria, Oreg., as recommended by Maj. J. C. Post, Corps of Engineers, May 25, 1895: *Provided*, That $50,000 is hereby authorized to be transferred from the balance on hand to the credit of the mouth of the Columbia River improvement, in the discretion of the Secretary of War.

For improving Clearwater River, Idaho: Continuing improvement, $25,000.

For improving Kootenai River, in Idaho, between Bonners Ferry and the international boundary line, $5,000.

Improving Cowlitz River, Washington: Continuing improvement, $3,000.

Improving Puget Sound and its tributary waters, Washington: Continuing improvement, $27,000; of which sum $12,000 shall be expended under the direction of the Secretary of War for straightening and deepening the channel of the Puyallup River, emptying into Commencement Bay, in Puget Sound, with a view to making said river navigable at all times for vessels drawing 18 feet of water, from the mouth of said river upward a distance of about one-half mile.

Improving Chehalis River, Washington: For snagging, $3,000.

Improving Swinomish Slough, Washington: Continuing improvement in accordance with existing plans, $25,000.

Improving Skagit River, Washington: Continuing improvement, $10,000.

Improving Columbia River between the mouth of the Willamette River and the city of Vancouver, Wash.: Continuing improvement, $30,000.

SEC. 2. That the Secretary of War is directed to cause to be prepared a compilation of all general laws that have been enacted from time to time by Congress for the maintenance, protection, and preservation of the navigable waters of the United States which are now in force, and to submit the same to Congress at its session in December next, together with such recommendation as to repeal, revision, or enlargement of the said laws as, in his judgment, will be advantageous to the public interest.

SEC. 3. That section 13 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved September 19, 1890, is hereby amended by inserting the words "fifty thousand dollars" in lieu of the words "twenty-five thousand dollars" therein contained.

SEC. 4. That for preliminary examinations, surveys, except where otherwise herein especially provided for, contingencies, expenses connected with inspection of bridges, the service of notice required in such cases, the examination of bridge sites and reports thereon, and for incidental repairs for which there is no special appropriation for rivers and harbors, $100,000: *Provided*, That no preliminary examinations, survey, project, or estimate for new works other than those designated in this act shall be made: *And provided further*, That after the regular or formal report on any examination, survey, project, or work under way or proposed is submitted, no supplemental or additional report or estimate for the same fiscal year shall be made unless ordered by a resolution of Congress. The Government shall not be deemed to have entered upon any project for the improvement of any waterway or harbor mentioned in this act until funds for the commencement of the proposed work shall have been actually appropriated by law.

SEC. 5. That under the authority to make contracts for materials and work under the provisions of this act, in addition to the sums appropriated herein, the Secretary of War shall not obligate the Government to pay in any one fiscal year, beginning July 1, 1897, more than 25 per cent of the whole amount authorized to be let by any one of said contracts, except as herein otherwise specifically authorized to do: *Provided*, Any part of the annual allotment of 25 per cent herein provided for not earned and paid for material furnished or work done in one fiscal year may be paid for material furnished and work done under the contracts in any subsequent fiscal year: *Provided*, This limitation shall not apply to any project placed under contract wherein the total amount authorized to be expended shall not exceed $500,000.

SEC. 6. That the Secretary of War is hereby directed to cause preliminary examinations to be made at the following localities, to wit:

ALABAMA.

Beginning at a point at or near the site selected for Lock No. 13 on the Warrior River, and continuing up Valley River from its mouth, following the general course of said stream to Bessemer, Ala., thence up the valley to Birmingham and beyond to Five Mile Creek, at a point where sufficient head can be obtained to supply water for that part of said canal between Five Mile Creek and Bessemer, Ala. Said channel to have a minimum depth of 6 feet and be at least 50 feet in width at the water line.

CALIFORNIA.

Humboldt Harbor, dredging same along city front.

Napa River, to straighten channel from Napa to a point south of Carrs Bend and to make cut through Carrs Bend.

Petaluma Creek; straighten channel from railroad bridge to Donohue Landing.

Suisun Creek.

DELAWARE.

St. Johns River.
Cedar Creek.
Mispillion River.

FLORIDA.

Anclote River.
Jupiter Inlet.
Hillsboro Bay.
Crystal River.
Cedar Keys.

ILLINOIS.

The upper Illinois River and lower Des Plaines River, with a view to extension of navigation from Illinois River to Lake Michigan at or near Chicago.

KANSAS.

Neosho River, from the north line of Neosho County to the south line of Labette County, with a view to straightening and otherwise improving the channel of said river.

KENTUCKY.

Tradwater River.

LOUISIANA.

Bayou Grossetete.

MAINE.

Union River, near the city of Ellsworth, in Hancock County.
South channel of branch of Penobscot River, in Frankfort, in Waldo County, with view of removing an old wreck, and estimate of cost thereof.
Boothbay Harbor.
Chandlers River.

MASSACHUSETTS.

Salt Pond and Herring River, in Harwich.
Gurnet Rock and other rocks at mouth of Plymouth Harbor.
Duxbury Beach, with view to protection of harbor.
Duxbury Harbor, with view to widening and deepening improvement.

MICHIGAN.

Raisin River, in Monroe County, from mouth to Government Canal to the wharves.
Huron River, from mouth to the point of crossing by the Michigan Central Railroad.

MINNESOTA.

Mille Lacs Lake, with a view to the construction of a dam at the outlet on section 33, township 35 north, in range 27 west, in Mille Lacs County, for the aid of navigation on the Mississippi River, the same to be part of the general Upper Mississippi River reservoir system.
Stillwater, for preservation of harbor.

MISSISSIPPI.

Homochitto River, from mouth to the Yazoo and Mississippi Valley Railroad.
Coldwater River.
Ship Island Pass, with view to obtaining a channel of 26 feet depth at low tide in said pass between the Gulf of Mexico and Ship Island Harbor.

NEW HAMPSHIRE.

Oyster River.

NEW JERSEY.

Oldmans Creek.
Dividing Creek.
Wading River.
Tuckerton Creek and flats at mouth thereof.
Beach Thoroughfare at and near the meeting of tides from Absecon and Egg Harbor Inlet.
Barnegat Bay, between Mantoling and Bay Head.

NEW YORK.

Channel connecting Flushing Bay and Newtown Creek.
Catskill Creek.
Oswego River, Oneida Lake, and Mohawk River, so as to connect them.
Mohawk River, between Rome and town of Schuyler.
Nyack Harbor.
Alexandria Bay.
Black River to harbor at Dexter.
Coney Island Creek.
Oyster Bay, with a view to its connection with Lloyd Harbor.
Channels between Far Rockaway and Inwood.
Northport Harbor.
Smithtown Harbor.
Wallabout channel, by cutting off portion of island known as Cob Dock and securing width of 300 feet and depth of 20 feet.
Coney Island Channel, from Nortons Point to the bell buoy to the depth of 16 feet.

NORTH CAROLINA.

For a jetty near Bogue Inlet in order to remove sand bars.

OREGON.

Alsea River, from head of tide water to upper Alsea Valley.
Yaquina River, from the town of Yaquina to head of tide, including Big Elk River to Sunset Quarry.
Long Tom River, from mouth to town of Monroe.
Santiam River, from Jefferson to Willamette River.
Umpqua River, bar and entrance.
Siletz River, bar and entrance.

PENNSYLVANIA.

Removing dam in upper Allegheny near Corydon, and dam at Russell, and the rapids at or near Waterboro in the Conewango Creek, a tributary of the Allegheny River.

RHODE ISLAND.

Channel through Conanicut Island, Narragansett Bay.

SOUTH CAROLINA.

Bartrand River.

TEXAS.

Channel between Brazos River and Galveston Bay.

WISCONSIN.

Portwing.

ARIZONA.

Colorado River.

WASHINGTON.

Puyallup River.
Neah River, with a view to its improvement as a harbor of refuge.
Duawamish River and its tributaries.
Mouth of Willopa River.
North River.
North Fork of Lewis River to head of tide water.

SEC. 7. That the Secretary of War is hereby directed, at his discretion, to cause surveys to be made and the cost of improvement to be estimated at the following localities, to wit:

ARKANSAS.

White River, Batesville to Buffalo Shoals, with a view to improving by slack-water navigation.
St. Francis River, Sunk Lands to Poplin, Mo.

CALIFORNIA.

Alviso Creek.
Shag Rock, Arch Rock, Blossom Rock, Two Mission Rocks, Anita Rock, all in San Francisco Harbor.
Redwood Creek.
Mare Island Strait.

CONNECTICUT.

Southport Harbor.
New Haven Harbor.
Housatonic River.
South Norwalk.
Niantic Harbor.

FLORIDA.

Apalachicola Bay.
Tampa Bay.
Withlacoochee River.
St. Lucia Inlet and River.

IDAHO.

Pend Oreille River (Flat Head River).

KENTUCKY.

Mouth of Tennessee River.
Green River, at or near its mouth, for new lock and dam.
Mouth of Cumberland River.

LOUISIANA.

Bayou Teche, St. Martinville to Port Barre.

MAINE.

Royal River.
Bagaduce River, leading up to Penobscot village.
Bangor Harbor and Penobscot River, including mouth of Kenduskeag River.

MARYLAND.

Inner Harbor Rock Hall.
Cambridge Harbor.

MASSACHUSETTS.

Merrimac River, from Lowell to New Hampshire State line.
Marblehead Harbor, with a view to improving the harbor by building a sea wall to protect the isthmus connecting Marblehead with the town of Marblehead.
Provincetown Harbor, with a view of erecting a dike for the protection of that harbor.
Neponset River.
Lynn Harbor, with a view to securing a channel 300 feet wide and 15 feet deep at low water.
Boston Harbor, with a view to securing a channel 1,200 feet wide and 30 feet deep from the navy-yard to the entrance of the present main ship channel, and from the main ship channel in Presidents Roads through Broad Sound Channel.
Mount Hope Bay and Fall River Harbor.
Manchester Harbor.
Connecticut River, between Holyoke and the foot of the rapids.
Harbor at Plymouth.

MISSISSIPPI.

Channel at the mouth of Pearl River leading to deep water in the Mississippi Sound, with a view to obtaining a 17-foot channel at low tide.
Pascagoula River, commencing at a point in the Mississippi Sound where the depth of water exceeds 17 feet, thence to the mouth of and up said river to the intersection of Dog River, and thence up Dog River 3 miles, with a view to obtaining a channel of 17 feet at low tide along the line of survey.
Horn Island Pass, and the passage leading from said pass to the anchorage inside Horn Island, with a view to obtaining in said pass and passage leading therefrom a channel of 20 feet at low tide.
Big Sunflower River, with a view to improving the same by locks and dams as high as Clarksdale.

MINNESOTA.

Big Stone Lake, with a view to the construction of reservoirs, in accordance with the report of Maj. W. A. Jones, of the Engineer Corps of the United States Army, dated January 16, 1895.
Red Lake River, with a view of improving Red Lake River from Thief River Falls to the Red Lake, in accordance with the report of Maj. W. A. Jones, of the Engineer Corps of the United States Army, dated February 26, 1895.

MICHIGAN.

Kalamazoo River from Saugatuck to New Richmond.
Harbor of Frankfort, with a view of obtaining an 18-foot depth of water.
Harbor of Holland (Black Lake), with a view of obtaining a 16-foot depth of water.
Harbor of Monroe, with a view of obtaining a 14-foot depth of water.
Harbor of refuge at Ontonagon, affording 18-foot depth of water.
Harbor at Menominee, Michigan and Wisconsin, with a view of obtaining a 20-foot depth of water.
Harbor at Charlevoix, with a view of obtaining 16-foot depth of water.
Rouge River, from Wabash Bridge crossing to Maples Road, with a view of obtaining 16-foot depth of water, expense thereof to be paid from money on hand for improvement of Rouge River.
South Haven.
Ludington Harbor.
Saginaw River.

NEW JERSEY.

Mantua Creek.
Salem River, from its mouth to Salem City.
Rahway River, from its mouth to Main Street Bridge.
Elizabeth River.
Absecon Inlet, with a view of maintaining 10 feet of water over the bar.

NEW YORK.

Bay Ridge, Gowanus Creek, Red Hook, and Buttermilk channels, with a view to making one continuous channel 30 feet in depth and of equal width.
Oak Orchard Harbor.

NORTH CAROLINA.

Cape Lookout harbor of refuge.
For a jetty near Bogue Inlet, to remove sand bar.

OREGON.

Clatskanie River, to town of Clatskanie.
Tillamook Bay, bar and entrance.
Nehalem River, from modified plan, to be paid for out of money on hand.

OHIO.

Starve Island Reef, near South Bass Island, in Lake Erie, with a view to obtaining a navigable channel 25 feet in depth over said reef.
Ohio River, Marietta to its mouth.

PENNSYLVANIA.

Schuylkill River.
Erie Harbor.
Allegheny River, to determine what remaining portion of said river can be made navigable, and the number, location, and cost of the necessary dams therefor.

RHODE ISLAND.

Sakonnet Point.
Easterly breakwater to shore, Point Judith, at Point Judith harbor of refuge.

TEXAS.

Sabine Lake.

TENNESSEE.

Emory River, from its mouth to the town of Harriman.

VERMONT.

Missisquoi River, Swanton to lake.

WISCONSIN.

Harbor at Kenosha, with a view to obtaining a channel 21 feet deep and basin 20 feet deep.
Harbor at Racine, with a view to obtaining a channel 21 feet deep.
Harbor at Milwaukee, with a view to obtaining a channel 21 feet deep.
Harbor at Ahnapee.
La Crosse Harbor.
Sheboygan, with a view of obtaining 21 feet.

MONTANA.

Kootenai River, for removal of obstructions above Jennings.

WASHINGTON.

Lewis River, from Columbia River to La Center.
Pend Oreille River, from its source at Lake Pend Oreille, Idaho, to the town of Metalline, Wash.
Bellingham Bay, from deep water to the mouth of Whatcom Creek, at New Whatcom.
Okanagon River.
Quillayute Harbor and River.

During the reading of the bill,

Mr. DINGLEY said: Mr. Speaker, I rise to a question of order. It is important that the House should hear the bill read, in order to know what modifications have been made.

The SPEAKER. The House will be in order. Gentlemen desiring to converse will please retire to the cloakroom.

The Clerk resumed and completed the reading of the bill.

Mr. HOOKER. Mr. Speaker, I ask unanimous consent that the bill as read be printed in the RECORD.

The SPEAKER pro tempore (Mr. PAYNE). The gentleman from New York asks unanimous consent that a second be considered as ordered, and that the bill as read be printed in the RECORD.

Mr. HOOKER. A second has already been ordered, and my request is that the bill as read be printed in the RECORD.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that the bill as read may be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HOOKER. Now, Mr. Speaker, I renew my request, which I made some time ago, to enlarge the time for debate upon this measure.

A MEMBER. I object.

Mr. HOOKER. I ask that general debate be continued until 4 o'clock.

The SPEAKER pro tempore. Under the rule forty minutes would be allowed for debate. The gentleman from New York asks unanimous consent that the time for debate be extended until 4 o'clock. Is there objection?

Mr. HEPBURN. I think that would only be an extension of about thirty minutes or less.

Mr. HOOKER. It would be more than that.

Mr. HEPBURN. There ought to be more debate than that upon this bill, which carries or authorizes $63,000,000.

The SPEAKER pro tempore. The Chair will suggest that the time might be extended until 5 o'clock.

Mr. HOOKER. I make that modification of my request.

Mr. HEPBURN. It will be remembered that the gentleman told us this morning that there had been amendments made to this bill this morning. Nobody knows what those amendments are. There ought to be some opportunity for explanation, and we ought not to commit ourselves to this extraordinary expenditure of $63,000,000 with only forty minutes for debate.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that the time for debate be extended until 5 o'clock this evening. Is there objection?

Mr. HEPBURN. I ask that the time may be extended until 5 o'clock.

The SPEAKER pro tempore. The gentleman asks that it be extended to 5 o'clock.

Mr. HOOKER. That is my request.

The SPEAKER pro tempore. That was the request—that the debate be extended until 5 o'clock.

Mr. MAGUIRE. Is it understood that the bill will then be open to amendments?

The SPEAKER pro tempore. No, sir. This is a motion to suspend the rules and pass the bill.

Mr. MAGUIRE. Then I object.

Mr. McMILLIN. I would state to the gentleman from California that the effect of his objection is to cut off debate, and does not put him in any better condition for amendment.

The SPEAKER pro tempore. Under the rule forty minutes is allowed for debate, twenty minutes to be controlled by the gentleman from New York [Mr. HOOKER] and twenty minutes by those opposed to the bill.

Mr. DOCKERY. Who is to be recognized in opposition?

The SPEAKER pro tempore. The gentleman from Missouri will be recognized to control the time in opposition to the bill.

Mr. OWENS. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. OWENS. The Chair called to know whether there was objection or not.

The SPEAKER pro tempore. The Chair asked if there was objection to the request of the gentleman from New York to extend the time for debate until 5 o'clock, and the gentleman from California objected.

Mr. OWENS. Objection was made?

The SPEAKER pro tempore. Objection has been made.

Mr. OWENS. I did not know that.

Mr. HOOKER. I yield five minutes——

Mr. WHEELER. I ask unanimous consent that the debate be extended until 4 o'clock. Gentlemen will not object to that.

The SPEAKER pro tempore. The gentleman from New York is recognized.

Mr. HOOKER. I yield five minutes to my colleague on the committee [Mr. BURTON of Ohio].

Mr. BURTON of Ohio. Mr. Speaker, one of the leading features of this bill is the number of projects that are put under continuing contracts. That is to my mind the most commendable feature of the bill, and therefore has my hearty approval. In the preservation of our public works that system will be adopted in all the biennial appropriations under the river and harbor act——

The SPEAKER pro tempore. The gentleman will suspend. The House will be in order.

Mr. MAGUIRE. Mr. Speaker, if there is to be no opportunity to offer amendments to this bill, I have no objection to the debate continuing until 5 o'clock.

The SPEAKER pro tempore. The gentleman from California withdraws his objection to extending the time for debate on this bill until 5 o'clock. Is there further objection?

Mr. GROSVENOR. The withdrawal of the objection is too late. Debate has proceeded under the rule.

Mr. CANNON. Oh, no.

The SPEAKER pro tempore. The Chair thinks not, if the gentleman from Ohio [Mr. BURTON] will yield for that purpose.

Mr. BURTON of Ohio. Certainly; I yield for that purpose.

Mr. GROSVENOR. I object.

The SPEAKER pro tempore. The gentleman from Ohio objects.

Mr. BURTON of Ohio. Mr. Speaker, the leading feature of this bill is the number of projects placed under the continuing-contract system. This is at the same time its most commendable feature.

The SPEAKER pro tempore. The gentleman will suspend. The House will be in order.

Mr. MAGUIRE. Mr. Speaker, if there is to be no opportunity to offer amendments to this bill, I have no objection to the debate continuing until 5 o'clock.

The SPEAKER pro tempore. The gentleman from California withdraws his objection to extending the time for debate on this bill until 5 o'clock. Is there further objection?

Mr. GROSVENOR. The withdrawal of the objection is too late; debate has proceeded under the rule.

Mr. CANNON. Oh, no.

The SPEAKER pro tempore. The Chair thinks not, if the gentleman from Ohio [Mr. BURTON] will yield for that purpose.

Mr. BURTON of Ohio. Certainly; I yield for that purpose.

Mr. GROSVENOR. I object.

The SPEAKER pro tempore. The gentleman from Ohio objects.

Mr. BURTON of Ohio. In the prosecution of our public works, so sure as we pursue the best methods, this plan will be adopted in all. I hope the time is not far distant when this biennial river and harbor act will include only provisions for repair and maintenance and for the payment of the first installment on projects, appropriations for which thereafter will be made annually as the work progresses. In the first place, this is the most economical system. It requires little discrimination to see that for every project a plant must be provided and certain expenses incurred, whether the whole of the work is to be done or only an insignificant fraction of it.

Notwithstanding the fact that the new method has not yet been tried under the most favorable circumstances, we are not without experience as to its results. It appears that public works placed under this system in 1890 and 1892 have been finished at a diminished cost, varying in amount, but averaging 30 per cent. A communication from the Chief of Engineers dated March 25, 1896, addressed to Hon. W. B. HOOKER, chairman of the Committee on Rivers and Harbors, contains the following references to specific projects:

Harbor at Charleston, S. C.—The saving by the continuous system of appropriations was $545,500, being for the portion covered by the contract at the rate of 33 per cent.

Harbor at Savannah, Ga.—The total saving which can be determined as resulting in Savannah Harbor from the system of continuing contracts has been, in round numbers, $900,000, or about 25 per cent of the entire cost of the improvement.

Mississippi River from the Head of the Passes to the mouth of the Ohio River.—It is estimated that the saving by lowering the prices 20 per cent under the continuing contracts equals $1,000,000.

Mississippi River from the mouth of the Ohio River to Minneapolis, Minn.—The great advantage and economy of work under this system of continuous appropriations have been most manifest. The cost of work both by day labor, in which the Government may be considered as the contractor, and under contracts with private parties has been materially reduced. Under conditions of uncertainty as to amount of future appropriations or time of availability it is impossible to make definite arrangements for procuring labor or material long in advance or in sufficient quantities to justify contractors in making adequate arrangements and low prices. The saving to the United States as a result of the continuing appropriations has been, for the portion of the Mississippi between the mouth of the Missouri and Minneapolis, not less than 15 per cent, or approximately $500,000 in the four years' work. For the stretch from the mouth of the Ohio to the mouth of the Missouri the saving was fully as much, making the saving for the Mississippi between the mouth of the Ohio and Minneapolis under the four years of continuing appropriations about $1,000,000. The future percentage of saving which may be expected to result from a continuance of the system of continuous appropriations would be even greater, as the work is more thoroughly organized.

Missouri River from its mouth to Sioux City, Iowa.—Comparing the results obtained under the two systems, it is seen that the work as carried on under continuous and undiverted appropriations can be executed from 25 to 50 per cent less than when executed under the system of annual and uncertain appropriations.

Ship channel connecting waters of the Great Lakes between Chicago, Duluth, and Buffalo.—It is believed that in this work of improvement the saving under the continuous-contract system has not been less than $500,000, or about 15 per cent of the original estimate.

Humboldt Harbor and Bay, California.—Considering the amount of work already done and the amount estimated to complete the work, it is calculated that there is a saving under the continuing-contract system of $982,292, or about 30 per cent.

A letter from the late General Casey, former Chief of Engineers, dated March 30, 1892, contains the following:

At the Hay Lake Channel the work, estimated to cost $2,659,115, will be completed upon the execution of the existing contracts, and fully $900,000 within the estimate, a saving of one-third, or 33 per cent.

Also:

Philadelphia Harbor.—The price under the continuing contract is only 33 per cent of the average price which during the past ten years has been paid on the Delaware for similar dredging under annual contracts.

In addition to the direct results from actual saving in cost, equally important advantages arise from the earlier utilization of the completed project and the diminished injury from deterioration or decay resulting from tardy completion of the work by sections. Under the traditional policy for the construction of buildings and for river and harbor improvements, piecemeal appropriations are doled out in a halting and dilatory manner, and often before the capstone is placed upon a structure the foundation begins to rot; and before a breakwater or pier is finished, the end at which it was commenced is so decayed that the waves of the first storm threaten to wash it away.

Not only is this the most economical plan, it is at the same time, it is not too much to say, more courageous and honest. Under the old system of biennial appropriations partial appropriations were made for the beginnings of expensive public works when the facts as to the total amount required were not well known to the House and without the careful consideration, which would have been given, had there been discussion upon the desirability of appropriating the full amount necessary. The result was that many projects were undertaken without sufficient knowledge of their merits; but after the work was once commenced, the argument was used that the Government should not abandon the project to which we had committed ourselves by partial appropriations, because the amount already expended would be lost and we should be subjected to the reproach of having abandoned enterprises once begun.

Under the new system, the inevitable result will be to give more careful consideration to a project before it is commenced and then, if adopted, to prosecute it to completion in the most prompt and economical manner.

The argument is also made that this bill is extravagant. This argument comes with very poor grace when we consider that this House a few days ago, almost without a dissenting voice, appropriated in one bill over thirty millions for our naval establishment. This is the one appropriation made by the General Government, the immediate result of which is to increase the wealth and commercial development of our country. Indeed, it not only provides better channels and harbors for commerce, but even in case of war provides improvements for waterways quite as essential for our safety as battle ships and cruisers. The sums expended are not extravagant, but, on the contrary, very small, when we take into account the enormous extent of our seacoast along the Gulf and the two great oceans, and the unequaled mileage of our rivers, to which we must add the marvelous traffic on the Great Inland Lakes, the most surprising of all.

In order to maintain our place among the nations we must increase our exports. The sharp competition which has been brought to bear in supplying our home markets has not yet been exerted in securing foreign trade. This is largely due to the fact that we have a home market the greatest in the world, and by the further fact that, until within the last twenty years, we [illegible] with little effort, a practical monopoly in supplying foreign

markets with staple products. Until recent years we largely supplied the markets of the world with cotton, the fabric most used for clothing; with the wheat which furnishes bread; also with tobacco, the luxury used by the greatest number. But in recent years active competitors have arisen in the furnishing of each of these staples in either hemisphere and on both sides of the equator. In order to regain and maintain the great advantage which we formerly possessed, nothing can be of so great an assistance as the improvement of our great harbors and the development of a better system of inland transportation by improving navigable rivers.

Neither is the objection that appropriations for rivers and harbors have sometimes been wasted a valid one. Beyond the inevitable loss or waste belonging to every system of expenditure maintained on a large scale, and in an era when inventions are yearly revolutionizing methods of construction, there have not been injudicious expenditures in the river and harbor bills. The waste has not been as great as in other branches of the public service. Many of the most expensive ships built for our Navy, constructed according to the best models of the time, are now rusting away at wharves, utterly useless to-day, though costing millions. The navy of Great Britain, designed in accordance with the most perfect development of the art of shipbuilding, numbers in the admiralty list useless hulks which cost millions of pounds.

The accusation of extravagance in these expenditures for rivers and harbors is effectually disproved by a comparison with the methods of other nations of more developed resources. England and France illustrate two widely different lines of policy in the provision made for aids to commerce and transportation. In Great Britain these improvements are for the most part undertaken by private corporations or agencies other than the Imperial Government. These enterprises have been undertaken upon an enormous scale. Undoubtedly more capital is invested there in harbors, docks, and inland waterways than in any other country. In recent years the Tyne, at and below Newcastle, has been deepened and other improvements made at a cost of $20,000,000. On the Mersey and the Clyde much larger sums have been expended. The Manchester Canal, 35¼ miles in length, has recently been completed at a cost of $75,000,000. In other private canal companies $450,000,000 is invested. This method of improvement by private corporations or local authorities is not suited to our methods, or, especially in the case of inland waterways, to the greater extent of territory involved in each improvement.

It is true that plausible arguments have been made for the adoption of a system in this country under which a fraction—say one-third or one-fourth—of the expense of river and harbor improvements should be paid by local authorities or collected from the locality regarded as especially benefited and the balance by the General Government. It is maintained by the advocates of this plan, that this division would secure a more equitable adjustment of the burden of the expense and assure good faith and the exercise of the best judgment in the adoption of projects for improvement. The objections are that all these projects have come to be regarded as distinctly national in their character and not to be undertaken unless proper subjects of expenditure from the national Treasury; that the necessity of including different localities and States in a single improvement would require a concert of action by numerous and perhaps varying interests, almost impossible to obtain; and further, that less deserving projects would be presented, with offers to furnish the portion to be paid by local taxation, and these would obtain recognition to the exclusion of more valuable projects for which less pecuniary support could be furnished. The tendency of legislation on this subject from the time when Madison, in 1817, declared he found no warrant in the Constitution for expenditures for internal improvements has been for the General Government to undertake these improvements and provide for the payment of the whole expense in case the direct and principal result is to aid commerce, but to require of local authorities a share of the expense when, as in the case of the levees along the Mississippi River, particular localities receive, in protection to property or otherwise, a benefit distinct from that obtained from improved facilities for navigation.

In assistance rendered by the Government to harbors and to inland navigation, the nation with which comparison can most aptly be made is France. In the United States the total of appropriations made for rivers and harbors since the formation of the Government, including amounts appropriated for continuing contracts under the sundry civil bill, is $273,638,515. France, in the period from 1814 to 1894, inclusive, for which carefully prepared statistics are available, has made expenditures for the betterment of inland waterways and for ports, appearing on the budget in two forms—first, "travaux extraordinaires," improvements and additions intended to be permanent, which when complete will not require to be renewed; second, "travaux ordinaires," expenses of annual occurrence, for care and maintenance, in which are sometimes included branches and permanent improvements of minor importance.

Under the first, or permanent class, there has been expended by France in the eighty-one years mentioned approximately $500,000,000, of which the sum of $300,000,000 has been for rivers and canals, inland navigation, and $200,000,000 for ports and harbors.

Under the second head of "Care and maintenance," which, equally with the former, should be counted in order to make an accurate comparison, there has been expended in the same time, approximately, $135,000,000 for inland navigation and $70,000,000 for ports and harbors, making a total for both classes of expenditure, in round numbers, of $435,000,000 for inland navigation and $270,000,000 for harbors; in all, $705,000,000. It will thus appear that the amount expended by France has been more than two and one-half times as great as that expended in this country, yet a single State in this Union has a greater area than all of France. Equally significant is a comparison of individual projects and localities. Upon the River Seine alone, for a distance of less than 250 miles, between Paris and Havre, there has been expended 61,000,000 of francs, or about $12,000,000, an amount nearly equal to the total amount appropriated by this Government for the improvement of the Ohio and all its branches, excluding the Cumberland and Tennessee. Yet these rivers have a length of 4,406 miles of navigable water, and in the valley of the Ohio, including the Monongahela, Allegheny, Muskingum, Great and Little Kanawha, Kentucky, Green, and other tributaries, there is an empire as rich in its resources as any equal body of land in the world.

Even more impressive is the contrast when we compare expenditures for harbors. The port of Boston, the second ocean port of the United States, has received in appropriations, from the beginning, from the General Government, $2,804,000. The port of New York, for the divers improvements included in the harbor and neighboring channels, comprising all expenses from and including Sandy Hook on the one side to and including the Harlem River on the other, has received $8,449,911. The cities of Buffalo and Chicago, located upon the Great Lakes, and second and third among American ports in amount of tonnage entering and clearing, have received in appropriations, respectively, $2,861,480.41 and $2,272,400 (including Calumet). The city of Cleveland, the leading shipowning and shipbuilding port of the Great Lakes, has received $1,647,994.84. Yet on the single port of Havre, not the greatest port of France, there was expended from 1814 to 1891, the last year for which official figures for separate harbors are available, a sum slightly in excess of $32,000,000; on the harbor of Marseilles, $19,000,000; on that of Dunkirk, $20,000,000. Yet each of these ports, with the exception of Marseilles, has, in tonnage, a traffic less than the least of the American ports mentioned. More in detail, the expenditures for improvements in France for the period mentioned, 1814 to 1894, inclusive, expressed in French money, have been as follows:

		Francs.
For inland navigation—		
Rivers:		
Extraordinaires	635,051,827	
Ordinaires	404,513,274	
Total for rivers		1,039,565,101
Canals:		
Extraordinaires	839,201,789	
Ordinaires	271,188,244	
Total for canals		1,110,390,033
Total for inland navigation		2,149,955,134
For ports and harbors (maritime:)—		
Extraordinaires	992,728,607	
Ordinaires	347,460,428	
Total for ports and harbors		1,340,189,035
Grand total		3,490,144,169

Of this amount 111,048,235 francs was for light-houses, beacons, buoys, etc., the management of which in this country is under the Treasury Department, although these amounts are properly chargeable to appropriations for purposes of navigation. But, on the other hand, in addition to the expenditures above, something over 140,000,000 francs was expended for reparation of improvements and the acquisition of canals, etc. The latter was charged to the military establishment, though really expended for navigation. For maintenance and dredging, etc., in the years 1836 to 1876, inclusive, there was expended for rivers as follows:

	Francs.
The Garonne	22,684,669
The Rhine	25,335,358
The Loire	30,469,122
The Rhone	32,135,674

The exact expenditure on the harbors named, to and including 1891, was as follows:

	Francs.
Havre	163,324,988
Dunkirk	104,000,000
Marseilles	94,953,931

The public men and economists of France are practically unanimous in the opinion that these expenditures have been of the greatest benefit to the whole country, and that the amounts required should be supplied by national taxation.

The SPEAKER pro tempore. The time of the gentleman has expired.

On motion of Mr. HOOKER, unanimous consent was given for general leave to extend in the RECORD remarks made upon this bill.

[Mr. WASHINGTON addressed the House. See Appendix.]

Mr. HOOKER. Mr. Speaker, I think it is now time that the gentleman in charge of the opposition, Mr. DOCKERY, should occupy some of his time.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. DOCKERY] is recognized to control the time in opposition to the motion.

Mr. DOCKERY. Mr. Speaker, I am in favor of just and proper appropriations for the improvement of the great rivers and waterways of the country; but I am not in favor of a policy which, in order to secure that desirable result, compels us to appropriate for unimportant creeks and streams. Mr. Speaker, I would not favor the passage of this bill, even though I approved every line of it, under a suspension of the rules, which forbids the right of amendment and limits all debate to forty minutes.

I know the suggestion has been made—and possibly it explains the appearance of this bill to-day, clamoring for passage under suspension of the rules—that it is not safe to trust this body, because of the apprehension that the bill, if considered in the ordinary way, would be largely increased in its items and aggregate.

It may be that this is a correct view of the situation; I do not positively assert that it is not. But I insist, Mr. Speaker, that any bill imposing upon the people of the United States direct appropriations exceeding $10,000,000 and liabilities in other forms in excess of $51,000,000 should be considered by the representatives of the people under the five-minute rule, which permits debate and amendment. The bill as reported to the House carries in direct appropriations $10,330,560. The chairman of the committee advises me that the committee has added by way of amendments $97,000 additional, thus swelling the total of direct appropriation to $10,427,560. The bill also authorizes contracts amounting to $51,721,210.91, making a grand total of liabilities upon the Treasury of $62,148,770.91. This becomes, therefore, the largest river and harbor bill known to our constitutional history.

But, Mr. Speaker, I must hurry on, because other gentlemen wish to be heard. I desire, however, to refer for just a moment to the history of the contract system. It had its origin in the Fiftieth Congress, when an appropriation was made for the construction of the building for the Library of Congress and contracts authorized to be made in excess of the amount appropriated. I am advised by a gentleman who is well informed that this was the first appearance of the contract system upon our statutes. The precedent thus established was followed by the Fifty-first and Fifty-second Congresses. The Fifty-first Congress authorized five contracts for river and harbor improvements, and, in addition to an appropriation of $2,340,000, fixed the limit of the cost of such improvements at $13,282,980, making the total of appropriations and liabilities for the Congress $15,622,980. The Fifty-second Congress followed with the authorization of thirteen contracts, in which authority was given to impose upon the Government contract liabilities amounting to $31,760,521; so that the total of appropriations and of contracts authorized by the Fifty-first and Fifty-second Congresses under this system was $47,383,501. The Fifty-third Congress declined to authorize any new contracts for the improvement of rivers and harbors.

Mr. HOPKINS. Will the gentleman allow me a question?

Mr. DOCKERY. I will, if the gentleman will be brief.

Mr. HOPKINS. Has not experience shown that the contract system of doing public work is a measure of economy to the General Government?

Mr. DOCKERY. Undoubtedly, as to any given work, it is more businesslike and more economical to apply the contract system. But it is obvious, from the figures I have submitted, that whenever we enter upon the policy of giving the note or obligation of the Government instead of the cash it results in the imposition of increased liabilities.

Mr. HOPKINS. Right there, allow me another question.

Mr. DOCKERY. In a moment. Now, then, Mr. Speaker, in these two Congresses the liabilities were $47,383,501. The precedent established by the Fiftieth Congress is to be followed in this Congress by authorizing thirty-two new contracts, the limit of cost being $51,721,210.91. I will now yield to the gentleman from Illinois.

Mr. HOPKINS. Is it not a fact that in this appropriation bill no contract is provided for except as to works for which appropriations have heretofore been made?

Mr. DOCKERY. I am not advised on that point; but if the gentleman so states, I assume that he is correct.

Mr. HOPKINS. And the contracts authorized by the present bill run, some of them, for six years, do they not?

Mr. DOCKERY. I think they do.

Mr. HOPKINS. So that when the gentleman says that these expenditures will amount to something more than $50,000,000, it makes the annual appropriation less than $10,000,000.

Mr. DOCKERY. It is conceded that the contract system, in so far as a given work is concerned, is more economical; but the result of the system is manifest in this bill. While it is true that members secure small appropriations because of the present condition of the Treasury, yet it is also true that under this system the revenues of the future are mortgaged; so that while in individual cases the contract system operates in the interest of economy, yet the net result as shown by the aggregate is an enormous increase of the liabilities of the Government.

Mr. HOPKINS. I deny in toto the gentleman's conclusions, and state broadly and unqualifiedly that the result of this system is economy not only in the particular cases, but in the general result.

Mr. DOCKERY. I do not know how the gentleman reaches his conclusions.

Mr. HOPKINS. On facts.

Mr. DOCKERY. I know that more than eighteen hundred years ago there were "doubting Thomases"; and it is said that there were those then who would not believe "though one rose from the dead."

Mr. MERCER. How do you know? [Laughter.]

Mr. DOCKERY. I am not surprised, Mr. Speaker, that the gentleman from Nebraska [Mr. MERCER] should exhibit such a lack of familiarity with the Sacred Book.

Now, Mr. Speaker, these are facts; they are figures taken from the official records, showing that this bill carries more than sixty-two millions of obligations which must be met by the taxpayers of the country, and yet it is to be crowded through the House under a suspension of the rules, without the right of amendment and with but twenty minutes' debate on either side. Mr. Speaker, I am opposed to the passage of this bill because of its exorbitant demands upon the Treasury. Its passage under a suspension of the rules is without precedent as to this bill in recent years and should invite the condemnation of the country.

Mr. Speaker, what time have I remaining?

The SPEAKER pro tempore. The gentleman has ten minutes remaining.

[Mr. WHEELER addressed the House. See Appendix.]

Mr. HOPKINS. Mr. Speaker, inasmuch as we have exhausted about half of our time, I ask the gentleman from Missouri to occupy a portion of his.

The SPEAKER pro tempore. The gentleman from Missouri has ten minutes, the gentleman from New York twelve, remaining.

Mr. DOCKERY. I yield nine minutes to the gentleman from Iowa [Mr. HEPBURN].

[Mr. HEPBURN addressed the House. See Appendix.]

Mr. HOOKER. I yield five minutes of my time to the gentleman from Mississippi [Mr. CATCHINGS].

Mr. CATCHINGS. Mr. Speaker, before attempting to make some reply to the extraordinary harangue with which we have been honored by our distinguished friend [Mr. HEPBURN], I desire to say that I have served on the Committee on Rivers and Harbors ever since my entrance into Congress. No river and harbor appropriation bill has been framed during the last ten years in whose construction I did not actively participate. I want to say here now, in all frankness and candor, that the bill which the committee have presented to the House on this occasion is by all odds the most carefully drawn, the most scientific in its construction, and will redound most to the benefit of the country of any bill which has ever passed since I have been in Congress. [Applause.]

Mr. Chairman, my friend Mr. HEPBURN always indulges in great poetic license when he assails the Mississippi River. I wish to call him down upon his statement that two-thirds of all the money which has been appropriated for that river has been expended in the construction of levees. I say to him now that eleven millions of the twenty-six millions have gone into the construction of levees along the banks of that river. I wish also to say to him that during the same time the riparian owners, of their own means, have expended the enormous sum of $14,000,000, so that the work has gone along by a system of cooperation between the Federal Government and the riparian owners. I wish also to remind the gentleman of a fact which he well knows—for he has made a great study of this question, having fought it whenever it was presented for consideration—that the Board of Army Engineers appointed in 1879 to consider this question reported that it was absolutely essential, if there was to be any navigation of that stream during its flood period, that these levees should be constructed; that without confining the flood there could be no commerce upon the river, there could be no navigation, no places for the boats to land, no commerce for them to engage in if they could land. So that constructing the levees has had the specific purpose of enabling those who would use that river to navigate it and transact their business upon it in its periods of greatest flood.

So far as concerns the lower water navigation of the river, I wish to say that the work has not progressed as rapidly as we had expected, because the contraction and revetment works have turned out to be more expensive than the engineers at their inception expected that they would be; but during the last few years there has been a most tremendous development of what is known as the hydraulic dredge, which was invented in 1854, but which was never practically utilized on any public works until between 1890 and 1892. But it has now reached that point of magnificent performance where we have a dredge now constructed which on a test a few weeks ago removed the enormous and unprecedented amount of 6,700 cubic yards per hour. The commission is providing a fleet of just such dredges for the purpose of dredging these sand bars and affording navigation during the low period of the river, and this bill especially requires that so much of the money as shall be necessary shall be expended in the way of obtaining a channel 9 feet deep from St. Louis to the Gulf, not less than 250 feet wide.

Mr. HEPBURN. Will the gentleman permit me to ask him a question there?

Mr. CATCHINGS. Yes, sir.

Mr. HEPBURN. Is not this very dredging an abandonment of every scheme which has heretofore been formed and a return to the old methods before the Commission was created?

Mr. CATCHINGS. No, sir; the gentleman does not know what he is talking about. [Applause.] There has never been a dredge boat along the Lower Mississippi River, and removing sand bars until within the last few years by dredging would have been an impossibility. There never was the possibility of dredging a sand bar on the lower river until this hydraulic system was discovered, and if my friend knew anything of this subject, about which he declaims so vigorously, he would know that what I say is absolutely true.

Now, Mr. Speaker, the people of all the Western States have flocked before our committee and demanded that this appropriation should go on. There is nothing in this bill more meritorious or more worthy of the respect and favor of the House. We all agree with Henry Clay, who declared more than forty years ago that if there was any one thing national in its character, it was the great Mississippi River. And we also know that that other great distinguished statesman, John C. Calhoun, departed from his ordinary position in reference to the power of the Government to make internal improvements and favored this, because he said that it was just what we all know it to be—a great inland sea.

Mr. Speaker, I beg this House to pay little heed to what the gentleman from Iowa has said, as he has opposed every river and harbor bill, and never has voted for one, and never will, because of his prejudices, notwithstanding his protestations.

Mr. DOCKERY. I yield one minute to the gentleman from California.

Mr. McLACHLAN. Mr. Speaker, I am opposed to the motion of the gentleman from New York, to suspend the rules and pass this bill, for the reason that if this course is pursued it will give no opportunity to anyone to offer any amendments to this important measure, making appropriations aggregating over $60,000,000 of the people's money, including the continuous contracts provided for therein. I assume that the Committee on Rivers and Harbors have faith in the justice and merits of the bill that it has presented here to-day, and, if I am right in this assumption, that committee can surely have no valid objection to submitting their labors and conclusions to the deliberate judgment of this House and give us a reasonable opportunity to investigate them for ourselves.

The members of this committee will not claim to be infallible, or assume that their judgment upon many features of this bill is superior to that of the whole House. This bill is far from being satisfactory to me or the people whom I represent. San Pedro Harbor, the point in my district where two great transcontinental railroads touch tide water on the Pacific coast, has received the most miserly consideration at the hands of this committee, notwithstanding the most reasonable demands that we made of it; and I now urge you to defeat this resolution to suspend the rules and pass this bill, so that I may have an opportunity to present to this House the merits of our claim for San Pedro and southern California. Having had an opportunity to do that, I must be satisfied with the result. But if this resolution prevails I will have no opportunity to present our case to the House, and must submit to the wrong perpetrated by this committee against an improvement that deserves far better consideration than it has received at the hands of the committee. There are other localities that have similar grievances against the provisions of this bill, and we simply demand an opportunity to be heard. This is reasonable; this is just.

Mr. DOCKERY. Mr. Speaker, in the half minute remaining I only desire the attention of members while I make one suggestion. If you desire to offer amendments, the way to secure such right is to vote down the motion to suspend the rules, and then the bill will come up in the usual way in which it has always been considered in recent years, and you can offer amendments and have them considered.

Mr. WASHINGTON. I would like to ask the gentleman from Missouri a question before he sits down. If the gentleman's suggestion were adopted, would he then support the bill? I ask him to answer that question.

Mr. DOCKERY. It would depend upon the condition of the bill when it had been completed. [Cries of "Ah!" and laughter.]

Mr. HOOKER. Mr. Speaker, how much time is there remaining on the other side?

The SPEAKER pro tempore. The time on the other side has been consumed, and the gentleman from New York has seven minutes of his time remaining.

Mr. HOOKER. I yield one minute to the gentleman from Iowa [Mr. CLARK].

Mr. CLARK of Iowa. Mr. Speaker, against the declamation of my valued colleague from my State, I simply want to state one practical fact, being a practical man. Within ten days the traffic manager of a railway between St. Paul and St. Louis was in my room. I said to him, "Colonel, what is the practical benefit to the people of the Mississippi Valley, from a railroad standpoint, of our Mississippi River improvements." He said, "It amounts to 50 per cent reduction of railroad transportation rates for the Mississippi Valley for a great part of the year." [Great applause.]

Mr. HOOKER. I yield one minute to the gentleman from Kentucky [Mr. COLSON].

[Mr. COLSON addressed the House. See Appendix.]

Mr. HOOKER. Mr. Speaker, I yield two minutes to my colleague on the committee [Mr. HERMANN].

Mr. HERMANN. Mr. Speaker, no policy on the part of this Congress has proven so beneficial, so profitable, and so lasting to all parts of this Union and to all its people as the policy of appropriations for liberal waterway improvements. The great problem of the present day is cheaper transportation. Deeper water means deeper draft ships, and deeper draft ships give us greater carrying capacity, and this produces cheaper freights. Ten years ago in the port of Boston no ship of a carrying capacity of 2,500 tons could enter and depart from that port. To-day a vessel carrying 10,000 tons and drawing 30 feet and 6 inches of water can enter and depart without any difficulty; and the testimony is that the reduction of freights amounts to 40 per cent. That has been the result in the last decade.

Now, there is no policy so popular among the American people as these liberal waterway appropriations. A few years ago many Representatives on this floor earned their title to reelection by their opposition to the river and harbor bill; and to-day, sir, that same opposition would result in their defeat. More money is appropriated now in a single bill than was appropriated from the foundation of this Government up to the year 1860. In the decade between 1880 and 1890 we appropriated $108,000,000 for the improvement of the waterways of the United States; yet, liberal as we are in our appropriations for our waterways, our policy is illiberal in comparison with that pursued by foreign nations.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HOOKER. Mr. Speaker, I can not, in the time remaining, expect to explain every portion of this bill, but I desire to make a few observations concerning the bill and some of the remarks that have been made by gentlemen who have preceded me. This is not the first time a river and harbor bill has been passed under a suspension of the rule. This is not the first time that my friend from Missouri [Mr. DOCKERY] has made remarks concerning the passage of a large appropriation bill under a suspension of the rules. If I recollect correctly, in the Fifty-third Congress the legislative, executive, and judicial bill, of which the gentleman from Missouri had charge, carrying about $25,000,000, was passed under a suspension of the rules.

Mr. DOCKERY. Oh, no. I have never had charge of a bill since I have been connected with Congress that passed under a suspension of the rules.

Mr. HOOKER. Well, you were a member of the committee that reported the bill to the House, and that bill was passed without giving an opportunity to debate it for twenty-five minutes, or even for five minutes. So much for that.

I am somewhat surprised at my friend from Iowa [Mr. HEPBURN] picking up this bill, selecting a few States, calling the attention of the House to them, and saying with a great deal of assurance that the State of Maine gets over $1,000,000 in this bill. When he made that statement he knew well enough that in the appropriation carried for the State of Maine over one and a half millions was placed upon continuous contracts, and that for those two projects only $40,000 in actual cash was appropriated. When he spoke of the appropriation for the State of Massachusetts he knew that in that total there was one item of over a million dollars for the city of Boston, and that there was not a dollar of money in that sum appropriated. He would also have known, had he read the bill, that in the aggregate of the appropriations

for the State of New York there were upwards of $4,000,000 placed under the continuous-contract system, one item of which was $2,200,000 for the city of Buffalo, and that there is not one dollar of money appropriated in this bill for that project.

I am not surprised that the gentleman lays so much stress on the Mississippi River appropriation. That has been his hobby ever since I have been in Congress, and it was his hobby long before I came to Congress, and to-day he has not advanced a solitary new argument relative to the matter, and it is strange to me that after his objections have year after year been so completely answered he should now offer them again.

In the Forty-ninth Congress he made a similar fight against the Mississippi River appropriation, and he has continued it ever since while he has been a member of the House. If the gentleman had examined the items in this bill concerning the appropriation for the Mississippi River Commission and the Missouri River Commission he would have discovered that the language of the appropriation in this bill for the Mississippi and the Missouri rivers is almost identical with that of former provisions for those rivers. In other words, in the Fifty-second Congress we appropriated $16,000,000 for the Mississippi River, and under this bill we appropriate only $14,400,000. This bill carries with it in cash items $10,432,560, and authorizes the Secretary of War to enter into contracts for the completion of works to the amount of $51,721,210.91. So I might go through the entire bill.

The committee has been considering the items that make up this bill for three months past. We have listened to representatives of this House and of the Senate from almost every State and Territory in the Union, and of the numerous items in the bill, amounting to about five hundred in number, every one has been considered by the Committee on Rivers and Harbors as a whole, and none of them have been considered by a subcommittee. There are only about twenty-two new projects contained in this bill, and the committee state to the House that there is not a single item, not a single new project, not a single new proposition in this river and harbor bill that has not been debated and legislated upon by Congress in years past, and every item of expenditure is justified by the recommendations of the Chief of Engineers.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HOOKER. I ask for a vote, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York [Mr. HOOKER] to suspend the rules and pass this bill.

The question being taken, the Speaker pro tempore declared that in the opinion of the Chair the ayes had it.

Mr. DOCKERY. I ask for a division.

The House divided; and there were—ayes 216, noes 40.

Mr. HEPBURN. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. HEPBURN. Simply to remark that this vote shows the general evenness with which the "pork" has been distributed. [Laughter.]

The SPEAKER pro tempore. Debate is not in order. Upon this question the ayes are 216 and the noes are 40——

Mr. TALBERT. I ask for the yeas and nays.

The yeas and nays were refused, only 26 members voting in favor thereof.

The SPEAKER pro tempore. Upon this question the ayes are 216 and the noes are 40; two-thirds having voted in the affirmative, the rules are suspended and the bill is passed. [Applause.]

Mr. RICHARDSON. I move that the House now adjourn, if there is nothing else to do.

Mr. LOW addressed the Chair.

Mr. RICHARDSON. I withdraw the motion.

LEGALIZING BOND ISSUES IN NEW MEXICO.

Mr. LOW. I move to suspend the rules and pass, with the amendments as reported by the Committee on Territories, the bill (H. R. 4052) approving certain acts of the legislative assembly of the Territory of New Mexico authorizing the issue of certain bonds of said Territory.

The bill, with the amendments of the Senate as proposed to be amended by the Committee on the Territories, was read, as follows:

Be it enacted, etc., That the coupon bonds and indebtedness of the Territory of New Mexico, amounting to $75,000, authorized by section 7 of an act of the Thirty-first legislative assembly of the Territory of New Mexico entitled "An act authorizing the rebuilding of the Territorial capitol at Santa Fe, which was destroyed by fire May 12, 1892, and to provide the necessary means therefor and a board with authority to rebuild the same," approved February 5, 1895, and designated as capitol rebuilding bonds of the Territory of New Mexico;

Also, the bonds and indebtedness, amounting to $15,000, authorized by section 1 of an act of the said legislative assembly of the Territory of New Mexico entitled "An act to provide for the maintenance of the military institute at Roswell, N. Mex.," approved February 13, 1895.

Also, the bonds and indebtedness, amounting to the sum of $30,000, authorized by section 1 of an act of the said legislative assembly of the Territory of New Mexico entitled "An act to provide an addition to the insane asylum of New Mexico for the accommodation of all the insane persons of the Territory, and for other purposes," approved May 13, 1895; and

Also, the bonds and indebtedness, amounting to the sum of $35,000, authorized by section 1 of an act of the said legislative assembly of the Territory of New Mexico entitled "An act to provide for the completion of the buildings for the normal schools of New Mexico at Las Vegas and Silver City, and to provide for the necessary furnishings therefor; and for additions to the New Mexico College of Agriculture and Mechanic Arts, at Las Cruces," approved February 27, 1895, be, and the same are hereby, approved, confirmed, and made valid; also, the certain bonds and indebtedness, $172,500 in amount, together with the interest coupons thereto attached, of the county of Santa Fe, Territory of New Mexico, dated March 1, 1882, issued under the provisions of an act of the Territorial general assembly known as the refunding act. Such bonds having been issued in refunding and in lieu of $150,000 of bonds, and the overdue interest thereon, of said county of Santa Fe, theretofore issued and outstanding, and hereby validated, approved, and confirmed.

Also the certain bonds and indebtedness, together with interest coupons thereto attached, of the county of Santa Fe, Territory of New Mexico, dated September 29, 1891, issued under the provisions of an act of the Territorial general assembly of the Territory of New Mexico, entitled "An act for the financial relief of counties and municipalities," approved February 26, 1891.

Such bonds having been issued in refunding and in lieu of $150,000 of bonds, overdue interest, and a judgment rendered thereon, of said county of Santa Fe, theretofore, in the year 1886, issued and outstanding, are hereby validated, approved, and confirmed. Also the certain bonds and indebtedness, $56,000 in amount, together with the interest coupons thereto attached, of the county of Grant, Territory of New Mexico, dated July 1, 1883, being the unretired part of an issue of $90,000 in bonds issued by said county of Grant under the provisions of an act of the Territorial general assembly dated February 1, 1872, are hereby validated, approved, and confirmed. Also the certain bonds and indebtedness, $50,000 in amount, together with the interest coupons thereto attached, of the city of Silver City, county of Grant, Territory of New Mexico, dated March 1, 1893, issued under the provisions of an act of the Territorial general assembly of the Territory of New Mexico, entitled "An act enabling the authorities having charge of the finances of any town or city of the Territory of New Mexico to refund any bonds or other obligations of said town or city by the issuance of similar obligations bearing a less rate of interest," approved February 11, 1891. Such bonds having been issued in refunding and in lieu of bonds and indebtedness to the amount of $50,000 of said city of Silver City, county of Grant, theretofore issued and outstanding, are hereby validated, approved, and confirmed.

It is intended hereby to validate, approve, and confirm any and all laws, ordinances, and proceedings, and bonds relating to the matter necessary to the validation of the said Santa Fe County, Grant County, and town of Silver City bonds, but no further and for no other purpose.

The said county of Santa Fe is hereby authorized and empowered to again refund all or any portion of the indebtedness thereof by this act validated within one year from the passage of this act, in accordance with the terms and provisions of an act of the legislature of the Territory of New Mexico, being chapter 79, entitled "An act for the financial relief of counties and municipalities" (House bill No. 192), approved February 26, 1891, except that such refunded bonds shall bear interest at the rate of 4 per cent per annum, payable semiannually, and shall become due twenty-five years from the date of the issue of such refunded bonds, and shall be issued for the amount of unpaid principal of the bonds of said county by this act validated, with interest thereon from the date thereof, to wit, September, 1891, and March, 1892, respectively, at the rate of 4 per cent per annum until the date when the sum shall be refunded as herein provided, less the amount of interest heretofore paid on such bonds; and when said bonds shall be so refunded they shall be subject in all other respects to all the provisions, liabilities, rights, obligations, benefits, and advantages of said act of the legislature herein referred to. In case said bonds shall not be refunded by said county of Santa Fe upon the terms and conditions in this section set forth, then the bonds validated by this act shall remain as the legal obligation of said Santa Fe County.

If said bonds shall be refunded as herein provided, the holders of the bonds herein validated shall, upon actual notice given by said county, deliver to said county the bonds herein validated, and shall receive in lieu thereof the refunded bonds provided for in this section: *Provided*, That any of said bonds which shall not be delivered for refunding to said county of Santa Fe within six months after said notice shall be given, as herein required, shall not bear a rate of interest greater than 4 per cent per annum from date of issue: *Provided*, That nothing in this act shall be so construed as to make the Government of the United States liable or responsible for the payment of any of said bonds by this act approved, confirmed, and made valid.

Amend the title so as to read: "An act approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory, and for other purposes."

The SPEAKER. The question is on the motion to suspend the rules and pass the bill as proposed to be amended.

Mr. COOPER of Texas. On that motion I demand a second.

Mr. PAYNE. I ask unanimous consent that a second be considered as ordered.

Mr. COOPER of Texas. I object.

Mr. LOW and Mr. COOPER of Texas having been appointed as tellers, the House divided on the question of seconding the motion for the previous question; and the tellers reported—ayes 92, noes 1.

So a second was ordered.

The SPEAKER. The gentleman from New York [Mr. LOW] is recognized for twenty minutes, and the gentleman from Texas [Mr. COOPER] will be recognized for the same time, if he desires it.

Mr. LOW. As my distinguished associate on the committee, the gentleman from Kentucky [Mr. OWENS], is thoroughly conversant with all the legal points of this question, as well as eminently qualified to answer any inquiries which members may desire to make, I yield to him.

Mr. OWENS. A short statement of the history of this matter will perhaps furnish the best explanation that I can give.

Some time ago the House passed a bill validating certain bonds which had been issued by different counties and municipalities in the Territory of New Mexico. Certain informalities had arisen, and some question was raised in regard to the validity of those bonds, and it was deemed proper to pass the House bill in order to remove those doubts. When the bill went to the Senate, that

ments of minor importance.

required should be supplied by national taxation.

Mr. HOPKINS. So that when the gentleman says that these transact their business upon it in its periods of greatest

body added provisions covering certain other bonds issued some years ago by the county of Sante Fe, I believe, in the Territory of New Mexico, to provide for the construction of a railroad across that county. Those bonds had been issued and turned over to the railroad company. The company put the bonds on the market and disposed of them to holders who had no further notice, I presume, of the terms under which they had been issued than the law itself prescribed. These bonds, I may say, were issued in perfect good faith by the people of that county, who received for them a full and valuable consideration. No objection was raised by the people of the county to the payment of the bonds or any part of them. For a number of years the interest accruing on the bonds (something like 10 per cent, I believe) was paid by those people. After a number of years those bonds, by agreement with the holders, were refunded at about 7 per cent.

Some years later, upon a case arising in the courts of Arizona, it was judicially held that bonds such as these had not been issued in compliance with law, or, rather, they did not fall under the terms or spirit of the law under which they were supposed to have been issued. That law provided for issuing bonds for the purpose of making internal improvements in the Territories; and the court decided that a railroad did not fall within the description of internal improvements. After that decision the county of Santa Fe refused to pay the bonds. The amendment to the bill was passed by the Senate in order to cure that defect in the issue of those bonds, and to enable the holders, who had paid par and sometimes more than par value for them, to collect their money. Now, the question presented by this bill when returned to the House was whether or not we should concur in the Senate amendments validating the bonds issued in the manner I have described.

When the question was referred to the Committee on the Territories, two other sets of bonds came before that committee—the Grant County bonds and the Silver City bonds—which had been issued under somewhat similar circumstances, if not precisely similar, the Grant County bonds amounting to $56,000 and the Silver City bonds to $50,000. As I have already said, the conditions under which they were issued were nearly, if not precisely, similar, and there was no question of the validity of any of the bonds and no allegation on the part of the counties and cities that they would not pay them, and no question as to their legality in any respect until this decision in the Arizona case, after which they, in turn, declined to pay the interest upon the bonds; and this question is now presented to Congress, whether or not it will oblige them to do so, or allow these counties and municipalities to escape the payments of the obligations that are conceded on all hands to be of binding moral force.

Mr. BURTON of Missouri. Will the gentleman permit me to ask him a question?

Mr. OWENS. Certainly.

Mr. BURTON of Missouri. Were the Silver City and Grant County bonds ever refunded?

Mr. OWENS. Yes, sir; they have been, as I understand.

The purpose of the House bill, I will say to the gentleman—that is, the House amendment to the Senate amendment—is that all these bonds may be refunded, and that was agreed to, I think, by the holders of the bonds and the Territorial representative of the Territory before the committee, all of them conceding that these bonds should be refunded at 4 per cent.

Mr. BURTON of Missouri. Pardon me—my question was, had the Silver City bonds and the Grant County bonds been refunded before the decision was made in the case to which the gentleman refers, in Arizona?

Mr. OWENS. That is my recollection. They had all been put on the market in good faith, with the fullest and most satisfactory assurances from all parties that they would be paid at maturity. The courts of New Mexico had passed on a number of the bonds and said they were issued in compliance with the conditions of the law and were regular in all respects, and on that assurance the people all over the country, I know not who they were, but in all parts of the country, invested their money in the bonds on the faith of the assurances given to them that they would be paid. They were regarded as a very good investment. The men who appeared before our committee, those in favor of the proposition and those against it, for arguments were heard on both sides, were unable to discover or present a single equity as to why these bonds should not be paid or why these people should not be forced to pay them.

Mr. WASHINGTON. Will the gentleman yield to me for a question?

Mr. OWENS. Certainly.

Mr. WASHINGTON. Is there anything to show how much of interest is to be funded and how much represents the principal of the indebtedness? We find no report accompanying this matter.

Mr. OWENS. There is a lengthy statement of the committee accompanying the bill. There is nothing, I will state to the gentleman, to show, although the greater part of the interest has already been paid. There was no complaint for many years after the issuance of the bonds about the interest being paid, and there was no question then raised as to the validity of the bonds. They did in fact keep up the payment of the interest for a number of years, and that was continued until after the decision in the Arizona case, to which I have already referred. I do not think it can involve a very large amount as far as the interest is concerned, at least it does not cover a very considerable period of time.

Mr. WASHINGTON. Is there any report from the governor or the officials of the Territory recommending this legislation?

Mr. OWENS. No; I am sorry to say that the governor of New Mexico was before the committee and endeavored to prevent the passage of this legislation.

Mr. DE ARMOND. Why is the gentleman "sorry to say" it?

Mr. OWENS. Because in doing so, when he appeared before the committee, he failed to disclose, so far as my judgment is concerned, a single fact why the people of New Mexico should be allowed to escape the just and moral obligations in which they are involved by the issuance of the bonds.

Mr. COOKE of Illinois. Let me ask the gentleman from Kentucky whether the governor, in his appearance before the committee, set up the charge that there had been fraud in connection with this matter or that these bonds had been issued improperly?

Mr. OWENS. No such charge was made, so far as I am aware. There had been some pretense, or talk, I should say, of some irregularity on the part of the officials of that county, of the extent of which the people who purchased the bonds could have no possible notice.

Mr. LACEY. Did not the governor, let me ask the gentleman, as a member of the Board of Trade of Santa Fe, sign a written recommendation that these bonds afforded a safe and reliable investment?

Mr. OWENS. Yes, sir; the whole board of trade of the city signed an indorsement in the most unequivocal terms that these bonds were just and binding obligations, and would be fully met and paid.

Mr. WASHINGTON. Has there been anywhere a suit to test the validity of the bonds and the manner of their issuance?

Mr. OWENS. There was, and the courts of New Mexico reached the determination that the bonds were regular, legal, and valid in every particular, and no question arose, as I have already stated, until after the decision in the Arizona case.

Mr. WASHINGTON. Then, again, let me ask the gentleman, does this increase the indebtedness of the Territory of New Mexico in excess of the amount allowed by the Harrison Act, passed some years ago, which restricted the indebtedness to 5 per cent, I believe it was, of the value of the assessed property?

Mr. OWENS. I am not sure of that; I think it unlikely, although in the case of Santa Fe County it will probably increase the amount of the indebtedness of that county somewhat in excess of the requirement of that act. But it strikes me, whether it does or not, that these people, after putting these bonds on the market, and after having voted two or three times to do so, should not be allowed to escape the payment of the bonds, which were purchased in good faith by investors, no charge of improper conduct being raised.

Mr. DE ARMOND. Will the gentleman allow a question?

Mr. OWENS. Certainly.

Mr. DE ARMOND. Is not the invalidity of these bonds due to the fact that they are an issue in excess of the 5 per cent limit allowed by law?

Mr. OWENS. No; not under the decision of the court. It was put on this ground, that the act provided for the issuing of these bonds for internal improvements, and the court, in the Arizona case, determined that the construction of railroads was not an internal improvement, and that the purpose of these bonds did not fall within the terms of the act under which they were issued.

Mr. COOKE of Illinois. I should like to ask the gentleman from Kentucky whether in these suits to which he has referred the defenses set up were based upon any allegation of fraud against these bonds?

Mr. OWENS. No; I think not.

Mr. COOKE of Illinois. Or that their inception was in fraud?

Mr. OWENS. I could not say. I am not familiar with all these defenses; but I know there was a determination reached by the decision of the court that the bonds were valid in every particular.

I reserve the remainder of my time.

Mr. COOPER of Texas. Mr. Speaker, I regret very much that the House has determined to consider this matter at present. Should it pass this bill, I think a very dangerous precedent would be established. As a member of the committee I have had the matter under examination. I had not the slightest idea that it would be called up for consideration to-day, because it was generally known to my colleagues on the committee that I was examining into this matter, and I expected, if the convictions I now entertain were supported by the facts and the law, to file a minority report.

The facts in this case are these: Originally a bill was introduced

in Congress providing for the validation of certain bonds that were not yet issued—bonds of the Territory of New Mexico providing for the establishment of some eleemosynary and Territorial public institutions. These bonds could not be issued, because their issue would be in conflict with a law of the United States. We undertook to pass remedial legislation here for the benefit of that Territory. This bill passed the House and went to the Senate, and there some railroad bonds were attached to it by amendment. The Senate attempted to validate the bonds commonly known as the "Brice bonds." This bill came back to the House with that amendment attached to it. It was referred to the Committee on Territories, and there they undertook, by amendment, to validate nearly $400,000 more of railroad bonds that had been issued by certain counties of New Mexico; in one instance, bonds that had been purchased by some agent or broker named Coler, and known as the "Coler bonds," which originally amounted to $150,000, but in the refunding act you find that after having been refunded they amount to $250,000.

The gentleman says that there is no fraud charged in the issuance of these bonds. We had the governor of New Mexico before the committee. We had a telegram sent to the committee by a mass meeting of citizens of Santa Fe, N. Mex., protesting against the legalizing of these bonds and making an allegation of fraud. An examination of the records will show that the tax rolls were padded; that property had been placed upon those rolls that was not subject to taxation; that railroad property that was then exempt from taxation under the laws of New Mexico was put upon the rolls for the purpose of giving sufficient valuation to authorize the issue of these bonds. Those rolls increased in a few years from a little over $2,000,000 to over $6,000,000, and directly after the issuance of these bonds, or the authorization of them, the amount decreased again to $3,000,000. I say to you further, if it is right that these bonds should be validated—that we should assume the guardianship of the acts of that Territory—why does not the gentleman who represents that Territory here demand it. He has not been asking it. New Mexico has a representative upon this floor, and he has not demanded the passage of this bill.

Another badge of fraud, or a thing that gives semblance of it, at least, is this: You find that at one election which they held in 12 precincts only 6 precincts cast any votes, and 141 votes in that county placed the bond burden upon the people of that county. You find that when they undertook to refund these bonds some of them were refunded into gold bonds. They were originally coin bonds, or payable in the lawful money of this country. Some of them have been refunded and are payable in gold. You find, furthermore, that the law authorizing the refunding of these bonds will show in itself that there was some overriding power which put the law upon the statute books in the interest of the bondholders. To show you how severe this law is, I will state that it provides that if the tax collector fails or refuses to collect the money and make payment that he shall be sent to the penitentiary and forever debarred from holding office. They do not allow him to go to the courts. The law undertakes to tie the hands of the officers, so that they can not go to the courts and resist the payment of these debts.

Now, as far as the suit about these bonds is concerned, let me tell you something about that. There was a suit entered upon these bonds in the Territorial courts of New Mexico. That suit went to the supreme court of the Territory. A majority of the court decided in favor of the bonds, but there was a very able dissenting opinion. Parties undertook to carry, by appeal, that case to the Supreme Court of the United States. Citizens proposed to take the necessary steps to carry the suit to the Supreme Court of the United States, but the commissioners refused to allow them to do so, notwithstanding they proposed to do it without cost to the county.

The Supreme Court of the United States has never had an opportunity to pass upon this. It has passed upon the case in Arizona of Lewis against Pima County, and in that case the court held the Territory had no authority to issue these bonds. If gentlemen want these bonds restored, if the holders want these bonds validated, why do they not go to the legislative branch of New Mexico? Why not go to the lawmaking power of that Territory, instead of coming here and asking Congress to validate these bonds? Why not offer a law here stating that the legislative assembly of New Mexico shall have power to validate these bonds, if she wants to do so, instead of having us say that Congress shall order that these bonds shall be paid?

Another feature of the law under which these were issued is this: It was contemplated under the law that the counties which issued railroad bonds should have a certain amount of stock in the railroad, and also that those bonds should not be sold for less than par. We had the testimony before the committee that these bonds were sold for about 50 cents on the dollar. We had testimony before that committee, too——

Mr. OWENS. Will the gentleman allow me to ask him a question in that connection?

The SPEAKER. Does the gentleman yield?

Mr. COOPER of Texas. I yield for a question.

Mr. OWENS. The gentleman says that the law stated that these bonds should be issued at par, and that the testimony shows that they were sold for less than par. Is it not a fact that when they were sold for 50 cents it was by private parties, after these bonds had passed from the possession of the county—after the county had turned them over, and they did not then belong to the county?

Mr. COOPER of Texas. These parties were representatives of the railroad company. The county did not receive any stock in this road. That provision can be found in the law. What its purpose was I do not know; but it stated in the law that the bonds should not be sold for less than par.

Mr. OWENS. Just one county sold them.

Mr. COOPER of Texas. The law contemplated that the county which issued them should get stock, and they did not except in one instance. I believe it was Grant County.

Mr. WASHINGTON. Was the stock ever worth anything?

Mr. COOPER of Texas. I do not know. Now, these are some of the facts in connection with this. I am willing that this Territory should pay its honest debts. I yield precedence to no man on this floor about wishing to see fairness, justice, and honesty dealt out by the States, Territories, and citizens of this country; and I would have been glad that this bill should have been deferred until this matter had been examined. I have none of the law authorities here, and I could cite a number of cases. I have not the hearings before the committee with me; and have not even the reports of the committee. And here, without warning, without notice, it seems to me, the disposition appears to be to take advantage of the situation and put upon this Territory a debt of more than $500,000, and then they attach this amendment to an innocent bill that provides for the issuance of bonds to pay for the building of the institutions of the Territory.

Mr. Speaker, I warn members to look into this matter carefully, and I ask them not to rush into it; and if they will postpone the consideration of this matter until it can be examined, I would not hesitate or object to any action this House might then take.

I reserve the balance of my time. How much time have I?

The SPEAKER. The gentleman has ten minutes remaining.

Mr. LOW and Mr. KNOX rose.

Mr. LOW. How much time does the gentleman want?

Mr. KNOX. I thought I could be recognized in my own right.

The SPEAKER. Debate is limited to forty minutes, twenty minutes under the control of the mover and the remaining twenty minutes under the control of the member who demanded a second.

Mr. LOW. I yield two minutes to the gentleman from Iowa.

Mr. PERKINS. Mr. Speaker, in my judgment, the proposition here is a simple one, and was investigated carefully by the Committee on Territories. In my opinion, it is perfectly proper for this House to validate these bonds. Now, the proposition in Santa Fe County, N. Mex., was that if a certain railroad should be built the county would grant a certain amount of bonds. The road was constructed in good faith and the county issued the bonds. These are known as the Coler bonds. Then Mr. Coler, of New York, visited Santa Fe and made an examination as to the validity and sale of these bonds. The Board of Trade of Santa Fe issued to him at that time a circular, in which they said:

> We, the undersigned, members of the Santa Fe Board of Trade, and taxpayers of Santa Fe County, respectfully represent that the issue of $150,000 in Santa Fe County bonds, issued in 1880 to aid in the construction of the Santa Fe, New Mexico and Southern Railroad, affords a safe and reliable investment. * * *

These bonds were purchased and sold and scattered throughout the country. Now, then, some years later the county defaulted upon its interest, and suit was brought in the Territorial court. The Supreme Court upheld the validity of these bonds; and the reason this sum of $150,000, which is——

The SPEAKER. The time of the gentleman has expired.

Mr. LOW. I desire that gentlemen on the other side should occupy some of their time.

Mr. COOPER of Texas. I yield five minutes to the gentleman from Arizona.

Mr. CATRON. Mr. Speaker, I am opposed to suspending the rules for the purpose of passing this bill at the present time. I requested the gentleman who made this motion not to press it at this time, because I understood that some information is expected from the governor of New Mexico in regard to these bonds which ought to be laid before the House. The report of the committee states that the amendment is what has been agreed upon between the bondholders and myself. In that regard the report is slightly in error, at least it does not state the whole fact. I was opposed in the committee to making these amendments to the original bill, for the reason that I did not consider them germane to the subject of the bill. I saw, however, that the committee were inclined to place upon the bill these amendments, and then I agreed with the parties who were asking for the amendments that if the

bill was to be amended so as to validate these additional bonds it should be done by virtue of the amendment as it is presented here; that is, that that should be the condition of things in case anything should be done about those bonds; but I objected to the amendment itself because it was not germane to the original bill.

The original bill provided for the validation of certain bonds of the Territory of New Mexico which had been authorized to be issued, but which never had been issued. They were bonds for the reconstruction of the capitol building, for certain educational institutions, for an asylum for the insane, and for a military institute. Those bonds are waiting to be issued, and for that reason we are anxious to have the bill as orginally introduced passed, but at the present time I do not think the rules ought to be suspended for the purpose of passing this bill with the amendment, as other information in regard to these particular bonds is expected from the Territory of New Mexico immediately after the arrival of Governor Thornton at Santa Fe. Having said so much, and asking that the rules be not suspended in order to pass this bill at present, I have nothing further to say.

Mr. LOW. Would the gentleman on the other side [Mr. COOPER of Texas] like to occupy the rest of his time now?

Mr. COOPER of Texas. Will the gentleman please ascertain how much time he has remaining?

The SPEAKER. The gentleman from New-York [Mr. LOW] has six minutes remaining, and the gentleman from Texas [Mr. COOPER] has seven.

Mr. COOPER of Texas. I yield to the gentleman from North Carolina [Mr. SHAW].

Mr. SHAW. Mr. Speaker, this seems to me to be a very important matter. I have before me an opinion written by the Supreme Court of the United States in a bond case from my own State. The opinion has been rendered very recently, and I have not had time to examine it, but I think it may have some bearing upon this bill. A number of years ago the legislature of my State caused to be issued a great number of bonds, which were bought up, as I understand, by bona fide purchasers. It was ascertained later that those bonds had been issued by a fraudulent proceeding, and the Supreme Court have held that the matter ought to have been first determined by the supreme court of the State, and that, not having been properly determined there, it can not now be taken up by the Supreme Court of the United States. It seems to me, Mr. Speaker, that the consideration of the pending bill ought to be continued until there can be an examination into the question whether or not there was any fraud in issuing these bonds.

Mr. PERKINS. If the gentleman will allow me, these bonds were adjudicated in the Territorial court, in the supreme court of the Territory, and there is no question of fraud in the issuance of the bonds; none whatever, but under the opinion of the Supreme Court of the United States, in the Arizona case, holding that the act of 1878 did not authorize the issuance of these bonds, some people there, after having paid interest on the bonds for ten and thirteen years, seem now disposed to take advantage of that decision to repudiate the debt.

Mr. HULICK. Before we vote I should like to ask one question. Was the question of fraud raised in the litigation?

Mr. PERKINS. Not at all.

Mr. HULICK. Or was it only a legal question as to the right to issue the bonds?

The SPEAKER. Does the gentleman from North Carolina yield?

Mr. SHAW. No, sir. I have only one minute. All I have to say is this, that the motion now made to suspend the rules and pass this bill clearly ignores the Supreme Court of the United States, before which the question ought to have been brought in some way, and if this course of legislation is to be followed, then, standing here as a Representative of North Carolina, I do not know how soon a bill may be introduced making valid about $35,000,000 of fraudulent bonds in my State.

Mr. OWENS. Does not the gentleman know that there is a distinction between validating a State bond and a Territorial bond? How could Congress validate a State bond?

Mr. SHAW. I understand that, but I learn that this question was not adjudicated in the Territorial court, which court has, as I understand it, the same jurisdiction relative to Territorial matters as the supreme court of a State has over its matters.

Mr. OWENS. It has been in the Territorial court.

Mr. WASHINGTON. Mr. Speaker, it strikes me that this is too important a piece of legislation to be rushed through under a suspension of the rules. Not one member in twenty on this floor understands the purport of this bill. We have heard from the representative of New Mexico here [Mr. CATRON] that he does not approve of this legislation——

Mr. PERKINS. The gentleman ought not to say that.

Mr. WASHINGTON. I can not yield, Mr. Speaker; I have only four minutes. The original bill simply provided for validating bonds that have not yet been issued, bonds to provide for the restoration of the capitol building of New Mexico, which was burned two or three years ago, and for one or two other purposes. If this bill stopped there, there would be no objection to it; but now it is proposed to validate by act of Congress other bonds issued by certain counties and cities of New Mexico to aid in the construction of railroads. The validity of those bonds has never been tested beyond some of the local Territorial courts. Now, I do not see why this House should be in a hurry to rush to the rescue of the people who hold those railroad bonds. They bought them several years ago, bearing on their face 10 per cent interest. The bonds have been refunded once, and the citizens upon whose shoulders the obligation must rest, who will have to pay these bonds if we pass this bill, are not here demanding that they shall be validated.

I have never seen a holder of railroad bonds who was not able to take care of himself. Let the holders of these bonds go into the courts and test their validity. Let them go into the courts and through the courts till they reach the Supreme Court, and then if it is decided that these bonds are valid and just and should be paid, then I for one, if occupying a seat upon this floor, will vote to make them valid. But it is unfair to the people of that Territory, it is unjust to this House, to ask us under a suspension of the rules, with only twenty minutes' debate on each side, to rush through legislation like this when the committee itself has failed to bring forward the figures and facts in detail as they should have been presented. We have nothing here but a meager report, giving not the facts, not the ordinances or laws of the Territory under which these bonds were issued, but simply stating the amendments which it is proposed shall be engrafted upon the bill to be thus put through the House nolens volens under suspension of the rules.

Mr. PERKINS. Will the gentleman allow me to make a statement?

Mr. WASHINGTON. This side has but twenty minutes. Let the gentleman consume, if he chooses, some of the time allotted to the other side in defending this measure, which, in my judgment, can not be successfully defended here or elsewhere.

Mr. PERKINS. Because you are not informed.

Mr. WASHINGTON. The gentleman says I am not informed. Sir, the committee has never sought in a proper way to inform the House in regard to this measure. I served on the Committee on Territories for a long time with my distinguished friend, and in those days we never brought forward reports like this, covering up the facts rather than giving information. Let the House have light, and with proper light upon the facts we are willing to vote upon the question. I return the rest of my time to the gentleman who yielded it to me.

Mr. COOPER of Texas. How much time have I remaining?

The SPEAKER. One minute.

Mr. COOPER of Texas. I yield to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Speaker, some time since I received a telegram from the governor of New Mexico, protesting against the passage of this bill. Since that time he has visited the capital, but I was absent and had no opportunity to consult with him in regard to this bill. I understand, however, that he proposes to furnish some additional information bearing on the question, and it does seem to me, in view of this fact, that the suggestion of the representative from the Territory of New Mexico [Mr. CATRON] should be followed, and the further consideration of this bill postponed until that information is furnished, so that we may act intelligently on this question. This is all I care to say.

Mr. LOW. Mr. Speaker, as a member of the Committee on the Territories, I desire to make a few observations from a business man's standpoint. I never was a student of Coke or Blackstone, but I have been a student all my life in the buying, selling, receiving, and giving of obligations. If I put my name to a piece of paper obligating myself to pay back a sum of borrowed money, I am in honor bound to liquidate that obligation. Now, what are the facts about this case? Prior to 1880 the people of New Mexico were living in small cities and towns scattered through the Territory. They had not the means of communication between their little inland cities or towns; the business men of the Territory met together and discussed the best methods to be employed to improve and develop the country, and to invite immigration. They decided that it was advisable, if possible, to secure the building of a railroad, so they conferred with the officials of the Atchison and Topeka Railroad Company, who informed them that if they would issue bonds under the authority of the legislature, the company would take the bonds and build the railroad.

That proposition was finally carried out. Upon the application of leading citizens the legislature gave the county authority to issue bonds for the specific purpose of building this railroad through that county. The railroad company accepted the bonds and built the road, which is running through that country to-day. That railroad has developed the country, it has attracted immigrants, and the people there are enjoying all the prosperity thus resulting, but the railroad company could not pay its employees or its obligations with bonds, hence the officials of the company

went to New York City in order to float the bonds, and called on Coler & Co., one of the largest bond-brokerage establishments in the country. When those bonds were offered to them by the railroad officials the brokers looked the question over and said they would investigate it. They called in the best legal talent in the city, who examined the enactments and everything bearing upon the question and finally said to the members of the firm: "Those bonds are legally issued." Not satisfied, however, Coler & Co. sent to New Mexico to ascertain how the people felt about the bonds, and in return they received a document signed by a number of business men, members of the board of trade, etc., indorsing the bonds, stating that they would no doubt be paid, and were a good investment.

These bonds at the present time are not in the hands of the railroad company; that company sold them as other bonds are sold, and they are scattered to-day through the country. Up to a certain time the interest on the bonds was paid, and then the coupons were defaulted. Coler & Co. immediately wrote to their clients inviting them to assign to them their bonds and promising to look the matter up. Their agents went to New Mexico and fought the question through the various courts, and they won upon the defaulted coupons. Then by an arrangement the bonds were refunded; the old bonds were given up and new ones issued, bearing, I believe, 5 per cent interest. The people there were satisfied; they paid the interest year after year, until a short time ago, when for some reason there was again a default upon the bonds. That matter has been explained by my distinguished colleague on the committee, the gentleman from Kentucky [Mr. OWENS]. The majority of the people in that county want to pay those bonds, but some of the citizens of that Territory, now awaiting admission to Statehood, wish to repudiate a portion of their honest debts.

Mr. Speaker, any man who was guilty of such a thing would be called absolutely dishonest and unworthy of the friendship and confidence of any business community in this country. These bankers do not hold a dollar's worth of the bonds. They are scattered, as I have already said, all over the country, but they are bound to look after the interests of their clients, as they ought to do. The governor of the Territory, together with the best legal talent they have out there, appeared before the committee in opposition to paying the bonds. We heard from them all of their testimony, and my cheek blushed with shame when I realized the fact that a man, after taking part in recommending the issuance of the bonds, should come North afterwards to plead for their repudiation.

Gentlemen, look at it simply from a business point of view; we have had testimony from both sides; it is an honest debt; let them pay it, but not one of the bonds was ever bought at less than 77½ cents on the dollar, and that was when they first came into the market.

Mr. HULICK. What was the governor's objection to paying the bonds?

The SPEAKER. The time of the gentleman has expired.

Mr. LOW. I do not know. He did not want to pay them. There are a good many other people, you know, who do not want to pay their debts in this world.

Mr. HULICK. But what reason did he give for it?

The SPEAKER. The time of the gentleman has expired; and the question is on the motion to suspend the rules and pass the bill.

The question was taken; and on a division (demanded by Mr. LACEY) there were—ayes 42, noes 73.

So, two-thirds not voting in favor thereof, the motion was rejected.

CHEESE, OLEOMARGARINE, ETC.

Mr. GROSVENOR. Mr. Speaker, I desire to make a privileged report from the Committee on Ways and Means.

I am directed by the committee to report back to the House the bills H. R. 3010 and 5680 with a substitute therefor, and recommend the passage of the substitute bill.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of "filled cheese."

Mr. GROSVENOR. This is what is known as the cheese bill. I give notice, Mr. Speaker, that on Wednesday morning I will endeavor to have this bill called up for consideration.

The SPEAKER. The bill will be referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON. Will the Chair be kind enough to state what this is? We have been unable to hear a word the gentleman said.

The SPEAKER. The gentleman says that this is the "cheese bill." [Laughter.]

FORT ASSINNIBOINE MILITARY RESERVATION.

Mr. HARTMAN. Mr. Speaker, I move to suspend the rules and pass the resolution I send to the desk.

The Clerk read as follows:

Resolved, That immediately on the adoption of this resolution the House shall proceed to consider Senate bill No. 626 in the House in Committee of the Whole.

The SPEAKER. The bill referred to in the resolution will be read.

The Clerk read as follows:

A bill (S. 626) providing for the disposal of lands on abandoned portions of the Fort Assinniboine Military Reservation in Montana, and for the relief of certain settlers thereon.

Be it enacted, etc., That all lands which have been or may hereafter be excluded from the limits of the Fort Assinniboine Military Reservation in the State of Montana shall be open to the operation of the laws regulating homestead entry, except section 2301 of the Revised Statutes, and to entry under the town-site laws and the laws governing the disposal of coal lands, desert lands, and mineral lands, and shall not be subject to sale under the provisions of any act relating to the sale of abandoned military reservations: *Provided*, That if the entire reservation be abandoned for military purposes this act shall not apply to an area 1 mile square embracing the Government buildings at Fort Assinniboine.

SEC. 2. That all entries heretofore made in good faith under either the homestead, town-site, desert-land, or mineral-land laws of the United States upon any of the excluded portions of said Fort Assinniboine Military Reservation shall be held valid, and the Secretary of the Interior is directed to reinstate such entries under either of said laws as he may heretofore have canceled because of a construction based upon the opinion that the laws mentioned in section 1 of this act did not apply to the abandoned portions of said reservation.

The SPEAKER. Is a second required?

Mr. HULL. I would like to ask a question first. Has this been before any committee of the House?

Mr. HARTMAN. It has been reported unanimously by the Committee on the Public Lands of the House, unanimously by the Committee on Public Lands of the Senate, and it has passed the Senate.

Mr. RICHARDSON. I demand a second simply to have an explanation.

The SPEAKER. Does the gentleman desire a count?

Mr. RICHARDSON. No; I am willing that a second shall be ordered.

The SPEAKER. Without objection, the second will be considered as ordered.

There was no objection.

Mr. HARTMAN. Mr. Speaker, I can state briefly the provisions and purposes of this bill, and I do not think I shall ask or will be required to occupy more than five or ten minutes of the time of the House.

The situation is simply this: The boundaries of the Fort Assinniboine Military Reservation in Montana were designated on the 4th of March, 1880, by an Executive order. Subsequently to that—that is, on May 1, 1888—the Indian title to the land in that portion of the reservation which is used for military purposes was extinguished, leaving the military reservation created by Executive order as the only barrier to settlement of the lands under the general law. But subsequently three Executive orders were issued—that is, on May 2, 1888, September 25, 1888, and October 9, 1891—and certain lands were, at the dates named, excluded from the military reservation. On the strength of these orders, especially the order of May 1, 1888, it was presumed that these lands were open to homestead settlement. It was so presumed by the officers of the United States Government themselves, the local land officers and others, and upon that presumption something like two hundred bona fide settlers settled upon the lands with the intention of acquiring title to them under the homestead law.

They have gone upon these lands, as I say, upon the faith of their entries being accepted by the United States Land Office, and there are 138 of them, whose affidavits I hold here in my hand, who depose and say that they will be unable to purchase these lands if they are thrown open to public sale under the provisions of the act providing for the disposal of abandoned military reservations at public auction. These men have families consisting, all told, of 393 people. They have placed $170,965 worth of improvements upon these lands. They have taken up 25,360 acres, all told, and each one of these 138 people makes affidavit that unless he is permitted to complete his title to these lands he will be compelled to forfeit his entry, his improvements, and his three or four years of labor. I will refer to one affidavit, which is a fair specimen of the others. They are substantially duplicates. Mr. Fred A. Scott makes affidavit that he is a native-born citizen, 32 years of age; that he located upon these lands, the northeast quarter of section 26, giving the town and range. He goes on and states the improvements which he has put upon the land, a log house, with fences, log stable, log granary, log cattle shed, and so forth, the total improvements amounting to $1,000.

Now, Mr. Speaker, this bill has the unanimous report of the Committee on Public Lands. It was referred to the Secretary of the Interior, and I read to the House an extract from what the Secretary of the Interior says:

The proposed bill, so far as its language is concerned, is identical with the act of May 1, 1888, and its effect, besides validating the entries, excepts the

land in question from the operation of the acts of July 5, 1884, and of August 23, 1894. I have no objections to offer to the proposed bill, as it is not in the province of this Department to attempt to interfere with whatever disposition of the public domain the Congress may see fit to make of it.

Mr. Speaker, if this bill be not passed, these settlers, having families consisting of 393 people, all told, having the improvements upon their lands which I have stated, will be compelled to abandon all of the work which they have performed there in the last three or four years. The bill has passed the Senate.

Mr. Speaker, unless some other gentleman desires to address the House upon this question or to interrogate me, I shall move the previous question.

The SPEAKER. The gentleman can not move the previous question.

Mr. HARTMAN. I move to suspend the rules and pass the bill.

The SPEAKER. That motion is already before the House.

Mr. RICHARDSON. Mr. Speaker——

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON] is entitled to twenty minutes, if he desires that time.

Mr. RICHARDSON. I simply wish to suggest that the motion is not to suspend the rules and pass the bill. The motion is to suspend the rules and pass a resolution which provides for the consideration of the bill. I have nothing to say against the adoption of the resolution.

The resolution was agreed to, two-thirds voting in favor thereof.

The bill (S. 626) providing for disposal of lands on abandoned portions of the Fort Assinniboine Military Reservation, in Montana, and for the relief of certain settlers thereon, was read.

Mr. DINGLEY. I should like to ask how many acres are included in this reservation?

Mr. HARTMAN. Originally there were in the reservation 560,800 acres; but under the various acts of Congress 400,160 acres have been turned over to the public domain, leaving 168,640 acres still in the reservation. That statement is contained in a letter from the Commissioner of the General Land Office.

Mr. DINGLEY. All of that land would be opened up for settlement under the homestead act?

Mr. HARTMAN. Yes, the remaining amount.

Mr. DINGLEY. As the law now stands, the land is to be sold at public auction?

Mr. HARTMAN. Yes.

Mr. DINGLEY. Are they more valuable than ordinary desert or arid lands?

Mr. HARTMAN. Some of the lands are very fertile, but the greater part of them are foothill lands which one can not afford to go upon and purchase and which yet become valuable for grazing purposes.

Mr. STEELE. Is it provided that these lands are to be sold at public auction?

Mr. HARTMAN. My bill provides that all of them shall be open to homestead entry or entry under the public-land laws of the United States.

Mr. STEELE. Without reference to their value?

Mr. HARTMAN. Without reference to their value.

Mr. STEELE. Is the passage of the bill recommended by the Secretary of War or the Secretary of the Interior?

Mr. HARTMAN. Not by the Secretary of War, but by the Secretary of the Interior. The lands were turned over to the Secretary of the Interior by Executive proclamation.

Mr. RICHARDSON. I should like to ask the gentleman from Montana if this bill has been indorsed by the Commissioner of the General Land Office?

Mr. HARTMAN. I just read from a letter of the Secretary of the Interior, and the Secretary of the Interior bases his letter upon a letter from the Commissioner of the General Land Office. The Secretary of the Interior says:

> I have no objection to offer to the proposed bill, as it is not the province of this Department to attempt to interfere with whatever disposition of the public domain the Congress may see fit to make of it.

And I want to say right here, before I forget it, that the Secretary of the Interior has decided that all of these parties who are now upon these lands are trespassers ab initio, and unless this legislation is passed they will be compelled to purchase these lands which they themselves have made valuable by their own labor.

Now, Mr. Speaker, I have nothing more to offer unless some gentleman desires to ask me a question.

Mr. LACEY. Mr. Speaker, there is another reason why this bill ought to pass. What is known as the McRae Act, for the disposal of military reservations, was drawn with special reference to smaller tracts, tracts that were valuable by reason of being near railroads, having military posts within them, and often towns within them. The Assinniboine tract is a large tract, far remote from settlement; and the reasons that apply to the adoption of the McRae law in regard to putting up these public lands and selling them at public auction do not apply with the same force to this reservation, it being a very large one. The tract is as wild as any Indian reservation that has been taken in for settlement for many years. [Cries of "Vote!" "Vote!"]

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HARTMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. DINGLEY. I move that the House do now adjourn.

The SPEAKER. Pending that motion, the Chair submits the following report from the Committee on Enrolled Bills.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a joint resolution and bills of the following titles, which were thereupon signed by the Speaker, to wit:

A joint resolution (H. Res. 159) to authorize the Secretary of War to prepare and submit estimates for the improvement of the harbor at Portland, Me.;

A bill (H. R. 2912) granting to the Atchison and Nebraska Railroad Company and the Chicago, Burlington and Quincy Railroad Company, its lessee in perpetuity, the right of way over a part of the Sac and Fox and Iowa Indian Reservation, in the States of Kansas and Nebraska;

A bill (H. R. 4632) for the relief of Frederick B. Betts, surviving partner of the firm of Betts, Nichols & Co.; and

A bill (H. R. 5736) to authorize the Light-House Board to proceed with the construction of the light-house and fog signal on North Manitou Island, Lake Michigan.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STOKES, for ten days, on account of important business.

To Mr. SPENCER, for eight days, on account of sickness in family.

To Mr. DOWNING, for ten days, on account of important business.

To Mr. STEWART of New Jersey, for ten days, on account of important business.

To Mr. HENRY of Connecticut, for ten days, on account of business.

REPRINT OF A BILL.

By unanimous consent, on request of Mr. PICKLER, a reprint was ordered of the bill (H. R. 5549) to prevent discontinuance of pensions, to restore pensions discontinued, to establish uniform rates of pension, to facilitate the allowance of pensions in matters of proof, and for other purposes, and report.

The motion to adjourn was then agreed to.

And accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers inclosing a reply to the public resolution approved March 24, 1896, relating to a resurvey of the port of Fairport, Ohio—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a supplemental list of judgments rendered by the Court of Claims amounting to $143,647.58—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the cases of Hanah S. Crane, Mary Ives Crocker, Kate Mary Dillon, and James S. Boyd against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Postmaster-General, transmitting the claim of R. M. Ridgely, postmaster at Springfield, Ill., together with accompanying documents—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. VAN VOORHIS, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 1708) to amend an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved June 30, 1876, as amended by an act approved August 3, 1892, reported the same without amendment, accompanied by a report (No. 1125); which said bill and report were referred to the House Calendar.

Mr. MEREDITH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 7139) to

authorize the Falls Church and Potomac Railway Company of Virginia to extend its line into and within the District of Columbia, and for other purposes, reported the same without amendment, accompanied by a report (No. 1126); which said bill and report were referred to the House Calendar.

Mr. CUMMINGS, from the Committee on the Library, to which was referred the bill of the House (H. R. 7052) to provide for the erection of a monument to Robert Morris at Batavia, Genesee County, N. Y., reported the same without amendment, accompanied by a report (No. 1134); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. HALTERMAN, from the Committee on Pensions: The bill (H. R. 5764) granting a pension to Elizabeth A. Marthon. (Report No. 1124.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (S. 1495) granting a pension to Hans Johnson. (Report No. 1127.)

By Mr. LAYTON, from the Committee on Invalid Pensions:

The bill (S. 1017) granting a pension to Robert Kiracofe. (Report No. 1128.)

The bill (H. R. 6803) granting a pension to Ellen Day, stepmother of Albert L. Day. (Report No. 1129.)

By Mr. MILES, from the Committee on Invalid Pensions: The bill (H. R. 4534) to increase the pension of Maj. Gen. Julius H. Stahel. (Report No. 1130.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 3189) to increase the pension of John S. Cochenour. (Report No. 1131.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 178) granting a pension to Betsey J. Webber. (Report No. 1132.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 4901) to pension Richard Wilcoxton. (Report No. 1133.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. VAN HORN: A bill (H. R. 7971) to donate two condemned cannon and balls to the Colonel Fred Schaifer Post, No. 51, Department of Missouri, Grand Army of the Republic, of Concordia, Mo.—to the Committee on Military Affairs.

By Mr. HUBBARD: A bill (H. R. 7972) directing that a corporation or company organized under the laws of one State shall be deemed also to be a citizen of any other State or States where it maintains an office or place of business—to the Committee on the Judiciary.

By Mr. JOY: A bill (H. R. 7973) to establish a railroad bridge across the Illinois River, near Grafton, Ill.—to the Committee on Interstate and Foreign Commerce.

By Mr. CHICKERING: A bill (H. R. 7974) for the completion of the fish-cultural station on the St. Lawrence River at Cape Vincent, N. Y.—to the Committee on Appropriations.

By Mr. MOODY: A bill (H. R. 7975) to incorporate the John A. Winslow Kearsarge Survivors' Association—to the Committee on the Judiciary.

By Mr. SHUFORD: A bill (H. R. 8002) to prevent discrimination between various kinds of legal-tender money—to the Committee on Banking and Currency.

Also, a bill (H. R. 8003) to reduce and regulate salaries of Federal officers—to the Committee on Appropriations.

By Mr. CURTIS of Iowa: A bill (H. R. 8004) to amend the charter of the Metropolitan Railroad Company of the District of Columbia—to the Committee on the District of Columbia.

By Mr. BURRELL: A bill (H. R. 8005) to aid the colored people of the South—to the Committee on Education.

By Mr. REYBURN: A bill (H. R. 8006) to amend the laws of the District of Columbia as to married women, and to make parents the natural guardians of their minor children, and for other purposes—to the Committee on the District of Columbia.

By Mr. WILBER: A bill (H. R. 8007) to amend the act of June 27, 1890, granting pensions to soldiers and sailors and certain dependent relatives of same—to the Committee on Invalid Pensions.

By Mr. SIMPKINS (by request): A bill (H. R. 8009) for the construction of fish-cultural and auxiliary stations on the Pacific and Atlantic coasts—to the Committee on the Merchant Marine and Fisheries.

By Mr. MILES: A joint resolution (H. Res. 164) to authorize the Eckington and Soldiers' Home Railway Company of the District of Columbia, the Belt Railway Company, and the Maryland and Washington Railway Company, to equip their respective lines, or any part thereof, within the limits of the city of Washington, in the District Columbia, with pneumatic or other modern motive power, subject to the approval of the Commissioners of the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. LIVINGSTON: A joint resolution (H. Res. 165) authorizing the Secretary of the Treasury to turn over to the State of Georgia the building for the Government exhibit at Atlanta, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. WILLIAM A. STONE: A resolution (House Res. No. 236) by the Committee on Rules for the consideration of House bill No. 58, providing for the inspection of immigrants by United States consuls—to the Committee on Rules.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Naval Affairs was discharged from the consideration of the bill (H. R. 7854) to compensate William Wheeler Hubbell for inventions adopted by the United States; and the same was referred to the Committee on Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. WOOD: A bill (H. R. 7976) to increase the pension of Mrs. Ann Gibbons—to the Committee on Invalid Pensions.

By Mr. ARNOLD of Pennsylvania: A bill (H. R. 7978) to remove the charge of desertion against the name of W. A. Jackson, late of Company F, One hundred and second Regiment Pennsylvania Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 7979) to remove the charge of desertion against the name of Alexander C. Sheirer, late a sergeant of Company A, Forty-fourth United States Infantry—to the Committee on Military Affairs.

By Mr. CONNOLLY: A bill (H. R. 7980) for the relief of Redick M. Ridgely, postmaster at Springfield, Ill.—to the Committee on Claims.

By Mr. CURTIS of Kansas: A bill (H. R. 7981) granting a pension to Adam King—to the Committee on Invalid Pensions.

By Mr. DOLLIVER: A bill (H. R. 7982) to increase the pension of Albert Head—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7983) to pension Frances E. Wickware—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 7984) granting a pension to Mary S. Stanhope—to the Committee on Pensions.

By Mr. FISCHER: A bill (H. R. 7985) for the relief of Charles C. Overton, shipping merchant, of New York City—to the Committee on Claims.

By Mr. GRIFFIN: A bill (H. R. 7986) to correct the military record of John Case, alias John L. Case—to the Committee on Military Affairs.

By Mr. HENDRICK: A bill (H. R. 7987) for the relief of Richard Porter—to the Committee on War Claims.

By Mr. HULICK: A bill (H. R. 7988) granting a pension to William S. Spratt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7989) granting an increase of pension to John H. Keech—to the Committee on Invalid Pensions.

By Mr. McRAE: A bill (H. R. 7990) for the relief of the heirs of W. G. Featherston, deceased—to the Committee on War Claims.

By Mr. MILLER of West Virginia: A bill (H. R. 7991) for the relief of John W. Church—to the Committee on Invalid Pensions.

By Mr. PEARSON: A bill (H. R. 7992) for the relief of Enoch Voyles—to the Committee on Military Affairs.

By Mr. RAY: A bill (H. R. 7993) granting a pension to Jane E. Peck, widow of Henry A. Fowler, late of Company H, Fifth New York Heavy Artillery—to the Committee on Invalid Pensions.

By Mr. REYBURN: A bill (H. R. 7994) to correct the military record of Michael O'Brien—to the Committee on Military Affairs.

By Mr. SMITH of Illinois: A bill (H. R. 7995) granting an increase of pension to Jackson Neace, late a member of Company H, Twenty-seventh Regiment Illinois Volunteers, in the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. TOWNE: A bill (H. R. 7996) granting a pension to Mrs. Esther J. Wilson, widow of Silas R. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7997) for the relief of Mrs. Mary M. Wolhart, widow of Jacob Wolhart, deceased—to the Committee on Invalid Pensions.

By Mr. TRACEWELL: A bill (H. R. 7998) to pension John J. Overton—to the Committee on Invalid Pensions.

By Mr. VAN HORN: A bill (H. R. 7999) for the relief of John Hobart, of Kansas City, Mo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8000) for the relief of Fanny Healy, of Kansas City, Mo.—to the Committee on Invalid Pensions.

By Mr. WOODMAN: A bill (H. R. 8001) for the relief of the heirs of Valorous G. Austin, deceased—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Pennsylvania: Petition of citizens of Utahville, Pa., and other towns in that vicinity, to accompany House bill No. 7933, for the relief of William Lutman; also, affidavit of said William Lutman—to the Committee on Military Affairs.

By Mr. BELKNAP: Petition of Joseph F. Forbrich and 16 others, of Chicago, Ill., praying for the passage of House bill No. 5729, relative to the protection of game, birds, and fish—to the Committee on Interstate and Foreign Commerce.

By Mr. BOUTELLE: Memorial of the National Game, Bird, and Fish Protective Association of Bangor, Me., and letter of E. M. Blanding, vice president of the association for Maine, for the passage of House bill No. 5729, for the protection of game, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. BOWERS: Remonstrance of 35 citizens of Ceres, Cal., against appropriation for sectarian purposes, and petition for amendment to the Constitution prohibiting the same—to the Committee on the Judiciary.

By Mr. CROWLEY: Petition of B. C. Duff and others, of Brazoria County, Tex., for an appropriation to remove obstructions in the Brazos River—to the Committee on Rivers and Harbors.

By Mr. CRUMP: Paper to accompany House bill No. 2329, in regard to the claim of Matilda G. Higbee—to the Committee on Invalid Pensions.

By Mr. DALZELL: Petition of professors of Yale College, in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of sundry citizens of the Twenty-second Congressional district, relative to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. DOLLIVER: Paper to accompany House bill to pension Frances E. Wickware—to the Committee on Invalid Pensions.

Also, papers to accompany a bill to increase the pension of Albert Head—to the Committee on Invalid Pensions.

By Mr. FLETCHER: Resolution of the Minneapolis Trades and Labor Council, favoring the employment of union labor only on Fergus Falls public building—to the Committee on Public Buildings and Grounds.

By Mr. FOOTE: Petition of Oscar F. Maynard and other ex-soldiers and ex-sailors of the Union Army and Navy residing in the vicinity of Wilmington, N. Y., favoring the passage of a service-pension bill granting $8 a month to honorably discharged soldiers of the late war and $12 a month to their widows—to the Committee on Invalid Pensions.

By Mr. GRISWOLD: Petition of W. W. Mourton and 42 others, of Corry, Pa., for the removal of the statue of Marquette from Statuary Hall—to the Committee on the Library.

By Mr. HENRY of Indiana: Affidavits of George W. McCray, B. J. L. Jeup, Leander A. Fulmer, John W. Cooper, George W. Seibert, and annual message of Hon. C. S. Denny, mayor of Indianapolis, Ind., to accompany House bill No. 2949, relating to the claim of George W. McCray—to the Committee on Claims.

By Mr. HEPBURN: Petition of Joseph Carpenter and other citizens of Lucas County, Iowa, asking for additional pension legislation—to the Committee on Invalid Pensions.

By Mr. KNOX: Petition of Michael Flynn and others, in behalf of Patrick Corr, to correct his military record—to the Committee on Military Affairs.

By Mr. KULP: Petition of C. W. Young and 72 other farmers of Columbia County, Pa.; also petition of Valley Grange, No. 52, Patrons of Husbandry, of Columbia County, Pa., in support of House bill No. 2626, for the protection of agricultural staples by an export bounty, in order to equalize the benefits and burdens of the protective system—to the Committee on Ways and Means.

Also, petition of the Pennsylvania Millers' State Association, of Wilkesbarre, Pa.; also of H. V. White & Co., of Bloomsburg, Pa., in support of House bill No. 3212, to secure a better market for grain and other agricultural products of the United States—to the Committee on Ways and Means.

Also, petition of Rev. H. Johnston and other citizens of Columbia County, Pa., in support of House bill No. 6851, relating to unclaimed pension money—to the Committee on Military Affairs.

By Mr. LEONARD: Petition of citizens of Tioga County, Pa., asking for the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty, in order to equalize the benefits and burdens of the protective system—to the Committee on Ways and Means.

By Mr. LINTON: Petition of citizens of Reading, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, resolutions adopted by the New York Mercantile Exchange, asking that a favorable report be made on House bill No. 5213, regulating the sale and manufacture of filled cheese—to the Committee on Ways and Means.

Also, remonstrance and petition of the citizens of Madison, Wis., regarding the Marquette statue—to the Committee on the Library.

Also, remonstrance and petition of F. Klemt and 36 other citizens of Detroit, Mich.; also of C. T. Grimes and 36 others, of the District of Columbia; also of A. T. Secor and 78 others, of the State of New Jersey; also of A. M. Goodby and others, of New York City, against the recognition of the statue of Marquette and urging the removal of the same—to the Committee on the Library.

Also, petition of citizens of Detroit, Mich.; also of citizens of Edmore, Mich.; also of citizens of Chicago, Ill., praying for the passage of joint resolution No. 11, which provides that no moneys shall be appropriated for sectarian purposes—to the Committee on the Judiciary.

Also, petition of Frank Goss, of Vernon, Mich., regarding House bill No. 4066, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, statement in regard to the pension claim of Mrs. Sarah A. Lyons—to the Committee on Invalid Pensions.

By Mr. MAHON: Petition of citizens of Huntingdon County, Pa., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. McCLEARY of Minnesota: Protest of B. F. Martin and other citizens of Minneapolis, Minn.; also of H. Kath and others, of Sleepy Eye, Minn., on behalf of the Retail Liquor Dealers' Association of Minnesota, against the passage of House bill No. 6668, to amend the act relating to the sale of intoxicating liquors in the District of Columbia by raising the license fee—to the Committee on the District of Columbia.

By Mr. McEWAN: Petition of the Detroit Typographical Union, No. 18, of Detroit, Mich.; also petition of Peers of Kosmos, of Pottstown, Pa., favoring House bill No. 184, providing for a commission of inquiry as to the feasibility of direct legislation—to the Committee on Rules.

By Mr. MILLER of West Virginia: Petition of L. F. Stone and 26 others, of Belleville, W. Va., to pension the Home Guards that served in the United States service during the late civil war—to the Committee on Invalid Pensions.

Also (by request), petition of R. T. Wetzel, J. M. Adams, and 36 others, citizens of Ravenswood, W. Va., against the acceptance of a statue of Père Marquette—to the Committee on the Library.

Also, evidence and papers to support House bill for increase of pension to John W. Church—to the Committee on Invalid Pensions.

By Mr. ROYSE: Petition of veterans of the late war residing in the vicinity of North Judson, Ind., praying for a pension of $8 per month to every soldier who served ninety days and was honorably discharged and $12 per month to their widows—to the Committee on Invalid Pensions.

By Mr. SCRANTON: Petition of James Archibald and other civil engineers of Scranton, Pa., favoring the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, resolution of the Philadelphia Maritime Exchange, favoring the Torrey bankruptcy bill—to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Petition of J. M. Jamison, B. Rademaker, and 123 other residents of Grand Rapids, Mich., for the removal of the statue of Père Marquette from Statuary Hall—to the Committee on the Library.

Also, petition of the Koenig Medicine Company of Chicago, Ill., favoring favorable action on House bills Nos. 838, 4566, and 5560, for 1-cent letter postage, and to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SNOVER: Petition of D. N. Runnels and other citizens of Port Huron, Mich., favoring the passage of House bill No. 7262, to establish a life-saving station at Port Huron, Mich.—to the Committee on Interstate and Foreign Commerce.

By Mr. TRACEWELL: Protest of Albert Zeller and 20 other citizens of New Albany, Ind., against the passage of House bill No. 4566, amending the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of Idaho: Petition of Hon. J. G. Rowton and 158 others, residents of Idaho County, Idaho, for the improvement of the Clearwater River, in Idaho—to the Committee on Rivers and Harbors.

Also, petition of William Farmer and 237 others, asking that settlers on ceded portion of the Cœur d'Alene Indian Reservation be permitted to make final proof on their homestead entries under the general homestead laws without paying $1.50 per acre therefor—to the Committee on the Public Lands.

By Mr. WILBER: Petition of American Federation of Labor, Union No. 6480, in regard to the undermanning of vessels on the Great Lakes—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Edmeston, Otsego County, N. Y., for the enactment of a law to compel the study of certain acts in the public schools—to the Committee on Education.

Also, petition of Woman's Christian Temperance Union, of North Blenheim and St. Johnsville, N. Y., protesting against the sale of beer to immigrants at Ellis Island—to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Christian Temperance Union, of North Blenheim, St. Johnsville, and Duanesburg, N. Y., protesting against the sale of beer at certain military posts—to the Committee on Military Affairs.

SENATE.

TUESDAY, *April 7, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. MITCHELL of Wisconsin, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior recommending that there be inserted in the sundry civil appropriation bill a clause appropriating the sum of $1,000 to enable the Secretary of the Interior to examine the desert lands selected by the States under the provisions of section 4 of the act of August 18, 1894; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

RIGHT OF WAY OVER INDIAN LANDS IN KANSAS AND NEBRASKA

Mr. ALLEN. A short time ago the Senate passed a bill (S. 941) granting to the Atchison and Nebraska Railroad Company and the Chicago, Burlington and Quincy Railroad Company, its lessee in perpetuity, the right of way over a part of the Sac and Fox and Iowa Indian Reservation, in the States of Kansas and Nebraska. The bill was sent to the House of Representatives, but a similar bill had been passed there by the time the Senate bill reached the House of Representatives, and the House bill has been passed here. The Senate bill having been returned to the Senate, I ask that the vote by which the bill was passed be reconsidered, and that the bill be indefinitely postponed.

The VICE-PRESIDENT. Without objection, it will be so ordered.

PETITIONS AND MEMORIALS.

Mr. ALLEN presented a petition of Federal Union, No. 6332, American Federation of Labor, of Lincoln, Nebr., praying for the free and unlimited coinage of silver at the ratio of 16 to 1; which was referred to the Committee on Finance.

Mr. MITCHELL of Wisconsin presented a petition of sundry citizens of Diamond Bluff, Wis., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Waukesha, Wis., remonstrating against the appropriation of money for sectarian purposes; which was referred to the Committee on Appropriations.

Mr. TELLER. I have a large number of petitions from branches of the American Federation of Labor, requesting the United States Senate to pass a law giving to the people of the United States free and unlimited coinage of silver at the ratio of 16 to 1 without waiting for the aid or consent of any other nation. The petitioners declare that they are of opinion that to do so would relieve the present monetary stringency and contribute toward bringing to us a return of national prosperity. In the case of the Federal Labor Union of Missoula, Mont., the following is added:

> And further, that we will not vote for or assist in any way any candidate who is doubtful in regard to free coinage, no difference to what political party he may belong, or what our political opinions have been in the past.

I ask that the petitions be properly noted, and referred to the Committee on Finance.

The petitions were referred to the Committee on Finance, as follows:

A petition of Central Labor Union, of Cleveland, Ohio (composed of 52 labor organizations); a petition of American Federation of Labor, of Auburndale, Ohio; a petition of American Agents' Association, of Findlay, Ohio (representing a membership of 12,000); a petition of Lathe Operators' Union No. 6625, of Toledo, Ohio; a petition of Drill-Press and Milling Machine Hands' Union No. 6505, of Toledo, Ohio; a petition of council of Hillsboro County, Fla. (representing 4 labor organizations in Tampa); a petition of Scranton Central Labor Union, of Scranton, Pa. (representing 3,500 workingmen of all branches of trade); a petition of Beef Boners' Union No. 6151, of Kansas City, Kans.; a petition of Federal Labor Union, of Missoula, Mont.; a petition of Germania Waiters' Protection Association, of New York City; a petition of local union, No. 87, Cigar Makers' International Union, of Brooklyn, N. Y.; a petition of Journeymen Tailors' Union, of Bloomington, Ill.; a petition of Waiters' Union No. 21, of Detroit, Mich.; a petition of Herbert Waiters' Union No. 11, of New York City; a petition of Federal Labor Union No. 6360, of New Orleans, La.; a petition of Brockton Central Labor Union, of Brockton, Mass. (representing 4,000 organized workers); a petition of Carriage Hardware Workers' Union No. 6419, of Columbus, Ohio; a petition of Trades and Labor Assembly, of Superior, Wis.; a petition of Trades and Labor Assembly, of Denver, Colo.; and a petition of Federal Labor Union No. 6400, of Everett, Wash.

Mr. TELLER presented sundry memorials of citizens of Colorado, remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which were referred to the Committee on the Library.

He also presented a petition, in the form of resolutions adopted by the Chamber of Commerce of Denver, Colo., praying that an appropriation be made for the transmississippi international exposition to be held at Omaha, Nebr.; which was ordered to lie on the table.

He also presented a petition of sundry citizens of South Denver, Colo., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. STEWART presented a memorial of sundry citizens of Genoa, Nev., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

Mr. SEWELL presented the memorial of Charles A. Milham and 134 other citizens of Washington, N. J., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

He also presented a petition of the St. Augustine Presbytery of Paterson, N. J., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. BRICE presented a memorial of Cincinnati Club, No. 1, Order of the Bronze Club, of Cincinnati, Ohio, remonstrating against the appropriation of money for sectarian institutions; which was referred to the Committee on Appropriations.

He also presented a petition of Putnam Grange, No. 142, Patrons of Husbandry, of Leipsic, Ohio, praying for the passage of House bill No. 2626, providing for the protection of agricultural staples by an export bounty; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Trades and Labor Assembly of Massillon, Ohio, praying for the enactment of legislation to establish additional regulations concerning immigration to the United States, etc.; which was referred to the Committee on Immigration.

He also presented a petition of the Cincinnati Chamber of Commerce and Merchants' Exchange of Cincinnati, Ohio, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented the petition of J. J. Manning, assistant treasurer of the National Malleable Casting Company of Toledo, Ohio, praying for the enactment of legislation providing a reform in the postal affairs of the country, and also for the restriction of second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SHERMAN presented a memorial of sundry citizens of Clinton County, Ohio, remonstrating against the introduction of military training in the public schools of the country; which was referred to the Committee on Military Affairs.

Mr. DANIEL presented a memorial of the Board of Trade of Lynchburg, Va., remonstrating against any change being made in the present pilotage system; which was referred to the Committee on Commerce.

He also presented the memorial of H. D. Moore and sundry other citizens of Onancock, Va., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

Mr. LODGE presented a petition of Encampment No. 83, Union Veteran Legion, of Worcester, Mass., praying for the enactment of a per diem pension law; which was referred to the Committee on Pensions.

Mr. CULLOM presented a memorial of Washington Camp, No. 7, Patriotic Order Sons of America, of Englewood, Ill., remonstrating against the appropriation of money for sectarian purposes; which was referred to the Committee on Appropriations.

mittee on Ways and Means.

By Mr. LINTON: Petition of citizens of Reading, Pa., praying the general homestead laws without paying $1.50 per acre therefor—to the Committee on the Public Lands.

6505, of Toledo, Ohio; a petition of council of Hillsboro County, poses; which was referred to the Committee on Appropriations.

Mr. PROCTOR presented a petition of Ransom Post, No. 7, Grand Army of the Republic, Department of Vermont, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

Mr. PRITCHARD presented the petition of W. H. Chadbourn and other members of the Chamber of Commerce of Wilmington, N. C., praying for the establishment of an army post adjacent to that city; which was referred to the Committee on Coast Defenses.

Mr. CARTER presented a petition of the White Ribbon Society of Montana, praying for the establishment of an international board of arbitration between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

Mr. THURSTON presented a memorial of sundry citizens of Florence, Nebr., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

He also presented a petition of Perryville Circle, No. 13, Ladies of the Grand Army of the Republic, of Litchfield, Nebr., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of the Western Nebraska Educational Association, praying for the enactment of legislation ceding to the State of Nebraska for educational purposes the old Fort Sidney Military Reservation; which was referred to the Committee on Military Affairs.

He also presented petitions of the city council of Salt Lake City, Utah; of the Board of Trade of Laramie, Wyo.; of the Republican convention of Hot Springs, S. Dak.; of the committee on manufactures and commerce of the legislature of Utah; of the Commercial Club of St. Joseph, Mo., and of the Mining Exchange of Colorado, praying that an appropriation be made for the transmississippi international exposition to be held at Omaha, Nebr.; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (H. R. 6425) for the relief of Clifton R. Anderson, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2397) to amend section 2743 of the Revised Statutes of the United States, concerning the examination of drugs, reported it with an amendment.

He also, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the sundry civil appropriation bill, providing for repairs upon the Federal building at St. Albans, Vt., and moved that it be referred to the Committee on Appropriations; which was agreed to.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (S. 2524) to increase the pension of Mary B. Le Roy, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 613) granting an increase of pension to Henry Wilson, reported it with an amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 6996) to authorize the construction of a wagon and foot bridge across the Chattahoochee River at or near the city of Columbia, Ala., reported it with amendments.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 125) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook;

A bill (H. R. 2797) granting a pension to Peter B. Palmenteer; and

A bill (H. R. 2410) to amend an act increasing the pension of Marcus D. Box.

Mr. CANNON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 1798) granting a pension to Thomas B. Hanoum; and

A bill (S. 1475) granting a pension to Maria L. Meserve.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (S. 1737) granting a pension to James G. Hartzell, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1635) granting a pension to James Byrne, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1636) granting a pension to John G. B. Masters, reported it with amendments, and submitted a report thereon.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (S. 2578) granting a pension to Andrew M. Callaham, reported it without amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 4606) to grant an increase of pension to Mary B. Houk, reported it without amendment, and submitted a report thereon.

Mr. BAKER, from the Committee on Pensions, to whom was referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 2184) granting a pension to William F. Johnson;

A bill (S. 2285) granting a pension to Alice V. Cook, of St. Paul, Nebr., invalid daughter of John Y. Cook, deceased, late of Company D, Eighth Regiment Kansas Volunteer Infantry; and

A bill (S. 2421) granting a pension to Helen Booth.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 890) granting a pension to John N. Landon, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 706) for the relief of Eugenia Wood, reported it without amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 2216) granting an increase of pension to Elizabeth M. Stevenson, of San Francisco, Cal., reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 2289) for the relief of James and Emma S. Cameron for occupation and damages to property and for fuel taken and used by the United States Army during the war, reported it without amendment, and submitted a report thereon.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (S. 1809) granting a pension to Joshua Parker, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 1139) granting an increase of pension to A. S. Loudermilk, reported it with an amendment.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 1656) for the relief of Stout, Hall & Bangs, reported it without amendment.

He also, from the same committee, reported an amendment intended to be proposed to the general deficiency appropriation bill, the amendment providing for the relief of Stout, Hall & Bangs, submitted a report thereon, and asked that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. 934) for the relief of Capt. Thomas W. Lund, asked to be discharged from its further consideration, and that it be referred to the Committee on Post-Offices and Post-Roads; which was agreed to.

Mr. PERKINS, from the Committee on Fisheries, to whom was referred the amendment submitted by Mr. PETTIGREW on the 1st instant relating to pay of Acting United States Commissioner of Fish and Fisheries, intended to be proposed to the sundry civil appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, reported an amendment intended to be proposed to the sundry civil appropriation bill, the amendment providing for the establishment of fish-cultural stations in certain States, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (H. R. 1094) granting a pension to Francis E. Hoover, reported it without amendment, and submitted a report thereon.

Mr. PETTIGREW, from the Committee on Mines and Mining, to whom was referred the amendment submitted by himself on the 1st instant, intended to be proposed to the sundry civil appropriation bill, the amendment providing for the establishment of an assay office at Deadwood, S. Dak., reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

EDWARD RICE.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (S. 1853) for the relief of Edward Rice, to report it favorably without amendment. As it is very short, and the reading of it will take but a moment, I ask for its present consideration.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edward Rice, of Denver, in the State of Colorado, formerly of Worcester, in the State of Massachusetts, the sum of $2,700, in full for the following coupon bonds issued under the act of March 3, A. D. 1865, known as consols of 1867, namely: Nos. 104568 and 104569, of $100 each; Nos. 61857, 61858, and 61859, of $500 each; and No. 101302, of $1,000, and, in addition thereto, the interest maturing on said bonds after July 1, A. D. 1868, to the date when said bonds ceased to bear interest: *Provided*, That said Edward Rice shall first give bond, with sureties to the satisfaction of the Secretary of the Treasury, in a sum double the amount of said bonds, conditioned to secure the United States harmless against said bonds and coupons, said bonds having been lost by said Edward Rice on the 19th day of July, A. D. 1868.

Mr. MORRILL. I will merely say that the Secretary of the Treasury reports favorably upon this bill, and that none of the

coupons have been presented since 1868, and the bill is in the usual form.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHICKAMAUGA AND CHATTANOOGA NATIONAL PARK.

Mr. PALMER. The joint select committee charged with the duty of representing Congress at the dedication of the Chickamauga and Chattanooga National Park have directed me to submit a report to the Senate, and also a resolution which I ask may be read and considered immediately. The resolution is at the conclusion of the report.

The VICE-PRESIDENT. The resolution will be read.

The resolution was read, as follows:

Resolved, That the report of the joint committee to represent Congress at the dedication of the Chickamauga and Chattanooga National Park be printed and recommitted to that committee for the incorporation of a map and of the corrected manuscript of the several addresses delivered in connection with the dedication.

Mr. PALMER. I ask for the immediate consideration of the resolution.

The resolution was considered by unanimous consent, and agreed to.

THE DEATH PENALTY.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 1878) to reduce the cases in which the penalty of death may be inflicted, to report it with amendments. I ask the Senate to make the bill a special order for Wednesday of next week, after the special orders which are now on the Calendar. There are two special orders before it.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Massachusetts?

Mr. ALLEN. I rise to a parliamentary inquiry. I ask whether making the bill a special order would give it precedence over the Alabama election resolution, which has been reported favorably?

Mr. HOAR. I understand that it does not displace anything. I will say to the Senator from Nebraska that the condition of our law in regard to the death penalty in cases of crimes committed within the jurisdiction of the United States is utterly savage, and it ought not to last in regard to some cases a week without interposition. There is now one judge who, I think, has sentenced within the last few years 150 persons and over to death, and there are some 30 or 40 persons awaiting trial before him now. Some of the crimes are crimes which ought not to be punished except by a very brief imprisonment.

The bill has passed the other House and it has passed the Senate Judiciary Committee unanimously. But there are provisions in it to which the junior Senator from Indiana [Mr. TURPIE], who has given the subject great study, wishes to call attention in order that the bill may be modified in some particulars. I suppose the debate will not last more than an hour or so, but it ought not to get into the general drift of business on the Calendar, and I want to have it made a special order after the existing special orders. I understand that it will not displace either an appropriation bill or another special order or the Alabama matter.

Mr. ALLEN. I am entirely in accord with the Senator's bill. If I had it within my power, I would abolish capital punishment; I do not believe in it; but the only thing I want to know is whether making the bill a special order will interfere with the Alabama resolution.

Mr. HOAR. No; I understand it will not.

Mr. ALLEN. Then I have no objection to the Senator's request.

Mr. HOAR. I will see that it does not.

The VICE-PRESIDENT. The Chair hears no objection to the request of the Senator from Massachusetts, and the bill is made a special order for the day named.

Mr. HOAR subsequently said: I made a request early this morning, which was granted, I believe unanimously, by the Senate, making the capital-punishment bill a special order for Wednesday of next week. I omitted to mention the hour in the request. I desire that it may be made the special order for Wednesday at 2 o'clock.

The PRESIDING OFFICER (Mr. WHITE in the chair). Is there objection to the request of the Senator from Massachusetts?

Mr. STEWART. We do not know in this part of the Chamber what the request is.

The PRESIDING OFFICER. The request is that the capital-punishment bill, which has been made a special order for Wednesday of next week, shall be fixed for consideration at 2 o'clock. Is there objection? There is no objection, and it is so ordered.

BILLS INTRODUCED.

Mr. DANIEL introduced a bill (S. 2745) to establish a term of the district and circuit courts of the United States at Roanoke, Va., in the western district of Virginia; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 2746) to remove the political disabilities of Col. John Taylor Wood; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SHERMAN introduced a bill (S. 2747) to remove the charge of desertion from the military record of Levi Cunningham; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. PUGH introduced a bill (S. 2748) providing that all judgments in civil causes in the District of Columbia shall bear interest; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. ALLEN introduced a bill (S. 2749) to establish the official survey of fractional townships 31 and 32 north, of ranges 6, 7, and 8 west, of the sixth principal meridian, in the State of Nebraska, north and west of the Niobrara River, and quieting the title of settlers thereon, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. STEWART introduced a bill (S. 2750) to provide an American register for the bark *Leon;* which was read twice by its title, and referred to the Committee on Commerce.

Mr. CULLOM introduced a bill (S. 2751) granting two condemned cannon for the soldiers' plat of the cemetery at Mount Pulaski, Ill.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BRICE introduced a bill (S. 2752) granting a pension to Wilson S. Hulse; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PETTIGREW introduced a bill (S. 2753) authorizing and directing the Secretary of the Navy to donate one condemned cannon to the Lake Madison Veteran Association, Grand Army of the Republic, of the State of South Dakota; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 2754) granting a pension to Jerusha Hayward Brown; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TURPIE (for Mr. VOORHEES) introduced a bill (S. 2755) granting an increase of pension to Edwin T. Lucado; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also (for Mr. VOORHEES) introduced a bill (S. 2756) granting a pension to Richard Sheets; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PALMER introduced a bill (S. 2757) granting a pension to Sarah M. Dove; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. THURSTON introduced a bill (S. 2758) granting a pension to Hiram H. Palmer; which was read twice by its title, and referred to the Committee on Pensions.

LIMITATION OF THE VETO POWER.

Mr. BUTLER. I introduce a joint resolution and ask that it be read at length for information.

The joint resolution (S. R. 122) proposing an amendment to the Constitution of the United States providing for limiting the veto power of the President of the United States was read the first time by its title and the second time at length, as follows:

Resolved by the Senate, etc., That the following amendment to the Constitution of the United States be proposed to the legislatures of the several States, which, when ratified by three-fourths of said legislatures, shall become and be a part of the Constitution, and shall be known as the sixteenth amendment:

That every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States. If he approves, he shall sign it; but if not he shall return it with his objections to the House in which it shall have originated, who shall enter the objections at large on their Journal and proceed to reconsider it. If, after such reconsideration, a majority of that House shall agree to pass the bill, it shall be sent together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by a majority of that House it shall become a law.

Every order, resolution, or vote, to which the concurrence of the House of Representatives and Senate may be necessary (except on a question of adjournment) shall be presented to the President of the United States, and before the same shall take effect shall be approved by him; or being disapproved by him, may be repassed by a majority of the Senate and House of Representatives according to the rules and limitations prescribed in the case of a bill.

Mr. BUTLER. Mr. President, I should like to be permitted to explain the joint resolution in a few words.

This amendment keeps the wording of the Constitution and the machinery with reference to the veto power just as it is now. It will be noticed that the only change it makes in the Constitution is by changing the words "two-thirds" to "a majority." The amendment, if adopted, will require a bill when passed to be sent to the President for his signature. If the President disapproves it, he writes his objections and sends it back to the House where it originated, just as he does now. The House will consider his objections and proceed to reconsider the bill. The only difference is, if both Houses see fit to repass the bill after considering the President's objections thereto, then it shall become a law by a majority vote instead of by a two-thirds vote.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 4606) to grant an increase of pension

Treasury reports favorably upon this bill, and that none of the

its title, and referred to the Committee on the Judiciary.

majority vote instead of by a two-thirds vote.

Nearly every evil that this Government is suffering from to-day has come about not from defects in the Constitution, Mr. President, but, if I may say it, by a disregard or deliberate misinterpretation or an interpreting away of the Constitution as it was written and intended by our forefathers. Take the decision of the Supreme Court with reference to the income-tax cases and hundreds of other cases which might be cited, where we know, or feel that we know, that the intent of the Constitution has been changed. The evils come not from a defective Constitution as a rule, but from a disregard of the Constitution.

But this veto power is one provision where the Constitution, we might say, is defective. It is one relic of monarchy. When our forefathers framed this Constitution they lacked just this much of being weaned from English ideas. They could not foresee the tremendous patronage that would go into the hands of the President in addition to this veto power. They could not foresee and did not intend that the veto power should be used to kill any bill that the President did not himself like. In fact, the veto power was intended to be used sparingly, and very sparingly; and we have the testimony of a number of the framers of the Constitution to that effect. It is an English idea, but in England the Crown to-day does not dare to veto a bill passed by Parliament. It has fallen into disuse in a kingdom, in a monarchy, but here in this country it flourishes and is used more frequently each year. The people here elect their representatives for both Houses of Congress directed to enact the will of the people into law; yet one man—not even a legislator—has the monstrous authority and power to nullify any act of Congress. A bill is passed after the most careful and deliberate consideration by the representatives of the people; yet it can be vetoed and nullified by a stroke of a pen in the hand of one man.

This is a dangerous power. When we consider to-day the tremendous patronage that the President has with which he can influence legislation, in addition to the veto power to kill what is passed, it makes him almost an autocrat. It gives him more power than any crowned head of England or, we might say, than any monarch in Europe has. We saw here in the last Congress how the power and the patronage of the President were used to change the opinions of Congress and to defeat the will of the people. We saw in the same Congress how the veto power was used to strike down a bill that was passed by Congress to coin the seigniorage.

Nearly every Administration since the civil war has used the veto power and the patronage of the Government the same way. The abuse and danger grows greater each year.

These two powers are too great to be in the hands of any one man. We ought if possible to limit his power of patronage. It ought to be limited, but that is an intricate question. We can limit his veto power by this wise provision.

I ask that the joint resolution be referred to the Committee on the Judiciary, and I hope that the committee will make a favorable report at an early day, so that we can act upon it before the present session of Congress ends.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. BERRY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SHOUP submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which, with the accompanying letter from the Commissioner of the General Land Office, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL of Wisconsin submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Finance.

Mr. CARTER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CLARK submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

ISLAND OF JAPONSKY.

Mr. LODGE submitted the following resolution; which was referred to the Committee on the Judiciary:

Whereas the guardian of Michael Travers, a citizen of the United States, who has been declared a person non compos mentis, has represented to the Senate of the United States by a sworn petition that he has been unjustly deprived by the United States of certain property known as the Island of Japonsky, in the harbor of Sitka, Alaska, and the improvements thereon: Therefore

Be it resolved, That the Attorney-General of the United States be, and he is hereby, requested to ascertain and report to the Senate the facts concerning the location and residence of the said Michael Travers upon the Island of Japonsky, the making improvements thereon by him, their character and extent, the taking of the possession of such island and improvements by the officers of the United States, and the value thereof for the uses to which the island and property were put by the United States, which information the said Attorney-General may obtain from the governor of Alaska and the district attorney of the United States and the clerk of the United States court of Alaska, and from other sources at his command.

CHARLES E. JONES.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 249) granting a pension to Charles E. Jones, which was, in line 7, to strike out all after the word "at" and insert in lieu thereof "the rate proportionate to the degree of disability from gunshot wound of the back and results."

Mr. BAKER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 6th instant approved and signed the following act and joint resolutions:

An act (S. 494) constituting Stamford, Conn., a subport of entry;

A joint resolution (S. R. 99) authorizing the immediate use of a portion of the unexpended balance of appropriations made for construction of canal and locks at the Cascades of the Columbia River in construction of protecting walls necessary to the opening of said canal and locks to navigation; and

A joint resolution (S. R. 103) directing the Secretary of War to submit estimates of cost of further improvement of Providence River and Narragansett Bay, Rhode Island.

ORDER OF BUSINESS.

The VICE-PRESIDENT. The Calendar under Rule VIII is in order.

Mr. ALLISON. By unanimous consent last evening it was agreed that the Post-Office appropriation bill should be taken up this morning at the conclusion of the routine business. I ask that that bill be laid before the Senate.

Mr. PUGH. I ask unanimous consent to call up for consideration House bill 6996, a brief bill reported by the Committee on Commerce this morning.

Mr. ALLISON. Under the agreement of yesterday I am obliged to object to any business being interposed.

Mr. PUGH. It will take but a few moments. It is very important that the bill should be passed at an early date.

Mr. ALLISON. Perhaps the Senator from Alabama was not present yesterday when it was agreed by unanimous consent that after the routine morning business this morning the appropriation bill then under consideration should be taken up. The Senator will probably have time to-morrow morning to call up the bridge bill.

Mr. PUGH. Then I will withhold my request until another time.

Mr. CALL. I ask the Senator from Iowa, inasmuch as I gave notice yesterday that I would request the Senate to proceed this morning to the consideration of the joint resolution I introduced relative to Cuba, to allow it to be taken up for the purpose of enabling the Senator from Indiana [Mr. TURPIE] to submit some remarks. I suppose it will not materially interfere with the progress of the appropriation bill.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Florida?

Mr. ALLISON. Last evening there was unanimous consent given to consider the appropriation bill from now until 5 o'clock, when a vote was agreed to be taken. I regard that as an agreement to go on with the bill at this time. Of course it is for the Senate to determine whether that agreement shall be changed.

Mr. CALL. I do not wish to interfere with any agreement that may have been made, but I supposed that it would not be an interference with the appropriation bill. However, unless my proposition is agreed to unanimously, I do not suppose I ought to insist upon it. I gave notice yesterday that the Senator from Indiana would submit some observations upon the joint resolution this morning, and I simply ask the consent of the Senate that we may take up the joint resolution for that purpose.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Florida?

Mr. FAULKNER. I would not object to it under the circumstances suggested by the Senator from Florida except for the fact that the unanimous-consent agreement was made yesterday based upon the theory that a certain number of hours should be given to-day to the discussion of the appropriation bill. When the Senator from Iowa proposed 3 o'clock there was objection to it because the time seemed too short between the close of the routine business and 3 o'clock. When he suggested 4 o'clock there was objection to it because the Senate held that that hour would cut off debate unduly upon the bill; and an agreement was only reached when he extended the time for discussion upon the bill until 5 o'clock. Under those circumstances, I think it would be unfair, the Senator from Iowa having obtained unanimous consent upon that statement, to allow any business to intervene other than that which was agreed to at the time.

The VICE-PRESIDENT. Objection is interposed to the request of the Senator from Florida.

Mr. FAULKNER. The notice of the Senator from Florida will hold good for to-morrow. Of course no one will object to the Senator from Indiana taking the floor then, as there will be no consent agreement that will interfere.

Mr. CALL. Then I ask that it may be distinctly understood that the joint resolution shall be taken up to-morrow after the routine business is over.

Mr. ALLEN. For the purpose of discussion only?

Mr. VILAS. For the purpose of discussion by the Senator from Indiana?

Mr. CALL. Yes; for the purpose of general discussion.

The VICE-PRESIDENT. Does the Senator from Florida desire the request submitted to the Senate?

Mr. CALL. I do.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Florida?

Mr. VILAS. If the Senator from Florida desires to have the joint resolution taken up for such speeches as anyone may choose to make on it, there is no objection, but if it is to be taken up for consideration, I object now.

Mr. CALL. I ask that it may be taken up for the purpose of some observations to be submitted by the Senator from Indiana, and possibly by myself.

The VICE-PRESIDENT. Is there objection?

Mr. VILAS and others. No objection.

Mr. BROWN. Is it requested that the unfinished business which has been awaiting consideration for some time shall be displaced? If so, I object. Senate joint resolution No. 102 is the unfinished business, and we desire to have it disposed of.

Mr. ALLISON. I do not understand it to be the request of the Senator from Florida to displace the regular order of business.

Mr. COCKRELL. It does not displace anything, for it applies to the morning hour.

Mr. CALL. That is all.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Florida? The Chair hears none.

POST-OFFICE APPROPRIATION BILL.

Mr. ALLISON. Now let the appropriation bill be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897, the pending question being on the amendment submitted by Mr. PASCO to the amendment of Mr. WOLCOTT.

Mr. VILAS. Mr. President, I do not intend to occupy much time this morning. There are only a few observations that I wish to make. There are other subjects to be considered with this bill, and it would be unjustifiable for me to take much time in this discussion. This amendment is a very simple proposition in itself. It is a mere provision that those postmasters who would be payable under the appropriation for postmasters as the bill passed the other House may be paid out of the appropriation for clerks if the offices which they hold should be discontinued and the service then incorporated with some other office.

When the discussion took place the other day I stated that this was no enlargement of the power of the Postmaster-General. He has power, and always has had, to establish and to discontinue post-offices, to establish the methods of the administration of post-offices. But the Senator from Nebraska [Mr. ALLEN] professed great astonishment at that statement in respect to the power of the Postmaster-General and the fact that the law commits to him a very plenary authority over the postal service, and asked some questions which were highly extravagant, as if the Postmaster-General might establish a suboffice 400 miles away from the post-office at Omaha, or 50 miles away, and finally he worked himself up to some statement yesterday, I believe, of a thousand miles, as if the question depended on the distance, or as if an extravagant statement of the abuse of power made a difference from what a reasonable statement would indicate to exist. I answered that there was nothing in the law to prevent. There is not, except what was indicated at the time, that the law was made to be used reasonably, not to be abused in a manner which would perhaps subject an officer to impeachment.

The Senator from Florida [Mr. PASCO] took exception to the observation that the power to establish and discontinue post-offices has existed since the original institution of the general post-office in this country, and drew particular attention to the fact that, in the conclusion of the debate, the language used seemed to be that the power to establish stations had also existed. That has in truth existed as a matter of power, and I want to point it out. Although the first enactment was in the year 1862, by which the Postmaster-General was given in explicit terms authority to establish branch post-offices, he always has had it. It was but a new expression of a power which existed from the beginning of the Government.

I call attention to the first law on that subject which was passed by the Continental Congress in the year 1775. It probably is within the remembrance of the historical reading of Senators that when the general post-office was established in this country, it was committed almost without legislation to Benjamin Franklin to operate.

Mr. ALLEN. Will the Senator permit me to correct him now?

Mr. VILAS. Certainly.

Mr. ALLEN. The Senator denies having stated that the Postmaster-General could establish substations a thousand miles from the main office. I call attention to his language used in the debate of last Thursday.

Mr. VILAS. On what page?

Mr. ALLEN. On page 3485 of the RECORD, second column.

Mr. ALLEN. The question is, has he the power to send a man from a point 300 or 400 miles distant from where those people live to administer the affairs of their office?

Mr. VILAS. I suppose he has power now to send one a thousand miles.

Mr. VILAS. That is an entirely different thing from the other statement in regard to stations.

Mr. ALLEN. No.

Mr. VILAS. That I reaffirm, if it is necessary.

Mr. ALLEN. What I charge the Senator with saying, which he now denies, as I understand, is——

Mr. VILAS. I do not deny.

Mr. ALLEN. That the Postmaster-General has the power to establish a subpost-office a thousand or more miles from the main post-office, and send a clerk from the main office to that subpost-office to administer its affairs; and I was correct in that.

Mr. VILAS. The Senator from Nebraska was, as usual, incorrect, and can not see that he was. He is confounding two entirely independent statements. The statement in respect to the establishment of a substation was one thing. The other was with respect to the power of the Postmaster-General to appoint a postmaster; and it was said that the only limitation in the law is that the postmaster must reside within the district, but it does not say the appointment must be made of a person who was previously a resident of the district. So a postmaster might come from a considerable distance.

Mr. President, I am not denying the affirmations made that day. I am simply explaining that as a matter of power, which is all we were talking about, the law is so. Let me now recur for a moment—because there is the point of interest—to the original act, which was passed on the 26th of July, 1775. All that it said on this subject was:

That a postmaster-general be appointed for the united colonies, who shall hold his office at Philadelphia, and shall be allowed a salary of $1,000 per annum for himself and $340 per annum for a secretary and comptroller, with power to appoint such and so many deputies as to him may seem proper and necessary.

A little later, the next year, postmasters were excused from military duties by an additional law; authority was given the Postmaster-General to appoint two additional surveyors of the Post-Office and an inspector of dead letters; and it will be curious nowadays to note, en passant, that he was directed to preserve carefully, among other things, all "lottery tickets, notes of hand, and other valuable papers," etc.

Subsequently, in 1782, there was an ordinance passed, as it was called, "for regulating the Post-Office of the United States of America." Then authority was given to the Postmaster-General in these words:

He shall have full power and authority to appoint a clerk or assistant to himself, and such and so many deputy postmasters as he shall think proper, for whose fidelity he shall be accountable; each of whom shall reside at such place as the Postmaster-General shall judge best suited to maintain a due and regular transportation and exchange of mails.

When the Constitution had gone into effect Congress passed a simple act on the 22d of September, 1789, declaring—

That there shall be appointed a Postmaster-General; his powers and salary, and the compensation to the assistant or clerk and deputies which he may appoint, and the regulations of the Post-Office shall be the same as they last were under the resolutions and ordinances of the late Congress.

At a later time an act was passed, in 1792, in which it was provided that there should be established at the seat of Government of the United States a general post-office; that there should be one

Postmaster-General, who should have authority to appoint an assistant and deputy postmaster at all places as such should be found necessary.

That was repeated in 1794, and authority was given the Postmaster-General to make regulations to govern such deputies as he chose to appoint.

Without stopping to elaborate or point out the gradual extension in our law of that idea, it has been continued from that time to this, simply a grant of authority to the Postmaster-General to maintain a general post-office—that was the original act—and to appoint such deputies in that general post-office as he saw fit and have them reside anywhere in the United States he saw fit to direct. Gradually there have been slight qualifications of that power; but in substance the power has remained ever since. He could make a deputy and tell him to do what he wanted done. So when the law came into effect which authorized the establishment of branch offices by terms, it added nothing whatever to the authority which had previously existed and merely recognized a practice which, I suppose, had some time before been in operation under the Postmaster-General's power to make a post-office and to appoint a deputy postmaster, or to establish what was afterwards called a post-office, and appoint a postmaster thereat, and fix the duties; to establish a branch office, a power originally involved in the power to establish a post-office, as the greater includes the less.

The Senator from Florida said yesterday that if the amendment proposed by the Senator from Colorado were to be adopted he was satisfied that the word "station" or "substation" would appear in the legislation of the country for the first time in connection with the Post-Office Department. Mr. President, if that were true it would not alter the question, because it would be merely the application of a name which has grown up in the postal service for one of the offices of the Department which was permissible under the old law, and which the act of 1862 called a branch post-office. The more convenient name "station" has been adopted. But the Senator from Florida is quite mistaken in respect to the literal fact. In the law of 1889, the act of March 2, there is provision made for superintendents of stations, ten classes, graded from $1,000 up to $2,000.

Mr. ALLISON. From what does the Senator read?

Mr. VILAS. From page 200 of the Postal Laws and Regulations. Then there is provision for clerks in charge of stations, nine classes. That is a mere recognition of the name which has been given to certain convenient agencies for the discharge of the postal service that had been created by the Postmaster-General in the exercise of the power which, as I said, had existed since Benjamin Franklin was made the first Postmaster-General and invested in propria persona with all the functions of the postal service, pretty much all being left to his discretion.

Mr. President, the Senator from Nebraska—I am sorry he is absent—made the discovery that this blessed system, upon which he expatiated somewhat, in which the people are so much interested, and which is of such great comfort to them, which is their system above all others, is, after all, thus but a mere despotism, and everything that has been done under the power of the United States has been the exercise of a despotic authority against which his very nature rebels. I suppose he may open out to his Populistic audiences upon that subject in a way that may excite terror in their minds; but, after all, we have been having what he has recognized all the time, the very best postal service, and by reason of this very power being vested in the Postmaster-General. It is one of those services which it will be impossible to control or operate if there is to be established by law various grades down through the 150,000 people, more or less, who are at work in it, points of resistance, points where authority may be set up against the Postmaster-General. He must have a complete, plenary, and despotic, if you please, authority over that service. He is obliged to collect a revenue of $70,000,000 a year, 2 cents at a time mostly, and it requires the full vigor and strength of authority in every branch of that service to conduct it well.

For that reason, if this amendment be not adopted, I hope there will be no such thing as interference in this bill with the authority which has existed so long and with so much advantage to the country. If we do not choose to permit the Postmaster-General to have money to expend for clerks according to his desire, at least let us not interpose upon an appropriation bill some of these amendments which would be detriments and obstructions to the good service of that Department; such an amendment as that proposed by the Senator from Nebraska, such an one as proposed by the Senator from Florida, that the Postmaster-General shall not make a substation except within the corporate limits of a city or town. Have we heard any complaint from the State of Massachusetts because he has made the post-office at Boston extend the benefits and convenience of that service over a tract of country with a radius sufficient to comprehend the outlying towns? On the contrary, from every quarter the service so established has been praised as an improvement and a benefit. That is all that is sought by the Postmaster-General in this very measure which he recommends.

Let me call attention to the points in which he has summed up in a note to the chairman of the Post-Office Committee of the House of Representatives what he considers the advantages of this amendment, which he asks merely to enable him to exercise easily a power he now possesses. He is not seeking a new power; not seeking to do a new thing; he is seeking to make no radical change; but only, as he says, discreetly and with prudence and with moderate expense, to exert a power which has always been possessed by that Department in some few and proper instances wherein benefit to the service will result from it. Thus he says:

Summing up the advantages of such consolidation of offices, I would say that it—

First. Strengthens and improves the postal organization by introducing through a natural and easy development of the existing system competent local supervision, responsibility, and control;

Second. Lessens by a large amount the necessary expenditure for the postal service, with the certainty that this decrease will gradually swell into millions of dollars annually;

Third. Improves and increases the postal facilities of the people, which, in turn,

Fourth. Improves and increases the revenue of the Post-Office Department.

Fifth. Insures a prompter and more intelligent accounting for public funds with less bookkeeping, less correspondence, fewer requisitions for supplies, and less call for inspection from the Department.

Sixth. Calls for no legislation, and no increase of postal officers.

Seventh. Increases gradually the number of offices and officials under civil service, and thus, among many advantages, insures a better and more businesslike management.

Mr. President, this is so plain a proposition that the chairman of the Committee on Appropriations, when it was first proposed by the Senator from Colorado, expressed his willingness to accept it as an amendment to the bill without discussion, and probably it would have been so accepted, but the Senator from Maryland [Mr. GORMAN] uncorked the bottle and let out the genii of opposition to civil-service reform. Thereupon it seems to be understood a change of system in the civil service has arisen, some proposed extension of the classified service to a great extent, and it seems that that alarm is to stand in the way of an improved service. It would have been promptly accepted but for that. It may be that there is something in civil-service reform which challenges the instant uprising of this body and is sufficient to defeat any measure if a prejudice like this can be excited. But I shall not debate civil-service reform. I am only speaking of this question as an improvement to the civil service. I do believe that among the greatest forward steps which have been made for a good many years in the civil service has been the gradual step of extension of civil-service reform. Not that I like them all—its features as practiced—not that I would not improve and change them very much, if I could have my way with respect to it—at least I think it would improve them—but what has been done is a step in the right direction, and I trust it will not be retraced except as it may be reviewed for the purpose of a better and more advantageous step forward.

I shall not debate the civil-service question at all. I have never been a debater on that subject. It has been much exploited by some persons who have not caused so much benefit as perhaps would have been caused by the advocacy of others, while it has also had the help of the best.

Civil-service advancement in this country owes its success to the man who is now at the head of this Government. Without his firm, steady, unflinching, and honest devotion to it there would have been, in my judgment, for a long period of time no very great and substantial, no enduring gain or advancement in the cause of civil-service reform.

Mr. President, I do not care to take any more time.

Mr. ALLEN. I should like to ask the Senator a question before he sits down.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. VILAS. I have already yielded the floor.

Mr. ALLEN. We have had repeated assertions upon this floor as to what civil-service reform has accomplished, but there has not been a Senator who has debated that question who has pointed out one particular wherein the present service excels the service as it existed twenty-five years ago.

Mr. VILAS. Mr. President, I think that the Senator himself indicated pretty plainly to most of us in what was said yesterday one feature of very great gain. He said that there had been abuses—I am not stopping to discuss the subject—in the reduction of Republican clerks during this Administration. Under the old system, if it had been in existence, we should have seen in 1885, in 1889, and again in 1893 such a swarm of applicants for these thousands and thousands of offices here in Washington as would have completely, or almost completely, obstructed the performance of the public business. We saw enough of it to retard the performance of that business for months; and it would come with the recurrence of every change in the political administration. Senators would have been obliged to listen, as they are now in greater or less degree, to the entreaties and supplications of those who were torn from office by the ruthless hand of partisanship or those who were seeking to drive out somebody else in order that they might get in for a short time.

If nothing else had been gained by civil-service reform but the decency and cleanliness of political conduct on a change of Administration, it would be enough to constitute a great triumph. This is, however, but a single feature of what has been gained, not all or all that might be. Not everything can be made perfect in this world, and least of all those things which are connected with politics. The relief which has been enjoyed by Senators and Representatives, not to speak of those intrusted with the offices of the Government, is in itself a second item of great consequence. I shall not stop to add more, because I am, as I said, not inclined now to enter into or to take the time of the Senate in a debate upon the general principles or value of civil-service reform. These are established in this country. Whatever anybody may say in respect to them, there is no one who will now propose in Congress with any reasonable expectation of success the repeal of this beneficent system, so excellent not in what it has yet accomplished alone, but in its promise of what may be effected in the end.

Mr. ALLEN. Mr. President, I have listened very carefully to the Senator from Wisconsin [Mr. VILAS] with the full confidence and hope that he would say something or point out something that had been accomplished under so-called civil-service reform which did not exist before its introduction; and yet the Senator, like those who preceded him on this subject, has delivered a Fourth of July oration, if I may classify it as such, on the beauties, if not the holiness, of civil-service reform, without ever undertaking to point out an instance in which it had bettered the service. I did not ask the Senator to tell in general language of the beauties of this system of which he is such a strong advocate, but I wanted him to point out the cold facts as they exist, wherein it differs materially from the system that existed before its introduction, and to give the particulars, without any comment, in which it is an improvement over the system that formerly existed, but he has failed to do so, and, in my judgment, can not do so.

I do not propose, Mr. President, to consume the time of the Senate this morning at any considerable length in the discussion of this matter. I discussed it yesterday quite as fully as I desire to do, and I realize that others wish to be heard upon the bill before the vote is taken; but there are a few things which I believe ought to be said at this time and which I will say.

In the first place, there never was a tyrant upon the face of the earth of whom we have any knowledge or any history who did not believe himself superior to all other persons in the government of which he was a member. The very first argument of a tyrant is the one-man power. The next argument of a tryant is unchecked and unguarded discretion in the man who is called upon to discharge a duty. The third step of tyranny is to centralize power in the hands of a few, if not one, and deprive the masses of the people of the right to exercise power. What would become of this Government, speaking of it as a Republic, a government in which the people are supreme, if the principle announced here by the Senator from Wisconsin and the Senator from Colorado and the Senator from Massachusetts were to prevail? Ninety per cent of the people of this country would be practically disfranchised. The practical power and management of their Government would be taken from them and would be placed in the hands of those who have the hardihood to assert that they and their class are superior in point of education and superior in the qualities which are essential properly to rule, while the masses are inferior in those respects.

I am not myself averse to a sensible and reasonable civil service. I wish to see established a service which will permit every citizen of the country to participate in the affairs of his Government. I believe the only safety to this Government is in diffusing the political power, the official power of the Government, and in keeping it among the masses of the people rather than to centralize it in the hands of a few. Here we are to make (and the Senator from Wisconsin thinks it is something of which I ought to be ashamed, that I did not know it before) the Post-Office Department supreme and tyrannical and dictatorial in this country, and the people themselves have nothing to say as respects their post-offices in the various localities where the offices are situated. The Senator said it has existed since the formation of the Government. If that is true then the time has come when it should be changed. If I had it in power I would say that no post-office which has been established should be altered or changed except by the consent of Congress, the direct representatives of the people. The very element of legislation is either to grant power where it does not otherwise exist or to curtail power where it is supposed to be possessed in excess of the requirements of the occasion or the requirements of the proper administration of a particular office. That is the purpose of legislation.

The Senator from Wisconsin would change all that. The Senator holds up his hands here and says that the system which has been inaugurated by the present occupant of the White House is one that can not be impeached or questioned among intellectual gentlemen. Of course it may be questioned by groundlings and those who are not intellectual. But the system which I want and which I insist upon is one which shall recognize every citizen of this country; that shall keep the power of this Government, national and State, in the hands of the people, and that can be practically and efficiently administered in the interest of the masses.

Unfortunately, Mr. President, the Civil Service Commission is a close corporation. There is another evidence, too, of the unfitness of this system. A Senator or a Representative in Congress can scarcely obtain the truth from one of the Departments, unless it sees fit to give it to him. It is a struggle here half the time to get the truth from one of the Departments about anything. Even a Representative of the people is to be misled and put off with evasive answers as to information which vitally effects the interests of the people, and as to statistical information which is to be found in the Departments. So we can not get the questions which are being put to applicants under the civil-service law at this time, but we can get a few of those which have been used in the past.

Take the State of Tennessee, Mr. President [Mr. HARRIS in the chair], which you ably in part represent and have so represented in this Chamber for almost a quarter of a century. Take a cross-roads post-office at a town where there is nothing but a little store and a blacksmith shop and where the office is worth eighty or a hundred dollars a year, and how much benefit do you suppose it would be to the people of that vicinity to require the occupant of the local office to answer correctly these questions prescribed by the Civil Service Commission?

Question 1. Add the following, placing the total at the bottom:

742,155.74—

It does not say whether it is apples or dollars or what it is—

742,155.74
429.39
6,873.68
397.49
1,956,374.20

If the old man who has been delivering the mail regularly and to the entire satisfaction of the people of that vicinity for a quarter of a century failed in adding this sum correctly he would be disqualified to hold the office, and some boy who had left school three months before would be eligible.

Mr. GORMAN. If the Senator from Nebraska will look at the regulations, he will find that no resident of the United States over 45 years can take the examination. All persons beyond 45 years of age are excluded.

Mr. ALLEN. I wish to call attention to that fact.

Mr. BATE. And all persons over 35 years of age are excluded from the Railway Mail Service.

Mr. ALLEN. Why not make it 25 years of age?

Question 2. Express in figures one thousand eight hundred and eighty-nine.

Question 3. In the fiscal year ended June 30, 1888, the postal clerks employed on railroads traveled 122,061,104 miles and those employed on steamboats 1,767,649 miles. How many miles more were traveled by railroad than by steamboat?

If the old man could not answer that question, although he is perfectly competent to address envelopes and wrappers and keep a small account of the service of the office, and although he might be able to figure up a sum of three or four hundred dollars, if he could not make the subtraction accurately he would be ineligible to hold the office.

Give work in full.

Question 4. If a railway-mail clerk earns $800 in a year, how much will he have left after paying his board at the rate of $16 a month?

There are a great many fourth-class postmasters in the United States who know absolutely nothing about the Railway Mail Service. It is not essential to them, and it would be of no value to them if they did know it. They would simply be loaded down with a lot of useless and worthless mental baggage. Yet he must be required to answer these questions.

Question 5. If a railway-mail clerk spends 10 cents a day for street-car fare, how much will he spend in six months of 30 days each.

That is a very important question. Suppose it had said if a railway clerk spends 25 cents a day for cigarettes, how much would he have left at the end of the month? I suppose, as a matter of fact, there is not much left now of the salary of an ordinary railway-mail clerk. The work, according to this book, must be given in full.

SIXTH SUBJECT—GEOGRAPHY.

Question 1. Name two States crossed or in part bounded by each of the following-named rivers, and give the capital of each of the States named: Connecticut, Delaware, Ohio, Mississippi, Missouri.

What earthly bearing have such questions upon the fitness of a man who is running a little fourth-class post-office in the country 15 or 20 miles from any large town? Yet, because they are not able to answer those questions, a certain percentage of them—I will not now undertake to say how many, but I think ninety-odd per cent—are to be disqualified from holding those offices, and some man or boy who has made a special study of matters like these, who is fresh from school where it has been instilled in him for years, is eligible to take their places, and the people of the vicinity are to have nothing to say about the administration of the office.

Question 2. Name the State in which you live and the States or foreign countries (or bodies of water which form the boundaries on two sides of that State.

Question 3. Name two important cities on each of the following-named rivers and lakes, and give the name of the State in which each of these cities is situated: Hudson River, Ohio River, Mississippi River, Lake Erie, Lake Michigan.

Question 4. Name three cities on or near the Atlantic Ocean, one on or near the Gulf of Mexico, and one on or near the Pacific Ocean.

Question 6. Name the State of the Union that extends farthest east and the State that extends farthest west, and name the capital of each.

Then comes the subject of railways and other systems of transportation in the United States:

Question 1. Name the three principal cities of your State and the principal railway lines (three, if there be that many) centering in each of them.

Question 2. Name the principal railways (not less than two) passing through or terminating in your State, and give five of the principal connections (roads which are crossed by them or terminate in the same city with them) made by either or both of them.

Question 3. Name the roads which together form the most direct line from your nearest railway station (give name of that station) to the largest city in any adjoining State. (Give name of the city and of the adjoining State.)

Question 4. Name the road or roads connecting two of the most important cities in your State, and name ten of the largest cities (or important towns, if there be not ten cities) situated on those roads.

Question 5. Name the two most important railroad centers in each of the States of your railway mail division (omitting your own State) and the road or roads or steamboat lines connecting each of those centers with the capital of your State.

There are other questions of a similar character which applicants are required to answer. It may be said that the questions which I have quoted do not apply and would not be applied to an applicant for a position in a fourth-class post-office. We do not know what questions would be put by the Civil Service Commissioners to applicants for those offices. But we do know that under the statutes and under the rules prescribed by the Chief Executive and adopted by the Civil Service Commissioners they have absolute power to prescribe the questions which shall be answered by the applicants, and a failure to answer them renders those persons ineligible to those offices, which many of them have administered for almost a quarter of a century.

All this vast body of citizens who have borne the heat and burden of the day in their communities and in their States, who have given of their means to support this Government, thousands of whom have rendered service to the Government in its hour of danger—all of those men are to be set aside and ignored and practically disfranchised by the adoption of these silly, nonsensical rules. By that means the people are to be isolated from their own post-offices, from sympathy with the postmaster, who is now a member of their own community, and a stranger with no sympathy for them and not amenable to them under any circumstances or any conditions is to be sent among them to administer the affairs of an office which is purely local, and which is, in fact, their own.

My attention is also called to the fact that no person beyond 35 years of age—I have not examined the regulations and the rules, but I take it to be true—is eligible to the Railway Mail Service. The applicant may have every merit and every qualification to commend him; he may have come from a long line of illustrious ancestors who rendered the country service in its various stages of development; he may be perfect physically and perfect intellectually, and yet, because he has passed the line of 35 years of age, he is absolutely disqualified by that fact from entering this particular branch of the service of his country.

I am also reminded of the fact that when a person reaches 45 years of age he is ineligible to any branch of the service. I do not know whether that be true or not. The Senator from Wisconsin can correct me if it is not true, and if he does not correct me I will assume that it is true.

Mr. VILAS. I did not observe the previous statement of the Senator from Nebraska.

Mr. ALLEN. I said that no person can enter the Railway Mail Service who is over 35 years of age.

Mr. VILAS. I believe that is the age.

Mr. ALLEN. Regardless of his qualifications.

Mr. VILAS. Does the Senator from Nebraska object to that rule?

Mr. ALLEN. I do most strenuously object to it.

Mr. VILAS. I should like to ask the Senator whether he thinks those offices are created for the benefit of the officeholders or for the benefit of the people of the United States?

Mr. ALLEN. They are created for the benefit of the people of the United States. That is just what I have been contending for. But the Senator from Wisconsin would have them created for the benefit of the incumbents of the offices. He would say that of all the 70,000,000 people in this country no man or woman should be eligible to the Railway Mail Service if she or he has passed his or her thirty-fifth birthday, regardless of his or her intellectual or physical qualifications.

Mr. VILAS. Does the Senator from Nebraska think there ought to be no age fixed?

Mr. ALLEN. No age should be fixed so long as the individual has the physical and mental qualifications to discharge the duties. Why should there be an age fixed? Why not examine the applicant and inquire into his physical and his mental qualifications to discharge the duties of a particular office, and if he is found competent I would keep him there until he is as old as Methuselah, unless in the meantime he became incompetent or exhibited lack of memory in consequence of advancing age. Everybody beyond the age I have stated is disqualified.

Then we come to the other question which I put to the Senator from Wisconsin, and I am sorry to see that he is about to leave the Chamber at this time. I hope the Senator will remain.

Mr. VILAS. I will not leave if the Senator from Nebraska desires to ask anything of me.

Mr. ALLEN. Is it true that all persons who have passed the age of 45 years are ineligible, under the civil service, to any branch of the mail service?

Mr. VILAS. They are ineligible to new appointments.

Mr. ALLEN. To new appointments?

Mr. VILAS. Yes; that is the regulation adopted, because it was supposed desirable to secure in office persons of vigor and capacity, and not because the offices were designed for the benefit of those who seek them.

Mr. ALLEN. The Senator says that because it was desirable to secure persons of vigor, physical vigor, I suppose he means, and mental vigor as well, an arbitrary rule has been laid down. Yet a youth who is so deformed physically that he has no chest development whatever, that he has no physical vigor whatever, may enter the service if he is under 45 years of age, while one who may be his superior in every conceivable respect, but who is over 45 years of age, is prevented by an arbitrary rule, which has the force of a statute, from enjoying the fruits of one of the offices of his country. I am not in favor of civil service of that kind.

Mr. VILAS. I should like to call the attention of the Senator from Nebraska to the outrageous limitation in the Constitution of the United States which prohibits a man of the most brilliant powers, of the utmost accomplishments of education, of the greatest developments, even so great a man as William Pitt was at 24, from sitting in this august body.

Mr. ALLEN. I see nothing whatever in the argument. The only difference between the framers of the Constitution and the framers of the rules of the civil service is that the first believed it required a little age and mature judgment to make a man eligible to the Senate, while the Civil Service Commissioners look upon age and maturity as incapacitating a person for holding an office. That is the difference, and it is all the difference in the world. The framers of our Constitution said that a man must have reached a certain number of years before he is eligible to the House of Representatives, and another certain number of years before he is eligible to the Senate, and it was placed expressly upon the ground that these two bodies call for the judgment of men of mature years, men of some observation. But here the Senator from Wisconsin and his coadjutors upon the subject of civil-service reform say to us that fully one-half of the people of the United States, by virtue of having reached the age of 35 years, are disqualified for holding certain offices, and that all persons who have passed 45 years of age, regardless of their physical and mental vigor, are disqualified from holding any office in that branch of the Government which employs 150,000 people.

Mr. VILAS. Yes; even excluded from being drafted into the military service.

Mr. ALLEN. I have never seen but one war, and I think the Senator from Wisconsin has seen only one, although he is my senior in years, but I observed in that one war that when the Government was engaged in actual hostilities the exemption as to service was taken from the statute books. It was not observed. There was a regulation at the time that a man must be 18 years of age or over before being eligible to the military service. Yet, Mr. President, you know and every Senator present who has studied the history of this country knows that the great body of the fighting men on both sides was composed of men who entered the service under 18 years of age. The men who were brought in fighting contact on both sides were young men. The minimum and maximum restrictions were both removed. It is a good thing in time of peace, when there is no war and no prospect of war, to say that a man can not be drafted who is over 45 years of age and yet to wipe away that restriction in the event of war and draft him or admit him to the enlisted Army.

If this damnable course can be pursued, what is there to restrain the President of the United States and the Civil Service Commissioners from saying that no man who does not come from the Commonwealth of Massachusetts or the State of New York or the State of Wisconsin shall be eligible to any branch of the civil service? The same authority by which the executive department restricts on account of age a full-fledged, native-born American citizen who has reached the age of maturity would give the officials the right to restrict the particular territory from which the applicant should come. Yet the Senator from Wisconsin says this is democracy. Oh, if Hamilton could rise from his grave

and meet the distinguished Senator from Wisconsin, there would not be a hair's breadth of difference between them in their opinions upon this or any other great political question of which I have any knowledge.

Mr. VILAS. Will the Senator from Nebraska allow me for a moment?

Mr. ALLEN. With pleasure.

Mr. VILAS. Yesterday the Senator had Jefferson's ghost to antagonize the Senator from Wisconsin, and now Hamilton's is on his side——

Mr. ALLEN. To embrace the Senator from Wisconsin.

Mr. VILAS. I should like to remark to the Senator that the principles of civil-service reform in this Government had their origin you might almost say, with Mr. Jefferson. It was Mr. Jefferson, the first Democratic President, the founder of the Democratic party, who laid down the rule which excluded politics from consideration as an element that ought to control appointments. Is he honest? is he faithful? is he capable? were the rules which Mr. Jefferson laid down, and he himself refused to make removals generally from office, so that hardly a couple of dozen altogether was the number he made, finding when he took possession the entire offices of the Government in the possession of partisans of the other side.

Mr. HOAR. Mr. President——

The PRESIDING OFFICER (Mr. JONES of Arkansas in the chair). The Senator from Massachusetts appeals to the Chair. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. ALLEN. Certainly.

Mr. HOAR. Will the Senator from Nebraska allow me to make a little addition to the truth of history as to what is said about Mr. Jefferson? Mr. Jefferson wrote to Levi Lincoln, of Massachusetts, a citizen of the town where I reside, and afterwards his Attorney-General, that he did not find when he came into office an officer in the service of the Government, or an officer in the Army above the line who entertained the opinions of the Republican party, which was then the name of Mr. Jefferson's party, and that he understood that the Federalists had acted on the principle of excluding the friends of Mr. Jefferson's opinion from office, and he wanted to have a list sent to him of the persons who had been so appointed in the New England States by the Federalists, and said: "If you will let me know who those persons are you may leave the rest to me." He added that he hoped to restore the proper proportion and balance of officeholders to his party, and then he said: "I hope the time will come when the only question which can be put about the appointment to an office is: Is the man honest; is he capable; is he faithful to the Constitution?" So Mr. Jefferson's conception was rather a dividing equally of the spoils, if you call them spoils, between the two political parties than to make appointments to civil office without any consideration of political opinions. President Washington, if I may add one word, because I sympathize entirely with the Senator from Wisconsin, and I have no sympathy with the argument of the Senator from Nebraska——

Mr. ALLEN. I have never known the Senator from Massachusetts to have any sympathy with me or my arguments.

Mr. HOAR. I hope that I shall never agree with the Senator's arguments if he continues to pursue the line which he has been following, though I have great respect for him personally, I beg him to understand.

Mr. ALLEN. No doubt.

Mr. HOAR. President Washington said that he never should appoint an important officer in this Government whose opinions were opposed to that of his Administration.

Mr. VILAS. I think one word should be said in reference to what the Senator from Massachusetts says about Mr. Jefferson. He did say that he thought there ought to be something like an equilibrium in the officeholders, but that was in order to maintain and affirm the continuance of the principle. It was to prevent just what has been said with so much justice of the way in which the party to which the distinguished Senator from Massachusetts belongs dealt with civil-service reform; that they always stand up for it when they are out and turn the Democrats out when they come in, as they did with the Railway Mail Service in 1889. Mr. Jefferson insisted upon the equilibrium, not as an absolute rule, but as a kind of guarantee for the maintenance of those principles of appointment which he advocated and set forth and in which he did exclude the mere conception of politics as a reason for removal or for the prevention of a civil appointment. I am obliged to the Senator from Nebraska.

Mr. HOAR. If the Senator will pardon me, he speaks about the Railway Mail Service. The men who were turned out of the Railway Mail Service were Democrats, I suppose?

Mr. VILAS. I so understand.

Mr. HOAR. How did it happen when the Administration of President Harrison came in that they found all the clerks in the Railway Mail Service Democrats, the honorable Senator from Wisconsin having been Postmaster-General succeeding a Republican Administration? I do not think the President appoints the railway-mail clerks, but somebody must have turned out all the Republicans he found and put in Democrats.

Mr. VILAS. The Senator from Massachusetts has made a strictly partisan answer on that subject, without the slightest knowledge of the facts.

Mr. HOAR. I have not made an answer. I ask the Senator a question.

Mr. VILAS. I say it is characteristic of the Senator only when he exercises his partisan privileges.

Mr. HOAR. I asked the Senator a question; I did not make an answer at all. I asked him how it happens that all those Democrats were in when the great civil-service reformer now addressing the Senate was Postmaster-General, and were found there to be turned out by Harrison?

Mr. VILAS. I will state to the Senator what the facts were, and when the Senator hears them he will see that the implication in his question is a very unjust one. I am sure he will see it. Here happens to be at hand a statement of the appointments in the Railway Mail Service made during the time I occupied the office of Postmaster-General, and I will ask the Senator's particular attention to it. The whole number of clerks on the 7th of March, 1885, was 4,356. During the three years nearly—not quite, two years and six or seven months—up to the time of this report——

Mr. ALLEN. Would the Senator from Wisconsin just as lief read that after I conclude my remarks? I shall conclude in a moment or two.

Mr. VILAS. Will the Senator kindly allow me just to answer the statement of the Senator from Massachusetts, and then I will be done with the subject? The number of clerks by increase of offices by the growth of the service was only 95, making a total on the 31st of October, 1887, of 4,851. By resignation, every one a voluntary resignation and no compelled resignations, there had been appointed to fill vacancies 1,309. There had been removed for disciplinary causes 805. There had been removed upon proof of gross partisanship in service, abusive action, 383, in the three years, and no more; so that at that time there were in the service 2,271 of the clerks who were in the service when I went into office. There had been added, including all the new appointments, only about 2,500.

Mr. HOAR. Those were all Democrats?

Mr. VILAS. I presume so; they were new appointments. Now, this required nearly three years of time, and in less than two months between 1,900 and 2,000 of them were turned out in 1889. No wonder that there is some difficulty. I have always felt that difficulty in having friends on our side in politics stand by the civil-service reform as it deserves.

Mr. ALLEN. For what cause were the 1,900 or 2,000 turned out?

Mr. VILAS. I suppose they happened to be there and were in the way.

Mr. ALLEN. I thought the civil service was efficient and kept a man in office.

Mr. VILAS. Oh, no; the Senator from Nebraska must know that there is not in the law the slightest qualification of the power of removal. Every officer who possesses the power of appointment possesses, notwithstanding the civil-service law, the same arbitrary and plenary power of removal.

Mr. ALLEN. A Democrat can remove a Republican and put in a Democrat?

Mr. VILAS. Precisely.

Mr. ALLEN. And vice versa?

Mr. VILAS. You add something. A Democrat can remove whom he will.

Mr. ALLEN. Yes; and put in?

Mr. VILAS. As to putting in, he is obliged to select from a list of eligibles when the offices are in the classified service.

Mr. ALLEN. But suppose on the list of eligibles there happens to be 1 Democrat and 15 Republicans, can he put in the one Democrat?

Mr. VILAS. How, sir?

Mr. ALLEN. Suppose upon the list of eligibles there happens to be 1 Democrat, and the Cabinet officer happens to be a Democrat, can he skip over the 15 Republicans and put in the Democrat?

Mr. VILAS. The Senator knows, I suppose, that when a vacancy occurs a notice of the vacancy is given by the Department officer to the Civil Service Commissioners and they certify to that Department officer three names, accompanying them with their examination papers, and the choice will be made from those three names, unless he rejects the three, which he is at liberty to do.

Mr. ALLEN. And he can reject all?

Mr. VILAS. Yes; and call for a new certification.

Mr. ALLEN. And then he can come to a single Democrat and appoint him?

Mr. VILAS. No; the power of rejection, I believe, is limited. On the second certification he must make a choice.

Mr. ALLEN. As a matter of fact, he does not, and the Senator from Wisconsin knows it.

Mr. VILAS. Oh, I think on the contrary he invariably does

would erect upon this continent an aristocracy in the adminis-

It is not agreeable to go into statistics, but take the matter of

Mr. VILAS. Oh, I think, on the contrary, he invariably does. I do not know—I do not recall a single instance when I was in the Department—of a failure to select from the original certification.

Mr. ALLEN. If I were at liberty, I have the names and places, and I can now point to two instances where there has been a complete and absolute violation of the rule in two months.

Mr. TELLER. Will the Senator from Nebraska allow me to make a suggestion?

Mr. ALLEN. Yes, sir.

Mr. TELLER. In the former Administration of Mr. Cleveland, when the civil-service law was in force as it is now, the head of the Pension Bureau stated before some committee that out of 85 clerks who had been appointed, either 82 or 83 were Democrats.

Mr. VILAS. That may have been before they were brought within the classified service.

Mr. TELLER. Oh, no; the classified service took effect before the Democratic Administration.

Mr. VILAS. But there was a very great number of persons then outside of the classified service who are now within it.

Mr. TELLER. They were all within the classified service, and having had some experience in that Department, it has been to me a very great enigma how they could possibly do that thing.

Mr. ALLEN. When interrupted by the very interesting colloquy between the Senator from Massachusetts and the Senator from Wisconsin, I was speaking of the fact that there would be no difference whatever between the opinion of the Senator from Wisconsin and the opinion of Mr. Hamilton if it were possible for those two gentlemen to meet and converse on this occasion. That is true. The Federalism of Hamilton is the Democracy of VILAS. There is not the shadow of a distinction between them.

Now, the Senator says I likened him to Thomas Jefferson. No, Mr. President, I was not guilty of a breach of propriety so great as that. I said yesterday, and I repeat, that if Mr. Jefferson could be taken from his coffin and placed in the Senate Chamber and listen to the speech of the Senator from Wisconsin and the warm words of centralism and tyranny embraced in that speech he would be utterly amazed and utterly astonished that the Democracy of this age could have so degenerated from the Democracy of his age. And yet Jefferson has been made to do duty here more frequently than any other statesman of whom I have ever heard or read. Whenever it is essential to entertain these galleries or to entertain the Senate, Thomas Jefferson is trotted out in the Senate Chamber like a trick mule at a circus and made to perform all kinds of tricks for the entertainment of those present. I have heard him charged in this Chamber (and I want in my feeble words to defend his memory) with over one hundred inconsistencies on public questions. Yet I do not suppose there is a schoolboy who has read a common-school history of this country who does not know that Thomas Jefferson was the great Democrat of this country in his age, that he was thoroughly in accord with the principles of a democratic or republican form of government, that he believed then and taught the doctrine that the power in this country should rest in the people and be diffused as far as possible among all classes of people. However, the Senator from Wisconsin, undertaking to square himself with Jefferson and make himself a Jeffersonian Democrat, says that really Mr. Jefferson was the first great civil-service reformer in this country. Mr. Jefferson not only preached, but he practiced the doctrine that to the victor belongs the spoils.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation.

Mr. ALLEN. I ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Nebraska asks that the unfinished business be temporarily laid aside that the Senate may continue the consideration of the bill now before the Senate. The Chair hears no objection, and it is so ordered.

Mr. ALLEN. Mr. President, no person taught in plainer language than Thomas Jefferson the doctrine of rotation in office. It was understood among the framers of our Constitution and the fathers of this Republic that the Government would be made secure by placing responsibility upon every citizen. It was not supposed at that time that within less than one hundred and thirty years from the laying of the foundation of this great Republic a class of beings would present themselves who would claim superiority in all respects, and who would claim the right to rule to the exclusion of the masses. It was a Republic, sir, and a republic means that every citizen, naturalized and native, who lives upon the soil of the country where it exists has an equal right to participate in the administration of its affairs.

Now, the Senator from Wisconsin would change all that. He would erect upon this continent an aristocracy in the administration of affairs of the Post-Office and in the administration of every other branch of the Government. He would exclude one-half if not two-thirds of the population of this country from participating in the affairs of their Government. Yet when the Senator from Wisconsin (I regret that he is now out of his seat, and I shall not say as much as I would if he were here) comes to the question of a Democratic Administration turning out Republicans and a Republican Administration turning out Democrats he wants to hedge a little; he does not meet it with his usual frankness and fullness.

The truth is, Mr. President, that offensive partisanship was invented in 1885 for the express purpose of turning out a lot of Republicans who were holding office under the civil service. What does offensive partisanship mean? Has any man ever defined what constitutes an offensive partisan? Because a person holding an office is not in sympathy with the Administration he is an offensive partisan. That is all it means, and that has been held sufficient to turn out persons occupying positions under the civil-service law, notwithstanding they supposed themselves protected by that law, enacted for the benefit of the public service of the country. The truth is that Democrats are constantly turning out Republicans by the hundreds and thousands in violation of this law. A Republican Administration turned out Democrats by hundreds and thousands in spite of the provisions of this law, and in spite of the Civil Service Commission. I have had occasion to show during this discussion that during the present Administration when one member of the Civil Service Commission saw fit to entertain and express an opinion of his own that did not accord with the Chief Executive he himself was politically decapitated.

Now, Mr. President, one word more and I will leave this bill finally, so far as I am concerned. I do not want to be misunderstood on the question of a sensible administration of the service of this Government. I believe that men should be chosen with a view of their fitness to occupy important positions, but I do not believe that a man must have been a graduate of Yale or Harvard or some other college or university to hold a one-hundred-dollar fourth-class post-office in the State of Nebraska or the State of Maryland or the State of Tennessee. I want a man chosen for his fitness, not only his fitness in a technical educational view, but his fitness of head, his fitness of heart. He must be in perfect sympathy with the principles upon which our Government is founded. He must be a patriotic, law-abiding citizen, reasonably competent to discharge the duties of the office. However much our Democratic and Republican brethren here and elsewhere may say they are in favor of this so-called sham civil-service reform, we know and the world knows that it is a mere false pretense which is never or at least scarcely ever observed. Sir, I believe that if my party is correct in the principles it advocates, and if it wins the great contest in this country for the mastery of the nation, from Chief Executive down, its worthy, its intelligent, and its competent membership should reap the reward that follows such a victory.

Mr. HOAR. Mr. President, I do not wish to take much of the time of the Senate in discussing this question, but I should like to say one or two words in the interest of the truth of history.

I have been a very humble and a very constant supporter of the policy of civil-service reform from the beginning. I made a very full and thorough discussion in Massachusetts of the subject in 1876 when the question was new, and I think I have known the history of the reform perhaps as well as anybody.

Now, the Senator from Nebraska wants to know what good has been accomplished, what there is better to-day under our Government than there was twenty-five or thirty years ago. I can tell him, and I think every Senator within the sound of my voice and every intelligent observer of the course of American political history will agree to what I say.

Under the old Democratic régime a large portion of the citizens of this country were inexorably excluded from all office under the Administration of the country. Mr. Jefferson's famous sentence, which has just been quoted and which has been so often quoted without its connection, "Is he honest, is he capable, is he faithful to the Constitution?" had given way to the single rule of selection, "Is he faithful to slavery?" As was well said by Mr. Sumner from his seat in this Chamber, neither George Washington, Benjamin Franklin, nor Thomas Jefferson, with their known opinions on that subject, could have been appointed to the humblest office under the Democratic Administration of the Government.

I think that excluded a large portion of the citizens of this country from an honorable public service, quite as much as a distinction based on intelligence or on ignorance. They were followed after the war by a Republican Administration. The Administration of President Grant came in at a time when the country was beginning to be pacified. The Republicans established a rule as inexorable, that nobody but a Republican should receive an office under the Government, and the whole Democratic party substantially were excluded. But very soon it went

a great deal further, and during the second term of President Grant and quite largely during the first term, for the rule requiring party fidelity there was substituted a rule requiring fidelity to the fortunes of some individual and ambitious chieftain. In the factions which grew up, and always will grow up in a dominant and powerful party, the civil service of the country was made an instrument not for influencing elections against the Democrats, but for raising and reenforcing the cohorts of men who were devoted to the fortunes of certain political chieftains who got the ear of the Executive.

In my own State you could not read the morning papers without dread that you would read of the removal of some brave, honest, upright, capable Republican soldier, and that there would be put in his place some petty, disreputable tool of an ambitious chieftain. And that is the inevitable result of the instrument of the political patronage in the service of party. No party can prevent it on the principle which the Senator from Nebraska stated very long. It is notorious under all parties, it is notorious to-day, it has been equally notorious under Republican rule, that whenever a Presidential election or Presidential nomination is approaching men are appointed to the civil service of the country in the interest of this, that, or the other candidate for the nomination. If the President of the United States is a candidate for renomination, you will find the whole army of officeholders drilled and disciplined to advance his interests, and I think few men will get appointments who are not in sympathy with the Executive as to the selection of his successor. If he is not a candidate, you will find that the instrumentalities will be used to further the ambition of some person in one of the Executive Departments.

Mr. President, instead of that, which every patriotic man will agree was vicious, bringing republican institutions into contempt, the rule of a selection based upon intelligence and fitness, so far as they can be ascertained by an examination of the appointee, has been substituted, and I believe the general assent of the American people has justified the change.

The Senator from Wisconsin [Mr. VILAS] thinks this great and admirable reform is due to President Cleveland. Well, that Senator has been for a good part of his life an admirer of the present Executive of the United States ex officio, and he seems to have retained the official habits of an executive officer since he has been in the Senate. I do not find the evidence of that great service to this cause. The law was passed before he came into power, and I think the men who passed this law are entitled to a little of the credit of the reform which the law accomplished.

The President bravely announced in his inaugural address, in the beginning of his Administration, his adhesion to the doctrine of civil-service reform, and, as the Senator from Wisconsin has conceded, he had not been very long in office before some 2,500 employees in the Railway Mail Service were displaced; he had not been very long in office before some 32 collectors had been removed solely for political reasons, the whole consular service of the country was changed, and the President seemed to me to have shrunk and flinched from the brave doctrine that he had advanced as if he had been frightened almost at the sound of his own voice. Like Fear, in the "Ode to the Passions,"

> First Fear his hand, its skill to try,
> Amid the chords bewilder'd laid,
> And back recoil'd, he knew not why,
> E'en at the sound himself had made.

Mr. President, there are three men who ought to have the credit of this great accomplishment and reform in the civil service of the country, and I think I know whereof I speak when I name them. The first is Mr. Dorman B. Eaton, of New York, a man, I believe, not connected or affiliated with any political party. Early, when the whole country seemed to be given up to this vicious method which I have mentioned, Mr. Eaton called the attention of his countrymen to the matter. He studied the fashions and habits which prevailed in other countries, he spoke at public meetings, and he published a book in which he outlined the scheme which has been adopted finally with so much success.

Next to Mr. Eaton comes, in my judgment, my honorable friend from Connecticut, the senior Senator, General HAWLEY, who, as chairman of the Committee on Civil Service, framed and carried through and defended against all antagonists on the floor of the Senate the provisions of the present civil-service law, even when some other champions had their hearts fail and were in favor of incorporating in that law some exceedingly vicious provisions which would have destroyed its whole efficacy. With the single exception of Mr. Dorman B. Eaton, of New York, whatever credit is due to this great revolution in the political habits of this country is due to JOSEPH R. HAWLEY.

The third man, and the only man who deserves to be named in the same breath with either of these, is Mr. Theodore Roosevelt, of New York, who was a bold, courageous, intelligent, most effective and efficient administrator of the law when he was in charge of its operation. I do not think Mr. Cleveland's name, though he has done many good things in his Administration, deserves to be written up very high on that scroll.

consin having been Postmaster-General succeeding a Republican Administration? I do not think the President appoints the rail-

Mr. ALLEN. As a matter of fact, he does not, and the Senator from Wisconsin knows it.

It is not agreeable to go into statistics, but take the matter of the Railway Mail Service. A man who had stood very high in the mail service of the country, told me that when that first Administration of Mr. Cleveland went out of office in his Department he should think 80 per cent of the men who had been appointed to the Railway Mail Service had been bartenders. I think that was an exaggeration. I can not give the name of the person who was my informant, but I remember very well he was a person who held a high office in the Administration. I spoke once about it to the Postmaster-General who succeeded under Mr. Harrison, and he said he thought that was an exaggerated statement, but that they came from the bartender class very largely. That is what he said about it. I know that in the New England States the Railway Mail Service was so made up when President Harrison came into office that it became necessary to make a sweep of the men who were in it, and to put in men for whom the Department could vouch and who would be competent.

Mr. VILAS. The Senator from Massachusetts can not possess that knowledge by any possibility in the world, for the fact is entirely different.

Mr. HOAR. That is the result of my observation and information. I, of course, can not possess it as knowledge, nor can the Senator from Wisconsin possess the contrary as knowledge.

Mr. VILAS. I think I can very much better than the Senator from Massachusetts, who makes such a sweeping affirmation. The Railway Mail Service at the end of that first Administration of Mr. Cleveland was certainly twice as effective and twice as well managed as when the Administration began.

Mr. HOAR. That is not my information, and it is not the public judgment in my part of the country. That is all I can say on that subject.

Mr. VILAS. The public judgment may have been misinformed, as the Senator has been.

Mr. HOAR. That may be.

Mr. VILAS. But it will be very easy to establish the proposition by men of the Senator's own party who were familiar with the service.

Mr. HOAR. I make this expression of my belief on the subject as my contribution to this debate so far as it relates to that proposition.

Mr. VILAS. I wish we could have some facts instead of beliefs.

Mr. HOAR. I do not question the sincerity and the ability of the Senator from Wisconsin as an advocate of this interesting reform. The reform has been largely accomplished and is going on; to use a cant phrase, "it has come to stay"; it expresses the principles and what are to be the policies of this country in the future.

I think my honorable friend, as I said when he was out of the Chamber just now, was for some years an admirer of that Chief Magistrate ex officio, and the official habits of a Cabinet officer have not entirely deserted him now.

The Senator from Nebraska [Mr. ALLEN] says that 90 per cent of the American people are disfranchised. It does not seem to me that that is a very sound and correct way of putting it. If there are a hundred thousand offices, with a population of 70,000,000, every one of the rest of the 70,000,000 who is not appointed is in one sense disfranchised. The appointment is made under our Constitution by the President and Senate, the President alone, or the heads of Departments, and they must have some principle of selection.

The Senator from Nebraska says that if the Populist party come into power they ought to have—he did not use the phrase "spoils of office," but the officers ought to be taken, if I understood him, from that party.

Mr. ALLEN. No, Mr. President; I did not say that. The Senator from Massachusetts misunderstood me. I said if my party should come into power—and I was speaking generally—that I believed it would be just to them, if their principles were correct, to fill the offices of this country from the membership of that party who were qualified to discharge the duties of the offices. That is my position now, and shall be my position henceforth.

Mr. HOAR. Then the offices are to be filled from the Populist party if they come into power and agree with the Senator from Nebraska.

Mr. ALLEN. Certainly; just exactly, if the Senator will permit, as the Republican party fills the offices with its membership when it is in power, or the Democrats fill them when they are in power, entirely regardless of anything in the civil-service rules.

Mr. HOAR. So, according to the Senator from Nebraska, if the Populist party comes into power, all Democrats and all Republicans are to be disfranchised for four years.

Mr. ALLEN. No; not at all. The Senator does not do my argument justice. What I said was that this arbitrary rule, which does not permit a man over 35 years of age to enter into the Railway Mail Service, or over 45 years of age to enter any branch of the service, practically deprives him of his rights as a citizen, which no amount of qualification, mental, physical, or moral, can overcome. If those rules were not enforced, then a man would

always be eligible by fitness to any position within the gift of the Government.

Mr. HOAR. Mr. President, the Railway Mail Service needs men possessed of great mental quickness and capacity, in order that the service may be promptly discharged. It needs men possessed of physical endurance, in order that the night work in traveling over long distances by rail may go on without interruption. We must deal with these things on general rules; and is it not a better general rule to say that the men whose mental intelligence has been discovered by such tests as the examiners can contrive, and whose physical vigor is assured by their being within a certain age—although some very capable persons may be excluded in that way—is not that, on the whole, a better general rule than the rule that they shall be excluded from office because of their political opinions, or than the worse rule, which I spoke of just now, that they shall be selected in order that they may render political service in advancing the fortunes of some ambitious and unscrupulous political chieftain?

Mr. ALLEN. Will the Senator permit me a question?

The PRESIDING OFFICER (Mr. WHITE in the chair). Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. HOAR. I do.

Mr. ALLEN. Suppose a person under 35 years of age is found who possesses the requisite qualifications to enter the Railway Mail Service, and another man who is 37 or 40 years of age is superior to him in point of intellect, superior to him in point of physical vigor, superior to him in every respect to discharge the duties of that particular office, should the fact that he has passed the thirty-fifth milestone of life deprive him of that privilege?

Mr. HOAR. Mr. President, if such a careful physical personal examination of every applicant could be made, it might be that the answer to the Senator's question would be in the negative; but in the management of this vast business you have to go by general rules; and the Senator himself, I think, is in favor of saying that some of these officers shall be selected from the place from which they come. Party platforms say that in certain other classes of offices men shall not be sent even to a Territory who come from another part of the country, however superior they may be found to be.

Mr. ALLEN. That has been violated right along.

Mr. HOAR. That is another question. I am talking about what are correct principles, not whether the Democratic or Republican parties violate the rule. We are trying to get at correct principles in our legislation and our rules on this subject.

Mr. GRAY. May I ask the Senator a question in the line of what he is saying?

Mr. HOAR. Yes, sir.

Mr. GRAY. I ask whether the civil-service laws do not require and make obligatory a certain territorial distribution of appointments, which, of course, was not obligatory where the appointing power was left to put all the offices in one locality, the District of Columbia, for instance?

Mr. HOAR. Unquestionably; and therefore the public interests require that the consideration of residence, which gives the influence of an Administration to satisfy the people with it, and all that, shall be considered even to some extent to depart from the principle of getting the very best and ablest men. In the same way we wanted to rescue this Government, with its more than 100,000 offices, a number now largely increased, from having the offices created to serve the people used to bribe them, from having men turn Democrat or turn Republican or turn Populist in order to get an office as their reward. We wanted to rescue these people from having at every election and every nomination an army of officeholders swarming about the places of meeting, or an army of expectant and hungry office seekers swarming about the places where the will of the people is to be declared in convention or in caucus, and we wanted to rescue them—which was one of the most corrupting evils—from the most vicious and indefensible conditions that ever existed under a free government, which excited the astonishment of intelligent foreigners who visited this country. We wanted, moreover, to rescue the United States from the still further and more debasing evil of having officeholders made a drilled and disciplined army at the service, at the beck and call, of ambitious political chieftains who could get the ear of the President. That was the best thing that one hundred years of free Government has been able so far to bring to pass in this Republic.

Mr. ALLEN. Will the Senator permit me to interrupt him?

Mr. HOAR. Let me finish a sentence or two and I will.

It was the running sore; it was the offensive stench in the nostrils; it was the disgrace, the degradation, the shame, the infamy, of the American people; and the men who undertook this reform put a stop to it, and if they did not get the best possible substitute, they got one which was a hundredfold, a millionfold, better than that which it displaced. They said, "We will have the President of the United States, in the exercise of his power, and the heads of Departments, in the exercise of their powers, take men whose physical and mental vigor will be assured by some general lines and limits as to age; we will have men whose intelligence and education in this Republic—at the basis of which popular education lies—is ascertained by some such examination as we can give, and from them the selection shall be made." That may not be a perfect scheme; it may be improved, it may be bettered by experience, and under the great temptations which beset a party leader in the Cabinet or in the Presidential chair it may have been violated. I think it has been under both Administrations. I could tell some stories about both Administrations, if I saw fit, to show that it has been violated; but on the whole and in the main President Cleveland and his Cabinet have honestly and faithfully carried out the law, and in the main President Harrison and his heads of Departments honestly and faithfully carried out the law, with some exceptions. But when you come to write the history of this great reform, the names which should be written in indelible characters and are entitled to the credit of it are the names of Dorman B. Eaton, JOSEPH R. HAWLEY, and Theodore Roosevelt.

Mr. VILAS. The Senator from Massachusetts [Mr. HOAR] twice said in his remarks, as I understood him, that my respect and regard for the President of the United States were ex officio.

Mr. HOAR. I hope the Senator did not take that seriously. I meant it as a good-natured jest or rally or banter, and I should be very sorry if the Senator supposed I meant seriously that he had anything more than an ordinary admiration of a man for his chief. If the Senator objects to the expression, I will withdraw it with great pleasure.

Mr. VILAS. If the Senator from Massachusetts says that, I have nothing more to say than that I lament my incapacity to follow the Senator's joke.

Mr. WOLCOTT. Mr. President, since the few remarks I made yesterday morning upon this subject there has been a good deal of general debate and there have been many references to some of the statements which I saw fit to make in the course of my remarks and some criticism of the deductions I drew from the facts I stated. I shall ask the attention of the Senate a very few moments in reply to them.

First, before going to the merits of the question, I desire to say that on yesterday the urbane and distinguished chairman of the Committee on Appropriations with great propriety called my attention to the fact that I was mistaken in my assumption that the superintendents of the different stations were recognized by law.

Mr. ALLISON. I was mistaken in that. I have the law before me, and intended to call attention to it before the Senator closed his observations.

Mr. WOLCOTT. Does the Senator mean to imply that by any possibility he is mistaken? [Laughter.]

Mr. ALLISON. I will say that the law of 1889 does provide for certain stations, and I was mistaken in saying that it did not.

Mr. WOLCOTT. That disposes of so much of the question, Mr. President. I should dislike myself, however, to take that as precedent, for I have no doubt that out of a thousand given instances the Senator from Iowa would be sure to be right on a question of this kind and I would be equally certain to be wrong. [Laughter.]

The Senator from New York [Mr. HILL], in a very calm and fair summary of the arguments which could be made upon either side of this question, yesterday inadvertently made one statement which I think ought to be corrected; that is, the Senator assumed that this was legislation upon an appropriation bill; that this was legislation which should stand by itself, and ought not, in the close of a session, to be attached to the Post-Office appropriation bill. I desire to call his attention and the attention of the Senate to the fact that this is not new legislation at all, nor does it assume to be new legislation, nor does it enact into law a single provision, nor does it do anything else in the world than apply solely to the expenditure of an appropriation contained in the bill itself. The effect of the appropriation is to recognize the law as it stands and the authority of the Postmaster-General to make these changes, simply providing that when the changes are made the funds heretofore applicable as salaries for postmasters at offices which have been consolidated into stations shall in turn be made applicable to clerk hire, and therefore payable out of the fund of the appropriation to be devoted to the payment of clerk hire. Therein, Mr. President, is an eminently fitting and proper amendment to be placed in this bill and not fitted to go elsewhere. I suggest that the only amendment which touches this question and which is not germane to this appropriation bill is the amendment reported by the Committee on Appropriations itself, which provides that hereafter county seats shall not be included in consolidated post-offices.

That does not touch the appropriation; that declares an amendment to existing law; that is an attempt to put upon the statute book something which has nothing in the world to do with an appropriation; and it is proposed to be placed in this bill, where there is no chance to adequately discuss it, as an amendment to the time-honored existing law—an amendment which limits and curtails the power of the Postmaster-General of the United States, and which

in no wise whatever affects, or is intended to affect, the appropriation.

Mr. President, in some of the suggestions which the Senator from Maryland [Mr. GORMAN] made yesterday I can not agree. I do not agree with him that the corner grocery is the corner stone of the Republic. I believe, Mr. President, that we rest upon a higher and nobler basis. I believe that efficiency in the public service and a separation of politics from the administration of public affairs is a far better, wiser, and stronger foundation for free government than the hope of petty political patronage, which political leaders can parcel out on promises for votes and for efforts in different Presidential elections.

With much that the Senator from Maryland said I fully agree. The Senator's reference to the practice which has recently grown up, of Cabinet officers leaving their positions of duty and making speeches around the country on the tariff or the currency, was to my mind, a proper remark and a proper caution. With great wisdom, I think, the Senator from Maryland called the attention of the country to the abuses of their offices which is now going on among Cabinet officials of the Administration. One of them, the last I heard of him, was barnstorming down in Georgia in favor of gold monometallism and what he saw fit to call "honest money." I should myself have called attention to it earlier in the session had it not been for the fact that he is better away than here [laughter] so far as his public duties and his performance of them is concerned.

Mr. HILL. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New York?

Mr. WOLCOTT. I do.

Mr. HILL. What is the point the Senator from Colorado is making? Does the Senator contend that a Cabinet officer has no right to make such speeches throughout the country to the neglect of his duties, or is the point that he has no right to make political speeches at all?

Mr. WOLCOTT. I take it that he has no right to make them to the neglect of his duties.

Mr. HILL. That is the point of the criticism?

Mr. WOLCOTT. Up to this time.

Mr. HILL. I assume that that must be so, because it has been the custom heretofore for Cabinet officials to make political speeches. It has been the custom of Mr. Gladstone in England to speak for his party on all occasions. Lord Salisbury has recently been speaking for his party in all parts of England. I have not heard any criticism based on the fact that they were neglecting their duties. While we may not agree with all the speeches made by members of the Cabinet, I hardly think they have been neglecting their duties, have they?

Mr. WOLCOTT. The administration of this country under a republican form of government has extended for a period of something over a hundred years, and if precedents are to be recalled to justify the conduct of Cabinet officers of the present Administration, I suggest that they be cited from their predecessors in office and not from the practice in Great Britain, where members of the English ministry are themselves members of legislative bodies and are expected to go upon the hustings to justify their action. The analogy does not lie between the two classes of officials.

I do say that at the present time when it has appeared before this body that so far as lands in Utah are concerned, which we are now seeking to have divided, where Congress has acted and the Secretary of the Interior has seen fit to seek only how to evade the solemn duty which Congress has put upon him, when in the distribution of the public lands of the United States, and as to the Pacific railroads, where Congress has acted and the Secretary of the Interior has declined to issue patents to homesteaders who are entitled to them, and when the last Congress passed an act opening the Ute Reservation to public settlement and the Secretary of the Interior has week after week and month after month seen fit only so to exercise the prerogatives of his great office as to make the law impotent and valueless—I say under such circumstances he may just as well be making stump speeches in Georgia as to be sitting in his executive office, the more so, Mr. President, as the arguments which he is unloading upon the public in Georgia are making converts to the cause of bimetallism by the scores wherever he sees fit to make them. With that suggestion of the Senator from Maryland, I am in full accord.

The very lack of attention to their duties which may characterize the Cabinet officials is all the more reason why we should take from them the power to make these appointments. If they do not attend to their duties, how are they wisely to exercise the power of appointment? The Senator spoke as if we exercised the power of appointment of postmasters. Nobody knows better than does the Senator from Maryland [Mr. GORMAN] that his own personal wishes, the wishes his constituents expressed through him—and when I speak of his personal wishes I speak only of his wishes as voicing the sentiment of the best of his constituents—count absolutely for nothing in the making of those appointments. If that be true as to offices where the Senate does not confirm, how wise would be a provision of law declaring that those men shall pass under examination and that, when fit for office, their names must be accepted by the officer to whom they are presented, robbing him of the power to reward political adherents or punish political enemies by giving them the spoils of office.

Mr. GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Maryland?

Mr. WOLCOTT. Certainly.

Mr. GORMAN. The Senator from Colorado will permit me right here. He is so entirely unfair to me in this discussion that I am amazed.

Mr. WOLCOTT. I beg the Senator's pardon. Have I not quoted him correctly?

Mr. GORMAN. No, not at all in any statement which the Senator has attempted to quote.

This, now, is the third time that the Senator from Colorado has intimated that my attitude upon this matter is because of the desire for patronage, and yet the Senator knows the fact, as no other Senator in this body does, that in this controversy I have resented and rejected the intimation that it was the office I sought. It is the principle.

Mr. WOLCOTT. I certainly do, and in nothing that I have said have I offered a suggestion that the Senator from Maryland is affected in his view in the slightest degree by the question of appointments, nor have I suggested, nor would I suggest, for I do not believe it to be true, that the question of the personnel of the appointments would in the slightest degree affect the judgment of the Senator from Maryland.

Mr. GORMAN. Oh, the Senator from Colorado——

Mr. WOLCOTT. I must disavow that, for I certainly do not intend to be so understood.

Mr. GORMAN. The Senator from Colorado in the very sentence when I interrupted him intimated, in fact he said distinctly, that it is the desire to reward men for political service that I am contending for.

Mr. WOLCOTT. Oh, no, Mr. President. My language will not bear such a construction. What I did say was that I did not think the offices should be so distributed as to constitute reward for good service or punishment for service that was not friendly to the particular chief who might appoint them, and I spoke only from public repute—and this is the only suggestion which is personally applicable to him—I only spoke of those statements which for years have been going about in the public press when I said I believed that nobody knew better than the Senator from Maryland to how great an extent the patronage of power could be used to punish enemies and to reward friends.

Mr. GORMAN. Yes; because I have stood from the time of my entrance here into public service denouncing the theory which the Senator advocates so broadly—to place everything under the civil service. Men who advocate civil service, not tolerant of honest opinions entertained on the other side, have made it their business in the public press, on the floor of the Senate and elsewhere in Congress to denounce men who have honest views upon this subject as spoilsmen. I have held a seat upon this floor since 1881. Not a dozen appointments of postmasters in the State of Maryland have ever been made upon my recommendation. I have in every case taken the will of the people of the office, and yet gentlemen who have become converts to the civil-service reform rise in the Senate and intimate that it is because we want patronage that we take this view. I resent it. The Senator from Colorado and no other Senator who advocates this proposition shall make such an intimation again without an indignant denial on my part.

Mr. WOLCOTT. I can not understand what the English language can mean if the Senator from Maryland assumes that there has been any intimation made in any of the remarks which I have uttered here to the effect that his vote or his feelings are influenced in the slightest degree because of failure of success in receiving appointments. I never suggested it; I never intimated it; I never meant it. I was suggesting at the very moment when the Senator from Maryland interrupted me that wherever he has voiced an expression respecting an appointment it has been only to represent the wishes of the best of his constituents. To that extent, and to that extent only, so far as I know, does the Senator from Maryland go. But the statement I make loses none of its force when I say that it is unfitting and unseemly that those appointments which should be based on merit are based upon politics, and politics of the lower sort.

I do not care to go into a reply to the Senator from Florida [Mr. PASCO] as to the question of the power of the Postmaster-General. I believe it to be undoubted; I believe it to be supported by statute; but I do not propose to take the few minutes remaining before we vote upon the bill to discuss that question. Nor can I answer the Senator from Minnesota [Mr. NELSON], who seems to think that a department store is the great curse of the country and the devilfish which ought to be killed. The people who pass civil-service examinations have been spoken of as being mere Department clerks, mere machines. How long has it been a reproach

written up very high on that scroll.

overcome. If those rules were not enforced, then a man would

and a byword that a young man should fit himself for private life or for public station? The intrusion into a country community of a young man fitted to fulfill the functions of collector and distributor of the mails is not an offense to a community. He marries and makes his home there. He is fitted for citizenship. Wherein is it a crying shame that such a man should go to a community to act as postmaster for a people or as agent at the place where its mail is to be distributed and collected? His establishment, wherever it may be, may be equally the resort of the citizens of the town, and they will find there a man whom the Government has tested, whose integrity is vouched for, a man whom the people know will not rob them of their letters or of the contents thereof, or intrude into their private affairs; a man fitted by education, by training, and by habits to take care of the interests which he is supposed to represent.

For my part I should never care to cast my lot in the line of clerkships and salaried office, but this country is full of splendid citizens who work for other people for an annual compensation. It is not a crime on their part that in the fortunes of life the prizes have not come to them. It is no reproach that they seek an honest livelihood at Government pay or in the employ of others, and it is no fault of theirs or of the parents who reared them that they attended the public schools of the country and fitted themselves to hold those offices with which they are intrusted.

This amendment may go by the board; it does not meet the approval of the Committee on Appropriations, and we shall hear the last of it when we vote upon it within a few moments. But the reform is just as sure to come as succeeding Congresses are to meet. You do not frighten a country community by telling them that a new clergyman is coming to town to take the place of the old clergyman, who is dead. They do not propose to stone him from the community because he was not brought up among them. It is just so when a proper young man, qualified for citizenship, takes his place in one of those communities, near somebody to supervise his work and vouch for his ability and see that he performs the duties of his office with faithfulness and with regard to public duty. You will find an improvement in the public service; you will find the public contented and satisfied, and you will find this great class of business offices of the country removed from the depraved surroundings of partisan politics.

Mr. STEWART. Mr. President, I simply rise to suggest that there is a possibility that the civil service itself may be corrupt; that you have not the safeguards to prevent corruption growing up under the civil-service system. I will not charge that it has occurred, but I will state what might occur. The head of a Department might remove two or three hundred clerks, because the power of removal is unlimited. The Civil Service Commission might, if they were sufficiently subservient to the Administration, put through a batch of new applicants who were the pets of a person whom they desired to please, and they might be put into the places of those who were removed.

I have been told that that is the constant process; that it is going on constantly. The heads of Departments remove clerks for want of something to do, for want of business. That is going on constantly by the hundred. Fresh ones come in, and I think if you will go around through the Departments you will find that all those last put in office belong to the existing Administration, whichever it may be, and that each Administration is shoving out the old clerks and filling the places with new ones. That that has been going on has been confessed here by both sides in the debate. Senators instance the removal of hundreds and thousands in a particular service, the Railway Mail Service, where 2,000 were removed in a very short time, a few weeks, and another crop put in.

The only difference, it seems to me, between the working of this system and the working of the former system is that in the present system it is consolidated in the hands of the Executive Departments, and it is there for use to control Congress and to control other influences. It has augmented the power of the Executive more than a hundredfold. It is taking power from the people to consolidate the Government, and the very nature of the thing is for the party in power, through the Executive, to have control of all offices. He can remove employees by hundreds, as is done, and can bring in through the civil-service system a new set and put them in the places. It is constantly done.

When you tell me the men who compose the Civil Service Commission are different from any other three men and that they do not send in the names of those who will please the Administration, you tell me that human nature has changed. They have done it and will do it. They send in a number of names, two or three or four, and there is always a favorite in the number whom the Civil Service Commission may know and whom the head of the Department, who appoints, may know all about; and it so happens, whether they know it or not, that the man gets in whom the Administration in power favors, and nobody else gets in through this machine. Republicans do not get in during a Democratic Administration nor do Democrats get in under a Republican Administration. But this is a proposition to take power from the people. The power is taken away from the representatives of the people and is lodged in the central power of the Administration, which controls legislation.

Do Senators believe that in the extra session the Executive could have changed a two-thirds vote for the people's money into a vote for the Rothschilds' money if the Representatives of the people had had a voice in appointments, if that power had not been consolidated so that it could be used for the appointment of hundreds in consideration of influence? When before could an Executive have made such changes as were made in the extra session. When before, I say, could it ever have occurred in both Houses of Congress? The sentiment was absolutely changed. We all feel the power of the Executive, and the Executive power is in consolidation. It is now proposed to extend the consolidation, to break up the system of post-offices so dear to the people of the United States, where their neighbors are charged with the duty, persons in whom they have confidence. A system that has been so benign, so useful, and so universally applied for a hundred years is to be attacked and is to be brought into the maelstrom of power and corruption, consolidating the whole patronage into the hands of one man.

When and where did one man come to be better than the whole of the American people? When and where did all virtue center in one man? Is that the theory of our Government? The theory of our Government is that everybody is better than anybody; that everybody is wiser than anybody. The theory here is that a particular individual can do it better and cheaper than the people themselves. I am opposed to taking power from the people and lodging it in anyone's hands. Senators say the service will be improved. A monarch may be good when he is born, but few have died who were not bad before the end of their days. A man may be good when he comes into office, but power is dangerous and will corrupt. The system of civil-service reform places power in the Executive to make all appointments and all removals in secret. Public opinion regulated it while public opinion had influence, but the whole thing now is taken out of public opinion. Three instruments of the President are put in charge. They work in the dark. They designate who shall be appointed. Do you not suppose that those instruments of power will be as subservient in this country as in any other? When and where did the instruments of power, when and where did the subservient appointees of a monarch or a despot ever act independently or for the public good? The Civil Service Commissioners are simply doing the will of the President, and if it be the will of the Executive that the patronage of the Government shall be used to control votes, to carry out jobs, it will be done. It is consolidation of power against the distribution of power. Our Constitution unfortunately consolidated power too much. But the practice of the Government under it made this a benign Republic.

Now it is proposed to change every feature of the practice of our Government which we as American citizens love and admire. I am opposed to a proposition to change the administration of this Government from the simple democracy which it was designed to be to a consolidated despotism, which designing men are attempting to create out of it. I tell you, and I wish to have it recorded here, that the civil-service machine is sapping the foundation of American liberty. It is the first step toward concentrating all power in the hands of one man and taking from the people the rights and liberties which it was intended should be vested in them under our form of government. It is a dangerous arm of despotism. It will be filled with fraud. There will be fraud, unfairness, injustice, and bad administration as the result of the whole experiment. I wish to have that recorded here now as my solemn opinion, after ample reflection and after some observation.

Mr. HALE. I have been absent from the Chamber, at work in committee. I ask to have the parliamentary attitude of the question stated.

The PRESIDING OFFICER. The Chair will state that there are several amendments pending as touching this matter. If the Senator from Maine desires it, the Secretary will state the pending amendment.

Mr. HALE. I ask whether there is an amendment pending which contains what is called the 5-mile limit?

The PRESIDING OFFICER. The amendment pending is the one proposed by the Senator from Colorado [Mr. WOLCOTT]. The Senator from Florida [Mr. PASCO] withdrew his amendment, as the Chair remembers.

Mr. HALE. Then there is no amendment pending to the amendment of the Senator from Colorado?

Mr. ALLEN. Yes; there is, Mr. President.

Mr. HALE. If there is, I ask to have it read.

The PRESIDING OFFICER. The Chair understands that no amendment is pending save the amendment of the Senator from Colorado.

Mr. ALLEN. I do not know——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Nebraska?

Mr. HALE. I am glad to yield.

Mr. ALLEN. Very well; let it go.

Mr. GORMAN. Let us have a vote.

The PRESIDING OFFICER. The pending amendment is that proposed by the Senator from Colorado.

Mr. HALE. There has been no amendment offered (I speak because of my absence heretofore and ignorance of the situation) which involves what is known as the 5-mile limit from the boundaries of a city.

Mr. HILL. I will inform the Senator from Maine if he will allow me.

Mr. HALE. I yield to the Senator from New York.

Mr. HILL. Yesterday afternoon the Senator from Florida [Mr. PASCO] offered an amendment which confined the establishment of substations to the corporate limits of the city or town where the particular office is located. Subsequently I offered an amendment extending it to 5 miles outside. Later it was deemed wiser that there should first be a vote directly upon the proposition offered by the Senator from Colorado [Mr. WOLCOTT], because these amendments would more properly follow afterwards. I think that is the idea, and in consideration of that the amendment was withdrawn.

Mr. GORMAN. Notice was given of its withdrawal.

Mr. HILL. Notice was given of its withdrawal. I suppose the idea is that we shall vote in the very near future upon the principal amendment offered by the Senator from Colorado, which is now the only one pending, because if it shall be voted down the phraseology of the amendment would have to be changed a trifle.

Mr. HALE. The explanation is entirely satisfactory to me, and I do not propose to take up the time of the Senate at present. If an amendment is offered involving the 5-mile limit I should desire then to have something to say, perhaps under the five-minute rule; but I am entirely willing now that a vote shall be taken on the amendment of the Senator from Colorado.

The PRESIDING OFFICER. The Chair will state that the Secretary informs the Chair that the words "superintendent or" were eliminated during the proceedings yesterday, and there is some controversy now, so the Chair learns, as to whether those words should be restored. The Senator from Colorado [Mr. WOLCOTT] expressed a desire that the words "superintendent or" should be restored.

Mr. PALMER. I ask that the amendment proposed by the Senator from Colorado be read.

The PRESIDING OFFICER. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. After line 11, on page 2, it is proposed to insert:

Provided, That whenever, by order of the Postmaster-General, any post-office is consolidated with any office so as to become a station or substation of the same, the salary of the superintendent or clerk in charge of such station or substation may then be paid out of the appropriation.

Mr. BUTLER. Would an amendment not germane to the one now pending be in order at this time?

The PRESIDING OFFICER. The Senator from North Carolina can present the amendment, and if any point of order is raised the matter will be passed upon.

Mr. BUTLER. I send forward the amendment and ask that it may be read. It is to come in at the end of line 2, on page 4.

The SECRETARY. At the end of line 2, on page 4, it is proposed to insert:

Provided, That $50,000 of this amount be used to defray the expense of experiments in rural free delivery under the direction of the Postmaster-General, and that the amount heretofore appropriated for this purpose and still unexpended be available for said experiments.

The PRESIDING OFFICER. The Chair will state to the Senator from North Carolina that the particular paragraph in the bill to which his amendment has reference is not now before the Senate.

Mr. ALLISON. I will say to the Senator from North Carolina that his amendment will be in order very soon, immediately after the pending amendment is disposed of.

Mr. BUTLER. Then I will call it up later.

Mr. ALLISON. In response to the inquiry of the Chair, suggested by the clerks at the desk, I will state that I have no objection to the reinsertion of the words "superintendent or," as when I asked that those words should be stricken out I was of opinion that this class of officers was not known to the law. I find by an act of March 2, 1889, there is provision for superintendents of stations, although I know of no provision of law which authorizes a superintendent of a substation. But I take it for granted that no Postmaster-General fit for his place would think of having a superintendent for both a station and a substation, and so I make no point upon that.

The PRESIDING OFFICER. Does the Chair understand the Senator from Iowa to consent to the restoration of those words?

Mr. ALLISON. I do.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection. The words will be inserted.

Mr. ALLISON. Now, I want to read the amendment in order to see what it proposes and the extent of it:

Provided—

The word "*however*" is stricken out also—

Provided, That whenever, by order of the Postmaster-General, any post-office is consolidated with any office so as to become a station or substation of the same, the compensation of the superintendent or clerk in charge of such station or substation may then be paid out of this appropriation.

Unless there is some hidden meaning or some ulterior project involved in the amendment to make lawful that which is now prohibited by law, the amendment has no significance whatever. It does not add to or take from the Postmaster-General any authority he has now by law. The discussion and debate here about the merits or demerits of civil service is therefore wholly immaterial and is about as far from the real effect of the amendment or its purpose as would be the discussion respecting Cuba, at least so far as I am able to understand the English language, unless it be that clerks substituted for postmasters are brought within the purview of the civil-service law, which, in any event, would affect but few persons, and most likely no one.

I understand that the Postmaster-General now has the power to abolish an office. He has the power to enlarge the delivery of any office. He has the power to create stations or substations, and when he creates them he has the power to appoint clerks and other employees to manage the post-office and the stations or substations; and having that power, these people are paid and must be paid out of the appropriation to which this amendment is to be added, so that for this purpose the amendment is surplusage. So, as the amendment originally presented by the Senator from Massachusetts [Mr. LODGE] is now modified, it means nothing unless it means by indirection to authorize the Postmaster-General to do what he can not now do by law. I can not see any such concealed purpose, so that nothing is added to the existing authority of the Postmaster-General by the amendment.

I understand in this debate the Senator from Maryland [Mr. GORMAN] does not complain that the abolition of offices 12 miles from the city of Baltimore and the substitution at those places of substations of the post-office at the city of Baltimore was unlawful, or was not authorized by law; nor do I understand the Senators from Massachusetts to complain because the Postmaster-General has drawn into the Boston post-office an area of 5 or 10 miles, embracing cities of 70,000 population, more or less, because by this consolidation the service is more efficient and more agreeable to the patrons of the post-office.

Mr. GORMAN. The Senator from Iowa evidently misunderstood me. I said it was doubtful whether the Postmaster-General had a right to make the extension. The Senator from Florida [Mr. PASCO], who has examined the law, denies that he has the power at all. But the custom of one hundred years prohibited the construction heretofore.

Mr. PASCO. I think I showed that very conclusively in the argument I made yesterday. The Senator from Wisconsin who addressed the Senate upon the subject this morning nowhere found such authority, if we may judge from the speech which he made to the Senate. He did find some references in recent appropriation acts in classifying clerks for the employment of such clerks at substations, but although he went back to the days of the Revolution and before the Constitution was founded, he has nowhere yet shown any authority for the establishment of a station or a substation beyond the limits of the town or the delivery of the post-office.

Mr. ALLISON. Very well. Now I think the power exists. If it did not exist before, it is to be found in the act of March 2, 1889, by which there is no limit to the area of the delivery of any post-office except that fixed by the Postmaster-General.

Mr. PASCO. Is it in an appropriation act?

Mr. ALLISON. It is in the appropriation act of March 2, 1889, and I have it before me.

Mr. PASCO. That is exactly what I referred to.

Mr. ALLISON. So I want to come back to the question which it is claimed is immediately involved in the amendment. I believe it is a wise thing to establish stations and substations in and about the large cities, at terminal railway points like Chicago or Baltimore, or, if you please, New York, Philadelphia, St. Louis, etc.; but I do not believe that it is wise to undertake the consolidation of post-offices in regions more remote from cities or towns where there are not these terminal facilities. Take a city like Baltimore, where the cable cars and the trolley cars run out 4 or 5 miles into suburban villages, as they do in all the great cities of our country, I believe it is convenient to have these stations and substations; but I know of a great number of places where it would be absolutely oppressive to the people to have such stations and substations established. I take my own little city of 40,000 people. It would be convenient to have the people immediately around that city served through the trolley cars or through perhaps a station or two; but to go out beyond 2 or 3 or 4 miles would be a positive injury to those who receive their mails.

machine. Republicans do not get in during a Democratic Administration nor do Democrats get in under a Republican Administration. But this is a proposition to take power from the people.

Mr. ALLEN. I do not know——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Nebraska?

The PRESIDING OFFICER. Is there objection? The Chair hears no objection. The words will be inserted.

The railway cars pass those little stations as they go from or come into the city where I reside, and they have their own post-offices, and they ought to have them. The mails are thrown from the car and picked up by the local postmaster and in a few minutes are ready for distribution to those who know the time of arrival of trains and are waiting to receive their mail, whether letters or newspapers. So if the Postmaster-General is inclined to exercise his authority to gather in the little post-offices, outlying towns, villages, and cities that are not terminal railway stations, that have not the benefit of either cable or trolley cars radiating from their centers, I should be inclined to make a prohibition rather than to enlarge his power in this direction. I should be inclined to adopt the suggestion made by the Senator from New York [Mr. HILL] that this consolidation should not extend more than 5 miles beyond the city where stations are or may be established. And were it not for the observations made by the Senator from Colorado [Mr. WOLCOTT] that it is the ultimate intent and purpose so to alter and change our present postal system as to draw large areas into a single post-office, with substations and clerks, I should prefer to leave the law as it stands. If it were not for that fear I should have no objection, as I said the other day, to the amendment; but if the amendment is intended in its purpose to authorize the Postmaster-General to draw large areas into a single post-office, I would not be willing to support it unless it has a limitation such as was proposed by the Senator from Florida [Mr. PASCO] or the Senator from New York [Mr. HILL].

Believing as I do, however, that the Postmaster-General has full and ample authority now to do whatever ought to be done in this regard, when the opportunity for voting shall come upon the amendment I intend to vote against it. I shall so vote simply in the belief that it will not be beneficial to the administration of the postal service, but be an injury to it. There is no pressure here requiring haste. This matter can be adjusted in the discretion of the Postmaster-General, wisely exercised so as to promote this service, and when necessities come or when abuses appear they can be corrected, and I have no doubt will be. I do not see that either is imminent now.

Mr. HILL. I suggest to the Senator from Iowa, unless some one desires to speak, why not test the question by a motion to lay the amendment on the table?

Mr. ALLISON. I will make that motion. I move to lay the amendment on the table.

The PRESIDING OFFICER. The Senator from Iowa moves to lay the amendment of the Senator from Colorado on the table.

Mr. WOLCOTT. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LINDSAY. I ask to have the amendment on which we are about to vote reported.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Add, after line 11, page 2, the following proviso:

Provided, That whenever, by order of the Postmaster-General, any post-office is consolidated with any office so as to become a station or substation of the same, the salary of the superintendent or clerk in charge of such station or substation may then be paid out of the appropriation.

The Secretary proceeded to call the roll.

Mr. WALTHALL (when Mr. CAMERON'S name was called). The Senator from Pennsylvania [Mr. CAMERON] is paired on this question with the Senator from South Carolina [Mr. IRBY].

Mr. PALMER (when his name was called). I have a general pair with the Senator from North Dakota [Mr. HANSBROUGH]. As he is not present, I withhold my vote.

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON]. I do not see him in the Chamber, and in his absence I withhold my vote. If he were present, I should, vote "yea."

Mr. HAWLEY (when Mr. PLATT'S name was called). My colleague [Mr. PLATT] is not quite well enough to come to the Chamber. I have tried in vain to pair him. If he were here, he would vote "yea."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "yea."

Mr. SEWELL (when his name was called). I am paired with the Senator from Wisconsin [Mr. MITCHELL]. I do not see him in the Chamber. If he were present, I should vote "yea."

The roll call was concluded.

Mr. HAWLEY. I understood the Senator from North Carolina [Mr. PRITCHARD] to announce a pair with the Senator from Louisiana [Mr. BLANCHARD]. I suggest that he transfer his pair to my colleague [Mr. PLATT].

Mr. PRITCHARD. At the suggestion of the Senator from Connecticut [Mr. HAWLEY], I will transfer my pair to the Senator from Connecticut [Mr. PLATT]. I vote "yea."

Mr. FAULKNER. I transfer my pair with the junior Senator from West Virginia [Mr. ELKINS] to the Senator from Maryland [Mr. GIBSON] and vote "yea."

Mr. GALLINGER. I have a general pair with the senior Senator from Texas [Mr. MILLS], who, I think, has not voted. If he were present, I should vote "yea."

Mr. BURROWS. I am paired with the senior Senator from Louisiana [Mr. CAFFERY], and therefore withhold my vote.

Mr. ALLEN (after having voted in the affirmative). I voted a moment ago, not recalling the fact that I am paired with the junior Senator from Pennsylvania [Mr. QUAY] on this bill. I will transfer my pair to the junior Senator from South Dakota [Mr. KYLE], so that the junior Senator from Pennsylvania and the junior Senator from South Dakota will stand paired, and I will let my vote stand.

Mr. THURSTON. I am paired with the Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "yea."

The result was announced—yeas 48, nays 7; as follows:

YEAS—48.

Allen,	Chilton,	Hawley,	Proctor,
Allison,	Clark,	Hill,	Pugh,
Bacon,	Cockrell,	Jones, Ark.	Roach,
Baker,	Cullom,	Lindsay,	Sherman,
Bate,	Daniel,	McMillan,	Stewart,
Berry,	Davis,	Mitchell, Oreg.	Teller,
Blackburn,	Faulkner,	Nelson,	Turpie,
Brice,	Gear,	Pasco,	Vest,
Brown,	Gordon,	Peffer,	Walthall,
Butler,	Gorman,	Perkins,	Warren,
Call,	Hale,	Pettigrew,	White,
Carter,	Harris,	Pritchard,	Wilson.

NAYS—7.

Chandler,	Hoar,	Vilas,	Wolcott.
Gray,	Lodge,	Wetmore,	

NOT VOTING—34.

Aldrich,	Gallinger,	Martin,	Sewell,
Blanchard,	George,	Mills,	Shoup,
Burrows,	Gibson,	Mitchell, Wis.	Smith,
Caffery,	Hansbrough,	Morgan,	Squire,
Cameron,	Irby,	Morrill,	Thurston,
Cannon,	Jones, Nev.	Murphy,	Tillman,
Dubois,	Kyle,	Palmer,	Voorhees.
Elkins,	McBride,	Platt,	
Frye,	Mantle,	Quay,	

So the amendment was laid on the table.

Mr. PASCO. I now offer the amendment of which I gave notice yesterday evening.

The VICE-PRESIDENT. The Secretary will read the amendment.

The SECRETARY. Page 2, line 6, after the word "seat," insert the following additional proviso:

And provided further, That nothing herein contained shall authorize the establishment or maintenance of any station, substation, or branch post-office beyond the limits of any city or town in which the principal office, to which such station, substation, or branch office is attached, is located.

Mr. HILL. I now offer an amendment, in line 2, after the words "shall authorize," to insert the words "or permit," and after the word "beyond," in line 3, to insert the words "5 miles outside of." I do not care about repeating what I said yesterday. I think there should be a little leeway, and it should not be absolutely confined to the boundaries of the cities and large towns. While 5 miles is an arbitrary limit, it will be found, I think, to be practically sufficient to answer all purposes. I hope the Senator from Florida will accept the amendment.

Mr. PASCO. I prefer to test the sense of the Senate upon the amendment as I offered it. If it is voted down, then the Senator from New York can offer his amendment subsequently.

Mr. HILL. I will offer mine, then, first. Mine will have to be voted on first, I suppose.

Mr. PASCO. Very well, then, let it be submitted in that way, if the Senator offers it as an amendment to my amendment.

The VICE-PRESIDENT. The amendment submitted by the Senator from New York to the amendment submitted by the Senator from Florida will be stated.

The SECRETARY. After the word "authorize," in line 2, insert the words "or permit," and after the word "beyond" insert the words "5 miles outside of"; so as to read:

That nothing herein contained shall authorize or permit the establishment or maintenance of any station, substation, or branch post-office beyond 5 miles outside of the limits of any city or town.

Mr. HALE. I do not know that I fully understand what is to be the scope and effect of this amendment, but I can give an illustration where, if its operation would be as I believe, I think it would strike almost every Senator here that it should be voted down. Take the State of Maine, where the principal office in the region about the city of Portland is at that place, which is a city of perhaps 40,000 people. Within 5 miles of Portland there are eight or ten important towns, ranging from 1,200 to 6,000 people each. Three of them are minor cities, and the people of the town of Yarmouth, the city of Deering, the city of Westbrook, the city of Cape Elizabeth, and the other towns in that circuit of 5 miles have just as great pride in having a good post-office of their own and having a citizen of their own town as postmaster as the city of Portland. It would create not only dissatisfaction, and

deserved dissatisfaction, but great irritation and discontent if we should undertake to interfere with the service there. For that reason alone, applying as it does in my own mind to this case at home, and believing and knowing that it would apply to hundreds of similar cases, I shall certainly very gladly vote against the amendment.

Mr. HAWLEY. Mr. President, that brings to my mind the fact that the Senator from Colorado [Mr. WOLCOTT], in describing some of the suburban post-offices in the vicinity of New Haven, said the income or compensation in one case was only $352. I do not know whether any of the small offices there are of that character.

Mr. HALE. The compensation of some of the smaller post-offices outside of the principal cities ranges from $1,500 to $2,000 a year. The offices are held by the first citizens of the cities, by men who have been mayors, who have been members of the legislature, who are men of character and standing and represent their entire community. No central office can send out to them a clerk or a subordinate or an understrapper who will satisfy those people. They are entitled to an officer of their own; they have had it for years and ought to have it, and it would be an invasion of their rights if an attempt should be made to take it away from them.

Mr. HAWLEY. I want to call attention to another objection, as it seems to me, that in the case of small offices, spoken of by the Senator, one of which I recollect, if a civil-service clerk should be sent there he would probably be a clerk at $1,000 or $1,200 a year. I do not see the economy in such a case in changing the heads of these small offices. When such an office is taken by a citizen living in the community, who is engaged in some other business there, he is satisfied with a small compensation, but a civil-service clerk would not be.

Mr. HILL. Mr. President, I desire to inquire of the Senator from Maine if I understand that he is opposed to my particular amendment, which relates to the 5-mile limit, or is he opposed to the amendment of the Senator from Florida [Mr. PASCO], which absolutely prohibits an appointment outside of the corporate limits?

Mr. HALE. I was discussing the question before the Senate, which is the amendment offered by the Senator from New York [Mr. HILL], known as the 5-mile-limit amendment. That, for the reasons I have given, I am very strongly and determinedly opposed to. If that amendment should be voted down, when the proposition of the Senator from Florida comes up it will be dealt with by itself; it will be stripped of the 5-mile-limit provision and stand itself upon a different proposition from that of the Senator from New York.

Mr. HILL. The situation, then, is simply this: As it has been explained here by the Senator from Colorado, there is nothing now to prevent the Postmaster-General, except the question of money, from placing an agent or a clerk in charge of every post-office which the Senator names. The Postmaster-General can do that to-day, provided he has sufficient money. Then comes the amendment. If the Senator desires to prevent that absolutely, of course he must support the amendment of the Senator from Florida. Thinking that that amendment was a little too strict, a little too severe, that it would cut off the discretion which the Postmaster-General should have in reference to localities within a small distance from large towns, I thought it wise to offer the amendment I have submitted. It may, of course, operate harshly upon the particular city which the Senator has in mind; but if nothing whatever is done, the power already exists to-day, under present conditions, provided the Postmaster-General has sufficient money at his disposal.

Mr. HALE. If the Senator will allow me, I think there is just the point in the case—the last sentence uttered by the Senator—"under present conditions," and particularly if this amendment should be voted down, no Postmaster-General will depart from the unvarying usage heretofore and undertake to abolish the offices I have indicated. I have no fear of that. Granted that he has the power, he will not exercise it, especially if the amendment is voted down.

Mr. HILL. The Senator will permit me to make another suggestion, which is, if he has no idea that the Postmaster-General will exercise that power now, my amendment does not give him any greater power. My amendment simply prevents his going beyond that; that is all.

Mr. HALE. Yes; but the trouble would be that if we incorporate into this measure a provision giving him a discretion and assenting to that discretion on his part, he will exercise what he never has before, and it will arm him with a moral strength, if you call it that, which he has not now, and he will venture to depart from all that his predecessors have done.

Mr. HILL. By simply saying that the Postmaster-General shall not make a substation outside of the 5-mile limit, we give him no greater power than he now has inside of the 5-mile limit.

Mr. HALE. The Senator knows, as a good lawyer, the tremendous power of expressio unius et exclusio alterius.

Mr. HILL. It has no application here.

Mr. HALE. It has precisely that application. If you provide that the Postmaster-General shall not do that outside of the 5-mile limit, the Postmaster-General would have warrant to determine and declare that it was meant by that that he might do it inside of the 5-mile limit. That is the expression.

Mr. HILL. That is the very power he has to-day.

Mr. HALE. But he will not exercise it unless you give him this additional power.

Mr. HILL. Then this legislation will give him no such power, and if he is reluctant to exercise it to-day, it strikes me, after this discussion, he will not be very eager to exercise the power hereafter.

I advocate the 5-mile limit, because I think it would cut off the power to consolidate with large cities small offices within 5 miles. I think the whole discussion has shown that the Senate is in favor of a reasonable exercise of this power within a short distance of the large towns and villages, and there it ought to stop.

Mr. HALE. Let me ask the Senator, with the conditions I have described in the State of Maine, the large towns, which are cities themselves, having always had their own postmasters, their own offices, having a natural jealousy against the larger cities, does he think that any Postmaster-General ought to be authorized in terms to obliterate these offices and make them appanages of the larger cities?

Mr. HILL. I would suppose the Postmaster-General would say that what has worked so well in the past will undoubtedly work well in the future; and yet we find the junior Senator from Massachusetts [Mr. LODGE] absolutely urging this provision as applicable to the cities adjoining Boston.

I think that we may trust the Postmaster-General to this limited extent, at least. I think he will not be disposed to exercise this power, which he has not heretofore exercised, when we substantially say to him, by the adoption either of my amendment or that of the Senator from Florida, that we think the system of combining post-offices should not be extended beyond the 5-mile limit; and it does not necessarily follow that he will take that as an instruction that he should go to the extent of changing the postmaster in an adjoining city within 3 miles. I do not think he would. I do not think there is any danger to be apprehended by it, and I think this reasonable leeway ought to be given. The Senator from Maine can well trust the present Postmaster-General, or any other Postmaster-General who may succeed him, to that reasonable limit.

Mr. BATE. Mr. President, I do not think that the amendment of the Senator from New York [Mr. HILL] ought to pass. I favor the amendment proposed by the Senator from Florida [Mr. PASCO], to give a line of demarcation, distinct and clearly understood, and likewise a limit to the power of the Postmaster-General to appoint these clerks. To extend the right to consolidate these offices to some arbitrary distance greatly enlarges that power. I am against the extension of any of the powers of the Postmaster-General, which I am sorry to see have been exercised even so far. I think we should fix a limit to his jurisdiction in this matter. The expression of one thing would be the exclusion of another. If Congress should say that it favored this policy within the corporate limits of a city or town, it would be an expression equivalent to saying it was opposed to it outside of the corporate limits. I do not wish to see the principle extended so far. I think it is a centralizing step and moves in the direction of consolidation, and as such my opposition to it is fundamental. In addition to that, I think it would not work practically. Therefore I shall oppose the amendment of the Senator from New York because it proposes to go beyond the corporate limits, and shall, so far as my vote will go, sustain the proposition of the Senator from Florida.

Mr. SEWELL. Mr. President, I think in metropolitan districts like New York, Philadelphia, Boston, etc., the postal business ought to be controlled by one postmaster. In my State we have three or four comparatively large cities, which have from two to ten post-offices within the 5-mile limit—country offices with postmasters appointed by general consent of the community. They are offices generally run by young women and members of their families in a way which is perfectly satisfactory to the respective communities, and I should decidedly object to having the offices absorbed in this manner. I would go further and say to the Senator from New York that I see no reason why Jersey City and Hoboken, under his amendment, should not be made substations, as they are within the 5-mile limit.

Mr. HALE. Substations to New York?

Mr. SEWELL. Substations to New York.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from New York [Mr. HILL] to the amendment submitted by the Senator from Florida [Mr. PASCO].

The amendment to the amendment was rejected.

from West Virginia [Mr. ELKINS] to the Senator from Maryland [Mr. GIBSON] and vote "yea."

own and having a citizen of their own town as postmaster as the city of Portland. It would create not only dissatisfaction, and

shall not make a substation outside of the 5-mile limit, we give him no greater power than he now has inside of the 5-mile limit.

amendment submitted by the Senator from Florida [Mr. PASCO].

The amendment to the amendment was rejected.

The VICE-PRESIDENT. The question recurs on the amendment submitted by the Senator from Florida.

Mr. NELSON. I desire to call attention to the fact that as the amendment has been read, there is a mistake as to the point where it should come in. It should come at the end of the amendment accepted by the Senator from Massachusetts—the amendment wherein Cambridge was excepted—instead of coming in at the end of line 6.

Mr. ALLEN. Let the amendment submitted by the Senator from Florida be read.

The VICE-PRESIDENT. The amendment submitted by the Senator from Florida will be stated.

The SECRETARY. On page 2, line 6, after the word "seat," it is proposed to insert:

And provided further, That nothing herein contained shall authorize the establishment or maintenance of any station, substation, or branch post-office beyond the limits of any city or town in which the principal office, to which such station, substation, or branch office is attached, is located.

Mr. ALLEN. I should like to ask the Senator from Florida if he has any objection to inserting the word "corporate" before "limits"?

Mr. PASCO. I have, because a great many towns are not incorporated. We have towns all over our Southern country which are not incorporated.

Mr. ALLEN. Are there any cities or towns of sufficient size requiring a central office and the establishment of substations that are not incorporated?

Mr. PASCO. I do not know how far this extension may be carried.

Mr. ALLEN. I suggest to the Senator that if we simply say, "the limits of any city or town," it means nothing.

Mr. PASCO. The "city of Washington" certainly means something; the "city of Alexandria" certainly means something, and "Monticello," where I live, is measured by certain metes and bounds, and certainly means something. I think it would be intelligible the whole country over.

Mr. ALLEN. I am in accord with the Senator from Florida; I am not antagonizing him at all; but I had prepared and printed an amendment in this language, to be inserted on page 2, after line 6:

Provided further, That no subpost-office or station shall be established outside of or beyond the corporate limits of the town or city in which the principal office is established; nor shall a postmaster or clerk of any subpost-office or station be appointed to administer the affairs thereof who is not at the time of his appointment a bona fide resident and elector of the community in which said subpost-office or station is located.

I submit that to say "outside of or beyond the limits of Washington" is not equivalent to saying "beyond the corporate limits of Washington."

Mr. PASCO. If the Senator will permit me, a suggestion has been made to me by the Senator from Nevada [Mr. STEWART] which perhaps may enable us to agree. That is, to have the amendment state "beyond the corporate limits or boundaries."

Mr. ALLEN. Very well.

Mr. PASCO. I am willing to use that language, if it will satisfy the Senator from Nebraska.

Mr. ALLEN. That is agreeable.

Mr. LODGE. Mr. President, I desire to call attention to the practical effect of this amendment, which I do not think can be quite realized, even by the Senator from Florida, who has proposed it. The other day, when the exception was inserted in regard to the county seats, I asked to have the city of Cambridge excluded from that, because it was now included in a metropolitan district, and, as I understood, preferred the metropolitan service. The Senate assented to that proposition very kindly and Cambridge was excepted. Under the amendment proposed by the Senator from Florida, Cambridge is thrown out of the metropolitan circuit at once. Not only that, but Chelsea and Somerville, cities of fifty and sixty thousand inhabitants, which are practically part of Boston for the purposes of the postal service, are forced out of the metropolitan system, under which they now exist and under which they have been for years. The effect of the amendment will be practically to break up every metropolitan district in the country and require its entire reorganization.

Mr. GRAY. Disfranchise them.

Mr. LODGE. It will force them out of the system which they now prefer and have had for years into systems which have been abandoned as inferior. I think that it is very unfair to those established systems to force them out by an arbitrary amendment of this character about corporate limits. It seems to me that this is going a great deal too far in arranging for the postal service of large cities.

The rights of the fourth-class postmasters and the village stores have been protected, and I think the unfortunate inhabitants of large cities are entitled to some rights. I think they are entitled to have the service they prefer, and the best service, and this amendment will force them out of the metropolitan districts in which they are now.

I am inclined to think that within the metropolitan district of New York there are some important stations which will be thrown out by the amendment of the Senator from Florida. I am not sure about that, but that is my impression. It will be certainly so in many cities. It would be a very serious matter in the city of Boston; and I trust the amendment as it stands will not be adopted.

Mr. PASCO. Mr. President, it strikes me that the Senator from Massachusetts [Mr. LODGE] has given us the very best reason and argument in the world why this amendment should be carried. The fact that this consolidation, this extension, has taken place without any statutory foundation, and has been carried to this extent simply on departmental construction and legislation, is a strong reason why we should arrest this action and limit and stop it, and prevent it from going any further.

Mr. HOAR. I should like to ask the Senator from Florida a question, if he will pardon me.

Mr. PASCO. Certainly.

Mr. HOAR. I will not say anything about the general rule; but does he desire that the city of Cambridge, which is as old a political organization as the city of Boston, shall, against the experience of now ten or twelve years—I do not now know how long; my colleague can tell me—and the desire of its citizens and the protest of the two Senators from Massachusetts, who represent it, be forced back into the old system; or, if he will not accept the statement of my colleague, that it desires to remain under the system which is now so satisfactory in its operation?

Mr. PASCO. Whenever this subject comes up for consideration upon some proposition to legislate directly upon it all these questions can be considered; but the argument which was made to the Senate yesterday demonstrated that there is no foundation in law for these extensions of postal districts so as to absorb post-offices in neighboring towns and cities. Personally, I should be opposed to reducing Cambridge, in which I have a great deal of pride, to the position of a mere substation. It is a noble, grand old city, and I do not like to consider it merely as a substation of Boston; but I do not wish or expect my own views to control in a matter in which the people of Cambridge are concerned. It is really for the people of Massachusetts and the people of Boston and of Cambridge——

Mr. HOAR. One word.

Mr. PASCO. The Senator will please let me finish my sentence. It is a matter for those who are interested in the postal business of Cambridge to determine for themselves. If in the future they wish to have local legislation of this character, I shall be perfectly willing to assist the Senators from Massachusetts in carrying it out, but I think it is time now that the existing law should be settled and enforced, controlling and determining and settling this question, so that we may prevent from this time forth the continuance of this system of stations and substations beyond the limits of the principal office, which, as I said before, has, in my opinion, no foundation in law.

Mr. HOAR. What I wanted to say to the Senator was that the people of Cambridge are satisfied with the present situation whereby Cambridge is allowed to have the advantages of prompt, convenient, and frequent postal service and to share in those advantages with the great city in its neighborhood. You might as well say, instead of giving Cambridge a part of the great Boston aqueduct system which is about to be established at a cost of a million dollars, we should insist on Cambridge having a little pond of her own from which to draw her water supply.

Mr. PASCO. Whenever there is such a proposition to extend these facilities to Cambridge as has been indicated by the two Senators from Massachusetts, I shall cooperate with them and give my vote in favor of it.

Mr. HAWLEY. Mr. President, I should be very sorry to have broken up a relation so natural as that which prevails between Cambridge and Boston. Cambridge has long enjoyed these postal accommodations. The spirit of the amendment of the Senator from Florida does not aim at that, in my judgment. There is no objection, I think, to the consolidation with large cities of small places in contiguous territory. Cambridge lies right by the side of Boston, adjoining it, with only an imaginary line dividing them. Boston and Cambridge are practically one city.

What has been said in the Senate during the discussion of the past two or three days, in explanation of this system of branch post-offices and in relation to offices in places which constitute one city practically, illustrates what was said by the Senator from New York [Mr. HILL] the other day, that we are patching away and attempting a very great change, whereas if there is anything to be done in the way of reorganizing the post-office service it should be taken up in a separate bill, fairly considered in all its details, and be laid before the public for some time, so that we may get general sentiment about it, and not have it passed as an amendment to an appropriation bill.

Mr. PEFFER. Mr. President, before the vote is taken upon this amendment, I wish to suggest to Senators that there is another matter connected with the subject which we are now discussing

which has not yet been brought to our attention. Kansas City, in the State of Missouri, is on one side of the State line between Missouri and Kansas, and immediately across the line is Kansas City, in Kansas. The two cities are now lying so closely together that the buildings are commingled one with the other, and a stranger passing through would not know where one city ends and the other begins. Under the postal system there is no such thing as State lines; at least at present. Unless there be some restriction, either in the amendment of the Senator from Florida or in another amendment, Kansas City, Kans., being the smaller of the two, would very naturally and logically, under the present régime, be consolidated with Kansas City, Mo., and that would take the breath out of our people; it would make them heartsick, and I I should not blame them for it, for it has become a beautiful city, with some forty or fifty thousand people, and to be absorbed by the mother city on the other side of the river would be a very serious thing with them, indeed. We are expecting to have public buildings there—a custom-house, a post-office, and other Government buildings—in a little while to show to visitors when they come, and we do not want to be absorbed by any other city. If there is to be an absorption, we had rather be the absorbers ourselves.

Mr. FAULKNER. Mr. President, I concur fully in the sentiments uttered by the Senator from Connecticut [Mr. HAWLEY]. This is not the proper place to consider this question. It is one which involves a great many details; one which involves the peculiar interests of the people in the different localities to which it may be applied, the needs of which should be ascertained fully by the Post-Office Department before this rule of consolidation is applied to those communities.

The discussion that has taken place in the Senate here fully illustrates the views and sentiments of this body as to the extent of this consolidation. I think we may let the matter stand without fear of any bad effect upon the postal service or upon the interests and conveniences of the communities to be affected by the action of the Postmaster-General, who is entirely in the control of this subject.

I believe further, sir, that if this provision should be now adopted it would only be a temporary law. This is simply an appropriation bill; it only proposes to make appropriations for one year; and this law would not affect in any way the action of the Post-Office Department after the termination of the year for which the appropriations are made.

It strikes me, therefore, that the best thing the Senate can do in matters of this kind, after having expressed so decidedly their sentiment as to the extent of the consolidation of these offices, is to vote down this amendment, and trust the Postmaster-General to carry out the views of members of the Senate and of the Senate itself as they have been expressed on the floor, and the views of Congress, I may say, as to the system of consolidation which has been adopted by the Post-Office Department. I think it rather unwise, Mr. President, to bring this matter here on an appropriation bill for the purpose of limiting and controlling a power which has existed always in the hands of the Post-Office Department, and has never, except in one instance, so far as I know, brought any animadversion upon the office in the execution of that power.

Mr. HILL. Mr. President, the point suggested by the Senator from West Virginia [Mr. FAULKNER] had occurred to me, and it was because of that fact that I suggested yesterday that the amendment of the Senator from Florida [Mr. PASCO] be withheld until the disposition of this motion. It is absolutely true that at the expiration of the next fiscal year the Postmaster-General can do as he pleases in regard to this very proposition. There is no doubt about that. This bill simply proposes to make appropriations for the expenditure of moneys for the next fiscal year, "that nothing herein contained shall authorize" so and so. That is all there is of it. There is nothing here authorized. It is an appropriation of money. The Senator from Florida, however, and the Senate might as well dispose of this question now, and dispose of it as it has a mind to. While I think the 5-mile limit should have been added, nevertheless, if it is desired hereafter to prevent the erection of these post-offices outside of the corporate limits of cities or towns, let us say so, and let us place it in the bill.

I suggest to the Senator from Florida that instead of saying:

And provided further, That nothing herein contained shall authorize—

He should strike out all the words down to and including the word "post-office," in line 3, and let the amendment read:

That hereafter no station, substation, or branch office shall be established beyond the limits of any city or town, etc.

That perfects it. That is what the Senate wants to do, I think, from the disposition which has been manifested; it wants to limit it to the cities, and does not want it to go outside. If you attempt to do anything at all, it must be put in that language; and it will not affect anything except for the next fiscal year.

Mr. HOAR. Will the Senator repeat the language?

Mr. PASCO. I will accede to the wish of the Senator from New York and accept the modification.

Mr. HILL. I suggest that we strike out all down to the word "post-office," in line 3, and insert:

That hereafter no station, substation, or branch post-office shall be established—

Then comes the rest of the amendment—

beyond the corporate limits or boundaries of any city or town in which the principal office to which such station, substation, or branch office is attached is located.

That does not interfere with those already appointed.

Mr. PASCO. "Be established or maintained" are the words of the amendment.

The VICE-PRESIDENT. The amendment submitted by the Senator from New York to the amendment will be stated.

Mr. HILL. Does the Senator from Florida accept the amendment?

Mr. GORMAN. "Hereafter maintained or established."

Mr. HILL. The Senator from Maryland suggests the words "hereafter maintained or established." I do not think that is necessary.

Mr. PASCO. The Senator from New York does not propose to strike out the word "maintained"?

Mr. GORMAN. The Postmaster-General has already established, according to the report, a hundred stations outside of city limits.

Mr. HILL. I accept the suggestion. Let it be "established or maintained."

Mr. ALLISON. The effect of that would be——

Mr. LODGE. To destroy all existing stations outside of city limits.

Mr. ALLISON. To destroy all stations outside of city limits, as suggested by the Senator from Massachusetts.

Mr. JONES of Arkansas. I should like to make a suggestion in order to see how the amendment will affect a situation in my State. On the State line between Arkansas and the State of Texas there is a town of three or four thousand people on the Arkansas side and of six or seven thousand on the Texas side, each being a distinct and separate corporation. The Government has a public building on the line, with a single postmaster serving both of those towns. Now, if I understand the amendment offered by the Senator from Florida as proposed to be amended, it will be absolutely necessary to have two postmasters in what is really one town.

Mr. PASCO. Oh, no.

Mr. LODGE. That is entirely true.

Mr. PASCO. Oh, no.

Mr. LODGE. So would Kansas City.

Mr. JONES of Arkansas. There are two corporations. The limitation of the amendment is that there shall be no station——

Mr. PASCO. Or subdivision. That is not a station. It is a post-office.

Mr. JONES of Arkansas. But it may not include two corporations.

Mr. PASCO. Certainly, three if you like.

Mr. JONES of Arkansas. I see no reason why they could not include the number of towns mentioned by the Senator from Massachusetts.

Mr. PASCO. It would prevent the establishment of a substation in one State or city and another substation in another, both incorporated in one post-office. That would be the effect of it.

Mr. JONES of Arkansas. That is all right.

Mr. ALLISON. Is it the intention of the Senator from New York to prevent the maintenance of any post-office outside of the city limits during the present fiscal year or only to prevent the maintenance of or establishment of such stations hereafter? The language first proposed by him would cover all these cases.

Mr. HILL. That was my idea.

Mr. ALLISON. But it will not cover any case of consolidation hitherto——

Mr. HILL. I accepted the suggestion that it should read that no substation or branch post-office shall be established or maintained.

Mr. ALLISON. That of course will necessitate a change as respects the illustration of the Senator from Massachusetts——

Mr. HILL. I have no objection——

Mr. ALLISON. And I do not know how many others.

Mr. FAULKNER. I ask the Senator from Iowa whether it would cover the hundred stations already established?

Mr. ALLISON. Perhaps it would. I submit that we are rather legislating in the dark in this respect. I am of the opinion expressed by the Senator from West Virginia [Mr. FAULKNER] that no Postmaster-General after reading or even casually observing the debate we have had here to-day is likely to extend these suboffices beyond the city limits.

Mr. HALE. Where they are not already established.

Mr. ALLISON. Where they are not already established, and I think he will be inclined to retrace his steps in the instances already mentioned here as to Ellicott City and others. So I believe that for this year we might trust the Postmaster-General not

to make radical change as to those post-offices. Although I do not belong to the same political organization with the Postmaster-General, I would be willing, in the face of what has occurred and what is likely to occur, to trust him as to the consolidation of post-offices.

Now, here is the case illustrated by the Senator from Massachusetts, where the people desire such consolidation.

Mr. HAWLEY. It has been in effect a long time.

Mr. ALLISON. It has been in effect for a long time. In the case suggested by the Senator from Maine [Mr. HALE] a Postmaster-General would be guilty of little short of madness who would consolidate three or four towns competing with each other for supremacy. So I think we can trust the Postmaster-General.

I regret that we have had occasion to have this debate. I regret that we have had it intimated here that there is a disposition to abolish half the post-offices in the United States and to consolidate them with the offices in towns and cities. I do not believe that is the purpose of the Postmaster-General, but if it is he ought to be admonished and warned by the debate in this Chamber for the last two or three days that it does not meet with public approval, at least so far as the Senate of the United States is concerned.

Mr. WOLCOTT. If the Senate is interested in knowing what offices are affected, the Senators have the information on their desks in the form of a letter of the Postmaster-General, in which he states the independent offices which have been consolidated during the last two years. They are about 100 in number, and are given there. There are 56 in Chicago, and there are several in Baltimore. Then there are a number of others. The New Grand Rapids (Mich.) office is consolidated with the Grand Rapids office, as is Oakdale Park, Mich. The Mispah (Tenn.), Elcan (Tenn.), and Estellville (Tenn.) offices are consolidated with the Memphis office. Parkville, N. Y., is consolidated with Brooklyn. West Cleveland, Ohio, is consolidated with Cleveland. Lakeview, Mass., is consolidated with Worcester. Greendale, Mass., is consolidated with Worcester. Chancy, Iowa, is consolidated with Clinton, Iowa. Tennallytown out here is consolidated with Washington. A great outrage has been committed by consolidating Tennallytown with Washington.

Mr. HOAR. Will the Senator from Colorado pardon me? The two offices which were consolidated with the Worcester office are both within the city limits.

Mr. WOLCOTT. They are mentioned as having been independent offices.

Mr. HOAR. They were, but they are both inside the city limits.

Mr. WOLCOTT. They are stated as having been independent offices. The others are given here, and if Senators are interested they will find them in the report which accompanies the amendment.

Mr. FAULKNER. Mr. President, I merely wish to make one more statement in this matter as to why I think there is no fear in reference to the action of the Postmaster-General outside of my reliance and confidence in his judgment. Having voted down the amendment submitted by the Senator from Colorado [Mr. WOLCOTT], which proposed to transfer the salary of the postmaster where the office was abolished and designated as a substation and enable it to be used for clerical purposes, the Postmaster-General is left with no funds to use for the establishment of such stations and the employment of clerical assistants in order to carry out the consolidation except the appropriation for clerical purposes found in the pending appropriation bill. That amount is not increased very largely as compared with last year, when but few consolidations took place.

Therefore it will be utterly impossible for the Postmaster-General to consolidate many offices. He will apply the consolidations only to cities and those immediate suburbs which demand the facilities incident to the establishment of this system. So I think there need be no fear on the part of the Senate as to the result.

Mr. GORMAN. I should be delighted if I could believe with the Senator from Iowa [Mr. ALLISON] and the Senator from West Virginia [Mr. FAULKNER] that without such a provision as is proposed by the Senator from Florida [Mr. PASCO] these consolidations would not go on. Here stands the fact before us that the Postmaster-General in an official communication has stated that he has taken a hundred of those offices and consolidated them, as the Senator from Florida [Mr. PASCO] thinks, without law, certainly in opposition to custom. He further advises us that he proposes to continue the consolidation, and he states the very extreme case that he would like to take in all the offices on Long Island which has been discussed here.

Now, the officials come before the Appropriations Committee of the Senate and say, as the chairman of the committee has already stated to the Senate, that to do that they can use only the appropriation for clerks. The House of Representatives, after full discussion of the Post-Office appropriation bill—and I have no doubt, from the intimation in the debate, that it was done for the purpose of limiting the power of the Postmaster-General—itemized the bill and made specific appropriations for postmasters and clerks, in the amount to be expended for the purchase of horses and wagons and bicycles, etc. But it was stated to us on this side of the Capitol that it would limit the power of the Postmaster-General, and therefore the Department would like to have more money. The Senate, instead of the $10,350,000, has already voted $10,500,000 for clerk hire. With that appropriation in the bill as we have passed it the Postmaster-General can go on and not only maintain the hundred offices or substations where he has abolished post-offices, but he can increase the system.

If there were the slightest intimation on the part of anyone who is authorized to speak that the consolidation of country post-offices would not continue, I myself would not be inclined to put such a provision on this bill. The pending bill is different from any other appropriation bill. No such power is given to any officer of the Government as is given in this bill to the Postmaster-General, with a lump sum to do as he pleases. For instance, he can divide it up with the railroads of the country for transportation; but with the extension of all these little roads, with the extension of the postal service, it has been considered necessary, and I do not know that it has ever been abused. It is true the amounts are piling up and up and up, but it is a service which the people demand, and the greatest possible discretion must be placed in the hands of the Postmaster-General and his assistants, and the highest integrity is wanted in that office. I have no doubt it is there. It has always been there.

There may be extravagance; I think possibly there is; but the Senate by its amendment has eliminated all the restrictions placed in the bill by the other House, and we have given him the same power that all other Postmasters-General have had. And it has come to this one thing. He is the first Postmaster-General who has attempted to inaugurate a system of this sort. Others have suggested it, and when they found that Congress refused to give the power they never presumed to exercise it.

Mr. HOAR. I should like to ask the Senator from Maryland a question, if he will allow me. I had not heard the whole debate. Does not this come almost wholly from the delivery system? Before the delivery system was inaugurated, when the people had to go to the post-offices to get their letters, they wanted a great many post-offices, even within the limits of the same city. Almost every town in my own State, and I suppose it was so in the rest of the country, would have several independent post-offices in it. The Senator from Colorado [Mr. WOLCOTT] has mentioned two offices in my own city, Worcester, which were abolished and put under the general post-office, for the reason that the postmaster of Worcester has extended his delivery system to those communities, and the people—the established families and business men—do not go to the post-office once in three months.

Mr. GORMAN. In the cities that is true, as the Senator from Massachusetts states. I this morning received a letter from a gentleman in one of those offices which has been consolidated, a little town outside of Baltimore, 5½ miles from the central post-office in Baltimore. It is one of those villages that has grown up on the old national road which led to the West, constructed in the early days. There they had a separate post-office—a Presidential office—which paid a salary of $1,200 a year. This gentleman, who is a resident there and has no personal interest in the office, says that they abolished that office and made a substation of it, and with it they abolished the postmaster (who he was I do not know) and sent out from the city of Baltimore a clerk to take charge of it. The office under the old postmaster, which gave under all Administrations perfect satisfaction to the community, cost, with the salary of the postmaster, $2,000 per annum. They then sent out a clerk at $800 and two letter carriers at $1,000 each. So far are the people removed from the central office that the mail which arrives early in the morning gets around by the carriers at 2 o'clock in the afternoon, because of the immense territory to be covered.

Now, it is the making of such an arrangement in a purely country district—in an agricultural district—that I object to, and not as to towns and cities. Let them have their service, whether the service is to be increased, as it has been increased in the last two or three years, by deliveries not only twice a day, but five or six times a day, until the appropriation in six years has run up from $5,000,000 to $10,000,000. Where the limit is to be is another matter which I do not care to discuss now. But I should like to have it confined to incorporated cities, and not extended to agricultural districts.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Florida [Mr. PASCO].

Mr. GORMAN. On that let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BURROWS (when his name was called). I am paired with the senior Senator from Louisiana [Mr. CAFFERY].

Mr. CARTER. I am paired with the junior Senator from Maryland [Mr. GIBSON], and therefore withhold my vote.

Mr. FAULKNER (when his name was called). I am paired

with the junior Senator from West Virginia [Mr. ELKINS]. I transfer my pair to the Senator from Alabama [Mr. MORGAN] and vote "nay."

Mr. PALMER (when his name was called). I announce my pair with the Senator from North Dakota [Mr. HANSBROUGH] and withhold my vote.

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. I transfer my pair to the Senator from Connecticut [Mr. PLATT] and vote "nay."

Mr. THURSTON (when his name was called). I am paired with the Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. ALLEN (after having voted in the affirmative). I desire again to announce my pair with the junior Senator from Pennsylvania [Mr. QUAY]. I transfer my pair to the junior Senator from South Dakota [Mr. KYLE] and let my vote stand.

Mr. CARTER. I understand that my pair with the junior Senator from Maryland [Mr. GIBSON] has been otherwise arranged, and I desire to vote. I vote "yea."

Mr. WALTHALL. I desire to announce on this question the pair of the Senator from Pennsylvania [Mr. CAMERON] with the Senator from South Carolina [Mr. IRBY]. I ask that this announcement may apply to any other yea-and-nay vote that may occur during the day.

Mr. TURPIE. I am paired with the Senator from Minnesota [Mr. DAVIS]. I transfer my pair to my colleague [Mr. VOORHEES] and vote. I vote "yea."

Mr. MARTIN. I am paired with the junior Senator from Montana [Mr. MANTLE]. I desire to transfer my pair to the junior Senator from New York [Mr. MURPHY] and vote. I vote "yea."

The result was announced—yeas 36, nays 25; as follows:

YEAS—36.

Allen,	Carter,	Hill,	Proctor,
Bacon,	Chilton,	Jones, Ark.	Pugh,
Bate,	Cockrell,	Jones, Nev.	Roach,
Berry,	Daniel,	Lindsay,	Stewart,
Blackburn,	Gallinger,	Martin,	Teller,
Brice,	George,	Mills,	Turpie,
Brown,	Gordon,	Nelson,	Vest,
Buller,	Gorman,	Pasco,	Walthall,
Call,	Harris,	Peffer,	White.

NAYS—25.

Allison,	Gray,	Mitchell, Oreg.	Vilas,
Baker,	Hale,	Mitchell, Wis.	Wetmore,
Chandler,	Hawley,	Perkins,	Wilson,
Clark,	Hoar,	Pettigrew,	Wolcott.
Cullom,	Lodge,	Pritchard,	
Faulkner,	McBride,	Sewell,	
Gear,	McMillan,	Shoup,	

NOT VOTING—28.

Aldrich,	Dubois,	Mantle,	Sherman,
Blanchard,	Elkins,	Morgan,	Smith,
Burrows,	Frye,	Morrill,	Squire,
Caffery,	Gibson,	Murphy,	Thurston,
Cameron,	Hansbrough,	Palmer,	Tillman,
Cannon,	Irby,	Platt,	Voorhees,
Davis,	Kyle,	Quay,	Warren.

So the amendment was agreed to.

Mr. ALLISON. I ask at this time unanimous consent to strike out, on page 9, line 23, all after the word "dollars" down to and including the end of the paragraph. I omitted to say when the paragraph was reached that a different disposition has been made of this expenditure. The deficiency bill passed recently provides that this expense shall be paid from the appropriations made for the Department of Justice. I therefore ask unanimous consent that the proviso may be stricken out down to and including the words "United States" in line 6, on page 10.

The VICE-PRESIDENT. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. On page 9, after the word "dollars" in line 23, it is proposed to strike out the proviso, as follows:

Provided, That not exceeding $5,000 of this amount may be expended for fees to United States attorneys, marshals, clerks of courts, and special counsel necessarily employed in prosecuting civil suits instituted by the Auditor for the Post-Office Department, through the Solicitor of the Treasury, against the sureties on the official bonds of late postmasters, as provided for by section 232, Revised Statutes of the United States.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Iowa [Mr. ALLISON].

The amendment was agreed to.

Mr. BUTLER. I beg to call up the amendment which I sent to the desk.

The VICE-PRESIDENT. The amendment submitted by the Senator from North Carolina will be stated.

The SECRETARY. After the amendment already adopted, following line 2, on page 4, it is proposed to insert:

Provided, That $50,000 of this amount be used to defray the expense of experiments in rural free delivery, under the direction of the Postmaster-General, and the amount heretofore appropriated for this purpose and still unexpended be available for said experiments.

Mr. BUTLER. Mr. President, there has been money appropriated for this purpose before. The Postmaster-General, in his report for 1893, says that he has not used the money appropriated. He says:

In the appropriation bill for the fiscal year ending June 30, 1894, Congress provided $10,000 to be used, at the discretion of the Postmaster-General, in testing the feasibility of establishing a system of free delivery in rural districts.

I should like to have the Secretary read the paragraph which I have marked.

Mr. VILAS. I desire to make, at some time before 5 o'clock, a motion and perhaps move an amendment. With the permission of the Senator from North Carolina, I will make the motion now, so as to have it pending. It is to strike out the clause from line 11 to the words "postal service," in line 18, on page 6. It is simply to strike out the appropriation for necessary and special facilities, as it is called, on the route from New York to New Orleans. Three years in succession the Postmaster-General has recommended that that be omitted from the bill and he declined to estimate for it. We do not get by two hours as fast service on the mail train for which we pay $143,000 as is given to passengers on a passenger train upon the same route.

Mr. ALLISON. The Senator stated yesterday that he would offer another amendment.

Mr. VILAS. I stated that if the clause is not stricken out, if my first proposition is not agreed to, I shall move to limit the appropriation for necessary and special facilities to $175,000.

Mr. BUTLER. While the Senator from Wisconsin is referring to that subject, I will state that I hold in my hand the report of the Postmaster-General for 1895, in which report he says:

In submitting the estimates for the fiscal years 1893, 1894, 1895, and 1896, this office declined to include the item of "special facilities," for reasons heretofore stated.

The Postmaster-General goes on to say that he thinks it demoralizes the service and that it is a wrong to the railroads who do not get the special facilities. He says it is an extra bonus to the roads given these special facilities; that they get so much more than other routes and it does not add anything to the service. I heartily concur in the Senator's motion.

Mr. VILAS. I did not mean to interfere in any way with the Senator from North Carolina, who is entitled to the floor and perhaps intends to speak.

Mr. BUTLER. I have an amendment relating to rural free delivery which I want to have acted on. I ask the Secretary to read the paragraph which I have marked in the report of the Postmaster-General for 1893, page 55.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

RURAL FREE DELIVERY.

In the appropriation bill for the fiscal year ending June 30, 1894, Congress provided $10,000 to be used, at the discretion of the Postmaster-General, in testing the feasibility of establishing a system of free delivery in rural districts.

It has been impossible, up to this time, to give the subject of rural free delivery the study and consideration that it necessarily requires, much less to put it into actual operation. This is due, in the first place, to the fact that the time and energy of the free-delivery division has been, and is now, entirely taken up with the problem of properly maintaining, with a deficient appropriation, the free-delivery service in the cities in which it is now established, and in declining the requests for and deferring the establishment of the free-delivery service in the 93 towns that are entitled to it under the law enacted January 3, 1887. Secondly, the amount of the appropriation for this particular experiment is not at all sufficient to provide thorough and reliable tests. The conditions in different sections vary so, that a test made in and favorable to one particular locality would prove unsatisfactory if attempted in any other. For instance, a plan that might be efficient in a thickly settled rural district in New England, with its good pikes and stone roads, would not be at all practicable in certain parts of Ohio, in which the farmers are scattered and the roads during certain seasons of the year practically impassable.

Another illustration can be found in a comparison between the States of New York and Mississippi. A free-delivery system that would prove satisfactory to the residents of a fruit-raising and gardening district of New York State, requiring quick and frequent communication with the markets, would have to be operated on very different lines from a system that would meet the requirements of a plantation section of Mississippi, where the population is scattered.

Mr. BUTLER. Inasmuch as the time is growing short and some other Senators wish to speak, I will not have the whole paragraph read. The Secretary will stop. I wish to call attention, however, to the last report of the Postmaster-General, the report for 1895, in which he says:

The amount appropriated by Congress ($20,000) to test the feasibility of establishing rural free delivery was not expended during the last fiscal year, the Department not being able to devise a plan by which a satisfactory test could be made with this small allowance.

Both these reports show that the Postmaster-General has not used the amount because it is too small, and that has been his chief reason. He names some other reasons. I find here in a report from Postmaster-General Wanamaker the following statement:

I think it quite possible to spread the free delivery over entire counties. For example, in Pennsylvania—

He takes different counties in Pennsylvania and Massachusetts and shows how the free-delivery experiment, practically and with great advantage to people, can be carried over those counties.

My amendment provides for an appropriation of $50,000. I had in the original amendment the amount fixed at $100,000, but at the suggestion of a member of the Committee on Appropriations I cut it down to $50,000. The amendment also provides that the $20,000, which has been already appropriated and has not been used, shall be available for this experiment. This amount will enable the Postmaster-General to make experiments in probably two or three counties—to make one in a thickly settled section and one in a sparsely settled section.

The scheme is practicable, because there are a number of countries doing it to-day. It has been done by the people in a number of localities on their own arrangement. The people to-day in a number of neighborhoods arrange to have a free-delivery system and to pay for it themselves. But the main point is that the Government appropriates money for special delivery in cities where men live within ten minutes' and five minutes' and two minutes' walk of the post-office, where it would not take ten minutes of a man's time to go and get his mail; but the man who has not these facilities, though he is taxed to support the Government, is the man who has to take his horse from the plow and ride 5 miles or 3 miles to get his papers or his letters. It would be better for the farmer to be taxed a special tax to pay for this free delivery than for the 35,000,000 farmers of this country to have to stop their work in a busy season and go to their post-offices for their mails.

The Postmaster-General says it will take $20,000,000 to do this. Now, that is guesswork to some extent. This amendment does not propose to appropriate $20,000,000; it does not provide that the Postmaster-General shall establish a free-delivery system all over the country, but it appropriates a small amount for him to make a fair test. The people of this country are entitled to a fair test to know whether the system can be operated economically, practically, and satisfactorily to the people and to the Government. Every objection that the Postmaster-General has made heretofore will be removed by giving $50,000, with the $20,000 unexpended. There can be no objection to it. It is certainly a small amount to make a test of a very important matter.

Mr. PERKINS. As it is understood that at 5 o'clock we shall commence to vote upon the amendments without debate, I desire to say a very few words in answer to the charges made by the distinguished Senator from Wisconsin [Mr. VILAS] in relation to the proposed amendment by the committee, on page 7, from line 9 to line 20, for increased compensation for the transportation of the ocean mails between San Francisco and the Australian colonies. If time would permit I think I could satisfy my friend that he is mistaken in several of the assertions he made, one in particular, as to the refusal of the owners of the vessels at the time they were under construction to come within the provisions of the act of 1891.

Another point that he stated is that there is no danger whatever that this line of American steamships, the only line plying on the Pacific Ocean south of the equator, being withdrawn by reason of the competition of the line of British steamers so heavily subsidized between Vancouver and Australia. He read at the time from what was undoubtedly the report of the postmaster-general of New Zealand wherein he stated that they had entered into a contract for the purpose of carrying the mail for a particular compensation for a term of years. I find by referring to his remarks that the Government only authorized the making of a contract for transporting the mails, and that the compensation was at the rate of 11 shillings per pound net for the letters. Therefore it implies that whatever the compensation might be it was subject to the amount of mail that they carried.

Another claim the Senator made is that our Government is paying this steamship company a liberal compensation for the transportation of the mails. I do not know upon what line of analogy he reasons. Is it because the Canadian Government and the English Government are paying the Canadian line of steamers $18,000 per trip as against our Government paying $4,400 per trip, as it did last year? Or is it by reason of the distance, which in round figures is, say, 7,000 miles by the route these steamers usually travel? If that is the argument, surely the expense of a voyage that consumes forty-two or forty-three days of actual running time and with the time at port about sixty days, transporting the mails 14,000 miles, will not be less than $40,000. Then is $4,000 per trip a reasonable and generous compensation? I think even my distinguished friend will not say that it is, and he will see that it is impossible for this private company, or any other company, to compete successfully against a line of steamships so heavily subsidized as is the Canadian line.

I should like to read from the Australian newspapers what they think of our action in relation to it, but I am reminded that time will not permit. The press of Australia reflects upon us for our niggardly policy in helping this ocean line of steamers. England alone, as I said last week in the debate, paid out nearly $2,000,000 more than she received for her ocean postage.

Mr. President, I will not trespass upon the Senate now except to read a telegram which I received a short time since, which I think is all the argument necessary for the Senate to vote to retain in the bill the amendment placed there by the Committee on Appropriations. It was from J. D. Spreckels, the president and manager of the Oceanic Steamship Company. The telegram is addressed to my colleague and myself, and it reads as follows:

Oceanic Steamship Company holds no contracts either with Australian or New Zealand Governments. What support it now receives from them is entirely voluntary and subject to withdrawal at any moment. These friendly and energetic colonies with 4,000,000 population have borne the burden of keeping an American line afloat in expectation that the United States with its 69,000,000 people would show a proportionate desire to maintain and further cultivate direct commercial relations. If present request for absolutely necessary and moderate assistance be denied, such action will unquestionably be construed as an expression of the future policy of the United States toward its ocean trade, and more directly as a disregard for the continuance of the Australian service under the American flag. This will undoubtedly result in transfer of entire colonial support to Canadian line and final extinction of direct service between United States and the colonies.

JOHN D. SPRECKELS,
President Oceanic Steamship Company.

The VICE-PRESIDENT. The time of the Senator from California has expired.

Mr. HAWLEY. Mr. President, a word about the amendment I offered yesterday, which has been reached in the debate. On page 7, after line 25, I propose to add the following proviso:

Provided, That hereafter all postage stamps required shall be obtained under the provisions of section 2709 of the Revised Statutes, and the contracts shall be awarded to the lowest and best bidder for the interests of the Government, and no bids of any branch of the Government shall be considered.

I propose the amendment in the hope that it will restore the old-fashioned way of getting the stamps by private contractors. In my judgment, indeed I know that the experiment at the Bureau of Engraving and Printing was very expensive and resulted in the wasting, at least for a year or so, of a very large number of stamps. The work as previously done under contract by responsible companies was economical and was thorough and resulted, to the best of my recollection, in no loss whatever to the Government. We had better stamps, too, by all means. The general principle is that mechanical work of any sort that can just as well be done by private parties had better be done by them, for Government work on the whole, in many respects, is more costly.

This is all I desire to say on that. I did hope there might be a little debate on experimental free delivery. I desire to retain that service as the committee on the part of the Senate has endeavored to retain it. The experiments have been exceedingly interesting indeed. I have the figures from 24 towns, where not more than $215 was spent upon a town. In 24 towns of which I have statistics there was a handsome net increase of revenue from those offices, showing the benefits in ordinarily settled towns of an increase of free delivery.

Mr. BUTLER. In reference to the motion made by the Senator from Wisconsin, to strike out from line 11 down to line 18, on page 6, I wish to say that in my opinion that subsidy should be stricken from the bill. It is a clear subsidy of $196,000 given as a free gift—you can not call it anything else—to one railroad company, now the Southern Railroad. The Atlantic Coast Line and the Southern Railroad Company are both anxious to get the contract from the Government to carry this mail. They both have fast mail facilities now. Either one would take it under the contract price. By adding the $196,000 the Government does not get a service one particle better for the money. Besides, as the Postmaster-General has said in his report every year, it is a discrimination against the other railroads in the country which simply get the contract price for carrying the mails. Of course, if any railroad is going to get it, I should like to see one running down through my State get it; but I oppose it simply because it is wrong. If the Government wants to go to making free gifts to railroad companies or individuals it is all right, but this is an appropriation of $196,000 without one single cent's service in return to the Government or for the improvement of the postal service.

Mr. ALLISON (at 5 o'clock p. m.). As the time allowed for debate has expired, I desire, with the leave of the Senate, to have printed in the RECORD a letter and accompanying statement of the Chief of the Bureau of Engraving and Printing respecting the cost of manufacturing postage stamps. I have not time to argue the question.

The VICE-PRESIDENT. Without objection, the letter and statement will be printed in the RECORD.

TREASURY DEPARTMENT,
Bureau of Engraving and Printing, April 6, 1896.

SIR: In response to a message by telephone from you on Saturday last asking if I had read the statement of Representative BINGHAM as to the cost of manufacturing postage stamps made in the House of Representatives on the 2d instant, and what reply I have to make to the same, I beg to say that I have read the statement of Representative BINGHAM, which is based entirely on a condition that existed over one year ago, and all of the circumstances of which were fully discussed before the Appropriations Committees of both the House and the Senate at the last session of Congress.

When this Bureau undertook the work of manufacturing postage stamps it met with many unforeseen difficulties owing to the necessity for employing new machinery, untrained hands, and the use of materials with which the employees were not familiar, the most serious of which was the complaint regarding the gumming of the stamps, in October, 1894. These difficulties resulted in decreasing the volume of the regular work of this Bureau. This

condition was most serious during the first six months of the last fiscal year, less so during the succeeding six months, and entirely disappeared during the current fiscal year. At no time while this condition lasted did this Bureau fail to supply the securities or stamps required by any branch of the public service. The statements of Representative BINGHAM, therefore, have no application to existing conditions, and are entirely misleading.

That the postage stamps are not costing in excess of the amount agreed upon between the Secretary of the Treasury and the Postmaster-General, I submit herewith a statement showing their cost, prepared under my personal direction:

At this point I beg to call your attention to a letter addressed by me to the chairman of the Committee on Appropriations of the House of Representatives on the 11th of January, 1895, which will be found in the CONGRESSIONAL RECORD of the 24 instant, at page 3861. In that letter I made a statement of the cost of producing stamps, which amounted to $18.0178 per thousand sheets. It will be seen that the statement submitted herewith shows the cost to be slightly in excess of this amount. As indicated in the letter to Governor SAYERS, it was my expectation to reduce this cost, but the improvements in the machinery contemplated at that time have not as yet proved successful, and it has been necessary to increase the expenditure for perforating wheels to avoid the ragged appearance of the stamps complained of and also to give them an additional pressing to prevent their curling in the hands of consumers. In connection with this letter I would be glad to call your attention to it as an exposition of the difficulties attending the manufacture of stamps prior to that time.

Mr. BINGHAM'S statement is also misleading with reference to the general work of this Bureau. I can say that its work is fully up to the highest standard ever attained, and we are as fully up to date with our orders as any Bureau of the service requires.

Being within three months of the end of the fiscal year, and with nine months' financial statement before us, estimating only for the remaining three months, it can be safely stated that the work of the Bureau will be done at a less cost to the Government this year than ever before in its history. In this connection I beg to call your attention to the fact that in submitting estimates for the fiscal year 1897, that I reduced the estimates for that year below those for prior years.

In submitting the proposition to the Postmaster-General for the execution of the postage stamps in this Bureau, I had simply in view the interests of the Government. It seemed to me that a security of the Government, which postage stamps undoubtedly are, that could be so easily used to its disadvantage, should be manufactured in the establishment which the Government was maintaining at a considerable outlay for the execution of just that class of work, and should have thrown around its manufacture the same safeguards and protection that are thrown around the other securities of the Government. When this could be done at a substantial saving in expenditure, it seemed to be my duty to call the attention of the Postmaster-General to that fact.

Notwithstanding the embarrassments that have beset this work since its transfer to this Bureau, through the hostility of the individuals and companies whose profits were thereby lessened, I am more than satisfied with the results, and believe that by the expiration of the four years during which the present agreement runs that my expectations as to the saving to the Government will be fully realized.

In response to your inquiry as to the amount of space in this building that is used in connection with the manufacture of postage stamps, I beg to say that there are 9,557 square feet used for the manufacture of such stamps.

In this connection I beg to say that the estimate submitted by the Secretary of the Treasury for outbuildings has, and will have, no effect upon the amount of space used in this building for the manufacture of postage stamps, for the reason that the outbuildings are intended to be used as ink mills, rag laundries, stables, and storerooms. The estimates for these outbuildings have been submitted by the Secretary of the Treasury yearly since 1878, and if the manufacture of postage stamps in this building were discontinued tomorrow, it would have no effect upon the amount of space needed in the outbuildings, because none of the work which is now executed in the old frame sheds that have been used as outbuildings since 1878 could be accommodated in the building.

Respectfully, yours, CLAUDE M. JOHNSON,
Chief of Bureau.

Hon. WILLIAM B. ALLISON,
Chairman Senate Committee on Appropriations,
United States Senate, Washington, D. C.

POSTAGE STAMPS—COST, APRIL 6, 1896, PER 1,000 SHEETS.

Engraving division:			
Renewal of plates		$0.28	
Paper		1.70	
Wetting division:			
Counting, shifting, stacking, and delivering	$0.225		
Materials and washing rags	.015		
		.24	
Plate printing:			
Printer at piece rates		2.50	
Printer's assistants		1.05	
Ink		1.72	
Blanketing		.165	
Other materials, muslin, whiting, tissues, etc		.123	
Washing wiping cloths		.293	
Gas		.0625	
Steam power		.05	
Repairs		.03	
			5.9035
Examining division:			
Counting, drying, examining, assorting, and pressing		.508	
Material		.121	
			.629
Binding division:			
Gumming, labor, including foreman, helpers, and operatives	$1.27		
Material	.82		
		2.09	
Pressing, labor, including operatives and helpers	.91		
Material	.01		
		.92	
Perforating, labor, including helpers, machinists, and operatives	1.65		
Material	.465		
		2.115	
Examining, labor, including operatives, etc		.933	
Shaking, counting, etc., labor, including helpers and operatives		.55	
			6.086
Packing division:			
Labor, including forewoman, counters and packers		.806	
Material		.234	
			1.04
Surface-printing division:			
Canceling mutilated	$0.083		
Mutilation	1.551		
		$1.634	
Office:			
Clerical service, making reports and custody of presses		.107	
Rent of agency		.075	
Total		18.216	

RECAPITULATION.

Engraving division	$0.28
Paper	1.70
Wetting division	.24
Plate printing	5.9035
Examining division	.629
Binding division	6.098
Packing division	1.04
Surface-printing division	1.634
Office	.107
Rent of agency	.075
Aggregate cost per 1,000 sheets	18.216

One thousand sheets equal 400,000 stamps, which amounts to $20 at the agreed rate for ordinary stamps, i. e., 5 cents per 1,000 stamps.

The VICE-PRESIDENT. The question is on the amendment of the Senator from North Carolina [Mr. BUTLER]. The amendment will be stated.

The SECRETARY. Add after the amendment already adopted, after line 2, on page 4, the following proviso:

Provided, That $50,000 of this amount be used to defray the expense of experiments in rural free delivery under the direction of the Postmaster-General, and that the amount heretofore appropriated for this purpose and still unexpended be available for said experiments.

Mr. BUTLER. I ask for the yeas and nays on agreeing to the amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). Under the transfer I made on the last vote, I vote "nay."

Mr. GORDON (when his name was called). I am paired with the junior Senator from Iowa [Mr. GEAR]. I do not see him in his seat, and I withhold my vote.

Mr. MARTIN (when his name was called). I am paired with the Senator from Montana [Mr. MANTLE]. I will transfer my pair to the junior Senator from New York [Mr. MURPHY] and vote "yea."

Mr. PRITCHARD (when his name was called). I have a general pair with the Senator from Louisiana [Mr. BLANCHARD]. I transfer my pair to the Senator from Connecticut [Mr. PLATT] and vote "yea."

Mr. THURSTON (when his name was called). I am paired with the Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "yea."

Mr. TURPIE (when his name was called). I am paired with the senior Senator from Minnesota [Mr. DAVIS] and withhold my vote.

The roll call was concluded.

Mr. HARRIS (after having voted in the negative). I have a general pair with the Senator from Vermont [Mr. MORRILL]. Not noticing his absence, I recorded my vote. I desire to ask the Senator from Vermont [Mr. PROCTOR] whether he knows how the senior Senator from Vermont would vote upon this question?

Mr. PROCTOR. I am not able to state.

Mr. HARRIS. Then the safe thing for me to do is to withdraw my vote. I voted "nay."

Mr. PASCO. I am paired with the Senator from Washington [Mr. WILSON]. In his absence I withhold my vote.

Mr. TELLER. My colleague [Mr. WOLCOTT] has been compelled to leave the Chamber. He is paired with the junior Senator from Ohio [Mr. BRICE].

The result was announced—yeas 27, nays 25; as follows:

YEAS—27.

Allen,	Chilton,	Martin,	Roach,
Bacon,	Clark,	Mills,	Shoup,
Bate,	Cockrell,	Mitchell, Oreg.	Stewart,
Berry,	Gallinger,	Nelson,	Vest,
Butler,	Hill,	Peffer,	Vilas,
Cannon,	Jones, Ark.	Pritchard,	Walthall.
Chandler,	McBride,	Pugh,	

NAYS—25.

Allison,	Cullom,	Hoar,	Sewell,
Baker,	Daniel,	Lindsay,	Teller,
Blackburn,	Faulkner,	Lodge,	Wetmore,
Brice,	George,	McMillan,	White.
Brown,	Gray,	Mitchell, Wis.	
Call,	Hale,	Perkins,	
Carter,	Hawley,	Proctor,	

NOT VOTING—37.

Aldrich,	Gibson,	Morrill,	Thurston,
Blanchard,	Gordon,	Murphy,	Tillman,
Burrows,	Gorman,	Palmer,	Turple,
Caffery,	Hansbrough,	Pasco,	Voorhees,
Cameron,	Harris,	Pettigrew,	Warren,
Davis,	Irby,	Platt,	Wilson.
Dubois,	Jones, Nev.	Quay,	Wolcott.
Elkins,	Kyle,	Sherman,	
Frye,	Mantle,	Smith,	
Gear,	Morgan,	Squire,	

So the amendment was agreed to.

Mr. President, I will not trespass upon the Senate now except to read a telegram which I received a short time since, which I

regarding the gumming of the stamps, in October, 1894. These difficulties resulted in decreasing the volume of the regular work of this Bureau. This

Gear,	Morgan,	Squire,

So the amendment was agreed to.

Mr. BERRY. Has the amendment of the committee in regard to the subsidy to the Oceanic Steamship Company been disposed of?

Mr. ALLISON. I ask that a vote be now taken on the amendment of the committee relating to the Oceanic Steamship Company.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 7, after line 8, it is proposed by the Committee on Appropriations to insert:

For additional compensation to the Oceanic Steamship Company for transporting the mails by its steamers sailing from San Francisco to New Zealand and New South Wales by way of Honolulu, all mails made up in the United States destined for the Hawaiian Islands, the Australian colonies, New Caledonia, and the islands in the Pacific Ocean, $80,000: *Provided*, That said additional sum, with the sum now paid, shall not exceed $2 per mile, as authorized by act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce."

Mr. VILAS. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. ALLISON. I beg leave to state, so that it may be understood, that the question is upon agreeing to the amendment reported by the Committee on Appropriations.

The VICE-PRESIDENT. The question is on the amendment which has been stated.

Mr. VILAS. A vote "yea" is a vote for the subsidy, and a vote "nay" is a vote against the subsidy.

Mr. ALLEN (when his name was called). On this question I am paired with the junior Senator from Pennsylvania [Mr. QUAY], and therefore withhold my vote.

Mr. BERRY (when his name was called). On this question I am paired with the Senator from Maine [Mr. FRYE]. If he were present, he would vote "yea" and I should vote "nay."

Mr. BURROWS (when his name was called). I am paired with the senior Senator from Louisiana [Mr. CAFFERY]. If he were here, I should vote "yea."

Mr. DANIEL (when his name was called). I am paired with the Senator from Washington [Mr. SQUIRE].

Mr. GORMAN (when his name was called). I am paired with the Senator from Maine [Mr. FRYE]. If he were present, I should vote "nay."

Mr. BERRY. I have announced that I am paired with the Senator from Maine.

Mr. GORMAN. Then I vote "nay."

Mr. HARRIS (when his name was called). I am paired with the senior Senator from Vermont [Mr. MORRILL]. If he were present, I should vote "nay." I do not know how he would vote.

Mr. MARTIN (when his name was called). I am paired with the Senator from Montana [Mr. MANTLE]. I transfer that pair to the junior Senator from New York [Mr. MURPHY] and vote "nay."

Mr. MITCHELL of Wisconsin (when his name was called). On this single proposition I am paired with the Senator from Maryland [Mr. GIBSON]. If he were present, he would vote "yea" and I should vote "nay."

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON]. If he were present, I should vote "nay."

Mr. PRITCHARD (when his name was called). I have a general pair with the Senator from Louisiana [Mr. BLANCHARD]. I transfer that pair to the Senator from Connecticut [Mr. PLATT] and vote "yea."

Mr. HAWLEY. Permit me to say that my colleague [Mr. PLATT] would vote "yea" if he were here.

Mr. PUGH (when his name was called). I wish to state that my colleague [Mr. MORGAN] is detained from the Senate by severe illness. I have agreed to pair with him on this vote. If he were present he would vote "yea" and I should vote "nay."

Mr. THURSTON (when his name was called). I am paired with the Senator from South Carolina [Mr. TILLMAN]. I desire to transfer that pair to the Senator from West Virginia [Mr. ELKINS], who, I understand, if present, would vote for the amendment. I therefore vote "yea."

Mr. TURPIE (when his name was called). I have a general pair with the senior Senator from Minnesota [Mr. DAVIS]. I transfer that pair to my colleague [Mr. VOORHEES] and vote "nay."

The roll call was concluded.

Mr. HARRIS. Being paired with the senior Senator from Vermont [Mr. MORRILL], I transfer that pair to the Senator from South Dakota [Mr. KYLE] and record my vote. I vote "nay."

Mr. TELLER. My colleague [Mr. WOLCOTT] is paired with the junior Senator from Ohio [Mr. BRICE].

Mr. BURROWS. I desire to transfer my pair with the senior Senator from Louisiana [Mr. CAFFERY] to the Senator from Rhode Island [Mr. ALDRICH] and vote. I vote "yea."

Mr. BRICE. As to the statement made by the senior Senator from Colorado [Mr. TELLER], his colleague [Mr. WOLCOTT] having been present during the day, I supposed he was in the Chamber and had voted. Under the circumstances, unless the senior Senator from Colorado is prepared to state how his colleague would vote, I will withdraw my vote.

Mr. TELLER. I do not know, but I suppose my colleague would vote "yea." I did not hear how the Senator from Ohio voted.

Mr. BRICE. I voted "yea."

Mr. TELLER. I will pair my colleague with the Senator from Wyoming [Mr. WARREN], who, I understand, is not paired. I do not know how my colleague would vote; but I suppose he would vote "yea," if present. I think both Senators would vote "yea." If the Senator from Ohio desires to vote "yea," I certainly shall not interfere with him.

Mr. BRICE. If the Senator from Colorado is at liberty to say that his colleague would vote "yea," I shall allow my vote to stand; otherwise I shall withdraw it. Unless he takes that responsibility I will withdraw my vote.

Mr. TELLER. I will change the pair of my colleague so that the Senator from Ohio may vote, if he chooses.

Mr. BRICE. Very well. Then I will let my vote stand.

The result was announced—yeas 32, nays 21; as follows:

YEAS—32.

Allison,	Chandler,	Lodge,	Roach,
Baker,	Clark,	McBride,	Sewell,
Brice,	Cullom,	McMillan,	Shoup,
Brown,	Gallinger,	Mitchell, Oreg.	Stewart,
Burrows,	Hale,	Nelson,	Teller,
Call,	Hawley,	Perkins,	Thurston,
Cannon,	Hoar,	Pritchard,	Wetmore,
Carter,	Jones, Nev.	Proctor,	White.

NAYS—21.

Bacon,	George,	Lindsay,	Vest,
Bate,	Gorman,	Martin,	Vilas,
Blackburn,	Gray,	Mills,	Walthall.
Butler,	Harris,	Peffer,	
Chilton,	Hill,	Pettigrew,	
Cockrell,	Jones, Ark.	Turpie,	

NOT VOTING—36.

Aldrich,	Elkins,	Mantle,	Quay,
Allen,	Faulkner,	Mitchell, Wis.	Sherman,
Berry,	Frye,	Morgan,	Smith,
Blanchard,	Gear,	Morrill,	Squire,
Caffery,	Gibson,	Murphy,	Tillman,
Cameron,	Gordon,	Palmer,	Voorhees,
Daniel,	Hansbrough,	Pasco,	Warren,
Davis,	Irby,	Platt,	Wilson,
Dubois,	Kyle,	Pugh,	Wolcott.

So the amendment was agreed to.

Mr. HAWLEY. I desire to present the amendment which I read a short time ago, but I ask to have it read again.

The VICE-PRESIDENT. The amendment submitted by the Senator from Connecticut will be stated from the desk.

The SECRETARY. It is proposed to add after line 25, on page 7, the following:

Provided, That hereafter all postage stamps required shall be obtained under the provisions of section 709 of the Revised Statutes, and the contracts shall be awarded to the lowest and best bidder for the interests of the Government, and no bids of any branch of the Government shall be considered.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Connecticut

Mr. MILLS. I make the point of order on that amendment that it is new legislation on an appropriation bill.

Mr. HAWLEY. I suggest on that point of order that the amendment is simply providing for the manner of disbursing money appropriated for stamps. I will strike out the word "hereafter," with the permission of the Senate.

Mr. HARRIS. That will not change it.

Mr. HAWLEY. It makes it apply solely to the appropriations of this year, and particularly to the legitimate application of the money.

Mr. FAULKNER. I suggest another point of order, that the amendment changes existing law.

Mr. HAWLEY. Do we not change existing law if we modify in the slightest direction the manner in which money shall be expended?

Mr. FAULKNER. No; not when you prohibit a method of expenditure which the law now provides for. Then it changes the law.

Mr. HAWLEY. I think we are doing it every year in every appropriation bill.

Mr. HARRIS. Under the law as it now exists the Bureau of Engraving and Printing can bid and can take the contract. Under this amendment that Bureau is forbidden to do it. It does change existing law, and it does nothing else.

The VICE-PRESIDENT. The Chair sustains the point of order submitted by the Senator from West Virginia [Mr. FAULKNER].

Mr. VILAS. I ask that the vote be now taken on the amendment which I proposed, to strike out the appropriation for railroads.

Mr. DANIEL. That which has been existing for some years?

Mr. VILAS. It is one which has been existing for some years,

and the Department has been for some years objecting to its being adopted.

Mr. HALE. Let the lines proposed to be stricken out be read.

The VICE-PRESIDENT. The amendment proposed by the Senator from Wisconsin [Mr. VILAS] will be stated.

Mr. SEWELL. I wish to ask the Senator from Wisconsin how long this appropriation has been in effect, and if he did not, when he was Postmaster-General, execute the same provision several times from year to year?

Mr. VILAS. No, Mr. President. This provision was first put on about three years ago, I think, after the other was discontinued. It is on an entirely different route, a different line; it has been objected to by the Post-Office Department for the last three or four years, and there is no estimate submitted for it.

Mr. SEWELL. I wish to say a word in this connection.

Mr. BERRY. I insist that debate is not in order under the agreement arrived at yesterday, and I object.

The VICE-PRESIDENT. The Chair will state to the Senator from New Jersey that, objection being interposed, debate is not in order.

Mr. SEWELL. I ask unanimous consent to correct a wrong impression that the Senate might derive from the statement of the Senator from North Carolina [Mr. BUTLER], who said that this provision did not facilitate the transportation of the mails; that the train which was used was not faster than other trains. In a former term of service in this body I had heard debates which indicated that this same mail appropriation was then, ten years ago, in effect, and the statement made when objections were made to it was that the provision was to facilitate the delivery of the mail south twelve hours; that the train was originally put on, leaving Boston at night and New York at 4.30 in the morning, and that it practically carried little for a long distance but mail matter.

The VICE-PRESIDENT. The amendment submitted by the Senator from Wisconsin [Mr. VILAS] will be stated.

The SECRETARY. On page 6, line 10, after the word "dollars," it is proposed to strike out down to and including the word "service," in line 18; as follows:

For necessary and special facilities on trunk lines from Boston, Mass., by way of New York and Washington, to Atlanta and New Orleans, $196,614.22: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

The VICE-PRESIDENT. The question is on the amendment which has been stated.

Mr. VILAS. I ask for the yeas and nays on the adoption of the amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. ALLEN (when his name was called). On this question I am paired with the junior Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "yea."

Mr. BERRY (when his name was called). On this question I am paired with the Senator from Maine [Mr. FRYE]. If he were present, he would vote "nay" and I should vote "yea."

Mr. BURROWS (when his name was called). On this question I transfer my pair with the Senator from Louisiana [Mr. CAFFERY] to the Senator from Rhode Island [Mr. ALDRICH], and vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. GRAY]. He not being in his seat, I withhold my vote.

Mr. HARRIS (when his name was called). I transfer my pair with the Senator from Vermont [Mr. MORRILL] to the junior Senator from South Dakota [Mr. KYLE], and vote "yea."

Mr. PASCO (when his name was called). I again announce my pair with the Senator from Washington [Mr. WILSON].

Mr. PRITCHARD (when his name was called). I transfer my pair with the Senator from Louisiana [Mr. BLANCHARD] to the Senator from Connecticut [Mr. PLATT] and vote "nay."

Mr. THURSTON (when his name was called). I have a pair with the Senator from South Carolina [Mr. TILLMAN], but I am advised that if present, he would vote "nay" upon this question, and I therefore vote "nay."

Mr. VEST (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN] on this question. If he were present, I should vote "yea" and he would vote "nay."

The roll call was concluded.

Mr. TURPIE. I am paired with the Senator from Minnesota [Mr. DAVIS], but I transfer that pair to my colleague [Mr. VOORHEES] and vote "yea."

Mr. SHOUP (after having voted in the negative). I inquire if the senior Senator from California [Mr. WHITE] has voted?

The VICE-PRESIDENT. The Senator from California has not voted, the Chair is advised.

Mr. SHOUP. I am paired with that Senator, and withdraw my vote.

Mr. FAULKNER. I suggest that the Senator from Idaho may transfer the pair he has with the Senator from California [Mr. WHITE] to my colleague, the Senator from West Virginia [Mr. ELKINS], and vote.

Mr. SHOUP. That is acceptable to me, and I will let my vote in the negative stand.

The result was announced—yeas 13, nays 39; as follows:

YEAS—13.

Bate,	George,	Mills,	Vilas.
Blackburn,	Harris,	Peffer,	
Butler,	Jones, Ark.	Roach,	
Cockrell,	Lindsay,	Turpie,	

NAYS—39.

Allison,	Clark,	Jones, Nev.	Proctor,
Bacon,	Daniel,	Lodge,	Pugh,
Baker,	Faulkner,	McBride,	Sewell,
Brice,	Gallinger,	McMillan,	Shoup,
Brown,	Gordon,	Martin,	Stewart,
Burrows,	Gorman,	Mitchell, Oreg.	Teller,
Call,	Hale,	Mitchell, Wis.	Thurston,
Cannon,	Hawley,	Nelson,	Walthall,
Carter,	Hill,	Perkins,	Wetmore.
Chandler,	Hoar,	Pritchard,	

NOT VOTING—37.

Aldrich,	Elkins,	Morrill,	Tillman,
Allen,	Frye,	Murphy,	Vest,
Berry,	Gear,	Palmer,	Voorhees,
Blanchard,	Gibson,	Pasco,	Warren,
Caffery,	Gray,	Pettigrew,	White,
Cameron,	Hansbrough,	Platt,	Wilson,
Chilton,	Irby,	Quay,	Wolcott.
Cullom,	Kyle,	Sherman,	
Davis,	Mantle,	Smith,	
Dubois,	Morgan,	Squire,	

So the amendment was rejected.

Mr. MILLS. I move that the Senate adjourn.

Mr. VILAS. We have not yet executed the unanimous-consent agreement.

Mr. MILLS. I did not know that there was a unanimous-consent agreement.

Mr. CULLOM. There is a unanimous-consent agreement that beginning at 5 o'clock we shall vote until we dispose of the bill.

Mr. MILLS. I withdraw the motion.

Mr. VILAS. The additional amendment of which I gave notice in reference to this paragraph is to reduce the amount to $175,000. Only $172,000, or a little less, was expended under this provision, and I understand the amendment is agreeable to the committee.

Mr. FAULKNER. Not since the other amendment has been adopted. We have taken off $50,000.

Mr. VILAS. Nothing has been taken off. The amendment simply makes the appropriation $175,000.

Mr. FAULKNER. An amendment was adopted which takes $50,000 off.

Mr. VILAS. Not from this paragraph.

Mr. HOAR. How can the committee depart from the unanimous-consent agreement?

Mr. VILAS. The amendment of the Senator from North Carolina [Mr. BUTLER] related to another part of the bill.

Mr. BUTLER. To the free-delivery service.

Mr. VILAS. Yes, to the free-delivery service.

Mr. LODGE. Debate is not in order under the unanimous-consent agreement.

Mr. VILAS. This is simply to make the amount of the appropriation correspond with the amount of the actual expenditure. The amount of the actual expenditure is $172,000.

Mr. HOAR. Debate has been objected to several times.

The VICE-PRESIDENT. The Chair will state that debate is not in order. The question is on the amendment submitted by the Senator from Wisconsin [Mr. VILAS].

Mr. ALLEN. Let the amendment be stated.

The SECRETARY. In line 13, page 6, it is proposed to strike out the words "one hundred and ninety-six thousand six hundred and fourteen dollars and twenty-two cents" and insert "one hundred and seventy-five thousand dollars"; so as to read:

For necessary and special facilities on trunk lines from Boston, Mass., by way of New York and Washington, to Atlanta and New Orleans, $175,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Wisconsin [Mr. VILAS].

Mr. VILAS. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. ALLEN (when his name was called). On this question I am paired with the junior Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "yea."

Mr. CALL. I do not think the amendment ought to be voted on before an explanation. Will the Senator from Wisconsin explain the amendment?

The VICE-PRESIDENT. Objection has been interposed to debate, the Chair will state to the Senator from Florida.

Mr. CALL. Explaining an amendment is not debate. We do not know what we are voting on.

Mr. HALE. Regular order. Debate is not in order.

The VICE-PRESIDENT. The roll call will proceed.

The Secretary resumed the calling of the roll.

Mr. BERRY (when his name was called). On this question I am paired with the Senator from Maine [Mr. FRYE]. If he were present, I should vote "yea."

Mr. CULLOM (when his name was called). I am paired with the senior Senator from Delaware [Mr. GRAY].

Mr. HARRIS (when his name was called). I again announce the transfer of my pair to the junior Senator from South Dakota [Mr. KYLE] and I vote "yea."

Mr. PASCO (when his name was called). I again announce my pair with the Senator from Washington [Mr. WILSON].

Mr. PRITCHARD (when his name was called). I have a general pair with the Senator from Louisiana [Mr. BLANCHARD]. I transfer my pair to the Senator from Connecticut [Mr. PLATT] and vote "nay."

Mr. SHOUP (when his name was called). I again announce my pair with the senior Senator from California [Mr. WHITE]. I transfer my pair to the Senator from West Virginia [Mr. ELKINS] and vote "nay."

Mr. THURSTON (when his name was called). I am paired with the Senator from South Carolina [Mr. TILLMAN]. As I do not know how he would vote on this particular amendment, I refrain from voting.

Mr. TURPIE (when his name was called). I transfer my general pair with the Senator from Minnesota [Mr. DAVIS] to my colleague [Mr. VOORHEES] and record my vote. I vote "yea."

The roll call was concluded.

Mr. GALLINGER (after having voted in the negative). I inquire whether the senior Senator from Texas [Mr. MILLS] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. GALLINGER. I have a general pair with the Senator from Texas [Mr. MILLS], but I have a memorandum from the Senator from Idaho [Mr. DUBOIS], stating that he is paired with the Senator from New Jersey [Mr. SMITH] and that they are both in favor of this provision. I will therefore transfer my pair with the Senator from Texas [Mr. MILLS] to the Senator from Idaho [Mr. DUBOIS] and allow my vote to remain.

The result was announced—yeas 19, nays 33; as follows:

YEAS—19.

Allison,	Cockrell,	Peffer,	Turpie,
Bate,	George,	Perkins,	Vest,
Blackburn,	Harris,	Pettigrew,	Vilas,
Butler,	Jones, Ark.	Roach,	Walthall.
Carter,	Lindsay,	Stewart,	

NAYS—33.

Bacon,	Daniel,	Jones, Nev.	Proctor,
Baker,	Faulkner,	Lodge,	Pugh,
Brice,	Gallinger,	McBride,	Sewell,
Brown,	Gordon,	McMillan,	Shoup,
Burrows,	Gorman,	Martin,	Teller,
Call,	Hale,	Mitchell, Oreg.	Wetmore.
Cannon,	Hawley,	Mitchell, Wis.	
Chandler,	Hill,	Nelson,	
Clark,	Hoar,	Pritchard,	

NOT VOTING—37.

Aldrich,	Elkins,	Morgan,	Thurston,
Allen,	Frye,	Morrill,	Tillman,
Berry,	Gear,	Murphy,	Voorhees,
Blanchard,	Gibson,	Palmer,	Warren,
Caffery,	Gray,	Pasco,	White,
Cameron,	Hansbrough,	Platt,	Wilson,
Chilton,	Irby,	Quay,	Wolcott.
Cullom,	Kyle,	Sherman,	
Davis,	Mantle,	Smith,	
Dubois,	Mills,	Squire,	

So the amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 626) providing for the disposal of lands on abandoned portions of the Fort Assinniboine Military Reservation, in Montana, and for the relief of certain settlers thereon.

The message also announced that the House had passed a bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution providing for the printing of 10,000 additional copies of the report of the Director of the Mint for the fiscal year ended June 30, 1895; in which it requested the concurrence of the Senate.

AGRICULTURAL APPROPRIATION BILL.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 5161) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1897, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 9, 10, 13, 14, 15, 26, 33, 34, 35, and 46.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 6, 7, 8, 11, 12, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 36, 37, 38, 39, 40, 41, 42, 43, 47, 48, 49, 50, 51, and 52; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the matter stricken out by said amendment insert the following:

"One appointment clerk, $2,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "$94,340," and agree to the same.

S. M. CULLOM,
WILKINSON CALL,
Managers on the part of the Senate.

J. W. WADSWORTH,
V. WARNER,
JOHN S. WILLIAMS,
Managers on the part of the House.

The report was concurred in.

HOUSE BILL REFERRED.

The bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was read twice by its title, and referred to the Committee on Commerce.

REPORT OF THE DIRECTOR OF THE MINT.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

IN THE HOUSE OF REPRESENTATIVES, *April 7, 1896.*

Resolved by the House of Representatives (the Senate concurring), That there be printed 10,000 additional copies of the report of the Director of the Mint for the fiscal year ended June 30, 1895; 2,000 copies for the use of the Senate, 5,000 copies for the use of the House of Representatives, and 3,000 copies for the use of the Director of the Mint.

PROPOSED INVESTIGATION OF BOND SALES.

Mr. PEFFER. I ask unanimous consent that to-morrow morning, immediately after the conclusion of the morning business, the Senate proceed to the consideration of the resolution proposing an investigation of bond sales.

Mr. COCKRELL. A unanimous-consent agreement has been made for the consideration of another matter.

Mr. PEFFER. For the same time?

Mr. COCKRELL. For the same time.

Mr. PEFFER. Then I ask unanimous consent that we may proceed to the consideration of the resolution on Thursday, immediately after the conclusion of the morning business.

The VICE-PRESIDENT. Is there objection?

Mr. ALLISON. It is understood of course by the Senator from Kansas that that is not to interfere with appropriation bills.

Mr. PEFFER. I so understand. I do not intend to antagonize appropriation bills or the privileged question.

Mr. CANNON. Mr. President——

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kansas?

Mr. HILL. I object to farming out the time of the Senate so far in advance.

The VICE-PRESIDENT. There is objection to the request of the Senator from Kansas.

Mr. CANNON. I merely desired to ask that a place be kept for the unfinished business, but as the Senator from New York has objected to the request of the Senator from Kansas, I have nothing more to say.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I give notice that to-morrow, immediately after the Senator from Indiana [Mr. TURPIE] concludes his speech, I shall call up House bill 6249—the Indian appropriation bill.

POSTAL TELEGRAPH SYSTEM.

Mr. BUTLER. I wish to give notice that on Thursday morning I shall ask the unanimous consent of the Senate to call up the bill (S. 2567) to establish a postal telegraph system and to enlarge the postal facilities of the people of the United States for the purpose of submitting some remarks thereon. If there is no objection, I wish to submit a few remarks, which will not be very lengthy, before the bill is referred to the appropriate committee.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 47 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 8, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 7, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

FREE LIBRARY, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I desire to submit a report from the Committee on the District of Columbia.

The Clerk read as follows:

The Committee on the District of Columbia, to whom was referred the bill S. 1247, have had the same under consideration and report the same back with the recommendation that the House recede from its amendment.

Mr. BABCOCK. Mr. Speaker, I move that the report of the committee be adopted.

The SPEAKER. The Clerk will report the bill and amendment.

The Clerk read as follows:

A bill (S. 1247) to establish and provide for a free public library and reading room in the District of Columbia.

Be it enacted, etc., That a free public library and reading room is hereby established and shall be maintained in the District of Columbia, which shall be the property of the said District and a supplement of the public educational system of said District. All actions relating to such library, or for the recovery of any penalties lawfully established in relation thereto, shall be brought in the name of the District of Columbia, and the Commissioners of said District are authorized on behalf of said District to accept and take title to all gifts, bequests, and devises for the purpose of aiding in the maintenance or endowment of said library; and the Commissioners of said District are further authorized to receive as component parts of said library collections of books and other publications that may be transferred to them.

SEC. 2. That all persons who are permanent or temporary residents of the District of Columbia shall be entitled to the privileges of said library, including the use of the books contained therein, as a lending or circulating library, subject to such rules and regulations as may be lawfully established in relation thereto.

SEC. 3. That the said library shall be in charge of a board of library trustees, who shall purchase the books, magazines, and newspapers, and procure the necessary appendages for such library. The said board of trustees shall be composed of nine members, each of whom shall be a taxpayer in the District of Columbia, and shall serve without compensation. They shall be appointed by the Commissioners of the District of Columbia and shall hold office for six years: *Provided*, That at the first meeting of the said board the members shall be divided by lot into three classes. The first class, composed of three members, shall hold office for two years; the second class, composed of three members, shall hold office for four years; the third class, composed of three members, shall hold office for six years. Any vacancy occurring in said board shall be filled by the District Commissioners. Said board shall have power to provide such regulations for its own organization and government as it may deem necessary.

SEC. 4. That the said board shall have power to provide for the proper care and preservation of said library, to prescribe rules for taking and returning books, to fix, assess, and collect fines and penalties for the loss of or injury to books, and to establish all other needful rules and regulations for the management of the library as the said board shall deem proper. The said board of trustees shall appoint a librarian to have the care and superintendence of said library, who shall be responsible to the board of trustees for the impartial enforcement of all rules and regulations lawfully established in relation to said library. The said librarian shall appoint such assistants as the board shall deem necessary to the proper conduct of the library. The said board of library trustees shall make an annual report to the Commissioners of the District of Columbia relative to the management of the said library.

SEC. 5. That said library shall be located in some convenient place in the city of Washington to be designated by the Commissioners of the District of Columbia upon the recommendation of the trustees of said library: *Provided*, That in any municipal building to be hereafter erected in said District suitable provision shall be made for said library and reading room sufficient to accommodate not less than 100,000 volumes.

SEC. 6. That the expenses of the maintenance of said library, including salaries of employees, shall be treated as among the current municipal expenses of said District, and it is hereby made the duty of the Commissioners of the District of Columbia to include these expenses in the annual estimates of the District of Columbia, transmitted by them to Congress, in accordance with the provisions of the act of June 11, 1878, regulating the transmission of said estimates and the appropriations by Congress to meet the same.

The amendment was read, as follows:

Strike out all of section 6 and insert in lieu thereof the following:

"SEC. 6. That all the expenses of the maintenance of said library, including salaries of the employees, shall be charged upon the revenue of the District of Columbia: *Provided*, That no liability shall be incurred under this act unless Congress shall have first made appropriations for the objects herein stated."

The SPEAKER. Does the gentleman from Wisconsin desire to address the House?

Mr. BABCOCK. No, sir.

Mr. DOCKERY. Well, Mr. Speaker——

Mr. POWERS. Mr. Speaker, this subject has been before the House——

The SPEAKER. The gentleman from Vermont is recognized.

Mr. POWERS (continuing). And an amendment to the Senate bill was adopted by the House some days since.

I would be glad to have an arrangement made with the chairman of the committee in reference to the control of the time for debate upon this question. [After a pause.] It is agreed, Mr. Speaker, unless objection be made, between the chairman of the committee and myself, that I shall control the time in opposition to the proposition and the gentleman from Wisconsin shall control the time on that side.

The SPEAKER. Without objection, the Chair will consent to that agreement. Is there any limitation proposed to the debate?

Mr. BABCOCK. The proposition, Mr. Speaker, is that the debate be limited to two hours—an hour on each side.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that debate be limited to two hours, to be equally divided, the gentleman from Wisconsin to control the time in favor of the proposition and the gentleman from Vermont to control the time in opposition.

Mr. DINGLEY. One moment. The bill has been debated pretty thoroughly by the House. Would not less time be sufficient?

Mr. POWERS. But this report recommends that the House recede from its amendment.

Mr. DINGLEY. Yes; but the same question has been thoroughly debated. Would not gentlemen be willing that a vote be had in one hour?

Mr. POWERS. Several gentlemen desire to be heard.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Wisconsin is recognized.

Mr. BABCOCK. I yield to the gentleman from Maryland [Mr. WELLINGTON].

Mr. WELLINGTON. Mr. Speaker, the pending motion, as I understand, is that the House recede from the amendment which it adopted to the Senate bill for the establishment of a public library in the District of Columbia. The effect of that amendment, as I understand, was that the District should bear the whole expense of the establishment of this library. The original bill, I believe, contemplated that the expense of the establishment and maintenance of the library should be divided, as the current expenses of the District are divided, between the District itself and the Government of the United States. The Senate has decided to insist upon the bill as originally passed. The pending proposition is that the House recede from its amendment.

So far as I am concerned, as a member of the Committee on the District of Columbia, I feel to-day as I did when the bill was originally before the House, that the Government of the United States should bear its part of the expense of this library. I believe that the library is necessary for the good of the people of this District; that it is a legitimate item of expense to be charged up, as educational and other expenses are, to the joint account of the District and the United States.

I am aware that there is on the part of some members of this House an opinion that the District is expecting too much in the way of expenditures and that Congress is expending more than it should in carrying out matters of this kind. I do not so believe. I believe that the Congress of the United States owes to the District a duty that can not be fulfilled except in doing such things as the creation of this library. If it is proper that as to matters of streets, of courts, of educational expenditure the appropriations should fall equally upon the District and upon the United States, it seems to me this is a matter that comes properly within the same class.

If this House can send its sympathy to the downtrodden in Armenia; if it can use its time and means in looking after the mongrel Republic of Venezuela and threatening Great Britain; if it can devote its time and money to looking after Cuba, then it does seem to me that there is nothing out of place in asking that it devote some of its time and means to the proper education of the people of this District.

Members seem to forget to a certain extent the obligation resting upon the Government of the United States and upon Congress to look after the District of Columbia. This great city of Washington was founded for the purpose of being a Federal city. The capital was established here by act of Congress; and the first President of the United States, whose name it bears, was the agent of the Government in purchasing the ground and laying out the streets here; and he did so in such a manner as to make this a proper city for the capital of the nation. This being the case, there have been entailed upon citizens of the District expenses that would not otherwise have fallen upon them. This being the Federal city, it is the business of Congress, having assumed to do certain things for the benefit of the people here, to do this as well. Why? I say if it is necessary to have schools for the education of the people, it is necessary also in this age and under existing circumstances to have a public library here. The public library affords education to the workingmen of our land. When any one of our citizens leaves school at an early age and goes to work by the day, the public library gives him an opportunity to improve his mind in the hours of the night.

The greatest men of this country have been benefited by books that were borrowed, either from the public library or from individuals. The great President of the United States who stands to-day as the greatest of all Americans gave himself his education by reading borrowed books in the hours of the night by the fitful glimmer of the light that came to him from the fireplace as he lay before it. In affording the means of self-education the public library meets the wants of our young men and even our youth from the time that they leave school. The young men and the men of mature age who are going to their work from day to day

in this District should have the opportunity of further educating themselves by a public library. Such a library is a suitable charge as part of the current expenses of the District, and if any part of those expenses is properly payable by Congress this expenditure is.

I do not feel it proper at this moment to take up further the time of the House. This subject was thoroughly discussed when this bill was first passed. I believe if this question be investigated carefully and dispassionately, if it be considered what this House and the Senate and the Government owe the people here, it will be acknowledged that this is a proper charge upon the joint funds of the United States and the District, and that the House should recede from its amendment and pass the bill as the Senate sent it to us.

Mr. POWERS. I yield five minutes to the gentleman from South Carolina [Mr. TALBERT].

Mr. TALBERT. Mr. Speaker, I offer the same opposition to the passage of this bill that I did when it came up in the House before, only a few days ago, when it was amended requiring the citizens of the District of Columbia to pay for the library themselves. I hold that to establish a free library in the District of Columbia at the expense of the taxpayers of the whole country is taxing the many for the benefit of the few. I submit that this is against the theory and the principles of the Government under which we live; that it is taxation without representation.

It is urged by gentlemen on the other side of this question that the Government owns one-half of the real estate in the District of Columbia. I deny the correctness of that proposition; but conceding it for the sake of argument to be true, I ask, does the property of the Government want books, and will the property of the Government be benefited by the establishment of a free library? Not at all; consequently it would be unjust to tax property or people when no corresponding benefit would accrue therefrom.

It is urged that there are people here from all over the United States in the employment of the Government who will be benefited by the establishment of this library. I admit the fact; but in addition to that fact is the fact that these employees draw from the Government from eighteen million dollars to twenty-one or twenty-two millions yearly; they are the best paid employees in the nation. And are the people throughout the nation who follow the plow, who stand at the forge, who work in the factories, to be taxed for the benefit of these people here, many of whom, compared with many of the laboring men throughout the country, are "living in clover"?

I submit that such a proceeding is not right. These employees of the Government are here spending their salaries, many of them going to the theaters and other entertainments, and yet clamoring for expenditures of this kind in their interest, when many poor laborers throughout the country have not the necessaries of life, to say nothing of the luxuries. And I submit, sir, that it is not right for Senators and Members of Congress of the United States who own property in the District of Columbia to continually come here and insist on taxing the people of the United States for their benefit and the benefit of the few, against the theory and the principles on which our Government is based. I am willing that all taxes expended for the schools, for improving the streets, for improving the parks, and for works of that character shall be divided according to the obligation imposed by the act of 1878. That is just and right. But to extend it further, to tax all the people to establish a free circulating library for the benefit of a few in this city, is precisely the same in principle as to go further and tax the whole people to buy the carriages, the horses, the bicycles, or to furnish street-car tickets for all the people of the District of Columbia as well as to furnish them with books. There is no difference as far as the principle is concerned; and, sir, I submit it is wrong in theory, wrong in practice, and I can not and will not cast my vote in favor of any such proposition as that.

I therefore hope, Mr. Speaker, that the House on this occasion will again vote down this monstrous proposition to tax the people of this country for the benefit of the few in this District who will reap the advantages of it. Now, sir, in my opposition to this bill I do not deny that public libraries are great necessities and disseminators of knowledge and light, but at the same time I maintain that one class of citizens should not be unjustly taxed for their establishment without corresponding benefit. I am perfectly willing that the District of Columbia should have the right to tax themselves for this object, but not the whole people, and my vote will be against it.

Mr. WELLINGTON. I yield ten minutes now to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON. Mr. Speaker, I take it that no argument is needed in the American Congress in favor of a free public library. If there is, if anyone at this day needs this question discussed, I am not going to discuss it with him.

The question really involved here, as I understand it, is, shall the Government of the United States and the government of the District of Columbia pay in equal proportion these expenses, or shall the people of the District alone pay for it?

Now, there are a few thoughts that I would like to submit to the members of the House in this connection, first stating that I am, without reserve, in favor of the Government and the District of Columbia sharing these expenses equally. In the first place, it must not be forgotten that the General Government has donated, from the public domain of this country, millions of acres of land for educational purposes to the various States and Territories, while on the other hand the District of Columbia has given to the General Government nearly five-sevenths of the whole soil owned by the United States in this District and has received no aid for educational purposes in exchange for it.

Again, when this donation of the soil of the District was made to the General Government it was upon the theory, and recognized by all at the time, that this would be built up as a great city with all of the advantages which should belong to the great capital city of a nation like the United States. No advantage in the way of educational facilities can be greater—save and excepting only the public schools—than that afforded by a free public library.

Again, the General Government has spent many thousands of dollars in keeping up the libraries in the several Departments of the Government, to which our force of clerks in this city, somewhere in the neighborhood of 20,000, have access. If this provision is carried out as now proposed in the pending report, and a free public library established in the District, that expense in the various Departments will be substantially saved.

But now, Mr. Speaker, I come to the fundamental question involved in this proposition, and call your attention to the fact that the act of 1878 made the District of Columbia and the General Government in a sense partners in respect to the expenditures of the District. Since that time, or rather within a very few years past, there has been manifested from time to time a disposition on the part of various members of Congress to destroy this law by indirection, though not by an effort for its absolute repeal. One gentleman, my friend from Missouri [Mr. DE ARMOND], has come at it in a more manly way, from time to time, and sought to strike down the law of 1878 in the general appropriation bills for the District of Columbia. But I do not know of any member of Congress since that law was adopted who has ever introduced a bill to repeal the act of 1878 and change the system of doing business with reference to the District of Columbia.

Now, I like a good, square fighter, a man whose position you can always understand; and if it is the purpose of any gentleman who represents the people on this floor to seek to repeal the act of 1878 and put the entire burden of the expenditures of the District, the expenses for schools, of opening the streets, the repairs of the streets, the maintenance of the police force, the fire department, and all of the varied machinery necessary for a city of this size entirely upon the people of the District of Columbia, let us get at it in a manly way by repealing the act of 1878 and put a new act on the statute book in its stead. But with that law on the statute book, with that principle governing the relations between the General Government and the District of Columbia, and recognized as binding upon both, I do not think that these indirect assaults upon the principle are wise or legitimate, and certainly it is not a manly way to approach the subject. And in saying this, Mr. Speaker, I am making no personal reflection upon any member of this House. It does seem to me, though, that the right way is to take up the subject of reorganizing these relations in a general way upon a bill reported for that purpose and then test the judgment of Congress and see if there is a disposition, or if it is deemed proper, to repeal the act of 1878.

And now, Mr. Speaker, as supplementary to my discussion of the pending question, I submit that in this age of civilization and advancement of the training of the popular mind, the reaching into the homes of what Mr. Lincoln called "our common people," by means of the educational facilities offered on all hands—I ask if there is anything that can exhibit more clearly and forcibly the value of the principles involved in the act of 1878 than the establishment of a free public library for the use of the boys, the girls, the men, and the women of this District? Because I contend, sir, that every law and every appropriation that broadens the field for the education of the people of this capital city, every statute that tends to elevate the people as a whole, is a benefit and a direct benefit to the entire Republic; and if you are going to contribute toward the sweeping of the streets or the paving of the streets, will you refuse to bear your just proportion of the expense of a free public library for this people?

Why, my friends, the spirit of the age is in the direction of allowing the taxation of each State for the establishment of free public libraries. In almost every county of my own district in Iowa there is to-day a free public library kept up at the public expense, in pursuance of the statutory law of that State; and that spirit is spreading throughout the whole length and breadth of the land. Let it not be said that one of the partners in this city

has sneaked out of sight when it comes to the opening of a free public library to the citizens of the District of Columbia. Our people, the children of your army of 20,000 clerks, the clerks themselves, your own families, are deeply interested in this matter.

Now, Mr. Speaker, I feel almost as though it was an insult to this House to dwell at length upon this theme. I hope that this body, overwhelmingly Republican, will register its action in favor of standing by existing law and standing by the great cause of education. [Applause.]

Mr. POWERS. I yield five minutes to the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Speaker, there can be no controversy between the gentleman who has just taken his seat and ourselves upon the question of the general utility of public libraries. No one denies it. That is not the issue involved in this bill.

This bill provides for the establishment of a public library. There is nothing stated in the bill concerning the amount which is to be appropriated or what the library is to cost. It is an entering wedge for the creation of a library the expense of which we do not know and can not tell. That it involves an amount which will be great can not be denied, not only in the purchase of books, but before long we shall find a bill introduced in this body providing for the erection of a library building. I submit, Mr. Speaker, that we have the finest library in the city of Washington that can be found on the globe; and what is the necessity of creating another public library, with perhaps another public building, in order to accommodate the people in the District of Columbia? You have a library that has duplicate volumes of every publication that is made. You say that the workingmen in this city do not have access to that library. Why do you not give it to them? Why can not a resolution be passed permitting any person to take a volume from that library? It may be said that it is for the use of Congress; but when we find that these books are in duplicate, and that the librarian could exercise a wide discretion in giving out books, and in withholding from circulation the rare or costly books, we find that there is nothing of substance in that objection. Here you have expended $7,000,000 for the erection of the most magnificent library building in the world. It is ample to give accommodations to every one who wants to read. It contains sufficient volumes to let any workingman, or any other person who desires to read, get the volume he desires. And to say that right within this city, alongside of that library building, you should erect another is, it seems to me, a proposition for a useless expenditure of public money.

Mr. Speaker, it is true that the Government has agreed to pay one-half of the municipal expenditures that are made by the District of Columbia. That policy may be wise or it may be unwise. In ordinary municipal affairs that might be considered by some a proper provision; but, Mr. Speaker, this is an extraordinary expenditure. It is an expenditure that does not pertain to the municipality itself. It may be considered a very laudable object, but not a municipal expenditure as ordinarily understood. There are very few of the municipalities in these United States which have free public libraries supported by the city governments, compared to the number of municipalities that have not. When we take into consideration that this is a useless expense, which, it seems to me, will involve the Government ultimately to the extent of thousands and perhaps millions of dollars, there is no necessity for the passage of this bill.

Mr. POWERS. I yield ten minutes to the gentleman from New Jersey [Mr. PITNEY].

Mr. PITNEY. Mr. Speaker, in opposing the proposition of the Committee on the District of Columbia I do not seek to controvert at all the statement that there is need in the District for a free public library. On the contrary, I admit that there is need here for such a library, to which all the residents of the District may have free access. It is properly said that the Library of Congress is in large part made up of books which can not go out into popular circulation. They ought to be preserved and protected. Therefore it is a perfectly proper thing that somewhere in this District there should exist a library open to the free use of the people and to circulation among the people; but that is not the question which is before this House to-day for determination, and I deny the right of the supporters of this proposition, as it comes from the Committee on the District of Columbia, to put upon us who oppose that proposition the odium of any opposition to a free public library. We do not oppose it. We think that one ought to be established, but the only question before the House is, What funds ought to contribute and pay the expense of this public library, which is for the use and benefit of the citizens of the District?

Mr. Speaker, when this question was before this House for the first time in this session, on the 9th day of March last, I had the honor to submit a few remarks, in which I called the attention of the House to the fact that while on the one hand the national revenues are at present insufficient to pay the ordinary expenses of running the Government of the United States, on the other hand the District revenues, raised here by taxation, and by very reasonable and low taxation, upon the property of the citizens of this District, are more than ample to provide for the share which the District must pay of the ordinary municipal expenses, and to pay besides the whole cost of establishing and maintaining this proposed library, indefinite though these expenses be, and yet to leave a magnificent surplus in the revenues of the District.

I called the attention of the House to the fact that the estimates of the Commissioners of the District of Columbia of the revenues of the District for the fiscal year ending June 30, 1897, amounted to $3,225,081.56, and that for the last three years those revenues have been over $3,000,000 per annum. I called the attention of the House to the fact that the total amount of appropriations for the municipal expenses of this District for the fiscal year 1896 was only $5,559,263.97, and that the amount carried in the District of Columbia appropriation bill for the fiscal year ending June 30, 1897, as reported to this House and passed by this House, is only $5,225,365.97. Now, of these expenditures, by force of the act of 1878, one-half comes out of the National Treasury, and therefore only one-half has to be provided for out of the District revenues. That half amounts to $2,612,683, so that of the estimated revenues, being $3,225,000, there is a surplus of $612,398 remaining, which money, I submit in all fairness and candor, ought to be applied to this local purpose before the deficient national revenues should be called upon to contribute one cent for the purpose.

Now, there is no question, I repeat, of opposing the library; and I submit that the odium shall not be put upon us for any such opposition. There is no question about giving the use of the library fully and freely to all the citizens of the District of Columbia; but I do submit that, inasmuch as it is a local benefit, it ought to be paid for wholly out of the local revenues.

Mr. Speaker, I should not think it necessary for me to speak further upon this matter—especially since the question is the same as that which was before the House on the 9th of March, and then decided in favor of my present contention—were it not for the fact that from that time, when the amendment in question was put upon this bill upon the motion of the distinguished gentleman from Vermont [Mr. POWERS], until the present time, numerous articles have from time to time appeared in the public press of this District containing sneers upon those members of Congress who, in obedience to their convictions, had the courage to oppose this proposition that the National Treasury should be saddled with one-half of the indefinite cost of this public library. It has been sneeringly said that it is the new members who oppose this great public benefit, and that after they have lived in Washington a few terms and acquired property here they will be in favor of such propositions as this.

Mr. Speaker, an insinuation of that sort is an insult to the American Congress, and I for one resent it; and if it were true (which I deny) that by some sort of blandishment, or by inducements being held out to purchase property here, influences could be brought to bear on members of Congress to be more favorable to the plan of originating and supporting local improvements at the expense of the National Treasury, then it might be questionable whether the law ought not to be changed so as to deny to Representatives the right to hold property here.

Mr. BARTLETT of New York. Does the gentleman think that would be permissible under the Constitution?

Mr. PITNEY. I will leave it to my friend the constitutional lawyer from New York to raise the constitutional objection. [Laughter.] I think it would be absurd, whether constitutional or not, and the insinuation thrown out by the public press is absurd also that any member of Congress should be or would be influenced in his action here by the ownership of property.

Mr. RICHARDSON. Does the gentleman think it would be quite proper to provide that citizens should not own property in the municipality where they reside? Would that disqualify them from looking into the interests of the city? Would it not have the other tendency?

Mr. PITNEY. I do not intend to make any such insinuation. I simply refer to the articles that have been printed in the public newspapers of this town.

Mr. NORTHWAY. If the gentleman will permit me—do you favor opening the Congressional Library to the public, free?

Mr. PITNEY. I would not, without further investigation, commit myself in favor of the plan of opening the Congressional Library to the free use of the citizens, without restrictions. Some sort of restrictions would have to be imposed upon such a privilege. That is not the proposition I am advocating here, but an entirely different one.

Mr. NORTHWAY. Has not the cost of that Library been paid for entirely by the General Government?

Mr. PITNEY. Of course.

Mr. NORTHWAY. Then, if we should open it, we would offer this to the citizens as a free library without it having cost them a cent.

Mr. SHAFROTH. But would not it be a saving to the Government to do that?

Mr. NORTHWAY. I think not.

Mr. PITNEY. Mr. Speaker, I want to say further that I resent the insinuation, contained in the public press, that it is those members who come from the less enlightened portions of the community, if any such are to be found in this broad land, who oppose this proposition. Now, any fair argument that may be brought to bear upon Congress upon any question of this sort will not be subject to criticism; but I submit that it is improper and indecent to use such arguments as the public press have used in undertaking to whip Congress into line to support a proposition of this sort, for the local benefit, and to have it paid for in part out of the public Treasury.

The question of the repeal of the act of 1878 is not involved here. That act provided that, as to all municipal expenditures which were then provided for by law, the national Treasury should contribute one-half and the District revenues one-half. But that act, in so far as it constituted a bargain or arrangement between the District and the National Government, was limited by its terms and applied only to the objects which were then upon the statute book and which were at that time regarded as public objects; and it necessarily follows that whenever any proposition for a new local improvement is brought before us we must consider it as an independent proposition, and make up our minds whether we ought to go further than Congress has gone in the act of 1878 in the direction of saddling the local burdens of the District of Columbia upon the public Treasury.

Now, I am not proposing the repeal of the act of 1878, but there is no more doubt than there is that we are here that that act is exceedingly favorable to the people of the District of Columbia, and if the issue must be raised—and the local press here seem to desire to raise it—if the issue must be raised between the interests of the District of Columbia and the interests of the rest of the country, my humble opinion is that the representatives of the people in Congress will stand first for the interests of the whole country. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. POWERS. Mr. Speaker, I think the other side ought now to proceed to occupy some of its time.

Mr. WELLINGTON. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. GRISWOLD].

Mr. GRISWOLD. I do not rise, sir, because I have any additional light to throw upon this subject, but because I feel that the people of the United States take special pride, not only in this country and its institutions, but in its capital city, and that it is not only their wish and desire, but their purpose, that this city be made the exponent of progress; that when they visit this city they shall find here the best and most advanced evidences of progress; that they shall find streets well lighted, good sewers, water of the purest quality, well filtered; that they shall find also advanced development in the line of education, and the best embodiments of progress in its true import. Now, what more efficient means, I would ask you, sir, than education have we to stimulate progress, and what more important adjunct to education have we than libraries? But it has been stated that we have already a library here. That is true; but I insist, sir, that our Congressional Library is more a library of record than a library for public use. The design of it is that every publication shall be found there; but how long would they or could they be found there if they were subject to being loaned to this man or that man? Large numbers of the volumes would disappear, and the main object of that Congressional Library would thus be defeated.

In my opinion, sir, an appeal to the country on this question would elicit an almost unanimous response in favor of liberal contributions by Congress toward the expenses of this District in order to secure its proper development in the directions I have indicated. As I was saying, the people of the United States are not picayune in reference to this matter. They believe in a liberal expenditure, and when they speak of the city of Washington they want to be able to speak of it with pride. Therefore I do not believe that this House is not justified in passing this bill. The objection that the expenditure is unlimited can easily be remedied. As a city Washington is to-day certainly far behind many of the cities of the country in its public works, and the surplus in the revenues of the District to which the gentleman from New Jersey [Mr. PITNEY] has referred, and not only that, but a much larger sum, might well be expended for the further development of this capital city, and even then Washington would be behind many cities in the United States. I sincerely hope, sir, and for my part I urge, that this bill shall receive a favorable vote.

Mr. BABCOCK. I yield five minutes to the gentleman from Mississippi [Mr. CATCHINGS].

Mr. CATCHINGS. Mr. Speaker, I do not take the floor for the purpose of entering into the discussion of this question, but solely to say that I shall vote for the motion to recede, because I believe the House should take that course. I can not see any reason why in this case we should depart from the rule which has uniformly prevailed of paying one-half of these expenditures out of the public Treasury. As I understand, there is no proposition to purchase a building for this library, or that it shall purchase books to put in it, but simply that the employees of the library, when it is once established, shall be compensated as other Government employees are compensated, out of the public Treasury. At most it can be but a small amount. I believe the library will redound greatly to the usefulness of the public-school system in this District, that it will be a public benefit in many ways, and it certainly seems to me that we should promote rather than retard so valuable an enterprise. I do not wish to say anything more, Mr. Speaker. I shall vote for the motion myself, and I trust that the House will adopt it.

Mr. POWERS. Mr. Speaker, it is always best when the House has a measure under consideration that members should know precisely the question that is in issue. There is no occasion for any gentleman on this floor to charge upon those of us who oppose this proposition that we are seeking to have the Government sneak out of an obligation that it is honorably bound to under the provisions of the act of 1878. We stand here, sir, insisting that the provisions of that act are being violated by the terms of this bill. If gentlemen on the floor of this House will take the trouble to look at the language of the act of 1878 they will learn that when that law was enacted it provided merely for the necessary municipal expenses of the District of Columbia. If they will go a step farther and look into the debate which covered a long period of time during that session of Congress, they will find that it was expressly stated by the friends of the proposed change of system that the people of the United States, represented by its General Government, would never be called upon to pay anything beyond ordinary and necessary expenses of the District.

I have taken occasion to review that discussion as it transpired on this floor and at the other end of this Capitol, and from beginning to end the proposition was bitterly opposed on the theory that it would lead to just the kind of extravagant expenditures that have followed in the train of that legislation. The bill was defeated once in this House for fear that the Government would be called upon to assume the old debt of the District of Columbia, and it finally was passed only because of a provision that the Government should merely guarantee interest on the 3.65 bonds. But we have been told on this floor during this discussion that one-half of that entire debt of $20,000,000 has already been shouldered upon the Government of the United States, and I am inclined to think, sir, from a careful reading of the legislation between 1878 and the present time, that that result has really been accomplished and that the purpose of the gentlemen who urged that measure has been fully realized, namely, to make the Government of the United States a stalking horse to carry the load that ought to rest upon the people of this District.

Now, sir, we do not stand here to ask any parsimonious action on the part of this House. We stand here saying amen to this bill to establish a free circulating library, provided that the people who are interested, and who alone are interested, in it shall incur the expense, just as the people of your cities and of my cities and of all the cities throughout the country do when they undertake to establish libraries for their people. I have alluded to the fact that little by little encroachments have been made upon the theory of the act of 1878, until, if gentlemen will review the legislation that has been enacted since that time, it will make their hair stand. Twenty millions of debt has been loaded upon the Government of the United States in violation of the proposition and the theory upon which the act of 1878 was passed.

Now, sir, during the last discussion of this question when my friend from Illinois [Mr. CONNOLLY], unacquainted with the way in which these things are done here, remarked in his innocent manner: "If this thing goes on a little longer we shall be confronted with a proposition for the establishment of free bath houses for the people of this District." A gentleman upon this floor, who is always active and zealous in behalf of such legislation, rose and triumphantly replied: "We already have that." I have taken occasion to look up that legislation, and I have here an interesting document to which I wish to call the attention of members. In the Fifty-first Congress a bill was passed appropriating $3,000 for the establishment of free bath houses for the benefit of the people of this District. Under that bill the expense was put upon the revenues of the District. But the argument here is that any expense that you can properly put upon the revenues of the District is chargeable, under the terms of the act of 1878, one-half to the United States. So, if the argument amounts to anything, that expense ought to have been shared by your constituents and my constituents at home.

Now, I hold in my hand a report made by the chairman of the District Committee in the Fifty-first Congress upon that bill, from which I read:

Mr. GROUT, from the Committee on the District of Columbia, submitted the following report:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 7056) establishing a free public bathing beach on the Potomac River near the Washington Monument, submitted the same to the District Commissioners.

Then the report goes on to say that—

The Commissioners are in favor of the enactment of House bill 7056, establishing a free public bathing beach on the Potomac River near the Washington Monument, referred to them.

The report further says—and I ask the attention of the House to it, because it shows just the kind of legislation that has been enacted upon this system—

The objects and scope of the bill are well set forth in a memorial of citizens of the District of Columbia, which we attach and make a part of this report.

The committee report back this bill to the House with the recommendation that it pass.

The memorial is as follows, and I ask the attention of members to this memorial and to the class of citizens who are quoted as recommending the appropriation:

In presenting the accompanying bill for your consideration the undersigned, officers of the Washington Beach Association, beg leave to state concerning its objects and the necessity for its enactment as follows—

The reasons that are adduced, and which are recommended by the committee of this House as a sufficient warrant for this appropriation of $3,000, are these—

Every year many persons are drowned in the Potomac—

That is the first reason—

some because they could not swim, others because they stole away to get out of the policeman's reach, and were consequently beyond help in their time of need.

Well, now, if that was a proper municipal expense, then at home in Vermont, where I live, in Ohio, or elsewhere, where you gentlemen live, if a man happens to get drowned or is running away from a public officer to get drowned, you must establish a bathing beach so that his life may be saved.

Every person over 5 years old should be able to swim so well as to feel perfectly at ease in deep water.

[Laughter.]

You can see what profound philosophy underlies this legislation—every person over 5 years of age should be able to swim, and to feel at home in doing so.

Besides the residents of the city there are hundreds of persons employed in the Departments who can not leave their duties to go to the seashore in the heated term—

Therefore there must be a swimming place provided for them. How many people have you gentlemen in your districts who are in the same unfortunate condition; but did you ever think of going to the legislature to have them relieved by the establishment of a place where they could go in swimming?—

and who would gladly avail themselves of the luxury of frequent bathing if a suitable place could be had in open water.

Here is a still further reason given:

Even home bath tubs can not be had by all; and they do not offer to any that invigorating tonic which comes from the relaxation of open-water bathing with family and friends to help enjoy it.

Mr. Speaker, the proposition is that these unfortunates have no bath tubs at home and that they must have a place for open-water bathing where they can take their families and their friends to help enjoy it. Do gentlemen on this floor when they are at home, when the boys go in swimming or they themselves go in swimming, take along with them their families and friends to help enjoy the luxury of open-water bathing?

To form a suitable beach for bathing purposes at a point on the Potomac River convenient to the Washington public.

To maintain order and decorum upon the beach and its surroundings, and to enforce such regulations as tend to the free enjoyment of the beach as a bathing place for all respectable and well-disposed persons.

The first necessity was a place where there is no current to enter the water.

It is proposed by the bill to lead the boys of Washington down by the "still water" so that they may enjoy going in to swim with their families and friends to help them! [Laughter.]

Mr. BLACK of Georgia. There ought to be some "green pastures."

Mr. POWERS. My friend here suggests that there ought to be close by some green pastures; he will find that that is duly provided for.

A location was selected beside the Monument Lot. A narrow strip of the bottom and shore was graded and the soft slimy mud, which everywhere prevails, was covered with gravelly sand, making a nice clean bottom; a small rough house was built with two compartments for dressing, and this little beginning was a lively scene from morning till night—

From youth to hoary age should have been added—

until the weather was too cool for comfort. Over 150 boys—

In this great city of 275,000 inhabitants—

about 150 boys a day on an average bathed freely on this beach, even though the house was not open to them and they had to hide in the tall weeds to dress.

Mr. TALBERT. I should like to ask for information whether it was recommended also that the Government furnish convenient bathing suits?

Mr. POWERS. Wait a minute.

Now, Mr. Speaker, just think of the terrible embarrassment that the boys of Washington are under when they go down to the Potomac to go in swimming by reason of being obliged to go into the tall weeds to dress. That thing should be remedied, and this bill, as will be seen, did it.

The experiment was a success—

Says the memorial—

The experiment was a success, and met with universal approbation and large promises of membership for the coming season. But now a more roomy beach is desirable, in order that the whole public may enjoy it freely under proper restrictions as to clothing and conduct. By consulting with Colonel Hains, who heartily indorses this move, we have ascertained that the expense of forming the sea wall and making the fill required according to the present plan of filling the flats would grade a beach 100 feet wide from a line 5 feet deep under water at low tide, and cover the same with sand and gravel to the required depth to maintain its stability, and build suitable dressing houses with separate personal compartments.

So every boy that goes down there to go in swimming is to have a separate compartment in which to dress without being humiliated like your boys and mine when they go in swimming by being obliged to dress in the tall weeds.

To make a beautiful beach for 500 feet along the shore, graded from the level of the ball ground to deep water, cover it with sand, and provide houses to accommodate 100 bathers at a time would cost only $3,000, and about that much would be spent on that shore without the beach.

Mr. Speaker, for the information of the House I incorporate in my remarks the whole of that report from which I have read extracts:

Mr. GROUT, from the Committee on the District of Columbia, submitted the following report on H. R. 7056:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 7056) establishing a free public bathing beach on the Potomac River near the Washington Monument, submitted the same to the District Commissioners, and they say: "The Commissioners are in favor of the enactment of House bill 7056, establishing a free public bathing beach on the Potomac River near Washington Monument, referred to them."

The bill was also referred to the Secretary of War and by him to the office of the Chief of Engineers, United States Army, where a favorable report was submitted by Gen. Thomas Lincoln Casey and by Col. Peter C. Hains and Col. O. H. Ernst.

The objects and scope of the bill are well set forth in a memorial of citizens of the District which we attach and make a part of this report.

The committee report back this bill to the House with the recommendation that it do pass.

In presenting the accompanying bill for your consideration the undersigned officers of the Washington Beach Association beg leave to state concerning its object and the necessity for its enactment as follows: Every year many persons are drowned in the Potomac; some because they could not swim, others because they stole away to get out of the policeman's reach, and were consequently beyond help in their time of need. Every person over 5 years old should be able to swim so well as to feel perfectly at ease in deep water.

Besides the residents of the city there are hundreds of persons employed in the Departments who can not leave their duties to go to the seashore in the heated term, and who would gladly avail themselves of the luxury of frequent bathing if a suitable place could be had in open water. Even home bath tubs can not be had by all, and they do not offer to any that invigorating tonic which comes from the relaxation of open-water bathing with family and friends to help enjoy it. This subject has been more or less discussed in the papers every year, but none took measures to accomplish the desired end until this association was formed with the following-stated objects:

To enable ladies, girls, and children, as well as men and boys, to obtain the benefits and pleasure of open-water bathing.

To form a suitable beach for bathing purposes at a point on the Potomac River convenient to the Washington public.

To maintain order and decorum upon the beach and its surroundings, and to enforce such regulations as tend to the free enjoyment of the beach as a bathing place for all respectable and well-disposed persons.

The first necessity was a place where there is no current to enter the water. A location was selected beside the Monument Lot. A narrow strip of the bottom and shore was graded and the soft, slimy mud, which everywhere prevails, was covered with gravelly sand, making a nice, clean bottom; a small, rough house was built with two compartments for dressing, and this little beginning was a lively scene from morning till night, even until the weather was too cool for comfort. Over 150 boys a day on an average bathed freely on this beach, even though the house was not open to them and they had to hide in the tall weeds to dress. The better class was fully represented, and sons of Congressmen enjoyed it as much as any.

The experiment was a success, and met with universal approbation and large promises of membership for the coming season. But now a more roomy beach is desirable, in order that the whole public may enjoy it freely under proper restrictions as to clothing and conduct. By consulting with Colonel Hains, who heartily indorses this move, we have ascertained that the expense of forming the sea wall and making the fill required according to the present plan of filling the flats would grade a beach 100 feet wide from a line 5 feet deep under water at low tide and cover the same with sand and gravel to the required depth to maintain its stability and build suitable dressing houses with separate personal compartments; to make a beautiful beach for 500 feet along the shore, graded from the level of the ball ground to deep water, cover it with sand, and provide houses to accommodate 100 bathers at a time, would cost only $3,000, and about that much would be spent on that shore without the beach. Under the direction of the Commissioners Major Moore furnished policemen to patrol this region, and the boys bathed in safety under a restraining hand. We now ask that the said Commissioners be instructed by Congress to take charge of the whole matter for the public benefit.

This matter should be acted upon without delay, because work is now being done which might be saved by the beach plan of construction, and because, by grading the beach now and allowing the earth to settle for a while before the sand is leveled over it, a better foundation will be insured and the beach may be ready for use the coming season. Let the capital of the nation have this little space to approach the broad Potomac unbarred by wall or mud, is the prayer of your humble petitioners.

W. X. STEVENS.
W. L. PHILLIPS.
JOHN B. CLARK.
P. L. TATE.

We shall be glad to present a plan and the result of experience to aid the committees of Congress in shaping their instructions to the Commissioners at your convenience.

Please address W. X. Stevens, No. 705 G street northwest, Washington, D. C.

Now, then, Mr. Speaker, this is only one sample of the kind of legislation that has gone through Congress here under the whip and spur of a tremendous lobby interest such as is working to carry this bill through. I want to ask every gentleman on the floor how he can go home to his constituents and justify the expenditure of public money for matters of that kind. If anyone thinks he can do it he is welcome to the job. I do not want to undertake it.

Now, as I have already said, such expenses were never contemplated under the act of 1878. I dispute the proposition that there is no opportunity to get books out of the pubic libraries in this city. The Congressional Library has always been open to the public. The only restriction that has ever been complained of was that when a stranger went there to borrow a book he must make a deposit equal to its value in order to insure its return. Well, could you establish a library on the principle of a free circulating library such as you propose in this District on any other basis than that? Would every stranger who knocked at the doors of the library and asked permission to take a book out be permitted to get it without any security for its return and with no knowledge of who he was? Not at all. Every stranger in any city who goes to a public library, a circulating library, is bound either to be introduced by some one who knows him or else make a money deposit to secure the return of the book borrowed, and only in this way can he establish his right to draw books. It is an entirely natural and reasonable requirement.

And not only that, but they tell us that the clerks in the various Departments must have a new library. Sir, it is true that every Department of the Government has already a library, bought by Congress, established by Congress, and opened for the exclusive benefit of the employees of that special Department. But the regulations of the Department have been such that they have been closed at 4 o'clock, the moment the clerks are relieved from duty. Now, how easy and simple to correct that. All that is necessary is to pass a joint resolution requiring them to be kept open an hour longer than the term of service of the employees. When you do that, do you not meet that demand? Pass a joint resolution that the Congressional Library shall be open to the public under reasonable restrictions and regulations. Do you not thereby supply the demand for books in this city without establishing this entering wedge to what will hereafter become an expenditure of millions for some gigantic building for the benefit of the people of the District?

Now, sir, I insist that this is not a proper municipal expenditure. The act of 1878 enumerates the kind of municipal expenditures that are to be provided for. It provides for highways, lights, and other current expenditures of the District, such as water, the expense of the Commissioners, and such things as that; and that is all the kind of expenses that are mentioned in the law.

Mr. McMILLIN. Will the gentleman allow me a question just there?

Mr. POWERS. Certainly.

Mr. McMILLIN. The report of the committee does not set out the effect of the amendment at all. Now, if the House recedes from the amendment that it adopted to the Senate bill heretofore, in accordance with the recommendation of the District Committee, will the city of Washington pay any part of the expenses of this library?

Mr. POWERS. Yes; one-half, as I understand it.

Mr. McMILLIN. And the Government of the United States the other half?

Mr. POWERS. Certainly.

Mr. McMILLIN. How are the employees of the library to be paid?

Mr. POWERS. All of the expenses are to be paid in the same way. The object of the amendment is to divide the expense.

Mr. McMILLIN. One moment more, if the gentleman will permit me. Is not the Congressional Library here open to all on certain conditions?

Mr. POWERS. Certainly; and if not, it is perfectly easy to fix it so it will be.

Mr. BABCOCK. If the gentleman will permit me just there, the hours during which the Congressional Library is open are not convenient for the working people of the District.

Mr. POWERS. Then change the hours.

Mr. McMILLIN. That is a subject of statutory regulation and can be changed by Congress.

Mr. POWERS. Certainly.

Mr. DOCKERY. If the gentleman will permit me one moment, I would like to ask if the Committee on the District of Columbia have submitted, with their favorable report to the House, any estimate of the expense they propose to involve the Government in for this building and the books?

Mr. POWERS. No, sir; the committee has not. They have been not only silent as to the size of the job they report, but have added nothing to what they reported on the 9th of March, when this question was previously before the House.

Mr. McMILLIN. On the subject of the other libraries in the city, I would ask the gentleman to state whether or not, in the different Departments of the Government, there are not now free circulating libraries for the benefit of the employees?

Mr. POWERS. I have already stated that. There are ample library accommodations for all of the employees, and not only that, but there are circulating libraries in the city where any person, by paying a small annual compensation, can have access to the books.

Now, the difference in the House, the difference between us, on this question arises from what is to be regarded as a proper application or construction of the phrase "municipal expense." Gentlemen say anything is a proper municipal expense that we can vote for the District of Columbia. The Fifty-first Congress decided that the establishment of a place to go in swimming was a proper municipal expenditure. If an association of young gentlemen here, wanted to establish a toboggan slide at the public expense and came to Congress, they could have it done under the definition that is given to the term "municipal expenditure" by some gentlemen upon the floor of this House.

Now, the question of a man's judgment as to what constitutes municipal expenditure depends altogether on the disposition of the man or on his opinion, some holding one thing and some another. It reminds me to a certain extent of a story I heard of an Irishman up in my State who was testifying in a controversy whether a certain Mr. A was drunk or not. Twenty witnesses had gone on the stand and sworn that A was drunk, but Pat, when he was put on the stand, swore him practically sober. They wanted to ascertain his method of determining the soberness of the man and asked him the question, "Pat, when do you think a man is drunk?" He replied, "I never think a man is drunk as long as he can lay on the ground and hang on to the grass." These gentlemen never think any expense is beyond the proper definition of a municipal expense as long as they can get votes enough in Congress to rush it through.

Mr. ADAMS. Will the gentleman permit a question?

Mr. POWERS. Certainly.

Mr. ADAMS. What is the custom in the larger cities of the Union? Have they not established libraries at the public expense in Boston, Philadelphia, New York, and other large cities?

Mr. POWERS. Well, I will say——

Mr. ADAMS. I only ask this to get at what is the common practice in large cities.

Mr. POWERS. Undoubtedly that is so, and that is just what we are trying to have this city do—do it on its own money. The very question is a dead giveaway of the argument against this proposition, because these other cities have done it at their own expense. Let this city do it at its own expense.

Mr. PITNEY. Will the gentleman permit a question?

Mr. POWERS. Certainly.

Mr. PITNEY. In the great cities referred to, where public libraries exist, does the property of the United States of America contribute any part of the taxation for the support of those libraries?

Mr. POWERS. Not one cent.

Mr. GROUT. Are those cities capital cities, and have the United States agreed to contribute, as they have here? That answers the gentleman's question.

Mr. POWERS. That answers it very feebly.

Mr. GROUT. Very fully.

Mr. POWERS. Now, the argument that has been made outside of this House, and that I suppose will be adopted in this House, is that the National Government ought to have the benefit of this expense, because they say that the District of Columbia contributes so largely to the internal-revenue taxes. One of these papers, when I had the honor to receive a little attention from it a few days ago, stated that the whole State of Vermont did not pay so much in internal-revenue taxes as one-twelfth of what is paid by the District of Columbia. I was very glad that that proposition was advanced. Now, what do internal-revenue taxes come from? They come from rum and tobacco; and the highest compliment that that paper could have paid my own State was to call attention to the fact that it was a State with an hundred thousand more people than this city, and that that whole State pays less than one-twelfth as much for the privilege of selling rum as this city pays. There is where the fallacy of that argument rests.

Now, get beyond the matter of national taxation and take up local taxation. What is the fact about that? Why, Mr. Speaker, there is hardly a town in the State of Vermont but that pays nearly double the tax for the support of local institutions and local affairs that is paid by the people of this District. What becomes, then, of the argument that, because they sell more rum in Washington, because they have more rum shops in Washington than they have elsewhere probably on the face of the earth, and from that source they pay money into the national Treasury, that therefore our people should be asked to contribute to the maintenance of a public library here? The people of Vermont are not

ambitious to enter into a race with the District of Columbia on the amount of rum tax that they shall pay to the General Government.

There are many more things that, if I had the time, I should be glad to review, but the question addresses itself in a practical way to the members of this House in another aspect. How are we situated? The Government of the United States, that is asked to incur one-half of this expense, is to-day borrowing money to pay its ordinary necessary expenses. Every member on the floor of this House has been told, "You can have no appropriation for a public building in your State; you can have no improvements of rivers and harbors; you can have nothing that your people at home want, for the simple reason that there is no money in the Treasury with which to pay it." And still the District of Columbia comes up, in the face of that statement, and says: "Give us our appropriation for the establishment of a library, for which there is no need, and ignore your own constituents at home." I want to appeal to gentlemen who have these local interests at home to tell me how they will answer the demands of their people: "Why did you not get this for us, and why did you not vote for it?" If you say, "The Government is borrowing money to pay its expenses," they will reply, "But you went down there and voted for a proposition that means an expenditure of millions from the public Treasury for the benefit of the people of the District of Columbia, and neglected your own people at home." If the members of this House can justify that at home, I am willing they should undertake the job. For me, I never will attempt it.

I reserve the balance of my time, Mr. Speaker. How much time have I remaining?

The SPEAKER pro tempore (Mr. BARRETT in the chair). The gentleman from Vermont has ten minutes remaining.

Mr. McRAE. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. BABCOCK] controls the time. Does the gentleman from Wisconsin yield to the gentleman from Arkansas?

Mr. McRAE. I assume that I have a right to make a parliamentary inquiry. I desire to ask how this bill gets here, if it has been ordered into conference? This is not a conference report.

Mr. POWERS. If the Chair will allow me, I will state the status of the bill, but I do not wish it to come out of my time. This is a Senate bill which passed the Senate and was sent to the House. The House put on an amendment providing that the expenses in the bill should be chargeable to the revenues of the District of Columbia.

Mr. McRAE. I understand that.

Mr. POWERS. The Senate asks for a conference. The House, instead of granting the conference, referred the bill back to the Committee on the District of Columbia, and they reported it back recommending that the House recede. Now, that may be parliamentary, but the proper way would have been to have had a conference committee appointed, and that conference committee made up of the friends of that amendment, and not its enemies. This bill comes from this committee now right back into the hands of the enemies of this amendment.

Mr. McRAE. Then do I understand——

The SPEAKER pro tempore. Does the gentleman from Wisconsin yield to the gentleman from Arkansas?

Mr. BABCOCK. Not out of my time.

Mr. McMILLIN. A parliamentary inquiry is always in order, and does not come out of any gentleman's time.

Mr. McRAE. I understand that; but the Chair seems to think differently. I stated in the beginning that I desired to make a parliamentary inquiry of the Chair. Will the Chair hear my parliamentary inquiry?

The SPEAKER pro tempore. The Chair would state that under the arrangement made, that there should be two hours for debate on this bill, with one hour to gentlemen on either side, the gentleman from Wisconsin is entitled to the time. No member has the right, as a matter of right, to interrupt another who has the floor to interject a parliamentary inquiry. If the gentleman from Wisconsin is not proceeding in order, it will be in order to call him to order.

Mr. McRAE. I do not want to interfere with the time of the gentleman from Wisconsin, but I think the House ought to understand how it comes here. Why, then, can not the Chair, since the question is submitted, determine whether it is properly before the House or not?

The SPEAKER pro tempore. If the gentleman from Arkansas should raise the point of order that the bill was not properly before the House, the Chair would be obliged to rule on that question, but unless he does so the Chair will not delay the proceedings of the House by a discussion of how this bill is now before the House. The time to have raised that issue was when the bill was taken up, and not now.

Mr. McRAE. But until I can understand the status of the bill I can not make the point; and that is why I made the parliamentary inquiry. I wanted to ascertain the status of the bill.

Mr. RICHARDSON. It is altogether unusual after a bill has been under debate for two hours to ask whether it is properly before the House.

Mr. McRAE. But that is no more unusual than this proceeding, which gives this measure a status it never had.

The SPEAKER pro tempore. The House will be in order. The gentleman from Wisconsin is entitled to the floor.

Mr. BABCOCK. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I suppose if the House recede it passes the bill. That is all I want to say about that point.

Now, then, as to what constitutes a municipal expense, I do not think it necessary to consume much time in discussing. In my judgment the establishment of a free library is a legitimate municipal expense. I think it is beyond the domain of controversy. In all the States, so far as I know or believe, and some of the cities this expenditure has been made and sustained. It is so in my own State. In my own town, of 20,000 people, for ten years we have had a free library, bought and sustained by the municipality, and so it is generally throughout the country. So much for that. As to the free bath house, that is not before the House for discussion. In my judgment, in cities of the size of Washington, and larger, it is a proper municipal expense; but if that comes before us, having been entered upon, it is time enough to discuss that. As to the public library, the only question is whether it is needed, and if it be needed, whether, in the condition of the District and Federal revenues, the expenditure should be made; but the gentleman says the Library of Congress can be used. It can not be used properly and practically for the whole population of the District. If it was, it would not be there for use by Congress, or for the purposes for which it was established.

Now, I helped to defeat at one time a proposition to establish a free library in Washington. It came here a year or two ago with a proposition that it be housed in a public building about to be completed—the new post-office building. I did not believe that that building ought to be diverted to such a purpose. I opposed it and the House put its veto upon it, and it was not done. It is proposed to provide quarters for the free library as the other expenses of the District of Columbia are appropriated for, payable half and half. I think it is a proper municipal expense, and I believe that the bill ought to pass. Therefore I shall vote for it. I have not been swift, let me say, to relieve the District from proper taxation. I have stood here and contended, Congress after Congress, and generally successfully, to make this District do its share under the legislation of 1878. The establishment and maintenance of the Zoo, which was sought to be fastened on the Federal Government, in the end was fastened upon the revenues of the District and the revenues of the General Government, half and half.

Now, it may be possible that no library at all should be established. If so, well and good; let us lay this bill upon the table and there end it. I should regret to see that action taken, because, with 200,000 people, the mass of them not clerks in the Departments, most of them not capitalists, most of them laboring people, I believe in this great capital city they should have the same facilities for a free library that they have in my own city of 20,000, and that they have in cities of this size throughout the country; but I say again, if it is entered upon and is necessary, as I believe it to be, it is fair and proper, in my judgment, that it should be paid for as other municipal expenses are paid. And let me say to gentlemen, with all the social influence that surrounds Washington, that if we have heretofore, do now, and shall hereafter keep the expenditures to care for the District of Columbia as the act of 1878 provides, namely, half and half, we will have done very well and will be subject to congratulations among ourselves and also receive the approval of the people at large. Let us pitch the fight along the right line. It will come a little later, when the bill to build a memorial bridge is brought up, if you bring it up. That is to be built, as the Senate passed it, exclusively out of the Treasury of the United States. When it comes, as other measures will come, I am quite willing to stand by the act of 1878.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BABCOCK. I yield five minutes to the gentleman from Ohio.

Mr. HULICK. I supposed I should have more time than the gentleman has assigned to me. When this bill was before the committee originally I favored entailing upon the District of Columbia all the expenditure connected with the establishment of this library. The bill went to the Senate, where it was amended so that the expenses of the maintenance of the library, including salaries of employees, shall be paid equally by the District of Columbia and the United States, and it has come back to us for consideration at this time. I shall vote for the bill as it comes to us amended, believing that this case should not be made an

exception to the general rule of dividing these expenditures evenly

been not only silent as to the size of the job they report, but have added nothing to what they reported on the 9th of March, when this question was previously before the House.

from that source they pay money into the national Treasury, that therefore our people should be asked to contribute to the maintenance of a public library here? The people of Vermont are not

Mr. McRAE. But until I can understand the status of the bill | to us amended, believing that this case should not be made an

exception to the general rule of dividing these expenditures evenly between the District of Columbia and the United States public Treasury. There are many things connected with appropriations for this city and for the District that I think should be taken out of the operation of the rule established by the act of 1878, but I do not believe that we ought to begin with a public library. I presume there is not a member upon this floor who is not in favor of a public library and of the provisions contained in this bill for its maintenance.

The only question that is raised in the minds of members is, Shall the Government pay one-half or any portion of the expense of this library? That question is brought here, and, as I have said, I have come to the conclusion that we ought not to take this object out of the operation of the general rule; but at the same time I want to say in the hearing of this House that since I have been a member of the Committee on the District of Columbia I have learned some things which justify me in saying to the citizens of this District that they are themselves responsible for the feeling that has been expressed by members of this body against charging any part of this proposed expenditure to the General Government. They are responsible for that sentiment because of the manner in which taxes are levied and collected here in the District of Columbia. In regard to the present bill, as I have said, I believe we ought to pass it in its amended form. There are representatives here from all parts of the country. There are many here in the several Departments of the Government from my own county, from my own district, from my own State; and the same is true of every other district represented on this floor, and we ought to be willing to give these people the benefit of this free circulating library, and I believe that the General Government should pay one-half the expense of establishing it and keeping it up.

But, Mr. Speaker, turning now to the question of taxation in this District, the act of 1878 was passed upon the theory that the Government of the United States owned at least one-half of all the property in this city and District, so that in equity the Government ought to pay one-half of the expenses, the citizens of the District paying the other half. I do not believe the Government owns one-half in value of all the property in the District of Columbia. I find from the report of the Commissioners of the District of Columbia for the last year that in the city of Washington and the District of Columbia the real-estate assessment amounts to $188,922,343. To be more specific and exact, I will incorporate in my remarks the figures from the report of the Commissioners of the District of Columbia which show the assessed value of taxable real estate and personal property in the District of Columbia on July 1, 1895:

Washington City:		
Taxable on land	$90,942,586	
Taxable on improvements	74,457,233	
		$165,399,819
Outside of Washington City:		
Taxable on land at $1.50	11,613,660	
Taxable on improvements at $1.50	5,502,500	
		17,116,160
Taxable on land at $1	5,396,764	
Taxable on improvements at $1	1,009,600	
		6,406,364
Total assessed value of taxable real estate		188,922,343
Personal property:		
Washington City	10,585,364	
Washington County	46,985	
Railroads, taxed on gross receipts	339,388	
		10,971,737

Now, compare the personal-property returns. In the city of Washington and the District of Columbia there is reported only a little over $10,000,000—$10,971,737 of personal property. On yesterday the question of taxation was up before the committee, and some of these local corporations were insisting upon certain advantages in legislation because of the taxes that they paid into the city treasury, and in the course of inquiry there it was announced that the capitalists of this District did not pay taxes upon their chattel property; even the gentleman who was addressing the committee said that he did not pay a dollar of such taxes upon his stock in a certain corporation then under consideration. Furthermore, a gentleman of this city, a good lawyer, a good citizen, a man of integrity, a man who knew what he was talking about, on another occasion before our committee, said that there were large wholesale and retail establishments located here which paid not one dollar of personal tax.

Now, as I have said, it was by comparing the value of the taxable property in this District owned by the United States with the taxable property owned by the citizens that the scheme of having each pay half of the local expenditures was carried through, and, in view of the figures I have cited, it seems to me that there should be a change in the laws of the District in that respect; and a reassessment of the property, real, personal, and mixed, belonging to the District and to the Government, respectively, so that the proper rates of taxation should be adjusted in principles of equity—so amend the District tax laws that all property shall be justly and honestly placed on the tax duplicate; then a proper ratio can be established for taxation between the District and the Government.

Mr. Speaker, only ten millions of personal property on the tax duplicate of the District of Columbia? Why, a hundred millions would not cover the amount. Let there be reform in this respect, and very much of this opposition to the Government paying an equitable part of the expenses of the District will disappear.

Mr. Speaker, the bonded debt of the District amounts to about $18,000,000, drawing high rate of interest. That great debt must be paid some time in the future, by somebody. All the contemplated improvements of this great, beautiful city must be provided for, and all the property, real and personal, in the District should be subject to taxation. As it is now people come into the District with their money, stocks, and bonds to escape taxation. How long shall this state of affairs exist?

But as to changing the rule of taxation in the division of taxes I do not think we should begin the change at this point, or upon this bill for the establishment of a public library. There can be no better appropriation of the funds of the United States than for an object of this kind. Such a library will be of incalculable advantage to the clerks in the various Departments of the Government, to our families and friends who reside here, and to all the citizens of this District, and if you are going to make a change in the rule of taxation and of division of burdens I pray you begin not now upon this laudable measure. And to my friend from Vermont [Mr. POWERS], who advocates his side of the case so clearly and so well, I say: I pray you think for a moment before you insist upon making this library an exception to the general rule which has so long prevailed. If you were to express your honest sentiments here I believe you would say that you are in favor of this circulating library. You can not justify yourself for voting any other appropriation as easily as you can for voting this one for the establishment of a free circulating library for the benefit of all the people of this District and of the people of the United States who come here. Therefore, let us adopt this measure. Let us have this free circulating library established, but at the same time let the opposition which this bill has aroused here, coming as it does upon a measure which offers the least reason to excite such opposition—let that opposition, let the expression of sentiment here, be an intimation and a warning to the people of this District that unless they are willing to be taxed properly and to bear their just proportion of the burdens of the local government, the matter will be investigated and a new arrangement in the near future will be inevitable.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POWERS. Does the gentleman think that it is an opportune time to incur this expenditure when the Government is borrowing money to pay its ordinary expenses?

Mr. HULICK. No. If we were now inaugurating this system, as it was inaugurated under the act of 1878, I would reply: "In view of the present condition of our Treasury I do not favor it." But for this laudable enterprise that will afford so many blessings to so many people, notwithstanding the sad condition of the Treasury, I favor this bill.

Mr. WELLINGTON. I will ask the gentleman whether there is any appropriation made by this bill.

Mr. HULICK. Not at all.

Mr. WELLINGTON. There is not one dollar nor one cent appropriated in the bill, and the gentleman from Vermont very well knows that.

Mr. DOCKERY. But there is a liability incurred.

Mr. WELLINGTON. Possibly.

Mr. TRACEY. Well, a liability is substantially the same as an appropriation.

Mr. WELLINGTON. But this bill makes no present appropriation, and that is what the gentleman is talking about; and the question is, whether there is going to be any considerable appropriation at any time.

Mr. HULICK. Well, in reply to that suggestion, I will say to the gentleman that the bill itself, in section 5, provides—

That said library shall be located in some convenient place in the city of Washington, to be designated by the Commissioners of the District of Columbia upon the recommendation of the trustees of said library: *Provided*, That in any municipal building to be hereafter erected in said District suitable provision shall be made for said library and reading room sufficient to accommodate not less than 100,000 volumes.

That would seem to indicate that there is to be an appropriation made hereafter.

Mr. POWERS. One more question. This library must cost something. Now, if you are going to have no money to establish it, what is the good of passing an act for that purpose?

Mr. HULICK. I have no doubt there will be an appropriation; and I favor any reasonable appropriation for the establishment of this library, whether the expenditure be for the construction of a building or for the maintenance of the library after the building is constructed.

Mr. DOCKERY. Will the gentleman, as a member of the committee, kindly advise us as to the amount of the liability which will probably be assumed by the passage of this bill? Has the committee made any estimate of the probable cost of constructing the building and supplying it with a hundred thousand volumes?

Mr. HULICK. None whatever. The committee recognized the great importance of this measure, and they thought that the propriety of the establishment of this library would not be questioned by my friend from Missouri [Mr. DOCKERY] or my friend from Vermont [Mr. POWERS], or by any other gentleman here. I trust that when the vote is taken these gentlemen will show that they are satisfied with the measure. The only question presented here is, whether the Government of the United States shall pay a part of this expense or whether the District shall pay the whole.

Mr. DOCKERY. And in determining that question, as the gentleman must see, it is material we should know what the expense is going to be.

Mr. WELLINGTON. Acting for the gentleman from Wisconsin [Mr. BABCOCK] who controls the time in behalf of the pending motion, I yield ten minutes to the gentleman from Vermont [Mr. GROUT].

Mr. GROUT. Mr. Speaker, let us for a moment see what is the question before us, and how it comes here. The Senate passed a bill providing for a free circulating library in this District and dividing the expenses of this library equally between the District and the General Government, this being considered by the Senate a proper item of municipal expense. When that bill came up in the House for consideration, the House put upon it an amendment saddling the whole expense upon the District. When the bill went back to the Senate, that body nonconcurred in the amendment; a committee of conference was had; and now by the unanimous action of that committee of conference the House is asked to recede from its amendment and accept the bill as it originally came from the Senate.

Mr. McMILLIN. Allow me to correct the gentleman. I believe this bill has never been in conference. We have taken in this case the extraordinary course of sending the bill back to the Committee on the District of Columbia after the Senate had asked for a conference.

Mr. GROUT. I was mistaken in saying that the bill went to a conference committee. When returned from the Senate, it went to the District Committee; and that committee decided that it would bring the bill before the House again on a motion that the House recede from its amendment. The question is now whether we shall insist upon that amendment or recede from it. The question really involved is whether the House will carry out in good faith the act of 1878—whether Congress will keep its word passed at that time. The agreement which Congress made in the act of 1878 was made on its own motion. The District did not ask it. Congress, without solicitation from the District, said that in the government of the District from that time forth the expenses of the municipal administration of the District, and of everything properly pertaining to municipal affairs, should be divided equally between the General Government and the District. The question is now, that obligation having been assumed by Congress, whether we shall keep faith. As I have said, the undertaking on the part of Congress was gratuitous; it was the solemn declaration of the legislative authority; the District had no voice in it. This is what Congress said they would do with the District, treating it simply as a child, because the people of the District have no voice in the Government any more than a child has a voice in the family government, except to appeal to the father, as the people of the District have the right to appeal to Congress. The question, I repeat, is whether we shall keep faith or whether we shall, by the amendment putting the whole expense of this library on the District, sneak away from this provision of law adopted in the act of 1878.

Now, let us examine for a moment and see why that arrangement adopted in 1878 was made. This city was laid out not by speculators, not by the people inhabiting the District, but by the General Government. I ask gentlemen to fasten their minds on that fact. The capital having been located here by the General Government, commissioners were appointed; and after procuring some land which was a forest they arranged that the whole extent of the city should be 6,111 acres, and they donated to the United States Government, for public streets and parks, 3,666 acres. There were to be granted to the General Government in building lots, to be sold by it, the money to go into the public Treasury, 10,136 lots, making 982 acres, and an equal number of lots went to the original proprietors. That was the trade which was made with the owners of the land. And then the United States bought for public buildings and parks 548 acres. This is the division which was made; the General Government took two-thirds of the land at that time and laid out a city to suit itself—not to suit any ordinary people, but in a way to make a magnificent capital of a great nation, and with this magnificence constantly in view laid out this city so that the sidewalks along the streets to-day are wider than the carriage ways in many of the great cities of the country. You will find the carriage way in many a street in New York City not so wide as the sidewalks of this city. This city was thus laid out on a scale so magnificent and extravagant that no mere municipality could ever half take care of it unassisted by the Government.

They did, however, provide a municipal government for the city and left it to local management, and up to 1878, and when the act was passed which divided the expenditures equally between the General Government and the people in the District of Columbia, the town was a mud hole, an absolute mud hole. The condition was anything but creditable to the American people whose capital it was, and the condition was constantly growing worse, and in 1878 had become so scandalous that the people of the United States, through their representatives in Congress, said something should be done; and they finally said, "We will divide the expense for the maintenance of the city, because no municipality can take charge of a city laid out on a scale so extravagant as this and pay all the expenses itself." They said, "Especially ought this to be done as the people of the District had nothing to do with laying it out; it was wholly the work of Congress. Besides the United States Government owns over one-half the taxable property of the District and ought for that reason to pay one-half of the expenses."

Now, if this provision of the act of 1878 is not right, if it should be changed, then bring in a bill and change it in direct and manly fashion, but do not seek to make the change in this indirect manner.

It is, Mr. Speaker, a principle of law with which all lawyers are familiar that you can not change a written contract by an attack upon it collaterally. It must stand until by direct proceedings you change it, no matter how inequitable it may be. But I deny that this relation between the District and General Government requires any change.

Now, confessedly, here is an item of public expenditure. Six hundred cities throughout the United States maintain libraries by municipal taxation. When the gentleman from Pennsylvania asked my colleague, the gentleman from Vermont, if certain other cities throughout the country did not maintain libraries as a municipal expense, the answer was, necessarily, that such was the case. Yes, said my colleague, in substance, the people of those cities bear the expense, and that is what we are trying to make the people here do. Now, who will say that the reply of my colleague was wholly fair, when it is kept in mind that in this city all municipal expenses are to be borne equally by the General Government and the District? Who fails to see that, when he admitted that a public library was an item of municipal expense generally throughout the country, he really gave away his whole case?

In the act of 1878 is a solemn agreement, a contract, to divide equally the expenses of this government, and it is a disgrace for Congress to undertake to wiggle out of it or crawl away from its obligations.

Now, the gentleman from Vermont said that the original understanding was that all proper and ordinary municipal expenses should be covered by the half-and-half arrangement. But that is not the language of the act. It is the "municipal expenses" of the District that are to be divided. But I claim a library is an ordinary and necessary municipal expense, is fairly and clearly so under any just construction. The gentleman brought in as an illustration the bathing-beach provision, which was passed some six years ago, and the gentleman claimed that that was an encroachment upon the rights of the General Government as far as the expenditure was concerned. But, Mr. Speaker, that appropriation is defensible on every ground of sound public policy. As he read from the report of the committee and during a large part of his speech undertook to ridicule it, it was perfectly clear to every fair-minded man on the floor that the people of this great city, with more than a quarter of a million inhabitants, are entitled to have a safe public bathing place. It is not only a provision in the sanitary interest of the public, but for the advancement of good morals as well. And when you preserve the health and morals of the public is it not a legitimate and proper subject of expenditure?

Mr. POWERS. Will the gentleman yield for a question?

Mr. GROUT. If you will make it very brief.

Mr. POWERS. Do you regard the establishment of public bathing houses as a proper subject of municipal expenditure?

Mr. GROUT. I do, most emphatically.

Mr. POWERS. Then you think the Government ought to share in that expense?

Mr. GROUT. I do. They are sharing in it now. That was done six years ago. The gentleman is six years behind in his argument on the bathing beach, and he is more than six years behind on the question of this public library.

Mr. POWERS. Will the gentleman pause in his argument long enough to read the bill which I hold in my hand, which came from his committee and which puts the whole of this expense on the District?

Mr. GROUT. We appropriate to-day, let me say to the gentleman, for the support of that bathing beach one-half from the public Treasury and one-half from the revenues of the District.

Mr. POWERS. If it is a proper subject of municipal expenditure, why did not you put one-half on the Government when you reported the bill?

Mr. GROUT. I do not know in what form the bill went through the House, nor do I know what bill the gentleman has. I have not seen it and can not stop to look at it.

Mr. POWERS. I am surprised that the gentleman does not understand the bills that he reported himself from his own committee.

Mr. GROUT. I do understand them, sir; the trouble is with the gentleman's understanding. Now, if the gentleman will allow me, I will proceed with my argument.

My colleague says that the Congressional Library is opened to the public. I say it is not, and to show who is right I will read a statement just received from Librarian Spofford, in the following words:

No books can be drawn out except by Representatives or Senators, or their secretaries, and about 50 individuals and executive officers. The Library is not open after dark, and is not provided with gas or electric light.

This shows that the Congressional Library is wholly inaccessible except to such as visit it in the daytime and examine the books in the library room. No books are taken out by depositing value or by any persons except as above stated by Mr. Spofford; and, as suggested by the gentleman from Ohio [Mr. NORTHWAY], if it were made a circulating library, which is impracticable, then the people of the District would be provided a library wholly at the expense of the United States instead of one-half, as proposed by this bill, and how could the gentleman stand that?

[Here the hammer fell.]

Mr. BABCOCK. I yield three minutes to the gentleman from Maryland [Mr. WELLINGTON].

Mr. WELLINGTON. Mr. Speaker, I should not again trouble the House on this subject were it not for some expressions used by the gentleman from Vermont [Mr. POWERS]. The gentleman from Vermont says that there is a job in this bill because in his answer to the gentleman from South Carolina [Mr. TALBERT] he said that the size of the job was not apparent; that it had not been stated.

I want to say to the gentleman from Vermont that there is no job in this bill. I make that statement in the first place. It is a proper bill, brought here by the Committee on the District of Columbia, and I believe the members of that committee are as much entitled to credit for honesty as any of the members of this House. I want to say to the gentleman from Vermont that when he made that charge he very well knew there was no job in this bill. Gentlemen, you should divest this subject of all this sort of talk. Treat it fairly and squarely. What is this proposition?

In the first place, gentlemen admit that it is a proper thing to establish a free library in the District of Columbia. That is admitted by these very gentlemen. Now, further, if it is proper to establish a free library in the District of Columbia, then who should pay for it? We go a step further, and these gentlemen admit that it is proper for the municipal authorities to pay the current expenses of such a library. Further, then, if it is proper for a municipality to do that, then it is proper for this muncipality to do it. And how are the expenses of the municipality of Washington City met? Are they met entirely by the people of the District? No; they are met share and share alike by the Government of the United States and the District of Columbia. And upon this principle this library should be founded. I ask gentlemen to be fair about it. There is the whole thing in a nutshell. If it is proper to establish this library, it should be established upon the same principle that other public expenses are met. That is nothing more than fair and just.

Gentlemen talk about millions of dollars to be expended on this project. In this bill there is not one dollar pledged by this Government. It must come before the Committee on Appropriations before one dollar can be expended. When they speak of millions of dollars, do they not know that the bill itself recites the fact and the report recites the fact that the books are here to found it, that the books will be given us by the people of the District? Donations to the extent of $9,000 are already pledged to it, and many more will come in the future. Who can tell whether the Government will ever be called upon to give any extraordinary sum? This bill does not pledge the erection of a building for the use of the library. It merely pledges the establishment of the library, and pledges the paying of those who shall be there to conduct that library. That is all there is in this bill. I ask the members in this House to be fair about this matter and not to put it upon a false footing.

Mr. POWERS. I yield three minutes to the gentleman from Michigan [Mr. MILNES].

Mr. MILNES. Mr. Speaker, as one of the members of the Committee on the District of Columbia, I am opposed to the House receding from the very proper amendment which, in my judgment, was made to this bill. I am in favor of the city of Washington having a free public library, but I am in favor of the citizens of Washington paying for the use of that library, just the same as my own city and every other city in the United States does. We are told, Mr. Speaker, that it is a question of keeping faith under the law of 1878. There never was a thing in that law that contemplated the building of a public library, half of the expense of which should be borne by the Government of the United States. It is not a necessary, legitimate municipal expense, nor is it so treated by cities generally in the United States of America. If you will look at the appendix to the report made by this committee, you will find there the different cities and how the libraries are supported; and in scarcely any case are they supported exclusively by regular taxes, but they are treated as special matters and supported by extraordinary or special taxes. It seems to me the committee have admitted this fact themselves when this bill was under consideration, and the gentleman who drew this bill must have so considered it, for they say—

That the expenses of the maintenance of said library, including salaries of employees, shall be treated among the current municipal expenses of the said District.

If it was considered as a proper, legitimate municipal expense, it would not have been necessary to specify that it should be so treated.

Now, Mr. Speaker, it would not be burdensome for the citizens of Washington to pay for this public library. It has been shown upon this floor to-day that there is scarcely a dollar in taxes levied against the personal property of the city of Washington. In my judgment there is personal property to the amount of $150,000,000 that escapes assessment and taxation in this city. If they want to support this library, if they want to build a public library building, let us assess this personal property—as we do in our own cities—and pay for the library and its support out of the taxes so raised.

Mr. GROUT. If property escapes taxation here it is our fault, is it not?

Mr. MILNES. Yes; it is our fault.

Mr. GROUT. And the fault of nobody else?

Mr. MILNES. Yes; it is our fault, and it is a shame, too. But I say that there is $150,000,000 of personal property in the city of Washington that is not assessed and that does not pay a single cent of taxes, and that in all the other great cities of the country, in my State and your State, that property is assessed, and they could very well assess this property and support a public library.

Mr. BABCOCK. Does not the gentleman remember that the board of assessors of the District reported that over $10,000,000 was assessed for taxation here? That is somewhat different from not a dollar.

Mr. MILNES. But the gentleman will remember that that included railroads, franchises, and everything else. The chairman of the committee will remember that the question has been asked when in the committee a dozen times, and we have been told every time that personal property was not assessed at all in the District of Columbia. There is not a city in the United States of the magnitude or anything near the size of the city of Washington that does not pay from two to three times as much taxes as the citizens of Washington do; and therefore I say they should be called upon to pay these extraordinary expenses. Let them have leave to tax themselves on their personal property and pay for the library.

Mr. POWERS. I yield five minutes to the gentleman from Illinois [Mr. CONNOLLY].

Mr. CONNOLLY. Mr. Speaker, the act of 1878 has been frequently invoked during this discussion as an argument why we should pass this bill without the amendment that was offered by the gentleman from Vermont [Mr. POWERS]. It is argued that under that act Congress entered into partnership with the District whereby it agreed to pay one-half of the municipal expenses. Concede that. What are municipal expenses? They consist of debts incurred under the authority of the charter of that municipality. At the time that the act of 1878 was passed the expense of a free public library was not a municipal expense, because the powers of the District had no power to establish a public library.

Now, I do not deny that a free public library is a proper subject for municipal expense, if the conditions be ripe, any more than a piano in a man's house is the proper part of the furnishing of that house, provided he is able to buy it and pay for it. I do not deny that an elegant carriage for the farmer or mechanic to ride from his home to church on a Sunday morning is a proper and economical expenditure, if the man can afford it; but if he can not afford it, it is an unwise and extravagant expenditure.

Now, under that act of 1878 Congress did not agree to pay one-half of all the bills that the District might make, of all bills of every character. Gentlemen who will refer to the act, as I have done, will find that after the estimates for expenditures are made up by the District Commissioners annually they must be laid be-

fore the Secretary of the Treasury. He scrutinizes them and strikes out whatever he thinks ought not to be there. Then he submits that to Congress. Then Congress, by its proper committees, scrutinizes all these estimates; and in that very act reserves the power to refuse any estimate that it does not approve of that is returned by the District Commissioners. So that, even in the matter of paving, in the matter of water, and in the matter of lights, Congress expressly reserves to itself in that act the right to refuse, and retains the right to finally pass upon the propriety of every expenditure they are authorized to make.

Now, sir, the population of the city of Washington is made up of three classes of people. Much the larger class are those who are employees of the Government, paid by the Government. Second, those who are here engaged in business making money out of the employees of the Government. Third, those birds of passage who, with accumulated fortunes, can afford to do as the wild goose does, choose their own location and have a pleasant season and a pleasant time and the enjoyment of life. [Laughter.] These three classes make up the population of this District. The first two classes live on dollars that come out of the Treasury of the United States; the latter class lives upon its accumulated fortunes. Now, sir, within the past three years, all over the United States, in town, in city, in village, and in country, the wages of every man that works for wages has been cut in two. The man at whose fireside plenty sat three years ago has poverty for a companion now. Has there been any change in the receipts of the employees of the Government——

The SPEAKER. The time of the gentleman has expired.

Mr. POWERS. I yield three minutes to the gentleman from Arkansas.

Mr. McRAE. Mr. Speaker, I am opposed to the pending motion made in the name of the Committee on the District of Columbia, to recede from the amendment of the House to the Senate library bill. First, because I believe the amendment to be a just and proper one; and second, because of the extraordinary method adopted to get rid of it. We adopted the amendment after considerable discussion in this House. Under the leadership of the able gentleman from Vermont the House agreed to the amendment. Deliberately and cautiously the House has said that while it wants a free library for the people of this District, it will insist that the appropriation here, which is to be the basis for the establishment of it, shall be taken from the revenues of the District and not from the people at large.

The Senate mildly suggests that they do not agree to the amendment, and ask for a conference. This bill was referred to a committee whose judgment upon this question has been repudiated by this House; and yet without any effort on its part and without any suggestion on the part of the House that it desired to recede, the committee comes back and recommends it and in some unaccountable way the bill gets before the House. I do not understand how under the rules it became privileged, but it is here, and we are told that it is now too late to prevent its consideration. The question, then, is whether you will deny the request made by the Senate for a conference, and thereby say to that body that we will not confer, and at the same time defy the expressed and known wish of the House, which has deliberately said to this committee we want this bill in the shape we returned it to the Senate.

It is a righteous amendment, one that ought to be adopted; and I want to say to the gentlemen who are pressing these unreasonable appropriations for free libraries, private colleges, and charitable institutions in the District of Columbia, to be paid for in part by the people in the States, if you do not stop in your mad career in this direction you will wake up some fine morning to find that the partnership which you suppose exists between this District and the Government of the United States is dissolved. The people of the country will not stand this character of appropriations unless the people of the District pay for them. The original contract was unjust to the United States at large, and yet it did not contemplate any items of expense like these. If you intend to compel the people of the entire country to contribute to the payment of one-half of the expense of every good public or private enterprise that the good people in this District may suggest, they will rise up and condemn it and put an end to it, as they ought to do. I believe we ought to draw the line upon the pending proposition and let the District understand that they can have a free library when they will pay for it.

The SPEAKER. The time of the gentleman has expired.

Mr. BABCOCK. I yield three minutes to the gentleman from Nebraska [Mr. HAINER].

Mr. HAINER of Nebraska. It affords me peculiar pleasure, Mr. Speaker, to speak a word in advocacy of this bill. The House well understands my unalterable opposition to the expenditure of public money for any private purpose. I am, however, and always have been a friend of education—in favor of its extension to the masses of the people in every possible well-considered manner.

Mr. POWERS. Would the gentleman be in favor of extending education to the extent of establishing colleges, one-half the expense of which should be paid by the General Government?

Mr. HAINER of Nebraska. I am in favor of founding and maintaining a great national university, which shall be public and open to all the people. [Applause.] I have always stood in favor of that principle. I am not in favor of appropriating a single dollar of public money to private purposes, but, being in favor of education, I know from personal experience and from reasoning that you can not expend money in any way which would be more effective in advancing the cause of real education than by establishing a free reading library open to all the people of a community. We recognize that principle in our States, in our counties, in our cities, in our villages, and we gauge the civilization of a community by taking note of the manner in which it diffuses and distributes education among its people. That being the case, I can see no reason why gentlemen should hesitate and withhold their support from this righteous measure. It has been suggested that there are classes in this city who do not need this extension of our public school system. That may be, Mr. Speaker; but the great masses do need it. It can do no possible harm. It will do much good. I see in the galleries to-day, and when gentlemen go out on the streets they see everywhere, men and women and boys and girls who need it, and who are entitled to be carefully provided for in any educational measure that we may frame.

This is a wise measure. Vote for it. Vote for these public institutions which extend the light of a liberal education throughout the length and breadth of this land. By so doing you wisely use public money for the highest of public purposes and remove the last vestige of excuse, too often here offered by the friends of private institutions, who for private gain seek to take money out of the public Treasury.

Education is in every civilized country recognized as peculiarly a fit matter of public control, guidance, and care.

As you foster and diffuse it you raise the standard of citizenship.

If it is a matter of public concern it is exceedingly ungenerous, to say the least, to avoid our due share of the expense.

Concede, as we must, that this is a proper matter of municipal expenditure, it is our duty to meet it.

This is our capital city. It should in all its appointments fitly typify our nation, its progress and its intelligence. This should be a center of culture, where the lowliest may have access to the best of books and Washington be the pride of our people and the worthy pattern city of the land.

Mr. BABCOCK. Mr. Speaker, I yield ten minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, the gentleman from Vermont [Mr. POWERS] spent the greater part of his time in endeavoring to show that a bill which was passed here about six years ago was not a proper measure. He made a windmill out of the bathing-beach bill and ridiculed the idea of public cleanliness. That law is 6 years old, and the gentleman from Vermont has apparently just found it out. In my judgment the opposition to a public free circulating library in a great national capital like this places the opponent more than six years behind the great procession of intelligence and wisdom and progress. What had the question of the bathing-beach bill to do with the question we have here? Suppose that legislation was wrong, which it was not, how does that affect this matter? I would vote to enlarge the capacity of that bathing beach, and if the gentleman from Vermont will leave the suburban, the Arcadian, the remote locality from which he comes and travel over the civilized world he will learn that it is a part of the duty of every considerable municipal corporation to afford bathing facilities for its people. The gentleman talks about that legislation here as though it were a monstrous thing. Go to the cities of Europe—you need not go to Europe—go to the cities of our own country, and you will find everywhere that one of the most striking developments of the civilization of this time is furnishing to the masses of the people, under the protection of municipal regulation, facilities for bathing.

The first question to be decided here is whether this public library is a proper subject of municipal expenditure. The gentleman from Michigan tells the House that it is not. Why, sir, he ought to know, and he certainly does know, that the magnificent State which he in part so ably represents stands upon soil covered and dedicated by the great Ordinance of 1787, which declared in language that has since been a beacon light to all the world that "religion, morality, and education are essential to the prosperity of a State." And from that day to this in those five magnificent States that doctrine, organic and fundamental as it was, has been carried into operation in all the statutes and all the ordinances of those States and their cities. His own city of Detroit expended last year $52,000, every dollar of which was drawn directly or indirectly from municipal taxation, to maintain and carry on a free public library. Part of the money came, of course, from the fines which otherwise would have gone into the public treasury. And so it is from one end of our country to the other. The progress of a State, the intelligence of a people, are marked by these magnificent milestones, public libraries for the people of the country. [Applause.] Show me a State that has none of

these public libraries, and I will show you a State whose farms are being abandoned by the population or whose people are so far in the wilderness that civilization has not reached them. This question of education, with libraries as an adjunct of education, is the test, the touchstone of progress.

Now, here we are in the city of Washington, the capital of this magnificent nation of ours—a nation that undertakes to set the pace for the civilization of the world, that undertakes to lead in all that is becoming a state. We have here a city beautiful in comparison with any other city on earth—a city that is the pride and boast of every American citizen. No citizen of this country goes abroad and travels beneath the folds of the flags of other nations without feeling instinctively his national pride aroused by the recollection of his own flag and his own capital city of Washington. And, sir, when was any American citizen ever criticised for having voted to carry on works of art, works of education, works for the development of civilization in this city of Washington?

We ought to have here a model city, a city that would be a model in municipal government, a model in the matter of municipal expenditure, a model in the matter of her laws, her ordinances, her administration—a model city that every American could justly and wisely be proud of. Sir, you may bring a man here from Montana (and they have public libraries there); you may bring a man from the Dakotas (and they have public libraries there); you may bring a foreigner here from any of the civilized cities of the Old World (and they have public libraries there). Suppose, when we have congregated here citizens from the great cities of the country and the world, the American, proud of his birth and his country, is cross-examined by a citizen of the Old World and asked, "What have you done for the masses of your people in the matter of education? Where are your public libraries?" Must that citizen say in reply, "Nowhere; the great National Government enthroned at the great capital city has no library for the masses of her people." Is a city of 300,000, a growing city, the pride of the Republic, to be dealt with upon the old wooden mold-board proposition that an expenditure of this character is not a proper subject of municipal government? If I did not know better, I should be inclined to follow back upon his tracks a gentleman who would utter such sentiments as that, and should expect to find him using the old Dillingworth spelling book in his schools and the wooden mold-board plow in his fields.

It is said we have a public library here. Sir, I hold in my hand the rules of the Congressional Library. In the brief time I have I can not stop to read them; but I say to the House—and I think every gentleman here knows it—that that Library is in no sense a public library; and if it ever becomes a public library its present high purpose will have been abandoned and destroyed. You can not send the books of that Library out among the masses of the people; you can not send out those pamphlets, those maps; you can not admit the representatives of 300,000 people of this District into this building across here and allow them to carry away the books of the Congressional Library.

The Congressional Library is unique in its construction, unique in its organization—unlike a public library in every essential sense. It is a Library for the keeping, the preservation, the perfect order and regulation of the books and documents deposited there. It can not be made a circulating library for the benefit of the masses of the people without destroying its original purpose and bringing it down from the high plane upon which it has been proposed to keep it.

It has been suggested that there is no appropriation in this bill, and on the subject of the appropriation one gentleman has appealed to what, in my judgment, is not quite a high-toned and dignified argument—that some of you have not had your waterways improved as much as you would like and therefore you must not vote for this bill; you have not had your public buildings constructed——

[Here the hammer fell.]

Mr. BABCOCK. I yield the remainder of my time to the gentleman from Ohio [Mr. GROSVENOR].

The SPEAKER. The gentleman from Ohio will proceed. There are three minutes remaining.

Mr. GROSVENOR. It is urged that some gentlemen have not secured the river and harbor improvements that they desired and that the public buildings they were interested in have not been constructed. Sir, we look forward with great confidence to the dawn of the day when this mighty nation shall have money enough to appropriate for all purposes incident to a great National Government. And because in the stress of our present condition we have been rightfully economical in our administration, yet there is no proper argument that appeals to a member of Congress to fail to put into motion the preliminary steps to the construction of this library, which is all that is involved in the pending question.

Gentlemen, I appeal to the members of this House who have intelligently, wisely, and fearlessly acted heretofore, to stand forth now in behalf of the glory of your country, in behalf of the dignity of your nation, and in behalf of those people here whose sole opportunity for education in this direction lies through the channel which this bill will open to them. [Applause.]

The SPEAKER. The question is on receding from the House amendment.

Mr. POWERS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. POWERS. There seems to be some misunderstanding as to the status of this motion. This bill was a Senate bill, which provided that the expense should be divided between the District and the Government generally. The House put on an amendment providing that the whole expense was to be paid by the District. This motion, I understand, is that the House shall recede from its own action?

The SPEAKER. To recede from its action.

Mr. POWERS. Then those in favor of having these people pay for it will vote "no."

The question was taken. Before the announcement of the vote,

Mr. POWERS. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 113, nays 127, not voting 114; as follows:

YEAS—113.

Adams,	Fischer,	Hurley,	Robinson, Pa.
Aldrich, Ill.	Fletcher,	Jenkins,	Russell, Conn.
Apsley,	Foote,	Johnson, Cal.	Settle,
Avery,	Foss,	Johnson, N. Dak.	Shannon,
Babcock,	Gardner,	Lacey,	Smith, Mich.
Baker, N. H.	Gillet, N. Y.	Lefever,	Stahle,
Bartlett, N. Y.	Griffin,	Leisenring,	Steele,
Beach,	Griswold,	Linton,	Stone, C. W.
Bell, Colo.	Grosvenor,	Long,	Stone, W. A.
Bennett,	Grout,	Low,	Sulzer,
Berry,	Grow,	Maguire,	Taft,
Black, N. Y.	Halner, Nebr.	McCleary, Minn.	Tayler,
Brewster,	Halterman,	McCreary, Ky.	Thomas,
Bromwell,	Harmer,	McLachlan,	Towne,
Brumm,	Hartman,	Mercer,	Van Horn,
Cannon,	Heatwole,	Minor, Wis.	Van Voorhis,
Catchings,	Henderson,	Newlands,	Walker, Mass.
Chickering,	Henry, Ind.	Northway,	Walsh,
Clark, Iowa	Hepburn,	Odell,	Warner,
Cobb, Mo.	Hilborn,	Otjen,	Watson, Ind.
Cooke, Ill.	Hill,	Overstreet,	Wellington,
Cooper, Fla.	Hopkins,	Payne,	Wilber,
Cooper, Wis.	Howe,	Perkins,	Willis,
Cousins,	Howell,	Pickler,	Wilson, N. Y.
Crowley,	Huff,	Poole,	Woodman,
Curtis, Kans.	Hulick,	Prince,	Woomer.
Curtis, N. Y.	Huling,	Pugh,	
Eddy,	Hull,	Reyburn,	
Evans,	Hunter,	Richardson,	

NAYS—127.

Abbott,	Doolittle,	Maddox,	Shaw,
Aldrich, Ala.	Ellett, Va.	McCall, Mass.	Shuford,
Allen, Utah	Elliott, S. C.	McCall, Tenn.	Simpkins,
Arnold, R. I.	Ellis,	McClellan,	Smith, Ill.
Atwood,	Erdman,	McCulloch,	Stover,
Bailey,	Fairchild,	McDearmon,	Southard,
Baker, Kans.	Fenton,	McEwan,	Spalding,
Barney,	Gibson,	McLaurin,	Sparkman,
Barrett,	Gillett, Mass.	McMillin,	Sperry,
Bartlett, Ga.	Graff,	McRae,	Stephenson,
Bell, Tex.	Hadley,	Meiklejohn,	Stewart, Wis.
Bishop,	Hager,	Meyer,	Strait,
Black, Ga.	Hart,	Milnes,	Strong,
Blue,	Hatch,	Mondell,	Strowd, N. C.
Broderick,	Hubbard,	Moody,	Swanson,
Brown,	Jones,	Mozley,	Talbert,
Buck,	Kem,	Neill,	Tate,
Burrell,	Kerr,	Ogden,	Terry,
Burton, Mo.	Kirkpatrick,	Otey,	Tracewell,
Burton, Ohio	Knox,	Owens,	Tracey,
Clardy,	Kyle,	Parker,	Turner, Ga.
Cockrell,	Latimer,	Patterson,	Tyler,
Codding,	Lawson,	Pendleton,	Underwood,
Colson,	Leighty,	Pinney,	Updegraff,
Connolly,	Leonard,	Powers,	Watson, Ohio
Cooper, Tex.	Lester,	Reeves,	Wheeler,
Culberson,	Lewis,	Royse,	Williams,
Danford,	Linney,	Russell, Ga.	Wilson, Idaho
Daniels,	Little,	Sauerhering,	Wood,
De Armond,	Livingston,	Sayers,	Wright,
Dinsmore,	Lockhart,	Scranton,	Yoakum.
Dockery,	Loudenslager,	Shafroth,	

NOT VOTING—114.

Acheson,	Clark, Mo.	Dingley,	Henry, Conn.
Aitken,	Clarke, Ala.	Dolliver,	Hermann,
Allen, Miss.	Cobb, Ala.	Dovener,	Hicks,
Anderson,	Coffin,	Downing,	Hitt,
Andrews,	Cock, Wis.	Draper,	Hooker,
Arnold, Pa.	Corliss,	Faris,	Howard,
Baker, Md.	Cowen,	Fitzgerald,	Hutcheson,
Bankhead,	Cox,	Fowler,	Hyde,
Barham,	Crisp,	Gamble,	Johnson, Ind.
Bartholdt,	Crowther,	Hall,	Joy,
Belknap,	Crump,	Hanly,	Kendall,
Bingham,	Cummings,	Hardy,	Kiefer,
Boutelle,	Curtis, Iowa	Harris,	Kulp,
Bowers,	Dalzell,	Harrison,	Layton,
Brosius,	Dayton,	Heiner, Pa.	Lorimer,
Bull,	Denny,	Hemenway,	Loud,
Calderhead,	De Witt,	Hendrick,	Mahany,

Mahon,	Morse,	Sherman,	Tucker,
Marsh,	Moses,	Skinner,	Turner, Va.
McClure,	Murphy,	Sorg,	Wadsworth,
McCormick,	Noonan,	Southwick,	Walker, Va.
McKenney,	Pearson,	Spencer,	Wanger,
Meredith,	Phillips,	Stallings,	Washington,
Miles,	Price,	Stewart, N. J.	White,
Miller, Kans.	Quigg,	Stokes,	Wilson, Ohio
Miller, W. Va.	Raney,	Strode, Nebr.	Wilson, S. C.
Milliken,	Ray,	Sulloway,	Woodard.
Miner, N. Y.	Robertson, La.	Tawney,	
Money,	Rusk,	Treloar,	

So the motion was rejected.

The following pairs were announced until further notice:

Mr. WATSON of Indiana with Mr. WILSON of South Carolina.

Mr. RANEY with Mr. COWEN.

Mr. DRAPER with Mr. TUCKER.

Mr. ANDREWS with Mr. MILES.

Mr. CROWTHER with Mr. LAYTON.

Mr. MILLER of West Virginia with Mr. WOODARD.

Mr. HEMENWAY with Mr. ROBERTSON of Louisiana.

Mr. TRACEWELL with Mr. HENDRICK.

Mr. LORIMER with Mr. HUTCHESON.

Mr. WHITE with Mr. HARRISON.

Mr. SHERMAN with Mr. RUSK.

Mr. TAWNEY with Mr. DOWNING.

Mr. MCCLURE with Mr. MINER of New York.

Mr. MCCORMICK with Mr. HALL.

Mr. GAMBLE with Mr. CLARKE of Alabama.

Mr. MORSE with Mr. PRICE.

Mr. BINGHAM with Mr. COBB of Alabama.

Mr. HULICK with Mr. COX.

Mr. WANGER with Mr. WASHINGTON.

Mr. DAYTON with Mr. ALLEN of Mississippi.

Mr. CORLISS with Mr. CUMMINGS.

Mr. DOLLIVER with Mr. FITZGERALD.

Mr. BROSIUS with Mr. SPENCER.

Mr. DALZELL with Mr. CRISP.

The following pair was announced for this vote.

Mr. DINGLEY with Mr. STALLINGS.

Mr. HULICK. Mr. Speaker, I am paired generally with the gentleman from Tennessee, Mr. COX. I am not prepared to say how he would vote on this question. If, however, there be any doubt, I will render it in favor of the pair and withdraw the vote.

Mr. MILLIKEN. Mr. Speaker, I was in the Hall during the call of the roll, and desire to have my name entered.

The SPEAKER. Was the gentleman listening for his name?

Mr. MILLIKEN. I had both my ears open. [Laughter.]

The SPEAKER. Unless the gentleman answers the question, of course the Chair does not see how he can entertain the request.

Mr. MILLIKEN. Well, I was talking to another gentleman. I was listening, but did not hear my name.

The SPEAKER. The rule is intended to prevent that.

Mr. MILLIKEN. Then I would rather lose my vote than violate the rule.

The SPEAKER. That is a sound principle. [Laughter.]

The result of the vote was then announced as above recorded. [Applause.]

On motion of Mr. POWERS, a motion to reconsider the vote just taken was laid on the table.

The SPEAKER. The question now before the House is, Will the House agree to a further conference?

The question being submitted, the motion was agreed to.

Mr. POWERS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. POWERS. This bill now goes to conference. This amendment to the Senate bill has been put there by the House twice. Now, I submit to the Chair that in the appointment of conferees the House should have on its conference committee a majority at least representing the sentiment of the majority of the House on this question.

The SPEAKER. The Chair will take that matter into consideration.

REPORT OF THE DIRECTOR OF THE MINT.

Mr. PERKINS. Mr. Speaker——

The SPEAKER. The gentleman from Iowa [Mr. PERKINS] has a matter of public business, for the consideration of which he asks unanimous consent.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the present consideration of House concurrent resolution No. 30.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 10,000 additional copies of the report of the Director of the Mint for the fiscal year ended June 30, 1895; 2,000 copies for the use of the Senate, 5,000 copies for the use of the House of Representatives, and 3,000 copies for the use of the Director of the Mint.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

There was no objection.

The concurrent resolution was agreed to.

Mr. PERKINS. Mr. Speaker, I move to reconsider the last vote, and I move to lay that motion on the table.

The SPEAKER. The gentleman from Iowa [Mr. PERKINS] moves to reconsider the vote by which the concurrent resolution was agreed to, and moves to lay the latter motion on the table. In the absence of objection, it will be so ordered.

Mr. DINGLEY. Mr. Speaker, I ask for the regular order.

Mr. BAILEY. Mr. Speaker, I object to the unanimous consent asked by the gentleman from Iowa. The gentleman moved to reconsider and then to lay that motion on the table, and the Chair announced that in the absence of objection the latter motion would be agreed to. I object.

The SPEAKER. The Chair did not hear the gentleman.

Mr. BAILEY. I desire to remind the gentleman from Iowa—and I am sure he did not intend to take any advantage of me—that I specially said to him that when this resolution was reported I should have something to say about the report of the Director of the Mint, and I understood the gentleman from Iowa to agree that I should have fair notice. Am I mistaken about that?

Mr. PERKINS. The gentleman spoke to me one day coming up in the elevator and said that when that resolution was called up he proposed to say something about it. The gentleman was in the Hall of the House when this report was presented. He offered no observations, and I presumed that possibly he had reconsidered his intention. He had ample opportunity.

Mr. BAILEY. I was not immediately in the Hall of the House until the resolution had been reported and adopted. I said to the gentleman from Tennessee [Mr. RICHARDSON] who represents the minority on that Committee on Public Printing, that I desired to say something about it, and I hope the gentleman from Iowa [Mr. PERKINS] will permit the motion to reconsider to remain pending.

Mr. PERKINS. If the gentleman will excuse me, the observation was casually made, as I have remarked. The gentleman did not intimate to me whether he was in favor of or in opposition to the resolution. I had no notice that he desired to oppose the resolution.

Mr. BAILEY. There are some misstatements made by the Director of the Mint to which I think attention should be called. There is an effort at elaborate argument——

Mr. DINGLEY. Mr. Speaker, is this debate in order?

Mr. BAILEY. I desire to know if the gentleman from Iowa will withdraw the motion to table, and permit the motion to reconsider to remain pending? Whenever it suits his convenience to call it up I shall desire to say something about the report of the Director of the Mint.

Mr. RICHARDSON. Mr. Speaker, I hope the gentleman will allow me to make a statement, inasmuch as the gentleman from Texas [Mr. BAILEY] has referred to me. He did mention the matter to me and stated that he desired to be present when the resolution was considered. He also told me, as I remember, that he intended to make some comments upon the report. I did not know that my friend the chairman of the committee [Mr. PERKINS] was going to report the resolution, and I did not notice at the time that the gentleman from Texas [Mr. BAILEY] was not in his seat. I say that simply in justice to myself.

Mr. BAILEY. I was so sure that both of the gentlemen——

Mr. PERKINS. If the gentleman will permit me, I have no disposition whatever to cut off the gentleman. I am perfectly willing to agree to his suggestion, and he can make his observations, and then we will pass the resolution.

The SPEAKER. The motion which is now pending before the House is not a debatable motion unless a reconsideration actually takes place, in which case the debate can be had; but by unanimous consent the action of the House can be considered as rescinded, and then the gentleman can debate the matter.

Mr. DINGLEY. I will say to the gentleman that there are some other matters that have been arranged to come up, and I hope the time will not be taken now for that.

Mr. BAILEY. I have no disposition to interfere with any order of proceedings which has been agreed upon or which it is desired shall now take place. I have not even the report of the Director of the Mint here, and I had no thought, with the assurance of my friend from Iowa [Mr. PERKINS] and the assurance of my friend from Tennessee [Mr. RICHARDSON], but that I should be given at least some little notice. I desire expressly to acquit my friend from Iowa——

Mr. PERKINS. Oh, Mr. Speaker, I do not wish to be placed in any false position here. There was no assurance given.

Mr. BAILEY. Then I put my word against his that he did tell me that I should have notice.

Mr. PERKINS. This observation was made: That he desired to make some observations on this resolution when it was submitted.

Mr. BAILEY. And did not the gentleman tell me that I should have notice?

Mr. PERKINS. No, sir.

Mr. BAILEY. You did, and I will put my word against yours that you did.

Mr. RICHARDSON. I ask unanimous consent that the motion to lay on the table and also a motion to reconsider stand over.

Mr. BAILEY. Mr. Speaker, I will withdraw any request that I made. I shall find some future occasion to say what I desire to say.

Mr. RICHARDSON. I withdraw my request.

The SPEAKER. Then, without objection, the motion to reconsider will be laid on the table.

There was no objection.

Mr. DINGLEY. Regular order.

The SPEAKER. The regular order is the call of the committees. The call rests with the Committee on Coinage, Weights, and Measures.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 6644) granting a pension to Gen. John M. Thayer, United States Volunteers;

A bill (H. R. 1141) granting a pension to Miss Mary E. Hull, dependent sister of John A. Hull, deceased, late of Company F, Fifty-first Regiment of Illinois Volunteer Infantry, in the late war of the rebellion, and to pay her a pension at the rate of $12 per month;

A bill (H. R. 4053) repealing chapter 148 of the Supplement of the Revised Statutes of the United States; and

A bill (H. R. 5083) granting an increase of pension to A. H. McLaws.

The message also announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1892;

A bill (S. 1816) granting a pension to Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman;

Joint resolution (S. R. 112) donating a condemned cannon and some shells to the Guilford Battle Ground Company, near Greensboro, N. C.;

A bill (S. 250) for the relief of W. H. L. Pepperell; and

A bill (S. 972) to provide for the continuance in office of customs officers and assistant treasurers until successors shall have been appointed and qualified.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

A bill (H. R. 5672) to grant railroad companies in the Indian Territory additional powers to secure depot grounds; and

A bill (H. R. 5363) authorizing the construction of a fog signal on the north pier of the entrance to Menominee Harbor, Wisconsin.

METRIC SYSTEM.

Mr. CHARLES W. STONE. Mr. Speaker, I am directed by the committee to call up the bill (H. R. 7251) to fix the standard of weights and measures by the adoption of the metric system of weights and measures.

The bill was read, as follows:

Be it enacted, etc., That from and after the 1st day of July, 1898, all the Departments of the Government of the United States, in transaction of all business requiring the use of weight and measurement, except in completing the survey of the public lands, shall employ and use only the weights and measures of the metric system.

SEC. 2. That from and after the 1st day of January, 1901, the metric system of weights and measures shall be the only legal system of weights and measures recognized in the United States.

SEC. 3. That the metric system of weights and measures herein referred to is that in which the ultimate standard of mass or weight is the international kilogram of the International Bureau of Weights and Measures, established in accordance with the convention of May 20, 1875, and the ultimate standard of length is the international meter of the same bureau, the national prototypes of which are kilogram numbered 20 and meter numbered 27, preserved in the archives of the office of standard weights and measures.

SEC. 4. That the tables in the schedules annexed to the bill authorizing the use of the metric system of weights and measures passed July 28, 1866, shall be the tables of equivalents which may be lawfully used for computing, determining, and expressing the customary weights and measures in the weights and measures of the metric system.

Mr. CHARLES W. STONE. Mr. Speaker, the pending bill comes from the Committee on Coinage, Weights, and Measures with its unanimous indorsement. It is submitted as a substitute for the bill H. R. 2758, introduced by the gentleman from New York [Mr. HURLEY]. It differs from that in no essential particular except in its mode of statement and in the time at which it shall go into operation. The purpose of the bill is simply to complete the work which was commenced in 1866.

By a provision of the Constitution, Congress is vested with the power to fix the standard of weights and measures. That was never done, and no systematic attempt has been made to do it except by the act of 1866. It is true that Washington in his first message to the First Congress called attention to the obligation resting upon them to perform that duty, and fix the standard of weights and measures. The injunction was repeated in subsequent messages. Jefferson submitted to Congress two proposed systems for their consideration, one decimal and another nondecimal. Madison reiterated the recommendation of Washington, and sought to impress upon Congress the necessity of performing that duty; but at that time the whole question of weights and measures throughout the world was in a state of uncertainty and confusion. France was striving to establish an international system. England was seeking, if possible, to make her system universal, and the whole world was in a sort of chaotic condition, so far as any agreement upon that subject was concerned. The Secretary of the Treasury, without a standard by which the weights of even the coins that came from our mints could be determined, sent to England and obtained an old troy pound, and Congress recognized this troy pound of Great Britain as the standard for use in the mints.

Beyond that, no action was taken until 1866 expressly recognizing any weight or any measure as standard. It is true that the Secretary of the Treasury, forced to adopt some system for determining the tax to be collected on imports, and to administer the impost system of the country, had to establish or to recognize some weights and measures. He therefore adopted the old English bushel—the Winchester bushel—and the old English gallon. The avoirdupois pound he derived from the old troy pound. The yard was drawn from the Troughton scale, obtained by Albert Gallatin at about the time he obtained the troy pound. Congress recognized these weights and measures to the extent of authorizing the distribution of standards thereof to the various States. These standards were then established and recognized simply by the Treasury Department. Beyond that nothing was done, and no systematic effort was made to do anything until 1866, when a unanimous report from the Committee on Coinage, Weights, and Measures recommended that the metric system be established and recognized as legal and permissive throughout the country. The metric system in the meantime had gone through the experimental stage, and had been recognized and adopted by most of the nations of Europe, by most of the nations of the Western Hemisphere, by some of the nations of Asia, and by some of the nations of Africa. That committee, by a unanimous recommendation, asked that the system be made permissive in this country. The House, by a unanimous vote, adopted the same view as their action. That action, however, did not make the system obligatory, but simply recognized it as a legal system permissive by anybody who desired to use it.

In the elaborate report presented by the chairman of the committee, the Hon. John A. Kasson, recommending the passage of that bill, the committee say:

> They do not doubt that a subsequent Congress will be prepared to go farther, and will enable the Republic to lead rather than to follow the action of other commercial and intelligent nations in the complete establishment of this most urgently demanded reform. It is an obligation which we owe not only to our present convenience, but also to posterity, to whose benefit all sound reforms invariably tend.

Later in their report they indicate the method by which they assume a subsequent Congress will act, and they say:

> The interest of trade among a people so quick as ours to receive and adopt a useful novelty will soon acquaint practical men with its convenience. When this is attained, a period, it is hoped, not distant, a further act of Congress can fix the date for its exclusive adoption as a legal system. At an earlier period it may be safely introduced into all public offices and for Government service.

Exactly according to the plan and the programme recommended by that committee, this bill is drawn. That such action has not been taken before is perhaps a little remarkable. It is true that the Coinage Committee, under the leadership of Alexander H. Stephens, presented two elaborate reports in subsequent years, recommending substantially this action, but during those years we were engaged, in common with other nations of the world, in establishing the International Bureau of Weights and Measures and perfecting, or rather perpetuating, the system. To the convention which established that bureau the name of the American minister stands first among the signatures. That bureau has been kept up by the contributions of this country and of the other countries from that time to this, and for years it was engaged in the careful investigation of the exact accuracy of the standards and in furnishing prototype copies to all the countries who were members of that bureau. Our copy came to us in 1890. About that period, by the authority of Congress, the President of the United States was authorized to call the international American conference, and one of the purposes for which that conference was invited was to consider the propriety of establishing a uniform system of weights and measures. That conference met in 1890, and by its unanimous action recommended to this nation to do what I believe every other nation taking part in the conference has or had done, namely, to adopt this international metric system. The present bill, then, proposes to do that. It proposes simply, as I have said, to do what the other American Republics and all the leading nations of the world, except Great Britain and Russia, have already done.

It proposes to establish this system, first for the operations of

the Government, and then, at the commencement of the new century, to recognize it as the legal system throughout the country. It proposes to enforce its observance upon no one except the officers of the Government. It proposes to do that in accordance with the recommendation of those officers themselves. Beginning with Secretary of State Blaine, who transmitted the findings and the recommendation of the international conference, and who gave to the system his emphatic indorsement, the Secretaries of the Treasury and other Cabinet officers have recommended its adoption. In the last Congress, upon the motion of Mr. Wilson, then the chairman of the Committee on Ways and Means, and now Postmaster-General, a resolution was adopted requesting that the Secretary of the Treasury, the Director of the Mint, and the Superintendent of the Coast and Geodetic Survey, who is, ex officio, superintendent of weights and measures, should investigate the propriety of the general and compulsory adoption of this system and report to Congress. By some clerical error that resolution did not reach those gentlemen. At the beginning of this Congress, or early in this session, the committee having under consideration this bill transmitted to those gentlemen a copy of that resolution which had been passed unanimously by the House of Representatives, and requested them, in accordance with its terms, to communicate to the committee their opinion as to the propriety of the measure. They complied with the request, and I have here the report, first of the Secretary of the Treasury, Mr. Carlisle, and the Director of the Mint, Mr. Preston, saying:

> Many advantages would accrue from the adoption of the metric system of weights and measures by the United States, by reason of its great simplicity and the facilities which are apparent on the examination of its complete decimal system, thus making a saving of time and labor in converting one denomination into another.
>
> The further fact that the system has been adopted by nearly all the European countries and their colonies makes its adoption by the United States desirable.

The third member of the commission, appointed or sought to be appointed under the authority of the last Congress, General Duffield, the Chief of the Coast and Geodetic Survey, transmits his opinion in terms even more emphatic than the opinion of the Secretary of the Treasury. It is as follows:

> I am decidedly in favor of the adoption by the United States Government of the metric system, and trust that favorable action may be taken by the present Congress.
>
> The advantages of a decimal system are so many and obvious, and are so well known and universally recognized by scientific men and others, that no argument on the subject seems necessary.
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> * * * * * * *
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> The change once made, would soon commend itself to all, as the inconvenience arising from it would be of short duration and its advantage would soon become manifest.
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> * * * * * * *
>
> I may add that the metric system has been used almost exclusively in the work of the Coast and Geodetic Survey for many years, and other scientific bureaus of the Government have also adopted it. It is also extensively used both in this country and Great Britain in scientific research, both by institutions and individuals. No time seems more propitious than the present for its adoption by Congress, and, as said before, after a fair trial the opposition to it would soon disappear.
>
> Among the nations that have made the metric system compulsory may be named the following: France, Germany, Austria-Hungary, Belgium, Spain, Portugal, Italy, Norway, Sweden, Switzerland, Servia, Roumania, Mexico, Brazil, Peru, Venezuela, and Argentine Republic.
>
> In Great Britain, Japan, and the United States the system is legalized, but its use is not compulsory.
>
> Russia and Denmark stand alone in not having taken any action, but even these countries are contributors to the International Bureau of Weights and Measures.

In many of the bureaus of the Government this system is now in operation. In the Coast and Geodetic Survey it has for years been practically the exclusive system. In other bureaus it is used to a large extent. In the Post-Office Department it is within the power of the Postmaster-General, even under existing law, to have every letter weighed by the metric system, and whenever a pound of mail matter, or an ounce of mail matter, is placed in the office for transportation to any foreign country, even to Great Britain, which has not the metric system, even to Russia, which has not the metric system, that mail matter is weighed by the metric system and its transportation settled by it.

The committee, thinking that the Post-Office Department was brought into close and constant communication with the people, and to a certain extent with the transactions of commerce, sought the opinion of the Postmaster-General in relation to the pending bill.

Mr. Wilson, the Postmaster-General, writes:

> As the metric system now prevails in most of the leading nations of the world, I believe that the accession of the United States and Great Britain to the system is all that is needed to put it into general operation, and that such operation would greatly facilitate the commercial and financial intercourse of different countries, and give to each of these two countries a simplification of the present system of coinage, weights, and measures.
>
> I see no reason to doubt that the metric system, gradually introduced, would operate successfully and advantageously in this Department.

The Secretary of Agriculture, who is brought close to large classes of people, who represents the farming interests throughout the nation, and who in recent years, since the efforts to extend the markets for the farm products of our nation, has been brought in contact with the systems of other countries, writes more emphatically than either of the other gentlemen, indorsing this measure and calling attention to the fact that in the publications of the Department relative to the extension of the market for American agricultural products he is obliged to print, and does print, upon the back of every one of the bulletins an explanation of the metric system:

> This almost cosmopolitan use of a system of weights and measures totally different from that employed in the United States naturally places American merchants interested in foreign trade at a great disadvantage. Not only are American price lists confusing to the foreign merchant, owing to the different denominations used, and trade thus impeded, but the fact that foreign lists are made in terms equally unfamiliar to our merchants is said to result in unfair discriminations, and often in fraud.
>
> In order to make the statistical publications of foreign countries fully intelligible to our people it is necessary to convert the terms of the metric system into our own weights and measures. This entails a vast amount of work which would be wholly avoided were the metric system in use in this country. The obstacles which have to be overcome in this regard have been brought to my attention by the work done in the section of foreign markets of this Department, an office which I created for the especial purpose of ascertaining the demands of foreign countries for American products. The work of this section, which consists chiefly in the handling of foreign statistics, would be immeasurably less difficult were our own weights and measures in uniformity to those of other countries.
>
> In view of these difficulties, and recognizing the advantages of the metric system, I have directed that upon each of the bulletins issued by the section of foreign markets there be printed a diagram illustrative of this system, together with the proper equivalents.
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> * * * * * * *
>
> I am heartily in favor of the proposed legislation, and trust that it may be enacted.

It was thought proper that the opinion of the Secretary of the Interior should be invited, more especially with reference to the application of this system to the Land Department. Responding to the communication of the committee, the Secretary of the Interior says:

> For my own part I am disposed to question the advisability of adopting the system at all, for the reason that it would involve the abolition of a system of weights and measures which is interwoven into all the commercial transactions of the country.

Note the reason given. The Secretary of the Interior, who has no connection with commerce, bases his objection to the adoption of the system upon the theory that it would interfere with the commercial transactions of the country. Along with that communication, however, the Secretary of the Interior transmits the opinion of the Commissioner of the Land Office, of an entirely different character. I will read just a line or two from it:

> The change from a complex and nondecimal system of units and measures to the simple and purely decimal system appears necessary to be effected, if the United States would keep in the front rank of progress with the other civilized nations of the earth, most of which have already adopted and utilized this reformed system.

The Secretary of the Interior objects to this system on account of its effects upon the commercial interests of the country; yet the Secretary of the Treasury who knows more of those interests and is brought more closely in contact with them, says that it is a judicious and proper measure. The Secretary of Agriculture, who has lately been dealing with the commercial interests of large classes of our people, says that this measure is absolutely necessary in order to promote and protect those commercial interests. The Chief of the Bureau of Statistics of the Treasury Department, dealing largely with those questions that relate to foreign commerce, writes a letter in most emphatic terms approving the change, as follows:

> I am strongly in favor of introducing the general use of the metric system of weights and measures in the commercial returns of the United States. Not only would it greatly simplify calculations of weights and quantities, but it would also render comparison with foreign returns a matter of no difficulty. All continental Europe uses this system in their trade publications, and anyone who has had occasion to use them will realize what an improvement the metric system is upon the system used in the publications of the United States. I see no objection to its introduction, and I see many advantages.

The Chief of the Bureau of American Republics, who is specially charged with the extension of the commercial interests of this country upon the Western Continent, writes at length upon this subject; and if there is time I will ask the Clerk to read what he says.

The Clerk read as follows:

> The failure of the United States Government to adopt the metric system is one of the most inexplicable instances of false conservatism in the history of the country. In face of the fact that almost every civilized government has seen the necessity of a common system of weights and measures to facilitate the interchange of commodities, the people of the United States have persisted in retaining their old and cumbrous system, which might have served those who believed in nonintercourse with the outside world, but which stands as a barrier to that freedom of exchange to which the world is now tending. We send consular representatives to every quarter of the globe for the express purpose of making possible an extension of our foreign commerce, and then busy ourselves in an attempt to make such foreign commerce impossible, and retain a system of weights and measures which adds to our own difficulties and makes us mere barbarians to the more progressive nations.
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> * * * * * * *
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> In the publications of the Bureau, and especially in the regular monthly bulletins, it is found necessary to translate into three languages the equivalent expressions of measures of commodities and space, and even then we fail to give expression to terms which are fully understood in all parts of the

countries composing the union. What this means of wasted labor in exchange is readily understood by all who have tried to read understandingly the reports published regarding the progress of different industries in the newer Republics of this continent, to which constantly increasing attention is being attracted.

Mr. CHARLES W. STONE. To this may be added the testimony of Chief Engineer Melville, of the Navy Department, whose profession has given him opportunities for personal observation in various parts of the world. He says:

There is no doubt that the adoption of the metric system would greatly benefit American manufacturers in every line. We are woefully behind the leading foreign countries in pushing our trade abroad, and I have been forcibly reminded of this fact whenever I have entered a foreign port.

The adoption of the metric system would do much to put our manufacturers on a par with those of Europe, and enable them to compete for the trade of nonmanufacturing countries. Our manufacturers know nothing of the metric system, while those of England and Germany print their price lists with dimensions, etc., expressed in both systems in parallel columns, although England has not yet formally adopted the decimal system.

The testimony of such witnesses ought to receive very serious and thoughtful attention. As corroborating them, I desire for a moment to call attention to some statistics as to the foreign commerce of this country with metric-using and nonmetric-using nations. I hold in my hand a tabular statement prepared by the Chief of the Bureau of Statistics of the Treasury Department, giving the commerce (imports and exports) of the United States with the several nations with which we trade. I will not undertake to detain the House by reading these statistics item by item; but let me call attention to the footings of the metric-using, the nonmetric-using, and the permissive nations, as they are termed, the latter embracing practically Great Britain and Japan.

	Population.	Imports.	Exports.	Total imports and exports.
Total obligatory metric system	254,318,820	$344,270,432	$277,224,066	$621,494,498
Total legalized	3,476,000	2,709,922	1,272,089	3,982,011
Total permissive	83,088,518	191,650,728	399,961,407	591,621,135
Total nonmetric	118,155,901	12,626,303	15,283,493	27,909,796

It will thus be seen that our trade with the metric-using nations amounted last year to more than $621,000,000, more than one-half of the entire commerce of the United States; that with the nonmetric using nations the amount was $27,000,000——

Mr. DINGLEY. As I understand the gentleman, all the commercial countries of the world except Russia, Great Britain, and the United States are using the metric system.

Mr. CHARLES W. STONE. All the countries of the world of any size except Russia, the United States, and Great Britain, to which I may add Denmark. Denmark is peculiarly situated; surrounded by metric-using nations and using metric terms herself in practical life; yet, as a matter of legislation, she has not adopted the system but is likely to do so within the year.

Mr. DINGLEY. This bill proposes that the Government of the United States adopt the metric system in the transaction of its business on July 1, 1898——

Mr. CHARLES W. STONE. Yes, sir.

Mr. DINGLEY. And that it be made lawful for the whole country——

Mr. CHARLES W. STONE. That it shall be the legal standard throughout the country on the 1st of January, 1901, the beginning of the new century. That is the proposition of the bill.

Mr. DINGLEY. And this system, now proposed to be adopted, is practically the application of the decimal system, which now applies to our coinage, to our weights and measures as well?

Mr. CHARLES W. STONE. It is a decimal system of weights and measures. We have the decimal system, and have had it ever since the early history of the country, in reference to our coinage. This is a proposition to apply the decimal system to length, capacity, and weight. That decimal system is an international system, being used in common by all the nations, which have combined together to keep the standards at a point near Paris, a place the neutrality of which is guaranteed by all the nations who are parties to the agreement, and from which point prototype standards are sent out to all of the nations using that system.

Mr. DINGLEY. Will the gentleman be kind enough to inform the House—for that is a practical point: there is no doubt of the value of the decimal system—but will he be kind enough to inform the House with reference to what is claimed to be the confusion that would arise from the change. In other words, is there anything in the metric system that may not be learned by a child inside of a half hour?

Mr. CHARLES W. STONE. Nothing whatever.

Mr. HOPKINS. How is it with a man who has already learned the other system?

Mr. CHARLES W. STONE. No difficulty at all.

If you will allow me I will complete the tabular statement about which I was talking, and then I will recur to the question of the gentleman from Maine later on.

Completing this tabular statement as to the commerce of these countries, it is only fair to say that five hundred and ninety-one millions of our commerce are with the permissive using nations; that is to say, largely with Great Britain and three or four other smaller nations, which use this system or not as the people may see proper. But the commerce with Great Britain, which forms the bulk of the $591,000,000, mark you, is, much of it, to be converted into other denominations. We have not, for instance, the same bushel or the same gallon. Our commerce is largely in selling to Great Britain our wheat, and that is measured in this country by one bushel, and by another in Great Britain. It is largely in selling to Great Britain our oil; which is measured by one gallon here and a different gallon in Great Britain. We have, in other words, in use in this country what is known as the old Winchester bushel and the old English gallon, which Great Britain discarded some thirty or forty years ago, and adopted other measures and larger ones.

Mr. BROSIUS. Will my colleague state the difference in actual capacity between the two measures?

Mr. CHARLES W. STONE. Certainly.

The Winchester bushel, used in the United States, contains 2150.42 cubic inches, while the imperial bushel of Great Britain contains 2218.192 cubic inches.

Mr. HOPKINS. What products have we in which we use the Winchester bushel in our commerce with Great Britain exclusively?

Mr. CHARLES W. STONE. The Winchester bushel is the only bushel recognized in the United States. It is the bushel of the United States. Of course, we have, as gentlemen would find if they take the trouble to read the report, different bushels in different States of the Union, a bushel which varies in different States in capacity.

Mr. HOPKINS. But will that make any difference as far as the shipments of wheat are concerned? In other words, are we not shipping wheat from this country by the pound?

Mr. CHARLES W. STONE. That is true. But we are using as the measure of our commerce what is known as the Winchester bushel, and estimating the number of pounds necessary to make a bushel of that capacity. On the other hand, Great Britain uses a larger measure.

Mr. HOPKINS. But Great Britain buys by the pound instead of by the bushel.

Mr. CHARLES W. STONE. Yes; but a certain number of pounds are required to make a bushel, and if the capacity of the English bushel is greater than ours, of course it would contain a greater number of pounds.

Mr. BROSIUS. Will my colleague allow another interruption?

Mr. CHARLES W. STONE. Certainly. Just permit me to say first, to conclude what I started to say, that the bushel varies in size in the different States, and as applied to different commodities. There are more pounds in the British bushel, I will state to the gentleman from Illinois as a general fact, than there are in the American bushel; necessarily, as there is greater capacity.

Mr. BROSIUS. As I understand it, we suffer a disadvantage by reason of that fact?

Mr. CHARLES W. STONE. Undoubtedly a disadvantage, not only in the confusion arising from commercial transactions in measures that vary, but in the additional work required to translate or convert from the terms of one to the other. That the American people are not smart enough, however, to see that they get an equivalent for what they send abroad I have not undertaken to assert by any manner of means, but they are not smart enough to relieve themselves of the labor of converting from the one system to the other.

Now, as to the ease with which this system could be adopted, in response to the gentleman from Maine, we have simply the assertion of those people—those nations—which have already made the change. We can only determine it by the testimony of those nations that have tried the actual experiment of accomplishing the change among themselves. The United States is represented, and has been for many years, in the International Bureau of Weights and Measures by that eminent scientist, Prof. B. A. Gould, of Cambridge. In a recent letter bearing upon this very question, he says:

May I add that I have personally been a witness of the ease with which the change has been introduced in most European countries, as well as in various of the South American Republics, and that the ease with which the people have accepted the new units has been in every case a source of surprise. Our own country seems to be as well prepared for the change at present as it is likely to be at any time in the near future.

The British House of Commons about a year ago appointed a select committee to investigate the propriety or advisability of the adoption of this system by Great Britain, or, more accurately speaking, "to inquire whether any and what changes in the present system of weights and measures should be adopted." It consisted of seventeen eminent gentlemen, as I now recollect, the chairman being Sir Henry Roscoe. They considered the matter with great care for several months and presented a very full report upon the subject.

That committee, with a thoroughness characteristic of British proceedings, carried their investigation throughout the entire world, you may say. They called witnesses from some of the nations of Europe, and at least one witness from the United States. They called many of the most eminent citizens of the Kingdom of Great Britain. They investigated with special thoroughness and special care, and that committee, with only one dissenting vote, reported in favor of the compulsory adoption of this system by Great Britain—a great deal more compulsion than there is in this bill.

In their investigation they were careful to ascertain the ease or difficulty with which the transition could be made. On that point the committee report—

That very competent witnesses proved to the satisfaction of your committee that a compulsory change from an old and complicated system to the metrical had taken place in Germany, Norway and Sweden, Switzerland, Italy, and many other European countries without serious opposition or inconvenience; that this change was carried out in a comparatively short period, and that as soon as the simple character of the new system was understood, it was appreciated by all classes of the population, and no attempt to use the old unit or to return to the old system was made.

That is the conclusion of the committee of the British House of Commons, after a most careful and exhaustive investigation of that question. I have before me—and you will find them quoted in the report of the committee—extracts from the testimony of several of the witnesses called. Lord Kelvin, formerly Sir William Thomson, one of the most eminent scientists of Great Britain; Mr. Siemens, the noted engineer; Captain Sankey, the extensive manufacturer of machinery; Mr. Wollmer and Mr. Rowlitt, leading merchants, and Mr. Pilter, of the British Chamber of Commerce, all state their observation and personal knowledge of the ease with which the change was made in European countries and in part of Africa. Extracts from their testimony I will insert in the RECORD without stopping now to read.

Mr. HOPKINS. Did England adopt this report?

Mr. CHARLES W. STONE. The report has not yet been acted upon. It is now pending. The matter was presented to Mr. Balfour, representing the Government, and to one other officer whose name I do not now remember.

Mr. HOPKINS. That government has gone out of power, has it not?

Mr. CHARLES W. STONE. Oh, no!

Mr. HOPKINS. I understood you to say Mr. Asquith was at the head of it?

Mr. CHARLES W. STONE. I said the head of the committee was Sir Henry Roscoe.

Mr. HOPKINS. I misunderstood you.

Mr. CHARLES W. STONE. The chambers of commerce of Great Britain, and the trades councils, have taken much interest in this matter, and they presented to Mr. Balfour their request that the Government cooperate with the committee of the House of Commons in securing the adoption of this measure. Mr. Balfour replied to them in these words; which, with the permission of the House, I will read:

Upon the merits of the case I think there can be no doubt whatever that the judgment of the whole civilized world, not excluding countries which still adhere to the antiquated systems under which we suffer, has long decided that the metric system is the only rational system. * * * What men of science have long been obliged to do—not merely because the international character of science makes it desirable, but also because the calculations are so much more rapid, so much more convenient—what men of science for these reasons are obliged to do, I believe that commercial firms in all parts of the country are beginning to think they must do also. On that point I do not think argument is possible.

Before leaving the question of the ease or difficulty with which this change is made, let me say that Mr. Siemens, who was in Germany at the time the change was made, and other witnesses proved that in two years, the probationary time allowed there, the change had been made with very little trouble or friction, and that when the time for compulsion came there was nobody to compel. And it was made in this way, apparently: It was announced that that would be at a certain time the legal system. The shopkeepers, the storekeepers, of the country anticipated that and obtained the standards, the weights, and the measures of the new system. They displayed them; they labeled them; they attracted the attention of the people to them. What was not understood when it was a mere matter of theory was readily understood when it was presented to the people in concrete form, and the people took a pride apparently in acquainting themselves with the system and then going to the shopkeepers and asking for commodities in terms of the new system to show that they were able to comprehend it; and when the time came they had already learned it and they were ready for the system, so that it was really adopted before the time fixed for its adoption.

Now, here we have the advantage over Germany and Austria very largely, in that we have had it as a permissive system for thirty years. The standards of this system have been sent to every State in the Union. Instruction in it has been accorded in the schools of almost every State in the Union, and beyond that we have a large element of our population which has come from the various metric-using nations of the world, and who have come here practically versed in this system and ready to take it up.

There is no question but that this system may be adopted in the United States with greater ease and with less friction than was ever done by any other nation that has tried the experiment. The testimony before the committee shows that even in Africa, among the negroes and Arabs of Tunis, the change was made without trouble and practically with no inconvenience. If I had time I would be glad to read the testimony of those witnesses and the testimony of men who introduced it in England in their workshops. One man was asked the question, "Did you suffer any inconvenience?" He said, "For a little while." He was asked, "Well, how long?" He answered, "About two days." That was his estimate of the time which it took his workmen to familiarize themselves practically with this system when they had it before them and must use it.

Mr. LAYTON. What was his business?

Mr. CHARLES W. STONE. He was engaged in building engines and boilers.

Mr. DALZELL. Will my colleague yield to me for a question?

Mr. CHARLES W. STONE. Certainly.

Mr. DALZELL. Was there any testimony taken by the Committee on Coinage, Weights, and Measures in respect to this matter?

Mr. CHARLES W. STONE. There was testimony before the Committee on Coinage, Weights, and Measures, consisting of the verbal statements of four or five gentlemen, including two members of Congress, and letters from Professor Mendenhall, who was long the head of the Coast and Geodetic Survey, from various officers of the Government, and other gentlemen of eminence throughout the country.

Mr. DALZELL. Did anybody appear before the committee resisting its adoption?

Mr. CHARLES W. STONE. No one appeared to resist its adoption.

Mr. DALZELL. Is there opposition by any person who has appeared before the committee on this question?

Mr. CHARLES W. STONE. Not that I know of.

Mr. WATSON of Ohio. What did the gentleman say about the testimony of Professor Mendenhall?

Mr. CHARLES W. STONE. The gentleman will find the testimony of Professor Mendenhall strongly indorsing this reform in the hearings which are printed and available to anyone desiring them.

Mr. DALZELL. Was not this matter taken up following the action of the last Congress—the Fifty-third Congress?

Mr. CHARLES W. STONE. The matter was not investigated in the Fifty-third Congress except to request the Secretary of the Treasury, the Chief of the Coast and Geodetic Survey, and the Director of the Mint to communicate to the House their opinion as to the propriety of the adoption of the system, which they have done. The House passed such a resolution.

Mr. DALZELL. Is it not a fact that, as a matter of proposed legislation, this has been public for a long series of years?

Mr. CHARLES W. STONE. It has been a matter of proposed legislation at various times for twenty years. It was pending before the Fifty-second Congress, and the action of the Fifty-third Congress I have already stated. In that Congress an exclusively metric system of electrical measurement was enacted, and is entirely satisfactory. Professor Mendenhall, then Superintendent of the Coast Survey, appeared before the committee in the Fifty-second Congress, and made an exhaustive and able statement in favor of the adoption of this measure. His more recent letter will be found in the hearings had in this Congress, as I have stated.

Mr. HARTMAN. I desire to say to the gentleman that while I am in favor of the measure, I understand that there was one who was opposed to the adoption of this bill, and that was the Secretary of the Interior.

Mr. CHARLES W. STONE. I stand corrected. The Secretary of the Interior, whose opinion I have read, states that he doubts the propriety of it in view of its possible effect on our commercial relations. In our commercial relations, as I have remarked, the measures of our products have to be translated into the denominations of every other nation with whom we trade, even including Great Britain in great part.

Mr. SMITH of Michigan. What States have adopted it?

Mr. CHARLES W. STONE. The nations that have adopted it are stated in the testimony of General Duffield, as follows: "Among the nations that have made the metric system compulsory are France, Germany, Austria-Hungary, Belgium, Spain, Portugal, Italy, Norway and Sweden, Switzerland, Servia, Roumania, Mexico, Brazil, Peru, Venezuela, and the Argentine Republic." There are some others not included in this list.

Now, Mr. Speaker, I just want to say one word before I leave that topic. I have stated that Great Britain is likely to adopt this system; that a committee of the House of Commons has indorsed

gentleman from Maine later on.

Completing this tabular statement as to the commerce of these

care for several months and presented a very full report upon the subject.

the schools of almost every state in the Union, and beyond that we have a large element of our population which has come from

system; that a committee of the House of Commons has indorsed

it. There is a public sentiment there that demands it. There was presented among other testimony to that committee, as evidenced by the consular reports from eighteen or twenty leading commercial points, the fact that British commerce was being prejudiced and was losing its position because they had not the metric system which Germany and France and other competitors had. These consular reports are printed in the testimony taken before that committee, and they demonstrate beyond peradventure or chance of dispute that the commerce of Great Britain is suffering, seriously suffering, by reason of their adhering to their cumbersome and complicated system of weights and measures. The commerce of the United States certainly is affected by the same influences and suffering for the same reason. Now, then, the far-reaching effects of anything which tends to diminish British commerce and manufactures is fully comprehended in England by all classes, and representatives of the trades unions of Great Britain, representing a million and a quarter of laboring people of various trades, came before the committee of the House of Commons with a resolution unanimously adopted in favor of the adoption of the metric system, and were asked for their opinion of the bearing of this system upon their interests, and what induced them to trouble about a change in weights and measures. Their representative replied, and I ask your attention to that reply as evincing a clear and intelligent comprehension of this question, and of the interests of the laboring classes as involved therein. Their representative replied as follows:

Their chief inducement was the belief that it would be better for their children to be taught what was simplest and best—that much of the time now devoted to weights and measures might be used for something more profitable—and that as ratepayers they would get better value for their money. He further stated that the workmen he represented were alive to the fact that, "supposing by adhering to the old system we lose trade, the manufacturers suffer, and so do the workmen. One can not be affected without the other in a greater or less degree."

The workingmen of Great Britain appreciate the fact that the adoption of this system is necessary to retain trade, and hence to retain their own employment. Our own workingmen must appreciate the same conditions resting upon them. The workingmen are intelligent enough to know that their money is being wasted in the schools in teaching their children a complicated system which involves so much extra labor. The testimony before the English committee establishes the fact, and the committee state it in their report, that in the common schools at least a year's time is wasted in teaching the complicated system of weights and measures which we now have. That fact is corroborated by the testimony before your committee of such men as President Mendenhall, of the Worcester Polytechnic Institute; of President Sharpless, of Haverford College; of the secretary of the board of education of the State of Massachusetts, and of various other gentlemen capable of judging and of speaking intelligently upon that question. You have, then, the problem of an entire year in the school life of every child wasted in teaching the old system, and there are 15,000,000 of children in your schools——

Mr. HOPKINS. The gentleman says that Professor Mendenhall and others made the statement which he has just repeated as to the time that is wasted in teaching the present system. Is not the primary object of our schools to discipline the mind, and do not children get the discipline by studying the old system as well as by studying the new?

Mr. CHARLES W. STONE. That is an old question, Mr. Speaker. You may get the discipline by studying the relations between 12 and 5½ and $7\frac{23}{100}$, indicating denominations of length, or between 24—20 and 12 in terms of troy weight, but you may get the same discipline and a store of useful information as well by applying your time to a better and simpler system.

Mr. HOPKINS. But is it not absurd for any man familiar with educational standards to say that the time is absolutely lost when the child is studying anything that requires mental effort?

Mr. CHARLES W. STONE. Well, Mr. Speaker, I may put against the authority of the intelligent gentleman from Illinois—eminent, undoubtedly, in his vocation—the opinions of the eminent men connected with every department of education in Great Britain, who are indorsed by the committee in their statements, the testimony of the men in this country that I have mentioned, the testimony of Mr. Corthell, the great engineer, and many others, educators and practical men, who have given study to this subject, and all concurring in the opinion that it is a waste of time to seek the training of a child by a course of study which is practically useless, because, even if you do secure the intellectual training in that way, you can secure the same or better intellectual training by other methods, and at the same time acquire stores of useful knowledge.

Mr. HOPKINS. The gentleman's argument would abolish the study of Latin and Greek. I do not suppose there are four members of this House, although they may be college graduates, who can read Demosthenes, or even Cicero, in the original, and yet those gentlemen received great benefit from the study of Latin and Greek when they were in their student days. According to your argument, it is absurd to teach those languages or to pursue the study of them, because they are of on real practical benefit in the ordinary course of life.

Mr. CHARLES W. STONE. Mr. Speaker, the gentleman is trenching upon the long-disputed question as to whether time may be more profitably spent in the study of Latin and Greek, or in the study of the practical modern languages, French and German. But, sir, there is a practical use for Latin and Greek illustrated in this very matter. The shades of meaning, the definitions, the derivations, the very foundations of our language rest upon Latin and Greek, and the prefixes that are given to the terms employed in this metric system, derived from Latin and Greek, and universal as the world, indicate the meanings with a degree of accuracy and precision certainly not only remarkable but very advantageous. A knowledge of the Latin and of the Greek is useful in connection with the very matter we are discussing, and such knowledge is undoubtedly essential to a correct and careful appreciation of the shades of meaning in our language.

Mr. HOPKINS. Do not misunderstand me. I am not arguing that the system which you are advocating is not better than the one that we have. I simply took issue with your statement that it was an entire waste of time for a child to learn the old system of weights and measures.

Mr. FAIRCHILD. I will ask the gentleman from Illinois if he believes in his theory well enough to favor a bill that introduces more and additional confusing tables for the sake of discipline?

Mr. HOPKINS. That does not follow at all. I do not say that I am not in favor of the system which the gentleman from Pennsylvania is advocating, but I am not prepared to say that the old one is absolutely wrong. It is all a question of degree. If the system which the gentleman favors is better than the old one let us adopt it, but let us not deny that there is merit in the old system, too, and I hold that to denounce the study of the old system as a complete waste of time is illogical and unjust.

Mr. FAIRCHILD. Has it occurred to the gentleman from Illinois that if, by the adoption of this new system, we save a year to those who are attending our schools, the year thus saved could very properly be employed in learning a little more of Latin and Greek?

Mr. HOPKINS. I do not believe there is any truth in that statement; I do not care what professor may make it.

Mr. CHARLES W. STONE. Well, Mr. Speaker——

Mr. BARTLETT of New York. Will the gentleman allow me a question?

Mr. CHARLES W. STONE. Certainly.

Mr. BARTLETT of New York. Did I understand the gentleman from Pennsylvania to say that all language rests on the Latin and the Greek?

Mr. CHARLES W. STONE. No, sir.

Mr. BARTLETT of New York. Did not the gentleman say that Latin and Greek are the foundation of all language?

Mr. CHARLES W. STONE. I said that those languages are largely the foundation of our own. Why, sir, the very terms used in this system—the meter, the liter, the decimeter, the centigram, etc.—are words which come to us by derivation from the Latin or the Greek; and these languages give to the student a knowledge of the nice distinctions of meaning between different words of our own language.

Mr. LACEY. I wish to ask the gentleman whether it is the intention that the first section of this bill shall take effect, and this system be in actual use by the public, as early as the 1st day of July, 1898.

Mr. CHARLES W. STONE. No, not by the public, but by the Departments of the Government.

Mr. LACEY. Suppose after the date I have named you should want to ascertain the weight of a letter sent by mail; would you adopt the metric weight or the old weight?

Mr. CHARLES W. STONE. The metric weight.

Mr. LACEY. Then how much would be an ounce? What would you call an ounce, using the terms of this system?

Mr. CHARLES W. STONE. Let me refer the gentleman——

Mr. LACEY. I thought the gentleman could answer the question without reference to any document.

Mr. CHARLES W. STONE. I can. The half ounce in postal matters is equivalent to 15 grams; and I call attention to the fact that by a law now on the statute book, and which has existed for thirty years, it is in the power of the Postmaster-General to-day to send all letters throughout this country, as he does all foreign letters, under the metric system, 15 grams being the equivalent of half an ounce. The act of 1866 is as follows:

The Postmaster-General shall furnish to the post-offices exchanging mails with foreign countries, and to such other offices as he may deem expedient, postal balances denominated in grams of the metric system, fifteen grams of which shall be the equivalent for postal purposes, of one-half ounce avoirdupois, and so on in progression.

And in the larger post-offices, the exchange offices of the country to-day, there are scales in which the various weights are marked according to the customary system on one side of the beam and

according to the metric system on the other, so that the weight may be ascertained under either system.

But I desire to complete the point I was making as to the isolated position which the United States is likely to occupy among the commercial nations of the earth, unless we adopt this system and adopt it speedily. I have said that England must inevitably adopt this system; that it has the support, with only one dissenting voice, of the committee that has had the subject under consideration; that it is demanded throughout Great Britain by those classes of people who will make their will respected; and that legislation must inevitably in the near future place Great Britain in concert with the other commercial nations of the world in the use of this system.

We have supposed that Russia stood as the most backward of all the nations in the adoption of this system. I learn that by an imperial decree the metric system of weights and measures was last year made obligatory upon every physician and every pharmacist in the entire Russian Empire; that every man dealing out medicine is obliged in doing so to employ this system, which has the elements of accuracy.

As to the present position of Russia on this question from a business point of view, let me read from a communication dated March 16, 1896, written by a gentleman occupying a high official position in connection with the Russian Government. I ask attention to this gentleman's statement as to the present attitude of Russia, the most conservative, the most backward of all nations in this reform. He says:

Confirming my verbal explanations, I beg to inform you that, with the assent of the Emperor, our minister of finances has issued, on the 20th of February, 1896, a circular inviting all leading Russian merchants and manufacturers to meet during the exhibition of arts and manufactures in Nizni-Novgorod at a congress in the latter town, with the object of discussing various subjects relating to the measures for the promotion of Russian industries and trade.

The programme of questions to be discussed at that congress is given in the above-mentioned circular, and includes, among others, the query (clause 12) relating to the introduction of the metrical system of weights and measures.

It will thus be seen that the adoption of this system is a matter of present consideration by the great Russian Government; and it is probable that unless action be speedily taken the United States, instead of taking the lead, as Mr. Kasson says in his report we should do, in this great movement of progress, will be the last one to be dragged reluctant at the rear end of the column.

A gentleman near me inquires as to the adoption of this system by the different States of the Union. I have not exact figures in relation to that. I will simply say that Congress is vested by the Constitution with authority to do this work; that so far as the States have done it, it has been done in a heterogeneous way, and done only because the United States Government has not done it. I believe that the metric standards have been furnished by the Government to every State of the Union; that the means of applying these standards are in the custody and subject to the reference of the authorities in every State. If not, those State authorities are certainly entitled to have them.

Let me call attention to the further fact that while we have been using and are using to-day the customary system, yet by the decree of the Secretary of the Treasury as an executive act, three years ago, he established and recognized the international meter and the international kilogram as the fundamental standards of extension and weight. In other words, if to-day the yardstick or the pound in common use is to be tested, the test is their equivalent as measured by the international meter and the international kilogram. The very foundation and final authority of our present system, as now treasured up in the fireproof vaults of the Government, are the international prototypes received from the international bureau of which we are members—opened in the White House with great ceremony—and since preserved with extreme care, and when you want to find the length of a yardstick you find it by comparison with the meter.

So that this system is the fundamental standard now, by Executive order. The whole force and effect of the second section of this bill is a ratification by the legislative department of the Government, specially vested by the Constitution with that power, of what has already been done by the executive department. That section compels nobody. It simply establishes a legal standard to which reference may be had in case of dispute or necessity.

The subsequent sections of this bill provide a means of testing by this standard the accuracy of the common measures as well as the metric. After a certain date the Government must use the metric system, as prominent officers of the Government have recommended should be done. The people may use whatever system their interests dictate, but a standard for reference—scientific and accurate and practically universal—is established for them.

Now, Mr. Speaker, while I have alluded to the loss of time during schoolboy days, I believe the loss in mature life entailed upon us by our cumbrous system of weights and measures is much greater. That such loss occurs in our dealings with foreign nations in converting their terms into ours or ours into theirs any one can see. Invoices on all our imports are made out in terms of the weights and measures of the nations from whence they come, and, as I have shown, the great bulk of these invoices come to the United States under the metric system. They must be converted into our system for purposes of taxation, as well as for sale and purposes of internal commerce. With an international system, used in common with other nations, this time and labor would be saved. But when you go beyond that, and consider simply the convenience in our domestic transactions of our present system of currency—the decimal system—and reflect for a moment upon the difficulty of transforming a single item of purchase or trade into the English system of pounds, shillings, and pence, and see the saving of time that is accomplished by the use of our decimal system instead of the system of Great Britain, you will be able to appreciate the absolute importance and the saving in time that can be achieved by using the decimal system in connection with all measures of substance and distance. By the convenience of a single computation in dollars and cents under our system as compared with pounds, shillings, and pence, we can appreciate how much would be the saving of labor and time if in every sale or purchase, in every commercial transaction, we employed a system with a decimal basis instead of the crude system which we are now using. The great saving and convenience in computation by the use of the decimal system as applied to all of these transactions in everyday life would be absolutely beyond calculation.

Now, Mr. Speaker, we desire to dispose of this bill, if possible, to-night, and I will reserve any time that I may have left.

Mr. CLARDY. I would like the gentleman, before he takes his seat, to explain the foundation of the system which he proposes to adopt. What is the real unit of measurement?

The SPEAKER. The Chair will state that the time of the gentleman from Pennsylvania has expired.

Mr. CLARDY. I hope the gentleman will explain the unit of measurement of this system, and how it is obtained.

Mr. CHARLES W. STONE. If there is no objection, Mr. Speaker, I would be very glad to explain.

The SPEAKER. Without objection the gentleman will proceed.

Mr. CHARLES W. STONE. I will occupy the attention of the House but for a few moments.

The foundation of the entire system—the metric system—is the meter. That was obtained originally by the measurement of an arc of a meridian, after great labor and expense, by the most eminent scientists of Europe, who were engaged on this work for a period of seven years. One ten-millionth part of the quadrant of that meridian, passing through Dunkirk, in Europe, is a meter. Its length is equivalent to about 39.37 inches of our present system of measurement. From that are derived all of the other measures. The meter is divided, for instance, into the decimeter, which is one-tenth of a meter, or about four inches in length; the centimeter, or hundreth of a meter, which is about four-tenths of an inch; and the cubic decimeter is the unit on which rests measures of capacity, and the cubic centimeter of water gives us the gram, the unit of weight, all being thus traceable directly back to the unit of the system, the meter. [Applause.]

EXTRACTS FROM TESTIMONY TAKEN BEFORE THE COMMITTEE OF THE HOUSE OF COMMONS.

From testimony of Lord Kelvin:

I believe that the difficulty of making the change has been enormously exaggerated. I believe that in a fortnight people would become so accustomed to the perfect simplicity and easy working under the metrical system that they will feel that, instead of its being a labor to pass from one system to the other, it will be less than no labor—that is to say, it would be a very great saving of labor after the first day or two of beginning to use the metrical system.

Mr. Siemens, the noted engineer, testifying as to its introduction into his own works, said:

It was all a matter of about a fortnight or three weeks; then the people were accustomed to it and did not ask any more for the old measures, but asked for the new.

And speaking of his observation of its general introduction into Germany, he said:

Q. Did I understand you aright, that it was about four years during which the transition took place? The act was passed in 1868, and it was made absolutely compulsory in 1872, was it?—A. Yes.

Q. And there was really not anything that you may fairly call friction or national opposition on the part of the masses of the people?—A. No; not at all. In fact, as far as I recollect it, the metrical system was very largely adopted between the 1st of January, 1870, and the 1st of January, 1872, during the optional period. It was very largely adopted then, and was found to work so well that when the compulsory time came there was nobody to be compelled.

Captain Sankey, after explaining the practical advantages of the system in his extensive boiler and steam-engine manufactory, testified, in answer to questions as to its introduction, as follows:

Q. Have you found any difficulty with your workmen in that respect?—A. Absolutely none.

Q. Do they adopt it and see the advantages of the system?—A. I should say so. In fact, in connection with my coming here this afternoon, I asked four or five of our men privately (not through the works' manager) what they thought of it, and there was not a dissentient voice among them. They all agreed at once that the millimeters were very much easier to work to than the English measurements.

can read Demosthenes, or even Cicero, in the original, and yet those gentlemen received great benefit from the study of Latin and Greek when they were in their student days. According to your

And in the larger post-offices, the exchange offices of the country to-day, there are scales in which the various weights are marked according to the customary system on one side of the beam and

greater. That such loss occurs in our dealings with foreign nations in converting their terms into ours or ours into theirs any one can see. Invoices on all our imports are made out in terms

thought of it, and there was not a dissentient voice among them. They all agreed at once that the millimeters were very much easier to work to than the English measurements.

Q. I understand you found your men had not the slightest difficulty in adapting themselves almost immediately to the new system?—A. Not after the first few days. I asked that very question of the head of our tool room, and he said it was a little awkward for a time. I said, "About how long?" and he said "Two days."

Mr. H. E. Wollmer, of the great mercantile firm of Sir Jacob Behrens & Sons, testified as to its introduction into Germany as follows:

In Germany I noticed when the change was being made everybody became a teacher; the schoolmaster was a teacher, the shopkeeper was a teacher, and everybody had this very thing in view; the schoolmaster, the trader, the children, and everybody. It became a practical question. They knew they had to be ready when the time came, and they were ready before the time came.

Mr. Rowlett, a Leicester merchant, testified:

Q. You had dealings with Germany about the time of its adoption?—A. I had.

Q. And, as far as you understand, its adoption was accomplished with, comparatively speaking, ease?—A. Certainly. I have always understood them as speaking of it as having gone through with scarcely any friction.

Mr. Pilter, of the British Chamber of Commerce, testified:

I have property in Tunis, and I am obliged to spend a certain part of my time there each year. The people of that country, the Arabs and the negroes, have had introduced among them quite lately the decimal system of coinage, the French system; and within the last few months, perhaps eight months, the metric system of weights and measures has been introduced, and they grasp it easily and without difficulty. They had before them a system of 12 saas to the ouiba, and 16 ouibas to the caffis; but they have learned the liters and the meters very easily.

Mr. BARTLETT of New York. Mr. Speaker, I rise with some diffidence to oppose the measure now pending, in view of the very scientific and learned argument of the gentleman from Pennsylvania who has just taken his seat. Unfortunately, as his face was turned from me, I lost a portion of his remarks.

Before discussing the scientific proposition which is presented I wish to touch briefly upon the educational feature of the discussion. The gentleman from Pennsylvania said that the foundations in large part of our language were the Latin and the Greek, from which so many of our words were derived. It is true that to a considerable extent our words have been derived from the Latin and the Greek, and so from their original source, the Sanskrit; but the best words in the English language never came from either the Latin or the Greek. They came entirely from the Anglo-Saxon spring; and it is due to the influence of the Anglo-Saxon upon our language that we have such works as the Bible, as the plays of Shakespeare, and the speeches of Daniel Webster. Were I to bring up a boy and were I to desire to instill into him the true meaning and principle of the English language, I should say, "Drink deep at the source of Anglo-Saxon and leave for your leisure hours the Latin and Greek authors, except in so far as their study may be a mental discipline."

I would not say a word against the ancient tongues, especially Latin and Greek, for if I controlled any college to-day I should make the study of these two languages not elective, but absolutely requisite.

Now, the gentleman from Pennsylvania, in his admiration for the French and the Continental systems of weights and measures, would say that all, or almost all, that is good in our language must come from the Latin sources. Why, gentlemen have come to me since this debate was introduced and said, "Let us adopt this international system, because it will ultimately secure that international bimetallic agreement on which all our hopes are centered." [Laughter.] Now, it is proposed, in the closing hour of this day——

Mr. FAIRCHILD. Will the gentleman yield for a question? Is that the reason you are opposing the bill?

Mr. BARTLETT of New York. That is not the reason. But, as is well known, I am a gold-standard monometallist. So there is no question about my position.

Mr. TOWNE. Perhaps the gentleman will favor this system fter England adopts it.

Mr. BARTLETT of New York. It is proposed now, in the closing hours of this day, only three-quarters of an hour before our usual hour of adjournment, to change absolutely the system of weights and measures in the United States, not after any prolonged or scientific discussion, not after any careful consideration, but because the distinguished gentleman from Pennsylvania, the chairman, I believe, of the Committee on Coinage, Weights, and Measures, comes and says, "Let us wait no longer, because Mr. Balfour is in favor of it, and although Great Britain has not adopted it, eminent scientists on the continent of Europe think that there should be a change." So in half an hour 67,000,000 or 70,000,000 people of the United States are to be told that there is no longer such a legal entity as a pound, that they no longer weigh 60 or 70 or 170 pounds, but so many grams.

To-morrow morning every man, woman, and child in the United States will have lost his or her weight. They will no longer be of so many pounds avoirdupois, but so many grams in weight. To-morrow morning there will be no man 6 feet in stature throughout the United States, but every man will be so many meters in height and every little schoolgirl and schoolboy will stand aghast at the proposition. They have been studying other systems of weights and measures all their lives; but because it pleases the representatives of the people of the United States one afternoon to sweep the whole fabric away which has existed ever since our colonial times, ever since time immemorial as far as we are concerned, it is all to be obliterated, not in a night, but in three-quarters of an hour on one afternoon in April, 1896.

Now let me call your attention to the fact that for nearly thirty years the people of the United States have had the very rare privilege, have had the absolute right, of enjoying and using this marvelous metric system. This, to my mind, is a salient and pertinent objection. This has been on our statute books ever since a certain day in July, 1866, and since that day it has been lawful for the people of the United States to avail themselves of every principle contained in the metric system. Have our people done so? Have they cried out with the eloquence of the gentleman from Pennsylvania [Mr. CHARLES W. STONE] that we must abandon these old, pernicious Anglo-Saxon systems of weights and measures and secure the priceless boon of a new Latin system? I say that the very fact that they have not, the very fact of the indisposition of the people of the United States to abandon the system of weights and measures to which they have been accustomed from time immemorial, should justify the denial of the passage of this law.

Now let us see what the committee do. Instead of taking the whole system in its entirety they only take part. We adopt what? We adopt the metric standard of weights; we adopt the metric standard of measures; but we decline to adopt the standard of capacity or the standard of surface measures. If you look at the tables appended to the section of the Revised Statutes in question you will find set forth four different tables. The Committee on Coinage, Weights, and Measures adopts two of those tables, but not the other two, as obligatory. That is, they decline to adopt the measure of capacity, of which the liter is the unit, and they decline to adopt the measure of surface, of which the centare is the unit. The liter or unit of capacity is 1.0567 quarts. The centare is 1,550 square inches. They take special care to provide that the measurement of the public lands shall not be made according to the new system.

Now, if this system were right, why should this exception be made? What logic is there, what scientific argument can be adduced, for leaving out the measurement of the public lands? There is another not only scientific criticism, but also a verbal criticism——

Mr. CHARLES W. STONE. If the gentleman desires information as to the public-land surveys, I shall be very glad to tell him.

Mr. BARTLETT of New York. Not now, Mr. Speaker. Just wait until I get through. In reference to the standard of weights, they take the kilogram, which is equivalent to 2.2046 pounds. Now, a kilogram means 1,000 grams, and to have any harmony in the system you should adopt the gram and the meter, or the kilogram and the kilometer, because a kilometer is 1,000 meters and a kilogram is 1,000 grams; but in reference to the one they take the kilogram, or 1,000 times what should be the proper unit, and in reference to the other they take the meter, which might be called the initial or base measurement; that is, they take 39.37 inches as the unit instead of 3.280 feet and 10 inches.

So I submit, gentlemen, that for these various reasons you should not pass this bill hastily this afternoon. Then I desire from a commercial standpoint to call your attention to the fact that the great country with which the great bulk of our trade now exists has never adopted this system. Great Britain has not adopted this system and there is no certainty that she ever will adopt it. So I say, in conclusion, let us go slowly. Let us wait at least until this question can be fairly considered before we adopt off hand this measure which is hastily presented to us in the declining hours of this day.

Mr. OTEY. Mr. Speaker, the fact that other countries may have adopted the metric system cuts no figure with me. When I had to come back into the Union some thirty years ago by special invitation I learned to believe, and have since believed, that the United States was big enough to have a system of its own of everything, including a monetary system. Now, we are called upon here this evening to adopt the metric system; and I venture to say there is not a member of Congress present who can repeat one of the tables of that system. If we had been ordered in this bill to speak the German language it would have been just as possible with me and with you as it would to learn this metric system so suddenly. And to be forced by law to speak the German language would be as bad as pulling teeth.

Now, sir, before voting upon any proposition, although I am one of the long-suffering new members, "spring chickens," I believe they call them, I would like to know what I am voting for. We have been told that some of these terms are derived from the Latin and others from the Greek, which are languages with which I am not perceptibly familiar. But I would at least like to know how many of these things it takes to make one mariagram [myriagram]. [Great laughter.] Myriagram! What is that? [Renewed laughter.] Just as well call it Black Maria.

There is another important thing, Mr. Speaker, that I observe has been overlooked. I have an arithmetic here, and I notice we have a "*long measure*," and we have a "*surface measure*." They have not spoken of that. In surface measure an *are* is all powerful. This is called an "are" because it are an *are* I suppose. I suppose you pronounce it "air." One hundred centares make one are. "Centares" *not centaurs*, I suppose is what they call them. [Laughter.] And then 100 ares make 1 hectare. And what a *hectare* is this deponent saith not. [Renewed laughter.] Will you tell me how many of those *ares* are in a half section of land, 160 acres? [Great laughter.] You go on and you tell me about the "cubic measure." You then go on and give the "measures of weight." Where is your wet measure for whisky? [Laughter.] Where is your "wet measure"? Going to do away with barrels? You have got no "wet measure" here at all. [Laughter.] How could the old darky get a pint Saturday night? Do you propose to do away with whisky? [Laughter and applause.] I have no objection, but say so if you are. Kentucky would have something to say about that, if you do. [Renewed laughter.] I learn that the whole delegation is opposed to this bill. [Renewed laughter.] And, I suppose, on that account. [Laughter.] They know how many *peas* are in a pint. I am not surprised the gentleman should refer us to Africa about learning the metric system. That will do for people sunned in the Tropics. But, sir, there is not a man on this floor who can tell me what a decaliter is. If there is let him stand up and speak. I pause for a reply. [Laughter.] There is none.

Now, I am completely in the dark. I do not know how many hectograms it would take to make a drink. [Laughter.] I am sure I do not know, because I am not accustomed to that sort of thing myself. [Renewed laughter.] Decaliters, hectoliters, deciliters, kiloliters, lamplighters, kilograms, kilometers, decigrams, mariagrams, and myriagrams. [Great laughter.] This would open a night school for Congressmen. Now, we are told Mr. Balfour is in favor of this. So I understand. But that is England! We do not want to do *everything* that England does. We want to have some little measures of our own here. Now, the gentleman expects us to vote for this thing to-night. What thing? Who knows? Well, I am in the same position as I was on the Cuban question—I do not know which side I am on yet. This is going in too big a hurry. There is not a gentleman on the floor that would go to his home and wake up to-morrow morning, and if this bill should have passed would know whether he weighed a "mariagram" or measured a decameter, or whether his cocktail was by long or wet measure.

Now, gentlemen—I beg pardon, Mr. Speaker, and gentlemen of the House; I should pronounce it *Hours*—when you talk about changing our system to the metric system, as if it were simply "Presto, change," changing our good old inch, our yards, our poles, and things of that kind, I want to know if there is anywhere in this bill anything to tell how many eggs make a dozen? Are you going to change a dozen to ten? What are you going to do with the various systems that we have in this country? You expect the children to come out and teach us what to do.

Mr. Speaker, you can not do it in so short a time. You will have to go out and let all of these fellows know that are selling whisky and eggs and all that sort of thing that they may study milliliters, decameters, and myriagrams. Let us have a rest for a while and get ready to do this thing. I tell you it would create a panic if you should pass this bill to-night. [Great laughter.]

Sir, as one gentleman has asked how this thing originated, I thought I would prepare myself by getting Venable's Arithmetic. It is the first time I have looked into it since I left college, and I hardly knew where to find it. But I knew that some distinguished gentlemen in France determined that they would have another system of measures. They took the arc of a circle from the pole down to the equator—they had to assume all that about the pole, because they could not get there—and then they found that that circle measured so much, and then they divided it by one ten-millionth. Think of it! They figured out how much this was.

Now, there is not a member of Congress that can do that. [Great laughter.] There is not a man that can divide that circle by one ten-millionth. But they say that that would be 39.37 inches. Then how do they get the others? They take about one ten-thousandth part of that—so that I may make no mistake, I shall refer to the book. They take part of that and call it a meter. They talk of the children doing this. [Laughter.] Think of it! They then take one ten-thousandth part of that and measure it and put a little line there and another perpendicular to it and call that an are, and then they put in another line at right angles to that, and they call that a liter; and they fill the little cube with water, and whatever that weighs is the much-talked-of gram, but by no means a good dram, and then I do not know what they call the others. I believe they are the meter, the are, the liter, with all the prefixes—milli, centi, deci, deca, hecto, and kilo—enough to kill us.

Now, after they have done all that, the children discover that they have arrived at some way to get at this measure and their weight which has made them collegiate graduates almost, has trained them so that they can almost speak Latin and Greek and the other language from which our own language is derived. Now, ask the child how he gets the inch, his scruples, pennyweights, etc. Ask the members of this House, and I think you will find very few of them that can tell you. There has been no need of knowing in the past. I do not know myself. [Laughter.] It is true that they took a few grains of wheat as a standard for the troy weight, but wheat was found too unstable. But now how are you going to use your Troy weight when you get into an apothecary's shop with these fractional parts of the distance from the pole to the equator? The thing is so small that they never do measure or weigh by it, but just throw some little thing in the scale, no matter what it is, put the drug in the other scale, and charge you 35 or 40 cents for it. [Laughter.] I tell you, gentlemen, there is only one way to do this thing, and that is by an international agreement. [Laughter.] That is the only way you can do it. [Laughter.] It does not make any difference what England or what Germany or what France does. I do not wonder that they adopt this system in Africa. We all know how highly educated and cultivated they are in that country, and I do not wonder they want it [laughter]; but when you come to the great United States, this great country that I am proud to call my own, and under whose flag I expect to go if we have anything to go for—the idea of our coming here to talk about Mr. Balfour or anybody else and what he proposes to do is to me belittling our own country. For my part, may the old United States be right; but, right or wrong, I am for the United States. [Laughter and applause.]

Mr. HURLEY. Mr. Speaker, I did not intend to say anything upon this question. I would much rather vote. However, it has occurred to me to say a few words in reply to the gentleman who has just taken his seat [Mr. OTEY], and also in reply to my colleague from New York [Mr. BARTLETT], who spoke of our being hurried into this matter. Mr. Speaker, it is thirty years since the metric system was made permissive in this country. It has been in our schoolbooks ever since that time. It has been long under consideration. The point about our being hurried was, I believe, the only point that was made by my colleague against the pending bill. He told us something about Latin and Greek, but he did not favor us with many sentences of pure Saxon-English himself. [Laughter.] While the gentleman from Virginia [Mr. OTEY] who has just sat down was speaking, I could not help thinking how readily anybody with the gentleman's gift of wit could make fun of our present system of weights and measures. The foundation of the common measure is, I believe, "the barleycorn, true and plump." I think that is the description of it in the old law books. The gentleman could make a good deal of fun of that. I could do it myself if I had his gift.

The gentleman wanted to know how whisky was to be measured under the new system. There is no difficulty about that under either system. But under the present system we have "drachms," and "gills," and "pipes," and "tuns," and a good many more names, out of which, in the hands of a gentleman gifted in that way, more fun could be made than the gentleman has made out of the names in the metric system. We have a "point," a "line," a "barleycorn," a nail, a hand, a link, a span, a foot, a cubit, a yard, an ell, a fathom, a rod, a perch, a pole, a furlong, a mile, a league, and a great many other such names. You will find them in the arithmetic, taking up a couple of pages. The gentleman from Virginia, if he would turn his attention to butts, pounds, and scruples, might make them even more ridiculous than he has been able to make the names in the metric system. But, Mr. Speaker, there is nothing in that. The metric system is founded on science. It is in use in 27 nations of the world, and it ought to be in use in a country like this. I do not care to say anything further about it at present, but will reserve the balance of my time. [Applause.]

Mr. CHARLES W. STONE. Mr. Speaker, I now move the previous question, if no one desires to speak, and in explanation of that action I wish to say——

Mr. PARKER. Mr. Speaker, I would like to speak.

Mr. CHARLES W. STONE. I desire to dispose of this matter to-night, but I will yield to the gentleman such time as he desires.

Mr. PARKER. I ought to say that I shall speak against the measure.

Mr. CHARLES W. STONE. I will yield the gentleman ten minutes.

Mr. PARKER. Mr. Speaker, I would like more time than that.

The SPEAKER. The gentleman from New Jersey is recognized.

Mr. CHARLES W. STONE. I desire to close the debate to-night, and if the gentleman from New Jersey will agree to any reasonable time, I shall be satisfied. I desire to dispose of the matter this evening only because I understand that arrangements have been made by which other measures are proposed for the consideration of the House to-morrow, and, in good faith, I desire,

throughout the United States, but every man will be so many meters in height and every little schoolgirl and schoolboy will stand

riagram]. [Great laughter.] Myriagram! What is that? [Renewed laughter.] Just as well call it Black Maria.

they have arrived at some way to get at this measure and their

consideration of the House to-morrow, and, in good faith, I desire,

if possible, to get this matter out of the way. Will the gentleman be satisfied with fifteen minutes?

Mr. PARKER. Mr. Speaker, I can hardly make any agreement for time except to say that I will not detain the House unnecessarily. With no preparation and no notice of this bill till this afternoon, I can not condense the facts and the views that I desire to present into a very short time. I think I shall get through in a quarter of an hour, but I do not want to limit myself.

The SPEAKER. The gentleman from New Jersey is recognized.

Mr. PARKER. Mr. Speaker, I consider this bill as very much more important than it has been probably thus far regarded by this House. It is an absolute novelty in the legislation of the United States. It provides in the first section that in 1898 the metric system only—nothing else—shall be employed in the Departments of the United States. No such provision has ever been adopted by the United States of America as to any system of weights and measures—the one now in use or any other. The bill also provides that after 1901 the metric system shall be the only legal standard of weights and measures in the United States. No such enactment has ever been adopted before. Let us deal with the question practically.

This bill tells you that after 1898 the metric system shall be the only one recognized in the various Departments of the Government. Now, sir, it is well known that we have coast surveys which show by their scale of miles, nautical miles and kilometers, how far by each scale it is from one place to another, how many miles, nautical miles or kilometers, it is from place to place. Such a thing is forbidden by the bill under consideration, however convenient the arrangement may be to our seamen.

Referring to our customs laws, I find it provided that invoices from other countries shall be made out in the weights, measures, and currencies of those countries, without any reference to the standards used in the United States. That provision is intended for the purpose of securing honest invoices made out in accordance with the standards in the countries from which the goods come. But this bill says that after the date named this shall not be done.

Some gentleman here may own ships. At any rate, we have tonnage laws based upon feet and inches, and in those terms the capacities of vessels are expressed. This bill says that after its provisions take effect no man shall register a ship without translating those terms into meters, kilometers, etc.; and that after 1901 these terms shall be the only ones recognized in such measurements.

Mr. Speaker, a compulsory enactment like this, requiring that the people of the United States shall measure their weight by kilograms (we might as well say, as Englishmen do, by the stone instead of by pounds), is a novelty. To say that a man shall no longer measure his height by feet and inches or use those terms as units, but must take something a little over a yard as the unit, is a novelty in legislation.

Mr. Speaker, such legislation is unknown in a free country, however familiar it may be in countries which are not free. This system has not been adopted by England as a compulsory one, as one that must be used; and if we attempt to make a system of this kind compulsory, the people will resent it, because they resent being told that they shall not use their accustomed standards, which they prize as conveniences, from whatever source they may be derived.

Mr. HOPKINS. Will the gentleman allow me a question?

Mr. PARKER. Certainly, if the gentleman does not draw me off from the line of my argument.

Mr. HOPKINS. If this system be adopted, all the school books relating to mathematics will have to be rewritten, will they not?

Mr. PARKER. I do not know.

Several MEMBERS. Yes.

Other MEMBERS. Oh, no.

Mr. PARKER. Well, I will let gentlemen settle that question for themselves. Certainly men will have to learn to reckon from one system into the other, for I assume we shall deal with the statutes as we have them; we shall not rewrite the Revised Statutes.

Mr. HOPKINS. Does the gentleman know any primary school in his State or in the United States where the metric system is taught?

Mr. PARKER. Not in any of the primary schools.

Mr. HOPKINS. I am speaking of the primary schools.

Mr. PARKER. I am not sure as to that. I am not talking for professors; I am talking for the people of the United States.

Sir, I was reading not long ago in the report of the Director of the Mint the thoughts of Morris, the thoughts of Jefferson, the thoughts of Hamilton; and I found that when they were establishing the money unit their principle was to take a unit which was well known by the people. They took the old "piece of eight," which was called in common language the dollar, as their unit. They took it not because it was new but because it was old. They took it because the people understood it. They made that the unit of value. But did they say there should be no other unit of value? No. The Constitution provided that Congress might fix the value of foreign coin; and Congress did so. By various acts (see Revised Statutes, section 3565), the value of the pound sterling was fixed like that of the dollar, so that it could be dealt in. In every State it was allowed to make contracts in the pounds and shillings of that State.

Mr. Speaker, I have no objection to the metric system considered in itself. It is a good system; it was rightly authorized as an optional measure by the act of Congress of 1866. As I read that act on page 704 of the Revised Statutes, this system can be used by any person in the United States if he wishes to use it. What I object to is the provision that says no other weights or measures shall be used. Up to this time the weights and measures in the United States have not been fixed arbitrarily by statute. Under the customs law, as I understand it—not having had time since the debate began to find it in the statutes, I may mistake in stating the law, but at any rate, under the laws of the United States—the officers of the United States, for the purpose of the customs revenue of the country, obtained a standard from the English Government of the foot and the standard bushel, of the standard measure as well as the standard weight, and keep them, so that men in commerce may avail themselves of them if they desire to do so. We all know the time when the ton was changed from 2,240 pounds to 2,000 pounds, and nevertheless people in certain States prefer to use the old ton up to this time. It is not forbidden, but this provision of law, if enacted, forbids the use of either the old or the new ton.

Something has been said of a decimal system. A decimal system, Mr. Speaker, is not peculiar to the metric system. Go to any Coast Survey map, and my recollection is that the distances are given in miles and thousandths of a mile. Go to any railroad survey, and you usually find the distance is given in a unit measure of distance and in hundredths and thousandths of that measure. The use of the decimal system in the measurement of buildings has become quite common in the last few years; that is feet and hundredths of a foot. Measuring rules are made divided into tenths and hundredths of an inch for machinists. The decimal system can be used. It is used. It is in common use. Weights, by scientific men, are almost always given in grains, and thousandths, or grams and thousandths, or pounds and thousandths, or tons and thousandths, and so on with all other weights. But these are weights that we are used to. We know what a man means when he tells you that he weighs so many pounds. We do not know what he means when he says that he weighs so many stone, and will not know what his weight is when given in kilos.

Now, in reference to Government business, the Post-Office could change its mailing scales to this system without hurting anyone particularly. We would, perhaps, have some trouble with our mail contracts, which are made in pounds or tons. But in reference to letters we do not care; it would be a matter of no consequence whether they were measured in ounces, half ounces, or any other unit. We could simply take the Post-Office scale and thus weigh them and see whether they came within the postage weight. But when you come to business transactions, customs, contracts, and the like, and declare that men shall not use the old measures, that there shall be only one legal system, of new standards which have not been adopted in the United States in the history of the country until now, I think you are doing something that is going to involve an immense amount of trouble without any corresponding benefit. Why should this be obligatory? We never had such a provision with reference to the bushel; we never were told that we should use no other measure than the foot; the nation never said that we must use measures with which we are not familiar. It simply said, we give you a standard, you may use it or not, as you please.

Mr. CHARLES W. STONE. Will the gentleman allow me to interrupt to ask him please to indicate in what part of the bill provision is made that the people shall not use any other measures than those known as the metric system?

Mr. PARKER. Yes, sir; I will. The gentleman will find these words in the bill—

> That from and after the 1st day of July, 1898, all the Departments of the Government——

Mr. CHARLES W. STONE (interrupting). My question is as to the restriction on the people, to which the gentleman referred.

Mr. PARKER. Wait a moment; I will answer the question.

Mr. CHARLES W. STONE. Let me state it so that there can be no misunderstanding. You said that this was compulsory on the people; that they were prohibited from using any other system than that prescribed in this bill—that the people, not the Government, were prohibited from using any other system—and I ask you to show me where in the bill such a prohibition on the people exists?

Mr. PARKER. Well, will the gentleman allow me to answer?

Mr. CHARLES W. STONE. Certainly; I would like to have an answer, if the gentleman has the question.

Mr. PARKER. I understand the question.

I state that the two sections taken together explain each other, and you will find that the effect is to prohibit the use to the people of any other system. It is provided—

> That from and after the 1st day of July, 1898, all the Departments of the Government of the United States, in transaction of all business requiring the use of weight and measurement, except in completing the survey of the public lands, shall employ and use only the weights and measures of the metric system.

That means that the people, in dealing with the Departments of the Government after July, 1898, can use no other system than the metric system, and that they have got to learn to deal by it. Does not it mean that? I ask the gentleman if that is not the meaning of it?

Mr. CHARLES W. STONE. It means just what it says.

Mr. PARKER. Does not it mean that in dealing with the customs officers, or with any other officers of the Government, or in making any contract with the Government, the people must deal with it only in this new system?

Mr. CHARLES W. STONE. So far as the operations of the Government are concerned, this system is required to be used. But where are the people prohibited from using another system? So far as they are concerned, they can use either system at their own will.

Mr. PARKER. But if they are dealing with the Government are they not compelled to use it and nothing else? Does not it mean that? I think it does.

Now, this bill goes on to say:

> SEC. 2. That from and after the 1st day of January, 1901, the metric system of weights and measures shall be the only legal system of weights and measures recognized in the United States.

That means that the people will have no longer the standard foot, they will not have the standard bushel, the yard, or the mile, or any other measure with which they are familiar, and that this new system will be the only legal system of measures and weights recognized in the United States.

Now, a uniform system is a well-known thing. The power of Congress to fix the standard of weights and measures has been construed thus far by the fathers of our country and by everyone else as the establishment of fixed and uniform standards under which the people may act. Congress has likewise gone so far as to say, in the year 1866:

> It shall be lawful throughout the United States of America to employ the weights and measures of the metric system; and no contract or dealing, or pleading in any court, shall be deemed invalid or liable to objection because the weights or measures expressed or referred to therein are weights or measures of the metric system.

Mr. HOPKINS. What is the date of that statute?

Mr. PARKER. The date is 1866. Then follow two pages of tables, showing such units as the decameter and the decimeter, one of which is 100 times the other; the decaliter and the deciliter, which stand in the same relation; the decagram and the decigram, which bear a similar relation to each other. And I ask, Mr. Speaker, if these weights and measures were so much better than what we had before, why are they not in common use now? If they brought in the decimal system with them, why are they not in use now? The reason is that the standards are different. That law did not introduce the decimal system. We use the decimal system with tons and pounds and grains. It is used with miles and feet and inches. It is used with all these, and with the greatest convenience in all business, and it is used with these units because people know what feet and inches mean, and they do not propose to change.

Now, scientists can talk about a unit based on a line around the earth. The odd thing about the matter is that, being intended to be an absolute measure, based on the size of the earth, upon a parallel of latitude or a meridian of longitude, I have forgotten which, running in a certain direction and through a certain point, the scientists measured the meridian wrong, and everybody admits, as I understand, that the meter as now established is absolutely inconsistent with its own standard.

Mr. CHARLES W. STONE. Oh, no; the highest authorities say it is accurate. There is no better authority than Dr. Barnard, and he says it is accurate.

Mr. PARKER. I have always heard it was inaccurate.

Mr. CHARLES W. STONE. Very well. There are many other things about which there is erroneous information.

Mr. HOPKINS. Dr. Barnard says that. Who else ever said anything about it?

Mr. PARKER. I have always heard that it is inaccurate, but I do not care. We have got to go to a certain standard. I would rather go to a standard in the Tower, or in the possession of our Secretary of the Treasury, than to measure between the equator and the North Pole to get a standard. This metric system is a theory. It is a theory that it is better to dispense with the old unit and take a new unit, because those particular units have happened to please the gentlemen in France who got up this universal, world-embracing system of meters.

Now, remember I am not attacking that system. Do not misunderstand me. I say as to that system that it is as good as any other, and I say it is right to permit its employment where it is preferred. I think that for purely scientific work, when you are dealing with the world of science, it is well, and perhaps imperative, that all should have the same unit. But practical popular use is another thing, and for a statute to say now, after thirty years of permission, during which time it has not come into general use, that all other standards and units of weight and measurement shall come to an end at a fixed date, and that we shall compel its adoption before the great commercial nation of the world has adopted it—I say that this is revolutionary, and that, no matter how many scientific men, no matter how many foreign merchants, no matter how many men, mostly scientific, from colleges and similar institutions, come to us and say that they believe that this should be made the only standard, and that nobody should be allowed to use any other. I say it is wrong to do so. It is not practical, it is not according to the practical uses of the people, and no matter how much these theorists wish it, no matter how much I may admire the system as a system, I will not be so arbitrary as to say to my fellow-countrymen that this shall be the only system in which they can deal with their Government or with one another.

Mr. Speaker, I have said all that I care to say.

Mr. CANNON. Will the gentleman yield to me two or three minutes?

Mr. PARKER. With pleasure, sir.

Mr. HOPKINS (to Mr. CANNON). Suppose you take your time to-morrow.

Mr. CANNON. I can say in a minute or two, by way of suggestion, all that I desire to say.

I must confess that I have not given much attention to this bill and the gentleman in charge of it is perfectly familiar with it; but I will say that I have no doubt that, if our people were as thoroughly familiar with the system which it is proposed here to legalize as they are with the present system, there would be no objection to it. I should think very likely it would be superior. I understand that under the Constitution there is no doubt about our power to enact this legislation, and we have had the legal right to use this system for thirty years. And yet, after thirty years of permissible use of this system, when we think of weights and measures, we think—I was going to say, in English—we think in pounds, or tons, or feet, or inches, as we have been taught. Our people universally understand what those words mean. It has been that way for a long time, and was so before there was any United States. It may be said to run through our literature; and although we have the power to enact this legislation, I do not believe it is in the power of Congress to bring that system into use by statute. If we undertake to legalize it to the exclusion of any other, I think it will beget great confusion, and that we shall subject ourselves to much criticism, without effecting the reform which the gentleman thinks is desirable. It may be that I am wrong about it. I give you my impression as it comes to me somewhat hastily; but I shall have to be further advised than I now am before I can vote for this bill.

Mr. CHARLES W. STONE. I desire simply to explain that the Land Department was left out of this bill at the request of the Commissioner of the Land Office, because a portion of the surveys had been made and the external lines had been run, the term measure being a general one in surface measures.

Now, Mr. Speaker, I have no desire to cut off debate, but I promised to ask a vote on this measure to-night, and, in carrying out my promise, I ask for the previous question.

Mr. FISCHER. Mr. Speaker, are amendments in order?

The SPEAKER. Not if the previous question is adopted.

The question was taken; and the previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. CHARLES W. STONE. Division.

The House divided; and there were—ayes 65, noes 80.

Mr. CHARLES W. STONE. I ask for the yeas and nays; and, pending that, I move that the House adjourn.

Mr. HOPKINS. That is not treating the House fairly.

Mr. CHARLES W. STONE. I desire simply to have a vote in the full House.

Mr. HOPKINS. We have got a full House now.

The SPEAKER. The gentleman has the right to move an adjournment.

Mr. CHARLES W. STONE. There are several of the gentlemen of the committee here who say there is not a full House, and they desire to have a vote in the full House.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. CHARLES W. STONE. Division.

The House divided; and there were—ayes 96, noes 50.

The SPEAKER. Before announcing the result the Chair will submit the following.

LEAVE OF ABSENCE.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

By Mr. JOHNSON of California: A bill (H. R. 8028) to grant a pension to Charles Gibson—to the Committee on Invalid Pensions.

They took it not because it was new but because it was old. They took it because the people understood it. They made that the unit an answer, if the gentleman has the question.

please the gentlemen in France who got up this universal, world-embracing system of meters.

The SPEAKER. Before announcing the result the Chair will submit the following.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. TUCKER, indefinitely, on account of sickness in his family.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 345) granting a pension to Catherine R. Jardine, widow of Brig. Gen. Edward Jardine;

A bill (S. 344) granting a pension to Mary A. Hall;

A bill (S. 136) granting an increase of pension to Horace Townsend;

A bill (S. 894) granting a pension to Nancy G. Allabach;

A bill (S. 1271) granting a pension to Elizabeth Moore English;

A bill (S. 2132) for the relief of settlers upon the lands within the indemnity limits of the grant to the New Orleans Pacific Railway Company;

Joint resolution (S. R. 116) authorizing the Public Printer to print the annual report of the Superintendent of the United States Coast and Geodetic Survey in quarto form and to bind it in one volume;

A bill (S. 640) to increase the pension of Joseph W. Fisher; and

A bill (S. 507) to pension Mollie Crandall.

FREE LIBRARY, DISTRICT OF COLUMBIA.

The SPEAKER announced the appointment of Mr. POWERS, Mr. MILNES, and Mr. BABCOCK as conferees on the part of the House on the bill (S. 1247) to establish and provide for the maintenance of a free public library and reading room in the District of Columbia.

The result of the vote was then announced; and accordingly (at 5 o'clock and 8 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Attorney-General, transmitting a list of all judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases since the date of Senate Executive Document No. 50, first session, Fifty-fourth Congress—to the Committee on Appropriations, and ordered to be printed.

A letter from the Attorney-General, transmitting a list of judgments rendered against the Government of the United States by circuit and district courts in which records have been received since January 16, 1896—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CONNOLLY, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 7370) to amend an act entitled "An act to establish circuit courts of appeals and define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, reported the same with amendment, accompanied by a report (No. 1136); which said bill and report were referred to the House Calendar.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred House bill No. 4956, reported in lieu thereof a bill (H. R. 8010) to authorize the construction of a bridge across the Eastern Branch of the Potomac River in line with Massachusetts avenue extended eastward, accompanied by a report (No. 1137); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STRONG, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 1706) to provide an American register for the steamer *Kahului*, reported the same without amendment, accompanied by a report (No. 1149); which said bill and report were referred to the House Calendar.

Mr. CURTIS of New York, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3547) directing the Secretary of War to furnish a certain number of unused rifles to Harper Post, Grand Army of the Republic, at Keosauqua, Iowa, reported the same without amendment, accompanied by a report (No. 1153); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MAHON, from the Committee on War Claims: The bill (H. R. 3920) for the relief of the heirs of A. Lawrence Foster, deceased. (Report No. 1138.)

By Mr. PUGH, from the Committee on War Claims:

A resolution (House Res. No. 237) to refer the bill (H. R. 1800) for the relief of Francis Millet, with all the accompanying papers, to the Court of Claims, reported in lieu of the bill H. R. 1800. (Report No. 1139.)

The bill (H. R. 5446) for the relief of James S. Frizzell. (Report No. 1140.)

The bill (H. R. 1502) for the benefit of J. C. Rudd. (Report No. 1141.)

The bill (H. R. 5450) for the relief of Thomas C. Isgrig. (Report No. 1144.)

The bill (H. R. 5449) for the relief of the administrator of the estate of Marcus L. Broadwell, deceased. (Report No. 1143.)

The bill (H. R. 1801) for the relief of the estate of Mary H. S. Robertson. (Report No. 1147.)

By Mr. GIBSON, from the Committee on War Claims: A resolution (House Res. No. 239) to refer the bill (H. R. 6935) for the relief of the personal representatives of Mitchell J. Childress and all the accompanying papers to the Court of Claims, reported in lieu of the bill H. R. 6935. (Report No. 1148.)

By Mr. COOPER of Texas, from the Committee on War Claims: A resolution (House Res. No. 238) to refer the bill (H. R. 7159) for the relief of the heirs of Henry Ruby, deceased, late of Bexar County, Tex., and all accompanying papers to the Court of Claims, reported in lieu of the bill H. R. 7159. (Report No. 1142.)

By Mr. RAY, from the Committee on the Judiciary: The bill (H. R. 7338) for the relief of William H. Scofield, Jacob Brady, James Ketcham, Annie Booth, as administratrix of the goods, chattels, and credits of George W. Booth, deceased; Wilson P. Billar, Ezra L. Waterhouse, Moses C. Bell, George W. Byles, and George A. Scofield. (Report No. 1145.)

By Mr. BAKER of Kansas, from the Committee on Pensions: The bill (H. R. 7451) for the relief of James Eganson, of Henderson, Ky. (Report No. 1150.)

By Mr. BLACK of Georgia, from the Committee on Pensions: The bill (H. R. 7121) to restore Mrs. Elizabeth T. Anderson to the pension roll. (Report No. 1151.)

By Mr. COLSON, from the Committee on Pensions: The bill (H. R. 1064) for the relief of Henry F. Thornton. (Report No. 1152.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 7740) granting an increase of pension to Lewis Keiser, of Hubbell, Nebr. (Report No. 1154.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 5986) granting pension relief to Francis M. Ross. (Report No. 1155.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 7457) granting an increase of pension to John Beaird. (Report No. 1156.)

By Mr. POOLE, from the Committee on Invalid Pensions:

The bill (H. R. 7205) granting a pension to Alphonzo O. Drake, late a private in Company E, Second Regiment Rhode Island Volunteers. (Report No. 1157.)

The bill (S. 2008) granting a pension to Fanny Moale Gibbon. (Report No. 1158.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions:

The bill (S. 1787) granting a pension to Nancy T. Dunckle. (Report No. 1159.)

The bill (S. 1311) granting an increase of pension to Dudley F. Brown. (Report No. 1160.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (S. 1323) granting a pension to Maria Somerlat, widow of Valentine Somerlat. (Report No. 1161.)

By Mr. WOOD, from the Committee on Invalid Pensions:

The bill (H. R. 5435) for the relief of Frances P. Trumbull, widow of Matthew M. Trumbull. (Report No. 1162.)

The bill (S. 177) granting an increase of pension to Sophia D. Clendenin. (Report No. 1163.)

ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. MAHON, from the Committee on War Claims, reported adversely (Report No. 1146) the bills (H. R. 2332) for the relief of James H. Cromwell, (H. R. 2333) for the relief of J. Floyd Johnston, administrator of John Floyd Johnston, deceased, and for other purposes, and (H. R. 2471) for the relief of the sufferers by the capture and destruction of the Hawaiian whaling vessel *Harvest;* which said bills and report were laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. DOOLITTLE (by request): A bill (H. R. 8011) to simplify Government printing, and for other purposes—to the Committee on Printing.

By Mr. MURPHY of Illinois: A bill (H. R. 8012) donating one condemned cannon and balls to Grand Army of the Republic post of Sparta, Ill.—to the Committee on Naval Affairs.

By Mr. DOCKERY: A bill (H. R. 8013) donating one condemned cannon and cannon balls to Grand Army of the Republic, L. W. Cooper Post, Department of Missouri, No. 81, of Lathrop, Mo.—to the Committee on Naval Affairs.

By Mr. BELKNAP: A bill (H. R. 8014) granting jurisdiction to the Court of Claims and Supreme Court of the United States of certain State claims—to the Committee on the Judiciary.

By Mr. UNDERWOOD: A resolution (House Res. No. 240) requesting the Secretary of State to communicate to the House all correspondence, etc., relative to the imprisonment of Mrs. Florence E. Maybrick—to the Committee on Foreign Affairs.

By Mr. BLUE: A resolution (House Res. No. 241) to investigate the National Homes for Disabled Volunteer Soldiers—to the Committee on Military Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 7923) granting a pension to John Giloray—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 7943) for the relief of Peter Parris—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

The bill (H. R. 7942) for the relief of Jessee Combs—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

Petition of Ed. Allan, master, and 128 other citizens of Port Huron, Mich., for establishment of life-saving station, to accompany H. R. 7262—Committee on Rivers and Harbors discharged, and referred to the Committee on Interstate and Foreign Commerce.

Petition of Mayor Boynton and 316 other citizens of Port Huron, Mich., for establishment of life-saving station, to accompany H. R. 7262—Committee on Rivers and Harbors discharged, and referred to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BAKER of New Hampshire (by request:) A bill (H. R. 8015) to pension Ellen C. Abbott, widow of Bvt. Brig. Gen. Joseph C. Abbott—to the Committee on Invalid Pensions.

By Mr. BLUE: A bill (H. R. 8016) granting a pension to Margaret Ann West, of Bloomington, Kans., as army nurse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8017) granting a pension to Cordelia Mercer, of Lawrence, Kans., as army nurse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8018) granting a pension to Nancy J. Dunaway, of Garnett, Kans.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8019) granting a pension to Owen A. Bassett, of Lawrence, Kans., late lieutenant-colonel Second Regiment Kansas Cavalry Volunteers—to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 8020) granting a pension to Capt. Jerome M. White, of the Northern Iowa Border Brigade—to the Committee on Pensions.

By Mr. HANLY: A bill (H. R. 8021) for the relief of Wright Sims—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8022) granting a pension to Catharine A. Gaylord—to the Committee on Invalid Pensions.

By Mr. HUBBARD: A bill (H. R. 8023) granting a pension to Thomas S. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8024) for the relief of the trustees of Cumberland Presbyterian Church, of Syracuse, Mo.—to the Committee on War Claims.

By Mr. HULL: A bill (H. R. 8025) to increase the pension of David Sharp—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 8026) to increase the pension of David S. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8027) to remove the charge of desertion against John Benley—to the Committee on Military Affairs.

By Mr. JOHNSON of California: A bill (H. R. 8028) to grant a pension to Charles Gibson—to the Committee on Invalid Pensions.

By Mr. JOY: A bill (H. R. 8029) granting a pension to Jane G. Kelly—to the Committee on Invalid Pensions.

By Mr. McCALL of Tennessee: A bill (H. R. 8030) to remove the charge of desertion against James M. Hayes—to the Committee on Military Affairs.

By Mr. MEYER (by request): A bill (H. R. 8031) to pay the heirs of Juan Peralta for lands taken by the United States Government in the State of Louisiana—to the Committee on Claims.

By Mr. MOODY: A bill (H. R. 8032) granting a pension to Julia C. Jenkins—to the Committee on Invalid Pensions.

By Mr. VAN HORN: A bill (H. R. 8033) granting a pension to James Radley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8034) granting a pension to Frances A. McCoy, of Kansas City, Mo.—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: A bill (H. R. 8035) for the relief of owners of American ship *Belle of Bath*—to the Committee on Claims.

By Mr. CONNOLLY: A bill (H. R. 8036) for the relief of Sarah Grisson—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AVERY: Petition of Perry Hannah, Thomas T. Bates, R. Goodrich, and 16 other citizens of Traverse City, Mich., in favor of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. BABCOCK: Two petitions of citizens of Washington, D. C., urging the passage of House bill No. 5220, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and opposing the extension of the tracks of said company until its existing lines are modernly equipped and operated—to the Committee on the District of Columbia.

By Mr. BARRETT: Resolutions of Camp No. 83, Union Veteran Legion, of Worcester, Mass., in favor of a per diem pension bill—to the Committee on Invalid Pensions.

Also, resolutions of the American Women Citizens' League, expressing sympathy for Cuba in her fight for independence—to the Committee on Foreign Affairs.

By Mr. BELL of Colorado: Resolutions of Grand Army of the Republic Benevolent Association of Colorado, in favor of House bill No. 4985, making the Fort Lyon Military Reservation a Soldiers' Home—to the Committee on the Public Lands.

By Mr. BROWN: Papers relating to the claim of J. M. Rife—to the Committee on War Claims.

By Mr. DOOLITTLE: Resolution of Washington Commandery, Military Order of the Loyal Legion of the United States, indorsing bill to promote the efficiency of the Revenue-Cutter Service—to the Committee on Military Affairs.

Also, remonstrance of citizens of Tacoma, Wash., for the removal of the statue of Père Marquette from Statuary Hall—to the Committee on the Library.

Also, memorial of citizens of the State of Washington, for the passage of a service-pension bill of at least $8 per month to every honorably discharged soldier, sailor, and marine who served ninety days in the late war on the Union side—to the Committee on Invalid Pensions.

Also, memorial of citizens of Tacoma, State of Washington, for the passage of House bill No. 5729, for the protection of game, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. DRAPER: Petition of citizens of Boston, Mass.; also petition of citizens of Newton, Mass., in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. FLYNN: Petition of T. A. Melbourne, J. M. Roberts, J. J. Mobey, and others, praying for relief for settlers in the "neutral strip," Oklahoma—to the Committee on the Public Lands.

Also, petition of William Hickinbotham and others, in Oklahoma, praying for service-pension law—to the Committee on Invalid Pensions.

By Mr. GRAFF: Petition of ex-soldiers and citizens of Crane Creek, Mason County, Ill., favoring the passage of service-pension bill—to the Committee on Invalid Pensions.

By Mr. HANLY: Evidence to be filed with and accompany House bill No. 2057, for the relief of Silas Quackenbush—to the Committee on War Claims.

By Mr. HILL: Petition of Uncas Council, No. 25, Order United American Mechanics, asking for the passage of the Sperry or Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HUFF: Resolution of Capt. S. S. Marchand Post, No. 190; also of Fort Ligonier Post, No. 324, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill No. 7559, providing for an increase of pension to Mrs. Lucy Keenan, widow of John B. Keenan, late major, Eleventh

Pennsylvania Infantry Volunteers—to the Committee on Invalid Pensions.

By Mr. JONES (by request): Petition of F. A. West and others for the removal of the statue of Marquette from Statuary Hall—to the Committee on the Library.

By Mr. JOY: Petition of Mrs. Jane G. Kelly, widow of Maj. Frederick Kelly, of St. Louis, Mo., for a pension—to the Committee on Invalid Pensions.

By Mr. LORIMER: Petition of Woman's Christian Temperance Union of Oak Park, Ill., asking for the repeal of the divorce laws of Oklahoma and Arizona—to the Committee on the Judiciary.

Also, petition of Woman's Christian Temperance Union of Oak Park, Ill., asking that the age of consent in the District of Columbia be raised from the age of 16 to 18, and to extend to the Territories—to the Committee on the Judiciary.

Also, petition of Woman's Christian Temperance Union of Oak Park, Ill., in favor of Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Woman's Christian Temperance Union of Oak Park, Ill., asking for the enforcement of the compulsory-education law in the District of Columbia—to the Committee on the District of Columbia.

By Mr. McCALL of Tennessee: Petition of James M. Hayes, of Henderson County, Tenn., for relief—to the Committee on Military Affairs.

By Mr. McEWAN: Petition of Summit Council, No. 87, Junior Order United American Mechanics, of Jersey City, N. J., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of International Association of Machinists, No. 121, of Missoula, Mont.; also petition of Council of Trades and Labor Unions, of Detroit, Mich., favoring House bill No. 184, providing for a commission of inquiry as to the feasibility of direct legislation—to the Committee on Rules.

Also, petition of Liquor Dealers' Protective League of West Hoboken, N. J.; also of Bayonne, N. J., against the passage of House bill No. 6668, to amend the act relating to the sale of intoxicating liquors in the District of Columbia by raising the license fee—to the Committee on the District of Columbia.

By Mr. MILLIKEN: Petition of Maine Sportsmen's Fish and Game Association, of Augusta, Me., favoring the passage of House bill No. 5729, for the protection of game, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. MORSE: Petition of the American Society for the Prevention of Cruelty to Animals, protesting against the passage of the bill proposing to provide for an international humane and sanitary conference—to the Committee on Interstate and Foreign Commerce.

By Mr. PICKLER: Petition of William H. Erwin, mayor, and 58 other residents of Fort Pierre, S. Dak., against the issuance of licenses for and sale of intoxicating liquors in prohibition States—to the Committee on Alcoholic Liquor Traffic.

By Mr. PRINCE: Petition of Arthur Welding and 18 others, of Spring Hill, Whiteside County, Ill., asking for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. PUGH: Petition of officers and members of David Auxier Post, No. 73, Grand Army of the Republic, Department of Kentucky, favoring the passage of a service-pension measure granting not less than $8 per month to all honorably discharged soldiers and sailors who served not less than ninety days in the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. STAHLE: Petition of Carlisle Council, No. 67, of the American Protective Association, of Carlisle, Pa., protesting against the statue of Père Marquette remaining in the Capitol of the United States—to the Committee on the Library.

By Mr. STRODE of Nebraska: Petition of Samuel B. McFadden and 20 others, ex-soldiers and ex-sailors of the late war, citizens of Howe, Nebr., praying for a pension of $8 per month to every soldier who served ninety days and was honorably discharged and $12 per month to their widows—to the Committee on Invalid Pensions.

By Mr. TAFT: Memorial of the Cuvier Club, of Cincinnati, Ohio, praying for the passage of House bill No. 5729, relative to the protection of game, birds, and fish—to the Committee on Interstate and Foreign Commerce.

Also, memorial of Prof. H. A. Newton, of Yale University, New Haven, Conn., favoring the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. WASHINGTON: Petition of leading business men and officials of Centerville, Hickman County, Tenn., asking favorable action on the bill for the relief of the book agents of the Methodist Episcopal Church South, Nashville, Tenn.—to the Committee on War Claims.

By Mr. WARNER: Evidence in support of House bill No. 7167, to correct the military record of James Houselman, second lieutenant Company H, Sixty-third Illinois Volunteer Infantry—to the Committee on Military Affairs.

SENATE.

WEDNESDAY, *April 8, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. ALLEN, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, in further response to a resolution of the Senate of the 16th ultimo, calling for information touching the condemnation of lands needed for the construction of the proposed boat railway at The Dalles of the Columbia River in Oregon, transmitting a letter from the United States attorney for the district of Oregon containing additional information to that already furnished; which, with the accompanying letter, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting an estimate of appropriation of $40,000, to pay amounts found to be due under contracts for the survey of public lands in California, executed prior to June 30, 1890; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of Agriculture, transmitting a report upon the expenditures of the agricultural experiment stations, and the draft of a resolution providing for the printing of 2,000 copies thereof for the use of that Department; which, with the accompanying report, was referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Francis F. Williams Eighteenth Ward Republican Battery, of Brooklyn, N. Y., praying for the speedy recognition as belligerents of the Cuban patriots in their struggle for freedom; which was ordered to lie on the table.

He also presented a petition of the Young People's Conference of the Reformed Episcopal Churches of New York, praying for the enactment of legislation granting protection to Americans in Turkey and extending sympathy to the suffering Armenians; which was ordered to lie on the table.

Mr. GALLINGER. I present the petition of William O. Junkins, mayor of the city of Portsmouth, N. H., and 175 other citizens of that city. As the petition is somewhat unique, I will take the liberty of stating its contents.

The petitioners state that they would look with regret upon a possible rupture of the friendly relations existing between this country and Great Britain, and they hope that the present dispute with regard to Venezuela will be speedily and amicably adjusted. They also express deep regret at the atrocities inflicted upon the Armenians of late by the Turks and Kurds, and express great concern for the future safety of that people. They say that they believe those barbarous votaries of Islam should never be allowed any more to vent their spite upon this or any other Christian people, and that steps should be taken forthwith by this Government to insure the lives and property of the unfortunate Armenians. To that end they recommend an alliance with England and other European powers on this question. They hope that an Anglo-American fleet and army of sufficient strength may be dispatched to the East to occupy Armenia and the Holy Land and to establish an Anglo-American protectorate over those countries, with full independence from Turkey, as the only guaranty for the future safety of the Christians living there; and, if need be, to take Constantinople.

I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. GALLINGER. I present a joint resolution of the city councils of the city of Portsmouth, N. H., setting forth the desirability and necessity of building a dry dock in that city, and calling attention to the fact that nature has done very much to prepare a site for that work. I move that the joint resolution be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. ALLEN. I present a petition of citizens of Boyd County, Nebr., praying that the homestead laws be so amended that the settlers on the lands embraced in the Great Sioux Reservation may be relieved from the payment of $1.25 per acre now required by the statute, because of the successive failure of crops in that county for several years, and because a failure to relieve the settlers from the payment would practically deprive them of their homestead interests. I move that the petition be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. SHERMAN presented a memorial of sundry citizens of Ohio, remonstrating against the introduction of military training

in the public schools of the country; which was referred to the Committee on Military Affairs.

He also presented a petition of Encampment No. 124, Union Veteran Legion, State Soldiers' Home, of Erie County, Ohio, praying for the enactment of a per diem pension law; which was referred to the Committee on Pensions.

Mr. CALL. I present a communication, in the nature of a petition, from F. C. M. Boggess, of Fort Ogden, Fla., a soldier of the Mexican war, in which he states that many veterans of that war are getting old and needy and are receiving a pittance of $8 per month, while others are getting $12 and upward. The petitioner prays that Congress shall pass a bill granting an additional pension to the veterans of the Mexican war and the widows of deceased soldiers of that war. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. VEST presented sundry memorials of citizens of the Fifth Ward of St. Louis, Mo., remonstrating against the appropriation of money for sectarian institutions; which were referred to the Committee on Appropriations.

Mr. GORMAN. I present a communication of Dr. Thomas Fell, president of St. John's College at Annapolis. It is addressed to me, but is intended as a petition. It prays for the passage of Senate bill No. 735, introduced by the Senator from Washington [Mr. SQUIRE], entitled "A bill to reorganize and increase the efficiency of the personnel of the Navy, etc." I move that the communication be received as a petition, and that it be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. PRITCHARD presented the petition of J. T. B. Hoover and sundry other citizens of Elm City, N. C., praying that Henry H. Pridgens, late private in Company G, First United States Volunteers, be restored to the pension roll at the rate of $12 per month; which was referred to the Committee on Pensions.

He also presented the petition of Julia Ann Foy, of Newbern, N. C., praying that she be restored to the pension roll; which was referred to the Committee on Pensions.

Mr. McMILLAN presented sundry petitions of citizens of Washington, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and remonstrating against the extension of the tracks of that company until its existing lines are modernly equipped and operated; which were referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Foreign Relations, reported an amendment authorizing the President to appoint a consul at either Iskanderoon (Alexandretta) or Karpoot, in Turkey, intended to be proposed to the sundry civil appropriation bill, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 1050) to grant an increase of pension to Elizabeth Deshler Whiting, widow of Lieut. Henry Whiting, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3993) granting a pension to Joseph Porter, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 3749) to increase the pension of Mrs. Eunice Ida Rhoades, to report it without amendment.

I will state that a similar bill, a Senate bill, has been reported and is now on the Calendar. A written report was made with that bill, and no report will be made in this case, the House report standing.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. BURROWS, from the Committee on Claims, to whom was referred the bill (S. 1822) for the relief of W. R. Austin & Co., reported it with amendments, and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 2420) to regulate the pay of noncommissioned officers in the Army, reported it with amendments, and submitted a report thereon.

Mr. WALTHALL. On the 10th of March the Senator from South Dakota [Mr. KYLE], from the Committee to Establish the University of the United States, reported the bill (S. 1202) to establish a university of the United States. Leave was granted to file the views of the minority at a later day. This I desire to do now.

On Monday of last week, upon the application of the Senator from Maine [Mr. FRYE], it was ordered that 5,000 copies of the report of the committee be printed for the use of the Senate. It would be perhaps proper that a similar order should be made as to the views of the minority, and I ask that that be done.

The VICE-PRESIDENT. Without objection, it will be so ordered.

Mr. BATE. I am directed by the Committee on Military Affairs to report back the bill (S. 691) for the relief of Capt. W. M. Wallace. The committee regard the claim involved as a departmental one, and ask that it be relieved from its further consideration, that it be left with the Department for adjudication and settlement, and that, upon application, the papers in the case be transmitted to the Third Auditor of the Treasury Department.

The report was agreed to.

Mr. LINDSAY, from the Committee on Pensions, to whom was referred the bill (S. 2175) granting a pension to James Loyd Young, late of Company A, Sixth Regiment Kentucky Volunteers, reported it with an amendment, and submitted a report thereon.

IMMIGRATION REGULATIONS.

Mr. LODGE. I desire to give notice that on Thursday, the 16th instant, after the routine morning business, I shall ask the Senate to take up and consider the bill (S. 2147) establishing additional regulations concerning immigration to the United States.

Mr. NELSON. When the bill is called up, being a member of the committee, I shall ask the leave of the Senate to submit a few remarks upon it.

SOPHIA J. HAMILTON.

Mr. MITCHELL of Wisconsin. I am instructed unanimously by the Committee on Pensions, to whom was referred the bill (H. R. 569) granting a pension to Sophia J. Hamilton, widow of Charles S. Hamilton, major-general of volunteers, to report it favorably without amendment; and I ask that the bill be considered at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Sophia J. Hamilton, widow of the late Charles S. Hamilton, major-general of volunteers, and to pay her a pension of $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATALOGUE OF AMERICAN LITERARY ASSOCIATION LIBRARY.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound, in paper covers, 25,000 additional copies of Bureau of Education Circular of Information, No. 200, Catalogue of the American Literary Association Library; 5,000 copies for the Senate, 10,000 copies for the House of Representatives, and 10,000 copies for the Bureau of Education.

REPORT OF THE DIRECTOR OF THE MINT.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed 10,000 additional copies of the report of the Director of the Mint for the fiscal year ended June 30, 1895; 2,000 copies for the use of the Senate, 5,000 copies for the use of the House of Representatives, and 3,000 copies for the use of the Director of the Mint.

COMMERCIAL RELATIONS FOR 1894 AND 1895.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized and directed to print, for distribution by the Department of State, 2,500 copies of Commercial Relations for 1894 and 1895, and (in separate form) 10,000 copies of the "Review of the world's commerce," etc., being pages 1 to 235, inclusive, of said Commercial Relations.

FIFTH INTERNATIONAL PRISON CONGRESS.

Mr. HALE, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. SHERMAN on the 2d instant, reported a substitute therefor; and the substitute was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 additional copies of Senate Document No. 181 of the first session of the Fifty-fourth Congress, being the report of the Delegates of the United States to the Fifth International Prison Congress, held at Paris, France, in July, 1895; 1,000 copies for the use of the Senate, 2,000 copies for the House of Representatives, and 2,000 copies for distribution by the Secretary of State.

Mr. HALE. I submit a report to accompany the resolution.

The VICE-PRESIDENT. The report will be printed under the rule.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business. I desire an executive session for a few moments only.

Mr. VEST. I hope the Senator from Ohio will allow us to get through with the morning business.

Mr. SHERMAN. I have no objection to any morning business.

Mr. TELLER. Let us get through with the morning business first.

Mr. SHERMAN. All right; I have no objection.

BILLS INTRODUCED.

Mr. ALLEN introduced a bill (S. 2759) to restore the pensions of widows in certain cases; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2760) for the relief of the homestead settlers on that portion of the Great Sioux Reservation lying and being in the State of Nebraska, formerly in the Territory of Dakota (now State of South Dakota), and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PRITCHARD introduced a bill (S. 2761) granting a pension to Gaston Higgins; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2762) granting a pension to John Bailey; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2763) granting a pension to Silas B. Hensley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEAR introduced a bill (S. 2764) to remove the charge of desertion against William F. Barrett, alias Frank Barrett; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2765) granting a pension to Ezra A. Miller; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2766) granting a pension to Jane H. Vandever; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 2768) to insure the safety of public records; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. GORMAN (for Mr. GIBSON) introduced a bill (S. 2769) to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PERKINS introduced a bill (S. 2770) granting to the Yosemite Valley and Merced Railway Company a right of way over and station sites in the reservation established by an act of Congress of the United States entitled "An act to set apart certain tracts of land in the State of California as forest reservations," approved October 1, 1890; which was read twice by its title.

Mr. PERKINS. I present, to accompany the bill, a petition of citizens of San Francisco, Cal., praying for the passage of such a measure. I move that the petition be printed as a document and referred, with the bill, to the Committee on Public Lands.

The motion was agreed to.

Mr. CHANDLER introduced a bill (S. 2771) to provide for the construction of a public building at Somersworth, N. H.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 2772) granting a pension to Lewis H. Soule; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 2773) granting an increase of pension to Frederick W. Stone; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. JONES of Arkansas introduced a bill (S. 2774) to amend an act entitled "An act to provide for the appointment of additional judges in the Indian Territory, and for other purposes"; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DANIEL (by request) introduced a bill (S. 2775) to authorize the Herndon and Aldie Railroad to construct a bridge over the Potomac River at or below the Great Falls; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2776) for the relief of P. A. Leatherbury; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 2777) to authorize the Light-House Board to pay Chamblin, Delaney & Scott the sum of $2,125; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. ALLEN (by request) introduced a bill (S. 2778) to grant permits for the laying of pipe lines for commercial purposes in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2779) to provide for the transfer of the Fort Sidney Military Post Reserve to the State of Nebraska for educational purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. PRITCHARD introduced a bill (S. 2780) to make an equitable adjustment of the grants of land to the several States of the Union for State normal schools, and for other purposes; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. HAWLEY introduced a bill (S. 2781) granting a pension to Sarah E. Jenkins, daughter of Rear-Admiral Thornton A. Jenkins, United States Navy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MITCHELL of Oregon introduced a joint resolution (S. R. 124) to facilitate the reorganization of the Northern Pacific Railroad Company; to secure to actual settlers the right to purchase at a price not exceeding $2.50 per acre the agricultural lands within its grant, and to prohibit said company or any successor company from giving by consolidation, sale, or other corporate action control of its railroad to any corporation, company, person, or association of persons owning, operating, or controlling a parallel or competing railroad; which was read twice by its title, and referred to the Committee on the Judiciary.

NATIONAL-BANK RESERVES.

Mr. TELLER. I introduce a bill. It is very short, and I ask to have it read at length, after which I wish to say a word or two with reference to the bill.

The bill (S. 2767) to provide for the reserves of national banks was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That all national banking associations established under the laws of the United States shall keep their reserves in their own vaults.

SEC. 2. That this act shall take effect and be in force thirty days from and after its passage.

SEC. 3. That all laws or parts of laws in conflict with the above are hereby repealed.

Mr. TELLER. Mr. President, I wish to call the attention of the Committee on Finance to this bill. I do not desire to take the time of the Senate except to say in a general way that there is a very general impression that the congestion of money in the Eastern cities which is complained of grows largely out of the provision of law that enables the banks all over the country to keep their reserves in the city of New York and other reserve cities. They deposit their money in those cities and draw interest on it, taking the money from the sections of country where the banks exist. I think myself that that system has been very detrimental to the honest industries of the country.

I am informed by those who are familiar with the system of doing business in the city of New York, where largely these moneys are accumulated, there being last September over $200,000,000 of this class of money then held there belonging to banks outside of the city, that the tendency is simply to increase speculation in stocks. I am told by those who I believe are correctly informed on the subject that 75 per cent of all the money loaned by national banks in the city of New York is loaned to stock brokers and stock speculators, not to legitimate business enterprises. I think we have reached a period in our history where industrial enterprises go begging for money, while stock speculations and speculations of that character find themselves accommodated at the banks.

Possibly the banks ought not to be required to keep all their money in their vaults, but I wish the committee would take this matter in hand and see whether they should not keep a large proportion of it in their vaults, and whether there is not some method to prevent the accumulation of money in the reserve cities.

Mr. HOAR. I should like to say one word on the subject which the Senator from Colorado has introduced.

We thought we had in Massachusetts the most carefully devised State banking system that ever existed in the country or anywhere in the world. I think if there is anything for which the statesmen of Massachusetts of fifty or sixty years ago deserve honor it is for the great care with which they dealt with the organization of the various business and other corporations which that State chartered and the restrictions under which they were to labor. They provided in that banking act (and it was the law until the present national banking system took its place) that no bank should pay interest on any money. The result was that what the Senator from Colorado desires to accomplish was accomplished; that is, the banks kept their deposits in their own vaults, except to the extent of a reasonable arrangement with the banks of redemption in Boston for the redemption of their bills, which they usually redeemed there and did not redeem at their own counters. The result was that the bank depended chiefly upon the local community for its custom, and, on the other hand, the customers, the manufacturers, who, in order to employ a large force of workmen, of course had to have credit and borrow money at the bank, to be repaid when they made their sales six months after, depended upon the local banks for their support. So the borrowers had for creditors persons who knew all about their solvency and their character and their importance in the community, and the banks in their turn were jealously watched by an interested community about them.

When the present banking law went into operation the national banks began to borrow money and to make deposits with each other where they could get money on interest. Then they began to pay interest on their deposits and to vie with each other in getting large deposits and in raising a little the rate of interest paid

to depositors. The result was that the banks could not afford to have any idle money in their hands. Formerly the depositor who deposited without any interest of course let his money lie. It would not do any harm for the money to lie idle a little while. The effect of this change of policy has been that which the Senator from Colorado has pointed out. The banks have got to be one great money-lending syndicate association or combination, having headquarters in a few great commercial cities, lending money on concerns at an entire distance from the banks, over whom there can be no satisfactory or thorough oversight.

Then, on the other hand, the manufacturers, the merchants, the business men, do not send their notes, as they did, to the local banks in their own neighborhoods, but to the brokers in the large cities. A man in Worcester sends his paper to New York or to Boston or to Chicago. A man in Chicago sends his paper to New York or to Boston or to Philadelphia or some Eastern city. So gradually we are getting two great syndicates, one the money-borrowing combination and the other the money-lending combination, and the result is that any panic or disturbance in the money market, which before would be confined to the particular community where it arose, touches the whole system like touching a nerve of the human body and makes the country much more liable to panic.

I hope the Senator from Colorado will succeed in effecting the reform which he proposes. I wish to speak modestly on this question, for it is not within my line of special study; but I think the United States banking system ought to be amended by prohibiting the payment of interest by banks in all cases.

Mr. TELLER. I am delighted that the Senator from Massachusetts has added much more to what I said. I think with him that the evil of this accumulation results really from the payment of interest by the banks. If that could be prevented the banks would, so far as they were allowed, hold the money in their own vaults. I have on various occasions expressed to the Senate my belief that no national bank ought to pay interests on deposits. I think it is an exceedingly vicious system. When the money is deposited in the course of trade they ought to be able to hold it there subject to the right to loan it out when they can make a fair loan. When they pay interest on the loans there is a great incentive to make the loan and to make it promptly, and especially to make great loans in the cities, which are made to a class of people whom it was not intended should have the benefit of the local banks, just as the Senator from Massachusetts says.

I should like to have the Committee on Finance take up the bill and see if they can not deal with this subject in some way and remedy what I believe all admit is an evil, the congestion of our money at the great centers.

Mr. MORRILL. I merely desire to say that both the Senator from Colorado and the Senator from Massachusetts are mistaken if they suppose this to be the general practice of all national banks. Every bank that I am acquainted with that is considered a sound, first-class national bank utterly refuses to pay anything on deposits. It is only here and there——

Mr. TELLER. Does not the Senator know that all the deposits from the country banks, the Western banks, which are held in New York receive interest?

Mr. MORRILL. That is true, for they always find some bank that will pay interest, but as to paying interest to individual depositors it is not the practice of our best banks.

Mr. HOAR. I do not believe there is a better set of banks on the face of the earth than the banks in the city where I dwell, a city now of 100,000 inhabitants. They are managed by safe, conservative, old-fashioned business men, such men as you would trust if you were making a will to be the guardian or trustee of your children and your wife. Every one of them pays interest on deposits. Three per cent is the ordinary rate.

Mr. MORRILL. Of individuals?

Mr. HOAR. Of individuals. Every one of them, I suppose, though I can not speak of all I can of some, sends its president or cashier or its most active director once a week to Boston, who goes around to the brokers' shops and says, "What paper have you got in this morning?" and he looks it over. Occasionally they go to New York.

Mr. PEFFER. For what length of time?

Mr. HOAR. As I said, I do not know about all of them, but I suppose every one of them receives a visit from the agent of some New York or Boston broker, certainly from some Boston broker, once or twice a week, and you will find in the paper laid before them——

Mr. ALLEN. Mr. President, I rise to a parliamentary inquiry. What is the question before the Senate?

Mr. HOAR. It is on the reference of a bill, as I understand, and it is a debatable question.

The VICE-PRESIDENT. The debate is proceeding on the reference of the bill introduced by the Senator from Colorado.

Mr. ALLEN. I was not aware that the question had been submitted.

Mr. HOAR. I suppose under the rules the reference of a bill is a debatable question.

Mr. ALLEN. I rise to morning business, which I desire to transact.

The VICE-PRESIDENT. The Senator from Massachusetts has been recognized.

Mr. HOAR. I have but one word more to say. Every one of those receives its visit, and you will find on those brokers' lists the paper of Chicago houses, New York houses, houses in Maine, manufacturing establishments, paper from all over the country. That is, of course, the business of moderate, well-managed, conservative banks, and it is an absolute necessity in the existing condition.

Mr. PEFFER. I desire to ask the Senator from Massachusetts——

Mr. CALL. Mr. President, I rise to a question of order.

The VICE-PRESIDENT. The Senator from Florida will state his question of order.

Mr. CALL. The bill has already been referred, I understand. The Senate yesterday agreed by unanimous consent that at the conclusion of the routine business this morning the joint resolution relative to Cuba should come up and that the Senator from Indiana [Mr. TURPIE] should have the floor upon it.

Mr. HOAR. I desire to make a parliamentary inquiry of the Chair. I rose to speak upon the question of the reference of the bill as I understood it. I rose as soon as the question was proposed. Is not that question debatable?

The VICE-PRESIDENT. The Chair thinks it is a debatable question. The Chair has not examined the rule, but it is the impression of the Chair that it is debatable, and the Chair for that purpose recognized the Senator from Massachusetts.

Mr. CALL. I understand that the bill has been referred.

The VICE-PRESIDENT. The bill was introduced. It has not yet been referred. The bill will now be referred to the Committee on Finance.

MISSOURI RIVER IMPROVEMENT.

Mr. ALLEN. I introduce a joint resolution calling for an estimate to be made by the War Department for the repairing of the Missouri River bank on the west or Nebraska side opposite Sioux City, Iowa. I desire to make just a word of explanation before introducing the joint resolution. The bank at that point has caved in and destroyed much valuable property, and it needs repairing. I am informed that the proper information can not be obtained by the War Department without the passage of the joint resolution, and I ask unanimous consent that it may be put upon its passage.

The joint resolution (S. R. 123) directing the Secretary of War to submit a plan and estimate for the improvement of the Nebraska side of the Missouri River, opposite Sioux City, Iowa, was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby directed to cause to be prepared and submit a plan and estimate for the improvement of the Nebraska side of the Missouri River, opposite Sioux City, Iowa, in accordance with the report of Capt. H. F. Hodges, Corps of Engineers, dated November 16, 1894, and printed in House Executive Document No. 48, Fifty-third Congress, third session.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PRITCHARD submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Education and Labor, and ordered to be printed.

Mr. WALTHALL submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. BACON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HILL submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BAKER submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

was read twice by its title, and referred to the Committee on Education and Labor.

to pay interest on their deposits and to vie with each other in getting large deposits and in raising a little the rate of interest paid

a debatable question.

ferred to the Committee on Commerce, and ordered to be printed.

STATE CLAIMS.

Mr. TURPIE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and hereby is, requested to report to the Senate what States, under the act of Congress of July 27, 1861, entitled "An act to indemnify the States for expenses incurred by them in defense of the United States," and the joint resolution of March 8, 1862, explanatory thereof, have filed claims in the Treasury Department for interest, discount, and exchange paid by said States upon moneys raised by said States for and expended in raising, equipping, and putting into the field troops in defense of the Union; what are the amounts of such claims; what action has been had thereon by the said Department, and the grounds for such action and the date thereof.

HEIRS OF GOTTLIEB C. GRAMMER.

Mr. CHANDLER submitted the following resolution; which was referred to the Committee on Claims:

Resolved by the Senate of the United States, That the claim of the heirs of Gottlieb C. Grammer, late of the District of Columbia, deceased, be, and the same is hereby, referred to the Court of Claims to find and report the facts in the case as provided in the act of March 3, 1883, known as the Bowman Act, as the same is amended by section 14 of "An act to provide for bringing suits against the Government of the United States," approved March 3, 1887.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 5363) authorizing the construction of a fog signal on the north pier of the entrance to Menominee Harbor.

The message also announced that the House insisted upon its amendment to the bill (S. 1247) to establish and provide for the maintenance of a free public library and reading room in the District of Columbia, agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. POWERS, Mr. MILNES, and Mr. BABCOCK managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 136) granting an increase of pension to Horace Townsend;

A bill (S. 344) granting a pension to Mary A. Hall;

A bill (S. 345) granting a pension to Catherine R. Jardine, widow of Brig. Gen. Edward Jardine;

A bill (S. 507) to pension Mollie Crandall;

A bill (S. 640) to increase the pension of Joseph W. Fisher;

A bill (S. 894) granting a pension to Nancy G. Allabach;

A bill (S. 1271) granting a pension to Elizabeth Moore English;

A bill (S. 2132) for the relief of settlers upon lands within the indemnity limits of the grant to the New Orleans Pacific Railway Company; and

A joint resolution (S. R. 116) authorizing the Public Printer to print the Annual Report of the Superintendent of the United States Coast and Geodetic Survey in quarto form, and to bind it in one volume.

CHATTAHOOCHEE RIVER BRIDGE.

Mr. CALL. I ask that the joint resolution relative to Cuba be taken up, that the Senator from Indiana [Mr. TURPIE] may address the Senate.

Mr. PUGH. I ask the Senator from Indiana to yield to me a few minutes that I may call up the bill (H. R. 6996) to authorize the construction of a wagon and foot bridge across the Chattahoochee River at or near the city of Columbia, Ala.

Mr. TURPIE. Will it lead to any debate?

Mr. PUGH. No debate.

Mr. TURPIE. Very well.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 4, after the word "Alabama," to strike out "its successors or assigns"; so as to read:

That the city of Columbia, a municipal corporation under the laws of Alabama, be, and is hereby, authorized to construct, maintain, and operate a bridge for the passage of vehicles of all kinds, animals, and foot passengers across the Chattahoochee River at or near the city of Columbia, so as to connect with Georgia on the opposite shore.

The amendment was agreed to.

The next amendment was, in section 1, line 11, after the word "spans," to strike out "and" and insert "*Provided also*, That if said bridge shall be built with unbroken and continuous spans"; so as to read:

Provided, That any bridge built under the provisions of this act may be built as a draw bridge, or with unbroken and continuous spans: *Provided also*, That if said bridge shall be built with unbroken and continuous spans it shall give a clear headroom of not less than 55 feet above high-water mark, as the same shall be fixed and determined by the Secretary of War.

The amendment was agreed to.

The next amendment was, in section 1, line 20, after the word "further," to insert:

That if the Secretary of War shall decide that navigation will not be injured thereby the draw may be built with one span of 100 feet clear width of opening over the main navigable channel.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GETTYSBURG NATIONAL PARK.

Mr. HAWLEY. I beg leave to call up the bill (S. 2490) to amend an act entitled "An act to establish a national park at Gettysburg, Pa.," approved on the 11th day of February, 1895. It is a matter of current business relating to the Gettysburg Park, and it is needed. It will take no time, and there will be no objection, I think.

Mr. CALL. I will remind the Senator from Connecticut that by unanimous consent the Cuban resolution is to be taken up, and the Senator from Indiana proposes to address the Senate upon it.

Mr. HAWLEY. I beg pardon. I wish the Senator from Indiana would yield for this matter of business. It will take but a moment.

Mr. TURPIE. The Senator from Indiana will ask the Senator from Connecticut how long the bill will take, and whether it will lead to any debate.

Mr. HAWLEY. The bill I speak of will take about three minutes.

Mr. TURPIE. I yield for that purpose.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment to strike out all from the enacting clause down to line 20, in the following words:

That section 4 of the act entitled "An act to establish a national park at Gettysburg, Pa.," approved on the 11th day of February, 1895, is hereby amended so as to read as follows:

"SEC. 4. That the Secretary of War is hereby authorized and directed to acquire, at such times and in such manner as he may deem best calculated to serve the public interest, such lands in the vicinity of Gettysburg, Pa., not exceeding in area the parcels shown on the map prepared by Maj. Gen. Daniel E. Sickles, United States Army, and now on file in the office of the Secretary of War, which were occupied by the infantry, cavalry, and artillery on the 1st, 2d, and 3d days of July, 1863; and such other adjacent lands as he may deem necessary to preserve the important topographical features of the battlefield, and in his discretion to improve and maintain the public roads within the limits of said park, jurisdiction over which—

And to insert:

That the Secretary of War is hereby authorized in his discretion to improve and maintain the public roads within the limits of the national park at Gettysburg, Pa., over which jurisdiction—

So as to make the bill read:

That the Secretary of War is hereby authorized in his discretion to improve and maintain the public roads within the limits of the national park at Gettysburg, Pa., over which jurisdiction has been or may hereafter be ceded to the United States: *Provided*, That nothing contained in this act shall be deemed and held to prejudice the rights acquired by any State or by any military organization to the ground on which its monuments or markers are placed nor the right of way to the same.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Secretary of War to improve and maintain the public roads within the limits of the national park at Gettysburg, Pa."

CLIFTON R. ANDERSON.

Mr. LINDSAY. I ask the Senator from Indiana to yield to me that I may call for the consideration of House bill 6425.

Mr. TURPIE. Will it lead to debate?

Mr. LINDSAY. I think not. If it does I will withdraw it.

Mr. TURPIE. I will yield to the Senator from Kentucky; but I give notice that this is the last consent I shall give. I think it is necessary in order to observe the understanding that I should proceed.

Mr. LINDSAY. I ask unanimous consent for the present consideration of the bill (H. R. 6425) for the relief of Clifton R. Anderson.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Clifton R. Anderson, of Danville, Ky., $46.09, the amount he was required to pay to the United States Government, burglars having, without any fault or negligence of his, broken into his office while he was a stamp deputy in the United States Revenue Service and carried away that amount, which belonged to the United States Government.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WAR IN CUBA.

Mr. CALL. I ask the Senate to take up the joint resolution relative to Cuba which lies on the table.

The VICE-PRESIDENT. The Chair lays before the Senate the joint resolution (S. R. 119) relative to the putting to death of prisoners of war in Cuba, and providing for intervention by the United States, if necessary, on which the Senator from Indiana [Mr. TURPIE] is entitled to the floor.

Mr. CALL. By the leave of the Senate, I present two communications, which I send to the desk, and which I ask may be read.

The VICE-PRESIDENT. The Secretary will read as requested, in the absence of objection.

The Secretary proceeded to read the communications, but before concluding was interrupted by

Mr. HILL. Mr. President, I ask unanimous consent that the communications sent to the desk by the Senator from Florida may be printed in the RECORD without further reading, and that the Senator from Indiana [Mr. TURPIE] may be permitted to proceed with his speech.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and that order will be made.

The papers are as follows:

From La Atalaya, a Spanish paper published in Santander, dated February 5, 1896, we translate the following lines of its editorial that give a just measure of Spanish ideas and what they understand by civilized warfare:

"Extermination!—this is the only solution of the Cuban war.

"Let our romantic neighbors, the American people, pity whom they may in their hypocritical defense of the rebels. It matters not what all America will say, the time has arrived for us to be cruel, inexorable, bloodthirsty, if necessary. And no matter what may come of it, public opinion, nay, the entire nation, demands that the insurrection be quenched in lakes of blood. Not one against whom the slightest suspicion is entertained should be spared. Nothing should deter us. That Cuban soil belongs to us, and if peace in future must rest on mountains of corpses, let us in haste lay the bloody foundation!"

Yours, respectfully, ——— ———.

By American citizen and merchant of Habana at Key West. ——— ———.

To the honorable Senator, Mr. CALL:

HONORABLE SIR: The Spanish authorities are striving to make the United States believe that in the war which they wage against those who aspire to the independence of our country they never have used means condemned by civilized nations; and this is completely false. Many are the crimes which have been committed and are daily committed by the said authorities, its myrmidons, and the Spanish troops, and in order that you shall be acquainted with some of them, and in order that you shall make use of them when you shall deem it proper, I send you the following facts:

The Spanish colonel, Luis Molina, defeated by the Cuban brigadier, Lacret, near the Hanabana River, to obtain his revenge shot, in the farm Cayo Espino, 37 innocent persons, among them some Chinamen, and two women and three girls were wounded. The brother of one of the victims denounced the crime to Gen. Martinez Campos; some newspapers gave it to the public; but instead of punishing the said chief, he was rewarded with a cross for having assassinated innocent and defenseless beings.

The same Colonel Molina had a colored employee of Enrique de Armas, a resident of the Santa Elena plantation, situated in Pedroso, province of Matanzas, serve him as guide for his column to a Cuban hospital which was in the farm Manjuari. When the Spaniards arrived at this place they assassinated the 14 wounded, and they did the same thing with the negro because he had not gone spontaneously to denounce the existence of the hospital to the Spanish authorities. This occurrence has been publicly related by a soldier of the column, who boasted of the feat.

The Spanish colonel, Ricardo Vicuña, when his column passed by the cattle ranch La Montana, property of Felipe Gastañaga and Calixto Olano, in Guira de Macuriges, province of Matanzas, exchanged shots with some revolutionists who were in ambush, and afterwards continued his march to the buildings of the said ranch, and on arriving did not find any of the inmates there. Toward evening the person in charge, with his wife and children, came; and on being asked by Vicuña why they had left the houses, he answered that he had gone to the woods with his family to save himself from the bullets which crossed them very near during the skirmish with the insurgents. This was sufficient cause to take away the man, tied, without paying attention to the entreaties of his wife and children, and at a short distance, in the road of Vista Alegre, he shot him and two other men who had families, and as innocent as this one. The unfortunate widow had to suffer her misery in silence, for she has been threatened with death, as well as her children, if she takes any steps to throw light on this occurrence.

The said Vicuña shoots all peaceful country people that he meets; he sets fire to the houses, and without any scruple communicates to his superiors that he has had a battle, causing deaths to the enemy, which deaths are none other than the said murders. Some few days ago in an excursion in Corral Falso, province of Matanzas, he shot 13 defenseless farmers so as not to be obliged to pay for the cattle which he had taken for his troops.

The Spanish lieutenant, Luciano Cossio, who has been many times accused of stealing cattle before the Spanish judges of Matanzas, arrived with his soldiers at the sugar plantation Carmen de Hernandez, situated in the district of Sabanilla, province of Matanzas, and there shot 11 farm hands of the plantation whom he found at work, afterwards ordering an employee of the said plantation to bury the victims.

A Cuban column occupied the town of Sabanilla, province of Matanzas. When it left some Spanish soldiers came out of their hiding places and assassinated 32 persons, among them 17 women, for the mere fact of being Cubans.

On the 24th of this month of February some Spanish guerrillas were bringing a colored man to Matanzas, because he would not give a sum of money demanded. While passing the River San Juan he was thrown, securely bound, into the river, and he was afterwards reported as having committed suicide. All this and much more is being done by order of the Spanish governors, and especially of General Weyler, a most cruel and sanguinary man, who, during the last war, not only did he kill prisoners, but a multitude of old people, women, and children. To make believe that his conduct has changed he takes care that no prisoners are shot in the cities; instead he has them shot in the country. Those who submit themselves to a court-martial are not sentenced to death, but in return he gives secret orders to his columns of operations to kill all the pacific or noncombatant Cuban farmers found in the country. The prisoners are put to death very quietly and then announced as cases of suicide, or else they explain the death of the prisoners with evasive answers, and in other cases they say the prisoners have been put at liberty, and they do not know where the prisoners have gone. With this I send a copy of the Correo de Matanzas, an official newspaper, giving the official news of the supposed suicides of political prisoners in the city of Santa Clara. In said newspaper is also inserted or published official dispatches of a battle in which Lieutenant Cossio says that numerous insurgents were killed, but everyone here knows that to prove his story he had to kill every peaceful citizen found on his way.

The houses of the American citizen Don Francisco Garcia Valenti were burned by order of said Lieutenant Cossio, in order to punish Mr. Garcia because the Cuban patriots had stopped there, as if Mr. Garcia could possibly have impeded their stay at his houses, a thing which the Spanish columns themselves can not do. Lieutenant Cossio also fired the cane fields of the plantations Ojo de Agua and San Ignacio in order to surround the insurgent forces which were marching quietly to their camp or destination, and in the official dispatches, without any scruples, said Lieutenant Cossio imputed to the insurgents the firing of the sugar fields and houses.

It is also assured that General Prats has shot many peaceful farmers in the Valley of Guamacato, destroying afterwards their crops and houses.

If secret and direct orders are given to the American consul in Matanzas so that he may privately and secretly investigate the truthfulness of what I have said, the American Government could acquire confirmation of all I say in this letter.

Sir, the most evident proof that General Weyler has been sent to this island to exterminate the Cuban people, killing not only the prisoners of war but also the peaceful inhabitants who remain in their houses, whether in towns or the country—the proof is to be found in the papers I send, a thoroughly Spanish paper, published in Madrid, and entitled La Lectura Dominical, of January 26, so that you will be informed of what it says in its "Cronica semanal" (weekly record); and as this is written by a Spanish resident in Madrid, nobody can accuse it of partiality.

The Cubans hope that you will come out victorious in the noble, honest, and humanitarian campaign that you are carrying on, for your glory and that of the great nation of which you are a son and worthy representative, and for the welfare of so many beings who are already grateful to you and who will know how to perpetuate your memory generation after generation.

It is a gentleman who writes to you, and on his honor and on the sacred Scriptures swear that all this is absolutely true.

May God grant you health and good fortune.

Mr. TURPIE. Mr. President, the joint resolution introduced by the honorable Senator from Florida [Mr. CALL] is the first parliamentary movement addressed to the action of both Houses of Congress in relation to a subject of increasing importance and interest. I have no doubt that it represents the opinion of a very large section of people in the quarter of the Union in which the honorable and learned Senator from Florida resides, an opinion much to be heeded in the consideration of this question, because the people of Florida are nearest the seat of war, they are nearest the fire, and they are entitled to hold and express their own views as to how the conflagration may be best extinguished or in what methods the danger and injury to the vicinity and neighborhood threatened may be prevented.

I think also that this resolution is full of meaning; it comprises a plenary significance when taken in connection with the very remarkable vicissitudes, the phenomenal changes of front and base, which have befallen the honorable chairman of the Committee on Foreign Relations [Mr. SHERMAN] and the learned and honorable junior Senator from Massachusetts [Mr. LODGE] in their joint conduct of the Cuban campaign up to this date.

The principal operative section of this joint resolution is one of interposition. There is a precedent for this policy in the action of the last Administration. One of the main sections of the joint resolution proposes that a detachment of the United States Navy shall be sent down to Cuban waters for the purpose of protecting neutrals and neutral rights during the prosecution of the civil war there, now so unhappily existing. It will be recollected that during the prosecution of the war in Chile between Balmaceda and the opposing party there was a detachment of the Pacific Squadron sent to that coast; that it lay off and on; two vessels went to the capital of Chile, anchored in the harbor, and lay there for months in the very sight and seat of active hostilities. They did not fire a gun, but their presence afforded a very necessary protection not only to our own citizens but to all the neutrals who were there engaged in business who had not a military or naval representation at the theater of war. In the same way here, I see nothing improper in the suggestion to the Executive that an armed vessel should be sent, perhaps more than one, into Cuban waters, into the harbor of Habana, upon the same errand and for the same purpose.

This resolution of the honorable and learned Senator from Florida was introduced before the report of the late committee of conference. This resolution is a growth; it is the effect, therefore, of the anxiety and unrest in the country which has been produced by the condition of helpless inertia or delay, of inaction, of altogether irrational obstruction existing in the chairman of the Committee on Foreign Relations ever since he took refuge in the crypt of the joint committee of conference upon this question, from which he barely escaped the day before yesterday as if by fire, after much importunity and after very labored supplication to be rid of his former action. This condition was superinduced by the levity of assent of the right honorable chairman and his willingness to listen to the jingo jargon of that class of extremists so ably represented here by the gifted junior Senator from Massachusetts, a Senator singularly gifted with the power to clothe an interesting and exciting subject with all the dullness of time-worn commonplace and stilted platitude.

It was by reason of this inaction and the impatience bred by it that resolutions similar to this are now being presented and will be presented for our careful consideration. Had there been unanimity, had there been anything like promptness and celerity, had there been a real effort made to report the original resolutions of the Senate, had there not been an unconditional surrender in the first place to the demands of their opponents, this resolution and many others would have rested in the breast of the people who had prompted it, and the country would have been satisfied with a direct, complete, and immediate legislative expression of Congress upon this subject. I trace directly to this inaction and to this obstruction—for that is what it substantially amounts to—I trace to this inaction and obstruction such further consideration as may be given to the Cuban question during the present session.

It is impossible to conceive of a more wholly unlegislative proceeding, of a more abnormal proceeding, than the action taken by the chairman of the Committee on Foreign Relations with reference to the Cuban question. Firstly, the honorable chairman came in with the original Senate resolutions; secondly, the honorable chairman came here abandoning those resolutions and proposing the resolutions of the House, especially the third article, concerning intervention; thirdly—and I wish I could say lastly, but there is no telling what will be lastly in this category—thirdly, the honorable chairman of the Committee on Foreign Relations abandoned the third article, abandoned the House resolutions, and returned again to the original overtures made in this body. I think there could not have been a more unfortunate disposition in respect to the advocacy of this measure than befell it when it suffered from the inaction and the reaction alike of the honorable chairman.

One very notable thing in the joint resolution introduced by the honorable and learned Senator from Florida is the boldness, the frankness, the freedom of expression which characterizes it. It contains a plain statement of this suggested policy to the Executive. It does not contain a double entendre like the favored resolution of the chairman of the Committee on Foreign Relations. It contains nothing lying in ambush and concealment. It is not proposed by the honorable Senator from Florida to aid the Cuban cause by any sort of equivocation or prevarication. There is a plain statement here of the necessity of interposition. It is a measure of interposition such as we took in the case of Chile, such as is advised here now—not intervention. Interposition is an interfering act by a third party in favor of neutrals and in favor of the rights, property, and interests of neutrals, such as has already been mentioned in this discussion. Intervention is an interfering act by a third party in the principal quarrel upon one side or the other.

The most remarkable omission in the third resolution of the report of the committee of conference, on which the Senate and the country were delayed day after day, is that, although it italicises intervention in two most important places in that third resolution, it does not say upon which side we shall intervene. I have the text of it. It is not said in that resolution upon which side we shall intervene. The causes and the reasons why we should intervene are given in the resolution. They are the needs of commerce; they are the wants of trade; they are the legitimate property interests; they are the same reasons which a peddler would give for depositing his pack in a place of safety. The reasons are plain enough; but it is not stated in the text of the resolution whether the honorable chairman desired to interfere for the purpose of reestablishing Spanish authority in Cuba, or whether he desired to intervene for the purpose of aiding the free Republic of Cuba. For my part, when the time comes for intervention, I am in favor of intervening on the side of Cuban freedom and independence for the sake of freedom and independence, and for no other reason or cause.

Mr. President, since last February the civil war in Cuba has been in the twelfth year of its duration. The long continuance of hostilities is itself a fact, a controlling fact, in determining the question of belligerency, because although it was said the other day by the honorable Senator from Massachusetts who sits nearest to me [Mr. HOAR] that no amount of fighting would alone justify the declaration of a condition of belligerency, and although that must be conceded by the well-settled principles of international law, yet when the armed contest has lasted year after year the presumption arises with great force, and is almost inevitable, that beside and behind those fighting there is a people, a political and social organism, that comprises resources and territory, competent to take upon themselves the discharge of the functions and duties of a new nationality. And when the duration of the war is considered in reference to other circumstances which I shall notice in the sequel, it becomes an established certainty that the condition of belligerency exists at this time in Cuba.

I recollect very well hearing the honorable chairman of the Committee on Foreign Relations asked as to what amount of fighting, if any mere fighting, would authorize the declaration of a condition of belligerency. The honorable chairman of the Committee on Foreign Relations made no reply—none whatever. He did not even consider that learned inquiry submitted by the distinguished Senator from New York [Mr. HILL] upon the third article, or the very earnest questions of other Senators in this Chamber with respect to a condition of belligerency.

I have heard the twenty or thirty addresses made in this Chamber by the junior Senator from Massachusetts. I have heard the somewhat less number of remarks made by the learned chairman of the Committee on Foreign Relations. I have heard all those remarks with fixed attention, with unfaltering earnestness, with full sympathy, until he fled into the cave of Adullam; and yet I have never heard a word from the Senator with respect to the reasons why a condition of belligerency now exists, or why we ought to recognize it, or why even an expression of opinion is competent upon that subject. All that may be summarized from the addresses of the junior Senator from Massachusetts—and I use the word with some particularity because I think the word "remarks" is too colloquial an expression to be used as applying to anything emanating from such a high source—all that may be summarized from the numerous addresses of the junior Senator from Massachusetts and from the remarks of the senior Senator from Ohio is that there is war in Cuba, and great is the Cuban question. There is a way, to all appearances, of lessening even the greatest question by the method of its handling, the method of its presentation. Sometimes a wholly unimportant and indifferent figure will thrust itself into the foreground of a great scene, a great drama. You go there to take a look; nothing is visible; there is nothing to be seen except the ever-shifting and shadowy silhouette of the irrepressible marplot. Again, sir, the eye may become suddenly suffused, covered as with a cataract, afflicted with a total loss of vision. After a brief examination you discover the whole trouble arises from an insect on the eyelash. [Laughter.]

I spoke deliberately with respect to the Cuban war being in its twelfth year. This is now the second period of the civil war. It is like the Silesian war waged by the great Frederick. Between the first and second periods of the Silesian war there was an interval of peace for several years, just as in this case. The Silesian war was one between the same parties, upon the same question, having for its purpose the same object, the retention by the House of Austria, on the one hand, and the acquisition by Prussia, on the other, of the provinces of Upper and Lower Silesia. So here, sir, the present Cuban revolution first became flagrant in 1868. The first period of the war lasted ten years, until 1878. It was then concluded by what is called the treaty of pacification. Ten years were allowed by the terms of that treaty to carry into effect the reforms demanded by the Cuban people. They waited seven years after the expiry of the ten years, and war, last February a year, broke out again; the same war, between the same parties, having for its object the same purpose—on the one hand the reestablishment of Spanish authority in the island, and on the other the creation of a new republic, that form of government to which the Cuban people give and have given not only their assent, but their lives, their fortunes, and their sacred honor in its support.

But, sir, it will be recollected that at the close of the first period of the war there was not a suppression of the rebellion, as we call it in this country, not by any means. There was no transaction like that which occurred at Yorktown, when the military forces of the old government surrendered to those of the new; there was no transaction like that which occurred at Appomattox, when the military forces of the revolution surrendered to those of the old government. There was first a truce, and then a cessation of hostilities in virtue of a compact between the leaders of the Cuban revolution—between the officers of the Cuban Republic—and those representing the Spanish Crown. Even then, in 1878, these parties, the officers of the Spanish Crown and the officers of the Cuban Republic, met on equal grounds for the conclusion of that treaty. Both acknowledged each other as belligerents even then; both met as independent parties and as independent nationalities, and entered into a condition of compact upon compliance with which Cuba should remain subject to the Spanish Government; upon violation of which the revolution was again renewed.

That compact, that treaty of pacification, had five principal stipulations: First, the emancipation of slavery in the island. That has been accomplished. Second, a universal amnesty, an amnesty granted by both sides for all offenses during the war; not an amnesty granted only by the Spanish Government to such as had borne arms or given aid and comfort to its enemies, but an amnesty granted also by the free Republic of Cuba, at that time in arms, pardoning all those who had borne arms against the Republic or had given their enemies aid and comfort. A dual amnesty is contained in the terms of this treaty of pacification.

There were three other principal stipulations. One was that there should be an autonomous legislature chosen by the people of Cuba for the conduct of the civil affairs and government of that island. Another was that the taxation, all taxes levied in Cuba, should be levied by virtue of its own legislature, and all expenditures made in Cuba should be made by virtue of the same legislative action.

The third was that of official equality; that is, Cubans should have the same right and privilege as Spaniards of holding all the offices of trust, profit, or emolument within the island. These were the three principal stipulations made on behalf of the revolutionists at that time, on which conditions the peace was made and the signatory parties thereto put their hands and seals.

It is now claimed by the revolutionists that these stipulations have been violated, wholly broken by Spain. I believe the claim to be just and well founded. I heard the honorable Senator from Connecticut [Mr. PLATT] the other day asking in his very thoughtful way whether, in the first place, it was a fact that these stipulations in the treaty existed; asking next whether it was a fact that the Spanish Government had violated these stipulations. The answer to that is that both these things are facts. When men take the field, with arms in their hands, asserting a claim, maintaining its truth and justice, you can not reply to them with words. There is only one way to deny the truth, to deny the justice, of what is claimed. That, sir, is the wager of battle. I myself never saw the slightest constitutional justification for what was called the right of secession; I never could perceive the slightest justification or apology for what was called the exercise of that right; but when thousands of men with arms in their hands asserted that it was a right and that the time had come for its exercise, there was but one way to meet that assertion—the arbitrament of the sword, a jurisdiction in which there is no change of venue. The same state of facts, the same state of claims, exists in the Island of Cuba to-day.

Now, sir, with respect to the geographical division of the island, occasioned by the revolutionary movement, it is the same to-day, on the 8th of April, 1896, as it was in 1878, as it was in 1868, when the revolution first became flagrant. The island is 700 miles in length. Two-thirds of the island, about 450 miles, are within the territorial limits of the revolutionists. Next to that there is about a half of the remaining third, very fertile, held for the most part in large plantations, which has been the debatable land, where most of the battles and skirmishes have occurred. The remaining portion in the eastern part of the island is a rim, so to speak, around cities—Habana—and others in that part of the island of perhaps 15 or 20 miles, which is actually within the military encampments of the Spanish power, and therefore subject to their authority.

What, therefore, is the condition of that portion of Cuba—two-thirds of the island within the territorial lines of the republic? That was a question asked by Senators here in the debate; it was asked of the honorable chairman of the Committee on Foreign Relations. The honorable chairman never devoted one moment to the consideration of it. He seemed to be as afraid to come up to this part of the territory held by the Cuban revolutionists as General Weyler would be himself. [Laughter.] He never even looked over the fence at the field. I propose, sir, to go into this territory and, as far as our means of intelligence can be used, to take an impartial and fair survey of its condition—its condition now and its condition as compared with that heretofore.

We have meager means of intelligence. The data to which I shall refer are only those which may come to us—we have no other—through the means of our own correspondent, our special correspondent, our staff correspondent, messages, letters, and other documents of that nature; and yet I think they show sufficient details to give us a true idea of the condition of the country within the revolutionary lines. We must depend upon those minute men of the press, those sentinels always on the skirmish line of intelligence, having no interest in this case at least—so far as concerns their use of data—having no interest except to state the truth, the whole truth, and nothing but the truth.

The data to which I shall refer are not related to battles, to seiges, to escapes. They are data of such every-day, familiar, and homely character that they have even escaped the Spanish sieve of espionage upon the telegraph and post-office. They are therefore to be taken with more probative force against the Spanish case. They are confessions by the Spanish authority that this condition exists and that it justifies not only the opinion but the declaration of belligerency in this instance.

Now, sir, I noticed several instances—I will use the word "several" here—in the beginning of the war, in the first few months of the war, military incursions into the territory of the rebels, as they are called. I noticed that in several of those cases they captured the prefecto, the alcalde, the rebel minor officer of justice, as they call him. I noticed one instance in which they captured the justice of the peace, as I am going to call him. He is a Cuban officer resembling that officer in jurisdiction. They captured the justice, the witnesses, the parties, the whole court, and took them before a Spanish court-martial; we have not heard of any habeas corpus in that instance. I do not know what their future fortunes were.

Again, I noticed one instance of a raid of that kind where they captured a public building. It was not at all a provincial capital, or a capital of the island or anything adjoining it. It was a building like one of our county court-houses. They captured a public building. They killed some of the officials occupying it and they drove the rest away. They took the books and papers and searched them. The Spanish officer reserved those which he thought would be useful to his Government. The other books and papers of the public building were carried out into the street and burned. That was a building having reference to the administration of justice within the rebel lines, as they are called—having reference to the local administration of justice in that territory. I must conceive, everyone must conceive, simply from reading those accounts that within that territory there is a regular administration of local justice.

I think, sir, that the condition of the territory is very much like that of the colonies during our own Revolutionary war. The local courts, the orphans' court, the courts of ordinary civil and criminal jurisdiction, unless absolutely interrupted by incursions of the enemy, were all in full operation during that war. There are even some records of them. But the higher courts were not held. Why? Because the judges were uniformly Tories. They were appointees of the Crown. Many of them were not safe within their own jurisdiction or circuit. They therefore fled from the places where their courts were held into the cities or British garrisons; and one of the best books written concerning the internal condition of the colonies during that time was written by a colonial judge who in some way made his escape to London and stayed there as a pensioner of the Crown for the whole of his natural life, and never returned to his jurisdiction in the United States, to the country of his birth; for he was a native American—born here, reared here, professionally educated here. Yet he found it impossible during the war, being a judge of an appellate superior court, to get records, to have parties before him, or to hold his jurisdiction, on account of the sympathy which he had with the royal cause, and for the reason that the royal cause did not have force enough to give effect to his decrees and judgments.

That is the precise condition of affairs within the limits of the Cuban Republic. I therefore take it for granted, not because it is so stated, but by reason of the data to which I have called attention, that the passage of the proclamation of President Cisneros, the President of the Cuban Republic, dated at Cubitas, February 1, 1896, which reads as follows—

> The Cuban republican government of the island is a firmly established institution. Covering considerably over one-half of the area is the civil branch of our authority, with regularly appointed governors of different sections and prefectos in the subdivisions—

is true in substance and matter of fact.

I go on now to consider some other data. I kept a tally of one sort of Spanish military incursions which occurred in the early months of the war, and even now occur, but not so often—those military raids which had for their object the looting of the country stores, the country store that always has been a favorite object of that kind of attack. I have even some personal knowledge of it, for it will be recollected, sir, that we had what I have sometimes called the Anabasis of Morgan into Indiana. It was a very frequent incident for them to make those attacks. I kept a tally of those until they amounted to 20 separate instances of raids upon country stores within the Cuban revolutionary area. In one of the instances it was related that the keeper of the store was shot down in his door for no cause except refusing to answer questions of the Spanish officer. In several, in too many of those military raids, it was noted that the women and children of the village had been removed to a place of safety, very valuable data, indicating, in the first place, that there are places of safety which the Spanish army can not or dare not attack; and, in the next place, that peculiar mode of warfare which in the absence of battles, in the absence of siege, in the absence of resistance, yet threatens danger to women and children. I have read of many of those raids, sir, made during the late civil war in our country. I never knew or heard of an instance upon either side where the life of a child or the life or honor of a woman was endangered in such a raid.

The raids of the Spanish military have had sometimes the looting of the country stores for an object, and sometimes they take them by way of an incident, being in the line of march or in return. But whatever their objects may have been and no matter in what degree they were accomplished, I am not standing upon the highly colored statement—if some Senators may wish to call it such—that the storekeeper was shot down in his own door. It is wholly immaterial in considering the question of belligerency whether there were women and children who were removed to a place of safety. It may seem inhuman to say so, but what the dispatches do show is that the country store is an institution within the lines of the Republic of Cuba; that these institutions are well known and numerous. If I were called upon to-day to name the type of superior civilization, not a superior type of civilization, but to name the type of superior civilization most universal, I should designate the country store. You will find them, sir, in sight of this Capitol, in Maryland, in Virginia; you will find them in Ohio, in Indiana, in the transmississippi States, in New Mexico, in old Mexico, in the West India Islands, in old Spain. All over, wherever civilization obtains, you will find this same type, consisting of the

same details. And what does its existence indicate? There are two well-known characters who frequent the country store. They are constant and perpetual customers of the country store—the debtor and creditor. They can not live in a country without law. They can not breathe in a territory without law any more than a school of shad could live in a stubble field. The fact is convincing; it is beyond doubt.

One of the theories offered is that the eastern end of the Island of Cuba, that which is the territorial situs of the Republican Government, is a mere wilderness, full of dens, caves, holes in the earth, where wretched banditti robbers take refuge and sally out on the Spanish soldiery when favorable opportunity occurs. The existence of the country store means that there are no thieves, or that the thieves have been overawed or punished. The existence of the country store means that there are no burglars, no robbers, or that they have been overawed or punished. I know it may be said "it is impossible that the country stores should carry on much business in such a warlike condition as Cuba is now in. It is impossible that debtor and creditor should have any attention paid to them. The man must sell for cash if he sells at all. Certainly he could not trust anyone; or he is perhaps a man who keeps a stock of merchandise and exchanges it only for country produce." But how does that help the other side of the case? What man would sell his goods for cash, and keep cash where the law of the country was theft; where the government of the country was larceny; where the civil administration of the country was overrun by armed marauders? What man would keep a stock of goods for exchange under like circumstances? No, sir; the instance is crucial. There must be within the territorial lines of the Republic of Cuba an organization of law, of order, a civilization defined to be the art of living together in peaceable society under regular political rule.

There are other data to which I wish to call the attention of the Senate. In some of the Spanish military incursions into the territory of the Republic there were certain priests taken prisoners, and in some of the battles there were certain priests taken prisoners, priests who were accompanying what they call the rebel regiments, the rebel bands, as chaplains, to administer to the sick, to care for the wounded, and to soothe the dying. Those chaplains were not dealt with like the alcalde. They were not looted like the country store. It will be seen in all the accounts that they were very highly favored captives. They were put under strict military surveillance, but they were not imprisoned; they were not bound; they were not shackled. They were respected just for what they were—priests. They belonged to a kingdom not of this world, but very closely related to this world. They were subjects of a power before which the power of the Spanish monarchy quailed in meek subjection.

I noticed about four weeks ago—I have no doubt other Senators noticed the same thing—that the present captain-general of Cuba made a pause in his campaign, not so long as the chairman of the Committee on Foreign Relations made in his [laughter], but he made a pause in that campaign carried on under all the rules and regulations of an Apache or a Comanche chief, in that campaign of the Mafia and the thug; in that campaign, an imitation of the Duke of Alva, forever infamous in the Netherlands, to be followed by the same result. The Netherlands were lost to Spain. Cuba will be lost to Spain. I retract the "will be." Cuba *is* lost to Spain, irrecoverably lost. There is no more chance on the present face of things for the reestablishment of the authority of the Spanish Government in the Island of Cuba than there is for the reestablishment of French dominion in San Domingo; and the parallel is a very close one geographically; still closer in various instances which I shall give in the sequel.

But the captain-general made the pause about four weeks ago, long enough to indite a special proclamation to the priests resident within the rebel lines—they were a numerous body, numerous enough to be made the subject of a special proclamation—offering to those clerics a full amnesty for all offenses, for all the aid and comfort they had given to the Republic of Cuba, to the revolutionists, and they were not required to report at Habana, not even at a provincial capital. They were required to report only to the nearest Spanish post, to take the oath of allegiance to the Crown of Spain, and to give their parole, their verbal parole, that they would not return to their people within the rebel lines. That is the substance of the proclamation.

I wish to state now as throwing great light upon the condition of the territory within the lines of the republic that not a single priest has taken advantage of this proclamation. But although these priests, sir, are not amenable either to the military or civil authority of Spain, they are amenable to their own superiors, the metropolitan of Habana or whoever may be in the chief ecclesiastical jurisdiction of the island; and if those priests were attending upon mere bands of robbers, murderers, and marauders; if they were pretending only to be chaplains and really were not such; if they were waiting simply as servants upon bands engaged in arson, in murder, in robbery, not regularly enlisted in public military service, it would not have been twenty-four hours after their capture till they would have been unfrocked and delivered over as laymen to the tender mercies of a Spanish court-martial.

There is still an important deduction to be drawn from these data. Wherever there is a priest there is a parish; wherever there is a parish there are people, men, women, and children; wherever there are people there is a church, in which mass is heard, in which offerings are given, in which all the rites and ceremonies of that faith to which Cubans of all parties have been so long steadfast are duly observed. It is abundant proof of the condition of this territory to know that there are priests there, members of this sacred and powerful hierarchy, who in their civil character are now to be considered as citizens of the revolutionary republic of Cuba and as the enemies of Spain. Why was amnesty offered to them? Because they had offended the Spanish Government. Why have they not accepted it? Because they owe and maintain their allegiance to the government of the Republic of Cuba.

I have gone, sir, still further into the question of condition. I have examined Cuban statistics. I find that in 1880, two years after the close of the first period of the Cuban war, exports from Cuba had slightly decreased. In imports there was a very large decrease, showing that the people had become impoverished by the long continuance of the war. Population, strange to say, was the same as reported ten years before. Either there had been great exaggeration as to military losses or there had been great migration which had made them good and had restored the population of the island. In 1890, ten years afterwards, the Cuban exports were larger than ever before in the history of the island. The Cuban imports were also larger, and the population had increased 20 or 30 per cent, according to the best authority, above what it had ever been before reported. Cuban credits of the Spanish Government were quoted at par. Notwithstanding the immense expenses of the war, taxes levied for that purpose, floating debts funded, they were quoted at par and remained at par until after the commencement of the second period of war last February a year, when they sank down to 80 and remain at that point.

I think, sir, it is very evident that this two-thirds of the island is a country, is an organized government, is a political and social body, which from its maintenance of twelve years of war, if from no other reason, has earned for itself the right and title to recognition as belligerent. I am not among those who would say that our determination of this question, so unanimous and so much belated, is inconsequential or a matter of indifference. Sir, it is a matter of the highest importance, not only as influencing the action of the Executive here, but as influencing the action of foreign governments elsewhere. We can not, of course, expect immediate action on the part of the Executive. Gentlemen sometimes say that the Executive can take no official notice of the resolutions. Grant it. Is it to be supposed that the Executive is in ignorance of the passage of those resolutions or of their contents? Not at all, sir. He is well acquainted with them, and I have no doubt that he has watched every step of the deliberation. But there can be no reasonable objection, as we have been so long engaged in their consideration, to his taking an adequate portion of time. The executive department of the Government has its own conclusions to arrive at, its own sources of information, its own arguments addressed to reason, to understanding; and I make no doubt that the course of events here and elsewhere will be such as finally to result in an official recognition of belligerency between the respective parties to the war in Cuba.

Allow me to say, sir, that the offer of mediation is strictly in line with that of belligerency. A neutral may offer mediation. The day may come when, instead of being totally subjugated, the Spanish Government will be very willing to accept our mediation and to retire from the island upon some terms, instead of being driven, as the French were, into the sea.

We are told by Senators upon the other side of this question that the Republic of Cuba has an inland capital and that it has no seaport. The capital of Switzerland, the oldest republic in the world, is not a seaport. The City of Mexico is not a seaport. Caracas is not a seaport. The cases are very numerous in which capitals are wholly inland. Nor can I conceive that much importance can be attached to the retention of seaports in the islands even by Spanish garrisons.

Let us look at some other revolutions. Take the revolution in Mexico. The city of Vera Cruz, the principal seaport of that Republic, was held by the Spanish forces up to the time when independence was recognized by the home Government. What could the Mexicans do with Castle Ulloa, its bastions, its ramparts, and the wall of Vera Cruz? They had no navy any more than Montezuma had, 20 or 30 canoes; they had no method of attack, but they did surround the city as with a cordon of fire which cut it off from communication with the surrounding territory. A city does not amount to much which is thus isolated.

It is said that railroad cars are running out of Habana. So they are. They are running 15, 20, 30, and in one instance 40 miles.

How do they run? With a full military detachment on guard on the train. Who wants to travel in such a train? Freight may be sent. Who wants to send freight when within an hour the track may be torn up or a bridge subjected to destruction by dynamite?

There is a perfect isolation with respect to urban commerce and urban necessities. When it is considered that supplies, munitions of war, even food, in a few months will have to be brought across the Atlantic to support the Spanish military in that island, the burden so imposed will become insufferable. The mere holding of seaports will be no recompense.

I might allude to the circumstance of our own Revolutionary war. We had very few of the seaports. New York, then, as now, the great commercial metropolis of the country, was held by the British Government until the time of the signing of the definitive treaty of peace at Paris. It never was surrendered. They would not hear that word. But after the surrender of Cornwallis and after the treaty of peace had been signed by the commissioners of the signatory powers the British evacuated the city and harbor of New York, and in old times I have read how our people used to keep Evacuation Day as a sort of public holiday. Every seaport on the Atlantic coast south of New York was held by the royal forces. What did it avail? How much longer did it enable them to continue the struggle? How did it prevent the independence of the colonies? Let history answer.

I alluded, sir, to the instance of Santo Domingo. That was the old name of the whole island, in which there are now two independent Republics, Santo Domingo and Haiti. France once owned the most extensive and fertile colonial possessions in the West Indies with the exception of Spain. They were lost, and how? Let us recur to the beginning of the contest. What had France in that war? She had nothing but men and money. She had nothing but munitions of war in lavish abundance. She had nothing but cities and seaports and garrisons. She had nothing but fleets and armies, officered by celebrated leaders fresh from victories in European fields. What had Toussaint and his people? What had the Haitians? Any seaports? Not one. Any sympathy from any quarter? None. Any recognition of belligerency? No such thing. Any offer of mediation? Not at all. Any munitions? None except what they captured from the enemy.

What was it that supplied these defects? How did all these other things come to be added to the cause of revolution in Santo Domingo? Any treasury? It is said the Cubans have no treasury. The Haitians did have a treasury, full, overflowing—the memory of their wrongs. That was their treasury—grievous, blasting, blighting, insufferable wrongs. That steeled their arms. That supplied the place of munitions, of lead, of powder, of guns. All these things were put into the commissary and quartermaster's department of the revolutionists because they had the one thing needful, the inextinguishable love of freedom and of country; the inextinguishable hatred of the foreign race and the foreign rule. Therefore it was that they drove the French colony, the French army, literally into the sea; and all the people on the dry land and on the hills and in the valleys clapped their hands in glee to see the waters overwhelm their oppressors. It was a terrible victory, one of indescribable barbarity and atrocity, but when you corner a whole people, corner them on the question of liberty or death, they will deal death and destruction in return.

They were armed in that same spirit spoken of by the Earl of Chatham when, more than a century ago, he addressed the cortes of Great Britain upon the subject of war with the colonies and said: "My lords, you can not conquer America. You may raise armies; you may make campaigns; you may even win battles; but you will never subdue the spirit of liberty in that people." It is the spirit. What flesh or blood can strive with it? It is the spirit of liberty. Neither flesh, nor blood, nor the power of Spain, nor the gates of hell can prevail against it.

We not only have to consider in the present instance the Cuban campaign, but the long duration of it, the extremities to which those resisting the Spanish Crown have been driven by the necessities of the situation. We must also consider that there can be but one result. It may be delayed; it may be deferred; it can not be defeated. It will be the ultimate independence of the people of the island.

Mr. President, I noted very closely the other day when the honorable and learned junior Senator from Massachusetts [Mr. LODGE]—who I am sorry to say is just now absent from his seat, he was here at the commencement of the discussion—came into the Senate with the privileged question in one hand and a scrap of a newspaper in the other. When he exhibited his wound from the Spanish minister, "not as wide as a barn door nor as deep as a well," when he put his morsel of Spanish into the RECORD, when he had begun, continued, and concluded his personal explanation, I thought this was a very serious business; but as it concerned merely the difference about the meaning of one word, there might be a peaceable adjustment.

However, when the junior Senator from Massachusetts returned afterwards on the self-same day to explain his explanation and to exploit and to explore his explanation, I began to see a very considerable diminution in the size and bulk of the Cuban question. I began to conceive that, after all, it had settled down to single combat, a duello within the four quarters of the code, between the Spanish minister on the one hand and the distinguished junior Senator on the other. I was about to propose a choice of weapons, for I supposed nothing remained to do except to select the seconds and make a choice of weapons. But a friend near me said, "Your suggestion is premature; there will be no fight, there will be no duel." I was very anxious on the part of one of the combatants at least to suggest a choice of weapons. I felt the deepest solicitude that our champion of Senatorial privilege should, when he rode into the list, not go there without being fully armed, with visor closed and lance at rest. I was anxious he should not be mistaken for a mere neophyte, a sciolist, a mere harlequin with a sword of leather and a dagger of lath. But my friend said, "You are too fast; there will be no fight." All the trouble comes from the inordinate fondness which the junior Senator from Massachusetts has for a certain kind of confectionery or pastry, puffs. Cream? Vanilla? Tutti-frutti? No. Plain puffs; press puffs. When the junior Senator from Massachusetts has filled his basket with these puffs and retired to the committee room upon Foreign Relations and regaled himself to satiety that will be the last of it, for what is HeCuba to him, or he to Hecuba?

Then the junior Senator from Massachusetts, the coadjutor of the chairman of the Committee on Foreign Relations thus far, quoted in sepulchral tones the provision of the Constitution of the United States that no member of either House for any speech or debate occurring here should be questioned in any other place, and he insisted there had been a breach of the privileges of the Senate.

Mr. President, I thought everyone knew that this provision of the Constitution related to actual litigation, and when a member or Senator published or uttered a slander or libel here upon any citizen of the United States the member or Senator so summoned at the law might plead this provision and take no further trouble about his utterance or his address. That is the only purpose of the provision. No one ever dreamed that this provision, in the colloquial sense of the word, prevented what is said here from being questioned elsewhere. No one ever supposed that any man anywhere in the world could not question what was uttered in the Senate of the United States; question its truth, question its authority, question the sincerity of the author, or make a counter statement. That would be to embarrass freedom of speech—utterly to deny it.

There was no breach of privilege here of the Senate. The Spanish minister defined exactly what his indiscretion was. It was a violation of the conventionalities of his position. There was a breach of courtesy inasmuch as he took public notice and made a criticism upon debate here in the Senate as there would have been a breach if he had given a criticism upon debate anywhere in the United States. Owing to the ordinary courtesy of the diplomatic corps, a corps distinguished for its courtesy, there has always been an express reticence and silence implied and enforced that there should be no allusion by any member of the corps to any debate or discussion of American parties, either here or elsewhere.

The Spanish minister was guilty of another indiscretion. It was an error of appraisement. It is what is called in the custom-house undervaluation. The Spanish minister had forgotten that the learned and honorable junior Senator from Massachusetts had been a Senator in the service for twenty-five or thirty years; that he had been a lifelong member of the Committee on Foreign Relations; that he was an international jurist of world-wide reputation; that he was a postgraduate of the jingo high school of omniscience. The Spanish minister had forgotten; but the minister had not long resided in the country. Certainly this offense was pardonable. And allow me to say, Mr. President, there are a great many people living in the United States who do not know these things about the junior Senator from Massachusetts.

The VICE-PRESIDENT. The Senator from Indiana will suspend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation.

Mr. CALL. I ask unanimous consent that the regular order may be temporarily laid aside and that the Senator from Indiana may proceed.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Senator from Indiana will proceed.

Mr. TURPIE. I beg leave to call the attention of the Senate to another indiscretion of the Spanish minister. He had forgotten to read the lines of the celebrated epic poet of his own country, the

great poet of Andalusia, written upon a theme that chanced one day. I have it here in the original Spanish, and as it has become fashionable to put Spanish into the RECORD I take the occasion to read it in these words:

Pigmies—

The first word is English [laughter]—

Pigmies, though puffed and perched on Alps,
Are pigmies still.

Mr. President, I shall not detain the Senate longer. I might go into the quest of what is to be the future destiny of Cuba. I believe, sir, and have every reason to think the coming event is near. All shadows are cast before it. It is that independence will be the fortune of the island. It may become the site of a very large colored population, just as has occurred in the case of San Domingo. Indeed, sir, the West Indian Archipelago may become the field of colonization of that people which our forefathers dreamed of, all having an autonomous legislation, an autonomous government, with very close national or international relations with the great Republic of the United States.

But our duty, sir, lies here in the present. Belligerency, mediation, unanimity, dispatch—these are the principal things necessary both in the present and future consideration of this question. I trust, and I have confidence, that the best abilities of the National Legislature in both Houses from time to time, as events demand and as necessities occur, will give to the subject that consideration which patriotism, a love of liberty, the progress of free institutions shall require.

Mr. CALL. I ask that the joint resolution may continue to lie on the table for further discussion.

The VICE-PRESIDENT. It will be so ordered, without objection.

EXECUTIVE SESSION.

Mr. SHERMAN. It is necessary to have a brief executive session. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I ask unanimous consent that the Senate proceed to the consideration of the Indian appropriation bill. I simply wish to have the bill laid before the Senate, and then I shall yield to other Senators for a short time.

The VICE-PRESIDENT. Is there objection to the request of the Senator from South Dakota that the Senate proceed to the consideration of the Indian appropriation bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

Mr. PETTIGREW. I now yield to the Senator from North Carolina [Mr. PRITCHARD].

JAMES W. DUNN.

Mr. PRITCHARD. I ask unanimous consent for the present consideration of the bill (S. 321) granting a pension to James W. Dunn.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 4, after the word "roll," to strike out "subject to the provisions and limitations of the pension laws"; and after the word "Volunteers," in line 7, to insert "at the rate of $60 per month"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of James W. Dunn, late private Company E, Ninety-third Pennsylvania Volunteers, at the rate of $60 per month.

Mr. COCKRELL. Let the report in that case be read.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report submitted by Mr. HAWLEY February 25, 1896, as follows:

The Committee on Pensions, to which was referred the bill (S. 321) granting a pension to James W. Dunn, have had the same under consideration, and submit the following report thereon:

He is at present receiving $12 per month for total disability under the act of June 27, 1890.

His application for increase to $72 per month for total disability caused by paralysis of the left side as the result of gunshot wound of left groin, necessitating the constant attendance of one or more persons, was rejected by the Pension Office, December 1, 1890. The reason given was that "paralysis of the right (left) side can not be accepted as a result of the wound of groin."

The evidence on file in the Pension Office is conclusive that Dunn is and has been for many years totally disabled, and the only question is as to whether the paralysis of the left side, causing such disability, is properly traceable to the gunshot wound of the left groin. On this point the reports of the various medical boards which examined Dunn differ, but the affidavits of numerous physicians who have attended him agree that his present condition is resultant from his wound.

Dr. Jesse H. Peek, of Hampton, Va., after examining Dunn on December 7, 1889, made affidavit as follows:

"This man has paralysis of left side, is totally unable to walk or even move hand or foot of that side. Claims to have received a gunshot wound in left groin about 1 inch external to femoral artery, and that it was a running sore for many years. Finally the ball came out and the wound healed. Since then has had three attacks of paralysis, the last the worst one, leaving him in his present totally disabled condition.

"It is necessary that he have an attendant. If the long-continued suppuration in the region of the anterior crural nerve produced such structural changes in the nerve as to produce paralysis of the muscles of the thigh, the disease could have extended into the spinal column, producing hemiplegia from spinal origin."

Dr. R. Armstrong, of Lockhaven, Pa., made affidavit July 21, 1887, as follows:

"I have been a practicing physician for thirty-three years; have practiced medicine in this place for thirty-one years. I was the family physician of the family of James W. Dunn and knew him from boyhood; never had occasion to prescribe for him prior to his enlistment in the Army of the rebellion and always considered him a healthy young man. I treated him on his return from the Army for complications superinduced by wounds and exposure, and had but little hope of his recovery."

Dr. O. McMullen, of Elizabeth City, N. C., made affidavit September 28, 1891, that:

"I have this day given James W. Dunn, of Company E, Ninety-third Pennsylvania, a thorough examination, and find him suffering from total paralysis of the left side, together with some degree of aphasia. He has, from his statement, suffered from three strokes of paralysis—one at 25 years old, one at 31 years old, and one at 39 years old—each stroke of increasing severity, the last leaving him in his present condition. The applicant claims to have received a bullet wound in the groin in 1862. In 1865 suppuration began and was more or less constant until 1877, when the bullet came away. Two of the strokes of paralysis occurred during the suppuration and one has transpired since its cessation.

"We are of opinion that the constant discharge, in all probability, produced such acheramalous changes in the cerebral blood vessels as led to their rupture, and consequently to the paralysis. We are led to this belief from the comparative early age at which the paralysis overtook the patient, and by the absence of any other reason. The applicant is totally disabled for all kinds of work—mental and physical—and requires a constant attendant. I further testify that I have been in the active practice of medicine for eleven years, and am a graduate from the University of Virginia."

Each of these affiants is certified by the officer administering the oath to be a reputable physician and citizen of good standing.

The official medical board at Erie, Pa., examined him September 1, 1886, and reported that he was suffering from gunshot wound of head and groin; also that the entire left side is paralyzed. They state they can find no connection between the wounds and the paralysis.

The medical board at Hampton, Va., reports the results of its examination on March 12, 1890, as follows:

"We hereby certify that in compliance with the requirements of the law we have carefully examined this applicant, who states that he is suffering from the following disability, incurred in the service, viz: Gunshot wound of left groin. Alleges paralysis of left side, due to retention of ball with suppuration for fifteen years. Gunshot wound of forehead alleged to have been incurred in service, and that he receives a pension of $4 per month.

"He makes the following statement upon which he bases his claim for increase: Received the wound of groin in 1862 and the ball suppurated out from point of entrance in 1877. Had a stroke of paralysis of left side in 1869. Recovered in about three weeks. Another stroke in 1874 and recovered partially, but did not get full use of left side. In 1882 a third stroke caused complete paralysis of left side from which he has never recovered. Received a gunshot wound of forehead at the same time he was shot in the groin.

"Upon examination we find the following objective conditions: Pulse rate, 100; respiration, 20; temperature, —; height, 5 feet 9 inches; weight, 140 pounds; age, 46 years. Claimant is brought to examination in a wheeled chair from which he can not rise without assistance, and he can not stand for a moment without being supported. Requires the aid of another person to remove his clothing.

"We find just below middle of Poupart's ligament on left side a cicatrix of gunshot wound, well healed, indurated, and adherent to soft parts. Some induration of parts immediately around cicatrix. There is no cicatrix of exit. The left arm and leg are completely paralyzed. He can not move a muscle in the arm. The flexor tendons are strongly contracted, the forearm is at a right angle with humerus, the fingers are drawn into the palm with such force that the terminal phalanx of little finger has been dislocated. It requires great force to draw any of the fingers away from the palm. Muscles of arm and forearm much atrophied. The left thigh and leg also completely paralyzed, and there is no power of motion in any part of thigh, leg, or foot. There is not the same contraction of the flexors as in the arm, but the toes have a tendency to draw downward. Sensation is not lost and he can distinguish two points touching arm or leg at 3 inches apart. He seems to have some difficulty in respiration, at intervals drawing a long breath with an effort. We think the pectoral muscles are somewhat affected on left side. He is, in our opinion, entitled to a first-grade rating for the disability caused by gunshot wound of left groin and paralysis of left side. He requires the constant aid and attention of another person.

"The paralysis seems to be due to lesion of spinal cord and upper dorsal or lower cervical region and not to lesion of the brain, as no cerebral disturbance appears and no paralysis of face or tongue. It is possible that the central nerve lesion was a result of the peripheral injury to the anterior crural nerves. No paralysis of face or neck. Pupils normal, tongue protrudes straight. Intelligence good. No difficulty in articulation. Heart's action regular; no murmurs. Good vesicular murmur throughout both lungs. Gunshot wound of forehead. We find over left side of frontal bone at edge of hair a linear scar of gunshot wound running longitudinally, about 1½ inches long, well-healed, adherent to fascia of scalp. No depression of bone. The paralysis exists from root of neck through the entire left side, and the difficult respiration shows lesion of nerves governing the muscular action of the pectoral muscles. That it is not due to the wound of head seems evident from the absence of facial or lingual paralysis. The gunshot wound of groin must have injured the anterior crural nerve near its commencement. There is no evidence to show how deep the burrowing of ball extended; there is simply an indurated cicatrix in the groin."

The medical board at Philadelphia, Pa., examined the claimant October 5, 1890. They report as to his "present condition" as follows:

"Find total paralysis of left side. Sensation diminished three-fourths. Is confined to his bed or chair. Unable to walk. Spatial sense otherwise normal. Paralysis result of apoplexy. Intellect clear. Paralysis from present indications permanent. Gunshot wound of head —. Find linear cicatrix 1 inch long, 3 inches above left eye. Scar nonadherent and not contracted. Find no depression. He is, in our opinion, entitled to eight-eighteenths rating for the disability caused by gunshot wounds, second grade for that caused by paralysis. Man unable to perform manual labor. Difficult to determine whether paralysis is the result of wounds."

It will be seen that of these three official reports but one claims that there

is no connection between the wound and the paralysis, one is doubtful, and the other finds a direct connection.

It is established of record that the claimant was wounded at Fairoaks, Va., May 31, 1862, by gunshot wound of left groin; that the bullet remained in the wound for fifteen years, causing constant suppuration; that during this period the claimant had three strokes of paralysis, each succeeding one making his condition worse, until now he is an absolute wreck, his whole left side completely paralyzed, and that he is quite helpless and dependent upon the attendance of others. That this condition is directly traceable to the wound received in 1862 there can be no doubt, and although the Pension Office may have felt justified from a strictly legal standpoint, in view of the conflicting reports of its medical boards, in rejecting the claim, it is one in which Congress, acting as it does in the capacity of a court of equity, ought certainly to give relief.

Your committee therefore report back the bill with amendments, as follows:

In lines 4 and 5 strike out the words "subject to the provisions and limitations of the pension laws" and insert at the end of the bill the words "at the rate of $60 per month."

The PRESIDING OFFICER (Mr. BACON in the chair). The question is on agreeing to the amendment reported by the Committee on Pensions.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SUBPORT OF ENTRY AT SANTA BARBARA.

Mr. WHITE. I ask unanimous consent for the present consideration of the bill (S. 2412) to make the city of Santa Barbara, county of Santa Barbara, State of California, a subport of entry.

Mr. PETTIGREW. Will that bill lead to any discussion?

Mr. WHITE. I do not think it will lead to any discussion. I do not see how it can do so. It does not appropriate any money or create any office. I do not suppose there will be any objection to it. I ask that it be read, and if there is any objection after it has been read, of course I shall withdraw it.

The PRESIDING OFFICER. The bill will be read.

The bill was read, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIEUT. GILMAN L. JOHNSON.

Mr. GEAR. I ask unanimous consent for the present consideration of the bill (H. R. 1499) to correct the muster of Lieut. Gilman L. Johnson.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. JONES of Arkansas. Let the bill be read for information. Unanimous consent can not be given without our knowing for what it is given.

The PRESIDING OFFICER. The bill will be read.

The bill was read; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of War to correct the record of Second Lieut. Gilman L. Johnson, late of the One hundred and forty-second Regiment of New York Infantry, so as to make his muster as lieutenant date from the date of his enlistment and that he have all rights and emoluments due him thereby or by reason thereof.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

E. C. CHIROUSE.

Mr. WILSON. I ask unanimous consent for the present consideration of Senate bill 1828. It is an exceedingly meritorious measure, and I should like to have it passed.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1828) to authorize the Auditor for the Interior Department to settle and adjust the account of E. C. Chirouse, Indian agent at the Tulalip Agency, Wash.

The bill was reported from the Committee on Indian Affairs with an amendment, in line 7, before the word "such," to strike out "award" and insert "allow"; so as to make the bill read:

Be it enacted, etc., That the Auditor for the Interior Department be, and he is hereby, authorized and directed to settle and adjust the accounts of E. C. Chirouse, Indian agent at Tulalip Agency, under bond of March 22, 1871, upon principles of equity and justice, and to allow such credits as appear to have been made in good faith and have inured to the benefit of the Indians and the United States, and to report his findings on said accounts to the Comptroller of the Treasury for his decision thereon: *Provided, however*, That before any adjustment is made under this act the defendants shall pay the costs already incurred in the pending suit on the bond above mentioned.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. I wish to make an inquiry of the Senator from South Dakota in charge of the Indian appropriation bill, for the purpose of seeing if I can not arrange with him either to-day or to-morrow to get an hour for the consideration of the pension bills which are now on the Calendar.

In this connection, I will state to the Senate, and especially to the Senator from South Dakota, that during this entire session the Committee on Pensions have had but one single hour for the consideration of their bills. In the other House Friday evenings are devoted to this purpose. While the Calendar is not overloaded, yet there is a considerable number of pension bills upon it in which many Senators are interested. I think I am not personally interested in a single one of them, but I should like very much to get an hour, either to-day or to-morrow, for the consideration of pension bills.

Mr. PETTIGREW. So far as I am personally concerned, I will agree that some time to-morrow afternoon, just before the adjournment——

Mr. GALLINGER. Say at 4 o'clock.

Mr. PETTIGREW. That at 4 o'clock to-morrow pension bills alone shall be taken up.

Mr. GALLINGER. I ask unanimous consent that that order may be made.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. PETTIGREW. I now ask unanimous consent that the formal reading of the Indian appropriation bill be dispensed with and that the committee amendments be first acted upon.

Mr. COCKRELL. I suppose the Senator desires to have the bill read until the amendments are reached?

Mr. ALLISON. The idea is to dispense with the first formal reading.

Mr. PETTIGREW. Certainly; to proceed with the bill in the usual way.

Mr. COCKRELL. Let the bill be read regularly, and the amendments of the Committee on Appropriations acted upon as they are reached.

Mr. PETTIGREW. That is precisely what I desire, that the bill be read and the amendments reported by the Committee on Appropriations be disposed of as we reach them.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it will be so ordered.

The Secretary proceeded to read the bill. The first amendment of the committee was, on page 1, line 6, after the word "for," to insert "all offices the salaries for which are specifically provided for herein for"; and in line 8, after the word "year," to strike out "for the year"; so as to make the clause read:

That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department in full compensation for all offices the salaries for which are specifically provided for herein for the service of the fiscal year ending June 30, 1897, and fulfilling treaty stipulations for the various Indian tribes, namely.

The amendment was agreed to.

The next amendment was, on page 4, line 17, to increase the appropriation for the pay of Indian agent at the Pine Ridge Agency, S. Dak., from $1,800 to $2,200.

The amendment was agreed to.

The next amendment was, on page 5, line 4, to increase the pay of Indian agent at the Rosebud Agency, S. Dak., from $1,800 to $2,200.

The amendment was agreed to.

The next amendment was, on page 5, line 20, after the word "Agency," to insert "at Navajo Springs"; so as to make the clause read:

At the Southern Ute Agency at Navajo Springs, Colo., $1,400.

The amendment was agreed to.

The next amendment was, on page 5, line 23, to increase the pay of Indian agent at the Standing Rock Agency, N. Dak., from $1,800 to $2,200.

The amendment was agreed to.

The next amendment was, on page 6, line 18, to increase the total for the pay of Indian agents from $85,000 to $86,200.

The amendment was agreed to.

The next amendment was, on page 7, line 13, before the word "dollars," to strike out "three thousand" and insert "two thousand five hundred"; and in line 14, before the word "dollars," to strike out "fifteen thousand" and insert "twelve thousand five hundred"; so as to make the clause read:

For pay of five Indian inspectors, at $2,500 per annum each, $12,500.

The amendment was agreed to.

The next amendment was, on page 7, line 19, after the words "Secretary of the Interior," to insert "for a period not to exceed twenty days"; so as to make the clause read:

For necessary traveling expenses of five Indian inspectors, including telegraphing and incidental expenses of inspection and investigation, including

also expenses of going to and going from the seat of Government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days, $7,000.

The amendment was agreed to.

The next amendment was, on page 8, line 8, after the word "agencies," to strike out "thirty" and insert "twenty-five"; so as to make the clause read:

For buildings and repairs of buildings at agencies, $25,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 15, to strike out:

Cherokees: For the payment of the second installment due on the 4th day of March, 1896, to the Cherokee Nation, under the provisions of the act of March 3, 1893, for the purchase of the Cherokee Outlet, the sum of $1,600,000, to be available immediately after March 3, 1896.

The amendment was agreed to.

The next amendment was, on page 22, line 13, to increase the appropriation for subsistence, civilization, etc., of the Northern Cheyenne and Arapahoe Indians from $101,000 to $111,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 20, to insert:

The Secretary of the Treasury is hereby authorized and directed to transfer on the books of the Treasury Department, from the fund of $55,058.21 now held for the Sac and Fox tribe of Indians of the Mississippi, the sum of $42,883.25 to the credit of that portion of said tribe of Indians now residing in the State of Iowa; and the Secretary of the Interior is hereby authorized and directed to pay to the attorneys employed by said Sac and Fox Indians residing in the State of Iowa, under contract approved by him for legal services rendered said Indians in the prosecution of their claim to said fund, from said sum hereby authorized and directed to be transferred, as soon as said transfer shall be made, the sum of $4,289.32, or so much thereof as shall be necessary.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

Mr. JONES of Arkansas. This seems to be only a part of the proposed amendment.

The PRESIDING OFFICER. That is true. The Chair thought that, being a paragraph, it might as well be disposed of.

Mr. PLATT. The two paragraphs are separate and refer to different subjects.

Mr. JONES of Arkansas. I do not know what the object of the amendment is, and I think perhaps some explanation ought to be made by the Senator who has charge of the bill.

Mr. PETTIGREW. In the Indian appropriation act of last year a clause was inserted instructing the Secretary of the Interior to ascertain and adjust the differences which existed between the different bands of this tribe of Indians. A portion of those Indians resided in Kansas and a portion of them in Iowa. The Iowa Indians claimed that they were entitled to their share of the annuities and property of the tribe in proportion to their number.

The Secretary of the Interior, after examining the whole matter, recommended that they were entitled to their share of the proceeds of the lands sold in Kansas when they removed to the Indian Territory, and he decided that they were not entitled to any of the other items. He recommended that this transfer be made in order to pay the Sac and Fox Indians of Iowa for their share of the land which was disposed of in Kansas.

Mr. JONES of Arkansas. The pending amendment is to carry out the recommendation of the Secretary of the Interior?

Mr. PETTIGREW. The amendment is to carry out the recommendation of the Secretary of the Interior in accordance with the act of Congress of last year.

Mr. PLATT. The Senator from Arkansas will remember, I think, that the Iowa Sac and Fox Indians made a claim for three or four hundred thousand dollars, and we authorized them to go to the Secretary of the Interior and have a hearing on all those claims. This is the result of the hearing.

The PRESIDING OFFICER. Is it the pleasure of the Senate that the amendment shall be considered as an entirety or shall a vote be taken upon the paragraph which has been read?

Mr. PETTIGREW. We had better dispose of this paragraph first.

The PRESIDING OFFICER. The question is on agreeing to the amendment which has been stated.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 27, after the amendment just adopted, to insert:

That the United States hereby accepts and assumes jurisdiction over the Sac and Fox Indians of Tama County, in the State of Iowa, and of their lands in said State, as tendered to the United States by the act of the legislature of said State passed on the 10th day of January, 1896, subject to the limitations therein contained; and the United States Indian agent of the Sac and Fox Agency, Iowa, and the governor of the State of Iowa, respectively, are hereby authorized to transfer by deed of conveyance, for the use and benefit of said Indians, the legal title held by them in trust, respectively, and the trusteeship of the lands of the Sac and Fox Indians of Tama County, Iowa, to the Secretary of the Interior and his successors in office.

Mr. JONES of Arkansas. I suggest that the Senator in charge of the bill had better make some explanation of this amendment as well.

Mr. PETTIGREW. Those Indians own about 3,000 acres of land in Iowa. They purchased the land of settlers or people living in that country. It was not, therefore, an Indian reservation. The courts of the State had jurisdiction, and there was a conflict of jurisdiction. The legislature of Iowa passed an act ceding jurisdiction to the United States in order to stop the conflict of authority, and this is to accept that jurisdiction.

Mr. GEAR. One word in regard to this matter, in reply to the question asked by the Senator from Arkansas [Mr. JONES]. The Sac and Fox Indians bought this land by permission of the Government in 1842. They ceded all their lands in Iowa and were transferred to territory west of the Missouri River. A portion seceded from the main band of Sacs and Foxes. The Government gave them its permission to buy this land, but for fear they might trade the land off or dissipate it in some way or other, title was placed in the governor of Iowa. The legislature of Iowa, as stated by the Senator from South Dakota [Mr. PETTIGREW], authorized the cession of the jurisdiction over the land to the Federal Government, and all that the amendment does is to place those Indians where they properly belong, as wards of the nation.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the provision for the Seminoles, on page 28, line 19, after the word "dollars," to strike out:

Provided, That the sums of money mentioned in this and the preceding paragraph shall be paid to said Indians by an officer designated by the Secretary of the Interior.

Mr. JONES of Arkansas. I suggest that the Senator in charge of the bill give some explanation to the Senate as to why this amendment is proposed. I understand the same provision is in another part of the bill.

Mr. PETTIGREW. The representatives of those Indians objected to having this particular fund distributed per capita, for the reason that they are using this money for school purposes, and they would be obliged to close their schools. There are other funds which belong to those Indians which have to be distributed per capita, and in another place in the bill we provide that all funds which are to be distributed per capita shall be distributed by the Secretary of the Interior.

Mr. JONES of Arkansas. I suggest, then, that the amendment be passed over informally, as there are some Senators who wish to investigate the matter to some extent.

Mr. PETTIGREW. I have no objection to its being passed over.

The PRESIDING OFFICER. Without objection, the amendment will be passed over for the present.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the items for the Sioux of different tribes, including Santee Sioux of Nebraska, on page 32, line 25, before the word "persons," to strike out "10,000"; so as to read:

For twenty-seventh of thirty installments, to purchase such articles as may be considered proper by the Secretary of the Interior, at $20 per head, for persons engaged in agriculture, $160,000.

The amendment was agreed to.

The next amendment was, on page 33, line 2, after the word "dollars," to insert the following proviso:

Provided, That the Secretary, in his discretion, is authorized to pay said amount per head in money.

Mr. ALLEN. I desire the attention of the Senator having the bill in charge. I should like to offer an amendment after line 3, on page 33, in the following language——

Mr. PETTIGREW. We are proceeding under a unanimous-consent agreement to dispose of the committee amendments. After they are disposed of the Senator will be in order.

Mr. ALLEN. I was going to suggest to the Senator that it is a mere formal amendment, and I thought upon this statement he would accept it.

Mr. PETTIGREW. I think we will adhere to the rule and let the Senator offer his amendment after we dispose of the committee amendments.

Mr. ALLEN. Then, as we seem to be standing upon technicalities here as usual, and caviling upon punctuation points and matters of such importance, I want to give notice of the introduction of this amendment, which is an amendment to the amendment, and I reserve the amendment itself as well as the amendment to the amendment.

Mr. COCKRELL. Let the committee amendment be reserved with no action taken upon it, and let notice be given of the amendment to the amendment.

The PRESIDING OFFICER. It will be so ordered. It is not necessary to read the amendment to the amendment now unless the Senator from Nebraska desires to have it read.

Mr. PETTIGREW. Let the amendment to the amendment be read.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The SECRETARY. After line 3 add the following additional proviso:

Provided further, That it shall be the duty of the Secretary of the Interior to cause an actual delivery of the flannel clothing herein, and contemplated in prior acts of Congress and treaties, to the Santee Sioux and Ponca Indians of Nebraska.

Mr. ALLEN. I hope the Senator from South Dakota will let me make a statement of two minutes' length and that he will then accept this amendment.

Mr. PETTIGREW. After we have disposed of the committee amendments I am willing that this shall be inserted.

Mr. ALLEN. Very well. I will make my statement in a second whether the Senate consents or not.

Mr. PETTIGREW. I can not stop the Senator from talking.

Mr. ALLEN. No; but you can consent to my amendment after I explain it; and I think the Senator will do so.

Under the law and the treaties with these Indians the Government is required to furnish females over a certain age—over 12 years of age, I think—and certain other classes of the Indians with flannel clothing. I am reliably informed that the Government has never furnished a particle of flannel for these Indians, that their goods are cotton goods, that flannels never have been furnished them. Therefore I simply ask the Senator having the bill in charge to let this amendment go in directing the Secretary of the Interior to carry into execution the evident purpose of this and prior laws on the subject. The climate in Nebraska where these Indians reside is of such a degree of severity that the Senator will recognize the propriety of requiring the persons who make the contracts with the Government for the delivery of these articles to live up in good faith to the requirements of the statutes and the treaties. That is all I want to accomplish. I do not see why the Senator can not consent to the amendment now as well as at any other time.

Mr. PLATT. Let me understand. This is a proposition to amend the committee amendment.

Mr. PETTIGREW. It is an entirely new matter.

Mr. ALLEN. If the Senator from Connecticut will bear with me, I will state that it is in the nature of an amendment to the committee amendment, simply making it the duty of the Secretary of the Interior to require the purchase and delivery to these Indians of the woolen clothing called for in the proposed act and called for in previous acts and treaties with these Indians. Woolen clothing has never been delivered to them, I am told.

Mr. PETTIGREW. I will accept the amendment to the amendment.

Mr. ALLEN. Very well. I am very thankful.

The PRESIDING OFFICER. The amendment to the amendment is accepted. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 34, line 10, before the word "thousand," to strike out "twenty-five" and insert "seventy-five"; and in line 11, before the word "thousand," to strike out "forty-eight" and insert "ninety-eight"; so as to read:

For support and maintenance of day and industrial schools, including purchase, erection, and repairs of school buildings, in accordance with article 7 of the treaty of April 29, 1868, which article is continued in force for twenty years by section 17 of the act of March 2, 1889, $75,000; in all, $1,398,500.

The amendment was agreed to.

The next amendment was, on page 34, line 12, after the word "dollars," to insert the following proviso:

Provided, That the provisions of section 17 of the act entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889, shall be construed to extend and apply to each head of a family or single person over the age of 18 years of the Flandreau Band of Sioux Indians and of the Santee Sioux in Nebraska who was entitled under section 7 of said act to take an allotment or not, at his or her option, and who accepted $1 per acre in lieu of such allotment, and each head of a family or single person over the age of 18 years shall be entitled to all the rights and benefits of said section 17 except that of taking an allotment, in the same manner as though he or she had taken an allotment thereunder.

The amendment was agreed to.

The next amendment was, on page 35, after line 3, to insert:

The Secretary of the Interior is hereby authorized and directed to ascertain the number of Santee Sioux Indians of Nebraska who would not be benefited by the fulfillment of the proviso of section 17 of an act entitled "An act to divide a portion of the reservation of the Great Sioux Nation of Indians in Dakota into separate reservations and secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889, by the receipt from the United States of the articles of personal property therein mentioned and who desire to have the same converted into money, and in lieu of such articles of personal property, or any part thereof he may think proper, the Secretary of the Interior shall convert or commute the same, or so much thereof as he may think proper, into money, and pay the amount thereof to such Indians; and the payment under the provisions of this act shall be held to be a liquidation of the obligation of the United States to said Indians under that portion of said section 17, so far as the articles of personal property therein named are concerned.

Mr. PETTIGREW. I move, in line 5, to strike out the word "Santee" before the word "Sioux"; at the beginning of line 6 to strike out the word "of" before "Nebraska"; and to add after line 5 the words "South Dakota and"; so that the provision will embrace not simply the Santees in Nebraska, but all the Sioux Indians. That was the intention when the amendment was drawn, I think.

Mr. ALLEN. That is right, with one addition. I want it to embrace also the Ponca Indians of Nebraska.

Mr. PETTIGREW. I have no objection to that. I will move to add "and the Ponca Indians of Nebraska" after the word "Nebraska."

Mr. ALLEN. Yes; let it embrace the Poncas and Santees.

The PRESIDING OFFICER. The amendment of the Senator from South Dakota to the amendment will be so modified.

Mr. ALLEN. How will it read now?

The PRESIDING OFFICER. The Secretary will read the clause as modified.

The Secretary read as follows:

The Secretary of the Interior is hereby authorized and directed to ascertain the number of Sioux Indians of South Dakota and Nebraska and Ponca Indians of Nebraska who would not be benefited by the fulfillment of the proviso, etc.

Mr. ALLEN. Let me ask the Senator from South Dakota if that would not embrace other Indians than the Santee Sioux in the two States?

Mr. PETTIGREW. It would embrace all the Sioux Indians.

Mr. ALLEN. All the Sioux Indians in both States?

Mr. PETTIGREW. In both States.

Mr. ALLEN. All who are entitled to rights and privileges under the act of 1889?

Mr. PETTIGREW. Yes, sir.

Mr. ALLEN. That is satisfactory.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 36, line 21, under the head of "Spokanes," to strike out "thrashing" before "machines," and insert "threshing."

The amendment was agreed to.

The next amendment was, on page 38, after line 14, to insert:

SOUTHERN UTES IN COLORADO.

To carry out the provisions of the act of February 20, 1895, the Secretary of the Interior shall cause rations and supplies to be issued each month at Ignacio, La Plata County, Colo., and at Arboles, Archuleta County, Colo., to all Southern Ute Indians to whom lands have been allotted and who are residing on their allotments. And the Secretary of the Interior shall establish an agency on the Southern Ute Indian Reservation, at Navajo Springs, in the county of Montezuma, Colo., and shall cause rations and supplies to be issued each month or oftener at that point to all Southern Ute Indians who have not elected to take land in severalty under the provisions of the act entitled "An act to disapprove the treaty heretofore made with the Southern Ute Indians to be removed to the Territory of Utah, and providing for settling them in severalty when they may so elect and are qualified, and to settle all those not electing to take lands in severalty on the west 40 miles of the present reservation and in portions of New Mexico, and for other purposes, and to carry out the provisions of the treaty with said Indians June 15, 1880," approved February 20, 1895.

For the erection of suitable agency buildings on said reservation at Navajo Springs, Montezuma County, Colo., for the use of such Southern Ute Indians as have not elected to take allotments of land in severalty, $10,000, to be immediately available.

Mr. JONES of Arkansas. I should like to have the Senator in charge of the bill make some statement about the purposes of the amendment. I did not hear it read distinctly. I do not understand it exactly.

Mr. TELLER. I will state to the Senator from Arkansas that it is to carry out the provisions of the act of 1895 that we passed allowing such of them as chose to take lands in severalty and the rest to go on the west end of the reservation, and it was agreed in that act to maintain the reservation on the west end. This is to carry out that provision.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the items for the Winnebagoes, on page 40, after line 12, to insert:

That any sums of money appropriated in this act that are to be paid per capita to individual Indians shall be paid to said Indians by an officer of the Government designated by the Secretary of the Interior.

Mr. JONES of Arkansas. I suggest to the Senator in charge of the bill that the amendment, it seems to me, ought to be amended. It is limited now to sums of money to be paid under the bill, and it seems to me it would be wise to provide that sums of money hereafter paid to individual Indians shall be paid by an officer of the Government, so that it shall not be limited to this bill, but may become a general law.

Mr. PETTIGREW. I think such an amendment to the amendment is very proper, and I am willing to accept it.

Mr. TELLER. I suggest to the Senator from Arkansas to strike out the words "in this act"; so as to read: "That any sums of money appropriated that are to be paid per capita," etc. Or strike out the word "appropriated," and read: "That any sums of money that are to be paid," etc.

Mr. JONES of Arkansas. "That are hereafter to be paid." I will put in the word "hereafter," so as to show it is not limited to this bill, but would apply to any future act.

Mr. TELLER. All right.

Mr. PETTIGREW. I accept the amendment to the amendment.

Mr. JONES of Arkansas. I move to strike out in line 13 the words "appropriated in this act that," and in line 14 to strike out the word "are" and insert "hereafter"; so as to read:

That any sums of money hereafter to be paid per capita to individual Indians shall be paid to said Indians by an officer of the Government designated by the Secretary of the Interior.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. PETTIGREW. Perhaps the Senator is ready now to go back and agree to the amendment on page 28, which we passed over.

Mr. JONES of Arkansas. There is a Senator absent who takes some interest in that amendment, who will not be here until to-morrow, and I should prefer that the amendment be passed over until he returns.

Mr. PETTIGREW. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 42, line 15, to increase the appropriation "for support, civilization, and instruction of the Shoshones and Bannocks, and other Indians of the Fort Hall Reservation, in Idaho," from "$20,000" to "$30,000."

The amendment was agreed to.

The next amendment was, on page 43, after line 16, to strike out:

For pay of physician at the New York Agency, $900.

The amendment was agreed to.

The next amendment was, on page 43, line 21, after the word "amount," to insert "after paying employees authorized by law"; and in line 23, after the words "Oklahoma Territory," to insert "South Dakota"; so as to make the clause read:

For support and civilization of the Ponca Indians, including pay of employees, $15,000: *Provided*, That this amount, after paying employees authorized by law, shall be divided per capita among all the members of said tribe in Oklahoma Territory, South Dakota, and in the State of Nebraska.

The amendment was agreed to.

The next amendment was, on page 43, after line 24, to insert:

For purchase of seed and grain and for subsistence for the Ponca Indians in Nebraska and South Dakota, $5,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 45, line 3, to increase the appropriation "For support and civilization of the Walla Walla, Cayuse, and Umatilla tribes, Oregon," from "$5,000" to "$6,500."

The amendment was agreed to.

The next amendment was, on page 45, line 5, to increase the appropriation "For support and civilization of the Yakimas and other Indians," from "$8,000" to "$10,000."

The amendment was agreed to.

The next amendment was, on page 47, line 21, to strike out "David M. Jerome" and insert "David H. Jerome"; so as to make the clause read:

To pay balance due the commission appointed under act approved March 2, 1889, for per diem and expenses, as follows: Alfred M. Wilson, $1,245; Warren G. Sayre, $1,245; David H. Jerome, $1,245, commissioners; and Charles S. King, secretary, $702; in all, $4,457.

The amendment was agreed to.

The next amendment was, on page 48, after line 5, to insert:

For setting up and operating two portable steam sawmills on the Nez Perce Indian Reservation, Idaho, including transportation of mill machinery from the agency to the mill site, $3,130.

The amendment was agreed to.

The next amendment was, on page 48, line 25, after the word "leased," to insert "in the discretion of the Secretary"; and on page 49, line 2, after the word "by," to strike out "the Secretary" and insert "him"; so as to make the clause read:

To enable the President to cause, under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians," such Indian reservations as in his judgment are advantageous for agricultural and grazing purposes to be surveyed, or resurveyed, for the purposes of said act, and to complete the allotment of the same, including the necessary clerical work incident thereto in the field and in the office of Indian Affairs, and delivery of trust patents, so far as allotments shall have been selected under said act, $30,000: *Provided*, That whenever it shall be made to appear to the Secretary of the Interior that by reason of age, disability, or inability any allottee of Indian lands under this or former acts of Congress can not personally and with benefit to himself occupy or improve his allotment or any part thereof the same may be leased in the discretion of the Secretary upon such terms, regulations, and conditions as shall be prescribed by him, for a term not exceeding five years for farming or grazing purposes, or ten years for mining or business purposes.

The amendment was agreed to.

The next amendment was, on page 49, after line 15, to strike out:

To pay the expense of the preparation of a digest, under the direction of the Commissioner of Indian Affairs, of the decisions of the courts and the Interior Department, and the opinions of the Attorney-General relating to Indian Affairs, $3,000.

The amendment was agreed to.

The next amendment was, on page 49, line 21, after the word "irrigating," to strike out "machinery" and insert "tools"; and in line 24, after the word "dollars," to insert "and of this amount not exceeding $2,700 may be used for the temporary employment of persons of practical experience in irrigation work at a compensation not to exceed $75 per month each"; so as to make the clause read:

For the construction, purchase, and use of irrigating tools and appliances on Indian reservations, in the discretion of the Secretary of the Interior, and subject to his control, $30,000, and of this amount not exceeding $2,700 may be used for the temporary employment of persons of practical experience in irrigation work at a compensation not to exceed $75 per month each.

The amendment was agreed to.

The next amendment was, on page 50, at the beginning of line 15, to strike out "to enable the Secretary of the Interior" and insert "That the President of the United States is hereby authorized to appoint a commission to consist of three persons, not more than two of whom shall be of the same political party, and not more than one of whom shall be resident of any one State."

Mr. HOAR. In lines 17 and 18, on page 50, I move to strike out from the committee amendment the words "not more than two of whom shall be of the same political party." I think it is a most vicious principle of legislation for political parties to have the offices distributed between them. Suppose the best men in the country happen to be Populists, why should not they be appointed?

The PRESIDING OFFICER. The amendment proposed by the Senator from Massachusetts to the amendment reported by the committee will be stated.

The SECRETARY. In lines 17 and 18, on page 50, in the amendment of the committee, it is proposed to strike out "not more than two of whom shall be of the same political party."

Mr. PETTIGREW. This is a custom which has been established for some time, and it seems to me there is no good reason why it should be now changed. I think the Senator from Massachusetts ought to withdraw his amendment, or at least not propose it until his political party gets into power. This is a precedent, I think, established under the Administration of Harrison, and our Democratic friends being now in control of the Administration, I am disposed to let the custom continue, at least during this Administration. I hope the Senator will withdraw the amendment.

Mr. HOAR. It has nothing to do with my party. The very observation of my honorable friend from South Dakota seems to me to warrant the amendment, he suggesting because my party happens to be in the minority at present, or not in the possession of executive power, I should not now offer the amendment.

I think the whole system of recognizing the distribution of public offices between different political parties is vicious legislation, and I believe the Senate has come to that conclusion. I remember the question has been raised two or three times. Such a provision got into bills a few years ago, but every time the question has been raised that provision has been stricken out, according to my recollection. I think we may trust in the President of the United States, at any rate a majority of the people think they can trust in the President of the United States whom they elect, to deal with this thing properly and consistently. This practice tends to increase rather than to diminish the parceling out of offices as political spoils, and as the property of political parties to be distributed, saying, "We shall have our share and you shall have your share."

At any rate, I hope the Senator will permit the amendment to be adopted, because I believe his committee have several times in the last few years themselves concluded that such provisions had better be stricken out.

Mr. DANIEL. Mr. President, it seems to me the observation of the Senator from Massachusetts is not exactly just. I hope the provision of the amendment may be retained. There are many precedents for it. I am afraid that there might be some who would imagine that the Senator from Massachusetts seemed to think it entirely possible that all the best men belong to one party; and I want to break up any possibility of such an imagination.

Mr. HOAR. I will not say that, if my honorable friend will pardon me. I think a great many of the best men belong to the Democratic party, but I do not think that all of them do; perhaps not a majority; but there are certain classes of public officers, for instance, those acting as election officers, to whom the old system is applied; and whenever tellers are appointed in a legislative body their politics may be properly inquired into. Where, however, we are appointing officers for a particular duty, as in this case—and I desire to call the attention of my honorable friend from Virginia to it—where we are providing for a commission to negotiate with a band of Indians in the State of Washington, that system should not apply. It may be that there are two gentlemen whom the President or the Secretary of the Interior may discover who have an extraordinary knowledge of these Indians, who may have by residence among the Indians secured respect for their probity and character, who have dealt with them, perhaps having dwelt with the tribe, who should be appointed. There have been such instances in our history; but to put into an appropriation bill that no two of the members of a commission appointed to deal with an obscure tribe of Indians shall be of the same political party seems to me to be an extreme case of carrying the vicious principle to its most vicious extent.

Even if there are cases other than the cases of election officers to which that principle should be applied there are very few instances where, I suppose, both sides of the Chamber have not come to the conclusion that, as a general principle of legislation, it is all wrong.

The PRESIDING OFFICER. Is there objection to the amendment proposed by the Senator from Massachusetts?

Mr. DANIEL. I have already objected, sir. I do not care to debate it.

The PRESIDING OFFICER. The Chair did not understand the Senator. The Chair will then put the question on the adoption of the amendment.

Mr. DANIEL. I will say that it has been the almost universal practice in establishing public commissions to provide against their being monopolized by one party. It seems to me that the provision contained in the bill is just and liberal.

The Senator from Massachusetts [Mr. HOAR] says that two gentlemen might be so situated that they have some peculiar aptness for the position. That is true; and those two might be selected under this bill. What the amendment of the committee provides is that all three shall not be taken from the same political party; that only two shall be appointed from one political party. Certainly talents and attainments and fitness for the offices of public life are not so rare among the American people that we probably could not find three good men in any party competent to perform such duties. The object of the amendment is simply to make a fair, liberal, and representative commission. We respect this principle in the District of Columbia; we respect it even in the Civil Service Commission, and italicize our antagonism to partisanry in that Commission by selecting its members on account of their party relations.

Mr. HOAR. Suppose the Senator from Virginia should happen to be proposed for such an office, who is going to determine whether he belongs to a political party or not?

Mr. DANIEL. I could determine that for myself.

Mr. HOAR. I know, but that is not the principle of determination. The President has to determine it. There are a good many persons who call themselves Republicans as to whom it would be difficult to find that they entertain or hold or avow a single Republican principle, and there are many persons who call themselves Democrats of whom zealous Democrats would say they had not a single Democratic principle. I have heard eminent and zealous Democrats say that the present Chief Executive of the United States was not a Democrat and that they did not know of any Democratic doctrine he held. In order to find that a man does not belong to one political party, you have ordinarily to ascertain that he does belong to another—not always, but usually—and the Chief Executive of the United States would be bound to inquire into political opinion. If a man does not choose to avow his political opinions at all, is he to be disqualified from office by law if he is the fittest person for the office? An eminent chief justice of New Hampshire did not vote for some forty years, or during the whole time he held a judicial office.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts [Mr. HOAR] to the amendment of the committee.

Mr. PETTIGREW. It seems to me that this bill as it comes from the committee and in this respect is entirely proper. Where we purchase an Indian reservation where the Indians have taken allotments in severalty and become citizens of the United States, in making negotiations with them it seems to me that both political parties should be properly represented. The Indians belong to both political parties, and there are chances in making the negotiations to favor one party over another among the Indians, to grant privileges for the purpose of influencing them to vote the ticket of a particular political party. There is as much reason why these commissioners should be of both political parties as there is that the judges at an election should be of both political parties. The provision is founded on reason, and is placed in the bill for a good purpose.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts to the amendment of the committee. [Putting the question.] The "noes" appear to have it.

Mr. HOAR. I call for a division.

The PRESIDING OFFICER. The Chair will again put the question.

Mr. PETTIGREW. I suggest that we let the amendment go over until to-morrow.

Mr. HOAR. Very well; I will consent to that.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 50, after the word "desirable," at the end of line 22, to strike out "by said Secretary of the Interior"; so as to read:

To enable the Secretary of the Interior to negotiate with the Yakima Indians in the State of Washington for the surrender of a portion of their reservation lands, and for such modification of existing treaties as may be deemed desirable, any agreement thus negotiated being subject to subsequent ratification by Congress, $5,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, at the top of page 51, to insert:

To enable the Secretary of the Interior to negotiate with the Uncompahgre tribe of Indians, and with the Indians residing upon the Uintah Reservation in the State of Utah, and with the Indians residing upon the Fort Hall Reservation in the State of Idaho, and, in his discretion, with any other Indians, for the surrender of any portions of their respective reservations, or for such modification of existing treaties and agreements as may be deemed desirable by said Indians and the Secretary of the Interior, $15,000, and all agreements made for the purchase of the unallotted lands in any Indian reservation shall provide a fund for the payment of taxes upon inalienable allotments, but no agreement made shall take effect until ratified by Congress.

Mr. HOAR. I should like to ask my honorable friend from South Dakota if the negotiation with the Yakima Indians must necessarily be made by people of different political parties because there are political parties among the Indians, and one political party will get the advantage of the other unless you have two commissioners at least of different political parties, why at the same time this negotiation with the Uncompahgre tribe of Indians and with the Indians residing upon the Uintah Reservation, the Fort Hall and other reservations, should be conducted by one man who is a very zealous member of one political party? Why do you not have some Republican associated with the Secretary of the Interior in making this great number of negotiations?

Mr. PETTIGREW. I will accept an amendment by the Senator to that effect.

Mr. HOAR. Then, in order that we may have the principle carried out, I move to insert after "Secretary of the Interior," in line 1, on page 51, in the amendment of the committee, the words, "associating with himself some other person of a different political faith from his own."

Mr. PETTIGREW. I will accept the amendment.

The amendment to the amendment was agreed to.

Mr. CANNON. I suggest to the Senator in charge of the bill that he incorporate in the amendment proposed by the committee the words of the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add at the end of the amendment just read, on page 51, the following:

And a majority of the members of any board or commission to be paid from this appropriation shall be appointed from bona fide residents of the State or Territory in which is located the particular reservation concerning which such board or commission is appointed to negotiate.

Mr. PETTIGREW. I have no objection to that amendment.

Mr. CHILTON. I object to that amendment. It is the old question which has been discussed here time and time again.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Utah to the amendment reported by the committee.

Mr. HOAR. I should like to ask my honorable friend from South Dakota why, in this matter, they did not carry out the sublime principle about different political parties?

Mr. LODGE. This is to be added to the amendment reported by the committee, as I understand it.

Mr. PETTIGREW. It is an amendment to the amendment.

Mr. LODGE. It is not the creation of a new board.

Mr. HOAR. The Senator says there is no such provision in the amendment. However, I will not raise the question.

Mr. CANNON. I did not understand the nature of the objection offered by the Senator from Texas [Mr. CHILTON] to the proposed amendment, not being able to hear him.

Mr. CHILTON. In order to simplify the matter I raise the point that it is new legislation, general legislation.

The PRESIDING OFFICER. The Chair is of the opinion that the point is not well taken.

Mr. CHILTON. Then I simply object to the amendment to the amendment upon its merits. I do not think it is a good principle to go into the bill. I ask for a vote upon it. I have no desire to discuss the matter, because it has been talked about here time and time again. The question is stale, so to speak, and it will do no good now to discuss it over again. I am perfectly willing to submit it to the Senate on its merits.

Mr. ALLISON. I ask that the amendment may again be read.

The PRESIDING OFFICER. The amendment will again be stated.

The SECRETARY. It is proposed to insert the following at the end of line 13, page 51:

And a majority of the members of any board or commission to be paid from this appropriation shall be appointed from bona fide residents of the State or Territory in which is located the particular reservation concerning which such board or commission is appointed to negotiate.

Mr. CANNON. Mr. President, it does not seem to me that it makes any difference how often a question has been discussed or how many times it has been temporarily settled. No question is settled until it is settled right. I do not see how any advocate of home rule can object to an amendment of this character, which proposes that in a matter of vital interest concerning any State or Territory a majority of the board to make negotiations shall be

residents of that State or Territory. Those people know best the conditions surrounding a reservation; they can perform the service more efficiently, and certainly, as has been demonstrated, with greater economy to the Government than if a board shall be imported to negotiate with the Indians on the several reservations.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah [Mr. CANNON] to the amendment reported by the committee.

Mr. CHILTON. Let us have the yeas and nays on that.

Mr. PETTIGREW. With the consent of the Senator from Texas, we will let the paragraph go over until to-morrow.

Mr. CHILTON. Very well.

The PRESIDING OFFICER. The Chair understands the suggestion of the Senator from South Dakota [Mr. PETTIGREW] to be that the amendment reported by the committee shall be passed over.

Mr. PETTIGREW. The amendment reported by the committee and the amendment proposed by the Senator from Utah to the amendment.

The PRESIDING OFFICER. The amendments will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 51, after line 13, to strike out:

For surveying the Indian reservations in South Dakota, $20,000, to be immediately available.

And to insert:

To enable the Commissioner of the General Land Office to extend the public-land surveys over the Cheyenne and Rosebud Indian reservations in the State of South Dakota, including examinations in the field and the necessary clerical work, $35,000, to be immediately available.

Mr. PETTIGREW. I move to insert what I send to the desk in place of what is proposed to be substituted by the committee. It is practically the same provision, with an increase of $1,000 for office and clerical work, which the officer says is necessary.

The SECRETARY. It is proposed to insert in lieu of the matter reported by the committee:

For the survey of lands in the Cheyenne River and Rosebud Indian reservations, in South Dakota, the sum of $20,000, to be immediately available; and the Commissioner of the General Land Office is hereby directed to survey the lands embraced in said reservations. For examination in the field of the survey of lands within the Cheyenne River and Rosebud Indian reservations, in South Dakota, under the direction of the Surveyor-General, including clerical work in the office of the Surveyor-General, the sum of $6,000.

Mr. JONES of Arkansas. I suggest that the amendment to the amendment go over with the other amendments which have been passed over, and be printed, so that we can see just the form in which it is proposed.

Mr. PETTIGREW. I have no objection to that course.

The PRESIDING OFFICER. The amendment and the amendment to the amendment will be passed over.

The reading of the bill was resumed and continued to the end of line 9, on page 52.

Mr. PETTIGREW. I move to increase the amount to $6,000, for the reason that that sum will construct two wells instead of one. Five thousand dollars is too much for one well and not enough for two, and two wells are necessary at that place.

The SECRETARY. In line 9, page 52, it is proposed to strike out the word "five" and insert "six"; so as to make the clause read:

To enable the Secretary of the Interior to put down an artesian well or wells at or near Lake Andes, on the Yankton Indian Reservation, S. Dak., at such place or places as he may determine, for the purpose of supplying said Indians with water for domestic purposes, for stock, and for irrigation purposes, $6,000.

The amendment was agreed to.

The PRESIDING OFFICER. The Chair calls attention to the fact that the next six pages of the bill constitute amendments and asks the advice of the Senate as to how much of each shall be considered by itself, or whether it shall all be considered together.

Mr. JONES of Arkansas. Down to line 7, on page 54, concludes the first subject.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 9, page 52, the Committee on Appropriations report to insert:

Surveying lands in the Indian Territory: For the continuation of the survey of the lands in the Indian Territory, $200,000, or so much thereof as may be necessary, to be immediately available: *Provided*, That the surveys herein authorized, or any part of them, in the Indian Territory shall be made under the supervision of the Director of the Geological Survey by such persons as may be employed by or under him for that purpose. And such surveys shall be executed under instructions to be issued by the Secretary of the Interior, and subdivisional surveys shall be executed under the rectangular system, as now provided by law: *Provided further*, That when any surveys shall have been so made and plats and field notes thereof prepared, they shall be approved and certified to by the Director of the Geological Survey, and two copies thereof shall be returned, one for filing in the Indian Office and one in the General Land Office; and such surveys, field notes, and plats shall have the same legal force and effect as heretofore given to the acts of surveyors-general: *Provided further*, That all laws inconsistent with the provisions hereof are hereby declared to be inoperative as respects such surveys: *Provided further*, That hereafter in the public-land surveys of the Indian Territory iron or stone posts shall be erected at each township corner, upon which shall be recorded the usual marks required to be placed on township corners by the laws and regulations governing public-land surveys; also, that similar monuments shall be established at the corners of the townships that have been already surveyed by the Geological Survey: *And provided further*, That the entire cost and transportation of such monuments to the Indian Territory shall not exceed $5,000, and the cost of the setting of the monuments in the areas already surveyed shall not exceed $2,500: *Provided further*, That hereafter it shall be unlawful for any person to destroy, deface, change, or remove to another place any section corner, quarter-section corner, or meander post on any Government line of survey, or to cut down any witness tree or any tree blazed to mark the line of a Government survey, or to deface, change, or remove any monument or bench mark of any Government survey. That any person who shall offend against any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon sufficient proof thereof in any court shall be fined not exceeding $250 or be imprisoned not more than one hundred days. All the fines accruing under this act shall be paid into the Treasury, and the informer in each case of conviction shall be paid the sum of $25.

Mr. JONES of Arkansas. I move to amend the amendment in line 12, page 52, by striking out the word "two" and inserting "three" before the word "hundred."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In line 12, page 52, it is proposed to strike out "two" and insert "three"; so as to read:

Surveying lands in the Indian Territory: For the continuation of the survey of the lands in the Indian Territory, $300,000, or so much thereof as may be necessary, to be immediately available.

Mr. PETTIGREW. I do not think I object particularly to the amendment to the amendment, although $200,000 is all that the Department estimated for this purpose. The committee therefore thought that it would be as much as could properly be expended this summer.

Mr. JONES of Arkansas. The statement of the Senator from South Dakota is strictly true; but it is also true that the Geological Survey made an estimate, which was submitted to the Interior Department, in which they made the statement that $300,000 could economically be used this year; that $300,000 would enable the Geological Survey to complete the survey of this country during the present year, and that it will take $300,000 to complete the survey.

If $200,000 is given this year the work can not be completed until next year. If anything is to be done in the way of changing the condition of things in the Indian Territory, it is absolutely necessary that the survey shall be completed at the earliest possible day. It will cost no more money to have the work done this year and completed within the present calendar year than it will to have it extend over two years. It is desirable in every way that it shall be done as promptly as possible. I hope the amendment to the amendment will be adopted and that the committee will not object.

Mr. PETTIGREW. I think I shall have to take the sense of the Senate upon the amendment to the amendment, for the reason that the Committee on Appropriations refused by a vote, I think, to increase the amount.

Mr. CULLOM. I suppose the same can be said of every Territory where there is land unsurveyed that is said by the Senator from Arkansas [Mr. JONES] in reference to this matter; and if we begin to give all that can possibly be used we might as well settle upon that policy, and where there are surveys to be made proceed to give all that is wanted.

Mr. JONES of Arkansas. If the Senator from Illinois will allow me, I will state that there exists nowhere a condition similar to the condition in the Indian Territory. Congress is now debating the propriety of making certain radical changes in the form of government in the Territory. The very first step preliminary to carrying out any plan that may be adopted by Congress must be the survey of that country. It was agreed to in the treaty of Fort Smith of 1867. The survey of the country is absolutely preliminary. Nothing can be carried out until it is done, and if a bill should be passed during the present Congress providing for changes in the Indian Territory, it can not possibly be put into operation or take effect until the completion of this survey. It will take twelve months now to finish it if $300,000 is given, which is necessary, and if it is cut in two it will simply take two years to do a work which otherwise could be done in one.

Mr. CULLOM. Is there an official estimate or statement that $300,000 can be used this year?

Mr. JONES of Arkansas. I know that the Director of the Geological Survey made that estimate and sent it to the Secretary of the Interior. The Secretary of the Interior did not officially estimate for the $300,000, but I know that the Director of the Geological Survey made such an estimate and recommended an appropriation of $300,000.

This measure went to the Committee on Indian Affairs. It was examined by the Committee on Indian Affairs, and the amount of $300,000 was unanimously recommended and reported by the committee, and the matter went to the Committee on Appropriations. After careful examination by the Committee on Indian Affairs, there was no doubt among the members of the committee that the $300,000 proposed to be appropriated this year was absolutely necessary. Every member of the committee so believes and every member of the committee was in favor of such action being taken by the Senate.

Mr. CULLOM. It would seem to me that if the Secretary of the Interior had thought that $300,000 was necessary for the present year, he would himself have recommended it; and does it not in a degree indicate that he does not believe that more than $200,000 can be used profitably during the present year when he failed so to recommend?

Mr. JONES of Arkansas. It may be possible that the Secretary of the Interior does believe that, but I venture very gently to suggest that there are people who are more familiar with the facts existing in that country than is the Secretary of the Interior, and whose judgment would be of more weight there than his.

The Secretary of the Interior can have no doubt that an appropriation of only $200,000 now means that they will be two years in making the survey. It is only a question as to whether or not there will be a delay in making the survey. Putting into the pending bill $200,000 simply means that Congress does not intend to take any steps further for two years or more in the Indian country, as all the proposed legislation will be held back and can not become effective until the completion of the survey.

Mr. CHANDLER. Mr. President, I understand that while the Committee on Appropriations did not approve of $300,000, that sum was recommended by the Committee on Indian Affairs. Am I correct?

Mr. JONES of Arkansas. The Senator from New Hampshire is correct in that statement.

Mr. CHANDLER. Then, when the member of the Committee on Appropriations who is in charge of the bill objects to the increase, he is objecting not as chairman of the Committee on Indian Affairs, but as a member of the Committee on Appropriations. Am I right in my supposition, I ask the Senator from South Dakota?

Mr. PETTIGREW. I shall allow the Senator from New Hampshire to make his own speech.

Mr. CHANDLER. I wish to know in behalf of which opinion of the Senator from South Dakota I am to speak. I understand that the Committee on Indian Affairs, which knows all the circumstances connected with the opening of the Territory and knows the wants of the Territory, after a full investigation of the subject, came to the conclusion that there was special reason for expedition in the survey of those lands and therefore recommended $300,000, and that it is the judgment of the Senator from South Dakota that such an amount of money ought to be expended.

That being the case, it seems to me we might in this one instance recognize the opinion of the Committee on Indian Affairs. We may differ with it on other occasions, and very likely we shall with reference to matters upon this bill, but here is a case where I am willing to follow the judgment of the Committee on Indian Affairs, which certainly I believe has investigated this question more carefully than has the Committee on Appropriations.

I do not see why the Senator from South Dakota, as chairman of the committee, representing the Committee on Indian Affairs, should have allowed himself to be overruled on this question by the formidable committee of which he finds himself a member at the present session. It seems to me he should speak right out here in favor of what he believes ought to be appropriated in this case.

Mr. HAWLEY. I suggest that the chairman of the Committee on Appropriations promise that we shall have the remainder of the money next December, after the Presidential election.

Mr. ALLISON. The Senator from Connecticut makes a very wise suggestion. I shall do a great many things, I have no doubt, next year after the Presidential election. We always do.

It does not require any very great investigation to determine whether we ought to appropriate $200,000 or $300,000 in this case. A year or two ago it seemed to be necessary that the survey should be made quickly, and if my recollection serves me correctly the Committee on Indian Affairs last year recommended that we should appropriate $500,000 or $600,000, I have forgotten which, to complete the survey in the Indian Territory. The Senator from Arkansas [Mr. JONES] can tell me if I am mistaken as to the amount.

Mr. JONES of Arkansas. When the first recommendation was made, something like a year ago, the estimate made by the Geological Survey was that the survey could be completed, I think, for $425,000. After some examination it was ascertained that the amount necessary would be larger, and now it is thought to be $500,000.

Mr. ALLISON. Last year the Committee on Appropriations recommended and the two Houses agreed to an appropriation of $200,000 to progress with the survey in the Indian Territory, in anticipation that it would be a reasonable sum to be applied to this purpose in connection with the other sums that are annually applied to public surveys. This year those in charge of this subject as administrative officers of the Government recommended an additional $200,000, and that sum is found in the Book of Estimates.

As a concession to those who think, and there are a good many people who so think, that the survey should be made at the earliest practicable moment, the Committee on Appropriations, in recommending the appropriation of the sum fixed in the estimate, authorized that it should be made immediately available. So it is proposed to have the $200,000 for the current year and the $200,000 for next year lap over upon each other, so that there shall be no hiatus in the work.

It is proposed now that we shall increase the amount beyond the estimates. I do not think that is a wise thing to do. A point of order, I think, would lie against the amendment proposed by the Senator from Arkansas to the amendment. I do not propose to make it, but it seems to me that if we go beyond the estimates, which are very large as to these various appropriations, we will find some difficulty in meeting the expenditures. So far as I have been able to judge, there is not the necessity for haste as to surveys suggested by the Senator from Arkansas. I do not believe it is possible, with the legislation which is to be proposed before we finish the pending bill, shortly to get the Indian Territory into a condition where allotments can be made to the Indians, and that is the object of this hasty survey, in order that we may tear up by the roots, as it were, the Indian Territory, and compel the Five Civilized Tribes to take allotments of land in the Territory, and make such disposition as Congress may see fit to provide as respects the remainder.

I believe that in the matter of surveys it would be wise to make haste slowly. The Indians of the Territory are utterly opposed to the legislation which we are likely to put upon the bill before we get through with it. I submit that there is no such necessity for haste as requires that we shall expend in the present and the next fiscal year $300,000 for this single purpose. It may be that when next winter comes, if we find that the work is progressing fairly well and that an additional hundred thousand dollars can be used wisely early in the season or even during the next fiscal year, we can appropriate an additional sum and make it immediately available, as this is to be made immediately available.

I suggest to my friend the Senator from Arkansas not to press too hard the question of making surveys of these Indian lands so as to complete them in great haste. I have no doubt the Geological Survey is making a very good survey of the Territory in every particular, but I submit that $200,000, making $400,000 which may be expended within a period of eighteen months for this purpose, in consideration of the other things which we are to do or which probably we will do during the present session, is a sufficient sum of money, especially when the Five Civilized Tribes do not desire that this work shall be hastened.

Mr. TELLER. Mr. President, I do not like to differ with the chairman of the Committee on Appropriations, but I am myself satisfied that $300,000 can be expended and that it will be in the interest of economy to give $300,000 instead of $200,000. Unless the sum be made immediately available the surveys would have to cease. There is no money to run them until July. They will then have this summer and next winter, and by the following spring the work ought to be done.

It can be done much more cheaply by the appropriation of $300,000 than it can with $200,000. It can be done much more cheaply in winter time than in summer. Winter is the proper time to make the surveys. In the first place, a good portion of that country is covered with short shrubbery or trees, which, in the summer time, when the leaves are on, necessitate cutting paths as the surveyor goes. In the winter time, when the leaves are off, he can manage without cutting.

I do not know but that it is necessary to go slowly in this matter because the question we are to determine in settling the Indian question in the Territory is an exceedingly difficult one. But it is one we can not neglect very much longer. Neither in the interest of the Indians nor in the interest of the whites can it be neglected. I know, of course, as the chairman of the Committee on Appropriations says, that the Indians are very much opposed to these surveys. The surveys ought to have been made under our treaties years and years ago. No portion of that country except the Choctaw and Chickasaw lands has been surveyed, and the Indians are opposed to making the survey for the simple reason that a small number of Indians in the Indian Territory control everything there.

Nobody has a conception of the condition of that country who has not been there or who has not at least followed the report of the commissioners who have been sent there. There are at least, I suppose, five white men in the Territory to every Indian, and the country is now divided up and parceled out to tenants. One man, who is married to an Indian wife, has 400 farms in that country rented to white people. Another, who is an Indian by birth and blood, admitted to me that he had 160 farms from which he was drawing rent. The common Indian, the full-blooded Indian, is living in the brush somewhere cultivating perhaps 4 or 5 or 10 acres at the most and keeping a few cattle. These other Indians are getting rich, and they are becoming so at the expense of the great body of the Indians of that country. This land was given to the Indians for the benefit of all and not of a few, and unless some system is devised, unless the Government of the United States

puts its strong hand upon the people there, the few are to take all the profits and all the advantages and all the benefits that the Government intended to confer upon all, and the masses will get nothing.

I know, Mr. President, that it is a difficult question. You have to tear up the treaties by the roots, but you have to do it. You can not go along in that way with three or four hundred thousand white people there, who are denied every privilege of citizenship, who are denied access to the schools, who are strangers in a strange land, their children growing up in ignorance. When the Indians of the Territory opened the country to white people, they abandoned the exclusive privilege which the Government had undertaken to guarantee, that they might remain there isolated and alone, and if they have broken faith with the Government they can not complain if the Government now says, "We will recognize a condition which you have brought upon the country by your own conduct."

I believe that those Indians should be protected in every dollar of property that they have. I would have nothing to do with any measure that does not maintain strict justice on the part of the United States with reference to their property rights, but the political question is one which we have to settle not only as to the Indians in the Territory, but with respect to the whites, and, as was said by the Senator from Arkansas [Mr. JONES], the very first step is to divide up the lands.

Mr. President, if I had my way I would consult these Indians as to how they should be dealt with. But they have declined for two years to even consult with our commission that we sent there. They declined to participate in the settlement of this question, and, as I said to some of them two years ago, I say now, if they decline to assist us in settling this difficult question we shall be bound to settle it for ourselves without their aid.

Mr. JONES of Arkansas. Mr. President, the Senator from Iowa, the chairman of the Committee on Appropriations, is a just man and I am perfectly satisfied that when the amendment which is to be proposed later to the bill comes up for consideration and the facts are presented to the Senate, as they will be presented by gentlemen who have devoted their time to the full and careful examination of this question, he will not believe then that it is our duty to make haste slowly in undertaking to change the condition of things that now exist in the Indian Territory.

Mr. ALLISON. If I made that statement, I did not wish to be so understood.

Mr. JONES of Arkansas. I so understood the Senator.

Mr. ALLISON. I said that it was wise as respects these surveys—I alluded only to the surveys—not to go so rapidly when in the very nature of things it will be impossible for us to deal wholly with this question the present fiscal year.

Mr. JONES of Arkansas. That statement is strictly true. It will be impossible for us to deal with the question during this year, but before we can begin to deal with the question in an intelligent way there must be a survey of the country. It is the preliminary step, as stated by the Senator from Colorado. It is absolutely necessary. It will be the first thing done, and it ought to be completed at the earliest possible day. With $300,000 appropriated in this bill the survey can be completed during the calendar year, in my opinion, and during the next year steps can be inaugurated which will result in settling this question. But if we delay the survey through another year, then anything proposed must necessarily be delayed at least twelve months more.

It seems to me that motives of humanity require that there shall be no delay in this step to be taken. The condition of things existing there, as stated by the Senator from Colorado, is absolutely almost incredible. Those lands are held by a favored few in enormous tracts. They are renting them to white men who are living among the Indians, and those who are the owners of that country, who are entitled to its possession and use, are absolutely deprived of its use. There are lists which can be submitted here to show the names of individuals who hold probably from 5,000 to 40,000 acres each, while hundreds and thousands of Indians, who are Indians by blood and who are entitled to an equal share in the use of the land under treaties with the United States, who have the plighted faith of the Government of the United States that they shall have and enjoy equal rights in the Territory, have absolutely no rights at all. It is a disgrace to this Congress that that condition of things is allowed to exist, and the longer it exists the worse it is for them and for us.

I sincerely hope, Mr. President, that the Senate will allow a sufficient sum of money to be appropriated to complete the surveys during this year.

Mr. CHANDLER. Mr. President, I do not undertake to express an opinion as to the large question of the policy which should be adopted in dealing with the Indian Territory. I confine myself to the narrower question whether these lands shall or shall not be surveyed.

When the Senator from Iowa says that more is being given here than the estimate, my answer is that it is for Congress to determine what the policy shall be with reference to these surveys, how fast they shall proceed, how much they shall be delayed; and when I find that the Committee on Indian Affairs of this body has determined that it is wise and expedient to expedite the surveys the fact that the Department has not expected to expend so large a sum as $300,000 during the coming year has no weight with me.

I accept the conclusion of the Committee on Indian Affairs that these surveys ought to be expedited, and I am convinced by the remarks of the Senator from Arkansas [Mr. JONES] and by the remarks of the Senator from Colorado [Mr. TELLER] that whatever policy is pursued with reference to these Indians, however rapidly or however slowly we proceed in solving the troublesome questions that exist in reference to the Territory, the survey, the policy of making which has been already determined upon, ought to proceed with all possible rapidity, and upon that idea and that idea alone I shall give my vote for the amendment proposed by the Senator from Arkansas to the amendment of the committee.

I think the Senator from Iowa will concede, without reference to the amount that may have been estimated for by the Department, that when a committee of this body charged especially with this subject comes to the conclusion that the surveys ought to be expedited by the appropriation of a larger sum of money, it is not a sound argument for the Senator to make that because he is opposed to the policy which is proposed for adoption, to follow as the result of the surveys, the surveys themselves ought to be crippled by an inadequate appropriation. I do not think the Senator from Iowa really meant that that was his motive in resisting the appropriation. If he did mean it, I simply say I dissent from it, and wish to vote according to the merits of the proposition how much money can be wisely expended in carrying out the policy which has been determined upon, of expediting the surveys, and whether I am in favor of or am against the policy that is to follow the surveys I am not willing, as the Senator says he is willing, to hinder the surveys and make them proceed more slowly than they would otherwise proceed.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arkansas to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. ALLISON. I move to amend the amendment by striking out, in line 10, the word "continuation" and inserting the word "completion"; so as to read:

For the completion of the survey of the lands in the Indian Territory, $300,000, or so much thereof as may be necessary.

Mr. JONES of Arkansas. That is right.

The amendment to the amendment was agreed to.

Mr. ALLISON. I also move to amend the amendment on page 54 by striking out the word "act," in line 1, and inserting the word "paragraph"; and I move the same amendment in line 5. These provisions were taken bodily from a section, I believe, of a bill that is now pending on our Calendar, and in remodeling the pending bill so as to place it in harmony with the appropriation the word "act" was inserted, I suppose accidentally.

Mr. PETTIGREW. Undoubtedly.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa to the amendment of the committee, striking out the word "act" and inserting the word "paragraph" in the lines indicated.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 54, after line 7, to insert:

In payment, under direction of the Secretary of the Interior, to certain Chippewa Indian allottees of the Isabella Reservation, in Michigan, as their interests may appear, being the sums recovered by the United States as judgments against certain parties for timber depredations committed within said reservation upon lands which have been allotted and patented to individual Indians, and covered into the Treasury of the United States, $1,121.62.

The amendment was agreed to.

The next amendment was, on page 54, after line 16, to insert:

That any adult Peoria or Ottawa Indian, an allottee under any act of Congress, may, with the approval of the Secretary of the Interior, sell and convey to the Miami Town Company, a company chartered under the laws of Kansas, 40 acres of ground near Miami, Ind. T., to be used exclusively for cemetery purposes and no other: *Provided*, That 40 acres shall not exceed half of his or her allotment.

The amendment was agreed to.

The next amendment was, on page 54, after line 23, to insert:

To reimburse N. J. Cramer, of Yankton, S. Dak., amount paid by him to the United States as stumpage for 400 cords of wood furnished to the Government at Fort Bennett, S. Dak., in 1878, $800.

The amendment was agreed to.

The next amendment was, on page 55, after line 3, to insert:

That the claim of the Fond du Lac band of Chippewa Indians of Lake Superior for compensation arising from the difference in area of the reservation as actually set apart to them and that provided to be set apart, under the fourth subdivision of article 2 of the treaty between the United States and the Chippewas of Lake Superior and the Mississippi, made and concluded at Lapointe, in the State of Wisconsin, on the 30th day of September, in the year 1854, proclaimed January 29, 1855, be, and the same is hereby, referred to the Court of Claims; and jurisdiction is hereby conferred on said court, with right of appeal as in other cases, to hear and determine the same and to award judgment against the United States for the difference between the area of the reservation actually set apart to said Indians and that provided to be set apart in said treaty, if any, at the rate of $1.25 per acre, the said action to be brought by the said Fond du Lac band of Chippewa Indians against the United States by petition, verified under oath by any duly authorized attorney for said Indians, within thirty days from the passage of this act; and the Attorney-General shall appear and answer said petition within thirty days from the filing thereof, unless the time for pleading be extended by the court for cause shown; and said action shall have precedence in said court.

Mr. NELSON. Mr. President, this amendment in the bill in its present form ought not to be adopted. The object of the amendment is to allow a certain band of Indians, called the Fond du Lac band of Indians in Minnesota, to bring an action against the United States for the purpose of recovering a judgment at the rate of $1.25 an acre for the difference in the lands in the reservation assigned to them under the treaty of 1854 and the lands they claim they ought to have had.

I will state the reason why the amendment should not pass, at least in its present condition. In January, 1889, Congress passed an act for the relief and civilization of the Chippewa Indians in Minnesota. It provided for the cession and relinquishment of a good deal of their lands and for the disposal of them to the public in two methods, classing the lands into agricultural and pine lands, the agricultural lands as homesteaded at the rate of $1.25 an acre and the pine lands at public sale after an appraisal at the rate of $3 per thousand feet, and not less. The chief body of these lands constituted what was known as the Red Lake Reservation, really the property of the Red Lake tribe of Indians, who occupied it. Something like two million or two million and a half acres have been obtained under this legislation.

That act provides that all these Indian lands in Minnesota shall be disposed of in the manner I have indicated, and that the proceeds shall be divided among all the Indians equally, giving the band of Fond du Lac Indians their pro rata share with all the other Chippewa Indians in Minnesota in respect to the Red Lake Reservation lands.

Here is the clause of the act of 1889, which is germane and bears on this question:

SEC. 7. That all money accruing from the disposal of said lands in conformity with the provisions of this act shall, after deducting all the expenses of making the census, of obtaining the cession and relinquishment, of making the removal and allotments, and of completing the surveys and appraisals, in this act provided, be placed in the Treasury of the United States to the credit of all the Chippewa Indians in the State of Minnesota as a permanent fund, which shall draw interest at the rate of 5 per cent per annum, etc.

These Fond du Lac Indians are made a sharer of this fund. They not only get what their own little reservation would bring them on a sale, but they are allowed to come in with all the other Chippewa Indians in Minnesota and take their pro rata share of the proceeds of those Red Lake lands. Nearly 2,000,000 acres of those lands are now surveyed, and will be put upon the market as homesteads this spring at $1.25 an acre. There are some three or four hundred thousand acres of valuable pine land that will be sold at public sale to the highest bidder at not less than the appraised value, which can not be less than $3 per thousand feet, board measure, of the pine on the land.

If that act is honestly administered and all those lands sold and disposed of according to the letter and spirit of the act, they will produce a fund of over $3,000,000 for the Chippewa Indians in Minnesota, and the Fond du Lac Indians will have their share with the other Indians. That being the case, I insist that they ought not to have authority to come in with this petty claim and seek to get a judgment against the United States for the difference between the reservation that was allotted them, a little reservation near Duluth, and what they claim they ought to have had. If they are given this right of action at all, it ought to be with the proviso that whatever benefit they get under the act of 1889, whatever income they derive from that act, shall be deducted from any claim that may be allowed as due them from the United States.

I therefore ask that the amendment be stricken out, or, if not stricken out, that it be amended so as to protect the interests of the United States. I think that whatever claim the Fond du Lac Indians may have against the United States the Government should be allowed to counterclaim the benefits which they are given under the act of 1889.

Mr. PETTIGREW. I should like to ask the Senator from Minnesota, conceding his claim that the proceeds of the sale of the reservation at Red Lake is a compensation to these Indians for the loss of their lands, what objection there is to an adjustment?

Mr. NELSON. The amendment is not an adjustment, but it gives them something which they never had before. It takes all the Indians in Minnesota and makes them a sharer of the Red Lake lands. The chief body of lands was the Red Lake Reservation. In its original state it was over 3,000,000 acres. The Indians still reserve something like from 800,000 to 1,000,000 acres. At least 2,000,000 acres are open, and the Red Lake Indians divide the proceeds of the lands under the law of 1889. The proceeds of those 2,000,000 acres are, if I may use a slang expression, pooled for the benefit of all the Indians, and these Fond du Lac Indians come in and get their share of the proceeds of the Red Lake lands. For that reason I say that, in equity and good conscience, whatever claim the Fond du Lac Indians may have against the United States under the old treaty the United States ought to be credited and this bill ought to make provision that the United States shall be credited with all the benefits that the Fond du Lac Indians will get under the act of 1889.

The PRESIDING OFFICER. What is the amendment proposed by the Senator from Minnesota?

Mr. NELSON. I move first to strike out this paragraph from the bill.

The PRESIDING OFFICER. The paragraph is an amendment inserted by the committee, and the Senator from Minnesota will accomplish his purpose by voting against the amendment of the committee.

Mr. PETTIGREW. It appears that these Indians were accorded a reservation on the St. Louis River in Minnesota some years ago; that the boundaries of their reservation were fixed by certain streams easily understood by the Indians; and that there was a clause placed in the treaty that the reservation should be bounded by these natural objects, but that it should not comprise less than 100,000 acres. The officers of the Government surveyed the reservation and confined it to an area of 100,000 acres. The Indians knew nothing about acres. They knew where a certain stream was and where certain boundaries were and where certain lakes were, but they knew nothing about the number of acres embraced. It appears that they were thus cheated out of over 100,000 acres in the reservation which they supposed they were getting.

These Indians have complained constantly of this treatment. In 1890 the Senate passed a resolution instructing the Secretary of the Interior to look into this matter and see what the Indians understood, and he reported that they understood the boundaries to be the natural objects and that they never agreed to any other boundaries than those embraced within the natural objects.

The Committee on Indian Affairs investigated the matter and reported in favor of this amendment, and it was adopted by the Committee on Appropriations. It simply provides that the Court of Claims shall look into this matter, taking into consideration all of the questions, and pass upon the question as to whether the Indians are entitled to the additional 100,000 acres of land or not, and if they are found to be entitled to it, they are to be compensated at the rate of $1.25 per acre.

It seems to me that the treaty made with regard to the Red Lake Reservation has nothing to do with this question whatever. If Congress has made some provision gratuitously to these Indians, it has nothing to do with their rights under the treaty, and the amendment of the committee ought to remain as a part of the bill.

Mr. CALL. I ask the Senator from South Dakota if he has any objection to an adjournment at this time.

Mr. PETTIGREW. I should like to continue with the consideration of the bill until half past 5.

The VICE-PRESIDENT. Does the Senator from Florida submit a motion?

Mr. CALL. Unless the Senator in charge of the bill is especially desirous to continue the further consideration of the bill this evening, I suggest that we may as well adjourn.

Several SENATORS. Let us adjourn.

Mr. PETTIGREW. As there seems to be a general desire on the part of Senators to adjourn, I shall not insist upon remaining in session longer.

PROPOSED INVESTIGATION OF BOND SALES.

Mr. PEFFER. Before the motion to adjourn is put, I desire to state that the Senator from New York [Mr. HILL] and myself had a conversation this afternoon with respect to the resolution proposing to investigate the bond issue, of which I have been talking to the Senate several times lately. The Senator from New York is obliged to leave the city to-morrow and is not going to return until probably next Tuesday. I ask unanimous consent for an agreement that next Tuesday, at fifteen minutes past 2 o'clock, the Senate will proceed to the consideration of the bond resolution.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kansas?

Mr. CALL. At what hour? Fifteen minutes past 1?

Mr. ALLEN. No; fifteen minutes past 2.

Mr. CALL. Why not take it up after the routine business?

Mr. HILL. Then it would be cut off by 2 o'clock.

Mr. CALL. All right.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. PETTIGREW. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 9, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 8, 1896.

POSTMASTERS.

James Clyne, to be postmaster at Benicia, in the county of Solano and State of California, in the place of Frederick P. Weinman, whose commission expired December 16, 1895.

William F. Mariante, to be postmaster at San Leandro, in the county of Alameda and State of California, in the place of Charles H. Gray, whose commission expired December 16, 1895.

Weston L. Stiles, to be postmaster at Suffield, in the county of Hartford and State of Connecticut, in the place of Richard Jobes, whose commission expired February 27, 1895.

Theodore Trowbridge, to be postmaster at Decatur, in the county of Van Buren and State of Michigan, in the place of May F. Nicholson, whose commission expired December 16, 1895, Edward Arnold having been nominated through a clerical error, instead of Theodore Trowbridge, and confirmed by the Senate, but not commissioned.

James McCarty, to be postmaster at Rockville Center, in the county of Queens and State of New York, in the place of John T. Davison, whose commission expired December 17, 1895.

John H. Keelin, to be postmaster at East Greenwich, in the county of Kent and State of Rhode Island, in the place of J. Clarence Reeve, whose commission expired February 23, 1896.

C. C. Lockett, to be postmaster at Kerrville, in the county of Kerr and State of Texas, in the place of Albert Endere, whose commission expired December 23, 1895.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 8, 1896.

GOVERNOR OF ARIZONA.

Benjamin J. Franklin, of Phœnix, Ariz., to be governor of Arizona.

POSTMASTERS.

Isaac O. Epes, to be postmaster at Blackstone, in the county of Nottoway and State of Virginia.

J. A. B. Bear, to be postmaster at Paola, in the county of Miami and State of Kansas.

Charles Laurence, to be postmaster at Owosso, in the county of Shiawassee and State of Michigan.

George W. Merrill, to be postmaster at Orange, in the State of Massachusetts.

Mollie E. Goolsby, to be postmaster at Chatham, in the county of Pittsylvania and State of Virginia.

Richard P. Nelson, to be postmaster at Juneau, in the Territory of Alaska.

I. B. Barnes, to be postmaster at Ferndale, in the county of Humboldt and State of California.

Mary Hansborough, to be postmaster at University, in the county of Los Angeles and State of California.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 8, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

METRIC SYSTEM.

The SPEAKER. The House is now acting under the previous question——

Mr. FISCHER. Mr. Speaker, before the motion is put——

The SPEAKER. The House is now acting under the previous question, which has been ordered upon the House bill 7251, relating to the metric system, and the question now pending is whether the House will order the vote to be taken by the yeas and nays. Now, the gentleman from New York——

Mr. FISCHER. I rise for the purpose of asking unanimous consent to make a proposition.

The SPEAKER. The gentleman will state his request.

Mr. FISCHER. My request is that I may be allowed to interpose an amendment to this bill. I was cut off by the previous question being ordered, and I have since conferred with the chairman of the committee, and unless there is objection I ask that I may be allowed to propose an amendment, which is to strike out the word "only" in the third line of the second section of this bill, which will leave the measure so that if adopted it shall be the legal system of weights and measures, and leave it optional; whereas by leaving in the word it makes it the only legal system. I ask unanimous consent to offer that amendment.

Mr. BARRETT. I shall object unless it be made "a" legal measure instead of "the."

Mr. FISCHER. It is to-day by the law of 1866.

The SPEAKER. Objection is made; and the question is, Shall the vote be taken by the yeas and nays?

The yeas and nays were ordered.

The question was taken; and there were—yeas 119, nays 116, not voting 119; as follows:

YEAS—119.

Adams,	Daniels,	Howe,	Russell, Ga.
Aitken,	Denny,	Howell,	Sauerhering,
Aldrich, Ala.	De Witt,	Hubbard,	Scranton,
Aldrich, Ill.	Dockery,	Hulick,	Shafroth,
Allen, Miss.	Doolittle,	Hunter,	Simpkins,
Allen, Utah.	Elliott, S. C.	Hurley,	Smith, Mich.
Apsley,	Ellis,	Jenkins,	Southard,
Avery,	Erdman,	Johnson, Ind.	Sparkman,
Babcock,	Fairchild,	Johnson, N. Dak.	Sperry,
Baker, Kans.	Fischer,	Kem,	Stahle,
Baker, Md.	Fowler,	Lawson,	Stone, C. W.
Baker, N. H.	Gardner,	Leighty,	Stone, W. A.
Barney,	Gillett, Mass.	Leisenring,	Strode, Nebr.
Bartholdt,	Griffin,	Leonard,	Strong,
Bell, Colo.	Griswold,	Lester,	Sulzer,
Bell, Tex.	Grout,	Linton,	Taft,
Blue,	Grow,	Loudenslager,	Tayler,
Brewster,	Hadley,	McCall, Mass.	Thomas,
Broderick,	Hager,	McClellan,	Towne,
Bromwell,	Hainer, Nebr.	McCormick,	Tracewell,
Brosius,	Halterman,	McEwan,	Treloar,
Brumm,	Hanly,	McRae,	Turner, Ga.
Burton, Ohio	Hardy,	Minor, Wis.	Underwood,
Colson,	Harmer,	Moody,	Walker, Mass.
Cook, Wis.	Harris,	Newlands,	Walsh,
Cooper, Fla.	Hart,	Odell,	Wellington,
Cooper, Wis.	Hemenway,	Otjen,	Williams,
Crowley,	Henry, Ind.	Overstreet,	Wilson, N. Y.
Crump,	Hill,	Patterson,	Woomer.
Danford,	Hitt,	Pearson,	

NAYS—116.

Arnold, R. I.	Ellett, Va.	Marsh,	Russell, Conn.
Atwood,	Evans,	McCall, Tenn.	Sayers,
Bailey,	Faris,	McCleary, Minn.	Shaw,
Barham,	Fenton,	McDearmon,	Shuford,
Barrett,	Fletcher,	McLaurin,	Smith, Ill.
Bartlett, Ga.	Gamble,	McMillin,	Spalding,
Bartlett, N. Y.	Gibson,	Meiklejohn,	Steele,
Belknap,	Grosvenor,	Mercer,	Stephenson,
Bishop,	Hatch,	Meredith,	Strait,
Black, Ga.	Heatwole,	Meyer,	Strowd, N. C.
Bowers,	Hepburn,	Milliken,	Sulloway,
Burrell,	Hilborn,	Milnes,	Swanson,
Calderhead,	Hopkins,	Money,	Talbert,
Cannon,	Huling,	Mozley,	Tawney,
Cobb, Ala.	Hull,	Noonan,	Terry,
Cobb, Mo.	Johnson, Cal.	Northway,	Tracey,
Cockrell,	Kerr,	Ogden,	Turner, Va.
Cooper, Tex.	Kiefer,	Otey,	Tyler,
Corliss,	Knox,	Owens,	Updegraff,
Cousins,	Lacey,	Parker,	Van Horn,
Curtis, Iowa	Latimer,	Payne,	Van Voorhis,
Curtis, Kans.	Lefever,	Perkins,	Walker, Va.
Dayton,	Lewis,	Pickler,	Warner,
De Armond,	Linney,	Pitney,	Washington,
Dinsmore,	Little,	Poole,	Watson, Ind.
Dolliver,	Livingston,	Pugh,	Wheeler.
Dovener,	Lockhart,	Reeves,	Wilson, Idaho
Draper,	Long,	Richardson,	Wood.
Eddy,	Low,	Royse,	Wright.

NOT VOTING—119.

Abbott,	Culberson,	Kyle,	Reyburn,
Acheson,	Cummings,	Layton,	Robertson, La.
Anderson,	Curtis, N. Y.	Lorimer,	Robinson, Pa.
Andrews,	Dalzell,	Loud,	Rusk,
Arnold, Pa.	Dingley,	Maddox,	Settle,
Bankhead,	Downing,	Maguire,	Shannon,
Beach,	Fitzgerald,	Mahany,	Sherman,
Bennett,	Foote,	Mahon,	Skinner,
Berry,	Foss,	McClure,	Snover,
Bingham,	Gillet, N. Y.	McCreary, Ky.	Sorg,
Black, N. Y.	Graff,	McCulloch,	Southwick,
Boutelle,	Hall,	McKenney,	Spencer,
Brown,	Harrison,	McLachlan,	Stallings,
Buck,	Hartman,	Miles,	Stewart, N. J.
Bull,	Heiner, Pa.	Miller, Kans.	Stewart, Wis.
Burton, Mo.	Henderson,	Miller, W. Va.	Stokes,
Catchings,	Hendrick,	Miner, N. Y.	Tate,
Chickering,	Henry, Conn.	Mondell,	Tucker,
Clardy,	Hermann,	Morse,	Wadsworth,
Clark, Iowa	Hicks,	Moses,	Wanger,
Clark, Mo.	Hooker,	Murphy,	Watson, Ohio
Clarke, Ala.	Howard,	Neill,	White,
Codding,	Huff,	Pendleton,	Wilber,
Coffin,	Hutcheson,	Phillips,	Willis,
Connolly,	Hyde,	Powers,	Wilson, Ohio
Cooke, Ill.	Jones,	Price,	Wilson, S. C.
Cowen,	Joy,	Prince,	Woodard,
Cox,	Kendall,	Quigg,	Woodman,
Crisp,	Kirkpatrick,	Raney,	Yoakum.
Crowther,	Kulp,	Ray,	

So the bill was ordered to be engrossed and read a third time.

Mr. PENDLETON. Mr. Speaker, I have voted, but being paired with my colleague, Mr. CULBERSON, I desire to withdraw my vote. If my colleague were present, he would vote "nay" and I would vote "yea."

Mr. MCCREARY of Kentucky. Mr. Speaker, I would like to vote "nay" if I could be permitted, but I do not know that I can be, as I was not in the Hall when my name was called.

The SPEAKER. The gentleman is not within the rule.

Mr. DALZELL. Mr. Speaker, I voted "yea," but I find that I am paired with the gentleman from Georgia, Mr. CRISP, and I withdraw my vote.

Mr. BURTON of Missouri. Mr. Speaker, I was with the Committee on the Judiciary, which is privileged to sit during the sessions of the House, and I came down as soon as I was notified that a roll call was pending. I desire to vote.

The SPEAKER. The Chair can not entertain the gentleman's request.

Mr. BURTON of Missouri. Was not my absence privileged, the committee having leave to sit during the sessions of the House?

The SPEAKER. The Chair thinks not.

Mr. BURTON of Missouri. Well, if I could be permitted to vote I should vote "nay."

Mr. MILES. Mr. Speaker, I am paired with the gentleman from Nebraska [Mr. ANDREWS]. If he were present, I would vote "nay."

Mr. CURTIS of New York. Mr. Speaker, I do not know that I am entitled to vote, as I was not present in the Hall when my name was called.

The SPEAKER. The gentleman's vote can not be received.

The following-named members were announced as paired until further notice:

Mr. WHITE with Mr. HARRISON.
Mr. LORIMER with Mr. HUTCHESON.
Mr. HICKS with Mr. ROBERTSON of Louisiana.
Mr. TRACEWELL with Mr. HENDRICK.
Mr. SHERMAN with Mr. RUSK.
Mr. MORSE with Mr. PRICE.
Mr. JOY with Mr. COX.
Mr. ROBINSON of Pennsylvania with Mr. HALL.
Mr. MCCLURE with Mr. MINER of New York.
Mr. ARNOLD of Pennsylvania with Mr. WILSON of South Carolina.
Mr. CLARK of Missouri with Mr. NEILL.
Mr. BINGHAM with Mr. FITZGERALD.
Mr. DALZELL with Mr. CRISP.
Mr. LOUD with Mr. KYLE.
Mr. STEWART of Wisconsin with Mr. STALLINGS.
Mr. RANEY with Mr. COWEN.
Mr. DRAPER with Mr. TUCKER.
Mr. ANDREWS with Mr. MILES.
Mr. CROWTHER with Mr. LAYTON.
Mr. MILLER of West Virginia with Mr. WOODARD.
Mr. HENDERSON with Mr. ABBOTT.
Mr. SOUTHWICK with Mr. SORG.
Mr. CODDING with Mr. JONES until April 11.
Mr. BOUTELLE with Mr. TATE for this day.

For this vote:

Mr. BURTON of Missouri with Mr. SPENCER.
Mr. SHANNON with Mr. DOWNING.
Mr. PENDLETON with Mr. CULBERSON.
Mr. KULP with Mr. MADDOX.

Mr. DOCKERY. Mr. Speaker, in view of the fact that there has been a good deal of confusion, I think it desirable to have a recapitulation of the vote.

The Clerk recapitulated the vote.

Mr. DOCKERY. Mr. Speaker, I desire to change my vote from "nay" to "yea."

The name of Mr. DOCKERY was again called, and he voted "yea."

Mr. WHEELER. Mr. Speaker, I desire to change my vote from "yea" to "nay."

The result of the vote was then announced as above recorded.

[Applause.]

Mr. DOCKERY. Mr. Speaker, I move to reconsider the vote by which the bill was ordered to be engrossed and read a third time.

Mr. CHARLES W. STONE. I move to lay the motion to reconsider on the table.

Mr. MCMILLIN. On that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question before the House is on the motion to lay on the table the motion to reconsider the vote just taken. As many as are in favor of laying the motion to reconsider on the table will, when their names are called, answer "aye;" those opposed, "no."

Mr. DOCKERY. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DOCKERY. A vote in the negative would be a vote in opposition to the bill, as I understand the present parliamentary situation.

The SPEAKER. The Chair thinks that is so.

The question was taken; and there were—yeas 111, nays 133, not voting 110; as follows:

YEAS—111.

Aldrich, Ala.	Baker, Md.	Blue,	Buck,
Aldrich, Ill.	Baker, N. H.	Brewster,	Burton, Ohio
Allen, Miss.	Barney.	Broderick,	Colson.
Allen, Utah	Bartholdt,	Bromwell,	Cook, Wis.
Avery.	Bell, Colo.	Brosius,	Cooper, Fla.
Babcock,	Bell, Tex.	Brumm,	Cooper, Wis.
Crowley,	Hainer, Nebr.	Leighty,	Simpkins,
Crump.	Halterman,	Leisenring,	Southard,
Curtis, N. Y.	Hanly,	Leonard,	Sparkman,
Danford,	Harris,	Lester,	Sperry,
Daniels,	Hart,	Linton,	Stahle
De Witt,	Hartman,	McClellan,	Stone, C. W.
Doolittle,	Hemenway,	McCormick,	Stone, W. A.
Elliott, S. C.	Henry, Ind.	McEwan,	Strode, Nebr.
Ellis,	Hill,	McRae,	Sulzer,
Erdman,	Hitt,	Minor, Wis.	Taft.
Fairchild,	Howe,	Moody,	Tayler,
Fischer,	Howell,	Odell,	Tracewell,
Foote,	Hubbard,	Otjen,	Treloar,
Gardner,	Huff,	Overstreet,	Turner, Ga.
Gillet, N. Y.	Hulick,	Patterson,	Underwood,
Gillett, Mass.	Hunter,	Pearson,	Walsh,
Griffin,	Hurley,	Phillips,	Wellington.
Griswold,	Jenkins,	Russell, Ga.	Wilber,
Grout,	Johnson, Ind.	Sauerhering,	Williams,
Grow,	Johnson, N. Dak.	Scranton,	Wilson, N. Y.
Hadley,	Kem,	Shafroth,	Woomer.
Hager,	Lawson,	Shannon,	

NAYS—133.

Arnold, R. I.	Dovener,	McCall, Tenn.	Shuford,
Atwood,	Eddy,	McCleary, Minn.	Smith, Ill.
Bailey,	Ellett, Va.	McCreary, Ky.	Spalding,
Baker, Kans.	Evans,	McDearmon,	Steele,
Barham,	Fenton,	McLachlan,	Stephenson,
Barrett,	Fitzgerald,	McLaurin,	Strait,
Bartlett, Ga.	Fletcher,	McMillin,	Strowd, N. C
Bartlett, N. Y.	Gamble,	Meiklejohn,	Sulloway,
Belknap,	Gibson,	Mercer,	Swanson,
Berry,	Grosvenor,	Meredith,	Talbert,
Bishop,	Hardy,	Milliken,	Tawney,
Black, Ga.	Hatch,	Milnes,	Terry,
Bowers,	Heatwole,	Money,	Towne,
Brown,	Hepburn,	Mozley,	Tracey,
Burrell,	Hopkins,	Noonan,	Turner, Va.
Burton, Mo.	Huling,	Northway,	Tyler.
Calderhead,	Hull,	Ogden,	Updegraff,
Cannon,	Johnson, Cal.	Otey,	Van Horn,
Clardy,	Kerr,	Owens,	Van Voorhis,
Clark, Iowa	Kiefer,	Parker,	Walker, Va.
Cobb, Ala.	Knox,	Payne,	Warner,
Cobb, Mo.	Kyle,	Perkins,	Washington,
Cockrell,	Lacey,	Pickler,	Watson, Ind.
Connolly,	Latimer,	Pitney,	Watson, Ohio
Cooper, Tex.	Lefever,	Poole,	Wheeler,
Corliss,	Lewis,	Prince,	Willis,
Cousins,	Linney,	Pugh,	Wilson, Idaho
Curtis, Iowa	Little,	Ray,	Wood.
Curtis, Kans.	Livingston,	Reeves,	Woodard,
Dayton,	Lockhart,	Richardson,	Wright,
De Armond,	Long,	Royse,	Yoakum.
Dinsmore,	Low.	Russell, Conn.	
Dockery,	Maddox,	Sayers,	
Dolliver,	Marsh,	Shaw,	

NOT VOTING—110.

Abbott,	Dalzell,	Layton,	Robertson, La.
Acheson,	Denny,	Lorimer,	Robinson, Pa.
Adams,	Dingley,	Loud,	Rusk,
Aitken,	Downing,	Loudenslager,	Settle,
Anderson,	Draper,	Maguire,	Sherman,
Andrews,	Faris,	Mahany,	Skinner,
Apsley,	Foss,	Mahon,	Smith, Mich.
Arnold, Pa.	Fowler,	McCall, Mass.	Snover,
Bankhead,	Graff,	McClure,	Sorg,
Beach,	Hall,	McCulloch,	Southwick,
Bennett,	Harmer,	McKenney,	Spencer,
Bingham,	Harrison,	Meyer,	Stallings,
Black, N. Y.	Heiner, Pa.	Miles,	Stewart, N. J.
Boutelle,	Henderson,	Miller, Kans.	Stewart, Wis.
Bull,	Hendrick,	Miller, W. Va.	Stokes,
Catchings,	Henry, Conn.	Miner, N. Y.	Strong,
Chickering,	Hermann,	Mondell,	Tate,
Clark, Mo.	Hicks,	Morse,	Thomas,
Clarke, Ala.	Hilborn,	Moses,	Tucker,
Codding,	Hooker,	Murphy,	Wadsworth,
Coffin,	Howard,	Neill,	Walker, Mass.
Cooke, Ill.	Hutcheson,	Newlands,	Wanger,
Cowen,	Hyde,	Pendleton,	White,
Cox,	Jones,	Powers,	Wilson, Ohio
Crisp.	Joy,	Price,	Wilson, S. C.
Crowther,	Kendall,	Quigg,	Woodman.
Culberson,	Kirkpatrick,	Raney,	
Cummings,	Kulp,	Reyburn,	

So the House refused to lay on the table the motion to reconsider.

The following additional pairs were announced:

On this vote:

Mr. PENDLETON with Mr. CULBERSON.
Mr. DINGLEY with Mr. SPENCER.
Mr. REYBURN with Mr. MCCULLOCH.

For this day:

Mr. BEACH with Mr. BANKHEAD.
Mr. BULL with Mr. STOKES.

The result of the vote was announced as above stated.

The SPEAKER pro tempore (Mr. GROUT). The question now is, Shall the vote by which this bill was ordered to be engrossed and read the third time be reconsidered?

Mr. FISCHER and Mr. HURLEY called for the yeas and nays.

The yeas and nays were ordered.

Mr. CANNON. Mr. Speaker, what is the question upon which we are now to vote?

The SPEAKER pro tempore. The question is whether the vote by which this bill was ordered to be engrossed and read a third time shall be reconsidered. On that question the yeas and nays have been ordered.

Mr. DOCKERY. As I understand the parliamentary situation, it is this: Those who are opposed to the bill vote in the affirmative on this motion, and those in favor of the bill vote in the negative.

The Clerk proceeded to call the roll, but was interrupted by

Mr. WHEELER. Will the Chair explain to the House the effect of the vote on this question—what an "aye" vote means and what a "no" vote means?

The SPEAKER pro tempore. The Chair has stated the question, and thinks gentlemen ought to understand how to vote on it.

Mr. MILLIKEN. I find there is some uncertainty among members as to the effect of a vote "aye" or "no" on this question. I think the matter ought to be again stated by the Chair. As I understand, those who are opposed to the bill vote in favor of reconsidering the vote by which it was ordered to be engrossed and read a third time, and those in favor of the bill vote "no."

The SPEAKER pro tempore. The statement of the gentleman from Maine is correct, as the Chair understands it.

Mr. HOPKINS. What was the statement? We did not hear it.

Mr. OTEY. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The question is, Shall the vote by which this bill was ordered to be engrossed and read a third time be reconsidered? Of course those who are in favor of reconsideration vote "aye"; and that vote, as the Chair supposes, would be against the bill, or would at least be in favor of another opportunity to take the sense of the House upon the question whether the bill should be ordered to be engrossed and read a third time.

Mr. BARRETT. I call for the regular order.

The SPEAKER pro tempore. The Clerk will proceed with the roll call. Will gentlemen please be quiet, that the responses may be heard.

Mr. OTEY. Mr. Speaker, I undertook a few moments ago to put a parliamentary inquiry to the Chair, but there was so much noise I could not make myself heard.

The SPEAKER pro tempore. The gentleman from Virginia will state his parliamentary inquiry.

Mr. OTEY. I should like to know whether those who oppose this bill should vote "aye" or "no" on this question?

The SPEAKER pro tempore. The Chair understands that an affirmative vote on this question now before the House would be in opposition to the bill, and a negative vote would practically be in favor of the bill. The Clerk will proceed with the roll call.

The question was taken; and there were—yeas 143, nays 99, not voting 112; as follows:

YEAS—143.

Abbott,	Dovener,	Long,	Russell, Ga.
Arnold, R. I.	Eddy,	Low,	Sayers,
Atwood,	Elliott, Va.	Maddox,	Shaw,
Bailey,	Evans,	Marsh,	Shuford,
Baker, Md.	Faris,	McCall, Tenn.	Smith, Ill.
Barrett,	Fenton,	McCreary, Ky.	Snover,
Bartlett, Ga.	Fitzgerald,	McDearmon,	Steele,
Bartlett, N. Y.	Fletcher,	McLachlan,	Stephenson,
Belknap,	Gamble,	McLaurin,	Strait,
Berry,	Gibson,	McMillin,	Strowd, N. C.
Bishop,	Grosvenor,	Merkiejohn,	Sulloway,
Black, Ga.	Hanly,	Meredith,	Swanson,
Bowers,	Hardy,	Meyer,	Talbert,
Brown,	Hatch,	Milliken,	Tawney,
Burrell,	Heatwole,	Milnes,	Terry,
Burton, Mo.	Hemenway,	Money,	Towne,
Calderhead,	Hepburn,	Moxley,	Tracey,
Cannon,	Hilborn,	Noonan,	Turner, Va.
Clardy,	Hopkins,	Northway,	Tyler,
Clark, Iowa	Huling,	Ogden,	Updegraff,
Clark, Mo.	Hull,	Otey,	Van Horn,
Cobb, Ala.	Johnson, Cal.	Owens,	Van Voorhis,
Cobb, Mo.	Kendall,	Parker,	Walker, Va.
Cockrell,	Kerr,	Payne,	Walsh,
Connolly,	Kiefer,	Pendleton,	Warner,
Cooper, Tex.	Kirkpatrick,	Perkins,	Washington,
Corliss,	Knox,	Pickler,	Watson, Ind.
Cousins,	Kyle,	Pitney,	Watson, Ohio
Curtis, Iowa	Lacey,	Poole,	Wheeler,
Curtis, Kans.	Latimer,	Prince,	Willis,
Dayton,	Lefever,	Pugh,	Wilson, Idaho
De Armond,	Lewis,	Ray,	Wood,
Dinsmore,	Linney,	Reeves,	Woodard,
Dockery,	Little,	Richardson,	Wright,
Dolliver,	Livingston,	Royse,	Yoakum.
Doolittle,	Lockhart,	Russell, Conn.	

NAYS—99.

Adams,	Crowley,	Hadley,	Johnson, N. Dak.
Aldrich, Ala.	Crump,	Hager,	Kem,
Aldrich, Ill.	Curtis, N. Y.	Hainer, Nebr.	Lawson,
Allen, Miss.	Dunford,	Halterman,	Leighty,
Allen, Utah.	Daniels,	Harmer,	Leisenring,
Avery,	Denny,	Harris,	Leonard,
Baker, Kans.	De Witt,	Hart,	Lester,
Baker, N. H.	Ellis,	Hartman,	Linton,
Bartholdt,	Erdman,	Henry, Ind.	McCall, Mass.
Blue,	Fairchild,	Hill,	McClellan,
Brewster,	Fischer,	Hitt,	McCulloch,
Bromwell,	Foote,	Howe,	McEwan,
Brosius,	Gardner,	Howell,	McRae,
Bruman,	Gillett, Mass.	Hubbard,	Minor, Wis.
Burton, Ohio	Griffin,	Hunter,	Moudell,
Catchings,	Griswold,	Hurley,	Moody,
Colson,	Grout,	Jenkins,	Odell,
Cook, Wis.	Grow,	Johnson, Ind.	Otjen,
Robinson, Pa.	Sparkman,	Tayler,	Walker, Mass.
Sauerhering,	Sperry,	Thomas,	Wellington,
Scranton,	Stahle,	Tracewell,	Wilber,
Shafroth,	Stone, C. W	Treloar,	Williams,
Shannon,	Stone, W. A.	Turner, Ga.	Wilson, N. Y.
Simpkins,	Sulzer,	Underwood,	Woomer.
Southard,	Taft,	Wadsworth,	

NOT VOTING—112.

Acheson,	Cox,	Jones,	Powers,
Aitken,	Crisp,	Joy,	Price,
Anderson,	Crowther,	Kulp,	Quigg,
Andrews,	Culberson,	Layton,	Ratey,
Apsley,	Cummings,	Lorimer,	Reyburn,
Arnold, Pa.	Dalzell,	Loud,	Robertson, La.
Babcock,	Dingley,	Loudenslager,	Rusk,
Bankhead,	Downing,	Maguire,	Settle,
Barham,	Draper,	Mahany,	Sherman,
Barney,	Elliott, S. C.	Mahon,	Skinner,
Beach,	Foss,	McCleary, Minn.	Smith, Mich.
Bell, Colo.	Fowler,	McClure,	Sorg,
Bell, Tex.	Gillet, N. Y.	McCormick,	Southwick,
Bennett,	Graff,	McKenney,	Spalding,
Bingham,	Hall,	Mercer,	Spencer,
Black, N. Y.	Harrison,	Miles,	Stallings,
Boutelle,	Heiner, Pa.	Miller, Kans.	Stewart, N. J.
Broderick,	Henderson,	Miller, W. Va.	Stewart, Wis.
Buck,	Hendrick,	Miner, N. Y.	Stokes,
Bull,	Henry, Conn.	Morse,	Strode, Nebr.
Chickering,	Hermann,	Moses,	Strong,
Clarke, Ala.	Hicks,	Murphy,	Tate,
Codding,	Hooker,	Neill,	Tucker,
Coffin,	Howard,	Newlands,	Wanger,
Cooke, Ill.	Huff,	Overstreet,	White,
Cooper, Fla.	Hulick,	Patterson,	Wilson, Ohio
Cooper, Wis.	Hutcheson,	Pearson,	Wilson, S. C.
Cowen,	Hyde,	Phillips,	Woodman.

So the motion to reconsider was agreed to.

The following additional pair was announced:

Mr. PENDLETON with Mr. CULBERSON on this vote.

The SPEAKER pro tempore. The question now recurs, Shall the bill be engrossed and read a third time?

Mr. GROSVENOR. Have we not passed that stage?

The SPEAKER pro tempore. Not yet; that is the question which now recurs.

Mr. DOCKERY. Let us have the regular order.

Mr. CHARLES W. STONE. Mr. Speaker, the reconsideration of this vote takes the bill, as I understand, from under the operation of the previous question, and it is now open for debate and amendment.

Mr. DOCKERY. I insist on the regular order.

Mr. CHARLES W. STONE. I believe I have the floor, Mr. Speaker.

Mr. DOCKERY. Debate is not in order.

Mr. DALZELL. Oh, yes; the previous question has been exhausted.

The SPEAKER pro tempore. The question is open, the Chair understands now, to debate or amendment. The previous question has spent itself, and the question now is, the Chair repeats, open for discussion or amendment, and the gentleman from Pennsylvania [Mr. CHARLES W. STONE] has been recognized.

Mr. DOCKERY. I hope the Chair will permit me just a moment. The previous question is operating upon the bill to its passage——

Mr. CHARLES W. STONE. No; only to the engrossment and third reading, and it has spent its force.

The SPEAKER pro tempore. The Chair so understands, and the question now is on the engrossment and third reading of the bill, upon which the previous question has been exhausted. It is now open to discussion and amendment.

Mr. GROSVENOR. I respectfully protest against the ruling of the Chair.

Mr. DOCKERY. Why, certainly.

Mr. GROSVENOR. The ruling has been made in this House within the last two weeks, where a bill had been defeated. There the previous question had been ordered and had exhausted itself when the question of reconsideration was before the House. That is to say, the previous question had reached its end and the bill was before the House for such action as it might see proper. But when the only question reconsidered is, Shall the bill pass? that is the only question under consideration. The previous question is still operating on the bill, and debate or amendment would certainly not be in order as long as the previous question is operative.

Mr. CHARLES W. STONE. This vote was not on the passage.

The SPEAKER pro tempore. The Chair will read a paragraph from the Digest which bears directly upon the point:

> When a vote, taken under the operation of the previous question, is reconsidered, the question is then divested of the operation of the previous question and is open for debate and amendment. * * * These decisions apply only to cases where the previous question was fully exhausted by votes taken on all the questions covered by it before the motion to reconsider was made. In any other case the pendency of the previous question would preclude debate.

Mr. GROSVENOR. May I ask what was the first vote taken this morning?

The SPEAKER pro tempore. On the engrossment and third reading of the bill.

Mr. GROSVENOR. Then we have not yet voted upon the passage?

The SPEAKER pro tempore. Not yet; that stage of the bill has not been reached.

Mr. LACEY. If the Chair will permit me, the Digest further along, just at the point where the Chair was reading, shows a change in the rule and consequently a change in the practice in that regard. It says:

> But such motion is not debatable under the practice which prevailed for many years.

Calling attention to the fact that this change of practice has been sanctioned by rulings since the Twenty-seventh Congress.

Mr. CHARLES W. STONE. That is in reference to a motion to reconsider, which, of course, is not debatable.

Mr. DOCKERY. I think the decision of the Chair was given under a misapprehension of facts, and I have no doubt that on examination he will reverse his ruling.

The SPEAKER pro tempore. If the previous question had been ordered on the passage of the bill, then the position taken by the Chair would, unquestionably, be wrong. The Chair was informed that the previous question was ordered on the engrossment and third reading of the bill, and upon that ground the Chair sees no reason for changing his ruling.

Mr. CHARLES W. STONE. That is correct.

The SPEAKER pro tempore. The House acted upon the matter on yesterday, and the RECORD will show the fact.

Mr. DOCKERY. But waiving that—although I think the Chair is in error—the RECORD will disclose the fact that the previous question was ordered generally, and went to the engrossment and third reading and passage of the bill.

The SPEAKER pro tempore. The Chair has examined the Journal, and it does not show that the previous question was ordered on the passage of the bill. It speaks of the state which the bill had reached and says, "The previous question was then ordered" and stops there. The Chair thinks the previous question only extended to the third reading of the bill, as that was the only question then before the House. The Chair still adheres to the ruling made. Perhaps, however, the gentleman from Pennsylvania, if he is heard for a moment, will bring the matter to a conclusion.

Mr. CHARLES W. STONE. If the House will bear with me, I simply desire to state the present position, and for the purpose of saving time and avoiding motions for amendments or debate, and perhaps further roll calls. This bill having come up on the call of the committee, I ask unanimous consent to withdraw it from the consideration of the House.

Mr. DOCKERY. The bill having taken up the time of the House for practically two days, we had better finally dispose of it now.

Mr. DINGLEY. I hope the gentleman from Missouri will not object.

Mr. DOCKERY. We have spent two days on it and might as well dispose of it. If we send it back to the committee it can come up again at any time. I move to lay the bill on the table.

Mr. CHARLES W. STONE. Is objection made to my request?

The SPEAKER pro tempore. The gentleman from Missouri objects.

Mr. CHARLES W. STONE. Then, in order to enable the bill to receive proper consideration, as far as its form is concerned, because the gentleman from New York desires to amend it——

Mr. STEELE. He voted for it, all the same.

Mr. CHARLES W. STONE (continuing). I move that the bill be recommitted to the Committee on Coinage, Weights, and Measures.

Mr. BARRETT. Mr. Speaker, pending that motion, I demand the previous question.

Mr. GROSVENOR. We do not need the previous question. If everybody agrees to its going back, let it go back to the committee.

Mr. CHARLES W. STONE. Let it go back to the committee.

The SPEAKER pro tempore. The question is on recommitting the bill to the Committee on Coinage, Weights, and Measures.

The question was taken; and on a division (demanded by Mr. DOCKERY) there were—ayes 130, noes 59.

Accordingly the bill was recommitted to the Committee on Coinage, Weights, and Measures.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and joint resolution were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1892—to the Committee on the District of Columbia.

Joint resolution (S. R. 112) donating a condemned cannon and some shells to the Guilford Battle Ground Company, near Greensboro, N. C.—to the Committee on Naval Affairs.

A bill (S. 250) for the relief of W. H. L. Pepperell—to the Committee on Claims.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bill and joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 1858) for the relief of Edward Rice; and

Joint resolution (S. R. 123) directing the Secretary of War to submit a plan and estimate for the improvement of the Nebraska side of the Missouri River, opposite Sioux City, Iowa.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bill and joint resolution of the following titles:

A bill (S. 249) granting a pension to Charles E. Jones; and

Joint resolution (S. R. 116) "authorizing the Public Printer to print the Annual Report of the Superintendent of the United States Coast and Geodetic Survey in quarto form, and to bind in one volume."

The message also announced that the Senate had passed with amendments the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897; in which the concurrence of the House was requested.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 5161) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1897.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 569) granting a pension to Sophia J. Hamilton, widow of Charles S. Hamilton, major-general of volunteers;

A bill (H. R. 1499) to correct the muster of Lieut. Gilman L. Johnson; and

A bill (H. R. 6425) for the relief of Clifton R. Anderson.

The message also announced that the Senate had passed without amendment the following House concurrent resolutions:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in paper covers 25,000 additional copies of Bureau of Education circular of information No. 200, catalogue of the American Literary Association Library, 5,000 copies for the Senate, 10,000 copies for the House of Representatives, and 10,000 copies for the Bureau of Education.

Also:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized and directed to print, for distribution by the Department of State, 2,500 copies of Commercial Relations for 1884 and 1885, and (in separate forms) 10,000 copies of the "Review of the world's commerce," etc., being pages 1 to 235, inclusive, of said Commercial Relations.

Also:

Resolved by the House of Representatives (the Senate concurring), That there be printed 10,000 additional copies of the Report of the Director of the Mint for the fiscal year ended June 30, 1895; 2,000 copies for the use of the Senate, 5,000 copies for the use of the House of Representatives, and 3,000 copies for the use of the Director of the Mint.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 additional copies of Senate Document No. 181 of the first session of the Fifty-fourth Congress, being the report of the delegates of the United States to the Fifth International Prison Congress held at Paris, France, in July, 1895; 1,000 copies for the Senate, 2,000 copies for the House of Representatives, and 2,000 copies for distribution by the Secretary of State.

CHICKAMAUGA AND CHATTANOOGA NATIONAL PARK.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution which will only take a minute.

The resolution was read, as follows:

Resolved, That the committee on the dedication of the Chickamauga and Chattanooga National Park be, and they are hereby, authorized to expend the sum of $100 for stenographic work, typewriting, and copying, in the compilation of their report of the dedicatory exercises, to be paid out of the contingent fund of the House.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

On motion of Mr. GROSVENOR, a motion to reconsider the last vote was laid on the table.

FOG SIGNAL, MENOMINEE, MICH.

The SPEAKER laid before the House the bill (H. R. 5363) authorizing the construction of a fog signal on the north pier of the entrance to Menominee Harbor, Wisconsin, with an amendment striking out the word "Wisconsin" and inserting the word "Michigan" in the body of the bill and in the title.

The Senate amendments were concurred in.

RAILROADS IN INDIAN TERRITORY.

The SPEAKER also laid before the House the bill (H. R. 5672) to grant to railroad companies in Indian Territory additional powers to secure depot grounds, with a Senate amendment thereto.

The SPEAKER. The Chair does not know what disposition of this bill is desired by the gentleman in charge of it, and if there be no objection, it may be presented to-morrow.

Mr. SAYERS. I ask that the bill lie upon the table until to-morrow.

There was no objection.

AMERICAN SAILING VESSELS IN THE COASTING TRADE.

Mr. PAYNE. I am directed by the Committee on Merchant Marine and Fisheries to call up the bill (H. R. 2673) to remove discriminations against American sailing vessels in the coasting trade.

The SPEAKER. The gentleman from New York [Mr. PAYNE], chairman of the Committee on Merchant Marine and Fisheries, calls up in the morning hour a bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 2673) to remove discriminations against American sailing vessels in the coasting trade.

Mr. PAYNE. Mr. Speaker, it was my purpose to ask the House to vote upon this bill this afternoon, but the consideration of the last bill has taken so much time that gentlemen on the other side are desirous to have the time for debate extended. I should like to have it fixed now, so that we can know when we can vote. The gentleman from Florida [Mr. COOPER] has some suggestion to offer.

Mr. COOPER of Florida. We only desire to have a reasonable time to discuss the bill. It is a very important one and affects the ports represented by gentlemen from a number of districts. I have consulted with members on the floor, and it seems to me that the least time in which we could have adequate discussion of this bill would be to fix the time to vote at 2 o'clock to-morrow. I am willing to do that, and make that proposition.

Mr. PAYNE. I am willing to do that, and to have the previous question considered as ordered at 2 o'clock.

The SPEAKER. The gentleman from Florida asks that the vote be taken at 2 o'clock to-morrow, the bill to be considered during the remainder of to-day and until 2 o'clock to-morrow. Is there objection?

There was no objection.

Mr. COOPER of Florida. I presume it is understood that the time will be controlled by the chairman of the committee [Mr. PAYNE] and by myself as making the minority report.

The SPEAKER. That will be as gentlemen agree.

Mr. PAYNE. There will be no objection to dividing the time equally and to having the negative controlled by the gentleman from Florida [Mr. COOPER].

The SPEAKER. That will have to be done by consent of the House. The gentleman from Florida [Mr. COOPER] asks that the time may be evenly divided, one-half to be controlled by himself and the other half by the gentleman from New York. Is there objection?

There was no objection.

Mr. PAYNE. I desire to have the bill read first.

The bill was read, as follows:

Be it enacted, etc., That section 4442 of the Revised Statutes be, and is hereby, amended by adding thereto the following: "Whenever the master or mate of a sailing vessel of the United States employed in the coastwise trade, claiming to be a skillful pilot, offers himself for a license, the inspectors shall make diligent inquiry as to his character and merits, and, if satisfied, from personal examination of the applicant, with the proof that he offers, that he possesses the requisite knowledge and skill and is trustworthy and faithful, they shall grant him a license for the term of one year to pilot any such vessel within the limits prescribed in the license; but such license shall be suspended or revoked upon satisfactory evidence of negligence, unskillfulness, inattention to the duties of his station, or intemperance, or the willful violation of any of the provisions of this title."

SEC. 2. That section 4444 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4444. No State or municipal government shall impose upon pilots of vessels any obligation to procure a State or other license in addition to that issued by the United States, or any other regulation which will impede such pilots in the performance of the duties required by this title; nor shall any pilot charges be levied by any such authority upon any vessel piloted as provided by this title, nor upon any vessel of the United States employed in the coastwise trade being towed into or out of any port of the United States by a steam vessel under command of a pilot licensed for such port under the laws of the United States; and in no case shall the fees charged for the pilotage of any vessel exceed the customary or legally established rates in the State where the same is performed. Nothing in this title shall be construed to annul or affect any regulation established by the laws of any State requiring vessels entering or leaving a port in any such State, other than coastwise vessels, to take a pilot duly licensed or authorized by the laws of such State, or of a State situate upon the waters of such State."

SEC. 3. That section 4237 be, and is hereby, amended to read as follows:

"SEC. 4237. No regulations or provisions shall be adopted by any State which shall make any discrimination in the rate of pilotage or half pilotage between vessels sailing between the ports of one State and vessels sailing propelled in whole or in part by steam or sail, or against national vessels of the United States, and all existing regulations or provisions making any such discrimination are annulled and abrogated."

SEC. 4. That this act shall take effect six months after its passage.

Mr. PAYNE. Mr. Speaker, the object of this bill is well stated in its title—to remove discriminations against American sailing vessels in the coasting trade. The discriminations are these: Steam vessels sailing under the American flag and engaged in the coasting trade are not obliged to pay pilotage fees unless they require and have the services of pilots. On the other hand, sailing vessels under the American flag engaged in the coasting trade are required by the laws of nine States of this Union to pay pilotage fees whenever entering ports of those States, whether they require the services of a pilot or not; whether the pilot puts foot on board the vessel or not. This anomaly in the law has grown up under the provisions of the law of the United States passed in 1789, which provides:

Until further provision is made by Congress, all pilots in the bays, inlets, rivers, harbors, and ports of the United States shall continue to be regulated in conformity with the existing laws of the States, respectively, wherein such pilots may be and under such laws as the States may respectively enact for that purpose.

It will be observed right here that Congress reserved the right, which it would have without any express reservation under the statute, and also gave notice that the pilotage laws were to be regulated by the legislatures of the States until further provision is made by Congress. So I take it that no question will be raised here as to the right of Congress or on the ground of any question of State rights to preserve these discriminations.

This law of Congress remained substantially unchanged until 1871, when Congress exempted all steam vessels bearing the American flag and engaged in the coasting trade from the payment of compulsory pilotage. It left it voluntary with these vessels and with the masters of these vessels to make an agreement with the local pilot for pilotage on entering the port. Previous to this many of the States had made no regulation by law whatever. Others had required a uniform system of fees, placing it both upon the foreign and domestic vessels. Of course in 1789 sailing into the harbors and the different ports of the United States was a very different thing from what it is to-day. During the century we have spent millions upon millions of dollars in improving the entrances to those harbors, in making the road in and the road out, so that in many of them the entrance is as well defined as Pennsylvania avenue for the ordinary traveler. Another condition of affairs has resulted in the course of this time, and that is that vessels, instead of sailing in, are enabled, by the system of tugboats that has been established at every port, to employ a tugboat on which there is an experienced pilot, licensed under the laws of the United States, not only to haul the vessel within the harbor, but the pilot is competent to guide the vessel as well as the boat in safety into the inlet of the port.

Mr. HENDERSON. Do not the pilots that have to be paid have tugboats of their own?

Mr. PAYNE. Not generally.

Mr. STEPHENSON. They have sailing boats.

Mr. PAYNE. So that it often happens——

Mr. SPARKMAN. Who licenses that pilot on the tugboat?

Mr. PAYNE. I hope that gentlemen will allow me to complete my statement without propounding questions, and I believe they will gather the information they desire from my statement, and if not, at the conclusion of my remarks I will be glad to yield for questions.

Under this system it has come to pass that sailing vessels generally employ these tugboats. But under the laws of 9 States, in addition to paying the tugboats, they are obliged to pay the pilot also. He sometimes goes on board and rides in as a passenger; sometimes he goes on board and directs the master of the vessel to follow the tugboat; and sometimes he does not go on board at all, but simply meets the vessel at the wharf to demand his pilotage; and often the pilotage paid for these vessels exceeds the sum paid for the services of the tugboat in conducting the vessel into the harbor. I say there are 9 States which compel sailing vessels to pay pilotage fees—the States of Virginia, North Carolina, South Carolina, Florida, Alabama, Mississippi, Louisiana, and Texas. Until recently the State of Maryland also exacted those compulsory fees, but on the 11th day of last month a law was passed by the State of Maryland exempting coastwise sailing vessels from the payment of compulsory pilotage. So that there are but 9 States left which compel this exaction and this tax upon sailing vessels.

Formerly the New England States, my own State, and the State of New Jersey, exacted these compulsory fees; but they have long since been abolished by positive enactment of the legislatures of those States. In 36 of the States there are no compulsory pilotage fees. Some of them are inland States, and many of them border on the Great Lakes, on our seacoast, on the rivers—the Mississippi, the Missouri, and the great rivers—where there is often need of pilots to manage their whole system of inland navigation. These States compel no master to employ a pilot, or to pay any tax in case he does not employ a pilot, and they are still maintaining their system.

The State of Virginia says by its law that if a vessel will pay 10 cents per ton on her tonnage as an annual license she may navigate any of the waters and ports of Virginia without a pilot and without the assistance of a pilot. In other words, it is perfectly safe for a vessel in the coastwise trade to enter any port in the State of Virginia if she begins by paying a tax of 10 cents a ton upon the tonnage. That hardly amounts to as much as the pilotage fee for a single entrance and departure, but it is "safe" in

such a case for the vessel to enter any of the ports of Virginia without a licensed pilot. There is a similar provision, not quite so liberal, in Georgia. The law of that State provides that by paying a tax of 25 cents per ton and one fee an annual license will be given, not to the master or to the mate of the vessel, but to the vessel itself. Whoever may sail her in, it is perfectly safe for that vessel to enter any port in the State of Georgia by paying a tax.

A MEMBER. Paying it to the State?

Mr. PAYNE. No; to the association of pilots. In Alabama it is not safe for a vessel to enter a port of that State without paying full pilotage fees unless she pays one-half fee and sails in without a pilot. If a vessel pays the pilotage fees she is permitted by the laws of Alabama to enter any port of that State without a pilot licensed either by the State board or by any board of the United States. The law of Texas is similar. If a vessel pays one-half fee she can enter and navigate any of the ports of that State without a pilot.

Mr. KEM. Do I understand the gentleman to say that these fees are paid to the association of pilots?

Mr. PAYNE. Yes; to the association of pilots in each port.

Mr. KEM. The fees are not paid to the State?

Mr. PAYNE. No; to the pilots. In South Carolina it is not safe for an American vessel to enter any port in that State, no matter how competent the master or the mate may be without paying pilotage fees if the vessel has started from the port of another State, but she can enter with perfect safety if she has started from some other port in the State of South Carolina and she is exempt from any fee. So we see that in six of these States, by acts of the State legislatures, it is perfectly safe to sail in a vessel without the assistance of a local pilot or of a United States pilot, provided the vessels conform to certain conditions and pay certain moneys as a tax upon their tonnage. Let us see how this works. For twenty-five years steam vessels engaged in American carrying trade have been exempt from this exaction of pilotage fees, and yet those steam vessels come into direct competition with the sailing vessels engaged in the same coasting trade. Sailing vessels are required to pay a pilotage tax when they enter these ports, and these annual taxes, burdensome as they are, being a direct tax upon commerce, are a small matter compared with the actual pilotage fees that are exacted in a State like South Carolina, where sometimes it occurs that the pilotage fee is equal to more than one-third of the net receipts for freight for the entire voyage.

A gentleman from Connecticut told me of a case that had come under his personal observation where the pilotage fees paid at Charleston were more than the entire freight receipts for the voyage. That did not appear before the committee; the other fact did. The gentleman who made the statement is the gentleman from Connecticut [Mr. SPERRY]. It has often happened—and that was the testimony given before the committee—that the pilotage fees, even where the pilot did not lift his hand, were very oppressive. There was one case mentioned where the pilot got on the vessel at the wharf and had such confidence in the pilot on the steam tug which was towing the vessel out of the harbor that he got into a hammock and fell asleep, so that the master had actually to wake him up from his nap in order to get him off onto the tug.

Mr. CLARDY. By what authority are these fees fixed?

Mr. PAYNE. The State legislature generally fixes the fees; that is, it fixes a maximum, and the maximum is generally lived up to, though not always. I have been requested by a gentleman sitting near me [Mr. HENDERSON] to say something about the amount of these fees. I have before me a law of the State of Virginia, which provides that vessels drawing 10 feet and under shall pay $2.50 per foot for entering a harbor; that would be $25 for entering and $25 for going out. A vessel drawing over 16 feet is required to pay $4.50 per foot, which would make $72 for entering and the same for going out. Of course, up to 20 or 24 feet the proportion is much greater. In North Carolina a vessel drawing 6 feet and under 6½ pays $18. Graduated up from 18 feet to 18½, it pays $143 for entering and the same for leaving the port. South Carolina, 6 feet draft or under, $15; 18 feet or under, $130; each additional 60 inches above 18 feet, the further sum of $10. These classifications go up into a draft of 28 feet, amounting to $230.

Mr. HENDERSON. Going out and going in?

Mr. PAYNE. Going out and in at the port of Charleston, S. C.

Mr. SHAFROTH. Each way?

Mr. PAYNE. Each way; so much for going in and so much for going out.

At Savannah, Ga.: Six feet draft or under, bar pilotage and to Cockspur, $10.76; from Cockspur to Savannah, $6.46; total, $17.22; 24 feet, $310 to go in and $210 to go out.

At Brunswick, Ga.: Six feet or under, $16.75; 23 feet or under, $195.

St. Marys: Eighteen and one-half feet, $92.50.

Alabama—Mobile: Twenty-two and one-half feet, $135.

Florida: Over 20 feet, $6 per foot.

Louisiana: Bar, per foot draft each way, $4.50; river, regular rate, $60; under contract sometimes done for $40.

Texas—Galveston: Pilotage $4 per foot draft.

I have not time to read all these figures, but I think from what I have read the House will get some slight idea of the amount of the tax that is put upon these sailing vessels in their struggle to maintain an existence against the steam vessels. Perhaps I ought to say a word as to the decline of the sailing vessels.

The total number of sailing vessels bearing the American flag has declined from over 28,000 in 1874 to 17,000 in 1895. On the Atlantic and Gulf coasts there are over 12,000 American sailing vessels, 4,000 of which are over 50 tons. These are engaged in competition with 2,000 steam vessels of over 40 tons.

Right here I want to make a suggestion, because it has been claimed that this bill will operate to deprive the poor man of his chance to make a livelihood; that it is in favor of the rich vessel owner. Now, the fact of the business is that but very few steam vessels belong to anybody who has not a competence. If there are any vessel owners who are rich more than others it is the owners of steam vessels. But very often—almost uniformly—it is the case that a sailing vessel is the product of a joint venture, five, ten, twenty, thirty men clubbing together and putting in their savings—often mortgaging their property—generally to help one of their number to the means of making a livelihood by sailing the vessel. And the owners of these sailing vessels, who are engaged in the business in this way, are generally poor men.

But it is said that the pilots are poor. Sir, I have seen a circular which I picked up——

Mr. DINGLEY. As I understand the gentleman from New York, his point is that the steam vessels are exempted from the payment of these compulsory pilotage fees——

Mr. PAYNE. Yes, sir.

Mr. DINGLEY. And that the sailing vessels are compelled to pay the fees?

Mr. PAYNE. Yes, sir. As it is to-day, the rich proprietors (if you please) of the steam vessels are exempt from the payment of this tax; and the poor men who own the sailing vessels are compelled to pay it, whether they receive any service for it or not.

The House will bear in mind that the competition for the coastwise carrying trade is sharp between the sailing vessels and the steam vessels. It was in testimony before the committee that the rate of freight had been by this severe competition cut down as low as 60 cents, and even 50 cents, a ton for carrying coal from Virginia to the New England States. The man who happens to be the owner of a sailing vessel suffers directly by this competition, because he is obliged to pay pilotage fees, while the owner of the steam vessel, having his licensed pilot, can enter any of these ports without being compelled to pay a dollar; and he has the privilege of making a contract directly with the pilot, paying him a reasonable compensation for the services he may render in piloting the vessel into port.

These pilots were heard before the committee, as they have been heard before individual members of the House, for they have been in the lobbies here from the time this bill was introduced until this moment buttonholing members and presenting their side of the case. They are intelligent men. The pilots have been able to keep these intelligent men here for the purpose of explaining their side of this bill. They said it would take away from them their livelihood. And perhaps the strongest opposition to this bill came from the pilots at Pensacola, Fla., who claimed that the measure would be a peculiar hardship upon them. These pilots did not seek to enlighten the committee as to the amount of their fees. They did not volunteer any information on the subject, except that one of them from Pensacola said that there were 41 pilots on the bar there, and that they did not average much above $1,500 a year each for their services.

Mr. TALBERT. Would not the effect of this bill be to take the question of pilotage entirely out of the hands of the States, depriving them of any authority to act in regard to it, and putting the whole question under the control of the General Government?

Mr. PAYNE. Oh, no.

Mr. TALBERT. That was my impression. I simply put the question for information.

Mr. PAYNE. This bill leaves the States entirely free to exact compulsory pilotage of all foreign-going vessels, just as they do now, and to fix the rates that pilots shall charge on foreign-going vessels. So that if the present rates are not sufficient to maintain the system the States are entirely able to take care of it by fixing such rates upon foreign vessels as will maintain the system. Of course they can fix the rate upon any vessel whose master chooses to employ a pilot, although his vessel is engaged in the coasting trade.

I said there were 41 pilots on the bar at Pensacola. The committee made some effort to find out the amount of fees that were being received by these pilots; and Mr. R. R. Freeman, of Boston, took some pains to inquire of the collector of customs and other

United States officials to ascertain the amount of pilotage fees received from foreign vessels actually entering these ports. These were taken from the customs records; the draft of each vessel was taken from the records, and the fees figured out, the rate allowed by law and the rates charged by the Pilot Association of Pensacola, and the result was as stated in this letter.

Mr. COOPER of Florida. Will the gentleman permit me one moment just there?

Mr. PAYNE. Certainly.

Mr. COOPER of Florida. These figures were never exhibited to the committee——

Mr. PAYNE. They were presented to the committee at the same time that the gentleman presented some letters from some of the Southern States bearing upon the subject, but they were not, through some oversight, printed in the printed report of the committee.

Mr. COOPER of Florida. They were never called to the attention of the committee, and so far as I have undertaken to verify them they are very wide of a correct statement of the facts.

Mr. PAYNE. Well, this statement was laid before the committee at the same time the gentleman called up some papers to which I have referred.

Mr. COOPER of Florida. What I mean is, that I never saw them. I never heard of them as being official documents before the committee. They are not correct at all events.

Mr. PAYNE. I think the gentleman is correct in stating that they were not before the committee in the sense of having been presented to his personal attention there. When the statement was presented it was submitted by myself, and I did not know what it contained.

I find, however, at Pensacola, Fla., according to the statements which come from the official custom-house records——

Mr. COOPER of Florida. If the gentleman will permit me, in the majority report it is not stated that these figures are official. The gentleman from New York stated that they were presented to some members of the committee from some source. I understand that they were prepared by a Mr. Freeman, but are not official records.

Mr. PAYNE. The paper was handed into the committee by Mr. Freeman, and is derived from the sources to which I have already referred.

Now, from these figures it appears that at Pensacola, Fla., the receipts for pilotage from foreign tonnage in the year ended June 30, 1895, was $49,221, to be divided among 41 men. This would amount to $1,200 and upward for each man. That, you will observe, relates to the pilotage fees on foreign vessels, without taking into any account the steam or sailing vessels in the coastwise trade that paid pilotage fees at that port. Mr. O'Brien, a very intelligent pilot, who appeared before the committee, stated that there had been 19 or 20 steam vessels engaged in the coastwise American trade entering that port during the year, and that they had all taken on a pilot and paid pilotage fees, and that they did it voluntarily. The amount of fees paid by these vessels the committee has no means of knowing. Mr. O'Brien stated further that the pilotage association were at some considerable expense. He said the pilot boat cost some ten or twelve thousand dollars to build, and that every two or three years it would require some repairs, new sails, etc. He did not say what the expense of the repairs would be, but if out of the $49,000 received from foreign tonnage they paid $8,000 a year in repairs, these 41 pilots would clear an income of upward of a thousand dollars a year, and evidently they would not starve under that system in the port of Pensacola.

What further do they say of this port of Pensacola? Why, that even if the compulsory system of pilotage were abolished, no sailing vessel could be sailed in by a sailing master even though skillful as a pilot; that the sand and the shoals shifted so much that the master of the vessel could not sail his vessel in, as he could not be familiar with the shifting currents and the changing conditions of the entrance to the harbor; or, in other words, that he would be compelled to employ the services of some pilot even if this bill passed. Evidently if that be true these gentlemen in Pensacola will not be cut down below the $1,500 a year which they are now receiving—41 of them—to pilot in and out of that harbor these vessels that may come there each year.

At Tampa there were but four pilots, and the fees were excessively large. The income was so great that the board of pilot commissioners of the State of Florida cut the fees down one-half, they having that power under the statute. And still these gentlemen must receive a very comfortable income; because the pilotage fees paid on foreign vessels alone in Tampa amount to over $6,000 a year, to be divided between four pilots, making $1,500 each, even if they did not receive a dollar from the American coastwise vessels.

But, Mr. Speaker, it is evident that the American sailing master can get his own vessel into the port of Charleston, he can get it into the ports of Virginia, the ports of Georgia or Alabama or Texas, without the aid of a licensed pilot, because their legislatures have solemnly declared that such was the fact. That being the case, we say that this tax, for it is nothing more or less than a tax, should be removed from the vessels—the small vessel owners—and that there should be some chance afforded to the American sailors as well as to the American pilots.

But what are the objections urged against the passage of the bill? They say it will deprive some of the pilots of their comfortable living; that it will cut down their salaries or cut down the number of pilots. Well, Mr. Speaker, if that is true, are we to tax the commerce of the country for the support of individuals? Are we to tax the American carrying trade to support comfortably some gentlemen who, under the laws of the State, constitute the pilots of that port or the pilots' association?

They say that it will destroy the value of a million dollars' worth of boats owned by these pilot associations throughout the United States. Why, they come to us from Pensacola, Fla., and say that they have already themselves destroyed the value of six pilot boats; because a few years ago they had eight boats, but they have consolidated. "Now, do not think this is a trust," says a pilot from Pensacola, "because we have consolidated, but we found that with eight boats we were eating each other up, and now we use only two boats and have an association." Forty-one pilots standing in each other's way in two boats. And what are these associations? Why, Mr. Chairman, I have a letter from Fernandina, Fla., which says:

> Now, I want to give you a little idea of the condition of things here and the close corporation that our Florida laws make for these associations. You will see by consulting our Florida law on this subject that the business of bar pilots is turned over to the association at each bar, and that business is transmitted to the heirs and family and kindred of those in position with the certainty and regularity of an English land estate. No one can be a pilot without apprenticeship of four years, and so no one but a relative in some degree of the active pilots can get into the circle. I have been familiar with the workings of the pilot business here for twenty years, and I know of nothing short of Tammany that equals it as an organization for power and plunder. The board of pilot commissioners are changed with considerable regularity, and always at the dictation of the pilots' association. That association is the most efficient for political management and influence of any or all the forces in any locality where they operate.

I can well believe this from what I have seen of it since this bill has been before our committee.

> There are 13 pilots now combined in one organization in this place. They divide among them not less than $30,000 per annum, as I am assured. Some of these are boys just out of their apprenticeship, who could not in any of the other associations of life for which their education would fit them command $40 per month. They are all of the younger descendants of the old pilots, or in some way descended from them or the relatives.

Mr. HENDERSON. Mr. Speaker, if it will not disturb my friend, I want to know whether this pilotage is charged so much for each trip, or is that the amount they pay for one year's service to the particular boat?

Mr. PAYNE. So much for each trip. Every man who takes a pilot in one of these States pays these fees for every trip in and every trip out. Five of the States have said that by paying an annual fee the pilot need not go aboard. The owner of the vessel can sail it in and out, the fee in that case, as in the other, going directly to the pilot association. Oh, no, this is a tax every trip, and twice every trip. It is paid at the entrance and the going out, and they have to pay it every time out of the freight paid to the sailing vessel.

A specious argument is sometimes whispered in the ear of members who go out in the lobby that the sailing master puts this on his bill and that the man who pays the freight pays also the pilotage fee; but gentlemen of the House will remember that these sailing vessels come in direct competition with the steam vessels. The steam vessels are not obliged to pay it. The sailing vessels must cut down their freight to that point where they can, by deducting the amount of pilot fees, equalize what the shipper has to pay to the steam vessel, or else the sailing vessel does not get the freight. It is an absolute, discriminating tax against the sailing vessel, the sailing master, and the sailor of the sailing vessel.

I am in favor of helping the labor of this country, but not to build up a class that is fattening over the earnings of men who go out to sea.

A great deal is said about the bravery, courage, and endurance of these pilots, and I will not say a word in detraction of them. There are brave men among them, who risk their lives, for it is a dangerous occupation; but is it as dangerous as the occupation of the men who go down to the sea in ships, and who can not run into the nearby port if the storms and winds come too hard, as can these pilot boats?

Will you discriminate against the brave men who stand on the deck, who go before the mast, receiving, some of them, $10 a month and their board? Will you discriminate against that class in favor of a class of men who do not want you to cut down their annual income below $1,500, for doing a work that requires no more bravery, no more endurance, and involves no more danger than the life of a sailor?

Mr. Speaker, this bill may cut down the number of pilots in

some of the Southern ports. I have seen a statement which has been sent, I think, to every member of the House except myself and perhaps some members of the committee, accusing the committee of ignorance and all that sort of thing, and stating that there are nearly 1,000 pilots in the United States. Well, the statistics may be correct; but if they are, there is only a fraction of a thousand pilots in these nine States that insist on keeping up this old and unjust discrimination. The number is small, and the percentage of them that will have to retire is very, very small. If they tell the truth, in most of these Southern ports, if you pass this bill, every sailing vessel will still be obliged for safety to hire a pilot.

Oh, but they say, it will be unsafe to life and property if you pass this bill; that there are not regulations enough to make it safe for a vessel to enter a port if they do not take one of these local pilots; that the methods of examination are not sufficiently definite to get a good man every time.

Why, Mr. Speaker, we constitute the same board to license pilots that have licensed pilots for steam vessels for the past twenty-five years, and there never has been a whisper of complaint that these boards do not do their duty as to masters licensed to act as pilots on board the steam vessels, who have carried these vessels into the harbors for twenty-five years. These pilots do not bring up the record of a single place where these men had blundered in taking their vessels into port, or had endangered property or human life. If they were capable of examining pilots and licensing them for these steam vessels, why not for sailing vessels?

Then we have added another clause to this bill which they say is not safe. We say that if there is no licensed pilot on the vessel, but if she employs a tug which has a licensed pilot on board, the vessel may go into port without paying any pilotage fees to the local pilot. These steam-tug men know the channels, know the shifting shoals and bars of the harbors. They are as capable of taking a vessel in as the pilots themselves. The pilots themselves acknowledge it, when they go on board of the vessel and trust the safety of their own lives to the pilot on the tugboat, telling the master of the vessel to follow the tugboat in. There is no danger from the enactment of this law to human life or property.

But they say that the pilotage system will go down in the Southern States; that they can not keep up on the fees on foreign commerce.

Mr. Speaker, this table shows that in 19 Southern ports the pilots receive $555,000 a year. If that is not sufficient to establish a competent system of pilots for those ports, great heavens! we had better issue more bonds and sell them or provide some other way except taking the money out of the hard earnings of these men who tread the decks of American coastwise trading vessels and work hard for what they get. What did they do at Tampa? Why, they reduced the number of pilots to 4; and 4 men do all the business. They state they would have to reduce the number at Pensacola one-half. That was the testimony of one pilot before the committee. There are 41 men at Pensacola. Well, if the 41 men at Pensacola can not get a living in dividing the $49,000 received from foreign commerce there, I suppose that 20 men will have to step outside and get into some other occupation. If they are as competent in sailing vessels and as competent pilots as they profess to be, let them take places on American vessels, beneath the American flag, as masters or mates of vessels sailing out on the seas and earn a living, even as these men earn their living to-day upon whose earnings they are levying this unjust discrimination and tax. [Applause.]

Mr. HENDERSON. Can you tell us the number of vessels that arrive at Pensacola each day in the year?

Mr. PAYNE. We have no statistics of that kind as to the coastwise trade. These tables give the number of foreign vessels that arrive there in a year, and they are found in the report.

Mr. HENDERSON. I should think that that would be an essential fact to know in order to judge of the necessity.

Mr. PAYNE. I find from the tables that 348 vessels entered and 317 departed in a year. That would be about one each way each day. Why, this shows that they voluntarily reduced the number of their boats from 8 to 2, and did it of their own motion. They can reduce that number still. These men at Pensacola can earn a living. They can go before the mast. They can go and take the places as masters, pilots, or mates on vessels. They can find employment. It is not argument to say there is no other way open to them except levying tribute on some other industry.

Now, Mr. Speaker, there is one further point I want to advert to that appeared before the committee, and it is this: That while these pilots formed associations that were very effective in dividing up their fees, if a pilot made a mistake and grounded a vessel the owner could not go back on the association, because that was not in law an entity, and he could not sue it. His redress must be upon the pilot himself; while the owners of these tugboats were generally men of responsibility, corporations of responsibility; and if the pilot on a tugboat made a mistake there was some redress on the part of the vessel owner.

Mr. Speaker, I have already consumed more time than I expected. I reserve the balance of my time. [Loud applause.]

Mr. COOPER of Florida. I yield such time as he may desire to the gentleman from Wisconsin [Mr. MINOR], a member of the committee, who favors the minority report.

Mr. MINOR of Wisconsin. Mr. Speaker, I believe it is due to the committee and to the House that they should know why I dissented from the report made on this bill. Day in and day out, sir, we listened to arguments made before the committee by sailors, by pilots, by shipowners, by merchants, by manufacturers' associations, and by all the great interests involved in the question; and these arguments, together with the limited experience I have had upon the water, lead me to the conclusion that, while there may be abuses practiced—and no doubt they are practiced by the pilots of the South—the remedy sought through this bill is entirely inadequate. It is impracticable, and not founded on good common sense or equity.

This is the first attempt, so far as I know, to license a pilot on board of a sailing vessel. Heretofore the laws have required that only steam vessels shall have licensed officers as masters, pilots, and engineers. We have established local steamboat inspectors whose duty it is to grant licenses to applicants who are qualified to receive them, but never before in the history of this country have we been called upon to empower a board to grant a pilot's license on a sailing vessel.

Now, what is the composition of the local boards in the South who examine these pilots? They are composed of business men, mostly members of boards of trade and chambers of commerce, with one practical sailor on each board. Where there is not a practical, experienced pilot on the board, the services of such men are drafted for the purpose of passing upon the qualifications of applicants for license. They dare not even trust the business men and the sailor to pass upon those questions without the opinion and judgment of a practical pilot. This bill proposes to take the matter entirely out of the hands of these pilot commissions and transfer it to the steamboat inspectors.

Now, Mr. Speaker, while the steamboat inspectors throughout the length and breadth of this land are good men, true men, and intelligent men, there is not one local inspection board in five hundred that will claim to have the information required to pass upon the qualifications of a sailing-vessel master or a pilot. Their education is in an entirely different direction. There is scarcely a rule that applies to steam vessels that will apply to sailing vessels. The sailing vessel simply floats and depends upon the elements for propulsion. The steam vessel depends upon her engine and boiler for her motive power. The requirements for the management of the two types of vessels are entirely different; and let me say right here that no sailing master, however competent, is qualified to go on board a steamboat and take charge of her, or act as a first-class pilot on her, until he has served an apprenticeship. That is the law of the United States.

Now, sir, how much time will our local inspectors have to examine pilots for sailing vessels? They are already loaded to the gunwales with work. Some of my friends and others have been compelled to lay up their steamboats—and I have had a similar experience—for want of proper inspection, because the inspectors were overburdened with work. For that reason we have been compelled to tie our steamboats up to the docks and await the action of the inspectors. There are about 12,000 of these coasting sailing vessels, every one of which will need a pilot. Now, in the name of common sense, how far will these steamboat inspectors be able to proceed with the business of passing upon the qualifications of these bar pilots, and granting licenses to them, and also doing the steamboat-inspection work which is their regular business?

This bill is impracticable in that respect. While the steamboat inspectors are not in fact qualified to do this work properly, yet even if they were qualified they have not the time to do the work, and they will not do it. Again, I ask the chairman of this committee if he believes that the local board of steamboat inspectors in Boston, or New York, or in Portland can possibly be competent to pass upon the qualifications of a bar pilot on the Southern coast, where the channels are constantly changing? The channel in most of those waters may be here to-day and elsewhere to-morrow. It may change 600 feet either way, and there may be barely room to squeeze through. Now, it is evident that no man can pass upon the qualifications of a bar pilot unless he is in and out of these channels continually. And, Mr. Speaker, this is not merely my opinion. It is based upon the highest authority in this country. I have here a communication from an eminent officer, a man who can have no possible interest in the fate of this bill or of the pilots, except in so far as it may be related to the interests of the commerce of the country. I refer to Major Mahon, of the Corps of Engineers of the Army, who is in charge of Pensacola Harbor and Navy-Yard and the improvement of rivers in Georgia, Florida, and Alabama, a man who has served for years and won

his stars as one of the best authorities upon questions of this kind that can be found in the United States. I read:

Mr. Basel requested me to state to you my opinion as to whether a person who visits the harbor of Pensacola only at long intervals could expect to keep pace with and be thoroughly posted on the changes which are taking place. I do not hesitate to say that, in my opinion, such could not be the case. It requires a person to be constantly on the ground to follow these changes for the purpose of navigation; nor can any inspector, however conscientious he may be, pass on the capability of a navigator under such conditions of change unless the inspector be constantly engaged in following up all these changes.

I ask this House what opportunity a local inspection board in New York, or in Massachusetts, or in Maine can have of following up the changes to which Major Mahon refers and passing upon the qualifications of applicants for license as pilots? Hundreds of them have never been in those waters at all, but even if they have been there it would still be necessary that they should be in and out of these channels very frequently in order to be competent to judge of the qualifications of pilots for those waters. That was the testimony before the committee. I do not propose to drag in testimony that was smothered and brought in upon this floor without an opportunity being given to rebut it.

Mr. PAYNE. Was not that matter printed in the report of the committee weeks ago?

Mr. MINOR of Wisconsin. Not the figures you read here.

Mr. PAYNE. All of them.

Mr. MINOR of Wisconsin. The receipts of the fund?

Mr. PAYNE. Certainly.

Mr. MINOR of Wisconsin. Only in part.

Mr. PAYNE. All of them.

Mr. MINOR of Wisconsin (continuing to read):

I know that it is necessary at Pensacola for the pilots to be sounding continually to keep abreast of the changes which take place, and I think it would be impracticable for a person who is not constantly on the ground, no matter how great his intelligence may be, to act as a pilot where sand bars are under consideration.

Now, I understand, Mr. Speaker (and this was the testimony before the committee), that the pilots are authorized by the Engineer in Chief of the War Department to change the buoys as the channel shifts from side to side. If you or I should do that we would be subject to a heavy fine. The engineers acknowledge the competency of these pilots, and hence give them a power that no other men on earth are allowed to exercise.

Mr. HENDERSON. I should like to ask the gentleman a question, for I am trying to understand this legislation. The purpose of this pilotage system, as I understand, is to save life or property—which?

Mr. MINOR of Wisconsin. Both.

Mr. HENDERSON. Do the sailing vessels carry passengers?

Mr. MINOR of Wisconsin. They carry their crews.

Mr. HENDERSON. Only the crews?

Mr. MINOR of Wisconsin. Yes, sir.

Mr. HENDERSON. Then this system, in the case of sailing vessels, would be chiefly for the protection of the property?

Mr. MINOR of Wisconsin. Yes, sir.

Mr. HENDERSON. And in the case of steam vessels chiefly for the protection of life?

Mr. MINOR of Wisconsin. The sailing vessels carry crews, the numbers of which are in proportion to the size and tonnage of the vessels. The crews average from four to fifteen or twenty, according to the size of the vessel and the canvas to be handled.

A MEMBER. Do not the sailing vessels sometimes carry passengers?

Mr. MINOR of Wisconsin. I think that as a rule they do not.

Mr. HENDERSON. Is it not true, then, that the vessel owner is more largely interested than anyone else in having a pilot, if a pilot is needed for the protection of the property?

Mr. MINOR of Wisconsin. Let me say to the gentleman from Iowa [Mr. HENDERSON] that there is no man on earth—at least I never met one—who will not take more chances for the almighty dollar than he will for anything else; and a vessel owner, if he can save pilot fees, will take the chances of putting his vessel on a bar.

Mr. BRUMM. Is it not true that the owners of these vessels are relieved from risk by the insurance companies—that the insurance companies take the risk and the vessel owner runs no risk?

Mr. MINOR of Wisconsin. Certainly; that is correct.

Mr. STEPHENSON. Can not the vessels depend upon being towed in by the tugs?

Mr. MINOR of Wisconsin. That depends altogether upon the condition of the weather. Just a word right there in reply to my friend from Michigan. When everything is favorable—when the weather is fine and no risks are to be taken—the tugs tow the vessels in; but I want my friend to understand—I know that he knows it—that there are often times when the tugs can not go out to tow these vessels in. The pilot boats can go out and live in weather that would drown the tugs.

Mr. HENDERSON. And the pilot boats are compelled to be there?

Mr. MINOR of Wisconsin. Yes, sir; they are compelled by the laws of the State to be there. And the purpose of this bill is to take the business away from these pilots and give it to the tugboats. So long as the weather is fair the tugboats will go out to tow the vessels in; but when the storms are heavy they will not be on hand.

Mr. STEPHENSON. When the tug takes charge of a vessel the tug master is the pilot, and the management of the vessel is at his risk. The captain of the vessel is no longer responsible. In the Chicago River a big vessel is often compelled to put on two tugs; otherwise the tug masters will not take the risk.

Mr. MINOR of Wisconsin. There have been a number of decisions of the admiralty court on this subject. Formerly a tugboat was held responsible for every mishap that befell a vessel if the tug had a line to it. That is not the condition under more recent decisions. At present, under the rulings of the courts, unless you can prove incompetency on the part of the tug master—unless you can establish carelessness or inefficiency on his part, as the cause of the damage—the court will not hold the tug liable. All the inquiry that the courts will make is whether the tug master has shown ordinary seamanship.

Mr. STEPHENSON. If the captain of the vessel does not follow the tug he makes himself liable.

Mr. MINOR of Wisconsin. The courts have held that when the vessel fails to follow her tug the tug is not responsible. There is no trouble with the sailing vessels; if they follow the tug they have their right of action against the tug.

Mr. STEPHENSON. And most of them have to follow the tugs.

Mr. MINOR of Wisconsin. If the weather permits they follow the tugs. But we are not legislating for the Chicago Harbor tugs.

Mr. DOOLITTLE. How much of the coast line of the United States is affected by this bill?

Mr. MINOR of Wisconsin. From Virginia down to Texas—nine States.

Mr. CUMMINGS. And also California and British Columbia.

Mr. MINOR of Wisconsin. There are nine States affected.

Mr. DOOLITTLE. Does it affect the Pacific Coast?

Mr. MINOR of Wisconsin. I understand not.

Mr. SIMPKINS. Does the gentleman understand that there is any compulsory pilotage on the Pacific Coast?

Mr. MINOR of Wisconsin. I do not.

Mr. CUMMINGS. The matter is under the control of the State legislatures.

Mr. MINOR of Wisconsin. I think there are only about eight States affected.

Mr. SIMPKINS. It does not affect the Pacific Coast at all.

Mr. MINOR of Wisconsin. Now, Mr. Speaker, very much has been said about the purpose of this compulsory pilotage bill, and I want to say, before touching on that point, that I yield to no man on the floor of this House, or anywhere else, in desire to build up our merchant marine. It is a business that I have been interested in during nearly my entire life, and no man will give more hearty support than I will to legislation proposed in its behalf if such legislation is based upon sensible lines. So far as my observation goes, every vessel that was ever chartered first considers the port charges before fixing its rates of freight——

Mr. GARDNER. Will the gentleman from Wisconsin allow me to ask him a question?

Mr. MINOR of Wisconsin. Certainly.

Mr. GARDNER. Has it not been stated over and over again that the sailing vessels are in competition with the steam vessels in reference to freight charges?

Mr. MINOR of Wisconsin. Yes, sir.

Mr. GARDNER. Is not the freight rate fixed by the bids made by the steam vessels, which are not subject to these port charges?

Mr. MINOR of Wisconsin. Why, my friend, let me tell you that a sailing vessel of anywhere from 500 to 1,500 tons burden can beat a steam vessel right out of the water in making low rates on freight. Every sailing vessel on the lakes, every sailing vessel on the coast of this country engaged in our commerce, can carry freight cheaper than any steamboat that ever was built, and for the very reason that the expense of running a steamer, the fuel, the men, the necessary repairs, everything that enters into the expense account, involves the necessity for an expenditure that does not exist with reference to the sailing vessel.

Mr. BRUMM. To say nothing of the first cost.

Mr. MINOR of Wisconsin. You have in your steam vessels engines, boilers, and the necessary pipes, and you have all of these to take care of, including their repairs; you have fuel, and you have from twenty to twenty-five men on the ordinary-sized steamer. But you can run your sailing vessel at a much less expense, with a crew of only from six to twelve men.

Mr. GARDNER. The answer to the inquiry would seem to make the building of steamboats a mystery.

Mr. MINOR of Wisconsin. Well, the answer is straight to the point. These are facts that can not be disputed. There are some advantages, I suppose, on the side of the steamers. They can

make quicker trips, and they can also navigate certain waters that perhaps a sailing vessel could not safely enter. But I adhere to my proposition, and I can prove it by the traffic on the lakes around Chicago and Milwaukee, and I am sure on the coast as well.

Mr. BRUMM. The gentleman did not include, as I understand it, the first cost of the vessel, nor also the room which is necessarily taken up by the steam boilers, the machinery, and fuel, all of which would be utilized for freight purposes on a sailing vessel.

Mr. MINOR of Wisconsin. That is a very pertinent suggestion. A vessel that will carry fifteen hundred tons of freight will cost on the lakes, say, $25,000, at the outside, complete; while a steam vessel on the lakes that will carry the same amount of freight will cost anywhere from $75,000 to $100,000. That is the difference. And the estimate by conservative sailors, practical shipowners, and masters of vessels shows that it costs five times as much to run a steamboat as a sailing vessel.

Mr. FOOTE. Will the gentleman permit me to ask him a question?

Mr. MINOR of Wisconsin. Certainly.

Mr. FOOTE. Is it not so that the freight carried by the steamers is really of a more perishable nature than that carried by the sailing vessel as a rule?

Mr. MINOR of Wisconsin. That is a very proper inquiry. Now, I am going over this subject and giving only my own judgment and experience in talking of the cost. But so far as my observation goes, it is a fact that the steamboat comes in competition rather with the railroad than with the sailing vessel. Sailing vessels carry freight that steamboats do not, as a rule, carry. The steam vessel carries fruit and such freights as are required to make quick transit—perishable articles as a rule—and the sailing vessel, on the contrary, carries gross articles not of a perishable character.

Mr. PAYNE. Will the gentleman yield to me for a question?

Mr. MINOR of Wisconsin. Well, I did not ask you any.

Mr. PAYNE. I know. May I ask you one?

Mr. MINOR of Wisconsin. Well, yes.

Mr. PAYNE. Does not this law leave the pilotage system of Wisconsin (your State) just as it is now in regard to compulsory pilotage?

Mr. MINOR of Wisconsin. That law was in existence probably before my time——

Mr. PAYNE. But does it not leave it just as now?

Mr. MINOR of Wisconsin. We have no pilot system in Wisconsin.

Mr. PAYNE. Do you not have pilots there?

Mr. MINOR of Wisconsin. Why, I am a pilot.

Mr. PAYNE. Has there been any difficulty with your present system?

Mr. MINOR of Wisconsin. The question has no relevancy whatever to this matter and is out of order.

Mr. PAYNE. I accept your answer. [Laughter.]

Mr. MINOR of Wisconsin. I think one of the most intelligent gentlemen who came before the committee during the consideration of this matter was Colonel Lamb, of Virginia, and I want to say to some of our Republican friends here that Colonel Lamb, whom I believe to be an honest and intelligent gentleman, is chairman of the Republican State central committee in Virginia. In speaking of his experience and his knowledge of these practical questions he commenced in this way: He states that he resides in Norfolk and does business there, and then he says:

I am a merchant largely engaged in shipping. I suppose I may safely say that I have more seagoing vessels consigned to my house than there are consigned to any other house south of Baltimore.

In 1884—

Now you will know by this that he is a Republican—

before Mr. Cleveland's fatal policy of free raw material was to some extent carried out, Lamberts Point, which I manage as a part of my business, was a busy hive of industry. That year we shipped over 2,000,000 tons of Pocahontas coal, and bunkered nearly 500 foreign steamships sailing under the British, the Spanish, the German, and other flags, for which Virginia coal we received sterling bills equivalent to gold. Besides these, I had some 1,500 seagoing vessels. Of that amount shipped, about 1,250,000 tons of coal went to the New England States. On that we paid freight exceeding $1,000,000.

I read this, Mr. Speaker, that gentlemen may know that this man has a thorough knowledge of the subject that he is discussing. He says:

I make this statement to show you that I have a personal knowledge and am largely interested in this question of pilotage, for, with all due deference to my New England friends, for whom I have the kindest regard, I think we pay the pilotage and license, and that they do not pay it.

Reading still further along, he says:

Before the present tariff prices in New England were controlled by domestic competition, we knew at what price the different factories and railroads were offered coal and we had to meet that price. We had, in order to compete, to put Pocahontas coal down there at that price in order to get the trade. Then, of course, we had to look after the freight; and, whatever my friends may say, when they fix the freight they put the pilotage on the rate. Now, since the "party-perfidy tariff" has gone into operation Queen Victoria has gone into New England, for every ton of coal that comes from Nova Scotia pays the Crown 12 cents royalty. They have fixed the price there, and we are compelled to come to it; and we still pay the pilotage.

* * * * * * *

I contend, gentlemen, that this is a State matter. We at home pay this pilotage. If it is an obstruction to trade, pray who suffers but Virginia? They say it is a tax for the privilege of sailing in Virginia waters. Oh, no! If they want to come into the harbors for refuge they can do so without paying. If they want to get our Virginia coal as freight, we say, "You can have the privilege of coming and taking this coal if you will help to keep up our Virginia pilotage system, so as to help our foreign trade."

This is but the grand doctrine, after all, of protection, and if you have navigation laws to protect sailors living in New England and the North, can not we have protection for the sailors living in Virginia?

And let me say right here that the protection given to coasting vessels is absolutely prohibitory. I am a protective-tariff man, but I never went so far as that. No vessel coming from a foreign port and going into an American port can unload a cargo and there take on a load for another American port. The law absolutely prohibits it. That is protection with a vengeance. And now they come in and want to abolish this pilot system on top of it. This gentleman further says:

Mr. Chairman, I told you a moment ago that in 1894 we paid more than $1,000,000 for coal shipped from Lamberts Point to New England. I have the figures. I think I showed the statement to the Committee on Ways and Means during the last Congress. Of that million dollars at least fifty thousand was paid because we could not employ foreign bottoms. Part of my business is chartering ships. I represent in the port of Norfolk probably 125 foreign shipowners. I charter a great many of their ships for different purposes and I know at what they can be obtained; and I tell you, sirs, without fear of contradiction, that we could have had our freight carried to New England in 1894 for $50,000 less but for our navigation laws.

There is the sum of $50,000 that went for the pilots all right, through just one institution in Norfolk.

Mr. GARDNER. There is no compulsory pilot system in New England, where this freight was shipped.

Mr. MINOR of Wisconsin. I am speaking of the freight rate, and the pilotage being included in the freight rate, on freights taken from Southern ports to New England.

Mr. GARDNER. But the freight was shipped to New England, where there is no compulsory pilotage system.

Mr. MINOR of Wisconsin. But they had to pay it down in Virginia. You have got hold of the wrong end of the string, my friend. That is all that ails you. The State of Virginia has a compulsory pilotage law, and every vessel going to the State of Virginia for coal has to pay a pilot, that is all.

Mr. GARDNER. The gentleman states, does he not, that he would have shipped his coal $50,000 cheaper if it had not been for that system?

Mr. MINOR of Wisconsin. No, sir; the gentleman states that if he had been allowed to ship in foreign bottoms this freight could have been shipped for $50,000 less than our American coastwise vessels would take it for. That is what he said, and I say that a part of that $50,000, at least, went to pay these pilot fees. Now, I want you gentlemen to listen to this. It is good doctrine. Continuing, Colonel Lamb says:

Now, I am not opposed to the navigation laws, and we cheerfully pay that amount for the protection which it gives to the American sailor. And why? That same grand policy of protection has ribbed this country with railroads; it has put steamers on every stream, and it has built factories all over our land, and those factories, those steamers, and those railroads help to consume our coal. I say I am not opposed to the protection granted by those navigation laws which prevent me from shipping coal from Lamberts Point in foreign bottoms.

He is not opposed to it, and would rather pay his just proportion of the pilot fees.

Now, gentlemen, there has been something said about the property of the pilots. Everyone knows, I suppose, that they are obliged to have an outfit, boots and rubber coats and the necessary paraphernalia, to enable them to go out in all kinds of weather, because the laws that create this system are so stringent that every pilot who fails to respond when on duty, or who is absent from the bar for a continuous forty-eight hours is in danger of having his license revoked and of being relegated to private life. No matter what the weather is, or the danger to be encountered, he must be there.

Mr. SIMPKINS. I would like to ask the gentleman if some of these Florida pilots have not been absent from the bar for more than forty-eight hours and present in this city of Washington for nearly forty-eight days?

Mr. MINOR of Wisconsin. I will answer the gentleman by saying that I believe that to be the fact, and I know that the laws of Virginia and Florida compel them to be there, or else they forfeit certain rights. I know that a statute of the United States requires you to be here. How much have you been absent? [Great laughter.]

Mr. TALBERT. I would like to ask the gentleman a question for information.

Mr. MINOR of Wisconsin. I hope gentlemen will not bother me much longer with questions.

Mr. TALBERT. Is it not a fact that those States spoken of are the best judges of what the fees of the pilots should be, and would not this deprive them of the right to determine that matter?

Mr. MINOR of Wisconsin. In answer to that question I will simply say this, that in the State of Florida, although the general law fixes the maximum rate for which the services may be rendered, there are seven ports, not one of which agrees with another. They change their rules according to the local conditions

of the port. That being the case, and that being the legislation enacted by men who are interested in the matter, I ask you, Mr. Speaker, how can this Congress regulate the pilotage and make everything fair and equitable in nine whole and different States?

Mr. TALBERT. They are the best judges of their own business.

Mr. MINOR of Wisconsin. That is the point exactly. They ought to be, and I believe are, competent to judge of their own local wants.

Mr. TALBERT. That is the idea I wanted to get out.

Mr. MINOR of Wisconsin. In the committee, in considering this bill, I suggested an amendment as to the time of its going into effect. I saw that it was vicious. I know that every dollar that these men accumulate goes into boats and paraphernalia to fulfill the functions of their business and to perform their duties satisfactorily to the marine interests, and I know they own these boats. I proposed in this bill to give them at least one year before it went into operation, to give them an opportunity to dispose of their property. But no, sir; the majority of the committee could not see it as I did, and, as intelligent a leader as he is in the House, the chairman of the committee could not see it. He has had no practical knowledge. I know that a pilot boat is good for little else except as a pilot boat. They can not be used as freighters, they can not be used as yachts, nor as fruit boats, to any advantage. They are built expressly for pilot boats. I want these men down there, who have been frugal and industrious, and who have saved a few dollars, to be able to dispose of that property at the highest market rate, and they can not do it under this bill, for there is not the time allowance.

Now, a great deal has been said about paying the pilot whether you use him or not. I want to say to the chairman of the committee that I assume he is a taxpayer. I assume that he is a man of good character. I want to say to him that every day of his life he is paying to maintain jails, and yet I know he is a moral man and one of whom I would say that he was never in a jail in his life except as a visitor. [Laughter.] I want to say to him he is supporting a fire department, if he lives in a city, for the preservation of his property, and yet he may never have had property destroyed by a fire. But he is taxed just the same. I want to say to this House that we print statutes at the expense of the United States, but we have not a surfeit of good lawyers. There are many of them that we could dispense with, but they are not the good ones.

Now, Mr. Speaker, I believe that one of the most sacred pledges that was ever given by the Republican party is the pledge given to the honest laboring men in these United States; and I say to you that if this bill passes it will seriously cripple the labor of these ports, especially in this branch. That is admitted on all hands. I have been flooded both in committee and out of committee with resolutions adopted by commercial organizations, by Grand Army posts, by engineers' beneficial associations, by steamboat captains, by shippers and merchants, and everyone who has a practical knowledge of this subject to do my utmost to defeat this bill. It has been asserted here that the occupation of pilot is handed down from father to son as a sort of heirloom. I say that is untrue. A gentleman who was before our committee went from New York only a few years ago, served an apprenticeship of four years, was licensed as a bar pilot, and is to-day president of the pilots' association of Florida; and he is the son of a brave and gallant Union officer during the war of the rebellion.

It is not my purpose, Mr. Speaker, to take up very much more time on this matter. I just want to say this that I respect the Republican party to-day above all other political organizations on earth, not for the promises it has made, but for the pledges it has kept, and for its faithfulness to the people of the country. It is one of the cardinal principles of our party to promote and elevate the labor of this country; but if you pass this bill you are treading on tender ground. It should be your duty to make the humble homes of the pilots as respectable and as happy as possible; to keep the fires burning brightly; to give as much sunshine as possible and disperse the cloud of despair; for I say to you that around the hearthstones of these hardy pilots there is plenty of pure patriotism and loyalty to this country. Maintain it, and encourage your humble working people in pure and intelligent citizenship, and give them opportunities to live and thrive, and your Government is safe and enduring. [Loud applause.]

Mr. SIMPKINS. Mr. Speaker, before continuing the argument so well and ably begun and carried through by the gentleman from New York, the chairman of the Committee on the Merchant Marine and Fisheries [Mr. PAYNE], I wish to reply to the last gentleman who spoke [Mr. MINOR of Wisconsin], answering his personal remark in reply to my question concerning his statement that the pilots are required to be constantly on duty or else lose their positions. When he made this assertion I called the gentleman's attention to the fact that the pilots of Florida, representatives of the pilots' association, seemed to have an abundance of time and to be free from duty to come here to Washington to lobby in season and out of season against this bill; and he replied by asking me how much I had been absent.

Now, although I was willing to join in the laugh which that response excited, I do not concede that the gentleman's answer was an adequate and convincing argument; but since he has called attention to that particular point, I wish to say that I have been present so constantly at every hearing of the committee, and so constantly in the House, that if the law of which he spoke as applying to pilots in Florida had been applied to me I would not have lost pay or place by reason of absence. [Applause.]

Now, however, Mr. Speaker, let us take up the bill. What is the proposition which we are considering? Let us take it up in a business way, for it is purely a business proposition, and ascertain exactly how we are steering, in order that we may cross the bar of this difficulty with or without a pilot. In the first place, there are two classes of American vessels engaged in our commerce. The first class is composed of vessels engaged in the foreign trade, vessels sailing to England, to Germany, to China, to India, or to some other foreign land. All these vessels are compelled to pay pilotage, and this bill does not affect them in any way. The second class is made up of vessels engaged in our coastwise trade. The vessels engaged in that trade are of two classes, steam vessels and sailing vessels, and the gentleman who last spoke is himself a representative of steam vessels. His vessels are not affected in any way by this bill. It will thus be seen that this bill proposes to do one thing. It proposes to put sailing vessels on an equality with steam vessels in this matter of pilotage. Both are engaged in the same business. They carry on the same business in the same waters. The sailing vessel comes in competition with the steam vessel. The sailing vessel is obliged to pay compulsory pilotage whether she takes the services of a pilot or not, while the steam vessel is allowed to exercise its option. The steam vessel is not required to pay pilotage unless it accepts the services of a pilot.

Now, I wish to call the attention of gentlemen of the opposition to this point: Under this bill, if it becomes a law, if a sailing vessel takes a pilot she pays pilotage; if she does not take a pilot she is no longer obliged to pay compulsory pilotage. Let me say to the pilots of the Southern States that in opposing the passage of this bill they are being for a time—for only a very short time—penny wise, but that, in the long run, they are being decidedly pound foolish. How can this be?

Mr. Speaker, in spite of the arguments of gentlemen here, everyone knows that the steam vessel is rapidly driving the sailing vessel from the sea; and if you drive the sailing vessels out you reduce the number of chances to render pilot service. The total number of American sailing vessels has already declined from 28,000 in 1874 to 17,000 at the present time. We know that there were only some 600 sailing vessels flying the American flag engaged in foreign voyages last year. We know that to-day over 2,000 steam vessels of over 50 tons are engaged in the coasting trade in competition with the American sailing ships that are left, larger in number, it is true, but smaller in tonnage and dwindling day by day. If those vessels are compelled to bear the burden of paying pilotage, they will be rendered less able to keep up the contest which they have to engage in to hold the sea against their steam competitors.

Mr. Speaker, let us briefly consider what these pilot laws are in several of the States. Let me direct your attention to some of the ports where pilots are needed and to some of those that may be safely navigated without the services of a pilot.

In the first place, then, take the State of Virginia. In that State vessels engaged in the coasting trade are obliged to pay for the services of a pilot whether they require those services or not, unless the owner of the vessel is willing to pay a tonnage tax of 10 cents per ton. In connection with that law of the State of Virginia, let me call the attention of the House to that clause of the Constitution which provides that—

> No State shall, without the consent of Congress, lay any duty on tonnage.

In spite of that provision of the Constitution certain States have taken advantage of the authority given by Congress to the States to impose pilotage fees, and now impose a tonnage tax, saying to the vessel owner: "Unless you pay a tonnage tax you must take a pilot; but if you buy a license by the payment of this tonnage tax your vessel will be perfectly safe and you will have no need of the services of a pilot."

How is it in South Carolina? The laws of that State exempt vessels sailing from ports within the State from pilotage charges, and in doing so they come in direct conflict with that clause of the Constitution, or at least with the spirit of that clause of the Constitution, which says that—

> No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

That provision of the law of South Carolina is also in direct antagonism to the act of Congress, which provides that—

> No regulations or provisions shall be adopted by any State which shall make any discrimination in the rate of pilotage or half pilotage between vessels sailing between the ports of one State and vessels sailing between the ports of different States.

Under the general authority granted by Congress in 1789, several Southern States have passed laws which are in direct conflict

with at least the spirit of these two clauses of the Constitution that I have cited, and also in violation of the act of Congress I have referred to.

Take Alabama. That State discriminates in its laws in this way: It allows vessels sailing between Pensacola and New Orleans to enter the port of Mobile without the payment of a fee, but says to a vessel from Texas, or Maine, or Massachusetts, or New York, or any other State: "If you come into the port of Mobile carrying exactly the same cargo as this vessel from New Orleans or Pensacola brings to this port, you must pay compulsory pilotage whether you agree to accept the services of a pilot or not." Thus the laws of the Southern States vary in many particulars; but they all agree in providing that pilotage shall be levied whether the services of the pilot are accepted or not. Mr. Speaker, where else is any such principle adopted? Where else is there such a discrimination against one class and in favor of another?

Mr. COOPER of Florida. Will the gentleman permit me to answer that question?

Mr. SIMPKINS. Certainly.

Mr. COOPER of Florida. Great Britain authorizes compulsory pilotage, the rates of which vary at different ports; and, so far as I know, the same is true of every commercial nation in the world.

Mr. GARDNER. Has the gentleman taken into consideration the different conditions in those countries as to the ebb and flow of the tides?

Mr. COOPER of Florida. I did not catch the gentleman's remarks.

Mr. GARDNER. My suggestion was simply this: At Liverpool, for instance, you have an ebb and flow of the tide to the extent of 32 feet; so that there are entirely different conditions from those which exist here.

Mr. COOPER of Florida. And on account of those varying conditions the local pilotage rates vary; in some parts of the British coast pilotage is compulsory, and in others it is not.

Mr. SIMPKINS. I am delighted to meet the suggestion of the gentleman from Florida. He tries to compare the conditions existing in Great Britain with those existing here in the United States. I have pointed out that the laws of the different States on this subject are in violation of clauses of the Constitution, and in reply the gentleman says that England has compulsory pilotage, varying in rates at the different ports. Now, let me call attention to the laws of England on this subject. I have here a book entitled Dock and Port Charges of the United Kingdom. There are in the United Kingdom some ports owned by individuals, some owned by corporations. Nothing of that sort exists in this country. Turning to page 176 of this book I find the dock charges at one port in the Kingdom of Great Britain, Dundrum Bay, a subport of Newry, in latitude 54° 13′ N., longitude 5° 50′. It is the property of the Marquis of Downshire—his sole property. He has recently made considerable improvements——

Mr. BRUMM. The book to which the gentleman refers gives dock charges, not pilotage rates.

Mr. SIMPKINS. And this other volume relates to pilotage.

We thus see that the ports in Great Britain are in some instances owned by individuals and in other instances—for example, in Folkestone—the port is under control of the corporation. It is the property of the Southeastern Railroad Company. There are no pilots, but boatmen charge only from 15 to 30 shillings per vessel, according to size. These individuals or corporations have the power under the law to regulate their dock charges, and pilotage is very light. Turning to the pilotage charges, we find on page 371 of the merchant shipping act of 1894 this provision:

> There shall be no compulsory pilotage, and no restriction on the power of duly qualified persons to obtain licenses as pilots in any new pilotage district constituted under this section or in an area included in a pilotage district under this section.

If I had time to go through the different laws of England at length we would find a great many variations in the law, as the gentleman from Florida has said; but we would find in every instance some specific reason for the discrimination where it exists. But in no one place—this is the point I wish to make—either in England or in any other country, do we find the nation making a discrimination between the two classes of vessels engaged in the same waters and the same trade, such as is made in this country between sailing vessels and steam vessels entering Southern ports to-day.

Mr. COOPER of Florida. Will the gentleman allow me to ask him a question?

Mr. SIMPKINS. Certainly.

Mr. COOPER of Florida. Is there anything in this bill to regulate or prevent discrimination? In Florida there are no discriminations. Why, then, bring in a sweeping bill which, in our opinion, virtually destroys the local pilotage system instead of correcting the abuses of the existing system, if there are any?

Mr. SIMPKINS. The gentleman says there are no discriminations in Florida. But there are. They exempt a certain class of vessels drawing less than 6 feet of water. They also make a discrimination between vessels that carry the United States mails and those that do not. Vessels carrying the United States mails (if I have read the pilotage laws of Florida correctly) pay only one-half pilotage. If you go to a foreign city you may have to pay taxes for things that you do not care for and do not receive. In the fashionable resorts in Germany or in Switzerland you will have to pay a band tax and other local taxes, although you may get no benefit from them. That is the foreign system, although it does not prevail in England. You have to pay these taxes if you wish to visit those places. Here in America the principle has been, and I hope it will continue—this compulsory pilotage law is the only variation from it that I know anything of—that those who enjoy a benefit shall pay for it. Nowhere else do we have taxation without return.

Now, Mr. Speaker, let me call attention to the condition of our harbors as it was when Congress passed the law which gave the States charge of this pilotage system. That was in the last century. Our bays, our rivers, our harbors were then as God made them—in a state of nature. Since that time this Government has spent over $81,000,000 in improving those waterways, simply for the purpose of assisting the navigator, of giving aid to commerce. In Galveston over $7,000,000 have been spent for the improvement of that harbor. At Pensacola $100,000 is appropriated in the bill of this year, and many millions of dollars have been spent at New Orleans and other Southern ports; and let me call your attention to the fact that it was Senator HOAR of Massachusetts who first and foremost originated that work and urged it. He knew no State lines, and did not discriminate as between the North and South, but he saw that great work could be done, and went voluntarily forward to champion the cause of the improvement of these Southern ports and voted willingly for the appropriation of sums larger than any amount that was ever spent for the harbors in Massachusetts.

Now, it seems to me that after the Government has done this great work in every harbor that can float a merchant vessel we should not continue this system against our commerce unless the other side shows very good reasons why a few pilots who may have their salaries or yearly stipends cut down a trifle by this legislation should be privileged and considered to the exclusion of everybody else.

The gentleman from Florida asks me, why not bring in a bill to accomplish this in some other way? I know of no other way in which it can be accomplished. Gentlemen seem to apprehend that the pilot system will be injured if this is carried into execution. I do not think the pilotage system will be injured in the South. I wish to direct your attention to the fact that we had the compulsory pilotage system in Massachusetts, New Jersey, Connecticut, and New York, and that the compulsory pilotage system was abolished years ago, and when it was abolished at the North the very same arguments were used that are now used.

Gentlemen appeared before our State legislatures and said, "Why, if you abolish this compulsory pilotage system not only will the pilot system be destroyed, but you can not get into the ports of Fall River or New Bedford or across the shoals at Nantucket with safety." But it was done away with, and since then not a word has been said or a voice raised to ask that it be resumed; and nowhere either in the Southland nor in the Northland will you find a better system of pilotage, or braver and bolder men, or men who will go farther out to the sea, taking all the risks of that dangerous calling, than the pilots who go out from the ports of Boston and New York. I am glad, Mr. Speaker, to pay that tribute to the bravery of men who go away out to the Banks and to the Georges, far out to sea on our dangerous northern coast. They go out bravely in search of vessels and pilot them in safety into port.

Mr. CUMMINGS. Will the gentleman yield for a question?

Mr. SIMPKINS. Certainly.

Mr. CUMMINGS. Does not the gentleman know that these pilots of whom he speaks are opposed to this bill?

Mr. SIMPKINS. I know that the gentleman [Mr. CUMMINGS] who represents the pilots is opposed to it. I also know that one of the members of the New York Pilotage Association has been before our committee, and I understand that he is employed by the pilot association of the South to oppose the bill. But I can not see how the pilots——

Mr. CUMMINGS. I will correct the gentleman right there, if he will allow me. He is employed by the New York and Sandy Hook pilots, and is a competent pilot who has had over forty years of service himself.

Mr. SIMPKINS. I was going to say, Mr. Speaker, that I could not see what interest the pilots of Boston and New York can have in opposing the bill. It does not affect the ports of Boston and New York or any other ports until you come to the ports of Virginia, unless it be that they simply have a kind of sympathy for the pilots of the South because they are engaged in the same business.

Mr. CUMMINGS. If the gentleman will allow me, I will answer that right there. They desire that the pilots of the South shall have the same privilege as the pilots of the North.

Mr. SIMPKINS. They will have exactly the same privilege

when this bill is passed; exactly the same. To-day the pilots of the South have greater privileges. To-day the pilots of the South under the law receive pilotage fees for no services performed. The pilots of the North, on the contrary, receive pay for the performance of services which are actually and well performed. We are only asking in this bill that you will have the same equality for them; that you shall not discriminate between the two classes of service, or between the vessel owners engaged in commerce on our coast. The vessel owners are perfectly willing to pay for the pilot if they use the services of one. But they do insist that they ought not to be obliged to pay a tax without any return whatever.

Mr. TYLER. Will the gentleman allow me an interruption?

Mr. SIMPKINS. Yes.

Mr. TYLER. Is it not true that at one time the compulsory pilotage system extended throughout the Northern States, and was done away with by the action of the State legislatures themselves when they saw fit to do so? Is it not true that New York had the compulsory system, and that it was done away with by the action of the State legislature of New York because they believed it would not interfere with the efficiency of the system?

Mr. SIMPKINS. Well, I will say——

Mr. TYLER. And one moment more, with the gentleman's consent. The other question is, Is it not still a fact that the system in the Northern States is maintained by taxation levied upon foreign vessels?

Mr. SIMPKINS. Well, I am very glad, Mr. Speaker, that my remarks have had the effect of rousing the gentleman, who wishes to make me go over again what I have been endeavoring to say all along in my own feeble manner.

Mr. TYLER. I was not present during the first part of the gentleman's speech.

Mr. SIMPKINS. It is a fact that the system is kept up by the pilotage fees collected from foreign vessels. It is a fact that in the North we had the compulsory system at one time, and it was abolished in the face of the opposition of the pilots themselves; and no one now desires to return to that old system.

Mr. TYLER. By State legislature?

Mr. SIMPKINS. By State legislature.

Mr. BRUMM. Why do you not let State legislatures do the same in the South? Why do you interfere with them?

Mr. SIMPKINS. If the pilots' associations have so much power politically before Congress, how much more power do they have before the legislatures of their own States? They can block there legislation which would be good for the nation and good for the country. The vessel owners have been obliged to come to Congress for relief. This is not the first time they have been here. They have been here during the past twenty years, and I wish to cite this in evidence of the fact that nothing will be settled finally until it is settled right.

But in spite of their many attempts, this is the first time that this bill has been discussed in this Congress or in any Congress, although it has been here year after year. A favorable report was made a few years ago, but it was killed on the question of consideration. So this question never has been debated before in the American Congress, and that is the only reason, in my opinion, Mr. Speaker, why this bill was not passed long ago.

I wish now to bring forward a few facts and figures obtained from the collectors of Southern ports showing to what extent vessels engaged in the coastwise carrying trade employ tugs in entering Southern harbors. Telegrams from the collectors of these ports show the following facts: The collector at Pensacola states that 25 per cent of the vessels coming in there use tugs; in Wilmington 50 per cent of the vessels employ tugs; in Charleston 85 per cent use tugs; in Mobile 90 per cent employ the services of tugs; at Brunswick, Ga., 50 per cent entering and 90 per cent leaving use tugs; in Savannah 85 per cent of the vessels employ the services of tugs: in Norfolk 95 per cent, in Fernandino 95 per cent, and in Shieldsboro 95 per cent. So you see, Mr. Speaker, that in addition to being compelled to use the services of a pilot——

Mr. TALBERT. Will the gentleman allow me to ask him a question.

Mr. SIMPKINS. In one minute. In addition to being obliged to employ a pilot and pay him whether they need his services or not, they also, for convenience and quickness and safety, employ the services of tugs.

Mr. TALBERT. I should like to ask the gentleman if it is not in clear and good weather that they use these tugs, and when it is stormy and unpleasant weather if they are not compelled to use pilots, and can not get along without them?

Mr. SIMPKINS. I have just stated, Mr. Speaker, that from 25 to 95 per cent of the vessels entering these harbors use tugs. Now, I do not know whether it is because there is clear weather during that percentage of the time or not. In the case of the vessels which, for example, enter the harbor of Norfolk——

Mr. TALBERT. My question is whether they use tugs in fine, clear weather and pilots in bad weather?

Mr. PAYNE. The gentleman is trying to answ r that question.

Mr. SIMPKINS. In Norfolk 95 per cent of the vessels employ tugs. Now, it is possible that 95 per cent of the vessels come in during clear weather, and that only 5 per cent come in during stormy weather. I hope they always have such smiling skies in the South.

Mr. TALBERT. Statistics are very deceiving. I wished to know what the facts are.

Mr. SIMPKINS. If they have that much clear weather down there, I do not see that these pilots have to endure much of the hardship in the performance of their duties upon which so much stress has been laid.

Mr. COOPER of Florida. Are these figures anything more than guesses?

Mr. SIMPKINS. I stated that these figures are the replies from the collectors of these ports. They are the best judgment of these collectors, and the telegrams stated that the information was the best information that could be received from the ports where these vessels entered.

Mr. COOPER of Florida. They keep no official record, do they?

Mr. SIMPKINS. This Government does not provide that official records should be kept; so how can there be any official records? The gentleman is well aware that it is impossible to obtain an official record. The gentleman is also well aware, Mr. Speaker, that it is impossible to obtain official records of the amount of money that the pilots receive. They have charge of their own books.

Mr. COOPER of Florida. And it is impossible to obtain an official record of the moneys that the owners of sailing vessels receive for freight.

Mr. TALBERT. The gentleman admits that his statistics are not reliable.

Mr. STEELE. They come from Democratic sources—Democratic collectors?

Mr. TALBERT. The gentleman is simply giving us his own conclusions.

Mr. SIMPKINS. These figures that I have presented are the opinions of the collectors of Southern ports, the best opinions of these Democratic officials; and gentlemen from the Southland may take them for what they are worth. I do not admit they are not reliable. I think they are reliable.

Mr. TYLER. Does the gentleman take the position that a tugboat does away with the necessity for a pilot or takes the place of one?

Mr. SIMPKINS. Why, I leave that to the gentleman himself. If he is the owner of a schooner engaged in the coasting trade, and if he gets his vessel down off the bar of one of these ports and employs the services of a tug, which is obliged to have on board a licensed, skillful pilot, and his vessel is at one end of a hawser, with a tug towing him into harbor, I leave it to his own judgment whether he thinks, in addition to that, he needs a pilot or not. But I will also say that it was in evidence before our committee that in a case where the pilot was taken on board when these tugs had hold of the vessel the pilot thought his services were so little needed that he went below and slept in a hammock during the whole trip.

Mr. COOPER of Florida. The gentleman says he would leave it to our judgment. Now, I would like for the gentleman——

Mr. SIMPKINS. I suggest that the gentleman can occupy his own time.

The SPEAKER pro tempore (Mr. DALZELL). Does the gentleman from Massachusetts yield?

Mr. SIMPKINS. I am perfectly willing, so far as I am concerned, to answer any question that may be asked; but the chairman of the committee points out to me that to yield further would be to consume time that other gentlemen desire to occupy.

Mr. COOPER of Florida. Then the gentleman does not leave it to our judgment.

Mr. PAYNE. I submit to the gentleman that he can make his own statement. He will have plenty of time.

Mr. SIMPKINS. I wish to call the attention of the House, Mr. Speaker, to a few figures showing what proportion the pilotage fees bears to the whole net freight and to the gross freight of a voyage. These are figures from owners' books. They will show gentlemen very well what the gross freight of a coasting schooner is, just how much she receives for freight, and what she has to pay out for pilotage charges. For example, here is a schooner of 519 tons. She makes a voyage from Providence to Newport News, Key West, Port Tampa, and back to Providence. Her gross freight is $4,348. (No insurance, no depreciation charges enter into this computation.) Her net freight is $846. Her pilotage charges were: Newport News, $51.90; Key West, $104.50; Port Tampa, $7.65; New Orleans, $140; a total of $364.40 paid for pilotage. That is 43 per cent of the net freight of the vessel.

Mr. LESTER. Will the gentleman yield to a question?

Mr. SIMPKINS. Certainly.

Mr. LESTER. Did that vessel that you speak of make all these ports in one voyage?

Mr. SIMPKINS. She made all of these ports in one voyage.

Mr. LESTER. She went first from Providence?

Mr. SIMPKINS. She went first from Providence to Newport News, then to Key West, Port Tampa, New Orleans, and back to Providence; and in that one trip she paid $365 for pilotage charges.

Mr. COOPER of Florida. What is the gross freight?

Mr. SIMPKINS. Her gross freight was $4,348 and her net freight $846.

Mr. COOPER of Florida. How do you make that enormous difference?

Mr. SIMPKINS. I will say right here that pilotage charges, as a rule, amount to one-third of the net freight.

Mr. FOOTE. What is the net freight made of? What is taken out of the gross freight to make that?

Mr. SIMPKINS. No insurance is charged, but I suppose it would be the expenses, the pay of the crews, etc.; but I do not know all the items that go to make up the charge.

Mr. FOOTE. Interest on the investment, I suppose?

Mr. SIMPKINS. No; interest on the investment is not charged.

Mr. BRUMM. It was the net profits.

Mr. FOOTE. If the gentleman will allow me, although I do not desire to interrupt him, it robs the figures of all their significance if we do not know what comes out of the gross freight.

Mr. SIMPKINS. I will give you the case of a schooner of 515 tons, from Boston to Savannah Light. The gross freight was $1,831. There was no insurance and no depreciation charged, and the net freight was $458. The pilotage charges at Savannah were $125. That is to say, the pilotage charges amounted to 27 per cent of the net freight.

Mr. FOOTE. Will the gentleman allow me? I do not see how you can tell what the net freight is until you get the charges that come out of the gross freight.

Mr. SIMPKINS. I do not know what they are. The gentleman can look at the figures, if he desires to. The figures will show what a large proportion is paid as fees for pilots, even if their services are received. In other words, Mr. Speaker, all the people engaged in carrying on this coastwise trade, and there are hundreds of them indirectly and directly engaged in it, have to pay this pilotage. Those who are interested in one of these vessels are the people who own the vessel, the people who ship freight in her, the sailors who receive their wages, all of which can only be in proportion to what the vessel receives. All of these people are engaged in carrying on this trade, and yet the pilot, who only takes her over the bar, receives in compensation for his services, or receives whether he gives service or not, one-third of the return. The steam vessel does not have to pay these charges, and the sailing vessel is in direct competition with the steam vessel.

Mr. BRUMM. When you say they receive one-third of the return, you do not mean to say that the net return is made up before the pilotage is deducted, do you?

Mr. SIMPKINS. I mean to say this, Mr. Speaker, that the vessel making this trip that I have spoken of, while her gross freight was $1,183, her net freight was $458, and while there was no insurance charges, she had to pay for pilotage the sum of $125.47, which is 27 per cent of the net freight. These are the figures of the owner, taken from his own books, kept in the usual business way, and gentlemen can see just exactly what they mean.

Mr. BRUMM. He does not take out the freight. The net freight is the balance after the pilotage is paid.

Mr. FOOTE. I desire to ask the gentleman if he will permit me to ask him a couple of questions?

Mr. SIMPKINS. There are other figures here, Mr. Speaker. These examples can be multiplied indefinitely. The gentleman who furnished me this statement, Mr. Freeman, says of them himself that they can be multiplied indefinitely, that they are actual accounts, "and can be verified from his own books."

Mr. FOOTE. If the gentleman could tell us the length of the voyages and the value of the ship it would give us some idea of the profits in a year.

Mr. SIMPKINS. If the gentleman from New York is not in favor of the great principle that a man should not pay for something that he does not receive; if he does not believe that we should not discriminate against sailing vessels and in favor of steam vessels, then, Mr. Speaker, in my opinion, no amount of figures that I could bring to him as to the amounts paid for pilotage and to sailing masters would convince him and induce him to give his vote to this bill. I need only say that in the gross amount this is a great burden for the American sailing vessels to bear, and I say that nowhere else in the United States is this system of tribute levied.

I say that it is un-American, un-Republican, and un-Democratic. It does not belong to any system in this country. In their minority report the gentlemen in opposition say that compulsory pilotage is as old as commerce. They speak of the Hanseatic league, which, as you all know, was a league of northern German towns for the benefit of themselves to give them a monopoly of commerce. They say that compulsory pilotage is found away back beyond the Christian era and from that time down to the present. We grant it. We say that we have compulsory pilotage to-day, and that we will have compulsory pilotage after this bill is passed; but it will be pilotage levied equally, levied without unjust and unfair discrimination, levied fairly and honestly. If they wish to make comparisons with the laws of former times they had better make it between the system in vogue to-day in the Southland and the system that was in vogue along the coast of the Mediterranean when American and English vessels had to pay tribute to the Barbary States and along the coast of Algiers—a system of tribute that was so abhorrent to the American people that away back in 1803-1805 they sent an American fleet and forced a treaty upon those people and compelled them to cease levying tribute upon the commerce of the United States. [Applause.]

Mr. CUMMINGS. Mr. Speaker, in my nine years in Congress this bill has appeared periodically and surreptitiously. Sometimes it has sought a resting place in the Committee on Merchant Marine and Fisheries, and again it has been popped into the Committee on Interstate and Foreign Commerce. It was favorably reported in the Fifty-first Congress and defeated on the question of consideration. In other Congresses it has hibernated in committee. It is a bill drawn in the interest of shipowners at the expense of pilots. The shipowners are already drawing largely on the bounty of the Federal Government. Not a foreign vessel is allowed to engage in our coastwise trade. All of this trade, therefore, is practically in the hands of the shipowners of New England. Call it protection, if you please. I say these shipowners are already sufficiently protected. They pay no tonnage dues. They pay no light-house dues. They do not even pay entrance and clearance fees in the United States custom-houses. This last, small as it may seem, is a gratuity to them from this Government, amounting to between seven and eight million dollars a year. And yet they appear here and demand further Federal favor at the expense of the pilots.

Now, Mr. Speaker, the most important duty devolving upon Congress is that of legislation. It carries with it grave responsibilities and graver consequences. We are to legislate for the whole people, not for the few. Above all, we should not favor one trade or profession at the expense of another. The rich should not be privileged at the expense of the poor. Life and property should not be imperiled unless the safety of the nation is endangered. I have said that the shipowners are already sufficiently protected. Practically the Government has built a Chinese wall around them. No competition is allowed. My friend from Massachusetts [Mr. SIMPKINS] said that coastwise vessels were entitled to the same privileges that steam vessels engaged in coastwise trade enjoy, but he did not tell you how coastwise steamers secured these privileges. The robbery of the pilots has been crafty and persistent. The steamship slice was put as a rider upon an appropriation bill and sneaked through Congress. The same cunning hand is at work upon this bill. Here is Senate bill 2162, entitled "A bill to amend certain sections of Title LII of the Revised Statutes relating to steam vessels and to codify therein all existing amendments relating to the same enacted by Congress since the close of the Forty-fourth Congress"—truly an innocent title. On page 25, however, I find this pilotage bill which we are considering snugly hidden away, ready to be run through the House under cover the same as the bill exempting steam vessels was run through years ago. And for aught I know, it may turn up in some other secret nook or corner of the Capitol before this Congress adjourns.

Now, Mr. Speaker, let us compare the protection—call it protection, if you please—given to the shipowners with the protection given to the pilots. The Government has done nothing whatever for the pilots. It has simply left them to the care of the States. The State legislatures enact laws for them and prescribe their fees and duties.

Before our Constitution was formed pilotage was regulated by each separate colony. England did not interfere. After the Union was formed and the Constitution was adopted Congress continued the jurisdiction to the different States. Each colony had controlled it and each State was left in control of its pilots. It was thought that certainly no State would adopt any measure that would injure its own commerce; on the contrary, each State would secure all the commercial advantages possible by legislative action. The New England States then had compulsory pilotage. New York had it, and so had the Southern States.

The law authorizes each State to regulate its own pilotage dues and to fix them for its own ports. "Compulsory pilotage," as gentlemen call it, was then the general rule. It lasted in each of the original States just as long as it was to the interest of each State to maintain it, and no longer. It has been repealed in some of the seaboard States and it exists in others. The States in which it has been repealed are the States in which most of the vessels engaged in the coastwise trade have been built and are owned. It was to their own interest to abolish compulsory pilotage in their own States. Their ports were frequented by their own vessels.

Their ships traded with the South, but no Southern-built or Southern-owned ships entered their ports. It was to their interest to repeal the law, and it is to their interest to invalidate it in all the other States, if possible. They ought to seek its invalidation, if at all, at the hands of the State legislatures; but they prefer

to level the heads of all the pilots at one fell swoop by deftly using the sword of Federal legislation.

The manly way would have been to seek the repeal through the legislatures of the States interested, but they prefer another road.

Having received the full benefit of the law in their own States, they now appear before Congress and ask you to deprive citizens of other States of the very privileges that they themselves have enjoyed to their heart's content. Their own action was voluntary. They kept the laws upon their own statute books while they served their own interests, and repealed them when their own interests required.

They are not willing to allow their sister States to do the same. Their action, however, proves that each State is alive to its own commercial interests and may be safely trusted to care for them. And this is precisely why Congress left the matter to the legislatures of the different States. They would assuredly try to foster and not to injure their own commerce. They would endeavor to increase and not to decrease it. They were the most competent to deal with the question. They certainly knew what was best for their own commercial interests and for the interests of commerce at large. No State will maintain compulsory pilotage longer than it is necessary for the safety of life and property. It is this very safety that insures the increase of its commerce. When life and property are safe without it, its retention must injure its commerce, and its legislature is sure to act.

To illustrate this: After over fifty years of compulsory pilotage, the State of New York, in 1845, repealed all its pilotage laws. For eight years any person could lawfully act as a pilot if desirous of doing so. A captain could take a pilot or not take one, just as he pleased. The pilots made regulations to suit themselves, and were held to no accountability for neglect of duty. Captain and pilot each took advantage of the other as the exigencies of the situation admitted. So things went along until 1853.

Now, mark the sequel. In that year the ship *New Era* appeared off the New Jersey coast with a load of immigrants from Antwerp. Its captain was hailed by a pilot, but refused to take one. He declared that, even if it did take him until next day, he was fully capable of piloting his own ship into the harbor. That night a tempest arose. Before daylight the ship was a total wreck. Hundreds of lives were lost. Four hundred and eight bodies drifted ashore and were buried in a huge grave on the site of what is now Asbury Park.

This disaster appalled the country. All classes were aroused. The merchants of New York were stirred to the very core. Moses H. Grinnell, Charles H. Marshall, John I. Boyd, E. K. Collins, David Ogden, the Howlands and Aspinwalls, George and Nathaniel Griswold, and others whose names have been woven into the commercial prosperity of New York City, petitioned the legislature for the reenactment of the compulsory pilotage law. [Applause.]

The legislature heeded the appeal. The law was reenacted. For seventeen years it remained upon the statute books. The State enforced the law until she had enough foreign trads to support her pilots without it. Then she repealed it so far as it applied to coastwise vessels and Sandy Hook pilots. It was continued at Hell Gate until General Newton's operations had made the navigation of that channel comparatively safe. After Newton's work the Hell Gate pilots began to exact tribute from coasting vessels under the compulsory law. The vessel owners complained to the State legislature and not to Congress, and the legislature again repealed the law as to coastwise vessels. It is not now on the statute books of New York, because it is not needed. The pilot service can be maintained without it. The compulsory fees from vessels engaged in the foreign trade keep it efficient.

If you are going to repeal here the fees as to coastwise vessels, why not repeal all pilotage laws? Why not let all vessels, foreign as well as American, come in free? You call the pilotage system "robbery." Why rob foreigners? If you let the coastwise vessels come in free, why not allow foreign vessels the same privilege and open up your coastwise trade to them? Their captains and vessel owners would gladly pay pilotage fees if allowed the same privileges as these domestic coastwise craft.

Seven of the original thirteen States have reaped all the advantages of the act passed by the First Congress giving them control over the pilotage on their own coasts. Why should the others be debarred from the same right? What have the States which have entered the Union since the adjournment of the First Congress done that they should be robbed of this right, acquired when they entered the sisterhood of States? Are Massachusetts, Connecticut, and Rhode Island entitled to any more privileges than Maryland, Virginia, the Carolinas, and Georgia? Why rob the Gulf States of the privileges acquired when they entered the Union? Why rob the Pacific Coast of its rights in this matter? My friend from Massachusetts [Mr. SIMPKINS] says there is no compulsory pilotage there. I do not know whether there is or not; but the legislatures of California, Oregon, and Washington ought to have the privilege of placing compulsory pilotage on vessels entering their ports if the safety of life and commerce requires it. New York had this privilege, Massachusetts had it, and certainly the other States of the Union ought to have the same.

Above all, why deny to New York the right to again reenact the law if another *New Era* shipwreck should occur and she deems it necessary for the protection of life and property? She has proved that she can safely be trusted to legislate upon this matter for herself. And so can all the other coastwise States. In time, if left alone, they will undoubtedly follow in the footsteps of New York and of the New England States and repeal the law; but it will not be done until they have developed enough foreign commerce to sustain the pilots necessary to insure the safety of vessels and of human life.

To abandon this system south of New York would destroy the excellent pilotage system which now exists there. There are not enough foreign vessels arriving and departing to make it pay. But, sir, if you repeal the compulsory pilotage laws as applied to all coastwise sailing vessels, why not repeal all other State laws concerning pilotage? Why not wipe out the whole system? If it is wrong in one State it is wrong in another. If it is wrong in one part of the country it must be wrong in all parts. Why allow the States to control in one case and refuse them control in another? Why not take from New York all of her pilot jurisdiction? Why not wipe out the system of State pilotage entirely and give the Federal Government complete control? Why specify this law and the coastwise sailing vessels? Why rob the States of all control of such pilotage to secure special legislation for a favored few whose interests are already more protected than those of any other American citizens engaged in any industry, maritime or otherwise?

One argument, Mr. Speaker, advanced in favor of this bill is that the compulsory fees have almost ruined shipowners. You have heard the figures given. Let us see how true that is. Here is an extract from a recent number of the Marine Journal, a New York newspaper published in the interest of the shipowners:

> Mr. DINGLEY argues that the impoverished condition of the merchant marine calls for the abolishment of this pilot's fee, while the fact is (and we have it from the best authority, a large schooner owner) that coastwise vessels of modern build have been earning annually 30 per cent net for the past three years.
>
> Another gross misrepresentation was made by Mr. Van Brunt, of this city. At a recent meeting of the vessel owners he said that the pilots of the eleven Southern States where the compulsory pilotage existed received $900,000 per annum from coastwise vessels, when the fact is they do not receive above $300,000.

Now, sir, listen to the Savannah News, a leading newspaper in the South:

> These shipowners, on account of their wealth, are able to exert a great deal of influence at Washington. They have the means to pay attorneys and lobbyists, and therefore are remarkably successful in getting such legislation as they want. Within the last year or two they have succeeded in getting their vessels released from all custom-house fees and about all other fees. They have the benefit of the light-houses, buoys, and other aids to navigation free of cost.

And I might add, sir, that under our laws they have the exclusive use of the sea for coastwise purposes.

> A few years ago they paid into the custom-houses, for various things from which they received benefits, about $1,200,000 yearly. Now they do not pay a cent. These shipowners do not get any subsidies directly, but they get them indirectly.

And I will add, sir, that their monopoly is more valuable than any subsidy.

> They can not truthfully complain that coastwise shipping is suffering. As a matter of fact, it is prospering. The shipowners are getting rich, their investments in vessels paying them from 25 per cent to 50 per cent. Ship builders can not supply the demand for sailing vessels. There does not seem to be any reason why aid should be extended directly or indirectly to any interest that does not need it. It is our foreign trade that is languishing, not our coastwise trade.

Sir, if American vessels engaged in our foreign trade can have to-day the same monopoly and the same privileges enjoyed by those in our coastwise trade, you will never hear a whimper from their owners concerning their pilot dues; American shipping would quickly revive and the American flag float in every sea.

The facts and the figures bear out the statement of the newspapers. The shipbuilding interest in this country is as prosperous to-day, or nearly as prosperous, as it ever was. It at least has not suffered more than any other industry in these hard times, and vessel owners are not entitled to special legislation in their behalf at the expense of other and poorer citizens. Here is the Marine Journal, which I exhibit, and here is a clipping of two columns in one week of ships being built, and its editor did not begin to get all of them that were under way at that time. I will not read it. There are over two columns in all. But the names of the vessels and of the builders are given. I will not read them, but simply exhibit them, with two columns printed in the succeeding week.

Do these lists indicate that either shipowners or shipbuilders are growing poorer? Could there be stronger evidence of their prosperity in proportion to the prosperity of other trades and industries?

Another argument advanced in support of this measure is that steam coasting vessels are not required to take State pilots. I have already described how this provision was smuggled through the House. But the conditions are different. The motive power

of the one is on board and under perfect control; that of the other is the elements. One is run by a steam engine; the other depends upon the winds and waves. The steamship can run into harbor in the teeth of a gale and keep the channel without effort. The sailing vessel is at the mercy of the gale. Adverse winds drive her from her course and she is ever in danger from a lee shore. Currents may twist her and tides throw her from her course. Oft-times, in very sight of port, she is compelled to put back to sea. The steamship is free from these hindrances. Nor is this all. Steamships usually make regular and frequent trips between certain ports. The officers acquire sufficient knowledge of the route to sail their vessels into and out of harbors which they are visiting regularly every few days.

Sailing vessels as a rule have no regular routes. They may not visit a particular port more than once a year. They are dependent upon the winds and the waves, and their officers can have no such knowledge of the harbors they enter as the officers of the steamships running on regular trips. State pilots can pilot any vessel, steam or sail. They know the channel and currents, day and night. Not so with United States steamboat pilots. Put one of them upon a sailing vessel near a strange port and he would be like a fish out of water. He would not always go where he wanted to go and he would be eternally listening for the music of the bells. He might be ready to stop and start and back her, but the winds would bother him. He would never know when to bring her into stays, slack her jib sheet, or lower a topsail. [Applause.]

Now, Mr. Speaker, right here this bill proposes to make a pilot out of the captain or the mate or the second mate of any ship.

Mr. FOOTE. Or the cook?

Mr. CUMMINGS. Or the cook, as my friend says. So that if this bill becomes a law a vessel could leave the port of Seattle or Tacoma, come around Cape Horn, and up to Sandy Hook. Her mate or her cook, licensed by a Government inspector at Seattle, who may never have seen the Hook, is authorized—and his owners would probably compel him—to try the Gedney Channel, the Swash Channel, or the main ship channel, and bring the ship into the port of New York.

Mr. PAYNE. Well, he can do that now, can he not, under the present law?

Mr. CUMMINGS. He can try to do it under a State law, but not farther south. Even New York pilots sometimes fail in entering the port of New York. One put a vessel ashore the other day in the main ship channel; and if a regular pilot who has served his apprenticeship in the waters around New York has such trouble in taking ships into that harbor, what chance would a Seattle pilot have? Still your law would give him that privilege in ports unknown and in defiance of State laws. The owner of the vessel does not care, for if she is wrecked she is well insured.

Mr. SIMPKINS. Will the gentleman yield to me?

Mr. CUMMINGS. The gentleman was kind enough to yield to me, and I will, with pleasure.

Mr. SIMPKINS. I should like to ask the gentleman in what way this bill affects the port of New York in the slightest degree?

Mr. CUMMINGS. It affects the State of New York to this degree, that if another vessel goes ashore at Long Branch with a loss of 400 lives, you deprive the legislature of the State of New York of the power to reenact that law for the safety of life and property. [Applause.]

Mr. SIMPKINS. Mr. Speaker, I should like to know the name of the sailing vessel that carries passengers and that goes ashore in this way?

Mr. CUMMINGS. Oh, there are plenty of them. There are yachts that carry guests, and they are passengers. There is a yachting fleet that goes out from New York each year.

Mr. SIMPKINS. You do not contend that this compulsory pilotage law is enforced in New York State now?

Mr. CUMMINGS. I contend that the lives of the crew of a vessel are just as valuable as the life of any passenger on board. [Applause.]

But we are told by the gentlemen who desire to destroy the present system that the tugboat is to be utilized. Tugboat pilots are to supplant State pilots. Let us see. A tugboat pilot is a fair-weather pilot. He can not go out of port unless the weather is fair. It is in stormy weather that a pilot is most needed. There is not a man in this House who knows anything about a steam tug who would trust himself in one outside of any harbor in a gale. He knows that the boat would be swamped. The steam-tug pilot would be unable to serve sailing vessels when his services were needed the most. At such times he would be like the Dutchman's anchor, always ashore in a storm. How much use to a ship would a pilot be who was in charge of a tug towing it in a tornado or blinding storm? New York pilots last year cruised three, four, and five hundred miles to sea. No tugboat ever goes that distance. You rarely find one 20 miles out, and unless there is every prospect of continued fair weather you will not find one out of sight of land.

Another point. Destroy the pilot boats and you are at the mercy of the tug owners. They would raise the rates for tows, and eventually it would cost as much, if not more, to get into port as it does now under the existing pilotage system.

The pilots are no fair-weather birds. In storm and in sunshine they hover around our ports like gulls, ever ready to bring the weary mariner into a safe harbor. There are tempests so fierce that even the gulls are driven into our bays and estuaries, but the pilot is ever at his post. No gale, however terrible, drives his boat to harbor. His ship never sails home till all its crew are transferred to vessels needing their services. One word in regard to the New York pilots. I have been with them on their cruises. I have been nineteen days at sea with them out of sight of land. You have little idea of the dangers to which they are exposed. The New York pilots own their own boats. The loss since 1853 has been 37 pilot boats owned by New York and New Jersey pilots. In the blizzard several years ago 9 boats went down, and 2 were never afterwards heard of. During the blizzard in March, 1895, 2 boats were lost. Not a word has ever been heard from one, the *Waring*, since she left port. All pilots are subjected to similar dangers.

These are the men whom you propose to cripple so as to add to the profits of wealthy shipowners and shipbuilders. They earn their bread facing death upon the ocean while those who seek to reduce their fees are asleep upon downy beds in steam-heated rooms. Did avarice and greed ever join hands for a more unworthy purpose?

Some one has said that this is the reign of greed. Truly, so it seems.

It will be observed that this bill proposes to license pilots under the Steamboat-Inspection Service. I venture to say that there is no bureau under the Government to-day more incompetent for this service. What does the local inspector at Norfolk know about the coast line south of him that would warrant him in commissioning a pilot for any harbor between Norfolk and Savannah, the next port where a local inspector is to be found? Would a pilot thus licensed begin to compare with a local pilot who has been familiar with the harbor at which he is stationed since boyhood?

State pilotage laws are made for the protection of the public and commerce and not for the benefit of the pilots alone. Compulsory pilotage works both ways. It not only compels coastwise sailing vessels to take pilots, but it compels the pilots to guard the approaches to your harbors. A pilot must be at his station at all times, vessel or no vessel. The law appears to have been made in justice to the pilot as well as to the public. He is compelled by State laws to board any vessel that hoists her signal. Let her be infected with disease, short of provisions or of spars or sails necessary for safe navigation into port, and he must board her and take his chances with those on board. Even if the vessel be leaky and unseaworthy, he must take the wheel. No condition of the ship relieves him of his sworn obligation to board and take her into port. This being the case, what is more just than that the vessel should bear the same relation to the pilot in point of compulsion that the pilot bears to the vessel? The same legislative power that makes a pilot's duty compulsory makes it compulsory on the part of the vessel to take a pilot when hailed by one.

The mere granting of authority by inspectors of boilers and hulls can not make a pilot. He must have a progressive course of training. The State commissioners of pilotage, who now grant licenses, insist upon an apprenticeship at the port at which the pilot is to be stationed. In Georgia it requires ten years' service before authority is given to pilot a vessel. This is four times as long as it takes to make a doctor or a lawyer. These pilots are placed under bonds and oaths. In New York a preparatory training of five years is required. After that, to make sure that the pilot is fitted for his work, he is examined by the board of pilotage commissioners and two of the oldest pilots of the port. He must have an accurate knowledge of the tides, soundings, bearings, and distances of the several shoals, rocks, bars, and points of land and night lights of navigation and other matters. He must be of good moral character and temperate habits. If, with all this, he has sufficient skill and experience to act as a pilot, then, and then only, the commissioners grant him a license for piloting vessels to and from the port of New York by way of Sandy Hook. But even then, before the license is granted, the pilot must give bond, with two sureties, each in the penal sum of $500, that he will diligently and faithfully perform his duties and observe the rules and regulations of the board. He is liable to forfeitures, fines, and penalties for any mismanagement or neglect of duty.

Thus you see that this compulsory business is even more binding upon the pilot than upon the vessel owner.

One main feature of the bill is that it virtually forces the master or mate of coastwise sailing vessels to secure a license from the local inspector whether he wants it or not. It is necessary to take it out to save his situation. A few captains may own shares in their vessels, but the majority of the captains and mates are undoubtedly employees. They are not urging the passage of

Cleveland proves true to the rule that he has laid down in the case

the amendment of the Senate numbered 4, and agree to the same with an

work of publishing the farmers' bulletins was in its beginning,

ports if the safety of life and commerce requires it. New York | the House. But the conditions are different. The motive power

Another point. Destroy the pilot boats and you are at the mercy | undoubtedly employees. They are not urging the passage of

this measure. It is their employers who urge it. Their wages would probably not be increased one dollar, while their responsibilities and risks would be more than doubled. If the captains, mates, and crews of these big schooners were consulted they would beseech this House upon bended knees not to throw upon them the risk of piloting their vessels into our ports. No men know the advantage of the present system better than they do. They know that they will be held responsible for the navigation of their ships when entering dangerous harbors. They know the dangers of taking the chances of losing a vessel to save a pilotage fee of five or twenty-five dollars. It is a risk which they do not seek. It is a responsibility which if they could be heard would be left with the trained pilots. These depend not upon the charts of the Coast Survey for their knowledge of shifting channels and varying tides and currents, but upon actual observation. The officers and crews know well that if the vessel is lost the owner gets his insurance and can buy another, but if they lose their lives no insurance can reach their wives and little ones. These officers and crews are not asking Congress to destroy the business of pilotage as it has existed since the first Congress. They would send in a protest against this measure that would shake the walls of the Capitol if they dared.

I say that the passage of this bill will not only endanger property and human life, reduce the fees of the State pilots, and in some cases destroy their business altogether, but that it is inhuman to force upon the captains and the crews of our coastwise sailing vessels the additional risks and dangers.

My friend from Massachusetts [Mr. SIMPKINS] said that the laborers took no interest in this bill. Well, he apparently does not read labor newspapers. The Knights of Labor, the American Federation of Labor, and numberless trades unions have passed resolutions asking Congress to defeat this bill. Sir, you must have received a Knight of Labor paper last week. I found one in my letter box, and it convinced me that they did take an interest in the bill, and a very lively interest.

The SPEAKER. The time of the gentleman has expired.

Mr. CUMMINGS. I ask the gentleman to allow me ten or fifteen minutes more.

Mr. COOPER of Florida. I understand the gentleman only wishes a few more minutes to conclude. I yield him ten minutes.

Mr. CUMMINGS. Now, Mr. Speaker—I see you are in the chair [laughter]—[Mr. DALZELL had occupied the chair]—it is made the duty of the pilots of Delaware Bay to remain always outside of the bay to succor any vessels that need aid. It is their duty under a provision of the State legislature. I hold up before the House a list of the vessels that they have helped in one year. Here you see it. There are three columns of it. There are over 90 vessels named on the list.

The Virginia pilots are also required to be outside of Hampton Roads "on station"; and the pilots of nearly all the Southern ports are in the same list. They are required to be there by law, and the shipowners kick because they are taxed under the State law to support this service. The State law requires their presence. If this State law is satisfactory to you, the law that requires compulsory pilotage, as you call it, ought not to be repudiated. You want all the cream and somebody else is to take the skim milk. Favors ought to be easy.

Now, Mr. Speaker, I do not like to refer to England. I have no particular love for England, for English laws, for English customs, Englishmen, or English ambassadors; but I do say this: England is a maritime country. She finds it necessary to sustain a coastwise pilotage system. All coastwise vessels over 100 tons burden are subjected to pilotage dues in England to-day. Other European countries employ the same system. Here is the Kingdom of Norway and Sweden. Norway only a few years ago repealed its coastwise pilotage laws, but its Folksthing, or Congress, has passed a bill restoring these laws, and they are in force to-day.

We ought to glean wisdom from the experience of others. In addition to all the arguments that I have made against this bill, the practice to-day on the other side of the Atlantic speaks for itself, for if there is anything free that England can get and that she does not get, including free trade, I have failed to discover it. [Applause.]

My friend from Massachusetts [Mr. SIMPKINS]—and I believe he is honest—laid great stress upon the fact that there had been old pilots hanging about the corridor of this House for the last forty days endeavoring to defeat this bill. Well, they had good cause to hang around the corridor. I saw in the corridor a myrmidon of mugwumpery—one Chamberlain, the champion of this bill, the Commissioner of Navigation of the United States—lobbying in the interest of this bill. I know three members whom he importuned to vote for it. Grover Cleveland, President of the United States, has removed from the governorship of Arizona one Mr. Hughes, accused of telegraphing to members of Congress urging them to aid in the passage of some school bill. If my friends on the other side have any regard for the Commissioner of Navigation they will allow this bill to be defeated, for if carried, and President Cleveland proves true to the rule that he has laid down in the case of Governor Hughes, of Arizona, Mr. Chamberlain will "navigate" out of Washington very speedily. [Applause.]

There is very good reason for the presence here of old pilots. One of them, who has seen over fifty years of service, has importuned me time and time again until he has made me very tired sometimes; but he has the starving widows and orphans of the dead pilots ever before him. These men are organized. They have a sort of cooperative society, as my friend from Massachusetts [Mr. SIMPKINS] has intimated; but it is a cooperative society for the benefit of the widows and orphans of pilots who have lost their lives at sea. They have a pension fund, and 300 widows and orphans are sustained by it to-day. They do not come to Congress to seek pensions; they pension their own widows and orphans; and if this bill is passed, away goes that pension fund, and those widows and orphans are again thrown upon the mercy of the world. And all this to increase the profits of shipowners!

One point I had forgotten. I speak of it because I am personally familiar with it. No chart issued by the Government can accurately lay down the channels in the Southern ports. They shift with the action of the rivers which empty into the sea. Take the port of New Smyrna, Fla. I have been there and know whereof I say. The sands on the outer bar shift at least once every six weeks—sometimes every two weeks. The pilots are day and night sounding these bars, gauging the shifting of the sands. I have been with them engaged in the work. Twenty years ago Captain Swift, of New Bedford, was cutting live oak in Turnbull Swamp, back of New Smyrna. Without the services of the Florida pilots some of his vessels would have been lost. The schooner that left the port in one month found the channel changed on her return in the next month. The shifting of the sands resulted in the death of Gen. A. E. Torbert, who was on the ill-fated *Vera Cruz*. They also caused the death of Gen. Orville E. Babcock, who was constructing a Government light-house at Mosquito Inlet. They lost their lives before they could secure the services of Florida pilots who knew the shifting of the sands on the bar. If other vessels had tried to enter the port by chart, even with a pilot's certificate from steamboat inspectors in Norfolk, many lives would have been lost. The tides and currents would have shifted the channels, and false charts would have shipwrecked their vessels. The loss of the *Kearsarge* on Roncador Reef is a case in point.

The SPEAKER. The gentleman's time has expired.

Mr. CUMMINGS. I ask the gentleman from Florida to allow me two or three minutes more.

Mr. COOPER of Florida. I yield the gentleman three minutes.

Mr. CUMMINGS. Mr. Speaker, a statement was made on this floor concerning pilotage in cases where service was not rendered. I find in the New York Herald this morning a statement relating to that subject, a portion of which I will read. Speaking of this matter the writer says:

> The law requires that pilot boats shall be cruising day in and day out, month in and month out, year in and year out, at sea, watchful sentinels at all times, in all kinds of weather, as long as the best sea boats can live, compelled by law, and never shrinking, to render aid and assistance to all vessels seeking or requiring it, riding upon the storm for days at times without the reward of one dollar, periling and sometimes losing their lives and property in the performance of this duty; at all times at the call of those desiring a pilot, though licensed, and often in bad weather piloting them to safety; a sure and certain restraint upon tugboats and others from exorbitant charges for services to masters of vessels, because the State pilots' charges are fixed by law; bound to succor them if their crews are ill or their vessels disabled from any cause; a living and ever-present safeguard to master, owner, and insurance companies, and, lastly, quarantine officers to the adjacent ports and life-saving stations to worn out and wretched crews.
>
> If this is not full and complete service for the paltry sum of 10 cents per ton for one year, then we can not comprehend sufficient recompense for so small a charge.
>
> H. HORBINSON,
> *President American Pilot Association.*

WASHINGTON, D. C., *April 7, 1896.*

This explains itself. I thank the gentleman from Florida and the House for its courtesy.

[Here the hammer fell.]

AGRICULTURAL REPORT.

Mr. WADSWORTH. Mr. Speaker, I rise to present a privileged report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 5161) "making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1897," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 9, 10, 13, 14, 15, 26, 33, 34, 35, and 46.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 6, 7, 8, 11, 12, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 36, 37, 38, 39, 40, 41, 42, 43, 47, 48, 49, 50, 51, and 52, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

In lieu of the matter stricken out by said amendment insert the following: "One appointment clerk, $2,000."

And the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to

the amendment of the Senate numbered 4, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert the following:

"Ninety-four thousand three hundred and forty dollars."

And the Senate agree to the same.

J. W. WADSWORTH,
V. WARNER,
JOHN S. WILLIAMS,
Managers on the part of the House.
S. M. CULLOM,
WILKINSON CALL,
Managers on the part of the Senate.

The statement of the managers on the part of the House was read, as follows:

The managers on the part of the House beg to submit the following statement in regard to the action of the conferees:

The bill as passed by the House carried $3,215,392, and as passed by the Senate $3,333,652.

The committee of conference has agreed to a net reduction from the amount carried by the bill as passed by the Senate of $78,120; and the amount carried by the bill as agreed to in conference is $3,302,792.

The increases agreed to by the conferees are:

Salaries, office of Secretary, appointment clerk (net increase)	$200
Salaries, Division of Soils	5,300
Salaries, Division of Agrostology	8,100
Total increases	13,600

The reductions agreed to by the conferees are:

Division of Seeds	$13,720
Soil investigations	5,000
Grass investigations	8,000
Publication of reports on cattle and dairy farming	65,000
Total reduction	91,720
Total increase as above	13,600
Net reduction	78,120

Amendment numbered 6 was agreed to by the House conferees because, after consideration, it was deemed unnecessary to change the existing organization in the Department.

Amendment numbered 11, increasing the amount appropriated for the Division of Chemistry by $5,000, was agreed to on the part of the House managers, as it restores the amount to the sum estimated for; and the managers, after consultation and further investigation, concluded that the amount estimated for was not excessive.

Amendment numbered 15 (which must be considered in connection with No. 50) strikes from the bill the clause making statutory certain salaries in the Division of Seeds. This clause was stricken out for the reason that under the new method of procuring the seeds for distribution no more than three or four temporary employees will be necessary, and the lump-sum appropriation of $150,000 will be more than ample for the purchase and the general expenses of distributing even an increased allowance of seeds.

Amendment numbered 30 was agreed to on the part of the managers of the House for the reason that the usefulness of the work of investigating irrigation processes, so far as the Agricultural Department is concerned, is at an end, and that future work in this direction can only properly be done by the Geological Survey.

Amendments numbered 40, 41, and 42: The managers on the part of the House agree to the rearrangement of the different sums provided by this section of the House bill for the reason that after consultation they are agreed that the House was mistaken as to the amount of money which will be expended during the fiscal year ending June 30, 1896, for farmers' bulletins, and that $50,000 will not be more than sufficient for the publication of these bulletins during the fiscal year ending June 30, 1897, there being a constant and growing demand for these publications; and also that the sum of $15,000 for illustrating, engraving, lithographing, etc., will be ample.

The other amendments which have been agreed to by the House conferees are mostly immaterial to the substance of the bill, and refer chiefly to its language.

J. W. WADSWORTH.

Mr. WADSWORTH. Mr. Speaker, I move the adoption of the conference report, and on that I ask for the previous question.

Mr. BAKER of New Hampshire. Mr. Speaker, I wish to be heard on this report for a few moments.

The SPEAKER. If the previous question is ordered there will be twenty minutes on either side for debate; or the gentleman from New York can yield to the gentleman from New Hampshire and then move the previous question.

Mr. WADSWORTH. Pending the demand for the previous question, I yield ten minutes to the gentleman from New Hampshire.

Mr. BAKER of New Hampshire. Mr. Speaker, I notice that the statement which accompanies this report says that the House was mistaken as to the amount of money required to defray the necessary expenditure for farmers' bulletins. Certainly the records of the Agricultural Department, as they have been given us, do not justify that conclusion. For the fiscal year ended June 30, 1894, less than $10,000 was expended for Farmers' Bulletins. For the fiscal year ended June 30, 1895, there was less than $25,700 expended for that purpose; and as the statutes then in existence required, and as the present statutes require, that an equal two-thirds of all the farmers' bulletins shall be given to Senators, Representatives, and Delegates, to be distributed by them, it is impossible that any growing demand on the part of the people at large for these bulletins can be satisfied legally unless the quota of Senators, Representatives, and Delegates be also increased, and that has not been done.

Now, as only one-half of $50,000 has been expended for this purpose in any one fiscal year prior to this time, I would like to have the gentleman in charge of this bill explain how it is possible to expend $50,000 legitimately for that purpose in the coming fiscal year. There does not seem to be any possible way of doing it.

Mr. WADSWORTH. Mr. Speaker, in the fiscal year 1894 the work of publishing the farmers' bulletins was in its beginning, and it is true that very little of the appropriation was expended that year, because the Department was not really prepared; it could not get the bulletins in proper form for publication in time. It is also true that in 1895 there was only about $25,000 expended, for substantially the same reason. But during the present fiscal year they have expended already $32,000, and, going on at the same ratio, they will have spent by the 30th of June next, the end of the fiscal year, between forty-five and forty-six thousand dollars, and the Department urged that this appropriation of $50,000 should not be reduced, because the demand for the bulletins is constantly growing.

Mr. BAKER of New Hampshire. Mr. Speaker, that is an explanation which does not explain. The whole number of these bulletins now issued is, I believe, 34. About 26 of them were in print before the beginning of the present fiscal year. Now, everyone knows that it costs less to print from the plates already prepared than it does to set the bulletins in type and print the necessary number of copies. As the number of these bulletins can not be increased without the increase of the quota of Members, Senators, and Delegates, and as no such increase has been made, it seems to me impossible that the explanation of the Department can be correct, and therefore I think we ought not to appropriate this extra amount of money. Therefore, it seems to me that we are appropriating $25,000 extra in this individual case, in order that the Secretary of Agriculture, with his accustomed verbosity and inaccuracy, may say in the coming fiscal year he has made a great saving upon the appropriations of Congress, an opinion which somebody in the Department, according to the statement of the chairman of the committee, seems to have induced the committee to adopt.

I do not care to say anything further on this point; but I do wish it put on record that the statement made by the committee on this point is not accurate.

The question being taken, the report of the committee of conference was agreed to.

On motion of Mr. WADSWORTH, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. PAYNE. I move that the House adjourn.

The SPEAKER. Before putting the question on the motion to adjourn, the Chair will lay before the House a report of the Committee on Enrolled Bills.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 626) providing for disposals of lands on abandoned portions of the Fort Assinniboine Military Reservation, in Montana, and for the relief of certain settlers thereon;

A bill (S. 249) granting a pension to Charles E. Jones;

A bill (H. R. 5083) granting an increase of pension to A. H. McLaws;

A bill (H. R. 6644) granting a pension to Gen. John M. Thayer, United States Volunteers;

A bill (H. R. 1141) granting a pension to Miss Mary A. Hull, dependent sister of John A. Hull, deceased, late of Company F, Eighty-first Regiment of Illinois Volunteer Infantry, in the late war of the rebellion; and

A bill (H. R. 4053) repealing chapter 148 of the Supplement of the Revised Statutes of the United States.

Mr. GROUT addressed the Chair.

Mr. PAYNE. I withdraw the motion to adjourn, if the gentleman from Vermont [Mr. GROUT] wants to present a conference report.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HUTCHESON, indefinitely, on account of sickness in his family.

To Mr. NEILL, indefinitely, on account of important business.

To Mr. STEWART of Wisconsin, for ten days, on account of important business.

To Mr. OVERSTREET, for two weeks, on account of important business.

To Mr. MILES, for ten days, on account of important business.

To Mr. BARRETT, for ten days, on account of important business.

To Mr. COLSON, for ten days, on account of important business.

To Mr. PEARSON, for ten days, on account of important business.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GROUT addressed the Chair.

The SPEAKER. The gentleman from Vermont [Mr. GROUT] desires to present a report to be printed and recommitted.

Mr. McMILLIN. I reserve all points of order.

Mr. WHEELER. There are other gentlemen, I think, who may want to reserve some points. As there is no quorum here, I

think this matter might better go over until the morning. If

By Mr. MEREDITH: A bill (H. R. 8039) to authorize the Wash-

Also, a bill (H. R. 8062) to pension John Morris—to the Com-

to second-class matter—to the Committee on the Post-Office and

will allow this bill to be defeated, for if carried, and President

And the Senate agree to the same.
Amendment numbered 4: That the House recede from its disagreement to

Mr. WADSWORTH. Mr. Speaker, in the fiscal year 1894 the

may want to reserve some points. As there is no quorum here, I

think this matter might better go over until the morning. If I understand the nature of the report, it is a very important measure.

Mr. GROUT. There is no purpose to ask any action on the report.

Mr. WHEELER. I think some gentlemen wish to reserve some points——

The SPEAKER. The Chair suggests to the gentleman from Alabama [Mr. WHEELER] that the gentleman from Vermont [Mr. GROUT] asks merely that the report be printed and recommitted.

Mr. RICHARDSON. What is the report? It has not been announced.

Mr. GROUT. It is the report on the District of Columbia appropriation bill.

Mr. WHEELER. I shall not make the point of no quorum.

Mr. GROUT. I simply ask that it be printed and recommitted.

Mr. McMILLIN. I reserve all points of order.

The SPEAKER. All points of order will be reserved. The question will be, of course, whether the bill must go again to the Committee of the Whole.

Mr. McMILLIN. There has been some question of that kind with reference to preceding bills.

The SPEAKER. Without objection, the bill will be printed and recommitted.

There being no objection,

Mr. GROUT reported back, with amendments, from the Committee on Appropriations, the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes; which was ordered to be printed and recommitted.

And then, on motion of Mr. PAYNE (at 5 o'clock and 40 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting an estimate of deficiency in the appropriation for contingencies, Indian Department, for the current fiscal year, was taken from the Speaker's table and referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MEREDITH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 6663) to authorize and regulate the sale of unclaimed freight, baggage, and other property in the District of Columbia, reported the same with amendment, accompanied by a report (No. 1164); which said bill and report were referred to the House Calendar.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 5790) to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington, reported the same with amendment, accompanied by a report (No. 1165); which said bill and report were referred to the House Calendar.

Mr. VAN VOORHIS, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 7210) to amend section 5138 of the Revised Statutes, to provide for the organization of national banks in towns of not exceeding 3,000 inhabitants, reported the same with amendment, accompanied by a report (No. 1168); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. GRIFFIN, from the Committee on Military Affairs: A bill (H. R. 8037) for the relief of John McLain, alias Michael McLain, reported in lieu of House bill No. 5579. (Report No. 1166.)

By Mr. HULL, from the Committee on Military Affairs: The bill (S. 1205) for the relief of the persons who sustained damage by the explosion of an ammunition chest of Battery F, Second United States Artillery, July 16, 1894. (Report No. 1167.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PAYNE: A bill (H. R. 8038) for the protection of yacht owners and shipbuilders of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. MEREDITH: A bill (H. R. 8039) to authorize the Washington, Arlington and Falls Church Railway Company to enter the District of Columbia—to the Committee on the District of Columbia.

By Mr. OTEY: A bill (H. R. 8040) to regulate the reserves and the redemption of the notes of national banks—to the Committee on Banking and Currency.

By Mr. EDDY: A bill (H. R. 8041) for the relief of certain Indians residing upon the ceded portion of the Red Lake Reservation—to the Committee on Indian Affairs.

By Mr. CATRON: A bill (H. R. 8042) authorizing and directing the distribution of certain cannon in the Territory of New Mexico abandoned by the Confederate forces—to the Committee on Military Affairs.

By Mr. DENNY: A bill (H. R. 8043) to amend chapter 58 of the Revised Statutes, being an act to provide for holding terms of the United States court at Mississippi City—to the Committee on the Judiciary.

By Mr. DRAPER: A bill (H. R. 8044) donating one condemned cannon and four pyramids of condemned cannon balls to George K. Bird Post, No. 169, Grand Army of the Republic, of Norwood, Mass., and for other purposes—to the Committee on Naval Affairs.

By Mr. LACEY: A bill (H. R. 8071) to amend "An act respecting the limits of reservations for townsites upon the public domain," approved March 3, 1877—to the Committee on the Public Lands.

By Mr. BLUE: A concurrent resolution (House Con. Res. No. 41) modifying the rule in regard to the employment of the Capitol police force—to the Committee on Accounts.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 7562) for the relief of Isaac W. Blake—Committee on Claims discharged, and referred to the Committee on Military Affairs.

Petition for the relief of Jessee Combs—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ALDRICH of Illinois: A bill (H. R. 8045) for the relief of Dearborn Foundry Company, of Chicago, Ill.—to the Committee on Claims.

By Mr. ARNOLD of Pennsylvania: A bill (H. R. 8046) granting a pension to Henry C. Holter, late of Company D, Forty-fifth Pennsylvania Infantry Volunteers—to the Committee on Invalid Pensions.

By Mr. BARNEY: A bill (H. R. 8047) for the relief of William J. Norton—to the Committee on Invalid Pensions.

By Mr. DANIELS: A bill (H. R. 8048) granting a pension to Bethany Bostwick, daughter of John Bostwick—to the Committee on Pensions.

By Mr. DOVENER (by request): A bill (H. R. 8049) for the relief of Joseph Culley—to the Committee on Claims.

By Mr. DRAPER: A bill (H. R. 8050) granting a pension to Joseph Gerstle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8051) for the relief of James A. Stewart—to the Committee on Military Affairs.

By Mr. HULING: A bill (H. R. 8052) granting a pension to Elizabeth Horrah, widow of Thomas Horrah—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 8053) granting a pension to Alice Gard—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 8054) to increase the pension of Jesse R. K. Lamb, Company D, Seventh United States Infantry—to the Committee on Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 8055) granting a pension to Hannah C. Rich—to the Committee on Invalid Pensions.

By Mr. TERRY (by request): A bill (H. R. 8056) to remove charge of desertion against Hiram Robbins—to the Committee on Military Affairs.

By Mr. TRELOAR: A bill (H. R. 8057) for the relief of Mrs. Mary M. Carrico—to the Committee on War Claims.

By Mr. WALKER of Virginia: A bill (H. R. 8058) to remove the charge of desertion from the military record of Edward Fountain, of the U. S. S. *Agawam*—to the Committee on Naval Affairs.

Also, a bill (H. R. 8059) to correct the military record of David F. Sergent—to the Committee on Military Affairs.

Also, a bill (H. R. 8060) to correct the military record of Jasper L. Bailey—to the Committee on Military Affairs.

By Mr. WHEELER: A bill (H. R. 8061) for the relief of heirs of Jacob Bloomstein—to the Committee on War Claims.

Also, a bill (H. R. 8062) to pension John Morris—to the Committee on Pensions.

By Mr. WILSON of New York: A bill (H. R. 8063) for the relief of Eliza Percival—to the Committee on Invalid Pensions.

By Mr. FOOTE: A bill (H. R. 8064) for the relief of Charles Lamar—to the Committee on Military Affairs.

By Mr. KERR: A bill (H. R. 8065) to remove the charge of desertion against Ebenezer G. Seamens—to the Committee on Military Affairs.

By Mr. PATTERSON: A bill (H. R. 8066) for the relief of the estate of William Parham Butterworth, deceased, late of Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 8067) for the relief of the estate of T. P. Lloyd, deceased, late of Fayette County, Tenn.—to the Committee on War Claims.

By Mr. CHICKERING: A bill (H. R. 8068) for the relief of the city of Watertown, N. Y.—to the Committee on Appropriations.

Also, a bill (H. R. 8069) for the relief of J. L. Pede—to the Committee on Invalid Pensions.

By Mr. CHARLES W. STONE: A bill (H. R. 8070) for the relief of Theodore F. Swayze, administrator de bonis non of the estate of John S. P. Wheeler, deceased—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN of Utah: Resolutions of the city council of Salt Lake City, Utah, favoring an appropriation to aid an exposition to be held at Omaha, Nebr., during 1898—to the Committee on Appropriations.

By Mr. BABCOCK: Petition of citizens of Washington, containing 21 names, urging the passage of House bill No. 5220, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and opposing the extension of the tracks of said company until its existing lines are modernly equipped and operated—to the Committee on the District of Columbia.

By Mr. BRUMM: Petition of Camp No. 62, Patriotic Sons of America, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. CRUMP: Remonstrance and petition of citizens of Kawkawlin, Mich., regarding the Marquette statue—to the Committee on the Library.

By Mr. CURTIS of Kansas: Petition of citizens of North Topeka, Kans., asking that religious matter be admitted as second class in the mails—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Petition of sundry citizens of the Twenty-second Congressional district of Pennsylvania, in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. DOCKERY: Petition of T. H. Belt and others, of Cowgill, Mo., asking for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. DRAPER: Papers to accompany House bill for the relief of James A. Stewart—to the Committee on Military Affairs.

By Mr. EVANS: Petition of J. R. Pollard and others, of Louisville, Ky., respecting the Marquette statue—to the Committee on the Library.

By Mr. GILLETT of Massachusetts: Petition of members of West Springfield Grange, of West Springfield, Mass., in favor of the bill relating to the manufacture and sale of filled cheese—to the Committee on Ways and Means.

By Mr. HADLEY: Petition of Woman's Christian Temperance Union of Laclede, Ill., in favor of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Edwardsville, Ill., in reference to the appropriation of unclaimed pension and bounty money due the estates of deceased colored soldiers to educational purposes—to the Committee on Education.

Also, remonstrance and petition of citizens of Moweaqua, Ill., for the removal of the statue of Marquette from Statuary Hall—to the Committee on the Library.

By Mr. HANLY: Evidence to accompany House bill No. 8022, granting pension to Catharine A. Gaylord—to the Committee on Invalid Pensions.

By Mr. HENDERSON: Petition of Washington Presbytery, of Washington, D. C., urging the passage of House bill No. 7441, to prevent interstate gambling by telegraph—to the Committee on the Judiciary.

By Mr. LINTON: Petition of the Argus Publishing Company, favoring the passage of House bill No. 4566, amending the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. A. Trotter, of Vassar, Mich., favoring the passage of House bill No. 4566, amending the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, remonstrance and petition of citizens of the States of West Virginia and Wisconsin, regarding the Marquette statue—to the Committee on the Library.

By Mr. LIVINGSTON: Petition of the heirs of John Harris, deceased, late of Fulton County, Ga., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. McCLEARY of Minnesota: Resolutions of the board of county commissioners of Nicollet County, Minn., in favor of having the Minnesota River declared nonnavigable above the rapids near the city of Chaska—to the Committee on Rivers and Harbors.

Also, resolutions of the city council of the city of St. Peter, Minn., requesting that the Minnesota River be declared nonnavigable between the city of Chaska and the city of Mankato—to the Committee on Rivers and Harbors.

By Mr. McEWAN: Petition of citizens of Trenton, N. J., asking protection to Christians in Armenia, etc.—to the Committee on Foreign Affairs.

Also, petition of citizens of Hudson County, N. J., asking passage of bill for establishing the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Fabian Society, of Seattle, Wash.; also resolution of the Trade and Labor Assembly of Massillon, Ohio, asking for the passage of House bill No. 184, favoring the appointment of a commission of inquiry as to direct legislation—to the Committee on Rules.

By Mr. OGDEN: Petition of members of the Board of Trade of Shreveport, La., favoring the reduction of letter postage to 1 cent, and to correct certain abuses of the second-class mail-matter rates—to the Committee on the Post-Office and Post-Roads.

By Mr. RAY: Petition of citizens of Oxford, N. Y., in favor of prohibiting the manufacture of filled cheese—to the Committee on Ways and Means.

By Mr. SMITH of Michigan (by request): Petition of Linton Loyal Orange Lodge, No. 315, of Grand Rapids, Mich., praying for the passage of bill prohibiting the use of public funds for sectarian purposes—to the Committee on the Judiciary.

By Mr. CHARLES W. STONE: Petition of Prof. E. A. Furtis and other citizens of the United States; also memorial of Dr. A. J. Darrah & Co., of Newhall, Mo., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. TERRY (by request): Paper to accompany House bill to remove the charge of desertion against Hiram Robbins—to the Committee on Military Affairs.

By Mr. WALKER of Massachusetts: Resolutions of the Boston Boot and Shoe Club, against the free coinage of silver, and favoring the maintenance of the existing gold standard of value—to the Committee on Coinage, Weights, and Measures.

By Mr. WHEELER: Petition of James N. Maples, of Jackson County, Ala., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

SENATE.

THURSDAY, *April 9, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HOAR, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, in response to a resolution of January 13, 1896, relative to the jails in the Indian Territory, transmitting letters from the United States marshals for the three districts of the Indian Territory, answering some of the inquiries in the resolution, and also a report made by Mr. Howard Perry, of that Department, of a recent examination of the jails of the Indian Territory; which, with the accompanying papers, was ordered to lie on the table, and to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a joint resolution calling for estimates of cost of further improvement of Providence River and Narragansett Bay, Rhode Island, a report of the Chief of Engineers of the Army on the subject; which, with the accompanying report, was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a resolution adopted by the assembly of the State of New York, praying for the passage of House bill No. 306, granting a pension to soldiers and sailors who were confined in so-called Confederate prisons; which was re-

ferred to the Committee on Pensions, and ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK,
OFFICE OF THE SECRETARY OF STATE,
Albany, April 7, 1896.

DEAR SIR: In accordance with the directions of the assembly of the State of New York, I have the honor to transmit herewith a certified copy of a resolution passed by the assembly on the 3d day of April, 1896.

Very respectfully, yours,

JNO. PALMER, *Secretary of State.*

Hon. ADLAI E. STEVENSON,
United States Senate, Washington, D. C.

STATE OF NEW YORK, IN ASSEMBLY, *Albany, April 3, 1896.*

On motion of Mr. Maccabe—

Whereas a bill is now before the Congress of the United States granting pensions to soldiers and sailors confined in so-called Confederate prisons;

Whereas many officers, soldiers, sailors, and marines of the Federal Army and Navy were confined in so-called Confederate prisons for a great length of time, suffering unusual hardships and contracting diseases and disabilities difficult to fully prove under existing pension laws:

Therefore, for the purpose of doing justice to a specially deserving class of surviving veterans of the war,

Be it resolved, That the senators and representatives of the State of New York, in legislature assembled, believe in the justice and equity of House bill No. 306, to those that served our Government as prisoners of war during the war of the rebellion, and request the Senators and Representatives from this State in the Congress of the United States to use their influence in favor of the passage of said bill.

Resolved, That copies of these resolutions, properly attested, be transmitted by the secretary of state to the presiding officers of both branches of Congress, and also to the Senators and Representatives in Congress from this State.

By order of the assembly.

A. E. BAXTER, *Clerk.*

STATE OF NEW YORK,
Office of the Secretary of State:

I have compared the preceding copy of resolution with the original resolution on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole thereof.

Given under my hand and the seal of office of the secretary of state, at the city of Albany, this 7th day of April, in the year 1896.

JNO. PALMER, *Secretary of State.*

The VICE-PRESIDENT presented a petition of the Central Union Mission of the District of Columbia, and a petition of the District Epworth League of the Methodist Episcopal Church of Washington, D. C., praying for the appointment of an impartial national commission of inquiry to investigate and report upon the alcoholic liquor traffic, its relation to crime, pauperism, taxation, and the general public welfare; which were referred to the Committee on Education and Labor.

Mr. GALLINGER. Yesterday I presented a petition of the mayor and a large number of citizens of Portsmouth, N. H., in reference to the Armenian question. I have a letter from the general secretary of the Armenian Relief Association. After expressing gratification at the fact that the citizens of New Hampshire had moved in this matter, he says:

It is not necessary for us to add any words to tell of the extreme urgency of the cause of the persecuted Armenians and other Christians in Turkey, who are doomed to extermination by the fanatical fury of the Sultan and his people unless the Christian world will awaken to its clear duty before God and humanity. Will you permit us to express the earnest hope that you will use your influence to urge upon the United States Senate the absolute necessity of not only taking every necessary measure for the protection of American interests and of American honor and prestige in Turkey, but also, as the supreme legislature of earth's greatest country, to take the opportunity as well as to respond to the duty which is before them in the defense of the cause of justice and humanity by the suppression of the most appalling and inhuman atrocity ever recorded in the history of the world? I have the honor to be, dear sir,

Very faithfully, yours,

HERANT MESROB KIRETCHJIAN,
General Secretary.

I wish I could know that it is in our power to do something for this suffering people. It is not for me even to make a suggestion to the Committee on Foreign Relations of this body, but I desire to have the letter referred to that committee, and trust that at some time in some way we may be able to exert some influence in behalf of the people who are suffering such terrible atrocities in Asia Minor.

The VICE-PRESIDENT. The letter, in the nature of a petition, will be referred to the Committee on Foreign Relations.

Mr. SHERMAN presented a petition of the executive committee of the Grand Army of the Republic, of Kings County, N. Y., praying for the enactment of legislation providing for the protection of Americans in Turkey and extending sympathy to the suffering Armenians; which was ordered to lie on the table.

Mr. BURROWS presented a memorial of Council No. 11, American Protective Association, of Grand Rapids, Mich., remonstrating against the appropriation of public money for sectarian purposes; which was referred to the Committee on Appropriations.

Mr. SEWELL presented a petition of the congregation of the Methodist Episcopal Church of Barnegat, N. J., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the memorial of Ambrose Secor and 78 other citizens of Bayonne, N. J., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

Mr. BATE presented a petition of 47 citizens of Centerville, Tenn., praying for the enactment of legislation for the relief of the book agents of the Methodist Episcopal Church South; which was referred to the Committee on Claims.

Mr. VEST presented resolutions adopted by the Merhcants' Exchange of St. Louis, Mo., relative to the improvement of the Mississippi River; which were referred to the Committee on Commerce.

Mr. ELKINS presented the petition of W. E. Adams and 237 other citizens of West Virginia, praying for the passage of the so-called Stone immigration bill; which was referred to the Committee on Immigration.

He also presented additional papers to accompany the bill (S. 1268) for the relief of Daniel K. Shields, heretofore introduced by him; which were referred to the Committee on Military Affairs.

Mr. HOAR presented a petition of the Presbytery of Washington, D. C., praying for the passage of House bill No. 7441, to protect State antigambling laws, etc.; which was referred to the Committee on the Judiciary.

Mr. TELLER presented a petition of the International Association of Machinists of Denver, Colo., praying for an investigation of the treatment of employees in the Brooklyn (N. Y.) Navy-Yard and other navy-yards in the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of the North Side Woman's Club, of Highlands, Colo., praying that the statue of Père Marquette be allowed a place in Statuary Hall; which was referred to the Committee on the Library.

He also presented a memorial of sundry citizens of Erie, Colo., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

He also presented a petition of the Christian Endeavor Society of the First Congregational Church of Denver, Colo., praying for the enactment of legislation regulating the sale and taxing of intoxicating liquors; which was referred to the Committee on Finance.

He also presented a petition of Theodore H. Dodd Post, No. 3, Grand Army of the Republic, Department of Colorado and Wyoming, of Golden, Colo., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of Federal Union, No. 6332, of Lincoln, Nebr., a petition of the Cotton and Woolen Workers' Union, No. 6499, of Galveston, Tex., and a petition of the American Federation of Labor, of Dowagiac, Mich., praying for the free and unlimited coinage of silver; which were ordered to lie on the table.

Mr. THURSTON presented a petition of the city council of Council Bluffs, Iowa, a petition of the Commercial Club of Fairhaven, Wash., and a petition of the Chamber of Commerce of Denver, Colo., praying that an appropriation be made for the transmississippi international exposition to be held at Omaha, Nebr., in 1898; which were ordered to lie on the table.

He also presented a petition of Kilpatrick Post, No. 82, Grand Army of the Republic, Department of Nebraska, of Oakdale, Nebr., praying for the passage of a service-pension law; which was referred to the Committee on Pensions.

AMENDMENT OF HOMESTEAD LAWS.

Mr. PETTIGREW. I ask that the argument made by Hon. H. R. Pease, before the Senate Committee on Public Lands, April 3, 1896, relative to the existing policy respecting the manner of disposing of the public lands known as the Indian reservation lands, be printed and referred to the Committee on Public Lands, to accompany Senate bill No. 1571.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

REPORTS OF COMMITTEES.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the amendment submitted by Mr. CARTER on the 7th instant, making an appropriation to continue the construction of buildings at the Fort Harrison Military Post, Mont., intended to be proposed to the sundry civil appropriation bill, reported it favorably, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the joint resolution (H. Res. 163) to amend the act approved August 1, 1894, making appropriations for fortifications and other works of defense, etc., reported it without amendment.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. HILL on the 2d instant, providing for the establishment of gas buoys in the St. Lawrence River, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 279) to remove the charge of desertion

from the military record of Bernhard Steuber, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the amendment submitted by Mr. MITCHELL of Oregon February 20, 1896, providing for the appointment of a commission to determine the correct boundary lines of the Klamath Indian Reservation, in the State of Oregon, intended to be proposed to the Indian appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (S. 122) granting a pension to Jerusha Sturgis, widow of Brig. Gen. Samuel D. Sturgis, reported it with amendments, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 2585) to establish a life-saving station at Port Huron, on the coast of Lake Huron, Michigan, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, submitted a report, accompanied by a bill (S. 2782) to establish a life-saving station at or near Fort Gratiot, Mich.; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 2383) to provide a life-saving station at or near Hampton, in the State of New Hampshire, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, submitted a report, accompanied by a bill (S. 2783) to establish a life-saving station on the coast of New Hampshire or Massachusetts, between Hampton and the Merrimac rivers; which was read twice by its title.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 1959) to restore John F. Lewis to the United States Army, with the rank of captain of infantry, and place him upon the retired list, reported adversely thereon; and the bill was postponed indefinitely.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, to report it with amendments, and to submit a report thereon.

I give notice that I shall ask the Senate to take the bill up and continue its consideration as soon as the Indian appropriation bill is finished.

The VICE-PRESIDENT. Meanwhile the bill will be placed on the Calendar.

Mr. WHITE, from the Committee on Territories, to whom was referred the bill (H. R. 3448) authorizing the county of Navajo, Territory of Arizona, to issue bonds for the construction of a court-house and jail at the county seat thereof, reported it without amendment, and submitted a report thereon.

LIEUT. HERBERT CUSHMAN.

Mr. DAVIS. I move to reconsider the vote by which the bill (S. 110) for the relief of Lieut. Herbert Cushman was indefinitely postponed, and that the bill be recommitted to the Committee on Military Affairs.

The motion was agreed to.

BILLS INTRODUCED.

Mr. TURPIE introduced a bill (S. 2784) amending section 1225 of the Revised Statutes, concerning the detail of army officers as instructors at educational institutions; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2785) for the relief of Ira Miller, of Valparaiso, Ind.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PRITCHARD (by request) introduced a bill (S. 2786) for the relief of Alexander Swicegood and H. H. Swicegood; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 2787) granting a pension to Simpson Everett Stilwell; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 2788) for the creation of a United States commissioner to treat with a commissioner for each Christian nation of the world for the correction of the intolerable evil, so persistently and still continuing, in the shape of the Ottoman Empire, and for other purposes; which was read twice by its title, and referred to the Committee on Foreign Relations.

He also (by request) introduced a bill (S. 2789) to elect the Board of Commissioners for the District of Columbia by popular vote; which was read twice by its title.

Mr. GALLINGER. If I may be permitted a single word, I will state that this bill, which I have only casually looked at, provides that the Board of Commissioners of the District of Columbia shall be increased to five members, who shall be elected by popular vote. I will say that if I had my way, I would put the District of Columbia under the well-established doctrine that there shall not be taxation without representation. But that is impossible under existing conditions. If a change in the number of the Commissioners were to be made and if I were to have my way I should reduce the number from three to one in place of increasing it to five.

I move that the bill be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. FRYE introduced a bill (S. 2790) for the relief of Sophronia S. Stowell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PETTIGREW introduced a bill (S. 2791) for the establishment, control, operation, and maintenance of the Northern Branch of the National Home for Disabled Volunteer Soldiers, at Hot Springs, in the State of South Dakota; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. TELLER introduced a bill (S. 2792) granting a pension to Henry Stutsman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2793) increasing the pension of Mrs. Hulda Shaw; which was read twice by its title, and referred to the Committee on Pensions.

Mr. THURSTON introduced a bill (S. 2794) concerning the trial and punishment of contempts in the United States courts herein mentioned; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. McMILLAN submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. PEFFER submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. DAVIS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BURROWS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. PUGH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CARTER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. WHITE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. WARREN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs.

Mr. WARREN subsequently, from the Committee on Military Affairs, to whom was referred the amendment submitted by himself on this day, intended to be proposed to the sundry civil appropriation bill, the amendment providing for the extension of the barracks and to make necessary sanitary improvements at Fort D. A. Russell, Wyo., reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

CONSIDERATION OF THE RIVER AND HARBOR BILL.

Mr. FRYE. I should like the attention of Senators for just one moment.

The Committee on Commerce have instructed me to give notice that they will be in session Friday, Saturday, and Monday next from half past 10 in the morning and during the entire day; that during those three days they will hear any Senators who desire to propose amendments to the pending river and harbor bill, and will not hear any afterwards.

Mr. ALLEN. I should like the attention of the Senator from Maine for a moment. Under the law as it now exists, I understand that it requires a joint resolution to get the information necessary for the offering of an amendment to the river and harbor appropriation bill.

Mr. FRYE. In order to obtain from the War Department an

estimate of a project, it is necessary to have a joint resolution passed.

Mr. HOAR. I thought it could be done by a concurrent resolution.

Mr. ALLEN. I wish to state that I had a joint resolution to obtain such an estimate passed through the Senate yesterday. It has gone to the other House, and I hope it will be passed there to-day, but I hardly think it can be signed by the President and the information obtained within the time indicated by the Senator from Maine.

Mr. FRYE. As a matter of course, whenever a Senator presents an exceptional case like that the committee will hear him later.

Mr. ALLEN. Very well; that will be satisfactory.

ORDER OF BUSINESS.

Mr. PETTIGREW. I ask unanimous consent that the Senate proceed to the consideration of the Indian appropriation bill.

Mr. BUTLER. I gave notice that I would desire to submit some remarks this morning on the postal telegraph bill, and I ask the Senator from South Dakota to allow me to proceed at this time.

Mr. PETTIGREW. I should like to get the appropriation bill before the Senate first, and then I will yield.

The VICE-PRESIDENT. The Senator from South Dakota asks unanimous consent that the Senate proceed to the consideration of the Indian appropriation bill. Is there objection? The Chair hears none, and the bill is before the Senate.

Mr. PETTIGREW. Now I yield to the Senator from North Carolina [Mr. BUTLER].

Mr. MANTLE. I do not wish to stand in the way of the Senator from North Carolina, but I gave notice that I should like to consume a little of the time of the Senate to-day, and I believe that my notice was given in advance of that of the Senator from North Carolina, as is shown by the Calendar.

The VICE-PRESIDENT. The Chair calls the attention of the Senator from North Carolina to the previous notice given by the Senator from Montana.

Mr. BUTLER. I give way to the Senator from Montana, of course, as a right to which he is entitled; and it would be a matter of courtesy if he did not have the right. I shall ask leave to follow him this morning.

The VICE-PRESIDENT. Without objection, it is so ordered.

THE REVENUE BILL AND SILVER COINAGE.

Mr. MANTLE. I send to the desk the resolution submitted by my colleague [Mr. CARTER] some days ago, and ask that it be read for information.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution submitted by Mr. CARTER February 19, 1896, as follows:

Resolved, That the bill H. R. 2749, reported by the Committee on Finance with an amendment, be recommitted to that committee for further consideration.

Mr. MANTLE. Mr. President, I wish to say it had not been my expectation or intention thus early in my service in this Chamber to take any active part in debate, my desire having been to first familiarize myself as much as possible with the methods of conducting and transacting the public business before presuming to claim the attention or take up the time of this body. More than this, Mr. President, I recognize in myself a very humble member of this great legislative forum, and being profoundly impressed with the great learning which distinguishes its membership, I have felt and now feel that possibly nothing which I might say could throw any additional light upon the questions here discussed. But events of a somewhat unusual character have recently transpired here, involving an apparent disagreement among Republicans as to certain alleged party measures, and these events have in turn brought forth from certain newspapers of the country such a continuous storm of unqualified abuse and misrepresentation, directed at myself and four of my Republican colleagues as well as the constituency which we in part represent, that as a simple matter of duty I am led to abandon my original intention and to beg the considerate indulgence of the Senate for a brief time while I give utterance to a few words in support of my position and in contradiction of the unwarranted aspersions which have been cast at those of us who have refused blindly and unquestioningly to accept a programme of tariff legislation which fails to commend itself to our judgment as being either wise or just or in accord with Republican principles.

I wish to say in advance that, while I have my own convictions as to the justice and wisdom of certain policies relating to the conduct of our Government, and while I shall vote to sustain those convictions until convinced by argument or changing conditions that I am in error, at the same time I shall always do so with the utmost respect for the opinions of those who differ with me. I have no sympathy whatever with those advocates of any policy who indulge the opinion that all who are opposed to them are actuated by selfish or unpatriotic motives.

Mr. President, I have grown up from childhood among the people of the West, in what are now known as the silver States. I think I may therefore justly say that I know something of their character, something of their lives, their hopes, and their ambitions. And it is for this reason that I feel impelled to say a few words in their defense and to repel the unjust and indiscriminate charges of lawlessness, of selfishness, and lack of patriotism which it seems to be the fashion just now upon the part of the metropolitan press of the East to bring against them, as well as their representatives upon this floor—charges which I deeply regret to note have recently found expression to some extent through the Chief Executive of the nation, and that, too, in a notable Christian gathering which, it would seem to me, over and above all others, should have been found exercising that rare virtue of charity which was the distinguishing trait of Him in whose name and for whose cause they were gathered together, rather than to have made it the occasion for a wholesale, uncharitable, and untruthful arraignment of a great mass of their fellow-citizens who are bound to them by every tie of kindred, of religion, and of citizenship.

But, Mr. President, these ill-natured charges against the Western States, and particularly against what are known as the silver States, are not true. I believe I may truthfully say that they have their origin in the fact that the representatives of those States in this body hold financial opinions and have seen fit to cast their votes in opposition to the views and the wishes of the present Administration and its Republican sympathizers and supporters. I assert without fear of successful contradiction that in every attribute of good citizenship, in industry and sobriety, in respect for law and property, in obedience to constituted authority, in reverence for religious forms, and in point of public spirit the citizens of the silver States will easily take rank with those of any other State in this Union. Further than this, Mr. President, I assert that within a radius of 5 miles of Carnegie Hall, in the city of New York, where the Presbyterian Home Mission Society recently held its meeting to beg funds with which to convert the wicked people of the "badly regulated municipalities" and "undesirable States" of the West, there is twenty times more of squalid poverty, of pauperism, of ignorance, of crime and criminals, than can be found in all the silver-producing States of the West combined.

I do not make these declarations lightly nor without some investigation of the subject. In order to bear out my statement I have made a few comparisons between the five silver-producing States of the West which are characterized as "rotten boroughs," "pocket boroughs," "mining camps," "corrupt communities," etc., and five of the very old, very respectable, and highly civilized States of the East, namely, New Hampshire, Vermont, Rhode Island, New York, and Pennsylvania, all of them except one being members of the original thirteen States which formed the Union. I have prepared some tables of comparison, which I will ask permission to have printed with my remarks, as I do not wish to take up the time of the Senate in reading them at length. I may state, however, briefly, that these tables show, for instance, that in the so-called silver States the percentage of illiterates to the total population is 4.3, while in the five Eastern States named it is 6.9, or greater in the East than in the West.

Among the foreign-born population of the silver States the percentage of illiteracy is 8.9, while among the foreign-born citizens of the 5 Eastern States it is 21, or nearly three times as great.

The wealth per capita of the 5 silver States is $2,859. For the 5 Eastern States it is $1,145, being less than half as much.

The total State, county, municipal, and school debt per capita in the 5 silver States is $13.71. In the 5 Eastern States it is $27.58, being more than double.

The expenditure of money for the support of the schools may be taken as a fair index of the character of a people. In the silver States I find that it is $15.58 per capita per annum. In the 5 Eastern States it is only $11.27 per capita per annum.

The percentage of debt in force against the value of all taxed real estate in the 5 silver States is only 6.64. In the 5 Eastern States it is 18.73, being nearly three times as much.

The number of paupers in a community may also safely be taken into account as reflecting in some degree its moral and material status. The number of paupers to each 100,000 of population in the 5 silver States is 53.1. In the 5 Eastern States it is 188.2, being nearly four times as great.

The percentage of increase in population during the decade from 1880 to 1890 in Colorado, Montana, Utah, and Idaho was 110.56, while in the 5 Eastern States it was only 14.85.

The tables are as follows:

SOME COMPARISONS OF THE FIVE SILVER-PRODUCING STATES OF MONTANA, COLORADO, UTAH, NEVADA, AND IDAHO, AND FIVE EASTERN STATES, TO WIT, NEW HAMPSHIRE, VERMONT, RHODE ISLAND, NEW YORK, AND PENNSYLVANIA.

Percentage of illiterates to whole population.

Montana	4.1	New Hampshire	6.8
Colorado	4.8	Vermont	6.7
Utah	5.1	Rhode Island	9.6
Nevada	4.2	New York	5.4
Idaho	3.5	Pennsylvania	6.4
Average	4.3	Average	6.9

Percentage of illiterates among foreign-born citizens.

Montana	8.2	New Hampshire	26.3
Colorado	7.8	Vermont	25.8
Utah	10.3	Rhode Island	22.1
Nevada	10.0	New York	13.1
Idaho	8.3	Pennsylvania	17.8
Average	8.9	Average	21.0

Wealth per capita.

Montana	$3,429.00	New Hampshire	$863.00
Colorado	2,780.00	Vermont	760.00
Utah	1,681.00	Rhode Island	1,459.00
Nevada	3,941.00	New York	1,439.00
Idaho	2,464.00	Pennsylvania	1,177.00
Average	2,859.00	Average	1,145.00

Per capita of total debt—State, county, municipal, and school.

Montana	$19.54	New Hampshire	$21.64
Colorado	18.67	Vermont	11.39
Utah	.81	Rhode Island	37.75
Nevada	22.48	New York	33.64
Idaho	7.05	Pennsylvania	13.51
Average	13.71	Average	27.58

Amount per capita per annum expended for schools.

Montana	$20.61	New Hampshire	$9.52
Colorado	15.40	Vermont	6.47
Utah	10.84	Rhode Island	16.50
Nevada	22.89	New York	15.21
Idaho	8.18	Pennsylvania	8.67
Average	15.58	Average	11.27

Percentage of debt in force on all taxed real estate in proportion to value.

Montana	4.78	New Hampshire	12.12
Colorado	13.08	Vermont	22.05
Utah	6.48	Rhode Island	11.92
Nevada	4.59	New York	30.62
Idaho	4.29	Pennsylvania	17.16
Average	6.64	Average	18.73

Percentage of increase of population from 1880 to 1890.

Montana	237.49	New Hampshire	8.51
Colorado	112.12	Vermont	.94
Utah	44.42	Rhode Island	24.94
Nevada	None.	New York	18
Idaho	158.77	Pennsylvania	22.77
Average	110.56	Average	14.85

Number of paupers per 100,000 population.

States.	Population.	Paupers.	Number of paupers per 100,000 population.
Montana	132,159	132	99
Colorado	412,198	87	21
Utah	207,905	62	29
Nevada	45,761	43	94
Idaho	84,385	20	23
Total	882,408	344	266
New Hampshire	376,530	1,143	303
Vermont	332,422	543	163
Rhode Island	345,506	490	141
New York	5,997,853	10,272	171
Pennsylvania	5,258,014	8,653	164
Total	12,310,325	21,101	942

Mr. President, one of the chief sources of complaint against the silver States is that they have an insufficient population to entitle them to the privileges of statehood, and yet there are four Eastern States—New Hampshire, Vermont, Rhode Island, and Delaware, three of them being members of the thirteen original States—which have a less population than the State of Colorado and which to-day have but a few thousand more than the States of Utah and Montana; and yet we hear of no one charging that these States are "rotten boroughs" or that their people are lacking in intelligence or patriotism because of their limited population. Two years ago the States of Montana and Wyoming were held up to public scorn and ridicule by the Eastern press as being totally incapable of self-government because their legislatures had failed to elect Senators. It was well known that the failure in these cases was due to the fact that there were three political parties represented and that neither had a majority of the votes necessary to elect; hence no election could be had except upon a surrender of their political convictions by one party or the other, and still the Eastern press, ignoring the exceptional conditions there existing, with one accord united in pouring upon the devoted heads of the citizens of those States a stream of the most bitter and insulting denunciation because of their failure.

Last spring we witnessed the spectacle of the legislature of the well-"regulated" and "desirable" State of Delaware, possessing a clear Republican majority, indulging in an unseemly and disgraceful wrangle for months without electing a Senator. The air was filled with insinuations and rumors of corruption in connection with that struggle, and finally a Senator was alleged to have been elected, and was sent here under circumstances which place a serious cloud upon his title; and, strange to say, not one of the great Eastern newspapers, to my knowledge, has yet charged that Delaware is therefore incapable of self-government and that it was a stupendous mistake that she was ever permitted to enter the family of States. And only a few days ago the Commonwealth of Kentucky, one of the proudest and richest of all the great States east of the Mississippi River, brought to a close a session of its legislature which, in its exhibition of bitter partisan and personal strife, has perhaps never been equaled in the history of this nation. Its closing hours were marked by scenes of great violence and disorder, barely escaping bloodshed, and to this was added the strange, sad, and humiliating spectacle of armed troops invading the very sanctity of its legislative halls. This condition of affairs in Kentucky was also brought about by a Senatorial contest which resulted in no election, but so far I have failed to discover in any Eastern newspaper a charge that the people of Kentucky are ignorant, fanatical, unpatriotic, and generally unfit for the responsibilities of statehood.

Mr. President, I think it will be admitted by every fair-minded and unprejudiced critic in the light of the facts revealed by the census reports, that there is no basis whatever for these vindicative charges of inferiority, so freely brought by Eastern newspapers and others against Western communities. The simple truth is that the people of the silver States, in point of intelligence and moral worth, in their home lives, in their love of order, in their social status, in their civil and political organizations, and above all in their unswerving loyalty and devotion to everything that is truly American, are the peers of the citizens of any other section of our common country.

And why should they not be? The very localities along the Atlantic coast from which these unjust and unnatural criticisms of the West mainly come, have in fact furnished us with a very large percentage of our population. In the past they have been the chief sources of that great stream of migration which has spread beyond the great rivers, over the mountains and plains, and along the valleys, bearing aloft as it went the torch of civilization, blazing the trails and carving out of those barren wastes the vigorous, growing, and splendid young commonwealths which to-day stand as magnificent monuments to their sacrifices, their sufferings, and their indomitable courage.

The West is the child of the East. The same undaunted spirit, the same individual strength of character, the same enterprise and industry which have marked the wonderful growth and progress of the East, have also successfully met and conquered every obstacle and brought to its present phenomenal development that great empire of the West, which ought to be, and which I believe is, the pride of every fair-minded citizen of the Republic, no matter in what part of the Union he may dwell. Mr. President, there is not one of the older States that has not sent out to the silver States some of its most promising and ambitious sons and daughters, there to seek their fortune and to carve out for themselves, by their own thrift and energy in that land of equal opportunities, where the worship of Mammon has not yet supplanted the rule of equality, a niche in the temple of honest fame.

There is no story of hardship or danger, of suffering or privation, no act of self-sacrifice or tale of heroism, to be found in the history of the grand old Commonwealths of this Union, from the settlement of Jamestown and the landing of the Pilgrims on Plymouth Rock, that has not found its parallel in the struggles and trials attending the settlement and development of the Western States. And as the experiences of the pioneers in the earlier history of our country who settled upon the shores of the Atlantic Ocean, and of the Great Lakes, and upon the borders of the great rivers flowing into them, developed a race of men whom no danger could appall and whom no misfortune could long discourage, so also the hard experiences of the pioneers of the West have developed a brave, self-contained, and self-reliant people—a people who possess the courage of their convictions, a people "who know their rights, and knowing, dare maintain." The people of the West, like the people of the East, have a just pride in their achievements, in their institutions, and in their States. They also have their honest beliefs and opinions upon public questions and public policies, and in common with all self-respecting, independent people they claim the right to uphold and defend that which they believe to be just, and that, too, without being subjected to the ignorant, senseless, and baseless slanders which of late have filled the columns of the Eastern press.

It might be well for some of those who are just now engaged in traducing the West to take the census reports and a map, and make a brief study of that portion of the United States, to which most of them at present seem to be strangers. If they do, they will discover that the day is not so very far distant when the West is likely to dominate the East. They will find that "Westward the star of empire" still takes its way, and that every year the center of population of the United States is slowly

but surely shifting in the direction of the setting sun. It is to the West that the crowded cities of the East must soon look for relief from the congested condition which now afflicts them, largely as a result of the depression in agriculture. It is to the West that the ambitious youth of the land must ere long turn for those opportunities in life which day by day are growing rarer and rarer in the overcrowded East. It is to the West that the immigrant from the Old World must soon journey in order to find the home which he seeks in the New. And in the near future it is from the great West, with its vast areas of territory, with its inexhaustible treasures of gold, silver, and copper, of lead, and coal, and iron; with its immense forests of timber, with its great rivers and water powers, and with its wonderful variety of soil, and its matchless climate, that must come a very large share of the wealth and resources which are to hold us in the front rank as the richest and most impregnable nation upon the face of the earth.

Mr. President, the immediate cause of the recent unqualified defamation of the people of the silver States is, first, because the Western Senators voted to substitute a free-silver-coinage bill for the House bond bill; and, secondly, because five Republican Senators from the silver States, in the exercise of their discretion and their constitutional right, recently voted against the consideration of the substitute for the House revenue bill at what seemed to them an inappropriate moment. In view of the criticisms which have since been passed upon our action, it may perhaps be well to examine briefly into the reasons which led to the introduction of the House revenue bill—known as the Dingley bill—and then to consider the bill itself for the purpose of ascertaining whether it is quite as unselfish and patriotic a measure as some would have us believe. And also to determine whether there is any ground for the charge of treachery to the Republican party, which has been preferred against those of us claiming to be Republicans who have taken the position that, in its present form, it ought not to become a law. In making this examination it is necessary to take into account the status of all the factors which must necessarily enter into the calculation when an attempt is to be made to formulate legislation and crystallize it into law. Any proposed legislation must of necessity be so framed as to command the support of a majority of both branches of Congress and so as to secure the approval of the President or insure its passage over his veto.

In the House at this time there is an overwhelming Republican majority in favor of a protective tariff—a majority sent there, I may add, not in opposition to silver, as is claimed, but rather as a protest of the people against the free-trade, gold-standard, and bond-selling policy of the present Administration. In the Senate there is a majority against a protective tariff, while the President is well known to be opposed to the protective system in general and to duties on raw material in particular. It was therefore manifestly essential to bear these varying conditions in mind, in the construction of any revenue measure which it was sincerely desired should become a law. The reason assigned for the hurried formulation and passage of the House revenue bill through the other branch of Congress, with scarcely a moment's time for deliberation or debate, was the imperative necessity for additional revenue to meet the current expenses of the Government, and the prompt action of the House was intended to be regarded as a generous and patriotic effort upon the part of the Republicans to rescue the Democratic Administration from the dangers and difficulties into which its own lack of statesmanship and unwise policies had plunged it. It was in this light that Republican orators and Republican newspapers presented the Dingley bill to the country. And I sincerely believe, Mr. President, that the great majority of Republicans in the other branch of Congress voted for the House revenue bill with this unselfish and patriotic purpose in view. But an examination of the measure leads me to feel that those who framed it sacrificed all possibility of its success and nullified its patriotic purpose by permitting selfish and sectional considerations to dictate its provisions.

The McKinley law was a high protective measure, so high, in fact, that many Republicans freely criticised the wisdom of its enactment; and there are Senators upon this floor who have charged the overwhelming defeat of the Republican party in 1892 to the McKinley law, and who would no doubt oppose its reenactment should the Republican party be restored to the control of the Government. There has probably never been a tariff measure proposed to Congress that so aroused Democratic opposition as did the McKinley bill, and yet in the face of these well-known facts the Ways and Means Committee of the other branch of Congress—and I refer to that committee with all proper courtesy and respect—have framed and sent to this body, with its antiprotection majority, and further propose to send to a free-trade Democratic President, for his approval, a so-called revenue measure which reenacts many of the extreme protective provisions of the McKinley law, and which restores to manufactures of woolens and carpets in particular, in some instances *all* and in others *nearly all* of the McKinley rates of duty!

Mr. President, it is upon this view of the matter that some of us have been inclined to believe that the authors of the House revenue bill never really expected it to become a law, and that its introduction and passage through the House was designed merely for political effect. If the authors of the House bill had been actuated by a sincere and patriotic desire to stop the deficit which is draining the Treasury, and if, as is claimed, that was their chief aim and purpose, the question naturally arises, why did they not frame a revenue measure that would have met the varying views upon revenue legislation held in this body, and one in line with the well-known opinions of the Chief Executive? Such a bill might have passed and become a law, as I believe there are Senators upon the other side of this Chamber who share with Republicans the view that the revenues of the Government are insufficient to meet its expenditures, and who might have joined in passing a measure not designed for partisan or special advantage. It is true that a "tariff for revenue only" is not in accord with Republican tradition; but neither is the ad valorem system, nor the horizontal system, yet both these vicious principles are recognized in the Dingley bill. And this fact of itself leads me to the inference that *some* Republicans are willing to sacrifice the principles of the party and to adopt any sort of tariff doctrine, provided only that it gives protection to certain sections and certain interests.

There seems to be two classes of Republicans who criticise us for our vote on February 25 last against the consideration of the Dingley bill. One class asserts that it is a revenue and not a protective measure, and that its provisions will yield $40,000,000 additional revenue per annum for the needs of the Government. The other class asserts that it *is* a protective measure, and that by our opposition we are viciously preventing our American manufacturers from supplying the home market. Now, it is manifestly impossible for both of these propositions to be true. If the bill would exclude foreign goods from our markets it certainly would not raise revenue, and if it did not exclude foreign goods from our markets then it would not help our manufacturers. Thus our critics may take either horn of the dilemma they choose. For myself I incline to the belief that it would not greatly increase the revenues. In the conference held between certain Philadelphia manufacturers and five Republican silver Senators of this body a few weeks ago, and which has since become somewhat famous, the only advocacy of the Dingley bill by the manufacturers present was upon the ground that it would shut out the products of other countries and thus leave to them the home market. If their statement of the case is true, how can anyone assert that the Dingley bill would increase the revenue? It must be that those who put forth the claim that this bill would increase the national income $40,000,000 per annum have simply computed the increased amount of duty on present importations, forgetting the important consideration that high tariffs may possibly lead to low revenues. If the Dingley bill is a mere revenue producer, then no manufacturing interest of this country has been injured by its failure to become a law. If, upon the other hand, its effect would be to stimulate home industry and exclude foreign goods to the extent claimed by our Republican critics, then I make the suggestion that it might very materially decrease instead of increase the national income.

Mr. President, it is charged by the Eastern Republican press that the five Republican Senators who voted against the Dingley bill are traitors to the Republican party. In order to sustain this charge it must be of course shown that the Dingley bill *is* a Republican measure. I deny that it is such; and in support of this denial I quote the distinguished Senator from Ohio [Mr. SHERMAN]. In his remarks made on February 26 last, in speaking of the bill, he said:

> That bill does not belong to any party; it is not the representative of any party. * * * I do not think anyone can claim that that bill is a Republican measure, or that it is to be voted for by anyone upon that ground. * * * It is a bill prepared for an occasion, not a political one.

This authority ought to be accepted by the Eastern Republican press as conclusive upon this point as it is upon many others, the financial question in particular. The Senator from Ohio says that the Dingley bill is not even a partisan measure, and so I hope that those Republican journals which have been busy of late in reading us out of the party, for having refused to support what they mistakenly call a Republican measure, will kindly reconsider their action, and graciously permit us to remain until it can be shown that we have violated some cardinal principle of Republican faith.

Mr. President, when all the circumstances surrounding the occasion are considered, and when all the factors to be reckoned with are taken into account, I am forced to believe—with all due respect to those who framed it—that the House revenue bill is an unwise as well as unfair measure. It is an admixture of free trade, tariff for revenue only, and extreme protection. It utterly neglects some interests, and shows unusual favor to others. It protects the manufacturer of woolens and carpets, but fails utterly to give protection to the woolgrowers. It is therefore inequitable, unrepublican, and unjust, and does not deserve the support of the Republicans in this body.

Mr. President, my distinguished colleague, in his able and

unanswerable speech a few days ago, so thoroughly dissected and exposed the incongruities and inequalities of this measure that it is unnecessary for me to discuss it fully in detail. I wish to say, however, that some time ago I addressed a letter to Judge William Lawrence, the president of the National Wool Growers' Association of the United States. He is beyond question the highest and best-informed authority upon the wool question, from the woolgrower's point of view, to be found in this country. This entitles his utterances upon this subject to great weight.

I will take the liberty of sending Judge Lawrence's reply to the Secretary's desk, and, with the permission of the Senate, I will ask to have it read. It is not very long, and as it is pertinent to this subject I should like very much that the Senate should hear it.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

Hon. LEE MANTLE,
United States Senate, Washington, D. C.

DEAR SIR: I have the honor to acknowledge the receipt of your letter of the 17th on the subject of the Dingley wool-tariff bill.

* * * * * * *

You are correct in saying that "the bill takes pretty good care of the woolen manufacturers, while it falls utterly to afford the necessary protection to woolgrowers."

You will see it is shown in Senate Document No. 17, pages 47, 49, and 52, that woolgrowers in competition with Australian skirted merino get but little over half the nominal duty fixed by the law. The nominal duty of 6.6 cents in the Dingley bill (60 per cent of 11 cents) is in practical effect only 3.5 on our Ohio washed and less than 2 cents on unwashed. Thus the so-called tariff of 6.6 is not half the amount it appears to be, and will deceive people who do not understand it.

The wool manufacturer has in the law what is called a "compensatory duty"; that is, a duty given him because of the duty on wool. Now, the "compensatory duty" is in fact considerably more than "compensation," even if the duty on wool was what it seemed to be, but when you consider that it is not, the result is the "compensatory duty" is largely more than it seems to be—more, in fact, than the normal compensation. I have never alluded to this in any speech or publication, but the time is very nearly here when woolgrowers must raise the standard of revolt against the low duties afforded them and the vastly better duties given the wool manufacturers. I have never indulged in prejudice against New England, but it is about time that New England should recognize the fact that woolgrowers have some rights that New England is bound to respect.

* * * * * * *

I notice your remark that if the Dingley bill becomes a law there is danger that the wool manufacturers, so well provided for, may hereafter confront us with the proposition that "it would be unwise to reopen the tariff discussion for fear of disturbing business conditions." Certainly there is danger of that, and if so, the free-wool men, backed by that argument and those who maintain it, would prevent any fair wool tariff hereafter. In view of the urgent necessity for even a little relief—a very little—to woolgrowers, I have not felt it proper for me to advise the defeat of the Dingley bill, but I have letters from able men—true friends of wool manufacturers and woolgrowers—who do think it is better to defeat the bill and take our chances for the future.

* * * * * * *

I invite your attention to the draft of a bill in Senate Document No. 17, pages 218-221, as one we might hope to have passed, except that possibly you might have to reduce the rates specified in paragraphs 10, 11, and 12. This draft omits the "skirting proviso" of the McKinley Act, which is, of course, retained in the Dingley bill. This omission would help us some. We suffer much by light shrinkage in scouring of Australian merino.

Yours, truly,
WILLIAM LAWRENCE.

Mr. MANTLE. Mr. President, I wish to call special attention to what Judge Lawrence says respecting the "compensatory duty" given to woolen and carpet manufacturers. He shows conclusively that while this "compensatory duty" is nominally given to the manufacturer to compensate him for the duty on wool, as a matter of fact it gives him far more than a fair compensation. The Dingley bill gives to woolgrowers 60 per cent of the McKinley rates, but it gives to carpet manufactures *all* the specific duties of the McKinley law, and also the full ad valorem duties of the Wilson law. On four classes of carpets the ad valorem duties of the Wilson law are the same as the McKinley law. On three classes they are a trifle less, while on one class it is 2½ per cent higher. So that in one case the Dingley bill actually gives a higher protective duty than the much-abused McKinley law itself. I here attach a table showing the ad valorem duties of the McKinley and Wilson laws, which I ask to have printed with my remarks:

Table showing the ad valorem rates of the McKinley and Wilson laws.

Class of carpets.	Paragraph of McKinley law.	Paragraph of Wilson law.	Ad valorem duty, act of 1890 (McKinley law).	Ad valorem duty, act of 1894 (Wilson law).
			Per cent.	*Per cent.*
Aubusson, axminster, moquette, and chenille	399	287	40	40
Saxony, Wilton, and Tourney velvet	400	288	40	40
Brussels	401	289	40	40
Velvet and tapestry velvet	402	290	40	40
Tapestry brussels	403	291	40	*42½
Treble ingrain	404	292	40	32½
Wool, Dutch and trophy, etc.	405	293	40	30
Druggets, bockings, etc.	406	294	40	30
Other classes of wool, flax, cotton, or in part of either	407	295	40	30

* Higher than the McKinley law.

Mr. President, I desire to add further that the McKinley law placed a duty of 11 cents per pound upon wool of the first class; but owing to the "skirting clause," to which Judge Lawrence refers, and other defective provisions, the actual protective benefit which Western and Texas woolgrowers received was not one-third of that amount. I wish also to call attention to the fact that the price of wool steadily declined during the period that the McKinley law was in force, showing conclusively to my mind that it did not furnish the woolgrowers adequate protection. The Dingley bill fixes the rate on first-class wools at 6.6 cents per pound; but as it also reenacts all the loose and defective provisions of the McKinley law, the Western woolgrowers would manifestly receive no protective benefits worth speaking of.

Before leaving this subject I wish to call attention to the greatest danger which, in my judgment, menaces the majority of the woolgrowers in the United States. It lies in the constantly increasing importation of cheap, coarse wools. Formerly these wools were used only in the manufacture of carpets. Owing, however, to improved machinery and changing fashions, and because of their cheapness, these coarse wools are now being extensively used in the manufacture of clothing. Last year the importation of this class of wools exceeded by far that of all others combined. Among them was nearly 27,000,000 pounds of Chinese wool, the average import price of which, duty paid, was 5.15 cents per pound. Owing to its light shrinkage, this amount would equal upward of 40,000,000 pounds of a similar grade of American wool. The Dingley bill imposes an ad valorem duty of 32 per cent upon this class of wool, which, based upon last year's price, would amount to a specific duty only of 1.65 cents per pound. It is manifest that this rate of duty would afford no protection whatever, and but little revenue either.

I have taken some tables from the memorial of the National Woolgrowers' Association to Congress, bearing upon prices and other statistics relating to wool, which, if there is no objection, I will ask leave to print as part of my remarks:

SHOWING EFFECT OF THE "SKIRTING CLAUSE" OF THE M'KINLEY LAW, WHICH THE DINGLEY BILL PROPOSES TO REENACT.

2. The provisions of the McKinley Act to prevent frauds.

383. The duty upon wool of the sheep or hair of the camel, goat, alpaca, and other like animals which shall be imported in any other than ordinary condition, or which shall be changed in its character or condition for the purpose of evading the duty, or which shall be reduced in value by the admixture of dirt or any other foreign substance, or which has been sorted or increased in value by the rejection of any part of the original fleece, shall be twice the duty to which it would be otherwise subject: *Provided, That skirted wools as now imported are hereby excepted. Wools on which a duty is assessed amounting to three times or more than that which would be assessed if said wool was imported unwashed, such duty shall not be doubled on account of its being sorted.* If any bale or package of wool or hair specified in this act imported as of any specified class, or claimed by the importer to be dutiable as of any specified class, shall contain any wool or hair subject to a higher rate of duty than the class so specified, the whole bale or package shall be subject to the highest rate of duty chargeable on wool of the class subject to such higher rate of duty, and if any bale or package be claimed by the importer to be shoddy, mungo, flocks, wool, hair, or other material of any class specified in this act, and such bale contain any admixture of any one or more of said materials, or of any other material, the whole bale or package shall be subject to duty at the highest rate imposed upon any article in said bale or package.

The words in *italic* are the so-called "*skirting*" clause, which includes the *sorting of* scoured wools.

3. The ruinous effect of *the "skirting" clause, operating also to permit the import of sorted scoured wools without additional duty on account of the sorting or skirting, practically reduced the wool duty of 11 cents per pound down to a mere nominal amount, and in part defeated the provision for giving treble duty on scoured wools. It should be omitted from a new wool-tariff law.*

This fatal "*Provided,*" excepting "skirted" wools and scoured "sorted" wools from the prohibitions against frauds, was incorporated at the instance of some of those desiring wools imported in a shape to secure a great advantage over American wools. The skirting, in practice, removed so much of the fleece as to result not only in "skirting," but in "sorting" also.

The effect was that Australian "skirted" merino of no better quality than, and with a fiber not as good as, our American wools would command in our markets all of 2 cents per pound more than American whole fleeces of the *same shrinkage* in scouring. The skirting had three effects to increase the selling price of Australian merino:

(1) The effect of securing the *most valuable* light shrinkage part of the fleece in practical effect not only "*skirted,*" but "sorted" also.

(2) To save the labor and consequent expense of "sorting"; and

(3) To admit sorted scoured wools of all classes without an increase of duty.

* * * * * * *

It was in view of *these conditions*—the light shrinkage of Australian merino and the "skirting" clause—that at the meeting of the National Woolgrowers' Association at Chicago, October 5, 1893, Hon. John T. Rich, governor of Michigan, in an able address, said:

"The effect * * * is to let in [Australian *unwashed* merino] wool, worth quite as much as Ohio washed fleece, at a duty of only 11 cents per pound, when, if it came in whole fleeces, washed, it would pay 22 cents per pound.

"So that on fine wool there is little, if any, more than *one-half the protection provided* [intended] *by law.* Another thing which helps to wipe out a portion of this is the fact that in *Australia much larger flocks are kept, and it is much easier to get a large amount of uniform quality, and as the wool is skirted the manufacturers buy only such wool as they need.* I have myself seen in Philadelphia invoices of this grease wool free from any hay seed or other vegetable matter, uniform in quality, with no twine, and which paid only 11 cents per pound duty and which *was sold at from 40 to 42 cents when the best unwashed* [American] *full-blood merino wool would bring 18 to 20 cents.*

In brief, the result is that under the McKinley Act of 1890 (a result not foreseen by Congress or by woolgrowers) Australian merino unwashed and "skirted," shrinking in scouring less than Ohio washed merino, was admitted at 11 cents duty, when the law was intended to give 22 cents on such wools.

Yet this wool, at an import price of 5.15 cents per pound, is of lighter shrink-

which have been made in the past thirty years. I regard this

neighbor, Japan, entering as an active and terrible competitor

Mr. President, it is upon this view of the matter that some of us have been inclined to believe that the authors of the House support of the Republicans in this body.

Mr. President, my distinguished colleague, in his able and

* Higher than the McKinley law.

started, shrinking in scouring less than Ohio washed merino, was admitted at 11 cents duty, when the law was intended to give 22 cents on such wools.

TABLE SHOWING AMOUNTS OF FIRST, SECOND, AND THIRD CLASS WOOLS IMPORTED FOR THREE YEARS.

1. The imports of third-class wools and the aggregate of first and second class entered for consumption in the United States were for specified fiscal years as follows:

Year.	Quantities, third class.	Value.	Duties.	Total of first and second class.
	Pounds.			*Pounds.*
1892	90,500,125.25	$8,742,454.00	$2,885,012.26	44,062,211
1893	133,197,581	10,312,237.00	3,389,646.54	42,438,490
1895*	144,488,265	13,135,901.75		121,237,612
Total	368,245,971.25	32,190,592.75		207,738,283

* For 1895, total imports.

2. Thus in the three years specified the third-class wools aggregated 368,245,971.25 pounds, and the first and second classes combined only 207,738,283 pounds.

Most of these third-class wools *came in for the manufacture of clothing, supplanting American merino and long wools of the mutton breeds.*

In view of all these considerations this memorial respectfully asks that all imported wools shall be subjected to specific duties.

IMPORTS OF CHINA WOOL.

Prior to 1869 there were no imports of China wools. Since then imports have gradually increased, as indicated by specified fiscal years, as follows:

Year.	Quantity	Value.	Import price per pound.
	Pounds.		*Cents.*
1870	9,016	$1,312	10.45
1880	66,751	9,188	13.76
1890	8,587,575	814,264	9.48
1893	20,753,893	1,812,250	8.74
1894	10,186,264	818,157	8.03
1895	26,089,418	1,099,414	5.15

Yet this wool, at an import price of 5.15 cents per pound, is of lighter shrinkage than the average American shropshire and other coarse wools. American woolgrowers can not endure Chinese competition.

M'KINLEY RATES ON WOOL.

On class 1 wools.—Merino, etc., unwashed, 11 cents per pound; merino washed, double duty; merino scoured, treble duty.

On class 2 wools.—Down and other long wools, washed or unwashed, 12 cents per pound; scoured, treble duty.

On class 3 wools.—Native coarse sheep, if of the value of 13 cents or less per pound, 32 per cent ad valorem; if the value exceed 13 cents, duty 50 per cent ad valorem.

NOTE.—The Dingley bill proposes to reenact the ad valorem duty on third-class wools.

The following table gives a comparison between the prices in Boston of fine Ohio fleece, scoured, and of Australian average fleece, scoured, in London:

Comparison of prices of Ohio and Australian scoured wools.

Year.	Price of fine Ohio fleece, scoured.	Price in London of Australian average fleece, scoured.	Difference of the two prices.
1881	$0.95½	$0.53	$0.42½
1882	.90	.53	.37
1883	.86	.51	.35
1884	.80½	.48	.32½
1885	.71½	.41	.30½
1886	.74	.41	.33
1887	.73½	.42	.31½
1888	.68	.42	.26
1889	.73½	.48	.25½
1890	.73½	.44	.29½
1891	.70½	.40	.30½
1892	.63	.34	.29
1893	.55	.33	.22
January, 1894	.50	.32	.18
March 1, 1894	.45½	.32	.13½

Average difference, 29 cents.

This shows a decline from 73½ cents in 1890 to 45½ cents in 1894.

NOTE.—The McKinley law went into effect October 1, 1891, and was repealed August 15, 1894.

Table showing the price per pound for the leading grades of American wool in the Eastern market and on the farm on January 1 and July 1 for the years 1891, 1892, 1893, 1894, and 1895.

Grades.	1891.				1892.				1893.				1894.				1895.			
	Price in market, Philadelphia and Boston, Jan. 1.	Price on farm Jan. 1.	Price in market, Philadelphia and Boston, July 1.	Price on farm July 1.	Price in market, Philadelphia and Boston, Jan. 1.	Price on farm Jan. 1.	Price in market, Philadelphia and Boston, July 1.	Price on farm July 1.	Price in market, Philadelphia and Boston, Jan. 1.	Price on farm Jan. 1.	Price in market, Philadelphia and Boston, July 1.	Price on farm July 1.	Price in market, Philadelphia and Boston, Jan. 1.	Price on farm Jan. 1.	Price in market, Philadelphia and Boston, July 1.	Price on farm July 1.	Price in market, Philadelphia and Boston, Jan. 1.	Price on farm Jan. 1.	Price in market, Philadelphia and Boston, July 1.	Price on farm July 1.
Fine merino:																				
Ohio XX fine washed fleeces	$0.33	$0.30	$0.30½	$0.27½	$0.30½	$0.27½	$0.29	$0.26	$0.28	$0.25	$0.24½	$0.21½	$0.23½	$0.20½	$0.20	$0.17	$0.17½	$0.14½	$0.16½	$0.13½
Michigan and Wisconsin X or fine washed	.29½	.26½	.27½	.24½	.27	.24	.25½	.22½	.25	.22	.22	.19	.20½	.17½	.15	.12	.15½	.12½	.15½	.12½
Ohio XX fine unwashed	.22	.19	.21½	.18½	.21½	.18½	.21	.18	.20½	.17½	.17	.14	.15	.12	.14	.11	.13	.10	.13	.10
Ohio XX scoured	.69	.....	.63½	.....	.63½	.....	.60½	.....	.58	.....	.51	.....	.49	.....	.42	.....	.36½	.....	.34½	.....
Half blood:																				
Ohio medium washed fleeces	.37	.34	.36	.33	.36	.33	.34½	.31½	.33½	.30½	.27	.24	.24½	.21½	.20½	.17½	.20	.17	.20½	.17½
Indiana, Illinois, Wisconsin, Kentucky, and Missouri medium unwashed	.28½	.25½	.28½	.25½	.27½	.24½	.26½	.23½	.25½	.22½	.20½	.17½	.19	.16	.15½	.12½	.15½	.12½	.15	.12
Kansas, Nebraska, and Dakota medium unwashed	.24	.20	.23	.19	.22	.18	.22	.18	.21	.17	.15	.11	.15	.11	.12½	.08½	.12	.08	.12	.08
Ohio medium scoured	.61½	.....	.60	.....	.60	.....	.57½	.....	.55	.....	.45	.....	.40½	.....	.34	.....	.33	.....	.34	.....
Ohio, Wisconsin, and New York coarse washed	.35½	.32½	.33½	.30½	.33½	.30½	.33½	.30½	.33	.30	.27	.24	.23½	.20½	.20½	.17½	.21½	.18½	.20½	.17½
Quarter blood:																				
Indiana, Illinois, Wisconsin, and average Kentucky coarse unwashed	.27½	.24½	.26½	.23½	.25½	.22½	.25½	.22½	.24½	.21½	.20½	.17½	.18½	.15½	.16½	.13½	.16½	.13½	.17½	.14½
Kansas, Nebraska, and Dakota coarse unwashed	.24	.20	.23	.19	.23	.19	.22	.18	.21½	.17½	.17	.13	.15½	.11½	.13½	.09½	.14½	.10½	.15½	.11½
Ohio coarse scoured	.47	.....	.44½	.....	.44½	.....	.44½	.....	.44	.....	.36	.....	.31	.....	.27½	.....	.28½	.....	.27½	.....
Territorial:																				
Montana fine average, California fine, choice Nevada, and choice fine Wyoming	.19½	.14½	.19½	.14½	.18½	.13½	.16½	.11½	.16	.11	.13	.08	.11	.06	.09	.04	.10	.05	.10	.05
Montana, California, Nevada, and Wyoming fine scoured	.65	.....	.65	.....	.61½	.....	.55	.....	.53	.....	.43	.....	.36½	.....	.30	.....	.33½	.....	.33½	.....
Montana and Wyoming medium or half blood	.20½	.15½	.20½	.15½	.19½	.14½	.19½	.14½	.17½	.12½	.15	.10	.12	.07	.09	.04	.11	.06	.11	.06
Montana and Wyoming medium scoured	.58½	.....	.58½	.....	.55	.....	.55	.....	.50	.....	.42½	.....	.34	.....	.26	.....	.31½	.....	.31½	.....
Montana and Wyoming coarse or quarter blood Shropshire	.20½	.15½	.20½	.15½	.20½	.15½	.20½	.15½	.20½	.15½	.16	.11	.14	.09	.12½	.07½	.12½	.07½	.12½	.07½
Montana and Wyoming coarse or quarter blood scoured	.51	.....	.51	.....	.51	.....	.51	.....	.51	.....	.40	.....	.35	.....	.31	.....	.31	.....	.31	.....

Mr. President, in closing this subject I wish to be understood as criticising no interest and no section. My objection is against the inequalities of the bill in question, and not against any industry.

I have no sympathy whatever with that sentiment which seeks to array one section of our country against the other. In common with every loyal American I look with pride upon the magnificent strides, in every branch of manufacturing industry,

which have been made in the past thirty years. I regard this phenomenal progress as a splendid tribute to the Republican system of protection. It is this system which has stimulated and called into full play the astonishing inventive genius of our people, and which, in this respect, has made us the wonder and the admiration of the world. I am a believer in the principle of protection because it gives the work of this Republic to our own workingmen, to whom of right it belongs. Employment is essential to the well-being and happiness of the people. It brings prosperity and content and inspires patriotism. Idleness, upon the other hand, is prolific of discontent and social disorders of every character. I am therefore in favor of that policy which will light the fires in our own furnaces, start the wheels in our own factories, furnish labor for our people, develop our own magnificent resources, furnish a home market for our own products, and which will come nearest to making us a self-sustaining, independent nation in every particular. The protective principle, wisely and justly applied, will aid greatly in bringing about these desirable ends. But it ought never to be invoked for the benefit of any special interest, class, or section, or be permitted to foster any monopoly or combination against the public interest. It must protect the woolgrower as well as the wool manufacturer, the producer of raw materials as well as the producer of the finished product. In short, it must be as broad as the Union itself, and must be adjusted to guard every American industry which needs its sheltering arm to shield it from the cheap and degrading competition of other lands.

But, while I am an ardent advocate in the principle of protection, I am also a firm believer in the principle of true bimetallism, which I construe to mean the unlimited coinage of gold and silver upon equal terms and at a ratio to be fixed by law. My preference being for a ratio of 16 to 1, because in the light of history and all experience I believe that to be the natural and just ratio. I am in favor of the adoption of this policy independently by the United States, believing it to be a sound policy and in the interest of the great mass of the people, and that as a nation we are great enough, rich enough, and strong enough to establish and maintain our own financial policy, just as we maintain a tariff policy and a political policy without asking or waiting for the consent of any other nation of the world.

The recent enormous advance made in the industrial development of Japan, and which is now spreading to China, has demonstrated to reflecting men who have given the subject thoughtful consideration, that a protective tariff will no longer alone successfully guard our manufacturers and wage earners from the stream of cheap manufactured products which has begun to flow from those countries to our shores, and which is at last exciting the serious alarm of great numbers of our citizens engaged in the manufacturing industries. This is evidenced by the fact that boards of trade, chambers of commerce, and other organizations are appointing committees to investigate the nature, character, and extent of this Asiatic industrial invasion.

There are those who affect to believe that the industrial situation in Japan involves no serious menace to the labor and industries of this nation. Those who take this position are foolishly and fatuously blind to the real conditions. The Japanese nation numbers 40,000,000 of people, who, in point of skill and ingenuity, and in the power of adaptability and imitation, have no superiors among any of the nations. It is stated on good authority that a Japanese workman can make anything he has ever seen, and that his ingenuity is such that he can reproduce and put in operation without instruction the most difficult and complicated modern machinery of every character. It is this astonishing faculty which enables the Japanese to avail themselves of all the latest inventions of this and other countries, and it is this marvelous power of imitation and adaptation which has not only enabled them in a few short years to become a dangerous rival of our own at this moment, but is destined in a very short time to place Japan among the great manufacturing nations of the world.

But, Mr. President, it is not Japan alone that our manufacturers and wage earners now have cause to fear. Back of Japan is the Empire of China with its 400,000,000 of population. The recent war with Japan has brought about a remarkable change in the conditions existing in the more accessible portions of that vast domain. The rude shock of battle has aroused it from the dormant state in which it has lain for centuries. Her overwhelming defeat and the laws of conquest have compelled China to open up many of her ports to the introduction of modern machinery. Railroads and telegraphs and other great civilizing and modernizing influences are also performing their part in the general awakening process, and soon we are likely to see this giant of the Orient, until now unconscious of its strength and opportunities, shaking from its limbs the shackles of tradition and superstition which have enchained it for ages, and emulating the example and following in the footsteps of its successful rival and neighbor, Japan, entering as an active and terrible competitor in the race for the commercial and industrial supremacy of the world.

The Chinese Empire possesses in great abundance and variety every natural resource necessary to make her a great producing and manufacturing nation. Her soil and climate and her immense territory are such as to enable her to produce enormous supplies of cotton and wool, as well as other raw material. Her people are equal to the Japanese in respect to industry and in their imitative and adaptative faculty, and superior to them in respect to their powers of application and endurance. Wages in Japan are ridiculously low as compared with American and European standards, but in China wages are even lower than in Japan. As a fact of much importance I may here state that Japanese manufacturers are even now building cotton factories in China, because they can there get cheaper labor.

As bearing upon this subject, Mr. President, I have taken from consular and other reports tables relating to the industrial growth of Japan as well as to the rate of wages paid and other matters relating to Asiatic competition. I ask permission to print them with my remarks. I wish also to add that the industrial wage workers of the United States may wisely and profitably study these significant statistics.

The following tables are taken from an article written by Mr. W. E. Curtis upon "The industrial revolution in Japan," and published in a bulletin issued by the Department of Labor in January, 1896:

Japanese imports.

(*a*) Values stated in American gold on the basis of 2 silver yen to the dollar:

Raw cotton	$9,551,981
Machinery, etc	7,974,548
Sugar	6,062,261

Exports and imports, 1885 to 1894.

Year.	Exports.	Imports.
1885	$18,573,346	$14,678,484
1887	26,203,841	22,152,126
1890	28,301,753	40,864,290
1892	45,551,377	35,063,040
1894	56,623,043	58,740,978

Exports by countries, 1890, 1892, and 1894.

Country.	1890.	1892.	1894.
United States	$9,910,719	$19,337,486	$21,061,779
France	4,177,197	9,046,847	9,749,988
Hongkong	4,083,263	6,644,270	8,099,740
China	2,613,748	3,179,430	4,406,994
Great Britain	2,819,490	1,960,876	2,975,069
British India	295,303	711,145	1,844,079
Germany	423,461	470,391	758,774

Imports by countries, 1890, 1892, and 1894.

Country.	1890.	1892.	1894.
Great Britain	$13,399,551	$10,294,666	$21,094,937
China	4,424,843	6,254,705	8,755,753
United States	3,437,296	2,994,627	5,491,279
British India	4,455,446	3,831,002	5,280,224
Hongkong	2,747,956	3,492,861	4,499,859
Germany	3,428,478	3,187,534	3,954,771
France	1,934,666	1,610,250	2,174,024

The Japanese coinage is based on the decimal system and corresponds with that of the United States. A rin was originally the same as a mill. Ten rin make 1 sen and 100 sen make 1 yen, which used to be as good as a gold American dollar, but is now worth about 51 cents. Therefore, a man who goes to Japan from the United States or Europe with money that is at par with gold finds his funds almost doubled immediately.

Monthly rates of wages, Japan.

Occupation.	Highest.	Lowest.	Average.
Confectionery makers and bakers	$12.00	$1.00	$5.74
Weavers (men)	12.00	1.00	4.83
Weavers (women)	12.00	1.00	3.30
Farm hands (men)	5.00	1.00	2.31
Farm hands (women)	3.50	.49	1.28
House servants (men)	5.00	.50	2.12
House servants (women)	3.00	.59	1.16

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seeks to array one section of our country against the other. In common with every loyal American I look with pride upon the magnificent strides, in every branch of manufacturing industry,

ample and following in the footsteps of its successful rival and

Daily rates of wages paid in Yokohama.

Occupation.	Rate per day.	Occupation.	Rate per day.
Blacksmiths	$0.36	Porcelain makers	$0.24
Carpenters	.26	Pressmen, printing offices	.19
Carpenters, ship	.29	Roofers	.26
Compositors	.29	Sake brewers	.22
Confectionery makers and bakers	.17	Sauce and preserve makers	.24
Cotton beaters	.17	Screen makers	.26
Dyers	.24	Silk spinners (female)	.17
Joiners	.29	Stonecutters	.31
Laborers, ordinary	.19	Tailors, foreign clothing	.48
Lacquer makers	.24	Tailors, Japanese clothing	.24
Matting makers	.24	Tea-firing men	.14
Oil pressers	.24	Tea-firing women	.10
Paper hangers	.24	Tea pickers	.20
Plasterers	.26	Tilers	.31
Porcelain artists, ordinary	.38	Tobacco and cigar makers	.24
Porcelain artists, superior	.72	Wood sawyers	.29

The following are the rates of wages paid by the month: (*a*)

Farm hands (men)	$1.44
Farm hands (women)	1.20
Silkworm breeders (men)	1.92
Silkworm breeders (women)	.96
Weavers (women)	.96
House servants (men)	$2.80 to 7.20
House servants (women)	2.40 to 4.80

Factory labor is paid even less than these prices. Middleton & Co., one of the most prominent tea-shipping houses in Japan, employ in their establishment a large number of persons, men and women, who work from 3 o'clock in the morning until 6 o'clock at night, with three intervals at 8, 12, and 3 o'clock, respectively, when they eat their rice and what other refreshments they bring with them and rest for twenty minutes or a half hour. The highest wages paid by the Messrs. Middleton are 42 sen a day, which is equivalent to 21 cents in United States currency. This is received by men who are experts in handling tea, and have acquired their proficiency by natural ability and long years of experience.

The lowest wages are paid to young boys and girls who pick over the tea leaves to remove the stems and other foreign substances. They receive 13 sen (6½ cents) a day for about twelve hours' work, not including their resting spells.

Of the entire force in the establishment 20 are paid 21 cents (United States currency) a day, 90 are paid 18 cents, 50 are paid 15 cents, 335 are paid 12 cents, 278 are paid 10 cents, 5 are paid 9 cents, and 30 are paid 6½ cents—and they board themselves.

Chinese wages at Shanghai.

[United States Consular Report.]

Wages of Chinese at Shanghai September 30, 1895, reduced to American currency:

Description.	Wages with food.	
	Per day.	Per month.
Blacksmith	$0.13	
Brass worker	.16	
Barber	.03	
Bootmaker:		
Native	.10	
Foreign		$5.28
Bamboo cabinetmaker	.11	
Bricklayer	.10	
Compositor:		
Native		5.28
Foreign		7.92 to 15.84
Carpenter	.11	
Cabinetmaker	.13	
Cooly*	.13	
Bookbinder:		
Native		4.22
Foreign*		6.34
Lithographer*		10.56
Furniture polisher	.21	
Tailor:		
Native	.10	
Foreign		6.34
Pressman		6.34
Coachman:		
Native		3.17
Foreign		6.34
House boy:		
Native*		2.11
Foreign		4.75
Cotton-mill machinist*	.11 to .22	
Cotton-factory hand*	.18	

* Without food.

Mr. President, there can be but little doubt in the mind of any unprejudiced student of the industrial development of India, Japan, and China, and of the remarkable progress which these countries have made in the past twenty years and are still making, that these changes are mainly due to the demonetization of silver by Europe and the United States and the consequent appreciation in the purchasing power of gold. An examination of the record shows that when, after silver's demonetization, silver bullion began to fall in value, the price of wheat and cotton began to fall in sympathy. It also shows that as these staples began to fall in price the exports of wheat and cotton from India and other silver-using countries to Great Britain began to increase in volume, and that for twenty years these reciprocal operations have continued with a sufficient degree of regularity and uniformity to satisfy the most skeptical mind that there must be some related cause which has produced such continuous and uniform results. In the light of experience and of the facts contained in the records, it is not, it seems to me, difficult to explain the process by which these results have been brought about. It is a fact that Great Britain during these years has been the chief purchaser of silver bullion and also the chief importer and consumer of wheat and cotton.

It is also a fact that for a great many years an ounce of silver in Liverpool has generally exchanged about evenly for a bushel of wheat; therefore the price of wheat in Liverpool would generally be the cost of an ounce of silver bullion plus the amount of freight on a bushel of wheat from India to Liverpool. Thus it will be readily understood that the lower the price of an ounce of silver bullion the lower will be the price of a bushel of wheat, and what is true of wheat is also true of cotton, the other great export staple of this country. Then if we bear steadily in mind the fact that silver has substantially the same purchasing power to-day in India and other silver-using countries with reference to the commodities of those countries, including labor, that it had twenty years ago, it becomes apparent at once how the demonetization of silver and the resultant fall in the price of silver bullion has operated to lower the price of wheat and cotton. The natural and logical effect of this condition of affairs was to artificially stimulate the growing of wheat and cotton in India and to cheapen its price in the Liverpool market, and the inevitable result has been to bring ruin to the agricultural interests of Great Britain and to render wheat and cotton growing in the United States a profitless undertaking. The folly of this policy is magnified when we reflect that we have been the great producers of silver, as well as of wheat and cotton, and that by degrading and discrediting one of our own great products (silver) we deliberately placed in the hands of our chief commercial and manufacturing competitor a club with which to strike down the wheat and cotton producers of our own country.

I have referred to wheat and cotton because they were the first of our products to feel the blighting effects of the competition with silver-using countries. The second effect of the cheapening of silver, operating in precisely the same manner as it did in respect to wheat and cotton, has been to artificially stimulate the development of manufacturing industries (so far chiefly in the line of textile fabrics), first in India, then in Japan, and now in China. The cry of the British farmer which went up when he found himself being crushed by the cheap competition of India was scarcely heard; but when the Lancashire cotton spinners found that the cotton factories at Bombay and Calcutta, with their cheap labor, paid in cheaply bought silver, had monopolized their business, they sent up a wail of anguish that attracted the attention of English statesmen, and which resulted in the inauguration of a bimetallic movement which has enlisted the support of the ablest public men in that country.

The same thing has happened in the United States. So long as the farmers were the chief sufferers but little attention was given to their cry of distress. But the situation has changed. The wall of protection erected by the Republican party around the manufacturing industries of this country served for a long time to shield them and the men employed in them from this cheap competition. But that wall was broken down by the Wilson tariff act, and this fact, taken in connection with the phenomenal industrial advance which Japan has made within the last two or three years, has opened the eyes of a large and growing number of manufacturers and of the industrial wage earners of this country, and they begin at last to realize that a protective tariff alone can no longer protect them. They are beginning at last to grasp the great fundamental fact underlying the demand for the restoration of silver and to understand that just so long as silver retains its present purchasing power over labor and commodities in Asiatic countries just so long will the Chinese and Japanese manufacturer be able to bring their wares to our markets, sell them for gold, buy the bullion equivalent of 2 silver dollars with each gold dollar, and go back to China and Japan and repeat the process. A protective tariff might equalize the conditions arising from the difference in the standards of living and the rates of wages, but no attainable tariff can possibly equalize the enormous advantage which these silver-standard countries now enjoy through being able to buy from us the material (silver) out of which their money is made at one-half of its real purchasing value to them.

In the light of these significant facts, it must be apparent to the industrial wage earners of the United States that unless this difference in the money standards existing between gold and silver using countries can be equalized one of two results must ultimately follow. Either the wages and standards of living of the Japanese and Chinese must be raised to our level or else our wages and standards of living must be reduced to theirs. When looked at from this standpoint it is not difficult to say what the result must inevitably be.

Mr. President, I here offer and ask permission to print with my remarks an excerpt from the prize essay on bimetallism written by Mr. George Jamison, esq., British consul-general at Shanghai, China. I have read nothing which states so forcibly and brings out in such clear light the danger of the industrial situation in China and Japan as it relates to British manufacturing interests. His showing appeals with still greater force to the United States because of our geographical location and the fact that as a rule the American industrial wage earner has been better paid than his English brother:

Let us consider, firstly, the effects when the gold price falls and, by consequence, the silver price is steady.

Suppose two cotton mills working, the one in England and the other in Japan or China, and competing with one another for the sale of their productions, and contrast the position of the two in 1873 and in 1893. Let us assume that in 1873 they were competing on even terms—that is, that each realized to the owners the same profit. In 1894 each employs the same amount of labor as it did in 1873, which the English pays for in gold at the old rates and the Japanese in silver, also at the old rates. The Japanese mill owner still pays his men, as he used to, 18 to 20 cents a day, and his women 8 to 10 cents a day. In 1873 that meant 9 pence to 10 pence per day for men, and 4 pence to 5 pence for women. Now it means just one-half—that is, 4 pence to 5 pence and 2 pence to 2½ pence. Multiply this over 2,000 mill hands and see what the saving will be on labor alone. But this is not all. The same advantage accrues on the coal bill. Japanese coals cost them, say, $4 to $5 a ton, which meant 16 shilling to 20 shillings. They still can be got at $4 to $5 a ton, but that now only means 8 shillings to 10 shillings. The same thing applies to rent, wages, taxes, and all fixed charges whatsoever. They are all payable in silver and have nowise varied with the rise in gold. Only in the single item of raw material is the old equality maintained. Both are free to buy that wherever they can find it cheapest on the world's market, the only advantage being proximity to the best source of supply and, consequently, economy of transport.

Now, so long as the gold price went on falling and the silver price consequently kept steady there was no great manifest advantage resulting to the Japanese manufacturer from a fall in exchange. He continued to get the same prices for his products, and his outlay was the same year by year, both being in silver. Any improvement he could effect by economy of management or by getting his raw material cheaper would be so much extra profit, otherwise his position was unaffected. In any case exchange fluctuations would not trouble him.

The English manufacturer, on the other hand, has to meet the same fixed expenditure from ever-decreasing returns. He is able to buy his raw material cheaper, owing to the general fall in commodities, but his wages bill, his rent, his interest on borrowed capital, his rates and taxes, have all to be met as before. His profits begin to dwindle; it is only by the greatest economy of management that he can keep open at all. The best mills only manage to pay a fair profit, the worst struggle to the verge of bankruptcy, always hoping for a turn of the tide, and finally are forced to close.

Suppose, in the second place, that the silver price rises and, as a consequence, the gold price remains steady.

The gold manufacturer is, for the time being, in an easier position, his returns do not fall off, and, though his expenses are the same, he is in a position to profit by any economy of manufacture or management.

But the silver manufacturer is, so to speak, in clover. All his working expenses are on the old scale, and he is thus a clear gainer by the extra price he gets for his products. If silver prices have risen, say, 10 per cent, his profits will be increased by just 10 per cent on his turnover. The natural result of this will be to attract more capital, more mills will be built, and the output will increase. Competition will lower prices, and the gold manufacturer will again be driven into a corner.

Whatever happens, the manufacturer in the silver-standard country has a great advantage, and simply for this reason, that he can obtain his labor at half the cost, relatively to gold wages, which he formerly paid. And this advantage must remain to him (unless silver can in the meantime be brought back to something like its old value) until either wages in gold countries have fallen 50 per cent or till they have risen 100 per cent in silver-using countries, or till some common meeting ground has been found between the two. In other words, the old equilibrium will not be restored until the standard of living and comfort among the working classes in England has greatly fallen, or till the standard in silver-using countries has greatly risen.

Mr. President, in concluding this subject I desire to express it as my honest conviction that the unfortunate condition in which our farmers, our wage earners, and our manufacturers now find themselves is largely the result of twenty years of constantly falling prices; that this steady and continual fall in prices is directly traceable to the fall in the value of silver as measured in gold, and that this fall in the value of silver has in turn operated as a powerful stimulus to silver-using countries, first, to enormously increase their production of wheat and cotton, with which they supply the market our own farmers formerly enjoyed; and second, to bring into existence great manufacturing enterprises which are utilizing their inexhaustible supply of cheap labor in the production of goods that are coming into practically unrestricted competition with our own. And it is because I am convinced that the present distressful conditions have been brought about largely by these causes that I am in favor of uniting the policies of bimetallism and protection. I believe that these two policies are allied in principle; that they are logically connected, and that the effect of each if put into operation will be to check the importation of the products of Asiatic and European labor, which are now so disastrously affecting all our interests. There is no argument which can be made in support of the protective system which can not be applied quite as consistently and with equal force in support of the policy of bimetallism, and for the reason that the natural and logical effect of each of these policies is to destroy the great advantage which foreign producers now hold over us because of their cheaper labor, their cheaper money, and their lower standards of living.

In view of the harsh criticisms which are being so freely indulged against the silver Republicans upon this floor, it may not be out of place for me to call attention to the fact that the Republican party in this Chamber has been powerless in the past, as I believe it will be for years in the future, to carry out its protective policy without the aid of the votes of the Senators from the silver States. It was these votes that enabled the Republicans to pass the McKinley law in 1890. They gave their support to that measure in return for the Sherman law. It was a reciprocal arrangement, a mutual recognition, so to speak, of protective tariff and of silver, but no sooner had President Cleveland called Congress together in extra session, for the purpose of repealing the Sherman law, than a large number of the Republicans of this body, turning a deaf ear to the justly indignant protests of the silver Republicans who had stood by them in the struggle for protection, and permitting themselves to be stampeded by the false cry that the Sherman law was the cause of the panic, proceeded to repudiate their own party platform and party pledges and to help repeal a law which they had themselves proposed and enacted, and which it would seem in common fairness they were obligated to uphold. And all this was done upon the demand and at the request of an Administration whose stubborn determination to force upon the country its pet policy of free trade and the gold standard was chiefly responsible for the industrial and business paralysis which prevailed and for which it then sought to make the Sherman law the scapegoat.

The silver Republicans can not be blamed if they are disposed to regard this action upon the part of their Republican colleagues not only as a surrender of a Republican principle, but as a betrayal of their confidence as well. Under these circumstances the Republican silver Senators, had they so desired, would have been quite as fully justified in aiding Democrats to repeal the McKinley law as were their Republican colleagues in joining a Democratic Administration in securing the unconditional repeal of the Sherman law.

There is probably no section of our country that derives so little direct benefit from the protective system as the silver States. They are producers solely of what are called "raw materials" and purchasers of finished products. They are also large and increasing producers of gold, and as gold is constantly appreciating in purchasing power, it may be openly questioned whether they would not be the greatest gainers by a policy which would permit them to buy their manufactured commodities in the open markets of the world, unrestricted by tariff or other legislation. But up to this time the Republicans of those States have not permitted themselves to be swayed by selfish considerations in the discussion of the tariff question. They have always taken the broad ground that the protective system was correct in principle, and that it meant the greatest good to the greatest number. But with the policy of protection they have also united the policy of bimetallism, believing that that, too, was a cardinal principle of Republican faith. Upon this platform of protection and bimetallism they have won their political battles in the past and held their States in the Republican column.

They believe that protection and bimetallism are fundamental principles of Republican policy, and in common with a vast number of Republicans in every section of the country they have witnessed with disappointment and chagrin the total abandonment of one of these principles by their fellow-Republicans in Congress, and that, too, in defiance of the last official utterance of the party upon that subject.

It was upon the platform of "protection and bimetallism, not one, but both," that I was elected and sent here, and I regard it as my solemn duty to cast my vote in whatever direction, in my judgment, gives promise of securing the adoption of these policies.

Mr. President, the weakest and I think I may add the most contemptible of all the arguments against bimetallism, and at the same time one most frequently used, is that which falsely asserts that the only ones who would be benefited by the restoration of silver are the people engaged in the silver-mining industry, and which attributes to the wholly insignificant number of men engaged in silver mining the responsibility for the great movement in behalf of bimetallism which extends all over Europe as well as the United States, and which to-day comprises among its advocates many of the greatest statesmen and political economists of the age. Such an argument is dishonest and demagogic, because it ignores alike our own experience and the truth of history, and because it cunningly seeks to evade the real fact, which is, that an overwhelming majority of those who urge the restoration of silver have no interest whatever, directly or indirectly, in the silver-mining industry. It is an argument craftily designed, and intended as an appeal to prejudice rather than to reason, and which attempts upon false premises to array public sentiment against a class of worthy citizens engaged in a lawful enterprise. The men who first went out and discovered and developed the silver mines of the West did so under the authority and encouragement of laws which fully recognized silver as money, and which had been in force from the very inception of the Government. They believed, as many yet believe, that the Constitution itself

contained a guaranty that silver was always to be a full standard money of this country. They were unjustly deprived of the fruits of their labor and enterprise by the passage of laws which destroyed the value of their product and which rendered many of their investments utterly worthless. And if it now be said that these people are selfish in wishing to restore the old laws and their prosperity, then I reply it is simply the kind of selfishness which can be found in Massachusetts as well as in Montana, in Connecticut as well as in Colorado, in New Hampshire as well as in Nevada. It is that common selfishness which animates humanity everywhere, in the East as well as in the West, and which springs naturally from the instinct of self-preservation. It is the manifestation of a natural law which has ever been and ever will be a most potent factor in shaping human progress.

It is also charged against the men engaged in the silver-mining industry that they want the Government to give them $1.29 an ounce for their silver bullion; but that is not true. They ask nothing of the kind. They believe that the opening of the mints of the United States to its free and unlimited coinage will restore silver to a parity with gold, and so believing, and in proof of their faith they have always stood ready, as they now do, to accept a free silver-coinage law which will give all the seigniorage—in other words, all the difference between the coining and the market value of silver—to the Government. Such a law would render it impossible for other countries to unload their silver upon us, as many seem to fear would be the result of a free-coinage measure.

Mr. President, I have already said that I have no sympathy whatever with any attempt to array one section of this nation against another, either upon the financial or any other question. That policy has produced nothing but evil in the past, and in the light of experience, no citizen who truly loves his country will attempt to foster or encourage such a sentiment in the future. So far as the people of the silver States are concerned, I have no hesitation in saying that they will be found among the very first to repudiate and condemn any attempt to array them upon sectional lines, no matter what issues may be involved. An intense national pride is their chief characteristic, and nowhere in this broad land does the sight of our country's flag inspire greater enthusiasm or compel more profound respect. And in this connection I may also add that from no portion of this Union has there been heard a more prompt, unanimous, or enthusiastic response to the patriotic chord which recent events have stirred in the hearts of the American people. Their patriotism is untainted by that sordid spirit which of late has been so conspicuous in the great financial centers of the land, and which, if it could have its way, would subordinate the very honor and dignity and future of the nation to the cold-blooded greed and avarice of manipulators and dealers in stocks and bonds.

The records of Congress will show that the votes of the silver States have invariably been cast upon broad national lines—for battle ships and coast defenses to guard our great cities on the seaboard; for the improvement of rivers and harbors, and for every measure designed to foster, to protect, and to facilitate the trade and commerce of the whole country or to add in any way to the nation's security and strength. And they have done this because they have ever been and are now profoundly conscious of the fact that although we live thousands of miles apart, although we may differ upon financial and other policies, although we may disagree as to the meaning of party platforms, we are nevertheless at the same time citizens of a common country, having a common ancestry and a common destiny.

In conclusion, I hope that the resolution of my colleague to recommit the Dingley bill to the Committee on Finance will be taken up and passed, and that the bill will then be returned to the Senate in the form of a just and equitable Republican measure, based upon recognized principles of protective tariff legislation, and accompanied by a provision for the reestablishment of bimetallism. To such a bill Republican Senators can consistently and logically give their hearty indorsement and support, conscious that in so doing they are standing squarely upon Republican ground, and making an honest and sincere effort to redeem Republican pledges.

Mr. President, during all its long and splendid career, I believe there never has before been a time in the history of the Republican party when it failed to correctly estimate the necessities of the hour, or refused to respond to the just requirements of the masses of the people. At this moment, however, it seems to be wavering upon this financial question and to have been partly driven from its course by the intolerant, interested, and noisy clamor of a press largely owned and controlled by a comparatively small, but rich and powerful, class—a class that knows no party and no political creed, but which seeks by every means at its command to dominate and control all parties in its own special interest. The Republican party in the past has justly claimed to be the party of the people. It had its inception in the sacred cause of human liberty. In its time it has successfully met and solved many grave and vexed problems of government, and has made for itself a record that commands the respect and admiration of all mankind. If it should perish to-morrow, in my humble opinion it would still go down into history as the best and bravest political party the world has ever known. Bearing in mind its past grand achievements, and remembering the liberal spirit and love of justice which has ever characterized its action, I still have faith to hope and believe that when the time comes it will yet refuse to be guided in its future policy by the dictates of selfishness and greed; that it will refuse to be placed in the attitude of being the representative of the great corporate and moneyed interests of the country; that it will remember that this is still a government of the people, by the people, and for the people, and that when it meets in national convention it will put forth a platform and a candidate that shall give assurance of a just regard for the happiness and welfare of the toilers and producers of the land. If it shall do this its next victory will not be the mere passing expression of a universal discontent to be followed again by a humiliating defeat, but it will be the glad harbinger of another period of Republican supremacy whose beneficent rule shall outrival in splendor the glory of its magnificent past. [Applause on the floor and in the galleries.]

Mr. HAWLEY. Mr. President, I should like to say a few words upon one or two matters to which the Senator from Montana [Mr. MANTLE] referred. I wish to correct what is apparently a misapprehension upon the part of the distinguished Senator, who has just made a very able speech. He spoke at some length of the woolen question. I wish to read to him just a few figures.

For the seven months of the current fiscal year, that is, from the 1st of last July to the end of last January, the imports of woolen manufactures, not including carpets and some minor classes, aggregated $38,206,376. In the corresponding seven months of the previous fiscal year they were $17,500,000, an increase of $21,000,000 in the imports of woolen goods. Why? The trade journals of Great Britain will show the Senator the exultation there—I do not blame them—over the enormously increased production of woolen goods in Great Britain; and the same might be said of Belgium and some woolen centers of France.

On the other hand, I could show the Senator something from my own county which is illustrative in the same line. I have received a letter—not a whining one, for our people can bear adverse conditions—in which a woolen manufacturer says that of his 120 looms 30 are idle, and that the town, which contains a very considerable population, almost wholly devoted to woolen manufactures, is running on reduced wages and five days in the week. Of the $21,000,000 increase in the imports of woolen manufactures probable five-sixths were before that manufactured in the United States. In short, with the new act a cyclone struck us in many towns and many communities in New England.

Now, one other matter and I shall be through, although the temptation is strong to continue the discussion. I do not call to mind a single New England Senator who ever moved to take off the duty on wool or who ever voted against a duty. I do not remember one. One sits by me here, the Senator from Massachusetts [Mr. HOAR]. I know my colleague [Mr. PLATT] did not. I know the distinguished and venerable Senator from Vermont [Mr. MORRILL] did not vote to bring in wool free of duty. We have not played false. The friends of protection in New England have not played a double game on our friends of the West. We understand perfectly well their local interest in the production of wool, and we understand perfectly that whatever prospers one section of the country affects every section. We are as broad as the nation in our protective policy, and we shall try to show it hereafter.

Mr. MANTLE. There is no difference of opinion between the distinguished Senator from Connecticut [Mr. HAWLEY] and myself on that point. I am not charging anything of the sort. What I said was directed at the bill in question. I say it is unequal, inequitable, unjust, and therefore an un-Republican measure.

I do not dispute the facts which the Senator from Connecticut states; I doubt not that there is suffering, as he says; that the mills are idle, and all that, but what I say is that if a measure is to be passed here it should be a fair one, treating all sections, all interests, and all classes alike.

Mr. HOAR. Before the Senator from Montana sits down, if he will allow me, I think he said a little more than that. I think he implied that he and those who agree with him might well be justified in suspecting that the Eastern manufacturers and their representatives, if the bill which came from the House of Representatives at the present session had passed, would have been perfectly willing to have left them in the lurch, having got sufficient protection for their own manufactures.

I wish to remind my honorable friend, in the line of what the Senator from Connecticut [Mr. HAWLEY] has just said, that he can not find a New England Senator who ever failed to stand by protection on wool through thick and thin. On the other hand, Oregon has sent a free-wool Senator here; Kansas has sent a free-wool Senator here; Texas has sent two free-wool Senators here; Ohio has sent three or four free-wool Senators here. There have been

almost enough free-wool Senators from the wool-producing States voting for free wool to vote down the entire New England delegation voting for protection.

Mr. MANTLE. I think that is all true. I agree with the Senator from Massachusetts that they have supported those measures. At the same time they have supported the Dingley bill, which is an unjust measure and which discriminates against the wool-growers of the country in favor of the woolen manufacturers. But that is not the whole ground of my opposition to the Dingley bill. It is not necessary to repeat my argument. I have just stated what my views are upon the protective tariff, upon the Dingley bill, and upon the question of bimetallism. I tried to make myself plain, and I did not accuse the Senators from New England of ever having opposed a tariff upon wool. I do, however, believe that the manufacturers, the woolen manufacturers and the carpet manufacturers, of the country are really opposed to a fair tariff upon wool. I have some letters here from Judge Lawrence bearing particularly upon that question, in which he gives a correspondence with woolen manufacturers. He asked them to give their support in favor of a just tariff upon wool, and they wrote back and told him that the time had not yet arrived when that effort should be made. At the same time they are willing to accept the full McKinley rates, as I have shown, in many instances on their own product, upon their own industry.

Mr. MILLS. Mr. President, I wish to add a little to the truth of history, something that has not been said in this debate by any one of the gentlemen who have occupied the floor. It has been intimated by the Senator from Connecticut [Mr. HAWLEY] that the woolen manufacturers have suffered loss by the introduction into the country of cheaper woolen goods and cheaper wool. The fact is, and the official statistics show it, that there has been a much larger introduction of wool into the country than has ever taken place under any protective tariff. The fact is still further shown that every pound of that wool has been manufactured by American labor and has found a market. The fact is still further shown that the people of the United States have gotten their woolen goods that were imported nearly 50 per cent cheaper than they got them under the tariff that was repealed. The fact still further appears that the Government has got more revenue from the woolen goods than it has ever received under the protective tariff. The fact still further appears that wool instead of going down in price has turned back again, and the protective tariff has never added one solitary cent to the price of domestic wool in the United States. Now, my friend stated a while ago that wool had continued to fall.

Mr. HOAR. Will my friend allow me to add one fact to his list? And the fact still further appears that woolen manufacturers are failing, that the woolgrowing is stopped, and that the Government finds itself with a diminished revenue, and we have increased bankruptcy.

Mr. MILLS. No, sir; nothing of the sort. Mr. President, the woolen manufacturers are going nearer to the sheep. Some of them, perhaps, are going down in New England, but they are going nearer to where their raw material is. Woolen manufacturing is springing up in one part of the country and perhaps dying away in the other, but the fact remains that with nearly 200,000,000 pounds more wool imported into the country every single, solitary fiber of it has been manufactured by American labor, and it has given additional employment to nearly 100,000 more laborers than it hitherto did under the protective tariff.

Mr. President, a protective tariff is a protective humbug, and it has proven to be so through our whole history.

Mr. MITCHELL of Oregon. May I ask the Senator from Texas a question?

Mr. MILLS. Several of them.

Mr. MITCHELL of Oregon. I ask the Senator from Texas if it is not a fact that since the Wilson bill went into operation there has been a vast decrease in the number of sheep in Texas; and if so, how does he account for it, if he can account for it?

Mr. MILLS. I do not believe there has been a vast decrease of sheep in Texas.

Mr. MITCHELL of Oregon. The official records of the comptroller (I believe that is the name of the State official of Texas, perhaps it is auditor) show that there has been an immense decrease in the number of sheep in Texas in that time.

Mr. MILLS. The statistics are made by sheep men under the delusion that a protective tariff on wool is some benefit to them. It has been proven in the whole history of the wool tariff that wool was at a higher price in 1859 and 1860, when it was comparatively free, than it has ever been since, and it has been falling year by year from 1860 to the present time.

Mr. MITCHELL of Oregon. I do not know whether the officials in Texas are sheep men or not.

Mr. MILLS. I do not know who gathers the official statistics. I find that in the agricultural reports made up by some of these people they make a reduction in the number of sheep, but there has been no reduction in the price of wool since the last tariff was made, and you can not say that there has been. Then, if there was no reduction in the price of wool, what was the tariff upon wool for? It did not add anything to it. It added compensation to the manufacturer of wool, and compensation for a tax that he never paid.

Mr. MITCHELL of Oregon. The Democratic party had passed a free tariff bill, so far as wool was concerned, some years ago, and the election of a Democratic President had discounted the whole business before the Wilson bill went into operation.

Mr. MILLS. Somebody discounted you in 1892. Who did that?

Mr. BUTLER. This is a sham battle even before the campaign commences. I ask that Senate bill 2567 be laid before the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5161) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1897.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 249) granting a pension to Charles E. Jones;

A bill (S. 626) providing for disposals of lands on abandoned portions of the Fort Assiniboine Military Reservation, in Montana, and for the relief of certain settlers thereon;

A bill (H. R. 1141) granting a pension to Miss Mary A. Hull, dependent sister of John A. Hull, deceased, late of Company F, Eighty-first Regiment of Illinois Volunteer Infantry, in the late war of the rebellion;

A bill (H. R. 4053) repealing chapter 148 of the Supplement of the Revised Statutes of the United States;

A bill (H. R. 5083) granting an increase of pension to A. H. McLaws; and

A bill (H. R. 6644) granting a pension to Gen. John M. Thayer, United States Volunteers.

POSTAL TELEGRAPH AND TELEPHONE SYSTEM.

Mr. BUTLER. I now call up Senate bill 2567.

The VICE-PRESIDENT. The Chair lays before the Senate the bill.

The SECRETARY. A bill (S. 2567) to establish a postal-telegraph system and to enlarge the postal facilities of the people of the United States.

Mr. BUTLER. I send to the desk an amendment which I wish to have read and printed.

The VICE-PRESIDENT. The amendment will be read.

The Secretary read as follows:

Amend section 3 by striking out all of the remainder of the section after the word "service," in line 17, and inserting in lieu thereof the following:

"*Provided*, That the Postmaster-General shall establish a telephone instead of a telegraph instrument in every post-office at which, in his judgment, a telephone can render sufficient service, and effect a saving of expense to the Department. Whereas long-distance messages may be sent from or destined for a post-office at which a telephone is used, the Postmaster-General shall prescribe regulations designating the post-office using telegraph instruments to which the telephone messages in any case may be sent to be forwarded by telegraph."

Amend the title of the bill to read as follows: "A bill to establish a postal telegraph and telephone system, and to enlarge the postal facilities of the people of the United States."

Mr. BUTLER. Mr. President, the purpose of this bill is to extend, improve, modernize, and bring up to date the postal service of the United States. It directs and empowers the Postmaster-General to utilize all of the most effective agencies for the transmission of intelligence. No one will question that this bill, providing for the use of the telegraph and telephone by the Post-Office Department, will have that effect.

Bills similar to this one have been before nearly every Congress since 1866. In all more than 70 bills have been introduced to provide for equipping the postal service with the modern facilities of electric mails by the use of the telephone and the telegraph. Committees of the House and the Senate have made 18 reports on these various bills. Of these 18 reports only 2 have been adverse, while 16 of them have strongly favored the provisions of a postal telegraph. Of the 2 adverse reports, one was in 1869, and was based on the ground that the five years allotted to the telegraph companies had not expired. This was just and proper, however strongly the committee might have favored the principle of a postal telegraph. The other was a short report mildly disapproving of the bill, but not attempting to argue the matter or to give any substantial reasons against it.

The 16 reports favoring the bill are able and exhaustive. Even the most casual examination of the hearings before the committees and the conclusions of the committees thereon will convince any fair-minded man who may have any doubt as to the wisdom, constitutionality, or necessity of such a provision. These reports show beyond controversy that the present telegraph system is, first,

imperfect and slow in the delivery of messages; second, that it is too expensive, not only because the offices are too distantly removed from the great bulk of the population, but because the rates are so high that citizens engaged in legitimate industries, or who wish to correspond immediately on social or personal matters, can not afford to pay the rates except in cases of the greatest emergency; third, that the telegraph companies make no effort to establish offices for the convenience of the people, but are guided solely by whether or not any particular office will pay a handsome dividend to the company; fourth, the present system builds up a monopoly that exacts large dividends from the people on watered and fictitious stock, thereby creating a number of millionaires, who, to protect the agencies of their ill-gotten gains, use their influence and money too often to corrupt legislation; fifth, that the postal system and the telegraph system would both be better and more effective if they were combined in one and operated at cost on the principle of the greatest good to the greatest number, instead of as a private monopoly for the greatest gain to the few selfish managers without regard to the interests of the public; sixth, that the present management is not only unsatisfactory, imperfect, and dangerous, but it is absolutely unconstitutional.

The VICE-PRESIDENT. The Senator from North Carolina will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. R. 102) directing the Secretary of the Interior to open to public entry all that part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation.

Mr. PEFFER. I ask that the regular business may be temporarily laid aside in order that the Senator from North Carolina may conclude his remarks.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Senator from North Carolina will proceed.

Mr. BUTLER. I have just given a brief summary of what these 18 reports of Congressional committees on the postal telegraph show. I hold in my hand a statement by Prof. Frank Parsons, published in the Arena of January, February, March, and April, 1896, in which he condenses and analyzes these 18 reports. He quotes from them and edits them. I ask permission to have this condensed statement of the reports of these 18 Congressional committees printed as a document for the benefit of the Senate and the Committee on Post-Offices and Post-Roads in considering this matter.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. BUTLER. Let us examine the constitutional question first. I shall undertake to prove, not only by these Congressional reports, but also by the opinion of other able constitutional lawyers, by the decisions of the Supreme Court of the United States, and by the Constitution itself that this bill is constitutional, but further, that it is plainly and positively unconstitutional for Congress not to provide for the use of the telegraph and telephone as agencies of our postal system under the management of the Post-Office Department.

Section 8, Article I of the Constitution enumerates the powers of Congress. Among the powers expressly and specifically stated is the following:

The Congress shall have power to establish post-offices and post-roads.

That this is an exclusive power no one will question. It is so admitted and stated by even the extreme strict constructionists of the Constitution.

Senator John C. Calhoun, the leader of the strict constructionists, who denied to the General Government all power not clearly and expressly granted, in a report made by him as chairman of the committee of the United States Senate in 1836, said:

It must be borne in mind that the power of Congress over the post-offices and the mails is an exclusive power.

This power, as stated in the Constitution, is interpreted by the Supreme Court to mean the transmission of intelligence in any form and by any means. I call particular attention to the decision of the Supreme Court in the case of Pensacola *vs.* Telegraph Company (96 U. S., 1), in which it was held that the telegraph and telephone was within the grant of power to establish the post-offices. The opinion was delivered by Chief Justice Waite, and the court was unanimous in sustaining the same. I ask the Secretary to read an extract from the decision of the court. Here is an extract from a unanimous decision of the court declaring practically the present management unconstitutional by saying that it is constitutional and the duty of Congress to use the postal telegraph.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

The powers thus granted are not confined to the instrumentality of the postal service known or in use when the Constitution was adopted, but they keep pace with the progress of the country, and adapt themselves to the new developments of time and circumstances. They extend from the horse with its rider to the stagecoach; from the sailing vessels to the steamboats; from the coach and steamboats to the railroads, and from the railroads to the telegraph, as these new agencies are successively brought into use to meet the demands of increasing population and wealth.

Mr. BUTLER. Thus we see by the plain language of the Constitution and the expressed decision of the Supreme Court thereon that the Federal Government is a constitutional agent of the people for the transmission of intelligence.

The Government is therefore bound to use the telephone and the telegraph and any and every other improved agency that can be found in the transmission of intelligence in the most speedy and effective manner.

I ask permission at this point to insert in my remarks a very able statement as to the duty of the Government as the agent of the people in the transmission of mails to use all the new and improved agencies, from Prof. Frank Parsons, as published in the January number of the Arena.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Chair hears no objection, and permission is granted.

The article referred to is as follows:

It is a well-settled principle of law and justice that an agent is bound to be loyal to the interests of his principal, bound to execute his trust in at least as enlightened and energetic a manner as he does his own business of a similar nature, bound to use modern methods and improvements of established value in the transaction of business of the sort that has been intrusted to him. An agent to build a house would not discharge his duty by building a log cabin in the style of olden times; he must avail himself of the architectural science of the day and build a good modern house just as if he were building for himself, or better. An agent who uses one method in his own affairs and an inferior method in similar affairs of his principal is clearly neglecting his duty, to put it as mildly as possible.

Clearly the Federal Government is the agent of the people for the transmission of intelligence; clearly it ought to adopt new and better methods of transportation as advancing civilization reveals them; clearly the superiority of the telegraph has long since been revealed; therefore, clearly it has been and is the duty of the Federal Government to utilize the telegraph and telephone in the carriage of the people's correspondence. To hold the contrary, to say that Congress is not bound to adopt new methods as they are discovered and proved to be superior, is to say that it would have done its duty by continuing to carry all the mails by foot and horse, refusing the aid of steam. Any rule that would relieve Congress of the duty of using electricity in the service of the nation would equally relieve it of the duty of using steam or even horsepower in their service, and any principle that establishes the duty of the Government to use the power of steam in the people's business establishes with still greater emphasis its duty to use the telegraph and telephone.

Mr. BUTLER. On this constitutional question I want to quote on this point from no less an authority than Henry Clay. As early as 1844 Henry Clay was advocating Government ownership of the telegraph and the use of it exclusively by the Post-Office Department. He wrote as follows:

It is quite manifest it is destined to exert great influence on the business affairs of society. In the hands of private individuals they will be able to monopolize intelligence and to perform the greatest operations in commerce and other departments of business. I think such an engine should be exclusively under the control of the Government.

Mr. PEFFER. What date did the Senator give?

Mr. BUTLER. That was in 1844. Right in this connection, too, I will call attention to what Hon. Cave Johnson, the Democratic Postmaster-General under James K. Polk, said, and that was a strict-constructionist Administration. Here is what he had to say with reference to the postal telegraph in 1846:

It becomes a question of great importance how far the Government will allow individuals to divide with it the business of transmittting intelligence—an important duty committed to it by the Constitution. * * * The use of an instrument so powerful for good or evil can not, with safety to the people, be left in the hands of private individuals.

I quote now from the Report of Postmaster-General Wanamaker in 1892. In commenting on the same he says:

Almost every succeeding Postmaster-General has pressed the same question upon Presidents and Congresses. For the fourth time I urge its consideration—not for revenue to the Department, but for the public good.

* * * * * * *

I am fully convinced that the Government will never properly do the postal work committed to it until it uses electricity in some form, and therefore I advocate the utilization of both the telegraph and the telephone at the earliest practicable day. To receive letters and other mail and store them away for shipment in bulk, more or less slowly, once a day or even every hour, when a wire and a telegraph instrument for the needed quick messages, or telephone, might connect the major part of the post-offices, seems an antiquated anomaly. It is true that a large part of the mails must always go by rail, but there is another considerable part that seeks quicker transit; that does not find convenient the 10,000 railroad-telegraph offices, often distant from villages; that does not find the telegraph tariff within the reach of working people. The mail and the telegraph are the life currents of business and, to a large degree, of social life, and the private monopoly of either system must result in creating a preferred class to whom high rates may not be objectionable. The humbler citizens must do without.

It was said long ago that the telegraph must be a monopoly, and so is the postal system; but the difference is that one is operated for private gain and the other for the public good. The Government follows a settler across the plains and into the mines, and establishes a post-office in order that his family may have letters and newspapers and be more content in a frontier home. The telegraph goes where it can find paying business only; and so it fails out that only a sixtieth part of the people of the United States, owing not to the need but to the inconvenience and the charges, employ the telegraph. The post-office helps to settle, serve, and satisfy the country—literally to make the country—and of all its adjuncts the most important, that which would afford the quickest mode of communication between families near and far, apparently can not be made available in any way.

The fact is that in some respects the telegraph seems to get farther and farther away as the capital and power of the great corporation increase. Many telegraph companies have been established from time to time, but today there are but two independent companies. All but one have been in some form identified with the one corporation, and the one to be excepted, that is not yet known to have surrendered, is admittedly operated in concert with the other by joint traffic agreement. Practically, so far as the public is concerned, there is but one telegraph company, and however ready parties might be to invest capital in a company to erect lines and contract with the

Government for a low-rate limited postal telegraphic service, the fear of bankruptcy by reason of such formidable opposition debars all such enterprises. It is not alone the powerful syndicate of owners of the telegraph company that must be met and persuaded, but there are other interests connected with the telegraph business that stand out against all measures looking to a telegraphic service in any form by the Government. The growing strength of this corporation, whose capital stock is quoted in 1888 as standing at $358,700, may be better understood from the following paragraphs taken from its last annual report:

"But since the expiration of the fiscal year some action has been taken which should not pass unnoticed in this report. By order of the board of directors a meeting of stockholders has been called for October 25 instant to vote on the question of authorizing an increase of $13,800,000 in the capital stock of the company, making the aggregate capital stock $100,000,000.

"In the last previous report it was shown that the surplus earnings remaining uncapitalized on the 30th of June, 1891, was $13,015,925. It has been shown in the foregoing statements that the surplus has increased during the year covered by this report, and was, on the 30th of June, 1892, $15,174,310.94, to which several hundred thousand dollars have been added during the first quarter of the ensuing year. Of this surplus it is proposed to capitalize $13,800,000 by the issue of that amount of additional capital stock, and make the total capital stock an even $100,000,000."

The Postmaster-General then proceeds to show not only how great and illegitimate the profits of this company are, but also how the Post-Office Department was handicapped by the demand of this great agency for performing its constitutional functions.

Hon. C. A. Sumner, of California, before the House Committee on Post-Offices and Post-Roads on March 25, 1884, said:

I lay it down as a proposition that I want to have duly considered by this committee and the country that the Constitution of the United States, as interpreted by a century of unchallenged legislation, does imperatively require that the Congress of the United States shall establish a postal system. I lay it down as a fundamental proposition that the postal telegraph is a part of the postal system of the Government, the postal telegraph of the United States having been established for the purpose of transmitting intelligence between inhabitants of the land.

The Senate Committee on Post-Offices and Post-Roads of 1874, which numbered among its members such men as Hannibal Hamlin and Alexander Ramsay, said in its report on a bill similar to this one:

The Constitution devolved upon Congress the duty of transmitting all correspondence, including that by telegraph as well as that by mail.

Probably one of the most convincing statements that has been made on this question was by the Ways and Means Committee of the House in 1845. The Government had already built the first telegraph line and the question of extending the service under Government ownership as a part of the postal system was under consideration by the committee. The committee unanimously took the position that it was the duty of the Government to have the Post-Office Department to use every new and improved invention to assist in transmitting intelligence in the most rapid and effective manner, and that therefore it was the plain duty of the Government to use the telegraph, that "last and most wondrous birth of this wonder-teeming age," as an instrument for the functions of the Post-Office Department.

I ask permission to insert as part of my remarks the following extract from that able and clear statement of the case by the Committee on Ways and Means in the year 1845.

The PRESIDING OFFICER. The Chair hears no objection.

The matter referred to is as follows:

The Government is authorized and required by the Constitution to carry intelligence. The function thus devolved on the Government of performing for the people the office of universal letter carrier and news carrier is a matter of the very highest consequence in every light in which it can be viewed. The last fact that our ancestors refused to leave it dependent on individual enterprise or State control and rested it expressly in Congress abundantly attested their anxious sense of its importance and their conviction of the impracticability of realizing the requisite public advantages from it otherwise than by giving it Federal lodgment and administration. But though not anticipated or foreseen, these new and improved modes were as clearly within the purview of the Constitution as were the older and less perfect ones with which our ancestors were familiar, and there being no doubt entertained either on this point or as to the obligation of the Government to lay hold of the best and most rapid methods of transmission which the improvement of the age puts in its reach, steam power commended itself at once to adoption and has long been extensively employed both on land and water for the carriage of the mail.

It is not without full reflection that the committee insist on the principle that it was the duty as well as the right of the Government thus to avail itself, even at heavy additional expense, of the powerful agency of steam for the purpose of accelerating the mails. It would have been a gross and manifest dereliction to have permitted that vitally important concern, the transportation of the mail—a concern so anxiously intrusted by the Constitution to Federal authority—to lag behind the improvements of the age, and to be outstripped by the pace of ordinary travel and commercial communication. Such is the view which the Post-Office Department takes of its own obligation and upon which it habitually acts. To be outstripped by private expresses is deemed discreditable to the Department, injurious to the general interests of the country, and a thing therefore not to be permitted.

This great and fundamental principle upon which the Department acts (of not being outstripped in the transmission of correspondence and intelligence) led necessarily to using the steam engine in the service of the post-office, and it must and will lead with equal certainty to the adoption of any other newly discovered agency or contrivance possessing decided advantages of celerity over previously used methods. The same principle which justified and demanded the transference of the mail on many chief routes from the horse-drawn coach on common highways to steam-impelled vehicles on land and water is equally potent to warrant the calling of the electro-magnetic telegraph—that last and most wondrous birth of this wonder-teeming age—in aid of the post-office in discharge of its great function of rapidly transmitting correspondence and intelligence.

Mr. BUTLER. Judge Brown, a member of the present Supreme Court of the United States, a man who is recognized as one of the ablest members of that august body, in a leading article in the August number of the Forum, said:

If the Government may be safely intrusted with the transmission of our letters and papers, I see no reason why it may not also be intrusted with the transmission of our telegrams and parcels; as is almost universally the case in Europe.

Judge Walter Clark, of the supreme court of North Carolina, one of the ablest lawyers and one of the most profound economic thinkers in the United States, in a leading article in the December (1895) number of the Arena, said what I shall ask the Secretary to read.

The PRESIDING OFFICER. The Secretary will read as indicated.

Mr. BUTLER. I will say in this connection that Judge Clark has probably given as much thought to this question as any other man in America.

The Secretary read as follows:

Many who admit the great advantages, nay, the necessity of the telegraph and the telephone being operated as a part of the postal system are deterred by the inquiry, "Is it constitutional?" In truth it is unconstitutional for this essential branch of the postal system to be operated by a private monopoly or in any other manner than by the Government. When the Constitution placed the post-offices in the hands of the Government it conferred its exclusive operation upon the Government, and with it all means of operating it to the best advantage. The bestowal of exclusive right and duty to operate the post-offices carried with it beyond question the exclusive right and duty to use all the agencies that would make the post-office most highly efficient as such agencies, from time to time, should be improved or invented. On this principle the first telegraph line was built by a Congressional appropriation under an Administration which, by that period in its history, had become a strict-constructive Administration (Tyler's), and the telegraph belonged to and was operated by the Government from 1844 to 1846, in Polk's Administration.

Mr. BUTLER. Judge Clark in addition has prepared a very clear, yet short and concise statement as to the constitutionality of a postal telegraph, showing that it is unconstitutional for the Government not to take charge of the telegraph and telephone as instruments of the postal system, which was published in the American Law Review a few months ago. For the convenience of the Senate, and especially the Committee on Post-Offices and Post-Roads, in considering this bill, I ask that it be placed in the same Senate document with the summary of the hearings of the committee by Professor Parsons.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

Mr. BUTLER. When, under a mistaken notion of economy, the telegraph system was turned over to private ownership, Henry Clay, the great Whig leader, and Cave Johnson, the Democratic Postmaster-General at that time, were among the public men who went on record as earnestly protesting against such a step. They not only pointed out the unconstitutionality of such a course, but also called attention to the absolute necessity for the Post-Office Department to use this and every other invention that would extend the scope and increase the efficiency of the postal service of the United States.

The strong position taken by these two eminent men in public life caused Congress, when it passed the act of July 24, 1866, to reserve the right to take charge of all telegraph lines thereafter built as a Government function on demand, at any time after five years, upon payment of the actual value of the poles, wires, etc.

I ask the Secretary to read the three important provisions of this significant act of Congress, because my bill empowers the Postmaster-General to proceed under that act of Congress (July 24, 1866) as one method of establishing the postal telegraph.

Mr. CALL. Will the Senator allow me to ask him the date of that act of Congress?

Mr. BUTLER. The act was passed July 24, 1866, I will say to the Senator from Florida.

The PRESIDING OFFICER. The Secretary will read as requested by the Senator from North Carolina.

The Secretary read as follows:

The act provides in substance as follows:

"First. That Government business shall have priority of transmission over all other business and shall be sent at rates to be annually fixed by the Postmaster-General.

"Second. That the rights and privileges hereby granted shall not be transferred by any company acting under this act to any other corporation, association, or persons: *Provided*, That the United States may at any time after the expiration of the five years from the date of the passage of this act, for postal, military, or other purposes, purchase all the telegraph lines, property, and effects of any company at an appraised value to be ascertained by five competent, disinterested persons, two of whom shall be selected by the Postmaster-General of the United States, and two by the company interested, and one by the four so previously selected.

"Third. That before any telegraph company shall exercise any of the powers and privileges conferred by this act such company shall file their written acceptance with the Postmaster-General of the restrictions and obligations required by this act."

Mr. BUTLER. We can see there how careful the Government was to protect itself when it temporarily turned over the telegraph system to a monopoly. It will be observed that this act distinctly recognizes the telegraph as a governmental function

and expressly provides that the Government can take charge of any and all telegraph lines after five years whenever it sees fit for postal or other services. Therefore the bill which I have offered is not only in harmony with that act, but it is in harmony with the Constitution of the United States, which makes it the duty of Congress to provide for a postal telegraph system and for using any other new, advanced, and improved agencies that may be invented for the transmission of intelligence.

The five-year limit referred to above expired in 1871. Mr. Creswell, of Maryland, who was Postmaster-General at the time under President Grant, called the attention of Congress to the fact in his annual report in December of that year. He also urged Congress to take charge of the telegraph and use it as an agency of the Post-Office Department for extending and improving the mail facilities, and also for the purpose of putting the telegraph in reach of the people. He was surprised to find that Congress did not act on his recommendation. But he continued to investigate the matter and to recommend a postal telegraph more strongly each year.

In his annual report of 1873 Postmaster-General Creswell, after being disappointed at the inertness and indifference of Congress, says:

> There are now but two parties in the controversy over the postal telegraph—on one side the people, on the other the Western Union Telegraph Company.

That was the way in 1873 in which the Postmaster-General sized up the situation and pointed out the reason why the postal telegraph was not established. I quote his words exactly: "On one side the people, on the other the Western Union Telegraph Company." That same condition exists to-day, and Congress is here as the judge between the people and the Western Union Telegraph Company. Will our verdict be for the people and for justice, or will it be for the telegraph monopoly?

The testimony of Postmaster-General Creswell, of Postmaster-General Wanamaker, and of other Postmasters-General, in addition to the 18 reports by committees of Congress, show conclusively that we have the poorest telegraph service in the world, not a country excepted, and that we pay a higher price for this poor service than any other country pays for a better service.

But, Mr. President, there is plenty of evidence outside of the reports of Congressional committees and of Postmasters-General to prove that. Prof. Richard T. Ely, of the University of Wisconsin, who has studied the telegraph system of this country and Europe by personal investigation and experience, in the December number of the Arena for 1895 says:

> Certainly the contrast between the service in this country and the service in Germany is most painful to one who has lived in both countries. The service in this country is so defective and so irregular that frequently the telegraph is not used when it would be a great convenience. It is impossible to send a telegram and to be sure that a prompt reply will be received. The writer of this article has sent a telegram the distance of some 400 miles, and has given the telegram a start of twenty-four hours, and then taken a train and arrived at the destination on the same day on which the telegram was delivered. This is by no means an isolated experience.
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> So far as the writer's experience goes, it is seldom that a telegram is received in the United States which in spelling and every other particular is absolutely correct. Whereas he does not remember to have received a telegram in Germany in which there were any mistakes whatever. Why this should be the case is apparent when one visits the telegraph offices in both countries. Experienced and tried men, with comparatively short hours, are employed in Germany; while in the telegraph offices of this country one finds very young lads, and they are frequently overworked.
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> The telegraph service in the United States is poor because the offices are so frequently closed. A few years since, when it was of virgin importance that a telegram should be sent from Richmond, Va., not an office could be found open until 7 o'clock in the morning. Offices are closed on the whole or a great part of Sunday. No one will be hypocrite enough to pretend that this is due to any scruples with regard to the observance of Sunday. It is simply due to pecuniary consideration. The convenience of the public is lightly considered and neglected, when it does not bring in any net returns to minister to this convenience. A comparison with the post-office is again to the disadvantage of the telegraph, although the telegraph service is more urgent. When it is remembered that telegrams so often deal with matters of life and death, even the strictest Sabbatarian must acknowledge that there is strong reason why telegraph offices should be open every day. The service of the United States is poor because the number who are accommodated with the convenience of a telegraph office is far smaller than it should be. The Post-Office Department plants a post-office even in rural districts, and attempts to provide all of the people with postal facilities at a uniform rate of postage. Every post-office should be at the same time a telegraph office, and might be one if the telegraph were a part of the postal service.

There are 70,000 post-offices in the United States, but there are only 21,000 telegraph offices. True, the report of the company shows over 21,000 offices, but inasmuch as there are often in cities three or four telegraph offices around one post-office, it may be safely estimated that for the purpose of this comparison there are only 15,000 telegraph offices in the United States; that is, that only 15,000 post-offices have telegraph offices near them, while there are 55,000 country post-offices with no telegraph office nearer than, possibly, the county seat, and often none at county seats. If the Post-Office Department should use the telegraph and telephone as a part of the postal system, then a telegraph or a telephone could be put in every one of these 70,000 post-offices, and the cost of each message could be reduced to one-fourth what it now costs.

Some may question that statement, but after a careful examination of the reports of these committees and an investigation as to the management of the telegraph in other countries I feel safe in repeating that the cost can be reduced to one-fourth, and besides, telegraph operators could be paid better wages, the messages could be sent with more rapidity and accuracy, and 69,000,000 people who do not now use the telegraph would at once have this great lightning mail facility extended to their doors at a cost within the reach of all. All of this can be done at a less cost to the American people than the present imperfect private monopoly system.

Not only that, but I say, Mr. President, that if the Post-Office Department would take charge of the telegraph and telephone and put them in every post-office in America, they could reduce the cost and still make enough money to give free rural mail delivery to every home in the United States. The Postmaster-General says that would cost $20,000,000. Take his estimate as correct, and I stand here and challenge contradiction when I say that the Government can use the telegraph and telephone and reduce the cost and still make enough revenue for the Post-Office Department to give every home in America the same free mail delivery that the people in the cities and towns now get. That is, we can extend the telegraph or the telephone to every one of the 70,000 post-offices and reduce the cost of messages, and, in addition, have a special free rural mail delivery, without any extra cost to the people. What a wonderful improvement this would be! Will Congress do it, or will it ignore the Constitution and the people in the interests of the telegraph monopoly?

In 1870 England took charge of the telegraph as a part of her postal system. "Extortion, error, and inadequacy" were the charges which Gladstone brought against the private telegraph monopoly; and under his leadership Parliament took charge of the telegraph as a Government function. At once the Government doubled the number of offices, and extended the service to every quarter of the Kingdom. Not only this, but the rates were reduced one-half. What was the result? While the private monopoly owned the telegraph only 1 telegram was sent to every 121 letters. Under the Government management the number of telegrams increased 600 per cent; that is, that 1 telegram was sent for every 23 letters. In this country, where the people have more need for rapid communication over great distances than in the Old World, it is safe to estimate that the number of telegrams would increase to ten times the present number if it were used as a public function, at cost, for the public good. Every country in Europe uses the telegraph as a government function and as an agency of the post-office department.

In this connection, Mr. President, I want to ask to have printed, not as a part of my speech, but as an executive document, a report made by our consul at Southampton, England, in consular reports for April, 1895. I do not desire to have the whole report published; but Judge Clark, of my State, has condensed and edited it, and in the form in which he has condensed and edited it and published it in the Arena of August, 1895, it is very instructive and readable, and I will ask that it be printed with the other two documents for the convenience of the Senate.

The PRESIDING OFFICER. The Chair hears no objection, and that order will be made.

Mr. BUTLER. Mr. President, the usual rate for a telegram in England is 10 cents for 20 words and one-half a cent for each additional word. It may be charged by some that the distances are shorter in Europe than here, but the fact is that the rate per mile in Europe is less than one-half of what it is in this country; and there, where messages have to go over a great distance they have to be transferred from one Government system to another in passing over different Kingdoms, which adds to the cost. Here each message would be conveyed by the same system, which would enable us to send a message perhaps 50 per cent cheaper per mile than in Europe—that is, under Government management, a message could, in this country, be sent for one-fourth what it now costs under private monopoly.

Postmaster-General Wanamaker testified before the Bingham committee—one of the committees to which I have referred—that a message of 20 words could now be sent to any and every point in the United States at the uniform rate of 10 cents. We are now charged 25 cents for 10 words for even the shortest distance, and as the distance increases the cost increases. A few days ago I sent a message of 10 words to Chicago. It cost me 68 cents. About 5 cents of that amount went to pay for operating expenses, etc. The other 63 cents went to make up the enormous dividend of 300 per cent on watered and fictitious stock. Five cents went to labor and legitimate business. Sixty-three cents went as a tribute to the Goulds, the Astors, the Sages, the Vanderbilts, and other multimillionaires who run this monopoly as a millionaire machine. Postmaster-General Wanamaker testified that the profits of this telegraph monopoly were so enormous that a man who invested $1,000 in Western Union Telegraph stock is now drawing at least $3,000 a year in profits from that $1,000 invested.

Is there any other business in the world that pays $3,000 profit in the year on $1,000 invested? Yet Congress sits still, seeing that agency used by that tremendous private monopoly, while the Post-Office Department and the people suffer thereby. Would any man outside of a lunatic asylum allow his business to be run without the benefit of the latest improvements? Would any telephone company to-day attempt to do business without using the latest inventions to assist in sending telephone messages? Yet the Government, which is given the exclusive duty under the Constitution of transmitting intelligence, uses simply the old and antiquated methods, and allows private monopolies to come in and use all the new improvements in competition with it. It is worse than that. The Government allows a private monopoly to take absolute control of the fastest and swiftest and most wonderful agency that could be used for the transmission of intelligence to the people and use it for private gain without any regard to the interests of the public. Private monopolies use exclusively the telegraph and telephone, the most rapid agencies for the transmission of intelligence, to multiply millionaires, while the Post-Office Department and the public suffer thereby. Is this the will of the people or is it the will of monopoly? Is this the rule of the people or the rule of monopoly?

This testimony of Postmaster-General Wanamaker shows where 63 out of the 68 cents went that I paid on one telegram. It was to make $3,000 profit on $1,000 of investment.

At this point I will ask to insert an extract from Postmaster-General Wanamaker's testimony.

The PRESIDING OFFICER. The Chair hears no objection, and that order will be made.

The extract referred to is as follows:

> Because of the manifest advantage to the country at large in the use of the post-offices for a quicker communication, not possible now in any other way than with the electric current, I hoped for some of the public spirit shown to the mail service by the railroads. But it appears that neither reduced rates nor conveniences are made by the telegraph companies except under the compulsion of competition. The influence and power of these corporations and, with some encouraging exceptions, the members of the press associations dependent upon them are, if not openly antagonistic, silently opposed to these conveniences that can only be obtained through the operations of a Government service that treats all people and all localities exactly alike.
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> It may be said that operators are paid more in this country than in foreign countries, and that that is a reason why rates should be higher. But the fact is known that American operators perform double the amount of work usual for operators abroad. The bankers and the speculators, who, it is stated, are the principal clients of the telegraph companies, may be content with present rates, but the resolutions of boards of trade, chambers of commerce, and working people's organizations sent to the Department show that business people generally, and wage people almost wholly, are far from being satisfied. And from the best information I have I believe that a telegraph company could make a great deal of money on a uniform 25-cent 20-word message to all parts of the country.

Mr. BUTLER. The Postmaster-General goes on to quote from the annual reports of the Western Union Telegraph Company to show how the stock of the company has been watered from a small amount up to over $100,000,000, and that, in addition to the large dividends declared on this watered stock, the new lines built by the company are not from additional capital invested but from the enormous earnings of the company.

The Western Union Telegraph Company, though it draws such enormous dividends on the little amount of stock actually invested, probably treats its employees more niggardly than any other corporation in America. It now works its operators from nine to sixteen hours a day, and pays them only about $40 per month on an average. No matter how long a man works for the company or how great his merit, his salary is never increased. If he complains and asks for higher wages, he is dropped and some boy, often with little experience, is substituted in his place at less pay. Hence it is that we see such a large number of small boys in the service of this monopoly, and simply because they can grind the life from them at less cost than from older and more experienced men. The policy of our Government with reference to the clerks in the Post-Office Department is exactly the opposite. The object of the Government is not only to pay fair prices for labor, but to increase wages upon the merit system. A postal clerk under the Government gets an average of $84 per month, and works only eight hours per day. The same policy could be pursued by the Government under a postal telegraph system, paying the laborer a better price, reducing the number of hours of work, promoting the employees on merit, and at the same time saving millions of dollars annually to the people. Under the present system the people get a poor service; the employees get small pay, while the telegraph monopoly draws from the people millions of dollars on fictitious and watered stock. The Post-Office Department does not charge high rates and overwork and underpay its employees to make millions; but this is just what would be done if it were run by a private monopoly for private gain.

Postmaster-General Wilson is one of the few Postmasters-General who oppose a postal telegraph. He gave his objections in the January number of the Arena. They are, in substance, as follows:

First. The postal telegraph would not pay. And in this connection he intimated that it would be better—I do not think I misunderstand him; I think it is plainly intimated—if the Post-Office Department should be turned over to the hands of the telegraph monopoly or the express company instead of being run by the Government. This is an alarming statement, coming from one who is supposed to be placed on guard as the trusted representative of the people over this great and important function of the Government.

The second objection is that there is no popular demand for it, because the telegraph is used chiefly for business purposes and by the newspapers, and not for correspondence. This last statement, that the telegraph is not much used by the public generally, I regret to say, is true; but it is due, as the Postmaster-General is bound to admit, to the management of the Western Union Telegraph system, and therefore is one of the strongest arguments against the present system and in support of a bill like the one which I have offered. He forgot to state that the same thing existed in Europe while private monopolies owned the telegraph; but that as soon as the governments used this great agency as a government function the tables were turned, and instead of 8 per cent of the telegrams being for social correspondence 60 per cent of the telegrams, under low rates and proper management and extended facilities, were at once used by the people. These are matters of record.

Third. The Postmaster-General concludes with the old threadbare veil behind which monopoly has so long hidden and thrived, that the Government should not do anything for the people that it could keep from doing.

I think that is a fair interpretation of the last objection of the Postmaster-General. According to his idea, we should allow private monopolies to run the asylums, because certainly it can be done by private individuals if they can find some way to make profit out of it; we should abolish our public-school systems, and let them be run by monopolies; we should abolish our jails and courts, because can not each man protect himself after some kind of a brute fashion? A man can protect his personal liberty without the help of the courts or police officers as well as he can protect himself against the telegraph monopoly or any other monopoly, and better, too.

On the same reasoning it would be just as sound to say that the jails and the courts should be left to private management. On the other hand, I hold that the correct theory is that the Government is simply an agent of the people to do for all of the people what can be better done by a public agent than by each private individual in his own behalf. I challenge contradiction of that statement as being the correct theory of a republican form of government. Those businesses which affect society in general, standing on the same plane with that duty of the Government for wanting peace and the preservation of law and order, should not be intrusted to individual management, judgment, or patriotism, but should be performed by the agent of all the people, for the benefit of all the people alike. That agent is the Government, and if this be not correct, then you need no Government.

Corporations want dividends; the people want a good service at low rates. Therefore no monopoly per se should ever be placed in the hands of a private corporation; but should in every case be used as a Government function for the public good. Thomas Jefferson and the other leading patriots who formed our Constitution and laid down the chart for our future liberty were uncompromisingly opposed to all kinds of monopolies. They considered monopoly the greatest menace to liberty and the deadliest foe to free institutions. They took the position that any business that affected all or a great portion of the people under circumstances where there could be no successful competition by men of small means was a Government function, and should be owned and operated by the Government at cost for the benefit of all of the people alike.

They were not only opposed to all monopolies, but they were unalterably opposed to allowing private individuals or corporations to have charge of or control any business that was a monopoly per se. They foresaw that private corporations would run such a business, not for the benefit of the people, but would take advantage of their monopoly to bleed the people for the benefit of a few. They knew that this would result in a poor and imperfect service for the people at a very high cost, and besides be a constant and growing menace to good government. The postal system of this country is a monopoly per se. Therefore, for this reason the framers of our Constitution decided that the postal system should be owned and operated by the Government instead of by private corporations. It could not be operated by private corporations except as a private monopoly itself, a monopoly by nature. Therefore it is the duty of the Government to use it as a Government function.

If the same parties who are now managing the Western Union

Telegraph Company had charge of the postal system it would cost no less than 10 cents, and probably more, to send a letter where it can now be sent for 2 cents under Government management. And, besides, the people could not get a post-office or a mail line where they needed it until they convinced the mail monopoly that such an office and such a postal line would independently pay a profit into the pocket of the private corporation, or until the people could be forced to vote by townships and counties to tax themselves to issue bonds to raise thousands of dollars to give to the mail monopoly as a bonus, as the people now often have to do to get a telegraph line or a railroad for their community.

I wish to repeat that statement. No community could get a post office or star route run into it if the mail were in the hands of a private monopoly until they convinced the private monopoly that that special post-office out in that special neighborhood would pay expenses. Then the people in a majority of the country districts would not get a post-office until they raised money by taxation and gave it as a bonus or a subsidy to the mail monopoly to establish a post-office in their community. Nobody will question that, for that is exactly what every corporation does to-day which is situated in the same way with reference to the transmission of intelligence or of freight and passengers.

Had it not been for the wisdom, the foresight, and patriotism of our forefathers we would to-day be cursed by a tremendous mail monopoly which would be daily absorbing the substance of the people on one hand and building up another class of haughty and oppressive millionaires on the other hand, who would probably be styled "postal kings." Yes; if the Post-Office Department were to-day in the hands of a private corporation over one-half of the citizens of America would be even without the facilities of a post-office. Half of them would have to ride ten miles at least to mail a letter, and then pay five or ten times as much as they pay now.

But this is not the worst side of such a system of private monopoly, for when the people would begin to complain of bad and expensive management of the mails under private operation and call upon the State legislatures and Congress to regulate the price of postage and to correct said abuses those postal kings would at once begin to dispense franking privileges to every prominent politician who would take them, a kind of free pass for their letters, as the telegraph monopolies now dispense to politicians and to legislators when they will take them. I would not be surprised if the telegraph monopoly has offered a frank to every member of Congress. Certainly then the mail monopoly, if we had one, would offer its franks.

Not only this, but the postal kings in the next campaign would use a part of the millions they had wrung from the people to try to defeat every honest candidate for any legislative branch of the Government; and if perchance a majority should be elected against them they would send a hired horde of lobbyists to our legislative halls to try to defeat the will of the people. The people might by a supreme effort overcome the corrupt use of money in the elections and in the legislative halls and get some law passed for their protection, or they might even get a postal commission established with full power to regulate the price of postage, with full power to force the mail monopoly to establish new offices and postal lines where necessary, and to deliver the mail oftener and in a manner more convenient to the people; but from some cause, whether from a want of courage or because the postal kings manage to make friends with them, such a commission would probably never rise to the point of correcting the abuses or forcing the monopolies to do justice. But even if the members of the commission should be pure and incorruptible men and should attempt to execute the law and do their full duty, what would happen? A lot of newspapers, which would be owned and run by the postal kings, would at once begin a tirade of abuse and misrepresentation. They would brand the members of the postal commission as anarchists, and make many good men believe that the members of the commission were bad and dangerous men.

Is this not exactly what the railroad corporations, telegraph monopolies, and express companies are doing to-day? If it was necessary for the Government to own and operate the postal system to give the people a good mail service at cost, to protect their rights, and to prevent the creation of rich monopolies who attempt to corrupt the Government, then is it not criminal in us, the sworn representatives of the people, to allow a private monopoly to take, usurp, and use the greatest and most powerful agency necessary for the equipment and perfection of the postal system? We are allowing a private monopoly not only to use the most powerful and profitable agency for operating an effective postal system, but we are allowing it to use it for private gain. We are allowing them to misuse it, I may say, while the post-office of the people suffers thereby.

The policy of our Government in managing the post-office is to try to extend facilities to every corner of the country, whether or not a special post-office on the frontier or in a farming community pays. In fact, whether or not the amount of mail carried to one office is one-tenth enough to pay its expenses, it has been the policy of our Government to try to extend its facilities to every portion of our country and to every class of our people. Is this the policy that any private monopoly follows? Is there a single monopoly in America of any kind which is moved by such a motive? No. On the contrary, the Western Union Company do not establish a single office unless they think that the office will pay not only expenses but also a rich dividend in addition by itself.

The Government maintains post-offices and post lines in sparsely settled communities. How? By the profits it gets by maintaining post-offices in thickly settled communities. That is the true theory, to take the profits that are made from operating mails in thickly settled communities and pay the expenses of operating the mail system where it will not pay more than one-tenth of its cost.

Now, should we have our telegraph and telephone systems managed on the same just and equitable plan as the Government post-office? Which theory is correct? Which is the more conducive to the happiness and the welfare of the people? That is the question for Congress to answer.

But instead of Congress trying to bring the improved agency of the telegraph on the same plane as the post-office, I regret to say that there are some evidences that there is a growing sentiment among a few—I hope only a few—to try to change the post-office system to the low monopoly plane of the Western Union Telegraph system; that is, to try to bring the Post-Office Department to the principle of not extending mail facilities except where that special line will pay. It seems to be the purpose to have the Government mail facilities operated on the principle of a private monopoly.

There is now pending at the other end of the Capitol a bill which I am afraid is a step in this direction. It is known as the Loud bill. It seems to be a first step. It proposes to deny to certain newspapers and periodicals the privilege of passing through the mails at second-class postage rates. The argument which is advanced to support this bill is that each kind of matter carried through the mails should be set off to itself, and a separate account kept with it, and made to pay expenses by itself without reference to the other matter sent through the mails. As I said, I fear that this is but the first step, and if it is not checked here and now that the next step will be to discontinue every mail line in country districts the receipts from which are not great enough to pay the operating expenses.

If the theory of the Loud bill is correct, then on the same reasoning you can discontinue every post-office in the country that is not self-sustaining, as well as every postal line. It is passing strange to hear men who advocate such measures basing their arguments on the ground of their great desire and interest in seeing the Post-Office Department made self-sustaining. They say they fear the people will be taxed to support the post-office and that we should cut down its expenses in some way.

I take this opportunity to warn the people from ocean to ocean that this measure known as the Loud bill can not result in any good to the people. It can not result in the diffusion of intelligence, but is bound to result in checking it. There may be more in it than we see on its face. At any rate, as I said, it is the first step backward—the first step in the wrong direction. The theory on which it is based is vicious and dangerous. If it passes other bills will be sure to follow on that line.

Mr. President, I do not charge that the bill is prompted in the least by monopoly, but one thing is clear, that such a bill would result to the benefit of the monopolies and to the detriment of the people. It would be a deathblow to small newspapers and cheap current literature and the dissemination of intelligence among the poorer classes of our people. But the monopoly newspapers would not be affected by such a bill. In this connection I wish to say that such a bill would break down competition for monopoly papers and practically give them a monopoly of the field if it is carried out to its full extent. Mark you, the telegraph system is now used so that the people can not avail themselves of information through it in a popular sense, and now a step is taken to deprive the people of even the slow and antiquated method used in the Post-Office Department for getting their information unless they take it from such papers as can get through the Post-Office Department under these regulations.

One of the greatest reasons why the telegraph should be used as a part of the Government postal system is to reduce press rates so that every newspaper in the country could receive each night telegraphic dispatches at a low rate and publish the news from one end of the country to the other each morning contemporaneously with the big papers in the large cities of the country. To-day this vast monopoly has its crushing and blighting grip upon the intelligence and news of the country. A paper in California should be able to get from its special correspondent in Washington the telegraphic dispatches from this point as cheaply as a paper in New York. Not only that, but opportunity should be furnished dozen of rival news agencies to gather the news and

send it over the wires in competition with each other and at low rates from one end of the country to the other. It is impossible to do it now.

No people can defend their liberty unless they are intelligent; no people can be intelligent if false statements are given to them as facts, if news is suppressed or perverted, because then they cast their votes, acting on wrong premises, to enslave themselves and enthrone monopolies. The present telegraph system operates to this end, if not for this purpose. To-day, therefore, the liberty as well as the perpetuity of this Government depends upon tearing the hands of greedy and oppressive monopoly from the information and intelligence of the country and allowing the people the freest, cheapest, and widest possible use of the most rapid agencies for communicating intelligence.

I wish in this connection to call attention to a part of Postmaster-General Wanamaker's report for 1892, page 29, where he said that the postal telegraph is vastly more important to the people than subsidies for fast mails. I call attention to this fact, because it was only last Tuesday that the Senate by a large vote granted a special subsidy to one railroad line for the purpose of fast mail in the face of the statement of the Postmaster-General that such a subsidy is not necessary, in the face of the statement of the Postmaster-General that the subsidy of $196,000 would not add to the efficiency of the postal service. Yet the Senate voted that subsidy, and the reason given was that the Postmaster-General might be wrong and that it might increase the mail facilities and give the people in New Orleans mail from Boston a few hours sooner.

Now, I offer a bill which will reduce the time of the mail from forty-eight hours to forty-eight minutes, and if fast-mail facilities constitute a controlling influence and if the necessity for fast-mail service is the reason why that much money was voted under doubtful conditions, then how can we refuse to vote for a bill to reduce the mail from hours to minutes, that can give the people intelligence in forty-eight minutes instead of forty-eight hours, and at a cost within the reach of all? It is true that there is one monopoly opposed to such action, but surely the wishes or interests of that monopoly will not keep us from giving the people the facilities of a very fast mail.

It is an outrage upon civilization that one of the greatest inventions of all ages should be permitted to be captured by corporate greed, kept out of reach of the great mass of the people, and reserved for uses in which the business of gamblers form the chief part, and even given the priority of transmission over all other business. A company that manages the telegraph with such little wisdom and public spirit ought not to be allowed to control it. Franklin interceded with Heaven to secure the use of the lightning as a servant of the people; but behold, this last gift of Heaven has been wrested from the people and seized by a monopoly—a moneyed aristocracy—and used as their servant for private gain. Think of it. Fifty years since the lightning was harnessed to language and literature, and the people can not even yet avail themselves of the discovery; fifty years, and gamblers are still the main beneficiaries; fifty years, and Wall street is still in possession, and a great Government lying apparently helpless to take charge of it and use it for the common good.

Yes; it is as true to-day as it was in 1873, when Postmaster-General Creswell said that there were but two parties to this question. On one side are the people, and on the other is the Western Union telegraph monopoly. The case is before Congress; we are the sworn representatives of the people. Will the verdict be in favor of the selfish profits of this most monstrous monopoly, or will it be to give the people their constitutional rights?

Mr. President, I ask that the bill with the amendment and this Senate document which I have asked to be printed be referred to the Committee on Post-Offices and Post-Roads.

The PRESIDING OFFICER. It will be so referred.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I ask that the Indian appropriation bill be now proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

Mr. PETTIGREW. I wish the Senate would revert to and dispose of the reserved amendment on page 28. It is a committee amendment. I think we might as well dispose of it now as at any other time.

The PRESIDING OFFICER. If there be no objection, the amendment indicated will be stated.

The SECRETARY. On page 28, after the word "dollars," in line 19, the Committee on Appropriations report to strike out:

Provided, That the sums of money mentioned in this and the preceding paragraph shall be paid to said Indians by an officer designated by the Secretary of the Interior.

Mr. JONES of Arkansas rose.

Mr. HOAR. Before the Senator from Arkansas proceeds, will he allow me for one moment? Yesterday I moved to strike out the provision that the members of the commission proposed on page 50 should be of different political parties. The motion which I made to that effect was lost. Then it was followed by another provision in the bill that the Secretary of the Interior should make certain negotiations with other Indian tribes, and I proposed, rather as a method of reductio ad absurdum, a provision that he should also associate with himself some person of a different political faith from his own. That was adopted by a very thin Senate. I did not suppose it would be adopted when I moved it. It was a way of showing what I thought was the unreasonableness of the position on the other side. I should like to have the amendment reconsidered before the Senate proceeds with the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment on page 28, reported by the committee, which has been stated.

Mr. PETTIGREW. At the request of the Senator from Arkansas [Mr. JONES], we will pass over this amendment. I withdraw any objection to rejecting the amendment to the amendment adopted yesterday on motion of the Senator from Massachusetts [Mr. HOAR].

Mr. HOAR. Let the amendment to the amendment which I moved be reconsidered.

Mr. JONES of Arkansas. The other amendment can be disposed of in a second. I requested that the amendment on page 28 should go over on account of the absence of the Senator from Wisconsin [Mr. VILAS]. I hope it will not be taken up until his return unless, in the meantime, the bill shall reach its final stage.

The PRESIDING OFFICER. The amendment referred to by the Senator from South Dakota [Mr. PETTIGREW] and the Senator from Arkansas [Mr. JONES] will be passed over, if there be no objection. The Chair requests the Senator from Massachusetts [Mr. HOAR] to restate his motion.

Mr. HOAR. On page 3175 of the RECORD——

Mr. PETTIGREW. Page 51 of the bill.

Mr. HOAR. I ask the Senate to reconsider the vote by which it agreed to the amendment to the amendment inserting in line 1, page 51, the words "associating with himself some other person of different political faith from his own."

Mr. PETTIGREW. I have no objection to having those words stricken out.

Mr. HOAR. It is merely to reconsider the action of the Senate.

The PRESIDING OFFICER. By unanimous consent, the vote by which the amendment to the amendment was agreed to will be reconsidered. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

Mr. ALLEN. I ask the Senator from South Dakota to allow the amendment which I offered yesterday to the amendment on page 33 to be amended so as to use the word "woolen" in the amendment wherever the word "flannel" occurs. The amendment I offered, which was accepted yesterday, has not been printed. It was an amendment to the committee amendment appearing in lines 1 to 3 on page 33 of the bill.

The PRESIDING OFFICER. The Chair understands that the amendment to the amendment was adopted yesterday by the Senate.

Mr. ALLEN. Yes, sir; but I wish to have this correction made. The amendment to the amendment which was adopted yesterday uses the word "flannel" in speaking of certain clothing. The treaty of 1889 calls for woolen clothing, and I wish to have the word "woolen" used in place of the word "flannel" in the amendment to the amendment.

Mr. PETTIGREW. I accept the modification. I think that is what the Senator from Nebraska intended.

The PRESIDING OFFICER. By unanimous consent, the modification indicated will be made in the amendment of the committee as amended.

Mr. PETTIGREW. I wish to dispose of the amendment I offered yesterday to the amendment of the committee on page 51. It has been printed.

The PRESIDING OFFICER. The Secretary will read the amendment to the amendment.

The SECRETARY. On page 51, in lieu of the amendment of the committee embraced in lines 16 to 20, inclusive, insert:

For the survey of lands in the Cheyenne River and Rosebud Indian reservations in South Dakota, the sum of $20,000, to be immediately available; and the Commissioner of the General Land Office is hereby directed to survey the lands embraced in said reservations.

For examination in the field of the survey of lands within the Cheyenne River and Rosebud Indian reservations in South Dakota, under the direction of the surveyor-general, including clerical work in the office of the surveyor-general, the sum of $6,000.

Mr. JONES of Arkansas. Let the amendment be read again. I do not understand it exactly.

The PRESIDING OFFICER. The amendment will be again read.

The Secretary proceeded to read the amendment, and was interrupted by

Mr. JONES of Arkansas. That is sufficient. I do not care for a full reading.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from South Dakota [Mr. PETTIGREW], proposed as a substitute for the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. PETTIGREW. I should like to dispose of the paragraph at the bottom of page 50 which was reserved yesterday.

The PRESIDING OFFICER. The amendment of the Committee on Appropriations at the bottom of page 50 will be stated.

The SECRETARY. The Committee on Appropriations report, on page 50, at the beginning of line 15, to strike out "to enable the Secretary of the Interior" and insert:

That the President of the United States is hereby authorized to appoint a commission to consist of three persons, not more than two of whom shall be of the same political party, and not more than one of whom shall be resident of any one State.

The PRESIDING OFFICER. The Chair understands that the Senator from Massachusetts [Mr. HOAR] has an amendment pending to this amendment. The amendment to the amendment will be stated.

The SECRETARY. Amend the amendment of the committee by striking out, in lines 17 and 18, the words "not more than two of whom shall be of the same political party."

Mr. WILSON. The form of the amendment of the committee is an old form, and it has been used upon several occasions. When the Puyallup Commission was created we used the same language that the committee has used here. I understand, however, that the amendment to the amendment will not be pressed.

Mr. HOAR. I do not want this very vicious principle of legislation to pass when I am present without protesting against it. I think the idea of dividing the commission on such a matter between two political parties is utterly vicious. It recognizes the spoils system in the most offensive way to say that each party must have a member on a public commission. There is no reason why politics should be considered in this matter at all. The bill puts some of these matters into the power of the Secretary of the Interior, who is to make the negotiation himself; others are put into the hands of a commission, and others are made through single officers who are to be sent out.

Why we should treat the public service of the country in this way I can not understand. I have always raised my voice against such provisions when they have come under my notice, and in several instances they have been stricken out by the Senate by general consent. As this is a comparatively unimportant matter and the Senate is thin, and to force a yea-and-nay vote on it would delay the bill for half an hour and compel a call of the Senate, I shall not press a vote on the amendment to the amendment at this time, but will abandon it.

The PRESIDING OFFICER. The Chair understands that the Senator from Massachusetts withdraws his amendment to the amendment. Therefore the question recurs upon the amendment reported by the committee.

The amendment was agreed to.

The next amendment of the Committee on Appropriations passed over was, on page 50, after the word "desirable," at the end of line 22, to strike out "by said Secretary of the Interior"; so as to make the paragraph read:

That the President of the United States is hereby authorized to appoint a commission to consist of three persons, not more than two of whom shall be of the same political party, and not more than one of whom shall be resident of any one State, to negotiate with the Yakima Indians in the State of Washington for the surrender of a portion of their reservation lands, and for such modification of existing treaties as may be deemed desirable, any agreement thus negotiated being subject to subsequent ratification by Congress, $6,000, or so much thereof as may be necessary.

The amendment was agreed to.

The PRESIDING OFFICER. On page 51 the Senator from Utah [Mr. CANNON] proposed an amendment to the amendment of the committee, which will be read.

The SECRETARY. At the end of the committee amendment, line 13, on page 54, insert:

And a majority of the members of any board or commission to be paid from this appropriation shall be appointed from bona fide residents of the State or Territory in which is located the particular reservation concerning which such board or commission is appointed to negotiate.

Mr. PETTIGREW. I accept the amendment to the amendment.

Mr. JONES of Arkansas. The amendment of the committee was adopted yesterday, and I understand an amendment now offered to it is not in order.

Mr. PETTIGREW. The whole paragraph was reserved when the amendment to it was offered yesterday. The question was not disposed of because of the fact that there was not a quorum present.

Mr. JONES of Arkansas. I did not think that the reservation covered the amendment of the committee on page 51. I should like to have the amendment again read.

The PRESIDING OFFICER. The amendment to the amendment will be again read.

Mr. JONES of Arkansas. Let the whole amendment be read if we are going to amend an amendment.

Mr. PETTIGREW. I think the Senator will distinctly understand it if the amendment to the amendment is read without reading the amendment of the committee. It is to come in at the end of the paragraph.

Mr. JONES of Arkansas. I should like to have the whole paragraph read if we are going to amend it.

The PRESIDING OFFICER. The Secretary will read the amendment reported by the Committee on Appropriations.

The SECRETARY. The committee report to insert the following, beginning at line 1, on page 51:

To enable the Secretary of the Interior to negotiate with the Uncompahgre tribe of Indians, and with the Indians residing upon the Uintah Reservation in the State of Utah and with the Indians residing upon the Fort Hall Reservation in the State of Idaho, and, in his discretion, with any other Indians, for the surrender of any portions of their respective reservations, or for such modification of existing treaties and agreements as may be deemed desirable by said Indians and the Secretary of the Interior, $15,000; and all agreements made for the purchase of the unallotted lands in any Indian reservation shall provide a fund for the payment of taxes upon inalienable allotments, but no agreement made shall take effect until ratified by Congress.

The PRESIDING OFFICER. The amendment of the Senator from Utah to the amendment of the committee will now be read.

The SECRETARY. It is proposed to add to the amendment just read the following:

And a majority of the members of any board or commission to be paid from this appropriation shall be appointed from bona fide residents of the State or Territory in which is located the particular reservation concerning which such board or commission is appointed to negotiate.

Mr. CHILTON. I did not understand the Senator from South Dakota to reserve the right to bring this question up at any time. I supposed that when he said it would be passed over he meant that we would pass over it until the clerks had finished the reading of the bill, and that we would then go back and take up this amendment.

Mr. PETTIGREW. These questions were passed over yesterday because it was apparent there was not a quorum then present——

Mr. CHILTON. I did not so understand it.

Mr. PETTIGREW. And a vote was demanded upon the question. However, I am willing that it shall go over, if the Senator from Texas desires.

Mr. CHILTON. I think it had better go over until we act upon the other amendments.

The PRESIDING OFFICER. If there is no objection, the amendment of the committee and the amendment offered by the Senator from Utah to the amendment will be passed over. The amendment which was pending at the time of the adjournment yesterday will be stated.

The SECRETARY. The Committee on Appropriations report to insert, on page 55, after line 3, the following:

That the claim of the Fond du Lac band of Chippewa Indians of Lake Superior for compensation arising from the difference in area of the reservation as actually set apart to them and that provided to be set apart under the fourth subdivision of article 2 of the treaty between the United States and the Chippewas of Lake Superior and the Mississippi, made and concluded at Lapointe, in the State of Wisconsin, on the 30th day of September, in the year 1854, proclaimed January 29, 1855, be, and the same is hereby, referred to the Court of Claims; and jurisdiction is hereby conferred on said court, with right of appeal as in other cases, to hear and determine the same and to award judgment against the United States for the difference between the area of the reservation actually set apart to said Indians and that provided to be set apart in said treaty, if any, at the rate of $1.25 per acre, the said action to be brought by the said Fond du Lac band of Chippewa Indians against the United States by petition, verified under oath by any duly authorized attorney for said Indians, within thirty days from the passage of this act; and the Attorney-General shall appear and answer said petition within thirty days from the filing thereof, unless the time for pleading be extended by the court for cause shown; and said action shall have precedence in said court.

Mr. JONES of Arkansas. I should like to ask the Senator in charge of the bill a question for information. This proposed amendment reads:

And jurisdiction is hereby conferred on said court, with right of appeal as in other cases, to hear and determine the same and to award judgment against the United States for the difference between the area of the reservation actually set apart to said Indians and that provided to be set apart in said treaty.

I wish to ask if there is any other treaty modifying the treaty referred to here?

Mr. PETTIGREW. There is no other treaty modifying it as to the area of the reservation, as to the question in dispute.

Mr. JONES of Arkansas. There is no question as to what the treaty area of the reservation is?

Mr. PETTIGREW. There is question about it, because it was decided by natural boundaries, and the exact acreage is not known.

Mr. JONES of Arkansas. Were those actual boundaries ever adopted in any agreement with the Indians as being the proper area?

Mr. PETTIGREW. The treaty itself went on to mark out the boundaries and said that it should be bounded by certain rivers and lakes which the Indians thoroughly and familiarly understood.

Mr. JONES of Arkansas. Is the first treaty the one referred to here?

Mr. PETTIGREW. Yes, sir.

Mr. JONES of Arkansas. Was there any other treaty which modified that treaty, is the question I asked the Senator.

Mr. PETTIGREW. Not to my knowledge. There is nothing in the papers to show it.

Mr. JONES of Arkansas. If there was there ought to be provision made here that the court shall take into consideration which one of those treaties was binding, and Congress ought not by its act to declare that one of the treaties was binding if there was a subsequent treaty which modified the provisions of that treaty.

Mr. PETTIGREW. I know of no other treaty modifying this question in any way. There is nothing in any of the papers submitted to the committee to show it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. PETTIGREW. I ask that the next amendment, beginning at line 4, on page 56, be passed over until to-morrow, and that we proceed to the amendment at line 15, page 57.

The PRESIDING OFFICER. If there be no objection, the amendment indicated will be passed over for further consideration.

Mr. JONES of Arkansas. The paragraph beginning at line 15, on page 57, and ending at line 12, on page 58, will, I hope, be passed over. I doubt very much whether this provision should be adopted by the Senate at all; but I do not care to raise the question now, and prefer that it shall go over until the bill has been read through.

The PRESIDING OFFICER. If there be no objection, the amendment of the committee beginning at line 15, on page 57, will be temporarily passed over.

The Secretary resumed the reading of the bill on page 58, line 12. The next amendment of the Committee on Appropriations was, on page 58, line 16, to increase the appropriation for support of Indian day and industrial schools and for other educational purposes from $1,135,000 to $1,335,000.

The amendment was agreed to.

The reading of the bill was continued to the end of the paragraph, at line 5, page 59, the paragraph as amended reading as follows:

SUPPORT OF SCHOOLS.

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, including pay of architect and draftsman, to be employed in the office of the Commissioner of Indian Affairs, $1,335,000, of which amount the Secretary of the Interior may, in his discretion, use $3,000 for the education of Indians in Alaska. And it is hereby declared that it is the intention of this act that no money herein appropriated shall be paid for education in sectarian schools, and the Secretary of the Interior is hereby charged with the duty of so using and administering said appropriation as to carry out said object, and he is hereby authorized and required to make all needful rules and regulations necessary to prevent the use of any part of said fund for education in sectarian schools: *Provided*, That the foregoing shall not apply to public schools of any State, Territory, county, or city, or to schools herein or hereafter specifically provided for.

Mr. GRAY. I should like to ask the Senator in charge of the bill, or the committee, what is meant by "sectarian schools"? I understand in a broad and general way that sectarian schools ought not to be the object of legislative bounty, and that money taken by taxation from the pockets of the people ought not to be appropriated to the support of any school that is ostensibly, really, apparently, or professedly for the purpose of propagating the doctrines of any sect, Christian or Mohammedan.

But the word "sectarian," as used in this clause of the bill, is, I think, equivocal. I should like to know whether it applies to such a school as the Lincoln Institution. I have had a communication from some very worthy people who have devoted themselves to the cause of education among the Indians, benevolent people, whose views are worthy of consideration, valuable citizens of the Commonwealth in which they live, valuable citizens of the United States, who are as much imbued with the true American notion in regard to this matter as anyone on the floor of the Senate, and whose views, as I have said, are entitled to consideration. I, at all events, intend to give them consideration, and if this is the proper place in which to bring up the matter of the Lincoln Institution, I will do it now. If not I will wait until a more appropriate place is reached.

Mr. PETTIGREW. I think that that matter would come up on page 65.

Mr. LODGE. It comes up later. The appropriations for the school at Hampton, Va., and the Lincoln Institution at Philadelphia, and which the committee report to strike out, are on page 65.

Mr. GRAY. All right. I will accept the suggestion and postpone what I have to say.

Mr. CARTER. I desire to ask the Senator in charge of the bill if the enforcement of this provision will not leave without any educational facilities provided by the Government about 3,000 Indian children now in certain schools partly sustained by Government aid on reservations where the Government has no facilities of any kind, character, or description for the education or care of these children? I propound that question.

Mr. PETTIGREW. In my opinion this provision will leave about 3,000 Indian children without any school facilities whatever. The provision, however, ought to be changed.

Mr. CARTER. I understand the fact to be that a change of policy upon this question was determined upon some years ago by the General Government. With that policy, intended to extend governmental control and supervision to the schools, I am in sympathy and accord. It was, however, determined at the inception of this movement that it should be advanced only when the Government had provided upon the different reservations educational facilities to be substituted for those now existing. In harmony with that thought and theory appropriations for private institutions have steadily decreased of late years. No opposition to this decrease has emanated from any source in the legislative council as far as I am advised. But Congress has heretofore acted upon the theory that when the contract school was deprived of support the Government school should be open to receive the pupil and thereafter give such education as the conditions required.

I understand that now, before the Government has facilities of any kind, character, or description for the education of the children, for instance, on the Flathead Reservation, in my State, it is proposed to withdraw absolutely from these wards of the Government all educational facilities, and to throw out upon the commons, to cast upon the open prairie, the children of the Flathead Reservation until in due time buildings can be constructed by the Government wherein they may be collected and educated in the future.

I do not conceive this to be in accord with sound public policy. It will result either in throwing upon private charity the whole burden of educating these infant wards of the Government or it will deprive them absolutely of all educational advantages for a number of years to come.

In view of the fact that the chairman of the Committee on Indian Affairs admits that this will be the result, I move to strike out of the bill all after the word "Alaska," in line 20, page 58, to and including the word "for," at the end of line 5, page 59.

Mr. PETTIGREW. I will state that we are proceeding under a unanimous-consent agreement to dispose of the committee amendments first, and that this amendment will be in order after we have gone through the bill.

Mr. CARTER. I make the motion to amend so as to reserve the right to take it up afterwards.

The PRESIDING OFFICER. The Chair understands that the Senator from Montana withdraws his motion to amend at this time, as the Senate is proceeding under a unanimous agreement.

Mr. CARTER. I was not apprised of the agreement, and only bring the matter up at this time to save whatever right may exist in regard to amendments.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

Mr. LODGE. I understand, then, that this matter will come up for debate later?

Mr. PETTIGREW. If the Senator from Montana chooses to renew his motion. He withdraws it.

Mr. LODGE. The amendment is not pending now?

Mr. PETTIGREW. It is not pending.

Mr. JONES of Arkansas. I understand that if the reading proceeds this paragraph will be open to amendment in the Senate at any time by any Senator.

Mr. ALLISON. As I understand it, the entire bill will be open to amendment after the committee amendments have been disposed of.

Mr. JONES of Arkansas. Yes, after the reading of the bill has been concluded and action has been had upon the amendments of the Committee on Appropriations.

The PRESIDING OFFICER. The Chair so understands.

The Secretary resumed the reading of the bill at line 6, page 59. The next amendment of the Committee on Appropriations was, on page 59, line 7, to increase the appropriation for construction, purchase, lease, and repair of school buildings and purchase of school sites from $40,000 to $140,000.

The amendment was agreed to.

The next amendment was, on page 60, line 13, after the word "built," to strike out:

That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $40,000 for the purpose of erecting additional buildings for the Mount Pleasant Indian School at Mount Pleasant, Mich., namely, $30,000 for the erection of a girls' dormitory and dining hall, and $10,000 for the erection of a schoolhouse: *Provided*, That upon the completion of said buildings the Secretary of the Interior shall make no

further contract for the education of Indian children in sectarian schools in the State of Michigan.

So as to make the clause read:

"For the purpose of erecting, constructing, and completing suitable school buildings for an Indian industrial school at or near Rapid City, in the State of South Dakota, which buildings are to be constructed under the direction of the Secretary of the Interior, upon plans and specifications to be approved by him, $25,000; out of which sum the Secretary of the Interior is hereby authorized to purchase not exceeding 160 acres of land near Rapid City, at a cost of not exceeding $3,000, to be immediately available, upon which said buildings shall be built."

The amendment was agreed to.

The next amendment was, on page 60, after line 23, to insert:

For the erection and completion of suitable buildings, including the necessary furniture of all kinds for the same, for an industrial boarding school at or near the reservation of the Sac and Fox Indians in Tama County, Iowa, and for the purchase of a suitable site for the same, $35,000.

The amendment was agreed to.

The next amendment was, on page 62, line 4, before the word "thousand," to strike out "four" and insert "one"; so as to make the clause read:

For support of Indian industrial school at Carlisle, Pa., at not exceeding $167 for each pupil; and for transportion of pupils to and from said school, and for general repairs and improvements, $100,000; for additional to the salary of any military officer of Carlisle Indian School while acting as superintendent of said school, $1,000; in all, $101,000.

Mr. ALLISON. I ask that that amendment may be passed over for the present. I desire to offer an amendment which will change the footings somewhat; but I do not wish to do so under the rule that the committee amendments be first considered.

The PRESIDING OFFICER. The amendment proposed by the Committee on Appropriations will be passed over temporarily, in the absence of objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 63, after line 4, to insert:

For the erection and completion of additional buildings, including furniture of all kinds for the same, at the Indian school at Flandreau, S. Dak., so as to increase the capacity of said school to 300 pupils, $50,000; for the purchase of shade and ornamental trees and shrubbery for planting on school grounds, $300; in all, $50,300.

The amendment was agreed to.

The next amendment was, on page 63, after line 11, to insert:

For payment to Joseph Schwarz, of Sioux Falls, S. Dak., for making plans and estimates for an Indian school building at Flandreau, S. Dak., $350.

The amendment was agreed to.

The next amendment was, on page 63, after line 15, to insert:

For payment to E. H. Dow & Co. for plumbing and completing water system for said school, $1,200.

The amendment was agreed to.

The next amendment was, on page 64, line 15, before the word "thousand," to strike out "two" and insert "three"; in the same line, after the word "dollars," to insert "for steam-heating plant, $10,000"; and in line 18, before the word "thousand," to strike out "fifty-four" and insert "sixty-five"; so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school, Genoal Nebr., at $167 per annum each, $50,100; for general repairs and improvements, $3,500; for steam-heating plant, $10,000; for pay of superintendent of said school, $1,700; in all, $65,300.

The amendment was agreed to.

The next amendment was, at the top of page 65, to strike out:

For support and education of 120 Indian pupils at the school at Hampton, Va., $20,040.

Mr. FAULKNER. I ask if the chairman of the subcommittee of the Committee on Appropriations, who is in charge of the pending bill, will not consent that that amendment be disagreed to?

Mr. PETTIGREW. I can not comply with that request. The Senate will have to dispose of that matter.

Mr. JONES of Arkansas. I suggest, in view of the fact that we have agreed to take up another order of business at 4 o'clock, that it will be impossible to dispose of the Indian school question at this sitting of the Senate, and that this amendment be passed over, as the same question will undoubtedly be raised in connection with the other clauses about Indian schools.

Mr. LODGE. Is the proposition to pass over that part of the bill in relation to the Hampton School and Lincoln Institution?

Mr. PETTIGREW. I consent that they both be passed over for the present.

The PRESIDING OFFICER. If there be no objection, it will be so ordered.

Mr. DANIEL. It seems to me that the pending amendment might be very soon disposed of. It is a matter which has been up here year and year again. It is an old story.

Mr. PETTIGREW. I wish to say to the Senator from Virginia that we have agreed to take up at 4 o'clock pension bills on the Calendar, and it is now within ten minutes of that hour.

Mr. DANIEL. We can get through with this amendment in ten minutes.

Mr. PETTIGREW. I do not believe we can dispose of it in ten hours.

Mr. GRAY. I should like to say that the next amendment, which is striking out the provision for the Lincoln Institution at Philadelphia, is upon the same basis with that of Hampton, and I suppose will be included in the motion of the Senator from West Virginia [Mr. FAULKNER]. I will not make any distinct motion myself in regard to it, if that be so, but otherwise I shall.

Mr. SEWELL. I wish to say that the school at Hampton, Va., is in no sense sectarian, nor is the school provided for in the following paragraph of the bill, and I think the question can be disposed of in a very few minutes if taken up and considered now. This school was instituted some years ago——

Mr. FAULKNER. I suggest to the Senator from New Jersey that we have not reached the paragraph to which he refers. The paragraph before the Senate is the one before that.

Mr. SEWELL. I have reference to that particular appropriation.

This school was established some years ago by philanthropic people in this country, and they have had for some years a number of Indian children there. It is in no sense sectarian; the management of it is composed of persons of different denominations, and even Catholics have contributed very largely to it. The school is supported by funds provided by that eminently philanthropic gentleman, the late George Peabody, of London.

I wish to present a statement of the case a little more clearly and definitely than has been heretofore made for want of knowledge, and I ask that it be read.

Mr. HAWLEY. Are we proceeding with the consideration of the paragraphs which the committee have reported to strike out on page 65?

The PRESIDING OFFICER. The Chair will state that the question before the Senate is upon agreeing to the amendment reported by the Committee on Appropriations, to strike out the clause from line 1 to line 3, on page 65.

Mr. HAWLEY. An amendment to the committee amendment?

Mr. FAULKNER. No; the question is on agreeing to the amendment reported by the committee.

Mr. HAWLEY. I hope some one will renew, or I will renew, the request that the amendment in regard to Hampton and Lincoln Indian schools go over. It is one of those things which require the consideration of a full Senate, and I should not consent to go on with it otherwise. I wish a full audience here while the discussion proceeds. We should have the full judgment of the Senate. I ask that the amendment go over.

The PRESIDING OFFICER. The amendment will be passed over, if there be no objection.

Mr. SEWELL. I ask that the paper which I have sent to the desk may be printed in the RECORD.

The PRESIDING OFFICER. If there be no objection, the paper referred to by the Senator from New Jersey will be printed in the RECORD. The Chair hears none, and it is so ordered.

The paper referred to is as follows:

HAMPTON NORMAL AND AGRICULTURAL INSTITUTE,
Hampton, Va., April 6, 1896.

DEAR SIR: For a number of years Congress has made an annual appropriation of $167 each for 120 Indians at the Hampton School.

I am informed that although the House has continued this appropriation, the action of the committee of the Senate has been unfavorable to its continuance on the ground of its alleged sectarian character.

I have the honor to call your attention to the following facts in regard to the Institution and its work.

The Hampton School was incorporated by the general assembly of the State of Virginia in the year 1870.

The purposes of the school as stated in its charter are as follows:

"The instruction of youth in common-school, academic, and collegiate branches, the best methods of teaching the same, and the best mode of practical industry in its application to agriculture and the mechanic arts."

It is governed by a board of 17 trustees, representing 6 different religious denominations, no one of which has a majority.

It receives help from the land-scrip fund through the State of Virginia to the amount of $10,000 per year as being an agricultural institution. A board of curators appointed by the governor of Virginia have a supervision of the use of these funds and make annual reports to the State authorities.

It also receives help from the Morrill Act fund, the Peabody and the Slater funds. You are aware that no aid is given by the Peabody fund to sectarian institutions.

The school receives aid from the board of no church, nor is it connected with any religious organization. It has among its staff and students both Catholics and Protestants. Its present chaplain was connected with both Congregational and Presbyterian churches before coming to the school. The church service includes the silent prayer of the Friends, a part of the service of the Episcopal Church, and the usual forms of the nonritualistics. The assistant chaplain is a member of the Episcopal Church; and communion service is administered on the school grounds to students belonging to the Baptist Church by a minister of that denomination.

The school receives help from Hebrews, Protestants, and Catholics, one of its donors being a Catholic priest. It has had among its guests and friends people of all denominations, and has prided itself upon the fact that wherever its meetings had been held throughout the country clergymen and laymen have been willing to speak in its behalf whatever denomination they represented. Its graduates have gone out to work in different churches; one of them is archdeacon in the Episcopal church; another has charge of a large institution supported by the Methodists; a number have gone as teachers into Catholic schools.

Hampton has a special claim upon the people of the country, because here the Government system of industrial education of Indians was first started. From its founding in 1870 until 1878 the school had been devoted to the education of negro youth.

After the Indian massacres and outrages of 1875, 70 Indians captured in the Indian Territory, representing the five tribes there in rebellion, the Cheyennes, Comanches, Kiowas, Arapahoes, and Apaches, were sent under the care of Capt. R. H. Pratt, United States Army, as prisoners and hostages to Fort Marion, St. Augustine, Fla.

After remaining in prison for three years under the instruction of Captain Pratt and some good ladies from the North, 15 asked to be allowed to receive further education. They were brought to Hampton because that was the only place that would receive and give them what they seemed especially to need, industrial education.

Captain Pratt spent one year at Hampton, then went out and established the Carlisle School. Out of the successful experiment of industrial education of the Indians in these two schools grew up the industrial schools of the West, to which the Government now appropriates hundreds of thousands of dollars.

Although the great work of the education of Indians must be carried on at the West, it is a very great advantage for the young people of this race to have a school like Hampton, giving opportunities such as can be provided by no Western school for the training of teachers and for instruction in the industrial arts.

The benevolent people from all parts of the country have here invested half a million of dollars in its 16 workshops, farm, and schoolrooms, and to the carrying on of this institution more than $80,000 a year is contributed.

Here between three and four hundred Indian youth have been educated and sent back to their homes, 87 per cent of whom are, by actual investigation, found to be satisfactorily engaged in regular occupations.

The strongest testimony to the value of the school's work has been made by Catholics and Protestants. Gen. Frank Armstrong, formerly United States Indian Inspector, and Assistant Commissioner of Indian Affairs, a Catholic, has repeatedly said that no other school could show such good results.

United States Indian Inspector Major McLaughlin has borne similar testimony. Bishop Hare, of Dakota, in a letter published March, 1886, says: "I can not shut my eyes to the incalculable service which well-conducted Eastern schools have done the Indians, and I am filled with alarm when I hear that their work should be either discontinued or crippled." Later he says: "My yearly visit at Hampton Institute is not made more to see our students than it is to show my gratitude for what the institution is doing for them."

The honorable Secretary of the Interior, the Commissioner of Indian Affairs, and the Superintendent of Indian Schools are in thorough sympathy with the school, and believe it to be of great advantage to the Indian schools of the West that a limited number of their more promising pupils should be sent here.

To this institution General Armstrong, its founder and for twenty-five years its principal, gave his life. It certainly seems proper that Congress should appropriate the amount of $20,000 a year in order that the work of this great institution may go on.

I shall be very glad to forward to you documents which will more fully explain the working of the school.

Respectfully, yours, H. B. FRISSELL, *Principal.*

Mr. DANIEL. I have a similar paper for which I should have made the same request as that which has been made by the Senator from New Jersey, being a memorial setting forth the facts about the Hampton Institute by its principal; but it being, as I understand, identical, I shall not make the request.

Mr. ALLEN. With the consent of the Senator from South Dakota, I will ask the unanimous consent of the Senate for the present consideration of Senate bill 1306.

The PRESIDING OFFICER. The question before the Senate is the request made by the Senator from Connecticut [Mr. HAWLEY] that unanimous consent be granted that the two amendments on page 65, from line 1 to line 7, may be passed over for the present. Is there objection? The Chair hears none, and it is so ordered.

Mr. PETTIGREW. I will yield to the Senator from Nebraska. As we are to take up a special order at 4 o'clock, I shall not insist upon going on further with the appropriation bill to-day.

TRANSMISSISSIPPI EXPOSITION AT OMAHA.

Mr. ALLEN. I ask unanimous consent for the present consideration of the bill (S. 1306) to authorize and encourage the holding of a transmississippi exposition at the city of Omaha, in the State of Nebraska, in the year 1898, and making an appropriation therefor. I do not think it will lead to any discussion.

The PRESIDING OFFICER. The bill will be read for information, subject to objection.

The Secretary read the bill.

Mr. CHANDLER. I am warmly in favor of this bill. I do not rise, however, solely for the purpose of making that statement, but to say that I shall ask the Senate to take up on Monday next the resolution admitting Mr. Du Pont to a seat in this body as a Senator from Delaware for the purpose of submitting a few remarks thereon. I understand that there are other Senators who also desire to speak on the resolution on that day.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Nebraska to take up the bill which has been read?

Mr. SHERMAN. I have listened to that bill. It is somewhat involved, and I should like to have time to consider it before we enter upon another exposition. I hope, therefore, without entering a formal objection to the bill, that it may be laid over until some other time. It seems to me it involves the Government in a large expenditure, and it ought to be carefully examined.

Mr. HAWLEY. The matter of expenditure is carefully guarded against and expressly provided for in the bill.

Mr. SHERMAN. We have not time to properly consider it now. The hour has arrived for taking up pension bills under the agreement made yesterday, and I hope we shall proceed with that order.

Mr. ALLEN. I hope the Senator from Ohio will withdraw his objection. I was not able to hear the grounds on which the Senator based it.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SHERMAN. I do not think I would be justified in allowing the bill to be passed now. I hope it may be passed over now and taken up in the morning hour to-morrow. I do not want to displace it, but I want an opportunity to examine it. Congress has been seriously mistaken two or three times in regard to the expense which it was said would be involved in such expositions.

Mr. ALLEN. I ask that the bill may be made the special order after the conclusion of the routine morning business to-morrow—between that and 2 o'clock.

Mr. SHERMAN. I have no objection.

Mr. PETTIGREW. Not to interfere with the appropriation bill?

Mr. ALLEN. No, sir; not to interfere with the appropriation bill.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and it is so ordered.

JOHN C. CUTTER.

Mr. LODGE. I ask the Senator from New Hampshire to allow me to call up a simple bill to correct a soldier's record. It will take but a moment. It has been reported unanimously from the Committee on Military Affairs, and unanimously passed the other House.

Mr. GALLINGER. I will yield to the Senator from Massachusetts for that purpose, but give notice that after that bill is disposed of I shall insist on proceeding with the consideration of pension bills.

Mr. LODGE. I ask unanimous consent for the present consideration of House bill No. 83.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 83) for the relief of John C. Cutter, late first lieutenant, Thirty-sixth Massachusetts Volunteer Infantry. It directs the Secretary of War to revoke the order accepting the resignation of First Lieut. John C. Cutter, Thirty-sixth Massachusetts Volunteer Infantry, on January 2, 1864, "for the good of the service," and to issue to him an honorable discharge as of that date; but nothing in this act shall be construed so as to allow him any pay, bounty, pension, or other allowances to which he would not have been entitled under the terms of his original discharge.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. Under the order adopted yesterday the private pension bills on the Calendar will now be considered.

EMMA BROUGH GERARD.

The bill (S. 1414) granting a pension to Emma Brough Gerard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 8, after the word "Volunteers," to insert "at the rate of $16 per month"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma Brough Gerard, widow of C. W. Gerard, deceased, late a private in Company H, Eighty-third Regiment Ohio Volunteers, at the rate of $16 per month.

Mr. SHERMAN. I hope the Senator from New Hampshire will consent to increase that amount to $25. The circumstances are peculiar. This lady is the daughter of the late Governor Brough, of Ohio, who was very highly respected. Her husband died recently, leaving her without any property. It seems to me that $25, owing to the circumstances of the case, should be the least that ought to be allowed, and I hope the Senate will indulge me in this request.

The VICE-PRESIDENT. Does the Senator move to amend the amendment?

Mr. SHERMAN. I move to strike out "sixteen" and insert "twenty-five."

The VICE-PRESIDENT. The question is on the amendment of the Senator from Ohio to the amendment reported by the committee.

Mr. GALLINGER. That amendment will not be resisted by the committee. This woman has two small children.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GALLINGER. I move to strike out the word "deceased," at the close of line 6; it is superfluous.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CELESTHIA A. WHITNEY.

The bill (S. 1148) granting a pension to Celesthia A. Whitney was considered as in Committee of the Whole. It proposes to

place on the pension roll the name of Celesthia A. Whitney, widow of Ingerson Whitney, late a private, unassigned, in the Fourteenth Maine Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REBECCA E. KUTZ.

The bill (S. 1036) granting a pension to Rebecca E. Kutz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rebecca E. Kutz, mother of George F. Kutz, late of Company F, Seventeenth Ohio Veteran Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANNA C. GARBER.

The bill (S. 725) granting a pension to Anna C. Garber was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, before the word "dollars," to strike out "twelve" and insert "eight"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $8 per month, Anna C. Garber, widow of the late Samuel A. Garber, deceased, late private Company B, Nineteenth Regiment Iowa Infantry Volunteers.

The amendment was agreed to.

Mr. GALLINGER. I move that the word "deceased," in line 6, after the name "Garber," be stricken out. It is a superfluity.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN F. BELL.

The bill (S. 1523) granting a pension to Benjamin F. Bell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "seventeen"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Bell, late second lieutenant, Tenth United States Cavalry, and pay him a pension of $17 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAM P. BARBEE.

The bill (S. 1684) granting a pension to Sam P. Barbee was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "twenty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sam P. Barbee, late of Company B, Second Regiment Kentucky Infantry of Mexican War, at the rate of $20 per month, in lieu of the pension now received.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW B. KEITH.

The bill (H. R. 994) granting an increase of pension to Andrew B. Keith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew B. Keith, late private in Company F, One hundred and twentieth Regiment Ohio Volunteer Infantry, at the rate of $30 per month, in lieu of the pension now paid him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE J. CORBETT.

The bill (H. R. 925) granting a pension to Annie J. Corbett, of Providence, R. I., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Annie J. Corbett, widow of William Corbett, late of Company K, Second Regiment of Rhode Island Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATE A. PITMAN.

The bill (H. R. 995) granting a pension to Kate A. Pitman, was considered as in Committee of the Whole. It proposes to place on the pension roll, at the rate of $8 per month, the name of Kate A. Pitman, widow of George Pitman, late a private in Company C, One hundred and second Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY ALLARD.

The bill (S. 830) granting a pension to Mary Allard, widow of John Allard, formerly of Company E, Seventh Connecticut Volunteer Infantry, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Allard, widow of John Allard, formerly of Company E, Seventh Connecticut Volunteer Infantry.

Mr. GALLINGER. I move to amend by striking out the word "formerly" and inserting the word "late"; so as to read "late of Company E."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. EUNICE IDA RHOADES.

The bill (S. 1936) to increase the pension of Mrs. Eunice Ida Rhoades was announced as next in order.

Mr. GALLINGER. A bill identical with the Senate bill has passed the House of Representatives and is on the Calendar, reported from the Committee on Pensions. I move to substitute it for this bill.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). If there be no objection, the House bill will be substituted for the Senate bill.

The bill (H. R. 3749) to increase the pension of Mrs. Eunice Ida Rhoades was considered as in Committee of the Whole. It proposes to increase to $50 a month the pension of Mrs. Eunice Ida Gallup Rhoades, widow of William W. Rhoades, late lieutenant-commander, United States Navy, in lieu of the pension now drawn by her.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER. I move that Senate bill 1936, on the same subject, be indefinitely postponed.

The motion was agreed to.

MARTHA BROOKS.

The bill (H. R. 2800) granting a pension to Martha Brooks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha Brooks, dependent mother of John M. Brooks, late of Company L, Second Regiment Nebraska Volunteer Cavalry, and to pay her a pension of $12 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE PARKER.

The bill (H. R. 2340) granting a pension to Caroline Parker was considered as in Committee of the Whole. It proposes to place on the pension roll, at $12 per month, the name of Caroline Parker, dependent mother of Asbury M. Parker, alias Asbery Parker, who enlisted in the Fourteenth Kansas Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RUSSELL R. KING.

The bill (S. 1127) granting an increase of pension to Russell R. King was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 4, after the word "authorize," to insert "and directed"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension rolls the name of Russell R. King, late a member of Company A, Eighth Michigan Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SIMEON STEVENS.

The bill (S. 2238) granting an increase of pension to Simeon Stevens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Simeon Stevens, late of Company A, Fifteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $20 per month, in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PHILIP T. GREELY.

The bill (S. 856) granting a pension to Philip T. Greely was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Philip T. Greely, late a private in Company D, Twenty-fourth Massachusetts Volunteer Infantry, at $10 a month, in lieu of the pension which he now receives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Philip T. Greely."

CORNELIA DE PEYSTER BLACK.

The bill (S. 1117) granting a pension to Cornelia De Peyster Black was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 9, before the word "dollars," to strike out "seventy-five" and insert "fifty"; and in the same line, after the word "act," to insert "in lieu of the pension she is now receiving"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelia De Peyster Black, widow of Henry M. Black, late colonel of the United States Army, and to pay the said Cornelia De Peyster Black a pension of $50 per month from the date of the passage of this act, in lieu of the pension she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read, "A bill granting an increase of pension to Cornelia De Peyster Black."

LUVICEY J. SUMMERS.

The bill (S. 1052) increasing the pension of Luvicey J. Summers, widow of William H. Summers, late captain of Company E, Fortieth Regiment Illinois Volunteers, and also a soldier in the Mexican war, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty" and insert "seventeen"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Luvicey J. Summers, widow of William H. Summers, late captain of Company E, Fortieth Regiment Illinois Volunteers, who was also a soldier in the Mexican war, and pay her a pension of $17 per month in lieu of the sum of $8 per month now paid to her.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS J. HAUGHEY.

The bill (S. 1880) to increase the pension of Thomas J. Haughey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "thirty" and insert "twenty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension roll the name of Thomas J. Haughey, a soldier in both the Mexican war and the war of the rebellion, and pay him a pension of $20 per month in lieu of any pension which he now receives.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HELEN LARNED.

The bill (S. 1679) for the relief of Helen Larned was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to strike out "at the rate of $50 per month"; and in line 7, after the word "pension," to insert "at the rate of $30 per month"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Helen Larned, widow of the late Frank H. Larned, major, First Regiment United States Artillery, and pay her a pension at the rate of $30 per month on and after the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLARA R. RODGERS.

The bill (S. 601) granting a pension to Clara R. Rodgers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clara R. Rodgers, widow of Robert Edwin Rodgers, late major Fourth Ohio Cavalry.

Mr. GALLINGER. I move to strike out the word "late," after the name "Rodgers," in line 6, where it reads "late widow of." It is a manifest error.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. WELTHA POST LEGGETT.

The bill (S. 2194) granting a pension to Mrs. Weltha Post Leggett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "one hundred" and insert "fifty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Mrs. Weltha Post Leggett, widow of Maj. Gen. Mortimer D. Leggett, at the rate of $50 per month.

The amendment was agreed to.

Mr. GALLINGER. I move to amend the bill by striking out the word "general," in line 5, so as to read, "the limitations of the pension laws."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. CHRISTINE C. BARNARD.

The bill (S. 2055) granting an increase of pension to Mrs. Christine C. Barnard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "seventy-five" and insert "fifty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Christine C. Barnard, widow of Maj. Moses J. Barnard, of the Voltigeurs, Company H, from the State of Pennsylvania, Mexican war, and pay her a pension at the rate of $50 per month, in lieu of the pension of $20 per month she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELLEN C. ABBOTT.

The bill (S. 2220) to pension Ellen C. Abbott, widow of Bvt. Brig. Gen. Joseph C. Abbott, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 9, before the word "dollars," to strike out "fifty" and insert "thirty"; and in the same line, after the word "month," to insert "in lieu of that she is now receiving"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension roll, subject to the limitations and provisions of the pension laws, the name of Ellen C. Abbott, widow of Joseph C. Abbott, late colonel of the Seventh Regiment New Hampshire Volunteer Infantry, and brevet brigadier-general United States Volunteers, and pay her a pension at the rate of $30 per month, in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to increase the pension of Ellen C. Abbott, widow of Bvt. Brig. Gen. Joseph C. Abbott."

JULIA D. RICHARDSON.

The bill (S. 2035) granting a pension to Julia D. Richardson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julia D. Richardson, widow of Chesley Pratt, late of the Third Minnesota Light Artillery Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RITA STINE.

The bill (S. 1665) granting a pension to Rita Stine, amounting to $20 per month, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "twelve"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Rita Stine, of Memphis, Mo., invalid and helpless orphan daughter of George W. Stine, late lieutenant of Company Q, Twenty-first Missouri Volunteer Infantry, upon the pension roll, and that said Rita Stine be allowed a pension of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Rita Stine."

ELIZABETH L. LARRABEE.

The bill (S. 1356) to increase the pension of Elizabeth L. Larrabee, widow of Col. C. H. Larrabee, late of the Twenty-fourth Regiment of Wisconsin Volunteers, was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Elizabeth L. Larrabee, widow of Col. C. H. Larrabee, deceased, late colonel of the Twenty-fourth Regiment of Wisconsin Volunteers, and to pay her the sum of $30 per month, in lieu of the pension which she now receives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DELIA GILMAN.

The bill (S. 2353) granting a pension to Delia Gilman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Delia Gilman, widow of Alvin Gilman, late of Company H, Fifth New Hampshire Volunteer Infantry, and to pay her a pension of $12 a month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LUCY ORD MASON.

The bill (S. 1960) granting an increase of pension to Lucy Ord Mason was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucy Ord Mason, widow of First Lieut. John S. Mason, jr., late of the First United States Infantry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. BRADBURY W. HIGHT.

The bill (S. 1949) granting an additional pension to Capt. Bradbury W. Hight was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the word "months," in line 8, in the following words:

And that he be so paid at said rate of $72 per month from the 24th day of December, 1894, the date he became totally blind and required the regular personal aid and attendance of another person.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Bradbury W. Hight, late of Company C, Second Regiment Vermont Volunteer Infantry, at the rate of $72 per month, in lieu of his present pension of $17 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The Committee on Pensions reported to strike out the preamble of the bill; which was agreed to.

WILLIAM H. MORGAN.

The bill (S. 2200) granting a pension to William H. Morgan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "fifty" and insert "thirty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Morgan, late of Company F, First Connecticut Heavy Artillery, at the rate of $30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William H. Morgan."

BENJAMIN FRANKLIN DOWELL.

The bill (S. 714) granting a pension to Benjamin Franklin Dowell, of Oregon, for services with the Oregon Volunteers in the years 1853, 1854, 1855, and 1856, was considered as in Committee of the Whole. It proposes to place on the pension roll at $12 a month the name of Benjamin F. Dowell, late employee of Quartermaster C. S. Drew, in the Rogue River Indian war, in Col. Joseph Lane's Oregon and California Battalion, and as a chief packer of the First Oregon Regiment in the Oregon and Washington Indian war of 1855 and 1856.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LORENZO MESERTH.

The bill (S. 2255) granting a pension to Lorenzo Meserth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lorenzo Meserth, Company F, Fiftieth Pennsylvania Volunteers, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

P. F. CASTLEMAN.

The bill (S. 511) granting a pension to P. F. Castleman, of Oregon, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with amendments, in line 5, before the word "dollars," to strike out "twenty" and insert "fifteen," and in line 6, after the word "as," to strike out "second lieutenant and acting"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $15 per month, the name of P. F. Castleman, who served as assistant quartermaster of Oregon Volunteers in the Indian war in Oregon of 1855 and 1856.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMELINE C. SEWELL.

The bill (S. 2068) to grant a pension to Emeline C. Sewell, widow of Chief Engineer George Sewell, United States Navy, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "fifty" and insert "thirty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll, subject to the limitations of the pension laws, the name of Emeline C. Sewell, widow of George Sewell, late chief engineer, United States Navy, at the rate of $30 per month.

Mr. SEWELL. I ask the chairman of the committee why the pension is proposed to be reduced from $50? I will state that while the name is the same as mine I have no knowledge other than the fact that the late chief engineer was one of the most distinguished men in the Navy. He served all during the war. Within five minutes we have passed a bill granting a pension of $50 in the case of an officer of an assimilated rank, that of colonel in the Army. In view of the fact that this gentleman was one of the best men in the Navy, holding some of the highest positions; that he was notoriously gallant, having saved some vessels on certain occasions, and that he left his family destitute, I ask that the amount be restored to $50 per month.

Mr. GALLINGER. I think that ought to be done.

The PRESIDING OFFICER. The Senator from New Jersey suggests that the amendment reported by the Committee on Pensions be disagreed to.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. JANE L. FAGG.

The bill (S. 1602) granting an increase of pension to Mrs. Jane L. Fagg, widow of Col. John A. Fagg, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "twenty" and insert "twelve"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay Mrs. Jane L. Fagg, widow of Col. John A. Fagg, who was a soldier in the Mexican war, $12 per month, in lieu of $8 per month she is now receiving.

Mr. GALLINGER. I ask the Senate to nonconcur in the committee amendment. The committee have looked the case over carefully since making the report and are satisfied that the amount named in the bill ought to stand.

The amendment was rejected.

Mr. GALLINGER. In line 4, I move to strike out the word "pay" and substitute the words "place on the pension roll, subject to the provisions and limitations of the pension laws, the name of"; so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Jane L. Fagg, etc.

The amendment was agreed to.

Mr. GALLINGER. I further move to amend by inserting, before the word "twenty," the words "at the rate of"; so as to read:

At the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN E. EVANS.

The bill (H. R. 3432) for the relief of John E. Evans was considered as in Committee of the Whole. It proposes to place the name of John E. Evans, late sergeant, United States Marine Corps, on the pension roll at $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE A. SLOCUM.

The bill (S. 574) granting a pension to Caroline A. Slocum was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "one hundred and twenty-five" and insert "fifty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline A. Slocum, widow of Willard Slocum, deceased, late lieutenant-colonel One hundred and twentieth Regiment Ohio Volunteers, at the rate of $50 a month.

The amendment was agreed to.

Mr. GALLINGER. I move to amend by striking out the word "deceased" at the end of line 6.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN S. HALL.

The bill (S. 1269) granting an increase of pension to John S. Hall was considered as in Committee of the Whole. It proposes to increase the pension of John S. Hall, heretofore allowed by special act of Congress, to $72 per month for total blindness.

Mr. GALLINGER. Reference to the report accompanying the bill shows that the committee recommended an amendment, in line 5, to substitute the word "fifty" for "seventy-two"; that change was not made in the printed bill. I move that amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 5, before the word "dollars" it is proposed to strike out "seventy-two" and insert "fifty"; so as to read "$50 per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY B. HOUK.

The bill (S. 2581) granting an increase of pension to Mary B. Houk was announced as next in order.

Mr. GALLINGER. A bill identical in terms with Senate bill 2581 has passed the House of Representatives and was reported favorably from the Committee on Pensions. I ask that it be substituted for the Senate bill and that the Senate bill be indefinitely postponed.

The PRESIDING OFFICER. If there be no objection, the House bill will be substituted for the Senate bill, which is in exactly the same terms.

There being no objection, the bill (H. R. 4606) granting a pension to Mary B. Houk was considered as in Committee of the Whole. It proposes to pay Mary B. Houk, widow of Col. Leonidas C. Houk, late colonel of the Third Regiment of Tennessee Volunteer Infantry, a pension of $30 per month, in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Senate bill 2581, on the same subject, will be indefinitely postponed.

RILEY W. PIERCE.

The bill (S. 2223) granting a pension to Riley W. Pierce was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Riley W. Pierce, a soldier of the Mexican war, at the rate of $8 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. SUSAN M. SESSFORD.

The bill (S. 1510) to pension Mrs. Susan M. Sessford was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 11, after the word "month," to strike out "from the date of the decease of her son, the said Thomas J. Martin"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan M. Sessford, the mother of Thomas J. Martin, who died June 3, 1895, and who, at the time of his death, was receiving a pension from the Government under certificate No. 599845, and that she be paid at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ANNIE E. COLWELL.

The bill (S. 2514) granting an increase of pension to Mrs. Annie E. Colwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. Annie E. Colwell, widow of Thomas W. Colwell, sergeant of Company C, Second Regiment Ohio Infantry, Mexican war, and first sergeant of Company H, Fifth Ohio Cavalry, war of 1861 to 1865, and to pay her a pension at the rate of $20 per month in lieu of the pension she now receives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AGNES A. BLACKMAN.

The bill (S. 2513) to restore to the pension roll the name of Agnes A. Blackman was announced as next in order.

Mr. GALLINGER. A bill identical with this bill has passed the House, which I report from the Committee on Pensions and ask that it be substituted for the Senate bill.

The PRESIDING OFFICER. If there be no objection, the House bill will be substituted for the Senate bill.

The bill (H. R. 2151) to restore to the pension rolls the name of Agnes A. Blackman was considered as in Committee of the Whole. It proposes to restore to the pension rolls the name of Agnes A. Blackman, widow of George C. Blackman, brigade surgeon, United States Volunteers, at the rate of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Senate bill 2513, to restore to the pension roll the name of Agnes A. Blackman, will be indefinitely postponed.

HESTER A. ROBINSON.

The bill (S. 2290) granting a pension to Hester A. Robinson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "one hundred" and insert "seventy-five"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Hester A. Robinson, widow of James S. Robinson, late a brevet major-general, United States Volunteers, at the rate of $75 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OLIVER P. GOODING.

The bill (S. 2456) granting a pension to Oliver P. Gooding was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 11, before the word "dollars," to strike out "one hundred" and insert "seventy-five"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver P. Gooding, late a brigadier-general, and brevetted a major-general for gallant conduct in action in the late war for the Union, and now an inmate of St. Elizabeth Hospital for the Insane on account of injuries received in battle and under fire in the line of duty, at the rate of $75 per month; said pension, when granted, to be paid to the lawfully appointed guardian of the said General Gooding.

The amendment was agreed to.

Mr. GALLINGER. I move to amend the bill by striking out the word "General," in line 13, and inserting the words "Oliver P."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TALBOT A. ROUTON.

The bill (S. 1508) granting a pension to Talbot A. Routon was announced as the next pension bill on the Calendar.

Mr. ALLISON. That is an adverse report.

Mr. PEFFER. The bill has been adversely reported, and should be indefinitely postponed.

The PRESIDING OFFICER. The bill will be postponed indefinitely.

EDMUND WOOG.

The bill (S. 504) to increase the pension of Edmund Woog was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edmund Woog, late sergeant in Company C, Sixty-eighth Regiment of New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHNSON HAYS.

The bill (S. 400) granting a pension to Johnson Hays was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the words "one hundred and thirty-four thousand and thirty-five," to strike out "is not pensioned"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to add to the disabilities for which Johnson Hays, late private of Company G, of the Seventh Regiment Missouri State Militia Cavalry Volunteers, now pensioned under certificate No. 134035, "hernia-hydrocele and three broken ribs on left side," and grant him a rate of pension proportioned to the degree of disability to perform manual labor.

The amendment was agreed to.

Mr. GALLINGER. I move to amend in line 6, after the word "Volunteers," by inserting the word "is," striking out the comma after the word "Volunteers."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES RICHARDSON.

The bill (S. 737) granting a pension to James Richardson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Richardson, late a private in Company B, Nineteenth Regiment Kansas State Militia Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH E. BOYD.

The bill (S. 2557) granting a pension to Sarah E. Boyd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah E. Boyd, widow of George Boyd, late captain Company E, First Regiment Minnesota Infantry Volunteers, and pay her a pension at the rate of $17 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CALEB M. WRIGHT.

The bill (S. 1817) granting a pension to Caleb M. Wright was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caleb M. Wright, captain Company C, Fourth Regiment New Jersey Volunteers, and to grant him a pension at the rate of $25 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Caleb M. Wright."

HARRIET R. MATLACK.

The bill (S. 2045) granting a pension to Harriet R. Matlack was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "Volunteers," to insert "at the rate of $8 per month"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet R. Matlack, widow of Joseph Matlack, sergeant of Company H, Twelfth Regiment New Jersey Infantry Volunteers, at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLATSKANIE RIVER IMPROVEMENT.

Mr. MITCHELL of Oregon. The Senator from New Hampshire yields to me a moment to introduce a joint resolution, and I ask for its present consideration.

The joint resolution (S. R. 125) directing the Secretary of War to transmit an estimate of the cost of the improvement by the General Government of the Clatskanie River, Oregon, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of War be, and he is hereby, directed to transmit to the Senate, at his earliest convenience, an estimate of the cost of the improvement by the General Government of the Clatskanie River, Oregon, from its mouth to the town of Clatskanie, based upon report transmitted to Congress and printed in House Executive Document No. 330, Fifty-third Congress, third session, and other data in possession of the War Department.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. CHAMBERLAIN.

The bill (S. 2274) granting an increase of pension to Mary E. Chamberlain was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Chamberlain, widow of Lowell A. Chamberlain, late a captain in the First United States Artillery, and pay her a pension of $40 a month in lieu of the pension she is now receiving or of that to which she is entitled.

The amendment was agreed to.

Mr. GALLINGER. I move to strike out all after the word "receiving," in line 9, being the words "or of that to which she is entitled."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY O. H. STONEMAN.

The bill (S. 205) granting a pension to Mary O. H. Stoneman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 10, before the word "dollars," to strike out "two thousand" and insert "seventy-five"; and in the same line, after the word "per," to strike out "annum" and insert "month"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary O. H. Stoneman, widow of the late George Stoneman, a major-general of the United States Volunteers in the late war for the Union, and pay her a pension from the passage of this act at the rate of $75 per month in lieu of any other pension.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MAJ. GEN. JULIUS H. STAHEL.

The bill (S. 1694) to increase the pension of Maj. Gen. Julius H. Stahel was considered as in Committee of the Whole. It proposes to increase the pension of Julius H. Stahel, late major-general of volunteers in the Union Army, to $100 per month in lieu of the pension he now receives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAROLINE WATKINS.

The bill (S. 2635) granting a pension to Caroline Watkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caroline Watkins, of Baltimore, Md., daughter of Gassaway Watkins, an officer of the Revolutionary war in Colonel Smallwood's regiment of Maryland Volunteers, and to allow her a pension of $30 per month during her natural life.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY B. LE ROY.

The bill (S. 2524) to increase the pension of Mary B. Le Roy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "one hundred" and insert "seventy-five"; so as to make the bill read:

Be it enacted, etc., That from and after the passage of this act there be paid, out of the naval pension fund, to Mary B. Le Roy, widow of the late Rear-Admiral William E. Le Roy, United States Navy, the sum of $75 per month, that sum to be in lieu of her present pension.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY WILSON.

The bill (S. 613) granting an increase of pension to Henry Wilson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "one hundred" and insert "fifty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Wilson, late a private of Company H, Fourth Regiment of Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH J. COOK.

The bill (S. 125) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook, who, at the town of Washington, Hempstead County, Ark., in July, 1846, volunteered and served as a United States soldier in the war with Mexico, in the First Arkansas Mounted Infantry Volunteers, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES G. HARTZELL.

The bill (S. 1737) granting a pension to James G. Hartzell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James G. Hartzell, late of Company C, Sixty-sixth Illinois Volunteer Infantry, at the rate of $12 per month, in lieu of the pension he now receives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES BYRNE.

The bill (S. 1635) granting a pension to James Byrne was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out the word "twenty" and insert "seventeen"; and in the same line, after the word "month," to insert "in lieu of the pension he now receives"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Byrne, late of Company H, Twenty-fifth New York Cavalry, and Company G, First United States Cavalry, at the rate of $17 a month, in lieu of the pension he now receives.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill granting an increase of pension to James Byrne."

JOHN G. B. MASTERS.

The bill (S. 1636) granting a pension to John G. B. Masters, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to strike out "pension to date from August 25, 1890," and to insert "at the rate of $8 per month"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. B. Masters, late of Company C, Forty-ninth Kentucky Volunteer Infantry, at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW M. CALLAHAM.

The bill (S. 2578) granting a pension to Andrew M. Callaham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew M. Callaham, late second lieutenant Company H, Seventy-third Indiana Volunteer Infantry, and to pay him a pension of $50 per month, in lieu of the pension he now receives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN N. LANDON.

The bill (S. 890) granting a pension to John N. Landon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty-six" and insert "sixteen"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John N. Landon, late private in Company K, Fifteenth Pennsylvania Volunteers, and Company H, One hundred and thirty-fifth Pennsylvania Volunteer Infantry, said pension to be at the rate of $16, in lieu of the pension he is now receiving.

The amendment was agreed to.

Mr. GALLINGER. I move to insert the words "per month" after "dollars," in line 9; so as to read: "At the rate of $16 per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill granting an increase of pension to John M. Landon."

EUGENIA WOOD.

The bill (S. 706) for the relief of Eugenia Wood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eugenia Wood, widow of Josiah Wood, private Company K, Second Regiment New Jersey Infantry, at the rate of $8 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH M. STEVENSON.

The bill (S. 2216) granting an increase of pension to Elizabeth M. Stevenson, of San Francisco, Cal., was considered as in Committee of the Whole. It proposes to increase the pension of Elizabeth M. Stevenson, of San Francisco, Cal., widow of Jonathan D. Stevenson, colonel of the First New York Regiment, in service in California during the Mexican war, and to pay her at the rate of $30 per month in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PETER B. PALMENTEER.

The bill (H. R. 2797) granting a pension to Peter B. Palmenteer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter B. Palmenteer, late a private in Company D, Seventh Michigan Cavalry, and to grant him a pension at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARCUS D. BOX.

The bill (H. R. 2410) to amend an act increasing the pension of Marcus D. Box was considered as in Committee of the Whole. It proposes to amend the act approved February 8, 1895, so as to read:

That the Secretary of the Interior is hereby authorized and directed to place upon the invalid pension roll the name of Marcus D. Box, late a private of Company D, First Missouri Volunteer Infantry, afterwards First Missouri Artillery, subject to the limitations of the pension laws, at the rate of $25 per month, in lieu of the pension which he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSHUA PARKER.

The bill (S. 1809) granting a pension to Joshua Parker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "fifty," and insert "forty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joshua Parker, late a private in Company F, Twelfth Regiment Indiana Volunteer Infantry, and in Company D, Eighty-eighth Regiment Indiana Volunteer Infantry, at the rate of $40 per month, to date from the final passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

A. S. LOUDERMILK.

The bill (S. 1139) granting an increase of pension to A. S. Loudermilk was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an

MRS. CLIFFORD NEFF FYFFE.

HOUSE OF REPRESENTATIVES.

Mr. McMILLIN. Have you a statement of that from the Post-master-General?

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of A. S. Loudermilk, of Company E, One hundred and twenty-fourth Regiment Indiana Volunteer Infantry, at the rate of $40, in lieu of $24 now received.

The amendment was agreed to.

Mr. GALLINGER. After the word "dollars," in line 8, I move to insert the words "per month"; so as to read:

At the rate of $40 per month.

The amendment was agreed to.

Mr. GALLINGER. In line 8, after the words "in lieu of," I move to strike out the words "$24 now received" and insert "that he is now receiving."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS E. HOOVER.

The bill (H. R. 1094) granting a pension to Francis E. Hoover was considered as in Committee of the Whole. It proposes to place on the pension rolls, at the rate of $50 per month, the name of Francis E. Hoover, late a private of Company I of the Sixty-fourth Regiment of Ohio Infantry Volunteers, in lieu of the pension now being drawn by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH DESHLER WHITING.

The bill (H. R. 1050) to grant an increase of pension to Elizabeth Deshler Whiting, widow of Lieut. Henry Whiting, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Deshler Whiting, widow of Lieut. Henry Whiting, United States Marine Corps, and to pay her a pension of $25 per month in lieu of that which she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES LOYD YOUNG.

The bill (S. 2175) granting a pension to James Loyd Young, late of Company A, Sixth Regiment Kentucky Volunteers, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "received," to add "so that he shall receive $17 per month in lieu of the pension he is now receiving"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to grant a pension to James Loyd Young, late of Company A, Sixth Regiment Kentucky Volunteers, for injury to right hip, in addition to the pension by him now received, so that he shall receive $17 per month in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH PORTER.

The bill (H. R. 3993) granting a pension to Joseph Porter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Porter, late a private in Company K, Sixth New York Heavy Artillery, at the rate of $30 per month, in lieu of the pension he now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS CORIGAN.

Mr. ALLISON. I ask the Senator from New Hampshire if he will not call up the Corigan case, which was agreed to be reported by the Committee on Pensions this morning?

Mr. GALLINGER. I will report at this time from the Committee on Pensions, with a favorable recommendation, the bill (H. R. 1838) granting an increase of pension to Thomas Corigan. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the invalid-pension roll the name of Thomas Corigan, late a member of Company B of the Eighty-eighth Illinois Volunteer Infantry, at $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. CLIFFORD NEFF FYFFE.

Mr. GALLINGER. From the Committee on Pensions I report favorably, with an amendment, the bill (S. 2600) granting a pension to Mrs. Clifford Neff Fyffe. I ask unanimous consent for its present consideration. Several Senators have made that request of me.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Pensions was, in line 6, before the word "dollars," strike out "one hundred" and insert "seventy-five"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Clifford Neff Fyffe, widow of Joseph Fyffe, late a rear-admiral, United States Navy, at the rate of $75 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH A. COOPER.

Mr. BAKER. I am instructed by the Committee on Pensions to report favorably, without amendment, the bill (H. R. 2234) granting a pension to Joseph A. Cooper. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Joseph A. Cooper, late a brevet major-general in the United States Army, at $100 per month, in lieu of the pension he now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM W. TUMBLIN.

Mr. GALLINGER. I report from the Committee on Pensions favorably, and without amendment, the bill (S. 298) granting an increase of pension to William W. Tumblin, of Bradford County, Fla. I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to increase the pension of William W. Tumblin, of Bradford County, Fla., a soldier in the Florida Indian war of the year 1835, and pay him $20 a month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. JAMES REGAN.

Mr. CLARK. I ask unanimous consent for the consideration at this time of the bill (S. 1011) for the relief of Capt. James Regan, United States Army.

Mr. GALLINGER. I desire to call the attention of the Senator from Wyoming to the fact that the order under which we are proceeding this afternoon, if I remember it correctly, confines us to the consideration of pension bills. I do not propose to object to this bill, and I think it may be well to let it go through, with the understanding that no further business shall be done this afternoon.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill indicated by the Senator from Wyoming?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1011) for the relief of Capt. James Regan, United States Army, which had been reported from the Committee on Military Affairs with amendments, in line 5, after the name "Regan," to insert "Ninth United States Infantry, as first lieutenant and"; in line 6, after the word "quartermaster," to strike out "Ninth Regiment of Infantry, United States Army," and insert "of said regiment"; in line 10, after the words "part of," strike out "Captain" and insert "said"; in line 11, after the word "thousand," to strike out "five hundred and ninety-eight dollars and fifty-seven" and insert "four hundred and fifty-five dollars and eighty-two"; and in line 13, before the name "Regan," to strike out "Captain"; so as to make the bill read:

Be it enacted, etc., That the proper accounting officers of the Treasury are hereby authorized and directed to credit the account of Capt. James Regan, Ninth United States Infantry, as first lieutenant and regimental quartermaster of said regiment, for a shortage of subsistence stores at Fort D. A. Russell, occasioned by the dishonesty of Com. Sergt. James Boling, without misconduct on the part of said Regan, with the sum of $2,455.82, and said Regan is discharged from paying the same.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 13 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 10, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 9, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

WILLIAM H. SCHOFIELD AND OTHERS.

Mr. FAIRCHILD. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 7338) for the relief of William H. Scofield, Jacob Brady, James Ketcham, Annie Booth, as administratrix of the goods, chattels, and credits of George W. Booth, deceased; Wilson P. Billar, Ezra L. Waterhouse, Moses C. Bell, George W. Byles, and George A. Scofield.

Be it enacted, etc., That William H. Scofield, Jacob Brady, James Ketcham, Annie Booth, as administratrix of the goods, chattels, and credits of George W. Booth, deceased; Wilson P. Billar, Ezra L. Waterhouse, Moses C. Bell, George W. Byles, and George A. Scofield be, and they are hereby, released from any liability as sureties on the bond of Neil Hepburn by reason of the defalcation of Neil Hepburn, as late postmaster at City Island, N. Y. And the Secretary of the Treasury is hereby authorized and directed to discontinue as against said William H. Scofield, Jacob Brady, James Ketcham, Annie Booth, as administratrix of the goods, chattels, and credits of George W. Booth, deceased; Wilson P. Billar, Ezra L. Waterhouse, Moses C. Bell, George W. Byles, and George A. Scofield any action that may have been instituted against them to enforce such liability.

Mr. FAIRCHILD. Mr. Speaker, this bill has been unanimously reported by the Judiciary Committee; and the object in asking its consideration now is that it may be passed before the action against these parties is reached on the calendar of the New York court. The report is long; but I can make briefly any statement that may be required.

Mr. DOCKERY. What is the amount involved?

Mr. FAIRCHILD. The bill does not call for any appropriation. It proposes to release these parties from a liability of nearly $5,000. I have conferred with the Sixth Auditor, the Auditor for the Post-Office Department, and it is admitted that this amount accrued against these sureties by the default of that Department in failing to obey the law, which requires the Department to notify the sureties as soon as any liability on their part is incurred. These sureties are a number of poor pilots and oystermen; it required quite a number of them to make up the amount which the bond called for. The default on the part of the postmaster for whom they were sureties occurred from May, 1893, to March, 1894. During all that time, with the knowledge of the Department that the books showed a defalcation on the part of the postmaster, the postmaster himself being meanwhile notified to make good the default, the Department continued to furnish supplies to him until what would have otherwise been a liability of only several hundred dollars was swelled to nearly $5,000. If the prosecution against these sureties be pushed it will wipe out everything they have in the world.

Mr. BARTLETT of New York. Would it not be a somewhat dangerous precedent to exonerate the sureties from liability in every case of this sort?

Mr. FAIRCHILD. This is an unusual case. The Auditor for the Post-Office Department tells me that since this case occurred such stringent instructions have been given that the case could not be repeated in the administration of the Post-Office Department. The only reason the Department has given to me for not settling this matter without exacting the amount from the sureties is that the law does not allow such settlement to be made unless in the opinion of the Department the amount can not be collected from the sureties. It is admitted in this case that it can be collected, although the collection would wipe out all the little accumulations which have been made by these people during a number of years through building associations or otherwise.

Mr. BARTLETT of New York. I would like to ask the gentleman whether he thinks it right for us to give away in this manner the money of the people of the United States?

Mr. FAIRCHILD. This is not a question of giving away the people's money. If this was a suit brought between private parties there would be a legitimate defense in the courts. It is only because the United States is a party that they are unable to set up the defense which would be admissible in any other case.

Mr. BARTLETT of New York. You mean that laches would be a defense in an ordinary action, but not in a case where the Government is involved?

Mr. FAIRCHILD. It has been so held.

Mr. McMILLIN. Let me ask the gentleman, on what principle is the United States Government liable for this defalcation? I have listened to the statements made by the gentleman, but I have been unable to see on what principle he bases his request for this action.

Mr. FAIRCHILD. Simply because, if the law had been obeyed by the Department officials, the sureties on the bond of this postmaster would have been notified on the 1st day of July, 1893, and the defalcation would not have occurred.

Mr. McMILLIN. Have you a statement of that from the Postmaster-General?

Mr. FAIRCHILD. I have from the Auditor of the Treasury Department for the Post-Office Department.

Mr. McMILLIN. Will you please have that read?

Mr. FAIRCHILD. I find that I have not the paper with me, as I thought I had.

Mr. McMILLIN. Did the gentleman submit this to the Postmaster-General?

Mr. FAIRCHILD. I submitted it to the Auditor for the Post-Office Department; and the only reason given to me by the Auditor for the Post-Office Department why he would not have the action withdrawn was because, under the statutes, the only ground on which he could do so was inability to collect it from the sureties. He put it wholly on the ground that he had not the power, and that subsequent to this defalcation more stringent orders had been given to prevent the repetition of such an occurrence.

Mr. McMILLIN. I would suggest to the gentleman from New York to let this go over until he has the communication from the Post-Office Department to which he has referred. I think it proper that we should have some such statement from the Department to go with unanimous action releasing these sureties. As indicated by the gentleman, these defalcations are frequent, and we should be careful not to make a precedent that would involve difficulties in the same direction in the Department hereafter.

Mr. FAIRCHILD. The object in pushing it now, I will state to the gentleman, is that an action is on the calendar in New York against these parties that may be reached to-day or to-morrow unless this action is taken.

Mr. McMILLIN. Well, you can abandon the judgment just as well as you can abandon the claim against these people. There ought to be a clear statement of the facts that the responsibility for the defalcation and for the condition that now exists is not with the official himself or his sureties on the bond, but is with the Government of the United States. That ought to go into the record concomitant with the unanimous action that is proposed to be taken here.

Mr. CANNON. Will the gentleman allow me to make this inquiry? I find in the report this language:

It also appears that the Post-Office Department failed during all that time to notify the sureties of said postmaster of his neglect to make returns, although the law requires such notification to be given.

Does the law require that?

Mr. FAIRCHILD. That is a fact.

Mr. CANNON. And they did not comply with the law?

Mr. FAIRCHILD. They did not. I ask for a vote.

The SPEAKER. The question is whether the House will give consent to the present consideration of the bill.

Mr. BARTLETT of New York. I think this matter should go over for the reason that we are substantially censuring a Department of the Government without allowing an opportunity to the Department to be heard.

Mr. FAIRCHILD. It has no such effect as that.

Mr. BARTLETT of New York. The Postmaster-General has not been heard and no opportunity afforded him to make excuses for the action involved in this transaction. Now, whether that case is going on to trial or not it makes no difference.

The SPEAKER. Is there objection?

Mr. BARTLETT of New York. I ask to let it go over until to-morrow. I object.

COMPULSORY PILOTAGE.

Mr. PAYNE. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is the further consideration of the bill (H. R. 2673); and the gentleman from New York is recognized.

Mr. PAYNE. The gentleman from Florida desires to be heard in opposition.

Mr. COOPER of Florida. Mr. Speaker, having presented the minority report upon this bill, and being possibly more familiar with the facts involved in the hearings before the committee than gentlemen who may have an equally good understanding of the general subject, but who are not members of the committee, I deem it necessary that I should state to the House somewhat of the points involved in the controversy. I shall compress that statement into as few moments as possible, because this is a bill of such far-reaching importance, and gentlemen representing so many districts and parts of the country are directly affected by it, that I shall endeavor to cut short my own time for the purpose of trying to give some opportunity to them to represent the interests of their constituents on the floor of the House.

Now, let the House understand in the beginning what the legislation is that is involved. You have heard a great deal about the bill to abolish compulsory pilotage. Get this clear in your minds, in the first instance, that this bill is one that simply proposes to abolish all that is compulsory on the vessel owners, and that it intends to leave intact and untouched all that is demanded, and all that is obligatory on the pilots of the country.

Now, the interests affected are large and manifold. This is not simply a controversy between vessel owners and pilots, although

charge upon coastwise vessels. And so, just as fast as the interests of commerce permit, it will be abolished, wisely and safely, as it

has to take a pilot then it will actually come out of the vessel itself. I wish for a few moments——

Mr. McCALL of Tennessee. Will the gentleman permit me to ask him a question?

Now, the interests affected are large and manifold. This is not simply a controversy between vessel owners and pilots, although the controversy would be important if it were no more than that. But this law affects life and property far outside of those interests. This act, if passed, will, in the judgment of every man who is familiar with the conditions, injuriously affect every port upon hundreds of miles of the seacoast of this country. The law will injuriously affect every marine insurance company in this country. It will put at risk and hazard the lives of the seamen of this country, who will have no voice in determining when a vessel shall take a pilot, and who will be left wholly unprotected.

You will understand that under the present State laws a pilot is an officer. He is just like a policeman or a fireman, only that he is officially licensed. He has to serve an apprenticeship. He has to have the pilot boat, the appliances for carrying on his business. He has at all times to be present at the bar. He has to take soundings every day, or every few days. He has to go to every vessel in fair weather or foul. He can not absent himself from the bar. He has got to be there, ready with his services at all times and at all hazards. For those services he receives certain compensation fixed by law. If he catches a vessel in a storm he can not charge her any more because his services are more necessary. He can not exceed the legal fees. If he does not discharge his duties properly, he is liable to be fined or have his license taken away by the board that supervises him. He is an officer, paid certain fees, compelled to perform certain duties, and to be ready to perform them at all times.

Now, a remark was made here upon the floor yesterday in the nature of a sneer, which remark I regretted much to hear. It was that there was a Florida pilot who appeared before the committee and represented the interests of his associates, and who had made representations to some members of the House. If that pilot was here, he could be here only because he had leave of absence from the pilot board. He could not be absent without leave.

And, Mr. Speaker, he is a free American citizen, representing a hardy, courageous, useful body of American seamen, and he had as much right to come before a committee of this Congress and represent the side of his associates as though he had been a millionaire shipowner and had owned a fleet of vessels. [Applause.]

Who appeared before the committee to speak in favor of this bill? My information is that there was not a man who appeared who had not made a fortune in the owning and operating of these vessels. What is the interest that is asking this legislation? It is an interest, and the only interest in the United States, that receives absolutely prohibitory protection. Now, I am not protesting against that. It is outside of my argument. It may be that it is right. It is not the practice of the other maritime nations of the world. England has no such laws, nor has Norway, nor have the other principal maritime nations with which we compete; but it may be that it is right. If so, why is it right? That we may foster and protect a body of American seamen, so that in time of peace the country may have that nursery and supply of seamen to man its vessels and meet its foes in time of war. And yet this interest, exclusively protected, receiving a bounty of millions upon millions of dollars from the citizens of this country for the exclusive benefit of these shipowners—for it is admitted that the freight could be carried much more cheaply in foreign bottoms—asks the passage of this bill.

There is no limit to their demands. They have been relieved of all custom-house dues, and the taxpayers of this country are paying for services necessary to be rendered to them, for which a few years ago the vessel owners paid millions of dollars. I do not complain of that. I want to see the American marine encouraged. What I do complain of is that they come here and demand that another body of American seamen shall be crushed, that the vessel owners may possibly add a few dollars to their profits. Who will the bill benefit? In my deliberate judgment, Mr. Speaker, the bill will benefit no interest whatever in this country, and it will endanger every interest affected. I wish that we could submit this matter to the candid judgment of those members of the House who have no local interest, one way or the other. I should be entirely willing to submit it to any impartial jury.

What is to be the effect of the bill? You will understand that the pilot system in those States south of Maryland is kept up by certain dues on coastwise shipping and foreign shipping. In the States north of that point, as their foreign commerce has increased, and as they have been enabled to support their pilot systems without any dues imposed upon domestic vessels, the States themselves have abolished them.

Now, Mr. Speaker, it is entirely demonstrated that just as soon as any port can get along by fees on foreign shipping the local interests compel the abolition of the charges upon coastwise shipping. It has been done gradually and safely. As the foreign commerce of each State has increased it has abolished these dues on domestic commerce. It was done but a few weeks ago in Maryland. I have no kind of doubt that as the foreign commerce of Norfolk, Va., increases, in a few years they will abolish the charge upon coastwise vessels. And so, just as fast as the interests of commerce permit, it will be abolished, wisely and safely, as it has been done heretofore, by State legislation. But this bill, ignoring all local conditions, seeks by one sweeping enactment, not undertaking to regulate pilotage, not undertaking to provide for any adequate system, but just simply undertaking to strike down the means by which any system can be supported, at one sweeping enactment impairs or destroys the pilot system of thousands of miles of seacoast.

Mr. Speaker, I wish to make my discussion of this matter as brief as possible, and I desire to call the attention of the House to some impartial and very competent authorities that have more weight than anything which I can say. I ask the attention of the House for a moment to the decision of the Supreme Court in the case of Cooley *vs.* The Port Wardens of Philadelphia (12 Howard's Report, page 312). The court in that case say:

> Compulsory pilotage laws rest upon the propriety of securing lives and property exposed to the perils of a dangerous navigation by taking on board a person peculiarly skilled to encounter or avoid them; upon the policy of discouraging the commanders of vessels from refusing to receive such persons on board at the proper times and places, and upon the expediency and even intrinsic justice of not suffering those who have incurred labor and expense and danger to place themselves in a position to render important service, generally necessary to go unrewarded, because the master of a particular vessel either rashly refuses their proffered assistance or, contrary to general experience, does not need it.

So, in another portion on this same decision, the Supreme Court says:

> The act of 1789 contains a clear and authoritative declaration by the First Congress that the nature of this subject (pilotage) is such that until Congress shall find it necessary to exert its power it should be left to the legislatures of the States; that it is local and not national; that it is likely to be best provided for, not by one system or plan of regulations, but by as many as the legislative discretion of the several States should deem applicable to the local peculiarities of the ports within their limits.

That was the expression of the Supreme Court of the United States. It has been justified by all experience.

Mr. Speaker, this question was examined in England by a Parliamentary committee. It was given that careful attention that they give such subjects. They are constantly studying, being the largest maritime nation in the world, as to how they can give all possible advantage to their merchant marine; and yet, after a full examination, after the very arguments had been advanced that have been made on this floor, they declined to abolish compulsory pilotage, and the pilotage in England is regulated by local boards, according to the local wants. Mr. Chamberlain, the present secretary for the colonies, introduced a bill in the eighties for the abolition of compulsory pilotage. After full investigation and discussion the bill failed to pass, and he ultimately abandoned and withdrew it. The Bristol Times and Mirror, in speaking upon that subject and in connection with that investigation, says:

> It is a notorious fact that the number of wrecks occurring annually in the United Kingdom is very much smaller in those places on the coast where pilotage is compulsory than in those which are exempt from compulsion.

So about this contention about tugboats. That was fully examined in the British Parliament, and in their report they say:

> The strongest evidence has been given that steam tugs are no substitute for pilots, and that a pilot is as much needed with a steam tug as without.

Now, Mr. Speaker, while I am upon this subject of tugs I will call the facts to your attention right here. When there is fair weather and a vessel approaches a bar, the steam tug may run out and tow her in; but when she needs a pilot, in heavy weather the steam tug can not go to her; you can not have pilots unless you support an adequate pilotage system, and when the pilot is needed most the tug is of no service. Again, one of the greatest services that pilots render is cruising outside in their pilot boats. They give their bearings to vessels, lead them safely to the approaches of the bars before they reach the bars. The tug renders no such service. The pilots not only constantly sound the bars and report them, but they mark the shifting of the sands, and assist the Government buoy tenders in placing their buoys. Then, when a vessel takes a tug she is connected with the tug at the end of 50 or of 100 fathoms of hawser, hardly ever less than 300 yards of rope. The tug may draw from 6 to 8 feet while the vessel may draw from 15 to 20 feet, and that being so, the tug is no guide to her without a pilot. If the hawser parts she would be a wreck in all likelihood unless she had a pilot. The tug can run over portions of the bar that the vessel can not take. The tug in steering around shoals does not necessarily control the course of the vessel. That subject was covered thoroughly by the British Parliament. They reported upon that very question, and their report was that a pilot is as much needed with a steam tug as without.

Mr. Speaker, I have said that this bill would benefit no one. The vessel owner himself would really get no benefit, for it is admitted upon all hands that the pilotage charges are assessed and collected in the freight. There is no question about that. The shipper knows as much of these matters as the vessel owner; and when you abolish compulsory pilotage the result will be only that the shipper will know it and will insist that the pilotage fee shall be deducted from the freight; and when the vessel actually needs and

has to take a pilot then it will actually come out of the vessel itself. I wish for a few moments——

Mr. TERRY. It would increase the charges for marine risks, too.

Mr. COOPER of Florida. Yes, sir; I will in a moment call attention to that.

Mr. WILLIS. Will the gentleman repeat that last remark?

Mr. COOPER of Florida. What I said last was this: That at present, when you come to charter a vessel, you figure it out when you make the charter, and the shipper pays the pilotage fees as a part of his freight or port charges. If compulsory pilotage is abolished the shipper would demand an elimination of the pilotage charges from the freight when he comes to make his charter, and every time the vessel has to take a pilot by stress of weather the pilot charges will fall directly upon her, because there is no allowance for it in her freight.

Again, it is said that the vessel owners are the most interested parties. The vessel owners are insured. Mr. Speaker, we know by all experience that men will take great risks to avoid a small present expenditure. Our laws are based upon that knowledge. Why do you compel the steamboat to carry a licensed engineer? You may say that the owners would not take the risk of the vessel being blown up, that they would employ a competent man; yet the law compels them to employ a competent man. Why do you compel them to carry life-saving appliances? Why do you have boiler and hull inspectors to examine the steamers and order necessary repairs? Because you know from experience that the owners will not do it if they can save a little money for the time being unless compelled by law.

Now, how is the case as to pilotage? The vessel is insured. The master is under pressure from the owners to run her as cheaply as possible. He comes to a port; if he can run in without a pilot he saves a few dollars for the owners. If he wrecks the vessel in trying it, the insurance company pays the loss and the shipper or the insurer of the cargo loses the cargo. But the port is injured in its reputation, and that is our great interest in this matter. It goes out in the commercial reports that a vessel drawing so much water was wrecked in trying to get in to Jacksonville, Fla., for instance. Up go our freight rates; up go our insurance rates. We have to take lighter-draft vessels, because the deeper-draft vessels hesitate to come into the port on account of the danger. The result of it all is that you injure the port and you injure the marine insurance companies. I have not spoken of the lives of the crews, because the life of a sailor is not considered a matter of very great consequence; but there are those seamen on board the vessel who have no voice in determining the question whether they shall be run to destruction in order to save a few dollars for the owner. The captain really has no voice in the matter, because if one reckless captain takes the risk, all the others are obliged to imitate him in order to make as good returns to their owners. The port is injured, the marine insurance company is injured, the lives of the crew are risked, the vessel owners themselves are really injured—and all for what? Simply to give them the possibility on some occasions of saving a few dollars.

I have here a letter from the agent of Lloyds for those coasts, a man who has had as much experience as a marine underwriter as any man in this country. I will ask to have the letter read, but first I will say that everything that has been heard from the marine insurance companies so far as I am aware in respect to this matter is a protest against this bill. I have letters from the marine insurance company men of Savannah, of Charleston, and I have seen a letter from one of the largest marine insurance companies in New York City. These are the men who have to take the risk, and they protest against this bill. I ask the Clerk now to read the letter which I send to the desk.

The letter was read, as follows:

JACKSONVILLE, FLA., *March 25, 1896.*

DEAR SIR: As I desire to express my views upon the pending pilotage bill in Congress, setting forth the abolition of compulsory pilotage in the Southern States, I write to you with the hope that it will have some weight with the members of Congress.

I have occupied the position of underwriters' agent for domestic and European companies for over forty years, and can safely say that the abolition of compulsory pilotage on coastwise vessels would be detrimental to the maritime interest of the South. During this time I have known of instances where pilots, being entirely disinterested, have risked their lives and property to render assistance to vessels in distress, wholly from a standpoint of humanity, and of my personal knowledge have saved many lives and millions of dollars worth of property; further, I do not consider it safe for a master of a vessel drawing from 15 to 20 feet of water to attempt to follow a tugboat drawing from 6 to 10 feet of water, because the master does not know sets of currents, and should his hawser part, which is about 100 fathoms in length, there would be no alternative for him but to be entirely at the mercy of the numerous currents; whereas should a a pilot be aboard of his vessel he would at once know (being familiar with all of these dangers) what step to take to save his vessel, which as you will see may be the means of saving many lives and thousands of property. I would sincerely trust that Congress will not pass the present pending measure, as I consider that it would be detrimental to the interest of commerce in the Southern States.

I am, most obediently, yours,

THOS. S. EELLS,
Agent American and Foreign Underwriters, including Lloyds, London.

Hon. C. M. COOPER,
Washington, D. C.

Mr. McCALL of Tennessee. Will the gentleman permit me to ask him a question?

Mr. COOPER of Florida. Certainly.

Mr. McCALL of Tennessee. I am not very familiar with the navigation laws, living as I do in the interior, but will the gentleman be kind enough to explain why it is that the present pilotage law applies only to coastwise sailing vessels and not to steam vessels?

Mr. COOPER of Florida. I am obliged to the gentleman. I had intended to explain that. The gentleman asks why this law applies only to sailing vessels and not to steamers. It is for these reasons: Some years ago a clause which exempted steamers from the obligation to take bar pilots at these ports was slipped into a long bill. The judgment of Congress was never really exercised upon the provision; but let that pass. I doubt the wisdom of that law, but certainly it is much less hazardous for steamers than for sailing vessels to do without pilots. A steamer runs regularly to certain ports. She goes in there every few days, and her officers become actually familiar with the bar, and oftentimes do not really need a pilot, because, going to that port so frequently, they are able to keep up with the changes. A sailing vessel, as a general rule, goes to no regular port, but simply where she is chartered to go. She may enter a given port once a year, once in six months, or once in three years, and therefore her officers can not become competent by experience.

Again, the steam vessel commands her own motive power. She can feel her way along an unknown channel and, if she finds herself in danger of getting aground, she can stop or back. A sailing vessel can not. She is at the mercy of the winds to a certain extent. If she finds herself going upon a shoal, she can not back off. Therefore she has need of somebody to guide her who knows the channel. In point of fact, the officers of steamers which frequent certain ports are often men who have actual practical knowledge of the channel and the bar, yet very often, as I have already said, they do in fact take pilots. It has been stated here that the United States has so improved these bars that pilots are no longer needed. That is not at all correct. The Government has deepened the channels on these bars so that vessels of deeper draft can enter the ports, but that does not lessen the necessity for pilots. A few years ago the Navy Department made an order that our war vessels should not take pilots, because their officers ought to be familiar with the entrances to all our ports, and certainly they have the best charts and better facilities than a merchant vessel has. So many United States war vessels grounded that that order had to be revoked; and now the war vessels of the United States in all these harbors take pilots, who are paid by the Government.

More than that, it has been said that by reason of the marking of buoys, etc., these pilots have become unnecessary. Why, sir, there was presented in these hearings a letter from the commander of the *Wisteria*, the buoy tender that places the buoys on a large portion of these coasts—a letter stating that the bars are constantly shifting or changing, and it is a fact that the very buoy tenders themselves often take pilots when they go out to correct the bearings of the buoys.

Mr. TALBERT. I agree with the gentleman's view on this question, but I wish to ask him whether the parties who succeeded in getting that provision passed in regard to steamships are not the same who are now seeking to have this bill passed?

Mr. COOPER of Florida. I do not know as to that.

I hold in my hand a letter from Maj. F. A. Mahan, of the United States Corps of Engineers, who has charge of the harbor improvements upon a great portion of those coasts where it is said the employment of pilots may be dispensed with; and he states in strong and specific language that such contentions are groundless. I have not time in my few minutes to have this letter read.

I stated a moment ago that it would be injurious even to the ships themselves to abolish this pilotage system. I have here a letter (which I will ask the Clerk to read) from a New England shipmaster, commanding a New England schooner, protesting against the passage of this bill on the ground that it will be injurious even to the vessels of New England.

The Clerk read as follows:

PENSACOLA, FLA., *January 23, 1896.*

To whom it may concern:

In my opinion, the abolishment of compulsory pilotage, even on coastwise vessels, would be a detrimental move against vessels, from the fact that where there are some ports with fixed channels and are easy to navigate through there are also ports where a person would be compelled to continually sound in order to keep up with the changes, and as the passage of the bill now pending in Congress would allow the shipper to not figure on pilotage among the port charges. When a master of a coastwise vessel was compelled to take a pilot the payment of said pilotage would come directly out of a vessel, it now being paid out of the freight. This port (Pensacola) has such sudden changes on its sand bars that any master coming here would use good judgment in taking a pilot, except possibly under the very best of conditions of weather and a very light-draft vessel. I have been running to this port about thirty years.

Very respectfully,

PETER KAVANAGH,
Master American Schooner Willie L. Newton.

Mr. COOPER of Florida. Mr. Speaker, it has been said that the pilots are earning large sums of money, and that they have not made before the committee any showing of what their earnings are. Sir, a representative of the pilots stated before the committee that in the port he came from no pilot earned more than $1,500 a year; and that is an exceptionally good port. He declared himself willing to answer any questions; but there was no question put to him in regard to that point. The shipmasters did not undertake to show what their expenses and earnings were; but there was read and filed during the hearing a statement showing the earnings of one of those vessels. The returns were surprisingly large, amounting, according to my recollection, to as much as 40 per cent a year. For some reason that statement, although read to the committee, has not been printed in the report of the hearings; therefore, I am not able to state the matter more accurately.

Mr. LOW. Did the gentleman ever know or ever hear of a rich pilot?

Mr. COOPER of Florida. I never did. Mr. Speaker, those men earn their daily bread facing the tempest, undergoing the hardships of the winds and the waves; they earn it at the daily risk of their lives. They take care of the widows and orphans of those who perish at one point or another, we might say, almost every day in this service. And one of the things that this bill undertakes to do in effect is to turn adrift upon the cold charities of the world those widows and orphans now dependent upon the pensions contributed from the hard earnings of the self-denying associates of those whose lives have been sacrificed in this service.

Mr. Speaker, why is it that the laboring men all over this country, whether upon the seashore or in the interior, are protesting against the passage of this bill? Apart from the pilots they have not a dollar of interest in it; it does not affect the immediate calling of any great number of them; yet, as I said in the beginning, it is a bill that proposes simply to abolish every provision of law that is compulsory upon the capitalist and the shipowner, leaving in full effect every law that is compulsory upon the pilot and the laborer. That is the reason that the president of the Knights of Labor and the president of the Federation of Labor have opposed this bill in this city. That is the reason that all over this country it is felt, and justly felt, that this is purely class legislation.

Figures have been filed here that were never submitted to the committee—I will not say they were never submitted, but certainly they were never called to the attention of the committee—as to the earnings of pilots in different ports. Those figures could have no value unless accompanied with figures showing the expenses incurred. But in point of fact, so far as I have been able to test the accuracy of these figures, they are not correct. Let me show how inaccurate they are in respect to my own port of Jacksonville, Fla. The St. Johns River has a large coast commerce, but scarcely any foreign commerce. Nine pilots are kept there, that number having been found to be necessary. Gentlemen will understand that these pilots are everywhere under the control of official boards. Apprentices are entered under such control; the pilots are examined and licensed under the authority of such boards. These boards generally consist of merchants and seafaring men and other leading citizens at every port. It is the interest of the mercantile classes to keep down the port charges. They do keep down the pilotage charges. It was stated to you that these charges in Florida are $6 a foot. That was a very unfair statement. That sum is the maximum that can be allowed in any case. In point of fact in Jacksonville, Fla., the charge never exceeds $3 a foot, and is frequently less.

Mr. MINOR of Wisconsin. Is it not a fact that in the State of Florida no vessel under 6 feet draft has to pay pilotage fees?

Mr. COOPER of Florida. I think that is so. But I was going on to say that in the table to which I was referring, a table wholly unofficial, is a statement that at Jacksonville, Fla., pilots receive between $4,000 and $5,000 a year from foreign commerce. I hold in my hand an official certified copy from the records of the board of pilot commissioners at Jacksonville, Fla., wherein it is stated that the total receipts from foreign vessels for the year ended December 1, 1895, that being the latest date of computation, were but $663.65. Now, instead of being nearly $5,000 collected from this source, as has been stated on the floor during this discussion, it is shown by this report to be very little over $600, and that shows the liability to error in making these wild estimates, and also the unreliability of the table of figures which has been set before the House, coming from some unknown source, I know not what, to members of the committee.

Now, Mr. Speaker, I said that there was nothing said as to the expenses to which these pilots themselves are subjected. I hold in my hand a statement, taken from reliable sources, that shows that the expense of running their pilot boats and keeping them ready at all times to perform the services required of them in Pensacola for the last five years aggregated over $70,000. That is an average of nearly $15,000 a year that they are compelled to pay. So, when you hear large sums named as coming to them in the way of pilot fees and for services performed, you must consider also that there are necessary expenditures to be kept up to enable them to perform the duties on the other hand.

But, sir, I wish to call this to the attention of the House, that, as I have said to you, in every port there is a large and influential and strong local interest devoted to the lessening of the pilot charges just as much as possible, and to abolish them on all classes of commerce as fast as local conditions permit. These charges are wholly paid by shippers, and it is to the interest of the whole mercantile community, as fast as possible, to lessen or abolish them. The experience of every locality has been that in point of fact this very operation has taken place as speedily as may be. All that we ask of the House at present is to leave these forces to work their way down as commerce increases or demands. A few weeks ago they were abolished in the port of Baltimore. It will be done elsewhere as it can be; but to bring in a sweeping bill, making no allowance for local conditions or local necessities or differences of trade or traffic, not undertaking to keep up the pilot system, not undertaking to relieve the pilots of any burden, but simply to relieve the shipowners of paying the small sums required for the expense of keeping up the system, is a most unwise, pernicious, and unjust proposition.

Gentlemen have said that this is a compulsory system. They say that because a ship's owners come forward and say, "Our own officers know the coast and we happen to need no pilot," it is unjust to compel them to pay for one. But that is looking at the question in a very narrow sense. It is only since the war that we have, in my part of the country, made effective our public-school system, and how often have I heard men say who were actuated by an independent spirit, a spirit that had its merits, which in former years led our citizens to lay stress on the doctrine that every man should bear his own burdens, that he should look out for the interests of his own family and maintain at his own expense the education of his own children—how often have I heard men say, "I do not send my children to the public schools; I make no use of those schools, and it is unjust for you to make me pay any portion of the expense." And that is exactly the argument that gentlemen are using to-day.

The pilot system has got to be kept up for the protection of life and property. They must have their boats of a certain sort; they must cruise out to meet incoming vessels in all kinds of weather, whether they are employed or not; they can not charge a penny more than the law allows them to charge, and if they board a vessel in a storm they can not hold her up for ransom, they can not get salvage from her; they have to be there all the time; they must be on hand ready to meet any occasion that arises, and in order to have these pilots for the benefit of commerce generally each vessel pays small sums in the shape of fees. It is unreasonable, therefore, for a vessel owner to say, if his captain happens to know the entrance to the port, "I do not want to pay anything to keep up that system," just as some of our citizens have said, with reference to the public-school system in former days, that because they did not send their children to the public schools it was unjust to make them pay any part of the expense. Why, you might just as well say that the policeman should not be paid except when he is making an arrest. But, whether he is making arrests or not, we have got to keep up the system as a matter of protection. That is precisely the same principle for which I am contending now.

Now, I will put it before the House that the judgment of every man who has expressed himself on the subject, except the shipowner, is against the bill. It came before the last Republican Congress and was defeated.

Mr. ALLEN of Utah. Will the gentleman allow me to ask him a question? What would be the effect on insurance rates if this bill should pass?

Mr. COOPER of Florida. In my judgment, and in the judgment of every marine insurance man that I have heard from as far as I know—I see my friend from Massachusetts shakes his head, but if there are any to the contrary I have not seen them—I have statements here bearing out what I say, that the judgment of every marine insurance man is that it would increase largely the risks, and necessarily the charges for marine insurance.

Mr. ALLEN of Utah. How would that increase compare with the pilotage charges that the vessels now pay?

Mr. COOPER of Florida. Of course that is largely a matter of guesswork; but the opinion is expressed by a number of these gentlemen, by boards of trade as well as by marine insurance men, and by exchanges, that the rates would be increased to a considerable extent, and would be more burdensome than the compulsory pilotage charges.

Mr. WILLIS. More than an equivalent.

Mr. COOPER of Florida. More than an equivalent; and the protests are not from the pilots alone. They constitute a most meritorious and deserving class, but the protests are from the commercial classes of the whole South Atlantic and Gulf Coast, because their ports will be injured, because their freight charges

will be raised, because their insurance will be raised. The protest is from the labor organizations, because the lives of seamen will be endangered, and the means of living of others will be destroyed or largely diminished.

Now, Mr. Speaker, if there is one ground upon which the monopoly that we give to American vessels can be maintained it is the ground that it is for the protection and maintenance of American seamen; and you have a large body of seamen here who perform many public services. They guard the quarantine interests of this country. They stop the invasion of epidemic diseases. It is necessary to have somebody at these ports to perform this duty, and they are required to assist therein. If you have no efficient pilotage system it becomes wholly voluntary.

They have numerous duties that they perform all the time. You can not have an efficient volunteer pilotage system any more than you can have an efficient volunteer police force or, in a large city, an efficient volunteer fire department.

As to the tugs, they are under no law. If you wipe out the pilots, who keep down the tug rates because they can bring in the vessels without them, then the tug owners can charge what they please. The pilots are limited by law. The tug owners are under no discipline. It is said that pilots are not responsible. We exhibited to the committee bills paid where vessels had got aground while in charge of pilots, and the pilot association paid damages. We exhibited the actual receipts for such payment.

Now, it is unjust to other gentlemen that I should take up more of the time of the House. My argument has been somewhat disconnected, because I have been trying to hasten it. Possibly I should have made it in less time, and in better shape, if I had started out without any attempt to limit myself. I simply say to the House, in conclusion, that we are the people most concerned; that we pay these charges in freight. If we have not yet foreign trade enough to put it wholly upon that, that may be a reproach to our enterprise. It may be simply our misfortune, because we have not the capital; but it is the profit of these gentlemen; and if we furnish their vessels with freight, they certainly ought to be willing to contribute a little something to keep up an adequate pilot system. There ought to be some mutuality, and if they are going to leave the pilots subject to the burdens and obligations of the law, they ought to be willing to take some of that burden upon themselves.

I know that gentlemen upon the other side honestly differ with me; but certainly I was never more sincere in any belief than I am in the belief that this bill will prove an evil to all interests concerned, and will prove a benefit to nobody; that it will work an injury to property; that it will work an injury to commercial interests, and, greatest of all, that it will put in peril the lives of seamen who ought to be protected and who will have no voice in this matter.

Mr. PAYNE. I yield ten minutes to the gentleman from Iowa [Mr. PERKINS].

Mr. PERKINS. Mr. Speaker, the gentleman who has just taken his seat has suggested that he would be glad to leave the determination of this question to those who are wholly disinterested. Now, Mr. Speaker, as a member of the committee reporting this bill I came to the consideration of it without any prejudice whatever. My location, of course, has not qualified me from a practical standpoint to speak as other gentlemen can speak with reference to the workings of this system along our coast. But in my investigations, after giving careful attention to the hearings before the committee, it has seemed to me that there are but one or two propositions involved here, and that they are very simple.

The first question is as to whether sailing vessels should have the same privileges and opportunities along our coast that we grant to steam vessels. I have been unable myself to hit upon any good reason why there should be a discrimination against the sailing vessels, which, as it seems to me, are in other respects at a disadvantage in competing with steam craft.

Now, for another thing, it has seemed to me that there has been much confusion in dealing with the general proposition of compulsory pilotage. There is no proposition in this bill to relieve our foreign trade of compulsory pilotage. Much that has been quoted with reference to the importance or the necessity of providing compulsory pilotage has referred, in my judgment, to our foreign trade. Now, I think it is the fact that the only suggestion coming to our committee in opposition to this bill has been from that class and the representatives of that class who are the beneficiaries of the retention of a compulsory pilotage upon the sailing vessels in our coastwise trade.

Now, then, I quite agree with all that has been said with reference to the worthy character of the men who constitute these pilotage associations. I have no doubt that they are worthy of all that they earn. I have no doubt that their necessities are many times great; but, Mr. Speaker, the same suggestion can be made with reference to numerous classes of our fellow-citizens. The proposition is whether by law we should compel the patronage of these men to a certain specific extent annually. Now, we do not do this with reference to any other class of citizens, no matter how worthy we may regard them to be.

Nothing has been established to demonstrate that the passage of this bill will destroy the pilotage system along the coast. Much has been said here in reference to Pensacola. As to Pensacola, Mr. O'Brien, one of the pilots on that bar, who appeared before our committee, represented that every vessel seeking that port would be compelled by the exigencies of the case to take a pilot, and, therefore, in response to a question of the chairman of the committee, Mr. O'Brien said: "It would affect us in this way, the tugboat captains would do the piloting." Not but what the piloting would be done, but that he feared it might be taken from his association and given to some one else. As to Wilmington, the statement was that all except possibly 25 per cent would be compelled to take a pilot. So that the same necessity and patronage for pilotage would exist at those ports as now.

Now, then, it is also represented, and it seems to me singularly represented, that we are to support this compulsory pilotage, because, as Colonel Lamb, of Norfolk, represented, it is a part of the grand idea of protection. If that be true, it is somewhat remarkable that my Southern friends should appear here on this floor as the champions of this grand idea of protection; but that I deny. I say that the principle of protection as advocated upon this side of the House is to give an equal opportunity to all our people, without discrimination.

Mr. ALLEN of Utah. Will the gentleman permit me to ask him a question?

Mr. PERKINS. I will, if it is a brief one. The gentleman knows that my time is very limited.

Mr. ALLEN of Utah. Do not the minority in their report say that these tugs can not go out in heavy weather and that the pilot boats have to do the work then?

Mr. PERKINS. Now, Mr. Speaker, with reference to that, I can see why compulsory pilotage as to our foreign trade might be desirable, where a large number of lives are involved and where many interests are concerned that are not concerned in our coastwise trade. But here are small vessels, given to the carrying of heavy freight, with small crews, and every interest involved in that, so far as I know, is here appealing to this House to be relieved of these compulsory pilotage charges. What interests above the interests of those who sail in these vessels and who own these vessels or who are dependent upon the commerce done in these vessels are to be regarded as superior? Mr. Speaker, so far as I am aware, in all the hearings upon this question there was no appeal from any shipping interest, from any marine-insurance interest in opposition to this bill.

I come back to the simple question, then, as to whether, in the interest of those who control this pilotage business at those ports now, we will compel the retention of that pilotage, and if I may be permitted simply to refer to the views expressed by the minority, on page 2, it will be observed that the strength of the argument is based upon our sympathy with those men who now control this business.

Mr. PAYNE. I yield five minutes to the gentleman from Massachusetts [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I do not know that I can add anything to the words that have just been uttered by the gentleman from Iowa [Mr. PERKINS]. As a member of the Committee on Merchant Marine and Fisheries, and standing upon the floor of this House as the only Democrat elected from the six New England States, it seems to me proper that I should give utterance in the few moments at my disposal to the views of the people of that section of the country upon this bill.

As has been stated upon the floor of this House, almost all the coastwise vessels now plying from one port to the other in these United States are owned in New England. Judging from the statements and from the letters and from the resolutions that I have received from every State in New England, from every chamber of commerce, and from every marine association, all New England is in favor of this bill.

Those gentlemen who are against this measure have dwelt with great stress upon the privileges and the immunities that sailing vessels obtain; and yet with all these privileges, with all the immunities that have been granted to them by the United States, in the year 1874 there were 28,000 vessels under sail, and in the year 1895 that number had decreased to 17,000. Does not that show that some further privileges and some further benefits should be given them? Years ago it was the proud privilege of every American going to a foreign port, in Europe, in Asia, or in Africa, to see the waters dotted with the white sails of American vessels, to see the Stars and Stripes [applause], Old Glory, proudly floating from the topmast of every ship; but now that has all gone, and the American merchant marine has disappeared from the waters of the earth, and practically all that we have left is the small number of vessels that ply from one port of our country to another.

American sail vessels have been driven almost wholly out of the

foreign trade. In 1894 only 684 out of our total of 16,686 sail vessels made voyages to Europe, Asia, Africa, South America, Hawaii, and Oceanica. The coasting trade is thus almost the sole means of supporting our sailing vessels, their owners, masters, and seamen, and the tendency of existing law is to destroy that means of support by the imposition of heavy pilotage charges, from which steam vessels are exempt.

The present laws of some States tend to insecure navigation, as they do not require that a State pilot shall actually be employed, but enable the master, by paying a lump sum, to navigate without a pilot for the period of one year.

The proposed bill restores equality of treatment of sail and steam vessels. It reduces charges on American vessels, and thus establishes more favorable conditions for competition between vessels and railroads. It tends toward reduced cost of transportation. It tends toward safer navigation by providing for the examination of masters and mates of sail vessels as to their qualification to pilot their vessels, while now they are subject to no such tests.

The millions of dollars spent within the last twenty years on improvements of harbors where these charges are now imposed should have rendered these harbors easier of access and reduced the necessity for State pilots.

The principal ground of opposition to the bill is that the receipts of pilots will be so reduced that an efficient pilotage system can not be maintained. Assuming that the present receipts are necessary to maintain the several pilotage systems, the amount may be maintained, if necessary, by an increase of pilotage charges on vessels in foreign trade, which are mainly foreign vessels. The situation created by the present Federal and State laws not only discriminates against American sailing vessels in favor of American steam vessels, but, if the argument of the opponents of the measure holds good, lays a taxation on American vessels in order that foreign steamers may pay less pilotage than would otherwise be necessary, and thus discriminates against American and in favor of foreign vessels.

Such pilotage charges are against the public interest, as the people of all sections are interested in removing from commerce unnecessary burdens. The law, as it stands at the present time, exacts payment for pilots' services neither needed nor in a great many cases rendered; it discriminates without reason between classes of vessels. It maintains a monopoly, as compulsory pilotage is exacted now in only 9 States out of the 45; and for the benefit of a few pilots of a few ports it puts the vast coastwise commerce of the United States under contribution. The decadence of our foreign-going merchant marine has left the coastwise fleet the only source from which to recruit our Navy during war. The present law operates in favor of the rich as against the poor, inasmuch as coastwise tonnage is generally held by small owners in multiples of sixty-fourths, while on the other hand coastwise steamers, which for many years have been relieved from this tax, are, in the main, owned and controlled by powerful corporations, and it is but simple justice that the small investor should be put on the same footing as the large and powerful corporations. [Applause.]

To show how unjustly our sailing vessels are discriminated against it is only necessary to cite this instance: A steamer can make 20 trips between New York and Charleston in a year and pay no pilotage fees. The schooner *Thomas A. Ward*, from January, 1895, to January, 1896, paid Charleston pilots $1,298.23, and in no instance was the service of a pilot asked for or required; yet this vessel paid this tribute because the laws of South Carolina demanded it. From statistics gathered from the collectors of customs in the different Southern ports it is shown that 76 per cent of the vessels entering and clearing at these ports employed towboats manned by skillful pilots, yet they were compelled to employ pilots in addition and to pay this pilotage tax whether the services of the pilot were accepted or not.

To show how great an expense and burden this system is it is only necessary to state that the pilotage charges average 33 per cent of the net freight. The Constitution of the United States says that no State, without the consent of Congress, shall lay duty on tonnage, and the levying of this tribute by these 9 States is to my mind a clear infraction of the Constitution.

Every vessel carrying a ton of coal, a bale of cotton, or any of the necessaries of life from one of these Southern ports to the great industrial centers of the North is compelled to pay this extra tax, and as a consequence the burden falls unjustly on the poor people of the North, who are made to pay a higher price for these great necessities. [Applause.]

The district which it is my privilege and honor to represent on the floor of this House is composed largely of working people, persons who toil from early morn until late at night to earn their daily bread, and it is only with the greatest care and economy that they save enough to educate their children to the proper responsibilities and duties of American citizenship.

To this great class of the American people every cent cheapened in the matter of transportation charges means another cent saved, and when you remove these unjust taxes on the American sailing vessel you immediately lay at the door of every laboring man in this country cheaper coal and cheaper food products.

I appeal, therefore, to the members of this House, in behalf of the great wage-earning class of our population, to remove the fetters that now bind our merchant marine and give the struggling sailing vessel the same rights and privileges that are now enjoyed by the more powerful steam vessel and the gigantic corporations behind it. [Loud applause.]

Mr. COOPER of Florida. I yield five minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, in five minutes' time I can not discuss the principle involved in this bill. There might be a time when, under other and different circumstances, I would support this bill, but I am opposed to it at this time and under existing circumstances for reasons which I will briefly state. We are in the midst of a condition of depressed labor. From one end of this country to the other the laboring man is either without employment or without adequate and just remuneration for his labor. I know that some of our friends on the other side are inclined to say that we are entering upon a period of better times. I do not find it so among the laboring men whom I represent. In my district there are 9,000 coal miners, men who work by the ton, mining coal out of the earth for a price less than one-half of a fair remuneration for their labor, taking into account, first, the rate per ton, and second, the limited employment which they are enabled to obtain.

Now, these people—and they are only types of a mighty host in the United States, found not only in Ohio and in the West, but in Massachusetts and the East—these people are looking to this Congress to do something for them. This Congress is not going to do anything for them, but certainly they are not expecting that this Congress is going to interfere with long-established rules of labor in any section of the country to the detriment of the laboring men of the country. I do not stop here and now for want of time to defend their views of this subject. Nobody knows better than the gentleman whose handsome face is in front of me at this moment [Mr. SIMPKINS] how difficult it is to argue upon principle with a hungry man, and when the representatives of millions of laboring men are called upon they heed the voice of labor and laboring men.

Mr. STEELE. Will the gentleman yield for a question?

Mr. GROSVENOR. Certainly.

Mr. STEELE. I understand that 17,000 ships, as has been stated on this floor, were thrown out of commission last year. I understand that the compulsory pilotage fees amount to about one-third of the total net receipts of this class of vessels. Now, is not that discouraging to the shipping interest, and is it not discouraging to labor?

Mr. GROSVENOR. The gentleman is assuming as a fact that which has been vigorously disputed by the gentleman from New York [Mr. CUMMINGS].

Mr. LOW. The statement, I think, was that that number of ships had been thrown out of commission in twenty years.

Mr. GROSVENOR. Ah, in twenty years. That makes quite a difference. The gentleman from New York [Mr. CUMMINGS] exhibited here yesterday the orders that are being given for new ships, which would indicate quite a different condition of things from what is implied in the question of the gentleman from Indiana.

Mr. CUMMINGS. Every week you will find in the Marine Journal a page of orders for new ships with the names of the people ordering them and the names of the builders.

Mr. GROSVENOR. Yes; and every week you will find lists of other industries closed up and broken down. Now, my proposition is this; here is a law in relation to pilotage which has been in existence for a quarter of a century. Ever since I have been in Congress bills to repeal it have been here, and ever since I have been in Congress they have been defeated.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GROSVENOR. I certainly have not occupied five minutes. [Laughter.]

The SPEAKER pro tempore. It is the ruling of the clock that the Chair goes by.

Mr. GROSVENOR. That may be so, but other gentlemen have occupied the time.

Mr. COOPER of Florida. I yield five minutes more to the gentleman from Ohio.

Mr. GROSVENOR. I hope it will be longer than the last five minutes. [Laughter.] I was going on to say, Mr. Speaker, that it is possible that all that has been said in advocacy of this bill is true, but even if that be so, why can not these shipowners wait? I put that question in the hearing of the representatives of the laboring men of this country.

A MEMBER. They have waited twenty years.

Mr. GROSVENOR. They have waited twenty years, and they have done pretty well by it. They have had the exclusive monopoly of all the coastwise trade of this country, the greatest trade that we have. While the laws of internal transit lay the whole business open to competition, the laws of coastwise transit close the doors to competition.

Mr. SIMPKINS. There are 4,000,000 of tonnage engaged in competition with themselves in the coastwise trade——

Mr. GROSVENOR. Very well.

Mr. SIMPKINS. Over ninety acts have been passed by the Congress of the United States—you will find that in the statement of Mr. Blaine in his reply to Mr. Beck in the Senate—over ninety acts of Congress have been passed for the regulation of internal transportation. Many millions of dollars have been given to aid the railroads. These railroads come in direct competition with the coasting vessels——

Mr. GROSVENOR (interposing). Mr. Speaker, I can not allow the gentleman to use up the remainder of my time. [Laughter.]

Mr. SIMPKINS. I simply want to ask the gentleman if that is not competition enough?

Mr. GROSVENOR. I will answer the gentleman. During the period he has spoken about, the railroads of this country have reduced their freights on the average down to 22 per cent of the maximum rate in 1867, and during that time 270,000 men employed upon the railroads of this country have had their wages reduced to less than 50 per cent of the former rate, and during that time the men who provide the articles for transportation upon the railroads and the ships have had their wages cut down in like proportion. Subsidies to railroads have nothing to do with my proposition, which is this: In the midst of a time when labor is depressed and when the laboring men of the country are prejudiced against an enactment like this, why is it necessary to press this bill upon the Congress of the United States? Why not wait, and in the fulfillment of the prophetic vision that seems to be ahead of us, when better times shall come, why not then regulate this matter and let the oncoming tide of prosperity be joined by the benefit to the shipping along the northern Atlantic coast? [Applause.]

That, Mr. Chairman, is all I desire to say. The residue of my time I yield back to the gentleman from Florida [Mr. COOPER].

Mr. PAYNE. I yield five minutes to the gentleman from Virginia [Mr. ELLETT].

Mr. ELLETT of Virginia. Mr. Speaker, I desire to read resolutions passed by the Chamber of Commerce of the city of Richmond, Va., favoring the passage of the bill now before this body:

Resolutions adopted by the Richmond Chamber of Commerce February 17, 1896.

Resolved, That the board of directors of the Richmond Chamber of Commerce indorses most heartily the bill now before the United States House of Representatives, No. 2653, which has for its object the abolition of compulsory pilotage on coastwise sailing vessels, and respectfully petition the Senators and Representatives from Virginia to give their support to said measure.

The compulsory payment by the masters of coastwise sailing vessels of compulsory pilots' fees for services which are not needed nor even rendered is an unjust tax upon the citizens and an onerous burden upon the commerce of the country. The fact that such an exaction is permitted by law in no way relieves it of its injustice, but demands its speedy repeal by the law-making power.

S. H. HAWES, *President*.

Attest:
R. A. DUNLOP, *Secretary*.

These resolutions, Mr. Speaker, come from a body composed of the most conservative, intelligent, and substantial business men of Virginia; men thoroughly acquainted with the true interests and rights of their community and State, and knowing those rights dare maintain them. Their ports are not only Richmond, but West Point and Newport News as well, and they are largely interested in commerce.

Sir, a great deal has been said about labor organizations opposing this bill. I can state, without fear of contradiction, that the 100,000 inhabitants of the city which I represent are almost to a unit, laboring men as well as business men, in favor of this bill. The farmers of my entire district favor it. And why? All take a broad view of the commerce of this country. They know that it will be beneficial to Southern trade to have as free ingress and egress into and from her ports as possible. They know that while this tax may now be paid by the shipowner it must in the end come back upon the consumer in that portion of the country which I represent. They know but too well that at certain seasons of the year, because of this heavy tax, it is almost impossible to get sailing vessels to come to our ports at all.

Mr. BRUMM. As a matter of information, may I ask the gentleman——

Mr. ELLETT of Virginia. I have but little time allotted me.

Mr. BRUMM. Why do not your people go to the State for relief?

Mr. ELLETT of Virginia. They do go there, and there they are asked why they do not come to Congress, which, under the Constitution, has full control of this subject. It is unfortunate that both there and here the political influence and activity of the National Pilots' Association is so great with both parties that it is almost impossible to secure a fair, impartial, and businesslike consideration of this question.

Mr. Speaker, a great deal has been said by the opponents of this bill about States' rights being involved in this matter. This is a specious claim, and every lawyer when he makes it knows that it is incorrect. They must or should know that the fathers of the Constitution, who so carefully strove in every way to preserve and protect the rights of the States, delegated to the General Government the absolute control of the foreign and interstate commerce of the country.

The provision of the Constitution is as follows:

Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes. (Constitution United States, item 3, section 8, Article I.)

In colonial times such of the thirteen colonies as established pilotage systems confined their operations to the shipping trade to and from their own ports. They protected their systems by making it a punishable offense for anyone to act as a pilot for any such vessel without their license.

After the Declaration of Independence, although the Colonies succeeded to the rights of the Crown, an independent exercise of sovereignty over the waters in the several States would have been inconsistent with the Union, whether we regard their confederation as an alliance of thirteen States or as a single nation. But when the Constitution was adopted and the Federal Union formed in 1789, if such powers existed in the States, their exercise was precluded by the common right of all the States to free and equal navigation in all the public navigable waters of the United States.

The First Congress, as early as August 7, 1789, which was assuredly familiar with the subject, passed as its ninth act a bill entitled "An act for the establishment and support of light-houses, beacons, buoys, and public piers."

Among its provisions it provided that—

Until further provision is made by Congress all pilots in the bays, inlets, rivers, harbors, and ports of the United States shall continue to be regulated in conformity with the existing laws of the States, respectively, wherein such pilots may be, or with such laws as the States may, respectively, enact for the purpose. (Act 9, August, 1789, page 54; Revised Statutes United States, section 4235.)

The navigable waters of the United States are defined, namely:

And they constitute navigable waters of the United States within the meaning of the acts of Congress, in contradistinction from the navigable waters of the States, when in their ordinary condition, by themselves or by uniting with other waters, they form a continued highway over which commerce is or may be carried on with other States or foreign countries in the customary modes in which such commerce is conducted by water. (*The Daniel Ball*, 10 Wallace, 563; *The Monticello*, 11 id., 411.)

The act of 1789 is a clear and authoritative declaration that the Federal Government, under the said provision of the Constitution, reserved to itself the control of all pilotage legislation, and by this act permitted the several States to pass laws regulating pilotage in their ports until such time should arrive when Congress would consider the subject and pass general laws in respect to the same.

When this act became a law the seacoast of the United States was limited from Maine to Georgia. Neither Louisiana nor Florida had been purchased; the boundaries of Oregon were unascertained and undetermined; Texas had not made its gallant fight for and achieved independence, and California was not acquired until more than a half century thereafter.

Mr. Speaker, it has been the policy of this Government since the adoption of the Constitution to have the navigable waters of the United States as free as possible, and to have all necessary charges on these waters as uniform and without preference as the circumstances would permit. Sections 8 and 9, Article I, of the Constitution provide:

That all duties, imposts, and excises shall be uniform throughout the United States.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

No State shall, without the consent of Congress, lay any duty of tonnage.

Again the ordinance of 1787 for the government of the territory of the United States northwest of the River Ohio provided that—

The navigable waters leading into the Mississippi and St. Lawrence and the carrying places between the same shall be the common highways and forever free as well to the inhabitants of said territory as to the citizens of the United States, and those of any other State that may be admitted into the confederacy, without any tax, impost, or duty therefor.

Now, while it will be observed from the above quotations that the policy of the United States has been to make all laws governing interstate or foreign commerce uniform and without preference among the States, yet in the wisdom of Congress in 1789 it was determined to leave pilotage to be regulated by the laws of the respective States. This was done then because of the necessity of leaving it to local pilots and giving them every encouragement in the then condition of commerce, and also because of the condition of the various harbors, rivers, and channels, which were as nature made them, full of rocks, windings, and other impediments to commerce. Now, however, things have changed. Over $100,000,000 has been expended in straightening, dredging, and deepening Southern channels. Dangerous

places have either been removed or marked by light-houses and buoys, until any master of a vessel can take her, either himself or with the aid of a tug, into port without assistance. Especially is this the case at Hampton Roads, where any mariner may sail in as easily and safely as any member of this House can walk up Pennsylvania avenue from the Capitol to the White House. In fact, I submit that the course of the mariner would be the safer of the two under certain conditions of the Congressman in the dark hours of the night. The conditions having changed, I therefore submit that the old law should be repealed, and the General Government should enact one law to apply to all ports of this country.

Again I submit that the law as it exists in those States where licenses are granted is unconstitutional. In many States laws were originally passed which exempted vessels plying between their own ports and those of neighboring States. When these laws were declared unconstitutional because repugnant to that clause of the Constitution forbidding any State to give a preference to the ports of one State over those of another by any regulation of commerce, several States, including Maryland, Virginia, and Georgia, in order to get around these decisions, passed laws permitting the pilots to license sailing vessels for a year, scaling the tax according to the registered tonnage of the vessel, as, for instance, in Virginia, it is 10 cents per ton on her registered tonnage. This, I maintain, is in conflict with that provision of the Constitution which says:

No State shall, without the consent of Congress, lay any duty of tonnage. (Section 9, Article I, Constitution of the United States.)

The law remained substantially as passed in 1789 until 1837, when New York pilots had a complete monopoly, and they became both so exacting and negligent that because of the loss of the emigrant ships *Bristol* and *Mexico* on Long Island public attention was drawn to them and the State of New Jersey established a pilot system, broke up the New York monopoly, and Congress passed a law empowering the master to take a pilot from either State when going to a port situated on waters constituting the boundary between States. (Revised Statutes United States, section 4236.)

In 1871 Congress again intervened and again assumed partial control of the subject by enacting a law abolishing compulsory pilotage as to all coasting vessels propelled by steam. (Revised Statutes United States, section 4438 et seq.)

Having reviewed the historical and legal aspect of this subject, let us now consider exactly what this bill seeks to do and the justice of, and reasons for, doing it.

This bill simply provides that coastwise sailing vessels shall be put on the same basis as our steam vessels, by allowing the licensing of their masters or mates to pilot their own vessels when found competent by the local inspectors, as contained in section 4442 of the Revised Statutes of the United States, and by exempting them from the payment of State pilotage when not used and when their vessels are towed by tugs under the charge of United States pilots.

This bill in effect provides that an American coastwise sailing vessel already adequately piloted by a United States pilot shall not be obliged to pay a State pilot who has performed no service for the vessel, and whose services are not needed.

That the permissive act of Congress of 1789 that—

All pilots in the bays, inlets, rivers, harbors, and ports of the United States shall continue to be regulated in conformity with the existing laws of the States, respectively, wherein such pilots may be, or with such laws as the States may, respectively, hereafter enact for the purpose, until further legislative provision shall be made by Congress—

has now become an inequitable discrimination by eight States against the citizens of the rest of the Union engaged in the coastwise sailing trade; and besides, as the bill simply embodies the well-recognized rule of justice that no person should be compelled to pay for services not accepted nor rendered, it is incumbent on those who oppose it to give most cogent reasons for retaining laws which give State pilots authority to collect fees from vessels already adequately piloted that do not accept nor need their services.

No work, no pay, is the principle of this bill. The reasons why in justice and right this bill should be enacted into law by Congress are as follows:

First. The law should be the same with sailing vessels as with steam vessels. No reason exists why steam vessels should be released from the payment of pilotage fees while sailing vessels are held to such payments. Especially is this true and the unfairness of the distinction made more glaring now that steam tugs with two United States licensed pilots on board are ever at hand to tow any and all vessels needing their services into port. It is urged, Mr. Speaker, that these State pilot laws keep down the price of towage. The answer to this is that competition in this, as in every other business, will keep the towage at a reasonable figure. The absurdity of this argument will be at once noted when the cost of pilotage and towage are compared as given in the following table.

The following is a comparison of pilotage and towage, copied from the vessels' accounts, for entering and leaving the following ports, and shows the onerous tax upon those engaged in this trade:

CHARLESTON, S. C.

Schooner *Genevieve*, drawing 15 feet of water:

Pilotage in and out	$130.00
Towage in and out	50.00

Distance from sea buoy to city, 11 miles.

SAVANNAH, GA.

Schooner *Genevieve*, drawing 15 feet of water:

Pilotage in and out	131.28
Towage	68.00

Distance from sea buoy to city, 30 miles.

WILMINGTON, N. C.

Schooner *Kate V. Atken*, drawing 13½ feet:

Bar pilotage in and out	57.00
River pilotage in and out	58.00
	115.00
Towage from sea to city and back to sea	50.00

Distance from sea buoy to city, about 50 miles.

BRUNSWICK, GA.

Schooner *Angie L. Green*, drawing 13½ feet:

Pilotage in light (8 feet) and out loaded	82.50
Towage in light and out loaded	25.00

Distance from sea buoy to city, 9 miles.

FERNANDINA, FLA.

Schooner *Angie L. Green*, drawing 13½ feet:

Pilotage in light and out loaded	73.00
Towage out	10.00

Distance from sea buoy to city, 8 miles.

MOBILE, ALA.

Schooner *Millie S. Derby*, drawing 13 feet:

Pilotage in and out lower bay	78.00
Pilotage in and out upper bay	125.00
	203.00
Towage from sea to city and out	125.00

Distance from sea buoy to city, 23 miles.

GALVESTON, TEX.

Schooner *Oscar C. Schmidt*, drawing 13½ feet:

Pilotage in and out	99.00
Towage in and out	56.00

Distance from sea buoy to city, 10 miles.

The foregoing charges in said ports show what the pilotage fees amount to on vessels when towed, and it is apparent no service was rendered by the State pilot. The distance is also shown, so that anyone can see how long it would take to earn the double fees which are exacted from the vessels in the coastwise trade.

In Hampton Roads the difference in pilotage and towage is about the same; in nearly every case the pilotage exceeds the towage more than 100 per cent.

It is certainly a rank injustice to exempt steamers, which are usually owned by wealthy corporations, from contributing to the support of State pilots, and at the same time compel the comparatively poor owners of small coastwise sailing vessels, doing business in competition with these steamers, and often owned in thirty-second parts by small owners, to pay this tax, so entirely unnecessary.

Second. The law as it exists is unjust, as it obliges the coastwise trade, who do not need pilots, to pay for the maintenance of a staff of pilots for those who do need them—namely, foreign vessels.

Moreover, inasmuch as three-fourths of the vessels which require pilots are foreign vessels, the practical effect of the laws of the eight States which this bill would modify is to compel the owners of American vessels to contribute to the support of pilots for foreign vessels. We know of no reason why foreign vessels should not pay the expense of maintaining pilots for their own use if they need them.

Experience has shown, in the States which have no laws compelling coastwise vessels to pay State pilots not used, that all the ports are as well supplied with necessary pilots as they were before, although generally the number is less than before the change, for the reason that now the supply is only equal to the demand, whereas when compulsory fees existed the temptation existed to maintain numbers beyond the demand.

In Hampton Roads, however, there has been such an increase of the number of vessels that the 28 pilots now employed would be kept busy, as they are now, from year's end to year's end, and would, with compulsory pilotage abolished, still derive handsome yearly incomes from the foreign pilotage alone. Maryland has taken this view, and her legislature has just abolished compulsory pilotage on coastwise vessels.

Third. That the compounding of pilotage fees by the pilot authorities in the States of Virginia and Georgia in granting exemptions to shipmasters upon payment to them of a specified sum is an unconstitutional exaction, as we have before seen, is repugnant to our institutions, and is a burden on interstate commerce.

The Virginia law covering this point is as follows:

PORTS OF VIRGINIA.

SEC. 1967. Pilots shall appoint agents, one for Norfolk City and one for Richmond, who shall grant licenses for coasting vessels trading in all the rivers of

this State; for which license such agent shall receive 10 per cent per ton for one year; and coasting vessels having such licenses shall be free to sail without pilots to or from sea; but all vessels sailing under coasting licenses of the burden of 70 tons or more, coming from or going to sea, without having obtained a license from such agent shall be subject to the same regulations and pilotage as registered vessels belonging to citizens of the United States.

SEC. 1990. Nothing in this chapter shall be construed to apply to vessels bound for any point on the Potomac; and no vessel bound to or from any point on the Potomac shall be required to pay pilotage.—*Code of Virginia.*

Thus, Mr. Speaker, it will be seen that in Virginia we have not only this unconstitutional tax provided by section 1967, but the remarkable anomaly of a State discriminating between her own ports. All points on the Potomac, such as Alexandria, are free, while Richmond, Fredericksburg, and West Point, and all other ports in Virginia are still taxed.

This state of affairs was brought about in 1872, when the pilots, represented by Mr. John S. Wise, in order to prevent the total abolition of compulsory pilotage in Virginia, compromised with the representatives of Alexandria by excluding them from the provisions of the State law.

Comment on the unfairness of such a status of affairs is entirely unnecessary.

Let us revert for a moment to section 1967. If permission be granted to a licensed American vessel of 1,000 tons burden to navigate American waters said vessel will be compelled to pay $100 to go up James River to Richmond, or to Newport News, or Norfolk. and if the master desired to go to Savannah the permission to navigate the river leading thereto would cost him $267, making the sum of $367 (and not one particle of service rendered), to be deducted from the gross earnings of the trip.

There is no service rendered for the money paid, nor is any examination made as to the qualifications of the master to act as his own pilot; in fact, the master is not known in the matter; his name does not even appear on the permission granted. The printed forms are left with ship brokers and commission merchants to be filled in whenever a master in the coastwise trade desires to purchase permission to sail over certain waters of the United States, and there is hardly a vessel that is engaged in the coastwise trade that does not some time during the year visit Newport News, Lamberts Point (Norfolk), or Savannah.

Mr. Speaker, I can not better impress this House with the injustice and folly of continuing compulsory pilotage than by reading the following extract from the testimony of Mr. John A. Curtis, a prominent citizen of Richmond, and then a member of the Virginia legislature, before the House Committee on Merchant Marine and Fisheries of the Fifty-first Congress. Mr. Curtis was born in Hampton, Va., the home of the pilots, and has been a seafaring man nearly all of his life. Mr. Curtis said:

They keep a pilot boat at Cape Henry. The Virginia law provides that every vessel inward bound shall take the first pilot that approaches and offers his services at Cape Henry, bearing west of south. Therefore, belonging to one association, they lay their boat within that line, at the gateway of the waters of that State, and demand tribute of every vessel that passes, whether any service is rendered or not.

I have a statement here of the income for the year ended October 1, 1889, which is authentic, certainly, as to Newport News, that they receive the sum of $95,753.43. Out of that amount $25,000 was received from American coasting vessels, for which the said pilots rendered no service. If that amount were taken from the pilots, which would be done under the proposed bill, they would then have $70,000 to divide between 27 men. * * * The pilots have been increasing in business for years. * * * When Newport News and Lamberts Point became coaling points for steamers crossing the Atlantic, the business of pilotage increased wonderfully. They are busy from one year's end to the other. * * * We have pleaded with these people and said to them, "You are making a far better living than the majority of the people with the same amount of capital, and we beg you, as people of this State, to go to the legislature of Virginia and ask to have that act repealed levying this tax upon the coasting vessels trading in the waters of Virginia, for which the people of Virginia must pay." * * * I am not here to take away the living of any of the pilots, * * * but I ask that a tribute which Virginia has imposed upon American vessels, shall be taken off, in order that we may have more vessels in Virginia waters, where we need them, and that our people may have better facilities for sending their produce to Northern markets. Our farmers are poor and are getting poorer daily. They have gone to getting out railroad ties, lumber, and staves to send North, in order that they may realize ready money. It is for them it is asked that every obstruction be taken away, in order that these vessels may be free to trade in the State of Virginia and carry this freight of my people at less rates than they are with this burden of taxation put upon them by the State of Virginia, * * * and for which no service is rendered. * * *

Mr. Speaker, thus do the discriminating and unjust pilot laws of Virginia weave a web around the mouth of Chesapeake Bay and Hampton Roads, the grandest and most accessible harbor on the Atlantic seaboard, and permit 28 pilots there to lie in wait for their prey—the American sailing vessel—the home and nursery of American seamen, and to pounce upon them and sap their lifeblood, greatly to the injury of Virginia's people and Virginia's commerce.

Fourth. That in the United States the owner is not exempted from liability for the acts of the pilot. In England and Germany compulsory pilotage carries with it exemption from liability. Not so here.

A shipowner is not exempted from liability for the damage done by his vessel when the same is placed in charge of a pilot by compulsory Federal or State laws. (Steamship *China vs.* Walsh et al., 7 Wallace, 61.)

There is no immunity to the owner nor responsibility of the pilot other than a slight fine or suspension. This followed to its logical conclusion is absurd and most injurious to the interests of commerce.

Fifth. That the masters and mates engaged in the coastwise trade, from their acquaintance with their vessel and crew and experience in these waters, are more capable to handle the vessel, even in the pilotage waters of said States, than a pilot to whom the vessel is strange; and to compel the master to surrender her to the pilot sometimes leads to disaster.

Sixth. That the system tends to create a body of protected monopolists, whose interests are not identical with those of the shipowners, who know they must be employed, and whose independent services are probably not so readily or effectively given as if their employment depended on their efficiency. In Virginia the pilots are appointed by a board of commissioners appointed by the courts of the city of Norfolk and the county of Elizabeth City; but no one can apply for a license unless he has served a five years' apprenticeship to a Virginia pilot; and as there is no law compelling a pilot to accept an apprentice, the present pilots, who all belong to one association, have a close monopoly of the most pronounced type. Unlike most public servants, they make no report or return to the Commonwealth, but all fees collected go into their private pockets and not one cent into the State treasury.

I am well acquainted with many of the Virginia pilots and I esteem them to be a brave and worthy band, but it is wrong to permit them to tax others for their own benefit when no service is rendered. It is wrong in principle to permit 8 States thus to levy tribute on the commerce of the other 37.

It is wrong in principle to permit one citizen to levy a tax on another citizen when the first citizen renders no service whatever to the one compelled to pay the tax. The mere statement of such a proposition is abhorrent to every sense of equity and justice and totally repugnant to the principles of our republican form of government, the foundation stone of which is the equality of every citizen under the law.

Every farmer, every miner, every laborer, as well as the merchant and manufacturer, and, above all, every consumer of all their products in the Southern States, are interested in cheap freight rates, and are therefore vitally concerned in maintaining the commerce of our Southland and in securing to all shippers of freight the amplest and cheapest transportation facilities. The Southern States have too long allowed such antiquated laws to impede their progress and general prosperity. Compulsory pilotage on coastwise vessels has been abolished everywhere in this country on the Atlantic and Pacific seaboards save in the South. Maryland has just indorsed the wisdom of this bill by abolishing compulsory pilotage. Why should not Congress make the law on this subject uniform throughout the 'and? By so doing not only will all classes of our citizens be greatly benefited, but another blot will be thus removed from the symmetry of our Federal laws. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Virginia [Mr. ELLETT] has expired.

Mr. ELLETT of Virginia. I trust the gentleman from New York [Mr. PAYNE] will grant me two minutes more.

Mr. PAYNE. I can not do it.

Now, Mr. Speaker, I think the gentleman on the other side should use his time, and that we on this side should close the debate.

The SPEAKER pro tempore. Five minutes remain to the gentleman from Florida [Mr. COOPER], and twenty minutes to the gentleman from New York [Mr. PAYNE].

Mr. COOPER of Florida. I yield one minute to the gentleman from South Carolina [Mr. ELLIOTT].

[Mr. ELLIOTT of South Carolina addressed the House. See Appendix.]

Mr. TYLER. Mr. Speaker, of course it would be utterly impossible for me to make anything like a proper argument in support of the position I take on the pending bill within the short time allowed to me. It is enough, I think, for me to call the attention of the House to two salient objections to the passage of the bill, and before doing that I want to refer briefly to what my colleague from Virginia [Mr. ELLETT] has said in regard to the interest taken by the people of his metropolis for the repeal of the compulsory pilot law.

If you refer to the statistics appearing in the report of the majority of the committee upon this bill you will see that at Richmond, Va., under the head of "Estimated pilotage receipts from tonnage entered from and cleared to foreign ports for the year ended June 30, 1895," that it amounted, in sailing vessels, to 3 vessels entered and 2 cleared; in steamers, to 8 entered and 15 cleared, and the total amount of pilotage fees collected at that port during that period was $1,530.

I have the honor of representing the greatest seaport town in Virginia, that guards the mouth of the Chesapeake Bay, and also

that young city whose site was but yesterday a mere uncultivated old field, but which has become to be, with a magic growth, one of the most flourishing cities in our Republic; I refer to Norfolk and Newport News; and I will show the interest that our people take in this question because of the great interests of commerce at these points.

At Newport News the number of foreign sailing vessels entering that port during the same period to which I have referred was 11, with a registered tonnage of about 8,000; cleared from the port 28, with a tonnage of more than 22,000; of steamers, 81 entered and 149 cleared, with a tonnage of 247,000. The receipts that year from pilot fees amounted to $19,146. In Norfolk, during the same period, the number of vessels entering that port—sailing vessels—was 12, and 60 cleared therefrom (these are foreign vessels; I wish to call the attention of the committee to that fact), and of steam vessels the number entering was 31, the number cleared 79, with a tonnage of 122,000. The amount of pilotage fees collected was $13,000, and the fees collected at the two points named represent interests in favor of continuing the compulsory pilotage system, as against the $1,500 paid by Richmond.

Norfolk and Newport News, with their immense foreign and coastwise trade, with their thousands of merchants and shippers dependent for their prosperity upon marine traffic, desire that the present excellent pilotage system shall remain under local control, while Richmond, an inland city, having comparatively no interest in the matter, bearing an infinitesimal portion of the cost for the maintenance of the system, appears on this floor advocating the passage of a bill which, if it became a law, would be a destructive blow to the rapidly increasing commerce of our Virginia ports; and for the selfish advantage of a few tugboat owners she asks that Virginia be deprived of the power to control her own pilot laws and calls upon the Federal arm to do that which the State has done so well for more than a hundred years.

Mr. Speaker, I presume that the most extreme supporters of this bill will not deny the paramount necessity of a thorough and efficient system of pilotage as well for the protection of life and property as for the safety and advantage of trade and commerce. And it must further be admitted that such an efficiency can not be maintained unless the reward for the services rendered is sufficient to induce men who enter this vocation to devote their time and means to the arduous duties demanded of them. There can be no such thing as a voluntary pilot system. It must be supported either by salaries paid by the State or by fees imposed on those who need such service. The latter method of providing the necessary means to defray the cost of a pilotage system has been always deemed the better one, and exists in all the States of the Union. At one time the system of compulsory pilotage prevailed in every State on all vessels—American and foreign. At this day it is still continued in every port of the United States on the foreign marine, sail and steam. And this tax imposed on commerce is levied because an efficient pilot corps could not be had without it. If this were not true, if the efficiency of the system did not depend upon it, such a tax would be equally indefensible as applied to the shipping entering our ports from foreign nations as to our domestic trade.

Having this in view, no State has ever abrogated the compulsory feature in her pilot laws so far as it related to the coastwise vessel until it appeared evident that the fees collected from the foreign ship would be adequate to keep up the efficiency of the system. It has happened in several instances, in New York and Maryland, that the compulsory system has been prematurely repealed, and the result was so disastrous to commerce that in a few years the former law was restored by the legislature. The North Atlantic States have a very large foreign trade, and the fees arising from compulsory pilotage on foreign vessels are adequate for the support of their pilotage systems, while the nine States south of Maryland have not as yet sufficient foreign commerce to justify a reliance upon it alone for the maintenance of an efficient pilot service. In these States the statistics show that the pilot fees collected at their ports on coastwise sailing vessels average more than 50 per cent of the total fees. If this means of support were withdrawn from the Southern pilots, as this bill proposes to do, the pilotage systems at these ports would be seriously affected if not entirely destroyed, and their commerce, which is so rapidly increasing, would be driven away on account of the risks and danger of entering their harbors. I can conceive of no greater injury to the commercial prosperity of a nation than an unreliable, inefficient pilotage system.

It has been sought by the supporters of this bill to arouse prejudice against the brave, hard-working men who compose the pilot corps of the South by representing them as a close corporation, enjoying the enormous profits of a huge monopoly. Nothing can be more false than this. Reliable evidence produced before the committee having this bill in charge clearly shows that these men who have devoted their lives to this exacting, and ofttimes dangerous, occupation, who have invested their money in perfecting and keeping up this splendid service, get from it little more than a bare competency for themselves and their families. The pay received by these pilots averages not more than $1,200 apiece in the most favorable years, and sometimes it falls below this sum. Surely this can not be considered an excessive remuneration for the hard and perilous duties performed by these men. It must be remembered that these pilots are required by the State laws to do other work than simply bringing vessels in and out of port.

Under the law of Virginia they have to assist in quarantining our ports. They have to take any vessel with contagious disease on board to the nearest quarantine station, and are compelled to remain themselves in quarantine until the health officer releases the vessel. They often risk their own lives in seeking bravely to rescue those on a ship in peril, and thus they form a part of the life-saving service of this country. I have not time to read to this House the stringent laws of Virginia (which differ little, I believe, from those of other States) controlling and regulating the local pilotage system. They were passed with a single eye to securing and maintaining the efficiency of our service, and the legislative intent has been fully carried out.

And now, Mr. Speaker, I will close by stating what I regard as a conclusive reason why this bill should not pass. For more than a century this subject of pilotage has been safely and wisely left to the control of the several States. It has always been regarded as a proper subject for local regulation, and no one even now asserts that a general system would be beneficial. The Constitution of the United States by the act of 1789 referred this matter to the legislative discretion of the States, and except in one instance the Congress has declined to interfere with that discretion. State after State, as the exigencies arose, have amended, modified, or changed their regulations for the perfection of the pilotage system. The States have acted cautiously and wisely, in obedience to the local needs. Where it has been found possible without marring the efficiency of the service to reduce charges, to release certain classes of vessels from the pilotage tax, and to free commerce from all unnecessary restrictions, State legislatures have never failed to do so. Maine has acted on this subject in such manner as she deemed conducive to her own interests without the strong arm of the Federal Government being called on to interfere. We ask that Virginia be allowed also to exercise her discretion in this matter. With all the disaster and changes through which the old State has passed in these latter years, we still believe that her people have not lost the power of self-government, that she can be trusted as well as Massachusetts to protect the interests of her people and to decide what is best for her commerce and for the protection and safe conduct of the stranger who seeks her ports. [Applause.]

[Here the hammer fell.]

Mr. PAYNE. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. Twenty minutes.

Mr. PAYNE. Then that, of course, belongs to those in favor of the bill.

The SPEAKER pro tempore. The gentleman from Florida had one minute that was not assigned, but the two gentlemen to whom he assigned four minutes occupied five.

Mr. PAYNE. I yield all but five minutes of the remaining time to the gentleman from Maine [Mr. DINGLEY].

Mr. DINGLEY. Mr. Speaker, pilotage is an instrumentality of commerce, and as such its regulation is exclusively under Federal control. The only way in which any State in the Union has been enabled to pass laws relating to pilotage within its jurisdiction has been by permission of Congress, given simply until Congress should choose to otherwise legislate.

Pilotage should be a matter of Federal legislation for the reason that it relates to the navigable waters that are under the exclusive control and jurisdiction of the United States. The object of pilotage is not to benefit pilots, but to facilitate and protect commerce; to benefit the great commercial interests of the nation.

Pilots are the servants of commerce, the servants of the commercial interests of the nation, and whatever is progressive in this direction must be adopted in and under national legislation. It is inevitable that our pilotage regulations and legislation should be progressive in this nation. It is astonishing that it has not been more so. In 1789, when the first pilotage laws were enacted, there were scarcely any light-houses marking the approach to the ports of the country. There were few beacons and buoys, and there had not been a single harbor improvement inaugurated from one end of the country to the other. There was not a vessel within the limits of the United States, nor even of the world, whose motive power was steam. It was inevitable that in the progress of events there should have arisen a necessity for some modification of the pilotage system.

In 1837 Congress stepped in and modified the system. In 1866 Congress stepped in and further modified the system. And beginning with 1852, and ending with 1871, there came that large mass of legislation having relation to the fact that the navigation of this country had been largely changed from propulsion by wind to propulsion by steam.

In 1871 there was finally enacted an important law relating to pilotage legislation. It provided that from and after that date

any American vessel in the coastwise trade propelled by steam, when piloted by her master or mate or by a United States pilot, licensed as such, should be exempted from the payment of pilotage fees to State pilots whose services had not been used and were not needed.

This legislation marked a new era in pilotage regulations in this country. It was the nation stepping in and assuming its exclusive authority to regulate pilotage so far as this class of vessels was concerned.

It was objected then, when this legislation was had, that it would break down the pilotage system of the country. Nothing of the kind occurred. Less pilots were required at many points, greater economy of pilotage was secured, and the result was, that instead of breaking down the system it in point of fact strengthened it. Then followed legislation by all the Northern States, lately followed by Maryland, applying the same principle to American sailing vessels engaged in the coastwise trade, providing that where an American sailing vessel engaged in the coastwise trade shall be piloted by a United States licensed pilot, whether an officer of that vessel or the master of a tug towing that vessel, then that vessel shall not be required to pay fees to a State pilot whose services had not been used and were not needed.

To-day all the States in this Union but nine have applied to American coastwise sailing vessels precisely the rule that in 1871 was applied by Congress to all the steam vessels of the United Stated engaged in this trade. A discrimination had existed in all the States against American sailing vessels in the coastwise trade up to that time. All the States but nine have lifted this discrimination. The nine States which remain and still compel American sailing vessels in the coastwise trade to pay pilotage fees to pilots that they do not use and do not need are Virginia, North and South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas; and the only reason that those States have not lifted this unnecessary and unjust burden is that in those States it so happens that there is very little tonnage owned. Hence there is no interest to oppose the pilotage lobby and secure what other States regard as just and proper legislation.

What reason is there, Mr. Speaker, that an American coasting vessel, piloted by its own officer, licensed by the same board which licenses a pilot for a steam vessel engaged in the same trade, or towed by a tug piloted by a United States pilot, when entering Pensacola, Fla., for example, thus entirely and sufficiently piloted for the protection of life and property, needing no further pilotage, should be met, when that vessel arrives at the wharf, by a State pilot, demanding, as in some cases, $70, $80, or $90 pilotage fee, when not a particle of service has been rendered by that pilot, and the tug which has rendered the service, piloted by a United States pilot, has actually piloted and brought that vessel in safely, expeditiously, and economically, and has been paid by the vessel for such service?

This is not a bill to abolish pilotage. It does not touch the question of compulsory pilotage at all. It simply provides that where a vessel is adequately piloted by a United States pilot who may be on board a tug guiding that vessel and towing it in, that then such vessel shall not be obliged to pay another fee to a State pilot who has not performed any service. It is simply a bill to abolish compulsory fees when no service is performed. If we were to judge of the merits of this bill as we judge other measures, there could be but one opinion respecting it. It is just; it removes a discrimination that exists without cause. It does for these nine States that have not moved forward in these years precisely what has been done by the legislatures of all the other States in the Union, and what was done twenty-five years ago for American vessels in the same trade. If this bill should pass, the law would then be the same as that which exists on the lakes in Wisconsin, in Michigan, in Ohio, in every Northern State.

You ask if the passage of this bill would increase danger to life and property. Not at all. There is not a Northern State but what is under the same principle as is provided in this bill with respect to pilotage. And yet there never was so efficient a system of pilotage as exists to-day in all these Northern States under precisely the principle enunciated by this bill. Moreover, every marine insurance company in Boston, which is the headquarters of marine insurance in this country, has petitioned for the passage of such a bill as this on the ground that there would be greater security to property and to persons under the policy proposed by this bill, whereby no one could collect pilotage fees unless he performed service. There is no inducement for a pilot to perform good service when he can collect pay whether he does anything or not. There is not a State in this Union—all but nine of whom have adopted the system provided in this bill—that would to-day go back to the old system. There is no necessity for it. It does not secure additional protection to life and property. It imposes an unnecessary expense and is contrary to all principles of equity. More than that, Mr. Speaker, it must be borne in mind that in the passage of a bill of this kind we simply put the two classes of coasting vessels engaged in the same trade upon precisely the same basis.

The only excuse that has been rendered for compelling American sailing vessels when piloted by a United States pilot, either attached to the vessel or in command of a tugboat towing such vessel into port, to pay a State pilot also for services not rendered or needed, is that such a contribution is necessary in order to maintain a system of pilotage in the nine Southern States for the use of vessels in the foreign trade.

If this were true—which it is not—then on what ground are steam vessels in the coastwise trade exempted from contributing their share? The sailing vessel is in competition with the steam vessel for freight in the coastwise trade, and if the former is to be compelled to contribute to maintain a pilotage system for vessels in the foreign trade, then, of course, justice requires that the latter shall no longer be exempted.

But why should not the vessels in the foreign trade support a system of State pilotage maintained for their benefit? Why should any American vessels in the coastwise trade be called upon to contribute to pilotage for foreign vessels?

There is no foundation, Mr. Speaker, for the claim that a pilotage system can not be maintained by the system proposed by this bill as well in the nine States of the South as in the North Atlantic States. We have been told that these Southern States have very little tonnage in the foreign trade entering and clearing from their ports. But this is not so. The entrances and clearances on the North Atlantic are more concentrated in the three ports of Philadelphia, New York, and Boston than they are in the South. Outside of these three ports the tonnage entered and cleared from Northern ports in the foreign trade is far less than similar tonnage in the South, arising from the fact that so large a proportion of Southern products—cotton, naval stores, and lumber—are exported.

Mr. Speaker, let me compare the statistics of tonnage entered and cleared from most Southern ports outside of Baltimore, New Orleans, and Galveston with the tonnage entered and cleared from the largest Northern ports outside of the three ports named:

Tonnage entered and cleared during the fiscal year 1893.

Port.	Tons.	Port.	Tons.
Key West	286,388	Beaufort, S. C.	150,000
Pensacola	770,000	Portland	250,000
Mobile	390,000	New Bedford	17,000
Savannah	488,000	Bangor	18,000
Wilmington	120,000	Bath	2,250
Brunswick	280,000	Fall River	6,250
Charleston	190,000	Gloucester, Mass.	27,000
Fernandina	100,000	New London, Conn.	4,200
Newport News	208,000	New Haven	23,000
Norfolk	148,000		

It will be seen from this table that the Northern ports outside of Philadelphia, New York, and Boston have far less foreign tonnage to maintain a pilotage system than the leading Southern ports outside of Baltimore, New Orleans, and Galveston. And yet these Northern ports have no difficulty in maintaining an efficient State pilotage system without compelling American vessels in the coastwise trade to pay pilotage fees to State pilots for services not rendered. Why can not Southern ports do the same?

There is not the slightest justification in the South for the continuation of their unjust pilotage laws. The suggestion that it leaves the obligation on State pilots to go out and offer their services to incoming vessels in the coastwise trade and takes away their compensation for going out when their services are not required has no foundation, for there will be no such obligation as to vessels in this trade. The obligation will only extend to the offering of services to vessels in the foreign trade.

There is not involved in this bill anything that relates to labor, as has been absurdly argued. I have been astonished to hear gentlemen talk about this bill having some relation to labor. What are the interests that are concerned in legislation relating to labor? Are men receiving $1,500 a year as pilots to be included in the ranks of labor enrolled in labor organizations? Not at all. It is the wage earners that we care for through labor organizations, and not a monopoly like this. If any labor organizations have been induced to protest against this bill they have certainly been grossly deceived as to its character.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PAYNE. Mr. Speaker, the question is, shall we continue to discriminate against sailing vessels and in favor of steam vessels in the coastwise trade? Shall we still permit nine States to levy a tribute upon the shipowners of the other States for entering their ports, a tribute exacted often without one finger raised in return in the way of service? The gentleman from Ohio [Mr. GROSVENOR] intimates that he might vote for this bill at a proper time, but thinks that this is not the proper time because of the general depression of wages throughout the country. He says we have waited twenty years and can wait a little longer. In that twenty years, Mr. Speaker, the 17,000 sailing vessels owned by citizens of

keeping up this splendid service, get from it little more than a bare competency for themselves and their families. The pay re-

In 1871 there was finally enacted an important law relating to pilotage legislation. It provided that from and after that date

basis.

years, Mr. Speaker, the 17,000 sailing vessels owned by citizens of

the United States have disappeared. For twenty years, while we have sought to have this restriction removed, under the peculiar rules of Congress there has not been a moment given for hearing upon this bill until this present day. But he says, in the interest of labor, he would have it postponed. Why in the interest of labor? Most of these pilots receive $1,500 a year. Forty-one of them man two little pilot boats at Pensacola, with an average of entrance and clearance of one vessel for each day. Must they be supported at $1,500 a year while the poor sailor who treads the deck shall only receive $10 a month? Is it in the interest of labor to postpone the consideration of this bill—to postpone removing the tax upon the laboring men before the mast a single instant?

I am aware, Mr. Speaker, that some officers of the Knights of Labor have written to members of this House, without giving a single reason, asking them to vote against this bill. But the Knights of Labor—I do not mean the officers; I mean the laborers who stand behind them—will look to you and me for intelligent action. They will overthrow the action of their leaders. They will say, "You had a chance to act, and when it came to an opportunity to vote away this tax upon labor, the real labor, entering into this business, you voted still to allow this little coterie of men to levy this tribute, which comes out of the wages of the seamen." Sentiment is invoked. They say they ask you to continue a pension system to the widows and orphans of pilots. What other business in the United States furnishes a private pension for civil services performed? I would rather give something to the men who are struggling against adverse circumstances, who are struggling to maintain their families on a small wage, than to try to keep up by levying upon their industry a tax to support men—42 of them in two little pilot boats, required for one vessel entering and one clearing a harbor every day. No; in the interests of labor, in the interests of commerce, in the interests of keeping our flag floating over the seas, in the interests of training up the American sailor to prepare us not only to take care of our commerce in time of peace, but to take care of our country and our flag in time of war, every patriotic citizen should rise to the occasion and vote "yea" upon the passage of this bill. [Loud applause.]

The SPEAKER. The question is upon the engrossment and third reading of the bill.

Mr. MORSE. Mr. Speaker, my constituents are interested in this bill, and I ask permission to print some remarks on the bill in the RECORD.

Mr. MINOR of Wisconsin. I object.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. PAYNE. Division.

The House divided; and there were—ayes 52, noes 117.

Mr. MCCALL of Massachusetts. I ask for the yeas and nays.

The question was taken.

The SPEAKER. Eleven gentlemen have risen; not a sufficient number.

So the yeas and nays were refused.

The SPEAKER. On this question the ayes are 52, the noes 117; the noes have it, and the bill is refused a third reading.

On motion of Mr. COOPER of Florida, a motion to reconsider the vote by which the House refused to order the bill to a third reading was laid on the table. [Applause.]

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GROUT. Mr. Speaker, I report back from the Committee on Appropriations and call up for consideration the bill making appropriations for the District of Columbia.

The SPEAKER. The gentleman from Vermont reports from the Committee on Appropriations the bill making appropriations for the District of Columbia, which was recommitted to the committee.

Mr. MCMILLIN. I reserve points of order upon the bill, if there should be any doubt.

Mr. GROUT. Mr. Speaker, the report tells the whole story with reference to the bill. It tells just what is stricken out and just what is inserted; and if the Clerk will read the report to the House, it will explain fully just what the committee have done to the bill.

The SPEAKER. The gentleman can have the report read as a part of his remarks.

Mr. BARTLETT of New York. Mr. Speaker, I rise to a point of order. I submit that this bill should be first considered in Committee of the Whole, as it involves an appropriation from the public Treasury.

The SPEAKER. The Chair will hear the gentleman upon that point.

Mr. DINGLEY. The bill has been considered in Committee of the Whole and reported from that committee to the House.

Mr. GROUT. Mr. Speaker, I will say, for the information of the Chair and of the House, that the bill as reported back by the committee carries precisely the same sum of money that it carried as it was reported from the Committee of the Whole to the House. It is simply in a little different form; that is all the change that is made in the bill.

Mr. MCMILLIN. Mr. Speaker, I have no anxiety myself as to whether this particular bill shall be considered in one way or in the other; but it is well, when these questions come up, to have a correct ruling upon them. Therefore I think it is not improper for me to take time enough to state that to all intents and purposes this appropriation bill is as if it had not been considered before. The action of the Committee of the Whole was disapproved by the House, and the House, as I now remember, though I will not be positive, recommitted the whole bill to the Committee on Appropriations.

The SPEAKER. Not the whole.

Mr. MCMILLIN. Well, even if the House did accept certain parts, it recommitted the bill to the Committee on Appropriations, with instructions to recast a portion of it. That portion had not been considered and disposed of by the Committee of the Whole. On the contrary, the House recommitted the bill to the Committee on Appropriations for the readjustment of that portion of it, and the committee has readjusted it, involving, I believe, about $100,000, though the amount is immaterial. That portion of the bill has not had the consideration in Committee of the Whole which the rules of the House contemplate. To hold differently, Mr. Speaker, would leave us in this attitude: That if, at any time, it should be desired to escape the rule which provides that appropriation bills and bills making donation or dedication of public lands shall have their first consideration in Committee of the Whole, all that it will be necessary to do will be to go into Committee of the Whole, to consider one or two or three sections of the bill, to become dissatisfied apparently with one section or more, and to recommit it, and when that bill came back it would escape consideration in Committee of the Whole if this bill is entitled to escape such consideration. That, I think, is all that it is necessary to say in this case; but it strikes me that beyond that, when the rule is construed with that breadth which gives full intendment to the power of the Committee of the Whole over money and land bills, this whole bill comes up, under our rules, for consideration in Committee of the Whole. I have said thus much, not having any special anxiety as to this bill. If consent were asked for consideration in the House I would not myself object, but I have thought it proper to state what I believe to be the proper interpretation of the rule. This is to all intents and purposes a new section. I am not proposing by this to criticise what the committee has done, but to defend the right to have any appropriation bill considered in Committee of the Whole.

Mr. BARTLETT of New York. Mr. Speaker, it is a matter comparatively indifferent to me whether this bill be considered in Committee of the Whole or in the House, but I should like to have the rule settled. It is hardly necessary for me to say anything as to the remarks of the distinguished gentleman from Tennessee, but I want to call attention to the fact that no specific instructions were given to the Committee on Appropriations. On the 5th of February, 1896 (CONGRESSIONAL RECORD, page 1342), I find this:

> Mr. GROSVENOR. Mr. Speaker, I move to recommit the bill to the Committee on Appropriations with instructions to reexamine and report a new paragraph of so much of the bill as appears under the subhead "For charities."

That is, that whole portion or subdivision of the bill is sent back to the Committee on Appropriations with no specific or limited instructions, but the whole matter is left open. Now, I find that on February 7, 1893, in the Fifty-second Congress, when a resolution introduced by the gentleman from Missouri [Mr. DOCKERY], in reference to the appointment of a commission, was considered as part of the legislative, executive, and judicial appropriation bill, it was considered in Committee of the Whole, although the words of the resolution were identical with a provision adopted or considered in the appropriation bill. In this case the words are not identical and the general subject is left open to the Committee on Appropriations.

Mr. DINGLEY. If the gentleman will permit a suggestion, I think this very question was decided by Speaker Carlisle in the Fiftieth Congress on an appropriation bill. The bill having been considered in Committee of the Whole and reported to the House, was recommitted by the House to the committee which had originally reported it. When that bill was reported back to the House the point of order was made that it should be considered in Committee of the Whole, but the Speaker ruled that, there being no additional appropriation involved, the bill was not required to be considered in Committee of the Whole.

Mr. MCMILLIN. In that connection, if my friend from New York [Mr. BARTLETT] will permit me, I would suggest to the gentleman from Maine that when he examines this bill he will find that there were certain objects of appropriation in the bill as originally reported to the House that are entirely omitted from the bill in this form. The amount may be the same, but the object is different.

Mr. DINGLEY. They might have left out the whole of the

appropriation without the point of order being affected at all. If no additional appropriation has been incorporated in the bill since it was considered in Committee of the Whole, the point of order fails.

Mr. BARTLETT of New York. In reply to the gentleman from Maine, I desire to say that there is an additional appropriation in this bill, because we find here some $94,700 given to the Commissioners of the District of Columbia. And in the bill previously considered nothing was given to the Commissioners under that head. So it matters not whether the amount proposed to be appropriated by the bill is identical or not with a large aggregate of sums devoted to particular charities, the fact is that the Commissioners—new beneficiaries—receive the gift, receive $94,700, whereas before they received nothing.

Mr. GROUT. Oh, Mr. Speaker, the Commissioners receive no "gift." They are simply intrusted with the expenditure of the money. That is all.

Mr. CANNON. Mr. Speaker, I can say in a minute all that I desire to say about this question of order.

Under the rule, the Committee of the Whole considered the District of Columbia appropriation bill, took action thereon so far as recommendation was concerned, and reported it back to the House. Then it was entirely competent for the House to defeat the bill, amend, recommit it, or make any other disposition of it that might be deemed proper. The House chose instead of amending it, to refer it back to the committee with a specific instruction—namely, to recast the paragraph touching charities. In pursuance of the order of the House, the bill is reported back for consideration. The House was competent to deal with it before it was recommitted; and it is competent to deal with it now, the whole matter, so far as the Committee of the Whole is concerned, having been formally considered.

Mr. WHEELER. Mr. Speaker, this matter involves a very important question. If the position taken by the gentleman from Illinois [Mr. CANNON] and the gentleman from Vermont [Mr. GROUT] be correct, then it is competent for this House to consider a bill embracing numerous items, like a sundry civil bill, and then recommit it with instructions to recast it, and have it come back here in the form of a bill appropriating sums of money for purposes other than those originally in the bill; for instance, to maintain the Navy—something entirely different.

The SPEAKER. How could that be done under the rules of the House, which declare that upon a motion to recommit no amendment can be ordered, even by the House itself, which is contrary to the rules?

Mr. WHEELER. Strictly according to the rules it could not be done, but very frequently those things are done in violation of the rules.

The SPEAKER. If done, they must be done by unanimous consent.

Mr. WHEELER. But it is not necessary to go as far as that. The proposition involved here goes at least to this extent, that this bill may be recommitted and may come back recast in a form involving new legislation. There is presented to us now in this bill legislation which many might contend to be violative of the Constitution. It proposes to appropriate money for other purposes than those designated in the bill when formerly before us without considering the new legislation in Committee of the Whole. To tolerate such a practice would be to utterly nullify the force, effect, and purpose of the rule which I believe prevails in all parliamentary bodies, and has always prevailed in our Congress, that (I read from clause 3 of Rule 23)—

> All proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, shall be first considered in a Committee of the Whole.

Of course we understand that the reason the gentlemen in charge of the bill desire to demand the previous question and put the bill upon its passage without going into Committee of the Whole is to cut off amendments. Now, I desire to offer the following amendment, to get the judgment of this House upon it:

Insert, after the word "control," line 13, page 42:

> But this shall not apply to any institution which invites, receives, and cares for all needy and proper persons without discrimination as to their religious belief or creed.

I believe if the House were permitted to vote upon this amendment they would adopt it.

To say that this measure need not now be considered in Committee of the Whole is certainly violative of the rule requiring measures which appropriate money to receive their first consideration in Committee of the Whole. I do not wish to detain the House. I simply make this suggestion. It seems to me it would be the safer practice to go into Committee of the Whole.

The SPEAKER. Under the third section of Rule XXIII——

Mr. MCRAE. Before the Chair decides the point of order, I want to call attention to the instructions given to the Committee on Appropriations when this bill was recommitted to it. The language of the instructions was "to reexamine and report a new paragraph of so much of the bill as appears under the subhead 'For charities.'" I understood some gentleman to say that the committee had reported back substantially the same paragraph. That is not correct. Under the instructions the committee was required to report a new paragraph. I am perfectly indifferent as to what the ruling may be, but I thought it proper to call the attention of the Chair to the fact that the instructions were that we should have a new paragraph, not a recasting of the old.

The SPEAKER. In the third clause of Rule XXIII there is a provision that "all motions or propositions involving a tax or charge upon the people and all proceedings touching appropriations of money shall first be considered in a Committee of the Whole." Taken alone, that expression is very ample, and seems to cover everything. But it is quite evident that it has very many limitations, as gentlemen will see if they consider the practice of the House. After a bill has been reported by a Committee of the Whole to the House, the House has power then to add any other amendments which it sees fit to add, in conformity to the rules, without any reference of them to the Committee of the Whole. If the recollection of the Chair is correct, a number of important bills, such as general tariff bills, after having been very much modified in the Committee of the Whole, were, upon their return to the House, changed by the adoption of a substitute, which substitute involved taxes and charges on the people, but which nevertheless was not considered in Committee of the Whole. In fact, it is a matter of almost everyday occurrence that bills coming under this general description, having amendments which also come under this description, are acted upon by the House without any previous examination by the Committee of the Whole, the examination of the whole subject generally being supposed to inform the House upon the question.

In the Fiftieth Congress—unless the Chair is mistaken as to the time—this question arose in very much its present form; and the Speaker pro tempore decided that the bill would not under the rule go to the Committee of the Whole, because if it did all the paragraphs which had been passed upon and approved by the House would have to be gone over again, or else the anomaly would be presented of a bill partly in Committee of the Whole and partly not. Without going any further than that decision, or undertaking to say what would be the effect if a general recommittal was ordered on the whole bill, the Chair thinks that this is not within the rule cited, and therefore that it should be considered by the House.

Mr. GROUT. Now, Mr. Speaker, if the Clerk will read the report, as I have said, it will explain very fully all that is provided in this bill since its recommittal, and show what the committee has done with respect to it.

Mr. BARTLETT of New York. Mr. Speaker, I understand that this report is to be read as a part of the remarks of the gentleman from Vermont.

The SPEAKER. As a part of his remarks.

Mr. BARTLETT of New York. I desire to raise two points of order. Will I be debarred from making the point of order if the Clerk commences to read the report?

The SPEAKER. What point of order is made by the gentleman? It depends, of course, on the nature of the point of order.

Mr. BARTLETT of New York. I desire to raise the point of order that this is a change of existing law. The point is made against that part of the appropriation contained in the bill reported from the committee on pages 41 and 42, and also against the item, "Industrial Home School," on pages 43 and 44. If there is to be any question in the mind of the Speaker as to whether the point of order will lie——

The SPEAKER. The Chair will hear the gentleman.

Mr. BARTLETT of New York. Now, I assume, Mr. Speaker, that the point of order can be taken now; that is, that the point of order can be raised at this time.

The SPEAKER. It is a question whether it can, after the instruction given by the House.

Mr. BARTLETT of New York. Then, Mr. Speaker, I will address myself to that question first.

If specific instructions had been given to the Committee on Appropriations to insert a specific item or adopt any special line of legislation, I concede that the point of order could not now be raised. But in view of the language selected by the gentleman from Ohio [Mr. GROSVENOR] when he moved to recommit the bill, which was simply a motion to recommit to the committee, to do what? With instructions to reexamine and report a new paragraph on the subject of charities in the District of Columbia, or with reference to so much of the bill as appeared under the subhead "For charities"; that is, the whole subject-matter of charities was turned over, and therefore no restriction or limitation was put upon the Committee on Appropriations, the whole matter having been recommitted to them.

I call the attention of the Speaker to a decision on February 7, 1893, in Committee of the Whole. That decision is referred to in the Manual; that is, a reference is made to the portion of the

CONGRESSIONAL RECORD in which it appears. On an investiga-

express limitations are found in the two sections. Section 25 is a

one is the exclusion of the other, and it being provided in the

The report was read, as follows:

the whole and represent the sum of money that it carried.

Mr. GROUT. Mr. Speaker, I will say, for the information of the Chair and of the House, that the bill as reported back by the committee carries precisely the same sum of money that it carried bill in this form. The amount may be the same, but the object is different.

Mr. DINGLEY. They might have left out the whole of the

on Appropriations when this bill was recommitted to it. The language of the instructions was "to reexamine and report a

1893, in Committee of the Whole. That decision is referred to in the Manual; that is, a reference is made to the portion of the

CONGRESSIONAL RECORD in which it appears. On an investigation of the subject, I find that that decision was made in Committee of the Whole, the gentleman from Tennessee [Mr. RICHARDSON] being in the chair; and the question came up on the following resolution, which had been referred to the Committee on Appropriations in considering the legislative, executive, and judicial appropriation bill. It was a resolution introduced by the gentleman from Missouri [Mr. DOCKERY], and was embodied in the following language, which I will read:

Resolved, That the resolution of Mr. DOCKERY be, and the same is hereby, referred to the Committee on Appropriations, and said committee is hereby authorized to insert in one of the general appropriation bills a provision authorizing the creation of a commission for the purpose indicated in said resolution.

Then some remarks were made by the gentleman from Maine [Mr. BOUTELLE], and the Chairman said:

The CHAIRMAN. If there were such a precedent the Chair would be glad to have it, in order to try to conform his ruling with it, if it is in order and is applicable to this case. Here is a resolution, however, reported in an appropriation bill, that is in identically the language of the resolution considered by the House. The Committee on Rules reported the resolution and submitted a report instructing or authorizing the Committee on Appropriations to include these words in an appropriation bill. The Chair hardly thinks that it would be proper, or in order, for a committee of the House to undertake to say that the House did wrong in instructing the Committee on Appropriations to report this provision.

The Chair then went on and held that because—that is, pursuant to the reasons stated—the identical words had been used and were inserted in the bill, a point of order would not lie; plainly implying that if it were a general instruction the point of order would lie.

That is the only precedent I have been able to find.

Mr. GROUT. Mr. Speaker, I have been listening to the gentleman from New York to ascertain, if possible, the point of order, but have been unable so far to ascertain what it is.

Mr. BARTLETT of New York. I understood the Speaker to state that I was first to address myself to the question as to whether the point of order would lie.

The SPEAKER. The Chair will hear the gentleman on the whole subject.

Mr. BARTLETT of New York. I naturally did not wish to trespass on the time of the House or the Speaker if my point of order was clearly untenable.

Now, I submit, sir, that the language incorporated by the committee in this bill in the paragraph on pages 41 and 42 is a change of existing law. That paragraph reads as follows:

For the relief and care of the poor and destitute, and for such charitable and reformatory work, and such care and medical and surgical treatment of poor and destitute patients in the District of Columbia as have been heretofore usually provided for by direct appropriations to private institutions, and as the District Commissioners may deem necessary, the sum of $94,700, to be expended under the direction of said Commissioners, either under contract with responsible and competent persons or institutions or by employing for the purpose the public institutions or agencies of said District, where practicable: *Provided*, That no such contract shall extend beyond the 30th day of June, 1897, and that no payment shall be made under any such contract except for service actually rendered, for which compensation shall be provided in said contract; and that said Commissioners shall report to Congress on or before the first Monday of December in each year a detailed statement of their expenditures heretofore made under this appropriation, and of all contracts made by them hereunder, giving the names of the persons and institutions contracted with, and stating what further expenditures will be required thereunder: *And provided further*, That no part of the money herein appropriated shall be paid for the purpose of maintaining or aiding, by payment for services or expenses, or otherwise, any church or religious denomination, or any institution or society which is under sectarian or ecclesiastical control.

By a provision which is substituted here for the direct appropriation we delegate a part of our legislative function, a function of a legislative body such as this—for our duties are twofold, to legislate and to appropriate money; but now the Committee on Appropriations, or the House, if you please, abdicates its ordinary legislative function of appropriating money and delegates that function to the Commissioners of the District of Columbia. In other words, these Commissioners, having no power to-day under any provision of the statutes, having no power, sir, because it would contravene the express provision of the Federal Constitution that exclusive authority over the District shall be vested in the Congress of the United States, we abdicate our constitutional power and undertake to delegate it in part to these Commissioners of the District of Columbia.

Now, suppose that point were not well taken in so far as I have already stated it. If the Speaker will examine the Revised Statutes for the District of Columbia, that is, the volume compiled by Messrs. Abert and Lovejoy, in chapter 19, referring to the District of Columbia and its organization, will be found two sections, 25 and 36. What do those sections provide? They limit explicitly and expressly the power of the Commissioners of this District to appropriate not only the taxes but all the other revenues. What are the limitations? That the taxes and all other revenues shall be used or expended by the Commissioners for certain defined purposes, for the police, for the fire department, for the schools, for the payment of current debts, and for the payment of debts to the employees and laborers and board of works of the District. Section 25 is a little broader than section 36, but like express limitations are found in the two sections. Section 25 is a little more expansive; but we find words of limitation contained in both sections. Now, if under existing statutes, if under a statute which has existed since 1875 or 1878, the Commissioners of the District of Columbia have no power to spend one dollar of revenue—because the term is broad—one dollar coming in to them from any source whatever except for certain express purposes, I say that we can not now, in a general appropriation bill, give them a new power of expending money unless we first repeal sections 25 and 36 of chapter 19, referring to the organization of this District.

Mr. WILLIAM A. STONE. Will the gentleman allow a question?

Mr. BARTLETT of New York. Yes.

Mr. WILLIAM A. STONE. I do not understand that you claim that there is any existing law which requires Congress to appropriate any money to these various charitable institutions.

Mr. BARTLETT of New York. No; certainly not.

Mr. WILLIAM A. STONE. Now, as I understand, you raise the point that the appropriation changes existing law.

Mr. BARTLETT of New York. May I ask the gentleman from Pennsylvania whether this is a question or an argument? If it is an argument I should like to have the gentleman wait until I finish.

Mr. WILLIAM A. STONE. Oh, well——

Mr. BARTLETT of New York. But if it is a question I will answer it.

Mr. WILLIAM A. STONE. I asked you whether you made any claim that there was any existing law that required appropriations to be made to these institutions?

Mr. BARTLETT of New York. No; the point I make is this, that there is by existing statute a limitation upon the powers of the Commissioners, and until we change that existing law we can not give them any money to be expended for any purpose other than those purposes provided in the existing statute.

Mr. GROUT. Will the gentleman allow a question?

Mr. BARTLETT of New York. In one moment. Now, Mr. Speaker, I make the further point of order against the rider which is contained on page 42, and which provides that no part of this money shall be given to any institution or society which is under sectarian or ecclesiastical control—I say that it is a change of existing law, a change of the provision now found in section 52 of chapter 19, which says that these institutions shall do only one thing—that they shall report to the Government. That is now the only limitation. Here we change the law, and provide, in reference to these charitable institutions, that they can not receive any money.

Further, in reference to the Industrial Home School, I raise the point of order that the provision contained therein, on page 44, that the appropriation shall not take effect unless the charter be surrendered, is a change of existing law and that it imposes an impossibility. That is, the only condition upon which the money can take effect is the going out of corporate existence of the present entity. That is, it is a gift conditioned on the corporation ceasing to exist, involving, it would seem to me as a lawyer, a manifest absurdity.

Mr. GROUT. Will the gentleman allow me a question there?

Mr. BARTLETT of New York. I ask the Chair to send for the statutes of the District of Columbia if there is any doubt in the Speaker's mind.

The SPEAKER. The Chair has no doubt, as the gentleman states the matter, that the statute exists with regard to the Commissioners as he describes it.

Mr. GROUT. Will the gentleman from New York allow me a question or two? I think I shall not need to say anything further on the subject if he will allow that.

Mr. BARTLETT of New York. Certainly.

Mr. GROUT. Then I ask, in reference to the Industrial Home School, if the condition is not that it shall be transferred to the board of children's guardians, an institution now in existence in the District, which institution shall afterwards manage that school?

Mr. BARTLETT of New York. I should like to say to the gentleman from Vermont that I have never found in my practice—and it has covered considerable corporation practice—any provision of law by which a corporation could transfer its charter and go out of being and yet the charter be kept alive. I do not know any general provision of law which covers that. They may do it in Vermont.

Mr. GROUT. Not at all, and that is not done here. Another question with reference to the first point which the gentleman made, if he will answer, whether the sections he has read provide that the Commissioners shall not pay money which has been appropriated to them to pay? I ask if there is anything in the sections which the gentleman has read prohibiting that? If so, I should like to have him call special attention to it. Is there anything prohibiting them from paying out money appropriated by Congress to them with an order to pay it?

Mr. BARTLETT of New York. Mr. Speaker, in answer to the distinguished gentleman from Vermont, I would say that I understand it to be a familiar principle in law that the expression of

one is the exclusion of the other, and it being provided in the statute that the Commissioners shall have certain express powers—that is, it being provided that they can use the public moneys in only one way or in several ways—necessarily, by implication at least, they can not expend money in any other way, for the reason that they are not part of the legislative power. That is contained in the Congress of the United States. They are by statute the executive. They form the executive, and it would be manifestly improper for them to dole out largesse in this way.

Mr. GROUT. Now, one other question, if the gentleman will permit me. The first item on this subject is, "For the relief of the poor, $13,000." That is as it appeared in the bill before recommittal; and it has always been expended by the Commissioners. Would not the Commissioners, if the gentleman's construction of the statute be correct, be prohibited from paying out that?

Mr. BARTLETT of New York. I am not discussing that part of the bill. I am limiting my point to the part under consideration.

Mr. GROUT. But is not this paragraph first reported by the committee an extension of the first paragraph, which is stricken out, for the relief and care of the poor; and then, further, for these other charitable enterprises? Is not that a fact?

Mr. BARTLETT of New York. I charge that this is a radical change, and I regard it as an extraordinary piece of legislation.

Mr. GROUT. As a matter of fact, the $13,000 appropriated in this first item is the same, and has to be paid out by the Commissioners to the poor.

Mr. BARTLETT of New York. I do not know anything about that.

Mr. GROUT. Is not that the way the bill reads?

Mr. BARTLETT of New York. You are giving more power to the Commissioners in this bill. It is a piece of legislation without precedent.

Mr. GROUT. It is the same power more largely exercised.

Mr. BARTLETT of New York. Section 25 provides, referring to the Commissioners, in the first sentence:

And shall have power to apply the taxes or other revenues of said District to the payment of the current expenses thereof, to the support of the public schools, the fire department, and the police, and to the payment of the debts of said District secured by a pledge of the securities of said District or board of public works as collateral, and also to the payment of debts due to laborers and employees of the District and board of public works.

And section 36 provides:

The Commissioners of the District of Columbia shall have power, subject to the limitations and provisions herein contained, to apply the taxes or other revenues of said District to the payment of current expenses thereof, to the support of the public schools, the fire department, and the police, etc:

Now, I submit that here we have a statutory board, a complex or joint executive, created by statute, without any general powers, with all their powers expressly defined and limited by statute. We can not give them any powers except those which are already set forth here.

The SPEAKER. Does the gentleman think no power can be given to an individual?

Mr. BARTLETT of New York. I do not think we can delegate our legislative power to any individual.

The SPEAKER. Can not we employ an individual to do certain work?

Mr. BARTLETT of New York. I do not think, Mr. Speaker, that we can give $94,700 to anybody to distribute among charities; certainly not in an appropriation bill.

The SPEAKER. The ultimate thing to be sought after in this matter is what the appropriation is. The appropriation is for the care of the poor and destitute, and for charitable and reformatory work. It is evident that such an appropriation as that is not contrary to law; at any rate not for the present purposes. That question has been fully considered in Committee of the Whole, and no point of order was made in regard to it. Hence, for the purpose of this decision, it must be taken to be true that Congress has the right to make the appropriations named, as it has already been making such appropriations. If it has a right to appropriate, then it has the right to select whatever instrumentalities it thinks suitable for the purpose; and the fact that the Commissioners are officers, also, of the Government does not, in the judgment of the Chair, interfere with the matter at all, because Congress can impose that duty upon individuals, and certainly upon the Commissioners. As to the absurdity, or supposed absurdity, involved in the appropriation for the Industrial Home School, that is a matter for the House to pass upon, as it would be upon a constitutional question, the Chair not being able to decide upon either a constitutional question conclusively or upon a question of absurdity. The Chair overrules the point of order. The gentleman from Vermont.

Mr. GROUT. Mr. Speaker, the distinguishing feature of the amendment reported by the committee is, that it strikes out the private institutions and places the money heretofore appropriated in the hands of the Commissioners of the District for the same purposes heretofore used. If the Clerk will read the report, it will be sufficiently understood.

The report was read, as follows:

The Committee on Appropriations, to whom was recommitted the bill (H. R. 5210) making appropriations for the expenses of the government of the District of Columbia for the fiscal year 1897, and for other purposes, having considered the same, report it back herewith and recommend its passage, amended as follows:

Strike out of the bill, as indicated on pages 37, 38, 39, 40, and 41, the following:

"For relief of the poor, $13,000.

"For municipal lodging house and wood and stone yard, $4,000.

"For Temporary Home for ex-Union Soldiers and Sailors, Grand Army of the Republic, $2,500.

"For the Women's Christian Association, maintenance, $4,000.

"For Central Dispensary and Emergency Hospital, maintenance, $15,000.

"For the Columbia Hospital for Women and Lying-in Asylum, maintenance, $20,000.

"For the Children's Hospital, maintenance, $10,000.

"For the National Homeopathic Hospital Association of Washington, D. C., for maintenance, $8,500.

"For the Freedmen's Hospital and Asylum, as follows:

"For subsistence, $22,500;

"For salaries and compensation of the surgeon in chief, not to exceed $3,000; two assistant surgeons, clerk, engineer, matron, nurses, laundresses, cooks, teamsters, watchmen, and laborers, $16,000;

"For rent of hospital buildings and grounds, $4,000;

"For fuel and light, clothing, bedding, forage, transportation, medicine and medical supplies, surgical instruments, electric lights, repairs, furniture, and other absolutely necessary expenses, $11,500; in all, $54,000.

"Reform School for Girls, as follows: For superintendent, $1,000; matron, $600; two teachers, at $480 each; overseer, $720; engineer, $480; night watchman, $365; laborer, $300; in all, $4,425.

"For groceries, provisions, fuel, soap, oil, lamps, candles, clothing, shoes, forage, horseshoeing, medicine, medical attendance, hack hire, freight, furniture, beds, bedding, sewing machines, fixtures, books, horses, stationery, vehicles, harness, cows, stables, sheds, fences, repairs, and other necessary items, $5,500; in all, $9,925.

"For the Washington Hospital for Foundlings, maintenance, $6,000.

"For the German Orphan Asylum, maintenance, $1,800.

"For the National Association for the relief of Destitute Colored Women and Children, maintenance, including repairs, $9,900.

"For Young Women's Christian Home, $1,000.

"For the Industrial Home School, for maintenance, including repairs, $9,900.

"Board of children's guardians: For the board of children's guardians, created under the act approved July 26, 1892, namely: For administrative expenses, including salary of agent, not to exceed $1,600, expenses in placing and visiting children, and all office and sundry expenses, $4,000.

"For the care of feeble-minded children; care of children under 3 years of age, white and colored; board and care of all children over 3 years of age, and for the temporary care of children pending investigation or while being transferred from place to place, $43,200; in all, $47,200: *Provided*, That the institutions for children, including industrial and reformatory, namely, the Church Orphanage of St. John's Parish, the German Orphan Asylum, including its care of colored foundlings, the St. Ann's Infant Asylum, the Association for Works of Mercy, the St. Joseph's Asylum, the House of the Good Shepherd, and St. Rose's Industrial School, heretofore receiving aid by specific appropriation, are hereby remitted, except as herein specifically appropriated for, to the appropriation herein made, and to the said act of July 26, 1892, to provide for the care of dependent children in the District of Columbia, and to create a board of children's guardians, for all rights and benefits they may have under the provisions of the said act.

"For Hope and Help Mission, maintenance, $1,000.

"For Newsboys' and Children's Aid Society, maintenance, $1,000.

"For Eastern Dispensary, maintenance, $1,000.

"For Washington Home for incurables, maintenance, $2,000.

"That no part of any money appropriated by this act for charities or charitable institutions shall be paid to any institution named in this act until the charter or articles of incorporation thereof shall be so amended as to accord to the Commissioners of the District of Columbia, or their designated agents, authority to visit and inspect such institution, and to control and supervise the expenditures therein of all public funds paid out of appropriations made by Congress: *Provided, however*, That no money herein appropriated is to be used for the purpose of founding, maintaining, or aiding, by appropriation, payment for services, expenses, or otherwise, any church, religious denomination, or religious society, or any institution, society, or undertaking, which is wholly or in part under sectarian or ecclesiastical control."

And insert in lieu thereof, as indicated, the following:

"For the relief and care of the poor and destitute, and for such charitable and reformatory work, and such care and medical and surgical treatment of poor and destitute patients in the District of Columbia as have been heretofore usually provided for by direct appropriations to private institutions, and as the District Commissioners may deem necessary, the sum of $94,700, to be expended under the direction of said Commissioners, either under contract with responsible and competent persons or institutions or by employing for the purpose the public institutions or agencies of said District, where practicable: *Provided*, That no such contract shall extend beyond the 30th day of June, 1897, and that no payment shall be made under any such contract except for service actually rendered, for which compensation shall be provided in said contract; and that said Commissioners shall report to Congress on or before the first Monday of December in each year a detailed statement of their expenditures heretofore made under this appropriation, and of all contracts made by them hereunder, giving the names of the persons and institutions contracted with, and stating what further expenditures will be required thereunder: *And provided further*, That no part of the money herein appropriated shall be paid for the purpose of maintaining or aiding, by payment for services or expenses, or otherwise, any church or religious denomination, or any institution or society which is under sectarian or ecclesiastical control.

"For municipal lodging house and wood and stone yard, $4,000.

"For the Columbia Hospital for Women and Lying-in Asylum, maintenance, $20,000.

"Freedmen's Hospital and Asylum: For subsistence, $22,500;

"For salaries and compensation of the surgeon in chief, not to exceed $3,000; two assistant surgeons, clerk, engineer, matron, nurses, laundresses, cooks, teamsters, watchmen, and laborers, $16,000;

"For rent of hospital buildings and grounds, $4,000;

"For fuel and light, clothing, bedding, forage, transportation, medicine, and medical supplies, surgical instruments, electric lights, repairs, furniture, and other absolutely necessary expenses, $11,500; in all, $54,000.

"Reform School for Girls: For superintendent, $1,000; matron, $600; two teachers, at $480 each; overseer, $720; engineer, $480; night watchman, $365; laborer, $300; in all, $4,425;

"For groceries, provisions, fuel, soap, oil, lamps, candles, clothing, shoes, forage, horseshoeing, medicine, medical attendance, hack hire, freight, furniture, beds, bedding, sewing machines, fixtures, books, horses, stationery, vehicles, harness, cows, stables, sheds, fences, repairs, and other necessary items, $5,500; in all, $9,925.

"Industrial Home School: For maintenance, including repairs, $9,900;

Mr. SAYERS. But it will take time.

the powers of one department should never be trenched upon or

appropriation will be construed by the judiciary, or that which

to the employees and laborers and board of works of the District. Section 25 is a little broader than section 36, but like

distinguished gentleman from Vermont, I would say that I understand it to be a familiar principle in law that the expression of

be sufficiently understood.

hicles, harness, cows, stables, sheds, fences, repairs, and other necessary items, $5,500; in all, $9,925.

"Industrial Home School: For maintenance, including repairs, $9,900: *Provided*, That before this appropriation shall become available the board of managers of said Industrial Home School shall transfer the control and management of said institution, with all its right, title, and interest in and to the same, to the board of children's guardians, who shall thereafter control and manage said institution as an industrial home school and for such other child-caring work as shall be approved by the Commissioners of the District of Columbia, drawing moneys for supplies and maintenance of said institution by requisition upon said Commissioners and paying over all income of said institution to the said Commissioners. Said transfer shall include a surrender of the charter and corporate franchises of said institution, and the filing of an irrevocable release and surrender of all control of the same with the said District Commissioners.

"Board of children's guardians: For the board of children's guardians, created under the act approved July 26, 1892, namely: For administrative expenses, including salary of agent, not to exceed $1,600, expenses in placing and visiting children, and all office and sundry expenses, $4,000.

"For care of feeble-minded children; care of children under 3 years of age, white and colored; board and care of all children over 3 years of age, and for the temporary care of children pending investigation or while being transferred from place to place, $23,400; in all, $27,400."

Mr. GROUT. Mr. Speaker, it is the desire not only of the committee, but of members generally, so far as I have heard, to dispose of this bill in as little time as possible. The whole subject was discussed at length when the bill was before the House on a former occasion, and the newspapers of the city have published in full the amendment, showing just what is proposed to be done, so that every member probably knows what they are. Gentlemen on the other side have said that they wanted some time for debate. I have had some doubt whether they really desired to debate this question, but if they do, I am willing to make an arrangement for reasonable time.

Mr. TALBERT. I notice from the reading of the report that the committee recommend striking out pages 37, 38, 39, 40, and 41. I wish to ask the gentleman in charge of the bill if the same amount of money is appropriated here as the bill appropriated in its original form?

Mr. GROUT. Precisely the same.

Mr. BARTLETT of New York. Mr. Speaker, as I am a member of the subcommittee which considered this bill, I should like time to take part in the debate to a limited extent.

Mr. GROUT. The gentleman from New York is on the subcommittee and has indicated a desire to be heard on the bill, and, if he insists upon it, should be heard. Otherwise I should be glad to move the previous question. How much time does the gentleman want?

Mr. BARTLETT of New York. One hour for this side.

Mr. GROUT. Oh, we ought to reach a vote in less time than that.

Mr. BARTLETT of New York. Say forty-five minutes, then.

Mr. GROUT. I understood the gentleman to say once to-day that thirty minutes would satisfy him.

Mr. BARTLETT of New York. Yes; but other gentlemen—the gentleman from Alabama and others—on this side desire to speak. I shall not occupy more than half an hour myself.

Mr. GROUT. Can not the gentleman carve out of half an hour time enough for himself and the gentleman from Alabama [Mr. WHEELER]?

Mr. BARTLETT of New York. Make it forty minutes.

Mr. McMILLIN. Mr. Speaker, it strikes me that an entire change of the system which has prevailed for many years in relation to a considerable number of the charities of this city ought to be entitled to some discussion, and that three-quarters of an hour for that purpose ought not to be begrudged. I say that, not wishing myself to take any part in the debate, but in the interest of others who do.

Mr. CANNON. I suggest to the gentleman that he ask consent that a vote be taken upon this bill at 4 o'clock, or earlier if the member who has control of the time does not see proper to use it; the gentleman from New York [Mr. BARTLETT] being allowed forty-five minutes.

Mr. GROUT. I accept the suggestion and make that request.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

Mr. McRAE. Mr. Speaker, I want five minutes, and as I have no arrangement yet by which I can get it, I shall object unless I am provided for.

Mr. CANNON (to Mr. BARTLETT of New York). I suppose the gentleman from New York will give the gentleman from Arkansas five minutes?

Mr. BARTLETT of New York. I will yield five minutes to the gentleman with pleasure if he is in favor of my views.

Mr. McRAE. I have not heard your views. I prefer this provision to the old arrangement, but am not satisfied with it.

Mr. BARTLETT of New York. I suggest that the gentleman from Vermont give the gentleman from Arkansas five minutes, as he is on his side.

Mr. GROUT. I shall have but fifteen minutes, but will give the gentleman five minutes; but nobody else must ask. [Laughter.]

MRS. MAYBRICK.

Mr. HITT. Mr. Speaker, I ask the gentleman from Vermont [Mr. GROUT] to allow me to present at this moment a privileged report which will not bring on any discussion.

Mr. SAYERS. But it will take time.

Mr. GROUT. The vote on this bill is to be taken at 4 o'clock, and gentlemen on the other side are entitled to forty-five minutes.

Mr. HITT. But you have fifteen minutes' leeway.

The SPEAKER. Does the gentleman from Vermont yield?

Mr. GROUT. Yes, sir, if no discussion follows.

Mr. HITT. Mr. Speaker, I present a privileged report.

The report was read, as follows:

Mr. HITT, from the Committee on Foreign Affairs, submitted the following report:

The Committee on Foreign Affairs, to whom was referred the accompanying House resolution No. 240, having had the same under consideration, beg leave to report the same back with the recommendation that it be adopted, namely:

"*Resolved*, That the Secretary of State be directed to communicate to the House, if not incompatible with the public interests, such correspondence and other information as the State Department has in its possession in regard to the imprisonment of Mrs. Florence E. Maybrick, formerly of Mobile, Ala., and the steps that have been taken by our Government to secure her liberation or an inquiry by the Government of Great Britain into the merits of the case in which she was condemned."

The resolution was adopted.

On motion of Mr. HITT, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BARTLETT of New York. Mr. Speaker, and gentlemen of the House, I am not responsible for the injecting into our deliberations of a religious or semireligious question. It would be far from my wish personally to bring up this question again for discussion, but, having been a member of the subcommittee of the Committee on Appropriations, to which subcommittee this District appropriation bill was referred, I feel bound, not only for myself, but for the Democratic party, to call the attention of the House and of the country to the very peculiar condition of affairs existing with reference to the bill now under consideration. It will be remembered that some weeks ago the District of Columbia appropriation bill was brought into this House and was taken up for consideration in Committee of the Whole. There was then presented to the House, by the unanimous report of the Committee on Appropriations, a schedule providing for the appropriation of certain sums of money for the charities of this District.

The bill came into the House with the unanimous report of the Committee on Appropriations, Republicans and Democrats alike, and it was not until we got into Committee of the Whole that an onslaught upon the whole bill was made by the gentleman from Nebraska [Mr. HAINER].

In consequence of his attack, after deliberation of one or two days, certain charities were excised or cut out from the bill, those charities being Episcopal or Roman Catholic in nature, or at least alleged so to be, while other charities were allowed to remain within the bill. A conflict arose with reference to a Lutheran charity—the German Hospital—and although that charity had been cut out in the Committee of the Whole, yet, owing to the enormous number of telegrams with which members of the House, it is said, were deluged, a more favorable spirit attended our deliberations in the House, and the Lutheran charity was returned to favor. The outcome of the whole matter was that the bill failed to pass; that the onslaught of the gentleman from Nebraska was successful in so far only as it defeated for the time being the appropriation bill, but was not successful in so far as it was intended to carry out the views of himself or his followers.

Now, what is the question before the House to-day? I say that to the newly reported bill we find two salient objections. The bill, you will find upon examination, cuts out every specific appropriation for charities, but gives the whole sum, amounting to some $94,700, to the Commissioners of this District to be expended according to their discretion. In other words, the Committee on Appropriations says: "We are too cowardly; we dare not exercise our legitimate legislative functions; we dare not appropriate this money to these specific charities; but we throw the whole onus, the whole burden, upon the Commissioners of this District and authorize them to expend this money as they see fit."

Whether the point of order which was overruled by the Speaker was well taken or not—and I must assume for the purposes of this argument and in the light of such high authority that the point of order was not well taken—I say that this character of legislation is not healthy legislation. It lies at the fundamental basis of all constitutional governments that the three departments shall exist concurrently, but that the powers and functions of the one department shall never be trenched upon by the other; that is, that the legislative, the judicial, and the executive departments shall each in its particular sphere remain unassailable and inviolate.

I say that that is not only the rule in this country—in the United States of America—but in every sovereignty forming part of our Federal Union or our confederation. I could cite the decisions of the various courts of last resort in State after State, laying down this as a fundamental doctrine. I could call your attention to a great decision by the supreme court of Indiana—the case of The State *vs.* Jameson—where it was laid down as fundamental that

the powers of one department should never be trenched upon or violated by either of the other departments, and that the legislature of the State of Indiana could not exercise the appointing power, that function properly belonging to the executive department. I could call your attention to a decision in the court of appeals in the State of New York, which will be found reported in the fifty-fifth volume of its reports—the case of The People on the relation of Bolton *vs.* Albertson—where it was laid down that that was the most essential underlying principle in the State of New York; that it was absolutely essential that that principle should be maintained for the preservation of our existing system of local self-government in the various subdivisions of the State—counties, cities, towns, and villages. So I say that the first objection to the measure now under consideration is that in it we abdicate our legislative functions, that we give to these purely executive officers the right to legislate with reference to the charities of the District of Columbia; and for that reason I submit that this bill should not become a law.

What is the other objection? It is the provision, the "rider," which is in its nature similar to one of the planks of the platform of the American Protective Association. I refer to the sixth article of the creed of the American Protective Association, which declares that—

We condemn the support, out of the public Treasury, by direct appropriation or by contract, of any sectarian school, reformatory, or other institution, not owned or controlled by the public authority.

I say that the provision now submitted to the House for approval, contained in these words:

Provided further, That no part of the money herein appropriated shall be paid for the purpose of maintaining or aiding, by payment for services or expenses, or otherwise, any church or religious denomination, or any institution or society which is under sectarian or ecclesiastical control—

I say that this "rider," this new provision inserted in this appropriation bill, is in essence the same as the plank of the American Protective Association, to which I have just called attention. I wish the members of this House could read the recent exultant article contained in the Illustrated American, signed by a member of the American Protective Association, in which he denounces everyone who believes in the Roman Catholic creed, and says in reference to the A. P. A.:

It wields the balance of power in Congress to-day.

Now, gentlemen, the position I take is this: For years these charities have grown up in this District; for many years we have had in force the system of making specific and special appropriations for the benefit of these various institutions; we have appropriated money to these institutions, because they have been found to be excellent in character and efficient in their working capacity. These appropriations have been made without regard to the creed or the sect to which it might be claimed any one of these institutions belonged.

Now, it must be borne in mind that when this bill was considered in the Committee of the Whole certain charities were cut out. Two of those charities were under the control, or alleged to be under the control, of members of the Protestant Episcopal Church. I refer to the Church Orphanage of St. John's Parish and the reformatory institution known as the Association for Works of Mercy. These two charities were cut out; and in addition four Roman Catholic charities were deprived of the benefits which they had received in years past under this bill. I refer to the St. Ann's Infant Asylum, the House of the Good Shepherd, the St. Rose Industrial School, and St. Joseph's Asylum. I propose to devote the remainder of my remarks to the consideration of these specific charities. And I should like to ask the gentleman in charge of this bill, the gentleman from Vermont [Mr. GROUT], whether it is or is not his assumption that the Commissioners of the District of Columbia under the power given them in the bill would be obliged to refuse any aid to these charities which were excised from the bill when we had it under consideration before?

Mr. GROUT. Does the gentleman wish a reply now?

Mr. BARTLETT of New York. I should like to have an answer to the question.

Mr. GROUT. The gentleman ought not to be in doubt upon that point; he should remember that I stated distinctly, on the occasion when the bill was before the House heretofore, that I considered these institutions to be of a sectarian character, all of these institutions, and consented that they should be stricken out of the bill, and voted to strike them out.

What the Commissioners may do I will not undertake to say. It is for them to determine. The administration is with them.

Mr. BARTLETT of New York. Then I assume that the four charities which I have named, which are alleged to be under the control of the Catholic Church, and the Protestant Episcopal charities named, will be debarred from any benefit derived from this general fund placed in the hands of the Commissioners.

Mr. CANNON. Will the gentleman allow me just there?

Mr. BARTLETT of New York. Certainly.

Mr. CANNON. We enact legislation; the judiciary construes it, and the powers of the Commissioners under this provision and appropriation will be construed by the judiciary, or that which stands for it—the Comptroller—when the law is presented to him for construction by the Commissioners.

The claim of gentlemen in debate on this bill that any given charitable institution comes within the provision limiting the appropriation does not bring it within the limitation and should not and will not affect the action of the judiciary when it comes to construing the scope of this limitation. It is not what is in my mind or what is in the mind of the gentleman from New York or any other gentleman that would control or ought to control in the construction of this legislation when enacted. This, like all other acts, will be construed in the light of the real facts, and not according to the hopes, fears, or prejudices of anyone.

Mr. BARTLETT of New York. Do I understand the gentleman from Illinois that he concedes that there will be so much doubt under this provision that it will be necessary to have a contest in the courts?

Mr. CANNON. Oh, the gentleman from New York understands that the accounting officers of the Treasury pass the accounts, and under our law the District Commissioners have the right to ask the accounting officers of the Treasury for the construction of any act. What would be the construction they might put upon it, of course I do not know, nor could the gentleman from New York know. But it seems to me only proper, as we could not affect it, if we are satisfied with the legislation enacted, that we had better not attempt to construe it by affirming or admitting what may or may not be the facts upon which the law will operate when it does come to be construed.

Mr. BARTLETT of New York. The action of the accounting officers of the Treasury is not always satisfactory, I believe. I might call the attention of the gentleman from Illinois to the action with reference to the sugar-bounty cases. There the accounting officer of the Treasury acted, construed the law, and yet litigation was not avoided.

Now, is it a good thing for us to undertake to pass bills here which are doubtful in their character, or which would involve the necessity of an appeal to the accounting or auditing officers of the Treasury before their construction can be understood?

Mr. CANNON. Our fathers—practical men—in the inception of this Government, thought it proper to create a legislative and judicial department entirely distinct and separate from each other. They may have been very foolish old fellows, and I would be very glad if the gentleman from New York and myself were perfect and could legislate and adjudicate and construe. But I suggest to him that until the Constitution is changed he can not do it.

Mr. BARTLETT of New York. I am glad the gentleman from Illinois has in his mind so clearly defined the separation between the various functions of government, and in view of that condition of mind I should like him to account to the House for the fact that he supports a bill which gives the District Commissioners functions clearly not executive, but which are unquestionably legislative in their character, and certainly do not belong to any executive officers under ordinary circumstances.

Mr. CANNON. The gentleman and I do not want to switch off on a discussion of something else. The District Commissioners, under this and all other appropriations, expend the appropriation because they are authorized to do so by the law. They are the mere servants, the instruments used by Congress for expending the money in this District, but they have to expend the appropriation according to the law we create, and the judiciary passes on that law if there is any doubt as to its meaning—the Comptroller standing for the judiciary in this instance.

Mr. BARTLETT of New York. We did not start out in this case with the broad assumption that it is wrong for the State or the Government to give public money in aid of charity. Some gentlemen in the House believe it to be wrong in any case to take the funds of the Government derived by taxation and give them for the benefit of private charities. That position may be a logical one. I think some argument can be made in its favor, although Cooley, who is certainly the greatest authority on constitutional law, tells us that the maintenance of charities is clearly a public use, and has been so held in every country and State for many years past.

The subcommittee on appropriations—its majority—does not say that we must not give public money in aid of proper charities, but say that we have not enough knowledge, we have not enough intelligence to apportion the money which has been apportioned by our predecessors satisfactorily, but that we must delegate our functions in that regard to the Commissioners of the District of Columbia. In the first place, because they are better fitted than we are to discharge that duty or that function; and in the second place, because we escape all responsibility, although it would seem to be somewhat cowardly, still it would relieve us of all onus and all responsibility.

No charity can appeal to us for aid. The question whether an institution be sectarian or not can not be determined by us, but all these charities are referred to the Commissioners of the District of Columbia, in what hope? In the hope, perchance, that

they will evade the very terms of the law which we enact. In

Mr. CANNON. If the gentleman will allow me, I will state

no means charge the gentlemen responsible for this objectionable

institutions which are so conducted, and which all will concur

Mr. HITT. Mr. Speaker, I ask the gentleman from Illinois [Mr. GROUT] to allow me to present at this moment a privileged report which will not bring on any discussion.

great decision by the supreme court of Indiana—the case of The State *vs.* Jameson—where it was laid down as fundamental that

Mr. CANNON. We enact legislation; the judiciary construes it, and the powers of the Commissioners under this provision and

all these charities are referred to the Commissioners of the District of Columbia, in what hope? In the hope, perchance, that

they will evade the very terms of the law which we enact. In the hope, perchance, that they may give to a charity clearly debarred by the provisions of the law some portion of this money, or, if they fail to give it, that all the responsibility for such failure will rest, not upon the Congress of the United States, but upon the Commissioners of the District of Columbia.

So the position that the majority take in reference to this bill is that it is all right to give $94,700 of the public money to the various charities of the District, but that there must be one limitation placed upon the power of giving, and that is, that no money shall be given to any institution which is influenced or controlled to the slightest extent or in the faintest degree by any Christian sect, by any religious body, by any member of any religious body. In other words, we proscribe not only Roman Catholicism, not only the Protestant Episcopal Church, but we proscribe every Christian sect, and we make the belief in any Christian faith almost a crime. We say that if the institution be an institution where a voice is raised in prayer that that institution shall be debarred from any benefit of the provisions of this gift made to the Commissioners of the District of Columbia.

Now, are you willing to take that position? Are you willing to go back to your constituents and say, "We are against religion; we do not believe in it; we think it is wrong; we think it is a crime?"

Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has twenty-four minutes.

Mr. BARTLETT of New York. There are special reasons why the gift to these charities—that is, to the four Roman Catholic charities and to the two Protestant Episcopal charities—should be continued. I will call attention to two or three of these charities, because in the limited time which remains I can not call attention to the others.

The Church Orphanage of St. John's Parish receives girls and small boys, regardless of creed. The St. Joseph Male Orphan Asylum is an asylum in this District where the daily attendance of orphan boys is about 100, and these inmates are orphan boys of the city and District, and are received irrespective of creed.

In reference to St. Ann's Infant Asylum, that is the best foundling or infant asylum in the District, and I was informed only two or three days ago by a distinguished physician of this city that it is the best administered institution of the kind in the country, and that if this institution were not kept up, the cases of infanticide would increase enormously in the District of Columbia, and that the police authorities were unanimous in their recommendation of the practical working of this infant asylum. In the official report to the Government it is stated that no worthy application for admission to the asylum was refused; that children of all nations and creeds, white and colored, Protestant and Catholic, are admitted and cared for.

Now, I submit, gentlemen, that charities of this kind and character should not be debarred from the benefits of this appropriation, and I shall offer as an amendment to the section under consideration the whole of the former section reported to the House by the Committee on Appropriations, with a further proviso added that no part of the money shall be paid to a teacher or professor of theology or religion, making my amendment conform exactly to the amendment with reference to Howard University, which received the support of this House only a few days since.

Mr. GROUT. Of course the gentleman understands that that amendment would not be in order. The previous question takes effect at 4 o'clock.

Mr. BARTLETT of New York. That is neither here nor there. It shows the true position which should be taken. The purpose of offering this amendment may be to call the attention of the House to the legislation which should find favor here.

The proper thing for the House to do to-day would be to vote down the section absolutely and to force the adoption of the section recommended by the Committee on Appropriations when this bill first came up for consideration; that is, giving to these various charities the specific sums which we all favored when the bill was first considered, and adding thereto the qualification or proviso which we adopted a few days ago in reference to Howard University. For if that were considered proper for Howard University, it certainly should be considered proper in reference to all these other charities.

I reserve the balance of my time, and yield now to the gentleman from Alabama [Mr. WHEELER].

Mr. CANNON. Is there any theological chair in St. Ann's Asylum?

Mr. BARTLETT of New York. I would say to the gentleman from Illinois that the object of the amendment adopted in reference to Howard University was to prevent the expenditure of any of the public money for the teaching of any special doctrine. Now, if that is what they aim at in this proviso or amendment offered to-day, I say in behalf of all these charities, we will not expend one dollar for instruction in any doctrine, or in any creed, or in any system of theology. All we want is the money for the poor and helpless, for the orphan boys, for the little children of the District of Columbia.

Mr. CANNON. If the gentleman will allow me, I will state that if the gentleman wants to take care of the children, in my judgment this bill takes care of every child that is entitled to care at the hands of the public Treasury and has been receiving care heretofore.

The SPEAKER. The gentleman from New York has fifteen minutes remaining. How much time does he yield to the gentleman from Alabama?

Mr. BARTLETT of New York. I yield the gentleman eight minutes.

Mr. WHEELER. Mr. Speaker, I am opposed to the amendment which has been incorporated in the bill upon several grounds.

The amendment should be defeated, because it is not in the line of economy and good legislation. It takes away money where it has been economically, judiciously, and usefully expended and puts it in a new field where there has been no experience in this line of work, and the inhibitions in the proviso are such that it can not be used to the best advantage and may result in casting upon the District an expenditure of more than a million dollars which heretofore has been assumed by the charitable people of this city.

The amendment inhibits the use of any of the money appropriated for any of the charitable institutions of the city which are controlled in any manner by religious associations or are under sectarian or ecclesiastical control.

This is legislation upon religion.

Heretofore we have appropriated money for all of the charitable institutions of the city without inquiring into or considering the religion of those who controlled them.

This amendment appropriates in such a manner that the money must all go to those institutions which are not under religious control, and none of it can go to the institutions which are superintended or controlled by any of the various churches.

PROPOSED LEGISLATION VIOLATES THE CONSTITUTION.

There is no one who will go further than myself in opposition to any legislation which tends to build up any one church or creed over another, and it was to prevent this that our forefathers incorporated in the Constitution the prohibitions on this subject which are contained in that instrument.

Article VI of the Constitution says:

> No religious test shall ever be required as a qualification to any office or public trust under the United States.

The duties reposed in the charitable institutions by virtue of appropriations as formerly made were in the nature of a public trust, and for thirty years the Congress of the United States has given such appropriations to these institutions; and now, for the first time in our country, a religious test is imposed requiring a qualification as a condition to this public trust, which is certainly violative of the spirit if not the letter of our Constitution.

Also, the first amendment to the Constitution provides:

> Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

Now, Mr. Speaker, one effect of this provision is most certainly to inhibit the exercise of religion.

Judge Story, in referring to the constitutional prohibitions, section 1877 of his work on the Constitution, says:

> The real object of the amendment was not to countenance, much less to advance, Mahometanism, or Judaism, or infidelity, by prostrating Christianity, but to exclude all rivalry among Christian sects and to prevent any national ecclesiastical establishment which should give to a hierarchy the exclusive patronage of the National Government. It thus cuts off the means of religious persecution (the vice and pest of former ages) and of the subversion of the rights of conscience in matters of religion, which had been trampled upon almost from the days of the Apostles to the present age. The history of the parent country had afforded the most solemn warnings and melancholy instructions on this head; and even New England, the land of the persecuted Puritans, as well as other colonies where the Church of England had maintained its superiority, would furnish out a chapter as full of the darkest bigotry and intolerance as any which could be found to disgrace the pages of foreign annals. Apostasy, heresy, and nonconformity had been standard crimes for public appeals, to kindle the flames of persecution, and apologize for the most atrocious triumphs over innocence and virtue.

Judge Story here mentions that New England was at one time guilty of the darkest bigotry and intolerance, and singularly the intolerance which we object to in this bill is largely due to the intolerant expression in the Republican platform lately adopted in the Massachusetts State convention.

I contend that it is a dangerous innovation for Congress to legislate in any manner about religion.

WRONGS COMMITTED BY WELL-MEANING PERSONS.

I do not doubt the good intentions of the gentlemen who framed this bill, but the history of the world shows that all persons who have attacked the cause of religion in any form have believed they were actuated by the best possible intentions. Certainly no one will question that in his persecutions of the Christians before his own conversion, St. Paul was actuated by the best intentions. It is even contended by historians that Nero, Trajan, Diocletian, and other Roman emperors thought they were serving the gods they worshiped when they tried to destroy Christianity.

I suppose that no one will deny but that the Mohammedan Turks believe that they are obeying the mandates of the God they worship in the cruel crimes now being committed by them. I by

no means charge the gentlemen responsible for this objectionable clause with any intentional wrong or any intention to assault the Christian religion or any intention to injure that sacred cause, but according to them, if you please, excessive religious zeal, I with confidence predict that this action is of a character which enlightened history will some day denounce as a species of religious persecution, animated by the same spirit of intolerance which actuates the Turks in the murders of the Christian Armenians and which actuated the persecutors in the darkest days of the inquisition.

It was to prevent people with good intentions assailing the Christian religion and Christian forms and Christian worship that our forefathers placed the restrictions in the Constitution. It may be contended, Mr. Speaker, that this measure does not violate it; but what is the fact? Here are a number of institutions: some under religious control, and some not. Ninety thousand dollars is appropriated, and then a proviso is put in that none of this $90,000 shall be used for those institutions which are controlled by religious or ecclesiastical denominations. That is an inhibition of religion. It is legislation upon religion; and if we establish a precedent of legislation upon religion in one form, it is a precedent which may be used to violate every purpose which was sought to be prevented when our Constitution was framed, and might finally destroy religion itself.

The effect of the objectionable and, as I contend, unconstitutional proviso will be to, at least in a measure, paralyze the Christian work of those who are doing much in the cause of charity.

ALL DENOMINATIONS ENGAGE IN THIS CHRISTIAN CHARITY.

These God-anointed, Christ-anointed, heaven-anointed, saintly beings, whose entire lives are devoted to Christ's service; these beings who connect this earth to heaven; these beings likened unto angels, who bring earth and heaven together, who, possessing the form of humanity, are endowed with angelic attributes; these beings whose daily appeal to heaven is, "Lord, what wilt Thou have me do?" And the answer is: "Charity; be charitable"—and in the language of Christ's greatest apostle, St. Paul:

> And though I have the gift of prophecy and understand all mysteries and all knowledge, and though I have all faith, so that I could remove mountains, and have not charity, I am nothing.

In obedience to this admonition, this character of people of all denominations—Methodists, Presbyterians, Episcopalians, Baptists, and Catholics—by contributing their own fortunes and their entire time and by procuring donations, have built up charitable and reformatory institutions which now own property to the amount of $1,283,000.

The beneficiaries of these institutions are the kind of people who are cared for by the municipalities of all civilized countries. The institutions have not been able to meet the many demands upon their charity, and for many years it has been the custom of the Government to appropriate small sums to these institutions on condition that they would care for the orphans, the sick, the reformed, and the aged, the indigent, and unfortunate of ever kind to whom civilized people extend comfort and care. To show how almost entirely these people have been cared for by the institutions, and how little aid they have had from the Government, I have prepared the following table, the figures being taken from the report of Colonel Tracey, the superintendent of charities:

Table showing the amount which was proposed to be appropriated to certain institutions when the bill was first reported to the House, and the average number of inmates during the past year.

Institutions.	Proposed appropriation.	Average number of inmates.
Woman's Christian Association	$4,000	91
Washington Hospital for Foundlings	6,000	34
Church Orphanage Association of St. John's Parish	1,800	95
German Orphan Asylum	1,800	39
St. Ann's Infant Asylum	5,400	130
Association for Works of Mercy	1,800	26
House of the Good Shepherd	2,700	91
St. Rose's Industrial School	4,500	65
St. Joseph's Asylum	1,800	100
Young Women's Christian Home	1,000	328
Total	30,800	999

This shows that the annual cost to the Government for the care of each of these persons is $31.03, the daily cost being but 8 cents, and the cost to the Government of St. John's Episcopal Asylum is only about 4 cents per capita per day.

BURDEN THAT THE PROPOSED LEGISLATION MAY CAST UPON THE GOVERNMENT.

These institutions alone own private property valued at $594,000, and all the institutions engaged in this charitable work own private property amounting to $1,283,000, and if the entire burden were assumed by the District government it would cause an immediate outlay of at least, if not more than, that sum of money. Now, to ascertain the least possible cost to the Government for maintaining these institutions, we will compare them with three institutions which are so conducted, and which all will concur are conducted with most commendable economy and with much more economy than is common in Government institutions:

Table showing amount expended by the Government to maintain the Reform School, the Girls' Reform School, and the Washington Asylum.

Institutions.	Appropriation.	Average number of inmates.
The Reform School	$41,902	201
The Girls' Reform School	9,425	69
The Washington Asylum	62,415	522
Total	113,742	783

This shows that these economically conducted institutions now cost the Government $145.26 annually for each beneficiary, about five times as much as the cost of maintaining them in institutions which have so long and so commendably done this work. It is therefore plain that if the entire burden of these dependents were placed upon the Government, we would have to appropriate at least $1,283,000 for buildings, and for maintenance the cost would be at least five times as much as is now being contributed by the Government.

The reason why so much good has been done with but little means is that good ladies of this city of all denominations devote their time, their energies, and their means to this work.

PRACTICAL ECONOMICAL WORKING OF THE OLD PLAN.

The practical working of the plan which is sought now to be overturned is this: Take the Church Orphanage of St. John's Parish as an illustration. They have their buildings and property, all of which have been donated by charitable people, and are worth $60,000. The contributions last year from private sources amounted to $7,521. Every cent of this was spent in the maintenance and education of orphans, not one farthing, as shown by the superintendent of charities in his report, page 73, being paid for salaries. The income of the asylum was not sufficient to maintain and educate all the orphans that could be sheltered in their buildings. The asylum, therefore, received about 36 orphans which otherwise the District Commissioners would have been compelled to provide for; and all will admit that to provide education, shelter, clothing, and food for 36 orphans, under ordinary circumstances, would cost the Government about $6,000 or $7,000 a year, and yet all this is done by St. John's Orphanage at an expense to the Government of $1,800. I make these calculations upon the basis of the average cost of maintenance in that most economically managed institution, the Reform School, which we have seen cost the Government $41,902 for 201 inmates, the cost for each inmate therefore being $208.41 per annum, of course making proper allowance for necessary expenses, heat, light, etc. In a word, my contention is, that the $1,800 given to St. John's by the Government enables them to maintain 36 more orphans than they could without that contribution, and that for the Government to give these children the same advantages where the District would have to bear all expenses would cost at least six or seven thousand dollars.

But we should also remember that all the inmates of St. John's Orphanage numbering, as they frequently do, as many as 115 are public charges upon the District, and were it not for the charitable people who have maintained that asylum, the District would be compelled to bear the entire expense, which at the rate expended by the Reform School would be $23,967.95 a year. And this would apply equally to all the institutions; therefore we see if it were not for these charities, an enormous burden would be cast upon the District, appropriations for which Congress would be compelled to make.

CONSTITUTIONAL FATHERS ON RELIGION.

People who oppose legislation simply because its effect will be to aid and encourage the cause of religion, and who seek to justify their action by the clause of the Constitution on that subject entirely misapprehend the purpose sought to be attained by our constitutional fathers. Before the adoption of that instrument our fathers in the Congress of the Confederation unanimously adopted the following:

> Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

The debates upon this subject by those who adopted the Constitution show that the purpose they sought to attain was—

> To exclude all rivalry among Christian sects and to prevent any ecclesiastical establishment from having exclusive patronage of the National Government.

They were emphatic in their expressions of advocacy of the cause of religion.

STORY'S COMMENTARIES ON RELIGION IN THE CONSTITUTION.

Judge Story, in referring to the constitutional prohibition, paragraph 1878, says:

> Now, there will probably be found few persons in this or any other Christian country who would deliberately contend that it was unreasonable or unjust

to foster and encourage the Christian religion generally as a matter of sound policy as well as of revealed truth.

Further down the same paragraph, this eminent writer on the Constitution says:

Indeed, in a republic there would seem to be a peculiar propriety in viewing the Christian religion as the great basis on which it must rest for its support and permanence.

Paragraph 1874, Judge Story says:

Probably at the time of the adoption of the Constitution and of the amendment to it now under consideration, the general if not the universal sentiment in America was that Christianity ought to receive encouragement from the state so far as was not incompatible with the private rights of conscience and the freedom of religious worship.

I will now read from the next paragraph, No. 1875:

It yet remains a problem to be solved in human affairs, whether any free government can be permanent where the public worship of God and the support of religion constitute no part of the policy or duty of the state.

The entire text of Judge Story's chapter on the "freedom of religion" shows that he alludes to the encouragement and support of the Christian religion in general as a necessary safeguard of the Constitution.

The SPEAKER. The time of the gentleman has expired.

Mr. BARTLETT of New York. How much time have I remaining?

The SPEAKER. The gentleman has seven minutes remaining.

Mr. BARTLETT of New York. I yield five minutes to the gentleman from Massachusetts [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, an enforced absence on account of illness at the time this matter was discussed before must answer for my wearying you at this time.

If I understand the present parliamentary status of this appropriation bill it is too late for any amendment to be offered, and the members of the House must content themselves with voting in the affirmative or in the negative when the vote is taken.

When this matter was discussed before the gentlemen who advocated striking out the provisions for the so-called sectarian institutions proclaimed in the strongest terms their freedom from any religious bigotry and prejudice, and said they were actuated by a desire to rid the Government of all contact with denominational or sectarian institutions.

Yet I find during this very week, when the bill appropriating money for the Howard University, a private denominational school, was being considered, these very same men, having found a way to distinguish between "tweedledum and tweedledee," voting in favor of that proposition.

Mr. Speaker, there is no need of any concealment as to who are the real instigators of this movement to take away these appropriations from the Catholic institutions.

It is an open secret that on the night before this bill was reported a committee of the American Protective Association waited upon the members of the Committee on Appropriations and demanded that they strike out of the bill the provision granting aid to the Catholic institutions in the District of Columbia.

They gave no reasons. They did not deny that those institutions were worthy in every respect or that they expended in an economical and praiseworthy manner every dollar that was appropriated for them and were doing a noble and Christian work in this city, helping the orphans and taking care of the unfortunate.

The members of this notorious organization have taken an oath against the Roman Catholic Church and its members, and the hand of the organization has been clearly shown here in Congress in the defeat of appropriations for Catholic institutions in the District of Columbia, and for Catholic Indian schools.

Appended is the oath taken by every member of the American Protective Association:

I do most solemnly swear that I will not allow anyone a member of the Roman Catholic Church to become a member of this order, I knowing him to be such; that I will use my influence to promote the interests of all Protestants everywhere in the world; that I will not employ a Roman Catholic in any capacity if I can procure the services of a Protestant; that I will not aid in maintaining or building by my resources any Roman Catholic Church or institution of their sect or creed whatsoever, but will do all in my power to retard and break down the power of the Pope; that I will not enter into a controversy with a Roman Catholic upon the subject of this order, nor will I enter into any agreement with a Roman Catholic to strike or create a disturbance whereby the Roman Catholic employees may undermine and substitute the Protestant; that in all grievances I will seek only Protestants and counsel with them to the exclusion of all Roman Catholics, and will not make known to them anything of any nature matured at such conferences; that I will not countenance the nomination in any caucus or convention of a Roman Catholic for any office in the gift of the people, and that I will not vote for nor counsel others to vote for a Roman Catholic, but will vote only for a Protestant; that I will endeavor at all times to place the political positions of this Government in the hands of Protestants. To all of which I do most solemnly promise and swear, so help me God.

Is this free America that such an organization as this can live in our midst? And is it necessary in this, the enlightened nineteenth century, for Roman Catholics to apologize for serving God in any manner they see fit? I stand upon the floor of this House a Roman Catholic born and bred and proud of it, and I deny the right of any secret, oath-bound organization to come before the legally chosen representatives of the great American people and, by its dark, deep, and insidious methods, seek to deprive me and the members of the church to which I belong of the honest rights and privileges of American citizenship.

These same men, if war should break out to-morrow with England on account of the Venezuelan matter, or with Spain on account of the Cuban resolutions, would be found taking the steamer for the British provinces to put themselves under the protection of Queen Victoria and the British flag, as their fathers did in the war of the rebellion.

I challenge any member of the A. P. A. organization or any member of this House in sympathy with it to name any instance in the history of our country where the Roman Catholics, either individually or collectively, have been false or recreant to their trust.

Are not the Roman Catholic people of this country entitled to fair treatment and consideration? Was not the banner of the cross the first symbol of religion waved upon these shores? Was not the holy sacrifice of the mass the first form of worship paid to Almighty God here, and were not the hymns to the Blessed Virgin the first notes of music wafted from one end of this broad land to the other?

Was it not the genius and energy of a Roman Catholic—Christopher Columbus—that opened up to the Old World the treasures and resources of the New? And only a few years ago, on the occasion of the four hundredth anniversary of the discovery of America, did not the people of two worlds, without distinction of race or country, join warmly and sincerely in honoring the name of this great Catholic?

All over America the people with one accord commemorated the event and honored the discoverer.

The historian, the artist, the poet rivaled one another in their desire to do honor to the memory of that great man. Statues and monuments were erected and pageants and processions formed in every part of our glorious Union.

Every city, every State, and the nation itself appropriated thousands and thousands of dollars, and vied with one another in organized movements to do honor to this great discoverer.

Thus we have seen the celebration of the discovery of Christopher Columbus, who was the true offspring of the ages of faith of the undivided church Catholic, enlisting strongly and powerfully the sympathies of the great American people. How grandly before our eyes loom up the record of the daring deeds and heroic martyrdom of the Catholic missionaries. Their noble sacrifices will forever stand as a beacon light for the admiration of all mankind. Look at Père Marquette. Look into the life of the brave priest whose mobile face now gazes on the multitude as they throng to and fro through Statuary Hall and reflect on the trials of that great discoverer and missionary, who labored far from the haunts of civilization, with no hope of personal reward and animated solely by a desire to promote the cause of the Almighty and His church.

Contrast with this if you will the base minds and ignoble souls of those who, blinded by ignorance and prejudice, demand the removal of that noble work of art from yonder hall.

The divinity of that religion which nerved the hearts and gave strength and force to the arm of that great hero will never permit that sacrilege. What a glorious record the Catholics made for themselves during the war of the Revolution! Who can forget the kind and noble words uttered by George Washington when speaking of the valor and faithfulness of the Catholics in that great struggle? And does history not tell us that some of his closest friends and advisers were the Catholic members of his staff?

What American can ever forget the name of Capt. John O'Brien, who achieved the first naval victory against Great Britain off the coast of Maine? What American does not reverence the name of Commodore Jack Barry, the father of the American Navy? Did not Catholic France, when the army of Washington lay starving and in rags during that cold, bleak winter at Valley Forge, send food and money and munitions of war? And did not the aid received from France at that time mark the turning point in the war? Consider carefully the names of the great heroes of that struggle, and you find the names of Barry and Kosciusko and Pulaski and Lafayette going down to posterity with those of Washington and Adams and Hancock and Warren. In those days you could not find men banded together in secret, stealthily creeping around from one end of the country to the other stabbing their fellow-citizens in the back and intriguing against their religion. Broader and nobler sentiments guided the minds of the American people in those days.

A great many of my fellow-members here can testify from personal experience to the bravery and devotion of the Catholic soldiers in the war of the rebellion.

Were not your eyes gladdened on many a bloody field by the sight of the green flag waving side by side with Old Glory as those Irish Catholic boys charged against the enemy, and did you ever see that green flag waver or fall back?

Whichever way, says a Northern general with a splendid record, we turn for the history of Irish-America, the case is the same; we

meet with nothing but cause for honest pride; they are true patriots, good citizens, splendid soldiers.

Said General Longstreet, the manner in which the Irish Catholic Brigade breasted the death-storm from Maryes Heights, Fredericksburg, was the noblest sight in the war. Six times in the face of withering fire before which whole ranks were mown down as corn before the sickle, did the Irish Brigade rush up the hill, rush to inevitable death. I looked with my field glass, said the adjutant-general of General Hancock's staff, and I looked for a long time before I was certain of what I saw. I at first thought that the men of the brigade had lain down to allow the showers of shot and shell to pass over them, for they lay in regular lines. I looked for some movement, some stir, a hand or a foot in motion, but no, they were dead; every man of them, cut down like grass.

Again and again, they had braved the terrific fusilade, and out of twelve hundred who bore a green badge at the beginning of that eventful day, 1,000 lay upon the field, mown down like grass.

This story of men Irish by blood, American by birth and adoption, was seen on every battlefield from the Potomac to the Gulf, and their brave deeds and heroic actions will be held in sacred memory by their offspring for all time.

It is the undisputed testimony of every officer in that war that no braver or more heroic men ever fought for the Union than those who wore the green badge and plume.

Let the men who fought under Sheridan and Rosecrans and Meagher testify to the love and devotion with which they followed the Stars and Stripes.

Did anyone stop to consider when Sheridan was riding toward Winchester town whether he was a Catholic or not?

Will the brave men of 1861–1865 ever forget the devotion and love with which the white-robed Sisters of Charity ministered to the wants of those famished and dying soldiers, and did they not move about from bed to bed in Southern hospitals and prisons like white-winged angels of peace, comforting the sick and ministering to the dying?

Mr. Speaker, I have briefly outlined the story of the devotion of the Catholic people to this great nation of ours. Their work and history speak for themselves and need no defense at my hands.

By their blood have they shown their loyalty to American institutions, and the past four centuries have been the witness of their noble lives, their heroic labors, and their glorious sacrifices.

They have toiled in the forest and on the sea, in the mountain and on the prairie, amid the pleasant scenes of the village and in the dark surroundings of the cities, and in every walk of life have they been faithful and true.

They have aided in the construction of our railways; they have cultivated the soil; they have dug from the mountains their vast treasures of gold and of silver, of iron and coal, and they have linked their destinies and their children's destinies forever with those of this great Republic.

If the glory of nations springs from the graves and brave deeds of their sons, then surely gratitude and justice demand that the services performed by the Catholics of America should be transmitted to posterity with admiration and reverence, not with calumny and abuse. Side by side with the oath taken by the members of the A. P. A., I wish to place the words of our noble martyred President, Abraham Lincoln, who when asked forty years ago in regard to the Know-nothing movement, said:

I am not a Know-nothing; that is certain. How could I be? How can anyone who abhors the oppression of negroes be in favor of degrading any classes of white people? Our progress in degeneracy appears to me to be pretty rapid. As a nation we began by declaring that "all men are created equal." We now practically read it. "All men are created equal except negroes." When the Know-nothings get control it will read, "All men are created equal except negroes and foreigners and Catholics." When it comes to this I shall prefer emigrating to some country where they make no pretense of loving liberty—to Russia, for instance, where despotism can be taken pure and without the base alloy of hypocrisy.

William H. Seward, who has been termed the father of the Republican party, said, in answer to a question regarding the Know-nothing movement:

Secret societies, sir! Before I would place my hand between the hands of other men in a secret lodge, order, class, or council, and bending my knee before them enter into combination with them for any object, personal or political, good or bad, I would pray to God that that hand and that knee might be paralyzed, and that I might become an object of pity and even of the mockery of my fellow-men. Swear, sir! I, a man, an American citizen, a Christian, swear to submit myself to the guidance and direction of other men, surrendering my own judgment to their judgment, and my own conscience to their keeping? No, sir; no!

Proscribe a man because he was not born in the same town or country in which I was born? No! Mr. President, you know now the length and breadth of my connection with the new and mysterious order of patriots, the Know-nothings.

Our glorious Washington said in 1790, answering an address of Catholics of America:

As mankind become more liberal, they will be more apt to allow those who conduct themselves as worthy members of the community as equally entitled to the protection of the civil government. I hope ever to see America among the foremost nations in examples of justice and liberality, and I presume that you, fellow-citizens, will not forget the patriotic part which you took in the accomplishment of their Revolution and the establishment of their Government, and the important assistance they received from a nation in which the Roman Catholic religion is professed.

Mr. Speaker, these sentiments express the opinions of three of the greatest Americans that ever lived.

It is in the spirit of their utterances that I appeal to this House to be fair, to be liberal, to be just in their treatment of these Catholic charities. [Loud and long-continued applause.]

Mr. BARTLETT of New York. I reserve the residue of my time—two minutes—until the other side has been heard from.

Mr. GROUT. I yield to the gentleman from Arkansas [Mr. MCRAE] five minutes.

Mr. MCRAE. Mr. Speaker, I propose the following amendment, which I will read so as to save time:

Transpose the proviso in lines 8 to 13, on page 42, to the end of the new paragraph, after line 25, page 44: "*And provided further*, That no part of the money herein appropriated shall be paid for the purpose of maintaining or aiding, by payment for services or expenses, or otherwise, any church or religious denomination or any institution or society which is under sectarian or ecclesiastical control."

Mr. Speaker, while I do not approve all the provisions of the new paragraph on charities, and while I think the Committee on Appropriations has not met this question with that courage which should characterize a matter of this importance, I admit that it is a vast improvement upon the unjust and inconsistent paragraph that was in the bill at the time it was recommitted. I am in favor of the largest freedom and right of conscience, and I shall always insist that all religious denominations shall have what our Constitution guarantees to them, the right to worship God according to the dictates of their own consciences. Nothing has conduced more to the honor and glory of our country than the protection against all enemies of its religious and personal liberty. The Christian churches have done much for the poor, for the unfortunate children and feeble women of this city; but if they desire to continue as worthy instruments in the enforcement of God's great laws of mercy, humanity, and compassion they should not ask any aid from the Government. The church that must appeal to the Federal Treasury for charity to be by it dispensed among the unfortunates of its charge will soon become spiritually dwarfed and ruined so far as its influence for good is concerned.

This paragraph looks to me as if Congress were now turning its attention in the direction in which I have insisted it ought to have gone years ago—that of providing some rational and just system of public charities in the District of Columbia. The committee has not proposed a complete and permanent system, as it should have done; yet if the provision be amended as I have proposed it will put the whole of the appropriations in the hands of and under the control of the District Commissioners and treat all private institutions alike.

I will not undertake to say whether any of the institutions mentioned in this or the other paragraph are sectarian or not. Their friends say that they are not; others allege that they are; but all admit that they are not public and not under public control. No religious organization or private institution should ask to be aided in the works of charity which it does by appropriations from the public Treasury. If the Committee on the District of Columbia will devise some proper system for distributing such public charities as should be dispensed within this District, I dare say that every man in this Congress will give his hearty support to a liberal appropriation for that purpose. Some of us may insist that all of the appropriations for such purposes shall be taken out of the District funds, but whatever the source from which the money comes, there should be a sufficient sum appropriated to feed the hungry, clothe the naked, shelter the houseless, and care for the sick and feeble of all ages, sexes, and color; and I hope that no amount of clamor in favor of or against one or another religious denomination of this country will prevent Congress from doing that which it ought to do for the helpless unfortunates who are here.

While I myself believe that the appropriations for all these charities should be paid from taxes collected from the people of the District, yet I do not insist that we should withhold all charitable appropriations for the current year because that method of payment can not be adopted. I do not subscribe to the doctrine advanced by some gentlemen that we can determine the correctness of our appropriations by the nonsectarian test, for there are many other ways of misappropriating money than that of aiding religious organizations, and I think this bill is an example of it. If we grant aid to private institutions because they are controlled by people who profess no religion, and refuse it to those managed by God-fearing Christians, it is a discrimination against religion. I deny the right to do this and insist that the greatest good will be accomplished by keeping the public, private, and church charities separate and independent of each other. I think the amendment now proposed by the committee is subject to much criticism and objection, unless my amendment is adopted. The proviso declaring that no part of the money appropriated shall be paid to or be used for sectarian purposes should attach to every institution in the District, and not merely to a part of them. The insertion of this proviso in the midst of the committee's amendment, I think, will make a discrimination against some institutions in favor of others. Some have money given

them directly, while others have none, but are remitted to the Commissioners. I hope the gentleman in charge of the bill will consent that the amendment I have proposed may be adopted, so that none of the institutions will have any preference, and will all have the same opportunity to be employed by the District Commissioners. [Applause.]

[Here the hammer fell.]

Mr. GROUT. I ask now that the gentleman from New York [Mr. BARTLETT] use his time.

The SPEAKER. The gentleman from New York [Mr. BARTLETT] is entitled to two minutes.

Mr. BARTLETT of New York. Mr. Speaker and gentlemen, if this debate has served no other purpose——

Mr. MCRAE. I had proposed this amendment which I read. I suppose it will be considered pending.

Mr. GROUT. I yielded to the gentleman for remarks, not for an amendment. Of course it is subject to objection.

Mr. BARTLETT of New York. Mr. Speaker, if this debate has served no other purpose, it has at least demonstrated the lack of wisdom and political judgment on the part of the majority of the Committee on Appropriations in bringing in an amendment such as that now under consideration. I do not believe that the majority of the gentlemen on the other side of this House believe that the injection of this religious question into the discussions of this House is a wise political move. I do not believe that they would favor any such amendment as that which has been offered by the gentleman from Vermont if they had a fair opportunity to express their opinions thereon.

There are two objections to this proposition—first, that it is a blow, and is designed to be a blow, struck at the Roman Catholic religion; and in striking that blow I say that you gentlemen of the Republican party make a great mistake, because you necessarily alienate from yourselves the Roman Catholic voters who have heretofore cast their ballots for your candidates.

[Here the hammer fell.]

Mr. GROUT. Mr. Speaker, there is left me only one minute in which to close this debate, but that is all that is necessary.

I deny that this amendment is an attack on the Roman Catholic Church. If so, the Democratic party in 1876 made an attack on the Roman Catholic Church, because they put into their national platform precisely the same principle contained in the limitation to the expenditure of the money herein appropriated. The whole charge of the gentleman is false. No church is attacked. The limitation simply provides that none of the public money shall go for the support of any church or of any institution under sectarian or ecclesiastical control. The hour for this discussion has been entirely consumed, except this minute, by the other side of the House, and the more they have talked against it the more it has become apparent that this it is the only ground on which the American people can safely stand.

[Here the hammer fell.]

The SPEAKER. The question is on agreeing to the amendment.

Mr. MCRAE. Mr. Speaker, I desire to have a vote on my amendment first.

The SPEAKER. The difficulty is, however, that the time for taking the vote agreed upon by the House has arrived.

Mr. MCRAE. But, Mr. Speaker, I moved the amendment in time. This is simply to transpose the words——

Mr. GROUT. I made no agreement with the gentleman to allow an amendment to be offered. I yielded him time, but not for an amendment.

Mr. MCRAE. I did not suppose that it would require your consent to offer an amendment.

The SPEAKER. The difficulty is that the gentleman read the amendment himself, and did not send it up to the Chair until after the gentleman from New York [Mr. BARTLETT] had taken the floor, when it was too late.

Mr. MCRAE. I read it in order to save the time of sending it to the desk, Mr. Speaker.

The SPEAKER. The Chair thinks the gentleman will see that it would be inadmissible now, under the agreement, because the previous question is practically ordered, it having been agreed that the vote should be taken at 4 o'clock.

Mr. MCRAE. This is simply for the transposition of the language. I hope the gentleman from Vermont will not object to it.

Mr. GROUT. Well, the gentleman has read the amendment. I do not see any necessity for transposing. I must object.

The question being taken on the adoption of the amendment reported from the Committee on Appropriations, the House divided; and there were—ayes 134, noes 21.

Mr. SULZER and Mr. FITZGERALD demanded the yeas and nays.

The yeas and nays were not ordered.

So the amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time; and it was accordingly read the third time, and passed.

On motion of Mr. GROUT, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. GROSVENOR. Mr. Speaker, I desire to call up for present consideration the bill reported from the Committee on Ways and Means with reference to filled cheese.

The SPEAKER. If the gentleman from Ohio will permit the Chair first, there are some House bills with Senate amendments that the Chair will place before the House.

Mr. GROSVENOR. Certainly; I yield for that purpose.

BRIDGE ACROSS THE CHATTAHOOCHEE RIVER.

The SPEAKER laid before the House the bill (H. R. 6996) to authorize the construction of a wagon and foot bridge across the Chattahoochee River at or near the city of Columbia, Ala., with Senate amendments.

The amendments of the Senate were read at length, and concurred in.

RAILROAD DEPOT FACILITIES IN THE INDIAN TERRITORY.

The SPEAKER also laid before the House the bill (H. R. 5672) to grant to railroad companies in the Indian Territory additional powers to secure depot grounds, with Senate amendment.

The Senate amendment was read at length, and concurred in.

POST-OFFICE APPROPRIATION BILL.

The SPEAKER. Does the gentleman from California desire to call up the Post-Office appropriation bill?

Mr. LOUD. I do.

The SPEAKER. The Clerk will read the Senate amendments.

Mr. LOUD. I do not ask for the reading of the amendments, Mr. Speaker, and will not ask the House to consider them at this time. I shall move, when the bill is laid before the House, that we nonconcur in the Senate amendments, and ask a conference on the disagreeing votes.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897.

Mr. LOUD. I move to nonconcur in the Senate amendments, and ask a conference on the disagreeing vote thereon; and I ask also that the bill with the amendments be printed.

The motion was agreed to.

The SPEAKER announced as conferees on the part of the House Mr. LOUD, Mr. SMITH of Illinois, and Mr. KYLE.

JURISDICTION OF THE CIRCUIT COURTS OF APPEALS.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent to be permitted to-morrow to file a minority report on the bill H. R. 7370.

Mr. DINGLEY. What is the bill?

Mr. BAILEY. This is a bill relating to the jurisdiction of the circuit courts of appeals and the Supreme Court over matters of appeal from the supreme court of the Territories.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 6396) to authorize the construction of a wagon and foot bridge across the Chattahoochee River at or near the city of Columbia, Ala.; in which the concurrence of the House was requested.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2490) to amend an act entitled "An act to establish a national park at Gettysburg, Pa.," approved on the 11th day of February, 1895;

A bill (S. 321) granting a pension to James W. DUNN;

A bill (S. 2412) to make the city of Santa Barbara, county of Santa Barbara, State of California, a subport of entry; and

A bill (S. 1828) to authorize the Auditor for the Interior Department to settle and adjust the account of E. C. Chirouse, Indian agent at the Tulalip Agency, Wash.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and resolution were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 1853) for the relief of Edward Rice—to the Committee on Claims.

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 additional copies of Senate Document No. 181 of the first session of the Fifty-fourth Congress, being the report of the delegates of the United States to the Fifth International Prison Congress, held at Paris, France, in July, 1895; 1,000 copies for the Senate, 2,000 copies for the House of Representatives, and 2,000 copies for distribution by the Secretary of State—

To the Committee on Printing.

A bill (S. 972) to provide for the continuance in office of customs officers and assistant treasurers until successors shall have been appointed and qualified—to the Committee on the Judiciary.

A bill (S. 1816) granting a pension to Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman—to the Committee on Invalid Pensions.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 569) granting a pension to Sophia J. Hamilton, widow of Charles S. Hamilton, major-general of volunteers;

A bill (H. R. 6425) for the relief of Clifton R. Anderson;

A bill (H. R. 1499) to correct the muster of Lieut. Gilman L. Johnson; and

A bill (H. R. 5363) authorizing the construction of a fog signal on the north pier of the entrance to Menominee Harbor, Michigan.

LEAVE TO PRINT.

Mr. COOPER of Florida. Mr. Speaker, I wish to ask consent that gentlemen who have spoken to-day on the compulsory pilotage bill have leave to extend their remarks in the RECORD. It will be remembered that a number of gentlemen had only a minute or two.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

FILLED CHEESE.

Mr. GROSVENOR. Mr. Speaker, I call up for present consideration the bill H. R. 8008, which is a substitute for the bills H. R. 3010 and 5213, and is known as the filled-cheese bill.

The SPEAKER. The gentleman from Ohio calls up a bill which the Clerk will report.

The bill was read, as follows:

A bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of "filled cheese."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of this act the word "cheese" shall be understood to mean the food product known as cheese, and which is made from milk or cream, and without the addition of butter, or any animal, vegetable, or other oils or fats foreign to such milk or cream, with or without additional coloring matter.

SEC. 2. That for the purposes of this act certain substances and compounds shall be known and designated as "filled cheese," namely: All substances made of milk or skimmed milk, with the admixture of butter, animal oils or fats, vegetable or any other oils, or compounds foreign to such milk, and made in imitation or semblance of cheese.

SEC. 3. That special taxes are imposed as follows:

Manufacturers of filled cheese shall pay $400 for each and every factory per annum. Every person, firm, or corporation who manufactures filled cheese for sale shall be deemed a manufacturer of filled cheese. Wholesale dealers in filled cheese shall pay $250 per annum. Every person, firm, or corporation who sells or offers for sale filled cheese in the original manufacturer's packages for resale, or to retail dealers as hereinafter defined, shall be deemed a wholesale dealer in filled cheese. But any manufacturer of filled cheese who has given the required bond and paid the required special tax and who sells only filled cheese of his own production at the place of manufacture, in the original packages, to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer in filled cheese on account of such sales.

Retail dealers in filled cheese shall pay $40 per annum. Every person who sells filled cheese at retail, not for resale, and for actual consumption, shall be regarded as a retail dealer in filled cheese, and sections 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3243 of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section and to the persons, firms, or corporations upon whom they are imposed: *Provided*, That all special taxes under this act shall become due on the 1st day of July in every year, or on commencing any manufacture, trade, or business on which said tax is imposed. In the latter case the tax shall be reckoned proportionately from the first day of the month in which the liability to the special tax commences to the 1st day of July following.

SEC. 4. That every person, firm, or corporation who carries on the business of a manufacturer of filled cheese without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than $400 and not more than $3,000; and every person, firm, or corporation who carries on the business of a wholesale dealer in filled cheese without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than $250 nor more than $1,000; and every person, firm, or corporation who carries on the business of a retail dealer in filled cheese without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than $40 nor more than $500 for each and every offense.

SEC. 5. That every manufacturer of filled cheese shall file with the collector of internal revenue of the district in which his manufactory is located such notices, inventories, and bonds, shall keep such books and render such returns of materials and products, shall put up such signs and affix such number to his factory, and conduct his business under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation require. But the bond required of such manufacturer shall be with sureties satisfactory to the collector of internal revenue, and in a penal sum of not less than $5,000; and the amount of said bond may be increased from time to time, and additional sureties required, at the discretion of the collector or under instructions of the Commissioner of Internal Revenue.

SEC. 6. That filled cheese shall be packed by the manufacturers in wooden packages only, not before used for that purpose, and marked, stamped, and branded with the words "filled cheese" in black-faced letters not less than 2 inches in length, in a circle in the center of the top and bottom of the cheese; and in black-faced letters of not less than 2 inches in length in line from the top to the bottom of the cheese, on the side in four places equidistant from each other; and the package containing such cheese shall be marked in the same manner, and in the same number of places, and in the same description of letters as above provided for the marking of the cheese; and all sales or consignments made by manufacturers of filled cheese to wholesale dealers in filled cheese or to exporters of filled cheese shall be in original stamped packages. Retail dealers in filled cheese shall sell only from original stamped packages, and shall pack the filled cheese when sold in suitable wooden or paper packages, which shall be marked and branded in accordance with rules and regulations to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. Every person who knowingly sells or offers to sell, or delivers or offers to deliver, filled cheese in any other form than in new wooden or paper packages, marked and branded as hereinbefore provided and as above described, or who packs in any package or packages filled cheese in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall upon conviction thereof be fined for each and every offense not more than $500 or be imprisoned not more than one year.

SEC. 7. That all retail and wholesale dealers in filled cheese shall display in a conspicuous place in his or their sales room a sign bearing the words "Filled cheese sold here" in black-faced letters not less than 6 inches in length, upon a white ground, with the name and number of the revenue district in which his or their business is conducted; and any wholesale or retail dealer in filled cheese who fails or neglects to comply with the provisions of this section shall be deemed guilty of a misdemeanor, and shall on conviction thereof be fined for each and every offense not more than $200.

SEC. 8. That every manufacturer of filled cheese shall securely affix, by pasting on each package containing filled cheese manufactured by him, a label on which shall be printed, besides the number of the manufactory and the district and State in which it is situated, these words: "Notice.—The manufacturer of the filled cheese herein contained has complied with all the requirements of the law. Every person is cautioned not to use either this package again or the stamp thereon again, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases." Every manufacturer of filled cheese who neglects to affix such label to any package containing filled cheese made by him or sold or offered for sale by or for him, and every person who removes any such label so affixed from any such package, shall be fined $50 for each package in respect to which such offense in committed.

SEC. 9. That upon all filled cheese which shall be manufactured there shall be assessed and collected a tax of 1 cent per pound, to be paid by the manufacturer thereof; and any fractional part of a pound in a package shall be taxed as a pound. The tax levied by this section shall be represented by coupon stamps; and the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to stamps provided for by this section.

SEC. 10. That whenever any manufacturer of filled cheese sells or removes for sale or consumption any filled cheese upon which the tax is required to be paid by stamps, without paying such tax, it shall be the duty of the Commissioner of Internal Revenue, within a period of not more than two years after such sale or removal, upon satisfactory proof, to estimate the amount of tax which has been omitted to be paid and to make an assessment therefor and certify the same to the collector. The tax so assessed shall be in addition to the penalties imposed by law for such sale or removal.

SEC. 11. That all filled cheese as herein defined imported from foreign countries shall, in addition to any import duty imposed on the same, pay an internal-revenue tax of 8 cents per pound, such tax to be represented by coupon stamps; and such imported filled cheese and the packages containing the same shall be stamped, marked, and branded, as in the case of filled cheese manufactured in the United States.

SEC. 12. That any person who knowingly purchases or receives for sale any filled cheese which has not been branded or stamped according to law, or which is contained in packages not branded or marked according to law, shall be liable to a penalty of $50 for each such offense.

SEC. 13. That every person who knowingly purchases or receives for sale any filled cheese from any manufacturer or importer who has not paid the special tax herein provided for shall be liable, for each offense, to a penalty of $100 and to a forfeiture of all articles so purchased or received, or of the full value thereof.

SEC. 14. That whenever any stamped package containing filled cheese is emptied it shall be the duty of the person in whose hands the same is to destroy the stamps thereon; and any person who willfully neglects or refuses so to do shall, for each such offense, be fined not exceeding $50 or imprisoned not less than ten days nor more than six months.

SEC. 15. That the Commissioner of Internal Revenue is authorized to have applied scientific tests, and to decide whether any substances used in the manufacture of filled cheese contain ingredients deleterious to health. But in case of doubt or contest his decision in this class of cases may be appealed from to a board hereby constituted for the purpose, and composed of the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Secretary of Agriculture, and the decision of this board shall be final in the premises.

SEC. 16. That all packages of filled cheese subject to tax under this act that shall be found without stamps or marks as herein provided, and all filled cheese intended for human consumption which contains ingredients adjudged as hereinbefore provided to be deleterious to the public health, shall be forfeited to the United States.

SEC. 17. That all fines, penalties, and forfeitures imposed by this act may be recovered in any court of competent jurisdiction.

SEC. 18. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all needful regulations for the carrying into effect the provisions of this act.

SEC. 19. That this act shall go into effect on the ninetieth day after its passage, and all wooden packages containing 10 or more pounds of filled cheese found on the premises of any dealer on and after the ninetieth day succeeding the date of the passage of this act shall be deemed to be taxable under section 8 of this act, and shall be taxed, and shall have affixed thereto the stamps, marks, and brands required by this act or by regulations made pursuant to this act; and for the purpose of securing the affixing of the stamps, marks, and brands required by this act, the filled cheese shall be regarded as having been manufactured and sold or removed from the manufactory for consumption or use on or after the day this act takes effect; and such stock on hand at the time of the taking effect of this act may be stamped, marked, and branded under special regulations of the Commissioner of Internal Revenue, approved by the Secretary of the Treasury; and the Commissioner of Internal Revenue may authorize the holder of such packages to mark and brand the same and to affix thereto the proper tax-paid stamps.

And then (on motion of Mr. GROSVENOR) the House resolved itself into the Committee of the Whole on the state of the Union for the consideration of the bill, with Mr. HULL in the chair.

Mr. GROSVENOR. Mr. Chairman, it is my purpose to have the general debate proceed for a short time this afternoon, with the

hope that at an early period we can make an agreement to limit general debate. Not desiring to proceed at this time, I yield to the gentleman from Wisconsin [Mr. COOK].

Mr. COOK of Wisconsin. Mr. Chairman, I had the honor to introduce a bill (H. R. 3010) on this subject soon after the present Congress convened, which bill was the basis of the investigation made by the Committee on Ways and Means that resulted in the reporting by the committee of the pending substitute bill. For this reason and because I am deeply impressed with the necessity for the proposed legislation I avail myself of the courtesy of the House to submit a brief statement in support of the measure. I believe the propositions contained in the bill are sound and good, and that they are asked for and will be indorsed by 95 per cent of the people of the United States. The object of the bill is to correct a great wrong that is being perpetrated upon the dairy interests of the country. It contains no proposition that can fairly be called an injustice to anyone. The real purpose of the measure is to put a stamp of disapproval upon a gigantic and ruinous fraud, for it can be shown to the satisfaction of every unprejudiced person that the manufacture and unrestricted sale of the article known as "filled cheese" is a fraud and an imposition upon the people of the country. "Filled cheese" is an imitation cheese and is sold to the people by means of deception which disguises the facts as to what the article really is. Such deception is a fraud and should be publicly branded as a fraud.

The proposed bill is practically in line with the legislation by Congress a few years ago controlling and regulating the manufacture and sale of oleomargarine. What oleomargarine is to pure dairy butter "filled cheese" is to pure dairy cheese. Every argument that was presented in favor of the oleomargarine legislation will apply with equal force to the legislation contemplated in the pending bill. If the proposed legislation will cut down the income of any persons in this country, those persons are the "filled cheese" manufacturers, who number, according to the statistics of the Department of Agriculture, about 200 in the United States. On the other hand, under the existing conditions, nearly 70,000,000 of people of this country are being imposed upon and wronged by the unrestricted sale of "filled cheese." If this imposition is to continue, as it is shown by the testimony of dairymen and produce dealers and Government officials, the great dairy industry of the United States will be seriously crippled, if not ruined.

I desire to say, Mr. Chairman, that the introduction of the measure was not the result of a hasty conclusion on my part, nor did I introduce it altogether on account of the vast amount of facts and figures furnished me by those who were in a position to give direct and reliable information in regard to this article known to the trade as "filled cheese," and the damaging effect it has had upon the market for pure cream cheese, and the far-reaching and ruinous effect it is having on a great industry in the United States; but I have observed the situation for several years, and from a plain, business standpoint, and from all the facts I could collect, I became convinced that one of the great industries of the United States was being steadily and surely undermined and would soon be in the deplorable state in which we find it to-day. This condition of the legitimate cheese industry is due very largely to the article called "filled cheese" and the manner in which it is placed upon the market, it being usually branded as "cream cheese." Many of the facts to which I shall briefly invite your attention are well known, and the situation generally presented should cause every American citizen who is aware of the facts to blush because of the reflection it casts upon us in all countries that purchase our dairy products.

As evidence of the feeling among the dairymen of the Northwest with respect to the filled-cheese business and its effect upon the pure-cheese industry, I have to say that ex-Governor Hoard, of Wisconsin, whose thorough knowledge of the dairy interests of the United States is unquestioned, writes me in response to my inquiry relating to filled cheese, the amount manufactured in the United States, and its effect on the market for our dairy products:

The article filled cheese is a fraud, and the manufacturers of same keep it as secret as possible, but the wretched effect of it seems to require scarcely any argument to prove. Protests were sent the late Secretary Rusk and to me while governor of Wisconsin, and to Wisconsin's present governor, W. H. Upham, from foreign markets, appealing to them to stop this swindle, declaring it to be destructive to the entire confidence of foreign markets as to the character of our cheese, and that there can be no question as to the fact of the very serious falling off in our exports of cheese from the United States to English markets, amounting to nearly 40 per cent in the last few years, due to the filled cheese, which is doing tremendous damage to the dairy interests of the United States.

Since the original bill 3010 was introduced I have had a large amount of correspondence with dairymen, manufacturers, and dealers in cheese concerning the objects and purposes of the measure. Among the first letters I received was one from Hon. H. C. Adams, dairy and food commissioner of Wisconsin, who commended the measure very warmly and suggested such amendments as he deemed needful, several of which were embodied in this substitute bill by the committee.

I am of the opinion that it would be a benefit to the great dairy interests of the United States if the manufacture of skimmed-milk cheese could be prohibited, or so plainly branded that it would have to be sold for what it is, and it is well to keep in mind the fact that, in justice to producer and consumer, every product known as cheese should be branded to indicate precisely what it is, whether "full cream," "skimmed-milk cheese," or "filled cheese."

Filled cheese is made at butter factories, where they have centrifugal machinery to take all the cream or butter fat out of the milk. The cream is made into butter and sold for "finest creamery," and then they take the skimmed milk that is left and put lard and neutral oils into it. This is done by "heating the milk and injecting the neutral into the milk," and this is made into what is known to the trade as filled cheese.

According to advices I have secured from well-informed persons, the ingredients of the article are as follows: Raw materials—skimmed milk, lard, neutral oils, rennet, salt, and coloring. These cost about as follows: One hundred pounds of skimmed milk, 18 cents; 3½ pounds of lard and neutrals, 10½ cents; sundries, 4 cents; making a total of 32½ cents to produce 10 pounds of filled cheese. Approximate cost, 3¼ cents per pound.

The manufacturers of the filled article get this skimmed milk practically for nothing, and they, not the farmers, get what benefit there is in its production. The cost, therefore, of filled cheese is practically the cost of the lard, neutrals, or whatever foreign fat is introduced into it, and something for the coloring, bandage, and boxing. The labor can hardly be considered, because the manufacturers are compelled to have the labor for the production of their butter. Filled cheese is produced at a very low cost, and the profit to the manufacturers, in my judgment, is enormous.

This cheese has been sold quite recently as high as 7½ to 8 cents a pound at wholesale, and some time ago, before the trade had become so badly demoralized from the effect of placing filled cheese on the market, when cream cheese was selling for 11 cents a pound, filled cheese was sold in competition for 10 cents a pound, being branded, of course, as cream cheese, showing a profit of over 6 cents a pound, while the manufacturers of full-cream cheese could hardly realize a profit of ½ cent a pound.

It will be seen, Mr. Chairman, that, while the producer of cream cheese is damaged to an alarming extent, the consumer of "filled cheese" is not benefited, for he pays very nearly the price of cream cheese, and at the same time pays at retail from three to five times as much as this filled article cost to produce it, besides being deceived as to what he is using as a food, being misled by the brand. Many jobbers are forced to use this class of goods, because they are obliged to meet competition.

I can not give with absolute certainty the amount of filled cheese made, but it is estimated at not less than 20,000,000 pounds per annum, which is an enormous quantity, all of it a surplus that is not needed, and takes the place of the genuine article, and as an inevitable consequence destroys the value of pure cheese and lessens the consumption of pure cheese about 50 per cent.

Mr. Chairman, I ask any member of this House who may feel inclined to oppose this bill: Who is benefited by the manufacture and sale of filled cheese? Not the farmer; not the manufacturer of pure goods; not the consumer, for the latter pays about the same price for filled cheese as for the pure dairy article, and very often it is sold to him for cream cheese. It may give employment to a few persons who are required to operate the factories wherein is produced the spurious product. The enormous profit is to the less than 200 manufacturers of this article, and this profit to the few who are engaged in producing it is insignificant when compared with the great loss to our country by reason of the manufacture of the article "filled cheese," and the manner in which it is marketed. It is no argument in favor of it to say that filled cheese is an article of "cheap food," as it has been shown that the consumer pays about the same price for it as for cream cheese. A proper tax should be placed on the manufacture and sale of filled cheese, with a stamp on each and every box, package, or wrapper containing the article bearing the words "filled cheese," as is well provided for in the bill, and be so stamped before it leaves the factory where it is manufactured. As showing the necessity for this safeguard, I will relate an incident which illustrates the point very clearly:

An official of the Agricultural Department, while visiting various parts of the United States looking up facts concerning this product for official information, found a lot of 200 boxes of filled cheese on the sidewalk in front of the store of a large dealer in cheese in Chicago, Ill. The boxes bore the mark of having been returned to him. This fact attracted the official's attention particularly to the article, and he saw that the boxes were also marked "Wisconsin cream cheese." He stepped into the office and inquired regarding the cheese and the cause for its being returned. He was informed by the dealer that it was a lot of 200 boxes of filled cheese that had been ordered by a customer of his in the South, who had asserted that to maintain his trade he required some cheaper goods, and that they "must send him 200 boxes of filled cheese." The firm claimed that they disliked to deal in the article, but this Southern dealer was one of their good customers

and they decided to fill his order. They shipped the 200 boxes of filled cheese at about 7 cents per pound; the customer tried it, found he could not use it, and returned it. The question was asked how it came to be marked "Wisconsin cream cheese," and the answer was that they knew nothing about that, as it had no such mark upon it when it was originally shipped. This is only one of thousands of such cases, but it serves to illustrate the damaging effect such traffic must have in foreign markets and the distrust that is created with respect to our American products, resulting in a great falling off in the demand in foreign markets for American dairy cheese.

I understand, Mr. Chairman, that the Agricultural Department sent officials who were practical men into various States and Territories to gain the most reliable information possible as to the amount of filled cheese sold and the manner in which it is placed upon the market. I am credibly informed that of seven principal cities in the Southern States in six of those cities they did not find a pound of pure dairy cheese on sale. But they found plenty of filled cheese, and most of it branded "cream cheese," "dairy cheese," or some fictitious name that was misleading, and the consumers were paying the price of pure dairy cheese.

Many communications have been sent to this country from various boards of trade in Liverpool, London, Bristol, and Glasgow, appealing to governors, legislatures, and other agencies in the West to stop the manufacture of this swindling article, declaring it to be destructive to the entire English market for American dairy cheese. These communications referred to can be obtained from the Secretary of Agriculture or from governors of Wisconsin and other States.

The statistics show that filled cheese is driving our cream cheese out of the best foreign markets on account of the distrust it has produced, because the fraudulent article is placed in those markets under the name of "American cream cheese." This practice has bred a distrust as to the quality of our best dairy cheese (which in outward appearance the filled article very much resembles), and the result is that foreign buyers are choosing to buy cheese from countries whose governments see to it that the manufacture of filled cheese is prohibited, or that it is branded and registered and sold for just what it is. But we see that this "filled cheese" has caused foreigners to lose confidence in American cheese, thereby depriving us in an important degree of those markets.

Mr. Morton, the Secretary of Agriculture, gives us the fact that to one foreign country alone the shipment of our cheese has fallen off about 13,100,000 pounds in eight months, while Canada, our immediate neighbor and competitor, has not only held her own, but has increased her shipments into that country. Shall we, as American citizens, acknowledge that Canadian cheese makers are superior to American cheese makers? Such is not the case, but the Canadian's advantage is due to the rigid manner in which the Canadian Government guards against the manufacture of adulterated goods, together with the interest it takes in convincing the Canadian people of the necessity of keeping up a high standard in the quality of their dairy products.

Mr. OTEY. Will the gentleman from Wisconsin allow an interruption?

Mr. COOK of Wisconsin. Yes, sir.

Mr. OTEY. What part of the cheese is it that is filled? I desire to obtain some information on this subject.

Mr. COOK of Wisconsin. If the gentleman had attended any one of the dozen hearings, he would have found plenty of information and all the filled cheese he would care to eat.

Mr. OTEY. Cheese is composed of certain things, and I should like to know what the articles composing this cheese are.

Mr. COOK of Wisconsin. I stated that. Perhaps the gentleman did not hear my statement.

Mr. OTEY. I was listening to the gentleman, and tried to hear what he was saying.

Mr. COOK of Wisconsin. Filled cheese is made from skimmed milk, rennet, neutral oils, salt, and coloring.

Mr. OTEY. What part is taken out of the milk that is supplied or filled in in the making of filled cheese?

Mr. NORTHWAY. The butter.

Mr. COOK of Wisconsin. The butter fat. Every particle of butter fat or cream is taken out of the milk and other fats put in in the place of it in the form of lard or neutral oils. This is done by heating the milk and injecting the oils, or "neutrals," as they are called, into the milk.

Mr. OTEY. The object of this bill is to tax that article, as I understand. Now, is there any reason why we should tax the manufacturers of this cheese if they put in something else that is just as good as the cream?

Mr. COOK of Wisconsin. The object is to brand it so that the sale of it can be controlled; and I will ask the gentleman, does he think lard or such fats or oils "just as good as cream"?

Mr. OTEY. This seems to be on the same principle as oleomargarine, and I can not tell that from butter.

Mr. TAWNEY. The gentleman ought to have his taste revised.

Mr. BRUMM. I should like to see you, or anybody else, tell good oleomargarine from butter.

Mr. COOK of Wisconsin. There is no desire to tax filled cheese out of existence. It is simply to get it branded, so that it may be sold for what it is.

Mr. OTEY. You do not propose to tax it, then?

Mr. COOK of Wisconsin. Yes, sir.

Mr. OTEY. Do you tax it for revenue?

Mr. COOK of Wisconsin. Yes, sir; and to so brand it that it may be sold for what it really is.

Mr. OTEY. To get revenue, and not tax it out of existence?

Mr. McMILLIN. The gentleman stated in the beginning that the principle object of this was to brand a fraud.

Mr. COOK of Wisconsin. Yes; to brand a fraud and place it under the control of the revenue officers.

Mr. McMILLIN. So the gentleman admits that the question of taxation is a secondary question, if it is involved at all.

Mr. GROSVENOR. Well, Mr. Chairman, we do not want to get too many admissions of record at this time. There may be developments. [Laughter.]

Mr. McMILLIN. As the gentleman opened the case, I took him on his own statement, and I have correctly stated his position.

Mr. CHICKERING. There may be some additional evidence later on.

Mr. McMILLIN. This much the gentleman will admit—and I state it in justification of the gentleman who has made that statement—that the report does not state the necessity for the raising of the revenue proposed to be raised.

Mr. CHICKERING. Everybody knows that.

Mr. GROSVENOR. I want to say that I have not to-day stated that there is necessity for the sun to shine nor the rains to fall; but there are a few things in this country that we have learned so thoroughly that we do not need to keep stating them.

Mr. McMILLIN. But I suppose that with a Treasury that has $262,000,000 of money now——

Mr. TAWNEY. That we have borrowed. [Laughter.]

Mr. McMILLIN. Whether borrowed or not it is there, and subject to all the uses of the Government. I think it would not be contended that we require additional taxation.

Mr. DALZELL. But we have to pay it back.

Mr. GROSVENOR. We will quote Philip sober against Philip's present statement.

Mr. COOK of Wisconsin. Now, Mr. Chairman, let us consider the evidence of a Government official as to the condition of our cheese export trade. Secretary Morton, of the Department of Agriculture, in speaking of the American cheese trade, offers the following significant comments on the subject of the falling off in our export trade in cheese:

Throughout the year United States cheese has commanded the minimum figure upon the English market, and as by the operation of an invariable law the lower grades always suffer the most by a material fall in prices, our cheese has suffered disproportionately to other makes by the depressed condition of the English cheese markets, and has reached in 1895 the lowest price yet quoted for American cheese in that country, namely, $2.17 per 100 pounds.

Our agent and correspondent reports in explanation that "United States cheese is, as a whole, the poorest in quality that reaches the English market, and the British public are not only aware of the fact, but are prejudiced against it because so much in the past has been adulterated." While accusations that "filled cheese" is being dumped on the British markets from the United States go unrefuted, the very first statement impugning the Canadian product in the same manner was met with cabled denials from the Canadian Government, denials from the Canadian agent-general in London, and Canadian exporters. The incident, it seems, has actually turned out to be an excellent advertisement for Canadian cheese, and it is now perfectly well understood by the British public that Canada is maintaining with strenuous care the quality of her exports.

During the first eight months of 1894 Canada and the United States stood side by side in supplying the English market with cheese; but whereas Canada, in 1895, not only held her own, but made a gain, shipments from the United States have fallen off 13,100,000 pounds. In fact, every country shipping cheese to Great Britain did in 1895 increase its trade to that country except the United States, which has lost over 21 per cent of its last year's business.

N. Simonds, esq., of the firm of Simonds & Co., one of the largest manufacturers and dealers in dairy products in Wisconsin, and, as I am informed, the only manufacturer of edam cheese in the United States, writes me that he personally knows that the report of the Secretary of Agriculture is correct as to the manner in which our markets for dairy products have suffered and fallen off by reason of the distrust in foreign countries of American cheese, caused by filled cheese being shipped there branded as American cream cheese.

The dairy business of this country has been a profitable one for the United States until two years ago, when they commenced to manufacture filled cheese to a large extent and placed it on the market branded as cream cheese, since which time the filled cheese has done a great damage to the dairymen of the United States, with the exception, perhaps, of a few who are interested with the filled-cheese manufacturers.

I do not claim, Mr. Chairman, that the large decrease in the export of cheese is due entirely to the flooding of the European markets with filled cheese. There is no doubt that the shipment

of adulterated goods has had a great deal to do with it, but the greatest damage to our manufacturers of pure cheese comes from the flooding of manufacturing, mining, and other large purchasing centers in our own country, especially in Southern sections, with filled cheese, many thousands of boxes being shipped, taking the place of the genuine cheese, much of it bearing the brand "New York," "Illinois," "Minnesota," and "Wisconsin cream cheese," as the dealer may choose to have it branded. I am not prepared to say that all manufacturers of filled cheese do this, or that they would not prevent it being done by others on goods manufactured by them if they knew it and could prevent it; but it passes out of their hands with a brand that is easily erased, or with no brand at all upon it, and much of this false branding is done after it passes from their control.

It may be well to mention in this connection that vigorous efforts have been made by the legitimate cheese makers and dairymen in several States to stamp out the filled-cheese frauds.

I am informed by Hon. H. C. Adams, dairy and food commissioner of Wisconsin, that there was at one time in Wisconsin alone about 150 factories manufacturing filled cheese, and the annual product of the article was about 8,000,000 pounds. But with a prohibitory law passed last winter by the State legislature of Wisconsin it is supposed that no filled cheese is now being made in Wisconsin. In round numbers the dairy cheese manufactured in Wisconsin for the year, including parts of 1894 and 1895, was about 50,000,000 pounds, and the butter for the same time about 70,000,000 pounds. The total value of the dairy products of Wisconsin for that year was in the neighborhood of $30,000,000.

I have received petitions, memorials, and letters numbering among the thousands from various parts of the United States on this subject. I invite your attention to a few that time will permit me to present. I will read an appeal from the Provision Trade Association of Glasgow, Scotland, to the governor and legislature of the State of Wisconsin, furnished to the committee by Hon. H. C. Adams, of Wisconsin:

GLASGOW, *March 13, 1895.*

To the Governor, Senate, and Assembly of the State of Wisconsin, U. S. A.

GENTLEMEN: We, the Glasgow Provision Trade Association, in view of the serious and, we fear, permanent injury which is being done to the trade here and in Scotland generally in Wisconsin cheese by the large imports from your State of filled or spurious cheese made of skim milk, lard, beef fat, etc., hereby beg most respectfully to call your attention thereto.

The matter has now become so serious that we venture to say, unless immediate action is taken by you to prohibit the manufacture and shipment of these spurious cheese, it will be quite impossible to sell Wisconsin cheese in this country, in consequence of the suspicion attached to them under existing conditions by all honest dealers, who are liable to prosecution and conviction for selling what they bought as genuine Wisconsin cheese, but which on analysis were found to be, not cheese, but a compound as above stated. We further regret to say that there are a number of dealers on this side who, for the sake of the large profits on the sale of this compound, do not scruple to force it on the public as genuine cheese, and are therefore content to run the risk of being fined from time to time by the authorities here.

In view of these facts, we therefore most respectfully beg to call upon you to at once take steps to put a stop to this nefarious and dishonest trade, by making such laws as will prevent the manufacture and shipping of these goods, and thereby remove the odium and suspicion attached to all cheese presently coming from the State of Wisconsin.

In name of and by authority of the association.

JAS. HAMILTON, *President.*
A. G. WATSON, *Secretary.*

UNITED STATES CONSULATE,
Glasgow, Scotland:

I, Allen B. Morse, consul of the United States of America at Glasgow, Scotland, do hereby certify that James Hamilton and A. G. Watson signed the foregoing memorial in my presence, and that I know the said James Hamilton to be president and the said A. G. Watson to be secretary, respectively, of the Glasgow Provision Trade Association therein mentioned, and duly authorized to act for such association.

Witness my hand and consular seal this 13th day of March, 1895, at Glasgow aforesaid.

[SEAL.] ALLEN B. MORSE,
United States Consul, Glasgow, Scotland.

I will append a statement furnished by the Department of Agriculture, giving statistics as to filled cheese.

The attention of the House should be called to the able and interesting statement made before the committee by Mr. T. F. Shields, of the New York Produce Exchange. Mr. Shields showed that for many years American cheese was very popular in England and throughout Great Britain. It was exported from this country in large quantities, and with this continued good demand, together with a constantly growing home trade in all our large cities, prices were well maintained, and the manufacturers, and through them the dairy farmers, received a fair return for their product.

I quote the following from Mr. Shields's statement, together with the figures submitted by him:

In our own city, within ten years, we had at one time over 40 different exporters whose business was almost entirely confined to the purchasing and exporting of cheese to Great Britain, and many, if not all, of these gentlemen were sent over here by the large importing houses of Great Britain as their agents to buy and ship their cheese to them. Unfortunately within the past few years this has all changed: the "filled cheese" made its appearance in England, having been sent over there by some enterprising Western dealers as fine full-cream cheese.

At first the English buyer was deceived. To be sure, the cheese did not taste the same to him, nor did the cheese have the keeping qualities of the genuine article, but for a time the deception was kept up, but gradually it dawned upon him that large quantities of adulterated cheese were being exported from this country and sold to him as pure, full-cream cheese, and soon it was discovered that all cheese imported from the United States was more or less suspected of being adulterated. The English dairy farmer was not slow to use this to his advantage, for he had long felt the competition of our fine, full-cream cheese and was only too glad to discredit our goods, if possible. Through their efforts laws were passed in Great Britain compelling, under penalty of the forfeiture of the goods, that all cheese imported into the United Kingdom from the States must bear on the package in plain letters the words "Product of the United States."

American cheese was already discredited in England; there was no longer the demand for it that there had been, but to more completely discredit them and prevent the sale of the genuine article on its merits these laws were passed, so that intending buyers would be affected by the prejudice against our goods which existed in the minds of the English buyers. The result has been a continued decrease in our export trade. Where ten years ago we had 40 exporters here in our city, ready at all times to buy our goods, we have to-day not over 10. While we exported in 1879 from New York City to England 2,775,800 boxes of cheese, valued at over $16,500,000, we have been decreasing in our exports every year, until this year our total exports from the city of New York will not be over 600,000 boxes, valued at $3,000,000—a falling off of $13,000,000 and over in seventeen years. When you consider the percentage of this shrinkage it is astonishing—a falling off of over 80 per cent in seventeen years.

There must be some good reason for this great decrease in our exports. I do not think I will be contradicted when I say that the explanation of this is the discredit which has been cast upon our goods by unscrupulous dealers, who have sent the substitute abroad and sold it to unsuspecting buyers as the pure article. The low cost of producing these substitutes and the prospective large profits in selling them as the genuine article has furnished a strong temptation to unconscientious dealers, and the evil has grown.

It can not be said that the English people are not using as much cheese as formerly. Like the English dairy farmers, Canada was not slow to help us along in our decreasing exports. The Canadian Government passed laws prohibiting the manufacturing for export of anything but full cream cheese. They appropriated large sums of money to foster and encourage the manufacture of cheese among the farmers. They sent into our State and hired at liberal salaries American expert cheese makers to teach the farmers and manufacturers how to reach our high standard of quality. They went further than this. They fitted out perfectly equipped cheese factories on large wagons and traveled from town to town, teaching the farmer how to care for his milk and how to manufacture the cheese, until now, from Montreal to the Detroit River west, there are thousands of cheese factories running constantly, not to mention those around the Quebec section, Prince Edward Island, and Manitoba. These efforts have borne good results, for while the exports of cheese from Montreal in the year 1879 were 525,000 boxes, valued at $3,150,000, they have increased every year, until this year they foot up the enormous total of 2,148,854 boxes, valued at nearly $13,000,000. What a tremendous increase in seventeen years and what a lesson for us! These cheeses all go to England and are consumed by the English people.

Thus we see that from an export of 2,775,829 boxes of cheese, valued at over $16,000,000, in 1879, we have dwindled down to 600,000 boxes this year, valued at $3,000,000; while Canada, from an export of 525,000 boxes, valued at $3,150,000, in 1879, has steadily increased every year until now they have shipped the year just passed 2,148,854 boxes, valued at nearly $13,000,000. Canada has increased every year and we have declined, until now there is so little business passing in the article for export that it is almost a waste of time to engage in it.

Exports of cheese from May 1 to April 30.

[Submitted by Mr. Shields.]

Year.	New York.	Montreal.	Year.	New York.	Montreal.
	Boxes.	*Boxes.*		*Boxes.*	*Boxes.*
1879	2,775,829	525,000	1888	1,389,000	1,186,000
1880	1,949,000	535,212	1889	1,291,000	1,229,000
1881	2,368,635	553,800	1890	1,264,000	1,347,000
1882	2,217,024	671,694	1891	1,320,000	1,628,000
1883	1,633,724	842,912	1892	1,107,000	1,575,000
1884	1,849,540	999,680	1893	1,279,405	1,847,546
1885	1,759,566	1,236,495	1894	852,186	1,893,412
1886	1,518,000	1,298,000	1895	966,014	2,016,616
1887	1,211,000	1,625,000	1896	600,000	2,148,854

Think of it, Mr. Chairman! Such a vast industry, still practically in its infancy, being ruined to the sole end that a very few may be allowed to make some money manufacturing filled cheese! But it is the quality of filled cheese and not the quantity alone and the manner in which the spurious goods are sold to consumers that have done so much to injure the market for dairy products. New York, Wisconsin, Ohio, Minnesota, and many other States have passed prohibitory laws against filled cheese, but such laws do not totally prohibit. They prohibit a person making it in New York, Wisconsin, or such States as have passed the prohibitory laws, but they do not prevent the outrageous practice that is carried on by some manufacturers and dealers in filled cheese in different parts of the United States, and also in Europe, who place a brand on the article, "Full cream cheese," "from New York, Wisconsin, Minnesota," or some other State noted for the fine quality of its cream cheese, thereby giving to such State the reputation for sending out filled cheese branded as cream cheese.

Moreover, the fact that New York, Wisconsin, and other States have passed prohibitory laws against the manufacture of filled cheese only serves to make it answer the purpose of the people handling filled cheese to use the "full-cream" brands of these States to mark the spurious article, and then say to their customers, "This must be good cheese, as those States have stringent prohibitory laws against the manufacture of filled cheese." And it is

to prevent this damaging practice that I ask the cooperation of this House in the passing of this bill. It meets the approval of the great masses of the people of these United States. I am sure that every manufacturer and every person who supplies the milk and every dealer in unadulterated cheese will cooperate with you and welcome the passage of the bill.

This business of making and selling adulterated cheese is confined to a small section of the United States, a few dealers in cities who are apparently willing to sell anything so long as the business is profitable. Like oleomargarine, it is well understood that filled cheese will not be sold on its merits except under compulsion. While the manufacturers and wholesale merchants who handle it know, and perhaps sell it for what it is, when it goes to the consumer, like all other adulterated foods, it is sold for genuine; and as it is generally sold to and consumed by the laboring people and poorer classes of the community, the outrage seems to be greater as these people, at least, should have honest goods and all they can get for their money. The production and sale of filled cheese is a serious injury to the manufacturer who is making honest cheese.

Mr. Chairman, there is surely no good reason why the filled-cheese business, if it is to be carried on, should not be put under such regulations as will clearly and unquestionably show to the dealer, the consumer, and to the markets of the world that it is not cream cheese.

It has been shown that 4 to 5 cents a pound is about the difference between the cost of making filled cheese and dairy cheese. I believe, however, that with a license of $400 per annum on manufacturers at each and every factory, $250 for wholesale dealers, $40 for retail dealers, and a revenue tax of 2 cents a pound, to be paid by the manufacturer, with revenue stamp and marks placed on each and every cheese before it leaves the factory (as provided for in this bill), together with the penalty clause, the industry can be fairly well regulated.

Every dealer and manufacturer of cheese now understands that we have almost lost the English markets for our cheese, and this has resulted from the fact that the English have lost confidence in our goods and have transferred their orders for cheese to Canada, where the law is very strict and no adulterations are allowed; nor are the Canadians permitted even to make skim cheese for export, so that the English buyer has no fear of being imposed upon with Canadian adulterations.

Mr. LACEY. Is there a law in Canada prohibiting the manufacture and export of this kind of cheese?

Mr. COOK of Wisconsin. There is.

Mr. McMILLIN. I believe they are allowed to make cheese from skimmed milk here.

Mr. COOK of Wisconsin. Yes, sir.

Mr. Chairman, only a few years ago the export of cheese from New York City alone amounted to about 75,000 boxes and often to 100,000 boxes in a single week. The exports in two months at such times amounted to about as much as they do now in a whole year. This is a serious and damaging situation for the cheese-making interests of our dairy sections, and if there is any class of people in this country who need protection against fraud of any kind it is our farmers and dairymen. In fact, the agricultural interests of our country—the people who do the hard work on the farms—are above all others entitled to the special care and protection of the Government.

I hope, gentlemen, that you will give this bill your support; and I am sure that every manufacturer, dealer, and believer in honest goods will sustain you. No doubt there are large profits in the manufacture and sale of filled cheese; and the people who are engaged in the business exert a great influence when any legislation is attempted against this great evil, and what to most men appears to be a dishonest business. What we should have in this country and what there should not be opposition to by honest and loyal men throughout these United States is a general law prohibiting adulterations of all food products, and it does seem that no man could oppose a measure of this kind. There is not an intelligent person who does not know that the first object of all adulterations is to cheat somebody, to sell something by misrepresentation, and thereby obtain an unwarranted profit. This is the prime and real motive that every man has in the adulteration of anything. Therefore, on behalf of the farmers, manufacturers, dealers, and consumers of dairy products of these United States I appeal to you that you support this bill to regulate and control the manufacture and sale of filled cheese, that it may be enacted into law. [Loud applause.]

APPENDIX.

[United States Department of Agriculture, Bureau of Animal Industry, Dairy Division.]

DATA AS TO CHEESE AND FILLED CHEESE.

Cheese production of the United States according to the census.

	Pounds.
1849	105,535,893
1859	109,663,927
1869	162,927,382
1879	243,157,850
1889	256,791,883

NOTES.—Nine-tenths of this cheese is made in the States of New York, Wisconsin, Ohio, Illinois, Vermont, Iowa, Pennsylvania, and Michigan, ranking in the order named.

The New York product alone is almost one-half the total, and this State and Wisconsin together make over two-thirds of all. The reputation of these two States as to quality of cheese is about the same, and they have such a preponderating influence that they give character to the entire cheese output of the country.

It requires the entire milk of about 1,000,000 cows to make the cheese annually pressed in the United States.

The value of the annual cheese product of the United States varies from $20,000,000 to $25,000,000.

Cheese imported annually into the United States, about 9,000,000 pounds.

Rate of consumption of cheese in the United States, about 3 pounds per capita per annum. Consumption apparently on the decrease.

Composition: Good cheese is approximately composed of one-third water, one-third milk-fat, and one-third casein, with some sugar and ash.

Exports of cheese from the United States and Canada.

[For single years and yearly averages for five-year periods.]

Period.	United States.	Canada.	Period.	United States.	Canada.
	Pounds.	*Pounds.*		*Pounds.*	*Pounds.*
1850	10,361,189	17,100	1881-1885	118,813,685	61,502,949
1860	15,515,799	124,329	1886-1890	88,303,513	83,737,133
1861-1865	35,081,855	473,550	1891-1895	75,977,114	135,679,207
1866-1870	47,423,602	3,750,224	1893	81,350,923	133,946,365
1871-1875	90,688,546	20,114,561	1894	73,852,134	154,977,420
1876-1880	113,606,609	46,676,856	1895	60,448,421	146,004,650

NOTES.—For the year ended June 30, 1895, value of cheese exported from United States, $5,497,539, or $9.09 per hundredweight; from Canada, $14,253,002, or $9.76 per hundredweight.

Nearly 10,000,000 pounds of cheese made in the United States annually are exported to Canada to be reexported to Great Britain.

Since 1860 the increase in quantity exported by Canada is a thousandfold; then Canada exported less than one-hundredth part of the quantity sent from the United States. Now, the cheese export of the former is more than double that of the latter in quantity and nearly 10 per cent greater in value per pound.

Canada prohibits by law the manufacture or sale of skimmed cheese and of filled cheese, and there are no indications of effort on the part of makers or merchants to evade or violate these laws.

The reputation of Canadian cheese in the British markets has increased very greatly in consequence of a knowledge of these facts.

The very best cheese from the United States now sells more readily in London if bearing a Canadian brand than under the names which but a few years ago were accepted as a guaranty of all that was honest and best in cheese.

FILLED CHEESE.

Factories and product in the United States as estimated:

1893: Factories in Wisconsin, 200; in Illinois, 65; total annual product, 14,000,000 pounds.

1896: Factories in Illinois, 90; elsewhere, 10; total annual product, 12,000,000 pounds.

HENRY E. ALVORD,
Chief of the Dairy Division.

FEBRUARY 4, 1896.

Mr. GROSVENOR. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL reported that the Committee of the Whole House on the state of the Union had had under consideration the bill H. R. 8008, and had come to no resolution thereon.

Mr. HUBBARD. I move that the House do now adjourn.

The SPEAKER. Pending that motion, the Chair desires to present the following personal requests of members.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BAKER of Maryland, for three days, on account of important business.

To Mr. HANLY, indefinitely, on account of important business.

To Mr. WALSH, for four days, on account of death in family.

The motion to adjourn was then agreed to; and accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. L. Trimble against The United States, was taken from the Speaker's table and referred to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GRIFFIN, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 665) to authorize the President of the United States to appoint and confer the rank of first

lieutenant of infantry upon the director of gymnastics and instructor of swordsmanship at the United States Military Academy, reported the same without amendment, accompanied by a report (No. 1172); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3965) making an appropriation for duplicating machinery at the United States Armory at Springfield, reported the same with amendment, accompanied by a report (No. 1174); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 319) for the relief of telegraph operators who served in the war of the rebellion, reported the same without amendment, accompanied by a report (No. 1175); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the joint resolution of the House (H. Res. 90) to revive the grade of Lieutenant-General in the United States Army, reported the same without amendment, accompanied by a report (No. 1177); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 7320) to prevent trespassing upon and providing for the protection of the Chickamauga and Chattanooga National Military Park, reported the same with amendment, accompanied by a report (No. 1183); which said bill and report were referred to the House Calendar.

Mr. CURTIS of New York, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 2489) to authorize the Secretary of War to deliver obsolete or unserviceable cannon balls to any of the National or State Homes for Disabled Volunteer Soldiers, reported the same without amendment, accompanied by a report (No. 1178); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULICK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 4149) in relation to taxes and tax sales in the District of Columbia, reported the same with amendment, accompanied by a report (No. 1180); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 3610) for the relief of holders of certain District of Columbia tax-sale certificates, and for other purposes, reported the same with amendment, accompanied by a report (No. 1182); which said bill and report were referred to the House Calendar.

Mr. ODELL, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 6179) for the incorporation of associations for the improvement of the breed of horses, and to regulate the same, and to establish a racing commission, reported the same with amendment, accompanied by a report (No. 1184); which said bill and report were referred to the House Calendar.

Mr. CURTIS of Iowa, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 7264) to provide for the drainage of lots in the District of Columbia, reported the same with amendment, accompanied by a report (No. 1205); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. FISCHER, from the Committee on Indian Affairs: The bill (H. R. 1475) for the relief of Basil Moreland. (Report No. 1170.)

By Mr. GRIFFIN, from the Committee on Military Affairs:

The bill (H. R. 5999) to correct the military record of Elbridge McFadden. (Report No. 1171.)

A bill (H. R. 8075) to remove the charge of desertion from the military record of Anton Ernst, reported in lieu of the bill H. R. 4300. (Report No. 1173.)

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 6298) to correct military record of Charles K. Jenree, etc. (Report No. 1176.)

By Mr. SHERMAN, from the Committee on Indian Affairs: The bill (H. R. 3500) to authorize the adjustment and settlement of accounts of John Y. Williams. (Report No. 1179.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (S. 719) to restore a pension to Harriet M. Knowlton. (Report No. 1185.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (H. R. 2035) granting an increase of pension to Peter Anderson, of Strong City, Kans. (Report No. 1186.)

The bill (H. R. 4517) granting a pension to Washington Baker. (Report No. 1187.)

By Mr. HULICK, from the Committee on the District of Columbia: The bill (H. R. 6104) for the relief of Anton Gloetzner. (Report No. 1188.)

By Mr. LAYTON, from the Committee on Invalid Pensions:

The bill (H. R. 7688) for the relief of John M. Laughlin. (Report No. 1189.)

The bill (H. R. 7079) to increase the pension of Henry O. Hyre. (Report No. 1190.)

The bill (H. R. 7073) to increase the pension of Solomon Kline. (Report No. 1191.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 6497) granting a pension to William C. Estill. (Report No. 1192.)

By Mr. KERR, from the Committee on Invalid Pensions:

The bill (H. R. 3402) granting a pension to William Sheppard, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry. (Report No. 1193.)

The bill (H. R. 7422) for the relief of Lydia W. Holliday, of Wheeling, Ohio County, W. Va. (Report No. 1194.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 4841) granting a pension to Silas Adams. (Report No. 1195.)

By Mr. COLSON, from the Committee on Claims: The bill (H. R. 3787) for the relief of H. C. Herndon. (Report No. 1196.)

By Mr. BRUMM, from the Committee on Claims: The bill (H. R. 5540) for the relief of Richard Hawley & Sons. (Report No. 1197.)

By Mr. COX, from the Committee on Claims: The bill (H. R. 1150) for the relief of the city of Cairo, in the State of Illinois. (Report No. 1198.)

By Mr. SNOVER, from the Committee on Claims:

The bill (H. R. 5597) for the relief of Charles Deal. (Report No. 1199.)

The bill (H. R. 981) for the relief of William C. Dodge. (Report No. 1200.)

The bill (H. R. 3851) to reimburse Col. Phillip Kirshner for money paid for the services of a band for the Sixteenth Regiment of Ohio Infantry Volunteers. (Report No. 1201.)

By Mr. HANLY, from the Committee on Claims: The bill (H. R. 2949) appropriating money to pay the claim of George W. McCray for improving Hanna street, adjacent to the United States arsenal, at Indianapolis, Ind. (Report No. 1202.)

By Mr. DE WITT, from the Committee on Claims: The bill (S. 69) to authorize the Secretary of the Interior to settle the claims of the legal representatives of S. W. Marston, late United States Indian agent at Union Agency, Ind., for services and expenses. (Report No. 1206.)

By Mr. BISHOP, from the Committee on Military Affairs: The bill (H. R. 5280) for the relief of George W. Freeman. (Report No. 1207.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. HULICK, from the Committee on the District of Columbia, reported adversely (Report No. 1181) the bill (H. R. 4356) to confirm title to lots 13 and 14, in square 959, in Washington, D. C.

Mr. BISHOP, from the Committee on Military Affairs, reported adversely (Report No. 1203) the bill (H. R. 4886) removing charge of desertion as to George H. Williams, late of Company H, Eleventh Pennsylvania Cavalry.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MORSE: A bill (H. R. 8072) to provide for a commission on the subject of the alcoholic liquor traffic—to the Committee on Alcoholic Liquor Traffic.

Also, a bill (H. R. 8073) granting officers and enlisted men of the Army who are members of the Society of Veterans of the Indian wars permission to wear the badge of that society on certain occasions—to the Committee on Military Affairs.

By Mr. CHICKERING: A bill (H. R. 8074) to appropriate $550,000 to widen the locks in the Oswego Canal so as to permit the passage of modern torpedo boats for the protection of the lake cities—to the Committee on Railways and Canals.

By Mr. LOUD: A bill (H. R. 8076) granting to the Yosemite Valley and Merced Railway Company a right of way over and station sites in the reservation established by an act of Congress of the United States entitled "An act to set apart certain tracts of land in the State of California as forest reservations," approved October 1, 1890—to the Committee on the Public Lands.

By Mr. ARNOLD of Rhode Island: A bill (H. R. 8077) granting to Budlong Post, Grand Army of the Republic, of Westerly, R. I., two condemned mounted brass cannon—to the Committee on Naval Affairs.

Also, a bill (H. R. 8078) granting to Charles C. Baker Post, No. 16, Grand Army of the Republic, of Wickford, R. I., 5 condemned cannon and 25 cannon balls—to the Committee on Naval Affairs.

By Mr. WATSON of Ohio: A bill (H. R. 8079) granting a pension to honorably discharged officers, soldiers, and sailors of the late war of the rebellion—to the Committee on Invalid Pensions.

By Mr. McEWAN: A bill (H. R. 8080) to amend section 9 of an act passed August, 1894, establishing bonded warehouses for manufacturing purposes—to the Committee on Ways and Means.

By Mr. GROW: A bill (H. R. 8104) providing that the widows of pensioners married before the close of the late war shall receive the same rate of pension that the pensioner was receiving at the time of his death, provided that the rate of her pension shall not be less than $12 a month—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 8108) to increase and equalize the trade of the United States with foreign countries—to the Committee on Ways and Means.

By Mr. BINGHAM: A resolution (House Res. No. 243) of inquiry, calling upon the Secretary of the Interior for information looking to the reorganization of the Northern Pacific Railroad—to the Committee on Pacific Railroads.

By Mr. WATSON of Ohio: A concurrent resolution (House Con. Res. No. 42) to provide for the printing of the Handbook of Experiment Station Work—to the Committee on Printing.

By Mr. SHERMAN: A memorial of the New York State legislature, asking for pension bill for soldiers confined in Confederate prisons—to the Committee on Invalid Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ARNOLD of Pennsylvania: A bill (H. R. 8081) granting a pension to Andrew J. Baker, late of Company H, One hundred and thirty-third Regiment Pennsylvania Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8082) to remove the charge of desertion against the name of Samuel Kerr, late of Company E, Sixty-second Regiment Pennsylvania Volunteers—to the Committee on Military Affairs.

By Mr. BARHAM: A bill (H. R. 8083) for the relief of James Q. Shirley and the estate of Francis De Long, deceased—to the Committee on Claims.

By Mr. COLSON: A bill (H. R. 8084) for the relief of L. D. Hutchison—to the Committee on War Claims.

Also, a bill (H. R. 8085) for the relief of W. J. Mullins, of McWhorter, Laurel County, Ky.—to the Committee on Claims.

Also, a bill (H. R. 8086) granting a pension to Mary E. Herd, widow of Lieut. Col. A. J. Herd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8087) granting an increase of pension to Gideon B. Runyon, of Metcalfe County, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8088) granting an increase of pension to James K. P. Davidson, of Phil, Casey County, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8089) granting a pension to Sarah Floyd, widow of James Crow, Company H, Twenty-fourth Kentucky Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. COOK of Wisconsin: A bill (H. R. 8090) providing for the allowance and payment of the account of William Spiegelberg—to the Committee on Claims.

By Mr. HULING: A bill (H. R. 8091) to carry out the findings of the Court of Claims in the case of Isaiah Curry—to the Committee on War Claims.

By Mr. JENKINS: A bill (H. R. 8092) to remove the charge of desertion against John Bewley—to the Committee on Military Affairs.

By Mr. KIRKPATRICK: A bill (H. R. 8093) granting a pension to D. C. McIntire—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8094) granting a pension to Alfred D. Johnson—to the Committee on Invalid Pensions.

By Mr. LEIGHTY: A bill (H. R. 8095) granting a pension to Mary M. Cartwright, of Fort Wayne, Ind.—to the Committee on Invalid Pensions.

By Mr. McEWAN: A bill (H. R. 8096) to remove the charge of desertion from the record of John Haug, alias John Hogg—to the Committee on Military Affairs.

By Mr. OTEY: A bill (H. R. 8097) for the relief of the heirs of the late J. H. McVeigh, of Alexandria—to the Committee on War Claims.

By Mr. RICHARDSON: A bill (H. R. 8098) authorizing and requiring the District Commissioners to pay the funds of the estate of Peter Von Essen, deceased, to his heirs and distributees—to the Committee on the District of Columbia.

By Mr. SMITH of Illinois: A bill (H. R. 8099) to increase the pension of Stephen A. Knowlan, a recruit of Deman's detachment of United States Mounted Riflemen, in the war with Mexico—to the Committee on Pensions.

By Mr. SNOVER: A bill (H. R. 8100) granting a pension to Anna M. Buerger—to the Committee on Invalid Pensions.

By Mr. SORG: A bill (H. R. 8101) to correct muster of Albert Kellar—to the Committee on Military Affairs.

By Mr. SOUTHARD: A bill (H. R. 8102) to pension Dora Jones, invalid daughter of the late Orson H. Jones, Company I, Fifty-seventh Regiment Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. STRONG: A bill (H. R. 8103) to correct the military record of Edward T. Jennings—to the Committee on Military Affairs.

By Mr. SWANSON: A bill (H. R. 8105) for the relief of J. J. Lautenschlager—to the Committee on War Claims.

By Mr. WOODMAN: A bill (H. R. 8106) for restoration of pension to Mary J. Egbert—to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 8107) granting a pension to Matthew J. Graham—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolution of the select and common councils of Philadelphia, Pa., opposing the filling up of the back channel of League Island, connecting the Delaware and Schuylkill rivers—to the Committee on Rivers and Harbors.

Also, petition of citizens of Philadelphia, Pa., in favor of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. ALDRICH of Alabama: Paper to accompany House bill No. 7781, to provide an American register for the barge *Black Diamond*—to the Committee on the Merchant Marine and Fisheries.

By Mr. BARHAM: Petition of Petaluma Grange, No. 23, Patrons of Husbandry, of California; also petition of citizens of San Francisco, Cal., for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. BINGHAM: Resolution of the select and common councils of Philadelphia, Pa., requesting Congress not to authorize the filling up of the back channel connecting the Delaware and Schuylkill rivers—to the Committee on Rivers and Harbors.

By Mr. COLSON: Paper to accompany House bill No. 7150, for the relief of Adam Petrey—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: Petition of citizens of Rock County, Wis., for the removal of the statue of Marquette from Statuary Hall—to the Committee on the Library.

By Mr. CRUMP: Resolutions adopted by Loyal Orange Lodge, No. 84, signed by Thomas McKenzie and 116 others, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, papers relating to the pension claim of Sadie M. Kleine, widow of Louis P. Kleine—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: Petition of 121 citizens of New York City; also petition of 35 citizens of New York City, in support of House bill No. 2626, for the protection of agricultural staples by an export bounty, in order to equalize the benefits and burdens of the protective system—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of one-armed and one-legged soldiers in the Twenty-second Congressional district of Pennsylvania, in favor of House bill to adjust the pensions of those who have lost limbs or have been totally disabled in them—to the Committee on Invalid Pensions.

Also, petition of sundry citizens of Pittsburg, Pa., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. ELLIS: Petition of Oswego Grange, No. 175, of Oswego, Oreg., asking for the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. HENDERSON: Petition of Ellis E. Wilson and 145 other citizens of Blackhawk County, Iowa; also petition of B. E. Brown and 103 others, of Blackhawk County, praying for the enactment of a law to prohibit railroads from using cars without extension or adjustable roof, or some method to close the space between the roofs of cars to prevent persons from falling between them—to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY of Indiana: Papers to accompany House bill No. 2950, relating to the claim of the Western Paving Company, of Indianapolis, Ind.—to the Committee on Claims.

By Mr. HITT: Petition of Prof. S. L. Boothroyd and 76 other citizens of Mount Morris, Ill., in favor of House bill No. 2758, to

fix the standard of weights and measures by the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. HOWELL: Petition of citizens of Perth Amboy, N. J., in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. LAYTON: Resolutions of the Tower Bible and Tract Society, asking for legislation that will give religious matter in the mail every advantage under the act of July 16, 1894—to the Committee on the Post-Office and Post-Roads.

By Mr. LEIGHTY: Papers to accompany House bill granting a pension to Mary M. Cartwright—to the Committee on Invalid Pensions.

By Mr. McEWAN: Petition of Palisade Council, No. 140, Junior Order United American Mechanics, asking for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. MORSE: Petition of F. Herbert Snow and 13 other civil engineers of Brockton, Mass., asking passage of bill for establishing the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Curtis Club, of Taunton, Mass., objecting to the passage of House bill No. 4566, amending the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. NORTHWAY: Petition of Hon. O. P. Sperra and 16 other citizens of Ravenna, Portage County, Ohio, in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. OGDEN: Petition of C. B. Yeager and 50 other citizens of Pineville, La., favoring the admission of certain religious publications to the mails as second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. RAY: Petition of citizens of Binghamton, N. Y., in favor of bill for the relief of Ross W. Titus—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: Petition of Stephen Von Essen Essex, Hallie C. Essex, and Francis B. Essex, of the District of Columbia, asking that the District Commissioners be authorized and required to pay over to them the funds of the estate of their deceased ancestor, Peter Von Essen—to the Committee on the District of Columbia.

By Mr. SAUERHERING: Petition of Rev. H. O. Jorris, of Reeseville, Wis., favoring the enactment of the Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. SCRANTON: Petition of Col. H. M. Boies and other citizens of Scranton, Pa., favoring the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. SHERMAN: Resolutions of Waterville Grange, No. 61, Patrons of Husbandry, in favor of the bill relating to the manufacture and sale of filled cheese—to the Committee on Ways and Means.

By Mr. SORG: Papers to accompany House bill to correct the muster of Albert Kellar—to the Committee on Military Affairs.

By Mr. STEELE: Petition of Hon. J. P. C. Shanks and 50 other citizens of Jay County, Ind., asking that a pension be granted to Annie B. Gaunt, the helpless child of Nev. Gaunt, of Company A, Eighth Indiana Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. WELLINGTON: Petition of the General Synod of the Evangelical Lutheran Church of the United States, asking for the appointment of an impartial commission to investigate the alcoholic liquor traffic, etc.—to the Committee on Alcoholic Liquor Traffic.

SENATE.

FRIDAY, *April 10, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Vice-President being absent, the President pro tempore took the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. ALLEN, and by unanimous consent, the further reading was dispensed with.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore. The Chair presents a petition of the New York Credit Men's Association, praying for the passage of the so-called Torrey bankruptcy bill. The association, in transmitting its petition, asks that it be printed as a Senate miscellaneous document. Is there objection? The Chair hears none. The petition will be printed as a document, and referred to the Committee on the Judiciary.

The Chair also presents a petition of the Grand Lodge of Independent Order of Good Templars of the State of Ohio, praying for the appointment of an impartial national commission of inquiry to investigate and report upon the alcoholic liquor traffic, its relations to crime, pauperism, taxation, and the general public welfare; which will be referred to the Committee on Education and Labor.

Mr. TURPIE presented sundry petitions of John Craig Post, No. 86, Department of Indiana, Grand Army of the Republic, of Jeffersonville, Ind., praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. VILAS presented petitions of the Methodist Episcopal churches of Centerville, Galesville, and Trempealeau, all in the State of Wisconsin; a petition of the German Reformed Church of Reesville, Wis., and a petition of the Free Baptist Church of Greenbush, Wis., praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. McMILLAN presented the petition of L. M. Houghton and sundry other citizens of Baraga County, Mich., praying that the pension of John O'Connor, of L'Anse, Mich., be increased from $12 to $30 per month; which was referred to the Committee on Pensions.

He also presented the petition of George A. Johnson and sundry other members of the National Association for the Protection of Game, Birds, and Fish, praying for the passage of House bill No. 5729, to amend an act entitled "An act to regulate commerce"; which was referred to the Committee on Commerce.

He also presented the petition of Mr. Justice Brown, Gen. Rufus Saxton, and sundry other citizens of Washington, D. C., praying that the circle known as Hancock Circle, situated at the intersection of Sixteenth and U streets NW., in the city of Washington, be retained; which was referred to the Committee on Appropriations.

Mr. WARREN presented a memorial of sundry citizens of Wyoming, remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

Mr. CALL. I present a communication from S. J. Ritchie, of Akron, Ohio, relating to an appropriation for the improvement of the Oklawaha River, in Florida, to connect the navigation of that river with Lakes Griffin, Eustis, and Dora. I move that the communication and accompanying paper be referred to the Committee on Commerce, and that it be printed as a miscellaneous document for the use of that committee.

The motion was agreed to.

Mr. CAMERON presented a memorial of the National Board of Steam Navigation of Pittsburg, Pa., remonstrating against the passage of Senate bill No. 187, amending the navigation laws; which was referred to the Committee on Commerce.

He also presented a petition of Valley Grange, No. 52, of Millville, Pa., praying for the passage of House bill No. 2626, providing for the protection of agricultural staples by an export bounty; which was referred to the Committee on Finance.

He also presented a memorial of Pickering Garrison, No. 8, Grand Army of the Republic, of Erie, Pa., remonstrating against the enactment of legislation increasing the Marine Corps; which was ordered to lie on the table.

He also presented a memorial of Newcastle Council, No. 24, of Newcastle, Pa., and a memorial of the Ministerial Union of Philadelphia, Pa., remonstrating against the appropriation of money for sectarian institutions; which were referred to the Committee on Appropriations.

He also presented a petition of the Woman Suffrage Society of the county of Philadelphia, Pa., praying for the adoption of an amendment to the Constitution of the United States extending suffrage to women; which was referred to the Select Committee on Woman Suffrage.

He also presented a petition of sundry citizens of Pittsburg, Pa., praying for the enactment of legislation giving second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of M. D. Barndollar, of Pennsylvania, praying for the enactment of legislation to provide 1-cent letter postage per half ounce, and also to amend the postal laws relating to second-class and free mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the American Protective Association of Carlisle, Pa., and a memorial of sundry citizens of Pennsylvania, remonstrating against placing the statue of Père Marquette in Statuary Hall; which were referred to the Committee on the Library.

He also presented a petition of the State board of agriculture of Columbia, Mo., praying for the passage of House bill No. 6452, providing for the establishment of engineer experiment stations in connection with the colleges established in the several States under the act of July 2, 1862; which was referred to the Committee on Agriculture and Forestry.

Mr. COCKRELL presented a memorial of the board of directors

of the Merchants' Exchange of St. Louis, Mo., remonstrating against the provision contained in the river and harbor appropriation bill providing for the improvement of the Mississippi River from St. Louis to Vicksburg; which was referred to the Committee on Commerce.

Mr. WALTHALL. I present a memorial of the committee of the National Association of State Universities, signed by Robert B. Fulton, chairman, chancellor of the University of Mississippi; William O. Thompson, president of Miami University; R. H. Jesse, president of the University of Missouri; A. S. Draper, president of the University of Illinois; and James B. Angell, president of the University of Michigan, in support of the bill (S. 1246) to make an adjustment of the grants of land in the several States of the Union for seminaries of learning or universities. The memorial relates to a matter of general interest, and I move that it be referred to the Committee on Public Lands, and that it be printed as a document.

The motion was agreed to.

Mr. SQUIRE presented a memorial of sundry citizens of Seattle, Wash., remonstrating against placing the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

He also presented a petition of the Whatcom County Press Association, of New Whatcom, Wash., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry engineers employed on steamers in Hawaiian waters, praying for the passage of Senate bill No. 1172, to amend section 4131 of the Revised Statutes of the United States, to improve the merchant marine engineer service, and thereby also to increase the efficiency of the Naval Reserve; which was ordered to lie on the table.

He also presented a petition of the Federal Labor Union of Everett, Wash., praying for the free and unlimited coinage of silver; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Lewis County, Wash., praying that William R. Munroe, of that county, be granted an increase of pension; which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Tolt, Wash., remonstrating against the appropriation of money for sectarian institutions; which was referred to the Committee on Appropriations.

He also presented a petition of the Junior Order United American Mechanics of Williamsport, Md., praying for the enactment of legislation to increase the efficiency of the Naval Reserve; which was ordered to lie on the table.

STATEMENT OF THE PUBLIC DEBT.

Mr. COCKRELL. I ask to have printed as a document a paper prepared by the Chief of the Bureau of Statistics, Treasury Department, containing a statement of the principal of the public debt, the interest paid, the premiums, the reduction of the principal of debt, and the increase of the principal of debt. I move that it be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on Territories, to whom was referred the bill (S. 2671) providing for the election of a Delegate from the District of Alaska to the House of Representatives of the United States, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 320) to authorize the construction and operation of an electric railroad within the Yellowstone National Park, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

Mr. GALLINGER (for Mr. BRICE), from the Committee on Pensions, to whom was referred the bill (H. R. 2224) granting an increase of pension to Lewis C. Schilling, reported it with an amendment, and submitted a report thereon.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 2463) to regulate certain prosecutions in the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the District of Columbia, reported an amendment providing for the erection of a brick or stone wall to inclose the grounds upon which the jail of the District of Columbia now stands, intended to be proposed to the District of Columbia appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, reported an amendment providing for the resumption of work on the Washington Aqueduct tunnel and its accessories and the Howard University reservoir, intended to be proposed to the District of Columbia appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. ELKINS on the 16th ultimo, providing for the placing of per diem employees in the street and alley cleaning service of the District of Columbia on the permanent roll at an annual salary, intended to be proposed to the District of Columbia appropriation bill, reported it with amendments, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 20th ultimo, providing for the paving of Florida avenue, in the city of Washington, intended to be proposed to the District of Columbia appropriation bill, reported it favorably, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, reported an amendment regulating the personnel of the Metropolitan police force of the District of Columbia, intended to be proposed to the District of Columbia appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 1315) to redeem outstanding certificates issued by the board of audit and the board of public works of the District of Columbia, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1040) to amend the act of June 2, 1890, for the relief of holders of District of Columbia special-assessment certificates, and for other purposes, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MITCHELL of Oregon, from the Committee on Claims, to whom was referred the bill (S. 2501) for the relief of James Sims, of Marshall County, Miss., reported it without amendment, and submitted a report thereon.

Mr. MITCHELL of Wisconsin (for Mr. WHITE), from the Committee on Finance, to whom was referred the amendment submitted by himself on the 7th instant, providing for the relief of James W. Murphy, intended to be proposed to the sundry civil appropriation bill, reported it without amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the amendment submitted by Mr. HILL on the 1st instant, providing for the widening of the northern entrance to the Wallabout Channel, Brooklyn, N. Y., intended to be proposed to the naval appropriation bill, asked to be discharged from its further consideration and that it be referred to the Committee on Commerce; which was agreed to.

CARE OF DEPENDENT CHILDREN.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 2426) to amend an act entitled "An act to provide for the care of dependent children in the District of Columbia, and to create a board of children's guardians," approved June 26, 1892, to report it favorably without amendment. As this is a matter designed to settle a question of jurisdiction between Dr. Gallaudet, of the Deaf and Dumb Asylum, and the board of children's guardians, I ask the immediate consideration of the bill.

I will simply state that under the old law the authorities of the Deaf and Dumb Asylum had jurisdiction over feeble-minded children. When the board of children's guardians was established it was intended to transfer that jurisdiction entirely to the new board, but it seems there was a little lapse in the law and the authorities of the Deaf and Dumb institution now have to certify, but have no further jurisdiction, and they want to get rid of it. I trust that the bill will be immediately passed.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IMPRISONMENT OF EUGENE V. DEBS.

Mr. CALL. Mr. President, I rise to a parliamentary inquiry. I am in receipt of a letter from Mr. Eugene V. Debs, one of the leaders of the labor movement, representing himself and a large number of the different associations, asking me whether the Committee on the Judiciary have taken any action in reference to the resolution for inquiring into and reporting legislation relating to the restraint of the power of judges of the United States courts in matters of contempt, and requesting that there shall be some expression by which he may be advised in regard to the fact. I know of no other method of ascertaining it than to ask the question

of the chairman of the Judiciary Committee. Mr. Debs represents a great body of the most important and deserving class of the American people, and I wish to give respect and consideration to their wishes on this subject, agreeing, as I do, with Mr. Debs in the opinion that this legislation is important.

The PRESIDENT pro tempore. If there is no objection, the question may now be asked, though it is out of order.

Mr. HOAR. Will the Senator repeat his question? I did not know that he was addressing his remark to me.

Mr. CALL. I made a request for information on the part of Mr. Eugene V. Debs, one of the leaders of the labor movement in the United States, as to whether the Judiciary Committee of the Senate have taken any action in relation to reporting legislation restraining or modifying the power of judges of the United States courts in matters of contempt.

Mr. HOAR. Mr. President, I suppose there is no impropriety in stating what has taken place in the committee on the subject and the circumstances.

It is a very important question, and one which the committee have meant to deal with thoroughly and faithfully. The Senator from New York [Mr. HILL] who is now absent undertook to make a careful collection of the law upon this subject and to prepare a measure to be submitted to the committee by the subcommittee. The matter has been somewhat discussed in the committee, but his report has not yet been made. However, the result of the discussion has been that one or two separate measures have been prepared. One was sent to the committee yesterday morning by the Senator from Nebraska [Mr. THURSTON], who is a member of that committee, which is a careful and thoroughly prepared bill dealing with the whole subject.

So the matter has not been overlooked. The committee are dealing with it as rapidly as the nature of the case seems to admit. How soon the matter will be ripe for a report by the committee is a question that had better be addressed to the Senator from New York who ordinarily sits on the left of the Senator from Florida, but who is not now in his seat, and who is, I believe, the chairman of the subcommittee on the subject.

I think I am not indiscreet in stating that I understand and believe every member of the committee is of opinion that there ought to be some careful legislation on the subject which shall preserve the rights of the citizens and preserve also, of course, the authority of the law, and that that careful legislation would probably contain a right to go by appeal or on exceptions to higher courts from lower in proper cases, where the contempt does not exist in the actual presence of the court and where its immediate suppression is not necessary for the due and orderly proceeding of the business of the court, which I suppose would be probably what the Senator from Florida himself would approve.

SALARY ACCOUNTS OF SENATORS.

Mr. MITCHELL of Oregon. From the Committee on Privileges and Elections I report a substitute for the resolution introduced on the 4th of March by the Senator from Colorado [Mr. WOLCOTT], and submit a report thereon. It relates to the salary accounts of two Senators, and I ask for its present consideration.

Mr. COCKRELL. Let it be read for information.

The PRESIDENT pro tempore. The substitute reported from the committee will be read for the information of the Senate.

The Secretary read as follows:

Resolved, That it is the duty of the Secretary of the Senate to credit the salary accounts, respectively, of LEE MANTLE, a Senator from the State of Montana, and CLARENCE B. CLARK, a Senator from the State of Wyoming, to the full extent of their monthly pay from March 4, 1893, the date of the commencement of the terms for which they were elected, to July 31, 1894, the date of the passage of the act of Congress changing the time when the salaries of Senators elected or appointed to fill vacancies in the Senate, and of Senators elected for a full term subsequent to the commencement of such term, shall commence to run.

The PRESIDENT pro tempore. The Senator from Oregon asks for the present consideration of the resolution.

Mr. COCKRELL. I think we had better see the report on the subject in print.

Mr. MITCHELL of Oregon. Then let the resolution be printed, and also the report.

Mr. COCKRELL. Yes; let the resolution and report be printed.

The PRESIDENT pro tempore. The resolution will be printed and go over.

Mr. MITCHELL of Oregon. I ask that it do not go to the Calendar. Let it lie on the table.

Mr. COCKRELL. Let it lie on the table.

The PRESIDENT pro tempore. The resolution will lie on the table for the present. The report will be printed under the rule.

BILLS INTRODUCED.

Mr. ALLEN introduced a bill (S. 2795) granting a pension to the Rev. Philip McKim, of Norfolk, in the State of Nebraska; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2796) to establish an Indian training school and industrial farm at Madison, in the State of Nebraska; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. TURPIE introduced a bill (S. 2797) granting an increase of pension to Charles W. Sentman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2798) to increase the pension of George Smith; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2799) amending the military record of William Howell, late a private of Company H, Forty-eighth Indiana Volunteer Infantry; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (for Mr. VOORHEES) introduced a bill (S. 2800) granting an increase of pension to Thomas H. Ballard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 2801) to amend the charters and enlarge and extend the powers and franchises of certain railway companies of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WARREN introduced a bill (S. 2802) granting a pension to Margaret Rowsell; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2803) granting an increase of pension to J. F. Crawford; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 2804) for the relief of Mrs. Marian W. Pollard; which was read twice by its title, and referred to the Committee on Claims.

Mr. CAMERON introduced a bill (S. 2805) granting an increase of pension to Mrs. Lucy Keenan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2806) granting a pension to Andrew J. Baker; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 2807) to remit penalties and interest on arrears of taxes in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PRITCHARD introduced a bill (S. 2808) to regulate internal-revenue assessments, and to modify the law so as to leave assessments in certain cases to the court; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. McMILLAN introduced a bill (S. 2809) to provide for the elevation of the tracks of the Baltimore and Ohio Railroad in the city of Washington, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SQUIRE introduced a bill (S. 2810) granting a pension to Orson B. Johnson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2811) to authorize the purchase of a site for the Government Printing Office; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HALE introduced a joint resolution (S. R. 127) proposing amendments to section 73, paragraph 32, of the act of January 12, 1895, providing for the public printing and binding and distribution of documents; which was read twice by its title, and referred to the Committee on Printing.

He also introduced a joint resolution (S. R. 128) proposing an amendment to section 89, paragraph 2, of the act of January 12, 1895, providing for the public printing and binding and the distribution of public documents; which was read twice by its title, and referred to the Committee on Printing.

WASHINGTON CITY POST-OFFICE BUILDING.

Mr. COCKRELL. I introduce a joint resolution and ask for its present consideration.

The joint resolution (S. R. 126) requiring the roof of the new city post-office building, Washington, D. C., to be fireproof was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of the Treasury be, and he hereby is, directed to construct the upper story and roof of the Washington City post-office building, in the District of Columbia, of the best modern fireproof material, in order that said building may be thoroughly fireproof in all its parts, as required by the several acts authorizing the construction of said building; and all material heretofore used in the construction of the upper story and roof of said building not of

the best modern fireproof kind and character shall be removed and the best modern fireproof material substituted therefor.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment.

Mr. PETTIGREW. What difference does this measure make in the cost of the building?

Mr. COCKRELL. It will make no difference, I suppose, because the existing law requires it to be done just as the joint resolution specifies. Instead of the pine that is being put upon the roof now, the most inflammable material that they could select, this is simply to cause the law to be carried out.

Mr. PETTIGREW. It seems to me that we ought to put as much combustible material into that building as possible, and that when finished it should be set on fire. Architecturally it appears to me that it is an eyesore and always will be to every citizen of this country. It mars the appearance of the Avenue. I am very sorry to see anything done that will prevent it from being burnt up.

Mr. COCKRELL. The lower part of the structure can not burn as it is now, and we do not want the upper part, containing valuable records, to be burned.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

IMPRISONMENT OF MRS. FLORENCE E. MAYBRICK.

Mr. CALL. At the request of one of the intelligent women of the United States who are much interested in the subject, I introduce a joint resolution and ask that it may be read and referred to the Committee on the Judiciary. In doing so, I take pleasure in saying that as far as I am concerned I concur entirely in the request of the joint resolution and in its spirit and purpose. I ask that it be read at length.

The joint resolution (S. R. 129) requesting the Government of Great Britain to pardon Mrs. Florence E. Maybrick as an act of magnanimity was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the people of the United States sympathize with Mrs. Florence E. Maybrick, formerly of Mobile, Ala., in her sufferings, under a sentence of life imprisonment at hard labor in England; that they almost universally believe that she is innocent, and it would be an act of gracious respect to the public opinion of this people, speaking the English language, in large part of English descent, governed by the same laws, inheriting the same love of law and order, the same abhorrence of crime, the same love of liberty and the protection of the weak and helpless against arbitrary power, for the Government of Great Britain to pardon Mrs. Maybrick and restore her to her country and her family.

Resolved, That the President of the United States be, and he is hereby, requested to communicate this resolution to the Government of Great Britain.

Mr. SHERMAN. If in order, I will move to lay the joint resolution on the table. It ought not to be introduced here. I happened to be in England at the time of the trial of this person. There was great difference of opinion as to whether she ought to have been convicted, but certainly it is a subject over which the Senate of the United States has no jurisdiction. I trust that the joint resolution will lie on the table.

Mr. CALL. I will ask that it may lie on the table for the present. I should like to have a vote of the Senate on the proposition of the Senator from Ohio, though it is not in order to discuss it at this time. It is the opinion of a great body of people of the United States that this person has been very unjustly treated. This is a respectful request in response to a great public opinion. There is nothing in it offensive to the Government of Great Britain, but it simply expresses a sympathy and an opinion on the part of the people of her innocence. I have never yet seen anyone who would deny the fact that the trial was a harsh one, and that the probabilities were altogether in favor of innocence on the part of this person. I ask that the joint resolution may lie on the table for the present.

The PRESIDENT pro tempore. The joint resolution has been read twice.

Mr. SHERMAN. I move that it lie on the table.

The PRESIDENT pro tempore. The Senator from Ohio moves that the joint resolution be laid on the table.

Mr. CALL. I ask the Senator from Ohio to withdraw that motion and let it lie upon the table subject to be called up when we may have some consideration of it. I think disposing arbitrarily of a petition and request from so large a portion of the people of the United States is somewhat improper, and will be prejudicial to the application of the friends of this person for a pardon.

The PRESIDENT pro tempore. The question is on the motion to lay the joint resolution on the table.

Mr. CALL. On that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. WALTHALL. Why not let the joint resolution go over under the rule? Is there any objection to that course?

Mr. COCKRELL. One objection carries it over.

The PRESIDENT pro tempore. It is a joint resolution. The question is on the motion of the Senator from Ohio, to lay it on the table, on which the yeas and nays have been ordered.

Mr. TELLER. Let us have it read.

The PRESIDENT pro tempore. The joint resolution will be again read.

The Secretary again read the joint resolution.

Mr. CALL. I ask unanimous consent to say a word on the joint resolution.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator from Florida will proceed.

Mr. CALL. I should be very glad to hear from the Senator from Ohio or any other Senator some reasonable objection to the reference of the joint resolution to the Committee on the Judiciary. If there is anything in it that may seem to be improper toward a foreign government, it can be amended by the committee.

Mr. SHERMAN. In order to dispose of the matter, I am perfectly willing that it shall be referred to the Committee on the Judiciary, if the Senator from Florida desires.

Mr. TELLER. That is right.

Mr. CALL. That is all.

The PRESIDENT pro tempore. Without objection, the Senator from Ohio withdraws his motion to lay the joint resolution on the table.

Mr. ALLISON. And moves to refer it.

Mr. SHERMAN. I move to refer it.

The PRESIDENT pro tempore. Without objection, the joint resolution will be referred to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CALL submitted eight amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. HARRIS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which, with the accompanying paper, was referred to the Committee on Claims.

Mr. MITCHELL of Oregon submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. WARREN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Irrigation and Reclamation of Arid Lands, and ordered to be printed.

Mr. SQUIRE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

SOUTHERN FEDERAL PRISON.

Mr. BACON. I submit an amendment intended to be proposed by me to the sundry civil appropriation bill, which I ask be referred to the Committee on the Judiciary and ordered to be printed.

In moving the reference of the proposed amendment to the Committee on the Judiciary, I beg the indulgence of the Senate to state that it relates to the construction of a Southern Federal prison, and that I offer the amendment at the suggestion and with the approval of the Attorney-General. In order that the importance of it may be suggested to the Senate, rather than undertake myself to state the reasons therefor, I beg leave to read one paragraph from the last annual report of the Attorney-General on this subject. It is as follows:

The necessity for suitable United States prisons and reformatories has been heretofore urged in the reports to Congress from this Department, and I believe that the time for adequate provision to that end has fully arrived. In considering the subject the question of economy should not be deemed the only one of importance. The fact that the entire practice with regard to the imprisonment of United States convicts is antiquated and inefficient is but too evident, and furnishes sufficient warrant for the substitution of better methods.

An act was passed by the Fifty-first Congress authorizing the purchase of sites for the erection of three United States prisons, but was held to be inoperative because it carried no appropriation. Should it be deemed inexpedient now to make an appropriation sufficient to carry out all the original purposes of that law, it is suggested that at least one penitentiary should be established in a Southern State for the confinement of convicts from Southern districts. This measure seems to me to be imperatively demanded for reasons of humanity as well as economy. But few State institutions in that section

can be used for Federal prisoners, who are consequently sent to penitentiaries in Northern districts. The change of climate involved results injuriously, and Executive clemency is frequently invoked and exercised on the ground alone that the prisoner's health has been permanently broken and incurable disease contracted by the severity of the Northern winters.

I have ascertained that there are in the South quite a large number of reservations belonging to the Government, military and otherwise, among which a suitable site for a prison could doubtless be selected. If not, offers made after the passage of the act just mentioned show that the land required would doubtless be furnished free of cost to the Government.

It is not the purpose of this amendment to ask for an appropriation sufficient for the completion of the prison. The original amount contemplated in the act of 1890, which is referred to by the Attorney-General, is much larger than that named in the proposed amendment. The purpose of the proposed amendment is to secure an amount sufficient to defray the necessary expenses in procuring the site, the making of the plans, and the beginning of the work.

I trust that the amendment may meet with the approval of the committee and of the Senate.

The PRESIDENT pro tempore. The amendment will be referred to the Committee on the Judiciary and printed.

CLAIMS FOR RENT OF BARRACKS AND QUARTERS.

Mr. LINDSAY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he hereby is, directed to report to the Senate at as early a day as practicable of the present session the cases of Kentucky claimants for rents for barracks and quarters allowed by the accounting officers of the Treasury and reported to Congress January, 1895, in House Executive Document 234, and not appropriated for.

TRANSMISSISSIPPI EXPOSITION AT OMAHA.

Mr. PETTIGREW. Have we finished the morning business?

The PRESIDENT pro tempore. The morning business is completed, the Chair believes.

Mr. ALLEN. I ask that the special order be laid before the Senate this morning.

The PRESIDENT pro tempore. The Secretary will state the special order.

The SECRETARY. A bill (S. 1306) to authorize and encourage the holding of a transmississippi exposition at the city of Omaha, in the State of Nebraska, in the year 1898, and making an appropriation therefor.

The PRESIDENT pro tempore. This bill has been read in full, and the question is on the first amendment reported by the Select Committee on International Expositions.

Mr. PETTIGREW. I consented that the bill might be taken up, with the understanding that it would not lead to debate. If it leads to debate I shall object to its consideration, in order that we may proceed with the Indian appropriation bill.

Mr. ALLEN. I understand that this bill, and the RECORD so reads, was to be taken up and considered between the conclusion of the routine morning business and the hour of 2 o'clock. That is the RECORD, I think.

The PRESIDENT pro tempore. The RECORD shows that its consideration is not to interfere with the appropriation bill.

Mr. ALLEN. Yes, sir; "not to interfere with the appropriation bill."

Mr. PETTIGREW. I shall insist upon taking up the Indian appropriation bill, if this bill leads to debate, without reference to the hour of 2 o'clock, as I so understood the agreement.

Mr. ALLEN. I hope the Senator from South Dakota will permit the bill to be disposed of, although it may lead to some slight inquiries.

Mr. ALLISON. If the Senator from Nebraska will allow me a moment, I will state that I have for the first time examined this bill. I think there are some changes which should be made in the phraseology. I have not had time to prepare those changes. I hope the Senator from Nebraska and others will consent that it may go over until the Indian appropriation bill is completed. I do not think it will take long to dispose of it then.

Mr. ALLEN. That course is satisfactory to me, if it can be retained as a special order after the conclusion of the Indian appropriation bill.

Mr. ALLISON. There is some phraseology in the bill to which I should like to call the Senator's attention, and I think he will see that it ought to be changed.

Mr. ALLEN. Then I ask unanimous consent that the bill be made a special order after the conclusion of the Indian appropriation bill.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent that the bill may be taken up for consideration after the Indian appropriation bill is disposed of.

Mr. HOAR. Does that displace all special orders?

The PRESIDENT pro tempore. No; it is unanimous consent that is asked for the consideration of the bill immediately following the disposal of the Indian appropriation bill.

Mr. HOAR. If that is to postpone to an indefinite period all special orders, I shall object. If, however, as I understood the suggestion of the Senator from Iowa, the Indian appropriation bill is to be disposed of to-day, I shall not make any objection, with the understanding that this bill is not to go beyond to-day. That will be satisfactory, undoubtedly, to the Senator from Nebraska.

Mr. ALLEN. I hardly believe the Indian appropriation bill can be concluded to-day. This bill will not——

Mr. HOAR. I will state to the Senator that I wish very much indeed to reach the measure abolishing the death penalty, which has now two special orders before it. There are quite a number of poor wretches who are likely to be sentenced to death. I suggest to the Senator to confine the order to to-day. I think it will be finished.

Mr. ALLEN. Very well, then; let it stand as the order for to-day after the conclusion of the Indian appropriation bill.

Mr. HOAR. Not to extend beyond to-day.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nebraska?

Mr. BROWN. There is objection. We have been for weeks trying to get up the joint resolution which is the unfinished business, and we have been constantly met with interruption.

Mr. ALLEN. I did not hear the remark of the Senator from Utah.

The PRESIDENT pro tempore. Objection is made to the request of the Senator from Nebraska.

Mr. BROWN. The Uncompahgre joint resolution is the unfinished business.

Mr. ALLEN. If the Senator will pardon me, I will state that this would not at all interfere with the unfinished business. My request simply was that it might be taken up this afternoon after the conclusion of the Indian appropriation bill.

Mr. ALLISON. By unanimous consent.

Mr. ALLEN. By unanimous consent.

Mr. BROWN. If it will not interfere, let it take its place after the Uncompahgre joint resolution is disposed of.

The PRESIDENT pro tempore. Objection is made to the request of the Senator from Nebraska.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 5672) to grant to railroad companies in Indian Territory additional powers to secure depot grounds; and

A bill (H. R. 6996) to authorize the construction of a wagon and foot bridge across the Chattahoochee River at or near the city of Columbia, Ala.

The message also announced that the House had passed the following bills:

A bill (S. 1317) to grant certain lands to the city of Colorado Springs, Colo.; and

A bill (S. 2141) to amend an act approved August 24, 1894, entitled "An act to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in said company."

The message further announced that the House had passed a bill (H. R. 5210) making appropriation to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUD, Mr. SMITH of Illinois, and Mr. KYLE managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 569) granting a pension to Sophia J. Hamilton, widow of Charles S. Hamilton, major-general of volunteers;

A bill (H. R. 1499) to correct the muster of Lieut. Gilman L. Johnson;

A bill (H. R. 5363) authorizing the construction of a fog signal on the north pier of the entrance to Menominee Harbor, Michigan; and

A bill (H. R. 6425) for the relief of Clifton R. Anderson.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I move that the Senate proceed to the consideration of the Indian appropriation bill. I suppose, however, a motion is not necessary. I think it is the order of business.

Mr. HOAR. A motion is necessary in the morning hour.

The PRESIDENT pro tempore. A motion must be made.

Mr. PETTIGREW. I move, then, that the Senate proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

The PRESIDENT pro tempore. The reading of the bill will be proceeded with at page 65.

Mr. PETTIGREW. The committee amendments on page 65 were passed over, and we will go on through with the bill before we take them up.

The reading of the bill was resumed at line 8, on page 65. The next amendment of the Committee on Appropriations was, on page 65, after line 22, to insert:

For the purpose of erecting additional buildings for the Mount Pleasant Indian school at Mount Pleasant, Mich., namely: For the erection of a girls' dormitory and dining hall, $30,000; for the erection of a schoolhouse, $10,000; in all, $40,000.

The amendment was agreed to.

The next amendment was, on page 67, line 1, after the word "dollars," to insert "for the construction and furnishing of bathrooms, $1,000"; so as to read:

For support and education of 150 Indian pupils at the Indian school, Pierre, S. Dak., at $167 each per annum, $25,050; for pay of superintendent of said school, $1,500; for general repairs and improvements, $1,000; for the construction and furnishing of bathrooms, $1,000.

Mr. PETTIGREW. I move to amend the amendment by striking out the word "one" before "thousand," and inserting "two"; so as to read "$2,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in the same clause, on page 67, in line 3, before the word "thousand," to strike out "twenty-seven," and insert "twenty-eight"; and in line 4, after the word "dollars," to strike out "for the construction and furnishing bathrooms for the said school, $1,000"; so as to read:

In all, $28,550.

Mr. PETTIGREW. The footing should be changed in consequence of the amendment just adopted. I therefore move to amend the amendment by striking out "twenty-eight" and inserting "twenty-nine"; so as to make the amount "$29,550."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in section 4, on page 71, line 18, after "June 30," to change the date "1896" to "1897"; and in line 21, after "July 1," to change the date "1895" to "1896"; so as to read:

Provided, That so much of the appropriations herein made as may be required to pay for goods and supplies, for expenses incident to their purchase, and for transportation of the same, for the year ending June 30, 1897, shall be immediately available; but no such goods or supplies shall be distributed or delivered to any of said Indians prior to July 1, 1896.

The amendment was agreed to.

The next amendment was, at the top of page 73, to insert as a new section the following:

AGREEMENT WITH THE INDIANS OF THE FORT BELKNAP INDIAN RESERVATION IN MONTANA.

SEC. 8. Whereas William C. Pollock, George Bird Grinnell, and Walter M. Clements, commissioners on the part of the United States, did on the 9th day of October, A. D. 1895, conclude an agreement with the Indians of the Fort Belknap Reservation in the State of Montana, which said agreement is in words and figures as follows (Senate Document No. 117, Fifty-fourth Congress, first session), to wit:

Agreement concluded October 9, 1895, with the Indians of the Fort Belknap Reservation in Montana, by William C. Pollock, George Bird Grinnell, and Walter M. Clements, commissioners.

This agreement, made and entered into this 9th day of October, A. D. 1895, by and between William C. Pollock, George Bird Grinnell, and Walter M. Clements, commissioners on the part of the United States, and the undersigned Indians, residing upon and attached to the Fort Belknap Indian Reservation in the State of Montana, the same constituting a majority of the male adult Indians belonging upon said reservation, witnesseth that:

ARTICLE I.

For and in consideration of the sum to be paid and the obligations assumed on the part of the United States, as hereinafter set forth, said Indians of the Fort Belknap Reservation hereby convey, relinquish, and release to the United States all their right, title, and interest in and to that portion of their present reservation, in the State of Montana, lying and being within the following described lines, to wit: Beginning at the 54-mile boundary monument, at a point about the middle of the crest of Mission Butte, and following a straight line, bearing (magnetic) north seventeen degrees thirty minutes west, to the highest point on a limestone ridge on the south side of the north fork of Peoples Creek, and running at right angles to the course of said creek at this point; thence in a straight line, bearing (magnetic) north two degrees forty-five minutes west, to a rounded, timbered knob on the crest of the limestone reef on the north side of the north fork of Peoples Creek and parallel with its general course; thence easterly, following the crest of the last-mentioned limestone reef north of the north fork of Peoples Creek to a low, rounded hill on said limestone reef, where it dips down to the valley of Lodge Pole, or Red Mountain Creek; thence in a straight line north seventy-four degrees east (magnetic) to the wooded limestone ridge known as Travois Butte, where a line drawn from the summit of Granite Butte (the peak south of the 61½-mile boundary monument) north fifteen degrees east (magnetic) would intersect it; thence along said straight line to the southern boundary line of the present reservation; thence along said southern boundary line of the present reservation to the point of beginning.

ARTICLE II.

For and in consideration of the conveyance, cession, and relinquishment hereinbefore made, the United States hereby covenants and agrees to advance and expend during the period of four years, beginning from and after the expiration of the payments provided for in the agreement made between the parties hereto on the 11th day of February, A. D. 1887, and ratified by Congress on the 1st day of May, A. D. 1888, under the direction of the Secretary of the Interior for the Indians, the sum of $360,000. It is agreed that the said money shall be deposited in the Treasury of the United States immediately upon the expiration of the payments under the said agreement of 1887, to bear interest at the rate of 4 per cent per annum, and there shall be expended the sum of $90,000 yearly, or so much thereof as may be necessary, as hereinafter provided. It is provided that any surplus accumulated under and remaining at the expiration of payments under the agreement of 1887 shall also bear interest at the rate of 4 per cent per annum.

Such sums, or so much thereof as may be necessary in any one year, shall be expended in the purchase of cows, bulls, and other live stock, goods, clothing, subsistence, agricultural implements; in providing employees, in the education of Indian children, in procuring medicine and medical attendance, in the care and support of the aged, sick, and infirm, and helpless orphans; in the erection and keeping in repair of such new agency and school buildings, mills, blacksmith, carpenter, and wagon shops, as may be necessary; in assisting the Indians to build and keep in repair their houses, inclose and irrigate their farms, and in such other ways as may best promote their civilization and improvement.

ARTICLE III.

It is agreed that in the employment of all agency and school employees preference in all cases be given to Indians residing on the reservation who are well qualified for such positions, and that all cattle issued to said Indians for stock-raising purposes, and their progeny, shall bear the brand of the Indian Department, and shall not be sold, exchanged, or slaughtered except by the consent of the agent in charge, until such time as this restriction shall be removed by the Commissioner of Indian Affairs.

ARTICLE IV.

In order to encourage habits of industry and to reward labor, it is further understood and agreed that in the giving out or distribution of cattle or other stock, goods, clothing, subsistence, and agricultural implements, as provided in Article II, preference shall be given to Indians who endeavor by honest labor to support themselves, and especially to those who in good faith undertake the cultivation of the soil and engage in pastoral pursuits as a means of obtaining a livelihood, and the distribution of these benefits shall be made from time to time in such manner as shall best promote the objects specified.

ARTICLE V.

As the scarcity of water on this reservation renders the pursuit of agriculture difficult and uncertain, and since the reservation is well adapted to stock raising, and it seems probable that the main reliance of these Indians for self-support is to be found in cattle raising, it is agreed that during the existence of this agreement no allotments of land in severalty shall be made to them, but that this whole reservation shall continue to be held by these Indians as a communal grazing tract, upon which their herds may feed undisturbed; and that after the expiration of this agreement the land shall continue to be so held until such time as a majority of the adult males of the tribes shall request in writing that allotment in severalty shall be made of their lands: *Provided*, That any member of the tribes may, with the approval of the agent in charge, fence in such area of land as he and the members of his family would be entitled to under the allotment act, and may file with the agent a description of such land and of the improvements that he has made on the same, and the filing of such description shall give the said member of the tribes the right to take such land when allotments of the lands in severalty shall be made.

ARTICLE VI.

So soon as this agreement shall have received the approval of Congress, the boundary lines described in Article I shall be surveyed, designated, and marked by monuments not more than one-half mile apart. The expense of such survey shall be borne by the United States, but the unskilled laborers employed in the work shall be hired from among the Indians residing on this reservation.

Such survey and the markings of the above-described boundary lines shall be done immediately—not later than ninety days after the approval of this agreement by Congress—and completed as speedily as possible, and the ceded portion of the reservation shall not be thrown open to occupancy by the whites until after the new boundaries of the reservation shall have been established and marked.

ARTICLE VII.

It is further agreed and provided that none of the money realized from the sale of this land shall be applied to the payment of any judgment which has been or may hereafter be rendered upon any claim for damages because of depredations committed by said Indians prior to the date of this agreement.

ARTICLE VIII.

All of the provisions of the agreement between the parties hereto, made February 11, 1887, not in conflict with the provisions of this agreement, are hereby continued in full force and effect.

ARTICLE IX.

It is understood and declared that whenever the word Indian is used in this agreement it includes mixed bloods as well as full bloods.

ARTICLE X.

This agreement shall not be binding upon either party until ratified by Congress.

Dated and signed at the Fort Belknap Agency, Mont., on the 9th day of October, 1895.

WILLIAM C. POLLOCK.
[SEAL.] GEO. BIRD GRINNELL.
[SEAL.]
HOUGA DJU SHI NA, his x mark (LITTLE CHIEF), and others.

FORT BELKNAP AGENCY, MONT., *October 9, 1895.*

We, James Matt, Charles Buckman, Chas. Perry, and James Perry, do certify that the annexed and foregoing agreement by and between the United States and Indians residing upon and attached to the Fort Belknap Indian Reservation in Montana was fully interpreted to said Indians and they made to understand the same; that after said interpretation the said Indians, whose names appear subscribed to said agreement, signed the same in our presence.

We further certify that said Indians are members of said tribes and reside upon said reservation, set apart for said Indians in Montana, and that said subscribers are male adults over the age of 21 years.

Given under our hand at the Fort Belknap Agency this 9th day of October, 1895.

CHARLES PERRY,
CHARLIE BUCKMAN,
JAMES MATT,
JAMES PERRY.

FORT BELKNAP AGENCY, MONT., *October 9, 1895.*

I hereby certify that there are 181 male adult Assiniboine and 153 male adult Gros Ventre Indians, making a total of 334 male adult Indians residing on this reservation and drawing rations and annuities at this agency, as shown by the records of the agency office.

LUKE C. HAYS,
United States Indian Agent.

Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said agreement be, and the same is hereby, accepted, ratified, and confirmed.

That for the purpose of making the survey of the boundary lines described in article 1 as provided for by article 6 of said agreement, there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $1,500, or so much thereof as may be necessary, the same to be immediately available.

That upon the filing in the United States local land office for the district in which the lands surrendered by Article I of the foregoing agreement are situated of the approved plat of survey authorized by section 2 of this act, the lands so surrendered shall be open to occupation, location, and purchase, under the provisions of the mineral-land laws only, subject to the several articles of the foregoing agreement: *Provided*, That said lands shall be sold at $10 per acre: *And provided further*, That the terms of this section shall not be construed to authorize the occupancy of said lands for mining purposes prior to the date of filing said approved plat of survey.

The amendment was agreed to.

The next amendment was, on page 82, after line 3, to insert as a new section the following:

AGREEMENT WITH THE INDIANS OF THE BLACKFEET INDIAN RESERVATION IN MONTANA.

SEC. 9. Whereas William C. Pollock, George Bird Grinnell, and Walter M. Clements, commissioners on the part of the United States, did on the 26th day of September, A. D. 1895, conclude an agreement with the Indians of the Blackfeet Reservation, in the State of Montana, which said agreement is in words and figures as follows (Senate Document No. 118, Fifty-fourth Congress, first session), to wit:

Agreement concluded September 26, 1895, with the Indians of the Blackfeet Reservation, in Montana, by William C. Pollock, George Bird Grinnell, and Walter M. Clements, commissioners.

This agreement, made and entered into the 26th day of September, A. D. 1895, by and between William C. Pollock, George Bird Grinnell, and Walter M. Clements, commissioners on the part of the United States, and the undersigned Indians, both full bloods and mixed bloods, residing upon and attached to the Blackfeet Indian Reservation, in the State of Montana, the same constituting a majority of the male adult Indians belonging upon said reservation, both full bloods and mixed bloods, the latter's rights to participate in all business proceedings of said tribe and to share in all the benefits accruing to said tribes from a sale of land or otherwise being hereby recognized as equal to the full bloods, witnesseth that:

ARTICLE I.

For and in consideration of the sums to be paid and the obligations assumed upon the part of the United States, as hereinafter set forth, said Indians of the Blackfeet Reservation hereby convey, relinquish, and release to the United States all their right, title, and interest in and to that portion of their present reservation in the State of Montana lying and being west of the following-described line, to wit:

Beginning at a point on the northern boundary of the reservation due north from the summit of Chief Mountain, and running thence south to said summit; thence in a straight line to the most northeasterly point of Flat Top Crag; thence to the most westerly of the mouths of Divide Creek; thence up said creek to a point where a line drawn from the said northeasterly point of Flat Top Crag to the summit of Divide Mountain intersects Divide Creek; thence to the summit of Divide Mountain; thence in a straight line to the western extremity of the lower Two Medicine Lake; thence in a straight line to a point on the southern line of the right of way of the Great Northern Railway Company 4 miles west of the western end of the railway bridge across the north fork of the Two Medicine River; thence in a straight line to the summit of Heart Butte, and thence due south to the southern line of the present reservation: *Provided*, That said Indians shall have, and do hereby reserve to themselves, the right to go upon any portion of the lands hereby conveyed so long as the same shall remain public lands of the United States, and to cut and remove therefrom wood and timber for agency and school purposes, and for their personal uses for houses, fences, and all other domestic purposes: *And provided further*, That the said Indians hereby reserve and retain the right to hunt upon said lands and to fish in the streams thereof so long as the same shall remain public lands of the United States under and in accordance with the provisions of the game and fish laws of the State of Montana.

ARTICLE II.

For and in consideration of the conveyance, cession, and relinquishment hereinbefore made the United States hereby covenants and agrees to advance and expend during the period of ten years beginning from and after the expiration of the payments provided for in the agreement made between the parties hereto on the 13th day of February, A. D. 1887 and ratified by Congress on the 1st day of May, A. D. 1888, under the direction of the Secretary of the Interior for the Indians, both full bloods and mixed bloods, now attached to and receiving rations and annuities at the Blackfeet Agency, and all who shall hereafter be declared by the tribes located upon said reservation, with the approval of the Secretary of the Interior, entitled to membership in those tribes, the sum of $1,500,000.

It is agreed that said money shall be paid as follows: The first year after the expiration of payments under the agreement of 1887, $300,000, one-half of which shall be deposited in the United States Treasury and bear interest at 4 per cent per annum, and one-half, or so much thereof as shall be necessary, shall be expended as hereinafter provided; and annually thereafter for eight years the sum of $150,000: *Provided*, That any surplus accumulated under and remaining at the expiration of the agreement of 1887, and any surplus that may remain from any annual payment provided for herein, shall also be placed in the United States Treasury to the credit of said Indians, and shall bear interest at the rate of 4 per cent per annum. Such sums, or so much thereof as may be necessary in any one year, shall be expended in the purchase of cows, bulls, and other live stock, goods, clothing, subsistence, agricultural implements, in providing employees, in the education of Indian children, in procuring medicine and medical attendance, in the care and support of the aged, sick, and infirm, and of helpless orphans, in the erection and keeping in repair of such new agency and school buildings, mills, blacksmith, carpenter, and wagon shops as may be necessary, in assisting the Indians to build and keep in repair their houses, inclose and irrigate their farms, and in such other ways as may best promote their civilization and improvement.

ARTICLE III.

It is agreed that in the employment of all agency and school employees preference in all cases be given to Indians residing on the reservation, who are well qualified for such positions; and that all cattle issued to said Indians for stock-raising purposes, and their progeny, shall bear the brand of the Indian Department, and shall not be sold, exchanged, or slaughtered, except by the consent of the agent in charge, until such time as this restriction shall be removed by the Commissioner of Indian Affairs.

ARTICLE IV.

In order to encourage habits of industry and to reward labor, it is further understood and agreed that, in the giving out or distribution of cattle or other stock, goods, clothing, subsistence, and agricultural implements, as provided in Article II, preference shall be given to Indians who endeavor by honest labor to support themselves, and especially to those who in good faith undertake the cultivation of the soil and engage in pastoral pursuits as a means of obtaining a livelihood, and the distribution of these benefits shall be made from time to time, in such manner as shall best promote the objects specified.

ARTICLE V.

Since the situation of the Blackfeet Reservation renders it wholly unfit for agriculture, and since these Indians have shown within the past four years that they can successfully raise horned cattle, and there is every probability that they will become self-supporting by attention to this industry, it is agreed that during the existence of this agreement no allotments of land in severalty shall be made to them, but that this whole reservation shall continue to be held by these Indians as a communal grazing tract upon which their herds may feed undisturbed; and that after the expiration of this agreement the lands shall continue to be held until such time as a majority of the adult males of the tribe shall request in writing that allotment in severalty shall be made of their lands: *Provided*, That any member of the tribe may, with the approval of the agent in charge, fence in such area of land as he and the members of his family would be entitled to under the allotment act, and may file with the agent a description of such land and of the improvements that he has made on the same, and the filing of such description shall give the said members of the tribe the right to take such land when allotments of the land in severalty shall be made.

ARTICLE VI.

So soon as this agreement shall have received the approval of Congress the boundary lines described in Article I shall be surveyed and designated by two engineers, one of whom shall be selected by the Indians and one by the Secretary of the Interior; the said boundaries shall at once be marked by monuments, not more than one-half mile apart; the points at the mouth of Divide Creek and the westernmost extremity of the lower Two Medicine Lake, after they have been marked, shall be fixed and remain unchanged, no matter what alterations may hereafter take place in the course of said creek, or in the level of said lake. The expense of such survey shall be shared equally between the United States and the tribes occupying this reservation, but the unskilled laborers employed in the work shall be hired from among the Indians residing on this reservation.

Such survey and the marking of the above-described boundary lines shall be begun immediately—not later than ninety days after the approval of this agreement by Congress—and completed as speedily as possible, and the ceded portion of the reservation shall not be thrown open to occupancy by the whites until after the new boundaries of the reservation shall have been established and marked.

ARTICLE VII.

It is further agreed that whenever, in the opinion of the President, the public interests require the construction of railroads or other highways, telegraph or telephone lines, canals and irrigating ditches, through any portion of this authorized, right of way shall be, and is hereby, granted for such purposes, under such rules, regulations, limitations, and restrictions as the Secretary of the Interior may prescribe; the compensation to be fixed by said Secretary and by him expended for the benefit of the Indians.

ARTICLE VIII.

It is further agreed and provided that none of the money realized from the sale of this land shall be applied to the payment of any judgment which has been or may hereafter be rendered upon any claim for damages because of depredations committed by said Indians prior to the date of this agreement.

ARTICLE IX.

The provisions of Article VI of the agreement between the parties hereto, made February 11, 1887, are hereby continued in full force and effect, as are also all the provisions of said agreement not in conflict with the provisions of this agreement.

ARTICLE X.

It is understood and declared that wherever the word "Indian" is used in this agreement it includes mixed bloods as well as full bloods.

ARTICLE XI.

This agreement shall not be binding upon either party until ratified by Congress.

Dated and signed at Blackfeet Agency, Mont., on the 26th day of September, 1895 (A. D. 1895).

[SEAL.] WILLIAM C. POLLOCK.
[SEAL.] GEO. BIRD GRINNELL.
[SEAL.] WALTER M. CLEMENTS.
O NIS TAI PO KAH, his x mark (WHITE CALF), and others.

Witness:
J. E. WEBB.
A. B. HAMILTON.
GEORGE STEELL,
United States Indian Agent.

BLACKFEET INDIAN AGENCY, *September 28, 1895.*

I, J. W. Schultz, hereby certify that I wrote the names appearing upon the foregoing pages, the same being those that were signed by the parties by making their mark; that the same was done by them freely and voluntarily, and the names appearing thereon are Indians, both full bloods and mixed bloods, belonging upon and attached to the Blackfeet Indian Reservation.

Given under my hand at the Blackfeet Agency this the 28th day of September, 1895.

J. W. SCHULTZ.

BLACKFEET AGENCY, MONT., *September 28, 1895.*

We, Charles Simon, James Perrine, and Richard Sanderville, do certify that the annexed and foregoing agreement by and between the United States and Indians, both full bloods and mixed bloods, residing upon and attached to the Blackfeet Indian Reservation, in Montana, was fully interpreted to said Indians and they made to understand the same; that after said interpretation the said Indians whose names appear subscribed to said agreement signed the same in our presence.

We further certify that said Indians are members of said tribe and reside upon said reservation, set apart for said Indians in Montana, and that said subscribers are male adults over the age of 21 years.

Given under our hands at the Blackfeet Indian Agency this 28th day of September, 1895.

CHARLES SIMON,
Special Interpreter.
JAMES PERRINE,
Indian Interpreter.
RICHARD SANDERVILLE,
United States Agency Interpreter.

BLACKFEET AGENCY, MONT., *September 28, 1895.*

I, George Steell, United States Indian agent at Blackfeet Agency, Mont., hereby certify that the male adult population of the Indians belonging to the Blackfeet Reservation, both full bloods and mixed bloods, is 381.

This certificate is made upon my best knowledge, information, and belief, derived from the records of my office and fortified by all other sources of reliable information as to ages.

Given under my hand at the Blackfeet Agency this 28th day of September, 1895.

GEORGE STEELL,
United States Indian Agent.

Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said agreement be, and the same is hereby, accepted, ratified, and confirmed.

That for the purpose of paying one-half of the expense of making the survey of the boundary line described in Article I, as provided by Article VI of said agreement, there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $2,500, or so much thereof as may be necessary, the same to be immediately available; and the Secretary of the Interior is hereby authorized to use so much of any appropriation heretofore or hereafter made for the benefit of the Indians of the Blackfeet Reservation as may be necessary to pay one-half of the expense of the survey of the said boundary line by the said Article VI of the agreement to be borne by the Indians.

That upon the filing in the United States local land office for the district in which the lands surrendered by Article I of the foregoing agreement are situated of the approved plat or survey authorized by section 2 of this act, the lands so surrendered shall be open to occupation, location, and purchase under the provisions of the mineral-land laws only, subject to the several articles of the foregoing agreement: *Provided*, That the terms of this section shall not be construed to authorize occupancy of said lands for mining purposes prior to the date of filing said approved plat of survey.

The amendment was agreed to.

The next amendment was, on page 84, after line 2, to insert as a new section the following:

AGREEMENT WITH THE INDIANS OF THE SAN CARLOS INDIAN RESERVATION IN ARIZONA.

SEC. 10. Whereas Province McCormick, United States Indian inspector, did, on the 25th day of February, 1896, in accordance with the provisions of the act of Congress of March 2, 1895 (28 Statutes at Large, page 894), conclude an agreement with the Indians of the San Carlos Reservation, Ariz., for the cession and relinquishment to the United States of the lands of the reservation embracing the coal fields, which said agreement is in words and figures as follows (House Document No. 320, Fifty-fourth Congress, first session), to wit:

This agreement, made on the 25th day of February, 1896, pursuant to an item in the act of Congress making appropriations for current and contingent expenses and fulfilling treaty stipulations with Indian tribes for the fiscal year ending June 30, 1896, as follows: "The Secretary of the Interior is authorized to negotiate with the Indians on the San Carlos Reservation, Ariz., through an inspector, for the cession or relinquishment to the United States of the lands embracing the coal fields, and that any agreement made shall be submitted to Congress for its action," by Province McCormick, United States Indian inspector, on the part of the United States, and the Apache, Mohave, and Yuma Indians, residing on the San Carlos Indian Reservation, in the Territory of Arizona, by their chiefs, headmen, and members of said tribes, embracing a majority of all the male adult Indians occupying said reservation, witnesseth:

ARTICLE I.

That the said Indians do hereby cede, grant, and relinquish to the United States all right, title, and claim which they may have in and to all the land embraced within the following-described tract, now a part of the said San Carlos or White Mountain Indian Reservation, to wit:

All the land lying south of a line, commencing at a point on the present eastern boundary of the said reservation, 1 mile south of Goodwin Spring; thence in a general direction west to the highest point on Mount Turnbull; thence in a westerly direction to a point on a line between the agency building proper and Stanley, or the Saddle Butte, 7 miles from said building in a southerly direction; thence in a westerly direction at longest possible tangents to the mouth of Hawk Canyon, not crossing said canyon; thence down the Gila River, following the south bank to a point where said Gila River crosses the present western boundary of the reservation.

ARTICLE II.

That in consideration of the lands ceded, relinquished, and conveyed, as aforesaid, the United States stipulates and agrees to place in the Treasury of the United States to the credit and for the sole benefit of the said Apache, Mohave, and Yuma Indians and to account therefor annually to them, through their agent, the net proceeds accruing from the disposal of such coal and mineral lands lying within the ceded territory under the laws applicable thereto; and that said money shall be paid to them in cash from time to time as the same shall become available, pro rata, share and share alike to each man, woman, and child of the tribes now living upon and entitled to the privileges of the said reservation: *Provided*, That none of the money credited to said Indians under this agreement shall be subject to the payment of any claims, judgments, or demands against said Indians for damages or depredations claimed to have been committed prior to the signing of this agreement.

ARTICLE III.

That for the purpose of segregating the ceded land from the diminished reservation the new boundary line described in article 1 of the agreement shall be properly surveyed and permanently marked in a plain and substantial manner by prominent and durable monuments; and that the cost of said survey shall be chargeable to and be paid out of the proceeds of said ceded lands.

ARTICLE IV.

This agreement shall not take effect and be in force until ratified by the Congress of the United States.

Dated and signed at San Carlos Agency, Ariz., on the 25th day of February, 1896.

PROVINCE McCORMICK,
United States Indian Inspector.

The foregoing articles of agreement having been fully explained to us in open council, we, the undersigned chiefs, headmen, and members of the several bands of Apache, Mohave, and Yuma Indians, attached to and receiving rations at the San Carlos Agency, in the Territory of Arizona, do hereby consent and agree to all the stipulations therein contained.

Witness our hands and seals at San Carlos Agency, Ariz., this 25th day of February, 1896.

(Here follow 603 signatures of the adult male Indians of the San Carlos Reservation.)

Witness:
ALBERT L. MYER,
Captain Eleventh Infantry, Acting Indian Agent.
D. G. CHEESMAN,
Agency Clerk.

We hereby certify that the foregoing articles of agreement were carefully read and explained to the Indians, parties hereto, in open council, and were thoroughly understood by them before signing the same, and that the agreement was executed and signed by said Indians at the San Carlos Indian Agency, in Arizona Territory, on the 25th day of February, 1896.

JAMES STEVENS,
United States Special Interpreter.
CONSTANT BREAD,
United States Agency Interpreter, Apache.
MIKE BURNS,
United States Special Interpreter.
ARTHUR DUCAT,
United States Agency Interpreter, Mohave.

Witness:
ALBERT L. MYER,
Captain Eleventh Infantry, Acting Indian Agent.
D. G. CHEESMAN,
Agency Clerk.

I certify that the records of this office show that the total number of males on this reservation over 18 years of age, according to last census, was 1,113, of whom 30 are scouts in the United States service and permanently absent, leaving 1,083.

ALBERT L. MYER,
Captain Eleventh Infantry, Acting Indian Agent.

SAN CARLOS AGENCY, ARIZ., *February 25, 1896.*

SAN CARLOS AGENCY, ARIZ., *February 25, 1896.*

I certify that the records of this office show 1,083 male adult Indians over 18 years of age now residing on this entire reservation, and that the foregoing agreement has been duly signed by a majority thereof.

PROVINCE McCORMICK,
United States Indian Inspector.

Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said agreement be, and the same hereby is, accepted, ratified, and confirmed.

The Secretary of the Interior shall cause the said boundary line (estimated length 45 miles), as described in Article III of the agreement quoted and made a part of this act, to be surveyed, marked, and established by permanent and durable monuments of stone, the same to be set at each mile and half-mile point and at the angles formed on said line, and set, marked, and witnessed in conformity with instructions to be furnished by said Secretary of the Interior relating thereto; the compensation to be allowed for executing said survey not to exceed the sum of $40 per mile, including the monuments.

There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,800, or so much thereof as may be necessary, to carry into effect the provisions of the preceding section, said amount to be immediately available: *Provided, however*, That from the proceeds of the sale of the lands ceded by said agreement there shall first be deducted an amount sufficient to reimburse the United States for the expenditure authorized by this section.

Every person above the age of 21 years who is a citizen of the United States or who has declared his intention to become such, or any association of persons severally qualified as above, shall, upon application to the register of the proper land office, have the right to enter any quantity of vacant coal lands upon the ceded portion of said reservation, not exceeding 160 acres to such individual person, or 320 acres to such association, to be taken as near as practicable in square form, upon payment to the receiver of $5 per acre for such lands: *Provided, however*, That any person or association qualified as above, who in good faith prior to the passage of this act had discovered and opened a coal mine, shall have a preference right of purchase for ninety days from and after the official filing in the local land office of the approved plat of survey provided for by section 2 of this act.

Any person or association applying to purchase such coal lands shall file with such application a plat and field notes of the land sought to be entered, made by or under the direction of the United States surveyor-general, showing accurately the boundaries of the land claimed, which shall be distinctly marked by monuments on the ground and connected by course and distance with a permanent fixed monument within 2 miles, which monument shall be established as the initial point of all surveys within such distance.

Mining claims upon said ceded lands, for deposits of minerals other than coal, whether lode, or vein, or placer, may be located and purchased in accordance with the terms of the general mining laws of the United States, as found in Title XXXII, chapter 6, of the Revised Statutes of the United States and amendments thereto.

All locations of the character specified in section 6 heretofore made upon

said land are hereby validated, but no application for the purchase of any coal or mineral lands shall be received at the local land office prior to the official filing of the plat provided by section 2 of this act.

All locations of the character specified in section 6 heretofore made upon said land are hereby validated, but no application for the purchase of any coal or mineral lands shall be received at the local land office prior to the official filing of the plat provided by section 2 of this act.

Mr. PETTIGREW. I move to strike out all of the amendment reported by the committee after line 17, on page 100, to the end of the section, and to insert in lieu thereof what I send to the desk.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). If there be no objection, the amendment reported by the committee to the end of line 17, on page 100, will be regarded as agreed to. Is there objection? The Chair hears none. The amendment of the Senator from South Dakota will now be stated.

The SECRETARY. It is proposed to strike out all the amendment after line 17, on page 100, as follows:

Every person above the age of 21 years who is a citizen of the United States or who has declared his intention to become such, or any association of persons severally qualified as above, shall, upon application to the register of the proper land office, have the right to enter any quantity of vacant coal lands upon the ceded portion of said reservation, not exceeding 160 acres to such individual person or 320 acres to such association, to be taken as near as practicable in square form, upon payment to the receiver of $5 per acre for such lands: *Provided, however*, That any person or association qualified as above, who in good faith prior to the passage of this act had discovered and opened a coal mine, shall have a preference right of purchase for ninety days from and after the official filing in the local land office of the approved plat of survey provided for by section 2 of this act.

Any person or association applying to purchase such coal lands shall file with such application a plat and field notes of the land sought to be entered, made by or under the direction of the United States surveyor-general, showing accurately the boundaries of the land claimed, which shall be distinctly marked by monuments on the ground and connected by course and distance with a permanent fixed monument within 2 miles, which monument shall be established as the initial point of all surveys within such distance.

Mining claims upon said ceded lands for deposits of minerals other than coal, whether lode or vein or placer, may be located and purchased in accordance with the terms of the general mining laws of the United States, as found in Title XXXII, chapter 6, of the Revised Statutes of the United States and amendments thereto.

All locations of the character specified in section 6 heretofore made upon said land are hereby validated, but no application for the purchase of any coal or mineral lands shall be received at the local land office prior to the official filing of the plat provided by section 2 of this act.

And to insert:

That upon the filing in the United States local land office for the district in which the lands surrendered by Article I of the foregoing agreement are situated of the approved plat or survey authorized by section 2 of this act, the lands so surrendered shall be open to occupation, location, and purchase under the provisions of the mineral-land laws only, subject to the several articles of the foregoing agreement: *Provided*, That the terms of this section shall not be construed to authorize occupancy of said lands for mining purposes prior to the date of filing said approved plat of survey: *Provided, however*, That any person who in good faith prior to the passage of this act had discovered and opened a mine of coal or other mineral shall have a preference right of purchase for ninety days from and after the official filing in the local land office of the approved plat of survey provided for by section 2 of this act.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from South Dakota to the amendment of the committee.

Mr. ALLISON. I shall be very glad if the Senator from South Dakota in charge of the bill will state wherein the provision that he now proposes differs from the existing provision in the bill as printed.

Mr. PETTIGREW. The bill as printed provides that the coal and other mineral lands shall be sold and the proceeds held for the benefit of the Indians and paid to them each year. It also provides that the coal lands shall be sold at $5 per acre, which is a reduction of one-half of the price charged under the existing statutes of the United States. The agreement made with those Indians provides that such lands shall be disposed of under the coal and mineral laws of the United States, and that they shall have the proceeds. Therefore we agreed when we made the contract with those Indians that they should have practically not less than $10 an acre for the coal lands, while in ratifying the agreement as passed by the committee they would receive only $5 an acre. It is for the purpose of correcting the error that I offer the amendment which I have sent to the desk.

Mr. ALLISON. I of course do not know precisely what amendment is necessary, but the amendment to the amendment as read at the desk provides with respect to other minerals than coal. The proviso on page 101 reads:

Provided, however, That any person or association qualified as above, who in good faith prior to the passage of this act had discovered and opened a coal mine, etc.

I do not know whether any other minerals have been discovered on those lands.

Mr. PETTIGREW. I think not. There is nothing in the notes of the agreement to that effect.

Mr. ALLISON. So the only effect of the change proposed is to make the price of these lands $10 an acre instead of $5.

Mr. PETTIGREW. Yes, sir; to accord with the agreement.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from South Dakota to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. FAULKNER. There was an amendment on page 65 which was passed over.

Mr. JONES of Arkansas. There are a number of amendments which were passed over.

Mr. PETTIGREW. A number of amendments have been passed over. We will take them up in their order. The first one is on page 28.

The PRESIDING OFFICER. The Secretary will report in their order the amendments which have been passed over.

The SECRETARY. After the word "dollars," in line 19, page 28, the committee report to strike out:

Provided, That the sums of money mentioned in this and the preceding paragraph shall be paid to said Indians by an officer designated by the Secretary of the Interior.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. PETTIGREW. The next amendment which was passed over is on page 51.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of line 13, page 51, it is proposed to amend the amendment by inserting:

And a majority of the members of any board or commission to be paid from this appropriation shall be appointed from bona fide residents of the State or Territory in which is located the particular reservation concerning which such board or commission is appointed to negotiate.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Utah [Mr. CANNON] to the amendment reported by the committee.

Mr. CHILTON. Mr. President, I am reluctant to take up a question which has been so well worn in discussions before the Senate heretofore, but it does seem to me that the proposition of the Senator from Utah ought not to be adopted. The State from which I come has nothing beyond a general interest in the selection of officers such as those touched by his amendment. So far as my information goes there never has been one of the many Indian agents or Indian treaty commissioners throughout the West appointed from Texas. I have not the slightest expectation that any such will be appointed in future.

I will say further that I have no sort of inclination to widen unduly the bounds of discretion vested in the Secretary of the Interior or the Commissioner of Indian Affairs or any other executive officer.

I am fully in accord with the Senator from Utah [Mr. CANNON] on the general policy of localizing the appointments to Federal offices so far as practicable, but it seems to me that that rule ought not to be applied where it may prove an obstruction. Home rule is a good rule, but exceptions to it are necessary, and it seems to me this case affords a marked instance of the desirability of exception.

All the States have United States judges, marshals, attorneys, clerks, and commissioners. Hence a general policy of appointing these officers from local applicants works equitably as well as efficiently.

But in the very nature of things, the places at which Federal business is disposed of can not be geographically distributed in fair proportion among the States. There will be more or less concentration in the location of sites upon which to conduct the operations of the Federal Government.

It is a perversion of a good principle to say that because the discharge of the duties of a Federal officer happens to call him within the boundaries of a certain State or Territory the officer shall necessarily be appointed from the people of that State or Territory.

Mr. President, we must not lose sight of reasonable distinctions. When we say that marshals, attorneys, and judges in Maine should be appointed from among the residents of Maine we give to that State a monopoly of those offices, but we counterbalance it by insisting that marshals, attorneys, and judges in Texas shall be appointed from among the citizens of Texas. When you extend the doctrine to offices of a strictly national character, about which no knowledge of State laws or special intercourse with local affairs is needed, you reach, in my opinion, a dangerous ground. The Senators from Kansas might, with equal reason, claim that the superintendent of the national penitentiary at Leavenworth should be appointed from among the citizens of their State, or the Senators from Texas urge that the national-bank examiners in our State should be appointed from the citizens of Texas.

It seems to me that the Senator from Utah ought to admit that his good rule deserves an exception in a case like this. When the question of procuring Indian lands by treaty arises we all know how much local influence and local enterprise become involved in a particular policy and how much such considerations control the final disposition of the matter. The same tendency would exist if the reservation were located in Texas or in any other State. I can not see why a function like that of making a treaty with Indians should be subjected to any special influence of local development.

There is another thing, sir. Whatever one might think of a general policy of local appointments to Federal offices, is it proper

that we should act upon different lines in dealing with like reservations and like offices? We should not make fish of Utah and fowl of Montana. We should not force upon a Senator from one State, as for example Washington, one line of policy, and upon a Senator from another State, as for example Texas, another line of policy; but we should endeavor to pursue a consistent policy throughout. At least we might afford to make it consistent through one session of Congress.

Besides all this, Mr. President, I wish to submit to the Senate the question whether in any event it is within the authority of Congress to limit in advance the power of the President in making appointments. Can Congress pass a law to restrict eligibility to Federal offices to the inhabitants of a particular State? Can we, in creating an office, make an arbitrary limitation upon the power of appointment vested in another jurisdiction? It seems to me not. If Congress can provide by law that certain officers shall be appointed from Utah alone, it can also provide that all the Federal officers shall be appointed from the State of Utah. Under the same warrant it would be constitutional to provide that none of the Federal officers shall be appointed from Utah. In that way we could confer upon the citizens of that State an absolute monopoly of all the offices of this Government, or, on the other hand, we could disfranchise them altogether.

While, of course, it is improbable that such extreme cases will occur, yet the question of power is as directly involved here as it would be in those cases. I would rid this question of all partisanship and submit to Senators the proposition that a law which restricts Federal appointments by specified State lines is violative of that deep underlying policy of nationality and equality among the States upon which our Federal Union is founded. I believe such an enactment is clearly contrary to the great principles which evoked our present system from the old Confederation and should be held unconstitutional as in conflict with the organic structure of our Government.

Mr. President, there is no branch of Federal employment which is further removed from the general policy of local appointments than the Indian service. If there is any duty the discharge of which depends less upon local knowledge and local motives than every other, it is the duty of making treaties with the Indians. We all know how piece by piece the Indian lands have passed from the control of the aboriginal owners and how great bands which once roved and claimed a continent have been scattered to fragments and to poverty. I know, sir, that sentimental considerations have been and will be powerless to arrest this fate. Anglo-Saxon civilization tramps on to its destiny over mountains and deserts and even over solemn compacts. Everything yields to the instinct of expansion and the overruling law of self-preservation; but while we can not close our eyes to this great march, if there is any one line which should be guarded by prudence, by disinterestedness, by absolute freedom from local influence, by a broad survey of American national obligations, it is the work of obtaining from the Indians the surrender of their tribal and hereditary homes.

Mr. CANNON. Mr. President, there are three points of objection raised by the Senator from Texas [Mr. CHILTON] to the proposed amendment. One is that if carried it will put an obstacle in the way of the public service; another, that it is an invasion of the Executive prerogative for Congress to provide the method of selection of commissioners to treat with the Indians; and the third is an appeal in behalf of the downtrodden aboriginal race of the United States.

Instead of being an obstacle, the carrying of the amendment would be the first step toward an execution of the purpose of Congress in this direction. But $15,000 is proposed to be provided for treating with three tribes of Indians, the Uncompahgres, the Uintahs, and those on the Fort Hall Indian Reservation. Unless we shall have a local board or commission to treat with those Indians the $15,000 will not provide the preliminary expenses, if we are to judge by the record of the past. I have in my possession here an abstract of the expenditures made by the commission appointed to treat with the Uncompahgre and Uintah Utes, a commission recently turned loose on furlough. They have spent $16,000. They have not begun treating with the Uintah Utes, and so far as practical results are concerned the Department has done nothing with regard to the treaty which was to have been carried out with the Uncompahgre Indians in the opening of their reservation according to stipulations.

Mr. President, it is a long way from the Eastern part of this country to the West. Men here know very little about the condition prevailing there, as is evidenced by the report of the gentlemen who went out to treat with the Uncompahgre Utes. Their statement of expenditures shows that they spent nearly $4,000 before they were able to perform the first day of labor under the commission which they received from the President of the United States. I will guarantee, sir, that if a local board had been appointed no such extravagant misuse of the public money would have been permitted or attempted. The whole of the $15,000 now proposed will be insufficient, and grossly insufficient, if we shall have a continuation of the rule which prevails in the Interior Department at the present time in the selection of men who know nothing about the conditions which they are to confront.

Mr. President, concerning the second point, that this will be an invasion of Executive right: In the section of this very bill directly preceding the matter now under consideration is a clause which requires that the President in appointing a commission shall not appoint more than two members from a certain political party. Is it any less of a distress upon Presidential prerogative to define the political lines within which he shall make his selection than to define the geographical lines? It seems to me that people residing within States where certain large interests exist, upon the development of which much of the community's progress may depend, have quite as much right as the adherents of political parties to petty spoils and patronage. I did not hear anyone raise an objection from the other side of the Chamber upon this particular point of the proposition. The only one who objected to it was the distinguished Senator from Massachusetts [Mr. HOAR]. He objected to that clause of the preceding section, but the Senator from Texas did not notice apparently that it was an invasion of Presidential right or prerogative.

Mr. President, so far as the rights of the Indians in the Rocky Mountain region are concerned, I believe they will best be maintained by having commissions appointed from men who have dwelt near the Indians, who have had some fraternity with them. In Utah we have had a motto for many years, "It is better to feed the Indians than to fight them." We have taught them the arts of peace. There has been no attempt on the part of the residents of that State to take from any Indian that which was his right by inheritance. On the contrary, we have spread the knowledge of irrigation among them. The best farmers in the Indian communities of the United States are those who dwell in the State of Utah, and they have obtained that knowledge by the charitable consideration of men not appointed by the Government, but from members of the communities who have volunteered to go among the Indians and labor, that some remnant of the mighty race which once inhabited this continent may preserve its identity to future generations.

There is nothing political or personal in the proposition of this amendment. On the contrary, I care not whether all three of the men to be appointed on the commission to serve in Utah shall belong to one political party or the other. I care nothing as to the individuality of the men so long as they be competent; but I do object to having a question of such magnitude as this juggled with; I do object, sir, to having the Congress of the United States make appropriations year after year, to be frittered away in the accomplishment of no possible public good.

The very reason which the Senator from Texas [Mr. CHILTON] asserted why these places should be at the disposal of the citizens of the United States is the reason why I think they should not be. People are hunting for place. We see away off 2,500 miles from the community in which we live some possible position procurable through political influence, and we say, "This will be for us." A man is appointed to the position. He wants to hold it just as long as he can. He cares nothing whatever for the distress imposed on the local interest by his lack of action. He cares nothing for the local sentiment so long as he can draw the salary of that position, and he will hold it just as long as he can. Whenever any local protest goes up to the appointing power he will reply that it is simply the attempt of some monopoly to seize improperly and unwisely and nefariously the rights of Indians; whereas if the officers are appointed from local people they are controlled by local sentiment, and they will attempt to carry out the law.

I think the amendment ought to carry in the interest of the public service and in the interest of the economy which we all ought to serve in this Chamber.

Mr. CHILTON. Mr. President, I wish to make one suggestion. The Senator from Utah [Mr. CANNON] calls attention to a provision in the appropriation bill which precedes the amendment he offers. This provision is to the effect that in the appointment of one of the Indian commissions no more than two of the members shall be from the same political party. Individually, I have always doubted the constitutionality of a limitation of that sort. But I wish to call attention to a distinction between that clause and the one now under consideration.

The theory upon which our Constitution was founded was that of nationality. The Constitution contains a clause that Senators and Representatives shall reside in the States from which they are chosen. But when you go beyond that and attempt to make eligible to other offices citizens of particular States only, you are, in my judgment, trenching upon the essential principle that pervades our Constitution—the principle of nationality in the powers clearly granted to the Federal Government.

It does seem to me, sir, as I said a moment ago, that if we can provide by law that these officers shall come from Utah, we can go further and provide that all the statutory officers shall come

from particular States. Have you not then reached the very point which the framers of the Constitution intended to guard against when they established it upon a national basis?

The Senator from Utah speaks of the friendliness to the Indians on the part of those who live around them. I know nothing of the citizenship of Utah particularly, but the history of this Government is full of instances where those who stood neighbors to Indian reservations have looked upon them with envious eyes. You have only to turn back in our history to the case of Georgia, where there was almost civil war, almost armed conflict between Governor Troup, acting for the Georgia people, and the forces of the United States, about the reservation of the Cherokees and other Indian tribes in that State. That has been the history of such proximity from the beginning of our Government down to this time.

I can not believe that gentlemen who live in daily contact with Indians will give the same considerate, patient attention to those matters as do men who are sent from other States. Of course I have no disposition to exclude the people of Utah, but my idea is that we ought not to attempt to put limitations upon Executive discretion in this respect; that it is unwise; that it will return to plague us. Whatever an individual Senator might do, if called to vote on the confirmation of an officer, as a matter of policy addressing itself to him, when it comes to forcing our notion upon the Executive by limiting his power of appointment I submit that we are transcending the proper limitations of Congressional authority, and it ought not to be done.

Mr. CANNON. Mr. President, if this brief debate shall have resulted in bringing the Senator from Texas [Mr. CHILTON] to that splendid comprehension of nationality as against the rights of the States and the sovereignty of the States which he has seemed to indicate, I shall feel that I did not raise the point in vain. I love to hear expressions from either side of the Chamber in behalf of having no lines between the people of the United States. I think, however, that we have shown on this particular occasion a devoted attention to the national spirit which might better be given to it when some broad national question is under consideration. I should like to hear such declarations from the other side of the Chamber on an occasion of that kind.

Mr. President, if the treatment of the Indians by the United States has been such as to drive the Indians as far from civilization, as far from their rights, as the Senator from Texas describes, it is time that there should be some local influence at work to preserve that which is left to them. I regard the treatment of the Indians of this country by the Government of the United States as that of dishonor and cruelty; and one of the blackest chapters of all our history will be that which records the manner in which we have invaded the rights of the aboriginal races, the manner in which we have seized that which their God gave to them. In this particular matter I desire to see the rights of the Indians preserved, and I believe that the people who dwell in the States where the tribes are located will do better justice than the Administration now in power, will do better justice more generously by and more considerately for the Indians than the Interior Department, especially under the management of the gentleman who now controls its destinies.

The one thing which corrupted the Indians of the West is going on now. They are held upon their reservations, with vast tracts of land which excite the cupidity of men from all sections of the United States, and steadily, without coming into immediate intellectual contact with the Anglo-Saxon race to be taught the arts by which they can be preserved, they are being corrupted physically and mentally. If we can have a separation of their lands, if we can have allotments in severalty, if the Indians can learn methods of irrigation and other arts necessary to be practiced for the preservation of their community life in the West, they will be saved as a people. But if we shall go on in the manner now practiced by the Interior Department there will not be any Indians left in any one of the three reservations now under consideration to insure the perpetuity of the race.

Mr. PALMER. May I ask the Senator from Utah in what respect the present management of the Interior Department is defective? What particular objection can he point out? Is it because citizens of other States are sent to those reservations as agents? What is there in the present management that differs from the past?

Mr. GRAY. It is Democratic and not Republican.

Mr. CANNON. It would be much easier to tell wherein the present administration of the Interior Department is not defective than to go through a long recital of mistakes, obstinate mistakes, willful mistakes, perpetrated by the gentleman who now stands at the head of that Department. I shall confine myself to one particular instance, sir—the treatment of the land and Indian questions of the West.

Congress passed an act by which the Indian reservation known as the Uncompahgre could have been thrown open to settlement and ownership by the people of the United States without taking from the Indians one scintilla of their rights. By treaty obligation it was provided that when the Government should choose to do so it might allot the lands in severalty, and all not so allotted or not selected should become public domain, to be settled upon by the citizens of this country. The Secretary of the Interior appointed a commission to go and treat with the Uncompahgre Utes, backed by an appropriation of $16,000 for that purpose. It is a fair charge that when the Secretary of the Interior sent that commission into Utah he gave to them oral instructions not to carry out the law.

It is a fair charge to make for the simple reason that that commission, had it been instructed by the Interior Department to carry out the law, certainly would have done something in that direction.

Mr. PALMER. Will the Senator from Utah allow me to ask him a question?

Mr. CANNON. Certainly.

Mr. PALMER. It may be something more than a question. That charge the Senator says is a fair charge. Is it a true charge? Has the Senator any proof of its truth?

Mr. CANNON. I do not know the difference between a fair charge and a true charge. If a charge be not true, certainly it is not fair. As to whether I have proof or not, the records are full of proof of special instruction given to the commission for a special purpose. That commission never was expected to carry out the law, and the correspondence had between the members of the commission and the Interior Department afford ample proof of it. The commission could have allotted the lands in severalty within the Uncompahgre Reservation in less than three months' time. It was delayed month after month, pending which time the Secretary of the Interior sent his communication to Congress stating that he did not favor having the lands allotted in that way. What further evidence does the Senator from Illinois want of the truth of the charge, when the work of that commission was delayed at the expense of the Government month after month, passing over a period of fifteen months, when the whole work could have been done at the outside within three months, pending which time the Secretary of the Interior sends a communication to Congress that this is a method which he does not propose to follow and does not think ought to be followed in the disposition of these lands? I say that the charge is a fair one, that the commission had special instructions.

Mr. President, it was notorious in the vicinity of the reservation that it would not be opened by the work of this particular commission. Some few words from one member after another of the commission leaked out until men dwelling in that locality were prone to say, "The reservation will not be opened." That prediction was absolutely fulfilled. The Secretary, before the work of the commission had been anywhere near concluded, sent his communication to Congress by which he proposed in effect to say that some other method must be adopted, or else the law would not be carried out.

Mr. PALMER. Mr. President, I think I can see how the interests of the white people who desire to enter and occupy these lands were in some measure affected, but the Senator from Utah has not yet told me how the interests of the Indians were unfavorably affected.

I am not entirely familiar with the history of the administration of Indian affairs by the Interior Department. I know the present Commissioner of Indian Affairs. I know that he is a citizen of Illinois of the highest possible character, integrity, and competency. He was the judge of one of our courts for a number of years. It will be a surprise to the people of Illinois who know him to hear that he has been used as an instrument of wrong, willful wrong, as the Senator from Utah characterizes the conduct of the Secretary of the Interior.

Mr. President, it is quite the habit, not of Senators exclusively, but of those who criticise the acts of executive officers, to deal in generalities. Such generalities are accepted as good change in the ordinary political market, but to those who have responsibilities they ought not to be regarded as furnishing evidence. I do not know as to the particular communication to which the Senator from Utah refers. I have not seen it. I am not a member of the Committee on Indian Affairs, nor am I interested particularly in the administration of Indian affairs, but the charge made by the Senator from Utah of a willful disregard of duty on the part of the Secretary of the Interior deserves something more, in my judgment, if it is to be made the basis of action, than the mere general form in which the charge is made. Perhaps the practice of the law has made me somewhat skeptical of what is termed secondary evidence. The Senator hints that it was quite understood the lands were not to be allotted; that something leaked out which satisfied the people interested. I suppose he refers to the adjacent white people, for whatever may be said of the people of the West, whatever may be said of people anywhere, they have been eagerly desirous of lands occupied by the Indians from the beginning; from the time the Pilgrim Fathers landed upon the

rock and my own immediate ancestors landed in Virginia. This desire for Indian lands is one which has always characterized the white people, and I distrust these claims on the part of the immediate neighbors of Indian reservations; I distrust their impartiality.

I confess that I would prefer that a citizen should be selected who is not interested, one who simply desires the welfare of the Indians and the proper administration of his office, that he should be selected wherever he may be found, and that he should be sent to these reservations as an impartial person having no other desire than to serve the Indians and to do right. I prefer that sort of nursing fatherhood to the tender mercies of those who are around the Indians and desire to make profit out of their condition. I say nothing against the citizens of Utah. I presume they are as good people as there are in the world; but I have no doubt that they are now hungering and thirsting for the valuable lands that belong to these Indians. I see by the newspapers that whenever a reservation is opened there are thousands of people camping around ready and eager to be in that happy class called "sooners" in the occupation of Indian lands. I say I have no doubt about the excellence of the inhabitants of the State in which the Senator lives, but I must confess that I have more faith in the impartiality of some disinterested, capable, honest man, such as can be found in this country, who neither desires the lands, who has no feeling about it, but simply regards the remnants of that race as objects of sympathy and care, and who seeks to protect them in their unhappy situation. Their situation is unhappy. That they are going the pathway of the deer and the buffalo and all the aborigines, both animal and human, is a very fair proposition.

I confess to the Senator that conceding all he claims, that it is a matter of interest to those who reside near these reservations, I would prefer that the authority of the Government should not be limited; that it may go where it can find proper men, and appoint them and send them there. It is a national duty; it is not a local duty. Its responsibility rests upon us all. We all owe a debt, perhaps a debt of humiliation and shame, for our conduct toward the Indians, and a larger debt, I think, to Almighty God for the sins we have committed upon that race. How that debt ever will be satisfied I confess I do not know. My friend on my right [Mr. MILLS] suggests that we should go into bankruptcy. Yes, bankruptcy crimes can not well be atoned for.

But I desire to protest against these severe criticisms, these charges of a willful wrong; that is, that the Secretary of the Interior meant to do wrong and did not intend to do right; that he tried to do wrong and did not try to do right; that he was eager to do wrong and was unwilling to do right. It is the imputation of an official crime which the Senator from Utah has made against the Secretary of the Interior. I am willing to concede that there may be mistakes in judgment. The Secretary of the Interior may not be wise. I understand, indeed, he is not very wise, because I remember the Senator from Colorado [Mr. WOLCOTT] said a few days ago that he is down in Georgia making speeches that are actually converting men to the other way of thinking. He may not be wise, but still I am not willing to sit by and listen to these charges of a willful disregard of his duty in the absence of something which ought to be sufficient according to the rules of criminal justice. There ought to be evidence at least strongly probable. I do not insist that there should be proof beyond reasonable doubt. I have no particular reason for defending the Secretary of the Interior, except my desire that the administration of the public affairs shall be proper and that those who are called upon to administer them shall be treated at least with ordinary fairness.

Mr. CANNON. I hope the Senator from Illinois [Mr. PALMER] did not construe any remark of mine as a reflection upon the Commissioner of Indian Affairs or the Commissioner of the General Land Office. In this Sahara desert of official incompetency at the Interior Department there have been two very bright green spots for Western men, and they have been the offices of the Commissioner of Indian Affairs and the Commissioner of the General Land Office. So far as I know, there is no complaint to find with either one of these gentlemen; and had the advice which I think the official correspondence shows that they have given on the subject been followed, we would not be here making such charges as to lead the Senator from Illinois to suppose that we imagine the Secretary of the Interior to be eager to commit crime. I do not care whether he is eager or whether he does it reluctantly. He does it with a great avidity; I am certain of that. He does it constantly on the two great questions which affect the West, the treatment of the Indian reservations and the treatment of the public-land question there.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Utah [Mr. CANNON] to the amendment of the Committee on Appropriations.

Mr. CHILTON. I wish to raise the question whether the amendment is in order or not. I wish to submit it to the Chair without further debate before we come to the main question. Is it not general legislation? I make that point. The appropriation bill does not provide for any commissioners, I understand; it does not provide for any board; but here comes an amendment providing that when a board or a commission is appointed there shall be a majority of the board or commission appointed from the State or Territory in which the reservation is located. I submit that that is general legislation. It affects all the people of this country. It is an exclusion; it is a disfranchisement of the people of 44 States of the Union, and it does seem to me, while the term "general legislation" is one very vague and indefinite, that this is legislation of a description so far-reaching and comprehensive that it comes properly within the inhibition of our rules in that respect.

The PRESIDING OFFICER. The Chair rules that the amendment to the amendment is in order.

Mr. GRAY. Can not the amendment be read? I do not think many have heard it.

Mr. HOAR. Let the amendment be read before the Chair rules on the point of order.

The PRESIDING OFFICER. The amendment of the committee, to which the amendment of the Senator from Utah is proposed, will be read.

The SECRETARY. On page 51, beginning at line 1, the committee report to insert:

To enable the Secretary of the Interior to negotiate with the Uncompahgre tribe of Indians, and with the Indians residing upon the Uintah Reservation, in the State of Utah, and with the Indians residing upon the Fort Hall Reservation, in the State of Idaho, and, in his discretion, with any other Indians, for the surrender of any portions of their respective reservations, or for such modification of existing treaties and agreements as may be deemed desirable by said Indians and the Secretary of the Interior, $15,000; and all agreements made for the purchase of the unallotted lands in any Indian reservation shall provide a fund for the payment of taxes upon inalienable allotments, but no agreement made shall take effect until ratified by Congress.

The PRESIDING OFFICER. The amendment proposed by the Senator from Utah [Mr. CANNON] to the amendment of the committee will be read.

The SECRETARY. At the end of the committee amendment, line 13, page 51, insert:

And a majority of the members of any board or commission to be paid from this appropriation shall be appointed from bona fide residents of the State or Territory in which is located the particular reservation concerning which such board or commission is appointed to negotiate.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation.

Mr. PEFFER. I ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Kansas asks the unanimous consent of the Senate that the unfinished business may be temporarily laid aside that the consideration of the appropriation bill may be continued. Is there objection? The Chair hears none, and the unfinished business is temporarily laid aside. The question is on the adoption of the amendment of the Senator from Utah [Mr. CANNON] to the amendment of the committee, upon which the Senator from Texas [Mr. CHILTON] has made a point of order. The Chair will hear debate upon the point of order.

Mr. GRAY. I was going to ask whether the Chair had decided the point of order.

The PRESIDING OFFICER. The Chair will hear debate upon the point of order if any Senator desires to be heard. The Chair was about to rule upon the point of order when a request was made that the amendment be read.

Mr. CHILTON. Now, I want to make an additional point of order. It is that the amendment itself proposed by the committee is general legislation. I make that point of order upon the amendment of the committee.

The PRESIDING OFFICER. The Chair will rule upon the first point of order that it is——

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER. The Chair will hear the Senator from Tennessee.

Mr. HARRIS. I simply desire to make an inquiry of the Chair. The amendment of the committee, I believe, proposes to create a commission or some agency to be appointed to negotiate with certain Indians. If that be true, as I think it is, the appointing power could select that agency from any part of the United States. If the amendment of the Senator from Utah to the amendment shall be agreed to the appointing power has not the same breadth of discretion in his selection. In other words, under the law as it exists he has the broad field of the entire Union within which to select. If the amendment to the amendment shall be agreed to, the general law as it exists is changed by limiting the jurisdiction

of the territory within which he can make the selection. It seems to me it is legislation, and that sort of legislation which falls within the rule that prohibits general legislation upon a general appropriation bill.

The PRESIDING OFFICER. Does any other Senator desire to be heard upon the point of order?

Mr. GRAY. I should rather be heard upon the second point of order. I shall wait until that point comes before the Senate.

The PRESIDING OFFICER. The Chair is of opinion that the amendment to the amendment is in order. The original amendment, if it is in order, proposes to direct the Secretary of the Interior to enter into certain negotiations with Indian tribes to accomplish certain results. The Chair holds that as incidental to that purpose it is in order to impose any limitation or restriction which Congress may choose to impose upon the Secretary of the Interior. If the original amendment is in order it is the opinion of the Chair that the limitation and condition which is proposed by the Senator from Utah is also germane and in order.

Mr. HARRIS. I ask that the amendment of the committee be read again. I do not understand the amendment as the Chair stated it.

The Secretary again read the amendment of the Committee on Appropriations embraced between lines 1 and 13, inclusive, on page 51.

Mr. HARRIS. Now let the amendment proposed by the Senator from Utah to the amendment be read.

The Secretary read the amendment to the amendment.

The PRESIDING OFFICER. The Chair has ruled that the amendment to the amendment is in order. The Senator from Texas raises the further point that the original amendment is not in order.

Mr. GRAY. Being general legislation.

Mr. CHILTON. Yes, sir.

Mr. GRAY. Coming within the third section of the sixteenth rule, if the Senator from Texas will pardon me, which reads as follows:

No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received.

Upon the ground that it is general legislation, I presume.

Mr. SHOUP. Mr. President, I wish the attention of the Senate for a few minutes in explanation of the necessity of this appropriation. I do not regard it as general legislation. In 1880, as I remember it—the Senator from Colorado [Mr. TELLER] will correct me if that is not the date—a treaty was made with the Uncompahgre Indians then residing in the State of Colorado. The treaty was confirmed by Congress. Congress supposed at the time that the treaty wholly enabled the Secretary of the Interior to give these Indians their allotments without further legislation. They were to have taken lands on the Grand River in the State of Colorado if a sufficient quantity of land could be found in that vicinity or on that river. It was ascertained that there was a sufficient quantity of land. They were then put on a temporary reservation in the Territory of Utah by Executive proclamation.

Secretaries of the Interior one after the other have thought that the law was insufficient to authorize them to parcel out the land in allotments to the Indians without further legislation. Two years ago Congress enacted a law authorizing the appointment of a commission, making an appropriation of $16,000, I believe, for the purpose of placing these Indians on their lands and segregating the balance of the reservation for public entry. The same Congress provided that the same commission should negotiate with the Uintah Indians in Utah. The commission was appointed. The commission exists to-day. It was appointed to carry out these provisions of law. This is not new legislation. It is to carry out the provisions of a law now on the statute books.

As to the Fort Hall Reservation in Idaho, the Government has made a contract for the construction of a canal at a cost of $90,000. That canal is well under way. Water will be on that reservation under the conditions of the contract on the 1st day of June of this year. While water will be on the reservation, there is no provision made to place the Indians on their allotments. Hence the water can not be utilized unless this amendment is incorporated in the bill. It merely enables the Secretary of the Interior to go on and carry out the provisions of the law now on our statute books.

Mr. HOAR. I should like to make an inquiry of the Senator who has just addressed the Senate, and I should like to have the attention of the Chair also to the inquiry, because it is pertinent to the ruling that is asked for. Beginning in the tenth line of the amendment of the committee, it reads:

And all agreements made for the purchase of the unallotted lands in any Indian reservation shall provide a fund for the payment of taxes upon inalienable allotments, but no agreement made shall take effect until ratified by Congress.

Now, does not that not merely limit the authority for the negotiations previously mentioned in the paragraph, but make a general law applicable to all authority given formerly or to be given hereafter for the purchase of Indian land and limit the agreement so that it shall not take effect until a ratification by Congress? It seems to me that that provision very clearly goes beyond directing how the previous appropriation is to be applied and establishes a general rule for all cases, and therefore it is general legislation.

The PRESIDING OFFICER. The Chair desires to be informed whether the $15,000 appropriated by this clause has been estimated for or is in order as an appropriation?

Mr. SHOUP. It was estimated for by the Interior Department. The estimates were sent in with the other estimates to the House committee, but for reasons that I can not explain in full the provision was not incorporated in the bill. The amount named is the original estimate made by the Secretary of the Interior.

The PRESIDING OFFICER. The Chair would like to see the estimate.

Mr. FAULKNER. I think this is an important amendment, and I should like very much to see it placed in the bill for the reason suggested by the Senator from Idaho; but when we read the amendment and take into consideration his remarks, it will be seen at once that it is general legislation. It does not cover simply the question that he refers to, but under the amendment the Secretary of the Interior is not only authorized not to confine the commission that is to be appointed to the carrying out of the contracts and the agreements and the treaties heretofore made with this particular band of Indians, but he is, in his discretion, authorized to make the treaty with any other Indians on reservations who have not had allotments made to them.

Mr. SHOUP. Will the Senator permit me to interrupt him for a moment?

Mr. FAULKNER. Certainly.

Mr. SHOUP. I wish to say that the provision to which the Senator has just now alluded, authorizing the Secretary of the Interior to make these negotiations, has been incorporated in the Indian appropriation bill for a number of years.

Mr. FAULKNER. If that be true, and there is not already a provision of law authorizing him to extend this investigation and these negotiations to other Indians, of course, then, this would be new and general legislation. You can not avoid that conclusion.

Mr. BROWN. Mr. President, one word on the subject of the amendment being general legislation. It can not be general legislation to provide a fund for the purpose of making a treaty with any particular tribe of Indians, and, in doing that, to authorize a treaty to be made. Now, as the general provision here authorizes a treaty to be made, it is a proper limitation upon it to say what shall be put into the treaty, and to provide the proper protection to the Indians who accept the allotment. This is a general provision merely, that in the treaty with several tribes of Indians the taxes of those who hold their land in severalty shall be provided for. It seems to me an entirely proper limitation.

Mr. HOAR. I ask the Senator from Utah how he construes lines 10 and 11, which read, "and all agreements made for the purchase of the unallotted lands in any Indian reservation shall provide a fund," etc.? Does not that come under the general rule?

Mr. BROWN. I should not so construe it. I should construe it in reference to the particular reservation we have in charge.

Mr. HOAR. I suggest to the Senator that the difficulty might be remedied by putting in after the words "and all agreements" the words "under the authority herein given," or something of that kind.

Mr. BROWN. I think it might be; but it is not subject to the point of order. I am simply speaking of that limitation of the agreement, and also the limitation suggested by the Senator from West Virginia [Mr. FAULKNER].

Mr. HOAR. If the Senator will pardon me, my suggestion was that, as it stands, it seems to me rather a question of order. To make a general rule for all cases under authority heretofore given or hereafter to be given is general legislation, but if it had read, as the Senator seems to have in mind, "all agreements made under authority given by this act," then it would be a special limitation on the authority of the Secretary of the Interior and not subject to the point of order.

Mr. BROWN. I have already replied, and I repeat to the Senator from Massachusetts, that as it now reads, although the words "any other Indians" are used, the language must be construed with reference to the subject-matter of this treaty. It can not be held to apply to other statutes and other treaties, and this is a treaty with the three particular tribes named. The agreement would refer to this treaty without any such clause, although I think it appropriate to make it more definite by naming them again.

As to the phrase to which the Senator from West Virginia [Mr. FAULKNER] has called attention, "with any other Indians," the objection has not been made to that, but I think it ought to be. That clause should be stricken out, because we are only dealing with the particular tribes named in the clause—the Uncompahgre, the Uintah, and the Indians on the Fort Hall Reservation.

The PRESIDING OFFICER. The Chair will direct the Secretary to read from the House of Representatives Document No. 248, Fifty-fourth Congress, first session.

The Secretary read as follows:

TREASURY DEPARTMENT, *February 17, 1896.*

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of the Interior of the 15th instant, submitting an estimate of appropriation ($5,000) to enable the Secretary of the Interior to negotiate with the Uncompahgre tribe of Indians and with the Indians residing upon the Uintah Reservation, in the State of Utah, for modification of treaties.

Respectfully, yours,

S. WIKE, *Acting Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

* * * * * * * *

Draft of item proposed to be inserted in the Indian appropriation bill.

To enable the Secretary of the Interior to negotiate with the Uncompahgre tribe of Indians, and with the Indians residing upon the Uintah Reservation, in the State of Utah, for such modification of existing treaties and agreements with said Indians, and such change in their reservations as may be deemed desirable by said Indians and the Secretary of the Interior, $5,000, or so much thereof as may be necessary, the same to be immediately available; but no agreement made shall take effect until ratified by Congress.

Mr. FAULKNER. It seems to me that the amendment embraces a good deal more than is contained in the estimate.

The PRESIDING OFFICER. The Chair is ready to rule on the point of order.

Mr. SHOUP. Mr. President, when I stated that $15,000 was the amount estimated by the Secretary of the Interior or the Commissioner of Indian Affairs, I had not examined the reports, but I stated it on the authority of the Commissioner of Indian Affairs.

The PRESIDING OFFICER. The Chair rules that, so far as the first part of the amendment is concerned, it would be in order if the appropriation were in order. The estimate which has been called to the attention of the Chair was for $5,000 for negotiations with the Indians of the Uncompahgre tribe and the Indians residing upon the Uintah Reservation. The appropriation has been changed so as to include the Indians residing upon the Fort Hall Reservation, in the State of Idaho, and any other Indians; and the amount has been increased from $5,000 to $15,000. Unless there has been some estimate made beyond that submitted to the Chair, the Chair is of opinion that so much of the amendment as increases the appropriation from $5,000 to $15,000, and so much as includes the Indians residing on the Fort Hall Reservation and any other Indians, is out of order.

The Chair is also of opinion that the last clause of the amendment is general legislation, unless the language be so modified as to confine the provision to a fund for the payment of taxes to the Indians upon the reservations specified in the first part of the clause.

Mr. FAULKNER. Do I understand the Chair to decide that he can segregate such amendments as he deems proper to come within the rule? The amendment is offered by the committee as a whole amendment, and certainly it must be taken by the Chair as a whole and decided either to be in order or to be not in order.

The PRESIDING OFFICER. The Chair is pleased to recognize the point as well made by the Senator from West Virginia, and under the circumstances is obliged to rule the amendment out of order.

Mr. CANNON. Mr. President, before so ruling I should like very much to call the attention of the Chair to the estimates of the appropriation from the Treasury Department, which, under the head of "Indian affairs," on page 162, contain the following clause:

Negotiating with Indian tribes: To enable the Secretary of the Interior, in his discretion, to negotiate with any Indians for the surrender of any portion of their respective reservations, or for such modification of existing treaties as may be deemed desirable by said Indians and the Secretary of the Interior, any agreement thus negotiated being subject to subsequent ratification by Congress, $15,000.

So it appears that the statement of the Senator from Idaho [Mr. SHOUP] that this was the estimate is correct. There does not appear anywhere else in this bill, I think—the Senator in charge of the bill will correct me if I am in error—any other clause of similar character; and the enumeration of the three reservations, the Uncompahgre, the Uintah, and Fort Hall, do not change in any way the general proposition of this clause, which is in accordance with the estimate furnished by the Treasury Department.

The PRESIDING OFFICER. Will the Senator send the estimate to the desk?

Mr. CANNON. Yes, sir.

Mr. HOAR. I desire to call the attention of the Chair to this suggestion: Suppose what the Senator from Utah says be correct—and I have no doubt it is—still a general estimate to negotiate with all Indian tribes can not support a particular amendment confining that negotiation to three or four tribes. Suppose the Secretary of the Navy had sent in an estimate for the support of the Navy of $500,000 or $5,000,000 a year. That would not support a particular appropriation of $5,000,000 a year to one special purpose.

I understand that there is nobody who objects to the amendment of the committee, but the objection is to putting on, what is regarded by several Senators as bad policy, of limiting the appointing power to citizens of some particular State. If that provision had not been contained in the clause the point of order would not have been made on the other provisions. If the Senators should be willing to forego that little thing, which they can not regard as very important, and be content with the rest of the clause, I think the point of order would be withdrawn, and the amendment would be adopted.

Mr. ALLISON. I think the difficulty arises from the fact that the estimate read by the Senator from Utah [Mr. CANNON] is a general estimate for Indian treaties. Then there was a special estimate sent in by the Secretary of the Treasury for specific negotiations.

Mr. HOAR. Of $5,000 more.

Mr. ALLISON. Of $5,000 more, making $20,000 in all. This amendment was prepared, I believe, by the Committee on Indian Affairs, consolidating these two estimates and reducing them, making the appropriation $15,000 in all. So it seems to me, taking into view the two estimates, one special estimate and the other found in the Book of Estimates, that there is fair reason to suppose that this amendment is within the purview of the estimates of the Department.

Mr. CANNON. I merely wish to call the attention of the Senator from Massachusetts to the language of the amendment, which says, "and, in his discretion, with any other Indians," which would make it general. I was not quoting from the Book of Estimates in defense of any proposition of my own, but rather to correct a mistake concerning the attitude of the Senator from Idaho.

If it be necessary to withdraw this amendment in order that this clause may not fail, which I understand to be quite important to some of our neighbors, I should be inclined to do it; but in that case we fail of what I think is very much more important than the mere expenditure of the money this year on Indian reservations, and that is the proper and economical execution of the law. With that in view I can not consent, notwithstanding the request, to withdraw the amendment.

The PRESIDING OFFICER. Is the point of order insisted upon?

Mr. CHILTON. Yes, sir.

The PRESIDING OFFICER. The subject is not without difficulty. The Chair ruled before with knowledge of only one of these estimates. The members of the Committee on Appropriations were most of them absent from the Chamber at the time the point was raised. The question is somewhat doubtful. Undoubtedly it would be in order to move the amendment precisely as it is estimated for in the Book of Estimates. The difficulty is that an amendment has been made up by combining two or three estimates in one, to some extent enlarging the scope of the estimates, and then annexing a provision of general legislation at the close. Undoubtedly an amendment might be drawn which the present occupant of the chair would hold to be in order; but not finding an estimate sufficiently corresponding, in the opinion of the Chair, to this clause, the Chair adheres to the ruling, that the amendment is not in order.

Mr. WILSON. Do I understand that the bill is now open to amendment, or are there further committee amendments?

The PRESIDING OFFICER. The Senate is considering various reserved amendments in their order.

Mr. WILSON. On that very point I desire to offer an amendment, if it be in order.

The PRESIDING OFFICER. The Senator will be in order after the reserved amendments have been considered. The next reserved amendment will be stated.

The SECRETARY. The next reserved amendment of the Committee on Appropriations is, on page 56, after line 3, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to the following persons, and not to their assignees, immediately upon the passage of this act, out of the balance remaining of the 35 per cent reserved for payment of legal services rendered and expenses incurred, under contracts entered into by the Old Settlers or Western Cherokee Indians, through their authorized commissioners, in the prosecution of their claim, appropriated for by act of Congress approved August 23, 1894 (28 Stat. L., page 451), entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes," namely.

Mr. PETTIGREW. I should like to have that amendment passed over for the present. I think there are some Senators now absent who wish to be heard on the amendment.

The PRESIDING OFFICER. The amendment will be passed over, and the next reserved amendment will be stated.

Mr. PETTIGREW. The next amendment is on page 61, in reference to the Carlisle School.

Mr. TELLER. I did not understand, and I wish to understand, just what the Chair held in regard to the amendment on page 51. Did the Chair rule it out of order?

The PRESIDING OFFICER. The Chair ruled the whole amendment out of order.

Mr. TELLER. I give notice that I shall move an amendment to take the place of that at the proper time.

The PRESIDING OFFICER. The Chair suggested that an amendment might be drawn, based upon the various estimates, that would be in order in the opinion of the Chair.

Mr. JONES of Arkansas. There was an amendment on page 57, which has not been disposed of, which was passed over.

The PRESIDING OFFICER. That has been passed over at the request of the Senator in charge of the bill.

Mr. JONES of Arkansas. The Senator, then, does not wish to take that up now?

Mr. PETTIGREW. Not just now.

The PRESIDING OFFICER. The next reserved amendment will be stated.

The SECRETARY. The next reserved amendment is on page 62, line 4, before the word "dollars," to strike out "one" and insert "four"; so as to make the clause read:

For support of Indian industrial school at Carlisle, Pa., at not exceeding $167 for each pupil; and for transportation of pupils to and from said school, and for general repairs and improvements, $100,000; for additional to the salary of any military officer of Carlisle Indian School while acting as superintendent of said school, $1,000; in all, $101,000.

Mr. ALLISON. At that point I wish, with the consent of the Senator in charge of the bill, to insert after the word "hundred," in line 1, page 62, the words "and ten," and after the word "thousand" to insert "six hundred."

The PRESIDING OFFICER. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. After the word "hundred," in line 1, on page 62, it is proposed to insert "and ten," and after the word "thousand," in the same line, to insert "six hundred"; so as to read "$110,600."

Mr. ALLISON. I will state that that amendment is in exact accordance with the estimate.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Iowa.

The amendment was agreed to.

Mr. ALLISON. I move, in the same clause, line 4, on page 62, to strike out the words "one hundred and four thousand" and insert "one hundred and eleven thousand six hundred"; so as to make the total "$111,600."

The amendment was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

POST-OFFICE APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist on its amendments and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. PETTIGREW, and Mr. BLACKBURN were appointed.

ADJOURNMENT TO MONDAY.

Mr. MILLS. I move that when the Senate adjourn to-day, it adjourn to meet on Monday next.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas.

Mr. ALLISON. I had hoped that we should have a session to-morrow so as to progress with the appropriation bills, as their passage is imperative and their consideration will necessarily require considerable attention and debate. We have already had notice that Monday is to be occupied in the discussion of the Du Pont case, so that it will probably be impossible to take up an appropriation bill on that day, or, if at all, at a very late hour. Another notice has been given for Tuesday, which will occupy an hour or two of the time of the Senate on that day. It seems to me, therefore, if we are to make progress with the appropriation bills, we should either proceed with them or with other business on Saturdays. I do not know whether it is the wish of the Senate to make progress with these bills or not. I do not, however, desire to stand in the way of the evident judgment of the Senate as to adjourning over to-morrow. I know there are some committees which have work to do which is necessary to facilitate the business of the Senate; but I want to give notice that for one I shall insist upon the whole of next week being occupied with the appropriation bills, to the exclusion of other matters, except those which have been already noted.

Mr. MILLS. I simply wish to say that every Senator knows that we have other business to attend to here besides our legitimate legislative business, that we have Department business, and I for one wish to-morrow to attend to that business, and I think some others do. I am, however, perfectly willing to let the Senate determine the question.

The PRESIDING OFFICER. Debate has been proceeding by unanimous consent. The question is on the motion of the Senator from Texas, that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

REPORT OF COAST AND GEODETIC SURVEY.

Mr. HALE. Mr. President, the joint resolution (S. R. 116) authorizing the Public Printer to print the Annual Report of the Superintendent of the United States Coast and Geodetic Survey in quarto form and to bind it in one volume contains an error in referring to section 75 of chapter 23 of the printing act of January 12, 1895. I ask that a message be sent to the President requesting the recall of the joint resolution.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Maine, that the President of the United States be asked to return to the Senate the joint resolution named? The Chair hears none, and that order will be made.

Mr. HALE subsequently said: I find that the request I made a little while ago in reference to the recall of a joint resolution providing for the printing of the report of the Coast and Geodetic Survey needs to be in the form of a concurrent resolution. I now offer such a resolution, to which, I think, there will be no objection.

The PRESIDENT pro tempore. The concurrent resolution will be read.

The Secretary read as follows:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the enrolled joint resolution (S. R. 116) "authorizing the Public Printer to print the Annual Report of the Superintendent of the United States Coast and Geodetic Survey in quarto form and to bind it in one volume," for the purpose of correcting errors in the text.

Mr. HOAR. I do not rise to object to the resolution of the Senator from Maine. My impression is very strong, however, that it does not require a concurrent resolution, but that the body which sent the resolution to the President may ask him to return it without the assent of the other body. There might be many cases where one body wanted to correct a mistake of its own where the other branch would not want to have it corrected. It does not do any harm to have it a concurrent resolution in this instance; but I merely wish, for the sake of future precedent, to enter my caveat.

Mr. HALE. I had that impression when I asked before that the Senate should send a message to the President asking for the return of the joint resolution, but I am informed at the desk that the practice has been the other way.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

SEACOAST DEFENSES.

Mr. SQUIRE. I give notice that on Tuesday, the 14th instant, I shall ask the Senate to take up the bill to provide for fortifications and other seacoast defenses for the purpose of submitting some remarks to the Senate thereon. I do so in view of the fact that we shall have before us in the near future the bill for the support of the Navy. I desire to make some remarks also with reference to the provisions of that bill, but more especially to call up the bill which was reported by the committee of which I am chairman, so as to make my remarks particularly applicable to that measure.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The next reserved amendment will be stated.

The SECRETARY. The next reserved amendment is, at the top of page 65, to strike out:

For support and education of 120 Indian pupils at the school at Hampton, Va., $20,040.

For support and education of 200 Indian pupils at Lincoln Institution, Philadelphia, Pa., at $167 per annum each, $33,400.

Mr. PETTIGREW. I think we had better take up the entire school question at one time. It will all have to be discussed together.

If a certain amendment were placed in the bill with regard to sectarian schools, to come in a few pages before this amendment, I should then vote to disagree to the committee amendment as to the Hampton and Lincoln schools. As the bill now stands, there are no schools provided for but those which are strictly Government schools. Those two were stricken out by the committee

because they were the only ones left which were not strictly Government schools.

The bill as it stands abandons absolutely the practice of contracting for the education of Indians. Therefore, this whole question will come up for discussion upon these two amendments. I think it proper, in view of the fact that an amendment will be offered on page 59 with relation to sectarian schools, that that amendment be considered now in connection with these two amendments. With the consent of the Senate, we shall now so proceed.

Mr. GRAY. Is the amendment to which the Senator refers in print?

Mr. PETTIGREW. It has been printed, and the Senator from Montana [Mr. CARTER] will offer it.

Mr. CARTER. I move to strike out all after the word "Alaska," in line 20, on page 58, to and including the word "schools," in line 3, on page 59, and in lieu thereof to insert what I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. In line 20, on page 58, after the word "Alaska," it is proposed to strike out:

And it is hereby declared that it is the intention of this act that no money herein appropriated shall be paid for education in sectarian schools, and the Secretary of the Interior is hereby charged with the duty of so using and administering said appropriation as to carry out said object, and he is hereby authorized and required to make all needful rules and regulations necessary to prevent the use of any part of said fund for education in sectarian schools.

And insert:

Provided, That the Secretary of the Interior may make contracts with present contract schools for the education of Indian pupils during the fiscal year 1897, but shall only make such contracts at places where Government schools of adequate capacity can not be provided for such Indian children and to an amount not exceeding 60 per cent of the amount so used for the fiscal year 1895; and it is hereby declared to be the settled policy of the Government to make no appropriation whatever for the education of Indian children in any other than National Government schools as soon as it is possible for provision to be made for their education in such schools, and the Secretary of the Interior is hereby authorized and directed to make such provision at the earliest practicable day, not later than July 1, 1896.

Mr. CARTER. Mr. President, the question involved in this amendment is one of more than passing importance. The Indian tribes of the United States assumed a different relation to the Government, or the Government assumed a different relation to the tribes, after the close of the civil war. In 1870, under what became generally known as the "peace policy" of General Grant, a system of general education was attempted in connection with the work of Indian civilization. Thereafter the work of reducing Indian reservations from year to year to smaller compass progressed steadily, agencies were established upon reservations of certain definite and prescribed limits, army posts were established in the Indian country with a view to keeping the Indians within the limits of the reservations. It being manifest that the work of herding the Indians with the Army and confining them in idleness upon reservations would be interminable and fruitless unless accompanied by some process which would lead to their civilization, the General Government in 1870 issued an invitation to the Christian people of the country to cooperate with the Government in this work which seemed so important and so nearly allied to the plain demands of humanity. The invitation did not go out to the representatives of Mohammedan civilization, nor did the invitation extend to those who believe in the peculiar form of worship prevalent throughout India. It proceeded from the Executive of the nation in various ways to the people who believed in the methods of Christian civilization, without reference to church or creed. So nicely, so cordially, so handsomely, did the Christian spirit of the nation respond, that in 1873 the Commissioner of Indian Affairs in his annual report to the Secretary of the Interior used this language:

The question of the civilization of Indians reduced to its last analysis is twofold: First, whether the Government is willing to make sufficient appropriation to teach barbarous men how to live in a civilized way; and second, whether the expenditure of such an appropriation can be fairly made through the administration of persons fitted to become their teachers. Without suitable provision for the necessary expenditures, the best efforts of the best men will be comparatively futile; and with the most abundant provision that the resources of the nation can make, nothing will be accomplished worthy of the effort unless there can be found persons ready and fitted to go to these Indians, in the spirit of kindness and Christian love, with a faith in God, and a faith in man strong enough to sustain them amidst the degradation and perversities of barbarism, and cheer them on in the full conviction that no being made in God's image is incapable of improvement. No effort for lifting the poor and degraded can succeed which is not guided by the enthusiasm which comes from this faith. The agent and his employees will not give full work without it, and the Indian will not throw off his suspicion and wake out of his indolence until he feels this touch of human sympathy.

For this reason the Government is specially to be congratulated on the response which the Christian people of the country have made to the proposition of the President that they should take a certain supervision of Government labor for the Indians by nominating agents and furnishing employees suitable to represent the Government in its beneficent efforts with these tribes, as well as in sending missionaries and teachers for religious labor among them.

Every report of the Indian Commissioner and of the various Commissioners from that time up to 1889 is in perfect harmony and accord with the theory and principle set forth in what I have just read from the Commissioner's report of 1873.

In 1889 the Commissioner of Indian Affairs concluded that it would be wise to give to the blanket Indians of the plains a higher form of education, and he mentioned, among other things, as almost indispensable a knowledge of electricity and general philosophical propositions that should be given to this breech-clout fellow in order to bring him into the pale of civilization in its highest and best aspect. Thereafter, in 1894, Congress seems to have determined upon a departure from the Indian policy established under the Administration of General Grant in 1870. Good reasons may be asserted in support of this departure. The work of Christian civilization had been steadily progressing and the time had probably approached when the Government school could be substituted for the Christian mission. Barbarism had been supplanted by a certain degree of civilization. Through the agency of this Christian endeavor, in which the people of all denominations participated, we had in some sections of the country witnessed the gratifying result of Indians whose parents had been savages accepting and discharging the responsibilities of American citizenship. That period having arrived, in the judgment of the Government it seemed eminently proper that a system of national education should be supplied which would endure through time and be at the disposal of these new citizens as they came into the enjoyment of the birthright of American citizenship.

But the Government was confronted with the necessity of acting in good faith with the people who had undertaken the work of assisting in this civilizing process. From the pockets of charity all over this broad land, from Jew and from Gentile, there had been buildings erected, educational institutions established and partially maintained throughout the years that had passed. In conformity with this invitation Christian men had preceded the armies of the Republic into the midst of the regions where the savage prevailed and made it possible to conquer and invade without the aid or the necessity for bloodshed.

Therefore, in view of the vast energy of the Christian people of the country, invested in obedience to the request of the Government, it appeared to fair-minded and just men that this new departure should be made with due regard for the kindly impulses of those who had pioneered the ways of civilization. Instantly to cut off all Government support to pioneer missions would not only involve injustice to the kindly spirited people who had erected them, but a gross and glaring injustice, involving evident principles of inhumanity to the unfortunate children who, after meager education, would thus be thrown out upon the prairies or in the woods to mingle again in savage life.

The Secretary of the Interior in the report for 1894 manifestly partook of this humane and just judgment which commended itself to impartial men, regardless of their political affiliations or their religious inclinations. I find in the report of the Secretary for 1894 the following statement:

The contract schools are now the subject of general discussion. I agree fully with those who oppose the use of public money for the support of sectarian schools. But this question should be considered practically. The schools have grown up. Money has been invested in their construction at a time when they were recognized as wise instrumentalities for the accomplishment of good. I do not think it proper to allow the intense feeling of opposition to sectarian education which is showing itself all over the land to induce the Department to disregard existing conditions. We need the schools now, or else we need a large appropriation to build schools to take their place.

It would scarcely be just to abolish them entirely—to abandon instantly a policy so long recognized. My own suggestion is that they should be decreased at the rate of not less than 20 per cent a year. Thus, in a few years more, they would cease to exist, and during this time the Bureau would gradually be prepared to do without them, while they might gather strength to continue without Government aid. This is the policy which is now controlling the Department, and unless it is changed by legislation it will be continued. The decrease in the appropriation for the present fiscal year is 20 per cent.

It is now proposed by the provisions of the bill absolutely to disregard moral or legal obligations to the generous, humane, and kind-hearted people over this country who continued this system throughout a period extending for nearly a quarter of a century. Further still, it is proposed absolutely to deprive of any possibility of education in any form under Government auspices or Government aid in the neighborhood of 4,000 Indian children who have been for a series of years carefully educated and looked after in contract schools.

At the Cœur d'Alene Reservation in the State of Idaho there is no Government school. There is not even a Government shed into which the children could be driven after the Government had abandoned them in the manner proposed by the bill. The same is true of the Flathead Agency in the State of Montana, the Tongue River Agency in the same State, the Turtle Mountain Reservation in the State of North Dakota, and the Puyallup Reservation in the State of Washington. Those agencies have an aggregate of 2,139 pupils, for whom the Government can not in the very nature of things make any provision. So the passage of the bill in its present form would involve, as I suggested yesterday, one

of two things—either the abandonment by the United States of its duties to those wards of the Government, of its duty to human civilization, and their return to the ways of barbarism, from which we have been endeavoring through various ways and agencies to drag them, or it would leave upon charity a burden which properly belongs to the Government. I submit that as to those agencies where the Government has no facilities whatever for schools, the bill as it stands is inequitable and unjust to the Indian tribes to whom we owe certain definite obligations.

But it is suggested that an appropriation of $100,000 is made in the bill for the purchase of additional buildings which may now be in existence. In reply to that it is quite sufficient to refer to the last report of the Commissioner of Indian Affairs, whereby it is made to appear that if the Government schools, the contract schools, and the charity schools receiving no Government aid have their capacity taxed to the utmost, not to exceed 60 per cent of the Indian pupils can be provided for. If all the facilities now existing only accommodate an enrollment of 60 per cent of the pupils, if it is to require a million and a half dollars to supply the necessary educational facilities to accommodate all, I ask in the name of reason how between now and the 1st day of next July you are going to provide the necessary facilities with the paltry sum of $100,000?

The amendment proposes to continue the policy outlined by the Secretary of the Interior in his report for 1894, to continue to diminish from year to year the aid to contract schools until the year 1899, and in the meantime the Secretary of the Interior is directed to provide facilities for the education of the Indian children independent of contract schools. This humane policy regarding not only the duties of the Government to the Indians, but likewise its apparent obligation to the good Christian people throughout this country who have assisted in Indian civilization, is sought to be abandoned, and in the abandonment of the policy we propose to abandon the Indians, to abandon those children, and let them out of the schools to resume the blanket, to return to the Indian tepee, to fish and hunt for a living, without any educational advantages. I do not think that this proposed policy is in accordance with the dictates of honesty or humanity.

It is suggested that because some of the contract schools were inaugurated and have been partially maintained under denominational control therefore some injury will follow to the Indian children committed to their care. This suggestion comes from men who know least about the Indian. I do not know of any form of Christianity which can be injected into a North American Indian to the detriment of the Indian. No creed has been sufficiently vicious to injuriously affect the savages whom we have corralled upon the reservations.

While upon the floor on this subject I call attention to the fact that it is proposed to strike down the Lincoln Institution and the Hampton School, I presume because of certain clauses in the constitution of the one or its organic act, and in the reports of the superintendent of the other. Here is the seriously objectionable feature urged against the Lincoln Institution. It was incorporated under an act of the legislature of Pennsylvania, approved May 9, 1866. Section 3 of that act provides:

The affairs and concerns of the said Lincoln Institution shall be conducted by a board of managers consisting of 30 ladies and a board of council consisting of 30 gentlemen; of which board the bishop of the Protestant Episcopal Church of the diocese together with the rectors of the churches which shall be represented in the board of managers shall be ex officio members.

Section 4 provides that—

Applicants may be admitted without regard to their religious belief, but the inmates shall, in all cases, have respect for the faith of the Protestant Episcopal Church of the United States, and submit to the religious exercises of the household, which shall always be in accordance with the belief of that church; and all children received under 12 years of age shall be trained in that faith.

How can it injuriously affect an Indian, the son or daughter of a savage, to be instructed in some form of religion, and particularly the religion taught by the Protestant Episcopal Church of the United States? If taken there under the age of 12 I should say that the doctrines of that church ought to be taught to a young Indian as regularly as the A B C's, and for this reason: That church teaches a doctrine which is the unit of modern civilization—respect for parents, respect for the marriage relation, and in thus providing for the establishment of respect for the home you destroy some of the most vicious elements that have led to the continued barbarous condition of the Indians.

Again, it is proposed to strike down the Hampton Home in Virginia.

Mr. HAWLEY. Will the Senator from Montana pardon me right here? I do not know whether his attention has been called to the entire change in the organization and policy of the Lincoln School.

Mr. CARTER. That cuts no figure with me. I will support it just as it is.

Mr. HAWLEY. I understand.

Mr. PETTIGREW. It has not been changed so far as the charter is concerned.

Mr. CARTER. Not so far as the charter is concerned. I understand that to be the fact.

Mr. MITCHELL of Oregon. Is it a charter of the State of Pennsylvania?

Mr. CARTER. Yes, sir, of the State of Pennsylvania.

It is proposed to strike down the Hampton School in Virginia, and the reason assigned for the incompetency and unfitness of the Hampton Institute to teach the Indians rests in the fact that the reports of the superintendent of that school to the superintendent of schools of the State of Virginia breathe a certain kindly, loving, Christian spirit. I will read only one extract from the report of 1893:

Missionary work is an important feature in our training. Our graduates are a little army of Sunday-school workers.

I do not care what denomination controls the Sunday school, it would be a grand and glorious fact to announce that every young Indian between the two oceans was inclined to teach a Sunday school. The work of civilization and the necessity for Government aid to Indians begins to cease when the child becomes a Sunday-school teacher. That is but one of many expressions of similar kind found in the report of the Hampton School. I honor the superintendent of that school for attempting to inculcate some principle of moral responsibility into the young savages committed to his care. I question not the religion he teaches; I question not the creed he represents; but he teaches a doctrine which leads the youthful savage to follow the kindly ways of the humble Nazarene who trod the weather-beaten hills of Judea two thousand years ago. That is sufficient for me.

I am in favor of even-handed justice in dealing with these Christian people, and that involves a gradual rather than an abrupt withdrawal of Government aid. I am in favor of yielding to the dictates of humanity by providing for the unfortunate Indian charges of the Government the best schools that we have available at the time. I am in full sympathy and accord with the extending of a national school system to the reservations and to the Indians who live upon them. I do trust that we may live to see this remnant of an unfortunate race absorbed in the body politic of the nation and taught the duties and responsibilities of citizenship under the guiding hand of the General Government rather than under the agency of sect or creed. But we have not reached the point where that may be fully achieved at a single bound.

The amendment I think embodies justice, fairness, and honesty, and I trust it will be adopted.

Mr. LODGE. Mr. President, ever since I have been in Congress there has been a contest over what are known as sectarian Indian schools, and every effort to do away with them has been met by the same stubborn resistance. On the last Indian appropriation bill I remember that we had in the Senate a sharp debate which ended in striking from the bill the House provision for the gradual reduction of these appropriations and the gradual abolition of those schools. This year the other House has met the case with decisive action and has put a stop finally to appropriations for sectarian schools.

The argument is always the same against this change, that we are going to cast some thousands of Indian children out without education onto the prairies. Nothing of that sort is intended, I think, Mr. President.

The money is there to do the teaching; to supply the instruction. The only question is whether the teaching shall be by Government officials, as is the case now in many of the existing schools, or whether it shall be continued through denominational teachers. The children will be educated in any event. They ought to be educated where the Government money is spent by Government teachers.

There is no doubt, as the Senator from Montana [Mr. CARTER] has said, that any form of Christian faith is of the greatest advantage to the Indians. The sole question which concerns us, as it seems to me, is whether we have the right and whether it is in accordance with American principles to make appropriations of this kind. The Constitution says that—

Congress shall make no law respecting an establishment of religion.

Thomas Jefferson, in the statute of Virginia known as the statute of religious freedom, said that "to compel a man to furnish contributions of money for the propagation of opinions in which he disbelieves is sinful and tyrannical."

I think that sentence in Jefferson's statute of religious freedom covers all that is at stake in this matter and it is a vital principle.

It seems to me that the Government should not make appropriations for any sectarian or denominational schools. If the various Christian denominations of the country desire to carry on Indian education and do it from funds contributed by charitable and benevolent persons, it is a great and good work for which everyone feels the highest respect, and with which no one would be disposed to find the slightest fault. But when we come to appropriating the money of the people for purposes of education it seems to me perfectly clear that that money ought to be expended by Government officers and by Government officers only, and that the schools

that the Government maintains should be secular schools, like public schools throughout the country.

The Senator from Montana gave the impression in what he said that the Hampton School, of Virginia, and the Lincoln Institution, of Philadelphia, had been swept out of this bill by the same force that put in this nonsectarian provision which he proposes to strike out. The reverse of that is the case. The House put in this provision putting an end to sectarian schools, but the House also left in the appropriations both for Hampton and the Lincoln Institution. The attack on the Hampton School and the Lincoln Institution has come since the bill reached the Senate, and I am sure did not originate among those who are anxious to put an end to sectarian teaching at Government expense. Personally, I think the school at Hampton is absolutely nonsectarian. I think it is entirely entitled to the appropriation which we have always made. It is a very noble charity; it has done a great work. To it was devoted unselfishly the life of General Armstrong, as we all know.

I have here a statement in regard to the school, furnished me by the superintendent, from which it appears that the Hampton School was incorporated by the general assembly of the State of Virginia in the year 1870. The purposes of the school, as stated in its charter, were "the instruction of youth in common school, academic, and collegiate branches, the best methods of teaching the same, and the best mode of practical industry in its application to agriculture and the mechanic arts." It is governed by a board of 17 officers, representing six different religious denominations, no one of which has a majority. It receives help from the land-scrip fund, through the State of Virginia, to the amount of $10,000 per year, as being an agricultural institution. It also receives help from the Morrill Act fund, the Peabody and the Slater funds; and the Peabody Fund can not give to any sectarian institution. It receives help from no board of any church, nor is it connected with any religious organization. It has among its staff and students both Catholics and Protestants. The present chaplain was connected with both the Congregational and Presbyterian churches before coming to the school. The assistant chaplain is a member of the Episcopal Church. The school receives help from Hebrews, Protestants, and Catholics, one of its donors being a Catholic priest. It has had people of all denominations among its friends, and its graduates have gone out to work in different churches. It was here at Hampton that the Government system of industrial education of Indians was first started. It was then taken to Carlisle, and thence has been introduced in the Western schools.

I think it is not necessary for me to enter further into a description of Hampton or the work that has been done there. I believe that it is thoroughly familiar to all Senators; it has been discussed heretofore; and, indeed, the work of that institution, I think, is known to all Americans who are interested in work of that kind for the benefit of the Indians and of the negroes, to which it has been particularly devoted.

The Lincoln Institution, in Philadelphia, has the clause in its charter which has been read by the Senator from Montana. When the charter was amended to allow them to educate Indians they made an express agreement with the Secretary of the Interior—

That we were to comply with the rules of the Department and were not to be sectarian, and also that the pupils were to be allowed to attend whatever church their parents desired, which we have always done.

Mr. PETTIGREW. Do you say they have changed their charter?

Mr. LODGE. No; I did not say that. I say they amended their charter to admit Indians, which is precisely the fact, and when they did it and took Indians they made an agreement with the Department which I have just read.

The Lincoln Institution is performing the same work as that of Hampton; they are doing it at as low a price as is done per head, I think, at any of the Government or sectarian schools, and it seems to me that there is no reason why the Senate should cut out of the bill the usual appropriations for these two excellent institutions. As to the broad general question which is included in the House clause which the Senator from Montana seeks to strike from the bill, I think I have already said enough. It seems to me that the House provision is in accordance with the well-recognized principle of our Government that public money should not be spent for sectarian purposes. The very fact that such debates as this arise year after year over this appropriation seems to me of itself to demonstrate the wisdom of putting an end to it. The feeling is constantly growing more heated and such a policy can only do grave harm in the long run. The House, which inserted that clause putting an end to sectarian teaching, left in both Hampton and the Lincoln Institution, and it seems to me that the Senate may well leave the bill as the House has sent it to them.

Mr. GALLINGER and Mr. GRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GALLINGER. I will yield to the Senator from Delaware. I think he undertook to get the floor yesterday on this question. I will follow him, with the permission of the Chair.

Mr. GRAY. I am much obliged to the Senator from New Hampshire for his courtesy.

Mr. President, I do not intend to trespass upon the patience of the Senate, and only rise to say a single word in pursuance of the notice that I gave yesterday that I should move a disagreement to the amendment striking out from the bill the appropriations for the Hampton and Lincoln schools. Since then I have listened to the exceedingly interesting and eloquent remarks of the Senator from Montana and to the Senator from Massachusetts. I shall vote with great pleasure for the amendment offered by the Senator from Montana, and as far as I can gather the feeling of the Senate there will be very little opposition to it. Therefore, it is not necessary that I should detain the Senate by any remarks in addition to what has been already said. But I want to put upon the record, if I may be allowed, before I sit down, the circular letter issued by the Lincoln Institution at Philadelphia, because I know some of those who are interested in that institution. I ask that it may be read from the desk.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

LINCOLN INSTITUTION, INDIAN DEPARTMENT,
324 SOUTH ELEVENTH STREET,
Philadelphia, April 4, 1896.

MY DEAR SIR: It is due to us and to you to explain the character of our school in regard to religion.

After the war was over, in 1866, the legislature of the State of Pennsylvania, through Mr. Burrows, the State superintendent of soldiers' orphan and public schools, wrote to a children's institute with which I was connected, asking if we could take some soldiers' orphans whose parents were mostly Episcopalians, as they had no place then where they or other Protestant children could be brought up in the faith of their fathers.

We at once went to work and instituted the Lincoln Institution, and to carry out their wishes had our charter so worded that all children under the age of 12 years should be instructed in conformity with the Protestant Episcopal faith.

The managers at no time, neither man nor woman, nor the officers of the Home, were obliged to be of any particular faith. We have had and now have members of almost all denominations in our boards and in charge of the school.

The Educational Home was organized as a branch of the Lincoln Institution for the younger children.

In 1882 our work for the soldiers' orphans was finished and our building closed for two years; then, having a charter and board of management, owning two large buildings, we decided to use them for the benefit of educating Indians. We applied to the Government and it consented to let us have 220 Indian children. We amended our charter in 1885 so as to extend our benefits to Indian pupils placed under our charge by the Government of the United States.

It was understood when we received these pupils that we were to comply with the rules of the Department, and were not to be sectarian, and also that the pupils were to be allowed to attend whatever church their parents desired, which we have always done.

It would be impossible to conduct a Christian institution without some form of worship, and Carlisle, Fort Totten, Lawrenceville, Haskell Institute, etc., all have one form of family worship.

I add to this the testimony of our officers, employees, and pupils to prove that we are not sectarian. I would also state that our pupils are showing the benefit of their Eastern training, as we have just sent two girls and one boy as teachers in Government schools, and they are proving most satisfactory.

Many of our children are attending public school here so as to train them for teaching their own people by the most improved methods.

We trust that this explanation will be satisfactory to you and that you will allow us to continue the work that has so far been of inestimable benefit to the Indians. The management consists of volunteer men and women who give their money, time, and interest to this work without remuneration of any kind, but simply from patriotic and benevolent motives.

We are under the control of no denomination, nor do we receive any money from any church society. The buildings and grounds of both our departments and the small endowment fund we have was most all given us by Quakers and others of various faiths.

Eighty-six of our girls are of Protestant parentage and 14 Roman Catholic. Of the boys 62 are Protestants and 48 Roman Catholics.

Yours, respectfully,

MARY McHENRY COX,
First Directress.
MARGARET DAVIS,
Secretary Board of Managers.
G. THEO. ROBERTS, *President.*
SAMUEL BELL,
Secretary Board of Council.

We, the undersigned officers and employees of the Lincoln Institution, do hereby testify that we are members of the several denominations affixed to our names, and that we have never been interfered with in regard to our religion. This is not a sectarian institution; officers, employees, and pupils are permitted religious freedom in every respect.

Girls' department—Superintendent, Wm. M. Hugg, Baptist; matron, Mrs. Wm. M. Hugg, Methodist; assistant matron, Alice M. Cogbill, Methodist; house mother, P. B. Tyler, Episcopal; music teacher, A. W. Tyler, Methodist; teacher, A. P. Allen, Episcopal; teacher, M. E. Allen, Congregational; industrial teacher, M. Stewart, Episcopal; cook, Bridget Taylor, Roman Catholic; housemaid, Anna McGee, Roman Catholic; waitress, Eliza Wilkinson, Presbyterian; laundress, Anna Finnegan, Roman Catholic; shoemaker, Ellis Chapel, Greek Church; janitor, David VanWert, Roman Catholic.

Boys' department—Superintendent, George Jackson, Roman Catholic; assistant superintendent, Jos. T. Mercer, Episcopal; matron, M. Deeble, Methodist; assistant matron, Mrs. Murphy, Presbyterian; head teacher, Noble Haigh, Anglican Church; assistant teacher, Daisy Allen, Congregational; nurse, Carrie Emrick, Presbyterian; seamstress, P. Kendall, Methodist; seamstress, Kate Lawson, Baptist; shoemaker, M. Biocella, Roman Catholic; chambermaid, Sophia Beck, Roman Catholic; chambermaid, Della Coleman, Roman Catholic; chambermaid, Kate Carroll, Roman Catholic; chambermaid, Lizzie McBurney, Presbyterian; laundress, Mary Harvey, Roman Catholic; laundress, S. Cunningham, Roman Catholic; laundress, Mary Harvey, Roman Catholic.

Mr. GRAY. That circular was sent to me from this institution by a friend in Philadelphia, and a very distinguished member

of the bar there. I shall take the liberty of reading his letter, because I want to say that his indorsement of the statements made in that circular are to me absolutely conclusive. With that statement in regard to the writer of the letter, I wish to read it to the Senate. It is very short. Addressing me, he says:

I venture to call your attention to the Lincoln Institution (Indian department), which is located here.

That is, in Philadelphia.

An appropriation in its aid is opposed, I understand, on the ground that it is sectarian in character. I am sure that the objection is without foundation. I inclose a circular, and its statements may, I feel entirely confident, be accepted as candid and truthful. The school is supported by the best people of our city, and without regard to creed. And I venture to hope that when the question of an appropriation comes before the Senate you will be able to give it your support.

Believe me to be, yours, very truly, HENRY FLANDERS.

I understood the chairman of the subcommittee who has charge of the pending bill to say that if the amendment proposed by the Senator from Montana should be adopted by the Senate he would not object to the rejection of the amendment striking out the appropriation for the Hampton and the Lincoln schools, and I am content that that should be so, for I would be heartily in favor of the amendment of the Senator from Montana without even that agreement or understanding.

I believe it would be a very discreditable thing to this Congress and to the American people if we could gain our own consent to interfere with and thwart the efforts of Christian men and women to carry civilization among these Indians simply because they happen to belong to a church or to a creed that is not our own. I fully agree that it is impossible in this country to appropriate public money taken from public taxation for the support of any school or institution that is sectarian in its character. But at the same time we ought to be able so to control ourselves as to act reasonably and with that saving common sense which enables us to do justice and to accomplish results without being borne down by ignorance and fanaticism. It is a very melancholy thing that in this last decade of the nineteenth century there should still survive that unchristian feeling among Christian sects which compels an interference with Christian work. It is very hard indeed to believe that the gospel of Christ can not be carried to the dark parts of this continent or any other and the simple faith of the Great Teacher of our religion preached in its simplicity because of creeds and because of clashing and jealous denominational feeling. But so it is, and I recognize the fact, and I recognize the necessity of steering clear of this clashing, warring, unchristian Christianity.

Mr. President, the people who are connected with the Lincoln Institution at Philadelphia are many of them known to me. They are people imbued with Christian zeal and benevolence. They give their time and they give of their means in order to support this institution and to educate Indian children, and I rejoice to believe that the Senate is going to restore that appropriation for the education of the wards of the nation for which we have a constitutional right and a moral duty to use money raised by taxation of the country.

Mr. GALLINGER. Mr. President, it is gratifying to me to note the calmness and kindliness of expression that thus far has marked this discussion. I trust that I may be fortunate enough to utter no word that will engender religious feeling or that will operate to the detriment of either myself or the body of which I have the honor to be a member. I am on record, Mr. President, in reference to this matter, and I have seen nothing in the past two years to change the expressions that fell from my lips in this Chamber when a somewhat similar proposition was then under consideration.

I listened with interest to the earnest remarks of the Senator from Montana [Mr. CARTER]. I listened carefully to the reading of his amendment and have since read it myself. If I understand the amendment correctly, it purposes to accomplish two things. First, it proposes that what I regard as a vicious system, that of appropriating money for sectarian schools, shall be continued in this country; and, in the second place, it proposes that we shall declare it to be the settled policy of the Government that, when we are prepared, and when the time arrives for dispensing with the contract school system, all further appropriations shall be withheld from schools like Carlisle and Hampton. The amendment, therefore, is designed to continue for a time, and no one knows how long, appropriations to sectarian schools, schools confined largely, almost exclusively, to one religious denomination, and it contemplates that when those appropriations are finally discontinued that no further appropriations shall be made to any schools other than those exclusively under Government control.

Mr. President, I do not give my assent to either of these propositions, and I do not propose to vote for the amendment. The battle to divorce church and state is not a new one. It was fought in Holland nearly four hundred years ago, and it was settled there. It was settled afterwards in England. It strikes me as being a strange and unaccountable thing that at the close of the nineteenth century, in this free Republic of ours, we should be discussing a proposition such as this in the American Senate. I can not for the life of me understand how it is that we have drifted into a condition of things, so far as the appropriation of public funds for sectarian purposes is concerned, which precipitates upon the Senate almost every year a discussion of this great and vital question.

The Senator from Montana says that if we pass the bill as it came from the House of Representatives we will turn nearly 4,000 Indian children out into the world without shelter and without educational advantages. The Senator from South Dakota [Mr. PETTIGREW] on yesterday put the number at 3,000. But, Mr. President, I take it that if we pass the bill precisely as it came from the House we will not necessarily turn a single Indian child out into the world, or deny to a single one of them the same advantages, or better advantages for education, than they possess to-day.

If we dispense with contract schools, as the bill proposes, and provide that the Government shall educate its own wards, the school buildings that are on those reservations will remain, and I do not see why the Government can not rent those buildings and go along with the system of education precisely as it is being conducted to-day, with the evils of sectarian teaching eliminated. Does the Senator from Montana presume to say, in behalf of those for whom he so eloquently pleads, that they will refuse to rent those buildings to the Government until such time as the Government can either erect buildings or purchase existing buildings from the parties who own them now?

I take it that the Senator from Montana will not contend that that will be the result. For that reason it seems to me that the argument that we are going to throw out upon the cold charities of the world three or four thousand Indian children and deprive them of shelter and of educational advantages falls to the ground. This great Government will see to it that they are all provided for and that every obligation that we owe to those people is faithfully observed and carried out.

Mr. President, I do not care to discuss at length the two schools, Hampton and Carlisle, that the Committee on Appropriations of the Senate have seen fit to strike from the bill. They were stricken out, as I believe, solely because the House refused to continue appropriations for schools that are openly and notoriously sectarian. The Hampton School has a history of its own, and it is a history that is one of brightness and of glory. It has come down to us as an inheritance of which we are justly proud, and I do not believe that any Senator, whatever his religious opinions or his prejudices may be, will finally vote against continuing the usual appropriation to this most worthy institution of learning. On the contrary, I take it that Hampton is going to stand in the bill, whatever action may be taken in regard to sectarian schools.

The benevolent people of this country have contributed half a million dollars to erect buildings at Hampton for the purposes of education, and they are contributing $50,000 every year to help on the grand work of that noble school. We will not, I feel sure, by any vote of this body or of the other House of Congress, put ourselves on record as striking a blow at the progress and prosperity of this great educational institution.

Mr. President, Hampton is not a sectarian school, and I challenge any man to show that in the proper sense any tenet of a church or of a sectarian denomination is taught at that institution. It has a special claim upon the people of this country, and I am glad to stand here, as I have stood before, to say a good word for Hampton, and to contend that it shall be dealt with fairly, liberally, and justly by the American Congress.

In regard to the Lincoln Institution, I will say substantially what I have said about Hampton. It is a nonsectarian school. It may happen to have in its charter a declaration that it has outgrown. Some religious denominations in this country if tested in that way, Mr. President, would not stand before the intelligence and the enlightenment of the American people as well as they stand to-day. It may have an obsolete provision in its charter regarding the matter of religious teaching, but the fact is that Protestant and Catholic children there assemble, and a large proportion of the board of managers, officers, and employees of the school are Roman Catholics at the present time. It is not a sectarian school in any proper sense of the term, almost every religious denomination being represented in it.

The Senator from Delaware [Mr. GRAY] suggested that he would vote for the amendment submitted by the Senator from Montana [Mr. CARTER], and thought that there would be little opposition to it. I trust that there may be a great deal of opposition to it, and I hope that the votes of a majority of this Senate will be cast against that amendment, and that the bill shall be permitted to stand precisely as it came from the House of Representatives.

Mr. President, it is well to remember that another body, fresh from the people, reflecting, I think, at least as accurately the

views and feelings of the American people as does this Senate, by an overwhelming vote rejected the proposition embodied in the amendment of the Senator from Montana, and I trust that the Senate may be equally as thoughtful, as wise, and as patriotic.

Mr. President, I believe in the public-school system of the United States. I believe in it thoroughly and profoundly, and I deprecate more than I can express any efforts, from whatever source they may emanate, to weaken or to undermine it. I am also unalterably opposed to appropriations of public money for sectarian purposes, and I want to say, Mr. President, in all kindness, by way of suggestion if not of prophecy, that if the storm now raging in this country against that system is not strong enough to end it this year, it will gather strength until the desired end is accomplished. The people of the United States are not going to sit idle, whatever their religious opinions or views or prejudices may be, and see the National Congress year after year violate the spirit if not the letter of the Constitution by appropriating money for institutions that are notoriously sectarian in their teachings. I am against the entire scheme, and I will take pleasure and pride here to-day and at any other time when I may have an opportunity in casting my vote against any such proposition. Let us here and now end the system, and rescue our Government from a practice that is indefensible, mischievous, and un-American.

Mr. HAWLEY. Mr. President, I do not know that what are called sectarian schools are especially wicked. I have seen none anywhere that were not, on the whole, to be spoken of with entire respect. At the same time, there is a growing indisposition to have the Government support or make contracts with Catholic schools, Episcopalian schools, Methodist schools, or schools of any one of the numerous subdivisions of the Christian world. The churches themselves have substantially come to that conclusion.

It occurs to me that I am quite ignorant as to what a strictly nonsectarian school is, and I would inquire what sort of a school the Government is to conduct? Would it be out of order, would it be unparliamentary, so to speak, to incidentally refer to God in one of those schools?

Mr. GRAY. Yes.

Mr. HAWLEY. It would? I was afraid so. Now I am getting light about nonsectarian schools.

I do not see why the general doctrines of Christianity could not be taught—the duty of man to his neighbor, obedience to God, the Ten Commandments, the Lord's Prayer, the Golden Rule, and a great many other things that we all agree upon without any controversy whatever.

Mr. MITCHELL of Oregon. And the Declaration of Independence.

Mr. HAWLEY. Yes, and the Declaration of Independence, without reference to party. [Laughter.] I do not see why we could not agree in some such things as those. But then I am troubled, as I proceed, to find further that we may have a few Mohammedans, who might be shocked by these simple declarations, or even mere ethical declarations; and then by and by we should come to an atheist, and we would be trampling upon his rights if we permitted the Lord's Prayer to be said or the Ten Commandments to be read in the schools.

I have little sympathy, endeavoring to consider it from the standpoint of broad statesmanship, with a great deal of what has been said upon the subject of sectarianism. The Christian Church is, unfortunately perhaps, divided; but it is only like an army. Some men like to serve in the infantry, some in the artillery, some in the cavalry, some in the engineers, and some like a powerful organization, like that magnificent machine, the Roman Catholic Church, which moves with majestic power and steadiness and eternity of purpose. Read Macaulay's description of it in his review of Ranke's History of the Popes, and you will have a respect for that church, even if you dislike its semipolitical tendency at times, and however you may be disposed to criticise some of its particular practices and requirements.

I can speak in a similar respect of all the churches—not sects—churches of the Lord, intended to teach man that there is something supernatural in the future; that there is, perhaps, a heaven and a hell; at any rate, that there is happiness and unhappiness in the next world—that there may be a place where some men could not expect to go, for they are not fit to enter into good society in this world or the next—they would not be at home. [Laughter.]

I am for the amendment of the Senator from Montana [Mr. CARTER]. The proposition as it stands in the bill says that we shall stop short now, to-day; stop giving any money whatever or making any contracts with a church which does not teach just exactly what we believe in. The amendment of the Senator from Montana says if you do this there will be thousands of Indian children who will have no schoolhouse whatever until the benevolence of the people, the Christian missionary spirit of the United States, shall come forward and supply the deficiency. I think there is great force in that.

I do not see why we should not let this thing down slowly and reasonably, and circumstances will adjust themselves to necessities. Very few of the churches will give up any of the schools they have now; they will not lease or sell their schoolhouses; they will rather redouble their vigor; and many of us who are mighty poor churchmen of any kind would be very glad to help in the work. Do not say, "Lock the doors! Close the schools! Quit! Come away from that unholy place! Let the children scramble the best they can and wait a year or two or three years before they get other schoolhouses." I will not agree to it. Suppose you were to conduct a line of ocean steamers upon a like policy, and to give notice that you will not take a certain class of people on your ships; that they can not travel over your line, and you come to that decision in mid-ocean, are you going to throw them overboard instantly? No, I think not; you would certainly take them to the wharf and tell them you do not want them to go any more on your line. That is all that is contained in the amendment of the Senator from Montana.

I am glad to see such a friendly spirit exhibited. I am glad to see the kindly tone in which the Lincoln School and the Hampton School are spoken of. I know less of the Lincoln School, but I have known the Hampton School a great many years, and I esteem it a good part of an education to have known General Armstrong, the great president of that institution, a man who had deep religious belief; but you would know him a long time before being able to tell with what sect he was associated. With that belief, "Rich in saving common sense," as Tennyson said of Wellington, he was acceptable everywhere; a man of force, of character, he impressed himself upon the black men and the red men of that institution; he cautioned them against thinking that a little book knowledge would make honorable and successful people out of them, and he taught them how to be active, true, sincere men and women and good citizens; and that school is still permeated with his spirit. The managers of that schooi are from all churches; its general spirit is splendid—patriotic, religious, moral, and intellectual.

The original form of the Lincoln Institution, as was said by a Senator here a while ago, arose from the circumstance that it was founded by Episcopalians and was requested to take charge of certain children whose people wanted them educated in the doctrines and ritual of the Episcopal Church.

Mr. GRAY. They were soldiers' orphans.

Mr. HAWLEY. Yes; soldiers' orphans; but their people wanted them to go to that particular school. Now, they have broadened it and have provided for a governing board, without mentioning a bishop, or a church, or anything of the sort, and they have made a contract with the Government under which the pupils may go to whatever church they please and shall not be at all restricted in that respect. The whole of the circular sent here by the officers of the institution—and I am glad they sent it—has been read, but I wish to call attention, as establishing the character of the school, more particularly to the officers and managers of it.

They mention in the circular the facts that 86 of the girls are of Protestant parentage and 14 Roman Catholic. Of the boys, 62 are Protestants and 46 Roman Catholics. I read a few names of officers only—not all. The superintendent of the boys' department is George Jackson, a Roman Catholic; the assistant superintendent, Joseph T. Mercer, is an Episcopalian; the matron, M. Deeble, is a Methodist; the assistant matron, Mrs. Murphy, is a Presbyterian; the head teacher, Noble Haigh, is an Anglican; the assistant teacher, Daisy Allen, is a Congregationalist. The first six officers and teachers in the boys' department are, therefore, each of them of a different church.

In the girls' department the superintendent, Mr. Hugg, is a Baptist; the next, the matron, a Methodist; the next, the assistant matron, a Methodist; the next an Episcopalian, the next a Methodist, the next an Episcopalian, the next a Congregationalist, the next an Episcopalian; the next, the cook, is a Roman Catholic; the house maid, a Roman Catholic; the waitress, a Presbyterian; the laundress, a Roman Catholic; the shoemaker belongs to the Greek Church, and the janitor is a Roman Catholic. [Laughter.] If that is not an absolutely harmless arrangement I do not know how to make one.

I want to maintain these schools, and I want to let them down into nonsectarianism and lack of religious instruction as easily as I can.

Mr. PALMER. Mr. President, with respect to the pending amendment, I desire to make a very few observations. I have known for a long time that the answer to a question is sometimes determined by the manner of stating it. In the particular instance before the Senate I understand it to be conceded that it is the duty of the United States to educate or to provide the means of education for Indian children on the reservations. I understand that duty is conceded. I understand, further, that it is a fact, about which there is no dispute, that the United States Government is not quite ready by its own facilities and its own means to educate all of these children, but that there are certain sectarian schools—

I use that term because I apprehend that I can employ no stronger one—existing in the reservations which can supply an education beyond the immediate facilities which the Government possesses; and the question is whether they shall be employed or not to supply that which the Government can not do by its own means.

It seems to me that if that is a fair statement of the proposition there has been a good deal of discussion here which might well have been spared, because, this duty existing, the Government being unable by its own means to afford the facilities for education to all these children, there are certain persons who are entirely competent who have been employed heretofore, and whose method has given us, so far as I know, entire satisfaction; the question is, Shall we continue to employ them, shall the Government avail itself of these private agencies in order to discharge its whole duty, or shall we, upon some fancied impression, say we now abandon those children, and say to them "after a while we shall be able to educate you, but for the present the schools must stop, for the present you must cease attending the schools"?

I can not understand why there is anything improper in availing ourselves of the facilities afforded by schools already established. I understand the Roman Catholic schools have heretofore educated Indian children in a very satisfactory way; I understand that the Methodist schools and the Presbyterian schools and all others have substantially discharged their duties toward the Government, and that no particular complaint has heretofore been made that they have forced their peculiar dogmas upon the Indian children. If that be true, what is there to be considered except to continue to pay the schools, or the managers of the schools, for aiding us in the discharge of the duties which we admit exist?

Mr. President, in Illinois, and I believe all over the country where the public schools exist, I do not remember that I have ever known a school board to inquire whether an applicant for the position of a teacher was a Methodist, a Baptist, or a Roman Catholic. I have always supposed that the teacher was employed with reference to his or her qualifications, and I must confess that I can not see now what objection there can be to the employment of a Roman Catholic teacher or the subsidizing of a Roman Catholic school, or a Presbyterian or a Methodist school, to instruct the Indians in the rudimentary branches of education; and that is all. I believe, we propose to extend to them.

I know the term "sectarian" has an odious sound; I know that with some the Roman Catholic faith is regarded as objectionable; the Methodists are opposed by some; the Presbyterians by others; the Baptists by others; and so of that gentle denomination called Friends. I believe down in some of the New England States at one time the Friends were persecuted and driven out; their very innocence made them the object of local opposition. But it seems to me we are sticking in the bark, and that the noise being made over this question just now is a sort of contribution to a sentiment which every now and then arises in the country, and makes an enormous noise about exceedingly unimportant things.

I shall vote for the amendment upon the simple ground, preferring secular education as I do, that at present the United States Government is not prepared to furnish the means of education to all these children. To the extent that we need to subsidize these sectarian schools, let it be done: but beyond that, after that, I am willing to agree with any Senator who may prefer a strictly secular education. I am not able to see that any question is involved here beyond the mere question of convenience. If we owe this duty we ought to discharge it. If we can not do it with our present methods, there are those who have the facilities whom we can employ, whom we can subsidize. If we can use them, why shall we not do it?

The Senator from Montana [Mr. CARTER] made some observations in regard to the probable improvement of the Indians by almost any form of faith. It seems to me in respect to barbarians, if the Indians are to be so regarded still, although I understand that many of them are American citizens, any form of faith would be an improvement. I am sure that there will be no danger to them arising from that cause, and Senators need not give themselves so much anxiety about the methods of teaching in those schools, because I am sure that no such impression will be made upon the Indians as will be injurious to them. They need improvement; and any method of instruction would be an improvement upon their present condition. They would be wiser and better taught in any of these sectarian schools than they would be if left entirely without education.

Mr. PEFFER. Mr. President, the objection raised by the Senator from Montana to the provision of the bill as passed upon by the House contained on page 58 is that a large number of Indian children will be deprived of school facilities under the provisions of the bill as it now appears before us. I propose to insert on page 59, in line 3, after the word "schools," what I now read:

And in any case, if such there be, where the provisions of this act shall operate to deprive Indian children of present school facilities, the Secretary of the Interior is hereby authorized to provide such temporary school accommodations, including teachers, as may be necessary for the time being, and report to Congress at the opening of the next regular session.

I think that will obviate the difficulty spoken of by the Senator from Montana [Mr. CARTER]. I wish to say for myself in this connection that I have no objection of any kind or character to the creed, to the ritual, to the form of worship, or the polity of any denomination or religion.

I think the religion of the Master as He taught it is broad enough to cover all mankind and all the various denominations that are trying to be Christian. So my objection to sectarian schools is not based upon any objection to a particular denomination. I think men and women can worship as well in one form as in another, provided the heart is right, when it is "out of the abundance of the heart the mouth speaketh." I ask the Secretary to read the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "schools," in line 3, page 59, it is proposed to amend by inserting:

And in any case, if such there be, where the provisions of this act shall operate to deprive Indian children of present school facilities, the Secretary of the Interior is hereby authorized to provide such temporary school accommodations, including teachers, as may be necessary for the time being, and report to Congress at the opening of the next regular session.

Mr. HOAR. Where does the amendment come in?

Mr. PEFFER. It is to be inserted immediately after the word "schools."

Mr. FAULKNER. Is it a substitute?

Mr. PEFFER. It is to be inserted immediately after the word "schools," in line 3, page 59, leaving the rest of the matter to stand.

Mr. MITCHELL of Oregon. That is at a different point in the bill.

Mr. PEFFER. My amendment is to come in on page 59, line 3.

Mr. PETTIGREW. After the other amendment is disposed of?

Mr. PEFFER. I understand that the amendment of the Senator from Montana [Mr. CARTER] is to strike out certain words, and I propose to amend the original text by adding what I have sent to the desk.

Mr. HOAR. The Senator's amendment is not to take the place of the amendment of the Senator from Montana [Mr. CARTER]?

Mr. PEFFER. It is not to take the place of the Senator's amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas [Mr. PEFFER].

Mr. TELLER. Let the amendment of the Senator from Kansas be read. We do not know what it is.

The PRESIDING OFFICER. The amendment will again be stated.

The SECRETARY. After the word "schools," in line 3, page 59, it is proposed to insert:

And in any case, if such there be, where the provisions of this act shall operate to deprive Indian children of present school facilities the Secretary of the Interior is hereby authorized to provide such temporary school accommodations, including teachers, as may be necessary for the time being, and report to Congress at the opening of the next regular session.

Mr. CARTER. Do I understand the Senator from Kansas to offer the amendment as a substitute for the amendment I propose?

Mr. PEFFER. No. My object is to save the present wording of the bill and to add what the Secretary has read, so as to obviate the objection raised by the Senator from Montana, with the hope that by the adoption of my amendment the Senator's objection would be satisfied and that he would urge no further objection.

The PRESIDING OFFICER. The motion of the Senator from Montana [Mr. CARTER] is to strike out and insert. The motion of the Senator from Kansas [Mr. PEFFER] to insert, being to perfect the text of the part proposed to be stricken out, is in order. So the question before the Senate is on the amendment of the Senator from Kansas.

Mr. CARTER. Mr. President, the amendment of the Senator from Kansas [Mr. PEFFER] is open to the serious objection which applies to the provision in the bill.

I call attention to page 3 of the report of the Commissioner of Indian Affairs for the year 1895, where the statement is made that not to exceed—to be more accurate I will read it:

These figures do not include schools among the Five Civilized Tribes nor those which the State of New York provides for her Indians. Therefore it is peculiarly gratifying to note the fact that from the remaining tribes 23,036 Indian pupils are now gathered together under the civilizing influence of schools and brought into daily contact with enlightened ideas and customs.

The 23,036 represent the full capacity of the Government schools and the contract schools, and the full capacity of certain schools supported exclusively by charity without Government aid. This he suggests is over 60 per cent of the entire Indian school population exclusive of New York and the five Indian tribes. The report for the preceding year suggested that the total school capacity did not exceed 50 per cent. It is obvious when construing the two reports together that school facilities have been increased by the Government to accommodate about 10 per cent of the school population in addition to those theretofore supplied.

I have here a table showing the condition on 20 Indian reservations, from which it is manifest that on those reservations the

total school population is 15,488, while the Government has accommodations for only 5,733.

Mr. TELLER. What are the reservations?

Mr. CARTER. The Cœur d'Alene Reservation, in Idaho; the White Earth Agency, in Minnesota; the Crow Agency, in Montana; the Fort Belknap Agency, in Montana; the Tongue River Agency, in Montana; the Blackfeet Agency, in Montana; the Pueblo Agency, in New Mexico; the Turtle Mountain Reservation, in North Dakota; the Osage Agency, in Oklahoma; the Pine Ridge Agency, in South Dakota; the Crow Creek Agency, in South Dakota; the Rosebud Agency, in South Dakota; the Tulalip Agency, in Washington; the La Pointe Agency, in Wisconsin; the Green Bay Agency, in Wisconsin; the Shoshone Agency, in Wyoming; the Mission Agency, in California; the Flathead Agency, in Montana, and the Umatilla Agency, in Oregon.

The table is as follows:

Table showing school facilities on reservations where contract schools are in operation.

Reservation or agency.	School population.	Capacity of schools.			Children unprovided for.
		Government.	Contract.	Total.	
Colville Agency, Wash. / Cœur d'Alene Reservation, Idaho	628	75	450	525	103
White Earth Agency, Minn.	1,925	711	300	1,011	914
Crow Agency, Mont.	365	160	200	360	5
Fort Belknap Agency, Mont.	263	110	300	410	
Tongue River Agency, Mont.	299	30	55	85	214
Blackfeet Agency, Mont.	407	125	540	665	
Pueblo Agency, N. Mex.	2,323	285	615	800	1,523
Turtle Mountain Reservation, N. Dak.	1,043	150	175	325	718
Osage Agency, Okla.	464	220	175	395	69
Pine Ridge Agency, S. Dak.	1,515	1,000	200	1,200	315
Crow Creek Agency, S. Dak.	405	280	175	455	
Rosebud Agency, S. Dak.	1,262	678	225	903	359
Tulalip Agency, Wash.	335	50	150	200	115
La Pointe Agency, Wis.	1,153	341	530	871	282
Green Bay Agency, Wis.	729	470	170	640	89
Shoshone Agency, Wyo.	394	150	125	275	119
Mission Agency, Cal.	1,391	898	300	1,198	193
Flathead Agency, Mont.	387		450	450	
Umatilla Agency, Oreg.	223	100	150	250	
Total	15,488	5,733	5,185	11,018	4,995

To resume, the total school population is 15,488; the aggregate capacity of the Government schools is 5,733; the aggregate capacity of the contract schools is 5,185; the total capacity of the schools on those reservations is 11,018, leaving 4,995 children unprovided with school facilities in either Government or contract schools at the agencies named.

The proposition presented in the amendment of the Senator from Kansas would leave the bill as it stands and provide that the Secretary of the Interior shall proceed betweeen now and the 1st day of next July, when the pending bill becomes the law of the land, prohibiting absolutely a contract with any of these denominational schools, and requires the Government to furnish buildings independent of them. I submit that it is practically impossible. The buildings can not be constructed and the facilities provided within the limit of time suggested.

Mr. PEFFER. Does the Senator from Montana mean to say that there are no buildings on the ground now where the schools are at present conducted? If there are, could not those buildings be rented?

Mr. CARTER. Those buildings might be rented, but that might involve the process of confiscation. It may be that many of those good people will desire to prosecute their work notwithstanding Government schools are erected on the reservations, and I do not understand it to be in harmony with the policy of the Government to compel people to dispose of their property, property which they were encouraged to construct by acts of Congress and by the country.

Mr. TELLER. I should like to ask the Senator if he thinks there is anything in the bill prohibiting them from conducting such schools if they desire?

Mr. CARTER. There is not.

Mr. TELLER. Then, if it is impossible to rent their buildings and they prefer to go on furnishing their own facilities, of course no children will be turned out.

Mr. PETTIGREW. Will the Senator from Montana yield to me for a moment?

Mr. CARTER. Certainly.

Mr. PETTIGREW. There are two schools in South Dakota under the control of the Catholic Church, one at Pine Ridge and the other at the Crow Creek Agency. They are both very many miles from any other school whatever or any other building. They were built there at the invitation of the Government, and permission was given to build them on ground at those agencies. I undertake to say that if the bill passes as it is framed they will not rent those schools, and that instead of there being 300 children in them next year there will probably be 50 in each school, and they will wait until they can collect money enough to go on.

If we make a gradual reduction of 20 per cent a year they will keep the children, and the schools will go on as heretofore. But the church will not rent the building and turn their teachers out for a year or so, until the Government can build other schools, leaving their property unoccupied, without any equipment so far as teachers are concerned. But if we make a reduction of 20 per cent—and it is the only way you can take care of the children—they will raise money enough to conduct the schools at the present capacity.

Mr. HOAR. Mr. President, it seems to me there is another practical difficulty which has not been considered in the debate. Suppose the sectarian schools are discontinued on the 1st of next July and they go on under the denominations, as many of them I suppose will, with decreased funds, but still keeping up the school in a private way. Here in those schools at various stages of their education are the children who have been entered there by the Government and the charge of whose education has been defrayed by the Government. Perhaps one child is within six months of graduation, another within a year, and so on. It is very hard to take those children away from the school where they are going through. They may have a prospect of becoming teachers or finding places in the school if they graduate. It is very hard to compel them to go to an entirely new school, where they are unknown to the teachers and where the teachers are unknown to them.

Suppose, although I do not imagine it is likely to happen, we should make it illegal to make a further contract with Hampton. We have all seen those children there, how much they are attached to the school and how well they are doing. It would be a gross injustice to compel the discontinuance of the education of a child there who had got within one or two years even of his or her graduation. The amendment of the Senator from Montana [Mr. CARTER], if I understand it, provides pretty well, I think, for such a case. It is not in print.

Mr. ALLISON. It is not in print.

Mr. HOAR. I hope it will be printed if it goes over until tomorrow morning. If I recollect it aright, it provides for such a case, and I am sure the Senator from Kansas [Mr. PEFFER] would desire to modify his amendment in that respect so far as it might be advisable.

Although I rose only for this purpose, I should like to say a few words on the general subject, and they will be very few indeed, because it is not necessary to argue the question with a view to convincing Senators, and my own opinions on this subject are known to anybody who is or ever will be curious about them.

The sectarian school plan was started by General Grant, who had a personal interest in it to a very large degree. I think he prided himself on it as one of the best things he did in his time. At any rate, if it was not originated by him it was heartily indorsed by him, and I myself have heard him speak of it in private. The whole public service had become to some extent demoralized during the war, and the Indian service had been particularly a reproach to the country; and the idea was that if instead of having influential politicians or other influential people in Congress or out select Indian agents and teachers of Indian schools, as a reward for political service, the religious bodies of the country would propose persons for appointment as Indian agents and teachers and to carry on and conduct the schools, then so far as the schools were concerned it would make a great improvement.

At the same time unquestionably it was founded on a vicious principle. The Senator from Illinois [Mr. PALMER] says: "What harm does it do to teach an Indian child, just coming out of barbarism, the tenets of some particular religious sect? It is a great deal better than to leave him without any education at all." But the trouble is, you can not do that without exciting a strife between the religious sects for the opportunity of giving that instruction, and without compelling the Government to make a choice between the religious sects, which must stand equal before our law, in making the selection in every particular case.

I suppose there are religious denominations in this country which would take upon themselves the task of furnishing the entire religious and secular education of the Indian children in the country—certainly there is one—and do it very well. I suppose the Catholic Church would do it. I presume the American Missionary Association would do it. They would raise the funds so far as would be necessary beyond Government appropriations. But the result would be an invasion of the principle which lies at the foundation of our Government. You can not expect religious denominations to give religious instruction to children without giving the instruction in accordance with the tenets of their own sects.

There are religious sects in this country and in the world, powerful in influence and large in numbers, which believe that the failure to accept particular statements of faith, views of theology—even

if the failure exists from never having heard of them—condemns a person in that condition of unbelief to eternal misery and alienation from the favor of God in this world and the next. How can anybody who entertains such a belief fail to instruct any human being who comes within his influence in the faith which in his judgment is essential to salvation? Therefore the only way is to adhere to the principle of our Constitution, that there shall be no connection between any religious instruction and the state. I never liked that scheme when it was adopted, and I am heartily in favor of discontinuing it as soon as it can be discontinued with justice to the children who are now under process of instruction and to those religious bodies which have undertaken these duties at the invitation of the Government itself. But I think we should carefully provide for the completion of the education of all children whose education has begun under the present scheme.

I suppose it is not necessary for me to say that I have no sympathy whatever with any attempt at exclusion from all the functions or privileges or rights of American citizenship of anybody on account of his religious belief. The Catholic, Congregationalist, Unitarian, Methodist, Episcopalian, as well as all others, stand equal before the law, equal in their rights of American citizenship. If a person is to be attacked because of any supposed bigotry or intolerance, or because his faith, his opinions, are in conflict with American freedom, it should be done not by making religious faith a test of admission to or exclusion from public office, not by making religious faith the reason for giving or withholding the support of political parties or the votes of citizens, but by making the application of the principle to the individual himself. If a person who is bigoted, who is narrow, who owes an allegiance to a foreign potentate which is inconsistent with his allegiance to the Constitution and laws of his own country is proposed for public office or as teacher in a public school, apply your principle to him, but never incorporate into the political creed of any party or into the political conduct of any association of men the doctrine that because of religious faith alone an individual is to be excluded from the functions of American citizenship.

I hope, therefore, that the policy of divorcing the schools of the Government—whether they are the common schools in the States or the Government schools for the benefit of the wards of the nation—of denominational influence or control will go on and will be consummated. But it can not be done in an hour or in a day. If I understand the amendment of the Senator from Montana [Mr. CARTER] it provides for a continuance of the present scheme to such an extent as will prevent injustice to the persons with whom the Government is contracting or injury to the individual. If I understand the amendment of the Senator from Kansas [Mr. PEFFER] it will on the 1st of July next take children from schools where they are now being educated, and where in many instances they have nearly completed their education, and remove them arbitrarily and in a mass to other schools which may be insufficient, and, at any rate, where their education has not so far begun. I am sure the Senator from Kansas does not desire that, and I presume that before he brings his amendment to a vote he will in some way modify it so as to prevent that evil.

I ask that all amendments of which notice has been given may be printed for the use of the Senate.

The PRESIDING OFFICER. It will be so ordered, if there be no objection. The Chair hears none.

Mr. ALLISON. Mr. President, I wish to occupy the attention of the Senate as to these provisions long enough to say in reply to the Senator from Illinois [Mr. PALMER], who I regret is not in his seat, that it is a mistake to suppose that the Committee on Appropriations, in presenting this bill, did so with the idea or understanding that the children now enjoying educational advantages either at Government schools or at contract schools would be deprived of such facilities by means of the provisions contained in the bill. It will be observed, in the first place, that the Senate Committee on Appropriations increased by $200,000 the amount of the appropriation provided by the other House. It will be observed in the next place that we have increased the appropriation for the construction, purchase, lease, and repair of school buildings and the purchase of school sites $100,000. So there is provided in the appropriation bill for additional public schools $230,000 in round numbers, which may be applied either to the purchase or rent of any of the schools that are denominated as sectarian schools. The committee did intend fairly to provide for such schools as under the provisions of the bill might be discontinued.

It is not true, as stated, that the effect of these provisions will be to discontinue the education of from three to four thousand children. It may be that a certain number of children will be deprived of means of education unless the school buildings can be rented, as in the case suggested by the Senator from South Dakota [Mr. PETTIGREW] and in the case of the Flathead Agency instanced by the Senator from Montana [Mr. CARTER]. It is also a mistake to suppose that these contract schools embrace within them any considerable amount of the money annually appropriated for the education of Indian children.

I have before me a statement which I have collated from the report of the Commissioner of Indian Affairs for the present year, in which it is shown that there are now educated at the public day schools of the different States 487 pupils, which, by the amendment suggested by the Senator from Montana, will be absolutely deprived of the power of going into schools, because his amendment confines the education of Indian children to National Government schools. It is the consensus of opinion of the Superintendent of Indian Schools, the Commissioner of Indian Affairs, and those most familiar with the education of Indian children that the best way to educate them is to have them mingle with the white children in the different schools, where that is practicable, and it is practicable to the extent of 500 children during the current year.

Mr. CARTER. Will the Senator from Iowa allow me?

Mr. ALLISON. Certainly.

Mr. CARTER. There is no objection whatever to the amendment to the amendment providing that the education shall be given in Government schools or in public schools under the control of the respective States and Territories.

Mr. ALLISON. I only speak of the amendment as proposed by the Senator; and it will be printed in that way unless it is modified.

The Commissioner of Indian Affairs was before the Committee on Appropriations and stated that this method of education is growing in popularity not only with the Indian children, but with the schools in the neighborhood of Indian children where the General Government provides for 15 or 20 children, paying a specific amount for the tuition at the schools, and thus enlarge the local schools in the interior of our country.

I will state the number educated at nonreservation Government schools, schools controlled wholly by the Government at this time. Perhaps the average attendance is somewhat less, but at non-Government schools, where the school buildings are erected and the schools in operation there is a capacity for 4,673 children. There are Government reservation schools, known as Government boarding schools on the reservation, of a capacity sufficient now to take care of 7,845 Indian children, there being 75 reservation Government schools in all and 19 nonreservation Government schools.

There are upon Indian reservations 110 day schools controlled and paid for by the Government, with a capacity of 4,145, making in all of nonreservation and reservation Government schools and day schools a capacity of 17,150 children—schools which are now wholly controlled by Government expenditure and Government supervision.

Now, let us examine from this same report the Government contract schools and see how they are distributed and what is the character of those schools. All the Government contract schools are enumerated on pages 11 and 12 of the current report of the Commissioner of Indian Affairs. I have not computed the exact number, but I believe there are 39 in all. There are in all these contract schools in the neighborhood of 3,800 pupils. Of these pupils, 348 are in contract day schools mentioned here. I do not know whether they are sectarian; probably some of them are, probably not; but there are 348 pupils in day schools, with an average annual expenditure of from $10 to $30. They do not come within the range of the expensive contract schools—of the contract schools known as boarding schools—where we pay from $108 to $150 per annum for each pupil or for each term of ten months. The Senator from Montana will see that although this appropriation begins on the 1st of July, the school year does not begin until the 1st of September, or in most cases as late as the middle of September, and then it continues only up to July. The school vacation for Indian schools continues from two to three months, as the vacation for other schools is from two to three months.

Mr. PEFFER. Four weeks are regarded as a month.

Mr. ALLISON. Yes; four weeks are regarded as a month, I believe.

I have shown that 348 of the 3,800 pupils are in day schools. The largest number in the day schools, according to my recollection, is 25. So these 348 pupils are scattered through day schools ranging from 10 to 25 pupils each.

I find there are of boarding schools 14 where the attendance numbers 50 or under. If anyone will take pains to examine the details, to be found as I have stated, he will see that these small boarding schools are scattered all over the United States, some of them on reservations. I do not know but all of these are on reservations, but they are in California, Arizona, Oregon, Washington, Idaho, and so on. Three of them have 60 pupils; one of them has 65; one of them has 70; one of them has 90; four have 95; one of them has 105; one, 110; one, 130; one, 140, and one, 145; making only 1,925 pupils, exclusive of the 348 who are at the day schools.

In addition to that there are, as shown by this report, certain other schools specially appropriated for by Congress which are

not included in the pending bill, but have been included in Indian appropriation acts hitherto, at least for one or two years. Among these are included, of course, the school at Hampton, Va., and the Lincoln Institution at Philadelphia, which together have 320 pupils. The Flathead school in Montana, which the Senator from Montana mentioned especially, has 300 pupils. So in addition to the 1,925 classified as I have shown, the larger portion of them being at schools where there are 70 pupils or less, there are a few schools specially provided for in other appropriation acts and not included in this bill.

The Commissioner of Indian Affairs said to us that he did not believe there would be any great difficulty in providing for most of the children at these schools if he had an additional sum of money. He admitted that it would be somewhat inconvenient to do so, but with $100,000 additional he could practically provide for them all.

Mr. President, it is a mistake to suppose that this school system of ours, especially as respects contract schools, had its origin a quarter of a century ago. It had its origin with the Hampton school, as I remember. There was before that time no contract school. It was never dreamed of by President Grant during his whole term of service. The idea was that the religious people of our country should have the control and direction of these Indians; that they should become the agents and employees; and that the patriotic and charitable people connected with the different churches would themselves establish mission schools whereby religion should be taught as well as secular education. But it was never supposed or dreamed that I know of during the period of his term of office that there should be what are known as contract schools. Some time ago there was a great massacre in the Indian Territory or in that neighborhood. It was the Wichitas and Cheyennes, was it not? The Senator from Arkansas [Mr. JONES] will remember.

Mr. JONES of Arkansas. It was.

Mr. ALLISON. Three hundred of those Indians were transported under military authority to Pensacola or some place in Florida. They were there three years in prison, practically under the military authority and under the care of Captain Pratt. When they were to be removed some twelve or fifteen of those people desired to be educated. They were not children; I believe all of them were mature men and women. Some place was sought in the Northern States were these adult Indians, whose hands were red with the blood of white men, could have an opportunity to learn, if you please, the rudiments of our English language, and to be educated as respects our civilization How many applications were made I do not know, but Hampton Institute had been organized by the State of Virginia as a normal and agricultural school for the education of the colored race in order to fit them to go out among their brethren in the South and educate them in the common schools, and Hampton Institute, with General Armstrong at its head, said: "Bring your 15 Indian people here and we will educate them as best we may." Captain Pratt landed them at the Hampton Institute, and the Government paid for the cost of their keeping and their education there. Captain Pratt remained there a year, training and educating those Indians. Then it was for the first time that the idea was projected into our policy of carrying away from the reservations and from the homes of the Indians the young children who were roaming over the plains of the West.

It was my fortune, Mr. President, to visit the Sioux tribes in 1875. I saw there as intelligent and enlightened men as respects their judgment and their brain power as any set of men I have seen. But I saw at their agencies more than 1,100 children playing upon the high plains without a single schoolhouse within 50 miles of them, although in 1868, under the treaty which was made by General Sherman and ratified by Congress, we agreed that from the day of its ratification we would provide them with schools for all the children between the ages of 7 and 16 years. Yet schools were not provided for them. In a report which I made to the Commissioner of Indian Affairs as a member of an Indian commission, I stated as my belief then that the best way to execute the obligation which we had made to those Indians would be to segregate the young people from the wild tribes and educate them as white children are educated. That was not done. But afterwards a few of those and a few belonging to other tribes were found at Hampton.

After Captain Pratt had remained at Hampton, I believe, one or two years he separated from that institution and established the institution at Carlisle, which has been so well and so ably managed by him from that time to this. It will be seen by the roster, if I may call it so, of the Indian schools that Captain Pratt's school has a capacity of 800 pupils. But within two weeks he has told me that he has 1,200 in his school. His policy is to allow the young Indian children to go out among the farmers at intervals and earn wages, and come in at other intervals and receive the benefits of the school at Carlisle. So the policy of making contracts began at Hampton and was pushed at Carlisle for some time.

The Senator from Massachusetts alludes to the growth of this policy. That growth is largely to be attributed to the Senator's late colleague, Mr. Dawes, who was chairman of the Committee on Indian Affairs, and who, in season and out of season, begged the Committee on Appropriations for a constant increase of the appropriation for the education of Indian children.

Mr. HOAR. I spoke of the contract with religious bodies for the education of Indian children.

Mr. ALLISON. The contract with religious bodies came after Hampton and after Carlisle. I have here a table showing that up to eighteen hundred and——

Mr. HOAR. I do not want to interrupt the Senator from Iowa in his very interesting statement, but I think perhaps I may claim a little of the credit of that change for myself without boasting or vanity.

Mr. ALLISON. I have no doubt the Senator is right about that.

Mr. HOAR. I was about to say, if the Senator from Iowa will pardon me, that I made a speech on the subject of the Indian question before my colleague, Mr. Dawes, went upon the Indian Committee, in which I gave, after a great deal of study, the entire cost of the Indian wars from the beginning of the Government, and showed that it would have been cheaper for the Government to have supported all Indian children of school age and put them into costly schools, they being then, of course, hostages for the good behavior of their parents, than it would be to defray the cost of the Indian wars. In that speech I quoted from the report of my honorable friend the Senator from Iowa himself, who was then as now a member of the Committee on Appropriations, and moved an appropriation of $2,000,000 that year for Indian education.

The Senator from Iowa replied then that, while he recognized the obligation which he had stated in his report, it was utterly impracticable to expend so large an amount on Indian education in a single year, because the teachers were not there, the schools were not there, the machinery was not there. He said if I would make it, I think, $300,000—I have forgotten what the sum was, but it was a very great advance on what was ever granted before—he would support it. He did support it, and that amendment, supported by the Senator from Iowa, with which I had become the means of stirring him up a little, was the first large increase of the appropriation for Indian education. I do not know whether my friend remembers that or not, but it is the fact.

Mr. ALLISON. I do remember it very well.

Mr. HOAR. So the first large increase which originated the present policy of Indian education, taking all the children we could get from a particular band and putting them into a school, was due to an amendment to an appropriation bill which the Senator from Iowa himself espoused, and which without his great influence in the Senate never would have gone through.

Mr. ALLISON. I thank the Senator from Massachusetts. I remember very well his remarks upon that occasion and his array of facts as to the cost of Indian wars, and especially the Indian war which followed our failure to carry out our obligations to the Sioux tribe. I remember also his amendment and my promise to aid him. That only reenforces what I was about to show from a table which is found in the report of the Commissioner of Indian Affairs. In 1877 we appropriated only $20,000 for the education of Indian children. In 1881, four years later, we appropriated only $75,000. Then we began to increase the appropriation. I think that was about the time the Senator from Massachusetts pressed upon us the importance of Indian education. We then began to increase the appropriation until, in 1886, we appropriated $1,100,000. The largest appropriation made was in 1893, when we appropriated $2,315,612. So, from 1881 to 1893 we increased our appropriations for the education of the Indian tribes from $75,000 to $2,315,000. If you will compute the appropriations made in the pending bill, you will find that they are equal to the largest appropriation that has ever been made for Indian education, I think, although I have not computed it with accuracy.

Mr. President, the education of the children of our Indian tribes has been a growth, and it has been a rapid growth. It has grown so that from a small number of children there are 23,000 children educated under the provisions of our laws, 18,000 of whom are educated at Government schools and schools under the immediate control of the Government. So the progress we have made in educating Indian children has been the progress of the appropriations made by the Government.

There is one result that I think has followed it, although I have not examined it with care, except to see what has been the result for the last two or three years. As the Government increased its benefactions to the Indian tribes for educational purposes the donations, if you please, or collections for education by means of private munificence, have correspondingly diminished. So, although this expense is nearly $2,300,000 by the Government there

is less than $200,000 provided for the education of all the children at the mission schools, if you call them mission schools. When Senators come to examine this whole system of education they will find that the Government has made the chief provision.

If injustice has been done, if we have not made adequate provision here for the support of the contract schools, the proposed change is not one which was first inserted in this bill, but which was proposed two years ago, and agreed to by both Houses at that time. This provision is simply in pursuance of what we did then. We then solemnly declared that the Government of the United States should itself provide for the education of Indian children under its own authority and under its own direction at the earliest day practicable. We have, therefore, segregated these schools with a view to show that it is within the power of the Commissioner of Indian Affairs, in my belief, to provide for most, if not all, of the Indian children who are now at the contract schools. The Senator from Illinois [Mr. CULLOM] reminds me that the Commissioner of Indian Affairs stated before the committee that that could be done.

As to Hampton, I voted to strike out the provision in relation to that school, because the information I had at the moment, and which was before the Committee on Appropriations, led me to believe that Hampton was a sectarian school within the reasonable purview of the statute, but I have since had ample information to convince me that it is not sectarian in any sense. I think Lincoln Institute at Philadelphia is a little nearer to being so, but I think that, too, may be fairly excluded.

So the Committee on Appropriations, in endeavoring to adjust the differences of views and opinions as to this great subject of Indian education, had not in mind the idea that we were turning any Indian child out of a school or that we were depriving any Indian child of an opportunity of receiving an education under the provisions of this bill. If it can be fairly shown that that would be the effect of our action I, for one, am willing to make just provision in order that that may not happen.

Mr. ALLEN. In view of the fact that we can not get through with the discussion of the Indian appropriation bill to-night, I ask the Senator from South Dakota to yield to me to have the bill for the holding of a transmississippi exposition at Omaha taken up.

Mr. PETTIGREW. I am very desirous of disposing of the appropriation bill. I presume there are no other speeches to be made upon the pending question, and I think we might have a vote upon it.

Mr. ALLEN. From the fact that I saw the Senator from Montana [Mr. CARTER] getting together a pile of books, and other Senators getting up data, I concluded that probably there would be more speeches.

Mr. CARTER. If the Senator will permit me, I desire to submit an amendment.

Mr. ALLISON. I yield to the Senator from Montana.

Mr. CARTER. The Senator from Iowa seems to object to the word "National" in reference to the Indian schools.

Mr. ALLISON. The Senator is mistaken; I do not object to the words "National Government schools."

Mr. CARTER. To what does the Senator object, then?

Mr. ALLISON. I stated to the Senator that using that phrase might prevent the children who are now attending the State schools from attending the national schools. If the Senator prefers that language, I do not object.

Mr. CARTER. In order to meet the objection of the Senator from Iowa, which, by possible construction, might exclude the public schools of the country, for which I have a reverence which will compare equally with that of any Senator on the floor, I suggest that the word "National," in line 10, be stricken out immediately before the word "Government," and after "Government" the words "or public" be inserted; so that the amendment will read "Government or public schools."

Mr. MITCHELL of Oregon. The amendment of the Senator from Montana has not been printed. It is made up from a printed amendment proposed by the Senator from Missouri [Mr. COCKRELL] originally, doctored to suit the Senator from Montana, and now it is proposed to amend it again. For one I confess that I do not understand it. Had we not better adjourn and think over it? Let the amendment be printed as it is now proposed.

Mr. CARTER. Very well.

The PRESIDENT pro tempore. The amendment of the Senator from Montana will be printed as modified, in the absence of objection.

Mr. TELLER. I ask leave to offer an amendment to the pending bill, to come in at the top of page 51, and I ask that it be printed.

The PRESIDENT pro tempore. Does the Senator desire to have the amendment read?

Mr. ALLISON. I ask that the proposed amendment be printed in the RECORD.

The PRESIDENT pro tempore. It will be so ordered, in the absence of objection.

The amendment intended to be proposed by Mr. TELLER is to insert at the top of page 51 the following:

To enable the Secretary of the Interior to negotiate with the Uncompahgre tribe of Indians, and with the Indians residing upon the Uintah Reservation in the State of Utah, and with any other Indians, for the surrender of any portion of their respective reservations, or for such modification of existing treaties as may be deemed desirable by said Indians and the Secretary of the Interior, any agreement thus negotiated being subject to subsequent ratification by Congress, $15,000.

TRANSMISSISSIPPI EXPOSITION AT OMAHA.

Mr. ALLEN. I now ask unanimous consent for the consideration of Senate bill 1306, displacing the pending measure merely temporarily.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent to proceed to the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (S. 1306) to authorize and encourage the holding of a transmississippi exposition at the city of Omaha, in the State of Nebraska, in the year 1898, and making an appropriation therefor.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. ALLEN. The bill has been read.

Mr. ALLISON. I wish to suggest one or two amendments to the Senator from Nebraska. I wish to strike out section 5, and to substitute for it an amendment which I will send to the Secretary's desk.

The PRESIDENT pro tempore. The committee amendments have not yet been acted upon.

Mr. ALLEN. Let the committee amendments be first acted on.

Mr. ALLISON. I will withhold my amendment for the present.

The first amendment reported by the Select Committee on International Expositions was, in section 1, line 3, after the word "transmississippi," to insert "and international"; and in line 6, after the word "transmississippi," to insert "and international"; so as to make the section read:

That a transmississippi and international exposition shall be held at the city of Omaha, in the State of Nebraska, in the year 1898, under the auspices of the Transmississippi and International Exposition Association: *Provided*, That the United States shall not be liable for any of the expense attending or incident to such exposition nor by reason of the same.

The amendment was agreed to.

The next amendment was, in section 4, line 3, after the word "transmississippi," to insert "and international"; and in line 8, after the words "fifty thousand dollars," to strike out:

And for the fiscal year ending June 30, 1896, there is hereby appropriated for said building or buildings, out of any money in the United States Treasury not otherwise appropriated, the sum of $50,000.

So as to make the section read:

SEC. 4. That the Secretary of the Treasury shall cause a suitable building or buildings to be erected on the site selected for the transmississippi and international exposition for the Government exhibits, and he is hereby authorized and directed to contract therefor, in the same manner and under the same regulations as for other public buildings of the United States; but the contract for said building or buildings shall not exceed the sum of $50,000. The Secretary of the Treasury is authorized and required to dispose of such building or buildings, or the material composing the same, at the close of the exposition, giving preference to the city of Omaha, or to the said Transmississippi and International Exposition Association, to purchase the same at an appraised value to be ascertained in such manner as may be determined by the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, in section 5, beginning in line 1, to strike out: "That for the purpose of paying the expense of transportation, care, and custody of exhibits by the Government and the maintenance of the building or buildings hereinbefore provided for, and the safe return of articles belonging to the said Government exhibit, and other contingent expenses to be approved by the Secretary of the Treasury upon itemized accounts and vouchers, there is hereby appropriated for the fiscal year ending June 30, 1896, out of any money in the Treasury not otherwise appropriated, the sum of $20,000, or so much thereof as may be necessary: *Provided*"; and in line 16, after the word "aggregate," to fill the blank by inserting "250."

Mr. ALLISON. Now, I offer my amendment to the amendment of the committee. My amendment covers the striking out of the whole of section 5 and inserting what I send to the Secretary's desk.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Iowa will be stated.

The SECRETARY. It is proposed to strike out all of section 5, and in lieu thereof to insert:

The United States shall not be liable on account of said exposition for any expense incident to or growing out of same, except for the construction of the building or buildings hereinbefore provided for, and for the purpose of paying the expense of transportation, care, and custody of exhibits by the Government and the maintenance of the said building or buildings and the safe return of articles belonging to the said Government exhibit and other contingent expenses to be approved by the Secretary of the Treasury upon itemized accounts and vouchers; and the total cost of said building or buildings shall not exceed the sum of $50,000, nor shall the expenses of said Government

exhibit for each and every purpose connected therewith, including the transportation of same to Omaha, and from Omaha to Washington, exceed the sum of $150,000; amounting in all to not exceeding the sum of $200,000.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Iowa to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Select Committee on International Expositions was, in section 6, line 4, after the words "sum of," to insert "ten."

Mr. ALLISON. I wish to suggest to the Senator that that amendment be not agreed to: and that instead of "$10 per day" there be inserted "a reasonable sum to be fixed by the Secretary of the Treasury."

Mr. ALLEN. That is agreeable, Mr. President.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. In section 6, line 4, it is proposed to strike out the words, "the sum of ten dollars per day," and insert, "a reasonable sum, to be fixed by the Secretary of the Treasury."

Mr. COCKRELL. Let the section be read as it will stand if amended.

The PRESIDENT pro tempore. The section will be read as it will stand if amended.

The Secretary read as follows:

SEC. 6. That the commission appointed under this act shall not be entitled to any compensation for their services out of the Treasury of the United States, except their actual expenses for transportation and a reasonable sum, to be fixed by the Secretary of the Treasury, for subsistence for each day they are necessarily absent from home on the business of said commission. The officers of said commission shall receive such compensation as may be fixed by said commission, subject to the approval of the Secretary of the Treasury, which shall be paid out of the sums appropriated by Congress in aid of such exposition.

The amendment was agreed to.

The next amendment of the Select Committee on International Expositions was, in section 7, after the word "transmississippi," at the end of line 2, to insert "and international"; so as to make the section read:

SEC. 7. That medals, with appropriate devices, emblems, and inscriptions commemorative of said transmississippi and international exposition and of the awards to be made to the exhibitors thereat, shall be prepared at some mint of the United States, for the board of directors thereof, subject to the provisions of the fifty-second section of the coinage act of 1896, upon the payment of a sum not less than the cost thereof; and all the provisions, whether penal or otherwise, of said coinage act against the counterfeiting or imitating of coins of the United States shall apply to the medals struck and issued under this act.

The amendment was agreed to.

The next amendment was, in section 8, line 4, after the word "Transmississippi," to insert "and International"; so as to read:

SEC. 8. That the United States shall not in any manner, nor under any circumstances, be liable for any of the acts, doings, proceedings, or representations of said Transmississippi and International Exposition Association, its officers, agents, servants, or employees, or any of them, or for service, salaries, labor, or wages of said officers, agents, servants, or employees, or any of them, or for any subscriptions to the capital stock, or for any certificates of stock, bonds, mortgages, or obligation of any kind issued by said corporation, or for any debts, liabilities, or expenses of any kind whatever attending such corporation or accruing by reason of the same.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The amendments reported to the preamble will now be stated.

The Select Committee on International Expositions reported to amend, in line 2 of the first clause of the preamble, after the word "transmississippi," by inserting "and international"; so as to make the clause read:

Whereas it is desirable to encourage the holding of a transmississippi and international exposition at the city of Omaha, in the State of Nebraska, in the year 1898, for the exhibition of the resources of the United States of America and the progress and civilization of the Western Hemisphere, and for a display of the arts, industries, manufactures, and products of the soil, mine, and sea; and

The amendment was agreed to.

The next amendment was, in the last clause of the preamble, in line 1, after the word "Transmississippi," to insert "and International"; in line 3, after the words "day of," to strike out "August" and insert "June"; and in line 4, after the words "day of," to strike out "October" and insert "November"; so as to make the clause read:

Whereas the Transmississippi and International Exposition Association has undertaken to hold such exposition, beginning on the 1st day of June, 1898, and closing on the 1st day of November, 1898: Therefore.

The amendment was agreed to.

The preamble as amended was agreed to.

The title was amended so as to read: "A bill to authorize and encourage the holding of a transmississippi and international exposition at the city of Omaha, in the State of Nebraska, in the year 1898."

BLUE MOUNTAIN IRRIGATION AND IMPROVEMENT COMPANY.

Mr. MITCHELL of Oregon. I ask unanimous consent that I may be permitted to call up a local bill, which is very short, and which I think will occasion no debate. It is Senate bill 1468.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1468) extending the time allowed the Blue Mountain Irrigation and Improvement Company for the construction of its reservoirs and canal in and through the Umatilla Reservation, in the State of Oregon. It proposes to extend for five years the time prescribed by the act of Congress approved January 12, 1893, for the construction and completion of the irrigation ditch or canal and reservoirs of the Blue Mountain Irrigation and Improvement Company across the Umatilla Indian Reservation, in the State of Oregon.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPUBLICAN FORM OF GOVERNMENT IN ALABAMA.

Mr. CHANDLER. It has been my desire for some time to call up the resolution of the Senator from Nebraska [Mr. ALLEN] for an investigation into the Alabama election. I understand the senior Senator from Alabama [Mr. MORGAN] is not well, and therefore I have not pressed the resolution, but there is an order of the Senate allowing the minority of the committee to submit their views against the passage of the resolution. I am desirous that that minority report shall be made, and I ask the Senator from Delaware if he can tell me how soon it will be made?

Mr. GRAY. Mr. President, it should have been made and would have been made before this but for want of time on my part to prepare it, as it was rather intrusted to me to do. I have been delayed the last two or three days by the illness of the Senator from Alabama, with whom I was to consult with regard to the report, but I shall endeavor to have the report in early next week.

Mr. CHANDLER. I always want to extend all possible consideration to the Senator from Delaware, who is well, and the Senator from Alabama, who is sick; but I really wish that that minority report might be made, as the majority report was made some three or four weeks ago.

Mr. MITCHELL of Oregon. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, April 13, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 10, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

LATE HON. WILLIAM COGSWELL.

Mr. MOODY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk to be read.

The Clerk read as follows:

Resolved, That Saturday, April 18, 1896, beginning at 1 o'clock, be set apart for paying tribute to the memory of William Cogswell, late a member of the House of Representatives from the Sixth district of the State of Massachusetts.

The SPEAKER. Without objection, the resolution will be considered as agreed to.

There was no objection.

HARRIET C. GREGG.

Mr. MAHON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2005) to increase the pension of Harriet C. Gregg, widow of Col. John Irvin Gregg, from $30 to $50.

The bill was read, as follows:

Be it enacted, etc., That the pension of Harriet C. Gregg, widow of John Irvin Gregg, late colonel of the Eighth Regiment of United States Cavalry, be, and the same is hereby, increased from $30 per month to $50 per month, and the Secretary of the Interior be, and is hereby, authorized and directed to place her name on the pension roll at the rate of $50 per month, subject to the provisions and limitations of the pension laws.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MCCLELLAN. We had better have the report read, Mr. Speaker.

Mr. TALBERT. I just want to ask the gentleman in charge of the bill if it has been considered at a Friday night session?

Mr. MAHON. The report is long, and I can make a brief statement that would answer as well.

The SPEAKER. The gentleman from Pennsylvania.

Mr. MAHON. Colonel Gregg, this officer, served in the Mexican war as a private until he was promoted to the office of lieutenant. He went into the Regular Army and served in the Indian wars on the frontier. At the breaking out of the war of the rebellion he was placed in command of a brigade of cavalry, known as the famous Gregg Cavalry. He commanded the brigade throughout the war, and was engaged in all the battles in which the Army of the Potomac was engaged. He died in 1892. This lady had been his wife from 1847 to 1892. He left his widow without any property or any means of support.

Now, this old lady, I am authorized to say, is in destitute circumstances, and we are asking an increase of this pension not to $100, but from $30 to $50 a month. We have pensioned the widows of many generals as high as $100 and $200 a month who never rendered as much service to this country as this man did.

Now, this is very little to ask for, to give this widow $50 a month; and she does not ask for more. My only reason for asking unanimous consent, and not waiting until the case could be called up, is because it is so far down on the Calendar that it will never be reached at this session and, therefore, on account of the destitute circumstances of this woman, the widow of this gallant soldier, I ask that the measure may be considered now.

Mr. LOUD. I would like to say to the gentleman that so long as it is in my power, no officer's widow shall have her pension thus increased. In saying this, I do not desire to single out this case as one specially for objection, but I avail myself of that opportunity, and I object.

Mr. MAHON. I will take the same opportunity with the gentleman.

Mr. LOUD. You will have to wait a long time.

FORTIFICATIONS APPROPRIATION BILL.

Mr. HAINER of Nebraska, from the Committee on Appropriations, reported the bill (H. R. 8109) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HAINER of Nebraska. I give notice that to-morrow, after the approval of the Journal, I will ask for the consideration of the bill.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and joint resolution were taken from the Speaker's table and referred as follows:

A bill (S. 2490) to amend an act entitled "An act to establish a national park at Gettysburg, Pa.," approved on the 11th day of February, 1895—to the Committee on Military Affairs.

A bill (S. 321) granting a pension to James W. Dunn—to the Committee on Invalid Pensions.

A bill (S. 2412) to make the city of Santa Barbara, county of Santa Barbara, State of California, a subport of entry—to the Committee on Ways and Means.

A bill (S. 1828) to authorize the Auditor for the Interior Department to settle and adjust the account of E. C. Chirouse, Indian agent at the Tulalip Agency, Wash.—to the Committee on Indian Affairs.

Joint resolution (S. R. 123) directing the Secretary of War to submit a plan and estimate for the improvement of the Nebraska side of the Missouri River, opposite Sioux City, Iowa—to the Committee on Rivers and Harbors.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 1414) granting a pension to Emma Brough Gerard;
A bill (S. 1148) granting a pension to Celesthia A. Whitney;
A bill (S. 1036) granting a pension to Rebecca E. Kutz;
A bill (S. 725) granting a pension to Anna C. Garber;
A bill (S. 1523) granting a pension to Benjamin F. Bell;
A bill (S. 1684) granting a pension to Sam P. Barbee;
A bill (S. 830) granting a pension to Mary Allard, widow of John Allard, formerly of Company E, Seventh Connecticut Volunteer Infantry;
A bill (S. 1127) granting an increase of pension to Russell R. King;
A bill (S. 2338) granting an increase of pension to Simeon Stevens;
A bill (S. 856) granting a pension to Philip T. Greely;
A bill (S. 1117) granting a pension to Cornelia De Peyster Black;
A bill (S. 1032) increasing the pension of Luvicey J. Summers, widow of William H. Summers, late captain of Company E, Fortieth Regiment Illinois Volunteers, and also a soldier in the Mexican war;
A bill (S. 1880) to increase the pension of Thomas J. Haughey;
A bill (S. 1679) for the relief of Helen Larned;
A bill (S. 601) granting a pension to Clara R. Rodgers;
A bill (S. 2194) granting a pension to Mrs. Weltha Post Leggett;
A bill (S. 2055) granting an increase of pension to Mrs. Christine C. Barnard;
A bill (S. 2220) to pension Ellen C. Abbott, widow of Bvt. Brig. Gen. Joseph C. Abbott;
A bill (S. 2035) granting a pension to Julia D. Richardson;
A bill (S. 1665) granting a pension to Rita Stine;
A bill (S. 1356) to increase the pension of Elizabeth L. Larrabee, widow of Col. C. H. Larrabee, late of the Twenty-fourth Regiment of Wisconsin Volunteers;
A bill (S. 2353) granting a pension to Delia Gilman;
A bill (S. 1960) granting an increase of pension to Lucy Ord Mason;
A bill (S. 1949) granting an additional pension to Capt. Bradbury W. Hight;
A bill (S. 2200) granting a pension to William H. Morgan;
A bill (S. 714) granting a pension to Benjamin Franklin Dowell, of Oregon, for services with the Oregon Volunteers in the years 1853, 1854, 1855, and 1856;
A bill (S. 2255) granting a pension to Lorenzo Meserth;
A bill (S. 511) granting a pension to P. F. Castleman, of Oregon;
A bill (S. 2068) to grant a pension to Emeline C. Sewell, widow of Chief Engineer George Sewell, United States Navy;
A bill (S. 1602) granting an increase of pension to Mrs. Jane L. Fagg, widow of Col. John A. Fagg;
A bill (S. 574) granting a pension to Caroline A. Slocum;
A bill (S. 1269) granting an increase of pension to John S. Hall;
A bill (S. 2223) granting a pension to Riley W. Pierce;
A bill (S. 1510) to pension Mrs. Susan M. Sessford;
A bill (S. 2514) granting an increase of pension to Mrs. Annie E. Colwell;
A bill (S. 2290) granting a pension to Hester A. Robinson;
A bill (S. 2456) granting a pension to Oliver P. Gooding;
A bill (S. 504) to increase the pension of Edmund Woog;
A bill (S. 400) granting a pension to Johnson Hays;
A bill (S. 737) granting a pension to James Richardson;
A bill (S. 2557) granting a pension to Sarah E. Boyd;
A bill (S. 1817) granting a pension to Caleb M. Wright;
A bill (S. 2045) granting a pension to Harriet R. Mattack;
Joint resolution (S. R. 125) directing the Secretary of War to transmit an estimate of the cost of the improvement by the General Government of the Clatskanie River, Oregon;
A bill (S. 2274) granting an increase of pension to Mary E. Chamberlain;
A bill (S. 205) granting a pension to Mary O. H. Stoneman;
A bill (S. 1694) to increase the pension of Maj. Gen. Julius H. Stahel;
A bill (S. 2635) granting a pension to Caroline Watkins;
A bill (S. 2524) to increase the pension of Mary B. Le Roy;
A bill (S. 613) granting an increase of pension to Henry Wilson;
A bill (S. 125) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook;
A bill (S. 1737) granting a pension to James G. Hartzell;
A bill (S. 1635) granting a pension to James Byrne;
A bill (S. 1636) granting a pension to John G. B. Masters;
A bill (S. 2578) granting a pension to Andrew M. Callahan;
A bill (S. 890) granting a pension to John N. Landon;
A bill (S. 706) for the relief of Eugenia Wood;
A bill (S. 2216) granting an increase of pension to Elizabeth M. Stevenson, of San Francisco, Cal.;
A bill (S. 1809) granting a pension to Joshua Parker;
A bill (S. 1139) granting an increase of pension to A. S. Loudermilk;
A bill (S. 2175) granting a pension to James Loyd Young, late of Company A, Sixth Regiment Kentucky Volunteers;
A bill (S. 2600) granting a pension to Mrs. Clifford Neff Fyffe;
A bill (S. 298) granting an increase of pension to William W. Tumblin, of Bradford County, Fla.; and
A bill (S. 1011) for the relief of Capt. James Regan, United States Army.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 83) for the relief of John C. Cutter, late first lieutenant Thirty-sixth Massachusetts Volunteer Infantry;
A bill (H. R. 994) granting an increase of pension to Andrew B. Keith;
A bill (H. R. 925) granting a pension to Annie J. Corbett, of Providence, R. I.;
A bill (H. R. 995) granting a pension to Kate A. Pitman;
A bill (H. R. 3749) to increase the pension of Mrs. Eunice Ida Rhoades;
A bill (H. R. 2800) granting a pension to Martha Brooks;
A bill (H. R. 2340) granting a pension to Caroline Parker;
A bill (H. R. 3432) for the relief of John E. Evans;

A bill (H. R. 4606) granting an increase of pension to Mary B. Houk;
A bill (H. R. 2151) to restore to the pension rolls the name of Agnes A. Blackman;
A bill (H. R. 2797) granting a pension to Peter B. Palmenteer;
A bill (H. R. 2410) to amend an act increasing the pension of Marcus D. Box;
A bill (H. R. 1094) granting a pension to Francis E. Hoover;
A bill (H. R. 1050) to grant an increase of pension to Elizabeth Deshler Whiting, widow of Lieut. Henry Whiting;
A bill (H. R. 3993) granting a pension to Joseph Porter;
A bill (H. R. 1838) granting an increase of pension to Thomas Corigan; and
A bill (H. R. 2234) granting a pension to Joseph A. Cooper.

CHOCTAW COAL AND RAILWAY COMPANY.

Mr. FLYNN. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill No. 2141, to amend an act approved August 24, 1894, entitled "An act to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company."

The bill was read, as follows:

Be it enacted, etc., That the power to construct and operate branches, including those mentioned in section 2 of this act, conferred in and by section 4 of the act approved August 24, 1894, entitled "An act to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company," shall be exercisable in the Indian Territory only after maps showing the location of such branches shall have been filed with and approved by the Secretary of the Interior.

SEC. 2. That the powers conferred by said section 4 shall extend to branches intended to aid the development of any coal or timber territory contiguous or tributary to the lines of railroad of the said Choctaw, Oklahoma and Gulf Railroad Company, whether owned or controlled by said company or by others, said branches not to exceed in length 5 miles, and to the construction and operation of a branch from any point on its existing line of railroad to the northern line of the State of Texas, and for this purpose the said company shall have the like rights, powers, and franchises, as to the acquisition of a right of way and depot grounds, and as to the construction and operation of the said branch, and shall be subject to the like conditions and restrictions as it possesses or is subject to under or by virtue of the provisions of the said act of August 24, 1894, as to the line of railroad acquired or constructed thereunder.

SEC. 3. That the line of railroad which has been heretofore constructed shall be regarded and treated as a full compliance by said company with the requirements of the act applicable to it, by which it was required, as a condition of further construction thereafter, to complete its main line prior to February 18, 1896, and said company may exercise from time to time the rights, powers, and franchises heretofore or by this act conferred as to further extensions of or branches from its existing line.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BARTLETT of New York. Mr. Speaker, I would like to ask the gentleman whether this bill has been considered by any committee?

Mr. FLYNN. Yes, sir. A like bill was introduced and favorably reported by the House committee, and the committee have recommended the substitution of the Senate bill for the House bill, they being alike.

Mr. BARTLETT of New York. Does not this bill propose to authorize one corporation to transfer or assign its corporate rights to another?

Mr. FLYNN. No. I will state for the information of the gentleman and of the House that the report explains this matter quite clearly, and if I be permitted to read a few lines of it I think they will understand just what is the intention of this bill. It was drawn to meet the objection of the President, who, at the last session of Congress, required an agreement to be made that this legislation should be asked for by the railroad company. The report says:

The act of August 24, 1894, gave the company power to construct these branches, but the act did not in terms require the filing and approval by the Secretary of the Interior of maps showing the lines and locations. Before the President would sign the bill passed August 24, 1894, he required Mr. Gowen, the president of the company, to agree that he would not construct nor attempt to construct any of the branches contemplated by the act until the bill had been so amended by another Congress as to require maps to be filed with and approved by the Secretary of the Interior. This section is intended to meet that objection, and to keep that promise made to the President.

This is the bill approved by the Department, to meet the suggestion of the President.

Mr. BARTLETT of New York. Has the Secretary of the Interior approved this bill?

Mr. FLYNN. Yes, sir. The bill originated there and was prepared in order to comply with the President's requirement.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. McRAE, a motion to reconsider the vote by which the bill was passed was laid on the table.

On motion of Mr. FLYNN, the House bill (H. R. 5975) was laid on the table.

JOHN S. BURWELL, ADMINISTRATOR.

Mr. SWANSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk, being the bill (H. R. 7816) for the relief of John S. Burwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John S. Burwell, administrator of the estate of A. L. Burwell, deceased, such sum of money, not exceeding $1,499.56, as shall be shown to the satisfaction of the Commissioner of Internal Revenue to have been expended by him, or by Thomas and John Peale as agents for him, in the purchase of tobacco stamps used to stamp tobacco held by said agents for him and inventoried according to law: *Provided*, That the said Commissioner is satisfied that said tobacco was manufactured prior to July 20, 1868, and that the internal-revenue tax imposed by law prior to said date had actually been paid thereon.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DINGLEY. I desire to reserve a point of order on the bill.

Mr. SWANSON. Mr. Speaker, in explanation of this bill, I will state that in 1868, as the gentleman from Maine well knows, the law was changed with reference to the payment of the tax on tobacco. Prior to that time, when tobacco was shipped from the factory to an agent, it was required to be shipped tax-paid, unless a bond was given for the payment of the tax. On the 1st of July, 1868, the law was changed so as to require the stamps to be put on the box of tobacco itself. At that time this tobacco had been shipped to Ohio to an agent of the Burwell manufactory, which was situated in Franklin County, Va. They required him at that time to go and get the manufacturer's stamps and put them on the tobacco. He had shipped the tobacco without giving bond. The evidence is clear that he paid the tax twice—first when it was shipped from the factory, and then when he was required to buy the stamps and put them on the tobacco. This bill has been submitted to the Commissioner of Internal Revenue, and it has been reported favorably by different committees of Congress. The pending bill is a substitute which the Commissioner of Internal Revenue under a former Administration recommended should be passed in place of the original bill.

Mr. DINGLEY. Will the gentleman have that communication from the Commissioner read?

Mr. SWANSON. I will ask the Clerk to read it from the report.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE.
Washington, January 26, 1889.

SIR: I am in receipt of your letter of the 17th instant, and of its inclosure of a copy of a bill (H. R. 9774) for the relief of the estate of A. L. Burwell, together with certain affidavits and other papers in support thereof. These inclosures are herewith returned to you.

You ask for such information as the records of this office may disclose, and for such recommendation as I may see proper to make in the premises.

The bill proposes to authorize the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to John S. Burwell, administrator of the estate of A. L. Burwell, deceased, the sum of $1,499.56.

From an examination of the papers you inclosed it appears that this sum of $1,499.56 is the aggregate amount paid for tobacco stamps sold by the collector of the Sixth district of Ohio to Thomas and John Peale, of Lynchburg, Ohio (who were agents for A. L. Burwell & Co.), between April 14, 1869, and March 18, 1872, and it is alleged that these stamps were used to stamp tobacco manufactured by said A. L. Burwell prior to July 20, 1868, and that the tax imposed by law in force prior to July 20, 1868, had previously been paid thereon.

In reply I have to remind you that the act of July 20, 1868, made a radical change in the mode of collecting the tax on tobacco. Then the present system of paying the tax by the purchase and use of stamps denoting the tax on the tobacco at the time of its sale or removal from the factory premises was substituted for the previous system of making returns of sales by the manufacturers or their agents, and of assessments and collections based on those returns.

Prior to the act of July 20, 1868, the law and regulations prescribed that goods sent by a manufacturer to his agent were regarded as being still in the factory. In such case the tax was not due until the goods were sold or removed from the agent's hands.

The fair presumption, therefore, is that the tax imposed by law prior to July 20, 1868, was not paid on that tobacco; and that a second tax was not paid by the use of stamps denoting the tax, that were purchased by said agents subsequent to that date.

Therefore, in order that the Government may have opportunity to fully examine the matter, I respectfully suggest the following as a substitute for House bill 9774:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John S. Burwell, administrator of the estate of A. L. Burwell, deceased, such sum of money, not exceeding $1,499.56, as shall be shown to the satisfaction of the Commissioner of Internal Revenue to have been expended by him, or by Thomas and John Peale as agents for him, in the purchase of tobacco stamps used to stamp tobacco held by said agents for him and inventoried according to law: *Provided*, That the said Commissioner is satisfied that said tobacco was manufactured prior to July 20, 1868, and that the internal-revenue tax imposed by law prior to said date had actually been paid thereon."

Yours, respectfully,
E. HENDERSON,
Acting Commissioner.

Hon. GEORGE E. BOWDEN,
House of Representatives, Washington, D. C.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrosed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SWANSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

GRANT OF LANDS TO COLORADO SPRINGS.

Mr. SHAFROTH. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill No. 1317, to grant certain lands to the city of Colorado Springs, Colo.

The bill was read, as follows:

Be it enacted, etc., That the following-described tracts of land, situate in the county of El Paso and State of Colorado, namely, that part of Pikes Peak Military Reservation described as follows: Beginning at corner numbered 2 as designated in the field notes of the United States military reservation survey, and running thence along the boundary line of said reservation, south sixty-six degrees west, 7,700 feet to corner numbered 3 of said survey; thence north thirty-eight degrees fifty-five minutes west, 8,240 feet to corner numbered 4 of said survey; thence north nineteen degrees twenty-five minutes west, 8,680 feet to a point on line 4-5 of said survey; thence east 2,100 feet; thence south forty-four degrees forty-seven minutes east, 14,130.4 feet; thence north sixty-three degrees thirty-nine minutes east, 2,400 feet to the northwest corner of the Colorado Springs reservoir grant; thence south twenty-six degrees twenty-one minutes east, 2,595 feet along west line of said grant to a point on line 1-2 of said reservation survey; thence south sixty-three degrees thirty-nine minutes west, 363 feet to corner numbered 2, the place of beginning; also the southeast quarter of section 14, and the east one-half of section 23, and the northeast quarter of the northeast quarter of section 26, and all that portion of section 13 lying west of said reservation, and all that portion of section 24 lying west of said reservation, and the north one-half of the northwest quarter of section 25, and all that portion of the northeast quarter of said section 25 lying west of said reservation, and all that portion of the northeast quarter of section 14 lying west of said reservation, all in township 14 south, range 69 west, of the sixth principal meridian, containing 3,095.48 acres, more or less, be, and the same are hereby, granted and conveyed to the city of Colorado Springs, in the county of El Paso and State of Colorado, upon the payment of $1.25 per acre by said city to the United States, to have and to hold said lands to its use and behoof forever, for purposes of water storage and supply of its waterworks; and for said purposes said city shall forever have the right, in its discretion, to control and use any and all parts of the premises herein conveyed in the construction of reservoirs, laying such pipes and mains, and in making such improvements as may be necessary to utilize the waters contained in any natural or constructed reservoirs upon said premises.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DINGLEY. I will ask the gentleman how many acres are to be conveyed under this bill?

Mr. SHAFROTH. About 3,000.

Mr. DINGLEY. They are not mineral lands?

Mr. SHAFROTH. No, sir; they are not mineral lands. They are lands which it is desired to acquire for the purpose of increasing the water supply of the city of Colorado Springs. That city has now about 20,000 population and is increasing rapidly, and its water supply is inadequate. It has become necessary to get some reservoir sites, and these lands have been selected. Enough land is taken for the reservoirs and also sufficient additional to prevent the contamination of the water. The lands are really worthless for any other purpose. They are not timber lands; they are not fit for agricultural purposes; they are nothing but rocky barrens, and the price at which they are sold to the city is far in excess of their value to anybody else.

A MEMBER. What is the price?

Mr. SHAFROTH. A dollar and a quarter an acre.

Mr. CANNON. Whereabouts are they situated?

Mr. SHAFROTH. About 8 or 10 miles from the city, on the western slope of Pikes Peak. They are above Manitou—up in that direction.

Mr. DINGLEY. Is this an abandoned military reservation?

Mr. SHAFROTH. Yes, sir; there are no houses or anything of that kind on it; it is nothing but a barren waste.

Mr. LACEY. Photographs of the sites have been examined by the committee.

Mr. SHAFROTH. Yes, sir; photographs were exhibited to the Committee on Public Lands; and they have unanimously recommended the passage of the bill. The bill received the sanction of the Public Lands Committee of the Senate, and was passed by that body.

Mr. CANNON. The bill if enacted will grant this land for reservoir sites for water supply, and for nothing else?

Mr. SHAFROTH. For nothing else.

Mr. CANNON. If the land ceases to be used for that purpose it will revert to the Government?

Mr. SHAFROTH. I think so. I understand that such would be the legal effect.

Mr. BOWERS. The land is worth nothing at any rate except for this purpose.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none. The question is on ordering the bill to a third reading.

Mr. BELL of Colorado. I have just received a petition relative to this bill, which I desire to have read, and then I wish to offer an amendment.

Mr. LACEY. This is a favorable petition, I understand, and why consume time in reading it?

Mr. BELL of Colorado. I wish, after the petition is read, to offer a small amendment. I do not oppose the bill.

Mr. LACEY. What is the nature of the amendment?

Mr. DINGLEY. Unanimous consent was given to the consideration of the bill as it stood.

Mr. BELL of Colorado. Some farmers on the stream below do not want this grant to interfere with their prior rights to water from Bear Creek. I therefore wish to ask the adoption of a small amendment.

Mr. SHAFROTH. This can not interfere with them, at any rate.

Mr. DINGLEY. If amendments are to be offered the whole character of the measure might be changed. Consent was given to the proposition as embraced in the bill. It seems to me, under the circumstances, the gentleman from Colorado [Mr. SHAFROTH] should not yield for an amendment.

Mr. SHAFROTH. I can not yield for the amendment.

Several MEMBERS. Let us have the previous question.

Mr. SHAFROTH. I move the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. SHAFROTH, a motion to reconsider the last vote was laid on the table.

SAMUEL M'KEE.

Mr. EVANS. I ask unanimous consent for the present consideration of the bill (H. R. 467) for the relief of Samuel McKee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Samuel McKee the sum of $1,718, for expenses incurred by him in a contest for his seat in the Fortieth Congress.

Mr. BARTLETT of New York. I ask for the reading of the report.

The report (by Mr. COLSON) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 467) to pay to Hon. Samuel McKee the sum of $1,718 for expenses incurred by him in a contest for his seat in the Fortieth Congress, from the Ninth Congressional district of the State of Kentucky, have had the same under consideration and submit the following report:

Your committee find that said McKee's right to a seat in the Fortieth Congress was contested by Hon. J. D. Young; that issues were joined, evidence was taken, and a hearing was had before the Elections Committee of the House, and that the seat was awarded to said McKee.

The committee further find from the proofs in the case that the said McKee in his said contest incurred, necessarily, expenses amounting to the sum of $1,718, as appears from the itemized account of the said McKee duly verified. It further appears that no part of said sum has ever been paid.

The committee also find that Hon. John D. Young has been paid the sum of $2,500 for his expenses incurred in said contest.

This claim was before the Committee on Elections of the House in the Forty-eighth Congress, and was favorably acted upon by said committee, but no action was had by the House.

Your committee would therefore report back the bill and recommend that it do pass.

Mr. BARTLETT of New York. I ask for an explanation of the bill, with the view of ascertaining why there has been so long delay in the settlement of this claim.

Mr. EVANS. Mr. Speaker, Mr. McKee, whom I know well, and who lives in my district, was elected to the Fortieth Congress—a long time ago, it is true. His seat was contested by Mr. Young. The House decided in favor of Mr. McKee. Mr. Young's expenses were paid. For some reason, I do not know what, Mr. McKee's expenses were not paid. From that time to this, occasionally, one House or the other upon a favorable report has passed a bill similar to this; but thus far no bill of this kind has passed both Houses at the same Congress. This gentleman is very poor; nobody needs the money more than he does; and I entreat the House to let this bill pass, because these expenses were actually incurred and have not been paid, though the expenses of the contestant who failed to show his right to the seat have been paid.

Mr. BARTLETT of New York. Is Mr. McKee living?

Mr. EVANS. He is. He lives in my city. I know him well.

Mr. COX. From what committee does this bill come?

Mr. EVANS. From the Committee on Claims. I hope no objection will be made to its consideration and passage.

Mr. CANNON. Has the gentleman examined to see why the Fortieth Congress (which sat pretty nearly a generation ago) did not pay this successful contestant?

Mr. EVANS. I have not examined that matter and can not make any statement in regard to it. I only rely upon what the Committee on Claims has found. These claims have been audited and approved by the Elections Committee.

Mr. CANNON. What Elections Committee?

Mr. EVANS. I do not know; the committee of that House, I presume.

Mr. CANNON. Can not some member of that committee inform us on that point?

Mr. EVANS. It was not the Committee on Elections of this House; it must have been the Committee on Elections in that Congress.

Mr. CANNON. I do not know anything on earth about this case. I do not know of any reason why this money should not be paid to this man, nor do I know any reason why it should be.

Mr. EVANS. The report of the committee is favorable.

Mr. CANNON. But it seems the committee is not prepared to give us any information whatever.

Mr. EVANS. The gentleman who reported this bill, Mr. COLSON, is at home on leave of absence, I understand.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. COX. Before that question is put, allow me a word. This case has been favorably reported from the Committee on Claims. There are quite a number of these claims, reaching back, like the present one, for some years. At the last Congress all of these were embodied in a single bill by the committee, and submitted to the House. The present Committee on Claims have examined them very carefully, and find the accounts itemized as the law provides, and therefore a favorable report was made in this case to which the gentleman from Kentucky now refers. It did not come from the Committee on Elections at all, I will say to the gentleman, but must come from the Committee on Claims. It is one of the claims of this character, of a number probably embracing a half dozen or more, which have been reported favorably by the committee.

Mr. NORTHWAY. Is the gentleman a member of the Committee on Claims?

Mr. COX. I am, sir.

Mr. CANNON. Will the gentleman allow me a moment in that connection?

In 1878 there was legislation enacted for the first time which limited the amount that contestants or contestees in election cases could receive to $2,000. Theretofore and up to that time the most liberal policy had obtained in payment of the expenses in contested elections. I think up to that legislation that as a rule we paid five, six, or eight thousand dollars, and in the opinion of Congress it became necessary to restrict the amount in such cases.

Now, this bill goes back to a period of twelve or fourteen years prior to the enactment of the legislation to which I refer, and I have not yet heard from the Committee on Claims the statement that they have gone back and examined the debates to see whether the claim was taken up, why it was rejected, and why it was not paid if presented, or what possible reason could be assigned for allowing his election expenses to a contesting member who was refused his seat when the member who was allowed to retain the seat was denied his. The presumption is that the Fortieth Congress would do justice to a member of its own body who was present and had a vote. But the men who constituted that Congress are all dead or absent, and we are in receipt of no accurate information touching the origin of the claim or any of the facts in connection with it to show why it had not been paid before.

Now, I should not have made this remark were it not that the gentleman from Tennessee has already notified us that this is another Trojan horse that is to open up another line. All I claim and all I ask, so far as I am concerned, is that this matter shall go to the Committee of the Whole House, and I am perfectly content that on Friday of next week, when the House goes into the consideration of private bills, it should be privileged for consideration. In the meantime I hope the matter will be duly examined by the Committee on Claims, if that order is made.

Mr. COX. Mr. Speaker, a moment only in reply to the gentleman from Illinois. I am aware when the act was passed that limited the compensation in these election contests to $2,000; but the Committee on Claims, in the examination of these matters, went further than that. They would not pass or permit any claim to be reported favorably unless it contained an itemized statement of the expense incurred. This claim, for some reason or other, I do not now recall what, has been delayed. As my memory serves me, I think the bill was introduced many times, though——

Mr. EVANS. And favorably reported both in the House and Senate for many years.

Mr. COX. And I am neither advocating nor opposing the bill, but simply stating the facts as they appear of record with regard to the action of the committee. I am perfectly willing that the suggestion of the gentleman from Illinois may be adopted. This, however, is not such a Trojan horse as the gentleman seems to apprehend. There are only about four or five of these cases in all.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PITNEY. I object, for the purpose of enforcing the suggestion of the gentleman from Illinois.

J. J. LINTS.

Mr. POOLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 145) for the relief of J. J. Lints.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated to pay to J. J. Lints, of Syracuse, N. Y., the sum of $1,289.33, in full for his services as custodian of the public property at Erie, Pa., from the 8th day of April, 1857, to the 10th day of September, 1859, inclusive.

Mr. POOLE. Mr. Speaker, the claimant in this bill performed public services for the United States in 1857 as custodian of property in Erie, Pa. This property consisted of timber, and during a very severe storm some damage was done and a portion of the timber was washed away, he not having a sufficient force of help at his command to keep it in order and protect it; and his pay, on account of the loss, was stopped to the extent of $1,289.33. In 1860 a report was made to the Secretary of War by an officer of the Corps of Topographical Engineers, in which it is shown that this man was employed as the custodian of the property, and the services were performed, and that the amount to which I have referred was improperly retained from his pay by the Government.

This claim has been before Congress, I think, in eight or ten different sessions, in every one of which there has been a favorable report from the Committee on Claims, and in three Congresses the bill passed one House and failed to pass the other.

This man is now 85 years old, and is an inmate of the poorhouse in the county in which he resides. If any relief is ever to be afforded to him it must be done now. I do not believe it possible for him, from my knowledge of the man, to live to obtain justice unless we pass the bill promptly. I hope, in consideration of the facts, therefore, as the report is very clear, that no gentleman will object to its present consideration.

Mr. BARTLETT of New York. Let me ask the gentleman a question. Is this money going to the individual or the county officers?

Mr. POOLE. I would say in answer to my colleague's question that this is going to the individual; and, further, that this man is well educated; that he has a standing in the community; that he is in his old age a pauper, depending upon public charity, and this money would relieve him of his present necessities—money that is properly due to him. And, further, I should say that there is no one living that he can look to for aid or support. His wife is in a distant State, cared for by some relatives, and there is no one to help him where he resides.

Mr. NORTHWAY. Why was the pay withheld?

Mr. POOLE. For this reason, that he was the custodian of this public property at Erie in 1857. The property was timber, and during a very severe storm, when he had no help to take care of it, it was lost. The value of the timber lost was estimated at $1,289.33, which was kept back from his compensation. He was only paid $2 a day; and that represents the whole case.

Mr. LOUD. If the gentleman will permit me, I would like to inquire in reference to this case, as I remember it very indistinctly, having been on the Committee on Claims heretofore, but it seems to me, as I now recall it, that this man, as it was alleged, did not perform the duty which he was required to perform, and that in consequence of his neglect the Government lost this property.

Mr. POOLE. That was the charge, Mr. Speaker, but the charge was disproved by the report of the topographical engineer, who decided that it was not his fault, and if the gentleman will read the report carefully he will find that to be the case.

Mr. LOUD. But my recollection is that the reports are very conflicting as to that. My recollections are, as I say, vague about it, but I recollect opposing this case myself in the Committee on Claims. I do not remember the full merits of the case.

Mr. POOLE. Mr. Speaker, this claim has been before ten different committees, and every one has made a favorable report. They have done so largely on the reports made by the topographical engineer.

Mr. LOUD. Reports mean very little sometimes.

Mr. POOLE. I am aware of that, but I think there is no such charge to-day, and I think the Committee on Claims are fully aware of the merits of the bill.

Mr. LOUD. I do not know that I shall object, but I am satisfied that there was dereliction of duty. He did not perform the duty for which he was employed.

Mr. POOLE. He had no assistants.

The SPEAKER. Is there objection?

Mr. PITNEY. I should like to ask what tribunal settled the question at the time, whether this man's pay should be charged out of his pay with this timber loss, as alleged, by his neglect?

Mr. POOLE. It was kept back by the officers of the Treasury Department who had charge of that particular work. Just who they were, I can not now state.

Mr. PITNEY. When was the first application made to Congress?

Mr. POOLE. In 1860, in the Thirty-sixth Congress.

Mr. PITNEY. According to an official paper contained in the report of this committee, it seems that the amount of that claim was only $881.

Mr. POOLE. If you will read all the report carefully you will find that there were different reports made. The entire aggregate was $1,289.

Now, I will say, Mr. Speaker, that in the last Congress, for some reason unknown to myself, the Committee on Claims did reduce the amount to $1,000; but the committee of the present Congress, after looking over the facts in the case, recognized the fact that this man had been unjustly kept out of his pay for thirty-five years, and realizing the fact that he is now an old, broken-down man, recognizing the justice of the claim, and believing that if he was entitled to anything he was entitled to the original amount, they have reported in favor of allowing the original amount, which is $1,289.33.

Mr. PITNEY. Is that the amount carried in this bill?

Mr. POOLE. Yes.

Mr. PITNEY. I think it ought to be reduced to the amount due at the time.

Mr. POOLE. That is the amount due at the time. There is no interest or anything of that kind. That is the exact amount found due by the Department.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. POOLE, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. GROSVENOR. I call for the regular order.

Mr. WATSON of Ohio. Mr. Speaker, before that is done——

Mr. DOCKERY. I hope the gentleman will allow me to offer a little innocent bill, which carries no expense to the Government.

REPRINT OF A BILL.

Mr. WATSON of Ohio. I wish to ask for the reprint of a bill.

Mr. GROSVENOR. I withdraw the demand for the regular order long enough to allow the gentleman to obtain a reprint of his bill.

Mr. WATSON of Ohio. I ask for a reprint of the bill H. R. 7860, the supply having been exhausted.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. DOCKERY. I ask the gentleman from Ohio to yield to me, to allow me to ask for the consideration of a bill which carries no money?

Mr. GROSVENOR. Mr. Speaker, I would be glad to comply with the request of the gentleman, but the same trouble will arise immediately again, as there are forty gentlemen here who desire to obtain recognition.

Mr. PICKLER. Mr. Speaker, I demand the regular order. I do it in the hope of getting some pension business before the House.

The SPEAKER. The gentleman from Ohio demands the regular order.

FILLED CHEESE.

Mr. GROSVENOR. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of "filled cheese," and pending that motion, I desire to inquire of the friends and opponents of the bill if we can agree on a limit of general debate on the bill.

Mr. PICKLER. Pending that, I desire to ask the gentleman from Ohio as to how long, if he knows——

The SPEAKER. The gentleman is submitting a proposition as to time.

Mr. GROSVENOR. I want to submit a proposition to the House to limit general debate to two hours. The bill will have to be read afterwards, under the five-minute rule.

Mr. McMILLIN. I will state to the gentleman from Ohio that I do not think that will accommodate gentlemen who desire to speak upon the subject. In that connection, I will also state to him that there is no disposition whatever, and I do not think there will be any, to prolong debate unnecessarily. There is a minority report on this bill, and it is not a partisan question at all; but there are other gentlemen than those on the committee who desire to speak upon the bill.

Mr. GROSVENOR. What proposition does the gentleman from Tennessee make?

Mr. McMILLIN. I would suggest to the gentleman from Ohio that for the present we should allow the debate to run, and later, a little later, and during the day, we can fix a limit to debate, because the gentleman from Pennsylvania, the gentleman from Virginia, and others have appealed to us for time; and I think that there will be no difficulty in coming to a conclusion within a reasonable time as to the length of time to be consumed in debate.

Mr. GROSVENOR. I would very much like to have this debate go along. The bill ought to be disposed of to-day, and we can only sit until 5 o'clock.

Mr. McMILLIN. But the gentleman will remember that we have gone along by unanimous consent until we have consumed about one-fifth of the day that can be devoted to other business. I can assure the gentleman that there is no disposition whatever to prolong unnecessarily the debate on the bill.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent that general debate be limited to 4 o'clock this afternoon. It seems to me that ought to be sufficient.

The SPEAKER. The gentleman from Ohio asks unanimous consent that general debate be limited until 4 o'clock this afternoon. Is there objection?

Mr. PICKLER. Pending that, I desire to ask the gentleman from Ohio as to——

The SPEAKER. Is there objection?

Mr. HOPKINS and others. I object.

The SPEAKER. Objection is made.

Mr. GROSVENOR. Pending the motion to go into Committee of the Whole House on the state of the Union, I move that general debate on this bill be limited to three hours.

Mr. McMILLIN. Before any action is taken, will the gentleman from Ohio permit me to ask whether it is proposed to divide the time equally between the friends and opponents of the bill, taking into consideration the time that has already been consumed on the part of those in favor of the measure?

Mr. GROSVENOR. I would have no objection to that.

The SPEAKER. The gentleman from Ohio moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8008; and, pending that, moves that all general debate be limited to three hours.

Mr. McMILLIN. I ask that the gentleman make it 5 o'clock, so that we close general debate to-day. That will bring us to consideration under the five-minute rule the next session. [Cries of "Oh, no!" on the Republican side.]

Mr. GROSVENOR. There would be no opportunity to obtain a vote on the bill to-day.

Mr. McMILLIN. None at all. I do not see how you can get to consider it within one hour if general debate is closed at 4 o'clock.

Mr. HOPKINS. I will suggest to my colleague on the committee that there are several members of the Committee on Ways and Means who have not had a hearing on this bill who desire to speak; and it seems to me that to limit debate to three hours might cut them off.

Mr. GROSVENOR. Well, Mr. Speaker, I want to do what is desired. I will make the proposition that general debate close at 5 o'clock and that the previous question be considered as ordered to-morrow at 2 o'clock.

Mr. McMILLIN. I hope the gentleman will not insist on that. That fixes the time when the previous question shall be considered as ordered before the consideration of the bill is entered upon in Committee of the Whole, and we may not even get through the reading of it in the Committee of the Whole.

Mr. GROSVENOR. Oh, no; not at all. There will be two hours to-morrow.

Mr. McMILLIN. The gentleman surely does not think we can get through with the consideration of the bill in two hours under the five-minute rule.

Mr. GROSVENOR. Well, then, Mr. Speaker, I move that general debate on this bill be closed at 4.30 this afternoon.

The SPEAKER. Pending the motion to go into Committee of the Whole the gentleman from Ohio moves that general debate be closed at 4.30 this afternoon.

Mr. HOPKINS. Mr. Speaker——

Mr. GROSVENOR. And on that motion I demand the previous question.

Mr. HOPKINS. Mr. Speaker, I rose to make a motion to amend.

The SPEAKER. On that motion the gentleman from Ohio demands the previous question. The gentleman from Ohio has the right to demand the previous question.

Mr. HOPKINS. And the House has the right to vote it down.

Mr. GROSVENOR. If the House chooses to do so, it has that right.

Mr. McMILLIN. Mr. Speaker, my friend will not encounter any difficulty in limiting debate on this bill and the conclusion of its consideration in a very reasonable time.

Mr. GROSVENOR. Mr. Speaker, I have made every reasonable proposition, and the gentleman from Tennessee has used every means to prevent its success; and I insist on this question. The House can vote it down if it chooses.

Mr. HOPKINS. The only point is this: I do not propose to talk on this bill, but I know several of the members of the Committee on Ways and Means have prepared themselves to speak

upon this subject; and it has always been the custom, so far as I know, of this House that the members of the committee should have their hour if they saw fit. Now, the gentleman from Minnesota and the gentleman from Iowa——

Mr. GROSVENOR. Why, that would be seventeen hours.

Mr. HOPKINS. Suppose it is. Suppose it takes seventeen hours. This is one of the most important bills that comes before this House at this session.

Mr. CHICKERING. That is why it ought to be passed.

Mr. HOPKINS (continuing). And it ought to be fully debated, and if it takes one or two days more I do not see that it is any injustice.

Mr. GROSVENOR. This debate is all out of order.

The SPEAKER. The gentleman demands the previous question——

Mr. DINGLEY. One moment. I suggest to the gentleman, my colleague on the committee, that he ask unanimous consent to close general debate at 5 o'clock, without going further. I think there is only half an hour involved.

Mr. GROSVENOR. I am willing to do that.

The SPEAKER. The gentleman from Ohio asks unanimous consent that general debate upon this bill close at 5 o'clock to-day. Is there objection?

Mr. PICKLER. Pending that, Mr. Speaker——

The SPEAKER. Is there objection?

Mr. PICKLER. I object.

The SPEAKER. Objection is made. The gentleman from Ohio demands the previous question on his motion that general debate close at half past 4 o'clock to-day.

The question being taken, the Speaker declared that the ayes seemed to have it.

Mr. HOPKINS and others asked for a division.

The House divided; and there were—ayes 107, noes 31.

So the previous question was ordered.

The motion of Mr. GROSVENOR that general debate close at half past 4 o'clock was agreed to.

The motion that the House resolve itself into Committee of the Whole on the state of the Union for further consideration of the bill was then adopted.

The House accordingly resolved itself into Committee of the Whole, Mr. HULL in the chair.

The CHAIRMAN. The House is in Committee of the Whole for further consideration of the pending bill. By a vote of the House, general debate will close at half past 4 o'clock to-day.

Mr. GROSVENOR. Mr. Chairman, before I proceed with the argument, I wish to inquire whether any gentleman opposed to the bill desires to have charge of the time for debate in opposition to the bill?

Mr. McMILLIN. I understand that the gentleman who occupied the floor yesterday evening occupied it thirty-one minutes. I shall want a little time, not a great deal, in my own personal right.

Mr. GROSVENOR. I presume the gentleman from Tennessee will allow me to say that there are a good many more gentlemen who desire to speak for the bill than there are who oppose it.

Mr. McMILLIN. I thought the gentleman, by limiting the debate so closely, was cutting off some of his friends.

Mr. GROSVENOR. My proposition is that the remaining time be equally divided, and that the gentleman from Tennessee [Mr. McMILLIN] have charge of the time in opposition.

Mr. McMILLIN. The other side being charged with the time already occupied by it?

Mr. GROSVENOR. I think not.

Mr. McMILLIN. I understood the gentleman to say that he would agree to that.

Mr. GROSVENOR. If the short time I proposed had been accepted I was willing to agree to that, but I am not now. I will say to the gentleman that of the members of the Ways and Means Committee not more than three who are present will oppose this bill, and of the members of the same committee not fewer than eight or nine will favor it.

Mr. McMILLIN. Does the gentleman say that not more than three will oppose the bill?

Mr. GROSVENOR. Not more than three members of the Ways and Means Committee.

Mr. McMILLIN. You were never more in error in your life.

Mr. GROSVENOR. Very well. Possibly I may be in error all along the line, but if so I have the satisfaction of knowing that I am very often in company with the gentleman from Tennessee. [Laughter.]

Mr. McMILLIN. There will not be fewer than six members of the committee who will oppose the bill.

Mr. BRUMM (to Mr. GROSVENOR). At any rate, why not stand by your agreement that the time consumed on your side should be charged against you in the division of the remaining time?

Mr. GROSVENOR. Why did not gentlemen accept my proposition?

Mr. BRUMM. It was agreed to.

Mr. GROSVENOR. Not at all. My proposition was objected to.

Mr. BRUMM. But the objection was made by the gentleman from South Dakota [Mr. PICKLER].

Mr. PICKLER. Yes, it was. I want to see an end of this thing—and to get some pension legislation.

Mr. GROSVENOR. I was compelled to force the conclusion of the debate. My proposition was rejected all along the line.

Mr. BRUMM. But it was rejected by the friends of the bill.

Mr. GROSVENOR. By gentlemen on both sides.

The CHAIRMAN. Unless there is an agreement made, the Chair will recognize the gentleman from Ohio [Mr. GROSVENOR] to control half the remaining time and the gentleman from Tennessee [Mr. McMILLIN] to control the other half.

Mr. McMILLIN. I hardly think, after half an hour was consumed yesterday on one side and with so short a time allowed to-day for the discussion of this important measure, that the even division of the remaining time is quite equitable. However, whatever the Chair does I shall, of course, cheerfully abide by.

The CHAIRMAN. The Chair has no power to arrange these difficulties, and as no agreement has been come to by the gentlemen on the opposing sides, there is nothing left for the Chair to do but to divide the time equally.

Mr. GROSVENOR. Mr. Chairman, the bill under consideration is a provision for the control and management by the Federal Government of the manufacture, exportation, and sale, in every form, of the commodity known as "filled cheese." Filled cheese, Mr. Chairman, is the designation of a food product that is somewhat new to a large majority of the American people. I therefore shall begin by describing it very briefly, and will then proceed to explain the lines upon which this legislation proceeds and the reasons why, in my judgment, this class of legislation is justifiable and applicable to the particular subject-matter of this bill.

Filled cheese is a food product manufactured from milk and neutral oil. The process is that of taking the milk of the cow and by a modern process extracting from the milk all butter fat, leaving the milk simply skimmed milk—nothing else. Seventy per cent of this milk and 30 per cent of neutral oil constitute the product known as filled cheese. The neutral oil is manufactured from the leaf lard of the hog. The process of rendering and preparing for use is by the application of heat. There was some dispute in the testimony before the committee as to the degree of heat that has been applied to the commodity. In the beginning of our investigation it was stated that about 120° of heat were applied and that this was not sufficient to render the article digestible. The weight of the evidence, however, places the degree of heat at a point very considerably higher.

Now, in the first place, a few words about the history of this legislation so far as this bill is concerned. The first bill on this subject was introduced by the gentleman from Wisconsin [Mr. COOK] and was No. 3010. It was introduced on the 28th day of December last. Later, on the 31st of January, House bill No. 5213 was introduced by Mr. WILBER of New York. The two bills went to the Ways and Means Committee, and were subsequently referred to the subcommittee, which proceeded early in February to notify the dairy interests of the whole country that hearings upon this question would be had by the subcommittee. After a full hearing of all comers—whoever desired to be heard—hearings were practically closed in such time that the bill might have been reported back to the House a long time ago (I do not undertake to fix the exact period of time). I may say in this connection—and I do it for a reason that will be apparent later on—that there was but one opponent to this legislation who ever made his appearance before the committee. All the friends of the legislation from Ohio to the Rocky Mountains came, through their agents, and had a patient and full hearing before the committee. A single gentleman from the State of Illinois came there and in a most respectful manner and conservative language opposed the passage of the bill, defending the product, of which he was a manufacturer, "filled cheese," from the assertion that it was deleterious to public health and simply inveighing in mild terms against the proposed legislation. Outside of that gentleman, so far as I now remember, not a single opponent of the bill was heard by the committee.

A very great amount of misunderstanding, however, grew up in the country as to the promptness and energy and purpose of the committee; and so at last there began to come to us telegrams and circulars and letters with all sorts of demands, claiming that the committee was not acting with promptness, and finally claiming that the committee had made a bill that was injurious to the dairy interests—a measure which would not promote the cause for which we had enlisted.

At this point in my remarks I will print a circular letter issued by the Ohio Dairy Association, condemning the committee and making specific charges against us; and I will in the same connection put in a reply to that circular which was written by a

distinguished gentleman connected with the Agricultural Department, showing in what manner the mistaken idea had gotten abroad:

OHIO STATE DAIRY ASSOCIATION, *March 26, 1896.*

DEAR SIR: In 1894 the United States exported cheese to the value of only $7,180,000, a decrease in fourteen years of 40 per cent.

In 1894 Canada exported cheese to the value of $15,500,000, an increase in fourteen years of 400 per cent.

Owing to our weak and inefficient laws favoring manufacturers and exporters of adulterated goods the markets of the world have lost confidence in our cheese.

The Canadian Government have laws prohibiting the exporting of any but full cream cheese; thus the confidence and demand for the Canadian products.

Hon. D. F. WILBER, of New York, has introduced a bill in Congress known as "the Wilber filled-cheese bill, No. 5213," restricting the manufacture and practically prohibiting the exportation of filled cheese.

This bill is indorsed by leading dairymen, farmers, and all interested in the reputation of our food products.

The subcommittee of the Ways and Means Committee have reported another bill to Congress, which is directly against the interests of producers and consumers, and would legalize and promote an industry which has already nearly ruined the reputation of American cheese.

We earnestly urge every farmer and others interested in pure food products, and their reputation in the markets of the world, to send at once a telegram, letter, or postal card to their Representative in Congress, insisting that they support the Wilber filled cheese bill, No. 5213, together with the amendments as suggested by Mr. WILBER.

The oleo and filled-cheese interests are represented in the national capital, backed by millions of money, demanding legislation favoring adulterated products. Do not despair. The voice of the millions of yeomanry, through pointed, personal letters to our lawmakers, must and will be heeded.

Keep an eye open for legislation, State and national, touching the farming interests. Be prompt to let your Representative know your position. Honest demands, backed by the voice of the people, dare not be disregarded.

This circular is issued by order of the Ohio State Dairy Association, which has carefully examined all features of the Wilber filled cheese bill, and consider it a measure of vast importance to the dairy and pure-food interests of the country.

L. N. BAILEY, *Secretary.*
T. F. HUNT, *President.*

[Copy.]

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Washington, D. C., April 2, 1896.

MY DEAR SIR: To-day I have received the circular of your association, dated March 26, and signed by yourself and Secretary Bailey, about filled cheese legislation by Congress.

I am sorry about it. Evidently somebody has been sending out very misleading information.

There has been an unseemly strife here for the rôle of leader in the anti-filled cheese crusade. If all who profess to desire action upon this really important matter had pulled steadily together on the main issue, leaving details to be fixed by the proper committee, the matter would have been in much better shape at the present time.

And now, with the prospect of a bill being favorably reported to the House, instead of efforts to unite all opponents of cheese frauds in its support we find divided counsels and these sensational appeals to "down the committee" and its bill There could be no greater mistake.

The bills introduced upon the subject were duly referred to the leading committee of the House and placed in charge of a subcommittee, of which the chairman is General GROSVENOR, the most experienced and influential member of your own State delegation. I have followed the hearings of this committee and believe that it has endeavored in all respects to do the fair thing.

Neither of the bills referred to it would answer the purpose. The simplest way was to combine their merits and remedy their defects by a new draft. While such a substitute has been prepared by Mr. TAWNEY, it has not yet been reported from the Committee on Ways and Means, and no one has a right to denounce it in advance of its appearance in perfected form.

The original draft of Mr. TAWNEY does not suit me in some particulars, but this is not time to pick flaws. In my opinion it is full as good a bill as WILBER's, better in some respects, and I think the description given of it in your association circular is extremely erroneous and unjust.

I have seen no evidence whatever of improper influences or even of very active opposition to this general plan of legislation in the interest of honest trade in cheese on the part of the filled-cheese and oleo people.

It is certainly absurd and worse than unjust to accuse this committee or the subcommittee having this subject in charge of being under such influences.

Moreover, this effort to discredit this committee and its expected bill in advance and to organize opposition to it on the floor of the House is impolitic to the last degree.

The most carefully constructed and influential committee of the House has had this matter under deliberate consideration and is about to arrive at a conclusion. The character and intentions of this committee can not be challenged. Serious opposition to what this committee deems the best present action on the subject is morally certain to defeat, for this session at least, and probably for this Congress, all remedial legislation on the filled-cheese fraud.

Of course my position is such that I must not "officially" take any part in the matter aside from furnishing information, as instructed at the Department or called for by Congress. But a private letter to you, as a personal friend, can do no harm. I felt impelled to express my regret that your association has been induced, probably by misrepresentation, to take what seems to me such injudicious and injurious action.

With personal regards, very truly, yours,

HENRY E. ALVORD.

Prof. THOMAS F. HUNT,
President Ohio State Dairy Association.

For the information of General GROSVENOR, chairman of the subcommittee: Somebody is trying to make trouble, as is unfortunately successful in some places.

Respectfully,

HENRY E. ALVORD,
Chief of Dairy Division.

The purpose of the committee had been to report a bill made up of the best provisions, in our judgment, of both the bills to which I have referred and with some improvements suggested by what we had learned or thought we had learned through the investigations in the committee. The bill which we have submitted to the House has been reported with the assurance first that it is a more equitable and just measure than either of the others. It is also a more drastic provision, in our judgment, in the right direction, with some limitations of a conservative character that will render the bill less obnoxious to the assaults of its enemies and make it quite as effective if not more so for the purpose for which it has been framed.

Mr. BRUMM. I should like the gentleman to give me some information on this point: The committee in their report state that in 1893 the number of factories in the United States making this commodity amounted to about 265, and the total product to 14,000,000 pounds; while in 1895 there were about 100 factories and the product amounted to 12,000,000 pounds. Can my friend tell me why this decrease? How does he account for it?

Mr. GROSVENOR. I dislike very much to turn aside at this point——

Mr. BRUMM. I beg the gentleman's pardon. I thought he was about to sit down.

Mr. TAWNEY. If the gentleman from Ohio [Mr. GROSVENOR] will yield, I will answer the gentleman's question.

Mr. GROSVENOR. I can answer; but I prefer to do it a little further on.

Mr. BRUMM. I will wait.

Mr. GROSVENOR. Now, Mr. Chairman, the legislation provided in this bill is along the line and practically identical in legal principle with the oleomargarine bill. The committee has been very careful to adhere with considerable tenacity to the line of that bill, because it was an enactment anomalous in our legislation; it was passed in this House after a long struggle, in obedience to a popular demand, was submitted to the severest tests of litigation in all the courts of the country, clear up to the Supreme Court of the United States, and finally in all its essential provisions was held to be legal and constitutional. So, inasmuch as the evil sought to be remedied here is practically the same evil as was the promiscuous manufacture and sale of the oleomargarine product, the committee thought it wiser to pursue the beaten pathway of settled and established precedent than to go into untried fields and imperil the legislation which we sought to make effectual.

We are learning a great deal in this country, Mr. Chairman, on that subject, and I may refer, in passing, to a current event. In the great State of New York, with all of its mighty intelligence and wisdom in legislation, yet they seem to have just discovered that a law revolutionizing their whole regulations on the subject of excise or liquor traffic has turned out to be not in any respect what it was expected to be, or to perform the functions which it was expected to perform, but has succeeded in destroying a whole line of valuable legislation that the legislators of that State themselves did not understand they were assailing; and they even accidentally, as is said, repealed a law regulating the sewerage system of one of the great counties of the State. I refer to it not for the purpose of criticism or reflection upon the system, but to show how the statesmanship of to-day, if it can accommodate itself in the enactment of needed reforms by following the lines of well-settled principles of law, so that the legislation enacted can become at once effective, it will be recognized by the public as binding and conclusive, and will be obeyed as a lawful decision of the highest authority in the country, and not become, as we so often find it in other cases, at once the target for litigation, objection, and dispute.

Now, what is the proposition and what the necessity of the pending legislation? The product of filled cheese is manufactured, as near as I can now recall the figures, at the cost of about 4½ cents a pound. Incidental to the manufacture of cheese is the creamery butter manufacture. The butter fat is extracted from the milk and made into butter, and the refuse of the milk is put into this cheap article of food. Now it is claimed by the friends of this legislation that the product is seriously deleterious to the health of the human species. There is strong evidence in the record tending to estabish that fact, but there is contradictory evidence; and upon the whole case I think that a conservative view of it would be this, that it is a product unnatural, that it is a chemical combination that is not consonant, and that it is not so healthful an article of food as pure cream cheese or full milk cheese, and that under many circumstances it may be seriously detrimental. I do not go to the full extent of the opening statement in this case made by General Hatch, of Missouri, but there is sufficient evidence in this record to raise a doubt as to the general healthfulness of this product, and in any event there is sufficient evidence to make it imperative that it should be sold for what it is and not for what it is not.

It is one of the duties of the hour, Mr. Chairman, not only in Congress but in the State legislatures, to do all that is possible for legislation to do to protect the producer of any article of food product against the imposition of counterfeit or fraudulent articles of the same species, and it is the duty of legislation in all its branches to protect the consumer of food products against the

purchase by him, innocently or unknowingly, of fraudulent articles under the guise of pure food products—articles essentially different from that which he thinks he is buying and for which he is required to pay. It is precisely on that principle that the oleomargarine act was passed. Not that the best and purest of the oleomargarine product was deleterious to human health, not that it is a crime to produce it, except where it is inveighed against by statute, but that the public—the purchasers, the consumers—should be protected against the imposition of a spurious, fraudulent, or counterfeit article.

Now, in the case of cheese it becomes vitally important that the producer of pure cheese—of the cheese of this country—shall have the chance of the markets of the country and of the world open to him, and shall not be affected injuriously by the introduction into those markets of a counterfeit or spurious article, cheaper in its production and ruinous to the market itself. We charge here, on the evidence in the case, that the introduction of this article into the markets of this country and its exportation abroad have been largely conducive to a practical ruin of the American trade in the pure article. And it has been evident to the satisfaction of the committee that that condition of affairs exists. It has been shown in practice. It has been done fraudulently and viciously, as the record abundantly shows. The real article can not be produced at an average, I think, of perhaps less, according to the testimony before the committee, than about 9 cents a pound, so that this product costs only about one-half as much, and yet we find that the system—I am not talking now of an occasional invasion of fair dealing—but the system has made it possible for the product to grow as it has grown here; that it is manufactured and sold as a fraud, that is to say, it is put on the market as a fraud under the similitude of the dairy cheese of the country, wrapped just as cheese is wrapped, boxed the same, and placed in the same manner on the market without a single identifying mark upon it to indicate its fraudulent character.

It is put upon the market in enormous quantities, and there are large sales of it made each year in the markets of the country. We have evidence here that is indisputable that the fraudulent dealer—the dealer who proposes to deal in fraudulent cheese—orders from the commission house, where this product is sent by the manufacturer, what is known as "filled cheese;" but he directs that it shall be branded as full cream cheese; "Orange County full cream cheese," "Badger State full cream cheese," or whatever brand is best adapted to his market, or that which has acquired the best reputation in the market where this fraudulent dealer operates, and he orders that brand to be put upon it. The fraudulent commission merchant who supplies the dealer puts this brand upon it and sends it to him, and through him it goes out to the consumers.

Mr. OTEY. I would like to ask the gentleman a question just there—if this bill does not license the very fraud which he claims he is trying to prevent?

Mr. GROSVENOR. Well, I will come along to that presently. But let me answer the gentleman at once with reference to his suggestion. We are not licensing the manufacture or trying to avoid the manufacture of filled cheese, but we are trying, and that is the purport of this legislation, to avoid the sale of it under a false name—that is to say, we are trying to avoid the sale of it as full cream cheese, thereby permitting a fraud upon the public, and that is an answer to the whole question. We do not license its manufacture, and we do not prohibit its manufacture. We neither promote it nor discourage it, and we say to the manufacturers of the filled cheese, "Make just as much as you please, manufacture all you please; but when you come to manufacture it the first thing you shall do will be to tell the truth about it, and at every step of the way along the line you shall continue to tell the truth about it." [Applause.] That is all there is of it. That is the principle of the oleomargarine bill. We do not license the making of oleomargarine, but we say, "You shall sell it for what it is"; and that is the first step toward honest dealing in this product.

Now, what has been the effect? We had a very large foreign demand for our cheese. And I may turn aside here at this point in the line of an argument that I heard this morning of a most interesting character. Very many of the products of our country have names that have become more valuable than the plants in which they are manufactured. I was told this morning that in the great whisky producing State of Kentucky there might be a quarter of a million of dollars invested in a plant for the manufacture of whisky, and it would not be worth 10 cents on the dollar as compared with a plant that cost no more or greater sum, but which for twenty-five years or upward had been establishing the character of its products in the market. And it is the brand of the article that makes its value, and not alone its cost of production. Now, in the States of Wisconsin, Ohio, Illinois, New York, and other States—I am only referring to a few by way of illustration—the manufacturers of cheese have builded up the character of their article by a long and patient adherence to the rule of honest dealing. They have manufactured a full milk cheese. They have branded it truthfully. They have entered the market and sold it honestly, and the market has grown until the fraudulent dealer recognizes it and orders from the fraudulent commission merchant the putting of a fraudulent brand upon this fraudulent cheese. It is put upon the market by the fraudulent dealer, and he at once becomes the controller of the market, through the reduced cost of the cheese, and, while putting money in his own pocket, destroys the value of the product of the man who for twenty-five years, perhaps, has been building it up as an honest dealer in an American product.

Mr. Speaker, I will consume as little time as possible. For the purpose, and I may say for the sole purpose, of eradicating that evil and forcing by law an honest manufacture and an honest sale of this commodity we have proposed this legislation. I will not go over the details of the bill.

Mr. BRUMM. I think it would be unsafe for you to go over the details of the bill?

Mr. GROSVENOR. Well, there is one thing to be said. Always while the gentleman from Pennsylvania is near by, nobody need fear that the details will not be carefully examined. There are some amendments which the committee will propose at the proper time, possibly unimportant, but in order to meet the views of some of the friends of this legislation; and there are other amendments which will be offered, probably, which the committee can not consent to.

Now, in general terms, this is the proposition of the law. The manufacturer of filled cheese will pay a tax upon his business of $400 a year. We put it $200 less than the oleomargarine tax, because the object has not been in this bill to destroy the manufacture nor yet to lessen it.

Mr. TALBERT. Will the gentleman allow me to ask him just one question for information?

Mr. GROSVENOR. Yes; certainly.

Mr. TALBERT. In advocating the passage of this bill does the gentleman not advocate the licensing of what he considers to be a very grievous wrong?

Mr. GROSVENOR. Not at all.

Mr. TALBERT. I ask for information.

Mr. GROSVENOR. I have not been happy in my expression, or the gentleman would have understood me.

Mr. TALBERT. I understood the gentleman to say that the dealing in filled cheese was an evil and he wants to crush it out; but he wants to pass a bill legalizing it.

Mr. GROSVENOR. Now, the gentleman only wants me to repeat what I have already fully stated. I will now place it in language that I am sure the gentleman from South Carolina can understand. This bill does not license the manufacture at all; but for the purpose of placing the Government in a position to compel the regulation and manufacture and sale it charges a tax upon the manufacture.

Now, secondly, it is not claimed in this legislation that the manufacture and sale of filled cheese is an evil. Therefore we have not licensed it.

Mr. TALBERT. It seems that the gentleman makes a distinction without a difference?

Mr. GROSVENOR. The gentleman's mind may be without a difference. We do not say that it is an evil to manufacture it. So far as this legislation is concerned, it may be that it is not an evil to manufacture it, it is not an evil to sell it, it is not a very great evil to eat it. I should not like to eat it, with my knowledge of it. We say you shall not manufacture it as something else, and you shall not sell it as something else, and you shall not sell it to a man to eat as something that it is not.

Mr. TALBERT. You mark it so that it can be known what it is. I am asking for information.

Mr. GROSVENOR. Well, that is all right; I have given the gentleman information.

Mr. CANNON. Will the gentleman permit me to ask him a question?

Mr. GROSVENOR. Yes, sir.

Mr. CANNON. I have not fully read this bill. I understand that this fixes a tax of so much a pound?

Mr. GROSVENOR. At 1 cent a pound.

Mr. CANNON. And then fixes the license for the wholesale merchants.

Mr. GROSVENOR. Fixes the tax for the manufacturer, the wholesaler, and the retail dealers.

Mr. CANNON. Now, why not fix the tax at one-tenth of a cent a pound and make the license tax a dollar instead of $200. In other words, why not put a brand on this article for what it is, and then prevent the selling of it for something else, and not interfere with the people who make a product that other people think is a good product to buy?

Mr. GROSVENOR. This is an argument that ought to be made in the form of a speech against this bill.

Mr. CANNON. I am not making a speech against the bill.

we had learned or thought we had learned through the investiga- | branches to protect the consumer of food products against the | character of their article by a long and patient adherence to the | Mr. CANNON. I am not making a speech against the bill.

Mr. GROSVENOR. That relates, as I have said, to the details of this bill, and not to the general principles to which I am talking at this time. I am not trying at this time to discuss the propriety or impropriety of the licenses, forfeitures, or fines of this bill. I can say to the gentleman, in a general way, that the high tax upon oleomargarine—and we have been guided largely by that—has not only not suppressed the manufacture nor curtailed the sale nor limited the profit, but under the provisions of that law the manufacture has largely increased, although in fewer hands; the quality has greatly improved, and the consumption has largely increased, and, at the same time, returns to the Government about $1,000,000 of actual revenue upon the business. We have put these licenses far below the oleomargarine law—far below—the most of them I think two-thirds. The propriety of it probably lies in the fact that this commodity has been used fraudulently in the country, and is cheaper, as I was going on to say, largely so, than the price of that article and is enormously profitable to the manufacturers. Therefore these charges that we put upon it are a bagatelle in comparison to the sale of the article, that costs 4½ cents a pound, nearly up to the full price of pure cheese in the market.

Mr. CANNON. It was in the best faith that I interrupted the gentleman, desiring to get at wise legislation; and by way of suggestion I would elicit information, and if the gentleman will allow me——

Mr. GROSVENOR. The propositions that you are making are well worthy of consideration.

Mr. CANNON. If the gentleman will allow me a minute, I want to state in connection with this discussion, and it will not take me more than a minute or two——

Mr. GROSVENOR. Certainly.

Mr. CANNON. My experience touching the tax on oleomargarine. I voted for it without much understanding of what oleomargarine was. Now, since that time I have regretted that the oleomargarine tax is as high as it is, for the reason that it interferes with and places burdens upon an industry which your constituents and mine are greatly interested in, namely, the growing of cattle. This matter interferes in the first place with the product of hogs, as I believe neutral lard takes the place of butter in the milk or the cream in the milk.

Mr. GROSVENOR. That is right.

Mr. CANNON. Now, I have no hesitation in saying that oleomargarine is a product which is consumed by all, and that it is better than the average product of butter produced in the country; and for that reason much criticism, and I have thought just criticism, has been used in connection with the oleomargarine legislation—that it puts a tax of 2 cents upon the people who use it.

Mr. GROSVENOR. Yes.

Mr. CANNON. And therefore I should be opposed to making the license so high. I fully agree in such legislation, if we have power to make it, and I suppose we have, as will brand this and all other products so that they will tell the truth; but there I want to stop. Certainly no man in the House ought to be opposed to putting a tax upon this product at the minimum and the license at the minimum, so that an industry shall not be burdened.

Mr. BRUMM. Place the tax at the minimum and the penalty at the maximum.

Mr. GROSVENOR. The experience of the oleomargarine law has been that after all the high taxation and penalties the manufacturers of that product have gone right on making vast profits and violating the law in every possible way that they could. The evidence before our committee, which it has had in its hearings, is that the law is violated a thousand times a day in the city of Washington.

Mr. McMILLIN. If that is true is it not a proof that your efforts here to proceed with the destruction of this industry by taxation will be wholly unavailing?

Mr. GROSVENOR. We do not want to "proceed to the destruction of this industry." The gentleman is using language that has no application here.

Now, Mr. Chairman, on this point of the high rate of license and tax, 1 cent a pound upon the manufacture of filled cheese in this country, with the licenses provided for in this bill, if the consumption is not to be greater than it was during the last year, will not amount to any very considerable sum above the expense of the administration of the law. Take a retail dealer who pays a license of $40 a year, and who sells, perhaps, 100 pounds of filled cheese every day—a very low estimate for a retailer of that commodity—and assuming that the consumer pays the tax, it amounts to a dollar a day upon the consumption. You have got to have something in the form of taxation that will point out these places, regulate their construction, investigate their modes of procedure, and make the business as nearly respectable as it can be made. It is not a very high-toned business in any country that makes an article in the similitude of a well-known food product and, even when the name is printed upon it, steals the form and part of the name of the genuine product and puts the imitation upon the market in that way.

Now, I have gone over the principles of this bill. It is not intended to give to the manufacture and sale of filled cheese the indorsement of the Government. It neither indorses it nor condemns it. It neither licenses it nor prohibits it; but it aims, all along the line, under the power of the legislative department of the Government, to levy this tax, to make it absolutely certain that in this country these fraudulent practices shall cease. I will put into my remarks an illustration of the operation of this business, showing the destruction of our foreign market for cheese and the declarations of dealers in foreign countries that it has been the introduction of this fraudulent cheese that has driven the product of our farmers out of the markets of England, Ireland, and Scotland. So vicious has this matter become that the Dominion of Canada, which is a large exporter of cheese to England and other foreign countries, has prohibited as criminal the manufacture and sale of this imitation cheese, and a large number of the States of the Union have done the same thing.

The gentleman need not be afraid that Congress is going to run into the teeth of public sentiment upon this subject. The great State of New York, with its magnificent dairy interests, has made it a crime to manufacture or sell this imitation cheese, and the commission merchant in Chicago or Cincinnati who handles this article for the foreign market is compelled to ship it through the State of New York, but dare not sell a pound of it there. The States of Wisconsin and of Minnesota have also made it a criminal offense to manufacture or sell this article.

Mr. CHICKERING. And at this session of the Ohio legislature there has been similar legislation.

Mr. GROSVENOR. Yes; the State of Ohio has made a regulation to insure the honest handling of the article. That, I believe, is as far as we have gone.

Mr. BRUMM. Have any of the States taxed it as you propose to tax it in this bill?

Mr. GROSVENOR. Not so largely.

Mr. BRUMM. Anywhere near as largely?

Mr. GROSVENOR. Yes; and I do not know but that some of them have taxed it even more largely. In many of the States, however, they have made it a crime to manufacture or sell the article, and the courts of your own State have upheld the regulation——

Mr. BRUMM. As to oleomargarine, yes. Now, will the gentleman be kind enough to answer the question I asked him?

Mr. GROSVENOR. The gentleman asked me why there was a slight falling off in the production of this article between 1894 and 1895.

Mr. BRUMM. Fifty per cent falling off in the number of factories.

Mr. GROSVENOR. The same is true of oleomargarine. There are vastly fewer oleomargarine factories now than there were when the oleomargarine law went into effect, yet the production of the article is much greater than it was then. That is because the law has driven the manufacturers into the production of a better article. Fewer men can engage in the manufacture now, because of the tax; but larger plants are employed, because they can manufacture on a larger scale and pay the tax. It has come to our knowledge that one man owns 30 filled-cheese factories; but after awhile perhaps those will all be consolidated into one. This accounts for the reduction in the number of places where the article is manufactured; and the reduction in the number of factories has been accompanied by an improvement in the quality of the article produced. We had evidence relative to the operation of the oleomargarine law, as the gentleman will remember, showing that very much of the materials that went into oleomargarine was absolutely villainous and poisonous. That condition of things has been relieved by our legislation. We have evidence now that some of the matters that enter into filled cheese are as objectionable as those which entered into the manufacture of oleomargarine, but we know that the quality of oleomargarine has been improved by the legislation upon that subject, while the product has not been increased in cost to the consumer. The only answer I can give to the gentleman's question as to why the manufacture has been reduced in quantity is that so many of the States are prohibiting its manufacture and sale. With that, however, we have nothing to do here.

Mr. CHICKERING. If the gentleman will permit me, I will say that whereas 12,000,000 pounds were manufactured in 1895, it is estimated that 18,000,000 pounds have been already manufactured between the 1st of January, 1896, and the 1st of April, 1896.

Mr. GROSVENOR. Showing that the growth of the manufacture is rapidly augmenting.

Mr. BRUMM. The table that I have referred to runs up to 1896.

Mr. GROSVENOR. Up to 1896, but it does not include any part of 1896. I need not appeal to the House on this subject. Gentlemen understand the matter quite as well as I do. There is a demand for this legislation from every dairy-promoting community in the Union. The demand is unanimous from these producers with the bare exception of the few who are engaged in the

production of this article. If, nevertheless, this demand is unjust and unreasonable, the universality of the demand ought not to control our action. But if upon the whole case we are compelled to say that this legislation is simply in the line of fair and honest dealing—simply in the line of giving to the public the fullest knowledge of that which they are buying—then the fact that there is a universal demand from our constituents for such legislation ought to be conclusive of the action of every member of this House.

Mr. PICKLER. Do the butter makers object to this?

Mr. GROSVENOR. I have not heard anything of the kind. The interest of the agriculturists is the interest of the common people of this country. If we have prosperity, it must be cornerstoned by agriculture. If we dominate as a nation on the face of the earth, we must dominate because of the strength and integrity of our agricultural interests. Too much of our legislation has omitted the farmer; too much of our legislation has been bestowed upon others and not upon him. Representing as I do an agricultural district, I stand here identifying this interest as an agricultural interest. I recognize the principles upon which this demand is made as true and faithful exponents of good legislation and as justice between man and man. Singular it may be, but its aim is honesty. Anomalous it may be, but its purpose is to do the fair thing among the people of the country. A nation that will not deal honestly will never prosper. A nation which does not promote fair dealing will be driven from the markets of the world.

Because I believe this provision is one of wisdom and justice and fairness, justified by legislative precedent, upheld by the judgment of the courts, and in the interest of the great mass of the American people, I sustain the report of the committee and shall support the passage of this bill.

[Mr. GROSVENOR took his seat amid loud applause.]

Mr. McMILLIN. I yield fifteen minutes to the gentleman from Virginia [Mr. OTEY].

Mr. OTEY. Mr. Chairman, I think this measure ought to be entitled, "A bill to manufacture crime." Sir, we have enough crime under human and divine laws without the House of Representatives undertaking to manufacture more. The purpose of all civilized countries ought to be to curtail crime rather than to increase it.

I am opposed to this bill, first, because it enlarges the scope of the internal-revenue system, which in my opinion it is our duty to curtail, cut off, and get rid of as soon as possible. It is laying the mailed hand of taxation on the people, which it should be our duty to relax and remove. What do we see now? When we get up in the morning we draw on a pair of socks that are taxed; we put on our undergarments, every thread of which is interwoven with taxation. We draw on our clothes, every pocket of which is full of taxation, and nothing else.

Mr. GROSVENOR. Will the gentleman allow me a question, as I answered his question?

Mr. OTEY. Certainly; I yield to the gentleman.

Mr. GROSVENOR. What commodity do you find in your pockets in the morning that is the highest taxed by the Government?

Mr. OTEY. I did not exactly understand the gentleman.

Mr. GROSVENOR. The gentleman said that we got up in the morning to find our pockets full of taxed articles.

Mr. OTEY. I did not say that.

A MEMBER. "Full of taxation, and nothing else."

Mr. GROSVENOR. I thought the gentleman said taxed articles. I thought he referred to something that had been left over the night before, upon which was levied a high tax.

Mr. OTEY. I am ready to yield to the gentleman at any time for a question. If I had two or three hours, I would answer every one of his questions, for I think I could do so. Throughout my whole life I have made it a point when I go about a mule always to stay in front of him, never to get behind him. [Laughter.]

I was going on to say—the gentleman interrupted me right in the middle of my beautiful allegory—we get up in the morning, we go to the washstand, and there we pick up a cake of soap that is imprinted with taxation; we go on and wash, with a bowl and pitcher, the towel, the toothbrush, and everything about which is taxed except the water. We go and sit down to our table and our knives, our forks, our spoons, our cups, our saucers, our tablecloths—everything on that table is taxed except, perhaps, the sweet milk and the cheese, "filled cheese," if you please, as no one, it seems, can discern the difference except by an internal-revenue stamp.

You get up and you walk across a tax-ridden carpet. Everything around you—sunshine and shade—everything you see, everything you feel, everything you taste, everything you hear, single or married, young or old, all, all are taxed, taxed, taxed! Even the nails in the coffin are taxed. And when you go to put the tombstone over your friend or relative that is taxed. [Laughter.]

And now you come here with this bill and propose to do what? To tax cheese! What kind of cheese? Filled cheese! I started to ask the gentleman from Ohio a question, but I was so much embarrassed I had to sit down, because he is one of the old members of this House and I am one of the young ones—that is, young so far as term of service is concerned. I understood the gentleman to say that about 70 per cent of this matter that they put into this cheese is foreign to the milk. I do not know whether I quote him correctly or not. But, sir, the authorities which I consulted (which I lost on the cars this morning, and they have just come back to me) do not say so. But I will not go into that question now.

Take this bill as you find it. You propose to tax cheese. The deputy collector comes into your house or into the nice little cottage of some hospitable countryman; he calls in there to stay all night. The tenant in his hospitality consents that he shall stay. This collector takes particular notice what is on that table, and he sees some "filled cheese." He arrests that man and carries him off to jail, probably, and the cheese he takes somewhere else.

Mr. TAWNEY. Will the gentleman allow a question?

Mr. OTEY. Certainly.

Mr. TAWNEY. In what part of the bill does the gentleman find any authority for such action as he supposes on the part of a deputy collector?

Mr. OTEY. The bill provides for paying a penalty of $500, and when a man does not pay a fine, he is generally arrested.

Mr. TAWNEY. Who pays the tax under this bill, the consumer?

Mr. OTEY. The man violating the law.

Mr. TAWNEY. The manufacturer pays it.

Mr. OTEY. The man who has the commodity and sells it without tax—knowingly, I believe, is the word—is to be fined.

Mr. TAWNEY. But your remark implied that the consumer, not the dealer, was to pay the tax and suffer the penalty.

Mr. OTEY. Very well; let us refer to the bill.

Mr. McMILLIN. Here is the bill. Section 12 is the one to which the gentleman from Virginia has referred.

Mr. OTEY. Section 12 reads as follows:

SEC. 12. That every person who knowingly purchases or receives for sale any filled cheese from any manufacturer who has not paid the special tax shall be liable for each offense to a penalty of $100 and to a forfeiture of all articles so purchased or received or of the full value thereof.

Mr. RAY. Will the gentleman permit me a moment?

The provision just read applies to the person who buys this article for sale and not for consumption. If the gentleman will note the language he will observe that distinction; that is, that it prohibits the dealing in it.

Mr. TAWNEY. The section the gentleman has read corroborates my statement, that every person who knowingly receives for sale this fraudulent article becomes subject to the provisions of the law.

Mr. OTEY. Well, I have not got time, as you all must see, to answer everybody. "You all" is an old Southern expression. I do not object to being questioned if I had time.

Now, you go before your constituents after passing this bill—and I will necessarily have to be desultory in my remarks, for I expected to make an hour and a half speech and have only fifteen minutes—but you go before your constituents and answer them this question—and I call your attention to the language here in the bill, which I will read:

Retail dealers in filled cheese shall pay $40 per annum. Every person who sells filled cheese at retail, not for resale, and for actual consumption, shall be regarded as a retail dealer in filled cheese, and sections 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3243 of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section and to the persons, firms, or corporations upon whom they are imposed.

Now, you are going to vote on this bill repealing some 12 sections of the Revised Statutes or making them apply to the provisions of this bill, and I desire to ask what man among you has read them? I mean who has read them since this bill came up, to know just what he is voting on? If there is a man who has done so, let him stand up.

Mr. RAY. Here is one.

Mr. OTEY. Are you on the committee?

Mr. RAY. No, sir.

Mr. OTEY. Well, you are an exception. [Laughter.]

Mr. RAY. Yes; I have read them, and since this bill was presented to the House. I have read them carefully, and let me say to the gentleman that this bill is good law.

Mr. OTEY. Then out of the whole House we have one gentleman who has read these statutes.

Mr. CHICKERING. Here is another.

Mr. OTEY. You are entirely too late, my friend. You are out of time. [Laughter and applause.]

Mr. RAY. I would like to ask the gentleman if he has read them himself?

Mr. OTEY. No, sir; and I would not undertake to do it, for I am not interested in that particular subject. The Revised Statutes are good enough for me, without applying them to cheese. I will take them as they are. I am not engaged in remodeling them.

I am not the man who proposes to do anything of that kind. You are trying to do that, and it is your duty to know what you are doing, and I want it to go in the RECORD that only one member has read these sections of the Revised Statutes. But when you go before your constituents on the stump, when people come up and ask about this legislation, then I want you to be able to tell them candidly whether you have or have not read these statutes. Now, one gentleman says that he has read them. He is an exception. [Laughter.]

But why do you tax this article? Do you tax it for revenue? You know you do not. Why, then, do you tax it? You say it is "a fraud." Why, have you any right to tax fraud? If you tax one kind of fraud why do you not tax all frauds? Why, my dear sir, a man with a wooden leg is a fraud to some people, some in this House. [Laughter and applause.] What is the meaning of fraud? Why, it means deceit, deception, with a view of obtaining an unlawful end, such as obtaining goods under false pretenses. It is deception, cheating, deceit, and so on. [Laughter.] Why, the hair on the top of your head is a fraud when it is a wig; it is a fraud when it is dyed. [Great laughter.] The false teeth in your mouth is a fraud; but it does not come under the provisions of this bill. [Laughter.]

Bring me [addressing a page] a decaliter of the protoxide of hydrogen. [Laughter and applause.] I have not got time to go over this whole subject of fraud and show you exactly what it is. I wish I had. There is some interesting matter here. Shakespeare says that—

The welfare of us all
Hangs on the cutting short that fraudful man.

Then cut him off. If he is a fraud do you wish to protect him? I ask again, are you doing it for the purpose of taxation? I asked the gentleman from Ohio that question, if he was not licensing fraud by this bill. He dodged the question and would not answer it. He knows that this bill is simply licensing fraud. He said that there were counterfeits of pure cheese.

Now, have you ever undertaken to tax counterfeits before? Suppose you did. Would not a tax on counterfeits license them to counterfeit? Would not it license them to make counterfeit money, as well as counterfeit butter? You condemn lotteries as a fraud. Did you license them by taxing them? No, sir; you passed a law that completely wiped them out of existence. Do you wish to destroy filled-cheese factories? Let a man go into Swift's or Armour's and compare the cleanliness of their food products, compare their fats with the fats in the dairies through the Northwest. But you propose to encourage what you claim to be a fraud by affixing the seal of your approval to it. I am opposed to any interference with legitimate business, and if I had the time I would show you that this is a legitimate business. If it is a fraud, then you can not license it. You can not, in justice to yourselves, consistently license a fraud; and yet you say here that if they will put the United States stamp on the thing that it may go all over the country, when you know it is a fraud.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McMILLIN. I yield five minutes more to the gentleman.

Mr. HOPKINS. Will the gentleman from Virginia allow an interruption?

Mr. OTEY. Yes.

Mr. HOPKINS. As I understand, it is not contended that filled cheese is a fraud, because the testimony before the committee is that it is a wholesome product. The point about having a stamp upon it is so that the dealers and consumers can discriminate between that and the full-cream cheese.

Mr. OTEY. I want to ask the gentleman if it is necessary to tax it in order to do that? Why, in my own State we have inspectors of tobacco, inspectors of internal revenue, and all these things. Why can you not have them inspect this thing and see wherein the deleterious stuff lies? Why, Mr. Chairman, I wish I had time to read what was stated to us in the hearings. One of the gentlemen says that the fat from the hog is a great deal more wholesome than the fat from the cow, and that the cow is a great deal more liable to disease. I would like to go on and tell you all about the bacteria and the microbes that they kill in this process. They subject it to 200 degress of heat, whereas this butter, as they call it, is only heated to about 70 degrees.

Mr. TAWNEY. That statement was made by the only filled-cheese manufacturer who appeared before the committee, was it not?

Mr. OTEY. No; it is made by a distinguished gentleman that you are all fond of—the Hon. Sterling Morton. You had him before your committee, and that is his evidence.

He said:

What is now known as filled cheese was formerly called margarine cheese, and oleo' cheese, and is designated as imitation cheese in the laws of several States. It is apparently a perfectly legitimate food product and properly called cheese. It has the characteristics of cheese, although not of high grade, and is similar in chemical composition. The only essential difference between filled cheese and that made from whole milk is in the substitution of the fat of the hog for that of the cow. The natural fat of the milk being extracted, or separated, is replaced by a good quality of lard, at the rate of 8 or 9 pounds of the latter to 100 pounds of skim milk.

And:

The liability to use raw materials containing the germs of disease is about the same in making genuine cheese as in making filled cheese. It is possible to thus convey the germs of disease from cows and hogs to the human family; but the danger can not be regarded as serious in either case. It is probably true that at the present time in those districts where cheese is largely made insidious diseases which are dangerous to man are more prevalent among cows than among hogs.

Medical authorities and others differ as to the relative digestibility of different fats, such as butter fat and pork fat or lard; but the fact is known to all that immense quantities of pork fat in all forms are consumed by various classes of people without detriment to health. There is no just ground for claiming that filled cheese is necessarily unwholesome or deleterious to health. Large quantities of it are daily sold and consumed without apparently injurious effects.

But the gentleman says, "About how much of this stuff is in the cheese?" I have tables here which will show, but I have not time to read them. I asked the gentleman in charge of this bill, and I wish he would answer, what is the principle of the cheesy matter in milk?

Mr. GROSVENOR. Why, butter.

Mr. OTEY. No; it is not at all. It is what they call casein. Do you want to know what casein is? It is an albuminoid substance found in milk, soluble in alkali. It is coagulated by animal membranes. It dries into a yellow mass, and contains less nitrogen than albumin. A similar substance, called vegetable casein or legumin, occurs in peas, beans, etc.

That is the principle in cheese. Take that out and you could not make any cheese at all. But by putting in the oil with that you make cheese. And how do you get it? Why, you take the stomach of a calf, a sucking calf. Some of the authorities say it is the third stomach and some say that it is the fourth stomach. They dry it, and after drying it and smoking it and all that sort of thing they mix it in with the milk, and it produces the curd. Now, what does the curd contain? It contains 92.95 per cent of water, 0.24 per cent of butter, 0.81 per cent of casein, 5.27 per cent of milk, sugar, and lactic acid, and 0.73 per cent of mineral matter.

Now, what proportion of cheesy matter is there? The authorities which I get out of the Library say from 3 to 10 per cent.

Now, Mr. Chairman, cheese is a solidified production from milk, the essential constituent of which is the proteinous or nitrogenous substance called casein. It is the basis of cheese, or purified curd of milk. Is any of this taken out of filled cheese? Not one particle. The butter is taken out, and then this oil is put in, and the testimony of all the experts is that the oil or fat is much purer than the butter itself. The testimony of everybody who testifies on the subject is that this neutral oil is much purer than the butter.

Now, these rich cheeses with which we are familiar commence to ripen very soon. They ripen from the outside to the inside, and if a poor man gets one of them it very soon spoils, whereas this filled cheese is a wholesome article of diet, and lasts. They can get it from 5 to 6 cents cheaper than they can get the other cheese. Now, you propose to put a tax upon it to debar the poor people from getting this wholesome product, except at the price of the other cheese manufacturers.

I believe that filled cheese can be and is made pure; that unfilled cheese can be and is made impure.

Cheese has been an article of food from the time of the early Jewish patriarchs.

The manufacture of cheese, whether filled or unfilled, in this day is a process both chemical and mechanical. Chemistry is playing a great part in the economy of things. In producing filled cheese it has conferred a benefit on mankind, cheapened the food of the millions, and given employment to thousands of our deserving fellow-citizens.

Strike it down by taxation, and you but add other burdens to the already overburdened and oppressed laboring people of our country.

Mr. TERRY. It is a proposition to tax the poor man's cheese.

Mr. OTEY. Yes, sir.

[Here the hammer fell.]

Mr. McMILLIN. Mr. Chairman, my time is so limited, and I have promised to yield so much time to other members, that I will ask the Chair to notify me when I have occupied fifteen minutes.

The CHAIRMAN. The gentleman from Tennessee is recognized for fifteen minutes.

Mr. McMILLIN. Mr. Chairman, it is not possible within the too limited time given for this discussion to give this important measure that care and attention which should be given to a measure proposing to add heavy penalties, fines, imprisonment, and additional taxes upon the people of the United States; but we have to take it as we find it. I will state, Mr. Chairman, the facts in such a way that I do not think any member of the committee will disagree with me. First, the weight of the testimony taken by the Committee on Ways and Means is to the effect that filled cheese is a healthful article of food; not so fine as the best cream cheese, but healthful; secondly, that it is cheaper than the cream cheese; thirdly, that the wholesale manufacturers of this commodity, all over the United States, manufacture and sell it as filled cheese and not as cream cheese.

These are propositions which will not be denied in the light of the evidence before me. Recurring to the question of the wholesomeness of "filled cheese," it will not be denied that the testimony shows that the milk that is used in the production of this cheese is raised to the same temperature as is the milk in the production of full cheese or full cream cheese; and in addition to this, that, by the processes of manufacture, the leaf lard and the skimmed milk of which this product is made become heated to 200° F., which is a higher degree of heat and more likely to destroy germs than that which is used in the production of full cream cheese.

Having said this much concerning the nature of the commodity, I will during this debate insert the testimony of Secretary Morton on this subject, as he has given us a fair and most lucid statement concerning filled cheese.

Mr. Chairman, two articles are used in the manufacture of "filled cheese," skimmed milk and the leaf lard of the hog. From the milk is taken by skimming the fat of the cow and the finest portion of the fat of the hog substituted. The ingredients are about 3 parts of lard to 100 of milk.

Sir, no man can or could object more than I do to any fraud or imposition on the public. If that were the only question involved we would have no difficulty. No man can be more the friend of our great dairy interests than I. But I am not willing to legislate for any industry purely to benefit another. That is what is proposed here.

Only a few years ago, Mr. Chairman, we were urged to pass the oleomargarine tax bill, because if we did not our dairy interests would suffer. It was done. I said then it would not accomplish the object. It has not. More oleomargarine is made here and consumed since the tax than before. In 1888, the first total year after that law went into effect, we produced 34,325,000 pounds. Last year we produced 56,958,000 pounds. To show how powerless is the statute to regulate and stop the use of oleomargarine, listen to the following from the statement of Hon. William H. Hatch, author of that bill, given before the Ways and Means Committee the other day:

But right here in the capital of the country, right here in your hotels, boarding houses, and restaurants, right here in the city of Washington, that law has been oftener and more outrageously violated than in any city in any State in this Union, and I defy any man on this committee to go to any first-class restaurant of the city of Washington to-day and take what they will put before him as butter one time in ten with an absolute certainty he is going to get pure butter. I have seen oleomargarine handed out to me within the last ten days. I did not eat it, but it was given to me to eat in what are known as the best restaurants in the city of Washington.

Now, sir, we are again told we must legislate for the dairy interest, this time to stop the use of competing cheese.

Sir, where is this vicious system to end? You taxed oleomargarine before, and you tax "filled cheese" now for destruction. What industry will you assail next? When will you cease to lay your blighting hand on struggling industry. In your tariff bills you pretend to build up by taxation, and by your internal-revenue bills you tear down. Wherever you turn you hamper or destroy. You had far better let the citizen regulate his own business.

Sir, I do not hesitate to say, in view of all that has occurred both in the committee and in this House, that the purpose of this legislation is not to raise revenue, but it is to appeal to the taxing power to destroy or injure the filled-cheese manufacturers. It is the creation of new penalties; it is the imposition of new taxes; it is the subjection of the citizen to new surveillance; it is the right to take up and hold in the Federal courts citizens of the United States for things that were not heretofore criminal and are not now criminal per se; only criminal because they are made so by this statute. Given the right to legislate, you do not even say a single word about the necessity of this tax for revenue. Go and examine the condition of the Treasury, and you will find there are $272,000,000 of net funds in the Treasury, $172,000,000 in addition to the $100,000,000 of gold reserve which it has been the custom of the Government to keep there. This is a vicious intermeddling on the part of the Congress of the United States with the business of the citizen for the purpose of regulating that business and crushing it out for the benefit of somebody else, and against that kind of legislation and injustice I raise my protest here, as I have ever done and ever will do, whether my constituents or anybody else's constituents are involved in the question. Let the States crush it if they wish. Let the Government require that it be branded when it goes from State to State or to other countries if they wish, but do not use the taxing power to destroy.

We have the most magnificent form of government ever devised by the human mind. It would seem that the great Jefferson was almost inspired, Mr. Chairman, when he conceived the idea that he could avoid the centralized government and despotism which had been its inevitable consequence from the rise of the first republic to the downfall of the last despotism. He wisely concluded to frame a government that should consist of smaller governments within a great government, leaving the citizen all he could do without the interference of the government, State or national; leaving to the State government all it could do without the interference by the National Government; and giving to the Government of the United States the right to control the citizen only in those matters wherein it was permitted to do so by the Constitution, and wherein the State could not do it so well, and wherein the citizen could not do it so well.

That principle of government we wrested from Great Britain by blood and suffering; that principle of government we embodied in a written Constitution. Here was the beginning of State rights—of "home rule." But in the same Constitution we put the necessary power to tax the people for the purpose of supporting and maintaining the structure and to enable it to carry out those wise and proper functions of government. This right to tax the citizen for the common good has been perverted in these latter days, and a lot of legislators, conceiving themselves wiser than the framers of the Constitution, wiser than the masses of the people, wiser than the States and peoples who sent them here, have wrested the power or are perverting this great function to the purpose of private gain and for the purpose of crushing out an industry that does not happen to suit their taste. That is the situation now. Jefferson's conceptions are disregarded and his system of government is being assaulted.

Mr. TALBERT. That has been done upon the same principle as imposing the 10 per cent tax on State-bank circulation, for the purpose of preventing their existence.

Mr. McMILLIN. It is done on the same principle as the imposition of the 10 per cent tax on State-bank circulation, which was not to raise revenue but to crush the banks. It is the same principle involved as in the oleomargarine bill, where the tax was proposed and levied at a time when we had a big surplus revenue, and it was done for the purpose of crushing out that industry. The gentleman from Ohio [Mr. GROSVENOR] has confessed the impotency of human ingenuity to do that thing against the protest of the American people by admitting here to-day—as the author of the bill, Mr. Hatch, admitted in the hearing, as I have shown you—that in the city of Washington there is more oleomargarine consumed than in any other city of its size in the country, and the law has proved itself wholly inefficient.

Mr. RAY. Will the gentleman permit me to ask him a question?

Mr. McMILLIN. With pleasure.

Mr. RAY. While you are complaining of the imposition of the 10 per cent tax on the issues of State banks, is it not true that that piece of legislation has brought us a better and a safer system of banking in the United States than we ever had before?

Mr. McMILLIN. It is wholly untrue that any tax imposed for destruction ever in the end benefited the American people. It is wholly untrue that we have the best currency system on the earth. On the contrary, any man who is satisfied with the present situation is easy to please, and I do not envy him his intelligence.

Mr. RAY. Whether I have any intelligence or not, would the gentleman now return to the old State-bank system?

Mr. McMILLIN. I did not mean to nor could I reflect on the gentleman's intelligence. I am not going to be diverted generally from the important question that is before us for consideration, but I will answer you because I avoid nothing. I favor the repeal of that tax. I would repeal it on the presumption that the people at home have as much sense as you and I, and can take care of themselves if we let them alone. [Applause.]

Now, Mr. Chairman, this bill is off the same piece of cloth out of which was cut the oleomargarine tax law. There is no excuse for this legislation. One class of persons engaged in this business you tax $400 a year, another class you tax $200 a year, and others you tax $40 a year. You propose to further fill Federal courts with these prosecutions. And you propose to appoint and send out a lot of "tasters and smellers" to go to every kitchen and churn in the country and see whether they are pleased with the methods by which cheese and butter are made in those places.

Mr. CULBERSON. Spies.

Mr. McMILLIN. Spies, as my friend from Texas, Judge CULBERSON, says—spies and informers. Furthermore, this measure goes further than any other to which my attention has been called, by providing in one of its sections that the citizens shall submit to any "surveillance" that the Secretary of the Treasury and the Commissioner of Internal Revenue shall impose. Not only do you enact this law, fixing the penalty and providing for its enforcement, making and punishing new crimes that are devised, but you launch out in the criminal field on a great terra incognita where you propose to allow the Secretary of the Treasury to make new regulations to which the citizen is compelled to submit.

Mr. TAWNEY. Does not the gentleman know that the oleomargarine law contains the same provision?

Mr. McMILLIN. I have not had an opportunity to compare this with the oleomargarine law.

Mr. TAWNEY. That is the fact.

Mr. McMILLIN. Well, so much the worse for the oleomargarine act. Then, I will say, as I said at the beginning, that the oleomargarine law and this proposed legislation are two of a kind.

market in that way.

ducers with the bare exception of the few who are engaged in the

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And now you come here with this bill and propose to do what?

utes are good enough for me, without applying them to cheese. I will take them as they are. I am not engaged in remodeling them.

Mr. TAWNEY. You said that was an original proposition in this bill and I simply wanted to correct you.

Mr. McMILLIN. I did not say that it was an original proposition in this bill; at least I did not purpose to say so. What I said was that this was the first time such a provision had been called to my attention.

Mr. Chairman, you have heard the gentleman from Ohio [Mr. GROSVENOR] who reported this bill. Did he put the right to tax this article on any higher ground than the purpose to injure this industry? Not a bit of it. If any word placing it on any higher ground escaped his lips I do not now recall it, and I tried to catch everything he said. You heard yesterday the gentleman who opened the debate in favor of this bill [Mr. COOK], who comes from the State of Wisconsin, and who boldly admitted that the object was to "put a brand" upon this article as a fraud. They are not after revenue; they are out to destroy.

Mr. Chairman, we take a different view of the question from that which those gentlemen take. We insist that if you want to brand you ought to stop with branding; that you ought to go with this matter to a different committee; that you ought to apply a different process; that if you simply want to designate this article as it passes from State to State you should simply provide that when it is to be shipped it shall be properly branded, and let it come under the interstate-commerce regulation, instead of yourselves perpetrating "a fraud" upon the people by the very bill which you propose to enact into law. My friend on the left [Mr. OGDEN] has called my attention to another thing which I had intended to reach later, but which I may as well mention now. You provide that the dealer in this commodity shall put up a sign in his store. He may have paid every tax required by the law. He may not have a single package of cheese not marked as required by law; he may have complied with every legal provision as to the tax; yet if he has not stuck up on the door facing or somewhere within his establishment a statement "Filled cheese kept for sale here," he, too, goes to the Federal courts, passes through the Federal gin mill, and is mulcted in costs and fines.

Mr. GROSVENOR. Will the gentleman allow me a question?

Mr. McMILLIN. With pleasure.

Mr. GROSVENOR. In the provision to which the gentleman now refers is there anything different in principle from that which has always been in our internal-revenue laws in relation to the manufacture and sale of cigars and the manufacture and rectifying of distilled spirits?

Mr. McMILLIN. Mr. Chairman, when the dealer in spirits has paid his tax he has discharged his obligation to the Government. The gentleman will not dispute that proposition.

Mr. GROSVENOR rose.

Mr. McMILLIN. But whether that is so or not, here is a tax you do not need; here is a tax for the imposition of which there is no excuse, except that you want to help some persons in a rival business, and for that purpose you subject the citizen to the payment of fines and costs, and also to imprisonment if he fails to put up on his shop door the sign, "Filled cheese for sale here." And when this legislation has worked out its full purpose, when you have taken possession of vast business interests through the oleomargarine law and through this bill and through your other prohibitory and restrictive laws, both internal and external, as applied to the tariff, when you shall have further filled the Federal courts with oppressive prosecutions, when you have accomplished all this, you will find another sign over your Federal courts, the sign which Dante has described so graphically in his Inferno, where he says that over the portal of the seventh circle of hell was seen this inscription, "Who enters here leaves hope behind." [Applause.]

[Here the hammer fell.]

Mr. GROSVENOR. I yield thirty minutes to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Chairman, as a member of the subcommittee which first considered the subject of "filled cheese" with a view to the enactment of a law to regulate its manufacture and sale, and which drafted the bill now under consideration, I deem it a duty to myself and to the proposed measure to say a word in its behalf.

This bill, as my colleague on the committee said, has been drawn upon the lines of an act approved August 2, 1886, commonly known as the oleomargarine law, modified, however, so as to be applicable to the conditions attending the manufacture and sale of cheese and imitation cheese. These modifications consist principally in the reduction of the special tax, the licenses, the fines, and penalties; in the definition of cheese and filled cheese; in the definition of wholesale and retail dealers in filled cheese, and in the marking and branding of that article. The reduction of the tax and licenses was not made wholly upon the responsibility of the subcommittee. Experience, as shown by the testimony of the Commissioner of Internal Revenue, in the administration of the oleomargarine law has demonstrated that a lower tax and a lower license will afford the public and the honest dairymen of the country greater protection against the fraud now practiced upon both. It will enable the Internal Revenue Department of the Government to more rigidly enforce the law than it could if the tax and these licenses were so high that the manufacturer and dealer, rather than pay them, would assume the risk of incurring the penalties of a violation of the law as they are now doing in the case of oleomargarine.

So much for the general differences between the bill now under consideration and the oleomargarine law upon which it is based. When we come to consider the bill in detail these changes and modifications and the reasons for them will be more fully discussed.

Mr. Chairman, in determining whether or not this bill should become a law, we should be satisfied first that it is constitutional; second, that it is necessary and that its provisions are calculated to promote the public welfare; and third, will it injuriously affect any legitimate private interest? A careful consideration of the bill, its purposes and effect, will, I believe, show that the first two propositions can be incontrovertibly answered in the affirmative, and that the last may, with equal positiveness, be answered in the negative.

IS IT CONSTITUTIONAL?

By the Constitution the power of taxation for the purpose of revenue is vested in Congress. The amount of revenue is not essential to the exercise of the power. Whether this bill, therefore, will raise much or little revenue is not material. If it raises any, it is the legitimate exercise of a constitutional power, provided the revenue be raised by a tax levied upon an article which Congress may properly tax. The gentleman who has just taken his seat [Mr. McMILLIN], when driven to the wall to find a peg on which to hang his argument against the constitutionality of this bill, proceeds to assail the motives of the friends of the measure. Taxation, he says, is not the motive, but annihilation. If that were true, Mr. Chairman, the bill would nevertheless be constitutional. In that case the destruction of the filled-cheese industry would be due to the exercise of a power incident to the power of taxation, which power, as Chief Justice Marshall in effect has said, carries with it and legalizes all that may result from its proper exercise. If, therefore, Congress has the power to impose the tax and does it, neither the amount of revenue, the effect upon the article taxed, nor the particular motive that prompted the legislation will have any legal significance whatever. Judge Collamer, that distinguished jurist and eminent statesman, in a case reported in 11 Vermont, 22, said:

> Improper motives can never alter the character of a legal act. Whatever a man has a legal right to do he may do with impunity.

The same is true of a legislative act, which, if constitutional, will not be affected by the motive which prompted it, nor by the arguments used against its passage.

But, Mr. Chairman, the fact that the report accompanying the bill does not state that more revenue is necessary is urged by the gentleman from Tennessee [Mr. McMILLIN] to prove that revenue has no place among the purposes of the measure. He also argues that because there is in the Treasury to-day, of borrowed money, an available cash balance of over $170,000,000; therefore a bill to increase the revenue is not necessary. It is true, Mr. Chairman, that the report is silent as to the necessity for more revenue; but why was it necessary to expose the incompetency of the Democratic party and the insolvency of the Government in this report when the facts are known and admitted by every man, woman, and child in the land, except perhaps the gentleman from Tennessee [Mr. McMILLIN]. The fact that more revenue is needed has been published almost daily. In the statements showing the condition of the Treasury and the receipts and expenditures of the Government which we have received every morning since the Wilson-Gorman perfidy bill went into effect in 1894, we have all the evidence that any man needs to determine the fact.

I have before me these daily statements for April 7, 8, and 9, 1896. What do they show? We see that on the 7th the Government expended $978,033.29 more than it received. On the 8th it expended $545,354.95 more than it received, and on yesterday the excess of expenditures over revenue receipts from all sources reached the enormous sum of $1,041,318.73. The total excess of expenditures over receipts during the first nine days of this month was $5,768,874.95, and for this fiscal year $24,519,577.16. The following figures, taken from these official statements, will show the receipts and expenditures more clearly and in detail:

APRIL 7, 1896.

	This day.	This month.	This fiscal year.
Receipts:			
Customs	$252,694.48	$2,936,716.13	$129,903,015.66
Internal revenue	256,996.28	2,462,909.85	112,867,053.82
Miscellaneous	23,275.95	216,560.75	13,455,957.30
Total receipts	532,966.71	5,616,186.73	256,226,026.78

APRIL 7, 1896—continued.

	This day.	This month.	This fiscal year.
Expenditures:			
Civil and miscellaneous	$148,000.00	$1,303,000.00	$67,464,619.37
War	378,000.00	503,000.00	41,002,476.44
Navy	35,000.00	251,000.00	20,813,615.32
Indians	.....	268,000.00	10,186,033.30
Pensions	600,000.00	3,753,000.00	109,004,815.79
Interest	350,000.00	3,720,388.00	30,687,370.04
Total expenditures	1,511,000.00	9,798,388.00	279,158,930.26
Excess of expenditures over receipts	978,033.29	4,182,201.27	22,932,903.48

APRIL 8, 1896.

	This day.	This month.	This fiscal year.
Receipts:			
Customs	$395,804.96	$3,745,633.44	$130,711,932.97
Internal revenue	470,500.88	3,224,765.81	113,628,909.78
Miscellaneous	18,375.43	254,113.80	13,493,510.35
Total receipts	884,681.27	7,224,513.05	257,834,353.10
Expenditures:			
Civil and miscellaneous	1,293,000.00	2,975,000.00	69,136,619.37
War	100,000.00	703,000.00	41,202,476.44
Navy	43,000.00	306,000.00	20,868,615.32
Indians	34,000.00	330,000.00	10,248,033.30
Pensions	300,000.00	4,653,000.00	109,904,815.79
Interest	156,000.00	4,026,388.00	30,993,370.04
Total expenditures	1,926,000.00	12,993,388.00	282,353,930.26
Excess of expenditures over receipts	1,041,318.73	5,768,874.95	24,519,577.16

APRIL 9, 1896.

	This day.	This month.	This fiscal year.
Receipts:			
Customs	$413,112.35	$3,349,828.48	$130,316,128.01
Internal revenue	291,355.08	2,754,264.93	113,158,408.90
Miscellaneous	19,177.62	235,738.37	13,475,134.92
Total receipts	723,645.05	6,339,831.78	256,949,671.83
Expenditures:			
Civil and miscellaneous	379,000.00	1,682,000.00	67,843,619.37
War	100,000.00	603,000.00	41,102,476.44
Navy	12,000.00	263,000.00	20,825,615.32
Indians	28,000.00	296,000.00	10,214,033.30
Pensions	600,000.00	4,353,000.00	109,604,815.79
Interest	150,000.00	3,870,388.00	30,837,370.04
Total expenditures	1,269,000.00	11,067,388.00	280,427,930.26
Excess of expenditures over receipts	545,354.95	4,727,556.22	23,478,258.43

In view of the facts thus made plain, I am surprised, Mr. Chairman, that any gentleman should assert on this floor that the Government does not need the revenue which this bill will raise. It not only needs that amount, but a great deal more, which the Republicans of the House at the beginning of this session of Congress attempted to raise by the passage of the Dingley revenue bill, which met its fate in some subterranean passage of a silver mine in the other end of the Capitol. Revenue, Mr. Chairman, is necessary, and one of the purposes of this bill is to meet that necessity by imposing a tax on an adulterated food product, manufactured and sold for that which it is not. Those who say we have a surplus in the Treasury of $171,000,000 forget that every dollar of that balance and more has been borrowed from the American people or from foreign syndicates. Why, Mr. Chairman, it can conclusively be shown that every loan negotiated by this Administration was occasioned primarily by a deficiency of revenue. There is every reason to believe that this deficiency in revenue will continue to the end of this Administration. We should therefore do something at this time to increase our revenue.

Mr. McMILLIN. Will the gentleman permit an interruption?

Mr. TAWNEY. I will yield for that purpose.

Mr. McMILLIN. If the deficiency should continue even as it has been shown to exist for the last year, would it not still require more than three years to absorb the fund now in the Treasury in excess of the $100,000,000 of gold reserve?

Mr. TAWNEY. Well, that depends altogether on whether gold will be withdrawn from the Treasury under this Administration as it has been withdrawn in the past and whether the present deficiency in revenue will continue at a diminished or increased rate.

Mr. McMILLIN. It is not a question of gold; but how much is there in excess beyond the ordinary requirements of the Government and the reserve of one hundred million?

My assertion was, and my assertion is, that even if the revenues continue as now and the expenditures shall continue as they are it will require more than three years, or over four in fact, before you would need additional taxation on account of the deficiencies in the revenue.

Mr. TAWNEY. The assertion of the gentleman from Tennessee is based on the assumption that the only draft on the surplus in the Treasury will be to make up the deficit in revenues. This is not a fact by any means. He also ignores the fact that the apparent surplus consists of redeemed greenbacks and Treasury notes which if used to meet deficiency in revenue will afford the brokers of Wall street and Lombard street an opportunity to again raid the Treasury, deplete the gold reserve, and necessitate another Government loan.

Mr. PAYNE. Will the gentleman allow me a question?

Mr. TAWNEY. Certainly.

Mr. PAYNE. Is it not a fact that there is less money in the Treasury to-day than this Administration has borrowed within the last three years?

Mr. TAWNEY. Yes, sir; that is true, as shown by the statements from the Treasury Department, and being true it shows conclusively that the money in the Treasury to-day is borrowed money or the proceeds of borrowed money.

Mr. Chairman, when the oleomargarine law was under consideration in the Forty-ninth Congress the same argument was used to defeat it. It was said that revenue was not its purpose. Since its enactment some of its provisions have been assailed on the ground of their being unconstitutional, but no lawyer has ever presumed to question in the courts of the United States the constitutional right of Congress to enact that law as a whole. This measure, being drawn upon the lines of that act, will for the same reason be unassailable on constitutional grounds.

Mr. Chairman, the motive behind this bill is not, as claimed by its enemies, the destruction of one branch of industry for the benefit of another with which it competes. That argument is only used for the purpose of scaring members. Those who make this claim fail to distinguish between a law that is expressly intended to destroy one legitimate industry legitimately conducted and a law, such as this is intended to be, which will raise revenue, and in addition prevent fraud and deception by compelling those engaged in a certain industry to conduct their business honestly and to sell their product for what it is, and which, to accomplish these two purposes, uses the taxing power of the Government. If the filled-cheese industry is destroyed in consequence of the passage of this bill it will owe its destruction to the fact that it can no longer practice a fraud upon the people by selling its product for what it is not, and because the people will not buy filled cheese when offered for sale as such. But the law can not be charged with its destruction, except in so far as it requires those engaged in the business to deal honestly with the people. If the filled-cheese industry can not live when conducted honestly, who upon this floor will say it has the right to live at all? [Applause.]

Nor can it be successfully claimed that the tax of 1 cent a pound imposed by this bill will even injure the business of manufacturing filled cheese.

From the evidence before the committee it appears that this product can be manufactured at a cost not to exceed 4½ cents a pound. It is even offered to the wholesale trade as low as 2½ cents a pound. So that with the tax and license fees added to the cost of production there would be a margin of profit to the manufacturer and dealer in this spurious product. It is sold to-day in competition with genuine cheese, which costs from 11 to 12 cents a pound to produce. If compelling its sale for what it is reduces the price, the manufacturers of filled cheese, after paying the tax, would still reap as large if not a larger profit than the manufacturers of genuine cheese receive. These are facts which members should consider in determining the effect of this proposed tax upon the filled-cheese industry.

If, therefore, more revenue is needed, and we can show that this industry as now conducted is fraudulently conducted, and to raise revenue and prevent this fraud the constitutional power of taxation is invoked, the bill is constitutional and we are not only justified, but it is our duty in levying the tax to make suitable provisions to protect the public against a glaring and stupendous fraud now practiced by the manufacture and sale of an article of food deleterious to health made and sold in the semblance of that which it is not and against which the people are powerless to protect themselves. [Applause.]

THIS LEGISLATION NECESSARY.

But, Mr. Chairman, the demand for revenue is not the only necessity for this legislation. If in the future we are to enjoy permanent prosperity, the great and overshadowing agricultural interest of our country—the very basis of our material progress and national prosperity—must receive from its representatives and the representatives of the people every consideration and all the protection to which it is entitled. New markets for the products of the farm should be discovered; old ones protected, enlarged, and preserved. And when, by the aid of science or through the dishonesty of man, the products of the farm are so counterfeited, adulterated, or imitated that the imitation, stealing the name and

appearance of the genuine product, drives it out of the market through deception and fraud which can only be detected by the aid of chemical science, it is time for the lawmaking power of the Government, through the representatives of the people, to interfere and require the sale of the artificial product for what it is, and thus protect the honest producer of genuine food products. This is demanded not alone in the interest of the producers, but also in the interest of the consumers; and is especially our duty when the deception and fraud is practiced in respect to food products. [Applause.]

FILLED CHEESE DEFINED.

Mr. Chairman, what is filled cheese and what methods are employed in its manufacture and sale? Filled cheese is a compound or counterfeit cheese, the constituent parts of which are skimmed milk and uncooked animal fat, known to the trade as neutral oil. This neutral oil is substituted or put into the skimmed milk to take the place of the butter fat extracted by the use of the centrifugal separator. This substituted fat is not made by those who manufacture filled cheese, but is bought by them from the manufacturers of neutral oil or pork-packing establishments. It is claimed by the manufacturers of filled cheese that nothing but pure hog leaf is used in making this oil. They admit, however, that it may be, and doubtless is in many instances, made from the fat of diseased animals or from impure refuse or putrid fats, and that when they receive it they do not know and have no means of knowing whether it is pure or filled with the germs of disease. The percentage of skimmed milk and neutral oil used in making filled cheese is about 70 per cent of the former and about 30 per cent of the latter. To this is added a certain amount of rennet, with the necessary coloring and flavoring matter. It is made in the form and semblance of pure cheese, with absolutely no mark or brand of any kind to identify it as filled cheese.

The following are the ingredients used in some of the patents for making filled cheese:

Patent No. 136051, February 18, 1873: Skimmed milk, with tallow, lard, or butter of low grade; 15 pounds of fat to 1,000 pounds of skimmed milk; 3 ounces of saltpeter added to milk; heated and mixed.

Patent No. 264516, September 19, 1892: Artificial cream for making butter or cheese. Materials used: Skimmed milk, with olive oil, lard, oleomargarine, butter oils, other animal or vegetable oils, heated and mixed.

There are in all some 8 or 10 patents for making this bogus cheese.

Mr. CLARDY. I should like to ask the gentleman a question.

Mr. TAWNEY. Certainly.

Mr. CLARDY. Was there anything before the committee that showed that this product is unwholesome; that it is not suitable for food?

Mr. TAWNEY. There is. If the gentleman will turn to the hearings he will find on page 60 a very able article on the subject of whether or not filled cheese is deleterious to health.

Mr. CLARDY. Does their examination show that it is deleterious to health?

Mr. HOPKINS. No; I do not think that anybody can successfully claim it is deleterious to health when it is properly made.

Mr. CLARDY. That is what I want to find out.

Mr. TAWNEY. That question depends upon whether it is properly made, as suggested by the gentleman from Illinois, and upon the strength of a man's digestive organs.

Mr. CLARDY. So it is with eating bacon.

Mr. TAWNEY. If the uncooked fat of an animal is as easily digested as the butter which is extracted from the milk, and the uncooked fat is free from disease germs, then it is not an unwholesome product; but if the uncooked fat of an animal is not as easily digested, and if—as is the fact—some people can not digest it at all, then when they eat filled cheese they are eating that which is indigestible, and therefore unwholesome; and, further, if—as is the case in many instances—the fat is taken from a diseased animal it is not only unwholesome, but absolutely dangerous to health.

Mr. CLARDY. Is not that the fact with reference to almost any other article of food, that it disagrees with some particular stomachs?

Mr. TAWNEY. Yes; I think that is perhaps the fact, but I think as a general rule the doctors will admit that uncooked fat is not as digestible as the butter fat extracted from the milk.

Mr. HOPKINS. I think my colleague will agree with me that the Agricultural Department, on an examination of filled cheese, decided that there was nothing deleterious in it?

Mr. TAWNEY. No; the Agricultural Department did not so decide. But there was a chemist up here in the Internal Revenue Department who made that claim.

Mr. CLARDY. Mr. Chairman, that is a very important question.

Mr. TAWNEY. Chemistry and physiology are two entirely different things; and if a man relies upon chemistry for the purpose of ascertaining whether that which he takes into his stomach is digestible he may in a very short time have an acute case of dyspepsia.

Mr. LACEY. Will the gentleman allow me to ask him, is only leaf lard or uncooked lard used in this manufacture, or do they use the rendered lard also?

Mr. TAWNEY. They do not use the rendered lard. The testimony shows that in the manufacture of this cheese they heat the leaf lard just to such a degree of temperature as will enable them to use it conveniently, about 130°. It is not cooked as we cook hog fat when we render it into lard. It does not reach that degree of heat that will destroy the disease germs, if there are any, in the fat.

The neutral oil used in the manufacture of this cheese is made by the pork-packing establishments and the neutral-oil factories and the oleomargarine factories. These men are not more scrupulous than the rest of mankind and do not make post-mortem examinations to determine whether the animal died from disease or other cause. What they are after is the fat, and when you eat filled cheese you have no assurance whatever that you are not taking into your stomachs the germs of some fatal disease.

Mr. HOPKINS. Will the gentleman allow me to ask him a question?

Mr. TAWNEY. Yes.

Mr. HOPKINS. The gentleman was speaking about the temperature to which leaf lard was subjected before being used in the manufacture of filled cheese. I have before me the evidence that was taken before the committee, and with the permission of my colleague I will read one sentence.

Mr. TAWNEY. I will not consent to it, unless the gentleman will read the evidence on the other side.

Mr. HOPKINS. But it says that it is raised to a temperature of 200°.

Mr. TAWNEY. By the injection of a live-steam jet; that is far from cooking.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. TAWNEY. I should like ten minutes more.

Mr. DOLLIVER. I ask unanimous consent that the gentleman be permitted to proceed for ten minutes.

There was no objection.

EXTENT AND METHODS OF THE BUSINESS.

Mr. TAWNEY. Mr. Chairman, the number of factories and the amount of filled cheese produced in the United States can be only approximately estimated. There are no reliable statistics on the subject. Some investigation has been made by the Agricultural Department to ascertain the facts, and the result shows that in 1894 there were in Wisconsin and Illinois about 266 filled-cheese factories, which produced that year about 14,000,000 pounds. The legislature of Wisconsin having since then prohibited its manufacture in that State, some of the largest factories have, I am informed, moved across the line into the State of Illinois, and in that State there was produced in 1895 12,000,000 pounds of filled cheese.

This suggests to me one of the points urged with much force by the enemies of this measure. It is this: That the matter of regulating and controlling the manufacture of this product should be left exclusively to the States. The answer to that is very simple. Suppose every State in the Union except the State of Illinois prohibited the manufacture of this product; that would simply concentrate the business in that State or in any other that did not see fit to legislate on the subject, and the injury to the legitimate dairy interests of the country and the danger to the public health would be as great as it is to-day. The only effective way to put a stop to the fraud and compel the manufacturer and dealer in filled cheese to conduct his business honestly and to sell his product for what it is is by national legislation.

But gentlemen claim this is an honest industry, honestly conducted, and that this bill if passed will unjustly discriminate against it. This argument depends solely upon assertion. There is not a single fact to sustain it. It is true, as claimed, that the manufacturers do not put any brand upon their product. But this is not done to enable the wholesale and retail dealer to sell it as filled cheese. On the contrary, the wholesale dealer wants it without brands so as to enable him by the use of the stencil to sell it for "Wisconsin full cream cheese," "New York cream cheese," "Badger State cheese," "Young American cheese," or any other special brand that has an established reputation in the cheese market of the world. The evidence taken before the committee shows conclusively that such is the practice of those who deal in this product. It also appears that it is sold to the consumer at about the same price paid for the genuine cheese of which it is the counterfeit. Why, Mr. Chairman, from the testimony of the expert from the Agricultural Department, Mr. Alvord, who investigated the subject, it appears that this fraud is practiced upon the people to such an extent that in the city of Columbia, S. C., he did not find a single full cream cheese, but found filled cheese bearing the New York and Wisconsin brands of full cream cheese. In the city of

Macon, Ga., he found but 1 merchant out of 11 who had any genuine cheese on his premises. So extensively is this fraud practiced and the demand for pure cheese destroyed that the loss to the great dairy interests of the country is enormous. This is shown by the third and fifth annual reports of the dairy and food commissioner of Minnesota. From them I learn that in 1890 we had 130 cheese factories in that State, producing about 10,000,000 pounds. In 1895 there were only 35 factories, producing less than a million pounds of cheese. In 1890 there were more than 5,000 farmers supplying our cheese factories with milk; in 1895 only 1,250.

It may be true that we can not prove this result to be due entirely to the manufacture and sale of filled cheese, but the fact remains that until within a year there was in the adjoining State of Wisconsin more than 200 filled-cheese factories turning out this spurious product at the rate of 10,000,000 pounds annually. This was put upon our market at a price just a little below the amount for which genuine cheese could be manufactured and sold; hence the farmers have sought in the manufacture of butter a more profitable market for their milk, and are abandoning the cheese business. What is true, Mr. Chairman, of Minnesota is doubtless true of many other States, and until this blight upon the cheese market first made its appearance no State gave promise of grander results in this dairy industry than did the State which I have the honor in part to represent. I might add that no State in the Union possesses advantages for the production of all kinds of dairy products superior to those enjoyed by the farmers of Minnesota. Our climate is unexcelled; we have an abundance of the most nutritious grasses; a purer water supply no State can boast of. Every condition essential to the production of the best and purest dairy products are enjoyed by the farmers of my State. All they ask and all that is essential to their success in the matter of producing butter and cheese is to be protected against fraudulent competition.

There is another important fact disclosed by the census which shows how filled cheese is affecting the production of genuine cheese in this country. I will print with my remarks a table showing the cheese production in the United States since 1849:

[United States Department of Agriculture, Bureau of Animal Industry, Dairy Division.]

DATA AS TO CHEESE AND FILLED CHEESE.

Cheese production of the United States according to the census.

	Pounds.
1849	105,535,893
1859	103,663,927
1869	162,927,382
1879	243,157,850
1889	256,761,883

NOTE.—Nine-tenths of this cheese is made in the States of New York, Wisconsin, Ohio, Illinois, Vermont, Iowa, Pennsylvania, and Michigan, ranking in the order named.

From this table it appears that in 1869 we produced 162,927,382 pounds of cheese; in 1879 243,157,850 pounds, the increase in 1879 over that of 1869 being 80,230,468 pounds. In 1889 we produced 256,761,883 pounds, the increase being only 13,604,033 pounds over the product of 1879, or 66,022,000 pounds less than during the preceding decade, and when we deduct from this increase the amount of filled cheese manufactured in 1889 the census shows no increase whatever in the production of genuine cheese in that year over the year 1879. This, Mr. Chairman, is an astonishing fact, one that does not exist as to any other important industry in the land, and one, too, that should impress every member of this House who wishes to see our great agricultural industry prosper and grow, with the necessity of finding the cause of the decline in the manufacture of one of our principle dairy products, and a remedy for the same. We believe, Mr. Chairman, the cause is the fraudulent manufacture and sale of adulterated, counterfeit cheese and that the pending bill affords a complete remedy.

OUR FOREIGN MARKET.

Mr. Chairman, the effect of the manufacture and sale of this spurious product upon the consumption and demand for genuine cheese is shown with greater accuracy in our foreign trade than in our domestic market. I have here a statement of the exports of cheese from the United States and Canada, which I will also print with my remarks:

Exports of cheese from the United States and Canada.

[For single years and yearly averages for five-year periods.]

Periods.	United States.	Canada.	Periods.	United States.	Canada.
	Pounds.	*Pounds.*		*Pounds.*	*Pounds.*
1850	10,361,189	17,100	1881-1885	118,813,685	61,502,949
1860	15,515,799	124,320	1886-1890	88,993,513	83,737,133
1861-1865	35,081,855	473,550	1891-1895	75,977,114	135,679,207
1866-1870	47,432,662	3,750,224	1893	81,350,923	133,946,365
1871-1875	90,688,546	20,114,561	1894	73,852,134	154,977,480
1876-1880	113,606,609	40,676,856	1895	60,448,421	146,004,650

From this statement it will be seen that in 1885 we exported 118,813,685 pounds of cheese, while Canada the same year exported only 61,502,949 pounds. In 1895 we exported only 60,448,421 pounds, a decline in ten years of more than 58,000,000 pounds. Canada in 1885 exported 146,004,650 pounds, an increase during the same period of more than 85,000,000 pounds. Canada prohibits the manufacture of filled cheese; we do not. We manufacture and sell it abroad. Our export trade declines; theirs increases. That is the result, Mr. Chairman, of the difference between a Government that looks after and protects the interests of the agriculturists against imposition and fraudulent competition and a Government that does not. Had we guarded and watched over the cheese industry of this country as carefully as did our neighbor to the north of us by such legislation as we now propose Canada would have never taken from us our foreign market for genuine cheese.

Mr. CLARDY. Will the gentleman yield to me for a question?

Mr. TAWNEY. I will not; I have not the time. [Continuing.] But we would have held our supremacy in that market, as we were capable of doing, had it not been for the injury to the reputation of all American cheese caused by the sale of filled cheese to foreigners for that which it was not. [Applause].

Mr. Chairman, American manufacturers of cream cheese, knowing that because of the reputation of American cheese in the British market they can not sell their product in that market for what it is worth, are to-day exporting their cheese to Canada for reexport to Great Britain, not as American but as Canadian cheese. It is estimated that more than 10,000,000 pounds of American cheese is annually exported to Canada for this purpose, and that, too, as Canadian cheese. Mr. James Neal, consul at Liverpool, in his report says:

The Provision Trade Association, in criticising the cheese, say that the trade in American cheese in considerably prejudiced by the large shipment of bogus or filled cheese, manufactured chiefly in Illinois and Wisconsin, and are of opinion that it should be put a stop to. They make the following recommendations: Absolute prohibition of export of filled cheese and greater care in the manufacture of the best, so as to equal the Canadian in quality.

On the same subject Mr. Robert J. McBride, consul at Leith, Scotland, reporting on the subject of dairy products, says:

On this subject I again wish to quote from the testimony of Mr. Osborne before the select committee of the House of Commons. He said in substance that the public was often imposed upon by the cheese sent here from America, as there is no means of ascertaining the composition of these American cheeses except by analysis. His remedy for both butter and cheese is that foreign governments should be made responsible for the quality of the article shipped. If the foreign governments decline to accept the responsibility, then he would recommend that the articles from such countries should be prohibited from being imported into Great Britain. He would propose that the packages in which the articles were brought to this country should have a government stamp put upon them, and also that there should be a certificate of genuineness. He believed that most of the filled cheeses come from the Western States of the United States and that they were made principally of lard. They looked very like full milk cheeses, but they corrupted very quickly. He attributed the excellent trade in butter at present enjoyed by Denmark simply to the fact that the Danish Government are particular not to allow adulteration. In his opinion it is to the interest of foreign governments to make themselves responsible for the character of the dairy products they export, because it will improve their trade.

Mr. Allen B. Morse, consul at Glasgow, says:

The great trouble with the market for United States cheese in Glasgow is that too many cheeses of an inferior grade and poor quality are being sent here. Lately there has been coming into Great Britain, more notably from Wisconsin, what is called "filled" cheese, among the constituents of which are beef fat, lard, and like substances. This importation has been so marked and so deleterious to the trade in United States cheeses generally that the associations of provision dealers in Glasgow and Liverpool have this winter memorialized the legislature of Wisconsin to enact laws or to provide some means to prevent these filled cheeses being passed off upon dealers and consumers for other than they really are. The dishonesty of these manufacturers will, if not speedily prevented, ruin the market for United States cheese in this country.

Mr. Chairman, in addition to the reports of our consuls abroad upon the effect of the sale of counterfeit cheese in foreign markets on the demand for our genuine cheese I will print in connection with my remarks a protest against filled cheese by the Home and Foreign Produce Exchange, Limited, of London, addressed to the governor, senate, and assembly of the State of Illinois:

PROTEST AGAINST FILLED CHEESE.

HOME AND FOREIGN PRODUCE EXCHANGE, LIMITED,
HIBERNIAN CHAMBERS, LONDON BRIDGE, S. E., ENGLAND.

To the Governor, Senate, and Assembly of the State of Illinois, U. S. A.:

A question of vital importance to the interest of the cheese-making industry of your State has for some time past been receiving the serious attention of the London provision trade, viz. the importation from your State of imitation or filled cheese, made of a mixture of foreign fat and poor skim-milk curd. This article has none of the properties of cheese, as the added fat merely disguises the poverty of the curd and rapidly becomes rancid and offensive. By reason of the difficulty of detection from outward appearances, unscrupulous dealers here are pushing it into consumption as genuine, with the result that a very grave taint is being attached to all cheese coming from Illinois, and consumers generally will be prejudiced against cheese as an article of food. This matter is of so serious import to your farmers, as it is most desirable that the good name of Illinois cheese should remain unsullied. The trade here, therefore, most respectfully urge your senate to legislate this matter without delay, and in such a way as will stop the manufacture

of the spurious article altogether. Such action will at once remove all suspicion attached to the importations from your State and place the trade upon a creditable and honorable basis.

JOHN D. COPEMAN,
Chairman.
JOSEPH R. WEBB,
Chairman Subcommittee.
C. J. HIGGINSON,
Secretary.

Mr. Chairman, this memorial has been sent here by one of the leading commercial organizations of Europe, asking the people of the State of Illinois, in the interest of public health, in the interest of honesty, and in the interest of our farmers and the foreign market for one of their principal products, to legislate upon the lines proposed in this bill. Could there be more conclusive evidence of the great injury suffered by those interested in the production of honest dairy products than this? If not, why should members of this House shut their eyes to the necessity for this legislation? I believe it to be our highest duty to protect our agricultural industries from unfair rivals or fraudulent competition from within or from without, and I believe it to be our especial duty also to protect consumers against impositions and frauds in the matter of all food products, and against which they are powerless to protect themselves, and so believing I shall cheerfully support this measure. I do so because it is within the legislative limitations fixed by the Constitution, because it is necessary from a revenue standpoint and also necessary for the protection of the producing and consuming classes, because it will promote the public welfare by preventing fraud and deception, and finally, because it is demanded in the interest of the cheese eater as well as in the interest of the cheese maker. [Applause.]

[Here the hammer fell.]

Mr. GROSVENOR. I desire that the other side should use their time. We have only about thirty minutes left on this side.

Mr. McMILLIN. I yield ten minutes to the gentleman from Pennsylvania [Mr. BRUMM].

Mr. BRUMM. Mr. Chairman, I am opposed to this bill, because in my judgment it is the most infamous bill that ever was brought in this or, I think, in any other properly organized legislative body. I say "infamous." It is infamous, because it is not honest to start with. It does not mean what it says, and it does not say what it means. The advocates of this bill have already developed that fact. The gentleman who has just preceded me says that he wants to encourage foreign importation of this cheese, and yet in the same breath he says that he does not mean to destroy the manufacture of filled cheese. Now, I would like to know how you are going to encourage the importation of the pure cheese unless you absolutely destroy the manufacture of filled cheese?

Mr. TAWNEY. Will the gentleman permit me?

Mr. BRUMM. I have not time.

Mr. RAY. You misstate what he said.

Mr. BRUMM. It can not be done, because you can not prevent the false branding of the cheese after it leaves your country. As long as we can manufacture filled cheese—I do not care how you brand it here—the moment it leaves your jurisdiction they will brand it themselves as they please; and the only way to help you in a foreign market is to absolutely destroy the manufacture of filled cheese, and yet gentlemen tell us they do not mean anything of the kind. Another thing; you certainly do not mean revenue by this bill.

Mr. HOPKINS. If they make filled cheese in foreign countries, there is no reason why we should not; and in fact they do make it there. There is not a market in Europe where you do not find it.

Mr. BRUMM. Then how will this bill help you in the foreign markets? It will not help you there. You are trying to gull the people with the idea that it will, but it can not possibly do it. The argument of the gentleman from Ohio proves that conclusively. He says that in Kentucky there are whisky establishments that are worth more than half a million dollars, and yet that if they were deprived of the use of the brand they would not be worth more than 10 per cent of the amount invested in them. The brand, therefore, is the value. They have earned that brand by making a good whisky. There is no law imposing taxation for the purpose of purifying their whisky, and there are many different grades of whisky, from the very best down to the meanest rotgut, yet the better brands are worth more than the original plants that make them, because their reputation has been built up by making a superior article. That is the only way we can compete with the Canada cheese or with any other cheese—by establishing a reputation for making a superior brand. We can not compete with them by legislation.

Mr. TAWNEY. How are you going to protect your brands when these people counterfeit them?

Mr. BRUMM. You can not stop counterfeiting, especially in foreign countries.

Mr. TAWNEY. Well, I think we ought to try.

Mr. BRUMM. I want to say to the gentleman that any law that he will propose here that will prevent counterfeiting I will support. He can not go too far in that direction for me. I am willing that you shall brand; I am willing that you shall punish; but I am unwilling that you shall tax this article out of existence. I am unwilling, Mr. Chairman, that they shall tax it out of existence, first, because that policy is antirepublican, is against the genius of our institutions. I am unwilling, in the next place, because by doing so they take a cheaper food product out of the market and compel the poor man to use a dearer one. And let me say right here that butter and cheese as articles of food are not comparable. Butter is a luxury, cheese a necessity.

Mr. LACEY. Filled cheese a necessity? [Laughter.]

Mr. BRUMM. Yes, sir; filled cheese a necessity. Butter is a relish. Filled cheese is a food, and, being a food, it is a necessity. Of course there are other foods; but the man that will make two blades of grass grow where heretofore but one blade grew is a greater benefactor than he who wins a battle, and the man who introduces a new food product which will tend to cheapen the food of the poor man is equally a benefactor, because he supplies a necessity. Of course there are different meats and not any particular one is absolutely necessary, but there are families in which cheese is one of the leading articles of food, and if filled cheese can be made pure and can be properly marked, then I say, let everybody be his own judge as to whether he wants filled cheese or cheese of the other kind. Again, I am opposed to this bill because it tends to monopoly. I am opposed to it because it does not benefit the farmer. I am opposed to it because it does not benefit the dairyman.

Mr. CHICKERING. Are you opposed to monopolies in general?

Mr. BRUMM. I am always opposed to them.

Mr. CHICKERING. What is there about this that is a monopoly?

Mr. BRUMM. I am going to tell you, if you give me a chance. I say this legislation does not benefit the farmer or the dairyman. It helps only the monopolist. Even your oleomargarine law did not help the farmer. The cry for that legislation did not come from the individual farmer. Your butter is made now in the creameries. Those establishments are found dotted all over the land. Their agents collect the milk and cream and take it to the creameries and there the butter is made. So it is with your cheese. It is made in cheese factories. The agents of the cheese factories collect the milk from the farmers all around, and, as has been stated, there is evidence before the committee that one man owns 30 of these factories. This legislation means the greater concentration of the business. It means just what you say yourselves has been the result of the oleomargarine law, a reduction in the number of factories and the concentration of the business in fewer hands.

Mr. LINNEY. It breaks down healthy competition.

Mr. BRUMM. As suggested by my friend from North Carolina [Mr. LINNEY], it breaks down healthy competition, drives the cheap cheese out of the market, and by thus reducing the supply enables the few cream-cheese manufacturers to raise the price of all cheese.

Mr. TAWNEY. Fraudulent competition.

Mr. BRUMM. I will go with the gentleman to prevent fraudulent competition.

Mr. TAWNEY. That is what it is.

Mr. BRUMM. No; there is the trouble. You do not mean what you say in your bill, and you do not say what you mean. Your bill is an infamous bill. You attempt to tax entirely out of existence these manufacturers of filled cheese and the dealers in it. I would like to go over the provisions of this bill. My friend did not want to go over them; none of you gentlemen on that side seemed to want to go over the individual sections of the bill.

I say you absolutely tax this industry out of existence. Why, sir, just think of a grocer in a country town paying $40 license to sell filled cheese! No dealer can afford to pay such a tax as that. The provision of the bill means that no man dare sell the article; and it seems to me nonsense, an insult to our intelligence, to think that an American Congress would permit a bill to pass so filled from beginning to end with fraud and deception, carrying on its face a meaning different from that which you intend shall be its operation.

Mr. LACEY. Will the gentleman allow me a question?

Mr. BRUMM. I am sorry I can not yield. If my time were extended I should be glad to do so.

You wipe out the filled cheese, or the cheese of the poor man, and you diminish the supply of cheese.

Mr. TAWNEY. Does the gentleman know that the filled cheese of the "poor man" is sold for the same price as genuine cheese?

Mr. BRUMM. I have no doubt of that. And the gentleman knows very well, because he is a judge of the article, that poor whisky is sold at the same price as good whisky.

Mr. TAWNEY. Yes, and I want to suppress the sale of the bad article wherever I can.

Mr. BRUMM. But you can not do it by a law. That is the point. [Applause.]

[Here the hammer fell.]

Mr. McMILLIN. I yield the gentleman from Pennsylvania [Mr. BRUMM] five minutes more.

Mr. BRUMM. Mr. Chairman, I say this bill will produce no revenue. You can accomplish the prevention of fraud much better by imposing a fair, reasonable tax, as suggested by my friend the chairman of the Committee on Ways and Means.

Mr. LACEY. Now that the gentleman's time has been extended (and I hope he will have additional time if he wishes), will he yield for a question?

Mr. BRUMM. Certainly.

Mr. LACEY. Has the gentleman had occasion to eat this cheese? Has he tried it, so as to be able to tell us whether it is a good article or a bad one?

Mr. BRUMM. I am no judge of cheese myself.

Mr. LACEY. That is what I thought. [Laughter.]

Mr. BRUMM. But if the gentleman is such a good judge of cheese and does not like the filled cheese, he need not eat it; that is all. [Laughter.] The question whether men are judges of cheese themselves or whether they are not is a matter that does not touch this argument. I am willing that this article shall be branded. I do not care how black a brand you put upon it. But I am unwilling to put our legislation in such a shape that if any man wants to buy this article with its black brand upon it, he is practically prohibited from doing so, for you say that no man shall sell it in my district. That is what your bill means.

I am opposed to this bill because it is against the doctrine of protection. I am opposed to it because it introduces a system antagonistic to our ideas of revenue. And I want to say here that the 10-per-cent tax on banks is not a case to be cited here, because our Government has absolute jurisdiction over the coinage, the issue, and the value of money. Therefore, the 10-per-cent tax on banks has no relevance in this case. But when you come to tax food products in an internal sense, you are only justified in doing so, first for revenue, and next because of an absolute necessity in the sense of self-preservation. There is no other ground on which you can justify yourselves.

Let me state how this bill is inconsistent with the doctrine of protection. Protection encourages home production; this bill does not. Protection destroys monopolies; this bill creates monopoly. Protection cheapens the article; this bill makes the article dearer. Protection raises revenue; this bill does not raise any revenue. Protection makes the foreign producer pay the tax; this bill makes the home producer pay the tax, notwithstanding my friends on the other side may disagree with me. Therefore, I say that by passing this measure you are striking at the very essence and root of the dogma that we are so proud of as Republicans. And, therefore, I shall oppose this bill.

Mr. GROSVENOR. I yield five minutes to the gentleman from New York [Mr. RAY].

Mr. RAY. Mr. Chairman, I am absolutely amazed at the language used and statements made by the gentleman from the great State of Pennsylvania [Mr. BRUMM]. I am amazed that any man from that State can in so short a time show himself possessed of so much absolute and appalling ignorance. [Laughter.] Now, I was brought up on a farm, and although for the last thirty years engaged in the law business, I have during most of that time managed farms, conducted dairies, had to do with cheese factories, and with butter, and with the people of this country interested in the maintenance of those industries. I think I know something about dairying, something about cows, something about butter, something about lard and other hog products, and also something about the habits of our people.

The gentleman from Pennsylvania [Mr. BRUMM] started out by absolutely misrepresenting the gentleman from Minnesota [Mr. TAWNEY]. The gentleman from Minnesota stated that the filled-cheese business was destroying the legitimate cheese business of the country——

Mr. BRUMM. I must——

Mr. RAY. The gentleman from Minnesota stated that this filled-cheese business had so interfered with the legitimate cheese industry that our farmers and business men——

Mr. BRUMM. I deny the gentleman's statement.

Mr. RAY. That our farmers and business men are sending our pure cheese to Canada, where it is being branded as Canada cheese and shipped to England, thus giving us a market. That is what the gentleman stated.

Mr. BRUMM. I was not talking of what the gentleman from Minnesota said. I was speaking of the gentleman from New York.

Mr. RAY. The gentleman from Pennsylvania misrepresented the gentleman from Minnesota——

Mr. BRUMM. I was not talking about him.

Mr. RAY. By stating that he had said we were endeavoring to pass this bill for the purpose of giving a market abroad to this filled cheese.

Mr. BRUMM. That is what the gentleman from New York said.

Mr. RAY. The gentleman from Minnesota stated no such thing, and the gentleman from New York stated no such thing.

Mr. BRUMM. I did not say he did. [Laughter.]

Mr. RAY. I think, Mr. Chairman, that the gentleman from Pennsylvania must have filled himself with some sort of product except the genuine stuff. [Laughter.]

Mr. BRUMM. You seem to have nothing in you at all. [Laughter and applause.]

Mr. RAY. Now, Mr. Chairman, I hope that this merriment will not come out of my limited time, because I want to state two or three other things with reference to this measure.

The gentleman from Pennsylvania says that butter is not a food, but is a luxury. This is the first I have heard of that. It is surprising to me that a man should make such a statement. The farmers and the laboring men all up through the northern part of Pennsylvania, through New York, New England, and all of the cheese-producing States, and the great West use butter as a food—understand it to be food.

Mr. BRUMM. Let me ask a question right there. Did you ever have any butter issued to you while you were in the Army?

Mr. RAY. Oh, yes; I was in the Army——

Mr. BRUMM. But did you have butter issued to you?

Mr. RAY. Yes; I had butter issued to me occasionally; and we bought it once in a while, when we could find it and had the price.

But, sir, the evidence before the committee demonstrates beyond all peradventure that nearly all of the fat that goes into the manufacture of filled cheese is lard; and still the gentleman says that filled cheese is a magnificent, healthy, life-sustaining, pure-food product, because there is lard in it and no butter, and the people want it, long for it, and I suppose that in his district the "babies cry for it."

Now, when the laboring man and the people of this country who use these articles want lard, they can buy it for themselves in a pure form and by its proper name; and if they want to eat lard they can do so, and eat it as lard. When they want cheese, let them have cheese; and the main object and purpose of this bill is to compel the dealers in this article known as "filled cheese" in the cities and villages all over this country to sell cheese as cheese and filled cheese as filled cheese. The main purpose is to prevent the commission of a fraud upon the customer by selling him one thing under the name of another. We purpose to pass this bill that the purchaser may know when he goes into a store exactly what he is buying and what he is paying for and using.

I regret, sir, very much that time will not permit of a more extended consideration of the question, but I wish, at all events, to call attention to the fact that there was very much fallacy in the position occupied by the gentleman from Pennsylvania [Mr. BRUMM], and to impress upon gentlemen the fact that this is not a question of taxation, but one of honesty, pure food, and the protection of the agricultural interests of the dairying States of the Union.

This bill defines and imposes a tax upon and regulates the manufacture, sale, importation, and exportation of what is known as filled cheese. The bill says that all substances made of milk or skimmed milk, with the admixture of butter, animal oils or fats, vegetable or any other oils or compounds foreign to such milk, and made in imitation or semblance of cheese shall be known and designated as filled cheese.

Mr. Chairman, the people of this country who use any article as food have the right to know what they are consuming. Cheese is understood to be the product of the dairy, an article made from milk and containing the substantial constituents of milk. Filled cheese is not manufactured from milk, but from lard, the product of the hog, and thus the hog is placed in opposition to the cow as a producer of cheese. I am opposed to this imposition upon the American food consumer. I am not opposed to the American hog or to those who desire to ally themselves with the American hog, but I am opposed to the product of the hog being used as the milk of the cow, and am opposed to any such imposition upon the American bovine.

Under date of March 5, 1896, H. W. Wiley, chief of Chemistry Division in the Agricultural Department, tells us that a sample of filled cheese is composed as follows:

	Per cent
Ash	5.44
Casein	22.25
Fat	34.02
Water	31.09
Sugar and undetermined matter	7.20
Reichert No	1.80
Iodin No	50.07

He further tells us that the fat found in filled cheese is composed almost exclusively of lard stearine. Stearine, as its name might imply, is not extracted from the steer, but is a hog product, and the residue or offscourings resulting or obtained from the manufacture of lard oil. The only milk used in the manufacture of filled cheese is that from which the cream has been removed by the separator. In other words, filled cheese is the result of mixing refuse lard with skim milk and so combining the two as to produce an article that is sold to the laboring masses of this country as the product of the dairy, when, in fact, it is not cheese and does not contain the life-sustaining power found in cheese. Filled cheese is a fraud and an imposition upon those who would purchase and use cheese as a food. Filled cheese is an imposition upon the farmers of the United States, for it substitutes in our city markets an article that is not cheese for cheese—substitutes a fraudulent article that is sold as cheese. Filled cheese is an indigestible mass of lard or other animal oils flavored with skim milk.

This bill seeks to compel manufacturers and dealers in this article to brand it as filled cheese and to sell it as filled cheese, and it imposes penalties for failing to comply with the law in this respect. The bill seeks to protect the honest farmers and also the consumers of cheese.

In the first instance, the bill proposes to raise revenues for the support of the Government by imposing a tax upon all persons who deal in filled cheese. If any person desires to enter into competition with the American cow and produce and sell "filled cheese" by combining skim milk with lard, he is permitted to do so by first taking out a license and paying a tax entitling him to engage in this business. Then the retail dealer must put up a sign indicating that he is dealing in filled cheese and not in cheese the product of the dairy.

Again, these filled cheese when manufactured and ready for the market must be plainly branded, so that he who buys may know that he is purchasing the fraudulent article instead of the genuine. The bill imposes fines upon those who deal in filled cheese without first having paid the tax and secured a license.

It is the duty of the American Congress to see to it that the farmers are protected in the legitimate industry of butter and cheese making. It is the duty of the Congress to see to it that the food consumers are not imposed upon. This bill seeks to accomplish the three objects: First, the raising of revenue for the support of the Government, of which we are sadly in need; second, to protect the dairying interests of the United States, and third, to protect the food consumers against fraud and imposition. Those who undertake to claim that butter is not a food product, but only a luxury, need only to inquire at the dinner table of the laboring man to know that they are sadly deceived or grossly ignorant.

The cow has held her place in the affections of the people of all countries in all ages, and will continue to hold her place, and butter and cheese will hold their places in the affections of food consumers for all time. It is only recently that certain individuals, who care much for the almighty dollar, but nothing whatever for the stomachs of the American citizens, have started the manufacture of this bogus, fraudulent article known as filled cheese. The proposition now before this House is to prevent imposition and permit those who desire cheese to have cheese, and those who desire lard to have lard. When the roll is called on this bill the friends of the farmer, of the agricultural interests of the United States, will vote aye, while those who favor fraud will vote no.

The same cry that is now raised against this bill was raised against the bill that sought to tax oleomargarine or bogus butter. It was claimed that that law would be unconstitutional. But it was passed, and it has stood the test in the courts and has been pronounced constitutional in every feature. This bill is framed upon the same lines, and will be found constitutional in every respect. It is a just bill. As the gentleman from Minnesota has already stated, this filled cheese, this fraudulent article, has been largely manufactured and shipped abroad as genuine cheese, as the product of the American dairy.

The people over the water were not slow to discover the imposition, and the result has been that American cheese has been brought into disrepute, and the market for the genuine article has been almost destroyed. As stated by him, our farmers have been compelled to send our genuine cheese to Canada, have it there branded as Canadian cheese, and shipped thence to England and the Continent of Europe in order to obtain for it a market. All this we have done because Canada has prohibited the manufacture or sale of this filled and fraudulent cheese, and hence has maintained for herself a market abroad, not only for the products of her own dairies, but for the products of dairies in the United States. It seems strange to me that any member of the American Congress can for a moment oppose the passage of a bill that seeks to sustain, and that will sustain, the character of the product of the American dairy and restore to us a profitable market in foreign countries for the legitimate article.

Mr. Chairman, I have no sympathy with those gentlemen who oppose this bill because it seeks to tax the business of manufacturing filled cheese. We have the right to tax it for the purpose of raising revenue. Incidentally we have the right to tax the business for the purpose of protecting legitimate cheese and butter making in the United States. If we have not this right, then the United States of America had better go out of business, and the farmers of the United States would do well to resign at once in favor of fraud and imposition.

Every legitimate business has a right to every lawful protection we can throw around it, and no honest man will complain. The tillage of the soil is an honorable employment, and the hard-worked farmer has the right to appeal to the American Congress for such laws as will give him the benefit of the business in which he is engaged.

It has been stated here that filled cheese is a wholesome article of food, not deleterious to health. With this statement I can not agree. I do not suppose that a small amount of lard taken into the human stomach is very detrimental provided the digestive apparatus is in good condition. But I am quite certain that no human being can eat lard in any form in the same quantities he would eat cheese and survive the operation unless he has the digestive apparatus of an ostrich.

It may be that an Eskimo in the very highest northern latitudes might eat filled cheese with impunity, but it is quite certain that no human being in our latitude can eat filled cheese as cheese and long maintain a decent degree of health or a respectable equanimity of temper.

If any of the gentlemen who oppose this bill desire to consume filled cheese and thus add to the market for hog products, I have no objection, but I do insist that it is our duty to see to it that they are protected in having filled cheese when they desire it. I insist that the retail dealer shall sell cheese when he purports to sell cheese and only sell hog cheese or filled cheese when he purports to supply his customer with that article. The passage of this bill will secure protection not only to the hog-cheese eater but to the consumer of the legitimate product of the dairy.

It is a conceded fact that filled cheese can be sold at a profit and at from 5 to 7 cents per pound less than the genuine cheese, and it is also a conceded fact that manufacturers and dealers in filled cheese are now quite generally selling the bogus article as genuine and for the same price that the genuine article commands. Therefore it is not at all strange that the lobby of this House is crowded with the hired attorneys of these manufacturers of filled cheese, who are using every possible effort to prevent the passage of this bill.

The Fifty-fourth Congress owes to itself the duty of rebuking these men who would fatten at the expense of the honest farmers of the United States engaged in a legitimate business. If we fail in our duty now we shall be held responsible by the great army of American farmers and that other great army of honest workingmen who consume the products of the farm, now marching side by side under the Republican banner justly expecting that our pledges to them will be redeemed. This should not be made a political question, but the bill seems to excite opposition only from the Democratic side of this House. The plea is that we are unjustly taxing an honest industry. If the industry of manufacturing filled cheese is an honest one, why this excited and strenuous opposition to those features of the bill which require filled cheese to be plainly branded, advertised, and sold as such?

If the industry of manufacturing and selling filled cheese is an honest one, why have those engaged in it heretofore sold the article as genuine cheese, the genuine product of the dairy? Why have they not given the article some other name? The answer is plain. Filled cheese has maintained itself in the market only by false pretenses. The manufacturers of this fraudulent article have borrowed the name cheese and applied it to this sham in order to impose upon the trade and upon the consumer. As already stated, the production of the genuine article has largely fallen off since the manufacture of this fraud commenced. Our farmers are suffering; the market for their legitimate product is being destroyed; and at the same time the consumers of cheese are being imposed upon, and an extravagant and exorbitant price is being demanded and received of them in exchange for the fraudulent article which they have no intention of purchasing. In effect, the consumer is being fraudulently deprived of the fruits of his honest toil, while his health is at the same time being steadily impaired without his knowing the cause.

Justice to the farmer, justice to the consumer of food products, and justice to the national character all demand that this bill speedily become a law.

Mr. McMILLIN. I yield ten minutes to the gentleman from Missouri [Mr. TRACEY].

Mr. TRACEY. Mr. Chairman, I sincerely trust that this bill will not pass in its present shape.

The question raised by the bill has in it more than appears on

the surface, and goes to the very bottom of the exercise of the taxing power.

Now, so far as the product itself is concerned, the testimony, as stated, shows, I think, conclusively that it is not deleterious to health. If it is deleterious to health, then the bill does not go far enough. If it is not deleterious to health, it goes entirely too far.

Now, if the testimony is in accord with what I have stated—and so far as I have been able to examine it it seems to be in entire accord with it—that the food product known as filled cheese is not deleterious to health, then the bill is unquestionably wrong in principle, because the tax it seeks to impose on the manufacture and sale of this article is one that will make its manufacture and sale impossible. Therefore the question presented by the bill is whether the taxing power shall be exercised in the interest of or to the prejudice of the people. If it is to the interest of the people to so exercise the taxing power as to abolish an institution or an industry, then I am in favor of it on the ground that the institution or industry abolished was injurious. But if it is to the prejudice of the people, or any large class of them, to exercise the taxing power to the extent of abolishing or destroying an industry, I am opposed to the exercise.

This seems to be an instance, Mr. Chairman, where we are attempting to use the taxing power of the Government so as to destroy an industry that has grown to considerable proportions in this country, that employs a considerable number of people, and that furnishes a food product of which chemists and others testify that it is not injurious to the health of those who consume it, and a food product that can be furnished at from 5 to 6 cents a pound less than the genuine article.

Now, in so far as the bill proposes to compel the manufacturers of filled cheese to brand their products so that every purchaser will know precisely what he is getting, I am in favor of the bill. I believe that both those who manufacture and those who sell it should be compelled to brand it, in so far as the law can compel them to do so, to the end that every purchaser may be advised as to what he is purchasing. When you have provided for such branding and have provided the means of enforcing it upon all manufacturers and dealers, have you not accomplished all that is really desirable? In its present shape the bill is not in any sense a revenue measure; it is a bill for the destruction of what appears to be a legitimate industry. It may be said also of the industry itself that it is not a competitor of the cow, nor does its prosecution in any way interfere with or limit the usefulness of the cow; on the contrary, it extends that usefulness by using the skim milk, after the cream cheese has been extracted from it, for the manufacture of filled cheese.

We have taken that course with oleomargarine, that is, required its marking and branding, and the growth of the manufacture of oleomargarine has proceeded right along, for the reason that there are millions of people in this country to-day who use no butter on their tables or in their houses except oleomargarine. It is used in more than one-half of the hotels of America to-day, and I have no doubt that there are plenty of men upon this floor who use oleomargarine, many and many a time—I had almost said every day of their lives—without knowing whether it is oleo or whether it is genuine butter.

Now, these products and these industries that fill a place in our industrial system, and that furnish cheaper food products to a large class of people, and which products are palatable and healthful, are in my opinion doing a good thing instead of a bad thing. While I should be in favor of levying a sufficient tax upon the manufacture and sale of the product to pay for the supervision of it, I am opposed to the levying of one single cent more than will pay for the complete supervision of the business by the Government. Whenever it can be determined just what amount of tax is necessary to that end, I am in favor of that tax. I believe that a tax of $50 a year upon the manufacturer, $25 a year upon the wholesale dealer, and $1 a year upon the retail dealer will pay for all the supervision necessary upon the part of the Government in order to insure to the people the sale of the genuine product, if they want the genuine, and the liberty to purchase the filled cheese if they want that.

This, Mr. Chairman, seems to be the question at issue, the question raised by this bill. I have read a portion of the testimony, but have not had time to read it all. I heard the statement made a while ago that the motive which prompts an act is of no consequence if the act itself is legal. Now, I undertake to say that that is not sound philosophy. The motive which prompts an act is always a question to be inquired into, especially by those who engage in the making of laws. The motive that prompts an act is the best index to the character of that act itself, and therefore ought to be inquired into. It may be true that the motive which prompts an act does not determine its legality or illegality, but it may determine its morality or its beneficence, or the contrary. It may determine that to a very considerable extent.

I have listened to the statements relative to the manner in which this cheese is made. Now, while there is some conflict in the evidence, there seems to be a preponderance of testimony that there is a sufficient cooking of the raw fat which enters into the makeup of filled cheese to absolutely destroy every disease germ there is in it, if there are any. There is a sufficient cooking, according to the testimony given before the committee. It is true that one man stated that the temperature at which the raw fat was cooked was 130 degrees; but he was informed by the chairman of the committee that the testimony showed that statement to be incorrect. So we have from the committee itself the statement that there is a sufficient cooking of the principal ingredient that enters into the makeup of this food product to make it healthful so far as the cooking is concerned.

I undertake to say, however, that this is not so much a question of digestion as it is a question of exercising the taxing power to promote the welfare of the people, or to impede that welfare. It is not so much a question of the economy of health as it is a question of the economy of the pocketbook upon the part of a very large class of the people of this country.

Now, Mr. Chairman, I will not use any more time at present, and whatever time I may have left I yield back to the gentleman from Tennessee [Mr. McMILLIN].

The CHAIRMAN. The time of the gentleman is exhausted.

Mr. McMILLIN. I yield fifteen minutes to my colleague on the committee [Mr. EVANS].

Mr. EVANS. Mr. Chairman, it was not my purpose to trouble the House with any remarks on this subject, but it has seemed to me, since the discussion of this bill began, that it was due to myself that I should state the views I entertain, in justification of the vote I shall cast in opposition to this bill should it not be materially amended and modified.

In my short experience in this House I have found an exceeding disposition upon the part of some one interest, whether it be one sort of interest or another to obtain some kind of Congressional legislation in aid of itself, as against a rival interest.

Now, if I am not mistaken, that is largely the germ and origin of this proposed measure. I believe I can say with accuracy that until this discussion began in the Committee on Ways and Means I never consciously heard of the article called "filled cheese." I have heard but little of anything else since. I have no constituent, so far as I know, who feels much interest in the bill. So that I have come to the consideration of this question without any feeling or any kind of prejudice for or against the article called "filled cheese." If this article were a mere luxury, and a possibly injurious luxury, as is or may be alleged against whisky, if there were doubts of its being a good thing for the country and the people, I should not oppose this bill; but it is nothing of that kind. Filled cheese is unquestionably a meritorious food product. It is a product made of skimmed milk in which rennet, pure lard, and other harmless substances take the place of the butter or cream, and the milk being filled in this way, the product is called "filled cheese" in contradistinction to cream cheese made without skimming the milk. Doubtless it is not as meritorious a food product as full-cream cheese, but that it is healthful, or rather that it is not unhealthy, is demonstrated by the fact that 12,000,000 pounds of it have been made and consumed in this country annually and not one single particle of proof has ever been heard or suspected to exist that those who use it as a food have in any wise been injured by its consumption.

Now, while that may not demonstrate that it is as good a product as full-cream cheese, unquestionably it demonstrates that it is not a deleterious article of food. That being so, the question is, as presented in this bill, Shall this food industry be in any wise injured by legislation discriminating against it and in favor of another food product, I do not care if that other product is a better food product than this? I am a protectionist of the straightest sect; but I have not so learned the doctrine of protection as to believe that under it you can either wisely, justly, or fairly legislate in the interest of one meritorious home industry against the interest of another meritorious home industry, though the latter may not be so fully meritorious as the former; but let each stand upon its own merit. I am willing to protect a home industry against a foreign industry every time, but never one meritorious home industry against another home industry. Let each of these food products stand on its own merit; and in order that that may be done I am inclined to favor that part of this bill which provides that these manufacturers of filled cheese shall be required to brand it, shall be required to identify it in such a way that the marks of identification shall remain with the article until it goes into the hands of the consumer, so that when he buys and eats he may know exactly what he is doing.

Mr. HILL. Will the gentleman allow me to ask him a question? Is not the proposition to abolish the tax on alcohol for the arts directly in the interest of the manufacturer of wood alcohol?

Mr. EVANS. Whether that is so or not is a question I may discuss at the proper time, should there be any legislation submitted to the House to call for it. It can not be denied that if this bill is passed it will be greatly to the discredit of filled cheese,

as something that Congress thought not quite as fit for food as cream cheese and that it ought to be legislated against to the extent at least of putting a tax upon it, and requiring that those who deal in it should pay a license fee for so doing.

Mr. TAWNEY. I understood the gentleman a moment ago to say that he was in favor of branding this filled cheese.

Mr. EVANS. I am.

Mr. TAWNEY. Would not that discredit it fully as much as taxing it?

Mr. EVANS. Not at all. It only makes it say what it is; and I shall favor that, though somewhat doubtingly, and only because I am willing that far to aid the great foundation industry of farming, coupled as that object is with the equally meritorious one of furnishing the consumer with the means of knowing what he is getting.

Mr. TAWNEY. What right has Congress to legislate as to that?

Mr. EVANS. If you will allow me, I will develop my idea. I did not interrupt you, and have not interrupted any gentleman; and perhaps it would conduce to the clearness of my expression, and I may cover the whole field—if I can in fifteen minutes—if I can be allowed to proceed without interruption.

I doubt very much whether Congress ought, as an original proposition, ever to legislate upon this or kindred subjects unless there should be some overwhelming reason for it. But I say, so far as this bill is concerned, my opposition to it is not so radical as that I would say I would not support it if you reduce the taxes to nominal sums and immensely modify the severity of the punishments prescribed. I do not say that I would not support it in that event. On the contrary, I would. But you must remember that the only power that Congress has to pass such legislation as this lies in the fact, as I understand it, that it may levy a tax upon any article, it makes no difference what it is.

If you want to raise revenue it is perfectly legitimate for Congress to tax any article. It may tax this or it may tax that; and if the object of this bill were to raise revenue for the Government—if we needed this revenue—then I might support it even in its present form. But that is not the purpose behind the proposed legislation. The object to be accomplished by this bill is to protect cream cheese and the public who use it, and this end is to be reached by requiring filled cheese to be branded and marked. That far I am willing to go and to put a nominal tax upon it, so as to give Congress jurisdiction of the subject, and thus secure the accomplishment of the great object of identifying this cheese, and giving everybody notice of what it really is. But I do not believe that anybody will contend, on the evidence produced before the Committee on Ways and Means, that this industry is one which gives a product which is injurious either to the morals or to the health of the people. In this connection I will read a statement from one of those who were most intelligent upon the subject, Mr. Adams, food and dairy commissioner of Wisconsin. In his testimony he made this statement, which, I believe, is a frank declaration, and the truth in the case. He said, on page 122 of the hearings:

> This question is not one of public health; it is not one of hygiene; it is not one of dietetics; nor is it one of digestion; it is simply and purely one of honesty and trade.

That is all. I say that he exactly gave the facts in this statement. He stated them with accuracy and with fullness. Then, so far as the merits of the bill may be concerned, the question is one affecting only honesty in trade. There is no question of health in it.

Mr. STEELE. Will my colleague allow me a question?

Mr. EVANS. Certainly.

Mr. STEELE. Will you not read the statement of the Chemist of the Agricultural Department, where he says that the heat that is applied in making this filled cheese is not sufficiently great to kill the trichinæ?

Mr. EVANS. I will say this: That it is and must be a wonderfully small, feeble, insignificant germ that has been put into this filled cheese, when there has been 12,000,000 pounds of it manufactured and used per year and not one of those germs has been in the business of injuring anybody at any time since this manufacture was started. [Laughter.] No, this is a matter of requiring honesty in trade, and I say all right. Make these people place marks of identification on this cheese. I am very doubtful whether, in your efforts to bring this about, you ought to charge the expense of it to the industry. You ought to make the Government pay for it instead of taxing this one industry. You ought not to tax one industry in a business to make it pay for protecting the public where you are discriminating against it and in favor of another industry.

What is the principle involved? It is that Congress can sit in judgment upon every industry, and if it shall decide that the product of one is being sold as a counterfeit resemblance of another it can for public protection require the placing upon it of such identifying marks as will distinguish it from the genuine. I doubt, I say, if this is within the constitutional power of Congress, unless coupled with the taxing power or as a regulation of interstate commerce. In this bill that difficulty is relieved by the taxation provided for. But another one arises when the question is viewed from the standpoint of taxation.

We ought not to single out one individual food product even though it be a rival of a better one and tax it. If we do it here, we do not know where we shall stop. We may be called upon to try every inferior and cheaper product of every industry, thus necessarily making it higher in order to protect the dearer products. In my judgment we should go no further than to require branding, etc., and impose no tax high enough to increase the price of this food to men whose taste or poverty leads them to buy it.

Now, it seems to me, Mr. Chairman, that this matter is narrowed down to a very small compass. It is, in my judgment, a question whether you are going to tax the filled-cheese interest in order to build up the cream-cheese industry, or at least to keep it from retrograding. In this age we can not undertake to keep down modern ideas or modern inventions. In almost every field of production you will find industries that were well established and had gone on prosperously for years when some great modern improvement came in and cut under them, and undermined them. Those superseded industries might come here and claim that the new processes which produced the goods cheaper ought to be taxed for the benefit of the old industries, but would anyone concede the claim? Not at all.

I do not believe that the taxing power of Congress ought to be exercised upon individual products unless upon articles, like whisky and beer, which may be alleged to be deleterious to the public health. But no such charge as that is made with regard to filled cheese. Therefore, what we have here is simply the case of one industry seeking to discredit another industry in order that its own interests may be built up. I am willing, though I have some doubt as to the propriety of the step, I am willing to vote for this bill in so far as it proposes to require the branding and identification of this product, but I do insist that the other discrediting elements in the bill, the subjecting of this business to such severe punishments and to overtaxation, ought to be eliminated.

If you are going to tax this article at all, make your tax nominal. It is necessary to impose a nominal tax in order that Congress may get authority over the matter. I am willing to impose a nominal tax, so as to give Congress jurisdiction, although as a rule I believe it would be safer to discourage legislation of this character altogether. I believe the first effort that was made in this direction was when the oleomargarine act was passed, and I think that was a step in the wrong direction. The only ground upon which legislation of this character can be justified is that it is immoral for any man to attempt to palm off upon the public an article under a false designation. I am willing to go far enough to prevent that. I am willing to say that this article shall be marked and branded, so that it can be distinguished and known for what it is, but I think we ought not to go any further than that in this kind of legislation.

Mr. Chairman, if I have any time left I yield it back to the gentleman from Tennessee.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. McMILLIN. I yield five minutes to the gentleman from North Carolina [Mr. LINNEY].

Mr. LINNEY. Mr. Chairman, I am somewhat startled at this proposition. One thing that shook my confidence in the patriotism and wisdom of the Democratic organization, to which I more than ten years ago belonged, was its disposition to drift away from what I have thought, ever since I have given any attention to public matters, to be the proper system of taxation to support the Government of the United States, to wit, the tariff system; and I have been taught to believe and I do believe to-day as firmly as I believe anything, that the true policy of this great Republic of ours is to abstain totally from the imposition of excise taxes. The laying and collecting of internal or excise taxes can be justified only by some great overpowering necessity. The history of this Republic, from its foundation down to the present, I think, establishes that proposition.

In the earliest period of the country's existence resort was had to a system of direct taxation. That resort was brought about by a war necessity, to wit, the burdens of the Revolutionary struggle. Subsequent to that period, the statesmen of the past contented themselves with a properly regulated system of indirect taxation, or rather of customs dues, by reason of its beneficent operation upon the industries of the country, while at the same time it supplied revenue enough to meet the demands of the Government, and thus obviate the necessity of the hand of the taxgatherer being placed upon the industries and the energies of the individual citizens of the Republic.

I think it is very easy to prove that the present system of internal revenue can be defended only as a war necessity. The war between the States necessarily imposed upon the Republic a war debt, the pressing weight of which can hardly be estimated. Hence the same necessity was upon us that had come upon us immediately subsequent to the Revolution and subsequent to other wars that we had after the Revolution; but the very moment that the necessity ceases, wisdom and patriotism dictate that this kind of tax, which is imposed as a necessity, shall likewise cease. Hence I have indulged the fond hope and the people of the South have indulged the hope that the time was near at hand when, instead of putting additional articles upon the list for internal taxation, we would be able to wipe out the whole internal-revenue system, and it gladdened my heart only a few days ago when the distinguished gentleman from Pennsylvania [Mr. BRUMM] said that he was willing to do that now.

But, Mr. Chairman, this bill, I respectfully submit, goes far beyond anything that has hitherto entered the mind of any careful, painstaking, conservative thinker in the United States. Now, let me see whether I can not prove that proposition. The system of excise taxes hitherto existing, being a necessity visited upon our people by reason of war, has been confined to certain articles which were regarded as luxuries, things which were not necessary to human existence, which did not answer the purpose of food—such articles as whisky, that the great State of Maine, I believe, has dispensed with long ago; such articles as tobacco, without which the citizen can probably exist in a better state of health than with it. But what does this bill propose? As I understand, it proposes to lay the hand of the taxgatherer upon a product of industry fit for human consumption. Not only that, but it proposes to effectually blockade some lines of hope—yes, thousands of lines of hope—that are now open to the poor, the energetic, and the industrious people of the country. Pass this bill, and the hundreds and thousands of people who are engaged in this legitimate business will have to seek employment elsewhere. That is what I understand to be the effect of the measure.

Besides, Mr. Chairman, I doubt our power to pass such a bill as this. The Constitution of the United States yet exists. Every member of this House swears to support it. How far may we go in the direction of such legislation as this? If we may tax this particular class of manufacturers of cheese in order to benefit the manufacturers of another class, why can we not tax the yellow-corn in order to benefit the white-corn grower? Why can we not tax spring wheat in order to benefit the grower of wheat of other varieties? Why can we not tax the inferior kind of potatoes that are grown in some parts of the country in order to benefit the sellers of the "White Rose"? Tell me, some one who is in the habit of thinking about these matters—who has made great questions of state a specialty for years and years—tell me where is the limit? Because I think this bill passes the true limit of our constitutional power I oppose it.

When the oleomargarine bill was passed many of the best thinkers of this country believed that we exceeded our constitutional authority. Unquestionably we took then a step beyond anything that ever received the sanction and encouragement of the best thinkers of the country in its earliest days. This bill goes a step beyond the oleomargarine legislation. And if this House in its wisdom should conclude to add this article to the list of those coming within the system of excise taxes, as we now have it, where is the limit of our authority?

Besides, sir, if we go on adding to the articles covered by this system of excise taxes, when can we begin to reduce and finally abolish that system? Instead of making additions, something ought to be lopped off somewhere. If gentlemen in charge of this bill will agree to strike out its provisions and substitute therefor a proposition to repeal the tax now imposed upon fruit brandies, I will vote for it. Why? Because that would be one step in the right direction; it would lop off a portion of our excise taxes. I believe that the great leader of thought in the other end of the Capitol—that conservative, painstaking, philosophic thinker, Senator SHERMAN—has already advocated legislation in this direction. He has declared, I believe, that the time has now come when, instead of enlarging our system of excise taxation, instead of placing additional articles upon the list, the Government of the United States should dispense with this system of taxation entirely, leaving all the articles now subjected to this species of taxation to be taxed by the States, if need be, in order to relieve local burdens. [Applause.]

[Here the hammer fell.]

Mr. McMILLIN. I yield five minutes to the gentleman from North Carolina [Mr. SHAW].

Mr. SHAW. Mr. Chairman, there is one feature of this bill which very forcibly affects the people of my district in the State of North Carolina. I refer to the $40 tax which it is proposed to lay upon the retail dealer. In my section of North Carolina we have a great many country stores—stores which are away from the railroads 25, 30, or it may be 40 miles. Many of these stores do not sell perhaps $100 worth of cheese during a year. But there are some people who want cheese—everybody wants cheese occasionally—and if a tax of this kind is imposed upon these small dealers, a great many people will be absolutely deprived of a cheap article of food.

As a matter of fact, Mr. Chairman—I do not know how it is in other sections of the country—in the South labor has been reduced year after year during the last few years, until to-day in the cotton fields and in the turpentine forests of the South the laboring man can not make half as many dollars within a given time as he did ten years ago. But under the provisions of this bill, instead of doing something to reduce the price of food in proportion to the reduction in the price paid for labor, you increase the price of food upon which the laborer must subsist.

I would not object to this bill, Mr. Chairman, provided there were no tax attached to it. I think it would be right that when a man offers an inferior class of cheese for sale he should brand that cheese as a cheap or inferior article. But, sir, if this bill be enacted, then in addition to the great horde of spies and revenue officers that we now have in my State we shall find the courts crowded with numerous indictments which ought never to have been brought.

My friend from Pennsylvania [Mr. BRUMM] has stated that cheese is a necessity, while butter is a luxury. That is not so in my State. Where we live, almost any poor man living out in the sand hills can keep a little cow and have butter occasionally, but a number of cows are required if one wishes to engage in making cheese; and if one wishes it for his own consumption it takes money with which to buy it. I submit, sir, as a matter of fact, that if this bill is passed in its present state there will be numbers of poor people throughout this country who have heretofore been able to eat cheese who must do without it in the future.

Now, if the bill is so amended as to strike out the clause imposing the tax on the country stores, and all taxes, I think I shall vote for it, but not otherwise.

Mr. McMILLIN. I yield five minutes to the gentleman from Kentucky [Mr. CLARDY].

Mr. CLARDY. Mr. Chairman, there has been so much said on the pending bill that I shall occupy the time of the committee but for a very few moments.

If this bill sought only to require the manufacturers of filled cheese to brand it what it really is, then I should have no possible objection to it. In fact, when I first saw the caption of the bill, and believed that to be its purpose, I thought I would vote for it. It seemed to propose to do what was just and fair. When I come to examine it more particularly, however, I see that it goes very far beyond that.

I believe that every manufacturer of goods should sell them for what they really are, and not for what they are not. I do not object to that restriction. If that were the only restriction, I should certainly favor it. But it goes, as I have said, far beyond what is reasonable and seeks to crush out one industry apparently for the benefit of another.

It is not only against the genius of our country, Mr. Chairman, and our system of government, but it is a bill that is decidedly to the disadvantage of many of the citizens of our country. A man who manufactures filled cheese does it as a legitimate industry, just as much as any other manufacturer, and he has as much right to make filled cheese as the other man has to make any other kind of cheese or any other class of goods.

Now, there is just one other question. It is admitted that this product is not injurious to health; that is to say, it is a healthful article for human sustenance. If that be so, why should we tax one healthful article to make another healthful article sell higher or give it a better or more extended market? The great masses of the people of this country are compelled to use cheap food, which they are able to purchase or produce. Now, if this healthful food is a cheap food, and not deleterious to health, why should not the people be allowed to exercise their own option and buy it and use it instead of paying the higher price that they would be compelled otherwise to pay for the genuine article?

There is one other point, and I propose to be very brief. I have stated two propositions connected with the matter, but there is still another. Gentlemen say that this bill seeks to protect the products of agriculture. I represent one of the best agricultural districts in this country, and have at present no other interest except in farming. But there is not a single article used in the manufacture of filled cheese that is not an agricultural product. I ask your especial attention to this statement: There is not a single article entering into the manufacture of this cheese that is not a part of the agricultural products of this country just as much as milk is. My district is not a cheese-making district, it is not a butter-producing district, it is not a dairy district; but it is a district that raises in large numbers hogs and cattle for the markets of the country, and these, you gentlemen say, are the products which

enter largely in the manufacture of filled cheese. I claim that they are just as healthful as any other products of agriculture.

Gentlemen say that with some stomachs this filled cheese might disagree. I say the same statement might be made of bacon and many other products which we produce on our farms. The healthiest farming people I have ever seen or known, either in my experience as a farmer or a physician, were the negroes of the South when they lived almost exclusively upon bacon and corn bread. There never was a healthier people. If these are facts, and they have not been denied here in this discussion, then this bill seeks to benefit one class of our farmers to the detriment of another, and I am opposed to it on that ground; and the only reason I rose, Mr. Chairman, was to express these views from the standpoint of a farmer.

[Here the hammer fell.]

Mr. MCMILLIN. I yield five minutes of the remaining time to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Chairman, this bill is introduced for one of two purposes—either for the purpose of driving this filled-cheese industry out of existence, or it is for the purpose of allowing another industry to come in competition with it. In other words, the purpose is to build up one industry at the expense of the other.

Now, if the bill comes before the House for the purpose of driving this industry out of existence, why is it brought here at all? Does the committee claim that filled cheese is deleterious to the health of the community where it is used? Not at all. After considering the question, and hearing a great deal of testimony on one side and the other, the committee comes in here with a report in which it is stated that the evidence on one side pointed to the fact that the product was deleterious to health, and on the other, with equal force, that it was not. It did not bring before the House, in a conclusive manner, any evidence which the committee itself accepted. It reported no conclusion upon the subject. The report of the committee does not claim that the sale of the product should be prohibited on that ground.

If it is injurious to the health of the consumer, the people of the States, through the powers vested in the legislatures of the different States of this country, can and will prohibit its sale. I think we can safely count on the fact that the governments of the States of this country will protect their citizens from the sale of injurious commodities. It does not require the aid of the Government of the United States to see that the people of this country shall be protected from the sale and use of deleterious food. Therefore I can not see why the committee should bring this bill before Congress for the purpose of absolutely prohibiting the sale of the commodity. If it is only to prevent a fraud, if the committee only intends to see that these filled-cheese manufacturers shall not impose on the people of the United States by selling them one article when they think they are buying another, Congress has the power to require that this cheese shall simply be branded "filled cheese," and wherever it goes it will carry on its face a statement of what it is, without any taxation accompanying it. That being the case, there can be but one conclusion we can come to, and that is that this bill is introduced here for the purpose of protecting one class of people at the expense of another.

Now, there are numbers of farmers in this country who raise cotton, who sell their cotton seed for the purpose of having it manufactured into cotton-seed oil. Cotton-seed oil is one of the ingredients that largely goes into the composition of this filled cheese. Why should this House, by its legislative action, seek to prevent the sale of that commodity, seek to destroy the market for cotton-seed oil for the purpose of benefiting those gentlemen who are engaged in dairy farming?

[Here the hammer fell.]

Mr. MCMILLIN. Mr. Chairman, in the remaining time I want the statement of the Secretary of Agriculture on this subject read.

The Clerk proceeded to read the communication. Before he had concluded,

Mr. TURNER of Georgia said: Mr. Chairman, I ask unanimous consent that this very clear and excellent statement by the Secretary may be printed in the RECORD.

There was no objection.

The communication is as follows:

WASHINGTON, D. C., *February 27, 1896.*

GENTLEMEN: In connection with the proposition to legislate on the subject of filled cheese, now under consideration by your committee, the following statement may be of some interest:

The matter of filled cheese having been brought to the attention of this Department of late, from various directions, a thorough investigation has been made as to this article, and it is hoped an impartial one, including the materials which enter into its composition, methods of manufacture, its position in the markets, and its relation to other cheese of commerce.

What is now known as filled cheese was formerly called margarin cheese and oleo cheese, and is designated as imitation cheese in the laws of several States. It is apparently a perfectly legitimate food product and properly called cheese. It has the characteristics of cheese, although not of high grade, and is similar in chemical composition. The only essential difference between filled cheese and that made from whole milk is in the substitution of the fat of the hog for that of the cow. The natural fat of the milk being extracted, or separated, is replaced by a good quality of lard, at the rate of 2 or 3 pounds of the latter to 100 pounds of skim milk.

At different stages in the development of this industry various fats and oils have been used, including oleo oil, margarin, cotton oil, and unmerchantable butter, as well as others still cheaper and of doubtful origin. But objectionable results have led to the rejection of all except neutral lard. At the present time the only fat not natural to milk which is used in making 95 per cent or more of the filled cheese produced is neutral lard, and this of a superior quality, tasteless, odorless, and usually selling at about 1 cent per pound more than the best family lard. The wholesale price of "neutral" has been for some months in the vicinity of 7 cents per pound.

In view of these facts the most correct and significant legal designation of this article would be "lard cheese."

In the process of manufacture the bulk of the milk is raised to the same temperature as in making ordinary cheese, while part of the milk and all of the neutral lard is raised to a temperature of at least 200° F. This is about as high a temperature as pork fat is subjected to in cooking, and much higher than the fat of milk is heated in ordinary cheese making. The places and processes of manufacture of lard cheese, or filled cheese, and the same where whole-milk or full-cream cheese are made are practically equal, so far as care and cleanliness are concerned.

The liability to use raw materials containing the germs of disease is about the same in making genuine cheese as in making filled cheese. It is possible to thus convey the germs of disease from cows and hogs to the human family, but the danger can not be regarded as serious in either case. It is probably true that at the present time in those districts where cheese is largely made insidious diseases which are dangerous to man are more prevalent among cows than among hogs.

The materials used in making filled cheese are all products of the farm and recognized, separately and combined, as wholesome articles of food.

Medical authorities and others differ as to the relative digestibility of different fats, such as butter fat and pork fat or lard; but the fact is known to all that immense quantities of pork fat, in all forms, are consumed by various classes of people without detriment to health. There is no just ground for claiming that filled cheese is necessarily unwholesome or deleterious to health. Large quantities of it are daily sold and consumed without apparently injurious effects.

But there are many people who can not safely consume hog fat in any form, and many more who will not do so knowingly. These people very properly claim a right to be reasonably guarded against the imposition of having lard cheese sold to them under the guise and name of cream cheese. This practice has been found to prevail in all parts of the country where there are not stringent State laws of exclusion and prohibition, with special agencies for their enforcement.

No merchant or consumer who is any judge of cheese would, upon examination, mistake the best filled cheese which is made for a first-class, full-cream cheese. It is devoid of true cheese flavor, and seldom attains the dry and crumbly consistency of a well-cured cheese. But the imitation has the appearance of a fresh or mild cheese, and can be, as it is, successfully and generally substituted for the genuine article of second or third quality.

The filled cheese is made and placed in market without any brand or marking on cheese or package indicating its real nature. It is held in large quantities by the wholesale merchants in this form. These merchants generally (although not in all cases, it appears) sell it for what it is. But it is the common practice, after sale to jobbers or the smaller wholesalers, to place all sorts of misleading and false brands and marks upon it, which enable it to pass into the retail trade and be sold to consumers under false pretenses. No additional information on this point is necessary. Cheese designated as "filled," or "imitation," or "lard," is nowhere to be found in local trade, but the "filled" article is always sold under some other name.

It is this element of fraud which constitutes the serious objection, and about the only one, to the manufacture and sale of filled cheese, and which is the only just ground for restrictive legislation in regard to it. But the imposition and deceit systematically practiced is indefensible and so injurious to public morals and to trade as to demand prompt and effective measures for its repression.

The sole object to be obtained by legislation on the subject seems to be to enforce honesty and prevent fraud by compelling this form of cheese to be made and sold for exactly what it is. The same principles apply to all other articles of food and general merchandise in which deception is possible. The simpler the form of attaining this the better.

An enactment directed solely against deceit and fraud, with severe penalties for violations of the same, appears far more reasonable and just than any perversion of the taxing power of the Government for the real purpose of securing police regulation.

If there be reasons why it is deemed necessary to accomplish the object under cover of a "revenue measure," the facts stated herein certainly sustain the conclusion that minimum rates should govern the fixing of licenses and special taxes rather than such as would prove prohibitory to an industry not reprehensible itself, although indirectly responsible for much imposition on consumers, deception in trade, and injury to the purely dairy interests of the country.

This latter phase of the subject is sufficiently presented in the last annual report from this office for the year ended June 30, 1895, at pages 24 and 25.

Yours, very respectfully,

J. STERLING MORTON, *Secretary.*

The COMMITTEE ON WAYS AND MEANS,
House of Representatives, Fifty-fourth Congress.

Mr. GROSVENOR. Mr. Chairman, is the time on the other side exhausted?

The CHAIRMAN. The time on the other side is exhausted.

Mr. GROSVENOR. I hold in my hand an analysis, made by the Chief of the Chemistry Division of the Department of Agriculture, and I ask unanimous consent that it be printed in the RECORD, to accompany the statement of the Secretary of Agriculture which has just been read.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to have certain documents printed in the RECORD, to accompany the statement from the Secretary of Agriculture which has just been read. Is there objection?

There was no objection.

The letters referred to are as follows:

[Inclosure. Subject: Filled cheese.]

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., February 13, 1896.

SIR: I have the pleasure of handing you herewith a copy of an analysis by the chemist of this Department of the specimen of cheese received from you on the 11th instant, marked "Family's Favorite, Jersey Creams." The chemist

reports that he is able to determine the foreign fats determined in cheese, and that this one has at least three-fourths of this foreign fat. It is a well-marked case of filled cheese.

Very respectfully,

J. STERLING MORTON,
Secretary.

Hon. D. F. WILBER,
Committee on Agriculture, House of Representatives.

—

[Copy.]

UNITED STATES DEPARTMENT OF AGRICULTURE,
DIVISION OF CHEMISTRY,
Washington, D. C., February 13, 1896.

SIR: The sample of cheese sent by you, and obtained from Mr. WILBER, of the House Agricultural Committee, has been analyzed with the following results:

	Per cent.
Fat	31.13
Casein	32.13
Water	29.81
Ash	3.93
Undetermined	3

The fat derived from this cheese was composed of one-fourth butter fat and three-fourths foreign fat, which, from its high melting point, was thought not to be cotton-seed oil. The cheese was made from skim milk, which retained about one-fourth of its butter fat. It is, therefore, a well-marked case of filled cheese. No substance other than the added fat was detected as a make-weight.

Respectfully,

H. W. WILEY, *Chief of Division.*

Hon. CHARLES W. DABNEY, Jr.,
Assistant Secretary of Agriculture.

—

[Copy.]

UNITED STATES DEPARTMENT OF AGRICULTURE,
DIVISION OF CHEMISTRY,
Washington, D. C., March 5, 1896.

SIR: The large sample of filled cheese which you sent for examination has been analyzed with the following results:

	Per cent.
Ash	5.44
Casein	22.25
Fat	34.02
Water	31.09
Sugar and undetermined	7.20
Reichert No.	1.8
Iodin No.	50.7

A microscopic examination of the extracted fat, after crystallization from ether, showed that it was unmistakably composed almost exclusively of lard stearine. The flat rhombic crystals so characteristic of this glyceril were easily obtained and definitely shown under the microscope.

The low iodin absorption number of the fat, viz. 50.7, also shows that it is a lard stearine. The low Reichert number, viz. 1.8, indicates that the cheese was made from milk from which the cream had been removed by a separator. The ordinary creaming of milk—by allowing it to stand in shallow pans—would not remove a sufficient quantity of the butter fat to give as low a Reichert number as indicated.

In summarizing the results of the analysis it may be said that the cheese in question was made from milk skimmed by mechanical means, leaving not to exceed half a per cent of butter fat therein, and that the abstracted fat was replaced by lard stearine, presumably the residue from the manufacture of lard oil.

Respectfully,

H. W. WILEY, *Chief of Division.*

Hon. CHARLES W. DABNEY, Jr.,
Assistant Secretary of Agriculture.

[Inclosure.]

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., March 6, 1896.

DEAR SIR: I have the honor to transmit herewith for your information a copy of the report of the Division of Chemistry of this Department, containing results of the analysis of the last sample of cheese submitted by you for examination.

I have the honor to remain, very truly, yours,

CHAS. W. DABNEY, JR.,
Acting Secretary.

Hon. D. F. WILBER, M. C.,
House of Representatives, Washington, D. C.

Analysis of samples of cheese.

Serial No.	Pounds fat for 1 pound casein.	Pounds fat for 1 pound solids not fat.	Water.	Fat.	Ash.	Casein.	Reichert No.	Cream removed.
								Per ct.
No. 1—14432	0.97	0.80	29.81	31.13	3.93	32.19	7.29	65 to 75
No. 2—14662	1.21	.87	12.20	40.82	4.85	28.21	5	75 to 85
14432*	.....	.....	.....	44.35	5.60	45.78	.....	.....
14662*	.....	.....	.....	46.49	5.52	38.38	.....	.....

* Calculated to dry substance.

Mr. GROSVENOR. I yield three minutes to the gentleman from Wisconsin [Mr. SAUERHERING].

Mr. SAUERHERING. Mr. Chairman, the State of Wisconsin stands second in the United States in the manufacture of dairy products. The Second Congressional district of that State, which I have the honor to represent, stands first on the list. The measure before the House is intended to protect the dairy industry against a fraud which has greatly injured it. The only objection I have to this measure is that it does not impose a tax of 2 cents a pound upon filled cheese instead of 1.

I regret that so short a time has been allotted to me in which to defend the interests of my constituents and the interests of 9,000,000 people of the United States, for it is impossible to say too much in favor of this bill.

The protection of the dairy interests of the United States against a bold-faced fraud which is gradually but surely drawing the life-blood out of that great industry is to-day a burning question. The dairying industry is to-day one of the great commercial factors of the world. In importance and magnitude it ranks higher than any one industry known to commerce, and its wealth-producing power has far outstripped our world-famous "king cotton." It directly affects over 9,000,000 men on American farms, and involves a money business of $800,000,000 annually.

In late years this great industry has been much hampered and imperiled by the manufacture of a spurious imitation of cream cheese, called "filled cheese," which has been placed upon the markets of the world and offered for sale as a pure and unadulterated food product. The process of manufacture is quite simple and inexpensive. By the use of a modern cream separator the butter fat is extracted from the milk and manufactured into good creamery butter; then the skimmed milk is taken, and, by a peculiar process known to the trade, lard and neutral oils are forced into it to take the place of the butter fat which has been extracted. From this skimmed milk, so "filled" with lard and neutral oils, "filled cheese" is made. By a comparison of figures furnished by good authorities we find that the cost of producing a pound of filled cheese is about 3½ cents. As a rule, the producer of filled cheese pays no more for the milk he gets from the farmer than does the producer of pure full cream cheese, while, on the other hand, he sells his cheaply produced spurious article at practically the same price that is paid for full cream cheese. It can be easily seen that the profits accruing to the manufacturer of filled cheese must be enormous. Whatever may be the merits of filled cheese, it is not equal to full cream cheese, and should not be placed upon the market as such. The fraud has been detected, and has materially affected our foreign trade in cheese, all of which ultimately must result in a loss to the American farmer.

It is the purpose of this bill to compel the manufacturer of filled cheese to sail under his own colors and to reestablish our good name in foreign markets so far as our dairy products are concerned.

It is a matter of great surprise to me that a bill of this nature should require so much time for debate or call forth any opposition in this House. I have observed on numerous previous occasions during the present session, when opportunity offered itself, gentlemen on both sides of this Chamber eagerly clamored for recognition by the Chair so that their voices might be heard in defense of the interests of the American farmer. Why, Mr. Chairman, so impressed was I with the apparent loyalty of the members of this House to the agriculturists of the United States that I thought any measure to the interests of that class of our fellow-citizens would pass this body without debate and by a unanimous vote.

When the Agricultural appropriation bill was before this committee a great interest was manifested in the subject of securing for the farmer the publication of a book on dairying which had been out of print for many years and contained nothing but statistical abstracts of dairying in foreign countries. Although the appropriation required to republish that book would have been small in comparison with general appropriations, I am convinced that I voice the sentiment of the farmers of the Second district of Wisconsin in saying that while the farmer does not object to the expenditure of large sums of money to support this Government in maintaining its dignity and making proper provision for the happiness and welfare of its people, he does most emphatically object to the expenditure of one cent for anything that will not serve a good purpose. Had the House consented to the Senate amendment calling for the republication of the book referred to, it would have been an insult to the American dairyman, an injustice to the American farmer, to attempt to satisfy these people by giving them a cheap book that has been out of print for years and containing nothing but out-of-date statistics about the dairy interests of foreign countries. It is a universally recognized fact that we lead the world in the superior quality of our dairy products when untainted by fraud. Now, Mr. Chairman, the point I am trying to get at is that the farmer is not benefited by nor is he satisfied with windy talk, so often indulged in by members of this House in his behalf. What the farmer wants and demands is good, honest, square legislation, and he fully expects that every member of Congress will assist in the enactment of laws which will be of lasting benefit to the farmer as well as all the people of the United States.

The object to be accomplished by the so-called "filled-cheese" bill now before the House for consideration is of the greatest importance to 95 per cent of the American people. It is intended by this measure to give a proper reward to honest labor and honest industry, to protect the producer and manufacturer of pure

products against a fraud which has grown up in this country by false labeling of dairy products. During the past seven years this pernicious practice has caused a falling off in the exports of American dairy products of 58 per cent. The great decline in the exportation of our cheese since 1889 is plainly shown by the following table:

Cheese exported from the United States.

Year.	Pounds.	Year.	Pounds.
1889	98,140,486	1893	67,925,712
1890	91,014,571	1894	68,607,186
1891	77,148,794	1895	40,610,242
1892	81,589,361		

It is shown by authentic reports that in the year 1884 the exports of cheese from the United States reached the enormous figure of 111,950,686 pounds, while in 1895 the exports from all parts of the United States amounted to only 40,610,242 pounds, showing a falling off in eleven years of 63 per cent in this one article alone, while it is a fact that its production during the same period has increased 25 per cent. As a result of this, a great surplus of cheese for consumption has been thrown upon the home market, and the producer has received ruinous prices. The question naturally presents itself, Where has our trade gone to, who has been benefited by this enormous falling off in our exportations of cheese, and what is the cause of the great decline? Mr. David Muir, cheese exporter from New York and Montreal, Canada, presented to the National Dairy Union, at its annual meeting last year, statistics showing that for every pound of decrease in the cheese exports from the United States those of Canada increased to a corresponding amount; also that the increased demand over what little was taken from the United States, and what Canada was able to produce, was obtained from New Zealand and Australia. In fact, it was conclusively shown from letters received by exporters that foreign importers were taking all the cheese they could obtain from other countries where they were certain of getting pure goods before they would take the risk of buying from the United States. The reason given for this was that these foreign importers had been deceived by having filled cheese shipped to them when they had ordered and thought they were getting the pure and unadulterated article.

It has been urged by gentlemen who are opposing this bill that the regulation and suppression of this fraud should be left to the various States, and that Congress has no authority to act in the matter. I will say that some of the States have made desperate efforts in that direction, and the legislature of my own State passed a very stringent law, entirely prohibiting the manufacture and sale of filled cheese in Wisconsin. While this absolutely guarantees the purity of cheese produced in Wisconsin, it does not prevent the filled-cheese producers of other States from branding their fraudulent goods "Wisconsin full cream cheese," and thus robbing us of the benefits to be derived from a good name and savory reputation. State legislation, however stringent, has failed to give the desired relief, and the farmer and producer of pure cheese now look to Congress to help them by enacting a national law which will compel filled cheese to stand on its merits before the world by being properly marked and branded. All they ask is simple justice, and honesty in marketing dairy products; so that the consumer may be able to buy the pure article when he chooses without fear of getting filled cheese when he pays full cream cheese prices.

In the year 1889 the State of Wisconsin stood first among the States of the Union in the per capita production of dairy products. Her fame as a producer of pure goods was well known throughout the commercial world, and she found a ready market for all she could produce. However, with the advent of the filled-cheese fraud that favorable reputation became an element of danger. How could the manufacturer of filled cheese find a better and wider market for his goods than by branding them as a Wisconsin product? The fraud was soon discovered in foreign markets, and our goods have been regarded with suspicion ever since. While we have suffered greatly during the past seven years from this parasitic fraud called filled cheese, Wisconsin even to-day stands second in the amount and value of dairy products.

The statistics for 1895 show that there are within the State 1,337 cheese factories, valued at $1,000,000, with an output of over 50,000,000 pounds, valued at $4,000,000; also 800 creameries, valued at one and one-half million dollars, with an output of 75,000,000 pounds, valued at over $12,000,000. The Second district of the State which I have the honor to represent stands first on the dairying list, having 245 cheese factories, valued at $201,000, with an output of 8,600,000 pounds, valued at $594,000, and 250 creameries, valued at $426,000, with an output of 14,101,600 pounds, valued at $2,397,000. I simply mention these facts to show that I come from a section of country where this subject is thoroughly understood and where the need of legislation like that proposed in the pending measure is fully appreciated.

The line of argument followed by gentlemen in opposition to this bill is characteristic of the argument of a lawyer when he knows he has a bad case. Instead of meeting the issue fairly and squarely, gentlemen shoot off on a tangent, expatiating with great enthusiasm on the elements of a finely spun theory of constitutional construction and State's rights.

These are the same arguments that were used in opposition to the oleomargarine bill when that measure was considered in this House. Almost the entire debate against that bill was based upon the ground of its want of constitutionality. But what do we find as a matter of fact? In every case that was carried to the courts on that point the law was declared constitutional, and it stands to-day firmer than ever.

It is urged that the tax feature of this bill is not only unconstitutional, but un-American and unjust. I have devoted a great deal of study to this particular feature and can not, for the life of me, discover any difference between this tax and the ordinary tax paid for engaging in the liquor and cigar business. The principle is precisely the same in both cases, and nothing is clearer than the right of this Government to impose this tax.

The gentleman from Alabama says that if filled cheese is injurious to the health of the consumer, the people of the States, through their legislatures, can and will prohibit its sale. I will say to the gentleman that as a matter of fact many States have passed such laws, but find that they do not give the desired relief. As long as anyone may produce this filled cheese in some other State and with impunity label it "Full cream cheese," how is the consumer of any State to be protected? Further than this, the gentleman seems to forget that there are other and broader principles involved in this question. What we contend for is commercial honesty and simple justice. We demand that every producer of a commodity shall offer it for sale for just what it is, and most emphatically object to the dishonest practice of passing off a cheap, impure, and unhealthy article for something it is not. The States which have taken a stand on this question and declared their disapproval of the pernicious practice of cheating our foreign customers and robbing our farmers of their just dues are to-day being preyed upon by the filled-cheese sharks of other States, who brand their goods as the product of the States having these prohibitory laws. It is the plain duty of the United States to protect the people of one State against imposition by citizens of other States when they are powerless to protect themselves. In this matter it is simply impossible for a single State to assure its own rights, the gentleman from Alabama to the contrary notwithstanding.

Quite an elaborate argument was made by the gentleman from Pennsylvania on the point that the tax clause of this bill endeavors to tax out of existence an industry, and therefore is unconstitutional, unjust, and antirepublican. Even if it were true that this clause does tax out of existence an industry, we have a very good precedent for such an act. There is upon our statute books to-day a law imposing a tax of 10 per cent upon State bank issues, for the sole purpose of taxing them out of existence, and, thank heaven, it is doing it very successfully, too. The constitutionality of that act has never been questioned except by Democratic national conventions, and although the present Administration was elected on a platform pledging the repeal of that 10 per cent State bank issue tax, they have not had the moral courage to live up to their pledge, because they know the law is good law and in the interest of public policy.

But the tax imposed by this bill would in no wise destroy the filled-cheese industry. The profits in that business are so large that it could easily stand three times the proposed tax without any serious results, provided that filled cheese could, as it is at present, be sold for the same price that is obtained for the pure article. If anyone cares to use filled cheese rather than full cream cheese, we are perfectly willing that he should have it, but, Mr. Chairman, when I go into a grocery store for the purpose of buying full cream cheese and pay the price demanded for full cream cheese, as an American citizen I most seriously object to being hoodwinked and cheated by being given a fraudulent and unwholesome imitation of the article I paid for.

The merits of this bill are so evident, the justice of it so plain, that it ought not to require much argument to secure for it the support of every member of this House. Without saying one word against filled cheese as such, if it has the merits claimed for it by gentlemen who oppose this bill, what possible objection can there be to making it stand or fall on those merits. When your purposes are honest and your cause a good one, why endeavor to shun the light of day? We desire the passage of this bill because it strikes at the root of an evil which is fast destroying our foreign markets for dairy products, curtailing the possibilities of the dairy farmer, reducing the value of his stock in trade, and defrauding millions of consumers of cheese. The filled-cheese industry as carried on to-day is a detriment to every one of the 70,000,000

people who live in this country, and a benefit to only about 200 people who are engaged in this nefarious business and who are getting wealthy at the expense of all the rest of the country. Filled cheese is sold at practically the same price that is demanded for the pure article, hence it does nothing in the way of supplying a cheaper article for the poorer classes, a claim made for it on this floor.

This bill should be enacted into law and strictly enforced after being enacted, because it stands for honesty and justice. It is a step in the direction of that grand Republican principle, protection. There is no class of people in this country who work more hours per day and more days per year and who receive smaller remuneration for their labor than the honest, thrifty farmer. The duties of his calling are so numerous and exacting that he usually finds little time to take a hand in public affairs and see that his interests are properly protected. He is rarely represented in Congress except by so-called professional farmers, who rather misrepresent him. Let us pass this bill and secure to the American farmer what properly belongs to him. Let us protect him against the impositions of a few wealthy monopolists who are growing rich at his expense. The farmer is universally recognized as the backbone of a nation, and those nations that have made his welfare one of their first considerations have always endured longest. It is impossible to secure the welfare of the nation without securing to the food-producing part of our population those advantages which nature has provided for them. Let us protect the farmer in his right and thus bring prosperity to all our people.

Mr. Chairman, I represent an agricultural district. I am proud of the fact, and glad of this opportunity to speak in behalf of my people. I am proud of the Republican party, because it stands for protection to all the people and has always been the friend of the farmer. I feel certain that that grand old party will not be found wanting when the time comes to take a vote on this important measure.

The CHAIRMAN. The gentleman from Wisconsin asks to extend his remarks in the RECORD.

Mr. DINGLEY. I ask that all gentlemen who speak on this bill may have permission to extend their remarks in the RECORD.

The CHAIRMAN. The gentleman from Maine [Mr. DINGLEY] asks unanimous consent that all gentlemen who speak on the bill may have permission to extend their remarks in the RECORD. Is there objection?

There was no objection.

Mr. GROSVENOR. I yield three minutes to the gentleman from Wisconsin [Mr. BARNEY].

Mr. BARNEY. Mr. Chairman, in the short space of time allotted to me I can hardly expect to be able to present a detailed argument upon the important bill before the House.

In my humble opinion no measure has been or will be presented to the present Congress of greater moment to the people of this country than the bill now under consideration. The last three years of financial depression have borne heavily upon all the people of this country, but no class has suffered so much as the farming community. For some reason which I can not explain, the Democratic party seemed to owe this class a particular grudge, and has fully paid it by the enactment of the Wilson-Gorman tariff measure, which took away every vestige of protection which had theretofore been given to the farmer. Free wool and free barley have brought down the prices of these staple products of the farm to such a low figure that it is no wonder that the agricultural classes are bitterly complaining that their interests have been neglected, if not entirely forgotten, in the legislation of Congress. For this reason it is no wonder that they have turned their attention to the dairy products of the farm, trusting that in this direction at least they would not be brought into competition with foreign labor and that some reasonable remuneration might be received in this way for the hard labor of the farm. This fond hope has been blasted; and in this business the farmer has been met with the meanest and most dangerous of all competition—that of the fraudulent manufacturer and counterfeiter.

I submit to the Republican members of this House that if it is good policy for this Government to protect the American laborer from the competition of the pauper and poorly-paid laborer of foreign lands, it is equally good policy to protect the American farmer from the competition of the counterfeiter at home. I am not surprised that the Democratic side of this House opposes this bill, for such opposition is entirely consistent with members of a party which has declared in substance that taxes levied for the purposes of protection are unconstitutional. But I trust when this bill is put upon its final passage no Republican member will record his vote against it. This legislation is along the lines of the settled policy of the Republican party and is as loudly called for as the protection of any industry in this country. Members of this body who come from some of the sections of this country are too apt to belittle the industry of dairy farming and to underrate its importance to the prosperity of this country and to the farmer in particular. It is the chief farming industry of many of the States of this Union and ranks first in importance among all the varied products of the farm.

The dairy products of the State which I have the honor in part to represent for the year 1895 are estimated at $30,000,000, and would have been much more were it not for the competition of this composition of skim milk and soap grease, improperly called "filled cheese." Our foreign exportation of cheese, which a few years ago amounted to $16,500,000, last year dwindled to $3,000,000 because of the discredit brought upon the American dairyman by the exportation of the products of filled-cheese factories falsely branded as "full cream American cheese."

The Government of Canada has already passed a similar but more stringent law than this, and is rigidly enforcing it. As a result the Canadian dairyman has driven us out of the European market and American cheese has been denounced and refused as a fraud. In order to get some market abroad for his cheese the American farmer has been compelled to first export it to Canada, there to receive the Canadian stamp of excellence, before he puts it into the foreign market. Think of it, that the dairymen of the richest agricultural country in the world are compelled to filch the stamp of a neighboring province to sell their goods! And this, not because their pure cheese is a poor article (for the world makes no better), but because the filled-cheese counterfeiter has robbed the farmer of his good name by filling the market with a fraud and a lie.

This is not the full measure of the injury done, for this counterfeit product in the markets of our own country is rapidly destroying the best market in the world, the American home market. It is destroying the taste of our people for this article of food, and is rapidly diminishing the demand for any kind of American cheese.

My own State has already passed a stringent law on this subject and several other States have done the same thing; but history has shown, and it needs no argument to prove, that individual State legislation is powerless to remedy this evil. After the passage of this law by the State of Wisconsin, the filled cheese factories there were loaded up and carted over into the adjoining State of Illinois, adjacent to the great grease-extracting city of Chicago, and there skim milk is loaded with hog fat and put upon the market branded as "Wisconsin full cream cheese." In this way a double crime is committed—the putting upon the market of an article called cheese which is not cheese, and stealing from the farmers of a neighboring State the good name which they sought to establish by the enactment and enforcement of a law against the perpetration of a fraud.

They have argued long and loud upon the other side of this House that the tendency of this law will be to build up a monopoly and to destroy an honest industry. I must say that this is the first time I ever heard a fear expressed that the farmers of this country were in danger of becoming monopolists! They ask, and by the passage of this law will receive, no monopoly except that which every principle of equity and justice gives to them—the right to place upon the markets of the world the honest products of the farm without the unjust competition of counterfeiters. And a business can not be called honest which depends for its success upon stealing the good name of another. An industry which has prospered and been built up by false representations, and by cheating both the honest producer and the consumer, is entitled to no consideration at our hands. The counterfeiter of our currency is sent to prison and the counterfeiter of our food can not complain if his business is placed under the restrictions of the law.

Neither can it be justly said that the passage of this bill will tend to increase the price of the food of the American consumer; for when you take into consideration the real value of the article, judged either by the standard of the cost of production or its value as a food, American cheese will be made cheaper instead of dearer. The pure article may be enhanced a little in price to the wholesaler, but the consumer, if he wishes to get it, can buy the counterfeit article for what it really is, and consequently, for what it is really worth. The reports show that filled cheese, the cost of production of which is about one-half that of the genuine article, is sold to the consumer at retail for three times its actual cost, and for but little less than that of pure cheese. Who gains anything by this fraud but the grease extractors and the skim-milk "fillers"? And the loss is upon the consumer as well as upon the American farmer.

From another standpoint this bill commends itself to this legislative body and to the approval of the American public. The people of this country have the right to know the kind of food they are eating and of what it is made. A system of food adulteration has been rapidly increasing in this country for the last twenty-five years, and it is high time that one step at least should be taken to stop it. The charge made against our Connecticut forefathers of having manufactured nutmegs out of basswood may not be true, but it can not be denied that there is some proof of its truth in the fact that there are people in this country to-day who are adulterating and counterfeiting almost every manufactured article of food which is used upon our tables. This is the reason, and the

only reason, why, if you go into a grocery store to-day and ask prices, you will find that the imported article of food sells for about twice as much as the same kind of domestic goods; and this is why the honest American manufacturer of these goods is compelled to brand them with some foreign name in order to get a fair price in the market for them. This state of things is a disgrace to the American people. Every food product of this country ought to stand at the head in excellence and in price in the markets of the world; and it would if we would enact more just such laws as this against counterfeiting and then see that they are strictly enforced.

Then I say that from every reasonable point of view this legislation is justifiable and is demanded. The farmers of this country do not often knock at the doors of Congress asking legislation in their behalf. They have no system of organization which makes them heard, as they have a right to be heard, in our legislative halls. Even under the present mixed tariff system of free trade and protection enacted by the last Congress the manufacturer and the miner are afforded a measure of protection, but the farmer is left "out in the cold," to protect himself as best he can and "to root hog or die."

Let us, then, give the American farmer this just measure of relief from a dishonest fraud at home, and when we have the power, as we expect to have after the 4th of March next, we will give him the further relief of protection from cheap labor abroad.

Mr. GROSVENOR. Mr. Chairman, I yield the balance of the time to the gentleman from Iowa [Mr. DOLLIVER].

Mr. DOLLIVER. Mr. Chairman, what has been said by the gentleman from Ohio [Mr. GROSVENOR] in charge of the bill and by my colleague from Minnesota [Mr. TAWNEY] makes it unnecessary for me to occupy the attention of the committee in talking about the constitutionality of this measure or about the general character of the article of commerce commonly called "filled cheese." I think the committee understands exactly what problem we have to deal with. So far as I am personally concerned, I intend to speak with absolute candor of the phases of this matter that are involved in the debate. I have nothing to conceal from anybody on the filled-cheese question. I intend to support this bill for three different reasons, each one of them, in my judgment, good and sufficient; and the first reason is that the enactment of the bill will have a tendency to bring into the public Treasury additional revenue.

A MEMBER. How much?

Mr. DOLLIVER. I do not pretend to know how much, but I know it will be visible to the naked eye, and in these times of shortage and deficiency even that is of some importance to the Government. [Applause.]

I am a little sorry that that question should have been brought into the discussion, because there is a large number of fairly good people in this country, like my friend from Tennessee [Mr. MCMILLIN], who have adopted the higher mathematics which emanates from the Treasury Department, and who regard the national finances as entirely above the common rules of arithmetic and bookkeeping. There has grown up in these later months in this country a school of Democratic opinion which treats every dollar that comes into the Treasury in the orderly process of taxation as in some way the social inferior of the choice and selected funds that have come in under the auspices of the syndicate. [Laughter.]

It seems to me that no man ought to make such an objection as that against any increase in the revenues of this country. But when a proposal is made to bring in a few extra dollars in a perfectly legal way, the cry goes up on all hands that there is money enough, that the funds are ample, that the Treasury is overflowing; and yet everybody in this House, unless possibly my friend from Tennessee [Mr. MCMILLIN] may be excepted, knows perfectly well that the President of the United States has borrowed money at the rate of $167 a minute from the day of his inauguration until this hour, and that he has fastened upon the people of the United States an additional burden of interest equal to $20.26 a minute for the next thirty years, and yet when a man stands up here and honestly suggests some method of producing a little additional revenue it is met with a statement that the funds are ample and that there is no deficiency.

Now, I wish to say to my friend from Tennessee—and I speak to him because he has put forward the idea, and it is a rather general idea in the Democratic party—that the precise logic which is used to show that there is money enough in the Treasury of the United States, that its receipts and its expenditures are in accord—the very same logic that is used to show that could be fairly employed to demonstrate that the Prodigal Son was an itinerant capitalist in search of a live-stock investment and eating husks for his health under the advice of his physician. [Great laughter.] The exact logic that has been brought in here by my friend from Tennessee to show that the national income needs no addition could be properly used to show that Lazarus, luxuriating among the rich man's dogs, was in reality engaged in organizing a loan and trust company and collecting bread crumbs for his personal amusement. [Great laughter.] Every man, it seems to me, who has in his heart a lingering prejudice in favor of national solvency ought to welcome every dollar that comes in the direction of the Treasury of the United States. The oleomargarine law of 1886 ran the gauntlet of the exact objections that have beset us in this debate, and yet that law has produced an aggregate revenue of more than $10,000,000, nearly $2,000,000 annually being brought into the Treasury of the United States. I support this bill, therefore, as a revenue-producing measure.

Again, I support the bill because it offers an appropriate legal protection against the adulteration of the people's food. In the process of taxation it identifies a fraud and escorts a notorious swindle into the light of day. [Applause.] You have read the precept of Scripture which exhorts you to take no thought of what ye shall eat or what ye shall drink or wherewithal ye shall be clothed. That Scripture will need a new interpretation unless we can in some way manage to rescue the food and drink and clothing of the people of the United States from the hands of the counterfeiters. As the case now stands neither the clothes on our backs nor the food on our tables nor the common weapons for fighting thirst between meals have escaped suspicion. In this carnival of deceit the rich and the poor alike suffer.

Look at it. Even the expert appraisers at our custom-house in New York are hardly able to tell the difference between a standard sample of woolen cloth and a bogus imitation, gently softened by glycerin and brought up to full weight by adding a solution of raw tin. Only last year, in the State in which my friend from Pennsylvania [Mr. BRUMM] resides, a package of oleomargarine took the first prize offered for "butter" at the Pennsylvania State fair [laughter]; an award almost worthy of that early governor of Pennsylvania who used to complain of the people of Connecticut because they were selling his people nutmegs made out of basswood instead of the genuine sassafras. [Laughter.]

Mr. HARDY. The gentleman from Pennsylvania was a judge of butter at that time.

Mr. DOLLIVER. I have no doubt of it, or at least I have no doubt that he would have approved the award of the committee. [Laughter.]

Mr. BRUMM. That is not saying anything against oleomargarine, though.

Mr. DOLLIVER. Now, Mr. Chairman, I undertake to say that this world in which we live will not go on permanently under a system like that. It will not go on forever buying coffee grains delicately molded out of blue mud. [Laughter.] It will not go on buying tea that has been generously commingled with the dried leaves of the forest. [Laughter.] It will not go on drinking wine that has been manufactured in a cellar without the intervention of grapes, nor those other and more penetrating beverages that have entered into partnership with such a fatal assortment of explosive chemicals as to greatly facilitate the descent of our fellow-citizens, as the old negro preacher expressed it, down the lubricated steeps to the opaque profundity of damnation. [Great laughter.]

Oh, but says the gentleman from Tennessee, this is a matter for the States. Well, that is partly true. I admit that it is a matter for the States, and right manfully the States are grappling with the question. But, Mr. Chairman, it is a matter for this House also; and wherever Congress can get a legal hold on it, it comes within the jurisdiction of the Representatives of the United States. I have great respect for the doctrine of State jurisdiction, though so far as the old-fashioned doctrine of State rights is concerned, the gentleman from Tennessee ought to know that thirty years ago that doctrine was so disabled by a collision with the United States of America that in 1886, on this very question, even the lowly American cow was able to kick it into a cocked hat. [Laughter.] That was on the oleomargarine bill. Fortunately for the public health, every principle upon which this bill stands has been already justified at the bar of our highest court. There is not one of those principles that is any longer open to dispute. The business of manufacturing filled cheese is a fraud. I do not mean to say that the manufacturers are all guilty of fraud——

Mr. MCMILLIN. Then this bill is not for the purpose of taxation for revenue, but for the purpose of suppressing this business?

Mr. DOLLIVER. I am now engaged in telling the gentleman the three things that this bill is for, and before I get through he and the House will understand them perfectly. I do not say that all the manufacturers in the present stage of the industry are guilty of fraud. I will not even go so far as to say that all the wholesalers habitually perpetrate a fraud. But I do say that the evidence is sufficient to show that the business itself is a fraud, and for one I am here for the purpose of looking a little to the rights of the man who orders "Iowa full cream cheese" and is furnished by the wholesale dealer with a spurious and inferior article. I am here looking to the rights of the citizens of this country who go into a store for the purpose of buying cheese and take home with them an objectionable admixture of skimmed milk and soap grease. [Laughter.]

I am speaking here for the victims of the American boarding-

house system who eat cheese for the purpose of promoting the digestion of pie, and then have to take another pie in order to secure the digestion of the cheese. [Laughter.] The American dairymen understand this question thoroughly. The dairy commissioner of my own State, Mr. W. K. Boardman, has been especially vigilant in the investigation of this question, and I will read an extract from his letter received this day indorsing this bill and urging the friends of American agriculture to stand by it in exposing the commercial fraud known as "filled cheese":

You will be performing a great service to the people of Iowa by championing this bill when it is before the House for final action. I have this day received from the chemist of the experiment station of the Iowa Agricultural College a report of two analyses of samples of cheese which was being sold in this city. The cheese that these samples represent was purchased from Chicago parties by wholesalers here as full cream cheese. The sample of one of the cheeses was branded on the outside in red letters, "Wisconsin full cream." Both samples are pronounced filled cheese by the chemist. Following are the words used by the chemist for the analysis of the cheese marked "Wisconsin full cream": "From the above result I would say that this sample of cheese was made from milk having its content of butter fat almost entirely removed and replaced by an animal fat of the nature of lard. It is, in other words, a filled cheese."

I give you this information in order to show no matter how closely this business is watched the dealers at Chicago will, through deception and other means, get their fraudulent goods before the people. With the provisions of the bill now before Congress enacted into a law, the branding and stamping of such cheese would at once make known its true character, and no jobber or retailer could then be deceived.

That is the fraud, which has become bold and naked in the commerce of this country, which this bill, by the process of taxation, the only jurisdiction we have in the matter, aims to identify and thereby in some degree seeks to arrest.

So far as the licenses and penalties provided by the bill are concerned, nobody need be troubled about them. They are barely sufficient to induce the trade to keep clear of the fraud.

But somebody says here that the real object of this bill is not to raise revenue, nor even to identify a fraudulent article of commerce, but to protect the interests of the American dairy against a new business which injuriously competes with the old one. And that enables me to speak very briefly (for I have only six minutes left) of the final reason that leads me to give my hearty support to this bill.

The morbid researches of modern chemistry have been able to do some very curious things. They have substituted a cheap vegetable oil for the old-fashioned pork fat and put it upon the American market under the label of "prime steam lard," and at the same time they have taken the animal fats out of milk and substituted neutral animal oils and made two products, one of which for the sake of its color they call "butter," and the other for the sake of its shape they call "cheese." [Laughter.] Now, butter has had friends enough in the past to take care of it and protect it by law with more or less success. The law has been a little more slow in coming to the protection of cheese—probably because many varieties of cheese have been thought able to take care of themselves. [Laughter.] It would seem, for example, that limburger cheese, now safely domesticated in the district from which my friend SAUERHERING comes, is endowed by nature with means of defense that require very little assistance from an act of Congress. [Laughter.]

It is not necessary for me to deny on this floor that the possible effect of this bill will be to give an advantage to American agriculture. The bill is not objectionable to me on that account. On the contrary, every profound student of human affairs teaches us that agriculture is the basis of civilization itself, and that no possible prosperity can exist in this world under conditions that do not yield to the cultivation of the soil a fair return. So that if a new business, begotten in the laboratory of the chemist, by false pretenses, threatens to narrow the opportunities of the American farm by occupying its market place at home or by destroying its reputation abroad, as my friend from Minnesota indicated, and the law comes in and levies a tax on that new business, it does not alarm me that the tax may operate in some measure, at least, to promote the welfare of the most ancient and honorable occupation of the human race. [Applause.]

One-half the American people live on the farm; and nearly all the rest of them that are worth mentioning were born there. [Laughter.] The general welfare, to provide for which our institutions were established, requires that the food-producing millions should be secure in their pursuits; nor should any adroit imposition, however backed by money, be allowed to take from the farm any portion of its legitimate earnings. "Oh, but," says one, "this business which you are condemning and complaining of has simply taken the butter fat out of milk and substituted lard; therefore this is a fight between the cow and the hog." Now, I happen to represent a State that is first in the production of swine and first in the production of improved milk kine, and I feel authorized for one to say that the American hog does not ask my friend from Tennessee, who has already, for the sake of cottonseed oil, helped to drive him out of the lard business—does not ask him to repair the injustice by trying to stick his nose into the butter and cheese business.

Mr. MCMILLIN. We ask you to keep yours out of it. [Laughter.]

Mr. DOLLIVER. I was making no reference to my friend's nose; but the law, for the protection of the public, proposes to put its nose in because the integrity of the business concerns the American people. I say, give the American cow a fair chance. She has been the faithful servant of man. She landed with our ancestors at Plymouth Rock [laughter]; and, tied behind the old weather-beaten emigrant wagon, she has marched, with the household goods of the pioneers who have taken possession of this continent, from ocean to ocean. [Applause.] She has increased and multiplied and replenished the earth, until to-day the industries which she has made possible contribute annually to the wealth of the world more money than the great combinations of modern capital—more than iron and steel, more than lumber and coal, more than cotton and wheat, more than all the looms of New England, more than all the mysterious riches of gold and of silver. Yet there are men in this House whom I have heard to-day sneering at this bill who spend most of their time trying to get protection for some insignificant local enterprise or "talking through their hats" in the silver debate. [Laughter.] I say, give the American cow a fair chance! For myself, I am in favor, Mr. BRUMM, of her monopoly—a monopoly that God gave her—in the production of butter and cheese. [Laughter.]

Mr. BRUMM. Then you ought to encourage the production of her cheese rather than cut it down.

Mr. DOLLIVER. That is one monopoly that I am in favor of. And if every man in this House who in the days of his boyhood got up at daylight to feed the cows and stayed up after dark in order to milk them; if every man who has churned actual cream with a reliable upright churn and has watched with a boy's enthusiasm the old-fashioned process of making cheese in the days of its honor and repute, will stand by this bill, we will drive from the American barnyard the horde of counterfeiters and cheats at common law and keep them out "till the cows come home." [Long-continued applause.]

Mr. OGDEN. The gentleman has astonished both the boy and the cow by the enthusiasm he has invoked over this measure.

The time for general debate having expired, the Clerk proceeded to read the bill by paragraphs for debate and amendment under the five-minute rule.

The following was read:

SEC. 3. That special taxes are imposed as follows:

Manufacturers of filled cheese shall pay $400 for each and every factory per annum. Every person, firm, or corporation who manufactures filled cheese for sale shall be deemed a manufacturer of filled cheese. Wholesale dealers in filled cheese shall pay $250 per annum. Every person, firm, or corporation who sells or offers for sale filled cheese in the original manufacturer's packages for resale, or to retail dealers as hereinafter defined, shall be deemed a wholesale dealer in filled cheese. But any manufacturer of filled cheese who has given the required bond and paid the required special tax, and who sells only filled cheese of his own production, at the place of manufacture, in the original packages, to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer in filled cheese on account of such sales.

Mr. CANNON. May I ask, Mr. Chairman, if that is considered a paragraph, or if the entire section must be read before amendments are offered?

Mr. GROSVENOR. That is only one of the paragraphs of the section.

Mr. CANNON. Is it proper to offer an amendment here, or to wait until the entire paragraph is read?

Mr. GROSVENOR. I think we should go to the end of the section.

The CHAIRMAN. The Chair thinks that this paragraph is open to amendment now.

Mr. CANNON. Then, Mr. Chairman, I move, in line 2, on page 3, to strike out "400" and insert "50."

Mr. MCMILLIN. We can not understand the amendment of the gentleman here.

The CHAIRMAN. It has not yet been reported from the desk.

Mr. CANNON. I offer that amendment.

Mr. GROSVENOR. Mr. Chairman, a great many gentlemen have retired from the Hall under the impression that no votes will be taken on this bill this afternoon, a suggestion having been made to that effect, and therefore, pending the amendment of the gentleman from Illinois, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL reported that the Committee of the Whole House on the state of the Union had had under consideration the bill H. R. 8008, and had come to no resolution thereon.

REPRINT OF BILL.

Mr. GROSVENOR. Mr. Speaker, the print of this bill (H. R. 8008) both in the House and Senate was exhausted on yesterday, and by an oversight I failed to ask for a reprint. Inasmuch as it is now open to amendment, I ask for a reprint of the bill and the report also, which is very brief.

The SPEAKER. Is there objection?

Mr. HENDRICK. I object.

Mr. BRUMM. I hope the gentleman will not do that. The more the bill is distributed and read the less support it will have.

Mr. GROSVENOR. A number of gentlemen have asked that the bill be reprinted——

Mr. HENDRICK. Very well, I will withdraw the objection.

So, there being no further objection, the reprint was ordered.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and joint resolution were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 125) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook—to the Committee on Pensions.

A bill (S. 205) granting a pension to Mary O. H. Stoneman—to the Committee on Invalid Pensions.

A bill (S. 298) granting an increase of pension to William W. Tumblin, of Bradford County, Fla.—to the Committee on Pensions.

A bill (S. 400) granting a pension to Johnson Hays—to the Committee on Invalid Pensions.

A bill (S. 504) to increase the pension of Edmund Woog—to the Committee on Invalid Pensions.

A bill (S. 511) granting a pension to P. F. Castleman, of Oregon—to the Committee on Pensions.

A bill (S. 574) granting a pension to Caroline A. Slocum—to the Committee on Invalid Pensions.

A bill (S. 601) granting a pension to Clara R. Rodgers—to the Committee on Invalid Pensions.

A bill (S. 613) granting an increase of pension to Henry Wilson—to the Committee on Invalid Pensions.

A bill (S. 706) for the relief of Eugenia Wood—to the Committee on Invalid Pensions.

A bill (S. 714) granting a pension to Benjamin Franklin Dowell, of Oregon, for services with the Oregon Volunteers in the years 1853, 1854, 1855, and 1856—to the Committee on Pensions.

A bill (S. 725) granting a pension to Anna C. Garber—to the Committee on Invalid Pensions.

A bill (S. 737) granting a pension to James Richardson—to the Committee on Invalid Pensions.

A bill (S. 830) granting a pension to Mary Allard, widow of John Allard, formerly of Company E, Seventh Connecticut Volunteer Infantry—to the Committee on Invalid Pensions.

A bill (S. 856) granting an increase of pension to Philip T. Greely—to the Committee on Invalid Pensions.

A bill (S. 890) granting an increase of pension to John N. Landon—to the Committee on Invalid Pensions.

A bill (S. 1036) granting a pension to Rebecca E. Kutz—to the Committee on Invalid Pensions.

A bill (S. 1127) granting an increase of pension to Russell R. King—to the Committee on Invalid Pensions.

A bill (S. 1139) granting an increase of pension to A. S. Loudermilk—to the Committee on Invalid Pensions.

A bill (S. 1148) granting a pension to Celesthia A. Whitney—to the Committee on Invalid Pensions.

A bill (S. 1356) to increase the pension of Elizabeth L. Larrabee, widow of Col. C. H. Larrabee, late of the Twenty-fourth Regiment of Wisconsin Volunteers—to the Committee on Invalid Pensions.

A bill (S. 1414) granting a pension to Emma Brough Gerard—to the Committee on Invalid Pensions.

A bill (S. 1602) granting an increase of pension to Mrs. Jane L. Fagg, widow of Col. John A. Fagg—to the Committee on Pensions.

A bill (S. 1635) granting an increase of pension to James Byrne—to the Committee on Invalid Pensions.

A bill (S. 1636) granting a pension to John G. B. Masters—to the Committee on Invalid Pensions.

A bill (S. 1665) granting a pension to Rita Stine—to the Committee on Invalid Pensions.

A bill (S. 1684) granting a pension to Sam P. Barbee—to the Committee on Pensions.

A bill (S. 1694) to increase the pension of Maj. Gen. Julius H. Stahel—to the Committee on Invalid Pensions.

A bill (S. 1737) granting a pension to James G. Hartzell—to the Committee on Invalid Pensions.

A bill (S. 1809) granting a pension to Joshua Parker—to the Committee on Invalid Pensions.

A bill (S. 1817) granting an increase of pension to Caleb M. Wright—to the Committee on Invalid Pensions.

A bill (S. 1949) granting an additional pension to Capt. Bradbury W. Hight—to the Committee on Invalid Pensions.

A bill (S. 2035) granting a pension to Julia D. Richardson—to the Committee on Invalid Pensions.

A bill (S. 2045) granting a pension to Harriet R. Matlack—to the Committee on Invalid Pensions.

A bill (S. 2055) granting an increase of pension to Mrs. Christine C. Barnard—to the Committee on Pensions.

A bill (S. 2200) granting an increase of pension to William H. Morgan—to the Committee on Invalid Pensions.

A bill (S. 2216) granting an increase of pension to Elizabeth M. Stevenson, of San Francisco, Cal.—to the Committee on Pensions.

A bill (S. 2220) to increase the pension of Ellen C. Abbott, widow of Bvt. Brig. Gen. Joseph C. Abbott—to the Committee on Invalid Pensions.

A bill (S. 2223) granting a pension to Riley W. Pierce—to the Committee on Pensions.

A bill (S. 2238) granting an increase of pension to Simeon Stevens—to the Committee on Invalid Pensions.

A bill (S. 2255) granting a pension to Lorenzo Meserth—to the Committee on Invalid Pensions.

A bill (S. 2353) granting a pension to Delia Gilman—to the Committee on Invalid Pensions.

A bill (S. 2456) granting a pension to Oliver P. Gooding—to the Committee on Invalid Pensions.

A bill (S. 2578) granting a pension to Andrew M. Callaham—to the Committee on Invalid Pensions.

A bill (S. 2557) granting a pension to Sarah E. Boyd—to the Committee on Invalid Pensions.

A bill (S. 2635) granting a pension to Caroline Watkins—to the Committee on Pensions.

Joint resolution (S. R. 125) directing the Secretary of War to transmit an estimate of the cost of the improvement by the General Government of the Clatskanie River, Oregon—to the Committee on Rivers and Harbors.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 6996) to authorize the construction of a wagon and foot bridge across the Chattahoochee River at or near the city of Columbia, Ala.;

A bill (H. R. 5161) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1897; and

A bill (H. R. 5672) to grant to railroad companies in Indian Territory additional powers to secure depot grounds.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MAHON, for three days, on account of sickness in family.

To Mr. LAWSON, for ten days, on account of important business.

To Mr. JOHNSON of North Dakota, for ten days, on account of important business.

To Mr. BISHOP, for one week, on account of important business.

JOHN R. BIGELOW.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7436) for the relief of the estate of John R. Bigelow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Eunice P. Bigelow, administratrix of the estate of John R. Bigelow, deceased, out of any money in the Treasury not otherwise appropriated, the sum of $284.66 as rent of a tract of land, with the buildings thereon, known as Clermont, in Fairfax County, Va., 3 miles from Alexandria, as found and set forth by the Court of Claims in its findings of fact reported in House Miscellaneous Document No. 19, Fifty-second Congress, second session, and that this sum be paid to her in full satisfaction of all claims against the United States on account of the purchase of the Clermont property in July, 1864, by John R. Bigelow and Westel Willoughby, and its subsequent occupation by the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. I will explain the bill in a few brief moments, if the House will give its attention.

John R. Bigelow, now deceased, whose estate is the claimant here, was enlisted as a surgeon in the Union Army. In the year 1864 he bought some land which was condemned by the United States Government as belonging to a man who was then in the Confederate service. He bought the land under condemnation proceedings, for which he paid the sum of $1,900. He supposed that he was getting a title in fee simple to the property, but it turned out afterwards that under the law the Government could only confiscate the life estate of the man, and he dying soon after the war, Mr. Bigelow was unable to occupy the property for a longer period than some three or four years. Immediately after the purchase of the property the United States Government took possession and occupied it for the purpose of a smallpox hospital.

This claim was referred, I think, under the Bowman Act, to the Court of Claims; and the findings of the court are precisely as I have stated. They found that the estate was entitled to receive only the rent for the use of the property for the time the Government occupied it at the rate of $20 per month, which they say was a reasonable rental, although it is very much less than the claimant

says it ought to have been rented for. The estate loses altogether the $1,900 which was paid into the Treasury; and all that is derived from this rental is the small sum of $284, which is the amount of the rent of the premises as a smallpox hospital for the time the Government occupied it.

Mr. COX. Will the gentleman allow me to ask him a question? What time was this property occupied by the Union forces?

Mr. PAYNE. The report shows that it was occupied at the rate of $20 a month for about fourteen months.

Mr. COX. But what time; in what year?

Mr. PAYNE. From early in 1864.

Mr. COX. Then the occupation by the Government began in 1864?

Mr. PAYNE. Yes.

Mr. McMILLIN. Was the occupation before or after the death of the owner whose interest had been confiscated by the Government on account of treason?

Mr. PAYNE. It was before the death of the owner. It was occupied immediately after the sale by the Government, which took possession of it for a hospital. The party by whose death it reverted back to the estate lived only three or four years; but the occupation by the Government was for the period of time I have mentioned and was before the death of the party.

Mr. McMILLIN. That is to say, the Government occupied the property before the death of the owner, whose interest had been confiscated?

Mr. PAYNE. Yes; it was occupied by the Government as a smallpox hospital for fourteen months at the rental fixed—$20 a month—and was occupied during the lifetime of the party whose property was confiscated——

Mr. McMILLIN. What I am trying to get at is——

Mr. PAYNE. During the lifetime of the party whose estate was confiscated.

Mr. McMILLIN. That is the important question. Because if it was after that it would be the property of the heirs. What I wish to ask is whether any portion of this was after the death of the original owner?

Mr. PAYNE. Oh, no; it was all during his lifetime.

Mr. RICHARDSON. I understand the gentleman to state that this is a claim which has been found by the Court of Claims.

Mr. PAYNE. Found by the Court of Claims. The findings are in the report.

Mr. RICHARDSON. What reason is there for making an exception in favor of this case when there are something like $950,000 of similar cases that have been favorably decided by the Court of Claims and are now on the Calendar of this House?

Mr. PAYNE. This is a small amount.

Mr. RICHARDSON. I know, but there are a great many similar cases coming from my section of the country, and the aggregate of all is something over $900,000, on which there have been favorable findings by the Court of Claims. Now, I want to know why this case should be allowed, while the others should not be?

Mr. PAYNE. I will say to the gentleman that in the first place this party paid the Government $1,900 for this title which he received from the Government in 1864, over thirty years ago. He is out that money, and all he can get back is this pittance of $284 and a few cents. It seems to me that this is different from any other claim, because it is a case where the party is out actual money paid into the Treasury of the United States for this title which failed.

Mr. RICHARDSON. The gentleman does not understand that there was any warranty of title in the case, of course?

Mr. BRUMM. Where is this place located? Was it within the Union lines? We have a number of cases before my committee, and I should like to know about that.

Mr. PAYNE. The property was located in Alexandria.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. COX. Unless we can get some further explanation about this matter—I do not want to be forced to the point of objecting, but I want to ask——

The SPEAKER. The Chair understood that there was no objection.

Mr. COX. No; I want to get at one point.

The SPEAKER. The question is before the House for consideration.

Mr. COX. As I understand the gentleman's statement, this property was confiscated?

Mr. PAYNE. Yes.

Mr. COX. And it was sold?

Mr. PAYNE. By the Government.

Mr. COX. Sold by the Government, and your party bought it and paid the money into the Treasury of the United States for the property?

Mr. PAYNE. Yes.

Mr. COX. Now, did the rental under which you claim occur after the sale or prior to the sale?

Mr. PAYNE. It occurred after the sale and before the party whose property was confiscated died. I want to say further that there was a litigation brought by the heir to the property. One French Forrest was the party whose property was confiscated, and his son, after the death of French Forrest, brought an action in ejectment, and that action was defended and afterwards affirmed, I think, by the Supreme Court, ousting him from the premises. The occupation was after the sale and before the party died whose property was confiscated.

Mr. COX. In other words, the Government got the use of the property after the sale?

Mr. PAYNE. Yes.

Mr. COX. And this is a claim for the rental after the sale by the Government?

Mr. PAYNE. It is.

The bill was order to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

JOHN WALLER.

Mr. ODELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5253) to reimburse John Waller, former postmaster at Monticello, N. Y., for moneys expended in carrying the mails.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to John Waller, late postmaster at Monticello, N. Y., out of any moneys in the Treasury not otherwise appropriated, the sum of $880, to reimburse him for moneys expended in carrying the United States mails and for damages consequent therefrom.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McMILLIN. Reserving the right to object, let us have the report read to see what the foundation of this claim is.

The report (by Mr. BRUMM) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 5253) to reimburse John Waller, former postmaster at Monticello, N. Y., for money expended in carrying the mails, have carefully considered the same, and report:

A bill in all respects similar to the present bill was introduced into the Forty-eighth Congress, and was referred to the Committee on Claims, and by that committee reported favorably. Your committee adopt the report of that committee and recommend that the bill do pass. Said report is as follows:

"The committee find that the said John Waller was, during the months of February, March, April, and May, in the year 1875, the postmaster at Monticello, in the county of Sullivan, and State of New York; and at that time Monticello was at the head of the railroad route, and the mails were received via the Port Jervis and Monticello Railroad and via the Midland Railroad at Fallsburg Station.

"The committee further find that during the months aforesaid the said railroads were compelled at various times to abandon their service as carriers of the mail, on account of snow obstructions, which prevented running of trains. This stoppage was a serious embarrassment to the business interests of Monticello and the surrounding country. The post-office at Monticello became choked with the letters of adjoining towns. To give relief the postmaster employed O'Neil & Co., who were running passenger sleighs between Monticello and Liberty, in said county, and between Monticello and Middletown, in the adjoining county of Orange, to perform the temporary service of carrying the mails, and thereupon reported the facts to the Second Assistant Postmaster-General.

"In providing for this temporary service the postmaster relied upon section 259 of the Rules and Regulations of the Post-Office Department, which had been furnished him for his guidance in the discharge of his duties. That section reads:

"'Whenever any contractor fails to commence the service stipulated in his contract, or abandons the same, it is the duty of the postmaster at the head of the route to employ temporary service at the lowest rate possible, and report the facts to the Second Assistant Postmaster-General immediately.'

"The postmaster followed these instructions. The railroads were the contractors. They abandoned the service, and the postmaster employed temporary service and made report of the facts as required.

"When O'Neil & Co., the temporary contractors, made out their bill and demanded payment of the Second Assistant Postmaster-General, it was refused on the ground that there were no funds applicable to the payment of the claim. Thereupon they brought suit against Waller and recovered judgment against him, and he was compelled to pay, and actually did pay on the 29th day of March, 1883, the sum of $426.25.

"In addition to this, the said postmaster has paid, in part, and incurred obligations to the amount of $375, for his counsel fees and costs and necessary disbursements in defending suit.

"Your committee is of opinion that the claim is a just and meritorious one, and therefore reports the bill back favorably, with a recommendation that it pass."

STATE OF NEW YORK,
County of Sullivan, Village of Monticello, ss:

John Waller, of said village, being duly sworn, says that during the months of February, March, April, and May, 1875, he was postmaster at Monticello, and that mails were received by the Port Jervis and Monticello Railroad, and via the Midland Railroad at Fallsburg Station.

That during the months named heavy falls of snow in this section of country blockaded said railroads, and that great quantities of mail matter accumulated at the Monticello post-office.

Deponent further says that in the rules and regulations furnished him for his guidance as postmaster there was a certain provision known as section 259, which was as follows:

"SEC. 259. Whenever any contractor fails to commence the service stipulated in his contract, or abandons the same, it is the duty of the postmaster at the head of the route to employ temporary service at the lowest rate possible, and report the facts to the Second Assistant Postmaster-General immediately."

Deponent further says that, believing it was his duty to attend to the forwarding of the mails which had accumulated in his office as aforesaid, and relying upon the directions in said section 259, he employed O'Neil & Co.,

who were running passenger sleighs between Monticello and Liberty, in said county, and between Monticello and Middletown, in the adjoining county of Orange, to perform the temporary service of carrying the mails, and thereafter reported the facts to the Second Assistant Postmaster-General.

That upon the completion of such service the said O'Neil & Co. made out their bill, which was duly presented to the Second Assistant Postmaster-General, and payment demanded, but refused.

That thereupon the said O'Neil & Co. sued this deponent for said services and recovered judgment, and this deponent was compelled to pay, and actually did pay, on the 29th of March, 1883, $426.25.

That no part of the money thus paid has ever been refunded to him.

JOHN WALLER.

Sworn to before me this 21st day of March, 1884.

PETER E. PALER, *Notary Public.*

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COX. There is quite a number of these claims that have come out of the Committee on Claims. One is just about as meritorious as another. As there is a question about that sort of legislation in a special bill, I think the bills ought to take the regular order; and I object to the present consideration of this bill.

JOHN R. BIGELOW.

Mr. PAYNE. Mr. Speaker, the bill that I asked the attention of the House to was a House bill, and there was a Senate bill passed which I desire to have substituted for it.

The SPEAKER. The House bill that was passed at the request of the gentleman from New York was the House bill instead of the Senate bill. If there be no objection, the Senate bill can be substituted for the House bill.

Mr. McMILLIN. Are they exactly the same?

Mr. PAYNE. They are.

The SPEAKER. The Chair hears no objection.

The bill is as follows:

A bill (S. 100) for the relief of the estate of John R. Bigelow.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Eunice P. Bigelow, administratrix of the estate of John R. Bigelow, deceased, out of any money in the Treasury not otherwise appropriated, the sum of $284.66, as rent of a tract of land with the buildings thereon, known as Clermont, in Fairfax County, Va., 3 miles from Alexandria, as found and set forth by the Court of Claims in its findings of fact reported in House Miscellaneous Document No. 19, Fifty-second Congress, second session, and that this sum be paid to her in full satisfaction of all claims against the United States on account of the purchase of the Clermont property in July, 1864, by John R. Bigelow and Westel Willoughby, and its subsequent occupation by the United States.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

REV. EDWIN WARRINER.

Mr. HILL. Mr. Speaker, I ask unanimous consent for the present consideration of this bill. It will take but a minute.

The bill was read, as follows:

A bill (H. R. 505) for the relief of Edwin Warriner.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to place the name of Edwin Warriner on the rolls of the First Battalion Connecticut Cavalry Volunteers as chaplain, and to recognize him as of that grade and organization in the service of the United States from the 1st day of December, 1861, the date of his commission, to the 12th day of March, 1864, the date of the acceptance of his resignation by the governor of the State.

Mr. HILL. Mr. Speaker, it will take but a minute to state the object of this bill to the House. This gentleman is a leading Methodist clergyman in my district. He served as chaplain for nearly three years in the First Battalion of Connecticut Cavalry. That regiment was organized into two battalions, and he served with the First Battalion. He was paid for his services by the State of Connecticut during all that time, but the regimental organization was not completed until about two months before his resignation, and consequently he never was mustered. I will not detain the House by reading this report, but will only read the last sentence, which is sufficient:

The case is a plain one, and the reasons why he was not mustered into the service of the United States ought not to prejudice his claim nor prevent the Government of the United States from doing an act of simple justice to one who had rendered his country valuable service in the hour of trial and danger.

There is no question of money involved in the case; there is no claim for a pension or back pay about it. It is simply for the correction of an honorable record.

Mr. LOUD. Who said that?

Mr. HILL. It was the unanimous report from the Committee on Military Affairs.

Mr. LOUD. That is the committee's report.

Mr. McMILLIN. Let the report be read.

The report by (Mr. FENTON) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 505) for the relief of Rev. Edwin Warriner, have had the same under consideration, and report it back to the House with the recommendation that it do pass.

The facts in the case, as indicated by the papers and documents submitted to the committee, are as follows:

Rev. Edwin Warriner was commissioned as chaplain of the First Battalion of Cavalry Volunteers from the militia of this State (Connecticut) by Governor William A. Buckingham December 3, 1861, and served as such until the 12th of March, 1864, when he tendered his resignation, which was accepted, and he was honorably discharged the service.

Mr. Warriner was never mustered into the service of the United States for the reason that there was no legal vacancy for a chaplain of that regiment during his alleged incumbency of the office, the regiment not having completed its organization until about the time of his discharge, as shown by the records of the War Department and communicated to Hon. Ebenezer J. Hill, member of Congress from the State of Connecticut, by Col. F. C. Ainsworth, under date of December 5, 1895.

Mr. Warriner was paid his salary as chaplain by the State of Connecticut during the entire period of his service, which sum was refunded to the State of Connecticut by the United States, and which tends to prove that the United States recognized the validity of the commission, appointment, and service of the claimant.

The service of Mr. Warriner as chaplain is further substantiated by Colonel (afterwards General) Blakeslee and First Lieut. William T. Cook, who submit affidavits upon that point and testify to his fidelity and efficient service.

The case is a plain one, and the reasons why he was not mustered into the service of the United States ought not to prejudice his claim nor prevent the Government of the United States from doing an act of simple justice to one who had rendered his country valuable service in the hour of trial and danger

Mr. McMILLIN. Mr. Speaker, it seems that this party has already been paid by the State of Connecticut and that State has been reimbursed by the Government of the United States. Now, what is the object of this proceeding?

Mr. HILL. It is simply this: This gentleman has served as a member of the Union Veterans League and also in the Grand Army of the Republic, and he finds to-day, much to his surprise, that he was never mustered into the United States service, and that he has no right to a membership in those organizations.

Mr. McMILLIN. Where was his regiment?

Mr. HILL. His regiment was organized into two battalions, and his service was all, except about three months of his three years, with the First Battalion, before the regimental organization was complete.

Mr. McMILLIN. Where was he engaged?

Mr. HILL. He was with the First Battalion of Cavalry Volunteers of Connecticut, and served with them. This is simply to correct his record, and carries no money whatever,

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed,

On motion of Mr. HILL, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONDEMNED CANNON AND CANNON BALLS FOR L. W. COOPER POST, GRAND ARMY OF THE REPUBLIC, OF LATHROP, MO.

Mr. DOCKERY. Mr. Speaker, I ask unanimous consent for the passage of a little bill.

The SPEAKER. The Chair thinks that probably there is hardly time to pass another bill.

Mr. DOCKERY. There are two minutes, and it will take but a minute if nobody objects.

The bill was read, as follows:

A bill (H. R. 8013) donating one condemned cannon and cannon balls to Grand Army of the Republic, L. W. Cooper Post, Department of Missouri, No. 81, of Lathrop, Mo.

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to L. W. Cooper Post, Department of Missouri, No. 81, of the Grand Army of the Republic, of Lathrop, Mo., one condemned cannon and five cannon balls: *Provided*, That the same can be spared without detriment to the service, and that no expense is hereby incurred by the Government.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. DOCKERY, a motion to reconsider the vote by which the bill was passed was laid on the table.

CHANGE OF REFERENCE.

The SPEAKER. Executive Document No. 346, being a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the cases of Hannah S. Crane, Mary Ives Crocker, Kate Mary Dillon, and James S. Boyd against The United States, should have been referred to the Committee on Claims instead of the Committee on War Claims, and without objection the change will be made.

There was no objection, and it was so ordered.

The SPEAKER. In accordance with the rules the House is now in recess until 8 o'clock this evening, and the gentleman from New York, [Mr. PAYNE] will please act as Speaker.

Accordingly (at 5 o'clock) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 p. m., and was called to order by Mr. PAYNE as Speaker pro tempore, who directed the Clerk to read the special order.

The order was read, as follows:

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political

disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

JONATHAN SCOTT.

The SPEAKER pro tempore. The first business in order is a bill which was ordered to be engrossed and read a third time at last Friday evening session, when the reading of the engrossed bill was demanded. The Clerk will report the engrossed bill.

The Clerk read the engrossed bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $72 per month, subject to the provisions and limitations of the pension laws, the name of Jonathan Scott, of Oswego, Kans., late of Company M, Sixth Regiment Iowa Volunteer Cavalry.

The bill was passed.

On motion of Mr. PICKLER, a motion to reconsider the vote by which the bill was passed was laid on the table.

J. S. COCHENOUR.

Mr. WOOD. Mr. Speaker, a week ago I gave notice that I desired to call up the bill which I now send to the desk and ask to have considered by unanimous consent at this time.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls, subject to the provisions and limitations of the pension laws, the name of J. S. Cochenour, late captain of Company H, Sixtieth Regiment Illinois Volunteer Infantry, and pay him a pension of $50 per month.

Mr. ERDMAN. Mr. Speaker, I desire to have the report in that case read.

Mr. WOOD. Let it be read, Mr. Speaker. It is very brief.

The report by (Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3189) to increase the pension of J. S. Cochenour, submit the following report:

John S. Cochenour was enrolled December 24, 1861; was mustered as second lieutenant of Company H, Sixtieth Illinois Volunteers, February 17, 1862, and as captain of said company November 6, 1863.

On September 1, 1864, in the battle of Jonesboro, Ga., his left foot was shot off, and his leg amputated 10 inches below the kneejoint. It appears from the evidence on file in the Pension Office that this wound never entirely healed; that the flaps receded, rendering the end of the stump sore and ulcerated, and from that time to the present it often bleeds, discharging pus, and is painful. He has for this reason been unable to wear an artificial limb a portion of the time.

He is now confined to his bed and has been most of the time for nearly six months past. He has heretofore frequently been confined to his bed, and the evidence clearly shows that he requires the frequent services of an attendant. As early as May 25, 1866, his medical examination shows him "totally incapacitated for manual labor" on account of this wound. He is now 55 years of age, and his condition appears to be growing worse, rather than better, with his advancing years. His last medical examination, May 31, 1893, disclosed that the "end of the stump is sore and ulcerated."

Claimant was discharged on account of his wound December 14, 1864, from which time he was pensioned at $20 per month, which was increased to $24 from March 3, 1883, and to $30 from August 4, 1886, which sum he is now drawing. Applications for increase were rejected August 26, 1875, and August 22, 1893.

The committee have examined the affidavits now on file in the Pension Office of the following physicians: Z. D. French, J. H. Hundley, H. A. Lemen, M. D. Foster, and E. J. French, in addition to the reports of the medical boards. The affidavits of the following laymen have also been examined: O. C. Palmateer, Sylvester Utterback, Elizabeth Utterback, John C. Rush, Caroline C. Cochenour, D. Burnett, A. J. West, John A. Berry, Emily S. Clark, Calvin U. Fishel, also that of Hon. J. C. Allen, a former member and Clerk of this House.

These affidavits show applicant entirely incapacitated for the performance of manual labor, and also that at times the attendance of another person upon him is absolutely necessary. The witnesses have personal knowledge of his condition, and under the circumstances the committee are unable to perceive why the evidence of a layman is not as accurate and valuable as that of a physician.

There is no question but that $30 per month is insufficient for applicant's care and support or that he ought not to have $50 under existing law unless the same be very strictly construed. He requires "frequent" though not "periodical" attendance of another person.

In view of all the facts and the gallant record of this soldier the committee recommend the passage of the bill with these amendments: Change name in bill and title to "John S. Cochenour," and also add to the end of bill "in lieu of the pension he is now receiving."

The amendments recommended in the last paragraph of the report were adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. WOOD, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. PICKLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar under the special order.

The question being taken on the motion of Mr. PICKLER, the Speaker pro tempore declared that the ayes seemed to have it.

Mr. TALBERT. I ask for a division.

The House divided; and there were—ayes 70, noes none; so the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HEPBURN in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of bills on the Private Calendar under the special order. The Clerk will report the first bill.

SOLOMON HYAMS.

The Clerk read as follows:

A bill (H. R. 2602) for the relief of Solomon Hyams.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Solomon Hyams, of Charleston, S. C., Indian war survivor, to $50 per month, in lieu of the pension now received by him, under certificate No. 1352.

The report (by Mr. ELLIOTT of South Carolina) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 2602) granting an increase of pension to Solomon Hyams, have considered the same and report:

Solomon Hyams was a private in Captain Robinson's company, Washington (D. C.) Volunteers, and served from June 26, 1836, to December 31, 1836, in the Seminole Indian war.

On October 5, 1892, he filed an application at the Pension Bureau, declaring that while in said service he incurred a rupture from a fall in line of duty. The testimony filed in support of the claim showed that he had been a sufferer from hernia ever since his discharge from the service, but being unable to furnish the required proof as to the circumstances attending the injury his claim was disallowed.

Subsequently, however, he was granted the pension of $8 per month provided by the Indian war service-pension act of July 27, 1892, and he is now in receipt of that sum.

The claimant is now over 90 years old, and in addition to the disabilities incident to that great age, he is suffering from the hernia above mentioned. He is absolutely without any property or income, aside from the pension, and can do nothing whatever to aid in his support. The facts are shown by the affidavit of Dr. T. P. Whaley, of Charleston, S. C., and by the statements of the claimant and others.

There are many precedents for an increased allowance to the aged and destitute veterans of these old wars, and in the light of the facts stated above the passage of the bill is recommended with an amendment striking out the word "fifty," in line 6, and inserting in lieu thereof the word "twenty," so as to fix the rating at $20 per month.

Mr. TALBERT. Mr. Chairman, I am requested by my colleague, Mr. ELLIOTT, to state that he is personally acquainted with this old man, who is 90 years old and in indigent circumstances. He lives in the city of Charleston, and has no means of support except the pension he is receiving. I do not know him myself, but that is the statement which my colleague authorized me to make.

The amendment recommended in the report was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY JANE LYNN.

The next business on the Private Calendar was the bill (H. R. 483) for the relief of Mary Jane Lynn, daughter of John R. Lynn, a Revolutionary soldier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the limitations and provisions of the pension laws, the name of Mary Jane Lynn, the daughter of John R. Lynn, who served as a private soldier from the State of Pennsylvania, under General Wayne, in the war of the Revolution, and allow the said Mary Jane Lynn a pension at the rate of $12 per month.

Mr. McCLELLAN. Let the report be read.

The report (by Mr. HALTERMAN) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 483) granting a pension to Mary Jane Lynn, and appropriating money therefor, having had the same under consideration, submit the following report:

Mary Jane Lynn, the applicant, is now over 78 years of age, and resides in the city of Altoona, Pa. She was born in Union County, Pa., November 22, 1817, and is the only surviving child of John R. Lynn and Jane Lynn. John R. Lynn, her father, enlisted as a private in Captain Gill's company of Colonel Moylan's regiment of Pennsylvania Volunteers in 1780, to serve during the war, and resided at the time of his enlistment at Lancaster, Pa., and was honorably discharged from service. At the age of 63 years he was granted a pension as a Revolutionary veteran, his application being dated April 6, 1818. He died in Union County, Pa., September 28, 1847, and left to survive him a widow and the applicant, who continued to reside with her mother until her mother's death, in 1854.

Miss Lynn, the applicant, is a maiden lady and is in indigent circumstances, and has made her living as a seamstress. She is now of such an age and is so infirm that she is unable to follow her employment, and is dependent to a very large degree upon her friends (she having no relatives) for support.

All the facts relative to the service of the soldier are shown in the papers on file at the Pension Bureau, and competent evidence was given your committee as to the age, relationship, and dependence of the beneficiary.

There are several precedents for the proposed legislation, and, in the light of the claimant's necessitous circumstances, your committee believe that the small pension proposed in the bill should be allowed to her. The passage of the bill is therefore recommended.

Mr. TALBERT. Mr. Chairman, I notice that the report in this case says that there are several precedents for such legislation. I would like to ask the chairman of the Committee on Pensions if he can cite any of those precedents?

Mr. LOUDENSLAGER. There are several precedents, not only in this Congress, but in the Fifty-third. The precedent that has been established by the committee and by Congress as to the amount of pension is $12 a month, and the Committee on Pensions have adhered strictly to it. This case comes within the line of the precedents referred to in the report. The facts have been proven to the satisfaction of the committee.

Mr. TALBERT. This strikes me as a very exceptional case.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MICHAEL PETTIS.

The next business on the Private Calendar was the bill (H. R. 3007) granting an increase of pension to Michael Pettis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Michael Pettis, First Mounted Rifles, regular service, who performed conspicuous service in the war with Mexico, to $30 per month.

The report (by Mr. HARDY) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3007) granting an increase of pension to Michael S. Pettit, have considered the same, and respectfully report as follows:

The claimant, Michael S. Pettit, was a private in Company F, First United States Mounted Rifles, and served from August 25, 1846, to April 11, 1848, in the war with Mexico.

On January 23, 1883, he filed an application at the Pension Bureau declaring that at Chapultepec, near the City of Mexico, December 13, 1847, he fell from a scaling ladder and broke his foot, and at the same time a shell exploded near his head, bursting the tympanum of the right ear, entirely destroying the hearing of the ear.

The claimant was discharged from the service on a surgeon's certificate of disability, which recites that he was at that time suffering from deafness and lameness to such a degree as to be unfit for further duty with the Army.

The report of the examining surgeons, dated August 2, 1893, shows severe deafness of right ear, an injury of the right foot, and other disabilities, causing total inability to perform manual labor, but owing to the long time that has elapsed since the service was rendered he has failed to secure the testimony required to complete the application, and no allowance of the disability application has ever been made.

After the passage of the Mexican war service-pension act of January 29, 1887, Mr. Petitt made application thereunder and was allowed the pension of $8 per month provided by that act. Since then the pension has been increased to $12 per month under the act of January 5, 1893, because of the claimant's destitution and inability to earn a support by manual labor.

Mr. Pettit is now about 74 years old, without property of any kind, and an inmate of the Soldiers' Home at Marion, Ind. His statement concerning his services and the reasons for asking the increased allowance provided by the bill are as follows:

SOLDIERS' HOME, *Marion, Ind., December 8, 1895.*

DEAR SIR: In the latter part of the last Congress there was a bill introduced by Mr. McNagny in my behalf, granting me an increase of pension. I will state the facts in my case as briefly as I can:

In 1846 I enlisted in the First Regiment of Mounted Rifle Regulars, under Persever F. Smith as colonel and John C. Fremont as lieutenant-colonel, and served all through the war with Mexico. I was in every engagement from Vera Cruz to the capture of the City of Mexico. I served as pioneer for Company E at the storming of Chapultepec; was with the storming party at that time; lost one shoe, and got my foot cut with glass, but tied it up and still kept with our regiment. Between the castle and the Belen Greety Gate, while we were going from one arch to another, and when near the gate, a shell burst close to where I was standing in one of the arches and the concussion bursted the tympanum of my right ear, and totally destroyed my hearing in that ear. I still kept with my company, and on the morning of the 14th of September, 1847, helped place our flag over the capitol. After we had been in the city some time my foot and leg became badly inflamed, my ear ran corruption constantly, and I became so bad that I was forced to be sent to the hospital, where I remained until discharged on April 12, 1848. At that time our company (E) was disbanded, and while I was in the hospital I was transferred to Company F, and discharged from Company F.

We had but a short time before got a new surgeon, Newton by name, and our captain being away at home, and I myself not thinking anything about pensions at that time, and being anxious to get away on the next wagon train, paid no attention to the advice of our acting surgeon in chief, who told me at the time that I was entitled to a pension. Now, the facts are these: I have been deaf in my right ear from that time, and I have been lame from the day I was discharged, and I received it all in the line of duty. There was not a stouter or more healthy man in the regiment, as all who knew me would testify. Through neglect I never applied for a pension until a short time before the bill passed giving the Mexican veterans $8 per month at 62 years of age. Out of the number who were with the colors on the 14th of September, 1847, there are only two living, as far as I can ascertain, myself and Jacob Tourga. Captain Roberts, of the "Rifles," was in command of the colors on that day. He died in Washington a few years ago.

Now, I suppose that all of the papers that I signed at the time I got my pension are on file in the Pension Department, and the testimony there will show that I have stated facts.

Congressman Martin had a copy of my discharge, but I do not know what he has done with it.

I am at this time an inmate of our grand Home here, and it could be almost a paradise for the "vets" if they would make it so—sheltered from storms and rain, every comfort provided by a grateful country that is denied to thousands, and as far as I am concerned, if it were not for family ties at home, I could be content; but one that has always been surrounded with a happy family can not be happy away from them.

Now, if it is just and right for me to be granted an increase, or back pay, so that I can spend the few remaining days with loved ones at home it is all I ask. I am now nearly 74 years old, and I am certain that I have been entitled to a pension ever since I was discharged.

I need not say one word in regard to the Rifle Regiment. Every reader of history knows its record, and as for the fact in regard to planting the first flag over the Capitol, see Scott's Official Report, or Goodrich's History of the War wich Mexico.

I should not ask anything, even now, had it not been for adversity unavoidable.

Now, if it is possible to help me I will be very thankful, and I am very thankful for what I already receive. If I should be allowed a small increase it would not be for long.

I enlisted at Logansport, Ind. Spear Tipton was first lieutenant. There is not a prominent business man in Logansport but will testify to my moral character—such men as Judge Chase, Judge McConnell, Baldwin & Nelson, Murdock, or any old resident there.

I am, very respectfully, yours, truly,

MICHAEL S. PETTIT,
First Regiment United States Mounted Rifles.

Hon. C. W. STEELE.

P. S.—Senator DAVID TURPIE ought to do all he can for me, as he is an old acquaintance; used to live in the same town.

I do not know if you are a kinsman of Uncle Charley Steele, of Wabash, or not, but if you are, I have a right to call him uncle, as he was uncle to my wife. Colonel Butler was her grandfather.

Many of the material facts set forth in the foregoing statement are fully shown by the papers on file at the Pension Bureau, and the claimant's reputation for truthfulness and reliability is fully vouched for by Hon. William D. Owen, secretary of state, and by other prominent citizens of Indiana.

The passage of the bill is respectfully recommended, with an amendment striking out the word "thirty," in line 6, and substituting therefor the word "twenty," so as to fix the rate of pension at $20 per month; also amend by adding the initial "S." to claimant's Christian name, and by changing the spelling of his surname to "Pettit."

The amendments recommended in the last paragraph of the report were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. HELEN MORRELL CARROLL.

The next business on the Private Calendar was the bill (S. 730) granting an increase of pension to Mrs. Helen Morrell Carroll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Helen Morrell Carroll, widow of Samuel Sprigg Carroll, late a major-general in the United States Army, at the rate of $75 a month, in lieu of the pension she is now receiving.

Mr. ERDMAN. Let the report be read.

The report (by Mr. MILES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 730) granting a pension to Helen Morrell Carroll, have carefully examined the same, and, adopting the accompanying Senate report (No. 53) as their own, respectfully recommend its passage.

[Senate Report No. 53, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 730) granting a pension to Helen Morrell Carroll, have examined the same, and report:

A similar bill was introduced in the Fifty-third Congress, referred to the Committee on Pensions, examined, reported favorably, and passed the Senate.

The facts are as follows:

Mrs. Carroll is the widow of the late Maj. Gen. Samuel Sprigg Carroll. She is now drawing a pension of $30 per month. She is in feeble health and without property. General Carroll's military record is one of conspicuous merit. Entering the service in 1856, he gained great renown, especially in the late civil war, as will appear from the appended statement from his military service furnished by the War Department. He was promoted to major for gallant and meritorious services in the battle of Chancellorsville; to lieutenant-colonel for gallant and meritorious service in the battle of Gettysburg; to colonel for gallant and meritorious service in the battle of the Wilderness; to brigadier-general for gallant and meritorious service in the battle of Spottsylvania, and to major-general for gallant and meritorious service in the field during the war.

The record is one of great brilliancy, and your committee are of opinion that it entitles the widow to a much higher rate of pension than she is now receiving.

Your committee recommend, therefore, the passage of the bill.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, December 22, 1894.

Statement of the military service of the late Gen. S. S. Carroll, of the United States Army, compiled from the records of this office.

Cadet United States Military Academy, July 1, 1852, to July 1, 1856; was graduated and appointed brevet second lieutenant, Ninth Infantry, July 1, 1856; promoted to second lieutenant, Tenth Infantry, October 1, 1856; promoted first lieutenant April 25, 1861; promoted captain, November 1, 1861; commissioned colonel, Eighth Ohio Infantry, December 7, 1861; commissioned brigadier-general of volunteers, May 12, 1864; honorably mustered out of volunteer service, January 15, 1866; promoted lieutenant-colonel Twenty-first Infantry, January 22, 1867; retired with rank of major-general under act of July 28, 1866, June 9, 1869.

Brevetted major United States Army May 3, 1863, for gallant and meritorious service in the battle of Chancellorsville, Va., lieutenant-colonel July 3, 1863, for gallant and meritorious service in the battle of Gettysburg, Pa.; colonel May 5, 1864, for gallant and meritorious service in the battle of the Wilderness, Va.; brigadier-general March 13, 1865, for gallant and meritorious service in the battle of Spottsylvania, Va.; major-general March 13, 1865, for gallant and meritorious service in the field during the war, and major-general of volunteers March 13, 1865, for gallant and meritorious service during the war.

SERVICE.

He was on duty at Fort Columbus, N. Y., October 10, 1856, to March 9, 1857; joined his regiment, Tenth Infantry, May 25, 1857, and served with it at Fort Ridgely, Minn., to June 9, 1857; en route to and in Utah to July 8, 1859; on leave to January 5, 1860; on duty as quartermaster at the United States Military Academy to November 11, 1861; commanding regiment, Eighth Ohio Volunteers, in the field in West Virginia to May 23, 1862; commanding a brigade in General Shield's division to August 14, 1862; and was engaged in the actions at Kernstown, March 22, 1862, and Port Republic, June 9, 1862; battle of Cedar Mountain, August 9, 1862, and skirmish on the Rapidan, August 14, 1862, where he was wounded on sick leave to September, 1862; commanding brigade in Army of the Potomac (on sick leave July 24 to August 5, 1863) to May 13, 1864; and was engaged in the battles of Fredericksburg, Va., December 13, 1862; Chancellorsville, Va., May 2 to 4, 1863; Gettysburg, Pa., July 1 to 3, 1863; Bristow Station, Va., October 14, 1863; Wilderness, Va., May 5 and 6, 1864, and Spottsylvania, Va., May 9 to 13, 1864, where he was twice wounded. He was absent on account of wounds to December 6, 1864; he was on duty in the Department of the East and Washington, D. C., to February 21, 1865; commanding Department of West Virginia to March 8, 1865; commanding Second Division of that department to April 2, 1865, and the Fourth Provisional Division, Army of the Shenandoah, and First Division, First Corps, to July, 1865; on duty at Camp Stoneman, District of Columbia, and awaiting orders to August 14, 1865; commanding the district of northeast Virginia and district of central Virginia to January 15, 1866; on ordinary leave to April 18, 1866; on recruiting service to April 1, 1867; with regiment (Twenty-first Infantry) and in command of Petersburg, Va., to January 24, 1868; on twenty days' sick leave, and permission to delay to February 22, 1868; on duty at headquarters Department of Washington to April 1, 1868; on duty as acting assistant inspector-general, Division of the Atlantic, to March 19, 1869, and awaiting orders and

undergoing examination before a retiring board to June, 1869. He was examined by a retiring board at New York City, June 1, 1869, and the board found in his case as follows:

"That Bvt. Maj. Gen. S. S. Carroll, lieutenant-colonel, United States Infantry, is incapacitated for active service, and that said incapacity results from wounds received in battle, while commanding two brigades of from 15 to 17 regiments in the battle of Spottsylvania, Va., May 13, 1864, and the board recommend that he be retired in conformity with the thirty-second section of the act of July 28, 1866."

General Carroll was therefore retired from active service June 9, 1869, with the full rank of major-general, being the rank of the command held by him when wounded. He died January 28, 1893.

J. C. GILMORE,
Assistant Adjutant-General.

Mr. TALBERT. I think, sir, that we should stop a while and discuss the merits of this proposed legislation. There has been no objection raised to a single bill out of, I believe, four that we have passed which appear to be meritorious. But when we strike this case we can see that the purport of the bill is to discriminate in favor of the widow of a major-general. She is already under the law, and according to the regulations and rating of the law, drawing $30 a month. This bill proposes to give her in addition $45, making her pension $75 a month, when the very first bill we passed to-night, providing for that gallant old soldier, Captain Cochenour, who was proven to be a gallant soldier, grants him only $50 a month.

Now, you propose to give the widow of this major-general $75 a month for no other reason on the face of the earth than that she was the widow of a major-general. I submit, Mr. Chairman, that that is not a sufficient reason why this woman's pension should be raised from $30 to $75 a month. I submit there is not a man in this House to-night who will get up here and claim that there is sufficient evidence in this case for thus increasing this widow's pension. If so, let him speak out, or forever hold his peace. No doubt her husband was a gallant soldier. He served in two wars, and his memory should be revered. I respect him for what he did for his country. He was a grand and gallant man. But there are to-day, all over this Union, thousands of widows of as gallant men as this major-general ever could have been, and yet those widows are drawing only eight, ten, or twelve dollars a month. I submit it is not just to those women and their departed husbands, lying to-day in the cold and silent grave, to make this unjust discrimination in favor of the widow of a major-general. It is wrong in every sense of the word.

There may be precedents for this bill, but if so they are based on exceptional cases—cases where there were distinguished services on the part of the wife as well as the husband. If I mistake not, the very next bill which we shall reach is one proposing to increase the pension of the widow of General Doubleday, she having actually taken her gun and gone forth to perform the service of a soldier. That is an exceptional case. There may be some reason in such an exceptional and distinguished case for granting an exceptional pension, but this is only an exception to the rule.

In this case there is a long report, the statements of which, of course, I do not undertake to deny. No doubt the report is truthful in stating the gallant services of this man in the Mexican war and in the "late unpleasantness." I do not deny those statements. Yet I say there is an insufficiency of evidence to justify raising his pension from $30 to $75 a month.

I appeal to the distinguished chairman of the Committee on Invalid Pensions [Mr. PICKLER] to come to my aid to-night and to show his faith by his works. He has stood on this floor and urged the claims of the private soldiers and their widows; he has stood up for their rights as against the rights of major-generals and others. I do not think he can sit here to-night and complacently vote $75 a month to a widow for no other reason than that she is the widow of an officer. If he does he will depart from his assertions.

It will be borne in mind that there is, if I am correctly informed, no rating above that of a lieutenant-colonel. The general law makes no provision for any higher pension than to the widow of a lieutenant-colonel at the rate of $30 a month, the same pension which the officer himself would receive; and that possibly is just and right. But, sir, I submit that when you propose to increase a pension of this kind, without any testimony except that the applicant's husband was a gallant officer, it is not just toward the thousands of widows of soldiers who were just as true and just as brave as this general and who suffered privation away down at their homes through many dreary days and nights alone.

Now, one word as to the way in which cases are presented in these reports. I wish to send to the desk to be read a letter which I received some time ago from a gallant soldier in regard to a pension already passed. This letter shows the misrepresentations upon which reports may be made. It is a letter written to me in regard to the pensioning of Mollie Crandall. I would have had it read on a previous Friday evening if I could have obtained the opportunity when the bill to which it refers was under consideration. This letter is written by an old soldier who knew Captain Crandall. I desire the letter read in my time, and I ask that the House give it attention, for although it does not bear directly upon the pending case it shows that misrepresentations sometimes find their way into the reports of committees, that our committees may be imposed upon by misrepresentation, and upon such incorrect information they sometimes bring forward their reports. Let the Clerk read.

The Clerk read as follows:

WASHINGTON, D. C., *March 30, 1896.*

DEAR SIR: If you care to continue opposition to the granting of an increase of pension to Mollie Crandall, widow of the late Capt. Clark Crandall, when final action is to be had by the House, I beg to suggest that you call the attention of the two members who came to your assistance on the evening of the 20th instant to what I have to claim for Captain Crandall, and reasons why I object to the kind of excuses given why the captain did not apply for a pension under the general law, and fifty others of his comrades who knew him as well and intimately as did the three or four who were called upon to, and did, certify as printed in the report of the committee. As one of his personal intimate friends, I protest against any record being made, under any pretext or for any purpose, that will reflect to the discredit of the good name for integrity and intelligence he bore among his comrades and all others who knew him best.

One certifies that he knew of his physical condition and advised him to apply for a pension. This advice was not taken by the captain, for he was a pension attorney, familiar with the pension laws, and knew that he could not support a claim for a pension under the law in force at the time the advice was given to apply. "Poor and in distress" at that time, it is true, and "proud," he made no claim, or he would have been pensioned, as he was entitled, at $20 per month. I claim for him and the good name he left that it was because he was an honorable man, well knowing that under the law he was not entitled, and never for one moment did he harbor the thought of applying and supporting the claim by false testimony.

Another certifies to the frequent talks he had with the captain and how he related his experiences and attributed all the ills he suffered to his army life. This would make Captain Crandall a liar with his army record before us. But no one who knew him would agree that he was a liar. Another certifies that he frequently talked with him over the effect the firing of cannon had on the sense of hearing, and leaving the impression that the captain claims his deafness was the result of shooting of cannon. I do not believe he would lie, and do not believe he even said one word to leave the impression that he ever saw any such service as is now claimed for him in support of this bill.

The chairman of the committee points to the certificate of Senator MITCHELL, who says he knew Crandall several years before and ever since the service, etc. At least two Representatives in Congress know Captain Crandall and of his service as well as did Senator MITCHELL, and one of them rose in his seat in Congress and stated it, but that testimony is not to be considered. The chairman of the committee also stated that Crandall made no application for pension until driven by poverty to do so, when the facts are he applied under June act of 1890, and was at the time in receipt of $1,440 per year as an employee of the Senate. Mr. Crandall was an honest man, and I object to any record being made that will prove him to have been otherwise. I claim for him that he applied for pension and it was granted him under June, 1890, act, because he knew it was justly due him, and in doing so he did not represent that he was starving, neither was it necessary for him to have done so. If it was, then the captain lied. But he was not a liar, and I again object to the record as now made up. Give the widow $30 if you will, but not at the expense of the good name of my deceased friend and comrade.

Respectfully,

J. B. BURKE.

Mr. TALBERT. Mr. Speaker, that letter speaks for itself. I have no comment to make upon it. I only want to say that the widows of the common soldiers suffered privations, poverty, and want during the war, and are suffering in the same way now, while the widows of officers were living "in clover" and having a fine time.

Mr. Chairman, I will ask this House to agree that this bill be laid aside with an unfavorable report. Let this widow remain just where she is, drawing a pension of $30 a month. I move that the bill be laid aside with an unfavorable recommendation. I hope there will be no objection to this motion.

The CHAIRMAN. The question "Shall the bill be laid aside with a favorable recommendation?" takes precedence of the motion of the gentleman from South Carolina.

Mr. TALBERT. I insist, Mr. Chairman, that I have offered an amendment to that motion.

The CHAIRMAN. The Chair so understood; but the question on laying the bill aside with a favorable recommendation takes precedence of the gentleman's motion.

Mr. TALBERT. You consider the principal motion before you do the amendment?

The CHAIRMAN. Yes, in cases of this kind.

Mr. TALBERT. That is strange parliamentary law; but, however, go ahead with your rat killing.

Mr. BAKER of New Hampshire. Pending this question, I move to strike out "$75" and insert "$50."

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from New Hampshire, to amend the bill as stated by him.

Mr. ERDMAN. In the absence of the gentleman from Maryland [Mr. MILES] who reported the bill, and as there seems to be some opposition to it and no one here to defend it, being a Senate bill, I ask that it be passed over, not to lose its place on the Calendar, until Mr. MILES returns.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection, and it was so ordered.

MRS. MARY DOUBLEDAY.

The next business on the Private Calendar was the bill (S. 1203) granting an increase of pension to Mary Doubleday, widow of Bvt. Maj. Gen. Abner Doubleday.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Doubleday, widow of Maj. Gen. Abner Doubleday, and pay her a pension of $100 per month, in lieu of the pension she is now receiving.

The report (by Mr. ERDMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1203) granting an increase of pension to Mary Doubleday, quote from the report of this committee in the Fifty-third Congress the following, which they adopt as their own:

The beneficiary under this bill is the widow of Bvt. Maj. Gen. Abner Doubleday. She is now far advanced in life, is in feeble health, and requires care and medical attendance, which she is not able to secure with the amount provided for in the existing pension. We find that after General Doubleday's retirement from the Army he lived very economically in the village of Mendan, N. J., and devoted all his income above the amount necessary for his support to the providing of a policy of insurance in behalf of his widow; that shortly before his death the insurance company failed, and that his last hours were clouded with the fear that his widow would come to want.

We find that independent of the notable services of her husband in behalf of the Union, she herself, during a long life as his companion upon the frontier and in campaign, rendered valuable service to the country. Particularly was this the case in the Florida wars, when she remained with her husband in the wilderness, and by her presence and influence over the soldiers assisted in maintaining discipline and good order; also at Fort Sumter, when it was besieged and the garrison very small, she took her regular turn in relieving the guards and in keeping watch of the approach of the enemy, and also in securing medical supplies from Charleston.

In view of all these facts the committee have unanimously decided to recommend the increase asked for, so that the few remaining years of her life may be at least surrounded by necessary comforts, and earnestly recommend the passage of the bill.

If long-continued, distinguished services merit recognition at the hands of the Congress, such recognition should be accorded in this case, especially in view of the advanced age, physical infirmities, and necessitous condition of the beneficiary.

Your committee therefore recommend that the bill do pass.

Mr. ERDMAN. As this would seem to come within the line of the last bill, I ask that the gentleman from Pennsylvania who introduced the bill say a word in regard to it.

Mr. DALZELL. I have no desire to occupy the time of the committee unless there be some objection. I prefer that we have a vote.

The CHAIRMAN. The question is, Shall the bill be laid aside with favorable recommendation?

The motion was agreed to.

The bill was accordingly laid aside to be reported to the House favorably.

JOSEPHINE FOOTE FAIRFAX.

The next business on the Private Calendar was the bill (H. R. 3112) granting a pension to Josephine Foote Fairfax.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine Foote Fairfax, widow of the late Rear-Admiral Donald MacNeill Fairfax, of the United States Navy, at the rate of $100 per month.

The report (by Mr. MILES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3112) granting a pension to Josephine Foote Fairfax, have examined the same, and, adopting the accompanying Senate report (No. 248) as their own, respectfully recommend its passage with the following amendment:

In line 8, strike out "one hundred" and insert "fifty."

[Senate Report No. 248, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1734) granting an increase of pension to Josephine Foote Fairfax, have had the same under consideration, and submit the following report:

The applicant is the widow of the late Rear-Admiral Donald McNeil Fairfax, of the United States Navy, and the daughter of Rear-Admiral Andrew Hull Foote. Both these officers served with great distinction, and their careers reflect credit to a remarkable degree upon the American Navy.

Rear-Admiral Foote was born in Connecticut September 12, 1806. He was a son of United States Senator S. A. Foote, of that State. Entering the Navy as a midshipman in 1822, he saw active service almost immediately under the elder Porter in breaking up the piratical haunts in the West Indies. He became lieutenant in 1830.

During the years 1849, 1850, and 1851, while in command of the *Perry*, he did effective service in the suppression of the African slave trade. While commanding the *Plymouth* in China, in 1856, protecting American property during hostilities between Great Britain and China, he was fired upon by the forts on Canton River. An apology being refused, he attacked the forts, carrying them by storm. At the outbreak of the war of the rebellion he was selected to command the flotilla forming on the western waters. His conduct in connection with this and similar subsequent duty was so conspicuously fine that in June, 1862, he received the thanks of Congress and was made a rear-admiral. In June, 1863, he was selected to succeed Rear-Admiral Dupont in command of the fleet off Charleston, but while on his way to assume this command he died in New York, June 26, 1863.

Rear-Admiral Fairfax was born in Virginia March 10, 1821, and appointed midshipman in the Navy August 13, 1837. During the Mexican war he served on the California station and took part in the capture of Mazatean and Lower California. At the outbreak of the war he had been promoted through successive grades to lieutenant, and was serving as executive officer of the *San Jacinto*. The boarding of the British mail packet *Trent*, and the taking therefrom Mason and Slidell and their secretaries, Eustis and MacFarland, was directed in person by Lieutenant Fairfax, a most delicate and important event.

In May, 1862, he was ordered to command the *Cayuga*, reporting to Admiral Farragut, off New Orleans. In January, 1863, he was ordered North to command the monitor *Nantucket*, just built at South Boston. He was afterwards transferred to the *Montauk*, and participated in all the principal operations before Charleston. He was commissioned as rear-admiral July 11, 1880, and in the following year was placed on the retired list, having been forty years in active service, twenty years of which were spent at sea. He died at Hagerstown, Md., January 10, 1894.

The Fifty-third Congress granted Mrs. Fairfax a pension of $30 a month, and the present bill proposes to raise this sum to $50 per month. There can not be a more worthy case for a pension of $50, in accordance with so many precedents.

In an affidavit filed with the committee by Mrs. Fairfax she states that "her husband died on the 10th day of January, 1894, leaving no estate or support for her. She has herself and three unmarried daughters to maintain, and is without means to do so, having but a small income of her own, entirely inadequate for her support."

These facts are also testified to by several citizens of Hagerstown, Md., where Mrs. Fairfax resides, and by the county clerk.

In consideration of the high character of her husband and her father, and of her limited resources, the committee recommend the passage of the bill.

Mr. TALBERT. This bill was also reported by the gentleman from Maryland, who is absent. I ask that this also be passed over without prejudice.

Mr. PICKLER. I think this bill ought to pass.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. PICKLER. I object.

This bill passed the Senate since the report by the House committee was ordered; and therefore I move now to substitute the Senate bill for the House bill.

The CHAIRMAN. Is this bill identical with the House bill?

Mr. PICKLER. I do not know whether it is identical in language or not. It is the same amount.

The CHAIRMAN. The Chair has some doubt whether it is proper to entertain the motion.

Mr. TALBERT. I submit that it is out of order in Committee of the Whole. It must be done in the House if it is done at all.

The CHAIRMAN. The Chair thinks the point of order is well taken.

Mr. PICKLER. I do not know why it would be out of order to substitute the Senate bill for the House bill, the committee having authorized it to be done. The bills are identical, and the committee recommend that the Senate bill pass as a substitute.

The Senate bill has been before the committee, and the House committee has ordered the bill substituted, which I did not state in the first place.

The CHAIRMAN. Is the bill on the Calendar?

Mr. PICKLER. I suppose so; it ought to be.

The CHAIRMAN. If it is on the Calendar it can be taken up out of its order and the substitution made.

Mr. PICKLER. That was the action of the committee when the House bill was reported from the committee. This bill came from the Senate, and Mr. MILES, a member of the committee, was directed to substitute that for the House bill.

The CHAIRMAN. The Chair will submit the request of the gentleman from South Dakota. The gentleman asks unanimous consent to substitute the Senate bill for the House bill under consideration. Is there objection?

Mr. TALBERT. I object.

Mr. PICKLER. Then I move that it be substituted for the House bill.

Mr. TALBERT. I make the point of order against that motion.

The CHAIRMAN. The Chair understands the bill is not on the Calendar, and is of opinion that it is not competent to entertain the motion of the gentleman from South Dakota.

Mr. PICKLER. Then I join in the request of the gentleman from South Carolina that the bill be passed over without losing its place on the Calendar.

The CHAIRMAN. Is there objection?

Mr. WOODMAN. I object.

Mr. BAKER of New Hampshire. Mr. Chairman, I notice that the committee in this case approves the bill with an amendment to strike out "one hundred" and insert "fifty"; so as to make it read "$50 a month."

I wish the Committee on Invalid Pensions, or some member of the committee, would explain why the widow of Rear-Admiral Fairfax should have a pension of $50 a month and the widow of Gen. Abner Doubleday have $100 a month; and pending that explanation, I yield the floor for the purpose of hearing it.

Mr. PICKLER. Mr. Chairman, there is no such record, in my opinion, in this country, and I doubt whether there ever will be again, as that made by the widow of Gen. Abner Doubleday during the late war. Not only was her husband a soldier throughout his life, and not only did he render very gallant and meritorious services, but his widow was with him in the Florida war, with him at Fort Sumter, with him for years and years in the active service; and I call the gentleman's attention to the fact that the report shows that at Fort Sumter she took her place with the other soldiers and stood guard. She herself was a soldier, Mr.

Chairman, and the committee thought she was entitled to some consideration on that account.

I may say, Mr. Chairman, while I am on my feet, that I am not so much in favor of these large pensions for the widows of generals as some other members of this House are. I believe that rank should be respected; it always is respected in law; but I do not believe in as great a difference as appears occasionally between what a general's widow should receive and what the widow of a private should receive. There are some of these bills reported at a higher figure than I individually should have recommended; but the majority of the committee recommend these bills and we present them to the House. Now, as far as the comparison made by the gentleman is concerned, I have only to say that I think $50 is a large pension, as a general thing, for the widow of anybody, and I think that $50 is ample in this case before us, of the widow of Admiral Fairfax. While I would not detract from the service of Admiral Fairfax one iota, I do say that there is no other case like that of Mrs. Doubleday and her husband. That is the difference, and that is the view taken by the committee.

Mr. BAKER of New Hampshire. Mr. Chairman, it is not my disposition to detract or attempt to detract in the slightest degree from the well-earned reputation of Major-General Doubleday. He was as worthy an officer as one could expect any country to have in its service, and I did not oppose pensioning his widow at the unusual rate of $100 a month; but it seems to me that there should be some rule of practice, some rule of procedure in the matter of these pensions. If one widow is entitled to $100 a month, I know no reason why the widow of an officer having equal rank should not receive the same.

Mr. TALBERT. Mr. Chairman, a parliamentary inquiry——

Mr. BAKER of New Hampshire. It certainly is not competent for the chairman of the committee, or for any member of the committee, to undervalue the services of Rear-Admiral Fairfax. He served his country away back in the twenties, in the suppression of the African slave trade. He was very instrumental in the capture and holding of California, that grand territory, in behalf of the Government which he represented.

Mr. TALBERT. Will the gentleman allow me a question?

Mr. BAKER of New Hampshire. Wait one moment. He was the man who first raised the flag in Southern California at Monterey, and when the time came for him to serve his country in the war of the rebellion he served it as faithfully as his opportunity and capacity would permit. I had no personal acquaintance with him and have none with his widow, but I honor the record which he made as a naval officer, and I stand here to ask that this House shall give to his widow like consideration with that which it gives to other widows.

Mr. PICKLER. Will the gentleman yield for a question?

Mr. BAKER of New Hampshire. One moment. The gentleman from South Carolina asked me to yield to him, and I will yield to him first and then to the gentleman from South Dakota.

Mr. TALBERT. I only wanted to get information from the gentleman that I could not get from the Chair. What are you talking about? What is the motion? [Laughter.]

Mr. BAKER of New Hampshire. I am talking about the general propriety of passing this bill, and I presume the gentleman from South Carolina recognizes that as a sufficient subject for discussion here to-night.

Mr. TALBERT. Which bill?

Mr. BAKER of New Hampshire. The bill in favor of the widow of Rear-Admiral Fairfax.

Mr. TALBERT. We had agreed to pass that over.

Mr. BAKER of New Hampshire. It has not been agreed to do that. That is where you are mistaken.

Mr. TALBERT. Then I am mistaken, and I stand corrected.

Mr. PICKLER. Let us find out who is objecting to laying this bill aside. I thought it was agreed to.

Mr. BAKER of New Hampshire. The gentleman sitting immediately in front of me [Mr. WOODMAN] objected.

Mr. TALBERT. I myself asked that the bill be laid aside. I should not object to my own motion.

Mr. PICKLER. What I want to ask the gentleman from New Hampshire is whether he wants to give this widow more than $50 a month?

Mr. BAKER of New Hampshire. I am not in favor of any of these large pensions——

Mr. PICKLER. The committee have cut this amount down.

Mr. BAKER of New Hampshire. But when the committee have cut down one and approved the other, I want the committee to find some level ground upon which it can stand in all cases and then let us determine whether this House will stand by and sustain the committee upon that grading of pensions which they may recommend.

Mr. PICKLER. Mr. Chairman, will the gentleman yield further?

Mr. BAKER of New Hampshire. Yes.

Mr. PICKLER. I have tried to give the gentleman the reason which actuated the committee. Mrs. Doubleday was a soldier herself, in the thick of the danger with her husband, and the committee thought that any woman who displayed such bravery as that was entitled to the pension which her husband would have been entitled to, and he would have had this under the law. [Applause.] That is the reason we did it. If the gentleman thinks that a woman who withstands the shock of battle and is in the thick of the conflict is not entitled to any credit for that, then he disagrees with the committee; but he ought to have made his objection when that bill was before the House.

Mr. BAKER of New Hampshire. Mr. Chairman, if the gentleman from South Dakota will assert that Mrs. Fairfax was not with her husband in California and that she did not bear some of the rigors of that campaign when that grand territory was annexed to the United States I shall be glad to have him say so.

Mr. PICKLER. I do not want to try to prove a negative. I do not know anything about that. The only thing I do know is that Mrs. Doubleday did what we have alleged.

Mr. BAKER of New Hampshire. But it is unfair to institute a comparison like this, and not be willing to assert the facts that make the comparison.

In order to test this matter, Mr. Chairman, I move to strike out the word "fifty" and insert the words "one hundred" in this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire to the amendment recommended by the committee, by striking out "fifty" and inserting "one hundred."

Mr. BAKER of Kansas. Mr. Chairman, I was a member of the committee that had this question under consideration, and the gentleman from Maryland [Mr. MILES] who had charge of this bill agreed to $50 per month, stating that the widow was satisfied, surrounded as she was, that she could be made comfortable with a pension of $50 a month. It was considered, I believe, the same day as the other case which has been spoken of. It was satisfactory to the widow and satisfactory to the members of the committee that we should report the bill. [Cries of "Vote!" "Vote!"]

Mr. ALLEN of Utah. Mr. Chairman——

Mr. WOODARD. Mr. Chairman——

Mr. ALLEN of Utah. The gentleman from New Hampshire, Mr. Chairman——

The CHAIRMAN. The gentleman from Utah is recognized.

Mr. WOODARD. Mr. Chairman——

Mr. ALLEN of Utah. I think there is only one gentleman from Utah.

The CHAIRMAN. The gentleman from Utah was recognized.

Mr. ALLEN of Utah. The gentleman from New Hampshire, with his usual desire to consume the time of this committee, has overlooked the fact that in the case of the widow of General Doubleday there was poverty, according to the report, and that in this case the report states that Mrs. Fairfax has some property of her own. That is one difference, which is a vital one, in the two cases. [Cries of "Vote!" "Vote!"]

Mr. BAKER of New Hampshire. Mr. Chairman——

The CHAIRMAN. The question is on the amendment to the amendment of the committee.

The question was taken; and the amendment to the amendment was rejected.

The CHAIRMAN. The question recurs on the amendment recommended by the committee.

Mr. BAKER of New Hampshire. Mr. Chairman, I should not have claimed the attention of the committee again had it not been for the gratuitous assertion of my friend from Utah. I have never yet attempted to consume the time of this committee or of this House. I have endeavored sometimes to enforce upon this committee as best I might convictions which I honestly entertain in regard to legislation pending before the committee. Now, I wish this committee to fully understand the question as submitted by the gentleman from Utah. It is that if a family of a high officer in the Army or Navy of this country shall, through their personal extravagance, when he has received a salary greater than the salary of a member of Congress, and expended it from day to day, so when death comes penury enters their household, at the same time this Government shall pay a large pension to keep that widow and that family in affluence.

If that is the proposition of the gentleman from Utah, I am happy to say I am not with him; and I do not believe that the people of this country will justify such legislation upon our part here or upon the part of our successors. These high officers of the Army or Navy receive salaries ranging from $4,000 to $6,000 a year, about four or six times that which the average citizen of the United States receives. Of course I grant that their condition in life, the position which they are compelled to maintain, requires of them greater expenditures than the ordinary citizen; but for that very reason the Government has given them an increased salary; and it is as much their duty to save something out of that salary for old age,

for sickness, and distress as any other citizen of the United States; and it is a bad practice and an extremely bad precedent, in my opinion, for this House of Representatives to pass pensions here for $50, $75, or $100 per month to the widows of these officers and leave the widows of the veterans who carried the musket and preserved this country in want and suffering for $8 a month. [Cries of "Vote!" "Vote!"]

Gentlemen, if you are willing to go on record bestowing the gratuities of this Government at the rate of $100 a month, or $50 a month even, in these cases and leave the poor soldier and the soldier's widow, who is debarred by some technicality from receiving any gratuity or pension at all, you are willing to do that which I am not. [Cries of "Vote!" "Vote!"]

Mr. ALLEN of Utah. Mr. Chairman, I think that the assertion which I made has been proven by the gentleman from New Hampshire himself. The gentleman says that Mrs. Doubleday's husband lived in affluence. That "affluence" consisted in a life of economy, and he invested his savings in a life-insurance policy and the company failed, and now the gentleman from New Hampshire implies that he squandered what the Government paid him for his services. The gentleman from New Hampshire, in discussing this subject, has the air of that class of men who, because they have bank stocks or because they own houses from which they derive income or because they are wealthy though the railroad stocks or bonds which they hold, look with intolerance upon those who in a different line of life have not been able to accumulate wealth to provide for their families; so when a man gives a lifetime of faithful service to his country, and when his widow comes here to ask for a pension because of the services of her husband, that husband is held up to reproach before the people of this country for not having accumulated a competence for the support of his family.

Mr. Chairman, I have not consumed the time of this committee upon these questions, but it seems to me that the time has come when gentlemen who do so ought to be asked to cease.

Mr. BAKER of New Hampshire. May I ask the gentleman a question? [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment proposed by the committee.

Mr. TALBERT. Mr. Chairman, for the same reason that I was opposed to increasing the pension of the widow of General Carroll, I oppose increasing the pension of the widow of Admiral Fairfax. The only reason given is that he was an officer, and I submit that that is not a sufficient reason. I agree with the gentleman from New Hampshire [Mr. BAKER] that we ought to have some common ground upon which we can stand in pensioning the widows of soldiers, and I suggest that that common ground is $30 a month which the law gives them, and I would like to have the gentlemen come upon that ground with me and let us all stand there. I am opposed to increasing the pension of this widow above $30 a month. I shall oppose it to the last ditch in every honorable way that I can. I hope the bill will not be laid aside with a favorable recommendation, but if you are determined to recommend its passage, I shall demand that you do it by the vote of a quorum.

Mr. CLARK of Iowa. But, Mr. Chairman, the motion, with which the gentleman from South Carolina agreed, was the motion of the gentleman from New Hampshire, that the pension should be increased in this case to $100 a month, and then the gentleman from New Hampshire gave very good reasons why we should agree with the report of the committee and keep it at $50 a month, and we are all in favor of that.

Mr. TALBERT. The gentleman is only talking through his hat. [Laughter.] I favored no such amendment. I am opposed to increasing it over $30.

Mr. CLARK of Iowa. Oh, no. The gentleman mistakes a member from the State of Iowa for a Representative from the State of South Carolina. [Laughter.]

Mr. TALBERT. The gentleman persists in talking "through his hat" although it is in the cloakroom. [Laughter.]

Mr. ERDMAN. Mr. Chairman, I again ask unanimous consent that, in the absence of the gentleman from Maryland [Mr. MILES], this bill be laid aside until his return without losing its place on the Calendar.

Mr. POOLE. I object.

The question being taken on the amendments recommended by the committee, the Chairman declared that the ayes seemed to have it.

Mr. TALBERT. I demand a division.

The committee divided; and there were—ayes 102, noes none; so the amendment was agreed to.

The CHAIRMAN. The question is, Shall this bill as amended be laid aside to be reported to the House with the recommendation that it do pass?

Mr. TALBERT. Mr. Chairman—— [Laughter and cries of "Vote!" "Vote!"]

Mr. PAYNE. Mr. Chairman, I make the point of order that the gentleman from South Carolina has already spoken twice upon this question, while he has no right to speak more than once.

Mr. TALBERT. I have not spoken upon this bill at all.

The CHAIRMAN. The gentleman from South Carolina is recognized.

Mr. TALBERT. Now, if the gentleman from New York will just be quiet and sit down and let his hair grow [laughter] I will occupy only a very short space of the time of the committee. [Cries of "Good!" "Good!" and laughter.]

Mr. Chairman, gentlemen may laugh, gentlemen may hiss, but I for one propose to stand here in my place in this House and speak out, sir, against what I consider to be an outrage upon the people of this country. I claim the right to advocate that which I think is right and just and proper, and no groaning, or hissing, or laughing, or "pints" of order, or quarts of order will prevent me doing that which I claim is my right. [Laughter.]

Gentlemen stand up here and plead the poverty of this widow and the poverty of that widow, the poverty of this man and the poverty of that man, when that is not at all the question that is before us for consideration in these pension claims. The question in each case is the justice of the claim as it is presented here. Why, sir, all over this broad land, from one ocean to the other, from the Gulf to the Lakes, we have poor people, some of whom have hardly clothes to wear or food to eat; so if we intend to use this body as a board of charity for all those people we shall have our hands full. Truly this is a great, a rich, a magnificent country; and some one has suggested that it is a small business, in view of the greatness and magnificence of this country of ours, to object to small pension claims.

Sir, I know this is a great and grand country, the richest upon the face of God's green earth. This is a country with 150,000 or 160,000 miles of railroad, with great towns and cities springing up like mushrooms, with factories and great marts of trade and other evidences of growth and prosperity. But, sir, go out into the interior among the masses of the people and you hear nothing but the harrowing song of hard times. There is a cry of distress among the people who pay a large percentage of the money we are appropriating here in this Hall. It is that class of people that I stand here to represent.

Truly this is a great country, with all its wealth and power; but, Mr. Chairman, beneath all this greatness and grandeur is the canker of a distressed and downtrodden and poverty-stricken people who are crying to Congress for relief. You turn a deaf ear to them. You pass your resolutions about Cuba and Venezuela; you pass a bill to stop prize fighting; you appropriate money for various objects; but you do nothing for that class of people who are the bone and sinew of this land and upon whose shoulders rests the support of this mighty Government of ours.

When I think of the condition of these people I think it right to oppose the increase of the pension of a widow of a general from $30 to $50 a month for no other reason than that she is the widow of a general. I raise my voice against such a proposition; I enter my protest. I say that when gentlemen in the majority here pass such bills as these they do wrong, they outrage justice. And, sir, I want to see the day come when this looting of the Treasury for political purposes will be stopped—this electioneering with the Treasury of the United States for votes, by voting away the money of the people here to undeserving pensioners. It is a hypocritical pretense of patriotism and love of the soldier, because many of you turn your backs upon the private soldier who smelt powder, who withstood the shot and the shell, and who bore the heat and burden of the day. This is done in the interest of the officers, many of whom were in bombproofs. Here is an effort to pension the widow of an officer. His life as an officer was a short one. For only a few days or months he was an officer.

Now, you want to raise the pension of his widow from $30 to $50 a month. I say to gentlemen on the other side who are in the majority here, do this thing if you will. I can only protest; and you will find me steadily protesting against such proceedings. In passing such a bill, you do that which is wrong; you outrage justice; you insult the widows of the gallant private soldiers who bore the brunt of the battle, who bore the heat and burden of the day; and this wrong you are doing in the interests of the officers. You discriminate against the widows of men who endured toil and privation. If you want to do this, do it; but you shall do it after I have protested, after I have exhausted every honorable means to prevent your doing it. If you will do it, the responsibility rests on you, but I will take no part in such infamous plundering of the public purse. [Applause and cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with a favorable recommendation?

The question being taken, there were—ayes 97, noes 1.

Mr. TALBERT. I make the point of no quorum.

The CHAIRMAN (having counted the committee). There are 123 members present—more than a quorum. The bill is laid aside to be reported favorably to the House.

MRS. ELIZABETH RICHARDSON.

The next business on the Private Calendar was the bill (H. R. 3932) granting a pension to Mrs. Elizabeth Richardson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to cause to be placed upon the pension rolls of the United States the name of Elizabeth Richardson, mother of Robert F. Richardson, late a private in Company A, in the Eighth Regiment of Missouri State Militia Cavalry, and who was killed during the war, and pay to her a pension at the rate of $20 per month.

The amendment reported by the committee, to strike out "$20" and insert "$12," was read.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3932) granting a pension to Mrs. Elizabeth Richardson, submit the following report:

Mrs. Elizabeth Richardson, an old lady of 77 years, is the dependent mother of Robert F. Richardson, who was a private in Company A, Missouri State Militia Cavalry, a company which afterwards became Company A of the Eighth Missouri State Militia Cavalry. He enlisted in December, 1861, to serve during the war in Missouri. He was admitted to the post hospital at Jefferson City, Mo., January 4, 1862, with measles, and returned to duty February 23, 1862. February 28 he was reported on the company roll as absent on furlough, and on the muster-out roll of the company, January 25, 1865, the remark was made, "was killed near Osceola, Mo., February 8, 1862, by guerrillas."

There is an apparent discrepancy in the dates, but the testimony shows conclusively that the soldier was killed by guerrillas near Osceola while absent from the command on furlough.

The case appeals strongly to the sense of right in almost every human breast. This soldier gave his life for his country, not in battle, it is true, but in a desperate encounter with those roving enemies of all government who infested that section of Missouri at the time. In consequence of that loss, the mother is now on the verge of the grave and in want.

Your committee, in view of the facts, beg to report favorably and recommend that the bill do pass, with the following amendment:

Strike out "twenty" in the last line and substitute "twelve."

Mr. McCLELLAN. I wish to ask the gentleman who made this report whether this was one of the militia organizations of Missouri coming under paragraph 3, section 4693 of the Revised Statutes. Was it called out by the President, and did it act under the orders of the United States?

Mr. CROWTHER. Yes, sir.

Mr. McCLELLAN. I wish to call the attention of the Committee of the Whole to the point made in this report on the subject of line of duty. As the bill stands, I have no objection to voting this pension to this dependent mother if it is done on the ground (which I assume was the fact) that this man was a gallant and brave soldier. But the report states that he was killed while in the line of duty—on an individual furlough, presumably—by guerrillas.

Mr. CROWTHER. He was not on an individual furlough. He was on a furlough by order of the post commander and the officer in charge of the post hospital at the time.

Mr. McCLELLAN. Still it was a furlough.

Mr. CROWTHER. It was not an "individual furlough."

Mr. McCLELLAN. Then I correct my statement as to its being an individual furlough.

Mr. CROWTHER. The soldier was in the line of duty.

Mr. McCLELLAN. Mr. Chairman, every Secretary of the Interior from the period of the war until 1889 held that a man was in the line of duty when he came under the terms of the opinion of Attorney-General Cushing, delivered May 17, 1855, that opinion holding that "while in the performance of those things which the law requires of him as a military duty, the soldier is in the line of duty."

When the new Administration came in in 1889 the Assistant Secretary of the Interior made a number of decisions overruling the previous practice of the Department and the decisions of the Secretaries who had gone before him. He held in one case that a man who had been hurt by the collapse of some seats in a circus was hurt in the line of duty. He held in another case that a man who was thrown from a horse which he was riding against the orders of his captain was in the line of duty. He held in another case that a man who, while returning to his command, stopped—against the orders of his captain—had supper, took some drinks, and then fell downstairs into a cellar and was injured—the Assistant Secretary held that this happened in the line of duty. When the present Administration came in various decisions of the last Administration were overruled; and in the case of James E. Harrison (7 Pension Decisions, 97, the decision being rendered December 22, 1893) the following was laid down as "line of duty":

While in performance of those things which the law requires of him as a military duty, the soldier is in the line of duty. [Attorney-General Cushing's decision, May, 1895.]

In cases involving the line of duty, the vital question is, Was it, the cause of disability, appurtenant to, dependent upon, or otherwise eventually connected with the claimant's duty as a soldier; or was the disability incurred while the soldier was acting in a personal matter independent of, or adverse to, his military duty? If the disability was incurred under the latter circumstances the soldier would not be pensionable as one in line of duty.

Now, according to this report, assuming that the purpose of this bill is to pension this lady because her son was killed in the line of duty, it is proposed in this case to revert back to the rule laid down by Assistant Secretary Busey, a rule which established not only a ridiculous but a dangerous precedent. The rule of the present Administration, on the contrary, has worked well and has been adopted by every Secretary, as I have shown, except in the last Administration, by Secretary Noble.

Mr. CROWTHER. Mr. Chairman, in connection with this report and this bill, let me say that this is one of the most meritorious cases that has been considered by the committee during this session, and I care not what rules have been laid down by the Department to the contrary.

I care not what decisions have been laid down by the officials connected with the Bureau, this is the last court of resort for a case of this character. This is the place for the final adjudication of the question. This unfortunate soldier was in the line of duty. His father—and this fact does not appear in the record, but the evidence is before the committee to sustain it—his father went to Jefferson City, obtained a furlough not only from the post commandant, but from the hospital authorities, and while taking his son home, who was sick with the measles and unable to perform military services at the time, both the father and son were murdered by the guerrillas who infested Missouri at that time in large numbers, and every support this poor woman had was completely wiped out and destroyed. These are the facts.

Mr. ERDMAN. Mr. Chairman, this is an exceedingly brief report, and I would like to have the gentleman who made it further explain the matter as to whether this mother was dependent on the son for support at that time.

Mr. CROWTHER. Let me answer by stating that this remarkable administration of the Pension Office has decided that she was not dependent on the son because the son was murdered first, when the Department has no authority for any such decision.

Mr. ERDMAN. Now, I will have a word to say about this "remarkable administration" of which the gentleman speaks.

Then, the gentleman has concealed the fact in the report that his claim was rejected by the Pension Bureau.

Mr. CROWTHER. Of course; the bill could not have been here otherwise.

Mr. ERDMAN. The report is flagrantly defective in failing to contain the facts which should be set forth, in order that the House may act intelligently. It is about on a par with what occurred in a coordinate branch of the Government on yesterday, where seventy-odd cases in a very brief time—by the titles alone, I judge from the RECORD—were passed.

Mr. PICKLER. They are in favor of pensions over there. That is the difference between them and the gentleman.

Mr. ERDMAN. Yes, sir; they are, and the gentleman from South Dakota is. He is in favor of all kinds of pensions, with or without merit——

Mr. PICKLER. And you are not in favor of any.

Mr. ERDMAN (continuing). And I say probably for votes, as the gentleman from South Carolina states. I can not conceive of any other purpose than probably for the same reason that Indiana, Ohio, and Kansas are to-day full of pensioners, while my State, New York, and other States have had to stand back until doubtful States were properly taken care of.

Mr. HARDY. Your State is not doubtful, and has had its proportion.

Mr. ERDMAN. No, sir; not for the number of men she sent into the war.

Mr. MINOR of Wisconsin. Your State is only doubtful for the Democracy.

Mr. ERDMAN. When we get through with Ohio and Kansas and Indiana, when they give them their "share" and pension all of these people, then perhaps we may expect something at this end of the line.

Now, I was saying that in the coordinate branch of the Government on yesterday, probably——

Mr. CURTIS of Kansas. Will the gentleman permit me?

Mr. ERDMAN. Yes.

Mr. CURTIS of Kansas. Do not you know it to be true that there are thousands of old soldiers in Kansas not drawing pensions? If the gentleman does not know it and will examine the records he will find it to be true.

Let me say to him, further, that Kansas furnished more soldiers according to her population than any other State in the Union. [Applause.]

Mr. ERDMAN. And the three States I have named have more pensioners on the roll in proportion to the soldiers furnished than any other State in the Union.

Mr. CROWTHER. And so it would have been with the State of Pennsylvania if certain gentlemen who are now opposing pensions had gone to the war, as they ought to.

Mr. ERDMAN. The statement has been made before, in the Halls of Congress, and it was not contradicted, that it was done for political purposes.

Mr. HULICK. I understood the gentleman to say that in Ohio and some other States so many soldiers were placed upon the pension rolls for political purposes. Do you mean to assert that again as true?

Mr. ERDMAN. I mean to say the three States I have named have more soldiers on the rolls, as I have stated, and that I verily believe it was brought about for political purposes.

Mr. HULICK. My question is, do you say that the roll has been increased and the soldiers of Ohio pensioned for political purposes? Do you assert that?

Mr. HARDY. And the soldiers of Indiana?

Mr. ERDMAN. I have said, and I say again, that the rolls show in the past for the three States that I have named such a proportion that I verily believe it was brought about for political purposes.

Mr. PICKLER. That is old straw that has been thrashed out before.

Mr. LEWIS. How many soldiers have been put on the rolls for political purposes by this Administration?

Mr. ERDMAN. This Administration is not engaged in that——

Mr. HARDY. I want to ask how many soldiers has this Administration cut off the pension rolls? [Applause.]

Mr. ERDMAN. Well, if the gentleman had stayed longer in the Pension Bureau, he might perhaps have answered the question himself. [Laughter.] Now, gentlemen, a coordinate branch of the Government yesterday passed some seventy-odd bills, putting upon the rolls pensioners at $20 a month, $100 a month, $75, $50, $30, $17, $25, $50, $40——

Mr. CROWTHER. Will the gentleman answer a question?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Missouri?

Mr. ERDMAN. Yes, certainly.

Mr. CROWTHER. What has that got to do with the present bill?

Mr. ERDMAN. I will tell the gentleman before I get through what it has to do with it. Pensions were granted at $25 a month, $30 a month, $8 a month, $16 a month, $50 a month, $8 a month, $17, $12, $12, $50, $75, $30, $100, $75, $40, $8, $25, $17, $50, $75, $20, $12, $8, $50, $30, $50, $30, $12, $50, $50, $15, $12, $30——

Mr. ELLIS. Is this an auction?

Mr. ERDMAN (continuing). Seventy-two dollars, $30, $12, $12, $30, $12——

Mr. HARDY. And a half. [Laughter.]

Mr. ERDMAN (continuing). Twelve dollars, $50, $20, $17, $15, $40, $12, $12, $12, $50, $8——

A MEMBER. Going, going, gone. [Laughter.]

Mr. ERDMAN. Twenty dollars, $17, $8, and six more cases where the dollars are not stated.

A MEMBER. Last call.

Mr. ERDMAN. Now, gentlemen, is not that a record that we are likely to follow now? How do the soldiers who get $6, $8, $10, and $12 a month like that? What do they say to you? Do they say it is right? They tell me not. Do you say it is right?

Mr. CROWTHER. Yes.

Mr. ERDMAN. They are not saying that it is right.

Mr. PICKLER. The gentleman votes for the highest general's pensions of any man on our committee, always?

Mr. ERDMAN. I did; and the gentleman from Pennsylvania, who introduced the bill, promised to tell the House why I reported that bill.

Mr. PICKLER. Because I could not vote you down, for one.

Mr. ERDMAN. And the gentleman, if he is in the House, I presume, will tell you why I reported that bill favorably. It is known to almost all, but I want to call your attention——

Mr. PICKLER. I was not talking about any particular bill. Now, if the gentleman will yield, is it not a fact, as the gentleman has gone into that subject——

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. ERDMAN. Certainly.

Mr. PICKLER. Is it not a fact that the gentleman from Pennsylvania insists on large pensions being given for rank in our committee, and against my objection, too? Is it not a fact that the gentleman, who so frequently criticises this House, does that?

Mr. ERDMAN. I want to say this——

Mr. WATSON of Ohio. You have not answered the question yet.

Mr. ERDMAN. I am in favor of doing justice to the officer as well as to the soldier, and I am in favor of doing justice to the widow as well as to the soldier, and to the orphan, too; and as to the large pensions that we have reported, a number of bills for officers above the rank of lieutenant-colonel, I say it is legitimate that we should report them, because the general law makes no distinction over and above the grade of lieutenant-colonel, and it is right and proper that we should, by private bills, take care of the rank and services of officers.

Now, gentlemen, what I complain of is that this report does not set forth sufficient facts for you to act intelligently on; and I say to you that it is the purpose of the committee of which I am a member to make these reports briefer and briefer—I want to call the attention of the House to it—and you demand more information, so that you may act intelligently and with reason upon these bills as they come up before you. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment proposed by the committee.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLOTTE WEIRER.

The next business on the Private Calendar was the bill (H. R. 2689) granting a pension to Charlotte Weirer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charlotte Weirer, widow of Antonio Weirer, late of Company E, Second Regiment United States Artillery, and pay her a pension of $24 per month.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2689) to pension Charlotte Weirer, having considered the same, respectfully submit the following report:

The evidence before the committee demonstrates that the claimant, Charlotte Weirer, is the widow of Antonio Weirer, late a sergeant of Company E, Second Regiment United States Artillery, who served in the Army for a period of fifteen years; that his widow is now drawing a pension of $8 per month; that her physician's affidavit on file with the committee shows that the claimant is now over 70 years of age; that by reason of her extreme age her physical condition has degenerated into senile debility, she being wholly unable to attend to her personal necessities; that she is wholly dependent, and has neither kith nor kin upon whom she can rely for assistance, and that she is required to have assistance most of the time.

In view of these unfortunate surroundings and conditions, your committee are of the opinion that the bill should pass, with the following amendment:

Strike out the word "twenty" and insert the word "twelve" and insert after the word "month" the words "in lieu of all pension granted."

The amendment recommended by the committee was agreed to.

The CHAIRMAN. The question is, Shall the bill as amended, be laid aside with a favorable recommendation?

Mr. ERDMAN. Mr. Chairman, you will observe that this is a bill where we propose to take care of a necessitous widow. She is getting $8 a month, the same as all other widows get, but you intend to give her $12 because she is old, because she is dependent, and because she is suffering from senility. Does it not strike you as fair that you should take care of all and not single out one of them? Shall we adopt it as a rule that anyone who can get up here and establish her claim in this way shall be given $12 a month? If she is of a class that is entitled to more than $8 a month, she ought to have it.

Mr. PICKLER. Are you objecting to this old woman, who is 70 years of age, getting $12 a month?

Mr. ERDMAN. I am opposed to any——

Mr. PICKLER. Are you opposed to a helpless old woman of 70 getting $12 a month?

Mr. ERDMAN (continuing). I am opposed to any woman who does not prove that she is entitled to more than all the others are paid getting any more. My judgment is they are not entitled to it. And does the chairman of the Committee on Invalid Pensions say that we will lay down that as a rule hereafter?

Mr. PICKLER. Yes, sir; I would be willing to give every woman who has attained the age of 70 years, and who is the mother or widow of a good soldier and has nothing to live on, $12 a month. [Applause.]

Mr. ERDMAN. Why do you not introduce a bill to that effect?

Mr. HARDY. Will you vote for it?

Mr. PICKLER. Why do you not introduce a bill to that effect yourself?

Mr. HULL. Will the gentleman from Pennsylvania yield to me for a question?

Mr. ERDMAN. Certainly.

Mr. HULL. We have passed two bills for major-generals' widows, one at $75 and one at $100 a month.

Mr. ERDMAN. One at $100 and one at $50.

Mr. HULL. One rear-admiral's widow at $50, or a rear-admiral's daughter also at $50. Now, the ranks there were the same. I did not hear the gentleman from Pennsylvania raise any particular objection to them on the ground that they were different degrees of pension. Why does he not make a uniform pension for the widows of major-generals?

Mr. ERDMAN. If I thought I could get a majority of this House to support it I would.

Mr. HULL. There is no doubt you could if you did not make it too high.

Mr. ERDMAN. I want to say to the gentleman from Iowa that had the gentleman from Pennsylvania who introduced the bill for General Doubleday's widow explained that bill, as he said he would, it would not be brought up in judgment against me every time I rise upon this floor. That lady was pensioned in her own right, and in the right of the memory of her husband.

Mr. HULL. I would like to ask the gentleman if it was necessary to have it explained, why did he not explain it. He had the floor.

Mr. ERDMAN. I understood the gentleman from Pennsylvania [Mr. DALZELL] was going to explain it, or else I should have done so. [Cries of "Vote!" "Vote!"]

The bill was ordered to be laid aside with a favorable recommendation.

MRS. H. J. KIERNAN.

The next business on the Private Calendar was the bill (H. R. 468) granting an increase of pension to Mrs. H. J. Kiernan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. H. J. Kiernan, widow of the late Gen. James L. Kiernan, at the rate of $50 per month, in lieu of a pension which she is now receiving.

The report (by Mr. MCCLELLAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 468) granting an increase of pension to $50 per month to Mrs. H. J. Kiernan, widow of the late Gen. James L. Kiernan, in lieu of her present pension, beg leave to submit the following:

Gen. James L. Kiernan was born in New York City in 1837, and graduated from the medical department of the University of New York in 1857.

He entered the service as assistant surgeon of the Sixty-ninth New York Infantry. A few months subsequently he was transferred to the Fifth Kentucky. He was a volunteer in the First Missouri Cavalry, and was in the lead in pursuit of Price into Arkansas. For brave conduct during the Pea Ridge campaign he was promoted to major of Sixth Missouri Cavalry.

In one of the skirmishes in which he was engaged he was wounded in the shoulder. Suffering from wound and injuries he was borne to a hospital in the town, which was entered by a detachment of the enemy's cavalry. He laid in bed, disabled and in pain, but declined to be paroled. While in bed he overheard a conversation between a Confederate officer and a friend, the substance of which was that a large force of cavalry and artillery was about to concentrate in the town and make a sudden attack upon a large supply train which was about to leave Grand Gulf the following night for Grant's army. Major Kiernan dressed as quickly as possible, and by the help of a negro made his way through the pickets and reached Bayou Pierre, where, launching a log, he paddled across to Grand Gulf, a distance of 8 miles. The timely information saved the train.

On August 1, 1863, he was appointed brigadier-general by President Lincoln, upon the written request of Generals Grant, Logan, Schofield, McPherson, and 14 other generals, and also colonels and 4 governors of States. He served with distinction until the close of the war. He was wounded six times, once through the lungs, and from that he suffered continually, and his death on November 27, 1869, was directly attributable to this wound.

The following is a copy of his recommendation for promotion as brigadier-general:

"MILLIKENS BEND, LA., *April 13, 1863.*

"The undersigned officers of the United States Army would most respectfully recommend Maj. James L. Kiernan to His Excellency the President of the United States for promotion. After having been surgeon in the Army for two years, performed the most varied and active service, and did his duty with activity and zeal, he is about to retire from the medical department in order to enter the line. We respectfully trust that the President, taking into consideration his services and our recommendation, will consider his case favorably.

"U. S. Grant, major-general; Frank P. Blair, major-general of volunteers; John A. McClernand, major-general, commanding; Alvin P. Hovey, brigadier-general, commanding Twelfth Division; S. A. Hurlbut, major-general; J. M. Schofield, major-general; Maj. John F. Hartranft; John C. Sullivan, brigadier-general; P. Jos. Osterhaus, brigadier-general, United States Volunteers; John A. Logan, major-general; Jas. B. McPherson, major-general; A. J. Smith, brigadier-general; S. G. Burbridge, brigadier-general; W. P. Benton, brigadier-general of volunteers; T. F. Quimby, brigadier-general; E. B. Brown, brigadier-general; David Shunk, colonel Eighth Indiana Infantry; H. D. Washburn, colonel Eighteenth Indiana Volunteers; Richd. Owen, colonel Sixtieth Indiana Volunteers; Wm. S. Hillyer, colonel and provost-marshal-general, Department of the Tennessee; Wm. T. Hall, colonel Eleventh Iowa, commanding Third Brigade, Sixth Division; Clark Wright, colonel Sixth Cavalry Missouri Volunteers; W. J. Landrum, colonel Nineteenth Kentucky, commanding Second Brigade, Tenth Division, Third Army Corps; Grantham I. Taggart, lieutenant-colonel and C. P.; Davis W. Cheek, captain Thirteenth Regiment Infantry."

In view of the meritorious services of this gallant officer, we earnestly recommend the passage of this bill.

Mr. TALBERT. Mr. Chairman, I make the same objection to this bill that I did to the two other bills we took action on before. I see no reason why the pension of this officer's widow should be raised to $30 by this bill.

The CHAIRMAN. The question is, Shall this bill be laid aside with a favorable recommendation?

Mr. HEMENWAY. One question I would like to ask is, what property has this lady?

Mr. FISCHER. She has none. She has to depend upon her own resources to earn a livelihood.

The question was taken on ordering the bill to be laid aside with a favorable recommendation, and the Chairman announced that the ayes seemed to have it.

Mr. TALBERT. Division.

The committee divided; and there were—ayes 86, noes 2.

Mr. TALBERT. No quorum, Mr. Chairman.

The CHAIRMAN. The gentleman makes the point of no quorum. [After counting.] One hundred and eleven gentlemen are in the Hall. On this question the ayes are 86, the noes are 2; the motion is agreed to, and the bill is laid aside with a favorable recommendation.

MRS. CATHERINE GAFFNEY.

The next business on the Private Calendar was the bill (H. R. 4475) granting a pension to Mrs. Catherine Gaffney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of Interior be, and he hereby is, authorized and directed to place on the pension roll of the United States the name of Catherine Gaffney, widow of Michael Gaffney, formerly of Company I, Second Kentucky Volunteer Infantry, and to pay her a pension at the rate of $12 per month during her life.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4475) granting a pension to Mrs. Catherine Gaffney, would respectfully report:

Your committee have examined the facts in connection with this claim, and report in favor of the passage of the bill. The facts disclosed are somewhat remarkable. The claimant, while yet a minor, about the year 1846 married one Thomas Madigan. He was intemperate in his habits, and occasionally left home, always returning, however, after a brief interval. They were married near Buffalo, N. Y. In the year 1852 he left for Cleveland. Soon afterwards she heard from relatives at Cleveland that he had been accidentally killed while loading a vessel. Madigan has never returned to her since that time, and neither she nor any of her kindred have ever heard from him. A diligent search of the city directories of Cleveland and Buffalo fails to disclose his presence in either of those cities after the year when the report of his death was received. Later, about the year 1858, she married one Cornelius Sullivan, who enlisted in the Army at the beginning of the war and was killed in battle in the year 1862. As the widow of Sullivan she applied for and obtained a pension, and also a pension as guardian of each of two minor children who have since died.

On November 4, 1864, she married Michael Gaffney, at Buffalo, N. Y., a soldier in the war, who lived with her until October, 1885, when he died at Cleveland. The evidence discloses that his death was caused by a hemorrhage, which, according to the evidence, was contracted in the service. Her marriage to Gaffney, his military service, his death from a cause resulting from his military service, all appear to be clearly proven by the evidence, but her claim has been rejected at the Pension Office on the ground that there is no adequate proof that her first husband, Thomas Madigan, who disappeared in 1852, is dead.

Other circumstances are brought to our attention, namely, that she is now nearly 70 years of age, lives in two rooms scantily furnished, with one child, who is a cripple, supports herself as a washer woman, and notwithstanding the difficulties of her situation bears a most excellent reputation among her neighbors for industry and moral character.

Your committee recommend that the bill do pass.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with a favorable recommendation?

Mr. LAYTON. Mr. Chairman, this bill was introduced by my colleague from Ohio [Mr. BURTON], who is unavoidably absent this evening, and through courtesy to him as well as justice to the beneficiary of this bill, I cheerfully assume the burden of stating the facts. The case is a very plain one, a very simple one, and a very just one. This lady married a man by the name of Madigan in 1846 or thereabouts. He was an intemperate, worthless sort of fellow——

Mr. BAKER of New Hampshire. May I ask the gentleman a question?

Mr. LAYTON. Yes, sir.

Mr. BAKER of New Hampshire. Is there any reason why this lady can not get a pension at the Pension Office under the law as it now stands?

Mr. LAYTON. Yes, sir.

Mr. BAKER of New Hampshire. What is it, please?

Mr. LAYTON. Her claim was rejected there because there was no satisfactory proof of the death of her first husband.

Mr. BAKER of New Hampshire. Is not the gentleman aware that Congress has passed a law which provides for the presumption of death in such cases, so that that objection can no longer be raised?

A MEMBER. That does not apply to the case of a previous husband.

Mr. BAKER of New Hampshire. She is now eligible for pension by renewing her application at the Pension Office, and I suggest to the gentleman that it may be to her advantage to pursue that course, because the application being renewed now, the pension when granted, will date back and she will get a higher pension. Therefore, in the interest of the very person whom he is trying to serve, I suggest to the gentleman that he give that point some consideration, and let this bill go over at least for one week.

Mr. LAYTON. I will say to the gentleman that I have no personal interest in this case. It is not my case; it is the case of my colleague from Ohio [Mr. BURTON]. [Cries of "Vote!" "Vote!"]

Mr. ERDMAN. If the gentleman from Ohio has information on the subject, I would like him to explain how it came that this claimant filed her original claim July 14, 1886, alleging that the soldier died in October, 1885, from rheumatism contracted in the service?

Mr. LAYTON. I presume that is all correct.

Mr. ERDMAN. The soldier was killed, was he not?

Mr. LAYTON. She married three times, and two of the husbands were soldiers. The first one, Sullivan, enlisted at the beginning of the war, and was killed in battle in 1862. She married the second soldier, Gaffney, in 1864. He died some time in 1885 from disease contracted in the service, and her claim for pension as his widow was rejected by the Pension Office, as I was about to state when interrupted, by reason of the fact that no satisfac-

tory proof was furnished of the death of her first husband, to whom she was married about 1846, and who deserted her in 1852 and was never heard of afterwards.

Mr. ERDMAN. Can the gentleman explain this? She alleged a prior marriage to one Sullivan, a soldier in Company E, One hundred and sixteenth Regiment New York Infantry, and was pensioned as Sullivan's widow in her own right, and also (after remarriage, October 30, 1864, to Gaffney, alias Kelly) as the guardian of the minor children of Sullivan.

Mr. LAYTON. Yes, sir; she had two children by Mr. Sullivan who have since died.

Mr. ERDMAN. The claim was submitted to a special examination to ascertain if possible the identity of the soldier, alias Kelly, as the husband of claimant, Gaffney, and this fact is fairly established. Is that true?

Mr. LAYTON. I am not familiar with the facts except so far as they are set out in the report.

Mr. ERDMAN. This woman married a second time without waiting seven years for the presumption of the death of her first husband to arise.

Mr. LAYTON. That is true. It was only about six years after the death of her first husband when she married again.

Mr. ERDMAN. And you are now asking this House to say that six years is good enough?

Mr. LAYTON. No, sir. I am asking this House to say that about forty-four years are good enough. Her first husband disappeared in 1852, and has never been heard of since.

Mr. ERDMAN. Yes; but she remarried in less than seven years after his disappearance.

Mr. LAYTON. Yes; in about six years. I see that my colleague from Ohio [Mr. KERR] who made the report is present. If I had noticed his presence sooner, I would have asked him to explain the case more fully than I can do it.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with the recommendation that it do pass?

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. EMILY M. VAN DERVEER.

The next business on the Private Calendar was the bill (H. R. 2143) granting a pension to Mrs. Emily M. Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll of the United States the name of Mrs. Emily M. Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer, at the rate of $100 per month.

The amendment reported by the committee was read, as follows:

Strike out "one hundred" in the seventh line of the bill and insert "seventy-five," so as to make the pension $75 a month.

The report (by Mr. LAYTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2143) granting a pension to Mrs. Emily M. Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer, having carefully considered the same, submit the following report:

It is shown by the report of the Record and Pension Office that Ferdinand Van Derveer (the deceased husband of the beneficiary of this bill) was enrolled May 21, 1846, and mustered into service June 26, 1846, as first sergeant, Company I, First Ohio Volunteers, Mexican war, to serve one year. He is reported on the muster rolls of the company, present; elected first lieutenant September 2, 1846, and captain October 5, 1846. He was mustered out with the company as captain June 12, 1847.

Ferdinand Van Derveer was mustered into service September 24, 1861, as colonel of the Thirty-fifth Ohio Infantry Volunteers, to serve three years. He is reported as present with the regiment on January 28, 1863; from that date to August 31, 1863, in command of the Third Brigade, Third Division, Fourteenth Army Corps; and thereafter, on June 28, 1864, in command of the Second Brigade, Third Division, Fourteenth Army Corps. After June 28, 1864, he is reported absent in Ohio on sick leave. He was mustered out of service, as colonel of the above-named regiment, August 26, 1864.

Ferdinand Van Derveer was appointed brigadier-general of volunteers October 4, 1864, with rank from the same date, and accepted the appointment November 29, 1864. He was assigned to the Department of the Cumberland January 13, 1865; was ordered on duty in the Fourth Army Corps, January 21, 1865; was assigned to the Second Brigade, Second Division, Fourth Army Corps, February 8, 1865; and continued on duty in command of said brigade until June 14, 1865, when he was ordered to Hamilton, Ohio, to await action on his resignation. His resignation was accepted and he honorably discharged the service to date June 15, 1865, in special orders from this Department dated June 16, 1865.

The report from the Bureau of Pensions shows that General Van Derveer died November 5, 1882; that he drew $8 per month for services in the Mexican war (service pension), but never received or applied for any pension during his lifetime for service in the war of the rebellion; that he was married to the beneficiary December 14, 1848; that she, as his widow, is now receiving a pension of but $8 per month under the act of January 29, 1887, dating from November 6, 1882.

The sworn testimony of a reputable physician, who was intimately acquainted with General Van Derveer during the last forty-five years of his life, shows "that his disease and death was the direct result of his army service."

Other testimony presented to your committee shows that Mrs. Van Derveer is now about 67 years of age; that she has no income whatever except the pension she is now receiving; that she has no property whatever except an old homestead in the city of Hamilton, Ohio, which is encumbered and will soon be sold at forfeited-land sale for delinquent taxes unless this relief is afforded her by Congress.

The military services of General Van Derveer in both the Mexican war and the war of the rebellion were exceptionally gallant, meritorious, and valuable. In Gen. George H. Thomas's report of the battle of Chickamauga (the battle in which General Van Derveer won his star) he very highly commends the courage, valor, and the distinguished services of General Van Derveer during that long and bloody battle.

History of Ohio in the War furnishes many other instances of his courage and valor during the war.

For the foregoing reasons, and in accordance with many precedents, your committee recommend the passage of this bill with the following amendment:

Strike out "one hundred," in the seventh line thereof, and insert "seventy-five"; so as to allow her $75 per month.

Mr. McCALL of Tennessee. Mr. Chairman, I have been coming to these meetings with a considerable degree of regularity for the purpose of aiding in making a quorum to enact legislation pensioning Federal soldiers and their widows who have been unable to obtain pensions at the Department under the general laws. I have sat here to-night, Mr. Chairman, and have found that two-thirds of these bills which have been passed have been to increase the pensions of officers of the recent war all the way from fifty to one hundred dollars a month. I have observed that but two or three bills for the relief of private soldiers or their widows have been presented to the Committee of the Whole; and I have observed that each time when such a bill carried a larger sum than $12 a month, the rate allowed by law, the Committee on Invalid Pensions has with remarkable regularity reduced the pension to the $12 limit; but in each case where the beneficiary was an officer or an officer's widow there has been an increase of from twenty to seventy dollars a month above the amount allowed by law.

Now, I yield to no man on this floor, or off of it, in my conviction that this Government ought to take care of those that are entitled to pensions; that it ought to take care of the old soldier and his widow and his children, where they are dependent. I will go as far as any gentleman for the purpose of attaining that object; but in justice to myself, and in justice to the constituency I represent—and there are a great number of private soldiers and their widows and children in my district—I can not sit here longer without entering my protest against the course we are pursuing in our pension legislation at these Friday night sessions.

I have no doubt that the beneficiary named in this bill is an excellent lady. I have no doubt that the widow of General Doubleday is an excellent lady. I have no doubt that she went with her gallant husband through the late war; that she stood guard; that she did picket duty; that she was brave and loyal; but, Mr. Chairman and gentlemen of the committee, we must not forget the many thousands of soldiers' widows all over this broad land who stayed at their homes through long and dreary days, maintaining their children and themselves, while their husbands were away, and doing this with a degree of courage and fortitude that was unexcelled by the wife of any general who may have taken part in the conflict.

Mr. PICKLER. I suppose the gentleman does not intend to misrepresent the facts or the committee.

Mr. McCALL of Tennessee. No, sir; and I want to say——

Mr. PICKLER Let me show you where you have done so.

Mr. McCALL of Tennessee. One moment right here.

Mr. PICKLER. You have stated what is untrue. That is what you have done.

Mr. McCALL of Tennessee. I say I have not stated an untruth on this floor.

Mr. PICKLER. I say you have.

Mr. McCALL of Tennessee. I say to you that every bill brought here to-night except one or two has been to increase the pensions of the widows of officers.

Mr. PICKLER. That is not true. No such bill has been brought here. The statement shows the gentleman's ignorance of the facts.

The CHAIRMAN. The gentleman from South Dakota is out of order.

Mr. McCALL of Tennessee. I shall not call upon my friend from South Dakota for information, since I can find it in the reports.

Mr. PICKLER. The gentleman had better inform himself from some source.

The CHAIRMAN. The gentleman from South Dakota is not in order.

Mr. PICKLER. So I understand the Chair to say.

Mr. McCALL of Tennessee. Now, if the gentleman will permit me, and I do not offer this as an apology to the gentleman from South Dakota——

Mr. PICKLER. I do not want any apology.

Mr. McCALL of Tennessee. But I want to explain this matter for my own satisfaction, so that the House may understand what I intended to say. It was not my purpose to criticise unjustly the Invalid Pensions Committee, nor do I do so now. But I

have called the attention of this Committee of the Whole to the peculiar condition of facts presented by this Calendar. I do not attempt to say, nor do I wish to be so understood, that the committee has purposely arranged this condition of affairs. I would not be so unjust as to say that. But I was only pointing out the peculiar condition of affairs presenting themselves here. And for one, representing my constituents, whom I said were among those that fought in the ranks, I must protest against giving the widow of every colonel or general from $50 to $100 a month, while the widow of the private soldier can not be allowed to have more than $12 a month.

Mr. PICKLER. In that position I agree with you.

Mr. McCALL of Tennessee. That is all I have attempted to say. That is all I say now. If the gentleman thinks I have made any reflections upon his committee it has been because my remarks have been misunderstood, not because I intended to do so, because I agree with the gentleman at the head of the Invalid Pensions Committee. I believe in taking care of the widows of private soldiers and also of the officers; but I do not believe in giving to the widows of colonels and generals whatever they may ask—pensions of from $50 to $100 a month—while the widow of the private soldier is compelled to receive the pittance of $12 a month, without regard to her pitiable condition and her surroundings.

Mr. PICKLER. What I complain of the gentleman from Tennessee about is what the gentleman claims to give as the facts in connection with the action of the committee. He says that the Committee on Invalid Pensions, with equal regularity, have cut down the pension of every soldier's widow to the lowest possible notch, when the record shows to-night that the three pensions granted to widows of soldiers are fixed by the committee at sums that they could not possibly have received from the Department, because there was no law by which they could receive any amount there. The gentleman, therefore, I claim is unfair to the committee, and it is not right to make a statement of that kind which the facts do not warrant.

Mr. McCALL of Tennessee. Mr. Chairman, I want to keep myself entirely within the facts. If I have made a statement which is not correct, the RECORD will show it. What I was trying to show was that this committee—not the Committee on Invalid Pensions, but the Committee of the Whole House—has agreed to each amendment offered to-night to reduce the pension of a private soldier, or of the widow of the private soldier, from twenty, or twenty-four dollars in one case, to twelve dollars a month, while each of the bills presented to give to the widow of an officer a pension of from $45 to $60 per month more than they are entitled to receive, with a surprising degree of regularity has been acted upon and agreed to. It is this committee, not the committee over which the gentleman from South Dakota presides, to which I was referring.

Mr. HEMENWAY. I would like, with the permission of the gentleman from Tennessee, to ask the chairman of the Committee on Invalid Pensions this question——

Mr. PICKLER. I do not know whether I can answer the gentleman's question in the time of the gentleman from Tennessee.

Mr. McCALL of Tennessee. I will yield in a few moments.

Mr. HEMENWAY. I would like to ask it just in this connection.

Mr. McCALL of Tennessee. Very well; I yield to the gentleman.

Mr. HEMENWAY. I notice here that the pension recommended for Catherine Gaffney is $12 a month. That is the pension she would get under the law if her case were proven in the Pension Office. I notice also that all of the claims presented of this class are recommended at just the amount the law would allow. Now, I ask the gentleman in charge of the Pension Committee, with reference to Calendar number 159, which is reported at $75 a month, is that the pension that she would be granted if she could make out her case at the office?

Mr. PICKLER. Whose claim is that?

Mr. HEMENWAY. The claim of Mrs. Helen Morrell Carroll, which is reported from the committee at $75.

Mr. PICKLER. I will answer in my own time.

Mr. HEMENWAY. The gentleman from South Dakota can answer in my time. The gentleman from Tennessee has yielded to me. I ask him if that would be the pension to which she would be entitled?

Mr. PICKLER. Oh, Mr. Chairman, the gentleman knows that there is no pension of that rank.

Mr. HEMENWAY. Then, again, is $75 the amount of the pension that the widow of General Doubleday would receive if her case were allowed in the office?

Mr. PICKLER. No, sir; it is not.

Mr. HEMENWAY. Then take the next case, reported at $50, the case of Mrs. Fairfax. Is that the pension that she would be entitled to receive under the law if her case were allowed in the office? And the other two cases—Calendar numbers 165 and 167—what about them?

Mr. PICKLER. I suppose the gentleman understands the pension laws——

Mr. HEMENWAY. Because I want to call attention to the fact that the gentleman intimated that the gentleman from Tennessee [Mr. McCALL] lied when he spoke about the way pensions were reported from this committee. The gentleman from South Dakota said he was not informed as to the pension laws. But the gentleman himself demonstrates the fact that he is not informed, because in these five cases he recommends a larger amount than the law would allow in the case of officers' widows, when in the only case of a widow of a private soldier the committee recommends exactly what the law allows and no more.

Mr. PICKLER. No, sir; the law does not allow anything. The gentleman does not understand this question.

Mr. HEMENWAY. And we are asked here to indorse the action of this committee.

Mr. PICKLER. Now, Mr. Chairman, let me say to the gentleman——

Mr. McCALL of Tennessee. I must decline to yield any further.

Mr. PICKLER. Well, the gentleman does not want his question answered, I suppose.

Mr. McCALL of Tennessee. The gentleman can answer any question he pleases after I conclude.

I wish to say that it was not my purpose to misrepresent facts; but when you get to the bottom and examine this Calendar you will see that I was somewhere in the neighborhood of being correct in my statement as to what we are doing here.

Now, what are we doing? I have sat here Friday night after Friday night for the purpose of aiding pension legislation, keeping as quiet as I could, and endeavoring to secure the passage of these bills by my presence. When the last case reported by the gentleman from New York [Mr. McCLELLAN], the bill H. R. 468, was considered, if that had been the last one of this kind I would have kept quiet. But I find the second bill from that, the one that is now under consideration, grants an increase of pension to Mrs. Van Derveer, and if you take this Calendar that condition exists in connection with these claims right through I do not know in how many cases.

Now, Mr. Chairman, if we are to come here Friday night after Friday night to increase the pensions of these ladies who are already getting $30 a month, to give them fifty, seventy-five, or a hundred dollars a month, I for one propose not to come again. But if you come here to pension the widows of the poor soldiers, those who went to the front, those who fought in the ranks, and to pension their widows who stayed at home and nursed the baby, took care of the minors in their poverty and distress, and whose condition of want is augmented now by the approach of old age, I am ready to come here every Friday night and give my aid to procure relief for them, the relief that they are entitled to under these bills and so much need.

That is all I have to say upon this question.

Mr. PICKLER. Mr. Chairman, this is the same old straw we have to thrash over every evening. Now, when gentlemen complain of the widows of generals having consideration in this committee they simply complain of themselves. Those bills come before the Committee on Invalid Pensions for action, and we take action thereon. I agree with the gentleman from Tennessee [Mr. McCALL] to a large extent. I believe that there is growing up an impression that too much difference is made between generals' widows and the widows of private soldiers, and I say for myself individually that there are few generals' widows for whom I would go above $30, and there is only an exceptional one—one out of a hundred—for whom I would go beyond $50 for any general's widow. I am speaking now of my own individual impressions and belief.

Mr. McCALL of Tennessee. So was I a little while ago.

Mr. PICKLER. These bills come from the committee and come before the House for action. Now, the gentleman from Tennessee, when I complained of his being unfair to the Committee on Invalid Pensions, had said he observed that the Committee on Invalid Pensions cut down the bills for the widows of private soldiers to the lowest possible amount. Now, does the gentleman realize the fact that we take these bills for the widows of privates in the same way that we take these other bills? You introduce the bills. Each member of the Committee on Invalid Pensions is a subcommittee; and they take up the bills which you urge them to take up. You bring these bills before the committee. The committee do not introduce the bills. We take the bills which individual members introduce.

Now, these bills for the benefit of the widows of privates that we have passed to-night are bills for the relief of widows who are entitled to nothing under the pension laws. Contrary to the statement of the gentleman from Tennessee [Mr. McCALL] and contrary to the statement of the gentleman on my left [Mr. HEMENWAY], these widows of privates, for whom these bills were passed, are entitled to nothing under the general law. They can get nothing in the Pension Office.

Mr. HEMENWAY. Will the gentleman yield for a question?

Mr. PICKLER. No; I will not.

Mr. HEMENWAY. You dare not.

Mr. PICKLER. You purposely misrepresented facts. You do not want any explanation.

Mr. HEMENWAY. You dare not permit a question.

Mr. PICKLER. You do not want any information. You want to try to make the RECORD misrepresent the facts.

Mr. HEMENWAY. You let me have a minute and I will make a record that will represent the facts.

Mr. PICKLER. There is one thing I want to say, and that is, while I am in favor of some difference on account of rank, and while the law has always made some difference in rank, yet for my individual self I am opposed to as much difference as appears on some of these bills. It is against my personal objection, but the majority of the committee say otherwise, and we always bow to the majority.

Mr. Chairman, there is one thing to be said, however, in favor of these widows of officers and in favor of these officers' pensions. When the law was passed making the total pension of a private soldier $8 a month, a lieutenant-colonel was given $30 a month. Above the grade of lieutenant-colonel there was no higher amount. Everything above that was put in at the same figure, and we never have had a grade, in direct terms, for colonel, or brigadier-general, or major-general, under the law. There is nothing there yet.

Now, while the pension of the private has been increased from $8 to $18 and $30, while a private who is totally incapacitated to perform manual labor can draw $30 instead of $8, as formerly, under the general statute, a lieutenant-colonel's widow or a general's widow has never had her pension increased one dollar under general law. There is the difference. Whereas the private soldier's pension has been increased nearly fourfold—four times $8 would be $32—if you were to multiply the $30 that a general's widow gets, four times $30 would be $120. That would be the amount to which she would be entitled if an increase had been made in the same ratio as that which we have given to the private. So I say it is not fair to come here and say that such great things are being done for the generals and such small things for the privates. I do not believe in that kind of an advance. I believe that $30 a month is a good pension, and, as I say, there is not one case in a thousand in which I would go over $50 as far as I individually am concerned.

I agree with much that the gentleman from Tennessee [Mr. MCCALL] has said. I do not want to see this pension roll increased by large pensions for generals' widows. I want to see the pension roll kept within bounds, in order that the thousands of old soldiers and their widows who are not yet drawing a dollar of pensions may be placed on the rolls.

Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. PAYNE having resumed the chair as Speaker pro tempore, Mr. HEPBURN, Chairman of the Committee of the Whole on the Private Calendar, reported that that committee had had under consideration the bills H. R. 2602, 3007, 3112, 3932, and 2689, and had instructed him to report the same with amendments and with the recommendation that as amended they do pass; also that the committee had had under consideration the bills H. R. 483, S. 1203, H. R. 486 and 4475, and had directed him to report the same to the House with the recommendation that they do pass.

SOLOMON HYAMS.

The SPEAKER pro tempore. The first business reported from the Committee of the Whole is the bill (H. R. 2602) for the relief of Solomon Hyams.

The amendment recommended by the committee was agreed to.

The question was taken on the engrossment and third reading of the bill; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. TALBERT. Division.

The House divided; and there were—ayes 50, noes 4.

So the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY JANE LYNN.

The next business reported from the Committee of the Whole was the bill (H. R. 483) for the relief of Mary Jane Lynn, daughter of John R. Lynn, a Revolutionary soldier.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MICHAEL PETTIS.

The next business reported from the Committee of the Whole was the bill (H. R. 3007) granting an increase of pension to Michael Pettis, with amendments.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY DOUBLEDAY.

The next bill reported from the Committee of the Whole was the bill (S. 1230) granting an increase of pension to Mary Doubleday, widow of Bvt. Maj. Gen. Abner Doubleday.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPHINE FOOTE FAIRFAX.

The next bill reported from the Committee of the Whole was the bill (H. R. 3112) granting a pension to Josephine Foote Fairfax, with an amendment.

The amendment recommended by the Committee of the Whole was agreed to.

The question was taken on ordering the bill to be engrossed for a third reading; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. TALBERT. Division, Mr. Speaker.

The House divided; and there were—ayes 49, noes 1.

Mr. TALBERT. No quorum.

The SPEAKER pro tempore. The gentleman from South Carolina makes the point that there is no quorum. The hour of 10.30 o'clock having arrived, under the rule the Chair declares the House stands adjourned until to-morrow at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MEIKLEJOHN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 280) to prohibit the sale of intoxicating drinks to Indians, and for other purposes, reported the same with amendment, accompanied by a report (No. 1209); which said bill and report were referred to the House Calendar.

Mr. CURTIS of Iowa, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 1904) to regulate marriages in the District of Columbia, reported the same with amendment, accompanied by a report (No. 1211); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 7578) granting the Flagstaff and Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve, in northern Arizona, reported the same with amendment, acccompanied by a report (No. 1212); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GILLETT of Massachusetts, from the Committee on Reform in the Civil Service, to which was referred the bill of the House (H. R. 7259) to amend an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, reported the same with amendment, accompanied by a report (No. 1215); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STRONG, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 8043) to amend chapter 58 of the Revised Statutes, being an act to provide for holding terms of the United States court at Mississippi City, reported the same with amendment, accompanied by a report (No. 1216); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. TYLER, from the Committee on Military Affairs: The bill (H. R. 2153) to amend the military record of George F. Miller. (Report No. 1210.)

By Mr. HARDY, from the Committee on Pensions: The bill (H. R. 5612) granting a pension to Nathan Mitchell. (Report No. 1213.)

By Mr. CURTIS of New York, from the Committee on Military Affairs: The bill (H. R. 4609) for the relief of William R. Steinmetz. (Report No. 1214.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HENDERSON: A bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States—to the Committee on the Judiciary.

By Mr. LOUD: A bill (H. R. 8111) for establishing a fog-signal vessel at San Francisco Bar, California—to the Committee on Interstate and Foreign Commerce.

By Mr. WILBER (by request): A bill (H. R. 8112) to extend Eleventh street northwest from Florida avenue to New Jersey avenue extended—to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 8113) to extend New Jersey avenue northwest from Brightwood avenue to Whitney avenue—to the Committee on the District of Columbia.

By Mr. RUSK: A joint resolution (H. Res. 166) relating to motive power on the Eckington and Soldiers' Home Railway, the Belt Railway, and the Maryland and Washington Railway companies—to the Committee on the District of Columbia.

By Mr. WASHINGTON: A joint resolution (H. Res. 167) authorizing foreign exhibitors at the Tennessee Centennial Exposition, to be held in Nashville, Tenn., in 1897, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits, and allowing articles imported from foreign countries for the sole purpose of exhibition at said exposition to be imported free of duty, under regulations prescribed by the Secretary of the Treasury—to the Committee on Ways and Means.

By Mr. HARDY: A resolution (House Res. No. 245) to pay George H. Strattan $33.34 for services performed by him as a messenger in the post-office of the House of Representatives from November 22, 1895, to December 2, 1895—to the Committee on Accounts.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 3331) to pension Col. James Lindsay—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 7951) to pension Rhoda L. Day and Jettie Annis—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ALDRICH of Illinois: A bill (H. R. 8114) granting a pension to S. V. Cornish—to the Committee on Invalid Pensions.

By Mr. BURRELL: A bill (H. R. 8115) to recognize the gallant conduct and meritorious services of Francis M. Charles as a volunteer aid in the late war—to the Committee on Military Affairs.

By Mr. CLARDY: A bill (H. R. 8116) to grant a pension to Mrs. Sarah D. Lightfoot, of Owensboro, Ky.—to the Committee on Invaid Pensions.

Also, a bill (H. R. 8117) for increase of pension of Charles B. Eades, of Hopkinsville, Ky.—to the Committee on Invalid Pensions.

By Mr. COFFIN: A bill (H. R. 8118) to relieve the heirs of John H. Waring, etc.—to the Committee on War Claims.

By Mr. COUSINS: A bill (H. R. 8119) to remove the charge of desertion from the military record of Henry E. Cady—to the Committee on Military Affairs.

By Mr. CURTIS of Kansas: A bill (H. R. 8120) for the relief of John Bost—to the Committee on Military Affairs.

Also, a bill (H. R. 8121) granting a pension to Sarah H. Eldred—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 8122) for the relief of Herman J. Miller, of Union County, Tenn.—to the Committee on Military Affairs.

Also, a bill (H. R. 8123) to increase the pension of Harvey N. Dail—to the Committee on Pensions.

Also, a bill (H. R. 8124) to increase the pension of Creede N. Welsh, of Mossycreek, Tenn.—to the Committee on Invalid Pensions.

By Mr. HAGER: A bill (H. R. 8125) granting a pension to Joseph D. Williams—to the Committee on Invalid Pensions.

By Mr. KERR: A bill (H. R. 8126) to pension James M. Miller—to the Committee on Invalid Pensions.

By Mr. LINTON: A bill (H. R. 8127) amending the military record of Frederick Soloten—to the Committee on Military Affairs.

Also, a bill (H. R. 8128) granting an increase of pension to John Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8129) amending the military record of Erastus Confer—to the Committee on Military Affairs.

By Mr. McCREARY of Kentucky: A bill (H. R. 8130) to pension Mrs. Lucy Munday—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8131) for the benefit of Crab Orchard Baptist Church—to the Committee on War Claims.

By Mr. PICKLER: A bill (H. R. 8132) for the relief of Walter Masten—to the Committee on Military Affairs.

By Mr. RUSK: A bill (H. R. 8133) for the relief of Frederick Fisher—to the Committee on Pensions.

Also, a bill (H. R. 8134) for the relief of Rachel R. Martin—to the Committee on Invalid Pensions.

By Mr. FARIS: A bill (H. R. 8135) granting an increase of pension to A. S. Loudermilk—to the Committee on Invalid Pensions.

By Mr. RAY: A bill (H. R. 8136) removing the charge of desertion against and correcting the military record of Elmer Stickle, late Company D, Fifteenth New Jersey Infantry Vounteers—to the Committee on Military Affairs.

By Mr. WANGER: A bill (H. R. 8137) granting a pension to Sarah E. Daub—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8138) granting an increase of pension to William H. Oliver—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL of Colorado: Petition of citizens of Fremont County, Colo., against the passage of bill granting lands to Colorado Springs—to the Committee on the Public Lands.

By Mr. COOPER of Wisconsin: Petition of the Methodist Episcopal Church of Fayette, Wis., for the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Woman's Christian Temperance Union of Wisconsin, for the adoption of a resolution and the creation of a commission to promote and carry out principles of arbitration in all matters of dispute between the United States and England—to the Committee on Foreign Affairs.

By Mr. COX: Papers relating to the claim of Joseph Williamson, of Pulaski, Tenn.—to the Committee on War Claims.

By Mr. CURTIS of Kansas: Remonstrance and petition of citizens of Leavenworth, Kans., against the continuance of the Marquette statue in Statuary Hall—to the Committee on the Library.

By Mr. GILLETT of Massachusetts: Petition of residents of Amherst, Mass., in favor of the bill for the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. HANLY: Paper of John T. Ross, to accompany House resolution relating to the claim of George W. Strattan, for services—to the Committee on Accounts.

By Mr. HENRY of Connecticut: Petition of the Connecticut Temperance Union, for the appointment of a national commission of inquiry to report on the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. HENRY of Indiana: Papers to accompany House bill No. 7117, to grant a pension to Gen. O. P. Gooding—to the Committee on Invalid Pensions.

By Mr. JOHNSON of California: Petition of citizens and postmasters of California, in favor of the passage of House bills Nos. 3341 and 3351, relating to compensation of fourth-class postmasters and against the reduction of letter postage from 2 cents to 1 cent—to the Committee on the Post-Office and Post-Roads.

By Mr. MEREDITH: Petition of the Grand Lodge of Virginia Independent Order of Good Templars, praying for a national commission of inquiry to report on the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. PAYNE: Petition of teachers and board of education of Penn Yan, N. Y., for a law requiring the study of the Declaration of Independence in public schools—to the Committee on Education.

By Mr. POWERS: Petition of James E. Adams and others, of South Shaftsbury, Vt., praying that the statue of Père Marquette be removed from Statuary Hall—to the Committee on the Library.

By Mr. RAY: Petition of Eunis M. Stickle, widow, for removal of charge of desertion against Elmer Stickle, deceased, late private in Company D, Fifteenth Regiment New Jersey Infantry Volunteers—to the Committee on Military Affairs.

By Mr. RUSSELL of Connecticut: Petition of Lockwood Council, No. 33, Order United American Mechanics, of Danielson,

Conn., favorable to the Sperry or Lodge immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Connecticut, in favor of a national graduated inheritance tax—to the Committee on Ways and Means.

By Mr. SNOVER: Petitions of the Methodist Episcopal Church, the Christian Church, and the Congregational Church, of Romeo, Mich., for the passage of a Sunday-rest law in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WHEELER: Petition of the heirs of Jonathan Ford, deceased, late of Morgan County, Ala., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 11, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

EXPLANATION.

Mr. OTEY. Mr. Speaker, on page 3833, in my remarks on the filled-cheese bill, when I was discussing the question of the penalty of $500, the gentleman from Minnesota [Mr. TAWNEY] I understood asked me, "Who paid the penalty?" and asked if the consumer paid it. I replied that the man who violated the law paid it. In the RECORD it is, "Who pays the tax under this bill?" I simply want to state that I thought he said, "Who pays the penalty?" If I had understood his question to be "Who paid the tax?" my answer would have been, "The consumer."

The SPEAKER. The Chair thinks that is hardly a correction of the RECORD.

Mr. OTEY. It is in the RECORD that he said "tax." I thought he said "penalty." Certainly my answer to his question, "Who paid the tax?" would have been "The consumer."

IMPROVEMENT OF NEBRASKA SIDE OF MISSOURI RIVER AT SIOUX CITY.

Mr. MEIKLEJOHN. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate joint resolution 123, directing the Secretary of War to submit a plan and estimate for the improvement of the Nebraska side of the Missouri River opposite Sioux City, Iowa.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of War is hereby directed to cause to be prepared and submit a plan and estimate for the improvement of the Nebraska side of the Missouri River opposite Sioux City, Iowa, in accordance with the report of Capt. H. F. Hodges, Corps of Engineers, dated November 16, 1894, and printed in House Executive Document No. 48, Fifty-third Congress, third session.

The SPEAKER. Is there objection to the present consideration of the joint resolution? [After a pause.] The Chair hears none.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. MEIKLEJOHN, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

SURVEY OF WATERWAY CONNECTING WATERS OF PUGET SOUND AND SALMON BAY WITH LAKES UNION AND WASHINGTON.

Mr. HERMANN. Mr. Speaker, I am directed by the Committee on Rivers and Harbors to ask consideration of a Senate joint resolution.

The Clerk read as follows:

A joint resolution (S. R. 104) directing the Secretary of War to transmit to Congress a report on survey of the waterway connecting the waters of Puget Sound, at Salmon Bay, with Lakes Union and Washington, and to submit an estimate of the cost of constructing said waterway.

Resolved, etc., That the Secretary of War be, and he is hereby, directed to transmit to Congress the report of Capt. Thomas W. Symons, Corps of Engineers, dated August 29, 1895, together with the accompanying report of the assistant engineer, upon the survey of the waterway connecting the waters of Puget Sound, at Salmon Bay, with Lakes Union and Washington; also to submit an estimate of the cost of constructing the said waterway on the route described and laid down in the aforesaid report.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. CANNON. I would like to know what it means. I would like some little explanation. That does not convey any information to me.

Mr. HERMANN. The information which is now in the hands of the Secretary of War recently reached him from the regular engineer. Previous to the consideration of the river and harbor bill by the House and the committee that information was not at that time in the hands of the Secretary of War. It is now there. The Senate committee has to consider this matter. It is unable to obtain the information, because of a rule or statute which we have prohibiting the Secretary of War to furnish any information of this character to Congress unless Congress shall demand it through a joint resolution.

Mr. CANNON. Where is this waterway?

Mr. HERMANN. It is in the State of Washington.

Mr. CANNON. It has not been received in time to get in the river and harbor bill this time?

Mr. HERMANN. It did not reach the Secretary of War in time to be considered.

Mr. CANNON. It seems to me something ought to be left for the next session of Congress. I object.

Mr. COOPER of Texas. Mr. Speaker——

The SPEAKER. The gentleman from Texas.

Mr. CANNON. I ask for the regular order.

ORDER OF BUSINESS.

The SPEAKER. The regular order is demanded.

Mr. GROSVENOR. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of filled cheese.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HULL in the chair.

Mr. CANNON. I want to submit a suggestion to the gentleman from Ohio. I think we can pass the fortifications bill inside of an hour and a half, and several of us have thought that the best way would be for the gentleman from Ohio to yield and let the gentleman from Nebraska [Mr. HAINER] who has charge of the bill call it up and have it disposed of by the House, and I appeal to my friend from Ohio to let us do that.

Mr. GROSVENOR. The trouble is, Mr. Speaker, that I shall not be here at all next week. I think we can pass the pending bill in an hour's time. Now, let us try it and see.

Mr. CANNON. The point is, that a proposition to tax a product which will not yield a great amount of revenue seems to be not so important as a proposition to defend the country in these times of rumors of war.

Mr. GROSVENOR. Let us try and see whether we can not dispose of the pending bill in a short time.

Mr. CANNON. Well, if the gentleman will not accept my suggestion now I will appeal to him later.

FILLED CHEESE.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of further considering the bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of "filled cheese." The question is on the amendment offered by the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I will withdraw that amendment and offer another. I move to strike out the word "four," in line 2, and insert the word "one." I offer this amendment with modesty and hesitation, and I want to ask my friend from Ohio [Mr. GROSVENOR], as he and I do not disagree about what it is desirable to do by legislation in the premises, if he does not see his way clear to accept the amendment?

Mr. GROSVENOR. Mr. Chairman, I appreciate that there may seem to be a strong reason in the mind of any person who takes a casual view of this question why this amendment should be adopted, but we carefully considered the whole subject in committee. There was present a very able and distinguished member of the committee who favored, I think, the exact provision which the gentleman from Illinois now proposes, and the committee felt, and further consideration of the subject has strengthened my own opinion, that the manufacturer of this article and the wholesale dealer are taxed low enough in the bill as it stands. We have reduced the tax upon the oleomargarine manufacture 33⅓ per cent, and we have made a greater reduction in the tax upon the wholesale dealer. When we come to the retailer there may be some concession agreed to by the committee; but the manufacture of this product naturally concentrates and gets into fewer hands as improved processes covered by patents developed the perfection (if that term may be applied to it) of this manufacture. We are told that already there are 30 factories held and controlled by a single proprietor—a corporation, I suppose; I do not know—and we believe that the business can be better regulated by a tax of not less than $400 upon the manufacturer and $250 on the wholesale dealer than by any reduced rates. If you put this tax at $100 you will find that the revenue department will run in debt rather than derive any revenue from the business, and while I know that the gentleman from Illinois is sincere, I think his amendment had better be voted down.

Mr. CANNON. I ask the gentleman now to yield me five minutes.

Mr. GROSVENOR. Certainly.

Mr. CANNON. Mr. Chairman, I ask the attention of the committee for five minutes. This is a revenue bill; revenue, however, not being the primary object of the bill. It is necessary, in order that Congress may regulate the making of filled cheese and prevent its being passed off as genuine cheese, that it should exercise the revenue power. I have no quarrel with that. I do not believe in counterfeits anywhere—counterfeit men, counterfeit money, or counterfeit products. I think that each entity upon the Lord's footstool should stand upon its own merits. And when I say that I say it in defense of the principle of this bill, and I say it also as the basis of an attack upon extreme provisions in the bill.

Now, what is the trouble? We have an industry in this country—the dairy industry—which makes cheese. It is a laudable industry. It is supported by the people of this country. But there is another industry which makes so-called filled cheese. That product is made, as they tell us, by using neutral lard and milk that has the butter element taken out of it. It is not claimed that this is not a laudable industry. It, also, is one that the people of this country have a right to engage in—just as much right as the dairyman has to engage in his industry. But it is claimed that filled cheese is made to look like real cheese and is sold and imposed upon the public as such, thus unduly discriminating against the makers of cheese proper. They are both laudable and legitimate industries. The object of this proposed taxation is primarily to make certain that the consumer shall know what he gets and that one industry shall not be dishonestly competed with by the other. That is the whole matter, as I understand it, in a nutshell. I am for it.

Mr. McMILLIN. Will the gentleman permit me to make him a suggestion in the line of his discussion at this point?

Mr. CANNON. Yes, sir.

Mr. McMILLIN. I think the gentleman will find on examination that the dealer in oleomargarine will pay a certain tax, and then that the same dealer will be compelled to pay this tax in addition, so that there will be a double tax on him for the two articles in which he deals.

Mr. CANNON. Oh, certainly. Now, Mr. Chairman, I want to state another thing. I am not in harmony with any suggestion from anybody about anything that, within our borders, will tax any citizen engaged in a lawful industry for the benefit of some other citizen engaged in a competing industry. I am a protectionist, but I am a protectionist of our own people against the balance of the world. I am a protectionist for the benefit of our own people. I am not such a protectionist that I would tax my colleague from Illinois for the benefit of my colleague from Iowa. So I am not in harmony with the doctrine of protection as it is brought in here, improperly and illogically, in favor of this proposed tax.

Now, what are the facts? Take the twin product of oleomargarine. We taxed that 2 cents a pound some years ago; and we provided considerable license fees for the manufacturers and dealers. What is the result? The result is that revenue to the amount of ten million and a half of dollars has been collected from oleomargarine. Last year there were 57,000,000 pounds of oleomargarine made in this country. What is it made from? Tallow, leaf lard, and a small quantity of cotton-seed oil, churned through milk. It is a good product, a healthful product, economically a cheap product to the consumer. Who furnishes the raw materials? The men on the Iowa and Illinois prairies who raise the cattle and the hogs.

"But," it is said, "this product is sold for butter." If the dealers sell it for butter, strip off the mask. But would not a tax of one-tenth of a cent a pound and a license fee of $100 for the manufacturer mark the oleomargarine as well as it is marked now?

"But," says somebody, "we ought to raise tax enough to pay the cost of administration." How much is that? I went this morning to the Internal-Revenue Office, and I said, "Last year you collected a million and a half dollars from oleomargarine. How much did the collection cost?" "Why," was the reply, "it cost so little that the expense can hardly be estimated." "Well, how much?" "Twenty thousand dollars, at the outside, would be a liberal allowance." That is the estimated cost of collecting one million and a half of dollars on oleomargarine.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. I should like to occupy five minutes more.

Mr. McMILLIN. I ask that the gentleman's time be extended for five minutes.

There was no objection.

Mr. CANNON. "But," say those who favor this tax, "the manufacturers can well afford to pay the tax; we do not much like the making of oleomargarine anyhow." Ah, gentlemen, within our own borders no tax can be levied upon any article that is consumed without the producer of the raw material, the manufacturer of the finished product, or the consumer paying that tax; and it is generally divided among all three.

Now, I would not vote for a law (if we had the power to enact it) that would prohibit the making of oleomargarine. Why, sir, it is a legitimate industry, and the product is a cheap—economically cheap, I mean—and valuable food. The farmer and the consumer strike hands, and the manufacturer is a mere incident.

So I would be glad to see legislation that would strike off this million and a half dollars of tax on oleomargarine and place upon the industry a tax which would yield, we will say, $25,000, which would be ample to police the business just as well as it is policed now, and would relieve large numbers of our citizens from a tax which they ought not to pay.

But the question here is filled cheese. I listened yesterday to the gentleman from Iowa [Mr. DOLLIVER], to whom I always listen with great interest. I enjoyed his clear, cogent, poetical, oratorical effort; it was splendid—magnificent; and the appeal he made in behalf of the cow coming home early was irresistible. But I would say to my friend from Iowa that down in central Illinois we have the "American cow"—perhaps not to larger extent than the people over in Iowa, but quite as many. And a great multitude of people there are interested in the price they get for their beef, and for the hog when it is driven to market. We would not interfere with the dairy interest; let that interest stand; its merits entitle it to stand. But I do not want you to tax the multiplied thousands of farmers throughout the length and breadth of this country who market their cattle and their hogs, a portion of the product going into oleomargarine and a portion into filled cheese. Those people are your peers and the peers of your constituents. They have a right to engage in those agricultural industries.

I say again, tax this industry so far as may be necessary to police it, and there stop. Any other tax than that which will truthfully brand filled cheese as such is oppression, and shall not have my support if I can get a modification of it. That is all my contention.

Why should a man who makes filled cheese pay $400 a year license? Do you say that this tax is necessary in connection with the system by which Government officers shall see what he is doing, that this tax is necessary by way of policing the industry for revenue purposes, making it absolutely certain that the manufacturer shall not palm off his filled cheese as cream cheese? If that is your purpose, I strike hands with you. But when I say to you that a license fee of $100 a year, instead of $400, and a tax of a tenth of a cent a pound upon the product would ten times over pay the cost of collection and prevent counterfeiting just as well as a license fee of $10,000 and a tax of even 10 cents a pound, I say to you that in my judgment the case is made out. I ask gentlemen of the House to look at this matter coolly, without prejudice. "Let every tub stand on its own bottom;" do not tax one class for the benefit of another.

[Here the hammer fell.]

Mr. GROSVENOR. I should like to make a statement——

Mr. TERRY. I desire to offer an amendment in the nature of a substitute, and have it pending. It is rather hurriedly written and I will read it myself:

Strike out all after the enacting clause of the bill and insert the following:

"That every manufacturer or dealer in any manufactured article intended for interstate commerce who shall manufacture, sell, ship, or offer for sale any inferior or low grade or class of such article purporting, claiming, or pretending by brand, label, circular, advertisement, or otherwise, that it is of a superior quality or higher grade or better class than it really is, shall be deemed guilty of a fraud and misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $1,000."

Mr. GROSVENOR. Mr. Chairman, I make the point of order that that proposition is not germane to the pending amendment.

The CHAIRMAN. It would not be in order to offer it at this time, at all events, as a substitute for the bill.

Mr. TERRY. Mr. Chairman, I desire to say that the ostensible object of the pending measure is to prevent fraudulent practices in regard to the manufacture of cheese. The claim is made that an inferior grade of cheese, or that which is not cheese at all, is manufactured and palmed off upon the general public under the name of cheese. Now, if you be in earnest, if you wish to prevent frauds on the public, why not prevent them from being defrauded in various other kinds of manufactures, by shoddy or inferior merchandise of all kinds, which are palmed of on the public as first-class goods? Complaints come from all over the country that such practices are constantly resorted to with regard to sales of merchandise; and you are now attempting to drive from competition one class of goods by putting a tax upon it and insisting that it shall be branded a fraud, under the ostensible claim that you are trying to prevent frauds on commerce. Let us go a little further, if that is your real object.

Now, sir, what you are really after—those who are persistently pressing this bill—is, under the guise of taxation, to stamp out one industry at the expense of another.

Mr. DINGLEY. Mr. Chairman, I understood the question of order had been raised upon the proposed amendment or substitute.

Mr. TERRY. I am addressing myself to the point of order. I am showing that this proposition is perfectly in line with what you proposed to adopt here. This is precisely the same proposition, but going a little further than the bill we are now considering.

Mr. DINGLEY. The gentleman from Ohio made the point of order.

The CHAIRMAN. The gentleman from Ohio stated that it was not in order, and the Chair so held, at this time. The Chair understood the gentleman from Arkansas to read the proposition as the basis of his remarks.

Mr. DINGLEY. The point of order was raised, however.

The CHAIRMAN. The Chair is aware of that.

Mr. TERRY. I will send up the substitute and have it pending, to be offered at the proper time. I know it can not be presented now for action.

Mr. McMILLIN. It can be offered now, but not acted upon, until the original proposition is perfected.

Mr. TERRY. I send it up at this time.

Mr. GROSVENOR. It is not in order and can not be offered at this time, I submit, Mr. Chairman. I understood it to be read merely as the foundation of the gentleman's remarks.

Mr. TERRY. It is offered as a substitute for the bill.

Mr. GROSVENOR. Then it can not be done at this time.

Mr. TERRY. It can be pending at this time.

Mr. GROSVENOR. The pending amendment is a single proposition, suggested by the gentleman from Illinois [Mr. CANNON]. This is a proposition that embraces the whole bill, and could not possibly be in order now.

Mr. McMILLIN. If the gentleman from Ohio will permit me to interrupt him, I will say the pendency of an amendment does not prevent the introduction of a substitute, for the rule expressly provides that there may be pending at the same time the original proposition and amendment thereto, and an amendment to the amendment, also a substitute for the proposition, and an amendment to the substitute. Of course the substitute can not be disposed of until the original proposition is perfected.

Mr. TERRY. I so understand the rule.

Now, Mr. Chairman——

The CHAIRMAN. The time of the gentleman has expired.

Mr. NORTHWAY. Mr. Chairman, I trust the amendment of the gentleman from Illinois [Mr. CANNON] will not prevail. It proposes to reduce the tax carried by the bill from $400 to $100.

Mr. GROSVENOR. If the gentleman from Ohio will allow me a moment; I do not care to occupy time in discussing the matter. I would simply state that there are about 100 of these factories or places of business in the United States. The proposition to reduce the tax, as suggested by the gentleman from Illinois, would result in a collection of only about $10,000, which would not be half enough to pay the expense of enforcing the law.

Mr. CANNON. If the gentleman from Ohio will permit me—I do not wish to occupy his time, but I am sure it will be extended—$20,000 collects the oleomargarine tax and more than collects it, and there are three or four times as many of them.

Mr. GROSVENOR. If you reduce the tax it will not produce enough to secure the enforcement of the law.

Mr. NORTHWAY. Mr. Chairman, I would like to have my time begin now.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio.

Mr. NORTHWAY. As I have said, Mr. Chairman, I hope the amendment of the gentleman from Illinois will not prevail.

I have not time, of course, within the five minutes allotted to me to discuss the general features of this bill. I do not agree to the proposition laid down by the gentleman from Illinois and others during this discussion on this floor, that the manufacture of filled cheese is such a business that we ought to encourage it by legislation. It is said to be a healthy food product. I do not know, and do not care, whether that is true or not. I do not believe that we ought to encourage the business in any form. Rats are said to be healthy as an article of food; Chinamen eat them, and claim that they are healthy and not deleterious, but I doubt very much whether the American Congress would be willing or ought to encourage the canning of rats, because they are healthful, for sale to Chinamen. [Laughter.] I would object to it, and I doubt whether anybody in this country would propose to can and sell them to Chinamen or anybody else because they are said to be healthy.

I do not know that filled cheese is a product that is healthy or otherwise, but it is a business that ought not to be encouraged. It may not be unhealthy, but in whatever light you look at it it is a swindle upon the public. It proposes to make use of the name of cheese for the purpose of covering up a fraud on the people. That great business industry—the manufacture of cheese—was built up in this country by the honest farmers of the land during years and years of hard toil until all the civilized world knows the meaning of the word "cheese." We know—all civilized beings know—that the word "cheese" means the product of the pure milk of the cow——

A MEMBER. Or the goat.

Mr. NORTHWAY. But we propose now to allow manufacturers to make a product with lard, trash, soap grease, skimmed milk, and other commodities, mix them together, label them "cheese," and sell them to the world, and all that we shall require them to do under this law is to affix to it the adjective "filled." It is not cheese in any sense of the word, and ought not to be allowed to go under the name. We ought not to encourage this manufacture, but, on the contrary, ought to discourage it by every means at our disposal.

The cheese business has conquered its way in the world. The making of cheese from the pure milk of the cow has been a matter of slow growth. Men have sacrificed their lives and their money to clear away the farm, to build up the industry, and have gone out into the markets of the world and conquered those markets by honorable dealing until those markets understand the meaning of the word "cheese"; but here are men now proposing to take hog grease, soap grease, and skimmed milk and to steal the word "cheese" and to go into a market which has been already conquered by the honest yeomanry of this country and to sell their product in the place of cheese. I submit that they ought to pay for that. It is worth something. The farmers of my district, many of whom are cheese makers, have helped to conquer the markets of the world, until the world understands the meaning of the word cheese.

Now, these men from Chicago and other places propose to take soap grease and skimmed milk and manufacture something they call cheese, and go into the markets of the world with it and sell their product. It ought to be worth thousands of dollars to them. They find the market already made. It would be a different thing if they started out and conquered a market, but they find a trade-mark built up by the honest yeomanry of this country, and they propose to steal that trade-mark. You may brand this product "filled cheese," but the word "cheese," nevertheless, is there.

Mr. OTEY. Will the gentleman permit a question?

Mr. NORTHWAY. I have not time in five minutes.

Mr. COOPER of Wisconsin. They ought not to be allowed to use the word "cheese" at all.

Mr. NORTHWAY. No; they ought not to be allowed to use the word "cheese" at all, and the use of that word ought to be worth more than $400 apiece to the manufacturers. The world understands what that word means, and now to undertake to allow these manufacturers to invade a market which has been created by the farmers of this country, to allow them to do that for $100 as a manufacturer's license, is an outrage. Already the farmers feel that they are being burdened, and they are asking Congress to protect them, and if Congress will not protect them by imposing a tax, where in heaven's name shall they appeal for protection? I protest in the name of decency, in the name of manhood, in the name of the honest yeomanry of this country, that a tax of $400 is not too large. It is too small, if anything. I submit that to engage in the manufacture of soap grease and skimmed milk, and send it out to the world stamped as "cheese" and to sell it as such, is an outrage on honest industry, and I would prohibit it if I had my way. At all events, I would tax it more than $400 if I had my way. [Applause.] So I am opposed, Mr. Chairman, to striking out this $400 and inserting $100. In the name of God, if you can not do something for the protection of the farmer, let us adjourn and go home. [Applause.]

Mr. BOWERS. Do you not know that protection is for manufacturers and bankers, not for farmers and miners? That is the way it seems to be understood in this House.

Mr. BRUMM. If you want to help the farmer, why do you not introduce the wool schedule of the McKinley bill, and give them some substantial relief?

The CHAIRMAN. The time of the gentleman from Ohio [Mr. NORTHWAY] has expired.

Mr. HOPKINS. Mr. Chairman——

Mr. RAY. Mr. Chairman, a parliamentary inquiry. Would it be in order at this time to offer an amendment to the amendment?

Mr. HOPKINS. I have the floor, I believe, and if I can get order, I should like to occupy the floor a minute or two.

Mr. RAY. I want to make a parliamentary inquiry.

Mr. HOPKINS. The parliamentary inquiry can come later.

The CHAIRMAN. The gentleman from Illinois [Mr. HOPKINS] is recognized. The committee will be in order.

Mr. HOPKINS. Mr. Chairman, I have known my esteemed friend from Ohio [Mr. NORTHWAY] for a numbers of years, and I confess that I am greatly surprised at the intemperate speech that he has just made to the members of this committee. I can not understand it.

Mr. NORTHWAY. I will explain it to you, if you will come around.

Mr. HOPKINS. I do not believe you could explain it, except upon the theory that you are possessed of a distempered mind. Now, the idea of comparing the manufacture of filled cheese to canning rats is a comparison that nobody but my friend from Ohio would make.

Mr. NORTHWAY. You see the point, do you?

Mr. HOPKINS. And if the gentleman had read the testimony that was taken before our committee, and had exercised his usual honesty, he never would have indulged in such an intemperate speech or such an unsavory comparison.

Now, what is filled cheese? It is the result of the new method of separating the fatty substance from new milk. By the centrifugal force that is used milk can have the fatty substance taken from it and made into butter, and that milk thus relieved of its fatty substance, which is perfectly fresh and wholesome, is, under this new method, manufactured into cheese. How? By taking leaf lard and subjecting it to certain heat, so that it becomes oil, and mixing a certain number of pounds of that with a hundred pounds of this milk, and then the process of manufacture is the same as the manufacture of other cheese. The leaf lard is as pure and clean a product as the fatty substance in the milk itself. The only difference between a full-cream cheese and this filled cheese is the fact, as I have just indicated, that in the one case it is the fatty substance that comes from the cow and in the filled cheese it is the fatty substance that is taken from the leaf lard of the hog.

The testimony before our committee was that the farmer receives 25 per cent more for his milk by reason of the manufacture of filled cheese than he would without. Unless you permit the use of this milk in the manner that is indicated here in the manufacture of filled cheese it is of little value to the farmer; but by permitting its manufacture to go on, as was stated by one gentleman living in my district, the farmers of my section get 25 per cent more for their milk than they would without this.

Mr. COOPER of Wisconsin. Will the gentleman yield to me for a question?

Mr. HOPKINS. I yield to the gentleman.

Mr. COOPER of Wisconsin. I would like to ask the gentleman from Illinois if he thinks there would be this increased price for milk provided the manufacturers of filled cheese did not sell their filled cheese for full cream cheese?

Mr. HOPKINS. I will reach that point, and I propose to do that before I get through; and I will state to the gentleman right here that I voted for this bill in committee, and I propose to vote for it here and vote for it in the House, but the fraud does not——

Mr. RAY. I would like to ask the gentleman one question.

Mr. HOPKINS. One at a time. Let me answer this gentleman and then I will yield to you. There is no manufacturer that has ever manufactured these cheeses that has sold them for other than they are—that is, filled cheese; and when full cream cheese is bringing 10 cents, 12 cents, and 13 cents per pound in the market the manufacturer is selling filled cheese for 5 and 6 cents per pound. Now, where the trouble comes——

Mr. TAWNEY. Will the gentleman allow me?

Mr. HOPKINS. Let me get through, and then I will. Where the trouble comes in is here, that when filled cheeses leave the hand of the manufacturer and go into the hand of the dealer——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. If I can be recognized I will yield my time to my colleague.

The CHAIRMAN. The gentleman has no time to yield.

Mr. CANNON. Then I will ask unanimous consent that his time be extended, and that he may have so much time as he desires.

There was no objection.

Mr. HOPKINS. Where the trouble comes in, as I was about to observe when interrupted, is here—that after the cheeses leave the hands of the manufacturer and go into the hands of the dealer the retail dealers frequently sell them for full cream cheese. I am opposed to that, as every other honest man ought to be. I favor a system of legislation that will cause these cheeses to be marked for just what they are.

Mr. RAY. Will you submit to a question right there?

Mr. HOPKINS. Yes.

Mr. RAY. I understand you to state that you are in favor of the bill, and you voted for it in committee. May I be permitted to ask if you assented to the report of the committee?

Mr. HOPKINS. I have not read the report. I only committed myself to such parts as I voted for. What has been stated in the report I may or may not subscribe to.

Mr. RAY. Let me call your attention to a statement and ask if you assented to that. The report says:

> Large quantities of this cheese for shipment to the South have been discovered in the city of New York, branded "New York State full cream cheese," "Fine cream cheese," "Badger State full cream cheese"; and other brands representing fancy brands of cheese are borne upon the article known as "filled cheese."

Now, is that true or not? That is in the report of the committee.

Mr. TAWNEY. That was the testimony before the committee.

Mr. HOPKINS. That was the testimony of one of the parties there. And another party testified that the great object in getting this bill through was to drive out the filled cheese in the South and allow the skimmed-m lk cheese of New York to go there to be sold as full cream cheese.

Mr. RAY. You do not dispute the proposition that in the great Southern seaport towns that this filled cheese is sold in large quantities under false pretense as full cream cheese?

Mr. HOPKINS. Well, now, if the gentleman understood my remarks, I stated that I am in favor of legislation that will prohibit the selling of this cheese for other than it is, and if it is sold for Wisconsin full cream cheese, New York full cream cheese, or Illinois full cream cheese, I am opposed to it, and you will find as we go on in the consideration of this bill that ample provision is made to absolutely prohibit such an imposition upon the public as you mention. The amendment which we are now considering is not that. The question is as to whether the manufacturer who, as the testimony shows, has never sold his product for other than it is shall be taxed $400 per annum for manufacturing or only $100 per annum.

Mr. GROSVENOR. Does not the evidence show that the entire manufacture of this article is shipped unmarked and unprinted, and is not that the highest evidence possible that the manufacturers are parties to the proposed fraud on the wholesale dealers?

Mr. TAWNEY. The evidence also shows that this article is made in the semblance of cheese.

Mr. HOPKINS. Made in the semblance of cheese? It is a kind of cheese.

Mr. TAWNEY. Oh, no.

Mr. HOPKINS. Yes, it is; and the evidence is that it is better cheese than much of the skimmed-milk cheese that we find in the market.

Mr. TAWNEY. The gentleman from Illinois made that statement, but nobody else did.

Mr. HOPKINS. The evidence that is reliable and that people can be guided by is that this article is a better cheese for consumption than much of the skimmed-milk cheese that is sold by the manufacturers of New York.

Now, the gentleman in charge of the bill has said that this article is shipped unmarked. I agree to that. But the bill which we are about to enact proposes to provide for having it marked. But when you require it to be marked, there is no reason why we should compel the manufacturer to pay a license fee of $400 a year when $100 will meet the requirements of the Government. The point that I make is, that we should legislate so that filled cheese can not be sold for full cream cheese, but that in our legislation we should do no injury to any man, and as long as the evidence before our committee is that no filled cheese has been sold by the manufacturer as full cream cheese, I hold that we should not tax this manufacturer out of existence. Put your tax upon the party that commits the fraud. Fix it there, and then you will do no injustice.

Mr. GROSVENOR. Does not the gentleman admit that selling an article of this character unbranded and unmarked, with full knowledge of the use that it is to be put to, is the highest evidence of a contemplated fraud on the part of the manufacturer?

Mr. HOPKINS. The gentleman ought to remember the evidence given before our committee, which was that the manufacturers never sell this for anything different from what it is; that it goes to the dealer, and that if any fraud is perpetrated it is by the individual dealer. The manufacturers have never sought to put this article upon the market for other than it is.

Mr. GROSVENOR. Why do not they mark it, as other people mark their products?

Mr. HOPKINS. Anybody who is familiar with cheese can easily distinguish this from full cream cheese.

Mr. GROSVENOR. He can by cutting it and eating it.

Mr. HOPKINS. The men that the manufacturers deal with can tell by inspecting the cheese that it is not full cream cheese, and as long as you have subsequent provisions in the bill which will take care of the marking, so that no fraud can be perpetrated, it seems to me that a tax of $100 is as good as a tax of $400 for the protection of the public and the prevention of fraud. But, Mr. Chairman, I simply rose not to discuss the full provisions of the bill, but to meet the argument that was made by the gentleman from Ohio [Mr. NORTHWAY], who undertook to say that this filled cheese was not a wholesome product and that it was to be compared

with rat meat. Now, the Agricultural Department has said——

Mr. NORTHWAY. You do not desire to misrepresent me, I suppose?

Mr. HOPKINS. I do not.

Mr. NORTHWAY. I did not compare it to rat meat. I said that rats were said to be healthy, and I asked would the gentleman therefore encourage the sale of rat meat.

Mr. HOPKINS. Well, you sought to put filled cheese in the same category with rat meat. You made that reference or comparison to prejudice the minds of members against filled cheese. Now, the Agricultural Department has decided that there is nothing unwholesome in this product. Mr. Adams, of Wisconsin, who is as competent to speak upon the subject as any man in America, did not attack the manufacture upon the ground that it was an unwholesome product, but for the reasons set forth yesterday by my colleague on the committee, Mr. EVANS. Mr. Sherwin, of Elgin, also testified that from a long experience in the business he was prepared to say to the committee and the country that there was absolutely nothing unwholesome in this filled-cheese product.

The whole contention here is largely between the skimmed milk cheese makers of the country, represented by New York and Ohio, and the filled-cheese makers, who are competing for the Southern market. The testimony is that the filled cheese has driven out of that market, not the full cream cheese, but the skimmed-milk cheese, and as long as it is a contention between those two interests I think the one product ought not to be taxed out of existence while the other passes without any tax at all. I do not wish to have my position misunderstood. I favor legislation which compels the manufacturer and dealer to sell this product for just what it is; but I have no sympathy with the spirit that would utterly destroy it. I have always favored legislation that is in the interest of the farmer, and believe that in saying what I have here to-day I better represent him than my friend from Ohio who has just addressed the committee.

Mr. GROSVENOR. I rise to a question of order. Under what rule is this debate proceeding? Has the gentleman from Illinois [Mr. HOPKINS] the right to proceed without limitation of time?

The CHAIRMAN. The Committee of the Whole gave the gentleman from Illinois unlimited time. The Chair stated the proposition to the committee, and there was no objection.

Mr. GROSVENOR. I was not present, then, when that was done. I supposed that the gentleman from Illinois, who represents the only filled-cheese industry in the United States, was, in his zeal for his constituents, exceeding the time allowed him under the rules.

Mr. DINGLEY. Mr. Chairman, not having participated in the general debate, I desire, before stating my views on this question, unanimous consent to occupy ten minutes.

The CHAIRMAN. Is there objection to allowing the gentleman from Maine [Mr. DINGLEY] to occupy ten minutes?

Mr. McMILLIN. I hope that request will be granted.

There was no objection.

Mr. DINGLEY. Mr. Chairman, I sustained the oleomargarine law when it was before the House several years ago, as I have voted in Committee on Ways and Means for the present bill. Yet I do not desire to be understood as sustaining this bill on some of the grounds which have been urged before this committee.

This is exceptional legislation. It is an appeal to the taxing power of the General Government for the purpose of accomplishing indirectly an end that is in the nature of the exercise of the police power which belongs to the States. That, I think, must be conceded. While the measure is constitutional, under the decision of the Supreme Court of the United States, as an exercise of the taxing power of the General Government, yet I am frank to concede that the purpose had in view beyond the raising of revenue involves indirectly the exercise of a police power which, in general, should be exercised by the States.

Now, what are the circumstances which justify, from the point of view I have suggested, such legislation as the oleomargarine law and such legislation as is proposed in this bill? It seems to me that the circumstances to be considered are these: A great and overshadowing interest in this country, the most important interest in the country, has been seriously interfered with illegitimately by the discovery of certain methods of imitating products which have belonged to the farm. In my judgment, the name "butter" and the name "cheese," though not legally trade-marks, are, to all intents and purposes, from the point of equity, trade-marks that belong to the farmers of this and other countries; and any attempt on the part of anyone to palm off on the community imitations of these products and to sell them as the genuine products is contrary to the public interest, and so contrary to the public interest that if this illegitimate interference can not be reached efficiently and effectively by the States there is a justification in an appeal to the General Government to exercise its taxing power for the purpose of saving to the farmers of this nation the rights which properly and equitably belong to them in the trade-marks "butter" and "cheese."

Now, if it were possible for State legislation to accomplish all the ends proposed to be accomplished by this legislation, then this subject should be left to State legislation. But experience has shown that it is not possible for legislation by the States to reach the evil which is complained of; and it is an evil of gigantic importance, affecting the most important interests in this country.

The gentleman from Arkansas [Mr. TERRY] has suggested an amendment which, if it were within the jurisdiction of Congress to enact such a law, might reach the end. But the gentleman very well understands that Congress could not take jurisdiction of such legislation as he proposes with reference to the exercise of the police power, a power which as such belongs to the States and which can not be exercised in the direction suggested by Congress. Therefore——

Mr. TERRY rose.

Mr. DINGLEY. I can not be interrupted now.

Therefore there has come an appeal to Congress from this great and overshadowing interest to exercise the taxing power to accomplish an end which thus far the States have been unable to accomplish on account of the impossibility of securing concurrent and uniform laws of all the different States on this subject.

Hence this legislation, I am frank to say, is here because of this overshadowing necessity. Under the guise of an exercise of the taxing power of Congress we are endeavoring to correct the great evils which have come upon the farming interests in connection with this subject. I sustained under that guise the oleomargarine law when it was enacted by Congress. I sustain this bill because, it seems to me, the farmers of this country have an equitable right to the use of the trade-marks, so to speak, of "butter" and "cheese" for their dairy products. It appears to me that it is the duty of Congress to secure the protection of that great interest, if it can be accomplished, even in this indirect way.

I would not use this power under ordinary conditions. It is a power that must be exercised cautiously. But under the extraordinary conditions existing, the exercise of the power seems to me justifiable; and on this ground I justify the vote which I gave in 1886 on the oleomargarine law and the vote which I propose to give in favor of this bill.

Now, from another point of view, the bill proposes to so mark this imitation product that whenever the purchaser comes to buy it he may know what he is buying. The bill does not propose to destroy the manufacture of this imitation cheese. The bill does not propose that the tax on the manufacturer or the wholesale dealer or the retail dealer (and I think the tax on the retail dealer should be less than that proposed in the bill) shall be such as to interfere unduly with the manufacture or sale of this article. There may be some difference of judgment as to the extent of such a tax; but experience has shown that it has not interfered with the manufacture and sale of oleomargarine and that in the form proposed in this bill it will not unduly interfere with the manufacture and sale of this imitation cheese. I confess that if the tax were such as to prohibit the manufacture there would be very serious doubt about this legislation—not only serious doubt, but to my mind there would be an objection which could not be overcome as against such legislation. But to my mind, Mr. Chairman, the taxation proposed here does not go to the extent of improperly interfering with or suppressing the manufacture.

I remember very well when the oleomargarine law was discussed before the House it was objected to the enactment that it would break down the manufacture in this country. But the result of it was simply to secure the marking of the article that was sold in the markets of the country for just what it really is. Now, have the people, the public, reaped any advantage from the enactment of that law? It seems to me that they have. I remember before the passage of that act that this product, oleomargarine, was everywhere sold as butter, and sold, too, at the same price as butter, but to-day under the oleomargarine law—and the product is branded for what it is—you can hardly go into a store in this country where it is sold at all that you can not find it under its proper name, and sold at a much less price than the genuine butter. Those who desire to buy pure butter are enabled to do so, and those who want to buy oleomargarine on the ground that it is a cheaper product can get what they want at a less price. So it will be with this "filled cheese," as it is called. To-day it is being sold not as filled cheese, not as a substitute for cheese, but as genuine cheese, being sold as if it were genuine cream cheese, and at the full price.

Now, when you enact this law and require it to be branded for what it is, instead of being sold at 10 or 12 cents, the full price of genuine cream cheese, it will be sold for 5 or 6 cents, and that is the inevitable result. In other words, the purchaser who desires to use filled cheese will be able to buy it every time and for about one-half the price that he has to pay to-day.

So, Mr. Chairman, it seems to me that two great public interests are accomplished by the enactment of this legislation. First, that the dairy interests—the farming interests of the country—which have the right, it seems to me, to all the benefits that can

be gained from the trade-marks of butter and cheese, will be enabled to have those rights preserved to them without the menace that exists from the sale of an imitation article. Second, that all persons who want to buy cream cheese—the pure dairy product of milk—will have the opportunity to do so. That all persons who want the cheaper product—the imitation product of cheese—will have the opportunity, so far as Congress legislates, to purchase that for what it is, and at the lowest possible price, and hence the dealer can sell either, as he sees fit, and the consumer can purchase either, as he sees fit. If any State finds it desirable, in its opinion, to prohibit the sale of any article whose use it believes to be harmful, it possesses the police power under which it can so legislate.

[Here the hammer fell.]

Mr. OTEY. Mr. Chairman, I ask that the gentleman from Maine be permitted to proceed. He is giving us very interesting information.

Mr. GROSVENOR. If the gentleman from Maine wants additional time——

Mr. DINGLEY. I have stated the reasons, briefly, on which I support the bill. I do not desire to commit myself to the idea that the taxing power of the Government ought to be invoked in simple and ordinary business transactions, even to prevent fraud. That is a matter within the power of the State to control, and should not come here. But the question presented by the pending bill is so exceptional, and the evils resulting from it are so exceptional, that properly, in my judgment, we can exercise a power which the Supreme Court of the United States has decided we possess; and yet I admit it is a power that we ought to exercise only on those occasions where the interest to be protected is of great moment, and where the State legislation is powerless to effect the desired result. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. STEELE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate insisted upon its amendments to the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897, agreed to the conference asked for by the House of Representatives, and had appointed Mr. ALLISON, Mr. PETTIGREW, and Mr. BLACKBURN as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the enrolled joint resolution (S. R. 116) authorizing the Public Printer to print the Annual Report of the Superintendent of the United States Coast and Geodetic Survey in quarto form, and to bind it in one volume, for the purpose of correcting errors in the text.

FILLED CHEESE.

The committee again resumed its session, Mr. HULL in the chair.

Mr. McMILLIN was recognized.

Mr. OTEY. I hope the gentleman from Maine will permit me to ask him a question before he takes his seat.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSVENOR. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GROSVENOR. I rise to move to limit the debate on this proposition.

The CHAIRMAN. The gentleman from Tennessee has been recognized.

Mr. McMILLIN. Mr. Chairman, I have listened with no little interest to the remarks of the gentleman from Maine [Mr. DINGLEY]. He has spoken with his usual clearness, but not with his usual consistency. He confesses, with that candor which ordinarily characterizes him, that this is the invocation of the taxing power for other purposes than for raising revenue. That much at least has been gained by the debate. That much we have settled after a whole day of denial. The chairman of the Committee on Ways and Means, which reports this bill, confesses the object to be police regulation. He says that you may invoke the taxing power for this particular purpose, but draws a distinction, which I am a little unable to follow him in, by saying that you may invoke it in part, but you can not invoke it to destroy.

It strikes me, Mr. Chairman, that there is only one true dividing line on a question of this character: The Government of the United States has power to regulate commerce between this and other nations and between the States by commercial regulations, but its taxing power can not be invoked for the purpose of destroying anything without violating the spirit, if not the letter, of the Constitution. I want to warn the gentleman, and I know he is a thoughtful student of political affairs, that when he enters on this wide field of regulating all of the industries of foreign countries and their imports by tariff laws, and enters upon the broad field of undertaking to control all the industries of this country by internal taxation, he has a job on his hands which even Solomon, if here in all of his glory, could not discharge acceptably.

How simple government is when left to its proper and legitimate functions. How complex it is when the legislator, puffed up with a little brief authority, his head expanded by temporary triumph, thinks he is wiser than the people at home and greater, and that he can control everything by statute. He can make prosperity and regulate all industries by his legislative wisdom.

It is utterly futile if you desired to do it, and you ought not to attempt it, even if you could by perverted or usurped power do it. Now, I am in favor of the amendment offered by my friend from Illinois [Mr. CANNON]. It is right. It is in the line of the recommendations of the Commissioner of Internal Revenue. He came before the Committee on Ways and Means; he said that the taxes on retail dealers in oleomargarine were higher than they should be, and that the law could be better enforced with lower taxes than with the rates that were already imposed, and yet this committee recommends that the House adopt a tax upon filled cheese that is almost as high as that which the Commissioner of Internal Revenue has admitted was too high for practical purposes on oleomargarine. I will read to the committee his statement:

Commissioner MILLER. One great objection to the oleomargarine law as it stands, and which makes it difficult of enforcement, is the high rate of the special tax. I think it is worse than if the tax were lower, because the incentive to go crooked is great. The law starts with a special tax of $600, and a man selling at wholesale $480, and at retail $48. Most of these small dealers, rather than pay the $48, will run the chances of violating the law. We would get better enforcement if the tax were not so high.

The CHAIRMAN. Where do you suggest it is too high?

Commissioner MILLER. All the rates are too high. I think you would find that you would have much better observance of the law if the rates were lower.

Mr. TAWNEY. If an oleomargarine manufacturer wanted to engage in the "filled cheese" business, would he have to pay this license also?

Commissioner MILLER. Yes. If he were in the oleomargarine business he would have to pay another in this business.

So that, so far from adopting the Commissioner's recommendation to reduce the rate of taxation, you have left on the retail dealer within a few dollars of what he said was too high on retail dealers in oleomargarine. Now, one word more and I will suspend.

Mr. GROSVENOR. The gentleman is undertaking to state what was said in the committee room.

Mr. McMILLIN. I am undertaking to state what is published in the hearings.

Mr. GROSVENOR. I understand that.

Mr. McMILLIN. I am not undertaking to say it, but I have said it, word for word.

Mr. GROSVENOR. Have you said another thing, my friend? Have you said that after hearing that statement by the Commissioner we reduced the rate of tax upon the manufacturer from $600 to $400? And one further word, have you stated that after that recommendation we reduced the wholesale tax from $300 to $250?

Mr. McMILLIN. You did reduce a part of them, but the Commissioner told you that $48 tax on a retail dealer in oleomargarine was too high. Disregarding that admonition, you put a high tax on the retail dealer in filled cheese.

Mr. GROSVENOR. Oh, no; not at all. Forty dollars.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GROSVENOR. Information and knowledge are incidental to intelligent debate.

Mr. McMILLIN. Then, if they will give it I will ask my friend to follow the example of Solomon, and get wisdom.

Mr. GROSVENOR. You get your bill and read it, and you will find you are arguing on a wrong basis.

Mr. McMILLIN. All right. In what I quoted I did not vary a word from the printed report of what the Commissioner said. I did not vary a word from his examination in the printed report. If you will read my remarks in the RECORD you will find that I did not interpolate one word or comma.

Mr. GROSVENOR. Mr. Chairman, I move that debate upon this section and the amendments thereto be closed in five minutes.

Mr. BARTLETT of New York. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT of New York. What paragraph of the bill are we considering?

The CHAIRMAN. Beginning on line 2, page 2.

The motion of Mr. GROSVENOR was agreed to.

Mr. GROSVENOR. I yield the time to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Chairman, the amendment under consideration comes very appropriately from the State of Illinois. It is in the interest of the filled-cheese manufacturers, and that State in 1895 produced 14,000,000 pounds of filled cheese, and has within it almost all the filled-cheese factories in the United States, a fact that I want the members of the House to understand before they vote upon the pending proposition.

Mr. Chairman, in reply to the argument of the gentleman from

Illinois [Mr. CANNON] and the gentleman from Illinois [Mr. HOPKINS] against the proposed manufacturers' license, I will say that they have not stated a single fact concerning the relative market value of filled cheese and pure cream cheese, which should be the only basis upon which the tax or license should be fixed. Aside from the fact that the manufacturers of filled cheese in branding and designating their product "cheese" are infringing upon the trade-mark of the farmer and the manufacturer of genuine cheese, the relative difference between the cost of production of the two articles is of itself sufficient to sustain this license.

We impose a tax of 1 cent a pound on the product, and then, in addition to that, we impose a license upon the manufacturer, the wholesaler, and the retailer. Now, when you come to ascertain the aggregate tax per pound upon the product, it is less than one cent and a quarter a pound, including all the licenses and the special tax of 1 cent a pound. Filled cheese is manufactured at a cost of 4 cents a pound, and can be manufactured for 3 cents a pound; and, in my opinion, if we pass this bill it can be manufactured for 2 cents a pound.

Mr. HOPKINS. Now, let me interrupt you there.

Mr. TAWNEY. No; I have not the time.

Mr. HOPKINS. The object is not to cause the consumer to pay as much for filled cheese as cream cheese.

The CHAIRMAN. The gentleman from Minnesota declines to yield.

Mr. HOPKINS. He yields to me. But only to require them to sell it for what it is, and give it to the consumer for half of what full cream cheese costs.

Mr. TAWNEY. I say, Mr. Chairman, that the cost of producing filled cheese is from 3 to 4 cents a pound, so that an increase in the cost of production resulting from this tax will not exceed 1¼ or 1½ cents; and the aggregate cost, with the tax, will not be more than 4½ to 5½ cents a pound.

Now, to produce full cream cheese it costs from 11½ to 12½ cents a pound. These two products have heretofore been sold in the market for the same price, or nearly so. If this bill results in reducing the price of filled cheese to those who desire to eat it, there will still be a wide margin for profit after paying these licenses and the special tax. Men talk about the poor man having the benefit of cheaper cheese! He has not had that benefit in the past, and one of the results of the oleomargarine tax, which is higher than the tax imposed by this bill, was to reduce the price of oleomargarine to consumers. How, then, can gentlemen say, in the face of that fact, that this tax, this license, will destroy the manufacture of filled cheese, or that it will increase the cost of the filled cheese to the consumer? It will simply be compelling them to sell their product for what it is, and when that is done they will still have a fair profit on their product.

There has been a great deal said by the gentlemen from Illinois concerning the purity and value of this article as a food product. A great deal has been said about the evidence taken before the committee on that subject, but it is unnecessary for me to allude to that now. That branch of the subject was fully covered in the remarks I submitted yesterday. I will repeat, however, that the evidence referred to does not show that filled cheese is a wholesome product.

The CHAIRMAN. The time of the gentleman has expired. [Cries of "Vote!" "Vote!"] The question is on the amendment of the gentleman from Illinois, to strike out "four" and insert "one."

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. BRUMM. Division.

Mr. CANNON. Well, we will have a stand up upon that.

The committee divided; and there were—ayes, 38; noes, 76.

So the amendment was rejected.

Mr. CANNON. Mr. Chairman——

Mr. GROSVENOR. Mr. Chairman——

Mr. CANNON. I want to offer an amendment.

The CHAIRMAN. Does the gentleman from Ohio yield?

Mr. GROSVENOR. Not at this point. I will offer an amendment to the retail dealers.

Mr. CANNON. All right. In line 6, page 2, Mr. Chairman, I move to strike out the words "two hundred and." Is debate exhausted on this paragraph?

The CHAIRMAN. It is.

Mr. CANNON. Then let the Clerk read "so that it will read," etc.

The Clerk read as follows:

Wholesale dealers in filled cheese shall pay $50 per annum.

Mr. CANNON. That is right.

The question was taken; and the amendment was rejected.

Mr. TRACEY. Division.

The CHAIRMAN. The call for a division came too late.

The Clerk read as follows:

Retail dealers in filled cheese shall pay $40 per annum——

Mr. GROSVENOR. Mr. Chairman, the balance of that paragraph relates only to the application of certain sections of the Revised Statutes, and therefore I ask unanimous consent to make a motion to amend the sentence that was read by the Clerk. By direction of the committee, I move to strike out the word "forty" and insert the word "twenty-four."

The CHAIRMAN. If there be no objection, that amendment will be agreed to.

Mr. CANNON. Mr. Chairman, let the amendment be read again.

The Clerk read as follows:

On page 2, line 17, after the word "pay," strike out "forty" and insert in lieu thereof the word "twenty-four"; so as to read: "Retail dealers in filled cheese shall pay $24 per annum."

Mr. CANNON. Now, Mr. Chairman, I will ask the gentleman if he can not see his way to make it $10.

Mr. BRUMM. Say $5.

Mr. HENDERSON. Do not ask the earth.

Mr. CANNON. That is not asking the earth.

Mr. GROSVENOR. Let this be voted on. I think I can not consent to the proposition of the gentleman from Illinois, and the question is on striking out "forty" and inserting "twenty-four."

Mr. CANNON. Mr. Chairman, I move to amend the amendment by striking out "twenty-four" and inserting "ten." Now, if I can have the attention of the gentleman from Ohio [Mr. GROSVENOR], I wish to say that no man on the Ways and Means Committee, nor, in my judgment, any member of this House, including the gentleman in charge of this bill, will say that $10 will not meet every requirement, police or otherwise, except the bare amount of revenue, that $24 will. I pause to see if any gentleman will deny that proposition.

Mr. GROSVENOR. Mr. Chairman, we want to do nothing but what is just in this matter. The other two licenses are the important features of the bill, and I am willing, at the suggestion of the gentleman from Maine [Mr. DINGLEY], to fix this one at $12 per annum.

Mr. CANNON. I will accept that if I find that after I have made one more statement the gentleman will not agree to make the amount less.

Mr. GROSVENOR. No; a dollar a month is low enough.

Mr. CANNON. In my little city of 20,000 people there are 70 grocery and provision establishments that supply in a small way groceries and provisions to the population of the city and of the surrounding country. They deal in what goes in the market, and this is a legitimate object of dealing. Now, from those 70 establishments, at $12, there will be a revenue of $840 a year; and what is true of my city is true of like places all over the country. I appreciate the willingness of the gentleman in charge of this bill to reduce the amount of this license to $12, but I appeal to him to say whether it can not be further reduced.

Mr. GROSVENOR. We can divide 12 by 12 and that will be a dollar a month. I think that is low enough.

Mr. CANNON. Very well; I will not insist further.

Mr. BRUMM. Mr. Chairman, I want to offer an amendment to the amendment. I propose to reduce this license to $5, and on that I want to be heard for a minute.

Mr. TAWNEY. I make the point of order that the amendment of the gentleman from Pennsylvania is not in order, because there is an amendment to the amendment pending.

Mr. BRUMM. I beg the gentleman's pardon. That amendment has been accepted.

The CHAIRMAN. Does the Chair understand the gentleman from Ohio to modify his amendment so as to make it a motion to strike out "forty" and insert "twelve"?

Mr. GROSVENOR. Yes.

Mr. BRUMM. Therefore my amendment is in order.

Mr. GROSVENOR. I hope my friend will allow a vote to be taken. We all understand the matter.

Mr. BRUMM. I am not so sure that we all do understand it. If revenue is what you are after, you will get more revenue by making this license $5 than by making it $12. The majority of the stores in which this article will be sold are not stores that sell only one particular article or class of articles. They are, for the most part, what are known as country stores, and are to be found in all the country towns and in cities having a population of 20,000, and if you put this tax at $5 a year there will not be a storekeeper who will not pay it; so that by putting it at this low figure you will really collect more revenue than you will if you fix the license at $12. These small, promiscuous stores, as they are called, can not afford to pay a tax of $12 for the purpose of selling one kind of cheese alone, and the result of fixing the license fee so high will be not only to give you less revenue, but to concentrate the sale of this article in the hands of a few storekeepers instead of having it sold everywhere. Therefore, if you are honest in the purpose which you avow in enacting this bill, you ought to permit this amendment to be adopted putting the tax at $5 a year, and I shall insist on a vote upon it.

Mr. GROSVENOR. I want to say a word, Mr. Chairman, and only a word. When we come to the definition of a retail dealer it will be seen that the provision of the bill is made so broad and liberal that the retailer may sell 10, 15, or 100 cheeses at a time; so that we give the retail dealer the advantage of position so far as the definition is concerned.

Mr. BRUMM. But how does that help the storekeeper who perhaps buys only one or two cheeses at a time and sells the article by the pound?

Mr. GROSVENOR. My friend will bear witness to the fact that this article is sold largely in the companies' stores at the mines and factories, where they sell thousands and thousands of cheeses at retail every year; and to put the tax at $5 a year would not pay for the inspection and care which the Government would have to exercise.

Mr. BRUMM. Why, your revenue collectors will attend to it. You have them already in every district—your liquor and tobacco tax collectors. It is all nonsense to say that this tax can not be collected.

Mr. MORSE. Mr. Chairman, I do not rise to speak to this particular amendment. I intend to occupy only two or three moments, and in that time to state a few reasons why I propose to vote for this bill as it comes from the committee and to vote against all amendments that will impair the bill. For one I do not wish to butter my bread with soap grease or to eat cheese made out of soap grease, if it has been chemically treated. The gentleman from Illinois [Mr. HOPKINS] said just now that this filled cheese was a healthful product, that it was healthful food. I deny that proposition; and in doing so I speak advisedly. If I am rightly informed in regard to the manufacture of filled cheese and the treatment of lard to which the gentleman refers, neither the manufacturer of oleomargarine nor the manufacturer of filled cheese heats this pork grease to such a point as to destroy the globules or microbes. They heat the pork oil only to such temperature as will make it run.

When this matter was under consideration before the Massachusetts legislature the State board of health of our Commonwealth was appealed to for information in regard to the healthfulness of this product; and that distinguished body, second to none in this country, said that in the manufacture of these products the door was wide open for implanting the seeds of disease into the human system. They said and clearly showed that there was danger in this uncooked hog oil that trichinæ and other hog diseases might be communicated to the consumers.

Now, in regard to the protection supposed to be obtained from branding filled cheese or oleomargarine, I claim that the branding affords no protection whatever to the consumer. It is the man who butters his bread in the hotel or private residence or boarding house that I am solicitous about. He does not have any brand on the plate showing that the article placed before him is filled cheese. In my State, if oleomargarine or the products of hog oil are used as butter, the boarding house or hotel keeper is required to hang up a sign "Imitation butter (or imitation cheese) served here." That is what we want in every State of the Union. That is what we want in this capital city. I venture to say that most of the members of this House to-day are, at their hotels or boarding houses, buttering their bread with imitation butter manufactured from hog oil or soap grease or something else than the product of the cow. We want a wholesome, decent enforcement of the law in the District of Columbia for our own protection.

Now, I submit to members of the House one proposition which I have learned from eminent medical authorities: The oldest medical books do not record a single instance of a Jew, living strictly as a Jew and not eating pork in any shape, who ever died of cancer. I submit that this uncooked hog oil is dangerous; that it contains the germs of trichinæ, cancer, and other hog diseases. I am first, last, and all the time for this bill as it came from the committee, and am opposed to any amendments which may impair the efficacy of its provisions.

Mr. CANNON. Mr. Chairman, I desire for a moment the attention of the Committee of the Whole and also of the gentleman from Massachusetts [Mr. MORSE]. I have great respect for that gentleman. His great business ability has brought him a liberal fortune, a fact in which I rejoice. We all understand what his product is. [Laughter.] Now, in my part of the country there is an establishment which sets itself up as a rival in his branch of business; there is a gentleman there engaged in making a similar product to that of the gentleman from Massachusetts, and that gentleman claims—I am inclined to think it is a slander—that the product of the gentleman from Massachusetts, a product used in the polishing of iron [laughter], contains arsenic, strychnine, injurious acids, and other chemicals that make its use absolutely dangerous to life. That gentleman out in my region of country urges this as the reason why the product of the gentleman from Massachusetts should not be used, and fears the gentleman from Massachusetts will sell his product in packages similar to those used by the Illinois factory, and I am expecting every day to receive a letter demanding that I introduce a bill here to tax the product of the gentleman from Massachusetts because it is dangerous to the health of the community. [Laughter.] But I am going to stand out against it [laughter] until I have further evidence that the product of the gentleman from Massachusetts is really deleterious to health. If the gentleman from Massachusetts, however, should, in the fullness of time, find out that my constituent is competing successfully with him by selling an article that is about to drive him out of the market, and should the gentleman from Massachusetts, while proclaiming that his product is a healthy article, seek to counterfeit the product of my constituent, then I rather think I would favor legislation which would require the gentleman from Massachusetts to truly brand the article of his manufacture. [Laughter.] But when I had made him truly brand it I would stop there. I would not put a cent or a mill of tax upon the product of the gentleman from Massachusetts in the interest of my constituent. [Laughter.]

Mr. MORSE rose. [Cries of "Vote!" "Vote!"]

Mr. MORSE. Mr. Chairman, I think I am entitled to reply to the gentleman from Illinois [Mr. CANNON].

The gentleman from Illinois [Mr. CANNON] has seen fit to introduce the subject of blacking here.

Mr. Chairman, there is no question but that we make good blacking in New England; there is no doubt about that; but I have never seen or known of any person recommending that anyone should eat that article or butter his bread with it. If the gentleman from Illinois will find any person who is trying to have the article consumed in that way the analogy between the product the gentleman has introduced here and that now under consideration, namely, cheese made of hog oil, may appear.

Mr. Chairman, I have said that we make good blacking in New England, but I have never seen any so good but that it would make a white mark on any man who would stand on this floor and defend imitation butter or imitation cheese, or would advocate the continuance of this fraud on the consumers and farmers of the country. [Laughter and applause.]

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Pennsylvania, to strike out "twelve" and insert "five."

Mr. CANNON. I will only say, Mr. Chairman, before the vote is taken, that this is another good advertisement for the gentleman's stove polish, if he needs any. [Laughter.]

Mr. RICHARDSON. I just wanted to ask the gentleman from Illinois if there was any agreement between him and the gentleman from Massachusetts to aid in advertising his product here? [Laughter.]

Mr. CANNON. I do not think the gentleman ought to be too inquisitive about that.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The question recurred on the motion to strike out "forty" and insert "twelve."

The amendment was agreed to.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read the fourth section of the bill, as follows:

SEC. 4. That every person, firm, or corporation who carries on the business of a manufacturer of filled cheese without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than $400 and not more than $3,000; and every person, firm, or corporation who carries on the business of a wholesale dealer in filled cheese without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than $250 nor more than $1,000; and every person, firm, or corporation who carries on the business of a retail dealer in filled cheese without having paid the special tax therefor, as required by law, shall, besides being liable for the payment of the tax, be fined not less than $40 nor more than $500 for each and every offense.

Mr. BARTLETT of New York. Mr. Chairman, I have an amendment to offer here.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

Amend by striking out section 4.

Mr. BARTLETT of New York. Now, I would like to ask the gentleman from Ohio in charge of the bill to allow me ten minutes at this point.

Mr. GROSVENOR. I have no objection.

I ask unanimous consent that the debate on the amendment be limited to ten minutes, and that the gentleman from New York may be permitted to occupy the time.

Mr. McMILLIN. The gentleman from New York is entitled to five minutes. I think there will be no disposition to prolong the debate; and I ask unanimous consent that he have ten minutes. It may be that others would like to be heard.

Mr. GROSVENOR. Mr. Chairman, I move to limit the debate to fifteen minutes, and ask unanimous consent that ten minutes be given to the other side.

The CHAIRMAN. If there be no objection, that order will be made.

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BROMWELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 2426) to amend an act entitled "An act to provide for the care of dependent children in the District of Columbia and to create a board of children's guardians," approved July 26, 1892;

A bill (S. 1306) to authorize and encourage the holding of a transmississippi and international exposition at the city of Omaha, in the State of Nebraska, in the year 1898;

A bill (S. 1468) extending the time allowed the Blue Mountain Irrigation and Improvement Company for the construction of its reservoirs and canal in and through the Umatilla Indian Reservation, in the State or Oregon; and

Joint resolution (S. R. 126) requiring the roof of the new city post-office building, Washington, D. C., to be fireproof.

FILLED CHEESE.

The committee again resumed its session, Mr. HULL in the chair.

Mr. BARTLETT of New York. Mr. Chairman and gentlemen of the committee, when I first read the bill that is now under consideration I was in some doubt as to the vote I should cast in regard to it. It was not until after I had read the report submitted by the Committee on Ways and Means that my mind was made up against the bill; and that impression, adverse to the proposed legislation, was strengthened by the frank avowal of the leader of the majority on the floor, the distinguished gentleman from Maine [Mr. DINGLEY], who said this morning in reference to this bill that it was an attempt on the part of the Congress of the United States to exercise the police powers of the Government or to enforce police regulations within the States.

The gentleman from Minnesota [Mr. TAWNEY], also of the committee, said he favored the bill because it was in the nature of a police regulation. That was in substance his statement—I do not pretend to give his exact words—and if I mistake not every gentleman who has spoken in favor of the bill has urged its passage, for what reason? Because it would stop fraud. In other words, because it would be, in its natural outcome, a police regulation for the enforcement of the protection of the health of the people.

What do the Committee on Ways and Means say in their report? They tell us they think the bill ought to pass—

So as to prevent fraud and furnish complete protection to the purchasers against the purchase of an inferior article sold to them by unscrupulous or ignorant dealers.

So it is not a bill to collect revenue; not a bill to tax—and I for one am not opposed to the indirect method of taxation known as excise. I believe that to be a proper method of taxation; but here is a frank avowal that this is not a measure of taxation; nor is it claimed for a moment that it is a measure to be adopted to regulate interstate commerce. It is in no sense of the word a regulation of commerce. What is it? It is an act to prevent fraud, to protect public health, and to have what is claimed to be a deleterious article of food sold in the open market for what it really is.

Mr. RAY. Will my colleague allow a question?

Mr. BARTLETT of New York. I will yield for a question.

Mr. RAY. Right there let me ask are you opposed to all laws that will prevent fraud, or any law that will prevent it?

Mr. BARTLETT of New York. Mr. Chairman, I should be perfectly willing to leave that question to be answered by the gentleman from New York himself. He knows me——

Mr. RAY. But really, is that the basis of your objection—because this law will prevent fraud—or are you against it on the ground that we have no right, under the Constitution, to pass the bill at all?

Mr. BARTLETT of New York. In answer to the gentleman from New York, the basis of my objection is that this sort of legislation is unconstitutional; that it has been so declared by the Supreme Court of the United States, and I will call attention to three decisions—one in 1869, by the then Chief Justice, Salmon P. Chase; one in 1890, if I mistake not, by the present Chief Justice, Fuller; and one in 1894, by Mr. Justice Harlan.

Now, what is the rule laid down by the Supreme Court in these decisions? That each State has plenary power in all matters of police regulations; that is, that the police power of the States can only be exercised by the States themselves, and not by the central authority. The Supreme Court of the United States goes further, and it says that the fourteenth amendment has not changed that rule; that the rule has always existed, and if there be any power which should remain in the State it is the exercise of the police power.

Now, the question came up, I think, in the case of The United States *vs.* De Witt, which was decided in 1869, in 9 Wallace. It was there held by the Supreme Court of the United States that a section of a statute which was manifestly not enacted in the aid of the power to collect a tax, but in reality was a police regulation, was unconstitutional, and that any such provision of law had no force whatever beyond the District of Columbia. So I say pass this act if you will, but it will have no force or effect beyond the limits of this District or outside the Territories of the United States.

Mr. RAY rose.

Mr. BARTLETT of New York. I will answer the gentleman in a minute. The distinguished gentleman from New York is so good a lawyer——

Mr. RAY. I do not want to interfere with you at all.

Mr. BARTLETT of New York. I will answer the gentleman's former question now, while it is fresh in my mind. I am opposed to every fraud in the production or sale of any article of food or drink, but I say the State of New York, the State of New Jersey, the State of Massachusetts, the State of Minnesota, should take care of the food within their own limits; and the gentleman is well aware that it was decided in reference to the State of Massachusetts that the State itself could control the sale of all articles of food deleterious in their nature coming within the borders of the State.

Mr. TAWNEY. Will the gentleman permit an interruption? Can the State of Massachusetts prevent the manufacture of adulterated food products in the State of New York? And if it can not do it, then can not those adulterated products be brought into the State of Massachusetts and sold there?

Mr. BARTLETT of New York. No, sir. The State of New York and the State of Massachusetts and any State of the Federal Union can control the manufacture or sale of the articles manufactured within its own borders; and one step further, each State can control the sale of articles of food coming within its borders, although manufactured in another State. That answers the question of the gentleman from Minnesota. I do not speak without authority. Now, take the first case, of The United States *vs.* De Witt. There Chief Justice Chase said what?

Mr. WATSON of Ohio. May I ask the gentleman a question? Has not Congress regulated the sale and manufacture of oleomargarine, and has not the Supreme Court held that it had the power to do that?

Mr. BARTLETT of New York. The only instances where the exercise of this power by the Congress of the United States has been held good have been in cases where it was manifest or apparent, or could be urged with some degree of plausibility at least, that it was an exercise in aid of the power to collect a tax, but where it is apparent from the report of the committee, where it is apparent from the debate, where it is apparent from the admissions of the gentlemen who are urging the passage of this measure, that it is only an invocation of the police power, then I say the act is manifestly unconstitutional and beyond our power to enact.

Now, let me call the attention of the committee to what was said by Chief Justice Chase in the case of The United States *vs.* De Witt, the old case reported in 9 Wallace, in the year 1869. There the question before the court was whether the twenty-ninth section of the internal-revenue act of March 2, 1867, in reference to selling naphtha mixed with other oils or inflammable petroleum and making it a misdemeanor punishable by fine and imprisonment——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BARTLETT of New York. I should like to have an extension of time.

Mr. GROSVENOR. I can not consent to a removal of the limit of debate, but the gentleman from New York may have the whole of the time in which to combat the decision of the Supreme Court of the United States. I believe the Supreme Court will get the better of him. [Laughter.]

Mr. RAY. I ask unanimous consent that I may print in the RECORD with these remarks, but as a part of my own, some extracts from the decision of the Supreme Court of the United States in the case of Plumley *vs.* Massachusetts, reported in 155 United States, page 461.

Mr. BARTLETT of New York. Oh, certainly; print the whole book.

The CHAIRMAN. The gentleman asks unanimous consent to print certain extracts in the RECORD. Is there objection?

There was no objection.

[For the decision referred to by Mr. RAY, see below.]

Mr. BARTLETT of New York. Mr. Speaker, I have no objection to printing that decision in its entirety.

Mr. RAY. I would not ask to do that.

Mr. BARTLETT of New York. Of course I propose to call the attention of the committee to that decision. Now, the gentleman from Ohio [Mr. GROSVENOR] attempts to ridicule the decisions of

our court of last resort, and it may well be, because unless we take a position in contravention of the justices of the Supreme Court we can not pass this act.

What was said by Chief Justice Chase? Owing to the numerous interruptions from the other side, it is somewhat difficult to reach the words of the Chief Justice. He said, in reference to the provision of the act to which I called attention—it being plainly an evasion, not an effort to collect the internal-revenue tax on petroleum and naphtha—as follows:

As a police regulation, relating exclusively to the internal trade of the States, it can only have effect where the legislative authority of Congress excludes, territorially, all State legislation, as, for example, in the District of Columbia.

Now, that decision applies directly to the question under consideration. The other two cases to which I call attention are the matter of Rahrer (140 U. S.), where the opinion was rendered by Mr. Chief Justice Fuller, and where he says:

The power of the State to impose restraints and burdens upon persons and property in conservation and promotion of the public health, good order, and prosperity is a power originally and always belonging to the States, not surrendered by them to the General Government nor directly restrained by the Constitution of the United States, and essentially exclusive.

And this court has uniformly recognized State legislation, legitimately for police purposes, as not in the sense of the Constitution necessarily infringing upon any right which has been confided expressly or by implication to the National Government.

And the last case to which I shall call the attention of the committee is the case to which reference was made by the gentleman from New York [Mr. RAY]. That is Plumley against Massachusetts. There Mr. Justice Harlan said:

If there be any subject over which it would seem the States ought to have plenary control, and the power to legislate in respect to which it ought not to be supposed was intended to be surrendered to the General Government, it is the protection of the people against fraud and deception in the sale of food products. Such legislation may, indeed, indirectly or incidentally affect trade in such products transported from one State to another State. But that circumstance does not show that laws of the character alluded to are inconsistent with the power of Congress to regulate commerce among the States.

Mr. TAWNEY. Will the gentleman read where Justice Harlan speaks of the right of Congress under the Constitution to legislate on the subject.

Mr. BARTLETT of New York. It was held in that case by the Supreme Court of the United States that the statute of Massachusetts which forbade the sale of the article claimed to be injurious, oleomargarine, although coming from another State, was a proper exercise of the police power of the State.

You can find no authority of the Supreme Court of the United States which will sustain the constitutionality of the measure under consideration. While I am opposed to any frauds and shall not vote for any measure that will sustain them, we certainly ought not to pass an unconstitutional law merely because gentlemen think that some filled cheese will be sold within the borders of some particular State.

Mr. RAY. Mr. Chairman, the extracts from the decision of the Supreme Court of the United States in the case of Plumley *vs.* Massachusetts (155 U. S., 461), which I obtained the leave of the House to print in connection with the remarks of the gentleman from New York [Mr. BARTLETT] are as follows:

Now, the real object of coloring oleomargarine so as to make it look like genuine butter is that it may appear to be what it is not, and thus induce unwary purchasers, who do not closely scrutinize the label upon the package in which it is contained, to buy it as and for butter produced from unadulterated milk or cream from such milk. The suggestion that oleomargarine is artificially colored so as to render it more palatable and attractive can only mean that customers are deluded, by such coloration, into believing that they are getting genuine butter. If anyone thinks that oleomargarine, not artificially colored so as to cause it to look like butter, is as palatable or as wholesome for purposes of food as pure butter, he is, as already observed, at liberty under the statute of Massachusetts to manufacture it in that State or to sell it there in such manner as to inform the customer of its real character. He is only forbidden to practice, in such matters, a fraud upon the general public. The statute seeks to suppress false pretenses and to promote fair dealing in the sale of an article of food. It compels the sale of oleomargarine for what it really is by preventing its sale for what it is not. Can it be that the Constitution of the United States secures to anyone the privilege of manufacturing and selling an article of food in such manner as to induce the mass of people to believe that they are buying something which, in fact, is wholly different from that which is offered for sale?

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If there be any subject over which it would seem the States ought to have plenary control, and the power to legislate in respect to which it ought not to be supposed was intended to be surrendered to the General Government, it is the protection of the people against fraud and deception in the sale of food products. Such legislation may, indeed, indirectly or incidentally affect trade in such products transported from one State to another State. But that circumstance does not show that laws of the character alluded to are inconsistent with the power of Congress to regulate commerce among the States.

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In People *vs.* Arenburg (105 N. Y., 123, 129, 130), the precise question now before us came before the court of appeals of New York. That court, after referring to its decision in People *vs.* Marx (99 N. Y., 377, 385), adjudging a statute of New York relating to the manufacture of oleomargarine to be in violation of the fundamental right and privilege of every American citizen to adopt and follow such lawful industrial pursuit, not injurious to the community, as he may see fit, said: "Assuming, as is claimed, that butter made from animal fat or oil is as wholesome, nutritious, and suitable for food as dairy butter; that it is composed of the same elements and is substantially the same article, except as regards its origin, and that it is cheaper, and that it would be a violation of the constitutional rights and liberties of the people to prohibit them from manufacturing or dealing in it, for the mere purpose of protecting the producers of dairy butter against competition, yet it can not be claimed that the producers of butter, made from animal fat or oils, have any constitutional right to resort to devices for the purpose of making their product resemble in appearance the more expensive article known as dairy butter, or that it is beyond the power of the legislature to enact such laws as they may deem necessary to prevent the simulated article being put upon the market in such a form and manner as to be calculated to deceive."

"If it possesses," continued the court, "the merits which are claimed for it and is innocuous, those making and dealing in it should be protected in the enjoyment of liberty in those respects, but they may legally be required to sell it for and as what it actually is and upon its own merits, and are not entitled to the benefit of any additional market value which may be imparted to it by resorting to artificial means to make it resemble dairy butter in appearance. It may be butter, but it is not butter made from cream, and the difference in cost or market value, if no other, would make it a fraud to pass off one article for the other."

Again: "The statutory prohibition is aimed at a designed and intentional imitation of dairy butter, in manufacturing the new product, and not at a resemblance in qualities inherent in the articles themselves and common to both." The court, therefore, held that artificial coloring of oleomargarine for the mere purpose of making it resemble dairy butter came within the statutory prohibition against imitation, and "that such prohibition is within the power of the legislature and rests upon the same principle which would sustain a prohibition of coloring winter dairy butter for the purpose of enhancing its market price by making it resemble summer dairy butter, should the legislature deem such a prohibition necessary or expedient."

The CHAIRMAN. The question is upon the amendment offered by the gentleman from New York to strike out section 4.

The amendment was rejected.

The Clerk read as follows:

SEC. 5. That every manufacturer of filled cheese shall file with the collector of internal revenue of the district in which his manufactory is located such notices, inventories, and bonds, shall keep such books and render such returns of materials and products, shall put up such signs and affix such number to his factory, and conduct his business under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation require. But the bond required of such manufacturer shall be with sureties satisfactory to the collector of internal revenue, and in a penal sum of not less than $5,000; and the amount of said bond may be increased from time to time and additional sureties required, at the discretion of the collector or under instructions of the Commissioner of Internal Revenue.

Mr. TAWNEY. I have an amendment to which the attention of the chairman of the committee has been called, and I desire to offer it, after which I will make an explanation.

The Clerk read as follows:

On page 4, line 17, after the word "revenue," insert the following:

"Any manufacturer of filled cheese who fails to comply with the provisions of this section or with the regulations herein authorized shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $500 nor more than $1,000."

Mr. TAWNEY. Mr. Chairman, I desire to say, in explanation of that amendment, that the section is an exact copy of section 5 of the oleomargarine law, and that under that section the Commissioner of Internal Revenue made certain regulations governing the manufacture of oleomargarine, and also requiring the specific kind of books they should be required to keep. There was a violation of that section, and the Government attempted to prosecute for such violation. And in that case, which went to the Supreme Court, the court held that the violation of that section could not be punished, for the reason that the section itself did not specify any penalty. The prosecution was commenced under section 10 of the oleomargarine act, which was a general penalty; hence the Supreme Court, in the opinion in the case of United States *vs.* Eaton (144 U. S.), held it could not be done; and I offer that amendment simply in order to perfect that section.

The amendment was agreed to.

Mr. TERRY. Mr. Chairman, I move to strike out section 5. In reply to the suggestion made by the distinguished chairman [Mr. DINGLEY] of the Ways and Means Committee, that the substitute offered by me is unconstitutional, I desire to state that if the bill itself is constitutional then my substitute certainly is. If we take the report of the committee, what they aim at is the suppression of fraudulent practices. I quote from their report:

The claim is made, and we sustain it, that it is a fraud upon the purchaser to sell him a manufactured article branded falsely or unbranded, and the principle upon which we have proceeded is to regulate the manufacture and sale by wholesale and retail, and also for export of the commodity known as "filled cheese," so as to prevent fraud and furnish complete protection to the purchaser.

Now, in regard to the constitutionality of the bill I will not undertake to give my judgment or opinion, but will simply quote from the decision of the Supreme Court of the United States in the original-package case (135 U. S., p. 110), simply premising that the amendment which I offer applies only to manufactured articles intended for interstate commerce. The Supreme Court says that—

As to the power to regulate commerce, none of the evils which proceeded from the feebleness of the Federal Government contributed more to the great revolution which introduced the present system than the deep and general conviction that commerce ought to be regulated by Congress, and that the grant should be as extensive as the mischief, and should comprehend all foreign commerce and all commerce among the States.

Further on, page 111, referring to a former decision (125 U. S., 465), the court says:

It is there shown that the transportation of freight or of the subjects of commerce, for the purpose of exchange or sale, is beyond all question a constituent of commerce itself.

Further on they say:

The transportation of passengers or of merchandise from one State to another is, in its nature, national, admitting of but one regulating power, and it was to guard against the possibility of commercial embarrassments which would result if one State could directly or indirectly tax persons or property passing through it or prohibit particular property from entrance into the State that the power regulating commerce among the States was conferred upon the Federal Government.

Again they say, page 116:

And Congress, under its general power to regulate commerce with foreign nations, may prescribe what articles of merchandise shall be admitted and what excluded, and may therefore admit or not, as it shall deem best, etc.

Still further on in the same opinion, page 119, the court says:

Where the subject is national in its character and admits and requires uniformity of regulation affecting alike all the States, such as transportation between the States, including the importation of goods from one State into another, Congress can alone act upon it and provide the needed regulation.

Now, here is a proposed regulation which its advocates claim is intended to prevent fraud in a matter which is the subject of interstate commerce, and yet the gentleman from Maine [Mr. DINGLEY] claims that an amendment to extend this bill to all fraudulent impositions and practices in articles of interstate commerce is unconstitutional. I submit that if this bill is constitutional the substitute which I have offered certainly is.

Mr. TAWNEY. Let me ask the gentleman a question. In all of the cases before the Supreme Court involving the oleomargarine act, or any of its provisions, has there ever been a lawyer who has questioned the right of Congress under the Constitution to pass that act?

Mr. TERRY. The right was doubted, but the Supreme Court having settled that the oleomargarine act was constitutional, that question is res adjudicata. So in this case, the Supreme Court having given its decision in the original-package case, the gentleman from Maine is estopped from saying that the amendment offered by me is unconstitutional, because that question was settled by the Supreme Court in the original-package case so far as it relates to interstate commerce; and it is a novel contention to argue that the Constitution can be invoked to prevent fraudulent impositions in the matter of cheese, but not in the matter of shoddy goods and spurious articles of other kinds.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas.

Mr. TERRY. I withdraw the amendment, Mr. Chairman.

The Clerk read as follows:

SEC. 6. That filled cheese shall be packed by the manufacturers in wooden packages only, not before used for that purpose, and marked, stamped, and branded with the words "filled cheese" in black-faced letters not less than 2 inches in length, in a circle in the center of the top and bottom of the cheese; and in black-faced letters of not less than 2 inches in length in line from the top to the bottom of the cheese, on the side in four places equidistant from each other; and the package containing such cheese shall be marked in the same manner, and in the same number of places, and in the same description of letters as above provided for the marking of the cheese; and all sales or consignments made by manufacturers of filled cheese to wholesale dealers in filled cheese or to exporters of filled cheese shall be in original stamped packages. Retail dealers in filled cheese shall sell only from original stamped packages, and shall pack the filled cheese when sold in suitable wooden or paper packages, which shall be marked and branded in accordance with rules and regulations to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. Every person who knowingly sells or offers to sell, or delivers or offers to deliver, filled cheese in any other form than in new wooden or paper packages, marked and branded as hereinbefore provided and as above described, or who packs in any package or packages filled cheese in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall upon conviction thereof be fined for each and every offense not more than $500 or be imprisoned not more than one year.

Mr. CHICKERING. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

In line 22, page 5, after the word "offense," insert "not less than $100 and."

Mr. CHICKERING. This amendment simply fixes the minimum penalty in cases of violation of the law and provides that it shall be not less than $100. Under the present provision of the bill a man could be brought into court for a violation of this act and be fined $1 and the requirements of the law would be met. I wish to say, in regard to this amendment, that such of the members of the committee that reported the bill as I have spoken to seem to be in favor of the amendment.

Mr. RAY. Will not the gentleman modify that amendment so as to make the amount $50 instead of $100? My experience as a lawyer is that if you make the minimum penalty too large you never get a conviction.

Mr. CHICKERING. I have no objection to accepting that suggestion, and I will modify the amendment accordingly.

Mr. CANNON. With all due respect to the gentleman, I trust that he will further modify it by withdrawing it entirely.

Mr. CHICKERING. That the gentleman declines to do.

Mr. CANNON. Very well; then I have only to say a single word. This section 6 is a very severe section. It provides that—

Retail dealers in filled cheese shall sell only from original stamped packages, and shall pack the filled cheese when sold in suitable wooden or paper packages, which shall be marked and branded in accordance with rules and regulations to be prescribed by the Commissioner of Internal Revenue.

Under this bill there is imposed upon hundreds of thousands of dealers in the country the duty of literally and strictly complying with these provisions. If any retail dealer, by accident, mistake, or otherwise, should wrap a piece of this cheese in any other than the specified covering he is subjected to what penalty? A fine of not more than $500 and imprisonment not more than one year. If you propose to make your penalties severe, that is a wise provision.

Mr. GROSVENOR. Will the gentleman allow me a moment? These penalties are imposed only upon men who knowingly violate the law; who falsely brand these commodities. Now, is there any equity or pity to be invoked in behalf of a man who will falsely brand a food product?

Mr. CANNON. But I am speaking of the retailer.

Mr. GROSVENOR. So am I.

Mr. CANNON. Every man is charged with a knowledge of the law; the gentleman will not dispute that.

Mr. CHICKERING. But in the provision defining this offense the word "knowingly" is used.

Mr. CANNON. Certainly; he must "knowingly" put the article in the package. It is not necessary of course to provide that he shall know the law.

Mr. GROSVENOR. He must know that he has falsely branded the article, or he can not be convicted.

Mr. CANNON. That is presumed.

Mr. GROSVENOR. Not at all; it must be proved.

Mr. CANNON. Does the gentleman deny that the presumption of knowledge of the law runs against the man, and can not be contradicted?

Mr. GROSVENOR. This is a question of fact; and the presumption of fact runs in favor of the man's innocence, not in favor of his guilt. The Government must prove the offense beyond reasonable doubt.

Mr. CANNON. That he knows the law?

Mr. GROSVENOR. It is not a question of knowing the law. This is a question of doing a thing. The offense is in doing it knowingly and doing it falsely.

Mr. CANNON. Let us see. An ignorant man engaged as a retailer is presumed to know the law. Although he may be unable to read or write, he is not allowed to dispute the presumption that he knows the law. Now, when a customer comes in, this cheese may be on the counter. The wooden packages or other coverings prescribed by the law may be exhausted. The customer says, "I want a pound of that cheese." The dealer passes out a pound, without putting it in the required package. I suppose he "knowingly" does that. Now, the bill as reported provides that each case shall stand upon its own merits; that the judge may grade the fine down to a dollar or up to $500; that he may send the person to prison for a day or for a year. The gentleman from New York [Mr. CHICKERING] now comes in and proposes to amend by providing that the judge shall fine the accused not less than $50. This is all I desire to say about the question. If the House wants to vote for such an amendment, let it do so.

Mr. MCMILLIN. Mr. Chairman, I trust that the gentleman in charge of this bill will insist on the provision as reported by the committee rather than that just offered by way of amendment. I will give very briefly my reasons for this suggestion. I speak in the presence of men of experience in the conduct of legal affairs, some of whom have acted in the capacity of judges, others of whom have exercised the pardoning power as chief magistrates of their States, and many others of whom, without having occupied such official positions, have had experience as lawyers.

Now, I think it will be conceded by all the legal fraternity that, so far as may be, minimum penalties ought to be abolished, and, a maximum penalty being provided, the question of the extent of the penalty within the maximum should be left to the court trying the case. It is the experience of those who have participated in legal proceedings that where penalties are made excessive there will inevitably be acquittals in minor cases, the costs of which must fall on the Government. Thus there will often happen a failure of what seems to be a proper prosecution because of the unwillingness to inflict what is deemed too heavy a penalty.

While it is true, as has been stated by the gentleman from Ohio, that the law presumes every person innocent until he is proved guilty, there are certain presumptions arising from the surroundings of the accused. For instance, the possession of goods in a certain condition suggesting a violation of the law devolves upon the person in possession of those goods the necessity of showing affirmatively that there has been no violation of law in the transaction. I believe that the ends of justice will be best subserved and the administration of the law most effectually secured by leaving this provision in the form proposed by the committee, naming simply the maximum penalty, but allowing the court the discretion of fixing any penalty below that maximum which may seem to be proper.

This is no new doctrine with me, nor does it apply to this case alone. In many cases arising under the internal-revenue laws

we have already, by acts of Congress since I have been here, abolished minimum penalties and left the maximum standing, thereby confiding the extent of the penalty to the discretion of the court. Others have been recommended to the House, and the tendency of wise legislation, of wise administration in these modern times, has been in the direction indicated, rather than in that which is suggested by the proposed amendment.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. MCMILLIN) there were—ayes 62, noes 37.

So the amendment was adopted.

Mr. CHICKERING. I offer a further amendment, Mr. Chairman, which I ask to have read.

The Clerk read as follows:

Insert in line 23, page 5, after the word "not," the following: "less than thirty days, nor."

Mr. CHICKERING. It is the same principle involved in the other amendment.

The amendment was adopted.

Mr. MORSE. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out, in section 6, in line 10, page 5, after the word "packages," the following:

"Which shall be marked and branded in accordance with rules and regulations to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury,"

And insert the following:

"And shall pack the filled cheese sold by them in suitable wooden or paper packages, which shall be marked and branded with the words 'filled cheese' in black-faced letters not less than one-half inch square, in three places equidistant from each other, upon the outside of each package, and in such a manner that at least one of said marks shall be plainly visible on the outside of said package when sold and delivered to the purchaser thereof."

Mr. MORSE. Mr. Chairman, the bill of the committee in the particular part proposed to be amended here seems to be defective. Suppose, for instance, that the Commissioner of Internal Revenue does not prescribe any regulation for the branding of this commodity. It is simply permissive, and not mandatory. The amendment makes it absolutely obligatory to brand the product for what it really is.

These gentlemen tell us that there is protection in branding soap grease called "filled cheese." This amendment, if adopted, allows the purchaser anywhere in this country, if he chooses to purchase this article, to do so, and he knows exactly what he is getting. There is no mistake about it. There is nothing covered up in the transaction.

I hope the amendment will be adopted.

Mr. TAWNEY. Mr. Chairman, this proposition was considered very carefully by the committee, and in view of the fact that it will be an inflexible regulation which the retailer may successfully evade, and that it will be impossible in the future to overcome that evasion except by an amendment of the law, which may be difficult to do, the committee adopted the provision which has been successfully administered with reference to the sale of oleomargarine. As the provision now stands in the bill the matter will be left with the Internal Revenue Department of the Government, where it properly belongs, and where suitable regulations may be made for stamping the retailers' packages. No advantage can be gained by the adoption of the proposed amendment. The matter can be better regulated by a rule of the Department. Then, if the regulations are evaded by the dealers, they can be changed.

Mr. WILBER. Mr. Chairman, with reference to the rules prescribed by the Internal Revenue Bureau with regard to the oleomargarine business, I wish to state that these rules and regulations as made by the Department are not enforced by their own officers. Packages of oleomargarine have been purchased within the past four weeks in open market—in fact, I made a purchase myself in the market here—and the rules and regulations of the Department for branding such oleomargarine, which regulations require that the word "oleomargarine," in letters of a half inch or a quarter of an inch in length, shall be placed on the outside of the package, in a position conspicuous and plainly visible on the package, were not observed; but as a matter of fact the package I purchased was not so branded at all, because from the outside it could not have been determined what it was, for the brand was on the inside of the paper which wrapped the article.

Now, we have agreed to this section, prescribing the branding by the manufacturer, explicitly, and I see no reason for leaving it to the Internal Revenue Department to determine how this branding shall be done, so far as the retailer is concerned. It is right that the public, the people, the consumers, shall be protected, and that the necessary rules and regulations shall be prescribed in every statute governing such matters whereby they may be properly protected, and not be left to the Internal Revenue Department.

I think it is the invariable case that where such specific regulations are laid down in the law they are far more liable to be carried out and followed by the dealers than regulations which may be framed by a Department of the Government.

I hope the amendment will be adopted.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. TAWNEY) there were—ayes 52, noes not counted.

Mr. CANNON. There is some misunderstanding, Mr. Chairman——

Mr. GROSVENOR. Mr. Chairman, there is evidently a misapprehension as to the vote being taken.

Mr. DINGLEY. Will the Chair cause the amendment to be again read?

The amendment was again reported.

The CHAIRMAN. The Chair will submit the question anew, as there seems to have been some misapprehension before.

Mr. DINGLEY. This amendment is to make the marks, as I understand it, as large on a pound of this cheese as on the whole package. It seems to me that the regulation ought to be left to the Commissioner of Internal Revenue. We ought not to go into legislation on a little matter like this.

Mr. MORSE. I make the point of order, Mr. Chairman, that debate is not in order. Certainly it is not in order to carry debate on when a vote is being taken.

Mr. DINGLEY. I was showing that the amendment was misunderstood.

The CHAIRMAN. The Chair will submit the question again.

The question was taken; and on a division there were—ayes 55, noes 62.

Mr. MORSE, Mr. SHERMAN, and others demanded tellers.

Tellers were refused.

So the amendment was rejected.

The Clerk read as follows:

SEC. 7. That all retail and wholesale dealers in filled cheese shall display in a conspicuous place in his or their sales room a sign bearing the words "Filled cheese sold here" in black-faced letters not less than 6 inches in length, upon a white ground, with the name and number of the revenue district in which his or their business is conducted; and any wholesale or retail dealer in filled cheese who fails or neglects to comply with the provisions of this section shall be deemed guilty of a misdemeanor, and shall on conviction thereof be fined for each and every offense not more than $200.

Mr. CHICKERING. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert in section 7, line 8, page 6, after the word "offense," the words "not less than $100 and."

Mr. CHICKERING. To make it conform to the other amendment, I will make that $50; so that it will read: "For each and every offense not less than $50."

The CHAIRMAN. The gentleman modifies his amendment so as to make it read $50 instead of $100.

The question was taken; and the amendment was rejected.

Mr. CHICKERING. I move to strike out the last word. I did not hear the Chair make the announcement. I demand a division.

The CHAIRMAN. The Chair thinks the gentleman should have made the demand before the announcement was made.

Mr. CHICKERING. I did not hear it.

The CHAIRMAN. The gentleman says he did not hear it, and the Chair will recognize the demand.

Mr. BRUMM. I rise to a point of order. It is entirely too late to call for a division.

The CHAIRMAN. If the gentleman from New York says that he did not hear the announcement, the Chair will now recognize the demand for a division.

Mr. BRUMM. It was made a long time after the Chair announced the result.

The CHAIRMAN. The Chair had announced the decision, but the gentleman stated that he did not hear.

Mr. BRUMM. Well, a month after he might say he did not hear the result of the division.

The committee divided; and there were—ayes 75, noes 33.

So the amendment was agreed to.

Mr. CHICKERING. Mr. Chairman, the measure now under consideration is of vital importance to the people that I have the honor to represent in this body, as it directly affects every dairyman in three of the leading agricultural counties in the greatest cheese-producing State of the Union. At the last annual meeting of the New York State Grange, held in the city of Binghamton, represented by progressive farmers from every county in the State, a resolution was unanimously passed urging upon Congress to take some action in this important matter. The resolution was sent to me at Washington, containing a request to do all in my power to look after such legislation in connection with this subject as would best conserve the interests of the farmers of the State of New York. Since that time I have received, as doubtless other members of the New York delegation have received, numerous petitions from the various agricultural organizations throughout the State in favor of immediate action by Congress.

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alone. In many cases arising under the internal-revenue laws

tions are laid down in the law they are far more liable to be car-

the State in favor of immediate action by Congress.

The article known as "filled cheese," which has not been manufactured in the United States to any great extent until recently, is produced by a process which has arrived at such a state of perfection as to deceive the public. There are now about 100 factories for the manufacture of this article in the United States, 90 of which are in the State of Illinois, and nearly all in the vicinity of what is known as the Elgin or butter district, in the northern part of the State. The amount produced in the year 1895 was 12,000,000 pounds. The cost per pound is from 3½ to 4 cents. This year, however, the manufacture has increased to such an extent that it is estimated that from the 1st of January to the 1st of April, 1896, 18,000,000 pounds have already been manufactured. According to the report of those best informed, this article is sold on an average of from 1 to 2 cents per pound less than the price of full cream cheese. This being the case, the net profit on last year's production would aggregate $500,000, which goes into the hands of a few manufacturers, jobbers, and retailers who own all the factories, do all the business, and control the entire market.

I do not wonder, Mr. Chairman, that these men oppose the passage of this bill; but I ask, who are better able to pay the tax imposed by the Government than the men who are engaged in destroying the great cheese industry in this country, and thereby adding annually a million dollars to their bank account? The method of manufacturing this article briefly is as follows. This is given that the members of this House may know what they eat when filled or lard cheese is placed before them. This statement is substantially from a gentleman who owns 30 out of the 90 factories in the State of Illinois. He states that in connection with his creameries he buys the milk from the farmers, and by a process of separation, and by the use of the latest and most improved machinery for that purpose, separates every particle of fat from the milk, leaving what is called skimmed milk. The cream is made into butter and sold as such. The skimmed milk is then taken and there is added to it sufficient uncooked lard to replace the butter fat taken from the milk. Remember, the lard is not cooked, but raised to a temperature of about 130° and the oil pressed out of it. Thirty per cent of that oil is mixed with 70 per cent of skimmed milk, and after adding coloring matter the mixture is manufactured into fancy full cream cheese.

In many cases the article is not branded until the seller gets an order with a request to put such a brand upon it as will please the people of the locality where it is to be sold, and in other cases the retailer puts his own brand upon it. In no case, however, is the cheese sold to the consumer for what it really is, and here is where the greatest fraud is perpetrated. Experts who have examined this article tell us that when first made it is with great difficulty that the fraud can be detected; but after a short time the real quality of the article becomes discovered, and the consumer becomes an enemy of all kinds of cheese, and the whole cheese-making industry is brought into disrepute on account of the fact that the consumer has been made to believe that he has purchased the best quality of the genuine article. There is no question that the reputation of American full cream cheese has been greatly injured by the sale of this article not only in this country but also abroad.

Secretary Morton, in his annual report of 1895, states the case clearly when he says:

Throughout the year United States cheese has commanded the minimum figure upon the English market. Our cheese has suffered disproportionately to other makes, by the depressed condition of the English cheese market, and reached in 1895 the lowest price ever quoted for American cheese in that country. Our correspondent reports in explanation that the United States cheese is not in favor with the British public, because so much in the past has been adulterated. During the first eight months of last year Canada and the United States stood side by side supplying the English market with cheese; but whereas Canada has this year not only held its own but made a small gain, shipments from the United States have fallen off 117,000 hundredweight, an amount corresponding to the increased shipments of Australasia and Canada and to the falling off in the whole shipments to Great Britain. In fact, every country shipping cheese to Great Britain has this year enlarged its trade with that country except the United States, which has lost over 21 per cent of its last year's business.

While it is hardly fair to attribute this entire loss to the flooding of the European markets with filled cheese, there is no doubt that the shipments of these adulterated goods have had a very unfavorable influence. But the largest damage to our manufacturers of pure cheese comes from the flooding of the manufacturing and mining centers of our own country, especially in Southern sections, with these spurious goods, where thousands upon thousands of boxes are shipped every fall and winter to take the place of genuine cheese. This article goes to Southern markets with the most elegant brands upon it, such as "Extra New York cream," "Added cream," "Double-extra cream cheese," or "Extra Wisconsin cream cheese." It will be observed that while manufacturers may sell it for what it really is and the jobbers may sell it to the retailers in like manner, yet the retailer perpetrates a fraud upon the consumer.

Mr. Chairman, I believe that the statement can be safely made that not a pound of the 12,000,000 sold during the year 1895 has been given to the public for what it really was, and that a very large proportion of this worthless article would to-day be decaying on the counters of the dealers if the unsuspecting public had any conception of its real character. The great loss that our American dairymen have suffered in consequence of the prejudice that has arisen by reason of the sale of filled cheese is best illustrated by the great decline in the exports of American cheese from 118,813,685 pounds in 1885 to only 60,448,420 pounds in 1895, while Canada, where the manufacture of filled cheese is prohibited by a law which is strictly enforced, has increased her exports from 61,502,949 pounds in 1885 to 146,004,650 pounds in 1895, and the very best cheese from the United States now sells more readily in London bearing the Canadian brand than under the names which but a few years ago were accepted as a guaranty of all that was honest and best in cheese. Since 1860 the increase in quantity exported by Canada is a thousandfold. Then she exported less than one-hundredth part of the quantity sent from the United States. Now the cheese exports of the former are more than double that of the latter in quantity and nearly 10 per cent greater in value per pound.

Mr. Chairman, in view of these startling facts the question comes to us as the representatives of the people, What can we do to place the American dairymen upon a par with the rest of mankind when his goods reach the markets of the world? I insist that this bill does not go far enough. We should follow the States in our own country and our neighbors across the border, and absolutely prohibit the manufacture and sale of this fraud within the limits of the United States. There is no more reason why the people of Illinois should conduct a business injurious to the great masses of the country than the people of any other State. But let us pass this bill that proposes to tax the manufacturers, wholesalers, and retailers, and compels all to brand the article, so that no one can be deceived by it under heavy penalties for violations, with the hope that in this way some good will be accomplished along the line that I have indicated.

Why should any member of this House vote against this proposition, which proposes to make every man who engages in this business honest in his transactions, which treats all alike and makes no discrimination? The benefit of the manufacture and sale of this article without these restrictions does not come to the men whose business, as I have shown, is being ruined by it, and who in these days of financial depression are struggling in many cases under the burden of debt, hoping for relief from the products of their daily toil; nor to the majority of business men who believe in square dealing and honest business methods, but only to a few manufacturers, jobbers, and retail dealers, who are disgracing the great mass of honest producers of a wholesome and necessary article of food and making their pure product a byword wherever this American fraud enters into competition with them in the markets of the country.

Mr. Chairman, I am glad to have the honor in behalf of the farmers of the State of New York to make a final appeal to the members of this House for favorable action upon this important matter. Statistics tell us that more than nine-tenths of all the cheese produced in this country comes from the States of New York, Wisconsin, Ohio, Illinois, Vermont, Iowa, Pennsylvania, and Michigan, ranking in the order named; but the State of New York, for whose interests I especially plead in this connection, produces alone about one-half of the total product of the United States, and the reputation of the Empire State gives character to the entire cheese output of the Union. It requires the milk of 1,000,000 cows to produce the $25,000,000 worth of cheese made annually in this country; and the State of New York maintains one-half of that number, and adds one-half of that fabulous sum to the material wealth of the country by the manufacture of this one article of food.

Do you wonder, Mr. Chairman, that the people of New York are demanding this legislation? The farmers of New York are passing through the greatest crisis in their history. They have recently seen the prices of all the products of the farm reduced by the action of Congress in breaking down the wall of protection between them and Canada, under the operation of the infamous Wilson bill, which placed upon the free list many articles which they produced and greatly reduced the duty upon all the rest. They have seen the products of a foreign country coming over into their own splendid home markets, which have been built up by the protective policy of the last thirty years, only to destroy and break them down. They have seen the only measure of relief which has thus far been offered, and which passed this House in the early part of the session, expiring in the Senate of the United States at the hands of those who profess to be their friends. And now they come asking Congress to give them relief from this filled-cheese fraud, which, as I have said, is destroying the industry upon which they now depend and which is making their great food product a byword wherever it goes, at home or abroad.

Mr. Chairman, I trust that when the vote is taken upon this question, and the result of our action to-day is flashed from one end of the country to the other and through the public press finds

its way to the homes of the farmers of the United States, they will have reason to rejoice that we, as their representatives, have been true to the trust reposed in us, not only by restricting the manufacture and sale of this great fraud, but also in taking a step in the direction of the final overthrow of one of the worst evils that to-day curses the American dairymen. [Great applause.]

Mr. SHERMAN. Mr. Chairman, it is not surprising that New York manifests great interest in the pending measure; it is not strange that her Representatives on this floor take unusual interest in its consideration. It would indeed be surprising did they not use their utmost exertion to perfect it, to incorporate into it every possible provision to protect the honest producer of good wholesome milk cheese from unfair competition with the spurious article; manufactured not from pure milk, the combined product of the effort of the farmer, the growth on his beautiful fields, and the natural gift of the docile bovine quadruped, but from a combination or conglomeration of skimmed milk and animal fats with artificial coloring, and having thus, as nearly as may be within their power, perfected the measure, earnestly advocate its passage. And the closer this bill resembles the Wilber bill, the nearer perfection, in my judgment, Mr. Chairman, will it be. I would like that bill, but if I can not get it, I will take what most nearly resembles it.

I say, Mr. Chairman, that our special interest should surprise no one, for New York State, the Empire State, first in population, in wealth, in education, in charities, first in commerce, is also first in the dairy industry. Not only first in comparison with any other State, but she lacks but little of being so as compared with all others. Her dairy products nearly equal those of all the other States combined. New York farmers ask no protection from honest competition with their fellows of their own or other States. They do ask—aye, demand—that that competition shall be honest, shall be fair, shall be in the open. They will compete in kind at all times and in all places. They shall not longer be subjected, if their Representatives can prevent it, to an unjust, and to some extent, at least, fraudulent competition with a cheap and inferior article, which hides its real interior beneath a cover which deceives the purchaser and consumer. This bill does not contemplate preventing the manufacture of "filled cheese." It does tear from it the mask behind which it has been parading as full cream cheese; it does deny to its manufacturers the right to reap unreasonable profits at the expense of the dairymen and everyday consumer, and makes the article face the world for what it is, and pay a moderate tax for the privilege of being here at all. The principle involved in the bill is not new. A decade ago a like deception upon butter in the form of oleomargarine, which had increased upon the market to enormous proportions, was regulated by Federal action. That action met, as does this bill, the very earnest opposition of the producers of the substitute, both before and after the passage of the oleomargarine law, but the highest judicial tribunal of the land declared the law constitutional.

I do not know that it is strange to encounter this opposition. The millennium is not here, and few men are satisfied with a moderate profit when it is possible to obtain a large one. You know—

They used to sing some time ago
A rather plaintive song—
Man wants but little here below,
Nor wants that little long.
But nowadays the song is set
To a different rhyme—
Man wants as much as he can get
And wants it all the time.

[Laughter.]

But, Mr. Chairman, while it is in our power to prevent that profit becoming abnormal through deception, and by this measure it is possible, we should exercise that power and the House will to-day do so.

This filled-cheese industry, Mr. Chairman—for I must so denominate a business that last year aggregated 12,000,000 pounds, and if continued unchecked during this year would treble that amount—if unrestricted will absolutely ruin the American cheese industry. But a few years ago the United States cheese led in the markets of the world. Why, Mr. Chairman, but a few years since when wandering through the market of San Francisco, filled as it was with the bounteous products of the beautiful and fertile Pacific Coast, coming to the cheese market I asked from whence came the best cheese, and was answered, "Herkimer County, N. Y." That is within my Congressional district, and the other county in that district, Oneida County, makes just as good. The statement was true then. It is true to-day. The same answer would then have been given at Liverpool. Not so to-day. The answer now at Liverpool would be "Canada." Why? Not because we do not make the same high grade now as then, but because so much of this spurious cheese has crept into the market from the United States that it prejudices the buyer against all.

Meantime Canada has shown the greatest wisdom in furnishing every protection to her farmers that is possible. She has amply protected them from the spurious articles of oleomargarine and filled cheese, and as the result has given to them larger and better markets, and withal a reputation everywhere for pure products that have carried into the farmers' pockets a large increase in money. The very fact that under her wise laws her exports have doubled in ten years while ours have decreased is a most eloquent argument why we should follow her example in this kind of legislation. It is a curious fact that American cheese in the Liverpool market bearing a Canadian brand will bring a higher price than the same cheese bearing an American brand. Pass this bill and the prestige of the American cheese will be restored. The price will return to its former plane. The American farmer will be materially aided. The profit that now goes into the hands of the few manufacturers of filled cheese will be distributed among the thousands of farmers all over the land. A slight remedy will be afforded the farmer for the ugly competition of the Canadian farmer, which has worked so disastrously to our citizens upon the frontier.

This bill is a wise one, moreover, because it furnishes a protection to the purchaser. It is a travesty upon our national honor that we allow a spurious article to pass current with a false brand. To label lard cheese as full cream cheese is a crime and is unjust to the innocent purchaser. If it is to be manufactured at all, let it be sold in the open for just what it is. Let the customer know without equivocation just what he is purchasing. If the manufacturers and retailers do not care to be honest in their transactions in this article, let the American Congress compel them to be. [Applause.]

This bill compels honest dealing. Do we want it, or shall the American market be a perpetual masquerade ball? It provides additional revenue. Do we need it? Let the $262,000,000 of bonds issued in time of peace give answer. It furnishes a measure of protection to the American farmer. Does he need it? Let the price of farm products, the condition of the farming communities throughout the land, during the past year or more give answer. The New York farmer, the American farmer, wants protection from fraud within and protection from cheap wages and poor homes without, and after he has had an opportunity to speak at the ballot box he will have it. [Loud applause.]

Mr. CANNON. I call the attention of the gentleman in charge of this bill to section 9, where I propose to offer an amendment.

Mr. GROSVENOR. Mr. Chairman, so far as I was concerned, I had consented to a change in the amount of the tax in that section; but there is now brought back to my mind the fact that the representatives of this filled-cheese industry asked us to strike out of the bill as it was originally prepared the 2-cent tax, the oleomargarine tax, and agreed that if this product was to be taxed at all the rate should be 1 cent per pound. Therefore I think the gentleman from Illinois ought not to try to do that which the parties directly interested did not ask to have done.

Mr. CANNON. Mr. Chairman, on page 7, line 2, before the word "one," I move to insert the words "one-half of," so that it will read, "one-half of 1 cent," etc.

The gentleman from Ohio says that the manufacturers asked that this tax should be reduced from 2 cents to 1 cent a pound. I am in no sense representing the manufacturers of filled cheese. We can afford to be honest with each other, whether we are honest with the balance of the world or not. [Laughter.] I represent in part the men who furnish the milk that goes into this product, and in part those who raise the hogs from which the neutral lard is obtained; and those two classes are a majority of the people of this country. Gentlemen agonize here about protecting "the farmer," but when you scratch them you find that what they are after is not protecting the farmer, but protecting the dairyman who is engaged exclusively in that branch of agriculture and who is seeking not to raise revenue by this bill, but to wipe out competition.

Mr. TAWNEY. Fraudulent competition.

Mr. CANNON. I am perfectly willing to join hands with my friend to prevent the counterfeiting of any food product in this country, and I have no reason to say that he has at heart any desire to go beyond that; but I do say that there are gentlemen here who have avowed within the last fifteen minutes that this bill is but one step toward preventing competition, toward prohibiting the making of this article at all.

Mr. CHICKERING. That is just what I said and just what I meant.

Mr. CANNON. That is just what the gentleman said and just what he meant. Now, then, we have the issue sharply and squarely drawn. I would not, if I had the power, prevent any citizen of the United States from making this or any other food product. I will prohibit him from coming with a falsehood in his mouth and in his hand, representing that his product is something which it is not. But, Mr. Chairman, I have yet to learn that we are to establish a system of economy in this country that is to tax one citizen who is engaged in an industry for the benefit of another citizen. I was never instructed in that school of economy, and, when the purpose is openly avowed, it shall not be carried out here without my protest being uttered against it. When it goes

to the extent of proposing to wipe out competition by a law enacted for that purpose, and when it is avowed that the suppression of a counterfeit is a mere pretext, if that is "the size of it," I will have none of it by my vote. Other gentlemen may if they want to. Now, I want to say, after inquiry, that a tax of one-half a cent a pound, with the license fees, will pay all the expense of collecting this tax twenty times over.

Mr. NORTHWAY. But will you get any revenue?

Mr. CANNON. Revenue! We do not want to get any revenue in this way. God forbid that we should get revenue by any form of internal taxation any longer than it is necessary. Correct principle forbids that in the name of revenue we should come in here and tax the man who has skimmed milk to sell or the man who has hogs or neutral lard to sell because he makes a product that competes with some other citizen's product.

Mr. CHICKERING. Will the gentleman permit a question?

Mr. CANNON. Yes, sir.

Mr. CHICKERING. Why does the gentleman propose a tax of one-half a cent a pound, then?

Mr. CANNON. Because I believe in branding this article truly, and I am willing to use the agency of the Government for that purpose.

Mr. GROSVENOR. The cost of this product is shown by the figures, about which there is no controversy, to be not greater than 4½ cents a pound. A tax of 1 cent, which is half of the original tax upon oleomargarine imposed by the law for which, I rejoice to say, my friend from Illinois voted as a member of the House——

Mr. TAWNEY. He made a speech for it.

Mr. GROSVENOR. Yes; he made a very eloquent speech on behalf of that bill: a better one, if possible, than the one he has made just now. [Laughter.] But I say, Mr. Chairman, that a tax of 1 cent per pound has been fixed upon at the suggestion of the manufacturers themselves. They came to the committee and said, "We are entirely willing, if you are going to pass this bill at all, that you shall lay a tax of 1 cent a pound instead of 2 cents, as was the original proposition."

Just a word further. Something has been said about standing by the poor man—the man who eats poor cheese, as I understood the illustration. Let me tell the gentleman from Pennsylvania [Mr. BRUMM] something that he will probably value more in the future than he does in the present. These manufacturers and wholesale dealers and retailers of filled cheese have been selling this cheese, as the record here abundantly shows, as high as 11 and 12 cents a pound. How were they able to do that? By suppressing the fact that it was filled cheese—not the genuine New York, Wisconsin, or Ohio full cream cheese.

Mr. BRUMM. Now, will the gentleman permit a question?

Mr. GROSVENOR. Wait a moment. If it is wise to legislate so that some people can get "cheap cheese," let us force these manufacturers and dealers to tell the truth to the man to whom they offer this article, and he will very soon learn that the actual value of this filled cheese does not exceed one-half the value of what they are trying to sell it for.

Mr. BRUMM. Permit me right there. You contend, then, that by the passage of this bill you will prevent the maker of filled cheese from asking an exorbitant price for it; that, in other words, you will bring him down to a fair profit?

Mr. GROSVENOR. I am arguing that by the passage of this bill we will compel the filled-cheese man to "tell the truth."

Mr. BRUMM. But the object is to bring down the price.

Mr. GROSVENOR. I knew a man once to get elected President of the United States by using just that form of expression. [Laughter.]

Mr. BRUMM. I hope you will not shirk the question. You say, do you not, that the object of this bill is to cheapen the price? If not, why do you assert that the manufacturers or dealers now get 10 or 12 cents a pound?

Mr. GROSVENOR. I do not say that the object is to cheapen the price.

Mr. BRUMM. What is the purpose, then?

Mr. GROSVENOR. Just what I have repeated over and over again. But when the gentleman says that we are going to enhance the price——

Mr. BRUMM. Oh, I did not say that.

Mr. GROSVENOR. That he wants his constituents to get "cheap cheese," we say the way to get cheap cheese is to put a brand on this filled cheese which will indicate the cost, and thus we cheapen the production beyond all reasonable doubt.

Mr. BRUMM. Will you not cheapen the article still more by reducing the tax to half a cent a pound?

Mr. GROSVENOR. Nobody who is in favor of this bill wants the tax reduced.

Mr. BRUMM. That is no answer to my question. Now, permit me to ask one more question, and I will not trouble you further.

Mr. GROSVENOR. I yield to the gentleman with very great pleasure.

Mr. BRUMM. You are always very kind. The tax on oleomargarine, as I understand, is 2 cents a pound?

Mr. GROSVENOR. That is right.

Mr. BRUMM. And you want to put a tax of 1 cent a pound on filled cheese?

Mr. GROSVENOR. That is just what we are going to do.

Mr. BRUMM. Now, what is the retail price of oleomargarine on an average?

Mr. GROSVENOR. I can not say.

Mr. BRUMM. What is the cost price?

Mr. GROSVENOR. Seven or eight cents a pound. We have tried to put all these figures at about the relative proportion there is between filled cheese and oleomargarine.

Mr. BRUMM. Then I have only to say that if the cost of oleomargarine is only 7 cents a pound your oleomargarine law did not reduce the price of oleomargarine at all, because the article is selling as high as butter to-day, and the tax you now propose on filled cheese is much higher in proportion.

Mr. GROSVENOR. I am not working here for filled cheese or for low-priced cheese; but I am determined that the people of this country, so far as my humble efforts may avail, shall have the opportunity to know when they are buying filled cheese that they are buying an article which has not cost as much as the full milk cheese.

Mr. OTEY. Will the gentleman please tell me how much revenue this bill is expected to yield? What is the estimate?

Mr. GROSVENOR. We expect to get enough to pay expenses and to do something to help out the Democratic Administration. [Laughter and applause.]

[Here the hammer fell.]

Mr. OTEY. I should like the gentleman to answer my question.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. GROSVENOR] has expired.

Mr. OTEY. Does the gentleman decline to answer my question? I want to know what is the estimate of the committee as to the amount of revenue which will be derived from this tax of 1 cent a pound.

Mr. GROSVENOR. We have never made any estimate.

Mr. OTEY. Then, this is a tax bill without an estimate.

Mr. GROSVENOR. That is right. But there is one estimate——

Mr. OTEY. Mr. Chairman, is a substitute in order?

The CHAIRMAN. A substitute for what?

Mr. OTEY. For the pending amendment.

The CHAIRMAN. The gentleman can offer an amendment to the amendment.

Mr. OTEY. Can I offer a substitute for the amendment?

The CHAIRMAN. The gentleman can move to amend the amendment.

Mr. OTEY. Very well. I move to amend the amendment so as to strike out "half a cent" and insert "1 mill."

Mr. GROSVENOR. The gentleman is thinking about "millimeters" now. [Laughter.]

The question being taken on Mr. OTEY'S amendment to the amendment, it was rejected.

Mr. OTEY. Can I not have time to answer the gentleman from Ohio? He asked me a question, as I understood.

The question being taken on the amendment of Mr. CANNON, it was rejected.

The Clerk proceeded with the reading of the bill and read section 14, as follows:

SEC. 14. That whenever any stamped package containing filled cheese is emptied it shall be the duty of the person in whose hands the same is to destroy the stamps thereon; and any person who willfully neglects or refuses so to do shall, for each such offense, be fined not exceeding $50 or imprisoned not less than ten days nor more than six months.

Mr. OTEY. Mr. Chairman, I move to strike out section 14.

This brings up, sir, the question of imprisonment for what is really not a crime, again.

I understood the gentleman from Michigan [Mr. TAWNEY] on yesterday to ask me a question——

Mr. TAWNEY. I desire to correct the gentleman—Minnesota.

Mr. OTEY. I accept the correction, and beg your pardon. A much greater State, I expect, in minerals than Michigan.

The gentleman from Minnesota asked me a question on yesterday as to who paid this tax. I understood him to ask who paid the penalty, and answered, "The man who violated the law." Of course if I had known that he asked the question, "Who paid the tax?" I would have stated the consumer. I wanted the correction made this morning, but as it was not then in order, I desire to put it in here.

But now you propose to imprison a man because he does not destroy some little package that had a 1-cent stamp on it. The stamp has been already canceled, and there is no reason to subject the citizens of this country to punishment of this character by revenue officers coming up and arresting them for not doing a trifling act of that kind that may have been forgotten, and I

hope very much that the section will be stricken out of the bill. It ought not to be there at all.

The question being taken on the amendment of Mr. OTEY, it was rejected.

The Clerk proceeded with the reading of the bill, and read section 18, as follows:

SEC. 18. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all needful regulations for the carrying into effect the provisions of this act.

Mr. HAINER of Nebraska. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Insert as a new section, to be known as section 19, between sections 18 and 19 of the printed bill as follows:

"SEC. 19. That no existing law or part of law which authorizes or allows compromises or settlements with offenders shall apply to any offenders under this act after the first violation of any of the provisions hereof."

Mr. HAINER of Nebraska. Under the general provisions of law relating to the Internal Revenue Bureau, we find section 3229, which provides in terms for compromises in cases of violation of the internal-revenue law, and in such cases there shall be filed in the office of the Commissioner the opinion of the solicitor of internal revenue, with his reasons therefor, including a statement of the amount of tax assessed, and the additional tax or penalty imposed by law because of the neglect or delinquency of the person against whom the tax is assessed, as well as the amount actually paid under the compromise.

Mr. Chairman, I am opposed to extending the provisions of any law which authorizes a minor officer of the Government to compromise cases against violators of law. As a matter of fact, it places the pardoning power in the hands of an officer connected with the Internal Revenue Bureau. This should not be done.

The amendment I have offered relates only to subsequent violations. It is a violation of the law, which must be presumed to be a willful violation, that we propose in this wise to bring to sure punishment. There is a real need for an exhibition of the "strong hand" on the part of the Government.

I have in my hand, for instance, the hearings before the Committee on Ways and Means upon this bill, and find, from the testimony presented, that it has been the general practice to compromise cases of this character; and certain parties make a business of compromising. They find it cheaper to compromise than to comply with the law; and on page 78 of the hearings I find that a single firm in Washington has paid some $3,000 in the past few years in the way of compromises. That ought not to be allowed. When a person has once violated the law and been convicted of the violation, there should be no further compromise in his case, but he should be compelled to bear the penalties of the law, be brought into court and branded by the proper judgment as a willful violator of the law.

I repeat we ought not to place in the hands of the internal-revenue officers the power to pardon such crimes as this.

Mr. DINGLEY. If the gentleman will allow me, I would like to have this amendment again reported.

The amendment was again read.

Mr. HAINER of Nebraska. The gentleman will see the purpose of this amendment——

Mr. DINGLEY. You propose to apply that simply to this law?

Mr. HAINER of Nebraska. Yes, sir.

Mr. DINGLEY. I do not know exactly, of course, what effect that provision may have or to what extent the compromises may be authorized by existing law. But the proposition here would establish the principle that the administration of this particular law should be different from the administration of all other internal-revenue laws. Now, I think we ought not to enter upon such a course of legislation as that. I think we ought to know exactly the result before we undertake to adopt this amendment.

Mr. HAINER of Nebraska. I will call the attention of the gentleman to the statute. Let me read the entire section to which I have referred in brief. I read section 3229, which is in the following terms:

SEC. 3229. The Commissioner of Internal Revenue, with the advice and consent of the Secretary of the Treasury, may compromise any civil or criminal case arising under the internal-revenue laws instead of commencing suit thereon; and, with the advice and consent of the said Secretary and the recommendation of the Attorney-General, he may compromise any such case after a suit thereon has been commenced. Whenever a compromise is made in any case there shall be placed on file in the office of the Commissioner the opinion of the Solicitor of Internal Revenue, or of the officer acting as such, with his reasons therefor, with a statement of the amount of tax assessed, the amount of additional tax or penalty imposed by law in consequence of the neglect or delinquency of the person against whom the tax is assessed, and the amount actually paid in accordance with the terms of the compromise.

Now, under that provision there have been compromises in this city, with a single firm, as much as $3,500. It is made profitable for them to compromise rather than comply with the law, and I propose that on subsequent violations there shall be no such thing as compromise.

Mr. MCMILLIN. Will my friend permit me to ask him a question?

Mr. HAINER of Nebraska. Certainly.

Mr. MCMILLIN. The law requires—and I have no doubt it has been complied with—that the reasons for the compromise shall be filed of record. Has the gentleman examined the record and found that there was a state of facts that did not justify the compromises that the Commissioner said he made?

Mr. HAINER of Nebraska. If the gentleman will turn to the hearing, on page 77, it is practically conceded by the Commissioner of Internal Revenue, and he there promises to make no further compromises. It shows this law is abused and that it is profitable to offenders to compromise or buy immunity. I do not believe in the purchase or sale of indulgences to commit crimes.

Mr. MCMILLIN. Has there been any perversion of justice by the compromises?

Mr. HAINER of Nebraska. It seems to be conceded by the Commissioner of Internal Revenue himself.

Mr. MCMILLIN. No such thing was conceded by the Commissioner.

Mr. HAINER of Nebraska. Let the gentleman read the hearings before his own committee.

Mr. MCMILLIN. I heard them, and I have read them in addition. Now, before the gentleman criticises what the Commissioner of Internal Revenue does, and proposes, as stated by my friend from Maine [Mr. DINGLEY], to change the whole system of the administration of internal-revenue laws as applied to this statute that we are about to enact, it strikes me that he ought to be sure that there is justice in his criticism. The reasons have been filed, and if they are wrong, it is very easy for the gentleman to show that.

Mr. HAINER of Nebraska. I am thoroughly satisfied, and I have simply taken the evidence in the hearings. I find on page 77 that persons have been given unqualified assurance that they will be protected. They are protected in their violations by the wholesale dealers, and that $3,500 has been paid by a single firm. That fact of itself proves it.

Mr. MCMILLIN. And the presumption is that the officers of the Government acted wisely, and that that was the best thing for the Government to do?

Mr. HAINER of Nebraska. No; it shows that the law has been abused.

Mr. GROSVENOR. Mr. Chairman, the Commissioner of Internal Revenue, when interrogated before the committee upon this subject, stated in answer to a question by my colleague [Mr. TAWNEY] as follows:

Mr. TAWNEY. When they come up and pay, do you dismiss the case?

Commissioner MILLER. It depends on what they pay and what the circumstances are. Compromise is vested in the office; but we exercise it only where we are satisfied. We always get a favorable report from the district attorney. There was one case in which we required $2,200 or $2,250 to be paid. There was one case in my own State where we got $1,800 recently. He had been indicted before.

Again, Mr. Miller says:

I do not want to be misunderstood. In all cases where there are cases in court action by the Department is never taken without the consent of the district attorney.

Mr. MCMILLIN. Exactly.

Mr. GROSVENOR. And now, Mr. Chairman, I submit that to take one single item of the internal-revenue law and put a different rule upon the Commissioner of Internal Revenue with reference to that is not wise. What may be the wisdom of a change of the whole power given to the Commissioner is not a pertinent question here and now, but to single out this item as though the violation of this law was a greater offense than that of "all those upon whom the tower in Siloam fell" is, it seems to me, unwise, and on that I differ with the gentleman from Nebraska.

Mr. DINGLEY. Not only that, but it will tend to bring this law into disrepute.

Mr. GROSVENOR. It will tend to bring this law into disrepute; it will tend to rouse public sentiment against a law like this. Let this law be put upon the same plane of administration as all the other laws upon kindred subjects.

Mr. HAINER of Nebraska. Mr. Chairman, I want to call attention to some of the facts, because we ought to legislate intelligently here. We are not changing the body of internal-revenue law as it exists now, but we are passing a law relating to this subject which is a new one. This law ought to be right. Now, let me again call attention to page 78 of the testimony of Mr. Oyster, president of the National Dairy Union, who knows whereof he speaks. He says, speaking of this matter of compromises, they are made by the Department, and that cases were compromised before the parties had any hearing. He says that one firm are selling four or five hundred tubs of oleomargarine per week, and of course the small fine of $50 does not cut any figure. Here is his exact language:

Mr. OYSTER. They assured me at the Department that cases were compromised before they had any hearing. A firm selling oleomargarine sells from four to five hundred tubs a week. The small fine of $50 does not cut any figure. I am told that one firm paid $3,500 in fines; but that is nothing compared to the money they make. They make more money in a week selling oleomargarine than that fine would amount to.

I submit, gentlemen, that you ought not to place a premium upon wrongdoing, on willful violations of the law. Where a man willfully persists in violating the law, let him be brought into court and submit to the judgment of the court. In that way he will find it profitable to cease doing wrong. We ought to make it difficult to do wrong and easy to do right, and we never can accomplish that by making it easier for a man with kid gloves to slip around behind the door and settle his offenses instead of going into court, where the average poor criminal has to come and submit to the sentence of the court.

Mr. WILLIAM A. STONE. Would not your amendment and your argument apply with equal force to all violations of the internal-revenue law?

Mr. DINGLEY. Certainly.

Mr. HAINER of Nebraska. It would, but we are making new law on this question, and I am not willing that the abuses of the past shall be carried into the new law.

Mr. WILLIAM A. STONE. But in making this new law, you make a distinction between that and the whole system of administering the internal-revenue law.

Mr. HAINER of Nebraska. I do that because, as the gentleman well knows, and as every other person well knows, we are dealing here with an actual fraud. Nobody denies it. Neither can a person who has been convicted of a violation stand up and claim that he is innocent. Let us deal with this subject frankly. The man who knowingly uses this "filled cheese" is the exception.

The great majority intend to use full cream cheese and buy it as such, paying full price therefor. The manufacturer and wholesale dealer, while he does not deceive his immediate purchaser as to the character of the product, knows full well that somebody along the line will practice a fraud and impose the product upon the consumer—that the spurious inferior product will be palmed off on the swindled consumer for a pure and superior article and at a good price. Its very inferiority makes it profitable to carry on the business, and the manufacturer and wholesaler usually pay these compromises. Even in the name the stuff bears the dishonest practice is made manifest. It is the best illustration I know of "stealing the livery of heaven in which to serve the devil." There can be no such thing as a legitimate trade in a counterfeit. Willful counterfeits in either money or a food product should be punished. The practice should be wiped out.

Mr. WILLIAM A. STONE. But also does not your amendment say that the officers, the district attorney and the Commissioner of Internal Revenue, will all unite in making it possible for willful violators of this law to take advantage of his violation——

Mr. HAINER of Nebraska. Nothing of the kind. I simply take away from them the discretion to pardon crime; and that power ought not to be vested in any officer connected with the Internal Revenue Bureau.

Mr. WILLIAM A. STONE. But does not the history of these violations of the internal-revenue law establish the fact that where persons have willfully and repeatedly violated the internal-revenue law they have to pay large sums for a compromise?

Mr. HAINER of Nebraska. They have not to pay large sums. The gentleman well knows, because of his investigation, that this very fact has led to a constant increase of crime. While it has placed some money in the Treasury, it has increased crime in those States where compromises have been practiced. It is only where we know that crime will certainly be punished that crime ceases.

Mr. WILLIAM A. STONE. Does the gentleman regard this as a crime, while these internal-revenue laws are not really crimes in a great many instances?

Mr. HAINER of Nebraska. There is hardly a more indefensible crime against every honest sentiment of honor and virtue in the country than the adulteration of an important food product, and a man who knowingly sells this stuff, which they call filled cheese, as full cream cheese can make but small claim to honor.

Mr. WILLIAM A. STONE. That may be; but while it may be a violation of the law, he may do it unwittingly.

Mr. HAINER of Nebraska. For that reason I provide it shall not apply on the first violation, but after the first violation.

Mr. WILLIAM A. STONE. But your amendment provides that it shall apply after the first violation. Why do not you make it apply after the first conviction, and not after the first violation? A man may violate a law a number of times and never be called to account for it.

Mr. HAINER of Nebraska. And never will be convicted if you allow them to sneak out in this sort of way.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAM A. STONE. It strikes me this would be applying a very severe penalty for what may be practically a technical offense. [Cries of "Vote!" "Vote!"]

Mr. RAY. Mr. Chairman, while no man on the floor of this House is more earnestly in favor of the passage of this bill than myself, yet I hope this amendment will not be adopted. The Government of the United States has established a policy in treating with offenders against the internal-revenue laws of the United States, and if we want a law to be popular and to be effective, to be enforced, we must be consistent in our legislation, in our acts; and if we single out this bill, if it becomes law—and I have no doubt it will—if we single this bill out and provide special penalties, and then provide that there shall be no compromise in certain cases, we shall attract the attention of the whole country to it; we shall invite criticism, we shall invoke antagonisms, and the law will be ineffective and unpopular. Now, I hope every friend of this bill will vote against this amendment.

Mr. HAINER of Nebraska. I will modify my amendment by striking out the words "violation of" and inserting "conviction on"; so that it will read "after the first conviction on any of the provisions hereof."

Mr. BRUMM. Mr. Chairman, it seems to me that the more you discuss this bill the more you develop the fact that the bill is a fraud from beginning to end. Here is an amendment offered to put into your bill the same provision that you have in the revenue bill; and yet you get this bill upon the floor of the House because it is a revenue bill. You can not get it here in any other way this session. You get it here because, as my genial friend from Iowa [Mr. DOLLIVER] says, "we want revenue." You put it in here under the pretext of being a revenue bill. It can not be here in any other way; and when you do that you should apply to it the same rules that you apply to your internal-revenue law. Then you all get up and say, "Do not do that," because it will let the cat out of the bag and develop the true hideousness of the bill. It will invite criticism from everybody in the country, and every man of you will vote against it. I submit that those who are honest in this matter will apply the same rule to this that we shall apply to every other internal-revenue law. I am with you, brother, and I will vote with you. [Laughter.]

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Nebraska.

Mr. DINGLEY. One moment. The gentleman from Pennsylvania has certainly misapprehended the character of the amendment. As it stands it applies the internal-revenue laws exactly as they exist.

Mr. BRUMM. I understand what the amendment is.

Mr. DINGLEY. You have got it wrong end to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

The question was taken.

The CHAIRMAN. The noes seem to have it; the noes have it, and the amendment is lost.

Mr. HAINER of Nebraska. Mr. Chairman, what has become of my amendment?

The CHAIRMAN. The amendment has been submitted to the committee and voted on and declared lost. [Laughter.]

Mr. HAINER of Nebraska. Mr. Chairman, I am satisfied that not one gentleman in twenty-five heard the result.

The CHAIRMAN. There were about three ayes and a large volume of noes. The Chair announced that the noes appeared to have it, the noes have it, and the amendment is lost. The gentleman from Nebraska and the gentleman from Pennsylvania were engaged in a little private conversation and he did not hear the result, but the amendment was declared lost.

Mr. HAINER of Nebraska. I certainly did not hear the result.

Mr. DINGLEY. I hope the amendment will again be submitted.

The CHAIRMAN. If there be no objection, the Chair is perfectly willing to submit it again. [After a pause.] The Chair hears no objection, and the Chair will again submit the question on the amendment.

The question was again taken; and the amendment was rejected.

Mr. BRUMM. Mr. Chairman, I wish to offer an amendment in the form of a new section, to be numbered 18½.

Mr. PAYNE. There is no such section.

Mr. BRUMM. I am going to offer one and call it that, as I have a perfect right to do. I want to offer something that will be of real benefit to the farmer.

Mr. GROSVENOR. Mr. Chairman, I make the point of order that there is no question before the House.

Mr. BRUMM. This is an amendment which the gentleman will not oppose.

Mr. GROSVENOR. Let us know what it is.

Mr. BRUMM. I know you can not oppose it, because you are a friend of the farmer and you want revenue.

Mr. GROSVENOR. What is it?

Mr. BRUMM. I want to offer as section 18½ the wool schedule of the McKinley bill. [Laughter.] I know you will not oppose that, will you?

Mr. GROSVENOR. Yes.

Mr. BRUMM. You will! Then I shall have to withdraw it. [Laughter.]

The Clerk read as follows:

SEC. 19. That this act shall go into effect on the ninetieth day after its passage, and all wooden packages containing 10 or more pounds of filled cheese found on the premises of any dealer on and after the ninetieth day succeeding the date of the passage of this act shall be deemed to be taxable under section 8 of this act, and shall be taxed, and shall have affixed thereto the stamps, marks, and brands required by this act or by regulations made pursuant to this act; and for the purpose of securing the affixing of the stamps, marks, and brands required by this act, the filled cheese shall be regarded as having been manufactured and sold or removed from the manufactory for consumption or use on or after the day this act takes effect; and such stock on hand at the time of the taking effect of this act may be stamped, marked, and branded under special regulations of the Commissioner of Internal Revenue, approved by the Secretary of the Treasury; and the Commissioner of Internal Revenue may authorize the holder of such packages to mark and brand the same and to affix thereto the proper tax-paid stamps.

Mr. TALBERT. Mr. Chairman, I have listened very attentively to the discussion upon this bill, I have listened to its reading twice, and I have come to the conclusion that it is a vicious piece of legislation from beginning to end. It is protection run mad. There is only one redeeming feature in the bill; that is the provision requiring manufacturers of filled cheese to mark their product so that those who buy it to sell or for consumption may know just what they are doing, may know the kind of goods they are dealing in.

Mr. Chairman, I submit that this bill seems to be a proposition to license that which is wrong, dodging the question by calling the license fee a "tax." It seems to me that the very term "filled cheese" is a misnomer. The idea which it conveys to my mind is that of an external case composed of something comparatively good, the interior being filled up with impure matters, destructive of health and of life, and I believe that in licensing it under cover of this bill you are giving the countenance of the Government to the carrying on of a business that is wrong, and you will be taxing one party for the benefit of another.

On the other hand, if it is admitted that this product is not injurious to health, then this bill is wrong in principle, wrong in theory, destructive in practice, and in violation of the theory of the Government under which we live. It is framed and based upon the same principle upon which Congress acted when they imposed a tax of 10 per cent upon State banks of issue, so as to crush them out of existence and give the business of banking into the hands of national banks, thus enabling those institutions to levy tribute upon all other kinds of business enterprises by demanding exorbitant rates of interest upon all loans, thus imitating the robber barons of the Rhine of old, who from their palaces fired a shot across the bow of every passing craft, and descending like hawks from the rocks robbed and tore their victims till their greed was satisfied or the strength of the victim became exhausted.

These national banks have arranged themselves to so adjust the finances of the country as to utilize them for the benefit of one class, and that a very small class of the country. That is what they have done, and it has been completely done. The result has been that by means of their monopoly they have acquired such power that they now control this whole country, they manipulate conventions, control State and national legislation; they corrupt the jury box, control the judges, control the decisions of the courts; and if we pass this bill it will have a like effect in respect to this business of the manufacturing of cheese. It will create a monopoly for the manufacture of cheese of all kinds. The small fish will be driven out, the large ones will swallow them up, and the business will be entirely monopolized by a few, so as to raise the price to the consumer, and the great mass of the people will at last be the sufferers by having the price of all grades of cheese raised enormously.

I am opposed to the principle of this bill. It is vicious in tendency; it is destructive in practice; it is against the very theory of our Government, and I hope that every part of the bill will be stricken out except the provision requiring the manufacturers of these products to mark it so that those who buy it either for dealing or consumption may know what they are buying and see just what they are doing. If you wish to enact that part of the bill, I see no objection to it; but let us not go on and establish a monopoly and give it power to crush out the small industries of the country, which have a hard time to make a living now. Let the small fry have the right to continue business without a tax. Equal rights to all, and special privileges to none, should be our motto; and let us in shaping legislation beware lest we should tax one industry to build up another, which is both undemocratic and un-American. [Applause.]

Mr. TAWNEY. Mr. Chairman, on page 9, in line 24, I move to strike out "eight" and insert "nine."

The amendment was agreed to.

Mr. GROSVENOR. I move that the committee rise and report the bill and amendments to the House.

The CHAIRMAN. The gentleman from Arkansas [Mr. TERRY] desires to offer a substitute.

Mr. TERRY. Mr. Chairman, if there are no other amendments to be offered, I ask that my substitute be read.

The substitute proposed by Mr. TERRY was read as printed above.

Mr. TERRY. I desire to state that this amendment is in line with the professed object of this bill. In this connection, I wish to submit an extract from a letter received from a worthy farmer in my district, Mr. John Nesbitt, and relating to just this question. He says:

Everything that farmers have need of is sold to them in every shape and form under a false brand, and very inferior articles seem to be sent down to us in the Southern States, and the plows are duplicated and of inferior grade, trace chains not half welded and of inferior iron, our harness filled with scraps of leather, our wagons of inferior timber, our clothing of shoddy, and our shoes of paper or scraps of wood in sole, shavings of leather glued together, and the first wet they fall to pieces—and other things too numerous to mention.

Now, sir, if the gentlemen supporting this bill are in earnest, if they want to stop fraud upon the purchasers of these articles of interstate commerce, why not make the bill apply to all such articles? Why single out the one commodity cheese and apply these provisions to it? I tell you, sir, when gentlemen speak of fraudulent practices, this bill itself is a miserable fraudulent pretense, which, under the guise of protecting the consumer, tries to strike down a competitor in a particular branch of industry, who, as the testimony shows, furnishes an article just as good as that which this bill seeks to protect. I have heard very reputable gentlemen on this floor who have eaten both kinds of cheese say that they can not tell one from the other; and the fact that the two articles command, as has been stated here, nearly the same price, shows what is the real merit of the article which you propose to strike down. But when you have imposed all the onerous restrictions of this bill upon what you call "filled cheese," the price of the other will be raised, or its grade be lowered, to the injury of the consumer, and the poor and the country merchant will get the worst of it.

Gentlemen who are supporting this bill want simply to get rid of a competitor in a particular industry under the guise of trying to protect the public. And I want to say that when this legislation has been enacted, and when the people see the results of it, you will hear from them. You are proposing to tax the little country merchant $40 for the privilege of selling the people the kind of cheese that they want.

Mr. GROSVENOR. Oh, no; $12.

Mr. TERRY. It was $40 in the bill as you offered it; but no matter what may be the amount. Even $12 is perhaps more than the profits of the cheese that the country dealer sells in a whole year would amount to. Virtually, this bill will amount in the rural districts to prohibition against dealing in this article of cheese, which is cheaper and just about as good as the other. You will hear from the people on this subject, and the majority of them will be found opposed to such vicious legislation as this. [Applause.]

Mr. GROSVENOR. Mr. Chairman, step by step everything is coming our way in this country. I certainly find myself in a most delightful condition when a gentleman purporting to belong to the late Democratic party is found solemnly——

Mr. TERRY. You have sung that requiem before. You and your party have assumed several times that the Democratic party was dead; but you will find it a very lively corpse when you have put up your candidate.

Mr. GROSVENOR. A gentleman belonging to the late Democratic party comes here with a proposition that the United States shall undertake to regulate the manufacture of all the commodities that the people of his State are engaged in making or consuming. This is an obliteration of the old doctrine about which we have had considerable trouble heretofore both in war and peace; and I welcome the gentleman into the purer light and better atmosphere of the great party which believes that the Congress of the United States has some power to legislate in the interest of the people of this country.

Mr. TERRY. Democracy does not deny the power of Congress to legislate in the interest of the people, but that is not your bill. Certainly the "party of great moral ideas" when it undertakes to do a thing should not do it under false pretenses. If you are sincerely seeking the benefit of the consumer you should adopt some consistent and general legislation—not this cheeseparing legislation proposed here.

Mr. GROSVENOR. The gentleman has fired his "farewell shot o'er the grave where his hero is buried." He has repeated the same speech which we heard upon the oleomargarine bill not very many years ago. Yet I have not heard that the people of this country have ever risen up in opposition to that bill. I think that the gentleman is entirely too anxious for the future of the men who are going to vote for this bill. This bill is upheld by the popular demand of an immense interest in the country. We will do our duty and look to the future for our vindication.

Mr. MOODY. Mr. Chairman, I wish to ask the gentleman in charge of this bill whether in any section it is made clear that the enactment shall in no way affect the administration of the State

laws relating to the traffic in filled cheese? I am prompted to ask this question because I find in the oleomargarine law an express provision that the laws of the States shall not be affected by the passage of a national law on the subject. In a recent case before the Supreme Court the point was made that the oleomargarine statute affected the laws of the States; and the court held that it did not, because it contained an express provision which prevented any repeal of State statutes by the United States statute. If that point has not been considered in connection with this bill——

The CHAIRMAN. The Chair must remind gentlemen that the question is now upon the substitute offered by the gentleman from Arkansas [Mr. TERRY].

Mr. TERRY. In answer to the suggestion of the gentleman from Ohio [Mr. GROSVENOR]; I will state that this amendment applies only to articles which are the subjects of interstate commerce; and it is in harmony with the decisions of the Supreme Court of the United States.

The CHAIRMAN. The question is on the substitute proposed by the gentleman from Arkansas.

The question was taken; and on a division there were—ayes 31, noes 109.

So the substitute was rejected.

Mr. MOODY. Mr. Chairman, I move to amend by adding a new section at the end of the bill in the following words:

That section 3243 of the Revised Statutes shall be, so far as applicable, extended to the provisions of the present act.

The CHAIRMAN. That can only be done now, the Chair thinks, by unanimous consent.

Mr. HENDERSON. I think, Mr. Chairman, that this is already included in the bill, on page 3.

Mr. MOODY. I rose, Mr. Chairman, for the purpose of making an inquiry. I find the section is already in the bill, and withdraw the amendment.

Mr. GROSVENOR. I now renew the motion that the committee rise and report the bill as amended to the House with favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL reported that the Committee of the Whole House on the state of the Union having had under consideration the bill H. R. 8008, had directed him to report the same to the House with sundry amendments, and as so amended recommend that the bill do pass.

Mr. GROSVENOR. I ask the previous question on the bill and the amendments to its passage.

Mr. OWENS. Can a motion to recommit be now submitted?

The SPEAKER. Not just at this moment.

Mr. OWENS. After the previous question is ordered?

The SPEAKER. It can then be offered.

The previous question was ordered.

Mr. OWENS. Now, if in order, Mr. Speaker——

The SPEAKER. The Chair thinks that it should be after the amendments are acted upon. The motion will be in order when the bill has been passed to a third reading.

The amendments recommended by the Committee of the Whole were adopted.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. OWENS. Mr. Speaker, I now offer the following motion to recommit.

The Clerk read as follows:

That the bill be recommitted to the Committee on Ways and Means with instructions to report a bill providing for marking and branding packages of what is known as "filled cheese" for interstate trade, and providing penalties for violating said provisions, but omitting the tax and license fees provided for in the bill now under consideration.

The question was taken; and on a division there were—ayes 27, noes 129.

So the motion was rejected.

The question recurred on the passage of the bill.

Mr. MCMILLIN and others. On that let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 160, nays 58, not voting 136; as follows:

YEAS—160.

Aldrich, Ala.	Blue,	Cook, Wis.	Eddy,
Allen, Utah	Bowers,	Cooper, Wis.	Ellis,
Apsley,	Brewster,	Corliss,	Faris,
Arnold, R. I.	Broderick,	Cousins,	Fischer,
Atwood,	Bromwell,	Crowther,	Fletcher,
Avery,	Brosius,	Crump,	Foss,
Babcock,	Brown,	Curtis, Iowa	Gamble,
Baker, Kans.	Burrell,	Curtis, Kans.	Gibson,
Baker, N. H.	Burton, Mo.	Danford,	Gillet, N. Y.
Barham,	Calderhead,	Daniels,	Gillett, Mass.
Barney,	Chickering,	De Witt,	Graff,
Bartholdt,	Clark, Iowa	Dingley,	Griffin,
Bell, Colo.	Clark, Mo.	Dolliver,	Grosvenor,
Bennett,	Codding,	Doolittle,	Grout,
Bingham,	Coffin,	Dovener,	Hadley,
Hager,	Kirkpatrick,	Odell,	Sperry,
Hainer, Nebr.	Lacey,	Otjen,	Steele,
Halterman,	Lefever,	Payne,	Stephenson,
Hardy,	Loighty,	Perkins,	Stone, C. W.
Harris,	Leisenring,	Phillips,	Stone, W. A.
Hartman,	Leonard,	Poole,	Strong,
Hatch,	Lewis,	Prince,	Strowd, N. C.
Heatwole,	Linton,	Pugh,	Tawney,
Hemenway,	Long,	Ray,	Tayler,
Henderson,	Loud,	Reeves,	Thomas,
Henry, Ind.	Low,	Royse,	Towne,
Hepburn,	Marsh,	Russell, Conn.	Tracey,
Hermann,	McCleary, Minn.	Sauerhering,	Treloar,
Hilborn,	McClure,	Scranton,	Updegraff,
Hill,	Meiklejohn,	Settle,	Van Horn,
Hopkins,	Mercer,	Shafroth,	Van Voorhis,
Howell,	Miller, Kans.	Shannon,	Walker, Mass.
Hubbard,	Milnes,	Sherman,	Wanger,
Hulick,	Minor, Wis.	Shuford,	Warner,
Hull,	Moody,	Simpkins,	Watson, Ind.
Jenkins,	Morse,	Smith, Ill.	Watson, Ohio
Joy,	Mozley,	Smith, Mich.	Wilber,
Kern,	Murphy,	Southard,	Wood,
Kerr,	Noonan,	Southwick,	Woodman,
Kiefer,	Northway,	Spalding,	Wright.

NAYS—58.

Aldrich, Ill.	Cox,	Maddox,	Richardson,
Allen, Miss.	Crowley,	Maguire,	Sayers,
Bailey,	Dinsmore,	McCall, Tenn.	Strait,
Bartlett, Ga.	Dockery,	McClellan,	Talbert,
Bartlett, N. Y.	Elliott, S. C.	McCreary, Ky.	Terry,
Belknap,	Evans,	McCulloch,	Tracewell,
Berry,	Hall,	McDearmon,	Turner, Ga.
Brumm,	Hart,	McLaurin,	Tyler,
Cannon,	Hendrick,	McMillin,	Walker, Va.
Clardy,	Kendall,	McRae,	Washington,
Cobb, Mo.	Latimer,	Meyer,	Wheeler,
Cockrell,	Layton,	Moses,	Williams,
Connolly,	Lester,	Otey,	Yoakum.
Cooper, Fla.	Little,	Owens,	
Cooper, Tex.	Lorimer,	Pendleton,	

NOT VOTING—136.

Abbott,	Draper,	Lawson,	Robinson, Pa.
Acheson,	Ellett, Va.	Linney,	Rusk,
Adams,	Erdman,	Livingston,	Russell, Ga.
Aitken,	Fairchild,	Lockhart,	Shaw,
Anderson,	Fenton,	Loudenslager,	Skinner,
Andrews,	Fitzgerald,	Mahany,	Snover,
Arnold, Pa.	Foote,	Mahon,	Sorg,
Baker, Md.	Fowler,	McCall, Mass.	Sparkman,
Bankhead,	Gardner,	McCormick,	Spencer,
Barrett,	Griswold,	McEwan,	Stahle,
Beach,	Grow,	McKenney,	Stallings,
Bell, Tex.	Hanly,	McLachlan,	Stewart, N. J.
Bishop,	Harmer,	Meredith,	Stewart, Wis.
Black, Ga.	Harrison,	Miles,	Stokes,
Black, N. Y.	Heiner, Pa.	Miller, W. Va.	Strode, Nebr.
Boutelle,	Henry, Conn.	Milliken,	Sulloway,
Buck,	Hicks,	Miner, N. Y.	Sulzer,
Bull,	Hitt,	Mondell,	Swanson,
Burton, Ohio	Hooker,	Money,	Taft,
Catchings,	Howard,	Neill,	Tate,
Clarke, Ala.	Howe,	Newlands,	Tucker,
Cobb, Ala.	Huff,	Ogden,	Turner, Va.
Colson,	Huling,	Overstreet,	Underwood,
Cooke, Ill.	Hunter,	Parker,	Wadsworth,
Cowen,	Hurley,	Patterson,	Walsh,
Crisp,	Hutcheson,	Pearson,	Wellington,
Culberson,	Hyde,	Pickler,	White,
Cummings,	Johnson, Cal.	Pitney,	Willis,
Curtis, N. Y.	Johnson, Ind.	Powers,	Wilson, Idaho
Dalzell,	Johnson, N. Dak.	Price,	Wilson, N. Y.
Dayton,	Jones,	Quigg,	Wilson, Ohio
De Armond,	Knox,	Raney,	Wilson, S. C.
Denny,	Kulp,	Reyburn,	Woodard,
Downing,	Kyle,	Robertson, La.	Woomer.

So the bill was passed.

The following pairs were announced until further notice:

Mr. DALZELL with Mr. CRISP.

Mr. RANEY with Mr. COWEN.

Mr. JOHNSON of North Dakota with Mr. LAWSON.

Mr. DRAPER with Mr. TUCKER.

Mr. BARRETT with Mr. NEILL.

Mr. WHITE with Mr. HARRISON.

Mr. STRODE of Nebraska with Mr. STOKES.

Mr. LORIMER with Mr. HUTCHESON.

Mr. COLSON with Mr. PRICE.

Mr. ARNOLD of Pennsylvania with Mr. WILSON of South Carolina.

Mr. STEWART of Wisconsin with Mr. STALLINGS.

Mr. ANDREWS with Mr. MILES.

Mr. WILSON of Ohio with Mr. MCKENNEY.

Mr. SNOVER with Mr. SPARKMAN.

Mr. MILLER of West Virginia with Mr. WOODARD.

Mr. OVERSTREET with Mr. BELL of Texas.

Mr. KULP with Mr. DOWNING.

Mr. PEARSON with Mr. SPENCER.

Mr. JOHNSON of California with Mr. JONES.

Mr. GRISWOLD with Mr. OGDEN.

Mr. BULL with Mr. TATE.

Mr. MILLIKEN with Mr. BANKHEAD.

On this vote:

Mr. PICKLER with Mr. SWANSON.

Mr. WELLINGTON with Mr. SORG.

Mr. HURLEY with Mr. WALSH.

Mr. HOOKER with Mr. MINER of New York.

Mr. ROBINSON of Pennsylvania with Mr. RUSK.

Mr. AITKEN with Mr. LOCKHART.

Mr. BURTON of Ohio with Mr. LINNEY.

Mr. MCCALL of Massachusetts with Mr. PATTERSON.

Mr. WADSWORTH with Mr. MONEY.

Mr. CUMMINGS with Mr. ABBOTT.

Mr. GROW with Mr. CULBERSON.

Mr. FAIRCHILD with Mr. BERRY.

Mr. CURTIS of New York with Mr. UNDERWOOD.

Mr. HARMER with Mr. TURNER of Virginia.

Mr. POWERS with Mr. BLACK of Georgia.

Mr. LOUDENSLAGER with Mr. KYLE.

Mr. PITNEY with Mr. ERDMAN.

Mr. ACHESON with Mr. SULZER.

Mr. ADAMS with Mr. RUSSELL of Georgia.

On this day:

Mr. BOUTELLE with Mr. ROBERTSON of Louisiana.

Mr. UNDERWOOD. Mr. Speaker, I voted "nay" on this bill, but find I am paired with the gentleman from New York, Mr. CURTIS, and therefore withdraw my vote.

Mr. POWERS. I voted for the passage of the bill, Mr. Speaker, but find I am paired with the gentleman from Georgia, Mr. BLACK, who would have voted against it. I withdraw my vote.

Mr. SHERMAN. My colleague, Mr. FOOTE, is unavoidably absent from the House. If present, he would vote "yea."

Mr. DOOLITTLE. I desire to ask the excuse of my colleague, Mr. HYDE, who is unavoidably detained from the House on account of sickness. He would have voted for the bill, if present.

Mr. SCRANTON. My colleague, Mr. STAHLE, is necessarily absent, but would vote for the bill, if present.

Mr. SOUTHARD. The gentleman from South Dakota, Mr. PICKLER, is absent unavoidably and paired on this bill. If present, and voting he would have voted "yea."

Mr. CHARLES W. STONE. The gentleman from North Carolina, Mr. LINNEY, is absent from the House. If present, he would vote "nay" on this question.

Mr. BARHAM. Mr. Speaker, my colleague, Mr. JOHNSON of California, is absent sick. If present, he would vote "yea."

Mr. FISCHER. Mr. Speaker, my colleague, Mr. BLACK of New York, is unavoidably absent. If present, he would have voted for the bill.

Mr. WILLIAM A. STONE. I desire to make the same announcement with reference to my colleague, Mr. ACHESON.

Mr. MAGUIRE. The gentleman from New York, Mr. SULZER, was called away on important business, and desired me to state that, if present, he would vote for the bill.

The result of the vote was then announced as above recorded.

On motion of Mr. GROSVENOR, a motion to reconsider the last vote was laid on the table.

RETURN OF A BILL FROM THE PRESIDENT.

The SPEAKER laid before the House the following concurrent resolution; which was read by the Clerk:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the enrolled joint resolution (S. 116) authorizing the Public Printer to print the Annual Report of the Superintendent of the United States Coast and Geodetic Survey in quarto form and to bind it in one volume, for the purpose of correcting errors in the text.

The resolution was agreed to.

VENTILATION OF THE HOUSE WING OF THE CAPITOL.

Mr. ATWOOD. Mr. Speaker, I am authorized by the Committee on Ventilation and Acoustics to ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be asked to detail an expert on heating and ventilating from the office of the Supervising Architect, to carefully examine the plans submitted to the Committee on Ventilation and Acoustics for an improved system of ventilating the south (House) wing of the Capitol, and that he be authorized to report to said Committee on Ventilation and Acoustics at the regular meeting of the committee on April 23, 1896, his opinion of the proposed plans, with suggestions and recommendations for such alterations as in his estimation would improve the proposed plans and better the present system of ventilation.

Mr. BARTLETT of New York. Mr. Speaker, I should like to ask the gentleman from Massachusetts who submits these plans, by whom are they drawn?

Mr. DINGLEY. They are plans in the possession of the Committee on Ventilation and Acoustics.

Mr. BARTLETT of New York. I wish to know by whom they were drawn?

Mr. ATWOOD. There are several plans before the committee for consideration, and we simply desire that the expert engineer having in charge the heating and ventilating of the Federal buildings under the Supervising Architect shall examine these different plans and submit to the Committee on Ventilation and Acoustics his report as an expert. This resolution carries no appropriation with it, and I hope it will pass.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. HARDY. I object.

Mr. DINGLEY. This only calls for the report of an expert upon these plans.

Mr. HARDY. I will withdraw my objection if the Speaker will allow me to say a word about the matter. I understand that the Committee on Ventilation have before them a plan to appropriate $100,000 for the ventilation of this Hall. I understand further that there are other plans before the committee for the ventilation of this Hall which will not cost $10.

Mr. WALKER of Massachusetts. Well, what the committee want is to have the expert ventilating architect of the Government tell them which plan is the best, or whether either of them is good for anything.

A MEMBER. What is the proposed plan?

Mr. HARDY. One of the plans is for ventilating by some kind of a process whereby the air is driven out by chemical means. I understand further, Mr. Speaker, that the proposition before the committee to which I particularly refer not only carries an appropriation of $100,000, but there are some pet schemes before the committee——

Mr. DINGLEY. Let the expert examine them.

Mr. HARDY. If the matter is to be left to a number of scientists or to a number of gentlemen and ladies, whoever they may be, who understand these things, and if the committee will give them an opportunity to be heard, I will withdraw my objection, and I do now withdraw it.

The resolution was agreed to.

Mr. DINGLEY. I move that the House do now adjourn.

Mr. RICHARDSON. I ask the gentleman to withdraw his motion, in order that I may offer a resolution to which I think there will be no objection.

PRELIMINARY SURVEY, SALMON BAY, PUGET SOUND.

Mr. HERMANN. Mr. Speaker, I am directed by the Committee on Rivers and Harbors to ask unanimous consent for the present consideration of a joint resolution which I send to the Clerk's desk. It is a matter of emergency, and unless it passes to-night it will not be of any avail.

The joint resolution was read, as follows:

Joint resolution (S. R. 104) directing the Secretary of War to transmit to Congress a report on survey of the waterway connecting the waters of Puget Sound, at Salmon Bay, with Lakes Union and Washington, and to submit an estimate of the cost of constructing said waterway.

Resolved, etc., That the Secretary of War be, and he is hereby, directed to transmit to Congress the report of Capt. Thomas W. Symons, Corps of Engineers, dated August 29, 1895, together with the accompanying report of the assistant engineer, upon the survey of the waterway connecting the waters of Puget Sound, at Salmon Bay, with Lakes Union and Washington; also to submit an estimate of the cost of constructing the said waterway on the route described and laid down in the aforesaid report.

Mr. DINGLEY. I will ask the gentleman from Oregon if this is an attempt to start a new project for the river and harbor bill?

Mr. HERMANN. No; I will say that it is not. It is an old project; but the local engineer was requested to forward certain data with regard to the commerce of that section of the Pacific Coast. The data are now before the Secretary of War, but he is not permitted to transmit it to Congress until Congress shall ask him by joint resolution to send it. The Senate has passed this joint resolution, and it is necessary that it shall pass the House to-night. Otherwise the Senate committee will not be able to avail themselves of this information. It is a case of emergency.

Mr. DINGLEY. Is not the gentleman a member of the Committee on Rivers and Harbors; and if so, how does it happen that the matter was not considered when the river and harbor bill was before the House? The gentleman is very alert usually.

Mr. HERMANN. I thank the gentleman, but I will say that this information was not in the possession of the Secretary of War at the time the river and harbor bill was being considered by the Committee on Rivers and Harbors. It is now in the possession of the Secretary of War, and he desires to transmit it to Congress, but is prevented from doing so until Congress shall ask him.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WILLIAM A. STONE. I move that the House do now adjourn.

EULOGIES ON THE LATE WILLIAM H. CRAIN.

Mr. PENDLETON. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution to fix a day for eulogies in honor of the memory of the late W. H. Crain.

The resolution was read, as follows:

Resolved, That the session on Saturday, April 25, beginning at 2.30 p. m., be devoted to the delivery of eulogies on the late W. H. Crain.

The resolution was agreed to.

SENATE BILLS AND JOINT RESOLUTION SIGNED.

Under clause 2 of Rule XXIV, the following Senate bills and a joint resolution were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 1117) granting an increase of pension to Cornelia De Peyster Black—to the Committee on Invalid Pensions.

Joint resolution (S. R. 126) requiring the roof of the new city post-office building, Washington, D. C., to be fireproof—to the Committee on the District of Columbia.

A bill (S. 2426) to amend an act entitled "An act to provide for the care of dependent children in the District of Columbia, and to create a board of children's guardians," approved July 26, 1892—to the Committee on the District of Columbia.

A bill (S. 1052) increasing the pension of Luvicey J. Summers, widow of William H. Summers, late captain of Company E, Fortieth Regiment Illinois Volunteers, and also a soldier in the Mexican war—to the Committee on Invalid Pensions.

A bill (S. 2524) to increase the pension of Mary B. Le Roy—to the Committee on Pensions.

A bill (S. 2514) granting an increase of pension to Mrs. Annie E. Colwell—to the Committee on Invalid Pensions.

A bill (S. 2290) granting a pension to Hester A. Robinson—to the Committee on Invalid Pensions.

A bill (S. 2274) granting an increase of pension to Mary E. Chamberlain—to the Committee on Invalid Pensions.

A bill (S. 2194) granting a pension to Mrs. Weltha Post Leggett—to the Committee on Invalid Pensions.

A bill (S. 2175) granting a pension to James Loyd Young, late of Company A, Sixth Regiment Kentucky Volunteers—to the Committee on Invalid Pensions.

A bill (S. 2068) to grant a pension to Emeline C. Sewell, widow of Chief Engineer George Sewell, United States Navy—to the Committee on Pensions.

A bill (S. 1960) granting an increase of pension to Lucy Ord Mason—to the Committee on Pensions.

A bill (S. 1880) to increase the pension of Thomas J. Haughey—to the Committee on Invalid Pensions.

A bill (S. 1679) for the relief of Helen Larned—to the Committee on Invalid Pensions.

A bill (S. 1523) granting a pension to Benjamin F. Bell—to the Committee on Invalid Pensions.

A bill (S. 1510) to pension Mrs. Susan M. Sessford—to the Committee on Invalid Pensions.

A bill (S. 1269) granting an increase of pension to John S. Hall—to the Committee on Invalid Pensions.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2410) to amend an act increasing the pension of Marcus D. Box;

A bill (H. R. 995) granting a pension to Kate A. Pitman;

A bill (H. R. 994) granting an increase of pension to Andrew B. Keith;

A bill (H. R. 1838) granting an increase of pension to Thomas Congan;

A bill (H. R. 2151) to restore to the pension rolls the name of Agnes A. Blackman;

A bill (H. R. 1094) granting a pension to Francis E. Hoover;

A bill (H. R. 2797) granting a pension to Peter B. Palmenteer;

A bill (H. R. 83) for the relief of John C. Cutter, late first lieutenant, Thirty-sixth Massachusetts Volunteer Infantry;

A bill (H. R. 3432) for the relief of John E. Evans;

A bill (H. R. 2340) granting a pension to Caroline Parker;

A bill (H. R. 2234) granting a pension to Joseph A. Cooper;

A bill (H. R. 3993) granting a pension to Joseph Porter;

A bill (H. R. 3749) to increase the pension of Mrs. Eunice Ida Rhoades;

A bill (H. R. 1050) granting an increase of pension to Elizabeth Deshler Whiting, widow of Lieut. Henry Whiting;

A bill (H. R. 4606) to grant an increase of pension to Mary B. Houk;

A bill (H. R. 2800) granting a pension to Martha Brooks; and

A bill (H. R. 925) granting a pension to Annie J. Corbett, of Providence, R. I.

COMPILATION OF MESSAGES AND PAPERS OF THE PRESIDENTS.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent for the present consideration of a joint resolution. I think gentlemen will not object to it.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for the present consideration of a joint resolution which will be reported by the Clerk.

The Clerk read as follows:

A joint resolution (H. Res. 170) to provide for the proper distribution of the publication entitled "Messages and Papers of the Presidents."

Be it resolved, etc., That the quotas of Senators, Members, and Delegates of the House Miscellaneous Document No. 210, second session Fifty-third Congress, being a compilation the title of which is "Messages and Papers of the Presidents," be delivered by the Public Printer, when printed and ready for distribution, to the Superintendent of Documents. That the Senators, Members, and Delegates of the Fifty-fourth Congress be, and are hereby, authorized to designate to the Superintendent of Documents the names of persons to whom their respective quotas of said documents shall be sent from time to time as the volumes are published.

Mr. RICHARDSON. Mr. Speaker, the object of the resolution is to provide that this publication, which I think will consist of four volumes, shall be sent to the same persons, the idea being that the sets ought to be kept in complete or unbroken form.

Mr. DINGLEY. Has this been reported by the Committee on Printing?

Mr. RICHARDSON. No, sir.

Mr. DINGLEY. It had better go to the Committee on Printing.

Mr. RICHARDSON. I conferred with the chairman of the committee. The whole work, I may say, is under my supervision. I saw all the members of the Committee in the Senate and in the House, and all agree that this resolution should be adopted now, as the first volume is about to be delivered to Congress.

Mr. DINGLEY. All right. I notice that the chairman of the committee is not present.

Mr. RICHARDSON. I know. I have seen the chairman, however, as I have stated.

Mr. DINGLEY. And the gentleman knows he is in favor of the resolution?

Mr. RICHARDSON. He favors it.

Mr. DINGLEY. All right.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. McMILLIN. I submit to my colleague that I fear the phraseology of the resolution does not accomplish the object he seeks. It will be possible under the phraseology of that resolution, I think, for any person who succeeds one who may be here to send these volumes to those whom we are not designating now. I ask that it be again read.

Mr. RICHARDSON. I will state before it is read that it is the same language which was used in the law which provides for the distribution of the Naval Records, and also, substantially, the language used in the law which provides for the distribution of the Records of the Rebellion, one being by the Secretary of the Navy and the other being by the Secretary of War. I ask that it be reported. The resolution was carefully drawn, and I think the object is clearly expressed.

The joint resolution was again read.

Mr. McMILLIN. I see that it applies to the Fifty-fourth Congress only. That had escaped me.

Mr. RICHARDSON. The House will pardon me for saying just a word or two for the information of members. The first volume of this valuable compilation, as I esteem it, will be ready for delivery to Congress in about two weeks from to-day. The Public Printer thinks that within two weeks the first volume will be delivered. It will include the first twenty-eight years of our history as a Republic; that is, from Washington to Madison, inclusive. It is thought that the compilation will make about four volumes in all.

Mr. GROSVENOR. Can the gentleman indicate how many copies each member will receive?

Mr. RICHARDSON. The full number of the publication is 6,000, 2,000 for the Senate and 4,000 for the House; and dividing 4,000 by our number, 360, it gives about 11 copies to each member of the House.

Mr. DINGLEY. What is the estimated expense of printing the compilation?

Mr. RICHARDSON. There has been no estimate. It was ordered by the Fifty-third Congress, and no estimate has been made. The resolution ordered the Joint Committee on Printing to have the compilation made. That committee, having no one to do the work and having no money with which to do it, placed it in my hands, and I have done the very best I could to execute the task in a satisfactory manner. I entered upon the work in March, 1895, immediately upon the adjournment of the Fifty-third Congress, and, I may add, have devoted a great deal of time and labor upon it. The utmost endeavor has been put forth to make the compilation complete and exhaustive. It will include all the annual veto and special messages, proclamations, and inaugural addresses of the Presidents, from Washington to the close of the present Administration; at least I have earnestly sought to include them all. It may be, by inadvertence, some are omitted, but I trust not. It has been especially troublesome and difficult to obtain the proclamations, as the Government does not possess them in complete form.

Mr. McMILLIN. What is done with the number left over after the equal distribution to members.

Mr. RICHARDSON. The law disposes of all such fractions. The fractions, of course, are not disposed of by this resolution; but they are under the printing law, and under that law the fractions in all cases which exceed a given number are directed to be placed in the charge of the superintendent of documents, to be by him distributed mainly upon the orders of members of Congress.

Mr. WATSON of Ohio. Can the gentleman tell how long it will be before the work will be completed?

Mr. RICHARDSON. Not with absolute certainty. I would state, in answer to that question, however, that the work has all been done by myself, and the "copy" for the printer has been prepared, and is ready, down to Harrison's Administration, except the messages and communications from the President to the Senate in executive session from which the injunction of secrecy has not been removed. The injunction of secrecy had not been removed from the messages by the Senate since the Administration of President Johnson until about one week ago, when there was a further removal of the injunction that I might have access to them for this compilation. This removal was down to Mr. Harrison's Administration. The only matter which will enter into the first volume, members will understand, is that down to and including Mr. Madison's Administration. The other, down to Mr. Harrison's Administration, as I have indicated, is ready for the printer.

Mr. WATSON of Ohio. Will we have it all done this session?

Mr. RICHARDSON. It is hoped that by twelve months from this date the entire work can be delivered to Congress, and, as I have already stated, the compilation will make four volumes, as at present estimated at the Government Printing Office.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. RICHARDSON, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

Mr. DINGLEY. I move that the House adjourn.

The motion was agreed to.

The SPEAKER. Pending the announcement of the result, the Chair submits the following personal requests:

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FARIS, for ten days, on account of important business.

To Mr. GIBSON, indefinitely, on account of important business.

To Mr. OGDEN, for two weeks, on account of important business.

The result of the vote was then announced; and accordingly (at 4 o'clock and 33 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. STEPHENSON, from the Committee on the Public Lands, to which was referred the joint resolution of the House (H. Res. 152) to authorize the Secretary of the Interior to use Fort Bidwell for an Indian training school, reported the same with amendment, accompanied by a report (No. 1217); which said bill and report were referred to the House Calendar.

Mr. DOOLITTLE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 5482) authorizing the Cleveland Bridge Company to construct a bridge across the Arkansas River between Pawnee County, Okla., and the Osage Indian Reservation, reported the same without amendment, accompanied by a report (No. 1226); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 7119) for the relief of George R. Gary. (Report No. 1218.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 1975) granting a pension to Mrs. Julia Jones Duncan, widow of Bvt. Maj. Gen. Samuel A. Duncan. (Report No. 1219.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions: The bill (H. R. 5183) granting an increase of pension to Wesley A. Pletcher. (Report No. 1220.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 7647) granting a pension of $30 per month to Albert Brown, late of Company D, One hundred and fourteenth Regiment New York Volunteers. (Report No. 1221.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 6159) to increase the pension of Mrs. Helen A. De Russy. (Report No. 1222.)

The bill (H. R. 7890) granting a pension to Samuel G. Trine. (Report No. 1223.)

By Mr. LITTLE, from the Committee on Indian Affairs: The bill (H. R. 4515) for the relief of the heirs of John W. West. (Report No. 1224.)

By Mr. DE WITT, from the Committee on Claims: The bill (S. 517) for the relief of Thomas Williams, an employee of the Senate folding room, for injuries received while in the discharge of his duties in the year 1892. (Report No. 1225.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FLETCHER: A bill (H. R. 8139) authorizing the Secretary of War to donate one condemned cannon and four pyramids of balls to W. Downs Post, Grand Army of the Republic, of Minneapolis—to the Committee on Military Affairs.

By Mr. BRODERICK: A bill (H. R. 8163) for the relief of widows and minors of pensioners, and those entitled to pensions under the general pension laws of the United States—to the Committee on Invalid Pensions.

By Mr. MAGUIRE: A bill (H. R. 8164) to provide tract or property indexes in the office of the recorder of deeds for the District of Columbia—to the Committee on the District of Columbia.

By Mr. HARTMAN: A joint resolution (H. Res. 168) to facilitate the reorganization of the Northern Pacific Railroad Company; to secure to actual settlers the right to purchase at a price not exceeding $2.50 per acre the agricultural lands within its grant, and to prohibit said company or any successor company from giving by consolidation, sale, or other corporate action control of its railroad to any corporation, company, person, or association of persons owning, operating, or controlling a parallel or competing railroad—to the Committee on the Judiciary.

By Mr. BARHAM: A joint resolution (H. Res. 169) directing the Secretary of War to examine and submit estimate of cost to prevent the peninsula at Crescent Bay, California, from washing away—to the Committee on Rivers and Harbors.

By Mr. BREWSTER: A memorial of the assembly of the State of New York, in favor of the passage of the bill (H. R. 306) granting pensions to soldiers and sailors who were confined in so-called Confederate prisons—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 7376) for the relief of Ezekiel Downey; and the same was referred to the Committee on Naval Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ARNOLD of Pennsylvania: A bill (H. R. 8140) for the relief of William S. Williams, late of Company D, Forty-fifth Regiment Pennsylvania Volunteers—to the Committee on War Claims.

By Mr. BARNEY: A bill (H. R. 8141) for the relief of William J. Norton—to the Committee on Military Affairs.

By Mr. COX: A bill (H. R. 8142) for the relief of Gertrude A. Leftwich, widow of John W. Leftwich—to the Committee on War Claims.

By Mr. CURTIS of Kansas: A bill (H. R. 8143) to pension Mrs. Catharine Shipley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8144) for the relief of Patrick H. Wheat—to the Committee on Military Affairs.

Also, a bill (H. R. 8145) granting a pension to C. L. Thomas—to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 8146) for the relief of William Tidd—to the Committee on Pensions.

Also, a bill (H. R. 8147) to correct the muster of Arthur A. Putnam into the service of the United States and to authorize the payment of arrearages thereby accruing—to the Committee on Military Affairs.

By Mr. EVANS: A bill (H. R. 8148) granting an increase of pension to George Kerr, of Louisville, Ky.—to the Committee on Invalid Pensions.

By Mr. HULICK: A bill (H. R. 8149) to remove the charge of desertion from the military record of David M. Rhoades—to the Committee on Military Affairs.

By Mr. KIRKPATRICK: A bill (H. R. 8150) granting a pension to James P. Newton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8151) to remove the charge of desertion against William T. Grady—to the Committee on Military Affairs.

Also, a bill (H. R. 8152) to remove the charge of desertion against John Spruens—to the Committee on Military Affairs.

By Mr. MEREDITH: A bill (H. R. 8153) for the relief of Andrews Chapel, of Stafford County, Va.—to the Committee on War Claims.

By Mr. MILNES: A bill (H. R. 8154) for the relief of Alice Severy—to the Committee on Pensions.

Also, a bill (H. R. 8155) for the relief of Amy McCormick—to the Committee on Pensions.

Presidents," be delivered by the Public Printer, when printed and ready for Congress.

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By Mr. SHUFORD: A bill (H. R. 8156) for the relief of Gaither Walser—to the Committee on Claims.

Also, a bill (H. R. 8157) for the relief of Alexander and H. H. Swicegood—to the Committee on Claims.

By Mr. SOUTHWICK: A bill (H. R. 8158) for the relief of Thomas C. Ellison—to the Committee on Claims.

By Mr. STRONG: A bill (H. R. 8159) to pension Mrs. Martha M. Gibson—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 8160) granting an honorable discharge to W. J. Gardner, and correcting the date of his muster out from the service—to the Committee on Military Affairs.

By Mr. TRELOAR: A bill (H. R. 8161) granting a pension to Mrs. Louvina Mays—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8162) to increase the pension of William H. Dyer—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Rhode Island: Petition of the Rhode Island Engineers' Association, praying for the passage of the Wilson engineering bill—to the Committee on Naval Affairs.

Also, resolution of the Board of Trade of Providence, R. I., in favor of the passage of Senate bill No. 2447, to establish a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK: Petition of Washington District Epworth League of the Methodist Episcopal Church; also of the Central Union Mission, of the District of Columbia, for legislation for the appointment of a national commission of inquiry into the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. BREWSTER: Memorial of the Society of the Sons of the Revolution in the State of New York, in favor of the passage of House bill No. 3016, to protect the American flag—to the Committee on the Judiciary.

Also, memorial of E. Knichling, E. A. Fisher, and others, of Rochester, N. Y., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. BULL: Resolution of the Board of Trade of Providence, R. I., in favor of the passage of the bill creating a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. CODDING: Petition of citizens of Wyoming County, Pa., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, remonstrance and petition of certain citizens of Wayne County, Pa., against the continuance of the Marquette statue in Statuary Hall—to the Committee on the Library.

Also, petition of citizens of Wyalusing, Pa., favoring an amendment to the Constitution acknowledging the Deity—to the Committee on the Judiciary.

By Mr. COOK of Wisconsin: Petition of Rev. J. E. Chapin, D. D., of the Presbyterian Church, Neenah, Wis., and the congregation of said church, numbering 334 persons, favoring the enactment of a Sunday-rest law for the District of Columbia equal to the most efficient State Sunday law—to the Committee on the District of Columbia.

By Mr. CRUMP: Petition of John E. Bouser, of Pinconing, Mich., favoring the passage of House bill No. 4566, amending the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Remonstrance of sundry citizens of Pittsburg, Pa., against the maintenance of the Père Marquette statue in the Capitol, and a petition for its removal—to the Committee on the Library.

By Mr. DE ARMOND: Affidavits in support of House bill No. 5507, for the relief of D. W. Snider—to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: Resolutions of the Fairhaven (Wash.) Commercial Club, favoring the passage of legislation toward the organization of an exposition showing the products, etc., of Western States—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Western Central Labor Union, in favor of the bill regulating the manning of vessels on the Great Lakes—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Tacoma, Wash., praying for the passage of joint resolution No. 11, which provides that no moneys shall be appropriated for sectarian purposes—to the Committee on the Judiciary.

Also, petition of certain railway postal clerks of the State of Washington, favoring the passage of House bill No. 1, to reclassify and prescribe the salaries of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the city council of Centralia, Wash.; also memorial of the city council of Puyallup, Wash., favoring the passage of legislation authorizing the construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

Also, memorial of Hooker Post, No. 25, of Chehalis, Wash., favoring the passage of a bill which provides for the distribution of condemned cannon to Grand Army of the Republic posts—to the Committee on Military Affairs.

Also, memorial of the citizens of Columbia City, Wash., for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. DOVENER (by request): Petition and remonstrance of W. R. Jewell and 69 other citizens of Vandalia, W. Va., in regard to the Marquette statue—to the Committee on the Library.

By Mr. GILLET of New York: Remonstrance and petition of Charles A. Beam and 103 other persons, of Horseheads, N. Y., against the continuance of the statue of Marquette in Statuary Hall, and petitioning for its removal—to the Committee on the Library.

By Mr. HARTMAN: Petition of White Ribbon Women of Montana, favoring arbitration of differences with Great Britain—to the Committee on Foreign Affairs.

By Mr. HAGER: Petition of I. H. Moredick and 100 others, of Villisca, Iowa, praying for the passage of joint resolution No. 11, to amend the Constitution of the United States—to the Committee on the Judiciary.

By Mr. HENDERSON: Petition of E. W. Hinshaw and 82 other citizens of New Providence, Iowa, protesting against military training in public schools—to the Committee on Education.

By Mr. HYDE: Petition of citizens of the State of Washington, favoring the passage of House bill No. 1, to reclassify and prescribe the salaries of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Farragut Post, No. 6, Grand Army of the Republic, of Port Townsend, Wash., asking for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolutions of the Puget Sound University, of Tacoma, Wash., praying for the appointment of a commission of arbitration to adjust all troubles between the United States and England—to the Committee on Foreign Affairs.

Also, remonstrances of citizens of Tacoma, Wash., against the appropriation of public moneys to sectarian institutions—to the Committee on Appropriations.

Also, memorial of members of Lynch Post, No. 42, Grand Army of the Republic, of Lynden, Whatcom County, Wash., favoring the passage of bill to establish a national memorial university—to the Committee on Military Affairs.

By Mr. KIEFER: Petitions of Max Taltz and other civil engineers of the city of St. Paul, Minn., for the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. KNOX: Papers to accompany House bill No. 5125, granting a pension to Catharine Mundie—to the Committee on Invalid Pensions.

By Mr. LEIGHTY: Petition of Andrew W. Dunlap, of Fort Wayne, Ind., in regard to pension—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 2414, granting a pension to Emily E. Dennison, of Peabody, Whitley County, Ind.—to the Committee on Invalid Pensions.

By Mr. LINTON: Two petitions and remonstrances of citizens of Pennsylvania, regarding the Marquette statue—to the Committee on the Library.

Also, resolutions adopted by the National Association of Manufacturers, of Philadelphia, asking Congress to direct the Interstate Commerce Commission to cause to be prepared a classification of freight which shall be uniform throughout the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. LEONARD: Petition of citizens of Lycoming County, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. LOUD: Petition of citizens of Crown Point, Ind.; also petition of citizens of Farmland, Ind., asking for the passage of House bill No. 4566, favoring the reduction of letter postage to 1 cent, and to correct certain abuses of the second-class mail-matter rates—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLEARY of Minnesota: Protest of M. Leatherman and other citizens of Minnesota, against the proposed amendment to the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. McEWAN: Petition of Central Labor Union of Haverhill, Mass., asking passage of House bill No. 184, favoring the appointment of a commission on direct legislation—to the Committee on Rules.

By Mr. MEREDITH: Petition to accompany House bill for the relief of Andrews Chapel, Methodist Episcopal Church South, of Stafford County, Va.—to the Committee on War Claims.

By Mr. OTEY: Memorial and resolutions of the Lynchburg Academy of Medicine, against the bill to prevent vivisection in the District of Columbia—to the Committee on the District of Columbia.

By Mr. OTJEN: Petition of Renhold Patitz and 33 others, of Milwaukee, Wis., in favor of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. PHILLIPS: Petition of 69 citizens of Mars, Butler County, Pa., protesting against the continuance of the Marquette statue in Statuary Hall, or in any other public national room, building, or upon any public ground—to the Committee on Public Buildings and Grounds.

By Mr. POWERS: Petition of Richmond Evans and others, of Pownal, Vt., for the removal of the statue of Père Marquette from Statuary Hall—to the Committee on the Library.

By Mr. SHERMAN: Two petitions of citizens of the Twenty-fifth New York Congressional district, asking for the passage of bill to adopt the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. TRACEWELL: Memorial of John Craig Post, No. 86, Grand Army of the Republic, of Jeffersonville, Ind., asking for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. TRELOAR: Papers to accompany bill granting an increase of pension to William H. Dyer—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of Mrs. Mary M. Carrico—to the Committee on War Claims.

Also, papers to accompany bill for the relief of B. F. Richardson—to the Committee on War Claims.

SENATE.

MONDAY, *April 13, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Friday last was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Philadelphia Board of Trade, of Philadelphia, Pa., and a petition of the board of managers of the New York Cotton Exchange, praying for the establishment of a department of commerce and manufactures; which were referred to the Committee on Commerce.

Mr. WOLCOTT presented a memorial of Council No. 27, of Cripple Creek, Colo., and a memorial of Council No. 59, of Holyoke, Colo., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which were referred to the Committee on the Library.

Mr. SHERMAN presented a petition of the congregation of the Presbyterian Church of Keene, Ohio, praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of 53 citizens of Ohio, remonstrating against the introduction of military training in the public schools of the country; which was referred to the Committee on Military Affairs.

He also presented petitions of the Central Labor Union of Toledo; of Screwmakers' Protective Union, No. 6256, American Federation of Labor, of Toledo; of Federal Labor Union, No. 4091, American Federation of Labor, of Martins Ferry, and of Union No. 6551, American Federation of Labor, of Columbus, all in the State of Ohio, praying for the free and unlimited coinage of silver; which were ordered to lie on the table.

Mr. QUAY presented a memorial of Council No. 67, American Protective Association, of Carlisle, Pa., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

Mr. PROCTOR presented the memorial of James E. Adams and 48 other citizens of South Shaftsbury, Vt., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

Mr. ALLEN (for Mr. THURSTON) presented a petition of Hancock Circle, No. 12, Ladies of the Grand Army of the Republic, Department of Nebraska, of Burwell, Nebr., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

Mr. TURPIE (for Mr. VOORHEES) presented a petition of sundry Irish-American citizens of Fort Wayne, Ind., praying for the enactment of legislation securing amnesty for all the political prisoners now confined in English prisons for alleged treason against the Government of Great Britain; which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented the petition of Dr. Alfred Mitchell and sundry other physicians of the State of Maine, praying for a grant of land by the General Government for the establishment of a national sanitarium; which was referred to the Committee on Public Lands.

Mr. WALTHALL presented the petition of J. G. Barr and 22 other citizens of Clay County, Miss., praying for the enactment of legislation giving second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MANTLE presented the petition of Charles S. Stewart, Henry Scharf, Samuel J. Oglesby, and sundry other citizens of Wickes, Mont., remonstrating against the placing of the statue of Père Marquette in Statuary Hall and praying for its immediate removal; which was referred to the Committee on the Library.

Mr. CULLOM presented a memorial of Council No. 107, American Protective Association, of Springfield, Ill., remonstrating against the appropriation of money for sectarian institutions; which was ordered to lie on the table.

Mr. GORDON presented a petition of the Georgia Division of the Travelers' Protective Association of America, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a petition, in the form of resolutions adopted by the Chamber of Commerce of Macon, Ga., praying for the repeal of that portion of the interstate commerce law which refers to the long and short haul, or that it be so amended that the results of the recent decision of the Supreme Court may be avoided; which was referred to the Committee on Interstate Commerce.

Mr. BUTLER presented a petition of sundry citizens of Washington, N. C., praying that an appropriation be made for the improvement of the Pamlico River in that State; and a petition of sundry citizens of Town Creek, N. C., praying that an appropriation be made for the improvement of the navigation of the stream known as Town Creek; which were referred to the Committee on Commerce.

Mr. CALL presented a joint resolution of the legislature of the State of Florida, praying for the payment of the unpaid depositors of the Freedman's Bank and for a settlement of the affairs of that institution; which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

A joint resolution asking the Congress of the United States to provide for the payment of the unpaid depositors of the Freedman's Bank and for a settlement of the affairs of that institution.

Be it resolved by the legislature of the State of Florida, That the Congress of the United States is hereby requested to provide for the payment of the unpaid depositors of the Freedman's Bank and for a settlement of the affairs of that institution.

Be it further resolved, That the secretary of state furnish each of our Senators and Representatives in Congress a copy of this joint resolution.

Approved May 29, 1895.

STATE OF FLORIDA, *Office Secretary of State, ss:*

I, John L. Crawford, secretary of state of the State of Florida, do hereby certify that the foregoing is a true and correct copy of a joint resolution asking the Congress of the United States to provide for the payment of the unpaid depositors of the Freedman's Bank, and for a settlement of the affairs of that institution, as passed by the legislature of 1895, and filed in this office.

Given under my hand and the great seal of the State of Florida, at Tallahassee, the capital, this 7th day of April, A. D. 1896.

JNO. L. CRAWFORD,
Secretary of State.

REPORTS OF COMMITTEES.

Mr. PROCTOR, from the Committee on the District of Columbia, to whom was referred the bill (S. 1823) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes," reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2521) to provide for the drainage of lots in the District of Columbia, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Military Affairs, to whom was referred the bill (S. 2225) for the relief of Col. and Bvt. Brig. Gen. Henry L. Abbot, United States Army, and brevet major-general United States Volunteers, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 2594) granting an increase of pension to William A. Beckford, reported it without amendment, and submitted a report thereon.

Mr. TELLER. The Judiciary Committee of the Senate has had under consideration the bill (S. 742) to establish a uniform system of bankruptcy, and directed the Senator from Mississippi [Mr. GEORGE] to report it with amendments. The Senator from Mississippi being absent, I ask leave to present it for him. I therefore report the bill favorably with amendments.

Mr. MITCHELL of Oregon. Representing the minority of the Judiciary Committee, I desire to present a substitute for the bill just reported by the Senator from Colorado [Mr. TELLER]. It is the bill heretofore introduced by me in the Senate with certain amendments. I ask that it may be printed.

The PRESIDING OFFICER (Mr. PERKINS in the chair). It will be so ordered, if there be no objection. The bill and proposed substitute will be placed on the Calendar.

Mr. PUGH, from the Committee on the Judiciary, to whom was referred the bill (S. 2748) providing that all judgments in civil causes in the District of Columbia shall bear interest, reported it without amendment, asked that the committee be

discharged from the further consideration of the bill, and that it be referred to the Committee on the District of Columbia; which was agreed to.

PROPOSED SUMMARY OF CONGRESSIONAL PROCEEDINGS.

Mr. PEFFER. I am directed by the Committee to Examine the Several Branches of the Civil Service to report back Senate bill 235 and to ask its indefinite postponement. Before the order is entered I desire to give a reason for it, so as to save the necessity of submitting a written report.

It is a bill to provide for the daily publication of a summary of the proceedings of Congress, the object of the bill being to supply the people of the country in general with a summary of Congressional proceedings at a very low price, so that the people individually can afford to pay for it the same as they would pay for an ordinary weekly newspaper.

However, upon inquiry of the Public Printer, I find that it would be practically impossible for the work to be done in the present condition of the Public Printing Office. He answers that as to printing 100,000 or 200,000 or 500,000 copies of the CONGRESSIONAL RECORD the office is utterly unable to estimate the cost of such an increase by reason of the difference in the size of the RECORD from day to day, and also owing to want of room, deficiency of presswork, labor, and all such things. I ask, in connection with my submission of the bill, that the letter of the Public Printer may be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The letter of the Public Printer is as follows:

OFFICE OF THE PUBLIC PRINTER,
Washington, D. C., January 18, 1896.

DEAR SIR: In reply to yours of the 16th instant, making inquiry as to the probable cost of an additional issue of either 100,000 or 200,000 or 500,000 copies of the CONGRESSIONAL RECORD daily, I have the honor of saying that this office is unable to estimate the cost of such an increase, for the reason that the RECORD is not uniform in the number of its pages, and no fair basis is known by which an estimate could be made which we could safely submit with any degree of accuracy. Your suggestion relative to an increased number of the issues of the RECORD would be an impossibility under existing conditions and laws as affecting this office and the publication daily of the RECORD.

To print and issue promptly, as the RECORD is now printed, an issue of 100,000 copies or either of the other numbers named, would be an impossibility, except the RECORD press facilities were increased tenfold and the working space in the RECORD press and mailing rooms increased five hundred fold. This I intend as an offhand estimate. If you were to come here in person, I could illustrate to your practical mind what would be required in machinery and space to secure the result you have in view. It is my opinion that the RECORD as a whole could be printed more satisfactorily to Congress than any summary of it.

Very respectfully, TH. E. BENEDICT,
Public Printer.

Hon. W. A. PEFFER,
United States Senate, Washington, D. C.

Mr. PEFFER. Now let the bill (S. 235) to provide for the daily publication of a summary of the proceedings of Congress be postponed indefinitely.

The PRESIDENT pro tempore. The bill will be postponed indefinitely.

ISLAND OF JAPONSKY.

Mr. HOAR. I am directed by the Committee on the Judiciary to report back favorably Senate Resolution No. 211; and, as it is a resolution merely asking for information, I ask that it may be put upon its passage.

The resolution submitted by Mr. LODGE on the 7th instant was considered by unanimous consent, and agreed to, as follows:

Whereas the guardian of Michael Travers, a citizen of the United States, who has been declared a person non compos mentis, has represented to the Senate of the United States by a sworn petition that he has been unjustly deprived by the United States of certain property known as the Island of Japonsky, in the harbor of Sitka, Alaska, and the improvements thereon: Therefore,

Resolved, That the Attorney-General of the United States be, and he is hereby, requested to ascertain and report to the Senate the facts concerning the location and residence of the said Michael Travers upon the Island of Japonsky, the making of improvements thereon by him, their character and extent, the taking of the possession of such island and improvements by the officers of the United States, and the value thereof for the uses to which the island and property were put by the United States, which information the said Attorney-General may obtain from the governor of Alaska and the district attorney of the United States and the clerk of the United States court of Alaska, and from other sources at his command.

MRS. FLORENCE E. MAYBRICK.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the joint resolution (S. R. 129) requesting the Government of Great Britain to pardon Mrs. Florence E. Maybrick as an act of magnanimity, to report the same with a recommendation that it be indefinitely postponed, and with a written report about three lines long. I desire to have the report read.

The PRESIDENT pro tempore. The Senator from Massachusetts submits a written report accompanying the joint resolution, which will be read.

The Secretary read the report, as follows:

The Committee on the Judiciary, to whom was referred the joint resolution S. R. 129, have considered the same, and respectfully report that in the opinion of the committee the matter is not within the jurisdiction of the Senate. They therefore recommend that the resolution be indefinitely postponed.

The PRESIDENT pro tempore. The question is, Shall the joint resolution be indefinitely postponed?

Mr. ALLEN. The Senator from Florida [Mr. CALL], the author of the joint resolution, is not present, and I ask that it be passed over until he comes in.

Mr. HOAR and Mr. GALLINGER. Let it go to the Calendar.

The PRESIDENT pro tempore. The Senator from Nebraska might ask that it go to the Calendar.

Mr. ALLEN. Very well; let it go to the Calendar.

The PRESIDENT pro tempore. Without objection, the joint resolution will be placed on the Calendar.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 2812) granting a pension to Martha M. Harrier; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2813) granting an increase of pension to Joseph Brown; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2814) granting a pension to Samuel A. Knoop; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PETTIGREW introduced a bill (S. 2815) granting a pension to James Ballard; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2816) granting the northwest quarter of the northwest quarter of section 30, township 17 north, range 3 east, Black Hills meridian, to the Nashville Presbyterian Church of Nashville, S. Dak.; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. LODGE introduced a bill (S. 2817) for the relief of the Atlantic Works, Boston, Mass.; which was read twice by its title, and referred to the Committee on Claims.

Mr. PRITCHARD introduced a bill (S. 2818) for the relief of Gaither Walser; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2819) for the relief of Matilda Haynie; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLEN (for Mr. THURSTON) introduced a bill (S. 2820) granting a pension to Mary F. Hawley; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2821) for the relief of Isaac Marsh; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. PERKINS introduced a bill (S. 2822) to increase the pension of Theodore V. Purdy; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2823) for the protection of agricultural staples and American ships in the foreign trade by authorizing the payment of bounties on exports of agricultural products of the United States, conditioned on their carriage in American or foreign vessels; which was read twice by its title, and referred to the Committee on Finance.

Mr. PASCO introduced a bill (S. 2824) granting the use of certain lands to the city of St. Augustine, Fla., for a public park, and for other purposes; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. TURPIE (for Mr. VOORHEES) introduced a bill (S. 2825) to remove the charge of desertion from the military record of George Pott; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (for Mr. VOORHEES) introduced a bill (S. 2826) to remove the charge of desertion from the military record of Samuel F. McConnaka; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2827) granting an increase of pension to Michael S. Pettis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 2828) granting an increase of pension to Samuel E. Liscom; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2829) granting a pension to Plumy E. Marden; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WOLCOTT introduced a bill (S. 2830) granting an increase of pension to Gerhard Shoemaker; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2831) granting an increase of pension to John Fletcher; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES of Arkansas introduced a bill (S. 2832) for the relief of Daniel T. Tollett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEAR introduced a bill (S. 2833) restoring the pension of

Francis M. Ross; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2834) directing the Secretary of War to furnish a certain number of unused rifles to Harper Post, Grand Army of the Republic, at Keosauqua, Iowa; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. GRAY (by request) introduced a bill (S. 2835) to establish the parity of gold and silver as measures of value; which was read twice by its title, and referred to the Committee on Finance.

Mr. GEAR introduced a bill (S. 2836) to pension Frances E. Wickware; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2837) to increase the pension of Albert Head; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES of Arkansas (by request) introduced a bill (S. 2838) for the relief of Benjamin J. Clearly; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MARTIN introduced a joint resolution (S. R. 130) to extend the rights and privileges granted by an act entitled "An act authorizing the construction of a railway upon the Government reservation at Fortress Monroe" to the Newport News, Hampton and Old Point Railway Company, in the State of Virginia; which was read twice by its title, and referred to the Committee on Military Affairs.

MRS. MARY R. WALKER.

Mr. MITCHELL of Oregon introduced a bill (S. 2839) granting a pension to Mary R. Walker, of Forest Grove, Oreg.; which was read twice by its title.

Mr. MITCHELL of Oregon. I ask unanimous consent of the Senate for a minute and a half to make a statement in reference to the bill before it goes to committee.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Chair hears no objection, and the Senator from Oregon will proceed.

Mr. MITCHELL of Oregon. The proposed beneficiary under the bill, Mrs. Mary R. Walker, of Forest Grove, Oreg., was born April 1, 1811, and is now over 85 years of age. On the 5th of March, 1838, with her husband, Rev. Elkanah Walker, she left the State of Maine to labor among the Indians as a missionary west of the Rocky Mountains. She forded every stream from the Mississippi to the Columbia on the back of a pack mule, her riding horse having been stolen in the early part of the journey after leaving St. Joseph, Mo.

She arrived, with her husband, now deceased, at the mission station of Dr. Marcus Whitman, in the Territory of Oregon, August 29, 1838. She is now believed to have resided west of the Rocky Mountains longer than any other white American citizen, either male or female, and is the only person remaining of the associates of Dr. Whitman. In the spring of 1839 she, with her late husband and the late Rev. Cushing Eels and wife, removed to Tshimakain, now Walkers Prairie, to establish a mission among the Spokane Indians. It is believed to be largely owing to the labors of those four persons that this tribe of Indians has never engaged in any of the outbreaks against the whites.

It was through the unremitting labors, accompanied with innumerable dangers and hardships in connection with her late husband and his associates, that Mrs. Walker became one of the great factors in saving the Northwestern States to the United States. Now, at the advanced age of 85 years, she is left in indigent circumstances, and is mentally and physically disabled, requiring the care of a person constantly.

In view of these facts and many others which might be elaborated, I introduced the bill, and ask the Congress of the United States to grant this estimable pioneer lady, the remaining survivor of that noble vanguard who planted the seeds of civilization in the far West, a pension of $50 a month. I hope the Committee on Pensions will give the bill their careful consideration.

The PRESIDING OFFICER. The bill will be referred to the Committee on Pensions.

Mr. MITCHELL of Oregon. I present in connection with the bill a petition of citizens of Oregon, very numerously signed, praying that the pension be granted. I move that the petition be referred to the Committee on Pensions, to accompany the bill.

The motion was agreed to.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULLOM submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed to the river and harbor appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. QUAY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. LODGE submitted three amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. PRITCHARD submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. GORDON (by request) submitted an amendment intended to be proposed to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PASCO submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TURPIE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MANTLE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Mines and Mining.

Mr. BAKER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. DUBOIS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds.

Mr. BUTLER submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. GORDON submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. PERKINS (for Mr. MCMILLAN) submitted two amendments intended to be proposed to the District of Columbia appropriation bill; which were referred to the Committee on the District of Columbia, and ordered to be printed.

CIVIL SERVICE AND RETRENCHMENT COMMITTEE HEARINGS.

Mr. PRITCHARD submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Civil Service and Retrenchment be authorized to employ a stenographer to report hearings before it, the expense thereof to be paid out of the contingent fund of the Senate, and to have the notes of such hearings printed for the use of the committee.

BILL BECOME A LAW.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the bill (S. 2419) to authorize the leasing of lands for educational purposes in Arizona, having been presented to the President March 26, 1896, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without his approval.

SALARY ACCOUNTS OF SENATORS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a former day, which will be read.

The Secretary read the resolution submitted by Mr. WOLCOTT March 4, 1896, and reported by Mr. MITCHELL of Oregon, from the Committee on Privileges and Elections upon the 10th instant, as follows:

Resolved, That it is the duty of the Secretary of the Senate to credit the salary accounts, respectively, of LEE MANTLE, a Senator from the State of Montana, and CLARENCE B. CLARK, a Senator from the State of Wyoming, to the full extent of their monthly pay from March 4, 1893, the date of the commencement of the terms for which they were elected, to July 31, 1894, the date of the passage of the act of Congress changing the time when the salaries of Senators elected or appointed to fill vacancies in the Senate, and of Senators elected for a full term subsequent to the commencement of such term, shall commence to run.

Mr. COCKRELL. I ask that the resolution may lie over for the present. I have not had an opportunity to look into it, and it was not to lose its place but to continue on the table until I could have time to examine it.

The PRESIDENT pro tempore. The Senator from Missouri asks that the resolution may lie on the table without prejudice.

Mr. WOLCOTT. I call the attention of the Senator from Oregon to the resolution. I do not know that he is listening.

Mr. MITCHELL of Oregon. I have no objection to the course suggested.

The PRESIDENT pro tempore. It will be so ordered, without objection.

LIFE-SAVING STATION ON NEW ENGLAND COAST.

Mr. GALLINGER. I ask unanimous consent for the consideration of the bill (S. 2783) to establish a life-saving station on the coast of New Hampshire or Massachusetts between Hampton and the Merrimac rivers.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized to establish a life-saving station on the coast of New Hampshire or Massachusetts at such point between the Hampton and Merrimac rivers as the General Superintendent of the Life-Saving Service may recommend.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill to establish a life-saving station on the coast of New Hampshire or Massachusetts between the Hampton and the Merrimac rivers."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had passed the following bills and joint resolutions:

A bill (S. 100) for the relief of the estate of John R. Bigelow;

A bill (S. 1203) granting an increase of pension to Mary Doubleday, widow of Bvt. Brig. Gen. Abner Doubleday;

A joint resolution (S. R. 104) directing the Secretary of War to transmit to Congress a report on survey of the waterway connecting the waters of Puget Sound, at Salmon Bay, with lakes Union and Washington, and to submit an estimate of the cost of constructing said waterway; and

A joint resolution (S. R. 123) directing the Secretary of War to submit a plan and estimate for the improvement of the Nebraska side of the Missouri River opposite Sioux City, Nebr.

The message also announced that the House had agreed to the concurrent resolution requesting the President of the United States to return to the Senate the enrolled joint resolution (S. R. 116) authorizing the Public Printer to print the Annual Report of the Superintendent of the United States Coast and Geodetic Survey, in quarto form, and to bind it in one volume.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 145) for the relief of J. J. Lints;

A bill (H. R. 483) for the relief of Mary Jane Lynn, daughter of John R. Lynn, a Revolutionary soldier;

A bill (H. R. 505) for the relief of Rev. Edwin Warriner;

A bill (H. R. 2606) for the relief of Solomon Hyams;

A bill (H. R. 3007) granting an increase of pension to Michael S. Pettit;

A bill (H. R. 3189) to increase the pension of John S. Cochenour;

A bill (H. R. 4526) granting a pension to Jonathan Scott;

A bill (H. R. 7816) for the relief of John S. Burwell, administrator of the estate of A. L. Burwell, deceased;

A bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of "filled cheese"; and

A bill (H. R. 8013) donating one condemned cannon and cannon balls to Grand Army of the Republic, L. W. Cooper Post, Department of Missouri, No. 61, of Lathrop, Mo.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 83) for the relief of John C. Cutter, late first lieutenant, Thirty-sixth Massachusetts Volunteer Infantry;

A bill (H. R. 925) granting a pension to Annie J. Corbett, of Providence, R. I.;

A bill (H. R. 994) granting an increase of pension to Andrew B. Keith;

A bill (H. R. 995) granting a pension to Kate A. Pitman;

A bill (H. R. 1050) granting an increase of pension to Elizabeth Deshler Whiting, widow of Lieut. Henry Whiting;

A bill (H. R. 1094) granting a pension to Francis E. Hoover;

A bill (H. R. 1838) granting an increase of pension to Thomas Corigan;

A bill (H. R. 2151) to restore to the pension rolls the name of Agnes A. Blackman;

A bill (H. R. 2234) granting a pension to Joseph A. Cooper;

A bill (H. R. 2340) granting a pension to Caroline Parker;

A bill (H. R. 2410) to amend an act increasing the pension of Marcus D. Box;

A bill (H. R. 2797) granting a pension to Peter B. Palmenteer;

A bill (H. R. 2800) granting a pension to Martha Brooks;

A bill (H. R. 3432) for the relief of John E. Evans;

A bill (H. R. 3672) to grant to railroad companies in Indian Territory additional powers to secure depot grounds;

A bill (H. R. 3749) to increase the pension of Mrs. Eunice Ida Rhoades;

A bill (H. R. 3993) granting a pension to Joseph Porter;

A bill (H. R. 4606) to grant an increase of pension to Mary B. Houk;

A bill (H. R. 5161) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1897; and

A bill (H. R. 6996) to authorize the construction of a wagon and foot bridge across the Chattahoochee River at or near the city of Columbia, Ala.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6248) "making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 41, 42, 43, 48, 49, 57, 58, 61, 62, 63, 64, 65, 66, 71, 72, 74, 75, 76, 79, 94, 97, 103, 104, 124, 125, 129, 138, 141, 152, and 153.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, 7, 8, 9, 10, 15, 17, 18, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 39, 40, 44, 50, 51, 52, 53, 54, 60, 67, 68, 69, 73, 77, 78, 80, 84, 85, 90, 91, 92, 93, 95, 96, 110, 111, 112, 113, 114, 123, 126, 127, 139, 140, 145, 146, 150, and 154, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and in lieu of the matter inserted insert the following: "And $280 additional while the office is held by the present incumbent"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and in lieu of the matter inserted insert the following: "And $200 additional while the office is held by the present incumbent"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$119,20"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "The Secretary of State is authorized to use not exceeding $3,120 for the services of the employees in the Bureau of Statistics, Department of State, in the work of compiling and distributing consular and other commercial reports, out of the appropriation of $20,000 for preparation, printing, publication, and distribution, by the Department of State, of the consular and other commercial reports made in the diplomatic and consular appropriation act approved February 27, 1896"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 67, after line 2 of the bill, as a separate paragraph, the following: "For watchman, to care for the monument and wharf at Wakefield, Va., $300; the wharf to be used by the public under such rules and regulations as may be prescribed therefor by the Secretary of War"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For chief of division of judicial accounts, $2,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$194,520"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Appointment clerk, $1,800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$50,950"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$250"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$1,800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$50,220"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In line 9 of the matter inserted by said amendment strike out the words "twenty-five thousand" and insert in lieu thereof the words "twelve thousand five hundred"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,300"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment strike out the words "two terms" and insert in lieu thereof the words "a term"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: On page 106, in line 13 of the bill, strike out the word "as" and insert in lieu thereof the word "is"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In line 1 of the matter inserted by said amendment strike out the words "five hundred"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,720"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"SEC. 3. Section 166 of the Revised Statutes is amended to read as follows:

"'SEC. 166. Each head of a Department may, from time to time, alter the distribution among the various bureaus and offices of his Department of the clerks and other employees allowed by law, except such clerks or employees as may be required by law to be exclusively engaged upon some specific work, as he may find it necessary and proper to do, but all details hereunder shall be made by written order of the head of the Department, and in no case be for a period of time exceeding one hundred and twenty days: *Provided*, That details so made may, on expiration, be renewed from time to time by written order of the head of the Department, in each particular case, for periods of not exceeding one hundred and twenty days. All details heretofore made are hereby revoked, but may be renewed as provided herein.'"

And the Senate agree to the same.

The committee of conference have been unable to agree on the amendments numbered 11, 12, 13, 14, 16, 19, 22, 23, 36, 37, 38, 55, 56, 82, 83, 88, 89, 98, 99, 101, 102, 108, 109, 115, 116, 117, 118, 119, 120, 121, 122, 130, 131, 132, 133, 134, 135, 136, 137, 142, 144, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, and 314.

S. M. CULLOM,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

HENRY H. BINGHAM,
JOHN E. McCALL,
ALEXANDER M. DOCKERY,
Managers on the part of the House.

Mr. CULLOM. Mr. President, I could occupy the time of the Senate, if I thought the Senate desired it, in referring to each of the amendments in detail that the Senate made to the bill as it passed the other House. I hardly think the Senate would expect that, but I do think that they probably would like to know what provisions the Senate inserted in the bill upon which the conferees of the two Houses have disagreed. I will therefore make a little statement of the facts in relation to those items.

The conferees of the two Houses failed to agree as to the following provisions:

For 25 clerks to the Senate committees, at $1,800 each;

For an increase of messengers and skilled laborers for the Senate.

The Senate will understand that on all these items the conferees of the two Houses have failed to agree.

As to 38 annual clerks to Senators;

As to an increase of the Capitol police force;

As to librarian and for the appointment of a register of copyrights;

As to the salary of an Assistant Comptroller;

As to the amendment of the Senate in relation to the contingent expenses of the assay office in Idaho;

As to a change in the time of meeting of the legislature of New Mexico;

As to provision stricken out by the Senate for employees in the Office of Naval Records;

For an additional appropriation of $11,000 for printing, binding, etc., in the Office of Naval Records;

For ten examiners, to constitute a board of examiners of surveys;

For a classification division in the Patent Office;

Amendment authorizing the Secretary of the Interior in his discretion to continue the contract for the Official Gazette and other things for one year;

Amendment continuing seven watchmen employed in the Capitol Grounds;

As to additional appropriations provided by the Senate for carrying on surveys in different States and Territories where additional appropriations were asked, except as to Colorado; the Colorado provisions were agreed to;

As to the amendments made by the Senate giving an increase of force in the office of the Attorney-General and an increased amount for the library;

As to provision for printing and distributing additional numbers of the opinions of the Supreme Court;

Also amendment providing for a messenger in the Eighth judicial circuit; and

Finally, as to all the provisions involved in the sections in relation to a change of the system of payment of United States district attorneys and marshals. I will state, however, that in the consultation of the conferees with some of the gentlemen of the Judiciary Committee, especially of the other House, a number of amendments not touching the question of salaries in the court provisions, as I term them, were agreed to informally, but lest the provisions might be mixed up by concurring in them and disagreeing to others it was thought best to disagree as to the whole batch, in the hope that at the next sitting of the conferees we might agree upon the salary provisions and then agree to those also.

These are substantially the features of the bill as to which the conferees were unable to agree, and I thought it was due to the Senate that I should call attention to them, not for the purpose of securing an expression of the Senate regarding them, but so that the Senate might know something more about what was going on with reference to the bill than they would know by having read the numbers of the items which have been disagreed to. I could give in detail the items as to which the Senate and House conferees have agreed, but I think with this explanation of the important matters yet left to be considered the Senate will understand the report of the conference committee and agree to it, and that perhaps is all the Senate will desire to know.

Mr. GORMAN. I understood the Senator from Illinois to say that all the items relating to the increase of compensation for clerks of Senators, messengers, etc., have been disagreed to by the House of Representatives.

Mr. CULLOM. They have been disagreed to by the conferees on the part of the House, and we have not been able to come to an agreement as to them. So they will go back to another conference, if another conference is had upon the subject.

Mr. GORMAN. As I understand, the conference committee have agreed to all of the appropriations for the House of Representatives, leaving the matter of the appropriations for the Senate alone standing out.

Mr. CULLOM. There were no substantial provisions in controversy between the conferees as to the provisions relating to the clerks and employees of the House. There was nothing of that kind to contend over.

Mr. GORMAN. I suppose, as a matter of course, the conferees on the part of the Senate will take care of the items relating to the Senate.

I want to ask the especial attention of the Senator from Illinois to amendment numbered 102, on page 90 of the last print of the bill. It is an amendment added by the Senate authorizing the Secretary of the Interior, in his discretion, to cause the present contract for producing copies of the drawings of the weekly issues of patents for inventions, etc., and for producing the photolithographic work for the Official Gazette of the Patent Office to be extended for the term of one year from the 1st of July next. Do I understand the Senator to say that that amendment has been agreed to?

Mr. CULLOM. I did not. The exact facts are these: The honorable Senator from Maryland [Mr. GORMAN], immediately after the passage of the bill by the Senate, and before it went to conference, suggested to me that he desired to be heard upon the amendment before it was disposed of. I therefore suggested when we reached it that I preferred the Senator from Maryland should be present and have the opportunity to say what he desired before it was disposed of. It was, however, learned that the Senator was not at the time in the city, and therefore the amendment was disagreed to by the conferees of the two Houses without much discussion.

Mr. GORMAN. Mr. President, then I prefer to make a short statement in regard to this particular amendment which was adopted by the Senate, so that it may appear in the RECORD and be used by the conferees if they so desire.

This is a provision, I think, which was offered by the Senator from Connecticut [Mr. PLATT]. If it was adopted by the Senate it escaped my observation at the time, although I was present in the body. It is a provision authorizing the Secretary of the Interior to continue in existence the contract made last year for the printing and photolithographing of the Patent Office Reports. The amount involved is about $92,000.

There has been considerable controversy on the subject, and at one time an investigation was ordered by resolution of the Senate, the distinguished junior Senator from Massachusetts [Mr. LODGE], I think, offering the resolution, directing an investigation into the contract for this work. The then chairman of the Committee on Public Printing, General Manderson; the then Senator from North Carolina, Mr. Ransom, and I entered into an investigation, and went through it very thoroughly. We found in the Patent Office, under the law as administered by the present Commissioner of Patents, that there was a looseness which, in our judgment, required legislation to correct and to prevent abuses in that work. So in drafting the printing bill, which subsequently became a law, we inserted a provision requiring that each year this work should be advertised for publicly, not let privately, as had been the custom, so as to prevent it being awarded at an excessive amount to favorites. We also provided in that law that whenever the Public Printing Office was in condition to do this work it should be transferred to the Public Printer. A part of it is being done there now.

Under that provision of the law the Patent Office asked for proposals, and went outside of the requirements of the law, opening the door to a different character of work than that which had been prescribed by the act itself. The Committee on Printing having taken the matter into consideration and having their attention called to the subject, required the Commissioner of Patents to conform to the law, and in the last contract that was made there

were three bidders, one being for $92,000, and one for ninety-four thousand and some odd dollars. The contract was awarded, as a matter of course, to the lowest bidder. Since then the Public Printing Office has been put in condition, or will soon be in condition, to do this work at a very much decreased cost from the present contract price.

The Senator from Connecticut, without knowing all the circumstances, as he is not familiar, I take it, with that branch of the work, offered an amendment to continue in force for one year longer the contract, which expires in May next. It is, in the judgment of myself and the other members of the Committee on Printing who have looked into the subject, not only a violation of law and a change of the statute, but it is probably going back to and inaugurating a system of affairs which we labored so hard to correct in the last Congress. I therefore hope that the committee of conference on the part of the Senate will agree to recede from this amendment; and if it be in order now, as I suppose it will be when the report is adopted, I shall make a motion that the Senate recede from its amendment numbered 102.

Mr. CULLOM. Mr. President, as the Senator from Maryland remembers, the history in this body of the amendment referred to was that it was first offered proposing that the Secretary of the Interior should be allowed to continue this contract for four years. It seemed to me that that was not right, and, at the risk of incurring the displeasure of the Senator who offered the amendment, I made the point of order upon it, which was sustained. Subsequently the Senator from Connecticut [Mr. PLATT] had the amendment modified, leaving it in the discretion of the Secretary of the Interior to extend the time for one year. There seemed to be some question as to whether that provision as shaped by him was subject to a point of order. I did not make the point of order, and no one else did. The Senate adopted the amendment; and the Senate can very readily see that the Senate conferees, desiring to represent the Senate itself, naturally would feel like standing by the amendment, at least until it had been ascertained whether there was any disposition on the part of the Senate to recede from it. Therefore we took no action upon it except a formal disagreement, because of what I stated with reference to the arrangement between the Senator and myself, yet I should not have felt disposed to give up the provision without first reporting it to the Senate.

So far as I am concerned, I am willing, if it be in order, that the Senate may give an expression as to what it desires to do in reference to the amendment at this time. I believe it has to be done now, if at all. I am not very familiar with these questions. Could we not agree to the conference report and then take a vote upon the amendment?

Mr. GORMAN. I submit the question to the Chair as to whether the conference report may be agreed to and the Senate can then recede from the amendment?

Mr. CULLOM. If it be in order, I am perfectly willing to have that course adopted.

The PRESIDENT pro tempore. Is the amendment as to a special item?

Mr. GORMAN. Yes; amendment numbered 102, from which I desire to have the Senate recede.

Mr. CULLOM. Is that in order before the conference report is adopted or after, or at any time?

Mr. HARRIS. Before.

Mr. GORMAN. I think at any time.

Mr. HARRIS. It must be done before the report is voted on.

Mr. GORMAN. Then I move that the Senate recede from amendment numbered 102.

Mr. CULLOM. I think that surely is not in order, because the only question, as I understand, when a conference report is made, is whether the conference report shall be agreed to by the Senate.

Mr. HALE. Is this an item which has been agreed to in conference or disagreed to?

Mr. CULLOM. Disagreed to.

Mr. HALE. It seems to me very clear that the procedure is this: The report embraces those items as items. That is not agreed to. The report is simply a recitation of what the committee has done, and this item is left open. Now, clearly it seems to me that the report should be accepted. It is only a recital of what has been done and what has not been done, and then it will be in order for the Senator from Maryland to move to recede on one of these items, which is left out.

The PRESIDENT pro tempore. The Senator from Maine [Mr. HALE] has precisely stated the parliamentary situation.

Mr. HARRIS. I suggested that the motion to recede would have to come before agreeing to the report, but I did not know at the time, and do not know now, what the report is.

Mr. CULLOM. The report on this amendment is a disagreement by the conferees of the two Houses.

Mr. HARRIS. Then my suggestion to the Senator from Maryland [Mr. GORMAN] was erroneous. If that be the report, of course the report may be agreed to and a motion to recede from any particular amendment will be in order afterwards.

Mr. HALE and Mr. GORMAN. Afterwards.

Mr. CULLOM. I ask that the report of the committee of conference be adopted.

The PRESIDENT pro tempore. The question is on agreeing to the report of the committee of conference.

The report was concurred in.

Mr. GORMAN. I now move that the Senate recede from its amendment numbered 102.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Maryland that the Senate recede from its amendment numbered 102, which will be stated.

The SECRETARY. On page 90 of the last print of the bill, after line 13, the Senate adopted the following amendment:

That the Secretary of the Interior may, in his discretion, cause the present contract for producing copies of the drawings of the weekly issues of patents for inventions, trade-mark certificates, drawings for the library editions of patents, for producing exhausted copies, and copies of pending applications, and of foreign patents or publications, and for producing the photolithographic work for the illustrated pages of the Official Gazette of the Patent Office, to be extended for the term of one year from the 1st day of July, 1896.

The PRESIDENT pro tempore. The question is on receding from the amendment.

Mr. PLATT. Mr. President, I was out of the Chamber when this subject came up. I understand that some statement was made by the Senator from Maryland [Mr. GORMAN] with relation to this matter, giving the reasons why the Senate should recede from the amendment. I did not hear those statements, but I desire very briefly to state why the Committee on Patents recommended the amendment.

In the years that have passed there has been a great deal of criticism of the way in which the contract for photolithographing the designs for the Patent Office Gazette has been executed. It has amounted almost to a scandal for the last twenty years. It had been done by one firm up to the commencement of this Administration, at a cost of about $150,000 a year. At the commencement of this Administration it will be remembered that the Commissioner of Patents made an arrangement with a gentleman from Boston, who was connected with the Administration in some way at that time, about which there was a good deal of talk and considerable criticism. After that the Commissioner of Patents advertised for a contract. The lowest bidder for the contract was a Mr. Graham. His bid was $11,000 below that of any other bidder. If I remember aright, it was about $90,000, when we had theretofore been paying from $140,000 to $150,000 for this work. That bid was accepted. That bidder has invested in the enterprise $100,000, more or less, for the purpose of being able to carry out his contract. There has never been a day's or an hour's failure in getting out the drawings. His contract has been complied with to the letter, under great disadvantages at times. The contract expires next July. Under the present law it is to be relet by advertisement. The same firm which has been taking $150,000, more or less, in years past for this contract can come in and, for the sake of breaking down this new contractor, bid for the work at less than it can be done for. When that contractor has thus been broken down, there is no other concern in the city of Washington that can do the work except the old concern. The Committee on Patents thought it would be very well to allow the Secretary of the Interior, in his discretion, to extend the contract for one year. If the Senate thinks that is not a good business proposition, it may recede from the amendment. It is under this statement I hope they will not recede.

Mr. GORMAN. Mr. President, the Senator from Connecticut was not here when I made my statement. The statement which he makes is exactly accurate about the troubles heretofore existing in relation to this contract. I made that statement substantially while the Senator was absent.

Upon examination by the Committee on Printing in regard to this matter, it became manifest that there must be a very radical change in this work, and that the great discretion which had been exercised by the Commissioner of Patents should be limited. After the most thorough investigation for the purpose of introducing economy and of having this contract awarded to the lowest bidder in an open, manly, and honest way, and to have a further safeguard so that the Government would be fully protected, this provision was made in the printing law:

All printing for the Patent Office making use of lithography or photolithography, together with the plates for the same, shall be contracted for and performed under the direction of the Commissioner of Patents, under such limitations and conditions as the Joint Committee on Printing may from time to time prescribe, and all other printing for the Patent Office shall be done by the Public Printer under such limitations and conditions as the Joint Committee on Printing may from time to time prescribe: *Provided*, That the entire work may be done at the Government Printing Office whenever, in the judgment of the Joint Committee on Printing, the same would be to the interest of the Government.

Under that provision, and with open bids, there were three bidders one year ago, and the gentleman who obtained the contract made a bid of about $92,000, and the next lowest bid was $94,000. The Government Printing Office at that time was not quite in condition to do this work. It is practically in condition to do it now.

Mr. President, to continue this contract by such a provision in an appropriation bill will again be entering upon a system which we tried to correct. I know the Senator from Connecticut, if he had examined this subject as thoroughly as did General Manderson and I, would see the wisdom of continuing the present system of making the contract every year, and as early as possible. A part of the work is being now done at the Printing Office, and I think this summer the whole of the work may be accomplished there at a greatly reduced cost, but it would be manifestly unjust and unwise, in my judgment, to continue the existing contract under those conditions.

I shall not go into further details. After the investigation made by the Committee on Printing the testimony was submitted to the Senate, but the committee did not attempt to criticise, as we might have done, and probably ought to have done, the action which had theretofore been taken. We rather contented ourselves in making a provision of law which would prevent such abuses in the future; and I trust that provision will not be disregarded by the retention of this amendment.

Mr. PLATT. Mr. President, it will be observed that this provision is not mandatory at all. It does not extend the contract, but leaves it discretionary with the Secretary of the Interior to do it.

One word with regard to the Public Printing Office. That office is in no condition whatever to do this work. It can not do it without an addition to its plant of $100,000.

Mr. GORMAN. Oh, no; not so much as that.

Mr. PLATT. I undertake to say that to do this work will require a very large addition to the plant of the Government Printing Office.

It is true that the Government does some portion of the work of getting out the Official Patent Office Gazette. It sets up the specifications of patents on a large scale, and yet every week all of that work is photolithographed, and has to be, and this book which I hold in my hand [exhibiting] is either weekly or once in two weeks made up by the photolithographic process. There is no process in the Government Printing Office by which it can be done, and it is not contemplated that any process is to be added to that plant for the purpose of doing it.

Mr. CULLOM. I only desire to say a word, and then I hope we shall have a vote.

As the Senate will remember, this amendment was put in by the Senate; it was not inserted on the report of the Committee on Appropriations. My own judgment at the time was in favor of the provision of law requiring the Secretary of the Interior to advertise and let this contract to the lowest bidder, but I consented to allow the amendment to go into the bill without making a point of order upon it, and the Senate adopted it. So far as the Appropriations Committee is concerned, I do not think it is very much concerned whether the amendment stays in or goes out. I hope we shall now have a vote upon it.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Maryland [Mr. GORMAN] to recede from amendment numbered 102.

Mr. GORMAN. Let us have the yeas and nays, Mr. President.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH]. I do not see him present, and therefore withhold my vote.

Mr. SHOUP (when his name was called). I am paired with the senior Senator from California [Mr. WHITE]. Not knowing how he would vote if present, I withhold my vote.

The roll call was concluded.

Mr. BURROWS (after having voted in the negative). I withdraw my vote, as I am paired with the senior Senator from Louisiana [Mr. CAFFERY], who is not present.

Mr. BACON (after having voted in the affirmative). I inquire whether the junior Senator from Rhode Island [Mr. WETMORE] has voted?

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Chair is informed that the junior Senator from Rhode Island has not voted.

Mr. BACON. In his absence I feel compelled to withdraw my vote, as I am paired with that Senator.

Mr. PALMER (after having voted in the affirmative). I inquire if the senior Senator from North Dakota [Mr. HANSBROUGH] has voted?

The PRESIDING OFFICER. The Senator from North Dakota has not voted.

Mr. PALMER. Then I withdraw my vote, as I am paired with that Senator.

Mr. FAULKNER (after having voted in the affirmative). I supposed when I voted that the junior Senator from West Virginia [Mr. ELKINS] had voted. I find, however, that he has not, and, as I am paired with him generally, I withdraw my vote.

Mr. BLACKBURN (after having voted in the affirmative). I inquire if the senior Senator from Michigan [Mr. MCMILLAN] has voted?

The PRESIDING OFFICER. He has not.

Mr. BLACKBURN. I am paired with that Senator, but I transfer my pair with him to the Senator from South Carolina [Mr. IRBY], and will let my vote in the affirmative stand.

Mr. DUBOIS. I suggest to the Senator from Illinois [Mr. PALMER], as it is feared there is not a quorum present and voting, that we transfer our pairs, he being paired with the Senator from North Dakota [Mr. HANSBROUGH] and I being paired with the senior Senator from New Jersey [Mr. SMITH]. I suggest that the Senator from North Dakota be paired with the Senator from New Jersey, which will enable the Senator from Illinois and me to vote.

Mr. PALMER. That is entirely satisfactory to me. I vote "yea."

Mr. DUBOIS. I vote "nay."

Mr. BACON. I transfer my pair with the junior Senator from Rhode Island [Mr. WETMORE] to the senior Senator from Indiana [Mr. VOORHEES], and vote "yea."

The result was announced—yeas 21, nays 21; as follows:

YEAS—21.

Bacon,	Cockrell,	Martin,	Roach,
Bate,	Cullom,	Mills,	Sherman,
Blackburn,	Gorman,	Palmer,	Wolcott.
Brice,	Gray,	Pasco,	
Chandler,	Jones, Ark.	Perkins,	
Chilton,	Lodge,	Pugh,	

NAYS—21.

Aldrich,	Carter,	Mantle,	Stewart,
Baker,	Davis,	Mitchell, Oreg.	Warren,
Brown,	Dubois,	Morrill,	Wilson.
Butler,	Frye,	Platt,	
Call,	Gallinger,	Proctor,	
Cannon,	Hawley,	Squire,	

NOT VOTING—47.

Allen,	George,	McBride,	Smith,
Allison,	Gibson,	McMillan,	Teller,
Berry,	Gordon,	Mitchell, Wis.	Thurston,
Blanchard,	Hale,	Morgan,	Tillman,
Burrows,	Hansbrough,	Murphy,	Turpie,
Caffery,	Harris,	Nelson,	Vest,
Cameron,	Hill,	Peffer,	Vilas,
Clark,	Hoar,	Pettigrew,	Voorhees,
Daniel,	Irby,	Pritchard,	Walthall,
Elkins,	Jones, Nev.	Quay,	Wetmore,
Faulkner,	Kyle,	Sewell,	White.
Gear,	Lindsay,	Shoup,	

The PRESIDING OFFICER. No quorum has voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Chilton,	Lodge,	Quay,
Allison,	Clark,	McBride,	Roach,
Bacon,	Cockrell,	McMillan,	Sherman,
Baker,	Cullom,	Mantle,	Shoup,
Bate,	Davis,	Mills,	Stewart,
Berry,	Dubois,	Mitchell, Oreg.	Teller,
Blackburn,	Faulkner,	Morrill,	Turpie,
Brice,	Gallinger,	Nelson,	Vilas,
Brown,	Gordon,	Palmer,	Walthall,
Burrows,	Gorman,	Pasco,	Warren,
Butler,	Gray,	Perkins,	Wilson,
Call,	Hale,	Platt,	Wolcott.
Cannon,	Harris,	Pritchard,	
Carter,	Hawley,	Proctor,	
Chandler,	Jones, Ark.	Pugh,	

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from Maryland [Mr. GORMAN], that the Senate recede from amendment numbered 102, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the senior Senator from Michigan [Mr. MCMILLAN], whom I do not see in his seat. I transfer my pair to the Senator from South Carolina [Mr. IRBY] and vote "yea."

Mr. CHANDLER (when his name was called). On this vote I agreed to pair with the Senator from South Dakota [Mr. KYLE], and therefore withhold my vote.

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH]. I transfer my pair to the senior Senator from North Dakota [Mr. HANSBROUGH], who is now paired with the junior Senator from Illinois [Mr. PALMER], so that the junior Senator from Illinois and I can vote. I vote "nay."

Mr. FAULKNER (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. ELKINS] to the Senator from South Dakota [Mr. KYLE] and vote "yea."

Mr. VILAS (when the name of Mr. MITCHELL of Wisconsin was called). My colleague [Mr. MITCHELL] is unavoidably absent from the Chamber to-day and is paired with the Senator from New Jersey [Mr. SEWELL].

Mr. PALMER (when his name was called). Adopting the suggestion of the Senator from Idaho [Mr. DUBOIS] with respect to an exchange of pairs, I will vote. I vote "yea."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD] and therefore withhold my vote.

Mr. SHOUP (when his name was called). I again announce that I have a general pair with the Senator from California [Mr. WHITE].

Mr. WALTHALL (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. QUAY. I have a general pair with the Senator from Alabama [Mr. MORGAN]. If he were present, I should vote "yea."

Mr. BACON (after having voted in the affirmative). I inquire whether the junior Senator from Rhode Island [Mr. WETMORE] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. BACON. I have a general pair with the junior Senator from Rhode Island, but I transfer my pair to the Senator from Indiana [Mr. VOORHEES] and allow my vote to stand. Otherwise I would withdraw it.

Mr. NELSON (after having voted in the negative). I have a general pair with the Senator from Missouri [Mr. VEST], whom I do not see in his seat. I therefore ask leave to withdraw my vote.

Mr. PUGH. I will state to the Senator from Pennsylvania [Mr. QUAY] that if my colleague [Mr. MORGAN] were present, he would vote "yea."

Mr. QUAY. Then I vote "yea."

Mr. FAULKNER (after having voted in the affirmative). I announced a pair between the junior Senator from West Virginia [Mr. ELKINS] and the Senator from South Dakota [Mr. KYLE]. I understand that the Senator from South Dakota [Mr. KYLE] has already been paired with the Senator from New Hampshire [Mr. CHANDLER]. I therefore transfer my pair with the junior Senator from West Virginia to the junior Senator from New York [Mr. MURPHY] and allow my vote to stand.

Mr. CARTER. I desire to announce the transfer of the pair with the junior Senator from Maryland [Mr. GIBSON] to the senior Senator from Nevada [Mr. JONES].

The result was announced—yeas 28, nays 25; as follows:

YEAS—28.

Allison,	Cockrell,	Jones, Ark.	Pugh,
Bacon,	Cullom,	Lodge,	Quay,
Bate,	Faulkner,	Martin,	Roach,
Berry,	Gordon,	Mills,	Sherman,
Blackburn,	Gorman,	Palmer,	Turpie,
Brice,	Gray,	Pasco,	Vilas,
Chilton,	Harris,	Perkins,	Wolcott.

NAYS—25.

Aldrich,	Carter,	Mantle,	Stewart,
Allen,	Clark,	Mitchell, Oreg.	Teller,
Baker,	Davis,	Morrill,	Warren,
Brown,	Dubois,	Peffer,	Wilson.
Butler,	Gallinger,	Pettigrew,	
Call,	Gear,	Platt,	
Cannon,	Hawley,	Proctor,	

NOT VOTING—36.

Blanchard,	Gibson,	McBride,	Smith,
Burrows,	Hale,	McMillan,	Squire,
Caffery,	Hansbrough,	Mitchell, Wis.	Thurston,
Cameron,	Hill,	Morgan,	Tillman,
Chandler,	Hoar,	Murphy,	Vest,
Daniel,	Irby,	Nelson,	Voorhees,
Elkins,	Jones, Nev.	Pritchard,	Walthall,
Frye,	Kyle,	Sewell,	Wetmore,
George,	Lindsay,	Shoup,	White.

So the Senate receded from its amendment numbered 102.

Mr. CULLOM. I suppose the House of Representatives will be notified of the action of the Senate as to the amendment.

Mr. HARRIS. Was this the only amendment left open in the bill? If not, the Senator from Illinois should move that the Senate further insist.

Mr. CULLOM. The conference report has been adopted, and this amendment has been taken out of the bill by the vote or receded from. I move that the Senate insist upon its other amendments not disposed of and ask for a further conference.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate at the further conference, and Mr. CULLOM, Mr. TELLER, and Mr. COCKRELL were appointed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 483) for the relief of Mary Jane Lynn, daughter of John R. Lynn, a Revolutionary soldier;

A bill (H. R. 2606) for the relief of Solomon Hyams;

A bill (H. R. 3007) granting an increase of pension to Michael S. Pettit;

A bill (H. R. 3189) to increase the pension of John S. Cochenour; and

A bill (H. R. 4526) granting a pension to Jonathan Scott.

The bill (H. R. 145) for the relief of J. J. Lints was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 7816) for the relief of John S. Burwell, administrator of the estate of A. L. Burwell, deceased, was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 505) for the relief of Rev. Edwin Warriner was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 8013) donating one condemned cannon and cannon balls to Grand Army of the Republic, L. W. Cooper Post, Department of Missouri, No. 61, of Lathrop, Mo., was read twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of "filled cheese," was read twice by its title, and referred to the Committee on Agriculture and Forestry.

SENATOR FROM DELAWARE.

Mr. CHANDLER. I wish to call up the privileged question, the resolution declaring Henry A. Du Pont entitled to a seat in the Senate from the State of Delaware.

I call up the resolution and desire to state that I shall not speak to-day. The Senator from Michigan [Mr. BURROWS] wishes to speak, and he will be followed by the Senator from Utah [Mr. BROWN]. Other speeches on the resolution will be delayed until to-morrow, so that the Indian appropriation bill can be taken up after these Senators shall have concluded their remarks.

The Senate resumed the consideration of the resolution reported by Mr. MITCHELL of Oregon from the Committee on Privileges and Elections February 18, 1896, as follows:

Resolved, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

Mr. BURROWS. Mr. President, after the clear and comprehensive statement of the facts in this case and the law applicable thereto in the opening of the debate by the distinguished Senator from Oregon [Mr. MITCHELL], chairman of the Committee on Privileges and Elections, supplemented by the able argument of the Senator from North Carolina [Mr. PRITCHARD] and other Senators in support of the claim of Henry A. Du Pont to a seat in this body as Senator-elect from the State of Delaware, together with the able and exhaustive presentation of the views of the minority by the distinguished Senators from Indiana [Mr. TURPIE] and Mississippi [Mr. GEORGE] and others in opposition thereto, I confess to no little embarrassment in asking the further attention of the Senate to the consideration of a question every phase of which has been already presented and concerning which the judgment of Senators may possibly be fully made up and concluded. Being, however, a member of the committee intrusted in the first instance with the examination of this case, and having joined with the majority in the report presented, I venture to ask the indulgence of the Senate while I discharge what seems to be a duty in briefly presenting some of the reasons which impelled me to the conclusions reached therein.

In the discussion of any question, whether of grave or trifling concern, it is always advisable at the beginning to eliminate all those matters concerning which there is not, and can not be, the slightest contention. The debate has now so far progressed as to make this course possible. If this suggestion is adopted it will be found that the vital points in the controversy are circumscribed within very narrow limits. What, then, may I ask, are the admitted facts? Let me enumerate.

It is conceded that at a general election held in the State of Delaware in November, 1894, there were elected a governor for the term of four years and a full membership of the Delaware legislature, consisting of 9 senators and 21 representatives; that in January, 1895, the governor-elect, Mr. Marvil, was duly inducted into office and entered upon the performance of his duties; that both branches of the legislature, composed of members duly qualified, were legally organized, and that Senator Watson was elected speaker of the senate; that among the duties devolving upon such legislature was the election of a United States Senator for the full term of six years beginning March 4, 1895, and ending March 4, 1901; that the legislature entered upon the performance of this duty in conformity to law and continued therein until the day of final adjournment, May 9, 1895; and that on this last-named

day the recorded vote in the joint assembly for United States Senator was 15 for Henry A. Du Pont and 15 against him, which did not give Mr. Du Pont a majority of the total recorded vote of 30, and that the legislature thereupon adjourned without day.

It is further conceded that on, the 8th day of April, 1895, Governor Marvil died; and that by the constitution of the State of Delaware it is provided that—

Upon any vacancy happening in the office of governor by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified;

That on the following day, April 9, and in compliance with this constitutional mandate, the chancellor, in the presence of the senate, administered to Mr. Watson, the speaker of the senate—and I quote the journal entry—"the oaths of office as governor," by which, among other things, Watson obligated himself to "perform the duties of the office of governor of the State of Delaware with fidelity." It is further admitted that thereupon he entered upon the discharge of the duties of such office and that he has ever since exercised and is now performing the duties of chief executive of the State of Delaware. It is further admitted that from the 9th day of April, 1895, the day Mr. Watson took the oath as governor and entered upon the exercise of that office, until the 9th day of May, 1895, the day of the final vote for United States Senator in the joint assembly, Mr. Watson took no part in the business of the senate, either as speaker or senator, or in the proceedings of the joint assembly; and that the highest vote recorded in the joint assembly for United States Senator between the 9th of April and the 9th of May was 29, and that the declared vote of 30 for United States Senator in the joint assembly of May 9th was made possible only by the appearance of Mr. Watson, then exercising the office of governor, who on that day entered the senate and the joint assembly and cast his vote for United States Senator.

It is further conceded that on the final vote Mr. Du Pont received 15 votes, and that of the 15 votes cast against him 1 of the number was the vote of Mr. Watson, and that without his vote Henry A. Du Pont would have had a majority over all, and would have been elected a Senator of the United States from the State of Delaware for the full term of six years.

In this recital I have not intended to make, nor do I think I have made, a single statement that is not conceded to be true. It will be observed, therefore, as I stated in the beginning, that the vital points in this case are circumscribed within very narrow limits and hinge primarily and chiefly upon the single question whether on the 9th day of April, 1895, Mr. Watson had the legal and constitutional right, while exercising the office of governor, to participate in the proceedings of the joint assembly and vote for United States Senator. If he had that right, then Mr. Du Pont was not elected. If he had not that right, then Mr. Du Pont was elected. This, I believe, is conceded.

Let it be borne in mind also that there is no other contestant for the seat. If Du Pont was not elected no one was.

The primary and vital question, therefore, to be considered and determined, simply stated, is this: Had Watson, while exercising the office of governor of the State of Delaware, the right to vote in the joint assembly of the legislature for United States Senator? Upon this point the Committee on Privileges and Elections were unable to agree, and this is one and the main issue presented to the Senate for its considerate and final judgment.

The majority of the committee insist that when, on the 9th day of April, Senator Watson took the oath and entered upon the exercise of the office of governor of the State of Delaware, from that moment, and so long as he continued to exercise its functions, he became and continues to be governor; and that as such he had no constitutional or legal right to discharge the functions of senator, and that his attempt to do so in the joint assembly of May 9th was an usurpation and his vote for United States Senator a nullity.

On the other hand, it is contended that although Watson entered upon the exercise of the office of governor, yet, nevertheless, he was then a senator, and continues to hold the office of senator and speaker, and that there was no constitutional or legal restraint which prevented him from discharging the functions of both offices at the same time; and that, in fact, his exact legal, constitutional, and official status was, and is, senator and speaker exercising the office of governor.

This contention presents at once an issue involving the construction of several provisions of the constitution of the State of Delaware to which it becomes necessary to invite attention.

It will be remembered that the Delaware constitution creates no such officer as lieutenant-governor, upon whom, in case of a vacancy in the gubernatorial office, the duties of governor usually devolve, but in lieu thereof it is provided that in the event of a vacancy in the office of governor, by death or otherwise, "the speaker of the senate"—in the language of the constitution—"shall exercise the office until a governor elected by the people shall be duly qualified." It was under and by virtue of this constitutional mandate that Senator and Speaker Watson, on the 9th day of April, 1895, entered upon the performance of the duties of the executive office, and still continues therein. This transfer of executive authority was accomplished by the peaceful and orderly methods prescribed by the constitution, without the slightest disturbance in any of the functions of government, and would have scarcely arrested public attention but for the extraordinary and unexampled assumption of power on the part of the newly installed executive. After assuming and entering upon the exercise of the office of governor, and while in the full and exclusive discharge of its high functions, Governor Watson presumed to reenter the senate, resume the speaker's chair, preside over and participate in the deliberations of the joint assembly, and cast his vote for United States Senator, justifying this startling exhibition of autocratic power by asserting that he was not only the executive of the State, but at the same time a member of the legislative branch of the government, and, indeed, the rightful incumbent of three offices at the same time—governor, speaker, and senator—the powers and duties of all or any one of which he was at liberty to discharge at will.

Out of this assumption of official authority has grown this protracted controversy, culminating in the issue now presented for the determination of the Senate, and which may be stated in a single line, viz: Could Watson, while exercising the office of governor, lawfully perform the functions of senator?

To this query we make emphatic denial; the opposition, equally emphatic, affirmation. And thus the issue is made up.

In support of our contention that Watson had no authority to act in the dual capacity of governor and senator, we appeal not only to the common-law doctrine of incompatibility, but we confidently invoke the express prohibition of the Delaware constitution (Article II, section 12), wherein it is declared that "No person holding any office under this State * * * shall, during his continuance in office, be a senator."

Now, the contention on the part of Mr. Du Pont is that when Senator Watson entered upon the "exercise of the office of governor" he became, and was, in the language of the constitutional provision just quoted, "a person holding an office under the State," and that therefore "during his continuance in such office" he could not "be a senator"; that the holding of the office of governor and senator by the same person at the same time is herein expressly forbidden, and that Watson's attempt, therefore, to perform the functions of senator while holding the executive office was a direct and palpable violation of the constitution, by the express terms of which he was positively inhibited. There would seem to be no possible escape from this conclusion, and the force of the deduction is conceded when opposing Senators attempt to cut their way through this constitutional barrier by boldly declaring that Watson, though entering upon the exercise of the office of governor on the 9th of April, 1895, did not in fact become governor, nor was he then nor is he now, though in the continued exercise of that office, "holding any office under the State" other than that of senator, and therefore is not within the constitutional inhibition just quoted.

I have attempted to state with accuracy the exact position of opposing Senators; but that it may appear I have in no way misrepresented their contention in this regard, permit me to quote the precise language of the Senator from Indiana [Mr. TURPIE]:

I admit that the governor is an officer of the State, but I say that Watson never was governor and never could be governor. He may be some time, but when he becomes governor it will be after he is chosen by the citizens of the State to that office, in the language of the constitution. He will never become governor before that time. He can not be governor before that time. No other power can choose him. No other constituency can elect him. The governor of Delaware is chosen by the people. Watson was holding no other office under the State then—none whatever. He is a senator, and continues to be a senator.

The counsel even took the position that exercising the office is not an office, the point being to escape the constitutional inhibition that a person holding any office under the State can not be a senator, and so the Senator from Indiana continues:

I admit that the governor is an officer, but, for sufficient reasons already given, it is plain that Watson never was governor, and could not be governor. The right devolved upon him only to exercise the office. That is the extent of his authority; but this right was not an office, it was simply a right; it was not an office; it was simply the exercise of an office; it was a right appurtenant, not to Watson, nor to any person; it was a right appurtenant to the speakership, to the senatorship. It was a right inherent in no person, appertaining not to Mr. Watson; but it was a right inhering in and pertaining to the speakership of the senate of Delaware and to a member of the senate of Delaware, by consequence.

It will be observed, therefore, that I have stated accurately the position of the minority in that they seek to avoid the consequences of the constitutional inhibition against any person being a senator while "holding another office under the State" by contending, in the words of the Senator from Indiana just quoted, that Watson, though "exercising the office of governor," was thereby "holding no other office under the State—none whatever."

It is interesting to note in this connection that the position now taken by opposing Senators—that Watson did not in fact become governor when he entered upon the exercise of that office—is a complete reversal and abandonment of the position taken by counsel in their argument before the Committee on Privileges and

Elections, wherein it was admitted that Mr. Watson did become and was in fact governor when he entered upon the exercise of that office. I quote from the reply of opposing counsel to the argument made in support of Du Pont's claim. They say:

Counsel devote 30 pages of their brief to a demonstration of the fact that the speaker of the senate, in case of a vacancy in the office of governor, becomes governor of the State. The matter counsel present on this head attests their industry and may interest the curious, but it supports a proposition which we do not contest.

It was conceded then that Watson became, and was in fact, governor the moment he entered upon the exercise of the functions of that office; and had that admission been made on the floor of the Senate it would have simplified, if not ended, this controversy. But opposing Senators were too astute to make this concession, knowing that under the constitution of the State of Delaware the office of governor and senator can not be held by the same person at the same time, and that as it was absolutely essential to the validity of Watson's vote for United States Senator that he should have been a lawful member of the State senate and of the joint assembly when he voted, it became equally imperative to deny that he was at that time governor, or that he was "holding any office under the State" except that of senator.

It becomes necessary, therefore, to inquire, as a matter of fact, whether Watson, while exercising the office of governor, was by that act "holding an office under the State" within the meaning of the constitution and whether Senators can successfully cut their way through this constitutional inhibition by contending that such holding was not an office.

It will not be disputed, I suppose, that the governorship is an office. Indeed, the Senator from Indiana says:

I admit that the governor is an officer of the State.

That being conceded, it would seem to follow that one holding that position holds an office. Therefore if Watson was actually governor he was, in the language of the constitution just quoted, "holding an office under the State." Our contention is that when he entered upon the exercise of the office of governor he became governor for the time being as absolutely as though he had been elected to that office, and could not, therefore, while performing its functions, be a senator. He was the constitutional governor, subject to all the limitations and restraints which that constitution imposed. It would not be contended, I suppose, that if the governor of the State chosen by the people should, during his term of office, be elected a State senator, that he could constitutionally take the office of senator and at the same time continue to hold the office of governor. In such case he could only be admitted to the office of senator by first vacating the office of governor. If the people are powerless, by an election, to confer upon one and the same person the office of governor and senator, by what process of reasoning or under what provision of the constitution of the State of Delaware is Watson clothed with the dual powers of senator and governor? The answer is, by virtue of that provision of the constitution which imposes upon the speaker of the senate the duty, in a certain contingency, of exercising the office of governor, but that in such case, while possessed of all the powers and charged with all the duties of both offices, yet he was holding but one—that of senator—and only exercising the other. And this brings us to the examination of that provision of the constitution of the State of Delaware under and in obedience to which Watson entered upon the exercise of the executive office.

Article III, section 14, provides as follows:

Upon any vacancy happening in the office of governor, by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified. If there be no speaker of the senate, or upon a further vacancy happening in the office, by his death, removal, resignation, or inability, the speaker of the house of representatives shall exercise the office until a governor elected by the people shall be duly qualified.

Plain as this proposition of the constitution is, yet it is the storm center around which all the legal acumen of the opposition spends its force. The contention is this, that the expression "shall exercise the office," does not mean that the speaker of the senate shall become or is governor in fact, but that he is simply "exercising the office"—moving it around as though it were a thing of life, to keep its blood from stagnating; to keep the office alive until such time as a real governor can be elected by the people and be duly qualified. Is this the common-sense or legal meaning of the expression "exercising an office"? Webster defines the verb "to exercise" as follows: "To put in practice; to carry out in action; to perform the duties of; as, to exercise an office."

It is difficult to comprehend how one can exercise an office, perform all its functions, discharge all its duties, and yet not be an incumbent of such office. As was said in a well-adjudicated case, to which I shall have occasion to refer later, "How can a person fill the office of governor without being governor? Given a public office and one who, duly empowered, discharges its duties, and we have an incumbent in that office." Mechem, in his work on Public Offices and Officers, a recognized authority in the profession, says:

A public office is the right, authority, and duty created and conferred by law, by which, for a given period, an individual is vested with some portion of the sovereign function of the government, to be exercised by him for the benefit of the public.

An office—

Says Blackstone—

is a right to exercise a private or public employment and to take the office and emoluments thereunto belonging.

Judge Cooley, whom the Senator from Indiana justly eulogized as a great jurist, in Troop *vs.* Langden (40 Michigan) said:

An office is a special trust or charge created by competent authority. If not merely honorary, certain duties will be connected with it, the performance of which will be the consideration for its being conferred upon a particular individual who, for the time being, will be the officer.

Judge Danforth, in Rowland *vs.* Major (83 New York), said:

Whether we look in the direction of our language, the terms of politics, or the diction of common life, we find that whoever has a public charge or employment, or even a particular employment affecting the public, is said to hold or be in office.

But it is needless to multiply authorities.

It is impossible to conceive, in the light of these citations, how Watson could exercise all the functions of governor, perform all its duties, and yet not be in fact the executive of the State. Yet, in the face of reason and authority, the contention is persistently adhered to that when Senator Watson took the oath of office as governor, and entered upon the performance of its duties, he was merely exercising the office of governor as an appendage to the office of senator, and was not in fact governor. It is contended that he was a sort of ex officio governor—speaker of the senate, and, by virtue thereof, exercising executive functions; that the two offices were linked together. True, the speaker of the senate is designated as the first in the line of succession to the vacant governorship, but it by no means follows that because of that designation the person named is vested with the powers and duties of both offices. The designation of the speaker of the senate was only for the purpose of making certain the person upon whom the executive office should devolve; and when the devolution occurs, and the individual named enters into the office, "he holds it in his natural and not his official capacity." As was well said by the court in a case to which I shall refer:

If an office be appendant to another office, the determination of the first office will determine the second. On the contrary, if the appointment to an office be by descriptio personæ of one who holds some office by the title of which he is described, and who on some contingency is to enter and fill another office, the answering the description, at the time the contingency arises, designates him as the person who is to enter and fill the office, and when, as thus designated, he enters into the office he holds it in his natural and not in his official capacity.

Mr. GRAY. Will the Senator from Michigan kindly give me the citation?

Mr. BURROWS. It is a case reported in 11 Oregon, at page 389, the case of Chadwick *vs.* Earhart.

Watson's being speaker of the senate simply made him eligible to the office of governor, but when he entered upon the discharge of the functions of that office he held it wholly independent of and without regard to the office of speaker.

It was only to designate some person with certainty. It might have been the senior senator; it might have been anybody not in the senate or in the house. It was to designate some person, and if that person happened to be an official who was so designated it does not follow that he takes the duty of both offices.

But in examining the question whether Watson, in entering upon the exercise of the office of governor, actually became an incumbent of the office, it is wholly unnecessary, in my judgment, to look beyond the plain terms of the constitution itself. That such became and is his official status is clearly demonstrable, I think, from the very language employed. Indeed, any other interpretation would render the words used wholly inexplicable. Let us examine carefully, then, for a moment, that provision of the Delaware constitution under and by virtue of which Watson entered upon and is now exercising the office of governor. It is as follows:

Upon any vacancy happening in the office of governor by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified. If there be no speaker of the senate, or—

These words have been passed over lightly by our friends on the other side—

upon a further vacancy happening in the office by his death, removal, resignation, or inability, the speaker of the house of representatives shall exercise the office until a governor elected by the people shall be duly qualified.

I want to call attention to the words "further vacancy happening in the office"; that is, happening in the office of governor. Here we have, in case of a vacancy happening in the office of governor, the line of succession definitely fixed. First the speaker of the senate, and after him the speaker of the house shall exercise the office. When does the exercise of the office of governor devolve upon the speaker of the senate? In the language of the provision just quoted, "upon any vacancy happening in the office

of governor by his death, removal, resignation, or inability." And when does the exercise of the office devolve upon the speaker of the house? In the language of the constitution, when there is "no speaker of the senate, or upon a further vacancy," not a continuing vacancy, "happening in the office by his death, removal, resignation, or inability."

Mr. MITCHELL of Oregon. The speaker who has become governor?

Mr. BURROWS. Yes. The "further vacancy" here referred to is clearly a vacancy caused by the death, removal, resignation, or inability of the speaker of the senate, who, upon the happening of a vacancy in the office of governor, has entered upon the performance of the executive functions. I asked the Senator from Mississippi [Mr. GEORGE] in relation to that when he was on the floor, and he said:

It means exactly what it says. It means the death of the speaker of the senate.

Mr. BURROWS. After he has entered upon the office.

Mr. GEORGE. After he has entered upon the exercise of the duties of governor.

Here we have, it will be observed, two vacancies referred to—one caused by the death, removal, resignation, or inability of the governor elected by the people; and the other by the death, removal, resignation, or inability of the speaker of the senate, who may have succeeded to the exercise of the executive office. It will be observed this second vacancy is spoken of as a "further vacancy in the office."

Mr. MITCHELL of Oregon. Of governor.

Mr. BURROWS. Of course, not the same vacancy. Mark the words "further vacancy." This presupposes a prior vacancy, and not only that, but that such prior vacancy had been filled by somebody, otherwise the expression "further vacancy" would be meaningless and absolutely senseless. There could be no further vacancy until that former vacancy had been supplied. There might be a continuing vacancy, but not a further vacancy. If Watson, when he entered upon the exercise of the office of governor, did not fill the vacancy caused by the death of Governor Marvil, and become the governor of the State, then Watson's death, resignation, or removal could not create a further vacancy in that office. It would only continue the original vacancy. It is absurd to talk about a further vacancy in an office already vacant and continuing vacant. That is an impossibility. The vacancy already existing must first be filled before it is possible to create another or further vacancy in the same office. One vacancy happening in an office, there can not be another or a further vacancy in that office until the prior vacancy has been filled. A tenant may vacate his landlord's house, but there can not be another—a further—vacancy in that house until it has been again occupied. The expression "further vacancy" is wholly inexplicable upon any other theory than that the original vacancy had been filled and, in this instance, by Governor Watson. This seems to me conclusive.

This view is strengthened by the words of the constitution, which contemplate that the person exercising the office of governor may vacate his position by death or resignation, or he may be removed or become incapacitated; but if the contention of the opposition be correct that Watson did not become and is not now governor, and further, that the exercise of the office is not in itself an office, then Watson is holding no official place in connection therewith, and, although wielding all the powers of the executive office, he is in a position—call it what you may—from which there is no escape except by death. His only hope of relief is through the interposition of Divine Providence. True, the constitution declares he may relieve himself by resignation. But if he is not an officer he can not resign, for he has nothing to surrender. How can he resign that which he does not hold? He can not be removed, for he is in the occupancy of no official position. He may become a madman or an imbecile, yet no degree of incapacity can dislodge him from an office which he does not possess.

But, more than this, if the contention of the opposition that Watson is holding no official place in connection with the gubernatorial office is correct, then an immunity and distinction is conferred upon him which no other executive, State or national, enjoys. He is placed beyond the reach and power of impeachment. The constitution of the State of Delaware (Article V, section 2) provides:

The governor and all other civil officers under the State shall be liable to impeachment for bribery or any high crime or misdemeanor in office.

Who may be impeached? First, the governor. But, in the language of the Senator from Indiana, "Watson never was governor and could not be governor;" so he could not be impeached as governor. Secondly, who could be impeached? "All other civil officers." But, in the language of the Senator from Indiana, Watson was a senator and was—

holding no other office under the State, none whatever. The right devolved upon him only to exercise the office of governor; but the right was not an office, it was simply a right; it was not an office.

If it was not an office, then its occupant was not and could not be and is not an officer; and so Mr. Watson can not be impeached as a civil officer for any crime or misdemeanor in connection with the gubernatorial office. It is no answer to declare that Watson may be impeached as senator or speaker for crimes committed in the executive office, for he may be required to exercise the office of governor long after the expiration of his term as senator. It will hardly be contended he could be impeached in an office which he has ceased to hold.

And so we have the anomaly and, I may be pardoned for adding, the absurdity of a person exercising all the functions of the great office of executive of a State with all its powers, civil and military, wholly exempt from that wholesome restraint which the right of impeachment secures. Such is the absurd result to which the contention of the opposition necessarily leads. It seems to me, therefore, from the clear and express language of the constitution itself, there is no escape from the conclusion that when Watson entered upon the exercise of the office of governor he filled a vacancy in that office, caused by the death of Governor Marvil, and, for the time being, became in fact the executive and was, therefore, within the inhibition of the constitution which prohibits any person from being a senator who is "holding any other office under the State."

But if there could be the slightest doubt about the intention of the framers of the Delaware constitution to wholly divorce the exercise of executive from legislative functions by the same person at one and the same time, such doubt must be wholly dispelled by that other provision of the constitution wherein it is declared that—

No * * * person holding any office under this State shall exercise the office of governor.

It is admitted that the senatorship is an office. If Watson, therefore, was and is senator, as is contended by the opposition, he is expressly interdicted from even "exercising the office of governor." He is doubly barred from the performance of the dual functions of governor and senator.

But it is sought to evade the effect of this latter inhibition by contending that its force is suspended in the case of a speaker of the senate, who, in obedience to the mandate of the constitution, is charged with the duty of exercising the office of governor; that such case constitutes an exception. If such was the intention of the framers of the constitution, why did they not so declare? Why did they not say that "no person holding any office under this State shall exercise the office of governor, except when its exercise devolves upon the speaker of the senate or house of representatives, as in this constitution provided." The fact, however, that they made no such exception is suggestive of the conclusion that they intended none.

But it is needless to grope our way through the uncertain and bewildering paths of legal speculation when we may confidently walk with steady and unfaltering step in a course illumined with the light of judicial learning. I propose to call attention only to two or three cases out of the many which seem to bear most directly upon the issue involved in this controversy. And first I will cite a case to which the Senator from Oregon [Mr. MITCHELL] alluded in opening the debate, decided by the supreme court of the State of Maine, and reported in 7 Greenleaf, page 483. The constitution of the State of Maine contains the following provision (Article IV, section 14):

Whenever the office of governor shall become vacant, by death, resignation, removal from office, or otherwise—

Precisely like the constitution of Delaware—

the president of the senate shall exercise the office of governor until another governor shall be duly qualified; and, in case of the death, resignation, removal from office, or other disqualification of the president of the senate so exercising the office of governor, the speaker of the house of representatives shall exercise the office until a president of the senate shall have been chosen; and when the office of governor, president of the senate, and speaker of the house shall become vacant, in the recess of the senate, the person acting as secretary of state for the time being shall, by proclamation, convene the senate, that a president may be chosen to exercise the office of governor. And whenever either the president of the senate or speaker of the house shall so exercise said office he shall receive only the compensation of governor; but his duties as president or speaker shall be suspended; and the senate or house shall fill the vacancy until his duties as governor shall cease.

On the 14th of January, 1830, Joshua Hall, a member of the Maine senate, was chosen president of that body. Soon afterwards the governor died, and Hall entered upon the exercise of the office of governor. Sixteen senators, including Hall, had been admitted and sworn. On the 26th of January the senate decided that there were four vacancies. Under the constitution these vacancies were to be filled by a joint assembly of the legislature. On the 1st of February the house of representatives sent a message to the senate requesting that body to meet the house in joint assembly for the election of senators to fill the vacancies. On the 2d of February, the senate being in session, a senator moved an adjournment, in order that the members of the senate might meet the members of the house of representatives in joint assembly. Hall, who was then exercising the office of governor, appeared in

the senate and claimed the right to act as president. The vote was taken by yeas and nays. Hall voted in the negative. His vote being counted, the result was—yeas 8 and nays 8; and the motion was lost. On the 13th of February Jonathan G. Hunton, having been meantime elected governor, submitted certain questions to the supreme court, in pursuance of a provision of the Maine constitution. One of these questions was the following:

2. Has the president of the senate, when the office of governor is vacant, and when he ought to be acting as governor, a right to preside and vote at the senate board?

The answer to this question was given by the chief justice, with the concurrence of the other justices, in the following words:

As to the second question, my opinion is that while the president of the senate, in virtue of his office as such, is clothed with the power of exercising the office of governor, he has no right to preside over the senate or to vote as a member of that body.

There is a provision of the Maine constitution which to some extent impairs, but by no means destroys, the value of this decision as an authority in the case now under consideration. It is to the effect that while the president of the senate exercises the office of governor his duties as president of the senate shall be suspended and a president pro tempore elected. Clearly Hall had no right to preside over the senate, for the constitution expressly suspended his functions as president of that body while exercising the office of governor, and the court was certainly right in so holding. But the court went further and declared Hall had no right to vote in the senate.

If this provision of the Maine constitution just quoted suspended the acting governor's duty to preside over the senate, it certainly does not suspend or purport to suspend his power or duty to vote as senator. If his power or duty to vote as senator is suspended, it must be suspended by some other provision of the State constitution. That other provision is to be found in a clause which is common to both the Maine and the Delaware constitutions, to the effect that "no person holding any office under the State shall, during his continuance in office, be a senator or representative." And this gives great value and weight to the Maine decision as an authority in the case now under consideration, for it makes the Maine case and the Delaware case, so far as this point is concerned, closely analogous. The prohibition is the same in both constitutions.

Mr. GRAY. I shall not interrupt the Senator if it annoys him, for I see he is making a close argument, and if he intimates that it will annoy him, I shall not interrupt.

Mr. BURROWS. I will hear the Senator.

Mr. GRAY. The Senator says that the answer given by the chief justice to the question propounded by the governor of Maine was founded, in so far as that answer declares that the acting governor had no right to vote as a senator, upon a provision which forbade anyone holding an office under the State being a senator. If that be true, why was it necessary for the framers of the constitution of Maine, in addition to a provision which said that no one holding an office under the State should be a senator, to also add that the person who exercises—or whatever the phrase is—the office of governor shall be suspended in his duties as speaker; for, clearly, if he could not be a senator he could not be speaker?

Mr. BURROWS. I of course do not know what was in the minds of the framers of the constitution of the State of Maine when they declared that the duties of the president or speaker should be suspended while exercising the office of governor. They might have declared also that his duties as senator should be suspended during that time; but I suppose it never entered the mind of any one of the framers of that constitution, as it had never entered the minds of the people of Delaware until recently, that anyone holding the office of senator could at the same time exercise the office of governor or would ever attempt to do so.

Mr. GRAY. It seems to me, if the distinguished Senator will allow me further, that the framers of the constitution had in their minds that it might be possible when the speaker of the senate exercised the office of governor it would be claimed that he could still be speaker, because they said in effect that it was necessary to inhibit him from remaining as speaker by express words. So the framers of the constitution of Maine have practically put a construction upon that other inhibition, to wit, that no one exercising an office under this State, or holding an office under this State, shall be a senator, by afterwards, or in the same constitution, putting an additional prohibition that the person who exercises the office of governor shall be suspended as to his duties as speaker. They have evidently put that construction on the first inhibition by deeming it necessary to add the second.

Mr. BURROWS. However that may be, I think the decision of the supreme court on the question is directly in point; for they not only declare that by the express terms of the constitution his function as speaker was suspended, but also that he had no right to vote as a senator.

I have one other case, and only one, to which I desire to call attention, which I think is very important in this connection, and it is the case reported, as I have stated to the Senate, in 11 Oregon Reports, page 389, of Chadwick *vs.* Earhart.

By the constitution of the State of Oregon it is provided:

In case of the removal of the governor from office, or of his death, resignation, or inability to discharge the duties of the office, the same shall devolve on the secretary of state; and in case of the removal from office, death, resignation, or inability both of the governor and secretary of state the president of the senate shall act as governor until the disability be removed or a governor elected.

This case arose in this way: The governor of the State was elected to the United States Senate and resigned the governorship, and thereupon, under the provision of the constitution just quoted, the secretary of state entered upon the performance of the duties of governor. The contention was whether the secretary of state was entitled to the salary of governor.

Chief Justice Waldo, delivering the opinion of the court—and the case is stated in the opinion very fully—said:

Two questions are submitted in this case. The first and principal one is whether, when, under section 8 of Article V of the constitution of Oregon, the duties of the office of governor devolve upon the secretary of state, he has a right to the salary of the office. Second, if this question be answered in the affirmative, whether he shall continue to perform the duties of the office for the remainder of the term of the outgoing governor, or shall he perform those duties only so long as he shall continue to be secretary of state.

"In case of the removal of the governor from office, or of his death, resignation, or inability to discharge the duties of the office, the same shall devolve on the secretary of state; and in case of the removal from office, death, resignation, or inability both of the governor and secretary of state the president of the senate shall act as governor until the disability be removed or a governor elected." (Constitution of Oregon, Article V, section 8.)

Counsel for the respondent claims that, in the contingency provided for in said section 8, the duties of the office of governor become annexed to the office of secretary of state and are discharged as duties incident to the latter office; in other words, that the duties of the office, but not the office itself, devolve upon the secretary of state.

This position seems to require, first, either that the office of governor should continue vacant during the time the secretary discharges its duties, and that such duties be in some way performed by the secretary of state, as such, consistently with a condition of vacancy; or, second, that the office be filled, and yet he who fills it be in nowise governor, but continue to be merely secretary of state.

I think the case is on all fours with the one we have here:

In the first place, it is not shown how an office can be vacant and yet there be a person—not the deputy or locum tenens of another—empowered by law to discharge the duties of the office, and who does in fact discharge them. It is not explained how in such a case the duties can be separated from the office so that he who discharges them does not become an incumbent of the office; and, in the second place, how a person can fill the office of governor without being governor.

It is the function of a public officer to discharge public duties. Such duties constitute his office. Hence, given a public office and one who, duly empowered, discharges its duties, and we have an incumbent in that office. Such is the case here. The secretary of state, by force of the function cast upon him, becomes governor, and consequently entitled to the salary appertaining to the office.

In Merriam *vs.* Clinch, 6 Blatch., 9 (1867), Mr. Justice Blatchford said: "Three times since the adoption of the Constitution the President has died, and, under the provision referred to, the powers and duties of the office of President have devolved on the Vice-President. All branches of the Government have, under such circumstances, recognized the Vice-President as holding the office of President, as authorized to assume its title, and entitled to its emoluments. The Vice-President holds the office of President until a successor to the deceased President comes to assume the office at the expiration of the term for which the deceased President and the Vice-President were elected."

The case of The People, ex rel. Church, *vs.* Hopkins (35 N. Y., 74) is much in point. In 1859 a law was passed in New York establishing the office of superintendent of insurance. The superintendent was to be appointed by the governor for the term of three years, with authority to appoint clerks, one of whom was to be designated his deputy, and to "possess the powers and to perform the duties attached by law to the office of principal during a vacancy in such office, and during the absence and inability of his principal." The superintendent resigned his office, the duties of which thereupon devolved upon the deputy. The deputy claimed the salary of a superintendent during the time he discharged the duties of the office, and it was held that he was entitled to such salary.

The court, by Grover, J., supported the conclusion reached by references which are especially pertinent in this case: "But there are precedents which, though not judicial, I regard as entitled to be considered as decisive of the question under consideration. In the constitution of the State adopted in 1822 will be found the following provision: 'In case of the impeachment of the governor or his removal from office, death, resignation, or absence from the State, the powers and duties of the office shall devolve upon the lieutenant-governor for the residue of the term, or until the governor absent or impeached shall return or be acquitted.' (Const. 1822, Article III, section 6.) On he 11th of February, 1828, the office of governor became vacant by the death of De Witt Clinton, the then incumbent of the office, and its powers and duties, under the above provision of the constitution, devolved on Nathaniel Pitcher, then lieutenant-governor. The question arose whether he was to be regarded, in the exercise of the powers and performance of the duties so vested in him, as acting governor, or in the performance of the contingent duties of lieutenant-governor, and, as a consequence, whether he was entitled to the salary of the former office, or the compensation given to the lieutenant-governor for his services as such.

"It was held by William L. Marcy, then comptroller, that he was to be regarded as the acting governor, and entitled to the salary given by law to that officer. The same questions, under the same provision, again arose in 1829 upon the resignation of the office of governor by Martin Van Buren, and the powers and duties of the office devolving upon Enos T. Throop, then lieutenant-governor, and were decided the same way by Silas Wright, then comptroller. It will be seen that these questions were identical with that in the present case. We surely shall not go far astray in following the precedents established by these able jurists, wise statesmen, and rigid economists."

The principle on which the second question is to be decided, namely, whether the appellant shall cease to be governor when he ceases to be secretary of state, seems to be this: If an office be appendant, as the expression is in 1 Leon, 321, to another office, the determination of the first office will determine the second. This is the case where a person holding any office ex officio entitled to some other office. For instance, in City of Portland *vs.* Denny (5 Oreg., 160) the recorder of the city of Portland was ex officio a justice of the peace. In that case the office of justice of the peace was appendant to the office of recorder and determined with it.

On the contrary, if the nomination or appointment to an office—

Now, mark the language—

On the contrary, if the nomination or appointment to an office be by descriptio personæ of one who holds some office by the title of which he is described, and who, on some contingency, is to enter and fill another office, the answering the description at the time the contingency arises designates him as the person who is to enter and fill the office, and when, as thus designated, he enters into the office he holds it in his natural and not in his official capacity. This seems to be the principle which applies when the office of governor devolves on the secretary of state on the happening of any of the events specified in the constitution. That the president of the senate, who holds under a similar title, ceases to be president of the senate when he becomes governor seems evident, for the two offices are incompatible at common law, and there is no constitutional implication that both offices shall be held together. It would follow, therefore, that the president of the senate would hold the office of governor, once incumbent, without reference to his office of president of the senate. Now, as two offices may remain distinct which are not incompatible, though the officer is the same person, it would seem that the same principle should govern the holding of the office of governor by the secretary of state.

This question therefore must also be answered in favor of the appellant and judgment be entered accordingly.

Judgment reversed.

It seems to me that this case is directly in point and on all fours with the case we are trying in the Senate to-day.

It seems to me, in conclusion, in the light of reason and authority, that when Governor Marvil died and Watson entered upon the exercise of the office of governor, he became the executive of the State and, by reason thereof, was prohibited by the constitution from discharging the duties of senator, and that his participation in the proceedings of the joint assembly of May 9th, 1895, and vote therein for United States Senator were without authority of law and wholly void.

Mr. President, it is not my desire, nor is it my purpose, to examine the other ground occupied by the opposition, namely, that whatever the fact may be as regards the legality of Watson's vote, the Senate of the United States is impotent to investigate that question. Though clothed with constitutional power to "judge of the election, returns, and qualifications of its own members," yet, in the exercise of that power, we can not cross the threshold of the legislature from which the election springs.

The governor of the State, or any other person with the consent of the legislature, may, in open violation of the organic law of the State, participate in the election of a member of this body, yet we are estopped from calling in question the legality of such act. Such a doctrine is an invitation to fraud in the legislative organization of every State; exposes this body to the machinations and intrigue of unscrupulous partisans, and menaces the very foundation of representative government. But, as I said, I shall not discuss this question, for I am persuaded if Senators are convinced that Watson had no right to vote for United States Senator, and that without his vote Du Pont was elected, they will not be restrained by any theory of estoppel from so declaring.

Mr. President, it is impossible for me to rid myself of the conviction that the course of Governor Watson, in entering the senate and the joint assembly of the State of Delaware on the final day of its session and casting his vote for United States Senator, was dictated by party necessity more than by any conviction on the part of Watson or his supporters that there was any warrant in the constitution or laws for a proceeding so unseemly and unexampled. After a struggle of nearly four months the day had come when it was conceded that Henry A. Du Pont, in a joint assembly of 29 members, would receive a majority of the votes and the election to the office of United States Senator. To prevent this result Governor Watson was summoned to the joint assembly and to vote against Henry A. Du Pont. He obeyed his party's mandate and, for the first time since his departure, reappeared and assumed legislative functions.

From the 9th day of April, 1895, when, in the presence of the senate, Watson took upon himself the oath "to support the Constitution of the United States and the State of Delaware, and to perform the duties of the office of governor of the State of Delaware with fidelity," until the 9th day of May thereafter, Governor Watson had taken no part in the proceedings either of the senate or the joint convention. On the 9th of April he received the thanks of the senate for the efficient manner in which he had discharged the duties of speaker, and thereupon vacated the chair, took leave of the senate, and retired from the chamber. From that time on, until the 9th day of May, he responded to no roll call of the senate or joint assembly. His name was not called in either body. He ceased to receive the compensation of a senator or speaker; his accounts for services in such capacity were adjusted and closed, and from that time on he has drawn and is now receiving only the salary of governor. He assumed the title of the executive of the State, and in all his official papers has subscribed himself as "governor." In all this he followed the footsteps of a long line of illustrious predecessors, no one of whom, in the whole history of the State, so far forgot the obligation of his oath of office or the proprieties of official life as to attempt to perform both legislative and executive functions.

In my judgment this whole business was an afterthought. Certain it is that it was a work distasteful to Watson himself, from which he shrank in the consciousness of its impropriety. On the very day the step was to be taken Watson declared: "I do not think it right, but my party demands it." This was the spur that "pricked the sides of his intent" and goaded him on to the consummation of the deed.

By this act Governor Watson thwarted the sovereign will of the people of Delaware and inflicted an irreparable injury upon the State by depriving her, for more than a year now, of that equal representation in the Senate of the United States to which, under the Constitution and laws of the country, she was justly entitled. I am aware of the fact that the high character and great ability of the distinguished Senator who stands sole sponsor for the State has reduced that injury to the minimum, yet this can not justify the wrong or palliate the offense. How long this disfranchisement of a State is to be tolerated and enforced it is impossible to forecast, but one thing is certain, that every hour of its continuance is a fresh grievance and an added injury. While we are powerless to make reparation for the past, the future is within our control. It is to be hoped that the judgment of the Senate will be such as to restore to the State her rightful representation in this Chamber by according to Henry A. Du Pont the seat to which he was elected and is justly entitled.

Mr. BROWN. Mr. President, Henry A. Du Pont applies to the Senate and asks to be admitted as a member thereof because he has received 15 votes in the Delaware legislature, which body consisted of 29 votes conceded to have been legal, and which Du Pont claims was the whole number of the legislature of that State at the time of his election, and that therefore he has received the vote of the majority of the members of the legislature of his State. His election is opposed on the ground that there was one other vote which was cast at the same election and which should be counted as such, and if counted does not give Mr. Du Pont a majority. That vote is the vote of Mr. Watson, and the circumstances that made his vote legal or illegal may be briefly stated: That he was elected and duly qualified as a senator of the State; that he was elected speaker of the upper house; that pending the session of the legislature, and after the voting on the subject of United States Senator had begun, the governor of the State of Delaware died, and in pursuance of the fourteenth section, Article II, of the constitution, a vacancy happening in the office of governor by his death, the speaker of the senate, Mr. Watson, exercises the office of governor. He accepted that duty; entered upon that duty; ceased to act as senator and his name was stricken from the rolls of the senate and from the roll of the legislature. His name was not called during the month that elapsed between the death of the governor and the occasion on the 9th day of May which is involved here, though every day there was a vote on the question of United States Senator and every day the roll of the senate was called in joint assembly, his name was omitted. He exercised all the functions of governor; described himself as governor; was recognized as governor by the two houses, and had his pay as governor.

As has been illustrated by the case which has been read here by the distinguished Senator from Michigan [Mr. BURROWS], it is the governor who draws the salary and not the person who occupies the office of governor. Section 6 of Article III, at the top of page 29, provides:

The governor shall, at stated times, receive for his services an adequate salary, to be fixed by law, which shall be neither increased nor diminished during the period for which he shall have been elected.

In accepting the pay under that section Mr. Watson recognized himself as the governor and described himself as such in drawing the pay. In short, in the language of the constitution, he exercised the office and exercised it to its fullest extent. Under these circumstances the committee have found eleven reasons, stated at pages 40 and 41 of their report, why Mr. Watson's vote should not be recognized as a legal one, and, therefore, why Mr. Du Pont should be sworn in as a member of this body. The minority of the committee have stated their reasons in the same report.

The distinguished Senator from Indiana [Mr. TURPIE], of the minority of the committee, who apparently drew the report and signed it, has more fully and more clearly, in the elaborate and able argument made in this Chamber, stated the reasons for their opinion. I will briefly state them before discussing the particular questions involved. In doing so I use my own language and my deductions from his argument, which, as I analyze it, consists of these reasons:

First, that the record and journal of the joint assembly shows 30 votes were cast for the office of United States Senator, and that the record can not be disputed. If I understand rightly the argument of the Senator, this point goes to the extent that the conclusions stated in the record that there were 30 votes cast must control, although the record should also show, as it is claimed on the

other side the record did show in this case, that there were but 29 votes in the legislature, and although the record should also show that 1 of the 30 votes had ceased to be a member of the legislature and had become governor. Or to take a more extreme case, the final entry in the record that there were 30, if conclusive, it would be equally conclusive though the same record had also shown that 5 or 10 of those votes had been persons who were never elected to the legislature; had never been qualified as legislators, but had been janitors or subofficers or persons on the street that had been added to make up the 30. I shall have occasion to discuss this point more at length a little later on.

The second ground taken by the Senator is that Watson did not become governor, but remained senator and speaker, exercising the office of governor.

The third, that if by chance he should continue to exercise the office of governor after the period for which he was elected to be senator or speaker he would exercise it neither as speaker nor senator nor governor, but would exercise the office as a person upon whom the constitution had devolved the duty of exercising the office of governor.

In this respect, if I understand him correctly, the learned Senator from Mississippi [Mr. GEORGE] differs with the Senator from Indiana [Mr. TURPIE]. According to the Senator from Mississippi, instead of his exercising the office as a person he claims that the office of speaker is continued—elongated, as it were—stretched out after the term for which he was elected senator, and continues on and on for the purpose of supporting the office of governor.

Fourth, that as speaker and senator he had the right and power to exercise at one and the same time all the functions of legislative and executive duty. That is, that he could sit in the Senate, preside over its deliberations, vote as a member, present bills to the same extent, and at the same time veto bills as the executive. Exercise the two functions hand in hand—pari passu.

The fifth position assumed by the Senator from Indiana—that the act of Watson going into the senate, taking the chair of the speaker a few moments before the vote on the 9th day of May at 12 o'clock m., and marching with the senate into the joint assembly and there voting without objection on the part of any other senator or any member of the assembly, was a judgment and adjudication of the senate as to his membership; and

Sixth, that the adjudication of the Delaware senate thus rendered is binding upon the Senate of the United States, even though upon its face that judgment should appear to have been rendered erroneously—that is, if upon its face it should appear and should be found that Mr. Watson was not authorized to vote at all or be present—he claims that the action of the Senate of the State of Delaware is final in this adjudication, and the adjudication is the evidence of the finality of that action.

It is claimed on behalf of Du Pont that at the common law the office of senator and governor is incompatible. Putting it in other language, the mere statement of the fact that one and the same person has assumed to be governor, or to exercise that office, and assumed to be senator, strikes the average republican mind as wrong in principle, impossible that the same man can at the same time exercise these two offices, so contradictory in their functions. This is a sentiment that grows not merely out of common law, to use the phrase which has been so much commented upon here, but it grows out of the very nature and existence of the education of all free people. It has become crystallized into all State constitutions; it is the theme of essays and discussions on political freedom. Even the distinguished counsel who argued this case before the committee (I do not speak of the members of the Senate, but the counsel who appeared before the committee) against the application of Mr. Du Pont, say at page 9 of their brief:

> It is undoubtedly true that, in the American system of government, the separation of powers into three great departments—the executive, the legislative, and the judicial—is fundamental.

This comment made by the able counsel—and I take it they are among the very ablest of the State of Delaware—who framed the brief was made before they had heard the argument of the Senator from Mississippi, in which he asserts that there was no such doctrine and that it did not exist at the common law. It is fundamental because in all the education of a free people, of all English-speaking people, the theory and thought of keeping these three functions separate has been continuous. From the earliest beginning of liberty in England the distinction was recognized, a distinction that has been made wider, and deeper, and more consistent from that day to this, a distinction which has grown with the growth of republican principles and with the growth of liberty itself.

To refer to the brief again of opposing counsel, they assert that that thought has gone back clear to the early Greeks, and I quote again from the language of that brief:

> The idea is at least as old as Aristotle, who, in his Politics, says that there are in every State three divisions—the deliberative, or legislative assembly, the magistracy, and the judiciary.

The great thinkers of republicanism have always expressed this thought as the primary corner stone of civil liberty. The report contains, the briefs of counsel contain, and there has been quoted in this debate the language of Montesquieu and Lieber and Paley, showing the unbroken thread of thought on this matter. Not only have the great thinkers expressed the same views, but it flowers in the eloquence of the orators of the United States. It is emphasized by Webster, as already quoted before this Senate. Law writers Kent, Cooley, Sutherland, etc., have echoed this sentiment. The judiciary of this country have over and over again stated this division of power as the vital one of republicanism. Judge Waite, in the Sinking Fund Case (99 U. S., page 718), says:

> One branch of the government can not encroach on the domain of another without danger. The safety of our institution depends in no small degree on the strict observance of this salutary rule.

We say, then, that these two offices of governor and senator are incompatible. Not merely incompatible at the common law, but in the sense of republicanism. Wherever there is a republic existing or has existed, the executive and legislative are incompatible positions.

The Senator from Mississippi, in his able and careful argument, has challenged us to show that at the common law the office of the executive was incompatible with that of the legislative, and since I have listened to his argument I turn to a few of the fundamental definitions, to which I wish to call attention. First, I quote from Bacon's Abridgment the language of Lord Coke. He was a judge of the common law, if anybody was, as good as the Senator from Mississippi, and this is his language:

> Offices are said to be incompatible and inconsistent so as to be executed by the same person when from the multiplicity of business in them they can not be executed with care and ability, or when their being subordinate and interfering with each other it induces a presumption they can not be executed with impartiality and honesty. (Bacon's Abridgment, title "Offices" K.)

This authority will surely be recognized as common law. Let us apply the test of it to the case we have now. Can these offices be exercised at the same time, in such manner as not to interfere with the full, free, and complete exercise of each other; or would the fact that the person claiming to exercise the office of governor was a member of the legislature interfere with his prerogative or interfere with the prerogative of the legislature? Can the legislative power be free and not be interfered with when the executive is a part of it, directing it, voting with it, casting the tie vote, exercising in that manner, to the extent that the determinative vote will, the entire power of the legislature? And on the other hand, which is the necessary counterpart to be considered, is the executive not subordinate to the legislative power when the chief executive is a member of the legislative and sits in its body subject to its orders?

These are correlative questions and go to the definition of incompatibility; yet when the question is propounded to the Senator from Mississippi he says that they are foreign to the issue; that he is not here to answer conundrums; that he can not answer it; but he states frankly and fully and completely that if the executive is a member of the legislative he must be subject to its orders and surbordinate to its commands. When the Senator from Oregon asked him the question whether the legislature could compel Mr. Watson under the circumstances in which he was situate, if a member of that body, to appear before it and attend its sessions, the Senator from Mississippi frankly answered he must obey the orders of the body of which he is a member; but when asked the result and the effect, if Watson as the chief executive was engaged in the act of putting down rebellion or sedition, whether the Senate could control him by requiring him to attend upon them, he replied, as I said above, that these were questions which were immaterial. But is it immaterial to determine whether each office can be exercised so as not to interfere with the other? The common-law definition which the Senator has challenged us to produce showing incompatibility says that they can not be exercised together if they interfere in their operation, either on account of the multiplicity of objects or on account of the nature of the functions. Other definitions show the incompatibility in the sense that they interfere with the proper performance of the functions of each other.

I will read a brief section from Throop on Public Officers, a recognized authority on this subject, I believe:

> A learned American judge, discussing this question, has forcibly said that it has been erroneously supposed from the remarks of Lord Tenterden in Rex vs. Jones (1 B. & Adol., 677) that in order to render two offices incompatible there must be some such relation between them as that of master and servant—that one must have "controlment" of the other; or that one must be charged with the duty of auditing or supervising the accounts of the other; or that one must be chosen by or have the power of removal of the other. But these are only instances of incompatible offices, not definitions; and therefore it does not follow that these are all the instances in which offices are incompatible. Thus a judicial office and a ministerial office are incompatible. And in Rex vs. Tizzard (9 B. & C., 418), Bayley, J., gave another instance of incompatibility when he said: "I think that the two offices are incompatible when the holder can not in every instance discharge the duties of each."

If we were to go to the extreme extent which it has been claimed is the test of incompatibility as laid down in the case of Rex vs. Jones, that one must be under the "controlment" of the other, we would in this case have an illustration of it in the fact that whenever Mr. Watson claimed to exercise the duty of a legislator he is under the control of the legislature, he is under the control of the senate, and he could not exercise the executive office freely and independently while he is under that control.

I have one or two other definitions to which I wish to call attention from very fundamental and well-recognized writers. Blackstone, who is supposed to be a common-law writer, says:

> In all tyrannical governments the supreme magistracy, or the right both of making and of enforcing laws, is vested in one and the same man, or one and the same body of men, and whenever these two powers are united together there can be no public liberty. (1 Blackstone's Commentaries, page 145.)

In Rex vs. Hughes (12 Eng. C. L. Rep., 886,) I find the following:

> By the governing charter of a borough, there were to be ten aldermen and ten capital burgesses, and vacancies in the body of aldermen were to be filled out of the capital burgesses: Held, that the acceptance of the office of alderman by a capital burgess, even under a void election, operated as a surrender of the latter office, and that a person so elected and afterwards ousted on quo warranto was not thereby restored to the office of capital burgess; and therefore where a capital burgess became an alderman de facto by means of a void election and in the character of an alderman attended and voted at the election of a mayor, but was afterwards ousted on quo warranto: Held, that he could not be considered as having attended and voted as a capital burgess.

The case of Rex vs. Tizzard, in 9 Barnewall and Cresswell, which is referred to, is as follows:

> In the borough of W the town clerk is appointed by the mayor, aldermen, and baliffs to hold the office during their pleasure, with a salary which they have power to control in amount or withdraw altogether; and one of the town clerk's duties is to attend all corporate meetings of the mayor, aldermen, and baliffs and burgesses and draw up minutes of their proceedings under their inspection. Held, that the offices of alderman and town clerk are incompatible, and that an alderman by accepting the latter vacated the former office. (The King vs. Tizzard, 17 Eng. C. L. Rep., 418.)

I quote a few definitions from our own American writers to the same purport. In Judge Sutherland's work on Statutory Construction, page 1, he says:

> In the Federal Constitution and in the State constitutions the three fundamental powers, the legislative, executive, and judicial have been separated—organized in three distinct departments. This separation is deemed to be of the greatest importance, absolutely essential to the existence of a just and free government.

Judge Wright, in the case of Bryan vs. Cattell, 15 Iowa, says:

> Incompatibility in offices exists where the nature and duties of the two offices are such as to render it improper from considerations of public policy for one incumbent to retain both.

That definition is adopted by Judge Dillon in his work on municipal corporations, and it is the law.

What is meant by the quotation from the Federalist upon which the Senator from Mississippi pins his argument, which he has brought here? That quotation is as follows:

> The whole power of one of these departments ought not to be exercised by the same hand which possesses the whole power of either of the other departments.

What is the whole power of the legislature as referred to in this clause? The legislature must act by the majority vote of each of the houses concurring as to the particular act or measure; in the election of a Senator the majority of the joint assembly, but in determining the action of the majority, it is the action of each that constitutes it. Every member must exercise his function equally with every other. It is the vote of each individual member that is final and decisive of the particular question that may be involved. Each one determines it and each one exercises the whole power of the legislature. Each member of this Senate is equally the judge with every other in this case, and his vote is the exercise of the whole power of adjudication. When a court consists of several members, each one is a complete judge of every case. If for any reason one member of the court is so disqualified by consanguinity or otherwise that he can not sit as the sole judge in the case, the entire judgment of the court is null and void; the disqualification of one disqualifies the whole bench, and it was so held in the celebrated case of Oakes vs. Aspinwall, 3 New York court of appeals. It has never been denied to be the law by any law writer or by any authority.

This is an illustration of the argument that I make, that each one of a composite body is necessarily a portion of the whole, and as such is exercising the whole power. When Watson came into the joint assembly and attempted to exercise with the 29 others legislative authority he was attempting to exercise the whole power of the legislature. His casting vote gave him the entire power of the legislature if it is to be counted. He had the whole power of the executive, and was at this same time attempting to exercise the whole power of the legislature.

On the other hand, if the senate can control Watson by arrest, by bringing him before the body when he was exercising the office of governor; if they can bring him before the legislature and make him act as a part of it when he is at the head of the army, the senate is exercising the whole power of the executive. Taking the extreme definition which the Senator from Mississippi has given us, then, we find that to permit Mr. Watson at once to exercise the office of governor and to exercise the office of senator gave the legislature the exercise of powers of both and gave him the exercise of powers of both.

The Senator from Mississippi has turned to the illustrations of our own history, and has claimed from them that they disprove this common-law rule of incompatibility of offices; that they fall within different branches of duty of the Government. The illustrations taken from our own history by the Senator, instead of disproving the general definition of republican government, all show that the founders of our institutions regarded the division into three branches as essential to republican freedom. So far as there was any departure from the division in the early organization, it was temporary in its nature and has been changed, and was intended to be changed by those that constructed the Government, as soon as circumstances would permit. The States that in their organization infringed the rule, changed their obnoxious constitutions to conform to the common standard as soon as possible, and recognized the incompatibility of the executive and legislative by abolishing that power of the executive that interfered with the legislative as soon as possible. The ordinance of 1787, to which reference has been made as being an illustration of a contrary rule, only authorized the governor and judges to select laws from those of other States for a brief period. In it it is provided that as soon as the organization of the Northwest Territory could be effected there should be a joint assembly which should consist of the governors and legislative council of the houses of representatives, and that the organized Northwest Territory was designed to be, and was, a mere temporary arrangement until that territory could be divided and the States admitted to the Union upon the common pattern and the division of the three powers into separate branches.

This incompatibility is defined and recognized by the constitution of the State of Delaware. On every occasion the constitution has to mention the duties of the person succeeding to the office of governor there is either an applied or express prohibition. The clauses have been read many times.

Section 12, Article II:

> No person holding any office under this State shall be a senator.

Section 5, Article III:

> No person holding any office under this State shall exercise the office of governor.

Section 14, Article III:

> Upon any vacancy happening in the office of governor by his death the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified.

These three have been in the various constitutions of the State ever since the State was a part of the Union. These three must be construed together. They are in pari materia. When construed together it would seem that there is but one construction which shall be consistent and which gives meaning to each of them, and that is the construction which has already been given by the majority of the committee, and stated by the Senator from Michigan [Mr. BURROWS], that the language used in section 14 designates the person who shall succeed as heir to the high office of governor and does not designate an office which shall hold the office of governor ancillary or attached to it, and that when the speaker begins to exercise the office of governor he ceased to exercise the office of senator.

The distinguished Senator from Indiana [Mr. TURPIE] has argued with great ability and ingenuity that because the fourteenth section of Article III prescribes that the speaker shall exercise the office, that he does not thereby become governor, and therefore there would be no incompatibility in his continuing to be speaker and exercise the office of governor. That whole branch of the argument turns upon the distinction between "exercise the office of governor" and the governorship itself. But the prohibition of section 5 of the same article is not against an officer of the State being governor, but a prohibition that the speaker of the senate shall exercise the office of governor. "No person holding any office under the State" must include the speaker of the senate, and as long as he holds the office of senator he shall not exercise the office of governor. The prohibition is emphatic and can only be made consonant with the other section in the construction that upon his acquiring the office of governor or exercising the office of governor he ceases to be speaker.

The second position taken by the Senator from Indiana is that Watson did not become governor, but remained speaker and senator, exercising the office of governor; that the office of governor is attached to that of speaker; that the lesser office swallowed up the greater, made ancillary to it in such sense that it become one of the duties of speaker in the same manner, to use one of the illustrations of the distinguished Senator, that the Chief Justice of the United States exercises the duties of presiding over the Senate in case of impeachment of the President. The discussion as to whether Watson becomes governor or merely exercises the office is perhaps an immaterial one in the result of this case.

Whether we call him governor or merely a person exercising the office of governor, the prohibition of his exercising the two offices at one and the same time is equally strong for all reasons that may be brought therefor, and is equally strong in the language of the constitution of Delaware forbidding any person holding any State office to exercise the office of governor, and the incompatibility must certainly be as great, whether we call him by one name or call him by another. All the illustrations which the learned Senator from Indiana brings rather tend to confirm him actually as holding the office rather than as exercising it as a part of another. He says that he acquires it as heir. He was the person whom it devolved upon as an estate devolved upon the heir at law; just precisely as the Prince of Wales acquires the title of King of England. It devolved upon him as heir. He inherits it; but does he exercise it as a part of the office of the Prince of Wales, or does he become the actual Crown itself, and does not the other office devolve upon somebody else in turn? By whatever name you call him the person that exercises the duties of the executive is the executive itself. The addition of the title neither adds to nor detracts from. He is still the supreme executive, and that vested in William T. Watson upon the death of Governor Marvil and the taking of the oath of office by Mr. Watson,

The constitution of the State of Delaware seems to differ. The whole position of the learned Senator from Indiana, that there is a distinction between exercising the office of governor and being governor itself, is set at rest and ended by the very first section of Article III: "The supreme executive power of the State shall be vested in the governor." That is equivalent to saying that he shall be the governor, in whom the supreme executive power is vested. What is meant by supreme executive power? It can mean nothing but an exercise of the duties of this great office, no matter by whom or whenever exercised. Watson was to exercise those duties when he took the office; exercise them fully to the same extent and the same manner and in the same fullness that a governor elected by the people could exercise them. The supreme executive power must be completely carried out or else he is not exercising the duties of the office. He was exercising the supreme executive power when he voted against Du Pont and was vested with that supreme power. What is vested? Webster says, "to vest, to clothe with authority; power; to put in possession." Watson was put in possession of the supreme executive power. He was clothed with the authority of supreme executive power. He could not exercise the office of governor without being vested with supreme executive power. In the language he was governor because he was vested with supreme executive power.

But suppose that the term of office of Watson—or of any other person who thus enters upon the duties of governor—as speaker expires before any governor is elected by the people and qualified as provided in the other section of the constitution? This question was put to the Senator from Indiana, and he was asked what position Watson would hold under those circumstances, and he said he would be a person upon whom would devolve the office of governor; in other words, he would cease to be speaker, he would cease to be senator, he would not be, according to the argument, governor, but he would simply be the person upon whom devolved.

Now, let us take the illustration a little further, and not an improbable one, because this constitution prescribes that in case there should be any controversy as to the office of governor, any contest, the person then exercising the office shall continue to hold over, so that at the expiration of the term of Mr. Watson, or any other of these persons similarly situated as speaker, he would be still exercising the office of governor. The contest might last three or four years. During that four years, or as long as that contest lasted, he still exercising the office of governor, another speaker is elected of a new senate; has this new speaker thus elected the right to assume the office of governor or to exercise the duties of the office of governor? If the governorship is but an appendant, a watch charm, an attachment, an auxiliary to the office of senator-speaker, if there is a new speaker elected he would be the governor, as there is no contest to his election. If Mr. Watson should continue to this office a new election is held, a new legislature takes its seat in January, 1897, a new legislature assembles, a new speaker is appointed, Watson still exercises the office of governor, the governor-elect, if any shall have been had, is contesting his seat, if it is a mere appendant and duty of the speaker of the house, as has been argued by the Senator from Indiana and the senior Senator from Nebraska, this man is by right speaker, for Watson can no longer, by any imagination, be held to be speaker, must have the right to enter upon the duty of governor, and yet we are flatly met with another prohibition in the constitution, because it is provided that the person who once begins to exercise the office shall exercise it until a governor elected by the people shall have duly qualified.

If the Senator from Mississippi meets this question by saying that there are States and there may be contingencies in which there may be two speakers, I answer, true: There might possibly be such a provision made in the constitution; but, as he reminded, us we are not making a constitution, but we are construing one, and by the constitution of Delaware there is but one speaker created. There is no provision for two speakers. There can be but one; and there is none other provided for. If the position of the Senator from Mississippi be correct and the speakership is lengthened out until a subsequent contest is decided and a subsequent governor has duly qualified, then there would be no place for Watson. If he had the right to cast a vote before, he would have the right also to cast a vote afterwards. He would become the thirty-first member of the legislature and his right would have been just as great after a new legislature had been created, after they had taken their seats, as it was when Du Pont was being elected. If he could vote for Du Pont, and there should chance to be no election for governor next year, he would have the same right, under that argument, to turn around and go in and vote again upon the senatorship and cast the thirty-first vote.

The illustration of impeachment has been made by many of the Senators asking this question, and has been answered, that if a person who thus succeeds, as Watson did, to the duties of the office of governor, should improperly exercise it, how would he be impeached? They say he is impeached as senator. But suppose that after his term of senator has expired, after he is not speaker, and another person is elected speaker, he then usurps authority and is guilty of malfeasance in office, commits the crime of treason against his State, in what capacity is he to be impeached? The Senator from Indiana says he is merely a person upon whom has devolved this great duty, not a governor, not a speaker, not a senator, but a person who holds no office, but has merely crept into and exercises the duties of one without holding it. Is it possible that a constitution which provides so fully and clearly for impeachment as this constitution does shall be construed to leave the State without the power to exert that method of punishment at the very emergency when it would be liable to be most needed? A person exercising the office of governor, not elected, simply holding it, would have more temptation and more occasion perhaps to violate the duties of that of governor than one who was duly elected. The distinguished Senator from Kansas [Mr. PEFFER] has asked for the analogy between this constitution and the laws of the United States with regard to the succession to the Presidency, and has read to the Senator from Nebraska [Mr. THURSTON] while discussing this question the last statute passed providing for that succession, and the Senator from Delaware referred to the old statute as it existed prior to 1886, when the succession devolved upon the Speaker of the House.

Let us look at the illustration for a moment. If the Secretary of State succeeds to the office of President of the United States or acts as President has he no power to create a new Secretary of State to take his place? If he should resign as Secretary of State would he resign as President? Does he not, as in the case of the Prince of Wales becoming King—does he not, too, assume the crown and leave behind him the old office for some one else to occupy; vacate the office of Secretary of State in favor of the greater office that he accepts? Under the old law was it the design or expectation of the law if the Speaker of the House of Representatives of the United States should, under the circumstances provided in the act, become President of the United States, that he would still continue as Speaker, that he would exercise the duty as a member of the lower House, originating legislation, discussing legislation, recognizing the members to speak and acting as czar and autocrat therein, as it is said the Speaker does, and at the same time have the power to veto? This is the question which the Senator from Delaware says has been affirmatively answered by one of the Senators upon this floor. This affirmative answer, however, would show that the Government of the United States might in that contingency cease to be republican in form.

The uniform construction of one hundred years of Delaware has been appealed to as the construction of this constitution. It being claimed that because four or five senators who have succeeded from the office of speaker to that of exercising the duty of governor reentered upon their duties as senator, that was a construction of the whole State of Delaware. My answer to that is, in the first place it is a construction of a fact wholly immaterial to the issue here. It makes no difference in the issue here whether after the duties of the incumbent shall cease he can retake his position as senator or not. The thing which is of vital importance is, can he exercise both at one and the same time; can he exercise the duty of senator, speaker, and governor on the same day and on the same occasion and altogether concurrently? Upon that we have the affirmative construction, not merely the construction by "neglect," as the Senator says, but the affirmative construction of the conduct of every legislature in the one hundred years. When the question has arisen we have the affirmative construction placed upon it by this very legislature, and this very officer recognizing the construction placed upon it by all the previous officers. We think the construction placed upon the constitution by the four or five going back and acting as senator when their duty as governor had ceased was an error upon the part of those gentlemen,

but it is an immaterial thing anyway. The distinguished Senator from Mississippi appeals to us and asks us to put the case of Du Pont upon the issue as to whether it was a vacancy, or a suspension, or an abeyance. It makes no difference which it was. Any one of these roads would lead to the same conclusion and lead Du Pont into the Senate. To that it is replied there is and can be but one right, and if we can not select the right one none is right. We may not be able to agree upon which is right, we may differ which is right, but know that the right is among them. One Senator may think that the office is in suspension; another may think it is vacated; another may think it is in abeyance; but as the argument arrives at the same result in each case, it must be entirely immaterial by which one of these methods we travel to that common goal.

We find another argument against the claim that the duty of exercising the office of governor is attached to the speakership in the language of the constitution at page 30, as printed, part of section 14, Article III, as follows:

> If upon a vacancy happening in the office of governor there be no other person who can exercise said office, within the provision of the constitution, the secretary of state shall exercise the same until the next meeting of the general assembly, who shall immediately proceed to elect by joint ballot of both houses a person to exercise the office until a governor elected by the people shall be duly qualified.

If it had been the design that this duty should attach to the speakership as a part of it, all that would have been necessary to have been done would be when the legislature or general assembly was elected for the senate to meet and elect a speaker. He would ipso facto and by virtue of his office at once become governor. But the constitution it seems provides that he shall not be governor or exercise the office of governor at all in this contingency, as above stated. The assembly shall meet, and, of course, each House must elect its own officers, including the speaker, but instead of that speaker exercising the office of governor, the assembly shall yet proceed to elect by joint ballot of both houses, not a speaker, but a person to exercise the office of governor until a governor is elected by the people and shall be duly qualified.

Argument is made by the distinguished Senator from Mississippi that the words at the top of page 30, in section 14, "The person holding the office shall continue to exercise it until a governor shall be elected and duly qualified," must necessarily apply to some other case than to that where the speaker has succeeded to the duty of exercising the office of governor; and this is the only reason given for it, that on the previous page it had already been provided that in such case the speaker shall exercise the office until a governor elected by the people shall be duly qualified. The learned Senator says that the constitution having already provided for the office being exercised in that contingency until the governor elected by the people shall be qualified, it can not be that in the next sentence the same contingency would be provided for again, and therefore some other construction must be given to this provision. This argument must presuppose as its basis that the constitution makers of Delaware always use the most concise language and were never guilty of any repetition of thought, and use every word in its precise meaning, and so the Senator has taken occasion to tell us at various times how carefully this constitution was drawn and how accurately the language is used. A further examination of this same section, however, will show that this constitution repeats the same thought and the same protection over again in other language, even under the construction placed upon it by the Senator from Mississippi himself. We find that the command upon the speaker of the senate that he shall exercise the office until a governor elected by the people shall be duly qualified is repeated in the latter part of the section, where it is stated—

> If the trial of the contested election shall continue longer than until the third Tuesday of January next ensuing the election of a governor, the governor of the last year or the speaker of the senate or of the house of representatives who may then be in the exercise of the executive authority shall continue therein until a determination of such contested election.

Of course if he must continue until his successor is qualified he must continue until not only the contested elections are determined, but still longer, until the qualification of the successful contestant has taken place. Here we have an instance and illustration of how this constitution repeats the same provision by the same authority over and over again. It would seem to be that each one of these different commands were but different forms of repeating the authority and maintaining the protection to the people of having an executive by providing that the same person shall exercise the office and shall continue to exercise the office in different forms of language. All three mean one and the same thing, in two places describing the person who is to exercise it or continue to exercise it as speaker, and in another as the person holding the office.

Counsel who argued this case before the committee have placed in their brief, and cited at page 52, a case from Pennsylvania. It is said that the Pennsylvania constitution at that time was word for word like that of Delaware. It is cited by the counsel for the purpose of showing the construction placed upon the constitution by the acting governor and the assembly of Pennsylvania, and it is claimed and cited by the Senator from Mississippi as an authority that the speakership and the exercising of the office of governor are indissolubly blended together, and that the speakership continued after Mr. Johnston had entered upon the exercise of the duties of the office of governor. At most, the authority does not even give the opinion of Mr. Johnston except as it might be inferred from his conduct. All that can be claimed for it, then, is that by his conduct one Mr. William F. Johnston has interpreted the constitution according to the views of the Senator from Mississippi. We might ask here who is Johnston? Was he a learned lawyer, a judge, or anybody whose opinion would throw any light or weight on the action of this Senate? Decisions of courts of the highest character are not always even conclusive upon other courts or tribunals. Mr. Johnston may or may not have been a man of any weight or consequence any further than that he was elected governor of the State of Pennsylvania.

A great many governors of a great many States have been very ignorant of law, and his position as governor would give no guaranty or learning or ability. But if we look at the record a little more carefully we will see that Mr. Johnston and the Pennsylvania legislature considered the office of speaker and the duty of exercising the office of governor entirely distinct things and not indissolubly blended together. Johnston, it seems, had been elected governor after he had entered upon its duties the year before, on the 13th day of January, 1849. Whether it was before or after the time for which he had been elected expired or not does not appear; at all events upon that date he resigns, or tenders his resignation to the senate of Pennsylvania as speaker and also resigns to the speaker of the senate as senator. But reference to that record will show that while the resignation was accepted he did not enter upon the duties of governor until the 17th, four days later. On the 15th and 16th the legislature was in session transacting business as a legislature, and of course necessarily somebody was acting as governor and that somebody must have been this same William F. Johnston. So that by his conduct and his action in this very case we have the opinion of Mr. Johnston, whatever it may be worth, that he could continue in this position of exercising the office of governor to which he had succeeded under the statute only after he had ceased to be speaker and after he had ceased to be senator, and after he had actually resigned those places and his resignation had been accepted.

It is argued by the Senator from Mississippi that if the presiding officer of the senate at the time of the alleged election of Du Pont was not authorized to act as we claim, that then there was no joint assembly, no senate there, and that the election would be void for that reason. The act of Congress does not prescribe that each house shall be there, nor does it provide anyone to preside over that joint assembly. It was not necessary that there should be two presiding officers in a joint assembly, one over the senate and one over the House. It was competent and has not been uncommon for the joint assembly to select their own presiding officer. It is not the two houses that are met there, as has been so extensively argued without authority, or rather asserted, it is under the act of Congress. It is the members of the two houses who convene in joint assembly.

Discussion has been had in some of the States as to who would be the proper presiding officer where there is a lieutenant-governor, who can not take part in the election of a United States Senator. In some States they have selected a member of the senate to preside over the joint assembly, in others they have selected the speaker of the house; but they might as well select any other member of the house or any other member of the senate. The formality of one body marching in form and order into the midst of the other was an unnecessary proceeding. If, without any form members assemble that is all that the statute requires. All that is necessary is that the roll shall be called and the vote recorded. When that is done the members of the two houses have performed their duty, and it becomes then the duty of the United States Senate to act upon the record thus made. It is not for the State alone to be satisfied with this record; the United States has an equal interest in seeing that the members of the two houses have voted. As was illustrated by the question during the argument of this case, if there was a majority of all the members of the two houses, that would give jurisdiction to the joint assembly to elect a Senator although there was not a full quorum of one of the houses. In other words, 15 members of the house and 1 senator would make a majority of the members of the two houses, and they would have jurisdiction to elect a United States Senator, though there was no senate there except as represented by that 1 member. Perhaps I might even go further and say that 21 members that being a majority of the members of the two houses, might have all been from the lower house, and the senate not there at all. It is not necessary, however, to go to that extent;

but that might be, and yet be within the pale of the statute of the United States.

Mr. GRAY. Will the Senator allow me to interrupt him?

Mr. BROWN. Certainly.

Mr. GRAY. Does the distinguished Senator think that an election for Senator of the United States under the Constitution could be had where it was made by the members of one house alone, and still conform to that provision of the Constitution which says that the Senators from each State shall be chosen by the legislatures thereof?

Mr. BROWN. I think it could.

Mr. CHANDLER. I should like to ask the Senator from Delaware whether it has ever been disputed, since the passage of the act of 1866, that if there is a majority of all the members elected to both houses present, there is a competent assembly to elect a Senator, although the members may all come from one house, and there is not present any from the other house?

Mr. GRAY. It has been disputed, notably by the distinguished Senator from Vermont, Mr. Edmunds, the predecessor of the present junior Senator from Vermont [Mr. PROCTOR].

Mr. CHANDLER. I had the impression that there had been no serious dispute on that point, it being the whole object of the law to prevent the members of one house from defeating the election of a United States Senator, if there was a majority numerically of all the members elected to both houses present.

Mr. GRAY. I beg the pardon of the Senator from Utah. This is not material to his argument.

Mr. BROWN. It is not material; but the position I have taken certainly can not be disputed if the act of Congress is a constitutional and valid one.

Mr. MITCHELL of Oregon. That was one of the principal questions raised and argued when the objection was urged that the act was not constitutional.

Mr. CHANDLER. That was Senator Edmunds's point.

Mr. MITCHELL of Oregon. Senator Edmunds's objection was, as I understood him to argue very strenuously, that in his opinion the act of Congress was unconstitutional.

Mr. CHANDLER. But there has been no dispute as to the meaning of the law as it stands on the statute book.

Mr. BROWN. The distinguished Senator from Mississippi, among other positions, has insisted that the title of an officer de facto of any kind or character can not be assailed collaterally, or in any proceeding collateral or direct, unless in a suit where such officer is himself made a party and the public is represented by the State, and some Massachusetts authorities have been read here to show what a de facto officer is, and that a de facto officer applies to one as well who occupies an incompatible office as one who is wrongfully in office for any other cause, all to show that accepting incompatible office did not vacate the first. But after all the definitions and on the reasoning of all the cases which have been read or can be read, it is necessary to constitute a de facto officer that he must be in possession of the office and exercising the office. The very first case cited by the Senator from Mississippi in the 1st Allen begins with the definition by saying "one who comes into office by the forms of law," etc. The next one was the one who was in the office under color of title. To all of these we answer that Mr. Watson was not in office either with or without color of title. When, on the 9th day of April, he formally left and was thanked for the services which he had rendered as speaker, when he took the office as governor, when the legislature by its proper officer dropped his name from the roll, and in every other public manner possible showed he severed his relations with the office of speaker and of senator, he ceased to hold de facto or under color of title or had any possession or exercise of it. If he was not in possession he was not an officer de facto, whether he had the authority or did not have the authority. There can not be found a printed case where the doctrine of de facto officer has less application than to this of Mr. Watson. There always must be a person continuing consecutively and constantly to exercise the office. When he has formally renounced the office, when he has stepped out of the office and says, "I am not exercising it," he can not go back to it on some other occasion and say, "I am now de facto officer and now exercise the duties."

To this effect I quote a few authorities. First, I read an expression from The People *vs.* Carrique (2 Hill, 97):

> It is therefore said that by continuing to act in the justice's court this was rather an election to hold the first office, notwithstanding his accepting, taking the oath, and entering on the duties of the second. The contrary is entirely settled, and the effect directly opposite to that which is supposed to have followed.
>
> It is said in the book already cited (same page) that a resignation by implication may take place by being appointed to and accepting a new office incompatible with the former one. And it is added to a note (N. 4) that—
>
> This is an absolute determination of the original office and leaves no shadow of title to the possessor, so that neither quo warranto nor amotion is necessary before any other may be elected. (Vid Willock on Mun. Corp., 240-417 to the same point.) Ld. Mansfield in Rex *vs.* Trelawaney, 3 Burr., 1616; Buller, J., in Milward *vs.* Thatcher, 2 T. (87).

In Biercourt *vs.* Parker, 27 Tex., 562, the court used this language:

> On the acceptance and qualification of a person to a second place incompatible with one he is then holding the first office is ipso facto vacated. (The People *vs.* Carrique, 2 Hill, 93.) A resignation by implication will take place by being appointed to and accepting a new office incompatible with the former one. It is said to be an absolute termination of the original office and leaves no shadow of title to the possessor. So that neither quo warranto nor amotion is necessary before another may be elected. (Rex *vs.* Trelawaney, 3 Bun., 1616; Milward *vs.* Thatcher, 2 T. R., 87; Willock on Mun. Corp., 240-617; Ang. and Am. on Corp., 255.)

In The People ex rel. *vs.* Common Council (77 New York, 510), the court says:

> The moment he accepted the new office the old became vacant. His acceptance of the one was an absolute determination of his right to the other and left him "no shadow of title, so that neither quo warranto nor amotion was necessary." (People, ex rel. Whiting, *vs.* Carrique, 2 Hill, 95-97; Dill. on Mun. Corps., section 164, and cases cited in note 1.) These cases also show that this would be so at common law and independent of the statute. He was no longer alderman de facto or de jure. The plea of plenarty on which the appellany's counsel insists, or that the office was "full of him," and which is also set up in the answer to this proceeding, is in no sense well founded. It can not be sustained even by a legal fiction. The office was and is as vacant as if Mr. O'Rielly had never been born; his removal is as complete as if caused by death. When he accepted the new office, the other ceased to have an incumbent. It was not a case, therefore, for quo warranto, for that will lie only when the party proceeded against is either de facto or de jure officer in possession of the office. (King *vs.* Corporation of the Bedford Level, 6 East., 368.) And an office that is vacant is in possession of no one. Besides, such writ issues when the facts are in dispute, and one object aimed at is to ascertain the facts. Here no fact is disputed, but a mere question of law.

Yet, notwithstanding these authorities, the distinguished Senator from Indiana would argue, and did argue, if I understood him, that some action was necessary; that he must be kicked out by the senate; he must be determined by the senate of Delaware not to be in office, or he must have resigned. The action was in being sworn in as governor. That was a resignation; that was a termination of his office as senator or speaker.

Mr. CHANDLER. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. BROWN. Certainly.

Mr. CHANDLER. If the Senator from Utah will allow me at this point I should like to call his attention to what doubtless he has not hitherto seen, the very best statement of that doctrine which I have yet noticed. It is to be found in the constitution of the State of Mississippi, adopted November 1, A. D. 1890. With the Senator's permission I will read what it says.

Mr. BROWN. Certainly.

Mr. CHANDLER. Section 2 reads:

> No person or collection of persons being one or belonging to one of these departments shall exercise any power properly belonging to either of the others.

Now, I call the Senator's attention and also the attention of the Senator from Michigan [Mr. BURROWS] to the following clause:

> The acceptance of an office in either of said departments shall of itself and at once vacate any and all offices held by the person so accepting in either of the other departments.

That, to use the Senator's own expression, is the crystallization by the Senator from Mississippi as late as 1890 of the doctrine on this subject which the Senator is exhibiting to the Senate.

Mr. MITCHELL of Oregon. What is the date of the constitution, if the Senator will allow me?

Mr. CHANDLER. November 1, 1890.

Mr. MITCHELL of Oregon. I will ask whether the distinguished Senator from Mississippi [Mr. GEORGE] was not a member of that convention?

Mr. CHANDLER. I have no doubt it is the work of the great mind and brain of that distinguished constitutional lawyer, the Senator from Mississippi, who I find——

Mr. MITCHELL of Oregon. He was a member of the convention.

Mr. CHANDLER. I find that J. Z. GEORGE was a delegate at large.

Mr. GRAY. Mr. President——

Mr. CHANDLER. Will the Senator from Utah allow me to proceed?

Mr. BROWN. Certainly.

Mr. CHANDLER. The Senator from Mississippi has been drinking in constitutional law ever since boyhood, and in 1890 he crystallized the whole American constitutional law upon this subject, and here it is in the constitution of Mississippi absolutely conclusive upon the point which the Senator from Utah is making.

Mr. GRAY. If the Senator from Utah will allow me, in the absence of the Senator from Mississippi, whom the Senator from New Hampshire [Mr. CHANDLER] so felicitously says has been drinking something since childhood—I did not catch what it was——

Mr. CHANDLER. Law; law; nothing but law. No other liquid or fluid, but substantial law.

Mr. GRAY. Allow me to say that it is exceedingly interesting to find what he calls this crystallization of a proposition in the written text of the constitution, and it will be exceedingly interesting when Delaware comes to summon its constitutional convention, as it may shortly do, to consider whether it also will crystallize that provision into the written text of the constitution then to be formed. But as it stands now it seems to me that it points very decidedly in the direction which we have been arguing on this side, that it takes an express constitutional provision in order to enforce that doctrine.

Mr. CHANDLER. That is where the Senator from Delaware and I differ, as we frequently do on great constitutional questions. I hold that that has been the law for a hundred years.

Mr. GRAY. Then it was not necessary to state it in the constitution of Mississippi.

Mr. CHANDLER. No; but constitutions are full of unnecessary assertions. The Senator from Utah has already called attention to the fact that there never yet was a constitution with no unnecessary word in it. The Senator from Delaware does not contend that in every case where there is a prohibition in the constitution the thing prohibited would have been lawful without the prohibition. It is a mere assertion of the law as the Senator from Mississippi has gathered it in his long experience. It was the law before he comprehended it; it was the law before he enunciated it, and it is the law of America to-day and has been for a hundred years.

Mr. BROWN. In other words, constitutions, the same as statutes, are often merely declaratory of what is the common law. The Bill of Rights which, was supposed to have existed in this country before the Revolution, before the Constitution was organized, was merely framed in words and made a part of the Constitution of the United States. It is not necessarily a change of the law because it is made in writing.

I think I discovered in the reading which the Senator from New Hampshire has given us a reason why the argument of our friend the Senator from Mississippi deviated from the argument of the Senator from Indiana. It was the Senator from Indiana who so emphatically and so lengthily said that it would require some act; that there was no ipso facto doctrine; but that some act of Mr. Watson or some act of the legislature or some act of the senate was necessary to sever Mr. Watson's relations as senator. He must be kicked out, he must resign, is the effect of his argument. The Senator from Mississippi, however, takes a little different tact. He evidently had in view the constitution which he himself had drawn.

I wish to read another definition of the effect of accepting incompatible offices. I did not suppose it would be disputed till both Senators seemed to discuss it so lengthily. Therefore I read from an elemental authority. I read from Judge Dillon in his work on Municipal Corporations, section 164:

> An office may be impliedly resigned or vacated by the incumbent being elected to and accepting an incompatible office. The rule, says Parke, J., in a leading English case on this subject, that where two offices are incompatible they can not be held together, is founded on the plainest principles of public policy, and has obtained from very early times. The principle applies not only where the second office is the superior and more important one, but also where it is not. The rule has been generally stated in broad and unqualified terms, that the acceptance of the incompatible office, by whomsoever the appointment or election might be made, absolutely determined the original office, leaving no shadow of title in the possessor, whose successor may be at once elected or appointed, neither quo warranto nor amotion being necessary.

The same rule was applied in the case of Rex *vs.* Hughes (5 B. & C.). There were 10 aldermen and 10 capital burgesses, a house and senate. One of the aldermen was elected a capital burgess, and after being elected to that place he continued to act as alderman, as he claimed, de facto. The court held that he could not be considered as acting at all; that it was a mere nullity.

The distinguished Senator from Mississippi read authorities from Massachusetts on the subject of a de facto officer and as to its requiring some action to remove him; and as he read them I did not know but that there might be some conflict on this subject. To-day I sent down to the library, and I find that one of the very cases which he himself cited, not quoted to the Senate, also lays down the rules as strongly as any that no action is necessary; that he is not an officer after he takes that incompatible office. I read from Commonwealth *vs.* Hawkes (123 Mass.):

> By the common law, when two offices of public trusts are incompatible with each other a person holding the one is not disqualified to be appointed or elected to the other, but his acceptance of the second office is in law an implied resignation of the first, whenever it may be resigned by the mere act of the incumbent, without the assent or concurrence of a superior authority.

Then the court quotes a long list of authorities—

> There may be municipal or county offices that a person can not decline to accept, and therefore has no right to resign at his own will. But under the Constitution of the United States and of this Commonwealth, at least, a judicial office, depending upon the appointment of the Executive, no person is obliged to accept or to hold longer than he pleases, but has the absolute right to resign at any time. (United States *vs.* Wright, 1 McLean, 509.)

Did Watson not have the absolute right to resign the speakership at any time—the absolute right to resign the senatorship at any time? He did not have to ask the consent of the other members of the senate. That was an absolute right in him, and when he accepted the office of governor or accepted the duty of exercising the office, it was ipso facto a resignation—

> It follows that the defendant, by taking the seat to which he had been elected in the house of representatives—

Taking the seat of governor in this case——

Mr. GRAY. Would not his resignation have to be accepted by the senate?

Mr. BROWN. I think not. I think it is an absolute right of the senator to leave the office. I do not know that any Senator of this body is liable to resign, but if any of them should, I think he has the right to resign without the consent of the other members of the Senate.

> It follows that the defendant, by taking the seat to which he had been elected in the house of representatives, legally vacated his judicial office, unless there is something in the constitution itself which controls the general law. Upon examination of all the provisions of the constitution on the subject, we are of opinion that they affirm, rather than reverse or qualify, the rule of the common law as applicable to the case.

When the Senator referred to those authorities it seems as if he believed they disputed the doctrine laid down in the common-law cases which I have read.

Mr. GRAY. May I ask the Senator whether the case from which he has just read is one of implied resignation of the legislative office?

Mr. BROWN. No, sir. He was a justice or a judge of some kind, and he accepted the position of member of the legislature—of the senate or of the house of representatives—I do not know which.

Mr. President, on another ground I claim that the office——

Mr. GRAY. Will the Senator allow me, because the point is interesting? Which office was held to be vacated in that case?

Mr. BROWN. The first one.

Mr. GRAY. The office of justice of the peace?

Mr. BROWN. The office of judge.

Mr. GRAY. Not the position of member of the legislature?

Mr. BROWN. No, sir. Accepting the second office vacates the first. This authority is in conformity with the universal rule.

Mr. GRAY. Where the first is not a legislative office.

Mr. BROWN. It makes no difference what the office is.

Mr. GRAY. You can not get any authority——

Mr. BROWN. The first is held to be vacated.

The executive offices are incompatible with legislative offices in the meaning of that clause of the Constitution of the United States, section 4, Article IV, which provides "that the United States shall guarantee each State a republican form of government." This clause of the Constitution of the United States has had less occasion to be adjudicated and considered in courts than most any other. Decisions upon it are few, but its meaning would seem to be plain that all departments of the United States Government, in whatever manner it may be appealed to, shall maintain only the republican form in the State governments. The determination of what is a republican form probably primarily rests (7 How.) with Congress itself. It has been consigned at times by Congress to the Executive with regard to some of the States growing out of the reconstruction. It was for the Executive to determine whether the new States were republican in form or not.

In the case of the very latest State admitted into the Union, in the act of admission or the enabling act to permit the formation of a constitution it was provided that the constitution of the new State when framed should be submitted to the Executive and by him determined as to whether or not it was republican in form. But the power of the Executive to thus determine its republican form came from the act of Congress and not from the Executive duty alone. It is the duty of Congress to maintain that guaranty. It is needless here to inquire how far Congress would be called upon to interfere with the State government in purely local matters in case the State government was not republican, but whenever the State government comes before Congress itself, or any branch of it, legitimately, and the question arises incidentally whether the State has a republican form of government or not, it is the duty of such branch of Congress itself to so construe the acts and conduct of the State as to perfect and maintain that guaranty. The right and duty is recognized in Luther *vs.* Borden, 7 Howard 1, page 42.

The republican form of government had already its definition when the Constitution was created. It meant what the writers and thinkers on civil freedom had said it should mean. It meant what the common law had determined, to wit: The preservation of the distinction of the duties between the executive, the legislative, and the judiciary. No State that amalgamates these three forms into one and obliterates this distinction can be said to be republican. If a new State should be formed which should

consign to the chief justice of the State the power to pass laws and the power to exercise the office of governor and combine them all in one in his person, it could not be said to be republican in form. It would be directly the reverse. Call it by republicanism if you will, it is a contradiction of itself; the terms of the constitutional guaranty would not be kept, and it would be the duty of Congress to interfere and prevent such a State exercising the forms of a State government. If a government is not republican, in extreme cases, where all three powers are vested in one and the same person, it must be true in less extreme cases to the extent that the distinction is obliterated and wiped out. A State that says the executive shall make laws in whole or in part is just as objectionable to the guaranty of this clause of the Constitution as it would be to authorize the executive to be the judge as well as the governor. It is abhorrent to the very terms of the English tongue and abhorrent to the very idea of republican government. It is therefore contradictory to this clause in the Constitution, which says:

That the United States shall guarantee to each State a republican form of government.

It has been stated here in the debate that there is one State, or was at one time one State, in this Union where the governor was required and empowered to act as the chief legislator, with the chairman to be the presiding officer of the grand committee, the presiding officer of the senate to have the casting vote in certain cases, and to be the executive in addition. Such a State government was contrary to the prohibition contained in the section which we are considering. It would have been the duty, whenever the act of such a State came before Congress, or before the Executive of the United States, to decide that it was not republican in form and could not be enforced as a republican government. It was brought before the courts and held that Congress must decide. It might possibly have been in the power of the United States Congress to have interfered and in some manner prevented the maintaining of such a government in the State of Rhode Island. But the Constitution of the United States has prescribed no method by which this guarantee shall be fulfilled.

The constitution of that State was brought before the court in the case I referred to, Luther vs. Borden, and Judge Tawney, among other things in a long decision, gave this opinion:

The fourth section of the fourth article of the Constitution of the United States provides that the United States shall guarantee to every State in the Union a republican form of government, and shall protect each of them against invasion and, on the application of the legislature or of the executive (when the legislature can not be convened) against domestic violence. Under this article of the Constitution it rests with Congress to decide what government is the established one in a State. For as the United States guarantees to each State a republican form of government, Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not. And when the senators and representatives of the State are admitted into the councils of the Union, the authority of the government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority, and its decision is binding upon every other department of the Government and can not be questioned in a judicial tribunal. It is true that the contest in this case did not last long enough to bring the matter to this issue, and as no Senators or Representatives were elected under the authority of the government of which Mr. Dorr was the head, Congress was not called upon to decide that controversy. Yet the right to decide is placed there and not in the courts.

In other words, the question as to whether it would be according to a republican form of government for Mr. Watson to act as legislator and governor both is placed here, and we exercise it by admitting Senators and Representatives into the councils of the Union.

That is the expression of the judge:

When the Senators and Representatives of the State are admitted into the councils of the Union, the authority of the Government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority.

It is for us, when a Senator applies here for admission, to inquire whether he has been elected by a legislature under a republican form of government. One means of carrying it out we have here in this case. Now, a case where we can apply the principle and maintain the guaranty is here in this particular case of Du Pont's by saying that the constitution of Delaware must be construed as to be consistent with the idea of republicanism, and can not be so construed as to be contrary to republican form of government. Giving this constitution upon which these differences have arisen the construction which has been contended for by the minority of the committee and the Senator from Indiana empowers the governor to act as speaker at the same time, and senator at the same time, introduce bills as senator, vote upon them as senator, to decide upon their vote as speaker, and enforce them as governor; at one and the same time to exercise all classes of duty, legislative and executive, on the same day, in the same person, at the same hour, and at the same place, from the same chair.

Mr. GRAY. Does the Senator think that if that merely was embodied in the constitution of the State of Delaware it would constitute a form of government nonrepublican?

Mr. BROWN. I do.

Mr. GRAY. What does he think of the government of New Hampshire, where the constitution provided that the governor should have two votes in the legislature?

Mr. BROWN. That was passed——

Mr. GRAY. First a vote and then the casting vote.

Mr. BROWN. I do not think it was a republican form of government while it existed.

Mr. CHANDLER. Mr. President——

Mr. BROWN. Just a moment. It was the constitution prior to the Revolution. It has been changed.

Mr. CHANDLER. Will the Senator kindly allow me to refer to it? As it was stated by the Senator from Mississippi it seems he did not get it from the Constitution. He got a copy of Madison's Notes on the Constitution and read from it.

Mr. GRAY. I have it here.

Mr. CHANDLER. Yes; it was in the constitution.

Mr. GRAY. Oh, yes.

Mr. CHANDLER. It was in the constitution of 1784, and it was knocked out in the constitution of 1792 as being absolutely unrepublican. That was getting along with tolerable rapidity in the adoption of the American doctrine for which we are contending.

Now, as to Rhode Island. Rhode Island was so conservative that she did not have any constitution, I think, until 1842—until the time of the Dorr rebellion. She was content to live under her old colonial charter, and under the colonial charter the governor did preside in grand committee.

Mr. GRAY. And vote.

Mr. CHANDLER. And vote in grand committee. When I asked the Senator from Delaware the other day if he knew of any other such case, he declined to be catechised. I did not know but that he knew of some other case of that sort. He has told me to-day that he did not know of the New Hampshire case. If he had asked me I would have enlightened him about it and would then have told him that in 1792 we got rid of that monarchical and old country anomaly adopted for a little while in 1784. The Senator from Rhode Island can explain the conservatism of Rhode Island if he wishes.

Mr. GRAY. I admire the conservatism of Rhode Island.

Mr. BROWN. To obey this clause of the Federal Constitution we should so construe this constitution of Delaware that this unusual, improper, incompatible, contradictory, self-destroying position can not be maintained by one and the same person. The construction before us is a simple one of the English language and can be made consistent with the Constitution of the United States, the common law, the common understanding, and the constitution of Delaware.

Let us take up the views of the Senator from Indiana on the question of our power of inquiry. First, that the record shows 30 votes were cast, and that the record can not be disputed because it is the journal of the joint assembly. To enforce this argument the learned Senator assumes, and very properly assumes, that this entry of the journal is equivalent to the record of courts, and it has been very generally held, perhaps universally held in the United States, that this journal can not be disputed as to any fact therein stated. But all records, whether of courts of record or of courts not of record, of legislatures, or acts of the Executive, must be consistent with themselves. If they dispute themselves, then, in any collateral or direct attack they must be construed in accordance with the fact of the law applicable to such cases. The record must be a verity to itself; the verdict and judgment must agree. To illustrate, if the record had shown that there were 31 votes cast, it would show on its face that there was 1 more than the law allowed or that the constitution of the State of Delaware permitted. It could not speak a verity, because on its face it spoke a contradiction to the fundamental law. If this record had stated that there were 34 votes cast and that those 34 votes were members of the legislature, the argument of the learned Senator from Indiana would have been just as appropriate. He could have said to make a majority of 34 we must have 18, and therefore any number less than 18 would not be an election; that the record said 34 members were present and that could not be disputed. Would the Senator deny that in such a case, where there were 4 votes more than the fundamental law permitted, that it would be in the power of any court not only to examine the record but expurgate and take out the 4 illegal votes? That was the Kansas case, which has been quoted here. The fundamental law permitted but 125, and 129 voted.

The court, in determining the constitutionality of an act, inquired by the record as to who voted for the act, and finding that the 4 who were not entitled to seats voted for it, determined that the law was unconstitutional. If this is true where there were 4 extra votes, it would be true where there is 1. The record in this particular case shows that there were 30 votes cast, it is true, but it shows who cast the 30 votes, and it shows as well that there were 29

members of the legislature cast 29 of them and that the other vote was cast, not by a member of the legislature, or any senator, or any representative, or by any person that had theretofore been recognized by the legislature, but by William T. Watson, then acting governor. The record works its own contradiction. We must give verity to the record, but in giving verity we recognize that there were but 29 votes that were legal and 1 vote that was illegal; therefore Du Pont received the 15 votes, a majority of the legal votes cast, and he is unaffected by the 1 illegal vote.

The Senator from Indiana, however, says he might concede, for the sake of the argument, all that had been said for Du Pont, with the single exception that the action of the State of Delaware was final; that the clause, section 6, Article II, of the constitution, which provided that each house shall be the judge of the election and returns and qualifications of its own members, has been exercised in this case, and its action is final and conclusive upon the Senate of the United States. It is but a restatement of the first point. To maintain it the learned Senator must assume that the things that were done on the 9th day of May was the adjudication. He has said, however, in another part of his argument, that this adjudication must be the record. Let us see what was done of record and not of record on that day, as claimed by the Senator.

It is claimed in the affidavits (which are not of record) that shortly before 12 o'clock Mr. Watson appeared in the senate, assumed the place of speaker, exercised the duty and office of speaker, voted as speaker, and when 12 o'clock came marched at the head of the senate into the joint assembly room. None of this is of record and most of it contradicts the record. The record shows that he did not vote in the senate. The record is silent as to whether he ever took the seat of speaker; it does disclose Mr. Ricords, speaker pro tempore, did preside, and so far the judgment, as it is called, the adjudication behind which we are not permitted to go, is merely the affidavit of those who are attacking the seat of Mr. Du Pont. It exists wholly dehors the record; there is no record of any judgment so far. The fact that he marched at the head of the senate is not of record.

It is said here, and an eloqpent argument has been made, that the sergeant-at-arms of the senate was the proper person to see to it that no intruder marched at the head of the senate and that his failure to put Mr. Watson out was an adjudication by the senate. To that it may be replied that neither the constitution nor the law nor the action of the senate could ever refer the question of its membership to its sergeant-at-arms, and the record is silent as to whether he did or did not object. As each house is to be the judge and not the joint assembly, we might pause here and say that there was no adjudication whatsoever upon this subject. By the senate alone the adjudication is to be found, not the joint assembly.

The journal of the meeting is—

The hour of 12 m. having arrived, the senate, preceded by the speaker and attended by the clerk and sergeant-at-arms, proceeded to the hall, etc.

The record does disclose that on the first vote the speaker did vote and that that speaker was some other than Mr. Records, because there is the record of the vote, Mr. Records, speaker pro tempore, being called in his own name and some one answering to the name of speaker. The proof shows that this was Watson, that he was there, and this is claimed as an adjudication by the senate of Delaware that he was a member duly qualified as a matter of fact, and that as a matter of law he was entitled to be a member and entitled to vote, and that adjudication of fact and of law is conclusive upon us. The reply to that is that the same record shows that he was not a member because he was governor.

The record shows that the speaker, Mr. Records, was the real speaker, had already voted, and that the record thus contradicts itself by showing that somebody under the name of speaker was voting that had no right to vote. If Watson had the right to vote of course the conclusion in the record that there were 30 votes cast would be correct. The position of the right to vote gains no greater weight by the record. There is no adjudication of any fact or of any law which should change it in any manner. The record stands as a record of a judgment of a court of law would stand if it had appeared that the judge who had jurisdiction had vacated the seat, and that a mere intruder, not in any manner qualified, had usurped the function, sat upon the bench, signed the judgment roll, and rendered judgment. Such a judgment and record would be an actual nullity and could be collaterally attacked.

In an illustration the other day in this debate this case was compared to an alien sitting upon a jury and voting. Let us make the comparison more exact. It is not the case of an alien or one sitting constantly. Watson has not been sitting for thirty days. Suppose a jury of 12 is called; they sit and hear the evidence in part, a long trial, as long as the trial that was had in producing this United States Senator, from January 29 to May 9, and on the 9th day of April, upon this trial, one of the jurors should be discharged and excused, both counsel sat by and said nothing; recognize the other 11 jurors in every manner it is possible to recognize them until the final day, and after the arguments have been made and after the charge of the judge had been given, just as the jury was about to go to their jury room to ballot, in fact as they were going, another person not a member of the jury, not sworn as a juror, an interloper, should mingle in with the 11 and go to the jury room, should there participate in the deliberations of the jury, and should return with them and find with the 11 jurors a verdict, and when the roll was called as to what the verdict was, the 11 jurors should answer to their names, and the twelfth person, who never was a juror, should answer to his name, would that verdict be the verdict of any jury, or would it not on its face show that it was not the verdict of a jury, but the verdict of 11 jurors and one interloper, and could the action of that one interloper be recognized in any court of law?

But to go a little further with this adjudication, if there can be any such thing as mere adjudication by the conduct of a senate, then we have more adjudications in this case. Let us see what it was on the 9th day of April, when Governor Marvil's death was announced. Mr. Watson took the oath of office as governor; he accepted the duties of governor; he proceeded to exercise the office of governor; he vacated the seat he had formerly occupied as senator and as speaker of the senate; he adjudged as far as it was in his power to adjudge by that conduct and that act that he was not a senator.

The distinguished Senator from Mississippi says that no weight is to be attached to the fact that the oath of office as governor was taken by Watson, because it was merely extra caution or extra form; that no oath was required; that the only oath that the constitution contemplated was that applicable to all officers and stated in the constitution. The language, however, of that section would imply that each one should vary the form of oath by inserting in it the office which they are to perform the duties of; but whether it does or does not, the interpretation and construction put upon this oath by Watson, by the legislature of Delaware, and by James L. Wolcott, chancellor, was that it was necessary to take an oath, and if it was in fact unnecessary, it is all the greater proof that all these persons—the chancellor, the legislature, and Watson himself—believed that he was entering upon a new and different office from that of senator. If he had already taken the oath, and the statute did not contemplate the taking of another, as argued by the Senator from Mississippi, then the voluntary taking of it was an emphatic construction and adjudication that at that time he was entering into a new office.

Look at the record. First, the legislature passed a resolution that James L. Wolcott, chancellor, be invited to administer the oath to Mr. Watson. Next, that James L. Wolcott did administer the oath to him, and that the oath which Watson took was that he would perform the duties of the office of governor of the State of Delaware with fidelity—precisely the oath which has always been administered to the governors of that State—and this was the interpretation and construction which this same legislature that voted for Du Pont placed upon the act that they were performing. It was a construction that Watson was the governor, and became governor, as he had sworn to perform the duties of it.

Let me read the record not only with regard to what Watson did, but with regard to what the legislature did. The legislature passed the following resolution:

Resolved, That the Hon. James L. Wolcott, chancellor, be, and he is hereby, invited to administer the appropriate oaths of office to William Tharp Watson, speaker of the senate, who, by reason of the death of the governor, the Hon. Joshua Hopkins Marvil, shall, under the constitution, exercise the office of governor until a governor elected by the people shall be duly qualified.

That was the act of the legislature. The Hon. James L. Wolcott then administered, in the presence of the members of the senate, to Hon. William Tharp Watson, speaker of the senate, the following oaths of office as governor, to wit:

I, William T. Watson, do solemnly swear on the Holy Evangels of Almighty God that I will support the Constitution of the United States of America. So help me God.

I, William T. Watson, do solemnly swear on the Holy Evangels of Almighty God that I will support the constitution of the State of Delaware. So help me God.

I, William T. Watson, do solemnly swear on the Holy Evangels of Almighty God that I will perform the duties of the office of governor of the State of Delaware with fidelity. So help me God.

That was an adjudication, in their presence by them, so far as their conduct could make it, that he was entering upon a new and different office and was no longer a member of the senate. After they went there the senate dropped his name from the roll, they elected another presiding officer, and every day when the roll was called to vote on the question of electing a United States Senator Watson's name was not called. If judgment can be rendered by the joint assembly and by the senate sitting in joint assembly by their conduct, here was the most solemn declaration on the part of the senate in joint assembly that William T. Watson was not a member of the senate.

It was not one adjudication only, but every week day from the 9th day of April to the 9th day of May, and on some days many times a day, did this voting go on, and as often as it went on each time the joint assembly and the senate adjudged as solemnly as such a performance can be, an adjudication that William T. Watson was not a member of the senate and had no right to vote.

If the adjudication of the Senate of Delaware upon this subject is to be binding upon the Senate of the United States, then we have the adjudication over and over and over again; not merely in the heat and excitement of a fighting contest at the closing day, but deliberatively week after week, that Mr. Watson was governor and not senator. But, Mr. President, the Senate of the United States also has power to adjudge of the qualification and election of its own members, and in the duty of exercising that power they have the right to determine the legality of every legislature and every legislator.

The duty of the United States Senate is not performed by merely asking the State of Delaware or its legislature or any branch of its government what it decides as to its constitution or what it has decided. The legislature elects the United States Senator. Its right and duty end there. Our right and duty begin there, to determine whether that election is a constitutional one; that it was a fair election; that it was an election by the legislature within its duty and its function. We can not say what is a constitutional election without deciding upon that constitution and construing it for ourselves and determining every branch of it that is within our duty. We can not say what is an election by the legislature without inquiring who is the legislature and in determining that fact. We must decide not only which of two bodies may be the legislature, but who are the lawful components of it. That is, we have the right here to go back into the election of each and every member of the legislature, determine his election de novo. If a man has been elected a member of the legislature illegally, improperly, wrongfully, fraudulently, it is our duty in the exercise of our power to weed him out from the legislature which sends a Senator here.

The Senator from Mississippi [Mr. GEORGE] has read at great length the case of Potter *vs.* Robbins (Taft, 94) and spent a great deal of time in eulogizing the different statesmen who took part in that decision, and yet when asked what the real object in reading it was, and if it does not simply establish the fact that the Senate of the United States would have the right to determine between two bodies which was the genuine legislature, he answers yes, that that was the point of the decision. It is not only not disputed on this side, but it is one of the chains in the argument which we make, that the Senate of the United States have the right, where there are two distinct legislatures, each claiming to be the lawful one, to determine which, in the opinion of the Senate, is the lawful one, and in exercising that right the Senate of the United States may differ from the supreme court of the State from which that legislature came. There is nothing in the Constitution of the United States that says in any manner that the Senate of the United States is bound by the decision of the judges of the State or the lawyers of the State or anybody else in the State. In every case where there is a conflict between two legislatures this body must be the ultimate tribunal and when a seat of a United States Senator is at stake, and in determining that question it may be that it will be necessary to determine the proper election of some one person.

If it be conceded for the sake of the argument, and that only, that this body could not go into the details of the election of any member of the legislature where there is a conflict as to the legislature, yet in case of conflict between two legislatures, if the determination of that question would say which was the rightful legislature, it would be within the power and duty of this body to inquire into the election of one member of it. All this is certainly within the implications of the case of Potter *vs.* Robbins. It was also held by the court in the celebrated cases between Governor Garcelon and the supreme court of the State of Maine. (See Answer of Judges, 70 Maine.) There two bodies each claimed to be the legislature, each set up the plea that each house shall be the judge of its own membership. The governor had recognized one body as the lawful legislature; another body had stood out contesting that claim, and the appeal was made to the supreme court by question for them to answer, and the supreme court of Maine were just as much prevented from determining the membership of any particular member of the legislature as the Senate of the United States is. The inhibition was just as broad there as here, but for the sake of determining which of these bodies was lawfully elected the supreme court deemed it their duty and proper to examine the returns, details of election of the different members, and to determine that certain ones were lawfully elected and certain others were unlawfully elected, and that same power would be within the scope and duty of this Senate.

If the constitution fixed a definite number of the legislature—as all constitutions do, the constitution of Delaware fixing 30—and it shall appear that a crowd of 34 or 45 have been electing a Senator, it is within the scope and duty of this Senate to say that that body was not a legislature. It is not denied, but has been admitted here, that the Senate of the United States could determine which is the legislature and what is the legislature. They can determine here under that clause that 45 persons are not the legislature, and they would not be required in that determination, in case there was a vote of 45 persons for United States Senator, to say that they reject the illegal part. There may have been a legitimate 30 who had voted; it would be our duty to protect that exercise of that right. It must follow, then, as a part of our right and duty to determine which is the legal legislature and select out that part of it which is the illegal branch of the legislature, to determine, as the chairman of the committee said, whether there is an office vacant or not; to determine if any extra votes were cast, and who had usurped the place and tried to exercise the office to which they were not elected or entitled. Here we are determining whether there was a vacant office in this thirtieth place. We have the same right as to this thirtieth place as if there had been 15 extra.

The constitution of the State of Delaware providing and designating the speaker as the person who shall become governor, and that he shall cease to be speaker, it is our duty to protect our own membership and our own rights, to select out of those 30 offices that were being voted any illegal place. The constitution of Delaware so provides that upon this contingency there were but 29 in the legislature. It is our duty to see that there are but 29 votes cast and but 29 votes had the right to be cast for the office of Senator. We must select that 29; we must determine who the legal legislature were, what were the legal offices, legal holders, and strike out the illegal office of the thirtieth. In doing that we put our hand upon the record; we need not go behind the record to see who the illegal voter was. We discover that there were but 29 persons entitled to vote, and we discover from the record that the person exercising the illegal right was William T. Watson, and that he was voting for Edward Ridgley. Casting him out, as it is our duty to do, Mr. Du Pont got a majority of the votes of this joint assembly and is entitled to his seat here.

Mr. CHANDLER. I desire to speak upon the resolution, but prefer not to go on to-night. Therefore I ask that the resolution may go back upon the Calendar, and I shall request that it be taken up at the conclusion of the routine business to-morrow morning.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). That order will be made.

EXECUTIVE COMMUNICATIONS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, stating that a deficiency appropriation of $100,000 is needed to complete the United States court-house and post-office building at Omaha, Nebr., and recommending that this amount be appropriated for that purpose; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, stating that a deficiency appropriation of $116,000 is needed to complete the United States post-office and court-house building at Kansas City, Mo., and recommending that this amount be appropriated for that purpose; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, stating that a deficiency appropriation of $355,000 is imperatively needed to complete the United States post-office building at Washington, D. C., as at present designed, and that a deficiency appropriation of $115,000 additional, making a total of $470,000, will be required for the completion of the building if an independent light and power plant is to be supplied therein, and recommending that this amount be appropriated for that purpose; which was referred to the Committee on Appropriations, and ordered to be printed.

UNCOMPAHGRE INDIAN RESERVATION.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, the title of which will be read.

The SECRETARY. A joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation.

Mr. GRAY. Mr. President——

The PRESIDING OFFICER. Is it the desire of the Senate that the unfinished business shall be laid aside informally?

Mr. CANNON. I desire, if possible, to go on with the unfinished business. It has been pending here for nearly three weeks——

Mr. MITCHELL of Oregon. I hope the Senator from Utah will yield for a motion to adjourn. It is late.

Mr. FAULKNER. I ask the Senate to pass a very short bill, that will not take a minute.

The PRESIDING OFFICER. The Senator from Utah [Mr. CANNON] has the floor.

Mr. MITCHELL of Oregon. I ask the Senator from Utah to yield to me that I may submit a motion to adjourn.

Mr. GRAY. Let us have an executive session.

Mr. CANNON. I will yield for that purpose.

Mr. MITCHELL of Oregon. Very well; I move that the Senate proceed to the consideration of executive business.

Mr. FAULKNER. I understand the Senator from Oregon is willing to withdraw the motion temporarily.

Mr. MITCHELL of Oregon. I withdraw it temporarily.

ST. JOSEPH'S CATHOLIC CHURCH, AT MARTINSBURG, W. VA.

Mr. FAULKNER. I ask the Senate to proceed to the consideration of the bill (S. 435) for the relief of the trustee of St. Joseph's Catholic Church, at Martinsburg, W. Va.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, in line 8, after the word "full," to strike out the words "of rent and damages"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Bishop Augustine Vandebyver, trustee of St. Joseph's Catholic Church, at Martinsburg, W. Va., out of any moneys in the Treasury not otherwise appropriated, the sum of $2,880, the same to be in full for the use and occupation of said church by the Army of the United States during the war of the rebellion.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MITCHELL of Oregon. I renew my motion.

Mr. CANNON. Let the Chair lay the unfinished business before the Senate, so that it may remain pending.

The PRESIDING OFFICER. The unfinished business was laid before the Senate, and the Chair is under the impression that it was laid aside temporarily.

Mr. CANNON. Very well; I simply want to have it retain its place.

The PRESIDING OFFICER. The Senator from Oregon moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 14, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 13, 1896.

CONSUL-GENERAL.

Fitzhugh Lee, of Virginia, to be consul-general of the United States at Habana, Cuba, vice Ramon O. Williams, resigned.

COLLECTOR OF INTERNAL REVENUE.

William H. Fowle, of Virginia, to be collector of internal revenue for the Sixth district of Virginia, vice Fitzhugh Lee, this day nominated as consul-general at Habana.

ASSISTANT ENGINEERS IN THE NAVY.

John P. J. Ryan, a citizen of New York; John R. Morris, a citizen of Missouri, and Chester Wells, a citizen of Pennsylvania, to be assistant engineers in the Navy, in accordance with the provisions of public resolution No. 30, approved March 20, 1896.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 13, 1896.

POSTMASTERS.

William E. Miller, to be postmaster at Mason City, in the county of Cerro Gordo and State of Iowa.

Bernard Indlekofer, to be postmaster at Weston, in the county of Wood and State of Ohio.

Thomas M. Greene, to be postmaster at Tifton, in the county of Berrien and State of Georgia.

Israel K. Deckard, to be postmaster at Middletown, in the county of Dauphin and State of Pennsylvania.

Felix R. Shepley, to be postmaster at Massillon, in the county of Stark and State of Ohio.

Daniel Rice, to be postmaster at Tennessee City, in the county of Dickson and State of Tennessee.

Frank Verrier, to be postmaster at Fayette, in the county of Fulton and State of Ohio.

William O. Wallace, to be postmaster at Glenwood, in the county of Pope and State of Minnesota.

Alfred G. Rodgers, to be postmaster at Wymore, in the county of Gage and State of Nebraska.

Charles S. Millen, to be postmaster at King City, in the county of Gentry and State of Missouri.

Francis Simonds, to be postmaster at Clarksville, in the county of Pike and State of Missouri.

Louis Schuknecht, to be postmaster at Mayville, in the county of Dodge and State of Wisconsin.

Mathias Melchior, to be postmaster at Ahnapee, in the county of Kewaunee and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 13, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Saturday was read and approved.

JOHN RUHM, SR.

Mr. McCALL of Tennessee. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1882) for the relief of John Ruhm, sr., of Nashville, Tenn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John Ruhm, sr., of Nashville, Tenn., late United States district attorney for the middle district of Tennessee, the sum of $295, for services rendered the United States in the case of the State of Tennessee for the use of the United States against W. J. Hill and others, and other cases.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BARTLETT of New York. Mr. Speaker, I ask for some explanation of the bill.

Mr. HOPKINS. Mr. Speaker, pending the right to object, I should like to hear the report read.

The report (by Mr. DE WITT) was read, as follows:

The Committee on Claims, having under consideration the bill (H. R. 1882) for the relief of John Ruhm, sr., of Nashville, Tenn., report the same back to the House with the recommendation that it do pass with the following amendment:

Strike out in line 8 of the bill the words "and ninety-five"; so that the bill will read "the sum of $200 for services rendered the United States," etc.

It appears from the proof in this case that John Ruhm, sr., was United States district attorney for the middle district of Tennessee for some years prior to 1894, when, on February 1 of said year, he retired from said office. He had received his maximum emolument up to and including the calendar year of 1893, and for services rendered by him for the month of January, 1894, there was allowed by the Attorney-General the sum of $405, the maximum being $500.

Of this sum of $405 allowed him he was paid the sum of $205. The remaining $200 was allowed for services in the cause of the State of Tennessee for the use of the United States against W. J. Hill, sheriff, and his sureties. This cause was ended February 1, 1894, the day on which General Ruhm retired from office. The Attorney-General, in approving General Ruhm's account of $200 for fees in this case, placed $100 for the fiscal year 1892 and $100 for the fiscal year 1893. These amounts were disallowed by the Comptroller for the reason that the attorney had received his maximum compensation for those years.

While it appears that the services for which this $200 was allowed were rendered in 1892, 1893, and in January, 1894, at which time the cause in which they were earned was ended, your committee is of the opinion that the fees were not due until the termination of the suit, February 1, 1894, and the attorney not having received his maximum emolument for January, 1894, that this sum of $200 should be paid him and not charged back to the fiscal years 1892 and 1893, for which years his emolument account had reached its maximum and had been closed.

Mr. HOPKINS. Was the service for which this bill proposes reimbursement rendered in 1892 or 1893?

Mr. McCALL of Tennessee. Mr. Ruhm went out of office in February, 1894.

Mr. HOPKINS. Then, as I understand the report, he was paid the maximum allowed United States attorneys for 1892 and 1893?

Mr. McCALL of Tennessee. This case had not been settled.

Mr. HOPKINS. But the service was rendered and he was paid as he went along.

Mr. McCALL of Tennessee. Not for this case. The rule of the Department is that fees are not allowed to district attorneys until the cases in which they are earned are terminated. This gentleman went out of office in January, 1894, and for the month when this case was disposed of he did not earn his maximum fee, and that was the only month in which he did not earn it.

Mr. HOPKINS. I understand, then, that the maximum fee is allowed in each case and not on the gross amount of the business of the office?

Mr. McCALL of Tennessee. So much on each case. The Attorney-General recommends the payment of this claim.

Mr. HOPKINS. I withdraw my objection, Mr. Speaker.

The SPEAKER. Is there further objection?

Mr. RICHARDSON. I should like to know why the Department did not allow this claim?

Mr. McCALL of Tennessee. The Department did make the allowance. The Attorney-General allowed the claim, but in the settlement of the account for January, 1894, the Comptroller, instead of paying the full amount allowed by the Attorney-General, paid Mr. Ruhm $200, and arbitrarily charged him with $100 for the year 1892 and $100 for 1893, the years for which he had received his maximum fees. I have a letter from the Attorney-General recommending the payment.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The amendment recommended in the second paragraph of the report was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. McCALL of Tennessee, a motion to reconsider the vote by which the bill as amended was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; had receded from its amendment numbered 102; had further insisted upon its amendments to the bill disagreed to by the House of Representatives; had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULLOM, Mr. TELLER, and Mr. COCKRELL as the conferees on the part of the Senate.

UNITED STATES COURTS AT MISSISSIPPI CITY.

Mr. DENNY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8043) to amend chapter 58 of the Revised Statutes, being an act to provide for holding terms of the United States court at Mississippi City.

The bill was read, as follows:

Be it enacted, etc., That chapter 58 of the Revised Statutes, being an act to provide for holding terms of the United States court at Mississippi City, approved April 4, 1888, be so amended as to insert the word "Biloxi" in lieu of and where the words "Mississippi City" occur in sections 1, 2, 3, and 4 of said act.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

Mr. DENNY. Mr. Speaker, the committee recommend certain amendments to the bill which I should like to have adopted.

The amendments were read, as follows:

Strike out the words "chapter 58 of the Revised Statutes, being," in line 3, and insert in lieu thereof the words "the act entitled."

Strike out the word "insert," in line 6, and insert in lieu thereof the word "substitute."

Strike out the words "and where," in line 7.

Strike out all of line 8, and insert in lieu thereof the words "wherever the same may occur in said act."

The amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

The title was amended by striking therefrom the words "chapter 58 of the Revised Statutes, being."

On motion of Mr. DENNY, a motion to reconsider the vote by which the bill was passed was laid on the table.

RITA STINE.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2813) granting a pension to Rita Stine, amounting to $20 per month.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Rita Stine, of Memphis, Mo., invalid and helpless orphan daughter of George W. Stine, late lieutenant of Company Q, Twenty-first Missouri Volunteer Infantry, upon the pension roll, and that said Rita Stine be allowed a pension of $20 per month.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BARTLETT of New York. Mr. Speaker, I reserve the right to object pending an explanation.

Mr. CLARK of Missouri. I will ask to have the report read.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2813) granting a pension to Rita Stine, of Memphis, Mo., invalid and helpless orphan daughter of George W. Stine, late first lieutenant Company I, Twenty-first Missouri Infantry Volunteers, at the rate of $20 per month, having carefully investigated all the facts and circumstances, respectfully submit the following:

George W. Stine enlisted as corporal and was mustered into Captain Harle's company, First Northeastern Missouri Infantry Volunteers, and transferred to Company I, Twenty-first Missouri Infantry, February 12, 1862; promoted to second lieutenant July 29, 1862, and as first lieutenant January 12, 1863, and honorably mustered out and discharged December 5, 1864.

The evidence shows that Rita Stine, a daughter of the soldier, has been helpless from infancy from hydrocephalus, and that her limbs are now rigid and out of shape, and that she is totally blind and requires almost constant care and attention.

Her mother died about 1883 from overwork and exhaustion in caring for and lifting this helpless invalid child, then 14 years of age. Her father, the soldier, died in February, 1888, and since then his small estate has been exhausted in paying at the rate of $20 per month for the care and keeping of his orphan daughter.

On March 7, 1893, there was only $84.22½ of his estate remaining, and since that was expended the county (Scotland) has contributed $10, the Grand Army of the Republic post $3, and the Christian Endeavor Society of the Presbyterian Church at Memphis, Mo., the remainder necessary to provide for Rita Stine. She has but two relatives living—an uncle in Missouri and a sister—but both too poor to contribute to her support.

In view of all the facts stated, which are thoroughly supported and shown by reliable testimony, your committee believe this soldier's child should not be turned into the poorhouse or left dependent entirely on the charity of the world, and recommend that the bill be amended by striking out the word "twenty," in line 8, and inserting the word "seventeen" in lieu thereof, and that the title of the bill be amended by striking out all after the word "Stine," and as amended that the bill do pass.

Mr. BARTLETT of New York. I wish to ask the gentleman why this bill has not been considered at a Friday night session, in Committee of the Whole?

Mr. CLARK of Missouri. Simply because we have not been able to reach it.

Mr. BARTLETT of New York. What special circumstances demand the consideration of it to-day? Why does it not take the regular order? Why do you not have it considered at a Friday night session?

Mr. CLARK of Missouri. Because we can not get to it. It is a very distressing case and ought to be attended to without delay.

Mr. BARTLETT of New York. Is not the object of this bill to relieve the county from the support of this person?

Mr. CLARK of Missouri. The object is to relieve the invalid daughter of an old soldier from the pauper's position she now occupies.

Mr. BARTLETT of New York. Is not the object to relieve your county from supporting her?

Mr. CLARK of Missouri. No, sir; I do not reside in the county at all.

Mr. BARTLETT of New York. Well, to relieve the county in which she resides from the burden of supporting her. Is not that the object?

Mr. CLARK of Missouri. No, sir. The object is to relieve the invalid daughter of a worthy soldier who lost his life in consequence of his services to his country—to keep her out of the poorhouse.

Mr. BARTLETT of New York. Does the gentleman take the position that every helpless daughter of a soldier must be supported by the Government?

Mr. CLARK of Missouri. I take exactly that position.

Mr. BARTLETT of New York. No matter how many there are in the country?

Mr. CLARK of Missouri. There is not a doubt on the subject in my mind.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The amendment recommended in the report was agreed to.

The bill was ordered to be engrossed and read a third time.

Mr. PICKLER. The gentleman from New York inquires in regard to this idiotic or permanently helpless child——

Mr. BARTLETT of New York. I beg to correct the gentleman. I did not use the term "idiotic."

Mr. PICKLER. Well, this is a permanently helpless child, and the case comes within the general law except that she did not apply before she was 16 years of age. That is the case as I remember it.

Mr. CLARK of Missouri. That is the case.

Mr. PICKLER. The general law is, that if a permanently helpless or idiotic or insane child of a soldier is receiving a pension before 12 years of age, it continues to receive it through life, but the pension must have begun before that age. The intention of the law is to cover the cases of permanently helpless or indiotic or insane children and those only, and the Government has come up to the point of saying, under the general law, that such children shall receive $12 a month while they continue in that condition. That is all there is in this bill, but this helpless child of a soldier is not able to come within the general law on account of her age.

Mr. BARTLETT of New York. I would like to know, Mr. Speaker, why we have this speech from the gentleman from South Dakota? I did not object to the bill, nor did any gentleman object, and it was about to go through.

Mr. PICKLER. Well, I thought from the gentleman's statement that the House might get a wrong impression as to the character of this bill.

The SPEAKER. The Chair suggests that the amendment which has been adopted fixes the rate at $17 instead of $12.

Mr. CLARK of Missouri. That is just the amount to which her father was entitled.

The SPEAKER. The Chair did not desire that there should be any misunderstanding as to what the bill provided.

The bill was passed.

On motion of Mr. CLARK of Missouri, a motion to reconsider the vote by which the bill was passed was laid on the table.

The title of the bill was amended by striking out all after the name "Stine."

VESSELS PROPELLED BY GAS, FLUID, NAPHTHA, OR ELECTRIC MOTORS.

Mr. BENNETT. I ask unanimous consent for the present consideration of the bill (S. 1646) providing for certain requirements for vessels propelled by gas, fluid, naphtha, or electric motors.

The bill was read.

Mr. LOUD. I may be in favor of this bill, but I could not hear enough of it as read to understand what it is, and I listened as attentively as I could.

The SPEAKER. The House will be in order. The Clerk will again read the bill.

The bill was again read.

Mr. BARTLETT of New York. I wish to ask my colleague [Mr. BENNETT] whether the intent of this bill is not to oblige naphtha launches to employ engineers?

Mr. BENNETT. No; it is not. It specially provides that naphtha launches above 15 tons burden run for hire——

Mr. BARTLETT of New York. It would apply to them?

Mr. BENNETT. Only those that are run for hire—used generally as ferryboats.

Mr. BARTLETT of New York. Well, I object.

STRATTON H. BENSCOTER.

Mr. LACEY. I ask unanimous consent for the present consideration of the bill (H. R. 3771) for the relief of Stratton H. Benscoter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby empowered and directed to set aside and annul the sentence of court-martial against Stratton H. Benscoter, of Company I, Ninth Iowa Cavalry Volunteers, and to grant him an honorable discharge from the said service, said discharge to date December 5, 1865.

Mr. LACEY. As the report is somewhat voluminous, I think a brief statement by the gentleman from New York [Mr. McCLELLAN] would be all that is needed to make the matter understood.

Mr. McCLELLAN. I think the gentleman from Iowa [Mr. LACEY] who introduced the bill would be better qualified to make the statement. As I remember the facts, this soldier, toward the close of the war, was in a billiard room and was approached by his officer, who was wearing citizen's clothes, who was not in uniform. The officer cursed the soldier, and as I remember the soldier replied in similar language. The officer brought charges against the soldier, who was thereupon court-martialed. He was very young. He made no defense. He did not know enough to make a defense. So he was convicted and sentenced, and in consequence thereof was dishonorably discharged from the Army. The officers who constituted the court-martial have united in petitioning that the sentence be set aside, and that the soldier be granted an honorable discharge. The case is a very clear one, and the committee reported unanimously in favor of the bill.

Mr. BARTLETT of New York. Is it the object of this bill to give the man a pension?

Mr. LACEY. The object is to give him an honorable discharge. That is all there is in it. He was dishonorably discharged in consequence of the finding of the court-martial.

There being no objection, the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

E. R. SHIPLEY.

Mr. TRACEY. I ask unanimous consent for the present consideration of the bill (S. 67) for the relief of E. R. Shipley.

The bill was read.

Mr. BARTLETT of New York. I should like to hear some explanation of this bill.

Mr. TRACEY. I will cheerfully make an explanation. Let me state, in the first place, that this bill comes from the Senate, where it has been passed three or four times. I believe this is the fourth time it has been sent here from that body. It has been reported favorably by every committee to which it has ever been referred in either House.

The facts are simply these: Mr. Shipley was a postmaster, and his office was entered by burglars and one package of registered matter taken. The postmaster, without knowing exactly what were his rights under the law, paid, upon demand of the post-office inspector, the amount of money supposed to be contained in the registered package which had been stolen. This man is now asking that the money which he ought not thus to have paid be refunded to him.

Mr. LOUD. Has there been any report on this case by the post-office authorities?

Mr. TRACEY. There has been a favorable report on the bill some half a dozen times. It has passed the Senate three or four times—I think this is the fourth time. It has been reported favorably by every committee that has examined it. It is now on our Calendar, reported favorably by the House committee.

Mr. COX. What committee does it come from?

The SPEAKER. The Chair suggests to the gentleman from Missouri [Mr. TRACEY] that the official copy of the Senate bill is not at the desk.

Mr. TRACEY. Then, Mr. Speaker, I should like to have the House take up the House bill and substitute the Senate bill.

The SPEAKER. The trouble is, the Senate bill is not here.

Mr. TRACEY. Then I should like to have the House bill taken up. I do not know why the Senate bill is not here. It passed the Senate on the 5th of March.

The SPEAKER. It was, no doubt, referred to a committee in the natural course.

Mr. DINGLEY. I suggest to the gentleman from Missouri that it will further his business if he will wait until the committee reports the Senate bill. Then it can be taken up some morning and passed.

Mr. TRACEY. I understood the committee had reported the Senate bill.

Mr. DINGLEY. At any rate it does not seem to be at hand just now.

Mr. TRACEY. I did not know it had not been reported.

Mr. DINGLEY. The gentleman will not further the matter, but only complicate it, by having the House bill passed.

Mr. TRACEY. Then I withdraw my proposition for the present.

GEORGE ALCOTT.

Mr. LEIGHTY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2412) to remove the charge of desertion now standing against George Alcott on the rolls of the War Department.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed to remove from the rolls and records of the War Department the charge of desertion now standing on said rolls against George Alcott, late a private in Company C, One hundred and fifty-second Regiment Indiana Volunteer Infantry, and to issue to him an honorable discharge to bear date June 13, 1865.

Mr. BARTLETT of New York. Mr. Speaker, I ask for the reading of the report.

Mr. TALBERT. Has this bill been considered at a Friday night session?

Mr. LEIGHTY. It has not been.

Mr. TALBERT. I reserve the right to object until the report is read or a statement made.

Mr. BARTLETT of New York. I suggest that the report be read from the desk, as I may interpose an objection, even if the gentleman from South Carolina declines to do so.

The report (by Mr. FENTON) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2412) to remove the charge of desertion now standing against George Alcott on the rolls of the War Department, having considered the same, report it back to the House and recommend its passage.

The evidence shows that this soldier did not return to his regiment after the expiration of his furlough in June, 1865, because on reporting to the proper authorities at Indianapolis, Ind., for the purpose of obtaining transportation to his regiment, he was informed that, as the war was over, no transportation was being furnished to enable soldiers to reach their commands; that he should either remain in Indianapolis or return to his home, and that he would be notified when wanted. He was not notified, and was not present when his regiment was mustered out.

The evidence submitted by officers and soldiers of his regiment seems to support the claims of the petitioner.

The following is the report in the case from the Record and Pension Office, addressed to Senator Manderson:

"WAR DEPARTMENT, *Washington City, February 15, 1891.*

"SIR: In compliance with your request (received to-day) for a transcript of the record in the case of George Alcott, late member of Company C, One hundred and fifty-second Indiana Volunteers, I am directed by the Secretary of War to inform you as follows:

"The official records show this soldier to have been enrolled February 15, 1865, for the period of one year and to have been mustered into service February 17 following. He appears to have been granted a twenty days' furlough on May 24, 1865, and failing to rejoin his command upon its expiration, he is reported on the company muster-out roll, dated Charleston, W. Va., August 30, 1865, as follows: 'Absent, deserted; left Summit Point, Va., May 24, 1865, on twenty days' furlough, and never returned.' He is regarded as having deserted June 12, 1865.

"The following is a synopsis of the testimony heretofore submitted to the Department in connection with application for removal of the charge of desertion, to wit:

"Under date of October 8, 1890, the soldier testified that he received a

furlough for twenty days from May 24, 1865, and that upon its expiration he reported to the proper officers at Indianapolis, Ind., on June 12, 1865, for transportation to his regiment, but which was refused him for the reason, as the officers alleged, that they had received orders not to forward any more men, as the war had ended and regiments were about to return to be mustered out; that the said officers took his name and post-office address, and directed him to either remain in Indianapolis or to return to his home, and they would inform him when to return for muster out; that his regiment came back and was mustered out without his knowledge, the said officers having failed to notify him; that he would have rejoined his regiment had he not been prevented from doing so by the officers in power and command at Indianapolis.

"There is no record of the man at Indianapolis subsequent to May, 1865.

"George E. Young, late lieutenant and adjutant, and George P. Alexander, late captain Company C, One hundred and fifty-second Indiana Volunteers, under dates of October 8 and 9, respectively, testified that upon their arrival home at the close of the war they learned that the soldier had attempted to rejoin his regiment and got as far as Indianapolis, but was unable to go any farther on account of the close of the war.

"On January 4, 1890, the Department held that as 'this man's service prior to May 1, 1865, amounted to a less period than six months, and as his assertion of reporting at Indianapolis and of being refused transportation is not borne out by the records, favorable action can not be taken under the law, and the application must be denied.'

"Robert Moore, under date of March 1, 1890, testified that he remembered meeting the soldier on the morning in which he said he was going to his regiment from his furlough; that he (affiant) met the soldier at his gate just as he started, and remembered distinctly what he told affiant, who had every reason to believe that he told the truth, as he had on knapsack, etc., 'and is now, and he has been, a man of good reputation.'

"James Collins testified, March 12, 1890, that he was a member of Company C, One hundredth Indiana Volunteers, and that about June, 1865, while returning to his command from furlough, he met the soldier, also on furlough, at Elkhart, Ind., the soldier declaring that he was going to Indianapolis for the purpose of rejoining his command, to which place affiant accompanied him.

"This affiant (Collins) corroborated the soldier's testimony as to reporting to the officers at Indianapolis for transportation to his regiment, and to the refusal of the officers to furnish it, on the ground that his regiment was about to return to be mustered out.

"Collins, as a member of Company C, One hundredth Indiana Volunteers, entered the general hospital at Indianapolis on May 17, 1865, and was mustered out there June 13, 1865, on an individual muster-out roll.

"On April 15, 1890, the Department held that the additional testimony presented did not warrant a reversal of the former adverse decision, and the application was again denied.

"Since that date the status of the soldier has not been changed by the introduction of new testimony.

"Very respectfully, F. C. AINSWORTH,
"*Captain and Assistant Surgeon, United States Army.*

"Hon. CHARLES F. MANDERSON,
"*United States Senate.*"

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. I submit that we have every Friday afternoon for consideration of claims of this character. They ought to be brought up regularly and we ought not to make exceptions.

Mr. DOCKERY. I hope my friend from South Carolina will waive the rule in this case.

Mr. TALBERT. I will not object to this.

There being no objection, the bill was considered, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LEIGHTY, a motion to reconsider the last vote was laid on the table.

PINTSCH COMPRESSING COMPANY.

Mr. BABCOCK. Mr. Speaker, I call up for present consideration the bill (H. R. 5790) to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized to grant to the Pintsch Compressing Company, a corporation organized under the laws of the State of New Jersey, and having a plant located in square 269 in said city, permission to lay pipes for the distribution of the gas manufactured at its plant for the purpose of furnishing light to railway postal mail cars and the gas buoys of the United States Light-House Board in the following-named streets in said city of Washington, to wit: From the works or plant of said company in square 269 along Maryland avenue to Sixth street west; thence along Sixth street to the Baltimore and Potomac Railroad depot; also continuing along Maine avenue to Third street west, and thence along Third street to B street north, thence along B street north to First street west, thence along First street west to Indiana avenue, and thence along Indiana avenue to the Baltimore and Ohio Railroad depot, and also across Thirteenth and E streets to the yards of the Southern Railway; also from their said plant or station along Thirteenth-and-a-half street southwest, or along such other street or streets as agreed upon, to the Potomac River; that said pipe lines shall be laid under the direction of the Commissioners of the District of Columbia.

SEC. 2. That said Pintsch Compressing Company shall furnish said Commission with bond or bonds or such other security as they may require to guarantee the strict compliance with the permit that may be granted said company, and to insure the complete restoration of all pavements and other public or private property disturbed in laying said pipe line as aforesaid.

The Committee on the District of Columbia recommend the adoption of the following amendment:

SEC. 3. That said Pintsch Compressing Company shall also lower or relay any pipes whenever directed to do so by said Commissioners by reason of a change in the grade of the streets or the construction of any public works therein.

The amendment was agreed to.

Mr. BABCOCK. I desire to offer two amendments so as to correct clerical errors in the bill.

The Clerk read as follows:

In line 9, strike out the words "postal mail"; so as to read, "railway cars"; and in line 2, in section 2, strike out the word "commission" and insert "Commissioners."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

TAXES AND TAX SALES, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up for present consideration the bill (H. R. 4149) in relation to taxes and tax sales in the District of Columbia.

The bill was read at length.

Mr. DALZELL. Mr. Speaker, this is a very important bill——

Mr. DOCKERY. Exceedingly.

Mr. DALZELL (continuing). And should properly be considered in Committee of the Whole. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

Mr. DOCKERY. Why not in Committee of the Whole?

Mr. DALZELL. Well, we will accomplish the same end.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HULICK. I would like to have the report read. It is not lengthy, and embodies the amendment recommended by the committee.

The SPEAKER. The bill is now open for general debate, and if the gentleman desires it, the report can be read as a part of his remarks.

Mr. DOCKERY. This bill now, Mr. Speaker, is being considered in the House as in Committee of the Whole. I would like to ask if that would not require the bill to be read by paragraphs for debate and amendment under the five-minute rule after the general debate is concluded?

The SPEAKER. It will have to be considered by paragraphs, just as in Committee of the Whole.

Mr. HULICK. In view of the suggestion that has just been made, and as this bill must be considered in the House as in Committee of the Whole, I ask consent to withdraw the bill for the present, as there are other matters from the committee which may be disposed of without discussion, and we can take this up afterwards.

The SPEAKER. It can be done by unanimous consent. Without objection, the bill will be laid aside to be called up under the same conditions hereafter.

There was no objection.

CONTESTED ELECTION, GOODWYN VS. COBB.

Mr. DANIELS. Mr. Speaker, the gentleman from Wisconsin yields to me for a moment to make an announcement, and also a request with reference to the case of Goodwyn *vs.* Cobb. It seems that owing to the illness of a gentleman on the minority of the committee he has not been able to prepare the minority report, which was to have been handed in on Saturday, but will be able to prepare it and hand it in on Wednesday. On account of the delay occasioned in this manner it is agreed that the case shall be called up for hearing before the House on Tuesday of next week, and that each side shall have three hours for the purpose of submitting their views.

The SPEAKER. The gentleman from New York desires unanimous consent that the views of the minority in the case mentioned may be filed on Wednesday next. The gentleman also asks that this case be called up for consideration on Tuesday next and that three hours' debate on each side be allowed, after which the vote will be taken. Is there objection?

There was no objection, and it was so ordered.

CONTESTED-ELECTION CASE, JOHNSTON VS. STOKES, SEVENTH DISTRICT OF SOUTH CAROLINA.

Mr. JENKINS, from the Committee on Elections No. 3, presented the report of the Committee on Elections No. 3 in the contested-election case of Thomas B. Johnston *vs.* J. William Stokes, from the Seventh Congressional district of the State of South Carolina; which was ordered to be printed, and referred to the House Calendar.

Mr. JENKINS. In connection with this report, I ask unanimous consent that the minority have ten days in which to present their views.

Mr. DALZELL. Is not that too long a time?

Mr. JENKINS. I will modify that request, at the suggestion of some gentlemen here, and will ask that the minority have an opportunity to file their views without fixing the time.

Mr. RICHARDSON. I should like to ask the gentleman if there has been an agreement with the minority in respect to this case?

Mr. JENKINS. It was understood that the minority should have time to present their views. It was hoped that it could be

done inside of ten days, but gentlemen whose views I respect very much say that time is too long.

Mr. DOCKERY. No representative of the minority seems to be present.

The SPEAKER. How much time does the gentleman propose?

Mr. JENKINS. I will say, for the present, five days, Mr. Speaker.

Mr. RICHARDSON. I desire to ask the gentleman, was there not some understanding when the gentleman from South Carolina [Mr. STOKES] went away as to the time in which the report would be submitted?

Mr. JENKINS. No; not that I am aware of.

Mr. RICHARDSON. I was informed that he had some agreement with the Committee on Elections in respect to this case. I understand the gentleman to say there was none.

Mr. JENKINS. Not with reference to the presentation of the report.

The SPEAKER. The gentleman from Wisconsin [Mr. JENKINS] asks that the minority have five days in which to present their views. Is there objection?

Mr. DALZELL. I suggest that three days is long enough.

Mr. RICHARDSON. I will say to the gentleman from Pennsylvania that the gentleman from South Carolina [Mr. STOKES] is absent, and he made the statement to me before he left that the time had been extended, as I understood him, almost indefinitely, for him to remain away, and that he expects to be gone some two weeks.

Mr. DALZELL. The leave could be extended only by the House, of course.

Mr. RICHARDSON. The committee could agree not to take up the case, of course?

Mr. HOPKINS. That sort of delay would defeat the very object for which the three Committees on Elections were established.

Mr. RICHARDSON. I suggest that the gentleman from Illinois certainly does not wish to attempt to override any agreement made with the gentleman?

Mr. HOPKINS. Nobody knows anything about the agreement, except the gentleman from Tennessee.

Mr. RICHARDSON. That is sufficient, if I know it. I made the suggestion to the gentleman from Pennsylvania [Mr. DALZELL] in view of the statement made to me by the gentleman from South Carolina, who, I know, went away with that understanding.

Mr. DALZELL. Of course I would not undertake to interfere with any agreement that has been made with the committee.

Mr. RICHARDSON. That was all I was suggesting.

Mr. BAILEY. Mr. Speaker, confirmatory of the remarks of the gentleman from Tennessee, I will suggest that the records of the House show that the gentleman from South Carolina [Mr. STOKES] has leave of absence for ten days.

Mr. DALZELL. That is no reason why there should be ten days' delay in the presentation of a report on a contested-election case—simply because the gentleman goes away.

Mr. RICHARDSON. It is the contestee himself who is away.

The SPEAKER. Is there objection to the proposition that the minority have five days in which to file their views?

Mr. DALZELL. I object.

ANTON GLOETZNER.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 6104) for the relief of Anton Gloetzner.

The bill was read, as follows:

Be it enacted etc., That all real estate lying in the District of Columbia heretofore purchased by and conveyed to Anton Gloetzner, of said District, prior to the passage of this bill be, and it is hereby, relieved and exempted from the operation of the act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," etc., approved March 3, 1887, and that all forfeitures incurred by force of said act in respect of such real estate be, and they are hereby, remitted.

Mr. DOCKERY. Let us have some explanation of that bill.

Mr. HULICK. I call for the reading of the report.

The report (by Mr. HULICK) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 6104) for the relief of Anton Gloetzner, have given consideration to the same and recommend its passage.

The beneficiary under this bill has resided in the District of Columbia for more than twenty years. He is a professor of music, and bears the reputation of being an honest, good citizen, and well disposed to the good order and government of the District. He purchased real estate in the District in ignorance of the law prohibiting aliens from holding real estate in the District. Immediately upon being advised of his disability in this respect, he filed his application to become a citizen of the United States.

He claims that through inadvertence he failed to become a citizen, and not through any desire to retain or hold allegiance to any foreign government.

The affidavit of Mr. Gloetzner is herewith made a part of this report, as follows:

"DISTRICT OF COLUMBIA, *ss:*

"Before me, Hiram W. Barrett, a notary public in and for the District aforesaid, personally appeared Anton Gloetzner, who, being first duly sworn, deposes and says: I am a resident of the District of Columbia, and have been such continuously since September, 1873. I was born in Bavaria, Germany, January 31, 1850. I came to the United States in September, 1873, and have continuously since resided here. I am by profession a professor of music. In ignorance of the law respecting the holding of lands in the District of Columbia by aliens, I have from time to time purchased several pieces of real estate, three of which I still hold. It has long been my intention to become a citizen of the United States, but through inadvertence I have delayed taking the necessary steps to that end. My attention was called last summer to the existence of the law referred to, and I immediately took the initiative step looking to my naturalization, namely, the making a declaration of intention to become a citizen of the United States. It is my purpose to follow this with the other steps necessary to become a citizen of the United States—a step which I would have taken long since except, as already stated, through inadvertence.

"ANTON GLOETZNER.

"Subscribed and sworn to before me this 11th day of March, A. D. 1896.
[SEAL.] "HIRAM W. BARRETT, *Notary Public.*"

Also the testimony of Fred Weiler:

"DISTRICT OF COLUMBIA, *ss:*

"Before me, H. W. Barrett, a notary public in and for the District aforesaid, personally appeared Ferdinand Weiler, who, being first duly sworn, deposes and says: I am a citizen of the United States and a resident of the District of Columbia. I am by occupation chief clerk of the loan division of the United States Treasurer's Office. I know Anton Gloetzner, professor of music, and have known him for upward of twenty years. I know that during all that time he has been a resident of the District of Columbia, following his profession here, and that during my acquaintance with him he has from time to time dealt in the purchase and sale of real estate in the District, believing in his full right so to do under the law. He has, as I am informed and believe, made declaration of his intention to become a citizen of the United States, and he has declared to me his purpose to follow the same by taking the other necessary steps to enable him to become such citizen. Mr. Gloetzner is a man of unquestioned character, and I have no doubt of his honest purpose to become such citizen.

"FRED WEILER.

"Subscribed and sworn to before me this 11th day of March, A. D. 1896.
[SEAL.] "HIRAM W. BARRETT, *Notary Public.*"

The Commissioners of the District recommend favorable action.

A letter from the district attorney is appended as a part of this report, as follows:

"OFFICE OF THE ATTORNEY OF THE DISTRICT OF COLUMBIA,
"*Washington, February 21, 1896.*

"GENTLEMEN: I have considered the bill (H. R. 6104, Fifty-fourth Congress, first session) for the relief of Anton Gloetzner, which you referred to me for examination and report.

"It would be well, I think, for Congress to repeal the act of March 3, 1887, restricting the ownership of real estate to the American citizens, so far as it applies to the District of Columbia, and thus avoid repeated applications for exemption from its operation, since I do not believe the thing sought to be prevented by that act ever existed or is likely to exist in this District.

"The bill appears to be in good form, and is herewith returned.

"Very respectfully,
"S. T. THOMAS,
"*Attorney District of Columbia.*

"Hon. COMMISSIONERS, ETC."

The suggestion therein as to the propriety of repealing the act of March 3, 1887, has not been considered by the committee, and hence no recommendation thereon is submitted.

Mr. HULICK. Mr. Speaker, this is a bill for the relief of Anton Gloetzner, which proposes to relieve property purchased by him from the operations of the act of March, 1887, referred to in the bill. He is not a citizen of the District, but he purchased the property that he seeks now to have released from the operations of this act without knowing the disabilities under which he labored in regard to holding property in the District of Columbia. The testimony is that he is a good citizen, and that as soon as he ascertained that this disability existed, as far as his right to purchase or hold property is concerned, he immediately made application to become a citizen of the United States. He has resided in the District about twenty years, and he brings testimony as to his character and reputation as a good citizen. The committee are unanimous in reporting favorably on this bill.

Mr. KIEFER. Has he taken out his papers?

Mr. HULICK. He has taken out his first papers.

Mr. DINGLEY. There is no doubt that this bill is entirely proper, but I wish to call attention to a fact which I think should be suggested, although I do not desire to make the point in this case——

Mr. HULICK. Very well; I should like to hear any suggestion from the gentleman from Maine.

Mr. DINGLEY. It is that under the rule all bills in the nature of claims—and this is, in the nature of a claim—should go to the Committee on Claims. The simple fact that an applicant resides in the District of Columbia does not give the Committee on the District of Columbia jurisdiction over a claim. I call attention to the fact, in order that this may not form a precedent for sending other private claim bills to that committee, thereby giving them an advantage that they would not have if referred to the Committee on Claims.

Mr. HULICK. I thank the gentleman for his suggestion. It will relieve the Committee on the District of Columbia from these bills, and we should be glad to be relieved from the duty of considering them. A suggestion has been made by the District attorney that it is his opinion that the law of 1887 should be repealed so far as it applies to the District of Columbia. The committee have not acted upon that suggestion, but have reported in favor of the passage of this individual bill, without reference to the broad principle contained in the general bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HULICK, a motion to reconsider the last vote was laid on the table.

DRAINAGE OF LOTS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 7264) to provide for the drainage of lots in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That each original lot or subdivisional lot situated on any street in the District of Columbia where there is a public sewer shall be connected with said sewer in such manner that any and all of the drainage of such lot, whether water or liquid refuse of any kind, except human urine and fecal matter, shall flow into said sewer; and if such original lot or subdivisional lot is situated on any street in said District where there is a public sewer and water main, such original lot or subdivisional lot shall be connected with said sewer and also with said water main in such manner that any and all of the drainage of such lot, whether water or liquid refuse of any kind, shall flow into said sewer: *Provided*, That the connections required to be made by this act shall be made under the following conditions: When there is on any such original lot or subdivisional lot aforesaid any building used or intended to be used as a dwelling, or in which persons are employed or intended to be employed in any manufacture, trade, or business, or any stable, shed, pen, or place where cows, horses, mules, or other animals are kept, then, and in that instance, such original lot or subdivisional lot shall be connected with a public sewer and water main or with a public sewer, as may be required with this act; and whenever there is no such building, stable, shed, pen, or place, as aforesaid, on such original lot or subdivisional lot, then such lot shall be required to be connected with a public sewer only when it has been certified by the health officer of said District that such connection is necessary to public health.

SEC. 2. That it shall be the duty of the Commissioners of said District to notify the owner or owners of every lot required by this act to be connected with a public sewer or water main, as the case may be, to so connect such lot, the work to be done in accordance with the regulations governing plumbing and house drainage in said District.

SEC. 3. That if the owner or owners of any such lot neglect or refuse to make such connections as are required by this act within thirty days after the receipt of such notice, such owner or owners shall be deemed guilty of a misdemeanor, and shall, on conviction in the police court of said District, be punished by a fine of not less than $1 nor more than $5 for each day he, she, or they fail or neglect to make such connections.

SEC. 4. That in case the owner or owners of any such lot be a nonresident or nonresidents of the District of Columbia, or can not be found therein, then, and in that case, the said Commissioners shall give notice, by publication twice a week for two weeks in some daily newspaper published in the city of Washington, to such owner, directing the connection of such lot with such public sewer or with such public sewer and water main, as the case may be; and in case such owner or owners shall fail or neglect to comply with the notice aforesaid within thirty days it shall be the duty of said Commissioners to cause such connection to be made, the expense to be paid out of the emergency fund; such expense, with necessary expense of advertisement, shall be assessed as a tax against such lot, which tax shall be carried on the regular tax roll of the District of Columbia, and shall be collected in the manner provided for the collection of other taxes.

Mr. CURTIS of Iowa. Mr. Speaker, I do not believe it necessary to occupy the time of the House by the reading of the report, unless it should be desired by some member upon the floor.

Mr. BARTLETT of New York. Mr. Speaker, I should like to ask the gentleman what change in the existing law is contemplated, and what expense is to be thrown on the property owner?

Mr. CURTIS of Iowa. It is simply a sanitary measure, Mr. Speaker. It provides that where there are sewers, connection with the same shall in every case be made by the property owner. The bill is recommended by Judge Thomas S. Miller, of the police court, by the District Commissioners, by Dr. Woodward, the health officer of the District, and is also unanimously recommended for passage by the Committee on the District of Columbia. The health officer in reference to the need of such legislation, in his last report, says it has been—

demonstrated by the recent investigations which have been made to ascertain the cause of the prevalence of typhoid fever in this District. The enormous value to the community of a properly planned and constructed system of sewers can not be overestimated; but it is remarkable that, in the recent agitation for improvement in the sewer facilities of this District, so much should have been said about the need for new sewers and so little about the importance of availing ourselves of those we already have.

I do not think, Mr. Speaker, there can be any objection to this bill.

Mr. BAKER of New Hampshire. Mr. Speaker, it seems to me that this bill requires of the property owners of the District of Columbia unusual and in some instances unnecessary expense. I notice here in the beginning the bill says—

That each lot or subdivisional lot situated on any street in the District of Columbia where there is a public sewer shall be connected with said sewer in such manner that any and all of the drainage of such lots, whether water or liquid refuse of any kind, * * * shall flow into said sewer.

Now, I wish to ask the gentleman in charge of this bill if under it a person owning a lot in the District of Columbia is compelled to connect that lot with a sewer where there is a sewer—for instance, in an alley, where the water naturally runs down to the trap in the alley and then into the sewer? If there must be in such case an independent connection with the vacant lot, if it is required, it is an outrage on the people of the District of Columbia.

Mr. BABCOCK. I will say this, that where any lot is already drained it is not required to furnish additional drainage. It is simply where standing water becomes a menace to the health of the District, and it is intended to provide for the drainage of those lots.

Mr. BAKER of New Hampshire. The bill, unfortunately, does not say that. If it said that, there would possibly be no objection to it. The bill says that if it can be connected with the sewer it must be connected with the sewer. Now, for instance, suppose there is a lot represented by about the shape of this bill, and from it the water would run into the alley. There are usually sewer traps in the alley, and, the lot draining into the alley, the water runs off freely in case of showers. Under this bill, if the health officer or some other officer does not like the owner of that lot, he may require him to make a separate and independent connection with the sewer. Would not the bill fully justify that order? And if it does justify it, it is wrong. There is no justification for it in regard to the public health or otherwise, and such a provision if enforced will ruin many a lot owner in the District of Columbia. That is my opinion, and I would like to have some answer on that point.

Mr. CURTIS of Iowa. I do not think, Mr. Speaker, it was contemplated by the party who drew this bill to provide for drainage of lots which are already drained, or on lots located and situated as stated by the gentleman from New Hampshire. It may be seen clearly that it would be impracticable to drain them where the slope of the lot would be in the opposite direction to the sewer.

Mr. BAKER of New Hampshire. But suppose in the same direction as the sewer and the rainfall naturally runs off, leaving no standing water whatever, then under this bill that man may be compelled to make a connection with the sewer in the alley, while usually the water runs into the alley and down the alley into the sewer traps, which are provided in nine out of ten alleys in the District.

Mr. BABCOCK. If the gentleman will read the bill from line 16 down, it fully sets forth all the purposes sought to be accomplished.

Mr. BAKER of New Hampshire. I do not see any answer in that.

Mr. BABCOCK. If you will read it you will.

Mr. BAKER of New Hampshire. Suppose you read that part which will be an answer to my inquiry.

Mr. BABCOCK (reading):

When there is on any such original lot or subdivisional lot aforesaid any building used or intended to be used as a dwelling, or in which persons are employed or intended to be employed in any manufacture, trade, or business, or any stable, shed, pen, or place where cows, horses, mules, or other animals are kept, then and in that instance such original lot or subdivisional lot shall be connected with a public sewer and water main or with a public sewer, as may be required with this act; and whenever there is no such building, stable, shed, pen, or place, as aforesaid, on such original lot or subdivisional lot, then such lot shall be required to be connected with a public sewer only when it has been certified by the health officer of said District that such connection is necessary to public health.

Mr. CURTIS of Iowa. Let me call the attention of the chairman of the committee to lines 14 and 15, which he omitted to read, in which it is expressly stated as follows:

Provided, That the connections required to be made by this act shall be made under the following conditions.

The conditions are expressly stated, and I am sure, Mr. Speaker, fully cover the objection of the gentleman.

Mr. BAKER of New Hampshire. I think the bill is still open to the criticism I have made, and that as drawn it would become a useless, unnecessary, very expensive, and unjust charge on many of the lot owners of the District of Columbia.

Mr. HULICK. Does not the gentleman think there is need for some legislation of this kind?

Mr. BAKER of New Hampshire. I do.

Mr. HULICK. What suggestion have you to make, if any, as to an amendment to this bill?

Mr. BAKER of New Hampshire. I could not suggest any amendment upon the spur of the moment which would probably cover the whole subject as it ought to be covered, but I think the bill should apply only to such lots as contain "pockets," where water will stand and may breed disease. There should be sewer connections made in cases where there are human habitations or stables or other buildings whenever the absence of such connections shall be found by the health officer to be injurious. But this bill, as I apprehend, requires everybody who owns a lot, whether there is standing water on it or not, or whether it is occupied or not, at the beck and call of the Commissioners or the health officer, to make the connections. This is the grandest bill that has ever been presented in this House for the benefit of plumbers. I certainly must object to its passage in its present form.

Mr. CURTIS of Iowa. Has not the bill been explained to the gentleman's satisfaction?

Mr. BAKER of New Hampshire. No, sir.

The amendment was agreed to.

The question being taken on ordering the bill to a third reading, Mr. BAKER of New Hampshire asked for a division.

The House divided; and there were—ayes 40, noes 2.

Mr. BAKER of New Hampshire. No quorum, Mr. Speaker.

The SPEAKER (having made a count). There are 179 members

present. The ayes have it, and the bill as amended is ordered to be engrossed and read a third time.

The bill was passed.

On motion of Mr. CURTIS of Iowa, a motion to reconsider the vote by which the bill was passed was laid on the table.

UNCLAIMED FREIGHT, BAGGAGE, ETC.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (H. R. 6663) to authorize and regulate the sale of unclaimed freight, baggage, and other property in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That whenever any freight, baggage, or other property transported by a common carrier to, or deposited with a common carrier at, any point in the District of Columbia, shall remain unclaimed by the owner or consignee, or the charges thereon shall remain unpaid, for the space of sixty days after arrival at the point to which the same shall have been directed or transported, or after deposit as aforesaid, and the owner or person to whom the same is consigned, or by whom the same shall have been deposited, shall, after notice of such arrival, or after notice to take away such property so deposited, neglect or refuse to receive the same and pay the charges thereon within such period of sixty days, then it shall be lawful for such carrier to sell such freight, baggage, or other property at public auction, after giving three weeks' notice of the time and place of sale, once a week for three successive weeks, in a newspaper published in the District of Columbia.

SEC. 2. That upon the application of such carrier, verified by affidavit, to the supreme court of the District of Columbia holding a special term, setting forth that the place of residence of the owner or consignee of any such freight, baggage, or other property is unknown, or that such freight, baggage, or other property is of such perishable nature, or so damaged, or showing any other cause that shall render it impracticable to give the notice or delay the sale for the period provided in the first section of this act, then it shall be lawful for such court to make an order authorizing the sale of such freight, baggage, or other property upon such terms as to notice as the nature of the case may admit of, and to such court shall seem meet: *Provided*, That in case of perishable property the affidavit and proceedings required and authorized by this section may be had before a justice of the peace.

SEC. 3. That the residue of moneys arising from any such sale, under either the first or second section of this act, after deducting the amount of charges, including charges for transportation, the cost of handling and storage, demurrage, and the costs and expenses of proceedings to authorize the sale, and of advertising and sale, shall be paid to the owner of such freight, baggage, or other property, on demand.

An amendment recommended by the committee was agreed to, striking out, in line 7, after the word "of," the words "sixty days" and inserting in lieu thereof the words "six months."

Mr. MEREDITH. Mr. Speaker, another amendment is necessary in order to conform the language of another part of the bill to the amendment just adopted. I move to strike out, in line 14, page 2, the words "sixty days" and to insert in lieu thereof the words "six months."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MEREDITH, a motion to reconsider the vote by which the bill was passed was laid on the table.

SECTION 416, REVISED STATUTES.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4452) to amend section 416 of the Revised Statutes of the United States, relating to the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That section 416 of the Revised Statutes of the United States, relating to the District of Columbia, be, and the same is, amended as follows:

"SEC. 416. All property or money taken on suspicion of having been feloniously obtained, or of being the proceeds of crime, and for which there is no other claimant than the person from whom such property was taken, and all lost property coming into possession of any member of the police force, and all property and money taken from pawnbrokers as the proceeds of crime, or from persons supposed to be insane, intoxicated, or otherwise incapable of taking care of themselves, shall be transmitted as soon as practicable to the property clerk, to be fully registered and advertised for the benefit of all parties interested, and for the information of the public as to the amount and disposition of the property so taken into custody by the police. That whenever any money or property of deceased persons coming into the custody of the property clerk of the police department shall remain in his hands for the period of one year without being claimed by the legal representatives of such deceased person, such money or property, when not exceeding $50 in value, shall be disposed of as lost or abandoned property as provided in this chapter: *Provided*, That when the value of such money or property shall exceed $50 and shall have remained in the custody of the property clerk for one year, all records pertaining to the same shall be certified by the property clerk to the orphans' court of the District of Columbia, which shall appoint an administrator of such estate according to law: *Provided further*, That the administrator so appointed by the orphans' court shall deposit with the Treasurer of the United States, to the credit of the policemen's fund, any balance remaining in his hands after the time limited for the final settlement of the estates of deceased persons under existing law."

The report (by Mr. HULICK) is as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 2653) to provide for the appointment of a public administrator in the District of Columbia; also the bill (H. R. 4452) to amend section 416, Revised Statutes of the United States, relating to the District of Columbia, report that they have considered both of said bills together, and are of the opinion that it is unnecessary to establish the office of public administrator in the District of Columbia, and therefore report against H. R. 2653 and recommend its indefinite postponement, and in lieu thereof recommend the passage of H. R. 4452, to amend said section 416. In support of this conclusion reference is made to the letter of Richard Sylvester, chief and property clerk Metropolitan police, District of Columbia, addressed to Maj. William G. Moore, superintendent of police, Washington, D. C., as follows:

"HEADQUARTERS OF THE METROPOLITAN POLICE,
"*Washington, D. C., January 6, 1896.*

"SIR: The accompanying bill was handed to me by Hon. George Truesdell, Commissioner District of Columbia, with directions to report the necessity for such legislation and to suggest any amendment, if there should be such required.

"The 1st of July, 1884, one David Patterson died in this city intestate and without leaving any next of kin, so far as known. At the time of his death he occupied a room in the Federal Building. The coroner found on the body of deceased $256.10, which on July 19, 1884, he turned over to me, as property clerk. Several years later, in obedience to the orders of the Commissioners, as I held, in conformity with section 416 of the Revised Statutes relative to the District of Columbia, and as had been the practice for years, I deposited the amount to the credit of the policemen's fund.

"Seven years after Patterson's death, one Kurtz, who claimed to have applied a salve to the deceased's sore back during his lifetime, applied for letters of administration. The case was taken to the court of appeals, where it was held that letters as applied for should issue, and Congress appropriated the amount that had been deposited to the credit of the policemen's fund to repay the amount to the administrator thus appointed, with interest. This was the first interference with what had been the practice in over twenty years.

"All that is required, and what suggested this bill, which was arranged nearly three years ago, is legal authority to deposit the proceeds of abandoned estates with the policemen's fund. In this respect, as cited in the Patterson case, the court of appeals holds the lost and abandoned property law to be deficient (section 416, Rev. Stat., rel. D. C.).

"The records show that during the past calendar year there came into my possession abandoned estates as follows:

Leftrick	$14.00	Cannon	$0.50
Buchanan	1.20	Wells	2.00
Allen	5.00	Yakey	.85
Schultz	.25	Harper	5.00
Monroe	5.25	Purcell	10.00
Bell	.25	Ellis	1.23
Morris	.02	Atwood	5.00
Nelson	4.80		

"It will be observed that not one of these is of sufficient value to pay the first expense attending administration, let alone the cost of advertising for heirs. Under the proposed law, the administrator could do nothing with such inferior estates. On the other hand, if the property clerk had authority to deposit such small sums, however small, they would always prove of advantage to the deficient policemen's fund.

"The above-enumerated cases illustrate the average run of estates coming into my custody each year, and include those returned to me by the coroner.

"The Patterson case is the only case I can call to mind in my thirteen years' experience where there were no heirs found and where the amount involved exceeded $100.

"I have inquired of the office of the register of wills, and learn that the business, aside from the character of cases I have just referred to, which would be assigned to a public administrator would be insignificant.

"It is clearly evident that such valueless estates would not pay the expense of filing first papers in the orphans' court, let alone desk room or fees. In other words, there would be insufficient business to maintain the office of public administrator, and the policemen's fund would be deprived of deposits which might be secured to it.

"Another objection, under which complications might arise should the bill become a law, is the deposit of balances remaining in the hands of the public administrator at the end of one year to the credit of the policeman's fund. (Section 4, lines 5 and 6.)

"Existing and immemorial laws concerning estates presume next of kin or legal claimants, etc., to be living for a period of eight years, and it would therefore be unreasonable to close the proceeds of an estate against a wife or child within a period other than that generally allowed by law.

"I have therefore to recommend that the accompanying bill be abandoned, and that in lieu thereof section 416 of the Revised Statutes of the United States relating to the District of Columbia be amended and followed by an additional paragraph, as follows:

"'When money or property of deceased persons, coming into the hands of the police, shall remain in the custody of the property clerk for the period of one year, without being claimed by an executor, administrator, or other person legally authorized to sign and receipt for and to receive the same, such money or property, when not exceeding $50 in value, shall be disposed of as other lost and abandoned money or property provided for in this chapter.

"'When the value of such money or property of any deceased person shall exceed $50 in value, and shall have remained in the custody of the property clerk for at least one year, all records pertaining to the same shall be certified to the orphans' court of the District of Columbia, and the presiding justice thereof shall appoint an administrator to dispose of such estate according to law: *Provided*, That any such administrator so appointed shall deposit with the Treasurer of the United States, to the credit of the policemen's fund, any unsettled balances remaining in his custody for a period of at least five years.'

"The present depleted condition of the policemen's fund suggests the above amendment.

"Respectfully, RICHARD SYLVESTER,
"*Chief (also Property) Clerk, Metropolitan Police, District of Columbia.*

"Maj. WM. G. MOORE,
"*Superintendent of Police, Washington, D. C.*"

The attorney for the District of Columbia is of the opinion that the proposed legislation embraced in the bill H. R. 2653 can be better attained as proposed by the bill H. R. 4452. The Commissioners of the District of Columbia recommend and favor the adoption of the latter bill.

In view of the facts and statistics set forth in the said report of the chief of police and the concurrent opinion of the officials of the District, who have been consulted, the committee recommend the passage of the bill (H. R. 4452) amending section 416, Revised Statutes of the United States.

Mr. HULICK. Mr. Speaker, this bill is a substitute for House bill No. 2653, which provided for the appointment of a public administrator for the District of Columbia. Upon consideration of that measure the bill that is now before the House was presented by the Commissioners and was approved by the District Committee. The property that is to be cared for by this bill, such as that arising from the proceeds of crime, property which is lost, property of parties who are insane, and property for which there has not been a claimant, is provided for by the existing law in this

January 31, 1850. I came to the United States in September, 1873, and have

it was accordingly read the third time, and passed.

way. If it remains one year unclaimed by the legal representatives of the parties concerned, then it is to be disposed of in a certain way, as provided in section 6417 of the Revised Statutes. The amendment of this section begins with the word "*Provided*," in line 25.

The amendment provides that an administrator shall not take possession, or be appointed by the courts to take possession, of the property until a year shall have elapsed, and then only where the amount of the property exceeds $50. Within the last year, according to the returns made by the chief of police, out of fifteen instances the total amount of property taken from this class of persons was only $56, and to have an administrator appointed for each one of the items would cost far in excess of the amount involved. The highest amount of property received during last year from the sources indicated was $14 and the lowest 2 cents. The statute as it now stands provides absolutely what shall be done with the money, and this bill amends it so as to provide that after the money has remained in the hands of the officer for twelve months then, instead of having an administrator appointed, it shall be paid over into the Treasury of the United States for the benefit of the police fund. I do not think it necessary to make any further explanation of the bill unless some gentleman desires to be informed as to special points. I therefore ask for a vote.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HULICK, a motion to reconsider the vote by which the bill was passed was laid on the table.

FALLS CHURCH AND POTOMAC RAILWAY COMPANY.

Mr. BABCOCK. I call up for consideration the bill (H. R. 7139) to authorize the Falls Church and Potomac Railroad Company of Virginia to extend its line into and within the District of Columbia, and for other purposes.

The bill was read.

Mr. LACEY. I desire to offer an amendment.

Mr. BABCOCK. I have an amendment which I propose to offer on behalf of the committee.

The SPEAKER. The amendment of the gentleman from Wisconsin [Mr. BABCOCK] will be read.

The Clerk read as follows:

Strike out, at the end of section 1, the words "and across Seventh street to the Baltimore and Potomac Railway station at its terminus" and insert "the west building line of Ninth street northwest"; so as to read, "thence eastward on B street to the west building line of Ninth street northwest."

Mr. LACEY. That is the amendment I was about to offer.

Mr. BABCOCK. This makes the terminus of this line Ninth street instead of Sixth street.

The amendment was agreed to.

Mr. BAKER of New Hampshire. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 3, after the word "no," insert the word "horses"; so as to read: "*Provided*, That no horses, overhead trolley, or steam locomotive shall be used."

Mr. BABCOCK. There is no objection to that amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MEREDITH, a motion to reconsider the last vote was laid on the table.

VALIDATION OF TAX-SALE CERTIFICATES.

Mr. BABCOCK. I call up the bill (H. R. 3610) for the relief of holders of certain District of Columbia tax-sale certificates, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized and directed to redeem such of the following tax-sale certificates issued by the government of the District of Columbia as shall be found to have become invalid or not collectible by reason of the neglect of the government of the District of Columbia, or of the proper officers thereof, to cause a report of the sale, in respect of which such certificates were issued, to be recorded among the land records of the District of Columbia, as required by law, by issuing to the holders and owners thereof drawback certificates for the amounts respectively found to be due them on such tax-sale certificates, including interest thereon to the date of this act, namely:

Certificate of sale of October 14, 1872, of part of sublot 64, in square 545, $97.09.
Certificate of sale of October 15, 1874, of part of lot 12, in square 535, $24.91.
Certificate of sale of October 15, 1874, of lot 15, in square 499, $15.96.
Certificate of sale of October 15, 1874, of part of lot 2, in square 767, $7.23.
Certificate of sale of October 15, 1874, of part of lot 1, in square 529, $102.09.
Certificate of sale of October 15, 1874, of part of lot 14, Holmead's addition to Georgetown, $13.97.
Certificate of sale of December 10, 1874, of part of sublot 15, in square 451, $30.39.
Certificate of sale of December 10, 1874, of part of lot 9, in square 345, $42.56.
Certificate of sale of December 10, 1874, of part of lot 10, in square 756, $48.56.
Certificate of sale of December 10, 1874, of sublot 27, in square 499, $23.30.
Certificate of sale of December 10, 1874, of sublot 31, in square 499, $13.63.
Certificate of sale of December 10, 1874, of lot 10, in square 628, $30.21.
Certificate of sale of December 10, 1874, of sublot 36, in square 737, $8.46.
Certificate of sale of February 23, 1875, of lot 18, in square 499, $26.12.
Certificate of sale of June 29, 1875, of part of lot 1, in square 529, $261.86.
Certificate of sale of January 3, 1876, of part of lot 4, in square 755, $20.02.
Certificate of sale of January 3, 1876, of lot 11, in square 81, $86.49.
Certificate of sale of January 3, 1876, of sublot 44, in square 719, $2.73.
Certificate of sale of January 3, 1876, of lot 4, in square 13, $56.86.
Certificate of sale of January 3, 1876, of part of lot 1, in square 395, $7.24.
Certificate of sale of January 3, 1876, of part of lot 16, in square 140, $27.22.
Certificate of sale of January 3, 1876, of part of lot 1, in square 946, $39.44.
Certificate of sale of January 3, 1876, of lot 5, in square 1134, $4.41.
Certificate of sale of January 3, 1876, of lot 23, in square 1037, $4.80.
Certificate of sale of January 3, 1876, of sublot 10, south of square 1059, $8.39.
Certificate of sale of January 3, 1876, sublot 11, south of square 1059, $7.85.
Certificate of sale of December 10, 1874, of east half of lot 2, in square 43, $15.81.
Certificate of sale of December 10, 1874, of east half of lot 2, in square 43, $27.79.
Certificate of sale of December 10, 1874, of west half of lot 2, in square 43, $25.69.
Certificate of sale of December 10, 1874, of lot 9, in square 928, $19.24.
Certificate of sale of December 10, 1874, of part of lot 4, in square 755, $19.54.
Certificate of sale of December 10, 1874, of part of lot 6, in square 847, $37.01.
Certificate of sale of December 10, 1874, of part of lot 7, in square 847, $17.77.
Certificate of sale of October 15, 1874, of west half of lot 2, in square 43, $21.51.
Certificate of sale of December 10, 1874, of lot 802, Uniontown, $4.08.
Certificate of sale of December 10, 1874, of lot 36, section 5, Barry farm, $4.61.
Certificate of sale of December 10, 1874, of lot 194, Uniontown, $2.31.
Certificate of sale of December 10, 1874, of lot 195, Uniontown, $2.31.
Certificate of sale of December 10, 1874, of lot 3 and improvements, section 2, Barry farm, $4.97.
Certificate of sale of December 10, 1874, of lot 17, section 5, Barry farm, $4.62.
Certificate of sale of December 10, 1874, of lot 14 and improvements, section 4, Barry farm, $4.97.
Certificate of sale of December 10, 1874, of part of lot 7, in square 847, $13.45.
Certificate of sale of December 10, 1874, of part of sublot 2, in square 556, $8.83.
Certificate of sale of September 9, 1875, of part of lot 5, in square 397, $13.53.
Certificate of sale of September 9, 1875, of sublot G, in square 116, $2.25.
Certificate of sale of September 9, 1875, of part of lot 15, in square 796, $18.
Certificate of sale of September 9, 1875, of part of lot 2, in square 56, $21.65.
Certificate of sale of September 9, 1875, of part of sublot 30, in square 327, $21.27.
Certificate of sale of September 9, 1875, of part of sublot 30, in square 327, $25.56.
Certificate of sale of September 9, 1875, of part of sublot F, in square 281, $22.
Certificate of sale of September 9, 1875, of part of lot 12, in square 317, $17.53.
Certificate of sale of January 3, 1876, of part of lot 8, in square 75, $32.25.
Certificate of sale of January 3, 1876, of part of lot 17, in square 491, $46.45.
Certificate of sale of January 3, 1876, of part of lot 2, in square 299, $29.98.
Certificate of sale of January 3, 1876, of part of lot 3, in square 938, $22.21.
Certificate of sale of September 9, 1875, of part of lot 12, in square 435, $30.06.

SEC. 2. That the drawback certificates herein provided for shall be receivable for all arrears of general taxes due and unpaid on and prior to the 30th day of June next succeeding the issue thereof.

The amendments reported by the committee were read, as follows:

In line 2, page 2, strike out the words "including interest thereon to the date of this act."

In the last line of the bill, strike out the word "succeeding" and insert "preceding."

Mr. DOCKERY. This bill, as I understand, provides that 56 tax-sale certificates, amounting in the aggregate to $1,559.04, be made receivable for taxes. These certificates have been held by the courts to be invalid because the collector of taxes did not make his report to the recorder of deeds within the time fixed by law.

Mr. HULICK. He never made a report; he failed entirely to make any report to the recorder, as the law required him to do, of the sales that had been made, by virtue of which these tax certificates were issued.

Mr. DOCKERY. And therefore the committee hold that, in view of the negligence of the officer, these tax-sale certificates should be validated by making them receivable hereafter for taxes. Now, the question I wish to ask is, whether the holders of these certificates had not some remedy at law, so that they could have compelled, in some way, the issue of tax deeds?

Mr. HULICK. The committee are of opinion that they had no remedy at law.

Mr. DOCKERY. My reason for asking the question is this: I find in a letter from the president of the Board of Commissioners this statement:

When these holders were entitled to the deeds they should have demanded them, and failing to get them, should have sought their remedy at law. As they failed to resort to their legal remedy, they are not entitled to interest after that period.

In view of this statement, the query arose in my mind, What was the legal remedy of these parties, and if there was a remedy of which they failed to avail themselves, whether they were not at fault as well as the officers of the District?

Mr. HULICK. The committee considered that question, and were of opinion that, in view of the fact that the city government received the money of these parties, they ought in equity to have it refunded to them, but without interest. The Commissioners recommended not only a refund of the money actually paid, but the payment of interest.

Mr. DOCKERY. I understand that the committee has very properly amended the bill so as to strike out the provision for the payment of interest. But the theory on which this bill is based is the alleged negligence of the officers of the District who failed to make a report within a certain time.

Mr. HULICK. Yes, sir; and that in equity these purchasers should have their money refunded.

Mr. DOCKERY. That seems to me clear, unless they themselves failed to employ some legal remedy of which they might have taken advantage. I wish to know what their remedy was, because Mr. Ross, the president of the Board of Commissioners, states that they had a remedy.

Mr. HULICK. Section 175 of the Revised Statutes of the District of Columbia required the collector of taxes when he made a sale for taxes to report it to the recorder of deeds of the District, and by him it was to be recorded among the land records. When this property was sold in the first place it was in 1874, 1875, and 1876, as stated already. These taxes had been previously anticipated and converted into revenue by the District authorities and had been used by them to discharge certain obligations of the District of Columbia. This was done through the issue of these certificates, and it was determined that a sale of such property as was in arrears and should not be redeemed within one year should be made upon application of the holders of the certificates. By an act of the legislative assembly in June, 1873, because the city of Washington then had a local government, the governor of the District had authority to anticipate these revenues from taxes in arrears in the District after July, 1873. Under the statutes, without going into detail and taking up the time of the House in stating what took place between that time and the decision of the court, the certificates were issued. Then the courts passed on the question of the legality of the certificates and decided that they were not legal. In this case the courts held that the requirement was mandatory—that is, the requirement that the officer should make the returns to the recorder, and the failure to do so would render void the deed of a purchaser at such sale—and for that reason, no doubt, the purchasers referred to in the bill failed to call for their deeds.

Mr. DOCKERY. That is the statement of the Commissioners.

Mr. HULICK. Now, the question is, Why did not they proceed to protect their rights by an action of law? The committee—for I personally could not see what right they had to sue the Government or bring action at law to obtain judgment—the committee thought that if they had any remedy at all it was a remedy in equity. You must remember that these parties attended the sale and made the purchases just as they are in the habit of doing when property is offered at tax sales and a speculation is in sight.

Mr. RICHARDSON. Will my colleague on the committee yield to me for just a moment?

Mr. HULICK. Certainly.

Mr. RICHARDSON. In answer to the suggestion of the gentleman from Missouri, I wish to say to him that the legal remedy which the Commissioners say in Mr. ROSS's report that these parties failed to pursue was not a remedy to get their money back, as the gentleman seems to imply. Let me quote the language:

The object of these suggested modifications is to restrict the interest-bearing period from the date of the issue of the certificates to the time when the holders thereon were entitled to deeds for the property. When these holders were entitled to the deeds, they should have demanded them, and failing to get them, should have sought their remedy at law. As they failed to resort to their legal remedy, they are not entitled to interest after that period.

Not that they were not entitled to their money, not that they did not pursue the remedy that they had to recover their money, but that the interest ought to be stopped at that time, and that is a reference to the question of interest upon the purchase money paid by them, as the gentleman will see.

Mr. HULICK. Now, let me propound the same inquiry to the gentleman from Tennessee: What was their remedy?

Mr. RICHARDSON. They had no remedy. I do not claim that they had, but the gentleman from Missouri says that Mr. Ross intimates that they had a remedy for the recovery of the money. That was not the question at all considered by Mr. ROSS, as this extract from his letter shows. He had reference to the interest.

Mr. HULICK. But what remedy did they have, or had they any at all?

Mr. RICHARDSON. I do not say that they had any. I agree with the gentleman from Ohio in that regard, and we acted on the bill on the assumption that they had no remedy.

But the gentleman from Missouri, I think, misunderstands the suggestion of the District Commissioners; not that they had a remedy for the money paid, but that they failed to pursue some remedy which would give them additional interest.

Mr. HULICK. My judgment is, and my attempt to answer the gentleman from Missouri was, to say that they had no remedy at all.

Now, let us see what equities they have. We concluded that they had a right to the money actually paid by them into the treasury. They purchased these certificates as a matter of investment or speculation; there was a high penalty upon the holders of the property who failed to pay the taxes; and this bill, if adopted, will give to these parties the actual money paid out, and that would be evidenced by certificates to be issued by the holders in the payment of the taxes here.

Mr. DOCKERY. Mr. Speaker, I do not propose to pursue this subject further than to suggest that this bill seems to establish a dangerous precedent. The beneficiaries of this bill invested in tax-sale certificates—a speculative venture—and by the failure of the officer required to perform a certain duty in respect to them they were invalidated. In Missouri we had a similar statute some years since, authorizing delinquent property to be sold for taxes and tax deeds to be issued. A great many persons purchased land under this law, and subsequent to the time of the purchase the supreme court decided that the law was invalid. But I never heard that the State of Missouri refunded the money to the holders of tax deeds.

Mr. HULICK. Now, it appears, Mr. Speaker, that this remedy may have been the one in the minds of the Commissioners, that the legal remedy of the party was against the officer for violating the law in failing to perform his duty. I do not know but that would have been a cause of action upon his bond for damages. It was incumbent upon him to make returns of the sale in order to validate the certificates under the law, and these parties might possibly have had a just cause of action against the officer for failing to do his duty. But the committee considered that these parties were purchasers for speculative purposes, and that in order to protect themselves they should have gone and inquired about whether the report of the sale was properly certified or not; that it was their duty and incumbent upon them to see that the certificates were properly made out.

Mr. DOCKERY. Undoubtedly.

Mr. HULICK. And the purchasers, on the rule of caveat emptor, were required to see that the officer did his official duty. Now, Mr. Speaker, I ask to print this report as a part of my remarks. If there are no further questions, I will call for the third reading of the bill.

The SPEAKER. The gentleman asks that the report be printed as a part of his remarks. Is there objection?

There was no objection.

The report (by Mr. HULICK) is as follows:

The Committee on the District of Columbia, to whom House bill No. 3610 was referred, have considered the same and respectfully submit the following report:

There are 56 tax-sale certificates embraced in this bill which the owners ask to have redeemed, amounting in the aggregate to $1,559.04, exclusive of interest.

These certificates were issued by the District of Columbia to purchasers at tax sales held in 1874, 1875, and 1876, of property on which certain arrears of taxes were then due and unpaid.

These arrears of taxes had been previously anticipated and converted into revenue by the District of Columbia and had been used to discharge its current obligations, through the issue of lien certificates for the amount of such arrears and their payment as money to the creditors of the District.

By act of the legislative assembly approved June 25, 1873, the governor was authorized to anticipate the revenue from all taxes that may be in arrears to the District of Columbia on or after July 1, 1873, by issuing certificates therefor and disposing of the same; and it was provided in said act that to enforce the collection of these lien certificates a sale of such property as shall not be redeemed within one year should be made upon application of the holders of these lien certificates.

Lien certificates were issued as provided in said act against the various pieces of property described in this bill and paid out and utilized by the District of Columbia in discharge of its monetary obligations, and in default of their being redeemed by the respective property owners within one year sales were made upon application in 1874, 1875, and 1876, to enforce their collection as provided in said act, and at such sales the original lien certificates were surrendered and tax-sale certificates drawing 15 per cent interest per annum (those embraced in this bill) were issued. Thus the District of Columbia in effect issued its own scrip secured upon the lots mentioned in the bill and paid it out to its creditors in satisfaction of its just debts, dollar for dollar, and when this scrip became due or overdue and not redeemed, it made sale of the pledged security (the property) and issued to the holder tax-sale certificates in its place.

As no other relief to the holder was obtainable, the rule of caveat emptor would not apply to the purchaser at such sale, since the sale served the purpose only of converting the lien certificates into tax-sale certificates upon the same property.

It appears, however, that the purchaser at these tax sales or the holder of these tax-sale certificates acquired no advantage, but rather lost everything by reason of the tax-sale certificates themselves proving invalid through the negligence of the District in not perfecting the sale as required by law.

The statute (R. S. D. C., section 175) required the collector of taxes when he made a sale for taxes to report it to the recorder of deeds of the District, and by him it was to be recorded among the land records. That was not done in the present case, and the courts in this District have held that this requirement was mandatory and the failure to make such a report on the part of the District authorities would render void any tax deed of a purchaser at a sale not so reported. (MacArthur and Mackey, 56, and 6 Mackey, 574.) These 56 certificates are therefore unconvertible and worthless. By reason of these decisions no tax deeds have been issued upon these tax-sale certificates, since if issued they would be null and void and create no lien upon the property, so that the holders of these 56 certificates of sale are as great losers and as effectually without remedy as if they held tax deeds in their place.

The committee are of opinion that, as the lien of these certificates has been lost by the neglect of the District officials, and as the certificates have thus become invalid and uncollectible (this through no fault of the present holders thereof), and as the District has had the benefit of the holders' money, they should have the opportunity to convert these certificates into drawbacks receivable for general taxes, as provided by this bill.

The following letter from the assessor of the District of Columbia is referred to as a part of this report:

"OFFICE OF THE ASSESSOR, DISTRICT OF COLUMBIA,
"*Washington, February 5, 1896.*

"MY DEAR SIR: I beg to call your attention to the bill forwarded to you by the Commissioners some time ago 'in relation to taxes and tax sales in the District of Columbia.' We consider this a very important measure, and hope for prompt action. On page 7 of my annual report, herewith inclosed,

I call special attention to the matter and give a few reasons for its passage. If you desire any information on the subject please inform the collector of taxes or myself, and oblige,

"Yours, very truly,

MATTHEW TRIMBLE,
"Assessor, District of Columbia.

"Hon. J. W. BABCOCK,
"Chairman Committee on the District of Columbia."

The following is that part of the annual report of the assessor referred to:

"CANCELLATION OF TAXES.

"I deem it my duty to call attention to my report of last year on the subject of cancellation of taxes, as follows:

"'For some years past it has been customary for the Commissioners, on request of the party holding the tax-title deed, to issue orders directing this office to cancel all taxes due and unpaid prior to the date of the sale of the property. These orders are based on decisions of the supreme court of this District in the Brewer and Pilling cases, and since those decisions have been rendered a great many thousand dollars have been lost to the District revenues.

"'As the full force and effect of the ruling in this matter is becoming better known many are taking advantage of it, and, instead of paying their taxes promptly, are letting the various payments go by default, looking forward to the fact that each year as it passes with the taxes unpaid only adds to the amount to be subsequently canceled, and thereby adding additional burdens of expense upon the prompt taxpayer in order to make up deficiencies caused by these orders of cancellation.

"'Under the provisions of the act approved March 19, 1890, property which has once been advertised and sold for nonpayment of taxes can not be again advertised for the same tax, and consequently when a party other than the District is the purchaser the certificate of sale is for the tax of one year only, although twenty years and more of arrears may have been due and unpaid. After the lapse of two years the holder of the certificate is entitled to a deed, and here, I think, the issue should be made. When the deed is issued all preexisting liens or titles of every description up to the date of the sale upon which the deed is made are extinguished, so far as the District is concerned, and the beneficiary under the deed is legally entitled to the cancellation of all unpaid taxes prior to the date of the sale under which he holds title. A bill (H. R. 3236) was introduced in the House of Representatives under date of September 21, 1893, which, with some amendments, would correct the evil complained of, and I trust the Commissioners will urge its passage.'"

The Commissioners of the District have expressed their views of this bill in a letter of February 18 last:

"OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
"Washington, February 18, 1896.

"DEAR SIR: * * * The tax-sale certificates embraced in said bill were issued to purchasers of property in arrears for general taxes at the annual sales held in the District of Columbia in the years 1872, 1873, 1874, 1875, and 1876. The amount in each certificate represents the sum paid by the purchaser to the District upon each piece thus sold. These certificates were by law convertible into tax deeds after the expiration of two years from the date of sale. The owners of property were allowed that length of time in which to redeem the property from said sales. By section 175 of the Revised Statutes, relating to the District of Columbia, the collector of taxes was required to report such sales when made to the recorder of deeds for record among the land records of the District. It appears that such report was not made as to the sales represented by the present certificates, and that this omission has invalidated the certificates in the hands of the present holders.

"The supreme court of the District of Columbia, in MacArthur and Mackey, 55, and Beale vs. Brown, 6 Mackey, 574, has decided that such report was 'an essential requirement * * * and unless it has been complied with any tax deed taken by a party is void, because the District of Columbia has not done that which justified it in proceeding to give a tax deed to the party.' Thus no valid tax deed could issue to the purchaser upon any of the certificates embraced in this bill, and the District is unable on its part to complete the terms of sale. So that the holders of these certificates have nothing for their purchase money except invalid, uncollectible, and inconvertible certificates, which, by reason of this failure on the part of the collector of taxes to report these sales to the recorder of deeds as required by law, constitute no lien upon the property sold.

"While the Commissioners are of the opinion that the holders of these certificates could not collect the amounts they paid for them through the courts of law, they believe that these owners are equitably entitled to a refund of the purchase money with reasonable interest thereon. They therefore recommend the enactment of the bill with the following modifications:

"After the word 'interest,' in line 14, section 1, insert the words 'at the rate of 6 per cent per annum.' After the word 'thereon,' in the same line, insert 'for two years from the dates on which said certificates were respectively issued.' Same line, strike out the words 'to the date of this act.'

"The object of these suggested modifications is to restrict the interest-bearing period from the date of the issue of the certificates to the time when the holders thereon were entitled to deeds for the property. When these holders were entitled to the deeds they should have demanded them, and failing to get them, should have sought their remedy at law. As they failed to resort to their legal remedy they are not entitled to interest after that period.

"The Commissioners have recommended 6 per cent interest as being a fair rate in view of all the circumstances aforesaid and the policy of Congress on the subject of interest on claims against the District, as indicated in the following limitation placed by it upon the rate of interest to be allowed on judgments against the District of Columbia (U. S. Stats., volume 26, page 514): 'That hereafter interest, when authorized by law, on judgments against the District of Columbia, in suits begun after the passage of this act, shall be at the rate of not exceeding 4 per cent per annum.'

"The Commissioners recommend that the bill be further amended by striking out the word 'succeeding,' in lines 24 and 25, on page 8, and inserting the word 'preceding' in lieu thereof.

"Very respectfully,

JOHN W. ROSS,
"President Board of Commissioners District of Columbia.

"Hon. J. W. BABCOCK,
Chairman Committee on District of Columbia,
House of Representatives."

The committee can not indorse the suggestion of the Commissioners as to the allowance of interest to these claimants. The equities are not in their favor. It was the incumbent duty of these purchasers at tax sales to see that the collector of taxes reported such sales to the recorder of deeds for record, as required by law. They were voluntary bidders at such sales for profit and speculation.

As law these holders of said tax certificates could not, in the opinion of the committee, collect the money paid therefor in the courts of law. And while they may be equitably entitled to a refund of the money actually paid, there is no equity in allowing them interest thereon.

Failing to see that the sales were duly certified to the recorder at the time, at the end of two years they should have demanded their deeds, and, as the Commissioners say, "failing to get them, they should have sought their remedy at law." In no respect have they exercised due diligence in looking after their interests.

The committee therefore suggest an amendment, by striking out, in line 14, first page, the words "including interest thereon to the date of this act."

The following amendment is also recommended, by striking out the word "succeeding," in line 24, page 8, and inserting in lieu thereof the word "preceding."

And with these amendments the committee recommend the passage of the bill.

Mr. CONNOLLY. If the gentleman will allow me to interrupt him, why should a different rule be applied to these purchasers from that which applies to purchasers at ordinary tax sales or judicial sales of any kind? It is well known that everybody who buys at sales of that kind buys at his own risk. If he gets nothing, why there is no mode of relief. That is the general rule which obtains in all the States in sales of this kind. Now, why should a different rule be applied to these individuals?

Mr. HULICK. The cases cited by the gentleman are not parallel to the one under consideration. Here is a public official who has certain duties incumbent upon him, to make certificate of the sales. Now, the sales referred to by the gentleman from Illinois [Mr. CONNOLLY] are sheriff's sales, assignee sales, trustee sales, and so forth, and in those sales the purchaser must be governed by that rule which I have just suggested, that the purchaser must beware and look out for the title to the property he is buying at an official sale.

Mr. CONNOLLY. That same rule obtains at any public sale.

Mr. HULICK. Let me go a little further. In all those cases, as far as my observation goes, when the money is paid over at an assignee's sale, sheriff's sale, trustee's sale, and other official sales, if the money is paid to the sheriff or the officer before the sale is confirmed, and it turns out that there is an imperfect sale, an illegal sale, that there are conditions precedent that have not been performed by the officers, the court as a rule always sets aside the sale and orders the money to be refunded to the purchaser; but after the sale is confirmed there is no remedy, and the purchaser must look to the property, and if he gets no title it is his misfortune—caveat emptor.

Mr. CONNOLLY. That is the general rule, is it not?

Mr. HULICK. That is the general rule.

Mr. CONNOLLY. Now, why except these people from that general rule?

Mr. HULICK. Because, as I have tried to state, this is a public sale in which a public officer has failed to do his duty, and the treasury of this District has been the beneficiary of his failure to do his duty, and has got this $1,500 and more.

Mr. CONNOLLY. Does not the purchaser take that chance of the public officer failing to do his duty when he makes the purchase and pays his money?

Mr. RICHARDSON. If the gentleman will pardon me, the broad distinction which the gentleman makes as a lawyer—I recognize the distinction clearly, and I think the gentleman from Illinois will—the distinction in the case he suggests is where the sale is completed and the purchaser fails to get title to the property he purchases. In that case there is no refunding, and that is the case to which the gentleman refers. There is no refunding then because the sovereign does not warrant the title to what he is selling; but in this case the difference is that the officer did not make any return of the sale at all, thereby omitting something necessary to make the sale complete.

Mr. CONNOLLY. But under the rule the purchaser takes the chance of the officer doing everything which the law requires in order to complete the sale?

Mr. RICHARDSON. The gentleman asked for the distinction and I told him.

Mr. CONNOLLY. That is not a distinction.

Mr. HOPKINS. Before the gentleman from Tennessee takes his seat I should like to say——

Mr. HULICK. I have the floor, and I do not care to yield to anybody except by request addressed to myself.

Mr. HOPKINS. As the gentleman from Tennessee was occupying the floor, I supposed he had it. But I do not care to whom I submit my question.

Mr. HULICK. I only want to know whether I retain the floor or not.

Mr. HOPKINS. I did not take you from the floor. It was the gentleman from Tennessee.

Mr. HULICK. No one as yet has taken me from the floor.

Mr. HOPKINS. I see by the report accompanying this that Commissioner Ross says:

When these holders were entitled to the deeds, they should have demanded them, and failing to get them, should have sought their remedy at law. As they failed to resort to their legal remedy, they are not entitled to interest after that period.

Mr. RICHARDSON. We do not give it to them.

Mr. BABCOCK. We do not give them any interest after that period.

Mr. HULICK. The gentleman will observe the amendment to the bill——

Mr. HOPKINS. But you give them their money back.

Mr. HULICK. The point the Commissioner tried to make was they were not entitled to interest for the entire time, but that they should have interest from the date only on which they demanded their deeds.

Mr. HOPKINS. Not at all. The construction to be placed on the letter of the Commissioner is simply this: That these gentlemen who now seek the remedy proposed in the pending bill had an opportunity, had they exercised their rights, to have demanded these deeds, and the Commissioner expressly states in his letter that they were derelict in their duty——

Mr. HULICK. That is not the point, if the gentleman from Illinois will notice.

Mr. HOPKINS. Wait until I get my statement completed. The Commissioner states that they were derelict in their duty and failed to make application at the proper time for the execution of the deed, and he says that if they had done that, then they could have gone into court if there had been any failure. Now it seems to me——

Mr. RICHARDSON. What should they have gone into court for?

Mr. HOPKINS. It seems to me, if any credence is to be given to the letter of the Commissioner, the man who ought to know more about this than anybody else, and whose interest is certainly not to deprive any honest man of his money, that these men are at fault, and that if they have lost any money, why it is by reason of their own misconduct, and in law and in equity such men are estopped from recovering the money.

Mr. HULICK. I see the force of the gentleman's suggestion, and the committee took that into consideration in considering the letter of the Commissioner; but the committee did not agree with that view, in fact did not believe that they had any legal remedy unless, as I have just suggested, they might have had their legal action against the officer who failed to do his duty, one which was mandatory upon him in order to validate these sales.

Now, whether the Commissioner has stated a legal proposition to which we agree or disagree is not the question here. They did not demand these deeds; and if they had the deeds could not have been given, because they were based on an illegal sale.

Mr. HOPKINS. If they had demanded the deeds, then they would have discharged their duty, and they would have had some equities then to come to Congress on, if they had no legal rights; but, mark, my point is that the Commissioner says that if they had demanded the deeds then they would have had a legal remedy.

Mr. HULICK. That only bears upon the question of interest.

Mr. HOPKINS. That bears upon the question of the allowance of this money.

Mr. HULICK. We do not so understand it.

Mr. RICHARDSON. The Commissioner does not say that.

Mr. HULICK. The Commissioner is there offering an argument why these tax-sale purchasers should not have interest from the day of sale up to the end of the two years in which they had the right to demand their deeds; and he said they should not have interest from that time, but that the interest to be paid to them should be after the time they were entitled to the deeds and up to the present time. The committee did not look at it in that way; and we thought that so many years had been allowed to pass, while these persons have slept upon their rights, that they could not in equity demand interest. We therefore recommended against the allowance of interest on their claim.

Mr. HOPKINS. Then your purpose is to refund the money actually paid, without any interest at all?

Mr. HULICK. Yes, sir; to refund the money without a cent of interest. That the Government having received the money from these persons, they had the right to have it refunded and to use these certificates that were given for taxes when they came to pay the taxes upon their property.

Mr. TRACEY. Have all these sales been canceled?

Mr. HULICK. They have all been canceled and declared illegal by the court of this District. They are held to be illegal and void on the theory that it was the duty of this officer—the mandatory duty—to make reports of the sales, so that there would be notice of the sales to innocent parties, and it was decided that these tax sales were not a lien upon the property.

Mr. BABCOCK. I ask for a vote, Mr. Speaker.

The SPEAKER pro tempore (Mr. DINGLEY). The question is on the amendment reported by the committee. The Clerk will report the first amendment.

The Clerk read as follows:

Line 2, page 2, strike out the words "including interest thereon to the date of this act."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

In line 6, page 9, strike out the word "succeeding" and insert the word "preceding."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The question was taken on the passage of the bill; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. DOCKERY. Let us have a division, Mr. Speaker.

The House divided; and there were—ayes 48, noes 11.

Mr. TALBERT. No quorum, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from South Carolina makes the point of no quorum. [After a pause.] Does the gentleman insist upon the point of no quorum?

Mr. HULICK. If the gentleman from South Carolina has any reason why the bill should not pass, I should like to hear it.

The SPEAKER pro tempore. Does the gentleman insist upon the point of no quorum?

Mr. TALBERT. I do not withdraw the point.

The SPEAKER pro tempore. The Chair will count.

A count was taken.

Mr. TALBERT. Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER pro tempore. The point of no quorum is withdrawn. The ayes have it, and the bill is passed.

Mr. HULICK moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 1306) to authorize and encourage the holding of a transmississippi and international exposition at the city of Omaha, in the State of Nebraska, in the year 1898—to the Committee on Ways and Means.

A bill (S. 1468) extending the time allowed the Blue Mountain Irrigation and Improvement Company for the construction of its reservoir and canal in and through the Umatilla Indian Reservation, in the State of Oregon—to the Committee on Indian Affairs.

MARRIAGE IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up the bill (S. 1904) to regulate marriages in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That if any male person intending to marry in the District of Columbia be under 21 years of age, and if a female under 18 years of age, and have not been previously married, the consent of the father or guardian, or, if there be none, of the mother of such person, shall be given either personally to the clerk of the supreme court of the District of Columbia or his deputy, or in writing subscribed by a witness, who shall make oath before the clerk of said court that said writing was signed or acknowledged in the presence of said witness, by such father, guardian, or mother, as the case may be.

SEC. 2. That marriages in the District of Columbia may be celebrated by the judge of any court of record or any justice of the peace. When any minister or other person, appointed or ordained according to the rites and ceremonies of his church, shall, before the supreme court of the District of Columbia, produce proof that he is duly appointed or ordained as such, and that he is in regular communion with the religious society of which he is a member, and give bond in the penalty of $500 to comply with the conditions of this act, such court may make an order authorizing him to celebrate the rites of marriage in the District of Columbia. Marriages between persons belonging to any religious society which has no ordained minister may be solemnized by the person appointed and in the manner prescribed by and practiced in any such society.

SEC. 3. That no one but a minister or other person authorized by this act shall hereafter celebrate the rites of marriage in this District, anything in any law now in force in said District to the contrary notwithstanding.

SEC. 4. That no marriage heretofore or hereafter solemnized shall be deemed or adjudged to be invalid, nor shall the validity thereof be in any way affected, on account of any want of authority in any person solemnizing the same, if consummated with a full belief on the part of the persons so married, or either of them, that they were lawfully joined in marriage.

SEC. 5. That no license for any marriage shall hereafter be issued to which any citizen of a foreign country shall be a party until a minister or consul representing such foreign country in the United States shall certify that the conditions to the validity of the marriage of the laws of such country shall have been complied with.

SEC. 6. That any person authorized to celebrate the rites of marriage shall be paid by the husband a fee of at least $1 in each case.

SEC. 7. That if any minister or other person who has executed bond under section 2 of this act and is authorized to celebrate marriages in this District shall fail to comply with the provisions of section 8 of this act, the condition of such bond shall be deemed to be thereby broken; and if a justice of the peace shall fail to comply with the provisions of section 8 of this act he shall, upon conviction, be fined, in the discretion of the court, not exceeding $500.

SEC. 8. That it shall be the duty of the clerk to examine and ascertain the full names, ages, color, whether married previously or single, whether related or not, and, if so, in what degrees, of the parties desiring to marry, which facts shall appear on the face of the application, and shall be in the following form:

Number ——. Application for license. Date, ——; names of parties, ——; age, —; color, ——; relationship, ——; whether he or she is a citizen of the United States or of a foreign country, ——; if a citizen of a foreign

country, whether all the requirements of the laws regulating marriage in the country of which he or she is a citizen have been complied with, ——.

—— ——.

Licenses shall be in the following form:

Number ——.

To any minister or other person authorized to celebrate marriages in the District of Columbia, greeting:

You are hereby authorized to solemnize the rites of marriage between ——, of ——, and ——, of ——, and, having done so, you are commanded to make return of the same to the clerk's office of the supreme court of the said District within ten days, as the law directs.

Witness my hand and seal of said court this —— day of ——, A. D. ——.

—— ——, *Clerk.*

By —— ——, *Assistant Clerk.*

Said return shall be made in person or by mail on a coupon attached to and issued with said license and bearing a corresponding number therewith, within ten days from the time of said ceremony, and shall be in the following form:

Number ——.

I, ——, who have been duly authorized to celebrate the rites of marriage in the District of Columbia, do hereby certify that, by authority of license of corresponding number herewith, I solemnized the marriage of —— and ——, named therein, on the —— day of ——, at ——, in said District.

A second coupon of corresponding number with the license shall be attached to and issued with said license, to be given by the officiating minister or other person authorized to celebrate the rites of marriage in said District to the contracting parties, and shall be in the following form:

Number ——.

I hereby certify that on this —— day of ——, at ——, —— and —— were by me united in marriage in accordance with the license issued by the clerk of the supreme court of the District of Columbia.

Name, —— ——.

Residence, —— ——.

SEC. 9. That the clerk shall provide a record book of his office, consisting of applications for and of licenses in the forms prescribed in the preceding section, printed in blank, to be filled by him in accordance with said forms, and said blank applications, licenses, and certificates of the officiating minister or other person authorized to celebrate the rite of marriage shall be numbered correspondingly and consecutively from one upward.

And the said license when produced shall be full authority to any minister or other person authorized to marry receiving the same to proceed with the marriage of the parties named therein.

SEC. 10. That if the clerk of the supreme court of the District of Columbia shall neglect or refuse to comply with the provisions of this act, he shall, upon conviction, be fined not less than $25 nor more than $500, in the discretion of the court.

SEC. 11. That the clerk shall provide a record book of his office, in which shall be filed in the order of their number the certificates upon their return to said office, corresponding to said record book of licenses issued, and a copy of any license and certificate of marriage so kept and recorded and certified by the clerk under his hand and seal of the court shall be competent evidence of the marriage.

SEC. 12. That this act take effect from and after thirty days from the approval thereof.

SEC. 13. That sections 4, 5, 6, 8, 9, and 10 of the Maryland act of 1777, chapter 12, and sections 720, 721, and 722 of the Revised Statutes relating to the District of Columbia, now in force in this District, are hereby repealed, and all laws or parts of laws heretofore in force in this District inconsistent with or in conflict with the provisions of this act are hereby repealed.

The SPEAKER. The question is on the third reading of the bill.

Mr. BARTLETT of New York. Mr. Speaker, this is a pretty important matter, and I should like to hear an explanation of it. Why should this measure be passed? What is the trouble with the existing law?

Mr. CURTIS of Iowa. Mr. Speaker, I have no desire to occupy the time of the House longer than may be necessary to explain briefly the provisions of this bill as it is proposed to be amended by the committee. All will concede, Mr. Speaker, that there are no laws more important than the marriage laws. They are the foundation of our society. Upon them rest not only legitimacy, but the right of property. This bill having passed the Senate and containing many important provisions not incorporated in the House bill, which the Committee on the District of Columbia had under consideration at the same time, the committee, after very mature deliberation, unanimously recommend the Senate bill, with amendments, for passage, believing that when the members upon this floor understand the provisions of this bill and its necessity as the members of the committee understand it, they will permit the bill to pass without prejudice.

Mr. HULICK. Will the gentleman allow me to interrupt him?

Mr. CURTIS of Iowa. Just one moment, and then I will answer any question the gentleman desires to ask.

Mr. HULICK. I do not desire to ask a question. I just want to make a statement. The bill as reported was not the unanimous report of the committee. While a unanimous report was made, it was not the unanimous judgment of every member of the committee. It would be mine with one amendment, which I would like to have introduced.

Mr. CURTIS of Iowa. If the gentleman will excuse me, I will reach that feature to which he refers and give him ample opportunity to be heard.

This proposed measure was prepared and presented for the purpose of removing many of the absurdities and doubts in the present law, many of the provisions of the law being obscure, obsolete, and to a large majority of the people of this District are entirely unknown. I am informed that under a strict interpretation of the law, or in conformity with the law as it now exists, there has not been celebrated or solemnized a marriage in the District of Columbia for more than fifty years.

Mr. BARTLETT of New York. Does the gentleman mean to say that there have been no marriages performed in the District of Columbia for the last fifty years?

Mr. CURTIS of Iowa. I do not believe there has been one performed in strict conformity to the provisions of the Maryland act of 1877; at least I am so informed. The statement has been publicly made.

Mr. BARTLETT of New York. Then all of the marriages that have taken place have been defective and irregular?

Mr. CURTIS of Iowa. I am not raising any question as to their legality, but I am informed that there have not been any marriages celebrated in this District in strict conformity with that law; and that is my opinion.

Mr. BAKER of New Hampshire. Will the gentleman state in what particulars they have failed to conform to the law?

Mr. CURTIS of Iowa. I will, directly. The courts have wisely held such marriages to be valid under the common law, but at the same time I have serious doubts as to whether or not those who have violated the provisions of the statute are not subject to some extent to its penalty. I want to call the attention of the gentleman to the fact that there has been recently, in the Senate and elsewhere, much discussion with respect to the marriage laws of the District of Columbia, thus publicly directing attention to their obscurity and uncertainty.

Mr. BARTLETT of New York. What is the Edmunds Act? Does this bill interfere with the Edmunds Act at all?

Mr. CURTIS of Iowa. I think not. As I was saying, Mr. Speaker, there has been much recent discussion of the marriage laws of the District, by reason of which their obsolete and antiquated character have become known, hence the seeming great importance that the law be speedily amended and certain sections repealed, thus protecting an innocent public against the possible malicious persecution of the blackmailer.

As will be seen by section 1 of this bill, the age of consent is fixed at 21 years for males and 18 for females, which I believe is in exact accord with the law in nearly every State in the Union—certainly in a large majority of them. The present law treats marriage in the District of Columbia as wholly a religious rite. It provides that marriage may be solemnized only by a clergyman representing the Church of England, a dissenter from that church, a Romish priest, or a representative of the Quaker Society in accordance with the rules of that society. Under this bill it is proposed to recognize marriage as a civil as well as a religious contract or rite, and the bill provides that marriage may be celebrated by the judge of any court of record or by any justice of the peace, as well as by any minister regularly ordained according to the rites and ceremonies of his church. Section 5 of the bill is important, inasmuch as it very wisely protects our American girls (than whom there are certainly none more beautiful or attractive) from what I may perhaps call the unholy ambition of the foreign adventurer, no matter whether he be titled or untitled. I think that the laws of foreign countries with respect to marriages are not generally understood—I, at least, have known very little about them.

Mr. TALBERT. I understand that this bill applies only to the District of Columbia?

Mr. CURTIS of Iowa. It applies only to the District of Columbia. In most foreign countries, Mr. Speaker, a lawful marriage can not be contracted by a person under 25 years of age without the consent of his parents, and if he be over 25 years of age he must still notify his parents in writing of the proposed marriage, if they be living, in order that they may have an opportunity to file objections, even though their consent may not be necessary.

Gentlemen can readily see that many injustices have occurred in this country by reason of ignorance on the part of our people of these foreign laws in relation to marriage. While this bill was under discussion in the Senate the distinguished Senator from Massachusetts [Mr. HOAR] presented a communication from Mr. Wilson, formerly, I believe, our consul at Nice, supplying much valuable information on this subject and setting forth the necessity for the enactment of this section of the pending bill. Should there be serious opposition to this section, I shall ask the privilege of having Mr. Wilson's communication read from the Clerk's desk for the information of the House.

A MEMBER. What section is that?

Mr. CURTIS of Iowa. Section 5.

Mr. BARTLETT of New York. What is the present age of consent in the District?

Mr. CURTIS of Iowa. Twenty-one and sixteen are the ages, respectively.

Mr. BARTLETT of New York. And you now propose to raise the limit to 18?

Mr. CURTIS of Iowa. Yes, sir; to 18.

Mr. BARTLETT of New York. Suppose the consent of the parents has not been obtained, what effect does that have on the marriage?

Mr. CURTIS of Iowa. I do not understand that under the common law it would invalidate the marriage at all.

Mr. BARTLETT of New York. But you are inserting a provision in your bill that consent must be given. Now, suppose the consent is refused and yet the ceremony takes place, what then?

Mr. CURTIS of Iowa. Well, under the common law the marriage, as I understand, would not be invalid. The courts have so held.

Mr. BARTLETT of New York. Then what effect does your provision have?

Mr. CURTIS of Iowa. The bill provides that a judge, or justice of the peace, minister, or other person authorized to perform marriage, shall not solemnize or celebrate any marriage unless the license is produced, and the clerk of the court will not have authority to issue a license to persons under the age of 21 and 18, respectively, unless the consent of the parents or guardian has been obtained.

Mr. BARTLETT of New York. Suppose a young girl says she is 18 years of age when she is not, and upon her statement a license is issued, then what happens? If she makes the statement that she is of legal age when she is not is the subsequent marriage void or voidable or regular?

Mr. CURTIS of Iowa. I do not understand that the marriage is void or voidable. The proposed law provides that the clerk shall examine the applicant for license under oath; and he would be authorized to refuse a license if satisfied in his own mind that the statements made to him were not true. The gentleman from New York is a lawyer, and I am not. He no doubt understands questions of this kind better than I do.

Mr. MEREDITH. In such a case a penalty might be inflicted upon the clerk for granting a license, if he did so knowing that either party was not of legal age; but the marriage would not be void.

Mr. BARTLETT of New York. The gentleman from Iowa holds, as I understand, that such a marriage would hold good.

Mr. CURTIS of Iowa. I think so—at common law.

Mr. BARTLETT of New York. Then it would not be void or even voidable?

Mr. MEREDITH. Certainly not.

Mr. CURTIS of Iowa. I think that would be a question for the courts to decide.

Mr. BARTLETT of New York. One other question. Why do you impose on the husband the necessity of paying $1. Suppose a young man wants to be married and does not care to pay a dollar. Why make the payment obligatory upon him? Or, if any payment is required, why should it not be $5 or $10 just as well as $1?

Mr. CURTIS of Iowa. There are many people in the District of Columbia, I presume, who would not have the necessary $5 or $10.

Mr. BARTLETT of New York. If a man is so poor as that, why should he pay anything?

Mr. CURTIS of Iowa. It is within the power of the person celebrating the marriage to remit the fee.

Mr. HAINER of Nebraska. The gentleman might reply to the question of the gentleman from New York by asking, what business has a man to get married if he can not pay so small a fee as $1?

Mr. CURTIS of Iowa. I call the attention of the gentleman from New York to the fact that the evidence as to the validity of the proposed marriage must be filed with the clerk of the court, without which he is not authorized to issue a license.

Mr. BARTLETT of New York. Will not such a law as this make marriage very difficult in the District of Columbia?

Mr. CURTIS of Iowa. I think not.

Now, let me say that section 8 of this bill is important also, from the fact that it provides that the minister, judge, justice of the peace, or other person authorized to perform this ceremony shall file the certificate of such marriage with the clerk of the court, to become a part of the records of his office. This, Mr. Speaker, is one of the important features of the bill. Its importance has been urged upon the committee not only of the House but of the Senate.

Mr. BAKER of New Hampshire. Urged by whom?

Mr. CURTIS of Iowa. By the judges of the supreme court and by the clerk of the court of record. These persons have represented to the committees that less than one-half of the marriages celebrated or solemnized in the District of Columbia are of record in the office of the court. I call the attention of members to this provision as being, in my opinion, one of the important features of the bill.

Mr. BARTLETT of New York. Is there only one penalty imposed—that is, the fine of $25—for violating the provisions of the act?

Mr. CURTIS of Iowa. A failure to comply with this section—section 8—will subject the minister or other person performing the ceremony to a fine, as provided for in section 7, of not less than $50 nor more than $250, in the discretion of the court.

Mr. TERRY. I should like to ask the gentleman what is the object of section 5, in relation to persons who are not citizens of this country? Suppose a lady should come here from France, where, as I understand, the legal age for marriage is about 25. Would she be obliged to get a certificate of the French consul before she could get married in the District of Columbia? A similar question might be put with regard to persons from other Continental nations where the legal age for marriage is 25 or in that neighborhood.

Mr. CURTIS of Iowa. I will refer again to this section briefly, although it was discussed only a few moments ago. Let me give the gentleman as an example a case that happened in the State of Illinois. A German residing in that State was married and continued to live there for eight or ten years, having several children. He then went to his original home, taking this woman with him, and lived with her in Germany as his wife a little while. Then he married another woman, his American wife being still living; but the American marriage was held to be void.

Mr. TERRY. That may be true; but I think the general rule is that a marriage valid where performed is valid the world over. Of course there may be exceptions.

Mr. CURTIS of Iowa. I will read from the French law upon the subject of marriage.

Mr. TERRY. I say that the statement of the gentleman may be true as to some particular case, but I believe the weight of authority is decidedly the other way.

Mr. CURTIS of Iowa. A man in any foreign army can not marry except with the consent of his Government. No citizen of France can lawfully marry, whether at home or abroad, if under 25 years of age, without the consent of his parents. Such a marriage will not be recognized in his own country as legal.

Mr. TERRY. In regard to that, if the gentleman will permit me, I will state that this is the rule in the United States. Suppose, for instance, in the State of New York there is a law fixing the age at 21 years, and a man not that old, but 19, which we will suppose is the lawful age in the State of New Jersey—if he goes out of the State of New York with the intention of violating and evading its law, and marries in New Jersey and then comes back to New York—I understand it has been held that the marriage in such State is not a valid one. But unless it is shown that he went outside of his own State for the purpose of perpetrating a fraud on its laws and a marriage followed, being duly celebrated under the laws of the other State, such marriage is valid the world over.

The committee has doubtless examined the matter, but you can readily see how a lady, say from France or Germany, coming here, who had not acquired citizenship, would be placed in a very difficult situation by the enactment of such a provision. See the hardships to which she would be subjected even though she never intended to go back to the other country at all. Such hardships should be guarded against.

Mr. BARTLETT of New York. If the gentleman from Iowa will permit me, I will state that in so far as the New York law goes, it has been decided by our court of appeals that when you go out of the State, intending to violate the prohibition in a decree of divorce, and a marriage takes place contrary to such decree, the marriage will be good—that is, if a man be the offender; and if a decree of divorce against him provides that he shall not marry again, he can go into the State of Connecticut or New Jersey and violate the decree or order of the court, and although he is in contempt of court, the marriage is good, if it is a legal marriage according to the lex loci contractus, or the law of the place where the marriage takes place.

Mr. CURTIS of Iowa. It will be seen that this bill does not seek to protect the people of the District of Columbia against the laws of other States of this country, but only against the enactments of foreign Governments and foreign marriage laws, which are not in harmony with our own.

Mr. BARTLETT of New York. If the gentleman will permit me a question just there, according to the New York decisions, where it is illegal for a girl to marry until she is of a certain age, if she violates the statute and does marry she can be taken from her husband and consigned to prison. Will not that be the effect of this enactment?

Mr. CURTIS of Iowa. No, sir; not at all. If such were the case, the committee would be against the bill.

Mr. BARTLETT of New York. Now, let me call your attention to one defect which it seems to me appears in the first section of the bill. You provide if a girl be under 18 years and a man under 21, that consent must first be obtained. Consent of whom? Of the father, the mother, or the guardian. Now, let us suppose a case where the father is dead and the mother is dead and no guardian exists. Who is to give consent? If consent can not be obtained under this bill the parties can not marry.

Mr. CURTIS of Iowa. Well, I think it would be competent to

create a guardian or secure the appointment of a guardian for the minor.

Mr. BARTLETT of New York. Does the gentleman know of a procedure in any court or the statute of any State providing for an application for the appointment of a guardian to permit a minor to marry?

Mr. HULICK. Oh, I think there are many such.

Mr. BINGHAM. I would suggest in a case of that kind, where the father, mother, and guardian are all dead, that perhaps they had better have a wake instead of a wedding. [Laughter.]

Mr. CURTIS of Kansas. This bill does not seek to interfere with existing law in that regard. It may perhaps not go as far as it should in this direction. But it seems to me, and your committee believes it to be, a step in the right direction. It is a good bill, and I believe, with the committee, that the bill should be allowed to pass.

There are some amendments, Mr. Speaker, that I ask to have read.

The SPEAKER. The Clerk will report the amendments.

Mr. WALSH. Mr. Speaker, if in order, I desire to say a few words upon the bill at this time.

The SPEAKER. Certainly; the gentleman is in order. Does the gentleman desire to oppose the amendments or to favor them?

Mr. WALSH. I shall oppose the amendments; but would rather hear them read first.

The SPEAKER. The amendments will be read, after which the Chair will recognize the gentleman from New York.

The Clerk read the amendments proposed by the committee, as follows:

In section 2, strike out all after the word "member," in the eighth line, to and including the word "act," in the tenth line.

In section 4, line 1, strike out the words "or hereafter."

Strike out all of section 7 and insert the following in lieu thereof:

"SEC. 7. That if any minister, justice of the peace, or other person who is authorized to celebrate marriages in the District of Columbia shall fail to comply with the provisions of section 8 of this act he shall upon conviction be fined for each and every offense, in the discretion of the court, not less than fifty nor more than two hundred and fifty dollars."

In section 8 insert after the word "ascertain," in line 2, the words "under oath"; and after the word "relationship," in line 8, the words "number of marriage."

Strike out all of section 13 and insert in lieu thereof the following:

"SEC. 13. That sections 4, 5, 6, 8, 9, 10, 15, 16, and 17, in chapter 30, of the compiled statutes now in force in the District of Columbia, and all laws or parts of laws heretofore in force in this District inconsistent with or in conflict with the provisions of this act are hereby repealed."

Mr. WALSH. Mr. Speaker, I believe that this is a very serious matter. I believe in throwing around the marriage tie all of the safeguards that we can, because I am a firm believer in the principle that once a marriage has taken place no power on earth should dissolve it. In other words, I believe in the biblical maxim, that "what God hath joined together let no man put asunder."

At the same time I recognize the fact that diverse laws are in operation in nearly every State of the Union on that subject and that an age of consent is established by nearly every State. I think the age of consent is founded on the deliberate judgment and the best opinion of ages, and has been fixed at a period when the male and female are best supposed to understand the contract into which they are to enter.

Most of the States of this Union have fixed the age of 16 for a girl. It is a matter that should be regulated to some extent by nature. Nature can dictate better than any statute or the deliberations of any men, outside of the persons interested, what is the proper age. I think nature can tell better than any statute or the deliberations of anybody, outside of the person interested, to whom the marriage should take place, when, and under what circumstances it should occur. So I say that when a marriage is contemplated by the individuals who desire to be married, the State does an injustice if it puts any impediment or any obstruction in the way of carrying out that contract.

But this is not all. In one of the provisions of this bill it is required that—

When any minister or other person appointed or ordained according to the rites and ceremonies of his church shall, before the supreme court of the District of Columbia, produce proof that he is duly appointed or ordained as such, and that he is in regular communion with the religious society of which he is a member, such court may make an order authorizing him to celebrate the rites of marriage in the District of Columbia.

Now, that is a provision that is not, I am sure, in the statutes of as many as five States in this Union. To compel a minister of religion to furnish the court with proof of his right to act as minister of that religion, and to compel him to wait for a decree of that court allowing him authority to solemnize marriage—I do not feel there is any such provision in five of the States represented here. I do not know that such a provision exists in any State; but from my knowledge of the statutes I will say I am sure it does not exist in as many as five States. Section 3 provides that—

No one but a minister or other person authorized by this act shall hereafter celebrate the rites of marriage in this District, anything in any law now in force in said District to the contrary notwithstanding.

So that, unless a minister does get that privilege through the supreme court, unless he goes to the trouble—and sometimes the extraordinary difficulty—of furnishing proof, notwithstanding his own church, his own denomination, recognizes him as a minister, he is debarred from performing the marriage ceremony. He may be established beyond all question, recognized by his supporters, recognized by his congregation as one who, from his calling, has authority to perform the marriage ceremony. Notwithstanding that, he must go to the trouble of satisfying a court that he has been regularly ordained, and must get a decree from that court before he can solemnize a marriage.

Now, what is the trouble besides? Section 3 subjects a minister to the penalty provided in section 7. Section 7 says:

That if any minister, justice of the peace, or other person who is authorized to celebrate marriages in the District of Columbia shall fail to comply with the provisions of section 8 of this act, he shall, upon conviction, be fined for each and every offense, in the discretion of the court, not less than fifty nor more than two hundred and fifty dollars.

Mr. CURTIS of Iowa. Section 7 only provides the penalty on condition that the minister or other person performing the ceremony shall fail to comply with the conditions of section 8.

Mr. WALSH. Let us see what section 8 says.

Mr. CURTIS of Iowa. That he shall file with the clerk of the court a certificate of such marriage. It is merely a police regulation.

Mr. WALSH. That provision is in force in most of the States, but I do not even agree that that is a wise provision. It may be for the purpose of keeping statistics of marriages and statistics regarding the legitimacy and illegitimacy of children, but frequently it has a very bad effect. Where a young boy and a young girl have made a serious mistake, and want to rectify that mistake by marriage, the case arises very often where it would publish to the world the disgrace of the boy or the disgrace of the girl by the very filing of those certificates, and perhaps thereby prevent what religion and law both agree is best to be done under the circumstances. I say religion requires that these things should be looked upon with a charitable eye, and there are often very good reasons why even that provision should not be in the statute.

But the main thing is this: You should not impede or obstruct the accomplishment of something that we all recognize as a step in civilization. Marriage is a great factor in civilization. The greatest factor, in my judgment, for I believe the family is the unit of society. The freer we make it, the better, where the conditions are such that the persons entering into the contract understand it. We can not fix the age at which it is proper for a person to enter into the marriage contract minus the consent of some other person without invading individual liberty and perhaps the sanctity of a sacrament. The persons marrying are those most concerned. Theirs is the happiness involved. Theirs is the progeny which will possibly affect generations afterwards; and we can not go so far as to say that every marriage between a girl of 16 or 17 and a young man under 21 is not a proper marriage. And while I would advise all young couples to get the consent of their parents or guardians before taking such a solemn step, I think that we should, as I said before, leave the question to those concerned, except in so far as the statutes already regulate it. The statutes go far enough to prevent what it is intended by the law to prevent, and I think we should leave this now as it is upon the statute books, or, if circumstances required it, that we should even repeal the statutes as they now exist and lower the age of consent, so far as marriage is concerned, under some conditions.

Now, another thing: Here in the District of Columbia, where this bill is to operate exclusively, we have a population that comes from the South—I refer to the negro population. They mature more rapidly than the whites. They are physically fit for marriage earlier than the whites; and when they are fit by nature for marriage, and feel inclined to enter into that state, you can see yourselves it is much better to allow them permission than to discourage them by such acts as this and tempt them in some way to enter into a condition which is unlawful. Of course, morality has a great deal to do with all of these questions. It must be taken into account; and I do not impute to the colored man any immorality that I would not impute to his white brother existing under like conditions. They are just the same to me. They have both a human soul, and in that respect there is no distinction between them; but at the same time it is a physical fact, recognized by all students of sociology, that people coming from a southern or warm climate will develop earlier than those from the north. You will see, therefore, for that, as well as the other reasons I have given, we should hesitate about changing the age of consent in the District of Columbia.

Mr. BARTLETT of New York. Mr. Speaker, I wish to make a few remarks upon this bill—about five or ten minutes.

Mr. HULICK. Mr. Speaker, I wish to offer some amendments to this bill, if the gentleman will permit me to offer them now.

Mr. BARTLETT of New York. I will, if it will not deprive me of the right to debate the bill generally.

The SPEAKER. It will not.

Mr. HULICK. I send to the Clerk's desk the following amendment.

The SPEAKER. There are two committee amendments already pending.

The Clerk read as follows:

Strike out in section 1, on page 1, all of lines 3, 4, 5, 6, and 7, to and including the word "person," and insert the following: "Male persons of the age of 18 years and female persons of the age of 16 years not nearer of kin than second cousins, and not having a husband or wife living, may be joined in marriage: *Provided always*, That male persons under the age of 21 years and female persons under the age of 18 years who have not been previously married shall first obtain the consent of the father or guardian, or, if there be neither of those, then of the mother of such person, which."

Mr. HULICK. I also send to the Clerk the following, which I offer as an amendment to section 13.

The Clerk read as follows:

Amend section 13 by inserting in line 10, page 7, after word "section," the word "to"; and insert in line 12, after the word "Columbia," the following: "And sections 721 and 722 of the Revised Statutes relating to the District of Columbia now in force in the District."

Mr. HULICK. Does the gentleman propose to speak now? If the gentleman does not——

Mr. BARTLETT of New York. I wish to oppose the amendments and the bill.

Mr. HULICK. I am in favor of the bill with the amendments I have offered.

Mr. BARTLETT of New York. Mr. Speaker, there are certain practical reasons why this bill should not become a law. We have a certain compilation of the statutes here referring to the District of Columbia, which has been edited by Messrs. Lovejoy and Abert, and purports to contain all the laws in force governing the District of Columbia. The measure now under consideration proposes to wipe out some nine or ten of the forty-five sections contained in chapter 30, the chapter controlling the relations of husband and wife. Now, I agree with my colleague from the city of New York in the view that no human relation is of graver importance than that of husband and wife. The other relations of guardian and ward, of parent and child, of master and servant—all the old subdivisions—are of far less importance; and yet we propose now, without any consideration, to amend, to change, to alter all existing laws. I think this is too important a matter to be disposed of in this way, and I think it should be recommitted and sent to the Committee on Judiciary; and then, after careful consideration, it can be brought before this House at some later day in the session.

The measure proposed contains some manifest absurdities on its face. One is the imposition of a tax on the husband for marriage. Does the legality, the validity, of the marriage ceremony depend upon the fee which is paid to the minister or clergyman? In a case where a man is worth thousands and thousands of dollars the clergyman is often paid little or nothing, and yet here it is to be prescribed that in every case, in order to give a sort of cachet to the importance of the ceremony, why there must be paid at least $1! Is this measure seriously proposed in the interest of the clergy of the District? Do they want a dollar for each ceremony; and will they say to the expectant parties, when they appear before them: "Have you your dollar with you?" And if the intended husband says, "Nay, not so," must the ceremony cease, or will its validity be affected? Now, is it the right thing, in so sacred a law as this, to inject provisions which are thoroughly absurd; or, if not absurd, absolutely nugatory?

Mr. ODELL. Does the gentleman think the marriage should not take place unless the money is paid?

Mr. BARTLETT of New York. I should not declare that a penalty should be imposed on a man who desires to marry. I think he should receive some reward.

Mr. BABCOCK. Would the gentleman from New York undertake a contract to solemnize the marriages in the District of Columbia for less than $1 apiece?

Mr. BARTLETT of New York. If I were a judge of a court of record in this District, or a justice of the peace, or a minister of the gospel, or a priest, I should say: "Come one, come all; I will marry you for nothing. I do not want your dollar as a penalty." Of course if a man, in the fullness of his heart, chooses to pay $50 or $100 or $1,000 to the clergyman who marries him, it is money well spent; but I say that I have never yet seen in any statute of any State a provision making it obligatory to pay $1, or any fixed sum, as the value of the marriage rite.

Mr. HULICK. How would it be to amend the bill by giving the person officiating the privilege of kissing the bride in lieu of the dollar? [Laughter.]

Mr. BARTLETT of New York. That is the old common-law privilege. There is no need of any legislative enactment on that subject. That can be settled by the clergyman and the bride. [Laughter.]

Mr. CURTIS of Iowa. I wish to correct the gentleman on one point. In the State of Iowa a justice of the peace is permitted to charge $2 for performing the marriage ceremony. He is not compelled to charge $2, but he may do so if he chooses. Now, this bill provides that the minister or the justice of the peace may charge $1, but there is nothing in the bill to prevent him from rebating the charge if he likes.

Mr. BARTLETT of New York. In answer to the position taken by the gentleman from Iowa, let me call attention to the words of the section. They are not permissive or directory; they are mandatory:

SEC. 6. That any person authorized to celebrate the rites of marriage shall be paid by the husband a fee of at least $1 in each case.

"Shall" be paid, not "may" be paid. It seems to me that that would give a right of action against the husband. It would be a contract which could be enforced as soon as the ceremony was performed.

A MEMBER. And cheap at that. [Laughter.]

Mr. BARTLETT of New York. Now, who determines the magnitude of the fee? Is it determinable upon the basis of the wealth of the husband or of the bride? What is to be the test? Let us look at the bill seriatim. In the first section it provides—

That if any male person intending to marry in the District of Columbia be under 21 years of age, and if a female under 18 years of age, and has not been previously married, the consent of the father or guardian, or, if there be none, of the mother of such person, shall be given, etc.

As I indicated in a question a few moments ago, if there be no parents living or no guardian, you must wait until the lady attains the age of 18 or the man attains the age of 21 before the marriage ceremony can take place. Is not that manifestly absurd on its face? There is no provision, practically, in this District, under any existing law coming down from Maryland, or in the form of a statutory enactment, for an application to the court for the appointment of a guardian—not even a guardian ad litem—but a sort of special guardian for the purpose of giving consent to the ceremony.

Mr. FISCHER. Does not my colleague consider that this is liberal enough? If he will look at the language in the sixth line he will find that special privileges are given to bigamous women who have been previously married, while no provision is made for the death of previous husbands. [Laughter.]

Mr. BARTLETT of New York. Mr. Speaker, I shall not address myself to that question. I can not answer these somewhat jocular remarks or adopt this method of treating the question. I am considering it from a serious standpoint, from the standpoint of a lawyer and a man, who, as a Representative, is interested in the well-being of this District. In everything that concerns the welfare of the District of Columbia I am interested, as I showed the other day by voting for the free-library bill. Now, it is useless to insert a provision such as this, requiring consent, if there be no way to enforce it, if it is to be simply a brutum fulmen. It is certainly a peculiar spectacle to see the Congress of the United States passing a bill to amend the marriage law of this District which can not be enforced. We have here a very serious chapter relating to the relations of husband and wife, a law which comes down to us from the time when the District of Columbia was first formed, in 1801. Here is a part of the old Maryland law, and although some gentlemen have said that it is antiquated, yet there are some very salutary provisions in it. We find in the first section a list of the degrees of kindred or affinity within which marriage shall not be contracted, and later on there is a penalty imposed for marrying persons who come within the specified degrees.

Mr. BABCOCK. We do not repeal those provisions.

Mr. BARTLETT of New York. You repeal the penalty. More than that, you repeal the penalty now imposed for celebrating a marriage when the parties are under the age of consent.

Mr. BABCOCK. I think the gentleman is in error about that. If the gentleman will look at section 13 he will discover that those sections of the law are not repealed.

Mr. BARTLETT of New York. Let us see. Section 13 says that sections 4, 5, 6, 8, 9, 10, 15, 16, and 17, in chapter 30 of the compiled statutes now in force in the District of Columbia, are repealed. Now, section 5 is one that imposes a penalty for marrying within certain degrees of kindred or affinity——

Mr. BABCOCK. Is it?

Mr. BARTLETT of New York. And section 10 is the section which imposes a penalty for marrying persons when they are under age. Now, is it wise to abolish those penalties?

Mr. MILNES. Will the gentleman inform us who can perform the marriage ceremony in the District of Columbia under the existing law?

Mr. BARTLETT of New York. Ministers of the Church of England, ministers dissenting therefrom (which would cover nearly all the others), and priests of the Roman Catholic or Romish Church.

Mr. MILNES. So that marriage is recognized under the present law as entirely a religious ceremony, not as a civil ceremony?

Mr. BARTLETT of New York. Section 718 of the Revised Statutes of the District of Columbia also provides that—

For the purpose of preserving the evidence of marriages in the District every minister of the gospel appointed or ordained according to the rites and ceremonies of his church, whether his residence be in the District or elsewhere in the United States or its Territories, may be licensed to celebrate marriages in the District.

So we see that under the Maryland law ministers of the Church of England, ministers of all churches dissenting therefrom, and ministers of the Romish Church can celebrate marriages, whereas in the Revised Statutes the old Maryland provision is enlarged so as to embrace all ministers of whatever religious denomination.

If you want to amend the marriage law of the District and authorize marriage by a justice of the peace or a judge of a court of record, propose such a provision and I will vote for it. But why change the existing law in what seems to me this absurd manner?

Mr. CURTIS of Iowa. The gentleman, I presume, recognizes the fact that there are many good, moral people who refuse to recognize marriage as other than a civil contract, and who would insist upon being married by a judge or a justice of the peace. I believe that every State in the Union allows this ceremony to be performed by a court of record or a justice of the peace. We in this bill propose to adopt that provision with reference to the celebration of marriage in the District of Columbia.

Mr. BARTLETT of New York. Now, the answer to that is simply this: A bill should have been brought in to amend section 718 of the Revised Statutes by adding the following words:

Marriages within the District of Columbia may be celebrated by the judge of any court of record or a justice of the peace.

That is the only sensible provision in this whole bill—the only wise provision. The imposition of a fee of $1 is an absurdity; it is ridiculous on its face; and it might well excite the risibilities of the whole United States to say that we measure the value of marriage by the imposition of a fee of $1.

Mr. CURTIS of Iowa. Then let the gentleman offer an amendment to make the fee larger.

Mr. BABCOCK. Or less. Suppose the gentleman makes it 90 cents.

A MEMBER. Or let the man who wants to get married give his due bill.

Mr. BARTLETT of New York. If the existing law is to be changed—if we are to have a more modern marriage law—why should it not conform to the statutes in force in the various States? If a man be a minister of any religion and is empowered to perform the marriage ceremony, why should he be obliged to apply to the court for an order—an order—that he be permitted to perform the ceremony? That is absurd. If a man is a minister of any established church, or if he is authorized by the existing provision of the Revised Statutes to perform the marriage ceremony, why do you want to abridge or take away his power? He may apply for a license now; but why should a minister apply to the court for an order directing that he be allowed to unite persons in the bonds of wedlock?

Mr. CURTIS of Iowa. Will the gentleman permit me to answer his question?

Mr. BARTLETT of New York. Yes, sir.

Mr. CURTIS of Iowa. The committee were informed that there are in the District of Columbia many irresponsible individuals assuming to be ministers of the gospel; and therefore this section was regarded as important by all the ministers who were heard before the committee.

Mr. BARTLETT of New York. It certainly would be a grave offense for anyone to assume without authority to be a minister of the gospel and to undertake as such to perform the marriage ceremony; and if that offense is likely to occur, there ought to be some penalty provided. But this bill provides no penalty of imprisonment for a person who is so base as to undertake to perform the marriage ceremony when he has no authority so to do.

Mr. TALBERT. I think I agree in general with the gentleman from New York [Mr. BARTLETT]; but I would like to ask him this question: When two persons agree in the presence of witnesses to become man and wife, without any ceremony by any officer of the law, is not that a valid marriage at common law? And is it not so recognized in all the States?

Mr. BARTLETT of New York. It is, provided the marriage be consummated.

Now, Mr. Speaker, we have in the fourth section of this bill this provision:

That no marriage heretofore solemnized shall be deemed or adjudged to be invalid, nor shall the validity thereof be in any way affected, on account of any want of authority in any person solemnizing the same, if consummated, with a full belief on the part of the persons so married, or either of them, that they were lawfully joined in marriage.

Now, that is all right with reference to marriages heretofore solemnized; and I see that the words "or hereafter," which were originally in the bill, have been stricken out by the committee. But there is no provision made in reference to marriages which are not solemnized in conformity to the provisions of this act. How can you enforce your act? What does it amount to? What need is there of legislation such as this? It seems to me, gentlemen, in all seriousness, that this is too grave a matter to be disposed of in this way without careful consideration. I submit that the proper course of proceeding—one which certainly must commend itself to every lawyer in this body—would be to refer the bill to the Committee on the Judiciary and let that committee bring in a complete, logical, well-arranged marriage law for the District of Columbia.

Mr. CURTIS of Iowa. Mr. Speaker, I desire to say a word in reply to the gentleman from New York [Mr. BARTLETT]. I have no doubt but that the Judiciary Committee would have proven competent in the consideration and preparation of this bill, but unfortunately, by reason of the character of the legislation proposed, under the rules of the House the bill went to the Committee on the District of Columbia for its action.

I wish to say this, that this bill was considered in the Senate by the Committee on the District of Columbia there, and by such able lawyers as Senators FAULKNER, HOAR, and others; was considered on the floor of the Senate for two consecutive days, and finally passed that body. It came before the Committee on the District of Columbia of the House and meets their approval in the shape presented here.

Three or four hearings were given to individual ministers and others in reference to the matter embodied in the bill, together with the House bill, which we had before us, both of which were considered by the committee at the same time.

I call the gentleman's attention to the fact that the only objection interposed by the ministers, who came before the committee in considerable force, was with reference to sections 2 and 7, which provide for the bond; and after giving that matter careful attention, at the suggestions of the ministers themselves, the bond feature was eliminated, and the penalties provided for, which have been made to apply to judges of the court and justices of the peace as well as to the ministers. I believe that this bill must necessarily pass if there is to be any legislation here in this Congress on the subject, and I trust that the gentleman will withhold his objection.

Mr. WALSH. Will the gentleman permit me to ask him a question?

Mr. CURTIS of Iowa. Certainly.

Mr. WALSH. I wanted to ask the gentleman why it was made discretionary in the court of the District of Columbia to grant a license to any minister under the terms of this bill? You say such court "may" make an order. Even though he proves that he is a qualified minister, you leave the matter entirely in the discretion of the court.

Mr. CURTIS of Iowa. I think, under the interpretation of the language of the section, the court would construe it as a duty to grant such authority, if the person applying was suitable and presented good and sufficient proof to the court.

Mr. WALSH. The language of your statute is against you.

Mr. HULICK. Mr. Speaker, I have offered an amendment to the bill which I trust will receive the consideration and approval of the House.

It has been stated that this is a very important measure. That I concede, and I approve of the bill most heartily as it comes from the committee, with the adoption of the amendments I have already proposed. I hope to be able in a very brief time to present reasons why these amendments should be adopted by the House and made a part of the bill.

There is great necessity for legislation in this respect, as has been suggested, and while we are considering the marriage laws for the District, it is very important that we have a bill that will commend itself to the citizens of the District of Columbia and the bar, as well as to all interested in such legislation.

The first section of the bill provides—

That if any male person intending to marry in the District of Columbia be under 21 years of age, and if a female under 18 years of age, and has not been previously married, the consent of the father or guardian, or, if there be none, of the mother of such person, shall be given either personally to the clerk of the supreme court of the District of Columbia or his deputy, or in writing, subscribed by a witness, who shall make oath before the clerk of said court that said writing was signed or acknowledged in the presence of said witness by such father, guardian, or mother, as the case may be.

Now, I ask to have the first part of this section stricken out down to and including the word "person," in the seventh line, and have it declared specifically in the bill who can marry in the District; not such persons as are intending to marry, but let it designate who may be married or be permitted to marry in the District. The amendment I offered is to strike out all of that portion of the first section——

Mr. BARTLETT of New York. Will the gentleman allow me a question? How many amendments have you?

Mr. HULICK. Two. The other is merely formal, and will follow the adoption of the first. This is to amend the section, the

first section, of the bill, so as to provide who may marry in the District of Columbia.

I propose to strike out, then, all of lines 3, 4, 5, 6, and 7, down to and including the word "person," and insert the following:

Male persons of the age of 18 years and female persons of the age of 16 years, not nearer of kin than second cousins and not having a husband or wife living, may be joined in marriage, providing always that male persons under the age of 21 and female persons under the age of 18 years, who have not been previously married, shall first obtain the consent of the father or guardian, and if there be neither of these, then of the mother of such person, which shall be given either personally to the clerk of the supreme court of the District of Columbia or his deputy, etc.

This defines and declares who may be married in the District. This bill, as it is offered by the committee, does not. I will here say, as a member of the committee, that the amendment was offered in the committee, and I thought until to-day that it was carried in the bill—that it met the approval of the subcommittee. But I find that it is not included. I do not know the reason why. We should declare who are the persons authorized to be married in the District.

Now, male persons of the age of 18 years can be lawfully married under this amendment, and female persons of the age of 16 years can be lawfully married. At present male persons under 18 and female persons under 16 can not be married under the law. I believe below that age persons ought not to be permitted to marry in the District of Columbia or anywhere else.

The question was asked by the gentleman from New York [Mr. BARTLETT] a few moments since what would be the result if persons are married, and cohabited, or consummated the marriage, who were under the ages of 18 and 16, respectively? Well, now, that is a question, of course, that would have to be determined by the parties who run that risk. If, however, the marriage be consummated, while it may not be void, it is voidable only. And if the circumstances are such that the marriage ought not to be set aside, it would not be affected by this bill. Now the important question is to determine who shall marry in the District of Columbia. The other bill leaves it open entirely.

Mr. TALBERT. Will the gentleman allow me to ask him a question?

Mr. HULICK. Yes; certainly.

Mr. TALBERT. If this bill is enacted into law will it have the effect of repealing all other statutes now in force in the District of Columbia, and also the provisions of the common law? Will it repeal all of these, and will this be the only law bearing upon the subject?

Mr. HULICK. It will repeal such sections as are designated in the last section of the bill—section 13—and then it provides in general terms, as most of these bills do, that all laws or parts of laws heretofore in force in this District, inconsistent with or in conflict with the provisions of this act, are hereby repealed.

Mr. TALBERT. It will virtually be the only law bearing upon the subject?

Mr. CURTIS of Iowa. It only repeals those in conflict with this statute.

Mr. HULICK. Those inconsistent with this statute are repealed; but I want to call the attention of the House now to the section that is intended to be repealed by the second amendment.

The statute in force in this District relating to marriage was enacted by the Maryland legislature in 1777. This amendment fixes not only the age but the relationship, which shall not be nearer than that of second cousin. Then the bill proposes an amendment to section 2 of the statutes in force in the District of Columbia, which now fixes the relationship which shall exist, or rather shall not exist, between parties who are determined to marry. I want to call the attention of the House to that measure. Under the law now in force, which was enacted over a hundred years ago, it is provided in section 2, which would be repealed by this amendment and which ought to be repealed, that—

If any person within this District shall hereafter marry with any person related within any of the degrees of kindred or affinity expressed in the following table, such marriage shall be void.

Then follows the table of the degrees of kindred and affinity within which no persons related shall marry. I want you to listen to this, to see the absurdity of a law, passed over a hundred years ago, which now controls the people of this District as to the relationship within which they shall not marry. A man shall not marry his grandmother——

Mr. DOCKERY. Well, why should he? [Laughter.]

Mr. MILNES. I will ask the gentleman if he wants to authorize a man to marry his grandmother? This law says he shall not do it.

Mr. HULICK. No; we want to change the law and say he shall not marry any person of a nearer relationship than second cousin, and that will keep out the grandmothers.

Mr. BAKER of New Hampshire. Does not this bill repeal that, and allow a man to marry his grandmother?

Mr. HULICK. My amendment proposes to repeal this section, but the bill as it now stands will not repeal it. Under the terms of this old statute a man shall not marry his grandmother, grandfather's wife, wife's grandmother, father's sister, mother's sister, mother, stepmother. I do not suppose anybody would want to marry his stepmother, with her reputation, but if he did, he may not marry his stepmother in the District of Columbia.

Mr. TALBERT. The gentleman must be reading from the Bible.

Mr. HULICK (continuing). Nor his wife's mother, daughter, wife's daughter, son's wife, sister, son's daughter, daughter's daughter, son's son's wife, daughter's son's wife, wife's son's daughter, wife's daughter's daughter, brother's daughter, sister's daughter. That is what a man can not do in the District of Columbia.

Now, I want to call your attention to what a woman can not do, and if this bill passes without the amendment which I propose this section will remain the law of the District so far as that is concerned. Now, I ask, Mr. Speaker, whether it is true that the good people of the District have to be prohibited by law from doing the things above referred to? Now, again, a woman shall not marry her grandfather, grandmother's husband, husband's grandfather, father's brother, mother's brother, father, stepfather, husband's father, son, husband's son, daughter's husband, brother, son's son, daughter's son, son's daughter's husband, daughter's daughter's husband, husband's son's son, husband's daughter's son, brother's son, sister's son.

Now, if the people of this District want such a law as this, if they are a hundred years behind the age and can not live in this year of our Lord 1896 without marrying their grandmothers and others prohibited by that antiquated law, then I pray you, Mr. Speaker, let the House reject my amendment. My amendment simply provides that no one in the District of Columbia can marry any person of nearer relationship than a second cousin. The person who goes to the clerk of the court for a license must state in an affidavit provided for in the bill, under oath, that he is of a certain age—over 21 years of age—that he is not nearer of kin to Nancy Jones than second cousin, and that she is over 18 years of age. And thereupon the clerk issues the license, the minister solemnizes the marriage, he makes his return of the marriage, the groom and his bonny bride go off on their honeymoon, and everybody is happy.

Mr. BURTON of Missouri. You also stop the stepfather and stepmother from being married.

Mr. HULICK. I want seriously to ask this House whether we should leave on the statute books for the District of Columbia such a law, passed by the legislature of Maryland in 1777, over a hundred years ago? Would you leave such provisions, so ridiculously absurd, upon the statute books, and have this Congress say that such laws are needed for the people of the District of Columbia?

Now, my amendment provides for the repeal of that antiquated section of the statute, and fixes in one sentence that no one shall be married in the District of Columbia that is nearer related than second cousins.

Mr. DOCKERY. I would ask the gentleman whether, in view of the very diverse expressions of opinion that have been had on this bill, it would not be better to let it go over until the next District day, and then we can consider it.

Mr. HULICK. I do not know whether it would or not. I am not prepared to speak in behalf of the committee. I think that we ought to fully and seriously consider this important matter; and if when we get through with a consideration of all the provisions of the bill it is thought advisable to let it go over, it will be all right.

Mr. TRACEY. I would like to ask the gentleman what particular occasion there is for the passage of this bill. Has there ever been any trouble about being married or given in marriage in this District?

Mr. HULICK. Oh, yes; there is very much embarrassment under the statutes that are now in force relating to marriage.

Mr. TRACEY. I do not want to talk about the statutes, but I want to know what is the trouble about the existing law.

Mr. HULICK. I want to answer the question of the gentleman. It provides for the repeal of other sections of the statute that cause doubt.

Mr. TRACEY. I do not want the point I made lost sight of. The question is, Has there ever been any trouble in marrying or of people being married or given in marriage under the existing law? That is the question.

Mr. HULICK. No serious trouble, I apprehend, for when a marriage is consummated the common law would come in and legalize them. Another statute is proposed to be repealed that has caused some embarrassment. It is this:

SEC. 4. The rites of marriage between any white persons, subjects or inhabitants of this District (State) shall not be celebrated by any person within this District (State) unless by ministers of the Church of England, ministers dissenting from that church, or Romish priests, etc.

Now, there are Romish priests in this District that can solemnize marriages, and there are ministers dissenting from the Church of England that can solemnize marriages under that section,

but Methodist and Presbyterian and other ministers can not under that section, and therefore I want it repealed.

Mr. BAKER of New Hampshire. If the gentleman will permit an answer right there, I will give it to him.

Mr. HULICK. If ministers belong to the Church of England they can solemnize marriage under that section. The gentleman from New Hampshire may tell you that other persons have solemnized marriages in the District since the compilation of this statute. And that is true, I admit.

Mr. BAKER of New Hampshire. If the gentleman will look at section 718 of the Revised Statutes of the District he will find that there was an act passed June 7, 1870, and that says that every minister of the gospel appointed or ordained according to the rites of his church as a minister of his church, whether his residence be in the District or elsewhere in the United States, may perform the marriage ceremony where the parties have been licensed. Now, what is the use of talking about Romish priests?

Mr. HULICK. I was just going to say that there is a statute authorizing ministers of the gospel to solemnize marriages. The section that I am calling your attention to never has been repealed; and under that law none but "ministers of the Church of England, dissenters from that church, and Romish priests" can solemnize marriages. An amendment is offered to repeal that statute.

Mr. TRACEY. Does not that repeal it by implication?

Mr. HULICK. We must not make laws by implication and leave the matter for the courts to construe. It is the duty of the legislator to make it so plain that "he who reads may run," and not leave it to the courts to construe.

Mr. BURTON of Missouri. You ought to have it that he who marries must run.

Mr. UPDEGRAFF. Will you permit me a question?

Mr. HULICK. Yes, sir.

Mr. UPDEGRAFF. If your amendment should be adopted and the bill become a law, would it not be impossible for a male to marry at all, under any circumstances, if he were under the age of 18 years, or a female if she were under the age of 16 years, however pressing the necessity? [Laughter.] Could such a marriage be celebrated under your amendment?

Mr. HULICK. No, sir; it would be illegal. It is the opinion of the committee that there should be a limit, and if a young man is not over 18 years of age it is the opinion of the committee he should not be permitted by law to marry, and if this bill should be adopted with my amendment he can not get a license from the clerk, and of course could not get married according to law in the District of Columbia.

Mr. MILNES. He can not under the bill.

Mr. HULICK. Under my amendment a female under 16 years of age can not be married, and we think there should be a limit. My amendment fixes it by declaring by law who shall be married in the District of Columbia. We have reason and history and everything that contributes to the formation of opinion on the question of marriage that would indicate that 16 and 18 years of age, respectively, are low enough to authorize people to enter the marriage relation. Now, if the members of this House think differently, if they have any reason to say that it is too high or too low, then I would be pleased to hear their suggestion and the reasons therefor.

Mr. TERRY. Mr. Speaker, would it be in order to lay this aside and take up some public business?

The SPEAKER. The gentleman from Iowa has charge of the bill.

Mr. CURTIS of Iowa. As soon as the gentleman yields the floor I will just say one word.

Mr. HULICK. I will yield to you for you to say a word, but I do not propose to yield the floor.

Mr. CURTIS of Iowa. I was simply going to say——

Mr. SPALDING. Mr. Speaker, would a motion to recommit this bill be in order?

The SPEAKER. Not while the gentleman from Ohio [Mr. HULICK] has the floor.

Mr. SPALDING. I understand that he has yielded the floor.

Mr. HULICK. No, sir; I have not yielded except for a moment to another member of the committee [Mr. CURTIS of Iowa] to say a word.

Mr. SPALDING. How long has the gentleman from Ohio a right to the floor?

The SPEAKER. The Chair thinks the gentleman has about fifty minutes remaining. [Laughter.]

Mr. HULICK. Mr. Speaker, there are two other amendments that must necessarily be adopted if this bill is to be perfected.

Mr. TALBERT. Let me ask the gentleman whether a demand has come from the citizens of the District of Columbia for the enactment of this bill?

Mr. HULICK. Oh, yes; and from all the ministers. The sections to be repealed imposed a penalty of £500 current money ($1,333⅓) for improperly solemnizing marriage, and for other violations of the law.

Mr. BARTLETT of New York. Is that too high a penalty for so grave an offense?

Mr. HULICK. Well, Solomon told me a long time ago how to answer such foolish questions—according to their folly; certainly no other member in this House would say that such a penalty should remain in the law. Mr. Speaker, I now call attention to sections 721 and 722. This bill does not repeal these sections. Section 721 provides that—

> The clerk shall provide a record book of his office, consisting of licenses in the form prescribed in the preceding section, printed in blank, one of which he shall fill up with the names of the parties for whose union any license has been issued, and beneath it shall be printed a certificate to be made by the minister who solemnized the marriage.

Now, you provide in this bill for a record to be kept without repealing the old section, that provides also for a record to be kept by the clerk.

Mr. CURTIS of Iowa. We repeal that by the repeal of section 16 of the compiled statutes now in force in the District of Columbia, and we repeal section 722 also.

Mr. HULICK. But section 16 in the compilation is not the section of the Revised Statutes. Here is a compilation that has no more binding force than if the gentleman himself had compiled it. It is sections 721 and 722 of the Revised Statutes that should be repealed, because that is the law controlling this matter. However, that is an amendment that can be adopted without controversy later on.

Now, Mr. Speaker, I have no further suggestions to make except that, having stated that the most important amendment is the first one, if that be adopted the others must necessarily follow. Whether this bill should be disposed of at this time I do not know. Perhaps it would be better to have it recommitted, because this is a very important matter, and the sections are not properly numbered. On the whole, I think the bill should be recommitted to the committee for further consideration. I do not wish to move to recommit it without consulting the chairman of the committee and others of the committee, but I think the suggestion is a good one, because the bill in its present form is very imperfect and unsatisfactory.

Mr. BARTLETT of New York. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT of New York. I desire to know when a motion to recommit the bill to another committee will be in order—whether after the amendments are voted upon or before?

The SPEAKER. The Chair thinks that motion would be in order after the third reading of the bill.

Mr. CURTIS of Iowa. If the gentleman will permit me, I will say one word with respect to the amendment proposed by the gentleman from Ohio.

The SPEAKER. The Chair assumed, in answering the inquiry of the gentleman from New York, that the gentleman from Iowa [Mr. CURTIS] intended to move the previous question. If the previous question is ordered, then at any time after the bill is ordered to a third reading the motion indicated by the gentleman from New York will be in order.

Mr. BARTLETT of New York. Some amendments have already been offered. Will other amendments be in order?

The SPEAKER. Not if the previous question is ordered. That will cut off amendments.

Mr. CURTIS of Iowa. I have the floor, I believe, Mr. Speaker.

The SPEAKER. The gentleman from Iowa has the floor.

Mr. CURTIS of Iowa. Mr. Speaker, the amendment proposed by the gentleman from Ohio [Mr. HULICK] was considered by the Committee on the District of Columbia at considerable length, but they were unable to agree to report it to the House, for the reason that they believed it decidedly unwise to recommend a law which would make it impossible for persons to marry under any circumstances, no matter what conditions might arise, if they were under the ages of 18 and 16 respectively.

Mr. LACEY. One question in this connection: In cases of seduction, where ordinarily marriages are encouraged, how will this proposed bill operate?

Mr. CURTIS of Iowa. It is provided that persons under the ages of 21 and 18, respectively, may marry with the consent of parents or guardians; and I suppose that without such consent such a marriage under the common law would not perhaps be invalid.

Now, Mr. Speaker, I do not wish to say anything further on the subject, and will merely call for the previous question on the amendments and the bill.

Mr. BARTLETT of New York. Will the gentleman allow me to offer an amendment?

The SPEAKER. The gentleman from Iowa asks the previous question, as the Chair understands, on the amendments and on the bill to its passage.

The question being taken, there were—ayes 49, noes 12.

Mr. BARTLETT of New York. No quorum.

The SPEAKER (after counting the House). There are 98 members present—no quorum.

Mr. DINGLEY. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 30 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, Mr. HENDERSON, from the Committee on the Judiciary, to which were referred House bills Nos. 13, 259, 1203, 2913, 3550, 3956, 7446, and 8110, reported in lieu thereof the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States, accompanied by a report (No. 1228); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 7958) for the relief of Edward E. Schreiner. (Report No. 1230.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (H. R. 5585) for the relief of William L. Orr. (Report No. 1231.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. TRACEWELL: A bill (H. R. 8165) to pension all soldiers who reenlisted as veterans and have an honorable discharge from said latter service at $20 per month—to the Committee on Invalid Pensions.

By Mr. BREWSTER: A bill (H. R. 8166) to equalize the postage on monthly publications when admitted to be carried as second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. EDDY: A bill (H. R. 8167) to authorize the construction of a bridge across the Red River of the North—to the Committee on Interstate and Foreign Commerce.

By Mr. FAIRCHILD: A bill (H. R. 8187) to reduce the expense of transmission of local or "drop" letters, mail matter of the first class, to 1 cent per half ounce and secure letter-carrier delivery for the same—to the Committee on the Post-Office and Post-Roads.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 2232) for the relief of Arthur H. Lupfer—Committee on Private Land Claims discharged, and referred to the Committee on Claims.

The bill (H. R. 3991) authorizing the payment of the amount due Stella J. Coolbroth—Committee on Private Land Claims discharged, and referred to the Committee on Claims.

The bill (H. R. 7283) granting a pension to Mary Dozha—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. COX: A bill (H. R. 8168) for the relief of Joseph Williamson—to the Committee on War Claims.

By Mr. CURTIS of Kansas: A bill (H. R. 8169) granting an increase of pension to S. R. Smith—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 8170) granting an increase of pension to Mrs. Isabella Graham, widow of John L. Graham, of Louisville, Ky.—to the Committee on Invalid Pensions.

By Mr. HULING: A bill (H. R. 8171) granting a pension to Elizabeth Bryant, widow of Ray Bryant, late a soldier in the Mexican war—to the Committee on Pensions.

By Mr. KERR: A bill (H. R. 8172) granting a pension to Matilda Zimmerman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8173) granting a pension to Lydia Sompsell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8174) to remove the charge of desertion against George Schell—to the Committee on Military Affairs.

By Mr. LAYTON: A bill (H. R. 8175) granting a pension to Nancy A. Wilcox—to the Committee on Invalid Pensions.

By Mr. LINNEY: A bill (H. R. 8176) for the relief of Elisha M. Welborn—to the Committee on War Claims.

By Mr. LITTLE (by request): A bill (H. R. 8177) to grant a pension to E. M. Smothers—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 8178) to remove the charge of desertion against Samuel S. Prater—to the Committee on Military Affairs.

By Mr. McCALL of Tennessee: A bill (H. R. 8179) for relief of the estate of John Richards, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8180) for relief of Dr. J. N. Houston—to the Committee on Claims.

By Mr. QUIGG: A bill (H. R. 8181) to increase the pension of Mrs. George H. Cooper, widow of the late Rear-Admiral George H. Cooper—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 8182) granting a pension to Isaac N. Phillips, late provost-marshal in and for the Thirteenth district of Illinois, in the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. TERRY: A bill (H. R. 8183) to correct the military record of William B. Smith—to the Committee on Military Affairs.

Also, a bill (H. R. 8184) granting a pension to Jesse McMillan—to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 8185) granting a pension to Rowland C. Harmon—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: A bill (H. R. 8186) to remove the charge of desertion from the military record of Christopher Parish—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Memorial of the Philadelphia Board of Trade, in favor of Senate bill No. 2447, to establish a department of commerce and manufactures—to the Committee on the Judiciary.

By Mr. ARNOLD of Pennsylvania: Papers to accompany House bill No. 8140, for the relief of William S. Williams, late of Company D, Forty-fifth Pennsylvania Volunteers—to the Committee on War Claims.

By Mr. BARNEY: Petition of citizens of Greenbush, Wis., in favor of Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. BELKNAP: Papers to accompany House bill No. 5500, for the relief of Bernard J. D. Irwin—to the Committee on War Claims.

By Mr. BINGHAM: Memorial of the Philadelphia Maritime Exchange, favoring the passage of the Torrey bankruptcy bill—to the Committee on the Judiciary.

By Mr. BLUE: Petition of F. G. Adams and others, of Topeka, Kans., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. BROMWELL: Memorial of the Tower Bible and Tract Society, concerning rates of postage on second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. COX: Petition of Joseph Williamson, praying that his claim for property taken by the Army during the late war be referred to the Court of Claims—to the Committee on War Claims.

By Mr. DANIELS: Petition of farmers of Erie County, N. Y., for legislation regarding the importation of stock from Canada for alleged breeding purposes; also favoring a duty on certain produce—to the Committee on Ways and Means.

By Mr. DINSMORE: Petition of citizens of Red Rock, Ark., to remove the charge of desertion against William Pierce—to the Committee on Military Affairs.

By Mr. EDDY: Petition of Gay bay no ding and other Red Lake Indian chiefs, relative to Indian legislation—to the Committee on Indian Affairs.

By Mr. HART: Petition of citizens of Lansford, Pa., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HERMANN: Petition of citizens of Drain, Oreg., favoring the passage of House bill No. 2026, for the protection of agricultural staples by an export duty—to the Committee on Ways and Means.

Also, petition of the Manufacturers' Association of the Northwest, for preference to Portland, Oreg., for bidding for supplies to Government posts and other agencies of the Government in the Pacific Northwest—to the Committee on Military Affairs.

By Mr. LEIGHTY: Petition of Irish-American citizens of Fort Wayne, Ind., favoring a movement to secure amnesty for political prisoners confined in English prisons—to the Committee on Foreign Affairs.

By Mr. LITTLE: Memorial of the Young People's Society of Christian Endeavor of the Central Christian Church of St. Louis, Mo., asking for the prohibition of the sale of intoxicating liquors in the Capitol building—to the Committee on the District of Columbia.

By Mr. MERCER: Resolution of the National Association of Stationary Engineers of Omaha, Nebr., praying for the passage of House bill No. 3618, to organize and increase the efficiency of the personnel of the Navy—to the Committee on Naval Affairs.

Also, resolutions of the city council of Aurora, Nebr., favoring the transmississippi and international exposition of Omaha—to the Committee on Ways and Means.

By Mr. MILLER of Kansas: Petition of Martin McDonald and 500 others, of Kansas City, Kans., in regard to the Marquette statue—to the Committee on the Library.

By Mr. MORSE: Petition of the Presbyterian Church of Barnegat, N. J., praying for the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Messrs. Kasson & Palmer, of Boston, Mass., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Henry Turner and 56 other citizens of Brockton, Mass., asking for adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. OTJEN: Petition of C. C. Cole and 84 others, of the Milwaukee National Home for Disabled Volunteer Soldiers, favoring the passage of an act enabling any inmate of the Home to live with his family at a cost not to exceed the average expense of such inmate at the Home—to the Committee on Military Affairs.

By Mr. QUIGG: Petition of Adolph Alexander and others, for the passage of a bill for the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. SCRANTON: Petition of Hon. J. B. Van Bergen and other citizens of Carbondale, Pa., in favor of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. SPERRY: Petition of Perseverance Council, No. 33, Daughters of Liberty, of New Haven, Conn., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, resolutions of Eli Whitney Lodge, No. 80, Order United American Mechanics, of Hamden, Conn., in favor of the Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. CHARLES W. STONE: Resolutions of the Teachers' Institute of Chester, Pa., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. TYLER: Petition of Great Bridge (Va.) Chapter of Daughters of the American Revolution, asking for an appropriation for the publication of the official documents relating to the American Revolutionary period—to the Committee on Printing.

Also, petition of citizens of Newport News, Va.; also petition of George P. Dravo and 12 others, of Milwaukee, Wis., favoring the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. WASHINGTON: Petition of J. T. Howell and others; also of W. L. Dudley and others, all of Nashville, Tenn., in favor of bill for the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. WOOMER: Petition of S. J. Woelfly and 125 other citizens of Jonestown, Pa., favoring the passage of joint resolution No. 11, amending the Constitution—to the Committee on the Judiciary.

SENATE.

TUESDAY, *April 14, 1896.*

The Chaplain, Rev. W. H. MILBURN, D. D., offered the following prayer:

Almighty Father, we come into Thy presence with joy and thanksgiving, as we commemorate the birthday of Thy venerable servant, the senior Senator from Vermont. We bless Thee that Thou hast brought him to his eighty-sixth birthday hale in body, clear, sound, and vigorous in intellect, happy in his family, in the warm and loving esteem of his brothers of the Senate, the people of his own State, and his fellow-citizens throughout this broad land.

We bless Thee, too, for his memorable service in the two Houses of Congress through this long stretch of years, for his noble and eminent service in behalf of the honor, safety, and welfare of our country, and we humbly pray Thee to spare him to us yet many years. And grant him, when the end of life shall come, to pass hence with a conscience void of offense, full of love to God as his life has been full of love to his fellow-men. We humbly pray, through Jesus Christ our Saviour. Amen.

The VICE-PRESIDENT resumed the chair.

Mr. CARTER. I ask unanimous consent that the prayer delivered by the Chaplain this morning be inserted in the RECORD.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered. The Journal of yesterday's proceedings will be read by the Secretary.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of Rev. J. E. Rankin, D. D., LL. D., president of Howard University, Washington, D. C., praying that the annual appropriations for the support of that university be considered favorably by the Senate; which was referred to the Committee on Appropriations.

He also presented a petition of Great Bridge Chapter, Daughters of the American Revolution, of Norfolk, Va., praying for the publication of the records and papers of the Continental Congress; which was referred to the Committee on the Library.

Mr. BURROWS presented a petition of the board of reference and control of the World's Columbian Commission; which was referred to the Committee on Appropriations, and ordered to be printed in the RECORD, as follows:

To the honorable the Senate and
House of Representatives of the United States:

At a meeting of the board of reference and control of the World's Columbian Commission held in Washington, D. C., on the 15th day of February, A. D. 1896, a committee consisting of the president of the Commission and Commissioners P. H. Lannan, of Utah; O. V. Tousley, of Minnesota, and J. W. St. Clair, of West Virginia, were appointed a committee to present the following preamble and resolutions to the Committee on Appropriations in the two Houses of Congress and urge upon them the adoption of the suggestions therein contained:

"Whereas section 13 of the act of Congress approved July 25, 1890, entitled 'An act providing for celebrating the four hundredth anniversary of the discovery of America by Christopher Columbus by holding an international exhibition of arts, industries, manufactures, and products of the soil, mines, and sea, in the city of Chicago, in the State of Illinois,' provides—

"'That it shall be the duty of the Commission to make report from time to time to the President of the United States of the progress of the work, and in a final report present a full exhibit of the results of the exposition'; and

"Whereas the World's Columbian Commission, created by said act of Congress, in order to secure in a proper and economic way the preparation of said final report on the 19th day of October, 1893, adopted the following:

"'Whereas under the provisions of section 13 of the act of Congress it is provided that the Commission shall make a final report to the President of the United States, in which shall be presented a full exhibit of the results of the Exposition, and in order to secure the preparation of said report in the most economic and comprehensive manner,

"'*Resolved*, That a special committee to consist of eight commissioners is hereby created of which the President shall be a member and chairman thereof, and the seven remaining members shall be appointed by the President, which committee, when so appointed, shall proceed to prepare for submission to this Commission for its final authoritative action the said final report referred to in section 13 of the said act of Congress.

"'*Resolved*, That all resolutions or orders of this Commission, in so far as they may conflict with the provisions of the foregoing resolution, are hereby repealed;' and

"Whereas on the authority of said committee on final report, a subcommittee thereof has already prepared so much of said final report as could be done without the transmission of the report of the various departments of the Exposition, and more especially that of the Director-General and the committee on awards; and

"Whereas the committee on awards has now finished its work and transmitted to the president of the Commission its report, and the Secretary of the Treasury has now about completed the medals and diplomas to be delivered to the exhibitors at the World's Columbian Exposition, and has been authorized and instructed by this board to make delivery thereof to the parties entitled thereto; and

"Whereas the World's Columbian Commission on the 3d day of November, 1893, adopted the following:

"'Whereas it is essential to the proper preparation of the final report of the result of the Exposition that the official reports of the various departments and agencies should be prepared as speedily as possible, so that the special committee charged with the duty of preparing and submitting such final report for the consideration of the Commission may have access thereto: Therefore

"'*Resolved*, That when and as such official reports shall be completed they shall be immediately delivered to the president of the Commission and by him submitted to the said special committee; and further, that all officers whose duty it is to make such official reports be enjoined to discharge this duty as promptly as practicable,' which was a direction to the Director-General and all chiefs of departments and other subordinate officers of the Commission to transmit to said committee on final report the final reports to be made by them, respectively; nevertheless, the said Director-General has up to this time failed to deliver to said committee his report, which necessarily incorporates the reports of the heads of all the departments of the Exposition, but, as this board is informed, has filed the same with the Congress of the United States; and

"Whereas the Senate of the United States has, by an amendment to the urgent deficiency bill now pending in Congress, provided that the 'entire compensation of the Director-General for the work of preparing his final report and for all sums expended or paid out by him upon such work, and for any sums due under agreements or contracts for assistants for such work: provided that the original typewritten or written manuscript of such work * * * all illustrations, diagrams, and plans incorporated in such work, and all plates and negatives of photographs taken therefor in the hands of the Director-General, shall be by him deposited with the Joint Committee on Printing,' which amendment, if concurred in by the House of Representatives, places said report beyond the control of this board or said committee on final report; and

"Whereas by an act of Congress approved August 18, 1894, an appropriation was made in amount and for the purpose, as follows:

"'To enable the committee on final report to arrange the reports of the various departments and prepare a synopsis of the same, $3,500, or so much as may be necessary, to be expended in the discretion of the committee; and said reports with synopsis, including index in each volume, shall not exceed ten quarto folios in all, or not exceeding 1,000 pages each;' and

"Whereas this board has taken the necessary action to finish the work of preparation of said final report as indicated by said last-mentioned act: Therefore,

"*Resolved*, That the Congress of the United States be, and is hereby, memorialized and petitioned to direct and require said report of the Director-General and any and all reports which may be transmitted to the Congress and which should be properly transmitted to the president of the World's Columbian Commission to be transmitted to the president of the World's Columbian Commission, to the end that the same or so much thereof as may be necessary may be incorporated into the final report, which will be completed on the 15th day of October, 1896, and which will state, as required by section 13 of said act of Congress, the results of said exposition.

"*Resolved*, That it is the sense of this board that the Director-General shall be paid the sum charged by him for his services, including all the expenses incident thereto, in the preparation of said report, and it respectfully requests an appropriation to be made to pay the same."

Your petitioners would respectfully call attention to paragraphs marked on margin, respectively, 1, 2, 3, 4, 5, 6, and ask consideration of the same.

In such case your petitioners believe that your honorable body will come to the conclusion that the logical method to be pursued will be that the reports of the president of the Commission, the secretary, the Director-General, the committee on awards, and the president of the board of lady managers should be made to the World's Columbian Commission, as they are all creatures of that body, and that the Commission should transmit the same to the President of the United States, in accordance with the act of 1890.

It seems to your committee that this is the only way to comply with the mandates of the law, with the legislation of the World's Columbian Commission, an agent of your own creation, and the only method by which a report worthy of the World's Columbian Commission can be made.

Any conditions, limitations, or restrictions your honorable body may see fit to impose will be observed by your petitioners.

Your petitioners would call attention to the fact that at the meeting of the board of reference and control above mentioned there were present seven out of the eight members of the Commission of which the said board is composed, and that said board will meet again on November 15, 1896, for the purpose of reviewing the several reports and ordering their transmission to the President of the United States.

The World's Columbian Commission does not expire until A. D. 1898.

The greater part of the appropriation of 1894 for the work of the committee on final report is yet unexpended, necessitating a small appropriation, if any, for the completion of the work.

I have the honor to be, for the committee, very respectfully,

T. W. PALMER,
Chairman and President of the World's Columbian Commission.

Mr. GORMAN presented the petition of Rev. Henry Branch, D. D., president, and Rev. W. G. Herbert, secretary, of the Maryland State Temperance Alliance, praying for the appointment of an impartial national commission to inquire into and investigate upon the alcoholic liquor traffic, its relations to crime, pauperism, taxation, and the general public welfare; which was referred to the Committee on Education and Labor.

Mr. VILAS presented a petition of the Federated Trades Council, American Federation of Labor, of Madison, Wis., praying for the free and unlimited coinage of silver at the ratio of 16 to 1; which was ordered to lie on the table.

He also presented a petition of the Winnebago Christian Endeavor Union of Wisconsin, praying for the enactment of a Sunday-rest law for the District of Columbia, for the enactment of legislation raising the age of consent in the District of Columbia and the Territories to 18 years, to prevent interstate gambling by telegraph, and to defeat race-track gambling in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SHERMAN presented a memorial of Erie Council, No. 92, Junior Order United American Mechanics, of Huron, Ohio, remonstrating against the appropriation of money for sectarian institutions; which was ordered to lie on the table.

Mr. HOAR presented resolutions of the legislature of Massachusetts, relative to the extermination of the gypsy moth; which were read, and referred to the Committee on Agriculture and Forestry, as follows:

Commonwealth of Massachusetts. In the year 1896. Resolutions relative to the extermination of the gypsy moth.

Whereas the gypsy moth, an insect pest, has found a lodgment in this Commonwealth, and careful and persistent work is necessary to prevent its spread over others of the United States; and this Commonwealth has appropriated and expended, under the direction of the State board of agriculture, large sums in the work of exterminating said pest; and said board has asked for the appropriation of the sum of $200,000 for the current year, to continue said work:

Resolved, That the senate and house of representatives of the Commonwealth of Massachusetts, in general court assembled, request the Senators and Representatives from this Commonwealth in the Congress of the United States to use their influence to induce the United States Government to take up the work and carry it on to completion or to secure from Congress a liberal appropriation to assist this Commonwealth in defraying the necessary expenses of the work.

Resolved, That a copy of these resolutions, properly attested, be transmitted by the secretary of the Commonwealth to each of our Senators and Representatives in Congress.

In senate, adopted March 30, 1896.

In house of representatives, adopted in concurrence April 3, 1896.

A true copy. Attest:

WM. M. OLIN,
Secretary of the Commonwealth.

Mr. VEST presented the petition or Arnold Long and sundry other citizens of Browning, Mo., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of American Waiters' Union, No. 20, of St. Louis, Mo., praying for the free and unlimited coinage of both gold and silver at the ratio of 16 to 1; which was ordered to lie on the table.

Mr. MANTLE presented a memorial of sundry citizens of Montana, remonstrating against placing the statue of Père Marquette in Statuary Hall, and praying for its immediate removal; which was referred to the Committee on the Library.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2828) granting an increase of pension to Samuel E. Liscom;

A bill (S. 2829) granting a pension to Plumy E. Marden;

A bill (S. 2787) granting a pension to Simpson Everett Stilwell;

A bill (H. R. 152) granting a pension to Mary Ann Tracy;

A bill (S. 2790) for the relief of Sophronia S. Stowell;

A bill (H. R. 577) granting a pension to Lydia A. Taft;

A bill (H. R. 5254) granting an increase of pension to Ebenezer G. Howell, late a private of Company F, One hundred and sixtieth New York Volunteers; and

A bill (H. R. 1139) granting a pension to Caroline D. Mowatt.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 3426) granting an increase of pension to Eugenia R. Sweeney, widow of Brig. Gen. Thomas W. Sweeney, deceased, reported it with amendments, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (H. R. 4265) granting a pension to Eliza Wilson, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1181) for the relief of Maria E. Wilson, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1883) to grant a pension to Charlotte O. Van Cleve, widow of Gen. Horatio P. Van Cleve, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Education and Labor, to whom was referred the bill (S. 2780) to make an equitable adjustment of the grants of land to the several States of the Union for State normal schools, and for other purposes, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. PETTIGREW on the 8th instant, providing for the collection of statistics in relation to criminals and paupers, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 682) for the relief of the heirs of Sterling T. Austin, deceased, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Mines and Mining, to whom was referred the amendment submitted by Mr. MANTLE on the 13th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (S. 1869) granting a pension to James Radley, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2542) granting a pension to Stephen Maines, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1465) granting an increase of pension to Elijah A. Gilbert, reported it with an amendment.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (S. 2475) for the relief of Solomon S. Crosswhite, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. CANNON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1474) granting a pension to Elliott H. Benton;

A bill (S. 2076) granting a pension to Sarah C. Moody; and

A bill (S. 2493) granting an increase of pension to Albert Flanders.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (S. 536) granting an increase of pension to Samantha Barnes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2430) granting a pension to James W. Whitney, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2341) granting a pension to George E. Tuttle, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2428) granting an increase of pension to Jacob P. Fletcher, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2158) granting a pension to Abraham Rhodes, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2441) granting a pension to George D. Noble, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2077) granting a pension to Richard T. Seltzer, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER (for Mr. MCMILLAN), from the Committee on the District of Columbia, to whom was referred the bill (S. 949) to incorporate the East Washington Heights Traction Railway Company of the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

He also (for Mr. MCMILLAN), from the same committee, to whom the subject was referred, reported a bill (S. 2840) to incorporate the East Washington Heights Traction Railway Company of the District of Columbia; which was read twice by its title.

Mr. PERKINS, from the Committee on Military Affairs, to whom was referred the bill (S. 2324) to relieve John McCarthy from the charge of desertion, reported it with an amendment, and submitted a report thereon.

Mr. MITCHELL of Oregon, from the Committee on Claims, to whom was referred the bill (S. 261) for the relief of Arthur P. Selby, reported it without amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 1212) to carry out the findings of the Court of Claims, and for the relief of Samuel Fitzhugh, administrator of Henry Fitzhugh, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2060) for the relief of Briscoe B. Bouldin, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1913) for the relief of Louisa S. Guthrie, widow and executrix of John J. Guthrie, deceased, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2059) for the relief of William Bushby, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1915) for the relief of the residuary legatees of Mark Davis, deceased, reported it without amendment, and submitted a report thereon.

Mr. MCBRIDE, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. LODGE on the 2d instant, intended to be proposed to the sundry civil appropriation bill, the amendment providing for the establishment of four lighted beacons in Lynn Harbor, Massachusetts, reported it with an amendment, submitting a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 581) for the relief of the legal representatives of Hiram Somerville, reported it with amendment, and submitted a report thereon.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT, from the Committee on the Judiciary, to whom was referred the bill (S. 2624) giving to any State having a claim for expenses incurred in defense of the United States the right to have the same adjudicated by the Court of Claims, reported it with an amendment.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the amendment submitted by Mr. BACON, on the 10th instant, intended to be proposed to the sundry civil appropriation bill, the amendment providing for the purchase of a site, and the commencement of the construction of a United States penitentiary south of the thirty-ninth degree of north latitude and east of the Rocky Mountains, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. WARREN, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. DUBOIS on the 13th instant, intended to be proposed to the sundry civil appropriation bill, the amendment providing for the construction of the post-office and court-house at Boise, Idaho, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 10th instant, intended to be proposed to the sundry civil appropriation bill, the amendment limiting the cost for construction of post-office and court-house at Cheyenne, Wyo., reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the Committee on Irrigation and Reclamation of Arid Lands, to whom was referred the amendment submitted by himself on the 9th instant, intended to be proposed to the sundry civil appropriation bill, the amendment providing that the reports of the division of hydrography of the Geological Survey be printed in octavo form, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 10th instant, intended to be proposed to the sundry civil appropriation bill, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. BAKER on the 13th instant, intended to be proposed to the sundry civil appropriation bill, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

NASHVILLE (S. DAK.) PRESBYTERIAN CHURCH.

Mr. PETTIGREW. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 2816) granting the northwest quarter of the northwest quarter of section 30, township 17 north, range 3 east, Black Hills meridian, to the Nashville Presbyterian Church, of Nashville, S. Dak., to report it favorably without amendment, and I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OSCAR SONNENKALB.

Mr. DUBOIS. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 2277) for the relief of Oscar Sonnenkalb, to report it favorably without amendment. I ask unanimous consent to put the bill upon its passage.

Mr. HARRIS. I suggest to the Senator from Idaho that we go on and complete the routine morning business, and that he then make the request.

Mr. DUBOIS. I suggest to the Senator from Tennessee that the Senator from Washington [Mr. SQUIRE] desires to address the Senate, according to previous notice, immediately after the routine business is completed, and it will take but a moment to get the bill through.

Mr. HARRIS. I shall interpose no objection, but the other proceeding would be the more regular.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

It proposes to pay $575.45 to Oscar Sonnenkalb, of Pocatello, Idaho, on account of surveying public lands in Idaho, under contract, this sum being the cost and value of the work done under the survey contract, according to the rates fixed by statute.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORT ON AGRICULTURAL EXPERIMENT STATIONS.

Mr. HALE, from the Committee on Printing, reported a concurrent resolution and submitted a report thereon; and the concurrent resolution was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of the Secretary of Agriculture upon the expenditures of the agricultural experiment stations for the fiscal year ending June 30, 1895, in compliance with the act approved August 8, 1894, making appropriations for the Department of Agriculture, be printed as a document; and that there be printed, in addition to the usual number, 2,000 copies of said report, the extra copies to be distributed under the direction of the Secretary of Agriculture.

CHICKAMAUGA AND CHATTANOOGA NATIONAL PARK.

Mr. PALMER. The Select Committee on the Dedication of the Chickamauga and Chattanooga National Park have instructed me to report a resolution, which I send to the desk for reference merely. I send also to the desk papers which explain what is intended to be done, which I ask may be printed. The Committee on Military Affairs also favor the passage of the resolution. I ask unanimous consent that it may be now considered.

The resolution was read, as follows:

Resolved, That the Committee on the Dedication of the Chickamauga and Chattanooga National Park be, and it is hereby, authorized to expend the sum of $200 in the preparation of a map and illustrations for the full report of the dedication exercises, to be paid out of the contingent fund of the Senate.

Mr. SHERMAN. The rule requires that such a resolution shall go to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE-PRESIDENT. The resolution will be so referred, and the papers referred to by the Senator from Illinois will be printed, in the absence of objection.

THE SENATE MANUAL.

Mr. ALDRICH, from the Committee on Rules, reported the following order; which was considered by unanimous consent, and agreed to:

Ordered, That the Committee on Rules is instructed to prepare a new edition of the Senate Manual; and that there be printed 2,000 copies for the use of the Senate and 500 copies for the use of the Committee on Rules.

BILLS INTRODUCED.

Mr. GORMAN introduced a bill (S. 2841) granting an increase of pension to Mrs. Lou Gobright McFalls; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 2842) to incorporate the Columbia Subway Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. VEST introduced a bill (S. 2843) to authorize the construction of a bridge across the Missouri River at or near the city of Boonville, Mo.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BACON introduced a bill (S. 2844) granting a pension to Nancy Piper; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 2845) for the relief of Mrs. L. A. Barber; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 2846) to protect State anti-gambling laws from nullification through interstate gambling by telegraph, telephone, or otherwise, by extending to such gambling the penalties provided for interstate gambling by mail or express; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Interstate Commerce.

Mr. JONES of Arkansas introduced a bill (S. 2847) for the relief of the Citizen band of Pottawatomie Indians, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CARTER introduced a bill (S. 2848) to amend section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895," approved March 18, 1894; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HAWLEY introduced a bill (S. 2849) to promote the efficiency of the militia; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BAKER submitted two amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. HARRIS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and ordered to be printed.

Mr. MARTIN submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

ADDITIONAL NATIONAL MUSEUM BUILDING.

Mr. MORRILL. I desire to state that on Thursday, after the routine morning business, I shall ask the Senate to hear me for ten or fifteen minutes upon the bill (S. 698) to provide for the erection of an additional fireproof building for the National Museum, which has been reported from the Committee on Public Buildings and Grounds with an amendment, when I hope to satisfy the Senate that an additional building for the National Museum is an absolute necessity.

SALARY ACCOUNTS OF SENATORS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution reported by the Senator from Oregon [Mr. MITCHELL], from the Committee on Privileges and Elections, relative to the salary accounts of Senators, coming over from a previous day.

Mr. MITCHELL of Oregon. I ask that the resolution may lie over until to-morrow morning.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. SQUIRE. Mr. President——

Mr. MITCHELL of Oregon. Will the Senator from Washington yield to me a moment?

Mr. SQUIRE. Certainly.

PERSONAL REPRESENTATIVES OF JOHN SHERMAN, JR.

Mr. MITCHELL of Oregon. I ask the unanimous consent of the Senate to call up at this time and put on its passage the bill (S. 605) relieving the personal representatives of John Sherman, jr., late United States marshal for the Territory of New Mexico, from the requirements of section 833 of the Revised Statutes. It is a small private bill, to enable the accounting officers to adjust the accounts of the late John Sherman, jr.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to relieve the personal representatives of the late John Sherman, jr., from the rendition of his emolument returns for the periods from July 1 to December 31, 1881, and from January 1 to April 21, 1882, as required by section 833 of the Revised Statutes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL DEFENSES.

Mr. SQUIRE. Mr. President, I desire to call up the bill (S. 1159) to provide for fortifications and other seacoast defenses, for the purpose of submitting some remarks thereon.

The VICE-PRESIDENT. The Chair lays before the Senate the bill indicated by the Senator from Washington, upon which he is entitled to the floor.

Mr. SQUIRE. Mr. President, what are our ideals as a nation? What is our own conception of our character and destiny? We are for peace. Are we for peace at any price? We are for independence. Are we for independence without taking steps to maintain that independence? We are for progress and advancement of the interests, not only of our own people, but of all mankind. We are full of sympathy for the oppressed and downtrodden in every part of the civilized world. We are for the "Monroe doctrine"—for the preservation of the soil inviolate from European aggression on both the American continents. Are we willing to support our belief in the "Monroe doctrine" by something more than empty declarations, which are "as sounding brass and tinkling cymbals"? Again, we are for economy in expenditures. Are we for that false economy that takes no proper thought of to-morrow and makes no provision against the greatest possible risks to our safety, dignity, and peace as a nation?

What an absurd spectacle has the Congress of the United States presented during the present session by its persistent talk in favor of the intervention by the United States in behalf of Cuba and Venezuela. How cheap is all this talk, sincere though it may be on many occasions. Every man who has informed himself on the subject of national defenses knows that as a nation we are not in condition to undertake war or suffer war. It is the very last thing we can undertake or suffer in our present condition, because it will certainly bring the greatest loss and humiliation. Our courage and numbers would not avail, and it is folly to depend upon the resources and inventions of the hour. We can talk loud and long and profess sympathy, pass resolutions, and make believe to ourselves that we are actually taking a hand in the diplomatic affairs and international questions of great moment; but those who are not self-deceived by egotistical glamour and who know the facts are perfectly aware of the painful truth that all this demonstration is mere talk and bluster and vapid sentiment, or, at most, it is a sympathy that is easily satisfied with merely verbal expressions. Not that the great body of the American people understand it so; they are not acquainted with the facts as to our absolute inability to maintain a high, dignified, honorable, intelligent stand upon a great international argument in case we should be pressed by the threat of war, the last argument of kings.

The people are cherishing the ideals of which I have spoken. They do not know how shamefully their interests are being bandied and played with by those who represent them in the Halls of Congress. They suppose, in the simplicity of their hearts, that we are prepared to protect ourselves in case of war with any of the second or third class powers, or even against a first-rate power. They know that the nation has millions of brave and patriotic men who would gather at the call to arms. But they do not know that there is no means of arming these hosts upon the emergency that may arise. They do not know that the great seacoast cities, through which extend the arteries of trade and commerce with each other and with the people of foreign lands—populous though these cities may be, and teeming with wealth—are yet exposed and defenseless against attack by foreign navies with vessels far outnumbering ours in strength. The people do not know that their commerce can be so easily ruined. They do not know that our Navy itself may be hopelessly crippled by the destruction of our undefended navy-yards, depots of supplies, dock yards, powder mills, and arsenals.

If the people understood these facts as they exist they would say, "Stop building ships—as you do not mean to protect our cities, dockyards, and bases of supplies, it is folly to spend so much money upon the Navy." If they knew the hollowness of our talk the people would cry out for shame at this travesty upon the maintenance of the "Monroe doctrine and the intervention for Cuban independence." I have no patience with the discussion that has been going on, so devoid of practical benefit to anyone. It has not only operated to make us ridiculous in the eyes of those who are well informed, but it has brought ruin and financial embarrassment upon thousands and thousands of people who have lost millions of dollars in consequence of this agitation in Congress. Nay, more, it has held out false and elusive hopes to people beyond the seas—hope of relief and assistance never to be realized

in the very nature of things. It is keeping the word of promise to the ear to break it to the hope, and thus bringing untold misery upon hundreds of thousands who look to America for help in the time of their struggles with tyranny and bloody wrong. Whether all this is merely politics I know not; but it seems to me exceedingly wicked and useless. If we are in earnest and mean what we say let us show our purpose by our deeds, by preparation of a wise, prudent, and ample character to enable us to be consistent and to make good our professions.

PRESENT CONDITION OF COAST DEFENSES.

Now, what is our condition as to national defenses? How that appears to the average Englishman may be learned in the following passage from Rudyard Kipling's American Notes:

The big, fat Republic that is afraid of nothing because nothing up to the present date has happened to make her afraid is as unprotected as a jelly-fish. Not internally, of course—it would be madness for any power to throw men into America; they would die—but as far as regards coast defense, from 5 miles out at sea a ship of the power of Her Majesty's ship *Collingwood* would wipe out every town from San Francisco to Long Branch; and three first-class ironclads would account for New York, Bartholdi's Statue, and all.

Reflect on this: 'Twould be "pay up or go up" 'round the entire coast of the United States.

The Committee on Coast Defenses received statements from the Major-General Commanding the Army, from a distinguished admiral of the Navy, from the Chief of Engineers, who has charge of the land defenses of the United States, and from the Chief of Ordnance, who has charge of the construction of the modern high-power guns and the appliances wherewith they are handled. The evidence has all gone to show that the condition of our seacoast defenses is lamentable in the extreme. The defensive works are of a character incapable of resisting modern artillery. The guns are of obsolete pattern, of very little value for service, except, perhaps, for that of a subsidiary character, but in no way fit to engage with the great armor-clad vessels of modern times and their powerful armament. The evidence is overwhelming that in case of war our whole people would suffer immeasurably; not only as to the cities on the seacoast, but as to the entire country by reason of the interruption of commerce. The evidence is also plain that several years will be required to procure the guns for the necessary armament for the fortifications on our coasts, and we are not only taking the risk for the present time but for at least eight years ahead by our failure to inaugurate this work on a suitable scale.

From such investigation as has been practicable it is evident that a large amount of destructible property, estimated at not less than $10,000,000,000 in value, is exposed to attack or at least to heavy assessment for the purpose of securing immunity from destruction. The president of the Chamber of Commerce of New York has informed me that he has given careful attention to the question of the property risks that would at present be sustained in the cities of New York, Brooklyn, and Jersey City. He has consulted with many of his colleagues in the great business institutions of New York and he estimates that property valued at $4,000,000,000 in those cities is subject to destruction or to the imposition of a ransom in case of capture of the port of New York by a hostile fleet. Ten per cent on that amount would not be an unreasonable tax by an enemy. The seacoast cities largely represent the wealth of the nation. They exist not for themselves alone but for the entire country that finds in them its centers of exchange. The prudence which provides for individual and collective safety by the institution and maintenance of fire departments, police protection, national guards, prisons, and hospitals, besides the premiums paid for insurance, would consistently require that provision be made for protection against invasion by a hostile fleet.

Coast defenses—

Says a distinguished military writer—

using the word in the proper sense, may be divided into two distinct elements, namely: First, the means adopted to deny certain waters to an enemy's vessels; second, the resources, men, organization, supplies, and land fortifications, temporary and permanent, available to resist the attack of forces landed outside the zone of protected water.

It is with the first of these elements we now have to deal. First, because greater interests are involved in a sudden blow easily administered by a hostile fleet, and, second, because greater time is required to make suitable preparation for resistance. What do we depend upon as to the first? We have a fairly good navy and eth advantage of the great distance to be traversed by a foreign eflet to reach our shores, which is a principal element of strength in our favor as to all possible foreign foes excepting one nation. England has great fortified bases of supplies in our immediate vicinity, on both the Pacific and Atlantic oceans. That is, she has the coal supply which is absolutely essential for naval operations.

In the first place, as to the size of our Navy, that has already been discussed by the Senator from Vermont; but it may not be amiss for me in passing to present briefly the comparison of the navies of the world with our own, as brought out before the Committee on Coast Defenses, especially in comparing our Navy with that of Great Britain. It was stated that we were sixth; but Admiral Walker afterwards qualified this statement by saying that the navies of Spain and Holland, in some respects, were superior to ours, taking into consideration the number of men and the torpedo boats, the latter being an important arm of the modern naval service. The Secretary of the Navy has presented in his annual report some very instructive tables showing the general condition of foreign navies and their building programmes.

As to the comparison of our Navy with that of England, I present a very excellent résumé, which Admiral Walker in his statement to the committee said was practically correct. The article containing this in the Scientific American is so good that I venture to incorporate the whole of it in my remarks:

THE NAVAL RESOURCES OF THE UNITED STATES AND THE BRITISH EMPIRE—A COMPARISON.

Capt. A. Mahan, of the United States Navy, has pointed out in his celebrated work on the influence of sea power in history, that a preponderance of naval power has been the controlling element which has ultimately brought victory to the nation that possessed it. His conclusions are largely based upon the European wars of the time of Nelson and the late civil war in America.

In view of recent startling and ominous developments in the diplomatic relations of this country and Great Britain, it will be, we think, timely and interesting to inquire into the present status of the navies of the two countries, and also to inquire as to what are the battle-ship building resources possessed by each. It should be noted that in the subjoined tables no account is taken of ships that possess a speed of less than 7½ knots per hour or that are armed with obsolete smooth-bore guns. Ships that are building, but within measurable distance of completion—such, for instance, as the *Iowa*—are included in the following tabulation:

First-class battle ships of the line.

Country.	Total number of ships.	Average displacement.	Average speed.	Belt armor.	Total displacement.
		Tons.	*Knots.*	*Inches.*	*Tons.*
United States	4	10,568	16.42	18	42,274
Great Britain	29	13,000	17.47	18	376,900
Second-class battle ships.					
United States	3	5,703	16.7	12	17,110
Great Britain	12	9,502	13.63	14 to 24	114,030
Third-class battle ships.					
United States	5	4,404	11.9	7 to 12	22,020
Great Britain	11	7,075	13.43	8 to 12	77,820

Coast-defense battle ships.

United States: The 6-knot boats, armed with smoothbore guns, are reckoned as obsolete.

Great Britain: 13 ships; 4,040 tons; 11 knots; 8 to 12 inches; 52,530 tons.

Total battle ships of all classes.

United States: 12 ships, with a total displacement of 81,404 tons.

Great Britain: 65 ships, with a total displacement of 621,230 tons.

In estimating the relative strength of the two navies from the above table it must be borne in mind that the basis for comparison should be the total displacement rather than the total number of ships. Displacement is the capital which the naval designer has to go upon; and if he make a judicious distribution of weights he will always produce the more effective fighting machine out of the bigger ship. If a 10,000-ton and a 15,000-ton ship carry the same armament, the larger vessel will carry that armament more steadily, more speedily, with greater command, and, owing to the wider separation of the individual gun stations, with less exposure to disablement of guns and crew. Estimated on this basis, Great Britain possesses a superiority of fighting power in first-class ships of the line of 9 to 1. In battle ships of all classes the superiority is 7½ to 1.

First-class armored and protected cruisers.

[Of 20 knots speed and upward.]

Country.	Total number of ships.	Average displacement.	Average speed.	Total displacement.
		Tons.	*Knots.*	*Tons.*
United States	5	7,700	21.9	38,500
Great Britain	9	9,233	21	83,100
First-class armored and protected cruisers. [Of 19½ knots and under.]				
United States				
Great Britain	21	7,581	17	159,200
Second and third class protected cruisers.				
United States	14	3,288	18.23	46,028
Great Britain	60	3,828	19.20	229,605
Lookout cruisers.				
United States	[illegible]	1,519	16.73	7,593
Great Britain	[illegible]	1,907	17	36,240
Gunboats.				
United States	7	1,007	16	7,300
Great Britain	34	841	19	28,580

Total cruisers of all classes.

United States: 31 ships, with a total displacement of 99,421 tons.

Great Britain: 143 ships, with a total displacement of 536,725 tons.

Estimated, as before, on the basis of displacement, this table shows a preponderance for Great Britain in cruisers of 5½ to 1.

Of merchant steamers which are built to meet the naval requirements for conversion into cruisers, the United States have 4 and Great Britain 26.

Torpedo-boat destroyers built and building.

	Number.	Displacement.	Speed.
		Tons.	*Knots.*
United States			
Great Britain	62	250	28

Torpedo boats.

United States	10
Great Britain	166

By displacement the preponderance in torpedo boats is 40 to 1.

Summing up the totals for battle ships and cruisers combined, we get:

United States: 43 ships, with a total displacement of 180,825 tons.

Great Britain: 208 ships, with a total displacement of 1,158,005 tons.

Which shows Great Britain to possess a superiority in fighting ships of all descriptions of 6⅓ to 1.

In the event of a war with that country, these are the odds against which we should have to contend at the outset.

As against this unpromising opening it will be urged that we are a resourceful and energetic people, and that we should quickly create a navy. To this it must be answered that modern navies are of slow growth—they are not created. The modern battle ship, costly and intricate, puts a heavy discount upon mere resourcefulness and energy, of which we have abundance, and a heavy premium upon gun, ship, and armor building plant, of which, for the magnitude of the task in hand, we should find that we possessed an altogether inadequate supply. With every factory, mill, and shipyard working at full blast, it would take from seven to ten years to cancel that preponderance of 6⅓ to 1.

There is no sentiment in statistics.

It is certain, moreover, that Great Britain would steadily add to her fleets as the war progressed; and with her great shipbuilding facilities she could float six ships to our one, as the following facts will show: In reply to inquiries instituted by the British Admiralty last year to ascertain the extreme war-ship building capacity of the private yards, it was found that if these firms were given a free hand as to the details of the designs they could build another navy equal in fighting strength to the whole existing British navy in from two to three years. To this must be added the building capacity of the Government dockyards and shops. The astounding resources revealed by this investigation call for no elaboration on our part to show that Great Britain could rapidly increase her preponderance of naval strength if challenged to do so.

The fact that European diplomats seem disposed to take the British view of the question at issue makes it highly probable that in the event of hostilities we should have to engage this colossal navy, with the power of reduplication which lies behind it, unaided.

Incidentally, in closing, we would remark that the ink is scarce dry upon the paper in which our General-in-Chief, Nelson Miles, has just told us that the very opening of hostilities with a great naval power would see every seacoast city on the Atlantic and Pacific subject either to the humiliation of an indemnity or to the horrors of bombardment.

In making the foregoing comparison it is assumed that the United States would not submit to a conflict merely defensive; that her enterprise would soon cause the field of naval operation to become conterminous with the shore lines of both hemispheres. The estimate consequently assumes that the total force of both fleets would be available.

In this connection I present a statement of all the steel vessels in the American Navy, showing their character, tonnage, cost, speed, and their battery. This list includes all that are authorized by law, as well as those already constructed. Several years will be required to complete them.

	Type.	Displacement.	Speed.	Indicated horse-power.	Battery.	Torpedo tubes.	Cost of hull and machinery.	Date of act authorizing construction.
Armored:		*Tons.*	*Miles.*					
Indiana	Battle ship	10,288	15.55	9,738	4 13-inch; 4 8-inch; 4 6-inch; 30 machine.	6	$3,020,000	June 30, 1890.
Iowa	do	11,410	16	11,000	4 12-inch; 8 8-inch; 6 4-inch; 28 machine.	5	3,010,000	July 19, 1892.
Maine	Cruiser	6,682	17	9,293	4 10-inch; 6 6-inch; 19 machine.	4	2,500,000	Aug. 3, 1886.
Massachusetts	Battle ship	10,288	15.5	9,700	4 13-inch; 4 8-inch; 4 6-inch; 30 machine.	6	3,020,000	June 30, 1890.
Oregon	do	10,288	15.5	9,700	4 13-inch; 4 8-inch; 4 6-inch; 30 machine.	6	3,180,000	Do.
Texas	do	6,315	17	8,600	2 12-inch; 6 6-inch; 24 machine	4	2,500,000	Aug. 3, 1886.
Kearsarge	do	11,525	16	10,000	4 13-inch; 4 8-inch; 14 5-inch; 30 machine.	5	2,225,000	Mar. 2, 1896.
Kentucky	do	11,525	16	10,000	4 13-inch; 4 8-inch; 14 5-inch; 30 machine.	5	2,225,000	Do.
Brooklyn	Cruiser	9,271	20	17,400	8 8-inch; 12 5-inch; 30 machine	5	2,986,000	July 19, 1892.
New York	do	8,200	21	17,400	6 8-inch; 12 4-inch; 16 machine	3	2,985,000	Sept. 7, 1888.
Katahdin	Ram	2,155	16.2	5,068	4 machine		930,000	Mar. 2, 1889.
Amphitrite	Monitor	3,990	12	1,600	4 10-inch; 2 4-inch; 8 machine	(*)	(*)	
Miantonomoh	do	3,990	12	1,600	4 10-inch; 6 machine	(*)	(*)	
Monadnock	do	3,990	13	3,000	4 10-inch; 2 4-inch 8 machine	(*)	(*)	
Monterey	do	4,084	13.6	5,244	2 12-inch; 2 10-inch; 12 machine.	(*)	(*)	
Puritan	do	6,060	12.5	3,700	4 12-inch; 6 4-inch; 12 machine	(*)	(*)	
Terror	do	3,990	12	1,600	4 10-inch; 8 machine	(*)	(*)	
Unarmored:								
Atlanta	Protected cruiser	3,000	15.6	4,630	2 8-inch; 6 6-inch; 12 machine		617,000	Mar. 3, 1887.
Baltimore	do	4,413	20	10,064	4 8-inch; 6 6-inch; 14 machine	4	1,325,000	Aug. 3, 1886.
Boston	do	4,040	15.6	4,630	2 8-inch; 6 6-inch; 12 machine		619,000	Mar. 3, 1883.
Charleston	do	3,730	18.2	6,666	2 8-inch; 6 6-inch; 14 machine		1,017,500	Mar. 3, 1885.
Chicago	do	4,500	15.1	5,084	4 8-inch; 8 6-inch; 2 5-inch; 17 machine.	4	889,000	Mar. 3, 1883.
Cincinnati	do	3,213	20	10,000	1 6-inch; 10 5-inch; 12 machine	4	1,100,000	Sept. 7, 1888.
Columbia		7,375	22.8	18,509	1 8-inch; 2 6-inch; 8 4-inch; 20 machine.	4	2,725,000	June 30, 1890.
Detroit	Cruiser	2,089	18.7	5,227	9 5-inch; 9 machine	3	612,500	Sept. 17, 1888.
Marblehead	do	2,089	18.4	5,451	9 5-inch; 10 machine	3	674,000	Do.
Montgomery	Cruiser	2,089	19	5,580	9 5-inch; 10 machine	3	612,500	Sept. 17, 1888.
Minneapolis	Protected cruiser	7,375	23	20,862	1 8-inch; 2 6-inch; 8 4-inch; 20 machine.	4	2,600,000	Mar. 2, 1891.
Newark	do	4,098	19	8,869	12 6-inch; 16 machine	6	1,248,000	Mar. 3, 1885.
Olympia	do	5,870	21.7	17,313	4 8-inch; 10 5-inch; 24 machine	6	1,796,000	Sept. 7, 1888.
Philadelphia	do	4,324	19.7	8,815	12 6-inch; 17 machine	3	1,350,000	Mar. 3, 1887.
Raleigh	do	3,213	20	10,000	1 6-inch; 10 5-inch; 14 machine	3	1,100,000	Sept. 7, 1888.
San Francisco	do	4,098	19.5	9,913	12 6-inch; 17 machine	3	1,428,000	Mar. 3, 1887.
Bennington	Gunboat	1,710	16.5	3,436	6 6-inch; 8 machine	6	490,000	Mar. 2, 1889.
Castine	do	1,177	16	2,199	8 4-inch; 6 machine	1	318,500	Mar. 3, 1887.
Concord	do	1,710	16.5	3,405	6 6-inch; 8 machine	6	490,000	Do.
Helena	do	1,392	13	1,600	8 4-inch; 10 machine	1	280,000	Mar. 3, 1893.
Machias	do	1,177	15.5	2,046	8 4-inch; 6 machine	1	318,500	Mar. 2, 1889.
Nashville	do	1,371	14	1,750	8 4-inch; 8 machine	1	280,000	Mar. 3, 1893.
Petrel	do	892	11.8	1,095	4 6-inch; 7 machine		247,000	Mar. 3, 1895.
Wilmington	do	1,392	13	1,600	8 4-inch; 10 machine	1	280,000	Mar. 3, 1893.
Yorktown	do	1,710	16.5	3,400	6 6-inch; 9 machine	6	455,000	Mar. 3, 1895.
Gunboat No. 10	do	1,000	12	800	6 4-inch; 6 machine		227,700	Mar. 2, 1895.
Gunboat No. 11	do	1,000	12	800	6 4-inch; 6 machine		229,400	Do.
Gunboat No. 12	do	1,000	12	800	6 4-inch; 6 machine		229,400	Do.
Gunboat No. 13	do	1,000	12	800	6 4-inch; 6 machine		230,000	Do.
Gunboat No. 14	do	1,000	12	800	6 4-inch; 6 machine		219,000	Do.
Gunboat No. 15	do	1,000	12	800	6 4-inch; 6 machine		223,000	Do.
Bancroft	Practice vessel	839	14.4	1,213	4 4-inch; 7 machine	2	250,000	Sept. 7, 1888.
Dolphin	Dispatch vessel	1,486	15.5	2,253	2 4-inch; 6 machine		315,000	Mar. 3, 1885.
Vesuvius	Dynamite cruiser	929	21.4	8,795	3 15-inch dynamite; 3 machine		350,000	Aug. 3, 1886.
Torpedo boats:								
Cushing	Torpedo boat	105	22.5	1,720	3 machine	3	82,750	Aug. 3, 1886.
Ericsson	do	120	24	1,800	3 machine	3	113,500	June 30, 1890.
Torpedo boat No. 3	do	142	24.5	2,000	3 machine	3	97,500	July 23, 1894.
Torpedo boat No. 4	do	142	24.5	2,000	3 machine	3	97,500	Do.
Torpedo boat No. 5	do	142	24.5	2,000	3 machine	3	97,500	Do.
Torpedo boat No. 6	do				4 machine	3	144,000	Mar. 2, 1895.
Torpedo boat No. 7	do				4 machine	3	144,000	Do.
Torpedo boat No. 8	do	182	26	3,200	4 machine	3	160,000	Do.
Submarine boat	do	168	8	1,200	None	2	150,000	Mar. 3, 1893.

*Rebuilt under "Repairs," and $3,178,046 appropriated to complete.

He also, from the same committee, to whom was referred the

penses of the Senate.

the accounts of the late John Sherman, jr.

yond the seas—hope of relief and assistance never to be realized

This list does not include the cost of armaments of the ships, which would nearly equal the cost of the ships without armaments. Thus we see in detail the extent to which the United States has already committed itself on the question of new naval construction.

Now, after all this outlay and authorization up to date, without counting the outlay proposed by the bill recently reported from the Committee on Naval Affairs, what is our situation as compared with the other great naval powers of the world?

I have examined a book that has recently been issued, entitled The Naval Pocket Book, by W. Laird Clowes, in which the author, who is deemed reliable, as I learn at the Navy Department, presents a comparative summary of the fleets of the world, dividing the vessels according to their strength to resist and their power to attack.

The New York World of April 8, under the head of "Naval fighting strength," referring to the same book, gives the substance of these data as follows:

Those "for lines of battle" are divided into five classes:

Country.	A.	B.	C.	D.	F.	Total.
Great Britain	29	12	11	5	18	75
France	15	4	5	12	13	49
Russia	14	4	0	7	14	39
Germany	6	7	3	8	7	31
Italy	8	2	0	7	8	25
United States	6	0	1	6	3	16
Turkey	1	1	7	6	0	15
Spain	1	0	2	0	8	11

These are the real fighting vessels, including three classes of battle ships (A, B, and C), seagoing coast-defense ironclads (D), and armored cruisers (F), that could fight against battle ships. Only its armored cruisers put the United States ahead of Turkey, to which it is inferior in battle ships. The summary includes not only all vessels built or building, but all projected to February 1, since which time the British Government has ordered an addition of 11 to its present fleet of 75.

For the protection or destruction of commerce, "scouting and looking out," which will be the chief work of the cruisers, the United States is not quite so badly off. There are six classes, according to size and weight of guns, of which G, H, and J are protected by some armor, K partially protected, and I and L unprotected.

Country.	G.	H.	I.	J.	K.	L.	Total.
Great Britain	17	46	11	22	27	3	126
France	5	18	6	18	0	14	61
Russia	0	2	0	1	0	20	23
Germany	1	5	0	7	0	6	19
Italy	0	5	1	15	2	0	23
United States	2	11	2	3	8	0	26
Turkey	0	4	0	0	2	1	7
Spain	0	3	6	4	0	5	18

For coast defense Great Britain leads, with 53 vessels; Holland has 52, Russia 33, France 28, Sweden 23, China 16, Norway 16, Germany 13, United States 13, and Spain 12.

This summary is believed to be the most favorable to the United States that can be made from the records, and still it shows this country to be far behind the great nations of the world in naval strength. Moreover, it leaves out of sight our deficiency in torpedo boats and torpedo-boat destroyers, of which latter we have to-day only one small vessel in commission, whereas Great Britain has 131, Germany 116, France 108, Italy 106, Russia 78, and even Spain has 36, torpedo vessels; all in the list I have given being 115 feet in length and over. Sixty-two of the British vessels are torpedo-boat destroyers, having superior tonnage and speed.

RELATIVE ECONOMY—COST OF OUR NEW NAVY.

The question naturally arises as to the relative efficiency and economy of land defenses and ships of war. Our people have shown their disposition not to neglect the Navy. They have bestowed upon it generous appropriations, as follows:

Appropriations for "Increase of the Navy."

Fiscal year—	
1886	$1,895,099
1887	3,505,861
1888	11,098,362
1889	5,760,000
1890	7,239,000
1891	9,139,000
1892	16,007,000
1893	9,460,000
1894	7,125,000
1895	9,955,025
1896	13,327,521
Total	95,173,769
If to this amount there be added the cost of the *Chicago*, *Boston*, *Atlanta*, and *Dolphin*, authorized by the act of March 3, 1889	2,440,000
The total becomes	97,613,769

The appropriations for "Increase of the Navy" have aggregated $95,173,769, which amount includes all the appropriations made for the fiscal year 1886 to that for the fiscal year 1897. This sum has therefore been expended during eleven years in the armament and construction of the ships of our new Navy. If we also take into consideration the sums which have previously been spent in rebuilding the double-turret monitors, the total amount spent in forming the fleets of steel war vessels will exceed $100,000,000. The battle ships *Kearsarge* and *Kentucky* have also been contracted for, and an additional $10,000,000 will be required to put these vessels in commission.

The several Congresses have therefore averaged an authorization of $10,000,000 per year in building up our Navy. The question naturally suggests itself: What have we to show for this expenditure in the shape of ships which could be of service in the defense of our coast or seaports? We have, of course, cruisers and gunboats, which may do great injury to the enemy's commerce, but these ships, with little armor, will play a very unimportant part in the defense of our harbors.

At the present time we have actually ready for service 1 battle ship (*Indiana*), 2 armored cruisers (*Maine* and *New York*), 5 monitors (*Monterey*, *Amphitrite*, *Miantonomoh*, *Terror*, and *Monadnoc*), and 1 ram (*Katahdin*). These ships mount 4 13-inch, 2 12-inch, 16 10-inch, and 10 8-inch guns, or 32 armor-piercing guns in 8 ships. When all the vessels now building shall have been completed, we shall have afloat in armored ships 20 13-inch, 12 12-inch, 20 10-inch, and 42 8-inch guns.

These 94 guns will be distributed in 16 ships. In other words, *each gun that we have afloat in an armored vessel of and above a caliber of 8 inches represents an expenditure of $1,000,000.* This is merely the expenditure to place the guns afloat.

This startling fact shows that if we regard the Navy as a shield it is the most expensive fortification and defense that even a military man, who takes no account of cost, can conceive of.

The expense of maintaining one of these floating forts in commission is very great, the last report of the Secretary of the Navy showing (page 446) an expenditure of $438,101 during the year ended June 30, 1895, for the lightest armed and armored of the ships I have considered, the armored cruiser *New York*. Probably the annual expense of each battle ship in commission will not be less than $500,000 a year.

As a weapon the Navy is more useful, for in considering its power of offense we should then take into consideration the usefulness of the gunboats and the cruisers.

There is such a wide diversity of opinion in regard to the efficiency of torpedo boats that I have not considered them in connection with the armored vessels. Personally I believe in their usefulness and fully indorse a statement made to me to-day by a high naval authority, that we ought to have 100 of these vessels to render our present and prospective Navy efficient in accordance with modern developments. In this line of construction foreign governments have made wonderful progress, and have gone on increasing the size of their boats until they now build no more small ones, but confine themselves almost exclusively to what are called "torpedo-boat destroyers," the latest types of which in the British navy are of about 300 tons displacement and have a speed of as much as 31 knots.

Battle ships are believed to be a necessity despite their great cost, for we must be prepared to take advantage of any circumstance which would permit us to overcome the enemy before he reaches our coast. We need more of them to maintain with dignity our national honor and our proper place among the great nations; but we must not forget that not only will the depreciation of guns and their mounts be greater when placed on one of these floating bases, but that the repairs to the ships themselves will be very great. The cost of maintaining a proper system of coast fortifications will be far less than is now annually spent in maintaining our small Navy.

The guns mounted on floating fortresses have the gear connected with the gun carriages almost incessantly under repair. At times these guns will be far from home; those mounted in our fortifications will always be at hand for a defense to the country. As a shield, the expenditure of $100,000,000 upon coast defenses will be worth five times the amount of money spent in ships.

It may be asked, Why does England spend such an enormous amount upon her fleets? The answer is plain. Because she has distant colonies to defend, and it may be necessary for her to attack an enemy in almost any portion of the globe. It is therefore essential to that nation that she provide herself with a weapon rather than with a shield. On the other hand, it has been the policy of America not to enter upon any colonial acquisitions, and public sentiment has justified large expenditures for defensive purposes, while the appropriation of large sums for anticipated aggressive work has never been commended.

The suggestion to defend our coasts and seaport cities by fleets is impracticable, for it will require expenditures running up into several hundred million dollars to do the work effectively.

The Navy is designed for aggressive operations. To retain its mobility and its power to make offensive return it should not be fettered to our great cities for the purpose of protecting them.

Before continuing indefinitely to spend great sums upon our

Navy, it is essential that the strategists and the various construction boards should settle upon some definite line of policy and determine the value for offensive and defensive purposes of the various classes of vessels.

The usefulness of the armored cruiser is yet an undetermined question, and her right employment has not yet been satisfactorily settled.

Admiral Jouett commends the building of vessels of the monitor type for coast defense pure and simple. Other authorities see very little merit in this class of ships. Admiral Ammen is a distinguished advocate of the usefulness of the ram.

Then, again, the question of homogeneity of construction of vessels must be determined before we should enter upon a great naval policy. All these undetermined questions make the building up of our Navy expensive. While they are being solved our coast should at least be placed in a condition of safety, particularly as the cost is but a fraction of 1 per cent of the injury that could be inflicted by a foreign foe, being only one-tenth of 1 per cent, annually, for eight years, upon the destructible property directly exposed at the ports.

The vessels authorized or proposed to be authorized by Congress during the month will cost not less than $25,000,000. Before the end of the year we shall therefore have provided for $135,000,000 worth of ships, but this does not include all the sums which will be required to carry out the policy outlined in the construction of these fleets. Besides all the private or commercial shipyards and dry docks, we have now eleven United States navy docks, at eight different places, viz: Portsmouth, N. H.; Boston, New York, Philadelphia Norfolk, Port Royal, San Francisco, and Puget Sound. It is vitally important that these docks be protected. But these docks are not sufficient for military purposes. Officers of the Navy state that it will be an imperative necessity to provide eventually for four great stone docks—at Boston, Port Royal, San Francisco, and Puget Sound—for we must be prepared to place these four stations in such condition that each can be made a base of operation for our naval fleets.

Environing these docks must be engineering and repair shops, so that the full measure of usefulness of these great basins can be secured.

At this time it is impossible to tell in detail the military reasons why such docks will be eventually built at the four places I have mentioned, but that they will be constructed within a few years is pronounced a certainty.

A proper system of land defenses is essential to the protection of these additional dock structures and possibly to the ships themselves.

The construction of these four docks, the building of necessary sea walls, the dredging of channels leading to the docks, the establishment of machine and repair shops, and the supplemental small docks for the use of lighter crafts will probably necessitate an expenditure of $20,000,000 more.

The more carefully one inquires into the cost of constructing a fleet for defensive purposes the more amazed he becomes at the enormity of the expenditure.

Our naval service is small compared with what it will eventually be, but I unreservedly declare that the time has now come when the construction of forts and land defenses is of such vital importance that if funds can not be found in any other way the building of ships must be postponed. Reluctantly would I favor such a measure, for I am ready to vote, not only for coast defenses, but for stronger fleets. If the policy of building up the Navy is to be continued at the expense of having defenseless shores, then the time has come when a change of policy must be made. There is no doubt that the money expended for coast defenses will bring a better return in protecting our country than the same amount of money appropriated for ships. At the present time I am more interested in protecting our own shores than I am in providing for a fleet which could operate either in the West Indies or along the coast of South America. In other words, I am more desirous of appropriating money for the protection of this land than I am for expending sums in preparing to attack some one else.

It can not be too strongly insisted upon that, while an adequate appropriation for land defenses now will add many millions to the effective value of our Navy without spending an additional penny on it, by enabling it to operate unhampered by the necessity of coast and harbor defense, the failure to provide these defenses actually invites attack before we are ready to repel it and subjects us to the risk of losing the Navy that we have. It is not to be supposed that foreign countries are looking on undisturbed as we prepare ourselves, like a mighty athlete, to enter the arena and contest with them for the prizes that are in view. They know that every addition to our force brings them nearer to the day when our just claims will be backed by the power to enforce them. There is, therefore, continually present with them the temptation, in the conduct of diplomatic negotiations, to force an issue with us at a time when they may well hope to crush this growing power.

The capture or destruction of only a part of our fleet, the destruction of our docks and our great shipyards (more to be feared than a barbarous bombardment of our cities) will check our progress for many years to come. And to prevent this nothing will answer but well-planned and well-armed fortifications. It is true that it will require eight years, with ample appropriation, to complete such a system in its entirety. But long before the expiration of that time a large part of the work will be done and we will have obtained a very satisfactory degree of protection. With sufficient appropriations now there is no reason why every dock and shipyard should not be perfectly secured before the battle ships about to be provided for will be ready for the sea. Our present position, however, is like that of a man who, with a costly house approaching completion, refuses to insure it until ready for occupancy. The individual position of some of us is worse than that, for it is that of a man who thinks that the nearer his house is ready for occupancy the less need is there to insure it.

CONSISTENCY AS TO OTHER ELEMENTS OF DEFENSE.

Does not consistency require a reasonable appropriation for the land defenses?

Why do we continue to lay stress upon one of the accepted elements of national defense without connecting therewith the one remaining element which is lacking to such a lamentable degree, thus weakening our entire system of defense, which is of necessity correlated, one element depending upon and assisting the other?

This system in its entirety is well established in the policy of our Government from the commencement of its existence down through successive reports of its highest officials, as well of the Navy as of the Army, and of the eminent statesmen who have held the portfolio of the governmental administration. Poinsett, Cass, and Webster have added their weighty words to those of Totten and Bernard, of the Army, and those of Morris and Dupont, of the Navy.

The logical relation of these different elements of defense is practically the same to-day as it was in 1826, when Totten and Bernard made the "revised report of the Board of Engineers on the defense of the seaboard."

If there be any difference, it is more favorable to modern land defenses.

It has been generally admitted by military and naval experts that one gun mounted suitably on shore is equal in efficiency to several guns on ship. General Miles places the proportion of superiority at 1 to 5; Admiral Walker, at 1 to 3. Elevated locations for guns, thick parapets, disappearing gun carriages, and concealed mortar pits give the land force many advantages. Observations can be taken on land at many points clear of smoke and can be communicated instantly by wire to the officer directing the battery. The ship has one advantage in that she can choose her position, but she is a frailer fortification, with more complex elements and more points of exposure. One fortunate shot might sink her. Her capacity for carrying ammunition and supplies is limited, and she is liable to besetment with accidents.

The percentage of destructive hits, disablement of guns, and loss of life is greater on ship. And most important of all is the disinclination of ships to attack well-appointed forts with their modern accessories of torpedo mines and other obstructions to the channels of ports. Thus they dare not attack where torpedo mines such as I propose are efficiently protected by guns. The argument as to fleets and fortifications runs back hundreds, yes, thousands, of years in history.

POLICY OF OUR GOVERNMENT.

It is not my intention to review this argument from the first siege of Syracuse, 414 B. C., under Nicias and Alcibiades down through the stories of Rhodes, Malta, Gibraltar, and, more recently, Sebastopol, Lissa, Drewrys Bluff, Charleston, and Fort Fisher, and still later Alexandria and Port Arthur, all showing that "where the task lies outside of the sphere of purely naval action there will be failure" on the part of fleets—that is, as against fortifications. It is the rather to refer to the fact that under the time-honored policy adopted by our Government there was no antagonism between the two elements of defense. There are admitted to be four elements in all, each considered of great importance: First, the Navy; second, fortifications; third, interior communications by land and water; fourth, the Army and militia.

In the language of the official report of 1826—

> Our system of defense is composed of elements whose numerous reciprocal relations with each other and with the whole constitute its excellence; one element is scarcely more dependent on another than the whole system is on any one. Withdraw the Navy, and the defense becomes merely passive; withdraw interior communications from the system, and the Navy must cease in a measure to be active for want of supplies; and the fortifications can offer but a feeble resistance for want of timely reenforcements; withdraw fortifications, and there remains only a scattered and naked Navy.

Our Government has never receded from the system our fathers adopted. General Grant and Admiral Ammen advocated it. Why do we ignore it in part to-day?

The great leaders of our military and naval thought urge us to

push forward the land defenses of our seaboard without delay. Rear-Admiral Jouett agrees with Lieutenant-General Schofield, and Rear-Admiral Walker concurs with Major-General Miles, commanding the Army. They all practically agree that "the relation of fortifications to the Navy is that of a sheltering, succoring power, while the relation of the latter to the former is that of an active and powerful auxiliary, and that the latter ceases to be efficient as a member of the system the moment it becomes passive, and should in no case be relied upon as a substitute for fortifications."

I do not wish it to be supposed that I am opposed to the increase of the Navy. On the contrary, I am in favor of such increase. At present I would not have the fleets less, but I would have the fortifications more, simply because of the lack of the latter—the two go well together, especially for defense. This is well brought out in the following paragraph of the report:

If our Navy be inferior to that of the enemy it can afford, of course, unaided by fortifications, but a feeble resistance, single ships being assailed by whole fleets. If it be equal or superior, having numerous points along an extended frontier to protect, and being unable to concentrate because ignorant of the selected point of attack, every point must be simultaneously guarded. Our separate squadrons may therefore be captured in detail by the concentrated fleet of the attacking power. If we attempt to concentrate under an idea that a favorite object of the enemy is foreseen, he will not fail to push his forces upon the places thus left without protection. This mode of defense is liable to the further objections of being exposed to fatal disasters, although not engaged with an enemy, and of leaving the issue of conflict often to be determined by accident, in spite of all the efforts of courage and skill. If it were attempted to improve upon this mode by adding temporary batteries and fieldworks it would be found that because being weak and inadequate from their nature the most suitable positions for these works must often be neglected under a necessary condition of the plan that the ships themselves be defended. Otherwise, they must either take no part in the contest or be destroyed by the superior adversary.

Mr. MITCHELL of Oregon. May I ask the Senator a question?

The PRESIDING OFFICER (Mr. BACON in the chair). Does the Senator from Washington yield to the Senator from Oregon?

Mr. SQUIRE. With pleasure.

Mr. MITCHELL of Oregon. The Senator spoke of the increase of the Navy. I desire to inquire of him whether the bill to which he refers contemplates any increase of the Army, and if so, to what extent?

Mr. SQUIRE. I shall be glad to answer that question, although I had not included any reference to it in my remarks. The War Department has made a careful examination of this subject, and the statement has emanated from that Department that the increase in the Army necessary in time of peace for manning all the coast defenses contemplated by the Endicott Board and by the subsequent boards of engineers who have been occupied on this subject, when the entire system shall have been completed, will amount to 70 foot batteries. A foot battery is at present composed of 64 enlisted men and 4 officers, there being 3 lieutenants to a foot battery. In what I now say I refer to the establishment in time of peace. In time of war, of course the number of men and of officers would have to be increased. It is estimated that under such circumstances the full complement would amount to 25,000. It will, however, take us many years to complete these works of defense and to manufacture the necessary guns, so that if we should enter in full upon the work contemplated by the bill now before the Senate the increase immediately in prospect would be very small. I understand that an increase of two regiments of foot batteries would be sufficient for the immediately prospective requirements.

HISTORICAL GROWTH OF OUR SYSTEM.

A glance at the historical development of our coast defenses will show that the question now under consideration does not indicate a new departure, but is a logical step in continuation of the settled policy of this Government since its foundation.

Strictly speaking, it is not a new system of defenses that we are seeking, but an adaptation of the existing system to meet new conditions. It is true that, due to our long delay while these new conditions were being fully determined, so many new constructions are now required as to make the proposed system, by itself considered, practically a new one. But that indicates no change in policy. It only means that we have "skipped" some of the steps in the process of evolution, to the great advantage of the taxpayer. Instead of costly experiments with new machinery before we knew just what work that machinery must perform, we have waited until some of the conditions have settled into comparative permanency or until all probable new conditions can be foreseen and can be anticipated before they occur.

Even if we could suppose the most radical improvements in naval construction to-morrow, it would be many years before the navies of the world would be readapted so as to embody them. But it is now as certain as anything human can be that these improvements will be slowly made and will occur along lines already marked out. They will be in the direction of armor of greater resistance, of guns of greater penetration, and of explosives of higher power. But all of these conditions have been anticipated in the plans upon which we are already working. Our parapets and magazines are being built to resist the assault of far heavier shells charged with more powerful explosives than any now foreseen and fired from guns far more powerful than any now afloat. And the guns to be mounted behind these parapets are more powerful, caliber for caliber, than those carried by any battle ship or cruiser that sails the seas.

Therefore, while it may have been wise to delay this work so long, there can now be no question as to the propriety, not of taking a new step in a new direction, but of completing the step already commenced in the direction of the well-established policy of this nation.

The system of defenses now proposed and already partially completed may for convenience be called "the fourth system," to distinguish it from the three preceding ones out of which it has grown.

Prior to the Revolution there were along our maritime frontier no dockyards, no arsenals, or other depots of military or naval stores. Cities which now lay the world under tribute for their wealth were then inconsiderable towns or mere fishers' hamlets. But even then such harbors as those of Boston, New York, Philadelphia, Charleston, etc., were protected by small works. These, however, were of little use during our first war. England, with her all-powerful navy, taking advantage of the long coast line, the sparseness of population, and the absence of roads, which made it impossible for us to meet her with an armed force at all points, could and did use the ocean for her base and landed troops where she pleased.

Even under these adverse circumstances there was one brilliant event which thrilled the hearts of our forefathers and taught them their first lesson in the value of fortifications. In 1776 the gallant Moultrie, behind a parapet of sand and palmetto logs, defended the harbor of Charleston against the attack of a British fleet of 2 frigates and 6 sloops of war. There were 270 guns afloat against 30 on shore; yet after an action of more than ten hours the fleet was decisively repulsed, and with great comparative loss—an event which gave that part of the country absolute rest from the calamities of war for the next two and one-half years.

After the establishment of our independence Washington urged the necessity of proper land defenses for our coast, and after the outbreak of the French Revolution in 1789 most of the Atlantic and Gulf ports were defended by small works. These formed what the engineers have called the "first system" of defenses.

Continued friction with the French and English Governments led to further appropriations for defense, resulting by 1812 in what is known as the "second system." These works were not only small and weak, but being built, for the sake of economy, of cheap material and workmanship, were very perishable, as shown by General Totten:

The Government, aware of this weakness, called out to their support during the war vast bodies of militia at enormous expense, covering these troops with extensive lines of fieldworks.

Bad as it was, this system was not without its value. It protected New York and Boston from capture, but nearly the whole of the New England coast was kept in constant terror by marauding expeditions, while the shores of Long Island Sound and Chesapeake Bay were ravaged by the British fleets.

It was a lesson taught by costly experience and learned in bitter humiliation. This experience and humiliation bore speedy fruit in the steps taken by the first Congress which met after our second war with England, toward the creation of the "third system" of coast defenses. It is this system which we are now slowly, too slowly, replacing, as it replaced its predecessors. It is represented by those magnificent granite fortresses which still rise out of the lagoons of the Mississippi; which from the Tortugas and the reefs of Florida frown over the blue waters of the Gulf; which for three generations have stood guard at the entrance to every harbor on our coast from Louisiana to the farthest frontier of Maine, and for half a century made our seacoast cities and dockyards and arsenals as safe from attack as an inland city on the banks of the Ohio. The black muzzles which fringed their parapets and were thrust through their embrasures spoke silently but eloquently in support of the diplomacy that guided us to more than one peaceful treaty, and, in conjunction with a still formidable Navy, had their due influence on the measures culminating in the arbitration of Geneva.

The third system—our first permanent one—originated with the board of engineers constituted by the Government in 1816. With this board were associated navy officers of rank and experience whenever their examinations included the sites of dockyards, naval depots, etc.

The board devoted several years of unremitted labor to this duty, and to carry out their plans Congress annually gave grants for fortifications until our coast was admittedly the best defended of any in the world.

The principles established and defined by this board have been, and, so long as fortifications are needed, will remain the guide for their construction. And, as I have already shown, any one who

cares to study in detail their reports, extending over a period of many years, and the opinions of naval officers which were solicited by the War Department, will be struck by the unanimity with which they concur in the belief that strong fortifications are indispensable for the well-being of a Navy, no matter how powerful the latter may be. It may be well to further amplify the showing on this point for the benefit of any doubting Thomas, if such there be. Not long before the outbreak of our civil war a distinguished officer of the Navy (Dupont) wrote to the Secretary of War in strong advocacy of land coast defenses from the naval point of view. He said:

In truth it can not be questioned that our principal seaports, naval depots, and all important points on our seaboard should receive commensurate protection; neither should there be, in our judgment, a question as to the mode in which this protection should be given. It would seem unnecessary to set forth the advantages for such purposes of fixed defenses of fortifications. These advantages have been shown over and over again by our distinguished engineers and never controverted. To run over some of these once more—

Once more, as I have done to-day—

it may be said of forts that they are the only permanent defenses, and the most economical. * * * Forts offer means by which a small force is enabled to resist a large one, a small number of men a large army. In the event of an attack by a competent power upon a place liable to be put under contribution the injury might be accomplished before sufficient means of resistance could be assembled. Forts can be made impregnable against any naval force that could be brought against them, and are needed for the protection of our own fleets while preparing for hostilities upon the ocean. They secure depots for munitions of war, and render defense certain and easy, and above all a defense which rarely involves the loss of life, leaving the ordinary state of society undisturbed.

Again he says:

To employ our active Navy, in whole or in part, to the entire or partial abandonment of our system of fortifications, would be to supplant impregnable bulwarks by pregnable ones—a fixed security by a changeable one; it would be exposing ourselves to the chance of being suddenly left for a time without defense, through new discoveries in the art of war; it would be opening the way to expenditures of money of which no estimates could count the sums; it would be depriving our commerce of its legitimate protection, and would be resigning our sense of security, peace of mind, and continuance in our pursuits without interruption, in the event of war.

In conclusion—

He said—

whatever may be decided in relation to the national defense by fortifications, I beg leave to express an emphatic dissent from all theories having for their object the substitution of active ships of war for permanent works. This would be placing the Navy in a false position before the country; giving it duties to perform for which its organization is inapplicable; preparing for its future discredit and loss, through failures to execute that which should never have been undertaken, which is not embraced in the general scope and design of a naval establishment.

The plan to retain the Navy for harbor defense was entertained as the commencement of the last war with England; the proposition to do so sprung from the apprehension that it could not compete with the vastly superior English forces upon the ocean. But at that time some brave and sagacious officers in the high ranks saved the Navy from the fate which threatened it, and to those gentlemen it owes all its subsequent honors, usefulness, and prosperity. If any such ideas prevail at this day, in or out of the profession, those holding them would do well to pause and consider what the Navy would have lost if our ships of war had, at that eventful period, been deprived of the opportunity of filling so bright a page in the Nation's history by their achievements upon the ocean.

In this connection an eloquent passage in the speech of a great statesman is recalled, delivered in the Senate of the United States in 1838. After alluding to our being at war with England at a moment when she had gained an ascendency on the seas over the whole combined powers of Europe, and quoting the familiar verses of her poet—

Her march is o'er the mountain wave,
Her home is on the deep—

Mr. Webster says:

Now, sir, since we are at war with her, I was for intercepting this march: I was for calling upon her and paying our respects to her at home; I was for giving her to know that we, too, had a right of way over the seas, and that our officers and our sailors were not entire strangers on the bosom of the deep; *I was for doing something more with our Navy than to keep it on our shores for the protection of our own coasts and our own harbors:* I was for giving play to its gallant and burning spirit; for allowing it to go forth upon the seas, and to encounter upon an open and an equal field whatever the proudest or the bravest of the enemy could bring against it. The ocean, therefore, was the proper theater for deciding this controversy with our enemy; and on that theater my ardent wish was that our own power should be concentrated to the utmost.

In commenting upon these words of Webster, Dupont adds:

It would be ill-suited, indeed, to the spirit of this nation to retain its naval forces in its own waters during a war, especially if that war was with a naval power. Steam, this new element in the affairs of the world, has very materially changed our position with reference to other nations. Our distance from Europe, measured in time, is now reduced to a brief period of ten days. These United States have hitherto been advancing the general cause of human liberty by an active and progressive peace; but do not events abroad more and more indicate that we may, at no distant day, be forced into our defense—to aid this cause of freedom by an active war?

Similar views were expressed by such officers as Morris, Perry, Stewart, Maury, Dahlgren, and others. Those who deprecated the idea of very elaborate fortifications did so in the expressed belief that it would lull the nation into an undue sense of security and lead to the neglect of the Navy which must be our offensive arm in a foreign war.

I have already referred to the true relation of fortifications and the Navy to each other, and to the general system of defense, as well set forth in the earlier reports of the Board of Engineers.

The coast being properly fortified, the Board adds:

The Navy, no longer needed for passive defense, will move out upon its proper theater of action, though inferior to the enemy, with confidence; knowing that, whether victorious or whether endangered by the vicinity or the pursuit of a superior force, they can strike the extended coast of their country at numerous points, where succor and protection await them. Hovering around the flanks and rear of blockading fleets, and recapturing their prizes; falling upon portions of these fleets, separated for minor objects or by stress of weather; watching the movements of convoys; breaking up or restraining the enemy's commerce in distant seas; meeting by concert at distant points and falling in mass upon his smaller squadrons or upon his colonial possessions, and even laying contributions in the unprotected ports; blockading for a time the narrow seas and harassing the coasting commerce of the enemy's home—these are objects which our own history shows may be accomplished, although contending against a nation whose marine has never been paralleled as to force and efficiency, with a navy apparently, as to numbers, insignificant. Our own history shows that the reason why our infant Navy did not accomplish still more was that the enemy, being able to occupy unfortified harbors, was enabled to enforce a blockade so strict as to confine a portion within our waters. That this portion was not captured is to be attributed solely to a respect, so misplaced that it could only have been the fruit of ignorance, for the then existing fortifications, a result amply compensating the nation for the cost of these works.

It would be difficult—nay, impossible—to estimate the full value of the results following the career of our Navy when it shall have attained its state of manhood under the favorable conditions heretofore indicated; i. e., with well-fortified coasts.

We shall find the war and all its terrors shut out from our territory by our fortresses and transferred by our Navy to the bosom of the ocean, or even to the country of the enemy, should he, relying on a different system, have neglected to fortify the avenues by which he is assailable. Our wars, thus becoming maritime, will be less costly in men and money, and more in unison with our great institutions, leaving untouched our domestic relations, our industry, and our internal financial resources.

Secretary of War Cass, in a report to President Jackson, said:

I consider the duty of the Government to afford adequate protection to the seacoast a subject of paramount obligation, and I believe we are called upon by every consideration of policy to push the necessary arrangements as rapidly as the circumstances of the country and the proper execution of the work will allow.

Secretary of War Poinsett, in a letter to the Speaker of the House of Representatives transmitting the report of a board of officers on the subject of coast defenses, said:

After a careful and anxious investigation of a subject involving in so high a degree the safety and honor of the country, I fully concur in the opinions expressed by the board of the superiority of permanent works of defense over all other expedients that have yet been devised, and of their absolute necessity if we would avoid the danger of defeat and disgrace. It would, in my opinion, prove a most fatal error to dispense with them and to rely upon our Navy alone, aided by the number, strength, and valor of the people, to protect the country against the attacks of an enemy possessing great naval means. To defend a line of coast 3,000 miles in extent and effectually to guard all the avenues to our great commercial cities and important naval depots the Navy of the United States must be very superior to the means of attack of the most powerful powers in the world; and this large naval armament, instead of performing its proper function as the sword of the State in time of war, and sweeping the enemy's commerce from the seas, must be chained to the coast or keep within the harbors.

These opinions and many others which might be quoted show the universal belief among military and naval men that the fortifications and a navy are indispensable complements in any well-considered system of defense, neither of which can be employed to the exclusion of the other. Fortifications protect our harbors from occupation and our seaport cities from bombardment and capture. But to protect the incoming and outgoing commerce a fleet is necessary that can move with freedom to any point that may be desired. Let us suppose, as many naval authorities do, that a fleet of 12 battle ships, with its proper complement of armored cruisers, torpedo boats, etc., will be sufficient for this purpose on our Atlantic and Gulf coasts, and that 4 battle ships, with cruisers, etc., will be sufficient for the Pacific coast. It is evident that this number is based upon the supposition that the vessels shall not be confined in their work to mere coast-defense duty. In the latter case some one port must be selected for defense, leaving the others exposed, or the fleet must be scattered and liable to annihilation in detail. United it may easily be able to destroy any fleet likely to attempt the blockade of our coasts. And this freedom of action for the Navy can only be secured by a sufficient system of land fortifications. At this moment our Navy is not able, and unless it should be made more powerful than even that of England it never will be able, to protect our scattered dockyards. Its only chance of saving itself from destruction by a powerful enemy will lie in its ability to concentrate to meet the attack. From this point of view it is not too much to say that the immediate erection of suitable fortifications will add many millions of dollars to the effective value of our fleet without spending an additional penny for ships.

COAST DEFENSES OF EUROPEAN POWERS.

And if this view be correct we should naturally expect to find that the great naval powers of the world have acted and are acting in accordance therewith. Let us scan for a moment the coasts of Europe.

higher power. But all of these conditions have been anticipated in the plans upon which we are already working. Our parapets

and, so long as fortifications are needed, will remain the guide for their construction. And, as I have already shown, any one who

Stewart, Maury, Dahlgren, and others. Those who deprecated the idea of very elaborate fortifications did so in the expressed

of Europe.

The authority for the following statements is the standard work published in 1894 by Carl Didelot, lieutenant de vaisseau, entitled "La Défense des Côtes d'Europe; étude descriptive au double point de vue militaire et maritime" (the defense of the seacoasts of Europe; a descriptive study from both the military and the naval point of view).

There are now upon the maritime frontiers of Europe, including Malta, 139 fortified seaports, besides a number of others where the modern conditions have made it unnecessary or inexpedient to maintain the fortifications which, though still existing, are now more or less out of date. Of these ports 35 are known as ports de guerre (war ports), where are concentrated the dockyards, the arsenals, the depots of supplies, and the other establishments indispensable to the naval services of the countries to which they belong. These ports in particular have received every attention that the art of the engineer can bestow, and have been fortified at lavish expense.

England has in Europe alone 21 fortified ports, including two in the Channel Islands and Gibraltar and Malta. Seven of these, Plymouth, Portsmouth, Sheerness, Milford-Haven, Queenstown, Gibraltar, and Malta, are military ports fortified with especial care and great expense.

If there be any nation that could safely rely upon its fleet alone for the protection of its coasts, it certainly is Great Britain. It will therefore be both interesting and instructive to note in a few cases what she has deemed necessary, in the way of fortifications, for the defense of her principal ports.

England has now mounted in her coast defenses 920 heavy guns, as compared with the 517 which we propose for our system. Some of the English guns are still of the older and weaker models.

Their number will doubtless be reduced when these are replaced by the best modern guns. Their calibers are 6, 7, 9, 10, 12, 16, and 17.72 inches, as compared with our 5, 8, 10, 12, and possibly in future years 16 inches.

The naval port of Plymouth and Davenport is defended against attack by sea or land by four great groups of works. Limiting our attention solely to the defenses of the water approaches, we find for this one purpose that 15 powerful forts and batteries have been constructed for 232 heavy rifled guns of from 8 to 12 inches caliber, besides mortars. The most important of these are entirely plated with armor.

For the defense of Portsmouth and Southampton, at Spithead and the Needles, against attack by sea there are 20 forts and batteries, most of them completed within the last few years. Four of these forts are entirely plated with armor, and are designed for 130 guns of from 8 to 12 inches caliber. The total defense against sea attack contemplates over 300 heavy guns, besides mortars.

Dover, which is not a naval port, is defended against the sea by three powerful works, one of which is armored and mounts 16-inch guns.

Sheerness and Chatham are defended by 10 works, some of them armored, mounting at least 86 heavy guns. The armament of these works is not generally known.

Those who desire may easily pursue this subject into the greatest detail, in order to see how much thought and money has been expended upon her fortifications by the nation which might be supposed to have the least need to rely upon them.

Across the channel her neighbor and rival for naval supremacy possesses on her continental coast alone 28 fortified ports, of which 5 are "war ports." Germany has 11, with 2 "war ports." Russia has 14, with 4 "war ports" of the first class and 4 of the second class. Italy has 20, with 4 "war ports." Spain has 10, with 3 "war ports." Denmark has 7, with 1 "war port." Sweden and Norway have 9, with 3 "war ports."

Upon the coast of Europe, excluding Turkey, but including England, France, Belgium, Holland, Germany, Russia, Sweden and Norway, Denmark, Spain, Portugal, Italy, and Greece, there are now 139 strongly fortified seaports, of which 34 are the great military-naval ports, fortified with all the skill of the engineer's art.

There is no information available as to the amount of money expended upon these works, but a description of them as given in the work from which the preceding data have been compiled leaves no doubt that many of them have been fortified with a degree of elaborateness and expense far beyond what is now contemplated for any of our own ports.

Thus we see what the wisdom of all these enlightened nations has led them to provide for their home seacoast defenses in addition to their powerful navies.

If we are to consider the fortified ports of England throughout the world it would appear that the number of guns she has mounted is much greater than I have described relative to her own home defenses.

Take the English fortified posts in the immediate vicinity of the United States, as at Halifax, Bermuda, Kingston, Santa Lucia, and at Esquimalt. These alone far exceed all the land defenses at present existing in the United States. It is reported from time to time that Great Britain is now increasing her fortifications and heavy armament in Canada on both the Atlantic and Pacific coasts. Thus, for the defense of Halifax there are 8 powerful works mounting at least 62 guns of from 7 to 12 inches caliber, besides rapid-fire guns, mortars, and a most complete system of submarine defenses. At Esquimalt an elaborate system of land defenses is being rapidly pushed to completion, but details as to the works and their armaments are not available. However, from what England has done and is doing at other places of equal importance we may infer what she is doing here. At the Bermudas, for the defense of her two harbors and the dockyards, she has 13 forts. In 7 of these there are mounted 78 heavy guns, the total armament being probably more than 100.

So it is, we are encircled as a nation with a chain of foreign fortresses and coaling stations impervious to attack, while our rich seacoast cities and ports, commencing at Portland, Me., near to fortified Halifax, in Canada, continuing down the coast, Portsmouth, Boston, New Bedford, Providence and Narragansett Bay, New London, New Haven and Bridgeport, New York, Philadelphia, Baltimore, Wilmington, Del., Norfolk, Wilmington, N. C., Charleston, Port Royal, Savannah, Pensacola, Key West, Mobile, New Orleans, and Galveston, within a few hours' rapid steaming from the foreign fortified ports of Bermuda, Nassau, Habana, and Kingston; and again, on the Pacific coast, San Diego, San Francisco, Portland, Oreg., and Puget Sound, with its United States dry dock, coaling places, and cities, some of them within sound of British cannon at Esquimalt, all lay dominated, exposed, and helpless against the attack of any foreign power that possesses a navy.

Fabulous wealth lies at the mercy of a freebooting enemy if such shall at any time elude our small and scattered Navy.

Our foreign commerce and coasting trade are alike without harbors of refuge behind land defenses. Our great dry docks and shipbuilding yards, our arms factories and powder mills near the coast, are subject to easy destruction, and our Navy is without protected bases for receiving supplies and effecting the repairs that are constantly required. And yet we plume ourselves on our diplomacy!

Inasmuch as we are taking lessons of England and imitating her as best we can in the increase of our Navy, and in our naval architecture, it may also be well to consider to what extent we should imitate her in the policy of constructing land defenses, at least for home protection on our own shores. True wisdom will not be satisfied with an unequal and "lopsided" system of defenses. Whatever there is in our position and character as a nation that calls for a navy also calls in equal if not louder tones for land defenses. If we are to neglect the one because of its expense, or because of the assumed lack of its necessity, then to be consistent we should omit the other. To build up a magnificent navy, or even a fairly good navy, without the use of fortifications, is but to invite disaster at the first shock of arms, and is the height of folly.

EVANGELIZATION.

Much has been said in regard to the ameliorating influence which advancing Christianity and civilization are affecting among the great nations of the times. It is occasionally said in answer to the demand for defensive works that the spirit and tendency of the age is toward peaceful progress and the avoidance of wars and conflicts, and toward the agency of arbitration and mediation to effect wise and pacific settlements of vexed questions between nations. We hope and long for this to be true, and the wish may be father to the thought in this as in many other things.

I remember that this doctrine was very prevalent many years ago when the celebrated International Peace Conference at Geneva took place. All the world was then in profound peace and seemed likely to remain so, yet within comparatively few years since that great International Peace Conference have occurred some of the most terrific, destructive, and bloody wars ever known in history. Several other international conferences have convened. Such bodies carry no international authority. It has been said that "war can not at all times be avoided, however pacific and forbearing our policy; that nothing will conduce more to an uninterrupted peace than that state of preparation which exposes no weak points to the hostility, and offers no gratification to the cupidity, of the other nations of the earth."

The influences of ambition and commercial and manufacturing rivalry will continue to exert much influence upon the minds of those who control human governments. The wisest nations of our day do not disregard these conditions. Procrastination and weak credulity as to our fancied moral and physical strength have been carried too far in our case, leading us to neglect such preparations as are in accordance with the matured opinions of the wisest and soundest thinkers.

In the language of the report from the Committee on Military Affairs by Mr. F. P. Blair, jr., in 1862:

Congress must not only make appropriations, but make them at suitable times and in sufficient amounts; to be most effective, appropriations must be not only adequate but also timely and consecutive; else idle hands and waste of materials will result, as heretofore, in unnecessary losses. In the

construction of ships and fortifications delays increase their cost. Forethought and promptitude, faithfulness and integrity, will, at an early day, at reasonable cost, call into existence admirable defenses, of the excellence of which our nation will be proud.

EXPLANATION OF THE BILL.

Mr. President, I desire in conclusion to make a few words of explanation of the bill. The bill presented by the Committee on Coast Defenses is intended to meet the wants of the nation in this respect. It has received the approval of the Secretary of War and of the Chiefs of the two great Departments of Engineers and Ordnance. If it shall be adopted, provision will be made for the construction of the fortifications necessary for the defense of the principal seacoast cities of the United States.

The situation and armament of these fortifications has in each case been the subject of study by the Board of United States Engineers, whose plans have been approved by the Chief of Engineers and by the Secretary of War.

The aggregate number of direct-fire high-power guns of all calibers required is 517; the aggregate number of mortars is 1,056. For the construction of these guns, emplacements, and carriages about eight years will be required and the sum of at least $80,000,000. This sum can not be judiciously expended in a less time except under great stress and at additional cost to the Government; and even in that case it will be very difficult to complete the armament in a much shorter period.

It is provided in the bill that the sum of only $10,000,000 be appropriated for the fiscal year ending June 30, 1897, and that an expenditure be authorized of $10,000,000 for each of the succeeding seven fiscal years, ending June 30, 1904; thus the tax would be comparatively light for each year, not equaling that of the river and harbor bill, which for the past ten years has averaged annually between thirteen and fourteen million dollars. Think of it! $279,916,317.69 has been appropriated since 1872 for the improvement of rivers and harbors, that is, for the benefit of commerce; and yet we have been so afflicted with "coast-defense blindness" that we have expended only ten or eleven million dollars for the protection of these harbors during the same period.

It is also provided in the bill that the expenditures are to be made proportionately to the estimated cost of the defenses at each of the ports to be defended, so that so far as practicable all the principal seaport cities in the Union may be equitably and contemporaneously benefited by the outlay. This is intended to avoid favoritism and the protection of the country from undue expenditure at some ports to the exclusion of expenditures at other important places. It is proposed to leave this outlay to the great departments of the engineers and ordnance, under the provisions of existing law especially made and adapted to the purpose.

If any additional safeguard shall hereafter be deemed necessary in the working out of the present system it can easily be added by subsequent legislation. It has not been thought advisable to present in connection with this bill any method of raising the money proposed to be expended. The amount to be expended per annum under the provisions of the bill does not seem to be so great as to render necessary any departure from the established methods of raising the revenue of the Government, and it has been feared that if an effort be made to raise the money for this purpose by any specific device of legislation, differences of views as to the best method of raising this money may cause injurious delays in securing the legislation necessary for defenses.

I therefore hope that the bill will be adopted without serious modification, either as a separate measure or in the fortifications appropriation bill. An economic, sound system of national defense is the rock upon which rests permanent safety and successful diplomacy.

Since the people have commenced to receive information on this subject they are being heard from in no uncertain tones, and the indications are that they expect this Congress to act.

SENATOR FROM DELAWARE.

Mr. CHANDLER. I call up the resolution declaring Henry A. Du Pont entitled to a seat in the Senate from the State of Delaware.

The Senate resumed the consideration of the resolution reported by Mr. MITCHELL of Oregon from the Committee on Privileges and Elections February 18, 1896, as follows:

Resolved, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

Mr. CHANDLER. Mr. President, this is certainly a case of new impressions. Delaware has treated the country to a novel sight. This Government has existed under its present Constitution more than one hundred years. During that period probably 1,000 Senators have been elected. This, so far as we are aware, is the first case in which a governor of a State voted for a United States Senator. It has generally been supposed that the governor belonged to the executive branch of government and not to its legislative. Here, however, being the executive, he leaps over into the legislature and votes for Senator; and the question is whether in this case Governor Watson could do that thing while he was governor.

The Senator from Indiana [Mr. TURPIE] was impressed with the humor of the case, because he said that if the contention of the advocates of the admission of Mr. Du Pont is correct, then Mr. Du Pont was elected Senator twenty-eight times on the same day. The Senator said that ordinarily it was an honor for any one person to be elected Senator three or four times in the course of three or four times six years; but here, he said, Mr. Du Pont was elected, if at all, twenty-eight times, which the Senator thought was extraordinary, and, with humor somewhat grim, he commented upon that curious circumstance.

Mr. President, it was curious, and yet it was true. Mr. Du Pont was elected on the 9th day of May United States Senator twenty-eight times, but the difficulty was to get the election declared. If at the end of any one balloting he had been declared elected, the subsequent ballotings would not have taken place. But here was Watson. The trouble was, as has been the trouble all through, too much Watson. There firmly stood the governor of the State. Delaware is an anomalous State under any legislative conditions, because she has but 9 senators and 21 representatives. Thirty men in two little rooms constitute the legislature of Delaware.

Mr. GRAY (in his seat). How many senators has New Hampshire?

Mr. CHANDLER. Ordinarily I should ask the Senator from Delaware, if he addressed a remark to me, for which I would yield, to rise; but I will answer without the Senator doing that.

Mr. GRAY. I will do so, Mr. President. With the permission of the Senator from New Hampshire, if I have his permission——

Mr. CHANDLER. Certainly.

Mr. GRAY. I ask him how many senators the State of New Hampshire has?

Mr. CHANDLER. Twenty-four, and nearly 400 representatives—a State quite as small in all other respects as Delaware, and yet it has 24 senators and nearly 400 representatives, while Delaware has 9 senators and 21 representatives, and when they elected a Senator 15 to 14, behold there was Watson among them, the governor of the State, trying to make the thirtieth, and voting.

Mr. GRAY. The constitution of New Hampshire, which I have here in a publication—of course I shall be glad to be corrected—says that New Hampshire has 12 senators.

Mr. CHANDLER. The Senator is delving in antiquities. There were but 12 under the original constitution. About a dozen years ago we changed it to 24. But we always had, I will say to the Senator, a very large body of representatives, varying from 300 up to 400.

Now, I repeat, Mr. President, that the trouble in Delaware was that there was Watson, the governor, presiding, and he would not declare an election; and so the ballotings went on all day on the 9th of May until the time came when the law adjourned the legislature; and during that whole period the joint assembly was compelled to go on electing Mr. Du Pont over and over again because it had then present the governor of the State sitting as a member of the legislature, and not only, as we contend, thrusting his vote illegally into the balloting, but presiding and declaring that there was no choice.

Mr. President, there he was, and the legislature could not get rid of him. They were in the predicament of Sindbad the Sailor:

The Old Man of the Sea on the neck of him
Who seven times crossed the deep,
Twined closely each lean and withered limb,
Like the nightmare in one's sleep.

Watson was the nightmare, the incubus, the terror, the usurper, that hindered the declaration of the election of a Senator and made it necessary for the legislature to keep electing over and over again this Senator whom they had once chosen.

Mr. HILL. Will the Senator from New Hampshire allow me?

Mr. CHANDLER. Certainly.

Mr. HILL. I understood the Senator to say that there was an election on these various ballots, but that Mr. Watson declared that no one was elected. Did any Republican senator request the governor to declare an election?

Mr. CHANDLER. There was, as the ballotings went on, a protest against the governor's right to vote.

Mr. HILL. That is not the question I asked. Did anybody at that time make the point that there was an election and request the governor to declare an election?

Mr. CHANDLER. I think there was no request that the governor should declare an election. There was at some time a protest against the right of Watson to vote, and I think a claim that Du Pont was elected.

Mr. HILL. That was after all the votes had been taken, was it not?

Mr. CHANDLER. I am not certain whether it was after all the votes had been taken or not.

Mr. GRAY. Yes; it was after.

Mr. CHANDLER. But here was this incubus, here was Watson, William T. Watson, Senator Watson, President of the Senate Watson, Governor Watson, Pooh-Bah Watson, the executive of

the State of Delaware, possessed with all the executive power of that State. There he stood, and it was, I think, to the credit of the State of Delaware and to its representatives that no effort was made to thrust him from the legislative halls back into the executive chamber, and that the representatives and senators chose to appeal from his declaration and the apparent result of his vote to the Senate of the United States, as they do now appeal.

Mr. MITCHELL of Oregon. Fifteen Senators protested in writing.

Mr. CHANDLER. The Senator from Oregon calls my attention to the fact that 15 senators at that time made a protest in writing against what was going on. But, Mr. President, it affected no legal right whatever. It is admitted that Governor Watson went in, that he presided and voted, and it was not until the close of the balloting that protest was made, and then it was made in a peaceful and dignified manner.

Mr. HILL. Was there any protest made during the balloting at all?

Mr. GRAY. None whatever.

Mr. CHANDLER. The Senator from New York asks whether there was any protest made during the balloting, and the Senator from Delaware, in his seat, says there was none; and unless I was very sure I was right I should not think of contradicting both those Senators.

Mr. HILL. I asked the question. I did not make an assertion.

Mr. CHANDLER. I do not know.

Mr. HILL. I understood the Senator to say a minute ago that during the balloting they contented themselves in a dignified, quiet way with protesting. That is the point I wanted to know about.

Mr. CHANDLER. It was during this anomalous proceeding.

Mr. HILL. I asked whether it was the fact.

Mr. CHANDLER. Whether it was while the balloting was going on or at the close I do not undertake to say, nor does it make any difference.

Mr. HILL. I understood that the Senator had undertaken to say it was during the balloting. I ask whether it was not in fact after the balloting had been finished?

Mr. CHANDLER. It was during the proceedings which were going on. There were no proceedings, as I remember, except the ballotings, and as soon as the hour came when it was incumbent upon the governor to declare the legislature adjourned it did adjourn.

Mr. HILL. The journal does not show that there was any protest at all presented.

Mr. CHANDLER. Probably not. It was presented as a matter of fact.

Mr. MITCHELL of Oregon. I will state, if the Senator from New Hampshire will allow me, that it was conceded in the affidavit, I think of Governor Watson himself, that the protest was made; at all events, it was conceded in certain affidavits filed in opposition to Mr. Du Pont.

Mr. CHANDLER. I am very willing to have these points made, because it is very clear to my mind that the fact makes no difference whatever; that if Governor Watson's vote was illegal, if it was absolutely null and void, as we contend, then no rights were lost even if there was a failure to object or to protest.

Mr. ALLEN. If the Senator from New Hampshire will permit me, I think the affidavits of both Senator Records and Mr. Watson show conclusively that no protest was made until after the last ballot and just before the final adjournment.

Mr. CHANDLER. The Senators may be right. My point is distinct, that it makes no difference whatever.

The arithmetic of this case is simple. The Senators have also seen some humor in the claim which they say is made by us that 15 is a majority of 30. No, Mr. President, we have not put forth any such arithmetic. We have put forth the proposition that 15 is a majority of 29, and that when 30 votes are nominally and apparently cast, but one of them is a void vote, then it does not count, and 15 is more than 14. Our whole case rests upon the simple proposition that Governor Watson could not lawfully, while he was governor, enter the joint assembly and vote as a senator; that the vote which he did cast was null and void. His conduct was usurpation. We admit that the burden of proof is upon us to establish the proposition that in the vote of 15 to 15 one vote not cast for Du Pont was void, absolutely null and void.

Now, Mr. President, was Watson's vote null and void? I have settled my mind upon the question by asking another question, which is this:

Can the Vice-President of the United States become President upon the happening of a vacancy, take the oath of office as President and perform his duties at the Executive Mansion, keep watch of the proceedings of the Senate, and, finding an important House bill about to be defeated by a tie vote, come from the Executive Mansion to the Senate Chamber, crowd from his seat the President pro tempore and preside himself, declare the vote a tie, give his casting vote in the affirmative, securing the passage of the bill, and then return to the Executive Mansion and sign the bill and make it a law?

Mr. President, I am willing now to have an answer, yea or nay, to that proposition. I have written it out, three or four copies, and they will be enough for all my auditors, unless I secure more than did the Senator from Mississippi [Mr. GEORGE] the other day, to whom I send my last remaining copy.

If the Vice-President can do this, then William T. Watson, who had become a State senator in Delaware and speaker of the senate, had upon Governor Marvil's death surrendered the chair of the senate to a president pro tempore and succeeded to the office of governor, performing the duties of the executive office, could keep watch of the proceedings of the legislature, and finding it about to elect a United States Senator by 1 majority, could go from the executive office to the legislative hall, crowd from his seat the president pro tempore, preside himself, vote for a Senator, thereby apparently defeating the choice, declare that no election had taken place, again vacate the speaker's chair, and return to the executive office and go on with his functions as governor. On the other hand, if the Vice-President of the United States can not lawfully do the acts first described, then William T. Watson, of Delaware, could not lawfully do the acts next described.

Let us see exactly what the case is which I have supposed. We will take the case of President Arthur, who, as Vice-President, succeeded to the Presidency upon the death of President Garfield. He left this Chamber, he took the oath of office as President, he began performing the functions of President at the Executive Mansion, and he remained there for over three years, and the Senate chose a President pro tempore. Suppose exactly the case I have stated in the clause which I have read. Suppose the Vice-President, having thus become President, became interested in the passage of a bill. Suppose that bill which he desired to have become a law had passed the House of Representatives and came to the Senate, where it was supposed to have a majority. President Arthur, however, learning that some Senators supposed to be in favor of the bill had concluded to vote against it, and learning that in all probability the vote would be a tie, comes to the Capitol. The bill is about to be voted upon. The President pro tempore is in the chair. The door opens just before the vote is to be taken. The President of the United States thereupon goes to the chair, ousts the President pro tempore, takes the gavel of the Senate, the result of the tie vote is announced, he declares it a tie, votes in the affirmative, declares the bill to have passed, retires from the chair, goes out the door, returns to the Executive Mansion, and again begins the performance of the functions of President.

Mr. MITCHELL of Oregon. And signs the bill.

Mr. CHANDLER. And signs, as I have suggested, the very bill which he, by his vote, had thus forced through the Senate of the United States. Mr. President, can a President of the United States do that thing?

Mr. GRAY. Not unless he remains Vice-President.

Mr. CHANDLER. Does he remain Vice-President for that purpose?

Mr. GRAY. Do you want an answer?

Mr. CHANDLER. I am willing to have a direct answer, yea or nay.

Mr. GRAY. If the Vice-President, in the contingency assumed by the Senator from New Hampshire, becomes President of the United States, then he ceases to be Vice-President and can not preside in the Senate. He can not be Vice-President to himself.

Mr. CHANDLER. Could President Arthur have done that thing? I do not think any Senator will undertake to say that he could have done that thing, or that any Vice-President can become President and take upon himself the performance of the executive duties, and then watch his chance when there is to be a tie vote in the Senate and come back here and thrust himself into the chair, ejecting therefrom the President pro tempore, and vote when there is a tie upon the passage of a bill.

Mr. President, if he could not do that, I say Governor Watson could not do what he did. Governor Watson had succeeded to the executive power of the State of Delaware. The elected governor had died. Watson had taken the oath of office. He had left the senate and had gone to the executive office. As a senator he had voted for United States Senator for some two or three months whenever a vote was taken. When he became governor he ceased to vote for United States Senator. He ceased to vote in any way; he severed himself from the senate, and for thirty days the senate and the house in joint assembly went on voting for United States Senator and Governor Watson did not come there. But on the last day of the session, or on the last half of the last day of the session, when Governor Watson heard that probably a Senator would be elected on that last half day, he leaves the executive office a little before 12 o'clock at noon, goes to the senate chamber, thrusts out Mr. Records, the speaker pro tempore of the senate, and at the head of the 8 senators marches to the other room, where were 21 representatives, and there presides at this joint assembly, and the vote which

he gives—if it is a valid vote—prevents the election of a United States Senator. I say that can not be done, unless by an equal authority the Vice-President of the United States, after he has become President, can do the acts which I have described.

It may be said that the two constitutions are different. It may be said that the Constitution of the United States is different from the constitution of Delaware. I read from the Constitution of the United States everything that is material to this question. I read from Article I, section 3:

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

PROPOSED INVESTIGATION OF BOND SALES.

Mr. PEFFER (at 2 o'clock and 15 minutes p. m.). I wish to call the attention of the Senate to the fact that a unanimous-consent agreement was entered into some days ago that at this hour Order of Business 332, in reference to bond sales, should be laid before the Senate for consideration. I ask that that may be done.

The VICE-PRESIDENT. The Chair lays before the Senate the order of business indicated, which will be stated.

The SECRETARY. A resolution (by Mr. PEFFER) providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. CHANDLER. I should like to ask the Senator whether he desires to go on with that resolution to-day?

Mr. PEFFER. I do not desire to take the Senator from New Hampshire from the floor, and therefore will yield to the Senator until he concludes his remarks. After he has concluded, however, I shall insist on the regular order.

Mr. GRAY. Perhaps I ought to state in the hearing of the Senator from Kansas, if my friend will give me his attention for a moment, that when the Senator from New Hampshire gave notice that he would address the Senate to-day on the Du Pont case I also gave notice that I should, if the Senate would permit me, follow him. I think, so far as this side is concerned, we are approaching the close of the debate upon that question, and I hope the Senator from Kansas will allow me to take the floor at the close of the remarks of the Senator from New Hampshire.

Mr. PEFFER. With the understanding that it shall not displace the bond-sale resolution, I should not object to that at all. I see the Senator from New York [Mr. HILL] is present. He has taken a more active part in opposition to the resolution than any other Senator, and if there is no objection on the part of that Senator I should make none. I only want to have this matter kept before the Senate that it may be disposed of at the present session, at least.

Mr. CULLOM. In the absence of the chairman of the Committee on Appropriations, I will say that I hope this privileged question will not occupy the attention of the Senate so much and so long that we shall get no appropriations this year.

Mr. GRAY. So far as I am concerned, I will say to the Senator from Illinois that I shall not obstruct other business unreasonably. I shall not occupy a great deal of time.

Mr. CULLOM. I am not referring to the Senator's speech.

Mr. GRAY. I thought there was an understanding that I should follow the Senator from New Hampshire.

Mr. CHANDLER. There was that understanding, but I had forgotton at the time that the Senator from Kansas had procured this special assignment by unanimous agreement.

Mr. CULLOM. The Indian appropriation bill seems to have been laid aside for some reason, I suppose to accommodate Senators who desire to speak. When two appropriation bills are waiting, I hope there will be no arrangement made which will keep them back.

Mr. STEWART. I hope there will be an arrangement whereby this resolution, which I regard as far more important than the appropriation bills——

Mr. CULLOM. To which resolution does the Senator refer?

Mr. STEWART. I refer to the resolution in regard to bond sales, which ought to be disposed of, for if we are to have a policy of constantly selling bonds, and if that policy is to be pursued regularly, it will have a very material influence upon appropriations, and we shall need almost unlimited appropriations. If the country is going to be involved in two or three hundred million dollars a year, we want to get the money out. Before the appropriation bills are disposed of the country ought to know what extent of money we are going to have. If this business of piling up money in the Treasury is to continue, we shall have to rely on the good offices of the Committee on Appropriations to get it out. So we shall need liberal appropriations. There is $300,000,000 now in the Treasury which ought to be in circulation.

Mr. CULLOM. The money will get out fast enough. I hope the Senator will not be worried about getting it out. It is going out fast enough.

Mr. STEWART. The trouble is that the people can not get it.

Mr. CULLOM. The trouble is that it does not come in.

Mr. STEWART. My dear sir, please listen to what I have to say. With $300,000,000 in the Treasury, taken out of circulation and piled up there, the country feels the pressure of the want of money, whether the Senator from Illinois does or not.

Mr. CULLOM. The Senator from Illinois has always felt the want of money. [Laughter.]

Mr. STEWART. Then you are in the same condition as the American people, and you ought to be willing that it should be brought out of the Treasury.

Mr. HILL. If the bond resolution is up, I want to take a hand in this discussion myself. [Laughter.]

Mr. CULLOM. I only wanted to call attention to the appropriation bills which are awaiting the action of the Senate, and all I desired was that there should not be a policy adopted here which would indefinitely keep them back. I did not know what the Senator's resolution was. So I hope he will understand that I am not trying to interfere with the discussion and disposition of that subject.

Mr. STEWART. I want the Senator from Illinois and the Senate to understand that the bond-sale resolution is the special order for this hour, and while courtesy is my nature and practice, if there is any design to prevent action on that resolution I shall object right now, even at the risk of being discourteous to my friend from New Hampshire.

Mr. CULLOM. I did not know what the resolution was, so there was no design on my part.

Mr. STEWART. I am glad to hear the Senator from Illinois say that, and I hope he will facilitate the disposition of the resolution.

Mr. CULLOM. I do not know the nature of the resolution, and I should like to know before I make any agreement about it.

Mr. MITCHELL of Oregon. I hope the Senator from New Hampshire will be allowed to finish his speech.

The VICE-PRESIDENT. The Chair understood the Senator from New York to rise to a parliamentary inquiry.

Mr. HILL. The suggestion I was going to make was that if the bond resolution is now up for consideration and discussion, I desire to be heard before it is terminated; that is all.

The VICE-PRESIDENT. Will the Senator from Kansas indicate his request?

Mr. PEFFER. It is that the Senator from New Hampshire may be permitted to proceed with his remarks with the understanding that so soon as he has concluded we shall then go on with the bond resolution.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kansas?

Mr. GRAY. I object to that.

Mr. HILL. What is the request?

Mr. PEFFER. If that request is objected to, then I see no other way than to go ahead with the resolution and let the Senator from New Hampshire address his remarks to the resolution.

Mr. CHANDLER. I should like to ask the Senator from Kansas whether he expects his resolution to be voted on without debate?

Mr. HILL. If he does, he will be disappointed.

Mr. MORRILL. I make the point of order that there is now under consideration a question of privilege of the highest character, and therefore no agreement in relation to considering another subject by unanimous consent can displace a question of that kind.

Mr. MITCHELL of Oregon. The point is well made.

Mr. CHANDLER. While I think the point taken by the Senator from Vermont is correct, yet I wish to say that if I had known of this unanimous-consent agreement and the anxiety of the Senator from Kansas and the Senator from New York to discuss the bond resolution, as they have done many times hitherto, I should not have undertaken to address the Senate.

Mr. HILL. There is no special anxiety to discuss it on my part, I will say to the Senator.

Mr. CHANDLER. I should not have taken the floor on the Du Pont case at this time had I known of the unanimous-consent agreement.

The VICE-PRESIDENT. The Chair is ready to rule upon the point of order made by the Senator from Vermont [Mr. MORRILL]. The Chair sustains the point of order. It is for the Senate to determine whether the agreemant shall be carried into effect.

Mr. WOLCOTT. Mr. President, I understand that the proceeding to take up the bond-sale resolution at a quarter past 2 o'clock was by unanimous consent. If we are proceeding by unanimous consent, of course a point of order does not affect the unanimous consent. If it were upon a request of the Senator from Kansas to take up the resolution investigating the bond sale, and if the point of order were made by the Senator from Vermont, that would be one thing; but if we are proceeding by unanimous

consent to take it up, that certainly is superior to and beyond any question of order which can be raised. I apprehend the Chair, in determining the point of order, did not consider the fact that there had been unanimous consent that at this hour the resolution should be taken up.

Before I leave the floor I should like to say a word as to the convenience of Senators. Certainly no one would desire to interrupt the progress of the remarks which are being made by the Senator from New Hampshire, unless he desires that his remarks should be interrupted, because of the unanimous consent, but if the resolution is not to be taken up now, at the time we all had agreed it should be taken up, I think there should be unanimous consent to take it up at some other time, or else it ought not to lose its place before the Senate.

Mr. MORRILL. My point of order amounts to this, that the Senator from New Hampshire was on the floor on a question of the highest privilege, and therefore no Senator could take him off the floor until he got through with his remarks.

Mr. CHANDLER. As I said, I think the point of order was well ruled by the Chair. I do not myself wish to interfere with the unanimous-consent agreement in which so many Senators participated who are now here desirous of going on with the discussion, and yet I should prefer to go on at this time and finish my remarks.

Mr. PEFFER. My desire is to accommodate the Senator from New Hampshire. I have never yet seen a unanimous-consent agreement broken under any circumstances since I have been a member of this body, and I feel that it is discourteous upon the part of Senators to insist that it shall be broken at this time. I know very well what the rules of the Senate are, that the Chair can not enforce a unanimous-consent agreement, can not enforce anything that proceeds by unanimous consent. The Senate goes along at random in such cases.

Mr. MITCHELL of Oregon. Will the Senator allow me a moment?

Mr. PEFFER. I will yield in a moment. I want this resolution to retain its place according to this unanimous consent. At the same time I want the Senator from New Hampshire to be permitted to conclude his remarks, but if it is necessary, and absolutely necessary—if it is forced upon me by the Senate that the Senator from New Hampshire should lose his place upon the floor in order to continue the consideration of the bond resolution, then I shall insist upon it. I have been put off from time to time on account of accommodating other Senators until I am tired, and do not propose to be taken off the floor again if it can be avoided under the rule.

Mr. MITCHELL of Oregon. Will the Senator allow me to make a suggestion?

Mr. PEFFER. Yes, sir.

The VICE-PRESIDENT. The Chair has determined the point of order raised by the Senator from Vermont.

Mr. PEFFER. I so understand.

The VICE-PRESIDENT. It is for the Senate to take any further action.

Mr. MORRILL. I do not wish to interfere with the proposition of the Senator from Kansas; I only insist that he can not take the Senator from New Hampshire off the floor.

Mr. PEFFER. I understand that very well. We are proceeding here by unanimous consent. I think the Chair is exactly right and that the point raised by the Senator from Vermont is a correct one. I do not understand, however, that the Senator insists that our unanimous-consent agreement should not be kept in good faith.

Mr. MORRILL. I do not.

Mr. MITCHELL of Oregon. On yesterday, not having in mind, I presume, the unanimous consent given to the Senator from Kansas, an understanding was arrived at between certain Senators, including the Senator from New Hampshire and the Senator from Delaware, that they should speak to-day on the privileged question, the Senator from New Hampshire to speak first and to be followed by the Senator from Delaware, who was very anxious to go on.

Now, my suggestion is that the Senator from Kansas ask unanimous consent that after the Senator from New Hampshire and the Senator from Delaware shall have concluded their speeches on the privileged question now pending the resolution to which he refers shall come up by unanimous consent.

Mr. PEFFER. I shall not object to that at all.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Oregon? The Chair hears none, and it is so ordered. The Senator from New Hampshire [Mr. CHANDLER] is entitled to the floor.

SENATOR FROM DELAWARE.

The Senate resumed the consideration of the resolution reported from the Committee on Privileges and Elections.

Mr. CHANDLER. The question being whether the Vice-President, having become President, could return to the Senate and preside and give the casting vote while President, I was reading from the Constitution of the United States the clauses applicable. Article II, section 1, provides:

The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows.

Then follows the provision as to the election:

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President; and such officer shall act accordingly until the disability be removed or a President shall be elected.

Mr. President, I call attention to the fact that there is no express provision whatever declaring that the Vice-President, when he has become President, shall not continue to act as Vice-President. There may be that inference from the provision that a President pro tempore shall be chosen; there is no declaration that the Vice-President shall become President; there is no declaration that the Vice-President shall hold the office of President The language is substantially the same as that which is to be found in all State constitutions. It is of the same general character.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President.

That is, the powers and the duties of the office shall devolve upon him; but it does not say that he shall cease to be Vice-President.

Mr. President, I have no doubt that the Vice-President may act in case of a temporary disability of the President and later return to the Senate and preside. Suppose this case, that when the British entered this capital in 1814 they had also captured President Madison; is there any doubt that at once, within a half day after the capture, the Vice-President at that time would have been sworn in as President, would have become President, and would have performed the duties of President? And is there any doubt that if President Madison had been recaptured he would immediately have returned to the performance of the Executive duties, would have returned to the Executive office, and that the Vice-President, who had been sworn in as President, would have returned to the Vice-Presidency? Suppose that President Lincoln had been captured, as undoubtedly was the first plan of the conspirators, in a time of great war, would not Vice-President Hamlin have been sworn in as President immediately after the capture was ascertained?

Mr. SHERMAN. The Senator means Vice-President Johnson.

Mr. CHANDLER. Suppose Mr. Lincoln had been captured when Mr. Hamlin was Vice-President, during the first four years; or suppose he had been captured, instead of being assassinated, when President Johnson was Vice-President. Within one hour after the ascertainment of the fact the Vice-President would have been sworn in as President; and, if there had been a recapture, President Lincoln would have returned to the Executive office, and the Vice-President, whether President Hamlin or President Johnson, would have returned to the Vice-Presidential office.

Mr. President, no express provisions in reference to these contingencies are to be found in the national Constitution. The clauses of the Constitution are those which I have read, and there are no others, and nowhere, unless by inference from the fact that the Senate is to choose a President pro tempore in the absence of the Vice-President, or when he shall exercise the office of President of the United States, is there any declaration whatever that would prevent the Vice-President from acting as President and also acting as Vice-President. There is not so much in the Constitution of the United States to prevent the Vice-President who has become President from acting in both capacities as there is in the constitution of the State of Delaware tending to prevent a senator who has succeeded to the office of governor by a vacancy in the office filled by the governor elected by the people from continuing to act as senator while he is acting as governor. I send to the desk and ask to have read extracts from the Delaware constitution.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The Secretary will read as requested, if there be no objection.

The Secretary read as follows:

From the Delaware constitution of 1776:

"ART. 7. A president or chief magistrate shall be chosen by joint ballot of both houses, * * * who shall continue in that office three years, and until the sitting of the next general assembly, and no longer. * * * And on his death, inability, or absence from the State, the speaker of the legislative council for the time being shall be vice-president, and in case of his death, inability, or absence from the State, the speaker of the house of assembly shall have the powers of a president until a new nomination is made by the general assembly."

From the Delaware constitution of 1792:

"ARTICLE III.

"SECTION 1. The supreme executive powers of this State shall be vested in a governor.

"SEC. 14. On the death or resignation of the governor, or his removal from office on impeachment or for inability, the speaker of the senate at that time shall exercise the office of governor until a new governor shall be duly qualified, and on the death or resignation of the speaker of the senate the speaker of the house of representatives at that time shall exercise the office until it be regularly vested in a new governor." * * *

From the Delaware constitution of 1831:

"ARTICLE III.

"SECTION 1. The supreme executive powers of the State shall be vested in a governor.

"SEC. 14. Upon any vacancy happening in the office of governor by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified. If there be no speaker of the senate, or upon a further vacancy happening in the office by his death, removal, resignation, or inability, the speaker of the house of representatives shall exercise the office until a governor elected by the people shall be duly qualified. * * *"

In the Delaware constitutions of 1792 and 1831, Article II, section 5:

"Each house whose speaker shall exercise the office of governor may choose a speaker pro tempore."

Mr. CHANDLER. Mr. President, I call the attention of the Senator from Delaware and also the attention of the Senate to the fact that the Delaware constitution of 1776 provides for a vice-president:

On his death, inability, or absence from the State, the speaker of the legislative council for the time being shall be vice-president.

There are no additional words to show that the vice-president shall act as governor, but the inference to be drawn, of course, from those words is that when there is a vacancy in the office of governor the speaker of the legislative council, who is declared to be vice-president, shall become the president or chief magistrate of Delaware. There is a close resemblance between the Constitution of the United States and the constitution of Delaware in the provisions which I have cited; while there is not to be found in the Constitution of the United States any one of the several provisions contained in the constitution of Delaware, about which there has been so much debate, declaring that a person holding one office shall not exercise the duties of another office. The special attention of the Senate and of Senators who are considering this question is called to the fact that none of the prohibitions that are to be found in the State constitutions are contained in the national Constitution; and yet I am sure that the Vice-President of the United States can not become President and yet continue to preside in the Senate and give the casting vote in case of a tie; no more could Governor Watson, when he was acting as governor, and had become governor under the provisions of the Delaware constitution, act as senator while he was the governor of the State and possessed of the executive power of the State.

My point now is that, so far as constitutional prohibitions are concerned, there are more clauses to prevent a senator in the Delaware legislature from acting as governor and senator at the same time than there are to prevent the Vice-President of the United States from acting as President of the United States and also as Vice-President at the same time.

Mr. PEFFER. Will the Senator allow me at that point?

Mr. CHANDLER. Certainly.

Mr. PEFFER. Does not the Senator know that in the constitution of Delaware there is a provision enumerating a certain number of offices no two of which shall be held by the same person? If the Senator is aware of that clause, does he not believe that that excludes all other offices?

Mr. CHANDLER. I do not think the Senator from Kansas would argue that when the framers put the clause to which he refers in the constitution they intended to imply an exception that a senator of the State may be at the same time the presiding officer of the senate and also governor, controlling the executive power. The principle that the expression of one thing excludes another does not apply to produce any such result. The exclusions to which the Senator alludes were expressed because there was deemed to be some need of expressing them, but a provision in terms that when the speaker of the senate became governor he should not continue to act as senator was not enacted because it was entirely unnecessary that it should be enacted, as the prohibition was to be derived from another and a broader principle, to which I wish now to call attention.

Mr. MITCHELL of Oregon. Another and further answer to the suggestion of the Senator from Kansas, if the Senator from New Hampshire will allow me, is this, that the provision in the Delaware constitution to which he refers relates, as I believe, to that class of offices which are not incompatible with each other.

Mr. PEFFER. I submit that the clause refers only to such offices as have been sought or accepted, voluntary in the first instance, by the incumbents, and not to offices which are placed upon men already in office.

Mr. CHANDLER. The Senator may be correct. I do not think the clause throws much light one way or the other upon the question we are discussing. I proceed with my argument. When the President is dead, or when the President has been captured, or has been disabled by sickness, why can not the Vice-President become the President of the United States, invested with all the Executive power, and also sit here as Vice-President and give the casting vote in case of a tie? I submit to my Populist friends, whom I am now addressing, that they will find it very difficult to say that he can not, unless they also say that Watson could not be governor and senator at the same time.

Mr. PEFFER. Then, Mr. President, if the theory of the Senator from New Hampshire is correct, in case of death or other disability of the President of the United States, and the Vice-President exercises the duties of that office, and the Vice-President should die, and the duties of the office devolve upon the Secretary of State, the same rule would hold good as to the Secretary of State that held as to the Vice-President. Will the Senator hold that the Secretary of State, when he becomes President, may send in a nomination to the Senate here of another gentleman to fill the office of Secretary of State, and so on and so on down to the end of the line?

Mr. CHANDLER. Yes; I think so. But the question is not the same. The Secretary of State and the President of the United States belong to the executive department of the Government, and what I am now arguing is in favor of the American principle that a person can not exercise the functions of two offices in two branches of the Government at the same time. That is the question that I wish to bring to the comprehension and apprehension and acceptance of the Senator from Kansas.

Mr. PEFFER. When the constitutional provision or statutory provision comes in between the Senator's theory and the situation, it seems to me that the law ought to prevail as against the opinion of the Senator from New Hampshire.

Mr. CHANDLER. There are no such provisions; but the constitutional law is the other way. The Senator's claim is an introduction to the propositions which I am now going to make. The reason why the Vice-President can not be Vice-President and President at the same time, the reason why Senator Watson could not be senator and governor at the same time, is because of a fundamental principle of American constitutional law. I have written out my propositions under that head, and it pleases me to present them in my handwriting to the Senator from Delaware [Mr. GRAY], while I will read from a typewritten copy.

Mr. President, as I see near me the three judges whom I ought to convince, the Chair will pardon me if I occasionally turn to the left. These, I think, are impregnable propositions which I submit to the Senator from Kansas [Mr. PEFFER], the Senator from Nebraska [Mr. ALLEN], and the Senator from Nevada [Mr. STEWART]. At any rate, they are satisfactory to myself.

1. In the United States all the governments, one national and forty-five State governments, are divided, each one into three branches—legislative, executive, and judicial.

2. It is a universal, fundamental principle of American constitutional law that no officer of one branch of a government can exercise the functions of any other branch of that government. Any attempt to do so is a usurpation, and any act done is null and void.

3. There is one exception to this broad general principle: Where an officer in the legislative branch is compelled to proceed to perform the functions of an officer in the executive branch suddenly made permanently or temporarily vacant.

4. This exception exists only by virtue of provisions of written constitutions, and the fundamental principle has been disregarded only in the manner and to the extent required by the express words of the constitution, or by necessary and unavoidable inference therefrom.

5. In no such case happening under the national or any State constitution can an officer of the legislative branch of a government, called to perform the functions of an office vacant in the executive branch of the government, continue while so employed to perform the functions of his legislative office. The simultaneous exercise of both offices is impossible. It is authorized by no express language, nor by any necessary inference. It is prohibited in some cases by express words; in all cases by fair and reasonable inference.

To prove that these are sound propositions of American public law I desire to exhibit to the Senate the various American constitutions. I find that the constitutions of thirty-nine States have each a clause prohibiting persons in one branch from exercising the functions of another branch. Those which have not that clause are Delaware, Louisiana, New York, Ohio, Pennsylvania, and Wisconsin, making six. So thirty-nine out of forty-five State constitutions have expressly declared this incompatibility of functions, and have enacted that no person connected with one branch of a government shall perform the functions of another branch of the government.

Mr. ALLEN. At this point I should like to ask the Senator from New Hampshire a question. If the State constitutions to which he refers had not made that declaration, would not the

States have possessed the power to devolve the duties of two or more officers upon the same individual, notwithstanding incompatibility?

Mr. CHANDLER. That would have depended upon how the United States concluded to construe its constitutional law. My belief is that in the absence of express authority given in the State constitution the point that I am now arguing would be sound, and that it would be held that as a fundamental principle of American constitutional law no law could be passed giving any person authority to exercise the functions of two branches of the government at the same time.

Mr. ALLEN. If the Senator will allow me at this point—I shall not trouble him any further—I wish to call his attention to the fact that every State constitution is a limitation upon power that is otherwise unlimited. So, if a State has not limited its power, the power exists and may be exercised. On the other hand, there is a distinction, to which I wish to call attention, between State constitutions and the national Constitution. The national Constitution is a mere grant of power. Without expressly or impliedly granting power the sovereignty exercised does not exist and can not be exercised. Therefore, when the Constitution devolves the duties of President of the United States upon the Vice-President in case of the death or removal of the President, there is no provision in the national Constitution that he may return to his seat in the Senate and occupy the Vice-Presidency.

Mr. CHANDLER. He undoubtedly may if the disability of the President of the United States is only temporary, in the cases which I have supposed. In the case which was first suggested to me by the Senator from Massachusetts [Mr. HOAR], now in his seat, the capture of the President by a public enemy, the Vice-President, who has become President, may undoubtedly, upon the recapture and return to his functions of the President, again return to this body and become Vice-President. But the point is that it is a fundamental principle that the same person can not exercise the functions of those two offices at the same time. I say I have found this principle in thirty-nine of the State constitutions, the exceptions being Delaware, Louisiana, New York, Ohio, Pennsylvania, and Wisconsin. I say further, that the principle is just as much a principle of constitutional law in those six States which have not declared it in their constitutions as it is in the thirty-nine States which have declared it.

Turning to the constitutions of the thirteen original States, we find six of those States declared this principle in their constitutions before the National Constitution was adopted. That is one reason why it was unnecessary to insert the principle in the National Constitution. That is one reason why it was unnecessary to insert it in the constitutions of Delaware, New York, Louisiana, Ohio, Pennsylvania, and Wisconsin. It was an accepted principle of constitutional law, prevailing whether expressly asserted or not.

I read from the constitution of New Hampshire of 1784, the bill of rights, part 1, Article XXXVII:

In the government of this State the three essential powers thereof, to wit, the legislative, executive, and judicial, ought to be kept as separate from and independent of each other as the nature of a free government will admit or as is consistent with that chain of connection that binds the whole fabric of the constitution in one indissoluble bond of union and amity.

The constitution of Massachusetts of 1780, part 1, says:

ART. XXX. In the government of this Commonwealth the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end it may be a government of laws and not of men.

The constitution of Maryland as early as 1776, in its declaration of rights, says:

ART. VI. That the legislative, executive, and judicial powers of the government ought to be forever separate and distinct from each other.

The constitution of Maryland of 1851, declaration of rights, declares:

ART. VI. That the legislative, executive, and judicial powers of government ought to be forever separate and distinct from each other, and no person exercising the functions of one of said departments shall assume or discharge the duties of any other.

The constitution of Virginia, 1776, declaration of rights, says:

SEC. 5. That the legislative and executive powers of the State should be separate and distinct from the judiciary.

The constitution of Virginia, 1830, expanded that principle in this way:

ART. II. The legislative, executive, and judicial departments shall be separate and distinct, so that neither exercise the powers properly belonging to either of the others; nor shall any person exercise the powers of more than one of them at the same time, except that the justices of the county courts shall be eligible to either house of assembly.

The constitution of North Carolina, 1776, declaration of rights, says:

ART. IV. The legislative, executive, and supreme judicial powers of government ought to be forever separate and distinct from each other.

The constitution of Georgia, 1798, Article I, says:

SECTION 1. The legislative, executive, and judicial departments of government shall be distinct, and each department shall be confided to a separate body of magistracy; and no person or collection of persons, being of one of these departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.

The constitution of South Carolina, 1868, Article I, says:

SEC. 26. In the government of this Commonwealth the legislative, executive, and judicial powers of the government shall be forever separate and distinct from each other, and no person or persons exercising the functions of one of said departments shall assume or discharge the duties of any other.

The constitution of New Jersey, 1844, says:

ART. III. The powers of the government shall be divided into three distinct departments—the legislative, executive, and judicial—and no person or persons belonging to or constituting one of these departments shall exercise any of the powers properly belonging to either of the others, except as herein expressly provided.

So I repeat that before the national Constitution was adopted, in 1798, there had been in six of the original thirteen States a declaration that it was a fundamental rule of American law and was to be one of the principles upon which American governments, State and national, were to be founded, that under no circumstances should a person connected with one branch of the Government exercise the powers and functions of a person connected with another branch of the Government. I will not undertake to read to the Senate nor to incorporate in my remarks all the clauses of all the State constitutions, but I have prepared a table made up from Ben: Perley Poore's Charters and Constitutions, giving the pages of the two volumes of that work where the various constitutional provisions on this subject can be found, which I will insert:

POORE'S CHARTERS AND CONSTITUTIONS.

	Pages.
Alabama	34-39, 51-56, 63-67, 79-85
Arkansas	103-110, 122-128, 137-142, 158-162
California	197-200
Colorado	222-224
Connecticut	259-262
Delaware. (No.) See	289
Florida	318-320, 334-336, 349-352
Georgia	378, 388-392, 403-407, 413-418
Illinois	440, 450, 472-479
Indiana	501, 515-518
Iowa	539-543, 554-559
Kansas	583, 617-620
Kentucky	647, 657-661, 668-673
Louisiana	701, 711, 725, 740-761, (no—see) 755
Maine	790-795
Maryland	818, 819, 838-842, 860-866, 889-893
Massachusetts	960
Michigan	984-987, 996-1001
Minnesota	1031
Mississippi	1056-1061, 1069-1075, 1083-1086
Missouri	1105, 1110, 1143-1147, 1166 1178
Nebraska	1216-1224, 1250-1254
New Hampshire	1280-1283, 1297-1303
New Jersey	1316-1320
New York. (No.) See	1356-1357, 1536
North Carolina	1409, 1420-1425, 1436-1441
Ohio. (No.) See	1470
Oregon	1495-1498
Pennsylvania. (No.) See	1578
Rhode Island	1606
South Carolina	1648-1653
Tennessee	1680-1682, 1698-1701
Texas	1768-1775, 1786-1792, 1803-1809, 1826, 1834
Vermont	1870-1884
Virginia	1909, 1913, 1926-1931, 1939-1946, 1954, 1955, 1957
West Virginia	1977-1984, 1996-2005
Wisconsin. (No.) See	2033

I will also insert in my remarks the language of the clause in the constitution of the State of Utah, the last of our States to be admitted, and to send its Senators into this Chamber (Article V, section 1):

The powers of the government of the State of Utah shall be divided into three distinct departments, the legislative, the executive, and the judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except in the cases herein expressly directed or permitted.

As I stated yesterday during the remarks of the Senator from Utah [Mr. BROWN], the very best expression that can be found of what I contend is, and has been for a hundred years, a principle of American constitutional law is to be found in the new constitution of the State of Mississippi, adopted November 1, 1890. That constitution was framed in part, I have no doubt in large part, by the distinguished senior Senator from Mississippi [Mr. GEORGE], who is now in the Chamber. I find his signature annexed to the constitution. I will read part of it:

SECTION 1. The powers of the government of the State of Mississippi shall be divided into three distinct departments, and each of them confided to a separate magistracy, to wit: Those which are legislative to one, those which are judicial to another, and those which are executive to another.

SEC. 2. No person or collection of persons, being one or belonging to one of these departments, shall exercise any power properly belonging to either of the others. The acceptance of an office in either of said departments shall of itself, and at once, vacate any and all offices held by the person so accepting in either of the other departments.

If it be argued that the insertion of the new and forcible words was making a constitutional principle instead of declaring a constitutional principle, I dissent from the assertion. It seems to me clear from an examination of all the constitutional provisions, beginning with the State constitutions of 1776, coming down to the constitution of Utah of two years ago and the constitution of Mississippi of 1890, that here is a principle of American constitutional law, a well-established declaration made on many proper occasions, which has become as fixed a part of our constitutional law as if it had been written in the plainest possible language in every single one of the State constitutions, including the constitution of the State of Delaware.

Mr. President, that this is a fundamental principle of American constitutional law is not only proved by the citations which I have read from written constitutions, but by the actual practice under the American constitutions. President William Henry Harrison died April 4, 1841. John Tyler succeeded and held office four years, lacking one month. Zachary Taylor died July 9, 1850. Millard Fillmore succeeded and held office two years and nine months. Abraham Lincoln died April 14, 1865. Andrew Johnson succeeded and held office four years, lacking one month. James A. Garfield died September 19, 1881. Chester A. Arthur succeeded and held office three years and five months. During all the periods in which those four Vice-Presidents held the Presidential office it was never so much as dreamed that any one of them could come back into this Chamber and, under any possible circumstances or in any possible contingency, preside over the Senate and vote in case of a tie. Was it ever suggested that such a power remained in the Vice-President who had become President? Never was it imagined, never was it suggested as a debatable question; and yet there is nothing whatever expressed in the Constitution of the United States to prevent the Vice-President who has become President from doing what is suggested except the clause which is contained in the Constitution, that when the Vice-President exercises the office of President the Senate shall elect a President pro tempore. And there is in the Delaware constitution substantially the same provision, except that it says the senate may elect a speaker pro tempore of the senate when the speaker of the senate exercises the office of governor.

Now, in reiteration, I ask Senators who take the opposite view of this question to explain to me if they can what difference there is between the national Constitution and the Delaware State constitution which prevents the Vice-President after he has become President from coming back here and acting as Vice-President, and voting in case of a tie, and does not prevent the speaker of the senate of Delaware after he has become governor from coming back into the senate of that State and voting and presiding as a member of the senate of Delaware?

I say I challenge Senators to point out any material difference in the two cases, unless they base it upon the simple proposition that the Constitution of the United States says that the Senate shall elect a President pro tempore when the Vice-President exercises the office of President and that the constitution of Delaware says that the senate of Delaware may elect a speaker pro tempore when the speaker of the senate exercises the office of governor. That is all the difference, and, according to a well-known principle of law, that is not any difference at all, for the obligation upon the senate of Delaware to elect a speaker pro tempore is just as great with the word "may" before the senate as it would be if the word "shall" was before the senate.

Mr. GRAY. Does the Senator from New Hampshire object to being interrupted at this point?

Mr. CHANDLER. Not at all.

Mr. GRAY. The Senator from New Hampshire has challenged anyone to point out any difference between the case of the Vice-President acting as President and the speaker of the senate of Delaware acting as governor. It hardly needs to be said that a Vice-President is provided for in the Constitution of the United States expressly, and upon the death or inability of the President of the United States he may act as President. His only other function is one given him while he is Vice-President. But he is provided expressly by the Constitution that he may be ready—I speak with entire respect of the office—he is the led horse who is to be at hand when the burden drops from the shoulders of the President, in order to take it up. When he takes it, if, as the Senator contends, or as I understood him to contend, he is President to all intents and purposes, then, manifestly, he can not be Vice-President to himself.

Mr. CHANDLER. I do not see the distinction. I have the two constitutions before me—the Constitution of the United States and extracts from the Delaware constitution. I study them, and I do not see why the Vice-President, after he becomes President, whether permanently, by the death of the President, or temporarily, during the temporary disability of the President, can not act as Vice-President at the same time, if the speaker of the senate of Delaware can become governor and also act as speaker of the senate when he becomes governor. There is no statement in the Constitution of the United States that the Vice-President shall become President any more than there is a statement in the constitution of Delaware that the speaker of the senate shall become governor. The Constitution says:

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President.

That is, the powers and duties shall devolve on the Vice-President.

Mr. GRAY. The Senator from New Hampshire——

Mr. CHANDLER. Excuse me. Why can not he perform those duties and at the same time sit in the chair, Mr. President, which you now occupy, presiding over the Senate?

Mr. GRAY. The Senator from New Hampshire has all along said, unless I have misunderstood him, and his proposition is that the Vice-President becomes President to all intents and purposes. Do I misunderstand the Senator from New Hampshire?

Mr. CHANDLER. I think he does. The Senator does not misunderstand me.

Mr. GRAY. If he becomes President his function as Vice-President has ceased, and he has filled that position for which he was elected, to supply the vacancy in case of the death of the President. When he has done that he ceases to be Vice-President, because, being the man kept in reserve to perform what another is unable to perform by reason of his death or removal, he is then functus officio Vice-President, and, not to repeat myself unnecessarily, he can not be Vice-President to himself.

Mr. CHANDLER. My point is that he is not a particle more functus officio than a senator of Delaware elected speaker of the senate of Delaware is functus officio as speaker and as senator when he becomes governor. I am arguing that there is no difference in the two constitutions. I wish Senators to point out if there is any difference.

The Senator does not deny, I suppose, that the Vice-President in case of the recapture of the President could come back here and be Vice-President. Does the Senator assert that the office of Vice-President is so far vacated that if the President, who has been captured by the enemy or has been sick for a time, comes back, the Vice-President has lost his office? By no means. The Vice-President (and that is evidently the contemplation of the Constitution) in that case can come back to the Senate. The Constitution, when it authorizes Congress to declare what officer shall act as President in case the President and Vice-President both disappear, says:

The Congress may by law provide for the case of removal, death, resignation, or inability both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected.

"Until the disability be removed" is the expression. The Senator from Massachusetts [Mr. HOAR] suggests to me that perhaps that is the reason why we elect a President pro tempore and not a President of the Senate eo nomine, in order that the Vice-President may return.

The new constitution of Mississippi, not making new constitutional law, but declaring existing constitutional law, contains in section 131, wherein is the provision that the lieutenant-governor shall be governor in case of vacancy, and if the lieutenant-governor is incapable or absent the president of the senate pro tempore shall act in his stead, this clause:

Should a doubt arise as to whether a vacancy has occurred in the office of governor, or as to whether any one of the disabilities mentioned in this section exists or shall have ended, then the secretary of state shall submit the question in doubt to the judges of the supreme court, who, or a majority of whom, shall investigate and determine said question, and shall furnish to said secretary of state an opinion, in writing, determining the question submitted to them, which opinion, when rendered as aforesaid, shall be final and conclusive.

Mr. President, that is a very wise provision. It is one which might have been made by statute quite as well as by an insertion in the State constitution. It is a provision which might be made a law of the United States to-day. It is a provision which determines through the medium of the court whether the executive office is permanently or temporarily vacant, and when that question is determined, the constitution determines who shall fill it, and it also makes another very important provision, which is omitted in our Constitution and in all other State constitutions. It provides a method of determining when a temporary vacancy has ended, so that the person who has temporarily filled it shall leave it and return to his original office.

Mr. President, all these provisions are subject to and in recognition of the paramount principle that whenever the officer who has been taken from the legislative branch of the Government to perform the duties connected with the executive branch of the Government is engaged in the performance of those executive duties, he is incapable of performing any legislative duties.

As it never has been imagined during these four cases where a Vice-President has become President that the Vice-President having become President could while acting as such come into the Senate and eject from his chair the President pro tempore, preside

in the Senate, and give the casting vote, so it never had been imagined in Delaware until the year 1895 that a speaker of the senate or a speaker of the house of representatives who had succeeded to the executive office could while continuing in the performance of the executive function return to the legislative body of which he was a member and then and there act as such.

I have here and will insert in the RECORD a table giving all the cases which have happened in the State of Delaware where a speaker of the senate or a speaker of the house succeeded to the office of governor, specifying the dates of their accession, the date when each ceased to be governor, and his length of service:

DELAWARE.

Speakers of senate.	Governors whom they succeeded on death, etc.	Date of accession.	Date of ceasing to be governor.	Length of service.		
				y.	m.	d.
Daniel Rogers	Gunning Bedford	Sept. 30, 1797	Jan. 15, 1799	1	3	15
James Sykes*	Richard Bassett	Mar. 1, 1801	Jan. 19, 1802		10	18
Jacob Stout*	John Clark	Jan. 15, 1820	Jan. 16, 1821	1	0	1
Caleb Rodney*	John Collins	Apr. 23, 1822	Jan. 21, 1823		8	28
Charles Thomas*	Joseph Haslet	June 24, 1823	Jan. 20, 1824		6	26
Charles Polk*	Caleb P. Bennett	May 12, 1836	Jan. 17, 1837		8	5
Joseph Maull	Thomas Stockton	Mar. 5, 1846	May 3, 1846		1	28
William Temple†	Joseph Maull	May 6, 1846	Jan. 19, 1847		8	13
Gove Saulsbury	William Cannon	Mar. 1, 1865	Jan. 15, 1867	1	10	15
William T. Watson	Joshua H. Marvil	Apr. 9, 1895	Still governor.			

† Speaker of house.

Each one of five senators marked with a star seems to have resumed his senatorial office, but not his place as presiding officer, after he ceased to hold the office of governor. It is not quite clear, however, from the evidence how many of these five did resume their senatorial seats. In some of the other cases a person who became governor continued to be such after his legislative term expired.

We have, therefore, as a fact in the case that what Watson has done has never happened before in the history of the country. It never happened in the history of Delaware; it never happened in any other State. In the whole period of one hundred and eight years of national life under the Constitution, with more than a thousand Senatorial elections, no executive of a State, so far as we know, has ever cast a vote for United States Senator. No Vice-President of the United States has ever thought that he could be Vice-President and President at the same time, and no senator of the State of Delaware ever thought that he could be governor of the State of Delaware and at the same time vote as a senator of the State of Delaware.

Mr. President, that is a highly important fact. It suggests beyond doubt a consideration that should influence the opinions of Senators in determining what is the constitutional law upon this subject. Is it possible that all this time in Delaware and the other States where the president or speaker of the senate or the speaker of the house of representatives has become governor, these officers of the legislative branch of the government transferred to the executive branch of the goverment could, if they had so chosen, have continued to perform their legislative functions at the same time? And yet no one ever dreamed of this power until, in the year 1895, William T. Watson entered the senate of the State of Delaware for the purpose of preventing the election of a United States Senator, which he had discovered would on that day be made unless he performed this extraordinary and unheard-of act.

Mr. President, there has been a great deal of learned discussion in the reports and in the speeches of Senators of the question whether during the time when one of these legislative officers exercises the executive office, while a senator being president of the senate becomes governor and acts as governor, his original office is vacated or is suspended. It has been very well shown, as it seems to me, that this question is immaterial. I do not regard it as one of importance.

Under the present constitution of the State of Mississippi, as it was framed in 1890, there is the declaration to which I have adverted—that whenever this contingency happens the first office is of itself and at once vacated. But even that clause, as I conceive, would be so construed that although the office is vacated for the time being, yet the president of the senate of the State becoming governor during the insanity, for instance, of the governor of the State, which insanity subsequently ceased, would return to the office which he had left, and might take it up again and proceed to the performance of its duties.

Therefore I say, Mr. President, that the proposition which has satisfied my mind, the proposition upon which I think this case can be safely rested, is not affected in the slightest degree by the question whether the office which was filled first by the person who has become governor is absolutely vacated, whether it is what is called in abeyance or whether the functions of it are for the time being suspended. The principle of law for which I contend and which I think governs this case is that the person who leaves the legislative branch of the government and becomes the executive of the State, the person who leaves this Chamber and becomes the Executive of the nation, can not, while he is in the performance of executive duties, continue to perform a legislative duty. That is the proposition in the simplest form in which it can be put, and it is, as it seems to me, a proposition fairly and inevitably to be deduced from the condition of the public law of America as I understand it to have grown up during the one hundred and eight years of our national life.

As a further indication of the conviction of the American people that a member of the legislative branch of the Government can not at one and the same time act as the chief executive, I refer to the special prohibitions in some of the constitutions of the States. The one in Maine has been already alluded to and its terms somewhat discussed. In Ben: Perley Poore's Charters and Constitutions, page 795, is found the Maine proposition:

Whenever either the president of the senate or speaker of the house shall so exercise said office he shall receive only the compensation of governor, but his duties as president or speaker shall be suspended.

The construction put by the Maine supreme court upon this provision, that it suspends the president of the senate not only from his office as president of the senate, but from the exercise of his functions as senator, is to be found in 7 Greenleaf, 483.

New Hampshire was equally wise. On page 1302 of the second volume of Poore's Charters and Constitutions is to be found the New Hampshire provision, section 49, constitution of 1792:

But when the president of the senate shall exercise the office of governor he shall not hold his office in the senate.

And that clause is continued in all subsequent constitutions. At the last revision of the constitution the same provision was made, where the speaker of the house was authorized in certain cases to act as governor. That clause provides that—

Whenever the chair, both of the governor and of the president of the senate, shall become vacant, by reason of their death, absence from the State, or otherwise, the speaker of the house shall, during such vacancies, have and exercise all the powers and authorities which, by this constitution, the governor is vested with when personally present; but when the speaker of the house shall exercise the office of governor he shall not hold his office in the house.

Mississippi in one of its constitutions made the same provision. I call the attention of the Senator from Delaware and the Senator from Mississippi to the following provision contained in the constitution of 1832 of the State of Mississippi, on page 1075:

SEC. 18. When either the president or speaker of the house of representatives shall so exercise said office, he shall receive the compensation of governor only, and his duties as president or speaker shall be suspended, and the senate or house of representatives, as the case may be, shall fill the vacancy until his duties as governor shall cease.

Mr. GRAY. That is in the constitution of Mississippi?

Mr. CHANDLER. That is in the Mississippi constitution of 1832, omitted in a later constitution, but in the constitution of 1890 the exceedingly drastic provision is to be found on this subject to which I have already called the attention of the Senate.

New York had a similar provision, page 1336:

XXI. That whenever the government shall be administered by the lieutenant-governor, or he shall be unable to attend as president of the senate, the senators shall have power to elect one of their own members to the office of president of the senate, which he shall exercise pro hac vice.

Pennsylvania had a still more radical provision, and that is that the seat as senator of the senator who has become governor shall become vacant. It is at page 1578:

SEC. 14. In case of a vacancy in the office of lieutenant-governor, or when the lieutenant-governor shall be impeached by the house of representatives, or shall be unable to exercise the duties of his office, the powers, duties, and emoluments thereof for the remainder of the term, or until the disability be removed, shall devolve upon the president pro tempore of the senate; and the president pro tempore of the senate shall in like manner become governor if a vacancy or disability shall occur in the office of governor; his seat as senator shall become vacant whenever he shall become governor, and shall be filled by election, as any other vacancy in the senate.

This is as strong as the new Mississippi clause of 1890.

The Vermont provision is nearly the same. I read at page 1884:

The lieutenant-governor shall be president of the senate, except when he shall exercise the office of governor or when his office shall be vacant or in his absence; in which case the senate shall appoint one of its own members to be president of the senate pro tempore.

As I read the clause of the Kansas constitution, on page 620, I construe it as an express exclusion of the president of the senate who has become governor from any right to exercise the senatorial office while he is governor:

SEC. 15. The lieutenant-governor shall be president of the senate, but shall vote only when the senate is equally divided, and shall be entitled to the same pay as the speaker of the house of representatives, and in case of his death, resignation, impeachment, removal from office, or when he shall exercise the office of governor, the senate shall choose a president pro tempore.

The constitution of the State of Colorado, on page 224 of Charters and Constitutions, provides as follows:

In case of the absence, impeachment, or disqualification from any cause of the lieutenant-governor, or when he shall hold the office of governor, then the president pro tempore of the senate shall perform the duties of the lieutenant-governor until the vacancy is filled or the disability removed.

And now I come to the Delaware constitution itself, on page 291:

SEC. 5. Each house shall choose its speaker and other officers, and also each house, whose speaker shall exercise the office of governor, may choose a speaker pro tempore.

I ask Senators upon the other side of this question how they can contend that when the speaker of the senate of Delaware is exercising the office of governor—that is to say, has become the governor of the State—and the senate has, in obedience to that constitution, elected a president pro tempore, the president of the senate who has become the governor can, while still governor, come back and oust from office the president pro tempore who has been chosen to fill the office in accordance with the constitution? I ask that question in all seriousness of the Senator from Delaware. The speaker of the senate of Delaware becomes the governor of the State, or the acting governor, or he exercises the office of governor, and the senate, under this clause in the constitution of Delaware, chooses a speaker pro tempore.

The office of presiding officer of the senate has thus been filled. The speaker of the senate has left the place and has gone to the executive office. Is it not a fair inference that the presiding officer's place is fully filled; that the framers of the Delaware constitution contemplated that it should be fully filled; and, further, that as long as the original speaker of the senate should be the governor, or perform the functions of governor, or exercise the office of governor, his first office should remain filled by the speaker pro tempore of the senate? Was it ever contemplated by the framers of the Delaware constitution that after the senate had filled that office, and while the original speaker of the senate was acting as governor, he could come back into the senate and thrust out from his place the speaker pro tempore, and while exercising the office of governor also exercise the functions of speaker of the senate?

Mr. President, I say that such was not the contemplation of the framers of the constitution of Delaware, and that it is a fair inference from all the clauses of the constitution, and especially from this clause in the constitution, that when the speaker of the senate is exercising the office of governor he can not exercise the office of speaker of the senate, and, a fortiori, can not act as a State senator.

It is entirely immaterial in this connection whether, after he has ceased to be governor, if his senatorial term has not expired, he can come back again and act as a senator, and take up that portion of the senatorial term which has not expired and go on with his senatorial functions. The proposition still remains untouched that, according to American law, and according to a fair construction of the provisions of the constitution of the State of Delaware, he can not perform the functions of the executive of the State and at the same time preside in the senate or vote as senator.

Mr. President, I do not know that I desire to argue this question any further. I certainly shall not be encouraged to argue it at such length as the Senator from Mississippi gave to it in a speech covering 36 pages of the RECORD. I have read his speech and the various speeches that were interjected into it, both in aid of the Senator and in contravention of his argument. The Senator from Delaware remarked to me that if I would read it with care I would be convinced of its soundness. I am not convinced, Mr. President, by that perusal. I believe that the provision in the constitution of the State of Mississippi made in 1890—the new provision in that constitution inserted there, as I believe, by the distinguished jurist, the Senator from Mississippi—was declaratory of the existing law, and was not the establishment for the first time of a new principle of constitutional law. That provision would absolutely prevent an acting governor from voting as State senator.

Mr. GRAY. Mr. President, the Senator from New Hampshire stated a proposition rather interrogatively—I do not know whether he expected an answer at the time or no—in regard to the inference to be drawn from that provision of the constitution of Delaware which ordains that when the speaker of the senate shall exercise the office of governor the senate may elect a president pro tempore, stating his own inference very positively; but I must submit to him that he has not gone further than to state the proposition which he believes, but he does not seem to have supported that proposition by any argument or illustration drawn from any other part of the constitution or any of those sources from which argumentation is drawn. I could only answer in reply that the provision to which he refers would seem to me to indicate very clearly that the exercise of the office of governor by the speaker of the senate was of that provisional, temporary, ad interim character as to create no vacancy and no suspension of functions, but only to make it convenient, if the senate saw fit, to have another officer to take his place when he should be absent for any cause, either in the performance of an executive duty or for any other reason; and to say that when he comes back he must thrust out, as the Senator phrased it, the speaker pro tempore and assume or usurp the office of speaker, would be only saying what we might apply as well to the President pro tempore of the Senate when he exercises the office of President pro tempore, that he is thrust out on the appearance of the Vice-President or is pushed out or otherwise extruded violently or unlawfully; and that phrase is just about as applicable in the one case as in the other. On the contrary, the permissive form of that provision, "may elect a speaker pro tempore," would seem to indicate that he not only remains a senator but remains speaker, and that, therefore, being both the one and the other, his function is not vacant or suspended.

Mr. CHANDLER. I agree with the Senator that neither epithets nor rhetorical verbiage are constitutional arguments. I say it is a fair inference not only for me, but for the Senator from Delaware, if he will take a nonpartisan view of this question, from this clause in the constitution, that when the framers wrote it and provided that when the speaker of the senate should exercise the office of governor his office in the senate should be filled, they contemplated that he should stay away as long as he was governor.

I accept the criticism as a proper one of the use of the words "thrust out." If the speaker of the senate ceased to be governor and his senatorial term had not expired, then I incline to think the speaker pro tempore might properly be thrust out; but so long as the original speaker was governor he had no right to thrust out the speaker pro tempore. I think that is a fair inference from the constitution.

Of course I admit, notwithstanding this principle of American public law, which I have feebly endeavored to expound, and which provides that a person connected with one branch of the government shall not exercise the functions of another branch of the government, that if a State constitution expressly authorizes a particular officer to perform the functions of another office and also those of his original office, he may do so. There is no such express authorization here as there was in the constitution of New Hampshire from 1784 to 1792, and as there was in the constitution of the State of Rhode Island down to 1842.

If there was an express provision which said that Watson could do these things, that would prevail as against all general clauses in the constitution. There is no such express provision, and on the other hand there is no express prohibition. Therefore this case arises. If there were an express authorization, or if there were an express prohibition, as in some of the constitutions which I have cited, then this case would not have arisen. It is because there is neither an authorization nor a prohibition that this case is here; and I say that I am satisfied, and I wish Senators upon the other side of the Chamber were satisfied, that it is the true construction of the Delaware constitution, reached in the light of American public law, admitted to be such for a hundred years, that the speaker of the senate while he is governor, having become governor by the death of the governor elected by the people, can not at the same time, on the same day, on the same afternoon of the same day, perform an executive act and also perform a legislative act.

Mr. GRAY. I do not know whether the Senator is about to close or not, and I do not want to keep him on his feet longer than he wishes to be, but the Senator said just now, and repeated it several times during his interesting argument, that there is a principle of public law in the United States that no legislative officer shall ever exercise an executive function while he continues in a legislative position, and that it is the American doctrine that they can not be simultaneously exercised.

Mr. CHANDLER. That is the proposition.

Mr. GRAY. Where is the evidence of that public law apart from specific constitutional ordinance?

Mr. CHANDLER. I suppose the Senator will admit that there is such a thing as the constitutional law of England, and yet there is no written constitution in England.

Mr. GRAY. I ask what is the evidence of that American public law the Senator has spoken of as the American principle distinctively? To what case can the Senator refer me—because I should like to know everything about this to be known, and I do not know anywhere I could apply for recondite information better than to the Senator from New Hampshire—to what case can he refer me where there has been a suspension of a legislative function from the mere exercise of a temporary executive office?

Mr. CHANDLER. I refer the Senator to the important fact that in a hundred years no executive ever undertook to act as a member of the legislature at the same time, with the exception of the Rhode Island case and the New Hampshire case and the present case of Governor Watson in Delaware.

Mr. GRAY. That would be merely saying, perhaps, there had never been an occasion in which the President pro tempore of the Senate in a hundred years had been called upon to act as President of the United States, and that, therefore, there is no law to authorize him to act as such.

Mr. CHANDLER. No; because there has been a hundred cases——

Mr. GRAY. There has not been in a hundred years a call upon that provision of the Constitution.

Mr. CHANDLER. There have been hundreds of cases where the president of the senate of a State has become governor; and the Senator does not show one case except in the State of Delaware in the year 1895, where an officer, being governor of the State, has acted at the same time as a member of the legislature.

Mr. GRAY. That is not an answer to my question, whether there is any declaration of the principle of public law, which the

suspended. The principle of law for which I contend and which I think governs this case is that the person who leaves the legislative branch of the government and becomes the executive of the

SEC. 5. Each house shall choose its speaker and other officers, and also each house, whose speaker shall exercise the office of governor, may choose a speaker pro tempore.

wise extruded violently or unlawfully; and that phrase is just about as applicable in the one case as in the other. On the contrary, the permissive form of that provision, "may elect a speaker

has acted at the same time as a member of the legislature.

Mr. GRAY. That is not an answer to my question, whether there is any declaration of the principle of public law, which the

Senator says is distinctively American, that upon the exercise by a legislative officer of an executive function there is a suspension of the former office.

Mr. CHANDLER. I will try to state the contention. It is a proposition deducible from all the facts which I have exhibited to the Senate, just as much as any proposition of English constitutional law is deducible from history. The Senator will admit that there is a principle in the constitutional law of England that there can be no taxes exacted from the people except in pursuance of a law of the Lords and Commons. Yet there is no written constitution of England which says that. The body of the constitutional law of England is deducible from the history of that country from its earliest days down to this time.

Mr. GRAY. The Senator will find repeated authoritative declarations of parliaments, of jurists, and writers; and those are the sources of constitutional law in England.

Mr. CHANDLER. The Senator in saying that vindicates my argument, which is that this American principle is deducible from declarations in six of the constitutions of the original thirteen States; from the declarations in the constitutions of thirty-nine out of the present forty-five States; from the construction of the constitutions of all the States, including that of Delaware, for over a hundred years, and it is crystallized in the enunciation of the Senator from Mississippi [Mr. GEORGE] in the constitution of Mississippi of 1890. That is where the principle of American public law comes from.

Mr. GRAY. Mr. President, then it would seem to follow that it would not be necessary that any other State should ever make a constitutional inhibition in this respect; and these particular constitutions of particular States having made these particular inhibitions, then it ceases to be necessary for any other State to incorporate such a provision in the constitution of that State, and that there is a general public law applicable to all constitutions established by that historical fact.

Mr. CHANDLER. I have been very dull this afternoon if I have not succeeded in making the Senator understand that such is exactly my proposition; that this principle of public law has grown up in this country in this way; and when I cite as reasons for so believing the universal custom for a hundred years, under which the executives of the States who have been called from presiding officers of the legislature have abstained from undertaking to exercise the legislative office while exercising the executive office, if I have not demonstrated my proposition, then I can not demonstrate any proposition whatever. The Senator does not understand me to contend that the constitution of Delaware says that when the speaker of the senate acts as governor he shall not act as speaker or as senator.

Mr. GRAY. Some constitutions have said so.

Mr. CHANDLER. Two or three State constitutions have said so, and the present question could not arise in those States. But the Senator will not deny, when thirty-nine States enunciate the proposition as a fundamental one that the different branches of the government are to remain distinct and no person in one branch is to exercise the powers of another branch, but Delaware, Louisiana, New York, Ohio, Pennsylvania, and Wisconsin omitted to do this, that the same principle of public law does not prevail in those six States that prevails in the other thirty-nine. In the absence of an express constitutional provision the other way—I admit an express constitutional provision the other way would justify Watson's act—when we are called upon to determine what the public law of America is and what the public law of Delaware is, and we find this provision in the constitutions of thirty-nine States, we have the right to infer that it is a principle of public law in the other six States, exactly as I say it is a provision of the public law of America, applicable under the National Constitution to the Vice-President when he becomes President of the United States. It is a well-established American principle, never violated until the year 1895, when the little State of Delaware undertook to trample it down.

Mr. GRAY. Mr. President, I do not wish to interrupt the Senator, as I shall have an opportunity of following him to comment somewhat upon this doctrine, but I understand that he stakes his argument here this afternoon upon the assertion that there is a principle of American public law by which it is impossible, except by virtue of an express constitutional provision, for a legislative officer to exercise the executive function and not vacate the legislative office. That, I understand, is the proposition?

Mr. CHANDLER. That is my proposition, and nobody ever dreamed that the same person could exercise both functions at the same time until an arrangement was made in Delaware by which if one more vote would prevent the election of a Senator Governor Watson should go in and cast that vote.

Mr. GRAY. Mr. President, I do not want to go into matters dehors this question as to what occurred in Delaware, but, inasmuch as the Senator from New Hampshire has indulged in that style of argument, I want to assert that there was not a moment on that 9th of May, when that joint assembly was in session, when, if our distinguished former colleague, Mr. Higgins, had received 16 votes, it would not have been acquiesced in by every Republican and every other man in the State of Delaware that he was elected.

Mr. CHANDLER. I am not aware that I made any remarks to excite the wrath of the Senator from Delaware. I said an arrangement was made. I was not arguing Senator Higgins's case. I was dealing with Mr. Du Pont's case. I simply said this thing never was dreamed of in the United States of America——

Mr. GRAY. It was dreamed of.

Mr. CHANDLER. Until 1895, after an arrangement was made by which Governor Watson's one vote was to appear to prevent an election. I said that arrangement was made. The Senator says that is a bad style of argument. I ask the Senator was it not distinctly understood that enough votes were cast and would continue to be cast for Mr. Addicks to prevent a choice if there could be one more Democratic vote?

Mr. GRAY. I know nothing about arrangements, and I am not a party to such arrangements. I know nothing about them. I will only say there was not a time during that day when there was one member of the minority or majority of the legislature of Delaware or their adherents on the outside of that assembly hall who ever dreamed that Senator Watson was not exercising his clear right and performing a manifest duty in voting in that assembly.

Mr. CHANDLER. I have endeavored to argue this case as a question of constitutional law, and I had not intended to bring anything exciting into it; but I will, I think, before I finish, show the circumstances under which Governor Watson went into the joint assembly and voted. I did not suppose it was denied that Governor Watson went in at 12 o'clock on the 9th of May because it had been ascertained that his vote would prevent an election of Senator, which would otherwise be made. I did not suppose anybody denied that such was the motive and the purpose and the plan—and I simply referred to it as an arrangement; whereupon the Senator from Delaware says I am making a bad style of argument.

Mr. GRAY. No; I did not say that.

Mr. CHANDLER. The Senator criticised my style of argument.

Mr. GRAY. I said that what the Senator said had nothing to do with this question.

Mr. CHANDLER. I say it has something to do with this question whether my proposition is the public law of the United States and the public law of Delaware as well, that an infringement of that principle never had been dreamed of until an arrangement was made in the State of Delaware on the 9th of May, by which, if Watson would do that kind of an act, for the first time in history, the election of Mr. Du Pont could be prevented.

Mr. GRAY. The question here is whether Mr. Watson was entitled under the constitution of Delaware to vote in that joint convention. If he was he no more prevented an election than any other man of the thirty in that assembly who voted as he did. The same responsibility was on every other man if he voted rightly; and the whole question is whether he did so vote.

Mr. CHANDLER. That is so; but the Senator asked me where I found this principle of public law, and I say I inferred it from historical evidence, coupled with the fact that it never was imagined the law was otherwise until the 9th day of May, 1895.

Mr. PLATT. The Senator will not find, will he, in the Constitution of the United States or in the constitution of any State, an expression that all governmental power is divided into three branches?

Mr. GRAY. Oh, yes; in plenty of the constitutions of the States.

Mr. PLATT. He will not find it in all the constitutions.

Mr. GRAY. In a number of them, I will say to the Senator from Connecticut.

Mr. MITCHELL of Oregon. Not in the Constitution of the United States.

Mr. GRAY. No; but in most of the constitutions of the States.

Mr. PLATT. It is not in the Constitution of the United States.

Mr. GRAY. No; that is right.

Mr. PLATT. And yet the Senator would not argue that it was not a principle of constitutional law in the United States.

Mr. CHANDLER. That is precisely what the Senator from Delaware does argue. I argue, on the other hand, from the assertion of that principle in thirty-nine States, that it is a principle which exists in the other six States, and that it is a principle of American public law applicable to the United States Constitution. That is my argument, as the Senator from Connecticut would have heard if he had been here. The Senator from Delaware infers, because these provisions do not exist in six of the States or because they have been recently inserted in an unusually emphatic form in the constitution of the State of Mississippi, that therefore they were not universally existing law. My argument is that

they were declared as existing law and were not declared to make a change of law. The point is clear enough.

I call attention, Mr. President, to the ten amendments to the Constitution of the United States which were proposed by the States when they adopted the Constitution. There was no bill of rights in the United States Constitution, and these ten amendments were adopted. I ask the Senator from Delaware whether every one of those provisions changed the existing law? For instance:

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

I ask the Senator from Delaware whether, prior to the adoption of that article, Congress had any right to make a law respecting the establishment of religion or prohibiting the free exercise thereof, or whether Congress had a right to abridge the freedom of speech or of the press, or had the right to prohibit the people from assembling and petitioning the Government for a redress of grievances?

ARTICLE II.

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

Does that prove that before Article II was adopted Congress might prevent the people from keeping and bearing arms?

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation and particularly describing the place to be searched and the persons or things to be seized.

I ask the Senator, could all those things have been done if those amendments to the constitution had not been adopted? I answer by saying that they could not have been done and that very few people believed that these clauses were necessary. The right of the people to be secure against unreasonable searches and seizures and to have searches and seizures made only upon warrants issued upon oath was a right guaranteed by the common law of England. Was it not so? These declarations were made ex gratia; they were made ex abundanti cautela; they were not made to change the constitutional law of America. So all these declarations in the thirty-nine States were made in affirmation of the existing public law, of law which existed in those six States which had made no affirmation, of law which existed and was applicable to the conduct of government under the United States Constitution, which contained no bill of rights and contained none of these declarations, because the principles which the declaration enunciated were principles of American public law from the earliest date down to the present time.

Mr. President, I will not take up the time of the Senate or of the Senator from Delaware if he proposes to speak this afternoon.

Mr. GRAY. I would rather not speak this afternoon.

Mr. CHANDLER. I will not, however, take up the time of the Senate by arguing at length against the proposition of the other side that, whether Mr. Watson had the right or not, as an original question of law, to come back and act as speaker of the senate and as senator, he yet had the right through an adjudication of the senate made on the 9th of May, when he came back. I do not like to call absurd any proposition made by the other side, but it does seem to me that this argument which they have undertaken to elaborate is absolutely destitute of any substantial foundation whatever.

There was no doubt about Watson's original election to the senate; there was no doubt that he was once senator, and elected speaker of the senate. The other side put into the record evidence that he was originally elected senator, which nobody has ever denied. The present question is, Was he entitled to vote as senator on the 9th of May, and did the senate of Delaware adjudicate that he was so entitled?

Mr. President, all that took place was this: Shortly before 12 o'clock Governor Watson came into the senate chamber, saw the speaker of the senate pro tempore, Records, in the chair, sat around a few minutes talking to various senators, and just before 12 o'clock went to the desk, and—I will not say thrust aside, but—displaced Mr. Records, and at the head of this little body of 9 men went immediately to the hall where the joint assembly to vote for a Senator was to meet. The toleration of this performance is said to be an adjudication of the senate of Delaware. I can apply no other term to it than that of a ludicrous absurdity.

I again refer to the case of the Vice-President. Suppose a Vice-President to become President by the death of the President; suppose him to claim to retain all through his Presidency the right to come into the Senate and preside. He learns that the votes of electors for President of the United States are to be counted, in accordance with the rules, in the House of Representatives. The rules provide that the President of the Senate shall preside in the joint meeting in the House of Representatives. This count is to take place on a particular day, and suppose the President of the United States under those circumstances, the former Vice-President, a few minutes before the time fixed when the Senate is to go to the House of Representatives to see the Presidential vote counted, opens the door and comes in and displaces the President pro tempore of the Senate, and at the head of the Senate goes over to the House of Representatives, where the Presidential ballots are opened and the result exhibited and declared to the two Houses. Now, suppose further that the legality or validity of his conduct is called in question afterwards—as I am entirely sure it would be—would the Senator from Delaware say that the Senate had adjudicated that the President had the right to come back and resume the functions of Vice-President because the Senators did not at once thrust the usurper from his chair, because the Senators tolerated him in the position, and went with him to the House of Representatives and saw the Presidential count take place, and then came back to this body and took such action as they might think proper under the circumstances?

Mr. President, the toleration of such an usurpation as that would not be misconceived. It would not confer any rights whatever. So also it can not be possible that there is a single Senator who really thinks it was an adjudication of the senate of Delaware when William T. Watson left the executive chamber and proceeded to the senate chamber, and a few minutes before 12 o'clock put himself at the head of the procession and went into the assembly room, because he was not immediately hurled from his seat by indignant senators.

Mr. GRAY. May I ask the Senator from New Hampshire a question?

Mr. CHANDLER. Certainly.

Mr. GRAY. The Senator has said that no one would contend that any recognition by the Senate of such an act by the Vice-President would be regarded anywhere. I agree with him. But suppose that the Constitution of the United States had said that the Senate of the United States should be the judge of the propriety and the right of the Vice-President to act upon any occasion, which it has not said, would he then think that a judgment by the Senate of the United States would amount to anything?

Mr. CHANDLER. If a President of the United States who had once been Vice-President and had succeeded to the Presidency came into the Senate Chamber about five minutes before the Senate went to the House of Representatives to witness an important function in the Presidential count, I should not say that the Senate, by tolerating that act until it could get an opportunity to repudiate it, had made a solemn judgment of the Senate that he was its Vice-President, even if the law were perfectly explicit that even a recognition of the Vice-President by the Senate would be conclusive upon all the world.

The doctrine which Senators put forth tends to violence. It was becoming in the senate of Delaware to submit temporarily and to appeal to some superior authority, as it does to us now. The doctrine which Senators advocate would have made civil war in Alabama on two occasions. The senate of Delaware submitted; the assembly of Delaware submitted. It took them some time to recover from their astonishment. The bodies were too small to work up a great deal of indignation in a few moments. I do not know that anything would have been attempted even in a legislature of three or four hundred members. But here was a little senate of 9 members and a house of 21, to be sure more than are sometimes present in the Senate when great constitutional questions are argued, but not enough to get excited on any subject.

Mr. GRAY. As we do here.

Mr. CHANDLER. As we sometimes do here. The senate and the joint assembly very wisely, as I think, when they came to recover from their astonishment, conceiving it to be utterly preposterous that anybody could claim that Governor Watson could vote as senator, submitted to the indignity as long as they could and came to this body with the claim that Governor Watson's vote was void, and that therefore the result was 15 to 14, and that Mr. Du Pont was elected. There was no res adjudicata; there was no violence, and the whole case is fairly before the Senate for its deliberate judgment.

There is a moral question involved in this case, and it has been brought out by the indignation of the Senator from Delaware, who is sensitive upon the question whether or not there was an arrangement made by which Governor Watson should enter the joint assembly and vote in order to prevent the election of a Senator, which would take place if he did not enter. In this connection I shall ask to have read an extract from the affidavit of John M. C. Moore, dated January 14, 1896. It is contained in the report of the committee, in the appendix, at the bottom of page 73 and the top of page 74.

The Secretary read as follows:

The conversation which occurred between us was as follows: Governor Watson said to me, "Mr. Moore, I want to talk with you. I believe you will tell me just as it is. Is Mr. Massey out of this thing?" I said to him in reply, "Governor, he is. We are not going to cast another ballot for Mr. Massey nor no other man who has been balloted for except Henry A. Du Pont. He will be elected on the first ballot in the joint session." To which Governor Watson replied to me, "If that be the case, I shall take my seat." Against this I remonstrated, and said to him, "Governor, I hope you will not do it. I think too much of you as a man for you to do it." That was the last of our conversation. He made no reply to my remonstrance.

Mr. CHANDLER. I ask the Secretary to read from the affidavit of George F. Pierce, dated January 13, 1896, at the middle of page 75, and also at the bottom of page 75 to the end.

The Secretary read as follows:

That about ten minutes before the hour of noon William T. Watson, governor of the State of Delaware, being in the chamber, came and took a seat alongside of this deponent, and said to him, "I am going into the joint assembly and vote for a Senator." This deponent said, "You are going to do what?" He answered, "I am going to preside over the joint assembly today, and vote for a United States Senator." This deponent then said, "Do you think that is right?" Governor Watson answered, "No, I do not; but my party has overruled me." This deponent answered, "Then I suppose there is nothing I can say now that would change your mind;" to which Watson replied, "No; my mind is fully made up."

* * * * * * *

William T. Watson took a paper out of his pocket, and, without saying anything, handed it to me. I read it and handed it back to him without saying anything. The paper, as I recollect it, to the best of my knowledge and belief, read about as follows: "We, the undersigned, pledge ourselves to vote for John Edward Addicks, first, last, and all the time." I think there was a line or two more, but I can not recollect what it was. This paper was signed by Newell Ball, Charles Moore, John Robbins, and Robert J. Hanby. The first three were members of the house of representatives, and Mr. Hanby was a member of the senate.

GEO. F. PIERCE.

Mr. CHANDLER. I ask the Secretary to read from the middle of page 78, being the affidavit of John S. Prettyman, jr., dated January 14, 1896.

The Secretary read as follows:

During this walk Governor Watson said to me that when he went to Dover on the morning of that day that he did not expect to preside as speaker of the senate, believing that he did not have a legal right to act as governor and senator. After reaching Dover, in response to the influence of party leaders, he reversed this decision, and consented to enter the senate and claim his rights as speaker. In doing this, he said, he put aside his own judgment and acted upon the judgment of those whom he regarded as well qualified to advise. He also said that if anyone would convince him that he had acted illegally in the matter that he would sign Mr. Du Pont's certificate of election.

On Friday following this conversation I met Governor Watson about 11.30 a. m. in T. F. Hammersley's drug store, in Milford. I said to him that the fact of the Speaker of the United States Senate abandoning his functions as Senator upon becoming President of the United States might have some weight with the Senate in considering the seating of Mr. Du Pont. He seemed indignant, and blurted out in an angry manner, "What's that got to do with it? If you would read a little you might know something." I replied quietly that his remark was a very foolish one; that I did not know that he had ever been credited with superior wisdom or learning; and that neither of our opinions was worth very much in the matter. He then quickly and excitedly drew from his pocket a folded piece of writing paper, and said, "Read this." I took the paper and read the writing through. It was an agreement between Robert J. Hanby, Newall Ball, Charles Moore, and John Robbins, members of the Delaware legislature, signed with their names, and to the effect that they would vote for J. Edward Addicks for United States Senator, and that they would not vote for anyone else, even though no Senator should be elected. As I passed the paper back to the governor he said, "Wouldn't you have acted as I did under such circumstances?" I evaded his question by saying, "Are the signatures genuine?" and he replied, "Of course they are; look again," and he passed the paper to me for the second time. I read it through again and examined the signatures, remarking that I was not familiar with the autographs of these men, but that the names were in different handwritings. He said that he was not familiar with the autographs of the men, but that he was sure the names were genuine. The governor also said that this agreement was brought to him to induce him to take part in the last joint assembly of the legislature, and, influenced by it, through the advice of others, he consented to preside as speaker of that body, and did so preside upon the day mentioned. He further said that the Republicans had every opportunity to elect a Senator and had failed to do so, and of course he preferred that the Democratic party should have a representative in the United States Senate from Delaware rather than the Republican party.

Mr. CHANDLER. Now, the Secretary will please read from the affidavit of Frank Reedy, where I have marked it.

The Secretary read as follows:

Governor Watson said to me, "You fellows ought not to be so hard on me for not electing a United States Senator; you ought to blame those other four men." I replied, "We do not blame you altogether, but we think you ought not to have gone in there at the time you did if you had not gone before." Watson then said, "I did not go in until I had the best legal talent of the party advising me so to do, and not until I had got this"; and he handed me a paper. This paper, as well as I can remember, read about as follows: "We, the undersigned, hereby pledge ourselves to vote for John Edward Addicks first, last, and all the time." There may have been a couple more lines, but I can not remember where or what they were.

This paper was signed by Charles Moore, Newall Ball, John Robbins, and Robert J. Hanby. The first three were members of the house of representatives of the State, and the said Hanby was a member of the senate.

Squire Robert J. Beswick came up about that time and I handed the paper back to Governor Watson without anything further being said by either of us.

Mr. CHANDLER. The Senator from Delaware remarked a little while ago that he did not understand that there was any doubt in the mind of anyone in Delaware as to the right of Governor Watson to do what he did, to enter the Senate and vote. The Senator so stated, unless I am mistaken.

Mr. GRAY. The Senator from New Hampshire is not mistaken.

Mr. CHANDLER. The Senator so stated. We have all this testimony about Governor Watson. Governor Watson may or may not always be so sound a constitutional lawyer as Chancellor Wolcott, who is said to have advised this proceeding. But on this occasion I think he was a much better constitutional lawyer than Chancellor Wolcott, as he evidently did not think he had the right to go to the senate and vote. The first discovery of this right in a hundred years was not made by Governor Watson. He himself has made an affidavit, dated January 28, 1896, which is contained in the majority report, page 88. He states his action in presiding over the senate and the joint assembly on May 9, 1895, but he does not deny any of the statements which I have put into the record, although the same were presented to the Senate on the 29th day of January, 1896, and printed.

Mr. HOAR. What is the date of Mr. Watson's affidavit?

Mr. CHANDLER. January 28, 1896. On the 29th of January these affidavits were presented and printed, and they never have been denied up to this moment.

I do not argue that these facts make any difference in the question of constitutional law. If Governor Watson voted, as I believe he did, through a conspiracy to furnish the one vote that was necessary to prevent a Senatorial election on that day, and yet had a right to vote, his vote should be counted. If he had not a right to vote, then his vote should be rejected, no matter how pure his motives may have been, no matter how pure may have been the motives of his advisers, no matter how confident his advisers may have been as to his right. These facts are only a part of the history of this case. They are a part of the history of the effort, for the first time in one hundred and eight years, on the part of a governor of a State to give a controlling vote in the election of a United States Senator.

Mr. President, I do not think Governor Watson's act was creditable to the State of Delaware; I do not think it was in accordance with the public law of the United States; I do not think it was an act which the Senate of the United States can afford to indorse with the seal of its approval.

Mr. GRAY obtained the floor.

Mr. PROCTOR. I should like to inquire of the Senator from Delaware whether he wishes to proceed to-night.

Mr. GRAY. I do not wish to proceed to-night. If I may be allowed to hold the floor on this question, I will be much obliged to the Senate if they will extend to me the courtesy of allowing me to resume to-morrow morning immediately after the routine morning business is concluded.

Mr. PROCTOR. If the Senator from Delaware will yield to me, I will ask unanimous consent——

Mr. GRAY. I ask unanimous consent that I may resume the floor on this question to-morrow immediately after the conclusion of the routine morning business.

The PRESIDING OFFICER (Mr. SEWELL in the chair). Is there objection to the request of the Senator from Delaware?

Mr. PEFFER. There is a unanimous-consent agreement now in force in which the Senator from Delaware is interested and in which he took part. I think the Senator from Vermont [Mr. PROCTOR], perhaps, is not aware of it. There was a unanimous-consent agreement entered into this afternoon by which as soon as the Senator from New Hampshire [Mr. CHANDLER] concluded his remarks the Senator from Delaware [Mr. GRAY] should follow him and conclude the discussion upon the Du Pont case, and that then the bond resolution which has been before the Senate should be immediately proceeded with. Unless the unanimous-consent agreement is carried over the bond resolution may lose its place, and that is what I wish to prevent.

Mr. GRAY. Under the unanimous-consent agreement, as I understood it, the bond resolution of the Senator from Kansas would have the right of way immediately after the conclusion of my remarks.

Mr. MITCHELL of Oregon. That is the way I understand it.

Mr. PROCTOR. I will say for the benefit of the Senator from Kansas that I merely ask to call up a measure which I think will not be objected to. If there is objection, it can be withdrawn. It is a House bill of great interest to the District, and is designed to prevent litigation.

Mr. PEFFER. Then I ask unanimous consent that the agreement we entered into this afternoon may be considered as continued.

The PRESIDING OFFICER. If there be no objection, it will be so ordered.

Mr. HILL. What is it?

Mr. PEFFER. That the unanimous-consent agreement shall be continued.

Mr. HOAR. I rise to a parliamentary inquiry.

Mr. GRAY (to Mr. HILL). The Senator from Kansas asks unanimous consent that the bond resolution may be taken up after I shall have concluded my remarks. I asked to be permitted

to speak to-morrow, and he asks that the unanimous-consent agreement may be extended.

Mr. ALDRICH. What is the question before the Senate?

Mr. PEFFER. I asked unanimous consent, and I understood the Chair had asked for it and it was conceded——

The PRESIDING OFFICER. If there be no objection, such will be the arrangement.

Mr. HOAR. I rise to a parliamentary inquiry.

Mr. HILL. I should like to have the Senator from Kansas state what he asks for. He starts in and does not finish the request.

The PRESIDING OFFICER. The Senator from Kansas will restate his request.

Mr. PEFFER. What I ask is that these intermediate proceedings shall not interfere with the unanimous-consent agreement which was entered into this afternoon, that as soon as the Senator from Delaware concludes his remarks the bond resolution shall be immediately taken up.

Mr. HOAR. I rise to a parliamentary inquiry. What is the unanimous consent which the Senate is asked to extend?

The PRESIDING OFFICER. The Chair understands it is the unanimous-consent agreement entered into to-day in relation to the bond resolution. Is that correct? the Chair asks the Senator from Kansas.

Mr. PEFFER. I will state the facts for the information of the Chair, as the Senator who now occupies the chair was not its occupant at the time the agreement was made. The Senator from Massachusetts [Mr. HOAR] will see by referring to the Calendar that several days ago a unanimous-consent agreement was made that at 2.15 o'clock on this day the resolution known as the bond resolution, the resolution proposing an investigation of bond sales, should be taken up. But when that hour was reached to-day it happened that the Senator from New Hampshire [Mr. CHANDLER] was occupying the floor in an address upon the Du Pont resolution. The unanimous-consent, agreement was then continued over by an additional consent, so that the Senator from New Hampshire might conclude his remarks.

Mr. HOAR obtained the floor.

Mr. HILL. Will the Senator from Massachusetts permit me? I will state that I have not objected to the request of the Senator from Kansas, and I do not now object. I simply wish to call the attention of the Senate to the fact that a unanimous-consent agreement to take up a bill or a resolution at some future time is nothing more nor less than making a special order of the measure for a particular time. It has no solemnity or importance beyond that.

Mr. FAULKNER. Oh, yes; it has.

Mr. HILL. And it is subject to the right of the Senate to take it up or to pursue any other course in regard to it which it sees fit. If it has any other effect, then I shall desire to object to an agreement being made.

Mr. FAULKNER. I think the effect of a unanimous-consent agreement to take up a measure at a particular time is that everything yields to the unanimous-consent agreement unless at that time unanimous consent is given to avoid the previous unanimous-consent arrangement. It is a very serious proposition.

Mr. HILL. It merely makes the measure a special order; that is all.

Mr. FAULKNER. No. A special order comes up in its turn, but a unanimous-consent agreement to proceed to the consideration of a measure at a particular time nothing can avoid in the Senate that I have ever seen except a unanimous-consent agreement to avoid it, whereas a majority vote or other procedure can set aside a special order.

Mr. HOAR. I should like to have the unanimous-consent agreement carefully understood before we proceed to do anything else.

Mr. PEFFER. So would I.

Mr. HOAR. The Chair was kind enough to recognize me before. One Senator stated—I think the Senator from Kansas—that there was a unanimous-consent agreement that the remarks of the Senator from Delaware should conclude the discussion on the Du Pont case. Now, I have never consented to any such agreement.

Mr. PEFFER. That is not the state of the case at all.

Mr. GRAY. That is not concluded.

Mr. HOAR. Very well.

Mr. PEFFER. If Senators will bear with me for a moment, in the first place, as I said to the Senator from Massachusetts a few minutes ago, unanimous consent was given that at 2.15 o'clock this afternoon the Senate should proceed to the consideration of the bond resolution. It happened at the time when that hour was reached, 2.15 o'clock, that the Senator from New Hampshire [Mr. CHANDLER] was engaged in a speech upon the Du Pont resolution, and in order to accommodate that Senator and to retain the bond resolution with its unanimous-consent agreement before the Senate the resolution at my request was laid before the Senate, and then by unanimous consent it was agreed that the Senator from New Hampshire might continue his remarks, and at the conclusion of his remarks the Senator from Delaware——

Mr. GRAY. May I interrupt the Senator from Kansas right here?

Mr. PEFFER. The Senator from Delaware should proceed, and that at the conclusion of the remarks of the Senator from Delaware——

Mr. GRAY. That is right.

Mr. PEFFER. The bond resolution should be taken up.

Mr. GRAY. May I say a word right here? I wish to state that the Senator from Kansas has stated what I understood and what I think the Senate understood to be the unanimous-consent agreement. I should regret very much indeed if the courtesy extended to me to defer my remarks until to-morrow should at all interfere with what was the understanding as to the rights of the Senator from Kansas at the conclusion of my remarks.

Mr. PEFFER. What I have asked for, and what I understand, and I think the Chair understands, has been conceded, is that these preliminary efforts that are now being made—the consideration of matters such as the Senator from Vermont [Mr. PROCTOR] wishes to present to the Senate—shall not in any way interfere with this unanimous-consent agreement, and that to-morrow, when the Senator from Delaware concludes his remarks upon the Du Pont resolution, we shall proceed to the consideration of the bond resolution.

The PRESIDING OFFICER. Is there objection to the agreement as stated by the Senator from Kansas? The Chair hears none, and such will be the order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; insisted upon its disagreement to certain amendments of the Senate to the bill upon which the committee were unable to agree; agreed to a further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BINGHAM, Mr. MCCALL of Tennessee, and Mr. DOCKERY managers at the conference on the part of the House.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 1882) for the relief of John Ruhm, sr., Nashville, Tenn.;

A bill (H. R. 2412) to remove the charge of desertion now standing against George Alcott on the rolls of the War Department;

A bill (H. R. 2813) granting a pension to Rita Stine;

A bill (H. R. 3610) for the relief of holders of certain District of Columbia tax-sale certificates, and for other purposes;

A bill (H. R. 3771) for the relief of Stratton H. Benscoter;

A bill (H. R. 4452) to amend section 416 of the Revised Statutes of the United States relating to the District of Columbia;

A bill (H. R. 5790) to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington;

A bill (H. R. 6104) for the relief of Anton Gloetzner;

A bill (H. R. 6663) to authorize and regulate the sale of unclaimed freight, baggage, and other property in the District of Columbia;

A bill (H. R. 7139) to authorize the Falls Church and Potomac Railway Company of Virginia to extend its line into and within the District of Columbia, and for other purposes;

A bill (H. R. 7264) to provide for the drainage of lots in the District of Columbia;

A bill (H. R. 8043) to amend an act to provide for holding terms of the United States court at Mississippi City; and

A joint resolution (H. Res. 170) to provide for the proper distribution of the publication entitled Messages and Papers of the Presidents.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions:

A bill (S. 100) for the relief of the estate of John R. Bigelow;

A bill (S. 1203) granting an increase of pension to Mary Doubleday, widow of Bvt. Maj. Gen. Abner Doubleday;

A bill (S. 1317) to grant certain lands to the city of Colorado Springs, Colo.;

A bill (S. 2141) to amend an act approved August 24, 1894, entitled "An act to authorize purchasers of property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company";

A joint resolution (S. R. 104) directing the Secretary of War to transmit to Congress a report on the survey of the waterway connecting the waters of Puget Sound, at Salmon Bay, with Lakes Union and Washington, and to submit an estimate of the cost of constructing said waterway; and

A joint resolution (S. R. 123) directing the Secretary of War to submit a plan and estimate for the improvement of the Nebraska side of the Missouri River, opposite Sioux City, Iowa.

TAXATION OF PROPERTY IN THE DISTRICT.

Mr. PROCTOR. I renew my request that the Senate proceed to the consideration of the bill (H. R. 3281) to authorize reassessments for improvements and general taxes in the District of Columbia, and for other purposes.

The PRESIDING OFFICER. Is there objection?

Mr. CANNON. I do not desire to interpose an objection to the request of the Senator from Vermont, but I should like to have the unfinished business laid before the Senate with a view to taking it up this afternoon and concluding it. There seems to be an opportunity which has been lacking for some weeks past.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The SECRETARY. A joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation.

Mr. PROCTOR. I ask that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

Mr. PROCTOR. I ask the Senate to proceed to the consideration of the bill I have indicated.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment, in line 24, after the word "assessments," to insert:

And any amount heretofore paid upon an assessment which has been declared void shall be credited the owner upon the reassessment made under the provisions of this bill.

So as to make the proviso read:

Provided, That in cases where such taxes or assessments shall be quashed or declared void by said court, for the reasons hereinbefore stated, the reassessments herein provided for shall be made within ninety days after the judgment or decree of said court quashing or setting aside such taxes or assessments, and any amount heretofore paid upon an assessment which has been declared void shall be credited the owner upon the reassessment made under the provision of this bill.

The amendment was agreed to.

Mr. PROCTOR. I will read a brief letter from one of the Commissioners to the Hon. JAMES MCMILLAN, chairman of the Committee on the District of Columbia:

I beg to call your special attention to the urgent necessity for an early enactment of Senate bill 1376, to authorize the reassessment for local improvements and general taxes in the District of Columbia, and for other purposes.

This bill, as I remember, passed the House and only awaits action by the Senate.

Every day writs are served upon the Commissioners to set aside special assessments; and as the bill does not propose to be retroactive, but only to reassess those which are hereafter quashed or set aside, the sooner the bill is passed the greater the amount that will be saved from the wreck.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

UNCOMPAHGRE INDIAN RESERVATION.

Mr. CANNON. I ask that the unfinished business may be laid before the Senate.

The PRESIDING OFFICER. The unfinished business will be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation, the pending question being on the amendment of Mr. VILAS to add the following proviso:

Provided, That any lands containing asphaltum, gilsonite, or like substances shall be reserved for proper disposition by Congress.

Mr. CANNON. Mr. President, I think remarks are unnecessary on this subject further than to call the attention of the Senate to the fact that the——

Mr. HILL. The Senator from Wisconsin [Mr. VILAS] desires to be heard in regard to the joint resolution, and he was assured by the unanimous-consent arrangement that the Senator from New Hampshire [Mr. CHANDLER] was to speak, to be followed by the Senator from Delaware [Mr. GRAY], and that then the bond resolution was to be taken up. He left the Chamber with that understanding, and therefore we can not very well proceed with this measure this afternoon.

Several SENATORS. Let us adjourn.

Mr. HILL. I ask the Senator from Utah to move to adjourn or move an executive session, whatever is proper at this time.

Mr. CANNON. I do not yield for the purpose of permitting a motion to adjourn to be made. Before this matter proceeds further I think it fair to state that on a previous occasion, the only opportunity which we have had for the consideration of this measure since its first introduction, at the solicitation of the Senator from Wisconsin [Mr. VILAS], I waived our opportunity to be heard. The joint resolution has been pending here for three weeks, confining myself and my colleague here constantly for fear that by some unanimous-consent arrangement the unfinished business might be relegated to obscurity. I think this is a good opportunity to go on with the question. The Senator from Wisconsin has been heard at great length; we also have been heard on our side, and I believe the Senate is as well prepared to vote on the amendment and on the original measure now as if we were to wait three weeks longer for a similar opportunity.

Mr. HILL. Last Thursday afternoon both Senators from Utah sat in their seats and permitted another matter to take the place of their bill by not objecting to the making of another matter a special order for to-day.

Mr. CANNON. We have——

Mr. HILL. To-day, a few moments ago, a single objection would have interfered with the unanimous-consent agreement given about continuing another subject. We expected the Senator from Delaware to speak this afternoon, following the Senator from New Hampshire. We can not very well proceed with the joint resolution this afternoon, Mr. President.

Mr. BROWN. I wish the Senator from New York would permit me to correct him in regard to his statement that we sat in our seats when the arrangement about the bond resolution was made. I was not here, or I certainly would have objected for one, as I had before, to taking up that particular measure. I did not intend to yield and I do not really understand that we will now.

Mr. HILL. I will change my expression and say the Senator ought to have been in his seat.

Mr. BROWN. I will remark to the Senator from New York that it is merely a special order and we still have a right to the floor.

Mr. HILL. I doubt the right to have presented this afternoon at 4 o'clock an unfinished business. We can not have three or four matters of unfinished business pending at the same time, each having the right of way, to come in at any time any Senator wants one to be brought in. There must be some system about this thing. I simply suggest to the Senator from Utah that we can not dispose of the joint resolution to-night. When the Senator from Wisconsin left the Chamber he said to me, "I assume the Delaware matter will be continued all the afternoon." He has no disposition to delay the joint resolution at all.

Mr. CANNON. I think it is a poor rule which will not work both ways. The distinguished Senator from New York rebuked the Senators from Utah a few moments ago with the statement that they should have been in their places to watch that nothing should intervene. I think the Senator from Wisconsin should have been in his place, then, to see that nothing should occur here which would be detrimental to interests which he represents. I do not choose, however, to be as severe in practice as in speech, and if any interest of this country is likely to suffer through the absence of the Senator from Wisconsin I am willing to defer the consideration of the joint resolution, asking, however, that there may be some understanding on this subject. I suppose that the unfinished business has the right of way, and no unanimous consent can interfere with the unfinished business unless by distinct understanding to that effect. I arrived at that conclusion from our having risen in our places so often in the attempt to protect the unfinished business that it has become already a matter of amusement to others. Now, if the unfinished business may stand on the Calendar to be taken up at the first opportunity to be afforded, and if it should be necessary to guard ourselves not only against the loss of our right on the Calendar, but against the criticisms of Senators like the distinguished gentleman from New York for our failure to interpose every time a proposition is made here, I shall be quite willing to have the joint resolution go over, pending the return of the Senator from Wisconsin.

Mr. HILL. If it will relieve the feelings of the Senator from Utah I will say that under the rules the Senator from Wisconsin should have been here also; but he left the matter in my charge, and therefore I look after it. I will also simply suggest to the Senator from Utah that if he expects to get his joint resolution acted upon within a reasonable time in the future somebody will have to be here to prevent unanimous consent being given in regard to other measures. It has already been demonstrated that unanimous-consent agreements do take the place not only of privileged questions like the Du Pont case but matters of unfinished business. We have now pending before the Senate, first, the privileged question. What that exactly means nobody seems to know. Then we have the unfinished business; then we have two or three special orders, and then we have unanimous-consent agreements, all demanding recognition at the same time.

Mr. JONES of Arkansas. And appropriation bills.

Mr. HILL. And appropriation bills, as my friend from Arkansas on my left suggests, demanding priority.

Mr. FAULKNER. With one appropriation bill half through.

Mr. HILL. Half through, and suspended between heaven and earth. Therefore, I think somebody will have to be present here

to look after these bills. Now, having exhausted the time until we have reached the proper time for adjournment, I move that the Senate adjourn.

The PRESIDING OFFICER. Pending the motion to adjourn the Chair will lay before the Senate sundry House bills for reference.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 3610) for the relief of holders of certain District of Columbia tax-sale certificates, and for other purposes;

A bill (H. R. 4452) to amend section 416 of the Revised Statutes of the United States relating to the District of Columbia;

A bill (H. R. 5790) to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington;

A bill (H. R. 6104) for the relief of Anton Gloetzner;

A bill (H. R. 6663) to authorize and regulate the sale of unclaimed freight, baggage, and other property in the District of Columbia;

A bill (H. R. 7139) to authorize the Falls Church and Potomac Railway Company of Virginia to extend its line into and within the District of Columbia, and for other purposes; and

A bill (H. R. 7264) to provide for the drainage of lots in the District of Columbia.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 2412) to remove the charge of desertion now standing against George Alcott on the rolls of the War Department; and

A bill (H. R. 3771) for the relief of Stratton H. Benscoter.

The bill (H. R. 1882) for the relief of John Ruhm, sr., Nashville, Tenn., was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 8043) to amend an act to provide for holding terms of the United States court at Mississippi City was read twice by its title, and referred to the Committee on the Judiciary.

The joint resolution (H. Res. 170) to provide for the proper distribution of the publication entitled "Messages and Papers of the Presidents" was read twice by its title, and referred to the Committee on Printing.

UNCOMPAHGRE INDIAN RESERVATION.

Mr. DAVIS. I ask the Senator from New York to withdraw his motion so as to enable me to call up a bill.

Mr. HILL. I withdraw the motion.

Mr. DAVIS. I move that the Senate proceed to the consideration of Senate bill 115. The bill has been reported in several Congresses from the Committee on Indian Affairs.

Mr. CANNON. Will the Senator from Minnesota yield to me for a moment that I may make an inquiry?

Mr. DAVIS. I yield to the Senator from Utah for that purpose.

Mr. CANNON. Will the Chair kindly state the status of the unfinished business at the present time?

The PRESIDING OFFICER. The unfinished business will come up to-morrow morning at the conclusion of the morning hour, at 2 o'clock.

Mr. CULLOM. I hope nothing will occur here that will push aside the unfinished business represented by the Senator from Utah, so that it will lose its right.

The PRESIDING OFFICER. As the Chair understands it, the unfinished business will come up to-morrow, provided it is not set aside by an absolute unanimous-consent agreement of the Senate, or by an appropriation bill, or by the privileged question.

Mr. HILL. Or by a vote of the Senate.

The PRESIDING OFFICER. Or by a vote of the Senate. There are several contingencies.

Mr. CANNON. The exceptions, it appears, are stronger than the rule. I desire to give notice to the Senator from New York that if opportunity shall offer to-morrow for the consideration of the unfinished business, if we may have the consent of the Senator to proceed with it, we shall be compelled to do so even if the Senator from Wisconsin shall not be present.

Mr. CULLOM. The other bill will displace it unless it is laid before the Senate prior to adjournment, and the Senator will lose his right to have it considered.

Mr. CANNON. I desire to have the unfinished business hold its place, and will therefore ask that it be temporarily laid aside so that the Senator from Minnesota [Mr. DAVIS] may call up the bill he wishes to have considered.

The PRESIDING OFFICER. That will be the order.

ESTATE OF RAMSAY CROOKS.

Mr. DAVIS. I ask leave to call up Order of Business 622, being the bill (S. 115) for the relief of the estate of Ramsay Crooks.

Mr. HARRIS. Does the Senator from Minnesota desire to proceed with the bill this evening?

Mr. DAVIS. If it gives rise to any debate I shall not desire to proceed with it. But the bill has been reported so many times that I think it will not give rise to any discussion.

Mr. CALL. Let the unfinished business be laid aside temporarily for the purpose.

The PRESIDING OFFICER. Such is the request of the Senator from Minnesota. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The preamble recites that Ramsay Crooks, late of the State of New York, was, during the years 1842 to 1847, inclusive, a duly authorized and licensed trader, doing business with the Indians of Lake Superior, during which period he furnished the Indians a large amount of supplies necessary for their subsistence, and to enable them to carry on the chase; that in the year 1848 he was succeeded by others as traders for the Indians, whereby of necessity he left an outstanding indebtedness due to him from certain bands of the Indians, which has never been paid to him nor to his legal representatives. Also, that in his lifetime he filed claims in the office of the Commissioner of Indian Affairs, showing that there was due to him from the Pillager and Lake Winnibagoshish band $6,410.80, and from a certain other band, known as the Chippewa Indians of the Mississippi, $3,308.82, making a total amount of such indebtedness of $9,719.62.

The bill proposes to pay $9,719.62, to enable the Secretary of the Interior to examine the claims and pay the amount, or so much thereof as he shall find to be due, to the administrator of the estate of Ramsay Crooks, and charge the same to any annuities or other moneys due, or to become due, from the United States to these Indians, in such proportions as shall be found to be due therefrom.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

PRACTICE OF MEDICINE AND SURGERY.

Mr. GALLINGER. I ask unanimous consent for the present consideration of House bill 5731.

Mr. HILL. If that can be done without prejudice to the Du Pont case, and without prejudice to the Utah joint resolution, and without prejudice to the bond resolution, I have no objection.

Mr. CHANDLER. I have none, if it is done without prejudice to the Senator from New York.

Mr. HARRIS. And without prejudice to the long endurance of the Senate. [Laughter.]

Mr. GALLINGER. It being a medical bill, it will not prejudice anything.

The PRESIDING OFFICER. The bill will be read for information, and the Chair will then inquire if there is objection to its present consideration.

The Secretary proceeded to read the bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof, in the District of Columbia.

Mr. CALL. I ask the Senator from New Hampshire not to press the passage of that bill at this time. I shall be compelled to ask that it may go over.

Mr. GALLINGER. I wish the Senator from Florida would not oppose this bill. I have been waiting for three months to get consideration for it, and the entire medical fraternity of all schools in this District are urging me to call it up. I want very much to have it acted upon.

Mr. CALL. I dislike to oppose anything that is suggested by the Senator from New Hampshire, but I have very grave doubts whether all efforts to relieve or remedy human suffering should be made a crime unless made by half a dozen individuals.

The PRESIDING OFFICER. Does the Senator from Florida object to the present consideration of the bill?

Mr. GALLINGER. Mr. President, just one word. I hope the Senator from Florida will withdraw his opposition to the bill. I will say to the Senator that every State and Territory in the American Union but one has passed bills very similar to this measure, including the State of Florida. I think he will not object.

Mr. CALL. I understand that, too, but at the same time I gravely question whether the poor people of this country who can not employ physicians should be prohibited from having any philanthropic efforts made to relieve them and it should be made a crime unless it be done by license.

Mr. GALLINGER. Does the Senator object?

Mr. CALL. I object.

Mr. GALLINGER. That is all right, Mr. President. I shall try to take care of it later on.

The PRESIDING OFFICER. The consideration of the bill is objected to.

Mr. CHANDLER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 15, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 14, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

A. B. PEDIGO.

Mr. COOPER of Texas. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 1280) for the relief of A. B. Pedigo was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to A. B. Pedigo, out of any money in the Treasury not otherwise appropriated, the sum of $331.06, the same being balance due for carrying United States mails in the State of Texas from October 1, 1860, to May 31, 1861.

Mr. PITNEY. If there is a report on this case, I should like to hear it.

The report of the Committee on Claims was read.

Mr. PITNEY. I shall have to object, I think.

Mr. COOPER of Texas. I ask the gentleman to withdraw his objection until I can present some of the evidence in this case.

Mr. PITNEY. I am willing that the right to object be reserved, in order to enable the gentleman from Texas to make a statement.

Mr. COOPER of Texas. I ask that a letter from the Auditor of the Post-Office Department be read.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., January 27, 1896.

SIR: In reply to a verbal inquiry relative to the claim of Mr. A. B. Pedigo, for carrying the mail in Texas in 1860, I have the honor to inform you that the records of this office show that A. B. Pedigo was the mail contractor on route No. 8619, Woodville to Beaumont, in the State of Texas, under a contract commencing July 1, 1858; that he was paid in full to September 30, 1860, and that a balance stands to his credit for service from October 1, 1860, to May 31, 1861, the date to which service has been certified, amounting to $331.06. The record of payments made by the Confederate States government, of claims of contractors for service performed prior to June 1, 1861, is found in a register which is incomplete, there being a number of leaves and parts of leaves missing; but so far as the record goes, there is no evidence of any payment having been made to Mr. Pedigo by the Confederate States government for service under his contract with the United States.

Very respectfully,

GEO. G. HOWARD, *Auditor.*

Hon. S. B. COOPER,
House of Representatives, Washington, D. C.

Mr. COOPER of Texas. Now I ask that the other documents which I have sent to the desk be read. They are short.

The Clerk read as follows:

THE STATE OF TEXAS, *County of Tyler:*

I, A. B. Pedigo, a citizen of the State of Texas and county of Tyler, do solemnly swear that I have never received payment from the United States of America for carrying United States mails in the State of Texas from October 1, 1860, to May 31, 1861, and that the Confederate States government never paid me for said mail service, and that the $331.06 is a just debt, and has never been paid.

A. B. PEDIGO.

Sworn to and subscribed before me by A. B. Pedigo, well known to me, on this the 6th day of February, A. D. 1896.

W. E. ADAMS,
A Notary Public Duly Qualified and Acting in and for Tyler County, Tex.

THE STATE OF TEXAS, *County of Tyler:*

I, William S. Durham, a citizen of the State of Texas and county of Tyler, do solemnly swear that I am well acquainted with Mr. A. B. Pedigo, who is also a citizen of said State and county, and have been acquainted with him from the year 1860 up to the present date, and have always known him to be a loyal citizen of the United States of America.

W. S. DURHAM.

Sworn to and subscribed before me, the undersigned notary public duly qualified and acting in and for Tyler County, Tex., on this the 6th day of February, A. D. 1896.

W. E. ADAMS,
A Notary Public in and for Tyler County, Tex.

Mr. COOPER of Texas. Mr. Speaker, the gentleman for whose relief this bill is presented was four years ago the Republican candidate for Congress in my district. His loyalty has never been questioned. The records of the Post-Office Department show that this debt is due, and it has never been paid either by the United States Government or by the Confederate States.

Mr. CANNON. Is this one of the so-called mail contractors' claims, aggregating a large amount—something like $300,000 or $400,000 or $500,000—growing out of transactions happening about the beginning of the war?

Mr. COOPER of Texas. I do not understand this to be one of the claims to which the gentleman refers. The Government contracted with this man for carrying the mail, and he performed the service. Hostilities broke out, and he never was able to get his pay, no appropriation for that purpose having heretofore been made.

Mr. CANNON. Where was this service performed?

Mr. COOPER of Texas. In Texas.

Mr. CANNON. In 1861?

Mr. COOPER of Texas. Yes, sir; anterior to secession.

Mr. PITNEY. As I understood the reading of the bill, the claim covers a period ending in 1863.

Mr. COOPER of Texas. No, sir; that is incorrect.

Mr. PITNEY. Whether that be so or not, is not this a man who, having been engaged in mail transportation for the Government, entered afterwards the Confederate postal service?

Mr. COOPER of Texas. No, sir; it is not. This man has been a loyal citizen—and a loyal Republican—all the time. As I have stated, he was the Republican candidate for Congress four years ago in the district which I now represent. He was loyal during the war, and his whole family have been loyal.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PITNEY. I object.

Mr. CANNON. I call for the regular order.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. BINGHAM. I ask the reading of the conference report which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 41, 42, 43, 48, 49, 57, 58, 61, 62, 63, 64, 65, 66, 71, 72, 74, 75, 76, 79, 94, 97, 103, 104, 124, 125, 129, 138, 141, 142, and 153.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, 7, 8, 9, 10, 15, 17, 18, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 39, 40, 44, 50, 51, 52, 53, 54, 60, 67, 68, 69, 73, 77, 78, 80, 84, 85, 90, 91, 92, 93, 95, 96, 110, 111, 112, 113, 114, 123, 126, 127, 139, 140, 145, 146, 150, and 154, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and in lieu of the matter inserted insert the following: "And $280 additional while the office is held by the present incumbent"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and in lieu of the matter inserted insert the following: "And $200 additional while the office is held by the present incumbent"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$119.20"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "The Secretary of State is authorized to use not exceeding $3,120 for the services of the employees in the Bureau of Statistics, Department of State, in the work of compiling and distributing consular and other commercial reports, out of the appropriation of $20,000 for preparation, printing, publication, and distribution, by the Department of State, of the consular and other commercial reports made in the diplomatic and consular appropriation act approved February 27, 1896"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 67, after line 2 of the bill, as a separate paragraph, the following: "For watchman, to care for the monument and wharf at Wakefield, Va., $300; the wharf to be used by the public under such rules and regulations as may be prescribed therefor by the Secretary of War"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For chief of division of judicial accounts, $2,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum propoced insert "$194,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Appointment clerk, $1,800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$50,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$250"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$1,800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$50,220"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In line 9 of the matter inserted by said amendment strike out the words "twenty-five thousand" and insert in lieu thereof the words "twelve thousand five hundred"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,300"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment strike out the words "two terms" and insert in lieu thereof the words "a term"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the

Senate numbered 147, and agree to the same with an amendment as follows: On page 106, in line 13 of the bill, strike out the word "as" and insert in lieu thereof the word "is"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In line 1 of the matter inserted by said amendment strike out the words "five hundred"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,720"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"SEC. 3. Section 166 of the Revised Statutes is amended to read as follows:

"'SEC. 166. Each head of a Department may, from time to time, alter the distribution among the various bureaus and offices of his Department of the clerks and other employees allowed by law, except such clerks or employees as may be required by law to be exclusively engaged upon some specific work, as he may find it necessary and proper to do, but all details hereunder shall be made by written order of the head of the Department, and in no case be for a period of time exceeding one hundred and twenty days: *Provided*, That details so made may, on expiration, be renewed from time to time by written order of the head of the Department, in each particular case, for periods of not exceeding one hundred and twenty days. All details heretofore made are hereby revoked, but may be renewed as provided herein.'"

And the Senate agree to the same.

The committee of conference have been unable to agree on the amendments numbered 11, 12, 13, 14, 16, 19, 22, 23, 36, 37, 38, 55, 56, 82, 83, 88, 89, 98, 99, 101, 102, 108, 109, 115, 116, 117, 118, 119, 120, 121, 122, 130, 131, 132, 133, 134, 135, 136, 137, 142, 144, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, and 314.

HENRY H. BINGHAM,
JOHN E. McCALL,
ALEXANDER M. DOCKERY,
Managers on the part of the House.

S. M. CULLOM,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the legislative, executive, and judicial appropriation bill (H. R. 6248) submit the following written statement in explanation of the action agreed upon and recommended in the accompanying conference report, namely:

On amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 17, 18, 20, and 21, relating to the Senate: Provides for the additional compensation proposed by the Senate for the financial clerk, librarian, and one assistant in the stationery room; for an additional assistant clerk at $1,440 to the Committee on Pensions; for an assistant clerk at $1,440 to the Committee on Military Affairs; for clerks to the Committees on Woman Suffrage, Mines and Mining, and Construction of the Nicaragua Canal, at $2,160 each; provides for the pages for one hundred and twenty-one days instead of one hundred and seventeen days during the coming short session; strikes out a clerk at $1,800 in the post-office and appropriates $8,000 instead of $4,000, as proposed by the House, for folding speeches and pamphlets.

On amendment numbered 24: Appropriates $300, as proposed by the Senate, instead of $100, as proposed by the House, for contingent expenses of the Capitol police.

On amendments numbered 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, relating to the House of Representatives: Appropriates for compensation of the session employees for one hundred and twenty-one days instead of one hundred and seventeen days for services during the coming short session of this Congress.

On amendments numbered 39 and 40: Appropriates $5,000, as proposed by the Senate, instead of $3,500, as proposed by the House, for salary of the private secretary of the President.

On amendments numbered 41 and 42: Appropriates for a messenger at $840, as proposed by the House, instead of two messenger boys at $400 each, as proposed by the Senate, for the Civil Service Commission.

On amendments numbered 43, 44, and 45: Strikes out the appropriation of $2,100 proposed by the Senate for a law clerk, and appropriates for 10 clerks at $900 each, as proposed by the Senate, instead of 8, as proposed by the House, in the Department of State.

On amendment numbered 46: Authorizes the Secretary of State to use not exceeding $3,120 of the appropriation in the diplomatic act for consular and commercial reports for services of employees in the Bureau of Statistics, Department of State.

On amendment numbered 47: Appropriates $300 for a watchman for care of wharf and monument at Wakefield, Va., and authorizes the use of said wharf by the public under rules to be prescribed by the Secretary of War.

On amendments numbered 48 and 49: Strikes out an additional clerk of class 3, proposed by the Senate, in the division of bookkeeping and warrants, Treasury Department.

On amendments numbered 50 and 51: Provides for an additional clerk of class 3, as proposed by the Senate, in the division of customs, Treasury Department.

On amendment numbered 52: Provides that the chief engineer of the Revenue-Cutter Service, detailed as engineer-in-chief of said Service, shall hereafter receive the duty pay and have the relative rank of a captain of the Revenue-Cutter Service.

On amendments numbered 53 and 54: Provides for an additional sewer and folder at $2.50 per day in the stationery division of the Treasury Department.

On amendments numbered 57 and 58: Strikes out an additional clerk of class 2, proposed by the Senate, in the office of the Auditor for the Treasury Department.

On amendments numbered 59, 60, and 61: Provides for a chief of division of judicial accounts at $2,000, instead of at $2,200, as proposed by the Senate, in the office of the Auditor for the State and other Departments.

On amendments numbered 62, 63, 64, 65, and 66: Strikes out the provision for 1 additional pressman, 3 separators, and 1 feeder in the office of the Treasurer, and the appropriation of $2,000 for purchase of a press and separating machine, proposed by the Senate.

On amendments numbered 67, 68, and 69: Appropriates for a stenographer and typewriter at $1,500, in lieu of a clerk at $1,200, in the Bureau of Statistics, Treasury Department.

On amendment numbered 70: Appropriates $800, instead of $1,000, as proposed by the Senate, for the collection of facts relative to the internal and foreign commerce, under the Bureau of Statistics, Treasury Department.

On amendments numbered 71 and 72: Strikes out the appropriation of $600 for an additional messenger, proposed by the Senate, in the office of the Marine-Hospital Service.

On amendments numbered 73, 74, 75, and 76: Makes a verbal correction in the text of the bill, and strikes out the appropriations proposed by the Senate of $1,000 for a messenger and $850 for an additional watchman in the office of the assistant treasurer at Boston.

On amendments numbered 77 and 78: Appropriates $720, as proposed by the Senate, for stenographer in the office of the assistant treasurer at Chicago.

On amendments numbered 79, 80, and 81: Strikes out the appropriation proposed by the Senate of $1,200 for a stenographer, and appropriates $600 and $800, respectively, for 2 additional money counters in the office of the assistant treasurer at New York.

On amendment numbered 84: Appropriates $2,000, as proposed by the Senate, for repairs of the adobe palace at Santa Fe, N. Mex.

On amendment numbered 85: Inserts the provision proposed by the Senate, prohibiting the legislative assembly of Oklahoma from considering any proposition or passing any bill to remove the seat of government of said Territory.

On amendments numbered 86 and 87: Appropriates $1,800, instead of $2,250, for an appointment clerk in the Navy Department.

On amendments numbered 90 and 91: Appropriates for a clerk, at $1,200, instead of a copyist, at $900, as proposed by the Senate, at the Naval Observatory.

On amendments numbered 92 and 93: Strikes out the appropriation of $2,250, as proposed by the Senate, for a chief draftsman in the Bureau of Steam Engineering, Navy Department.

On amendments numbered 94, 95, 96, and 97: Strikes out provision for an additional clerk of class 3, proposed by the Senate, and provides for a clerk, at $1,200, in lieu of a bookkeeper, at $1,300, in the office of the Secretary of the Interior.

On amendment numbered 100: Appropriates $250, instead of $500, as proposed by the Senate, for purchase of law books for the Pension Office.

On amendments numbered 103, 104, 105, and 106: Strikes out the increase proposed by the Senate in the salaries of the chief clerk and statistician of the Bureau of Education and appropriates $1,800, instead of $1,600, as proposed by the House, and $2,000, as proposed by the Senate, for a specialist in education as a preventive of pauperism and crime.

On amendment numbered 107: Authorizes the publication of 12,500, instead 25,000 copies, as proposed by the Senate, of bulletins of the Bureau of Education as to the condition of higher education, etc.

On amendments numbered 110 and 111: Appropriates $1,200, as proposed by the Senate, for rent of additional rooms for the Geological Survey.

On amendments numbered 112, 113, and 114: Appropriates $10,000, as proposed by the Senate, instead of $8,500, as proposed by the House, for clerks, and $3,600, as proposed by the Senate, instead of $2,000, as proposed by the House, for contingent expenses in the office of the surveyor-general of Colorado.

On amendments numbered 123, 124, 125, 126, 127, 128, and 129, relating to the Post-Office Department: Strikes out the provision proposed by the House making the chief clerk of the Department, instead of the disbursing clerk, superintendent of the Department building; strikes out the provision for an additional laborer, proposed by the Senate, in the office of the First Assistant Postmaster-General; appropriates $1,200, instead of $1,000, as proposed by the House, and $1,600, as proposed by the Senate, for horses and wagons for the Department, and restores to the bill the provision proposed by the House authorizing the Postmaster-General to contract for the Postal Guide for a term of four years.

On amendment numbered 138: Appropriates $1,500, as proposed by the House, instead of $2,000, as proposed by the Senate, for law books for the Department of Justice.

On amendments numbered 139, 140, and 141: Provides for an additional clerk of class 4, as proposed by the Senate, in the office of the Solicitor of the Treasury, and appropriates $900, as proposed by the House, instead of $600, as proposed by the Senate, for law books in said office.

On amendment numbered 143: Provides, as proposed by the Senate, for a term of the circuit court of the Ninth judicial circuit to be held each year in two places in said circuit other than San Francisco.

On amendments numbered 145, 146, and 147: Appropriates for the salary of the district judge in Utah, as proposed by the Senate, and makes a verbal correction in the text of the bill.

On amendments numbered 148 and 149: Appropriates for a reporter for the court of appeals, District of Columbia, at $1,000, instead of at $1,500, as proposed by the Senate.

On amendment numbered 150: Strikes from the bill, as proposed by the Senate, the amendment of section 843 of the Revised Statutes.

On amendment numbered 151: Restores to the bill the amendment proposed by the House to section 166 of the Revised Statutes, relating to the detail of clerks in the Executive Departments, amended so as to restrict such details to periods of one hundred and twenty days, instead of sixty days, as proposed by the House.

On amendments numbered 152, 153, and 154: Corrects the numbering of sections in the bill, and strikes out section 6 of the bill as it passed the House, the same being provided for elsewhere.

The committee of conference have been unable to agree on the amendments of the Senate relating to the following subjects, namely:

Increasing the pay of certain committee clerks of the Senate from $1,440 to $1,800 each;

Providing for 10 additional messengers, at $1,440 each, instead of 10 skilled laborers, at $1,000 each, for the Senate;

Increasing the pay of 3 laborers from $720 to $840 each, for the Senate;

Appropriating for 38 annual clerks to Senators who are not chairmen of committees, at $1,800 each;

Providing for 12 additional Capitol policemen, at $1,100 each, in lieu of 7 watchmen now employed in the Capitol Grounds, at $840 each;

Providing for 3 additional clerks, at $900 each, for the execution of the copyright law, and for a register of copyrights, at $2,000, to be selected by the Joint Committee on the Library;

Increasing the compensation of the Assistant Comptroller of the Treasury from $4,000 to $5,000;

Increasing the amount for contingent expenses of assay office at Boise City, Idaho, from $2,500 to $3,500;

Striking out the provision inserted by the House regulating the meeting of the legislative assembly of New Mexico;

Striking out the provision authorizing the Secretary of the Navy to select the employees in the Office of Naval Records of the Rebellion, and authorizing an additional thousand copies of the Naval Records of the Rebellion;

Providing for 10 examiners, to constitute a board of examiners of surveys, at $2,000 each, in the General Land Office;

Appropriating $44,020 for additional force in the Patent Office, to constitute a classification division;

Mr. CANNON. In 1861?

That the House recede from its disagreement to the amendment of the

tics, Treasury Department.

a classification division;

Authorizing the Secretary of the Interior, in his discretion, to extend the present contract for photolithographing for the Patent Office one year;

Increasing the amounts for clerks in the offices of the surveyors-general of New Mexico, Oregon, Utah, and Wyoming;

Providing for 2 additional assistant attorneys, at $2,500, and for 4 additional clerks in the Department of Justice;

Providing for printing and distributing advance sheets of the opinions of the Supreme Court to all circuit and district judges;

Providing for a messenger, at $2,000, to perform the duties of librarian and crier for the circuit court of appeals of the Eighth judicial circuit; and

Increasing the aggregate of the salaries proposed by the House for United States district attorneys $66,500, and those of United States marshals $71,500, and striking out the provision proposed by the House regulating the appointment and fees of United States commissioners.

HENRY H. BINGHAM,
JNO. E. McCALL,
ALEX. M. DOCKERY,
Managers on the part of the House.

Mr. BINGHAM. Mr. Speaker, while I think the report, together with the statement of the conferees, is ample for the information of the House, if gentlemen had been able to hear, I will submit for further information a few references to the questions which have been in contention between the two Houses upon this bill. The bill as it passed the House has substantially, with the exception of the paragraphs pertaining to marshals and district attorneys, passed the Senate. Therefore many of the matters embraced in the House bill have not been in conference between the two Houses, because, as is shown by the statement which has been read, the House bill has been substantially agreed to by the Senate. The contentions have been wholly upon the bill as reported by the Senate committee or upon the bill as amended in the Senate.

The House committee in reporting this bill followed a close, perhaps severe, line of action and determined that for the next fiscal year but few, if any, additions to the subordinate force of the different Departments of the Government was needed for the proper conduct of business. Further than that, as private enterprise and general industries are nowhere adding to the compensation of subordinate force, your committee deemed it inexpedient to allow additional compensation to clerks in the several Departments. If the line which we drew was somewhat too close and exacting, we soon discovered in our contentions with the Senate that the line drawn by that body was far too generous—not warranted either by the condition of the country or the condition of the Treasury. The Senate added to the bill 314 amendments, 159 of them pertaining to the judicial sections of the bill. And right in that connection, Mr. Speaker, permit me to state for the information of the House that the committee, in this preliminary conference report, have left in abeyance for the next report all of the paragraphs pertaining to the disagreements between the House and Senate on the matter of the fees of marshals, district attorneys, clerks, and commissioners. While there have been agreements in reference to a number of the paragraphs, it was deemed wise to leave all of them out of this report, in order that the paragraphs of the bill might be properly numbered for the second conference.

It is well for me to note also in connection with this part of the bill that your committee in conference, following the same course pursued by the House in its deliberations upon the bill, and also by the Senate when the matter was before that body for consideration, called largely to their aid the gentlemen, members of the Committee on the Judiciary, who reported and advocated that bill on the floor of the House. Thus we had the advantage of the aid of Judge UPDEGRAFF, and the gentleman from Texas, Mr. CULBERSON, Senator TELLER representing the Judiciary Committee of the Senate, Senator HOAR being at that time necessarily absent from our meeting. We concluded, after several hours of discussion and consideration, to refer the entire question to these four gentlemen, to have a conference again with the Attorney-General, going over each one of the paragraphs in detail and examining the objections that had been made to them in the discussion of the matter in the two Houses, so that when the committee of conference would meet again we would have submitted to us the best judgment of the representatives of the Judiciary Committees of the House and Senate after a consultation with the Department.

The Senate added to our bill $247,229.20, of which sum $57,000 has been disposed of by the House agreeing to $37,189 and the Senate yielding $19,450, leaving $189,590 involved in the amendments disagreed to, beside the proposed increase of the salaries of the United States attorneys, amounting to $65,500, and United States marshals, the increase amounting to $71,500.

For the information again of the House, I would state that the attrition in the conference was largely with reference to the matter of additional clerks, allowances, and increases of that character for the different Departments of the Government, which were passed over after discussion for further consideration.

The Senate contention was with reference to the increase of compensation of certain of the clerical force in the Senate, that is, certain clerks of Senate committees, increased from $1,440 to $1,800, making a sum total of $7,560, and——

Mr. DOCKERY. Will the gentleman from Pennsylvania state also, for the information of the House, that the salaries of the annual clerks for Senators have been increased by the Senate?

Mr. BINGHAM. Certainly; I will come to that in the course of my remarks.

Mr. DOCKERY (continuing). And also the increase in the pay of certain annual clerks.

Mr. BINGHAM. As far as the clerks of Senators are concerned, they are increased from $1,200 to $1,500 a year. But I will come to that in the course of my remarks hereafter.

Mr. LIVINGSTON. If my colleague will permit me, did I understand him to say that the Senate not only retain their annual clerks, but increase their salary beyond the figure they are now receiving?

Mr. BINGHAM. I do.

Mr. LIVINGSTON. What is the amount of the increase?

Mr. BINGHAM. I will come to that increase, naturally, as I proceed with this part of the bill.

I have already stated that there are certain clerks to the committees in the Senate which are increased from $1,440 to $1,800, making a total of $7,560; 10 messengers at $1,440 in lieu of 12 laborers at $1,000 each, making an increase of $2,400; 2 laborers increased from $720 to $840 each, making a total of $240.

Now we come to the provisions for clerks to Senators. Thirty-eight clerks to Senators, who are not chairmen of committees, increased from $1,200 to $1,500 each; sum total, $57,000. In other words, the Senate increased the compensation of its subordinate force in sum total $67,200.

The Capitol police is also increased and is in controversy—12 privates at $1,100 each, instead of 7 watchmen at $840, an increase of $7,320. Library of Congress, the register of copyrights increased $2,000, and 3 clerks at $900 each, an increase of $4,700. Assistant Comptroller of the Treasury, from $4,000 to $5,000, increase of $1,000.

Other items are as follows:	
Assay office, Boise, Idaho, for contingent expenses	$1,000
Printing 1,000 copies Naval Records	14,000
Under the Interior Department:	
Laborers to distribute Census reports	3,960
Ten examiners, Land Office	20,000
Classification division, Patent Office	44,020
Clerks to surveyors-general in New Mexico, Oregon, Utah, and Wyoming	11,000
Making a total increase of	78,980
Under the Interior Department:	
Under the head of Department of Justice—	
For assistant attorneys and clerks	12,100
For printing decisions of Supreme Court	2,000
For messenger to circuit court, Eighth circuit	2,000

I submit these are the paragraphs now in contention, all of which have been added to the bill by amendments either coming from the Senate committee, or by the Senate itself in the consideration of the bill in that body, leaving, therefore, between the two Houses $189,590. With reference to the expenditures on the part of the Senate, I desire to briefly state that I have in this House heard discussed more than once the rights, privileges, and prerogatives of the respective bodies. The House has upon many occasions fought persistently and determinedly as to the large increases and the very large allowances given by the Senate to its subordinate force. I have seen this House held hour after hour in dispute upon this issue.

I have never seen but one result, and that result has been the absolute concession on the part of the House to the Senate.

Mr. HOPKINS. Will the gentleman allow me a question?

Mr. BINGHAM. With pleasure.

Mr. HOPKINS. I will ask the gentleman if the Senate does not always concede to the House the right to determine what help they shall have, and what salaries they shall pay?

Mr. BINGHAM. Certainly.

Mr. HOPKINS. And they simply exact——

Mr. BINGHAM. The same.

Mr. HOPKINS. They simply exact that the House shall not interfere with them in their organization.

Mr. BINGHAM. Yes. I would state—it is hardly necessary for me to do it, because my remarks, I think, warrant the conclusion—that they have persistently fought for what they claim to be their rights and privileges in the control of their own body.

But I have felt it but justice to the House to state that in view of the large increases at the present time, without attempting now to express an opinion as to whether the respective bodies should absolutely control their own organization—I have my own view about it, which is that they should—I propose to enter into no debate upon the general proposition, but in view of the large increases I have deemed it just to those of us who are identified closely with the people and who are held almost directly responsible for the expenditures of the Government that we should not be held responsible for a very large sum of money that goes to the conveniences of the other body.

In that connection permit me to state that the bill as agreed on appropriates $338,162.50 for compensation of 295 officers and employees of the House, exclusive of reporters of debates and committees, and reimbursements to members for clerk hire, actual expenditures not exceeding $100 per month during the session, which is an average of about four officers and employees with average pay of $1,115 each to every five members of the House; average cost per member of the House for compensation of officers and employees, $939. That is our domestic exhibit.

The bill as it passed the Senate and as insisted on by the conferees appropriates $403,528.90 for compensation of 273 officers and employees of the Senate, exclusive of reporters of debates and committees, and clerks of Senators, $1,200 each, now increased to $1,500 each, which is an average of more than three officers and employees with average pay of $1,478 each to each Senator, while the House has four employees with an average pay of $1,115 each to every five members of the House.

Now, I do not propose to make any contention, so far as I am concerned, in this matter and in this statement to the House. The contest we make shall be made in committee; but I submit that it is but justice to the House that there should be made notorious upon the records of our Congress, in the deliberations on this bill, the fact that so far as the House administers its own affairs economy and care are exercised.

Whether there is extravagance at the other end of the Capitol I will not state nor assert. Certainly the same economy does not exist there which I think exists in this body.

With that statement, believing that the Senators will force a fight unremittingly for what they claim to be their rights and prerogatives—as I believe this House would if the balance sheet were on the other side—having made this statement to the House, I feel, as representing the conferees, that I have done full and fair justice to both Chambers.

Mr. LIVINGSTON. I want to suggest to the gentleman that he might bring that comparison into more intelligible shape by showing what the per capita expense of the members of the House is, in contrast with the per capita expense of the Senate.

Mr. BINGHAM. I have done that, and emphasized it.

Mr. LIVINGSTON. The gentleman has done it in a rather bulky manner.

Mr. BURTON of Missouri. The gentleman has stated that there are four House employees to every five members of the House.

Mr. BINGHAM. I have stated it, and I will give it to you again. The average cost for each member of the House, for compensation of officers and employees, is $939. For each Senator, for compensation of officers and employees of the Senate, the cost is $4,483. That covers it.

Mr. DOCKERY. Nearly five to one.

Mr. LIVINGSTON. Nearly five to one.

Mr. BINGHAM. I now yield to the gentleman from Missouri [Mr. DOCKERY], if he desires any time.

Mr. DOCKERY. Mr. Speaker, the gentleman from Texas [Mr. BAILEY] desired to submit some observations on Senate amendments numbered 39 and 40, but was compelled to leave the Hall in order to attend a session of the Committee on Elections of which he is a member; and he requested me to make that statement, and also to ask leave to print some remarks in the RECORD in respect to those amendments. I prefer that request in his behalf.

The SPEAKER pro tempore (Mr. DINGLEY). The gentleman from Texas [Mr. BAILEY] desires leave to print remarks on the amendments suggested by the gentleman from Missouri. Without objection, that leave will be granted.

There was no objection.

Mr. DOCKERY. Mr. Speaker, I do not feel that it is necessary to add a single observation to the very able statement made by the gentleman from Pennsylvania [Mr. BINGHAM] in charge of this conference report. He has given in detail and in aggregate not only the items upon which the conferees have agreed, but has also as to the items yet in disagreement.

It may be well to state, in addition to what he said, that substantially all the provisions, so far as they relate to the judicial paragraphs of the bill, have been informally agreed upon, except the salaries of marshals and attorneys. These are, perhaps, items that may occasion much difficulty in conference. The paragraph in reference to commissioners is also yet in disagreement. I think it is well that the House also understand the contention between the conferees in reference to the increase of force and salaries made by the Senate as to its own employees. The aggregate increase, as given by the gentleman from Pennsylvania, amounts to about $67,000. The House is familiar with this old controversy. We have brought it back to the House in order that you may be advised of the situation before we recede, if such action shall be found to be wise or necessary hereafter. To speak in detail, it may be well to say that the House should know that the Senate has inserted a paragraph providing 38 annual clerks for Senators not chairmen of committees, and has also increased the salaries of those clerks from $1,200 to $1,500 each. I make this statement, in addition to what the gentleman has so well said, in order that the House may be fully advised.

Mr. BAKER of New Hampshire. I would like to ask the gentleman a question, if he will yield.

Mr. DOCKERY. Certainly.

Mr. BAKER of New Hampshire. I would like the gentleman to state what objection there is to the allowance of the amendment of the Senate numbered 142, providing for advance copies of the decisions of the Supreme Court for the judges of the district and circuit courts of the United States. It seems to me entirely obvious that those judges should be furnished with the decisions of the highest tribunal of the country before they are issued in the bound volume. I do not think anybody in the House would object to that if it was fully understood, and I simply wish to make this a matter of inquiry.

Mr. DOCKERY. That is one of the items in disagreement. The conferees desired some further information in respect to it. I do not think the fact that it is reported at this time as one of the disagreements necessarily means that it may not ultimately be agreed to.

Mr. BINGHAM. I will state to the gentleman from New Hampshire, for his information, that the court now furnishes about 31 copies to the circuit courts, but it is not sufficient, and they have asked for this additional number. They have been paid for out of the surplus fees of the court. One of the contentions of the committee is that this should go on the sundry civil appropriation bill and should not stand upon this legislative bill, and it is a matter also on which they desire further information.

Mr. RICHARDSON. I desire to ask the gentleman from Pennsylvania a question.

Mr. BAKER of New Hampshire. One moment. I understand the judges of the circuit courts are now getting them, and this is to give it also to the judges of the district courts?

Mr. BINGHAM. They get 31, I understand.

Mr. RICHARDSON. If I understood the gentleman from Pennsylvania correctly, the bill as reported now by the conference committee allows clerks to Senators at a salary of $1,500 a year.

Mr. DOCKERY. That is the Senate amendment.

Mr. BINGHAM. That is a matter in disagreement.

Mr. RICHARDSON. That has not been agreed to?

Mr. BINGHAM. Correct.

Mr. RICHARDSON. Are not the Senate conferees insisting upon that amendment?

Mr. BINGHAM. Yes; I have so stated.

Mr. RICHARDSON. What is the status of clerks to members on this bill?

Mr. BINGHAM. The clerks to members have no status whatever.

Mr. RICHARDSON. There is no allowance for members' clerks in the bill?

Mr. BINGHAM. The allowance for members' clerks in this bill is $100 per month, when the member certifies that he has expended that much during the month, during the session of Congress.

Mr. RICHARDSON. Now, then, I want to ask the gentleman in charge of the bill if he is going to recommend that the House give its assent to the proposition that Senators shall have $1,500 a year for annual clerks, and confine ourselves to this $100 a month while Congress is in session only, and then when certified only? Will the conferees recommend us to agree to that?

Mr. BINGHAM. I will state to the gentleman from Tennessee that the paragraph providing for 38 clerks to Senators, which are clerks to Senators not chairmen of committees, is an amendment added to our bill by the Senate. There is no disagreement between the two Houses as to the allowance in the bill for clerks to members of the House. The Senate has agreed to that paragraph of the bill as the House reported it. Therefore, there is no contention as to that; but there is a contention, until we reach an agreement in final report, as to what shall be the allowance for annual clerks to Senators not chairmen of committees. There is no contention between the two Houses on that point. The paragraph covering the allowance for clerks to members has been agreed upon by the two Houses, and therefore it is not in dispute.

Mr. RICHARDSON. But the question I ask is, whether the conferees on the part of the House intend to recommend to the House to agree to that difference between the compensation of Senators' clerks and the compensation of clerks to members? The Senators can not get $1,500 a year for their clerks unless the House agrees to it, I suppose.

Mr. BINGHAM. Certainly it can not be done unless the House agrees; but that is not a subject of contention here. That paragraph is not even under consideration.

Mr. RICHARDSON. The fact is that the Senators are claiming that the salaries of their clerks should be increased from $1,200 to $1,500 a year, is it not?

Mr. BINGHAM. That is an amendment to the bill, but we are in the House now upon our conference report.

annual clerks for Senators have been increased by the Senate? | iences of the other body.

those clerks from $1,200 to $1,500 each. I make this statement, in I in the House now upon our conference report.

Mr. RICHARDSON. The House conferees are disagreeing to that amendment on the part of the Senate?

Mr. BINGHAM. We are disagreeing to that—just what the gentleman desires, as I understand.

Mr. RICHARDSON. My question is, whether the conferees intend to recommend to the House to yield that point and agree to the amendment?

Mr. BINGHAM. That I do not know.

Mr. HARTMAN. Mr. Speaker, I want to say that when the opportune time arrives I shall move to instruct the House conferees to recede from their disagreement, with an amendment providing for annual clerks for Members of this House and for Delegates. [Applause.]

Mr. LACEY. I ask the gentleman from Pennsylvania to yield to me for a moment.

Mr. BINGHAM. With pleasure.

Mr. LACEY. Mr. Speaker, in regard to the item numbered 142, I am not sure that I understand what it involves. I understand the gentleman to say that it is a provision to furnish advance sheets of the various law reports of the United States courts. I wish to say that the necessity for advance reports no longer exists. There is no judge who does not avail himself of the present opportunities for obtaining the published reports of Federal court proceedings through the various weekly publications, which are long ahead of any of the regular official reports, so that there will be no necessity for furnishing advance sheets from the regular reports.

Mr. BINGHAM. That is a matter for consideration by the committee. Now, there is a further question as to that paragraph—not about the substance of the paragraph, but about its relation to legislation—as to whether the paragraph should be on this bill or on the sundry civil bill.

Mr. HOPKINS. If you are going to give these advance sheets to the circuit judges you certainly ought to give them to the district judges also.

Mr. LACEY. There is no necessity for giving them to either.

Mr. HOPKINS. But you do now allow them to the circuit judges, and you ought either to take them away from the circuit judges or else extend the allowance to the district judges.

Mr. BINGHAM. I thank the gentleman for the information he has given me. He understands that that matter is in controversy.

Mr. Speaker, I yield now to the gentleman from Illinois [Mr. CANNON] such time as he may desire.

Mr. CANNON. Mr. Speaker, if I can have the attention of the House until I tell what I am going to talk about, I have no fear but that I shall have it afterwards.

A MEMBER. Clerks?

Mr. CANNON. Yes; clerks. I want to talk for a few minutes about that which is in the minds of most of the members of the House, touching the transaction of their business and the proper aids thereto, especially in relation to clerks to members. The gentleman from Pennsylvania [Mr. BINGHAM] has just said that there is nothing in conference between the House and the Senate touching clerks to Representatives. There is in conference between the House and the Senate the bare question as to whether the clerks to Senators who are not chairmen of committees shall have an increase of compensation from $1,200 per annum to $1,500 per annum. The gentleman from Montana [Mr. HARTMAN] gives notice that at the proper time he will move that the House recede from its disagreement to that provision for Senate clerks, with an amendment providing for clerks for members. The gentleman from Pennsylvania has well said that that is not germane, and no doubt, if necessary, he will say later on that it is subject to a point of order, as there is no existing law authorizing it. I call attention to this now for the purpose of making a suggestion to the House. If it be really the opinion of the House that clerks to members should receive pay during vacation as they now receive it during the session, there are two ways to get at it and to get at it under the rules, and only two ways.

I am in full sympathy with the practical notice which is given by the gentleman from Pennsylvania in charge of this bill, that this thing can not be done out of order upon a general appropriation bill. But it can be done, it is entirely practicable, and it will be done, if the House by a majority desires it should be done, by independent legislation, the passing through this body of a bill giving the allowance to clerks for members during the vacation. I have no doubt that the Senate would make haste to pass such a bill if we should send it to them, and then we would do by right what otherwise would have to be done without law and in an irregular manner.

That is one way to do it. There is another way to do it without such independent legislation. For several years the Senate paid the clerks to Senators from the contingent fund by a resolution of the Senate. Gentlemen all understand what the contingent funds of the Senate and the House are. You can appropriate whatever amount is necessary for the business of the House or of the Senate for the contingent fund, and moneys are paid from the contingent fund of either body by resolution of that body. So that if it be really in the minds of members that this compensation should be allowed for clerks to members during vacation, it can be arrived at by the introduction of a resolution covering that authority, its reference to the Committee on Accounts, and the reporting back of that resolution by the Committee on Accounts as a matter of privilege for the consideration of the House.

Now, either of those ways is legal, and either is manly and in order. I say again that if gentlemen want this allowance in vacation and are willing to stand up and be counted and go upon the roll, and a majority of the members of the House vote for it, it can be done without any trouble in either of the ways I have named.

Mr. BINGHAM. And without any violation of the rules of the House.

Mr. CANNON. Without any violation of the rules of the House.

A MEMBER. And without any violation of propriety.

Mr. CANNON. Yes; without any violation of propriety. As the gentleman from Pennsylvania states (and I am in full sympathy with him), if this is to be done at all it will be done in one of those two ways.

Now, I would not be entitled to any allowance for clerk hire under such a provision, because I happen to be the chairman of a committee. Yet I did vote in the last Congress for a law to authorize it, and I went upon the record to that effect.

I think the statement that the expenditures for a member of the House are less than a thousand dollars while those for a Senator are pretty well up toward $5,000 tells one of two things: Either the expenditures for the Senate are extraordinary and extravagant or the expenditures for the House are too little. Perhaps there is some truth in both branches of the statement. I think our expenditures might well be enlarged along the line indicated for the pay of these clerks in vacation, and I am of opinion that the expenses of the Senate might well be reduced.

I have thought it proper that I should say this much, dealing with the House in perfect frankness touching the matter before it.

Mr. FAIRCHILD. Can the gentleman state any way in which any separate resolution or bill for this purpose can be brought before this House without unanimous consent or through the Committee on Rules before the adjournment of the present session?

Mr. CANNON. Certainly. I have already answered that question. The Committee on Rules is the creation of the House, from its chairman to all its members. I have found in this Congress and in former Congresses that the Committee on Rules was always ready, like other committees, to meet a decided wish of the majority of the House. I have no doubt that it is so now.

Mr. DOCKERY. Does the gentleman suggest a petition to the Committee on Rules.

Mr. CANNON. Oh, no; not at all. The gentleman understands that whenever there is a well-settled desire on the part of the House to consider anything the Committee on Rules, as I understand—I have not the honor to be a member of it—is now, as it has been at all times heretofore, ready to respond, because the House is greater than any of its committees.

I will tell the gentleman—indeed, I did tell him a moment ago—another method of proceeding. Independent of any special order, it is quite in order, as I understand, for any member to introduce in this House a resolution authorizing the payment of this allowance during vacation from the contingent fund of the House; it is entirely in order to refer such a resolution to the Committee on Accounts, which is a privileged committee; and it is quite in order and perfectly practicable to get that resolution before the House for consideration. If such a resolution were adopted such payments would undoubtedly be made.

Mr. LIVINGSTON. Will the gentleman guarantee a favorable report from that committee?

Mr. CANNON. I do not care whether the report is favorable or unfavorable. The committee will no doubt report; and then it is in the power of the House to do whatever a majority pleases with the resolution. I perhaps might put the matter another way, and I do not put it offensively—whatever a majority believes is right and has the courage to do may be done. [Applause.]

Mr. FAIRCHILD. I think that both the answers of the gentleman have enforced the point I desired to make. Now, I wish to ask him another question.

Mr. CANNON. Certainly.

Mr. FAIRCHILD. If the House conferees should request the Senate conferees to agree to add to this bill an amount for annual clerks of members of the House, does not the gentleman from Illinois believe the Senate conferees would assent to the proposition?

Mr. CANNON. The matter is not in conference. It is impossible under the rules of the House to get upon this legislative bill in conference any provision that will make it in order to consider this question of allowances for annual clerks to members.

Mr. BLUE. May I ask the gentleman from Illinois a question?

Mr. CANNON. Certainly.

Mr. BLUE. If the House should see fit by resolution to authorize members to employ clerks for the rest of the year, would

it not be in order to add to the general deficiency bill an amount sufficient to cover the expenditure?

Mr. CANNON. Quite in order.

Mr. BLUE. And that bill has not yet come in.

Mr. CANNON. The House can pass an appropriation for its contingent fund of one dollar or any number of dollars.

Mr. CULBERSON rose.

Mr. BINGHAM. Does the gentleman from Texas [Mr. CULBERSON] desire to be recognized?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Texas?

Mr. BINGHAM. With pleasure.

Mr. CULBERSON. I understand that one point of difference between the House and the Senate is the pay of clerks to Senators. Is that so?

Mr. BINGHAM. That is correct.

Mr. CULBERSON. Then the committee will have to recommend either that the Senate recede from its amendment or that the House recede from its disagreement and concur in that amendment. Now, I want to know if it is not entirely competent for the House conferees to recede from the disagreement to the Senate amendment with an amendment of the character suggested?

Mr. BINGHAM. Of what character?

Mr. CULBERSON. Providing for clerks to the members of the House at $100 per month.

Mr. BINGHAM. On an amendment pertaining to the employees of the Senate, not the House? It would not be in order.

Mr. DOCKERY. In other words, such an amendment would not be germane.

Mr. BINGHAM. Not at all. They are entirely different parts of the bill.

Mr. CULBERSON. Why would it not be in order?

Mr. BINGHAM. Because it is a change of existing law, and we are acting under the rules of the House.

Mr. CULBERSON. But who is to object to it if it is put on in the Senate?

Mr. BINGHAM. Mr. Speaker, I move the previous question on the adoption of the report.

The previous question was ordered, under the operation of which the report of the committee of conference was adopted.

Mr. BINGHAM. Now, Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendments, and agree to the conference asked for by the Senate.

Mr. HARTMAN. Mr. Speaker, I desire to move that the House recede from amendment numbered 19, relative to the annual clerks for Senators, with an amendment which I send to the desk.

The SPEAKER. The Clerk will read the proposed amendment.

The Clerk read as follows:

That the House recede from its disagreement to the amendment numbered 19 of the Senate, relating to 38 annual clerks to the Senators, and agree to the same with an amendment as follows: "And for 200 annual clerks to Members and Delegates of the House, at $100 per month, $432,000."

Mr. BINGHAM. Mr. Speaker, I must make the point of order that the amendment is not germane, and the further point, if necessary, that it is contrary to existing law.

The SPEAKER. Does the gentleman from Montana desire to be heard upon the question of order?

Mr. HARTMAN. Not on the point of order, but I would like to appeal to my friend from Pennsylvania, who I understand is in harmony with the legislation asked for here, with the idea of aiding the Representatives and Delegates on the floor in the speedy and proper discharge of their duties, to withdraw the point of order.

Mr. BINGHAM. That I could not do. I am in charge of the conference report, and therefore have no individuality in the matter. I must act for the whole body.

Mr. HARTMAN. I know; but is it not proper to insert what is sought to be inserted here in this appropriation bill?

Mr. BINGHAM. I think it has been clearly stated by the gentleman from Illinois [Mr. CANNON] that there is another and a proper way to reach the conclusion the gentleman seeks, if it is the wish of the House. It is contrary to the rule now, and subject to the point of order, and under the circumstances it becomes my duty to make the point of order and insist upon it.

Mr. HARTMAN. Mr. Speaker, I do not desire to be heard on the point of order if the gentleman from Pennsylvania feels compelled to insist upon it.

Mr. BINGHAM. I am compelled to insist.

The SPEAKER. In accordance with the rules of the House, the Chair must hold that the point of order is well taken.

The question is on the motion of the gentleman from Pennsylvania that the House insist upon its disagreement to the other amendments of the Senate, and agree to the conference asked by the Senate thereon.

The motion was agreed to.

On motion of Mr. BINGHAM, a motion to reconsider the last vote was laid on the table.

The Speaker appointed Mr. BINGHAM, Mr. MCCALL of Tennessee, and Mr. DOCKERY as conferees on the part of the House.

FORTIFICATION BILL.

Mr. HAINER of Nebraska. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HOPKINS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole under the order of the House for the consideration of general appropriation bills, and the Clerk will report the title of the first bill.

The Clerk read as follows:

A bill (H. R. 8108) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Mr. HAINER of Nebraska. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

There was no objection.

Mr. HAINER of Nebraska. Mr. Chairman, in presenting to the consideration of the committee the current appropriation bill for fortifications a brief time spent in retrospect may, I think, be not without advantage.

It is well known to the older members, as well as to those who have given this subject consideration, that at the beginning of the late civil war our seacoast was in the then development of the science of warfare well defended. In other words, and generally speaking, our principal ports had such works of defense as would enable them to successfully resist the encroachments of any navy of any nation in the world which might be sent against us.

Commencing, however, with that period, a period remarkable for invention and improvement in every direction, we find a corresponding improvement in armament, in ships, in armor plating, in guns; in short, in every matter connected with offensive or defensive warfare.

I know of no better way in which to illustrate and bring home to the members of the committee the fact to which I have alluded than to say that the weight of the projectiles used in modern warfare exceed by twentyfold the weight of the projectiles used prior to 1860. The energy with which the shots of to-day are delivered exceeds even by thirtyfold the energy of the shots which were fired prior to that time. We have entered upon an era of armored vessels, of rapid-firing guns, of heavy guns which possess immense energy or smashing power. It therefore follows that the armament which was entirely sufficient prior to 1800 is practically useless to-day.

The Army and Navy, the civilians of our country, those who are mostly interested in the defense of our country, were not slow in marking this wonderful advance, and we find at an early date the attention of the Army and Navy and of our most thoughtful civilians was directed to the necessity of a better defense of our seacoasts.

Time passed, and while we had much of agitation and much of talk, practically nothing was done until 1885, when the pressure upon Congress was so great that an act of Congress was passed authorizing the President of the United States to form what was known as the Endicott Board, consisting of two officers of the Army, two of the engineering force, two of the Navy, and two eminent civilians, presided over by the Secretary of War, who were charged with the important duty of investigating this entire subject and presenting a comprehensive scheme of defense for the country. That board, after nine months of the study, made an elaborate report, which is now before me, known as the Report of the Endicott Board, a report which has remained the foundation of all that has been since done.

Although there have been some modifications of this report, caused by changed conditions and some further investigations, that report remains to-day as the foundation not only of all which was then deemed proper and wise to do, but what is so deemed to-day.

That report pointed out the immense need of fortifications, that need which must be apparent to every thinking person in the United States. They pointed out the fact that we had 4,000 miles of seacoast, which was then and now is practically undefended. We recognize the fact, when we come to think of it, that there are at these great seaports, the harbors of our country, to which access has been made easy by nature and the ways to which we have deepened to receive the largest ships that float, at least $10,000,000,000 worth of property which may be destroyed by the navy of a warring power. We recognize the fact that within those cities there are $100,000,000 worth of public buildings alone, which might be so destroyed. And yet 1 per cent of the total destructible property in those cities is sufficient to constitute what would be to-day a perfect and impregnable defense for that immense property and our country.

fund of either body by resolution of that body. So that if it be | thorize members to employ clerks for the rest of the year, would

vote was laid on the table. | immense property and our country.

It seems to me, it has seemed to your committee, it has seemed to every thoughtful person who has investigated this matter, that these stupendous figures call upon the people of the United States, through their Congress, to take some efficient steps looking to a proper defense of our country. In these cities which thus invite attack we spend annually for police and fire protection an amount sufficient to thoroughly defend them. One per cent of $10,000,000,000 of destructible property would place this country in a condition where it could successfully meet at the boundary any force which might be brought against it.

With this conceded condition of the country, the question arises, What has been done?

The Endicott Board, in its consolidated estimate which I find on page 28 of its report, provided for the defense of 27 of these principal ports. Their estimate of the required expenditure was, in round numbers, in the aggregate, $126,000,000, of which $9,700,000 was for torpedo boats, $4,300,000 for submarine mines and their adjuncts, $18,875,000 for floating batteries, and the remainder, about $97,000,000, for ordnance and engineering work.

Now, turning to page 24 of the same report, I find the defense which is recommended contemplates the employment of 44 16-inch guns, 6 14-inch guns, 203 12-inch guns, 222 10-inch guns, 102 8-inch guns, 4 6-inch guns, and 724 mortars, being 700 of 12-inch and 24 of 10-inch caliber, respectively.

That, in brief, is the scheme which was then outlined. Gentlemen will observe that in this plan the expenditure contemplated was about $29,000,000 for floating defense and $97,000,000 for land defense.

What has been done since? We have expended and authorized for our floating defense, from that time up to the present, $110,000,000; and during this session of Congress the House has passed a bill which authorizes the expenditure of $26,000,000 more. In other words, the provision thus far made for floating defense has aggregated over $136,000,000. What has been done in the way of land defense? The testimony which I have before me shows in that time we have expended for engineer work only $4,500,000 and for ordnance work about $7,200,000. In other words, as against the recommendation of $97,000,000, we have expended $11,700,000, while for the naval defense we have expended and authorized up to the present time about $136,000,000. If we proceed at that rate—if in eight years we have expended only $11,000,000, while a total expenditure of $97,000,000 is required—I ask you when we may expect to have a sufficient and efficient defense in this country?

Let it be remembered also that when we expend money so parsimoniously for this or any great object a very large proportion of the amount which we actually expend must necessarily be taken up in the work of repairs, maintenance, salaries, and other general fixed charges, and but a small portion of it can be devoted to the completion of the system of defense which all concede the country demands. A navy, while an effective arm of defense, is not sufficient. It needs the protection of fortifications, under the shelter of which it may make necessary repairs, obtain supplies, and from which it may go forth on its work of offensive warfare. The navy is to seacoast defense what the cavalry is to the army. It does the skirmishing, it carries the flag abroad, and is much in evidence on occasions of pomp and display; but after all, the infantry inland and the forts on the coast do the real fighting. All history and experience are to this effect.

I submit in this condition of the country the people may well look to Congress to borrow of experience and take heed of the lessons of prudence and ordinary foresight. To-day, while the country is awake to the importance of this subject, it is our duty to make sufficient appropriation and thus meet the demands of the country, insuring its safety.

Our danger to-day is not from within. Our people are united. Peace dwells within our borders. Momentarily we are depressed and our industries languish, but in the near future, unless all signs fail, our wealth will again grow apace. Our people will be fully employed and our accumulations will more and more tempt the avarice of the world.

What appropriations have been made in the past?

From 1875 to 1886, inclusive, the appropriations averaged only $540,750 per annum.

In the years 1887 and 1888 no appropriations were made.

From 1888 to the present time the appropriations for fortifications aggregate $22,489,224.50, or an average of $2,811,128.06 per annum; but even of this only about one-half was appropriated for the purposes contemplated by the Endicott Board.

Not only was the aggregate of appropriations ridiculously small, but the Secretary of War called the attention of the country in his last report to the fact that even under the small appropriations there has been no sort of correspondence between the several items of the bill, and the several branches of seacoast defense have not been symmetrically developed. In other words, that while we have expended a small amount for guns appropriate for defense we have appropriated a much smaller amount proportionately for carriages upon which these guns must be mounted. We have appropriated a still smaller amount for emplacements in which these guns must be fixed in order to be effective. For gentlemen will bear in mind that a gun must be mounted on a carriage and it must be emplaced before it can be rendered effective if it is to deliver shots against the enemy. Guns without carriages and carriages without emplacement are of absolutely no force or effect as an agency for defense or offense.

This appropriation is made doubly important by the further consideration that a gun on land is vastly more effective than a gun on a ship. Let me call the attention of the members of the committee who do me the honor to listen to the fact that the testimony before our committee showed that a gun on board a vessel has an effectiveness of only one-fifth to one-third of the effectiveness of a gun on land. The testimony also shows that the cost of a gun on shipboard is from three to five times as great as the cost of a gun on land. In other words, that a dollar expended on land defense is from nine to twenty-five times as effective, in the first instance, as on board a vessel, while the cost of maintenance of a naval defense is infinitely greater than that of a land defense. Place a fortification once in good condition and there it remains for your posterity and mine; but place it on a vessel, complicated as it is, while that vessel to-day may be a splendid instrument of offensive and defensive warfare, the next year it has already been relegated to the past, either because of improvements constantly being made or by the destructive agencies which necessarily work upon it.

Such being the case, it behooves us to place in proper condition our land defense; and to that end your committee has devoted itself. We brought before us the experts, those who are qualified to speak on the matter, and we went about it in a business-like way, and I believe in a patriotic way, with a view to present here to the consideration of this House and this committee a bill making substantial progress in the direction of providing an effective defense. I am profoundly impressed with the overwhelming necessity for ushering in a new era of national defense. The bill which we present provides in bulk $11,384,000 for this defense. Of this amount there is a direct appropriation of $5,842,337, while contracts are authorized in the additional amount of $5,542,276.

Up to this time in our appropriation bills which have become laws, provision has been made for 129 guns, 61 carriages, and only 34 emplacements. In other words, we have provided for 68 more guns than we have carriages, for 95 more guns than we have emplacements, and for 27 more carriages than we have emplacements. Under the provisions of this bill, however, we shall have provided for 173 guns, 140 carriages, and 122 emplacements. In other words, at the end of the next fiscal year, if this bill is enacted into law, the guns will be only 33 in advance of the carriages and only 41 in advance of the emplacements, while the carriages will be only 8 in advance of the emplacements. That is to say, the guns will not be to exceed one year in advance of the other branches of the service.

On this point let me suggest for the consideration of the committee that perhaps no mistake has been made in the past in permitting the existence of the discrepancy to which attention has been called by the Secretary of War and to which I have alluded thus far in my remarks, for we find that in order to construct these large seacoast guns from two to three years are required. The forgings for these guns must necessarily be provided in advance even of entering upon the construction of the guns proper. Much time is necessary for the construction of the guns, very much more time than is required for the construction of the carriages or emplacements, and it was therefore, perhaps, the part of wisdom to construct the guns first and to make a considerable advance in that branch of the service.

Another thing to which the attention of the committee is specially challenged is the marked advance which has been made in the work of constructing carriages. Under the provision of the Endicott Board, and as was contemplated for many years thereafter by the Engineering and Ordnance Departments, these heavy guns were manipulated by means of enormous lifts, which were operated by machinery complicated in its structure and necessarily very costly. In these later years invention has proceeded, so that instead of these heavy gun lifts, involving an enormous outlay of money and labor, there has been gradually evolved what is known as the disappearing gun carriage, which enables the gun to be loaded under cover, then raised and fired, and returned to its position completely hidden. This disappearing carriage is very much cheaper than the old-fashioned gun lift and fully as efficient (viewed from an engineering standpoint, much safer for the gunners), and it has been estimated by experts there will be a saving by the substitution of the disappearing carriages of fully $19,500,000, while the saving in the casements, in engineering work, will be about $9,500,000. In other words, it is estimated that there will be a saving from the use of the disappearing carriages of about $29,000,000. So that the work which has been proceeding more rapidly in the direction of making heavy guns than of making

carriages has, in the end, inured to the financial advantage of the country. We have not had the benefit of protection meanwhile, but we have saved our money, applying it on our debts, and thus far have suffered no loss. We have, in other words, been extremely fortunate.

There has been already evolved, as I have said, a perfectly satisfactory disappearing carriage for the 8-inch and 10-inch guns, and it is now believed by the Ordnance Department they have also devised a perfectly satisfactory disappearing carriage for the 12-inch guns; so that we can now proceed, and I think properly proceed, to bring these several branches of our service more nearly into correspondence. Proceeding on this theory, we have recommended a large increase for carriages and emplacements. We have allowed for our gun and carriage factories an amount sufficient to enable them to work at full time, and have made corresponding appropriations also for the Engineering Department, so that at the end of the fiscal year for which we are providing we shall have the several branches of the service into something like reasonable correspondence, and with the expiration of another year it is thought the several branches will be brought as nearly upon a plane of equal development as the nature of the undertaking permits.

I have now only to call the attention of the committee to the amount which we have provided for contract work. Let me suggest further on this point——

Mr. McCREARY of Kentucky. If I may interrupt the gentleman, I was unable to hear his statement with regard to the whole amount appropriated by this bill. What is the amount?

Mr. HAINER of Nebraska. The amount appropriated in money is $5,842,337, while contracts are provided for in addition amounting to $5,543,276, and for which appropriations must hereinafter be made. The cash appropriation will carry the work to March 4, 1897.

Mr. McCREARY of Kentucky. That makes about $11,000,000.

Mr. HAINER of Nebraska. This bill carries in cash and by contract obligations $11,385,613.

Mr. McCREARY of Kentucky. The bill gives authority to the Secretary of War to make contracts involving, as the gentleman says, an expenditure of over $5,000,000.

Mr. HAINER of Nebraska. Yes, sir.

Mr. McCREARY of Kentucky. In what length of time is that money to be drawn from the Treasury?

Mr. HAINER of Nebraska. There is no stated time. The gentleman understands that this is not an annual bill. The amounts appropriated here are made immediately available and remain available until they are expended. There is no limitation placed on the Secretary of War save the limitation of his discretion, a discretion upon which we thought we could safely rely.

Mr. McCREARY of Kentucky. The bill carries an appropriation, then, for coast defenses amounting to about $6,000,000, as I understand?

Mr. HAINER of Nebraska. This is practically all for the coast defense.

Mr. McCREARY of Kentucky. Then the amount for coast defenses would be practically about $11,000,000. Will the gentleman please state where those defenses are to be located—at what particular cities?

Mr. HAINER of Nebraska. That is a matter within the discretion of the Secretary of War. The bill does not undertake to make any apportionment between cities or ports. I have called attention to the fact that by the report of the Endicott Board and the Puget Sound Board, which was made supplemental thereto, 28 principal ports have been suggested for the erection of fortifications, and the appropriations thus far made have been used for the purpose of making suitable defenses at those points.

Mr. McCREARY of Kentucky. I suppose the committee, in estimating how much money would be required, took into consideration the points where works of defense would probably be constructed, and I should like the gentleman to state, if he can, where the money will probably be expended.

Mr. HAINER of Nebraska. The gentleman, on reflection, will certainly see that it would not have been wise for the committee to go into that question, nor would it be proper for such a question as that to be discussed here in this body.

Mr. McCREARY of Kentucky. Does the gentleman believe that the amount proposed to be appropriated by this bill will be sufficient to protect our coast?

Mr. HAINER of Nebraska. Oh, no; certainly not. But if succeeding Congresses take up the line of work for which we have here appropriated——

Mr. McCREARY of Kentucky. Then this is only a commencement?

Mr. HAINER of Nebraska. It is practically a commencement, but a very good one. I have already called attention to the fact that the recommendations of the Endicott Board involve an expenditure of about $126,000,000. This amount will be reduced by changes already discussed, and, on the other hand, additions must be made for new points not considered by the board. We have thus far appropriated about $22,000,000, and very nearly one-half of that amount has been for objects not contemplated by the Endicott Board. So that thus far we have appropriated only about $11,000,000 for the purpose of carrying out the recommendations of that board. We now make provision here for the expenditure of about $11,000,000 more. In other words, this bill proposes to do substantially as much for coast defense as has been done in all the years since 1888.

Mr. McCREARY of Kentucky. Then about $100,000,000 more will be required.

Several MEMBERS. Oh, no.

Mr. McCREARY of Kentucky. I thought the gentleman said that something over $120,000,000 in all would be necessary.

Mr. GROUT. That was the estimate of the Endicott Board.

Mr. McCREARY of Kentucky. What I wanted was an estimate or opinion of the committee as to how much would probably be required for coast defenses beyond the appropriations contained in this bill.

Mr. HAINER of Nebraska. In my individual judgment—I would not undertake to bind the committee by any such expression of opinion—it will require about $75,000,000 more. In other words, it will require about eight years to complete these defenses. On this subject I call the attention of the Committee of the Whole to this language, which was used by the direct representative of the Secretary of War in the hearings before the committee:

> The completion of the project depends ultimately upon the maximum rate of construction of guns and mortars, that rate being the slowest in the construction of any of the items entering into the system. The quota of 8, 10, and 12 inch guns can be completed in eight years, with sufficient appropriations to attain the maximum rate at the Government factory; the quota of mortars can be completed in nine years on the same condition, and the carriages can be completed as rapidly as the guns and mortars. But since by the end of the eighth year a very large part of the mortars and their carriages would be finished, eight years may be fixed as the minimum possible limit for the completion of the entire work.

The committee have taken this statement as approximately correct, and have made appropriations not only covering the estimate originally submitted to us, but exceeding that amount by about $4,000,000, thus, so far as we could, committing Congress and the country to a speedy completion of our coast defenses and within "the minimum possible limit" suggested by the Secretary of War. In this, Mr. Chairman, we believe we are obeying simply the wise demands which are made upon us by the people.

Mr. McCREARY of Kentucky. The gentleman's statement is very interesting to me; and I hope he will excuse me for another question.

Mr. HAINER of Nebraska. Certainly.

Mr. McCREARY of Kentucky. What length of time and what amount of appropriation per annum will be required, in the judgment of the gentleman, to complete our coast defenses?

Mr. HAINER of Nebraska. In my judgment we have just about determined the annual limit in this bill. If each succeeding Congress makes an equal appropriation and gives equal authorization these coast defenses will be completed in about eight years. That is about as rapidly as, according to our present information, they can be completed.

Now, gentlemen of the Committee of the Whole will bear in mind that the work on the guns, upon which manifestly the entire system of defense must hinge, can not be pushed beyond a certain limit. The work of producing the forgings out of which the guns are made consumes necessarily a large amount of time; the assembling and finishing of these guns necessarily takes much time. The work of constructing carriages can be expedited; while there is practically no limit other than the financial one which can be placed upon the work of the engineering department. So therefore it behooves us to continue and press forward this work of completing our heavy seacoast guns, keeping that work in advance of the other branches of the service. This we have undertaken to do in the bill which is before us.

I have already called attention to the fact that we have made adequate provision for our gun and carriage factories. There has been no stinting of provision for these important factories, establishments which it seemed to the committee are deserving the highest meed of praise for the excellent work they have thus far done.

Our guns there made are conceded by experts to be as good as the best. Our carriages are satisfactory to the War Department. The quality of what we have is excellent. Our only lack is in quantity. That lack time and money will supply.

We have also made a reasonable appropriation in this bill for field and siege guns, looking, as we thought we had a right to look, to a proper equipment of the land forces of the United States that might be called upon to meet any forces which might land upon our coast. We have also made an appropriation up to the full estimate for the procurement of sites for fortifications.

The other items of the bill are those which usually abound in bills of this character. Respecting them I need only say we have in almost every instance given the full amount of the estimate.

Mr. STEELE. Will the gentleman from Nebraska state the character of the engineering work to which he has referred? Does it relate to the emplacement of the guns and carriages, and work of that character?

Mr. HAINER of Nebraska. The usual character of such work.

Mr. STEELE. Since the advent of the disappearing gun carriages do they build these on the same plans as formerly?

Mr. HAINER of Nebraska. Not necessarily. Of course the gentleman will understand that the disappearing gun carriages do not require the immense fortification or masonry that was formerly required.

Mr. STEELE. Nor of dirt, either.

Mr. HAINER of Nebraska. No; but they do necessarily require engineering construction of a most important character and involving much labor and expense. I assume, of course, neither the gentleman nor the committee care to go into a technical discussion of these emplacements.

These, Mr. Chairman, are some of the considerations which occupied and prompted the committee in reporting the bill, and they believe in its presentation they have risen to the plane to which the people of this country, the thoughtful consideration of the people of this country, would have them rise. Not that they are agitated by any fear of war, for we do not believe—I think no member of the committee believes—that the United States Government is about to be involved in a war. No threat of any embroilment with a foreign power in any manner prompted our committee in recommending the work to be done, or which we would have the country enter upon at this time. On the contrary, we believe that the mission of the United States is to-day, and that it will be in all the years to come, one of peace; but we have not felt it either wise or prudent for this Government to longer delay the work of reasonable protection to our exposed ports and of organizing an efficient system of coast defense against such attack as may possibly be made upon it.

The Government of the United States and the people have no desire to build up an enormous Navy which shall exceed or equal that of any other power. A navy is necessarily offensive in its work and character. Our work and our mission is not of that description; and while we have no design on any foreign power, while we are strangers to any thought of subjugation or increase of territory by force, while we will cultivate peace with all the world, common prudence, which should guide every enlightened government, requires that we place ourselves in a position at all times to be enabled to defend ourselves against aggression. We believe that peace can be best and most securely maintained by entering upon the work proposed here and carrying it to a speedy completion. While we do not believe the purpose of the Government or our people is to engage in war, we yet believe it is our duty to be ready for it. We believe the best way to avoid danger is to be prepared to meet it when it comes. War is not our mission. I would not encourage a taste for it.

Neither would I, as a member of this committee, place the Government of the United States in the line of the first great naval powers of the world. We are to-day, at best, only at the head of the second-class powers respecting our Navy. We can not hope, without the expenditure of enormous sums of money, to place ourselves in the ranks of the first great naval powers of the world. But we can, by the expenditure of a small amount in the other direction, place ourselves in a condition where we may rest secure against the encroachments of any power. We will not then place ourselves in the position of a wealthy but thoughtless person, inviting attack by going into unfrequented paths which are beset by footpads. In this spirit the committee have prepared and presented this bill for the consideration of the House.

Mr. COOKE of Illinois. Will the gentleman permit me to ask him a question in this connection before he takes his seat? Will the gentleman from Nebraska please state what the Endicott Board reported as to the question of inland ports, such as those on the Great Lakes, with regard to this matter of fortifications and coast defenses? Will the gentleman kindly state, in brief, what the report recommends in that regard, if there is information accessible on that point?

Mr. HAINER of Nebraska. I may say, in response to the gentleman from Illinois, in a general way that the report classifies as of importance with reference to a system of coast defenses, first, the city of New York; second, the city of San Francisco; third, the city of Boston, and fourth, the ports on the Great Lakes. That, I conceive, covers the question of the gentleman from Illinois.

Mr. COOKE of Illinois. And the Endicott report, if I understand the gentleman's answer, deals with the subject of the lake ports as of importance when we come to consider the matter of enlarged coast defenses?

Mr. HAINER of Nebraska. Unquestionably. And at the same time I wish to say this: There is absolutely nothing in the bill which will bind the Secretary of War to enter now upon the protection of these lake points, or of any other points, with reference to the construction of fortifications.

Mr. COOKE of Illinois. I so understood the gentleman's former statement.

Mr. STEELE. That would apply also to New York, Boston, or San Francisco.

Mr. HAINER of Nebraska. Certainly. That is a matter left entirely to the discretion of the Secretary of War, and there is nothing in the bill to direct that this work, at any port, shall or shall not be entered upon.

Mr. COOKE of Illinois. I so understood the statement.

Mr. CANNON. Will the gentleman allow me a question?

Mr. HAINER of Nebraska. Certainly.

Mr. CANNON. If I understand it, in a general way, living as I do in the Mississippi Valley, after something of general inquiry on the subject, it is supposed that with 3,000 miles of boundary between our country and Canada on the north, there being some 70,000,000 people on our side of the line as compared with their small population, our ready communications by rail and waterways, the fact that the St. Lawrence is the boundary line for hundreds of miles between New York and Canada, the Welland Canal on one hand and Canada on the other, that in the event of a war with Great Britain, neither country having a naval force on the Great Lakes, it is supposed that the conditions I speak of would enable us to defend the northern border by attacking what might be the enemy in the event of trouble; and that, so far, there has been no estimate or work in pursuance of estimates looking toward the fortification of any lake port?

Mr. HAINER of Nebraska. Mr. Chairman, the gentleman is substantially correct, and yet not entirely so. The Endicott Board did make estimates referring to these lake ports. Speaking for myself, and having no military experience, I feel that a certain degree of modesty is most becoming, yet it seems that the very conditions which have been suggested by the gentleman from Illinois clearly indicate, at least to the lay mind, that the best defense for the lake ports is the wonderful preponderance of power that we have, and since these lake ports could be attacked only by our Canadian neighbors, the best way to protect them would be to capture Canada, which probably would be done if such a necessity presented itself. It is also true that under our treaty with England only one armed vessel can be floated in the greatest of these lakes, and that bearing only a single gun of 8 pounds caliber. So there is nothing serious to apprehend in that quarter at present.

Mr. COOKE of Illinois. Does the gentleman mean to say that only vessels of that limited capacity could enter the lakes from the sea?

Mr. HAINER of Nebraska. Oh, no; not at all; because, as I understand, vessels of 14 feet draft could enter, unless the Welland Canal is closed; but that is of easy access and could practically be destroyed in twenty-four hours after war was declared.

Mr. COOKE of Illinois. If they could pass the Welland Canal they could float very much larger vessels?

Mr. HAINER of Nebraska. Yes.

Mr. COOKE of Illinois. And do I understand the gentleman to say that they could not pass the Welland Canal?

Mr. HAINER of Nebraska. That would be my impression. Of course I am not prepared to discuss these questions from the technical standpoint of a trained soldier.

Mr. STEELE. Is it not a fact that the Canadian Government now has modern fortifications on her frontier at several places?

Mr. HAINER of Nebraska. Unquestionably; and the same may be said of Halifax, which is a strongly fortified city. England has proceeded upon an entirely different theory than have we hitherto.

Mr. DOOLITTLE. I should like to ask the gentleman if it is not within the knowledge of the committee that the British Government is now and has been for several years past expending many millions of dollars in fortifications at Esquimalt, across the Strait of Juan de Fuca from Puget Sound, in the State of Washington, and that no American citizen and no citizen of that province is permitted to have any knowledge of the extent of those fortifications, or permitted to know anything, except that a vast number of the most modern and powerful guns are being placed in position there all the time?

Mr. HAINER of Nebraska. I thank the gentleman for his information; it affords additional argument for the passage of such a bill as we have here presented. Mr. Chairman, I now yield to the gentleman from Texas [Mr. SAYERS] such time as he may desire.

Mr. SAYERS. Mr. Chairman, I expect to consume but a few minutes of the time of the committee. The bill itself, as stated by the gentleman in charge of it [Mr. HAINER of Nebraska], carries an immediate appropriation of $5,842,000, and in addition authorizes contracts to the extent of $5,542,276.

I heartily concur in the provisions of the bill. I think—and I may say it without egotism, as I had no share in the preparation of the bill, it having been prepared by a subcommittee and submitted to the general committee—that the amount appropriated

is wisely distributed between the two branches of the military service which have in charge the construction of fortifications along our coast.

As gentlemen well know, the Ordnance Bureau and the Engineering Office are the two branches of the military service that are charged with this work. Heretofore, with the exception of the establishment and maintenance of the gun factory at Watervliet, N. Y., there have been but small appropriations, except for the purpose of making guns and mortars. In the Fiftieth Congress, in order to carry out the provisions of the report of the Endicott Board, an appropriation was made for the construction of Watervliet Arsenal, N. Y. It was several years before the requisite machinery could be secured in order to put that arsenal upon a proper footing. That having been done, appropriations have been made, year by year, to keep the arsenal running eight hours a day during the entire year, and for the purchase of steel ingots from the manufacturing industries of the country, so that we now have quite a number of guns of 8, 10, and 12 inch caliber.

The bill carries larger appropriations than have heretofore been made, for the purpose of putting these guns in place at different localities on our coast.

The Appropriation Committee has taken one step, and only one step, that has not been previously taken by Congress, and that is to provide for the construction of a 16-inch gun. Heretofore Congress has refused to authorize the construction of so large a gun; but the subcommittee on Appropriations, and the general committee to whom the bill was committed, have thought it wise that authority should be given to construct such a gun to be put to the extreme test, when it shall have been built, so as to ascertain by actual experiment whether it would be wise to continue the construction of so heavy a gun in the future.

I will say in conclusion, because the gentleman in charge of the bill has very clearly and fully explained all of its provisions, that the bill meets my entire concurrence. I think it is a good bill. It is not an extravagant one. I believe the contract features to be proper, and think the bill ought to be passed in its present shape. It is not an extravagant one, as I have already said, in any sense of the word, and the entire appropriation which has been made and the contracts which it authorizes have been divided between the two different branches of the military service, the ordnance and the engineer offices, in a thoroughly practical manner.

Mr. COOKE of Illinois. I would like to ask the gentleman if he considers the amount of the appropriation is as large as could be expended advantageously for this purpose? Does he not go further?

Mr. SAYERS. I think the appropriation carried in the bill is as large as it ought to be, and I trust it will not be enlarged in the House or in the Senate, but that it will go to the Executive just as it is before us. It is all that the Department asks; and, as stated by the gentleman in charge of the bill, Watervliet Arsenal, which is the Army Gun Factory, is provided for through the entire year at the rate of eight hours' labor each day; so that there will not be a moment's cessation in work on account of the want of necessary funds. And then authority is given to purchase mortars and to contract for carriages. In my judgment the bill is sufficiently large to meet the necessities of the service.

Mr. HILL. Does the gentleman know whether there is any provision in this bill for the location of a site for one of these fortifications on Long Island Sound?

Mr. SAYERS. There is a general appropriation of $250,000 for the purpose of permitting the Secretary of War to acquire such sites as to him may seem best.

Mr. HILL. You do not know whether any portion of that is to go to acquiring a site on Long Island Sound?

Mr. SAYERS. We did not undertake to locate the places where the fortifications are to be erected. If we had done so, it would simply have advertised the fact to parties who own the sites, and thus enabled them to extort from the Government.

Mr. HILL. Mr. Chairman, the reason why I asked the gentleman this question is because in the Endicott plans there is a recommendation for a fortification at the eastern end of Long Island Sound.

Mr. SAYERS. There is no provision at all made for that place in this bill. That is a matter which is and should be intrusted entirely to the Secretary of War.

Mr. TALBERT. I desire to ask the gentleman a question for information, if he will yield to me.

Mr. SAYERS. Certainly.

Mr. TALBERT. In the consideration of the river and harbor appropriation bill it was stated that it carried on its face about $9,000,000, and yet the expenditure which would be authorized under it would amount to $60,000,000.

Mr. SAYERS. That is not the case as to this bill.

Mr. TALBERT. The gentleman from Nebraska, in answering a question of the gentleman from Kentucky, stated that to carry out the provisions of this bill it would require $75,000,000.

Mr. SAYERS. Oh, not at all. The gentleman is mistaken. The gentleman has clearly misunderstood the statement of the gentleman from Nebraska. What the gentleman from Nebraska said was that, according to the report of what is known as the Endicott Board, made a good many years ago, and in order to carry out the recommendations of that board, it would be necessary to expend, in his judgment, about $75,000,000.

Mr. TALBERT. That does not apply, then, as I understand the gentleman, to the present appropriation?

Mr. SAYERS. I will say, Mr. Chairman, to the gentleman from South Carolina that this bill shows upon its face every cent that the Government will be required to expend under it.

Mr. TALBERT. That is what I wanted to get at.

Mr. SAYERS. It is $5,842,337 in cash and $5,542,276 under contract.

Mr. TALBERT. I understand now.

Mr. SAYERS (continuing). Making the total amount that can possibly be expended under this bill $11,384,613.

Mr. TALBERT. That is the utmost limit. That is the point.

Mr. SAYERS. And I will state to my friend that it will take at least two, and probably three, years to expend the $5,542,276 authorized to be contracted for. Now, there is nothing whatever deceptive in this bill. Any gentleman can read it and can easily understand just what it carries. Each amount is stated upon its face, and each amount can not be exceeded by the War Department.

And I will say further, in answer to my friend in front of me, that I do not believe that it would be wise for Congress to specify the places that should be fortified and what character of fortifications are to be erected, for the reason that the responsibility ought to rest solely upon the War Department. That branch of the executive department of the Government is charged with the defense of the country; and upon it ought to devolve the entire responsibility. The only duty that belongs to Congress is that of providing the proper appropriations to enable the Secretary of War to carry out his plans for an appropriate defense.

Mr. Chairman, I have said all that I desire, and yield back my time to the gentleman from Nebraska.

Mr. BARTLETT of New York. Mr. Chairman and gentlemen of the committee, as one of the Democratic members of the Committee on Appropriations and one of the two Democratic members on the subcommittee which had charge of this bill making appropriations for fortifications and the armament thereof, and as the only Northern member of that subcommittee, I feel it my duty to submit some remarks to the committee before this bill is passed. The views which I shall utter will represent, I presume, the views of Northern Democrats, and, I trust, the views of the Democracy of the whole country as to the propriety of suitable appropriations for our coast defenses, for our coast fortifications, and for the armament of those fortifications.

Let me first, gentlemen of the committee, call your attention to the present condition of this country in respect to defense. As to that condition there is no secret. There is no foreign government, there is no European power, which does not have accurate and definite information as to our strength and fighting capacity, both offensive and defensive, to a man and to a gun. So if I draw attention to our defenseless condition, to the helpless condition of our harbors and our seaports, I betray no secret. It is well known to all of you and to every intelligent man in the United States that we are powerless to-day to resist the inroads or incursions of any foreign fleet. One of the most distinguished of our naval officers, one than whom there is no man in the service of higher ability or finer character, Admiral Walker, testified not long since before a committee that within ten days, in the event of a war with any great European power, most of our seacoast cities could be mined.

The gentleman from Nebraska [Mr. HAINER] said, if I mistake not, that we were a second or third rate naval power. If we take the schedule of armored vessels we are at best only the fifth power, and if we take the aggregate of all the vessels in the Navy we should be placed seventh in rank. It is well known that Great Britain is first, that France is second, and that Russia is third; and if we take the armored vessels as the test, Germany would be placed before the United States of America, whereas if we take the vessels armored and unarmored, all the vessels on the list, we shall be obliged to concede to the Netherlands and to Italy a position superior to our own. So, Mr. Chairman, the most that we can claim is that to-day we are a fifth-rate naval power. I read the other day a very able speech by the Senator from Vermont, Mr. PROCTOR, on coast defenses, delivered I believe on the 27th day of February in the Senate of the United States. In that speech Senator PROCTOR deprecated any further substantial advance in our Navy. He maintained that the only proper thing was to have a satisfactory system of coast defenses with adequate appropriations for fortifications and for the strengthening and defense of our seaports.

Now, sir, I do not agree with the Senator from Vermont. I think that the Navy and our system of coast defenses should go hand in hand, and that, year after year for some years to come,

we should make provision for the building of at least four new battle ships, and this year I should have been willing to have voted for the construction of six new battle ships. It is hardly necessary, I presume, to call the attention of members of this committee to the great numerical, overpowering strength of the British navy as compared with our own; to the fact that Great Britain has to-day 50 battle ships against our 3, and will have in a few months 60 in commission as opposed to the 8 which we may have in commission two years hence. The same discrepancy is found throughout the whole list of vessels, cruisers, coast-defense vessels, torpedo boats, and all the vessels of the two navies, armored and unarmored. Then, sir, reflect for a moment upon the fact that Great Britain has a navy of nearly 89,000 men, while our total force is only 13,460, including the marines.

So, gentlemen, we must assume that it never will be in our power until we have a surplus revenue greater than any for which we may soon hope to maintain a navy which can compete with the navy of Great Britain, or with the navy of France, or with the navy of Russia. But what can we do, gentlemen? What is the imperative and the essential duty that is now incumbent upon us? It is to defend our helpless coast. It is to defend our great seaports. It is to begin a systematic, continuous provision or plan for the construction of adequate coast defenses along our whole coast line. Gentlemen must remember that, in rough figures, the Atlantic seaboard runs along for some 2,043 miles; that in the Gulf of Mexico our coast line is 1,810 miles; that on the Pacific Slope our coast line is 1,850 miles; and, of course, these figures do not include the indentations along the coast.

Now, we do not, of course, propose to construct fortifications along the whole coast line of the Atlantic seaboard, the Gulf, and the Pacific, but we do propose to fortify our principal seaports and the mouths of our great harbors and rivers. Let us say first, however, that in submitting these views I do not assume for one moment that my conception of the plan to be adopted is to be considered as binding upon my associates. I do not know that my conception is the same as that which is entertained by the gentleman from Nebraska, who has submitted this bill. I do not know but that my views differ somewhat in substance or in detail from the views entertained by the gentleman who has just addressed the committee. But I will tell you what I think should be done; and I will give you my idea as to the vote which I cast when I vote for these appropriations.

To-day, as I have indicated, we are absolutely at the mercy of a fleet of any foreign power, unless that foreign power be weaker in its naval armament than we are to-day. We should be powerless as against the fleets of Great Britain, France, Russia, or even Germany. The experts tell us that any foreign fleet, any foreign squadron of ordinary power, could do one of three things: It could either occupy an American harbor, for instance the harbor of one of our great seacoast cities, or it could shell the city, or it could, by its presence within the harbor lines, extort contribution and ransom equal in value to all the property lying exposed to the shells of the foreign vessels. Do you gentlemen, irrespective of party—do you as patriots—hesitate for one moment as to your duty not only to your constituents but to the whole American people? Will there be any man on either side of this House who will venture for one moment to oppose the passage of this bill?

I say that if we could use more money within the fiscal year—if we could provide wisely for larger appropriations—I for one should gladly vote for larger sums. We have, according to my conception of our report, declared ourselves substantially in favor of a simpler Endicott plan—that is, a plan similar in its scope to the plan adopted by the Endicott Board of 1886, but simpler and somewhat modified in details, because it has been found that owing to improvements and new inventions, certain guns can be made at a less cost. It has also been found that the old gun lift must be superseded for the new disappearing gun carriage. I speak now as to the gun carriage for 12-inch steel guns; for we already have disappearing gun carriages for the 8-inch guns and for the 10-inch guns.

Gentlemen will remember that the plan of the Endicott Board provided, in substance, for the erection of coast defenses or fortifications. Whether this matter be important to members of this committee or not, I think, gentlemen, you will all agree with me that no appropriation bill, nor any bill of any form, has come here for consideration during the present session which is of graver importance to the American people than this. The whole American people, irrespective of party, demand the adoption of a complete and satisfactory system of coast fortification and coast defense. The interests of commerce and navigation, the manufacturer, the banker, and the business man in every avocation, the professional man, the whole press of the country, the artisan, the mechanic, the day laborer—all unite, Mr. Chairman, in favor of the system of continuous construction of coast defenses throughout our whole coast line.

And, gentlemen, although we can not conclude the War Department as to the ports which are to be fortified—as to the special seacoast cities coming within the purview of the general plan—it is no secret that the plan must include all the principal seaports along the Atlantic Seaboard, commencing with the Penobscot and Kennebec rivers, taking in Portland, Me.; coming along to Portsmouth, N. H.; thence taking in Boston and New Bedford, Narragansett Bay and the east entrance of Long Island Sound, and including New York, Philadelphia, Baltimore, and Washington; passing on to the South and taking in all the important seaports on the South Atlantic coast—that is, Hampton Roads, Wilmington, N. C., Charleston, and Savannah; thence on to the Gulf Coast, taking in Key West, Pensacola, Mobile, New Orleans, and Galveston. I shall not attempt, Mr. Chairman, to enumerate each of the seaport cities or harbors that should be defended. But on the Pacific Coast we have San Diego, we have San Francisco, we have Portland, Oreg., and also Puget Sound. So there would seem to be an intent on the part of the General Government, on the part of the War Department, to make in every instance a fair and just appropriation of the money which is given to the Department or to the Board of Ordnance and Fortification for distribution.

Now, gentlemen, the plan which we have adopted has the support of the Chief of Ordnance, General Flagler; it has the support of the Chief of Engineers, General Craighill; it has the support and approval of the Board of Ordnance and Fortifications—that continuous Board which is presided over by the Major-General in Command of the Army, General Miles, and which has one civilian in its membership, General Outhwaite, our colleague in the Fifty-third Congress, and which also has as members Col. Royal T. Frank, of the artillery; Col. Peter C. Hains, of the Engineers, and two ordnance officers, I believe, Major Phillips and Captain Ayers. This Board, composed of efficient officers, supports the project now submitted by the Committee on Appropriations.

In answer to the suggestion made to me sotto voce by the gentleman from South Carolina [Mr. TALBERT], I wish to say that the bill now before the Committee of the Whole has the unanimous support and approval of all the members of the Committee on Appropriations, Republicans and Democrats alike.

I believe that the original plan of the Endicott Board contemplated an expenditure of $97,000,000. It has been asked by certain gentlemen, Mr. Chairman, how much money we propose to expend. The distinguished gentleman from Kentucky [Mr. MCCREARY], of the Committee on Foreign Affairs, evinced a few moments ago his interest in this question. He desired to know how much money it was proposed to expend. Now, my idea of the general plan is that we must expend in all either $85,000,000 or $97,000,000. The money will be distributed, in round numbers, as follows: For the guns and gun carriages we shall have to spend in all about $44,600,000. And, Mr. Chairman, as to the guns, let me call the attention of the committee to the general plan contemplated. It is settled that the guns are to be 8-inch guns, 10-inch guns, and 12-inch guns, made of steel, and of course the carriages will be of a character to correspond with the size of the guns. We are then to have 12-inch mortars, a small number of 10-inch mortars in addition to these, and we are to have 360 rapid-fire guns for flank fire or defense. In addition to these items, $115,000 is appropriated for the purpose of procuring steel forgings in order to construct a 16-inch gun. The Board of Ordnance and Fortifications report as to the 16-inch gun that it will be an absolute necessity, that we must have guns of that caliber in the future; and I call your attention to the fact, in this connection, that Great Britain has already sixteen 16-inch or larger caliber guns, France has eight of 16½-inch caliber, and that Italy has guns of from 17 to 17¾ inch caliber.

Under the general plan it is proposed to construct, build, or purchase 203 12-inch guns, 180 10-inch guns, and 98 8-inch guns. Some of these guns have been already constructed, but the work, as yet, may be said to be scarcely more than just commenced, and it is very incomplete. We have some 86 mortars already built, with their carriages; that is, of the 12-inch size and type, the most favored size being the 12-inch mortars. In all, provision is made for the construction of 1,032 12-inch mortars and 24 10-inch mortars, with carriages of the necessary size to mount them. That is the general plan contemplated by the bill.

Now, Mr. Chairman, as I have already stated, we appropriate forty-four million and some hundreds of thousands of dollars for guns and mortars and for their carriages. The guns and mortars will cost of that sum, in round numbers, $26,800,000 and the carriages $17,800,000. For the emplacements, or the places, in ordinary language, where the guns are to be mounted and set in position, we shall have to expend—it all coming under the general head of fortifications—the sum of some $41,000,000, in round numbers; and as I have noticed in some of our debates during the present session of Congress diagrams have been produced to illustrate a point, I shall produce one myself for the inspection of the members of the committee from the edition of the Scientific American of the 14th of March of this year, to illustrate an 8-inch barbette gun in position at Fort Wadsworth, New York Harbor, to which I ask the attention of the members who take an interest in this discussion.

A gun in barbette, I may say, means a gun upon a mound or platform, which fires over the parapet of a fortification, instead of firing through an embrasure. It is raised upon a platform, which enables it to fire over the parapet. And permit me to say in connection with this explanation that "emplacement," a word frequently used in connection with fortifications, is a military term; you will not find it in the dictionary, but it seems to be in essence the same as the placement or placing in position. It is the position or place where the gun stands, and the word itself may be defined, from a military standpoint, as embracing the site or platform on which the gun rests to protect the parapet and the magazine. So, if we have the emplacement, consisting of the platform, the magazine, and the parapet, we have the whole fortification, and the only other items to be considered are the gun carriages and the gun itself. So the whole subject of fortifications may be said to be included in the emplacement, the carriage, and the gun.

Now, of the $85,000,000 we must expend in any event some forty-four and one-half millions, as I have already said, on the guns and carriages; some forty-one millions on the fortifications, that is, on the masonry, armor, platforms, parapets, and the general line of fortifications, and then two and one-half millions more for submarine defenses or torpedoes, and a million and a half more for the purchase of the sites, and adding all of these together you will find the aggregate carried by the whole of the items I have mentioned will reach about eighty-nine and one-half millions of dollars. But, gentlemen, we must have projectiles; we must have armor-piercing shot or deck-piercing shell in addition; and the cost of armor-piercing shot and deck-piercing shell will amount to $7,500,000 more. So we have in round numbers $97,000,000 to be voted as a total for the fortifications and their armament to be provided for the protection of our seacoast.

When I voted for this bill in committee I believed I was voting for the initial step in a continuous system providing for the construction of fortifications and coast defenses; and I believe that we shall be compelled, if this plan be inaugurated, for the next eight years to contribute either ten or eleven million dollars a year, or to pay that sum, in the continuation of the work on coast defenses and fortifications.

Now, a word as to the other measures which have been introduced into the Congress of the United States bearing upon this question. The Senator from Washington [Senator SQUIRE] introduced a bill in the Senate providing for some eighty millions of dollars to be expended on coast defenses. The Senator from Massachusetts [Senator LODGE], I believe, in another bill proposed an expenditure of about a hundred million dollars for the same purpose. It is proposed by the bills now before the Senate of the United States, in other words, to do what? To use eighty million or a hundred million dollars for coast defenses and fortifications and to pay for them by the issue of bonds; that is, materially increasing our national debt for all time to come.

This appropriation bill will render all such measures unnecessary. We provide funds for all that can be done for the year coming, or within the period of time that should be covered by the general appropriation bill. In other words, there is no need of appropriating another dollar other than that which is appropriated in this bill. It has been the purpose of the committee, well defined and well considered, to use for coast defenses and coast fortifications all the money which could be used within the fiscal year. These appropriations become available at once. So we have intended to appropriate all the money which could be used before the 1st of March, 1897, and, in addition to that, to provide for contracts which have no definite limits, but which may run throughout the fiscal year, or even for two years.

Now, if the bill introduced by the Senator from Massachusetts or the bill introduced by the Senator from Washington should come here for consideration, it would not be necessary for this House to consider them during the present session or at any time in the future, provided the plain, businesslike proposition we submit to the committee to-day receives the approval of the committee and of the House; and I submit, gentlemen of the committee, that it is far better to pay for these coast defenses out of our current revenues than it is to add to and increase the enormous national debt under which we are suffering to-day.

For two reasons, Mr. Chairman, I submit that this bill should find favor. In the first place, because it is demanded by the danger of the hour. It is demanded by the imperative necessity which now lies upon us. And there is another reason. It is demanded by the interests of American labor. It is well said, Mr. Chairman, by the Board of Ordnance and Fortifications, in their report which was submitted on the 31st day of October last, that it is a pity to build magnificent workshops and to allow them to lie idle. In other words, the workshops should be run up to their fair working capacity of eight hours a day. And, Mr. Chairman, in the bill which we have now submitted we have made provision for the running of our great gun factory at Watervliet for eight hours a day throughout the whole year. And let me say in passing, gentlemen, that we ought to congratulate ourselves upon the present condition of our arsenals and our manufacturing establishments. We have, in all, one armory and four arsenals which are entitled to special attention.

At the armory in Springfield, Mass., the small arms, that is, the improved Krag-Jorgensen rifles, are manufactured, and we turn out now some 15,000 per annum. At the Frankford Arsenal the cartridges are manufactured. At the Rock Island Arsenal, in Illinois, the artillery harness, the equipments for the infantry and cavalry, and the target material are manufactured. And then we come to the great arsenals, one of which, that at Watertown, is our gun-carriage factory. All the gun carriages not purchased for our guns are manufactured at Watertown, and it is said in the report of the Board of Ordnance and Fortifications that the establishment of the gun-carriage factory at Watertown has been a great success, and that it has demonstrated that the Government of the United States can manufacture gun carriages that in quality of workmanship, in cost, and in celerity of delivery compare most favorably with those manufactured at any other gun factory, or even surpass them. That is to say, that the gun factory in those qualities surpasses the private factories.

Now, Mr. Chairman, while we are able to manufacture our gun carriages, and while we are able to make the guns, we are not able to make the steel, and that has to be purchased either from the Bethlehem Iron Company or from the Midvale Steel Company, or from some other private corporation. But in that we should find rather a source of congratulation, because as long as the money goes to the support of American labor, as long as it goes to keep American factories running, it ought to be a subject of congratulation rather than of dismay or of disappointment.

At the gun factory at Watervliet we manufacture some 35 or 40 guns per annum, and it is proposed, in the plan which will probably be adopted by the War Department, that all the heavier seacoast guns shall be manufactured at the Watervliet factory, that is, at the Army Gun Factory near Troy, N. Y., and that the heavier gun carriages shall be manufactured at the Government factory at Watertown. Some 100 guns, under the law of 1891, have been provided for under an existing contract in force with the Bethlehem Iron Company.

I think we have sufficiently gone into details; and now, Mr. Chairman and gentlemen of the committee, in conclusion, whether you be in spirit for war or for peace, whatever position any one of you may have taken on the stirring questions of the hour or of the past few months, I believe that every one of you will advocate an efficient system of coast fortifications or coast defenses; and I call your attention to the words of a great English writer on international law.

Of the primary or absolute rights of a nation, the most essential, and as it were the cardinal right, upon which all others hinge, is the right of self-preservation, and all these rights, he tells us—that is, the primary or absolute rights of nations—are founded on moral truth. And then, as an adjunct to the right of self-preservation, he tells us we have the right of self-defense. He says:

> An independent political society which is not in a condition to repel aggression against its territory or against the persons or property of its members is unequal to the object of its institution.

And I cite further, gentlemen of the committee, the words of the great writer on international or public law Vattel, in his Droit des Gens, where he says:

> The nation ought to put itself in such a state as to be able to repel and humble an unjust enemy. This is an important duty which the care for its own perfection and even its self-preservation imposes both on the state and on its conductors.

And after thus citing the words of Vattel and of the English law writer in support of my position—that is, in support of my theory and view that we should take care for the preservation of our own, and that we have the right to defend our own coast—I desire to call the attention of the committee to the words of one of the greatest Democrats that ever lived in the United States. I allude to the Hon. Samuel J. Tilden, at one time President of the United States. [Laughter.]

Mr. HARDY. Did he draw the salary?

Mr. BARTLETT of New York. No, gentlemen; Mr. Tilden did not draw his salary. He received the votes, that is, the fair votes, and he was duly elected President of the United States; and I believe that is conceded by almost everyone save the gentleman from Indiana.

Mr. HARDY. If the gentleman will allow me——

The CHAIRMAN. Does the gentleman from New York yield?

Mr. BARTLETT of New York. No, sir; I can not.

The CHAIRMAN. The gentleman from New York declines to yield.

Mr. FAIRCHILD. Will my colleague permit me to ask him a question?

Mr. BARTLETT of New York. Mr. Chairman and gentlemen of the committee, I do not wish by an innocent remark of mine to be drawn into a political discussion. I had conceived that after a lapse of twenty years all political question as to the election of Mr. Tilden had died out; but I will refer to his letter as

the letter of a great Democrat; and this letter was written about the 1st day of December, 1885. It was then supposed that Mr. Carlisle—the Hon. John G. Carlisle—would be Speaker of the new House; and on the 1st day of December, 1885, Mr. Tilden, from his country home known as Greystone, addressed a letter to Mr. Carlisle on coast defense and the urgency of making due provision therefor. The condition of affairs in this country then was somewhat peculiar. We then had a surplus, and the question first considered by the great Democratic statesmen was, What shall be done with the surplus? Shall we apply that surplus to a reduction of the revenue; shall we apply it to part payment of the public debt, said Mr. Tilden, or shall we devote it to the coast defenses, and make due provision therefor? He alluded to the Monroe doctrine, that doctrine which had found favor in the United States of America, in this language:

It is now more than sixty years since we announced to the world that we should resist any attempts, from whatever quarter they might come, to make any new colonizations on any part of the American continent; that while we should respect the status quo, we should protect the people of the different nations inhabiting this continent from every attempt to subject them to the dominion of any European power or to interfere with their undisturbed exercise of the rights of self-government. This announcement was formally made by President Monroe, after consultation with Mr. Madison and Mr. Jefferson. It was formulated by John Quincy Adams. Our Government has firmly adhered to the Monroe doctrine, and even so late as 1865 it warned Napoleon III out of Mexico. It is impossible to foresee, in the recent scramble of the European powers for acquisition of colonies, how soon an occasion may arise for our putting in practice the Monroe doctrine.

And then come these sound words of wisdom, and I call the attention of the members of the committee to this concluding sentence, and whether you be in favor of the Monroe doctrine or not I think you will concede that that doctrine has found utterance on more than one occasion since the beginning of the Fifty-fourth Congress. Mr. Tilden says:

It is clear that there ought to be some relation between our assertion of that doctrine and our preparation to maintain it.

But, I say, whether we desire to assert that doctrine or not, whether we do assert the Monroe doctrine or not, even the most peace-loving American citizen, even though he be about to attend the sessions of the arbitration convention or committee, must admit that it is an imperative duty now incumbent upon us and upon every patriot to appropriate money for our coast defenses and fortifications. Why should we appropriate money? Because the great deterrent force lies in having our seaports and our harbors ready for an incursion or an inroad by any foreign people. Let us fortify them, whether it take even more than eight or nine years. Let us commence to-day. Let us on this 14th day of April, 1896, pass this bill and take the initiatory step toward the building and construction of a complete cordon of fortifications around our whole coast line, extending from Maine to Washington.

In conclusion, let me direct your attention to these remarkable words of the same great statesman, Samuel J. Tilden:

The best guaranty against aggression, the best assurance that our diplomacy will be successful and pacific and that our rights and honor will be respected by other nations, is in their knowledge that we are in a situation to vindicate our reputation and interests. While we may afford to be deficient in the means of offense, we can not afford to be defenseless. The notoriety of the fact that we have neglected the ordinary precautions of defense invites want of consideration in our diplomacy, injustice, arrogance, and insult at the hands of foreign nations.

So, gentlemen, I appeal to you, without distinction of party, to pass this bill at once. It will find support in the platform of every party at the coming election, and it will meet the hearty approval and acclaim of all your constituents, no matter what the political faith may be which you are sent here to represent. [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BINGHAM having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

A bill (S. 435) for the relief of the trustee of St. Joseph's Catholic Church at Martinsburg, W. Va.; and

A bill (S. 2783) to establish a life-saving station on the coast of New Hampshire or Massachusetts between the Hampton and the Merrimac rivers.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That the report of the Secretary of Agriculture upon the expenditures of the agricultural experiment stations for the fiscal year ending June 30, 1895, in compliance with the act approved August 8, 1894, making appropriations for the Department of Agriculture, be printed as a document; and that there be printed, in addition to the usual number, 2,000 copies of said report, the extra copies to be distributed under the direction of the Secretary of Agriculture.

FORTIFICATIONS APPROPRIATION BILL.

The committee again resumed its session, Mr. HOPKINS in the chair.

Mr. LIVINGSTON. Mr. Chairman, this bill carries something over $11,000,000. I take it for granted that there will be no opposition to the bill on the floor of this House. It may appear somewhat extravagant to some members of this committee and to some persons on the outside that we should jump from a little above two millions last year for fortifications and armament to eleven millions this year, especially at a time when our Government is borrowing money on bonds at a very heavy sacrifice to the taxpayers of the country, and when there is very little money in the Treasury. I want to congratulate the country, however, that now, when it is a settled fact that Mr. McKinley will be the Republican nominee and that the A. P. A.'s will defeat him [laughter], and when it is an acknowledged fact that the true Jeffersonian Democracy of this country will take charge of the next Chicago convention and bring ample relief to the people [laughter]—I desire, I say, to congratulate the country upon this state of facts and to say to those who may be inclined to be apprehensive on account of this large appropriation that they may just as well rest easily and sleep soundly, for this country will be safe after the 4th of March next. [Cries of "That is right," and applause on the Republican side.]

The committee, in formulating this appropriation bill, has followed closely the suggestions of General Flagler and others who know far more about the condition and requirements of our armament and fortifications than any individual or member of this House can know. Therefore, if your committee has made a mistake, it has been led into it by those who ought to know and doubtless do know what ought to be appropriated for the several arms of the service. Secretary Lamont, in his report last fall suggested in his estimate a total appropriation of about $6,610,000. That included an appropriation for guns, mortars, carriages, etc., of $4,175,155, and for emplacements, sites, fortifications, casemates, submarine mines, and galleries, $2,135,000, making a total of over six millions of money. Now, this bill carries for guns, carriages, mortars, etc., $5,542,276, and for emplacements, sites, fortifications, and submarine mines, $5,842,337, making in all over $11,000,000.

The advantages in the appropriations in this bill over any other bill that has been before the House in a long while is in this particular, that we have endeavored to even up the armament and fortifications of the country so that the guns that are now on skids will be on carriages, and the guns and carriages will be on their emplacements, so that in case of an emergency we can utilize all of our guns, and at the same time provision is made for a sufficient number of rounds of ammunition for all these guns.

Now, Mr. Chairman, I do not take much stock in the danger of an early war with Spain or with England. I do not think that either one of those countries intends to fight us.

Mr. WALSH. Is the gentleman aware that the British Government has sent forty-four or forty-five rapid-firing guns to Kingston, Canada, to protect the lakes?

Mr. LIVINGSTON. Oh, yes; and if they had 145 it would not make any difference; not a particle. This Government can take Canada in three weeks from to-day, with any number of fortifications, guns, and men that England can put there. But it is good policy, good common sense, to put our defenses in proper condition, and I trust that this bill will pass without any lengthy discussion. There does not appear to be any opposition to it, and I presume that there is nobody on the floor of this House who will question the propriety of making these appropriations. They might have been larger, much larger, and perhaps they ought to have been larger. But I want to say this: It has been given out from some quarters that we are in very great danger, and that if we should have a war with England or with Spain or with both our defenses are in such a condition that we could not make a respectable defense. That is a mistake. And if the suggestions of the distinguished gentleman from New York, to which my friend who has just taken his seat alluded, had been carried out thirty years ago, those very defenses and those very guns would have been to-day out of date—would have been of no use to us.

It is the policy of this Government to go slowly and gradually in this sort of work because of the improvements which are being made from year to year, and I might almost say from day to day. Why, sir, the guns which we had twenty years ago are to-day of no use; the fortifications we had fifteen years ago are to-day practically useless. We have got to keep pace with the progress of improvements. I think we have enough money in this bill to pursue that line of policy. If we cover now the latest improvements in guns, fortifications, etc., we can a year from now make further appropriations covering improvements as they are made, thus securing the best types of guns to be had in this country or any other. In this way, by moderate though liberal appropriations, we can keep pace with the progress of military science, without being extravagant or wasteful with the people's money.

Mr. BAKER of New Hampshire. Mr. Chairman, it is particularly gratifying that the Appropriations Committee is unanimous in reporting so good a bill as the one under discussion. My only regret in connection with it is that the bill has not gone further

and appropriated a larger sum of money; that its purpose has not been to put this country in the completest position of defense which money can accomplish within a reasonable time. That is the only criticism which can be made upon the bill. I presume, however, that a majority of the House will be satisfied with this measure as it is, because it is so much better than anything proposed in any recent Congress.

But it is to be borne in mind, Mr. Chairman, that this bill does not come up to the requirements of the War Department or of the General in charge of the Army.

Mr. LIVINGSTON. The gentleman will allow me to suggest that we have absolutely gone beyond the estimates of the Secretary of War and of the heads of the different departments of the Army.

Mr. BAKER of New Hampshire. If the gentleman will wait a moment, I think I will convince him absolutely that I am correct in the statement I have just made.

In 1886, as has been stated here, the Endicott Board reported a system of general coast defenses, which included 27 ports, to which the Puget Sound country was subsequently added, making 28 ports. The estimated cost of that system was $97,782,800. There was asked at that time an appropriation of $21,500,000 for that immediate year, and an annual appropriation of $9,000,000 for each subsequent year until the whole system of defenses should be completed. If the recommendation of the Endicott Board had been carried out by sufficient appropriations, the year just closed would have shown the completion of our entire coast defense according to that plan; and instead of being to-day practically without a coast defense, we should have a system which would need only to be brought down to and preserved in the ever-present state of the art.

It is true, as the gentleman who has recently addressed the House says, that there are continual improvements in the line of defense, in the making of guns, etc. But the same remark will apply to every avocation of life, to every pursuit in which individuals or nations engage. Of course it is appropriate that every nation, while being each day and each hour in a proper state of defense, should also keep up with every improvement made in the arts of war and peace.

Mr. HAINER of Nebraska. The gentleman will allow me to say that there has been no special improvement during the period referred to in guns. The only improvement has been with respect to carriages. In that period we would have lost about $29,000,000 in the purchase of gun carriages and the gun lift, which the disappearing carriages are about to supersede.

Mr. BAKER of New Hampshire. And that loss, taking into consideration the security which it would have given us, would have been gladly approved by every patriotic citizen. This matter of coast defense—the providing of guns, fortifications, and armaments—is in the nature of an insurance policy. Its object is to give security to the nation and comfort to the individual citizen.

As it is, we find that at present only 3 of the 18 ports under special consideration have any kind of defense. Of these, New York has 2 12-inch guns and 16 12-inch mortars; San Francisco, 1 12-inch gun and 16 15-inch mortars; Boston, 16 12-inch mortars and not a single gun; and all the other ports of this great country are absolutely defenseless.

Now, as the gentleman from New York [Mr. BARTLETT] pointed out, the fleet of a hostile nation may come so close to the city of New York as to demand a ransom, which would be greater than the whole amount of money which the Endicott Board asked to have appropriated or which is now asked by the Secretary of War for the defense of our several ports.

Mr. DOOLITTLE. If it will not interrupt the gentleman, I should like to ask him a question.

Mr. BAKER of New Hampshire. I yield with pleasure.

Mr. DOOLITTLE. I suppose the gentleman has given this subject a good deal of attention, and therefore I wish to ask how these mortars, under the plan of the War Department, are to be used in defense of the harbors? According to my understanding they have always been used for the purpose of bombarding besieged cities or in some similar line of warfare.

Mr. BAKER of New Hampshire. They are equally valuable to bombard a fleet, and the deck-piercing shells which are spoken of in the blll will of course be fired from the mortars.

Mr. GROUT. And with unerring precision.

Mr. BAKER of New Hampshire. With such precision as almost to equal a direct-firing gun. The mortars, I might say, are rifled as well as the guns. It is very gratifying that the gentleman from New York [Mr. BARTLETT] has made so good a Republican speech, and I only regret, Mr. Chairman, that at the last he was compelled to drag into it something of party politics, when otherwise his whole remarks had been upon the high plane of national patriotism. We can forgive him, however, for that, because it is so much better than we have been accustomed to hear from gentlemen of like political views.

But I promised to state to the gentleman from Georgia [Mr. LIVINGSTON] the reasons why I made the remarks with which I began. I find in Senate Document No. 104, which is the report of the Secretary of War in reply to a resolution of the Senate, that he says, under date of February 3, 1896, a little over two months ago:

I have the honor to state that the sum of $25,678,860 could be advantageously used by the War Department for the purpose of coast defense prior to July 1, 1897, of which amount, if it should be appropriated, $4,722,000 should be made available during the present fiscal year, to be expended as follows—

That is, the present fiscal year, ending on the 30th day of June next.

By the Ordnance Department:	
For working the gun factory to its full capacity eight hours per day in finishing and assembling guns during the remainder of the fiscal year	$55,000
By the Engineer Department:	
For fortifications	3,467,000
For sites	350,000

And you will notice that the present bill, not for the present fiscal year alone but for the coming year as well, provides an appropriation of $250,000 for this purpose—

For submarine defenses	$850,000

Then, again, he says:

Twenty million nine hundred and fifty-six thousand eight hundred and sixty dollars would be expended during the fiscal year ending June 30, 1897, as follows:

By the Ordnance Department:	
For guns, mortars, carriages, powder, projectiles, etc	$6,316,860
By the Engineer Department:	
For fortifications	12,340,000
For sites	650,000
For submarine defenses	1,650,000

The total amount required for sites for fortifications would be $1,000,000, the total amount required for engineering work would be $19,307,000, and the total amount required for ordnance work would be $6,371,860.

Therefore, Mr. Chairman, I feel justified in saying that, generous as this bill may be regarded, it does not meet the emergency upon us, and does not fully, or even approximately, meet the demands, and the very recent demands, of the War Department for necessary funds to be expended in coast defenses.

But the Secretary of War goes still further and points out in this report the special advantages which would result from such an immediate appropriation. Using his own language:

The special advantages that would result from an increase of the appropriations would be (1) the utilization of the Army Gun Factory to its full capacity, thus diminishing the relative cost for supervision, inspection, light, heat, and power; (2) the more rapid armament of our fortifications, as this measure would add to the number of carriages already built, building, and estimated for, about eight 12-inch, eight 10-inch, and seven 8-inch carriages of the types most needed, thus enabling most of the guns that will be completed during the next fiscal year to be mounted as rapidly as emplacements can be provided for them; (3) an addition of twelve mortars and carriages to those already estimated for, which, with those now on hand, will equip a 16-gun battery of this much-needed type; (4) the purchase of an additional 500 deck-piercing shells, one hundred and twenty-five 8-inch, thirty-five 10-inch, and twenty 12-inch armor-piercing shot; (5) a supply of heavy material for the siege service, viz, about ten guns, ten howitzers, and twenty mortars, with their carriages, implements, and equipments, and (6) the more rapid construction of emplacements to receive the guns, mortars, and carriages now on hand or building.

He still goes beyond this; and I commend this document of the Senate to the careful consideration of every member of the House.

Mr. HAINER of Nebraska. Will the gentleman from New Hampshire allow me an interruption just there?

Mr. BAKER of New Hampshire. Certainly.

Mr. HAINER of Nebraska. About six weeks after that document was published the War Department was called on by the Committee on Appropriations to make a revised estimate, if it saw fit to do so, respecting the proposed expenditures for ordnance and engineering work. These estimates were made and submitted to the committee, and I will say to the gentleman, as I have already stated to this committee, that we have given in this bill every dollar called for in the revised estimates, based upon the most careful consideration the Department could give to the subject, after much time spent in such consideration, utilizing every dollar that they felt could be utilized for the prosecution of the work during the time to which I have referred.

Mr. BAKER of New Hampshire. Why, Mr. Chairman, the very fact that the Committee on Appropriations saw fit to call upon the War Department for revised estimates was an intimation that the estimate which had been already submitted did not meet the approval of the committee—that they intended to cut it down—and in accordance with that intimation the new estimates were submitted.

Mr. HAINER of Nebraska. The gentleman is entirely mistaken——

Mr. GROUT. On the contrary, they increased the estimates over a third.

Mr. HAINER of Nebraska. As a matter of fact, we did not have the document before us to which he refers. We had the estimates, and it was after consultation with the Chief of the Ordnance Department, and feeling that the estimates should be revised up instead of down, that a new and revised estimate was given,

and as a matter of fact the revised estimates very much exceed the original estimates.

Mr. GROUT. In every point.

Mr. HAINER of Nebraska. And it was evidently in accordance with the feeling of Congress on the subject—in fact induced and called forth thereby—that this revised or increased estimate was furnished.

Mr. BAKER of New Hampshire. If there is any difference of opinion between the Secretary of War and his Chief of Ordnance, I leave the War Department and the Committee on Appropriations to settle it. It is no matter of mine; but I stand here quoting the document which the Secretary of War sent to the Senate, and upon which to this date, so far as any public statement is concerned, he now stands.

Mr. HEMENWAY. As a matter of fact, the Secretary of War reduced the estimate for emplacements furnished by General Craighill when first submitted. They came to the Committee on Appropriations in that form. Notwithstanding the fact that the report shows that the guns were away in advance of the emplacements, the Secretary of War did not decrease the estimates for guns, but he did decrease the estimates for emplacements.

Mr. GROUT. And then in the revised estimates he increased them.

Mr. HEMENWAY. Then he was requested to revise the estimates in such a way as to establish a proper balance between the Engineer Department and the Ordnance Department.

Mr. BAKER of New Hampshire. The gentleman in charge of the bill [Mr. HAINER], the chairman of the subcommittee, in his able remarks, to which I listened with great interest, informed us that it is much easier to mount the guns than to make them, and if, in pursuance of that general idea, the Secretary of War saw fit in that particular to diminish the gun-carriage appropriation to conform to that theory, it is a matter of detail to which I need give no attention; but I will say for the information of this House that since this bill was reported to it I have personally asked an officer of the War Department of high rank if the bill was satisfactory, and the answer was, "It is satisfactory to this extent, that it is better than we expected." And that, to my mind, Mr. Chairman, tells the whole story—that it is so much better than preceding Congresses have done, that many people feel satisfied and gratified with it, and for one I am gratified that it is so good; but it does not reach up to the height of the report that is before us, and which I believe the American people demand that we should meet.

I hope that when this bill reaches the Senate the Senate committee will take it and make it conform to the wishes of the Secretary of War, as stated in the document to which I have referred. Certainly there is no money saved by doing this work by piecemeal; by so doing the cost will be increased and its efficiency diminished. Let us put ourselves where we shall be able to say to our people and to the country that we have done all that is possible to put our nation in a condition of defense, where she can meet, with all the advantages of modern science, any assault which can be made upon her; and in so doing the people will say we have done well.

The CHAIRMAN. If no other gentleman desires to address the committee, the Clerk will proceed with the reading of the bill.

Mr. HAINER of Nebraska. There are several gentlemen who desire to be heard. I ask that the gentleman from Indiana [Mr. HEMENWAY], my colleague on the committee, be recognized.

[Mr. HEMENWAY addressed the House. See Appendix.]

Mr. CANNON. Mr. Chairman, I will only claim the attention of the committee for a very few moments. I want to say that I am justified in complimenting the gentleman in charge of this bill, the gentleman from Nebraska [Mr. HAINER], the gentleman from Indiana [Mr. HEMENWAY], the gentleman from Vermont [Mr. GROUT], and the other gentlemen on the subcommittee that prepared it. It has been prepared, to my knowledge, with great labor, after much of investigation; and while I am not competent to criticise the bill throughout, I do feel I am competent to say that in my service in the House of Representatives for over twenty years there never has been a bill for fortifications so well prepared and so amply providing for the public service as this bill. I do not agree with the gentleman from New Hampshire [Mr. BAKER] in his statement that we are not going fast enough in this session of Congress. We have recommended appropriations for every dollar that can be used in the coming year economically for fortifications.

We have gone beyond that, and authorized contracts for forgings and for emplacements, the money to pay for which will be furnished, where this bill does not furnish it, at the next session of this Congress. The gentleman from Nebraska [Mr. HAINER] called attention to the fact that this bill makes and emplaces as many guns and does as much work for fortifications as all the bills that have been passed from 1888 up to the present time. It does not carry as much money as those bills carried in the aggregate; but for many of the years of the period referred to much of the money appropriated was consumed in mere housekeeping. You have to support your Ordnance Bureau and your engineers. You have to have all the machinery, whether you make guns and emplace them or not.

Now, then, we keep that machinery and recommend enough money to leap forward by the provisions of this single bill as far as the space that was covered by the appropriations from 1888 up to the present time, and that is all I desire to say about it. I do not want to abuse anybody. Some people think that in former years we did not go fast enough. I think at times we did not, but when we recollect that since the close of the late civil war there has been a complete revolution in ordnance and fortifications, in seacoast defense, and in naval warfare, it would be well to recollect that if we had not had a breathing spell for the purpose of determining the proper type of guns and proper fortifications, and so forth, that we might have expended much money where the product of the expenditure would before this time have become obsolete. But at last we have as good, if not the best, guns on the earth, and as to the time when we are likely to have a war, I want to say that I do not believe that we will have war the coming year—no war this year nor next year nor the year after. I doubt if there will be any during this century or perhaps the early years of the next century. But if you will stop and think a minute, with our 70,000,000 of people in our present territory, with the hemisphere to the south and Canada to the north, in a lifetime, in the coming generation, this population will increase, as it now increases, so rapidly, that while our political boundaries may not extend, our children will pass over the boundary and will possess themselves of the hemisphere, economically, industrially, and commercially, and it is right and proper that we should be in position to give them by our diplomacy, by our readiness for war, if war must be had, in proper self-defense, the encouragement of that defense that they are entitled to look for.

Mr. RICHARDSON. Will the gentleman yield for a question?

Mr. CANNON. Certainly.

Mr. RICHARDSON. I understood the gentleman to say that we were making the best guns that had ever been made, or the best that this country had ever made.

Mr. CANNON. I say my information is that our guns are equal, if not superior, to the best that have ever been made in the world.

Mr. RICHARDSON. Has the gentleman's attention been called to the bursting of one of them in New York yesterday, whereby General Miles came near losing his life? The shell stuck in the barrel and the gun burst.

Mr. CANNON. I suppose that was testing a new type of gun. I suspect, however, that there never will be guns made so strong that once in a while one of them will not explode. I had not noticed the incident to which the gentleman calls my attention. I do know, though, that our guns are strong enough and good enough so that if people get in front of them they will get hurt [laughter], and I think that perhaps there is less danger at the breech than there has been heretofore in the older types of gun.

Now, in conclusion, Mr. Chairman, I want to say that, when the expenditure authorized by this bill is made, our principal seaports will, in my judgment, be so fortified that we can rest in substantial security, and if those who, in the fullness of time, come after us in Congress shall be wise enough to continue this work, there will ultimately be complete defense of the 27 or 28 greater seaports of this country. In the meantime, by the mere making of this appropriation, by the mere demonstration of our capacity to make the forgings from which to make the guns, by showing that we have that capacity to-day to make the guns and that we have the skill to emplace them, even before the guns are emplaced, our diplomacy will be strengthened among the nations of the earth, and that is one of the principal points to be gained by getting into a state of preparation and by making these appropriations. For my part I never have had any fear but that, even without fortifications, the 70,000,000 of people in these United States, in a contest with any or with all the nations of the earth, could defend this country against all who might assail it. Even if we did not have a gun or a fortification I believe we could defend ourselves, but we would get terribly hurt for the first year or two or three.

Now, if we pursue this line of policy it will keep us from being hurt the first year or the first two years. Aye, more; in my judgment, this policy, wisely adopted and carried out, will insure peace and quiet to the United States against all comers by the mere influence of our diplomacy thus reenforced.

Mr. BERRY. Mr. Chairman, I do not often speak upon an appropriation bill, and I never like to antagonize the conclusions of a committee that have presented a bill for the approval of the House, but it does seem to me that this bill, contemplating, as it does in the end, before the work that is laid out by it shall be finally concluded, an expenditure of perhaps $150,000,000, might have been more wisely drawn, so that, instead of confining our fortifications to a few special localities, we would take the same amount of money and expend it upon great ships of war, movable batteries, that could go from one point to another, wherever the

enemy might be found. Those ships could be marshaled upon the high seas, and we could say to Great Britain and to the world: "We have floating batteries here that dare meet any nation that comes to attack us from any part of the world."

I have confidence, as the distinguished chairman of the committee, Mr. CANNON, has, in the capacity of this American people upon land, united as we are now and numbering 70,000,000, to defend ourselves against any power that might attempt to plant its flag upon American soil. But I do believe that, instead of expending this money in fortifications at given points here and there along the seaboard for a thousand miles or more, if we could turn out upon the high seas forty or fifty or more powerful naval vessels and say to the world, "Let our enemies come on; we will meet them," it would be a much more judicious expenditure of this money than to spend it upon fortifications at particular places. Instead of building up great fortifications at different points along the coast, we might construct a powerful Navy, which would be equal to that of Great Britain, if need be; and in that way we could defend our towns and cities, as well as any other places within the territory of the United States that any enemy might choose to attack.

Mr. HAINER of Nebraska. Mr. Chairman, if no gentleman desires to speak further upon the bill, I ask unanimous consent that general debate be now closed.

There was no objection, and it was so ordered.

The Clerk, reading the bill by paragraphs, read as follows:

Oil-tempered and annealed steel for high-power coast-defense guns of 8-inch, 10-inch, and 12-inch caliber, and forgings for one type 16-inch gun in quality and dimensions conforming to specifications, subject to inspection at each stage of manufacture, and including all parts of each caliber, $1,532,938.

Mr. HAINER of Nebraska. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Page 3, line 3, after the word "gun," insert a comma.

The amendment was agreed to.

The Clerk read as follows:

For rapid-fire guns, including their mounts and ammunition, $150,000.

Mr. WHEELER. Mr. Chairman, I move to strike out the last word. This is an appropriate place, because to carry out the purposes provided for in the section just read requires a high order of education, and I desire to call the attention of the House to a bill which I introduced providing for the use of public lands in the State of Alabama for educational purposes.

I am encouraged to do this because it is in the line of policy which has always been approved by the lawmaking power of this Government during its entire existence.

On May 20, 1785, the Continental Congress enacted the following:

There shall be reserved the lot No. 16 of every township for the maintenance of public schools.

And the tendency of Congress has been to extend this so that the late States have received four sections of a township instead of one—Utah, the last State admitted, receiving more than 6,000,000 acres, and the total grant to the nine States admitted since 1861 amounting to some 70,000,000 acres.

The total amount received by Alabama when it became a State was 902,744 acres, while the average given to the nine States lately admitted is eight times that amount.

The State of Alabama is doing her full duty with regard to the education of her citizens, both black and white. The money provided for this purpose, pursuant to the laws of Alabama, is greater in proportion to wealth than that of many of the most liberal States of the North. The efforts of the people in this commendable line ought to be responded to by Congress, especially when it can be done without any expense to the Government.

There are now but 600,000 acres of public lands in the State of Alabama, and most of it is of such a character that we can hardly expect it to be appropriated under the present land laws. The expense of maintaining the land offices in the State can not be less than some $30,000 a year, and as the Government will never realize that amount, it is very evident that it would be in the line of economy to give these lands to the State and abolish the land offices. In fact, no other system seems at all consistent with proper economic administration. It will be seen that to keep up these land offices the United States is each year spending an amount which is just about equal to the value of the public lands of the State. Alabama is divided into two sections, one called north Alabama, and one called south Alabama.

Some years ago, pursuant to acts of Congress, two colleges in south Alabama received large grants of land amounting to some 80,000 acres. In order to equalize these matters and to do a measure of justice to north Alabama, I introduced the following bill in the Fifty-third Congress:

Be it enacted, etc., That the governor of the State of Alabama be, and he is hereby, authorized to select, out of the unoccupied and uninhabited lands of the United States within the said State, 23,040 acres of land, in legal subdivisions, being a total equivalent to one township, and shall certify the same to the Secretary of the Interior, who shall forthwith, upon receipt of said certificate, issue to the State of Alabama patents for said lands: *Provided*, That the proceeds of said lands, when sold or leased, shall forever remain a fund for the use of the Alabama State Normal College at Florence, Ala.

So impressed were the Committee on Public Lands with the justice of this bill, and the great good being done by the State Normal College, that the bill received the unanimous report of the Committee on Public Lands. The report was No. 1938, Fifty-third Congress, and was made by Mr. Kribbs. It is as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 8925), granting a township of land for the use of the Alabama State Normal College, having considered the same, make the following report:

The Alabama State Normal College at Florence was established by an act of the legislature of Alabama, and has been maintained as a first-class institute and college, where pupils may acquire a thorough normal-school education. It has now an attendance of 300 students, which, with the requested assistance, could be increased to between 500 and 1,000.

The college has been the means of educating hundreds of young persons, who have not only been benefited themselves by this opportunity for their education, but are devoting themselves to the profession of teaching, and assisting in promoting and improving the efficiency of the schools of the State. The curriculum is of a very high grade. The establishment and maintenance by the State of a college of this character is deserving of the highest commendation, and where a grant, as here requested, that does not require the appropriation of any money, nor of anything that will avail to produce money for the Treasury, will contribute so much to encourage as well as materially benefit the institution, it ought to be made.

Your committee recommend that the bill, without amendment, do pass.

It was too late in the session for this bill to pass during the last Congress, and when we met last December I reintroduced the bill. It is House bill 217 of the present Congress, and I expected that it would receive the immediate favorable consideration of the Committee on Public Lands. You can scarcely imagine my disappointment and surprise to find that instead of reporting my bill and doing partial justice to north Alabama by giving a most important institution in that part of the State 23,040 acres of land, as provided for in my bill, the committee neglected my bill altogether and in place thereof reported a bill giving 50,000 acres to two institutions in south Alabama, thus doubly intensifying the injustice to north Alabama instead of alleviating it, making the donations to south Alabama some 130,000 acres and not giving a single acre to north Alabama.

Similar bills to the ones reported favorably by the House committee were introduced in the Senate, combined into one bill, numbered Senate bill 2461, and passed by that body, and the friends of those bills are seeking to pass this Senate bill through the House. I am thoroughly in favor of that bill, and think it should pass, but I think that the fair-minded, generous men of this House will concur that it ought to be amended so as to give to the schools of north Alabama an amount of land equal to that which is proposed to be donated to the south Alabama schools. I introduced a bill to attain that purpose. It is No. 7266, and if the House will amend the Senate bill as thus provided it will give north Alabama 50,000 acres, leaving south Alabama two and a half times as much. I afterwards introduced another bill, No. 7372, which I respectfully submit would be the proper one to substitute for the Senate bill.

The bill is as follows:

Be it enacted, etc., That all the public lands within the State of Alabama are hereby donated to the State of Alabama for the purpose of improving the school system in said State, and the Secretary of the Interior shall issue to the State of Alabama patents for said lands: *Provided*, That the proceeds of said lands, when sold or leased, shall forever remain a fund to be used for the purpose of improving the school system of Alabama; the said proceeds to be apportioned between the schools for colored children and the schools for white children in proportion to their population in said State as shown by the census taken by the United States authorities.

SEC. 2. That in case of the forfeiture of any land of the United States within the State of Alabama which, previous to the passage of this act, had been acquired by homestead, preemption, or any other laws, said land so forfeited shall be patented by the Secretary of the Interior to the State of Alabama for the purposes stated in the first section of this act and under the provisions and limitations as stated in section 1 of this act.

SEC. 3. That after the lands designated in section 1 of this act have been patented to the State of Alabama the land offices in the State of Alabama shall be abolished and all officers connected therewith shall be honorably discharged from the service of the United States.

The passage of this bill would be wise legislation. The State of Alabama could use the lands to great advantage in the cause of education, while, as we have shown, not only are they of no value to the United States, but they are a great expense, the annual cost to the Government being about equal to the total amount of money the Government can ever hope to realize from their sale.

The last census shows that there are more than 400,000 people in the State of Alabama over 10 years of age who can not write.

It is not necessary to speak to this intelligent body of the importance of education. I think my fellow-members will concur with me that every dollar used for this great and good purpose is returned more than a thousandfold by the improvement and development of our citizens.

Among those 400,000 illiterate beings in Alabama there may be minds of great natural grandeur which, cultured, would equal any of the brilliant intellects that history has ever known, but which, like the priceless gem hidden beneath the surface of the

but for many of the years of the period referred to much of the money appropriated was consumed in mere housekeeping. You

amount of money and expend it upon great ships of war, movable batteries, that could go from one point to another, wherever the

Be it enacted, etc., That the governor of the State of Alabama be, and he is hereby, authorized to select, out of the unoccupied and uninhabited lands of

which, like the priceless gem hidden beneath the surface of the

earth, while there remaining performs no function more important than does the common pebble by its side.

I consider—

Said Addison—

a human soul without education like marble in the quarry, which shows none of its inherent beauties until the skill of the polisher fetches out the colors, makes the surface shine, and discovers every ornamental cloud, spot, and vein that runs through the body of it. * * *

What sculpture is to a block of marble education is to a human soul.

The philosopher, the saint, the hero, the wise, the good, or the great man very often lie hid and concealed in a plebeian, which a proper education might have disinterred and brought to light.

Leibnitz said:

The way to reform the human race is to reform the education of the young. The good education of youth is the first foundation of human happiness.

I will also quote these eloquent words from Daniel Webster:

If we work upon marble it will perish; if we work upon brass time will efface it; if we rear temples they will crumble into dust; but if we work upon immortal minds, if we imbue them with principles, with the just fear of God and love of our fellow-men, we engrave on those tablets something that will brighten to all eternity.

That distinguished French writer, Mgr. Dupanloup, beautifully says:

The work of the educator bears a likeness to the work of the Creator. If he does not create from nothingness, he draws from slumber and lethargy the benumbed faculties; he gives life and movement and action to an existence yet imperfect.

In this light an intellectual, moral, and religious education is the highest possible human work. It is the continuation of the highest and noblest work of divinity—the creation of souls.

These beautiful phrases carry our minds back to the first thoughts of creation. We recall these words, which are found in the third and fourth verses of the first chapter of Genesis:

And God said, Let there be light, and there was light. And God saw the light, that it was good.

These sublime words of the Almighty as He called the world from chaos, His first recorded utterance, His command to the beings about to be created to "Let there be light," might convey an idea involving something more than a change from the darkness of night to the light of day. May we not indulge the pleasing and beautiful fancy that this was an admonition to us to enlighten minds that were to be implanted in the human frame, a command to the people of all nations and all ages to give light unto the mind?

I appeal to the House to consider this great and most important question in the spirit of the broadest statesmanship and most generous philanthropy. I appeal to them to enact into law the bill which will extend its blessings to all the people of the State, and especially do I appeal to them to do justice to that part of Alabama which has heretofore received no grants of this character. The enactment into law of the last bill which I have read will accomplish this purpose, but to confine this proposed grant of 50,000 acres to the schools of South Alabama, making the special grants to that part of the State 130,000 acres, would be a most glaring injustice to the young people in that most beautiful part of the State which is called North Alabama, who are seeking education. This 50,000 acres will take all the lands which are really valuable; therefore, unless the schools in North Alabama are included in the grant proposed by the Senate bill the lands they might afterwards receive would be of very little value, and incalculable injustice would be done to the people I represent.

The Clerk resumed and concluded the reading of the bill.

Mr. HAINER of Nebraska. I move that the committee rise and report the bill as amended to the House, with the recommendation that it pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 8109) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and had directed him to report the same back with an amendment, and with the recommendation that the bill be passed as amended.

Mr. HAINER of Nebraska. I move the previous question on the amendment and on the bill to its passage.

The previous question was ordered; and under the operation thereof the amendment reported from the Committee of the Whole was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HAINER of Nebraska, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (S. 1203) granting an increase of pension to Mary Doubleday, widow of Bvt. Maj. Gen. Abner Doubleday;

A bill (S. 100) for the relief of the estate of John R. Bigelow;

A bill (S. 1317) to grant certain lands to the city of Colorado Springs, Colo.;

A bill (S. 2141) to amend an act approved August 24, 1894, entitled "An act to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company";

Joint resolution (S. R. 123) directing the Secretary of War to submit a plan and estimate for the improvement of the Nebraska side of the Missouri River, opposite Sioux City, Iowa; and

Joint resolution (S. R. 104) directing the Secretary of War to transmit to Congress a report on survey of the waterway connecting the waters of Puget Sound at Salmon Bay with Lakes Union and Washington, and to submit an estimate of the cost of constructing said waterway.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave to withdraw papers from the files of the House, without leaving copies (there having been no adverse report), was granted as follows:

To Mr. PITNEY, in the case of Horace B. Gardner, Fifty-first Congress.

To Mr. WOOD, in the case of Jesse Durnell, Fiftieth Congress.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RUSSELL of Georgia, indefinitely, on account of sickness.

To Mr. LINNEY, for ten days, on account of sickness in his family.

To Mr. MCCORMICK, for three days, on account of important business.

To Mr. HUTCHESON, indefinitely, on account of sickness in his family.

To Mr. KYLE, indefinitely, on account of sickness in his family.

To Mr. PARKER, for three days, on account of important business.

To Mr. JOHNSON of Indiana, for ten days, on account of sickness.

CHANGE OF REFERENCE.

Mr. LACEY. I ask unanimous consent that House bill No. 3268 be transferred from the Union Calendar to the House Calendar. The reference to the Union Calendar was a mistake.

Several MEMBERS. What is the bill?

Mr. LACEY. It is a bill to facilitate the procurement of evidence and to compel the attendance of witnesses in matters before registers and receivers of the local land offices of the United States.

The SPEAKER. Does not the bill provide for the advancing of fees?

Mr. LACEY. It does not. It provides for subpœnaing witnesses and compelling their attendance in cases before registers and receivers. It involves no appropriation.

Mr. PAYNE. If fees are to be paid, does not that involve a charge upon the Treasury?

Mr. LACEY. This bill relates to land contests between private individuals? There is now no way to compel the attendance of witnesses in such cases, and this bill is to supply that defect in the law.

Mr. PAYNE. But if the bill provides for the payment of fees of witnesses it seems to me it involves a charge on the Treasury.

Mr. LACEY. It relates simply to land contests between individuals.

The SPEAKER. Are not the fees, or some of them, to be advanced by the authority of the United States?

Mr. LACEY. Not at all, unless the Government of the United States should in some instances have a lawsuit before these officers, in which case the Government could compel the attendance of witnesses in the same way as the bill proposes to authorize private individuals to do. But there is no charge upon the Treasury involved in any way. I ask consent that the change of reference be made.

The SPEAKER. Even if the reference should be changed, the bill would be subject to a point of order when it comes up——

Mr. LACEY. Certainly, if the point shall be well taken.

Mr. SAYERS. So that no trouble may arise from the action now asked, I will reserve points of order at this time.

The SPEAKER. A point of order would be good if taken at any time before the consideration of the bill is entered on. If there be no objection, the reference of the bill to the Union Calendar will be rescinded, and the bill will be referred to the House Calendar without prejudice.

There was no objection.

And then, on motion of Mr. HAINER of Nebraska (at 4 o'clock and 25 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting a communication from the Attorney-General requesting an appropriation to pay W. Hallett

Phillips for legal services, was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 870) to provide for the relief of certain officers and enlisted men of the volunteer forces, reported the same with amendment, accompanied by a report (No. 1241); which said bill and report were referred to the House Calendar.

Mr. CORLISS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 1872) authorizing the Secretary of the Treasury to exchange in behalf of the United States the tract of land at Choctaw Point, Mobile County, Ala., now belonging to the United States and held for light-house purposes, with the Mobile, Jackson and Kansas City Railroad Company for any other tract or parcel of land in said county equally well or better adapted to use for light-house purposes, reported the same without amendment, accompanied by a report (No. 1242); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HILBORN, from the Committee on Naval Affairs, to which was referred House bill No. 5108, with certain proposed amendments thereto and a proposed substitute therefor, reported in lieu thereof a bill (H. R. 8210) to authorize the Secretary of the Navy to donate to each Department of the Grand Army of the Republic of each State and Territory six pieces of condemned cannon for the use of those organizations, accompanied by a report (No. 1259); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the following sundry bills and joint resolutions, reported the same, accompanied by reports; which said bills, joint resolutions, and reports were referred to the Committee of the Whole House on the state of the Union, as follows:

WITHOUT AMENDMENT.

The bill (H. R. 4324) authorizing the Secretary of the Navy to deliver one condemned cannon to the city of Elmwood, Peoria County, Ill. (Report No. 1252.)

The bill (H. R. 4557) authorizing and directing the Secretary of the Navy to donate two pieces of condemned cannon and four pyramids of condemned cannon balls to the St. Boniface Union Soldiers' Monument and Memorial Association, of Chicago, Ill. (Report No. 1255.)

The bill (H. R. 4992) authorizing and directing the Secretary of the Navy to donate four pieces of condemned cannon and four pyramids of condemned cannon balls to the city of Reedsburg, Wis. (Report No. 1258.)

The bill (H. R. 5638) to grant two condemned cannon and fifty cannon balls to A. G. Reed Post, No. 105, Grand Army of the Republic, of Butler, Pa. (Report No. 1261.)

The bill (H. R. 6129) donating one condemned cannon and four pyramids of condemned cannon balls to Jewell Post, No. 3, Grand Army of the Republic, Pleasanton, Kans. (Report No. 1263.)

The bill (H. R. 6666) granting to Maj. C. A. Angel Post, No. 20, Grand Army of the Republic, of Lambertville, N. J., 4 condemned cannon and 20 cannon balls. (Report No. 1266.)

The bill (H. R. 6669) authorizing and directing the Secretary of the Navy to donate five condemned cannon to George B. McClellan Post, No. 9, Grand Army of the Republic, of Houston, Tex., and for other purposes. (Report No. 1267.)

The bill (H. R. 6786) authorizing and directing the Secretary of the Navy to donate four condemned cannon to Paul Revere Post, No. 88, Grand Army of the Republic, Quincy, Mass. (Report No. 1268.)

The bill (H. R. 6510) authorizing and directing the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to L. E. King Post, No. 105, Grand Army of the Republic, of Augusta, Kans., and for other purposes. (Report No. 1269.)

The bill (H. R. 7084) granting to Charles C. Baker Post, No. 16, Grand Army of the Republic, of Wickford, R. I., 5 condemned cannon and 25 cannon balls. (Report No. 1270.)

The bill (H. R. 7100) to donate 8 condemned cannon and 100 cannon shot to the Grand Army of the Republic Cemetery Association of Colorado. (Report No. 1272.)

The bill (H. R. 7140) granting to A. L. Robeson Post, No. 42, Grand Army of the Republic, of Bridgeton, N. J., 4 condemned cannon and 20 cannon balls. (Report No. 1273.)

The bill (H. R. 7143) granting to the Soldiers and Sailors' Monument Association of the county of Middlesex, in the State of New Jersey, 4 condemned cannon and 30 cannon balls. (Report No. 1274.)

The bill (H. R. 7171) authorizing and directing the Secretary of the Navy to donate four condemned cannon and four pyramids of condemned cannon balls to James T. Shields Post, No. 45, Grand Army of the Republic, of Galesburg, Knox County, Ill., and for other purposes. (Report No. 1275.)

The bill (H. R. 7172) donating four condemned cannon and four pyramids of condemned cannon balls to the Soldiers' Monument Association of Allegan, Mich. (Report No. 1276.)

The bill (H. R. 7209) authorizing the Secretary of the Navy to donate two condemned cannon to Sedgwick Post, No. 7, Grand Army of the Republic, of South Kingston, R. I. (Report No. 1277.)

The bill (H. R. 7215) donating condemned cannon and cannon balls to Col. Joseph H. Wilson Post, Grand Army of the Republic, Zelienople, Pa. (Report No. 1278.)

The bill (H. R. 7216) donating one condemned cannon and cannon balls to Grand Army of the Republic post, No. 573, of Evans City, Pa. (Report No. 1279.)

The bill (H. R. 7260) donating 2 condemned cannon and 10 condemned cannon balls to Washington Post, No. 12, Grand Army of the Republic, Lawrence, Kans. (Report No. 1280.)

The bill (H. R. 7381) directing the Secretary of the Navy to donate one condemned cannon and cannon balls to Soldiers and Sailors' Monument Association of the city of Middletown, N. Y. (Report No. 1281.)

The bill (H. R. 7412) donating condemned cannon, cannon balls, and shells to the State of Rhode Island, to decorate the camp of the militia of said State. (Report No. 1282.)

The bill (H. R. 7480) donating two condemned cannon and limber to Battery E Association, First Regiment Rhode Island Light Artillery. (Report No. 1283.)

The bill (H. R. 7823) directing the Secretary of the Navy to donate two condemned cannon and cannon balls to the northeastern Nebraska reunion of the Grand Army of the Republic. (Report No. 1287.)

The bill (H. R. 7824) directing the Secretary of the Navy to donate two condemned cannon and cannon balls to the Soldiers' Home at Grand Island, Nebr. (Report No. 1288.)

The bill (H. R. 8012) donating one condemned cannon and balls to Grand Army of the Republic post of Sparta, Ill. (Report No. 1289).

The bill (H. R. 8044) donating one condemned cannon and four pyramids of cannon balls to George K. Bird Post, No. 169, Grand Army of the Republic, of Norwood, Mass., and for other purposes. (Report No. 1290.)

The bill (H. R. 8077) granting to Budlong Post, Grand Army of the Republic, of Westerly, R. I., two condemned mounted brass cannon. (Report No. 1291).

The joint resolution (H. Res. 119) authorizing and directing the Secretary of the Navy to furnish one condemned cannon for the use of Wisner Post, of Montezuma, Iowa, Grand Army of the Republic, for the Department of Iowa. (Report No. 1292.)

The joint resolution (H. Res. 122) authorizing the Secretary of the Navy to deliver condemned cannon to Chamberlain Post, Grand Army of the Republic, to be posted by the soldiers' monument at St. Johnsbury, Vt. (Report No. 1293.)

The bill (S. 1846) authorizing and directing the Secretary of the Navy to donate condemned cannon to Custer Post, Grand Army of the Republic, at Leavenworth, Kans., and Mathies Post, Grand Army of the Republic, at Burlington, Iowa. (Report No. 1295.)

WITH AMENDMENTS.

The bill (H. R. 4341) empowering and directing the Secretary of the Navy to furnish not more than four pieces of condemned cannon to the city of Mount Vernon, N. Y. (Report No. 1253.)

The bill (H. R. 4456) to authorize and direct the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to the cemetery association in the city of St. Paul, Minn., to be used at or near the foot of the soldiers' monument in said cemetery. (Report No. 1254.)

The bill (H. R. 4980) donating condemned cannon and condemned cannon balls to Judson Kilpatrick Post, No. 36, Grand Army of the Republic, Department of Kansas, at Newton, Kans. (Report No. 1256.)

The bill (H. R. 4981) donating condemned cannon and condemned cannon balls to Eggleston Post, No. 244, Grand Army of the Republic, Department of Kansas, at Wichita, Kans. (Report No. 1257.)

The bill (H. R. 5567) authorizing the Secretary of the Navy to donate 1 condemned cannon and 15 cannon balls to McDowell Post, Grand Army of the Republic, of Enid, Okla. (Report No. 1260.)

The bill (H. R. 5947) authorizing and directing the Secretary

day, widow of Bvt. Maj. Gen. Abner Doubleday;
A bill (S. 100) for the relief of the estate of John R. Bigelow;

tary of the Treasury, transmitting a communication from the Attorney-General requesting an appropriation to pay W. Hallett

of the Navy to furnish to L. L. Eggleston Post, No. 184, Department of New York, Grand Army of the Republic, of Deposit, N. Y., a condemned cannon. (Report No. 1262.)

The bill (H. R. 6181) to donate condemned cannon and condemned cannon balls for the monument to the Union soldiers of Tennessee. (Report No. 1264.)

The bill (H. R. 6256) authorizing and directing the Secretary of the Navy to furnish to George F. Fuller Post, Grand Army of the Republic, of Manistique, Mich., a condemned cannon. (Report No. 1265.)

The bill (H. R. 7050) empowering and directing the Secretary of the Navy to furnish not more than four pieces of condemned cannon to the village of Sing Sing, N. Y. (Report No. 1271.)

The bill (H. R. 7671) authorizing and directing the Secretary of the Navy to donate one condemned cannon and condemned cannon balls to U. S. Grant Post, No. 72, Grand Army of the Republic, of Washington, Ind., Department of Indiana. (Report No. 1284.)

The bill (H. R. 7771) authorizing and directing the Secretary of the Navy to donate condemned cannon and condemned cannon balls to certain posts of the Grand Army of the Republic. (Report No. 1285.)

The bill (H. R. 7777) to authorize the Secretary of the Navy to furnish condemned cannon to Fort Thomas, Ky. (Report No. 1286.)

The joint resolution (S. R. 15) authorizing the Secretary of the Navy to donate to the Mountain View Cemetery Association, at Oakland, Cal., certain cannon, etc. (Report No. 1294.)

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BLACK of Georgia, from the Committee on Pensions: The bill (H. R. 4076) for the relief of Abner Abercrombie. (Report No. 1232.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 7962) granting a pension to Horace Perry. (Report No. 1233.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 3605) granting a pension to Grotius M. Udell. (Report No. 1234.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (S. 1816) granting a pension to Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman. (Report No. 1235.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 2395) granting a pension to Benjamin F. Young, late private of Company G, First Regiment Ohio Volunteer Cavalry. (Report No. 1236.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 3607) to increase the pension of Mrs. Kate Grant. (Report No. 1237.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 6922) to pension Catharine Harris. (Report No. 1238.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 3842) to increase the pension of Edward Vunk. (Report No. 1239.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 4539) granting a pension to Zolman Tyrrell, imbecile son of Lewis R. Tyrrell, late Company A, First New York Engineers. (Report No. 1240.)

By Mr. HOWE, from the Committee on Pensions: The bill (H. R. 7489) granting a pension to Caroline A. Groshon. (Report No. 1243.)

By Mr. LOUDENSLAGER, from the Committee on Pensions: The bill (H. R. 649) granting a pension to Joseph S. Bunker. (Report No. 1244.)

By Mr. COLSON, from the Committee on Pensions: The bill (H. R. 3494) granting a pension to Frances M. Roberts. (Report No. 1245.)

By Mr. HATCH, from the Committee on War Claims: The bill (H. R. 5501) for the relief of W. P. Marshall. (Report No. 1246.)

By Mr. MAHON, from the Committee on War Claims: A resolution (House Res. No. 249) to refer the bill (H. R. 99) for the relief of Joseph Curriden, with all the accompanying papers, to the Court of Claims, reported in lieu of House bill No. 99. (Report No. 1247.)

By Mr. OTJEN, from the Committee on War Claims: The bill (H. R. 7506) for the relief of the Portland Company, of Portland, Me. (Report No. 1248.)

By Mr. HURLEY, from the Committee on War Claims:

The bill (H. R. 1355) for the relief of the legal representatives of Hiram Somerville. (Report No. 1249.)

The bill (H. R. 7805) for the relief of George M. Clapp, of the Washington Iron Works. (Report No. 1250.)

By Mr. ANDREWS, from the Committee on Private Land Claims: A bill (H. R. 8209) for the relief of Raphael Segoura, reported in lieu of House bill No. 1356. (Report No. 1251.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. HULL: A bill (H. R. 8188) to determine the lineal rank of medical officers of the Army upon entrance into the service—to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 8189) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned—to the Committee on Pacific Railroads.

By Mr. RUSK: A bill (H. R. 8190) to provide an American register for the bark *Ceres*—to the Committee on the Merchant Marine and Fisheries.

By Mr. TRACEY: A bill (H. R. 8191) to extend the act of July 28, 1866, for one year—to the Committee on War Claims.

By Mr. WILSON of New York: A bill (H. R. 8192) to establish the Sociological Institution—to the Committee on Education.

By Mr. BROWN: A bill (H. R. 8193) to aid and encourage the holding of the Tennessee centennial exposition at Nashville, Tenn., in the year 1897, and making appropriation therefor—to the Committee on Appropriations.

By Mr. GAMBLE: A bill (H. R. 8194) to amend chapter 120 of volume 25 of the United States Statutes at Large, approved February 9, 1889, entitled "An act to punish the carnal and unlawful knowing a female under the age of 16 years—to the Committee on the Judiciary.

By Mr. MERCER: A bill (H. R. 8195) to grant permits for the laying of pipe lines for commercial purposes in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LOW: A bill (H. R. 8196) to provide for the reorganization and improvement of the musical service of the Army and Navy and Marine Corps of the United States—to the Committee on Military Affairs.

By Mr. LOUDENSLAGER: A bill (H. R. 8208) granting to A. B. Bateman Post, No. 60, Grand Army of the Republic, of Cedarville, N. J., 4 condemned cannon and 20 cannon balls—to the Committee on Naval Affairs.

By Mr. HARTMAN: A resolution (House Res. No. 248) providing for annual clerks to Members and Delegates—to the Committee on Accounts.

By Mr. PHILLIPS: A resolution (House Res. No. 250) to pay Frank Burke for services in stationery room from December 2, 1895, to January 14, 1896, $86.64—to the Committee on Accounts.

By Mr. GILLETT of Massachusetts: A memorial by the legislature of Massachusetts, in favor of an appropriation by Congress for the extermination of the gypsy moth—to the Committee on Agriculture.

By Mr. McCALL of Massachusetts: A memorial of the general court of the Commonwealth of Massachusetts, relative to the extermination of the gypsy moth—to the Committee on Agriculture.

By Mr. FITZGERALD: A memorial of the Massachusetts legislature, relative to the extermination of the gypsy moth—to the Committee on Agriculture.

By Mr. SIMPKINS: A memorial of the Massachusetts legislature, relative to the extermination of the gypsy moth—to the Committee on Agriculture.

By Mr. BARRETT: A memorial of the Massachusetts legislature, relative to the extermination of the gypsy moth—to the Committee on Agriculture.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred, as follows:

The bill (H. R. 2997) for the relief of George W. Warren, of Vermillion, Kans.—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 4261) to pension Mrs. Susan M. Sessford—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred, as follows:

By Mr. BINGHAM: A bill (H. R. 8197) for the relief of John T. Guerin—to the Committee on Naval Affairs.

By Mr. CURTIS of Kansas: A bill (H. R. 8198) granting an increase of pension to George C. James—to the Committee on Invalid Pensions.

By Mr. DOLLIVER: A bill (H. R. 8199) to increase the pension of Oscar W. Lowery—to the Committee on Invalid Pensions.

By Mr. ELLETT of Virginia: A bill (H. R. 8200) for the relief of Charles S. Mills—to the Committee on Claims.

By Mr. LOUD (by request): A bill (H. R. 8201) to increase the pension of Mrs. Helen A. Henton—to the Committee on Invalid Pensions.

By Mr. McCALL of Tennessee: A bill (H. R. 8202) for the relief of Thomas F. Lee—to the Committee on Claims.

Also, a bill (H. R. 8203) to remove the charge of desertion against G. B. Gibson—to the Committee on Military Affairs.

By Mr. THOMAS: A bill (H. R. 8204) granting a pension to Ellen Charlton—to the Committee on Invalid Pensions.

By Mr. TRACEY: A bill (H. R. 8205) for the relief of Samuel Webb, for medicines furnished Enrolled Missouri Militia in 1863—to the Committee on War Claims.

By Mr. BULL: A bill (H. R. 8206) granting an increase of pension to Mrs. Sarah C. Abbott, widow of Commander Trevett Abbott, United States Navy—to the Committee on Pensions.

By Mr. LINTON: A bill (H. R. 8207) granting a pension to James McQuarter—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARNEY: Petition of C. C. Cole and others, of the Milwaukee National Home for Disabled Soldiers, favoring the passage of an act enabling any inmate of the Home to live with his family at a cost not to exceed the average expense of such inmate at the Home—to the Committee on Military Affairs.

By Mr. BINGHAM: Papers to accompany House bill for the relief of J. T. Guerin—to the Committee on Naval Affairs.

By Mr. BRODERICK: Petition of A. A. Trocon and others, of Leavenworth, Kans., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. CLARDY: Papers to accompany House bill No. 6514, for the relief of James O. Knox, of Nebo, Ky.—to the Committee on War Claims.

By Mr. DINSMORE: Papers to accompany bill for the relief of Samuel Mayes, of Washington County, Ark.—to the Committee on War Claims.

By Mr. HARTMAN: Remonstrance of John Gray and 44 others; also of Charles F. Stuart and 21 other citizens, all of the State of Montana, against permitting the statue of Père Marquette to remain in Statuary Hall—to the Committee on the Library.

By Mr. HENDERSON: Petition of A. M. Chamberlain and 95 other citizens of Blackhawk County, Iowa, praying for the enactment of a law to prohibit railroads from using cars without extension or adjustable roof or some method to close the space between the roofs of cars to prevent persons falling between them—to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY of Indiana: Papers to accompany House bill No. 3400, appropriating money for sewer built by A. Bruner adjacent to United States arsenal at Indianapolis, Ind.—to the Committee on Claims.

By Mr. HULL: Papers relating to the case of William L. Stone—to the Committee on Naval Affairs.

By Mr. KIEFER: Petition of 48 citizens of St. Paul, Minn., in favor of the passage of a bill for the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. LINTON: Petitions and remonstrances of citizens of Scranton, Pa.; also of citizens of East Las Vegas, N. Mex., protesting against the statue of Marquette remaining in Statuary Hall—to the Committee on the Library.

By Mr. McCALL of Tennessee: Papers to accompany House bill for the relief of Lamson Woods—to the Committee on Military Affairs.

Also, papers to accompany House bill for the relief of Thomas F. Lee—to the Committee on Claims.

By Mr. MILLER of West Virginia: Petition of J. H. Wagner and 18 others, of Millwood, W. Va., protesting against the statue of Père Marquette remaining in the Capitol of the United States—to the Committee on the Library.

By Mr. OTJEN: Petition of George P. Dravo and others, of Milwaukee, Wis., in favor of bill for the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. RUSK: Petition of Frederick Fisher, in relation to his pension claim—to the Committee on Invalid Pensions.

Also, papers relating to the pension claim of Mrs. Rachel R. Martin—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: Petition of Rev. D. F. Bradley and 862 others of Park Congregational Church, Grand Rapids, Mich., in favor of Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. TRACEY: Petition of Deer Lake Lodge, No. 17, of Springfield, Mc., International Association of Machinists, asking for an investigation of the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, papers in support of bill for the relief of John H. Alexander—to the Committee on War Claims.

Also, paper in support of bill for the relief of Samuel Webb—to the Committee on War Claims.

By Mr. WILBER: Petition of citizens of the Twenty-first Congressional district of New York; also petition of citizens of Schenectady, N. Y.; also petition of citizens of Oneonta, N. Y., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, petitions of F. E. Mungor, W. D. Davis, Adam D. Smith, and J. B. Hall, of the State of New York, for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

SENATE.

WEDNESDAY, *April 15, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Vice-President being absent, the President pro tempore took the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. ALLEN, and by unanimous consent, the further reading was dispensed with.

ENROLLED BILLS SIGNED.

The signature of the President pro tempore was announced to the following bills and joint resolutions, which had previously received the signature of the Speaker of the House of Representatives:

A bill (S. 100) for the relief of the estate of John R. Bigelow;

A bill (S. 1203) granting an increase of pension to Mary Doubleday, widow of Bvt. Maj. Gen. Abner Doubleday;

A bill (S. 1317) to grant certain lands to the city of Colorado Springs, Colo.;

A bill (S. 2141) to amend an act approved August 24, 1894, entitled "An act to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company";

A joint resolution (S. R. 104) directing the Secretary of War to transmit to Congress a report on survey of the waterway connecting the waters of Puget Sound at Salmon Bay with Lakes Union and Washington, and to submit an estimate of the cost of constructing said waterway; and

A joint resolution (S. R. 123) directing the Secretary of War to submit a plan and estimate for the improvement of the Nebraska side of the Missouri River opposite Sioux City, Iowa.

PETITIONS AND MEMORIALS.

Mr. QUAY presented a memorial of 82 citizens of Huntingdon County, Pa., and a memorial of 140 citizens of Newburg, Pa., remonstrating against placing the statue of Père Marquette in Statuary Hall; which were referred to the Committee on the Library.

Mr. FAULKNER presented the petition of W. R. Jewell and 70 other citizens of Vandalia, W. Va., praying for the removal of the statue of Père Marquette from Statuary Hall; which was referred to the Committee on the Library.

Mr. ALLEN (for Mr. THURSTON) presented resolutions adopted by the Nebraska Club, in favor of the enactment of legislation requiring educational tests of immigrants; which were referred to the Committee on Immigration.

He also (for Mr. THURSTON) presented a petition of Omaha Lodge, No. 1, United National Association of Stationary Engineers, of Omaha, Nebr., praying for the reorganization of the Engineer Corps of the United States Navy; which was referred to the Committee on Naval Affairs.

He also (for Mr. THURSTON) presented the petition of Leo Wolfson, secretary of the Board of Trade of Dallas, Tex., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. PEFFER. I present a petition of sundry citizens, and as I have not had time to indorse it I hardly know how to state its contents except by reading the first sentence, which is as follows:

We, the undersigned citizens of the United States, most respectfully represent to your honorable bodies that there exists within our midst a class of industrial beings or entities whose members as compared with our own race are veritable giants capable of performing prodigious amounts of labor; a single one of them in many instances being able to accomplish as much in a given time as a dozen of our best and most skillful laborers.

I assume from the language of the petition that it is a request for legislation in the interest of laboring people who have to compete with machines. I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. PLATT presented a petition of the Connecticut Temperance Union, praying for the appointment of an impartial national commission of inquiry, to investigate and report upon the alcoholic liquor traffic, its relations to crime, pauperism, taxation, and the general public welfare; which was referred to the Committee on Education and Labor.

He also presented a memorial of the Purcell Bar Association of Purcell, Ind. T., remonstrating against the repeal of the existing law which gives exclusive jurisdiction to the courts of the Indian Territory over all criminal prosecutions in that Territory; which was referred to the Committee on the Judiciary.

He also presented the memorial of J. R. Stubbert and 113 other citizens of New London., Conn., and the memorial of Thomas E. Packer and 86 other citizens of Mystic, Conn., remonstrating against the introduction of military training in the public schools of the country; which were referred to the Committee on Military Affairs.

Mr. TURPIE (for Mr. VOORHEES) presented resolutions adopted by the Young Men's Democratic Club of Boston, Mass., favoring the election of Senators by popular vote; which were referred to the Committee on Privileges and Elections.

Mr. SHOUP presented the petition of Mrs. Rebecca Mitchell, Eva Craig Bartin, Mary E. McGee, and Susan E. Holbrook, officers of the Women's White Ribbon Association of Idaho, praying for the appointment of an international board of arbitration between Great Britain and the United States; which was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

To the Senate of the United States:

We, White Ribbon women who wear the badge of peace and represent the home, the church, the school, and the philanthropies that seek to enthrone the Golden Rule of Christ, that by its means we may help to bring in the golden age of man, hereby earnestly petition your honorable body to adopt a resolution and appoint a commission to carry out the provisions of the same, whereby all subjects of difference between the United States and our mother country shall be referred to arbitration.

We rejoice that the legislature of the great Empire State of New York, with but one dissenting voice, petitioned you to take the same beneficent action, and we believe that every legislature in the land would gladly do the same. She who bears the soldier begs that he need no longer bear the sword, but that instead the keen blade of justice and the ammunition of cogent argument may be the only weapons used between two great nations so closely akin by reason of their common ancestry and religion, their common language and history, and their common love and loyalty to the home, which is the bright consummate flower of a Christian civilization.

To this end we appeal to you with great good will and entire confidence that our prayer to God and our plea to you will not prove to be in vain.

MRS. REBECCA MITCHELL,
President of the Idaho W. C. T. U.
EVA CRAIG BARTIN,
Recording Secretary of the Idaho W. C. T. U.
MARY E. MCGEE,
Corresponding Secretary of the Idaho W. C. T. U.
SUSAN E. HOLBROOK,
Treasurer of the Idaho W. C. T. U.

Mr. PETTIGREW presented a memorial of the Choctaw and Chickasaw Nations of Indians relative to their claim to an interest in the lands embraced in Greer County, Okla.; which was referred to the Committee on Indian Affairs, and ordered to be printed as a document.

He also presented a communication from Henry W. Elliott, of Cleveland, Ohio, relative to the condition and driving of fur seals on the Pribilof Islands, Bering Sea, Alaska; which was ordered to lie on the table, and to be printed as a document.

REPORTS OF COMMITTEES

Mr. BURROWS, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 2741) to reclassify railway postal clerks and prescribe their salaries, reported it without amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 2822) to increase the pension of Theodore V. Purdy, reported it without amendment, and submitted a report thereon.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (S. 1902) granting a pension to Jennie E. Burch, reported it with an amendment, and submitted a report thereon.

Mr. WOLCOTT. I am directed by the Committee on Post-Offices and Post-Roads, to whom were referred four bills, to report them adversely with the recommendation that they be indefinitely postponed. I suppose, to meet the views of the Senators introducing the bills, they may be placed on the Calendar.

The bills were ordered to be placed on the Calendar, as follows:

A bill (S. 983) to consolidate mail matter of the third and fourth classes;

A bill (S. 1030) to require preference to be given to citizens of the States and localities where the mails are to be carried in all mail lettings;

A bill (S. 1162) making an appropriation for the purchase of Fairbanks & Co.'s Infallible American gold and silver coin scale and counterfeit-coin detector for use in the post-offices throughout the United States; and

A bill (S. 2243) for the relief of Rev. Robert Meacham.

Mr. WOLCOTT, from the Committee on Post-Offices and Post-Roads, to whom was referred the amendment submitted by Mr. HAWLEY on the 10th instant, providing that after January 1, 1897, no postage stamps shall be manufactured or furnished by the Bureau of Engraving and Printing, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. ALDRICH. I am directed by the Committee on Rules to report two amendments intended to be proposed to the sundry civil appropriation bill, one providing for the extension of the electric-light plants in the Capitol and to the grounds about the Capitol, and the other for the ventilation of the Senate wing of the Capitol. The second amendment is accompanied by a report made by Prof. S. H. Woodbridge. I move that the amendments be referred to the Committee on Appropriations and printed, together with the accompanying report by Professor Woodbridge.

The motion was agreed to.

Mr. PRITCHARD, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 227) requiring bills of sale, conditional sales, mortgages, or deeds of trust of chattels in the District of Columbia to be recorded, reported it without amendment, and submitted a report thereon.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. WHITE on the 9th instant, intended to be proposed to the sundry civil appropriation bill, the amendment proposing to appropriate $12,000 for additions to and alterations in the United States court-house and post-office building at Los Angeles, Cal., reported it without amendment and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

BREVET APPOINTMENTS.

Mr. SEWELL. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 3719) to provide for appointment by brevet of active or retired officers of the United States Army, to report it favorably with an amendment; and as the bill will not excite any opposition, I ask unanimous consent to put it on its passage.

The Secretary read the bill.

The PRESIDENT pro tempore. The amendment reported by the committee will be stated.

The amendment was, in line 5, to strike out "shall" and insert "may, at the discretion of the President"; so as to make the bill read:

Be it enacted, etc., That all officers of the Regular Army of the United States, active or retired, who served in the volunteer forces during the late war, may, at the discretion of the President, receive a brevet in the Regular Army equal to the highest rank held or the highest brevet received in the said volunteer forces and be commissioned accordingly as of the date of such brevet: *Provided*, That they have not already received a brevet of equal or higher grade in the Regular Army.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. PETTIGREW. I do not care to object, but I should like to know whether the bill increases the pay of these men or not?

Mr. SEWELL. It does not cause a dollar of expense to the Government. It affects a few officers who are still living and who received brevets in the volunteers. It will give them a brevet equal to that rank in the Regular Army for the remainder of their lives. There can be no possible objection to the bill.

Mr. ALLEN rose.

Mr. SEWELL. I will say to the Senator from Nebraska that I have amended the bill, by order of the committee, so that it is entirely in the discretion of the President to grant the brevet.

Mr. ALLEN. I should like to ask the Senator from New Jersey if the bill does not carry pay either now or hereafter?

Mr. SEWELL. Not at all.

Mr. ALLEN. I ask the Senator what is the necessity or the propriety of the bill?

Mr. SEWELL. It is simply the pride that military men have in rank. There are a number of these gentlemen (the number is confined to thirty or forty, I think) who served as major-generals, commanding divisions and corps, and they are now lieutenant-colonels and colonels in the Army. They would like to hand

down to their offspring the rank of brevet major-general in the United States Army. That is the sole purpose.

Mr. HAWLEY. The same rank they received in the volunteers.

Mr. SEWELL. The same rank they received in the volunteers.

Mr. HAWLEY. Which lapsed when they were transferred.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. ALLEN. With one word, I think I will withdraw my objection to it. I hope the Senator from New Jersey, who is liberal in this matter—and I feel that he is liberal in all other matters—will consent to amend the bill so that it will embrace all noncommissioned officers and private soldiers as well. Let it be provided——

Mr. SEWELL. I should be glad to do that if I knew what to give them.

Mr. ALLEN. I think they performed services equally meritorious and conspicuous.

Mr. SEWELL. But they did not receive brevets in the volunteer service. The bill refers only to officers who received brevets in the volunteer service.

Mr. ALLEN. The Senator from New Jersey has no doubt that we could create a rank of brevet colonel or brevet brigadier-general for all the private soldiers and noncommissioned officers and authorize the President to commission them.

Mr. SEWELL. I will say to the Senator that the Congress of the United States might make us all major-generals if it chose to do so.

Mr. ALLEN. I believe I will object to the consideration of the bill at this time.

The PRESIDENT pro tempore. Does the Chair understand the Senator from Nebraska to object?

Mr. ALLEN. Yes, sir.

The PRESIDENT pro tempore. Objection is made, and the bill will be placed on the Calendar.

Mr. SEWELL. I believe this is an exceedingly meritorious bill. It is one that passed the other House without the least objection, and I have amended it, by order of the committee, so as to take the peremptory part of it out and leave it entirely at the discretion of the President. I move to take the bill up, notwithstanding the objection of the Senator from Nebraska.

The PRESIDENT pro tempore. Such a motion would not be in order now.

Mr. ALLEN subsequently said: I send to the desk, and ask to have printed and lie upon the table, an amendment to House bill 3719, which was reported by the Senator from New Jersey [Mr. SEWELL] a little while ago.

The PRESIDENT pro tempore. The amendment will be received, and ordered to be printed and lie on the table, in the absence of objection.

ERIE (PA.) HARBOR IMPROVEMENT.

Mr. QUAY. I am instructed by the Committee on Commerce to report a joint resolution relative to the improvement of the harbor at Erie, Pa., and to ask for its immediate consideration. The joint resolution calls for information from the Department which is immediately required by the Committee on Commerce.

The joint resolution (S. R. 131) relative to the improvement of the harbor of Erie, Pa., was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of War be, and he hereby is, directed to examine into the feasibility and advisability of the improvement of the harbor of Erie, Pa., by the construction of dikes to prevent the closing by sand of the entrance of said harbor, and to make report thereon with an estimate of the cost of such improvement.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COAST AND GEODETIC SURVEY REPORT.

Mr. HALE. I report from the Committee on Printing a concurrent resolution, and ask for its passage.

The concurrent resolution was read, as follows;

Resolved by the Senate (the House of Representatives concurring), That the Committees on Enrolled Bills of the two Houses be authorized to correct enrolled joint resolution S. R. 116 by striking out the word "eight" in the said enrolled joint resolution and inserting "seven."

The PRESIDENT pro tempore. The Chair will lay before the Senate a message from the President of the United States relating to this subject, which the Secretary will read.

The Secretary read as follows:

To the Senate of the United States:

In compliance with a resolution of the Senate (the House of Representatives concurring), I return herewith the enrolled joint resolution (S. R. 116) authorizing the Public Printer to print the Annual Report of the United States Coast and Geodetic Survey in quarto form and to bind it in one volume.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 11, 1896.*

Mr. HALE. The resolution simply cures the defect.

The PRESIDENT pro tempore. The Senator from Maine asks for the present consideration of the resolution reported by him from the Committee on Printing.

The concurrent resolution was considered by unanimous consent and agreed to.

BURIAL PLACES OF SOLDIERS.

Mr. MITCHELL of Wisconsin. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. 1466) to purchase, inclose, and improve the sites, or portions thereof, of certain forts, battlefields, and graves of American soldiers, sailors, and marines in the Maumee Valley, and to erect thereon appropriate monuments and commemorative tablets, to report it favorably by substitute, and I ask that it be considered at this time. The bill is somewhat lengthy, and I suggest that the substitute only be read.

The PRESIDENT pro tempore. Without objection, the substitute will be read for information, instead of the original bill.

The Secretary proceeded to read the substitute.

Mr. ALLISON. If the bill leads to debate——

The PRESIDENT pro tempore. Does the Senator from Iowa object to the consideration of the bill at this time?

Mr. ALLISON. I shall not object to it if it does not lead to debate.

The Secretary resumed and concluded the reading of the substitute; which was to strike out all after the enacting clause of the bill and insert:

That there is hereby appropriated, upon the condition hereinafter prescribed, out of any money in the Treasury not otherwise appropriated, the sum of $17,000, or so much thereof as may be necessary, to enable the Secretary of War, on behalf of the United States, to acquire by purchase, or to accept the donation of, the site of Fort Meigs and the burial places adjacent thereto, in the State of Ohio, and the burial place on Put-in-Bay Island, in Lake Erie, in which burial place are interred the remains of certain soldiers and sailors of the war of 1812, and to transfer to said burial place or to Fort Meigs, and to inter therein, such remains of soldiers, sailors, and marines of the war of 1812 as may be found at or near any of the battlefields of said war in the State of Ohio, and to inclose said fort and burial places with suitable inclosures, and to erect therein appropriate monuments or tablets in commemoration of the men who lost their lives in the service of the United States on said battlefields or in the battle of Lake Erie: *Provided*, That this appropriation is made upon the express condition that a like sum of $17,000 be appropriated by the State of Ohio or secured by any association of citizens and placed at the disposal of the Secretary of War for the purposes of this act: *And provided further*, That upon the fulfillment of the condition above expressed, the Secretary of War may cause proceedings to be instituted in the name of the United States in any court having jurisdiction of such proceedings for the acquirement by condemnation of any land or right pertaining thereto needed to enable him to carry into effect the provisions of this act, such proceedings to be prosecuted in accordance with the laws relating to suits for the condemnation of property of the State wherein the proceedings may be instituted.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported from the Committee on Military Affairs in the nature of a substitute.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the protection and preservation of the burial places of certain soldiers and sailors of the war of 1812, and for other purposes."

MARIA E. WILSON.

Mr. GALLINGER. Yesterday the bill (H. R. 1181) for the relief of Maria E. Wilson was reported from the Committee on Pensions. Further facts having come to the attention of the committee concerning the bill, I move that it be taken from the Calendar and recommitted to the Committee on Pensions.

The motion was agreed to.

BILLS INTRODUCED.

Mr. BURROWS introduced a bill (S. 2850) granting a pension to Charles C. Onderdonk; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLEN (for Mr. THURSTON) introduced a bill (S. 2851) to remove the charge of desertion from the military record of George W. Witting; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SHERMAN introduced a bill (S. 2852) granting a pension to Eveline Sheridan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2853) to remove the charge of desertion from the name of William Weigel; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. BLACKBURN introduced a bill (S. 2854) for the relief of Thomas W. Cardwell, late of Company E, Twenty-first Regiment

Kentucky Volunteer Infantry, and Company H, Fourth Regiment Kentucky Mounted Volunteer Infantry; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HAWLEY introduced a bill (S. 2855) granting an increase of pension to Dora Z. Allen, widow of Robert W. Allen, late pay inspector, United States Navy; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2856) granting a pension to Sarah E. Jenkins, daughter of the late Admiral Thornton A. Jenkins; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2857) granting an increase of pension to Ella S. Mannix; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ELKINS introduced a bill (S. 2858) to provide for the construction of the Maryland and Delaware free ship canal as a means of military and naval defense and for commercial purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PLATT introduced a bill (S. 2859) changing the time for holding circuit court of the United States at Hartford, in the district of Connecticut; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. DAVIS introduced a bill (S. 2860) granting a pension to David Hunter; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SEWELL introduced a bill (S. 2861) to establish a military and national park upon the Palisades of the Hudson; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. TURPIE (for Mr. VOORHEES) introduced a bill (S. 2862) to remove the charge of desertion from the military record of Cornelius Farrell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PETTIGREW introduced a bill (S. 2863) to amend section 3287 of the Revised Statutes of the United States, authorizing in certain cases the storage of distilled spirits in metal tanks in distillery warehouses; which was read twice by its title, and referred to the Committee on Finance.

Mr. WHITE introduced a bill (S. 2864) to amend an act entitled "An act to refer the claim of Jessie Benton Fremont to certain lands and improvements thereon in San Francisco, Cal., to the Court of Claims," being chapter 80 of the private acts of the Twenty-seventh United States Statutes at Large, approved February 10, 1893; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BUTLER introduced a joint resolution (S. R. 132) to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Generals Francis Nash and William Davidson, of North Carolina; which was read twice by its title, and referred to the Committee on Revolutionary Claims.

Mr. LODGE introduced a joint resolution (S. R. 133) authorizing Surg. P. M. Rixey, of the Navy, to accept from the King of Spain the grand cross of naval merit with the white distinction mark, in recognition of services rendered to the officer and sailors of the *Santa Maria* who were injured by an explosion on that ship; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. BATE introduced a joint resolution (S. R. 134) authorizing foreign exhibitors at the Tennessee Centennial Exposition, to be held in Nashville, Tenn., in 1897, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits, and allowing articles imported from foreign countries for the sole purpose of exhibition at said exposition to be imported free of duty, under regulations prescribed by the Secretary of the Treasury; which was read twice by its title.

The PRESIDENT pro tempore. To what committee does the Senator from Tennessee desire to have the joint resolution referred?

Mr. BATE. I suppose the committee having charge of that subject.

The PRESIDENT pro tempore. The joint resolution will be referred to the Committee on Finance, in the absence of objection.

Mr. BATE. I suggest that the joint resolution be referred to the Select Committee on International Expositions, to which committee I understand bills and joint resolutions similar to the one I have just introduced have heretofore been referred. I do not care, however, as to what reference may be given the joint resolution, but merely make that suggestion.

The PRESIDENT pro tempore. The Secretary informs the Chair that the joint resolution came originally from the Committee on Ways and Means of the House of Representatives, and therefore the Chair supposes it should be referred to the Committee on Finance of the Senate.

Mr. BATE. Very well; I have no objection to that reference, though we have a committee which I suppose was created for the special purpose of taking charge of such subjects.

The PRESIDENT pro tempore. In the absence of objection, the joint resolution will be referred to the Committee on Finance.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GRAY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT submitted two amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. QUAY submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. LODGE submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. HILL submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. MANTLE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Judiciary.

CONTROL OF SLEEPING CARS.

Mr. PETTIGREW. I submit a resolution and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Committee on Interstate Commerce, to whom was referred Senate No. 1901, a bill to empower the Interstate Commerce Commission to control sleeping cars, and for other purposes, on February 4, 1896, be, and is hereby, directed to report said bill to the Senate at the earliest day possible.

Mr. CULLOM. I do not know where the resolution comes from, but I do not think it necessary to adopt the resolution. The Committee on Interstate Commerce is trying to do its duty in these matters without any instruction from the Senate. I can assure whoever introduced it that the committee has been giving and will give proper attention to this and all other business which has been referred to it. I hope with this statement the Senator will not undertake to force a resolution through carrying with it the idea that we are not doing our duty with reference to this subject or any other.

The PRESIDENT pro tempore. Does the Senator from Illinois object to the present consideration of the resolution?

Mr. CULLOM. I do not care to object to its consideration. I want the Senator who offered it to say what he wishes about it.

Mr. PETTIGREW. I meant no slight upon the Committee on Interstate Commerce. The bill was referred to the committee on the 4th of February, and I simply wish to call the attention of the committee to the matter. I was informed by the older members of the Senate that to offer such a resolution is not a matter of discourtesy or one that ought to lead to any possible objection on the part of the committee. I intended nothing of that sort. It seems to me the resolution can do no harm, and I hope the Senator from Illinois will withdraw his objection to it.

Mr. CULLOM. I think it is a reflection on the committee itself, because it is a declaration that the committee has not yet reported a bill and the Senate is asked to direct us to report it at once.

Mr. PLATT. Let me suggest that the resolution be referred to the Committee on Interstate Commerce.

Mr. CULLOM. I am perfectly willing to allow that to be done.

Mr. PETTIGREW. Very well; I do not object to that course.

The PRESIDENT pro tempore. Without objection, the resolution will be referred to the Committee on Interstate Commerce.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 14th instant approved and signed the act (S. 2132) for the relief of settlers upon lands within the indemnity limits of the grant to the New Orleans Pacific Railway Company.

REMOVAL OF CLERK IN POST-OFFICE AT PENSACOLA.

Mr. CALL submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Postmaster-General be, and he is hereby, directed to send to the Senate the correspondence relating to the recommendation of the postmaster at Pensacola, Fla., for the removal of a clerk in the post-office at Pensacola, Fla., and the action of the Post-Office Department thereon.

Mr. WOLCOTT subsequently said: I desire to call the attention of the Senator from Florida [Mr. CALL] and of the Senate to a resolution which was passed unanimously this morning introduced by the Senator from Florida. I noticed only a word or two of it and interposed no objection, for I was engaged at the time. The resolution reads as follows.

Resolved, That the Postmaster-General be, and he is hereby, directed to send to the Senate the correspondence relating to the recommendation of the postmaster at Pensacola, Fla., for the removal of a clerk in the post-office at Pensacola, Fla., and the action of the Post-Office Department thereon.

I do not apprehend that the Senator from Florida desires to put in motion the machinery of the Senate in order that we may ask the Postmaster-General to send to this body the correspondence he may have had with a postmaster at Pensacola looking to the removal of one of his clerks or that the letter of the postmaster at Pensacola to the Post-Office Department should necessarily be sent here for the consideration of the Senate and given publicity.

It may or it may not be such a subject as should be investigated, but in any event, Mr. President, not to occupy the time of the Senate further, I deem it my duty to interpose a motion to reconsider the vote by which the resolution was passed. Perhaps I can by conversation with the Senator from Florida fix the resolution in such terms as shall meet his views and at the same time save the possible construction that might be put upon the resolution.

The PRESIDENT pro tempore. The Senator from Colorado enters a motion for the reconsideration of the resolution.

Mr. CALL. I desire to say, in reply to the observation of the Senator from Colorado, that I shall be entirely willing to have the vote by which the resolution was passed reconsidered, provided the Senator will give me some reason why it should be done. When the matter comes properly before the Senate I shall have something further to say regarding it.

AFFAIRS IN CUBA PRIOR TO 1878.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate of the United States:

In response to the resolution of March 24, 1896, requesting that the Senate be furnished with the correspondence of the Department of State between November 5, 1875, and the date of the pacification of Cuba in 1878, relating to the subject of mediation or intervention by the United States in the affairs of that island, I transmit a report from the Secretary of State forwarding such papers as seem to be called for by the resolution in question.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, April 15, 1896.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the concurrent resolution of the Senate authorizing the Committees on Enrolled Bills of the two Houses to correct the enrolled joint resolution (S. R. 116) authorizing the Public Printer to print the Annual Report of the Superintendent of the United States Coast and Geodetic Survey in quarto form and to bind it in one volume.

The message also announced that the House had passed the concurrent resolution of the Senate to print 5,000 additional copies of the paper entitled "Economic geology of the Mercer mining district," being a part of the Sixteenth Annual Report of the United States Geological Survey.

The message further announced that the House had passed a bill (H. R. 8109) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution providing for the printing of 10,000 additional copies of Bulletin No. 15 of the Office of Experiment Stations of the Department of Agriculture, entitled Handbook of Experiment Station Work; in which it requested the concurrence of the Senate.

SENATOR FROM DELAWARE.

Mr. GRAY. Mr. President, pursuant to the notice that I gave yesterday that I would resume the floor to-day upon the privileged question, the resolution for the admission of Henry A. Du Pont to a seat in the Senate, I will, if the Senate will so far indulge me, proceed to consider that matter.

The PRESIDENT pro tempore. The Senator from Delaware moves that the Senate proceed to the consideration of a resolution which will be read.

The Secretary read the resolution reported by Mr. MITCHELL of Oregon, from the Committee on Privileges and Elections, February 18, 1896, as follows:

Resolved, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Delaware.

The motion was agreed to.

The PRESIDENT pro tempore. The resolution is before the Senate, and the Senator from Delaware is entitled to the floor.

Mr. ALLISON. Before the Senator from Delaware proceeds, I should be glad to know from those having charge of the privileged question before the Senate when it is their purpose to secure a vote upon the proposition? I do this with a view of getting the question out of the way in some form, because it materially interferes with other important business. I know it is also an important question, and I should be glad to learn what the purpose is of those having the matter in charge.

Mr. MITCHELL of Oregon. What is the Senator's question?

Mr. ALLISON. I should be glad to know whether some disposition can not be made of the Du Pont case so as to finally dispose of it? It has been going on here for a good many weeks at intervals, by unanimous consent and otherwise, and we have allowed appropriation bills to be laid aside and taken up at the close of business in the evening. For that reason I should be glad to have some understanding with our friends who have charge of the pending resolution.

Mr. MITCHELL of Oregon. I will state to the chairman of the Committee on Appropriations that as far as I am concerned, I have been anxious from the first, and I am still anxious, to reach a conclusion in the Du Pont case at the earliest possible moment. Speeches have been made, as the Senator knows, on both sides, and there are yet a number of speeches to be made on both sides, as I am advised. I have no objection, so far as I am concerned, as I know the appropriation bills should not be delayed unnecessarily, that after the Senator from Delaware, who has the floor to speak to-day on the Du Pont case, has concluded his speech the Senate shall proceed with the Indian appropriation bill, at all events.

Mr. HALE. I will state to the Senator from Oregon that in addition to that measure the naval appropriation bill has been reported and I am very desirous to go on with it the moment the Indian appropriation bill is out of the way. We expected to get both bills into conference before this time, but, as the Senator from Iowa has said, they have been pushed aside for speeches upon the Delaware case. Senators feel, I think, generally, that we ought to be at work upon the appropriation bills.

Mr. MITCHELL of Oregon. There are at least three or four Senators on this side of the Chamber who have notified me that they desire to be heard on the Du Pont case; and on the other side the Senator from Illinois [Mr. PALMER] at least has indicated to me that he desires to be heard.

Mr. ALLISON. What I desire is that we shall have some understanding as respects the business of the Senate, so that if the Du Pont case is to be considered now it will be understood that the appropriation bills shall be set aside. Otherwise we should have an understanding that when an appropriation bill is taken up for consideration in the Senate it shall be concluded without injecting other business.

Mr. MITCHELL of Oregon. I will make to the Senator from Iowa this suggestion, at all events, that after the Senator from Delaware shall have concluded his speech and after the bond question shall have been disposed of, then the Senate shall proceed with the consideration of the Indian appropriation bill to a finish, and perhaps by that time we shall be able to have some understanding as to the order of business.

Mr. SHERMAN. I wish to give notice that after the conclusion of the remarks of the Senator from Delaware to-day I shall move an executive session. Senators are probably aware of the object of the executive session.

Mr. PEFFER. I wish to say to the Senator from Ohio that there is an agreement by unanimous consent to proceed, when that time comes, with the bond resolution; but we can doubtless arrange as to that matter.

Mr. SHERMAN. It will not disturb that arrangement.

Mr. PEFFER. With that understanding, of course, I shall not interpose.

Mr. ALLISON. The bond resolution is subject to appropriation bills by a distinct statement made by myself the other day when it was sought to make that resolution a special order. Of course the Senator from Kansas does not expect to go on with the bond resolution to the exclusion of the appropriation bills; at least I hope not. I do not understand that to be the order.

Mr. PEFFER. I understand the agreement to be just as it was made, Mr. President. There was a unanimous-consent agreement made a few days ago that yesterday at 2 o'clock and 15 minutes p. m. we should proceed to the consideration of the bond resolution, but yesterday at 2.15 o'clock we were not ready by reason of the fact that the Senator from New Hampshire [Mr. CHANDLER] was on the floor in the midst of a speech. Then, by unanimous consent, the agreement was postponed or delayed until to-day at the conclusion of the speech of the Senator from Delaware [Mr. GRAY].

Mr. ALLISON. Then I understand the unanimous-consent agreement embraces the idea that the bond resolution is to be the unfinished business. I have no objection to that.

Mr. PEFFER. At that time?

Mr. ALLISON. At that time.

Mr. PEFFER. That is the understanding.

Mr. ALLISON. Giving way, of course, either by unanimous consent or otherwise, to appropriation bills.

Mr. PEFFER. That is rulable, undoubtedly.

Mr. PALMER. I wish to say that I desire to address the Senate on the Du Pont case, and will be ready at any time it suits the convenience of the Senate to hear me after the Senator from Delaware has concluded. So there need be no delay so far as I am personally concerned.

Mr. GORMAN. I trust the suggestion made by the chairman of the Committee on Appropriations, the Senator from Iowa, will be agreed to. We have been considering this privileged question in the Senate at odd times for the last month. We have now reached a point where all the great appropriation bills are nearly ready for the consideration of this body. It is unfair and it is a loss of time to attempt to bring the appropriation bills in here as we have done and sandwich them between the privileged question and the ordinary business of the Senate. We have reached appropriation bills in which there are great questions involved besides the mere amount of money to be appropriated, and those bills will have to be considered by the Senate very fully. It seems to me it would expedite business if we could have an agreement now to vote upon the privileged question on Wednesday next at 3 o'clock without further debate. If such an agreement is made we can then proceed with the ordinary business of the Senate——

Mr. MITCHELL of Oregon. I can not agree to a vote upon the Du Pont case at that time in view of the notices I have received from Senators on both sides of the Chamber who desire to be heard upon it.

Mr. GORMAN. That would give one week.

The PRESIDENT pro tempore. Objection is made to the request of the Senator from Maryland.

Mr. GORMAN. Do I understand the Senator from Oregon to object to fixing a time?

Mr. MITCHELL of Oregon. I have already stated to the Senator from Iowa, the chairman of the Committee on Appropriations, and I now repeat to the Senator from Maryland, that perhaps after the Indian appropriation bill is out of the way and we ascertain just who desire to be heard further upon the Du Pont case——

Mr. HALE. And the naval appropriation bill, I suggest also. That bill is on the Calendar and ready to be brought before the Senate.

Mr. MITCHELL of Oregon. Well, I suggest that we may then probably be able to see our way clear to make some arrangement. But at present I am unable to agree to any time for a vote upon the Du Pont case.

Mr. GORMAN. That, I take it, practically means that this case is not to be considered until after the 1st of June.

Mr. MITCHELL of Oregon. It does not, by any manner of means.

Mr. GORMAN. In view of the condition of the business of the Senate, with the debate that will necessarily occur upon the appropriation bills, with the very full consideration which those important measures now coming on require, and which ought to be disposed of before the 1st day of June—this is a question involving the right of a gentleman to a seat in this body; it is a privileged question; and it seems to me that some time should be fixed for taking the vote upon it. If one week will not do, ten days hence ought to be fixed, so that we can get it out of the way of all these important measures.

Mr. MITCHELL of Oregon. I will say what the Senate appreciates and understands, that this privileged question has not been proceeded with regularly. It has been taken up only at odd times, a speech made now and another then. We have not proceeded with it any one day for the full day. As far as I am concerned, I have a desire to accommodate the business of the Appropriations Committee and other business of the Senate, and I am now willing, having charge of the privileged question, that after the conclusion of the speech of the Senator from Delaware [Mr. GRAY] the Indian appropriation bill and the naval appropriation bill shall be taken up and concluded, and then I desire to go on and proceed to a finish with the Du Pont case.

Mr. STEWART. What has become of the unanimous-consent agreement?

Mr. MITCHELL of Oregon. That is included.

The PRESIDENT pro tempore. Debate is proceeding by unanimous consent.

Mr. STEWART. I wish it distinctly understood that there is a unanimous-consent agreement to consider the bond resolution after the conclusion of the speech of the Senator from Delaware [Mr. GRAY]. I should like to say——

Mr. MITCHELL of Oregon. I do not wish to interfere with that, of course.

Mr. STEWART. The bond resolution might be passed without any discussion. Everybody can read it and know what it is. There is no necessity for any discussion of it. I think it obviously ought to be passed, and it is very important before the appropriation bills are disposed of that we should know what the probable revenue will be. If the present policy continues——

Mr. HOAR. I shall object to debate, I believe, when the Senator from Nevada gets through.

Mr. STEWART. The Senator from Massachusetts can not take a Senator off the floor.

Mr. HOAR. I call for the regular order.

Mr. STEWART. If the present policy is to continue——

The PRESIDENT pro tempore. The Senator from Massachusetts calls for the regular order.

Mr. HOAR. I do not wish to interpose until the Senator from Nevada has finished.

Mr. STEWART. I will finish my sentence.

Mr. HOAR. I say I do not wish to cut off the Senator from Nevada.

Mr. STEWART. I do not want to break off in the midst of a sentence. I say if the present policy of selling bonds continues it will be necessary to make very large appropriations in order to get the money out of the Treasury, or we shall have no money in the country with which to do business.

Mr. ALLISON. I think the Senator will be satisfied with our efforts.

Mr. STEWART. If that resolution should be passed we could perhaps be a little more economical.

Mr. GRAY. Mr. President, in what I have to say in regard to the claim made on behalf of Mr. Du Pont that he was elected by the legislature of Delaware in May, 1895, as a Senator from that State to this body I shall endeavor to be as brief as clearness of statement will permit. As a citizen of the State where the legality of that claim is strenuously denied, I have been more than willing that other Senators, free from any supposed bias in this matter, should bear the burden, such as it is, of the argument on this side in opposition to that claim. I do not mean that I am conscious of any such bias as would interfere with the clear and impartial exercise of the judicial function we are now called upon to assume. At all events, I am most fortunate in approaching the discussion of this case free from all prepossession against the personality of the claimant, who has long been known to me as an accomplished gentleman and worthy of the high esteem and regard in which he is held as a citizen of my State. It is only because the claim made of his election is utterly unsupported by any view of the constitution of Delaware heretofore taken, or by any just view capable of being taken, that I conceive it my duty to oppose that claim.

Mr. President, at the outset it is proper to remark, in view of what has been said by all the Senators who have spoken in support of this claim, that all fair prepossessions founded upon the merits, founded upon the situation in the State of Delaware, are in favor of the propositions that I now support and which have been supported by the minority of the Committee on Privileges and Elections in opposition to the claim of Mr. Du Pont. If Mr. Du Pont shall be seated, he will be seated because a community in the State of Delaware has been disfranchised; he will be seated because one of the regularly elected members of the legislature upon which the duty of electing a United States Senator devolved has been deprived of the right to exercise the function of an elector, and thereby made a result possible which, if he had not been thus deprived, could not have been brought about. In other words, Mr. President, those who support the claim of Mr. Du Pont to a seat in this body can only hope to be successful by the accident of a vacancy in representation, which they argue has been brought about under the provisions of the constitution of Delaware.

No one doubts that if every person elected to the legislature of the State of Delaware by the people of that State was present and voting when the election for United States Senator was being held Mr. Du Pont would not be seated. No one doubts if Kent County in the State of Delaware had its full representation, which it had elected under the constitution, in that electoral body that Mr. Du Pont would not have been chosen. So that, if he should be admitted here and it should be declared that he was elected and entitled to a seat in this body, it would be by reason of this casus in the situation in the State of Delaware, and not by reason of the will of the people as expressed when they elected the members of the legislature.

So that, Mr. President, what I have said seems to me very apposite when we consider how each of the Senators who have supported this claim has animadverted in terms of more or less severity upon what they term a usurpation upon the part of one of the members elected from one of the counties in that State to the senate of Delaware, on what they variously call a seizure of office, an extrusion of the rightful speaker of the senate, and a seizing of the position. Mr. President, none of these epithets is applicable, none of them is justified by the situation, none of them applies justly to the situation that was created by the exercise by Mr. Watson of the office of governor under the constitution of Delaware.

I do not think it worth while to continue further in this line that has been opened up by Senators on the other side of this question, because I am quite willing to rest this case upon what I conceive to be the clear meaning of the constitution of the State. All we claim is that the provisions of that constitution shall not be set aside by the Senate of the United States. All we claim is that every legislative elector sent to the general assembly of the State of Delaware by the people of that State shall be allowed to exercise the right and the privilege and the duty that was imposed upon him when he was elected by his constituency; and it is only by depriving one of them of that right and of that commission given to him by his constituents that Senators can hope to seat the claimant in this case.

Mr. President, I pass for the present the attempt of the majority of the Committee on Privileges and Elections to have the Senate of the United States rewrite the constitution of Delaware and assume jurisdiction over the qualifications of a member of the Delaware senate, a jurisdiction belonging exclusively to that body. I wish, first, to vindicate the action of Speaker Watson in voting for United States Senator after he had assumed the exercise of the office of governor; and I do this, not because I believe that this is the tribunal where that vindication should be made, but because his conduct in the premises has been denounced and unsparingly assailed on this floor, and because the interpretation of the constitution of my State, acquiesced in through a hundred years of its history, and in accordance with which he acted, can be, as it has been, overwhelmingly sustained.

I will therefore proceed to state as succinctly as possible the propositions of law and fact which support and vindicate the statement made by the speaker of the Delaware senate as presiding officer in the joint assembly of the legislature on the 9th of May, 1895, at the conclusion of the last ballot on that day, when he declared that, no person having received a majority of the votes cast for United States Senator, there was no election to said office. I may say, in passing, that the statement was made twenty-seven times by the speaker of the senate of Delaware as presiding officer of the joint assembly, that no person having received a majority of all the votes cast for United States Senator there was no election to said office, and that no one out of the full membership of that assembly ever rose in his seat to suggest, much less to protest, that that statement was not literally and accurately true.

This belongs to the recital of the history of events upon which all argument must be founded. These proceedings appear in the regular journal of the joint assembly, as attested by the clerk of the senate, who was the clerk of that joint assembly, and a copy of the same appears as an exhibit in the report of the majority of the committee.

The parts of the constitution of Delaware with which we are principally concerned in this discussion are those which I send to the desk and ask the Secretary to read for me. They are from Article II, which treats of legislative power.

The PRESIDING OFFICER (Mr. BUTLER in the chair). The Secretary will read as requested.

The Secretary read as follows:

ARTICLE II.

SECTION 1. The legislative power of this State shall be vested in a general assembly, which shall consist of a senate and house of representatives.

SEC. 2. The representatives shall be chosen [for two years] by the citizens residing in the several counties.

No person shall be a representative who shall not have attained the age of 24 years, and have been a citizen and inhabitant of the State three years next preceding the first meeting of the legislature after his election, and the last year of that term an inhabitant of the county in which he shall be chosen, unless he shall have been absent on the public business of the United States or of this State.

There shall be seven representatives chosen in each county, until a greater number of representatives shall by the general assembly be judged necessary; and then, two-thirds of each branch of the legislature concurring, they may by law make provision for increasing their number.

SEC. 3. The senators shall be chosen for four years by the citizens residing in the several counties.

No person shall be a senator who shall not have attained to the age of 27 years, and have, in the county in which he shall be chosen, a freehold estate in 200 acres of land, or an estate in real or personal property, or in either, of the value of £1,000 at least, and have been a citizen and inhabitant of the State three years next preceding the first meeting of the legislature after his election, and the last year of that term an inhabitant of the county in which he shall be chosen, unless he shall have been absent on the public business of the United States or of this State.

There shall be three senators chosen in each county. When a greater number of senators shall by the general assembly be judged necessary, two-thirds of each branch concurring, they may by law make provision for increasing their number; but the number of senators shall never be greater than one-half nor less than one-third of the number of representatives.

If the office of representative or the office of senator become vacant before the regular expiration of the term thereof, a representative or a senator shall be elected to fill such vacancy, and shall hold the office for the residue of said term.

When there is a vacancy in either house of the general assembly, and the general assembly is not in session, the governor shall have power to issue a writ of election to fill such vacancy; which writ shall be executed as a writ issued by a speaker of either house in case of vacancy.

* * * * * *

SEC. 5. Each house shall choose its speaker and other officers; and also each house, whose speaker shall exercise the office of governor, may choose a speaker pro tempore.

SEC. 6. Each house shall judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorized to compel the attendance of absent members in such manner and under such penalties as shall be deemed expedient.

* * * * * *

SEC. 12. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this State, which shall have been created, or the emoluments of which shall have been increased, during such time. No person concerned in any army or navy contracts, nor member of Congress, nor any person holding any office under this State, or the United States, except the attorney general, officers usually appointed by the courts of justice, respectively, attorneys at law, and officers in the militia, holding no disqualifying office, shall, during his continuance in Congress or in office, be a senator or representative.

Mr. GRAY. Mr. President, I now read from Article III of the constitution, which relates to the executive power:

ARTICLE III.

SECTION 1. The supreme executive power of the State shall be vested in a governor.

SEC. 2. The governor shall be chosen by the citizens of the State.

There is no suggestion, much less any authorization, in that first section, or in any other provision of the constitution, that a governor can be created in any other fashion—

The governor shall be chosen by the citizens of the State.

* * * * * * *

SEC. 3. The governor shall hold his office during four years from the third Tuesday in January next ensuing his election, and shall not be eligible a second time to said office.

SEC. 4. He shall be at least 30 years of age, and have been a citizen and inhabitant of the United States twelve years next before the first meeting of the legislature after his election, and the last six of that term an inhabitant of this State, unless he shall have been absent on the public business of the United States or of this State.

SEC. 5. No member of Congress, nor person holding any office under the United States, or this State, shall exercise the office of governor.

* * * * * * *

After reading these clauses of the constitution of Delaware there will be no difficulty in understanding the true bearing of section 14, which is the important one in this case.

It provides as follows:

SEC. 14. Upon any vacancy happening in the office of governor by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified. If there be no speaker of the senate, or upon a further vacancy happening in the office by his death, removal, resignation, or inability, the speaker of the house of representatives shall exercise the office until a governor elected by the people shall be duly qualified. If the person elected governor shall die, or become disqualified, before the commencement of his term of office, or shall refuse to take the same, the person holding the office shall continue to exercise it until a governor shall be elected and duly qualified. If upon a vacancy happening in the office of governor there be no other person who can exercise said office within the provisions of the constitution, the secretary of state shall exercise the same until the next meeting of the general assembly, who shall immediately proceed to elect, by joint ballot of both houses, a person to exercise the office until a governor, elected by the people, shall be duly qualified. If a vacancy occur in the office of governor, or if the governor-elect die, or become disqualified, before the commencement of his term, or refuse to take the office, an election for governor shall be held at the next general election, unless the vacancy happen within six days next preceding the election, exclusive of the day of the happening of the vacancy and the day of the election; in that case, if an election for governor would not have been held at said election, without the happening of such vacancy, no election for governor shall be held at said election in consequence of such vacancy. If the trial of a contested election shall continue longer than until the third Tuesday of January next ensuing the election of a governor, the governor of the last year, or the speaker of the senate, or of the house of representatives, who may then be in the exercise of the executive authority, shall continue therein until a determination of such contested election. The governor shall not be removed from his office for inability but with the concurrence of two-thirds of all the members of each branch of the legislature.

It is submitted, sir, that an intelligent and careful reading of these provisions would not leave a doubt of the following propositions:

First. That the scheme of the Delaware constitution provides for a governor, to be elected by the people, in whom the supreme executive powers of the State shall be vested, who shall hold his office for a term of four years and have certain prescribed qualifications and not be eligible for a second time to the office.

Second. That no other than one so elected for the term and with the qualifications prescribed by the constitution is a governor in the full constitutional sense.

Third. That the framers of that constitution, regarding the vicissitudes of human life, have provided in case of the death of a governor so elected that the duties of the office shall be discharged by a person holding a place of high dignity in the legislative department of the government, to wit, the speaker of the senate, who is necessarily a senator elected to represent one of the counties of the State.

Fourth. That the speaker, upon whom the constitution in such a contingency devolves the exercise of the office, exercises a temporary and ad interim function until a governor in the full constitutional sense can be elected by the people. That he does not exercise the office for a full term of four years or for the remainder of the term of the deceased governor, but only until an election for governor can be had; it may be only for a few weeks.

Fifth. That the constitution in devolving this temporary ad interim function upon the speaker of the senate has not provided that thereby such speaker shall vacate the place of a senator from

Mr. STEWART. The bond resolution might be passed without any discussion. Everybody can read it and know what it is.

cise by Mr. Watson of the office of governor under the constitution of Delaware.

speaker pro tempore.

the county to which he was elected. And the whole scheme of the constitution negatives any implication of the intent to create such a vacancy.

The speaker of the senate in such cases is a guardian of the gubernatorial office, like the civil law term in loco parentis—in loco gubernatoris—custos; like the great seal, being "in commission" when there is no chancellor.

Those are cases which seem to me analogous and most like the provision that is made by the Delaware constitution for the contingency of the death of a governor elected by the people. All of these exercises of authority are well understood and well known as not conferring either the rank or the power or the substance of the office, but are stop-gaps; they are made for a temporary emergency, which it was thought best should be provided for in order that the machinery of government might not break down. It does not require any refined exegesis to explain that to the plain people of the State for whom constitutions are made. They can understand that one officer may, upon a temporary emergency, exercise the duties of another office without stepping into the shoes of that officer, or being or becoming the officer whose duties he is performing. It is a thing which belongs to the common affairs of everyday life, and when the constitution makers of Delaware framed this provision to meet a temporary emergency they knew that they were speaking to people who would understand the machinery that had been provided to meet the case that was described.

It is inconceivable that intelligent men, engaged in the serious business of framing the organic law of a State, should have neglected to expressly declare and provide for a vacancy in the representation in the senate from a county, if one was intended or contemplated, when the speaker of the senate should exercise the office of governor upon the happening of a contingency for which they were then providing. Think of it for a moment, Mr. President! Here were presumably intelligent men, selected from the body of the citizenship of the State, a State that has proved its capacity for self-government through a hundred years of American history, and these men, thus selected to make a framework of government, after providing for the deposit of executive power, and coming to the obvious suggestion that there might be by resignation, death, or removal a temporary vacancy in the office of governor, proceed to provide for that contingency. And they do provide for it, not by leaving the office vacant for a time, however short, for they knew that the inconveniences of having an absolutely vacant office, or having no one to exercise the executive power when it should be necessary to exercise it, would be great, but they said that, although we have provided that the governor shall be elected by the people, or chosen by the people, as is the more apt phrase of the constitution, and in him all executive power is lodged, yet if during his term he dies or is removed or is unable to perform the duties of his office, then until we can have another governor elected by the people we will take the obvious, common-sense, businesslike procedure of devolving the duties of that office upon a man already elected by the people and promoted to a high and dignified office, to wit, the speakership of the senate of the State, and say that he shall exercise it for what time? For the balance of the term? No; but until the people shall elect a governor and he qualifies.

Mr. President, is there anything remarkable about that? Is there anything to justify the epithet of "anomalous" applied to it by the Senator from New Hampshire [Mr. CHANDLER] yesterday afternoon? Imagine that having done that, these framers of the organic law of Delaware, having devolved that duty upon the speaker of the senate of Delaware as a stop-gap, should have been confronted with the suggestion "you have probably made a vacancy in the office or position or place of representative in the senate from Kent County, or Newcastle, or Sussex," and they said, as the Senator from Oregon in effect declares they said, "Oh, well; let it go; we will leave it open for construction when the occasion arises." Or suppose they had been told that "there was an American system, an American common law" that was so binding, that was so well understood, so all-pervasive, that of its own force it would work a vacancy, as was said by the Senator from New Hampshire yesterday. If there was such a law, as claimed by the Senator from New Hampshire, we must presume that those framers of the constitution of Delaware understood it as well as he, that John M. Clayton, George Read, James Rogers, Willard Hall, and Charles Polk, and their colleagues knew as much about the American system as even the distinguished Senator from New Hampshire. Yet we are asked by the distinguished Senator to believe that when these men were confronted with this American doctrine which is said created a vacancy in the representation from a county, depriving the constituency of one-third of its representation, they said, "We will not provide for it; let it go; let one-third of the people of that county go unrepresented." Vacancy in the representation of a county where there are only three to represent it is about as important a matter as a vacancy in the Executive office, and yet we are told that those men, confronted with that situation, were willing that the vacancy should go unprovided for, and never wrote one line to show that they recognized that vacancy, much less to provide for filling it.

I am here to defend my State from the imputation of ever having had a constitutional convention composed of men so fatuous, so unfitted for the high duty they were called upon to perform, that when confronted with an exigency like that they did not have intelligence enough to deal with it. Oh, no, Mr. President; I said it was inconceivable. So it is. When they said that the duties of this office shall devolve upon the senator who happens to be speaker it never entered their heads that they were vacating the office of senator from one of the counties, or else we know that they would have provided for the filling of that vacancy.

We might stop and leave the case here, taking the plain language of the constitution in section 14, which says:

> Upon any vacancy happening in the office of governor, by his death * * * the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified.

We might stop there, with not a word in the section or in the constitution about the effect of that provision upon the representation of a county in the senate, not a suggestion that a vacancy was ever contemplated, and say we will not do violence to common sense, to the rights of the people of a sovereign State, by here in the Senate of the United States undertaking, under our power to judge of the qualifications and elections of a Senator of this body, to unseat a senator or vacate a place in the senate of Delaware.

Mr. MILLS. May I ask the Senator from Delaware a question?

Mr. GRAY. Certainly.

Mr. MILLS. Suppose the office of governor should have been cast upon the speaker of the house of representatives, as is contended for, and then an election should be ordered for governor of the State and a governor elected in accordance with the constitution; would the speaker then be out of office?

Mr. GRAY. Certainly. As soon as the governor is qualified the speaker would cease, in the language of the constitution, the exercise of the office of governor.

Mr. MILLS. He would not be speaker? He would have lost his office as speaker entirely?

Mr. GRAY. He would not have lost his office as speaker or senator. I will come to that point presently. The practice for one hundred years under the preceding constitution, which was precisely similar, has been that he resumed his place.

Mr. MILLS. I think the word "until" would imply that he did.

Mr. GRAY. I think so. I do not think there is any other construction to be put upon it.

We are not to make pawns of the rights of the citizens of a State upon the political chessboard. We are not to gamble away the rights of great communities, and to stultify our own common sense in order to accomplish a predetermined purpose or end. Constitutions, as I said a while ago, are made for the plain people of a State. They were meant to be interpreted by those plain rules which govern the meaning of the English language, in which they are written, and it will not do here in this high place by argumentation, by dialectics, by refined and subtle reasoning to reason away the plain, obvious, common-sense meaning of these great charters, and leave the people dazed and amazed at the consequences of what they themselves have done.

They had provided that each county should have three senators, and they had provided that all vacancies should be immediately and without delay filled by a special election. They recognized the serious consequences of a vacancy in the representation of a county. Did they intend to create a vacancy of which they did not speak, or leave it, as the chairman of the Committee on Privileges and Elections says, an open question whether there was a vacancy or not, to be determined by the casuistry of lawyers and United States Senators?

One of the most remarkable of all the remarkable and ingenious arguments that have been made in this case on behalf of the claimant was made by his counsel before the committee and indorsed by the chairman of the committee when he says:

> The true construction—

As if this section wanted any construction in the sense in which they are speaking here—

> The true construction of this section is not that it is optional with the speaker, either of the senate or of the house, while exercising the office of governor also to perform the functions of speaker and senator or representative, but that when the speaker shall exercise the office of governor the house shall have authority to choose another speaker.

He is alluding now to an interpretation of that clause in the constitution which says that when the speaker of the senate shall exercise the office of governor the senate may elect a speaker pro tempore.

This—

Says the counsel—

> leaves it open for construction when occasion arises to determine whether or not by becoming governor the speaker thereby vacates his offices of senator and speaker.

Is it worth while to pursue further an argument which has been driven into that corner, that here a solemn provision of the constitution of a State is said not to be amenable to the plain, obvious construction which it bears upon its face, but the true construction is that it is left open when occasion arises to determine whether or not by becoming governor the speaker thereby vacates his office of senator and speaker? As though constitutions were made in order to raise questions, moot questions, to exercise the wit and ingenuity of lawyers, and not made for the government of a plain, honest, and intelligent people. He says the true construction is that it is left open for determination when the occasion arises.

Mr. GEORGE. That would mean that those who were the framers of the constitution refused to do so and left it to their successors in after years to frame it for them.

Mr. GRAY. Certainly. That is what it means, that they were derelict in their high duty of framing the organic law of the State, but in this important particular left it open for future determination when the occasion arises; borrowing trouble from the future; going to seek it, instead of quietly—by a plain, simple provision—setting all question at rest.

No such absurd argument, I say with all due respect to the committee, was ever before made in regard to the interpretation of any constitution of a free State.

Mr. PUGH. What reason can be imagined for leaving it open?

Mr. GRAY. Nothing we can suppose, except to gratify those who delight in the display of ingenious and refined argument. That way of looking at this provision has done this, I grant you. It has given to us the pleasure of seeing the most remarkable exhibition of the ability and ingenuity and dialectical skill of the chairman of the Committee on Privileges and Elections. But if there is any other conceivable purpose for which they should have adopted an interpretation which Senators solemnly say they did adopt, that is, the open construction theory, I am not competent to imagine it.

According to the other side these men were engaged in making a provision for the given contingency of the death of the governor, by compelling a senator temporarily to exercise the office, yet they either did not know that their action was creating an almost equally important vacancy in the representation of a county, or if they knew it they did not consider it a matter grave enough to mention and provide for or even to allude to. We do not believe it. No argumentation can convince a reasonable man that either alternative was true. On the contrary, the express language of the constitution tells us that they did have in mind and did contemplate the consequences and possible effect of what they were doing, for it says that each house whose speaker shall exercise the office of governor—may elect another senator in his place? No—but may choose a speaker pro tempore.

The framers of the constitution thereby declared, not only by their silence but expressly, that the exercise of the office of governor by a senator in the contingency provided for should not work a vacancy in the representation of any county in the senate. The whole scheme of the constitution is in harmony with this plain meaning and construction. Could anything more clearly show that they knew what they were doing? Here they were providing for the consequences of imposing the duty of exercising the office of governor on a senator. How did they do it? By providing for a vacancy or suspension? No. But by a provision that negatived a vacancy or suspension.

Mr. President, imagine, if such a feat of imagination were possible, that here, when they had ordained that in the event of the death of the governor the speaker of the senate should exercise the office until a governor could be elected by the people, and that immediately thereafter they had said when the speaker of the senate or of the house shall exercise the office of governor either house may elect a speaker pro tempore—imagine any one getting up in the convention and saying we have adopted this provision for the temporary exercise of the office of governor and we have provided that when the speaker is in the exercise of the office of governor a speaker pro tempore may be elected by the senate or the house, as the case may be; but there is an American law, to use the phrase of the Senator from New Hampshire [Mr. CHANDLER], which provides that whenever a legislative officer is called upon to exercise executive duties he shall vacate his legislative place. Imagine, then, that they, by silence or by express assent, go on with their work on other branches of the constitution without a syllable to show that they either recognized that American public law, as it is called, or attempted to provide for the consequences it might work.

The constitution does not make the speaker of the senate governor, and if I understood aright the exceedingly able and interesting argument of my friend the Senator from Michigan [Mr. BURROWS], the whole force of what he said was directed during the hour that he spoke to show that when the constitution did say that the speaker of the senate shall in the contingency of the death of the governor exercise the office of governor it made him governor. That was the burden of his argument. It was insisted upon by the Senator from Oregon [Mr. MITCHELL], the chairman of the committee; it was dwelt upon by the Senator from Utah [Mr. BROWN] and by the Senator from North Carolina [Mr. PRITCHARD]. The framers of the constitution could make just such provision as they pleased. They could say that the speaker of the senate "shall be governor" or "shall become governor" upon the happening of this contingency; but they did not say it. The Senator from Mississippi [Mr. GEORGE] has shown in his interesting and exhaustive argument that they knew the English language and they knew how to say "become" and "be" when they wanted to say "become" and "be." But they did not say it here. What are you going to do about it? They have chosen to make a distinction between being governor and exercising the office of governor, and who shall say them nay? Do you deny the power to make that distinction? Do you deny to the people of a State in framing their organic law the right to use such language as expresses their intent? You say they said he shall become governor, but when we turn to the constitution we find that it says the speaker in such contingency shall exercise the office of governor.

Mr. MITCHELL of Oregon. Will the Senator from Delaware allow me?

Mr. GRAY. Certainly.

Mr. MITCHELL of Oregon. The provision in the Constitution of the United States with respect to the Vice-President does not say that the Vice-President shall become the President, and yet would the Senator from Delaware contend that the Vice-President does not become the President of the United States to all intents and purposes in the event of a vacancy?

Mr. GRAY. We are not discussing the Constitution of the United States at the present moment; at least I am not. But if it were necessary, and I may have something to say about it before I conclude, to take up the line of argument suggested by the Senator from Oregon, I would merely suggest to him that it has been a matter of considerable difficulty with jurists in this country wherever it has been discussed whether he became President or was acting President, and I think that the weight of authority and opinion, as far as I am able to estimate it, is on the side of considering the Vice-President in that event as acting President, just as the Constitution describes him, and not as President. However that may be, we are discussing the constitution of Delaware and not the Constitution of the United States, and I will say that anyone who reads that constitution will agree with the Senator from Indiana [Mr. TURPIE], and I take pride in saying it, that its language, its style, its verbiage, and the knowledge it implies of the use of words and the force of language are equal to that displayed in the Constitution of the United States.

Of course there is no limit to the exercise of the human intellect. Ingenuity, dialectical skill, from the time of the scholiasts to the time of the Senator from Oregon, has been employed to "make the worse appear the better reason." There is no human language that can be employed, however plain and direct, which, when subjected to this sort of intellectual exercise, can not be made to create at least conundrums and puzzles for the ingenious and skillful. But, Mr. President, we are here exercising the high judicial function imposed upon us by the Constitution of the United States, and it has been over and over again declared in this body and in every other tribunal which has been called upon to consider such questions that when you are called upon to construe a statute, much more the organic law of a State, "words are things," and that the plain, obvious meaning of the English language employed in setting down the landmarks of a State's government shall not be tortured or twisted or strained out of their natural and ordinary meaning in order to make occasion for the exploitation of the skill of the particular expounder, and that where words are used ex industria they are to be taken as meaning something, and that where one word or set of words is used in contradistinction or in apposition to another there is meant to be a clear line of demarcation between them, and you are not at liberty to disregard that use of language.

The constitution does not make the speaker of the senate governor. It does not say that in a certain contingency he shall be governor, but it everywhere keeps separate and distinct the governor elected by the people from one who on the death of the governor exercises the office temporarily and ad interim. It is all well enough to say that they mean the same thing, and that the governmental machine runs along when somebody is exercising the office, but it will not do to disregard the plain distinction that the framers of the constitution chose to make between the two. Nowhere in the constitution where it is necessary to speak of such a person is he spoken of as governor, but he always is called by the long and more inconvenient locution of speaker of the senate or house exercising the office of governor. Does that mean nothing?

When speaking of this man after the duties have been devolved upon him, not when they are making the provision which

portant a matter as a vacancy in the Executive office, and yet we

not by becoming governor the speaker thereby vacates his offices of senator and speaker.

death of the governor exercise the office of governor it made him

volved upon him, not when they are making the provision which

devolved the duties upon him, they always speak of him as speaker of the house or of the senate exercising the office of governor. Why did they not say "governor"? They could have said it. It is shorter, less roundabout.

Mr. GEORGE. Because they did not want him to be governor.

Mr. GRAY. They had a purpose. They chose to distinguish them, and they had a right to distinguish them.

Article III, section 1, says:

The supreme executive powers of the State shall be vested—

Where?

in a governor.

Section 2 says:

The governor shall be chosen by the citizens of the State.

A governor in the full constitutional sense must, as I have before said, be elected by the people.

Section 3 of this article says:

The governor shall hold his office during four years.

"The speaker of the senate," says section 14, "when there is a vacancy in the office of governor," shall exercise the office until a governor elected by the people shall be duly qualified.

Mr. MITCHELL of Oregon. Would it disturb the Senator from Delaware if I ask him a question right here?

Mr. GRAY. Not at all.

Mr. MITCHELL of Oregon. Perhaps I should like to ask two questions. The first one is this: Is there any one function that a governor elected by the people of Delaware can exercise which can not be exercised by the person who as speaker of the senate succeeds to the exercise of the office of governor, or is there any—I was about to say penalty, and I will say it—penalty to which the governor elected by the people of the State is subject or may be subject to which the speaker of the senate who succeeds to the exercise of the office of governor is not subject? That is the question.

Mr. GRAY. Is that the whole of it?

Mr. MITCHELL of Oregon. That is all of this question.

Mr. GRAY. There it is again. The constitution of Delaware or its framers have seen fit clearly to distinguish between the governor, who they say shall be chosen by the people for four years, and the speaker of the senate, who in a given contingency shall exercise the office of governor. They have chosen to do it; they have continued that distinction all through the constitution; and yet the Senator comes here and says that it means the same thing as "be" or "become" governor, because the person who thus exercises the office performs every duty that is imposed upon the governor. That may be, but in between the performance of those duties I take it he is not governor, nor is he governor when he is performing them, but he is the person whom the constitution directs to perform them.

They have seen fit to make that distinction, and yet the Senator from Oregon says they had no right to make it. He says it means something else; it means that he shall be governor—just as the people of Pennsylvania after having a constitution such as we have, acting upon it as we have in the State of Delaware, when they came to amend their constitution said the speaker of the senate in that contingency shall become governor. They had a right to say it, to make the distinction.

Mr. MITCHELL of Oregon. That was a very long answer to a question that might have been answered yes or no.

Mr. GRAY. I am not here when I am making my argument to be catechised categorically by the Senator, to answer yes or no.

Mr. MITCHELL of Oregon. Certainly not. Then do I understand the Senator from Delaware to admit in substance and effect that there is not a single function which the governor of Delaware elected by the people can exercise but can be exercised and is exercised by the speaker of the senate who succeeds to the exercise of the office of governor?

Mr. GRAY. I do not admit it. I say that the speaker who exercises the office undoubtedly performs the duties that are imposed upon the governor. That is what I say, and I do not choose to put my answer in any different form from that.

Mr. MITCHELL of Oregon. Very well. Now, one other question bearing on the same point. Does the Senator from Delaware regard that there is any difference at all in the character of the person (call him governor or what you please, that is his official character) who is the speaker of the senate and who succeeds to the exercise of the office of governor and the person who may be, under certain circumstances, elected by the legislature to exercise the office of governor until a governor elected by the people shall be duly qualified?

Mr. GRAY. I do not know, Mr. President——

Mr. MITCHELL of Oregon. In the one case an official is taken and in the other case a person is taken, not an official. Do they occupy any different position?

Mr. GRAY. I do not know, and if the Senator from Oregon will excuse me, I do not think it necessary to answer that conundrum. I am not prepared to answer. I have not thought much of it, but I have my view of it.

Mr. MITCHELL of Oregon. I think it is very important.

Mr. GRAY. I do not think it is important. I do not think it has any materiality here at all.

Mr. President, there is a difference which the common mind recognizes between the officer full panoplied with all the dignity that the constitution ordained by the people can give him and the one who temporarily performs the duty when he is unable or when God has smitten him with death. Is there no difference between the chancellor of England and the commission who holds the seal? Is there no difference between the custodian of the property and rights appointed when the proper owner is dead and that proper owner? Is it not a common distinction everywhere that the one stands in a relation temporarily, as I said a while ago, where a man stands in loco parentis? Is the guardian the father because he exercises the duties of natural parent? Not at all. The distinction is important. We do not choose in Delaware to invest this temporary stop-gap with the dignity and with the supreme power of governor elected by the people. We say to him, "We want you and command you to exercise the duties when this visitation of Providence has come and taken our governor away until we can elect a governor, one who shall exercise the office of governor until a governor is elected by the people."

There is where they make the distinction in the first place, and it runs all through the constitution. I am here to show that the Senate of the United States has no right in the exercise of the powers conferred upon it by the Constitution of the United States to ignore that distinction. It has no right to invade a State and override its constitution according to its notions of what that constitution ought to be. It may be that the Senator of New Hampshire was right in his learned argument and the distinction he made between legislative powers and executive powers. It ought always to be maintained after the strictest fashion. But can we impose that upon a State? No; we are here to recognize the people of the State and the organic law that they ordain as equal authority and binding force with the Constitution of the United States. It is part of our scheme of government. The Constitution of the United States recognizes it. The preservation of the rights of the States is just as important to the integrity of the National Government as the enforcement of the provisions of the National Constitution itself.

What is our scheme of government? It is a dual scheme. That is recognized everywhere. It is just as much our business to preserve that dual scheme in all its integrity, it is just as much our duty to be jealous of the rights and powers of the States, as it is that we should keep ourselves within proper observance of the provisions of the Constitution of the United States. You can not get away from it. That is the American doctrine. That is the atmosphere we breathe, and we can not live as American citizens out of that atmosphere.

Mr. President, I was speaking, when I was interrupted, of the distinction the constitution of Delaware has seen fit to make in the very beginning between a governor elected by the people and a speaker of the senate or house who shall on a given contingency exercise that office. The governor elected by the people is not eligible a second time to the office; but a senator who exercises the office may be elected at the next or any subsequent election. That is a pretty considerable difference between the one who exercises the office and the one who is really the governor.

Mr. CHANDLER. It is a difference of function or of power, the Senator from Delaware will allow me to say.

Mr. GRAY. The constitution says that—

The governor shall hold his office during four years from the third Tuesday in January next ensuing his election, and shall not be eligible a second time to said office.

But a senator who exercises the office may be elected, as I said, at the next or any subsequent election. The Senator from Oregon says that on a vacancy happening in the office of governor all the constitution does is to make the speaker "eligible" to the office of governor, and if he does not waive it he becomes governor. The constitution says that when there is a vacancy by reason of death in the office of governor the speaker of the senate "shall" exercise the duties of the office, but the Senator says, and I repeat, that when a vacancy happens in the office of governor all the constitution does is to make the speaker "eligible." What is the meaning of "eligible" in the clause "eligible to the office"? Why, capable of being chosen. But the constitution says he "shall exercise the office." It is mandatory. He can not get away from it. It is not for him to accept. It is just as much a part of his duty as senator and speaker as it is to attend on the sessions of the senate and perform his duty to his constituency when there.

Mr. MILLS. The governor, they contend, can be governor half a dozen times.

Mr. GRAY. Yes, but the Senator from Oregon disregards this peremptory and imperative command, "shall exercise the

office," and merely makes the speaker eligible to the office of governor.

Now, look at what violence they have to do to the text of the constitution in order to accomplish that result. We read it as it is and take the plain common-sense interpretation. They say that they brush aside this clear command that the speaker "shall exercise the office" in a given contingency, and it only means—I quote the language of the Senator again—"that the speaker shall be eligible to the office of governor." If he does not waive it and voluntarily takes the oath of office he becomes governor.

Mr. President, does not the statement itself of that position refute it? How can you make it any plainer that they are talking about a thing outside of the constitution of Delaware, and that we are arguing upon what we find within its four corners? That is all there is about it. They are, as the Senator from Mississippi said, striking out and inserting. We are taking the text as it came from the representatives of the sovereign people and giving effect to the plain language that they have used. The governor must "be at least 30 years of age," but the senator who exercises the office may be less than 30 years old. The governor must be "a citizen and inhabitant of the United States twelve years next before the first meeting of the legislature after his election," but a senator exercising the office need only be "a citizen and inhabitant of the State three years." Is there no difference between the two?

Mr. CALL. I should like to ask the Senator from Delaware a question.

Mr. GRAY. Certainly.

Mr. CALL. I ask him if the speaker should resign his office as senator and speaker what would become of the governor? Would he be governor under that language of the constitution?

Mr. GRAY. The Senator from Massachusetts argued that case at considerable length and made a most interesting exposition of his view of a similar situation in regard to the President pro tempore of the Senate exercising the office of President, or acting as President, whatever the language may be. He said that every time the President pro tempore resigned or was removed and another put in there would be a new man to act as President.

But there was one point that I had overlooked. I was speaking of the distinction, made by the constitution and carried through all its provisions, between a governor elected by the people and the speaker, who temporarily exercises the office. I would not dwell upon it except that it seems to be the burden of the argument upon the other side. Certainly it was the sole burden of the argument of the Senator from New Hampshire. Of course he considers it important that the speaker, when he exercised the office, actually became governor and there was no distinction between him and the governor elected by the people.

In section 14 they commence by saying that—

The speaker of the senate shall exercise the office until the governor elected by the people shall be duly qualified.

They also say in section 5 of Article II that—

Each house shall choose its speaker and other officers; and also each house, whose speaker shall exercise the office of governor, may choose a speaker pro tempore.

Why did not the framers of the constitution say, if what the Senator from Oregon says be true, that each house whose speaker shall become governor shall choose a speaker. But they seem to have understood what they were about, and knew how to use proper language when they wished to make a discriminative use of it. Why did they say, "Each house whose speaker shall exercise the office of governor may choose a speaker pro tempore"?

Mr. MILLS. A speaker pro tempore is chosen temporarily.

Mr. GRAY. Certainly. They go further on and say:

If the trial of a contested election shall continue longer than until the third Tuesday of January next ensuing the election of a governor, the governor of the last year—

That is, the governor elected by the people; it can not be anybody else—

or the speaker of the senate or of the house of representatives who may then be in the exercise of the executive authority shall continue therein until a determination of such contested election.

Mr. President, what is to be said about a contention that there is no distinction in the constitution of Delaware between the office of governor and the exercise by the speaker of the senate of that office?

The PRESIDING OFFICER (Mr. BUTLER in the chair). The Senator from Delaware will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation.

Mr. MILLS. I ask that the unfinished business be laid aside, in order that the Senator from Delaware may proceed with his remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. VILAS. The unfinished business is laid aside simply that the Senator from Delaware may finish his remarks?

The PRESIDING OFFICER. It is laid aside temporarily.

Mr. GRAY. Now, let me read again. What are you going to do with this language? Will they say that it does not mean anything? Of course it is possible to say so, but the language will remain whatever you say about it. The constitution will remain as the people of Delaware made it. Whether the Senator from Oregon or the Senator from New Hampshire says that it means nothing, it will remain there to be construed by lawyers and by sensible people as long as the people of Delaware choose to have it remain. Let me read it again:

If the trial of a contested election shall continue longer than until the third Tuesday of January next ensuing the election of a governor, the governor of the last year, or the speaker of the senate or of the house of representatives, who may then be in the exercise of the executive authority, shall continue therein until a determination of such contested election.

Certainly the framers of the constitution of Delaware, according to the contention of the learned and distinguished Senators on the other side of this question, took a great deal of pains for nothing. They certainly made a futile dalliance with the English language when they, all through the provisions in that respect, so carefully distinguished between the person whom they set up in a democratic government as the one depository of the executive power, the man elected by the people, and distinguished him all through from the temporary exercise of that power, the mere stop-gap to prevent the machinery of the government falling into desuetude, to the inconvenience and detriment of the people.

But that is not all. The second clause of section 14 of Article II of the constitution reads as follows:

If there be no speaker of the senate, or upon a further vacancy happening in the office by his death, removal, resignation, or inability, the speaker of the house of representatives shall exercise the office, etc.

Here is a clear reference to the speaker of the senate exercising the office of governor as still being the speaker of the senate. It refers to a vacancy happening by his death, etc.—that is, the speaker's death. The pronoun "his" stands for no other noun than the speaker of the senate just referred to.

So we find the constitution is consistent throughout with the intent so clearly expressed at first. Different language could have easily been employed if a different intent had existed.

The temporary and provisional character of the arrangement made by the constitution in case of the death of the governor is apparent from even the most cursory consideration of the sections relating to this subject-matter, and which I have read in the hearing of the Senate. But the Senator from Oregon, and the counsel for Mr. Du Pont, say that section 12 of Article II of the Delaware constitution expressly prohibits Mr. Watson from acting as senator. That section is as follows:

No person concerned in any army or navy contracts, nor member of Congress, nor any person holding any office under this State or the United States, except the attorney-general, officers usually appointed by the courts of justice, respectively, attorneys at law, and officers in the militia, holding no disqualifying office, shall, during his continuance in Congress or in office, be a senator or representative.

That is section 12 of Article II.

It is obvious, however, that this section is prescribing disqualifications for senators and representatives generally whether as concerns their eligibility or their status after election, and can have no application to a subsequent and particular provision of the constitution expressly commanding that in a certain contingency the executive duties shall devolve upon the speaker of the senate. That was section 12 of Article II, and section 14 of Article III. A subsequent provision says:

Upon any vacancy happening, etc., the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified.

Common sense as well as the common law of statutory construction have approved the rule universally recognized, which I will read. That rule is as follows:

Where there are words expressive of a general intention and then of a particular intention incompatible with it, the particular must be taken as an exception to the general, and so all the parts of the act will stand; and, as a broad proposition, general words in one cause may be restrained by the particular words in a subsequent clause of the same statute.

Mr. President, that is only the enunciation by an authoritative law writer of one of those rules of the human intellect which must govern the interpretation of all written instruments, constitutions, statutes, or whatever they may be, that where a general proposition is made and a particular one inconsistent with it is made, the particular proposition is an exception to the general one. That is all there is about it. It is applied every day. You can not construe a contract or a law, and, as my friend from Mississippi [Mr. GEORGE] said the other day, you could not construe the Bible or the Ten Commandments unless you applied this law of construction, which, as I said awhile ago, is a law of the human reason. It is a law governing the processes of the human intellect. You can not proceed one step in any intellectual process of

interpretation of a written instrument without applying it. So you must read that provision of the constitution which says he shall exercise the office as senator as an exception out of the general prohibition, if that prohibition applies at all in the language which preceded it. It would read this way:

No person concerned in any army or navy contracts, and no person holding any office under this State, shall be a senator or representative, but upon a vacancy happening in the office of governor by death, etc., the speaker of the senate shall exercise the office of governor.

That is all there is about it. You can not read it any other way. You can not get away from that mode of construction. Otherwise the constitution would come to a halt. There would be a deadlock in the intellectual process of interpretation which could not be got over. The Senators on the other side, as well as the counsel for the claimant, recognize that difficulty, and they proceed not to deny it, for they can not deny it, but proceed to work around it.

Section 12 of Article II was intended to apply to a class of disqualifying offices very different from the functions imposed upon the speaker of the senate by section 14 of Article III. But if this were not so the particular provision of section 14 of Article III would have to be read as an exception out of the preceding general provision of section 12 of Article II. So also of section 5 of Article III, which is as follows:

No member of Congress, nor person holding any office under the United States, or this State, shall exercise the office of governor.

The subsequent particular provision of section 14 must be read with it as an exception to the generality of this language, even if a State senator may be said to hold an office under the State in the meaning of that provision of the constitution.

As I said, the Senator from Oregon and the Senator from New Hampshire and the Senator from Michigan are lawyers of too great experience and too much learning and ability to deny this plain proposition. But how do they seek to evade it? The Senator from Oregon gets around it in this way. He says:

Twice over, therefore, does the fundamental law of Delaware declare in the most express and positive terms that the dual function of senator and executive shall not be exercised simultaneously by the same person.

I only pause to say that the fundamental law of Delaware does not, with all due respect to the Senator from Oregon, do anything of the kind. It says nothing about the exercise simultaneously of the two offices, but it says that persons holding certain offices or concerned in certain contracts shall not be senators or representatives.

That constitution—and I come now to the point of the Senator from Delaware—says to each and every citizen of Delaware, in substance and legal effect—

You see the Senator from Oregon can not trust himself to embark upon the yeasty waves of this debate upon a craft made out of the plain language of the constitution. He has to create a constitution for himself. He states that the constitution of Delaware says—

to each and every citizen of Delaware, in substance and legal effect, in the most emphatic and unequivocal manner: "You can not exercise the office of governor while you continue to exercise the office of senator; neither can you exercise the office of senator while you continue to exercise the office of governor."

It declares in legal effect to the person who is speaker of the Senate—

Now, in quotation, this is his reading of that plain provision of the constitution which says that when the governor dies the speaker of the senate shall exercise the office until the governor shall be elected. The Senator from Oregon proceeds:

You, in a certain contingency—that is, in case of the death, removal, resignation, or inability of the governor elected by the people—have a preference right over every other citizen of the State to become governor and exercise that office, a right, however, you can avail yourself of or not at your own option. There is nothing compulsory connected with it.

The Senator from Oregon puts that in quotations as his interpretation of that plain command in the constitution to the speaker of the senate—that in a given contingency you shall exercise the office of governor, "you have a preference right." He changes the duty imposed by the constitution into a right personal to the speaker and to the senator. He makes this devolution of these high duties a privilege belonging to the speakership of the senate, instead of the imposition of a great and important duty in the event described in the constitution. A "preference right"; the invention of another phrase; and I may say that the mind of the Senator from Oregon has been very fertile in the invention of phrases which seem necessary to support his argument all through the discussion of this question. He says there is nothing compulsory connected with it. What does the English language mean when it says in the case of a vacancy in the office of governor, etc., "the speaker of the senate shall exercise the office"? What does the English language mean, if that is not compulsory? Where is his right to waive it any more than he can waive any other duty which attaches to him as senator and speaker? It is the addition of duties which belong to him in his place as speaker of the senate in a given contingency.

"You can waive it if you please," says the constitution in legal effect—

I am quoting now from the Senator from Oregon—

"and continue to be senator and speaker of the senate, notwithstanding your eligibility to become governor, notwithstanding you hold the preference right over every other citizen of the State of Delaware to become governor; but if you avail yourself of this preference right given you by the constitution, and take the gubernatorial oath, and enter voluntarily, as you must if you enter at all, upon the exercise of the office of governor, then, that moment, you cease to be senator, your right to exercise the functions of either senator or speaker of the senate is at once gone, or at least held in abeyance and suspended so long as you continue to exercise the office of governor."

Mr. President, that long-winded paraphrase is what the Senator from Oregon thinks necessary to substitute for the plain command of the constitution of Delaware, the plain English, that in a given contingency the speaker of the senate shall exercise the office of governor.

Mr. MILLS. Suppose he refuse to do it, then what?

Mr. GRAY. I do not know what, Mr. President. In all human institutions you come at the last analysis to some point where the vital force of the machine of government depends upon human will and upon the recognition of human character. Suppose a State should refuse to send Senators to represent it in this Chamber; suppose the President of the United States after his election should refuse to act. So we come down in all free governments to the postulate at last that we have to depend—and that dependence has never, thank God, been mistaken or betrayed—we have to depend on the patriotic impulse of men of our race and blood to do the duty that is before them.

Mr. MILLS. The Senator misunderstood my question. I meant to say that the framers of the constitution of Delaware did not leave that question to be determined by the volition of the speaker.

Mr. GRAY. Certainly not. I did misapprehend the Senator.

Mr. MILLS. They made a command upon him.

Mr. GRAY. Yes.

Mr. MILLS. They imposed a duty on him.

Mr. GRAY. They imposed a duty on him to prevent the existence of an interregnum, and certainly where the Senator from Oregon says, "You can avail yourself of this right or not at your own option," the constitution of the State uses the imperative language of command, "You shall exercise that office."

In criticising this paraphrase of the constitution made by the Senator from Oregon I do it with entire respect, because it was absolutely necessary that he should paraphrase it in order to make one premise of his argument which would lead to the conclusion that Mr. Du Pont was elected. Unless he reads it in that fashion and does that violence to the text and plain spirit of the constitution he can not arrive at the goal that he set out to reach.

Mr. President, another thing: The Senator from Oregon puts this long paragraph in quotation marks, thereby showing that that is his interpretation of this provision of the constitution. He has forty lines where the constitution has three to express that meaning. Let me read again what the Senator says that the constitution of Delaware says to the speaker:

If you avail yourself of this preference right given you by the constitution and take the gubernatorial oath and enter voluntarily, as you must if you enter at all, upon the exercise of the office of governor, then that moment you cease to be senator.

All through the argument the Senator from Oregon, the Senator from Michigan, and the Senator from North Carolina have laid great stress upon the taking of the gubernatorial oath. As soon as you take the gubernatorial oath, says the Senator from Oregon, then you vacate your office as senator. There is no provision in the constitution that the speaker of the senate shall take any oath on entering on the exercise of the office of governor. It is true he took one, and it has been the custom on such occasions to take the oath, but there is no prescription of an oath for the speaker of the senate when he assumes the exercise of the office of governor; there is no line of demarcation between his office of speaker and his exercise of the office of governor created by the imposition or prescription of an oath. The taking of the oath was voluntary. It has become a custom, I grant you, but it has no effect upon this argument, it has nothing more to do with the status of the man who exercises the office of governor than if he had chosen to submit himself to baptism by immersion before he undertook to exercise the office of governor. It may have added to the dignity of the occasion and given solemnity to the act he was about to perform, the first act in the exercise of the office of governor, but there is nothing in it to affect the legal argument, though it has been dwelt upon over and over again.

When Mr. Tyler assumed to act as President of the United States upon the death of President Harrison he protested against taking a new oath. He had been sworn in as Vice-President and taken the oath prescribed by the Constitution, he said, and rightly said; that no other oath was necessary; that the duty devolved upon him at the moment the death of the President was fixed, and it needed no new oath, and none was prescribed by the Constitution. He took the oath merely, he said, under protest, to quiet the cavil of those who might think differently. I do not

know, sir, that it is important enough to occupy the time I have given it, but strangely enough, it seems that this gubernatorial oath, so called, has become a veritable rock of offense or defense. I do not know which, in the arguments of all the Senators upon the other side.

Right there the Senator from Oregon, in getting around the fact that these clauses of the constitution do not apply to the devolution of the office of governor upon the speaker of the senate, referred to a Minnesota case which he says is a case directly in point. That was a case, Mr. President—and as it has been given such an important place in the printed arguments I shall refer to it—where a provision of the Minnesota constitution, section 9 of Article IV, read as follows:

No senator or representative shall, during the time for which he is elected, hold any office under the authority of the United States or the State of Minnesota, except that of postmaster; and no senator or representative shall hold an office under the State which had been created or the emoluments of which had been increased during the session of the legislature of which he was a member until one year after the expiration of his term of office in the legislature.

In that case John B. Sutton was elected to the office of representative of the Twenty-third legislative district of the State of Minnesota for the term commencing on the first Monday of January, 1895, and ending on the first Monday of January, 1897.

On the 4th day of May, 1895, Sutton was appointed by the governor of the State to the public office of inspector of boilers for the Fourth Congressional district of that State, which office is one of great public importance and responsibility, having been created by an act of the legislature prior to Sutton's election as a member thereof.

The supreme court of that State held that under this constitutional provision Sutton could not hold the office of inspector of boilers, to which he had been appointed by the governor, until the expiration of the full period of time for which he was elected.

The court in its opinion said:

In the case at bar it is not necessary for us to speculate upon the intention of the framers of the constitution in adopting the provision in question. A bare reading of this provision suffices to enable us to ascertain and understand its meaning, and we need not search for light through the uncertainties of extraneous interpretation or construction. It is a part of the organic law of the State that no senator or representative shall, during the time for which he is elected, hold any office under the authority of the State of Minnesota. Is there any uncertainty or ambiguity about this language? Has it any of the characteristics which demand a construction to be placed upon it by the judiciary of this State other than that which is transparent from the language itself?

That is just what I say about the language of the constitution of Delaware. The court said:

The respondent could not nullify the constitutional prohibitory clause during the time for which he is elected by his resignation of the office of representative.

So they declared in that case that he could not hold the office of inspector.

Mr. GEORGE. That he could not take it.

Mr. GRAY. That he could not take it; not that his office as member of the house of representatives was vacated, but that the disqualifying office of inspector of boilers could not be taken and held by him. If that reasoning should be applied to this case at all, it would mean that this man could not exercise the office of governor, although the constitution says he shall.

The Senator from Oregon says that is a case directly in point. There was no provision of the constitution of Minnesota saying that a senator shall exercise the office of inspector, mark you. Then it might have been a case a little more apposite, a little more applicable to this controversy. We are dealing with a case where it is true the constitution says that no one holding an office under this State shall be a senator or representative, although the constitution afterwards says a senator in a certain case shall exercise the office of governor. This Minnesota case was one where the constitution provided that no person who is a senator or representative shall hold an office under the State; but the constitution does not say that thereafter, in a certain contingency, a senator or representative shall act as boiler inspector. So the case has no more application to the one in hand than the rule in Shelley's case or any other inapplicable and irrelevant judgment of a court.

Is it worth while, sir, in this presence to say that this word "eligibility" does not occur in the constitution of Delaware? It says that a governor elected by the people shall not be eligible to a second election. We know what the word "eligibility" means. It means capable of being chosen, that is all; and the Senator from Oregon, in the stress of his argument, is compelled to say that what this clause of the fourteenth section means, when it says that the speaker shall exercise the office of governor in a given contingency, is that he shall be eligible, shall have a preference right to be governor if he does not choose to waive it—if he chooses to take the gubernatorial office.

I do not think any further commentary is necessary upon that position taken by the Senator. Clearly neither of those sections, then, concern us in this discussion; neither section 12 of Article III nor section 5 of Article II—those prohibitory clauses. The question remains, was there a vacancy in the representation of Kent County in the senate of Delaware by reason of the death of Governor Marvil? The constitution does not declare one, but its language expressly negatives the existence of a vacancy. Let us see whether it does not so negative it. Section 5 of Article II says that—

Each house shall choose its speaker and other officers; and also each house whose speaker shall exercise the office of governor may choose a speaker pro tempore.

Does not that negative the suggestion of a vacancy in the office of speaker of the senate and, of course, of senator? Though I have already read it, I shall read again section 14 of Article III, which says:

If there be no speaker of the senate, or upon a further vacancy happening in the office by his death, removal, resignation, or inability, the speaker of the house of representatives shall exercise the office until a governor elected by the people shall be duly qualified.

Mr. President, the Senator from Oregon and the Senator from Michigan argued at great length that that provision of the constitution made for their interpretation, because they said that "further vacancy" meant the further vacancy in the office of governor. Now listen to the plain words of the provision:

If there be no speaker of the senate, or upon a further vacancy happening in the office—

How? By the death of the governor? No—

by his death, removal, resignation, or inability.

To whom does the pronoun "his" refer? Manifestly to the speaker of the senate. It can not refer to anybody else. Mind you, we have got the speaker of the senate inducted into the exercise of the office of governor. We have passed that point. It provides something else after he commences to exercise the office of governor. It says:

If there be no speaker of the senate, or upon a further vacancy happening in the office by his death—

That is, the death of the speaker of the senate. So if we do, as we are always at liberty to do, strike out the pronoun and substitute the noun for which it stands, it would read:

If there be no speaker of the senate, or upon a further vacancy happening in the office by the death of the speaker of the senate, etc.

So here we have in the very next clause of the section language used which, as I said, expressly negatives the existence of a vacancy in the office of either senator or speaker. Again, next to the last clause of section 14 provides—I have already read it, but I shall read it again—

If the trial of a contested election shall continue longer than until the third Tuesday of January next ensuing the election of a governor, the governor of the last year, or the speaker of the senate, or of the house of representatives, who may then be in the exercise of the executive authority, shall continue therein until a determination of such contested election.

What does that language imply? Are we to disregard it altogether? Are we at liberty, in construing a constitution, to determine the end we wish to reach, and then leave out, interpolate, or alter the language in order to suit the exigency of our travel toward that end? We must regard it all; and here we have these three express provisions, which are absolutely inconsistent with the idea that there has been created any vacancy in the office of speaker of the senate or of senator by the exercise of the office of governor. Yet in the face of the fact that the constitution has not declared or provided for a vacancy, and of this express recognition in the section itself, of the fact that no vacancy exists, and that the speaker still continues to be speaker so far as this section affects him, the majority of the committee argue themselves into the belief that this provision of the constitution works a vacancy in the senate of Delaware.

Mr. President, need I say more on the question as to whether any vacancy was created or intended to be created by the framers of the constitution of Delaware upon the exercise of the office of governor by the speaker of the senate as they have provided for? Imagine the framers of a constitution confronted with the proposition that they had made such a vacancy and had in a certain event disfranchised the people of a county. What would they do? No case can be found anywhere in any constitution of any State where a doubt has been left as to a vacancy existing in representation. The constitution of Delaware has provided in three several places for filling vacancies in the representation in the senate and in the house when they occur. So anxious were they that they have covered every possible period of time in which such a vacancy could occur in order to fill it. If the senate or the house were in session the speaker of the houses respectively must issue immediately writs of election to fill the vacancy; and if the vacancy occurs in vacation, the governor of the State is required to issue the writ in order that there may be no vacancy in the representation of any county in either house of the State legislature. It shows the anxiety they had about this important subject. The legislature was a small one; a single vacancy was a large aliquot part of the whole legislature, and they studiously provided for filling vacancies; and yet we are told that here in

this important contingency they are confronted with a vacancy and yet they have taken no means to fill it. The opposition abandoned that; they argued it and they abandoned it. They say, in effect, that there was no vacancy; that the interpretation put upon both constitutions for a hundred years compelled the abandonment of the proposition that there was a vacancy. So they invent another phrase, and that is, "suspension from office." I was going to allude to what had been the interpretation of the constitution as to a vacancy having been created, but it has already been gone over by the Senator from Mississippi [Mr. GEORGE] so thoroughly as to compel the abandonment of this position by counsel for Mr. Du Pont and by Senators on the other side.

In the one hundred years under these two constitutions, both constitutions having a similar provision in this regard, there have been five cases where the speaker of the senate has been called upon to exercise the office of governor and has afterwards sat in the senate and performed his duties as senator under his original election.

Mr. GEORGE. And without question from anybody.

Mr. GRAY. Without question from anybody—from any lawyer or any judge or any citizen—so far as I know and so far as any records show.

Not only that, but three of those cases occurred under the constitution of 1792, where a senator exercised without question the office of senator after he had exercised the office of governor under this provision. When they came to make the constitution of 1831 they kept that provision in it in totidem verbis, thereby affirming that construction which had been put upon it by forty years of actual usage and practice. Do you suppose, Mr. President, that if the occupancy of these senators, who had been exercising the office of governor, of their seats in the senate had been questioned anywhere in the State under the constitution of 1792, that when we came to the convention of 1831 they would have retained that provision without a single alteration, without a single protest, without a single objection or criticism upon that provision?

Mr. GEORGE. They would have changed the language, as they did in Pennsylvania.

Mr. GRAY. They would have changed the language, as they did in Pennsylvania. So I say we have the sanction of the people of Delaware in the most solemn form. I mean a sanction expressly given in their convention, where they were making and altering their organic law as a sovereign people meeting in their primary capacity as citizens. We have the sanction of that body, that constitutional convention, of this interpretation of the constitution.

Mr. VILAS. If the Senator will allow me to make a suggestion to him, the familiar rule of law is that when certain words have once received a construction, if they are subsequently adopted in legislation, that construction thereafter goes with the words. That rule prevails even when the statute of one State is adopted by another.

Mr. GRAY. Certainly.

Mr. CHANDLER. If it will not inconvenience the Senator, I ask him whether I have understood him to argue that the speaker of the senate did not cease to be speaker of the senate when he became governor?

Mr. GRAY. Certainly.

Mr. CHANDLER. The Senator's argument is that he does not?

Mr. GRAY. Yes.

Mr. CHANDLER. The Senator is now showing the cases in which the speakers of the senate who have become governors have come back to their senatorial office?

Mr. GRAY. Yes, occupied their seats in the senate.

Mr. CHANDLER. Why, if a speaker can do that, and that is a fair and legitimate act under the constitution, does he not also come back to the office of president of the senate?

Mr. HARRIS. Before the Senator from Delaware proceeds, I should like to add to the inquiry of the Senator from New Hampshire this question: If the framers of the constitution of Delaware contemplated a vacancy in the office of the speaker of the senate by reason of the fact that the speaker of the senate was exercising the office of governor of Delaware, is it probable that they would have provided in that event for the election not of a speaker of the senate, where the vacancy is contemplated, but for a speaker pro tempore, a speaker for the time being? I should be glad if the Senator from Delaware would answer that in connection with the question of the Senator from New Hampshire.

Mr. CHANDLER. Now, I should like to ask the Senator from Tennessee a question, with the permission of the Senator from Delaware?

Mr. GRAY. Very well.

Mr. CHANDLER. I infer from what the Senator from Tennessee has said that he conceives that when the Delaware constitution provided that a speaker pro tempore should be elected when the speaker of the senate should exercise the office of governor, that that implied that the speaker of the senate after he had become governor could come back to be again speaker of the senate?

Mr. HARRIS. Unmistakably.

Mr. CHANDLER. Now, I ask the Senator from Delaware to state why, in the five cases to which he is now alluding, the senators, having come back to the senate, have in no one instance resumed the office of president of the senate?

Mr. GRAY. That is very easily answered, because I have examined those cases and I believe in all of them the office of speaker had expired.

Mr. CHANDLER. I have an affidavit here that states the fact how that office was filled——

Mr. GRAY. Of speaker?

Mr. CHANDLER. Yes; speaker of the senate.

Mr. GRAY. By a new election, I suppose.

Mr. HARRIS. The speaker of the senate is elected for the entire term of the legislature, is he not?

Mr. GRAY. For a legislature.

Mr. HARRIS. And with the expiration of that legislature he may continue to be senator, but he ceases to be speaker. Is not that the fact?

Mr. GRAY. That is the fact.

Mr. HARRIS. That is what I supposed.

Mr. GRAY. I want to say that of course the Senator from Tennessee is quite right; that when the constitution says that when the speaker of the senate exercises the office of governor the senate may elect a speaker pro tempore, it means that the office of speaker and of senator is not vacated; otherwise it would have said "shall elect a speaker," and not a speaker pro tempore.

But I want again to give notice that in this argument, such as it is, which I am endeavoring to make, I do not hold myself out to answer all the questions and curious conundrums that may be propounded.

I do not mean any disrespect to those who put such questions. There are a great many inconveniences, as was so ably argued by the Senator from Mississippi, which must always occur when you come to fill an office temporarily. We put up with them. We would rather have the inconveniences than to have the absolute desuetude of the functions for the exercise of which we temporarily provide. It is inconvenient to have the speaker leave his place and go into the executive office to sign bills or perform some other executive act. It is inconvenient, as it would be for the President pro tempore of this Senate, when acting as President of the United States, to be away from the Senate on certain occasions in the performance of executive functions, but not a hundredth part as inconvenient as to have those offices unfilled, unperformed, even for the short interval between the vacancy and the election of another governor by the people. That is all there is to be said about that matter.

Mr. GEORGE. Will the Senator from Delaware allow me to say that by an express provision in the constitution of the State of Rhode Island the governor of the State is the regular presiding officer of the senate and is entitled to vote?

Mr. GRAY. I will come to that point presently on another branch of the case.

In order to emphasize this action of the people of Delaware and their legislature during a hundred years, a uniform practice which has compelled the Senator from Oregon by his own admission to abandon the theory of a vacancy being created in the office of speaker and senator, and in order to emphasize the value of these precedents, let me call the attention of the Senate to the fact that in several of the instances while the speaker of the senate was exercising the office of the governor vacancies occurred in the membership of the senate, by death or resignation or in some other way, and in every instance a writ of election was at once issued for the election of a new member, and at the same time the speaker of the senate exercising the office of governor was always considered as a member, or otherwise you can not resist the conclusion that a writ of election would have issued to fill the vacancy occasioned by his exercise of that office.

What does that mean? It means, of course, but one thing, that those legislatures, at these intervals of time, one after the other, different bodies of men, never conceived the possibility that there was any vacancy created in the office of speaker and senator by the exercise of the office of governor by the speaker, or they would have issued a writ of election in order to fill such vacancy.

The Senators on the other side see the force of that argument, and therefore they abandon substantially that proposition. But I will not abandon it until I have shown another matter which emphasizes it. I call attention to one of the cases to which I have alluded. John Bird was elected to be a senator to a session of the legislature commencing in January, 1801, and his right to sit was questioned under that provision of the State constitution forbidding any person concerned in any army or navy contract

to be a senator or representative. Here is an extract from the journal of the senate of January 13, 1801:

It was moved by Mr. Vining, seconded by Mr. Grantham, to adopt the following resolution, to wit:

"Whereas it hath been represented to the senate of the State of Delaware, that the election of John Bird, of the county of Newcastle, as a senator, in the room of Archibald Alexander, esq., resigned, is unconstitutional upon the ground that the said John Bird hath and still is concerned in certain navy contracts: Therefore

"*Resolved*, That a committee of three be appointed by the senate to examine the premises and report thereon."

The question being put for the adoption of the foregoing resolution, it was resolved in the affirmative.

The committee appointed in pursuance of the foregoing resolution are Mr. Fitzgerald, Mr. Vining, and Mr. Owens.

On the following morning, Wednesday, January 14, immediately upon the assembling of the senate, the following minute was entered:

The committee to whom was referred the resolution relative to the constitutionality of the election of John Bird, returned as a senator in the place of Archibald Alexander, who has resigned, beg leave to report that sufficient evidence has appeared to the committee that the said John Bird was at the time of his election concerned in certain naval contracts under the United States, which, by the constitution, vacates his seat in the senate.

Resolved, therefore, That the speaker of the senate issue a writ, directed to the sheriff of Newcastle County, to hold an election and notify the electors of said county that the said election will be held on Wednesday, the 21st instant, for the purpose of supplying the said vacancy.

That report was adopted. The brief says:

At the election held on the above date, "Robert Maxwell was duly elected a senator for the said county, in the place of the said John Bird, declared ineligible."

This shows not only that the senate had to act and declare a vacancy—the fact that he held a navy contract not working a vacancy—but I think that was one of the cases in which there was a speaker of the senate exercising the office of governor, and they did not order any election for him.

I wish to finish up this matter because our friends on the other side attempt to ride two horses. Although they abandon the doctrine of vacancy occasioned by the exercise of the office of governor by the speaker of the senate, they say either one of two things is true; either there is a vacancy or there is a suspension from office. It is always a dangerous thing to attempt to ride two horses, for the rider may fall between them, and I think the Senator from Oregon is liable to do that in this case.

Now, one thing at a time. Although they abandon practically the theory of vacancy, I want to make it so that they can not come back to it when the other alternative fails them. It is said by the Senator from New Hampshire, it is said by the Senator from Michigan, as well as by the Senator from Oregon, that there is an incompatibility between those offices which creates a vacancy in the legislative office, and that there is no instance anywhere to be found, except in Delaware, in which State they say there is an anomalous condition of affairs, where it is asserted otherwise. There never has been an instance in the history of any State in the Union where similar provisions of the constitution obtain and where similar emergencies have occurred and where there has been no prohibitory clause in which there has been a vacancy declared.

In the State of North Carolina, back in 1854, under a constitution which provided that—

Where there is a vacancy in the office of governor the speaker of the senate shall exercise the powers of governor.

Mr. GEORGE. It is the same thing.

Mr. GRAY. Here it is "exercise the office of governor." In 1854 there was a vacancy in the office of governor in the old North State, occasioned by the election, I think, of the governor to the Senate of the United States. Mr. President [Mr. BUTLER in the chair], you are more familiar with that case than I am, but I am going to state it to the Senate.

Mr. CHANDLER. Will the Senator from Delaware give the date of that case?

Mr. GRAY. It was in December, 1854.

When the vacancy occurred in the office of governor the speaker of the senate or the president of the senate—I do not know which he is called—undertook to exercise the powers of governor. There was a resolution introduced into the senate, in substance if not in words, to the effect that the speaker of the senate by assuming to exercise the powers of governor had thereby vacated his seat as senator and his office as speaker; and that question was debated.

I have here the speech in extenso of the Hon. Warren Winslow, who was the speaker of the senate or the president of the senate—I do not know which he is called—who exercised the powers of governor, in defense of his right to continue senator and speaker. It is a speech which I would be very glad if I could have made in this case, because it is the most concise, compact, and thorough argument of this very question that I have seen. I have rarely seen so much of law and eloquence within the same compass. Mr. Winslow said that he defended it not as a right personal to himself, but he defended his proposition on the ground that he was bound to stand up for the right of his constituents to be represented on the floor of the senate, and he did it in this powerful argument which I hold in my hand. At the end of the debate the senate decided that under the constitution of North Carolina he continued speaker and he continued senator, notwithstanding that he exercised the powers of governor.

Mr. President, the little State of Delaware is not such an anomalous State as the Senator from New Hampshire would have the Senate think. She is a small State, but as the Senator from Indiana [Mr. TURPIE] eloquently said, she is a charter member of the great lodge of liberty. She is one of the original thirteen States, and her history is one we are not ashamed of.

Mr. GEORGE. She was the first one to ratify the Constitution.

Mr. GRAY. And we are willing to compare her history with that of any other State in the Union.

Mr. CHANDLER. I agree to that.

Mr. GRAY. Right in the great State of Pennsylvania, to the north of the State of Delaware, under a constitution which had almost exactly similar provisions in the respect as to which I am now speaking, there occurred a precedent which has been read to the Senate, in which exactly the same common-sense, plain view was taken that I contend only can be taken of these clauses in the constitution of Delaware.

Let me read it to the Senate. I read from the brief of the able counsel who argued the case on behalf of the governor of Delaware:

The constitution of Delaware of 1792 was based on the constitution adopted by Pennsylvania in 1790; and as Delaware, in her constitution of 1831, substantially transferred from her constitution of 1792 the provisions involved in the present case, so did Pennsylvania, in her constitution of 1838, substantially preserve the similar provisions in her constitution of 1790.

The constitution of Pennsylvania of 1838 provides, Article II, section 5—

The same number—

that "no member of Congress or person holding office under the United States or this State shall exercise the office of governor."

Exactly the same language as the constitution of Delaware.

And by section 14—

The same number again—

And, by section 14 of the same article, that "in case of the death or resignation of the governor, or his removal from office, the speaker of the senate shall exercise the office of governor till another governor shall be duly qualified."

Mr. GEORGE. It is the same thing.

Mr. GRAY. There is no difference in the constitutional provisions with which we are confronted.

On July 9, 1848, the general assembly of Pennsylvania not being in session, Governor Shunk resigned, and William F. Johnston, who was chosen as speaker of the senate at the last preceding session, took an oath faithfully to discharge the executive duties, and entered upon the exercise of the office of governor. The general assembly met on January 2, 1849.

July 9, 1848, he entered on the exercise of the office.

In the meantime an election for governor had been held, and Mr. Johnston had become governor-elect—

That is, the speaker who was exercising the office of governor was elected and became the governor-elect—

but his term as governor did not begin till January 17, 1849. When the general assembly met George Darsie was chosen by the senate as speaker pro tempore, and Mr. Johnston's name appears in the journal as that of a senator, whose term was to continue till 1850.

But, still more unequivocal—

The brief says—

are the following extracts from the senate journal of January 13, 1849, showing what Mr. Johnston, who was then exercising the office of governor, did in anticipation of his inauguration as elective governor on the 17th of the month:

To the Honorable the Senate of Pennsylvania:

SENATORS: I hereby tender my resignation as speaker of the senate of Pennsylvania. * * *

I remain, respectfully, your obedient servant,

WM. F. JOHNSTON.

JANUARY 13, 1849.

Then another:

To the Hon. George Darsie, Speaker of the Senate:

SIR—

They had elected a speaker of the senate after he had resigned as speaker—

To the Hon. George Darsie, Speaker of the Senate:

SIR: Permit me, through your kindness, to present to the senate my resignation as a member of that body.

I am truly, yours,

WM. F. JOHNSTON.

JANUARY 13, 1849.

These communications having been disposed of, Mr. Darsie resigned the office of speaker pro tempore, and was elected speaker.

Delaware is not so lonely after all. This is not the only State, then, in which the speaker of the senate who exercised the office of governor has claimed the right to be a senator and to represent the constituency that elected him and sent him to the senate to represent them. It is not the only case, then, where it has been conceived by a great Commonwealth that all these things were possible and proper under the organic law of the State, and that no violence was done to American institutions or to American doctrine of any kind by the recognition of the right of a constituency to be represented by a certain person, even though executive duties were imposed upon him by the constitution.

North Carolina and Pennsylvania make a list. small though it may be, of compurgators with whom we are willing to stand.

The majority of the committee and the Senator from Oregon and the Senator from North Carolina apparently have been overwhelmed by the argument of undeviating construction of the State of Delaware for a hundred years in support of the doctrine that no vacancy is created by the exercise of the office of governor by the speaker. They therefore invent another phrase—suspension of function. They are traveling outside of the constitution again, as they have been doing all the time. There is no such phrase as suspension of function in the constitution of Delaware. They are compelled to invent it; they are compelled to interpolate both the thing and the phrase. Where is the constitutional warrant for suspension of function as distinguished from the creation of a vacancy? Where within the four corners of this constitution or any other has there ever been adjudicated a suspension of function where there has been no express constitutional provision providing for it? Not one. No case can be found, and yet the Senator from Oregon glibly says, both in his report and his speech:

> The history of this country is full of instances where the right to exercise an office on the part of a person who holds an office for a certain time is suspended. I can point to numerous instances of that kind.

And from the time he uttered those words until now he has not pointed to a single instance. There are a few instances where the constitution itself has provided for suspension in so many words, but notwithstanding that bold assertion, I venture to say he can not point to a single instance where a suspension of function has been created or adjudged to be created by a constitution unless done expressly by constitutional provision.

Mr. GEORGE. It is never done by implication.

Mr. GRAY. It is never done by implication anywhere.

Here is another violence done to the text and spirit of the constitution of Delaware in order to seat Mr. Du Pont. That violence is not justified even to seat so good a man as I believe him to be. Violence of that kind to the text and spirit of a constitution is a wrong done to the sovereign people of a State, and we ought to hesitate long before we gain our own consent to perpetrate it. It is true we have the power to ignore the law; we have the power to ignore the plain provisions and the plain meaning of the constitution of Delaware, but we will have stepped down from the high place that this body occupies in the dual scheme of American Government when, in order to accomplish an end, we have consented to ignore the plain provisions of the constitution of a State or to whittle them away by refined, attenuated, and artificial reasoning.

If more was wanted on the matter of suspension of office, we might turn to the constitution of Maine, where there is a similar provision. If I had it here where I could turn to it I would read it. The constitution of Maine provides in one place that the speaker of the senate shall exercise the office of governor. I have forgotten the phrase. Is that it?

Mr. GEORGE. That is right.

Mr. GRAY. But it also provides that when he thus exercises the office of governor his duties as speaker shall be suspended; and the other side bring in here a little three-line opinion of the chief justice of Maine in answer to a question, purporting to be acquiesced in by the two associate justices, with no reasoning to support the opinion, that when the speaker of the senate shall exercise the office of governor he is no longer speaker and can not vote as senator. Upon that the Senator from Oregon and the Senator from Michigan rely with great confidence.

Mr. ALLEN. May I ask the Senator from Delaware a question at this point?

Mr. GRAY. Certainly.

Mr. ALLEN. Does not that very provision of the constitution of Maine establish the doctrine that but for the express prohibition the right would remain with the speaker to exercise the functions of his first office?

Mr. GRAY. Certainly it does. You can draw no other conclusion from it. The framers of the constitution of Maine understood as well as the framers of the constitution of Delaware that if they were silent, after commanding the speaker of the senate to exercise the office of governor, he would remain senator and speaker, and so they said that when he shall exercise that office his duties as speaker shall be suspended.

Mr. HOAR. May I ask the Senator from Delaware a question here, as he has investigated this particular matter with respect to the constitution of Maine and I have not?

Mr. GRAY. Certainly.

Mr. HOAR. Do they issue a writ to fill the vacancy temporarily?

Mr. GRAY. Where, in Maine?

Mr. HOAR. In Maine, when the speaker exercises the office of governor.

Mr. GRAY. I do not know. I can not answer the Senator.

Mr. HOAR. I suppose they do not, but I thought the Senator probably would have been able to say they did not.

Mr. GRAY. I can not answer the question. I think they do. The constitution provides that the senate or house shall fill the vacancy.

Mr. HOAR. If they do not, then the constitution of Maine—and I am not speaking now of the meaning of language one way or another, but of the probability of establishing a certain system—is exactly and expressly what the majority of the committee suppose the constitution of Delaware to be; that is, they have provided in Maine that the speaker of the upper branch of the legislature shall exercise the office of governor. They have thought that it was not fit that he should exercise both offices, and therefore they have provided for a temporary vacancy or suspension of the office of senator, to which he comes back when he ceases to exercise the office of governor.

Mr. GRAY. I do not know whether he does or not, I say to the Senator from Massachusetts; but the provisions of the constitution of Delaware and Maine are not identical, because there is the important differences in the constitution of Maine that the framers of that instrument have seen fit to say that when the speaker shall exercise the office of governor his duties as speaker shall be suspended.

Mr. GEORGE. Expressly.

Mr. GRAY. Expressly. Now, what I was arguing was that there was no case anywhere that I could find, none that I have been referred to where a suspension of office or function has been adjudged to be worked where there was not an express constitutional or statutory provision providing for it.

Mr. HOAR. May I ask the Senator a question which I hesitate a little to ask because I had to be out of the Chamber during a part of his very interesting argument and he may have answered the question before I came in? Is not the constitution of Maine, as he describes it, precisely what the Constitution of the United States is in regard to the Vice-President, by implication without any constitutional provision whatever? The constitutional President of the Senate, when exercising the office of President, is not declared by the Constitution to vacate his office of Vice-President or President of the Senate, and yet, as everybody concedes, he does so. Now, how does the Senator distinguish the constitution of Delaware from that of Maine, except that Maine has written what in the constitution of Delaware and the Constitution of the United States is left to be implied?

Mr. GRAY. I answered substantially that question, not to-day, but yesterday, in an interlocution I had with the distinguished Senator from New Hampshire [Mr. CHANDLER], and I am quite willing to repeat the substance of what I said then.

The Constitution of the United States provides that when an election for President is had, at the same time and by the same electors there shall be elected a Vice-President, elected for the purpose of performing the duties of President or acting as President in case of the death, inability, or resignation of the President, elected expressly for that purpose and no other.

Mr. HOAR. Except to preside over the Senate.

Mr. GRAY. No; I will come to that in a moment. He is not elected to preside over the Senate. He is, as I said yesterday, a led horse, who is to take up the burden when it falls from the shoulders of the man who is elected primarily to bear it. He is elected for that very purpose and no other, and because the Constitution, in order, perhaps, to give dignity to the office and to the man who is set aside to wait for the death of the President, makes him ex officio President of the Senate does not alter at all the status to which this Constitution elects him.

So in case of the death of the President and the accession of the Vice-President to the duties of that office, the thing has occurred which the Constitution provided for, and when he acts as President or becomes President, I care not which, he must ex necessitate cease to be Vice-President. He is no longer the led horse. The burden is transferred to his shoulders. He can not be Vice-President to himself. He can not continue to be Vice-President and President too. For what is the Vice-President? One who is to take his turn as President when the President no longer exists. And those are two incompatible offices—incompatible ex necessitate—because you can not frame a sentence in the English language without absurdity that would make the Vice-President acting as President or when he becomes President continue also Vice-President.

Mr. HOAR. Then how does he get back in case of capture? Can the Senator tell me?

Mr. GRAY. I do not know. I am not bound to account for the way in which he would get back. When that case occurs it will no doubt give rise to an interesting argument. I am not to be turned aside from the plain, palpable point I am making by putting one conundrum after another, and I say it with entire respect; I mean questions which may be linked one to the other ad infinitum in regard to all human affairs. But there is that plain difference.

While we are on this subject I wish to enforce it a little further. The Constitution does more than provide for the election of a

Vice-President. It provides for a case where there is neither President nor Vice-President. The Constitution of the United States provides not only for the election of a Vice-President, but it looked ahead further. The framers of that instrument of course were confronted with the possibility or the probability that both the President and the Vice-President might be dead in one term and what should be done in that case. So they declared that Congress should provide by law who shall act as President in a case where both the President and the Vice-President were dead.

Congress in 1792, shortly after the adoption of the Constitution of the United States, undertook to perform the duty which the Constitution imposed upon them, and under the clause authorizing them to provide who should act as President when both the President and Vice-President were dead, they enacted that in that case the President pro tempore of the Senate should act as President.

Now, for ninety-four years that law continued on our statute book without change. It is true that in the providence and mercy of God its provisions were never invoked, but there that law was. It was often the subject of discussion as to what might happen if the contingency so provided for should occur, and so inconvenient did some of the consequences of that law seem that the Committee of the Senate on Privileges and Elections since I became a member—not of that committee, but of the Senate—took the whole matter up, and under the leadership of the distinguished Senator from Massachusetts [Mr. HOAR], who was then its chairman, there was, after due consideration, I suppose, proposed from that committee a substitute for the law of 1792 which should repeal it and provide another order of succession, the one which now exists. The distinguished Senator from Massachusetts performed on that occasion, as he has performed on many others, a great public service that will remain to benefit the people of the United States long after he and I have been removed from this scene of service and labor.

When the distinguished Senator brought that act into this body, and proposed that the Senate should adopt it in lieu of the old one, which was that the President pro tempore of the Senate should act as President when there was neither President nor Vice-President, what argument did he use in order to persuade the Senate to change that law and adopt the present? Here is part of what he said. In speaking of the inconvenience which might arise under the provisions of the act of 1792, the senior Senator from Massachusetts said:

> It is inconvenient, also, because it would be almost impossible for the President of the Senate to continue to perform the functions of his office, which is the principal office, to which the Presidency of the United States is made a mere adjunct or appendix in the contingency which is provided for by law. Nothing can be conceived more awkward, more repugnant to our sense of propriety, than for the President of the United States to sit in the chair of the Senate and preside over and listen to discussions in regard to his own nominations, voting upon them himself as an equal in the Senate, and presiding over and listening to the severe criticisms of executive policy which in times of high party antagonisms must be always heard in this Chamber, and ought to be always heard in this Chamber.
>
> Then the political functions are devolved by the present arrangement upon an officer changeable at the will of this body. The President of the Senate may be removed from time to time by the majority of the Senate, after the Presidential functions have devolved upon the office as before.

Mr. President, nobody rose in his place in the Senate in the reading of that interesting report and during the deliverance of that interesting speech to deny the correctness of the conclusions of the Senator from Massachusetts. Everyone seemed to acquiesce in the proposition that the President pro tempore of the Senate did not relinquish his office as Senator because the duties of the President of the United States were devolved upon him by the Constitution of the United States or by the law enacted in pursuance of the Constitution.

Mr. GEORGE. Nor suspended.

Mr. GRAY. Nor suspended. The word "suspension" was never suggested.

Why should we not apply this reasoning to the State of Delaware? Is it because the State of Delaware is weak and small and the Government of the United States is great and large, as the Senator from New Hampshire seemed to wish to have us think yesterday afternoon? Why does not the logic of that situation apply to this? Why heap contumely upon the little State of Delaware because her people have during all these years put a construction upon her constitution precisely the same as that put upon the Constitution of the United States and the laws of the United States in a similar regard by the Senate of the United States from 1792 to the present time? Are we amenable to that criticism? Are we doing anything more than asking for a continuity of the logic and the judgment and the propriety which ought to obtain in all public affairs and in all public conduct, whatever may be the occasion which calls it forth?

I understood the Senator from Massachusetts to say the other day in an interesting interruption which he made to the distinguished Senator from Mississippi that there was a difference, and I listened very attentively to learn what that difference was, and lo, it was this: That whereas the succession provided for by the statute of the United States was in the second degree, and if I did not misunderstand him, because the contingency of a President pro tempore being called upon to act as President was very remote, never having occurred in a hundred years, it did not make much difference whether the inconvenience that he depicted there arose or not; but if it had been in the first degree, as it was in Delaware, then there was a great difference. I say in all respect I was unable to comprehend that explanation of difference, and did not at all understand why you can make a rule of interpretation of a constitution to depend upon the remoteness or the probability of the happening of the event provided for.

Mr. HOAR. If the Senator from Delaware will pardon me, I do not think he quite understood my statement.

Mr. GRAY. Possibly not.

Mr. HOAR. I can not repeat the words, of course, at this distance of time, but my statement was in substance that where the event was so exceedingly unlikely to happen the inconvenience of having an officer created who should be held ready at all times for the succession and have nothing or little else to do would outweigh the public inconvenience which might happen perhaps once in a thousand years of the other arrangement. My proposition applied to cases under our national and State constitutions of express enactment or of affirmance in the Constitution of the inconsistency of the two offices, as was done in Delaware. Our framers of the Constitution provided that executive offices should not be held by legislative officers, and that where the supreme executive office was vacant and a legislative officer was to succeed his functions as a legislative officer ended and stopped. That is what they did when they were providing for the probable case of the first succession or first vacancy.

Then there is another case which, so far as I know, never happened in the United States. Certainly it never happened in the Union where within the brief term of the executive office both the offices should be vacant, as in the case of President and Vice-President of the United States. There they have not established and provided a salary for the person to whom all these constitutions apply, but they say you may fix that any way, if that comes up, by legislation, and Congress shall provide for the officer who shall succeed.

Our ancestors did it, but if it had been an original question I should have thought it exceedingly doubtful whether, in the selection of the officers to succeed, the First Congress had the right to select the two legislative officers, because of the repugnance which our Constitution makers felt against the exercise of one of these offices by the other. But our ancestors did it, and we have repealed it.

Mr. GRAY. Now, Mr. President, to clinch the argument, that necessarily makes itself in the Pennsylvania precedent to which I have referred, I want to say that the constitution under which that incident took place was a constitution in which the provisions in regard to the exercise of the office of governor by the speaker were precisely the same as they were in Delaware. The prohibitions were just the same, and we have seen what its interpretation was by the people and by the legislature of Pennsylvania, that it was precisely what it has been in Delaware. That constitution has been changed. The constitution was adopted in 1838, but it was changed in 1873. Our constitution has not been changed. But what did they do when they changed it? Here is what they did:

> SEC. 14. In case of a vacancy in the office of lieutenant-governor * * * the powers, duties, and emoluments thereof for the remainder of the term, or until the disability be removed, shall devolve upon the president pro tempore of the senate; and the president pro tempore of the senate shall in like manner become governor—

They did not any longer say "he shall exercise the office of governor," but they ex industria changed the law and said "he shall become governor"—

> if a vacancy or disability shall occur in the office of governor; his seat as senator shall become vacant whenever he shall become governor, and shall be filled by election, as any other vacancy in the senate.

They were confronted with that, and they came to the conclusion that it would be better probably not to leave the duties of senator upon the speaker exercising the office; they were too many and too conflicting; and so they provided by express constitutional enactment that he should become governor, and when he becomes governor his office as senator shall become vacant, but shall not be left vacant; it shall be filled. There was no suggestion of suspension, no suggestion of the unvacant vacancy of an office with no officer to fill it, but a careful protection and guarding of the interests of the people.

The Senator from Oregon speaks of his private or real opinion. You see the Senator from Oregon (and I say it with due respect to his great abilities and his character) is compelled in this case to have a real opinion and an argumentative opinion. His real opinion, he says, in answer to a question from the Senator from Mississippi, is that the exercise of the office of governor by the speaker of the senate works a vacancy in the office of both speaker

and senator. Yet in his interruption of the Senator from Mississippi he says he believes that in the case mentioned there is no place subject to occupancy, and that during the speaker's exercise of the office of governor the senate of Delaware consists of 8 members and not of 9 members.

Here are two statements of what the Senator believes to be the real interpretation of the constitution of Delaware. He says his real belief is that the exercise of the office of governor by the speaker works a vacancy. He also says that he believes in the case before the Senate there was no place subject to the occupancy in the senate of Delaware, and that during the speaker's exercise of the office of governor the senate of Delaware consisted of only 8 members and not of 9 members. Now, if that were so, how could there be a vacancy? If there was no ninth place to be filled, then there was no vacancy in that ninth place. That ninth place was the place occupied by Speaker Watson. He says he believes that when he exercised the office of governor he vacated that place. The place is still there capable of being filled by election; there were still 9 seats, but now he says in his interlocution with the Senator from Mississippi that he believes there were only 8 places. Therefore there was no place, vacant or otherwise.

You see, Mr. President, when you leave the plain text of the constitution and set up paraphrases of it in your argument from artificial premises, even such an acute logician as the Senator from Oregon is conceded to be is necessarily led into confusions and contradictions of this kind; and I might point out others in the course of his able and ingenious argument.

Mr. MITCHELL of Oregon. If the Senator from Delaware will allow me, it does seem to me the Senator is rather hypercritical in his review of what I said on that subject. I have said, and said it a great many times during this discussion, that two views might be taken of this constitution. One is that on the accession to the exercise of the office of governor by the speaker of the senate the place became absolutely vacant; the other is that the right to exercise the function of senator and speaker were simply suspended. In the one case, of course, there would be no vacancy to be filled so far as that is concerned, but that being true, the right upon the part of the person exercising the office of governor to exercise the functions of senator and speaker would be absolutely suspended, while in the other case there would be a vacancy that would be subject to be filled.

Mr. GRAY. The Senator, as I say with due respect, falls between the two horses that he has attempted to ride.

Mr. MITCHELL of Oregon. Not at all.

Mr. GRAY. I am glad to hear you are not injured by the fall. When we have a constitutional convention in Delaware we may put into the constitution a provision such as they have in Pennsylvania; but it is proposed now by Senators upon the other side that this Senate shall anticipate the meeting of a convention in Delaware and write a new constitution for that State.

Mr. President, I am taking up certainly more time than I intended, more perhaps than I ought to take. The Senators upon the other side of this question contend that apart from the express constitutional provision on the subject there is an inherent incompatibility between the exercise of the office of governor and the exercise of the function of senator. I am sorry that it is my duty, but so it is, at this point to call attention to a mode of argument which I can not permit to continue any longer. The Senator from Oregon, with great astuteness, recognizing the difficulty of his case and riding these two horses that I have spoken of——

Mr. GEORGE. Going in opposite directions.

Mr. GRAY. Has all along been referring to the two constitutional prohibitions, one of which says that nobody holding an office under the State shall be senator or representative, and the other saying that no person holding an office under the State shall exercise the office of governor. The force and effect of those prohibitions are measured by their language. They prohibit because they are in the constitution. They are of effect because they have been given expression to by the framers of that constitution. They are to be measured by their own language. I have discussed them, and I think I have demonstrated what has been more clearly demonstrated before by the Senator from Indiana [Mr. TURPIE] and the Senator from Mississippi [Mr. GEORGE], that they have no application and can have no application to the exercise of the office of governor by the speaker of the senate. I take it it is not contended any longer that they do in that sense. But, Mr. President, there has been all through the argument on the other side an attempt to run these prohibitions in, and to attract attention to them, and at the same time allude to what is called an inherent incompatibility between the executive and legislative offices. They have evidently been of the mind that neither of these arguments was by itself sufficient, but that they could in some way combine them and get the united force of both; that there was a sort of chemical union to take place between these two arguments, and, like some medicines, they were to be well shaken before taken.

But, Mr. President, the argument founded upon the prohibitive clauses of the constitution stands by itself and can only be dealt with apart and by itself, and the argument on inherent incompatibility is independent of them and must be dealt with by itself, and we can not combine them. If these clauses do not apply, as I submit I have shown they do not, let us consider whether there is anything in the doctrine of inherent incompatibility. The Senator from Oregon, and the Senator from New Hampshire even more emphatically and at greater length, dwelt upon what I call the inherent incompatibility of legislative and executive offices, which the Senator from New Hampshire says is a great doctrine of American public law.

Now, let us see just what he means by a doctrine of American public law. It is true that offices may be incompatible with each other, and the Senator from Oregon has shown, what is entirely admitted by me and by I think all who have argued on this side, that there are certain offices which, being incompatible with each other, the acceptance of the second vacates the first. That is true; but what are those offices to which he has referred? They are offices which by the nature of their duties are either physically incapable of being performed by the same person or whose duties are the one subordinate to the other. The instances given are all recollected—I need not refer to the cases—the instances given are those most frequently mentioned, those of an inferior judge being elected to a superior judgeship which has a supervisory jurisdiction over the inferior judge. Manifestly there is something in the very constitution of organized government which forbids that the judge who supervises should be the same one who is supervised. So an accounting officer can not be elected and made the accountant; he can not be permitted to account to himself; and it will be found that all the cases referred to are of that nature. I do not pretend to have gone over them all, but they are all of that character.

Then, what is this incompatibility between legislative and executive offices? There is, it is true, in all American constitutions of government a separation of the three departments of government—legislative, executive, and judicial—and a pretty steady observance of the lines of demarcation between those departments. But what does it mean? Does it mean that there is never a point where the one impinges upon the other; that there is never any necessary interlacing of two departments, or that it is incompatible or impossible that one man exercising or holding a position in one department should never be permitted to perform a function of another? Not at all. That is not the American doctrine, because if it were contended that it was it could be very easily demonstrated that no writer of approved authority has ever so considered it.

There is no such American doctrine as that executive and legislative offices are in themselves incompatible. It is true that one department must not be allowed to encroach upon another, but that does not mean that a member of a legislature can not temporarily or otherwise exercise an executive or a judicial function.

What do you mean by the independence of the three great departments of the Government? Story explains it, Madison explains it, Webster explains it. It means that one great department of this Government shall not encroach upon the powers and prerogatives of anyother; that the Executive of the United States, for instance, shall not be permitted to assume a legislative power; that he shall not be permitted to dispense with law which has the sanction of legislative enactment, as Mr. Webster so eloquently and clearly and forcibly demonstrated in his great speech on protest against the action of Andrew Jackson in regard to the removal of the deposits. That the legislature shall not exercise a judicial function; that they shall not undertake to decide a case which has arisen under a law of their own enactment; that the judiciary department shall not undertake in interpreting the laws to legislate or enact a law. That is all that it means and all that it can mean in the history and practice under American constitutions and under American forms of government.

Mr. President, let me read from Mr. Madison a short extract. He certainly will be considered an authoritative expounder of our form of Government. Commenting upon the doctrine of Montesquieu, he says:

> From these facts, by which Montesquieu was guided, it may clearly be inferred that in saying "there can be no liberty where the legislative and executive powers are united in the same person or body of magistrates," or, "if the power of judging be not separated from the legislative and executive powers," he did not mean that these departments ought to have no partial agency in or no control over the acts of each other. His meaning, as his own words import, and still more conclusively as illustrated by the example in his eye, can amount to no more than this, that where the whole power of one department is exercised by the same hands which possess the whole power of another department the fundamental principles of a free constitution are subverted.

Of course, if the Executive exercised a legislative power in any one instance, then he would be exercising the whole power of one department.

> This would have been the case in the constitution examined by him if the king, who is the sole executive magistrate, had possessed also the couplete legislative power or the supreme administration of justice, or if the entire legislative body had possessed the supreme judiciary or the supreme executive authority. This, however, is not among the vices of that constitution. The magistrate, in whom the whole executive power resides, can not of himself make a law, though he can put a negative on every law; nor administer justice in person, though he has the appointment of those who do administer it. The judges can exercise no executive prerogative, though they are shoots from the executive stock; nor any legislative function, though they may be advised with by the legislative councils. The entire legislature can perform no judiciary act, though by the joint act of two of its branches the judges may be removed from their offices, and though one of its branches is possessed of the judicial power in the last resort. The entire legislature again can exercise no executive prerogative, though one of its branches constitutes the supreme executive magistracy; and another, on the impeachment of a third, can try and condemn all the subordinate officers in the executive department.
>
> The reasons on which Montesquieu grounds his maxim are a further demonstration of his meaning. "When the legislative and executive powers are united in the same person or body," says he, "there can be no liberty, because apprehensions may arise lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner." Again: "Were the power of judging joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control, for the judge would then be the legislator. Were it joined to the executive power, the judge might behave with all the violence of an oppressor." Some of these reasons are more fully explained in other passages; but briefly stated as they are here, they sufficiently establish the meaning which we have put on this celebrated maxim of this celebrated author.

Mr. Madison in the same essay was more practical still, and in establishing his contention as to what was meant by the limitation between the departments of the Government he instanced the frame of government of the different States, and among others instanced the government of Delaware, the very one with which we are now concerned, and said that—

> In Delaware the chief executive magistrate is annually elected by the legislative department—

That is in the constitution of 1776—

> The speaker of the two legislative branches are vice-presidents in the executive department. The executive chief, with six others, appointed three by each of the legislative branches, constitutes the supreme court of appeals; he is joined with the legislative department in the appointment of the other judges. * * * The principal officers of the executive department are appointed by the legislative; and one branch of the latter forms a court of impeachments. All officers may be removed on address of the legislature.

I suppose that the Senator from New Hampshire, when he talked about that great principle of separation of the three great departments of the Government, meant just what Mr. Madison said, although he did not know perhaps that he was so clearly in accord with him. But I do not think the Senator from New Hampshire had allowed himself, as Mr. Madison had allowed himself, to make that practical application of that great doctrine and show not only what it meant but what it did not mean, and to show clearly that it did not mean what the Senator from New Hampshire seems to have thought yesterday that it might mean, the prohibition of any exercise by a legislative officer of any executive function whatever; in other words, that there was a common law, as he said, in that regard, the extent of which was necessarily undefined, but which the Senator from New Hampshire so defined as to meet this case, a common law which forbade any legislative officer ever exercising an executive function without vacating the legislative position. He said that is so universal, is so mandatory and imperative, it does not need to be put in express words in a constitution; it operates propria vigore, it surrounds us by an atmosphere and paralyzes any attempt to do otherwise than obey its mandate.

Mr. President, Madison did not think so. Madison limits that great American doctrine; he distinguishes it; he makes a line of demarcation which excludes the very case we are considering, which the Senator from New Hampshire includes.

The Senator from Oregon has also quoted at great length, as have the counsel for Mr. Du Pont, some eloquent passages from Mr. Webster's speech in the Senate on the occasion to which I have referred, on the necessity of preserving the great lines of demarcation between the three great departments of the Government. Admitting all that he so eloquently said, the Senator did not quote all that he said, and we find that he meant exactly what Mr. Madison meant, he meant exactly what I mean in this contention I am making to-day—that while the three departments of the Government are outlined in every American constitution, unless we find express prohibitive words to that effect there is no inhibition by any such general doctrine upon a legislative officer exercising temporarily, at the command of the constitution, an executive office.

Mr. Webster's speech was made upon an occasion which is very well known. There was no charge of any incompatibility in that case of functions with which the President was supposed to be invested. The charge was made against the President that he was, without possessing any authority to do so, setting aside an act of Congress, and that he was usurping legislative power. The question at issue was defined by Mr. Webster in these very words in the speech which the Senator quotes:

> The legislature had fixed a place by law for the keeping of the public money. They had, at the same time and by the same law, created and conferred a power of removal, to be exercised contingently. This power they had vested in the Secretary (of the Treasury) by express words. The law did not say that the deposits should be made in the bank unless the President should order otherwise; but it did say that they should be made there, unless the Secretary of the Treasury should order otherwise. I put it to the plain sense and common candor of all men, whether the discretion thus to be exercised over the subject was not the Secretary's own personal discretion; and whether, therefore, the interposition of the authority of another, acting directly and conclusively on the subject, deciding the whole question, even in its particulars and details, be not an assumption of power? The Senate regarded this interposition as an encroachment by the Executive on other branches of the Government; as an interference with the legislative disposition of the public treasure. (4 Webster's Works, 108-109.)

There was real occasion for Mr. Webster's eloquent invective in that case from his point of view. There had been a law which directed that the deposits should not be removed from a certain place designated by law except by the personal order of the Secretary of the Treasury. The President, ignoring the discretion of the Secretary of the Treasury, against his discretion and against his will, directed the removal of those deposits and thereby encroached upon the legislative power, dispensed with an act of Congress—so Mr. Webster said—and for that he was denouncing his conduct, and he was making a beautiful apostrophe in one part of his speech of the necessity of preserving the lines of demarcation between the legislative and executive branches of the Government. But here is something more which Mr. Webster said, to show that he did not often get confused in these matters of constitutional exposition:

> The separation of the powers of government into three departments, though all our constitutions profess to be founded on it, has, nevertheless, never been perfectly established in any government of the world, and perhaps never can be. * * * Thus the Constitution (of the United States) says that all legislative power therein granted shall be vested in a Congress, which Congress shall consist of a Senate and House of Representatives; and yet, in another article, it gives to the President a qualified negative over all acts of Congress. So the Constitution declares that the judicial power shall be vested in one Supreme Court, and such inferior courts as Congress may establish. It gives, nevertheless, in another provision, judicial power to the Senate; and, in like manner, though it declares that the executive power shall be vested in the President, using, in the immediate context, no words of limitation, yet it elsewhere subjects the treaty-making power and the appointing power to the concurrence of the Senate. The irresistible inference from these considerations is that the mere nomination of a department, as one of the three great and commonly acknowledged departments of the Government, does not confer on that department any power at all. Notwithstanding the departments are called the legislative, the executive, and the judicial, we must yet look into the provisions of the Constitution itself in order to learn, first, what powers the Constitution regards as legislative, executive, and judicial; and, in the next place, what portions or quantities of these powers are conferred on the respective departments, because no one will contend that all legislative power belongs to Congress, all executive power to the President, or all judicial power to the courts of the United States. (4 Webster's Works, page 123.)

Now, the Senator from New Hampshire, differing from Mr. Webster in this respect, says that we do not need to look into the constitution at all. He says that whether there is any express provision in the constitution of Delaware or not declaring a vacancy in the office of senator or a suspension of the office when the senator exercises the office of governor this common American public law operates to create that vacancy or to create that suspension, irrespective of what the constitution itself says.

Mr. CHANDLER. Mr. President, the Senator does not wish to misquote me. I do not mean irrespective of what the constitution says if the constitution of Delaware expressly allows or directs the exercise of the functions of two offices at the same time; but I do say that that principle of public law prevents the exercise of that office in Delaware in the absence of an express provision of the constitution of Delaware allowing it.

Mr. MITCHELL of Oregon. If the Senator will allow me, I will go a step further, and say that if the constitution of Delaware by fair inference allows it—it is not even necessary that it should be expressed—but even if by fair construction, inferentially, it appears that that power was granted by the men who framed the constitution, then I assume it would exist.

Mr. CHANDLER. The Senator from Oregon is right. I stated in my proposition of yesterday that while this is a fundamental principle of constitutional law, an express provision in the national or State constitution would change it; and if either by express provision of the Delaware constitution, or by necessary inference therefrom, the same person may exercise the functions of two offices at the same time, then he may do it. But our contention is that the constitution of Delaware does not make any such provision, either expressly or by necessary inference.

Mr. MITCHELL of Oregon. But, on the contrary, prohibits it.

Mr. GRAY. You see when you take the first wrong step the second necessarily follows, and you finally find the next step negativing the proposition of public law, and the Senator from Oregon says also it can be negatived by an inferential proposition.

Mr. CHANDLER. A necessary inference.

Mr. GRAY. So we go. If there is an end in view, we will make an argument which will reach it; if there is no express provision, we will make an inference that will do it. Mr. Webster, on the contrary, says:

> Notwithstanding the departments are called the legislative, the executive, and the judicial, we must yet look into the provisions of the Constitution

itself in order to learn first, what powers the Constitution regards as legislative, executive, and judicial; and, in the next place, what portions or quantities of these powers are conferred on the respective departments.

Mr. MITCHELL of Oregon. Certainly. That is just what I say.

Mr. GRAY. Well, I do not think it is just what you say. I think it is entirely different from what the Senator from Oregon says. He says if the constitution of Delaware provides that a legislative officer shall exercise temporarily any executive function, that there is a public law so well understood, so pervasive, so universal, and so American that it vacates the legislative office.

Mr. MITCHELL of Oregon. Why, Mr. President——

Mr. GRAY. Mr. Madison says that you must look to the constitution itself to see what participation the legislative officer may have in executive functions, and you must be governed by that, and that alone.

Mr. Madison, in No. 47 of the Federalist, also says:

In a government where numerous and extensive prerogatives are placed in the hands of an hereditary monarch the executive department is very justly regarded as the source of danger and watched with all the jealousy which a zeal for liberty ought to inspire. * * * But in a representative republic, where the executive magistracy is carefully limited, both in the extent and the duration of its power, and where the legislative power is exercised by an assembly which is inspired by a supposed influence over the people with an intrepid confidence in its own strength, which is sufficiently numerous to feel all the passions which actuate a multitude, yet not so numerous as to be incapable of pursuing the objects of its passions by means which reason prescribes, it is against the enterprising ambition of this department that the people ought to indulge all their jealousy and exhaust all their precautions.

Mr. President, there is a very startling difference between the Senator from Oregon and Mr. Madison in regard to the source of danger to our Government and to our people. He seems to think that in obeying the mandate of the constitution of Delaware the speaker of the senate, exercising the office of governor, should vacate the office of senator from the county which he represents, or otherwise all the dangers which the Senator from Oregon has conjured up in his heated imagination to affright the Senate from its propriety and from its duty will come down upon the heads of the American people, that this is a frightful invasion, a frightful encroachment of the executive upon the legislative power; whereas Mr. Madison, on the other hand, thinks that in this country, where the executive is so limited, that encroachment of the legislative upon the executive is the source of danger and the source of apprehension against which safeguards should be made.

But, Mr. President, in neither case is there any place for the heated imaginings of the Senator from Oregon. The people of Delaware are in no danger in pursuing the paths which have been pursued by their forefathers for a hundred years; they are in no danger when they interpret their constitution in consonance with the views of Madison and Webster, nor are the people of the United States when we shall determine that a Senator of the United States, to be elected by a legislature, shall be elected by the whole body of the legislature elected by the people for that purpose, for when we elect a legislature we take into account the fact that they are to perform that high electoral duty and to provide a representative in this body for the State.

Mr. President, to come back to the doctrine of inherent incompatibility, I think I have shown that the doctrine of inherent incompatibility maintained by the Senator from Oregon and the Senator from New Hampshire, as well as by the Senator from Michigan, is a very different one from that maintained by Webster and by Madison. I might go further, if it were necessary, and show what Mr. Story says in his Commentaries on the Constitution as to how far incompatibility may be argued from the separation of the three great departments of the Government. Says Mr. Story, in section 525 of the first volume of his Commentaries:

But when we speak of a separation of the three great departments of government and maintain that that separation is indispensable to public liberty, we are to understand this maxim in a limited sense. It is not meant to affirm that they must be kept wholly and entirely separate and distinct and have no common link of connection or dependence the one upon the other in the slightest degree. The true meaning is that the whole power of one of these departments should not be exercised by the same hands which possess the whole power of either of the other departments, and that such exercise of the whole would subvert the principles of a free constitution. This has been shown with great clearness and accuracy by the authors of the Federalist.

Mr. SHERMAN. If it would be convenient to the Senator from Delaware to finish his argument to-morrow, I should like to have a brief executive session.

Mr. GRAY. If it be any accommodation to the Senator from Ohio or the Senate, of course I will yield with pleasure to the suggestion; but I will remark that I have not a great deal more to say, and if I may be permitted to go on in the morning, I will undertake to not trespass upon the patience of the Senate at very great length.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

Mr. PEFFER. Before that motion is put, I wish to have it understood that it shall not interfere with the bond sale investigation resolution.

Mr. SHERMAN. I do not wish to disarrange the matter in charge of the Senator from Kansas.

Mr. PEFFER. With that understanding, I have no objection to an executive session.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-five minutes spent in executive session the doors were reopened.

MEDICAL AND DENTAL COLLEGES.

Mr. GALLINGER. Yesterday I asked unanimous consent for the consideration of a medical bill to which there was objection. I now ask for the consideration of a bill to which there will be no objection. It is the bill (H. R. 5488) to provide for the incorporation and regulation of medical colleges in the District of Columbia.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CALL. I think that bill ought to receive careful consideration. The Senate is very thin. I have here a protest——

Mr. GALLINGER. The bill has received the consideration of the Committee on the District of Columbia in the House. It has passed the House. It has received the careful consideration of the Committee on the District of Columbia of the Senate. It has been unanimously approved by the Commissioners of the District of Columbia and by the medical and dental associations of the District. It has been on the Calendar for a couple of months. It has had all the consideration it can possibly have.

Mr. CALL. All that does not make the Senate of the United States, and it is incumbent upon Senators to consider the bills that are brought here and that they shall have the approval of their own judgment. I do not know anything about this measure except that I do not think it is wise that any inquiry into any subject of human knowledge shall be confined to any designated people. The human mind should be free to make its investigations into all subjects, and this bill imposes a penalty upon particular forms of teaching and instruction.

Mr. GALLINGER. If the Senator——

Mr. CALL. Wait one minute. Yes; that is what this bill does. It makes it a crime for men to teach such convictions as they may have which are not approved by certain persons.

I know nothing about the merits of these different schools, but anything which suppresses human inquiry and the liberty of human thought and the teaching of any doctrines that are not themselves against public order ought not to be permitted. I have here a paper which has been brought to me, and I want to read it. It is from some association existing here, signed by W. W. Hubbell, president of the University of Science.

Mr. GALLINGER. The Senator from Florida knows that no such university exists, does he not?

Mr. CALL. Suppose it does not, and that only Mr. Hubbell exists?

Mr. GALLINGER. He is the only one who does exist in connection with it.

Mr. CALL. Very well; this Mr. Hubbell has a right to teach anyone else if he can convince the judgment of people that what he teaches is right, and he ought to be permitted to do it. He says here——

Mr. GALLINGER. He can do that in his individual capacity, I will say to the Senator, even if this bill passes.

Mr. CALL. Not at all. If he sets up a school you punish him. Not only that, but you authorize arbitrary punishment. You authorize information to be filed without any inquiry by a mandatory order. What for? For teaching his opinions upon the subject of medicine. He says here:

The bills and efforts now being made in Congress, really tending to establish medical monopolies in the old schools of medicine, on pretext of examinations, after graduates have passed the ordeal of institutions incorporated by law.

Is not that true? Can a man who comes here with a diploma from some of the incorporated institutions in a State practice medicine without being permitted by this board to which you refer?

Mr. GALLINGER. I confess I do not understand the Senator's question; so I will not undertake to answer it.

Mr. CALL. I will read it again. This man says:

The bills and efforts now being made in Congress, really tending to establish medical monopolies in the old schools of medicine, on pretext of examinations, after graduates have passed the ordeal of institutions incorporated by law, not only tend to discourage and defeat young men in their efforts to acquire

knowledge, but are practically a money-making imposition upon the inalienable rights of the people to "life, liberty, and the pursuit of happiness," as free and independent, with natural right of choice in the advancement of science in medicine; and we call upon all in favor of our "educational" system to oppose all such monopolies, in Congress and in the States, by defeat and repeal; and maintain the rights of ourselves and our children as free American citizens.

Mr. GALLINGER. The Senator is reading the opinion of a gentleman concerning the bill to which he objected yesterday. If he will confine himself to this bill and discuss the question——

Mr. FAULKNER. This is a mere dental bill.

Mr. CALL. A dental bill?

Mr. FAULKNER. A dental bill.

Mr. GALLINGER. This is an entirely different bill, I will say to the Senator.

Mr. CALL. I beg pardon.

Mr. GALLINGER. If the Senator will permit me to state what this bill is, I know he will not object.

Mr. CALL. Is not the argument true about dentistry as in regard to medicine?

Mr. GALLINGER. We passed in the last Congress a bill regulating the practice of dentistry. The Senator from Florida forgot to object to it. That act is on the statute books now. Under the general incorporation act of this District (and I presume no such authority is lodged in the general incorporation act of any State in the American Union) any two, three, four, or five men can organize a college for the teaching of medicine, dentistry, or any other of the learned professions. The result is that we have had two or three colleges that have brought scandal upon the professions in this District, and all the bill contemplates is that the Commissioners shall approve those colleges before they continue to impart the knowledge that they claim to impart. That is all.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the incorporation and regulation of medical and dental colleges in the District of Columbia."

Mr. CALL subsequently said: I move to reconsider the vote by which the bill (H. R. 5488) to provide for the incorporation and regulation of medical colleges in the District of Columbia was passed. I wish to examine the bill and have not had an opportunity to do so.

The PRESIDENT pro tempore. The motion will be entered.

HOUSE BILL REFERRED.

The bill (H. R. 8109) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

HANDBOOK OF EXPERIMENT STATION WORK.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed 10,000 additional copies of Bulletin No. 15 of the Office of Experiment Stations of the Department of Agriculture entitled Handbook of Experiment Station Work, of which 2,000 copies shall be for the use of the members of the Senate, 4,000 copies for the use of members of the House of Representatives, and 4,000 copies for the use of the Secretary of Agriculture.

SALMON FISHERIES OF ALASKA.

Mr. PERKINS. I ask unanimous consent for the present consideration of the bill (S. 2022) to amend an act entitled "An act to provide for the protection of the salmon fisheries of Alaska."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Fisheries with amendments, in line 8, after the word "fences," to strike out "traps, pound nets"; in the same line, after the word "any," to insert "such"; in line 12, after the word "salmon," to strike out "or salmon trout"; in line 20, after the word "salmon," to strike out "or salmon trout"; in line 22, after the word "Alaska," to insert "except only for purposes of propagation"; in line 24, after the word "net," to insert "trap, pound net"; in line 32, after the word "waters," to insert "except Cook Inlet, Prince William Sound, Bering Sea, and the waters tributary thereto"; in line 33, after the word "from," to strike out "noon on Saturday," and insert "midnight on Friday"; in line 34, after the words "six o'clock," to strike out "postmeridian" and insert antemeridian"; in line 36, after the word "appliances," to insert "except by rod or spear"; in line 37, after the word "salmon," to strike out "or salmon trout"; in line 39, after the words "in the," to strike out "morning" and insert "evening"; in line 40, after the words "in the," to strike out "evening" and insert "morning"; in the same line, before the word "day," to strike out "same" and insert "following"; in line 43, after the word "aside," to strike out "certain" and insert "any"; in line 50, after the word "increase," to insert "*Provided, however*, That such power shall be exercised only after all persons interested shall have been given a hearing, of which hearing due notice must be given by publication: *And provided further*, That it shall have been ascertained that the persons engaged in catching salmon do not maintain fish hatcheries of sufficient magnitude to keep such streams fully stocked"; in line 60, after the words "salary of," to strike out "ten" and insert "one thousand eight hundred"; in line 61, after the word "per," to strike out "day" and insert "annum"; in line 62, after the words "salary of," to strike out "eight" and insert "one thousand six hundred"; in line 63, after the word "per," to strike out "day" and insert "annum"; and in line 75, after the words "fine of," to strike out "five hundred" and insert "two hundred and fifty"; so as to make the bill read:

Be it enacted, etc., That the act approved March 2, 1889, and entitled "An act to provide for the protection of the salmon fisheries of Alaska," is hereby amended and reenacted, as follows:

"That the erection of dams, barricades, fish wheels, fences, or any such fixed or stationary obstructions in any part of the rivers or streams of Alaska, or to fish for or catch salmon or salmon trout in any manner or by any means with the purpose or result of preventing or impeding the ascent of salmon to their spawning ground, is declared to be unlawful, and the Secretary of the Treasury is hereby authorized and directed to remove such obstructions and to establish and enforce such regulations and surveillance as may be necessary to insure that this prohibition and all other provisions of law relating to the salmon fisheries of Alaska are strictly complied with.

"SEC. 2. That it shall be unlawful to fish, catch, or kill any salmon of any variety, except with rod or spear, above the tide waters of any of the creeks or rivers of less than 500 feet width in the Territory of Alaska, except only for purposes of propagation, or to lay or set any drift net, set net, trap, pound net, or seine for any purpose across the tide waters of any river or stream for a distance of more than one-third of the width of such river, stream, or channel, or lay or set any seine or net within 100 yards of any other net or seine which is being laid or set in said stream or channel, or to take, kill, or fish for salmon in any manner or by any means in any of the waters of the Territory of Alaska, either in the streams or tide waters, except Cook Inlet, Prince William Sound, Bering Sea, and the waters tributary thereto, from midnight on Friday of each week until 6 o'clock antemeridian of the Sunday following; or to fish for or catch or kill in any manner or by any appliances, except by rod or spear, any salmon in any stream of less than 100 yards in width in the said Territory of Alaska between the hours of 6 o'clock in the evening and 6 o'clock in the morning of the following day of each and every day of the week.

"SEC. 3. That the Secretary of the Treasury may, at his discretion, set aside any streams as spawning grounds, in which no fishing will be permitted; and when, in his judgment, the results of fishing operations on any stream indicate that the number of salmon taken is larger than the capacity of the stream to produce, he is authorized to establish weekly close seasons, to limit the duration of the fishing season, or to prohibit fishing entirely for one year or more, so as to permit salmon to increase: *Provided, however*, That such power shall be exercised only after all persons interested shall have been given a hearing, of which hearing due notice must be given by publication: *And provided further*, That it shall have been ascertained that the persons engaged in catching salmon do not maintain fish hatcheries of sufficient magnitude to keep such streams fully stocked.

"SEC. 4. That to enforce the provisions of law herein and such regulations as the Secretary of the Treasury may establish in pursuance thereof, he is authorized and directed to appoint one inspector of fisheries, at a salary of $1,800 per annum, and two assistant inspectors, at a salary of $1,600 each per annum, and he will annually submit to Congress estimates to cover the salaries and actual traveling expenses of the officers hereby authorized and for such other expenditures as may be necessary to carry out the provisions of the law herein.

"SEC. 5. That any person violating the provisions of this act or the regulations established in pursuance thereof shall, upon conviction thereof, be punished by a fine not exceeding $1,000 or imprisonment at hard labor for a term of ninety days, or both such fine and imprisonment, at the discretion of the court; and, further, in case of the violation of any of the provisions of section 1 of this act and conviction thereof a further fine of $250 per diem will be imposed for each day that the obstruction or obstructions therein are maintained."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RITA STINE.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 2813) granting a pension to Rita Stine; which was read twice by its title.

Mr. COCKRELL. I ask that that bill may now be considered. The Senator from New Hampshire [Mr. GALLINGER] is familiar with all the facts in the case. A like bill was passed by the Senate and sent to the House of Representatives, giving the claimant therein mentioned, a helpless blind girl, $12 a month. The other House has passed not the Senate bill, but a House bill in the exact language of the Senate bill, except the pension is $17 a month. I hope the bill may be considered and passed.

Mr. GALLINGER. I hope the bill may be passed.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place the name of Rita Stine, of Memphis, Mo., invalid and helpless orphan daughter of George W. Stine, late lieutenant of Company I, Twenty-first Missouri Volunteer Infantry, upon the pension roll, and to allow her a pension of $17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAYS OF GRACE ON PROMISSORY NOTES, ETC.

Mr. FAULKNER. I ask unanimous consent for the present consideration of the bill (H. R. 5105) to abolish days of grace on promissory notes, drafts, etc., in the District of Columbia.

Mr. HOAR. I object to the present consideration of that bill.

The PRESIDENT pro tempore. The Senator from Massachusetts objects to the present consideration of the bill.

LEWIS C. SCHILLING.

Mr. PEFFER. I ask unanimous consent for the present consideration of the bill (H. R. 2224) granting an increase of pension to Lewis C. Schilling.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis C. Schilling, late a private in Company A, Fourth Ohio Cavalry Volunteers, and pay him a pension at the rate of $30 per month in lieu of the amount he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

RIBBONS OF HONOR.

Mr. SHOUP. I ask unanimous consent for the consideration of the joint resolution (H. Res. 85) relative to the medal of honor authorized by the acts of July 12, 1862, and March 3, 1863.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. COCKRELL. When that joint resolution was before the Senate on a prior occasion I objected to it, not having been able to read the report; but I find the report provides—it does not appear upon the face of the joint resolution—for a distinctive ribbon, which is to be supplied when one is destroyed, and it will be designated by the Secretary of War, and not such an one as the holder of one of the medals might obtain in any other way. Therefore I make no objection to the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

The PRESIDENT pro tempore. The joint resolution has been heretofore considered as in Committee of the Whole and amended, and the amendment concurred in by the Senate. It is still open to amendment.

The joint resolution was ordered to a third reading, read the third time, and passed.

Mr. SHOUP. I now move that the bill (S. 2512) relative to the medal of honor authorized by the joint resolution approved July 12, 1862, and the act approved March 3, 1863, being precisely the same as the joint resolution which has just been passed, be indefinitely postponed.

The motion was agreed to.

PUBLIC LANDS IN MISSOURI.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (S. 1537) to provide for the private sale of public lands in Missouri.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, to add the following proviso:

Provided, That the actual settlers shall have a preference right under such rules and regulations as the Commissioner of the General Land Office may prescribe.

So as to make the bill read:

Be it enacted, etc., That all public lands within the State of Missouri which have not heretofore been offered at public sale shall hereafter be subject to disposal at private sale in the manner now provided by law for the sale of lands which have been publicly offered for sale: *Provided*, That the actual settlers shall have a preference right under such rules and regulations as the Commissioner of the General Land Office may prescribe.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MERCHANT MARINE ENGINEER SERVICE.

Mr. SQUIRE. I ask unanimous consent for the present consideration of the bill (H. R. 3013) to amend section 4131 of the Revised Statutes of the United States, to improve the merchant marine engineer service, and thereby also to increase the efficiency of the Naval Reserve.

This is a bill which had been reported by the Senator from Maine [Mr. FRYE] from the Committee on Commerce with an amendment in the nature of a substitute, which was agreed to as in Committee of the Whole.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The amendment was adopted as in Committee of the Whole some time since as a substitute for the original bill. The question now is, Shall the bill as amended be reported to the Senate?

The bill was reported to the Senate as amended.

Mr. HILL. What is the precise amendment—the precise change?

Mr. SQUIRE. The precise amendment is in line with the bill as passed by the Senate originally.

Mr. HILL. What is the precise change?

Mr. SQUIRE. Let the bill be read. The precise changes are to conform to the bill as amended in committee, and passed by the Senate originally.

Mr. PETTIGREW. I object to the further consideration of the bill.

The PRESIDENT pro tempore. There is objection, and the bill goes over.

Mr. GORMAN. I move that the Senate adjourn.

Mr. WARREN. I appeal to the Senator from Maryland to withdraw his motion to adjourn until I can ask unanimous consent for the consideration of a bill.

Mr. GORMAN. I withdraw the motion, Mr. President.

HEIRS OF STERLING T. AUSTIN.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (S. 682) for the relief of the heirs of Sterling T. Austin, deceased.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Florine A. Albright and Missouri A. Pollard, heirs of Sterling T. Austin, deceased, $59,287, being the proceeds of the sale of 360 bales of cotton, the property of Sterling T. Austin, seized by the civil and military authorities of the United States and received into the Treasury, as found by the Court of Claims.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HILL. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 16, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 15, 1896.

JUSTICE OF THE PEACE, DISTRICT OF COLUMBIA.

John H. O'Donnell, of the District of Columbia, to be justice of the peace in the county of Washington, in the District of Columbia (assigned to the city of Washington). Mr. O'Donnell's present commission as justice of the peace expires April 20, 1896.

CONSUL.

Leo Bergholz, of New York, to be consul of the United States at Erzerum, Armenia, to fill a vacancy.

CONFIRMATION.

Executive nomination confirmed by the Senate April 15, 1896.

INDIAN AGENT.

Charles E. McChesney, of Hartington, Nebr., to be agent for the Indians of the Rosebud Agency, in South Dakota.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 15, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

ECONOMIC GEOLOGY OF MERCUR MINING DISTRICT.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution with reference to printing, favorably reported from the Committee on Printing.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office, at the earliest date practicable, 5,000 additional copies, in separate form, with paper cover, of the paper entitled "Economic geology of the Mercur mining district," being a part of the sixteenth annual report of the United States Geological Survey, with accompanying illustrations; of which 3,000 copies shall be for the use of the House, 1,500 copies for the use of the Senate, and 500 copies for distribution by the Geological Survey.

There being no objection, the concurrent resolution was considered and agreed to.

On motion of Mr. PERKINS, a motion to reconsider the last vote was laid on the table.

HANDBOOK OF EXPERIMENT STATION WORK.

Mr. PERKINS. I also ask unanimous consent for the present consideration of the resolution I send to the desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 10,000 additional copies of Bulletin No. 15, of the Office of Experiment Stations of the Department of Agriculture, entitled Handbook of Experiment Station Work, of which 2,000 copies shall be for the use of the members of the Senate, 4,000 copies for the use of members of the House of Representatives, and 4,000 copies for the use of the Secretary of Agriculture.

There being no objection, the resolution was considered and agreed to.

On motion of Mr. PERKINS, a motion to reconsider the last vote was laid on the table.

CONTESTED-ELECTION CASE—GOODWYN VS. COBB.

Mr. BARTLETT of Georgia. Mr. Speaker, I desire, on behalf of the minority of the Committee on Elections, to submit a report heretofore authorized by the House, in the case of Goodwyn *vs.* Cobb.

The SPEAKER. The views of the minority will be printed, to accompany the report of the committee.

CONTESTED-ELECTION CASE—MOORMAN VS. LATIMER.

Mr. BELL of Texas. Mr. Speaker, I have been directed by the Committee on Elections No. 3 to call up for present consideration and move the adoption of the resolutions reported by the committee in the case of Moorman *vs.* Latimer, from the Third Congressional district of South Carolina.

The SPEAKER. The resolutions will be read.

The resolutions were read, as follows:

Resolved, That Robert Moorman was not elected a Representative in the Fifty-fourth Congress from the Third district of South Carolina, and is not entitled to the seat as such Representative.

Resolved, That A. C. Latimer was elected a Representative in the Fifty-fourth Congress from the Third Congressional district of South Carolina, and is entitled to retain his seat as such Representative.

Mr. BELL of Texas. This is the unanimous report of the committee; there is no controversy over the matter, and I move the adoption of the resolutions.

The resolutions were agreed to.

On motion of Mr. BELL of Texas, a motion to reconsider the last vote was laid on the table.

JOHN B. BESLER.

Mr. SPERRY. Mr. Speaker, I ask unanimous consent to call up for present consideration the bill (H. R. 5258) granting an honorable discharge to John B. Besler.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of, and grant an honorable discharge to, John B. Besler, late a private in Company M, First Regiment Connecticut Heavy Artillery, now a resident of New Haven, Conn.

Mr. TALBERT. I would like to ask if this bill has been considered at a Friday-night session?

Mr. SPERRY. It has not been.

Mr. McMILLIN. I would ask that the report accompanying this bill be read, Mr. Speaker.

The report (by Mr. TARSNEY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 5258) for the relief of John B. Besler, having considered the same, respectfully report:

The committee have examined the evidence presented with this case, and on the showing made consider the claimant entitled to the relief asked for under the provisions of this bill.

The affidavit of Capt. F. A. Pratt, printed herewith as a part of this report, and fully corroborated and sustained by numerous other affidavits and statements of this soldier's officers and comrades, conclusively shows that the action of the court-martial, by which the soldier was submitted to a cruel and unusual punishment, was erroneous and unjust, not founded upon fact, and when imposed upon an innocent man, as in this case, to satisfy the malice of an ignorant officer, can only be properly characterized as inhuman and barbarous. We believe that relief can not be granted to this unfortunate and deserving man with sufficient speed.

The committee recommend that the bill do pass.

Hon. N. D. SPERRY,
House of Representatives, Washington, D. C.

DEAR SIR: In the case of John B. Besler, of New Haven, Conn., who in the civil war was a private in M company, First Regiment Connecticut Heavy Artillery, and dishonorably discharged, and who now asks that the records be changed, and that he may have an honorable discharge, for your information and those who are to have the consideration of the matter, I respectfully submit the following:

At the breaking out of the war John B. Besler was an industrious young mechanic, of good habits and reputation, living in New Haven, Conn., where he had been working for several years in carriage factories. During the winter of 1861-62, with several of his companions and fellow-workmen, he enlisted in Company M, First Regiment Connecticut Artillery. In the spring of 1862 this regiment went to Yorktown and had charge of the siege train there. The work was day and night, in rain and mud, and of the hardest kind. The record shows more heavy ordnance and ammunition moved and put in position than had ever been before done in the same length of time.

At some period during this time Besler, who had up to that date been a most willing and excellent soldier, made complaint of lameness in back and legs as resulting from the work and exposure. The surgeon declined to believe him or excuse him, and returned him for duty in his company, where he was favored somewhat and put on light duty, which, I am informed by the then first sergeant, he appeared to do cheerfully and as well as able. He was very soldierly in appearance, keeping his uniform and equipments in the best of order, so much so that for that reason he would be selected from the new guard as the orderly for the day for the colonel commanding or the adjutant nearly every time he was on the guard detail. This I know from the fact that I was at that time the regimental adjutant. He came on as a member of the guard very frequently. This, I learned, was because men of his company would, by permission of his first sergeant, exchange their place in the guard detail for his place on the working detail, they believing he was not able to work. As his trouble became more acute, he again went to the surgeon, who again refused to believe him; told him there was nothing the matter with him, that he was "playing off." This Besler resented in strong language, not politic or proper from a subordinate, but natural under the circumstances from one who had any pride or manhood. The surgeon ordered him to duty and to be punished, and an antagonism was here established. Besler continued to do light work in his company.

Arriving at Harrisons Landing, he was again before the surgeon, with no better result. In October, 1862, I was appointed captain of M company, and took command at Fort Ward, Va. Besler was with the company, apparently not able to do duty, but not excused by the surgeon. I then heard his statement, made investigations, and, believing him, made his duties as light as possible. In December, 1862, M company was detached from the regiment and sent to Fredericksburg for special service. Besler was left at regimental hospital near Fort Ward, and was never again with his company. The surgeon was a cold, unsympathetic man of tenacious opinions, likely to be intensified by opposition, no doubt honest in believing Besler was deceiving; but undoubtedly wrong and strongly prejudiced in the case. The troubles Besler complains of, as I know from my own experience, can be very severe and yet so obscure that a doctor can not determine them without taking the statement of the sufferer. During the winter and spring of 1862 and 1863 the surgeon treated Besler at the regimental hospital with great severity, and finding that he would not admit that he was well and able to return to duty, had charges preferred against him of feigning sickness for the purpose of getting out of service. In such a case there could be but little evidence before the court-martial on the part of Besler. The surgeon's opinion was accepted. The sentence of the court-martial was that Besler be dishonorably discharged and drummed out of the service with loss of all pay.

After the sentence and before its execution comrades in his regiment, believing him wronged, contributed some $90, offered to get him citizen's clothing and a pass that he might leave and escape the indignity of the execution of the sentence. He replied that he would remain and suffer the sentence; that they might falsely charge that he had played off, but should never truthfully say he deserted. Urged to take the money after being drummed out and to see what he could do to get righted in Washington, he did so, remaining some days in Washington. He secured an interview with Secretary Stanton, who rescinded the order stopping the pay and suggested that Besler have some one take hold to set the matter right; that he (Stanton) had no time to investigate it. Not knowing how to proceed further in the matter, Besler returned to New Haven. He continued to be lame and suffer in health as in the Army; has never been able to resume his old occupation as carriage maker, although has tried for a few days at a time, only to find that he was not able. He has occupied himself more or less in light occupations, securing a fair living, remains a good citizen of good habits, has the respect and sympathy of his old comrades in the company and regiment, many of them living in New Haven, men who worked with him before the war, when he was able and well, and who contrast his condition since his discharge, a clear and convincing object lesson that doctors do make mistakes.

My home is in St. Louis. I have not seen Besler for nearly thirty years until about ten days ago. I then went to New Haven with the purpose of seeing him and investigating. I made it my duty to see of his old comrades, members of M company, men in good positions who were as members of Company M, and now reliable men. Not one did I find that was not strongly in sympathy with Besler and the belief that he had been greatly wronged by the court-martial. I could not learn there was a member of the regiment living in New Haven that did not believe this. The record of the First Connecticut Heavy Artillery, the first three years' regiment (then the fourth volunteer company) mustered in the war, is not such as to credit the belief that any considerable number could have been found then or now of its members who would give aid or sympathy to cowards or shirks.

The investigation confirms most fully my conviction that this man has been greatly wronged. That in addition to suffering in health from harsh treatment and disgraceful humiliation in his regiment and before his comrades in the field, he has ever since and still stands before the world, before his comrades, before his children, with the record of a shameful and disgraceful discharge as his war record. To in part undo this wrong, the record can not be changed too quickly. Justice to Besler demands this if he has been wronged, and certainly our Government can not wish to continue a wrong committed by mistake. That this has not been before brought to the attention of proper authorities is by reason of Besler's not knowing how to proceed. If I can be of any further assistance in this matter, you will oblige me by giving me the opportunity.

Very respectfully, F. A. PRATT,
Late Captain M Company, First Connecticut Heavy Artillery.

DISTRICT OF COLUMBIA, *City of Washington:*

Sworn to and subscribed before me this 17th day of February, 1896.
[SEAL.] JOHN H. ROGERS,
Notary Public, District of Columbia.

WASHINGTON, *February 17, 1896.*

I have known Captain Pratt for many years as a gentleman of excellent character and fine military record.

J. R. HAWLEY.

The SPEAKER. Is there objection?

Mr. TALBERT. I understood the gentleman to state that the bill had been considered at a Friday night session?

Mr. SPERRY. No; I said that it had not been.

Mr. HULL. It would not come under the provision of the rule for Friday night sessions. It is not a desertion case and could not be considered at a Friday night session.

Mr. TALBERT. My idea was that this is one of those cases that could come up under the rule at the Friday night sessions.

Mr. HULL. Not at all. This is a court-martial case, and the Friday evening session would have no jurisdiction over it.

Mr. TALBERT. Well, that is a distinction without a difference. I object, Mr. Speaker.

Mr. SPERRY. I hope the gentleman will not object. Let me

suggest to him that this has been unanimously reported from the

An act (H. R. 5914) to amend an act to authorize the Inter-

Maine [Mr. FRYE] from the Committee on Commerce with an

House, 1,500 copies for the use of the Senate, and 500 copies for distribution by the Geological Survey.

there. The work was day and night, in rain and mud, and of the hardest kind. The record shows more heavy ordnance and ammunition moved and put in position than had ever been before done in the same length of time.

ence. I object, Mr. Speaker.

Mr. SPERRY. I hope the gentleman will not object. Let me

suggest to him that this has been unanimously reported from the committee.

The SPEAKER. Objection is made.

Some time subsequently,

Mr. SPERRY. Mr. Speaker, the gentleman from South Carolina having withdrawn his objection to the bill for which I asked consideration, I move that the bill be put on its passage.

The SPEAKER. The Chair desires to call the attention of the gentleman from South Carolina. Has the gentleman withdrawn his objection?

Mr. TALBERT. I have.

Mr. BARTLETT of New York. Mr. Speaker, I should like to have an explanation of the bill.

Mr. SPERRY. I call for the reading of the report.

The SPEAKER. The Clerk will again read the report.

The Clerk proceeded to read the report.

During the reading of the report,

Mr. BARTLETT of New York said: Mr. Speaker, I am satisfied.

The SPEAKER. Objection is withdrawn. Is there further objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills and joint resolutions of the following titles:

On March 31, 1896:

An act (H. R. 5286) providing for the disposal of lands lying within the Fort Klamath hay reservation not included in the Klamath Indian Reservation in Oregon.

NOTE.—The following bill, having been presented to the President on March 19, 1896, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without his approval:

An act (H. R. 1816) for the relief of Michael Ryan.

On April 1, 1896:

An act (H. R. 5828) to amend an act entitled "An act to promote the safety of employees and travelers," etc., approved March 2, 1893.

On April 4, 1896:

An act (H. R. 1861) for the relief of James Linsky from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens;

An act (H. R. 4698) to provide an American register for the steamer *Matteawan*.

On April 6, 1896:

An act (H. R. 6408) authorizing the sale of title of the United States to certain tracts of land in the District of Columbia to Margaret Shugrue, Caroline Lochboehler, and John R. Scott;

An act (H. R. 55) for the establishment of a light-house and fog-signal station at or near the entrance to Maurice River, New Jersey;

Joint resolution (H. Res. 24) providing for immediate destruction of income-tax returns, etc.

NOTE.—The following bill, having been presented to the President on March 25, 1896, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without his approval:

An act (H. R. 5564) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

On April 7, 1896:

An act (H. R. 1244) to confirm certain cash entries of offered lands.

On April 10, 1896:

Joint resolution (H. Res. 159) to authorize the Secretary of War to prepare and submit estimates for the improvement of the harbor at Portland, Me.

On April 13, 1896:

An act (H. R. 5736) to authorize the Light-House Board to proceed with the construction of the light-house and fog signal on North Manitou Island, Lake Michigan;

An act (H. R. 4632) for the relief of Frederick B. Betts, surviving partner of the firm of Betts, Nichols & Co.

On April 14, 1896:

An act (H. R. 4053) repealing chapter 148 of the Supplement of the Revised Statutes of the United States;

NOTE.—The following bills were presented to the President on April 2, 1896, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, have become laws without his approval:

An act (H. R. 4254) granting to the Duluth and North Dakota Railroad Company right of way through certain Indian reservations in the State of Minnesota;

An act (H. R. 5914) to amend an act to authorize the Interoceanic Railway Company to construct and operate railway, telegraph, and telephone lines through the Indian Territory; and

An act (H. R. 711) to increase the pension of Uzziel B. Church.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

A bill (S. 115) for the relief of the estate of Ramsay Crooks;

A bill (S. 605) relieving the personal representatives of John Sherman, jr., late United States marshal for the Territory of New Mexico, from the requirements of section 833 of the Revised Statutes;

A bill (S. 2277) for the relief of Oscar Sonnenkalb;

Joint resolution (S. R. 131) relative to the improvement of the harbor of Erie, Pa.; and

A bill (S. 2816) granting the northwest quarter of the northwest quarter of section 30, township 17 north, range 3 east, Black Hills meridian, to the Nashville Presbyterian Church, of Nashville, S. Dak.

The message also announced that the Senate had passed with amendment the bill (H. R. 3281) to authorize reassessment for improvements and general taxes in the District of Columbia, and for other purposes; in which the concurrence of the House was requested.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That the Committees on Enrolled Bills of the two Houses be authorized to correct enrolled joint resolution (S. R. 116) by striking out the word "eight," in the second line of said enrolled joint resolution, and inserting "seven."

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and joint resolutions were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 115) for the relief of the estate of Ramsay Crooks—to the Committee on Indian Affairs.

A bill (S. 2277) for the relief of Oscar Sonnenkalb—to the Committee on Claims.

A bill (S. 2816) granting the northwest quarter of the northwest quarter of section 30, township 17 north, range 3 east, Black Hills meridian, to the Nashville Presbyterian Church, of Nashville, S. Dak.—to the Committee on the Public Lands.

Joint resolution (S. R. 131) relative to the improvement of the harbor of Erie, Pa.—to the Committee on Rivers and Harbors.

ARMINDA STUCKER.

Mr. DOCKERY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk, H. R. 5853, granting a pension to Arminda Stucker, of Gallatin, Mo.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Arminda Stucker, widow of John H. Stucker, late a soldier in Company B, Grundy County Battalion Missouri State Militia.

The Committee on Invalid Pensions recommended the following amendment:

Add after the word "Militia," at the end of the bill, the words "at the rate of $12 per month."

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5853) granting a pension to Arminda Stucker, widow of John H. Stucker, late sergeant Company B, Grundy County Battalion Missouri State Militia, having carefully examined and considered all the facts and circumstances presented, respectfully report as follows:

John H. Stucker enlisted September 21, 1861, and served as sergeant in Company B, Grundy County Battalion Missouri State Militia, until April 23, 1864. In October, 1862, he was sent with others to Alpha, Mo., to disarm some rebel bushwhackers who were rendezvoused in that locality, and who resisted the disarming, and he received a gunshot wound entirely disabling the left hand and arm.

He filed a claim for pension on account of this injury July 19, 1875, which was rejected on the ground that the soldier was not in the United States service.

This battalion was one of the organizations of Missouri militia called into service by Governor Gamble, and the Auditor of the War Department certifies that the soldier enlisted September 21, 1861, and continued in service until March 18, 1862. Soldier claimed, and supported it by good testimony, that the Grundy County Battalion continued in service until April 23, 1864, as Company B, Eighteenth Missouri State Militia.

Soldier was pensioned February 22, 1887, at $30 per month, by special act of Congress, for gunshot wound of left hand and resulting total disability therefrom, under certificate No. 355627.

Soldier died August 10, 1894, from paralysis of left side, complicated with kidney disease or uræmic poisoning. Dr. D. F. Hanna, a reputable and skilled physician, testified that he treated the soldier some three months before his death for above-named complaints, and says:

"In my opinion the gunshot wound was the indirect cause of death."

Widow was married to soldier January 7, 1864, neither having been previously married, and lived with him until death and cared for him, and has remained his widow, and is now in needy circumstances. Her claim for pension was rejected on the ground that War Department records failed to show soldier to have been in the United States service.

Your committee append the report of the Committee on Invalid Pensions

CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-FOURTH CONGRESS, FIRST SESSION.

VOLUME XXVIII.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1896.

VOLUME XXVIII, PART V.

CONGRESSIONAL RECORD,

FIFTY-FOURTH CONGRESS, FIRST SESSION.

in the Forty-ninth Congress, which give the circumstances of incurrence of soldier's disability.

We believe that the cause of soldier's death was due to injuries received in service, and therefore earnestly recommend the passage of the bill after being amended by adding "at the rate of $12 per month."

[House Report, Forty-ninth Congress.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7748) granting a pension to John H. Stucker, submit the following report:

The evidence submitted in this case shows that claimant enlisted in Company B, Eighteenth Missouri State Militia, in September, 1862, and was discharged April 23, 1864. On July 19, 1875, he filed application for pension, alleging gunshot wound of left hand, received at Alpha, Mo., while disarming a rebel bushwhacker. The claim was rejected November 18, 1875, on the ground that he was not pensionable under existing law. The following evidence was submitted in the case:

William Dunlop, lieutenant of Company B, Thirtieth Missouri Militia, testifies that he has known claimant since 1861, and that while in the line of duty as sergeant of said company, in the northeast part of Livingston County, Mo., claimant received a gunshot wound of left hand, from which wound he was totally disabled from military duty, and from the use of said hand ever since. Affiant says he knows the facts of which he testifies from personal knowledge.

Jonathan T. Wilson testifies that he was a member of the same company, and that, while acting under regular orders in disarming rebels, they attempted to disarm one Wilson, an acknowledged rebel and bushwhacker, when said Wilson fired upon and shot said Stucker in the hand, tearing it all to pieces; that affiant was the first to pick up said Stucker after his being shot.

Newton Buckner testifies that he was with claimant when he was shot; that they were detailed to disarm rebels and bushwhackers, and while in the line of duty Stucker was shot in the hand, badly mangling it. Affiant took care of claimant until he was able to be around again.

Dr. S. W. Elmore testifies that he treated him professionally for the wound immediately after he received it, and as long as he needed medical attendance.

The examining surgeon at Jameson, Mo., reports, August 12, 1875, that—

"The left hand is useless from gunshot wound; aperture of entrance at middle of second metacarpus, destroying that and third metacarpus, shot scattering and making exit at different points on outside of hand, several shots remaining encapsuled on palm or surface of hand; hand very much deformed; bones of carpus enlarged and wrist anchylosed; fingers drawn tight to palm and useless; very painful at wrist and elbow joint."

This regiment was enrolled and mustered into service under a general order of the commanding officer, Department of Missouri, and was under the command of United States Army officers. Claimant did not file his application for pension until after the expiration of the limitation provided for in section 4693, Revised Statutes, and therefore the claim cannot be allowed in the Pension Office.

Claims of this character have invariably been recommended by the committee and allowed by Congress, and your committee therefore recommend the passage of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. I should like to ask the gentleman from Missouri a question.

Mr. DOCKERY. Certainly.

Mr. LOUD. Why is an attempt made to fix the rate of pension in the bill? Why not let her be pensioned according to law?

Mr. DOCKERY. The committee fixed that. I do not know what legal reason there was for it.

Mr. LOUD. Of course, Mr. Speaker, the committee almost invariably fix the rate of pension of a widow who is not entitled to a pension under the law at a greater sum than she would receive if she were entitled to a pension under the law. I have repeatedly upon this floor stated my objections to that mode of procedure. I do not believe any widow who is not entitled to a pension under the general law should receive a greater rate of pension than a widow who is entitled to a pension under the law. This bill, I think, seeks to give this widow more than the law would give her. If not, why insert the words "$12 per month"?

Mr. DOCKERY. I think the rate is not greater than she would be legally entitled to.

Mr. DINGLEY. Is it not $12?

Mr. PICKLER. Yes.

Mr. DOCKERY. I think that is the law.

Mr. PICKLER. The evidence clearly shows that the husband of this woman was wounded in the Army. A witness testifies that he was present when his hand was shot to pieces by bushwhackers, and that he died from diseases contracted in the service. That being so, his widow would be entitled to $12 under the law had he been in the service regularly; but being in the Missouri State Militia, he was not regularly in the United States service, and so his widow must come to Congress for relief.

Mr. Speaker, the committee have recommended exactly what this woman would have got had her husband been in the United States service. She can not get it under the general law for the reasons I have stated.

Mr. LOUD. I ask the gentleman a question, and I want him to answer in all sincerity. If this woman be placed upon the pension roll under the limitations of law by direction of Congress, would she not get the pension to which she would be entitled? If her husband died as the result of his service, she would get $12 a month, and if he did not die as the result of his service in the Army she would get $8. There is no doubt about that.

Mr. PICKLER. Of course there is no question about that, but I think there is no question about his dying from diseases contracted in the service.

Mr. LOUD. Why not let the Pension Office determine these cases?

Mr. PICKLER. The gentleman from California must understand that the Pension Office will not consider this case and have rejected it because the man was not in the service of the United States.

Mr. LOUD. But you remove that bar by this bill.

Mr. PICKLER. It is shown that this man was wounded in the Army. And this woman is equitably and legally entitled to this pension.

Mr. LOUD. Oh, I know he was shot in the hand, but he did not die as the result of that wound. There is no use in talking about that.

Mr. PICKLER. The gentleman seems to think that a shot in the hand would not be very much of a wound.

Mr. LOUD. Permit me to say that he did not die in 1894 as the result of that gunshot wound in his hand, received thirty years ago.

Mr. PICKLER. He did not have to do that. I think this is a very meritorious case, and the ordinary amount.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment recommended by the Committee on Invalid Pensions was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DOCKERY, a motion to reconsider the last vote was laid on the table.

REPORTS OF OFFICERS, WORLD'S COLUMBIAN COMMISSION.

Mr. CORLISS. Mr. Speaker, I desire to present a memorial of the board of reference and control of the World's Columbian Commission in reference to reports of officers, and to have it printed in the RECORD.

The SPEAKER. The gentleman from Michigan asks unanimous consent to have a memorial read and printed in the RECORD.

Mr. CORLISS. I do not care to occupy the time of the House by having it read. It can be printed in the RECORD for the information of members. It is with reference to the publication of the proceedings of the World's Fair Commission.

The SPEAKER. Is there objection to printing the same in the RECORD?

Mr. BARTLETT of New York. I should like to ask what propriety there is in printing such a paper in the RECORD?

Mr. CORLISS. The acts of the officers have been authorized to be printed by a prior act of Congress. This is a report of their proceedings and of the publications that are being made. It is information to Congress as to what they are doing.

Mr. BARTLETT of New York. Is this a continuous board?

Mr. CORLISS. A continuous board until 1898.

Mr. BARTLETT of New York. And are we to have these reports every year?

Mr. CORLISS. The publications are being made, and this is with reference to the work.

Mr. BARTLETT of New York. Why not give the memorial to the newspapers?

Mr. CORLISS. Why, because this is the proper body to which such memorials should be presented.

The SPEAKER. Is there objection?

Mr. ALLEN of Utah. I would like to ask the gentleman a question.

Mr. CORLISS. Certainly.

Mr. ALLEN of Utah. Whose report is this?

Mr. CORLISS. It is the report of Senator Palmer, the president of the World's Fair Commission.

Mr. ALLEN of Utah. Has this report passed through the hands of any committee of the Commission?

Mr. CORLISS. It certainly has, and it is simply a statement of what they are doing.

Mr. McMILLIN. Why should it go in the RECORD?

Mr. CORLISS. Simply to furnish information to the country of the acts of that Commission.

Mr. BARTLETT of New York. I should like to ask the gentleman a question, if he will permit.

Mr. CORLISS. Certainly.

Mr. BARTLETT of New York. Is this also to be spread on the minutes of the Senate?

Mr. CORLISS. I understand that is to be done.

Mr. McMILLIN. It will make about a column of the RECORD. That is about the extent of it.

Mr. CORLISS. It will hardly make that.

Mr. BARTLETT of New York. I understand the gentleman says this is also to be spread on the minutes of the Senate?

Mr. CORLISS. I am not at liberty to say that it will be.

Mr. RICHARDSON. I will state that it is not done where the documents are presented the same day. If they were presented to the House and the Senate on the same day it would only be printed once.

Mr. BARTLETT of New York. Has it already been printed as a part of the Senate proceedings?

Mr. CORLISS. I can not say positively as to that. I only know that it has been presented to the Senate, but whether it was printed there I do not know.

Mr. RICHARDSON. If it should be ordered to be printed today in both bodies it will only be printed once.

Mr. McMILLIN. Does the law require this Commission to report to Congress?

Mr. CORLISS. Yes, sir.

Mr. McMILLIN. Is there any objection to printing it in the form of a document instead of printing it in the RECORD?

Mr. CORLISS. I am simply asking what the president of the Commission asks to have done by this House, for the information of the country.

The SPEAKER. Is there objection?

Mr. SHAFROTH. It is already in the RECORD.

Mr. BARTLETT of New York. I object. It is already in the RECORD.

RELIEF OF OFFICERS AND CREWS OF THE GUNBOATS KINEO AND CHOCURA.

Mr. FISCHER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3294) for the relief of officers and crews of the United States gunboats *Kineo* and *Chocura*.

The bill was read, as follows:

Be it enacted, etc., That the sum of $12,474.72 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay to the officers and crews of the United States gunboats *Kineo* and *Chocura* who were engaged in duty thereon in the year 1864 their pro rata shares thereof, being for salvage money, their due on account of saving and taking up 49 bales of cotton, said amount having been realized from the sale of said cotton and the same converted into the United States Treasury.

Mr. BARTLETT of New York. I should like to ask if this bill has been reported by any committee?

Mr. FISCHER. It has been reported favorably by the Committee on Claims. I am perfectly willing to make an explanation of the bill. The report covers 88 pages.

Mr. BARTLETT of New York. I should like to have the report read.

Mr. FISCHER. All the 88 pages?

Mr. BARTLETT of New York. It is a serious thing, passing these bills for claims arising during the war.

Mr. FISCHER. Will the gentleman permit me to make a short explanation of the bill, the facts concerning which are detailed in the report?

Mr. RICHARDSON. I would ask the gentleman to include in his statement the reason why this bill was not considered on some Friday. Every Friday is set apart under the rules for the consideration of just such bills as this.

Mr. FISCHER. Will the gentleman point to me any Friday when such bills have been considered?

Mr. RICHARDSON. Every Friday is set apart for the consideration of private bills.

Mr. FISCHER. If the gentleman will show me some way to reach the consideration of this bill on a Friday I will be very glad.

Mr. RICHARDSON. It can be done by enforcing the rules of the House. The rules of the House set apart every Friday for the consideration of these bills.

Mr. FISCHER. I trust that the gentleman will not insist upon that objection.

Mr. RICHARDSON. I ask the gentleman to show why the bill was not considered on one of these Fridays.

Mr. FISCHER. Simply because it was impossible to have it considered. The reason for this bill is this: This matter has already been in the United States courts, as the report shows. Twenty-seven days——

Mr. BARTLETT of New York. What court?

Mr. FISCHER. The United States court for the eastern district of Louisiana. Judgment was awarded in favor of these people. The amount was fixed by that judgment, but before the judgment of the court was rendered the money was ordered to be covered into the United States Treasury, and the judge of the court at that time was not aware of the fact that Congress, twenty-seven days prior to the award of this judgment, had passed a law permitting payment direct to the claimants, and he so certifies, and that is part of this report. Believing that he had no power to order the money paid directly to the claimant, he ordered it to be covered into the Treasury. I have here an extract from the books of the Treasury Department (Treasury Book No. 2, page 19) showing that this money had been received by the Department under this very judgment, and that it was laid aside awaiting action of Congress directing its payment to the rightful owner.

Mr. BARTLETT of New York. There are about eight hundred thousand or a million claims in the same category, I believe.

Mr. FISCHER. I think the gentleman must be mistaken about that. This is a peculiar case. This is a case under a judgment of a court, where the money has been ordered to be paid to these people and has been covered into the Treasury awaiting action by Congress. As I have said, the judge was not aware that an enabling act had been passed by Congress authorizing him to order the money paid directly to the claimants, and that is the reason why it was covered into the Treasury.

Mr. BARTLETT of New York. Yes; but I should like some explanation of why these men should be paid anything.

Mr. FISCHER. It is for property—cotton—recovered and sold for their benefit. It is salvage money.

Mr. COOPER of Texas. As I understand, this is an obligation of the Government not under contract?

Mr. FISCHER. Not under contract.

Mr. COOPER of Texas. If it were an obligation under contract I do not think the House would consent to its consideration, because I observed yesterday that where the Government was under a contract obligation recognized by the proper department the House would not sanction its payment.

Mr. BARTLETT of New York. Does my colleague [Mr. FISCHER] mean to say that this is a claim sounding in tort rather than in contract?

Mr. FISCHER. The gentleman's peculiar ability in construing law will enable him to put any construction upon it that he pleases. [Laughter.]

WILLIAM GRAY.

Mr. CONNOLLY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 953) for the relief of William Gray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to issue to William Gray, late a private in Company D, First Regiment of New York (Lincoln) Cavalry, a warrant for the sum of $174.43, in full for his claim heretofore allowed by the Treasury Department, and for which claim the said Department issued to said William Gray Treasury pay warrant No. 3360, dated September 20, 1865, which warrant was paid on a forged indorsement of the name of said claimant without his authority or knowledge, and for which he has never received any return or benefit; and said reissued warrant shall be paid out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BARTLETT of New York. Mr. Speaker, I shall ask for a brief explanation of this bill.

Mr. CONNOLLY. Mr. Speaker, the amount involved in this bill is one hundred and seventy-four dollars and some cents. The report shows that it is in payment for a horse and equipments, the horse having been killed and the equipments captured in one of the engagements of the Army of the Potomac. The claimant was a private soldier in a New York cavalry regiment the members of which owned their own horses and equipments. I think the regiment was under the command of General Slocum. In 1864, shortly after the loss, Mr. Gray was at Washington and presented his claim to the Treasury Department. The claim was investigated and allowed, and a Treasury warrant was drawn in payment of the amount fixed, one hundred and seventy-four dollars and some cents. That warrant was mailed to him as directed, in care of somebody in Washington, but it never reached him. It was obtained from the post-office by somebody else, Mr. Gray's name was forged on the back of it, several indorsements of banks were forged upon it, and it finally reached the Treasury and was paid. The claimant never received it or heard of it. If the amount had been large enough he might have gone into the United States courts and sued for it, but as the amount was only $174 he could not do that, and it is to pay him this amount that this bill has been introduced.

Mr. LOUD. Does not the gentleman fear that the claimant's own agent got this warrant?

Mr. CONNOLLY. No, sir. The Treasury officials who investigated the matter say that they had no means of knowing who got it, but manifestly the indorsement is forged. I may add that one of the banks indorsing the draft is situated here in Washington, so that the Government may bring a suit at any time to recover the amount.

Mr. COOPER of Texas. What evidence is there of the forgery?

Mr. CONNOLLY. The proper official of the Treasury Department reports it as his judgment that the indorsement is a forgery, he having compared the signature with the other signatures on file in the case.

Mr. COOPER of Texas. There has never been any investigation by a court?

Mr. CONNOLLY. No, sir; the investigation was made in the Treasury Department, and the officials of that Department report that there is no question as to forgery.

Mr. McMILLIN. The gentleman has said that the Government can proceed against this indorser.

Mr. CONNOLLY. Yes, sir.

Mr. McMILLIN. If the Government may proceed against the indorser, is there anything to prevent the claimant himself from proceeding for money had and received to his use?

Mr. CONNOLLY. He could not proceed for money had and

received. He would be compelled to proceed on the draft, and he can not get the draft from the Department, where it is on file. Another thing which prevents him from taking that course is that the amount is only $174, and he is a poor man living in central Illinois, so that it would be impossible for him to come here and institute and carry on a suit for such an amount.

Mr. McMILLIN. But that would not prevent him from proceeding against the individual who got his check.

Mr. CONNOLLY. He does not know who that individual is. One of the banks that indorsed this draft is the First National Bank of New York, and another is Lewis Johnson & Co., of this city. There are several indorsements upon the draft, all of which are set out in the report, so that the Department is advised of all the banks through whose hands it passed, and the Government has a right of action if it chooses to exercise it. The fact is, however, that this man never was paid.

Mr. RICHARDSON. What committee reported this bill?

Mr. CONNOLLY. The Committee on Claims. It was reported by the gentleman from Indiana [Mr. HANLY].

Mr. RICHARDSON. The Committee on Claims or the Committee on War Claims?

Mr. CONNOLLY. The Committee on Claims. This is not a war claim.

Mr. PITNEY. Was this claim ever reported before?

Mr. CONNOLLY. Yes, sir; in the preceding Congress it was reported and it passed the House, but by neglect it failed to get through the Senate.

Mr. RICHARDSON. This is a bill to pay a private claim, reported by the Committee on Claims?

Mr. CONNOLLY. Yes, sir.

Mr. RICHARDSON. The gentleman understands, I suppose, that this bill would be in order for consideration on Friday under the rules of the House?

Mr. CONNOLLY. I understand that.

Mr. RICHARDSON. Well, if the gentleman gets this claim through now, will that abate his ardor in helping us to get Fridays for the consideration of other private claims? [Laughter.]

Mr. CONNOLLY. I do not know about that. I have been here every Friday attending to the business of the House as it has come up, and I expect to be present every Friday while the session lasts.

Mr. RICHARDSON. We are very anxious to get those claims settled.

Mr. CONNOLLY. Well, this will be one bill out of the way. [Laughter.]

Mr. McCALL of Tennessee. I wish to ask the gentleman a question. I understand him to say that this claim has been paid by the Government once?

Mr. CONNOLLY. Yes; it has been paid on a forged indorsement.

Mr. McCALL of Tennessee. What is to prevent the beneficiary from suing the indorsers?

Mr. CONNOLLY. For such a sum as $174 this man could hardly be expected to sue a bank in New York City or in the city of Washington.

Mr. McCALL of Tennessee. Do you think the Government should pay this amount twice?

Mr. CONNOLLY. No, sir; the Government can recover it. It is the fault of the Government that the money was paid by it on a forged indorsement.

Mr. McCALL of Tennessee. Do I understand the gentleman to say that the Government permits drafts with forged indorsements to be paid at the Treasury Department?

Mr. CONNOLLY. Why, sir, I can say from my own experience that in at least forty different cases I have secured recoveries for the Government on Treasury warrants the indorsements on which had been forged.

Mr. HULICK. Allow me to say that in a case which I had occasion to examine within a few days a claim of an engineer for salvage during the war was paid by the Government on a forged power of attorney. The man who was entitled to the money never received a dollar.

Mr. CONNOLLY. The Government in these cases can always recover, because no statute of limitations ever bars it.

Mr. McMILLIN. Was this draft or warrant when issued transmitted by the Government to the person to whom the claimant directed it should be sent?

Mr. CONNOLLY. Oh, yes.

Mr. McMILLIN. Then, as the Government took the course directed by the claimant, does the gentleman think the liability of the Government continues?

Mr. CONNOLLY. Beyond any question it does, as a matter of law.

Mr. McMILLIN. When the Government had delivered the draft in the manner which the claimant himself directed?

Mr. CONNOLLY. Yes, sir. In this respect the Government stands in the same position as a bank; if it pays money on a forged indorsement it does so on its own risk, of course.

The SPEAKER. Is there objection?

Mr. COX. I should like to ask a question.

A MEMBER. Oh, let this claim for $170 go.

Mr. COX. I do not raise any question as to the amount of the claim; but there are hundreds of claims as meritorious as this coming from the Committee on Claims.

Mr. CONNOLLY. I have no doubt of it.

Mr. COX. Why should one claim be privileged over another?

Mr. CONNOLLY. I know no reason——

Mr. COX. Then I object.

FRENCH W. THORNHILL.

Mr. TAWNEY. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 3306) granting a pension to French W. Thornhill.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Dr. French W. Thornhill, of Spring Valley, Minn., at the rate of $30 per month, and who shall be entitled to receive such amount from and after the approval of this act, subject to the rules and limitations prescribed by law.

Mr. BARTLETT of New York. I ask for the reading of the report.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3306) granting a pension to French W. Thornhill, submit the following report:

A bill identical with the one under consideration was passed by both Houses of the Fifty-third Congress, but reached the President so late that it did not receive Executive approval. The same bill was passed by the House in the Fifty-second Congress. In addition to the evidence laid before previous Congresses, the claimant has filed with your committee a number of affidavits of a medical character showing that he is at present totally incapacitated from the practice of his profession and almost totally incapacitated from the performance of labor of any kind by reason of the increasing disability directly attributable to the wound he received during the war.

Your committee believe this to be a very meritorious measure and recommend its passage, incorporating as part of our report the statement of facts contained in the report of the Committee on Invalid Pensions of the Fifty-third Congress, as follows:

"Dr. French W. Thornhill, of Spring Valley, Minn., is the son of Maj. S. P. Thornhill, deceased, a surgeon of the Eighth Wisconsin Volunteer Infantry.

"The said Dr. French W. Thornhill was in the years 1861 and 1862 present with said regiment, although not mustered into the United States military service, and assisted and rendered valuable and efficient service, acting as assistant to his father in caring for the sick and wounded.

"He was with said regiment in the following engagements: Iron Mountain Bridge, Missouri; Frederickstown, Mo.; Fort Henry, Fort Donelson, New Madrid, Island No. 10, Pittsburg Landing or Shiloh, Farmington, and Iuka Springs. After the battle of Iuka Springs the said Dr. French W. Thornhill, by order of General Rosecrans, was sent back to take charge of a neutral hospital, where he remained until the battle of Corinth, where he received while in the discharge of his said duty as acting assistant surgeon of said regiment a gunshot wound in his right hip from a rifle ball, whereby he was disabled.

"The evidence also shows that the said Dr. French W. Thornhill, at the battle of Farmington, from exposure and overexertion in rendering aid and caring for the sick and wounded, received and sustained a sunstroke and contracted dysentery and chronic diarrhea, and is now greatly disabled."

Mr. BARTLETT of New York. As I understand, this man was not a commissioned surgeon?

Mr. TAWNEY. He was not. He was never mustered into the service. That is the reason this bill is here. Otherwise his pension would have been granted and paid long ago under the general law.

Mr. BARTLETT of New York. What amount of money is asked?

Mr. TAWNEY. Thirty dollars a month—the same amount authorized by the bill for his relief which was passed in the last Congress and also in the Fifty-second Congress.

Mr. BARTLETT of New York. This bill is to pension him as an assistant surgeon?

Mr. TAWNEY. I thought the gentleman asked me what amount the bill carried. The rate of pension proposed is $30 a month.

Mr. BARTLETT of New York. But why should he receive so much as that?

Mr. TAWNEY. Because he is almost totally incapacitated for the performance of labor of any kind.

Mr. BARTLETT of New York. Disabled by reason of the gunshot wound?

Mr. TAWNEY. Yes, sir.

Mr. BARTLETT of New York. Why has not this bill been considered at a Friday night session?

Mr. TAWNEY. For the reason that it has not been reached. It was considered at a Friday night session in the Fifty-third Congress, and also in the Fifty-second Congress. This is the third Congress in which the bill has been reported favorably. In the Fifty-second Congress the bill was passed too late to receive favorable consideration in the Senate. It passed both Houses in the Fifty-third Congress, but too late to receive the approval of the President. As it is getting late in the present session, and as I do not wish the bill to fail again as it has failed heretofore, I have asked unanimous consent for its consideration and passage at this time.

Mr. BARTLETT of New York. Why was not Dr. Thornhill commissioned?

Mr. TAWNEY. Because he was under age. He went out with

his father, a mere boy. He was too young to be commissioned or to be mustered into the service.

Mr. McMILLIN. What is the usual pension for an assistant surgeon?

Mr. TAWNEY. I do not know.

Mr. McMILLIN. Will the chairman of the Committee on Invalid Pensions kindly inform us?

Mr. NORTHWAY. Seventeen dollars a month.

Mr. McMILLIN. Then I suggest that the pension here be fixed at the usual amount for an assistant surgeon.

Mr. TAWNEY. This is a case of almost total disability. The man is almost wholly incapacitated for manual labor. Under these circumstances he would receive under the general law $72 a month. It is not proposed in this case to pension him upon his rank, but upon his physical disability.

Mr. PICKLER. A private gets $30 a month if totally incapacitated for the performance of manual labor. The amount in this case was fixed upon the ground of total incapacity, and not on account of the applicant's rank.

Mr. LOUD. I wish to ask the gentleman from Minnesota [Mr. TAWNEY] whether, according to his knowledge and belief, the total disability which this man is stated to be suffering is the result of wounds received in the service?

Mr. TAWNEY. I can answer that question in the affirmative. Last November, before I came to Washington, this gentleman called upon me and exhibited to me his wound. I know from my own observation and knowledge that he is to-day suffering from that wound and that it is the cause of his present disability.

Mr. LOUD. You could only have seen the scar, permit me to say, I judge?

Mr. TAWNEY. No, sir; I saw the effect of the wound very plainly. It is visible to any man who will examine it.

Mr. LOUD. Is it open to-day?

Mr. TAWNEY. It is open to-day.

Mr. LOUD. Why did not he apply in 1864 or 1865?

Mr. TAWNEY. He has applied to the Pension Department. The claim was pending there for a long time——

Mr. LOUD. What date?

Mr. TAWNEY. I do not now recall the exact date; but until the Department decided that on account of the fact that he was not mustered into the service he could not receive a pension his claim was pending, and when rejected on that ground he came to Congress for relief.

Mr. LOUD. The gentleman states that this disability arises from the wound received in the service?

Mr. TAWNEY. I am entirely satisfied that that is the case.

Mr. LOUD. I shall interpose no objection under the circumstances stated by the gentleman.

Mr. TAWNEY. I could satisfy the gentleman in a moment if I could describe to him the condition of this man's wound.

Mr. LOUD. I am satisfied.

Mr. ALLEN of Utah. Is he practicing medicine now?

Mr. TAWNEY. No, sir; except in his office.

There being no objection, the bill was considered, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. TAWNEY, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. TALBERT. Mr. Speaker, I demand the regular order.

Mr. GROSVENOR. I desire first, if the gentleman will permit me, to make a request for unanimous consent with reference to some printing——

The SPEAKER. That can not be done unless the demand for the regular order is withdrawn.

Mr. GROSVENOR. I hope the gentleman from South Carolina will allow me to ask unanimous consent with reference to a bill already passed.

Mr. TALBERT. I withdraw the demand for the regular order for that purpose.

The SPEAKER. It must be withdrawn absolutely, the Chair would suggest. The Chair can not accept a conditional withdrawal.

Mr. TALBERT. I withdraw the demand.

LEAVE TO PRINT.

Mr. GROSVENOR. Now, Mr. Speaker, I desire to make this statement: That at the close of the debate on what is known as the "filled-cheese" bill on Saturday I promised one or two gentlemen to ask unanimous consent to enlarge the privilege given to print on the subject of that bill. I overlooked the fact at the time, and now ask unanimous consent that gentlemen may print remarks on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. RICHARDSON. Is there a limit to the time?

Mr. GROSVENOR. Well, we can fix a reasonable limit.

Mr. RICHARDSON. It has been usual to fix a limit to these requests.

Mr. GROSVENOR. Say, for ten days.

Mr. RICHARDSON. That would be satisfactory, and is about the usual limit.

Mr. BARTLETT of New York. I would like to ask the gentleman from Ohio whether it is proposed to print books, pamphlets, and political documents under this leave?

Mr. GROSVENOR. In the first place, Mr. Speaker, I will say, in response to the gentleman from New York, that he has been already granted liberty by consent of the House, and other gentlemen desire the same liberty to extend their remarks or to print remarks in the RECORD upon the bill.

Mr. BARTLETT of New York. I do not desire any liberty in that direction. I do not believe in it.

Mr. GROSVENOR. These are gentlemen who represent dairy districts, who want to publish some remarks legitimate to the bill. I think there will be no abuse of the privilege.

Mr. BARTLETT of New York. I have no objection.

The SPEAKER. The Chair will again submit the request of the gentleman from Ohio. The gentleman asks consent that members may be permitted to print in the RECORD remarks on what is known as the "filled-cheese" bill within the next ten days. Is there objection?

Mr. PERKINS. Remarks of their own?

Mr. GROSVENOR. Certainly; their own remarks.

The SPEAKER. The Chair will be very glad to incorporate that into the request. Is there objection, with the modification suggested?

There was no objection.

THOMAS M. ELLIOT.

Mr. HULICK. I desire to present for consideration the bill (H. R. 989) to amend the military record of Capt. Thomas M. Elliot, and ask unanimous consent for its present consideration.

The bill was read at length.

Mr. BARTLETT of New York. I ask for the reading of the report in that case.

The SPEAKER. The report will be read.

Mr. TALBERT. Mr. Speaker, I demand the regular order.

AMENDMENT OF JOINT RESOLUTION.

The SPEAKER. The Chair desires to submit, before the regular order is proceeded with, the following resolution of the Senate, which the Clerk will report.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the Committee on Enrolled Bills of the two Houses be authorized to correct enrolled joint resolution S. R. 116 by striking out the word "eight," in the second line of said enrolled joint resolution, and inserting the word "seven" instead.

The resolution was considered and agreed to.

REASSESSMENT OF TAXES IN THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill (H. R. 3281) to authorize reassessment for improvement and general taxes in the District of Columbia, and for other purposes, with a Senate amendment thereto.

The Senate amendment was read and concurred in.

MANAGERS OF THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

The SPEAKER. The call of committees rests with the Committee on Military Affairs.

Mr. HULL. Mr. Speaker, I desire to call up the joint resolution (H. Res. 160) to appoint four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

Mr. LOUD. Mr. Speaker, a parliamentary inquiry. How long does this call rest with the Committee on Military Affairs? They have had one day.

Mr. HULL. We had only one day, and did not get through.

Mr. LOUD. Unless it is in continuation of a bill, I think they have exhausted their time.

Mr. HULL. I will state that we did not, but yielded some time for the purpose of allowing the Committee on Merchant Marine and Fisheries to come in with a matter that they wanted to present.

The SPEAKER. They are allowed two days.

Mr. LOUD. Regardless of whether any matter is pending?

The SPEAKER. If the matter under consideration runs into the second day and occupies that day, the time then would be exhausted.

Mr. LOUD. Are they entitled to two days anyway?

The SPEAKER. They are entitled to two days—two morning hours.

Mr. HULL. Mr. Speaker, I call up the joint resolution which I have indicated, and which I send to the Clerk's desk.

The joint resolution was read, as follows:

Resolved, etc., That William B. Franklin, of Connecticut; Thomas J. Henderson, of Illinois; George L. Beal, of Maine, and George W. Steele, of Indiana, be, and the same hereby are, appointed as members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States.

William B. Franklin to succeed himself, his term of service expiring April 21, 1896. Thomas J. Henderson to succeed John C. Black, his term of service

expiring April 21, 1896. George L. Beal to succeed Francis Fessenden, his term of service expiring April 21, 1896. George W. Steele to succeed himself, his term of service expiring April 21, 1896. All to take effect April 21, 1896.

Mr. BLUE. Mr. Speaker——

Mr. HULL. Mr. Speaker——

The SPEAKER. The gentleman from Iowa [Mr. HULL] is recognized.

Mr. HULL. The gentleman from Kansas [Mr. BLUE] desires to be heard on this resolution. I do not want to relinquish the floor. If we can come to an agreement as to time, I should be glad to do it before we enter on the consideration of the resolution. I will ask the gentleman from Kansas if an hour's time will be all that he will want?

Mr. BLUE. Mr. Speaker, the gentleman from Missouri [Mr. TRACEY] also desires time, and several of my colleagues from Kansas and perhaps some others wish to speak upon this subject. I should like two hours; and I wish to say in that connection that a less time than that will not be sufficient to discuss this matter as it should be discussed. It is a matter of such consequence and importance to every inmate of the Soldiers' Homes of this nation that the time should be granted.

Mr. HULL. Mr. Speaker, if the gentleman will consent, I am willing to have two hours' debate. I have no idea that the Committee on Military Affairs will want anywhere near an hour, but I want to have the right to control one hour, and let the gentleman from Kansas control the other hour. It seems to me that with the amount of business that we have, which we are anxious to get through the House to-day, that is all the time we should devote to this. This day will exhaust our call, until all the committees have been again called.

Mr. BLUE. Permit me to say that I hold in my hand affidavits charging W. B. Franklin and General Smith, for whom he is responsible, with cruel and brutal treatment of the inmates of the Home at Leavenworth, Kans. I hold also here a report made by the Inspector-General. This Soldier's Home is a corporation, standing above the Government of the United States, apparently, and it is time that the people of this country should know how the inmates of these Homes are treated. Two hours is a very small time in which to tell them.

Mr. CROWTHER. We should have three hours.

Mr. BLUE. The gentleman from Missouri [Mr. CROWTHER] insists that we should have three hours. About 2,000 soldiers from Kansas and Missouri are incarcerated in that semiprison at Leavenworth, and they are entitled to a hearing here. At the suggestion of the gentleman from Missouri, I ask three hours, so that this matter may be fully discussed before this House, and so that the people of this nation may know what kind of treatment is being accorded to the soldiers there.

Mr. HULL. Mr. Speaker, if we can make no agreement as to time, I will reserve my time and let the gentleman from Kansas proceed.

The SPEAKER. The gentleman from Kansas is recognized.

Mr. HULL (to Mr. BLUE). You are recognized for an hour.

Mr. BLUE. Mr. Speaker, with that understanding I will proceed. I am satisfied the House will give ample time to hear what I have to say, and for the purpose of this discussion I move as an amendment that the name of W. B. Franklin be stricken out and the name of that gallant soldier and Christian man, Gen. O. O. Howard, be substituted in his place. I desire to have that amendment pending now.

The SPEAKER. The gentleman will reduce his amendment to writing.

Mr. BLUE. I will have it put in writing.

The SPEAKER. The gentleman from Kansas [Mr. BLUE] is recognized.

Mr. BLUE. Mr. Speaker, to begin with, I desire the Clerk to read the remarks of the late Senator Plumb, made six years ago, upon this subject, and found in volume 110, on page 7456 of the RECORD. I desire to have order, if I can, while that is being read.

The Clerk read as follows:

Mr. PLUMB. That is true, but that phraseology was intended to embrace the selections of persons not then agreed upon.

I know none of them personally. I have no acquaintance with any of the persons named in the proposition except Mr. Morrill, of Kansas, and Gen. John C. Black, late Commissioner of Pensions. As to both of those men, I take pleasure in saying that I have no doubt they are most excellent persons to be members of this Board, but I want to say that I shall not hereafter vote so as to give to any one person longer than six years' service upon this Board.

I believe that this Board ought to be very frequently renovated. While the members of it receive no pay, they disburse a very large amount of money, and it is in regard to a service about which the public mind is so sensitive that the disposition is to refrain from criticism. Everyone wishes that these Soldiers' Homes may be of the utmost capacity; that everything possible may be done for the comfort and convenience of these persons in the declining years of their lives, and who gave their services to their country in the hour of its peril.

But I have a much better reason for believing that the management is not as conservative, as wise, as economical, and as free from ordinary selfishness as it ought to be. The Board practically, according to information which I get, consists of one man, and that man is General Franklin, the president, who was an excellent soldier, and no doubt, of course, is a very estimable man, who, from the time which he has given to the position of manager of the Colt's Arms Works, in Connecticut, and from the time which he gave as the manager of the American branch of the Paris Exposition, has taken such a fragment as he thought was necessary in order that the two million and odd dollars appropriated for the maintenance of these Homes might be properly disbursed.

The theory is that each one of these members looks after some one Home. The result is that the Board itself as a Board practically gives no attention to them. I have in mind one of these Homes at which there has been appointed a governor who has been an officer for a number of years and who is conspicuously unfit for the place; whose presence in his position is an affront to the inmates of the Home; who by reason of his habits and of his arbitrary and rough and brutal methods has caused no end of trouble; and by reason of some other things also has contributed to a scandal which, while it has not yet obtained very much vent, at the same time has left everything in an exceedingly unhappy condition, that could not have been if the visitation which this Board ought to give to these Homes had been of a proper character.

The Board makes once a year a trip throughout the country visiting these Homes. It is dined and wined by the governors of the Homes while on its round. It, of course, gives a certain superficial examination to the Homes, but opportunity is never presented to the inmates of the Homes to make complaint.

I do not say how much trouble exists at any of these Homes or how much room there is for criticism, but I do know that at one of them a condition of things exists which, if it had not been sheltered under the honored name of General Franklin and the other members of this Board, would have been the subject of open comment for years since.

I believe, as I stated in the beginning, that there ought to be a constant change of members, and in consenting now to vote to put in General Franklin I do it with the understanding, not that I have any complaint about him as an individual, but for the reasons which I have stated, that in consenting to him I do it under protest, because there is no time now to make any suggestion of a better arrangement, but with the distinct understanding that if I should be in this place when his term expires I shall insist that some other person shall take his place, and similarly in regard to all the other persons who are in the Board when their terms, respectively, expire, provided always they have had the benefit of a full term. Six years is long enough in one of these places, in an administrative place, especially where the circumstances are such that the Board is practically removed from criticism.

Mr. BLUE. Now, Mr. Speaker, that declaration comes to us as from the grave. It is an enunciation of the belief and understanding of the greatest public man that Kansas ever sent to Congress; one of the ablest in detail and understanding that ever came from the Western portion of this nation; a comrade of unquestioned courage, of great power, and an earnest and devoted friend of his comrades. You will observe that he said six years ago that this Board was practically one man, and that man was W. B. Franklin. That condition has been intensified, and to-day, more than then, he is the spirit that dictates and controls and rules this Board.

It has been charged by his friends and the friends of Smith that I have a personal reason for the prosecution of the claims of my comrades at this time. I denounce that statement as untruthful and false. I have but one purpose in this, and that is to free these poor old men, who are without homes and without the means of support; feeble, indigent, wretched, from the oppression of the drunken and brutal man, who is kept there in control as governor of that Home. I have no other purpose to serve; and when that is accomplished I shall be satisfied; and I assure both Mr. Franklin and his friends that I propose to lay the truth bare as far as I know it, fearless of the consequences, and in justice to these men to see that they may be treated as men who defended the flag deserve to be treated. And now, to show you that I am not unsustained in this matter, I desire to read to this House, as a part of my remarks, a letter received from an ex-governor of Kansas, a gallant officer in the Union Army, a man who served under the immediate eye of that illustrious chieftain, General Grant; who has not only been the governor of the State of Kansas, but was commissioner at the Centennial at Philadelphia, was commissioner of internal revenue for the State of Kansas for a period, has since that been an honored railroad commissioner of the State, and is now commissioner of insurance of the State of Kansas. This comes from no feeble, oppressed old soldier of that Home, but from a man of standing and character, and I desire to read it to this body.

Mr. STEELE. May I ask the gentleman a question?

Mr. BLUE. Certainly.

Mr. STEELE. Do you believe that General Smith has taken a single drink of liquor of any kind for the last three years?

Mr. BLUE. I think he has been drunk a hundred times in that time. I have the proof here that will condemn him. He has not only been drunk, but vomiting drunk, crawling drunk.

Mr. STEELE. My understanding is that he is the head of the Keeley League.

Mr. BLUE. For profit.

Mr. STEELE (continuing). Elected at Harrisburg during the last summer as the head of the league.

Mr. BLUE. He is the head of the Keeley League, at $1,200 a year; and that is not all he is getting.

Mr. STEELE. If he is a drunkard I do not know it.

Mr. BLUE. If he is a drunkard you ought to know it.

Mr. STEELE. I know I ought to know it if he is; but I do not believe it.

Mr. BLUE. If what the gentleman does not know about these Homes was put in a book it would make a large volume. He stood in his place here a few days ago and asserted that the general treasurer of this Home was required to give bond to a guaranty company, and when I challenged the statement in regard to that

he still insisted, as I understood it, until my colleague, Mr. WILLIAM A. STONE, drew the law on him, and he then said he did not so understand it. The next day he arose under a question of privilege and stated that the Secretary of War approved these bonds and that he was mistaken about it——

Mr. STEELE. The RECORD will show what I said about that.

Mr. BLUE. And the RECORD will show that out of seven or eight statements you made only one of them was correct. The gentleman is gorged with misunderstanding.

Mr. STEELE. It will show that the gentleman made a statement that he did not back up in the RECORD, and was not true.

Mr. BLUE. I will back it up if there is any question about it. This is the letter:

STATE OF KANSAS, INSURANCE DEPARTMENT,
Topeka, March 29, 1896.

MY DEAR SIR: I am constrained by a sense of duty to congratulate and encourage you in your reported struggle to free the United States Soldiers' Home of Kansas from the disgrace and dishonesty which has scandalized the acts and administration of Governor Smith from the day he was placed in charge down to the present time.

It has seemed impossible that he should be able to stifle investigation and come out from every contest unscathed and without trial, or attempt to refute charges of the most grave character, backed by judicial evidence that would convict in any court of law in the land. But the mysterious secret of that support has long been felt to be General Franklin's power and influence, and I felt great hope that he would be left off the Board on expiration of present term. In fact, I felt it impossible for Governor Smith to be held to account for any crime or disgrace with him at the head of the management for his protection.

Feeling this, I addressed a letter to my friend, Gen. NEWTON M. CURTIS, of your House, in which a candid and truthful statement was made of the facts as understood by me. Of that letter I now hand you a carbon for your information. My respect and regard for General Franklin made it very hard to write such a letter, and has kept me from any active part in the troubles there, except in the one appeal to the General, as related in letter to CURTIS. Let me just add that you never put forth labor in a more worthy cause, and I hope our full delegation will join you, and never let up until you get the exact truth uncovered, when you will have earned and all will surely receive the grateful thanks of comrades and people of our State.

Very truly, yours,

GEO. T. ANTHONY.

To Hon. R. W. BLUE, *M. C., Washington, D. C.*

Now, I am informed that my colleague from New York [Mr. CURTIS] after having received this letter, which Governor Anthony tells me was written for the express purpose of being used here, so that these men might be relieved from the oppression of Smith and Franklin—I am informed, I say, that my colleague from New York never read a word of this letter in committee, and, so far as I know, he never suggested to any member of the committee that the letter had been written to him. If he did, I shall be glad to be corrected now.

Mr. CURTIS of New York. Mr. Speaker, the gentleman from Kansas refers to me and asks for an explanation of a matter which affects his side of this discussion. I do not wish to interrupt the gentleman now in the line of his argument. I do, however, desire an opportunity to reply to the gentleman's statement. I will in due time make proper reference to Governor Anthony, whom I knew when he was under my command, in command of a battery. I shall give due credit to him and to everybody else concerned, and if there is any attempt to show that which is not creditable to other people, I shall seek to do my share in having the House informed as to the actual facts.

Mr. BLUE. Did you ever exhibit this letter to the committee, or say to the committee or to any member of it anything that was in the letter?

Mr. CURTIS of New York. I will answer those questions when I occupy the floor in my own right.

Mr. BLUE. Very well. Then I will read the letter for the information of the House:

TOPEKA, *March 19, 1896.*

MY DEAR GENERAL: I come to you in this communication in obedience to a duty at once painful and imperative, and it shall be unfolded to you in the utmost candor and brevity, first assuring you that I have no personal end to serve, no enemies to punish nor friends to reward as an inspiration or purpose of this writing.

Perhaps to no one more than myself was due the location of the Western Branch of the Soldiers' Home at Leavenworth, in this State. From the inception of the contest between the seven States permitted to have its location under the law I was in close touch with Gen. W. B. Franklin, president of the Board of Managers. Each visit to Hartford and meeting with him in the West served to fix and establish respect for and confidence in him, until I came as near worshiping at his shrine as it is in my nature to do for a human idol.

The Home was established and its present Governor installed. It almost immediately became apparent that Governor Smith was qualified for the position as a military ruler and rigid disciplinarian, equal to the task of governing, except as to himself. He was low in instinct, base in private character, and corrupt in practice, defying alike the code of morality, temperance, and decency respected as the governing rule of action among gentlemen and honest men.

Maintenance of self-respect compelled me to shun an institution I had struggled with so much pride in locating within our State and in the contentions and scandals that have continually environed its management and history since. Only once have I ever sought by word or act to influence anyone in control, and that in a visit to General Franklin to place in his possession facts, since established by judicial evidence, that Governor Smith was not only degraded morally but corrupt financially in his administration of the Home. I urged that General Franklin owed it to his own good name and the credit of his country to purge the Board and the Home of a publicly recognized disgrace to each in the management of the latter.

From him I received the most positive assurance that the governor should be "subdued" and his arbitrary rule brought to an end; that in view of his reform from a confirmed drunkard under the "gold treatment" it seemed hard to condemn and disgrace him for deeds of the past. He further assured me that the then pending trial between Governor Smith and Dr. Weaver, which involved the corrupt and disgraceful acts of the governor, should stop right then and there as the best solution of the controversy, and a single question of veracity between the parties should be inquired into.

Instead of this the case was opened, the laws of evidence disregarded, and unimpeached testimony shoved aside with contempt, as Manager Cook will undoubtedly tell you—the governor vindicated, and one of the purest, best men in this State or country disgraced.

This action by General Franklin—and it was his action—was and is an enigma to me; so utterly inconsistent with the characteristics of honor and justice which seem to govern him in other relations. One of his most devoted friends intimates to me that he is held in bondage by the governor through some mysterious and unexplainable reasons. But of this I know nothing. You well understand that the weakness of many a great man lies in inability to see a fault in a friend. This element of character put the only cloud that darkens the name and fame of the illustrious Grant. He could not distrust Babcock in the presence of evidence that would convict in any legal tribunal upon the earth.

I am now advised by public information believed to be correct that a change is soon to be made in the Board of Managers, and knowing as I do that you have voice and influence in that action, I come to you with a plea, an entreaty, which I know faithfully voices the wish and will of the people who know the truth, and of every veteran Union soldier in and out of that Home who dare express his feelings, that General Franklin be not continued in his present place, but that some brave and true man, of which our country has so many, be put in the place vacated by him.

I believe this to be the only solution of a matter which keeps the Home in a turmoil, brings humiliation to its veteran occupants, and dishonors the Government it should honorably represent.

Very truly, your friend,

———.

Hon. NEWTON M. CURTIS, *M. C., Washington, D. C.*

Senator Plumb, in the remarks which I have had read, called attention to the fact that when there was a pretended investigation there some years ago the comrades who are occupants of that Home had no voice in it. I say to you, Mr. Speaker, that today that Home at Leavenworth is in a state of intimidation from the governor down, and that no man dares to testify before the Board of Managers or before anybody else against the man who occupies the office of governor by virtue of General Franklin's power, without knowing that he must take the road as soon as the investigation is over. I have in my possession a number of letters written by these feeble old men, saying, in substance: "For God's sake, don't use my name. If you do I shall have to take to the road. I have no home; I have no way of maintaining myself, and if it were known to the governor that I had written you this letter I should be driven from the Home immediately."

That is the condition not only of the comrades there but of every officer from the governor down to the humblest occupant of that Home, and when my good friend from Indiana [Mr. STEELE] stands in the presence of this House and asks me if the governor drinks now, and says that if he does he does not know it, I say to him that if that man could be stood up here as an object lesson he would be the best piece of evidence that could be exhibited to show his dissipated character and his unworthiness to fill the place. No man who looked upon him could avoid seeing it and knowing it.

I have also here a telegram which I desire to read:

TOPEKA, KANS., *March 27, 1896.*

Hon. R. W. BLUE.
House of Representatives, Washington, D. C.:

Letters going to you and Congress from all parts of West to fight Franklin's appointment and depose Smith as governor of Soldier's Home. Sixty thousand veterans of Kansas demand it and stand behind you in the fight to accomplish it.

T. J. ANDERSON.
O. A. COULTER.
P. H. CONEY.
GEO. W. VEALE.
O. A. BASSETT.

T. J. Anderson, the first signer of this telegram, is one of the most humane and worthy of all the men in Kansas who followed the flag. Many gentlemen here may know him. He is a man of character and of unquestioned integrity and truthfulness. For many years he was connected with the Santa Fe Railroad as its passenger agent, and he is now connected with the Rock Island road. O. A. Coulter is editor of the Western Veteran, published at Kansas City, the greatest soldiers' paper, I think, published in the western part of the Union. He is a distinguished and worthy soldier. P. H. Coney is a lawyer of character and distinction at Topeka. He was a heroic and brave man in the hour of trial. O. A. Bassett is an honored judge and worthy comrade. George W. Veale is an old Kansan of well-known honesty and integrity. He, too, was a courageous and worthy soldier, having risen to the rank of colonel. He has been many times a member of the Kansas legislature, and has also held other positions of trust and profit. The House has heard the declaration which these men have sent to me. In addition to that, I have a telegram from Capt. George K. Spencer, a man of integrity and character, of Leavenworth County, a retired army officer, in which he says:

LEAVENWORTH, KANS., *March 27, 1896.*

Fight on floor for Veteran Soldiers' Home. State behind you.

GEORGE K. SPENCER.

I have many other letters here, only a few of which I will read. Here is one from an officer in Dickinson County, Kans.:

ABILENE, KANS., *March 31, 1896*

DEAR SIR: Although an entire stranger, I wish to commend you on your fight on Smith, of the Soldiers' Home of this State, and those who try to keep

a tyrant over men who have given everything to save their country. It is the worst outrage in this whole country to-day, and every man who is posted and who tries to keep them in their positions deserves political death. If you could hear men as I do, who have been there say they would as soon be under Wirtz, at Andersonville, you would forgive me for taking your time in reading this letter.

Yours, truly,

C. H. PATTISON.

Hon. R. W. BLUE.

Here is a letter which was written to Maj. Tom Anderson by an attorney of repute at Leavenworth, Kans., which has been sent to me:

LEAVENWORTH, KANS., *March 28, 1896.*

DEAR SIR: I note by the inclosed clipping from the Topeka Capital that you oppose the retention of Governor A. J. Smith here at the Home. As attorney for "the boys" here I am in a position to know and do know, and have evidence enough to hang Smith if his offense were capital. I am ready to go anywhere (even to Washington if necessary) to give evidence of the practices that have come under my observation. If you can be instrumental in giving the men here a good governor, I assure you that you will merit and receive their heartfelt thanks.

Very respectfully,

JESSE GEORGE.

Maj. THOMAS ANDERSON,
Topeka, Kans.

TO FIGHT AGAINST GOVERNOR SMITH—HIS REMOVAL SOUGHT THROUGH THE RETIREMENT OF GENERAL FRANKLIN.

WASHINGTON, *March 27.*—(Special.)

Maj. Tom Anderson and G. W. Veale, of Topeka, wired Colonel BLUE to-day urging him to oppose the appointment of General Franklin as a member of the Board of Managers of Soldiers' Homes, and to secure the dismissal of Colonel Smith, governor of the Leavenworth Home. The message stated that 60,000 old soldiers would support him in that position. Mr. CALDERHEAD also received a message to-day of like character. Colonel BLUE stated that he would comply with the request. For some time he had been convinced that General Franklin should be allowed to leave the Board, and also he had been of the impression that it would be well to dispense with the services of Governor Smith. He said he would join in the effort to defeat the selection of General Franklin to succeed himself on the Board. The claim is made that General Franklin has for years prevented the dismissal of Governor Smith. It appears that the main object of some of the Kansans is to get rid of Governor Smith, and that they would not now advise fighting General Franklin if he had not prevented the removal of Governor Smith.

The House Committee on Military Affairs, at its first effort over the Franklin trouble, decided 5 to 4 not to name General Franklin to succeed himself, but at the same time they did not name a man to take his place. The next day one member of the committee changed his vote and his name was inserted to succeed himself by a vote of 5 to 4. Mr. TRACEY of Missouri, a member of the committee, has been in the fight against General Franklin. As now planned the name of Gen. Thomas Henderson, of Illinois, will be offered in place of that of General Franklin. In the event the fight on Franklin does not result in his defeat, it is understood that a Congressional investigation covering the Leavenworth Home will be ordered.

I wish next to read a letter of my friend Captain Coney, who, by the way, is a son of Erin, with all the warm blood of an Irishman. His letter is in these words:

TOPEKA, KANS., *March 31, 1896.*

MY DEAR COMRADE AND FRIEND: I hope that you will not relax your efforts in trying to defeat the appointment of General Franklin, and thereby and therethrough secure the removal of that old brute, Governor A. J. Smith, of the Soldiers' Home. I know and we know that the States of Kansas and Missouri want this, and that at their encampment they will ask it. You are probably more convinced of it than anyone, for you have probably received enough letters to convince you of that fact.

I inclose you a letter that Major Anderson received to-day from Leavenworth, which will show you that the evidence is here to convict Smith of all that he has been charged with. This will enlighten you on this point, and serve you if it reaches you in time to be of service to you.

Make your powers felt in this fight, and it will be appreciated, you may rest assured.

Yours in F., C., and L.,

P. H. CONEY.

Hon. W. R. BLUE,
House of Representatives, Washington, D. C.

These are some of the letters that I have in my possession in reference to this matter. But in order that my good friend from Indiana [Mr. STEELE] may not go amiss, I have here some affidavits which I wish to read and to which I trust he will give attention:

THE STATE OF KANSAS, *Leavenworth County, ss:*

I, Miers Powell, of lawful age, being duly sworn, on oath depose and say:

That I am a member and inmate of the National Soldiers' Home D. V. S., at Leavenworth, Kans., and have been an inmate of said Home since September 20, 1894.

That I am strictly temperate, never tasting any kind of intoxicating liquor; that I have never been disciplined in any way in said Home, nor up before the governor on any charge; that I was in the hospital of said Home as a patient, being treated for spinal trouble and rheumatism from September 20, 1894, to January 10, or thereabout, 1895; that while in said hospital on Christmas morning, 1894, Gov. A. J. Smith, of said Home, came into the hospital in a state of intoxication; that he was there, as he said, to visit the sick patients, and that he went through the third ward, where I was confined, talking very loud and foolishly; that when he passed my bed, No. 1, I reached out my hand to shake hands with him and said, "How do you do, Governor;" that he waved his hand in a scornful way at me and said, "To hell with you!" and passed on; that he then looked around over the ward, and, motioning with his hand, said, "Why are they vicious? They don't seem to be very vicious," and then turned around and went out.

That after getting out of the hospital I made application to get on the police force of the said Home, and was admitted to the said force April 1, 1895, and was on the said force till September 30, 1895. That while on said force I was in frequent attendance on police court before the governor—said A. J. Smith—in the discharge of my duty as policeman; that when a man came before the governor on a charge who had taken the Keeley treatment and was a member of the Keeley League, the governor invariably favored him and let him off with light punishment, but when a man came who was not a Keeley man he gave him the full penalty. I have seen the governor let Keeley men who had insulted, abused, and resisted the police off with simple reprimand or a light sentence, and in turn punish severely for slight offenses those who were not Keeley men.

It is an understood thing among the veterans at the Home that to be a Keeley man is to be the governor's favorite, and a charge of drunkenness never escapes punishment unless the offender takes the Keeley cure, and I have noticed that to be a fact while a member of the force.

That while in the said hospital a second time I noticed that the majority of the attendants and men who had positions in the hospital were Keeley men, though some of them were then drinking men and drunk while on duty; that notably one Thomas Kennedy, who was one of the nurses at the said hospital, was in the habit of hiding bottles of whisky in the linen room in said hospital and was frequently drunk while on duty, and while in that condition abused the patients shamefully.

That I left the hospital on or about the 17th of November, 1895, and went on the police force of said Home again, of which force I am still a member.

Now, I hope the gentleman will listen to this:

That while on duty on the night of the 7th of February, 1896, out on the post by the governor's house—I having been assigned to that post for the night—about 1 o'clock at night—

That is late enough, I should think—

I saw Governor Smith driven home "plain drunk"; that when he (the said A. J. Smith) got out of his buggy he had to support himself by catching hold of the wheel, and that he staggered to the door, and it took him some time to find the doorknob; that I was close to him and know that I was not mistaken in his being drunk, and had he been an old veteran I would have considered it my duty to have arrested him.

MIERS POWELL.

Subscribed and sworn to before me, the undersigned, a notary public in and for the county and State aforesaid, this 11th day of February, A. D. 1896.

My commission expires March 29, 1898.

[SEAL.] HARRY PLANTER, *Notary Public.*

Later on, it seems, a further statement is made by this same man, to which I challenge the attention of the gentleman from Indiana:

THE STATE OF KANSAS, *Leavenworth County, ss:*

I, Miers Powell, of lawful age, being duly sworn, on oath depose and say that on the occasion of my seeing Governor A. J. Smith drunk, as set forth in my affidavit made February 11, 1896 (to give a more full and definite description of the matter), it was about twenty minutes past 1 o'clock at night of the day mentioned in my former affidavit, that the said A. J. Smith came home. I had been on the north beat out by the governor's house for about an hour, as I went on at midnight that night; that a few minutes past 12 o'clock I noticed some woman, whom I took to be the governor's wife or daughter, come out of the governor's house and look anxiously out toward the north gate of the Home as though looking for some one; that the woman stood looking for only a moment and then went into the house again; that in ten or fifteen minutes the woman came out again and looked out anxiously toward the north gate, and, seeing no one, went back into the house. That about 1.20 o'clock I heard a noise as of an approaching vehicle in the direction of the north gate, and, looking in that direction, I saw by the glare of the electric light the governor's horse and buggy being driven very rapidly toward his house, the horse being very warm and a fog of smoke ascending from him; that I was walking my beat and not over 30 feet from the governor's house when they pulled up at the door, and could plainly hear all they said and see everything that transpired; that when they drew rein it took some little time for the governor (said A. J. Smith) to pull himself up and out of the buggy; that when he landed on the ground or pavement he caught the wheel of the buggy with both hands and threw himself against the buggy with such force as to rock it pretty badly and the driver said, "Good Lord, don't turn the buggy over;" that the governor muttered some unintelligible reply, and then balancing himself he started for the steps leading to the door; that in going up the steps he went up on all four limbs, throwing his hands to the steps in front of him to assist his ascent; that when he got to the top he straightened up as well as he could and made an effort to get to the door, but struck the wrong side of it; that he then fumbled around for some time and finally found the doorknob, and went in; that the driver stood waiting to see Smith safely inside and then drove on down by where I was standing, and as he passed me he took me, evidently, for Robert Scotland, one of the governor's Keeley men, who at that time was my relief on the beat; and as he passed he said to me, "Bob, Bob, the old man is 'Jesusly' full to-night;" that I had my cape over my head and moved on without replying to him; that after Smith had gone upstairs some lady came down and put the light out, and I saw nothing more of him.

MIERS POWELL.

Subscribed and sworn to before me, the undersigned, a notary public in and for the county and State aforesaid, this 21st day of March, 1896.

My commission expires the 8th day of July, 1896.

[SEAL.] JESSE GEORGE, *Notary Public.*

THE STATE OF KANSAS, *Leavenworth County, ss:*

I, John C. Mathews, of lawful age, being first duly sworn, on oath depose and say: That on or about the 4th of February, 1896, I was dishonorably discharged from the Western Branch, National Home for Disabled Volunteer Soldiers, on charge of repeated absence without leave, repeated drunkenness and bringing whisky into the Home; that at the time of my discharge I asked the governor of said Home for an honorable discharge, and he (the governor) sent me to the captain with an order for him to make me out an honorable discharge; that the captain, McDowell, told me that he would make out said discharge, whereupon this affiant, thinking that he was at liberty, left said Home, as he had been accustomed to do while in the Iowa Home; and that this affiant came to the city of Leavenworth and rented a shop and remained in business for a few days, thinking that he would return for his papers when the captain had sufficient time to make them out; that after such time this affiant did return, whereupon he was arrested by officers Weist, Smith, and Redman and was brought to the head of the stairs in the police department, where the above-named officers subjected him to torture by twisting his arms; that after being subjected to this severe pain this affiant was then dragged down the said stairs head first, and that while being so dragged this affiant was struck in the head with great force one or more times; that after being dragged to the bottom of the stairs this affiant was dragged by two of the above-named officers, or one of them and Officer Scotland, who then was present, into the turnkey's room; that when in the turnkey's room the arms of this affiant were again twisted so hard as to cause great pain and suffering, after which some of the aforesaid officers seized this affiant by the throat and choked him into insensibility; that one of the above-named officers gouged my right eye so severely that the mark of his violence is on my face yet.

Affiant further alleges that one of the aforesaid officers kicked or struck him a heavy blow while laying almost unconscious after being choked as above stated, from the effects of which this affiant is still suffering.

This affiant also states that after he had regained sufficient consciousness and strength to stand up he was put in the straight jacket and thrown into the cell on the hard concrete floor, where he remained for five hours or thereabout.

That after the above and foregoing this affiant was taken before Governor Smith the next morning, charged, as stated before, with repeated absence

without leave, repeated drunkenness, and bringing whisky into the Home. As to the first charge, this affiant has stated his reason for being absent; as to the second, this affiant admits having been drunk; but in answer to the third and last, affiant says that he was falsely accused, and that the charge was brought upon the finding of an empty bottle on affiant's person by the above-named officers at the police station.

JOHN C. MATHEWS.

Subscribed and sworn to before me, the undersigned, a notary public in and for the said county and State, this 21st day of March, A. D. 1896.

My commission expires July 8, 1896.

[SEAL.] JESSE GEORGE, *Notary Public.*

STATE OF KANSAS, *Leavenworth County, ss:*

I, Miers Powell, of lawful age, being duly sworn, on oath depose and say: That I was a police officer at the Home named in the above and foregoing affidavit and witnessed the acts of the said officers as stated in the foregoing affidavit, and that the facts stated do not include all the acts of injury that the said officers committed to the said John C. Mathews, but are true as to what he may have remembered.

MIERS POWELL.

Subscribed and sworn to before me, the undersigned, a notary public in and for the county and State aforesaid, this 21st day of March, A. D. 1896.

My commission expires July 8, 1896.

[SEAL.] JESSE GEORGE, *Notary Public.*

Now, I do not know whether that is a "plain drunk" or not. It looks to me as though there might be some "trimmings" to it.

Mr. MARSH. Is that man still a member of the police?

Mr. BLUE. I judge not. If he were he would not be there long after that statement, no matter how truthful it may be.

Now, Mr. Speaker, this Board has a remarkable way of doing things. Until the law took hold of them they appointed their own inspector, who, of course, found everything correct; because if he did not he would fare like this policeman—he would not remain there long. But there had been scandal after scandal connected with this institution, as Governor Anthony says; and General Averill was sent there as an inspector to make an inspection and report the result of his observations. I hold in my hand a statement of one of the parties who was called before General Averill as a witness.

STATE OF KANSAS, *Leavenworth County, ss:*

James F. Legate, of lawful age, being first duly sworn according to law, upon his oath deposes and says: When General Averell and Local Manager Cook were investigating some charges preferred against Col. A. J. Smith, governor of the Soldiers' Home near this city, I was called before them and asked if I knew anything about soldiers at the Home having trouble about obtaining money on their pension checks, in reply to which I stated that a soldier from the Home came to my office and asked me to cash a twenty-four dollar pension check. I said to him, "Go to the bank and get it cashed." He replied, "I have been to the bank and they want to charge me 5 per cent discount. They told me they had to send my check to New York and pay for expressing the money back, and it would cost that much to get the money." Finally I took the check and went with the man to the Manufacturers' National Bank, turned the check in as a personal deposit, and gave the soldier the money. The question was asked what bank the soldier alluded to, but I could not tell, for he only said "The bank."

I was then asked if I had any knowledge of Governor Smith's being intoxicated within the last year or so. I answered that I met Governor Smith at the landing of the elevator in the Ryan Building in this city about a month ago, when he had every appearance of being drunk: his walk was very unsteady, his face bloated, and he had a very strong scent of whisky. I knew him well when sober and have seen him many times when drunk, and from his actions, with the strong scent of whisky added, I felt sure he was drunk. I added that my personal relations with Governor Smith were friendly, as well as with all parties at the Home, and I regretted being called upon to make any statement derogatory to any of them. General Averell asked what reasons I had for thinking Governor Smith was drunk. I said, "He acted like a drunk man, he walked like a drunk man, and he smelt like a drunk man, and I felt positive he was drunk." And each statement was true according to my best judgment. General Averell then said (directing his language to the reporter), "On account of the relations of this gentleman with all parties, you need not put down anything relating to this last matter." And further affiant saith not.

JAMES F. LEGATE.

Subscribed in my presence and sworn to before me this 26th day of November, 1894.

My commission expires November 27, 1897.

[SEAL.] N. E. VAN TUYL, *Notary Public.*

SEPTEMBER 24, 1894.

I saw Col. A. J. Smith, governor of the Soldiers' Home of Leavenworth, Kans., disgracefully intoxicated at Leavenworth City within the last four months.

AMOS McLOUTH,
Of McLouth, Jefferson County, Kans.

Now, Mr. Speaker, I do not know what the gentleman from Indiana considers being drunk; but to a plain, common man from the Western country like Kansas these affidavits, I take it, would be some evidence of a man's drunkenness. I could multiply statements of this kind over and over again.

Mr. STEELE. Have not those men been discharged from the Home for insubordination?

Mr. BLUE. I do not know whether they have or not. But Mr. Legate has not been discharged from the Home. He never was connected with it. Neither was Mr. McLouth discharged from the Home. Neither was Governor Anthony, nor T. J. Anderson, nor P. H. Coney, nor O. H. Coulter, nor O. A. Bassett, nor G. W. Veale, nor Jesse George.

Mr. TALBERT. I thought I had heard it stated that Kansas was a prohibition State.

Mr. BLUE. Yes, sir; outside of the Government reservation. [Laughter.] And I want to say in this connection that Governor Smith runs the biggest saloon in Kansas, under the shadow of the flag that these men fought to sustain. The Inspector-General, on page 38 of his report, says in regard to this saloon which the governor runs:

The basements of two buildings are occupied for post-fund purposes, one as store and restaurant and the other as beer hall. The sales of the store and restaurant amounted to $14,601.99 during the year, and the expenses for stock to $11,581.75, and for other items out of the profits to $777.77. The profits at the Home store appear to be about 30 per cent. The profits at the beer hall were $13,886.23. At the close of the fiscal year the value of the merchandise on hand was estimated at $3,468.11 against $3,975.80 a year previous, and the cash on hand was reported as $6,948.58 against $3,771. The number of employees under this fund averaged 39 members and 22 civilians, who received a total compensation of $9,705.97, or $157.18 each. At date of inspection the post funds on hand consisted of $3,390.80 on deposit and $277.31 cash in the office safe. The same system of checks adopted at the Milwaukee Home is used for the beer hall here. The cash register at the store was not in use, as it was reported out of order. Possibly the restaurant facilities could be improved. The brewing association from which the beer has been purchased donated a handsome fountain to the Home, and has built an ice house for the storage of beer, and keeps it in repair.

While the same reports, page 63, show the following recapitulation for all the Homes, as follows:

TABLE 15.—*Statement showing business of beer hall and employees under post fund.*

Branches.	Amount of beer sold.		Profits of beer hall.
	Barrels.	Value.	
Eastern	.....	$25,263.25	$18,128.25
Central	7,350	.....	34,385.74
Marion	.....	.....	.....
Northwestern	2,832	.....	20,164.75
Western	.....	21,815.00	13,886.23
Pacific	280	.....	4,467.45
Southern	.....	49,899.60	32,293.11
Total	10,453	96,977.85	123,325.53

Branches.	Members employed.		Civilians employed.		Average cost of employee.
	Number.	Cost.	Number.	Cost.	
Eastern	17	$2,741.33	23	$7,254.67	$249.90
Central	91	10,911.44	46	13,822.03	180.54
Marion	8	984.28	14	2,777.62	171.00
Northwestern	48	6,721.50	19	6,431.39	196.31
Western	39½	4,711.76	22	4,594.21	157.18
Pacific	11	1,400.68	6	2,621.99	236.63
Southern	42	6,244.61	32	6,505.08	172.29
Total	256½	33,715.60	162	44,406.99	186.78

What, profits! And the man who runs that saloon at the Western Branch is the president of the Keeley League!

And the men out of whom these profits are made are the poor, helpless, homeless defenders of the nation's honor and the preservers of our liberties, and on the same grounds, under the same flag, is operated a Keeley-cure establishment at a cost of $22.30 to each one taking the cure. The saloon keeper deals out his poison at one place on the grounds to make drunkards, at an annual profit of $13,886.23, while at another place he rakes in the shekels at a per capita profit of about $15 per victim.

Mr. TALBERT. That is pretty good for a prohibition State.

Mr. BLUE. This land is segregated from the territory of the State of Kansas, and is owned by the great Government of the United States. It is entirely under its control. In one room is run the beer saloon, to make drunkards of these old men; and in another room the governor of the Home is president of the Keeley cure which is run in connection with the Home, and indorsed by General Franklin.

Mr. HULL (from his seat). That is not unusual. All of the Homes have them.

Mr. BLUE. The gentleman from Iowa says that is the practice in all of the Homes. If that is so, then for God's sake let us have some one appointed on that Board like General Howard, who would put a stop to the drunkenness in these institutions.

Mr. STEELE. If the gentleman will permit me, there is a mistake in his information. At the Marion Home there is no saloon within the grounds, and on the contrary——

Mr. BLUE. How many on the outside?

Mr. STEELE. I was just going to say that, on the contrary, immediately outside, because of the fact that there is no saloon within the ground, these saloons have grown quite rapidly, until there are now 11, I think, of them on the outside. These men sell liquor to the soldiers, and in many cases the soldiers are robbed every pay day——

Mr. BLUE (interrupting). And yet you, in violation of the law, out of the funds in your hands support a civil force on the outside—a police force to protect these people—which the State of Indiana should support.

Mr. STEELE. Oh, no.

Mr. BLUE. Then the Inspector-General does not know, or you do not. I do not believe the gentleman from Indiana does know,

as I said before. The Inspector-General in his report, at page 20, says:

Perhaps the Government should pay fully for the light and heat of this Branch Home, but this fund, which is raised among the men themselves, pays 75 per cent of all bills for fuel and oil purchased by the Home, that being the estimated cost to heat the post fund buildings. This fund has also been taxed quite a large sum for the services of men hired by the civil authorities of the surrounding county for patrol duty in connection with the law relating to the sale of liquor within 1½ miles of the Home. It would seem as though this expense for the enforcement of a civil law should not be borne by the Home, nor the additional expense of feeing lawyers to prosecute the violators. But the authorities of the Home speak with great gratification of the results, and as if successful prosecution was impracticable otherwise.

Mr. RAY. If the gentleman from Kansas will permit me, I would like to ask him two or three questions.

Mr. BLUE. Certainly.

Mr. RAY. How many persons compose the Board that has charge of the Home?

Mr. BLUE. Well, eleven, I think, individual members.

Mr. RAY. Eleven on this Board of Managers?

Mr. BLUE. Yes, sir.

Mr. RAY. And General Franklin is one of them?

Mr. BLUE. Yes.

Mr. RAY. You are making your drive directly at General Franklin as one of the eleven?

Mr. BLUE. Yes, sir.

Mr. RAY. And he is a member of the Board?

Mr. BLUE. Yes, sir.

Mr. RAY. You do not charge him with drunkenness, as I understand?

Mr. BLUE. No, sir.

Mr. RAY. These affidavits to which you are referring, and some of which you have read, are directed to the governor of the Home, General Smith. Is that true? That they are all directed to the governor?

Mr. BLUE. That is correct.

Mr. RAY. These charges of drunkenness are all directed at the governor of the Home?

Mr. BLUE. Yes, sir.

Mr. RAY. Then why do you make an attack on General Franklin, any more than upon the other directors or managers?

Mr. BLUE. These remarks of Senator Plumb, which furnish the keynote to the situation, if the gentleman had listened, charged then and there, six years ago, that he was the man who ran the Home.

Mr. RAY. Then the substance of your charge is this: First, that the governor of the Home becomes grossly intoxicated at times, and is therefore unfitted for the position he holds; second, that the other gentlemen composing the Board of Directors, or managing the Home, are grossly derelict in their duty to permit General Franklin to run and control the Homes in the manner that the gentleman has suggested.

Now, it seems to me that the criticism is aimed indirectly, and I may say directly, at every member of the Board of Managers, and therefore that every one of them ought to be removed if one of them is removed. For you can not single out one man and say that he is to blame; because the other men must know and permit and sanction the disorders to which the gentleman refers.

Mr. BLUE. Is that all you wish to ask?

Mr. RAY. Is that statement of your position correct?

Mr. BLUE. No, sir.

Mr. RAY. Why?

Mr. BLUE. For the reason that Mr. Black's place is offered to be supplied by a former member of this House, Thomas J. Henderson, and the place of another member, General Fessenden, to be supplied by General Beal, of Maine, and we have not yet reached the gentleman from Indiana——

Mr. HILL. Will the gentleman permit me to ask this question, Do you propose to continue this raid on all of the members, or do you intend to limit it to General Franklin?

Mr. BLUE. Well, I will say in response to the gentleman that "Sufficient unto the day is the evil thereof."

Mr. HILL. Then, another question. Have you any charge or not to make against the personal character of General Franklin, or are your charges entirely confined to the superintendent or governor of the Home?

Mr. BLUE. If the gentleman had paid attention he would not have misunderstood me. I charged that the inspector's report—the document of the House numbered 288, which any member can get by sending over to the document room for it—that that report shows that either General Franklin is grossly negligent or grossly incompetent or that he is not honest. Now, mistake me not. The report in its detail speaks for itself.

Mr. STEELE. On what page of the report is that?

Mr. BLUE. It runs all through it. I will give you the pages before I get through. I charge that General Franklin knows of that beer saloon at Leavenworth. I charge that he knows of Smith's conduct. I charge that Franklin knows that, in violation of law, he has in his hands at this time certain trust funds that he ought, under the law, by the plain intendment of it, to turn over to the general treasurer. I charge that General Franklin was for many years both president and treasurer of that Home, and that when Congress passed a law that the treasurer should not be one of the Board, he took a man Friday, a clerk, an assistant inspector-general whom he had picked up at one of these Homes as a sergeant, and he put him in there through his influence as the general treasurer, and from that hour to this he has practically controlled and now controls the fund, as he did before.

Mr. HILL. May I ask the gentleman one more question?

Mr. BLUE. Wait one minute. I will call your attention to a matter, that you may be studying on it after you sit down. I will first call the attention of the gentleman to page 8. This is not the matter which I had in mind, but what I do charge is that this report shows that balances in their accounts are forced; that on a page which I will presently find it is shown that their account in one instance lacked $5,000 of balancing. Is that good bookkeeping? It is on page 22, and is as follows:

Supplies when issued to the shops are charged off the property records, and thus the stock on hand in the several shops (and in some considerable quantities were found) do not appear as on hand, though not expended except on paper. To have the property accounts rival the money accounts in accuracy and have them both set forth only the exact facts up to the date fixed in the record does not seem an impossibility, nor even very difficult, wherever it is earnestly undertaken. It merely requires enough constant attention to keep the balance accurate without either surplus or shortage.

In the knitting shop the value of stock on hand July 1, 1894, was reported as	$6,350.30
Received during the year as	7,981.48
	14,331.78
From this there was expended during the year in making 78,144 pairs socks, at $0.1047 per pair, for material	8,181.68
Value of stock not expended	6,150.10
Balance of stock on hand as reported in shop account	745.61
Value of stock not accounted for	5,404.49

except $2.50 for 12 stump socks. The explanation of this may be very simple and easy, but perhaps it may be equally easy to keep shop and property accounts so they balance.

Mr. HILL. The gentleman mistakes the meaning of my question entirely. The point I want to get at is whether there is any difference between the gentleman's estimate of General Franklin's services or neglect or incompetence or dishonesty—if it is proper to speak of General Franklin as a dishonest man—if there is any difference between the way the gentleman looks upon him and the way he looks upon General SEWELL, General Black, General McMahon, Colonel Mitchell, General Fessenden, General STEELE, Major Barrett, General Pearson, General Anderson, and Colonel Cooke? Or does the gentleman include them all?

Mr. BLUE. Oh, there is all the difference in the world.

Mr. HILL. Do you include them all in the same category?

Mr. BLUE. By no means. I know General Cooke has found out how villainous this management is, and I know he has no heart in it.

Mr. HILL. And he is the only one you except?

Mr. BLUE. I do not say that. I have not found out about them. I want to say in all candor and in all charity that I am not here to condemn our good friend from Indiana [Mr. STEELE] except for one reason, and that is his lack of knowledge of this Soldiers' Home. I said awhile ago that what he did not know about it would fill a considerable volume, and I repeat again that the gentleman from Indiana—judging from what I have heard of him on this floor—is gorged with misinformation in regard to them. I do not at this time attack anybody in the management of these Homes except General Franklin, because I am not conversant enough to know about the rest, only thus far, I say that good business men ought not to have permitted this thing to continue without a more thorough investigation.

Mr. RAY. May I ask the gentleman a question right there?

Mr. BLUE. Yes.

Mr. RAY. How long has General Franklin been the president of that Board of Managers?

Mr. BLUE. Oh, I do not remember. He has been sixteen years on this Board. He has been there a long time—too long.

Mr. RAY. Is he elected by the Managers?

Mr. BLUE. I so understand it. The gentleman will save me time and himself trouble if he will do a little differently than I apprehend the Committee on Military Affairs did—if he will look at this volume, Document No. 288, and in order that he may have ample opportunity to look at it and be fully informed on it in as little time as possible, I will furnish him with an index.

Mr. RAY. I should not understand an index if you gave it to me, but I should like to have the facts appear in your remarks, because it has seemed to me that your attack is as much upon one member of this Board as upon another, and that you can not single out one——

Mr. BLUE. If the gentleman had paid attention to my remarks he would have found out his mistake. One war at a time is enough. I am going at the fountain head of this business, and

[Laughter.] And I want to say in this connection that Governor Smith runs the biggest saloon in Kansas, under the shadow of the

Mr. BLUE. Then the Inspector-General does not know, or you do not. I do not believe the gentleman from Indiana does know,

when the fountain head is changed the source will become pure. These men who are now treated so inhumanly in these Homes will then have an opportunity for decent and fair treatment. I do not care whom you put in General Franklin's place; I do not care whom you put in General Smith's place, so they are honest men that will do their duty and do it fearlessly and uprightly.

Mr. SPERRY. I would ask you if this trouble of which you complain has been brought to the attention of General Franklin?

Mr. BLUE. Oh, yes, my good friend from Connecticut; nobody knows it better than he does. I would like to tell some things on this floor which I would not tell here; but this much I will say: As is said in Governor Anthony's letters, there have been continuous scandals ever since Mr. Smith was appointed, and General Franklin from time to time has had these whitewashing investigations to cover over and smooth down and conceal from view the brutalities and the drunkenness of this Keeley-cure graduate.

Mr. CROWTHER. I would like to ask my colleague a question. How long has this scandal been known to the president of the Board of Managers?

Mr. BLUE. I think from the beginning.

Mr. CROWTHER. How many years?

Mr. BLUE. Some ten or twelve years. I do not know how long the Home has been in operation. I have been informed——

The SPEAKER. The gentleman's time has expired.

Mr. CURTIS of Kansas. Mr. Speaker, I ask unanimous consent that my colleague's time be extended.

Mr. HULL. How long?

Mr. CURTIS of Kansas. For one hour.

Mr. HULL. I will object to an hour.

Mr. CURTIS of Kansas. For half an hour.

Mr. HULL. How long does the gentleman want?

Mr. BLUE. I want to get through.

Mr. HULL. How long will it take you?

Mr. BLUE. I do not know until I get through.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the time of his colleague be extended half an hour. Is there objection? [After a pause.] The Chair hears none.

Mr. BLUE. Now, Mr. Speaker, I have here another affidavit upon another phase of this matter, and I trust now that the House will give attention to this affidavit, because it shows something of the conditions that exist there and how the law is abused:

THE STATE OF KANSAS, *Leavenworth County, ss:*

I, Jesse George, of lawful age, being duly sworn, on oath depose and say that I am acquainted with Col. Andrew J. Smith, governor of the Western Branch National Soldiers' Home, Disabled Volunteer Soldiers. That the first time I remember to have met Governor Smith was in the winter of 1893, some time in February or March, when he came into my office to consult with my associate in regard to commencing some prosecutions against some saloon keepers out near the said Home. He was going to begin prosecutions and wanted some legal advice.

About all I remember of him then is that he indulged in considerable profanity and cursed the saloon keepers very freely, and I remember that he stated that he had given two of the "old boys," he called them, thirty days on the dump because they had not knocked one of the keepers down when he had called them "sons of bitches." I manifested some mirth over the statement, and he went on to say that it was his habit to sentence men to the dump for such, and he had about broken up the use of that word at the Home.

Some time in December of 1893 I was called upon to defend an old veteran before Mr. E. B. Wheeler, United States Commissioner at the Home, on a charge of assault with intent to kill. The man I was defending I found had been once dismissed from the Home by Smith, but made complaint to the Board of Managers or to E. N. Morrill, local manager, and had been reinstated. He told me that he had been the victim of Smith's persecution ever since he was reinstated, and finally he had been arrested on the above charge. The evidence developed that the man whom it was claimed the defendant assaulted was a known enemy of the defendant and that he was a vicious fellow, and, worse than all, was considerably off in his mind. The testimony showed that the defendant protested to Governor Smith on being put in the same ward with the man and that the governor told him that he would have to stay there; that the governor knew that the complaining witness had it in for the defendant at the time he made the change. The evidence of the complaining witness himself was to the effect that the defendant's socks stunk that he had under his bunk, and he ordered him to remove them; that he otherwise annoyed him, and he (the complaining witness) assaulted the defendant. He said that the defendant got away once and then he got at him again and clinched him and had him down, and the defendant cut him with a pocket penknife. He was so loony and egotistic that he even went on to say that he could have "licked" the defendant even after he was cut, and would have done it if he had not been pulled off. As to physical, the complaining witness was twice the man the defendant was, and the defendant was an invalid besides. The man was bound over, however, and laid in jail months awaiting trial in the Federal court. My experience and information has been that no one ever fails to be bound over who comes before Wheeler, at Smith's dictation. Wheeler is Smith's private secretary and servile tool to do his bidding.

The reason for his appointment I think can be explained as follows: A short time before his appointment, A. J. Smith, governor aforesaid, was brought before Col. E. N. O. Clough, a United States commissioner, in the city of Leavenworth, on the charge of having tampered with an old veteran's mail. One of the members of the Home was giving some evidence against Smith, and Smith broke out in a "bulldozing" manner upon the witness with, "Now, that is a lie, and you know it." Commissioner Clough told him to desist and not interfere with the witness, and the witness went on; but Smith broke in again in about the same way, and Commissioner Clough told him that he must desist and not interfere with the witness testifying. Smith then said that he was governor of the Home and he did not propose to have any member lie on the stand in that manner. Colonel Clough says he had to admonish him that even if he was governor of the Home he must not interfere with witnesses testifying on the stand, and that if he interfered again he would fine him for contempt. Soon after this Mr. Wheeler was appointed commissioner at the Home. Colonel Clough is a soldier of no mean record and is highly respected in the community. He is United States commissioner here yet, and says hundreds of complaints have come in to him from members of the Home of Smith's outrageous treatment; that he is too old to begin a fight on Smith or he would consider it his duty to do it in the interest of the Home, but if he is called upon to give testimony before any impartial committee he will do it; that from what he knows of Smith he is totally unfitted for the position of governor.

There are instances in which this man Wheeler has used his process to arrest and bring back into the Home men who had been once punished for the same offense by Governor Smith. Notably, one John Walsh, in the month of August last. I saw this man's discharge, with the charge of assault on it, for which he was sentenced to the dump at the Home. And yet he was arrested on a warrant issued by Wheeler for the same offense. The officer serving the warrant told me and told Mr. Dill that all they wanted was to get him back to the Home and fix up matters with him. I might here say that they were at the time refusing to send him his pension papers so that he could draw his money, and also were withholding his discharge at the time the arrest was made; that Walsh refused to go before Wheeler; said that he was not going to the Home to be locked up, but readily consented to go before Commissioner Clough. This was just what Wheeler did not want, and although the orders of the marshal were to take prisoners before the nearest commissioner (and Mr. Clough was the nearest), Mr. Wheeler complained, went down to see Clough the night of the arrest, and even complained to the district attorney about the matter. When it was found that they could not get the old man back into the Home in any way they then sent his pension papers and discharge to him. I saw both the discharge and the warrant and know that the charges on each were the same offense. Walsh was one of the men who would not take the Keeley treatment.

In June, 1894, one William F. Williams came to me with a story of distress and complaint about his treatment at the Home. Said he had been imprisoned in the Home for some weeks; had repeatedly asked for his discharge, and it had been denied him; and he was still limited to the Home grounds; but it had become unbearable, and he had walked out, after trying in vain to get his discharge. The old man had on his uniform, and I told him that I would not write to them nor intercede in his behalf till he turned over everything to the Home that belonged to it; he said he dared not go back, that they would lock him up again if he did. At that time, I regarded Governor Smith as being somewhat reasonable and just, though I knew him to be imperious. I told the old man that if he would take his clothing to the Home and turn it over they would give him his discharge without trouble; that they could not hold his money without cause, and would not lock him up after he had demanded his discharge. The old man was in terror, however, and would not go. He said, however, that he would change his clothes and go with me if I would see that he was protected.

I finally went with him to the Home and direct to Governor Smith's headquarters. The governor was not in, but his adjutant, Hayes, was there, and in answer to my inquiry said he would soon be in. He saw Williams and immediately ordered his arrest. When I saw what they were about I asked Hayes not to send him to jail as they were about to do, but allow him to remain in the office till Governor Smith came, which they did. When the governor came in shortly afterwards he immediately in an angry, blackguard manner assailed Williams, using the following language, as near as I can remember: "Williams, where in the hell have you been, and what do you want here?" The old man quailed before him completely, and stepping before the governor I said, "Governor, he wants his discharge." Smith then turned on me and in the same tone and manner said, "I don't recognize you, sir; Williams is my man, and we can do our business." I told him that I came at Williams's request and his attorney to ask for his discharge, but he said, "I recognize no one to appear for Williams and will not talk with you." I then said, "Mr. Williams, you may tell the governor what you want yourself, since he does not wish me to have anything to do with it." Williams then said, "Yes, Governor, I want my discharge and papers and property." The governor said, "What in the hell would you do with it; would you go away and stay away if you had it?" Williams then said that he would, but the governor, not satisfied, said, "Where would you go to?" And Williams told him he would go to his folks in Missouri. The governor then broke loose again, offsetting it with profanity, "They don't want you; nobody wants you," and then began to abuse the old man again in vile terms, and again told him he could not have his discharge. I then told the governor that the old man wanted his discharge and if there was anything in the way of his having it I would like for him to state what it was. This made him more angry, and turning to Williams he said, "Come in my office, sir." Williams went and I followed to the door. Smith caught the door and began to shut it in my face. I said quietly (as I had talked all of the time), "Governor, you ask a mission into this room as Mr. Williams's attorney; if you refuse me I shall not insist." He said, "I do refuse," and shut the door in my face.

I waited some time in the building, and after a while Williams came out in company with a police officer and was taken to jail. Smith passed me, but said nothing. I went out to the jail and asked the jailer or officer at the jail if Mr. Williams had been locked up there, and he told me it was none of my "damned" business. I went back up toward headquarters and met Smith in his buggy. I hailed him and asked him if I might see Williams as his attorney, and he said yes; if I could find him (this in a very contemptuous manner). I then said, "Governor, I did not come here to interfere with you in any way; if you have any reason or excuse for your treatment of this old man, I am not going to interfere in his behalf; I ask only to be treated courteously in the matter; the old man may be at fault, but you give me no information, and hence I must believe his story. I ask to see him as his attorney. If he is in jail I wish to know it and wish to see him; if he is not, but is at large, I have nothing more to say, but I promised the man he should not be locked up without cause, and I shall in duty to him make my word good." The Governor said, "He is here on the grounds and you can find him."

I went back down to the jail and found out from a man who had not been posted and who knew Williams that he had just been taken and locked up. I then went back to the city and instituted habeas corpus proceedings the same evening. The United States marshal telephoned the fact to Smith as soon as he got the papers, and Williams was released the same afternoon, given an honorable discharge without a mark against him, given all of his papers, and pension money amounting to something over $70. Smith had become scared and released him probably before the proceedings commenced. The fact that he gave the man an honorable discharge showed to me that his action was only oppression to get the old man to take the Keeley treatment, as he swore to in an affidavit made for the purpose of the proceedings in court.

We went before the court prepared to show that he had been held in duress, but he being then at liberty, the court took my professional statement that he had been restrained without proof. After the proceedings were over Mr. Wheeler, Smith's said secretary, followed the old man around the street and pulled him to one side when with me for a talk, and tried to get him to make an affidavit to the effect that he had not been restrained of his liberty at all. I could hear Williams say to Wheeler, "No; I can't do that. It would be a lie for me to do that. They had me arrested and I could not leave. I was in jail. I can't do that."

In August, 1894, I thought I had misjudged Governor Smith in a matter,

and of my own volition I wrote to him a note telling him that I felt that I might have done so, and asking his pardon if I had.

I immediately received a letter from him, in which he imperiously demanded that I publish over my own signature an absolute falsehood in order that he might be vindicated in the Williams case above referred to. The letter threatened me, accused me of libel, and promised to expose and ruin me if I did not accede to his demands.

I felt that I had made a mistake in offering any apology to such a man, even if I had been mistaken, and I wrote and told him so; told him he was at perfect liberty to expose me if he could, and that I had no retraction nor apology to make, and could not make any in the honor of truth. I never heard from him again on the subject, but in the face of these facts and others coming under my observation, I feel perfectly justified in saying that Governor Smith would not hesitate for a moment to threaten and terrorize anyone to vindicate him by falsehood if he dared. I have his letter yet and the copy of my reply.

I have observed that just so soon as any charge is made against Smith he immediately begins to fortify himself, scatter evidence against him, and get evidence together to justify himself.

When there was a publication of some pension investigations by a special examiner sent out by Hon. William Lochren here last winter, there was one man named Crenshaw whose name was unfortunately published in connection with it, who was then at the Home. Smith the next day sent for this old man and examined him, and made him deny everything. I have the affidavit of an eyewitness to the examination who happened to be present. When that fact was published, he sent for the old man and, as I am told, got him to make another statement or affidavit that his former affidavit was not made under duress. I have the statement of Thomas Wilkins to the effect that Governor Smith used like means in his case.

In relation to the Keeley matters at the Home, I would call attention to the fact that Governor Smith is president of the National Keeley League, at, as I am told, a salary of $1,200 a year. I am also told by one who saw the contract, and saw it signed, that for every man who takes the treatment for the liquor habit they pay Dr. Leslie E. Keeley $6. They charge the patient at the Home for the treatment $30, and for certain dues, badges, etc., $2.30 more. The difference between $22.30 and $6 is to be accounted for, and what goes with it has never to my knowledge been satisfactorily answered. Governor Smith has been in absolute control of the fund for some months—yes, years past.

The contract above referred to was signed by Governor E. N. Morrill for the Board of Managers.

Now, whether Governor Smith gets a penny out of the matter or not, he can not, I think, successfully deny that the above is the situation, and the relation he sustains to the Keeley treatment.

Under these circumstances he has a regular system of requiring from every man who takes the treatment an order on his pension money in payment therefor; which amount is withheld from his pension regardless of his wish. The uniform complaint is that he compels men to take the treatment or the gate. I have had, I think, hundreds who have made this charge to me, and United States Commissioner Clough will tell the same story. I do not believe that all of these men tell falsehoods. Some of them say that Governor Smith directly compelled them, but the majority say that he only held the dump and punishment over them till they did take it; that so soon as they took the treatment they are invariably relieved from the punishment and have the governor's favor. Many have been required to take it twice, and even three and four times. I have seen these orders made out by Governor Smith's private secretary, in his handwriting, where on their faces the statement was made, "First treatment, second treatment," etc. Some of these men are: Eli Watkins, who took it twice, and left the Home to keep from taking it again; Richard Wall, John Carrol, Philip Woodward, William F. Williams, Thomas Hughes, John Walsh, Nathaniel J. Holder, Thomas Wilkins, and others. Wilkins took the treatment three times, and has all of his orders to show for it.

The uniform story is that when a man takes the treatment he is admonished that if he ever breaks it he will be put out of the gate, which threat is believed to be by some more efficacious than the treatment itself.

Governor Smith, notwithstanding his connection with the Keeley Club and his having taken the treatment himself, belongs to another club here of a different character. When served with the summons in the Wilkins case he was found in the Leavenworth Club rooms at a game of cards; so while a reformed man he yet has his old haunts. I have seen an affidavit to the effect that he was driven home last February in a state of beastly intoxication at 1 o'clock at night.

In the recent Cook-Averill investigation, when things were getting pretty hot for Smith, he took Captain Jacobs out and told him to "think up something or fix up something against Maj. W. B. Shockley," the home treasurer, and said "I want to down that Shockley," which Jacobs refused to do.

I sent in the complaint to Hon. William Lochren on which an investigation was ordered from the Pension Department last winter, and soon after this a libelous communication was sent out from the Home for publication in the Kansas City Star, the Atchison Globe, the Leavenworth Standard, and the Topeka Capital, in vindication of Smith and libeling me. All of the papers cut out the libelous portion except the Topeka Capital, and that paper by inadvertence run it. I demanded of the paper the name of the correspondent, and found that it had been sent by Mr. E. B. Wheeler, the governor's secretary. I demanded a retraction from Mr. Wheeler, and he gave it. I also asked Governor Smith for a disavowal of his secretary's acts, but have never received one word from him. Mr. Wheeler shouldered the whole responsibility for the publication, but since it published some of the governor's private correspondence, I can not believe he was wholly responsible for it. I believe if he was wholly responsible a statement from Governor Smith to that effect was due me, and a disavowal of his acts was due me also.

Mr. C. L. Knapp, of the firm of Knapp & Bolman of this city, in the earlier history of the Home, during the Weaver investigation, testified before the Board that Smith asked them to cancel his (Smith's) private account with them, out of consideration for the Home trade he (Smith) had given them.

Nathaniel J. Holder will testify that he was compelled by Smith in person to take the Keeley treatment, and promised if he would that he would put him on the pay roll and give him employment; that he was put on the pay roll by Smith and put to attending his (Smith's) cow and chickens and doing light chores about Smith's residence, and for more than a year was in his employment, doing his private work, but was on the pay roll as a stable hand on $7.40 per month pay.

I further state that I verify the above on information and belief, excepting such portions as have come under my observation personally, to which I make positive affidavit.

JESSE GEORGE.

Subscribed in my presence and sworn to before me, the undersigned, a notary public in and for the county and State aforesaid, this 6th day of April, 1896.

My commission expires May 9, 1896.

[SEAL.] ANNIE M. POUPPIET, *Notary Public.*

There is one additional statement in this affidavit which implicates a few of the leading men of Kansas, whose names I do not propose to use unless they are used by the opposition. I will not now use them, but I inform you that in the event they are used by Franklin's friends I will use them.

Now, Mr. Clerk, in order to rest myself, I wish you would read. I exhibit to the House the photograph of these signatures, and I wish the Clerk to read the heading, stating the officers of the Keeley League, and also to read the receipts.

The Clerk read as follows:

THE KEELEY LEAGUE OFFICERS.

President, Col. Andrew J. Smith, governor Western Branch National Military Home, D. V. S., Leavenworth County, Kans.

Vice-presidents, J. M. B. Parry, Aspen, Colo.; G. E. North, Pittsburg, Pa.; Dr. James W. Sweet, New Haven, Conn.

Secretary-treasurer, Thomas E. Barry, 260 Clark street, Chicago.

Executive committee, Col. Andrew J. Smith, ex officio; W. G. Dustin, Dwight, Ill.; John H. Gillespie, Burlington, Iowa; O. M. Shanklin, Trenton, Mo.; H. S. Roberts, Newtonville, Mass.; E. A. Trader, National Soldiers' Home, Leavenworth County, Kans.

[Governor A. J. Smith is interested pecuniarily in the Keeley League. As guardian of old soldiers' pension money he "permits" them to pay repeatedly to his money-making scheme (the Keeley treatment) $22.30 out of their pension money.]

POST FUND.

$22.30.

WESTERN BRANCH, NATIONAL HOME FOR D. V. S.,
May 12, 1893.

Maj. W. B. SHOCKLEY, *Treasurer:*

Please pay the treasurer of the post fund twenty-two dollars and thirty cents out of any money that may come into your hands for me. The above sum to be in payment of treatment for alcoholism, club dues, etc.

Twelve dollars pension per month.

Keeley treatment	$20.00
Initiation fee, Keeley League	.50
Dues (yearly) Keeley League	1.00
Badge, Keeley League	.80
Total	22.30

Deduct from June pension.

THOMAS (his x mark) WILKINS,
Company K, Seventeenth Regiment New York Infantry.

Witnesses:
E. B. WHEELER.
F. L. MCCARTHY.

$22.30. KEELEY INSTITUTE, WESTERN BRANCH N. H. D. V. S.,
May 31, 1894.

Maj. W. B. SHOCKLEY, *Treasurer:*

Please pay the treasurer of the Keeley institute twenty-two dollars and thirty cents out of moneys that may come into your hands for me, as follows: Deduct full amount from next installment of pension. The above sum to be in payment of treatment for alcoholism.

Twelve dollars pension per month.

Keeley treatment	$20.00
Initiation fee, Keeley League	.50
Dues (yearly), Keeley League	1.00
Badge, Keeley League	.80
Total	22.30

Second treatment.

THOMAS (his x mark) WILKINS,
Company K, Seventeenth Regiment New York Infantry.

(Indorsed:) Paid on account August 24, 1894, $22.30. Paid in full. Andrew J. Smith, manager Keeley institute. W.

$22.30. KEELEY INSTITUTE WESTERN BRANCH N. H. D. V. S.,
March 29, 1895.

Maj. W. B. SHOTRECKLEY, *eurer:*

Please pay the treasurer of the Keeley institute twenty-two dollars and thirty cents out of moneys that may come into your hands for me, as follows: Deduct full amount from next installment of pension. The above sum to be in payment of treatment for alcoholism.

Twelve dollars pension per month.

Keeley treatment	$20.00
Initiation fee, Keeley League	.50
Dues (yearly), Keeley League	1.00
Badge, Keeley League	.80
Total	22.30

Third treatment.

I declare that this order was read to me before I executed it, and that it is my free act and deed.

THOMAS (his x mark) WILKINS,
Company K, Seventeenth Regiment New York Infantry.

Witness: E. B. WHEELER.

(Indorsed:) Paid on account May 27, 1895, $22.30. Paid in full. Andrew J. Smith, manager Keeley institute. W.

Mr. BLUE. Now, I desire to have this other document read, showing the receipt. These are the orders they are required to give.

The Clerk read as follows:

$22.30. KEELEY INSTITUTE, WESTERN BRANCH, N. H. D. V. S.,
July 13, 1894.

Maj. W. B. SHOCKLEY, *Treasurer:*

Please pay the treasurer of the Keeley Institute twenty-two dollars and thirty cents out of moneys that may come into your hands for me, as follows: Deduct full amount from next installment of pension; the above sum to be in payment of treatment for alcoholism.

Twelve dollars pension per month.

Keeley treatment	$20.00
Initiation fee, Keeley League	.50
Dues (yearly), Keeley League	1.00
Badge, Keeley League	.80
Total	22.30

The above sum to be in payment of treatment for alcoholism.
$12 pension per month.

Keeley treatment	$20.00
Initiation fee, Keeley League	.50
Dues (yearly), Keeley League	1.00
Badge, Keeley League	.80
Total	22.30

Do not deduct from wages.

NATHANIEL J. HOLDER,
Company H, Fifth Regiment Connecticut Infantry.

THE STATE OF KANSAS, *Leavenworth County, ss:*

I, Nathaniel J. Holder, of lawful age, being first duly sworn, on oath depose and say that I was late of Company H, Fifth Regiment Connecticut Infantry, and that I served two years and four months in the late war; that I have been for two years last past a member of the Western Branch, National Soldiers' Home for Disabled Volunteer Soldiers; that during the said two years I have never been under the influence of liquor to such an extent that I was not able to take care of myself, but that prior to July, 1894, I was arrested by the police of said Home on two different occasions; that the first time I was arrested all the liquor I had drank was drunk in the beer hall at said Home and was purchased there; that shortly before July 13, 1894, I was again arrested on charge of being absent without leave, was taken before Governor Smith and sentenced by him to do sixty days' work on the dump; that while I was working on the said dump, sanding brick on the pavements at said Home, I was visited by Governor Smith on or about July 11, 1894, and was told by him that if I would call at the office he would put me on the pay roll; that I thought I knew what the governor was after, and that his design was to get me to take the Keeley treatment, so I did not call at his office as he had requested; that the next day the said Governor Andrew J. Smith again called on me while at my work and ordered me to call at his office during that day and he would put me on the pay roll.

That he also on that day urged me to take the Keeley treatment; that I told the said governor then that I was no drunkard, and that I did not need the cure; that the governor said that I did not look like a drinking man, but still insisted on my calling at the office; that I did not go to the office; and on the day following he called again to see me while at work and ordered me to come to his office; that believing that I would have trouble if I did not obey his orders, I went to the governor's office, as he ordered me; that immediately on coming before him he imperiously and threateningly told me that I had a very bad record and that I had better take the Keeley treatment; that I insisted that I did not need it, but on his insisting, and believing and knowing that if I did not take the treatment I would ultimately be discharged from the Home, I finally told him that I had heart disease and rheumatism, and if the treatment would help those diseases I would take it. And I also told him that so far as the drink habit was concerned I had no need of the cure; that I never drank at all except when I was not working and happened to be around where it was, and then I would drink a little much the same as other men; that Smith told me the treatment would help my disease, and that if I would take the treatment so long as he (Smith) was governor of the Home I would have work and be on the pay roll; that Smith took me himself down to the Keeley room and introduced me to the "Keeley boys," and said, "Here is a good man; he is going to take the cure;" that he also introduced me to the doctor, and the doctor examined me and said that I only had slight palpitation of the heart.

That before going down to take the treatment I signed an order for $22.30 on my pension money in payment therefor; that said order on its face only authorized the withholding of $10 from my next installment of pension and the balance was to be withheld from the succeeding installment, but that the whole amount was withheld from my next installment over my own protest; that on taking the Keeley treatment I was immediately relieved from the dump sentence and was put on the pay roll at 40 cents per day as a farm hand; that I kept on at work sanding the brick walks for some days, and then I was sent for by Governor Smith and put to work taking care of his cows and chickens; that I took care of said cows and chickens from the 29th day of August, 1894, until the 6th day of October, 1895; also carrying wood and doing like chores about Governor Smith's house during said time, and all of said time drew $7.50 per month and was on the pay roll of said Home as a stable hand, though I was doing Governor Smith's private work as aforesaid.

That in October I made application for a transfer to the Marion Home, which was refused me, and I was also dropped from the pay rolls.

That soon after this I was put on the Hospital pay roll and worked thirty-five days in the hospital; that after I had quit the hospital on account of not being able to do the work, I was again arrested in my own barracks and taken before the governor on charge of being drunk; that the governor immediately began a tirade of abuse against me, said I was the worst man in the Home, and threatened to have my pension taken away from me; that I said, "Oh, governor, don't do that, I need it." The governor then said he would give me sixty days' dump and sixty days' limits, and told the captain to see that I worked; that I then demanded my discharge from the Home, and told the governor that I had been arrested four times wrongfully on the charge of being drunk; that they had proven nothing against me either time and that I was getting tired of it. I was sent back and put on the dump, and about four days afterwards, in company with four others, I was brought up before the governor and admonished that if I ever violated the Home discipline again I would be turned out of the gate; that I told the governor that I had thought to do my dump duty and get an honorable discharge, but I wished now that he would give me a discharge at once, as I did not care to submit to his treatment any longer. Whereupon he told me to "shut up," but I was so thoroughly indignant that I would not, and told him "that I wanted my discharge, and that I would rather be out and walk the pike and beg for bread than to submit to such abuse; that he knew that I had worked for him fifteen months and had never touched a drop"; that because of this talking back he ordered me back to the guardhouse, where I was kept for an hour or so and again brought up before the said governor to apologize; that I told the governor that there was no insult intended and that I was simply speaking my mind, but was sent back and did the dump duty, and after I had done the dump duty I was reported as having gone in a house that was forbidden on the pike, and was brought up before the governor; that I was not allowed to make any defense, but the governor said to me: "I believe you wanted your discharge a couple of months ago, and at that time I told you that if you violated the discipline again I would give you a dishonorable discharge; I will now give you one"; that he then had Mr. Wheeler to make out a dishonorable discharge for me, and I then left the Home, March 26, 1896.

NATHANIEL J. HOLDER.

Subscribed and sworn to before me, the undersigned, a notary public in and for the county and State aforesaid, this 3d of April, 1896.
My commission expires July 8, 1896.
[SEAL.] JESSE GEORGE, *Notary Public.*

The SPEAKER pro tempore (Mr. PAYNE). The time of the gentleman has expired.

Mr. HULL. I would ask the gentleman if he can fix any time within which he can get through?

Mr. BLUE. I think I can finish within another half hour.

Mr. HULL. For I think if you are going to read papers you can read for a week. You have material before you which you can read for a week.

Mr. BLUE. You can not read papers for a week from reputable people on the other side.

Mr. HULL. I would like to get through with the matter today, and let it be voted up or voted down. I ask that the gentleman have another thirty minutes.

Mr. GROSVENOR. I want to know——

The SPEAKER pro tempore. The gentleman from Iowa asks that the time of the gentleman from Kansas be extended for thirty minutes. Is there objection? [After a pause.] The Chair hears none, and the time of the gentleman is extended thirty minutes.

Mr. GROSVENOR. I want to know if this testimony has been taken with notice to anybody or whether it is ex parte affidavits; and if so, whether they have ever been presented for the consideration of the Managers of the Soldiers' Homes?

Mr. BLUE. Some of them have and some of them have not. They are all ex parte, with the exception of the affidavit of Legate, and in some other instances the Board of Managers have the original papers. In that case he says he gave the testimony before General Averill.

Mr. HULL and Mr. MORSE rose.

Mr. BLUE. I will hear the chairman of the Committee on Military Affairs.

Mr. HULL. I interrupt the gentleman now, so that while he is on the floor he may notice a point which will undoubtedly be spoken of by other gentleman. Is it not true that the larger part of these charges were investigated, that the citizens of Kansas City came before the investigating board, and that these charges were largely disproved in the investigation?

Mr. BLUE. In reply to that I want to say, and I want the House to understand it, that any investigation ever held by the Board of Managers was a roaring farce, and that no man in that Home would dare to testify against this drunken, brutal governor, who is a graduate of the Keeley cure, without knowing that he would have to take the road as soon as the investigation was over; and I want to say further, that any pretense of giving the men an opportunity to testify, by suspending the governor, never was made. Further, I say that every pretended investigation made there was made, as intimated in Governor Anthony's letter, for the purpose of shielding the governor of the Home as far as possible.

Mr. MORSE. Will the gentleman permit a question?

Mr. BLUE. If you will be right brief, I will.

Mr. MORSE. I will. My question is this: Does not the gentleman from Kansas know that there is a very close connection between the breaking of the rules and the insubordination at that Home and the beer hall and the canteen, and does he not think it would be a pretty good thing to shut up that beer hall?

Mr. BLUE. Yes; and I think it would be a pretty good thing to shut up the mouth of the beer guzzler who presides over it. [Applause.] That is the first step in the business.

Now, Mr. Speaker, I wish to suggest to the Committee on Military Affairs, without any disparagement of any member of it, because I know how these things are done—I want to suggest to that committee, when they put up this man's name here as a candidate for reelection, it is an open secret that it took two efforts to get his name brought in here. I understand that in the caucus which was held to determine the question the first vote taken showed 5 against reelecting him and only 4 in favor of it, and that influences which I will not now mention were used to get some member of the Board to change his mind, so that the candidate was reported back here by a vote of 5 to 4.

Mr. Speaker, I charge that that institution is a private corporation. I charge that it holds property which belongs to the United States in its own name, and buys and sells and traffics and disposes of it at its own sweet will; and if gentlemen will get House Document No. 288 they will find that that is the case. I desire to give the chairman of the Committee on Military Affairs, and I will read to the House, an index of that document, which will point out the irregularities that have been practiced and the things that have been done there which ought to condemn and drive from power this man—General Franklin—who holds the first place on the Board, because he manipulates and handles the funds through his man Friday, a man who I verily believe can not give a bond except through a guaranty company.

I am told that the practice is for the Secretary of War to send to these treasurers two forms of bonds, one, the ordinary form, to be signed by private individuals, and the other the form for a guaranty company, so that the treasurer may take his choice. We have been told here by members of the Board that the treasurer is required to pay $500 for his bond obtained from that corporation. I do not know who is behind that, but I am also informed,

and I would like the Board to deny it if it is not so, that this same general treasurer demands of the separate Home treasurers, seven in number, that each of them shall give a bond through a guaranty company, at a cost of $100 to each. Is there any arrangement between the general treasurer and this guaranty company by which the $700 thus obtained from the other treasurers enables the company to "ease up" upon his $500?

Those treasurers have in the past been permitted to give bonds as other honorable men generally give them by procuring the signatures of satisfactory individuals, and without incurring other expense than the fees for preparing the bond, but this man Friday of General Franklin's compels the other treasurers to take their bonds from the guaranty company and pay $100 apiece for them. I call attention to that charge. I say further—and I want General Franklin's friends to pay attention to this and correct me if I am wrong—I say that the post buildings on those grounds, if I am not mistaken, constructed out of the funds gathered from the old soldiers, are insured in a company in Hartford, Conn., of which General Franklin is an officer. It has never been the policy of this Government to insure its buildings. It is rich enough to get along without doing that, but for some unaccountable reason these buildings on the Government grounds, which belong to these men, are insured in a company in Hartford, Conn., of which I am told General Franklin is an officer. If that is not true I shall be glad to be corrected.

Mr. STEELE. I will answer that, if the gentleman will permit me.

Mr. BLUE. I will not be interrupted now, but I will let you answer it later.

Mr. RAY. I would like to know whether this Board of Managers have power to remove their president.

Mr. BLUE. Oh, this Board of Managers can do anything. The fact is that they have no use for this Government except to have it furnish money. The truth is, as I shall show by this report, that they obey a law when it suits them to do so, and if it does not suit them they disobey it—I do not mean in every instance, but in instances. They can change their governor at their own sweet will.

Now, Mr. Speaker, I desire the Clerk to read another affidavit, which I send to the desk.

The Clerk read as follows:

THE STATE OF KANSAS, *Leavenworth County, ss:*

Jerry Keller, of lawful age, being duly sworn, on oath deposes and says:

That from May, 1893, to July, 1895, he was clerk in the office at headquarters at the National Soldiers' Home for Disabled Volunteer Soldiers, Leavenworth, Kans.; that among other things he kept the Keeley books and had charge of the Keeley orders taken on veterans' pensions in payment for the Keeley treatment.

That it was his duty when the extra-duty pay roll was paid to go through the pay rolls and orders and make stoppages on the pay roll for the Keeley treatment; that it was also his duty, when the pensions of the veterans were paid, to take all pension-request slips and when pensioners made request for their pension money to examine and make stoppages from their allowances for the payment of any Keeley orders they might have signed; that sometimes the whole amount of the order would be stopped and held out and sometimes only a portion, owing to the amount of pension the pensioner was drawing.

Affiant further says that scores of these men would come to him, inquire about their notes or orders, and ask how much they owed on them; that they would almost invariably "damn" the Keeley treatment, and say, "Here I am having to pay out money for it when it has done me no good." That affiant would say to them, "Why did you take it, then?" And the answer would almost invariably be, "I had to take it or be persecuted and turned out of the gate." Others would say, "I took it to get into the good graces of 'the old man'" or to get a job. That these men frequently complained bitterly of having to pay the money, but affiant had no other option than to withhold it.

JERRY KELLER.

Subscribed and sworn to before me, the undersigned, a notary public in and for the county and State aforesaid, this 31st day of March, 1896.
My commission expires May 9, 1896.
[SEAL.] ANNIE M. POUPPIRT, *Notary Public.*

Mr. BLUE. Here is one other affidavit that I would like to have read, and which I send to the desk.

Mr. WILLIAM A. STONE. Before that is read I would like to ask this question, whether the gentleman has any expressions from the soldiers who are inmates of the other Homes as to the qualifications of General Franklin—whether they favor him or not?

The Clerk read as follows:

STATE OF KANSAS, *County of Leavenworth, ss:*

Personally appeared before me, a notary public in and for the aforesaid county and State, James Johnson, a veteran of the late civil war, late of F, the Twenty-eighth Michigan Volunteer Infantry, and whose age is over 61 years, and who, being duly sworn, deposes and says:

That he was admitted to the Western Branch, National Home for Disabled Volunteer Soldiers, some time in November, A. D. 1890, and while a member of the Home was detailed as sergeant of the police guard at the Home, and while on duty as sergeant of the police guard quite a number of men, eight or ten, came during the cold weather last winter (1893-94), some sick and homeless, footsore and tired, without a cent in their pockets—came for admission to the Home. The affiant, as sergeant of the guard, took or sent these men to the temporary admission barracks to stay over night, and that in the morning these men were taken to the adjutant's office; and affiant further states that sometimes these men were unable to walk to the office and had to be helped to headquarters; and affiant further states that the men would come back and say to him that they could not be admitted as there was no room for them in the Home.

Affiant states that some of these men were taken to the adjutant's office by himself, and that the sergeant had seen their discharge papers from the Army and their pension certificates, and knows that they were regular and just as good papers as he had himself. That this occurred during the months of January, February, and March of 1894, and that at this time there were from fifteen to twenty-five young men, regulars from Forts Leavenworth and Riley, Kansas, a majority of whom had never been in the volunteer service, were there taking the Keeley cure, and occupying beds and places at the general table at the time admission was being refused to the old soldiers described above, and claiming there was no room for them in the Home.

And affiant further states that he took two of these men to the depot to leave the Home that were partly unable to walk, and that they complained to him that they had no money to buy anything to eat and no place to sleep or stay at night, and that affiant gave one of them 50 cents; and affiant further states that he was never before Governor Smith for any offense whatever, but that he was once reprimanded by Governor Smith for calling an old soldier a gentleman. That he took an old veteran before the governor under arrest, as directed by the governor, and said to the governor, "This is the old gentleman, Governor." The governor said, "Don't call that man a gentleman; he's a scoundrel;" and further affiant saith not.

JAMES JOHNSON.

Sworn and subscribed before me this the 27th day of November, A. D. 1894; and I certify that the affiant is reputable and entitled to credit.
[SEAL.] J. H. GRANGER, *Notary Public*
[The original of this affidavit is in the hands of the Board of Managers.]

Mr. BLUE. Now, Mr. Speaker, how much time have I left?

The SPEAKER pro tempore (Mr. PAYNE). Fourteen minutes.

Mr. BLUE. I do not like to stop until I get through, but the chairman of this committee [Mr. HULL] seems very anxious about this matter. I hope the House will accord me an opportunity when the time comes to close this debate, because I have studied this question considerably. Trusting that I may have the opportunity to be heard when gentlemen on the other side have spoken, I will now, with a few words further, close what I have to say.

In this connection I wish to state that the last affidavit read shows that there were from fifteen to twenty-five young men of the Regular Army in this Soldiers' Home, receiving the Keeley treatment, while old "comrades" of the war—foot-sore, weary, hungry—have been driven away from the Home with the statement that there was no room for them, and this in the winter time, too. I challenge the attention of the gentleman from Indiana to that fact. If he has any doubt about it, I think I can convince him the statement is true.

Mr. HULL. What is the charge—that a large number of men of the Regular Army are accommodated at the Home?

Mr. BLUE. Yes, sir; soldiers from Fort Riley and other places who are undergoing the Keeley treatment for the profit of Smith and his confederates. Where does this $20 go? It goes into the Keeley fund. Who has ever made any investigation as to how that Keeley fund is spent? Nobody but the men who are concerned in it. Does not General Franklin know, does not the gentleman from Indiana [Mr. STEELE] know, that this infamous Keeley cure is practiced in practically every Soldiers' Home? Do they not know that at practically every Home there is a beer saloon making profit for the man in charge of the post? Does not the gentleman from Indiana know that the Board has assigned civil officers as guards about the Home in his own State? Does he not know that in violation of the contract this Board provided for the leasing or purchasing of additional ground in order to obtain natural gas? My understanding is that under the contract citizens were to furnish that gas; but it seems that for some reason or other they did not furnish a sufficient quantity, and an additional plat of ground was purchased to be paid for by the Government.

Does not the gentleman know all these things? If he does not, then it is time that he should be looking up this matter. Does he not know that the report of the Inspector-General shows that the persons in control of this Home have forced balances in their accounts? Does he not know that the report of the Inspector-General shows—I am not speaking now upon the authority of any affidavit—that some of the funds belonging to this corporation, the Soldiers' Home, are kept in banks which are not public depositories?

If the gentleman does not know these things which I have stated, I call his attention to them and to the further fact that during one year of the management of this institution, with this man at the head, about a quarter of a million dollars' worth of the public property belonging to the Home was condemned or destroyed. Members of this Board came before the Committee on Appropriations and asked of the Government that they be permitted to buy supplies in an aggregate quantity for a considerable time ahead for the use of the Home, pretending that this was the better policy. I have had occasion to look into this matter, and I find that such is not the practice of the Army. Has somebody got a job in reserve to profit by such an arrangement? The practice of the Army, as I understand, is to buy the supplies as near the post as they can be bought expeditiously and cheaply. Why do they want to buy all the supplies of one particular kind at one place? I call the gentleman's attention to that. Is any of the Board of Managers or his friends interested in a contract of that kind?

I call the gentleman's attention also to the fact that this Board

of Managers took a trip to the Santa Monica Home—a portion of them at least did—at an expense of $6,000, the ostensible purpose being to look into the business of the Home at that place. They took, it seems, a palace car with a buffet or dining car. I do not know how many ladies formed a part of the party, but the railroad company required that at least 15 tickets be purchased. And when these men got through with their business at Santa Monica they discovered that the nearest way back was by San Francisco and Portland, Oreg.! I have here and shall take occasion to present some items of some of the expenditures of these luxuriant gentlemen. They came around back in that way, the trip costing $6,000 and upward. One hundred and fifty-seven dollars was for servant hire. I am told that in some of their bills are charges for gratuities for servants; in others, charges for neckties! My colleague alongside of me says that the statement also contains a laundry bill or two. I believe also there are charges for cleaning clothes.

Now, Mr. Speaker, in conclusion, I say that this private corporation, holding property which rightfully belongs to the Government—a private corporation which costs the Government about $2,500,000 a year—stands above the Government. It has resisted, I understand, every effort of the Congress of the United States to control it. I myself have been assured by a member of this Board of Managers, who is also a United States Senator, that I could not defeat this man Franklin; that the Senate would see to it that he was not defeated; and that statement was made in the presence of my colleague from Missouri.

I understand that behind this octopus whose tentacles reach to every part of this Government, every sycophant, every understrapper, is called upon to stand by this man Franklin for fear of losing his place. I have been informed, and I believe that even the good governor of the Home at Dayton, Ohio, the State represented in part by my friend on the right here [Mr. GROSVENOR], has been known to have telegraphed here to friends to see to it that General Franklin was not defeated.

I say to you, and I say here in the face of the country, that General Franklin in this matter is either grossly negligent, grossly incompetent, or he is not honest. And I say further to you that the Soldiers' Homes have no better friend than I am. I believe in the great charity, and I do not propose, when the time comes for you to answer here, to be charged with being an enemy of the Homes. I am friendly to them, and as a member of the Committee on Appropriations I did not object to a single item that went into their bill. I am here to vote the last dollar necessary for the proper support of the soldiers of this great nation, but I am here to say to the friends of Mr. Franklin and to the friends of that graduate of the Keeley institute at Leavenworth who is his tool that as long as I stand in my place on the floor of this House I propose to defend my old comrades against the brutality and cruelty of this wretched and contemptible man. [Applause.]

I want to reserve the balance of my time. I ask now to make a part of my remarks this statement of the expenditures of this luxurious octopus in its travels to the West, and also this index to the report of the Inspector-General of the Army.

The table of expenditures is as follows:

TABLE L.—*Statement of expenditures for outdoor relief and incidental expenses of the National Home for Disabled Volunteer Soldiers, year ended June 30, 1895.*

Detailed object of expenditure.	Amount.	Total.
Traveling expenses, attending meetings and official visits to Central, Northwestern, Eastern, Southern, Western, Pacific, and Marion Branches, viz:		
Board of Managers, viz:		
Railroad tickets, berths, and seats	$2,835.86	
Special car service	1,600.00	
Board and meals en route	1,472.42	
Porterage and baggage	161.65	
Servants	157.95	
Carriages	77.55	
Telegrams	24.46	
Orderlies and messengers	15.00	
Parlor for session of the Board	10.00	
Switching special car	3.50	
Stationery and postage	6.05	
Expressage	5.95	
Car fare	1.87	
		$6,372.26
Gen. W. B. Franklin, viz:		
Railroad tickets, berths, and seats	56.10	
Board and meals en route	33.75	
Carriages	10.80	
Porterage and baggage	4.15	
Servants	2.50	
Telegrams	1.04	
Car fare	.15	
		108.49
Gen. W. B. Sewell, viz:		
Railroad tickets and meals	105.00	
Official visits to Southern Branch	50.00	
Clerical service	400.00	
Postage	26.00	
		581.00

TABLE L.—*Statement of expenditures for outdoor relief, etc.*—Continued.

Detailed object of expenditure.	Amount.	Total.
Traveling expenses, etc.—Continued:		
Gen. J. C. Black, viz:		
Railroad tickets, berths, and seats	$38.00	
Railroad tickets, berths, seats, meals en route, carriages, and porterage	68.00	
Board	12.50	
Porterage	5.00	
Clerical service	20.30	
Sundry expenses	15.00	
Medical examinations and outdoor relief	2.50	
		$161.30
Gen. M. T. McMahon, viz:		
Railroad tickets, berths, and seats	110.50	
Board	41.00	
Parlor car and meals en route	2.75	
Carriages and baggage	14.00	
		168.25
Col. J. L. Mitchell, viz:		
Railroad tickets, berths, and seats	66.00	
Railroad tickets and meals	10.50	
Postage	24.08	
Meals en route	2.00	
		102.58
Maj. E. N. Morrill, viz:		
Railroad tickets, berths, and seats	249.50	
Board and meals en route	89.00	
Postage	54.40	
Clerical service	510.00	
Telegrams	4.00	
Expressage	.65	
Transfers	.50	
		908.05
Gen. A. L. Pearson, viz:		
Railroad tickets, berths, and seats	81.00	
Board and meals en route	49.15	
Clerical service	23.00	
Postage	7.50	
Carriages	3.25	
Car fares	1.50	
Porterage	.50	
Outdoor relief	12.00	
Expressage	.40	
		178.30
Gen. James Barnett, viz:		
Railroad tickets, berths, and seats	72.50	
Board and meals en route	66.23	
Postage	17.05	
Telegrams	4.17	
Official visits to Central Branch	5.75	
Outdoor relief	1.15	
		166.85
Maj. G. H. Bonebrake, viz:		
Railroad tickets, berths, and seats	250.00	
Board and meals en route	50.00	
Telegrams	5.00	
		305.00
Gen. Francis Fessenden, viz:		
Outdoor relief	19.50	
Postage	7.00	
		26.50
Col. G. W. Steele, viz:		
Railroad tickets, berths, and seats	168.15	
Board and meals en route	39.90	
Carriages and baggage	4.75	
Porterage	3.75	
		236.15
Maj. A. W. Barrett, viz:		
Railroad tickets, berths, and seats	486.80	
Board and meals en route	200.00	
Clerical service	350.00	
Official visits to Pacific Branch	39.00	
Carriages	20.00	
Porterage	10.00	
Outdoor relief, telegrams, and postage	25.25	
		1,131.05
		$10,445.78
President's office, viz:		
Acting treasurer	4,000.00	
Assistant inspector-general	2,500.00	
Consulting engineer (temporary)	750.00	
Clerical service, one at $1,500, two at $1,000 each, and one at $800	4,300.00	
Messenger	141.70	
Rent and light	432.00	
Medical examinations	26.00	
Typewriting machines, file boxes, and repairs	87.05	
Stationery and postage	529.54	
		12,766.29
Secretary's office, viz:		
Secretary	2,000.00	
Rent	300.00	
Messenger	52.00	
Postage	8.00	
Telegrams	.34	
Expressage	1.35	
		2,361.69
Inspector-general's office, viz:		
Inspector-general	3,000.00	
Traveling and other actual expenses	1,347.19	
		4,347.19
Outdoor relief	.....	1,440.35
Boston agency, viz:		
Agent	660.00	
Stationery, etc	43.91	
		703.91

TABLE L.—*Statement of expenditures for outdoor relief, etc.*—Continued.

Detailed object of expenditure.	Amount.	Total.
Chicago agency, viz:		
Agent	$570.00	
Rent	145.00	
Typewriting machines	142.00	
Stationery, etc	247.65	
		$1,104.65
New York agency, viz:		
Agent	600.00	
Rent	176.00	
Stationery, postage, etc	113.18	
		889.18
Washington agency, viz:		
Agent	600.00	
Messenger	119.60	
Transfer of insane, stationery, etc	206.19	
		925.79
Total	.....	34,984.83

Mr. BLUE. I hope that each member will get document No. 288 from the document room. I will ask the Clerk to read the index to it, so that you may understand it and that it may go into the RECORD. I should like to have unanimous consent to extend my remarks in the RECORD.

Mr. GROSVENOR. I hope the gentleman will make his remarks in the House, because they are rather pointed remarks, and we ought to have the opportunity to hear them.

Mr. BLUE. I will make these charges directly, so that you gentlemen may not be deceived. I wish to have this index read as a part of my remarks.

The Clerk read as follows:

	Page.
Regulations of the Treasury as to redeposit of unexpended balances not complied with	3
Vouchers relating to "Post Fund" not made in duplicate and not fully presented for inspection, six months absent	3
President of Board of Managers custodian of certain funds; balances not deposited with a designated depository	3
General laws relating to the deposit, advances, and withdrawal of public funds not complied with	4
Records not clearly kept	4
System of accounts involved	4
Shop accounts, balances forced	54, 5
Title of land not in United States	5
Makeshifts to secure more comfortable sleeping necessary	7
System in purchasing supplies not uniform or under central management	7
Business methods cumbersome	8
Public property not marked	8
Surgeon at Eastern Branch not qualified under the law, to avoid which he is carried on the rolls as assistant surgeon	16
"Post fund" paid for men hired by the civil authorities for patrol duty in carrying out the civil law and for lawyers' fees	20
Extravagant prices paid for flags	20
Stock in knitting shop not accounted for	22
Clothing accountability	46, 33, 22
Law requires citizens of county shall furnish Marion Branch with gas free, yet Board of Managers paid rent for 132 acres gas land	25, 27
Transfer of public funds to private banks	4, 31
Buildings insured in Hartford company	32
Hospital records, unnecessary duplication	35
Pass privileges suspended after pay and pension days	36
Farm occupied by citizen without rent and no use made of swill	36, 7
Brewing association donated fountain to Western Branch and built ice house	38
Governor of Western Branch custodian of Keeley fund	39
Land leased without authority of law	49
Permanent improvements charged to "post fund" and thus escapes scrutiny of Treasury Department	50
Effects of deceased members not turned over to treasurer	53
Depot payments, irregular methods	54
Clothing, large balances on hand	54

Mr. CURTIS of New York. Mr. Speaker, I trust the House will take the question before it under careful deliberation and decide according to its merits.

We have had an arraignment of the Soldiers' Homes by a Representative from the State of Kansas [Mr. BLUE], within the limits of which State one of these Homes is located. He arraigned the governor of the Leavenworth Home and indirectly the president of the Board of Managers, which consists of eleven persons elected by Congress in open session. In the enactment of the bill establishing these Homes it was provided that the Board of Managers should be selected with the dignity and consideration given to the election of the President of the United States when that question comes before the House for determination, and it becomes us to carefully consider every accusation made against those who are responsible for the management of these Homes, as it would if the conduct of the President of the United States himself were under consideration for official misconduct.

I come to the support of this question as that member of the majority of the Military Committee who resides nearest to New England. From that section Congress has, from the establishment of these Homes, selected two members. The State of Maine has had a representative in the person of General Fessenden, who has declined to serve longer, and the Military Committee have named another citizen of that State to take his place.

Gen. William B. Franklin, who has served a long time upon this Board, has been renominated by the Military Committee, acting, as I believe, in accord with the sentiments of the people of New England and all persons acquainted with his efficient services.

General Franklin has been attacked indirectly by charges which have been made by the gentleman from Kansas [Mr. BLUE] respecting the conduct of the governor of the Home at Leavenworth. These charges are old. They have been investigated, and I regret that the report of the officer making the investigation has not been published and laid upon the desks of members. I have the report of the investigation on my desk.

The arraignment made by the gentleman from Kansas [Mr. BLUE] is worthy of little consideration both as to the matter and the method of its procurement, which was ex parte and is entirely irrelevant to the question before the House.

Mr. STEELE. May I ask you right there if Colonel Cooke, the member of the Board from Kansas, was not present when that investigation was had?

Mr. CURTIS of New York. I will endeavor to answer that as I proceed. I trust that I may be allowed to proceed without interruption. I intend to answer, as well as I may, the charges of the distinguished gentleman from Kansas [Mr. BLUE], and to put forth some general facts which have not been alluded to by him.

The numerous affidavits which the gentleman from Kansas has read to establish a case against the governor of the Leavenworth Home, as was suggested by the inquiry of the gentleman from Ohio [Mr. GROSVENOR], are ex parte, obtained without notice to any member of the Board, and do not bear that stamp of regularity required in courts of justice as do those which I propose to bring to the attention of the House.

This question comes before the House on the report of the Committee on Military Affairs to fill the vacancies in the Board of Managers of the Soldiers' Homes. My friend from Kansas moves to amend that report by striking out the name of the gentleman first named in it, Gen. William B. Franklin, and substituting that of Gen. Oliver O. Howard. The Military Committee have in their report selected a representative from the State of Maine, which is the home of General Howard, and it would be an innovation to select two from the same State.

Mr. BLUE. Will you permit me to correct you? You are mistaken. General Howard lives in Vermont, as the gentleman from Vermont will tell you.

Mr. HULL. That is true. General Howard lives at Burlington, Vt.

Mr. CURTIS of New York. That is a fact I did not know.

Mr. DINGLEY. If the gentleman will permit me, I will state that General Howard is a native of Maine, but his present residence is Vermont.

Mr. CURTIS of New York. I accept the statement of the gentleman from Iowa [Mr. HULL], and that of the gentleman from Maine [Mr. DINGLEY]. General Howard is an officer of the United States Army on the retired list; and it has not been the custom of Congress to put officers on the retired list upon this Board, and I doubt very much if it would be regarded as judicious to do so now.

Mr. BLUE. Will the gentleman allow me to interrupt him?

Mr. CURTIS of New York. No; I must decline. You have had two hours, and after I have spoken half that time I will endeavor to answer any question you may desire to ask.

As to General Howard, I have nothing but praise to utter. The question is whether General Franklin should be reelected to the position he has so long and ably occupied. It is charged that he constitutes the Board; that its soul, as we are to understand from our friend [Mr. BLUE], rests within the breast of General Franklin. If this be so, it is because the other members of the Board have such confidence in his ability that they trust him to a greater extent than they would if he were less competent. That he is a man of superior ability and character, and that they may trust him, goes without question wherever General Franklin is known.

The difficulty at Leavenworth arises upon charges of an ex-surgeon of the Home, by the name of Weaver. Let us consider official evidence, and not that which is mere hearsay. Dr. Weaver's communication containing charges was addressed to General Black, a member of the Board, and other communications of like character were addressed to Governor Glick, the United States pension agent of Kansas. General Averill, the inspector of the Homes, was ordered to go there and make an investigation of the complaints. Colonel Cooke, of Kansas, the member of the Board of Managers, has supervision of that Home in all matters of general policy and supervises the conduct of the governor. When Colonel Cooke and General Averill began the investigation, they invited the members of the body known as the "Keeley contingent" or "Legion" to come into their presence and state if either of them had ever been forced to take the Keeley cure, or if either

of them knew of any other member of the Home who had been forced to take it; and no one replied.

They were then informed that they could come privately to Colonel Cooke or to General Averill, as they saw fit, and make a statement, if they had the slightest fear that their testimony would cause them to suffer, and none came. Dr. Weaver was summoned and given an opportunity to establish his accusations, made on personal knowledge and by hearsay. Every person he referred to was summoned and examined. The people of Leavenworth came and repudiated the various charges. From the hurried examination I have been able to give to the testimony, none of the charges made by Dr. Weaver were sustained. I will now read the testimony of ex-Senator Alexander Caldwell and other prominent citizens of Leavenworth:

AT THE NATIONAL HOTEL,
Leavenworth, Kans., October 11, 1894.

At the National Hotel, city of Leavenworth, a body of the leading citizens called upon the assistant inspector general in the afternoon, and Mr. Alexander Caldwell, speaking for them, said in reply to inquiries:

Q. How long have you resided here, Mr. Caldwell?
A. Since 1861.
Q. What is your business or occupation?
A. My own business is manufacturing and farming.
Q. Are you well acquainted with the citizens of this town?
A. Yes, sir; I am very well acquainted with them.
Q. Will you please state the object of your visit here?
A. The object of our visit here is to answer such inquiries as you might choose to make of the citizens of Leavenworth in regard to this investigation, to give our testimony, if you want it, in regard to the Home and in regard to Governor Smith, knowing that he is under investigation, and submit this paper, which I hand you. That paper is signed by fifty of the representative men of the town. The mayor is present, and the chairman of the board of county commissioners, and the remainder of the gentlemen are representative men, and the men in the other room are alike representative men.

[Paper submitted, addressed to the Board of Managers of the National Home, and marked "Exhibit M."]

Q. Mr. Caldwell, have you had an opportunity to observe the character of the management of the Western Branch of the National Home since its establishment here?

A. I have been at the Home frequently and have seen Governor Smith frequently. I have therefore taken a great interest in the welfare of the Home, and while I am not familiar with all the details of the management, and could not be expected to be unless I was on the inside and had had access to the books and accounts, yet I think I know something of the general management of the Home and of the conduct of Governor Smith in connection with the Home.

Q. Will you please state the result of your observations since the establishment of the Home regarding the conduct of the members who have visited the city?

A. I will say this, that immediately after, and for a good while after, the establishment of the Home it had been to some extent an association of drunkards. It was a rare thing that we could drive as far south as the Soldiers' Home and back without meeting from one to a dozen drunken members of the Home along the public road who were offensive, and some times very abusive, but since the introduction of the Keeley Institute, and for the last year or more, we have not seen anything of that kind; there has been a great reformation in that respect. Yesterday I drove to the penitentiary and while I passed a dozen of old soldiers, and a good many dozen of them, I did not see one that was intoxicated or that I thought had been drinking, so that now it is possible for the people of Leavenworth to go in that direction without being offended by drunken soldiers, and for that the people of Leavenworth feel very kindly toward Governor Smith. They know that this reformation has been entirely due to his ability and to his courage, and for that they are very grateful to him. They think that he has not only benefited the Home and the old soldiers, but also the city of Leavenworth, for which every man, woman, and child in the town feels thankful. He has been enthusiastic and persistent in that work, and I think he has accomplished more than any other man could have accomplished, because he was peculiarly well fitted to accomplish a work of that kind.

Q. Are you acquainted with Governor Smith personally?

A. Yes, sir; I have known Governor Smith from the first day he arrived here to take charge of the establishment of the Home. I was one of a committee of four—General Smith, General Colbur, and George T. Anthony. Our committee arranged for the securing of the grounds for the Soldiers' Home and carrying out all the details of the matter, and I was necessarily familiar with the board at that time, and saw a great deal of Governor Smith.

Q. And your interest in the Home has been naturally more lively than that of any citizen who was not so early engaged in its establishment as you were?

A. Yes, sir; for this reason, that the city donated $50,000 in cash, or agreed to, and also purchased and got 600 acres of ground equal to the purpose for which it was desired. We, the members of the committee, took the responsibility upon ourselves personally to accomplish that, and then by personal solicitation on the streets we raised the money necessary to accomplish that. In doing that we had the promise that the Home would be an advantage to our city, besides being a proper institution to establish of the Soldiers' Home, and I was necessarily exceedingly anxious that in all respects the Home should be a success, that the people of Leavenworth might not regret what they had done, so I have taken a deep interest in the Home, and I am a friend of the Home.

Q. Have your observations of the management of the Home, or of the governor of it, disclosed anything that would be obnoxious to the sentiment of the good citizens of Leavenworth since May, 1893?

A. I have not seen anything of the conduct of the governor that would be obnoxious, but, on the contrary, everything that is commendable.

Q. Do you believe that you represent the sentiments of these fifty gentlemen in making it that general?

A. I feel quite sure I do. I don't know that I put it strong enough. I could not feel more intensely on the subject than I do.

Q. Mr. Caldwell, you and all the gentlemen for whom you are speaking are undoubtedly aware that certain charges have been made regarding the management of the Home and implicating its governor. I ask you to state freely and frankly if you know of any incidents or facts that would implicate the governor in any misconduct since May, 1893?

A. I do not, General. If I did, I would frankly state it to you. I do not know of a thing.

Q. Do you know of any gentleman among those you represent who would be likely to know anything that would be obnoxious to the rules and regulations governing the Home?

A. No, sir; I do not have in mind any gentleman who knows of any charge such as you refer to at all; I do not.

Q. How long have you been aware of the fact that an investigation was to take place?

A. I learned of this investigation about ten days ago.

Q. Can you state, or is it within your knowledge, what is the source of these charges indicated?

A. I do not know of anybody in the city that would make charges of that kind, and am forced to the conclusion that they must emanate from officers or somebody connected with the Home. I have heard on the street that Major Shockley and Dr. Weaver were interested in pushing these charges, but I do not know that this a fact, but I believe so.

Mr. Samuel Dodsworth, mayor, city of Leavenworth, in reply to inquiries said:

Q. Mr. Dodsworth, how long have you resided in this city?
A. Since 1858.
Q. And you know the sentiments of its citizens upon almost all subjects?
A. Yes, sir; partly.
Q. All public matters?
A. Yes, sir.
Q. Are you acquainted with Governor Smith?
A. Yes, sir.
Q. How long have you known him?
A. Since his assignment to the Home.
Q. Have you been cognizant as to the character of his management and the reforms he has undertaken to introduce and carry out?
A. Yes, sir; as far as anyone not connected with the Home could be.
Q. How have they affected the town?
A. In what respect, General?
Q. In respect to its temperance and intemperance, and general moral aspects on the streets?
A. In my judgment, the management of Governor Smith in that respect has been such as to be highly commended by this entire community in relation to his management in endeavoring to reform men who needed reform.
Q. What has been its effect upon the saloons in the city?
A. My own personal judgment is that it has been beneficial. I would state, to my notion, our saloon men, or men who are engaged in the liquor business, are men who are looked upon well in society and business circles, and are men who would not encourage men to drink to excess. My knowledge has been of the liquor traffic, concerning a majority of the men that are engaged in the business, are men who are good citizens, are men who, to my present belief, would assist a movement of that kind, instead of encouraging it the other way.
Q. Do you think the saloon keepers in the city—the respectable ones—desire the class of customers which the Home provided when the men were unrestrained?
A. I think not; no, sir. I do not think they desired that class of trade.

Mr. F. G. Markart, in reply to inquiries, said:

Q. How long have you resided here?
A. Fifteen years.
Q. Do you occupy any official position?
A. I do not now. I was police commissioner about two years ago for a year and a half. I have been post commander of Custer Post here for a number of years, and have been well acquainted with the status of the behavior and sobriety of the men, and at the same time have been doing quite an amount of business with the Home, going back and forth for five or six years, and I find a most wonderful improvement, since the Keeley cure started, in the status of the men. During my term as police commissioner I have had to go up there time and again, two or three times a week, to the city jail and turn out from there from five to fifteen members who had been put in there during the night, which I believe is almost entirely done away with now. I am personally acquainted with a number of members of the Home, those who have taken the Keeley cure. I have found some of those that were worthless and every time that they could get out of the Home would get in jail have now turned out to be good workmen.
Q. Do you know of anything, or is there anything within your knowledge, which would sustain a charge of mismanagement of the Home or misconduct of the governor?
A. Not a thing.

Mr. J. W. Crancer said:

I have been here thirty-six years in the hardware business, on the corner of Third and Delaware streets for the last ten years. I was there before there was any Home. Before there was any Keeley institute at the Home we had great opportunity of observing the old soldiers coming from the Home on the cars as they got off at our corner and got on to go back to the Home. The dummy line at that time was the only conveyance to the Home—steam dummy. In those days the old soldiers would come in, and there was not scarcely any day or any part of the day that we would not see from one to half a dozen old soldiers, some drunk, and some so drunk that they rolled in the gutters. That was a daily occurrence. Since the Keeley institute went into operation at the Home we have seen but very little of that kind of drunkenness; in fact, it is a rare case now to see one that is intoxicated, and it has been quite a relief to the people around in that vicinity, and now we are glad to see the old veteran, whereas before, we were disgusted at the sight of him on account of their conduct.

Q. Is it within your knowledge or observation that there has been any mismanagement of the Home, or misconduct of the governor, since May, 1893?

A. I know nothing of any misconduct on the part of the governor, nor have I heard from any respectable source that there was any complaint with his management whatever.

Q. Do you know of any person who professes to have knowledge of any mismanagement or misconduct?

A. If I do they have never repeated it to me.

Q. Have you heard any public rumors of charges against the governor of the Home?

A. I have heard rumors that there were charges. I have not only heard that there were charges against the governor, but, on the other hand, I have heard that the governor had preferred charges against others; so I don't know.

Q. Do you know anything of the source of any charges against the Governor?

A. I do not know; but, to the best of my belief, they come from some of the officers in the Home, and also assisted by another party or parties on the outside.

Q. Can you state the grounds for your belief?

A. The grounds for my belief are for the simple reason that there has been an investigation heretofore, and the surgeon, Dr. Weaver, lost his place as a result, and there are some of the officers—Major Shockley I have heard is one—who are assisted by parties on the outside. That is my belief.

Mr. John Hannon said:

I have resided in Leavenworth seven years. At present I am engaged in the real estate business.

Q. Do you occupy any official position?
A. Yes, sir.

Q. What is that?
A. I am a member of the board of county commissioners. I am its chairman.
Q. Are you acquainted with Governor Andrew J. Smith, of the Home?
A. Yes, sir.
Q. During the last year and a half, what have you noted with regard to his administration, or with regard to his character, manner, and language?
A. Since my first acquaintance with him I have had some official and personal business with him, and my observations of his conduct are that he has always shown himself as a gentleman and his conduct both at the Home and in the city has been exceptionally good. I have been at the Home, as I have stated, on official business quite frequently by reason of the position I hold as Commissioner—I am also commissioner for the poor—and in that capacity I have had a good deal of dealing with the governor.
Q. What have you noted in regard to the management of the Home?
A. I think it has been exceptionally good. I have been at Milwaukee and I have had some observations from there, and I do not think the management of the Leavenworth Home could be improved upon.
Q. What is your age?
A. 54.
Q. You have heard what these other gentlemen have said with regard to the improvement in the conduct of the members of the Home as to their temperance and intemperance; does your observation coincide with theirs?
A. Yes, sir; I think I am, perhaps, more familiar with the majority of the members of the Home who visited the city prior to the institution of the Keeley League, and subsequently, than any other citizen in the county. When an old soldier has no place to go to and is eligible to the Home, coming from all parts of the country for admission without proper papers and without any money, and at all seasons of the year, everybody directs them to the commissioner for the poor. I have never appealed to Governor Smith for the admission of such persons, when at times he was crowded and not permitted to take anybody in, but what my appeal was always acceded to. I have taken men from the city down there in my own conveyance, soldiers that have come here for admission to the Home without proper papers, and in no instance has the governor refused to provide for them either at the Home or in the city. There are quite a number of soldiers that have families that come to the Home, and acquire them after they come here—that is, quite frequently. Some of those people living with their families in the city, of course, are sometimes in considerable distress through shortness of means, as frequently they died in the city, and in no instance, on my application, has the governor refused to furnish them a burial, and in many instances has cared for the family as much as he could. Now, prior to the institution of the Keeley League there a good many soldiers were deterred from getting back to the Home, and of course that was of frequent occurrence; and having somewhat to do with the public highway to the Home, I have often had my attention called to the drunkenness and disorderly conduct of the members of the Home along the public road. They were lying along side the road in ones, twos, and by the dozens from here to the Home. Now, since the institution of the Keeley League, a drunken man between here and the Home is a rare thing, or in the city.
Q. Have you seen anything during the last year and a half in the conduct of the governor of the Home that would sustain the charge of mismanagement or misconduct on the part of the governor?
A. There could be no foundation for such a charge from my observations, and I think I see the governor here and at the Home two or three or four times a week.
Q. Do your duties as commissioner of poor lead you to frequent interviews with him?
A. Yes, sir.
Q. You have heard something of charges being preferred against the governor?
A. Yes, sir; a member of the Home came to me first, about a year ago last July, whose name I do not now recollect, and stated that he was a captain of a company down there and wanted me to sign and forward some charges against the governor. He stated he was a cousin of Congressman Carruth of Kentucky, and that they would be in position now—that Mr. Carruth would take up the charges, and that they would be forwarded through him.
Q. Through Mr. Carruth?
A. Yes, sir; and he said if I would go to the office of Dr. Weaver I could learn more about the charges. I said to the member that I did not agree with him in anything he had said about the governor, as I was frequently at the Home and the statements that he had made I knew to be entirely false; and I said to him that I had supposed that they were satisfied in the last investigation they had made, and that these charges ought not now to be carried any further. He replied to that by saying that it was a Democratic Congress now, and that there was going to be a Democratic management, and that they were going to have him out.
Q. What was the date that this man presented these charges to you?
A. I think it was about the middle of July, 1893. Of this occurrence I have never spoken to anyone before.
Q. Did you go to see Dr. Weaver, as he asked?
A. No, sir; I have never been in Dr. Weaver's office that I know of. I want to say this, that I am personally acquainted with a great many members of the Home and that I have never heard one, whose conduct was good and who was a sober man, but what spoke in the highest commendation of the governor; in fact, I had a little knockdown in my office one day between two of the members of the Home. One spoke disparagingly of the governor in regard to his treatment of the old soldiers, and the other member said, "You are a villainous old liar, and I will hear no man talk about the governor in that way; he is as good a man as ever lived," and then they went at it.

Mr. Henry Ettenson, in reply to inquiries, said:

Q. How long have you resided in Leavenworth?
A. Since 1868—twenty-six years.
Q. What is your business?
A. General merchandise department store.
Q. Are you acquainted with Governor Smith?
A. I am, sir.
Q. You have heard something of charges being preferred against him?
A. Yes, sir.
Q. Please state what you know with regard to these charges.
A. Well, I have been away from home for six weeks. On my return home I was quite busy, and I was walking down the street from my business and Mr. Carl Hoffman met me and said to me, "Have you heard about the charges that have been preferred against Governor Smith," and I was greatly astonished at his remarks, and I told him I did not see what charges they could prefer against Governor Smith, as I did not think they could find a better man to manage the Home anywhere, which I have heard a good many Eastern people speak of in different ways. Sometimes people from the East come out here and I take them out to the Home every six months, when they come from time to time, and they can see the improvement it has made, and especially so in the last year. When I heard they were going to have an investigation I said to Mr. Hoffman: "Wouldn't it be a good idea to get up a petition to the Board and ask them not to believe in those charges, and investigate and ask the business people of the city?" I signed the petition, and after I signed the petition Dr. Weaver called and he said to me: "Mr. Ettenson, I have heard that you have signed a petition to the Board in favor of Governor Smith." I told him I did, and that I did not think there was anything wrong about it, and that I did not think we could find a better man than Governor Smith, and that every citizen in Leavenworth was well satisfied with Governor Smith. Then another gentleman approached me and said, "Don't you know that Major Shockley is purchasing agent out there?" and I said to him, "What of it—what if he is? It don't make any difference to me." I was busy and didn't have any further conversation with the gentleman. Now I will tell you my experience in regard to the Home since the Keeley institute started there, and before. Before the Keeley institute was there it was very seldom that we ever did any business with the old veterans, because they had no money; but since the Keeley institute has been out there we find that the trade from those veterans has increased considerably. They come in and buy dry goods for their friends, wives, and children, and some have been coming in and buying suits of clothes. Why, the trade has increased wonderfully since that Keeley institute has started up out there.

Q. Referring again to your conversation with Dr. Weaver, was that all he said to you?

A. That is all, because I had no time to stand and talk with him. I was just going to purchase a stock of goods; it was on Saturday, about 5 minutes before 10 o'clock, and the sale commenced at 10 o'clock, and I rushed away. He was astonished that I should take a hand in this business. He did not want me to come up here in behalf of Governor Smith.

Q. When did he say that to you?
A. On Saturday morning, a little before 10 o'clock.
Q. Whereabouts?
A. On the corner of Fourth and Delaware.
Q. How did he know that you were coming here?
A. Because we circulated a petition Friday.

Mr. Harvey D. Rush said:

I have lived in Leavenworth nearly thirty-eight years; I am 66 years old, and I have been in business continuously during the time I have lived here.

Q. Are you acquainted with Governor Smith?
A. Very well, indeed.
Q. How long have you known him?
A. Since the Home was established here.
Q. Have you visited the Home frequently?
A. Yes, sir.
Q. Have your relations been intimate with the governor?
A. Not especially so; though I have visited his house a few times.
Q. Have you had a good opportunity to observe the management of the Home, the discipline of its members, and the conduct of the governor?
A. I think I have; yes, sir.
Q. Have you noticed anything in the management of the Home which would suggest mismanagement to your mind?
A. I have not.
Q. Have you seen anything in the conduct of the governor during the last year and a half that you could criticise?
A. Not a thing.
Q. Will you please state what have been your general or particular observations of him with regard to his management as governor and with regard to his conduct?
A. Since the establishment of the Keeley cure at the Home by Governor Smith the conduct of the members has been good. They come to town and go away sober, as a rule; previous to that, when they visited our town it was the exception when they went home sober. I will say in reference to the conduct of the governor, that I have seen nothing out of the way whatever during the last several years, since he took the Keeley cure himself. In fact, he is certainly a large-hearted man, and I have heard, I think I am safe to say, a hundred men, members of the Home, express themselves decidedly in his favor and as being well satisfied with his treatment of them.
Q. Are you in position to know the public sentiment of this town on any important topic?
A. I believe that I am.
Q. Do you know of any public sentiment here that is antagonistic to the management of the Home and to its governor?
A. Well, I think, without a single exception, I have not heard the governor spoken of derogatorily in the last three or four or five years, except by one gentleman called Dr. Weaver. I think there is a universal sentiment in favor of Governor Smith. It is not because he treats with this man, that man, or the other; it is because the people actually love Governor Smith. They think he is a big-hearted man, and the man for the position. It was only recently that I heard of these charges, and I was greatly surprised.

Mr. W. N. Todd said:

I have resided here since 1857; am 43 years old; have known the governor ever since he has been located here, and am familiar with the management of the Home, and only within the past few days heard of any charges being preferred. As regards the conduct of the members of the Home, I think I am in a position to speak knowingly and satisfactorily. I live on the main road leading from the city to the Home, and prior to the establishment of the Keeley cure my family were frequently annoyed by intoxicated members of the Home stopping at my house, ringing the doorbell, knocking at the door, and otherwise annoying the members of my family; have frequently had them come into my yard, take a bottle of whisky from their pockets and drink the contents, two or three of them at a time. My family have a sewing room looking out on the yard, and my little children would often tell me of old soldiers being in there drinking whisky, and would frequently show me bottles that they had thrown away in the yard. Learning of these charges, and that they had some relation to the Keeley cure, I took occasion to ask my folks if in the last year or year and a half they had been annoyed in this same manner, and they assured me that they had not—had not, either by the ringing of the door bell or annoyance in any manner whatever, and that they passed by in a sober and in a decent manner.

Q. According to your observations, has the experience of all the citizens been similar to yours?

A. It has, wherever I have had occasion to speak of it; the experience of one is the same as that of another. I would like to say in this connection that at my place of business we were frequently annoyed by two or three drunken soldiers coming in and begging for this thing and that thing.

Q. Have you been annoyed in that way during the last year and a half?

A. Not in a single instance. I think that the establishment of the Keeley cure has been one of the most beneficial results that was ever undertaken, and it has brought up the morals of the men, as well as satisfied the community, the citizens of Leavenworth, and whereas the old soldiers were once a nuisance and a burden, they are now a source of pleasure to the people, and I believe it all comes from the Keeley cure, every bit of it.

Q. Are you in a position to know the general sentiment of this community with regard to the management of the Home and the conduct of the governor during the last year and a half?

A. Yes, sir; I am.
Q. What is that sentiment?
A. The sentiment is universally in favor of the governor, both as to his

tions governing the Home?

Q. Do you now or have you at any time occupy any official position?
A. Yes, sir.

social and business relations, and the management of the Home is commended by all citizens, irrespective of class.

Q. Can you account for anything within your own knowledge why charges have been made against the governor which have led to this investigation?

A. I believe it is pure jealousy.

Mr. James A. McGonigle said: I have resided here since May, 1857; my age is 60.

Q. What is your occupation?

A. Contractor and builder.

Q. What important work have you done in building during the last ten years?

A. I built the Kansas City Union Depot, Atchison Union Depot, Buffalo Union Depot, Denver Union Depot, Burlington depot over in Iowa, general office building of the Santa Fe Railroad, Montezuma Hotel at the Las Vegas Hot Springs, N. Mex., and also a portion of the statehouse of Kansas, and a number of insane asylums in Kansas and Nebraska, a college building in Omaha, and Machinery Hall and other buildings at the World's Fair, and most of the buildings at the Soldiers' Home.

Q. Are you well acquainted in this city?

A. Yes, sir.

Q. Know the sentiment of its people?

A. I believe I do.

Q. Are you acquainted with Governor Smith?

A. I am.

Q. How long have you known him?

A. Since the commencement of the construction of the Home.

Q. Since May, 1893, have you had good opportunities for observing the management of the Home, the appearance of its members; have you noted their comfort or discomfort, their discipline, their behavior as to temperance or intemperance, and the conduct of the Governor?

A. Well, I think the management of the Home on the part of the Governor is good; as far as I can see the discipline of the men is satisfactory, and I am satisfied, from my knowledge of the past and what I have seen recently, that the discipline and the actions of the members of the Home are far superior to what they were two years ago or more.

Q. You have been engaged in putting two and two together for many years; can you account for these charges against the governor from anything within your own knowledge?

A. No; I can not.

Q. Do you know anybody that can?

A. No, sir.

Mr. J. W. Spratley said:

I have resided here thirty-eight years; am 60 years of age; am in the banking business—president of the Union Savings Bank.

Q. Have you been a visitor at the Soldiers' Home?

A. Yes, sir; frequently.

Q. Are you acquainted with the governor?

A. Ever since he has been here, I believe.

Q. Have you had frequent opportunities for observing the management, discipline, and conduct of the members of the Home?

A. Yes, sir.

Q. What has it been since May, 1893?

A. Since May, 1893, or since the Keeley institution was established, we have noticed a great change in the old soldiers. It has been improving all the time, and from then up to the present time it has been a pleasure for me to take anyone out to the Home. Before that time I felt a little delicacy in taking my family down to the Home, but now I am very proud to take anyone down there, there has been such a marked change.

Q. Do you know Governor Smith well?

A. Yes, sir.

Q. Have you observed anything in his conduct during the last year and a half that you could criticise?

A. No, sir; not a thing; it has been commendable in every respect.

Q. Are you pretty well acquainted with the sentiments of the people of this town?

A. Yes, sir; I think I am.

Q. Do you think they agree with the sentiments you have expressed with regard to the management of the Home and the conduct of the governor?

A. Yes, sir; I think it is universal.

Q. And you are in a position to know?

A. Yes, sir; I think so. I come in contact with all classes of citizens.

Mr. O. B. Taylor said:

I have resided here thirty-five years. At the present time I am out of business. With the exception of the last three years I have been in the wholesale grocery business.

Q. Are you acquainted with a man named McLouth?

A. I am not.

Q. Are you acquainted with a man by the name of Lilley?

A. Yes, sir; very slightly.

Q. What is Mr. Lilley's standing in this community?

A. Not being acquainted with his associates I am unable to say as to his standing among them. From his general appearance I should say that he was an entirely worthless character. I have been solicited and have contributed money to keep him from starving.

Q. Do you know anything about his reputation?

A. I do not.

Q. Do you know anything about his habits?

A. Only from his general appearance; from that I should say he was a drinking man, drank to excess.

Q. Do you know anything about his reputation for truth?

A. I do not.

Q. Are you acquainted with Governor Smith?

A. I am.

Q. How long have you known him?

A. Since he came to this city.

Q. Have you visited the Home frequently?

A. Not within the last year; I have prior to that time.

Q. You have heard what the gentlemen have said who have delivered their testimony here this evening; does your observation of the Home and of the governor lead you to agree with them in their sentiments?

A. It does, entirely.

Mr. Authur Simonds said:

I am 55 years of age; I have resided in Leavenworth thirty-seven years; I am a manufacturer and wholesale dealer in tobaccos.

Q. Are you acquainted with the Governor of the Soldiers' Home?

A. Yes, sir.

Q. Have you frequently visited the Home?

A. Very, very frequently, indeed.

Q. Have you had good opportunities for observing its management?

A. Yes, sir; I have.

Q. Have you had opportunities to observe the conduct of the governor in his intercourse with officers and members of the Home; have you ever been present when conversations took place between him and members of the Home?

A. Yes, sir; I have on several occasions.

Q. What has been his conduct with reference to his language and manner?

A. It has always been that of a gentleman toward each and every one of them. I never heard him say an abusive word, or swear at them, but always gave them good advice.

Q. Have you seen anything in the conduct of the governor during the last year and a half which you could criticise?

A. I will answer that, General, in my simple way; I have seen the governor when he is uptown a great many times; I presume I have seen him eighteen out of twenty times that he comes, and I have never seen him in any other condition than that of a perfect gentleman.

Q. Are you acquainted with a man by the name of McLouth?

A. Yes, sir.

Q. How long have you known him?

A. I have known him for several years, but I can not say how long.

Q. Where does he reside?

A. He did reside here; then when they built the Southwestern Railroad they named a town after him and he moved there, but whether he is living there now or not I do not know.

Q. Have you known or seen much of him within the last year?

A. I have seen him several times; yes, sir.

Q. Do you know anything about his habits?

A. I should say yes, sir, I did; in fact, I know I do.

Q. What are they?

A. It is very, very seldom, I am sorry to say, that he is not under the influence of liquor.

Q. Do you know anything about his reputation for truth; have you ever heard it questioned?

A. Well, in a business manner, yes; I have known him to give checks on the bank at McLouth, and they have been returned through our banks here not paid.

Q. You have known of them?

A. Yes, sir.

Q. Had he cashed them?

A. He had in one instance that I know of—he had got his meals and drinks and the man who owns the restaurant had to pay him so much money, and the man that kept the restaurant had deposited the check in the bank, and it was returned unpaid. I do not know whether it was paid for afterwards or not.

Q. Do you know Mr. Lilley?

A. Yes, sir.

Q. Where does he live, and what is his occupation?

A. Well, if I am not mistaken, he is a printer by trade.

Q. Do you know anything about his habits?

A. Well, he is a poor fellow; he takes an awful sight of morphine; I am sorry to say he does.

Q. Is that his reputation?

A. Yes, sir.

Q. Would you regard any statement made by him as liable to be inaccurate?

A. Well, under most circumstances in which I have seen him, I should take it with a great deal of allowance; in other words, I would want a great deal of salt with it. I do not think he is responsible for what he says the biggest part of the time.

Mr. J. W. Crancer answered in reply to inquiries:

Q. Are you acquainted with one McLouth?

A. I am.

Q. Where does he live?

A. I do not know where he lives at present. His home used to be at McLouth.

Q. How long have you known him?

A. I guess five or six years, at least.

Q. Have you had any opportunity to observe his habits?

A. Yes, sir; very frequently.

Q. What are they?

A. Most of the time I see him intoxicated; hardly ever catch him sober.

Q. Would you regard any statement of his, made from his casual observation of any incident, as thoroughly reliable?

A. I would not, unless it was substantiated by some better authority.

Q. Do you know a Mr. Lilley?

A. Yes, sir.

Q. Where does he reside and what is his occupation?

A. I think he lives here. He has been in the printing business, but I do not at this time think he is in any business, and has not been for the last year or two.

Q. What is his reputation for sobriety?

A. Very bad; and he is totally irresponsible for what he says or does, I think.

Q. Is this the common reputation of the man?

A. I think it is.

Q. Is it within your knowledge that the gentlemen who have signed this statement to the Board of Managers agree with you and the other gentlemen who have delivered testimony here this evening?

A. Yes; I unhesitatingly say yes.

Q. Are these gentlemen all that are in town that would agree with you?

A. No, sir; there are thousands of others of the same opinion; I think I am safe in saying thousands. There is no question but that this community is in full sympathy with Governor Smith, and indorses everything that he has done.

Mr. Carl Hoffman said:

I have resided in this city twenty-four years; I am 68 years of age, and my business is dealer in pianos and organs—music dealer.

Q. Are you acquainted with Col. A. J. Smith, governor of the Home?

A. I am, sir.

Q. How long have you known him?

A. I have known him ever since he came here.

Q. Have you visited the Home frequently?

A. Quite often; yes, sir.

Q. Have you had opportunities to observe the behavior and conditions of its members?

A. Yes, sir; I have.

Q. Have you had an opportunity to frequently observe the conduct of the governor?

A. Yes, sir.

Q. What has been the result of your observation of the management of the Home?

A. I must say that I consider it a model establishment and its management is exceptionally fine, and I admire Governor Smith for being able to handle the Home in such a splendid manner.

Q. I wish to ask you if you have had good opportunities for observing the conduct of the governor?

A. I have had a number of times, personally as well as officially.

Q. Have you seen, within the last year and a half, anything in his conduct that you would criticise?—A. No, sir; I could not possibly.

Q. Are you acquainted with a man named McLouth?—A. No, I am not.

Q. Do you know a man by the name of Lilley?—A. Yes, sir; that is, I know him when I see him to speak to him on the street.

Q. Do you know anything about his reputation?—A. General reputation not very good.

Q. What is bad about it?—A. You know what a bad standing of a man in a town is—the same as you come to a town and make inquiry in regard to a firm's standing; there is a certain smell (excuse the expression) about it.

Q. Do you know anything regarding his habits?

A. I can not say anything personally about the man; I only state the general standing of the man as given to us by fellow-citizens.

Capt. M. H. Insley, in answer to inquiries, said:

I have resided in Leavenworth for thirty-five years; my business has been in the banking business.

Q. You have been intimately acquainted with Governor Smith, and have had opportunities for closely observing the management of the Home?

A. Yes, sir.

Q. Will you state in your own way what has been the result of your observations of both the Home and its governor?

A. From my observations I might say this: I have been a frequent visitor at the Home from the time its construction first commenced, and from what I have seen of Governor Smith and his management it has led me to believe that it has been well managed—that he is the right man in the right place.

Q. Have you observed anything in the governor's conduct during that close observation that you would criticise?

A. I have not, certainly, within the past three years.

Q. Do you know a Mr. McLouth?

A. I do.

Q. Where does he reside?

A. He resides at a little town in Jefferson County, or near a little town in Jefferson County, named McLouth.

Q. How long have you known him?

A. Twenty years, I should think.

Q. What are his habits?

A. His habits of late years are bad.

Q. In what way?

A. In the way of drinking. During a great deal of the time McLouth is not responsible for what he says or does; his mind is certainly weak, and the man, as I said before, is not, in my judgment, responsible a good part of the time.

Q. Do you know a man by the name of Lilley?

A. I do.

Q. Are you acquainted with his reputation?

A. I am.

Q. What is it?

A. It is bad; he is what is termed a "morphine fiend."

Q. Has he the reputation of having a fixed morphine habit?

A. He has.

Q. Would you consider his statement regarding an incident coming under his casual observation as thoroughly reliable?

A. I would not.

Mr. Alexander Caldwell recalled.

Q. I wish you would state, if you please, how came these gentlemen here who have given their testimony?

A. We were aware of the fact that this investigation was in progress, and feeling a great interest in the welfare of the Soldiers' Home, and believing that an effort was being made to do an injustice to Governor Smith, and an injury to the Home, I was asked if I would meet a few gentlemen at the National Hotel about half past 4 o'clock to-day. I did not know what the gentlemen proposed to do, but we met, fifty or more men, who are more than an average of the business standing in this community, as well as moral standing of the citizens. I do not think we could get another fifty men together in Leavenworth better socially, morally, or in business, than the gentlemen who have been here to-day. I met those gentlemen, and they organized the meeting by electing me chairman, and then appointed a committee of eight or ten, of which I was the chairman, to call upon the inspector-general, who was conducting this investigation, for the purpose of giving him any information that we might possess or answering any questions that he might choose to ask, and also for the purpose of presenting to the inspector-general a petition signed by fifty or more gentlemen, addressed to the Board of Managers, acquainting the Board and the inspector-general with the sentiments of the people of Leavenworth in regard to the management of the Home and with regard to Governor Smith. I want to add that it appeared to be the desire of every citizen to give to the inspector-general the exact facts in regard to the Home and the governor, Colonel Smith, so far as they knew them, that simple justice might be done in this case. I want to say this—it has been stated that Governor Smith has been tyranical and harsh in his management of the Home, but his reputation as a kind-hearted man, and his conduct among and with the citizens of Leavenworth, as well as at the Home, has been such as to make it impossible to think he would be harsh or cruel in his manner to the members of the Home. While there are only about fifty gentlemen present to-day, a thousand or more would have been present if they had been invited and had known the object of this meeting and had time to get here.

In anticipation of an inquiry which members may make, I will say that Colonel Smith, previous to his arriving at the Home in Leavenworth, had suffered from the excessive use of intoxicants. He took the Keeley cure and, deriving benefit from it, advised others to take it. But, Mr. Speaker, that he has continued to drink or that he is wanting in those finer qualities which constitute a gentleman I do not believe; but, not knowing him intimately, I take pleasure in referring to my friend from New York [Major POOLE], who has known Colonel Smith for many years and is able to speak from personal knowledge.

Mr. TALBERT. Is it a fact that they have these Keeley institutes at all these Soldiers' Homes?

Mr. CURTIS of New York. I am not informed on that subject.

Mr. TALBERT. Well, do they have such an institute at Leavenworth, Kans.?

Mr. CURTIS of New York. Yes, sir.

Mr. TALBERT. A regularly established Keeley institute?

Mr. CURTIS of New York. My friend from Indiana [Mr. STEELE], who is a member of the Board, will be able to answer that question when he takes the floor.

Mr. Speaker, in addition to the testimony of the many persons called, I want to read Exhibit M.

To the Board of Managers of the National Military Home located at Leavenworth, Kans.

GENTLEMEN: We, the undersigned, citizens of Leavenworth, Kans., desire here and now to express the most kindly consideration for Governor Andrew J. Smith for the economic administration of affairs at the Home and for the uniform kind treatment and careful discipline administered to and required of the inmates of this institution.

We believe that the charges preferred against the governor are without cause and instituted from malicious motives.

We therefore respectfully ask, in the name of decency and good government, that Governor Smith be retained in his present position, as we, individually and collectively, from personal acquaintance and business contact, believe him to be far better equipped for the management of this institution than those who, by misrepresentation and false charges, are seeking to pull him down.

Dated Leavenworth, Kans., October 6, 1894.

Ettenson, Woolfe & Co., department store; Carl Hoffman, proprietor Chickering Hall; C. Peaper, cashier First National Bank; Bittmann Tedd Grocer Co., wholesale grocers; J. W. Crancer & Co., wholesale hardware; Rohefing & Co., wholesale grocers; Rush & Sprague; W. C. Sprague; Geo. A. Spooner; H. D. Rush; J. C. Lysle, of Kelley-Lysle Milling Co.; J. M. Laing; Ketcheson & Reeves; D. A. McKibben; Arthur Simmons, wholesale cigars; Rothenberg & Schloss, wholesale cigars; E. W. Snyder, president Manufacturing National Bank; John Hannon; J. W. Fogles, vice-president First National Bank; J. W. Spratley, president Union Savings Bank; E. P. Willson, president Great Western Stove Co.; John Wilson, president Great Western Manufacturing Co.; W. A. Rose, Leavenworth Bag Manufacturing Co.; Humphrey Rose, Leavenworth Bag Manufacturing Co.; Sam'l Dodsworth Book Co.; J. S. Rice; C. Townsend; John Schmelzer, jr.; J. F. Schmelzer & Sons; A. Caldwell, president Commercial Exchange; T. Sinkos, M. D.; Geo. J. Charlin, general agent A., T. & S. F. R. R.; Jos. Granper, ticket agent Md. P. R. W.; Nathaniel S. Thomas, rector St. Paul's Church; Elliot Marshall, general agent Burlington Route; B. F. Harper, Leavenworth Standard; Edwin M. Randall, jr., pastor First M. E. Church; E. Jameson, chairman Republican County Central Committee; F. G. Markart, manager A. J. Angell & Co. lumber; W. A. Kirkham, jeweler; Philip Rothschild & Son, men's outfitters; Breens Bros., dry goods; J. C. Murphy, G. T. A. Union Pacific System; W. W. Walter, M. D.; M. B. McCreary, Polar Ice Co.; B. S. Richard, saddlery; A. Luechott, newspaper manager, Standard; Sara B. Lynch, postmaster; W. T. Hewitt, merchant.

I will read a letter from Edwin M. Randall, jr., pastor First Methodist Episcopal Church of Leavenworth, Kans., who was not able to appear at the time of the investigation:

LEAVENWORTH, KANS., *October 18, 1894.*

Gen. W. W. AVERILL, *Bath, N. Y.*

DEAR SIR: It was not my privilege to attend the meeting of citizens at the National Hotel of this city, or I should have gladly been there and added my testimony to that of the others.

I will not pretend to give any information as to the specific questions that formed the subjects of your investigation at the National Military Home here. Your proceedings should have made you more fully informed than I, but I do feel that I can indorse the general management of the Home. I have been a frequent visitor there, a number of the inmates have been members of my congregation and church, and I have enjoyed opportunities as an interested citizen to acquaint myself with the condition of affairs there. What I say is also impartial, as I have received nothing but courtesy from any who are parties to the controversy.

Whatever may be the truth in the matter, I can not, from my personal knowledge, charge those who oppose Governor Smith with anything more than an honest, though intense, disagreement with him as to the principles upon which the Home should be managed. On the other hand, there probably are details in which I might differ in judgment with Colonel Smith.

Notwithstanding all this, I regard his administration as eminently successful. I doubt if you could easily find another man who could do as well in that position of almost unequaled difficulty. I know personally that the better class of citizens within my circle of acquaintance are practically unanimous in indorsing him. Not one soldier from the Home who has worshiped in my congregation has spoken of him otherwise than kindly. To the general public he is one of the most courteous and accommodating men I have ever seen. He is so regarded by the public, and as a result the Home has become a far more popular pleasure resort than the fort. I have never heard his honesty or honor questioned by any one connected with the recent troubles in the Home. I am sure that the Keeley treatment at the Home has been a benefit both to the Home and to our city, by effecting the reformation of many of the unfortunate inmates of the Home. That Governor Smith has had any selfish interest in it is absurd. My knowledge of him, based upon an intimate personal acquaintance, leads me to believe that he unites in an unusual degree those qualities that preeminently qualify him for the place. He is a man of sterling qualities, and his removal would be regarded by our citizens as most unfortunate. I heartily unite with others in recommending his retention.

Very truly, yours,

EDWIN M. RANDALL, JR.

I read a copy of a letter to General Franklin from Rev. T. H. Kinsella, Catholic chaplain, under date of February 29, 1896:

FEBRUARY 29, 1896.

Gen. W. B. FRANKLIN,
President Board of Managers, N. H. D. V. S.

GENERAL: In view of certain adverse criticisms of the management of this Western Branch now going the rounds of the press, I have the honor to submit to you my personal experience as testimony in rebuttal of all such attacks, whether emanating from private malice or ill-advised sympathy.

As a Catholic priest, living in this community for many years, I feel that I have exceptional opportunities to know the true inwardness of the motives which inspire these attacks. They are base, and in no sense represent the sentiments of our people, either within or without the Home. Among so large a number of old men, bent under physical, mental, and moral infirmity, consequent on old age, it is to be expected that discontent and imaginary wrongs should find a place among their mental feelings. Such a condition of mind, though confined to a few, is of course to be expected, and yet unprincipled lawyers and cyclonic newspapers use these ravings of decrepitude to defeat authority and breed discontent.

I deem it my duty to lay before you, as president of the Board of Managers the true state of affairs. With a full sense, therefore, of my position before the public, I make bold to say that the management of this Branch Home is able, humane, and generous to an eminent degree. Order, of course, must be maintained, and the vicious few must be suppressed. On these two points the overwhelming membership of the Home is in full accord. The Keeley treatment is but a means to this end. It has been successful, and successful to an extent that can be measured only by a comparison between the present state of affairs and conditions and the same as existent before its introduction into the Home. I was here before the Western Branch Home was in being. I watched its construction and saw its halls gradually peopled. The bells of our church joined their music to the general shout of joy that filled the air when first you sent us the news—the glorious news that the Soldiers'

A. Yes, sir; I have on several occasions.
Q. What has been his conduct with reference to his language and manner?
Q. Do you know anything about his reputation?—A. General reputation not very good.

of the inmates of this institution.

Home would be at our gates. We too were liberal, as you well know, yet the day quickly came when all good citizens regretted the presence of the Western Branch in their midst, so great was the influx of men and women of low character and intemperate habits. The city authorities had to increase the police force; the sheriff of the county was kept busy long after each pay day, and I honestly believe Governor Smith himself became alarmed. This was some five or six years ago. In April, 1892, the Keeley treatment for alcoholism was introduced, and the gradual improvement in the morals and manners of the drinking class of the Home has given an air of peace and contentment to this Home which it had not known before. The change is very marked, and it certainly proves the efficacy of the treatment.

I am in a position to obtain the very best testimony in regard to this much-talked-of treatment, and I must say that I would show myself indifferent to the best interests of humanity as well as to the welfare of the veterans of the late war should I remain silent on this occasion. I am fully convinced that the Keeley League has worked a transformation in this Home; that the treatment has been, on the whole, a gratifying success, and that, what is more to the point, no one to my knowledge has been unduly influenced to take the treatment or to pay the expenses entailed.

I have the honor to be, very respectfully, your obedient servant,

(Signed) THOS. H. KINSELLA, *Catholic Chaplain.*

A true copy:

ROBERT HAYES,
First Lieutenant and Adjutant.

I also read a letter from Rev. W. J. Gillespie, the Protestant chaplain:

Gen. W. B. FRANKLIN,
President Board of Managers, N. H. D. V. S.

GENERAL: I hereby beg leave to lay before you the following facts in the interest of justice and the best interest of this Branch Home.

1. It may have come to your knowledge, or it may yet come to your knowledge, that attempts have been made through the newspapers, and, perhaps otherwise, to discredit the management of Col. Andrew J. Smith, governor of the Western Branch.

2. I have been here, as you know, for more than nine years; that is, almost from the establishment of this Branch, and have had opportunity of knowing the facts I am about to state.

3. From 1886 up until about three years ago the poor old men who came here were the victims of the saloons, brothels, and thugs, who seemed to regard old soldiers as their proper prey.

4. The public highway from Leavenworth to the Home, and, indeed, the limits surrounding the Home, became infested with disreputable places where abandoned men and women lay in wait for our people, especially about pension day.

So disgraceful had these conditions become that the respectable men and women of Leavenworth bitterly complained of the sights and sounds and indecent exposures on the part of our drugged and drunken men on the public highways.

5. About three years ago the Board of Managers permitted Colonel Smith to establish a course of treatment for such of our people as had an uncontrollable drink habit, and who wished to be cured of it. The results have been wonderful. More than thirteen hundred men have availed themselves of this treatment. I have personally talked with more than a thousand of them. I have never heard one of them intimate that he had been forced to take the cure, or that he had been injured by it. On the contrary, hundreds of them have told me how thankful they were for it, and how much their general health had been benefited since freed from alcoholic disease.

Morally the change in the men has been as marked as it is physically. In the barracks, on the grounds, the most wonderful change in the gentlemanly bearing of the men has taken place.

6. Through the efforts of Colonel Smith and the officers and members of the Home who have aided him, many of the vilest places along the highways leading to the Home have been closed. The sight of drunken men lying on the roadside or making indecent exposures of their persons is almost unknown. Not only are there no longer complaints from citizens about the members of the Home, but, on the other hand, frequent expressions of gratification are heard over the change effected, and the most influential people in business and social circles are very free in their expressions of commendation of Colonel Smith's work as governor of the Home.

On February 18 last, when the Editorial Association of the State of Kansas visited the Home, Col. D. R. Anthony, their chairman and the editor of the Leavenworth Times, the most influential paper probably in Kansas, paid a very glowing tribute to the wonderfully successful management of Col. Andrew J. Smith as governor of this Home.

7. May I, without offense, express the hope that the Board of Managers will not permit any misrepresentations made by designing parties or the enemies of the veteran soldier to influence it so as to put any obstacle in the way of Colonel Smith in this great effort to rescue brave but unfortunate men from the grasp of the insatiable appetite which has brought mental, physical, and financial, not to say moral, ruin to so many of our comrades.

Grand as has been Colonel Smith's material management of this Home, when history comes to be written, many believe that his greatest achievement will have been found in the restored health, hopes, and homes of the men who, for the first time in many years, have found themselves free from the insatiable thirst for alcoholic stimulants.

Respectfully,

(Signed) W. J. GILLESPIE.
Protestant Chaplain.

A true copy:

ROBERT HAYES,
First Lieutenant and Adjutant.

In reply to the charge which has been made that General Franklin procured the appointment of Colonel Smith and has retained him as the governor of the Home at Leavenworth, Kans., because of some family connection or close relation in the late war, I wish to say that Colonel Smith is neither a relative nor connection of General Franklin, nor did Smith ever serve on General Franklin's staff. There was upon the Board of Managers when the Kansas Home was established a gentleman who at the time was also governor of that State. He had been one of her most distinguished soldiers and had contributed to her glory and credit by his skill, bravery, and capacity in the late war. I refer to Gen. John A. Martin. It was he, Mr. Speaker, who asked for and secured the appointment of Col. Andrew J. Smith as governor of the Home. Colonel Smith had shown his capacity as a subordinate officer in the Home in Maine. Governor Martin, desiring to have the Home in his State opened under the most successful auspices, asked for and secured the appointment of the present governor. He has retained the confidence of the Board of Managers, and everyone is equally responsible for his retention.

It is not for me to raise the question of propriety as to the conduct of the gentleman from Kansas [Mr. BLUE], who has undertaken to report the secrets of the Military Committee. The chairman of that committee [Mr. HULL] is here in charge of this measure; he will have his time in this discussion. The conduct of any member who attempts to disclose the proceedings of an executive session is one upon which all men in this House must have fixed opinions. It is enough for me to say that the Committee on Military Affairs has recommended the four gentlemen named for the favorable consideration of the House.

Mr. Speaker, as to the general management of these Homes, which the gentleman from Kansas has so bitterly condemned, I wish to say that we are fortunate in having upon the floor of this House a Member who has many times represented an important district in the State of Indiana and has had long service upon the Board of Managers. It will fall upon him to explain—at least I shall not undertake the task to do so—the methods by which these various Homes are governed. We have in the other branch of Congress two distinguished Senators (MITCHELL of Wisconsin and SEWELL of New Jersey) who have long been members of this Board. I am authorized to say that General Franklin's name did not come to the committee by any action or wish of his own, nor from anyone who can be regarded as his personal representative. His reelection has been urged by members of the Board and a large number of men who know his high character and qualifications.

The assumption which has been put forth by the gentleman from Kansas that General Franklin has neglected to properly perform any of the various duties devolving upon him in respect to the management of the Homes, the public property, or donated funds is a criticism upon the act of Congress establishing these Homes. The Board has complied with the requirements of the law creating it. If that law is in any way subject to criticism—if any gentleman wishes to modify what may be termed the organic law of these institutions, let him propose amendments for the consideration of the House.

I may say in addition (if I have not already made it sufficiently plain) that the member of the Board living nearest any particular Home is charged with the general supervision of the Home and the responsibility of looking after it and correcting any irregularities. Colonel Cooke, of Kansas, has had this particular Home under his supervision, subject to the general rules and regulations established for the government of the Home. I have no doubt that all matters connected with the management of the Home will be fully and amply explained by my friend from the State of Indiana [Mr. STEELE].

I stated in the beginning of my remarks that I wished to address myself to the House as a member living nearest to New England, from which States two members are to be elected, and as one having a greater personal interest in the selection of members from that section of the country than those living in the Central and Western States. I have in a feeble manner discharged the obligation resting upon me as a member of the Committee on Military Affairs and a member of this House. I have heretofore spoken of General Franklin simply as a public officer, as a man charged with important duties which he ought not to neglect, which he is too wise and too able to fall short of performing. I will go as far as any man here in requiring a strict and exact performance of the duties imposed upon him and the Board of Managers.

Mr. Speaker, if the House will indulge me, I should like to say a few words in respect to my personal feelings and relations to General Franklin.

It is now nearly thirty-five years since I was among the number of those who, unacquainted with war as a science or art came back on that memorable and unhappy Monday, the 22d of July, 1861, from the battle of Bull Run. Some rested in camps on the other side of the Potomac; others came to Washington. General demoralization prevailed. New commanders were given us, who undertook the task and responsibility of organizing, instructing, and equipping an army out of these demoralized troops. To learn how well they accomplished this task, you have to read the glorious history of the Army of the Potomac. I was a captain in a regiment of two-year volunteers, and early in August called at the headquarters in Alexandria to get a pass to Washington, and for the first time met Col. William B. Franklin, of the Twelfth United States Infantry, who had been assigned to the command of the forces on the Virginia side south of Long Bridge. That interview resulted in an acquaintance which has lasted until to-day. I had been an invalid for five or six years, and for that reason and want of opportunity lacked many of the qualifications which should have been possessed by a man of 26 years. I was without knowledge of military affairs, and if this Government has just reason to be satisfied with the service I was able to render in the

four subsequent years—in following the flag—in discharging the duties of the several positions to which the Administration saw fit to appoint me—I say that the value of those services is due in great part to the care, the counsel, and the instruction given me by Gen. William B. Franklin.

I speak as an individual, with a heart full of gratitude, of my devotion, my affection, and my sincere regard for General Franklin. He was my friend when I was young, inexperienced in public affairs, totally unacquainted with the duties of the position I had undertaken; he gave me instruction which enabled me to perform them, with at least some credit to myself and I hope useful to my country. While in the performance of my legislative duty I know neither friend nor enemy. I will, however, as an individual, stand before anybody, any tribunal, and defend the purity of character, the ability and devotion to duty and to his country of Maj. Gen. William B. Franklin.

Mr. Speaker, I refer to him with feelings which are heartfelt and sincere, because whatever of ability I brought to the public service and honors I have won I owe largely to him. I appeciate the value of his services not only to me, but to his country, as a teacher in those days of devotion to national unity, when the services of such a man were of supreme importance to the nation in educating the mass of willing, but uninstructed volunteers. I trust the House will pardon me for my digression from the main question, and for thus speaking of a comrade in arms for whom I have cherished and still cherish the fondest and most affectionate sentiments of esteem and devotion. [Applause.]

Mr. HULL. Will the gentleman from New York yield me the remainder of his time, or yield it to the gentleman from Indiana [Mr. STEELE]?

Mr. CURTIS of New York. Certainly. I yield the remainder of the time to the gentleman from Indiana.

Mr. STEELE. Mr. Speaker, I regret that I have not the voice or the assurance of the gentleman from Kansas. I hope the members of the House will, on account of my diffidence, and I assure you it is great when I get on my feet, give me the attention they would give to a beginner and make any allowance necessary for any of my shortcomings that may be apparent.

This is a subject of profound interest to this country, and is of special interest to the honor and integrity of every good soldier. Are we to come in here to-day and attack the reputation of as good soldiers as ever did battle, and throw their reputation to the winds because we will not hear but one side of the case?

The gentleman from Kansas [Mr. BLUE] has seen proper to state that what I did not know about the Soldiers' Homes was enough to fill a book. That is true, although I have been a member, and an active member, of the Board of Managers for something over four years; but what I know of the character of matter he has brought to the attention of the House during the discussion to-day would fill a library.

Since I have been a member of the Board of the seven different Homes, I have information of the same kind, and enough of the same kind of literature that the gentleman has presented to the House to-day to fill a book or a library. Everything he has brought to the attention of the House, or nearly everything, has been carefully investigated not only by the Board of Managers of the Home, but particularly by a subcommittee of the Board. Mr. Morrill, of Kansas, now governor of that State, was for over three years a member of the Board, and as such the local manager of the Leavenworth Home. Col. Sidney Cook, also of Kansas, has been a member of the Board for over two years, and both of them in their capacity as local managers, with General Pearson, a distinguished soldier of the State of Pennsylvania, and General Averell, have investigated the charges that have been brought in here at different times. They did not go into a partial investigation. Look at the volume the gentleman from New York, General CURTIS, brought before you, if you think they did not go to the bottom of the matter. And the investigation by General Pearson and Governor Morrill, if anything, went more into detail, and every witness brought before them had the assurance that whatever he said he might feel absolutely satisfied should have no influence upon his status in the Home. In that way the facts were brought out.

And before forgetting it I wish to say in this connection that as members of the Board of Managers we go to each Home, excepting to that in California, once a year, as required by law. We do not go to visit from one Home straight around once a year, but from time to time we visit all of the Homes, except the California Home, as the law assumes we should. Owing, however, to the great expense attending it, we have not visited the California Home more than once in four or five years; but the local manager comes from it from time to time and gives us in detail what is going on there.

The gentleman from Kansas said that what I do not know on this subject would fill a volume, and yet he asked me a question the other day about a bond. I knew that by a provision put into an appropriation bill the system of keeping the accounts at the Homes had been changed, and it was decided that the president of the Board of Managers should not be the treasurer of the Home. Owing to that change in the system, for three months men in the several Homes were without the necessary funds to make purchases that ought to have been made, on account of that bill. And when it was settled and this "striker" of General Franklin was made treasurer of the Home by the Board of Managers, General Franklin had but one vote, just as any of the rest of us had. And, Mr. Speaker, while we as members are not as a rule as well informed as he is—I know I do not know as much as he does in these matters—yet my vote is just as potent as his, and whatever is wrong in the Leavenworth Home—or in any other, for that matter—I assume my share of the responsibility for, whether because of ignorance or because I have not had time to study the matters, it makes no difference which.

Whenever we go to one of those Homes, as I was saying, we see that every soldier who is in the Home that day is notified that if he has any complaint of any nature to make he is invited to come before the Board and state just what the complaint is. He is heard, and not in the presence of the governor or any officer of the Home, either, and is informed that what he says to us shall not operate against him as a member of the Home. That is done at every Home in every case.

Why, in 1866, gentlemen of the committee, the first National Home was established at Togus, Me.; in 1867, those at Dayton and Milwaukee; in 1870, that at Hampton, Va.; in 1885, that at Leavenworth, Kans.; in 1886, that at Santa Monica, Cal., and in 1888, that at Marion, Ind.

In these Homes 78,000 men have been cared for, and 15,000 have died. During the last year there were, in the National Homes, 20,600 men cared for, and the average attendance was about 16,000. There have been expended from the organization of the Homes to the present time over $40,000,000, and no man dare say, or can substantiate the truth of the assertion, that there has been one single farthing lost in the expenditure of this great sum.

And here let me say something about the trust fund. As may be seen from the report of the Board of Managers for the year 1895, these trust funds originated in the benevolence of two of our patriotic citizens—a Mr. Ward and a Mr. Stinson. These worthy men left legacies of considerable amount and committed the care and expenditure of their bequests to the Board of Managers of the National Home for Volunteer Soldiers. As trustees the Board considered they had no right to surrender active personal control of this money; to have covered the amounts into the Treasury would, in the opinion of the Board, have been a violation of this sacred trust, for then the wishes of the donors could not have been realized unless Congress should be pleased to appropriate from the legacies. These trusts have been continuously at interest, and the income from interest would have been lost to the old soldiers had the principal been stored in the United States Treasury. Refer to the report of the Board and you will see what were the amounts of these legacies, what the interest earnings, what disbursements from this source have been made, and what the balance on hand. A benevolent lady, who does not wish to parade her name, has also given and equipped a library for the Dayton Home.

I will say that the Board of Managers are the creatures of Congress. Congress created the corporation. Congress named the members who are to belong to this corporation, and as such corporation they hold the lands, or at least a greater portion of them. Some have been deeded directly to the United States, but they hold the rest in trust; they could not dispose of them or make title excepting for the United States.

Coming to the cost of the maintenance of these several Homes—but I am not going to detain you long—I will say to you that the efficiency of the management of this Home has been demonstrated by the report of the Inspector-General, the same Inspector-General's report that you have been invited to read, and I hope you will read it—not alone the parts that the gentleman from Kansas [Mr. BLUE] has selected for you, but every word of it. And when you come to read the report that this same Inspector-General also made to the Secretary of War, you will find more criticism on the keeping of accounts in the War Department than in those kept by the Board of Managers.

And let me tell you further what you will find, that the Home for regular soldiers that is under the management of the War Department has cost per capita $197.89, while that of the National Home has been but $117.64, a difference of $80.25 per man in favor of the management of the National Home—about 69 per cent in favor of the National Home. Of those in the National Home 5,600, or one-third of the whole number, have been in the hospital because of their infirmities and their greater age. The average age of the members of the National Home is over 60 years—pretty nearly 61 years—while the average age of the men out here at the Home for regulars is only a little more than 51 years.

The men in the National Homes are there because of their infirmities, their disabilities, and the comparatively small expense in

the care of the members of the National Homes has been achieved notwithstanding the fact that about one-third of the number have been cared for in the hospitals. Let me say to you further that if you will go to these National Homes—and I refer to all of them—you will find the men absolutely satisfied, or as much so as they can be where they must be deprived of the society of wife, mother, or sister; that they have the cleanest houses to sleep in, the cleanest beds, the cleanest tables from which to eat, the cleanest and the best-cooked food and the greatest variety, that any soldiers have ever had in the world.

Mr. TALBERT. Will the gentleman allow me to ask him a question?

Mr. STEELE. Yes, sir.

Mr. TALBERT. Is it not a fact that there is no discrimination made against soldiers who are drawing pensions in these Homes?

Mr. STEELE. That is true.

Mr. TALBERT. That they draw pensions and also have the privilege of being inmates of these Homes, and get the same treatment?

Mr. STEELE. Yes; without limit as to the amount of the pension so far as the law is concerned; but the Board of Managers, upon their own responsibility, excepting in rare cases or very meritorious or distressing cases, do not admit men who are drawing more than $16 a month, very few above $12. Lately there have been a few men totally blind or without legs or without arms cared for in the Homes, notwithstanding the fact that they receive more than $12 or $16 per month pensions. Why, there are a great many men in the Homes who would not be there if they could help it. We have cancer patients whose people do not care to board them. A man came to me in my own district not very long ago and said: "I must go to the Soldiers' Home. My wife is dead, and while I can go to my son-in-law's house, I can see that he does not want me there. I could get work if it were not for this sore that is eating out my life, but I can not get board. Therefore I am compelled to go to the Home. I want to give up my pension; I want the Home to use it." But we have no authority to use it. We may not use it and do not want to use it; too many wives and other dependents would be deprived of it.

Mr. TALBERT. I do not wish to take up the gentleman's time, but I will ask him if he will give this House some information about this Keeley institution?

Mr. STEELE. I was going to speak about the Keeley Club. The Keeley Club was formed in 1892 or 1893, at Leavenworth. Since the beginning of that organization there have been something over 1,300 inmates at that Home who have taken the Keeley cure. Of those there have been about 13 per cent of lapses. Two hundred and forty men, confirmed drunkards who had got to the Home because they were drunkards, have taken the Keeley cure and have rejoined their families and are now making their own living at home.

An officer high in railroad circles took the Keeley cure of his own volition. And I assert that there is not a single soldier who has taken the Keeley cure except of his own volition, and after they have gone home have done well.

A civil engineer, as I say, of the Missouri Pacific Railroad took the cure, and after staying at the Home awhile and demonstrating that he was cured he went out into business again and is now drawing a salary of $3,500 a year. In other words, it is shown to have been a great advantage to the Home. The Board of Managers approached the subject reluctantly. It was something that the Board did not know anything about, and they were afraid of it. But after hearing Governor Smith, who had himself taken the cure, we concluded to let them try it at a reduced price. Instead of $25—Dr. Keeley's regular price at that time—the Board said he might charge $10. The men of their own accord have formed what they call a Keeley Club, and charge $20. This is an arrangement of their own. Twenty dollars is paid, of which ten is the fee, and with a part of the surplus they have built a beautiful chapel at the Home at Leavenworth. They expend the surplus as they see proper. And now I want to read what this Keeley League says here. I will not take the trouble to read the whole of it, but it says:

At a regular meeting held by the Veterans' Keeley League in its hall at the Western Branch, National Home for Disabled Volunteer Soldiers, Leavenworth County, Kans., Sunday, February 23, 1896, the following resolutions were unanimously adopted, namely:

"Whereas certain interested parties, in their efforts to cast discredit upon the administration of the governor of the Western Branch, National Home for Disabled Volunteer Soldiers, have charged through the public press that members of this Home have been coerced into taking the Keeley cure; and

"Whereas, while we are fully aware of the motives which prompted it, such a charge, if allowed to remain uncontradicted, would stand as a serious imputation upon the intelligence and manhood of the members of our league: Therefore

"*Be it resolved*, That we, the officers and members of Veterans' Keeley League, No. 1, of the Western Branch Home, resent with just indignation the insulting reflection upon our integrity contained in said charge, and we unqualifiedly denounce the malignant spirit which does not hesitate to injure a good cause for the sole purpose of gratifying personal spite.

"*Resolved*, That individually and collectively we hereby deny that we or any of us were ever coerced or intimidated into taking the Keeley treatment, or that we were influenced by any other means than the kindly advice and solicitation of those who have our best interests in view, and we furthermore declare that no man within our knowledge has ever been in any way coerced to take the cure since its establishment at this Home.

"*Resolved*, That we, in taking the Keeley treatment, did so voluntarily and freely, of our own accord, after hearing of and seeing the good results obtained by others; that it has proved to be of inestimable benefit to us individually and to our families, and that we shall ever cherish a deep sense of gratitude toward Governor Andrew J. Smith, who, in the face of many serious obstacles, has brought this great boon within our reach.

"*Resolved*, That we, now present at this meeting, numbering 304 members of the Veterans' Keeley League of the Western Branch, National Home for Disabled Volunteer Soldiers, do hereby denounce as false and malicious all charges of coercion brought against Col. Andrew J. Smith, governor of this Branch Home, basing such action upon our familiarity with his character and the nature of his work in the reclamation of the drunkards in our midst; and it is our wish that a copy of these resolutions be forwarded to Gen. William B. Franklin, president Board of Managers, National Home for Disabled Volunteer Soldiers, Hartford, Conn., and to that end the secretary is hereby directed to prepare a copy hereof for that purpose and send same to that officer."

JOHN T. PEET,
President Veterans' Keeley League, No. 1, of the United States.

Attest: E. A. TRADER, *Secretary.*

I have here a letter from the Protestant chaplain of the Home, commending it in the highest terms; I have here a letter from the Catholic chaplain, commending it also in the highest terms, as well as the management of the Home. As was stated by the gentleman who preceded me, Governor Smith came from the Togus Home. I happened to be a member of the Committee on Military Affairs when Governor Martin was elected. He stated to the Board in my presence—members of the Board who were before the Committee on Military Affairs, "If you will allow Smith, of the Togus Home [he was treasurer there], to go out to Leavenworth as governor of that Home, then I will accept the position as manager." He knew what troubles were in store for him unless he had what he regarded as a competent man for governor. And Governor Morrill speaks for him. I will ask the Clerk to read what the governor says:

The Clerk read as follows:

LEAVENWORTH, KANS., *April 8, 1896.*

Hon. GEORGE W. STEELE,
House of Representatives, Washington, D. C.:

I was local manager of the Western Branch Home for three years. It was then, and I believe is now, the best-managed Soldiers' Home in the country. I introduced the Keeley cure into the home. See Board minutes. None was forced to take cure during that time, and I do not believe there has since.

E. N. MORRILL.

Mr. STEELE. I also have a dispatch here which I will ask the Clerk to read. I ask the gentleman from Kansas [Mr. BLUE], who is familiar with gentlemen residing in Kansas, to state whether the signers of this dispatch are not every one of them reputable, honorable men.

The Clerk read as follows:

LEAVENWORTH, KANS., *April 8, 1896.*

DEAR SIR: We, the undersigned citizens of Leavenworth City, in behalf of common justice and fairness, desire to express our disapproval of the unjust aspersions cast upon Governor Smith, of the Soldiers' Home located adjacent to this city. We are well acquainted with his manner of procedure and its results, and can cheerfully state as to the marvelously good results in the improved appearance and good behavior of the old men under his charge. He is attentive and exceedingly watchful of his men, encouraging them in their reformation, and his expressions of kindness make him with the old boys, and especially with the 1,300 old Keeleyites, an accepted and respected leader. We fully believe his withdrawal would surely jeopardize the continued success of his good work and be the cause of many of the old men again becoming victims of their former vices. We are actuated in this matter by the hope that you will succeed in placing the affair in its proper light before Congress, that justice may be done a deserving and worthy officer, and that our appeal may be heard is the prayer of your petitioners.

(Signed:) H. M. Aller, police judge; Anton Maduska, chief of police; E. P. Wilson, president Great Western Stove Company; William H. Page, pastor First Presbyterian Church; Thomas H. Bosa, pastor First Congregational Church; Rev Joseph Shorte, rector Epiphany Catholic Church; Rev. P. J. Kennedy, Cathedral, Leavenworth, Kans.; Very Rev. J. T. Cunningham; E. W. Snyder and W. B. Nickels, president and cashier of the Manufacturers' National Bank; Edward Carroll, cashier Leavenworth National Bank; J. W. Fegier and Amos E. Wilson, vice-president and cashier First National Bank; J. W. Spratley and E. A. Kelly, president and cashier, Union Savings Bank.

Hon. G. W. STEELE,
House of Representatives, Washington, D. C.

Mr. BLUE. Now, Mr. Speaker, when the time comes I will give this House to understand what motives are behind that, including the governor of Kansas, so long as he has put himself in this attitude. I could fill a volume with telegrams of reputable men, but I will show the motives behind this——

Mr. STEELE. What I would like to know is if these are not reputable men?

Mr. BLUE. Some of them are, and some are practically unknown. I do not suppose that several of the ministers whose names are signed know any more about it than they do about the regions of his satanic majesty. [Laughter.]

Mr. STEELE. Do you not think the men who signed that telegram knew as much about the Home as the signers of those papers you read knew about what they were swearing to?

Mr. BLUE. Oh, no, my dearly beloved friend.

Mr. STEELE. I think they do. I would like the gentleman from Kansas [Mr. BRODERICK] to state what he knows of these men, if he is here.

Mr. BLUE. I want to suggest to you before you yield the floor, the gentleman from New York [Mr. CURTIS] said while on the floor that all these charges had been gone over. I call your attention now specifically to the fact that there were 30 to 50 men of the Regular Army in the Home when old soldiers were turned away; and I want to call attention——

Mr. STEELE. You have made your speech once.

Mr. BLUE. I want you to explain these things before you quit the floor.

Mr. SPALDING. Will the gentleman allow me to ask him a question?

Mr. STEELE. Certainly.

Mr. SPALDING. I find in this report here of the Inspector-General of the Homes that there were condemned during the year at this Home 72,656 articles of all descriptions, whose original cost price was $46,868.14, and the property sold realized $1,523.87. What was the character of this property? This report does not explain.

Mr. STEELE. The general character of that would be old harness, old tents for use when the men were out, condemned shoes, articles of equipment taken from the hospitals, and property of such character as has been issued and has been used up or worn out, or has been hopelessly damaged and was inspected and condemned, as you, as a soldier, fully understand is bound to occur.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BLUE. I call your attention to a fact with reference to this question, and I think the gentleman will be given all the time he wants. I ask that the gentleman's time be extended.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent that the gentleman from Indiana be permitted to proceed until he concludes his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. BLUE. The gentleman from New York [Mr. CURTIS] stated that all these charges had been investigated, by such an investigation as this Board gives; but I call your attention to the fact that the charge of Governor Smith having been drunk in February last, as proved here, has never been investigated.

Mr. STEELE. As to that I can not make any answer on my own responsibility, or of my own knowledge, but from the character of your ex parte witnesses, from the way they testify, I should judge that it would require a great deal of this character of testimony to establish the charge so that I would believe it. There are a hundred thousand people in the United States who have taken the Keeley cure, and the eyes of all those people are upon Governor Smith, who is at the head of the organization known as the Keeley League of the United States. He was a good soldier, and the only weakness I have ever heard charged against him was that at one time he was a drinking man; but, as has been stated, he took the Keeley cure, and he has since conducted himself so well that he is at the head of the organization of men who have taken the cure. Therefore, I do not think the charge is likely to be true. I do not think he ought to hold the presidency of the organization, because he has enough to attend to at home.

I wish the committee to understand that unless there is a quorum present—seven members—the Board never undertakes to do business. It is a quorum of the Board that acts, and not General Franklin. General Franklin, because he is president of the Board, and because, as was said by the gentleman from New York [Mr. CURTIS], we all have implicit confidence in his integrity and ability, is allowed to exercise certain authority; but it would be just as reasonable for me to question the gentleman from Kansas [Mr. BLUE] about each particular item in an appropriation bill that we have passed by the Appropriations Committee, of which he is a member, as for him to expect every member of the Board to be able to go into all the details of administration in the various Homes. But, Mr. Speaker, when the Board visits the Homes, they see that every detail is properly carried out and that the Homes are administered for the comfort and the betterment of the condition of all the old soldiers.

Mr. BURTON of Missouri. How often does this Board of Managers meet?

Mr. STEELE. They meet quarterly, or oftener if the business requires it.

Mr. BURTON of Missouri. How long are they generally in session?

Mr. STEELE. We are there long enough to go over the estimates sent in from the various Homes. The Board examines those estimates and determine what they can get along with at each Home.

Mr. BURTON of Missouri. My question was, about how much time does the Board spend in that business? How long are you together in those meetings?

Mr. STEELE. On an average, from five to seven days.

Mr. BURTON of Missouri. And that occurs four times a year?

Mr. STEELE. Not merely at the meetings for official business; but, for instance, when we meet here we go over all these estimates, and then we generally visit one of the Homes, so by the time we have completed the work of that meeting it has occupied five or ten days.

Mr. BURTON of Missouri. How often do you go to a Home?

Mr. STEELE. Once a year, excepting to the Pacific Home.

Mr. HULL. Mr. Speaker, there are several gentlemen who desire to be heard on this resolution, and I ask unanimous consent that the debate may run until we adjourn this afternoon; that the consideration of the resolution be resumed to-morrow immediately after the reading of the Journal, and that the debate continue until 2 o'clock to-morrow.

Mr. TRACEY. I shall have to object to that.

Mr. HULL. I will modify my request so as to ask that the debate continue until 3 o'clock to-morrow.

Mr. TRACEY. I have no objection to that.

There being no objection, it was so ordered.

Mr. STEELE. Let it be remembered at this point that we, as Managers, excepting the president and secretary, get no pay whatever for our services, and do not expect it. We give our time freely, and get only our actual expenses. What we want, outside of our hotel bills and our transportation service, we pay for. The compensation to us is wholly in feeling that we are giving aid and comfort in a noble work. The Inspector-General of the Army says of us, on page 6 of his report:

The buildings erected at the newer Branches seem well suited for their purpose, and were they not taxed beyond their utmost capacity would leave nothing to be desired.

Again he says, page 6:

It is evident that the officials of the Home are actuated by the most humane sentiments in providing shelter for needy newcomers, but this should hardly be at the expense of the other inmates. The limit has been reached and passed, and appeal for further relief must be addressed to those who alone may decide whether or not the door and all other avenues of relief shall be closed to disabled old veterans. Some of the houses in which these old soldiers now sleep were never properly constructed nor suitable for continuous abode by such occupants.

Further on he says:

According to report, the annual cost of clothing per capita averages but $15.274, which seems extremely low for the warm and comfortable raiment provided; and even this allowance, while possibly too restricted for some articles, like shirts, may be excessive in others. The food is substantial and well cooked, though perhaps a diet more suited to the advanced age of the members might be had at some of the Homes; the large kitchens and inviting dining halls are admirably adapted for the purpose, and everywhere systematic and economic management is apparent, and several branches furnish remarkable models, deserving study and imitation. The daily cost of the raw ration, as reported, averages $0.1494 per capita, and of the cooked ration $0.1639, though the prices paid for supplies vary under successive contracts at the same place and are not everywhere the same.

Then he goes on to speak of the character of the rations and clothing (page 8):

The annual cost of maintenance per capita reported varies from $95.67 at the Southern Branch to $139.34 at the Pacific Branch, and the average for all branches is $117.04, according to the figures presented to me, which may have been somewhat reduced. The contract system has hardly been worked very skillfully yet, and, therefore, not as successfully as it seems capable of being used. All, doubtless, agree that appropriations for food should go nowhere but into the stomachs of the men.

The quality of the property and stores on hand seemed to be generally suitable for the purpose for which purchased, and commendable zeal was displayed by the officers in the care of all confided to their charge.

There were three changes during the year in the officers at the several Branches. * * * The officials seem to be assiduously devoted to their duties and conscientiously administer them with an eye single to the welfare and comfort of those placed by the nation under their charge. An efficient and economical administration was patent on every side.

Now I want to read further from what this same Inspector-General of the Army has said. Hear what he says about Governor Smith (page 35 of his report):

Governor A. J. Smith, to whose untiring energy and great resourcefulness much of the good work accomplished at this Branch is due, has remained in charge.

Taking the number of trials during the year for infractions against the Home rules and regulations as a criterion, the discipline at this Home compares favorably with that of any of the other Branches.

My friend here talks about the saloons in these Homes. There is no saloon at the Home in Indiana, but just outside of it are 8 or 10 grogshops to which the men go—not saloons, where they would merely get beer and where they would be compelled to behave themselves, but grogshops where they are not only made drunk, but are systematically robbed every pay day. And at that Home a greater per cent of the men were, by reason of the presence of these grogshops, taken in charge during the year than at the Leavenworth Home. They were not confined. There is a guardhouse, or, as it is now called, a light room, but there is no punishment administered in the way of confinement to any of the men, but they are put into what are called light rooms and kept there until they are able to take care of themselves. The experience of the Board has been that there is less drinking or drunkenness where beer is sold at the Home store than there is where the men do their drinking off the Home grounds. They are under surveillance and are not robbed. But while this was the case at the

Indiana Home, there were, according to the report, only 5 per cent taken charge of in this way at the Leavenworth Home.

I do not feel called upon to defend Governor Smith. I do not feel that it ought to be necessary to do so. I do not understand why the president of the Board of Managers should be attacked because of the conduct of one man in whom he has no more interest than he has in the governor of any other Home. These Homes are all under the charge of the Board of Managers. Does it not occur to gentlemen of the House as a singular thing that the management should be so faulty at the Leavenworth Home while there is no complaint coming from any other Home.

Mr. MILNES. I understood the gentleman to say that there was no "guardhouse" at any of these Homes. I refer him to page 36 of the document he has in his hand.

Mr. STEELE. I mean that it is not maintained as a guardhouse. As I have said, the men are placed in what are called light rooms.

Mr. MILNES. "Guardhouse" is the name used in the report.

Mr. STEELE. The men are placed in those light rooms, but not for punishment, only until they are able to take care of themselves.

Mr. BLUE. Will the gentleman permit me a question?

Mr. STEELE. Certainly.

Mr. BLUE. Has the gentleman never heard any complaint in regard to the Togus Home?

Mr. STEELE. I have heard complaints from men who have been dishonorably discharged from that Home.

Mr. BLUE. Have you not heard it charged that there was a very bad state of affairs at the Togus Home?

Mr. STEELE. I have heard no charge that has not been investigated or will not be investigated.

Mr. BLUE. Investigated by whom?

Mr. STEELE. By the Board.

Mr. MILNES. Will the gentleman please give us more precise information in regard to the saloon run at this Home? Is it run under the direction of the board of control?

Mr. STEELE. At these Homes they have what are called stores, and in these stores beer is kept. Even in the great State of Maine the governor, who is a prohibitionist, who never himself drinks intoxicating liquors, found that it was utterly impossible to control the men, to keep them from getting drunk at the Home in that prohibition State until he put beer in the store and made strict regulations for its sale.

Mr. MILNES. It is, then, the policy of the Board to run a saloon at one of the institutions and a "jag cure" at the other? [Laughter.]

Mr. STEELE. It is the policy of the Board to manage the Homes in a way which, it seems to them, will be for the very best interests of the soldier. And it is a question whether we shall allow them to sell a little beer within the Home, where the sales can be regulated and the officers in charge can see that no man gets drunk, or whether the inmates of the Home shall be allowed to go to grogshops just outside and buy all the liquor they want and become drunk.

Mr. MILNES. Is it true, as was stated by the gentleman from Kansas [Mr. BLUE], that the saloon—or "store," as the gentleman from Indiana calls it—at Leavenworth made over $13,000 last year out of these old soldiers by the sale of beer to them?

Mr. STEELE. As a matter of fact that is like some other of the details that have been gone over. I do not know what the profit was, but I do not have any idea that it was anything like that on the sale of beer. The report, however, will show.

Mr. SPALDING. If the gentleman will permit me, the report of the Inspector of the Army—not the inspector of the Home—says the profit of the beer hall at this Home for the year amounted to $13,886.23.

Mr. STEELE. Oh, well; there are a great many articles besides beer for sale; no whisky.

A MEMBER. I thought they had all taken the gold cure out there, that nobody was drinking beer.

Mr. MILNES. Mr. Speaker, I would like to ask the gentleman from Indiana if he thinks it right that this Government should authorize such a thing at these Homes, and that this amount should be made, or allowed to be made, by speculating in such an article of traffic as that?

Mr. STEELE. Well, the Board sees proper to permit it, for what they regard as good reasons, and every cent of the profit goes to or for the benefit or amusement of the soldiers, all of them; and only a comparatively small per cent of them are drinking men. Their average age is now fully 61 years, and the unfortunate chronics do most of the drinking.

Mr. MILNES. Do you think it right that they should be allowed to make nearly $14,000 a year from the soldiers for selling them beer?

Mr. STEELE. Well, if the gentleman will read the whole of the facts in reference to the matter, and if he takes into consideration all of the conditions existing, he would think differently perhaps himself. It does seem, I will admit, an enormous sum to one who is unacquainted with the conditions. But does the gentleman know to what purpose this fund is put?

Mr. MILNES. I do not care what is done with it.

Mr. STEELE (continuing). A band is hired; they have built an amusement hall; have built a church, and have added very many conveniences to the Home. And this matter is controlled not by the Board of Managers, but is controlled by the board of survey—you may call it so—consisting of the governor, the treasurer, and one or perhaps more officers of the Home.

Mr. MILNES. Would it not be a good idea to start a Good Templars' Lodge, to be paid out of the revenues arising out of the same fund?

Mr. STEELE. I can understand, Mr. Speaker, that this seems to be very strange to gentlemen who have not investigated the matter or who do not understand the facts as they exist. But what are we to do? These men will have their beer or liquor. Is it not better to supply it to them in the Homes, where they can be provided for and taken care of and protected from robbery, than to let them go outside and become the prey to any man who chooses to take advantage of their helpless condition when drunk? You will agree with me that it is better to regulate the sale and allow them to have it in the Homes than to allow them to go out and to be robbed at these saloons and drinking halls in other places in the neighborhood of the Home. It is just the difference between whether the Home is to have the profit, and at the same time protect the inmates of the Home, or the grogshop just outside of the Home shall have the profit, with the privilege of robbing the soldier on every pay day. If it is held better—and it is being tried that way at the Marion Home, in which I am particularly interested, that being my own State—it is being tried there; but I want to say, in my opinion, that the control of the men running to saloons outside of the Homes, instead of inside, has not been favorable to the Homes or their discipline.

Mr. MILNES. If the gentleman will permit me, I would like to say that in my own State we prohibit the sale of any liquor outside of the Homes, within 1 mile of these institutions.

Mr. STEELE. That is done also in Ohio.

A MEMBER. I believe it is 3 miles here.

Mr. BRUMM. Will the gentleman permit me to make an inquiry of him?

Mr. STEELE. Certainly.

Mr. BRUMM. I wish to ask whether any complaint against General Franklin, except for retaining Governor Smith, has been made? I have heard of none.

Mr. STEELE. So far as I know, there is no complaint in any other direction. General Franklin was one of the pioneers of the West. In 1843 he went to Chicago and helped to survey for the harbor. He then went over to Milwaukee for the same purpose, and was the engineer of the first great bridge that spans the Mississippi River, a bridge that has since made it possible for you gentlemen who live in the West to go and come East. At the outbreak of the war he was here as superintendent of the construction of this Capitol and of the Treasury building; then went to the field and performed honorable and gallant services in the cause of the Union. No man will dare to attack his honor, his integrity, or his ability. The only thing against him that I know of at all is his politics; and there is absolutely, let me say, no politics in the Board of Managers of the Soldiers' Home. I would rather, of course, myself, that he was a Republican. I do not know but that he would be a little better man on that account. But we do not know politics in the Board.

I had occasion to investigate these matters in detail myself, having been a member of the committee that investigated the management of the Homes at Milwaukee and Dayton at the instance of the Democratic House in 1883. They investigated the Homes and raked high and low for something to criticise in the management, and could not find anything, political or otherwise, to complain of, although you would have thought the Democratic party was being raided.

Mr. MILNES. If the gentleman will permit me, one other question. How long has this gentleman, General Smith, been active in this Home?

Mr. STEELE. Since its organization, as far as I know. He went there at the special request of Governor Martin, of Kansas, and was taken from the Togus Home, where he was treasurer.

Mr. MILNES. How long since he took this Keeley cure?

Mr. STEELE. I am unable to say.

Mr. MILNES. Is it true that he has taken the cure to your knowledge under stress of dismissal?

Mr. STEELE. Not at all. It was before I knew him that he took the cure, I think. I had not seen him, excepting once. It was when I was on the Congressional committee at the Togus Home, in 1883.

But, Mr. Speaker, as I said at the beginning, there is so much talk about, and I am so often interrupted, that I lose the run of what I desired to say for the information of the House. I have a

letter from Governor Morrill, of Kansas, which I would like to have read by the Clerk.

The Clerk read as follows:

STATE OF KANSAS, EXECUTIVE DEPARTMENT,
Governor's Office, April 9, 1896.

MY DEAR STEELE: I promised Governor Smith I would write you in regard to what I knew of the management of the Leavenworth Branch, National Home for Disabled Volunteer Soldiers. Since I went off of the Board two years ago I have seldom been there, and can say but little from personal knowledge. While a member I was there frequently, and endeavored to keep a close watch of matters. The Home, as you well know, was well managed, and I can not believe there is any foundation for the charges of brutality. The Keeley cure was a grand success, redeeming over a thousand men from intemperate habits. The difference in the Home since the cure was introduced is very marked. My orders were that every man should be left entirely free to take the cure or not, as he pleased, and no one ever intimated to me that he was compelled to take it. I hope you are having a pleasant time.

Yours, E. N. MORRILL.

Hon. G. W. STEELE,
House of Representatives, Washington, D. C.

Mr. STEELE. I want to read what Mr. D. R. Anthony said about this Home.

Mr. BLUE. That is not George T. Anthony?

Mr. STEELE. But he is as good a man—the editor of a good paper.

Mr. BLUE. I simply wanted to distinguish.

Mr. STEELE. I will have the letter printed, if there is no objection.

Mr. HULL. You had better have it read.

Mr. STEELE. There is so much of it, it will take too much time. I will print it with other papers.

NATIONAL MILITARY HOME, KANSAS, *March 3, 1896.*

SIR: I hereby beg leave to lay before you the following facts in the interest of justice and of the best interests of this Branch Home;

1. It may have come to your knowledge, or it may yet come to your knowledge, that attempts have been made through the newspapers, and perhaps otherwise, to discredit the management of Col. Andrew J. Smith, governor of the Western Branch.

2. I have been, as you know, here for more than nine years—that is, almost from the establishment of this Branch—and have had opportunity of knowing the facts I am about to state.

3. From 1886 up until about three years ago the poor old men who came here were the victims of the saloons, brothels, and thugs who seemed to regard old soldiers as their proper prey.

4. The public highway from Leavenworth to the Home and, indeed, the limits surrounding the Home became infested with disreputable places, where abandoned men and women lay in wait for our people (the old soldiers), especially about pension day.

So disgraceful had these conditions become that the respectable men and women of Leavenworth bitterly complained of the sights and sounds and indecent exposures on the part of our drugged and drunken men on the public highway.

5. About three years ago the Board of Managers permitted Colonel Smith to establish a course of treatment for such of our people as had an uncontrollable drink habit and who wished to be cured of it.

The results have been wonderful. More than thirteen hundred men have availed themselves of this treatment. I have personally talked with more than a thousand of them. I have never heard one of them intimate that he had been forced to take the cure, or that he had been injured by it. On the contrary, hundreds of them have told me how thankful they were for it, and how much their general health had been benefited since free from alcoholic disease.

Morally the change in the men has been as marked as it is physically. In the barracks, on the grounds, everywhere, the most wonderful change in the gentlemanly bearing of the men has taken place.

6. Through the efforts of Colonel Smith and the officers and members of the Home who have aided him, many of the vilest places along the highways leading to the Home have been closed.

The sight of drunken men lying on the roadside or making indecent exposures of their persons are almost unknown. Not only are there no longer complaints from citizens about the members of the Home, but, on the other hand, frequent expressions of gratification are heard over the change effected, and the most influential people in business and social circles are very free in their expressions of commendation of Colonel Smith's work as governor of the Home.

On February 18 last, when the Editorial Association of the State of Kansas visited the Home, Col. D. R. Anthony, their chairman, and the editor of the Leavenworth Times, the most influential paper, probably, in Kansas, paid a very glowing tribute to the wonderfully successful management of Col. Andrew J. Smith as governor of this Home.

7. May I, without offense, express the hope that the Board of Managers will not permit any misrepresentations made by designing parties or the enemies of the veteran soldier to influence it so as to put any obstacle in the way of Colonel Smith in this great effort to rescue brave but unfortunate men from the grasp of the insatiable appetite which has brought mental, physical, financial, not to say moral, ruin to so many of our comrades.

Grand as has been Colonel Smith's material management of this Home, when history comes to be written many believe that his greatest achievement will have been found in the restored health, hopes, and homes of the men, who for the first time in many years have found themselves free from the insatiable thirst for alcoholic stimulants.

Respectfully, W. J. GILLESPIE,
Protestant Chaplain.

Gen. W. B. FRANKLIN.

NATIONAL MILITARY HOME,
Leavenworth County, Kans., February 29, 1896.

GENERAL: In view of certain adverse criticisms of the management of this Western Branch now going the rounds of the press, I have the honor to submit to you my personal experience as testimony in rebuttal of all such attacks, whether emanating from private malice or ill-advised sympathy.

As a Catholic priest living in this community for many years, I feel that I have exceptional opportunities to know the true inwardness of the motives which inspire these attacks. They are base, and in no sense represent the sentiments of our people, either within or without the Home. Among so large a number of old men, bent under physical, mental, and moral infirmity, consequent on old age, it is to be expected that discontent and imaginary wrongs should find a place among their mental feelings. Such a condition of mind, though confined to a few, is of course to be expected, and yet unprincipled lawyers and cyclonic newspapers use these ravings of decrepitude to defeat authority and breed discontent.

I deem it my duty to lay before you, as president of the Board of Managers, the true state of affairs. With a full sense, therefore, of my position before the public, I make bold to say that the management of this Branch Home is able, humane, and generous to an eminent degree. Order, of course, must be maintained, and the vicious few must be suppressed. On these two points the overwhelming membership of the Home is in full accord. The Keeley treatment is but a means to this end. It has been successful, and successful to an extent that can be measured only by a comparison between the present state of affairs and conditions and the same as existent before its introduction into the Home. I was here before the Western Branch Home was in being. I watched its construction and saw its halls gradually peopled. The bells of our church joined their music to the general shout of joy that filled the air when first you sent us the news—the glorious news—that the Soldiers' Home would be at our gates. We, too, were liberal, as you well know, yet the day quickly came when all good citizens regretted the presence of the Western Branch in their midst, so great was the influx of men and women of low character and intemperate habits. The city authorities had to increase the police force. The sheriff of the county was kept busy long after each pay day, and I honestly believe Governor Smith himself became alarmed. This was some five or six years ago. In April, 1892, the Keeley treatment for alcoholism was introduced, and the gradual improvement in the morals and manners of the drinking class of the Home has given an air of peace and contentment to this Home which it had not known before. The change is very marked, and it certainly proves the efficacy of the treatment.

I am in a position to obtain the very best testimony in regard to this much-talked-of treatment, and I must say that I would show myself indifferent to the best interests of humanity, as well as to the welfare of the veterans of the last war, should I remain silent on this occasion. I am fully convinced that the Keeley League has worked a transformation in this Home; that the treatment has been, on the whole, a gratifying success, and that, what is more to the point, no one to my knowledge has been unduly influenced to take the treatment or to pay the expenses entailed.

I have the honor to be, very respectfully, your obedient servant,
T. H. KINSELLA, *Catholic Chaplain.*

Gen. W. B. FRANKLIN,
President Board of Managers, N. H. D. V. S.

LEAVENWORTH, KANS., *March 4, 1896.*

STEELE.

DEAR SIR: We are much interested, as we know you are, in the welfare of the National Soldiers' Home for Disabled Volunteer Soldiers. We are especially interested in the Leavenworth Home. Its development and progress have been daily before us.

Gen. William B. Franklin, who, as the commander of the Left Grand Division of the Army of the Potomac, rendered such distinguished service during the war, has held the position of president of the Board of Managers for more than twelve years. We have watched his career and believe his policy to have been good. To his ability, experience, conservative action, and especial fitness for the position is due the present excellent condition of all the Homes.

We are convinced that a change in the management at this time would not be for the good of the veterans, and therefore heartily favor his reappointment and urgently request that you will give him your vote and active support.

Very respectfully,

A. Caldwell, president K. Mfg. Co.; Cyrus Townsend, Secretary K. Mfg. Co.; A. J. Tullock, proprietor M. V. B. and I. Works; Paul E. Havens, president Leavenworth National Bank; Edwd. Carroll, cashier Leavenworth National Bank; E. W. Snyder, president Manufacturers' National Bank; W. B. Nickels, cashier Manufacturers' National Bank; J. W. Spratley, president Union Savings Bank; E. A. Kelly, cashier Union Savings Bank; H. F. Rush, president the Rush Milling Company; J. S. Rice, James G. Graham, Arthur Simmons, Ettenson, Woolfer & Co., department store; I. W. Crancer, of the Crancer Hardware Company; O. B. Taylor, James A. McGonigle, Jno. W. Fogler, vice-president First National Bank; John Kellery, C. B. Brace; E. P. Willson, president Great Western Stove Company; Isur Wilson, president Great Western Manufacturing Company; J. L. Abernathy.

NATIONAL MILITARY HOME,
Leavenworth County, Kans., February 28, 1896.

DEAR SIR: In compliance with instructions from Col. Andrew J. Smith, governor of the Western Branch, National Home for Disabled Volunteer Soldiers, I have the honor to submit my semiannual report of the Keeley Institute of the Western Branch, National Home for Disabled Volunteer Soldiers, commencing July 1, 1895, and ending December 31, 1895, as follows:

We have treated for chronic alcoholism	32
We have treated for other narcotics	8
Total	40
Total number treated since the establishment of the Keeley method of treating chronic alcoholism	1,341
Percentage of lapses	13.04
The ages range from 47 to 80 years, making an average age of	61.31

Two hundred and six married men have been returned to their families and friends. I have a number of members who have taken the treatment on extra duty in the hospital corps, and am happy to say that they give good satisfaction, and can be trusted to handle liquors as safely as those who have never acquired the taste for liquor. Members whose nervous system was broken and shattered by drink have become strong and able-bodied men, barring age and wounds.

I repeat, as you will observe by referring to my former reports, that the health, happiness, and discipline of the members have been greatly improved by the Keeley treatment. My sick reports show the absence of a single case of delirium tremens treated in the hospital since my appointment as surgeon; and I would still further state that in all the cases treated not a single relapse has occurred wherein the health of a member has been impaired by the treatment.

Great care is exercised in the administration of the remedies, and Asst. Surgeons A. W. Reese and J. L. Fryer deserve great credit for their kind, careful, and skillful manner of treatment.

I could go further and state the great improvement in the sanitary and moral condition of the members who have taken the treatment. Many of them attend divine services on the Sabbath and conduct themselves in a

"*Resolved*, That individually and collectively we hereby deny that we or

papers you read knew about what they were swearing to?

Mr. BLUE. Oh, no, my dearly beloved friend.

Mr. STEELE. On an average, from five to seven days.

lance and are not robbed. But while this was the case at the

ation all of the conditions existing, he would think differently

talk about, and I am so often interrupted, that I lose the run of what I desired to say for the information of the House. I have a

sentiments of our people, either within or without the Home. Among so large a number of old men, bent under physical, mental, and moral infirmity,

moral condition of the members who have taken the treatment. They them attend divine services on the Sabbath and conduct themselves in a

highly creditable manner; but as this is only a semiannual report, and the items having been referred to in my former annual reports, I am compelled to limit my remarks to a few of the most important facts in explanation of the reason why a less number have been treated during the last six months than at any other time, which is simply owing to the lack of material, as it would seem that almost all of our excessive drinkers have taken the cure and are now sober men, and are using their influence toward the upbuilding of the Home, and by their example many men who have not taken the treatment have discontinued the habit from sheer force of example.

Yours, very respectfully,

D. JONES, *Surgeon.*

Gen. W. B. FRANKLIN,
President Board of Managers, N. H. D. V. S., Hartford, Conn.

Mr. BLUE. Will you read some extracts from D. R. Anthony's paper within the last few weeks?

Mr. STEELE. I would, if I had the paper, read what is said about that Home.

Mr. BLUE. I will furnish you some extracts.

Mr. STEELE. Now, about the character of the treasurer of the National Home, it was said by the gentleman from Kansas [Mr. BLUE] that this "striker" was taken from the Home. Why, we could take as good business men from these Homes as there are in the country. Until I find that a soldier has done something dishonorable, I count him an honorable man, and no man can point his finger to anything that Major Birmingham has ever done that was not strictly honorable.

He had been assisting the treasurer of the Home for a number of years, and the Board found him to be not only capable, but unusually so, and an honest man; and when these changes were made, as I said before, these people, being out of money, were compelled to act hurriedly. He was carried up to Hartford, Conn., where he was not acquainted with the people at all, his home being in New York, and I do not know that he could have got a bond there instantly, or that he had time to go elsewhere. These men had been without money for a long time, and it was necessary for him to act quickly. I did not know whether the bond had been given to the Board of Managers, as the treasurer's bond had theretofore been given, or not.

I did not understand that when the bond was made, but he came in and said to us, "I have got to make this bond quickly." And he made it to the Secretary of War, as the law prescribed. The Board did not concern themselves about the bond. It was not a matter of concern to us, and, as I said, the details are many. When I said—and the record will bear me out—I could not say just to whom he made the bonds, to what officer of the Government, but that he had made it to the Secretary of War or some other officer, and I understood had been compelled to so make it, and I found out my error the next morning, the first thing I did was to get up and report it.

About the insurance, the gentleman from Kansas [Mr. BLUE] stood here and stated, "as a suspicion almost amounting to a certainty," that the bond was given by this man in a company in which General Franklin was interested, and that the post buildings at various Homes are insured in companies in which General Franklin has a special interest. As a matter of fact, I want to say to you that he has no interest whatever in any insurance companies excepting two—the Orient and the National, both Hartford companies. He has no interest in any security or bond company at all, but he has an interest in those two insurance companies. These post buildings, erected out of money from the post fund, built for the comfort of the men themselves, under officers of the Homes, are insured for $199,200.

There is that much insurance carried on that character of buildings, and these buildings are monuments to show that the money has been properly used, instead of the saloon men getting it, men who would not only make the men drunk, but rob them. As I say, the insurance carried on these buildings amounts to $199,200. Seventy-two policies are carried, and five of those policies are in companies in which General Franklin has an interest—the Orient and the National. He has 89 shares in the National and 30 shares in the Orient. In the Orient, in which he has 30 shares, there is carried $6,500 of this $199,200, and in the National, in which he has 89 shares, there is carried $3,000. So, out of the total insurance carried on these Homes, amounting to $199,200, there are policies aggregating $9,500 in companies in which General Franklin has some interest.

Two of those policies are on buildings at the Maine Home, and when the governor telegraphed me he telegraphed that General Franklin had no interest in any company insuring those buildings, so far as he knew, and I do not think he had. He was not aware that he had any interest in the Orient. So that my friend from Kansas [Mr. BLUE] would better look a little to statements that he makes, especially when he makes statements of that kind, and assails the character of an honorable man.

I do not feel that it is just to the House that I should detain you longer. I feel that I have covered the ground tolerably well for me, although when I come to look over my remarks I shall doubtless find myself embarrassed, because I have left out many things that I should like to say.

Mr. HAINER of Nebraska. What about the regular soldiers who were admitted to the Home at the same time that volunteer soldiers who were entitled to admission were refused admission?

Mr. HULL. I should like to hear you on that?

Mr. STEELE. I will find out about that to-night if I can. I am not prepared to give an answer on that subject now.

Mr. HULL. Telegraph out there.

Mr. WALKER of Massachusetts. I should like to ask the gentleman from Indiana a question?

Mr. STEELE. Certainly.

Mr. WALKER of Massachusetts. It seems to be universally conceded that this man was drunk all through the war frequently; that he is a drunkard; and I want to ask you if you propose to keep this drunkard at the head of that institution when you have found out that he is a drunkard?

Mr. STEELE. What drunkard is that?

Mr. WALKER of Massachusetts. This Mr. Smith, who is complained of by the gentleman from Kansas [Mr. BLUE].

Mr. POOLE. I should like to answer that question.

Mr. STEELE. I will answer that question. As one of the Managers of the Home, I will say to you that if I have a vote and I should find that Mr. Smith had been drunk one single time since he has taken the Keeley cure I would not only vote against retaining him, but I would do all I could against retaining him. I do not believe he has been drunk once since he has taken that cure.

Mr. WALKER of Massachusetts. Is there any evidence that would convince you that he was drunk? Can there be any produced, of any nature, that would convince you?

Mr. POOLE. I can answer that, if the gentleman will allow me.

Mr. STEELE. Certainly.

Mr. POOLE. Mr. Speaker, I understand the gentleman from Massachusetts [Mr. WALKER] has asked a question of the gentleman from Indiana, if the Managers of the National Soldiers' Homes would allow this man, whom he says was drunk before the war and drunk during the war, and has been drunk since, would be allowed to remain as governor of the Home. Perhaps I am the only man here who can speak from personal knowledge of Col. Andrew J. Smith. I knew him when a boy. I knew him when we were in the Army together. We have slept under the same blanket and drank from the same canteen. I have had more experience with him than any other associate I know of on this floor, and I can say of my own knowledge that that man never was drunk during the war; and any man who makes that charge here can not prove it. He may have been under the influence of liquor while in Kansas, but that is a prohibition State, and I am not responsible for that. [Laughter.] But I will say, Mr. Speaker, that Colonel Smith was as gallant a soldier and as true a man as ever went into the service. I would like, if the gentleman from Indiana will allow me, to say a few words on this subject.

Mr. HULL. The gentleman from Indiana will permit you to go ahead on this.

Mr. POOLE. While this is up——

Mr. BLUE. I want permission to submit a question to you——

Mr. POOLE (continuing). I know something about the management of Soldiers' Homes.

Mr. BLUE. I want permission to ask you a question.

Mr. POOLE. All right.

Mr. BLUE. This A. J. Smith is not the celebrated A. J. Smith of the war?

Mr. POOLE. This A. J. Smith was formerly adjutant of the One hundred and twenty-second New York Volunteers, and afterwards assistant adjutant-general of the Third Division of the Sixth Army Corps, afterwards assistant adjutant-general of Hancock's Veteran Corps of the Army of the Potomac.

Mr. BLUE. You have not answered my question.

Mr. POOLE. I do not know what you mean, then.

Mr. BLUE. That was not Gen. A. J. Smith?

Mr. POOLE. That is another man entirely.

Mr. BLUE. One further question.

Mr. POOLE. I am referring to the man who is now the governor of the Soldiers' Home at Leavenworth, Kans.

Mr. BLUE. This is not Gen. A. J. Smith.

Mr. POOLE. This is not Gen. A. J. Smith, of Missouri. It is another man.

Mr. BLUE. In regard to this man that you are now speaking of—you say you know him?

Mr. POOLE. I know him.

Mr. BLUE. Was not he a member of General Franklin's staff?

Mr. POOLE. He was not.

Mr. BLUE. Are you sure of that?

Mr. POOLE. I am sure. He knew General Franklin. We served together in the Sixth Army Corps, and General Franklin commanded the Left Grand Division of the Army of the Potomac in the Fredericksburg campaign, which included the Sixth Army Corps, and Colonel Smith undoubtedly knew General Franklin then; and I will say further that there was no army officer in the Army of the Potomac better known to General Grant and General Sheridan than Col. A. J. Smith. He was a good soldier and a brave man. He was also a true man and a good man to his

comrades and had as kindly an interest for the men of his regiment as any man I have ever known.

Mr. BLUE. What did you and he drink when you drank out of the canteen together?

Mr. POOLE. We drank cold water. There is no one here but would know that I did not drink liquor with him. Any man who knows me knows well my habits in that regard. These charges that have been made against Col. A. J. Smith of being a "brute" and a "drunkard" are unfair. You can not prove them. In that connection, I know something about the management of these Soldiers' Homes, and I know that such charges are often made by the inmates. Some years ago I was one of a committee that was sent to examine the Soldiers' Home at Bath, N. Y. Charges were made at that time against the manager of the Home. The governor, General Pitcher, was an old officer of the Regular Army, and yet these charges were made against him as strong as these charges are made against Col. Andrew J. Smith. We went over to the Home and remained there two or three weeks, taking the testimony of the witnesses, and there were a great many of them. We had something over 100 witnesses sworn, and the result of our investigation was briefly this: We recommended that every man who made the charges against General Pitcher should be expelled.

And I want to say right here that you can convict the officers of any poorhouse or Soldiers' Home or any institution of that kind in this country if you listen to all the charges that would be made by the inmates of those Homes. Unfortunately, Mr. Speaker, a good many men who get into those Homes are drunkards.

Mr. BLUE. Will the gentleman allow me to ask him a question?

Mr. POOLE. Certainly.

Mr. BLUE. If Andrew J. Smith is such a gentleman now and drank nothing but cold water, why on earth did he take the Keeley cure?

Mr. POOLE. There were times when he drank liquor.

Mr. WALKER of Massachusetts. I understand that this Gen. A. J. Smith was not the gentleman you describe. That has been the general understanding all over the House, and that is why I asked you the question.

Mr. POOLE. Now, I admit that Colonel Smith, at times during the war and since, drank liquor; but he had the manhood, when he found it was injuring him, to take the Keeley cure. He is an enthusiast in all he does; and when he had taken that cure and found its benefits, it was not surprising that he went around among the men under his charge and induced these men to take it. I am glad to see that 1,360 men under his influence took the Keeley cure and have become good citizens once more. It is not surprising that the other men who did not take that cure should find fault with the men who saved themselves from being common drunkards. It is not an unusual thing. I have served with Colonel Smith in battle; I have seen him under almost all circumstances, and I never saw him under the influence of liquor. He was a gallant soldier during the war, and I can not believe to-day that he is unjust to any of his old comrades.

Mr. HULL. Mr. Speaker, I yield two minutes to the gentleman from Pennsylvania [Mr. MAHON].

Mr. MAHON. Mr. Speaker, I simply desire to offer an amendment and have it pending. I may speak to it when the proper time comes.

The amendment was read, as follows:

SEC. 2. Whereas charges of drunkenness and brutality to inmates of the Home and mismanagement have been made against Col. Andrew J. Smith, governor of the Home at Leavenworth, Kans., the President of the Senate and the Speaker of the House shall appoint a commission of three persons, two of whom shall be members of the House and one a member of the Senate, to investigate said charges and file a report of their finding with the Board of Managers of the National Home for Disabled Soldiers of the United States. If a majority of the commission find that said Col. Andrew J. Smith was guilty of said charges, or of either of them, the said Board of Managers shall forthwith remove him as governor of said Home and appoint some suitable person to fill said position. Five thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of said investigation. The commission shall have power to send for persons and papers.

Mr. BLUE. Mr. Speaker, I reserve the point of order on that. The proposition is entirely out of the line of such things. The President is a member of that Board, so is the Secretary of War ex officio, and so is the Chief Justice, and I do not want a committee appointed by a part of the Board.

The SPEAKER pro tempore. The Chair understands that the gentleman desires to reserve the point of order.

Mr. BLUE. I desire to reserve the point of order.

Mr. STEELE. I simply wish to say that we welcome investigation.

Mr. HULL. Mr. Speaker, I yield five minutes to the gentleman from Connecticut [Mr. HENRY].

Mr. HENRY of Connecticut. Mr. Speaker, I think I shall not occupy five minutes, because I simply desire to place myself on record in defense of a distinguished citizen of my State, a gentleman who stands as high in the public estimation as probably any other citizen of Connecticut. General Franklin is not a native of that State. He came to Connecticut soon after the war of the rebellion, and after the death of Colonel Colt took charge of the Colt Firearms Company and managed it most successfully, winning the admiration and respect of the people of his adopted State. He has been connected with many business enterprises in Hartford and elsewhere in the State, and his standing has been such that he could have any position he would accept. General Franklin does not belong to the political party which I represent, but he has been repeatedly requested to accept office, and he has once or twice headed the Democratic electoral ticket, and has been otherwise honored by the political party with which he has been affiliated. The utter puerility of the charges that are made here against General Franklin may be understood and properly appreciated, I think, from the fact that one criticism made upon him is that he, or the managers of the Soldiers' Home, in the exercise of a wise discretion, allowed the insuring of the property connected with the Homes in Hartford companies. I understand from the gentleman from Indiana [Mr. STEELE] that some $200,000 of insurance is carried on the property of the different Homes.

Mr. STEELE. One hundred and ninety-nine thousand two hundred dollars.

Mr. HENRY of Connecticut. Now, Mr. Speaker, I submit that it would not be possible to get $200,000 of good insurance without going to the city of Hartford for it. [Laughter.] The companies with which General Franklin is connected are among the best in the world. I will guarantee that there has been no extra commission paid, and I submit that it is perfectly legitimate for him or for the Board of Managers to place their insurance in the Hartford companies, because those companies are the best in the country. I do not think this fact reflects at all upon the management or upon General Franklin, and if that charge is a fair indication of the seriousness of the other charges that are made, as I believe it is, I do not think this attack upon General Franklin is worthy of the attention of this House.

Mr. HAINER of Nebraska. I will ask the gentleman whether it is not the fact that General Franklin is even now connected with a number of important business concerns in which he is actively engaged?

Mr. HENRY of Connecticut. Yes, sir; he is connected with one or two fire insurance companies, and he is also vice-president of the Hartford Steam Boiler Inspection and Insurance Company, and, in fact, he is connected with many of the leading business enterprises of Hartford.

Mr. HAINER of Nebraska. And he devotes himself very actively to that business?

Mr. HENRY of Connecticut. I have never known any business with which General Franklin has been connected that has suffered. His management of the Colt factory for a long term of years was very successful, and the same can be said of all his business associations.

Mr. HAINER of Nebraska. And he devotes himself to that outside business?

Mr. HENRY of Connecticut. That is his reputation. General Franklin neglects nothing that he undertakes, and I do not believe that in his connection with the Soldiers' Home he has neglected any duty.

Mr. HULL. Mr. Speaker, I move that the House do now adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was granted as follows:

To Mr. STROWD of North Carolina, for four days, on account of important business.

To Mr. SHUFORD, for three days, on account of important business.

To Mr. LEONARD, for ten days, on account of important business.

The motion of Mr. HULL was then agreed to; and the House accordingly (at 4 o'clock and 58 minutes p. m.) adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, recommending an appropriation to recompense John Moore & Co. for extra work on the post-office, custom-house, etc., at Denver, Colo., was taken from the Speaker's table and referred to the Committee on Appropriations, and ordered to be printed.

REPORT OF COMMITTEE ON PUBLIC BILL.

Under clause 2 of Rule XIII, Mr. EDDY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 8041) for the relief of certain Indians residing upon the ceded portion of the Red Lake Reservation, reported the same without amendment, accompanied by a report (No. 1309); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MAHON, from the Committee on War Claims: The bill (H. R. 3672) for the relief of Richard P. Blackistone. (Report No. 1298.)

By Mr. OTJEN, from the Committee on War Claims: The bill (H. R. 3030) for the relief of James H. Birch. (Report No. 1299.)

By Mr. LESTER, from the Committee on War Claims: A resolution (House Res. No. 253) to refer to the Court of Claims the bill (H. R. 7123) for the relief of George S. Ayre. (Report No. 1300.)

By Mr. GRAFF, from the Committee on War Claims: The bill (H. R. 4098) for relief of Thomas F. Ryan. (Report No. 1301.)

By Mr. ANDREWS, from the Committee on Private Land Claims: The bill (H. R. 4603) to confer jurisdiction on the Court of Private Land Claims to try and determine a title. (Report No. 1302.)

By Mr. LOUDENSLAGER, from the Committee on Pensions: The bill (S. 125) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook. (Report No. 1303.)

The bill (H. R. 7501) for the relief of Daniel T. Tollett. (Report No. 1304.)

By Mr. WOODARD, from the Committee on Claims: A bill (H. R. 8221) for the relief of Mrs. Emma D. Larsh and Charles M. Larsh, reported in lieu of House bills Nos. 2475 and 2478. (Report No. 1305.)

By Mr. HOWE, from the Committee on Pensions: The bill (H. R. 6954) granting a pension to Lucinda Andrews, of Essex, Vt. (Report No. 1307.)

By Mr. GRAFF, from the Committee on Claims: The bill (H. R. 7285) for the relief of George McFarland. (Report No. 1308.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. TRELOAR: A bill (H. R. 8211) to provide for the commissioner of copyrights and to revise the copyright law—to the Committee on Patents.

By Mr. RAY: A bill (H. R. 8212) for the preservation and protection of public records and documents, and providing for the use of copies thereof as evidence—to the Committee on the Judiciary.

By Mr. PAYNE: A bill (H. R. 8213) authorizing and directing the Secretary of the Navy to furnish 2 pieces of condemned cannon and 60 cannon balls to the George C. Stoyell Post, Grand Army of the Republic, of Moravia, N. Y.—to the Committee on Naval Affairs.

By Mr. SMITH of Illinois: A bill (H. R. 8214) granting to Will E. Webber Post, Grand Army of the Republic, of Galatia, in Saline County Ill., two condemned mounted brass cannon—to the Committee on Naval Affairs.

By Mr. GARDNER: A bill (H. R. 8215) to provide for the purchase of a site and the erection of a building thereon at Atlantic City, in the State of New Jersey—to the Committee on Public Buildings and Grounds.

By Mr. WILLIAM A. STONE: A bill (H. R. 8216) granting to Custer Post, No. 38, Grand Army of the Republic, of Etna, Pa., 2 condemned cannon and 25 cannon balls—to the Committee on Naval Affairs.

By Mr. SCRANTON: A bill (H. R. 8217) to incorporate the National Plant, Flower, and Fruit Guild—to the Committee on the Judiciary.

By Mr. GRAFF: A bill (H. R. 8218) to amend section 3287 of the Revised Statutes of the United States, authorizing in certain cases the storage of distilled spirits in metal tanks in distillery warehouses—to the Committee on Ways and Means.

By Mr. COOPER of Florida: A bill (H. R. 8219) granting the use of certain lands to the city of St. Augustine, Fla., for a public park, and for other purposes—to the Committee on Military Affairs.

By Mr. BARTLETT of New York (by request): A bill (H. R. 8220) to amend the act approved February 9, 1881, to grant the right of way for railroad purposes through certain lands of the United States in Richmond County, N. Y.—to the Committee on Interstate and Foreign Commerce.

By Mr. BOUTELLE: A joint resolution (H. Res. 171) authorizing Surg. P. M. Rixey, of the Navy, to accept from the King of Spain the grand cross of naval merit with the white distinction mark, in recognition of services rendered to the officer and sailors of the *Santa Maria* who were injured by an explosion on that ship—to the Committee on Foreign Affairs.

By Mr. PICKLER: A resolution (House Res. No. 251) to set apart Monday evenings during the session for pension business and limit debate at evening sessions to ten minutes on each bill—to the Committee on Rules.

Also, a resolution (House Res. No. 254) asking appointment of an additional assistant by the Clerk of the House—to the Committee on Accounts.

By Mr. MORSE: A memorial by the legislature of Massachusetts asking the United States Government to assist in the extermination of the gypsy-moth pest—to the Committee on Agriculture.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Private Land Claims was discharged from the consideration of the bill (H. R. 2843) for the relief of William M. Boyd, and the same was referred to the Committee on the Public Lands.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ANDREWS: A bill (H. R. 8222) for the relief of Austin G. Jacobs—to the Committee on War Claims.

By Mr. BURTON of Ohio: A bill (H. R. 8223) authorizing the Secretary of the Interior to convey a certain lot in the District of Columbia to John H. Gause and others—to the Committee on the District of Columbia.

By Mr. CORLISS: A bill (H. R. 8224) to refund to Jesse H. Farwell money paid as import duty on the schooner *Southampton*—to the Committee on Claims.

By Mr. GARDNER: A bill (H. R. 8225) to increase the pension of George R. Shebbard—to the Committee on Invalid Pensions.

By Mr. KNOX: A bill (H. R. 8226) to increase the pension of William Sharrock—to the Committee on Invalid Pensions.

By Mr. McCREARY of Kentucky: A bill (H. R. 8227) for the benefit of James S. Fish—to the Committee on Invalid Pensions.

By Mr. McLACHLAN: A bill (H. R. 8228) granting a pension to Mrs. Jane H. Vandevere, widow of the late Brig. and Bvt. Maj. Gen. William Vandevere, United States Volunteers, deceased—to the Committee on Invalid Pensions.

By Mr. SKINNER: A bill (H. R. 8229) to pension Ida Jennett, widow of Joseph Jennett, late assistant keeper of Gull Shoal Light-House, North Carolina—to the Committee on Pensions.

Also, a bill (H. R. 8230) for the relief of J. E. Merriam—to the Committee on Claims.

By Mr. SPARKMAN: A bill (H. R. 8231) for the relief of William T. Bell—to the Committee on War Claims.

By Mr. TAWNEY: A bill (H. R. 8232) removing the charge of desertion from the military record of John O'Brien—to the Committee on Military Affairs.

By Mr. WILSON of New York: A bill (H. R. 8233) for the relief of the estate of Abel Adams, deceased—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Pennsylvania: Petition of citizens of Center County, Pa., recommending the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. BULL: Petition of the Rhode Island Engineers' Association, of Providence, R. I., favoring the passage of House bill No. 3618, to increase the efficiency of the personnel of the Navy—to the Committee on Naval Affairs.

Also, petition of Dr. George F. Payne, of Atlanta, Ga., for the passage of House bill No. 1664, regarding naval pharmacists—to the Committee on Naval Affairs.

By Mr. CORLISS: Memorial of the board of reference and control of the World's Columbian Commission, in reference to reports of officers—to the Committee on Appropriations.

By Mr. CROWTHER: Petition of ex-soldiers and ex-sailors, residents of Crosby, Mo., favoring the passage of a service-pension measure granting not less than $8 per month to all honorably discharged soldiers and sailors who served not less than ninety days in the war of the rebellion—to the Committee on Invalid Pensions.

Also, petition of George G. Meade Post, No. 48, Grand Army of the Republic, Department of Missouri, praying for the passage of House bill No. 1196, for the relief of soldiers and sailors, or their heirs, formerly pensioned under the act of June 27, 1890, and who have been dropped from the pension roll, or rerated thereon at a lower figure, and establishing a standard of ratings under said act—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of various manufacturing firms of the United States, for the passage of House bill No. 6577, to authorize the registration of trade-marks and labels—to the Committee on Patents.

Also, petition of John J. Gerstle, for the passage of House bill No. 8050, granting a pension to Joseph Gerstle—to the Committee on Invalid Pensions.

By Mr. HENRY of Indiana: Papers to accompany House bill No. 7194, for the relief of Eli Conner—to the Committee on Invalid Pensions.

By Mr. HITT: Memorial of the United States Peace League, the English Peace Union, and various other English, German, French, Belgian, Dutch, Danish, Italian, and Sicilian societies, in favor of a permanent arbitration tribunal between Great Britain and the United States—to the Committee on Foreign Affairs.

By Mr. LEIGHTY: Petitions of E. O. Rose and L. E. Reed, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McEWAN: Petition of the Lafayette Republican Battery, of Jersey City, N. J., asking for the passage of the bill providing for a new post-office building at Jersey City, N. J.—to the Committee on Public Buildings and Grounds.

Also, petition of Liquor Dealers' Protective League of Camden, Elizabeth, Paterson, Hackensack, Plainfield, Perth Amboy, and county of Warren, State of New Jersey, against the passage of House bill No. 6668, to amend the act relating to the sale of intoxicating liquors in the District of Columbia by raising the license fee—to the Committee on the District of Columbia.

Also, petitions of William P. Kastenhuber, of Jersey City, N. J., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McLACHLAN: Petition of W. L. Woodward and others, of the State of California, for the passage of a special act placing all soldiers reenlisting from the Veteran Reserve Corps on the same footing as other veterans—to the Committee on Military Affairs.

Also, petition of citizens of Santa Ynez, Cal., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export duty—to the Committee on Ways and Means.

Also, petitions of citizens of Los Angeles County, Cal., for the passage of a service-pension bill of at least $8 per month to every honorably discharged soldier, sailor, and marine who served ninety days in the late war on the Union side—to the Committee on Invalid Pensions.

Also, petition of citizens of Rivera, Cal., asking that religious matter be admitted as second class in the mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of John A. Martin Post, No. 153, Grand Army of the Republic, of Soldiers Home, Cal., favoring a general service-pension bill—to the Committee on Invalid Pensions.

By Mr. QUIGG: Petition of Nathaniel D. White and others, of New York, in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. SHAFROTH: Petition of E. B. Hendric and others, of Denver, Colo., favoring the passage of bill reviving the office of Lieutenant-General in the interest of Maj. Gen. Nelson A. Miles—to the Committee on Military Affairs.

By Mr. TOWNE: Petition of several hundred citizens of Minnesota, for legislation in favor of the carriage of bicycles as baggage, to accompany House bill No. 4246—to the Committee on Interstate and Foreign Commerce.

By Mr. TRELOAR: Papers to accompany bill granting a pension to A. J. Vanarsdel—to the Committee on Invalid Pensions.

By Mr. WILSON of Idaho: Petition of Rebecca R. Mitchell and other officers of the Idaho Woman's Christian Temperance Union, praying for international arbitration—to the Committee on the Judiciary.

SENATE.

THURSDAY, *April 16, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. TELLER, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, in response to a resolution of the 10th instant, relative to the cases of Kentucky claimants for rents for barracks and quarters allowed by accounting officers of the Treasury and reported to Congress January, 1895, in House Executive Document No. 234, and not appropriated for, transmitting a report made in these cases by the Comptroller of the Treasury March 28, 1896; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate of $15,000 for the purchase of machine guns for the service of the fiscal year 1897; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 2d instant authorizing the proper accounting officers of the Treasury to reexamine Treasury settlement No. 133, being claim in favor of George Baber, formerly of Gallatin, Tenn., for barracks and quarters, reported to Congress in House Executive Document No. 234, Fifty-third Congress, third session, a report thereon by the Comptroller of the Treasury dated the 11th instant; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Anti-Saloon League of the District of Columbia and a petition of the American Christian Missionary Society, praying for the appointment of an impartial national commission of inquiry to investigate and report upon the alcoholic liquor traffic, its relations to crime, pauperism, taxation, and the general welfare; which were referred to the Committee on Education and Labor.

He also presented a petition of the Board of Trade of Columbus, Ohio: a petition of the Board of Trade of Jacksonville, Fla.; a petition of the Fruit and Produce Exchange of Boston, Mass., and a petition of the Merchants and Manufacturers' Association of Milwaukee, Wis., praying for the establishment of a department of commerce and manufactures; which were referred to the Committee on Commerce.

Mr. TELLER presented a petition of the Commandery of the State of Colorado, Military Order of the Loyal Legion of the United States, of Denver, Colo., praying for the revival of the rank of Lieutenant-General of the Army; which was referred to the Committee on Military Affairs.

He also presented a memorial of Council No. 64, American Protective Association, of Breckinridge, Colo., remonstrating against placing the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

He also presented a petition, in the form of resolutions adopted by the Chamber of Commerce of Denver, Colo., praying for the enactment of legislation providing for a reclassification of clerks in the postal service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Core Makers' Protective Union, No. 5900, American Federation of Labor, of Cincinnati, Ohio; of the United Brotherhood of Carpenters and Joiners of America, of Philadelphia, Pa.; of the American Federation of Labor, of Indianapolis, Ind.; of Union No. 6651, American Federation of Labor, of Columbus, Ohio; of the Federated Trades Council, of Madison, Wis.; of American Waiters' Union, No. 5108, of St. Louis, Mo.; of Federal Labor Union, No. 6512, American Federation of Labor, of Belt, Mont.; of Journeymen Tailors' Union, No. 140, of Hot Springs, Ark.; of Central Labor Union, American Federation of Labor, of Toledo, Ohio; of Steam Engineers' Protective Union, No. 5703, American Federation of Labor, of Denver, Colo., and of the Screw Makers' Protective Union, No. 6256, American Federation of Labor, of Toledo, Ohio, praying for the free and unlimited coinage of silver at the ratio of 16 to 1; which were ordered to lie on the table.

Mr. SHERMAN presented a petition of the Board of Trade of Columbus, Ohio, praying for the enactment of legislation securing better markets for grain, grain products, meats, and all manufactured products of the United States; which was referred to the Committee on Finance.

Mr. McMILLAN presented a petition of the faculty of the School of Pharmacy, University of Michigan, Ann Arbor, Mich., praying for the enactment of legislation raising the status of pharmacists in the United States Navy; which was referred to the Committee on Naval Affairs.

He also presented the petition of Edward B. Linsley, of Three Rivers, Mich., praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a petition of the Columbia Heights Citizens' Association, of Washington, D. C., praying for the passage of House bill No. 3559, providing for the extension of Fourteenth street northwest; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Builders' Exchange of Washington, D. C., praying for the enactment of legislation extending the sewer system of the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of 933 residents and property owners of the southeast section of the District of Columbia, praying for the passage of the bill to incorporate the East Washington Heights Traction Railway Company; which was ordered to lie on the table.

Mr. PRITCHARD presented the petition of E. L. Haughton and sundry other citizens of North Carolina, praying that an appropriation of $10,000 be made to continue the improvements of the Trent River, in that State, as already commenced under the United States Engineer Department; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 2700) for the relief of the heirs of certain seamen lost in the foundering of light-vessel No. 37, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2337) for establishing a fog-signal vessel at San Francisco Bar, California, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 933) making an appropriation for the purchase of a site and the construction of a light and fog signal at St. Andrews Bay, Florida, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 657) to provide for the erection of range lights at St. Josephs Bay, Florida, and at St. Andrews Bay, Florida, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by Mr. QUAY on the 1st instant, providing that the Christiana light station, Delaware, be raised to the fourth order, intended to be proposed to the sundry civil appropriation bill, reported it favorably and submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the Committee on Naval Affairs, to whom was referred the amendment submitted by himself on the 9th instant, providing for the arming and equipping of the Naval Militia, intended to be proposed to the naval appropriation bill, reported it favorably and submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. QUAY, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 1st instant, providing for a relief vessel for the Fourth light-house district, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 1st instant, providing for the stationing of a first-class light vessel at or near the Overfalls Shoal, New Jersey, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 1365) for the relief of the National New Haven Bank of the State of Connecticut, reported it without amendment, and submitted a report thereon.

Mr. BURROWS, from the Committee on Claims, to whom was referred the bill (S. 1122) for the relief of Sallie Hardmond, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 2845) for the relief of Mrs. L. A. Barber, asked to be discharged from its further consideration and that it be referred to the Committee on Claims; which was agreed to.

Mr. CHANDLER, from the Committee on Naval Affairs, to whom was referred the bill (S. 1155) for the relief of Lieut. Jerome E. Morse, of the United States Navy, reported it without amendment, and submitted a report thereon.

He also, from the same committee, submitted a report to accompany the resolution of inquiry adopted by the Senate on the 20th ultimo concerning the location of the turrets of battle ships; which was ordered to be printed.

Mr. JONES of Arkansas, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the amendment submitted by Mr. HARRIS on the 14th instant, intended to be proposed to the sundry civil appropriation bill, the amendment proposing to appropriate one-half of a year's salary each to the widows of M. F. Watkins, Charles Stone, and James Newsom, late members of the Capitol police, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. GRAY. At the request of the Senator from Alabama [Mr. MORGAN], a member of the Committee on Foreign Relations, I present for him the views of the minority in regard to the right and propriety of taking fur seals, and also relative to House bill 3206, to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," and for other purposes, which is before that committee, and upon which there is a majority report. I move that the report be printed.

The motion was agreed to.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 2865) to remove the charge of desertion from the name of James H. Tucker; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2866) granting a pension to Sarah M. Kingsley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2867) granting a pension to Joseph Harris; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2868) granting a pension to Dora D. Jones; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PRITCHARD introduced a bill (S. 2869) for the relief of J. E. Merriam; which was read twice by its title, and referred to the Committee on Claims.

Mr. McMILLAN introduced a bill (S. 2870) to permit Rene C. Baughman to lay pipes in a certain street in the city of Washington; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. MITCHELL of Wisconsin introduced a bill (S. 2871) to amend "An act for the correction of the military record of Wilhelm Spiegelburg," approved July 21, 1892; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 2872) to increase the pension of Benjamin F. Douglas; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2873) authorizing the Secretary of War to donate 1 condemned cannon and 15 cannon balls to McDowell Post, Grand Army of the Republic, of Enid, Okla.; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2874) to provide for the construction of a graveled road from the termination of the graveled road and bridge on the north side of Cache River, in Pulaski County, Ill., to the national military cemetery near Mound City, in Pulaski County, Ill., and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MARTIN introduced a bill (S. 2875) for the relief of Nimrod D. Kineaster, of Indianapolis, Ind.; which was read twice by its title, and referred to the Committee on Claims.

Mr. PALMER introduced a bill (S. 2876) granting a pension to Mrs. Millie Jackson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VILAS introduced a bill (S. 2877) granting a pension to Hiram Santas; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 2878) granting a pension to Aaron Wood; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2879) granting a pension to Charles A. Hutchings; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2880) granting a pension to Charles E. Mann; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CHANDLER introduced a bill (S. 2881) granting an increase of pension to Jacob Ela; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2882) for the erection of a monument to the memory of Lieut. Commander George Washington De Long and his comrades, who lost their lives in the *Jeannette* Arctic expedition; which was read twice by its title, and referred to the Committee on Naval Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PRITCHARD submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BACON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CALL submitted two amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

ADDITIONAL BUILDING FOR NATIONAL MUSEUM.

Mr. MORRILL. Mr. President, I desire to occupy the time of the Senate long enough to place on record some facts in relation to the necessity for a new building for the National Museum.

The PRESIDENT pro tempore. The Senator from Vermont, in pursuance of previous notice, calls up from the table a bill which will be read by title.

The SECRETARY. A bill (S. 698) to provide for the erection of an additional fireproof building for the National Museum, reported from the Committee on Public Buildings and Grounds with an amendment.

Mr. MORRILL. Mr. President, when the Smithsonian Institution, designed for "the increase and diffusion of knowledge among

men," was put into practical operation it was discovered that a National Museum would be a large contributor to the great purpose of the founder, and that the nation was destitute of such an institution. The Smithsonian building accordingly early began to be temporarily crowded with many gifts and objects of rare value, and subsequently a separate building for a museum was found to be indispensable. Patronized as was this collateral enterprise of the Smithsonian by the Government, through many of its Executive Departments, and guided by the Smithsonian Institution in a scientific and educational direction, as well as in the practical diffusion of knowledge, it was sure to become an important, but inexpensive institution of public education, with a constantly increasing collection of important materials worthy to be intrusted to the custody of a national museum, where they might be forever preserved and thus increase in value with every succeeding generation.

The statistics in relation to the present Museum are interesting, and indicate its extensive scope and character. It is not a "dime museum" of grotesque curiosities, but without money and without price it offers to visitors more wonderful attractions by its many specimens of rare scientific and historic value. The several States are represented by a great variety of contributions of special interest, and if they were represented by many more their wealth of materials would be in no danger of being exhausted.

There are now 3,406,920 specimens in the Museum, many of almost priceless value, and it is even claimed that a fair appraisal of the value of the entire collection would make it amount to several millions of dollars.

A museum has been properly defined as "a consultation library of objects," and our National Museum justifies this definition, as it may be said to be thronged by an inquisitive people daily asking questions, and here seeking proper answers. It is visited by those who are students in various branches of science and by those who are not students, but all find it an object lesson. It is a free school, the benefits of which are annually extended to multitudes of visitors from almost every State and Territory of the Union. All who pass through the door of the old or new building are registered, and the total number for the past nine years was 3,474,056, or an average of nearly 400,000 annually.

This shows that the average daily number of those who have found pleasure and instruction in visiting the National Museum for the past nine years to have been over 1,000 per day, except Sundays. They come from distant States as well as from those near by. Those who live not far from Niagara are said to be content with its roar and rarely visit the great falls. It is the multitude of American travelers from distant homes who have most pride in and seek the most profit from the National Museum.

The correspondence of the Museum amounts to 20,000 letters annually, and as largely comes from remote as the nearest States, perpetually asking for or giving special information.

In 1879 the present Museum building was authorized to be constructed, at a cost of $250,000, and was completed for that sum. It was, I believe, roughly planned by General Meigs. The interior of the building is appropriate for its use, while the exterior has won less commendation. Although it covers 3½ acres of ground, another building of equal or larger dimensions is already an urgent necessity.

The additional building will be placed west of the Smithsonian, and occupy there a like space and position with that on the east side of the Smithsonian, but will be one story higher, and with a cellar. The cost will be something more, of course, than was that of the present building, but it will be built with the same strict economy as was the first.

The great lack of room for the proper exhibition of gifts, or of any materials collected for the Museum, tends to retard its proper growth and value. A large additional amount of room is greatly needed to illustrate the natural wealth of our country, of which many more specimens deserve to be gathered and all classified by States. The minerals, marbles, and building stones of some of our States are now fairly represented, but a better and more complete collection might be obtained from many more of them.

The congested and present crowded condition of the Museum is visible, of course, to all who enter it; but I do not suppose that members of Congress can be generally aware of the great amount of material which has been already collected, prepared, and labeled, with much labor, that has been boxed up and is now stored away in various odd places, uninsured, and entirely hidden from view. Some of these materials have been temporarily in the lecture room, and many out-of-the-way corners are also thus monopolized.

Some valuable materials, for want of room to receive them, have been and are now in the basement of the museum of Yale College. The great herbarium, the most important collection of American plants in the world, has to be stored at present by the Agricultural Department.

In the basement of the Smithsonian Institution and in its towers a space equal to 200,000 cubic feet is crowded to the utmost extent with boxed and labeled material. In one basement room are packed 50,000 skins of birds, and 50,000 more are in the gallery, and it must be remembered that we have the most beautiful and the widest collection of birds of any country in the world.

There are various sheds in scattered places and one temporarily hired, with an estimated capacity of 170,000 cubic feet, fully packed with valuable material. None of these ephemeral structures containing numberless objects of interest are fireproof, and all are dangerously combustible.

It is now just a half century since the establishment of the Smithsonian Institution, and its work has been a continuous honor to the United States. It is the custodian of the National Museum, which is the only lawful place of deposit of "all objects of art and of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens belonging to the United States."

The idea has been suggested that possibly it might have been wiser to have originally selected a site where a much larger structure for the Museum could have been erected; but its removal from the neighborhood of the Smithsonian building would have made it impracticable for Secretary Baird, in whom Congress reposed the utmost confidence, to have had anything to do with it, and far less to have been the persistent and efficient guide and promoter of a great national museum, as much to his personal honor as even the national fish hatchery has proved to be.

The additional building now earnestly sought will be equal to the preservation and exhibition of a very large amount of accumulated material now unhappily stored away, and will also provide some space for future accumulations that should not longer be neglected.

The agents of great museums abroad are reported to be regularly employed here, with authority to purchase any American curios and antiquities, and in some directions they are supposed to have already obtained better specimens for exhibition than have been left for us to find.

The New World, of which the United States forms so important a part, in its prairies and mountains, hills and forests, with their extensive minerals, rocks, and marbles, lakes and rivers, with the animals, game, birds, and fish, the story of the prehistoric race, the legends of the Indian tribes, as well as the notable modern history and life of the present inhabitants, all seem to have distinctive features of their own which belong almost exclusively to the western half of the globe discovered by Columbus. This vast and comparatively ungathered continental field, with its abounding American treasures, should be harvested by our National Museum and not surrendered to the more diligent foreign explorers to adorn and enrich only European museums.

As long as it shall be conducted by the Smithsonian Institution its broad nonpartisan reputation as a national museum of the highest character will not be likely ever to be disputed or impeached.

While this additional building, with its additional story and cellar, will more than double the capacity of the present museum, it is probable as the years go by that it will be necessary to keep step with the research, progress, and record of the American people, and as early as 1926, when our population will be not less than 140,000,000, it may be expected that another and grander building in the rear of the Smithsonian, facing on South B street and connecting the two wings, will be required to mark and illustrate the age.

I ask that Senate bill 698, which is on the table, be now placed upon the Calendar.

The PRESIDENT pro tempore. The bill will take its place on the Calendar.

Mr. HOAR. I ask unanimous consent that the bill concerning which the Senator from Vermont has addressed the Senate be put upon its passage at this time. I know it is a bill to which no Senator objects.

Mr. MORRILL. I prefer that an amendment of the same character shall be put on the sundry civil appropriation bill.

Mr. HOAR. I thought the bill could be passed through the Senate and go to the other House.

Mr. MORRILL. I would rather keep the bill back for the present.

SENATOR FROM DELAWARE.

The Senate resumed the consideration of the resolution reported by Mr. MITCHELL of Oregon, from the Committee on Privileges and Elections, February 18, 1896, as follows:

Resolved, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

Mr. GRAY. Mr. President, when I yielded the floor yesterday afternoon, in order that the Senator from Ohio [Mr. SHERMAN] might move an executive session, I had hoped I was approaching the conclusion of such argument as I have been able to present to the Senate in regard to the questions that have been raised in this interesting discussion as to admitting Col. Henry A. Du Pont to a seat in the Senate. I thought I had shown that the plain provisions of the constitution of Delaware made it necessary that the speaker of the senate, who exercised the office of governor,

He also introduced a bill (S. 2866) granting a pension to Sarah

Mr. MORRILL. Mr. President, when the Smithsonian Institution, designed for "the increase and diffusion of knowledge among

with boxed and labeled material. In one basement room are

the speaker of the senate, who exercised the office of governor,

should retain his office both as speaker of the senate and as senator from the county that he in part represented; that there not only was no express provision of the constitution creating a vacancy in the contingency that was provided for, but every implication from the language used and every intendment to be gathered from the various provisions of the constitution pointed to the fact that no such vacancy was contemplated as possible. I also, I thought, disposed of the argument that was founded upon the two prohibitory clauses, or the two clauses prescribing qualifications, or rather disqualifications, for senator and representative and also for governor. I think it is admitted on both sides that if the mere exercise of the office can be argued to create a vacancy, those clauses do not apply. I think I showed also that by the universal practice and usage in the State and all branches of the Government and in the opinion of all its people no vacancy was created in the numerous instances in which the speaker of the senate had been called to exercise the office of governor.

But the counsel have two branches to their argument, and forced by the stress, it seems to me, of the situation in which they find themselves, they invent a phrase, "suspension from office," that is, that though there is no vacancy when the speaker exercises the office of governor he is suspended for the time being from his legislative function as senator.

Mr. President, I dwelt upon the fact that there is no such phrase in the constitution as "suspension from office"; that the thing itself is not provided for and is at war with the whole scheme of the constitution; that it would produce a state of things much more inconvenient and much worse for the people of the State than to create a vacancy, for if you create a vacancy it can be filled, but if you create a suspension you create a sort of vacancy that can not be filled, and thereby leave one-third of the representation of a county destroyed without possibility of supplying it—a state of things which it is not conceivable that the framers of the constitution ever intended or would have permitted if it had been called to their attention.

Suppose, as I said yesterday, that the framers of the constitution had had suggested to them in their convention that when, under the provisions that they had framed, the speaker of the senate exercised the office of governor the speaker was suspended from his function as senator, thereby creating a vacancy that could not be filled, and that one-third of the representation of a county had thus been helplessly destroyed, the answer would have been (and I think no intelligent man will suggest that it could have been other) that we do not think we have done this thing, and we certainly never intended to do it.

This suspension is claimed to have been worked on an entirely independent ground from the prohibitory clauses, so called, of the constitution, or the qualification clauses on what they call an inherent incompatibility between the executive and legislative offices, and a so-called American doctrine of public law has been invoked, which is said to be founded upon the division of the three departments of the Government in American constitutions into executive, legislative, and judicial. I have asserted that there is no such American doctrine. It has been demonstrated by the Senator from Mississippi [Mr. GEORGE] in his admirable argument that no such doctrine ever existed or has ever been declared by any writer on constitutional law. I read yesterday from Story on the Constitution, I read from Mr. Webster's speeches, and I also read from Mr. Madison in the Federalist to show that there was no such doctrine, and I think I have so shown, the doctrine being merely that one department shall not exercise the whole of the powers of the other department, not that there may not be an occasional participation of those who hold position or office in one in the exercise of the powers of the other. A legislator, a senator or representative, is not the legislative department. A legislator is not the general assembly; he is only one constituent factor of it. He can not exert legislative power, though the body to which he belongs can. He is not one of the great departments, and when he exercises an executive function it is not the legislative department participating in an executive function, but it is a single unit of those composing the legislative department performing some duties that may properly be called executive. That is all there is of it; and it has been shown that that is a thing that has not been avoided in any constitutions of the forty-five States of the American Union. I assert that without fear of contradiction.

To show how utterly untenable the theory of the Senator from New Hampshire [Mr. CHANDLER] is, and upon which he built his whole argument, it seems to me, we all recollect—certainly every lawyer recollects—that in the State of New York until 1848, I think it was, the supreme appellate tribunal of that State was composed of the lieutenant-governor, certain judges, and the senate, one of the members of the legislative department, and that the senate of New York through a large period of the history of that Empire State was performing judicial functions. No one thought that any American system was being trampled under foot when that constitution was in force, and no one ever dreamed to assert that the framers of that constitution were not imbued with a knowledge of what was required of those who were undertaking to create a framework of government for a free American Commonwealth.

It is not worth while that I should pause to ransack our history for instances so multiplied as they have been, but we can recall without effort the fact that Chief Justice Marshall was Secretary of State when he was commissioned as Chief Justice. He was commissioned in January, 1801, and continued to act as Secretary of State until the end of Mr. Adams's Administration. I have never heard that the great American principle of division of governmental powers was destroyed or seriously impaired by that historical fact.

Mr. CHANDLER. May I ask the Senator a question?

Mr. MITCHELL of Oregon. Did he exercise both offices at the same time?

Mr. GRAY. Both offices at the same time.

Mr. MITCHELL of Oregon. He exercised both?

Mr. GRAY. He exercised both.

Mr. CHANDLER. I ask whether he exercised the function of Secretary of State and Chief Justice at the same time?

Mr. GRAY. He did. After sitting in court he went to his office of Secretary of State and signed commissions, and made communication with foreign powers as Secretary of State.

Mr. CHANDLER. The Senator will refer to the authority.

Mr. GRAY. I have it not here, but if it will gratify the Senator I will have that matter made clear for him.

Mr. GEORGE. You are referring to Chief Justice Marshall?

Mr. GRAY. To Chief Justice Marshall.

Mr. TURPIE. There is no doubt of it.

Mr. GRAY. There is no doubt of it. So all that we can do is to agree with the proposition of Mr. Webster, that when we want to find how much participation is permitted by the members of one department of the Government in the powers or duties of another we have got to look to the written Constitution, and that there is no such general American doctrine as that declared by the Senator from New Hampshire. I am just reminded that Chief Justice Jay, after he was Chief Justice, and while he exercised the office of Chief Justice, performed a very important executive act when, under the commission of the President, he made the treaty of commerce with Great Britain of 1795.

Mr. President, we are too practical a people, we are sprung from a people who are too practical, we have inherited our laws and our constitutional tendencies from a people who are too practical, to be bound down in this practical matter of constitution making by any hard-and-fast theory such as the Senator from New Hampshire declared existed. When we want to make a government we consider the object we have in view, the convenience of the provisions that we have made, and the machinery that we have created for the end we had before us.

But, Mr. President, the argument of incompatibility on this foundation of discrimination between legislative and executive functions, as incompatibility for any other cause, will work a vacancy if it works anything, not a suspension. There has been no case cited by the learned Senator from Oregon, whose powers of research and industry we are all familiar with—there has been no case cited in which the taking or acceptance of an incompatible office has worked anything but a vacancy in the office already held. There is nowhere, so far as I know (and certainly the distinguished Senator has cited no instance), where incompatibility has been adjudged to work any effect at all upon the office already held that that effect has not been the creation of a vacancy and not of a suspension. The suspension of function is a thing that must be provided for by express constitutional or statutory enactment. It can not in its nature be a thing that works its own creation. It is a limited and special and extraordinary effect to be produced, where it is produced at all; and it can not be argued that such an effect would follow the mere incompatibility of office, if incompatibility existed.

But, Mr. President, there is another view to be taken of the argument of the Senator from Oregon and those who agree with him and have followed him. He says upon this ground, independently of all others, incompatibility of function, there is a suspension worked in the position of speaker of the senate and senator from Kent County, in the State of Delaware, in the special case we have before us. If it is an incompatibility of function that creates this suspension, and not express constitutional enactment and declaration, then the suspension can only exist pro tanto; it can only exist, according to the Senator's own argument, so far as that incompatibility extends, because there is no other way by which the Senator can logically arrive at the conclusion that there has been a suspension by reason of inherent incompatibility between these two offices, except by arguing that there is a common law which forbids two incompatible functions to be exercised at the same time by the same man. Well, admitting, then, for the sake of argument, that the legislative function is incompatible with the executive function, and that therefore there was worked a suspension on that account of the legislative function so far as Mr. Watson was concerned while he exercised the office of governor, the matter we are concerned with here and now is not a

legislative function at all; it is the electoral function that he was performing when he voted for United States Senator on the 9th day of May, 1895, and had no relation at all to the legislative duties that were prescribed by the constitution, had no relation at all to the great fundamental character that he held as a legislator; but was a function imposed upon him by the Constitution of the United States, and bore no semblance at all to a legislative function. Therefore this function of voting for a United States Senator was outside of this domain of incompatibility, and could not have been affected by it.

Mr. MITCHELL of Oregon. May I ask the Senator from Delaware if it is not a fact that Mr. Watson could only exercise the electoral function in virtue of the right existing in him at the same time to exercise the legislative function; and if the right to exercise the legislative function was suspended, does it not follow, as a matter of course, that the right to exercise the electoral function was suspended at the same time?

Mr. GRAY. Mr. President, I think I understand the Senator. But the Senator has made an exceedingly artificial argument on this whole matter of suspension of function occasioned or worked out by the incompatibility of another function. It is true that Mr. Watson was elected a member of the legislature of Delaware, and that, as a member of the legislature of Delaware properly and duly elected, he had a right to participate in the election of a United States Senator. Now, if his exercise of the office of governor, according to the Senator's real belief, worked a vacancy in his office, that was an end of Mr. Watson as a legislator, and he had no right to participate in the election of a United States Senator any more than if he had been expelled by a vote of the senate from that body. But that is not this case; that is not that plain, simple case that plain people can understand. We are dealing with this exceedingly complex situation which the Senator from Oregon has created for the purposes of his argument, to wit, that there was no vacancy created in the senate of Delaware such as I have described by the exercise of the executive office, but there was a suspension of function. He remained senator, or otherwise his place could have been filled, but he could not vote because, forsooth, he was performing executive duties under the constitution—could not vote on a law, could not do anything that was required of him as a legislator. Why? Because his office had been vacated? No. As I said just now, it had not been vacated. But because the legislative function was incompatible with the executive function, and just so far as that incompatibility extended his power and capacity as a legislator was in a state of paralysis. I do not know how else to describe it. But when we come to a function that was not within the four corners of this carefully described incompatible function, to wit, voting for a United States Senator, he still had been elected, his office was not vacant; it was only suspended, according to the Senator's own argument, as to its legislative side, and he was bound to exercise the electoral function of voting for a United States Senator for which he was elected among other things to exercise. That is all there is in that. Otherwise the argument founded upon incompatibility of function or suspension of office, it seems to me, is one that is self-contradictory and illogical.

Mr. MITCHELL of Oregon. If the Senator will allow me, he is getting a little bit away from the proposition he was arguing a moment ago. The Senator assumes, for the sake of the argument—that is, for the time being—that my contention was correct to the effect that the right to exercise the function of legislator was suspended while Mr. Watson exercised the office of governor; and then went on to argue that, although that might be so, still Mr. Watson had a right to exercise the electoral function, which was not suspended. I replied to that, for the purposes of showing that that is not a sound argument, by stating that he could only exercise the electoral function in virtue of the right residing in him to exercise the legislative function; and whenever the right to exercise the legislative function was held in abeyance or suspended, then, as a matter of course, it necessarily follows that the right to exercise the electoral function was also suspended, and therefore it follows still furthermore that that particular argument of the Senator from Delaware is not, in my judgment, a good one.

Mr. GRAY. That particular argument of the Senator from Oregon is not a good one. That is all there is about it. Governments could not be run, of course, upon such an attenuated interpretation of constitutions as the Senator feels it necessary to make in this case, in order to establish this incompatibility of function. I agree to that; but I am taking his argument as he has made it, and I have shown that, by its own terms, he arrives at a point where he must admit, if he is logical in that respect, that participation by Mr. Watson in the election of a United States Senator was the exercise of a function that was not incompatible with the exercise of the office of governor. That is what we are dealing with here. We are not talking about his right to vote in the enactment of a law or to perform any purely legislative function. All we are concerned with is whether he, in participating in that joint assembly on the 9th of May, transcended the right that must belong to him in order to permit him to so participate. The Senator says no, because the legislative function is incompatible with the executive function. We say this is not a legislative function, but an electoral function. Then the Senator replies: "Oh, no; I have suspended him; no constitution has done it; no other case in the whole broad area of the United States has done so; but I have suspended him as a legislator, and therefore his right to participate in the election of a United States Senator, which is attendant upon his character as a legislator, is suspended also."

Mr. MITCHELL of Oregon. That is so.

Mr. GRAY. But how has the Senator suspended him? Not by his own ipse dixit, although I am afraid if we analyze his argument it comes down to that—not by his own ipse dixit, not because he ought to be suspended according to any view that the learned Senator might have of what the proper constitution ought to be, but he has suspended him by asserting that there was an incompatibility between two functions which he was elected to perform, to pass laws and the executive function.

Mr. ALLEN. That is an ipse dixit.

Mr. GRAY. Yes. Granting, for the sake of the argument, that that is what he founded it upon, now in the absence of any constitutional provision establishing such a state of things, in the absence, too, of any authority, any precedent, anywhere from Maine to Georgia or from Massachusetts to California, any instance in American public law—in the absence of all that, I say, we must confine his argument, then, to the incompatibility between two functions that works a suspension, and say that as to a function that is not incompatible, that suspension thus produced can not exist. That is all that can be made of it, taking his own argument, and that is all I meant to do. Where the reason of the law ceases the law itself ceases.

No, Mr. President, the Senator from Michigan felt that this artificial argument and this phrase invented by him would have to be supported, and as he supported it, by ingenious argument, and by not one syllable of authority, although he said the instances were numerous. I challenge him now to make good the proffer that there are numerous instances in the history of the United States where a suspension was worked, such as he has asserted exists here, independently of express constitutional or statutory provisions. The Senator does not reply, and I take it for granted that neither his research nor industry has been able to discover a single such instance, any more than I have been able to do so, or the learned and able Senators who have preceded me in this argument have been able to discover a single instance of such suspension thus worked.

So we come back to the original plain proposition, the exercise of the executive office by the speaker of the senate either worked a vacancy or there was no vacancy of any kind. It certainly did not work a vacancy that it was impossible to fill.

Mr. President, I think I have said enough on that point, but let me add to the authorities which have been already cited by me, going back a little, as to this matter of what is American public law in regard to the division of the three great departments of the Government, and see whether I was right or the Senator from New Hampshire was right in his declaration of what that public law was. I read from Story on the Constitution; I read from Mr. Webster, the great expounder of the Constitution, in one of the most interesting speeches he ever made; I read from Mr. Madison in the Federalist; and now let me come down to modern times, and take a late writer on constitutional law, Mr. Pomeroy. At section 173, in the first part of his work on constitutional law, he says, after quoting the several articles establishing the three departments:

> This language is clear, precise, and apparently without exception or limitation. Yet when we compare it with other clauses of the Constitution we shall discover that the separation of functions is not thus perfect; that the several departments are not thus absolutely independent of each other. Indeed, such an ideal independence is impracticable. While the classes of functions committed to the legislature, the executive, and the judiciary may be generally or in the mass distinct, there must be, in the very nature of things, some points of contact, some overlapping, some commingling.

But, Mr. President, as I said at the outset, all this argument in regard to what is the proper construction of the constitution of Delaware and the proper interpretation of the clause by virtue of which Mr. Watson, as speaker of the senate, exercised the office of governor is a work of supererogation. It has been indulged in here by me at great length, I admit, because I considered it proper to vindicate the action of the authorities of my State before the Senate of the United States, and to demonstrate absolutely the propriety of the conduct of the governor of Delaware in his participation in the election for a United States Senator on the 9th of May, 1895. It had been abundantly demonstrated before by the able and distinguished Senator from Indiana [Mr. TURPIE] and the Senator from Mississippi [Mr. GEORGE] that this interpretation of the constitution put upon it by the governor and his advisers was correct; and I have endeavored to repeat it, even with the peril

of weakening the argument by my repetition of it. But, after

or the circuit court of the United States, or wherever the question

the framers of that constitution were not imbued with a knowl-

Mr. Watson was concerned while he exercised the office of governor, the matter we are concerned with here and now is not a legislative function. All we are concerned with is whether he,

correct; and I have endeavored to repeat it, even with the peril

of weakening the argument by my repetition of it. But, after all, it is not necessary that the Senate should burden itself with this argument. What we have to consider here, and what is conclusive of this case, is the proposition that the Senate of the United States has no right, power, or jurisdiction to decide as to the qualifications of a senator who voted on the 9th of May for the election of a United States Senator from Delaware—absolutely none—and we shall stultify ourselves, Mr. President, we shall reverse the precedents of a hundred years in this body, if we shall allow ourselves, from whatever motive, to step down from the high plane we should occupy in exercising this high judicial function to usurp the duty of the senate of Delaware to judge of the elections, returns, and qualifications of its own members. Unless we recognize that right in the two houses of the State legislatures, it is in vain that we should demand respect for the exercise that we make of a similar power given to us. We ought to be very careful not to transcend in the exercise of this power the proper and appropriate judicial function that has been conferred upon us by the Constitution of the United States. The senate of Delaware, and not the Senate of the United States, is to judge of the qualifications of William T. Watson to sit in the senate of Delaware while temporarily exercising the office of governor.

Mr. President, the Senator from Oregon, of course, is too able and too learned a man not to admit that proposition; but with the exceeding ingenuity which has characterized his argument through all the branches of this case, he seeks to evade or avoid the force of that proposition by setting up some other one, which he thinks will carry him around the inhibition which is implied upon the Senate of the United States to exercise the judicial function of the senate of Delaware. Having assumed a suspension of function—a pure assumption, as I have shown, nowhere warranted by the constitution or any respectable authority anywhere, outside of express statutory enactment or constitutional enactment—having assumed a suspension of function and created a phrase and a condition for which there is no constitutional warrant, the Senator builds up upon this assumption the further proposition that there was so seat subject or open to occupancy in the Delaware senate as to which the judicial power of that senate could be exercised, and upon this proposition, thus established, he proceeds to show by the Kansas case—from which the suggestion, I suppose, of a seat not subject to occupancy, although the phrase did not come from there, was given to the Senator's mind—that the Delaware senate has no jurisdiction to judge in regard to this matter, but that the Senate of the United States has. That is a very remarkable proposition, to commence with. The Senator says under that clause of the constitution of Delaware which it has in common with all the constitutions of the States and of the United States, that each house shall judge of the elections, returns, and qualifications of its own members, that it has only the right to judge of the act of the election and return, of the fact of the qualification or disqualification, but if there is any admixture of law or constitutional interpretation necessary to the adjudication of the case, then the senate of Delaware has no right to determine it, but the Senate of the United States has. How monstrous that proposition sounds when you state it, and yet that is the proposition!

Mr. MITCHELL of Oregon. I do not contend that the senate of Delaware have not the right to decide it. I said they did have the right to decide it in the first instance, but that their decision, if they misconstrue the constitution of the State of Delaware, was not binding upon the Senate of the United States.

Mr. GRAY. Mr. President, there is no such power as that suggested by the Senator from Oregon conferred upon either house of the Delaware legislature by its constitution, or upon the houses of any legislature by any constitution, to judge in the first instance. Think of it! The only power is to determine finally. That is what "judge" means. Look at Worcester's Dictionary or any other good dictionary. I ask that a dictionary be brought to me. What does the word "judge" mean in those clauses? It means, or it means nothing, to determine finally the question; and to judge in the first instance is not to determine finally. What sort of a privilege or a prerogative is that to the houses of a legislature, that they may judge, it is true, as in an inferior jurisdiction, but that that judgment is subject to reversal, subject to be set aside? I ask the Senator from Mississippi to read from Worcester's Dictionary—I see he has it—just what the word "judge" means.

Mr. GEORGE read as follows:

To examine and decide as a judge; to determine finally.

Mr. GRAY. "To determine finally." What sort of a jurisdiction is that which is conferred according to the suggestion of the Senator from Oregon? That would be a futile jurisdiction; it would not answer the purpose for which it was given. What says the Senator from Oregon to a jurisdiction given to the Senate of the United States under a similar clause to judge of the elections, returns, and qualifications of its own members? Is it to judge in the first instance only, subject to be reversed in the Supreme Court or the circuit court of the United States, or wherever the question might come collaterally or directly before a judicial tribunal?

Mr. MITCHELL of Oregon. I will simply say that the Senate of the United States is the highest court in the United States of that kind.

Mr. GRAY. Mr. President, the Senator from Oregon, having once strayed from the beaten path of constitutional law, has wandered farther and farther into the jungle of misinterpretation—I was going to say ignorance, but I can not use that word in connection with the Senator—of the fundamental principle, as it seems to me, of American constitutions. Sir, if there is one position that we have been taught in the hornbooks of constitutional law in regard to this dual Government of ours it is that there is no inferiority and no superiority of the one as to the other from the beginning to the end of that scheme. Each is absolutely teres, atque rotundus in its own sphere, and is inferior to no other jurisdiction created by man.

Mr. MITCHELL of Oregon. May I ask the Senator from Delaware a question?

Mr. GRAY. Yes, sir.

Mr. MITCHELL of Oregon. The Senator from Delaware seems to treat very lightly the position I assume on this question. I should like to test his argument by asking him a question. The constitution of the State of Delaware says in plain terms that the senate of the State of Delaware shall consist of 9 members. Suppose the senate of the State of Delaware should admit a tenth man?

Mr. GRAY. I will come to that directly.

Mr. MITCHELL of Oregon. And should admit him to a seat, pass upon his qualifications, allow him to vote, and a Senator of the United States was elected, and the tenth man gave the casting vote which secured his election, would the Senator from Delaware contend that in virtue of the clause of the Delaware constitution empowering the senate of the State of Delaware to pass upon the elections, returns, and qualifications of its own members, its decision in that case would bind the Senate of the United States? Would he contend that we were concluded—that we had not the right here ourselves finally to construe the constitution of the State of Delaware as to the number of senators who constituted the senate of the State of Delaware? If the Senate of the United States has the right to determine in that kind of a case, has it not the right in any other kind of a case if there is a doubt as to what the construction of the constitution of the State of Delaware should be as to the number constituting the Delaware senate? Is the Senate of the United States bound hand and foot by the decision of the State of Delaware, giving a misconstruction to the constitution of that State, admitting an unreasonable number to the membership of the senate of that State, and a number not permitted by the constitution? That will test the argument of the Senator and will also, at the same time, test my argument, and I am willing to have it tested by an answer to that question.

Mr. GRAY. I suppose that if the Senator makes his own argument and applies his own tests he will be very happy, but I have been applying some tests to his argument which seem to make him a little unhappy.

Mr. MITCHELL of Oregon. Not at all.

Mr. GRAY. I propose to go on and apply my own tests, because if we pursue his suggestion we would never get through, and we would have to submit at the outset——

Mr. MITCHELL of Oregon. I should like to have an answer to my question.

Mr. GRAY. The Senator admitted just what I said. He does not differ at all with the proposition I stated, and that is that his contention is that though the senate of Delaware may only decide in the first instance in regard to a constitutional question involved in the qualifications of one of its own members, and can not decide it finally, the Senate of the United States can. Then his reply was, "Oh, the Senate of the United States is a superior jurisdiction." He did not mean that. I know he did not mean it in the only sense in which it can be taken, because, as I have shown, the word "superior" and the word "inferior" are not admissible in talking about the constitution of a State and the Constitution of the United States. Each is supreme in its own sphere. It admits of no superior, and of course I know the Senator is too good a lawyer to contest that argument.

But let me read it again, because it is well to go back to the sources of constitutional law, and keep ourselves, like the sailors when they take an observation, upon the true course.

The Chief Justice says in McCulloch *vs.* State of Maryland:

In America—

The United States—

the powers of sovereignty are divided between the Government of the Union and those of the States, and they are each sovereign with respect to the objects committed to it, and neither is sovereign with respect to the objects committed to the other

Now, there is committed to the senate of Delaware by its constitution the power to judge of the election, returns, and qualifications of its members, and when it does judge that judgment is

final. It can not be reviewed by any other authority in the State or out of it. The supreme court of the State would not presume to review it, and yet the Senator from Oregon says that the Senate of the United States can review it.

Mr. MITCHELL of Oregon. Will the Senator from Delaware allow me?

Mr. GRAY. I will come to the Senator's question in just a moment. He has put a case, as he has been doing all through this argument, outside the one we are arguing, and he has supposed that a tenth senator was admitted by the senate of Delaware where the constitution provides for only nine. That question is very easily answered; the answer is obvious to everyone, but I am not going to answer it, because I am not going to be led outside of this case. What they have adjudged in this case is what we are concerned with, and not what they might adjudge in a supposititious case.

Mr. BACON. I suggest to the Senator from Delaware that that very question was discussed and fully answered by the Senator from Indiana [Mr. TURPIE].

Mr. GRAY. I recollect it very well.

Mr. BACON. I think it is hardly necessary for the Senator to repeat it.

Mr. MITCHELL of Oregon. May I ask a question of the Senator from Delaware, and also of the Senator from Georgia? Does the power given to the Delaware senate to judge as to the qualifications, returns, and election of its own members include the power to determine what number shall constitute the senate of Delaware?

Mr. GRAY. The constitution determines that question.

Mr. GEORGE. Nine.

Mr. MITCHELL of Oregon. That is just——

Mr. GRAY. It is an abuse of language——

Mr. MITCHELL of Oregon. I am glad we can agree on one point.

Mr. GRAY. It is an abuse of language to say that there is any necessity of construction, interpretation, or exegesis as to what a word denoting number means. You have somewhere to arrive at an initial point in the exercise of human intelligence. When you arrive at a numeral you must understand what it means; and it does not mean anything else. Nine does not mean ten; nine does not mean eight. That is all there is of it.

The case that we are trying is not whether a tenth member was admitted, but whether, as the Senator from Oregon contends, the number of the senate of Delaware established by the constitution at nine has been reduced to eight, for he distinctly says that it has. He has said so three times in the course of his argument. That is the case we are dealing with, and I do not propose to evade an answer to that question.

Mr. MITCHELL of Oregon. Right upon that question the Senator will allow me. I say that in one theory of this case advocated on this side of the Chamber the constitution of the State of Delaware is open to construction as to what number the senate of the State of Delaware is to consist of during the time the speaker of the senate is exercising the office of governor. My argument is that, it being open to construction upon that point, it not being a matter fixed by numerals specific and plain that everybody understands, as we all understand what eight means and what nine means, one of two constructions may be placed upon it. If that is true, if I am correct about it, and assuming for the sake of the argument that I am correct whether I am or not, suppose the senate of the State of Delaware construed it wrong or construed it right——

Mr. GEORGE. In whose judgment?

Mr. MITCHELL of Oregon. It being a matter open to construction as to the number that constitutes the senate of the State of Delaware during that particular time, will not the Senator from Delaware agree with me in the view that in that kind of a case the judgment of the senate of Delaware would not be binding upon us?

Mr. GRAY. It is just as impossible for me to agree with the Senator from Oregon as to agree that nine means eight or that eight means nine. Of course I do not agree with him.

The Senator from Oregon has been struggling all through the discussion of this question to get around the plain provision of the constitution of Delaware that the senate shall consist of nine members. But he says while we admit that there is such a clause in the constitution, similar to a clause in every other constitution in the United States, that each house shall judge of the election, returns, and qualifications of its own members, here is a case it can not judge of, but the Senate of the United States can. How did he get away from that? Does the proposition appear any the less monstrous since his explanation that the Senate of the United States has had conferred upon them some sort of power to make a final judgment upon the qualifications of a senator of the State of Delaware which the senate of that State has no right to make?

There you come back to it. I say it is monstrous, however you put it. The trained American lawyer rejects it as abhorrent in its statement——

Mr. MITCHELL of Oregon. The Senator will allow me again, because I do not intend to be placed in a false position so far as this question is concerned. Suppose the constitution of the State of Delaware had a clause in it similar to that in the Pennsylvania constitution, to which my friend referred the other day, or a specific clause that the speaker upon succeeding to the exercise of the office of governor should not be a senator, so that there would not be any question about it at all. The Senator would agree with me certainly that in such a case, during the time when the senator who was speaker of the senate exercised the office of governor, there would be a reduction of one in the senate.

Mr. GRAY. Oh, no; the vacancy would be filled.

Mr. MITCHELL of Oregon. Suppose it were different? I am supposing a case.

Mr. GRAY. Oh!

Mr. MITCHELL of Oregon. I do not mean to claim that that is this case. I am supposing a case where, by the express provision of the constitution of the State of Delaware, it is provided in terms that while the speaker of the senate exercises the office of governor the senate, instead of being composed of 9 members, shall be composed of 8 members. Then there would be no question about it. In that event, under a constitution of that kind, I think certainly the Senator from Delaware will agree with me that if the senate of Delaware put in a ninth member, under the pretense of passing upon the qualifications, returns, and election of their own members, the Senate of the United States would not be bound by the judgment.

While I admit that there is no such positive and specific provision in the constitution of the State of Delaware, I claim that a fair construction of the constitution of Delaware means precisely that. Then I say that if it does mean precisely that, in that case the senate of Delaware consists of only eight members for and during the time the speaker of the senate exercises the functions of governor. If I am right in my construction—the Senator of course contends I am not—and the senate of the State of Delaware had admitted a man to that place, I contend that it would be a judgment as to passing upon the admission of a man which would not be binding here. That is my argument.

Mr. GRAY. Very well.

Mr. GEORGE. Will the Senator from Delaware allow me to make a suggestion?

Mr. GRAY. Certainly.

Mr. GEORGE. I wish to make a suggestion to the Senator from Oregon. He has made a great many suppositions. I want to make one. Suppose we try this case upon the facts as they appear in the record, and upon the constitution of Delaware instead of upon the constitution of Pennsylvania.

Mr. MITCHELL of Oregon. That is just what I am trying to do.

Mr. GRAY. You can not get more out of a proposition than there is in it. I have stated the proposition of the Senator as in substance and effect made, and however he may indulge in circumlocution, however he may restate it, it all comes back to the same thing, that the senate of Delaware can not finally determine whether it is a fair construction of their own constitution that there are eight members instead of nine, but that the Senate of the United States can. Is it any less objectionable now? Is it not just as abhorrent to reason? Does it not just as much reverse all the notions that have obtained in all the years as to American constitutions and as to the powers of government as when it was stated in its bold form? Has it gained anything of comeliness in the more roundabout fashion of statement adopted just now by the Senator from Oregon? That is the proposition. I have not misunderstood the Senator.

The Senator from Oregon, as the Senator from Mississippi has said, has been indulging all through the argument in suppositious cases. We want to argue this case. When the senate of Delaware adjudged—that is, determined finally—that Mr. Watson, duly elected as a senator from Kent County, with proper credentials, occupying one of the three seats from that county, not a fourth seat, not a tenth seat, was properly a member, his term of senator not having expired, and as such entitled to participate as a senator in all the proceedings of that body, why was not that decision final? If it was not final, it must be because the Senate of the United States has a function and a power conferred upon it to determine finally what the senate of Delaware can not determine finally. That is all there is about it. There we are arrived at the same point again. We have not advanced a single hair's breadth from the original position as I stated it.

Mr. President, the constitutions of our States, as well as the Constitution of the United States, are all postulated upon the intelligence of the citizens of the States. In no part of our scheme of government is there distrust evinced of the people in any State. Why should the senate of Delaware be distrusted to determine finally a question arising as to the election and qualifications of

one of its own members, and not the Senate of the United States? Why is it not as competent to determine? Is there anywhere admitted in our scheme of government any inferiority of the States or of the people of the States to the people of the Union at large, or of the representatives of the States in their legislatures to the representatives in the Congress of the United States? They are drawn from the same citizenship; they are drawn from the same communities. There is no inferiority to be thought of with reference to their character or their functions.

Of course, when you come to decide what our great public American policy is, there is an absolute ignoring of every suggestion of distinction as to ability, function, power, or capacity of the representatives in the State legislatures and those in the Congress of the United States. The Union could not have been formed upon any other terms. Therefore we find it and we find it adjudicated over and over and over again that this power is a final one, it is an exclusive one, and that they are empowered just as the Senate of the United States is empowered to judge of the law as well as of the fact.

Mr. President, where do you find, where does the Senator from Oregon find, the authority for the ingenious proposition that he has made on this branch of the subject, that they may judge of the fact and not of the law? What writer on American law or on constitutional law can be adduced to support that monstrous proposition? It may judge of the fact and not of the law! Who tells you this? Who says so? Not the Constitution of the United States; not the constitution of the State of Delaware, for it says simply shall judge—determine finally—every question that is involved in the admission of a senator.

Suppose, according to the real belief of the Senator from Oregon, there was a vacancy or there was claimed to be a vacancy in the representation of Kent County in the senate of Delaware when Mr. Watson assumed the exercise of governor, and there had been a writ of election issued by somebody in order to fill that seat, and the man elected to fill the seat had presented his credentials. Was not the senate of Delaware competent to decide whether he should be admitted or whether Mr. Watson still occupied that seat, and to decide that did they not have to decide whether there was a vacancy or not? Had they not jurisdiction of the whole subject-matter? I should like to hear the Senator from Oregon answer that question when he comes to talk about this case again.

Of course they did. If that question had been decided either by putting the man elected in or by turning him away from its doors and saying Mr. Watson still holds his seat by virtue of his election two years ago for the term of four years, are we not bound by it? Is not that the very matter which is submitted by the constitution to the senate of Delaware to decide—a question of fact and law I admit. We have no division in the judgment of the senate as we have between court and jury, the question of fact being for the jury and the question of law being for the court. But they are the judges necessarily of the law and fact, or they can not be judges at all, and it is absurd to call them judges.

Mr. President, let us see if we have any authority for so plain a proposition as this. The Senator from Oregon cited a case from Kansas, in 11 Kansas, in which Judge Brewer decided that when the constitution says the house of representatives of the legislature of Kansas shall consist of, say, 125 members, and where four or five additions to that number were admitted from districts that had not been created by law—and in that case an election I think was had (I will ask my friend the Senator from Indiana [Mr. TURPIE] if he recollects it)—a State printer who claimed to be elected by the legislature was not elected, because there had been certain members admitted to seats which did not exist. That is all there is about that. The case is in 11 Kansas. Judge Brewer says:

Article II, section 8, declares that each house "shall be judge of the elections, returns, and qualifications of its own members." Its determination is not—

In this very case—

the subject of appeal or review. It is final—

And I hope the Senator, although he has read it over and over again, will listen to me as I emphasize it—

It is final, and concludes everyone.

The Senator says it concludes everyone except himself and his brother Senators in the United States Senate.

Mr. GEORGE. Except the friends of Mr. Du Pont.

Mr. GRAY. Now, what is included in this power?

Does the power to judge of the qualifications of its members include the power to increase such membership?

Of course it does not—

Can it enlarge its members without limit? Is it like an academy of science or a lodge of Odd Fellows, capable of indefinite expansion? * * * And if one house can admit members above the limit prescribed by law, why may it not above the constitutional limit? But when—

And here is what I ask the attention of the Senator to from this very case, which is relied upon so much by the Senator from Oregon—

But when the district exists, then the decision of the house as to who shall represent that district is conclusive and final.

Now, what does "conclusive and final" mean? Conclusive and final on everybody except this privileged body, privileged beyond everything that was ever conceived of in American law—the Senate of the United States?

Mr. GEORGE. Final and conclusive upon everybody except the friends of Mr. Du Pont.

Mr. GRAY. Except the Senate of the United States, I will say.

It determines who was elected; whether the returns are sufficient, and also whether the party elected has the proper qualifications. Over all these matters its jurisdiction is ample, its determination final.

Mr. President, it has sometimes been said that words are used to conceal thought, but no one ever believed that words, as they are used in constitutions or in the decisions of our courts, were meant for anything but to express their plain and obvious meaning, and "final and conclusive" has but one plain and obvious meaning, and that is that it is final as to everybody; it is conclusive upon all.

Now, Cooley, in his Constitutional Limitations, says the same thing:

There are certain matters which each house determines for itself, and in respect to which its decision is—

What?

conclusive.

And among these things is the right to membership in either house.

So much for the Kansas case cited by the Senator from Oregon. Let us take the other Kansas case, already referred to by the Senator from Indiana [Mr. TURPIE] and the Senator from Mississippi [Mr. GEORGE], and see if we can not extract from it some construction and gain some light upon this question, which I admit does not need elucidation, but which the Senator from Oregon has been able, I will admit, to befog to some extent. It takes a very able man to befog so plain a proposition.

The same judge, Brewer, now an associate justice of the Supreme Court, in the case of Kansas ex rel. Attorney-General *vs.* Gilmore, says:

The constitution declares, Article II, section 8, that each house shall be the judge of the elections, returns, and qualifications of its own members. This is a grant of power, and constitutes each house the ultimate tribunal—

Not to decide in the first instance, as the Senator from Oregon says, but the ultimate tribunal. Of course the Senator agrees with me that if it is the ultimate tribunal, even the Senate of the United States could not review that decision.

The two houses acting conjointly do not decide. Each house acts for itself and by itself; and from its decision there is no appeal, not even to the two houses. And this power is not exhausted when once it has been exercised, and a member admitted to his seat.

Now, we are coming right down to this case. Mr. Watson was undeniably admitted to his seat.

It is a continuous power and runs through the entire term. At any time and at all times during the term of office, each house is empowered to pass upon the present qualifications of its own members. By section 5 of the same article acceptance of a Federal office vacates a member's seat.

I have the constitution of Kansas here and have referred to it. It provides that the acceptance of a Federal office ipso facto vacates a member's seat.

Mr. TURPIE. In the legislature.

Mr. GRAY. As a member of the legislature.

He ceases to be qualified—

Says Judge Brewer—

and of this the house is the judge. If it ousts a member on the claim that he has accepted a Federal office, no court or other tribunal can reinstate him. If it refuses to oust a member, his seat is beyond judicial challenge.

Of course the Senator from Oregon is at liberty to differ with Judge Brewer. The Senator from Oregon is an authority of himself, I admit, and I would defer in almost any case that I had not examined or as to which I had not established a conviction to his opinion as a lawyer. But I cite here the opinion of a judge delivered in a case properly presented and argued before him, in which there were no prepossessions or preconceived opinions to defend, as we must assume, in the exercise of that high judicial function. I am afraid that we all on both sides have some preconceived opinions in this case, and therefore I do cite this judicial opinion of Judge Brewer as one that is decisive as to the power of the Senate to review the action of the senate of Delaware in regard to the qualification and right of Mr. Watson to sit as a member of that body.

What are you going to do with that decision? What are you going to do with this doctrine, admitted everywhere, and contrary to which not a single expression of any jurist or law writer has been produced? We can trample it under foot. We have got the power to do this thing. But I assert that we will never do a thing because we have the power unless we can do it rightfully, and that is the safety of our institutions and the assurance and guaranty to the people of the United States that their constitutional government will be preserved.

Mr. President, that is not all. There is another case cited already. That same distinguished jurist from whose text-book I read, Judge Cooley, in 13 Michigan, already cited by the Senator from Indiana [Mr. TURPIE] and the Senator from Mississippi

[Mr. GEORGE], gave us a deliverance on this very point. Thirteenth Michigan, 481, is the case, and I read from page 492. Judge Cooley said, in reply to an argument made by counsel, that the house or senate—I do not recollect which it was—had the right to judge of the facts, but not of the law:

It is a sufficient answer to this argument that, while the constitution has conferred the general judicial power of the State upon the courts and officers specified, there are certain powers of a judicial nature which, by the same instrument, are expressly conferred upon other bodies or officers; and among them is the power to judge of the qualifications, elections, and returns of members of the legislature. The terms employed clearly show that each house, in deciding, acts in a judicial capacity, and there is no clause in the constitution which empowers this or any other court to review their action. The "general superintending control" which the supreme court possesses, under section 3 of Article VI of the constitution, "over all inferior courts," does not extend to the judicial action of the legislative houses in the cases where it has been deemed necessary to confer judicial powers upon them with a view to enable them to perfect their organization and perform their legislative duties. The houses are not "inferior courts" in the sense of the constitution, but, as legislative organizations, are vested with certain powers of final decision, for reasons which are clearly imperative.

It may happen, as suggested in the argument, that with each House not only deciding for itself questions of fact, but also construing for itself the law, we may sometimes witness the extraordinary spectacle of the two bodies construing and enforcing the law differently, while a third construction is enforced by the courts upon the public at large. But with this possibility in view, the evils of allowing the courts a supervisory power over the decisions of the houses upon the admission of members are so great and so obvious that it is not surprising that the framers of the constitution refrained from conferring the power. The supervision could not ordinarily be exercised during the session of the legislative body, and to correct the decisions afterwards by annulling the laws passed would only be to substitute a great public evil for that which might have been a wrong to an individual member and to the district which elected him, but which could seldom affect the State at large.

It can make no difference that in this case, according to the pleas, the question passed upon by the house was purely a question of law. The question of the legal election of a member is usually a question compounded of law and fact and the house must necessarily pass upon both. If we have the power to review the decision in one case, we have in all. If we can correct their erroneous construction of a law, we have the same power to correct any erroneous decision upon returns, qualifications, or majorities. It is sufficient for us to say that the constitution has not conferred upon us this jurisdiction, and whether the decision made is right or wrong, we shall leave it where it has been left by the fundamental law of the State.

Mr. MITCHELL of Oregon. Let me ask the Senator from Delaware a question at that point. I do not know that there is anything in it, but it strikes me that there is probably, after all. Does the Senator think that the cases are exactly parallel, so far as applying a rule is concerned, in attempting to attack a decision of a legislative body collaterally that way before a court and a proceeding like the one in which we are now engaged, the election of a Senator? Is it not possible that there is a difference?

Mr. GRAY. I do not think, so far as this case is concerned, that it is possible that there is any difference which prevents that exposition of doctrine from being applied literally and exactly to the case in hand. If there was anything in the matter that it was collaterally before the court Judge Cooley did not say so, and if it were collaterally before the court it is collaterally before this court. The State of Delaware is not a party.

Mr. TURPIE. Nor is Watson a party.

Mr. GRAY. Nor is Watson a party. I take it as in the case in 11 Kansas, where it was the case of the election of State printer. The State printer was pursuing his rights in court, and the doctrine laid down by Judge Brewer in that case entirely coincides with what he laid down in the subsequent case in 20 Kansas. It is possible the Senator might reply that the courts of the States will not undertake to review this jurisdiction thus conferred by a State constitution, yet the Senate of the United States does not come within this all-embracing finality which has been ascribed by these eminent judges to the decision of the House upon the question of the qualifications of its members. Then I will not stop to show why there is no difference and why when a thing is final or conclusive on everybody it necessarily includes the Senate of the United States. I will simply refer to the fact that the Senate of the United States has determined for itself that it is bound by this very doctrine and has several times enunciated it when it had jurisdiction of the question. In Sykes *vs.* Spencer, in Taft's cases, at page 521, the committee say and the Senate adopted the report:

In the opinion of your committee it is not competent for the Senate to inquire as to the right of individual members to sit in a legislature which is conceded to have a quorum in both houses of legally elected members.

The only thing that the Senate of the United States has ever permitted itself to do is in a case where there are two bodies each claiming to be the legislature of the State to decide which is the lawful legislature. That it has to do, of course.

Mr. MITCHELL of Oregon. That was the Sykes case.

Mr. GRAY. I know, but when of the two contesting bodies which is the lawful legislature has been determined, then the doctrine applies which they lay down in the Sykes case that—

In the opinion of your committee it is not competent for the Senate to inquire as to the right of individual members to sit in a legislature which is conceded to have a quorum in both houses of legally elected members.

Mr. TURPIE. That is the Delaware case.

Mr. GRAY. That is the Delaware case. The Turpie case, page 625 of the same volume, was interesting and instructive. The committee say, and the report was adopted by the Senate:

We also think that the judgment of the senate of Indiana as to the title of Messrs. Branahan and McDonald, the two members in question, to their seats is binding upon the Senate of the United States. This body is made by the constitution the judge of the election, qualifications, and returns of its members. The senate of Indiana is likewise the judge of the election, qualifications, and returns of its own members. We must determine all questions arising out of the proceedings of the electors. But who sustain the character of electors is to be determined by the legislative body of the State.

The character of electors in the election held for a United States Senator in Delaware May 9, 1895, must be determined by each house of that legislature, and that is what the Senate says in the Turpie case, and it said it was so determined and we are bound by that determination.

We can not inquire into the motives which control its judgment. In rendering that judgment, whether it shall give a hearing to parties, permit debate, examine witnesses, act upon evidence or without evidence, are matters within its own discretion. If that discretion were exercised in the manner charged by the remonstrance, a majority think that a public crime was committed, for which the offenders are responsible to the people of Indiana. But we can not try the question. (Case of David Turpie, page 625.)

Now, they thought a great public crime had been committed in Indiana upon the statements made by the claimants, and yet, notwithstanding that, they said that the Senate of the United States was concluded by that determination, though they believed it to be not only wrong but a crime, and that it could not be reinvestigated and redetermined in the Senate of the United States. In Clark and McGinnis *vs.* Landers and Power, in the same volume, at page 637, we find the same doctrine declared:

Every act of the assembly in which they take part, and to which their consent is necessary, has an absolute validity as if their title had been affirmed by an adjudication of the house itself.

The committee in this report, submitted by the Senator from Massachusetts [Mr. HOAR], were speaking of certain members that it was claimed had been unlawfully admitted to participation in the powers of the house of representatives.

Their title is not, as is sometimes carelessly said, a prima facie title. It is an absolute title, continuing until the house itself has adjudicated that some other person be admitted to their place. This adjudication is only operative for the future, and has no retroactive effect whatever. When the house makes the inquiry on the merits, it may treat the credentials as prima facie evidence upon that question. But until the house tries the case the credential is conclusive.

What? On the house alone? No—

to all the world.

Further on, in the same report, the committee say:

The report in Sykes *vs.* Spencer, decided by the Senate in 1873, is relied upon as supporting an opinion contrary to that which we have stated. If so, we dissent from it. But it is to be remarked that in that case, which was upon an election held less than seven years after the close of the war, the doctrine of the report is not relied upon in the debate. * * * We think there are but two ways in which it can be proved to the Senate. One is the possession of lawful credentials. The other is the judgment of the House itself, not only the final, but the sole judge of the elections, qualifications, and returns of its members.

Mr. GEORGE. Final and sole.

Mr. GRAY. Now, I am going to read again an authority that has already been read and commented upon, because it seems it is very hard to make an impression upon the obdurate and unbelieving minds of the unconverted. Cushing, in his work on the Laws and Practice of the Legislative Assemblies, says, on page 195:

SECTION VII—DISQUALIFICATION.

Whenever a member ceases to possess those qualifications, which are in their nature continuing, or which members are expressly required to possess during their continuance in office—as, for example, when a member removes from the State or other local constituency in which he is required to continue to reside whilst in office—the seat of such member is thereby liable to be adjudged vacant upon the fact of such disqualification being brought to the knowledge of the assembly. To the disqualifications of this kind may be added those which result from the commission of some crime which would render the member ineligible, or from some gross official or other misconduct, in consequence of which he is expelled or discharged from being a member. In all these cases, unless there is some express provision of law by which the subject is regulated, the fact of disqualification can only be inquired into and decided upon by the assembly itself.

SECTION VIII—ACCEPTANCE OF DISQUALIFYING OR INCOMPATIBLE OFFICES.

The distinction has already been explained between those offices or employments the possession of which at the time of the election renders a person ineligible, and those the functions of which are merely incompatible with the functions of a member; the former avoiding the election, the latter only preventing the person elected from exercising the functions of a member until they are removed. When, however, a member has once been duly elected and taken his seat, this distinction no longer exists, the acceptance of disqualifying and incompatible offices being equally effectual to create a vacancy.

The only practical question in cases of this kind usually relates to the time when the acceptance of an office takes place. The subject is sometimes regulated by law, but where this is not the case it may be considered, as a rule, founded in the reason of the thing and corresponding with the practice, so far as it is known, of all our legislative assemblies, that, in order to vacate the seat of a member by the acceptance of a disqualifying or incompatible office, the election or appointment thereto alone is not sufficient, but the member must either have signified his acceptance of the office in a formal manner, or have done what is incumbent on him to qualify himself to discharge its duties, or have actually entered upon their discharge. In cases of this kind the existence of the vacancy must be declared by the assembly itself. In cases arising under this and the preceding section there is, in fact, no vacancy until it is so declared or implied by the resolution of the assembly itself.

Now, Mr. President, that brings me down to this ipso facto argument, which I will not treat separately, but as I am fatigued

and the Senate is fatigued, will only notice in passing to my conclusion. In a case in Kansas where the constitution provided that the acceptance of a certain office vacated the legislative office ipso facto Judge Brewer said that there was no vacancy unless the senate or the house, as the case might be, passed a judgment of ouster, and until that judgment was passed he was to all intents and purposes a de facto member and that his participation in the acts of the legislature could not be inquired into. So Cushing, as to the very case argued by the Senator from Oregon, that a disqualifying office has vacated the legislative office, says emphatically, without qualification:

There is no vacancy until it is so declared or implied by the resolution of the assembly itself.

Mr. President, I will leave that ipso facto branch of the argument right there.

Mr. VILAS. I should like to ask the Senator from Delaware a question right on that point.

Mr. GRAY. Certainly.

Mr. VILAS. Has there ever been known a case, is there any shown in the books, where the action of a legislative body was challenged by reason of the participation in it of any member of that body whom the body itself admitted?

Mr. GRAY. In answer to the question of the Senator from Wisconsin, I will state that I have not found anywhere such a case. I have asked my distinguished and honorable friends the Senator from Mississippi and the Senator from Indiana if they ever discovered in their researches such a case. They have replied that they have not. I have heard no such case adduced by those who have argued the other side of this question. If one such case can be cited, I should be glad to have it produced now or during the pending debate, and I challenge its production. Of course I am not omniscient and do not know that there is no such case, but I do not believe that such a case can be found, for it is not in the reason of the thing that there should be such a case. The acts of a de facto officer are as valid as those of one de jure. This well-settled doctrine of law is one that also applies with determinative force to this case.

Now, Mr. President, I go a little further on the matter of how a vacancy is worked where there is an alleged disqualification. The constitution of Delaware has prescribed certain disqualifications for members of the house and senate, as well as qualifications. Of course qualifications and disqualifications are the same thing so far as the jurisdiction of the house is concerned, for qualification is nothing but the absence of disqualification. There are certain qualifications asserted and there are certain disqualifications asserted for a senator with which we are concerned.

Section 3, Article II, provides that—

No person shall be a senator who shall not have attained to the age of 27 years and have in the county in which he shall be chosen a freehold estate in 200 acres of land, or an estate in real and personal property, or in either, of the value of £1,000 at least, and have been a citizen and inhabitant of the State three years next preceding the first meeting of the legislature after his election, and the last year of that term an inhabitant of the county in which he shall be chosen, unless he shall have been absent on the public business of the United States or of this State.

Those are qualifications. Now as to disqualifications:

No person concerned in any army or navy contract, nor member of Congress, nor any person holding any office under this State or the United States, except the attorney-general, officers usually appointed by the courts of justice, respectively, attorneys at law, and officers in the militia, holding no disqualifying office, shall, during his continuance in Congress or in office, be a senator or representative.

Unquestionably under the power conferred by section 6 of that article, "Each house shall judge of the elections, returns, and qualifications of its own members," if it is alleged either that a man is not 27 years old, or that he has an army or navy contract, or that he is a member of Congress, or that he holds an office under that State, the senate must judge of that disqualification. The Senator from Oregon admits that it must judge of it, and that the mere existence of the disqualifying fact does not operate to unseat him or invalidate any act in which he participates unless there has been a judgment of ouster by the body to which he claims to belong. That proposition is universal. There is no case cited to the contrary; there is no authority that controverts it anywhere.

The very section on which the Senator from Oregon relies, that holding an office under the State disqualifies him to be a senator while exercising the office of governor, says that if he is concerned in an army or navy contract it disqualifies him. They are coupled in the same clause. Suppose there was present and voting upon the day on which Mr. Du Pont claims to have been elected a senator who was interested in a navy contract or affected by some of the other disqualifications enumerated in the constitution, and enumerated in the very clause on which the Senator from Oregon relies, that his vote in the joint assembly, as well as in the senate, had been acquiesced in without protest or objection, much less without a judgment of ouster by the senate, is it claimed that the Senate of the United States can adjudicate his right and practically pronounce a judgment of ouster? No; the Senator from Oregon does not say so. He does not say so. The other side have to make a case where the senate of Delaware can not judge of the qualifications of its own members; and there is no such case.

Mr. TURPIE. There can not be such a case.

Mr. GRAY. There can not be such a case. Take any of the State constitutions, which are very much alike in prescribing these disqualifications. The constitution of New Hampshire for nearly a hundred years, from 1784 to 1877, in prescribing the qualifications of the members of the house of representatives, said, just as the constitution of Delaware says:

Every member of the house of representatives shall be chosen by ballot; and for two years at least next preceding his election shall have been an inhabitant of this State, shall have an estate within the town, parish, or place which he may be chosen to represent of the value of £100, one-half of which to be a freehold, whereof he is seized in his own right; shall be at the time of his election an inhabitant of the town, parish, or place he may be chosen to represent; shall be of the Protestant religion, and shall cease to represent such town, parish, or place immediately on his ceasing to be qualified as aforesaid.

I should like to ask the Senator from New Hampshire [Mr. CHANDLER], if he were present, how that worked, if any of those disqualifications worked ipso facto. If, for instance, a law was passed and there was necessary for its passage the vote of some man who had been elected and was not a Protestant, who was either a Roman Catholic or an agnostic, would that act be invalid without a judgment of ouster? How are you going to find out whether a man is a Protestant or a Catholic, or how did they find out in New Hampshire prior to 1877 whether a member of the house was a Protestant or a Catholic? Was it competent for any man walking on the street to charge that So and So is a Catholic and therefore not competent to sit in the legislature of New Hampshire? I take it not, so far as any effect from that assertion would go.

Mr. TURPIE. Or to assert it here.

Mr. GRAY. Or to assert it here in the Senate of the United States, when the credentials of a Senator elected by the legislature of New Hampshire come before us. The Senator from Oregon, if he made the same argument in a case of that kind that he makes in this, would say here is a seat not open to occupation, for it says that he shall immediately cease to represent the town upon his ceasing to be qualified as aforesaid. So it will be charged here, proved, and admitted on the record that A B, a member of the house, who participated in the election for United States Senator, had conformed to the tenets of the Roman Catholic Church, and therefore it appears upon the record that a disqualification inhered in him as to that office.

Mr. MITCHELL of Oregon. If the Senator from Delaware will allow me, I will admit in this case, if the fact was disputed that the speaker of the senate had succeeded to the exercise of the office of governor and was exercising the office of governor, then, as a matter of course, it would be for the Delaware State senate to pass upon it. Here all the facts are admitted by everybody.

Mr. GRAY. Very well; I am supposing just now that case.

Mr. MITCHELL of Oregon. Who will decide whether the man shall sit in the senate or not?

Mr. GRAY. I understand it. I am supposing just that case, that in 1876 a man had come here claiming to be elected a Senator from the State of New Hampshire, and that upon the journal of the senate of that legislature it was found that one of the persons who voted for him, and whose vote was necessary to his election, was admitted to be of the Roman Catholic religion.

Mr. ALLEN. And still the legislature had allowed him to sit there.

Mr. GRAY. And still the legislature had allowed him to sit there; had not chosen to oust him for his religious opinions. I want to know whether the Senate of the United States would claim to exercise the jurisdiction to cast that man from its doors and say, "Go hence; you are not worthy to be a Senator of the United States, because you were voted for by a man who was admitted to have been a Roman Catholic in the legislature of New Hampshire."

Mr. MITCHELL of Oregon. I will answer that in that case, if it were the law to-day, as it is not fortunately——

Mr. GRAY. No, I said in 1876.

Mr. GEORGE. In 1877.

Mr. GRAY. It was changed in 1877.

Mr. MITCHELL of Oregon. If that were the law to-day, and the senate itself had spread on its record the fact of the disability, and the provision of the constitution was plain and specific that on the existence of that fact the person has no right to sit there, then I would say we were not bound by it.

Mr. GRAY. Then you claim an appellate jurisdiction in the Senate of the United States from the legislature of New Hampshire?

Mr. MITCHELL of Oregon. I do in that case under those circumstances, where the senate of the State had passed upon the question of fact and made it a matter of senatorial record.

Mr. GRAY. Very well.

Mr. MITCHELL of Oregon. Because in that case it would be in adjudication by the New Hampshire senate itself of the very fact of disability which the constitution imposes.

Mr. GRAY. I am not surprised that the Senator from Oregon has so declared. He was driven to declare so by the logic of his

position, and he is too good a logician to blink at a conclusion after he has staked himself upon the premises. Of course, it brought him just to that point, and he was bound to admit that absurd conclusion; but that absurd conclusion is not supported by any text-writer or any jurist or any man who is competent to discuss American public law that I know of; certainly no such support has been cited in my presence in the Senate.

Mr. President, this whole doctrine of an ipso facto working of a vacancy upon the acceptance of an incompatible office, admitting that there was an incompatibility, does not apply to the case of a member of the legislature. In all the cases cited those offices are other than legislative offices; they are all cases where the function of the office which is vacated is one possessed by the person in its entirety; it is a function by itself, not participated in by others, upon which he does not have to depend on the judgment of others; but when you come to this quasi office of member of the legislature, where you are a unit of the greater body where the function is performed, the legislature of which you are only one constituent unit, then you must depend for your position and status in that body, not only by reason of the constitutional provision, but necessarily upon the judgment of the body itself. In other words, if we admit for the sake of the argument that the exercise of the office of governor is either an incompatible or prohibited office, it can not work of itself a vacation of the legislative office. This doctrine only applies to offices which are such in the proper sense of the term, when the holder of it has a function complete in itself, and whose status is independent of others in like situation. In the case of a member of a legislative body such member is only a part of an organized body—the legislative duty or function is in the organization, not in the member—such body has a self-recognizing capacity and individuality, and controls its own organization and the relations of its constituent parts or members. It can not be changed against its judgment.

Mr. HOAR. Does the Senator carry that doctrine so far as to say that the legislative body's own judgment as to whether a quorum is present is binding upon us?

Mr. GRAY. That has nothing to do with this case. I admit it is a question that might occupy my consideration if I were not arguing something else; but the Senator will excuse me from going into it now. I frankly say that I am not prepared to answer it.

Mr. HOAR. It seems to me that it has a close relation to this case.

Mr. GRAY. Whether it has a close relation or not, I am really not prepared to answer it, I say frankly. I am considering now the powers of the house to judge as to its own organization and as to the units that make up that organization.

I have said about all that I think it is necessary for me to say on this subject. No doubt I have, in the opinion of the Senate, said much more than was necessary for me to say, but the question is interesting. It involves very much the integrity of our constitutional system in the State of Delaware, and it involves very much the integrity and coptinuity of the judgments of this body in similar cases—how far it will permit this Senate to judge of the qualifications, elections, and returns of members in the legislature of a State. We can judge of the procedure that has taken place in the election of a United States Senator, what the electors prescribed by the constitution have done; but who are the electors, in the language of the Senate in Turpie's case, is a matter which must be determined by the legislature itself.

Mr. President, it will not evade this universal, this accepted doctrine of American constitutional law to say that in this case there was a seat in the Delaware senate not subject to occupancy. That is only another way of stating the same fact. Whether there was a seat subject to occupancy then, whether there was a seat filled or no, whether there was a vacancy in a recognized seat provided for by the constitution is a question for the senate of Delaware to determine. Judge Brewer says, in the very case cited by the Senator from Oregon, was there a district provided for by law; and if there was a district, then who should occupy it was a matter for the house itself to determine. So in this case, we say there was a district provided not by law, but by the constitution itself, the organic law, the highest law of the State; and whether Mr. Watson filled it, or whether it should be declared a vacancy and another person be elected from Kent County to fill it, was a thing for the senate of Delaware to determine, and when it did determine it it determined it finally. That view of the matter concludes this question—it might all have been said in comparatively a few words. What is the jurisdiction of the United States Senate over this subject-matter? If we have not that jurisdiction, and the senate of Delaware had, that is all there is of it, and we need not multiply words in arguing it.

Mr. Du Pont was declared by the joint assembly not elected, because he did not receive a majority of the votes of the lawfully elected members of the legislature who participated in that election on the 9th day of May, 1895; and to reverse that declaration by a judgment of the Senate of the United States would be to do violence to the constitution and laws of Delaware and deprive that State of a right which belongs exclusively to the State and its legislature under the Constitution of the United States.

I thank the Senate for the patience with which they have listened to me.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 3281) to authorize reassessments for improvements and general taxes in the District of Columbia, and for other purposes.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3603) granting a pension to French W. Thornhill;

A bill (H. R. 5258) granting an honorable discharge to John B. Besler; and

A bill (H. R. 5853) granting a pension to Arminda Stucker, of Gallatin, Mo.

PROPOSED INVESTIGATION OF BOND SALES.

Mr. PEFFER. Mr. President——

The PRESIDING OFFICER (Mr. CHILTON in the chair). The Senator from Kansas will please suspend while the Chair lays before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation.

Mr. PEFFER. In pursuance of the unanimous consent of the Senate given yesterday, I ask that the unfinished business may be temporarily laid aside, and that the Senate now proceed to the consideration of Order of Business 332, being the bond-sale resolution.

Mr. VILAS. I do not understand that there was any unanimous agreement that the unfinished business should be laid aside.

Mr. PEFFER. I do not know that there was——

Mr. VILAS. If the request of the Senator from Kansas is agreed to, it substitutes the bond resolution for the unfinished business.

Mr. PEFFER. I do not care what the proceeding is.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

Mr. VILAS. Mr. President, I am calling attention to the fact that I object not to the unfinished business being displaced, but if there is an order which is entitled to the right of way—and I do not know but that there is—it is an order which displaces the unfinished business.

Mr. PEFFER. Unanimous consent of the Senate was given that at the close of the remarks of the Senator from Delaware the Senate should proceed to the consideration of the order of business which I have just suggested.

Mr. VILAS. I do not object to the Senate proceeding to the consideration of that order of business, if that was the agreement. I only object to its being done while the unfinished business is temporarily laid aside. That was not part of the agreement.

The PRESIDING OFFICER. The Secretary will read the last order of the Senate on the subject.

Mr. VILAS. On what page of the RECORD?

The PRESIDING OFFICER. On pages 3981, 3982 of the RECORD of April 15.

The Secretary read as follows:

Mr. PEFFER. I understand the agreement to be just as it was made, Mr. President. There was a unanimous-consent agreement made a few days ago that yesterday at 2 o'clock and 15 minutes p. m. we should proceed to the consideration of the bond resolution, but yesterday at 2 15 o'clock we were not ready by reason of the fact that the Senator from New Hampshire [Mr. CHANDLER] was on the floor in the midst of a speech. Then, by unanimous consent, the agreement was postponed or delayed until to-day at the conclusion of the speech of the Senator from Delaware [Mr. GRAY].

Mr. ALLISON. Then I understand the unanimous-consent agreement embraces the idea that the bond resolution is to be the unfinished business. I have no objection to that.

Mr. PEFFER. At that time?

Mr. ALLISON. At that time.

Mr. PEFFER. That is the understanding.

Mr. ALLISON. Giving way, of course, either by unanimous consent or otherwise, to appropriation bills.

Mr. PEFFER. That is rulable, undoubtedly.

The PRESIDING OFFICER. What is the pleasure of the Senate in regard to the matter?

Mr. PEFFER. I ask the Senate to proceed to the consideration of the bond resolution in pursuance of the unanimous-consent agreement.

Mr. PETTIGREW. I should like to ask if that was made the order of business by unanimous consent?

The PRESIDING OFFICER. That has been the understanding of the Chair. Does the Chair understand the Senator from Wisconsin to insist on his objection?

Mr. VILAS. I am making no objection to the execution of the unanimous consent that was given. I only insist that the execution of that order displaces the unfinished business which had previously been laid before the Senate.

Mr. CULLOM. I inquire of the Senator from Kansas whether

he will not be willing to allow that special order to be temporarily laid aside until the Indian appropriation bill can be finished?

Mr. PEFFER. No, Mr. President, I am not willing now to do anything but to dispose of the bond resolution in some orderly way. We want to know whether we are going to proceed with it or not.

Mr. CULLOM. I want the Senator to understand that I am not seeking to put his resolution out of the way, so that the Senate will not have a chance to consider it. I may desire to say something on the subject myself before it is disposed of; but I do think, if this Congress is going to adjourn this summer, we must proceed with the consideration of the appropriation bills.

Mr. PEFFER. I appreciate the force of the Senator's remarks. This does not happen, however, to be a short session. We have all summer before us, and our salaries are paid by the year. It is true this is a Presidential campaign year, but we certainly shall be able to dispose of all the business before the Senate in a reasonable time and get to this bond resolution, which I regard as a very important one. I have three times procured, through the courtesy of the Senate, unanimous consent to proceed to the consideration of the resolution; and I do insist now that that consent be enforced by the Senate. Of course I know the Chair can not do it; but I ask the Senate to do it.

Mr. PLATT. I do not think that that resolution displaces the unfinished business. The unfinished business is before the Senate. If, while the unfinished business is pending, there is unanimous consent given to take up something else, I do not think the unfinished business is thereby displaced.

Mr. HALE. Or if a motion is made to proceed to any other subject-matter.

Mr. PLATT. If a motion is made and agreed to to proceed to the consideration of another subject, that would displace the unfinished business.

Mr. HALE. Of course; but the Senate can do that at any time it pleases.

Mr. PLATT. Yes; but I do not think unanimous consent to take up something else while the unfinished business is pending would displace the unfinished business until that was disposed of.

Mr. PEFFER. My own view of the case was that it was not the intention of the Senate that the unfinished business should be taken from its place upon the Calendar, but that it should remain there, notwithstanding the enforcement among ourselves of the consent agreement to take up the bond resolution; and that was stated at the time publicly and privately.

Mr. PLATT. We have passed fifty bills by unanimous consent while the unfinished business was pending, and it was never supposed that the unfinished business was thereby displaced.

Mr. HALE. When unanimous consent is given that at a certain time on a certain day a subject-matter shall be taken up or shall be made the unfinished business, unless with that consent there goes a proposition that it shall be continued until disposed of, the record is always one way, that the privilege exhausts itself when the measure is laid before the Senate, and that at any time, either by unanimous consent or on motion, that may be displaced and something else taken up. For one, as to any appropriation bill that I have in charge, I am willing to state that, believing it to be the desire of the Senate to pass the appropriation bills and adjourn at as early a day as possible, no matter what subject-matter has been fixed for a certain time to be taken up, I shall test the sense of the Senate as to whether it will continue to take up days and days, as they have been taken up by the Delaware case, rather than proceed with the consideration of the business of the Senate that everybody wants done. The Senator from Kansas [Mr. PEFFER] gets his unanimous consent enforced when he gets his resolution before the Senate; but immediately the Senator from South Dakota [Mr. PETTIGREW], if he chooses, can move to take up the Indian appropriation bill, and the Senate may decide, in its discretion, that it is more important to proceed with that bill than with anything else. That is for the Senate to decide.

I protest against the theory that, because unanimous consent is given to take up a particular matter at a particular time, we have to take all the time which the advocates of that measure choose, without having the opportunity of testing the sense of the Senate about taking up anything else.

The PRESIDING OFFICER. The Chair will state to the Senate the state of the case as he understands it. Unanimous consent seems to have been given to take up the bond-sale resolution upon the conclusion of the argument of the Senator from Delaware. Acting under what he supposed to be the rule, the Chair laid before the Senate the unfinished business soon after 2 o'clock. The Senator from Kansas [Mr. PEFFER] then asked unanimous consent that the unfinished business be laid aside in order to proceed to the consideration of the bond resolution, without displacing the unfinished business, or, to be more correct, only temporarily displacing it. The Senator from Wisconsin [Mr. VILAS], as the Chair understands, objects to that conditional laying aside of the unfinished business.

Mr. GORMAN. I submit, when unanimous consent has been given to take up a measure at a fixed time, as in this case, it then becomes the duty of the Chair to lay the matter before the Senate. The Senate can proceed with it, or postpone it, or take up any other matter it sees proper; but unanimous consent having been given to take up any business, it ought to be laid before the Senate. That has been the universal rule.

Mr. COCKRELL. In pursuance of the unanimous-consent agreement, I ask that the bond resolution may be laid before the Senate.

Mr. GORMAN. That is right.

Mr. VILAS. Mr. President, the Chair stated correctly——

Mr. HOAR. What is before the Senate now, Mr. President?

The PRESIDING OFFICER. The Chair will state to the Senator from Massachusetts that soon after 2 o'clock, acting upon what he understood to be the rule and also upon the suggestion of the clerks at the desk, he laid before the Senate the unfinished business.

Mr. HOAR. What is that?

The PRESIDING OFFICER. The joint resolution in regard to the Uncompahgre Reservation. Now, the Senator from Kansas asks that that be temporarily laid aside, without losing its place, to take up the bond-sale resolution, for the consideration of which at this time he claims that unanimous consent was heretofore given.

Mr. COCKRELL. I rise to a question of order. Under that consent agreement it is not necessary for the Senator from Kansas to ask that the unfinished business be temporarily laid aside. It is already temporarily laid aside by the unanimous-consent agreement, and it is the duty of the Chair to lay the resolution before the Senate.

Mr. VILAS. So far from that being the case, I believe it to be true that the Senate has agreed to take up the bond resolution; but instead of it being a consent that the unfinished business should be laid aside for the purpose, it was expressly the other way, that this resolution should become the unfinished business. The Chair has already had read from the desk the remarks on that subject yesterday, which I shall again read.

The Senator from Kansas [Mr. PEFFER] stating the case, the Senator from Iowa [Mr. ALLISON] said:

> Then I understand the unanimous-consent agreement embraces the idea that the bond resolution is to be the unfinished business. I have no objection to that.
> Mr. PEFFER. At that time?
> Mr. ALLISON. At that time.
> Mr. PEFFER. That is the understanding.

That is what I am now insisting upon. If there had been made a request that it should lay aside the unfinished business instead of becoming the unfinished business itself, that might then have been objected to. It was not a request that the unfinished business should be temporarily laid aside, but it was a request that one order of business should supersede another. That is the effect of the order which was made.

Mr. PEFFER. Then, Mr. President, if it is a mere technical objection, I beg leave to modify the request. My request of the Chair was to lay before the Senate the bond resolution, and the Chair, before recognizing my address, laid before the Senate the unfinished business, the Uncompahgre joint resolution. It was then that I made my request that the unfinished business be temporarily laid aside in order that this agreement might go into effect.

Mr. HOAR. I rise to a question of order.

The PRESIDING OFFICER. Under all the circumstances, the Chair is satisfied that perhaps it would have been better, under the unanimous-consent agreement, to have laid the bond resolution before the Senate, and let the Senate dispose of it as it saw fit. The Chair, therefore, now lays that resolution before the Senate.

Mr. COCKRELL and others. That is right.

Mr. HOAR. That is what I rose for.

The PRESIDING OFFICER. The title of the resolution will be stated.

The SECRETARY. A resolution providing for a committee of five Senators to investigate generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. PEFFER. I wish to state to the Senate that so far as I know, the friends of this resolution do not intend or expect to spend any more time than has been already expended, or at least very little more time, in the discussion of the resolution. In order that the way may be clear, I will state to the Senate further that when the resolution was first before the Senate the Senator from Ohio [Mr. SHERMAN] moved that the resolution be referred to the Committee on Finance. That motion was pending when the hour of 2 o'clock arrived and the resolution went to the Calendar. The next day a somewhat similar resolution was offered by the Senator from Massachusetts [Mr. LODGE], with this difference, that instead of making the committee a select committee the resolution

provided that the investigation should be prosecuted by the Committee on Finance. I then moved to substitute my resolution of the preceding day for that of the Senator from Massachusetts. The Senator from Massachusetts moved to lay my substitute on the table. A vote was taken, which resulted in a majority of 34 to 16 against the motion of the Senator from Massachusetts to lay my amendment on the table. In view of that fact, the Senate having once expressed itself by way of preference for a select committee rather than the Committee on Finance, I move to lay the pending motion to refer on the table.

Mr. HOAR. That carries the whole thing with it.

Mr. PEFFER. Oh, no; not under our rules.

Mr. HOAR. I think so.

Mr. PEFFER. I do not so understand.

Mr. HOAR. I understand that under our rules a Senator may move to lay an amendment on the table without carrying the whole subject with it, but this proposition is to lay on the table a motion to refer.

Mr. PEFFER. I understand the rule is the reverse of that.

Mr. HOAR. Perhaps it is. I do not know.

The PRESIDING OFFICER. The rule is clear as to amendments, but the Chair does not think that there is any express rule of the Senate on this particular subject.

Mr. HOAR. The universal parliamentary rule has been that where any pending motion——

Mr. PEFFER. In order to avoid any further discussion on the subject, I withdraw my motion.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. PEFFER. I ask for a vote.

Mr. HILL. I ask for the reading of the resolution.

The PRESIDING OFFICER. The resolution will be read.

Mr. VILAS. Before the Secretary reads the resolution, do I understand that the Senate now proceeds to the consideration of the bond resolution?

The PRESIDING OFFICER. The Chair has laid the resolution before the Senate, and the Senator from New York [Mr. HILL] requested that it be read.

Mr. VILAS. I only desire to be specific that I object to this being done except, in pursuance of the understanding, as a substitute for the unfinished business.

Mr. HILL. Except as the unfinished business?

Mr. VILAS. It becomes the unfinished business.

Mr. HILL. I understand the Senator from Wisconsin objects to the consideration of the resolution except as the unfinished business of the Senate.

Mr. VILAS. I desire it to be understood that the resolution is before the Senate as the unfinished business.

The PRESIDING OFFICER. It is impossible for the Chair to enforce a unanimous-consent agreement, of course; but if it is objected to the question must be determined by the Senate.

Mr. PEFFER. What is the objection, Mr. President?

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. VILAS] objects to the consideration of the bond resolution except as the unfinished business.

Mr. VILAS. Yes; which is in accordance with the consent agreement.

Mr. GORMAN. I suggest to the Senator from Wisconsin that that question will come up later on. The bond resolution is before the Senate in consequence of the unanimous-consent agreement. Necessarily it displaces everything else. It is now before the Senate, and must remain as the unfinished business until the Senate orders otherwise. So the question raised by the Senator from Wisconsin will come up hereafter; not now.

I ask that the resolution may be read.

Mr. VILAS. That is exactly in accordance with my understanding.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read the resolution submitted by Mr. PEFFER February 12, 1896, as modified, as follows:

> *Resolved*, That a committee of five Senators shall be appointed by the Vice-President, whose duty it shall be—
> First. To investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.
> Second. To investigate and report specially what amount of available funds, classified, was in the United States Treasury and on deposit in other places subject to the order of the Secretary of the Treasury at the time the bonds were sold or offered for sale; whether there was or was not coin enough on hand to meet all coin obligations of the Government due at the time said bonds were sold or when they were offered for sale; what obligations were due at that time and the amount of each, stated separately; what was the reason for any unusual withdrawal of coin from the Treasury shortly before bonds were sold or offered for sale, if such unusual withdrawals were in fact made, and by what persons or classes of persons and for what purpose or on what account such withdrawals were made; who purchased the bonds, in what amounts, and where, whether in the United States or in foreign countries, and in what proportions, and from what persons or classes of persons the gold was procured with which to pay for the bonds, what the bonds sold for, and what was the market price of our Government bonds at the time; and what effect the bond sales had on the credit and business of the people of the United States.
> Third. To investigate and report as to the manner of disposing of said bonds, by what authority, and what contracts, advertisements, or proposals were made by the Secretary of the Treasury in relation thereto; what agreements or contracts, and whether oral or in writing, and whether publicly or privately, were entered into by the Secretary of the Treasury and any syndicate or person or persons with respect to the sale and purchase of the bonds, and the profits made or to be made by such syndicate or any person or persons connected with such syndicate directly or indirectly; whether any officer of the Government, or any person or persons for such officer, and on his behalf, and in his personal interest, and with his knowledge or consent, entered into any contract, agreement, or arrangement, directly or indirectly, with any person or persons, partnership, corporation, company, or syndicate, for the purpose of affecting the price offered or to be offered for said bonds, or any of them, with the intent and expectation to receive commission or personal reward by reason of such contract, agreement, or arrangement; whether such contract or agreement had any and what effect on the prices offered for the bonds, what the effect was, and who, if any person, profited by it, and to what extent.

Mr. HILL and Mr. ALLISON addressed the Chair.

The PRESIDING OFFICER. The Senator from New York [Mr. HILL] is entitled to the floor.

Mr. HILL. I will yield to the Senator from Iowa.

Mr. ALLISON. I beg pardon. I was not aware that the Senator from New York had the floor.

According to the agreement arrived at the other day, a portion of which was read by the Senator from Wisconsin [Mr. VILAS], it was understood that the bond resolution should be temporarily laid aside from time to time for the consideration of appropriation bills. I now ask unanimous consent that it may be laid aside for the time being, in order that we may proceed to the consideration of the Indian appropriation bill, the bond resolution, of course, not losing its place.

Mr. VILAS. I only want one ruling from the Chair with respect to that. I rise to a parliamentary inquiry. Is it now definitely determined that the bond resolution is the unfinished business and has taken the place of the joint resolution that was on the Calendar as the unfinished business? If it has, the Senator from Iowa is correct. If it has not, it will require unanimous consent that that also be laid aside. I simply desire to know the parliamentary status.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Mr. PEFFER. Mr. President, I object.

The PRESIDING OFFICER. There is objection.

Mr. HILL. Mr. President——

Mr. ALLISON. I wish only to call attention to the fact that the Senator from Kansas the other day, when this agreement was made—the one quoted by the Senator from Wisconsin—expressly agreed that that might be done. If he now objects——

Mr. PEFFER. Certainly; the Senator from Iowa misunderstood me. I did not agree that it should be laid aside except by unanimous consent, the same as we would do in any other case.

Mr. ALLISON. Undoubtedly.

Mr. HILL. "Or otherwise."

Mr. PEFFER. "Or otherwise," the Senator said himself. Of course "or otherwise" might even come yet.

Mr. ALLISON. I read from pages 3981, 3982 of the RECORD:

> Mr. PEFFER. I wish to say to the Senator from Ohio that there is an agreement by unanimous consent to proceed, when that time comes, with the bond resolution; but we can doubtless arrange as to that matter.
> Mr. SHERMAN. It will not disturb that arrangement.
> Mr. PEFFER. With that understanding of course I shall not interpose.
> Mr. ALLISON. The bond resolution is subject to appropriation bills by a distinct statement made by myself the other day when it was sought to make that resolution a special order. Of course the Senator from Kansas does not expect to go on with the bond resolution to the exclusion of the appropriation bills: at least I hope not. I do not understand that to be the order.
> Mr. PEFFER. I understand the agreement to be just as it was made, Mr. President. There was a unanimous-consent agreement made a few days ago that yesterday at 2 o'clock and 15 minutes p. m. we should proceed to the consideration of the bond resolution, but yesterday at 2.15 o'clock we were not ready by reason of the fact that the Senator from New Hampshire [Mr. CHANDLER] was on the floor in the midst of a speech. Then, by unanimous consent, the agreement was postponed or delayed until to-day at the conclusion of the speech of the Senator from Delaware [Mr. GRAY].
> Mr. ALLISON. Then I understand the unanimous-consent agreement embraces the idea that the bond resolution is to be the unfinished business. I have no objection to that.
> Mr. PEFFER. At that time?
> Mr. ALLISON. At that time.
> Mr. PEFFER. That is the understanding.
> Mr. ALLISON. Giving way, of course, either by unanimous consent or otherwise, to appropriation bills.
> Mr. PEFFER. That is rulable, undoubtedly.

I submit that it is a fair understanding that the resolution when it became the regular order of business, as other resolutions and bills hitherto have been, would be subject to appropriation bills when they were ready for consideration. Therefore, I ask unanimous consent that we may temporarily lay aside the bond resolution with a view to considering the Indian appropriation bill.

Mr. STEWART. I object.

The PRESIDING OFFICER. Objection is made. The Senator from New York [Mr. HILL] is entitled to the floor.

Mr. WALTHALL. Will the Senator from New York yield to me to make an inquiry in relation to the status of the resolution?

Mr. HILL. Certainly.

Mr. WALTHALL. According to my recollection, when this measure was last before the Senate the Senator from Tennessee [Mr. HARRIS] offered an amendment to it, and the amendment

was pending when we passed from the consideration of the subject. The amendment was to strike out lines 1 and 2 and insert "That the Committee on Finance be directed," etc. I ask to be informed whether the amendment is now pending.

The PRESIDING OFFICER. The Chair is informed by the Secretary that the pending question is on the motion to refer the resolution to the Committee on Finance.

Mr. WALTHALL. The amendment is pending, however?

The PRESIDING OFFICER. Yes, sir. The amendment was presented, but the pending question is on the motion to refer the resolution to the committee.

Mr. HILL. Mr. President, I should have preferred that the unfinished appropriation bill should have been taken up this afternoon on account of a personal engagement of my own. Beyond that it makes no difference to me when this question shall be discussed. Any Senator has a right to move to take up an appropriation bill if he sees fit to do so. If the appropriation bills are suffering because of lack of attention, any member of the Appropriations Committee can now make a motion to take up any of those bills for consideration.

Mr. President, the distinguished author of the resolution, assuming to speak in behalf of its friends, announced to the Senate, presumably by authority, to which I did not observe that the distinguished Senator from Nevada [Mr. STEWART] assented, that no one expected to speak in favor of the resolution. Of course I assume that the Senator from Kansas [Mr. PEFFER] did not intend to deceive the Senate. I must assume that he did not intend to deceive the Senate. I assume that he did not intend to allow the matter to be taken up under the promise that it was to be considered without debate on the part of its friends, or he would not have made that statement, which I repeat again in his presence, that the friends of the resolution did not intend further to debate it.

It is proper, probably, that the Senator from Kansas should control this matter. It is a Populist resolution, and who has any better right to control it than he? The resolution has its inspiration in the Populist party. It has its inspiration in hostility to all bonds whatever. The resolution, Populistic in its character, proposes to investigate not only the recent syndicate transaction, but the loan of February, 1895. The last three bond issues are proposed to be investigated by the resolution. In the two speeches which I made upon this subject when I was cut off by the expiration of the morning hour I commented upon the fact that the investigation is pressed without formal charges, without specifications, without any allegations of wrongdoing, irregularity, or corruption. I am not now speaking of the ingenious statements of the Senator from Kansas when he proceeded to discuss the resolution. The only tangible ground for an investigation stated by the author of the resolution was that the issuing of bonds should be investigated because there was a public curiosity to learn about them, and it was gravely argued in the Senate that that was a sufficient reason for ordering a special investigation. There is no amendment now pending for an investigation by a standing committee of the Senate.

The Senator from Kansas in his brief remarks made a few moments ago took it for granted that because the resolution was not laid on the table it is to pass. I was one of those who voted against laying it on the table, in order that it might be considered in connection with the resolution of the junior Senator from Massachusetts [Mr. LODGE], and that was the only reason. There are no two Senators here who agree as to the grounds of the proposed investigation or the results expected to be established. I said the other day that the fairest method would have been for the Senators who are clamoring for an investigation of the bond transactions under the present Administration to have come in here and specified in the resolutions themselves the precise things which they desired to have investigated and the reasons therefor, the grounds therefor, the allegations of unfairness, the allegations of illegality, and the allegations of corruption, in order that when the fiasco is terminated somebody would be responsible for the resolutions. I think it would have been better, for the reason that when the committee shall finally report, if it shall ever report, Senators will be precluded from rising in their places and saying, "We never charged this; we never charged that; we never charged the other. We did not say there was this; we did not say there was that."

The resolution is to be passed in the dark. It is to be passed, if passed at all, not because of specific allegations made against the honorable Secretary of the Treasury, but because public curiosity demands that the Senator from Kansas and his friends shall be gratified. The extraordinary character of this proceeding, therefore, may well be commented upon at the outset. This course is taken, as I said before, because when the result shall be announced Senators do not wish to be confronted with its meager results. If the committee shall find that there was no irregularity, then they will say, "Nobody charged irregularity." If the committee shall find that there was no corruption, it will be said, "Nobody charged corruption." If the committee shall find that everything has been done according to law and in good faith and for the best interests of the country, "Who said to the contrary?" will be the question. And the country is put to the spectacle of a legislative investigation with no one responsible for any distinct, definite allegation of wrongdoing, but an investigation just for the purpose of having an investigation, for the novelty of it (it is not a novelty in the Senate), for the fun of it, for the mere sake of having something to do in the near future.

Mr. STEWART. Will the Senator from New York permit me to ask him a question?

Mr. HILL. Certainly.

Mr. STEWART. Does the Senator from New York understand that it is necessary, before the Senate may investigate, to have what is equivalent to an indictment? As I understand it, investigations are made for various purposes, sometimes to ascertain whether there has been fraud, and sometimes to ascertain if the methods are bad and might be improved by legislation. The general class of investigations is with a view to legislation, and there are many reasons for investigating where we would not indict for crime.

Mr. HILL. All that is true enough, but what I object to is that the resolution not directly, but indirectly, not having the courage to charge wrong openly, insinuates it, and before I get through I shall demonstrate it even, I think, to the comprehension of the Senator from Nevada. It is preferred, instead of making formal allegations, to take the gossip of the street, to take newspaper insinuations rather than formal charges.

I am not going to spend any further time upon the first point of inquiry which the resolution suggests. The first thing which the Senate is formally to authorize the committee to do is to investigate the question of the authority of the Secretary of the Treasury to issue bonds. I say, or was proceeding to say when I was interrupted by the expiration of the morning hour, that the farmers of the Senate, the Senator from Kansas [Mr. PEFFER], the Senator from Nebraska [Mr. ALLEN], the Senator from South Carolina [Mr. TILLMAN], had risen in their places at various times and said that the farmers deny the authority of the Secretary of the Treasury to issue bonds under the act of 1870, and the Senate is asked to pass a resolution which virtually casts doubt upon the authority of the Secretary to issue bonds. It is to investigate a question of law, not a mere question of propriety. It is to report by what authority the bonds were issued. That is the first point to be investigated. By what authority does the Secretary of the Treasury issue them?

Mr. President, the act of 1875 settles the question. It is conceded that bonds have been issued by previous Secretaries of the Treasury. It is conceded that the whole question has been examined over and over again. I say it is belittling the Senate to authorize at this time and under these circumstances a committee formally to investigate the question of the authority by which the bonds were issued. All that anyone has to do is to read the act. It settles the question. For any purpose of maintaining specie payment bonds can be issued whenever it is necessary. It is a continuing authority, to exist after 1879. It exists all the while. It exists to-day; it will exist to-morrow; it will exist when the next Secretary of the Treasury takes his place.

Mr. STEWART. Does the Senator contend that it exists for the purpose of redeeming Treasury notes issued under the act of 1890?

Mr. HILL. Not necessarily. The act of 1890 stands by itself. No question is raised in regard to it here. It is not pertinent to this discussion.

Mr. STEWART. Have not bonds been sold to buy gold to redeem Treasury notes issued under the act of 1890?

Mr. HILL. Under the provisions of that act the Secretary of the Treasury has a right to take any funds in the Treasury for that purpose. The bonds were issued under the act of 1875.

Mr. STEWART. Have not the proceeds of the sale of bonds been used to a certain extent to redeem Treasury notes issued under the act of 1890; and if so, by what authority was it done?

Mr. HILL. The act of 1890 stands by itself, and I will come to that question before I am through with the remarks which I shall submit upon this question. I first wish to analyze the resolution. The attention of Senators has not been particularly called to it.

It provides—

To investigate and report specially what amount of available funds, classified, was in the United States Treasury and on deposit in other places, subject to the order of the Secretary of the Treasury at the time the bonds were sold or offered for sale.

All those facts can be found in the reports of the Secretary of the Treasury. They can also be ascertained, if anyone desires information upon the subject, by a simple resolution of inquiry presented to the Secretary of the Treasury.

The next question to be investigated is—

Whether there was or was not coin enough on hand to meet all coin obligations of the Government due at the time said bonds were sold or when they were offered for sale.

That involves the whole question as to what currency bonds shall be paid in. It involves the whole question of the financial policy of the present Secretary of the Treasury. My point is that

whether or not you agree with the Secretary of the Treasury, there is no question to be investigated. What has been done in pursuance of the law everybody knows. The annual reports of the Secretary of the Treasury show what has been done. Special reports have been made here from time to time detailing all the operations of the Treasury, and therefore it is silly, it is undignified, it is unworthy of the Senate, to appoint a special investigating committee to inquire into facts with which every Senator in the Chamber is absolutely familiar.

The author of the resolution wants to investigate further:

From what persons or classes of persons the gold was procured with which to pay for the bonds.

The men who bought the bonds and paid gold for them produced the gold. Is it proposed to investigate the private affairs of bond bidders? Is it proposed to have them tell the public where they procured their gold, from what sources? If the author of the resolution simply desires information as to whether the gold came from the public Treasury, that is one thing; but if he wishes to inquire as to all sorts of places from which the private bidders obtained their gold, in the first place, I say it is unworthy of the Senate to enter upon such an inquiry, and in the second place, you have no legal authority so to do.

Before I am through I shall call the attention of the Senate to the fact that you have not even provided any process to compel the attendance of witnesses. The committee is to make an investigation haphazard; it is to inquire from Tom, Dick, or Harry, wherever it can get information. You have not even provided for the subpœnaing of a single witness, although the committee is to obtain and report to the Senate where the purchasers procured their gold with which to buy the bonds.

The resolution proposes to inquire further—

What agreements or contracts, and whether oral or in writing, and whether publicly or privately—

I ask the Chair whether the words "and secretly" are now in the resolution. The resolution has been modified.

The PRESIDING OFFICER. The Chair is informed that the words "and secretly" were stricken out.

Mr. PEFFER. Will the Senator from New York permit me at this point?

Mr. HILL. Certainly.

Mr. PEFFER. On page 1865 of the RECORD for February 18 the Senator will see that I asked permission to modify the resolution. I will read the modification, so that Senators will all understand it.

I ask the privilege of making two or three slight amendments to the resolution. On page 1, line 1, after the word "Senators," strike out the words "not more than two of whom shall belong to one political party"; on page 2, line 19, after the word "privately," strike out the words "and secretly"; in line 20, after the word "any," strike out the word "other" and insert "syndicate or," and in line 21, after the word "bonds," insert "and the profits made or to be made by such syndicate, or other person or persons connected with such syndicate, directly or indirectly."

Mr. HILL. The Secretary did not read the latter part—although perhaps he did.

Mr. President, everybody knew that those bonds had been issued in pursuance of the first syndicate contract. Everyone knew that in the last sale there was no contract. No responsible party has charged that there was any contract. "Publicly or privately," the Senator says. He strikes out the words "and secretly" for fear, I suppose, there might be an imputation against somebody and that the Senate, while he thought it might be anxious to throw some mud upon those officials, yet possibly might hesitate upon the word "secretly."

What have you left in the resolution? The committee is to inquire further—

Whether any officer of the Government, or any person or persons for such officer, and on his behalf, and in his personal interest, and with his knowledge or consent, entered into any contract * * * with the intent and expectation to receive commission or personal reward by reason of such contract.

The Senate proposes, through a committee, to investigate the question whether officers, from the Secretary of the Treasury down, have been guilty of receiving any commission or personal reward or pecuniary benefit from the sale of bonds. Who says they have? What Senator dare rise in his place and make the allegation? No one. When the report shall have been finally made, if made at all, I wish Senators to reflect that they seriously propose to investigate the conduct of one of the high officers of the Government and his subordinates in the Treasury Department upon a mean, contemptible insinuation that possibly somebody in and around the Treasury Department may have received some pecuniary reward, commission, compensation, or something else. Has anybody made an affidavit to that effect? Has anyone from any responsible source uttered the slander? Not one. Why, then, dignify this proceeding? Why enter into this allegation that may react upon those who propose it and upon the Senate itself?

Mr. President, has it come to this? Has the financial question become so strained that whether men are for gold or silver they can not treat each other fairly, respectfully, honorably, and that Senators can not differ from the honorable Secretary of the Treasury (and I differ from him in many respects) without dragging in a resolution which, upon its face, insinuates, while it does not directly charge, that somebody possibly has received some pecuniary interest from the bond transaction?

Sir, it is said it will do no harm. What would Senators around this circle say, what would the country say, if to-morrow morning I should offer a resolution to investigate the Senator from Kansas?

Mr. PEFFER. I would not object.

Mr. HILL. He might, Mr. President. I say that the country would hold me responsible if I endeavored to insinuate in a resolution that the Senator had misused any of the powers of his office here. I might insinuate that there had been favoritism. I might insinuate that there had been abuse of power, and I dignify that charge by the offering of a resolution of investigation. The Senator says he would not object. Yet the country in reading that resolution in the next morning's papers would ask, "Why is this charge made? There must be something to it, or an honorable Senator would not have offered the resolution."

So, sir, if the pending resolution carries any weight at all, if the Senate of the United States passes a resolution to see whether the Secretary of the Treasury or his subordinates have not received some commission or compensation upon this subject, will not the public, reading it, say it can not be possible that the Senate has proceeded to pass such a solemn resolution without any charge whatever, without any proof, without an affidavit, without anything worthy of the name of evidence? The people of the country would be apt to say there must have been something behind it or to it. Yet, I repeat, and I pause for a reply, where is the Senator who rises in his place and says he expects to prove that Mr. Carlisle or any of his subordinates obtained one dollar of advantage or a penny of pecuniary reward or compensation of any character? I pause for a reply.

Mr. ALLEN. That is not the question at all.

Mr. HILL. The Senator from Nebraska, another Populist, in favor of this resolution, says that is not the question. What is the question? What is the question we are going to investigate? You have not read the resolution.

Mr. ALLEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Nebraska?

Mr. HILL. Yes.

Mr. ALLEN. I will state to the Senator one question that ought to be investigated, and I do not connect the name of any person with it.

Mr. HILL. We are talking about this particular question now.

Mr. ALLEN. The charge was made in New York papers at the time, and I suppose they are reliable——

Mr. HILL. It depends on the one.

Mr. ALLEN. They are printed where the Senator lives. They are in a position to know, if anybody would know. The charge was that about $18,000,000 has been made out of the four different bond issues within the last two years, and that there was a secret understanding or a secret agreement between the Treasury Department (a copy of which agreement was published in the New York World, and I will produce it at the proper time) giving power or contracting with J. Pierpont Morgan as the agent of certain foreign money lenders for the sale of the bonds in a lump to him for those he represented. I ask the Senator from New York if he does not believe the question whether there was an illegal sale of the bonds is not worth investigating when it involves about $18,000,000 of public money, and why he can object to an investigation that will either disclose that fact or will disclose to the world, to the people who have a right to know the truth, that there is nothing at the bottom of the charge as it has been stated in New York papers?

Mr. HILL. Mr. President, if the Senate of the United States is to proceed to investigate all the insinuations that are contained from time to time in the New York papers it will have its hands full. In the first place, no New York newspaper or other reputable newspaper in any other place in the country has made any specific allegation pertaining to this particular subject.

Mr. ALLEN. I beg to correct the Senator. I am not going to help him kill time, however, for a great while; but I beg to correct the Senator from New York.

Mr. HILL. What particular paper made the charge?

Mr. ALLEN. The New York World, for one. I think I have the paper in my committee room now. I will get it at the proper time, and other papers have charged that there was at least $10,000,000 to be made out of the last $100,000,000 issue of bonds, according to the original contract between the Government officials and the agent of the bond syndicate, a portion of which was destroyed by the popular clamor, causing the bonds to be offered at public sale at some five or six different places in the country, which the Administration gave to the country as a popular loan.

Now, that charge was made. It stands uncontradicted. Is it not worth investigating? I submit to the Senator, who is usually

very candid, but who grows as mad as a massasauga in August when any question of this kind is broached, whether private individuals can make contracts with Government officials by which $10,000,000 or $12,000,000 are made upon a single transaction? If the charge be true or not, I submit whether these Government officials have the slightest power to issue the bonds of the United States for any purpose? I am one among the number who say (and I believe I can demonstrate it to twelve jurymen who would take an oath to determine the question upon the evidence submitted) that whenever Mr. Carlisle issues a Government bond of this nation he does it without a statute authorizing him to do so.

Mr. HILL. The Senator from Nebraska started off with the allegation that some New York newspaper had intimated that some money had been made in the purchase of bonds; that $18,000,000 had been made in one minute, and $10,000,000 in another minute.

Mr. ALLEN. Ten million dollars on the last issue and $18,000,000 on all the issues.

Mr. HILL. I have never heard one of these men who criticise the transaction who ever stated the amount twice alike. Finally, after saying that he has some article somewhere else than here, and therefore we do not know the precise language of it, he winds up with the question whether I think there ought to be any objection to investigating by what authority the bonds are issued, and he volunteers his opinion as a farmer (because that is the capacity in which he last announced himself) that he does not believe there is a law for it, and that he could convince twelve jurymen that there is no law for it. Well, we do not usually try questions of law before a jury. It is not done in New York State, and I do not believe they do it out in Nebraska.

Mr. President, the courts are open, if you can convince one court of the United States. The courts are open; institute your proceeding.

Mr. ALLEN. I wish to ask the Senator from New York a question.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Nebraska?

Mr. HILL. Was the Senator from Kansas, who is usually a very truthful man, authorized to say that there was going to be no one to participate in the debate upon his side?

Mr. ALLEN. That is running away from the question.

Mr. HILL. I am not; I am getting right to it.

Mr. ALLEN. I am not going to dispute with the Senator on his proposition of law as to trial of cases in New York, because the experience of Tweed and a few other persons in that State shows that they have pretty peculiar ways. The past history of New York litigation, especially in the punishment of those who have been guilty of crime, may be said to be somewhat in the dark, at least. I submit to the Senator from New York, who is a lawyer and a bimetallist as I am a farmer, that we do try mixed questions of law and fact before a jury.

Mr. HILL. You must not get them too mixed, though.

Mr. ALLEN. That is always done. The Senator never tried a case in his life before a jury that he did not try precisely that proposition. I submit to his candor as a lawyer (because I know or believe him at least to be a very great lawyer, a lawyer of large experience), that he ought to know and I believe he does know that it is impossible to implead the Secretary of the Treasury before any court of this country. The moment it is done that moment he comes in with a plea that he is one of the chief executive officers of the nation, and that he is not subject to be brought into court to determine his official action, and he goes acquitted. Now, is not that true?

Mr. HILL. There is more than one way to raise the question of the validity of a bond.

Mr. ALLEN. I ask the Senator if that is not true?

Mr. HILL. The question as the Senator stated it is not true. Before I get through I am going to show that this investigation is in aid of one of the speculative lawsuits brought against the Secretary of the Treasury on the very day that this bond resolution was expected to be discussed here; and I am going to show that somebody thinks differently from the Senator from Nebraska and has actually brought a suit in the courts of the District of Columbia over the question of these bonds.

Mr. ALLEN. The Senator from New York knows that in hundreds of different instances in the history of this country it has been universally determined that an officer of this character can not be impleaded and brought into court, and that a plea to the jurisdiction of the court is sustained without any further investigation. There is not an exception to the rule.

Mr. HILL. If the Senator from Nebraska thinks he can convince a jury the House of Representatives is open to him. That is a pretty big jury. The House of Representatives is composed of men not of the political party of the Secretary of the Treasury; they are his opponents. If the Secretary of the Treasury has issued any bonds illegally, and the case is so plain and so clear as my friend from Nebraska says it is, why not present it by impeachment? Then my friend here can try the question and sit as a juryman on the trial of John G. Carlisle because of willfully issuing bonds without any authority of law. That is an impeachable offense, is it not?

The trouble about it is that these men have no sort of confidence in their position. It is a part of the claptrap of the times. It is a part simply of an endeavor to get up a scandal in order to affect this political question. As I said a few moments ago, I think we ought to differ, if differ we must upon this financial question, without endeavoring to throw mud unnecessarily upon our public officials, who have enough to contend against under the peculiar existing political situation.

Mr. STEWART. Will the Senator from New York allow me?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Nevada?

Mr. HILL. I was alluding to the Senator from Kansas [Mr. PEFFER] to see whether——

Mr. STEWART. The Senator from New York remarked a moment ago that the House of Representatives is of a different political party from Mr. Carlisle, and I suppose from Mr. Cleveland. Does he pretend to say that a majority of the House of Representatives does not concur with Mr. Cleveland and Mr. Carlisle upon the question of the gold standard and the issuance of bonds to maintain it? Are they not, so far as that is concerned, practically the same political party—the gold party?

Mr. HILL. What a reflection that question is upon the House of Representatives. For instance, if the Senator thinks that upon the financial question they agree with the Secretary of the Treasury——

Mr. STEWART. Does the Senator contend that it is a reflection upon the House of Representatives to say they are of the same party with him and his Chief Executive?

Mr. HILL. That is no reflection; but it is a reflection to insinuate that because of that fact they would hesitate to decide according to their consciences and their oaths upon a question of this character, if you dared to submit it to them.

Mr. STEWART. But the Senator has stated that they are of a different political party as a reason why they would investigate the question. I wanted to show that his reason is not a good one. They are thoroughly in harmony with him upon the policy of issuing bonds; they are as one. That destroys the allegation the Senator made—that they are of a different political party. The gold party has been one party for twenty-five years. They vote together; they act together; they defend each other as one man.

Mr. HILL. As the boys say in the newspapers, that is "important if true." The difficulty about the Senator's statement is that it has no foundation in fact. The Republican House of Representatives presented a bond bill here which the Secretary of the Treasury did not want, which the President of the United States intimated was not what he had asked. There has been no disposition upon the part of the House of Representatives to agree with the President or the Secretary of the Treasury upon the policy which they announced. On some things they do agree; on others they radically differ.

Mr. STEWART. Do they not agree that bonds should be issued and that gold should be bought to redeem Treasury notes and greenbacks? Upon that main proposition do they not agree? Is not their disagreement a mere matter of detail as to how the bonds shall be sold and what character of bonds they shall be? Upon the main question of buying gold to redeem greenbacks and Treasury notes is there any difference between the House of Representatives and the Senator from New York and the Executive?

Mr. HILL. A large number of the Republicans in the House of Representatives, for whom I am not authorized to speak, undoubtedly believe that if there is no gold in the Treasury with which to redeem your greenbacks, and no revenues with which to purchase gold, the President has a right under existing law to issue bonds. The question we were discussing was as to whether there was any question in regard to it. The Senator from Nebraska [Mr. ALLEN] says he doubts it. I say go to the courts. The courts are closed, he says, to us; the Secretary of the Treasury is above the law. Then, I say, go to the House of Representatives, where you can organize an impeachment proceeding. Then he answers that they are substantially of the same party. The Senator from Nebraska who sits in front of me remarks that the House is gold bug. There it is. They make these allegations simply from the fact that there is somebody a gold bug. That covers everything, Mr. President.

The point I am making is that the Senate is not conducting itself properly, in my judgment, by seriously considering a resolution to investigate the legal question of the issuing of bonds. How is the question to be determined? A word upon that point. How has this Government been run for the last year? Why, sir, the Senate is a closely divided Senate. It is pretty difficult to tell what political party controls it. The Populists have now been recognized as belligerents, with full belligerent rights. They train first upon one side and then the other, and you never can tell who has got a

majority of the Senate. They were recognized as Populist belligerents when they were given their share of public patronage in the Senate, when they were given an officer to guard the secrets of their room. Therefore there are three parties here. The Wilson law does not as yet bring an amount of revenue sufficient for the ordinary expenses of the Government. I am not now going to proceed to discuss who or what is responsible for that. I am speaking simply of a condition and not a theory.

Mr. ALLEN. Will the Senator permit me?

Mr. HILL. Not right here; not until I finish my idea.

The PRESIDING OFFICER. The Senator from New York declines to yield.

Mr. HILL. Not just at this moment. Mr. President, the House proceeds upon the theory that the best interests of the country require that there should be more revenue, and it proceeded to enact a tariff bill called an emergency tariff bill. That bill comes over here and in the Senate politically divided that tariff bill is seized until, in the eloquent language of the President pro tempore of this body, it is as dead as Julius Cæsar. In the meantime there is nothing with which to redeem your greenbacks, there is nothing with which to secure the revenues of your Government. Will any Senator tell me what this Government would have done if the President and the Secretary of the Treasury, law or no law, had not issued Government bonds during the last year? Now I will yield to the Senator from Nebraska.

Mr. ALLEN. Mr. President, I wish to say this to the Senator from New York, and it is in the nature of a question: The Senator deliberately advocated and voted for the unconditional repeal of the purchase clause of the Sherman Act, at the same time claiming to be a bimetallist. By the repeal of that act this nation has been deprived of $150,000,000 which would have covered every item of deficit which has occurred during this Administration. The Senator from New York and his party have approved, and the Senator is approving now, the open, stubborn, dogmatic, flagrant, violation of the requirements of the third section of the Sherman Act, which requires the Secretary of the Treasury to redeem those notes in silver. If the Senator from New York and his party had not done that, and if the Secretary of the Treasury had observed the law, there would have been no deficit and no occasion for the issuance of bonds.

Mr. HILL. Mr. President, I am not going to enter into a discussion of the question of the propriety of the repeal of the Sherman silver law. That law was indefensible upon any ground. The friends of silver scarcely defended it when it was pending here in the Senate. They opposed its repeal upon the ground that they thought something should be put in its place in recognition of silver. No one pretended that it would solve the silver question; no one pretended that it was a logical law; no one pretended that it was producing any benefit to the country at large; but those who felt constrained to vote against its repeal did so because they thought it was a fitting opportunity to do something toward a more general recognition of silver. No true friend of silver should shed any tears over the repeal of that law.

I was saying, when interrupted by the irrelevant question of my friend from Nebraska, that I think the Secretary of the Treasury, instead of being investigated by this Senate, deserves its thanks for his steady purpose of maintaining the credit of the country. You may differ with him as to what ought eventually to be done upon the silver question; you may think that he erred in the discharge of a portion of his duty; that is one thing; but it does not follow that it is proper to investigate, under the insinuation contained in this resolution, whether some of the money has not stuck to his fingers in the discharge of his official duty.

Mr. President, before I get through I think the Senate will see that they are proposing to enter upon an unwise course. I know every time we differ about some great question somebody comes into the Senate and says, "Let us investigate; let us have an investigating committee appointed," as though that were the panacea for all our difficulties. I shall call the attention of even the Senator from Nebraska to an investigation which he instituted with a great flourish of trumpets as to what it was going to accomplish, and then I shall show what meager results were obtained from it.

Mr. STEWART. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Nevada?

Mr. HILL. Yes, sir; everybody yields to the Senator from Nevada. [Laughter.]

Mr. STEWART. The Senator says that there is nothing to investigate. I inquire of him if there has ever been a 4 per cent bond sold in the market since the resumption of specie payments at a rate that would have made the bonds which were sold to the syndicate in February, 1895, worth less than $1.20, that is, 20 per cent premium? The bonds that had eighteen years to run in 1888 and 1889 sold from 25 to 27 cents premium, and so on down, but none of them ever sold, considering the time they were to run, at a rate that would have made the market value of the thirty-year bonds which were offered less than 130. These bonds were sold at least 15½ per cent less than the market value, as it had been established for years, and as it was on the day they were sold.

Mr. ALLEN. That was the charge made, too.

Mr. STEWART. That was the charge, that on the day the contract was made bonds having about eleven or twelve years to run were selling from 111 to 112, making 1 per cent for every year, which has been about the average. Following that those bonds which have thirty years to run ought to be at a premium of 30 per cent; but no one has ever suggested in the public prints or elsewhere that the market value of those bonds on that day was less than 20 per cent premium. Shortly afterwards the same bonds sold for 23 per cent premium in the markets here. They went up to that figure. Of course they were depressed subsequently for the purpose of obtaining a further deal, but it was charged, and boldly charged, that they were sold at a rate that made from ten to twelve million dollars difference. That never has been denied by anybody. It has been in the public prints, all the respectable journals have figured it up, and no man has ever denied that charge.

It seems to me that the Executive would like to have an opportunity to come forward and show why he sacrificed from ten to twelve million dollars of the Government money and what the circumstances were which made him do it. I think the Secretary of the Treasury ought to desire an investigation to clear up that. It never will be cleared up unless it comes before a committee and he has an opportunity to make a showing why it was he did it. That charge is made, and it can not be denied. Every broker in the United States knows it is true. It is admitted everywhere. Now let it be investigated, so that we may see if it was done in some emergency, and what emergency there was requiring it, or whether it was done for some other reason.

Mr. HILL. Mr. President, when the Senator from Nevada makes a special appeal to me for an opportunity for him to vindicate the President of the United States it is very difficult for me to resist that appeal. [Laughter.] I know his intense anxiety to have the President of the United States put right upon this question, and because I am resisting this investigation I shall allow the Senator from Nevada to impute some desire on my part to injure the President of the United States and the Secretary of the Treasury.

I have heard the same old argument time and time again, that you must always permit an investigation; you must not resist it. No matter what charge is made in the public prints or elsewhere, if a Senator rises in his place and wants an investigation, investigate. It is asked, are you afraid to conduct an investigation? Invest it with all the dignity and power of such a proceeding on the part of the Senate of the United States, keep the public press full of the matter for years, else somebody may think there is something wrong. Mr. President, it is a foolish argument, it is a silly argument, it is moral cowardice on the part of this Senate, every time some idle charge is made here against one of our public officials, whether he belongs to our party or to the other party, to immediately dignify it with an investigating committee.

I do not now propose to discuss the question of market values. I know something of market values, and how they are made. I had occasion to look into this subject recently as counsel in a matter pertaining to taxation in the city of New York.

Mr. STEWART. I will ask the Senator just one more question.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Nevada?

Mr. HILL. Yes, sir.

Mr. STEWART. Is the Administration opposed to this investigation?

Mr. HILL. I am not authorized to speak for the Administration, and I say right here that I have never exchanged a word with any officer of this Administration, high or low, upon this subject, and I do not propose to do so. Sir, the Secretary of the Treasury has not even answered my respectful resolution. I oppose this investigation not because the Administration wants it, or does not want it; I oppose it as I should oppose any foolish, silly, or unnecessary investigation, which could only add disgrace to the Senate, in my humble opinion. I would oppose it whether the Secretary of the Treasury was a Democrat or a Republican. Before I get through I shall show that Mr. Carlisle is not the only man who has been falsely accused. I propose to take up the charges that have been made against other Secretaries of the Treasury, and to show how those charges have all fallen to the ground and how contemptible they appear now in reading the history of the country. I propose to show how other Senators then followed the distinguished Senator from Ohio [Mr. SHERMAN] when he was Secretary of the Treasury with all sorts of vile charges, and now, when you come to read them in the light of history, it is apparent how thin, how weak, how ridiculous, how contemptible they are. Yet we are asked upon this financial question because there are differences of opinion, because perhaps, the majority of this Senate are the friends of silver, to throw mud

against every official who differs with you. I am opposed to any such suicidal, idiotic policy. I care not whether the Administration want this investigation or not. If you put it on the plane of cowardice, it might be said: "Oh, yes, give them anything they want on any allegation, no matter what it is." So far as I know, the Administration care nothing about it. My judgment is that if this resolution is passed the men who institute it will be covered with humiliation and shame and will deny that they ever charged anything wrong against Mr. Carlisle or his subordinates.

Mr. President, as I was saying when interrupted the last time by the Senator from Nevada, I had some occasion to investigate the subject of market values, and I discovered that the market in New York is made up by sales, or, if not by actual sales, by offers, and there are times when the market is made up by a single offer or a single sale. A single sale of a ten-thousand-dollar bond will sometimes fix the market for a particular day, and it is quoted all over the country that the market price of bonds was so and so because one bond was sold at that price.

Mr. President, when the question of market values was discussed in the Senate before the last issue of bonds was made, you recollect what was said in regard to it. We heard that there was a demand all over the country to invest in those bonds at 2½ and 3 per cent. A cry came up from Nebraska, a cry came up from Colorado, a cry came up from West Virginia, according to the junior Senator from that State [Mr. ELKINS]—the blacksmiths, the carpenters, the farmers, were all anxious to rush to take the bonds at 2½ and 3 per cent. Where were they when the bonds came to be sold? You could not find them; they had fled to the woods; they were gone; they had no gold; they did not want the bonds; and not a bond was sold except at over 3 per cent. These allegations are easily made by men who simply want to make their point in an argument, but when you come to investigate them their arguments are gone to the winds.

This resolution proposes to investigate, further, whether in the last sale of bonds there was any agreement entered into by which any syndicate was to have the bonds. Nobody rises in his place and says there was; no newspaper has made any distinct charge that there was; and it is proposed to investigate not only the question as to how much money was made by the syndicate, but how much was made by any person connected with such syndicate. If I bought a bond from the syndicate the next day after the bond sale and sold it a few days thereafter and made some money by it, I am to be called upon to show how much money I made.

I have already commented upon the fact that this resolution nowhere contains any authority to summon witnesses. You are going to ascertain all about what J. Pierpont Morgan knows from what he voluntarily tells you; you are going to investigate this subject without the power to summon a single witness; but even if you had that power, I deny the authority of the Congress of the United States to compel answers to any such questions? This is not the sugar investigation. The right to compel witnesses to answer questions in that inquiry depended upon the fact that the committee was investigating a violation of the privileges of the Senate, and was investigating the conduct of Senators which might lead to their expulsion. That was something which you had a right to investigate. It may be, although that is disputed, that you have a right to conduct an investigation, summon witnesses, and compel answers where you are investigating for the purposes of future legislation, but that is not clear. Then the object of the inquiry must be spread forth in the resolution itself. There is nothing in this resolution which indicates that the investigation desired is for the purpose of future legislation; there is nothing on the face of this paper to show any purpose except to gratify idle curiosity; that is all. And I say to the Senator from Kansas, when he comes to subpœna his witnesses and compel answers, if they refuse to answer he can not obtain any information upon these subjects.

I now propose, Mr. President, to take up the speech of the Senator from Kansas [Mr. PEFFER] giving the reasons why in the allegations set forth in the resolution, not charges distinctly and boldly set forth, but the insinuations, the reasons, the circumstances which he says lead properly to this investigation.

The Senator said:

Twenty-four years—

Quoting from his speech—

after the passage of the refunding act, and nineteen years after the approval of the resumption act, the Secretary of the Treasury in the face of a refusal by Congress to authorize the sale, proceeded to dispose of $50,000,000 worth of ten-year 5 per cent bonds.

The inference from that is that, without such express authority, no power existed, because the Senator says Congress refused to give the Secretary of the Treasury power, and in the face of that refusal the Secretary proceeded. The Senator conceals the fact that the Secretary had the power without the authority of Congress by any new legislation. Of course, if he was to proceed to act under some new power, he had no right to act unless Congress granted it. He was not claiming to act, and the Senator from Kansas knows or ought to know that the Secretary was not claiming to act under any new Congressional enactment—he was proceeding to act under the old resumption law. The Senator from Kansas said further:

Senators denounced the proceeding as unlawful—

Who? The Senator from South Carolina [Mr. TILLMAN], the Senator from Kansas [Mr. PEFFER], and the Senator from Nebraska [Mr. ALLEN], to whom has been added the distinguished Senator from Nevada [Mr. STEWART]. This coterie of Senators denounced it as unlawful. You have heard the old story of the three tailors of Tooley street, who got together and passed resolutions, the opening words of which were, "We, the people of England, demand so and so." These Senators say it is unlawful. What lawyer in the Senate of long experience who has the public confidence, what judge upon the bench, who among the great lights of the bar of this country has ever dared to venture the opinion that the power to issue bonds does not already exist? Not one. Then the Senator says further:

The people were surprised—

The people! These Senators always speak in the name of the people, as if the Populist party represented the people. Mr. President, I am tired of hearing these men talk in behalf of the people. They represent but a small fragment of the people. They are the deserters from other parties; they are the conglomeration of men dissatisfied with the old political parties; they have pooled their grievances; they have adopted the silver question because they think it is popular. They have no views upon the tariff question whatever. They have offered their votes here for sale, or rather exchange, upon the tariff question upon either side of this Chamber. They have no fixed, settled principles whatever, and the Senate of the United States is asked, deliberately, to pass this Populist resolution for an investigation on the eve of a Presidential election, to enable these men to throw mud at the Democratic party and the Republican party. It is about time, it strikes me, that the Senators who represent States interested in this subject should act together upon the great question involved in this resolution.

Mr. STEWART. If Republicans and Democrats now find it necessary to stand together, is this the first time it has become necessary for wrongdoers to stand together?

Mr. HILL. I knew you would not keep your word when you said you would not again interrupt me. You can not trust a Populist five minutes at a time. [Laughter.]

The Senator from Kansas further said:

The people were surprised. All of us were mortified. Within a year afterwards a hundred million more were sold without any additional authority of Congress.

The Senator speaks of that as if it were a most singular and suspicious circumstance. Why, sir, the President of the United States had only asked authority from Congress for two purposes. He only asked authority for the purpose of simply reducing the rate of interest and regulating the terms for which the bonds could run. That is all he asked. He had sent to Congress a special message stating exactly what he felt constrained to do. There was nothing secret about it, but everything was open and aboveboard. A grave financial situation confronted the country; the President told Congress of it, and asked for legislation, not because he doubted the power to issue bonds, but simply in order to save the people of this country interest, and that the terms might be made more easy so that the bonds could find more ready sale.

The Senator from Kansas proceeded:

The contract was entered into privately. The country knew nothing of its existence except through guesses and sensational charges of the newspapers. * * * The people were amazed and bewildered.

Again the people, the dear people, were amazed and bewildered. It was the Populists who were bewildered. The people kept a level head; the people saw through it; and saw that the President was endeavoring to protect the credit of the country.

The Senator said further:

The Administration was dishonored. The nation was scandalized.

Mr. President, how the hearts of these men bleed for the Administration; how the hearts of these men bleed for the country because the nation is scandalized! I say the object of this resolution is to cast scandal upon high officials. The Populist party lives and thrives upon disseminating scandal against the two old parties.

The Senator proceeds:

That some person or persons profited by this transaction through dishonorable conduct everybody believes and nobody denies.

My friend from Kansas makes a pretty broad statement when he says that. Of course when he says there was not any authority for and no necessity for issuing bonds, that it was not necessary to redeem greenbacks in gold, and when he goes further and says that it was done secretly and through bad motives, of course it would follow that in some way or other there was some dishonorable conduct somewhere in relation to it. The trouble is, the

Senator is wrong in his premises, and therefore wrong in his conclusions.

As it was conducted—

Speaking now of the syndicate sale—

the press and curious persons have asked why certain bidders came in at the last moment and why one of them altered his bid within a few minutes of the hour for opening the bids.

Here we have it again, a reiteration by a Senator in this body, going upon the record, repeating simply the silly allegations of disappointed bidders.

The next day after the bond sale it was said that some bids had been altered just before the time. If they had not been presented before, had not the bidders a right to alter the bids up to the last moment of presentation? Of course they had. There is nothing peculiar about the bidding for bonds. It is like bidding for anything else. Any bidder has a right until the subscription list is closed to alter his bid. He can not alter it after it is presented, but he can alter it up to the very second of the time of its presentation.

Now, the Senator from Kansas says:

The people want to know all about it.

Again it is the people, the dear people.

A committee of honest, clear-headed men who will search for the truth—

He wants a committee of honest, clear-headed men. The original resolution would have included one of the Populist Senators. Then my friend the Senator from Kansas, after his speech, consented to strike that out, so that no member of the committee should be a Populist.

Honest, clear-headed men.

He struck that out, so that it is not expected that on the committee there shall be any Populist Senator. He says:

That somebody has gone wrong we all believe.

Who has gone wrong? What has gone wrong? Who asserts that there has been any wrong? What bidders so assert?

The bankers of New York had just as much competition upon this question as ever before. Syndicate was against syndicate. There was the Morgan syndicate upon the one side and the Stewart syndicate on the other. If the Morgan syndicate got any advantage it would have hurt the Stewart syndicate. Those men have made no complaint. Those men who made their bids, who represented contending and conflicting interests, have offered no complaint here. They have demanded no investigation.

One of the large bidders was the New York Life Insurance Company, which took $10,000,000 of the bonds regardless of any syndicate, and wanted more. They have no complaint. No; it is the mere politician who makes complaint. It is the men who desire to make political capital by assailing some public man. They are the men who complain. Nobody else complains except a man who wants to compel the Secretary of the Treasury to settle with him in order to make some money.

Then he says further:

In the next place, it is alleged and believed by thousands and millions of people in this country—

There is nothing small about the Populist party. It always speaks in behalf of thousands and millions of people—

by members of the House of Representatives and by members of this body, that there was coin enough in the Treasury at the time the sales were made to pay off every obligation of the Government due at that time—every one.

There was not enough gold in the Treasury to redeem the greenbacks. We may differ with the Secretary of the Treasury as to what coin the greenbacks should be redeemed in. That is a question which need not necessarily involve our loss of respect for the Secretary of the Treasury. The Secretary of the Treasury redeemed the greenbacks in gold in pursuance of the policy of the Government, for the purpose of maintaining the credit of the Government. I know there are those wise financiers who say that he should have paid them in silver. I know there are those men who think it is unwise to keep up the present gold standard, which is the standard according to law. They see no harm in to-morrow redeeming in silver all the greenbacks presented. Whether or not it would put gold to a premium they do not know, and they do not care. So anxious and zealous are they for the silver cause that they want silver used to the largest possible extent.

Undoubtedly, sir, there are many people in the country in favor of that idea. Be that as it may, it is a question about which honest men may well differ, and which will come up for solution hereafter. The Secretary of the Treasury believes in the policy of maintaining the gold standard, and he believes that the way to maintain the gold standard is to redeem the paper money in gold when demanded. You may differ with him and say it is unnecessary; you may think it would not send gold to a premium if he paid silver; but you have no right to say that he is dishonest because he differs with you. You have no right to say that he deserves investigation because of that fact. You have no right to insinuate that possibly some of the commissions have found a place in his pocket simply because you differ with him.

I do not propose at this time to discuss the gold and silver question proper. It is a great question, worthy of the consideration of the best minds of the country. It is a question upon which there has been honest difference of opinion for many years, and doubtless will be for many years to come. I have no words of criticism or censure to make as to the man who honestly differs with me upon this subject. I can discuss the question with an adversary without at all impugning his motives, but I have nothing but contempt for the man who can not discuss the question without conceding to his adversary the same honesty of purpose that he claims for himself.

I am not going to anticipate the issue of the great silver question. It is now being discussed in all the villages and hamlets of this great country. Men are taking issue upon one side or the other. This Administration, whether wisely or unwisely I do not stop now to inquire, has said that it found the gold standard when it came into power and that that standard must be maintained, in its judgment, until it is changed by act of Congress. So long as that standard exists Mr. Carlisle and the President think it is their duty to maintain it. They think that when our paper currency is presented for redemption it should be paid in gold to preserve the credit of the country. They may be wrong; you may differ with them; but, sir, I think it is unworthy of any true friend of silver to array himself upon the side of men who offer the investigating resolution as an effort to undermine them in the popular approval and support of the country.

Nothing can come of it. I am not here to pass any eulogy upon those men. I say I differ with them in some features of this question, unnecessary now to inquire into, but I am here to say that, in my humble judgment, in this transaction they have endeavored to do what they have believed to be right. I believe they have sought honestly to preserve the credit of the country. I believe they think that the preservation of the gold standard is essential to the welfare of the country, and as executive officers they think they are bound to maintain it.

The majority of the Senate may differ with them. Let it be an honest, respectful difference. Let it not find shape in angry attacks upon them, in attacks upon their honesty, in attacks upon their integrity, in attacks upon the legality of their acts. So much I deemed I ought to say in behalf of those officials.

I sometimes think that we carry the investigation business too far. Every little while some one writes me asking for an investigation into this matter or the other. They have seen the efforts of the Senator from Kansas and other Senators from time to time to investigate every conceivable subject, and therefore we are overwhelmed from time to time with applications for unnecessary and useless investigations. It was only a year and a half ago that the distinguished Senator from Nevada [Mr. STEWART], after he had become a Populist, rose in his place and offered a resolution to investigate the question as to what Senators around this circle owned national-bank stock. Seriously he plead for that resolution. I had the honor to make some remarks in opposition to it. It finally went to the tomb of the Capulets, which is the Calendar, and there it rests. But it was at the height of the silver fight, and blood was up on both sides. It was said that some of those who were advocating silver were mine owners, and that fired the Senator from Nevada and he introduced a resolution, which I shall not take the trouble to read, in which he deliberately proposed to have an investigating committee appointed to bring in the names of the Senators in this Chamber who happened to be so unfortunate as to own national-bank stock.

What a cowardly proceeding it would be to oppose that investigation! What are you afraid of? I was not afraid of anything. I have never owned a dollar of stock in national banks or any other kind of stock. I opposed it upon the general principle that a Senator has a right to own national-bank stock. He has a right to own any other kind of stock that he wants to hold. He should not legislate in regard to the particular bank in which he is interested, but he has a right to own bank stock and mining stock. He has a right to own railroads; he has a right to own newspapers; he has a right to own farms; he has a right to raise crops—cotton, wheat, and everything else—as to all of which we legislate, of course; and yet it remained for the Senator from Nevada to rise in his place and propose deliberately to investigate how many Senators owned bank stock, in order that some reflection might be cast upon their votes on the financial question—a silly, ridiculous, contemptible proceeding, unworthy of grave and reverend Senators.

Must we investigate everything that is done? The investigation business is contagious. I observe that the Senator from Mississippi [Mr. WALTHALL] is giving me some attention, and I have a letter here (the handwriting is a little poor) which comes from God's own country, down in Mississippi:

LEXINGTON, MISS., *February 24, 1896.*

Mr. DAVID BENNETT HILL,
United States Senate, Washington, D. C.

DEAR SIR: I am an American Democrat—

That is good—

who unquestionably sent Mr. Page M. Baker, editor of the Times-Democrat, New Orleans, La., a silver dollar, $1, in registered letter No. 41, November 6,

1895, to renew my subscription to his most valuable and reliable Democratic journal, the New Orleans Weekly Times-Democrat, for one year. But I have not received a copy of the Times-Democrat for abovesaid $1 to date. I am in favor of you for President of the United States in 1896—

The man has considerable sense [laughter]—

instead of any one of the Republicans in this country. But I am opposed to the reelection of Mr. Grover Cleveland as President of the United States in 1896. That I have not received a registry return receipt for registered letter No. 41 is undoubtedly very strong evidence that Mr. Page M. Baker, of the Times-Democrat, New Orleans, La., has not received registered letter No. 41 and above said silver dollar which it contains.

I sent Mr. Joseph Pulitzer, editor the World, New York City, N. Y., some silver money in each of the two registered letters, Nos. 18 and 27, which I wrote him October 17, 1892, and October 22, 1892, but that I have not received a registered return receipt for either of the two above said registered letters is unquestionably evidence that the editor of the World has not received the two above said letters and money.

The above said money which I sent Mr. Joseph Pulitzer, of the New York World, in the two above said registered letters, was for the Democratic national Western campaign fund of 1892.

[Laughter.]

We know that Mr. Pulitzer was sent the money, but what he did with it does not yet seem to be disclosed—

I think that the silver money which the above said registered letters contains has been lost or stolen—

A serious charge, Mr. President—

That the parties to whom it was addressed has not received it—

That exculpates Mr. Pulitzer—

Please investigate the matter in regard to above said silver dollar which I sent the editor of the Times-Democrat, New Orleans, La., and also investigate the matter in regard to the silver money as stated above which I sent the editor of the World in the two above said registered letters of October, 1892. Find the money which all three of the above said registered letters contains, and then have the result of your investigation published in the New York papers.

Very respectfully, SAM SANDERS.

[Laughter.]

I submit this letter to the Senate because you might as well make this an omnibus investigation and include every charge that may be proposed during its incumbency. Further than this I have the following petition:

To the United States Senate and House of Representatives:

Your petitioners, citizens of the State of New York, respectfully and earnestly ask your honorable body, by appropriate legislation, to provide for a national commission, for an impartial, thorough investigation of the subject of social vice, in all its phases, its relations to labor and wages, to marriage and divorce, its effects on individuals and the general welfare of the people, and its general, economic, criminal, physical, and moral aspects in connection with pauperism, crime, the public health, and morals; and also to inquire into the practical results of legislation and the various methods relied upon for the repression of the evil in the several States and Territories in the United States, and in the District of Columbia.

A good many people sign it, giving their residences. I desire to have the petition go in the RECORD for the purpose of showing that the investigation business, started by the Populist Senators in this body, has led to suggestions of investigations of all kinds and character, and no one knows where it will end.

I have also a letter from citizens of Brooklyn, members of the International Association of Machinists:

BROOKLYN, *March 26, 1896.*

Hon. D. B. HILL, *Washington, D. C.*

DEAR SIR: We, citizens of Brooklyn, N. Y., members of Lodge 323, International Association of Machinists, would like to see you use your influence in having a committee of investigation appointed to look into and investigate the treatment our members are receiving in the Brooklyn Navy-Yard. We hope to be favored with an answer as to your opinion in the matter.

It is signed by the secretary and the treasurer. Every conceivable matter is to be investigated by the Senate of the United States with or without charges except those general in their character.

I have already said that I do not think there is anything here worthy of investigation. We may differ as to law, we may differ as to the propriety of bond issues, we may think that the bullion in the Treasury should be coined, but the bonds have been sold. The last sale was made in the public market. There is nothing to investigate. Those who predicted that a majority of the bonds would be sold at a rate equivalent to 3 per cent have been mistaken. Are we to investigate every idle charge made?

I hold in my hand now some interviews with the distinguished Senator from New Hampshire [Mr. CHANDLER], who honors me by his presence, making serious allegations affecting the purity of the primaries of our country in the great contest for the Presidency now pending. I insist upon it that the Senator's allegations shall be treated seriously. I know that the Senator rises in his place on many occasions and indulges in a good jest and a good joke, which we all duly appreciate, but I call the attention of the country to the fact that recently in two public interviews serious allegations were made against those who are pushing the candidacy of Mr. McKinley for the Presidency.

I am not here to say one single word against Mr. McKinley. I admire the man in many respects. He has the courage to say that he is a candidate for the Presidency. He aspires to that high office. He does not, like other candidates, say he is in the hands of his friends; that he is waiting for the people to summon him. I admire him because he appeals to his friends throughout the country and asks their support. My experience is that the man who is in the hands of his friends usually winds up by finding himself in the hands of his enemies. Mr. McKinley has a right to aspire to the Presidency. I supposed he was making an honorable canvass for the high office. I was startled to read in the morning paper—the Post of this city, which I usually read before breakfast—an article headed—

Campaign of Boodle—Can the Republicans Meet the "Fat-Frying" Issue Again—Major McKinley's Managers—

These are the headlines—

A Widely Extended Levy upon the Country's Protected Interests—Deplored by Senator Chandler.

Those allegations have been spread before the country. I ask the Secretary to read the first of these interviews.

The PRESIDING OFFICER (Mr. BAKER in the chair). The Secretary will read as requested.

The Secretary read as follows:

[Washington Post, March 16, 1896.]

THE NEW HAMPSHIRE SENATOR CALLS UPON THE OHIO CHAMPION OF PROTECTION TO REPUDIATE THE METHODS ACCREDITED TO HIS AGENTS AND THEREBY PREVENT FURTHER GROWTH OF THE BELIEF THAT HE HAS VOLUNTARILY PLACED HIMSELF IN THE HANDS OF MEN "WHO ARE SEEKING TO NOMINATE HIM BY THE LAVISH USE OF MONEY"—AN ARGUMENT THAT IS "BEING PRESSED TOO FAR."

Senator CHANDLER of New Hampshire, always frank in his utterances, yesterday expressed his views with characteristic freedom with reference to the McKinley boom and boomers.

"What is thought and said among the Republicans whom you have met about the recent developments showing that money contributions are being solicited from the manufacturers of the East to help Mr. McKinley?" was asked.

"It has been very seldom that I have heard more indignation expressed on any minor subject of politics," said the Senator, "than within the last few days as information has come as to the extent to which those levies upon protected interests are being made. Anger is uttered by the friends of all other candidates and also by the most sagacious politicians who have no preferences as yet.

"It has always been conceded that it is fair politics to advocate Mr. McKinley because he represents such protection as was given by the bill of 1890, which brought to the Republican party undeservedly its widespread defeats in the fall of that year. In the return of the people to their desire for protection it is fair to argue that Mr. McKinley, by whose name the bill was called, will be an appropriate candidate for President. But even here there is a feeling that the argument is being pressed a little too far. Messrs. Allison and Reed were quite as important factors as Mr. McKinley in the handling of the bill of 1890, and Mr. Allison is certainly Mr. McKinley's superior in a knowledge of the necessary details which enter into the problem of a revenue by tariff duties. Conceding, however, that if a high protection candidate is to be desired Mr. McKinley's claim to that title is sound, it is a very different thing for his supporters to propose to carry on his canvass for the favor of delegates by begging money from the manufacturers of the West and the East and everywhere else to be expended in manipulating State conventions.

"AN ILL-ADVISED PROCEEDING.

"To invade Senator Quay's State with demands, oral and written, that the Pennsylvania manufacturers are under such obligations to Mr. McKinley that they ought to furnish cash contributions with which to secure the election of McKinley delegates to St. Louis seems to be a most ill advised proceeding. Yet the evidence seems to be clear that a systematic, widely extended levy upon the protected industries of the country has been projected and is going forward, to what extent remains to be discovered. Ever since the movement for McKinley began it has been rumored that Mr. Mark Hanna, now one of the Ohio delegates at large, has been expending money in Mr. McKinley's interest. There has been an unwillingness to believe this and a disposition to attribute Mr. Hanna's exertions to sincere and disinterested friendship for Mr. McKinley. Nobody now is so charitable. It is beginning to be believed that the McKinley movement is to be a boodle canvass from start to finish. This belief will be injurious to Mr. McKinley; it will be still more injurious to the Republican party, especially if Mr. McKinley is nominated.

"The issue will be made by our opponents whether we are to have a President who was nominated by 'fat frying,' by the money of millionaire manufacturers, and is to be elected by similar corrupt methods applied to the suffrage in the States.

"MCKINLEY OUGHT TO REPUDIATE IT.

"Mr. McKinley ought not to suffer by unjust imputations of this sort. He ought to repudiate any such a canvass in his behalf. I do not believe that he wishes to stand in the unfavorable light in which he will be placed if the currently reported and now everywhere believed stories remain uncontradicted. I expect to hear from him without delay in a public utterance. If he does not speak directly or authoritatively through some reliable representative the belief will gain ground that he has placed himself in the hands of managers who are seeking to nominate him by the lavish use of money, and who will own him and make merchandise of him if he is elected. All Republicans sympathized with McKinley in his business misfortunes, and all over the country contributions were freely made to pay the honorable debts he had incurred, and to keep such a distinguished and honored leader of the party from insolvency. But it is now, by reason of recent disclosures, a pertinent inquiry: Who raised and handled those contributions, how large were they, and what is Mr. McKinley's present financial condition? Are the men who raised these personal contributions now going over the same ground they have before traveled, gathering moneys for corrupting State and district conventions; and is our next President, if Mr. McKinley is the nominee, to be controlled and dictated to by Mr. Hanna and a set of associates who have established their domination over a President by the money they have furnished for him and his uses?

"A plain and explicit statement should be made by Mr. McKinley or in his behalf. 'Tell the truth' should be the motto. I believe Mr. McKinley can set matters right, so far as he personally is concerned; and for the sake of the good name of the party I prefer to see him do this rather than labor under the disadvantages now upon him in the canvass for the nomination growing out of these repeated and continuous collections of money contributions to repair or to maintain his personal and political fortunes."

Mr. HILL. In a few days thereafter some indiscreet friend of Mr. McKinley attacked Senator CHANDLER, to which he replied—and I ask to have his reply read—reiterating the previous chapter.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

[Washington Post, March 23, 1896.]

CHANDLER REPEATS IT—CONFIRMED IN HIS CONVICTIONS OF A M'KINLEY BOODLE FUND—HE MAKES A FORMAL STATEMENT—WHY THE INTERESTS OF THE REPUBLICAN PARTY DEMAND THAT THE OHIO MAN SHOULD NOT BE NOMINATED THROUGH THE ENFORCED CONTRIBUTIONS OF THE MANUFACTURERS—HE DEFENDS HIMSELF AGAINST THE ATTACKS OF CRITICS IN THE REPUBLICAN RANKS.

To the Editor of the Post:

The interview with me in the Post of the 16th has led to much misrepresentation of its terms. The New York World published with quotation marks words I never used. I said nothing unkind of Mr. McKinley personally, but called attention to certain methods of some of his managers and protested against their adoption. Every fact I stated had been published in the Philadelphia Times of March 10. It is a Democratic paper, to be sure, but Colonel McClure is usually accurate when making charges.

The substance of the charge made in the Times and reiterated by me was that the same men who had assisted in raising the money to pay Mr. McKinley's debts were calling upon the owners of protected industries to make contributions to help nominate him for President. Although the charge has been denied by General GROSVENOR and others, a review of the subject confirms my conviction that it is true. As bearing upon the question whether the collection and the use of the funds are for reasonable and legitimate nomination expenditures, I add that the fund which it was planned to raise was to be $250,000, a sum which could not be needed except for illegitimate purposes. In view of the effort to raise this large fund from protected interests, my points were very simple and clear.

Such a movement is unfair and unjust toward the other candidates, in whose behalf it is certain no such large sums of money are being raised or used. Messrs. REED, MORTON, QUAY, CULLOM, ALLISON, DAVIS, and Manderson are as devoted friends of protection as Mr. McKinley is, and the triumph of any one of them would be as sure a guarantee of the enactment of judicious and effective tariff laws as would be the victory of Mr. McKinley. For manufacturers to contribute large sums of money to be expended in nominating Mr. McKinley over any other candidate hitherto named would be a most unjust and uncalled-for proceeding.

The interests of the Republican party will be seriously injured by demanding and receiving such large contributions from the representatives of protected interests. It has been a continuous cause of attack by the opponents of protection—the belief that the system has been maintained, Republican victories achieved, and particular tariff schedules secured from Congress by the money of manufacturers. Whatever may be said in justification of reasonable contributions from such interests toward the expenses of Presidential and Congressional elections after the nominations are made, a system of using money to control Republican nominations for office would be scandalous in the highest degree, and fatal to all attempts to maintain the purity and honesty of the party organization.

These things I said. If the facts which were the basis of my utterances do not exist, the truth will appear, and no one will suffer but myself, for no one else suggested or was responsible for or knew of my statement. I shall be very glad to be convinced that I was mistaken. Moreover, if the attempt to raise the fund of $250,000 has been arrested by reason of the publicity given to it, I shall be equally rejoiced.

If, however, the facts are true, and to the natural popularity and strength of Mr. McKinley Messrs. Osborne and Hanna are to continue to add the expenditure in improper ways of large sums of money collected by them from the owners of industries protected by the tariff, thoughtful Republicans will do well to consider the consequences of a nomination thus made; the character of the canvass which is to ensue; the possible defeat which, even with the bright prospects before us, may come if we rush headlong into any egregious blunder, and the controversies which, even if we are successful, are to follow such an admission of the standing charge of our opponents that gross venality and corruption attend the maintenance of a high-tariff system by the Republican party, which charge we have hitherto truthfully denied.

To those who engage in vituperation of me on the ground that whatever may be the size of the money contributions which are being raised by Mr. McKinley's friends, or the use which is being made of them, it is injurious to the Republican party, and therefore a mistake for me to call attention to them, little need be said. Their argument recognizes no times or circumstances when it is proper for a faithful member of a political party to expose and condemn the faults and vices which develop in every party. This precept is a false one, and has never been heeded by me in a political life of forty years. Whatever may be said in favor of such restraint during the heat of a political canvass, after the nominations are made, there ought not to be two opinions on the question whether at all other times faithful Republicans should detect and make public, correct and destroy, dishonest methods which may be growing up in the organization, and which if kept concealed through a false notion of party fidelity will soon bring the party to destruction. That there is no way to keep a party pure and honest in its practices except by defeat at the polls is an unwise opinion. It should be so kept, and also kept in power, by the constant efforts of its true and courageous members to condemn and crush out in their inception all habits and practices which tend to the degradation and dishonor of the political organization. The Republican party is about to be returned, if it acts wisely, to overwhelming political power in this country. The party should begin its new career sustained by high principles and free from corrupt practices. It will be a fatal mistake, soon to be grievously punished, if we make a dishonest start.

W. E. CHANDLER.

WASHINGTON, *March 21, 1896.*

Mr. HILL. I have too much confidence in the Senator from New Hampshire to think that these allegations were made thoughtlessly or unadvisedly. I think he knows what he was about. I think he believed the allegations. I think they have not been answered. They have not been met. Abuse of the distinguished Senator from New Hampshire is not an answer to the allegation. A reflection upon his motives does not meet the charges. The point which I make is simply that upon a newspaper allegation in a single newspaper (because when challenged this afternoon that is all the Senator from Nebraska could point to) we are proposing deliberately to investigate a high officer of the Government of the United States and his transactions on three different occasions. But here sits the Senate, with one of its esteemed, distinguished members making an allegation against a candidate for the Presidency, the leading candidate who is desired to be nominated, or if not against him, his friends, for a corrupt use of money to buy up a nomination and levying contributions upon protected industries for the purpose of procuring a platform and a candidate suitable to those interests and in accordance with its desires; yet no Senator here, not even the Senator from Kansas, has asked for an investigation. It affects the elective franchise; it affects the purity of our primary meetings; it is a stab at the foundations of our Government. When an amount of money, said in these allegations to be $250,000, is raised in the interest of a particular candidate for the purpose of securing his nomination, ought not some attention to be paid to it? Ought not some investigation to be had? I am not proposing any; I am simply suggesting it. Why has it not attracted more attention?

I said at the outset the Senator from New Hampshire was serious in this thing. We will strain at some allegation of wrongdoing in some newspaper against the Secretary of the Treasury; we will ask an investigation because the Senator says the people are curious and they want to know all about it, because there is no law for the issue of bonds—"A second Daniel come to judgment"; yet with a serious allegation made by a member of this body, published in the public press, charging that the man who is probably to be nominated as the President of the United States and his friends have entered into a combination with the protected industries of the country to secure a nomination, and it attracts no attention whatever. Not a single man upon the other side, although opposed to Mr. McKinley, has asked for an investigation. Can not we upon this side take a little lesson from our friends on the other side, when even the civil-service reformers upon the other side, who dread to see the public service dragged down even upon a matter of little country post-offices, do not rise in their places and ask in the name of purity and justice that there shall be an investigation?

I say when the other side do not propose to investigate their candidate for office, although a member of this body makes the serious allegation, why should we Democrats upon this side hastily join this Populist combine to attack a Democratic Secretary of the Treasury? Let us learn a little wisdom from the men upon the other side; or if by some means or other we are afraid of this little Populist crowd who stand here holding the balance of power first upon one side and then upon the other, voting with us in one thing and against us on the next, and if we are obliged to have this investigation of a Democratic official upon these paltry and contemptible charges, let us add this other one. Let the Chandler charges be investigated, too. Let us see whether they can afford to remain silent. Let us do it now, before the heat of this political campaign shall come on, so that our motive will not be suspected. Let us do it in the name of the people. That is the way to do it, when you want to do a mean thing, when you want to stab somebody. Do not do it for the Populist party; be nonpartisan. But that is not my practice, sir. If I have any allegation to make I make it. I think I may say my worst enemy never charged me with stabbing him in the dark. If I have anything to say against a man of my own party I say it openly and above board. When I have anything to say against my adversaries I say it in that way.

Mr. President, I say to you our Republican friends would not have ordered an investigation against a Republican Secretary of the Treasury upon such flimsy pretenses as these. I do not believe they will do it now against a Democratic Secretary of the Treasury. I have more confidence in them. I do not believe the two great parties here will dance attendance to this little crowd of Populists whose votes we seem to need in this Chamber now and then.

Mr. President, what have we heard here time and time again? From allegations of abuses in the burial of members to allegations about the eating saloon downstairs. All sorts of things have been dragged up here for the benefit of the Populist party. They do not like the issue of bonds. Of course not. They are against it. That is all right. They may believe in the silver policy and they may believe in the gold policy. That is all right enough. I am not challenging their motive; but I say that nothing is to be gained by this sort of political warfare. When there is something to investigate that is tangible, then I am in favor of investigation.

Mr. President, I am sorry that the Senator from Nebraska [Mr. ALLEN] is not here. Two years ago he rose in his place, solemn, as he always is, and said that he had a grave accusation to make. In substance he said the Senate is a very corrupt body. Well, they have been talking that so much that I am free to say they have made a great many people believe it, I think. What was the allegation? The allegation was—he read from the newspapers—that every Senator was engaged in a speculation in sugar stock—a serious allegation. I thought then, as I think now, that it was an unwise proceeding. I thought I knew my brother Senators upon this floor. Ninety-five per cent of them had no money to speculate in sugar stocks or any other kind of stocks.

of his friends; that he is waiting for the people to summon him. ' and I ask to have his reply read—reiterating the previous chapter.

Mr. PEFFER. Will the Senator from New York permit a question at that point?

Mr. HILL. I will.

Mr. PEFFER. I am quite satisfied that the Senator from New York does not wish to do an injustice to the Senator from Nebraska. Does the Senator from New York mean to be understood as saying or asserting that the Senator from Nebraska offered a resolution to investigate the sugar trust?

Mr. HILL. I think it was the Senator from Nebraska. Who was it?

Mr. PEFFER. It was the junior Senator from Massachusetts [Mr. LODGE].

Mr. HILL. It is my recollection that it was the Senator from Nebraska.

Mr. PEFFER. Where the Senator from Nebraska came in was with an amendment that gave it a little more of a drag-net character.

Mr. HILL. Yes; just a little more of a drag net.

Mr. PEFFER. If the Senator will allow me further, I will explain possibly how the Senator from New York came to fasten this particular proceeding upon the Senator from Nebraska. Within a few days after the newspapers made an attack upon members of this body, mentioning them by name, I, the Senator from Kansas, proposed a resolution of investigation. The Senator from Maryland [Mr. GORMAN], after an impassioned speech upon that resolution, moved to lay it upon the table, and it was laid upon the table. After that the junior Senator from Massachusetts [Mr. LODGE] came in with his resolution.

Mr. HILL. I do not recollect that impassioned speech by the Senator from Maryland. My recollection was that it was the Senator from Nebraska. He spoke upon the subject. He offered an amendment. I have confused the amendment with the original resolution. No matter; the Senator offered another one. Of course he is not going to be left when it comes to the investigating business, and he offered another one. Whether I was present when the original resolution was offered or not I do not know. I was present when I heard the Senator from Nebraska speak, I think upon some portion of his resolution. I know the air was filled with allegations around this Chamber against the integrity of Senators. You would think from what was said that the whole Senate were engaged in a scheme of enriching themselves by speculating in sugar stock, and we must have an investigation. It was a Democratic Senate by a very close majority. The Populists were pretty nearly holding the balance of power then as now. It would not do to be cowardly about it. If anybody makes any charges you must yield right off and say, "Of course; have an investigating committee." That is the new theory, the modern theory of moral courage—to have an investigation every time a man makes an idle, silly assertion. I do not believe in it.

But by unanimous consent—I think it was pretty near that—they had the investigation. It was much advertised. The Senator from Nebraska was a member of the committee, which was composed of two Republicans, two Democrats, and a Populist—the same old combination again, the Republicans and Populists holding the balance of power, of course, to investigate a Democratic Senate. Democrats sat here and allowed the thing to go on, tolerated it, sanctioned it. What was the result? I will not read to-night (I will read in the morning if I have time) the first original charge, and I want to read the result. I say all over the country an anxious press was seeking to hold the investigation. It was a bitter scandal on this Senate. Eagerly they awaited its results. First I think it was proposed to have it in secret; but the press thundered at the doors, it must be admitted, the public wanted to know, the curious people wanted to know; and I think they admitted the Associated Press and the United Press reporters that the public might know all about it.

The investigation went on. I am not now going to speak of it in its detailed results except to say, put it all together, what did it amount to? All the Senators trailed upstairs to the committee room, humiliated that they had felt obliged to go out of respect to the committee, and every one of them was put through a lot of questions as to what he had done with his money, in substance, whether he had speculated in sugar stocks or not, whether he had bought any stocks for himself, his sisters, his cousins, and his aunts.

Mr. HAWLEY. And under oath, too.

Mr. HILL. And under oath, too. Oh, they would not take a Senator's word for anything. [Laughter.] Among the other charges made there was the specific charge against the same much-abused Kentuckian, John G. Carlisle, that he also was interested in sugar stock; that he had used his influence to aid the sugar trust—all lies made out of the whole cloth. This Senate deliberately proceeded to make an investigation because they did not want it said that they were afraid to investigate. What was the result? The sum and substance of it was that they found that one Senator—and I would not speak of it at this time except justice to the cause requires me to do it—one Senator, whose frankness we all admire, went before the Senate committee and said: "Yes; I did buy some sugar stock and afterwards sold it, and I would do it again; I had a right to do it; and what are you going to do about it?" He acted like a manly man, and I take pleasure in saying so, notwithstanding all the charges made about the great impropriety of speculating in sugar stock. To-day that distinguished Senator is the candidate, the favorite son, of the leading Republican State in this Union for the Presidency. He has as earnest and warm friends as any man who is now a candidate for the Presidency.

The other was the case of a Senator's hired girl, who had been speculating in sugar stock, and another Senator's son, 19 years old, had bought ten or twenty dollars' worth of stock in a bucket shop. [Laughter.] That was the result of the investigation. One Senator bought a little stock, and said he had; another Senator's hired girl had speculated in it—I think the Senator ought at least perhaps to have divided with the hired girl—another was the son of a Senator who had speculated in the stock; and that is all there was of it. [Laughter.] Every Senator here, eighty-odd of us, went before that committee, all under oath, and swore that they were not scoundrels, as if speculating in sugar stock was something terrible.

Mr. President, I speak of this simply to show that we belittle ourselves by such a proceeding. We belittle ourselves in the eyes of the world, the eyes of the people. There was no necessity for such an investigation; there were no circumstances which required it. The clamor did not cease even when the committee made their fair and impartial report of the exact circumstances. The press kept on because they like to create a sensation. The scandal mongers upon every side came to the front. All sorts of allegations about the sugar trust appeared in the platforms of State conventions against this Senate, nine-tenths of whom never thought of speculating in any sort of stock whatever.

I speak of these things, I say, for the purpose of asking my fellow-Senators to pause before they again enter upon any such ridiculous proceeding. That was an injustice to ourselves, and perhaps served us right for allowing it to go on.

What was the allegation against Mr. Carlisle? The committee unanimously exonerated him. There was not the least scintilla of wrong proved against him. The charges of the newspapers were shown to be manufactured; there was no truth in any word casting any reflection upon him; and yet that man, sir, submitted to it without a murmur, without complaint. He submitted to the allegation quietly, as befitted the dignity of his office. Now we are not seeking to do injustice to ourselves by an investigation of ourselves, but we are seeking to use the great power of the Senate to investigate a bond transaction simply because of some idle statements of the newspapers, simply because the majority of the Senate differ with Mr. Carlisle upon this great subject of silver, honestly differ, differ possibly with much reason—I do not propose to discuss that question—but, sir, I do submit that the cause of silver will not be promoted by any such investigation. The cause of silver will only be injured by such an unwise proceeding; the party to which we belong will not be injured by it; but it is unjust to permit these attacks to be made, because the very fact of investigation implies that there is some cause for investigation.

Now I will yield, but I desire to continue my remarks in the morning.

Mr. VILAS. If the Senator from New York yields for the evening, I move that the Senate adjourn.

The PRESIDING OFFICER. Pending the motion of the Senator from Wisconsin, the Chair will lay before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 3606) granting a pension to French W. Thornhill; and

A bill (H. R. 5853) granting a pension to Arminda Stucker, of Gallatin, Mo.

The bill (H. R. 5258) granting an honorable discharge to John B. Besler was read twice by its title, and referred to the Committee on Military Affairs.

EXECUTIVE SESSION.

Mr. DAVIS. I ask the Senator from Wisconsin to withdraw the motion to adjourn, in order that I may move that the Senate proceed to the consideration of executive business.

Mr. VILAS. I withdraw the motion for that purpose.

Mr. DAVIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 17, 1896, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 16, 1896.

PROMOTION IN THE ARMY.

Corps of Engineers.

Capt. Thomas Williams Symons, to be major.

POSTMASTERS.

Charles M. Goodspeed, to be postmaster at Shamrock, in the county of Onondaga and State of New York.

William Morgan, to be postmaster at South River, in the county of Middlesex and State of New Jersey.

Charles J. Chisan, to be postmaster at Brighton, in the county of Monroe and State of New York.

John Leonard, to be postmaster at Port Chester, in the county of Westchester and State of New York.

J. Crawford Hoag, to be postmaster at Akron, in the county of Erie and State of New York.

Curtis J. Monroe, to be postmaster at Lakeport, in the county of Lake and State of California.

James McCarty, to be postmaster at Rockville Center, in the county of Queens and State of New York.

Truman Lewis, to be postmaster at Sidney, in the county of Delaware and State of New York.

Alonzo H. Ale, to be postmaster at Cass City, in the county of Tuscola and State of Michigan.

William F. Mariante, to be postmaster at San Leandro, in the county of Alameda and State of California.

James Clyne, to be postmaster at Benicia, in the county of Solano and State of California.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 16, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

BANKRUPTCY BILL.

Mr. HENDERSON. I ask unanimous consent that we take up the bankruptcy bill for consideration on Wednesday and Thursday of next week. I make this request now, so that members may have timely notice of the assignment and may be prepared to enter upon the consideration of the measure.

Mr. BAILEY. Does the gentleman's request include a provision that a vote shall be taken at a certain time?

Mr. HENDERSON. We can arrange that when we reach the question on Wednesday morning. I thought it best that we should now assign two days to that business.

Mr. BAILEY. Very well.

The SPEAKER. The gentleman from Iowa asks unanimous consent——

Mr. BINGHAM. Before that request is put, I ask the gentleman from Iowa [Mr. HENDERSON] whether he will call for a vote on Thursday. Some of the Pennsylvania members who are very anxious to vote on this question may be absent on that day.

Mr. HENDERSON. That would be the intention, if we have two days assigned to this bill, unless by unanimous consent we be permitted to take the vote on Friday morning.

The SPEAKER. The gentleman from Iowa asks unanimous consent that Wednesday and Thursday next be set apart for the consideration of the bankruptcy bill. Is there objection?

Mr. PICKLER. The bill of the Committee on Invalid Pensions, as I understand, is the next thing in order for consideration. That would probably be out of the way before this business is reached.

Mr. HENDERSON. It will be nearly a week before the order I ask begins to operate.

The SPEAKER. Is there objection to the request? The Chair hears none.

Mr. HENDERSON. Before passing to other matters, I would like to have an understanding on the part of the House that the vote on the bankruptcy bill be taken on Friday morning of next week. I find that a number of State conventions which gentlemen want to attend are to be held within a week or so; and if we should have a vote on Thursday it would embarrass quite a number of gentlemen.

Mr. BAILEY. I have no objection to the suggestion which the gentleman from Iowa now makes, but I would like to have it understood that a reasonable time is to be allowed for debate and amendment under the five-minute rule.

Mr. HENDERSON. If this request be granted the time for a vote is extended, leaving us the whole of Wednesday and Thursday for the consideration of the bill. The fixing of the vote for Friday is really an addition to the time already allowed.

Mr. BAILEY. I heartily assent to the vote being taken at the time mentioned; I simply want an understanding that we shall have an opportunity to offer amendments.

Mr. HENDERSON. That we will arrange in detail when we take up this business.

Mr. RICHARDSON. Will not the setting apart of Friday prevent entirely the consideration of private bills on that day?

Mr. HENDERSON. The proposition is simply that we take the vote on Friday.

Mr. RICHARDSON. I thought the gentleman proposed to occupy Friday under the five-minute rule.

Mr. HENDERSON. Oh, no; I simply ask for a vote on that day. The House has already assigned Wednesday and Thursday for the consideration of the measure; but to accommodate a large number of members who want to be present to vote on the bill, I ask that the vote be taken on Friday morning after the reading of the Journal.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? The Chair hears none.

Mr. BAILEY. I now ask unanimous consent for the printing of a substitute which I desire to offer for the bankruptcy bill as reported by the committee.

The SPEAKER. Does the gentleman desire to have it printed in the RECORD?

Mr. BAILEY. No, sir; but as it is not a proposition coming from the committee, it is necessary that the order to print should be made by the House. I am simply asking unanimous consent for that purpose.

The SPEAKER. The gentleman from Texas [Mr. BAILEY] asks unanimous consent that a substitute which he proposes to offer for the bankruptcy bill may be printed in bill form. Is there objection? The Chair hears none. If the gentleman has his substitute now ready, and will file it, it will be printed.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 2600) granting a pension to Mrs. Clifford Neff Fyffe—to the Committee on Invalid Pensions.

A bill (S. 1011) for the relief of Capt. James Regan, United States Army—to the Committee on Military Affairs.

MANAGERS OF NATIONAL SOLDIERS' HOME.

Mr. HULL. I call for the regular order.

The SPEAKER. The regular order is the consideration of the joint resolution reported from the Committee on Military Affairs—House resolution 160, to appoint four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

Mr. HULL. By order of the House adopted yesterday, it was arranged that debate on this resolution continue until 3 o'clock to-day, when a vote be taken. I understand that the gentleman from Kansas [Mr. BLUE] will control the time in opposition to the resolution; and I suppose that the time will be equally divided between the two sides.

The SPEAKER. One hour and forty-five minutes have been consumed by the committee and an hour and fifty-eight minutes in opposition.

Mr. HULL. I am perfectly willing that the opposition be allowed half the time to-day.

The SPEAKER. If there be no objection, that will be considered as the order.

There was no objection.

Mr. BLUE. May I ask how much time there is now for debate?

The SPEAKER. Two hours and forty-five minutes.

Mr. BLUE. I would like very much, Mr. Speaker, for the House to be in order.

The SPEAKER. The Chair would be glad also to have the House in order.

Mr. TERRY. What has become of the morning hour?

The SPEAKER. This is an extension of the morning hour, granted by the House.

Mr. BLUE. I desire to yield twenty-five minutes to the gentleman from Missouri [Mr. TRACEY].

The SPEAKER. Before the gentleman proceeds the House will please be in order, and the Chair will request gentlemen to resume their seats and cease conversation.

Mr. BOUTELLE. As the Chair seems to be looking toward me, I desire to state that I have not been engaged in conversation. [Laughter.]

The SPEAKER. The Chair does not refer to the gentleman from Maine by any means.

Mr. BOUTELLE. Two or three gentlemen around me seem desirous of advertising the fact that the Speaker was referring directly to me.

The SPEAKER. The Chair had no reference whatever to the gentleman from Maine.

that one Senator—and I would not speak of it at this time except justice to the cause requires me to do it—one Senator, whose

30 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 17, 1896, at 12 o'clock meridian.

Friday is really an addition to the time already allowed.

gentleman from Maine.

Mr. WILLIAM A. STONE. The Speaker referred to me, probably. [Laughter.]

The SPEAKER. The Chair has no desire to call the House to order—not the slightest. But attention has been called to the matter, from the floor, that it is utterly impossible to hear what is going on. The gentleman from Missouri has the right to address the House without interruption; and since the attention of the Chair has been called to the matter by a gentleman on the floor the Chair is compelled to take cognizance of the fact.

The trouble is that each gentleman in private conversation on the floor seems to think he makes no noise. The Chair would be very glad if gentlemen would be in order, so that the gentlemen could be heard who are entitled to occupy the floor.

The gentleman from Missouri is recognized for twenty-five minutes.

Mr. TRACEY. Mr. Speaker, the duty which I feel called upon to perform to-day is not a pleasant duty to me. It has never been a pleasant task to me to assail or make charges against anyone. It has always been unpleasant to me to speak ill of any person. I would much rather eulogize than criticise, especially when the person or management to be criticised is that of a soldier. But it happens sometimes in the administration of human affairs that criticism becomes absolutely necessary; and while I would infinitely prefer to proceed along the lines of an orderly investigation, I feel that I am not only justified in what I intend to say, but I believe that I would be derelict in my duty to the people I have the honor to represent here if I failed to say what I hope to say on this occasion.

The Soldiers' Home at Leavenworth, Kans., being upon the border line of the State which I in part represent, is always patronized, so to speak, by about as large a number of Missouri soldiers as are in the Home from the State of Kansas, in which it is located. Before coming here, and immediately following the election, I received a number of letters concerning the management of that Home. These letters continued to come, and contained information derogatory to the management of that Home. I never sought information calculated to produce any other than the highest opinion of the management of the Home at Leavenworth or at any other place. What information I have on the subject has been forced upon me; I have not sought it. But the position in which I have been placed has compelled me to take notice of it, and it is because of that fact that I to-day, in this discussion, occupy what is to me a somewhat unpleasant position.

Personally, I have but little acquaintance with the governor of the Leavenworth Home, or the Western Branch, as it is called. Personally, I have no acquaintance whatever with General Franklin, who is president of the Board of Managers of the Homes. Personally, I only know two members of the Board of Managers, and they not very intimately or very long. Hence it must be apparent that I have no personal feeling in this matter other than a desire to see these Homes, which have been built up by the munificence of a grateful people for taking care of the men who by reason of the years they gave to the service of their country are now unable to take care of themselves—that these Homes shall be homes in fact and in deed for these old soldiers and not merely in theory and in name.

Now, in presenting the facts which I wish to present to the House to-day—and I regret that my time will not admit of such a presentation as I would like to make—I will confine myself almost exclusively to what I find in the record presented by the Board of Managers of the Home. I have a number of affidavits here, but enough of them have been read in the hearing of the House to make it unnecessary to present any more. In fact, more of them would be merely cumulative, although more of them can be secured if necessary. I undertake to say that from the Home at Leavenworth 500 affidavits can be secured against the character of the management of that Home in so far as it affects the comfort and well-being of the inmates.

Now, against the character of the president of the Board I have no word to say. As I remarked a moment ago, personally, I do not know him; hence I have no word to say against his character personally. He may be all and more than is claimed for him by his most ardent admirers and friends. It is with the administration of the Homes, and that exclusively, that I have to deal, not with him, except in so far as he is personally responsible for the administration, he being the president of the Board. He is, in many senses of the word, the Board itself. This Board meets occasionally—I do not know how often in a year. I will ask the gentleman from Indiana [Mr. STEELE]?

Mr. STEELE. Four times a year, or oftener if necessary.

Mr. TRACEY. The Board meets four times a year, and in the intervals between the meetings the president of the Board is the Board itself. I undertake to say more than that, Mr. Speaker; I undertake to say that at the meetings of the Board the work to be done has been prepared and is presented to the Board by the president and secretary, and I find in looking over the reports and examining the proceedings of the several meetings held that not a single instance appears, as I now remember, in which the recommendations of the president so prepared and presented have not been agreed upon by the Board.

Perhaps this is true in all corporations where the president who is continued in position from year to year acquires such a hold upon and influence over the members of the board of directors that his desires are always respected. This influence grows imperceptibly, and it would not be strange if a man such as General Franklin is described by his friends should acquire in a series of years the influence over his associates on the Board that I have ascribed to him and which appears all through the reports. It is to this influence, as I am informed, that the governor of the Home at Leavenworth owes the position he occupies. Hence I am justified in saying that to a very great degree indeed, the president is the Board of Managers, and that his will is the law which governs them.

But aside from that it is said that General Franklin is a good man and an honest man. That may all be true. That he is an old soldier, and that is true; that he was a brave soldier, and I believe that to be true. But with all of that, he is the governor of a system of Homes containing within their walls from 17,000 to 18,000 old soldiers, every one of whom was perhaps as brave a soldier as he, and may be just as good a man personally as he. At any rate his (the governor's) position is a good one, furnished by the Government, paid by the Government, and it is the least that can be expected of him that, as president of the Board of Managers, he ought to see to it, as far as in him lies, that the position of these 17,000 or 18,000 old soldiers under his control, so far as the rules and regulations go, is made as comfortable and pleasant as it is possible to make it by the expenditure of the money placed in the hands of the Board.

Mr. Speaker, it is no small affair. These men, reduced to poverty, many of them friendless and homeless—it is no small affair to say that when they enter a National Soldiers' Home they shall meet within the walls of that Home the hand of friendship and the arm of support and sustenance, and that within its walls they should feel, while there, that they have indeed a home given to them by a grateful people because of the fact that they have given the best years of their lives that we might have a country. But is it a home when discipline is mentioned twice where kindness is mentioned once?

I find, in examining the reports of the Board with reference to the cost of maintenance, some remarkable facts. I call attention to the fact that the efficiency of the management must of necessity have a very close connection with the cost of maintenance. Now, in turning to the record, I find that General Franklin was elected in 1880. In that year, according to the report, the cost of maintenance per capita in the Homes was $118.23. From that time on until 1892 the cost increased. This was under the management of General Franklin. It increased in 1881 to $132; dropped a little in 1882 to $125; increased in 1883 to $137; dropped a little again in 1884 to $132; in 1885 to $138; in 1886, $125; in 1887, $138; in 1888, $132; in 1889, $144; in 1890, $141; in 1891, $139, and in 1892, $143.

This rapid increase in the cost of maintenance called the attention of Congress to the fact that money was being expended extravagantly in the management of the Homes. The Fifty-second Congress took no action, but in the Fifty-third Congress it was provided that an additional inspection of the accounts of the Homes should take place, under the authority of the War Department. Now I call the attention of the House to the rapid decrease in the cost of maintenance that has occurred since the War Department took a hand in the auditing and the examining of the accounts of the Homes. In 1892, as I said, the cost of the maintenance was $143.75. In 1893 it was $140.95. That small decrease occurred before the inspection by the War Department took place; but in the succeeding year, in 1894, there was an examination of the accounts by the War Department, and the cost of maintenance was reduced to $127.45. In 1895, under the operation of the same system of inspection, the cost of maintenance in the National Homes has been reduced to $115.80. Here, then, we have, from 1880 to 1892, a constant going up hill under the administration of the Board over which General Franklin presided all this time, while within three years after the inspection by the War Department began we have a rapid decrease from $143 down to $115.

I do not charge dishonesty to any member of the Board or to its officers, but I do charge that there has been a loose, negligent, and irregular method in vogue in the keeping of accounts of these Homes, and that the feeling has grown up that this was a corporation outside of the Government and outside of the control and authority of Congress, a corporation in which the members of the Board assumed to control, and deprecated interference.

Mr. STEELE. Will the gentleman allow me right there? I notice in the report of the Inspector-General of the Army to the Secretary of War, on page 23, the statement that the cost of maintenance for the Soldiers' Home at Washington for soldiers of the Regular Army is $197.89, or $80.25 per capita more for this Home in this city, which is under the supervision of the officers of the War

Department right here, than the per capita cost in the National Homes.

Mr. BLUE. Will the gentleman from Indiana permit me to ask him a question, with the consent of the gentleman from Missouri?

Mr. STEELE. Yes.

Mr. TRACEY. Certainly.

Mr. BLUE. How much difference was there per capita in the maintenance of soldiers in these Homes after this Board of Management began to be inspected by the War Department than before?

Mr. STEELE. That was read by the gentleman from Missouri. Every man knows that there has been a great fall in prices, and especially on the leading commodities—a very great fall in prices.

Mr. TRACEY. There has been some fall in the prices of commodities since 1892, I will concede; but there has not been enough of a fall in the prices of products to account for the great difference in the cost of maintenance, which amounts to a good many thousand dollars each year in the expense of administering these Homes. If gentlemen will take the trouble to do a little figuring they will find that the difference in cost of maintenance per capita between 1892 and 1895, in round numbers $28, applied to the number present in the Homes in 1895 amounted to a saving of the snug sum of $461,440. Is that a badge of efficiency, or may it not prove that General Franklin is too good a man to be at the head of the greatest, most beneficent, and best-deserved charity on earth?

But there is another matter to which I want to call attention, and my time is growing very short. There are matters of detail in connection with the management of the Homes of which I regret I have not time to speak; but I do want to refer to the thing they call the Keeley cure, or the gold cure. I want to refer to that for the reason, in my opinion, based upon the testimony that has been forced upon my attention, the extent to which it is beneficial is yet open for discussion. While I will not say there are not men who have been benefited by taking the chloride-of-gold cure, I do say that the men who were patriotic and brave enough to take their lives in their hands and follow the old flag when it was necessary to do so, that those men ought, when they seek the asylum of a Soldiers' Home, at least to have the voluntary right of free choice to say whether they will take that cure or not.

I also want to say in this connection that while I dislike drunkenness and regret to see an old soldier drunk, more even than any other citizen, yet when I find him drunk, although he be lying in the gutter, there is that in him and in the past with which he is indissolubly connected that entitles him to my kind and considerate treatment and respect as a man, however much I may deplore his condition. [Loud applause.] These men when they of necessity seek a place within the walls of a Soldiers' Home in order that they may have food and raiment and shelter from the storms, are entitled to say of their own free will and choice whether they will take the Keeley cure or let it alone; and there is too much evidence of the fact that men have been compelled to take it as a matter of discipline.

Why, Mr. Speaker, in this report—and I have gone carefully through it from end to end—the Keeley cure is spoken of everywhere as a matter of discipline. Here is a line or two of the report from J. B. Thomas, governor of the Central Branch——

The SPEAKER pro tempore (Mr. GROUT). The time of the gentleman has expired.

Mr. TRACEY. I would like to have ten minutes more, if it can be given me.

Mr. BLUE. Mr. Speaker, it is going to be absolutely impossible to give everyone all the time that he needs in this matter, and I do not want to give away any more time. I would rather that the gentleman's time should be extended by unanimous consent.

Mr. HULL. Mr. Speaker, it can only be done by cutting off both sides, unless the vote is postponed.

Mr. BLUE. How much more time does the gentleman from Missouri want?

Mr. TRACEY. I would like to have ten or fifteen minutes.

Mr. BLUE. I will yield ten minutes more time to the gentleman.

Mr. TRACEY. In the report of Central Branch Home I find this:

> The Gold Club continues to exert an excellent influence in the Home, although the additions to it have not been as many as in former years.

Now I turn over here to another page in the report, and I find this astonishing corroborative testimony of that statement. Here in the report of the post fund it reads: "Sales, beer hall, $88,260.65." Certainly that Gold Club in the Central Branch Home must be located in the beer hall. More evidence of it exists there apparently than anywhere else. That sum paid for 1,765,213 drinks, or 4 drinks per minute for every hour of every day in the year except Sundays.

At the Northwestern Branch Home the sales of beer amounted to $40,045. At the Eastern Branch, in a prohibition State, the sales are not so large. The report reads:

> The Keeley treatment for drunkenness is still a strong factor in the promotion of good discipline. Eighty-one members have taken advantage of the "treatment" during the past year and 409 since its first introduction.

That is the Eastern Branch. The sale of beer was $25,262.28.

The gold cure at the Southern Branch is commended, but no figures are given as to sales of beer. The report says:

> Our Keeley club flourished and grew to the number of upward of 200, then the interest therein seemed to lag and the additions were sporadic, amounting to only 8 or 10 per month. when the Board of Managers determined that the salary of the Keeley doctor must be paid from the profits arising from the price paid for the treatment (it had previously been made from the post fund); and the increase in membership not being sufficient to warrant this heavy expenditure, the doctor, in June, after being informed of the situation, resigned and left the Home, since which time the treatment has not been administered and, consequently, the gold cure at this Branch is now in statu quo.

This is at the Southern Branch. Under the head of discipline at the same Branch, where the population is in excess of 2,000, I call special attention to what is stated by Mr. Woodfin, the governor:

> I am extremely happy to report that as the years go by and our men become older they become more easy to govern.

I want to call special attention to that fact, that as our men become older they become more easy to govern. And yet precisely the reverse is alleged as to the Home at Leavenworth, where the population is not greater, or but little greater, if any, than at this Home. This is unquestionably true, as every member of the House knows of himself—that men as a rule, as they grow older in years, lose much of the passion and prejudice, the hot blood and quick temper, which may have characterized their youth and their young manhood, and become more easy to govern, and yield to discipline with less difficulty and greater readiness. The same temper and fitness to govern which made this discovery at the Southern Branch would make it at Leavenworth and at every other of the National Homes.

But let us examine the reports a little further in connection with the Keeley cure, which I do not condemn, but which I insist should be left to the untrammeled choice of the inmates of the Homes, as to whether they will take it or let it alone. They should certainly have the same right to take the cure within the Home that they have on the outside, but they are not constrained to take it on the outside, and they should not be constrained on the inside.

It ought not to be regarded as an element of discipline, which in itself negatives the idea of freedom of choice, but as a remedy for disease which the few among the old soldiers who drink should have the right to freely take or refuse after they have entered the Home. But it is regarded and spoken of as an aid to discipline almost exclusively, and seldom, if ever, referred to as a remedy for disease.

Governor Stephenson, of the Eastern Branch, says of it:

> The Keeley treatment for drunkenness is still a strong factor in the promotion of good discipline.

In spite of its virtue in that direction, however, a lively business in sales of beer was carried on at the old stand, and that, too, in spite of the frigid atmosphere of prohibition surrounding it.

At the Pacific Branch the "cure" was introduced in July, 1893, but had to be discontinued for a time for want of patients. But the preparatory establishment, the beer hall, was in operation, and during the year ending June 30, 1895, furnished 84 cases for the institute. This Branch reports the smallest amount of sales of beer, being for the year but $7,276.13.

At Marion Branch, which appears to be a fairly well conducted Home, Governor Chapman speaks as follows of the "cure":

> The Chloride of Gold Club continues to prosper and is productive of good. Twenty-five per cent of the members taking the cure have relapsed.

That statement is given without a word of explanation, and is well calculated to engender doubt as to the truth of the statement made as to the result in the Western Branch, where it is alleged that only 16 per cent have relapsed. Another singular fact, too, is the difference in the cost of the cure at the Central Branch, where it is but $15, and the Western Branch, where it is $22.30. It is highly probable, from all the facts attainable, and allowing for the natural exaggeration of both the friends and enemies of the cure, that at least 50 per cent of those who take the cure relapse, both within the Homes and on the outside. Instances are not wanting of men who have been required to take the cure as often as two to four times a year, each time at the original first cost. In nearly every other business a wholesale purchaser receives a discount, but in the Keeley institute at the Soldiers' Homes, with its primary department, the beer hall, there is no discount. The same price prevails in both, no matter how often frequented. A glass of beer is swallowed, always at a cost of 5 cents, and the swallowing continues until an examination shows the candidate to be qualified to enter the institute, where, no matter how often he has been before, if he is at the Western Branch Home, he is taxed and required to pay the sum of $22.30.

In the Leavenworth or Western Branch Home, where there were 2,261 inmates on an average during the past year, about the same

as the average at the Southern Home, or a little more, the amount paid for beer was $21,842.60, and the amount paid for the Keeley cure was $25,529.84, making a total of $47,372.44, every cent of which came out of the pensions paid to those men by the Government. The average cost to the total membership of that Home was $20.95, but inasmuch as less than 400 of the inmates took the cure in any one year, the average cost of the cure per member of those who took it was more than $100 a year, all of which money came out of the pensions of those men. How delightful it is to contemplate a place labeled a "Home," with one index finger, after you cross the threshold, pointing to the beer hall, where candidates are made and groomed for Keeley, and another pointing to the "institute," where they are initiated and relieved at stated intervals of a large per cent of their pension money!

I say that is wrong, absolutely wrong; and I sincerely trust that the members of the House when they come to vote upon the pending proposition will think for a long time before they conclude, in the face of all these facts, to continue even as good a man as General Franklin at the head of the Board of Managers. He has been there sixteen years. Why is there anything wrong in asking that a change shall be made after that length of time? It is no mistreatment of him, no wrong to him, and I trust that the House will vote to substitute for the name of General Franklin the name of that Christian gentleman as well as brave soldier and patriot, Gen. O. O. Howard. [Applause.] I thank the House for its indulgence. Mr. Speaker, I desire to have a letter read in connection with my remarks.

The SPEAKER pro tempore (Mr. GROUT). The time of the gentleman has expired.

Mr. BLUE. I yield the gentleman enough additional time to have the letter read.

The letter was read, as follows:

IRONTON, OHIO, *January 30, 1896.*

DEAR SIR: I was at the Soldiers' Home yesterday and witnessed the burial of three soldiers, and never was I so shocked in my life. I had been around the grounds and saw how magnificently the Government had provided for the living soldiers. Fine barracks to dwell in, a splendid hospital, and the surroundings all beautiful and adorned by art and refined taste. A fine chapel and memorial hall, all simply elegant. I went upon the hill to see the burial, and never did I witness the like. I have seen men buried in the trenches, on the battle field; I have seen them carried out by the dozen and buried on the levee of the Mississippi, with their blankets alone wrapped around; but these scenes were witnessed in camp and field while war was raging, and it was the best that could be done. But here amidst the highest civilization, where every facility is at hand to make a burial decent, I saw the veteran soldier, the country's pride and honor, secure the burial inferior to any pauper in the State.

The three graves were dug in a row about 2 feet wide, 5½ feet long, and 4 feet deep—dug in the wet soil of winter, the bottom all covered with water. The coffin, made of thin boards about one-fourth of an inch thick, after the old coffin style, was laid on two crosspieces, straps placed under, the pieces withdrawn and the coffin lowered in a pool of water, and the earth dumped on the naked coffin. I saw one of the corpses; he was a veteran 88 years old, his face was nice and clean, a white shroud covered an undershirt and encased his body. He was dumped in the water. I saw another veteran, a member of the league, and the veterans were out in full force to do honor to his burial—the coffin lowered into water and the wet earth dumped onto it. I asked one veteran how he liked the prospect ahead of him, and he said it made him shudder when he waked up at night and thought of his being buried in that manner.

I talked to the chaplain and he said there were no funds provided for a box for the coffin, and said there was no use for the officers in charge to request the funds necessary to purchase outer boxing, and I suggested if even a board was put on the top of the coffin. I did not know who to write to tell how much I regretted this treating the body of a soldier as a pauper dog, and I thought that you might take some interest in this matter. I know it makes but little difference what becomes of the body, and I thought of these men and of veteran soldiers standing there and seeing how their comrades are buried. How horrid it must be to contemplate, and I thought you might take an interest in the matter and see that provision is made in the appropriations to give the soldier a decent burial—such as everyone who has a heart in him would like to see.

But who cares for the broken-down veteran who is compelled to accept the gracious provision of a munificent Government. For mercenary purposes every man at the Home (in charge) is there. What sympathy! One a day thus was put away last year. The chaplain and sometimes the physicians are in attendance; it was so yesterday, and not another official seen on the ground. But you can judge from what I have said that there should be some other provision made; examine for yourself, and then see that the soldier gets a decent interment.

Yours, respectfully, E. V. DEAN.

Mr. L. J. FENTON, *M. C., Washington, D. C.*

Mr. HULL. Mr. Speaker, I yield ten minutes to the gentleman from Pennsylvania [Mr. MAHON].

Mr. MAHON. Mr. Speaker, the amendment of the gentleman from Kansas [Mr. BLUE] provides for striking out the name of General Franklin and inserting the name of another gallant officer of the late war. If the charges made by the gentleman from Kansas [Mr. BLUE] are true, I am in full sympathy with his desire to purge this institution of any wrongs that may exist there. But, Mr. Speaker, in considering this subject I do not forget the fact, which is known to all who have had any experience in connection with institutions of this kind, homes for the blind and destitute as well as homes for the old soldiers, that the inmates of such institutions, having little or nothing to occupy their time, are very much given to complaining. In all such institutions experience shows that complaints are continually coming up; in fact, the inmates appear to hunt for causes of complaint. [Laughter.] Nevertheless, we can not shut our eyes to the fact that the statements made upon this floor by the gentleman from Kansas and by other members would seem to indicate that there is something wrong in this Soldiers' Home. But assuming that to be so, the question is, who is to blame? I am willing to go just as far as the gentleman from Kansas will go in purging this Home of these wrongs if they exist, but I am not willing to vote, I can not and I will not vote, to strike down General Franklin unless I have some evidence of wrongdoing on his part such as would be required by a court or a jury. In other words, I am not willing to strike him down upon ex parte testimony. I do not know the men who make these affidavits. There appears to be no charge made here against General Franklin himself. He is not charged with immorality; he is not charged with dishonesty; he is not charged with brutality toward these men; he is not charged with mismanagement of this Home; he is not charged with drunkenness; he is not charged with being guilty of any of these wrongs.

Mr. CROWTHER. Does not the gentleman admit that in order to cure a disease it is necessary to strike at the root?

Mr. MAHON. I am coming to that. I repeat, Mr. Speaker, the gentlemen who make these charges do not for one moment undertake to say that General Franklin has been guilty of these alleged wrongs. Now, suppose we remove General Franklin; that will not insure the correction of these evils, because his associates on the Board have the most implicit confidence in his judgment, and they will probably retain this same governor of the Home even if General Howard is put upon the Board of Managers. Mr. Speaker, there is but one fair and honorable way to settle this whole matter, and that is to have an investigation of this Home by Congress. This institution contains over 2,500 inmates, and they are entitled to have these evils corrected if they exist, but there is only one way to find out the facts. The charges made by the gentleman from Kansas may be true. Let us investigate and find out whether they are true or not. If General Franklin has been culpable in this business the fact can be ascertained. If the manager of that Home is guilty of drunkenness, or of brutality, or of mismanagement, that fact can be ascertained.

Mr. BLUE. May I ask the gentleman a question?

Mr. MAHON. Yes, sir; although my time is limited.

Mr. BLUE. Is it not a fact that the amendment which you have offered proposes only to investigate A. J. Smith?

Mr. MAHON. Yes, sir; and I propose to state the reason for that. It is because you make all your charges against him.

Mr. BLUE. Not all.

Mr. MAHON. You charge that he is a drunkard; that he is guilty of brutality and mismanagement, and I want an investigation to ascertain the facts in the case. Mr. Speaker, this House can not afford to strike down General Franklin in this indirect manner. An investigation of this Home, of this man Smith, and of his conduct will develop and lay bare the whole business, and if General Franklin is found to be culpable, such an investigation will show it. For these reasons, Mr. Speaker, I ask the gentleman from Kansas not to raise a point of order (as he can do) against this amendment, because by doing so he will defeat the very object that he is seeking to attain. This is a joint resolution, and I have no fear that the two gentlemen who will be appointed by the Speaker of this House and the one who will be appointed by the Vice-President of the United States to make the investigation will fail to do their duty. Both the Speaker and the Vice-President are disinterested in this matter, they probably have no special knowledge of this Home, and the men they will appoint will be of such a character that their investigation and report can be fully relied upon.

Now, I want to call attention to the amendment which I propose. If the amendment of the gentleman from Kansas proposing to strike out the name of General Franklin should be voted down, I propose to offer my amendment as an additional section, if no point of order be made against it. I will read the amendment:

SEC. 2. Whereas charges of drunkenness and brutality to inmates of the Home and mismanagement have been made against Col. Andrew J. Smith, governor of the Home at Leavenworth, Kans., the President of the Senate and the Speaker of the House—

I have put the proposition in this form because this is a joint resolution, and we can not ignore the Senate—

shall appoint a commission of three persons, two of whom shall be members of the House and one a member of the Senate, to investigate said charges and file a report of their finding with the Board of Managers of the National Home for Disabled Soldiers of the United States. If a majority of the commission find that said Col. Andrew J. Smith was guilty of said charges, or of either of them, the said Board of Managers shall forthwith remove him as governor of said Home—

It will be observed that this language is mandatory. We take all discretion out of the hands of the Board in this matter—

and appoint some suitable person to fill said position. Five thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of said investigation. The commission shall have power to send for persons and papers.

Now, Mr. Speaker, this amendment (if the gentleman from Kansas should not raise a point of order against it) will reach the

very end that he is aiming at. If those who think as he does can prove that these charges against Colonel Smith are true, that officer will be removed as manager of the Home, which is what those gentlemen are seeking; and if the testimony should show that General Franklin has been in any way culpable in this business, of course in time he must fall with Colonel Smith.

Mr. KIRKPATRICK. Would the gentleman consent that this election to fill the place on that Board be postponed until the investigation he proposes be made, letting General Franklin take his chances of reelection after the result of the investigation has been made public?

Mr. MAHON. No, sir; that is the committee's business, not mine. I believe that the bill of the committee ought to go through with this amendment.

I want to say to the gentleman from Kansas that it is not within the power of the House to take this matter into its own hands. The resolution before us is a joint resolution, and the Senate must be consulted in this matter. If the gentleman does not take this fact into consideration he will fail of his purpose. I will not vote to strike down General Franklin or any other man on ex parte testimony. General Franklin, by long service, built up the record of a gallant soldier; he is now past the meridian and is approaching the end of his life. I do not propose, upon the ex parte testimony of inmates of this Home, to strike down this man and ruin his reputation forever. I want the facts ascertained in a proper way; and if the gentleman's charges should be proved true, then let us take appropriate action upon them. The gentleman from Kansas can not afford to object to my proposition. It opens the door for an investigation; it gives the gentleman the opportunity to establish every charge which he has made here. If the charges against Colonel Smith should prove to be true, he must of course go; and if he has been kept in position by General Franklin with a knowledge of the facts, General Franklin will have to go with him.

Mr. BLUE. The gentleman will allow me to suggest that the proposition he offers does not provide for investigating the conduct of General Franklin or the conduct of the Board. More than that, it makes the Senate a party to the investigation; and I caution every member here that any investigation in which the Senate takes part will be a "roaring farce." I propose to address myself to that point when my time comes.

Mr. MAHON. I will simply say that if the gentleman from Kansas expects to get this joint resolution through the House and the Senate according to his fashion he will stay here until he is a great deal grayer than he is now. This is a joint resolution——

Mr. BLUE. But there is a resolution before this body providing for an investigation by the House alone.

Mr. MAHON. How does the gentleman propose to pass it?

Mr. BLUE. I propose to get it through this House.

Mr. MAHON. Can the House alone instruct that Board what to do? We have no such authority.

Mr. BLUE. But this House can make the facts so plain that the sentiment of the country will reach the Senate. I propose to get at the bottom of this matter and show what the real facts are.

Mr. MAHON. Suppose you remove General Franklin from this Board; his associates do not believe him guilty of any such conduct as is charged here, and the removal of General Franklin does not insure the removal of Colonel Smith. The other members of the Board may decide to retain Colonel Smith, so that the gentleman fails in his purpose. I urge upon the gentleman from Kansas that if he really wants to befriend this institution and to get rid of this man whom he has held up as a monster in human form the adoption of my amendment is the proper method to do it, if the facts are as he states them.

Mr. HULL. I yield fifteen minutes, or such time as he may desire, to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, I feel a great deal of interest in everything pertaining to the Homes for these old soldiers, whether they be national or State, and I would give no vote nor would I utter a word to lessen the care and vigilance that the Government should exercise in the protection of these helpless men.

If I were to undertake to criticise the debate which has taken place on this question at all, I would say simply this, that these gentlemen ought not to criticise the old soldier very savagely because he wants occasionally to take a glass of beer. I have an idea that these gentlemen here, if, as many of them were, old soldiers without homes, as none of them are, without means of support, as none of them are, without friends, and were inmates of one of these Homes, no doubt each one of them would occasionally desire to take a glass of beer also. And I am not Pharisee enough to criticise them on that aspect of the case.

Now, Mr. Speaker, I do not stand here to invite a controversy with the distinguished gentleman from Kansas [Mr. BLUE], nor the fair-minded and just gentleman from Missouri [Mr. TRACEY] who has just spoken with respect to this question. It is to be regretted, in the course of the procedure in this body, that there should have ever come a time or a condition when ex parte affidavits, scandalous in their character, should have a place on the permanent records of this country, assailing the great management of a great institution of the country and undermining the confidence of the public in its administration. I despise for my own part these ex parte assaults. I despise the scandal monger. I am not criticising, of course, the gentleman from Kansas or any other gentleman on this floor. I do not want to get into a personal altercation or to arouse personal feeling in this debate, and there will not be anything of that kind so far as I am concerned. But when I sat and last listened, as I did on yesterday, to affidavits setting forth scandalous charges against a Government official, in which it was constantly asserted that he had perjured himself, I said to myself, a man's character seems to be nothing in this country when it can be blown away by the breath of anybody who is able to secure the services of a typewriter and commit to paper the vagaries of any scandalizing tendency of which he may be possessed.

It ought not to have been done. There ought to have been an investigation to establish the truth of the charges before they were spread upon the public records. There seems to have been ground for an investigation. There seems to be ground for the belief that Congress would be justified in deciding to investigate the matter and send a committee of the House for that purpose. I would not object even to the gentleman from Kansas [Mr. BLUE] himself being chairman of the committee appointed, with authority to investigate the condition of that one Home, or, indeed, of any other Home that has been assailed, and let us see through the investigation what the condition actually is. I do not believe the statements that have been presented to the House in connection with the matter. My training as a lawyer and my experience as a man teaches me that those stories are not as a rule to be relied upon. My observation of human character and my experience in life have taught me that there must be some mistake about this matter. There may be something, of course, in the charges, and doubtless there is something in them; but, as I have said and repeat, my experience has been against the truth of such statements—and my experience has been very considerable in connection with one of the Homes—that there is no truth in the matter.

I may be permitted to state that I was for a period of nine years and over a member of the board of managers at the Soldiers and Sailors' Orphans' Home in my own State of Ohio, and its president for five years. I was a member of the legislature of the State at another time, when a great mass of affidavits was brought in against the Democratic superintendent of this Soldiers and Sailors' Orphans' Home, and an attempt was made to force them upon the public records of the country—affidavits that made scandalous charges in every possible shape and with all due solemnity brought in under the guise of a protest against the action of the house of representatives, and an attempt was made, as I have said, to spread them on the journal pursuant to a provision in the constitution of the State of Ohio. As speaker of the house of representatives it became my duty to rule on their character, and I held that they were not, in any sense of the word, a protest, as they were alleged to be, and refused to permit their publication.

And, Mr. Speaker, after a full investigation of the facts it turned out that there was not a shadow of truth in any one of them. It was an attempt on the part of some discharged employees and some discontented tradesmen—and they are the greatest curse of public institutions where they are located—to smirch the administration of that Home, and that administration happening to be a Democratic administration and the house of representatives being Republican, it was thought that some capital could be made out of the matter, and yet when we came to the end of it there was nothing in it. And I take great pleasure in putting the name of the distinguished officer into this record who had charge of that Home. It was discovered that Dr. Kerr, of Granville, Ohio, the superintendent, was a model in every possible respect as an administrative officer. So I learned very much in that case of the value of ex parte affidavits. And so, while there may be a great deal in the facts submitted by the gentleman from Kansas, yet experience teaches us to be very careful how we give credence to such statements.

Mr. BLUE. Will the gentleman permit me to ask him a question?

Mr. GROSVENOR. I will yield, if it is only for a question.

Mr. BLUE. It will be a very short one.

Mr. GROSVENOR (continuing). For the tendency of the gentleman is so great in the way of expanding——

Mr. BLUE. Well, I do not know that my tendency in that direction exceeds that of the gentleman from Ohio.

Mr. GROSVENOR. If the gentleman desires to ask a question, and will proceed with it——

Mr. BLUE. Well, if you will stop I will ask the question.

the inmates appear to hunt for causes of complaint. [Laughter.]

Kansas should not raise a point of order against it) will reach the

Mr. GROSVENOR. Of course, with my permission. You are camping on my ground now, and must not undertake to be too dignified. [Laughter.]

Mr. BLUE. Not at all. I only want to say——

Mr. GROSVENOR (continuing). I thought I would simply remind you of the existing condition.

Mr. BLUE. I understand that.

Mr. GROSVENOR. What is your question?

Mr. BLUE. I wish to ask the gentleman from Ohio if it is not a fact that the Inspector-General's report, published in House Document 288, does not show, outside of any ex parte testimony to which he refers, the impropriety, to say the least of it, of the conduct of the officials of this institution?

Mr. GROSVENOR (reading)—

Governor A. J. Smith, to whose untiring energy and great resourcefulness much of the good work accomplished at this Branch is due, has remained in charge. His assistants seem to be officers of ability, and the general good condition indicates how much is done to benefit and improve the Home.

There is the answer, from the Inspector. That is from his report.

Mr. BLUE. That is the man who keeps the saloon and runs the jag cure.

Mr. GROSVENOR. Oh, well, now, the gentleman is so free with his scandal, he has got so impregnated with this stuff he read yesterday, that he can not even talk in parliamentary language. Now, let me go on. You will accomplish nothing but the exhaustion of my time.

Now, gentlemen, this is the condition. I am not saying that Mr. Smith ought not to be investigated. I do not say he ought not to be removed, but I do say that there is not here one single shadow of suspicion cast upon the character of General Franklin. I hold in my hand a telegram received by the gentleman from Connecticut [Mr. HILL] a few minutes ago from a very distinguished Republican of Connecticut, whom I happen to know personally very well. This telegram is as follows:

HARTFORD, CONN., *April 16, 1896.*

Hon. E. J. HILL:

General Franklin stands in this city for the most honorable and best citizenship. The community, irrespective of party, will appreciate every effort to refute the slanderous attack made upon his character as public official or private citizen.

MORGAN G. BULKLEY.

I may say that that telegram is signed by an ex-governor of Connecticut and a Republican. Now, this is the standing of this citizen of the United States to-day in the State of Connecticut. In war General Franklin was the peer of any man who drew sword in behalf of the establishment of the Constitution of the United States. I did not serve under his command, and I never saw General Franklin, so far as I remember, but I, in common with all the people of this country, have a knowledge of the splendor of his war record—that is, his record in war. Here is his record in peace. Can it be that General Franklin shuts his eyes to a violation of every obligation of duty? I will venture to say that when the truth comes out, if there has been any irregularity in that Home, General Franklin has protested against it and has been overruled by the majority of the Board; and I will undertake to say now that the vote of this House (and I am foreshadowing what is coming, the proof is coming)—if I am right about that, and if that be true, then your vote to destroy him to-day will be a vote to protect the repudiation of his request that Smith be removed and will be an indorsement of Smith and not a repudiation of Smith.

Gentlemen ought to get all the facts before they assail a great public officer. I am in favor of Franklin, therefore, because I am unwilling that a man of his distinguished character shall be stormed down here in the House of Representatives of the country for which he has done so much upon this sort of a case, made against an employee in one of these Homes.

Now, gentlemen, I have in Ohio a friend and an acquaintance whom I hold in high esteem. He was chief of artillery of the Army of the Cumberland, and to many a man here the mention of his name will suggest some familiar scene. I refer to Gen. James Barnett, of Cleveland, Ohio, a splendid citizen as he was a magnificent soldier. A man standing as high in the business circles of Ohio as any living man; a friend of the soldier; a member of the Loyal Legion; a member of the Grand Army of the Republic; a man who goes far and near to aid the soldier; president of the board that built the Thomas monument; member of all the associations in which the soldiers take an interest; a member of this Board of Governors of these Homes. He wrote me a letter several weeks ago. He said he understood there was going to be an attack made upon General Franklin. He said:

I want to say to you that he is the best member of that Board; the best member that has ever been on that Board since I was a member of it.

Then, knowing my proclivities to be a little partisan sometimes, he said:

In all my observation of him, in every act he has ever performed as a member of that Board, he has never said a word or done a thing by which I could have learned whether he was a Democrat or a Republican.

In these days that is not a bad recommendation for a man at the head of a great Board like that.

Now, Mr. Speaker, I have said this much. I want to refer to the attack made by one Ezra B. Dean, whom I know perfectly well and know all about, upon the management of the Soldiers' Home at Dayton. There is no better place on earth for a soldier who has no home than the Soldiers' Home at Dayton. There is only one thing I ever criticised about it, and that did not come from within the Home, but from without the Home. I have more than once, standing right here, denounced a branch of the Pension Office here in this city for holding an annual meeting in the neighborhood of that Home for the purpose, as I believe, of influencing soldiers in the matter of the election. But, so far as the management of that Home is concerned, there is not a better managed institution on God's earth. And now let me tell you something: There was a General Patrick at the head of that Home, who was a soldier and a Democrat. He was an ex-soldier of the Regular Army.

Mr. BLUE. A brother-in-law of General Franklin, I believe.

Mr. GROSVENOR. He gave offense to the Democrat managers in Ohio and they sought his removal; and they secured—as I am told and believe—the interposition of the President of the United States, who called upon General Franklin indirectly and urged the removal of that soldier. I do not think he is a brother-in-law of General Franklin. My friend from Kansas seems to be perfectly loaded with the pedigree of everybody connected with these Homes.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. HULL. How much more time does the gentleman desire?

Mr. GROSVENOR. Two minutes more.

Mr. HULL. I yield the gentleman five minutes more.

Mr. BLUE. Is not he the brother-in-law of General Franklin, and related to two officers of the Soldiers' Home?

Mr. GROSVENOR. I do not care whether or not he is the brother-in-law; but I do know that he was the best man possible for that place, and I know that a personal appeal to the highest executive officer of this country did not swerve General Franklin from maintaining him in his position; and that is what I like General Franklin for, among other things. Why, you talk about General Howard! I have as much affection for good old General Howard as any man on earth. Will the gentleman go to the records of this House of Representatives and read them, if I will point them out, and I will show him there charges against Howard, made upon ex parte affidavits, made by an investigation compared to which all you have said about Franklin does not amount to a criticism. He was charged with fraud and peculation, charged with every species of outrage, and I never believed it. We have heard that General Howard was a good man, utterly unfit for all public duty except soldiering and lecturing. I never believed the assaults upon him.

Mr. BROMWELL. Will my colleague allow me to ask him a question?

Mr. GROSVENOR. Certainly.

Mr. BROMWELL. Was not General Howard a complete failure as superintendent of the Military Academy at West Point?

Mr. GROSVENOR. I do not want to answer; for I do not know.

Mr. BROMWELL. I do.

Mr. GROSVENOR. He was not a failure when he was fighting our friends on the other side. [Great laughter.] He has been an officer of the Army until within six months, and I do not know that he has done any business except to lecture; but to put him against a man of the character of General Franklin as a business man I would not support General Howard. In the way of a kindness to General Howard I would cross the continent to do him a favor. Now, the very proposition itself will not do. It is not fair to destroy General Franklin by these ex parte attacks. This committee tell us—and I hope it will put it still plainer—that they have investigated this matter. There is no reason why General Franklin shall not be indorsed here by us. Let us approve the report of the committee; and then my friend from Kansas, let him come in with a two-edged sword, if he pleases, and I will support an investigation with him that will be an investigation. I have said this much not in partisanship, but without any feeling other than to do what I believe to be the right thing and the conscientious thing before God and man.

Mr. TAYLER. What about Ezra V. Dean?

Mr. GROSVENOR. I just want a word about Ezra V. Dean. That letter was read here stating he knew the condition of the Soldiers' Home at Dayton. I do not believe one word of that letter. He is a Democratic politician, living down on the Ohio River, who runs for Congress, and occasionally runs for other offices, but never gets any farther than the running [laughter]; who is always seeking in some way to ingratiate himself in the affections of a large section of the voters of that country and never successfully. [Laughter.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BLUE. I yield fifteen minutes to my colleague [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, in regard to the personal features of this controversy, I have nothing to say and I take no part in it. I have no acquaintance with General Franklin and have no knowledge of the facts except as stated on the floor or found in the record, but I do believe that the amendment of the gentleman from Kansas to the resolution of the committee ought to prevail. I do not believe, however, with the gentleman from Ohio [Mr. GROSVENOR], that should that resolution prevail there would be any "striking down" of General Franklin or anybody else. I do not understand that that amendment is an assault upon General Franklin or any other man. I have no part in any contest of that character. What are we about to do? About to engage in an election that occurs every six years for certain public officials. That is all. It so happens that after sixteen years of service the time comes when the House of Representatives shall determine whether General Franklin shall be reelected or whether somebody else shall be elected to a public office. Does a failure to elect General Franklin result as an assault upon him, as "striking him down," as treating him even with discourtesy? Certainly not. There are reasons enough, in my humble judgment, for his retirement without any action of that character.

I am told that when the proposed term of service will expire General Franklin will have reached the age of nearly 80 years, a period, I fear, when he will perhaps be unfit for the activities incident to that position. The gentleman from Connecticut told us yesterday how all of his time was occupied; that he was so engaged as to be connected with nearly all of the public interests of his State; that he was president of two or more of the great corporations; that he was the manager of another, and that he perhaps was transacting more business at this time, if the gentleman was not misinformed, than any other living man within the limits of the United States.

Mr. HENRY of Connecticut. Will the gentleman allow me to make an explanation?

Mr. HEPBURN. If I can, sir, I will.

Mr. HENRY of Connecticut. Only a word.

Mr. HEPBURN. If it is only a word I yield.

Mr. HENRY of Connecticut. The gentleman puts the matter altogether too strong. If he will refer to the RECORD he will find that I did say that General Franklin never yet had omitted to perform any private or official duty. I said explicitly that he never neglected a public duty because of private affairs.

Mr. HEPBURN. I made no charge. All I said is based on what the gentleman has said. I simply referred to what he did say. In addition to that——

Mr. HENRY of Connecticut. The RECORD will show all that.

Mr. HEPBURN. The gentleman gave this House to understand that General Franklin was engaged in all—that was his phrase, if I am not mistaken—in all of the great enterprises of that very busy State, and that he had so conducted them, or some of them, that no man could get $200,000 insurance in the United States without appealing to the companies in the State of Connecticut or in the city of Hartford.

Mr. HENRY of Connecticut. That is right. [Laughter.]

Mr. HEPBURN. Now, if General Franklin is so preoccupied it seems to me that it is our duty, at his advanced period in life, to relieve him of some of the unrequited burdens that for sixteen years we have been imposing upon him. [Laughter.]

But again, Mr. Speaker, I think, without any reflection upon any gentleman here, that this is an orderly and proper procedure. The gentleman from Ohio [Mr. GROSVENOR] inveighs against "the ex parte affidavits" that are brought into this House, and descants upon the indecency, as he puts it, of introducing them here. In the name of all that is sacred, how is it possible to challenge the attention of the country to the wrongs which the gentleman from Kansas has portrayed without affidavits? Suppose the gentleman from Kansas had made his own statement here without these affidavits, it would have been like the ex parte commendations of the gentleman from Ohio. But the gentleman from Kansas came here with affidavits which were necessarily ex parte. There is no controversy in which witnesses could be examined and cross-examined. If evidence is to be introduced here at all, it must be in the nature of affidavits; and those affidavits must necessarily be ex parte.

Mr. RAY. Have you time to permit a question?

Mr. HEPBURN. Yes, sir; a question. Remember I limit you to a question. [A pause.] And I want it asked to-day. [Laughter.]

Mr. RAY. I do not suppose you would want to hear an argument from me.

Mr. HEPBURN. No. They are always tiresome to me. [Laughter.]

Mr. RAY. They always floor you; that is the trouble. [Laughter.]

Mr. HEPBURN. Yes; they always floor me. [Laughter.]

Mr. RAY. I want to ask you why it would not have been entirely practicable for the gentleman from Kansas to have preferred his charges against the governor of this Home, to have made them in writing, supported by his affidavits, directly to the Board of Managers in the first instance, and if they had refused to investigate the matter, or to listen to the charges, then to have brought the question to the Congress of the United States as a tribunal of last resort?

Mr. NORTHWAY. In the meantime the managers would have been elected for six years.

Mr. HEPBURN. I suppose the failure to pursue that course arose largely from the fact that the gentleman from Kansas is not an ass, and therefore would not make charges against the tribunal that was to try the charges. [Laughter.]

Mr. RAY. Will the gentleman permit——

Mr. HEPBURN. No; I will not permit anything more.

Now, Mr. Speaker, there is one point in connection with the management of these Homes that I want to call attention to. I want the House to remember that these Homes are the physical expression of the gratitude of the people of the United States to the old soldier; that they are, in the broadest sense of the word, a charity, differing in that respect from the pension. The pension is a part of a contract. The law authorizing the pension goes hand in hand with the law calling for the volunteer. The pension is a part of the compensation. Not so with the Home. After the war was over, after the service had been rendered, then, as an act of charity, as an act of beneficence to the men who were homeless, without families and without support, this largess came from a grateful nation. It is a charity and nothing more. Yet see how certain men have turned it from its proper channel into a money-getting and a money-grubbing institution. In the report of the inspector I find this remarkable fact: In the Homes, all of them aggregated that are returned, I find that beer was sold during the last fiscal year that cost the sum of $96,977, on which there was a profit realized—the heading of the column is "Profit of beer halls"—on which there was a profit realized of $123,325.32, about 130 per cent upon the sales.

The gentleman from Ohio says that he is not one of those who are ready to be censorious when an old soldier takes a glass of beer. Ah, Mr. Speaker, none of us would be. But perhaps there are men connected with these institutions who, taking advantage of the appetite of the old soldier, would rob him in this way, through these extraordinary profits, of some part of the pension which his country gives him. Are these Soldiers' Homes to be continued to be used in this way? Again, if we are to continue the practice of establishing beer halls, let it be so, but do not try to make a profit out of the procedure. But, says some one, all of these profits are used for the benefit of the Home in the aggregate. That may be so, but here is one man who wants beer, and why should he be charged this extravagant price in order that the profit may go to the abstemious ones? The fact that the profits are used in the improvement of the Home and for the benefit of all alike—of those not contributing to the fund as well as of those who contribute—does not justify this extraordinary and outrageous tax. But that is not all. They turn it still further to profit. In this very Home—the Western—I read in the report of the inspector that from the 29th day of March, 1892, the date of the establishment of the Keeley institute there, to the end of the last fiscal year, a little over three years, 1,326 patients have been treated at a cost, some one told us yesterday, of $22.30 each. I am told that a royalty of $6 is paid to the inventor of this method of teatment, leaving a large profit on that end of the beer line of between $20,000 and $30,000. They catch them running this way, and they catch them running back. They foster the appetite; they create the drunkenness; they sell the beer at a profit, and then it is said they fill their coffers through compulsory processes brought to bear on the old soldier, compelling him to take the Keeley cure.

But they say that is not true, that there is no compulsion in regard to taking this cure, notwithstanding there are affidavits here that seem to substantiate the proposition. There is, however, this remarkable fact: There was last year an average attendance at that institution of about 2,200 persons in round numbers. The discharges during the period following the inauguration of the Keeley institute there was about 2,000, making a total of about 4,000 possible victims of this Keeley institute. One-third of that number have taken the Keeley cure. Gentlemen, do you believe that there was a necessity for that? Do you believe that there was that proportion of confirmed drunkards in that institution?

The inmates of the institution are gathered from the old soldiers of the country wide; they are the same class——

[Here the hammer fell.]

Mr. BLUE. I yield the gentleman five minutes more.

Mr. HEPBURN. They are the same class, Mr. Speaker, as those old soldiers that live in your county and in mine. Is it

have learned whether he was a Democrat or a Republican.

never successfully. [Laughter.]

true; will any man dare to make the assertion here, that one-third of the "old comrades" are sots or drunkards, are proper subjects for the Keeley cure?

Why, Mr. Speaker, the men of this class—the old soldiers—are at the head of all that is good in the society in which they move. They are members of the churches; they are in control of the schools. They are the respected men in business. They are not sots and drunkards. Yet this report, if the contention of gentlemen opposed to the proposition of my friend from Kansas [Mr. BLUE] is true, would seem to indicate that one-third of these men are sots and drunkards given up to habits of intoxication to such an extent that they are uncontrolled by will. I do not believe it. The very fact that this statement is made of this vast number that have passed through that institution indicates to my mind that something is wrong.

Now, Mr. Speaker, it must be remembered that we are making no assault upon any man. No man "goes down" in the offensive sense in which that phrase was used by the gentleman from Ohio. No criticism even is put upon General Franklin if the vote should be against his longer retention at the head of this institution. The committee has refused to recommend the reelection of two old comrades. Is this action dishonoring to them? Was it so intended? I would not dim in the slightest degree the luster, the renown that encircles his personality. A great soldier, a good citizen, a philanthropic man he may be. And yet this is a gratuity that he is rendering in all this service. He has given his time to it for sixteen years. He is now approaching that advanced age when he will need repose. I for one am willing to give it to him. I do not care that the blank should be filled with the name of General Howard. I am not at all solicitous as to who shall be General Franklin's successor. But I believe there ought not to be continued in place, without criticism, without a necessity for exemplification upon the part of the incumbent, any man for a long time. It is contrary to the genius of our institutions.

There is not a member of the House within the sound of my voice who is not more efficient as a Representative, trying to keep nearer to his people, more closely in touch with them, to know and obey more perfectly their will, from the fact that every two years we must appeal to the people for a renewed lease of power. The biennial elections make men here solicitous to consult the wishes of those whom they serve. Now, to keep these gentlemen in control of this institution year after year, term after term, without opportunity for investigation or scrutiny is unwise, undemocratic, contrary to the spirit and genius of our institutions; and when we can make a change without impugning in any way the character or the service of the gentleman whose term expires, I believe it to be only the part of wisdom to do so, thereby infusing new blood into this somewhat decaying institution. [Applause.]

[Here the hammer fell.]

Mr. HULL. I yield five minutes to the gentleman from New York [Mr. RAY].

Mr. RAY. Mr. Speaker, I dislike to say anything in response to the remarks of a gentleman who always argues in the line of "when I ope my mouth, let no dog bark." I dislike to say anything that may disturb the equanimity of my prohibition friend from Iowa. He always comes to the consideration of every subject with the vocal vigor and power of a Titan, and he dislikes to be interfered with, I know. He says he does not like to listen to anything I say because it always tires him.

Mr. HEPBURN. I did not say that.

Mr. RAY. I have noticed that a logical argument always exhausts the gentleman. I have admired the gentleman, and I admire him still—always shall; but I can not admire or approve the position he takes on this question; nor can I approve the course that has been taken in this House by those gentlemen who are in favor of dropping the name of General Franklin from this resolution and substituting that of General Howard. If it is a question of age, then I say that General Franklin is the equal of General Howard in mental and physical vigor to-day. There is no question about that. Both are patriotic, intelligent, honest, energetic, and capable men.

The gentleman from Iowa has said, "We make no assault on any man." Has no assault been made on any man in this discussion, when the gentleman from Kansas has stood up here and from his seat read ex parte affidavit after ex parte affidavit charging that General Smith has been "crawling, puling drunk" on many an occasion while governor of this institution? If this is not an attack upon a brave ex-soldier of the Union Army, then will the gentleman from Iowa tell me what does constitute a personal attack upon a man? And General Franklin is charged with the responsibility of keeping him in office with knowledge of his wrongdoings.

Mr. CROWTHER. If these charges are not true, why does it become necessary for the governor of that Home to take the Keeley cure?

Mr. RAY. I have not said that he may not have been drunk at some time. I would not undertake to deny the charge against any man in this House that he has been drunk at some time. [Laughter.]

A MEMBER. Do not look in this direction. [Laughter.]

Mr. RAY. There are probably hosts of exceptions in the membership here. That I will admit. But I think sometimes perhaps it would be well for all of us to become inmates of some kind of a Keeley cure—one for the cure of mental excitement and intellectual intoxication, excessive zeal and aggressiveness; and I think the gentleman from Kansas and other gentlemen who have made these attacks on brave, true, and honorable men should have taken the Keeley cure or some kind of remedy for mental exuberance before making their charges.

Now, what I object to is the manner in which this subject has been treated. When I propounded the inquiry why the charges were not made in writing and submitted to the Board to be passed on first, I was met with the retort of the gentleman from Iowa [Mr. HEPBURN] that the gentleman from Kansas is not an ass. [Laughter.] Now, I do not know whether he is an ass or not. [Laughter.] I do not care. He is not so regarded—presents no evidence on that subject. That is not the proposition here. I do not approve of an asinine performance, whether it comes from the distinguished gentleman from Kansas or any other man. I believe, Mr. Speaker, in according fair play and due trial to every citizen of this Republic. I never owned a dog that I would not give a fair trial before putting a bullet into his brain or branding him as a dishonest, disreputable dog. The gentlemen composing the Board of Managers of this Home are upright, honorable men. The gentleman, General Smith, who presides as governor over the institution is entitled to at least a fair hearing and a just trial, and is entitled to have the charges made and submitted to him, and he is equally entitled to be permitted to respond, present evidence, cross-examine witnesses, and not be tried and condemned on ex parte affidavits in the Congress of the United States. [Applause.] He has had no opportunity to be heard here. What do we know about the character, standing, or credibility of these witnesses? What do we know of the animus that actuates the persons making these affidavits? They are not made in a legal proceeding and no one of them can be indicted for perjury if he has sworn falsely. This looks like the assassination of character by a stab in the back. I can not approve it and am opposed to the amendment. [Applause.]

[Here the hammer fell.]

Mr. HULL. Mr. Speaker, I think we have forty-seven minutes remaining, and the rest of the time belongs to the gentleman from Kansas. I hope he will consume the remainder of his time.

Mr. BLUE. May I ask, Mr. Speaker, how much time is left?

The SPEAKER pro tempore (Mr. GROUT). The gentleman from Iowa has exhausted thirty-five minutes and the gentleman from Kansas fifty-nine, as the Chair is informed.

Mr. BLUE. I yield ten minutes of the time to the gentleman from Kansas [Mr. KIRKPATRICK].

Mr. HULL. I think the Speaker is mistaken as to the time. I will be glad, however, while the gentleman from Kansas occupies the floor, for the Chair to revise the statement, so that we may know exactly what time remains on each side.

Mr. KIRKPATRICK. Mr. Speaker, I regret exceedingly the necessity which compels us to bring this controversy on the floor of the House at this time. For years past, I may say, the people interested in this Home, and those residing in the vicinity of it, have tried every method known to them to oust this man Smith, the governor of the Home, from the control which he exercises there. Petitions have been filed, applications have been made to the Board of Managers, and their attention has been invited to his conduct and management time and time again, and yet each and every time an investigation or pretended investigation was made it only resulted in a whitewashing. It was hoped that the committee to which the matter was referred would investigate it and, if the facts suggested were made clear, that they would turn down, or leave out, if you please, from the management of these Homes in future the name of General Franklin.

It was not the desire of my friend from Kansas [Mr. BLUE] to make any attack on any gentleman, save and except with reference to the management of that Home, unless compelled to do so by the action of other parties. But, Mr. Speaker, we are here for the purpose of fighting this battle through to the bitter end; and as we have been compelled to come on the floor of the House to fight this controversy, we have resorted to the only method whereby we should bring the facts before the House and before the country.

I wish to call attention to the fact that not a single proposition made by the gentleman from Kansas [Mr. BLUE] has been controverted or even disputed, unless by the mere bare statement of gentlemen on the other side of the controversy. No facts, no papers, no authentic testimony has been presented in contravention of his statements. We have offered you the affidavits of reputable gentlemen who seem to know the facts, which affidavits have had an influence upon a number of gentlemen here and

to convince them that there is something wrong about the management of this Home at Leavenworth.

But, it has been suggested that we adopt another method; that we should again appeal to the same identical Board that whitewashed this man before and reelect this man for six years longer and then have an investigation to determine whether or not he should be permitted to remain. I submit this proposition in all fairness to the House: If you desire to deal justly and fairly with the matter, I will be content that the House shall consent to hold up the election in this case and give us the investigation suggested, and allow us to go to the bottom of the matter, and then take a vote after that report is submitted. That is all we ask.

Why should you elect a man that we charge to be responsible, by reason of his position, for all the wrongs which have been committed upon the old soldiers at that Home? Why elect him and then investigate some underling, who is employed by his consent and approval, who ought to have been removed years ago? Why, I repeat?

I know nothing of General Franklin. I have no charge to make against him; but he is the head of the Board of Managers, and things have been going on there which ought to have challenged the attention of any Board of Managers and have secured the removal of Smith years and years ago.

I do not rely upon the ex parte affidavits nor upon the mere statement of individuals. I say I can take the report of the Inspector-General himself and by that condemn the management of this Board; and that is a report about which there is no dispute.

Now, I am not here to discuss the Keeley cure, as to whether it is advisable or whether it is not; but if the management of this Home concludes that it is beneficial and desirable, then I submit to you, Mr. Speaker, that this treatment ought to have been administered to these old veterans at the actual cost of the treatment, and nothing more. If this treatment should be administered there, and if it is a good thing, then I say, why charge these old men $22.30 when the testimony shows that $6 was the price paid to Keeley? In other words, I say the report shows that these old men were held up in broad daylight and robbed of at least $10 each, taking the statement of the gentleman from Indiana [Mr. STEELE] as to the price paid for the Keeley treatment. Our testimony shows that the price paid was $6 for each person, and a charge of $22.30 is made, and these old men are held up and bodily robbed of the difference between $6 and $22.30. If it is a good thing, if it is beneficial, then why not give them all the advantage of it at the very lowest possible cost? Lower the price and thereby induce them to take the treatment, if it is necessary and to their best interest to do so. Give them the lowest price possible and let them take the cure, if it is beneficial, and you will thereby induce more of them to take it. Why charge them $22.30, when you only pay out $6. In other words, the Government, which is paying these old men their pensions, is actually stepping in and paying that large difference, because it is taken out of the pensions of these men.

And another thing. From what little I have learned of the Keeley institute, I never supposed that a beer hall was a necessary adjunct to that institution. I never so understood it. I find on the very same page that we read the report of this Keeley cure a statement of the enormous profits from the beer hall in one year, amounting to $13,800. In one end of the hall, if you please, they are dishing out beer, and the profits are $13,800, and in the other end of the hall they are injecting this gold treatment into the patients. It simply takes them going and coming, and I apprehend from what I can learn from the sales of beer at these institutions that they are making more men drunk there than they are curing of the drink habit. If it is deemed necessary to have beer for these old veterans kept on the grounds of the Home, and that is the best method to be employed, I will not complain, nor will I criticise one of these old fellows if he desires to take a glass of beer, but I will criticise the management that charges him a double price for it in order to pile up a profit of $13,800 in a single year. If it is desirable to furnish beer, let it be furnished at the actual cost to these men. Why not charge them double the price of the provisions they eat in that institution, or the clothing they wear, or any other necessaries furnished them? Why not double the price upon them and rob them of their pensions in that way? I say that this record alone demonstrates there is something wrong in this management, even if you discard all of the affidavits. But no man can live within a radius of 250 miles of that institution without being impressed, without absolutely knowing, that there is something wrong and crooked in the management of this institution.

And I want to say further to you that Governor Anthony in his statement struck the keynote when he said that there was something that bound Governor Smith and Dr. Franklin together that was inexplicable. He told the truth; and had it not been for the resistance of Dr. Franklin this man Smith would have left that institution long ago, as our people believe.

Now, what we ask of this House is to stand by us and place another man there, we care not whom. We have no man whom we are urging for that position. I care not with whom you fill the place, provided he is a good man. We have not come here in the interest of any candidate, but we come here fighting for this institution. It is suggested by some gentlemen on the floor that we must yield in this controversy because the Senate will not agree to it. Well, if gentlemen will assert their rights upon this floor it will be a long time before there is an election reached in this matter. Why should we yield our consent to the reelection of this same man that could have saved us all this trouble on the floor of this House? Hold up the election, if you desire, for ninety days, or until the short session, say in December. Give us a committee. Give them the power and authority to investigate, and let them report, and then vote to elect General Franklin or not after you have heard all the facts as stated where the testimony is not ex parte. We court the investigation. What do you propose to do? Do you propose to deny the appeal of these old soldiers, of whom there are 60,000 in our State? I have much more I would like to say on this subject, but the time allotted me has expired.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KIRKPATRICK. I should like three minutes more.

Mr. BLUE. Before that can be done, I will say that according to the record kept I have only ten minutes left. I will ask, Mr. Speaker, that the time be extended thirty minutes longer.

The SPEAKER pro tempore. The vote is to be taken at 3 o'clock, as the Chair is informed.

Mr. BLUE. Then it can only be done by unanimous consent?

The SPEAKER pro tempore. Unanimous consent would have to be given that the vote be taken at a later time.

Mr. BLUE. Then I ask that the vote be taken at 3.30 o'clock.

The SPEAKER pro tempore. The gentleman asks unanimous consent that the vote be taken at 3.30 o'clock, the time to be equally divided, as the Chair understands it. Is there objection?

Mr. MORSE. I think there has been enough of this.

Mr. HARDY. I object.

The SPEAKER pro tempore. Objection is made.

The gentleman from Iowa has forty-four minutes remaining.

Mr. HULL. How much time has the gentleman from Kansas?

The SPEAKER pro tempore. He has ten minutes.

Mr. HULL. That makes more time than we have. However, we are losing time. I yield to the gentleman from Iowa [Mr. HENDERSON] ten minutes, and ask him to yield back such time as he may not use.

Mr. HARDY. I withdraw my objection.

Mr. HENDERSON. Mr. Speaker, I find that in passing upon this joint resolution I am called upon to pass judgment on four men or four sets of men. First, upon the Committee on Military Affairs, which I understand has reported this joint resolution; secondly, upon the Board of fifteen managers of the Home for Disabled Volunteers, composed of such men as General SEWELL, of New Jersey, a distinguished Senator, a man of exalted character and undoubted patriotism and love for his comrades; composed of such men as Major STEELE, who perhaps did more fighting for his country in the regular and volunteer forces than any man in this body. I know him, by his long record, to be one of the most devoted friends of his comrades. We have to pass judgment upon General Franklin, and we have to pass judgment on General Smith. The great poet has warned us to be careful when we touch a man's good name; and the good names of Franklin and Smith are dearer to them than the stars that they won on the field of glory.

I am asked to vote against the committee and its judgment, the Board of Managers so carefully chosen, and against Franklin and Smith. On what evidence? Has any gentleman presented himself at the door of the Committee on Military Affairs and asked a hearing on those charges? Not one. Have charges been filed before this great committee of the House and an investigation demanded? There have not. But now, when this resolution comes before this body, ex parte affidavits are fired broadcast over the country, making assaults directly upon two of the four, and indirectly upon the four. I for one demand fair play for these four representative bodies and distinguished men. I would not want to be tried and convicted and my name blackened to the coming generations of this country on such a showing. Is it true that the lawyers of this House, familiar with the rules of evidence on which men should be tried for life, liberty, and property, and their standing among the community, can acquiesce in this assault?

But there are other things that appeal to my mind that will compel me to vote in favor of the report of this committee. I understand that Governor Morrill, of Kansas, whose interest in the good opinion of that State as its chief executive ought not to be second to the interest of any member of this House from that

State, in close touch with his people, ambitious, as he should be, to retain their confidence and approval in the future, one who served for years as a member of this body, noted and distinguished for his absolute fairness to his own side as well as those opposed to him in political views, a man who has served upon that Board as a member, knows all the weaknesses and strength of the complainants, which must be found in all these Homes more or less—Governor Morrill has sent us word that he approves of the course of General Franklin and the course of General Smith. I want to tell you that no ex parte affidavits will make me put the seal of condemnation on a committee of this House, this Board of distinguished men, and Franklin and Smith, crowned with the glory of great lives, with Governor Morrill giving me such counsel.

I will not discuss General Howard. He is not concerned. He is my respected and loved friend, and commanded the army of which I was an humble member. But no Howard's or Henderson's name shall be held up before me to blacken the name of any comrade or a body of comrades except on charges made, fairly filed and tried, and a verdict rendered. [Applause.] With a clear mind and an untrammeled judgment I shall vote for the joint resolution. [Loud applause.]

Mr. HULL. How much time has the gentleman left?

The SPEAKER pro tempore. There were three minutes of the time unused.

Mr. BLUE. I yield two minutes to the gentleman from Kansas [Mr. CALDERHEAD].

Mr. CALDERHEAD. Mr. Speaker, two minutes is a very brief time to say anything in reply to the eloquent gentleman who has just taken his seat. But if I can have his attention during that time I think I will remind him that the first guardian of every man's good name is himself; the first guardian of every man's reputation is himself. There is no need of questioning those who have brought the testimony in this case before this House about the management of this Branch Home, relying solely upon ex parte evidence. The affidavits were not made for the purpose of destroying the reputation of General Franklin or injuring the character of Colonel Smith. They were made for the purpose of describing the facts that transpired. How else would you get testimony concerning them for the purpose of presenting them here? That they might have been presented to the Committee on Military Affairs in some other form is true. Why they were not I do not know; but it is also true that the gentleman from Kansas [Mr. BLUE] had a perfect right to present the facts to this House when members were asked to vote for the reinstatement of the president of this Board of Managers. Let me give the gentleman from Iowa [Mr. HENDERSON] a little more than ex parte testimony. This Home was established in 1885. In 1886 these charges were made against Colonel Smith. In 1892 there was an investigation, and it was then publicly spread over the entire State that Colonel Smith was protected in his position in that investigation by General Franklin.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HOPKINS. I ask unanimous consent that the gentleman's time be extended for five minutes, not to come out of the time of either side.

The SPEAKER pro tempore. Unless the time is yielded the gentleman's time can not be extended.

Mr. HOPKINS. By unanimous consent it can.

The SPEAKER pro tempore. Not unless the time for taking the vote is extended.

Mr. HOPKINS. Well, I coupled with my request for the extension of the gentleman's time the suggestion that the five minutes be not taken out of the time on either side, and that the vote be taken at five minutes after 3 instead of at 3 o'clock.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. GROSVENOR. I object. There is plenty of time on that side; let them yield it to him.

Mr. BLUE. I have not got it to yield.

Mr. CANNON. I am not going to take any part in this discussion myself, but five minutes' time is not so valuable, and as this is a matter which concerns the gentleman's State, I think his time ought to be extended.

Mr. GROSVENOR. If the gentleman from Kansas [Mr. BLUE] has no time to yield, then I do not object to the extension, but if the time is to be extended on one side it ought to be extended on the other. Let the time for taking the vote be extended for ten minutes.

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the vote be taken at half past 3 o'clock, the additional half hour to be equally divided.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Several members objected.

Mr. BLUE. Mr. Speaker, I do not know whether the time occupied in this discussion comes out of my time or not. If it does I have hardly any left.

The SPEAKER pro tempore. The Chair knows no fairer way than to take it out of the time on both sides.

Mr. BLUE. I yield the gentleman from Kansas one minute.

Mr. CALDERHEAD. I do not want to abuse the patience of the House, but I will remind gentlemen that charges were investigated there first in 1892, and it was then made known to all of us that the commander of this Home was protected in his place in that investigation by direction of General Franklin. The next investigation was made in 1893, and after it was over it was published broadcast in newspapers in our State that the manager of the Home had again been protected because he had been appointed and was maintained in his position by General Franklin. The next investigation took place in 1894, and again it was published in every paper that was in favor of disclosing the actual condition of things there that he had again been protected. It was distinctly published that the investigation in December, 1894, by General Averill, was conducted with secrecy and that every effort was made to prevent a public exhibition of the truth. These facts testify that General Franklin should not be reelected until there is a fair investigation there.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BLUE. How much time have I left, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has four minutes and a half left.

Mr. HULL. Mr. Speaker, I yield three minutes to the gentleman from Connecticut, Mr. SPERRY.

Mr. SPERRY. I simply rise for the purpose of saying that which in justice I ought to say. I have known General Franklin for over thirty years. I knew him when he was in the field. I knew him as an official of the State of Connecticut, the adjutant-general of our militia, and I have never heard one breath of suspicion directed against his character; and, gentlemen, I want to say to you that if you are going to take a contract to make out that General Franklin is a dishonest man or that his character is not of high standing among men, you will require millions of dollars to carry out such a contract in the State of Connecticut.

General Franklin's name for integrity and honor and uprightness is as high as that of any man that lives in our State. He does not belong to the same party that I belong to, but I feel that I should be doing injustice to myself and the State I in part represent, did I not add my testimony to that of others in relation to the good name and character of General Franklin. I am glad to do full justice to him, and I say to you, gentlemen, do not attempt to tear down the character or the fair name of General Franklin. You can not afford to do it. You ought not to attempt to do it. His standing and his character are as bright in our State as the noonday sun, and I fully indorse everything that my colleague [Mr. HENRY] said about him yesterday. I indorse the telegram that was sent to this House by ex-Governor Bulkley; and, Mr. Speaker, before I take my seat I wish to say that when my colleague [Mr. RUSSELL] left here yesterday he said that he desired me to indorse General Franklin fully for him and in his behalf. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

[Mr. BLUE addressed the House. See Appendix.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

A bill (S. 1466) to purchase, inclose, improve the sites or portions thereof of certain forts, battlefields, and graves of American soldiers, sailors, and marines in the Maumee Valley, and to erect thereon appropriate monuments and commemorative tablets;

A bill (S. 2022) to amend an act entitled "An act to provide for the protection of the salmon fisheries of Alaska";

A bill (S. 1537) to provide for the private sale of public lands in Missouri; and

A bill (S. 682) for the relief of the heirs of Sterling T. Austin, deceased.

The message also announced that the Senate had passed with amendments a bill and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (H. R. 2224) granting an increase of pension to Lewis C. Schilling; and

Joint resolution (H. Res. 85) relative to the medal of honor authorized by the acts of July 12, 1862, and March 3, 1863.

The message also announced that the Senate had passed without amendment a bill of the following title:

A bill (H. R. 2813) granting a pension to Rita Stine.

BOARD OF MANAGERS OF NATIONAL SOLDIERS' HOME.

Mr. HULL. The gentleman from Indiana desires to send to the desk——

Mr. GROSVENOR. Mr. Speaker, was permission given to the gentleman from Kansas [Mr. BLUE] to extend his remarks in the RECORD?

The SPEAKER pro tempore. The Chair asked for objection and there was none.

Mr. GROSVENOR. I understood the Chair, just as he was about to submit that question, to call attention to the arrival of a message from the Senate.

The SPEAKER pro tempore. The Chair did not ask the consent in as full a voice as was perhaps necessary. The Chair will again submit the request.

Mr. GROSVENOR. All I want to say is this: I have no objection to the gentleman from Kansas extending his own remarks; but I will protest now and always against interpolating in the RECORD under the guise of an extension or leave to print affidavits or letters assailing individuals.

The SPEAKER pro tempore. Does the gentleman wish the question put again?

Mr. GROSVENOR. I do, most decidedly.

The SPEAKER pro tempore. Unanimous consent is asked by the gentleman from Kansas to extend his remarks in the RECORD. Is there objection?

Mr. HEPBURN. Was not that consent given?

The SPEAKER pro tempore. The Chair so understood.

Mr. HEPBURN. The Chair so announced, as I understood the Chair.

The SPEAKER pro tempore. The Chair did so announce.

Mr. HEPBURN. Then I object to the opening up of the matter.

Mr. GROSVENOR. The Chair did not so announce. I was listening carefully, and no such consent was given.

Mr. HEPBURN. I object to the gentleman being permitted to override the Chair and the House.

Mr. GROSVENOR. I do not expect to do either; but I merely ask that the facts be stated as they occurred.

The SPEAKER pro tempore. The Chair said that without objection it would be so ordered; and no objection was made, as the Chair heard. But let the Chair state that the Chair did not announce the question in a very full voice——

Mr. HEPBURN. Well, we heard it; and it was so understood.

Mr. GROSVENOR. I did not hear it. I only want to protest against the insertion of the affidavits——

Mr. BLUE. Well, protest if you want to.

Mr. GROSVENOR. So I shall protest; and will make my protest to the Public Printer.

Mr. HULL. Mr. Speaker, I yield to the gentleman from Indiana [Mr. STEELE], who wishes to send to the desk certain telegraphic dispatches received by him this morning, to be read.

Mr. STEELE. These dispatches, Mr. Speaker, at least the first one of them, is a response to a request made on yesterday. I do not want to take up the time of the House any longer than necessary, but as these have a direct bearing upon the question at issue I ask that they be read.

The Clerk read as follows:

LEAVENWORTH, KANS., *April 15, 1896.*

Hon. GEORGE W. STEELE,
House of Representatives, Washington, D. C.:

At the earnest solicitation of Gen. J. A. Forsythe, regular soldiers were admitted for treatment for alcoholism for four weeks each up to April, 1894, to the number of 94, when General Franklin ordered its discontinuance. In not a single instance was a veteran denied admittance in consequence. This charge was investigated by General Averill and Colonel Cooke, and proved untrue.

ANDREW J. SMITH, *Governor.*

—

LEAVENWORTH, KANS., *April 15, 1896.*

Hon. GEORGE W. STEELE, *M. C., Washington, D. C.:*

The charge of drunkenness against Col. Andrew J. Smith is absolutely false. I see him daily, and know him to be a generous, kind-hearted man, anxious for the welfare of the veterans.

W. J. GILLESPIE,
Protestant Chaplain, Soldiers' Home.

—

KANSAS CITY, KANS., *April 16, 1896.*

Hon. GEORGE W. STEELE, *M. C.:*

I brand the charges against Governor Smith as false in every particular. With unusual facilities for knowledge of the subject, I know whereof I speak.

THOS. KINELA,
Catholic Chaplain, Soldiers' Home.

—

LEAVENWORTH, KANS., *April 15, 1896.*

Hon. GEORGE W. STEELE,
House of Representatives, Washington, D. C.:

Governor Smith is the most sober and humane man I ever knew. I have been here nearly three years, and know he never takes a drink and never forced a man to take the Keeley cure.

J. L. FRYER,
Assistant Surgeon, Soldiers' Home.

LEAVENWORTH, KANS., *April 15, 1896.*

Hon. GEORGE W. STEELE,
House of Representatives, Washington, D. C.:

In the name of Veterans' Keeley League, we brand as a lie the charge of drunkenness against Governor A. J. Smith. We see him daily and know how false it is. He is the most honored member. We owe all we are to-day to him.

JOHN T. PEET, *President.*
EDWARD A. TRADER, *Secretary.*

—

LEAVENWORTH, KANS., *April 15, 1896.*

Col. GEORGE W. STEELE, M. C.,
House of Representatives, Washington, D. C.:

Following for your information:

"LEAVENWORTH, KANS., *April 15.*

"Governor A. J. SMITH:

"The dispatch sent from this city to Congressman BLUE purporting to be signed by mysef and Mahoney and Albott is a forgery. Neither myself or the others authorized the sending of such dispatch. We have no fight against Governor Smith, and denounce the attempt to cause his removal. Affidavit made by an old soldier named McGraw that we signed said dispatch is absolutely false.

(Signed) "THOS. F. KEENEAND.

"Witnesses (signed):
"E. B. WHEELER,
"H. SHINDLER."

(Signed) ANDREW J. SMITH.

—

CHICAGO, ILL., *April 16, 1896.*

Col. GEORGE W. STEELE, *M. C.:*

Colonel Smith was not drunk in February last, nor has he touched liquor since he took the Keeley, and see dispatch to Congressman ALDRICH.

N. A. REED, Jr.

—

LEAVENWORTH, KANS., *April 15, 1896.*

Hon. GEORGE W. STEELE,
House of Representatives, Washington, D. C.:

I have been surgeon of the Western Branch since October, 1893, and have never known Governor Smith to be drunk or even take a drop of stimulants. As to his forcing men to take the Keeley cure, it is absolutely false. His treatment of the men is kind and humane.

D. C. JONES, M. D.,
Surgeon Western Branch.

—

LEAVENWORTH, KANS., *April 15, 1896.*

Hon. GEORGE W. STEELE,
House of Representatives, Washington, D. C.:

In behalf of the National Keeley League, numbering 35,000 men, I denounce the charge of drunkenness against Governor Smith as a wile slander. He is serving his third term as our national president. We know how absolutely false that charge is.

THOMAS E. BARRY,
National Secretary Keeley League.

—

LEAVENWORTH, KANS., *April 15, 1896.*

Hon. GEORGE W. STEELE,
House of Representatives, Washington, D. C.:

We know that the charge of drunkenness against Governor A. J. Smith is false. We see him every day and brand the charge as malicious. He never forced a man to take the Keeley cure. He is a kindly, humane man.

A. W. REESE,
Assistant Surgeon Soldiers' Home.

—

LEAVENWORTH, KANS., *April 15, 1896.*

Hon. GEORGE W. STEELE,
House of Representatives, Washington, D. C.:

I certify on honor that no veteran was ever denied admission to this Home because of Regular Army men admitted to take the Keeley cure. If it were so I would know it on account of my position.

ROBERT HAYES,
First Lieutenant and Assistant Adjutant Soldiers' Home.

Mr. HULL. Mr. Speaker, the Committee on Military Affairs in reporting this resolution were unable to foresee its course upon the floor of the House, and certainly did not expect to precipitate a fight on the lines that have been drawn. And I may be permitted to say, sir, in this connection, that it does not seem to me that this is a proper place to make such a fight as has been inaugurated by the gentleman from Kansas.

I have a profound respect for my distinguished friend from Kansas [Mr. BLUE]; but with all deference to him, it does seem to me that if he wanted to make these charges and have a fair and honest investigation of them, at the very beginning of this session of Congress he should have introduced a resolution calling attention to the charges and asking for an investigation of the matter. He should have had a committee appointed by this House, composed in such way as to insure a fair, impartial, and honest investigation of the allegations which have been made with reference to this Home at Leavenworth. This would have given the Committee on Military Affairs and the House reliable information upon which to base action.

I do not believe it is right for any member on the floor of the House to challenge the character of a man and introduce ex parte statements, as the character of General Franklin and Gen. A. J. Smith have been challenged in the last twenty-four hours, without any chance on their part to make a response. It has been done under the guise of a warm love for the old soldiers of our country.

Mr. Speaker, no man can surpass me in my devotion to the cause of my comrades in arms, whether they be in the Homes or out of them. I stand now, as I have always stood, for everything which benefits them. But here is an attack on a man who during the dark days of the war, when the country needed the services of good men, was a gallant, brave, and efficient officer, as efficient and gallant as the Federal Government had in its service, who has been assailed with marvelous bitterness. I refer now to Gen. A. J. Smith. I did not expect to participate in this debate, but I can not remain silent. This old soldier shall not be utterly condemned and disgraced without my raising my voice in favor of a plea for calm judgment and decent treatment. He is a man whose comrades have spoken of him on this floor with the highest respect, who fought under the same flag and slept under the same blanket, and, as one expressed it, "drank from the same canteen." This gentleman, who knew him well, certified to his good character during the war. Shall it not count something for a man that for four years he followed the flag of his country on bloody battlefields and risked his life in defense of the Union? He has served his country in different positions since the war with credit to himself, and among the positions he has held has been that of superintendent of the Soldiers' Home for years at Leavenworth.

Unquestionably at one period of his life, and I do not wish to palliate anything with reference to the matter, he was guilty of taking too much spirituous liquors for his health; he became frequently intoxicated. I admit that he drank to excess. None of his friends will deny it. I have known a great many old soldiers who got into the same bad habit. But this man finally reformed and took the Keeley cure. Is that a disgrace to him? I honor him for his desire to again become a good citizen, and am glad that the avenues were opened up to him by which he and thousands of others, both old soldiers and men who never followed the flag of the country on the field of battle, can become free from that vice which destroys manhood and self-respect. From the day he took the Keeley cure to this time, I do not believe that there is a particle of evidence which would be admitted in any court of competent jurisdiction in this country to establish the fact that he has ever touched a single drop of intoxicating liquor.

We are none of us so immaculate that we should gather our garments about us and refuse justice to a man who has gone down into the depths of horror of the alcohol habit and then struggled back to the solid ground of sobriety. It is awful for a man to fall; it is glorious for a man to surmount habit and overcome weakness. Is it not an awful responsibility for a man to put in our records—the records of our country—the charge that this brave and distinguished soldier, A. J. Smith, is a brutal drunkard? In the name of fairness and justice I protest. I say, Mr. Speaker, that it is to my mind a wrong upon any man to put upon the records of Congress, to be preserved for all time, the scurrilous, scandalous, and villainous charges that have been preferred against this man by purely ex parte statements from men who have a grievance.

This is not the place to try A. J. Smith. If he were all they charge him with being, he is entitled to a trial before some tribunal that can sift the evidence, and whose verdict will have some weight with the sober-minded, thinking people of the United States. We are here to elect a Board of Managers for the Soldiers' Homes, not to try charges against creatures of this Board. We are here to elect men whose duty it is to administer the affairs of these Homes, and they are and should be responsible for the selection of the different officers of the Homes. Congress is not the place to make an investigation. We have no time or opportunity to take evidence. I do not object to holding all officers to a strict responsibility, but I want to say to you, gentlemen of the House of Representatives, that this whole fight is based upon the idea of getting rid of A. J. Smith. Is not that true? Has there been a word said in debate, a word during all this bitter discussion that we have had, that does not show that the entire animus of the attack on General Franklin is to get rid of Governor Smith?

Now, if that is true will that be accomplished by defeating General Franklin's reelection? The gentleman from Iowa [Mr. HEPBURN] spoke about the necessity of a change, and said that this was the proper place to bring these charges. The gentleman from New York [Mr. RAY] in asking him a question wanted to know why charges had not been preferred before the Board and a trial had. My good colleague from Iowa [Mr. HEPBURN] seemed to think it would be an asinine performance to prefer charges before that Board. Let me say to him that charges were preferred before that Board. They have had this matter partially adjudicated. The first trial was some years ago. The last trial was December 14, 1894.

Mr. STEELE. 1895.

Mr. HULL. 1894.

Mr. HEPBURN. Will my colleague allow me to interrupt him for a moment?

Mr. HULL. If it is only for a question, I will.

Mr. HEPBURN. Have charges ever been preferred against General Franklin?

Mr. HULL. Oh, no; only against Mr. Smith.

Mr. HEPBURN. The gentleman from New York [Mr. RAY] asked me why charges had not been preferred against General Franklin.

Mr. HULL. I did not understand that. I understood him to mean charges against Smith. If the gentleman's statement is correct, then I misunderstood the question.

Mr. RAY. "The gentleman from New York" did not mean to be understood as the gentleman seems to have understood him.

Mr. HEPBURN. That is what the gentleman said. I was talking about Franklin.

Mr. HULL. General Franklin ordered an investigation of the charges against the management of the Leavenworth Home. General Pearson, the representative of the Board from Pennsylvania, was directed to conduct it. General Franklin did not personally appear. I am not acquainted with General Pearson, but the Representatives from Pennsylvania tell me that he is a man of high character, of absolutely unimpeachable integrity, a man of profound love for his old comrades, a man who would not do an injustice to anyone, and who, if he was charged with a duty, would thoroughly and honestly discharge it. What was his finding? This was not an ex parte investigation. It was an investigation in which every man who had charges to prefer made them. All had an opportunity to have all complaints fully investigated. Fifty citizens of Leavenworth, leading men, wanted to be heard in defense of the Home and of Colonel Smith. They could only hear ten of them. The matter was all investigated. This ex parte testimony was all sifted to the bottom, and the result of the finding was the vindication of the management of the Home and of General Smith. These very men who are coming here with their charges went there, and from what I can learn the larger part of these charges that have been reiterated on this floor were made there and thoroughly disproven.

Mr. STEELE. Governor Morrill was with General Pearson.

Mr. HULL. Governor Morrill, who was once a member of this House, and who is now governor of Kansas, was there.

Mr. CALDERHEAD. Governor Morrill was not present.

Mr. STEELE. He was there.

Mr. CALDERHEAD. No; Governor Morrill was not present.

Mr. HULL. Governor Morrill was until 1894 a member of the Board and local manager of this Home. Now, I want to call your attention to another fact. These gentlemen want to get rid of Franklin, because they say he is responsible for keeping Smith in his place. After these investigations General Franklin believed that Smith's usefulness was largely impaired, because of the fact that the fight which was inaugurated by Senator Plumb, who was, I suppose, as great a fighter as ever lived in Kansas, a great and good man, but an intense partisan, was carried on with such intense bitterness. Plumb started out to crush the management of the Home, and if he had not been called hence he would have been fighting on that line yet. General Franklin believed that Smith's usefulness had been impaired, and when the question of sustaining him had been brought up, General Franklin, General SEWELL, and John C. Black, of Illinois, voted to remove Smith. I want the House to note this fact. Franklin voted as the gentleman from Kansas now desires. I have the testimony of Senator MITCHELL of Wisconsin for this. He is a member of the Board and authorizes me to make this statement on the floor. General Franklin voted to remove him, Colonel Smith. General Pearson, who conducted the investigation, said that he would not consent to such a gross injustice being done as to allow charges disproved to destroy any man, and the rest of the Board voted to retain him.

Mr. STEELE. Until an investigation should be had.

Mr. HULL. Until a full investigation should be had, and under a full investigation General Pearson insists that Smith will be vindicated at every point.

Mr. COOPER of Wisconsin. When was that?

Mr. HULL. The gentleman from Indiana says that the investigation was made in 1895. My recollection is that it was in December, 1894.

Mr. STEELE. General Pearson and General Morrill made an investigation in 1894, when these affidavits were presented, and General Averill and Colonel Cooke made an investigation in 1895 of the same charges.

Mr. HULL. Many of us know Senator MITCHELL, and I want to say that when he gives me his word of honor that such a state of facts as that exists, I will take it. I have no doubt the records of the Board will prove that he has told the simple truth in regard to this matter. I have no objection, and the Committee on Military Affairs have had no objection, to making an investigation. We delayed action on this resolution until the very last moment, until the time when the terms of these officers were about to expire, and from the evidence submitted to us by every member of the Board and by an examination held under the authority of the Board,

where a fair trial could be had, in spite of what has been said about the inability of that distinguished Board to control these Homes, on their evidence we reported the names we have.

Another thing, gentlemen. You talk about getting in new blood. We have set aside two old members and put in two new ones. We have injected new blood; and if succeeding Congresses will do the same thing, in a little while you will have entirely a new Board of Managers. But I do not believe the Committee on Military Affairs or this House should fail to reelect General Franklin, in view of what has been telegraphed over the United States; and if you defeat him you place upon him the brand of dishonor, no matter what may be said. I admire General Howard; but there was a period in my life when I believed General Howard was not only grossly incompetent, but grossly dishonest; and it required time and investigation into his methods while in charge of the Freedman's Bureau to convince the people of the United States that his character was as pure as that of any man in the United States. If he had been tried on the ex parte testimony that went through the United States at the time the Freedman's Bureau collapsed, the people of the United States would have said that Gen. O. O. Howard was not only incompetent, but that he was dishonest.

I want to refer briefly to one or two other points. They have talked about this Inspector of the War Department report. I want to call attention to it. This was not in favor of General Smith or any other man. This is the report of the Inspector of the War Department; and I want to call attention to the question of discipline at these different institutions. Take the Central Home. That, you gentlemen all say, is well managed, in spite of the letters that reflected so upon it. This report from the War Department says:

> There has been an improvement in the discipline of the men, and the per cent of the whole number cared for that were not tried during the year has increased from 71 to 77 per cent.

That is the Dayton Home. The total number of members was 4,985, and 77 per cent were not tried for breaches of discipline. I will not read the rest. The Marion Home had 77 per cent not tried for breach of discipline. I will not take up all the others, but call attention to the Home under discussion. Taking the number tried during the year for infractions against the rules and regulations as a criterion of discipline, the discipline appears to be more favorable than that of any of the Homes.

> Number of members cared for, 3,658; 94.61 per cent were not tried for breach of discipline.

In other words, the discipline at Leavenworth is better than that of any of the Homes that have been inspected by the War Department. Now, what does this same Inspector say about General Smith? He is the one that is on trial. He says:

> Governor A. J. Smith, to whose untiring energy and great resourcefulness much of the good work that has been accomplished is due, has remained in charge.

He goes through the whole list of the Homes, and when he comes to this Home, this War Department Inspector, free from all control of this Board of Managers, gives to this Home a meed of the very highest praise for its management and the method of business involved in its conduct.

Now, I do not know that it is any business of mine to refer to one question that has been dwelt on here at such great length, that of the beer saloons and the Keeley cure. So far as I am concerned, Mr. Speaker, if I had the power I would take beyond the pale of every reservation all intoxicating liquors for sale as a beverage; but you have got to face this one fact, that in each and every Home you have a large number of inmates who will indulge in these intoxicating beverages whether they buy them at the Home or have to walk a mile or 2 miles to get them. You have got this fact. At Marion they have no Home saloon. The inmates are turned loose upon the people, ouside of the jurisdiction of the United States, to be preyed upon and robbed. At least the pickpockets are not admitted to those Homes. Every one of you gentlemen who lives in a town where soldiers that are not in the Homes are paid off——

Mr. BOWERS. Will the gentleman yield to me? I want to strengthen his statement by reference to the Home in California.

Mr. HULL. I have not time.

Every man who lives in a town of that kind knows that in the case of men who have enough to live outside you can not take up your daily paper after a pension payment has been made that you do not read where a dozen of the pensioners have got drunk and had their pockets picked—that what they do not spend for beer the pickpockets get. At least these beer halls in the Homes keep the boys from having their pockets picked. It may be true that these men are old enough now not to drink, but we have got to take them as they are, and there is not an old soldier on this floor who has met his comrades in their grand encampments who does not know that they will drink every time they want to, and they do not think it is anybody's business, either.

Mr. Speaker, I do not know that I need say anything more on this point. If you do not let the old soldiers spend their money in the Home they will go outside. If they spend it in the Home the profits are not used for the benefit of individuals, as would seem to be implied in some of the speeches here; the profits are used for the benefit of the soldiers themselves, and, for my part, I would rather, if this traffic is to exist, that the old soldier should get the benefit of the profit than that it should go to private saloon keepers. And, further, I will assert that these canteens reduce the total of intoxication. As to the Keeley cure, I certainly do not object to that if it tends to wean these men from their vicious habits. What does the War Department say of the Keeley cure? That report is not made under the duress of Colonel Smith or under the duress of the Board of Managers. It is a report made by a man who is absolutely independent of Colonel Smith and also of the Board of Managers, an Inspector of the War Department. That report says that 189 persons were treated for alcoholism and the morphine habit during last year, and adding that to all that were treated before, gives a total of a little over 1,800. But the point in connection with this subject that I want to call attention to is that in that period the lapses have been only 11 per cent. You see, then, gentlemen of the House, that this Keeley cure, which has been so denounced here, has saved 89 per cent of those who have taken the treatment, and for one I say God speed the Keeley cure if it rescues my old comrades from this degrading vice.

I have but a minute or two more, and in that time I want to say that I cherish the honor of the old soldiers as much as any man on this floor can possibly cherish it, but at the same time I say that those old soldiers, grouped together there in the Home, men without home ties, men who have no abiding place, can find fault with almost anything, and many of them would not be happy if they did not find fault. Let us, in our action here to-day, so vote that we shall not cast a slur upon any man who served his country in the hour of its peril, but, if necessary, let us give an honest, fair, and impartial trial, which will enable the people of the great Republic to do justice to all the interests concerned. [Applause.]

Mr. HEPBURN. I want to ask my colleague a question. Your committee has omitted to recommend the reelection of two members of this Board of Managers. Do you regard that as an assault upon those men or as a reflection upon their moral standing?

Mr. HULL. I will answer that. One member of the Board, Mr. Fessenden, of Maine, desired to be retired and we selected another gentleman from the State of Maine to succeed him. The custom of Congress has been that the majority party here has controlled the majority of the Board, and we thought that Gen. John C. Black might properly retire and give place to that other gallant old soldier from Illinois, Gen. Thomas J. Henderson, and we made that recommendation. There was no charge against either of the gentlemen retired, and both have acquiesced in the change. I submit the following telegram:

HARTFORD, CONN., *April 16, 1896.*

Hon. E. J. HILL,
House of Representatives, Washington:

Hon. Henry C. Robinson says Gen. W. B. Franklin is a man of incorruptible integrity and thorough patriotism. J. M. Allen, president of the Board of Trade, says, "It gives me great pleasure to say that I have known Gen. William B. Franklin for many years and can not speak too highly of his sterling integrity and unswerving devotion to what he regards as just and right. My intimate acquaintance with him has led me to hold him in highest esteem." Charles P. Graham, adjutant-general of the State, speaks in the strongest and most unqualified terms in favor of General Franklin. Governor Bulkley concurs decidedly in these opinions and has already wired you direct. These expressions are, as you must know, entitled to great weight. For myself, I desire to add that for many years I have entertained very high regards for the great services, high character, and unquestionable ability of General Franklin. Any number of strong testimonials could be easily obtained if needed and a little time could be had for the purpose.

O. VINCENT COFFIN,
Governor of Connecticut.

Mr. BLUE. Mr. Speaker, I rise to a question of privilege. A telegram has been read here from Leavenworth, charging me with having had read in this body a forged telegram. The gentleman from Indiana [Mr. STEELE] has presented that telegram. I denounce the statement as cruelly and maliciously false, and the presentation of that telegram as cowardly and uncalled for. I hold in my hand the original telegram sent to me. It was not used on the floor of this House, and that telegram denouncing it as a forged telegram and the statement as a lie was brought in here for the purpose of having its influence on this floor. I have here the original telegram as sent to me, with a statement that was published in the Leavenworth Times and in the Leavenworth Standard, which is friendly to Mr. Smith, with an accompanying affidavit. I ask, in justification to myself, that the telegram as originally sent to me and the statements in the affidavit be read.

Mr. HULL. Before granting consent, Mr. Speaker, I wish to say that I also will ask that the telegram which I hold in my hand may be read.

Mr. BLUE. Excuse me, I believe I have the floor.

Mr. HULL. Well, it is easy to take you off.

Mr. BLUE. I had not read the telegram referred to, and did not propose to read it, and the gentleman from Indiana [Mr. STEELE] must have known that, because he asked me last night if I had that telegram, and I said that I had and that if he wanted to read it I was ready to support it with statements.

Mr. STEELE. What I said to the gentleman was, "Have you read such a dispatch?" and he said, "Yes, and I have affidavits to verify it." That is how I understood him. Now, if I was mistaken in that, I certainly am willing to withdraw the dispatch I had read here and ask members to pay no attention to it.

Mr. BLUE. I said that I had not used the dispatch and did not propose to use it. I have also here a letter—I can not give the name of the writer without a betrayal of confidence—saying that that statement in that telegram was true, and that a Catholic priest was used to get a retraction in the interest of Mr. Smith.

The SPEAKER. The time of the gentleman has expired.

Mr. BLUE. I have also, upon this question, another communication showing the methods practiced——

Mr. HULL. Mr. Speaker, I shall have to object to the gentleman going any further than his statement in connection with that telegram.

Mr. GROSVENOR. I also must object, Mr. Speaker. This is practically a debate on the merits——

Mr. BLUE. No, sir; it is on a question of privilege with reference to these papers.

The SPEAKER. The Chair would suggest to the gentleman from Kansas that as he did not read the telegram referred to his statement covers the question of privilege, and that the reading of the telegram which he sends up would require consent of the House.

Mr. STEELE. Mr. Speaker, I hope consent will be given for the reading of the telegram.

There was no objection, and the Clerk read the telegram, as follows:

LEAVENWORTH, KANS., *March 31, 1896.*

Hon. R. W. BLUE, *M. C., Kansas Delegation, Washington, D. C.:*

You can say 25,000 railroad employees of Kansas will stand by Maj. Tom Anderson and the old soldier when the truth is known, as a good many members of the Leavenworth Home are ex-railroad employees, and who have had many grievances. We will carry this fight politically from the Atlantic to the Pacific, and from the Lakes to the Gulf and from farm to factory. We owe no party any favors, but will fight oppression wherever found until this great wrong is corrected. Franklin and Smith should go.

D. F. MAHONEY,
THOMAS KEENAN,
HARRY ABBOTT,
Committee.

Mr. BLUE. Now, Mr. Speaker, I ask that the Clerk read the publications in the Leavenworth Times and in the Standard.

Mr. STEELE. Mr. Speaker, if we are going to read newspaper clippings, I have a lot of them that I should be glad to have read.

Mr. BLUE. But this is a part of this very matter.

The SPEAKER. How much of the printed matter does the gentleman desire read? There are two columns of it.

Mr. BLUE. Just what relates to the dispatch. The dispatch has been read, and now I want the Clerk to read what is said about the dispatch and also the affidavit.

Mr. GROSVENOR. I submit that we should now take the vote, and let this question of privilege come up later.

Mr. HEPBURN. On this point of order, I want to call attention to the fact that the gentleman from Indiana sent to the Clerk's desk to be read a dispatch purporting to come from A. J. Smith, in which the gentleman from Kansas was charged with having presented to the House a forged telegram. Now the gentleman from Kansas rises to a question of privilege. And has he not a right to do something more than simply to say he did not present a forged telegram? Has he not the right, during his remarks, to investigate the whole matter as part of his question of privilege, and to exonerate himself fully from the charge made against him? Can he not, as part and parcel of his vindication, show that as a matter of fact such a dispatch, if he had presented it, was true? May he not do this in defending himself from the assault that has been made upon him?

Mr. STEELE. In the first place, no gentleman has claimed that Colonel BLUE was responsible for the dispatch; and in the next place the "gentleman from Indiana" misunderstood the gentleman from Kansas, or the gentleman from Kansas misunderstood "the gentleman from Indiana." A great many dispatches had been read. I received a dispatch and on the instant went to him and asked whether among his dispatches he had read a certain dispatch. He said, "Yes; and I have abundance of evidence to support it." If my understanding was not correct and if he did not understand my question, then, of course, he is exonerated so far as I am concerned, and I ask that any reflection which may have been made upon him may be withdrawn.

Mr. HEPBURN. The question here is not whether the gentleman from Indiana is satisfied. It is a question of privilege, affecting the honor of this House. The gentleman from Kansas has been charged here publicly with a crime.

Mr. STEELE. I do not think so.

Mr. HEPBURN. Now, has he not the right to do something more than to say that that charge was not justified? In meeting the charge, has he not the right not only to have read the dispatch in question, but also all the matter tending to establish it as a statement of truth?

Mr. BLUE. The reading will take only a moment.

Mr. GROSVENOR. Mr. Speaker, what is the pending question? Is it a question of privilege?

The SPEAKER. The Chair suggests that if this matter will take, as the gentleman from Kansas says, "only a moment," perhaps the easiest method of disposing of it would be to have the dispatch read.

Several MEMBERS. It has been read.

Mr. BLUE. The reading will take but a moment.

Mr. HULL. I understand that the dispatch was read, and now the gentleman proposes to have read two columns of newspaper comment.

Mr. GROSVENOR. Mr. Speaker, what is the question of privilege here?

The SPEAKER. How much of the matter sent to the desk does the gentleman from Kansas desire to have read?

Mr. BLUE. Simply the two articles that are connected with this matter. The Clerk may omit the dispatch, because it has been read. I ask the Clerk to read simply the matter showing the denial, and then the copy of the affidavit showing that such a telegram was signed and forwarded. That is all I ask. It will not take two minutes.

Mr. GROSVENOR. Two minutes! More likely half an hour.

Mr. BLUE. I think this will be simply fair treatment toward me under the circumstances.

The SPEAKER. If the gentleman from Kansas will indicate what he wants read, as there are two columns of matter which have been sent to the desk——

Mr. BLUE. I do not want the Clerk to read two columns.

The SPEAKER. The Clerk now understands what the gentleman wants read, and he will proceed.

The Clerk read as follows:

A few days since this paper, as a mere matter of news, published, at the request of a number of men, a telegram sent from the Western Union Telegraph office in this city to Congressman BLUE concerning the Soldiers' Home matter and signed by the names of three railroad men.

The following appeared in last night's Standard:

"We wish to state that the telegram published in the Leavenworth Times of Tuesday is absolutely false as coming from us, as the signatures were forged.

"DAN F. MAHONEY.
"HARRY ABBOTT.
"T. F. KEENAN."

Last night the following was brought to the Times office by a railroad man who claims that he was in the switch shanty at the time the telegram to Congressman BLUE was signed by the above men, and that he saw them put their signatures to it. He further says that a great pressure has since been brought to bear on these men to cause them to deny it.

Here is the affidavit, which is published to show that this paper acted upon sufficient authority, and which goes to prove its truth:

"STATE OF KANSAS, *Leavenworth County, ss:*

"Be it remembered that on this 2d day of April, 1896, before me, the undersigned, a notary public in and for the county and State aforesaid, came George R. McGraw, who is personally known to me to be the same person who deposes and says that on the 30th day of March, 1896, 'I was present and saw a message signed by one Keenan, Abbott, and Mahoney, to be sent to Hon. R. W. BLUE, at Washington, D. C., the purport of which was in reference to the railroad men standing by Maj. Thomas J. Anderson and the old soldiers in the Franklin-Smith fight.'

"GEO. R. MCGRAW.

"Sworn to and subscribed in my presence this 2d day of April, 1896.

"[SEAL.] J. D. KELLER, *Notary Public.*

"My commission expires June 1, 1896."

Mr. BLUE. I think the reading explains this matter sufficiently.

The SPEAKER. The question now is—there is no amendment pending, as the Chair understands——

Mr. HULL. There are two amendments.

Mr. BLUE. If the chairman of the committee [Mr. HULL] will permit me, I want to make a suggestion. It has been suggested here again and again that this proceeding here——

Mr. GROSVENOR. Is this a reopening of the debate?

Mr. BLUE. No, sir. It has been suggested here again and again that this proceeding is not fair to General Franklin. Now, I am perfectly willing that this question shall go back to the Committee on Military Affairs; that the parties concerned be heard for a reasonable time; that the whole matter be investigated, so that no injustice shall be done. With that view, this question might be postponed for ten, fifteen, or twenty days, the substitute going to the committee along with the resolution.

Mr. HULL. Well, Mr. Speaker, so far as that is concerned, we could not undertake to make an investigation by the Committee on Military Affairs, have witnesses summoned, and get through with all the necessary work in ten days or even two months. It

will be useless to undertake it, and very expensive in the end. I think we may as well pass on the question now, and let the House determine it.

Mr. HEPBURN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEPBURN. Would it be in order or competent at this time to move a recommitment of the resolution to the Committee on Military Affairs without instruction? I think after the debate we have had the instructions would not be necessary to the committee to fully investigate, or at least so far as they could investigate, the matter and report to the House.

The SPEAKER. The Chair thinks the time to move a recommitment is not now, as the House has ordered a vote at this hour. The matter could be recommitted after the previous question was ordered on the passage of the resolution.

Mr. HEPBURN. But that has not been asked, as I understand it. I would ask unanimous consent to make that motion.

The SPEAKER. The Chair will submit the request of the gentleman. Is there objection to the gentleman from Iowa making a motion to recommit this resolution to the Committee on Military Affairs without instruction?

Mr. HILL. I object.

The SPEAKER. Objection is made, and the question is on agreeing to the amendment of the gentleman from Kansas [Mr. BLUE]. The Chair understands that an amendment is also offered by the gentleman from Pennsylvania [Mr. MAHON], on which the point of order was raised.

Mr. BLUE. Yes, sir.

Mr. MAHON. Let the vote first be taken on your amendment, and withhold the point of order.

Mr. BLUE. My amendment is to substitute the name of General Howard for that of General Franklin.

Mr. GROSVENOR. I believe the point of order was reserved on the amendment of the gentleman from Pennsylvania.

The SPEAKER. The Chair will sustain the point of order; and the question is on the amendment offered by the gentleman from Kansas.

The question was taken; and on a division there were—ayes 55, noes 130.

[The result of the vote was received with applause.]

Mr. BLUE. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 59, nays 153, not voting 142; as follows:

YEAS—59.

Allen, Utah	Curtis, Kans.	Joy,	Prince,
Baker, Kans.	Doolittle,	Kem,	Reeves,
Baker, Md.	Eddy,	Kirkpatrick,	Shafroth,
Baker, N. H.	Ellis,	Linney,	Snover,
Barney,	Fenton,	Long,	Spalding,
Bartholdt,	Fletcher,	Lorimer,	Stephenson,
Bell, Colo.	Graff,	Marsh,	Stone, W. A.
Blue,	Grout,	McLaurin,	Sulloway,
Broderick,	Hager,	Meiklejohn,	Thomas,
Burton, Mo.	Hainer, Nebr.	Miller, Kans.	Tracey,
Calderhead,	Hartman,	Miller, W. Va.	Treloar,
Cannon,	Hepburn,	Milnes,	Updegraff,
Connolly,	Hicks,	Minor, Wis.	Warner,
Cooper, Wis.	Hopkins,	Mozley,	Wood.
Crowther,	Huling,	Northway,	

NAYS—153.

Acheson,	Draper,	Little,	Sherman,
Adams,	Elliott, S. C.	Livingston,	Simpkins,
Aldrich, Ala.	Erdman,	Lockhart,	Smith, Mich.
Allen, Miss.	Evans,	Maddox,	Sorg,
Apsley,	Fairchild,	Mahany,	Southard,
Arnold, R. I.	Fischer,	McCall, Mass.	Southwick,
Atwood,	Foss,	McCall, Tenn.	Spencer,
Avery,	Griffin,	McCleary, Minn.	Sperry,
Bailey,	Griswold,	McClellan,	Stahle,
Bartlett, Ga.	Grosvenor,	McCreary, Ky.	Steele,
Belknap,	Hadley,	McCulloch,	Stewart, N. J.
Bennett,	Hall,	McDearmon,	Strait,
Bingham,	Halterman,	McLachlan,	Strong,
Black, Ga.	Hardy,	McMillin,	Sulzer,
Bowers,	Harmer,	McRae,	Swanson,
Brewster,	Harris,	Meyer,	Taft,
Bromwell,	Harrison,	Money,	Talbert,
Brown,	Hatch,	Moody,	Tate,
Brumm,	Hemenway,	Morse,	Tayler,
Bull,	Henderson,	Moses,	Terry,
Burrell,	Hendrick,	Otey,	Tracewell,
Burton, Ohio	Henry, Conn.	Owens,	Tucker,
Catchings,	Henry, Ind.	Patterson,	Turner, Ga.
Clardy,	Hermann,	Payne,	Turner, Va.
Clark, Iowa	Hill,	Pendleton,	Van Horn,
Cobb, Ala.	Hitt,	Perkins,	Van Voorhis,
Cockrell,	Howard,	Phillips,	Wanger,
Cooper, Fla.	Hubbard,	Pickler,	Wellington,
Cooper, Tex.	Huff,	Poole,	Wheeler,
Cox,	Hull,	Powers,	Williams,
Culberson,	Hurley,	Pugh,	Willis,
Curtis, N. Y.	Kiefer,	Quigg,	Wilson, Idaho
Danford,	Knox,	Ray,	Woodard,
De Armond,	Lacey,	Reyburn,	Woomer,
Denny,	Layton,	Richardson,	Wright,
De Witt,	Lefever,	Royse,	Yoakum.
Dinsmore,	Leighty,	Sayers,	
Dockery,	Lester,	Scranton,	
Dolliver,	Lewis,	Shannon,	

NOT VOTING—142.

Abbott,	Dalzell,	Kulp,	Robinson, Pa.
Aitken,	Daniels,	Kyle,	Rusk,
Aldrich, Ill.	Dayton,	Latimer,	Russell, Conn.
Anderson,	Dingley,	Lawson,	Russell, Ga.
Andrews,	Dovener,	Leisenring,	Sauerhering,
Arnold, Pa.	Downing,	Leonard,	Settle,
Babcock,	Ellett, Va.	Linton,	Shaw,
Bankhead,	Faris,	Loud,	Shuford,
Barham,	Fitzgerald,	Loudenslager,	Skinner,
Barrett,	Foote,	Low,	Smith, Ill.
Bartlett, N. Y.	Fowler,	Maguire,	Sparkman,
Beach,	Gamble,	Mahon,	Stallings,
Bell, Tex.	Gardner,	McClure,	Stewart, Wis.
Berry,	Gibson,	McCormick,	Stokes,
Bishop,	Gillet, N. Y.	McEwan,	Stone, C. W.
Black, N. Y.	Gillett, Mass.	McKenney,	Strode, Nebr.
Boutelle,	Grow,	Mercer,	Strowd, N. C.
Brosius,	Hanly,	Meredith,	Tawney,
Buck,	Hart,	Miles,	Towne,
Chickering,	Heatwole,	Milliken,	Tyler,
Clark, Mo.	Heiner, Pa.	Miner, N. Y.	Underwood,
Clarke, Ala.	Hilborn,	Mondell,	Wadsworth,
Cobb, Mo.	Hooker,	Murphy,	Walker, Mass.
Codding,	Howe,	Neill,	Walker, Va.
Coffin,	Howell,	Newlands,	Walsh,
Colson,	Hulick,	Noonan,	Washington,
Cook, Wis.	Hunter,	Odell,	Watson, Ind.
Cooke, Ill.	Hutcheson,	Ogden,	Watson, Ohio
Corliss,	Hyde,	Otjen,	White,
Cousins,	Jenkins,	Overstreet,	Wilber,
Cowen,	Johnson, Cal.	Parker,	Wilson, N. Y.
Crisp,	Johnson, Ind.	Pearson,	Wilson, Ohio
Crowley,	Johnson, N. Dak.	Pitney,	Wilson, S. C.
Crump,	Jones,	Price,	Woodman.
Cummings,	Kendall,	Raney,	
Curtis, Iowa	Kerr,	Robertson, La.	

So the amendment was rejected.

The following pairs were announced until further notice:

Mr. DALZELL with Mr. CRISP.
Mr. RANEY with Mr. COWEN.
Mr. BARRETT with Mr. NEILL.
Mr. JOHNSON of North Dakota with Mr. LAWSON.
Mr. WATSON with Mr. ROBERTSON of Louisiana.
Mr. STRODE of Nebraska with Mr. STOKES.
Mr. COLSON with Mr. PRICE.
Mr. WHITE with Mr. SPARKMAN.
Mr. STEWART of Wisconsin with Mr. STALLINGS.
Mr. ANDREWS with Mr. MILES.
Mr. WILSON of Ohio with Mr. MCKENNEY.
Mr. OVERSTREET with Mr. BELL of Texas.
Mr. MILLIKEN with Mr. BANKHEAD.
Mr. HOOKER with Mr. MINER of New York.
Mr. LEONARD with Mr. KYLE.
Mr. JOHNSON of Indiana with Mr. HUTCHESON.

The following were announced for this day:

Mr. JENKINS with Mr. JONES.
Mr. JOHNSON of California with Mr. RUSSELL of Georgia.
Mr. CHARLES W. STONE with Mr. BERRY.
Mr. SHUFORD with Mr. LATIMER.
Mr. PARKER with Mr. ELLETT of Virginia.
Mr. TOWNE with Mr. CORLISS.
Mr. MCCORMICK with Mr. OGDEN.
Mr. LOUDENSLAGER with Mr. RUSK.
Mr. PITNEY with Mr. SKINNER.
Mr. HOWELL with Mr. ABBOTT.
Mr. ARNOLD of Pennsylvania with Mr. BARTLETT of New York.
Mr. FOWLER with Mr. WILSON of South Carolina.
Mr. GROW with Mr. WASHINGTON.
Mr. GARDNER with Mr. FITZGERALD.
Mr. STEWART of New Jersey with Mr. JONES.
Mr. WILBER with Mr. MAGUIRE.
Mr. WOOMER with Mr. SHAW.
Mr. PEARSON with Mr. MEREDITH.
Mr. BOUTELLE with Mr. UNDERWOOD.

Mr. HILL. Mr. Speaker, the gentleman from Connecticut, my colleague, Mr. RUSSELL, is necessarily absent from the House. I have been requested to state that if present, he would vote "nay."

The result of the vote was then announced as above recorded.

The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

KATE GRANT.

Mr. TERRY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3607) to increase the pension of Mrs. Kate Grant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Mrs. Kate Grant, widow of the late Capt. (afterwards brevet-major, "for gallant and meritorious services before Petersburg, Va.," as per order of the War Department, dated Washington, D. C., June 15, 1865, signed Edwin M. Stanton) Charles E. Grant, of Company F, Fortieth Regiment New Jersey Infantry Volunteers, to $100 per month, in lieu of the pension now received by her, as evidenced by pension certificate numbered 278079.

Dolliver, Lewis, Shannon,

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certificate numbered 278079.

The Committee on Invalid Pensions recommended the following amendments:

In line 4 strike out the word "Mrs."

After the word "captain," in line 5, strike out the words in parenthesis, as follows:

"(Afterwards brevet-major, 'for gallant and meritorious services before Petersburg, Va.,' as per order of the War Department, dated Washington, D. C., June 15, 1865, signed Edwin M. Stanton.)"

Also strike out the words "one hundred," in line 11, and insert in lieu thereof the word "twenty."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. TERRY, the title was amended so as to read "A bill to increase the pension of Kate Grant."

On motion of Mr. TERRY, a motion to reconsider the vote by which the bill was passed was laid on the table.

SARAH E. BOYD.

Mr. FLETCHER. Mr. Speaker, I desire to call up the bill (S. 2557) granting a pension to Sarah E. Boyd.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The question is on the third reading of the bill. The Chair is informed that the engrossed copy of the Senate bill is not here. Has the bill been reported from the House committee?

Mr. FLETCHER. Yes; a bill from the House committee precisely as it passed the Senate.

The SPEAKER. We should have the engrossed bill.

Mr. FLETCHER. I will ask permission to withdraw it until I get the engrossed bill.

The SPEAKER. The gentleman asks permission to withdraw the bill temporarily.

RECOMMITTAL OF A BILL.

Mr. HILBORN. Mr. Speaker, I am directed by the Committee on Naval Affairs to request unanimous consent to recommit the bill (H. R. 5108) authorizing and directing the Secretary of the Navy to furnish eight pieces of condemned cannon to the Veteran Brigade, Grand Army of the Republic, Rochester, N. Y., and also four pieces of condemned cannon to the Brockport Soldiers' Monument Association, Brockport, N. Y., which was inadvertently reported from the committee.

The SPEAKER. The gentleman from California desires to have a bill recommitted which was reported by mistake. Without objection, the leave will be granted.

There was no objection.

MRS. MARIA B. BRINTON.

Mr. TUCKER. Mr. Speaker, I ask for the consideration of the bill (H. R. 5667) granting a pension to Mrs. Maria B. Brinton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is, authorized and directed to place upon the pension roll the name of Mrs. Maria B. Brinton, widow of William P. Brinton, late a member of Company D, Second Pennsylvania Cavalry, and to pay her a pension at the rate of $8 per month.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. Mr. Speaker, I desire to ask the gentleman if that bill has been considered at a Friday night session?

Mr. TUCKER. No; it has not.

Mr. TALBERT. Well, I want to say, Mr. Speaker, that I am constrained to object to the continuation of these requests. Gentlemen do not come here on Friday nights to attend to these matters, and I object on that ground.

The SPEAKER. Objection is made.

Mr. TALBERT. I will state that I will object to the consideration of any bill that has not been considered at a Friday night session.

Mr. MURPHY of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8012) donating one condemned cannon and balls to Grand Army of the Republic post of Sparta, Ill.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. I object, Mr. Speaker.

GEORGE JOHNSON.

Mr. HEPBURN. Mr. Speaker, I ask for the present consideration of the bill (H. R. 4281) granting a pension to George Johnson, of Lenox, Iowa.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. I object.

SARAH E. BOYD.

The SPEAKER. The gentleman from Minnesota [Mr. FLETCHER] now has the engrossed bill which was under consideration.

Mr. FLETCHER. Mr. Speaker, I desire to change a word.

Mr. TALBERT. Mr. Speaker, a parliamentary inquiry. I should like to know the nature of that bill, and if it has been considered at a Friday night session?

Mr. FLETCHER. It is the same bill about which I spoke to the gentleman this morning.

Mr. TALBERT. Has it been considered at a Friday night session?

Mr. FLETCHER. It has not been considered at a Friday night session, but it has been considered and recommended by the committee.

Mr. TALBERT. I am constrained to object, if it has not been considered at a Friday night session.

The SPEAKER. The Chair will say to the gentleman from South Carolina [Mr. TALBERT] that this bill has passed the objection stage. Permission was given before, and the action of the House was suspended until the engrossed bill was found. Does the gentleman from Minnesota desire to make an amendment?

Mr. FLETCHER. I desire to change the words "Sarah E." to "Sarah A."

The SPEAKER. Without objection, that change will be made.

Mr. LOUD. That is, perhaps, a very dangerous holding of the Chair. The bill was withdrawn. The record will show that the Speaker made the statement that the bill was withdrawn.

The SPEAKER. The Chair will examine the record, and if the gentleman from California is correct, why of course the bill is subject to objection.

Mr. PICKLER. Did not the Speaker hold that the bill would be withdrawn for the purpose of the gentleman substituting the engrossed bill? He had leave to substitute that bill.

The SPEAKER. These presentations for unanimous consent ought to be laid before the House in entire fairness. It is a very important matter to put upon one member the duty of making objections if he is opposed to a bill. Therefore it ought to be conducted in perfect good faith in every way.

Mr. PICKLER. I concede that.

Mr. FLETCHER. Mr. Speaker——

The SPEAKER. The Chair thinks on the notes of the Reporter the bill is not properly before the House, but is subject to objection.

Mr. FLETCHER. Will I have permission to withdraw the bill and present it at another time. [After a pause.] I wish to present the bill now, if I have recognition.

The SPEAKER. The gentleman presents the bill for consideration. Is there objection?

Mr. TALBERT. I would ask the nature of the bill?

Mr. FLETCHER. If the gentleman will read the report it will show the nature of the bill. The recommendation of Commissioner Lochren is there.

The report (by Mr. SHOUP, for Mr. HANSBROUGH) was read, as follows:

A bill identical with this has been introduced in the House of Representatives in the present session and reported favorably and now pending on the House Calendar. Your committee append and adopt said report as a part of their report and recommend the passage of the bill.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6808) granting a pension to Sarah A. Boyd, widow of George Boyd, late captain Company E, First Minnesota Infantry Volunteers, having examined the facts and circumstances in this claim, believe that the wound of leg, received while the soldier held the rank of first lieutenant, contributed to his death, and therefore earnestly recommend that she be pensioned at $17 per month.

The following letter from Judge Lochren, who was a comrade in service, concisely gives the soldier's history in service and the particulars of his death:

"DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
"*Washington, February 29, 1896.*

"MY DEAR SIR: I have your letter with copy of H. R. 4491, a bill granting a pension to Sarah A. Boyd at the rate of $12 per month. She is the widow of Capt. George Boyd, who enlisted as a private in Company E, First Regiment Minnesota Infantry, April 29, 1861. I enlisted in the same company and served with him during the first three years of the war. He was an excellent soldier, and took part in all the battles in which the regiment was engaged, and was promoted to second lieutenant at the close of the peninsular campaign in 1862, and first lieutenant a short time later. In one of the battles he was severely wounded in the leg. He was mustered out with the regiment in May, 1864, and soon after assisted in raising a company for Hatch's Independent Battalion of Cavalry, and became its captain, and served as such until that battalion was mustered out in May, 1866.

"It appears that in the summer of 1879 said George Boyd was employed about the water power at the Falls of St. Anthony, in the Mississippi River, within the limits of the city of Minneapolis, Minn., and that in crossing the western channel of that river above the falls in an open boat with another employee, by some inadvertence they approached too near the brink of the

falls, and, endeavoring to escape the apparent danger, both left the boat at a shoal place, and the other man, being active, saved himself, while Captain Boyd, being lamed and disabled from the wound in his leg referred to, was unable to escape, and was carried over the Falls of St. Anthony and drowned.

"Captain Boyd was a good citizen and a sober, industrious man, and his widow, Mrs. Sarah A. Boyd, is a very worthy woman.

"Yours, very truly,

"WM. LOCHREN, *Commissioner.*

"Hon. LOREN FLETCHER,
"*House of Representatives, Washington, D. C.*"

[Law office of Gilfillan, Willard & Willard, Guaranty Building.]

MINNEAPOLIS, *January 20, 1896.*

MY DEAR SIR: Your kind favor of December 12, in the matter of the pension of Mrs. Sarah A. Boyd, widow of Capt. George Boyd, Company F, First Minnesota Volunteers, came duly to hand, for which please accept my thanks until better paid; but I have heard nothing since. Mrs. Boyd is after me quite lively to aid her, and so write you again to ask if you have seen Judge Lochren in the matter; and if so, is it apparent what we can do for her, if anything? I know so little about this business that I am at a loss to know just how to go to work at it. The widow is poor and needs the aid, and I should be very glad if we could do something for her, and I believe Judge Lochren feels in the same way about it. Will you kindly give me a line or two about it when convenient? And oblige

Yours, very truly, J. B. GILFILLAN.

W. H. H. JOHNSON, Esq.

Mr. TALBERT. Mr. Speaker, according to the position I have taken, I shall have to object to that. I am not objecting to the pension, but I am objecting to the manner of consideration. I do submit that we have Friday night sessions, and gentlemen ought to come here and present these bills.

Mr. FLETCHER. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAM A. STONE. I move that the House do now adjourn.

The SPEAKER. The gentleman from Pennsylvania moves that the House do now adjourn.

Mr. FLETCHER. I will ask if I had recognition to make a parliamentary inquiry?

The SPEAKER. That can not interrupt a motion to adjourn.

Mr. FLETCHER. I had the floor before the gentleman from Pennsylvania.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. WILLIAMS. Division.

The House divided; and there were—ayes 39, noes 53.

Mr. WILLIAMS. No quorum.

The SPEAKER. It does not require a quorum on a motion to adjourn. [Laughter.] The gentleman from Minnesota was making a parliamentary inquiry.

Mr. FLETCHER. My inquiry is, was my bill under consideration before the gentleman's objection was made?

The SPEAKER. The Chair thinks it was not, under the statement made by the Reporter of what occurred.

JOHN E. WILBUR.

Mr. BREWSTER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3659) for the relief of John E. Wilbur.

The bill was read at length.

Mr. BREWSTER. I ask for the reading of the first part of the unanimous report of the Committee on Military Affairs.

The part of the report indicated was read.

Mr. BREWSTER. I ask for the passage of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. I object.

The SPEAKER. Objection is made.

USE BY THE UNITED STATES OF DEVICES COVERED BY LETTERS PATENT.

Mr. FAIRCHILD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4178) providing for the use by the United States of devices covered by letters patent.

The bill was read at length.

Mr. FAIRCHILD. I ask for the reading of the report.

The report was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ERDMAN. I object to this.

Mr. BREWSTER. Mr. Speaker, objection is withdrawn to the consideration of the bill I presented.

SARAH E. BOYD.

Mr. FLETCHER. Mr. Speaker, the gentleman from South Carolina has withdrawn his objection.

The SPEAKER. The gentleman from Minnesota informs the Chair that objection is withdrawn to the consideration of his bill. The Clerk will read the bill.

The Clerk read as follows:

A bill (S. 2557) granting a pension to Sarah E. Boyd.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Boyd, widow of George Boyd, late captain Company E, First Regiment Minnesota Infantry Volunteers, and pay her a pension at the rate of $17 per month.

The amendment moved by Mr. FLETCHER was read, as follows:

Strike out the initial "E" and insert the initial "A"; so as to read "Sarah A. Boyd."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on the amendment.

Mr. LOUD. Mr. Speaker, I would like to offer a suggestion or two upon this bill before it is passed.

The SPEAKER. The gentleman from California.

Mr. LOUD. I would ask the gentleman how much this bill carries?

Mr. FLETCHER. Seventeen dollars a month.

Mr. LOUD. How much does this widow get now?

Mr. FLETCHER. Eight dollars.

Mr. LOUD. Mr. Speaker, I desire to say——

Mr. FLETCHER. I want to say to the gentleman that this is on the recommendation of the Commissioner of Pensions.

Mr. LOUD. I understand. Mr. Speaker, I want once more to call the attention of this House to this case and many others we have passed this Congress. I do not suppose it will do any good, but still I am going to avail myself of the opportunity every time it is presented to me. Mr. Speaker, to present to this House and to present to the people of this country what this Congress is doing in the pension business. Now, here is a case where a widow is legally entitled to $8 a month, and who comes to Congress for no reason in the world, except she has a friend, perhaps, to introduce a bill and pass it through Congress increasing her pension to $17.

Now, this woman is no more entitled to a pension of $17 per month than any one of three or four hundred thousand other widows in this country who to-day receive but $8 a month. If this House wants to be honest and fair let it pass a bill increasing the amount of pension that a widow shall receive to $17, or to $20, or to $25 per month, if you have the nerve and courage to do it. If you can venture to face the country on that proposition, do it for every soldier's widow in the country; but I say again that so long as it is in my power I will avail myself of every opportunity to present to you and to the country the fact that you are singling out individual cases that have no special merit whatever, and granting pensions of double and three times, and in many instances of five times, the amount which the law allows. It is unfair, it is inequitable, it is unjust, it is unbecoming, to any legislative body in this country, and I hope the House will not pass this bill.

The amendment was agreed to.

The question being taken on ordering the bill to a third reading, the Speaker declared that the ayes seemed to have it.

Mr. WILLIAMS. I ask for a division.

The House divided; and there were—ayes 58, noes 21; so the bill was ordered to be read a third time.

The bill was passed.

On motion of Mr. FLETCHER, a motion to reconsider the vote by which the bill was passed was laid on the table.

The title of the bill was amended to conform to the change made in the name.

DONATION OF CONDEMNED CANNON.

Mr. MURPHY of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8012) donating one condemned cannon and balls to Grand Army of the Republic Post of Sparta, Ill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to Grand Army of the Republic post, of Sparta, Ill., one condemned cannon and five cannon balls for the purpose of decorating the soldiers' monument in said place: *Provided*, That the same can be spared without detriment to the service, and that no expense is hereby incurred by the Government.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. SPALDING. Mr. Speaker, I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

After the word "place," in line 7, insert "and two condemned cannon and five cannon balls for the Grand Army of the Republic post at Morenci, Mich."

Mr. WILLIAM A. STONE. Mr. Speaker, I desire to offer an amendment to this bill.

The SPEAKER. Is it an amendment to the amendment?

Mr. WILLIAM A. STONE. No; it is an amendment to the bill.

The SPEAKER. The Chair will first put the question on the amendment of the gentleman from Michigan.

The amendment was agreed to.

Mr. FLYNN. Mr. Speaker, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Also to donate to McDowell Post, Grand Army of the Republic, of Enid, Okla., 1 condemned cannon and 15 cannon balls: *Provided*, That in the judgment of the Secretary of the Navy such articles can be spared without detriment of the public interests: *And provided further*, That the United States shall not be subjected to any expense on account of such donation.

Mr. McMILLIN. Mr. Speaker, I desire to make an inquiry of the chairman of the Committee on Military Affairs if he is present.

Mr. MURPHY of Illinois. Mr. Speaker, I demand the previous question.

Mr. McMILLIN. I believe I have the floor.

The SPEAKER. The chairman of the Committee on Military Affairs does not appear to be present.

Mr. McMILLIN. Then I will ask the gentleman in charge of this bill, if he has any information upon the subject, to inform the House, as this seems to be growing into an omnibus bill, whether or not the cannon here provided for exist?

Mr. MURPHY of Illinois. I understand so.

Mr. McMILLIN. In what numbers?

Mr. MURPHY of Illinois. I do not know.

Mr. McMILLIN. From what source does the gentleman get his information?

Mr. FLYNN. Mr. Speaker, I would say to the gentleman from Tennessee that there is a provision in the bill which reads: "Provided that in the judgment of the Secretary of the Navy such articles can be spared without detriment to the public service."

Mr. McMILLIN. I understand that; but if the articles exist the fact ought to be shown to the House, and if they do not exist it is idle for us to pass this bill.

Mr. MURPHY of Illinois. This bill has gone through the Committee on Naval Affairs.

Mr. McMILLIN. I understand that.

Mr. RICHARDSON. Mr. Speaker, I desire to make a point of order against amending one private bill by adding to it another private bill. I do not understand that to be in order, and I think it is a bad precedent to make, and therefore I make the point of order.

The SPEAKER. Neither amendment has been objected to, and the gentleman from Illinois has asked for the previous question on the bill as it stands.

A MEMBER. That, if ordered, would exclude further amendments.

The SPEAKER. That would exclude further amendments. This discussion has been going on by unanimous consent.

Mr. McMILLIN. Mr. Speaker, I had the floor and was making my inquiry before the gentleman from Illinois sought the floor to ask for the previous question.

The SPEAKER. The gentleman from Illinois asks for the previous question.

The previous question was ordered.

The amendment offered by Mr. FLYNN was agreed to.

Mr. DINGLEY. Now, Mr. Speaker, let the bill be read as it stands.

The bill as amended was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to Grand Army of the Republic post of Sparta, Ill., 1 condemned cannon and 5 cannon balls for the purpose of decorating the soldiers' monument in said place; and 2 condemned cannon and 5 cannon balls for the Grand Army of the Republic post at Morenci, Mich.: and also to donate to McDowell Post, Grand Army of the Republic, of Enid, Okla., 1 condemned cannon and 15 cannon balls: *Provided*, That in the judgment of the Secretary of the Navy such articles can be spared without detriment to the public interest: *And provided further*, That the United States shall not be subjected to any expense on account of such donation.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SPALDING, the title was amended so as to read: "A bill donating condemned cannon and cannon balls."

JAMES MILLER.

Mr. OWENS. I desire to ask unanimous consent for the present consideration of House bill No. 2889. I want to say that this bill has no merit in the world except that of justice; and that being so, I suppose somebody will object to it.

The Clerk read as follows:

A bill (H. R. 2889) for the relief of James Miller, of Bourbon County, Ky.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay James Miller, of Bourbon County, Ky., out of any money in the Treasury not otherwise appropriated, the sum of $1,570, in full of his claim for commissary and quartermaster supplies which were taken by the quartermaster of the Seventh Kentucky Cavalry for the use of the military forces of the United States during the late war.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DINGLEY. I reserve the right to object until I can hear the report.

The report (by Mr. PUGH) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2889) for the relief of James Miller, submit the following report:

The bill asks an appropriation of $1,570 for the relief of James Miller to pay him for commissary and quartermaster supplies taken from him and used by a part of the Army of the United States during the late war between the States.

The petitioner claims, and the proof shows, that in July and August, 1862, J. W. Campbell, a quartermaster in the Seventh Kentucky Cavalry, took from said James Miller, of Bourbon County, Ky., 1,680 bushels of corn, valued at 40 cents per bushel, $672; 8,400 pounds of hay, at 75 cents per hundredweight, $630; 40 cords of wood, at $2.50 per cord, $100; 420 bushels of oats, at 40 cents per bushel, $168; making an aggregate claim of $1,570; that said Campbell, quartermaster as aforesaid, gave said James Miller a receipt therefor; that said Miller gave the receipt to a gentleman by the name of Hillock to be presented to Colonel Metcalf, of said Seventh Regiment, for his approval; that said Hillock in some way lost the said receipt, which has never been found, was never presented for payment, and has never been paid.

The proof further shows that said James Miller filed his claim in the Quartermaster's Department, but was refused payment thereof by reason of the fact that the Quartermaster-General was unable to certify that he was convinced of the loyalty of the claimant, as required by the act of July 4, 1864, section 30.

It is proper to state that several persons under oath, certified in due form of law, swear very fully and positively to the loyalty of said Miller before, during, and since the late war, which, while ex parte, makes a prima facie case of loyalty, at least, while on the other hand the question of his disloyalty rests wholly upon the naked, unsworn statement of one of the special agents of the Quartermaster's Department that several gentlemen say "Miller was disloyal beyond all doubt," etc.

These several gentlemen were not sworn—made simply and only unsworn statements, which were reported to the Quartermaster-General in an unsworn statement. By the rules of the Quartermaster's Department such statements are treated as competent and proper testimony. But your committee submit that in any court of justice, as well as before a committee of Congress, such statements can not be taken and held as competent testimony. The most that the statement of said special agent can do in this case, and all the weight it should have, is that it amounts to a suggestion of disloyalty. With sworn testimony in favor of loyalty and only a suggestion against it, your committee, in the light of law and fact, are compelled to decide in favor of the loyalty of James Miller, and do therefore determine that he is loyal.

Your committee therefore report back the bill and recommend its passage.

The SPEAKER. Is there objection?

Mr. COX. This bill comes from the Committee on War Claims. I should like to make an inquiry about it. Has the bill ever been presented to the Court of Claims in order that the loyalty of the claimant might be established?

The SPEAKER. The Chair is unable to answer that question.

Mr. COX. I should like the gentleman in charge of the bill to answer it.

Mr. OWENS. As the report sets forth, the papers which would be necessary in taking this case into the Court of Claims have been lost. The proof, however, establishes very clearly the loyalty of the claimant.

Mr. COX. There are many claims of this character; and of course none of them can pass until the question of loyalty is first decided in the Court of Claims. I see no distinction between this claim and any other. But the committee report in this case that prima facie the claimant is loyal, while in thousands of other cases the claimants are obliged to go to the Court of Claims to establish their loyalty.

Mr. OWENS. The gentleman who reported this bill [Mr. PUGH] does not seem to be present.

Mr. COX. I do not want to make an objection; but I do not see any distinction between this claim and thousands of others in which the parties are obliged to establish in the Court of Claims their loyalty during the war.

Mr. OWENS. The committee say that the proof before them established very clearly the loyalty of this claimant; and the proof was equally clear in previous Congresses in which this bill was favorably reported.

Mr. COX. Why not send the case to the Court of Claims?

Mr. OWENS. I have already stated the reason why the case has not been taken to the Court of Claims. Of course gentlemen will have to determine this matter for themselves.

Mr. DINGLEY. In order that we may have time to examine into this question, I move that the House adjourn.

Mr. OWENS. That leaves the bill before the House?

The SPEAKER. It does not.

Mr. OWENS. How so?

The SPEAKER. Because there has been no consent on the part of the House to its consideration.

Mr. OWENS. Well, there has been no objection.

The SPEAKER. All the same, the motion to adjourn disposes of it. Pending the motion to adjourn, the Chair lays before the House a report of the Committee on Enrolled Bills.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (S. R. 116) authorizing the Public Printer to print the Annual

Report of the Superintendent of the United States Coast and Geodetic Survey in quarto form and to bind it in one volume; when the Speaker signed the same.

JOHN C. DULL.

The SPEAKER laid before the House the following resolution; which, by unanimous consent, was considered and agreed to:

Resolved, That the Clerk of the House be directed to request the Senate to furnish to the House a duplicate engrossed copy of the bill (S. 716) to correct the naval history of John C. Dull, the same having been mislaid or lost.

LEAVE OF ABSENCE.

Mr. HUFF, by unanimous consent, obtained leave of absence for two days, on account of business.

COMMITTEE APPOINTMENTS.

The SPEAKER. The gentleman from Missouri, Mr. COBB, asks to be excused from further service on the Committee on Banking and Currency. Without objection, he will be excused. The Chair hears no objection. The Chair appoints as a member of the Committee on Ways and Means, the gentleman from Missouri, Mr. COBB; as a member of the Committee on Banking and Currency, the gentleman from Alabama, Mr. ALDRICH, and as a member of the Committee on Labor, the gentleman from Missouri, Mr. VAN HORN.

The motion of Mr. DINGLEY that the House adjourn was then agreed to; and accordingly (at 4 o'clock and 35 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HEATWOLE, from the Committee on Foreign Affairs, to which was referred House joint resolution No. 41 and House concurrent resolution No. 12, reported in lieu thereof a joint resolution (H. Res. 172) to provide for a commission to determine the true boundary line between the United States and Canada, accompanied by a report (No. 1310); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BOWERS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation in said State as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes, reported the same with amendment, accompanied by a report (No. 1312); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred House bill No. 7262, reported in lieu thereof a bill (H. R. 8260) to establish a life-saving station at Port Huron, on the coast of Lake Huron, Michigan, accompanied by a report (No. 1322); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. WOOMER, from the Committee on Military Affairs: The bill (H. R. 2974) to correct the military record of Corydon Winkler, late private Eighth Company, First Battalion, First Ohio Sharpshooters. (Report No. 1309.)

By Mr. CURTIS of Kansas, from the Committee on Indian Affairs: The bill (H. R. 7181) for the relief of David A. McKnight. (Report No. 1311.)

By Mr. GAMBLE, from the Committee on Indian Affairs: The bill (S. 115) for the relief of the estate of Ramsay Crooks. (Report No. 1313.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (S. 321) granting a pension to James W. Dunn. (Report No. 1314.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 5077) granting a pension to Elizabeth Fitzpatrick. (Report No. 1315.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 7548) granting a pension to Eunice P. Bigelow. (Report No. 1316.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 7982) to increase the pension of Albert Head. (Report No. 1317.)

By Mr. DENNY, from the Committee on Claims: The bill (H. R. 4024) for the relief of W. S. Hammaker. (Report No. 1318.)

By Mr. HARDY, from the Committee on Pensions: The bill (H. R. 7080) granting a pension to William L. Quinn. (Report No. 1319.)

By Mr. HALTERMAN, from the Committee on Pensions: The bill (H. R. 6561) to increase the pension of Martha C. Carter, widow of Rear-Admiral S. P. Carter. (Report No. 1320.)

The bill (S 2055) granting an increase of pension to Mrs. Christine C. Barnard. (Report No. 1321.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 8235) granting to the Minneapolis, St. Paul and Ashland Railway Company a right of way through the reservation of the Lac Courte Oreilles band of Chippewa Indians of Lake Superior, in the county of Sawyer and State of Wisconsin—to the Committee on Indian Affairs.

By Mr. WOODMAN (by request): A bill (H. R. 8236) regulating instructions to juries in the courts of the United States—to the Committee on the Judiciary.

By Mr. PERKINS: A bill (H. R. 8237) to improve the printing and binding methods of the public documents—to the Committee on Printing.

By Mr. DRAPER: A bill (H. R. 8238) to provide for the publication of historical manuscripts in the Department of State, the records of the Continental Congress and Revolutionary records, and rolls now in possession of the Government, and such as may be loaned or contributed by the States or otherwise—to the Committee on Appropriations.

By Mr. REYBURN: A bill (H. R. 8239) to cause the foreign-built ship *Chasles R. Flint* to be registered as a vessel of the United States under the name of the *Charles R. Flint*—to the Committee on the Merchant Marine and Fisheries.

By Mr. HURLEY: A bill (H. R. 8240) to regulate the pay of compositors, bookbinders, and pressmen in the Government Printing Office—to the Committee on Printing.

By Mr. BROMWELL: A joint resolution (H. Res. 173) suspending the operation of the last clause of section 48 of the act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," approved August 28, 1894, for the period of two years from and after July 1, 1896—to the Committee on Ways and Means.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ARNOLD of Pennsylvania: A bill (H. R. 8241) granting a pension to Albert J. Goble, late a private of Company H, Eighth Pennsylvania Reserve Corps Volunteers—to the Committee on Invalid Pensions.

By Mr. BAKER of Kansas: A bill (H. R. 8242) granting an increase of pension to Maj. L. F. Warner—to the Committee on Invalid Pensions.

By Mr. BERRY: A bill (H. R. 8243) for the relief of Rebekah Wilkins, widow of Jesse Wilkins—to the Committee on War Claims.

By Mr. BROWN: A bill (H. R. 8244) for the relief of James R. Edwards, of Chattanooga, Tenn.—to the Committee on Military Affairs.

Also, a bill (H. R. 8245) for the relief of Alexander Parker, of Franklin County, Tenn.—to the Committee on Military Affairs.

Also, a bill (H. R. 8246) for the relief of Daniel Kaylor, of Hamilton County, Tenn.—to the Committee on War Claims.

By Mr. CLARDY: A bill (H. R. 8247) for the relief of T. R. Mason, of Adairville, Ky.—to the Committee on Claims.

By Mr. COX: A bill (H. R. 8248) to increase the pension of Mrs. Emily E. Cash—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 8249) for the relief of J. L. Garrison, of Greene County, Pa.—to the Committee on Military Affairs.

By Mr. GAMBLE: A bill (H. R. 8250) for the relief of William Gemmill—to the Committee on Military Affairs.

By Mr. HURLEY: A bill (H. R. 8251) for the relief of Frank G. Osburn—to the Committee of War Claims.

By Mr. LONG: A bill (H. R. 8252) for the relief of Lizzie Hagny, as administratrix of the estate of Frank B. Smith, deceased—to the Committee on Claims.

By Mr. McCALL of Tennessee: A bill (H. R. 8253) to pension

Mrs. Emily Sims, widow of Edmond Sims—to the Committee on Invalid Pensions.

By Mr. MILLER of West Virginia: A bill (H. R. 8254) for the relief of J. W. and J. P. Hall—to the Committee on Claims.

By Mr. SPALDING: A bill (H. R. 8255) to remove the charge of desertion from record of Edwin Horton—to the Committee on Military Affairs.

By Mr. SPENCER: A bill (H. R. 8256) for the relief of Henry McGaddery—to the Committee on Military Affairs.

By Mr. STRONG: A bill (H. R. 8257) granting a pension to Mary Hitt Walker—to the Committee on Invalid Pensions.

By Mr. TAFT (by request): A bill (H. R. 8258) to place on the rolls of Company K, Fifty-ninth Ohio Volunteer Infantry, the name of Eli Norris—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 8259) to remove the charge of desertion standing against Jacob Burkhardt, late of Company A, Twenty-eighth Ohio Volunteer Infantry—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Rhode Island: Petition of the Woman's Christian Temperance Union of Providence, R. I., against the passage of the bill to establish a bureau of military education in the public schools—to the Committee on Military Affairs.

By Mr. BROSIUS: Petition of 42 clerks in the War Department, in favor of a law creating a retired list for the superannuated employees of the Executive Departments—to the Committee on Reform in the Civil Service.

By Mr. BROWN: Papers relating to the claim of Simeon S. Barrett, of Bradley County, Tenn.—to the Committee on War Claims.

By Mr. BULL: Petition of D. Russell Brown, praying for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CHICKERING: Petition of citizens of Watertown, N. Y., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, petition of members of Joe Spratt Post, No. 323, Grand Army of the Republic, of Watertown, N. Y., in favor of service-pension bill—to the Committee on Invalid Pensions.

By Mr. LEFEVER: Petition of citizens of Clintondale, N. Y., asking that religious matter be admitted as second class in the mails—to the Committee on the Post-Office and Post-Roads.

By Mr. MEIKLEJOHN: Petition of the common council of the city of Fremont, Nebr., asking for the passage of the bill for the transmississippi and international exposition at Omaha, Nebr.—to the Committee on Ways and Means.

By Mr. SPALDING: Papers to accompany House bill to remove the charge of desertion from the record of Edwin Horton—to the Committee on Military Affairs.

By Mr. TAFT: Papers to accompany House bill for the relief of Jacob Burkhardt—to the Committee on Military Affairs.

By Mr. TOWNE: Petition of members of the Anoka Retail Dealers' Association of Minnesota, against the passage of House bill No. 6668, to amend the act relating to the sale of intoxicating liquors in the District of Columbia by raising the license fee—to the Committee on the District of Columbia.

By Mr. WELLINGTON: Petition of Joshua Lovering and other citizens of Baltimore, Md., favoring the enactment of a Sunday-rest law for the national capital—to the Committee on the District of Columbia.

SENATE.

FRIDAY, *April 17, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. ALLEN. In view of the fact that the Senator from New York [Mr. HILL] desires to resume his argument as soon as possible, I ask unanimous consent that the further reading of the Journal be dispensed with.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent that the further reading of the Journal be dispensed with. Is there objection? The Chair hears none. The Journal will stand approved, if there be no objection.

DISPOSITION OF GARBAGE.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of February 28, 1896, a full report of their action under the act of March 2, 1895, in the matter of the removal of the garbage of the cities of Washington and Georgetown; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on the District of Columbia.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented sundry petitions of citizens of Washington, D. C., praying for the passage of Senate bill No. 1515, to incorporate the Columbia Telephone Company; which were referred to the Committee on the District of Columbia.

Mr. ALLEN presented a petition of Banner Post, No. 308, Grand Army of the Republic, Department of Nebraska, of South Sioux City, Nebr., praying for the enactment of a per diem service-pension law; which was referred to the Committee on Pensions.

Mr. PEFFER. I present the petition of William B. Matchett, of Washington, D. C., praying for the enactment of legislation in relation to his claim against the Government of Venezuela. I move that the petition and accompanying papers be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. LODGE presented a memorial of the Supreme Chapter of the American Women's Citizens' League of Massachusetts, remonstrating against the appropriation of money for sectarian institutions; which was ordered to lie on the table.

He also presented the petition of G. R. Curtis, mayor, and 308 other citizens of Newburyport, Mass., praying for the speedy settlement of the Venezuelan question, and also for an alliance with England to suppress the Armenian atrocities; which was ordered to lie on the table.

Mr. PALMER. I present the memorial of John M. Mott, of Chicago, Ill. The purpose of the memorial is to call the attention of Congress to the adoption of a new alphabet and to revise the mode of spelling the English language. In a letter addressed to me personally Mr. Mott asks that the memorial shall be read at length in the presence of the Senate. I shall therefore give it some attention. It is a memorial of great length. I move that it be referred to the Committee on Education and Labor, and if that committee should think proper to lay it again before the Senate it will have an opportunity of doing so.

The motion was agreed to.

Mr. CARTER presented a memorial of 17 citizens of Wickes, Mont., remonstrating against placing the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

Mr. GORMAN presented the petition of Oliver Hemstreet and sundry other citizens of Baltimore, Md., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of Mrs. Lucy Le G. Jeffers, widow of the late Commodore William N. Jeffers, United States Navy, praying that her pension be increased from $50 to $100 per month and made equal to the pensions voted by Congress to the widows of other general officers of the Army and Navy under similar circumstances; which was referred to the Committee on Pensions.

Mr. SQUIRE presented sundry memorials of citizens of Rochester, Dryad, and Port Townsend, all in the State of Washington, remonstrating against placing the statue of Père Marquette in Statuary Hall; which were referred to the Committee on the Library.

He also presented petitions of the Chamber of Commerce of Seattle, and of sundry citizens of Black River, Maple Valley, and Vanasselt, all in the State of Washington, praying that an appropriation be made for the development of the flax industry in that State; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Ellensburg, Wash., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CALL presented the petition of F. E. Harris, editor of the Ocala (Fla.) Banner, and sundry other citizens of Florida, praying for the enactment of legislation for the relief of the book agents of the Methodist Episcopal Church South; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 2775) to authorize the Herndon and Aldie Railroad to construct a bridge over the Potomac River at or below the Great Falls, reported it with amendments.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the bill (S. 1569) allowing certain Lower

Brule Indians to take allotments of land on the Rosebud Reservation, south of White River, in the State of South Dakota, reported it with amendments.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (S. 1857) granting a pension to Nathan Mitchell, reported it without amendment, and submitted a report thereon.

Mr. MORRILL, from the Committee on Finance, to whom was referred the joint resolution (S. R. 134) authorizing foreign exhibitors at the Tennessee Centennial Exposition, to be held in Nashville, Tenn., in 1897, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits, and allowing articles imported from foreign countries for the sole purpose of exhibition at said exposition to be imported free of duty, under regulations prescribed by the Secretary of the Treasury, asked to be discharged from its further consideration, and that it be referred to the Select Committee on International Expositions; which was agreed to.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 7264) to provide for the drainage of lots in the District of Columbia, to report it without amendment. I ask that the corresponding Senate bill on the Calendar be indefinitely postponed, and that the bill just reported shall take its place.

The PRESIDENT pro tempore. If there be no objection, the bill (S. 2321) to provide for the drainage of lots in the District of Columbia will be postponed indefinitely, and the bill just reported will take its place upon the Calendar.

Mr. McMILLAN. I am also directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 6663) to authorize and regulate the sale of unclaimed freight, baggage, and other property in the District of Columbia, to report it without amendment. I ask that the corresponding Senate bill on the Calendar be indefinitely postponed, and that the bill just reported shall take its place.

The PRESIDENT pro tempore. If there be no objection, the bill (S. 2321) to authorize and regulate the sale of unclaimed freight, baggage, and other property in the District of Columbia will be indefinitely postponed, and the bill just reported will take its place upon the Calendar.

Mr. MITCHELL of Oregon, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 2005) to amend an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ended June 30, 1895," approved July 16, 1894, amending the third proviso thereof, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 818) to provide for the care and cure of inebriates in the District of Columbia, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the Committee on Pensions, to whom was referred the bill (S. 2729) granting a pension to Emma Weir Casey, reported it with an amendment, and submitted a report thereon.

Mr. BACON. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 4452) to amend section 416 of the Revised Statutes of the United States relating to the District of Columbia, to report it without amendment. I ask that the corresponding Senate bill on the Calendar be indefinitely postponed, and that the bill just reported by me may take its place.

The PRESIDENT pro tempore. If there be no objection, the bill (S. 1703) to amend section 416 of the Revised Statutes of the United States relating to the District of Columbia, will be indefinitely postponed, and the bill just reported will take its place upon the Calendar.

Mr. FAULKNER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 6104) for the relief of Anton Gloetzner, to report it without amendment. I ask that the corresponding Senate bill on the Calendar be indefinitely postponed, and that the bill just reported by me may take its place.

The PRESIDENT pro tempore. If there be no objection, the bill (S. 2182) for the relief of Anton Gloetzner will be indefinitely postponed, and the bill just reported will take its place upon the Calendar.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 2748) providing that all judgments in civil causes in the District of Columbia shall bear interest, reported it with amendments.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 2883) granting an increase of pension to Isaac Harbaugh; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PETTIGREW introduced a bill (S. 2884) to remove the charge of desertion from Ebenezer Dailey; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BROWN introduced a bill (S. 2885) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891; which was read twice by its title, and referred to the Committee on Indian Depredations.

Mr. TURPIE (for Mr. VOORHEES) introduced a bill (S. 2886) granting an increase of pension to William Drewitt; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 2887) granting an increase of pension to George Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2888) granting a pension to Robert H. Brown; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BATE introduced a bill (S. 2889) to aid and encourage the holding of the Tennessee Centennial Exposition at Nashville, Tenn., in the year 1897, and making an appropriation therefor; which was read twice by its title, and referred to the Select Committee on International Expositions.

Mr. GORMAN introduced a bill (S. 2890) for the relief of Susan S. Alexander, widow and executrix of George W. Alexander, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2891) to increase the pension of Lucy Le G. Jeffers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GIBSON introduced a bill (S. 2892) to incorporate "The National Plant, Flower, and Fruit Guild"; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. GEAR introduced a bill (S. 2893) granting a pension to Lily C. Kingsley; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McMILLAN submitted two amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. SEWELL submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. MITCHELL of Oregon submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

THE NAVAL OBSERVATORY.

Mr. MORRILL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be directed to inform the Senate how many astronomical observers are now engaged in making observations with the principal instruments of the Naval Observatory, and the object of the work being done with each instrument; whether any of the instruments are not yet in condition or not in successful use for making observations of the best, and if so, the nature of their defects; to what extent results of observations made with each of the instruments since the occupation of the new Observatory have been published in scientific journals or official works; in what respects, if any, the work being done or the observations being made with each of the instruments are different from or superior to the work or observations of other observatories; what improvements, if any, have been made upon the plans and methods of work at the old Naval Observatory; how many chronometers and nautical instruments are annually issued by the Observatory to ships of the United States, compared with the number issued by the Royal Observatory at Greenwich to British ships; the total annual expense of administering the Naval Observatory, including the pay of naval officers on duty there, and the respective portions of that expense growing out of, or fairly chargeable to, the care and issue of chronometers, the care and issue of other nautical instruments, and the astronomical work of the Observatory.

ACCIDENTS TO NAVAL VESSELS.

Mr. ALLEN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to furnish the Senate a list of all accidents that have occurred to naval vessels during the last six years, the causes thereof, and the amount of such damages, separately, in money.

UNION PACIFIC RAILWAY LANDS.

Mr. WARREN. I submit a concurrent resolution; which I ask may be read, printed, and lie over under the rule.

The concurrent resolution was read, as follows:

Concurrent resolution to relieve third-party owners and innocent purchasers of Union Pacific Railway Company lands within the 40-mile limit of the Government grant.

Whereas, by an act entitled "An act to aid in the construction of a railroad

and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also an act of Congress approved July 2, 1864, referring to the same subject, certain land grants were authorized to the Union Pacific Railroad Company; and

Whereas the Union Pacific Railroad Company completed its main line of railroad from Omaha, Nebr., to Ogden, Utah, in 1869, or about twenty-seven years ago, fulfilling the necessary requirements to entitle it to the benefit of the grants proposed; and the Government of the United States soon thereafter settled the location of the railroad or outer limit of the grant and declared the odd-numbered sections within that boundary to which the Union Pacific was entitled; and

Whereas there has since been no question as to the location of said railroad land, or outer limits thereof, or of the sections within the grant to which the Union Pacific Railroad Company was entitled on the main line of the Union Pacific Railroad in western Nebraska, northern Colorado, Wyoming, and Utah; and

Whereas the Union Pacific Railroad Company has, accordingly, with the knowledge and consent of the Government, disposed of a large quantity of this land at various dates during the last twenty or more years by sales to individuals, firms, and corporations for cash and by sales under contracts providing for installment payments during periods of ten or more years; and

Whereas, by an act of Congress approved July 10, 1886, the Union Pacific Railroad Company or its successors in title to these lands were compelled to pay taxes upon all such lands and have since been continually assessed town, city, county, and State or Territorial taxes against the same, as if they had been actually patented to the owners by the United States; and

Whereas a very large number of settlers throughout Wyoming and adjoining States have in the meantime paid in full for their homesteads and ranches and many more settlers are now completing or will soon complete the remaining payments due upon their lands, and are in some cases in possession of warranty deeds from the Union Pacific Railroad Company; in others have applied for the same; and in still other cases will within a short time so apply; and

Whereas the Union Pacific Railroad Company has, in obedience to the very numerous demands already made and other anticipated demands, and as it was in honor bound to do, proceeded in due and legal form to apply for patents from the United States, and has under the law and according to custom filed the several lists in the several land offices wherein such lands are situated, to wit, some 33 lists in all, every one of which is made up in whole or in part of lands long since sold by the railroad company, and amounting in the total to some 2,780,000 acres of land, over 95 per cent of which total has been disposed of by actual sale to settlers for cash in full, or cash in part, and contract for payment of balance; and

Whereas these thirty-odd lists, covering some 2,780,000 acres, have been duly forwarded to the United States Land Office and are yet unacted upon by said Land Office; and

Whereas the Secretary of the Interior, by verbal instructions given the Land Commissioner more than a year ago, caused the suspension of work upon the land lists in question, and later issued the following written orders as of the dates given therein, to wit:

"DEPARTMENT OF THE INTERIOR,
"*Washington, November 19, 1895.*

"DEAR SIR: I have to request that until further ordered you will spend no time in preparing and forwarding to the Department lists of lands within the granted or indemnity limits of the Union Pacific Railroad Company, the Central Pacific Railroad Company, or any of their branch lines.

"Very respectfully,

"HOKE SMITH, *Secretary.*

"The COMMISSIONER OF THE GENERAL LAND OFFICE."

"DEPARTMENT OF THE INTERIOR,
"*Washington, December 11, 1895.*

"SIR: You are hereby requested not to prepare nor to submit for my approval any lists of lands applied for on account of the grant made to any bond-aided railroad.

"The order of November 19, 1895, is modified accordingly.

"Very respectfully,

"HOKE SMITH, *Secretary.*

"COMMISSIONER OF THE GENERAL LAND OFFICE."

And therefore no work is being performed upon such lists to prepare them for patent, and no patents are being issued; and

Whereas the Secretary of the Interior in his last annual report indicated that there was a necessity or at least a desirability of affirmative action on the part of Congress in order to protect the Government claims against the railway through the forfeiture of its undisposed of lands remaining from the grant, as follows:

"Land grants.—I have recently deemed it advisable to direct the Commissioner of the General Land Office to allow his force to give their time to selections of lands made by roads other than the bond-aided roads. I have not undertaken to pass finally upon the rights of the bond-aided roads, but I have considered, in view of the fact that this whole subject must come up before Congress, that it was advisable to leave the lands as they are for the present"; and

Whereas it appears improbable that Congress will reach the subject with a remedy during the present session; and

Whereas innocent purchasers of these railroad-grant lands can not give perfect title in sale, nor exhibit a sufficient abstract to enable them to borrow money upon such lands, and are greatly injured and impoverished thereby, some being already bankrupt and others with the savings of a lifetime in jeopardy because unable to raise money on lands to improve their homesteads, stock their ranches, and support and educate their increasing families in advancing years, or in some cases to even pay taxes on account of their patents so long overdue being withheld: Now, therefore,

Be it resolved by the Senate (the House of Representatives concurring), That the Secretary of the Interior be directed to rescind his orders to the Commissioner of the General Land Office suspending work upon the Union Pacific Railroad Company land lists now on file embracing lands along the Union Pacific main line in western Nebraska, northern Colorado, Wyoming, and Utah, and shall cause work thereon to be resumed and patents to issue to the Union Pacific Railway Company without delay to all lands described in the several lists now on file in the United States Land Office, upon which title is due to the Union Pacific Railway Company, in order to complete through the Union Pacific Railway Company good and sufficient title to the purchasers and present owners of such lands.

The PRESIDENT pro tempore. The concurrent resolution will go over, under the rule.

FREE PUBLIC LIBRARY IN WASHINGTON.

Mr. MCMILLAN. I ask that the name of the Senator from Vermont [Mr. PROCTOR] be substituted for that of the Senator from North Dakota [Mr. HANSBROUGH] as a conferee on the part of the Senate upon the disagreeing votes of the two Houses on the bill (S. 1247) to establish and provide for the maintenance of a free public library and reading room in the District of Columbia.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bill and joint resolution:

A bill (H. R. 2224) granting an increase of pension to Lewis C. Schilling; and

A joint resolution (H. Res. 85) relative to the medal of honor authorized by the acts of July 12, 1862, and March 3, 1863.

The message also announced that the House had passed the joint resolution (S. R. 131) relative to the improvement of the harbor of Erie, Pa.

The message further announced that the House had passed the bill (S. 2557) granting a pension to Sarah E. Boyd, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 3607) to increase the pension of Kate Grant; and

A joint resolution (H. Res. 160) to appoint four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The message further requested the Senate to furnish the House with a duplicate engrossed copy of the bill (S. 716) to correct the naval history of John C. Dull, the original having been mislaid or lost.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. R. 116) authorizing the Public Printer to print the annual report of the Superintendent of the United States Coast and Geodetic Survey in quarto form and to bind it in one volume; and it was thereupon signed by the President pro tempore.

THE UNCOMPAHGRE RESERVATION.

The PRESIDENT pro tempore. If there be no further resolutions, the Calendar is in order.

Mr. CANNON. Mr. President, I observe by the Calendar that the unfinished business is stated to be resolution numbered 121, known as the resolution for the bond investigation. Yesterday at the head of the Calendar appeared as the unfinished business what is known as the Uncompahgre Indian Reservation joint resolution. I desire to make the inquiry of the Chair as to how the joint resolution lost its place?

The PRESIDENT pro tempore. The present occupant of the chair was not present when that matter was under consideration yesterday. The Senator from Texas [Mr. CHILTON] was in the chair. But after examining the RECORD this morning it is the opinion of the Chair that unanimous consent was given for the purpose of taking up the bond resolution and making that the unfinished business, and if that was done it displaced the prior unfinished business and sent it to the Calendar.

Mr. CANNON. In the numerous allusions to this subject which have taken place in this Chamber during some weeks past, especially since the proposed bond resolution was brought in, there has never been any understanding generally had by the Senators present, I think, that the joint resolution relative to the Uncompahgre Indian Reservation was to be displaced. Repeatedly, until the proceeding had become wearisome to the Senate, either myself or my colleague rose and asked that the joint resolution should retain its place as the unfinished business, and we received constant assurance that there was no intention to antagonize or displace the joint resolution. And so far as we have been made aware there was no action taken which would displace the joint resolution. It was the general understanding that the joint resolution should retain its place.

Mr. HOAR. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Massachusetts will state his parliamentary inquiry.

Mr. HOAR. Suppose the Senator from Utah were now to move to take up the joint resolution and the Senate were to proceed with it until 2 o'clock, would not then the measure which the Senator from Kansas [Mr. PEFFER] has in charge come up as the unfinished business?

The PRESIDENT pro tempore. The Chair understands that it would.

Mr. HOAR. Perhaps that method will satisfy both Senators.

The PRESIDENT pro tempore. The Calendar being now in order, the Chair understands that it is entirely competent for the Senator from Utah to move to proceed to the consideration of the joint resolution.

Mr. CANNON. I will then inquire if the Senator from Wisconsin [Mr. VILAS] is in attendance?

The PRESIDENT pro tempore. The Chair has no information as to that.

Mr. HOAR (to Mr. CANNON). Move to take it up.

Mr. CANNON. I move that the joint resolution be taken up for present consideration.

The PRESIDENT pro tempore. The Senator from Utah moves that the Senate proceed to the consideration of the joint resolution the title of which will be read.

The SECRETARY. A joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation.

Mr. JONES of Arkansas. I ask what will be the status of the bond resolution which was under consideration yesterday if the motion should be agreed to?

Mr. HOAR. The Chair has just said that it would be the unfinished business.

The PRESIDENT pro tempore. At 2 o'clock.

Mr. JONES of Arkansas. It comes up at 2 o'clock regularly. Then the motion of the Senator from Utah to take up the joint resolution at this time——

Mr. HOAR. Does not affect that at all.

Mr. JONES of Arkansas. It does not, I understand.

Mr. PEFFER. All that can be done with the joint resolution is to occupy the time until 2 o'clock.

Mr. JONES of Arkansas. The Senator from Wisconsin [Mr. VILAS] has been, I understand, anxious to be present when the joint resolution is considered by the Senate, and this proposition seems to come at an unusual and extraordinary time. I hope the Senate will not consider the joint resolution at this time.

Mr. PLATT. Perhaps a suggestion that there is no quorum present would bring the Senator from Wisconsin here.

Mr. JONES of Arkansas. I shall certainly make the suggestion if there is any attempt to proceed with the joint resolution.

Mr. PLATT. I make it.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cullom,	Hill,	Platt,
Allen,	Davis,	Hoar,	Pugh,
Allison,	Dubois,	Jones, Ark.	Quay,
Bacon,	Faulkner,	Lodge,	Sewell,
Baker,	Frye,	McBride,	Sherman,
Bate,	Gallinger,	McMillan,	Shoup,
Blackburn,	Gear,	Mantle,	Smith,
Brown,	George,	Martin,	Squire,
Burrows,	Gibson,	Mitchell, Oreg.	Teller,
Call,	Gordon,	Morrill,	Turpie,
Cannon,	Gorman,	Palmer,	Walthall,
Carter,	Gray,	Pasco,	Warren,
Chandler,	Hale,	Peffer,	Wetmore,
Chilton,	Harris,	Perkins,	Wilson,
Cockrell,	Hawley,	Pettigrew,	Wolcott.

The PRESIDENT pro tempore. Sixty Senators have answered to their names. A quorum is present.

Mr. CANNON. I renew my motion.

The PRESIDENT pro tempore. The Senator from Utah moves that the Senate proceed to the consideration of Senate joint resolution 102.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation, the pending question being on the amendment of Mr. VILAS to add the following proviso:

Provided, That any lands containing asphaltum, gilsonite, or like substances shall be reserved for proper disposition by Congress.

Mr. CANNON. In view of the absence of the Senator from Wisconsin, and being advised that he desires to continue his remarks on the pending amendment, I ask that the joint resolution may be temporarily laid aside for twenty minutes, until he can reach the Chamber.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent that the further consideration of the joint resolution may be postponed for twenty minutes. Is there objection? The Chair hears none, and it is postponed for twenty minutes.

MEDICAL AND DENTAL COLLEGES.

Mr. CALL. I ask the Senate to consider the motion I entered to reconsider the vote by which the Senate passed the bill (H. R. 5488) to provide for the incorporation and regulation of medical colleges in the District of Columbia. The Senator from New Hampshire [Mr. GALLINGER] desires to have the motion disposed of. I should like to say a very few words on the subject. The bill contains the following provisions:

It shall be unlawful for any medical or dental college claiming the authority to confer, or actually conferring, the degree of doctor of medicine, or doctor of dental surgery, not incorporated by a special act of Congress to conduct its business in the District of Columbia unless such college shall be registered by the Commissioners of the District of Columbia and granted by them a written permit to commence or continue business in said District in compliance with the requirements of this act.

It shall be the duty of the proper officers of any such college, before commencing or continuing business, to apply to the said Commissioners for registration.

And the "Commissioners are hereby authorized and required to make such regulations" as they may deem best.

It will be seen that instead of presenting, as is customary, the qualification of professors or teachers of any kind, the bill commits absolutely to the three Commissioners the power to say whether or not any person shall teach this particular science or profession. As to this being the plain requirement of the bill, there can be no doubt; the language needs only to be read to see that this is true. If this is not intended, the language should be changed.

A law which commits to three men the absolute power to allow or to refuse anyone permission to teach anything or give instruction in any science or profession—a censorship over human thought and expression—is not the modern system of protecting the public against wrongful opinions. It is certainly right that some protection should be afforded the public by some measure to ascertain and require qualifications of a scholastic or scientific nature of persons who shall practice the different professions, but that a blind authority should be given to three men to say to this one, "You shall," and to the other, "You shall not," is certainly an extraordinary proceeding. It is simply reviving the old idea of ancient and barbarous days, that learning, that human thought, that new discoveries should be submitted to the arbitrary will of some one or more persons.

But this bill goes a good deal further than that. It goes on to say—

That such of the officers and of the faculty of any such medical or dental college now in existence, and of every such college hereafter sought to be opened in said District, which shall continue or commence—

Not to practice the profession from which some harm might occur, but—

to offer instruction in such capacity, without first obtaining registration and permit—

To instruct, to disseminate any opinion or theory which may be conceived—

shall be deemed guilty of a misdemeanor, and upon conviction thereof upon an information filed shall be fined not less than twenty-five nor more than two hundred and fifty dollars.

I submit that no provision such as this since the days when the martyrs of science were burned for scientific discoveries and for teaching new ideas theretofore unknown is to be found in the history of any civilized country. It is to be a criminal offense created by law in this District to teach new ideas or a man's opinions upon these subjects.

Mr. President, if it be the will of this body to put upon the statute books in the District of Columbia a provision that a man shall be guilty of misdemeanor and imprisoned for free thought and for free opinion and theory and speculation upon any subject, then pass this bill; but I submit for one that it can never receive my approval nor be passed without my protest. The idea of imprisoning men because they have opinions different from the three Commissioners of this District or different from all the world is a barbarous idea. All the improvements of modern thought, all the new discoveries in medical or other sciences, have been opposed and are naturally opposed by the interest and the conservatism of the established teachers and professors.

Liberty of thought, freedom of speech, is the absolute essential of human progress, of all discoveries of science, of all new and useful inventions.

A law that no one shall teach or instruct men in a theory or practice of dentistry or medicine without a permit from three Commissioners, who know nothing about it, under penalty of fine and imprisonment certainly is not reasonable and can not be justified.

Mr. GALLINGER. Mr. President, I shall occupy the time of the Senate but a moment in explaining this bill and in making a reply to the Senator from Florida.

The Senator from Florida is laboring under a very grave misapprehension when he says that any punishment whatever is to be inflicted upon any man for holding opinions or promulgating opinions. The penalties prescribed in this bill are for the teaching professedly in a school that is established contrary to law.

I will briefly state the circumstances of this case. Under the

general incorporation act of this District any five persons can establish a theological, a medical, a dental, or any other school. They may not have any buildings, they may not have a corps of teachers, but they can proceed to issue diplomas; they can send out doctors and dentists and lawyers and preachers ad libitum, and there is no remedy in the existing law. This is something that ought never to have been done, and I apprehend that it was never contemplated when that act became a law.

The bill proposes to require the colleges that are now incorporated under the general incorporation act to go to the Commissioners of the District of Columbia and show that they have the proper facilities for imparting instruction, and unless they can so show it provides that they shall be inhibited from continuing.

Mr. President, there are only three of these so-called colleges in the District, but that is more than enough. Every one of those colleges can come to Congress and ask Congress to incorporate it, precisely as the Georgetown University, the Columbian University, and Howard University have been incorporated. If they can show to the committees of Congress and to Congress that they have the facilities for imparting instruction equivalent to those required in the medical, dental, theological, and legal schools of the present day they will have no difficulty in getting a special act of incorporation from Congress. There is a scandal upon this community in regard to this matter, and the bill which the House of Representatives has passed simply proposes to remove that scandal and to put us in this respect upon a basis that will be to our own credit, to the credit of the professions, and to the credit of the people of the District of Columbia.

I trust that the motion to reconsider will not prevail, and I ask for the question to be put.

Mr. CALL. Mr. President, it is not the bill which the Senator has described to us that is now before the Senate.

Mr. GALLINGER. Certainly it is.

Mr. CALL. It is not a bill to provide for special acts of incorporation. There will be no necessity for that. The bill is what I have read, the fourth section of which provides as follows:

That such of the officers and of the faculty of any such medical or dental college now in existence, and of every such college hereafter sought to be opened in said District, which shall continue or commence to offer instruction in such capacity without first obtaining registration and permit as hereinbefore provided shall be deemed guilty of a misdemeanor, and upon conviction thereof in the police court of said District, upon an information similar to that filed in the case of violations of the police regulations made by the said Commissioners, shall be fined not less than $25 nor more than $250, and in default of payment thereof shall be imprisoned in the common jail of said District not less than thirty nor more than ninety days.

Now, what is a college? The Senator from Massachusetts observed the other day when this measure was up for discussion that a college under the Roman law was three persons. It is defined to be a society of persons associated for a common object. They need not be incorporated. Under this bill what I have said is literally true. It proposes to punish with fine and imprisonment in the District of Columbia any person who shall teach or offer instructions upon the subject of dental or medical science without the permit of the three Commissioners. It imposes a penalty of imprisonment upon them, and it is simply a revival of that censorship upon human thought and human discovery which characterized the barbarous ages of the world.

Mr. GALLINGER. Now, a single word. I will read from the report of the committee.

Mr. CALL. I read from the bill. That is the thing to read from.

Mr. GALLINGER. The committee say in their report:

Under the general law—

That is, the incorporation act—

Under the general law any number or variety of medical colleges may be organized. A reference to it shows that any five persons may incorporate as an institution of learning a medical college, and may lawfully confer the degree of doctor of medicine without reference to the character of the teachers or their facilities for giving instruction in the science and art of medicine, and without legal requirements of any kind as to the qualifications of the candidate for such degree, either as to age, moral character, preliminary education, or duration or character of his course of instruction in medicine.

The District of Columbia is probably the only community in this entire country where the business of bogus diplomas can be carried on without let or hindrance from any source whatever.

I think this measure is understood by the Senate, and I move to lay the motion to reconsider on the table.

The PRESIDENT pro tempore. The Senator from New Hampshire moves to lay the motion to reconsider on the table.

The motion to lay on the table was agreed to.

Mr. CALL. I will ask the Senator from New Hampshire if he will allow me to incorporate in my remarks, by unanimous consent, a quotation from a medical book which has been sent to me?

Mr. GALLINGER. I have no objection to the Senator incorporating in his remarks anything he wishes.

Mr. CALL. Without reading the quotation, I ask leave to have it printed in the RECORD.

The PRESIDENT pro tempore. It will be so ordered, in the absence of objection.

The matter referred to is as follows:

A Huxley lifts up his voice to advance the cause in an international congress; a Virchow laid the foundation broad and deep in all his writings and lectures; a Schuessler, learned in pathology and every branch of science, familiar with the deeps of the wonderful system, student of physiology and biology, who traced back through its mysterious wanderings the wonderful stream of life from cell to physical structure, and proclaimed all disease to be nature's cry for food—he, too, proclaimed the truths of biochemistry. The researches of this scholar has cleared away the rubbish of ages, overthrown poisons as remedies for the sick, proven that to supply deficiencies in human blood is the true materia medica, and laid a broad and solid foundation upon which to rear the fair temple of scientific healing.

Schuessler did for the biochemic theory what Sir William Blackstone did for the science of jurisprudence in his Commentaries upon the Common Laws of England, and what Dr. Samuel Hahnemann did for homeopathy.

Biology shows biochemistry to be a science. The practical counterpart of the abstract science of Virchow's "cellular pathology" is formed by cellular therapeutics, or the system of introducing molecular cell salts. Biochemic treatment is the outcome of the teachings of biology and those sciences which of late years have disclosed nature's ways and footsteps by aid of the microscope and spectroscope.

Let every medical man, every student, test this law and conscientiously apply the molecular tissue cell salts under given abnormal conditions, as indicated here, and he will not fail to attain good results. The action by chemical affinity of these triturated molecules of cell salts is certain, because fixed by that law. Close observation of little things is the secret of true science. None who watch the wonderful results in nature from infinitely minute causes will doubt the power of little things. Under the advance of biochemistry it has become possible to apply to each kind of tissue its own general definite and peculiar salt, according to its requirement in disease. By the distinctive symptoms our physicians are guided in their choice of the particular cell salts required—the immense varieties and complications of morbid states offering vast scope for exact medical practice wherewith to build up the great pyramid of scientific medicine of this advanced era.—*The Biochemic System of Medicine, by Dr. George W. Carey, pages 25, 26.*

Mr. CALL. I am not well informed enough to have an opinion of the merits of this system or the exact truth of these statements, but every student of the processes of the human mind will recognize in these statements the paths of true investigation and discovery. This bill makes the oral teaching or expression of these opinions without the permit of the three Commissioners punishable with fine and imprisonment. The Commissioners are good men and would not abuse this power, but it is wrong and ought not to be granted.

JAMES AND EMMA S. CAMERON.

Mr. SHERMAN. Mr. President, is the Calendar in order?

The PRESIDENT pro tempore. The Calendar is now in order.

Mr. SHERMAN. I ask the Senate to proceed to the consideration of the bill (S. 2289) for the relief of James and Emma S. Cameron for occupation and damages to property and for fuel taken and used by the United States Army during the war. The bill has passed both Houses at different times, but has not become a law.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the following report, submitted by Mr. WARREN April 7, 1896:

The Committee on Claims, to whom was referred the bill (S. 2289) for the relief of James and Emma S. Cameron, having had the same under consideration, submit the following report:

This claim has been reported favorably upon by the Senate Committee on Claims in the Forty-second, Forty-third, Fifty-first, and Fifty-second Congresses, and a bill passed the Senate in the Forty-third, Fifty-first, and Fifty-second Congresses.

The claim has also been reported favorably to the House in the Fifty-first, Fifty-second, Fifty-third, and Fifty-fourth Congresses.

A copy of the Senate report, Fifty-second Congress, is hereto attached and made a part of this report.

Your committee recommend that the bill pass.

[Senate Report No. 155, Fifty-second Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 634) to authorize and direct the Secretary of War to investigate the claim made for fuel alleged to have been taken and used by the United States Army during the war from the property in Chattanooga known as "Cameron Hill," and to provide for the payment thereof, having had the same under consideration, make the following report:

The same claim, but in the form of a bill to pay Emma S. Cameron for property taken and used by the Army of the United States during the late war, was favorably reported by the Committee on Claims of the Senate of the Forty-second Congress and passed the Senate, but was not acted on in the House.

It was also reported upon favorably by the same committee of the Senate of the Forty-third Congress. It was also acted upon in like manner by this committee in the Fifty-first Congress, but amended in the Senate, to take substantially the form of the bill as now presented, and so passed the Senate. In each of said reports the allowance recommended was $10,000, and a like allowance was recommended by the Committee on War Claims of the House in the first session of the Fifty-first Congress.

James Cameron and Emma S. Cameron were before and during the late war of the rebellion the owners of a homestead in the suburbs of the city of Chattanooga, Tenn., known as Cameron Hill, containing about 37 acres, the same having been paid for out of the patrimony of Mrs. Cameron. The location was a beautiful and a commanding one. About 34 acres of this land were

thickly covered with a forest of large oak trees. Two and a half acres were highly cultivated to orchard and grape. The dwelling house, studio, small house, barn, outbuildings, fences, and improvements were in a good state of repair. This property was occupied as a residence by Mr. Cameron and his wife at the time of the breaking out of the war. In September, 1863, the Union Army, under command of General Rosecrans, entered the city of Chattanooga and took possession of this property and made such use of the premises as the commander thought for the best interests of the Army.

The trees, including orchard, were cut down and mostly used by the troops for fuel; the same use was made of the fences and outhouses and all the structures except the residence.

The proofs show this was absolutely necessary, as the weather was extremely cold and there was no other available supply of fuel. The proofs make it further apparent that, for the purpose of maintaining its position at Chattanooga, the Army was compelled to further permanently injure and disfigure said premises by the erection of earthworks upon them, and that the residence, a commodious one built of concrete, and the premises were occupied and used by our troops until the close of the war.

The loyalty of Mr. Cameron and his wife was so marked and their cheerful sacrifices for the aid and comfort of the Union soldiers so frequent and constant as to attract the attention and secure the good will of the commanding and many subordinate officers of our Army.

By special field order No. 6, Major-General Rosecrans appointed a commission to adjust claims against the United States.

Mr. Cameron and his wife filed claim before this commission for the destruction of the buildings, fences, timber, orchards, and other injuries done this property and for the use and occupation of it by the Union troops.

Upon the proofs taken at the time a finding was made in their favor of $20,000. Numerous affidavits and documents attest the loyalty of Mr. and Mrs. Cameron and the fact of fences, buildings, and timber being consumed by the Federal Army for fuel.

Among the documents submitted to the committee in support of this claim is the following letter from Maj. Gen. U. S. Grant, commanding the armies of the United States, addressed to Mrs. Cameron:

"HEADQUARTERS ARMIES OF THE UNITED STATES,
"*City Point, Va., August 9, 1865.*

"MY DEAR MADAM: Your letter of the 8th of July was duly received but not so promptly answered. I know yours to be a case where prompt payment should be made, and am willing to indorse your claim. I believe that your property at Chattanooga has been appraised by a board of officers. If so, send me the proceedings of the board, and I will make my indorsement and return them to you. If you have no such evidence of the claim inform me, and I will order a board to assess it and will indorse the proceedings. This will be the first step toward a collection.

"Yours, truly,

U. S. GRANT.

"MRS. CAMERON."

And also the following indorsement made by General Grant upon the statement of the claim as made to commission under field order No. 6:

"HEADQUARTERS ARMIES OF THE UNITED STATES,
"*City Point, Va., October 25, 1865.*

"I know the property within described, and the parties owning it, well. Mr. Cameron and his wife have been unflinching friends of the Government from the beginning of our troubles to the present day. There are no more thoroughly loyal people anywhere in the North, and they are entitled to protection and pay for their property converted to Government use. What is now known as Fort Cameron, Chattanooga, was the private property of Mr. Cameron. From its elevated and commanding position it had to be taken and fortified. By this means the entire property with improvements has been entirely destroyed for private use. I would recommend that the property be purchased at a fair valuation for Government use.

"U. S. GRANT, *General.*"

The committee recommend that the bill pass, with the amendment that the allowance made and paid shall not exceed $10,000, and that such amendment be made by adding the following to the end thereof:

"*Provided*, That no greater amount than $10,000 shall be allowed or paid to such person or persons."

Mr. COCKRELL. I call the attention of the Senator from Ohio [Mr. SHERMAN], who introduced the bill, to the fact that no appropriation is inserted on the face of the bill, as he will see by a reference to it. The bill reads:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Emma S. Cameron, in full satisfaction and payment for occupation and damage to her separate property and for fuel taken therefrom and used by Gen. W. S. Rosecran's army while at Chattanooga, Tenn., from September 1863, until the close of the war.

No amount is specified. Then the bill proceeds to say:

And which amount of $10,000 was found due by a special commission appointed by Major-General Rosecrans to adjust claims against the United States on full proof and investigation of the facts.

The bill, however, does not authorize the payment of $10,000.

Mr. SHERMAN. That ought to be corrected.

Mr. COCKRELL. I move to insert after the word "pay," in line 4, the words "the sum of $10,000"; so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay the sum of $10,000, out of any moneys in the Treasury, etc.

Mr. WARREN. That should have been in the bill, and I supposed it had been incorporated. It must have been omitted by an oversight.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL NEW HAVEN BANK.

Mr. PLATT. I ask unanimous consent for the present consideration of the bill (S. 1365) for the relief of the National New Haven Bank of the State of Connecticut. This is for the payment of a claim which is now twenty years old, and which has passed the Senate twice and the House of Representatives once. There is no earthly objection to it, and I ask that it may be considered and acted upon at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1365) for the relief of the National New Haven Bank of the State of Connecticut. It proposes to pay the National Bank of New Haven $3,519.15.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

UNCOMPAHGRE INDIAN RESERVATION.

Mr. PETTIGREW. I ask unanimous consent for the immediate consideration of the bill (S. 1902) granting a pension to Jennie E. Burch.

The PRESIDENT pro tempore. The Chair is obliged to call the attention of the Senate to the fact that the twenty minutes have expired for which the joint resolution of the Senator from Utah [Mr. CANNON] was postponed.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation.

Mr. CANNON. I desire to be courteous to the Senator from Wisconsin and to give way to him, but I must be courteous to the entire Senate, which has consented to the postponement of this question for twenty minutes at my request; and as there are remarks to be made by my colleague [Mr. BROWN], if he shall proceed the Senator from Wisconsin may arrive before his address shall have been concluded.

The PRESIDENT pro tempore. The question is on the amendment heretofore submitted by the Senator from Wisconsin [Mr. VILAS].

Mr. BERRY. The Senator from Wisconsin, I know, desires to be present and wishes to be heard on this question. He is prepared to speak upon it, and I hope the joint resolution will not be passed in his absence, for I am sure that he had no idea that it was to come up this morning or he would have been here. I do not think it fair to pass an important matter of this character, to which there is objection on his part and on which he desires to address the Senate. I hope, therefore, the Senator from Utah will not insist upon going on now with the consideration of the joint resolution. There is only five minutes left before, as I understand, another matter will come before the Senate, and there is no time to debate the joint resolution.

The PRESIDENT pro tempore. The Chair will take the liberty of informing the Senator from Arkansas that the Senator from Utah [Mr. CANNON] gave notice that his colleague [Mr. BROWN] desires to submit remarks on the joint resolution at this time.

Mr. BERRY. I did not know it.

Mr. BROWN. I did not care to make remarks at this time, but before the joint resolution shall be passed I desire to discuss it. If the Senator from Arkansas has any suggestions to make by which the matter can soon be disposed of we will listen to it with great pleasure. We have waited for the Senator from Wisconsin time and time again, and he showed his appreciation of our courtesy by trying yesterday to close us out and put the joint resolution back on the Calendar.

Mr. BERRY. I can not hear the remarks of the Senator.

Mr. BROWN. What I have to say will apply to the amendment of the Senator from Wisconsin and in reply to the remarks which he has already partly made.

Mr. BERRY. I did not know the Senator desired to submit any remarks upon the question, or I should not have said a word. I thought the effort was to pass the joint resolution at once.

Mr. BROWN. I am not particular that the joint resolution be taken up now, but we want it disposed of when it is taken up. I shall be very brief in what I have to say upon it, if it is to be brought up at this time. If there be no other suggestion of delay on the part of the friends of the Senator from Wisconsin, we shall ask for a vote. All that I was at present going to call the attention of the Senate to was the peculiar nature of the amendment of the Senator from Wisconsin. It is an amendment not so much to the joint resolution which is now before us, to which I will call attention briefly; the joint resolution which is now before the Senate is one asking the Interior Department to carry out a law which was passed nearly two years ago; and now that the joint resolution is before the Senate, the Senator from Wisconsin moves to amend by this peculiar amendment, which says in substance:

Provided, That where any mines exist upon the premises, the lands shall be reserved from sale and be sold to the highest bidder.

An amendment of this character is one to change the entire policy of the United States. For nearly forty years it has been the policy of the Land Department of the United States and the policy of Congress, in disposing of public lands, to sell them to the actual settler, to the homesteader, to the miner, to those who will use

them, and not sell them for speculation. Prior to that, more than thirty-five years ago, it was considered the proper thing to sell, after advertising, to the highest bidders, to speculators, and the money made out of the sale of the lands was received into the Treasury. But it has since then been the policy of the United States to encourage the citizen to occupy and to improve the lands, and under it we obtain greater wealth than would result from the mere money that can be procured from the lands themselves. The homesteader who has settled and improved 160 acres of land brings to this country greater remuneration than can be procured by selling the land to some speculator.

It is true that the United States might pick out here and there choice pieces and say, "We will advertise these for sale and get more than $1.25 an acre, or get much more than is given by the homesteader"; but we lack in selling lands the real good—we lack the benefit of the citizen.

Mr. President, the policy which was outlined for the homesteader has also been the policy of the United States toward the miner. When gold was discovered in California and it became known all over the United States and the whole world that those sands were of inestimable value the lands were unsurveyed; there was no law which permitted the miner to take them. The United States could have sold them had it so wished. Had they been possessed with the sentiment which seems to actuate the Administration and the Senator from Wisconsin to-day, they could have said, "We will put up at public auction these valuable sands, and he that shall give the most for them shall have them." But, on the other hand, by a generous policy the miners were permitted, without any express statute, to divide those lands among themselves by their local laws and customs, by exerting purely practical republicanism or democracy. There was no statutory law in existence, and the miners disposed of those valuable lands among themselves. The United States stood by and recognized such disposition, and it was known to be the policy of the United States to upbuild the mining industry. Not only was that the policy with regard to the California placers, but when, in the midst of our civil war, the great Comstock lode was discovered—which was, if I remember rightly, before any act of Congress was passed upon the subject—instead of the United States coming forward and saying as to those vast silver deposits discovered on the public domain, "We will sell them," they offered substantially a bounty to the miners; they gave them the lands for the nominal consideration of occupying them; they built for the miners of the Comstock lode the Sutro tunnel.

To go a little further, Mr. President, in 1866 Congress passed a law providing that all valuable mineral deposits in the lands of the United States should be free and open for exploration to whomsoever should locate and find the mineral thereon. The lands which we are now considering were in that category. They were the public lands of the United States; they had these valuable minerals upon them; they were free and open to the exploration of the miner, and ought to remain as such, and I claim are still public lands of the United States.

In 1880 this tribe of Uncompahgre Indians were residing in Colorado, and, on account of some depredations which they then committed, were induced to sell their lands to the United States, receiving for them a million and three-quarters of money, which was deposited in the Treasury of the United States. It is there now. They ceded away by treaty all they ever had. In that treaty they were permitted to go to the mouth of the Gunnison, in the State of Colorado, and temporarily occupy land; but, instead of going there, for some reason or other, probably because they were surrounded by soldiers and forced to go elsewhere, they were brought into what is now the Uncompahgre Reservation, a part of the public lands of the United States, and were allowed to remain there simply as occupants. They had no right there; they were simply there at the pleasure of the Government from 1880 to 1882. In 1882, there being no law and no right for the Indians to be at this place, the President of the United States issued an Executive order setting aside this Uncompahgre Reservation for their use, and they remained on that reservation from that day until 1894, when Congress passed an act, which has been read here and to which I will call attention. I will read two sections of the act, which are as follows:

SEC. 20. That the President of the United States is hereby authorized and directed to appoint a commission of three persons to allot in severalty to the Uncompahgre Indians within their reservation, in the Territory of Utah, agricultural and grazing lands according to the treaty of 1880, as follows:

"Allotments in severalty of said lands shall be made as follows: To each head of a family one-quarter of a section, with an additional quantity of grazing land not exceeding one-quarter of a section; to each single person over 18 years of age one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section; to each orphan child under 18 years of age one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section; to each other person under 18 years of age born prior to such allotment one-eighth of a section, with a like quantity of grazing land: *Provided*, That with the consent of said commission any adult Indian may select a less quantity of land if more desirable on account of location: *And provided*, That the said Indians shall pay $1.25 per acre for said lands from the fund now in the United States Treasury realized from the sale of their lands in Colorado as provided by their contract with the Government. All necessary surveys, if any, to enable said commission to complete the allotments shall be made under the direction of the General Land Office.

"Said commissioners shall, as soon as practicable after their appointment, report to the Secretary of the Interior what portions of said reservation are unsuited or will not be required for allotments, and thereupon such portions so reported shall, by proclamation, be restored to the public domain and made subject to entry as hereinafter provided."

SEC. 21. That the remainder of the lands on said reservation shall, upon the approval of the allotments by the Secretary of the Interior, be immediately open to entry under the homestead and mineral laws of the United States: *Provided*, That no person shall be entitled to locate more than two claims, neither to exceed 10 acres, on any lands containing asphaltum, gilsonite, or like substance: *Provided*, That after three years' actual and continuous residence upon agricultural lands from date of settlement the settler may, upon full payment of $1.50 per acre, receive patent for the tract entered. If not commuted at the end of three years the settler shall pay at the time of making final proof the sum of $1.50 per acre.

Here was a plain, clear statement of the law to be executed by the Administration, and yet all that ever was done was to examine these lands first and see how many were agricultural and suitable for the Indians. The Secretary of the Interior has done it. He finds there were few or none in the whole reservation; he knows every acre which is suitable for occupation by the Indians; but, although that has been accomplished, he declines to allot the lands to the Indians, and declines to open the reservation. Why? Because he says he does not approve of this legislation. He asks us now to set aside the policy of the United States which has existed for forty years, and in this case expose for sale these gilsonite beds. To that proposition we ask the attention of the Senate.

Without standing here to denounce the Secretary of the Interior or the Administration, I submit to the Senate whether that is a proper answer to a bill which has passed both Houses of Congress and received the approval of the Executive. "I do not think," he says, "that the legislation was properly understood." We ask now that this amendment may be voted down and that the law may be enforced.

I had intended, in reply to the Senator from Wisconsin, to say a word or two as to the rights of those who had gone into these gilsonite beds and made mineral locations; but, as he is absent, perhaps it will be unnecessary for the illustration of the question we have now before us. Should anything in the future be said on that subject, I may add something on it at a later day. Now, we ask that the Senate vote down this amendment, which is in the teeth of the policy of the United States and contrary to the law which was passed two years ago.

Mr. GORMAN. Mr. President, I ask that the joint resolution may go over until to-morrow on account of the absence of the Senator from Wisconsin.

Mr. BROWN. It can come to a vote now. If it goes over until to-morrow, it will be just as before. To-morrow will be Saturday.

Mr. GORMAN. The Senator from Wisconsin gave notice yesterday, or the day before, that he desired to be heard on this question. It is a very important matter, and I trust it may go over, without prejudice, to be called up as soon as he comes in. There ought to be no opposition to that.

Mr. BROWN. As I said in the first place, I should be very glad to accommodate the Senator from Wisconsin. I suggested before that we would do anything we could to accommodate him; but we have been doing that for a month, and when we wait for him he says that we are out of order, because everything is delayed by this joint resolution, instead of hurrying it forward. It has come now to a hearing. We were told by one of his friends the other day that it was our business to be in the Senate and attend to and watch this joint resolution. Now the Senator from Wisconsin is absent. It is his business to be here and he ought to be here, to use the language which was used the other day, if he wants to be heard on the joint resolution. I think we shall ask that the amendment be voted on at this time.

Mr. ALDRICH. Mr. President, I think the Senator from Maryland, if he stops to consider, will see that it is impossible for us to go ahead and do what he suggests. We should not keep half a dozen unsettled matters before the Senate awaiting the convenience of Senators who are in the city, possibly in the Senate, and whose convenience it may be not to be able to speak at a particular moment. I see no reason—there is no reason apparent to my mind—why this joint resolution should wait for the presence of the Senator from Wisconsin or any other Senator when it was known that it was before the Senate, was the unfinished business, and was liable to be acted upon at any time.

It must be evident to Senators that there is some purpose back of this constant attempt to delay these various resolutions and bills which are the unfinished business before the Senate; and if there is, it might as well be developed now as at any other time. I think the Senate should proceed with the business in an orderly way and dispose of some of these questions.

Mr. GORMAN. Mr. President, I am very glad to hear the statement from the distinguished Senator from Rhode Island. It is the first intimation we have had from the leader on the other side of the Chamber, who has charge of the business of this Congress and responsibility for enacting legislation at this session. His party

has every committee of this body by a majority vote of the Senate. We on this side surrendered as gracefully as it was possible to the combine on the other side; we have looked forward to the expediting of the business of this Congress, and hoped that it would be pushed along much more rapidly than it has been. There has been no delay on this side, no obstruction to any matter, but we have been a good deal puzzled to find the reason why my distinguished friend from Rhode Island and his colleagues have not marked out some well-defined programme which we might follow.

I took the liberty, at the suggestion of one or two of my friends on this side of the Chamber, the day before yesterday to suggest that as to this great privileged question which is before the Senate, involving the right to a seat in this body, a time should be arranged for a vote, but it was met immediately with the response from the chairman of the Committee on Privileges and Elections on the other side that that could not be done; that even a suggestion for an arrangement could not be entertained for a week or ten days. We are ready to-day to agree to any proper programme for the conduct of business. The majority have never yet suggested one until just now, when the Senator from Rhode Island made the suggestion he did.

Here is a subject brought up by a vote of the Senate this morning on which the Senator from Wisconsin desires to be heard. I think it is more than an ordinary matter with him; I think some suggestion has been made of views opposite to his, on which he regards it as absolutely necessary that he should be heard. Unfortunately, he is detained from the Senate this morning for personal reasons.

My only suggestion was that the matter should go over without prejudice, to be called up the moment the Senator from Wisconsin returns. I have never known the Senate to refuse such a request. The Senator from Utah [Mr. CANNON], who first brought the matter to the attention of the Senate, understood and appreciated thoroughly that that was the case.

Mr. WOLCOTT. Mr. President, I wish to make a suggestion respecting the Utah matter. The Senate has consumed several weeks in the discussion of a question which no court of record in the whole world would give either side more than two hours to discuss. Continuous speeches have been made here by Senators that have lasted over three days. We have taken up the question and looked at it from every point of view. We have done everything respecting it except vote upon it, which is probably the most remote contingency that we can look forward to.

No Western matter has been called up in the Senate during the entire session or considered in the slightest degree, and here is a new State in the Union, with its wants and its needs, asking, through its Senators, that the Secretary of the Interior carry out existing law. That is all it does. It does not ask for legislation, but that the Secretary of the Interior carry out existing law. It has been met with opposition of the most remarkable and persistent character. Day after day the consideration of the joint resolution has been adjourned and put over for one reason or for one pretext or another.

Now, I have no doubt that it will go over again to-day because the Senator from Wisconsin is not here; but I do appeal to Senators who ask this renewed courtesy that they in their turn, when another day shall come, instead of throwing obstacles in the way of passing upon this measure, will feel doubly bound to further its consideration and action upon it. It is just and it is fair, and by whatever tactics it is postponed day after day, whether it be by appropriation bills or matters that are spoken of as questions of the highest privilege, or whether it is to be made the football of party politics, in which one side of the Senate or the other is to seek an advantage by charging the other with delaying the proceedings of the Senate, I trust that the endeavor of this new State, represented by its Senators here, who intelligently and fearlessly are seeking to do their duty and to have the laws of the country obeyed, may be met by some sort of cooperation and not by obstruction.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER (Mr. CHILTON in the chair). The Senator from Maryland [Mr. GORMAN] is entitled to the floor.

Mr. GORMAN. I give way to the Senator from Rhode Island.

Mr. ALDRICH. Mr. President, the Senator from Maryland and the country understand that neither of the great political parties has a majority in the Senate.

Mr. GORMAN. We do not understand that.

Mr. ALDRICH. I should think the Senator has had reason to know it on many occasions. If there was a combine, as he says there was, as to the organization of the committees of this body, certainly there have been many combines of a more effective nature between the Senator from Maryland and his friends and the gentlemen who hold the balance of power in the Senate from that time to this. The Senate and the country perfectly understand that there is no majority on the part of either of the great political parties in the Senate, and that neither party by itself is responsible for legislation or for the course of business in the Senate. We are all equally responsible, I take it, for the orderly conduct of the business of the Senate and for proceeding with its business to a conclusion, in order that the country may be relieved, if that is the proper word, of the further session of the Congress of the United States for some time to come.

The Senator from Maryland asks me why we do not have a programme in regard to this matter. I suggest that we now have a programme, which shall be agreed upon by both sides of the Chamber, to dispose of the questions that are now before the Senate, either wholly or partly, as unfinished business or otherwise. I suggest to the Senator from Maryland that if he desires to accommodate the Senator from Wisconsin, we shall have an agreement to take a vote upon this question without further discussion after the Senator from Wisconsin shall have concluded his remarks. I take it for granted that nobody on this side of the Chamber cares to discuss the question further, and if that is the case, I suggest that, without further debate, we have a vote at the conclusion of the remarks of the Senator from Wisconsin.

Mr. CANNON. Will the Senator yield to me for a moment? I suggest that on one other occasion this question was made the unfinished business to follow a certain order of business then upon the Calendar. It was held in that position for a week or ten days, and then it became the unfinished business at the head of the Calendar on the conclusion of the first unfinished business.

If the matter might once more be placed in that attitude, to become the unfinished business immediately upon the conclusion of the bond resolution now before the Senate, I am satisfied it would meet with approbation.

Mr. ALDRICH. There will be no other discussion on this side of the Chamber?

Mr. CANNON. No; unless some points altogether new to the discussion so far developed shall be brought forward by the Senator from Wisconsin.

Mr. ALDRICH. It is perfectly well understood as to this matter that the discussion of it is not to change anybody's vote. It is largely a moot discussion of the question. The speech of the Senator from Wisconsin or any other speeches may be made just as well upon some other measure as upon the pending resolution, I take it.

Mr. GORMAN. Mr. President——

Mr. ALDRICH. I ask the Senator from Maryland whether he is willing to consent to the suggestion which I have made for the disposition of this matter?

Mr. GORMAN. Of course I know the tactics of my distinguished friend the Senator from Rhode Island. He disclaims for the other side of the Chamber all responsibility for the management of the Senate. It is perfectly well known that the party in this Chamber which has control of the committees must necessarily control legislation.

Mr. ALDRICH. Experience has shown us that that is not true.

Mr. CHANDLER. Does the Senator from Maryland think that that party could pass a tariff bill if it could get it up here some day?

Mr. GORMAN. We will come to the matter of the tariff later on. But I wish to say now, in answer to the Senator from New Hampshire, that his party will be held responsible by the country, and if it proceeds to make appropriations beyond the resources of the Treasury of the day without providing revenue the responsibility therefor is with the other side of the Chamber.

Mr. CHANDLER. The Senator from Maryland, with his solemnity, has frightened me on various occasions, both personally and in reference to the Republican party. But we are both getting on very well at this time, and I really wish the Senator would be more cheerful and aid us to go on to the consideration of the appropriation bills.

Mr. GORMAN. I am delighted that I have succeeded in frightening the Senator from New Hampshire. I have accomplished a great feat, for he has recently frightened his own party. [Laughter.] However, that is aside from what I wish to say on this case.

Mr. VILAS entered the Chamber.

Mr. ALDRICH. I understand the Senator from Wisconsin has just entered the Chamber. So I presume we shall have no trouble about proceeding with the Utah matter.

Mr. GORMAN. If the Senator from Wisconsin is here and is prepared to go on, I have nothing further to say in the matter except to remark to the Senators from Utah that I myself have no disposition to delay the vote upon their joint resolution. It is not that; but I have never before known a case in the Senate when a Senator who desired to speak on a subject was absent and detained, as in this case, accidentally, that the measure was not passed over during his absence, to be taken up on his return.

Mr. BROWN. Allow me to interrupt the Senator from Maryland. I was about to say that if the Senator from Wisconsin was absent we would wait until to-morrow for a vote to be taken.

Mr. GORMAN. That is all I suggested. As to the remarks of the distinguished Senator from Rhode Island [Mr. ALDRICH] and the distinguished Senator from Colorado [Mr. WOLCOTT], who thinks there is politics in everything suggested on this side of the

Chamber, I have only to say that we shall be very glad to make some arrangement looking to the order of business in the Senate. Such an arrangement has not been suggested by the other side of the Chamber having charge of the committees. We can not in this piecemeal way take up one measure and another by unanimous consent. I wish to give notice now, Mr. President, that I shall object at any time during the present session if I am in the Chamber to further unanimous-consent agreements for the consideration of any measure.

Mr. ALDRICH. Of a general character.

Mr. GORMAN. Of a general character and other than the appropriation bills.

Mr. ALDRICH. I will join the Senator from Maryland in that declaration.

Mr. GORMAN. It is a practice which has grown up that results in inconvenience and I think in a delay of business. The Senator from West Virginia [Mr. FAULKNER] suggests to me that my statement is rather broad. I do not mean as to unanimous-consent agreements to take up a measure immediately, but I mean arrangements to fix a time a week or ten days ahead or any other time in the future.

Then, in addition, if Senators on the other side of the Chamber, who have all the chairmanships of the great committees of this body, desire, as we have done usually, to designate the public measures in the order in which they shall be considered, which saves time and serves everybody, we shall be glad to consider it. It is always done and suggested to the minority. We on this side are in the minority, and we have waited for such a proposition. There has been no obstruction and no attempt to obstruct; but from now on, for the balance of this session, there will be, as there has been, and always ought to be in this Chamber, very thorough discussion of matters of public importance. There will be no attempt on our part, so far as I know, to obstruct legislation. There will be prevented, so far as we can prevent it, undue haste in respect to matters to dispose of which there may be a desire on the part of gentlemen who may wish to go off for the summer season or on other matters which might be suggested by my friend the Senator from Colorado [Mr. WOLCOTT], who always thinks there is politics in every suggestion made on this side. That is all there is in the matter. The Senator from Wisconsin [Mr. VILAS] is now present, and he can manage his own case.

Mr. TELLER. Mr. President, I wish to say a word. I have always understood that unanimous-consent agreements toward the close of a session are subject to the right of the Appropriations Committee. That right is not always reserved, but it has been the rule of the Senate for a great many years, as I know that a measure which has been taken up by unanimous consent can be temporarily laid aside to allow the Appropriations Committee to proceed with a bill. If that is understood, there can not be any objection to a unanimous-consent agreement or the taking up of a measure by vote. It is understood. The right of way is reserved all the time to the Appropriations Committee.

Mr. VILAS. Mr. President, I understand that the joint resolution came up this morning by unanimous consent.

The PRESIDING OFFICER. The Chair did not hear the inquiry of the Senator from Wisconsin.

Mr. ALDRICH. It was taken up on motion.

Mr. VILAS. For consideration in the morning hour?

The PRESIDING OFFICER. The present occupant of the chair——

Mr. HILL. I will inform the Senator from Wisconsin that it will have to give way at 2 o'clock to the regular unfinished business.

Mr. ALDRICH. That depends upon whether the Senate so determines or determines otherwise.

Mr. HILL. And I am so desirous of continuing my remarks, that I hope the Senator from Wisconsin will not speak later than 2 o'clock.

The PRESIDING OFFICER. The present occupant of the chair was not present when the order was made, but he is informed that the resolution was taken up by a vote of the Senate this morning.

Mr. VILAS. Mr. President, I have no interest in the joint resolution in any way except such as every Senator on this floor has. I have been ready at every moment when request was made to take up the measure. Yet there has been, as I judge from the RECORD, a singular felicity in the attempt to take up the joint resolution when I did not happen to be in the Chamber or a felicity of choice of the time when I happened to be absent.

I am put to the duty of calling the attention of the Senate to the facts in the case, both against my inclination and very much against my personal feeling in many respects. But it happens that I had some service on a committee of the Senate which compelled me to acquire knowledge of the facts relating to this business, and the Senate ought to know the facts. If when those facts are known to the Senate they choose to deliver over this property, which is worth in revenue to the United States, if properly employed, hundreds of thousands of dollars a year, for the nominal price of $5 or $10 an acre to some persons who may thereby be very much enriched at the cost of the public, the Senate is at liberty to do it.

It is true, as I am told, that the Senator from Rhode Island [Mr. ALDRICH] made the remark this morning that no facts and no arguments would make any difference with his opinion.

Mr. ALDRICH. No, no. I said the opinion of the Senate; I did not say my opinion.

Mr. VILAS. The opinion of the Senate. It matters not, I suppose, then, in the judgment of the Senator from Rhode Island, that this is an attempt to take from the public a large amount of valuable property and bestow it on some private individuals.

Mr. ALDRICH. I understand the resolution is a concurrent resolution, and can not become legally effective as a law of the United States; and whether it is passed or not, it is merely an expression of opinion on the part of the two Houses of Congress. It will not change the opinion, I take it, of the present Administration or the present Secretary of the Interior, and from that standpoint I said that the discussion was a purely academic discussion.

Mr. HAWLEY. It is a joint resolution.

Mr. ALDRICH. It is a concurrent resolution.

Mr. VILAS. The Senator from Rhode Island is, naturally enough, in error in his fundamental preface. The resolution is a joint resolution.

Mr. ALDRICH. Then it has been changed since it was first presented.

Mr. VILAS. No; it was not even a concurrent resolution when first presented.

Mr. ALDRICH. It was a concurrent resolution when I saw it.

Mr. VILAS. I believe I am right in saying that it was a joint resolution at the beginning. The Senator from Utah [Mr. CANNON] knows.

Mr. CANNON. This particular resolution was introduced as a joint resolution. There was a resolution on the same subject formerly submitted which was a concurrent resolution.

Mr. VILAS. It was never the subject of debate.

Mr. ALDRICH. I knew there was a concurrent resolution upon the same subject before the Senate, and I supposed this was the same resolution. I take it for granted that the present chief of the Democratic Administration would not approve the joint resolution, which is substantially a vote of a want of confidence in himself and in his Secretary of the Interior. So, whatever may be said or done here, I repeat, is not likely to affect the result in this case in a legal way.

Mr. VILAS. Is it likely to affect the vote of the Senate?

Mr. ALDRICH. I do not know.

Mr. VILAS. I understood the Senator's remark was that it would not affect the vote of the Senate.

Mr. ALDRICH. I have great confidence in the skill, capacity, eloquence, and use of language of the Senator from Wisconsin. I have seen it exemplified on many occasions in the Senate, and I have no doubt——

Mr. VILAS. That is not the question which is presented to the Senate.

Mr. ALDRICH. I understood the question which the Senator asked me was whether his speech would not change it.

Mr. VILAS. The Senator could not have understood anything of the kind.

Mr. ALDRICH. That is the question——

Mr. VILAS. The question was whether facts in relation to this matter when presented would affect the judgment of the Senate.

Mr. ALDRICH. But the question the Senator put to me was whether his speech was likely to affect the vote in the Senate.

Mr. VILAS. The Senator's remark was made before I came in.

Mr. ALDRICH. I imagine that the facts to be stated by the Senator from Wisconsin will be given due weight and consideration by the Senate, as his remarks always are, but I adhere to my original proposition, that the chances are that no vote will be changed by his speech.

Mr. VILAS. I presume the Senator very correctly speaks for himself. I should have very little expectation of altering by any array of facts his opinion as to something upon which he had determined to cast his vote. I do not understand that the Senate is entirely of the same opinion or that it adopts the same rule of practice which the Senator from Rhode Island has indicated. Therefore I desire to call attention to the facts in this case. I might perhaps abbreviate something of what should be said by reference to what has been said, but it has already become matter of ancient history from the course of business in the Senate. Therefore I feel authorized to recall it.

The proposition which is made in effect by the joint resolution is to subject the very valuable lands lying on the eastern side of the Uncompahgre Ute Reservation, within four townships particularly, upon which veins of gilsonite of enormous value have been

found, to the claims of certain alleged prospectors, by which the lands are to be taken at a nominal price per acre. I undertook to explain the history of this attempt and I desire to repeat something of it. I called attention to the fact that during the Fifty-first Congress, when everything that was extravagant, that tended to dissipate the public property and the public moneys, found a ready sort of acceptance in Congress, a bill was passed to give effect to this purpose, and that it was vetoed by General Harrison, and his veto message, very moderately expressing objection to the bill, was at least such that no attempt was made to induce Congress to pass the bill over his veto. In that message he said of the legislation:

> The object, then, of this legislation is to be sought not in any public demand for these lands for the use of settlers—for if they are susceptible of that use the Indians have a clear equity to take allotments upon them—but in that part of the bill which confirms the mineral entries, or entries for mineral uses, which have been unlawfully made "or attempted to be made on said lands." It is evidently a private and not a public end that is to be promoted. It does not follow of course that this private end may not be wholly meritorious, and the relief sought on behalf of these persons altogether just and proper. The facts, as I am advised, are that upon these lands there are veins or beds of asphaltum or gilsonite, supposed to be of very great value.
>
> Entries have been made in that vicinity, but upon public lands, which lands have been resold for very large amounts. It is not important, perhaps, that the United States should in parting with these lands realize their value, but it is essential, I think, that favoritism should have no part in connection with the sales. The bill confirms all attempted entries of these mineral lands at the price of $30 per acre (a price that is suggestive of something unusual) without requiring evidence of the expenditure of any money upon the claim, or even proof that the claimant was the discoverer of the deposits.

I suppose even that language from the President whom he helped to the Presidential chair would not have influenced the Senator from Rhode Island, and, if I may accept his statement, it would not tend to influence any of the Senators whose opinions he seems to represent upon this floor.

But, Mr. President, after that measure had thus been vetoed by the President of the United States and the Fifty-first Congress had not passed it, it came back again in the Fifty-second Congress in another form. The proposition then, as I showed when I last took occasion to take the floor on this measure, was to set apart out of the Uncompahgre Ute Reservation the four townships of land in which those valuable bodies of gilsonite lie. The Committee on Indian Affairs investigated the subject and made a report on it, which I have put into the RECORD in the remarks which were made some weeks ago and in which I was interrupted. In the report the committee said, as the result of their investigation, that there were no discoverers who were entitled to claim those lands by reason of discovery, that there were no prospectors who were entitled to claim those lands by reason of priority of discovery, for the material lay open, on the surface of the ground, and was known to exist by those who had been there not in mineral pursuit, but in the ordinary way of traversing the country for gain or for other expeditions in which they might be engaged.

It was like discovering the existence of rock in the Alps or on the peaks of the Rocky Mountains. Everybody knew it was there who knew anything of it. It was not the product of research, of expenditure, of investigation. More than that, whatever claim was made by certain persons as prospectors was a claim in defiance of the law. Upon that subject I shall ask the attention of the Senate in a moment to some statements before the Senate from the Commissioner of Public Lands under General Harrison, who is an honored associate of ours upon this floor to-day.

Mr. President, when, as one of the subcommittee of the Committee on Indian Affairs, this measure, in the Fifty-second Congress, was under my consideration I addressed an inquiry to the Secretary of the Interior in respect to the proposed bill and certain claims of alleged prospectors on these lodes of gilsonite, and I received the answers which I hold in my hand and which I will ask the Secretary to read. The first is from Mr. Commissioner Carter, of the General Land Office, and the second, based upon that in part, from the Acting Secretary of the Interior, Judge Chandler.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., April 12, 1892.

SIR: I have the honor to acknowledge the receipt of a letter from the Hon. WILLIAM F. VILAS, United States Senate, which you referred to this office for report.

The Senator's letter relates to the White River, Kansas City, Joseph A. Thatcher, Scorpion, Lucky Boy, Leavenworth, Cow Boy, Dixie, Bandanna, Archie, Davy Crockett, Plumed Knight, Raffle, Black Jack, Wasatch, New York, Lorna Doone, Eureka, Colorow, Frying Pan, Utah, Mary Mc, and Ouray lode claims, located in August, 1888, and said to bear "albertite or gilsonite."

From the description furnished, the exact geographical position of said claims can not be determined, nor can they be definitely located upon any map, plat, or diagram in this office. They are, however, in Uinta County, Utah, and within the Uncompahgre Ute Indian Reservation.

This reservation was established by Executive order dated January 5, 1882, under act of Congress approved June 15, 1880 (21 U. S. Stats., 199).

Although the land within this reservation is in a certain sense public land, yet in view of said act and order I am of the opinion that the attempt to locate the claims above mentioned under the mining-land laws was unwarranted and illegal.

Said attempted locations being, in my judgment, without any warrant in the law, I fail to see that these locators could acquire any rights, legal or equitable, as locators or discoverers by reason of such locations, or by reason of having notices thereof recorded in the office of the recorder of Uinta County, Utah.

I have been unable to find in any standard work on mineralogy any authority for designating any mineral substance as "gilsonite," but from information received I am led to think that that term has come into use as descriptive of a fine quality of asphaltum, dealt in by the Gilson Asphaltum Company, of St. Louis, Mo., with agencies in London and Hamburg.

In the Century Dictionary I find "albertite" to be defined as being a hydrocarbon, pitch-like in appearance, and related to asphaltum, but not so fusible nor so soluble in benzine or ether. It is used in the manufacture of illuminating gas and of illuminating and lubricating oils.

It might be held that public land valuable on account of its deposits of "albertite" would be subject to entry under the mineral land laws, but I am unable to refer you to any decision specifically in point.

The Senator's letter and inclosure are herewith returned.

Very respectfully,

THOS. H. CARTER, *Commissioner.*

The Honorable SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, April 18, 1892.

SIR: I have the honor to acknowledge the receipt of your communication of 30th ultimo, and accompanying printed copy of certain alleged notices of location of mining claims on the Cow Boy, etc., lodes of "gilsonite" within the Uncompahgre Indian Reservation, and asking to be informed whether the notices of location if made would give the claimants or locators any right or claim under the laws of the United States, or any standing, equity, priority, or advantage as discoverers of or locators on the lands therein mentioned in the General Land Office or before the Interior Department or otherwise.

In response thereto, I transmit herewith copy of a communication of 12th instant, from the Commissioner of the General Land Office, to whom the matter was referred, wherein the opinion is expressed that the attempt to locate the claims above mentioned under the mining-land laws was unwarranted and illegal, and he fails to see that these locators could acquire any rights, legal or equitable, as locators or discoverers by reason of such locations or by reason of having notices thereof recorded in the office of the recorder of Uinta County, Utah.

In this connection I invite your attention to the action taken by Congress in regard to the Uinta Reservation, where "gilsonite" was discovered in 1885, and I inclose for your information copy of House Report No. 791, Fiftieth Congress, first session, in relation to the matter.

By the act of May 24, 1888 (25 Stats., 157), certain lands of the Uinta Reservation said to contain "gilsonite" were restored to the public domain and preference was given by this act to the locator and the moneys derived from the sales of the lands belonged to the Indians. The act also required that it be ratified by the Indians.

The status of the Uncompahgre lands being different from that of the Uintas, being held in a reservation until allotted to and purchased by the Uncompahgres, the moneys from these lands if segregated would belong to the United States, and the consent of the Indians would not be necessary.

The inclosures of your letter are herewith returned.

I have the honor to be, very respectfully,

GEO. CHANDLER,
Acting Secretary.

Hon. WILLIAM F. VILAS, *United States Senate.*

Mr. VILAS. Now, Mr. President, in addition to the fact which the Indian Affairs Committee reported to the Senate in the Fifty-second Congress, that there were no meritorious discoveries and that the alleged prospectors who had undertaken to set up stakes on a tract of land that was known to contain the mineral long before, I have now placed before the Senate the letters of the Secretary of the Interior and the Commissioner of the General Land Office, showing that there was no such thing as a right to make those claims; that the law was explicit which denied to them any sort of privilege to enter upon that land; that they were entirely removed beyond the reach of prospectors, if prospecting had been possible. Among the papers which I have here—which I do not for the moment lay my hand upon, although I will presently find it, I hope, and call attention to it—is an affidavit of a person familiar with that land, who testifies to the fact that the line bounding the eastern border of the reservation and the western border of Colorado was plainly marked upon the ground and well known, and that there was no opportunity for any mistake to be alleged in respect to that subject.

I call attention to the fact that after the report was made, by which it was proposed to amend the bill so as simply to place these lands in the market for sale to the best bidder—a course which would afford to the United States all their value and to all persons interested or who desired to be interested an equal opportunity to share in the profits of their ownership—the bill was stopped. No effort was made to push it. Those who were interested in the proposition which was first introduced no longer manifested any desire to do but one thing, and that was to recall the action of the Committee on Indian Affairs and secure the withdrawal of the proposal which would put those lands to the benefit of the United States at large and their value in the Treasury instead of in private coffers.

I have here letters addressed to me, some of them printed. Here is one which was printed and circulated, signed by a gentleman who represented himself to be the attorney of that company whose ownership is in the city of St. Louis and which expected to be the beneficiary of the bill when it was passed. Perhaps it has already been said here, as it was then said, that the measure was to give the poor man a chance; that it was to open an opportunity to the explorer to go in there and enrich himself, perchance, if lucky fortune fate lighted him upon some vein of valuable mineral. But, sir, it was drawn so as to give those alleged explorers (and that was the whole effort from beginning to end) the chance to

perfect their claims; and although the St. Louis company represented itself or seemed to have agents to represent it to the committee and those interested as opposing these explorers, there was the best of evidence to believe that every one of the explorers was but the agent of the company. The Committee on Indian Affairs refused to change its views.

Mr. VEST. Will the Senator from Wisconsin be kind enough to state that evidence?

Mr. VILAS. I will endeavor to call attention to it before we conclude the discussion. I had it collated, as I thought, ready to my hand, but I have come into the Senate finding this subject up unexpectedly, and I can not for the moment collate it. I hope to do it before I finish. I want to say that I have been ready from the first moment when this measure was proposed to discuss it at any time. When it came up first I was greatly surprised, and especially was I surprised to find that such a measure had ever gone through Congress as I have since learned went through on an appropriation bill. I learned it for the first time that morning. Yet I have never for an instant objected to the consideration of the measure. I debated it then, I went right on with the discussion, and the discussion was cut off only because the hour of 2 o'clock arrived. I have waited here hour after hour, day after day, and every Senator knows how absolutely necessary it is sometimes to be absent from this Chamber, how sure it is to be the fact that not one-half of the members of this body are present at any time except when there is a roll call.

The PRESIDING OFFICER. The Senator from Wisconsin will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A resolution, by Mr. PEFFER, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. TURPIE. I ask unanimous consent that the Senator from Wisconsin may have leave to conclude his remarks at this time, and that the unfinished business be temporarily laid aside for that purpose.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Indiana?

Mr. ALLEN and Mr. PEFFER. What is the request?

The PRESIDING OFFICER. The Senator from Indiana requests that the unfinished business be temporarily laid aside while the Senator from Wisconsin finishes his remarks.

Mr. PEFFER. I do not wish, of course, to be discourteous to the Senator from Wisconsin, but I insist that we shall proceed with the regular business.

The PRESIDING OFFICER. Objection is made.

Mr. BROWN. I ask the Senate to agree to take up the joint resolution the next day that the Senate is in session—to-morrow if in session; if not, then on Monday.

Mr. FAULKNER. I shall have to object to any unanimous-consent agreement extending beyond the moment when it is to be put into execution.

Mr. BROWN. I move that it be taken up on the next day's session, to-morrow or Monday—

Mr. HARRIS. That motion will not be in order.

Mr. BROWN. During the morning hour and after the morning business.

The PRESIDING OFFICER. That motion will not be in order now, other business being before the Senate.

Mr. TURPIE. I appeal to the Senator from Kansas to allow the honorable Senator from Wisconsin to conclude his remarks. That is in consonance with the wishes of the Senator who has the floor on the bond resolution. I understand the Senator from Wisconsin would not occupy much longer time.

Mr. PEFFER. The joint resolution has been put over by the arrival of the hour of 2 o'clock. The Senator from Wisconsin can finish his remarks at any time he desires to do so. I insist upon the regular order.

Mr. VILAS. I am certainly obliged to my friend from Indiana, but I do not care to delay the regular order. I will be ready to go on to-morrow or Monday, if the Senate wants to take up the joint resolution then.

The PRESIDING OFFICER. It is the pleasure of the Senate to hear the Senator from New York.

Mr. HILL. Is the bond resolution before the Senate?

The PRESIDING OFFICER. It is.

Mr. WALTHALL. Will the Senator from New York yield to me for a moment?

Mr. HILL. Certainly.

ADJOURNMENT TO MONDAY.

Mr. WALTHALL. I move that when the Senate adjourn today it be to meet on Monday next.

Mr. CHANDLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cockrell,	McMillan,	Squire,
Allen,	Davis,	Martin,	Stewart,
Allison,	Dubois,	Mitchell, Wis.	Teller,
Bacon,	Faulkner,	Morrill,	Turpie,
Bate,	Frye,	Nelson,	Vest,
Blackburn,	Gallinger,	Palmer,	Vilas,
Brice,	Gear,	Pasco,	Walthall,
Brown,	George,	Peffer,	Warren,
Burrows,	Gibson,	Perkins,	Wetmore,
Caffery,	Gordon,	Pettigrew,	White,
Call,	Gorman,	Platt,	Wilson,
Cannon,	Hale,	Roach,	Wolcott.
Carter,	Harris,	Sewell,	
Chandler,	Hawley,	Shoup,	
Clark,	Hill,	Smith,	

The PRESIDING OFFICER. Fifty-seven Senators are present. The roll call discloses the presence of a quorum. The question is on the motion of the Senator from Mississippi, that when the Senate adjourn to-day it be to meet on Monday next.

Mr. CALL. Let us have the yeas and nays on that question.

Mr. CHANDLER. I ask for the yeas and nays.

Mr. CALL. I really think we ought not to adjourn over. The Senator from Maryland [Mr. GORMAN] made a speech this morning in regard to delay in the passage of the appropriation bills.

Mr. PEFFER. I hope the motion to adjourn over will be voted down, Mr. President.

Mr. PETTIGREW. I wish to give notice that on Monday, at the earliest possible moment, I shall try to get up the Indian appropriation bill and continue its consideration until it is disposed of. I hope these other matters can be gotten out of the way before that time.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS]. I transfer my pair to the Senator from Kentucky [Mr. LINDSAY] and vote "yea."

Mr. PALMER (when his name was called). I am paired generally with the Senator from North Dakota [Mr. HANSBROUGH]. I suppose I ought to withhold my vote. I do not like to do it.

Mr. TELLER (when his name was called). On this subject I am paired with the junior Senator from South Dakota [Mr. KYLE].

The roll call was concluded.

Mr. GALLINGER (after having voted in the negative). I have a general pair with the senior Senator from Texas [Mr. MILLS], who has not, I believe, voted. I therefore withdraw my vote. While on my feet I will state that the junior Senator from Massachusetts [Mr. LODGE] is unavoidably absent and is paired with the senior Senator from New York [Mr. HILL].

Mr. ELKINS. Mr. President——

Mr. FAULKNER. I desire to state that my pair with my colleague [Mr. ELKINS] was transferred to the Senator from Kentucky [Mr. LINDSAY], and my colleague's pair is transferred to the Senator from Ohio [Mr. SHERMAN], so that the Senator from Kentucky and the Senator from Ohio will stand paired and my colleague is enabled to vote.

Mr. ELKINS. I vote "nay."

Mr. HILL (after having voted in the affirmative). I am paired with the junior Senator from Massachusetts [Mr. LODGE] upon political questions. Everyone is voting as he pleases. To save all question I will transfer my pair to my colleague [Mr. MURPHY] and allow my vote to stand as before.

Mr. WALTHALL. I desire to announce that on this question the senior Senator from Pennsylvania [Mr. CAMERON] is paired with the senior Senator from South Carolina [Mr. IRBY].

The result was announced—yeas 36, nays 28; as follows:

YEAS—36.

Bacon,	Gibson,	Mantle,	Stewart,
Bate,	Gordon,	Martin,	Turpie,
Blackburn,	Gray,	Mitchell, Wis.	Vest,
Caffery,	Harris,	Pasco,	Vilas,
Chilton,	Hawley,	Pugh,	Walthall,
Cockrell,	Hill,	Quay,	Warren,
Dubois,	Jones, Ark.	Roach,	Wetmore,
Faulkner,	Jones, Nev.	Sewell,	White,
George,	McMillan,	Smith,	Wolcott.

NAYS—28.

Aldrich,	Cannon,	Frye,	Nelson,
Allen,	Carter,	Gear,	Peffer,
Allison,	Chandler,	Gorman,	Perkins,
Brice,	Clark,	Hale,	Pettigrew,
Brown,	Cullom,	McBride,	Platt,
Burrows,	Davis,	Mitchell, Oreg.	Shoup,
Call,	Elkins,	Morrill,	Wilson.

NOT VOTING—25.

Baker,	Hansbrough,	Morgan,	Teller,
Berry,	Hoar,	Murphy,	Thurston,
Blanchard,	Irby,	Palmer,	Tillman,
Butler,	Kyle,	Pritchard,	Voorhees.
Cameron,	Lindsay,	Proctor,	
Daniel,	Lodge,	Sherman,	
Gallinger,	Mills,	Squire,	

So the motion was agreed to.

PROPOSED INVESTIGATION OF BOND SALES.

The Senate resumed the consideration of the resolution submitted by Mr. PEFFER February 12, 1896.

Mr. HILL. It has been so long since we have heard the resolution I desire to have the memory of the Senate jogged in regard to it, and therefore I ask that it be read.

The PRESIDING OFFICER. The resolution will be read.

Mr. PEFFER. Let it be read as it has been modified.

The PRESIDING OFFICER. It will be so read.

The Secretary read the resolution as modified, as follows:

Resolved, That a committee of five Senators shall be appointed by the Vice-President, whose duty it shall be—

First. To investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Second. To investigate and report specially what amount of available funds, classified, was in the United States Treasury and on deposit in other places subject to the order of the Secretary of the Treasury at the time the bonds were sold or offered for sale; whether there was or was not coin enough on hand to meet all coin obligations of the Government due at the time said bonds were sold or when they were offered for sale; what obligations were due at that time and the amount of each, stated separately; what was the reason for any unusual withdrawal of coin from the Treasury shortly before bonds were sold or offered for sale, if such unusual withdrawals were in fact made, and by what persons or classes of persons and for what purpose or on what account such withdrawals were made; who purchased the bonds, in what amounts, and where, whether in the United States or in foreign countries, and in what proportions, and from what persons or classes of persons the gold was procured with which to pay for the bonds, what the bonds sold for, and what was the market price of our Government bonds at the time; and what effect the bond sales had on the credit and business of the people of the United States.

Third. To investigate and report as to the manner of disposing of said bonds, by what authority, and what contracts, advertisements, or proposals were made by the Secretary of the Treasury in relation thereto; what agreements or contracts, and whether oral or in writing, and whether publicly or privately, were entered into by the Secretary of the Treasury and any syndicate or person or persons with respect to the sale and purchase of the bonds and the profits made or to be made by such syndicate or any person or persons connected with such syndicate directly or indirectly; whether any officer of the Government, or any person or persons for such officer, and on his behalf, and in his personal interest, and with his knowledge or consent, entered into any contract, agreement, or arrangement, directly or indirectly, with any person or persons, partnership, corporation, company, or syndicate, for the purpose of affecting the price offered or to be offered for said bonds, or any of them, with the intent and expectation to receive commission or personal reward by reason of such contract, agreement, or arrangement; whether such contract or agreement had any and what effect on the prices offered for the bonds, what the effect was, and who, if any person, profited by it, and to what extent.

Mr. HILL. Mr. President, before resuming the new features of my argument permit me to note briefly what may be regarded as already established in this discussion:

First. That this investigation is unnecessary.

Second. That it is pressed as a Populist resolution for political purposes only.

Third. That there is an absence of specific charges, which alone would warrant the institution of a solemn investigation.

Fourth. That the Senate has no jurisdiction to inquire into most of the matters embraced in the resolution, and could not enforce the attendance of witnesses or compel the giving of testimony in relation to such subjects.

Fifth. All the legitimate information desired can be otherwise obtained.

Sixth. The resolution is unnecessarily offensive in its terms, containing insinuations and reflections not warranted by anything charged from any responsible source.

Seventh. That the reasons urged for this investigation, as detailed in the speech of the author of the resolution, are wholly unsatisfactory, vague, indefinite, and many of them absolutely ridiculous and unfounded.

Eighth. That the whole basis of the proposed resolution is upon the allegation of the absence of legal power to issue any bonds whatever; purely a legal question, to be determined by judges and courts or judiciary committees, and not by mere investigating committees.

Ninth. If the Secretary of the Treasury has exceeded any authority for which there is no adequate remedy in the courts, then the remedy is by impeachment on the part of the House of Representatives and not by investigation or censure on the part of the Senate, whose members would be the judges and not the prosecutors in such a case.

Tenth. That it has been conclusively shown that the act of 1875 furnishes ample authority for the issuing of bonds to replenish the gold reserve.

Mr. GEORGE. I desire to ask the Senator from New York whether the act of 1875 confers any authority to procure gold or other coin for any other purpose than for the redemption of what are called greenbacks?

Mr. HILL. None; and that power never has been exercised for any other purpose.

Mr. GEORGE. Will the Senator allow me further?

Mr. HILL. Yes.

Mr. GEORGE. When money is thus procured for the purpose of redeeming greenbacks can it be lawfully and properly used for the purpose of redeeming what are called Treasury notes under the act of 1890?

Mr. HILL. That is another question, Mr. President. The gold raised from the sale of gold bonds is used for the purpose of the redemption of greenbacks, and when the greenbacks are thus placed in the Treasury they can be used for any legitimate purpose.

Mr. GEORGE. The greenbacks may?

Mr. HILL. The greenbacks may.

Mr. President, as I stated in one of the points made, the whole basis of this investigation arises out of the allegation that there is no authority now existing to issue these bonds. I may be pardoned for quoting the act of 1875 in order that it may be placed in my remarks. I will ask the Secretary to read chapter 15 of the laws of 1875, an act for the resumption of specie payments.

The PRESIDING OFFICER. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

An act to provide for the resumption of specie payments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and required, as rapidly as practicable, to cause to be coined at the mints of the United States silver coins of the denominations of 10, 25, and 50 cents, of standard value, and to issue them in redemption of an equal number and amount of fractional currency of similar denominations, or, at his discretion, he may issue such silver coins through the mints, the subtreasuries, public depositaries, and post-offices of the United States; and, upon such issue, he is hereby authorized and required to redeem an equal amount of such fractional currency until the whole amount of such fractional currency outstanding shall be redeemed.

SEC. 2. That so much of section 3524 of the Revised Statutes of the United States as provides for a charge of one-fifth of 1 per cent for converting standard gold bullion into coin is hereby repealed, and hereafter no charge shall be made for that service.

SEC. 3. That section 5177 of the Revised Statutes of the United States, limiting the aggregate amount of circulating notes of national banking associations, be, and is hereby, repealed; and each existing banking association may increase its circulating notes in accordance with existing law without respect to said aggregate limit; and new banking associations may be organized in accordance with existing law without respect to said aggregate limit; and the provisions of law for the withdrawal and redistribution of national-bank currency among the several States and Territories are hereby repealed. And whenever, and so often, as circulating notes shall be issued to any such banking association, so increasing its capital or circulating notes, or so newly organized as aforesaid, it shall be the duty of the Secretary of the Treasury to redeem the legal-tender United States notes in excess only of $300,000,000, to the amount of 80 per cent of the sum of national-bank notes so issued to any such banking association as aforesaid, and to continue such redemption as such circulating notes are issued until there shall be outstanding the sum of $300,000,000 of such legal-tender United States notes, and no more. And on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem, in coin, the United States legal-tender notes then outstanding on their presentation for redemption, at the office of the assistant treasurer of the United States in the city of New York, in sums of not less than $50. And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus revenues, from time to time, in the Treasury not otherwise appropriated, and to issue, sell, and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 14, 1870, entitled, "An act to authorize the refunding of the national debt," with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect, and to use the proceeds thereof for the purposes aforesaid. And all provisions of law inconsistent with the provisions of this act are hereby repealed.

Approved, January 14, 1875.

Mr. HILL. Mr. President, it will be observed, upon analyzing this act of 1875, that it embraces a continuing authority, not limited in its exercise to a date prior to 1879, the date of specie resumption, but it is to be exercised whenever and so long as greenbacks are presented and coin shall be needed for redemption purposes. Bonds can be issued to procure either silver or gold coin as the Secretary of the Treasury may elect.

The theory of the friends of this resolution is that the authority embraced in the act of 1875 exhausted itself upon specie payments being resumed in 1879. There arose a question about this period of our history as to what redemption meant. It had ordinarily been supposed that redemption meant redemption in fact; that it meant payment; that it meant retirement; that it meant cancellation. If redemption had been conceded to mean that, then there would not have arisen the question which is presented to-day. Possibly at the time the law was passed it was not contemplated that its exercise would be necessarily continuous; but it will be recalled that subsequently the act of 1878 was passed, which required a continuous reissuing of greenbacks, and hence compelled a continuous redemption, and required an issue of bonds whenever the coin, gold or silver, was deemed necessary to replenish the redemption fund. In other words, this act of 1875, as construed with reference to the law of 1878, gave a continuous authority to protect the greenback currency and to redeem it so long as redemption should be required. The two acts must be construed together; and, sir, it is perfectly idle for lawyers to stand up in the Senate and say that the act of 1875 only applied to one single redemption, or that it at any time exhausted itself. Any other construction than that it was continuous would have stopped the wheels of Government, especially in the present deadlock, when the two Houses are divided upon the question of supplying additional revenue.

which is worth in revenue to the United States, if properly em-

ularly, upon which veins of gilsonite of enormous value have been

the law, I fail to see that these locators could acquire any rights, legal or

Mr. CHANDLER. I suggest the absence of a quorum.
The PRESIDING OFFICER. The Secretary will call the roll.

Gallinger, Mills, Squire,
So the motion was agreed to.

Mr. President, I commented yesterday upon the spectacle which would have been presented—upon the situation which would exist at this hour—if the President and Secretary of the Treasury had not exercised the power of issuing bonds with which to replenish the gold reserve. The bonds, while properly issued for the purposes of redemption only, have brought into the Treasury moneys, greenbacks, available for current expenses, and thereby the Government has been kept afloat and its credit preserved. I need not remind the country of the chaos which would have resulted from any other course; I need not remind the country of the disasters which would have overtaken the Government if this power had not been exercised. Let me read the act approved May 31, 1878:

An act to forbid the further retirement of United States legal tender notes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act it shall not be lawful for the Secretary of the Treasury or other officer under him to cancel or retire any more of the United States legal tender notes. And when any of said notes may be redeemed or be received into the Treasury under any law from any source whatever and shall belong to the United States, they shall not be retired, canceled, or destroyed, but they shall be reissued and paid out again and kept in circulation: *Provided*, That nothing herein shall prohibit the cancellation and destruction of mutilated notes and the issue of other notes of like denomination in their stead, as now provided by law.

All acts and parts of acts in conflict herewith are hereby repealed.
Approved May 31, 1878.

Mr. President, the effect of that act was to provide for the continuous reissuing of greenback paper currency. Will it be said that this Government has provided a method by which greenbacks were to be continuously reissued, and at the same time had deprived that same Government of the power to protect and enforce that redemption? You can not redeem one greenback by another greenback. After the law was passed which pledged this Government to the redemption of its greenback currency in coin the Government must redeem its currency in coin or violate its sacred pledge. So when the Government provided that this greenback currency should be kept afloat, that it should be constantly reissued, it also understood that this act of 1875 gave a continuous power, whenever necessary, for the Government to issue its bonds. Sir, that has been its construction from that hour to this. Every Secretary of the Treasury has so argued, every financial officer of the Government has so understood it, every President of the United States who has since been in authority has so treated it in his messages. Who doubts it? As I said yesterday, a new-born party springs up, and that "combine" says that they have grave doubts of this authority. Why cast discredit upon the bonds of the country? Why attempt, in this critical hour, when the country's credit hangs in the balance, to insinuate and suggest a doubt where no doubt exists? I said yesterday that it would have been impossible to have kept up the credit of this Government except for the exercise of this power.

Mr. President, a great deal has been said recently in the Senate and elsewhere about the vast debt incurred by the issuing of bonds. We had to have the money for the support of the Government, and while the bonds were not issued to provide revenue for the support of the Government, incidentally they had that effect. I have already stated that when bonds are issued for the purpose of procuring gold that gold is used for the purpose of the redemption of greenbacks; and the greenbacks when placed in the Treasury become funds of the Government, and can be used for the expenses of the Government or for any other legitimate purpose.

If we had not obtained money from the bonds there was no other source from which to obtain it except from additional revenue legislation. The Treasury might have been temporarily relieved by the coinage of some silver bullion, but it would have been a mere a drop in the bucket. In a short time it would have been exhausted. Therefore I ask those who say—who say simply—that they doubt the authority of the Government to issue bonds, how would this Government have been continued in its operation during the past year except by the issuing of bonds?

As is well known, I did not support the Wilson bill. I tried to have some obnoxious provisions stricken from it. I used my influence to make it a conservative bill, yielding sufficient revenues. I doubted the wisdom of some of its extreme features, but nevertheless it was passed; passed by votes upon this side of the Chamber; passed as a great triumph of tariff reform. That act, as is conceded by its friends as well as its enemies, does not as yet produce an amount necessary for the ordinary expenses of the Government. It does not lie in the mouths of the friends of that measure now to object because funds are procured elsewhere to supply the deficiencies of revenue occasioned by that act. I wish it were otherwise. I wish that my party at that time had framed a bill so conservative, so fair, so reasonable that there would have been no question about a deficiency of revenue. But, sir, extreme counsels prevailed, as they are seeking to prevail here now.

I wish to protect the best interests of that party. It would have been better had extreme counsels not prevailed then. It would be better for our party if extreme counsels did not prevail now. Therefore, I say it does not lie in the mouths of the friends of the Wilson Act to object because bonds have been issued for legitimate purposes, namely, the redemption of greenbacks, and because, incidentally, those bonds have furnished sufficient money to support the Government. How else would the Government have been supported? What chaos would have resulted without it! What a spectacle would have been presented to the country and to its opponents! What a weapon we would have put into their hands if this Government had ceased operations because without enough money to support it! This very power, exercised under the act of 1875, properly, regularly, duly exercised, has been the means by which the Administration has floated the Government along. Any other course would make the failure of the Wilson Act more apparent and emphatic. We had to have some revenue. The House and Senate were deadlocked. How else was it to be procured to supply deficiencies? Not that anyone had proposed to issue bonds to meet the ordinary expenses of the Government; but as we had to have the gold with which to redeem the greenbacks, incidentally that very situation furnished us the revenue to meet the deficiency occasioned by the Wilson Act.

It is not necessary that I should explain to the Senate or to the country that the funds which are thus accumulated by the sale of bonds are not kept separate. They never have been since the act of 1875 was passed. There is no statute which requires it. When once the gold is used to redeem greenbacks and the greenbacks pass into the Treasury, they become funds available for any legitimate purpose. Therefore my party should not be so anxious to condemn the issuing of bonds. Whatever the other side may seek to do to place us in a false position, whatever the Republicans and the Populists combined may do, our party should at least defend the conceded authority which exists, defend the propriety of the action, defend its legality, because there can be no real question but that the President and Secretary have proceeded regularly and legally.

Mr. President, I know our opponents will say that some $262,000,000 of bonds have been issued during this Administration. There are worse things than the issuing of bonds. Not a dollar of the money derived from the sale of bonds has been squandered. Not a dollar of the money has been misapplied. It has been used legitimately and properly, first, for the redemption of greenbacks; secondly, the greenbacks have been used for the expenses of the Government. You would think from some of the arguments presented here that the money from bonds had been frittered away. You would think it had been squandered. You would think that this was a pure debt contracted, for which the Government has received no adequate recompense. If we had not used the money thus obtained from the bonds we would have had to have some sort of taxation upon the people. We would have had to resort to something, and if the two Houses of Congress were deadlocked politically, as they have been upon the revenue question, how else would you obtain the money? The Government would stop. Would that have been a nice situation for the friends of the Wilson Act to have contemplated?

All there is of this question can be summed up in a few words. It is a mere question of arithmetic. The moneys have not been taken from the pockets of the people. If there had been additional revenue legislation, some more money would have come from the people; that is all. We have had no such legislation, and therefore the money remains in the pockets of the people. Having to have some money, it has been borrowed. It is a mere question of interest, and the whole issuing of bonds has not wronged the people one iota or inflicted any burden upon them except the mere question of interest. What is the Government to do? Who proposes a remedy? Here are the other House proposing what they call a revenue bill. It comes to the Senate and is seized upon and strangled and kept here. It is not to be passed. Nobody expects it to be passed. What is to be done? How is the Government to be supported except as the Government needed gold to redeem greenbacks, and so incidentally from that source has received some money. That is all there is of the question.

I shall not take up the time of the Senate longer in further establishing the point, first, that the act of 1875 is a continuous authority; that it continues to exist and can be exercised so long as and whenever any greenback shall be presented for redemption, no matter how many years it may be; that it does not exhaust itself by a single exercise; that it applies to all the greenbacks reissued, because it has been held over and over again that reissued greenbacks have the same legal status as when they were first issued. We Democrats on this side of the Chamber are quarreling over immaterial things. Something had to be done, as the Government needed so much revenue, and we did not procure it by the Wilson Act. Then you had to procure it from some source, and I do not think it becomes us so flippantly to criticise the issuing of bonds.

What other course was open to your President? What other course was open to your Secretary of the Treasury? They did not make those laws. They inherited them from those who preceded them. They inherited them under a system of finance fastened

upon them, with which they were environed and from which they could not escape. They had to take the laws as they found them. Why this carping criticism of our officials of the Government? Can we get votes from the other side by this course? What good will it do to pass the resolution? What object is to be accomplished by it? How will it help silver? How will it help the friends of the Democratic party? God knows we have troubles enough of our own without borrowing any.

Mr. President, who are the people who demanded this investigation? Democrats anywhere in the country? No. Democrats understand this question. Republicans in the main? No, I think not. Business men? No. The men who bought the bonds outside of the syndicate, who might be offended in some way? No, they are not. Are the representatives from the States largely interested in this question demanding this investigation? No. The demand for investigation is political in its character. I do not blame the Populists, through their distinguished leaders here, for stirring up this question if they can. That is politics. They want to make political capital if they can. But I think the people pretty thoroughly understand it.

I know there is some prejudice against the issuing of bonds. So far as I am concerned, during the coming campaign I shall go to the people and tell them the exact truth. I shall say to them: "I tried to get a bill which would give greater revenue. I did not support the Wilson bill, because I objected to many of its features, particularly one to which I need not now allude. I hoped it would produce sufficient revenue to support the Government. We are all somewhat disappointed that it has not. But there has no wrong been done. There is no hardship about it. We have not taken the money from the pockets of the people. We have left it there. We had to issue bonds to get gold. Even if we had more revenue it would not have solved the question, because the laws which our predecessors have passed are so arranged that revenues do not have to be paid in gold. You can pay them in silver, in greenbacks, or in any other lawful money, and therefore you would still need gold." I shall tell them frankly of the situation. There will be no difficulty in regard to it. If, however, we intend to insinuate that there is something wrong; if, because we do not like all the details of every transaction, we are to suggest irregularity; if we are to suggest wrong; if we are to suggest fraud; if we are to join with the other side in criticisms of the men whom we placed in power, we might as well dissolve the old Democratic organization and bid farewell to it forever.

Mr. ALLEN. It has gone.

Mr. HILL. No, sir; the old party has not gone. I correct the Senator from Nebraska. That party will live if it is true to itself. It will live, sir, to uphold its true principles, and I do not believe that the actions of a few misguided men can destroy it. There have been darker days than these, and yet the party has emerged to win great and glorious victories.

Only a few politicians want this investigation. They want to throw mud. They want to create the impression that a great scandal exists. They want to make political capital by a clamor, a noise, a tumult, a sensation. They are all who are asking for it. The business men, the men who own farms, the men who own stores, the men who own blocks of houses throughout the country, the man of wealth, and the poor man who owns his little homestead, are not clamoring for the investigation. They have read the messages of our President; they have read the reports of the Secretary of the Treasury, and they have read some of the speeches here which have elucidated those questions, and I think, sir, they understand the real question involved.

Why do I take this view of the question? I do not intend to speak at length of the vast interests of the State which I have the honor in part to represent upon this floor. It is one-tenth of this Union in population; it is more. It has largely extended wealth. It is the great business center of the country. There is where the bonds are floated from all parts of the country. All the conceivable schemes hatched up in other States go to New York to float their bonds. Waterworks, chartered corporations of every kind, and political managers in campaigns go to the citizens of New York for relief. It is a State that has vast business interests, a State usually without prejudices, a State that welcomes business men to its bounds always and treats all courteously and fairly. What is the interest of New York in this question?

Of course I know that I was told here when the bond question was up that the whole country was anxious to get these bonds. You recollect the speeches that were made here. It was said that gold was stowed away in the old lady's stockings, in the boots, in the back cupboards; that farmers and mechanics and others had gold stowed away, and that they were all anxious to come in and bid if they were only given a chance. It was said: "Keep those bonds away from the miserable syndicate in the city of New York, and the people will take the bonds." That sounded very well for a while. Those who made those arguments supposed at that time that the Administration was going to deal with the syndicate. In fact, they said it was already arranged. I recollect denying it. I recollect that I said my understanding was that the Administration might or might not deal with any syndicate then formed or contemplated.

Finally, when on Monday morning after the famous debate of Thursday we read in the morning papers that the Secretary of the Treasury had concluded to have a popular loan, what was then said? Senators met here and congratulated one another and shook hands with one another. I overheard them say, "Well, we brought the Administration to terms. We smashed the syndicate. We made them issue a popular loan. They did not want to do it. They wanted to favor the syndicate, but we made them stop." I recollect that one Senator caused to be given to the newspapers an account of the large number of letters and telegrams he had received from various parts of the country congratulating him on his firm stand, and how he had brought the Administration to its knees by his little resolution that we debated here one afternoon. The public could not have known about all those letters and telegrams unless he had given them out.

I looked to see how the bonds were subscribed for. The total subscriptions to the recent loan were $551,026,515, of which New York subscribed the modest sum of $450,698,850. I thus speak of New York and its interests here as one of the reasons why I manifest interest in this question. I do not propose to have the bonds which my constituents purchased discredited by any such bogus, trumped-up resolution as this if I can prevent it. Massachusetts alone subscribed $42,891,650; Pennsylvania, $11,690,200; Ohio, $9,398,950; Illinois, $5,154,100; Maryland, $3,729,500; New Jersey, $3,305,200. Then Maine, New Hampshire, Vermont, Rhode Island, and Connecticut in all subscribed $6,897,250. Then come Texas, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, North Carolina, South Carolina, Georgia, Florida, Delaware, District of Columbia, Virginia, and West Virginia, all together, $5,200,635. Then comes another group of States, Nebraska, Missouri, Arkansas, Minnesota, North Dakota, South Dakota, Kansas, Indiana, Iowa, Michigan, and Wisconsin, $5,570,850. Then comes another group of States which were going to take all the bonds before they were issued at 2½ or 3 per cent—Arizona, California, Indian Territory, Montana, Nevada, Idaho, Colorado, New Mexico, Oklahoma, Oregon, Utah, Washington, Wyoming, and all others, $6,289,330. I give these figures to show the interest the people of my State have in this great financial question.

The real grievance of these agitators is not the mere issuance of bonds, because, as I stated, even if they are not necessary it is only a question of the loss of interest involved, but because silver is not forced upon the holders of greenbacks in redemption. That is the real grievance. They do not explain about how the Government is to be run by the pursuit of any other course. They say, "Coin the bullion in the Treasury; coin the seigniorage." That would be only a small amount, which would be soon exhausted. The grievance is really against the Secretary of the Treasury that he does not force the holders of greenbacks to accept silver.

This matter resolves itself into a mere question of option. Who shall have the option, the Government or the people who hold the bonds? Or, if the Government has reserved to itself the legal option, what, under all the circumstances, is the best policy to pursue? Shall it exercise the option, or shall it, in the pursuance of a wise and reasonable policy of keeping all of our different kinds of currency together upon a parity, allow the holder to have the option? That is the question. All else about this question is exaggeration; all else about it is misrepresentation; all else about it is reckless assertion. It is a question of policy, not of law; it is a question of policy, not of honesty; it is a question of policy, not of regularity or propriety. What I object to in the resolution is that instead of recognizing the difference between the friends of the gold standard and the friends of the silver standard, instead of recognizing that the difference between the two sides is a great question of public policy, not a question of law, our friends who are pressing the resolution insist upon making it a question of honesty, a question of law, a question of regularity. There is no such question.

Differ as we may with the Secretary of the Treasury upon these matters, this great question ought not to be diverted into a foolish, unwise, senseless, silly attack upon an Administration which will emerge therefrom, in my judgment, without a single stain put upon it, and to the discomfiture of those who vote for the resolution.

Why not take the other position, the manly position, the square position, that the gold policy requires this thing to be done; that all that has been done is that which had to be done under the gold policy? Why not recognize that fact and treat it fairly? Why not recognize the fact that if this Government insists upon preserving the single gold standard as it now exists in law it must necessarily when demanded pay its obligations in gold? Instead of trying to pass this offensive resolution to investigate the Secretary of the Treasury it would be better to concede that he had to issue the bonds to keep up the gold standard. Admit it, but do

not question his honesty, do not question his integrity, do not question the law under which it is done. Sir, he has ample authority for all that has been done. Therefore the matter resolves itself into a question of a great public policy.

I have great respect for those who say that they believe it would have been wiser for the Government to have adopted the course of redeeming the greenbacks in silver. The friends of the gold standard say, "Would not that course ultimately drive gold out, as the cheaper metal usually drives out the dearer? Would it not result in putting a premium on gold?" They say as an answer, they do not believe it would. I do not question their good faith. I think that those who differ with me upon this great question honestly differ. I concede the honesty of their motive. I object, however, to their assailing those who differ with them.

Mr. President, there is some excuse, it is true, for what has been at times hastily said. I know that the words "sound money" are used by almost everyone. The words "honest money" are used, and the friends of silver are ready to believe that the friends of the single gold standard insist that they are the friends of dishonest money and unsound money. I always avoid the use of those terms where I can. They are in the public prints; you hear them in public discussions, and it is hard to avoid the use of them. I speak of the gold standard and of the silver standard, the single gold standard or the double standard. That is the proper way to speak of the different phases of this question.

Sir, I do not believe that any true friend of silver wants to foist upon the country any currency that is not equal to gold or will not prove to be. You recollect the last words that were uttered when the silver bill passed the Senate in January. I recall the language of the Senator from Idaho [Mr. DUBOIS] when he said, "we expect by the free coinage of silver to make the silver dollar equal to the gold dollar. We expect that within a very short time (I think he said, however, immediately) when this law shall be passed that the silver dollar will soon be equal to the gold dollar." Sir, undoubtedly he believes it. That is the theory of those who honestly desire the double standard or desire to see silver recognized more than it is.

Yet, notwithstanding the unfair expressions of many of those who conduct the campaign in favor of the gold standard, notwithstanding silver men are unfairly, I think, sometimes taunted that they are in favor of an unsound currency and a dishonest currency, I want to call your attention to the fact that while they differ with the distinguished Secretary of the Treasury he does not offensively use those expressions. I have perused his speeches, and while once in a while, but rarely, such expressions are used, he argues the question fairly from his standpoint. I have seen no abuse of the silver men in his speeches. Sir, he is an able man. His speeches show most eloquent diction, and he shows his learning in every line of his public addresses. In his recent great speech at Chicago, no matter whether you differ from him or not, he presents his side of the case fairly, intelligently, without abuse of those who differ from him.

Mr. President, are the friends of silver in this Chamber upon either side to answer this great argument in favor of the single gold standard by the Secretary of the Treasury with an offensive resolution to investigate him, with insinuations of dishonesty right upon its face? No, Mr. President; I have too much confidence in the good friends here who believe in bimetallism, who believe in silver, who want honestly to do something in its behalf, to believe that they will countenance any such resolution here even at the dictation of the Populist party in the Senate.

The Secretary of the Treasury believes that the best policy for this Government to pursue is to allow the holder of securities to have the option as to the kind of money that the paper currency shall be redeemed in. I am inclined to think that in the financial situation which has confronted this country in the past few years that conclusion has been a wise one. I know not what would have been the result of some other policy. It might have worked well. We might have avoided danger. This is a great and growing and strong country, and it takes a great deal to ruin it. I can not see any other course ahead for this Government to pursue. Possibly if another course had been pursued, and silver had been forced upon the holders of securities, the country might have survived. I know not. It is not a time to make experiments.

What is the law? Whether the law is wise or unwise is not the question. You have to-day upon your statute books authority for the maintenance of only one single standard, and that is the gold standard. You may honestly seek to change it by an amendment of the statute; but while it exists is there any other course except honestly to enforce that policy and enforce that statute?

Mr. President, what are the complaints made upon which this investigation is desired? If it had been introduced by my distinguished friend from New Hampshire [Mr. CHANDLER] I would have said that he wanted to have some fun; that he did it as a joke; that he enjoys a fracas of this kind—an investigation; that he would like to have had the tumult which would arise in the newspapers in regard to it, and would like to see the Democratic officials squirm under this investigation. That is all very well from his standpoint; but, Mr. President, the people are not interested in those things. The great business interests of the country are not interested in the Congressional squabbles of one party obtaining a trifling advantage over another. The business interests of the country do not want Congressional investigations over grave financial questions if they can be avoided. There is nothing in it for them. They do not like this attempt to get mean, little, contemptible political advantage of one party over another by using the great weapon of a Congressional investigation, disturbing the financial affairs of the country.

The first two loans, of about $50,000,000 each, are to be investigated. That is what the resolution says. What was the trouble about those loans? What was the trouble about the first two loans? Oh, they say there was no authority. That is the whole difficulty. We have got over that. What was the difficulty in fact? The syndicate had nothing at first to do with those loans. A popular loan was started in one of them and failed; then subscriptions were started. Who questioned those first two loans, their regularity, their propriety? No one. We are going to investigate them. I suppose they thought the tail would go with the hide, and put them all in. If we are going to have a time, let us have a great time. I was going to use a stronger phrase, but I refrain from it. Therefore we are going to investigate the first two loans of $50,000,000 each just for the fun of the thing; that is all. Nobody makes any complaint; nobody has indicated any fraud; nobody has said there was any irregularity, but we are going to investigate them.

Now, the second is the syndicate loan of last February. What was there about the syndicate loan? I say, and I challenge successful contradiction, that in the making of that loan there was nothing done secretly. The gold reserve was rapidly diminishing; a crisis was at hand; time was important. Concede, if you please, that the terms were somewhat harsh; what of it? That is a mere question of negotiation. Unless you will dare to go to the extent of saying that the officers of our Government were recreant to their trust, the mere fact whether there was a little excessive percentage one way or the other makes no difference. It was a question of negotiation, a question of bargain, and if you concede that the parties to the contract were honest, there is really nothing further to investigate about it.

The author of the resolution, in his speech that I referred to yesterday, said the country was astonished. Mr. President, is that so? Will that bear investigation? Before the President, through his Secretary, had issued a single bond prior to the February loan he sent to this Congress a special message, which I will ask the Secretary to read, showing that he did nothing secretly, showing that he warned Congress of what was coming, showing that he appreciated the gravity of the situation, showing that he wanted to discharge his duty to his country. That message shows it.

The PRESIDING OFFICER. The Secretary will read as indicated.

The Secretary read as follows:

To the Congress of the United States:

Since my recent communication to the Congress, calling attention to our financial condition and suggesting legislation which I deemed essential to our national welfare and credit, the anxiety and apprehension then existing in business circles have continued.

As a precaution, therefore, against the failure of timely legislative aid through Congressional action, cautious preparations have been pending to employ to the best possible advantage, in default of better means, such executive authority as may, without additional legislation, be exercised for the purpose of reenforcing and maintaining in our Treasury an adequate and safe gold reserve.

In the judgment of those especially charged with this responsibility, the business situation is so critical and the legislative situation is so unpromising, with the omission thus far on the part of Congress to beneficially enlarge the powers of the Secretary of the Treasury in the premises, as to enjoin immediate Executive action with the facilities now at hand.

Therefore, in pursuance of section 3700 of the Revised Statutes, the details of an arrangement have this day been concluded with parties abundantly able to fulfill their undertaking whereby bonds of the United States, authorized under the act of July 14, 1875, payable in coin thirty years after their date, with interest at the rate of 4 per cent per annum, to the amount of a little less than $62,400,000, are to be issued for the purchase of gold coin amounting to a sum slightly in excess of $65,000,000, to be delivered to the Treasury of the United States, which sum, added to the gold now held in our reserve, will so restore such reserve as to make it amount to something more than $100,000,000. Such a premium is to be allowed to the Government upon the bonds as to fix the rate of interest upon the amount of gold realized at 3½ per cent per annum. At least one-half of the gold to be obtained is to be supplied from abroad, which is a very important and favorable feature of the transaction.

The privilege is especially reserved to the Government to substitute at par within ten days from this date, in lieu of the 4 per cent coin bonds, other bonds in terms payable in gold and bearing only 3 per cent interest, if the issue of the same should in the meantime be authorized by the Congress.

The arrangement thus completed which, after careful inquiry, appears in present circumstances and considering all the objects desired to be the best attainable, develops such a difference in the estimation of investors between bonds made payable in coin and those specifically made payable in gold in favor of the latter as is represented by three-fourths of a cent in annual interest. In the agreement just concluded the annual saving in interest to the Government, if 3 per cent gold bonds should be substituted for 4 per cent coin bonds under the privilege reserved, would be $520,159, amounting in thirty years, or at the maturity of the coin bonds, to $16,174,770.

Of course there never should be a doubt in any quarter as to the redemption in gold of the bonds of the Government which are made payable in coin. Therefore the discrimination in the judgment of investors between our bond obligations payable in coin and those specifically made payable in gold is very significant. It is hardly necessary to suggest that whatever may be our views on the subject, the sentiments or preferences of those with whom we must negotiate in disposing of our bonds for gold are not subject to our dictation.

I have only to add that in my opinion the transaction herein detailed for the information of the Congress promises better results than the efforts previously made in the direction of effectively adding to our gold reserve through the sale of bonds; and I believe it will tend, as far as such action can, in present circumstances, to meet the determination expressed in the law repealing the silver purchasing clause of the act of July 14, 1890, and that, in the language of such repealing act, the arrangement made will aid our efforts to "insure the maintenance of the parity in value of the coins of the two metals and the equal power of every dollar at all times in the markets and in the payment of debts."

GROVER CLEVELAND.

EXECUTIVE MANSION,
February 8, 1895.

Mr. HILL. This special message was an able and comprehensive statement of the then existing financial situation. It informed Congress of exactly what was contemplated and what would have to be done. If those who were so jealous of syndicates, if those who in this Chamber so frequently denounce syndicates desired to deprive those syndicates of the bonds which were to be issued, they had ample authority so to do. The President asked for legislation which would give him the right to have bonds issued at 3 per cent and better terms for the Government secured. It is true that he asked for gold bonds. It is true he argues that gold was needed for the purposes of replenishing the redemption fund. But, Mr. President, Congress was deaf to his appeal. Congress refused any sort of legislation upon the subject. Congress seemed to prefer to denounce syndicates in public speeches and play into their hands by refusing adequate legislation.

The President of the United States informed Congress precisely what he had felt constrained to do. In considering the syndicate contract we should not forget the fact that under the very terms of that contract one-half of the gold was to be supplied from abroad. Need I argue before the Senate or the country the value of that provision? Had we not seen under the system of popular loans nearly three-quarters of all the gold taken directly from the Treasury? That had been the practical result. The parties who desired bonds procured the greenbacks, went to the Treasury, drew out the gold, then came back and bought the bonds, and there was no possible way of stopping it, at least no feasible, no practical way.

But the value of this contract was that it provided that half of the gold should be obtained abroad, therefore leaving our gold intact in the Treasury of the United States. If Congress did not like that arrangement it could have changed it. If Congress wanted something better for the interests of the country, Congress could have legislated. Mr. President, legislation was not given. Congress largely accepted the responsibility and relieved the President. He had only to proceed under existing law; and while this syndicate contract of February, 1895, has been criticised I have never yet heard the able argument upon that side of the question presented by the Senator from Wisconsin [Mr. VILAS] answered here or elsewhere.

The President in his subsequent annual message did not seek to escape the responsibility for what had been done. In his annual message that followed he detailed this transaction. He defended it. He accepted his share of the responsibility for it. He said that he believed he had subserved the best interests of the country, and he thinks so still. I will ask the Secretary to commence where I have marked on page 18 of the President's last annual message. It will be good matter to insert in my remarks.

The PRESIDING OFFICER. The Secretary will read as indicated.

The Secretary read as follows:

The compulsory purchase and coinage of silver by the Government, unchecked and unregulated by business conditions and heedless of our currency needs, which for more than fifteen years diluted our circulating medium, undermined confidence abroad in our financial ability, and at last culminated in distress and panic at home, has been recently stopped by the repeal of the laws which forced this reckless scheme upon the country.

The things thus accomplished, notwithstanding their extreme importance and beneficent effects, fall far short of curing the monetary evils from which we suffer as a result of long indulgence in ill-advised financial expedients.

The currency denominated United States notes and commonly known as greenbacks was issued in large volume during the late civil war, and was intended originally to meet the exigencies of that period. It will be seen by a reference to the debates in Congress at the time the laws were passed authorizing the issue of these notes that their advocates declared they were intended for only temporary use and to meet the emergency of war. In almost if not all the laws relating to them some provision was made contemplating their voluntary or compulsory retirement. A large quantity of them, however, were kept on foot and mingled with the currency of the country, so that at the close of the year 1874 they amounted to $381,999,073.

Immediately after that date, and in January, 1875, a law was passed providing for the resumption of specie payments, by which the Secretary of the Treasury was required, whenever additional circulation was issued to national banks, to retire United States notes equal in amount to 80 per cent of such additional national-bank circulation until such notes were reduced to $300,000,000. This law further provided that on and after the 1st day of January, 1879, the United States notes then outstanding should be redeemed in coin, and in order to provide and prepare for such redemption the Secretary of the Treasury was authorized not only to use any surplus revenues of the Government, but to issue bonds of the United States and dispose of them for coin, and to use the proceeds for the purposes contemplated by the statute.

Mr. HILL. Mr. President, I now yield for a little while to the Senator from Iowa [Mr. GEAR], who wishes to present a report.

PACIFIC RAILROADS.

Mr. GEAR. I am directed by the Committee on Pacific Railroads to report a new bill as a substitute for Senate bills 773, 798, and 1369. I will state that I shall file the report of the committee favoring the passage of the bill within a day or two.

I wish to state further in this connection that the Senator from Colorado [Mr. WOLCOTT] dissents in some degree from the report regarding the Union Pacific Railroad, and reserves the right, which the committee cheerfully accord him, of filing, if he wishes, a minority report.

Mr. CHANDLER. I ask that the titles of the bills be stated.

The PRESIDING OFFICER. The titles of the bills will be stated. The new bill reported by the Senator from Iowa will be placed upon the Calendar and the other bills indefinitely postponed, if there be no objection.

The Secretary read as follows:

A bill (S. 1369) directing the foreclosure of the Government lien on the Pacific railroads, and for other purposes.

Mr. ALLEN. By whom was that bill introduced?

The PRESIDING OFFICER. By the Senator from Nebraska [Mr. ALLEN].

Mr. ALLEN. I want that bill to go upon the Calendar, Mr. President, and not to be indefinitely postponed.

The PRESIDING OFFICER. The bill will be placed upon the Calendar.

Mr. GEAR. The committee does not ask for the indefinite postponement of the various bills for which it reports the substitute. It presents a new bill as a substitute in lieu of all of the other bills. Of course it will be for the Senate to take what action it pleases regarding any of the bills.

The PRESIDING OFFICER. The titles of the other bills will now be stated.

The Secretary read as follows:

A bill (S. 773) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864; and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of certain of the railroads, and to secure to the United States payment of all indebtedness of certain of the companies therein mentioned—introduced by Mr. FRYE.

A bill (S. 798) to alter and amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-named act; and also to alter and amend the act of Congress approved May 7, 1878, in amendment of said acts—introduced by Mr. THURSTON.

The PRESIDING OFFICER. The bills will be placed on the Calendar.

Mr. GEAR. Now, let the Secretary read the title of the bill which was reported by the committee as a substitute for the bills the titles of which have just been read.

The PRESIDING OFFICER. The title of the bill referred to will be stated.

The Secretary read as follows:

The bill (S. 2894) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, and other acts amendatory thereof and supplemental thereto; and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

Mr. ALLEN. With the consent of the Senator from New York [Mr. HILL], I should like to ask the Senator from Iowa if this is what is known as the Frye bill?

Mr. GEAR. No, sir; it is the committee bill. It is somewhat changed from the Frye bill. It is the bill prepared by the committee, which embraces the settlement of both roads.

Mr. ALLEN. I infer that the Committee on Pacific Railroads has concluded its examination of witnesses.

Mr. GEAR. I think so.

Mr. ALLEN. I should like to ask the Senator if any of the shippers along the line of these bond-aided railroads have been invited to appear before the committee?

Mr. GEAR. As I stated once before to the Senator from Nebraska when this question was before the Senate, public notice has been given of all the hearings, and shippers, boards of trade, and everybody else could have appeared before the committee and have stated whatever they chose.

Mr. ALLEN. No further notice has been given?

Mr. GEAR. No further notice has been given.

Mr. ALLEN. Simply a general notice?

Mr. GEAR. Simply a general notice, the same notice as has been given of all the hearings by committees in both branches of Congress during my service in either branch.

Mr. ALLEN. I should like to ask the Senator also whether any specific invitation has been extended to any boards of trade or chambers of commerce or grangers or Alliance organizations to furnish data and appear before the committee?

Mr. GEAR. No specific invitation has been sent to anybody.

Mr. ALLEN. What class of witnesses have appeared here, and representing what interests?

Mr. GEAR. I have not time to recapitulate all the evidence. It fills a large book. The Senator can get it by application to my committee room, and find out what class of persons came before the committee and read it, which I suppose he will do.

Mr. ALLEN. Yes; I can read.

Mr. GEAR. I know you can.

Mr. ALLEN. I simply desire to say a few words, if I can have the permission of the Senator from New York.

Mr. HILL. Certainly.

Mr. ALLEN. Mr. President, several weeks ago this question was up, and it was then notorious that Collis P. Huntington and his lobbyists—because that is the proper designation for them—were here in force to influence the action of Congress in legislation upon the subject of the Pacific railroads. I then called the attention of my honorable friend from Iowa, for whom I have the highest respect, to the fact that no invitation had been sent to the patrons of these roads and to the people who were affected by this legislation, either to appear before the committee or to lay before it any data in their possession. I had hoped at that time that the honorable Senator from Iowa, who is at the head of this committee, would have sent out an invitation which could have been done for 2 cents—a 2-cent postage stamp would have carried the letter—to the National Grange and the national and State alliances of the States through which these railroads run, and the boards of trade, the chambers of commerce, and the great body of shippers and people whose interests are affected—and deeply affected—by this proposed legislation, to appear before that committee and give evidence and furnish data. I supposed, of course, that the honorable Senator would have done that. I had no doubt that he would do it when his attention was drawn to the fact. I regret to say, Mr. President, that it does appear to me as though there had been a studied effort on the part of the Pacific Railroads Committee to cut off those people from any opportunity to appear before the committee or lay before it necessary evidence and data, and by that means get a full, free, and fair expression of popular sentiment upon the subject.

Mr. GEAR. Mr. President, if the Senator from New York will permit me for a moment, I beg to say, in reply to the statements made by the Senator from Nebraska, whom I have known these many years in all the different political affiliations and parties with which he has been connected during the last thirty years, that, as I said before, a public notice was given that the committee were to have hearings in regard to a proposed settlement on the part of the Central and Union Pacific railroads of the debts they owed the Government. The only notice, as I have before said, that I have ever known to be given by a committee of Congress in regard to a proceeding of this kind went out in the Associated Press dispatches. The hearings were reported and published from the Golden Gate to the Atlantic Ocean. Every day the papers of California and of Omaha, in the Senator's own State, had full reports of what the committee were doing, and everybody who felt inclined to appear, or who had anything to say to the committee, had a perfect opportunity to do so. The doors of the committee have always swung inward——

Mr. PEFFER. I rise to a question of order.

Mr. GEAR. I will be through in a minute, if the Senator will allow me.

The doors of the committee have always swung inward for every man, for every woman—because women have been before the committee, I believe—to appear before the committee to make their statements. If the National Grange or the National Farmers' Alliance or the boards of trade of Omaha or of any other place along the line from here to the Pacific Ocean wanted to come before the committee, they had the opportunity. The committee were not empowered to send for persons and papers, and therefore the only notice they could give was the same as that which has always been given in the other branch and in this branch of Congress when hearings have been had in regard to the great question of the tariff. If individual notices had been sent out, it would have taken months to close up the hearings.

The members of the committee can answer each individually to the charge which the Senator from Nebraska makes in regard to this matter. They are perfectly competent to do it. They are as able men, in my judgment, and as honorable as any who are on the floor of this Senate, and they have given a great deal of time and attention to this vexed question. Whether they have arrived at the proper solution of the subject in the bill reported, time will show. The votes of Senators, when the bill is presented to them, will show whether they think the committee is right or wrong.

The Senator has no right to come in and impugn the committee, or the chairman of the committee, by saying they have not done their duty in not sending out written notices to Tom, Dick, and Harry all over God's creation to come and appear before the committee. In my judgment, the Senator would not have done it if he were chairman of that or any other committee.

That is all I wish to say, Mr. President.

Mr. ALLEN. Mr. President, with the indulgence of the Senator from New York and the Senator from Kansas, I wish to occupy the time of the Senate for just a moment.

I am not inclined to engage in a quarrel with my distinguished friend from Iowa, for whom I have very great respect indeed——

Mr. GEAR. You can not get into a quarrel with me.

Mr. ALLEN. For I have known him since I was a barefooted boy. I believe him to be an honest man and I know him to be an able man, but I can not understand, and the Senator will have to explain his explanation to me before I can understand—it may be in consequence of my dullness—why the people of this country have no right, why they have not been invited, to appear before this committee and make their grievances known.

I speak of what I have seen with my own eyes. I have been in the Pacific Railroads Committee room on two different occasions when this so-called investigation was going on, and I have seen that supreme magnate of American railroads and American politics, himself the embodiment of force and corruption, Collis P. Huntington, sitting there, apparently a lord over the committee and everybody around him, and his lobbyists occupying the seats in the committee room; not a farmer, not a merchant, not a man living upon the prairies, not a man living along the line of the railroads there—not one.

The Senator from Iowa says that it has not been the custom to send out notices to these people. Mr. President, if it has not, then the custom ought to be changed. A precedent that excludes the great masses of the people who are affected by legislation of this kind from an opportunity to be heard before this committee, or any other committee of Congress, ought to be revoked as speedily as possible.

I am not going to make any charge against the committee—I would not do that, for I recognize that they are all honorable gentlemen; Brutus was an honorable man also. I recognize their honesty and their capacity, but I can not help but be impressed with the thought that there was a studied and a fixed purpose—and I say it now—a studied and fixed purpose to exclude these people from any representation before that committee or an opportunity to lay before it their wishes or any facts in their possession.

This bill—I do not know what it is, but if it is read, and I shall ask to have it read and put in the RECORD, so that it shall appear to-morrow morning—means what? I can read it as well as though I had it before my eyes at this moment. It means an extension of the debt of these railroads to the nation substantially upon the lines laid down and dictated by Mr. Huntington. That is all I now desire to say.

Mr. CHANDLER. Mr. President——

Mr. GEAR. One moment.

The PRESIDING OFFICER. The Chair thinks this colloquy is entirely out of order and proceeds with the permission of the Senator from New York.

Mr. GEAR. I understand it is by the grace of the Senator from New York and the Senator from Kansas.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Iowa?

Mr. CHANDLER. Yes, sir.

Mr. GEAR. The Senator from Nebraska claims to represent on this floor the great State of Nebraska. I will not say that he misrepresents it. I will leave that to his people to say. Why did not the Senator from Nebraska come before that committee himself? That is a question for him to answer. He is supposed to represent the great farming interests, the grange interests, the national alliances, and the boards of trade. He says we did not give them notice, and he, representing them as the fiduciary agent of those interests, failed to come in person. He knew this committee was sitting day by day, and for weeks and months.

Mr. ALLEN. Let me correct the Senator. That statement ought not to be made.

Mr. GEAR. What statement?

Mr. ALLEN. The statement the Senator is now making.

Mr. GEAR. Why not?

Mr. ALLEN. I stood at my desk here two months ago and called your attention to this matter.

Mr. GEAR. I ask you here now, did you not know, and do you not know as a matter of fact, that this committee was in

daily session examining people under oath? Had you not a right, as every other man in the Senate, every Senator, every citizen of this country, to come before that committee and make any statement you wished?

It is a great deal easier, Mr. President, to pull down than it is to build up. The Senator is of that class of people who try to pull down and not to build up the legislation of the country.

I will state briefly what the bill contains. The original debt of the Pacific railroad companies to the United States is paid and the money is in the Treasury of the United States. This bill simply deals with the interest. Whether the matter is dealt with in the best manner is for the Senate to decide. The bill provides for certain payments, $1,000 a day for the first ten years, $1,500 a day for the next ten years, and $2,000 a day thereafter until final payment. And also the payment of some annual interest. Whether the committee in this bill have devised the best method of making and adjusting the settlement I do not know. I do not claim for the committee infallibility; but I do claim that the members of that committee are men of as high standing as there are in this Senate, and it is in very bad taste for the Senator from Nebraska to come in here and impugn the integrity and the reliability of his brother Senators because they have not come up to what he thinks is perfection. I for one do not propose to stand here and take the kind of language that the Senator from Nebraska addresses to me. He can get no quarrel with me. I know him well. I have known him probably longer and better than many other Senators in this Chamber. I know the kind of parties he has affiliated with for the last thirty or forty years. Now he turns up with the party which my friend from Tennessee [Mr. HARRIS] calls "Populites." It is much easier for that class of men to tear down than to build up. The Senate of the United States and the House of Representatives are endeavoring to build up, in my judgment, and save the Government the money due it. Whether the committee have done wisely will be found out when the bill is brought to the Senator's notice and he has an opportunity to discuss it and vote upon it.

Mr. ALLEN. Just a word, and I shall not interrupt the exhibition of my friend from New York much further.

Mr. HILL. What?

Mr. ALLEN. His speech, I should say. [Laughter.]

The Senator from Iowa, I regret to say, loses his temper. I have not impugned the motives of the honorable Senator from Iowa nor his associates on the Pacific Railroads Committee. Whatever I might think about that, Mr. President, I would not give expression to it here. I might say, however, that I have no disposition to impugn his motives or the motives of his associates. I would not suffer myself to do that.

The Senator, however, seems to make, or undertakes to make, a point upon me that I have not followed this Pacific Railroads Committee around to its committee room. It is not my duty to do so. I was sent here to represent in part the State of Nebraska. I did not come here by the consent of the Senator from Iowa, and never should have come here by his consent.

Mr. GEAR. That is true.

Mr. ALLEN. That is true. I am here in spite of him, Mr. President, and I am going to stay here, too, for a while, and whenever I think a thing is wrong I am going to say so, it does not make any difference who is involved, and I am not going to say it with any insinuation attached to it. If I think anything involves the character of the Senator from Iowa I will say so to him in plain Anglo-Saxon. He never in the world will be mistaken as to what I mean.

Mr. GEAR. May I interrupt the Senator a moment?

Mr. ALLEN. Oh, yes.

Mr. GEAR. When this question was up some six weeks ago, the Senator will bear in mind that I then invited him to come before the committee. Why did he not come? Please answer that question to the Senate.

Mr. ALLEN. I am just answering it, and I will answer it completely.

Mr. GEAR. I shall be glad to have you do it.

Mr. ALLEN. It is not my business to go before that committee; not at all. I am here to point out to the Senator from Iowa the fact that along the line of these railroads there are great organizations of farmers and merchants and consumers and shippers who have a great deal of valuable data that ought to be laid before the committee. I did that from my desk in the Senate in as dignified a way as I am capable of transacting business. It was then the duty of the Senator from Iowa, in my judgment, to send out an invitation to those people to lay their data before the committee, and not to engage for six or eight weeks in a special exhibition given for Collis P. Huntington and his peculiar class of people to the exclusion of the honest granger and the merchant and the shipper and the consumer. I did call attention to that fact.

Now, let me speak of one more thing. The honorable Senator from Iowa, who is a most excellent gentleman, says that he knows me well; he does; that he knows of my various political attachments and affiliations. I beg to inform the Senate and the country now all about them, and I will inform the Senator from Iowa of something he does not know.

I cast my first vote for Abraham Lincoln for President of the United States. I was in the Army at the time, I suppose not a voter, although I was told by the commissioners who took the vote that I was, and I voted. I cast my second vote for U. S. Grant for President of the United States.

Mr. GEAR. I congratulate the Senator on twice having voted right. [Laughter.]

Mr. ALLEN. I cast my next vote again for Grant in 1872. I suppose the Senator will congratulate me there.

Mr. GEAR. I will.

Mr. ALLEN. I cast my next vote for Samuel J. Tilden in 1876.

Mr. HILL. I congratulate the Senator there. [Laughter.]

Mr. ALLEN. Thank you.

In 1880, Mr. President, I cast my next vote for James A. Garfield for President. In 1884 I was absent from my State at the time the election was held. If I had been there I should have voted for James G. Blaine. I believed him to be a very great statesman; and I believe also, and believed at the time, and I have never had occasion to change my mind, that Samuel J. Tilden was one of the greatest statesmen and purest men this country has ever produced.

In 1888, I regret to say, Mr. President, I cast my vote for the late President of the United States, Benjamin Harrison. In 1892 I cast my vote for James B. Weaver, thank God! [Laughter.]

Now, I have told the Senator from Iowa something that he never knew before. The Senator was simply fishing in the dark when he said he knew my political affiliations.

Mr. President, when a man lives to be 75 or 80 years of age and never discovers that he has been in error there is no hope for that man; none whatever. [Laughter.]

Mr. CHANDLER. Then I understand that the test of a man's knowledge is that he must change his politics once in a while. [Laughter.]

Mr. ALLEN. Oh, no, Mr. President; not at all; but that man who puts his party above his country is the most dangerous enemy the country can have. What is a political party designed for but as a means to produce the end of good government? Whenever a man says that his patriotism is measured and limited by the hidebound decrees of a political party, and can never see that it is in error, there is no hope for that man, and there is no hope for a country the great body of whose citizenship is composed of that class of men.

Now I yield the floor to the distinguished Senator from New Hampshire [Mr. CHANDLER].

Mr. CHANDLER. Mr. President, certainly the Senator from Nebraska [Mr. ALLEN] is competent to speak on the subject of parties, because he has consecutively belonged to them all, and seemed to me to intimate toward the last that he was meditating another change. [Laughter.]

The Senator will also notice that he has been obstructing the passage of the resolution of his Populist friend from Kansas [Mr. PEFFER], which we are all so desirous to have passed, and have been waiting here anxious to pass as soon the Senator from New York [Mr. HILL] shall exhaust himself. [Laughter.] Yet the Senator from Nebraska has intervened with the discussion of the Pacific railroads question upon the formal presentation of the report by the chairman of the committee.

I desired to rise a few moments ago simply to say a word—an unnecessary word, it is true—in vindication of that committee from the aspersions (I must call them such) of the Senator from Nebraska. As I understood the Senator, he said that Mr. Huntington and his lobbyists had been allowed to lord it over that committee. He meant, if he meant anything, that Mr. Huntington and his associates dominated the committee—influenced it improperly in the manner of its investigation.

Mr. ALLEN. Oh, no; not at all.

Mr. CHANDLER. Not in the result——

Mr. ALLEN. Let me correct the Senator.

Mr. CHANDLER. Not in the result, but in the manner of conducting its investigation.

Mr. ALLEN. Let me correct the Senator. We are all really helping the Senator from New York. [Laughter.]

Mr. CHANDLER. The Senator from New York will excuse us both.

Mr. ALLEN. I neither said nor implied what the Senator from New Hampshire has stated.

Mr. CHANDLER. That is what the language means as it stands in the RECORD.

Mr. ALLEN. What I wanted to be understood as saying—and I ordinarily speak with plainness—was that every chair in the room of the Pacific Railroads Committee was occupied by Mr. Huntington and his friends except those occupied by the committee. They were there to the exclusion of other people.

Mr. CHANDLER. I undertake to say that the remarks of the Senator will read as an aspersion upon the committee, although they have been well replied to by the chairman of the committee. And the Senator now adds another aspersion. He can not mean anything but an aspersion when he says that all the chairs except those of the committee were occupied by Mr. Huntington and his friends. He implies by that that others who wanted to be there were excluded from chairs and had not a fair opportunity before the committee.

I do not speak now of the result which the committee has reached, but I undertake to say, so far as the investigation of the committee and its conduct of that investigation are concerned, that they are beyond criticism. It is absurd for the Senator from Nebraska to say that the committee should have advertised all over this country for people to come in and make objections. The whole country that is interested in this question knew that the bills were before the committee. The country has known it for years, and anyone who had the least desire to be heard had notice and an opportunity to be heard. If advertising was needed, the Senator from Nebraska had advertised over and over again in speeches in the Senate that the question was pending and that everybody who had anything to say ought to be there.

Mr. STEWART. The proceedings of the committee were published from time to time.

Mr. CHANDLER. The proceedings of the committee, as we all have noticed, have been reported in the papers. I did not enter the committee room, but we have read from time to time reports of the proceedings of the committee. The time was taken up literally by the Senator from Alabama [Mr. MORGAN], who is not in favor of the settlement bill, I suppose. If there has been any favoritism shown anywhere in the hearings, according to my observation it has not been to Mr. Huntington and his associates, or his lobbyists, or whatever else the Senator may call them, but the time was taken up by the opponents of the settlement, by the enemies of Mr. Huntington, and by the men who entertain the same views on the subject of this settlement that are entertained by the Senator from Nebraska. I say that vastly more of the time of the committee in the consideration of the business before it was taken up by the opponents of the settlement than by Mr. Huntington and the friends of the settlement. I call upon the Senator from Nevada [Mr. STEWART], who appears at my left, to dispute me if I am not correct.

Mr. STEWART. Three-quarters of the time was so employed.

Mr. CHANDLER. The Senator from Nevada says three-quarters of the time. Here are the members of the committee: Mr. GEAR (the chairman), Mr. STEWART, Mr. DAVIS, Mr. WOLCOTT, Mr. FRYE, Mr. BRICE, Mr. MORGAN, Mr. FAULKNER, and Mr. MURPHY. The committee may have reached a mistaken result; it may have reported a bill that we shall not vote for, but I do deprecate in all sincerity the attack which the Senator from Nebraska has made upon the committee. Is he aware how much he creates sentiments of suspicion of the Populist party when he intimates that the Senator from Nevada [Mr. STEWART], his distinguished associate in that party, could be actuated by any other than the best of motives in the performance of a public duty? It seems to me that the Senator should have refrained from criticising the mode and manner of the committee and should have withheld his objurgation until the bill came up for consideration.

Mr. HILL. Will the Senator from New Hampshire allow me for a moment?

Mr. CHANDLER. Certainly.

Mr. HILL. I am inclined to think that the allegations of the Senator from Nebraska present good ground for another investigation. [Laughter.]

Mr. CHANDLER. I only hope that in order to prove that the Senator from New York is right he will not undertake to read all of the proceedings of the Pacific Railroad Committee as a part of his brief remarks.

Mr. HILL. I would not want to promise.

Mr. CHANDLER. That is all I have to say. I did not need to rise, but I think the Senator from Nebraska himself ought to disclaim in the most emphatic manner the idea which it seems to me he intended to convey—that Mr. Huntington and his lobbyists exercised an improper influence upon the conduct and action of the committee.

Mr. PEFFER. I call for the regular order.

Mr. GEAR. I ask the Senator from Kansas to give way for one moment.

Mr. PEFFER. I object to any further discussion.

Mr. GEAR. I ask the Senator from Kansas to give way for barely one moment.

Mr. PEFFER. I have given way for two or three moments already.

Mr. HILL. I have the floor.

Mr. GEAR. Then I ask the Senator from New York to yield to me.

Mr. HILL. I yield.

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Iowa?

Mr. GEAR. I understand I am recognized. I wish to say one word more in regard to the hearings before the committee.

Of course the Central and the Union Pacific railroads were to make certain propositions to the Government in adjustment of this debt. The distinguished Senator from Alabama [Mr. MORGAN] requested Mr. Huntington to come before the committee. Fully 90 per cent of the time of the committee in the hearing of Mr. Huntington was taken up by the cross-questioning of the distinguished Senator from Alabama. The other Union Pacific representatives came there in their turn to make propositions to the Government through the committee. The only method by which they could come before Congress was through the committee. They came there and made their proposition, and were put under oath. The gentlemen who represent the Government, in the persons of Mr. Ellery Anderson and Mr. Oliver Mink, receivers for the Government, were also there, and they were put under oath. The hearing took up a long time, a large portion of which was taken up by my friend the Senator from Alabama, who, I regret, is sick and not able to be here. That is the history of the hearings.

The room of the committee, of which I have the honor to be chairman, is too small to accommodate the crowd that came to the hearing. Gentlemen from all over the country were there, and the Senator from Maine [Mr. FRYE], chairman of the Committee on Commerce, kindly gave us his room in which to hold the hearing, so that we might accommodate the crowd of 20 or 30 or 50 people who came there. So it seems to me everybody had a right to come and that everybody came who wished.

The Senator from Nebraska has given us his political history. I congratulate him that out of seven Presidential votes he has given four or five at least on the right side. When he voted for James B. Weaver—a gentleman of my own State—he voted for a man who is in favor of confiscating all the railway property and public property, the telegraphs, and everything of that kind and issuing irredeemable paper money for them; who stood then and stands now on the same platform that the Senator from Nebraska stands on—the Ocala platform. The Senator from Nebraska has been a Republican. All right. He has been a Democrat, he says. I respect a good, honest Democrat. To-day he represents the Populist party, occupying a position between the two parties, according to his way, but really with his guns aimed toward the Republican party and looking all the time to the Democratic party, with which he affiliates. That is his political record.

Mr. ALLEN. With the consent of the Senator from New York [Mr. HILL], who is entitled to the floor——

The PRESIDING OFFICER. The Chair is assuming also that the Senator from Kansas consents.

Mr. ALLEN. Mr. President——

Mr. HILL. I do not see that the Senator from Kansas has anything to do with it.

Mr. PEFFER. The Senator from Kansas has the right at any time to raise a question of order, and that is all he has done.

Mr. HILL. There is nothing in the question of order. That is the difficulty.

Mr. ALLEN. If Senators will yield to me for just a moment, in the first place I desire to make a request that the bill as reported by my always amiable friend the Senator from Iowa may be printed in the RECORD.

Mr. GEAR. I hope the bill will be printed in the RECORD as the Senator requests.

The PRESIDING OFFICER. It will be so ordered, in the absence of objection.

The bill is as follows:

A bill (S. 2894) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to ascertain the amounts of the respective indebtedness of the Union Pacific Railroad Company and the Kansas Pacific Railway Company to which the subsidy bonds of the United States were advanced in aid of the construction of the Pacific railroads and branches, as of the 1st day of January, 1897, upon the same principle as if the whole sum of said bonds and interest paid and to be paid by the United States thereon, and not theretofore repaid by credits on account thereof, were to be paid to the United States in cash on said day; and the said sum shall be computed and ascertained as follows:

First. To the whole of the principal of said subsidy bonds attributable to each of said companies shall be added the interest paid or to be paid by the United States upon the same, so as to ascertain the total amounts that would have been due the United States for principal and interest paid on the bonds issued to each of said companies at their maturity if no payments or reimbursements had been made thereon by the companies.

Second. From said amounts so ascertained shall be deducted any payments

or reimbursements made by or on behalf of either of said companies upon their indebtedness at any time before the 1st day of January, 1897, as shall appear in the bond and interest accounts of the said companies, respectively, with the United States.

Third. Compute the present worths of the amounts so found as of the 1st day of January, 1897, on the basis that money is worth 2 per cent per annum during the period between the date of average maturity of the said bonds and the 1st day of January, 1897. From the sums so ascertained there shall be deducted the amounts in the sinking fund applicable to the said companies, respectively, computing the value of any bonds in the said sinking fund at their market value at the time of such computation, as estimated by the Secretary of the Treasury; and said sinking fund shall thereupon be applied as a payment upon the debt of such company to the United States. The aggregate amounts so arrived at shall be deemed the sums that would be required to be paid on the said 1st day of January, 1897, by said companies for the purpose of completely discharging their entire debts to the United States.

SEC. 2. That the Union Pacific Railway Company, successor to the Union Pacific Railroad Company and the Kansas Pacific Railway Company, be, and it is hereby, authorized to make, issue, and deliver to the Secretary of the Treasury, who is hereby authorized and directed to receive the same, its certain indenture of mortgage, which shall bear date the 1st day of January, 1897, covering and embracing all the lines of railway, rights of way, terminals, terminal properties, bridges, rolling stock, lines of telegraph, and all the then unsold land grant and other lands, and all the then outstanding land and town-lot contracts, and all property appurtenant thereto embraced in and covered by existing mortgages of the Union Pacific Railway Company, including all its unsubsidized as well as subsidized lines of railway and the branches and spurs connected therewith now owned by the Union Pacific Railway Company, the main lines whereof extend from Council Bluffs, in the State of Iowa, to a point about 5 miles west of Ogden, in the State of Utah, and from Kansas City, in the State of Missouri, to Denver, in the State of Colorado, and from Denver to Cheyenne, in the State of Wyoming, and from Leavenworth to Lawrence, in the State of Kansas, together with all appurtenances thereto belonging, and all rights, franchises, and privileges owned by the Union Pacific Railway Company in connection therewith or with the operation thereof. Said mortgage shall constitute a lien upon said properties junior and subject only to the new first mortgage hereinafter provided for, and shall cover and embrace all the lines of railway, property, franchises, and rights embraced in and covered by the said first mortgage. A proper and complete description and inventory of all the property affected by such mortgage shall be prepared under the direction of the Secretary of the Treasury, which, when approved by him, shall be filed in his office; and such mortgage on the property therein described shall be held as security for the payment of the principal and interest of the bonds issued thereunder and authorized by this act; but this section or such mortgage shall not be construed to prevent the said company from using or disposing of any of its property or assets, in the ordinary, proper, and lawful course of its current business, in good faith and for valuable consideration, and said company may sell and convey for valuable consideration any lands included in its land grant and apply the proceeds thereof as required by the provisions of the new first mortgage hereinafter provided for: *Provided*, That every such disposition of any stocks, bonds, securities, or other property owned by said company, whether by sale, pledge, or otherwise, shall be reported to the Secretary of the Treasury within thirty days after such disposition has been made, and that the bonds, stocks, obligations, or other property acquired, with the proceeds of the property so disposed of, shall, except as hereinbefore provided, in like manner and with the same power to dispose of the same, be subject to the lien of said mortgage, and that true and proper descriptions and lists of the same shall be from time to time prepared and filed with the Secretary of the Treasury.

SEC. 3. That the said Union Pacific Railway Company is hereby authorized to make, execute, and issue, under its mortgage aforesaid, to the Secretary of the Treasury of the United States its bonds in an amount equal to the said aggregate amount arrived at as above provided, each of which bonds shall be for the principal sum of $1,000 and shall be payable as provided for in this act. Said bonds shall be dated on January 1, 1897, and shall bear interest at the rate of 2 per cent per annum, payable semiannually on the 1st days of July and January in each year, beginning on the 1st day of July, 1897, and continuing until said bonds shall be paid. The said bonds shall at the time of the execution and delivery of the said mortgage be delivered to the Secretary of the Treasury, and shall be received by and on behalf of the United States as provisional payment of said aggregate amounts of indebtedness arrived at, as provided in section 1 of this act.

SEC. 4. That the Union Pacific Railway Company shall execute and deliver its mortgage and bonds to the United States for the debts of the Union Pacific Railroad Company and of the Kansas Pacific Railway Company to the United States, and the said bonds shall be numbered consecutively from 1 to a number which will include the whole amount thereof, and shall be payable in lawful money of the United States. Said company shall, on the 1st day of January of each year, for a period of ten years, commencing on the 1st day of January, 1898, pay to the Secretary of the Treasury of the United States, in addition to the interest which shall then be due on its said bonds so to be issued and delivered to him, the sum of $365,000 per annum, and for ten years commencing on the 1st day of January, 1908, shall pay to the Secretary of the Treasury, in addition to the interest which shall then be due on its said bonds, the sum of $550,000 per annum; and thereafter, commencing on the 1st day of January, 1918, said company shall pay to the Secretary of the Treasury, in addition to the interest which shall then be due on its said bonds, the sum of $750,000 per annum until the whole amount of said bonds shall have been fully paid. The payments of principal shall be applied in payment of the bonds of said company to an amount equal to such payment and in the order of the number of such bonds, beginning with the highest unpaid number. Each of said bonds, respectively, when paid, shall thereupon be canceled and surrendered to the company, and no other bonds under said mortgage shall be issued by said company in lieu thereof. When the said bonds and mortgage securing the same shall be delivered to the Secretary of the Treasury, then, in case the lien thereof is subject only to the lien securing the new first-mortgage bonds referred to in clause 1 of section 5 hereof, the lien of the United States upon any of the railroad and property embraced in said mortgage and all charge or claim of the United States upon any part of the revenues of such property under or by virtue of any existing laws shall cease and determine. When the bonds issued under section 3 of this act shall have been paid in full, as herein provided, the indebtedness represented thereby shall be wholly discharged and the Secretary of the Treasury shall cancel and discharge the mortgage given to secure the same under this act.

SEC. 5. That for the purpose of refunding its mortgage indebtedness upon such terms as it may be able to agree upon with its security holders and as will enable it to effect the settlement of its indebtedness to the United States as herein provided, the said Union Pacific Railway Company is hereby authorized and empowered to issue its new mortgage bonds and stock within the limitations defined in this section: *Provided, however*, That out of the use or proceeds of sale of the new securities, hereby authorized to be made and issued, or otherwise, all existing bonds secured by mortgages upon any part of the railway property and lands of the Union Pacific Railway Company shall be retired and extinguished, and the mortgages securing the same shall be satisfied and discharged, with the effect that the new mortgages herein authorized to be made shall be the only liens upon the entire railway property, equipment, lands, and franchises of the Union Pacific Railway Company covered by its said existing mortgages, and that the second mortgage herein authorized to be executed to the Secretary of the Treasury of the United States shall upon said entire mortgaged premises be junior and subject to no other lien and charge than the new first mortgage herein authorized securing new bonds to the amount hereinafter limited.

First. It may make, issue, and negotiate its bonds dated January 1, 1897, and maturing January 1, 1947, and bearing interest at a rate not exceeding 4 per cent per annum, payable semiannually on the 1st days of January and July of each year until the maturity thereof, to the face amount of all outstanding first-mortgage bonds prior in lien to the lien of the United States on the subsidized part of its railway, and those secured by mortgages constituting first liens upon parts of the unsubsidized railway, terminal properties, equipment, or upon lands of the said company, and those secured by mortgages upon the Omaha bridge, amounting in all to the sum of $54,761,000, and to secure the payment of said bonds by a first mortgage upon all the lines of railway, rights of way, terminals, terminal properties, bridges, rolling stock, and equipment, and all the then unsold land-grant lands, and all the then outstanding land and town-lot contracts, and upon all other property embraced in such existing mortgages of the Union Pacific Railway Company, and upon all of its rights, privileges, and franchises.

Second. It may make and issue its preferred stock to an amount not exceeding its present outstanding stock: *Provided, however*, That no dividends for any one year shall be paid upon such preferred stock in excess of the rate of 4 per cent nor except out of such net or surplus earnings as shall be acquired by said company in that year and as shall remain after the payment of operating expenses, and the interest upon said new first-mortgage bonds, and the interest and fixed annual sums required to be paid upon said second-mortgage bonds hereinbefore authorized to be issued.

SEC. 6. That in the event that the railroad and property of the Union Pacific Railway Company contemplated to be embraced in the new mortgage in this act authorized shall be sold under pending foreclosure proceedings or other proceedings now or hereafter instituted, but subject to all the existing liens of the United States thereon or on any parts thereof, the purchasers of said railway and property who shall have acquired the same subject to such liens of the United States and who shall have filed with the Secretary of the Treasury of the United States their written acceptance of the provisions of this act applicable to the Union Pacific Railway Company within the time hereinafter limited for the filing of such acceptance by the said Union Pacific Railway Company, or within such extended time not exceeding six months as may for good cause be prescribed by the President of the United States, shall be, and they are hereby, together with their associates and their successors, created a corporation by the name and style of "Union Pacific Railroad Company." Such purchasers and their associates shall file with the Secretary of the Treasury of the United States a written instrument executed by them as incorporators, designating fitness persons to act as directors of the said corporation, and such persons so designated, or a majority of them, shall meet within thirty days after the filing of such instrument, at the place where the annual meetings of the stockholders of the Union Pacific Railway Company are held, and shall elect officers of said new company under the same conditions and requirements as to procedure and character of official organization as are prescribed by law and the by-laws of the Union Pacific Railway Company in respect of a meeting of the directors of said last-named company held for like purpose.

Said new corporation shall have the power to acquire all or any part of the railways and properties of the Union Pacific Railway Company and to provide for the said indebtedness of the said last-named company to the United States by the issue to the Secretary of the Treasury of the United States of bonds of the same character and amount as those herein authorized to be made by the Union Pacific Railway Company, secured by mortgage of the same nature, extent, and relative lien as that authorized to be made by it in section 2 hereof; and shall have and be entitled to enjoy and exercise rights, powers, privileges, franchises, and immunities equal in character, extent, and duration to those which the Union Pacific Railway Company would have had and enjoyed had it accepted and carried out the provisions of this act as herein empowered to do; and shall have power to make, issue, negotiate, and deliver its bonds, mortgages, and stock corresponding in character and extent to the like securities which, in such event, the Union Pacific Railway Company would have been entitled to retain in existence and to make and issue; and in all its relations and duties to the Government and to the public, and in the regulation and management of its corporate affairs it shall be substituted to and governed by the provisions of law which would in such event have been applicable to the Union Pacific Railway Company.

SEC. 7. That the statutory lien created and subsisting under and by virtue of the act of Congress approved July 1, 1862, and the act of July 2, 1864, and the act of May 7, 1878, to secure the payment of said subsidy bonds issued to the Union Pacific Railroad Company and the Kansas Pacific Railroad Company, and the interest thereon, as set forth in said acts, and upon all the property subject to said statutory lien, shall be and remain in full force for security for the debts owing by each of said companies to the United States until the issue and delivery to the Secretary of the Treasury of the United States of the bonds and mortgage hereinbefore provided for, to be subject only to the new first mortgage and to the bonds secured thereby, and until existing mortgages shall have been satisfied and discharged as hereinbefore provided.

SEC. 8. That the Secretary of the Treasury be, and he is hereby, authorized and directed to ascertain the amount of the respective indebtedness of the Central Pacific Railroad Company of California and the Western Pacific Railroad Company, to which the subsidy bonds of the United States were advanced in aid of the construction of the Pacific railroad and branches, as of the 1st day of January, 1897, upon the same principle as if the whole sum of said bonds and interest paid and to be paid by the United States thereon and not theretofore repaid by credits on account thereof were due and payable to the United States in cash on said day; and the said sum shall be computed and ascertained as follows:

First. To the whole of the principal of the said subsidy bonds attributable to each of said companies shall be added the interest paid or to be paid by the United States upon the same, so as to ascertain the total amounts that would have been due the United States for principal and interest paid on the bonds issued to each of said companies at their maturity if no payments or reimbursements had been made thereon by the companies.

Second. From said amounts so ascertained shall be deducted any payments or reimbursements made by or on behalf of either of said companies upon their indebtedness at any time before the 1st day of January, 1897, as shall appear in the bond and interest accounts of the said companies, respectively, with the United States.

Third. Compute the present worths of the amounts so found as of the 1st day of January, 1897, on the basis that money is worth 2 per cent per annum during the period between the date of average maturity of the said bonds and

the 1st day of January, 1897. From the sums so ascertained there shall be deducted the amounts in the sinking fund applicable to the said companies respectively, computing the value of any bonds in said sinking fund at their market value, at the time of such computation, as estimated by the Secretary of the Treasury, and said sinking fund shall thereupon be applied as a payment upon the debt of such companies to the United States. The aggregate amounts so arrived at shall be deemed the sums that would be required to be paid in cash on the said 1st day of January, 1897, by said companies for the purpose of completely discharging their entire debts to the United States.

SEC. 9. That the Central Pacific Railroad Company, successor to the Central Pacific Railroad Company of California and the Western Pacific Railroad Company, be, and is hereby, authorized to make, issue, and deliver to the Secretary of the Treasury, who is here by authorized and directed to receive the same, its certain indenture of mortgage, which shall bear date the 1st day of January, 1897, covering and embracing the entire property of such company, as at present consolidated, real, personal, and mixed, including all the right, title, and interest of such company in any stocks, bonds, or securities, or lands of any branch lines or auxiliary companies in which such company has now any interest, and all beneficial interest which it may have in a certain lease of its property to the Southern Pacific Company, as hereinafter provided, and all railroads now owned or hereafter acquired or constructed by said Central Pacific Railroad Company, and all their franchises, telegraph lines, rolling stock, fixtures, and property of every kind and description, as well as those which it, its successors or assigns, may hereafter acquire, subject to any bona fide, lawfully prior, and paramount lien, claim, or mortgage upon any railroads, franchises, or property now owned by such company or which such company may hereafter acquire. A proper and complete description and inventory of all the property affected by such mortgage shall be prepared under the direction of the Secretary of the Treasury, which when approved by him shall be filed in his office; and such mortgage on the property therein described shall be held as security for the payment of the principal and interest of the bonds issued thereunder and authorized by this act; but this section or such mortgage shall not be construed to prevent said company from using and disposing of any of its property or assets in the ordinary, proper, and lawful course of its current business in good faith and for valuable consideration, nor to prevent said company from applying the rentals derived from said lease to the payment of dividends to its stockholders to the extent that dividends are permitted by this act; and said company may sell and convey for valuable consideration any lands included in its land grant and apply the proceeds thereof as required by the provisions of any mortgage or liens thereon prior to the mortgage given by this act: *Provided*, That every such disposition of any stocks, bonds, securities, or other property owned by said company, whether by sale, pledge, or otherwise, shall be reported to the Secretary of the Treasury by said company within thirty days after such disposition has been made, and that the bonds, stocks, obligations, or other property acquired with the proceeds of the property so disposed of shall, except as hereinbefore provided, in like manner and with the same power to dispose of the same, be subject to the lien of the said mortgage, and that true and proper descriptions and lists of the same shall be from time to time prepared and filed with the Secretary of the Treasury.

SEC. 10. That the said Central Pacific Railroad Company is hereby authorized to make, execute, and issue under its mortgage aforesaid its bonds in an amount equal to the said aggregate amount arrived at as above provided, each of which bonds shall be for the principal sum of $1,000 and shall be payable as provided in this act. Said bonds shall bear interest at the rate of 2 per cent per annum, payable semiannually on the 1st days of January and July in each year, beginning on the 1st day of July, 1897, and continuing until said bonds shall be paid. The said bonds shall, at the time of execution and delivery of the said mortgage, be delivered to the Secretary of the Treasury, and shall be received by and on behalf of the United States as provisional payment of said aggregate amounts arrived at as provided in section 7 of this act, and the corporate character of the Central Pacific Railroad Company shall continue until the bonds authorized to be issued under this act shall have been fully paid.

SEC. 11. That the Central Pacific Railroad Company shall execute and deliver its mortgage and bonds to the United States for the debts of the Central Pacific Railroad Company of California and the Western Pacific Railroad Company to the United States, and the said bonds shall be numbered consecutively from 1 to a number which will include the whole amount thereof and shall be payable in lawful money of the United States. Said company shall, on the 1st day of January of each year, for a period of ten years, commencing on the 1st day of January, 1898, pay to the Secretary of the Treasury of the United States, in addition to the interest which shall then be due on its indebtedness, the sum of $595,000 per annum, and for ten years commencing on the 1st day of January, 1908, said company shall pay to the Secretary of the Treasury, in addition to the interest which shall then be due on its indebtedness, the sum of $950,000 per annum, and thereafter, commencing on the 1st day of January, 1918, said company shall pay to the Secretary of the Treasury, in addition to the interest which shall then be due on its indebtedness, the sum of $750,000 per annum until the whole amount of said bonds shall have been fully paid. The said payments of principal shall be applied in payment of the bonds of said company to an amount equal to such payment and in the order of the numbers of such bonds, beginning with the highest unpaid number. Each of said bonds, respectively, when paid, shall thereupon be canceled and surrendered to the company, and no other bonds under said mortgage shall be issued by said company in lieu thereof. When such bonds shall have been paid in full as herein provided, the indebtedness of the said companies herein before referred to shall be wholly discharged, and the Secretary of the Treasury shall cancel and discharge the mortgage given to secure the same under this act.

SEC. 12. That the statutory lien created and subsisting under and by virtue of the act of Congress approved July 1, 1862, and the act of July 2, 1864, and the act of May 7, 1878, to secure the payment of said subsidy bonds issued to the Central Pacific Railroad Company of California and the Western Pacific Railroad Company and the interest thereon, as set forth in said acts, and upon all the property subject to said statutory lien, shall be and remain in full force for security for the debts owing by each of said companies to the United States until all the liens on the property affected by the said mortgage and existing at the time of its delivery and which were created subsequent to the said statutory lien shall have been paid, satisfied, and discharged of record.

SEC. 13. That whenever in the opinion of the President of the United States it shall be deemed necessary to the protection of the interests and the preservation of the security of the United States in respect of its lien, mortgage, or other interest in any of the property of the several companies named in this act upon which a lien, mortgage, or other incumbrance paramount to the right, title, or interest of the United States in the same property or any part of the same may exist and be then lawfully liable to be enforced, the Secretary of the Treasury shall, under the direction of the President, redeem or otherwise clear off such paramount lien, mortgage, or other incumbrance by paying the sums lawfully due in respect thereof out of the Treasury, and the United States shall thereupon become and be subrogated to all rights and securities theretofore pertaining to the debt, mortgage, lien, or other incumbrance in respect of which such payment shall have been made: *Provided*, That whenever it shall become necessary for the United States to pay off any part of such paramount incumbrance as aforesaid, the Secretary of the Treasury may require the repayment of all money paid for such purpose, with costs, expenses, and interest, and upon the failure of the company for whom such payment shall have been made to make such repayment, with all costs, expenses, and interest thereon, within one year after being notified so to do, the whole indebtedness of said company to the United States shall, at the discretion and option of the President of the United States, become due and payable at any day thereafter, and all the rights of the United States shall thereupon be enforced.

SEC. 14. That said Central Pacific Railroad Company shall be permitted, without impairing the present lien thereof, to extend the time of payment of or refund, by issuing new bonds secured by mortgage, any of the principal of its indebtedness authorized by the tenth section of the act approved July 2, 1864, as amended by act approved March 3, 1865, at a lower rate of interest than it now bears (not to exceed 5 per cent per annum, payable semiannually).

SEC. 15. That each of the mortgages authorized by provisions of sections 8 and 9 of this act shall contain a covenant providing that, in the event of any default continuing for six months in the regular payment of interest on the bonds secured thereby or of the payments of principal required by sections 4 and 11 of this act, the entire debt due to the United States from the company making such default shall, at the option of the President of the United States, immediately mature, and the United States shall be thereupon entitled to enter upon and take possession of the mortgaged properties of such defaulting company without applying to the courts or to Congress for authority so to do, or may at its option institute and maintain appropriate proceedings at law or in equity in any court or courts of competent jurisdiction for the enforcement of its claims or liens under said bonds or mortgage; and such mortgages shall also contain such other terms and stipulations in conformity with the provisions of this act as may be deemed necessary efficiently to secure the said bonds and the application thereto of the moneys paid to the Secretary of the Treasury for retiring the principal thereof, and as may be approved by the Secretary of the Treasury of the United States. The said mortgages shall be delivered to the Secretary of the Treasury of the United States, and upon the delivery thereof shall respectively be valid and subsisting mortgages each of all the property of said mortgagor company, real, personal, and mixed, embraced, conveyed, or required by the terms of this act, and such delivery shall have all the effect of recording the same in any place. Said mortgages, or copies thereof certified by the Secretary of the Treasury, shall at all times be open to public inspection under such rules and regulations as the said Secretary may prescribe, and, for the greater publicity of the contents of said mortgages, copies thereof certified by the Secretary of the Treasury shall, as soon as may be after their respective delivery, be deposited with and recorded by each of the clerks of the circuit courts of the United States and the clerks of the supreme courts of the Territories of the United States in which the roadbed or any part thereof of said companies respectively is situated, which copies and records shall at all times be open to public inspection. All such copies and recording thereof shall be at the expense of the company.

SEC. 16. That in case default should be made at any time in the payments on account of principal or interest prescribed herein to be made upon the bonds issued under sections 3 and 10 of this act, no money shall be paid from the United States Treasury for or on account of services rendered to the United States or any Department of the Government thereof over or upon the said railroads or telegraph lines heretofore aided by the advance of subsidy bonds or upon any railroads or telegraph lines owned, leased, or operated by the said company that issued such bonds, until all amount so in default upon such bonds shall have been fully paid; but the compensation for such services shall be credited upon the amounts so in default.

SEC. 17. That hereafter, so long as any of the bonds authorized by the third and tenth sections of this act shall remain outstanding and unpaid, no dividend shall be paid by the company whose bonds are so outstanding unless the same shall have been actually earned, nor unless said company shall have paid all interest due on its bonded debt having a lien prior to the Government and all matured installments of principal and interest then due and payable on its debt to the United States under this act, nor unless the said earnings, after deducting all interest accrued, but not payable at the time of the declaration of such dividends, shall be sufficient to warrant the payment thereof. In no event shall either of said companies whose bonds are so outstanding pay any dividend exceeding the rate of 4 per cent per annum unless the said company shall, at the time of declaring such dividends in excess of 4 per cent per annum, so long as any of the said bonds are held by the United States, pay an amount equal to the excess over 4 per cent per annum so declared to the Secretary of the Treasury, to be applied to payment of the principal of the highest numbered bonds of such company issued to the Government as herein provided, and unless the earnings of the said company shall suffice to warrant the payment of such excess and also the payment to the Government. Any director or officer who shall declare or pay or aid in declaring or paying a dividend prohibited by this act shall, upon conviction of any court of competent jurisdiction, be punished by imprisonment not exceeding two years or by a fine not exceeding $5,000, or by both such fine and imprisonment.

SEC. 18. That this act shall take effect as to each of the said companies and their branches, respectively, as hereinbefore described, upon the acceptance of the terms by the board of directors of such company in writing over the corporate seal of such company, signed by its president and attested by its secretary, being filed or deposited with the Secretary of the Treasury, in the case of the Union Pacific Railway Company on or before January 1, 1897, and in the case of the Central Pacific Railroad Company within three months after the passage of this act, subject, however, as to the Central Pacific Railroad Company, to the requirements of section 19 hereof, and, as to each company, to the completion of the settlement and adjustment in this act proposed and provided, but any company which shall not so file its acceptance shall take no benefit from this act. Upon the filing of said acceptance and the execution and delivery of the mortgage and bonds referred to in the second, third, ninth, and tenth sections of this act to the Secretary of the Treasury, he is authorized and directed to sell any securities held in the sinking fund for said company so accepting and pay the proceeds of such sale to the amount of their value, as estimated under the first and eighth sections of this act, into the Treasury of the United States. Any excess realized from such sale above the value of such securities as estimated under the first and eighth sections of this act shall be paid to the company; any deficiency below such value shall be paid by the said company upon demand made by the Secretary of the Treasury after such sale.

SEC. 19. That the said Central Pacific Railroad Company shall arrange for having the lease now existing between it and the Southern Pacific Company modified so that the Southern Pacific Company shall guarantee the payment by the Central Pacific Railroad Company during the continuation of such lease of the interest on, and the installments on account of principal of, the bonds issued under the tenth section of this act, as prescribed in the tenth and eleventh sections hereof, and so that in case the Southern Pacific Company should consent to the termination of such lease before the maturity of

all such installments payable on account of principal of said bonds, it shall, in that event, guarantee the payment by the Central Pacific Railroad Company of such interest and installments on account of principal while any bonds issued under the tenth section of this act shall remain outstanding, and so that said Southern Pacific Company shall consent that the sums amounting in the aggregate to about $2,439,000, standing credited on the books of the Treasury of the United States to the Central Pacific Railroad Company as compensation for services upon nonaided lines (a portion of which is now in judgment in favor of the Southern Pacific Company) shall be forthwith applied to the payment and cancellation of the highest numbered bonds of the Central Pacific Railroad Company issued under the provisions of said tenth section of this act, and the filing with the Secretary of the Treasury of a duplicate original of such modified lease, duly executed by the officers of both said companies by authority of their boards of directors, shall constitute an essential part of the acceptance by the Central Pacific Railroad Company of this act. In the event of the termination of such lease by act of the parties thereto, or any abrogation or cancellation of such lease, the principal of the bonds issued under the tenth section of this act shall, at the option of the President of the United States, immediately mature.

SEC. 20. That either of said companies may, at any time after the execution and delivery of their said bonds, pay the whole or any portion of said bonds, by paying the amount thereof, together with the accrued interest thereon, to the Secretary of the Treasury, who shall thereupon cancel the bonds so paid and deliver the bonds so canceled to the said company. No bonds so canceled shall be reissued, but the Secretary of the Treasury may, by direction of the President of the United States, sell any of the said bonds which may be unpaid at any time, and the purchase price shall be paid in lawful money of the United States.

SEC. 21. That as to such companies as shall accept the provisions of this act, and in the manner and within the time herein provided as to it, from and after the completion of the said adjustment and settlement, all provisions of law relating to the appointment of Government directors shall be, and the same are hereby, repealed, and the said office is hereby abolished, and all provisions of law relating to the collection of any percentage of net earnings, and to the withholding or application of any moneys due or to become due from the United States for any services rendered by either of the said companies or any of its branches or auxiliaries or leased lines, other than as hereinbefore provided, are hereby repealed, and all such amounts shall (provided the said company shall not be in default in the payment of the interest of the bonds or in the payments required by the terms of this act) be paid to the said company as soon as amounts shall have been ascertained; and all provisions of law forbidding either of said companies from mortgaging or pledging its property shall be repealed, and either of said companies shall, after the acceptance of the terms of this act, as hereinbefore provided, have and possess all the usual powers of borrowing money on its credit or on security of any of its assets, and of constructing or extending its railway by consolidation, lease, or otherwise, and of leasing its railway and property or parts thereof, and of acquiring title to land by condemnation proceedings, and such other powers as are or may be granted to and exercised by railway corporations in the respective States and Territories in which the said railway is or may be situated.

SEC. 22. That each of the companies accepting the provisions of this act shall keep its railroad and telegraph line in repair and use, and shall at all times transmit dispatches over said telegraph line, and transport mail, troops, and munitions of war, supplies, and public stores upon said railroad for the Government whenever required to do so by any Department thereof, and that the Government shall at all times have the preference in the use of the same for all the purposes aforesaid at fair and reasonable rates of compensation not to exceed the amounts paid by private parties for the same kind of service; and that said companies hereinbefore mentioned, their successors, lessees, and assigns, shall cooperate in making track connections with all railroads of other companies now or hereafter built to points of junction with their roads, and at any point where two or more railroads shall connect with their roads, or either of them, they and their successors, lessees, and assigns, shall afford to all such connecting roads equal times, terms, rates, and facilities for the interchange of traffic, both passenger and freight, between such connecting roads and their respective roads, and every part thereof. And any contract, arrangement, or device by sale, lease, consolidation, through-car service, or otherwise, intended for or resulting in any preference or advantage whatsoever to any such railroad, so connecting at such common point, or which shall subject any such railroad so connecting at any such common point to any prejudice or disadvantage whatsoever, is hereby declared to be unlawful.

SEC. 23. That it shall be the duty of the Attorney-General to cause the provisions of this act to be enforced, and he shall take all steps needful to that end, and shall make report to the President each year or oftener thereon, which report shall be laid before Congress, and until the execution and delivery of the bonds and mortgages in this act provided for shall be completed all existing provisions of law relating to said companies respectively shall remain in force.

SEC. 24. That this act and each and every provision thereof shall severally and respectively be deemed, taken, and held as in alteration and amendment of said act of 1862, and of said act of 1864, and of said act of 1878, respectively, and acts amendatory thereof or supplementary thereto, and of all of said acts so far as they are inconsistent with this act, nor shall anything in this act be construed or taken in any wise to affect or impair the right of Congress at any time hereafter further to alter, amend, or repeal the said acts hereinbefore mentioned, and this act shall be subject to alteration, amendment, or repeal, as in the opinion of Congress justice or the public welfare may require, and nothing herein contained shall be held to deny, exclude, or impair any right or remedy in the premises now existing in favor of the United States. This act shall be published and printed as a public act and in all proceedings may be cited as such.

Mr. ALLEN. Mr. President, I have just one word to say in reference to the last remarks of the Senator from Iowa. I regret very much that he has taken occasion to assail the Populist leader of 1892 at a time and in a place where that gentleman can not be heard, for I assure you, Mr. President, and the country, too, that if James B. Weaver were present here and it were lawful for him to speak in this Chamber, the language of the Senator from Iowa would have been a little more moderate, a little less offensive than it has been at this time.

Mr. GEAR. I beg to say to the Senator that I have met the honorable gentleman whom he supported for the Presidency in the other branch of Congress. I am ready to meet him at any time.

Mr. ALLEN. It was never voluntary. It was under compulsion.

Mr. GEAR. Not at all.

Mr. ALLEN. It was under duress.

Mr. GEAR. Not at all.

Mr. ALLEN. It was under duress. The world can rest assured that it was under duress.

Mr. GEAR. I am not in the habit of meeting folks in that way.

Mr. ALLEN. James B. Weaver is one of the most illustrious and intelligent citizens of the United States, a man of great character, a man of great ability, of great mental force, of great attainments; a man whose character can not be impeached by any honest man, and I can not understand it—I did not see it, but I heard it—how reference to a man whose character is so well established in all these respects, and whose name has been mentioned here in derision, is greeted with a significant guffaw from one of the distinguished representatives of the State of which he is an honored citizen. I heard the guffaw. I did not see the facial expression at the time it was uttered.

Mr. President, it will not do for the Senator from Iowa to stand in this Chamber and say that James B. Weaver wants to confiscate property. There is not a child 5 years old who does not know that that statement is false.

Mr. GEAR. Does not the Senator consider—

Mr. ALLEN. I do not undertake——

Mr. GEAR. Will the Senator from Nebraska yield for a question?

Mr. ALLEN. The Senator from Iowa can not crawfish out of the statement.

Mr. GEAR. Will the Senator answer a question?

Mr. ALLEN. Yes, sir.

Mr. GEAR. Does the Senator take the ground that it is the right of the Government to take all the corporate property of this country—the railways, telegraph and telephone lines—and pay for them in unlimited issues of greenbacks? That is the ground that James B. Weaver stands on, the Ocala platform, for I have heard him argue it and defend it in his own Congressional district. I was there when he moved into that district in 1892, the Council Bluffs district, and spoke against Mr. HAGER. I heard him argue in favor of that idea. That is the platform he stands on. I call it confiscation.

Mr. ALLEN. He does not stand on that platform.

Mr. GEAR. You can dispute with James B. Weaver himself.

Mr. ALLEN. No, I will not dispute with James B. Weaver himself; I dispute with the Senator from Iowa. He is in this Chamber. I am his equal here, and anywhere else, for that matter. He can not stand here and utter falsehoods of that kind against one of the greatest and most illustrious citizens of the United States because he happens to be a Populist and go unwhipped of the rebuke his language justly and necessarily deserves.

Mr. HOAR. I call the Senator from Nebraska to order and ask that his words be taken down.

Mr. ALLEN. I call the Senator from Massachusetts to order and demand that his words be taken down. I resume my seat under the rule until my words are taken down.

Mr. FAULKNER. I move that the Senator from Nebraska be allowed to proceed in order.

Mr. HOAR. The words have to be taken down, and they have to be ruled upon by the Chair.

Mr. FAULKNER. There is nothing in the rule which requires the Chair to rule upon the question before such a motion is made.

The PRESIDING OFFICER. The Chair did not hear the first observation of the Senator from West Virginia.

Mr. FAULKNER. The motion I make is that the Senator from Nebraska be allowed to proceed in order. The Senator from Massachusetts suggests that the Chair must rule upon the language as taken down as to whether or not it is parliamentary. The rule simply requires that the language shall be read from the desk for the information of the Senate. It does not require that the Chair shall submit the question to the Senate if a motion similar to the one I have made intervenes.

Mr. CHANDLER. I ask for the reading of the rule.

The Secretary read as follows:

RULE XIX.

DEBATE.

1. When a Senator desires to speak he shall rise and address the presiding officer, and shall not proceed until he is recognized, and the Presiding Officer shall recognize the Senator who shall first address him. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer; and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate; which shall be determined without debate.

2. If any Senator, in speaking or otherwise, transgress the rules of the Senate, the Presiding Officer shall, or any Senator may, call him to order; and when a Senator shall be called to order he shall sit down, and not proceed without leave of the Senate, which, if granted, shall be upon motion that he be allowed to proceed in order; which motion shall be determined without debate.

3. If a Senator be called to order for words spoken in debate, upon the demand of the Senator or of any other Senator, the exceptionable words shall be taken down in writing, and read at the table for the information of the Senate.

Mr. HOAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Chandler,	Gray,	Roach,
Allen,	Chilton,	Hawley,	Shoup,
Allison,	Clark,	Hill,	Smith,
Bacon,	Cockrell,	Hoar,	Stewart,
Baker,	Cullom,	Jones, Ark.	Teller,
Bate,	Dubois,	McBride,	Turpie,
Berry,	Elkins,	Martin,	Vest,
Brice,	Faulkner,	Nelson,	Vilas,
Brown,	Frye,	Pasco,	Walthall,
Burrows,	Gallinger,	Peffer,	Warren,
Caffery,	Gear,	Perkins,	Wetmore,
Call,	Gibson,	Pettigrew,	White,
Cannon,	Gordon,	Platt,	Wolcott.
Carter,	Gorman,	Pugh,	

The PRESIDENT pro tempore. Fifty-five Senators have answered to their names. There is a quorum present.

Mr. GORMAN. Let the words be read.

Mr. FAULKNER. I suppose that under the rule the proper proceeding is to have the words taken down and read. I have made a motion that the Senator from Nebraska be allowed to proceed in order.

The PRESIDENT pro tempore. Have the words been read to the Senate.

Mr. FAULKNER. They have not been read.

The PRESIDENT pro tempore. The Secretary will read the alleged censurable words to the Senate.

The Secretary read as follows:

No; I will not dispute with James B. Weaver himself. I dispute with the Senator from Iowa. He is in this Chamber. I am his equal here, and anywhere else for that matter. He can not stand here and utter falsehoods of that kind against one of the greatest and most illustrious citizens of the United States because he happens to be a Populist, and go unwhipped of the rebuke his language justly and necessarily deserves.

The PRESIDENT pro tempore. What action will the Senate take?

Mr. FAULKNER. I move that the Senator from Nebraska be allowed to proceed in order.

Mr. HOAR. Is that motion debatable?

Mr. FAULKNER. It is not debatable, as is expressly stated in the rule.

Mr. HOAR. I asked the Chair, and not the Senator from West Virginia.

Mr. FAULKNER. Very well.

The PRESIDENT pro tempore. In the opinion of the Chair it is not debatable.

Mr. HOAR. I so understand it.

The PRESIDENT pro tempore. The Senator from West Virginia moves that the Senator from Nebraska be allowed to proceed in order.

The motion was agreed to.

Mr. ALLEN. Mr. President——

Mr. GEAR. Will the Senator from Nebraska yield for one moment?

Mr. ALLEN. Certainly.

Mr. GEAR. To the language used by the Senator from Nebraska I take no exception. I have lived among the people where I have made my home for more years almost than the Senator has lived in his life. They know best whether the words he has stated are true or false. I am satisfied now, if I never was before, of the truth of an old adage. When I got into this unfortunate altercation with the Senator from Nebraska I made a mistake. It is an old saying that you can not "touch pitch without being defiled." I am sorry that I had the altercation with him.

Mr. ALLEN. Mr. President, I am very glad indeed to be able to defile a gentleman who has seen so much of this world and who has had such a varied experience as my distinguished and always amiable friend, the Senator from Iowa [Mr. GEAR], upon whom I look more as a misguided father than in any other respect. I also thank the Senator from Massachusetts [Mr. HOAR] for having my words taken down, words that were perfectly parliamentary. Of course it served to interrupt the proceedings here and to deprive me of some time to discuss this matter. I am always glad to know that the amiable and distinguished senior Senator from Massachusetts has a kindly eye upon me and watches me to see that I do no damage in this Chamber, and who is always especially careful of what I say when I am discussing Populistic doctrines and Populistic statesmen.

When called to order by the distinguished and always amiable Senator from Massachusetts I was denying the statement made by the honorable junior Senator from Iowa that James B. Weaver is a confiscationist. Let me proceed at that point and repeat the statement briefly. I said, Mr. President, and I repeat, and I am sorry to be compelled to repeat anything here, that James B. Weaver is one of the most illustrious citizens of the United States, and I am glad to have this distinguished audience and presence here to listen to me when I state that there is not a man between the two oceans or between Canada and the Gulf of Mexico who is better equipped from his experience as a soldier and his experience as a statesman, his great education and his great capacity, to discharge public duties than is James B. Weaver. I have a larger audience now than I had a few moments ago when I was called to my chair, and I wish to call attention to the fact that when I mentioned the name of this illustrious soldier and statesman as a distinguished citizen of the State of Iowa and a distinguished citizen of the United States a guffaw from the junior Senator from Iowa, audible all over the Chamber, greeted the statement.

Mr. President, Populist as I am, incompetent as I necessarily must be to discharge public duties in the estimation of the junior Senator from Iowa and his sympathizers and associates, living out on the prairies among the coyotes and the prairie dogs, I have been taught better manners than that. I would not greet the name of the humblest citizen of this nation with a rough guffaw in the Senate of the United States or in any other place where I could be put.

The honorable junior Senator from Iowa says that James B. Weaver was a confiscationist, and wanted to confiscate the railroads and telegraphs of the United States. I said, and I repeat it, the statement is false. There never was any truth in it. I do not mean by that to reflect upon the junior Senator from Iowa. I do not mean to carry with that the implication that the honorable Senator from Iowa made that statement maliciously or knowing it to be untrue. I simply say, as a matter of fact, that it is false; that is all.

I repeat, the honorable junior Senator from Iowa and my always amiable and distinguished and learned friend, the senior Senator from Massachusetts, never rendered this country the valuable services, never gave the intellectual or the moral force to the upbuilding of this nation that James B. Weaver has given to it; never. That, Mr. President, is greeted with a smile and a grin and an audible expression of disapproval, as the name was greeted a moment ago in a like manner and in a rougher manner. Mr. President, there is no more law-abiding citizen than James B. Weaver. He is one of the greatest lawyers the State of Iowa ever produced. I doubt if he has an equal as a lawyer in this Chamber. He is a very great lawyer and is illustrious in courts of this country where many men who sneer at his name would not be permitted even to take a back seat. He is not only a great lawyer, but he is a distinguished soldier, whose valor has been illustrated upon more than thirty fields of carnage in this country, and he bears upon his person honorable wounds.

Now, sir, because that man happens to be a Populist, because that man, whose ancestors came to this country long before the Revolutionary war, who is an American citizen from the soles of his feet to the crown of his head, happens to look upon political questions a little differently from the junior Senator from Iowa and my always distinguished and learned and accomplished friend from Massachusetts, his name is to be met with a sneer and his defenders are to be called down in this Chamber as violating the rules for speaking in his behalf.

No, Mr. President, he is not a confiscationist. The statement is untrue. James B. Weaver believes in the doctrine of the Populist party. He believes that this is a government of the people, as it should be; a government by the people, and for the people. He is not of that class of statesmen who sail under false colors, who give their words to the people and consecrate their lives and give their votes to the corporations. There are some statesmen in this country who do that.

James B. Weaver believes in the Government ownership of railways, in the Government ownership of all telegraphs and telephones. Does the honorable Senator from Iowa have any argument that he can use against the accomplishment of that purpose? Does he not know that over thirty of the nations of the earth to-day own and operate their own railroads? It is something to be laughed at, is it not? It is something to be greeted with scorn and a guffaw when the name of a man who believes in that happens to be mentioned here.

How are you going to get possession of the railroads? The honorable Senator from Iowa, for whom I have great respect and whom I love as a son should love a father, seems to think that it is impossible to accomplish that result; impossible to accomplish that result—and the Senator laughs again as though it was funny and a thing to be laughed at.

Mr. CHANDLER. Will the Senator from Nebraska allow me to interrupt him?

Mr. ALLEN. Certainly.

Mr. CHANDLER. We are not laughing at what the Senator says; we are laughing at the way the Senator says it. We can not help that.

Mr. ALLEN. I was not referring to my amiable friend from New Hampshire.

Mr. CHANDLER. I laughed in sympathy with the Senator from Iowa.

Mr. ALLEN. It seems to be laughable. The doctrine of eminent domain seems to have escaped the attention of my learned

friend from Iowa. Of course my always learned and distinguished friend, the senior Senator from Massachusetts, understands it in all of its ramifications. And what is that doctrine? What gives a railroad corporation power to go across your farm in Maine and take your property and construct its railroad upon your farm and exclude you from it? Where did that power come from? Why, it is the constitutional inherent power in every sovereignty, known as the power of eminent domain. Is it not the taking of private property upon compensation for public use? That is the doctrine. It was established in the State of New York in the case of Bloodgood *vs.* The Mohawk River Railroad years and years ago, and has become the settled doctrine in this country that wherever the public interest requires the taking of the citizen's private property for public use it can be taken under the power of eminent domain. The public interest alone is to be consulted, and compensation is to be given to the owner of the private property.

I ask my honorable friend from Iowa and his sympathizers upon the other side of the Chamber why this Government can not use the same power of eminent domain, the same inalienable power that attaches to the National Government, and when the public interest requires the great railway and telegraph systems to be reduced to Government ownership why the Government can not condemn them, if necessary, and purchase them, paying a fair equivalent for them, and operate them in the interest of the people at large?

James B. Weaver believes in that doctrine. Why, sir, he is fortified by every constitution in the forty-five States of this Union and by the national Constitution itself. He is fortified by every constitution of every country on which the sun shines to-day. And yet that is a doctrine which has never occurred to the junior Senator from Iowa. No doubt it has occurred always to the distinguished Senator from Massachusetts. Now, what is wrong about it? I did not bring on this discussion about James B. Weaver.

Then the honorable Senator says that James B. Weaver wants to take a limitless volume of worthless paper money and buy the railroads with it. Mr. Weaver never gave utterance to a sentiment of that kind upon the face of the earth—never. Why stand here in the Senate of the United States, in the full glare of public sentiment, in this place where public sentiment is formed and focused, and hold up a distinguished citizen of this country who is 1,500 miles from here as the leader of a doctrine of this kind when it is absolutely untrue, when he does not believe it, when he has never advocated it and does not advocate it now, and when his party does not believe in it and has never advocated it?

Now, Mr. President, returning my thanks again to the honorable and distinguished and very learned senior Senator from Massachusetts for his careful attention to my conduct and my language I resume my seat, and turn the floor over to the Senator from New York.

Mr. CHANDLER. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. The Senator from New Hampshire will allow the Chair to lay before the Senate bills from the House of Representatives for reference.

Mr. CHANDLER. Certainly.

HOUSE BILLS REFERRED.

The bill (H. R. 3607) to increase the pension of Kate Grant was read twice by its title, and referred to the Committee on Pensions.

The joint resolution (H. Res. 160) to appoint four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers was read twice by its title, and referred to the Committee on Military Affairs.

JOHN C. DULL.

The PRESIDENT pro tempore laid before the Senate the request of the House of Representatives that the Senate furnish the House with a duplicate engrossed copy of the bill (S. 716) to correct the naval history of John C. Dull, the same having been mislaid or lost; and by unanimous consent it was ordered that the request be complied with.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (S. 2813) granting a pension to Rita Stine;

A bill (H. R. 3281) to authorize reassessments for improvements and general taxes in the District of Columbia, and for other purposes; and

A joint resolution (S. R. 131) relative to the improvement of the harbor of Erie, Pa.

PROPOSED INVESTIGATION OF BOND SALES.

The Senate resumed the consideration of the resolution submitted by Mr. PEFFER February 12, 1896, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

The PRESIDENT pro tempore. The Senator from New York [Mr. HILL] is entitled to the floor.

Mr. HOAR. Mr. President, I should like, with the leave of the Senate, to say a very few words. I do not think it will take me more than three minutes to say what I have to say upon the resolution of the Senator from Kansas. I do not expect to be present in the Senate when the vote comes on, and I am not quite sure whether I shall be present when the speech of the Senator from New York is concluded, if it shall be interrupted by other business on Monday.

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. HILL. I am entirely willing that the Senator from Massachusetts shall proceed.

Mr. HOAR. I wish to say that I expect to vote for this resolution in its substance. The question as to what committee shall make the inquiry will be a question of the convenience of the Senate. I am rather surprised that the resolution has found any opposition anywhere. The Senator from Kansas [Mr. PEFFER] will correct me if I am wrong, but I do not understand that it is proposed as an investigation into any imputed or imagined corruption or purposed or intentional wrongdoing on the part of any public official.

Mr. PEFFER. The Senator is right upon that point.

Mr. HOAR. The Senator from Kansas assures me that I am right.

Mr. HILL. What is the assurance? I did not quite catch it.

Mr. HOAR. I say I do not understand that it is proposed or suggested as a reason for the resolution that there has been any corruption, iniquity, or purposed or designed wrongdoing on the part of any official of the Government or anybody else, and the Senator from Kansas assures me that I am right in that suggestion.

Mr. PEFFER. Not quite as far as that.

Mr. HILL. I would in this connection call the attention of the Senator from Massachusetts to the speech of the Senator from Kansas when he opened this debate.

Mr. PEFFER. Let me put myself right. The Senator from Massachusetts, in his first statement, did not go quite as far as in his second statement. I do believe that there have been fraud and corruption upon the part of some persons.

Mr. HILL. I mean any official of the Government.

Mr. PEFFER. Not the Secretary of the Treasury nor the President of the United States. I distinctly stated in my speech that I did not impute dishonorable or corrupt motives upon the part of either of those gentlemen, as I regard them as men of honor. However, I do believe that the transaction is covered all over with fraud in New York City and here in Washington, but that those men in the end of this investigation will be shown to be clear of it.

Mr. HILL. I call the attention of the Senator from Massachusetts to the point that the Senator from Kansas evades the question. When you ask him whether he charged anything against any official of the Government other than the Secretary of the Treasury he evades the question. I also ask the Senator from Massachusetts whether he thinks it is a proper resolution. For instance, to take another illustration——

Mr. HOAR. I was about to say what I thought it was, if the Senator will pardon me. I rose for that purpose.

Mr. HILL. I will yield, then.

The PRESIDENT pro tempore. The Senator from Massachusetts will proceed.

Mr. HOAR. It seems to me that it is the ordinary case of a proposal by a Senator, and I do not believe in any preceding Administration of this Government from the beginning any considerable number of Senators would have been found to object to it. The Senate of the United States is charged with important legislative duties. Each Senator of the United States is charged with very important responsibilities to the whole country by the people of the State whose legislature elected him to his seat, and he has a right to the assistance of his associates to obtain instruction as to important facts and the working of existing laws and institutions so far as that knowledge will help him to discharge those duties, and it is a knowledge which never ought to be, and in the practice of the Government never has been until recently, denied to anybody.

The only question therefore, it seems to me, is the question of the importance of the subject, whether it warrants the attention of the Senate or the attention of a committee of the Senate.

Now, what is the matter under consideration? There has been, under the authority or supposed authority of an existing law, a sale of Government bonds, under which it has been stated by eminent financial authority, upon this floor and elsewhere, that at least $10,000,000 was unnecessarily expended. Some Senators, I think,

put it as high as eighteen or twenty million dollars; that is, that the first sale of the bonds under the present system was at a rate lower than the bonds would then have sold for in the open market, so that it cost the United States from ten to twenty million dollars unnecessarily. I am not speaking now of the information which we ought to have in deciding whether we will permit the authority to continue.

In the next place, I understand that when the second sales of bonds were made a very large number of intelligent and conscientious people, both in this body and elsewhere, believed that instead of advertising the bonds at a fixed price, such as the Administration thought they were worth, and putting the opportunity for bidding at every Presidential post-office or some other place accessible to all the people, the bids were so made that no person could understand when he made his bid or prepared to be ready to carry out his offer if it were accepted whether it was to be accepted or not.

Mr. HILL. To what loan does the Senator refer?

Mr. HOAR. The very last one. The result of that, according to some excellent authority, is that from five to ten times—certainly five times—the amount actually needed for taking the bonds was locked up from the business of the country. Every bank that made a bid had to lock up so much of its resources to be ready to take the bid if it was awarded to it. Every small capitalist, as well as large capitalist, who authorized a bid to be made or who made it in his own name, had to keep for a space of one, two, or three weeks this amount of money.

Mr. HILL. Does the Senator mean——

Mr. HOAR. If the Senator will pardon me, I have a wretched head for this kind of financial discussion——

Mr. HILL. I should——

Mr. HOAR. And I will state to the Senator that I will grant him the full benefit of that.

Mr. HILL. I should judge so from the Senator's statement.

Mr. HOAR. I understand that is a gibe which finds its support in absolute truth.

Mr. HILL. I do not wish to annoy the Senator. I want to understand his point; that is all.

Mr. HOAR. I am trying to make myself clear, without interruption, if the Senator will let me. If, when I get through, he does not understand the point I make, I will repeat it. As I understand it, here were $551,000,000 of bids for $100,000,000 of bonds. Is that true? Now, if that be true, $551,000,000 of gold at least had to be locked up between the time those bonds were advertised for and the time the contracts were awarded, so that the transaction was so conducted as itself almost to create a panic, or at any rate a very serious stringency in the money market.

Mr. HILL. Does not the Senator——

Mr. HOAR. I am not attacking it; I am merely speaking of the thing to be inquired into. Let the Senator understand that I am not criticising the conduct of the Administration.

Now, in determining whether we will permit the existing law to stand without modification or safeguard, is it not our duty to know whether under it those $10,000,000 were wasted, and to know whether under it in the last transaction $551,000,000 of gold was locked up from the business of the country?

Mr. President, there is another thing involved in this matter which I think is pretty important. It is said—it has been acknowledged, I understand, by the Senator from New York in this debate—that the proceeds of the sale of bonds issued under the authority given by the law of 1876, revived by implication by the unrepealed part of the statute of 1890, an authority given for the purpose of enabling the Government to preserve the gold reserves and to maintain the resumption of specie payments, has been used practically for the current expenses of the Government. Now, if that be true——

Mr. HILL. The Senator has not listened to my remarks.

Mr. HOAR. I have listened to a great many hours of them.

Mr. HILL. The Senator will have to listen longer, then, to understand the point.

Mr. HOAR. Perhaps I shall.

Mr. HILL. If the Senator will permit right there——

Mr. HOAR. I will omit that. I will withdraw what I said about the Senator from New York in order to make my point. It is a very hot afternoon, and the Senate wants to adjourn.

Mr. HILL. Go ahead.

Mr. HOAR. I want to make the proposition plainly, if I can. It is alleged and believed—I believe for one and I think the Senator from Kansas believes for another——

Mr. HILL. He believes anything.

Mr. HOAR. I think nearly every Senator on this side of the Chamber and three-quarters of the Senators on the other side believe that whatever may have been the original authority, the money gained by this loan has been used to pay the current and ordinary expenses of the Government.

Mr. STEWART. Nobody denies that.

Mr. HOAR. I will not say that, because the Senator from New York will interrupt me if I say it; but a great many men in high station and in high authority believe it.

I hold it a very serious thing, indeed, that the President of the United States and the Secretary of the Treasury should exercise, or claim or have by implication the power of using, the credit of the United States, without limit and forever, to pay the current ordinary expenses of the country. I can not conceive how any man who takes the name of Thomas Jefferson on his lips, though his heart may be far from him (as is the case with a good many people who have taken it of late), whatever may be his devotion to an Administration that he has helped to elect, can sit in his seat and be willing to have that thing go on. If it be true, it is the destruction of republican government; it is the overthrow of all our maxims of public liberty, of guarding and checking administration.

I want to know something about that. I think the Senator from Kansas has done right in offering this resolution, and has done a public service; and I do not mean to be diverted from doing my duty as a Senator and insisting on having the facts known on these three propositions, in order that we may correct the legislation by any talk about my confederating or associating with Populists.

Mr. HILL. What fact does the Senator expect to know which is not known now and is not in the public records—the reports of the Secretary of the Treasury? You can not know a single other fact.

Mr. HOAR. I expect to have the reasons of the President and the Secretary ascertained, I expect to have the account of what was devoted to the current expenses of the Government put in an orderly, clear, and plain statement, so that the people and the Senate can understand it; I expect to have the circumstances set forth; I expect to have from a committee the proper modification or change of the law which is desirable to prevent its recurrence in the future recommended to the Senate. These matters as they stand now are the subject of debate, of quarrel, of controversy. Somebody gets up and alludes to them on the floor of the Senate, and somebody else gets up and says that the Senator from New Hampshire did something in regard to a Presidential nomination in his own State, and thinks that is a proper and Senatorial argument to deal with such a subject. I think if we get a committee, either the Finance Committee or a special committee of this body, we shall get a statesmanlike, orderly, clean-cut, straightforward, and masterly statement on this subject, which will dispose of it, and will so dispose of it, in my opinion, that no Democrat and no Republican will rest easy until he has done something to prevent the occurrence of this thing again.

Mr. President, that is the ground on which I expect to have my vote counted or paired in favor of this resolution. It is not for the sake of getting any political capital against President Cleveland or my honored friend, Mr. Carlisle, or the Democratic party that I shall vote for it. I know the difficulties and the trials of the past two years; I know what a calamity it would have been to this whole country, irreparable for a long time, not to be recovered from if it had happened, that our silver currency or our paper currency had got separated in value from the gold currency. I think we all believe that that would have been a calamity; at any rate I do. I want to have this great mistake, this great defect, this great danger and insecurity in our existing legislation guarded against. Though I do not often follow the Senator from Kansas, I am happy to be counted as his follower in regard to the matter which is in question.

That is all I have to say. If I have not made myself clear, I shall be happy to explain to the Senator from New York.

Mr. HILL. If the Senator from Massachusetts does not comprehend this question any better than would appear from his argument, I think he ought to have at least one investigating committee, if not more. It is very strange indeed, if the Senator has been thirsting for information so long in regard to the finances of the country, especially since the last loan was made, that he himself has not seen fit to offer a resolution for investigation.

Mr. HOAR. My colleague [Mr. LODGE] offered a like resolution with my full approbation.

Mr. HILL. Only recently.

Mr. HOAR. It was offered within three days, I think, of the last sale of bonds.

Mr. HILL. Mr. President, the question in regard to what has been done with the proceeds of bonds has existed for the last two years. Does the Senator now mean to say that he is ignorant of the situation? Does he mean to say that it has not been stated here in special reports, and in general reports from the Secretary of the Treasury, as to the precise situation of the Treasury, and what has been done with the avails of the first bond sale, the second bond sale, the syndicate sale, and the last sale? Does he mean to say that he does not comprehend the financial situation, and that now all at once he needs information? Mr. President, this belated plea of ignorance will not do. The Senator can not play that upon this Senate. I say to him, and he ought to know it by this time, that, as has been stated previously, the bonds have been

sold for gold. The gold has been placed in the Treasury, and then has been taken for the purpose of redeeming the greenbacks. The greenbacks then have been placed in the Treasury—placed in its general fund—where they have always been placed, according to a special report which the Secretary of the Treasury recently made, in which he expressly reported upon this subject, giving all the information which any Senator or citizen ought to desire or to have.

It has been shown further by reports that that fund has never been kept separate from the day of the first selling of bonds; that it has been kept with the remainder of the funds in the Treasury, legally applicable to pay the expenses of the Government when needed.

Mr. President, it comes with very bad grace at this late day for the Senator from Massachusetts to say that he wants to know all about that, and he wants to know whether the Secretary of the Treasury has a right in times of peace to issue bonds for the purpose of raising the necessary funds for the support of the Government. No one has claimed he has; no one has made any such pretense; but when bonds have been issued and gold realized with which the greenbacks have been redeemed, when the law of 1878 stands upon the statute book and compels the President to reissue those greenbacks, how is he to comply with that law if he does not reissue them for the debts of the Government, I should like to know?

That is the law the Administration has virtually asked to have repealed; that is the law of which the President has suggested the repeal. He has suggested many ways by which this question might be avoided in order to prevent the selling of bonds for the future, but Congress has given no relief.

The Senator from Massachusetts says he does not want to reflect on anybody. Has he read the resolution? Has he seen its offensive language? Suppose the Secretary of the Navy had built several ironclads and spent millions of dollars, and a resolution were offered here to investigate the whole subject of their building under his direction, and that resolution should provide that a committee should investigate whether, on any money passing through his hands, he received any commission, or if any officer under him or anybody with his knowledge or consent had done so, when nobody had charged it, would the Senator think that a proper resolution for which he could conscientiously vote without any allegation of wrongdoing, without any corruption alleged? Is that fair? Is it right? Is it honorable? Is it manly? This resolution is full of insinuations, full of reflections upon the officers of the Government. Aye, the Senator from Kansas, while he said he did not charge corruption per se against the Secretary of the Treasury, when the question was put to him, how about the officers of the Government, he evaded the question. What is the language of the third clause of the resolution? I read it:

> Whether any officer of the Government, or any person or persons for such officer, and on his behalf, and in his personal interest, and with his knowledge or consent, entered into any contract, agreement, or arrangement, directly or indirectly, with any person or persons, partnership, corporation, company, or syndicate, for the purpose of affecting the price offered or to be offered for said bonds, or any of them, with the intent and expectation to receive commission or personal reward by reason of such contract, agreement, or arrangement.

No reflection in that, does the Senator from Massachusetts say? I concede that the resolution offered by his colleague, the junior Senator from Massachusetts, is respectful in terms; I concede that that resolution, if there is to be any investigation at all, is unobjectionable in its form and language; but this resolution is not so. This resolution purports to investigate details of this transaction in language which implies upon its face wrongdoing. It proposes to investigate the question of the authority of the Government to issue bonds. Has the Senator as a lawyer any doubt but what the law of 1875 still exists for the purpose of supplying gold with which to continue the gold reserve? I ask him the question, and pause for a reply.

Mr. HOAR. Not the slightest.

Mr. HILL. Not the slightest. Here are these eminent Populists—lawyers, editors, farmers, or whatever they are, who say there is a doubt on the other side—I will put their opinion against the opinion of the Senator from Massachusetts—and he proposes to join the combine, he proposes to act with them, he proposes to vote for the resolution, he says, by which the very authority to issue bonds is questioned. How can he do it consistently, I should like to know? I am sorry the Senator from Massachusetts is not going to be here on Monday. I shall then undertake to analyze the remarks he has made and speak upon them at length, but I did not see fit to permit his plea of ignorance to go unanswered to-night.

Mr. HOAR. I do not propose to follow the honorable Senator from New York in the style of his utterance, which is, I think, rather more appropriate to some other places where such impassioned oratory is in favor than to the Senate of the United States.

I began what I had to say with the statement that I should support the substance of the resolution of the Senator from Kansas so far as it provides for an investigation into these particular points, and that I understood he disclaimed any imputation against the President or the Secretary of the Treasury or any officer of the Government. In regard to whether the particular form or phraseology of this resolution goes beyond that, or whether it should be amended in that particular and will be amended by the Senate, I did not consider. I only rose to say I expect to be here next Monday, and shall be very happy to receive any blast, whether of wrath or otherwise, that may come from the Senator from New York.

Mr. HILL. I thought the Senator claimed the floor to speak to-night upon the ground that he could not be here on Monday.

Mr. HOAR. I said I could not be here when the vote was taken on the resolution. I expect to go away next Wednesday. That is the whole of it.

I repeat that an inquiry into this important transaction, presenting these three points of danger and of mistake and error in our existing legislation, it seems to me, never was refused in any previous Congress to any Senator who had asked it, and I do not think it ought to be refused to the Senator from Kansas.

Now, in regard to the lawful authority to issue bonds for the purpose of keeping the gold supply intact, I not only believe that it exists, but I voted for the statute of 1890 on that ground, and on that ground alone, and should not have voted for what was known as the Sherman Act except that it gave that great additional security, as I understood it, to the credit of the Government.

Mr. HILL. The statute of 1890?

Mr. HOAR. The statute of 1890, the Sherman law; 1890, I think, is the date of it.

Mr. HILL. How does the Senator regard that as affecting this question?

Mr. HOAR. This statute was passed in 1876 as a part of the act for the maintenance of the resumption. Then the statute of 1890, that part of it which was unrepealed, gave the power conferred by the statute of 1876 to the Secretary of the Treasury for the purpose of maintaining the parity of the two metals. That is the substance of it, as I understand, and that is the ground upon which I myself supported the statute of 1890.

Mr. HILL. I should be very glad to make use of that in answer to the Senator from Nevada.

Mr. STEWART. You will have to get a better argument than that to answer me. [Laughter.]

Mr. HOAR. I have no doubt about that; but I have very great doubt whether there has been any necessity for the issuing of bonds to support the gold reserve. I believe that if other policies had prevailed, both in legislation and in administration, we should have had no necessity for the use of those reserve powers. The gold in the Treasury would have been maintained if we had had sufficient ordinary revenues for the purpose. I agree with the Senator from Ohio [Mr. SHERMAN] in that. Therefore, that being the fact, I have believed, and a great many persons believe, that this bond-issuing power, whatever may be its limit, has been used for a purpose for which it was never intended by anybody, either at the time of the statute of 1876 or at the time of the statute of 1890, and that the use of it for that purpose constitutes a great public danger and menace. The matter ought to be brought clearly to the attention of the people and clearly to the attention of the Senate, so that a proper remedy may be supplied. I think the American people propose to supply the necessary remedy, or to elect next fall a Congress that will supply it.

Mr. HILL. What would the Senator do with the greenbacks after they are placed in the Treasury, when the statute of 1878 says that they shall be reissued?

Mr. HOAR. If we had a proper revenue system there would be no difficulty.

Mr. HILL. How would you reissue the greenbacks if you did not pay them in the payment of debts, I should like to know?

Mr. HOAR. If we had a proper system of revenue we should never have any trouble in calling upon the gold reserve to pay ordinary expenses.

Mr. HILL. It is not the gold reserve, it is the greenback reserve.

Mr. HOAR. There never has been any trouble in any former Administration in bringing in greenbacks for redemption to the extent of endangering the reserve.

RECLAMATION OF ARID LANDS.

Mr. CARTER. I am instructed by the Committee on Public Lands, to whom was referred the bill (S. 2848) to amend section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895," approved March 18, 1894, to report it favorably with amendments. I ask unanimous consent for the present consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. STEWART. Nobody denies that.

Mr. HOAR. I will not say that, because the Senator from

this time, that, as has been stated previously, the bonds have been

The amendments reported by the Committee on Public Lands were, in line 9, after the word "approved," to strike out "March" and insert "August"; in line 11, after the word "reclaimed," to strike out "and"; in line 14, after the word "settlers," to strike out "and"; and in line 17, after the word "land," to insert "and when such water supply is furnished"; so as to make the bill read:

Be it enacted, etc., That under any law heretofore or hereafter enacted by any State providing for the reclamation of arid lands in pursuance and acceptance of the terms of the grant made in section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895," approved August 18, 1894, a lien is hereby authorized and shall be valid against the separate legal subdivisions of land reclaimed for the actual cost of and necessary expenses of reclamation, and reasonable interest thereon from the date of reclamation until disposed of to actual settlers; when an ample supply of water is furnished in a substantial ditch or canal, or by artesian wells or reservoirs, to reclaim a particular tract or tracts of land, and when such water supply is furnished, patents shall issue for the same without regard to settlement or cultivation.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. BAKER. I inquire what are the changes which the pending bill proposes to make?

The PRESIDENT pro tempore. The Secretary will read the bill as amended.

Mr. CARTER. I can probably explain the purpose of the bill more briefly to the Senator from Kansas.

This bill is a proposed amendment to what is known as the Carey Act, which donated a certain amount of land to the arid-land States to aid in the reclamation of arid lands. This bill permits what the original bill did not, to wit, that the States, in the exercise of the trust created, might attach to each acre of reclaimed land the lien for the cost of the reclamation of it; and it likewise provides that when the water supply shall have been furnished patents shall issue for the lands.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend section 4 of an act entitled 'An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895,'" approved August 18, 1894.

SARAH A. BOYD.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2557) granting a pension to Sarah E. Boyd; which were, in line 6, after the name "Sarah," to strike out "E" and insert "A," so as to read "Sarah A. Boyd"; and to amend the title so as to read "A bill granting a pension to Sarah A. Boyd."

Mr. SHOUP. I move that the Senate concur in the House amendments. They are merely to correct the name of the beneficiary.

The motion was agreed to.

CORPUS CHRISTI CHANNEL BRIDGE.

Mr. CHILTON. I ask unanimous consent of the Senate for the present consideration of House bill 3549, to authorize the construction of a bridge across a ship channel known as the Morris and Cummings Ship Channel, in Aransas County, Tex.

The PRESIDENT pro tempore. The Senator from Texas asks for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 3549) authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings Ship Channel, in Aransas County, Tex.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. CHANDLER. I will not object to this bill, but I give notice that I shall object to any further legislative business this afternoon.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The amendments were, in section 2, line 23, after the word "owner," to insert "or owners"; in line 25, before the word "obstruction," to insert "litigation growing out of said"; and in line 27, before the word "may," to strike out "case" and insert "suit"; so as to read:

If any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of such bridge to be made as will effectually obviate such obstruction, and all such alterations shall be made and all such obstructions be removed at the expense of the owner or owners of said bridge. And in case of any litigation growing out of said obstruction, or alleged obstruction, to the navigation of said channel, caused, or alleged to be caused, by said bridge, the suit may be brought in the circuit court of the United States in which any portion of said obstruction or bridge may be located.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

EXECUTIVE SESSION.

Mr. CHANDLER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 37 minutes p. m.) the Senate adjourned until Monday, April 20, 1896, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 17, 1896.

APPOINTMENTS IN THE NAVY.

John P. J. Ryan, a citizen of New York; John R. Morris, a citizen of Missouri, and Chester Wells, a citizen of Pennsylvania, to be assistant engineers in the Navy.

JUSTICE OF THE PEACE.

John H. O'Donnell, of the District of Columbia, to be justice of the peace in the county of Washington, in the District of Columbia.

POSTMASTERS.

Charles Quinn, to be postmaster at Riverpoint, in the county of Kent and State of Rhode Island.

Richard Hayward, to be postmaster at Providence, in the county of Providence and State of Rhode Island.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 17, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read, corrected, and approved.

CONDEMNED CANNON, CEMETERY ASSOCIATION, ST. PAUL.

Mr. KIEFER. Mr. Speaker, I ask unanimous consent to have considered at this time the bill (H. R. 4456) to authorize and direct the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to the cemetery association in the city of St. Paul, Minn., to be used at or near the foot of the soldiers' monument in said cemetery.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to donate one condemned cannon and four pyramids of condemned cannon balls to the cemetery association in the city of St. Paul, Minn., for the purpose of placing the same at or near the monument erected to the memory of Union soldiers who are buried in the said cemetery.

Mr. KIEFER. There is an amendment recommended by the committee.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

Provided, That in the judgment of the Secretary of the Navy such articles can be spared without detriment to the public interests: *And provided further*, That the United States shall not be subjected to any expense on account of such donation.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. DALZELL addressed the Chair.

Mr. WILLIAM A. STONE. Mr. Speaker——

Mr. DALZELL. Mr. Speaker, I wish to offer an amendment to the bill, which I send to the desk.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

Add to the bill:

"And also three condemned cannon for the Grand Army of the Republic Post, No. 121 (Col. John M. Patterson Post), for the purpose of decorating the soldiers' plat in the South Side Cemetery, Pittsburg, Pa."

Mr. RICHARDSON. Mr. Speaker, I make the point of order that it is not competent to amend this bill by adding to it the substance of another private bill pending.

The SPEAKER. The Chair must sustain the point of order. The amendment would not be in order.

Mr. DALZELL. I hope the gentleman will not make that point of order at this time.

Mr. RICHARDSON. I think it a very bad precedent to establish. This proceeding, if entered upon, would have no possible limit.

The SPEAKER. The Chair sustains the point of order; and the question is on agreeing to the amendment recommended by the committee.

Mr. RICHARDSON. Mr. Speaker, before that—gentlemen around me appeal to me to withhold the point of order. I am willing to do so for the purpose of hearing any statement in reference to the matter.

Mr. DALZELL. This matter is one in which several members are interested, and it is hoped that we can get these matters through. It is now getting on toward the end of the session, and I do not want my bill sent to the committee, because there is no knowing whether it will ever be reported in time to be passed.

Mr. RICHARDSON. Let me suggest this: If this precedent is established, the very first moment the Chair recognizes any gentleman to ask consent for the consideration of a private-claim bill hereafter it will be absolutely in order, under this ruling, to permit every other private bill by way of amendment pending before Congress.

I ask the gentleman from Pennsylvania if he and his friends will agree not to make the point of order against such amendments?

Mr. DALZELL. The suggestion of the gentleman from Tennessee has no weight in connection with this bill. There is only a single amendment possible here. There is already one amendment of the committee, and this is an amendment to the amendment. So that it probably will not go beyond that point; and the trouble the gentleman anticipates can not possibly occur.

Mr. RICHARDSON. Ah, but after the amendment is adopted it would be entirely in order to offer another amendment of the same character, and so on until every private bill on the Calender covering matters of this kind has been tacked on as an amendment.

Mr. DALZELL. The gentleman is simply anticipating trouble that can not occur.

Mr. RICHARDSON. If the gentleman can assure me that there is but the one amendment, of course I will not make the point of order against it; although I do regard it as a very bad precedent, as I have said. I will not make the point of order in this case if the gentleman assures me that this is all.

Mr. DALZELL. I do not know, of course.

Mr. PITNEY. I wish to offer an amendment.

The SPEAKER. The point of order has been made, and the question is on agreeing to the amendment recommended by the committee.

The amendment was adopted.

Mr. DALZELL. Does the gentleman insist upon his point of order?

Mr. RICHARDSON. I do not in this case, as I understand there is but the one bill of this character to be offered as an amendment.

Mr. PITNEY. Two.

The SPEAKER. The Chair desires to state that there is another ready to be presented, as the Chair is informed.

Mr. RICHARDSON. Then I insist upon the point of order.

The SPEAKER. The Chair sustains the point of order; and the question is on the third reading and engrossment of the amended bill.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. KIEFER, a motion to reconsider the last vote was laid on the table.

HARBOR OF ERIE, PA.

Mr. GRISWOLD. Mr. Speaker, I wish to call up for present consideration the joint resolution S. R. 131, a joint resolution relative to the improvement of the harbor of Erie, Pa.

The SPEAKER. The joint resolution will be read, subject to objection.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of War be, and he hereby is, directed to examine into the feasibility and advisability of the improvement of the harbor of Erie, Pa., by the construction of dikes to prevent the closing by sand of the entrance of said harbor, and to make report thereon, with an estimate of the cost of such improvement.

Mr. DINGLEY. Is this a new river and harbor project? Is it a proposition for a contract?

Mr. GRISWOLD. No; they just want a survey made to see what can be done.

Mr. DINGLEY. It is not with a view to getting an appropriation in the present river and harbor bill, is it?

Mr. GRISWOLD. I do not know whether they will get it or not. It is to investigate the matter.

The SPEAKER. The Chair is unable to hear what is going on.

Mr. GRISWOLD. Mr. Speaker, in explanation of this resolution I will say that it is suggested in the Senate that this investigation should be made, to see if there are any remedies that can be provided to prevent the constant drift of the sand from the west to the east, and the closing of the harbor at Erie, which entails constant dredging and building of piers much more expensive than this work would be if it is decided that it would accomplish the object desired. This is a resolution of inquiry of the Board of Engineers.

Mr. DINGLEY. Mr. Speaker, because this involves a question that may be raised in a great many other cases, if this is simply a resolution of inquiry having reference to some project of the future, of course there will be no objection to that; but if the purpose is to get a new appropriation on which no survey has been made and no recommendation has been made, in order that it may be inserted in the pending river and harbor bill on the Senate side, it seems to me that similar resolutions would be likely to load down the river and harbor bill so that the whole thing may fail.

Mr. GRISWOLD. The investigation has been partly made, and the subject was suggested in the report of the Board of Engineers.

Mr. DINGLEY. How much is the expenditure that it contemplates?

Mr. GRISWOLD. About $125,000, if it should go through.

Mr. DINGLEY. Go ahead, as far as I am concerned.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was ordered to be read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. GRISWOLD, a motion to reconsider the last vote was laid on the table.

MARGARET A. LUTHY.

Mr. CROWTHER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4712) granting a pension to Margaret A. Luthy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, under the act of January 29, 1887 (Mexican war pension laws), the name of Margaret A. Luthy, widow of Franklin Luthy, late of Lieutenant Allen's detachment of recruits, Missouri Mexican Volunteers, at —— per month.

The Committee on Pensions recommended an amendment in line 9, inserting the word "eight."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON. I should like to hear some explanation in reference to this bill.

Mr. CROWTHER. As the report shows, this is simply to pension the widow of a veteran of the Mexican war. The claim is made at the Pension Department that he did not serve long enough to entitle him or her to a pension.

Mr. RICHARDSON. Did he not serve thirty days?

Mr. CROWTHER. The record shows that he served three months.

Mr. LOUD. I should like to ask the gentleman if the record does not show that this man simply enlisted, but never went anywhere near the front?

Mr. CROWTHER. He was mustered out at Santa Fe, N. Mex.

Mr. LOUD. That was as far as he ever got?

Mr. CROWTHER. Yes; the war closed before he got to Mexico.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CROWTHER, a motion to reconsider the last vote was laid on the table.

CONDEMNED CANNON FOR BUDLONG POST, GRAND ARMY OF THE REPUBLIC.

Mr. ARNOLD of Rhode Island. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8077) granting to Budlong Post, Grand Army of the Republic, of Westerly, R. I., two condemned mounted brass cannon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to Budlong Post, Grand Army of the Republic, of Westerly, R. I., two condemned mounted brass cannon for the purpose of decorating the grounds around the memorial building of said post: *Provided*, That the same can be spared without detriment to the service and that no expense is thereby incurred by the Government.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. CANNON. I desire to offer an amendment to that bill.

The amendment was read, as follows:

Amend by adding, before the proviso, the words "four condemned brass cannon for Kenesaw Post, Grand Army of the Republic, Danville, Ill., for monumental purposes."

Mr. HILBORN. There are no brass cannon to be had——

Mr. RICHARDSON. I make the point of order against this, if it is in a separate bill that has been reported.

The SPEAKER. The point of order is sustained.

Mr. CANNON. I would like to be heard upon the point of order. Upon what ground is it made?

The SPEAKER. The Chair has ruled upon that once before this morning. The Chair understands that this is a single bill, referring to one subject, and the gentleman proposes to add another to it.

Mr. CANNON. Precisely.

The SPEAKER. The Chair thinks that would not be in order.

Mr. CANNON. I did not know that such a ruling had been made.

The SPEAKER. The ruling has already been made this morning.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

Mr. DOCKERY. Mr. Speaker, I do not object to the consideration of the bill, but I understand there are no condemned brass cannon, and I suppose the bill will be harmless.

The question was taken; and the bill was passed.

On motion of Mr. ARNOLD of Rhode Island, a motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM C. DODD.

Mr. SNOVER. Mr. Speaker, I ask unanimous consent to recommit bill H. R. 981 and report, for the relief of William C. Dodd, to the Committee on Claims for correction.

Mr. DINGLEY. Mr. Speaker, let the title be read.

The title of the bill was read.

The SPEAKER. Without objection, the bill and report will be recommitted.

There was no objection, and it was so ordered.

MRS. MARIA B. BRINTON.

Mr. TUCKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5667) granting a pension to Mrs. Maria B. Brinton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is, authorized and directed to place upon the pension roll the name of Mrs. Maria B. Brinton, widow of William P. Brinton, late a member of Company D, Second Pennsylvania Cavalry, and to pay her a pension at the rate of $8 per month.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McMILLIN. Let the report be read.

The SPEAKER. In order that the report may be heard, the Chair hopes gentlemen will be kind enough to cease conversation.

Mr. McMILLIN. I am entirely willing for the question of unanimous consent to go, and I will withhold my demand for the reading of the report until that is granted.

The SPEAKER. The Chair hopes gentlemen will take their seats and cease conversation.

The report (by Mr. MILES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5667) granting a pension of $8 per month to Maria B. Brinton, widow of William P. Brinton, late lieutenant-colonel Eighteenth Pennsylvania Cavalry Volunteers, having carefully examined and considered the facts and circumstances in evidence, respectfully report as follows:

The soldier enlisted as captain Company D, Second Pennsylvania Cavalry Volunteers, and was promoted to lieutenant-colonel of Eighteenth Pennsylvania Cavalry Volunteers on May 2, 1863, and was honorably discharged January 13, 1865, having a record of gallant and meritorious service.

Soldier never filed a claim for pension. His widow filed claim for pension August 21, 1890, under act of June 27, 1890, alleging that the soldier died in South America about March, 1881. She was married to soldier November 17, 1859. Her claim was rejected July 27, 1892, on the ground of her inability to furnish satisfactory evidence of soldier's death.

Claimant alleges that soldier sailed on the *Martha Tucker* from New York City February 26, 1879, en route to Buenos Ayres, South America, to better his fortunes; that letters received from him by affiant indicated his arrival at his destination and departure from there to Montevideo, near which place he taught in a college; that she corresponded with him at both places until 1881, when, after stating that he intended to leave Montevideo for Rio Janeiro, correspondence on part of soldier ceased, and although letters were written to United States consuls at Buenos Ayres, Montevideo, and Rio Janeiro, and after exhausting every possible means of information, she has never heard from the soldier or others concerning his movements after his departure from Montevideo.

William J. Buchanan, minister to Buenos Ayres, wrote to the Secretary of State September 10, 1894, to effect that he is informed by Consul Baker that William P. Brinton came to Buenos Ayres in 1879 as agent for some lines of manufacture in Philadelphia. His habits were bad, and those whose business he solicited lost confidence in him, and he left and went into the country and taught school. His mail accumulated and was returned to the Dead Letter Office. Later Mr. E. S. Bowers (now deceased) told Consul Baker that Mr. Brinton had died in one of the country towns of the Argentine Republic, but where or when Consul Baker did not inquire. This was probably in 1881.

The testimony filed shows widow used every possible means of locating her husband or finding date and circumstances of his death without avail; that she is without any estate, property, or means of support, except her labor.

In view of these facts your committee believe that the death of soldier should be presumed, and we earnestly recommend the passage of the bill.

The SPEAKER. Is there objection?

Mr. FISCHER. Pending the right to object, I ask whether the gentleman attends the Friday night sessions to aid in this sort of legislation?

Mr. TUCKER. Oh, yes; I am sorry the gentleman has not recognized me there. I should like very much to see the gentleman there.

Mr. FISCHER. I have never seen the gentleman at a Friday night session.

Mr. LOUD. I would like to ask the gentleman why he asks so small an amount as $8? That almost takes away our breath. Why not ask for $30 or $50?

Mr. TUCKER. I ask for what the law allows.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. TUCKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE M'FARLAND.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the consideration of the following bill.

The Clerk read as follows:

A bill (H. R. 7285) for the relief of George McFarland.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and instructed to issue duplicates to George McFarland, of McArthur, Ohio, in lieu of United States 4 per cent coupon bonds issued under acts of Congress approved July 14, 1870, and January 20, 1871, No. 54972, for $50, and No. 105451, for $100, with interest coupons attached, dated January 1, 1893, and subsequently, said bonds and interest coupons having been destroyed by fire: *Provided*, That the said George McFarland shall first file in the Treasury a bond in a penal sum of double the amount of the destroyed bonds and the interest which would accrue thereon until the principal becomes due and payable, with two good and sufficient sureties, residents of the United States, to be approved by the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any claim upon such destroyed bonds and coupons.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. Mr. Speaker, I would like to ask the gentleman why the Treasury Department does not redeem these bonds if destroyed by fire?

Mr. GROSVENOR. I do not hear what the gentleman says.

The SPEAKER. The Chair must again ask the House to be in order.

Mr. GROSVENOR. If I understood the request of the gentleman I will state in a word what the question is about. The house of Mr. McFarland, a resident of my district, was burned up, and three bonds, one for $50 and two for $100 each, coupon bonds, registered bonds of the United States, were burned in the fire. He presented his claim to the Treasury Department. The Treasury Department was able to identify two of the bonds, one for $100 and one for $50; the other one-hundred-dollar bond they were unable to identify. The Treasury Department drew up this bill and sent it to me as a proper step in the remedy to be provided.

Mr. BRUMM. Will the gentleman tell me what the Calendar number of that bill is? It is from the committee of which I am a member.

Mr. GROSVENOR. It is report 1308. I have the report in my hand.

Mr. BRUMM. What is the Calendar number?

Mr. GROSVENOR. I have not that.

Mr. BRUMM. Who reported the bill?

Mr. GROSVENOR. It was reported by the gentleman from Illinois [Mr. GRAFF]. It does not provide for the payment of money. It only provides for a proper indemnity being given. The Calendar number is 784.

Mr. BRUMM. All right. I thank you.

Mr. GROSVENOR. Mr. Speaker, there seems to be no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. GROSVENOR, a motion to reconsider the vote by which the bill was passed was laid on the table.

GRANT OF CONDEMNED CANNON.

Mr. LOUDENSLAGER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7140) granting to A. L. Robeson Post, No. 42, Grand Army of the Republic, of Bridgeton, N. J., four condemned cannon and twenty cannon balls.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to A. L. Robeson Post, No. 42, Grand Army of the Republic, of Bridgeton, N. J., four condemned cannon and twenty cannon balls, for the use of said post: *Provided*, That the same can be spared without detriment to the service and that no expense is thereby incurred by the Government.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LOUDENSLAGER, a motion to reconsider the vote by which the bill was passed was laid on the table.

ANDREW V. SENDE.

Mr. WILLIAM A. STONE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2618) granting an honorable discharge to Andrew V. Sende.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to issue to Andrew V. Sende, late private, Company B, Ninth Regiment Pennsylvania Reserve Corps, an honorable discharge, to date from the 24th day of July, 1863.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. TALBERT. Mr. Speaker, I would ask the gentleman in charge of this bill to have the report read or to explain to the House why this man should receive an honorable discharge at this late day.

Mr. WILLIAM A. STONE. I ask to have the report read.

The report (by Mr. GRIFFIN) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2618) granting an honorable discharge to Andrew V. Sende, having had the same under consideration, respectfully report thereon as follows:

The records of the War Department show that Andrew V. Sende (also borne as Andrew Von Sende) was enrolled May 1, 1861, as a private in Company B, Ninth Pennsylvania Reserve Corps, Thirty-eighth Pennsylvania Volunteers, to serve three years. He is reported on company muster rolls as follows: To December 31, 1861, without remark as to his presence or absence; to April 30, 1863, present; June 30, 1863, and August 31, 1863, absent, detailed on recruiting service since June 13, 1863; October 31, 1863, "discharged by writ of habeas corpus on the 24th of July, 1863, by the district court of western Pennsylvania. * * *" An attachment muster-out roll of a recruiting party, dated at Pittsburg, Pa., reports him: "Discharged July 24, 1863, on a writ of habeas corpus, by order of United States court."

In view of the fact that the War Department records show that this soldier was discharged by legal proceedings, your committee see no reason why he should not be granted an honorable discharge, and therefore recommend that the bill do pass.

Mr. TALBERT. That report does not show what the offense was, and I will ask the gentleman to explain the bill a little further.

Mr. WILLIAM A. STONE. There was no offense.

Mr. TALBERT. The man was not charged with any offense?

Mr. WILLIAM A. STONE. No, sir. He was in the Army for more than two years, and he was discharged by an order of the court because he was a minor.

Mr. TALBERT. He was not brought before a court-martial for any offense?

Mr. WILLIAM A. STONE. No, sir.

Mr. TALBERT. There was no charge of desertion against him?

Mr. WILLIAM A. STONE. Oh, no; none whatever.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

BENJAMIN F. JONES.

Mr. SPENCER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7161) for the relief of Benjamin F. Jones, which I send to the desk.

The bill was read, as follows:

Whereas at a time, to wit, the 22d day of April, A. D. 1883, when Benjamin F. Jones was postmaster at the town of Beauregard, Miss., the said town was totally destroyed by a cyclone and every building in the town swept away, including the building in which the post-office was kept; in consequence of this disaster there was a loss of money belonging to the Government deposited in said post-office building, which said Jones was compelled to make good to the Government; the Illinois Railway, carrying mails to said town of Beauregard, ceased to deposit them at Beauregard depot and carried them to the town of Wesson, 1 mile from Beauregard, compelling said B. F. Jones, at his own expense, to transport the mails from Wesson to Beauregard, the cost being $97, which the Post-Office Department refused to allow because of want of lawful authority; and the Government sued said Jones, on his official bond as postmaster, in circuit court of the United States for southern district of Mississippi, and said court refused to allow the said item of $97 as an offset; but both the presiding judge, Hon. R. A. Hill, and the attorney for the Government fully recognized the equity of the claim in open court, and signed a recommendation to allow said item of set-off: Therefore

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be paid to the said Benjamin F. Jones, late postmaster at Beauregard, Miss., or to his order, out of such money in the Treasury of the United States not otherwise appropriated, the sum of $97, in consideration of the aforesaid loss and services.

Mr. PITNEY. Mr. Speaker, I wish to inquire whether this bill has been reported favorably from the Committee on Claims?

The SPEAKER. The Chair is informed that it has been.

Mr. LOUD. Mr. Speaker, I would like to ask the gentleman in charge of this bill a question or two. I ask him whether the railroad company was not delivering the mail at this station under contract prior to the hurricane referred to in the preamble of the bill, so that the postmaster could take it to the post-office?

Mr. SPENCER. Yes, sir.

Mr. LOUD. Then, Mr. Speaker, permit me to say that the railroad company would be the responsible party in this case. Under their contract they were required to deliver the mails at a certain point, and if the station or the track was destroyed, the railroad company would still be liable for the delivery of the mail at that point; and therefore it is the railroad company rather than the Government that should reimburse this claimant.

Mr. SPENCER. The matter has been fully presented to the committee, which reported the bill favorably. The case has been fully investigated three times in this House, and the bill has been unanimously reported three times.

Mr. LOUD. The gentleman says the bill has been unanimously reported by the committee. I remember this case, and I remember that I opposed it in committee, so the report could not have been unanimous.

Mr. SPENCER. Well, what I mean is that there was no minority report. There is also a statement from the United States judge and United States prosecuting attorney, who investigated this matter, to the effect that there is no other way than by legislative enactment to give this party relief. He stood by his post after the act of Providence had deprived the citizens of that neighborhood of all mail facilities; and there must have been some cause why the railroad company did not deliver the mails, or else they would have been compelled to carry out the contract.

Mr. LOUD. This man stepped in and relieved the railroad company. That is the reason.

Mr. SPENCER. He stepped in and relieved the citizens of the neighborhood; not the railroad company.

Mr. LOUD. Well, Mr. Speaker, this is perhaps a small matter to object to, and I do not know that I shall object, though I think it is setting a bad precedent.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ORDER OF BUSINESS.

Several members addressed the Chair amid much confusion.

The SPEAKER. The Chair thinks that business by unanimous consent ought not to go on until members can hear what is said.

Mr. PICKLER. Mr. Speaker, I demand the regular order.

Mr. MEREDITH (to Mr. PICKLER). Do not do that. Wait a minute.

The SPEAKER. If the House will be in order, the Chair will lay before it the business in regular order.

MEDAL OF HONOR.

The SPEAKER laid before the House the joint resolution (H. Res. 85) relative to the medal of honor authorized by the acts of July 12, 1862, and March 3, 1863, with an amendment of the Senate thereto.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That any person who has been, or may hereafter be, awarded the medal of honor provided by the acts of July 12, 1862, and March 3, 1863, respectively, may wear, in lieu of of said medal, a rosette or bowknot of ribbon, of a pattern and under regulations to be established by the President of the United States, who is hereby authorized to determine and prescribe a suitable ribbon for the medal of honor in lieu of that heretofore provided.

Sec. 2. That the wearing of said medal or ribbon by any other than the persons above specified shall be deemed a misdemeanor and subject, on conviction, to a penalty of $100.

The Senate amendment was read, as follows:

Strike out all after the resolving clause and insert the following:

"That the Secretary of War be, and he is hereby, authorized to issue to any person to whom a medal of honor has been awarded, or may hereafter be awarded, under the provisions of the joint resolution approved July 12, 1862, and the act approved March 3, 1863, a rosette or knot to be worn in lieu of the medal, and a ribbon to be worn with the medal; said rosette or knot and ribbon to be each of a pattern to be prescribed and established by the President of the United States, and any appropriation that may hereafter be available for the contingent expenses of the War Department is hereby made available for the purposes of this act: *Provided*, That whenever a ribbon issued under the provisions of this act shall have been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the person to whom it was issued, the Secretary of War shall cause a new ribbon to be issued to such person without charge therefor."

The Senate amendment was concurred in.

LEWIS C. SCHILLING.

The SPEAKER also laid before the House, with an amendment of the Senate, the bill (H. R. 2224) granting an increase of pension to Lewis C. Schilling.

The amendment of the Senate, to strike out in line 8 the word "fifty" and insert "thirty," was read and concurred in.

JOSEPHINE FOOTE FAIRFAX.

The SPEAKER. The House will next take up the unfinished business on the Calendar. The Chair understands that there are

some pension cases coming over from last Friday night. The Clerk will report the first bill of that class.

The bill (H. R. 3112) granting a pension to Josephine Foote Fairfax was read.

Mr. PICKLER. I call for the previous question.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

Mr. LOUD. Have we adopted the amendment?

The SPEAKER. The Chair is informed at the Clerk's desk that the amendment was adopted last Friday night.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The SPEAKER (having put the question on the passage of the bill). The ayes seem to have it.

Mr. LOUD. I ask for the yeas and nays.

The question being taken on ordering the yeas and nays, there were—ayes 26, noes 98, more than one-fifth voting in the affirmative.

Mr. PICKLER. I ask for tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. PICKLER and Mr. LOUD were appointed.

The House again divided; and the tellers reported—ayes 34, noes 142.

So (less than one-fifth voting in the affirmative) the yeas and nays were not ordered.

The bill was then passed.

PENSION BILLS PASSED.

Bills of the following titles, coming over as the unfinished business from the session of last Friday night, were taken up in their order and read; the previous question was ordered, on motion of Mr. PICKLER; the amendments (if any) reported from the Committee of the Whole were concurred in; the bills were respectively ordered to be engrossed and read a third time; and after a third reading were passed:

A bill (H. R. 3930) granting a pension to Mrs. Elizabeth Richardson;

A bill (H. R. 2689) granting a pension Charlotte Weirer;

A bill (H. R. 468) granting an increase of pension to Mrs. H. J. Kiernan; and

A bill (H. R. 4475) granting a pension to Mrs. Catharine Gaffney.

On motion of Mr. PICKLER, a motion to reconsider the several votes by which the bills coming over as unfinished business were passed was laid on the table.

ORDER OF BUSINESS.

Mr. PICKLER (after a pause). Mr. Speaker, if there is no other business pressing, I move that the House resolve itself into Committee of the Whole for the purpose of considering such business as is in order on Friday evenings.

The SPEAKER. The gentleman from South Dakota moves that the House resolve itself into Committee of the Whole for the purpose of considering such bills as are considered under the rules at Friday evening sessions.

Mr. McMILLIN. Do I understand that that was the motion of the gentleman?

Mr. PICKLER. That was my motion; nobody seemed desirous to call up anything else.

Mr. RICHARDSON. I move that the House resolve itself into Committee of the Whole for the purpose of considering business on the Private Calendar. It seems to me that is the only motion now in order.

Mr. PICKLER. I do not wish to antagonize that motion. There did not seem to be any disposition to go on with the consideration of the ordinary business on the Private Calendar.

Mr. McCREARY of Kentucky. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCREARY of Kentucky. If a demand is made for the regular order, this being Friday, would not the House necessarily proceed with the Private Calendar?

The SPEAKER. It is in order to make a motion to proceed with it.

Mr. McCREARY of Kentucky. I understand the gentleman from Tennessee has made that motion?

The SPEAKER. That is the pending motion.

Mr. PICKLER. I have no desire to antagonize the motion. I only made mine because there did not seem a disposition to proceed with the Calendar in the regular order.

The question was taken on the motion of Mr. RICHARDSON, and it was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. PAYNE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole, and the Clerk will report the first business on the Calendar.

Mr. WALKER of Massachusetts. Mr. Chairman, I desire to move to take up a bill on the Calendar——

The CHAIRMAN. The Chair will state to the gentleman that that motion could only be entertained by unanimous consent. The bills must be taken up in their order under the rule.

Mr. RICHARDSON. We could not hear the inquiry of the gentleman from Massachusetts.

Mr. WALKER of Massachusetts. I ask consent to take up for present consideration a bill on the Private Calendar under the order of business for to-day.

Mr. PICKLER. Mr. Chairman, I demand the regular order, and ask that the bills be considered in their order on the Calendar.

The CHAIRMAN. The Chair will cause the rule to be read.

The Clerk read as follows:

4. In Committees of the Whole House business on their calendars may be taken up in regular order, or in such order as the committee may determine, unless the bill to be considered was determined by the House at the time of going into committee, but bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors shall have precedence.

Mr. WALKER of Massachusetts. It appears, Mr. Chairman, from the reading of the rule that by a vote of the committee the bill may be taken up, and that it does not require unanimous consent to take it up out of its regular order. The bill I speak of has passed the Senate twice, and therefore I submit a motion to take it up now for present consideration. I refer to the bill (S. 32) for the relief of the legal representatives of John C. Howe, deceased, being the Calendar No. 473, on page 34 of the Calendar.

Now, Mr. Chairman, I desire to say only a word——

Mr. RICHARDSON. Is this debatable?

The CHAIRMAN. It is not.

Mr. WALKER of Massachusetts. I only wanted to say that this is a Senate bill, that has passed the Senate twice——

Mr. BAILEY. Mr. Chairman, I may not have caught exactly the reading of the rule, but my understanding was that except where a different order had been previously made in the House, when the House resolved itself into a Committee, the bills must be taken up in their regular order.

The CHAIRMAN. The rule seems to allow the committee to determine what bills it shall consider, unless previously determined by the House.

Mr. WALKER of Massachusetts. I ask unanimous consent to speak a single minute——

Mr. RICHARDSON. Well, Mr. Chairman, this matter is not debatable, but if an opportunity is given for discussion we may want the same length of time to reply to it.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. McMILLIN. Does the gentleman want to discuss the point of order or the merits of the bill?

Mr. WALKER of Massachusetts. The condition of the bill.

Mr. McMILLIN. I think it would scarcely be wise to take up for discussion a matter that is not yet before us.

The CHAIRMAN. The Clerk will report the title of the bill to which the gentleman from Massachusetts refers.

The title of the bill was again read.

Mr. SWANSON. Mr. Chairman, I desire to offer a substitute for the motion of the gentleman from Massachusetts, that the bills be taken up on the Calendar in the order in which they are reported and appear on the Calendar.

Mr. WALKER of Massachusetts. I believe that is debatable.

The CHAIRMAN. It is not.

Mr. WALKER of Massachusetts. It seems to me that we ought to take up Senate bills and consider them first at this late date in the session—bills that have passed the Senate.

The CHAIRMAN. The matter is not debatable.

The question is on agreeing to the substitute proposed by the gentleman from Virginia [Mr. SWANSON].

The question was taken; and on a division, demanded by Mr. WALKER of Massachusetts, there were—ayes 70, noes 10.

So the substitute was agreed to.

The motion of Mr. WALKER of Massachusetts as amended by the substitute was then agreed to.

FRANK M. MARSHALL.

The CHAIRMAN. The Chair is informed that the bill the title of which the Clerk will read was before the Committee of the Whole when last in session on the Private Calendar.

The Clerk read as follows:

A bill (H. R. 4510) [Calendar No. 123] for the appointment of Frank M. Marshall as lieutenant on the retired list of the Army.

Mr. SWANSON. Mr. Chairman, I rise to a point of order. As I understand it, when the House resolves itself into Committee of the Whole it has then power to fix the order in which it will consider business on the Calendar. Now, the committee has determined by the vote just taken that we will begin at the beginning of the Calendar with the bills as they are reported; and I insist

that that order will not permit the bill to which the Chair refers to be brought up as unfinished business.

Mr. DINGLEY. But the unfinished business is always first in order.

Mr. SWANSON. Under the rule under which we are proceeding, by a direct vote of the committee?

Mr. DINGLEY. Unquestionably.

Mr. SWANSON. As I understand it, that is the general rule. But that rule has been set aside by the action of the committee, and it has been admitted that the committee can fix the order of business. Now, the committee has fixed the order of business, that we should begin with the beginning and consider the bills in the order in which they appear on the Calendar.

The CHAIRMAN. This bill is upon the Calendar as unfinished business.

Mr. DINGLEY. And therefore is first in order.

Mr. SWANSON. Not upon the Calendar as reported here. I insist it goes back to the place in which it appears on the Calendar.

Mr. DINGLEY. That would be a change of the rules.

Mr. BAILEY. If my friend from Virginia will permit——

The CHAIRMAN. The Chair does not understand that the motion adopted by the committee has changed the rule at all.

Mr. BAILEY. If my friend from Virginia will permit me to make a suggestion, I agree with him in believing that the adoption of the motion which he made was tantamount to laying aside the unfinished business.

Mr. SWANSON. That is what I insist on.

Mr. BAILEY. And it appears to me that the committee, as under the rule it may, has determined to proceed at this session of the committee in a given way, that is, by beginning at the head of the Calendar and going down, and that seems to me to be a reversal of all other orders previously adopted, or an alteration of the regular order. The gentleman from Maine will perfectly agree that the committee, under the ruling of the Chair, could begin at the beginning or the middle of the Calendar or at the end of the Calendar, and then go either way; but in pursuance of the power of the committee it has determined against all other methods of procedure except to begin at the top of the Calendar.

Mr. DINGLEY. It has simply decided to take up the Calendar and proceed in order.

Mr. WALKER of Massachusetts. Oh, no.

Mr. SWANSON. Oh, no.

Mr. DINGLEY. It was not competent for the committee to set aside the unfinished business in that way. It must be set aside by some disposition of it.

Mr. SWANSON. The ruling of the Chair is that the committee has absolute power——

Mr. DINGLEY. I think it would be better to go along in the orderly way. We shall soon reach the other bills, and I think we can make more progress in that way.

Mr. BAILEY. As I understand, it is not a question of progress, but it is a question as to what is the correct ruling. I would agree with my friend from Maine that if the committee had decided to proceed in the regular order, the regular order would be the unfinished business; but the committee did not decide to do that, but on the contrary it expressly decided to begin at the top of the Calendar.

Mr. DINGLEY. But what is the top of the Calendar? It is the unfinished business.

Mr. WALKER of Massachusetts. Oh, no.

Mr. McMILLIN. If the gentleman from Texas [Mr. BAILEY] will permit me, the case is even stronger than stated by the gentleman from Texas. The gentleman from Virginia [Mr. SWANSON], if I remember his motion correctly, moved that the committee take up the Calendar in the order in which the bills were printed.

Mr. SWANSON. Reported.

Mr. McMILLIN. I thought the word was "printed."

Mr. SWANSON. The notes of the Official Reporter will show the language of the motion.

Mr. McMILLIN. If I may be pardoned for one moment longer, I think it will be found that the language of the order is such as to preclude any other idea than beginning at the top of the Calendar.

Mr. DINGLEY. That motion would be out of order.

Mr. McMILLIN. But the point of order was not made.

Mr. DINGLEY. The question is as to the intent of the motion.

Mr. MAHON. Mr. Chairman, the order of business this morning was as follows: The Speaker of the House first called for the reading and approval of the Journal; second, the correction of reference of public bills; third, the disposal of business on the Speaker's table, and fourth, the unfinished business. The unfinished business consisted of five bills on the Calendar, which were disposed of. That settles the unfinished business. Then a motion was entertained under section 6 of Rule XXIV——

The CHAIRMAN. The Chair would like to call the attention of the gentleman from Pennsylvania to the fact that the bills disposed of in the House were none of them this bill, which is pending before the committee. This bill was pending before the Committee of the Whole.

Mr. MAHON. The Speaker recognized that the unfinished business was through with. Then under section 6 of Rule XXIV, which provides:

On Friday of each week, after the unfinished business has been disposed of—

Which had been done—

it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar.

Mr. SWANSON. Then read further.

Mr. MAHON. That is all there is of that.

Mr. COOPER of Texas. I want to make a statement right there.

Mr. SWANSON. There is another provision which states that the committee itself can fix the order in which the business shall proceed in Committee of the Whole.

Mr. MAHON. That is section 4 of Rule XXIII, which the Chair had read.

Mr. SWANSON. The point of order made is that the resolution provided that the Committee of the Whole should proceed to the consideration of the bills in the order in which those bills were on the Calendar.

Mr. COOPER of Texas. Now, the bill under consideration appears upon the table by a special order passed at the last meeting. It is not the regular order. The resolution was offered by the gentleman from South Dakota, by which it became a special order for that day and that day only. Now, it should not regularly appear on the table. The regular order would be the Private Calendar.

The CHAIRMAN. The Chair has examined the resolution, and the motion was that the committee should take up bills of a certain character, and it was simply to regulate the order in which the bills should be taken up by the committee at that time. Now, in proceeding under that order, the committee took up this bill, and it was pending before the committee at the time the committee rose and the House adjourned. If the Chair understands the motion of the gentleman from Virginia this morning, it was that the committee proceed with the bills in their order upon the Calendar. This bill——

Mr. McMILLIN. Mr. Chairman, I call for the reading of the motion which was adopted in the committee, and that itself will be the best statement of what occurred. I concede the power of the committee to act in the premises, and whatever it did is the law of the House.

Mr. GROW. Mr. Chairman, is the order of business debatable?

Mr. WALKER of Massachusetts. Mr. Chairman——

The CHAIRMAN. The gentleman from Tennessee has not yielded the floor.

Mr. McMILLIN. Before I make a motion I ask that the Reporter's notes be produced, and until they come I yield to the gentleman.

Mr. GROW. Is the order of business debatable?

Mr. BAILEY. A point of order is.

Mr. GROW. It strikes me we are wasting our time in discussing and postponing the consideration of bills.

The CHAIRMAN. A point of order is raised against the consideration of a bill which was the unfinished business on last Friday, and the commitee is now waiting for the production of the notes of the Reporter.

Mr. GROW. I move that the committee proceed to the next bill without prejudice to this one.

Mr. THOMAS. Regular order.

The CHAIRMAN. A point of order has been made, and that must first be determined.

The Clerk read as follows:

Mr. SWANSON. Mr. Chairman, I desire to offer a substitute for the motion of the gentleman from Massachusetts, that the bills be taken up on the Calendar in the order in which they are reported and appear on the Calendar.

Mr. McMILLIN. I think that settles it, Mr. Chairman. We must go to the first bill on the Calendar. I do not know what that bill is.

The CHAIRMAN. The Chair thinks the first bill upon the Calendar is the unfinished bill, and so holds.

Mr. McMILLIN. My understanding is that the Chair holds that the committee does not have it in its power to desist from the consideration of a bill when once it had entered upon its consideration.

Mr. THOMAS. Regular order.

The CHAIRMAN. The Chair simply holds that the action of the committee is to proceed with the bills in order upon the Calendar, and this is unfinished business on the Calendar.

Mr. BRUMM. That is not the way the resolution reads. It is as they appear reported on the Calendar.

The CHAIRMAN. That is a part of the resolution. The Chair has settled this point, and the Clerk will report the bill.

Mr. RICHARDSON. Then, Mr. Chairman, I move that the Marshall case be set aside informally, not to be prejudiced.

The CHAIRMAN. That requires unanimous consent.

Mr. RICHARDSON. By motion we can lay it aside.

The CHAIRMAN. When the committee has once entered upon the consideration of a bill, the Chair thinks it would require unanimous consent to lay it aside.

Mr. SWANSON. I would like to suggest that the Chair read the exact language of the motion made by myself.

Mr. THOMAS. I object.

The CHAIRMAN. That has already been done.

Mr. SWANSON (continuing). As they are reported. This bill is a hundred and odd, and the Chair makes it the first. The motion was, in the order on the Calendar in which they are reported by the date. Now, under my motion they should be taken up under the order in which they are reported and appear on the Calendar as reported.

Mr. McMILLIN. I have no anxiety about this, because I have no interest in either of the bills. I do not know which comes first on the Calendar, and hence I speak only in behalf of the orderly proceedings of the House; but it strikes me when the House resolves itself into Committee of the Whole it has the right to designate, when it begins its session, what business it shall take up; and that necessarily carries with it the right to set aside a bill the consideration of which had been entered upon at a former date, if the committee sees fit.

The CHAIRMAN. But the committee has already decided by a motion to take up bills in this order.

Mr. McMILLIN. If the Chair holds that that rule has that effect, of course I have nothing further to say; but, with all due deference to the Chair, until the Chair so ruled I was not able to construe the order of the House in that way.

Mr. McCREARY of Kentucky. Mr. Chairman, I rise to a point of order. The Chair has decided this question, and therefore I ask that we proceed in order with the business before the committee.

Mr. BAILEY. Mr. Chairman, I have no disposition to criticise the ruling of the Chair which held that the motion of the gentleman from Virginia [Mr. SWANSON] did not require the committee to proceed with the bills as they have been reported and as they appear upon the Calendar. I hope, however, that the Chair will not adhere to the decision that it is not within the power of the committee to lay aside unfinished business. I respectfully submit that that is a ruling so far-reaching in its consequences as to at some time seriously embarrass the business of the Committee of the Whole. In view of the fact that the gentleman who made the motion under which the committee is acting states that he intended that the committee should proceed to take up the business as it stands upon the Calendar, and in order to avoid such a decision as I have indicated, I ask unanimous consent that the Marshall bill be laid aside temporarily and without prejudice.

Mr. FENTON. I object.

Mr. NORTHWAY. I object.

Mr. WALKER of Massachusetts. I object most decidedly.

The CHAIRMAN. The Clerk will read the bill.

The bill (H. R. 4510) was read, as follows:

Be it enacted, etc., That in view of the long and faithful services of Frank M. Marshall as a hospital steward, Hospital Corps, United States Army, the President be, and he is hereby, authorized and directed to appoint said Frank M. Marshall a second lieutenant of cavalry in the United States Army, and to place him on the retired list with pay of the grade and increase on account of the length of service.

The amendment recommended by the committee was read, as follows:

In lines 5 and 6, after the word "authorized," strike out "and directed."

Mr. DINGLEY. Mr. Chairman, has the general debate on this bill been closed?

The CHAIRMAN. The Chair is informed that it has not been closed.

Mr. DINGLEY. Then before the amendment is considered I would like to hear the gentleman who reported this bill explain what its effect is.

Mr. FENTON. Mr. Chairman, the merits of this bill have been very extensively discussed in Committee of the Whole, and I think the case is generally understood. I will read a few words from the report, which explain the bill quite clearly:

Mr. Marshall is over 62 years of age. He enlisted April 18, 1861, in Company C, Fourteenth New York State Militia (subsequently Eighty-fourth New York Volunteers). March 13, 1863, he was discharged by special order, with view to enlistment as hospital steward, Hospital Corps, United States Army, and he enlisted as such March 13, 1863. He has been discharged, and has reenlisted ever since, so that his service from April 1, 1863, to date has been continuous without loss of a single day. April 17 next he will have served in the Army thirty-five years. March 13 he will have served as hospital steward thirty-three years.

Mr. Marshall served in the field from 1861 until March, 1863. He was in the hospital, suffering from sunstroke, and he saw hard service. It seems to me, Mr. Chairman, that it is hardly necessary to enter into a prolonged statement of the special merits of this case, because the bill has been so fully discussed already that nearly all the members of the House are familiar with it, and I believe that most of them are ready to vote upon it favorably.

Mr. WILLIAMS. Is this the case where it is proposed that somebody who served as a steward in a hospital shall be retired as a second lieutenant of cavalry?

Mr. FENTON. This is the case. I will read one letter which I have here, and then I will yield the floor.

HEADQUARTERS DIVISION OF THE PACIFIC,
San Francisco, Cal., July 5, 1890.

Mr. F. M. MARSHALL,
Hospital Steward, United States Army Dispensary, Washington, D. C.:

I take pleasure in complying with your request to state in writing the estimation in which you were held by me when surgeon in charge of the Army dispensary. You not only kept the books and performed all the clerical work pertaining to reports and returns required by the regulations, but you took your place at the counter for compounding prescriptions and dispensing medicines. Besides, so valuable did I regard your nerve and good judgment in all matters that I never left the office to perform surgical operations, and they were frequent, without directing you to accompany and assist me. Indeed, I seldom desired any other assistance. I wish to assure you of my highest appreciation of your services, and would be glad to testify to their value on any occasion which you may think I can be of service to you.

Very repectfully,

BASIL NORRIS,
Colonel and Surgeon, United States Army.

Mr. CANNON. Mr. Chairman, this matter was discussed somewhat at length two or three weeks ago. Gentlemen probably recollect about it. I do not desire to consume time in again discussing it at length. I think I can cover the whole matter, substantially, in a few words. This man is now entitled to be retired as an enlisted man. My impression is that if he is retired as an enlisted man, like any other man similarly situated, he will get about sixty or seventy dollars a month.

Mr. ALLEN of Utah. What would he get under the terms of this bill?

Mr. CANNON. This bill proposes to retire him as a second lieutenant of cavalry. My impression is that, taking into account allowances and everything, he would get between $110 and $125 a month. Now, I do not know this gentleman. I have no doubt that he served the country well as hospital steward, but I fail to see the logic of retiring a man, when he is ready to retire, at double the compensation he would receive if he were retired regularly under the general law. In other words, I fail to see the logic of giving him promotion and extra compensation as a premium for quitting the service.

Mr. ALLEN of Utah. Would there not be just as much reason for retiring any private soldier with the grade of second lieutenant of cavalry who had served his country equally well?

Mr. CANNON. In my judgment, yes. The theory upon which our laws provide a retired list for the Army and Navy is that the whole life of the man is dedicated to that service. It is an exceptional service. It represents the armed power of the Government, and the theory is that a man giving his whole time to it becomes somewhat disqualified for civil life. Therefore, with our faces rigidly set against a civil pension list or a retired list for people who serve the Government in a civil capacity—a rule violated, I grant you, as to the United States judges, and one which there is perhaps a tendency to violate in some other directions—yet, with that view and upon that theory for the existence of a retired list, the question for us to consider is whether we are now prepared to say that we will set a precedent like this and say to every worthy hospital steward now in the service: "When you retire you shall have promotion as a second lieutenant of cavalry and receive double the pay that you would receive if retired as an enlisted man, and double the pay when you quit work that you received when you were at work."

In my judgment such a policy would break down your retired list. I do not believe that as a matter of wisdom you can afford to establish this precedent. I would greatly prefer, if it be the fact that this man really stands out like a diamond by reason of his exceptional efficiency in the Army, to give him a fixed sum outright—$1,000, $2,000, $5,000——

Mr. FENTON. Why not recognize his rank?

Mr. CANNON. He never occupied in the service the rank which it is now proposed to give him on the retired list. Why should he occupy it on the retired list after he has quit the service? It seems to me that in these piping times of peace, under our policy of keeping a large number of officers with the view of officering in an emergency the volunteer forces, the one danger of our Army and our Navy is that the number of officers in active service as well as on the retired list will make our Army and Navy so topheavy that the people will rebel. I hope that the House will consider seriously before it sets this precedent.

Mr. RICHARDSON. Mr. Chairman, when this bill was up for consideration some three weeks ago I took occasion to refer to what I thought the improper legislation embraced in it. I rise now not for the purpose of repeating the argument I then made,

but to say that some days after that discussion I received from a gentleman who I understand is a man of the highest reputation (I presume gentlemen here would recognize him as such, at least he signs himself as the editor of the army department of the Kansas City Times) a communication relating to this case and commenting upon the remarks of mine as they appeared in the CONGRESSIONAL RECORD. I have no disposition now to pursue the discussion further; but in corroboration of the opinions I have heretofore stated, I ask the Clerk to read this letter, that the committee may have the benefit of such information as it contains.

The Clerk read as follows:

LEAVENWORTH, KANS., *March 31, 1896.*

DEAR SIR: In the CONGRESSIONAL RECORD of Friday, March 27, page 3636, I note the House, in Committee of the Whole, had under consideration House bill No. 4510 for the relief of Hosp. Steward Frank M. Marshall, now and for the past thirty years doing duty in the Army dispensary at Washington. As the editor of the Army department of the Kansas City Times I have had occasion to comment upon this bill from the standpoint of being most vicious legislation, and in view of the part taken by you in the debate in opposition to the measure I feel that in addressing you this note and giving reasons why the bill should not pass I will receive a hearing.

The record of Hosp. Steward Marshall shows that all of his service as such steward has been in Washington. In 1868 and 1869 orders were issued by the War Department for the establishment of a general service detachment of clerks and messengers at the various headquarters of the geographical divisions and departments. See General Orders Nos. 92 and 30, respectively, for the years named.

Under these regulations division and department commanders were given the authority to transfer men from regiments for this duty.

To provide better salary than that given to men in the ranks, there was added to their regular monthly pay commutation for quarters, for rations, for fuel, and extra-duty pay.

Hospital stewards were also detailed for duty as clerks in the office of the medical directors of divisions or departments, and Steward Marshall was so detailed for duty in the Army dispensary. His comrades of the same class, but not so fortunate as he, were doing duty at Washington Barracks, Fort Myer, Va., and at every other military post and station in the country for $36 per month, and doing much harder service, not only service as pharmacists, but as assistants to surgeons, caring for the sick and wounded, a duty never coming to a steward in the Army dispensary at Washington.

Now, then, under the provisions of General Orders No. 44, Adjutant-General's Office, series of 1890, Steward Marshall was enjoying the following pay per month:

Monthly pay of steward	$35.00
Commutation for quarters	21.00
Commutation for rations, at 75 cents per day	21.00
Commutation for fuel	9.00
Extra-duty pay	10.25
Total	96.25

It should be borne in mind that Steward Marshall could only receive this pay while on this special duty, known in the Army as fancy service. He was only a hospital steward of the Army and not entitled to more pay than other stewards of the Army, but owing to this detail, it being impracticable to furnish him quarters, fuel, and rations in kind, he was given the commutation. The fact that the steward was for thirty years in the Army dispensary is undoubtedly due to the influence he was enabled to bring to bear with the authorities to retain him in such a place and not because he possessed qualifications not present with many of the other stewards in the Army and who were not in position to secure such soft duty as Marshall enjoyed, for the reason they had not the influence.

In addition to this, Marshall had the benefit of the clothing allowance for a hospital steward, which he never drew, thus having the entire allowance saved for a five years' enlistment.

February 14, 1885, an act was approved providing for the retirement of the enlisted men of the Army and Marine Corps. These men were to receive upon such retirement, after thirty years' service, three-fourths of their allowances.

Steward Marshall had this privilege open to him also.

In 1886, I think, July 29, an act was approved reorganizing the general service detachment of clerks and messengers by giving them instead of these commutations a lump salary per month, making them in almost everything civilians, while their right to retirement after thirty years' service was not denied.

It was at this time that Steward Marshall lost his big pay; but the pay of hospital stewards was increased by an act, I think, approved in 1890 or 1891, I can not now recall, so that he has been really benefited rather than injured, for had he even continued to receive the $96 per month, as he claims to have received, he would have willingly retired on the pay of a hospital steward, which, with the present allowance, would make his retired pay $49.25. Certainly that is handsome compensation for an enlisted man, and especially for the kind of service rendered by Marshall. In 1894, however, Congress passed another act wiping out the military feature connected with this clerical detachment and depriving the men of the right to retirement after thirty years' service.

It is right here, Mr. RICHARDSON, I desire to point out where the pernicious part of Marshall's demand has the most serious effect on the service in case the bill becomes law. When this last law was passed nearly 100 men were wronged, perhaps not intentionally, but they were wronged and more seriously than Marshall. They had no other alternative but either to remain as a civilian or go back in the ranks as a private soldier to serve out their thirty years to permit them to take advantage of the thirty-year retirement law. One case in particular, that of August Beck, of which I desire to write. This man had suffered severely in active service, having belonged to the "bloody" Fourteenth after the war. Later he secured a transfer to the general-service detachment of clerks and so served for nearly twenty-four years, most of the time as chief clerk for Generals Sheridan, Crook, Miles, Howard, and others. He was a most efficient man. To-day he is a private in the ordnance detachment at Benicia Arsenal. He is entitled equally to the privilege Marshall seeks, for his service has been of great value. Beck has a greater claim for relief, for while he lost $125 per month he had to fall back on $13 in the close of his military career, while Marshall is carrying on an existence with $50 per month and corresponding pay on his retirement. To pass the bill in favor of Marshall would be a crime against the Army and country. Steward Marshall deserves no more than any of the other stewards in the Army, and because he has been in an office where he came in contact with those high in authority there is no reason why he should receive benefits that the other stewards could not receive, who, during the years Marshall was enjoying a soft berth in Washington, were following up troops in the field and looking after the sick and wounded. It is possible that Marshall rendered great service to Dr. O'Reilly and others about Washington, but no good reason exists why he should be so greatly favored over the heads of his comrades who have been less fortunate in holding down a "soft snap."

There is now on the Calendar of the House a bill, No. 4575, reported on unanimously by the Military Committee, to which I desire to invite your attention in connection with the bill discussed. House bill 4575 provides that enlisted men now on the retired list should be paid three-fourths of their pay and allowances. When the allowance question was construed by the War Department upon passage of the act in 1885, the Department said that allowances only meant clothing and rations, and not quarters and fuel; yet you have observed that the Department paid the general-service clerks commutation for quarters $21 per month, and fuel $9 per month, because it could not be furnished in kind. By bill No. 4575 they seek to secure this by directing that the Department pay each soldier on the retired list the sum of $7.50 per month in lieu of their quarters and fuel. Now, should this bill pass, the pay of Steward Marshall on the retired list would be $7.50 per month more than the amount I have above stated, or $56.75. Is this not a pay sufficient for any ordinary man per month? Surely, if the men who have served their country thirty years would all be thus paid, they would regard Congress with veneration. The opposition to Marshall's bill is not of a personal nature, but because its passage would set a bad precedent and do the great army of regular veterans a gross injustice. It would be a premium to those who seek soft places during their period of service, for surely Steward Marshall has had such a sinecure, for the record of his service shows this.

Let Congress pass the House bill No. 4575 and greater good would come to the Army. That measure would benefit a thousand retired men, while the Marshall bill would benefit no one but Marshall.

I know that the gentlemen who support the bill for Marshall do so in good faith, but I can not make myself believe that the Commanding General of the Army would give it his support if asked for his views; he knows that the sympathy behind this measure does not come from those who have seen very arduous service with troops in the field.

I hope I have given a plain statement of the case and pointed out reasons why the bill should not become a law.

To pass it means that Congress will be flooded with like measures in the future, and surely it will not then be in a position to say that they are not worthy ones, for, if I cared, I could cite cases by the score far more deserving than Marshall's bill.

Permit me to inclose herewith a list of hospital stewards in the Army, showing the date of appointment, which does not include service in the line prior to such appointment, which in a number of instances was several years.

Permit me to remain, yours, truly,

HENRY SHINDLER,
Editor Army Department Kansas City Times.

Hon. JAMES D. RICHARDSON, *Washington, D. C.*

Mr. RICHARDSON. I hold in my hand the list which the writer of the letter just read states that he incloses—a list of 106 hospital stewards, with the date of their appointment, who might possibly come forward and ask for legislation in their favor similar to that proposed in the pending bill. I do not want to add anything except to say that I do not know personally the writer of this letter; but inasmuch as I have been accused of filibustering in my opposition to the bill now under consideration when it was up on the 27th of March last, I simply wanted to have this letter published. I do not ask the publication of this list of 106 hospital stewards which I have in my hand.

Mr. NORTHWAY. Will the gentleman state how many hospital stewards included in that list have served thirty-five years?

Mr. RICHARDSON. I do not know that any have served so long, except Marshall.

Mr. NORTHWAY. Will the gentleman tell us how many of those hospital stewards have served even twenty years?

Mr. RICHARDSON. The gentleman can have the list for examination. I would have to go over it before I could answer the question. But I will ask the gentleman whether he would be in favor of a general law putting hospital stewards, after twenty years' service, on the retired list with the rank of second lieutenant of cavalry?

Mr. NORTHWAY. As a general proposition I would not. I can not answer as to any particular case until the case is presented.

Mr. RICHARDSON. Let the gentleman introduce a general bill if he is in favor of such a proposition.

Mr. BRUMM. Will the gentleman from Ohio [Mr. NORTHWAY] permit me to ask him a question?

Mr. NORTHWAY. I have not been recognized.

The CHAIRMAN. The gentleman from Ohio [Mr. NORTHWAY] is now recognized.

Mr. BRUMM. I wish to ask the gentleman how many years out of his thirty-five years Hospital Steward Marshall was compelled to serve?

Mr. NORTHWAY. He has been in the Army continuously.

Mr. BRUMM. But how many years was he forced to stay there?

Mr. NORTHWAY. In the service?

Mr. BRUMM. Yes, sir.

Mr. NORTHWAY. I do not know.

Mr. BRUMM. As he was a volunteer, he was not forced to stay longer than the term for which he enlisted. If he chose to stay longer, he must have known what he was going to get.

Mr. NORTHWAY. Mr. Chairman, in advocating the passage of this bill I want to say I am not acquainted with the beneficiary. I never saw him, so far as I know. I am not acquainted with anybody who has any particular acquaintance with him. I have no personal interest in him or in anyone who is interested in him. I do not know that any person of any standing in the country has any interest in him, and, unfortunately, a matter of that kind some-

times makes a wonderful difference in the affairs of life. I do not know anything of the merits of this case except so far as they are presented in the report. I have no interest in the passage of the bill further than as I recognize the merits of the case presented on behalf of a man who is a stranger to me. I have not been asked by him or his friends to advocate the passage of this bill.

So, sir, I stand here entirely free from any influences whatever which can possibly affect my action. Nor would I at this time or at any time have anything to say upon the passage of this measure but for certain remarks which have been dropped, akin to the question asked just now by the gentleman from Pennsylvania [Mr. BRUMM]. It seems to be argued here: "This man is a hospital steward; we must not promote him; we must not show him any special favor, because that would be setting a bad precedent." It is urged that we have a large Army and a good many hospital stewards, and that if we promote or otherwise show any special favor to one we shall be setting a bad precedent and shall be called on to show similar favors to all. Were it not for arguments like this, I would not ask to be heard upon this bill; for I repeat I am not specially interested in it in any way. But I am interested in meeting the arguments presented here against the bill by certain individuals.

The other day I came into the Hall while the debate upon this measure was going on. That was the first I knew of the matter. I then sent for the report of the committee, which I have since read. I listened to some of the arguments against the passage of the bill; and I propose to respond now, so far as I can, to those arguments. We are told here, Mr. Chairman, in this discussion, that this man was simply a hospital steward. Unfortunately for him that is true. He did not flame out upon the battlefields as a great general; he is not known to fame or to the millions of his countrymen. He is unfortunately compelled to walk in the humbler paths of life.

We are told, inquisitively, by the gentleman from Pennsylvania that he need not have served in the Army for a longer period than one enlistment if he had not desired to do so; as though it were an objection to him and to his claim before the people of this country that he served faithfully for thirty-five consecutive years his Government. The argument of the gentleman, if anything, amounts simply to the fact that a soldier should not serve his country but one enlistment, because if he does, if he goes beyond that then he is entitled to no possible consideration because he has done just a little more than anybody else has done in the same direction, and did not exercise his privilege of withdrawing after the expiration of his enlistment. I do not understand that myself, however, to be an objection to an individual. This man has the commendation of two or three of the leading officers of the Army, as gallant and brave men as ever entered our service. They commend his services highly, and tell us that he has for years performed more duty than those duties which pertain to the position of hospital steward.

Mr. MEREDITH. Has he not been paid for what he did, all the same?

Mr. NORTHWAY. No, sir; he has not. He performed other duties than those which belonged to his position. He was a skilled mechanic, and performed the duties of a skilled mechanic, and we are informed by his officers that he performed the duty gratuitously. He was simply a hospital steward, and was paid the compensation of a hospital steward, but performed other duties as well.

Mr. MEREDITH. But he has been paid his salary, has he not?

Mr. NORTHWAY. Yes, as a hospital steward.

Mr. MEREDITH. If there is any position in this country that can be performed by only one man I am in favor of abolishing that position.

Mr. NORTHWAY. I will say to the gentleman that I desire to proceed with my argument in my own way.

This officer had charge of the tools, being himself a leading and skilled mechanic, and performed these duties, as I have already said, entirely outside of his duty as hospital steward. It was necessary that some one should perform these duties, and this man was capable and qualified for the position and performed them faithfully without compensation. We are told also that he was the leading microscopist in the hospital and that in the opinion of experts in that line of service he performed valuable and important duties, services for which he received no compensation, but which were of great value, both in the hospital and the sick room. He has performed efficient duty and performed it well. No one denies that. In fact, the duties were so well performed that his superior officers commended him for it.

Then again, Mr. Chairman, we are told that objection is made on the ground that if we permit this man to be promoted as a recognition to some extent of the services he has rendered we will be doing an act which will result in paying him a little more money; money that he has not earned; and that, I believe, seems to be the entire objection that is raised. And yet we know, standing right here, that we have permitted men to be retired, time and again, where it took thousands of dollars to pay them. But we are told that that is because they are great generals and brave men. I admit that. I voted for each and every one of these bills that ever came up. I plead guilty to that, if it be a charge against me; but, Mr. Chairman, I want to know how could such a man who has received our bounty, a great general—how could he become great if he had not had back of him, to do the hard work, the patient, nameless common soldiers, who performed his bidding; the men who won for him the laurels of imperishable fame? I would be glad to know how he could flame out before his countrymen as a gallant officer and a successful leader if he had not had thousands of brave men under him to go down to death at his bidding? Shall he alone reap all the glory? Shall you say that none of the brave men who by his orders went down into the very hell of death at his command shall be recognized because such recognition may cost a little money?

Mr. MILNES. But this man did not go down in that way.

Mr. LACEY. Let me ask the gentleman if hospital stewards were placed in the position to which he refers?

Mr. NORTHWAY. No, sir; they were not, but they obeyed orders and they performed their duty, and there is just as much credit and as much honor in performing service and doing duty as some of these men did as if their duty called them into other spheres of action. Whether they were privates in the rank or hospital stewards they obeyed orders, and one may have been as brave as the other. The man who could stand in the sick room and perform his duty to aid the sick and the wounded performed the duty which was just as necessary and in many respects as commendable as his brother who stood before the storm of battle. The general officer who is advanced does not shoot down the soldier, does not strike a man with his saber, does not kill anybody with a weapon, but we all agree to promote him, and I agree with that sentiment.

But, Mr. Chairman, I disagree with the idea that we shall not help the nameless common soldier. I deny the validity of the argument here which says in effect that we shall not recognize the common soldier and the ordinary man who has for years performed patient services, humble though they be. I repeat, I deny the validity of such an argument. We are here every day asked to give pensions to the widows of men who long years ago left the Army. At this very Congress you are going to give twenty, perhaps fifty, pensions to the widows of generals who have not been in the Army for thirty years; who were mustered out at the close of the war, and have been pursuing the peaceful pursuits of life since that time. And yet you propose to pension their widows, not at $8 a month that you give to the widows of the common soldiers, but $50, $75, or $100 a month. I have voted for these bills. I am not finding fault with them, but only ask why shall our gratitude stop here? Why not at once, as members of Congress, recognize some one in the humbler walks of life? Terribly afraid of precedent here! Voting away the money to widows of soldiers, widows who could not get anything under any law which has ever been passed by Congress, simply because their husbands were generals in the Army—the name of general being attached to his services—not afraid of precedent in that case.

You will take the commanding general of the Army, when you retire him, create a grade for him, and give him more money. It is right and proper. I agree to it, and have voted for such a bill. Very likely I shall vote for more when they come up. But when we do that I should regard myself as derelict in duty if I did not once in awhile recognize some man who was commanded by that brave general. I submit, Mr. Chairman, that there is nothing in the idea of precedent, nothing in the idea contained in that letter, that we should be besieged by applications to promote. As well might you say we should be besieged by applications to grant pensions, and there may be something in it; but is that any reason why we should not perform a duty? It is easy enough for this Congress to strike at this man, for he has no one to back him except his own services. He has no "general" to his name; it is easy enough to strike him; but I want to tell you that if there is any one thing that is creating uneasiness in the minds of the common soldiery of our country to-day it is the fact that you are passing more pension bills to grant favors to the few who have had the title of general attached to their names than you are for all the thousands and tens of thousands of the common soldiers in our land.

They object, unless you recognize them once in a while, and they have a right to object. If there is any person under heaven who has a right to be recognized and who should be recognized, it is the man who in an humble walk of life has faithfully, diligently, and patriotically obeyed every order of his superior and performed his duty to his country, humbly it may be, but performed it well, so that he deserves commendation for that performance. I deny that our duty ends when we recognize the great, and pension the great, and retire them on higher salaries, and so recognize their distinguished services. I believe you can perform a great duty to the humble soldiers of our country by letting them know that they, too, are remembered. It is easy enough for

a nation to weave the laurels around the brows of great men. It may not be regarded as so patriotic to take hold of the hand of one of the weaker ones, but I want to tell you that in the late war our common soldiery performed deeds of heroism, and their great example shall stand colossal in the history of this country, and we shall do ourselves credit and do credit to the common soldiery, do credit to our country and teach a lesson for the future, if we take the hand of one of these humble men and elevate him and say, "Though you have not flamed out upon many a battlefield before the whole country, you are nevertheless just as great as a man, just as noble as a man, and just as much to be commended."

Here is a hospital steward. There is not another one in the whole service like him. There are other hospital stewards, one hundred or more, but no man like this one; no man who has performed the duties which he has performed; no man who has received the commendation of his superiors as this man has received it. If we had thousands of these men all standing alike it might be different.

Mr. MILNES. How do you know that to be true?

Mr. NORTHWAY. I take the report.

Mr. MILNES. How do you know that others may not have as fine a record?

Mr. NORTHWAY. I take the report. If you will read the report you will see the facts. I learned them there. I learned that he stands an exception in the entire American Army. There is no other man like him. I learn that from letters in that report written by his superiors.

Mr. MILNES. Do those letters say there is no other man like him?

Mr. NORTHWAY. He stands as an exception here in asking this promotion. It is easy enough for us to think we are winning glory by striking at such men. It very likely may be easy enough. Perhaps we think we are winning glory by lifting some great man and striking at an humble man like that. We lift a great man, the commander of our Army, because there is no other man there like him. There is but one such man. I advocate this bill because there is no other man like this one. I do not see how it would ruin the country to pass this bill. I can not understand how it would harm the Army. I can not understand how it would be anything but a just recognition of a worthy man in an humble service, and I want it to be known of me, so far as I am concerned, that I had just as lief stretch out my hand and take a common soldier by the hand to lift him up and ask the Government to commend him as though he were a major-general. Others may differ with me——

Mr. MILNES. This man is not a common soldier.

Mr. NORTHWAY. He has been a common soldier and has carried a gun.

Mr. MILNES. Common soldiers do not receive $95 a month.

Mr. NORTHWAY. This man is not receiving $95 a month.

Mr. MILNES. He has been doing so.

Mr. NORTHWAY. No; he has not. That man figures out forty-nine dollars and some cents. The statement about $95 a month is something that is incorrect, if I understand it.

Mr. MILNES. That is the evidence here.

Mr. NORTHWAY. No hospital steward gets any such thing. There is no such proof here. The proof is entirely the reverse. He is getting the ordinary pay of a hospital steward, if anybody knows what that is.

Mr. MILNES. Common soldiers do not get $49 a month.

Mr. NORTHWAY. Of course, because they do not perform that duty; nor do they get $7,500 a year, the same as major-generals do, and yet they are in more danger than a major-general. I submit that kind of argument is not a valid one. This man would not get any great amount——

Mr. FENTON. About $90 a month.

Mr. NORTHWAY. About $90 a month, I am told, if he is retired as we have asked; and the difference in the pay would be the difference between what he would get if he should be retired as a common soldier and that of a second lieutenant; and that would be the extra cost to this Government. If there is anybody feels that; if in these piping times of peace that the gentleman from Illinois [Mr. CANNON] talked about, you put it upon that ground, of the poverty of the Government, then we have gentlemen come in here and appropriate $2,000 and over to somebody else in order to promote him and commend him. I have answered the arguments of the gentleman, or attempted to talk upon this question, not because I had any interest in this bill particularly, but because I am interested in refuting such arguments as have been made. I want to enter my protest here, and to say that this Congress will not demean itself if it gets down far enough to recognize the common soldier and pension a hospital steward instead of pensioning major-generals and their widows. I submit that this is an exceptional case. There is no other hospital steward in the Army like this man. No other man has been commended as he has. The letters of commendation which are given in this report show that there is no man commended as he is, and we are told we can not recognize him although he has been commended by his superior officers. Why? Because we can not win fame by commending such as he. I want to submit to this House that he has performed his duty, and performed it in such a manner as to win the commendation of his commanders. However humble that duty may be, it is to him a duty, as is duty to a major-general He has performed the duty which he has been called upon to perform, and has been commended by his superiors for the performance of that duty; and therefore I submit that this Congress will do itself proud if it recognizes one humble man.

Mr. WILLIAMS. Mr. Chairman, it seems to me that the bill now before the House ought to have been introduced in the times of the elder Disraeli, that he could have written another book, and labeled it "The Curiosities of Legislative Literature." I do not agree with the gentleman who has just taken his seat, that any man who obeys orders is as brave as any other man who obeys orders. It seems to me it depends a little bit on the character of the orders obeyed. An order to administer pills or to pour out squills and medicines of various kinds does not prove a man as brave as to obey an order to charge a battery. But I did not rise for the purpose of making comparisons of that sort. I rose to defend the cavalry service of the United States, because I have always thought if I risked my personal pulchritude in any sort of military service it would be in the cavalry, because I have always understood that that was less fatiguing to a man's courage than any other branch of service; and I defend the cavalry, notwithstanding the fact that during war times, and for sometime afterwards, it was subject to the squibs that they were like Captain Jinks of the Horse Marines, who used to feed his horse on corn and beans [laughter]; and notwithstanding the prevalent opinion in the infantry that the cavalry had not put down the rebellion to any very large extent; but I particularly desire to defend the cavalry, Mr. Chairman, because I have been told by some personal friends of mine who have observed my graceful pose on horseback that if I had been of age to have served in the Confederate cavalry there would have been great danger to the integrity of the Union. [Laughter.]

But, Mr. Chairman, that is not the only nor the greatest danger that I see in this anomalous bill, which seeks to retire a hospital steward as a second lieutenant of cavalry. Why, Mr. Chairman, here we stand to-day with war clouds all about us. The Venezuelan difficulties before us and a great navy just being built up. In this bill I see a budding menace to this infant navy. Because if you can put upon the retired list as second lieutenant of cavalry a hospital steward, pray tell me, in the name of reason, why you can not put a female nurse upon the retired list as a commodore of the Navy? [Laughter.] And if you should have a civil pension list in addition to the military pension list, why, in the name of common sense, can not you retire vivandières, if you ever have any, as notaries public and commissioners of the peace? [Laughter.]

Mr. NORTHWAY. Will the gentleman allow me?

Mr. WILLIAMS. Certainly.

Mr. NORTHWAY. Do we not retire a major-general as a lieutenant-general and increase his pay?

Mr. WILLIAMS. My dear sir, a major-general and a lieutenant-general differ in degree, but they resemble in kind; and I can not see for the life of me how a hospital nurse resembles a lieutenant of cavalry in kind or in any way. This bill is simply one of the "curiosities of legislative literature;" that is all.

Mr. NORTHWAY. Is not the other a matter of legislation?

Mr. WILLIAMS. Of course it is a matter of legislation. Congress, as a matter of course, has the power to retire a female nurse as a commodore. It is a matter of legislation. I am merely applying the reductio ad absurdum, which sometimes, with some people, is a valuable argument. Really and seriously, Mr. Chairman, where is this going to end? If you apply this principle to a hospital steward, what is going to prevent you from extending it to hospital nurses? And if you apply it to hospital nurses, what is to prevent you from carrying it on down through all these lines of public service which do not bring the people to serve in them, however faithfully, into the immediate presence of danger?

Mr. FENTON. Will the gentleman yield for a question?

Mr. WILLIAMS. Yes, sir.

Mr. FENTON. You agree that a hospital steward is an enlisted man, do you not?

Mr. WILLIAMS. Oh, yes; nominally.

Mr. FENTON. Are you opposed to enlisted men being promoted as commissioned officers?

Mr. WILLIAMS. In answer to the gentleman's question I will say that I can imagine a case where a brave private soldier who had had his body permeated by the enemy's lead, who had served faithfully and gallantly in battle, who had perhaps been wounded, and who was in needy circumstances—I can, I say, imagine an exceptional case, a very exceptional case, where I would be willing to put such a soldier on the retired list as a second lieutenant of infantry, if he had served in the infantry, or as a second lieutenant

of cavalry, if he had served in the cavalry. But not a case can I imagine where I would vote to retire and pension a hospital steward as a lieutenant of cavalry.

Mr. FENTON. This man served two years in the field.

Mr. WILLIAMS. That may be, but there is nothing here to show that there was anything exceptional or dangerous in the character of his service. There is nothing to show that he was ever injured, or even that he was ever in a battle. The proposition here is to take a man who happens to be in Washington and happens to have strong and influential friends—for he must have them somewhere or this bill would not be brought in here in this shape—the proposition, I say, is to take such a man and, because he has these influential friends, to retire him as a military anachronism, a "hospital-steward-second-lieutenant of cavalry"!

Mr. BRUMM. Mr. Chairman, I believe it was Madame Roland who, upon being led to execution, exclaimed, "O Liberty! Liberty! how many crimes are committed in thy name!" So I may say with reference to the private soldier: "O soldier! soldier! how many errors are committed in thy name!" Whenever there is a bill of this kind brought before Congress we find gentlemen talking about the private soldier and about the legislation that is enacted here in behalf of general officers, and attempting to use considerations of that kind for the passage of some special bill, as was done by my friend from Ohio [Mr. NORTHWAY] a while ago.

Now, Mr. Chairman, a hospital steward is not a private soldier. In fact, he is not a soldier at all in the sense in which we honor soldiers. When you honor a soldier, whether he be a private or a lieutenant or a general, you honor him because of services performed not in peace but in war. I have never yet learned of a promotion or of a pension granted to a soldier in time of peace for services performed in time of peace; yet here we have a hospital steward, occupying one of the easiest berths in the Army, a man who was so pleased with his position that he held it for thirty-five years—we have that man applying for promotion and for retirement in a higher grade. No war, no sacrifice, no danger; simply a fat position right here in the city of Washington, with a compensation of $95 a month, I assert again—not his pay proper, but his commutation, rations, quarters, fuel, etc. He receives this commutation right here in the city of Washington, and has received it for years, and now we are asked to make him what? Not to promote him. That is a mistake. He does not ask promotion. To promote a man is to elevate him in the service in which he is, but that is not what is proposed here. The natural promotion of this man would perhaps be to make him an assistant surgeon, as he is in the medical department—to make him a second lieutenant as an assistant surgeon. But that is not what is proposed here. The proposition is to turn him out of the line of his order and his service; not even to keep him in the infantry, but to jump over the grade of second lieutenant of infantry and the grade of second lieutenant of artillery and raise him to a higher grade, namely, second lieutenant of cavalry; because, as I understand, the cavalry ranks next to the Engineer Corps.

Now, Mr. Chairman, I submit that there is no sense, no reason, no justice in proposing such a bill as this. But it is said this man has performed special service; that he is a good mechanic; that he has rendered service with the microscope. I do not know what he has invented or what good has resulted from his investigations, microscopic or otherwise. But whatever may be the facts, we have before the Committee on Claims dozens of persons who, in the military or civil service, have performed special duty, who have come before my committee showing special service for which they have received no pay—architects, for instance, who, while receiving their regular salary as architects, were employed upon some special duty. All those cases are considered, and if there appears to be any special value in the service rendered we make a favorable report upon the bill. If this hospital steward did anything of special value for the Government there would be no trouble in getting a bill passed to pay him for that special service and for that alone.

Mr. NORTHWAY. How would he get pay?

Mr. BRUMM. Let him bring his bill before Congress and submit it to the Committee on Claims.

Mr. NORTHWAY. That would be a magnificent proceeding!

Mr. BRUMM. I could show the gentleman dozens of bills which have been sent to the Committee on Claims providing pay for special work, and I believe that this bill could be passed more easily in that way than in the matter now presented. But the amount paid would be a quantum meruit—the claimant would be paid according to the work done. As has been suggested by my friend the chairman of the Committee on Appropriations [Mr. CANNON], if there is any special reason why this man should receive special pay let us know what the reason is, let it be shown what amount he is entitled to, and there will be no trouble, I think, in getting it through this House. But to say that a hospital steward, who loved his berth in time of peace so well that he stayed there for thirty-five years, shall now be singled out regardless of the order of his enlistment and of the kind of service that he has performed, that he shall be lifted into the saddle of a cavalry lieutenant, seems to me so incongruous, so inconsistent, so foolish, so nonsensical, that I submit the gentlemen who are pressing this bill ought to withdraw it as something that they may well be ashamed of.

Mr. NORTHWAY. Is there any service which a private or a hospital steward might render for which the gentleman would vote promotion?

Mr. BRUMM. My dear sir, if you will show me a case where a private soldier or a hospital steward has performed any specially meritorious duty during the war, or even in time of peace if he has been called into active service—in fighting the Indians or anything of that kind—I will wager that you will have to run very rapidly to keep up with me in doing all that can be done for such an one.

Mr. NORTHWAY. Has the gentleman read the report in this case?

Mr. BRUMM. I have heard it read.

Mr. NORTHWAY. Did you understand from the reading of the report that this man, while serving as a private soldier, received a sunstroke, in consequence of which he was placed on duty as a hospital steward, and has been in service ever since?

Mr. BRUMM. That certainly was an unfortunate occurrence for him.

Mr. NORTHWAY. Oh, yes!

Mr. BRUMM. But I might answer that by saying, suppose I should be struck by lightning while in the service, does it follow that therefore I must be promoted?

Mr. NORTHWAY. I have put the case of a private, but if it were the case of a general I suppose the gentleman would vote in favor of it?

Mr. BRUMM. There must be some merit, outside of mere accident, to induce me to pass a special bill of this kind. And I want to say that I am not one of the great admirers of Sunday soldiers or parade soldiers. I do not see the absolute necessity of these soldiers who figure in time of peace. I believe in those who are soldiers when soldiers are wanted.

Mr. NORTHWAY. This man was a soldier.

Mr. BRUMM. Certainly the gentleman is not asking the passage of this measure in consequence of the two years' military service which this man rendered. To ask that would be simply outrageous. I do not care what horn of the dilemma the gentleman may take. This man was only enlisted for two years; and surely the gentleman from Ohio would not ask to promote a private from the position of hospital steward to that of a lieutenant of cavalry in consideration of two years' service thirty-five years ago. Why, sir, there are thousands and hundreds of thousands of cases more meritorious than this.

Mr. MEREDITH. Mr. Chairman, if I understand this proposition, it is to retire a hospital steward and make him a second lieutenant in the Army. If this bill passes, let me say to my friend that I trust, in justice to the sutlers of the Army, he will introduce a bill to put every sutler on the retired list with the rank of a captain at least. If there was any place in the Army (and I appeal to every soldier here, I care not on what side he may have fought) that was sought for by men who wanted to escape the storm of battle and the bullets of the enemy, it was the position of hospital steward. It does seem to me the most absurd proposition I have ever known to come from sensible people, that a man who, although he may have been enlisted, was not a soldier, who mixed pills and perhaps administered them to the soldier, should be retired as a second lieutenant of cavalry when there are thousands of privates who do not receive any such recognition, although they bared their breasts to the storm of battle and are entitled to the respect of their country.

Mr. Chairman, if my friend will introduce a bill to put upon the retired list of the Army the sutlers who plied their trade or vocation and made money——

Mr. NORTHWAY. Will the gentleman yield to me?

Mr. MEREDITH. Always, with the kindest courtesy.

Mr. NORTHWAY. You probably live in a section of the country where you may insult men in that way, but here you can not insult men with any hope of success by talking in that manner.

Mr. MEREDITH. My dear sir, when I want to insult a man, and, thank God, I come from a section of the country that entertains a sentiment upon this subject, so that when we, when my people, or any individual desires to insult a man we will do it to his face, not behind his back, and will meet the responsibility wherever or whatever it may be and under whatever circumstances it shall arise.

Mr. NORTHWAY. I will not permit any man to insult the common soldier of the North in that way without calling a halt.

Mr. MEREDITH. I say to you that I am not insulting the common soldier of the North; but, on the contrary, I am upholding the common soldier, the man who won for himself fame and honor on the field of battle; and I say to you that the common soldiers of this country will understand it and stand by me when

they find that you are attempting to exalt a hospital steward, a bombproof man, and not a soldier. They are proud of foemen worthy of their steel, but not of men of this class.

Mr. NORTHWAY. You are comparing them to sutlers, and it is an insult to them, and intended as an insult which they will appreciate.

Mr. MEREDITH. I do not care what the gentleman thinks. I repeat that the position of hospital steward is known to every man who served in the Army as the safest, best, and most effective bombproof position that could be found, and I appeal to every man who has ever served in the Army to verify the truth of that assertion.

I say to my friend, then, that you are insulting the private soldiers of the North when you compare their records with that of bombproof men who held positions which did not require them to meet the enemy in any danger, but which permitted them to draw pay for mixing up pills and mixing up medicines and perhaps administering them when the surgeons happened to be absent. If there is an insult, you are the man who is guilty of it.

Mr. NORTHWAY. I will take my chance of that kind of an insult.

Mr. MEREDITH. And I will take mine; and you will find, let me say to my friend from Ohio, that I am not a man to undertake to escape any responsibility that attaches to me.

I stand by the private soldiers of this country. If you will introduce a bill to put on the retired list a private soldier who is worthy of the name of soldier, who met the enemy and acted his part as a soldier, I care not on what side he was, I honor and respect him and will vote for your bill. But when you come to put the hospital stewards, the bombproof man, or the sutlers on the retired list of the Army, I shall vote against your bill, because I believe it is an insult to the real soldier who stood by the flag in its hour of danger and faced death on the battlefield.

Mr. PARKER. Mr. Chairman——

Mr. MEREDITH. I will yield to the gentleman if for a question.

Mr. PARKER. I only wanted to make a suggestion which I possibly can make better after the gentleman has concluded. I beg pardon; I thought he had concluded his remarks.

Mr. MEREDITH. I do not desire to detain the committee. I have expressed my ideas in my own humble way, and what I believe to be a just way, to the interest of what I think to be the real soldiers of the country. I have expressed the opinion that we should not exalt a man who saw nothing of the war and who did not face danger, but who occupied a bombproof position above the real soldiers in that struggle which lasted for four years, and in which my people were engaged on the one side and the people of my friend from Ohio on the other.

I remember that those were momentous times. There is no doubt of that. But, Mr. Chairman, when the history of that struggle shall be written by the impartial historian, when the writer can rise above all party feelings, party prejudice, or sectional animosities, and relate the history of that war, the history as it is written, remembering that when speaking of the honors and glories of the British soldiery the British historian does not stop to inquire whether the man's ancestor fought under the White or the Red Rose, I say when the historian of our common country can write its history without stopping to inquire whether the man wore the Blue or the Gray, but speak of the powers and bravery of the American soldier, I shall be willing to risk my humble position to-day against the proposition of my friend from Ohio, and believe that the real soldier, the true man, will agree with me that we should not exalt the bombproof fellow, the man who was not compelled to bare his bosom to the enemy's bullets, but who held a safe position and suffered, as some gentlemen have said, from sunstroke and not from a saber stroke. I am for the man, sir, who suffered the saber stroke and not the sunstroke, and when my friend from Ohio shall present a bill asking that some gentleman who is a private or has special reasons to be put into a position to be retired as a second lieutenant of cavalry, if he was a true soldier I would vote for that bill, but not for the bombproof man and not for such a man as my friend from Ohio has selected in this case, not a soldier, but a "pill roller," if I may so express it. [Laughter.]

Mr. PARKER. Mr. Chairman, I ask members to attend to the facts in this case. This man was an enlisted soldier; whether as private for two years or as hospital steward, he was an enlisted man in the Army, doing the duty of a soldier. He was and is a special man in habits, demeanor, and earnest disposition to do his duty, and I do not resent, because I know gentlemen on the other side would withdraw, their attacks on "bombproof men" and "pill rollers" if they saw this man.

There is one principle embodied in the general law of the United States, that the enlisted man, in peace as well as in war, shall have a chance at promotion. We examine and promote privates in the Army to be corporals, sergeants, lieutenants, and captains; and there is no man in any other branch of the Army service of the United States who would not have had his promotion long ago, in time of peace, had he possessed the ability and devotion of this man. He, however, is in the Hospital Corps, where there is no opportunity afforded for promotion by general law.

What remedy is there? By general law you only promote the best, only the special instances, in the Army. Here there is no general law. I object to special bills where there is any general relief; but here there is none. Here the committee thought that there was a reason for the exception that I make to the rule that special laws shall not be passed as to the Army. Here we found a man who was fit to be an officer, who ought long ago to have been made an officer, who was a veteran of the war, and who in his old days should be put upon the retired list with what rank he would have got if there had been any general rule for his branch of the service. Now, if we are wrong, say so. If the House says it will not adopt any special bill even in such a case, very well. But I could not, even after all the debate, keep my place and allow the debate to run on into an attack upon the character of the man, who is a veteran, patriot, scientific man, and I can not avoid rising to express my feeling with reference to the matter.

Mr. MAHON rose.

Mr. PARKER. The gentleman from Pennsylvania wishes to ask me a question?

Mr. MAHON. I do not want to consume the time of this House in discussing this bill, but this is the second day we have had this private bill under consideration——

The CHAIRMAN. The gentleman from Pennsylvania was only recognized to ask a question.

Mr. MAHON. I will not stop to debate the bill, but I will move that it be laid aside with a favorable recommendation.

The CHAIRMAN. The gentleman has not the floor for that purpose.

Mr. MAHON. I hope some gentleman will make that motion.

Mr. WALKER of Massachusetts. Mr. Chairman, the country has recognized that when men have bared their breasts in battle, when they have been subjected to the chance of being shot down in their prime, that they shall be pensioned, that they shall be considered as a special class; but there is nothing whatever in this case that puts this man in that special class, so far as is developed thus far. I have had in my employ, for forty years, from 300 to 1,000 men. Nine in ten of them have served their country as faithfully as this man, and in as dangerous positions as this man, for aught that appears in this discussion, and deserve to be pensioned as much as this man, for aught that appears in this discussion. Why should they be taxed—for they are the men who pay these pensions—why should they be taxed to pension this man? I have known in my lifetime scores of educated men, college men, specialists, who have worked all their lives for an income less than this man has had, and they have served their country as well, for aught that appears here.

Mr. ALLEN of Utah. I wish to call the gentleman's attention to the point——

Mr. WALKER of Massachusetts. Well, what is the point?

Mr. ALLEN of Utah. The assertion has been made here that this man is a specialist. I wish the gentleman would call the attention of the committee to the fact that Dr. O'Reilly recommends, not that he be retired, but that he be given a position at a certain salary per month, on account of his special services.

Mr. WALKER of Massachusetts. Mr. Chairman, I do not want to be diverted from the line of my argument. I want to say that this is, to use a slang expression, "running the thing into the ground." There is no excuse for it. There is no justification for it. Admitting that he was a faithful man, that he served his country, and all the things that he did, nine men in ten in this country ought to be pensioned upon the same principle if he deserves to be pensioned.

Mr. NORTHWAY. He is not asking a pension.

A MEMBER. He is getting something better than a pension.

Mr. WALKER of Massachusetts. Furthermore, Mr. Chairman, I want to say to you that I never yet saw the men in my employ coming up to get their pay that I did not regret that their pay was not higher. That is the fact of it; and when there is any opportunity for a right-minded man who employs other men to put up their wages he will do it. It ought to be done by special act of Congress, if this ought to be done.

Let me say to you, Mr. Chairman, that the life of every man, with few exceptions, is by turns a poem or a tragedy, just as you look at it, from day to day. We can bring in the case of any man here and make a plea which touches the sympathy of men to put him on the pension roll; but let me say, in closing, that this case is put in here under the peculiar circumstances which exist here, in order that justice shall not be done by men who are being robbed in their just claims not being considered by the Government of the United States, their just claims which have been reported favorably and unanimously by the committee to whom this day is assigned.

This bill was put in here to be kept here, and be discussed the day out, so that women may still continue to haunt the halls of Congress in the hope that it will deal justly with their father's and husband's private claims to money honestly due them. It is an outrage and a disgrace for this House and the leaders to put in such claims as this, to be discussed all day, so that these other claims shall not be considered.

Mr. NORTHWAY. Will the gentleman allow me?

Mr. WALKER of Massachusetts. I am through.

Mr. TALBERT. Mr. Chairman, I desire to enter my protest, along with the protest of other gentlemen, against the passage of this measure. I agree with the gentleman who has just taken his seat that this and similar bills are outrages, especially against the common soldiers of this country. I should have been glad had the gentleman from Ohio [Mr. NORTHWAY] resented this as an insult to the soldiers and denounced this bill instead of advocating it, instead of stating that the gentleman from Virginia was insulting the common soldiers by classing this man along with the sutlers, camp followers, bounty jumpers, and coffee coolers. I am glad to see a revival going on among gentlemen on the other side of this House. I am glad to see that the scales have been stricken from their eyes and they have begun to see the injustice that is being done to the common soldier; that they have begun to see the outrages that are being perpetrated upon the taxpayers of this country.

This House, like a greyhound, Mr. Chairman, is hurrying in the passage of bills granting pensions and emoluments which are as unmeritorious and undeserving as this one is. So far as I am concerned, I feel it my duty to raise my voice and enter my protest against the passage of all such measures as this, and I shall vote against it; and then, if the majority of this House see proper to pass it, let them do so and take the responsibility. It will only add another disadvantage to their record and reputation before the people.

I submit, Mr. Chairman, that they have been doing just such things as this from the time the Fifty-fourth Congress first met. It seems to me that they are making a specialty of unmeritorious and undeserving claims—for photographers, men who have gone out for their own profit and benefit to take pictures, and giving such men pensions, removing charges of desertion, pensioning bounty jumpers and coffee coolers, and making special pleas for such parties instead of putting them in the background and bringing to the front the claims of the common soldiers, like those distinguished veterans who stood here this morning with that old flag, those men who first enlisted, who went out when the call for troops was made.

I submit, sir, that I do protest against this discrimination. Why is it that they should look over this Calendar, which has on it many just and meritorious claims, and make a special plea and bring up this bill, which proposes to raise a hospital steward, a "hospital rat," as you may call him, and promote him to the rank of a lieutenant in the cavalry, in utter disregard of the men who went forward and bared their breasts to the storm of bullets in battle? Why is it, sir, that you can not take up the case of some distinguished private soldier who performed distinguished services upon the battlefield and raise him and make him a lieutenant instead of going into the hospital, going into the bombproof positions, going into the places where the men did not smell powder, and leaving out of consideration the men on the tented field and on the bloody field of battle, the men who met the storm night and day? Why, it is an insult to the common soldiers of this country; and I say, sir, that such bills as this rob and plunder the public Treasury without any right or without any deserts at all. It is looting the Treasury for men who do not deserve that which you ask to give them.

I shall vote against this bill, and I hope that the gentlemen on the other side of this House will see that this bill is snowed under by an overwhelming majority of votes as a just rebuke to that class of members of this House who continually stand up here and hypocritically pretend to be the friend of the soldier, the common soldier, and all the time robbing him for the benefit of officers and officers' wives, for photographers, camp followers, bounty jumpers, deserters, and hospital rats, as these men are. [Cries of "Vote!" "Vote!"]

Mr. FENTON. Mr. Chairman, I move that this bill be laid aside with a favorable recommendation.

The CHAIRMAN. There is an amendment pending. The question is on the amendment.

Mr. NORTHWAY. What is the amendment?

The amendment was read, as follows:

Amend lines 6 and 7 by striking out the words "and directed"; so as to make it read: "The President be, and he is hereby, authorized to appoint said Frank M. Marshall," etc.

The CHAIRMAN. The question is on the amendment.

The question was taken.

The CHAIRMAN. The Chair is in doubt.

The question was again taken; and the amendment was agreed to.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. FENTON. Division.

The committee divided; and there were—ayes 24, noes 60.

So the motion was rejected.

GEORGE CASE.

The first business on the Calendar was the bill (H. R. 2740) to carry into effect a finding of the Court of Claims in favor of the estate of George Case, late of Independence County, Ark.

The bill was read, as follows:

Be it enacted, etc., That the Court of Claims having found that George Case, late of Independence County, Ark., was loyal to the United States throughout the late war, and that military stores and supplies of the value of $475 were taken from him in said county, by and for the use of the Federal Army, and not paid for, the Secretary of the Treasury is hereby directed to pay said sum, out of any moneys in the Treasury not otherwise appropriated, to the legal representatives of said George Case.

Mr. DINGLEY. Mr. Chairman, I ask to have the report in that case read.

The report (by Mr. LESTER) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2740) for the relief of George Case, deceased, respectfully report:

The Committee on War Claims of the Forty-ninth Congress referred the above-mentioned claim to the Court of Claims for a finding of facts under the terms of the Bowman Act.

The claim has been returned to the committee by the court with the following findings of fact:

[Court of Claims. Congressional, No. 575. Sarah Case, administratrix, vs. The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that George Case (since deceased), the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed April 29, 1889.

[Court of Claims. No. 575. Sarah Case, administratrix of George Case, deceased, vs. United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores, alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 4th day of March, 1886.

Mr. R. A. Berton, esq., appeared for claimant, and the Attorney-General, by Felix Brannigan, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

On a preliminary inquiry the court, on the 29th day of April, 1889, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 14th day of February, 1894. The claimant in her petition makes the following allegations:

That during the war there was taken from the intestate the following stores and supplies of the value stated and of which he was the owner, to wit:

1 mule	$150.00
2 mules	300.00
2 wagons	250.00
1 set double harness	40.00
1 platform scales	40.00
2 pairs counter scales	24.00
6 pairs harness hames	7.50

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDING OF FACT.

There were taken from the claimant's intestate, near Batesville, Ark., as alleged in the petition, during the late war for the suppression of the rebellion, by military authority for the use of the Army, quartermaster stores the reasonable value of which at the time and place of taking was $475.

BY THE COURT.

Filed April 2, 1894.
A true copy.
Test this 4th day of April, 1894.
[SEAL.] JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Your committee report back the bill and recommend its passage.

Mr. LESTER. Mr. Chairman, I have no further connection with this bill than that which arises from being directed by the Committee on War Claims to report it favorably to the House. The facts are set forth in the report. The claim was referred to the Court of Claims, and the court found as a jurisdictional fact, first, the loyalty of the claimant, and second, the fact that the stores and supplies taken for the Army amounted to $475. Thereupon the court gave judgment as far as they could, and reported their finding to Congress. The question now is simply whether Congress will appropriate money to pay the claim which has been thus adjudicated by the court. I ask that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. DINGLEY. Mr. Chairman, as this is similar to many other cases, I desire to ask for information how it happens that in cases of this kind where supplies were taken for which, I suppose, proper receipts were given, payment has not been made in

the regular way—on the presumption that the claimant was a loyal man?

Mr. LESTER. Will the gentleman explain a little further what he means by the regular way?

Mr. DINGLEY. By application to the Quartermaster-General.

Mr. LESTER. The Quartermaster-General does not pay claims of this character. They can not be paid in that department.

Mr. DINGLEY. Was not a receipt given for this property, the man being loyal?

Mr. LESTER. They say not. There is a class of claims which the Quartermaster-General can pay, and another class that he can not pay, and this is one of the latter class.

Mr. DINGLEY. But these facts having been judicially ascertained, there would seem to be no doubt as to the propriety of payment unless some things may have transpired which in the lapse of time have prevented the court from obtaining evidence that it might otherwise have obtained.

Mr. LESTER. This is one of the class of claims referred to the Court of Claims to be adjudicated, and it has been adjudicated by the court and reported to Congress for payment.

Mr. DINGLEY. As I understand the matter, these cases are considered by the court with reference to three essential facts. The first fact to be found is that the man was loyal; the second is that the supplies and stores were furnished to the Union Army; and the third is that the claimant has not been paid. I understand that those three facts have been ascertained by the court in this case.

Mr. LESTER. Yes, sir. The question of loyalty is a jurisdictional fact, I will state to the gentleman.

Mr. DINGLEY. I do not see any objection to the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

PETER COOK.

The next business on the Private Calendar was the bill (H. R. 2741) for the relief of Peter Cook, of Arkansas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and hereby is, authorized and directed to pay to Peter Cook, of Lonoke County, Ark., out of any money in the Treasury not otherwise appropriated, the sum of $904, being the amount found by the Court of Claims to be due to him as a loyal citizen for stores and supplies taken and used by the Federal Army during the late war.

Mr. DINGLEY. I ask that the report be read.

The report (by Mr. NEILL) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2741) for the relief of Peter Cook, respectfully report:

The Committee on War Claims of the Forty-ninth Congress, to whom was referred the claim of Peter Cook, of Lonoke County, Ark., not being fully and clearly advised of all the facts in said claim, referred the same to the Court of Claims for a finding of facts, under the provisions of the act of March 3, 1883, and generally known as the Bowman Act.

The claim has been returned to said committee by the court with findings of fact.

Your committee recommend that said findings of the Court of Claims be carried out by the passage of the bill, which is in harmony with the conclusions reached by the court, and ask that said findings be printed as a part of this report.

Your committee attach hereto the act of Congress generally known as the Bowman Act and the decisions of the Court of Claims construing said act, and ask that they be printed as an appendix to this report.

[Court of Claims. Congressional, No. 230. Peter Cook vs. The United States.]

This case being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that said Peter Cook, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT

Filed April 29, 1889.

[Congressional. Facts and loyalty. Court of Claims, No. 230. Peter Cook vs. United States.]

STATEMENT OF CASE.

The claim in the above-entitled case, for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 23d day of January, 1885.

J. W. Smith, esq., appeared for claimant, and the Attorney-General, by William J. Rannells, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

On a preliminary inquiry the court found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 4th day of January, 1893. The claimant in his petition makes the following allegation:

That he is a citizen of the United States, residing in Lonoke County, State of Arkansas, where he resided during the late war of the rebellion.

That the following stores and supplies were taken from him in the years 1863 and 1864 for the use of the United States Army:

800 bushels of corn, at $1	$800
22,500 pounds live pork, at 10 cents	2,250
14,400 pounds beef, at 5 cents	720
4 horses, at $150	600
1 mule	175
18 head of fat sheep, at $3	54
4,000 bundles sheaf oats, at 4 cents	160
100 bushels sweet potatoes, at $1	100
Total	4,859

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDING OF FACT:

There was taken from the claimant, from his farm in Lonoke County, Ark., during the years 1863 and 1864, by military authority, for the use of the ARMY, stores and supplies of the kind above described, the reasonable value of which at the time and place of taking was $904.

BY THE COURT.

Filed January 9, 1893.
A true copy.
Test this 11th day of January, A. D. 1893.
[SEAL.] JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Mr. DINGLEY. I would like to ask the chairman of the committee, with reference to this character of claims, to state the probable amount of them.

Mr. MAHON. I can answer that in a general way. If I had my report I could tell more definitely. All the findings of the Court of Claims were paid up to and including the Fifty-first Congress. The Fifty-second and the Fifty-third Congress refused to pay any of the findings of that court. The consequence is that those findings have accumulated until now we have about $700,000 of them in the committee room. We have reported about $600,000 of such claims. That includes those in the omnibus bill. The committee reported some three or four individual bills, but afterwards they reported the omnibus bill and then stopped. You will not find any more of these individual bills on the Calendar after the omnibus bill.

Mr. DINGLEY. The claims reported amount to about $600,000?

Mr. MAHON. Yes, sir.

Mr. DINGLEY. Is the committee satisfied of the justice of those claims and that they ought to be paid?

Mr. MAHON. The Congress of the United States, to relieve itself of the waste of time and the annoyance of investigating these claims—in fact Congress could not investigate them properly—passed what are known as the Tucker Act and the Bowman Act, which are familiar to most of the older members of the House. The Bowman Act applied to claims for stores and supplies furnished to the United States Army. The Tucker Act applied to claims for property taken and destroyed for military purposes. Congress established the Court of Claims and sent all of these claimants to that court. Every claimant in the Court of Claims has to establish as a first step, in order to give the court jurisdiction, his loyalty. If any claimant fails to establish the fact that he was loyal, the court thereupon declines jurisdiction of the case. The loyalty of the claimant being established, he then has to prove by undoubted evidence that the property was furnished to the United States Army, and also what its value was. Then the court, after examining and making a finding of fact, reports in each case its finding to Congress, so that appropriation may be made for payment.

I want to say this about the Court of Claims: From my investigation of the matter I am satisfied—and I believe that every member of the House who has any knowledge of the subject will agree with me—that this court holds claimants to a stricter accountability, a stricter compliance with the rules of evidence than any other court in the United States. In proof of this assertion I cite the fact that the court, since its establishment, has allowed only 8½ per cent of the claims presented to it for consideration. Take this case as an illustration. This man alleges that he furnished supplies to the value of $4,859. He gives an itemized statement of the goods which he furnished, but the court, after close scrutiny and after finding that he was loyal, allowed him but $904.

Mr. RICHARDSON. Without interest?

Mr. MAHON. Without interest. And that illustrates the history of all these claims.

Mr. RAY. Did this gentleman have any proof that he had furnished these articles? Had he any receipt from any officer or officers of the Government?

Mr. MAHON. I do not know anything about that; but a court established by the Congress of the United States, composed of five as good lawyers as there are in the country, have found the facts. I do not know anything about them myself, but the gentleman from New York [Mr. RAY] can rest assured that if this claimant had not produced evidence entirely satisfactory to the court that these goods had been furnished he never would have obtained a finding.

Mr. RAY. Does the gentleman know how many times this claim has been presented to Congress and reported upon?

Mr. MAHON. I do not know. I believe it was first reported to Congress as late as 1893.

Now, Mr. Chairman, I am not interested in any of these bills. I have not one constituent who has a claim of this kind before the House; but having examined the work of this court, I repeat my statement that the court, since its establishment, has allowed only 8½ per cent of all the claims filed. Up to and including the Fifty-first Congress this court had such a standing here that Congress paid every claim of this kind that the court found due. But the Democratic party, when it came into power in the Fifty-second

and the Fifty-third Congresses, stopped for some reason or other the payment of these claims. It may have been for lack of money in the Treasury or it may have been a matter of party policy. I do not pretend to state the reason. But, sir, this House ought to do one of two things—either it ought to pay the findings of this court or it ought to abolish the court. Sir, a man 85 years old called at my office yesterday. He had prosecuted a claim through the Court of Claims, and had secured a finding in his favor for $1,500. In order to secure that finding he had mortgaged his little property worth $500 and spent every dollar of the proceeds in the prosecution of his claim. Now, why should not this Congress pay that claim and others of the same class?

This is your court. Congress established it for the express purpose of ascertaining in cases of this kind whether a claimant was loyal, whether the goods were furnished to the Army, and whether the price asked was just and reasonable. When the court finds those facts in any case there is, as the Supreme Court has held, only one thing for Congress to do; that is to appropriate the money to pay such judgments. If I had time I could cite decisions of the Supreme Court recently delivered commending the Court of Claims in the highest terms for its examination of these claims.

Here is this claim now before us. Congress referred it to the Court of Claims. The claimant employed counsel. He brought his witnesses a considerable distance to the city of Washington. This was necessary because depositions are not accepted; the witnesses must be examined here. His claim amounted to $4,900. The court allowed him a little over $900. Probably it has cost him that much to get a judgment. The only question is whether you are going to pay him or not. There is no controversy about the facts. The simple question is whether this House proposes to pay findings of the Court of Claims in cases of this kind or whether it proposes to pay no attention to them. I say, either you ought to stand by the court and pay the judgments which it renders or you should abolish your courts and save the hundreds of thousands of dollars that are now expended in the investigation of these cases.

I have found many members of Congress opposed to the passage of bills of this kind; that has been my experience. But, sir, I come from a county that 290,000 marching men crossed and recrossed in the years from 1861 to 1865. My people and I know what war was; and I want to say to these gentlemen from the West who did not live in the seat of war that these claims are meritorious and ought to be paid.

Why should not the Government of the United States pay to its citizens what it owes them? But it seems to have become a rule in Congress that if a private citizen has an honest and just claim against the Government of the United States he may knock at these doors in vain. Sir, I would sooner that a pauper owed me a thousand dollars than that the Government of the United States should be my debtor to that amount.

A MEMBER. You would get paid sooner.

Mr. MAHON. My experience has been that the greatest robber in this country is the nation itself.

A MEMBER. You are right.

Mr. MAHON. Our Government is continually robbing private citizens of their property and refusing to reimburse them. Let us have small appropriations, if need be, for rivers and harbors; let us appropriate less money, if need be, for our great Printing Office, on which we spend $2,000,000 a year. And let us pay these men who have proven their claims in a court of competent jurisdiction; who have shown that they were loyal, that they furnished these stores and supplies to the Army, and that the price they ask for them is just and honest. I repeat, if you do not propose to pay claims of this kind abolish your court. The time has come for us to decide whether we are to pay these claims or not. If Congress refuses to pay claims of this kind I am ready to vote to abolish the Court of Claims, although my own district is full of people having claims of this kind. But I have not brought one such claim here.

Now, Mr. Chairman, a single word further. I am a Northern man, with all the sympathies and all of the feelings that a man could have for his section of country. But to my friends from the North, and to these people from the South, let me say that a man who was loyal to this Government in the South during that struggle—and members of the Committee on War Claims fully understand that—I say a man who was loyal in the South at that time was placed at an unusual disadvantage. It was not an easy thing for a man to be loyal there, while up here he could not well have been otherwise.

Mr. EVANS. And let me suggest to the gentleman that it was a very easy thing, when the quartermaster issued his vouchers, to get his pay; but it was a very different thing in the South.

Mr. MAHON (continuing). The man who remained loyal to the Government in the South, I say, was entitled to as much consideration as the people in the North, who could not have been disloyal even if they wanted to. These are the people, both in the North and in the South, who come up here and present their claims to this court for adjudication. It is not only the people of Alabama and Kentucky and Tennessee who bring these claims, but we have claims from New York and Pennsylvania; in fact, there is scarcely a State in the Union from which they do not come.

Mr. WILLIS. No matter where they come from, if they are honest and just they ought to be paid.

Mr. MAHON. The gentlemen who take a position contrary to the payment of these claims tell us that the aggregate of them will run up into the hundreds or millions of dollars.

Mr. Chairman, there never was a wilder statement. Laying the cotton claims aside—and you all know what they mean, cotton captured and turned over to the Government—I venture to assert now, without any fear of successful contradiction, knowing what I speak of, for I have had occasion to examine the matter very fully, that the maximum covered by these claims will not exceed $20,000,000, and the wildest estimate of the amount required to wipe them all out will not go beyond that. Pay $20,000,000 toward these claims and you would never hear of them again.

Now, Congress passed a bill the other day appropriating $60,000,000——

Mr. BRUMM. Will the gentleman permit me?

Mr. HICKS. Do I understand my colleague to say that twenty millions will cover these claims?

Mr. MAHON. Yes.

Mr. BRUMM. Does that include the border State claims?

Mr. MAHON. It includes all of the claims before the Court of Claims—all of them.

Mr. DOCKERY. Do I understand the gentleman, the chairman of the Committee on War Claims, to express himself in favor of paying the cotton claims?

Mr. MAHON. No, sir; I am talking simply now of property given to the United States Army or taken by it from loyal people. Why, Mr. Chairman, hundreds of men in this country, both North and South, who were in the Army know that under the direction of generals or officers commanding United States forces they occupied storehouses, took them with their contents, kept a military force in control of them, and, when pressed by the Confederate forces to depart, put a match to the buildings and blew them out of existence. Ought not the Government to pay for such property as that?

Mr. RICHARDSON. If the gentleman will allow me, I understood him to say that twenty millions will cover the extreme maximum of the war claims before the Court of Claims——

Mr. MAHON. Yes, sir.

Mr. RICHARDSON. Do I understand the gentleman to say that if the appropriation of $20,000,000 was allowed, that is to say, the proportion that has been allowed under similar circumstances heretofore, that it would only reach about 8 per cent?

Mr. MAHON (interrupting). I am talking of this, if the gentleman will permit me. These claims had been paid up to the Fifty-first Congress. That Congress passed what is known as an omnibus bill, which carried in round numbers $800,000 of these claims. That appropriation cleaned up the findings of the court up to that Congress. Now, including the Fifty-second Congress, if that Congress had passed a bill paying the findings of the court up to that date, it would have amounted to only about $340,000 more. Then take the Fifty-third Congress. The findings up to that time which had been reported to Congress amounted to about $320,000. No provision was made for payment there, so that now this omnibus bill reported to this House carries $587,000. That, as I have already said, embraces all of the findings of the court up to this time and will wipe up the whole business, if that bill passes, up to this date. That is to say, $500,000 and a little over of appropriations will to-day wipe out the findings that have been made by the Court of Claims.

I will add now another $500,000, and that makes the sum—and there is no possibility of these claims before that court exceeding that sum—appropriated by this Congress; allowing one or two hundred thousand for the next session will wipe them out.

Mr, RICHARDSON. The question was with reference to the suggestion of the gentleman about twenty millions covering these claims.

Mr. MAHON. I am coming to that in a moment, as the gentleman will see.

I make the estimate in this manner: When I made that statement I had—of the twenty millions—in mind claims pending before Congress of the State of New York, amounting to some two or two and a half millions or over; another claim from Pennsylvania, embracing in round numbers a sum of about $3,000,000, and some of the other States are also included. Now, some of the best lawyers in this country claim that this Government is not at all responsible for the claims of those States. This House will be asked in the near future to allow the Supreme Court of the United States to pass upon the question and put a construction upon the fourth section of the Constitution of the United States. If the court holds that the General Government is not legally responsible to pay the claims of the States it wipes out about ten or twelve

millions of dollars of these claims at once. That would include all of the claims of the States. And so I say of the amounts pending before the Court of Claims, allowing everything possible to come in, $20,000,000 is a wild estimate to wipe them out, and the bugaboo which has been raised about this thing costing hundreds of millions of dollars to the Government is the veriest nonsense. There is nothing in it.

I want to say again, let any member of this House, if he is not satisfied with a finding of the Court of Claims, go down there when they are having an investigation. You will find great care exercised by the Attorney-General and his assistants on behalf of the United States. They are always on hand, and these people are examined and cross-examined and these claims are sifted to the very bottom.

Now, I say the time has come for this Congress either to pay these findings of the Court of Claims or to abolish that court, and let the people of this country know that this Congress does not propose to pay their claims in the future, whether they are found to be just or not. [Applause.] I make this suggestion for this reason: You have a Committee on Claims and a Committee on War Claims. They are like all committees. There is no use in playing Congress. Here you have 17 members of this House plodding night and day through these bills, writing these long and tedious reports, explaining the facts and the law in these cases. These bills that we now have in the Committee on War Claims, these findings of the Court of Claims and other claims, are about 2,100 in number. They do not accumulate. They come in Congress after Congress. The bills are printed and the reports are printed, and if you go and investigate you will find that you have spent about $340,000 in this Congress for printing for this committee and other committees.

Mr. DOCKERY. I desire to ask the gentleman a question, because I have been somewhat interested in his statement, which seems to be something of a new departure on that side. I desire to ask what effort he has made during this Congress to secure consideration of these claims; as I believe, under the rules, under the parliamentary practice of the House, the duty devolves on the chairman of the Committee on Claims or the chairman of the Committee on War Claims to make the usual motion on Friday to go into Committee of the Whole to consider these claims?

Mr. MAHON. Yes.

Mr. DOCKERY. In view of that fact, I desire to know whether the gentleman has made any effort to secure consideration of these claims on Fridays during this Congress?

Mr. MAHON. I have been in this Congress since the beginning of it, and every Friday I have watched for an opportunity to bring up these claims; but either a great appropriation bill or some privileged question has ruled this Calendar out every time.

Mr. DOCKERY. My recollection was that the motion to go into the Committee of the Whole on the Private Calendar to-day was made by the gentleman from Tennessee, not a member of the committee.

Mr. RICHARDSON. I want to say that the remarks of the gentleman are not a new departure. On the other hand, the proposition to pay these claims has come from that side of the House, and not from this side, and the gentleman from Missouri is wrong when he says that it is a new departure on the part of gentlemen on that side to pay these claims. The people of the South are under obligations to that side of the House for the payment of these claims in the Fifty-first Congress.

Mr. WALKER of Massachusetts. That was an honest Congress.

Mr. MAHON. I said before, and I repeat it, that the findings of the Court of Claims have always been paid by a Republican Congress.

A MEMBER. That is true.

Mr. MAHON. Because my understanding as a Republican is that you can not find any place where the Republican party has undertaken to repudiate honest debts.

Mr. BRUMM. Now, as chairman of the Committee on Claims, I want to answer for the Committee on Claims. The gentlemen on the other side can answer for the Fifty-third Congress and for the Fifty-second Congress——.

Mr. RICHARDSON. No, I can not; because I do not think there was any reason.

Mr. BRUMM. As chairman of the Committee on Claims I want to answer the gentleman from Missouri [Mr. DOCKERY]. So far as I am concerned I do not believe in passing bills and having appropriations made when I know that the other side have robbed the Treasury of every dollar and there is not a dollar there to pay them.

Mr. MAHON. The bills before the gentleman's committee do not as a rule go before the Court of Claims.

Mr. BRUMM. I beg your pardon. The attack was made on my committee as well as on yours.

Mr. MAHON. I am simply defending this course established by a Republican Congress, and I want to reassert that there is no better United States court in the land, that there is no more conscientious court, that there are no findings of any court that are better considered; and the Supreme Court of the United States have held this court in such esteem that in two cases they have refused to review the findings of that court, saying they always found them to be correct. Now, you can pay these claims or not, as you choose.

Mr. HICKS. Have all these claims that have been passed upon and adjudicated by the Court of Claims been reported by your committee?

Mr. MAHON. Yes; they are always reported by the committee.

Mr. COX. Not exactly just in that shape.

The CHAIRMAN. The gentleman from Massachusetts [Mr. WALKER] is recognized.

Mr. WALKER of Massachusetts. I yield thirty minutes of my hour to the gentleman from New York [Mr. RAY].

Mr. RAY. Mr. Chairman, I have been somewhat astonished at the position taken and the remarks made by the chairman of the Committee on War Claims in reference to this claim and these claims. I can well remember, in both the Fifty-second and Fifty-third Congresses, standing up here with my Republican colleagues almost solidly and voting against these war claims or any one of them.

These claims are thirty and more years old, worn out in the service, outlawed, and barred by the statute of limitations. They are stale demands, and no court in Christendom would consider them for a moment. They should be allowed to repose. The claimants should not stand at the door of the Treasury constantly demanding admittance. We are borrowing to pay current expenses. Let us look forward and exercise due diligence in protecting the Government of the United States.

I remember that the action referred to was taken either in the last Congress or in the Fifty-second Congress, under the lead of a Representative from Michigan, now a Senator of the United States—Mr. BURROWS—and he gave us the figures showing the enormous sum these claims amounted to; showing a most appalling condition of affairs should the Congress of the United States enter upon the policy of even attempting to pay them, and after he had made that presentation of facts——

Mr. WALKER of Massachusetts. What did he say it was?

Mr. RAY. I have forgotten.

Mr. NORTHWAY. Five or six hundred million dollars?

Mr. RAY. I think it was at least $600,000,000; possibly more.

Mr. MAHON. Not without including the cotton claims.

Mr. BAKER of New Hampshire. Did not that include not the findings of the Court of Claims, but the claimant's own figures?

Mr. RAY. Certainly.

Mr. BAKER of New Hampshire. He went to the Department for those figures?

Mr. NORTHWAY. He got the bills here.

Mr. RAY. Now, Mr. Chairman, I am willing to answer all questions upon this subject. This is a business, common-sense matter, and it is one where people should not let their generosity run away with their reason. I think the gross amount is over $600,000,000. Now, I myself assisted Mr. BURROWS in looking up these claims.

Mr. BRUMM. What claims do you refer to?

Mr. RAY. The war claims presented in the Fifty-second or Fifty-third Congress. I think it was the Fifty-third Congress.

Mr. BRUMM. You simply took the bills that were presented?

Mr. RAY. We took the bills presented, and those bills presented, which amounted to over $600,000,000, were like this bill brought in here to-day, simply "feelers."

Mr. MAHON. Now, I should like to ask the gentleman a question.

Mr. RAY. Pass this bill to-day, and you will have opened the door for raids upon the Treasury of the United States that will keep this Administration selling bonds while it exists, and it will keep the next Administration selling bonds from the very day it enters the White House.

Mr. BRUMM. I do not believe that. The next Administration will provide money to pay its obligations. It is going to be a Republican Administration.

Mr. RAY. That is all right. How shall we provide money? We can not do it by import duties. If we should undertake to do that, there would be no more imports from foreign countries; and if you undertake to tax the people of the United States to do it, there would not be any money left in the pockets of the people at the time you get through. You would simply transfer money from the pockets of those who have money to the pockets of those who are making claims. We can increase import duties to a certain point, but a time may come when excessive duties will prohibit all importations.

Mr. COX. Will the gentleman allow me to ask him one question?

Mr. RAY. Certainly.

Mr. COX. Have you ever made an estimate of how many dollars the Court of Claims have found to be owing by the United States?

Mr. RAY. I have not.

Mr. COX. Have you a suspicion of how much it is?

Mr. RAY. I think the gentleman here [Mr. MAHON] stated the amount.

Mr. COX. Do you think he stated it correctly?

Mr. RAY. Why, certainly.

Mr. COX. Why, then, after you have got the Court of Claims to pass upon these claims and pronounce them just, ought they not to be paid?

Mr. RAY. The Court of Claims does not seem to pass upon and pronounce them just. They seem to pronounce upon the questions whether the property was had and the claimant loyal.

Mr. COX. Oh, well, my dear sir, there is no claim that goes to the Court of Claims for supplies furnished during the war unless the fact is first determined that the party was loyal. That is a jurisdictional fact.

Mr. RAY. I understand that perfectly well. The gentleman seems to think I do not know anything on that subject.

Mr. COX. I think you know it all.

Mr. RAY. Oh, no; I do not know it all, because if I did I should be more opposed to these bills than I am; but I know enough about it. Without proof of loyalty no claim can be allowed.

Mr. LEWIS. Will you allow me to ask you a question?

Mr. RAY. Certainly.

Mr. LEWIS. Does not the Constitution provide that private property shall not be taken for public uses without just compensation being made therefor?

Mr. RAY. That is true.

Mr. LEWIS. How can there ever be a claim for property that the Government got and used without paying for it and the proof of that fact made, and then escape a violation of the Constitution, which all members of this House are sworn to support. [Loud applause.]

Mr. RAY. I want to say to my colleague, for whom I have the highest respect, who is a good lawyer, an admirable man, and a gentleman, I want to say that I would not oppose the payment of any claim against the Government of the United States were I thoroughly satisfied that private property had been taken for public use from a loyal citizen of this Government, and were I further satisfied that no just compensation has been made. If these matters of fact were established to my satisfaction I would vote to pay the claim every time.

Mr. LEWIS. Is there not a Court of Claims of the United States, established by law for the purpose of investigating, ascertaining, and deciding these claims, and has not that court certified this claim and others to Congress for payment? Everybody knows that such is the fact. And yet for years no appropriation has been made to pay these claims. I stand here to say, representing my people, many of whom were loyal to the Union and stood by the Government through all the trials and perils of the war, people to whom the Government of the United States, by the solemn judgment of its own court, owes this money, but whom the Congress of the United States has failed or refused to pay. I stand here to say on behalf of those people that that is repudiation. [Applause.] I say you have no more right to refuse to appropriate money to pay these claims when the court has declared them to be just than you have to refuse to appropriate money to pay the interest on the public debt, to pay the interest on those gold bonds that have been recently issued and sold by the Administration. [Applause.]

Mr. RAY. Mr. Chairman, that was quite a long "question," and I do not know that I fully comprehend it, but there was one statement or assumption of fact in it that I deny most emphatically. The gentleman assumes that these findings of the Court of Claims are judgments against the Government of the United States. Now, I have not time this afternoon to go fully into that question, but I assert that they are not judgments in any sense of the word.

Mr. MAHON. They are findings.

Mr. RAY. They are findings of fact only, a mere expression of opinion, and I thank the gentleman from Maine [Mr. DINGLEY] for handing me the Bowman Act. That act provides in section 1 as follows:

> When the facts shall be found the court shall not enter judgment thereon, but shall report the same to the committee—

That means the committee of the House which sent the claim to the court—

> or to the House by which the case was transmitted for its consideration.

Mr. MAHON. Will the gentleman allow me to interrupt him for a moment?

Mr. RAY. Yes; but I shall want a little more time, because a good deal of my time has been used in answering questions.

Mr. MAHON. Do you not know that the finding of the court is a finding of all the facts? That is what Congress established the court for, to find all the facts, to find whether the man was loyal or disloyal, whether the property was taken, and if taken, what was its value. It is the same as where a court sends a case to an auditor to ascertain certain facts. The gentleman knows that in such a case, when the auditor finds certain facts, the law will not allow the court to ignore those facts.

Mr. RAY. I know the contrary, so far as New York and other States are concerned. I know full well what the old chancery practice was. It was this: The judge would send a case out for a finding of facts for the information of the court; then, the facts being reported to the court, the court would, in its discretion, determine whether the finding should be adopted as the finding of the court as to facts or not. The court always reserved the right to reject such finding. That is the rule wherever the old chancery practice prevails. That is the rule in the District of Columbia. That is the rule in the United States courts, and every good lawyer knows it. So to-day in the State of New York judges very frequently send to a referee certain questions of fact for him to examine and report to the court. That is common in divorce cases and in matters involving long accounts. But the court is never bound by the finding of the referee. The court looks into the evidence, which must be reduced to writing and reported to the court. The court looks into the evidence, and if it finds that the referee has found the facts in accordance with the evidence it confirms and approves his report, or it changes his finding, affirming it in part and rejecting it in part.

Mr. MAHON. Well, your referee has found that this claimant is a loyal man, that he furnished this property to the Government, and that the property was worth all that he asks for it. Now, if you can not find something in the evidence in this case to show that your referee erred you are bound by his finding. If you have ascertained that he did not find the facts as they are, that is one thing, but if he did find the facts correctly, then you can not turn his finding down. That is the law in every State of the Union.

Mr. RAY. Mr. Chairman, I want to enter my solemn protest against the charge which has been made against the Government of the United States by the gentleman from Pennsylvania that it is the greatest robber on the face of this earth.

Mr. BAKER of New Hampshire and several other members. True.

Mr. RAY. I am exceedingly sorry, Mr. Chairman, to hear representatives of the people in this Republican Congress say that that is true.

Mr. MAHANY. So it is true in these cases.

Mr. RAY. Well, the gentleman does not need to say that more than 500 times. He can not make it true by mere vociferation. [Laughter.] As a representative of the American people, respecting, admiring, loving the Constitution and the Government of the United States and the flag under which we all live, I protest against that statement. We represent the people. The people are honest and will pay every just claim.

Mr. MAHANY. What about the honor of the United States?

Mr. RAY. My dear sir, the honor of the United States, as a nation, is unsullied. We deserve and command the respect of the civilized world.

Mr. MAHANY. Is not the honor of the United States involved in the payment of its debts?

Mr. RAY. Yes, sir; but the representatives of the people have a right to say what are its debts, and I have a right, as representing a portion of the people of the great State of New York, to stand here and say whether a claim against the United States has been established to my satisfaction or not.

This Court of Claims can not bind my judgment or my conscience. I am my own judge. I follow no man's dictation. The hope of getting my claim through will not vary my action in any other bill. New York wants $2,000,000. If her claim is just I will support it, but I will not aid a general raid on the pork barrel for the sake of one small piece of the contents.

I yield the remainder of my time to the gentleman from Massachusetts [Mr. WALKER].

Mr. WALKER of Massachusetts. Mr. Chairman, I want to say deliberately—deliberately—that no robbers ever built castles on the Rhine to rob the commerce of the Rhine and the merchants that transacted their business up and down the Rhine—any more than the Government of the United States robs its honest creditors here in this House. I say that on my responsibility as a member. I say that the leaders of this House in every Congress in which I have been a member, Democratic and Republican alike, have put in measures here to debate them and to use up the time, to use up the days assigned for the consideration of private claims, so that those claims could not be brought before Congress to be honestly and promptly determined. And that is the object this afternoon. That, I want to say, is the reason why we have such peculiar rulings from the Chair. [Laughter.]

The attempted distinction drawn here between the "findings" and the "judgments" of the Court of Claims is simply paltering

with the honest creditors of this country. Why are not the findings of that court equivalent to its judgments? The court was established to do justice, if it was established for any good purpose whatever. Was it established that the citizens of this country might spend their money and wear out their lives before that court for nothing, or was it established to do justice? The findings of that court, it has been said here by an eminent lawyer from Vermont, are the same as the findings of a jury, that may be set aside by the judge, if the judge determines that they are not according to the law and the evidence. But, sir, the presumption is in favor of the findings.

More than that, sir, I say that there ought to be an excuse sought—yea, an excuse sought—any excuse justified in law and justice—to pay the loyal men at the South rather than that they be robbed. [Applause.] We are sending $150,000,000 into the Northern States in pensions, and justly, to fructify the Northern country, to make honorable the lives of the old soldiers, to help educate their children, to lift them to a higher plane. Thank God that we have an excuse for doing it! Even if they were not old soldiers, I hope we might find some justifiable excuse. Oh, that we might find some excuse to do the same with the men—honest, but misguided—who fought those soldiers of the North! In that case the whole South would blossom like the rose instead of being what it is to-day.

Here come these claims, such as that now presented. Let us pay them. [Applause.] Pay them! Do not talk to me about its costing $20,000,000, or $100,000,000, or $600,000,000. Do not talk to me about its costing $2,000,000,000. Do not talk to me about its costing $2,700,000,000. Whatever may be the amount of these debts due by the Government arising out of the war, if they be just, let us pay them. Pay them if they are honestly due. You can not terrify me by making me look in the face the aggregate amount of an honest claim. The man who when an honest claim is presented to him sits down and asks, "How much does this claim amount to?" rather than "Do I honestly owe it?" is a thief. That is all there is about it. [Cries of "Good!" "Good!"] He is looking for his price in order to steal. That is what he is doing. He is looking, I repeat, to see how much he shall be paid for the theft.

I have a claim on this Calendar. It was passed by the Senate twice. It was fought through the Committee on Claims. The claimant had a patent for a cartridge. The Government robbed him of it, and made those cartridges without paying him. He got his claim through the Court of Claims. It cost twenty or thirty thousand dollars to contest it. The first man who presented that claim has failed, the second man has failed, the third man has failed, and died. His heirs are now pressing this claim. When the Speaker of the last two Congresses was asked to recognize a member to bring up that claim—not the present Speaker, for he has not yet been asked—but when the Speaker in Republican and in Democratic Congresses has been asked to recognize a member to bring up such bills, his first question has been, "How much is it?" not "Ought it to be paid?" not "Has it been passed on by the court?" Oh, no; but "How much is it?"

Then again, when Congress is adjourned miserable Democrats go round the country talking about "a billion-dollar Congress." A billion-dollar Congress! The question is not whether Congress was honest, not whether it passed claims which were honestly due, but it is cursed as "a billion-dollar Congress." We know even the tone of voice in which it is said, for we have heard that said here on this floor as well as elsewhere. And, sir, when Republicans get into power and do not pay the honest debts of the Government, they become thieves and robbers, as Congressmen, in the interest of their party, as do the Democrats, though they are honest men individually. [Applause.] Then Republicans go round and shout, "Billion-dollar Congress. Billion-dollar Congress!" as Democrats as Democrats do to Republicans.

Sir, the Senator from Maryland, when he stood up in the Senate in the Fifty-second Congress and said that the Democratic Congress would be obliged to exceed the appropriations of the Republican Congress, would have to go beyond $1,035,000,000—whatever may have been said of that Senator before, my heart warmed toward him and I said, "Those are the bravest words under the circumstances that have been uttered in ten years in either House by Republican or Democrat."

Mr. Chairman and gentlemen, shall we pay the honest debts of this Government, or shall we cheat and rob these widows and orphans? Shall we pay the honest, loyal men of the South or shall we continue to rob them? We can never—no, never—grant pensions to their soldiers. But let us, for God's sake, pay their claims, that money may be sent into that country to fructify it and do it good, pay the money honestly due to men at the South who were loyal to the Government in its day of trial—who were robbed of their property in the name of liberty, and who are now denied justice for miserable, contemptible, partisan reasons. [Loud applause.]

Mr. McCALL of Tennessee. Mr. Chairman, while I know nothing whatever of the facts involved in the particular bill that we are now considering, yet I am informed that a competent court having jurisdiction of the subject-matter has passed upon the facts presented—of the loyalty of the claimant in the first place, the property taken, and its reasonable worth, and have certified it at about $900. I take it, therefore, that it is a claim that is just and one that should be paid. I am not like my friend from New York [Mr. RAY]; I am not ready to hide behind a technicality or claim that the court did not render or had not power to render a judgment. It is empowered to find the facts in the case, and they are facts that will not be disputed as such, whether they be embodied in the form of a judgment or not. They are required to find upon the facts presented and make a report to the committee of this House. That they have done.

But, Mr. Chairman, I rose to speak not so much of the pending bill in particular, but of the principle which is involved in it, because, coming from the South—having been there born and raised, my people having lived there for a hundred years—all that I have or expect to have being in the South, I thought it proper that I might claim the attention of the committee but for a few moments to submit for your consideration the views entertained by the thousands of Union people in the South as to what the Government should do with reference to claims of this character.

I want to second, as enthusiastically as I can, the gentleman from Pennsylvania [Mr. MAHON], the chairman of the Committee on War Claims, with reference to his remarks as to the Union people of the South, and particularly when he said that it was very easy to have been a Union man in the North during the late trouble, but it required all that a man could do, all that he had, that it involved the honor and safety of his family in the South, even their very lives, to become a Union man and proclaim it in that section. Because, Mr. Chairman, such a man not only offered his own life for his country, but he imperiled the lives of his family and all that he had on earth as well.

What did it require in the North for a man to be a Union man? His neighbors were Union; the old flag still floated over them; the church people were altogether Union people; the societies were Union people; the wives were Union people; daughters were Union people; the young men were for the Union, and were encouraged to come to the front by their sweethearts, by their mothers and sisters, and to proclaim themselves for the Union. But how different was this condition in the South! There, sir, the young man who stood out for the Union, who proclaimed his love for the Union, who proclaimed himself willing to offer, if need be, his life for the sake of the Union and the flag of his country, was in many localities regarded as a disgraced man; his sweetheart turned her back upon him; his mother said, "You are a traitor to your section of the country"; the father said, "You can no longer find shelter beneath my roof, you must shift for yourself," and the people everywhere proclaimed him a traitor to their cause. That was the position of the young man who stood for the Union in the South, and who went into the Army from that section. Old men, men who had families, men with grown daughters, saw them discarded by young men who went with the South; saw their sons thrown out of business, discharged from positions of trust or honor, because they loved the Union.

I tell you, Mr. Chairman, that tongue can not tell nor can pen describe the heroism, the patriotism, the bravery, required for a Southern man during that period to stand out for the Union. [Applause.]

I have followed the teachings of a Union man. My father was a slave owner. My father had property in the South; but for the Union, for the love of his country, he said to his slaves, "Let the shackles be stricken from your limbs," and they went free. He said to his sons, "Shoulder your muskets; go to the front in the defense of the flag of your country"; and he said to the Federal armies when they went among us, "You are to share my barn and my cattle; knock down, dress, and eat"; and they did, and he never received a farthing, nor did he ask it, from the Federal Government. [Applause.] That is the kind of men that were Union men in the South. That is the situation they had to meet on all occasions when they proclaimed their allegiance to the old flag.

But how different was it in the North! Their barns were securely locked and removed from the scene of devastation or war. Their cattle fed on a hundred hills and roamed without molestation; their horses stood secure in the closed paddocks; the homes of the people were homes of happiness, without fear of molestation or invasion by the armies on either side. That is the difference between the two sections. But now, when we come over to the other side; when the Union man of the South files his claim for stock or property which the Government took and applied to its own uses; provisions that went from the barn or the field or the shed—not from the market—often directly into the camp kettles of the troops round the old camp fires; property of which the Government got the full benefit, because there were no middlemen in this dealing, no commission was paid out of it, what do we find? They come to us here in the Congress of the United States, to the Government

they helped to sustain, and say, "I have sacrificed all I have for the cause of the country; I sent my boys to the service; I gave you my cattle, my stock, to feed the Army, and when you were surrounded on all sides, in front, on the sides, and in the rear, by the foe I, knowing the danger, gave you all the aid and all the information I could, even at the risk of my life. Now, all that I ask of you is to pay me for the property that you took—I am poor and old." Will you do it? [Applause.]

Congress says, "Certify it to the Court of Claims." You certify it to the Court of Claims. The Court of Claims say, "We find this man loyal; we find he furnished this stuff; we find it was worth so much; we do not allow him any interest." And they report it to Congress. Then the gentleman who comes from the great State of New York says, "I will vote for that when I am satisfied that that man was a loyal man and furnished the stuff." I tell you, I may say to that gentleman, without any reflection upon him, that there was as pure Union blood and as much sacrifice for the love of country by such citizens as ever dared to be in New York or New Hampshire or anywhere else in this great country. [Applause.]

Will you pay them? Will a Republican Congress repudiate the obligations that this Government owes to Union men in the South, who furnished food for man and for beast, to your armies, to your boys, to your brothers?

Mr. MAHON. These claims are not in the South alone. They are all over the country.

Mr. MCCALL of Tennessee. I am speaking for the South because I love the South. I want to say right here to my friend from Massachusetts [Mr. WALKER] I thank him for his kindly expressions, but the South is no poor country. The people of the South are not beggars. The South is filled full of men of courage, of honor, of patriotism, and of nerve to dig from the earth their subsistence. But the Union men down there want to be treated fairly in this matter, and I want to see the South treated fairly. I have been telling the people of the South, since I was old enough to stand upon a stump, that the Republican party was a national party, that the Republican party believed in running this Government in the interest of the people, that the Republican party believed in paying her debts wherever found promptly and without discount, and I believe yet that the Republican party will do it.

I said a while ago that I loved the South. I do; but I love the whole country more. That was the lesson that was taught me by my father—to love the South, but to love the country more than the South; and because of that fact you will find men all over that country to whom this Government is indebted today for stuff that they furnished to feed your soldiers and their horses. I love the South; I love her rocks, her rills, her valleys, her hills. I love her people, and I say to you that, so far as the South is concerned, I shall never apologize to mortal man because I live in the South; but we do ask justice at the hands of this Government. I tell you honesty dictates it. Our sense of justice must appeal to the bosoms and to the heads of every man here that these claims ought to be paid.

Now, Mr. Chairman, having said this much, not in regard to the pending bill, because I know nothing of the facts concerning it, I am willing to stand by the findings of the court. They say the Government owes this man that debt. Will you pay it? If we must borrow the money, had we not as well borrow the money to pay these men who were loyal and who furnished their substance to feed the Union armies—had we not as well borrow the money to make this long-delayed payment as to borrow money to pay promptly, when it is due, the interest on the national debt? I say to you, if there is any difference in the standing of the two obligations, it is in favor of the debt that you owe to the Union men of the South, who furnished to the Union soldiers their means of subsistence while they were there. If there was any difference, I should rather always pay the man who rendered service because he loved the country for which he rendered the service than the man who renders service because you pay him for it. [Applause.]

Mr. Chairman, these claimants are growing old and feeble. They are fast falling into the grave. For thirty years they have expected the Government to pay these long-delayed claims, and with a trust as immovable as are the granite hills, their love of country undiminished, with eyes now dim from age, they stand and gaze toward Washington, and ask this Congress to pay its loyal citizens their just dues as the Government requires each citizen to pay to it that which he owes.

Mr. EVANS. Mr. Chairman, so far from not having any intention to speak upon this subject, I am free to confess that when the district which I have the honor to represent upon this floor determined to send me here the only speech I fully planned to make was one upon this general subject, if I ever got the chance. Never before has the Fifth district of Kentucky had an opportunity to speak upon this subject to the Congress of the United States through a Republican; and now, in starting to say a few words upon it, it seems to me that the obligation to pay the debts of this Government ought not to be bounded by Northern, Southern, Eastern, or Western lines. We ought to pay them all.

The only question that we ought to inquire into is this: Does the Government fairly owe the money? And if it owes it, as an honest and honorable Government it ought to pay it, and pay it promptly. How do we know that the Government owes this money? Gentlemen quibble, and it seems to me that it is not creditable either to the heads or the hearts of members, either as lawyers or men, to quibble about whether these findings of the Court of Claims are in a technical sense judgments. They are findings of the facts by the Court of Claims, the tribunal to whose arbitrament you have left the question. That tribunal has found the facts to be so and so, and the legitimate result and consequence of that finding is that the Government owes this money, and I do not care whether there is a formal judgment against the Government or not. Just as soon as the fact is ascertained that the debt is due and honestly due, the Government ought not to quibble or hesitate about whether the debt should be paid or not.

Mr. BAKER of New Hampshire. The court has passed upon everything that Congress sent to it to pass upon.

Mr. EVANS. Congress deputed to that court authority to make findings upon certain questions of fact, and that court has done so. The legitimate result of that is that the Government of the United States is ascertained to owe this money; and it is most astonishing and profoundly mortifying to me, a debt-paying man, who believes that every debt ought to be punctually and punctiliously paid, that there should be any quibble about such a matter, whether it be a private debt or a public debt. I say it is mortifying to me that any member should stand on this floor and say that it will cost too much, or that we can not afford it. Can not afford to pay your debts! Is that honest Republican or Democratic doctrine? When you owe a debt which you admit you owe, is it honest to say you can not afford to pay it? If the debt is due and you have not the money to pay it with, borrow it, and satisfy your creditor. That is what every honorable and self-respecting man will do, and the Government of the United States with its unlimited credit should do no less.

This class of claimants came to Congress and were sent to the Court of Claims. They went there, and after large expenditures of time, money, and patience they have come here again after having done as Congress told them. Now they are laughed at, taunted with quibbles and with affected incredulity as to the thoroughness of the judicial investigation. It is impossible, as everybody knows, for Congress again to investigate these claims, so that objection now must alone come from a perverse determination not to see the merit of these claims in any event.

It is well enough for gentlemen who live in certain sections to deride these war claims, because during the war if they or the people of their localities furnished any food or raiment, if they furnished anything to the soldier, they had the quartermaster or the commissary at hand to make contracts with and to see that it was properly paid for, or in some other way they were careful to get their money; but when you come to the Southern country, where the soldier in the field was at your doors, when you needed food for the men or provender for your horses, then there was no time to make a contract. These stores were taken, and not only were they appropriated, but they were converted to the actual use of the soldier and of the Army then and there. There was no time to talk about quartermasters' vouchers and receipts; and yet you say that stores taken from loyal men under these circumstances ought not to be paid for now because you have dishonorably refused it for thirty years. After your own court has ascertained the facts you say that you can not afford to do it, forsooth. That will not do. No country for one moment can afford to repudiate obligations the honesty and the justice of which have been ascertained, as has been done with regard to these claims.

I stand here and speak from the standpoint of an old soldier in my district who has a claim duly ascertained by the Court of Claims. As a young man he started at Vera Cruz and marched with the Army to the City of Mexico. He stayed in the Army until that war closed. He enlisted in the late war and was mustered out as a lieutenant-colonel at its close. He has been knocking at the doors of the United States Treasury for a score of years for an honest claim that the Government owes him. Now he is poor and has not money enough to pay rent for a home. He has not enough to live on, after waiting so long for the Government to pay him an honest debt. We are told that you can not afford to pay these debts because the Treasury is empty. If we can afford to borrow money for any purpose, we can afford to borrow it to pay debts like these, liabilities that were created in behalf of the soldier when he was in the field.

We do not hesitate now to borrow money to pay the obligations that we owe in Wall street or in London, and they are debts that we ought to pay just as well as any other. We do not hesitate to borrow money to do that, nor ought we to hesitate to borrow it to pay obligations like these. I have sometimes thought the Government of the United States was the best debtor in the world if

you had a beautiful lithographic evidence of the debt; but in many other instances when that is wanting it is the most cruel, the most heartless, and the most unjust of all debtors. Unless your claim is current or you have some such evidence of indebtedness as I have suggested you are the victim of all sorts of heartless demagogy. In my judgment it will be discreditable to the Republican majority on this floor if it shall not pay the claims that are ascertained to be justly due by the Court of Claims. I do not care whether they are judgments in the technical sense or not. These claims are just, they are honest, they are well ascertained, and these facts point to one result alone, and that is that they shall be paid. No other course is creditable to this Congress or honorable or just on the part of the Government of the United States.

I have thought it fitting in this manner to supplement the remarks of the gentleman from Pennsylvania [Mr. MAHON] and those of the gentleman from Massachusetts [Mr. WALKER] upon the general subject, although the bill actually before the House is not one in which I have any other interest than as it bears upon all bills of the same class.

Mr. DOCKERY. Mr. Chairman, I desire to be heard briefly on this general question. Some gentlemen who are interested in this bill desire a vote on it.

Mr. MCRAE. I am willing that by unanimous consent general debate be considered as closed on the bill.

Mr. DOCKERY. I was about to suggest that it is not my purpose to oppose this bill, as I am not familiar with the facts upon which it rests, and some gentlemen are interested in having a vote at this time. If an agreement can be reached so that the vote can be taken, I am willing that unanimous consent be given to accomplish that result.

Mr. MCRAE. I am not interested in the bill further than it is the claim of a constituent of my colleague [Mr. NEILL]. I know he feels a great interest in it, and I should like to have a vote. There seems to be no objection to the bill.

Mr. DOCKERY. I will not stand in the way of a vote on the bill, provided that I do not lose the floor.

Mr. WILLIAMS. I will say to the gentleman from Arkansas that I want about five minutes.

Mr. MCRAE. Mr. Chairman, I ask unanimous consent that general debate be closed on the bill.

Mr. WILLIAMS. I want four or five minutes.

Mr. MCRAE. I ask that general debate be closed and then gentlemen can be recognized for five minutes.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that general debate on this bill be considered as closed.

Mr. DINGLEY. I object.

Mr. DOCKERY. Mr Chairman, I am not opposed to the payment of all the claims passed upon by the Court of Claims, but I confess to a desire for the exercise of the closest scrutiny in order to determine which are worthy of favorable consideration.

I was attracted somewhat by the impetuous remark of the gentleman from Pennsylvania [Mr. MAHON], the chairman of the War Claims Committee, in reply to the gentleman from Tennessee [Mr. MCCALL], who suggested that these claims were largely from the South. The gentleman from Pennsylvania stated that they hail from all quarters of the country. Possibly the fact that Pennsylvania has a very large claim pending either here or in the committee may explain somewhat the exceeding liberality of my friend from Pennsylvania. [Laughter.]

Mr. MAHON. We have a bill before this House proposing to send that large claim to the Supreme Court of the United States. If that court decides that the State of Pennsylvania has not a legal claim, we do not want your money. If it decides that it has, we want it.

Mr. DOCKERY. That is substantially the condition of affairs I supposed to exist when I heard the gentleman announce his purpose to favor the payment of substantially all these claims, amounting to perhaps $20,000,000.

Mr. MAHON. I think it is a wise investment.

Mr. DOCKERY. Now, Mr. Chairman, I am interested to know whether the gentleman from Pennsylvania represents the prevailing view of the majority side on this question, because this Congress has been in session since the first of December last, and unless I am mistaken—and I desire to be corrected if I am—neither the chairman of the Committee on War Claims nor the chairman of the Committee on Claims has on any Friday made a motion under the rules that the House resolve itself into Committee of the Whole to consider these claims.

Mr. MAHON. I can explain that to the gentleman.

Mr. DOCKERY. I do not desire an explanation; I want the fact. If I have not stated the fact correctly I ask to be corrected.

Mr. MAHON. Let me give you the explanation.

Mr. DOCKERY. No; I do not care to yield now for an explanation. I simply want to know whether I have stated the fact correctly. If I have not, I shall be glad if the gentleman from Pennsylvania will say that my statement is incorrect.

Mr. MAHON. As I said before, Mr. Chairman, when this House has been in session the great appropriation bills or some privileged question has nearly always been pending on Thursday and has gone over until Friday, so that under the rules I could not, nor could any other chairman of a committee, get the House to go to the Private Calendar when privileged questions were in the way.

Mr. DOCKERY. Mr. Chairman, I want to say to the gentleman and to this committee that the motion to go into Committee of the Whole to consider bills on the Private Calendar is a privileged motion on Friday, and if the Speaker of the House entertains the motion it can be voted upon every Friday. I call the attention of the country to this fact, because at the "eleventh hour" of the session the gentleman from Tennessee [Mr. MCCALL], my able colleague on the Committee on Appropriations, speaks of the exceeding liberality of the Republican party and their desire to pay honest war claims. I repeat the statement, that since the first of December last this body has been fully equipped for the transaction of business, yet on each successive Friday these chairmen have failed to make the motion that was necessary to secure the consideration of war and other claims.

Again, I ask whether the gentleman from Pennsylvania [Mr. MAHON] represents the views of the majority on this question, because in every campaign in my district I have been confronted by the Republican press and Republican orators, who have proclaimed to the people that if the Democratic party succeeded to power the Treasury of the United States would be impoverished by the payment of war claims to the amount of untold millions. What is the position of the Republican party? All of the gentlemen who have spoken on that side to-day have professed their desire to pay these claims. Up to this moment not a single Republican leader that I recall has taken a contrary position——

Mr. RICHARDSON. Mr. RAY.

Mr. DOCKERY. Except the gentleman from New York [Mr. RAY]. I hope that the distinguished leader on that side, the gentleman from Maine [Mr. DINGLEY], who sought recognition when I arose to address the Chair, will define the position of the Republican party on this question.

Mr. MILNES. May I ask the gentleman a question?

Mr. DOCKERY. Certainly.

Mr. MILNES. I want to ask you if your party did not succeed in emptying the Treasury without paying any war claims? [Laughter.]

Mr. DOCKERY. Why, Mr. Chairman, the gentleman exhibits a lack of familiarity with the fiscal operations of this Government that ought not to be displayed by even so new a member of this body. If he had been familiar with the recent history of his country he would have known that it was the Fifty-first Congress, a Republican Congress, by its appropriations and its legislation, that emptied the Treasury of the United States.

Mr. MILNES. Nobody seems to know that but you, I guess.

Mr. DOCKERY. I desire to say that the Fifty-first Congress appropriated $1,035,000,000, and left legacies for future Congresses, compelling the Fifty-second Congress to appropriate $1,027,000,000. But under the lead of the able gentleman from Texas [Mr. SAYERS] in the last Congress, and by the exercise of judicious economy, the Democratic party reduced the appropriations to $989,000,000.

Mr. BAKER of New Hampshire. How many millions did you leave unpaid?

Mr. RICHARDSON. I wish to ask the gentleman from Missouri [Mr. DOCKERY] upon what principle he permitted a Republican Congress, the Fifty-first, to pay $548,000 of these claims—claims exactly like this, with similar findings—and opposed in the Fifty-second Congress, which was Democratic, the payment of half that amount? [Applause.]

Mr. DOCKERY. I am glad the gentleman has come to the rescue of the Republican party [laughter and applause], because it seemed to need some defender in this emergency.

Mr. RICHARDSON. Will the gentleman answer my question?

Mr. DOCKERY. Whether or not I have been consistent in my votes upon all questions, I am not here to say. I believe it is pretty generally conceded that I have by vote and voice advocated what I considered to be economy under all administrations of this House, whether Republican or Democratic. But I am only one of 356 members——

Mr. RICHARDSON. Why did not the gentleman oppose the payment of such claims in the Fifty-first Congress?

Mr. DOCKERY. I do not know whether I opposed them or not; but if I did not, I should have done so. [Laughter.] I may have been derelict in my duty in that Congress. But it is no excuse for me or for the gentleman now, because of errors then, to continue in wrongdoing when we can see the light so clearly.

Mr. BAKER of New Hampshire. May I ask the gentleman a question?

Mr. DOCKERY. No, sir; not at this moment.

Something was said by the gentleman from Massachusetts [Mr. WALKER] about the difficulty of securing recognition for these claims under all administrations of the House, and he laid the fault, if I remember aright, at the doors of the leaders of the

respective administrations of the Fifty-second, Fifty-third, and Fifty-fourth Congresses. I take pride in acknowledging that under the leadership of Speaker CRISP and the gentleman from Texas [Mr. SAYERS] appropriations were limited in the main under existing laws during the Fifty-second and Fifty-third Congresses to the lowest point consistent with honest and economical administrations. And I want further to say in this presence that I honor the present Speaker of this House, THOMAS B. REED, of Maine [loud applause], who in this Congress has stood like a lion in the path of those who have sought to secure the passage of bills imposing large liabilities upon the public Treasury.

Mr. WALKER of Massachusetts. Will you allow me a question?

Mr. DOCKERY. Certainly.

Mr. WALKER of Massachusetts. Do you care one farthing whether they are honest or dishonest bills?

Mr. DOCKERY. I do.

Mr. WALKER of Massachusetts. Why, you have never manifested it in this House. [Laughter and applause.]

Mr. DOCKERY. I want to say to the gentleman from Massachusetts that his criticism implies a compliment which I hardly expected from that quarter. Of course this is a matter on which gentlemen may differ. I have sought to make a just discrimination at all times; but perhaps it has not been clear to the judgment of the gentleman from Massachusetts.

Now, Mr. Chairman, so far as the administration of this House is concerned in respect to the passage of private claims, it has followed substantially the lead of ex-Speaker CRISP and the gentleman from Texas [Mr. SAYERS]. I know, Mr. Chairman, that it seems somewhat ungracious to object to the payment of these claims, and I have rarely, so far as I remember, except in the discharge of official duty, interposed an objection to their consideration. I did so during the last Congress in the discharge of official duties imposed upon me by the rules and in the absence of the chairman of the Committee on Appropriations. I have, however, not usually gone to the extent of being "ungracious" by objecting to the consideration of claims. But I want to say here and now as a Democrat, believing that taxation is a burden upon the people, and that, being a burden, we should go into their pockets only to the extent of securing revenue for a frugal, economic administration, I shall exercise the greatest discrimination in regard to these claims, and support only those where, in my judgment, the equities clearly require payment.

I know that sometimes a different policy prevails in this House from that advocated on the "stump." No member on this side goes before the people without failing to proclaim economy in public expenditures as a fundamental tenet of Democratic faith. Why, Mr. Chairman, it could not be otherwise. No Democrat could pursue a contrary policy without deviating from an essential principle of government laid down by that greatest of all Virginians, Thomas Jefferson, in his inaugural address of March 4, 1801, when, in enumerating these essential principles, he declared for "economy in public expense." Why? "That labor may be lightly burdened." And during the long period in which the leaders of the old South controlled the Democratic party and the policy of this nation they exemplified the doctrine of economy in all the affairs of Government.

On page 46 of the second volume of Mr. Blaine's Twenty Years of Congress, Mr. Blaine says, and I quote his exact language:

> During the long period of their domination they guarded the Treasury with unceasing vigilance against every form of extravagance and corruption.

That is the tribute, Mr. Chairman, paid the old leaders of the Democratic party by the greatest statesman Maine has ever given to the Republic. We continued the same policy after the war and subsequent to the tidal wave of 1874, when we first secured control of this House. Under the leadership of that splendid Pennsylvania Democrat, Samuel J. Randall, the first Democratic House after the war made a reduction of more than $30,000,000 in the annual expenditures of the Government. We went to the people and said to them, "We offer you thirty millions of reasons, every one of them worth a dollar in the market, why you should support the Democratic ticket." In that contest they indorsed the policy of economy by a decisive majority.

I admit that now and then since that time the Democratic party has not always adhered steadfastly to the lines of economy laid down by the founder of the organization; but in the main it has substantially illustrated that policy.

Now, sir, it matters not whether our banner floats in victory or goes down in defeat. Let us, if we can not agree on the money question, at least be consistent in adhering to that old cardinal doctrine of the Democratic party which demands economy in the public expenditures. The eminent Speaker said upon a notable occasion in concluding an appeal to his party friends:

> Whether in victory or in defeat, the Republican party is always consistent and always maintains its fundamental principles.

Let us appropriate the sentiment of the Speaker and as Democrats uphold the essential doctrines which have been laid down by the illustrious leaders of the party, and if defeat overtakes us we will at least have faithfully maintained the doctrines of our fathers—the doctrines they taught us—and if victory comes, as I believe it will come, we shall all rejoice because we will have fought a good fight and kept the faith in respect to public expenditures. [Applause.]

Mr. GROSVENOR. Mr. Chairman, the only question before the committee is the question of paying a certain war claim amounting in the aggregate to about $900. That fact—the pendency of that bill—has been taken advantage of by the gentleman from Missouri [Mr. DOCKERY] to make a political speech, criticising the administration of the Republican party in this House and in the country, and attempting to vindicate the history and career of the Democratic party at the same time.

Mr. Chairman, there is no party in this country to-day more ready and willing to pay the honest debts of this Government than is the Republican party. And if the gentleman would have allowed an interruption in his speech I should have been glad to have asked this question: How many of these bills did you vote for during the Fifty-second and Fifty-third Congresses? I did not have the honor to be a member of the Fifty-second Congress, but was present at all the sessions, or nearly all the sessions, of the Fifty-third Congress, and there was no man on this floor who more bitterly, either by denunciation of the claims themselves, or who sought by argument to show the incapacity of the finances of the Government to pay them, than the gentleman from Missouri, who was always and constantly intervening to prevent the payment of any one of them. Now he comes here and challenges the Republican side of the House, and asks us why we are not willing to pay them!

Let me say to you, Mr. Chairman, that the question of willingness or nonwillingness, the question of honesty or nonhonesty, the question of equity or nonequity, does not enter into the condition which confronts us at all. It is solely and simply a question of our ability to pay the obligations.

Nothing would delight the enemies of the Republican party better than if to-day, in this House, we should accumulate a series of appropriations so large as would allow the little "8 by 10" orator in a schoolhouse and at cross-roads meetings to say, as he did in the election of 1891, that this is a "billion-dollar" Congress. And yet that would be a cheap matter, a matter of little consequence, were it not for the fact that we are confronted now by a condition. It is not a theory or a question of what we would like to do, but it is a question of what we can do.

I stand here to repudiate, without any qualification whatever, any insinuation that the management of this House—the controlling powers in this House—have undertaken to obstruct the passage of proper appropriation bills for any purpose in the world except the one question to which I shall hereafter advert. I stand here as a Republican to take my full share of the deliberate purpose of the Republican party before this country to not expend money that we know we shall not have.

It is not worth while for anybody to undertake to create faction in the Republican party by insinuations against any members of it, against any leaders of this House, against any members of any of the committees of this House. It is not worth while to do that. I stand here to say to you, Mr. Chairman, and to the members of this committee, that the Republican party upon this floor is a unit. It has no factions. It has not got any ulterior purposes against its own members. It stands here as the great organized patriotism of this country to do the best it can in the condition that has been forced upon us by the Democratic party, and we do not propose to saddle responsibilities upon members. We will take the responsibility upon the representatives of the Republican party upon this floor, and appeal to the Republican party of the country to stand by us individually and collectively. [Applause on the Republican side.]

What has caused all this? The Fifty-first Congress enacted financial legislation that placed this Government beyond a condition such as we have now. It turned over to the Democratic party a surplus in the Treasury, with a law which, if the Democrats had left it standing upon the statute books, would have abundantly supplied the whole necessities of this Government during all of these years. What did the Democratic party do? Coming into power with a threat that they would destroy the revenue-raising law of the country, with a threat that they would destroy the great principle of legislation upon which the industries of this country were thriving as they were never thriving before, the very breath of their entry into power, even before they had acquired the full fruition of the election of 1892, blasted as with a simoom all the industries of the country, paralyzed the resources of money, struck down the enterprises of the country, made bankruptcy where there had been prosperity, and then, coming into power, repealed the law by which the Treasury was supplied with money, bankrupted the Treasury, and made it impossible that the people of this country could pay their honest debts. [Applause on the Republican side.]

If there is a defalcation in this country, it is due to Democratic Administration. If there is dishonor in this country, it is the child of Democratic legislation. If there is an inability to pay the debts of the country, it is the product of Democratic statesmanship. And you stand here paralyzed by your own utter inefficiency. You stand to-day trying to partition by scales, by metes and bounds, the responsibilities of this trouble, upon the members of your own party. You stand to-day charging that this faction or that faction is responsible.

The President of the United States hurled into the face of the Democratic majority of the Fifty-third Congress the declaration that you were guilty of abandoning every principle of Democracy, that you were guilty of "party perfidy and party dishonor"; and the great redeeming feature of Grover Cleveland's Administration—that which will save him in some sort of shape in the future records and pages of history—is the fact that you destroyed a great Republican revenue-raising, industry-propagating law, and when you did it Grover Cleveland, in the face of God and man, said: "My name shall never be disgraced by approving that bill." [Applause.]

Mr. McRAE. Will the gentleman permit me to ask him a question?

Mr. GROSVENOR. And you have gone on, with the Treasury bankrupt. You have borrowed $262,000,000 upon the bonds of the Government. You are attempting to put yourselves in contrast with a Republican Administration that paid $250,000,000 of the national debt in four years, that left the Treasury solvent and plethoric. You stand here to-day confessedly borrowing $262,000,000 and trembling as each telegraphic report comes from the markets in New York lest that money you have borrowed under the pretense of upholding the redemption fund shall be again drifting, under Democratic administration, across the water into the banks of London, Germany, and France. And you stand up here and attempt to criticise the administration of the Republican party. [Applause on the Republican side.]

You have made it impossible. We can not build public buildings. We can not do what we ought to do in the improvement of rivers and harbors. We can not expend the money to pay these war debts. They ought to be paid. They are honest debts, many of them. We can not have it. We can not do justice to the soldiers of the country by the application of money to the payment of pensions. We are impeded in every direction, and why? Every reason for all this points to the advent into power of the Democratic party as the cause. At the door of that party, at the door of its failure, at the door of its utter inability to administer the finances of the Government successfully, lies every blunder, every circumstance that to-day weighs with horror upon the conscience of the American citizen. And to-day, with the control of the Treasury, you have expended, every day since the 4th of March, 1893, $150,000 or over more money than you have received into the Treasury under your Administration.

Going away back to 1893, more than three years ago, every day, week day and Sunday, Christmas and Fourth of July, you have expended $150,000, at the lowest estimate, more than you have taken in, and to-day you have not a proposition on earth to make where the money is to come from. And yet you stand up, as the gentleman from Missouri [Mr. DOCKERY] does, and undertake to teach the Republicans of this House financial knowledge. If we have no funds in the Treasury, I say to the Democratic party it is a sad lesson of your policy that we are warned not to repeat. So, Mr. Chairman, we are driven to economy or bankruptcy or borrowing money. What shall it be? Shall it be borrowing money? I protest. Shall it be bankruptcy? No. Then what? The only alternative is economy in administration. And I stand here to say that it is not one man, it is not three men, it is not the Committee on Rules, it is not the Committee on Ways and Means, but it is the Republican party on this floor that will see to it that no act of ours shall plunge this nation deeper into debt until the people of this country restore that great party to power that has been able to supply the Treasury. And incidental to its coming back into power will be public confidence, public prosperity, the revival of industrial prosperity, a plethoric Treasury, a restored national confidence, a Republican administration, and a protective tariff law that will supply the places that have been beaten down and destroyed by Democratic administration. [Loud applause on the Republican side.]

Mr. DINGLEY. Mr. Chairman, I desire to say a few words before the vote is taken upon this bill in reference to the general principle; but it is too late to proceed this evening, so I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House, reported that that committee had had under consideration the bill H. R. 4515, and that the motion to report the same with a favorable recommendation had been decided in the negative; the bill H. R. 2740, and had recommended that the same do pass without an amendment, and the bill H. R. 2741, and had come to no resolution thereon.

The SPEAKER. The Clerk will report the bill reported from the Committee of the Whole.

GEORGE CASE.

The Clerk read as follows:

> A bill (H. R. 2741) to carry into effect the findings of the Court of Claims in favor of the estate of George Case, late of Independence County, Ark.

The bill was read.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LESTER, a motion to reconsider the vote by which the bill was passed was laid on the table.

PENSIONS.

Mr. PICKLER. Mr. Speaker, I desire to make a privileged report fom the Committee on Invalid Pensions. I ask that it be printed and recommitted to the committee.

The SPEAKER. Without objection, that order will be made.

There was no objection, and it was so ordered.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 2813) granting a pension to Rita Stine;

A bill (H. R. 3281) to authorize reassessments for improvements and general taxes in the District of Columbia, and for other purposes; and

Joint resolution (S. R. 131) relative to the improvement of the harbor of Erie, Pa.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 2022) to amend an act entitled "An act to provide for the protection of the salmon fisheries of Alaska"—to the Committee on the Territories.

A bill (S. 1537) to provide for the private sale of public lands in Missouri—to the Committee on the Public Lands.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOY, for two weeks, on account of important business.

To Mr. JENKINS, for the day, on account of important business.

ELMIRA E. DUSTIN.

Mr. HOPKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3578) granting a pension to Elmira E. Dustin.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WILLIAMS. I object, and upon the distinct ground that Friday is the day for the consideration of private business here, and that these bills ought to come up in their place on the Calendar.

Mr. McMILLIN. I move that the House take a recess until 8 o'clock.

Mr. DINGLEY. I move that the House do now take a recess until 8 o'clock.

The SPEAKER. The gentleman from Tennessee has made that motion.

Mr. PICKLER. I ask unanimous consent that the recess be until half past 7 o'clock.

Mr. ERDMAN. I object to that.

The SPEAKER. Objection is made. The gentleman from Tennessee moves that the House take a recess until 8 o'clock, at the present time.

The motion was agreed to.

The SPEAKER. The gentleman from Iowa, Mr. LACEY, will please take the chair at the evening session.

Accordingly (at 4 o'clock and 53 minutes p. m.) the House was declared in recess.

EVENING SESSION.

The recess having expired, the House reassembled at 8 p. m.

Mr. LACEY took the chair as Speaker pro tempore, and directed the reading of the special order, which was read by the Clerk, as follows:

> The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. PICKLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering bills on the Private Calendar under the special order.

Let us appropriate the [illegible]
crats uphold the essential doctrines which have been laid down by [on the Republican side.]

negative; the bill H. R. 2740, and had recommended that the same [bills on the Private Calendar under the special order.

Mr. ERDMAN. A parliamentary inquiry, Mr. Speaker. Is it possible to provide at this time that when bills have been considered in Committee of the Whole some discussion shall be had upon them in the House? I am not disposed to call a quorum; I do not want to do it; but there are some bills that ought to be discussed in the House, and, with the demand for the previous question as soon as recognition is obtained from the Speaker, we are cut off from all discussion.

The SPEAKER pro tempore. The Chair hardly thinks that is a parliamentary question. Of course, the matter is within the control of the House when the bills are reported back from the Committee of the Whole. The House can then vote down the previous question if it desires discussion.

Mr. ERDMAN. But is it possible to provide now for discussion in the House?

The SPEAKER pro tempore. The Chair thinks not. After the bills have been reported to the House from the Committee of the Whole, an arrangement might be made by unanimous consent as to a certain time for discussion. It has sometimes been the custom to agree that the previous question should be considered ordered upon the bills reported from the Committee of the Whole to the House, and a certain time allowed for debate on each bill before the taking of the vote. That was done in the last Congress repeatedly, in order to meet the difficulty to which the gentleman refers.

Mr. ERDMAN. I will say to the other side that while we do not want to discuss all these bills, there are some that we would like to discuss, and I should be glad to have some arrangement made for such discussion.

Mr. PICKLER. I think the gentleman from Pennsylvania has persistently refused, every evening when I have asked it, to allow the previous question to be ordered on these bills. We can not make any arrangement here now, but I will see the gentleman about it later.

Mr. ERDMAN. I want to say, Mr. Speaker, that if we can not make an arrangement for some discussion we shall insist upon a quorum hereafter.

Mr. PICKLER. Question!

The question being taken, the motion of Mr. PICKLER was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HEPBURN in the chair.

MRS. EMILY M. VAN DERVEER.

The first business on the Private Calendar was the bill (H. R. 2143) granting a pension to Mrs. Emily M. Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll of the United States the name of Mrs. Emily M. Van Derveer, widow of the late Brig-Gen. Ferdinand Van Derveer, at the rate of $100 per month.

Mr. TALBERT. Mr. Chairman, I ask for the reading of the report.

The CHAIRMAN. The report in this case has been read, and at the adjournment last Friday evening the pending question was on the amendment proposed by the committee.

Mr. MILNES. Mr. Chairman, I ask that the report be again read.

The CHAIRMAN. That can be done by unanimous consent.

There being no objection, the report was again read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2143) granting a pension to Mrs. Emily M. Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer, having carefully considered the same, submit the following report:

It is shown by the report of the Record and Pension Office that Ferdinand Van Derveer (the deceased husband of the beneficiary of this bill) was enrolled May 21, 1846, and mustered into service June 26, 1846, as first sergeant, Company I, First Ohio Volunteers, Mexican war, to serve one year. He is reported on the muster rolls of the company present; elected first lieutenant September 2, 1846, and captain October 5, 1846. He was mustered out with the company as captain June 12, 1847.

Ferdinand Van Derveer was mustered into service September 24, 1861, as colonel of the Thirty-Fifth Ohio Infantry Volunteers, to serve three years. He is reported as present with the regiment on January 28, 1863; from that date to August 31, 1863, in command of the Third Brigade, Third Division, Fourteenth Army Corps; and thereafter on June 28, 1864, in command of the Second Brigade, Third Division, Fourteenth Army Corps. After June 28, 1864, he is reported absent in Ohio on sick leave. He was mustered out of service, as colonel of the above-named regiment, August 26, 1864.

Ferdinand Van Derveer was appointed brigadier-general of volunteers October 4, 1864, with rank from the same date, and accepted the appointment November 29, 1864. He was assigned to the Department of the Cumberland January 13, 1865; was ordered on duty in the Fourth Army Corps January 21, 1865; was assigned to the Second Brigade, Second Division, Fourth Army Corps, February 8, 1865; and continued on duty in command of said brigade until June 14, 1865, when he was ordered to Hamilton, Ohio, to await action on his resignation. His resignation was accepted and he honorably discharged the service to date June 15, 1865, in special orders from this Department dated June 16, 1865.

The report from the Bureau of Pensions shows that General Van Derveer died November 5, 1892; that he drew $8 per month for services in the Mexican war (service pension), but never received or applied for any pension during his lifetime for service in the war of the rebellion; that he married to the beneficiary December 14, 1848; that she, as his widow, is now receiving a pension of but $8 per month under the act of January 29, 1887, dating from November 6, 1892.

The sworn testimony of a reputable physician who was intimately acquainted with General Van Derveer during the last forty-five years of his life shows "that his disease and death was the direct result of his army service."

Other testimony presented to your committee shows that Mrs. Van Derveer is now about 67 years of age; that she has no income whatever except the pension she is now receiving; that she has no property whatever except an old homestead in the city of Hamilton, Ohio, which is incumbered and will soon be sold at forfeited land sale for delinquent taxes unless this relief is afforded her by Congress.

The military services of General Van Derveer, in both the Mexican war and the war of the rebellion, were exceptionally gallant, meritorious, and valuable. In Gen. George H. Thomas's report of the battle of Chickamauga (the battle in which General Van Derveer won his star) he very highly commends the courage, valor, and the distinguished services of General Van Derveer during that long and bloody battle.

History of Ohio in the War furnishes many other instances of his courage and valor during the war.

For the foregoing reasons, and in accordance with many precedents, your committee recommend the passage of this bill, with the following amendment:

Strike out "one hundred," in the seventh line thereof, and insert "seventy-five," so as to allow her $75 per month.

Mr. SORG. Mr. Chairman, I will not detain the committee for any great length of time, but I wish to say a few words upon this bill. General Van Derveer was born in the city that I now live in. I knew him personally from 1872 until his death. I know that during that entire period he was ailing and unfit a great part of the time to practice his profession as a lawyer. At the outbreak of the Mexican war General Van Derveer entered the service and served with credit. He was promoted from the ranks to a captaincy and was mustered out with the rank of captain. In that war he contracted a chronic diarrhea, which clung to him during the entire balance of his life.

Nevertheless, when the war of the rebellion broke out he again answered the call of his country, although afflicted with this terrible disease. He went into the service as the colonel of the Thirty-fifth Ohio, and in 1861, I think, or 1862, he was stricken down with typhoid fever. He lay ill of that disease five or six weeks prior to the battle of Mill Springs, but when he heard that the regiment of which he was colonel was to be engaged in that battle the old veteran could not bear to be absent, and, against the advice of his physician and of his good wife, he ordered his horse to be saddled and brought to the door, and he rode off and took part in the battle.

In consequence of that exertion he suffered a severe relapse and for a number of weeks his life was despaired of. He came home from the Army, and, being afflicted as he was, he had difficulty in making a living for his family. The citizens, knowing his worth and the great service he had rendered to the country, elected him from time to time to positions of honor. He was twice elected sheriff of Butler County and twice police judge. His friends on numerous occasions begged him to make application for a pension on account of the disease that he had contracted in the Army and from which he suffered continually, but he steadfastly declined, saying that as long as he could make a living for his wife and children he was not going to ask the Government for a penny. Therefore, gentlemen, if the paltry sum provided in this bill is now granted to his widow, it will never amount to anything like what he would have received had he asked for and obtained a pension twenty and odd years ago, as he might have done. That pension would have run up to a great many thousand dollars by this time, but he always declined to apply for it. On the whole, I think that of all the cases that have come before this House for consideration this is one of the most meritorious, and this bill should be passed without objection.

Mr. TALBERT. Mr. Speaker, I want to move to amend this bill by striking out "seventy-five," and inserting "thirty" in lieu thereof. This amendment, if adopted, will put this widow on the same rating that the law would allow her.

Mr. SORG. Will the gentleman allow me? This is a very old lady; she is nearly 70 years of age——

Mr. TALBERT. I have no doubt of it——

Mr. SORG. And she is in possession of a little piece of property in the town where she lives, which is now incumbered and was offered within the last week for sale for unpaid taxes. She has but one daughter living with her, and it is evident that in her present condition she needs the attendance of some one to look after her. Thirty dollars a month would not grant her the relief to which she is entitled.

Mr. TALBERT. I have no doubt that there are many thousands of widows of private soldiers throughout the land who have no property to be sold for taxes or by the tax collector, and who would be very glad to receive $30 a month, or even half of it.

Now, sir, a word or two to my unconverted friends on the other side. I use the word "unconverted," because there has been going on a sort of a revival among them for some time past, and when we left off the consideration of this service on last Friday night for the purpose of taking it up again to-night there were three gentlemen who had given in some of their experiences, showing that they had undergone a sort of conviction or change of heart, or conversion on this question. The gentleman from

Tennessee, Mr. MCCALL, whom I do not see in his seat to-night, gave in considerable evidence of a change of mind in regard to this subject of pensions; another gentleman—Mr. HEMENWAY of Indiana, I believe—spoke on the impulse of his heart in the same strain, and my friend Mr. BAKER from New Hampshire, always a good Christian, shouted out a time or two along the same line. I want to call their attention to the fact that I think the time has come when you should call a halt in this matter and stop this extravagant appropriation of the people's money, gathered under the pretended claim of taxation for the support of the Government, to be distributed in this discriminating pension system in favor of the widows of distinguished officers.

I have no doubt but that every word my distinguished friend from Ohio [Mr. SORG] has said with reference to this case is true. I know that he was a gallant and distinguished officer in two wars. These are facts which can not be disputed. But, sir, that statement of itself does not furnish sufficient reason why his widow should be paid $75 a month, while the widow of the common soldier who braved the storm of battle, and who would be only too glad to get from eight to twelve dollars a month, should get nothing.

In dealing with this subject I desire to send to the desk to have read a short letter from a gentleman who was, I suppose, a distinguished soldier himself, which will speak for itself, and, as I said in regard to other letters published in the same connection heretofore, I only send it up in good faith to show the sentiment which is spread abroad throughout the length and breadth of the land among the soldiers of this country. I ask the Clerk to read.

The Clerk read as follows:

WASHINGTON, D. C., *April 11, 1896.*

DEAR SIR: I think you are entirely right when you say, "The soldier's widow is as deserving and should be provided for the same as the widow of the officer."

Now, sir, I believe the widow of the private soldier, who in many cases had to do menial work, sometimes, perhaps, washing for the officers' wives to support their families while their husbands stopped bullets, made as much sacrifice as did the officers' wives and "deserve as well of the Republic." Equity—treat all who deserve alike.

Respectfully, A. E. REDSTONE.

Hon. W. J. TALBERT, M. C.

Mr. TALBERT. I know nothing of the fact stated in that letter except as set forth by the soldier himself.

Bearing on the same subject I send another letter which I received from a soldier, I believe from Erie, Pa., to have read in my own time, for the information of the House, to further show the sentiment abroad in this land. I have been stigmatized and criticised for opposing measures that it is said I ought not to oppose at this time, and I only do this to show the sentiment in my own favor which is based on the right principle of justice and fair and equal treatment of all the soldiers of the late war. I ask the Clerk to read.

Mr. RAY. Will the gentleman permit me to ask him a question before the second letter is read? I would like the gentleman to tell us what company and regiment the gentleman Mr. Redstone, from whom the first letter was received, served in during the war?

Mr. TALBERT. Well, the letter has been read and explains, as far as I am able to explain, his position during the war. I hope the gentleman will listen to the second letter, and if that is not satisfactory I will explain to him more fully hereafter.

Mr. RAY. The gentleman has not answered my inquiry. Perhaps he did not understand it.

Mr. TALBERT. I think I understood the question of the gentleman. I refuse to yield the floor, and ask the reading of this letter.

Mr. STEWART of New Jersey. Mr. Chairman, I object to the reading of that letter. The gentleman says he desires to have it read as a sort of a justification of his course. I object to the reading of the letter, therefore, because it has no bearing upon the pending question.

Mr. TALBERT. The letter bears directly on the nature of the bill which is under discussion, and in my time I claim the right to have it read; not to justify myself, but to show the sentiment of the private soldiers of this nation.

The CHAIRMAN. The Chair will state that when objection is made to the reading of a paper it is a matter for the House to determine by a direct vote whether it shall be read or not.

Mr. TALBERT. The House can take such action as it pleases, of course, with reference to the matter. But I think I have the right to have it read.

Mr. BAILEY. If the Chair will permit me, I have no interest whatever in this matter, but I submit that where a letter or paper is sent up to be read, pertaining to the matter under discussion, it is in order.

I only need to recall to the Chair that on more than one occasion letters of this character have been read without any point of order being raised, on the presumption that it could not be raised. I distinctly remember in the Fifty-third Congress the reading of a very celebrated letter against which I would have been glad to raise the point of order if I had thought it good.

The CHAIRMAN. The Clerk will read Rule XXXI.

The Clerk read as follows:

When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any member, it shall be determined without debate by a vote of the House.

Mr. BAILEY. I perfectly understand that if any member were to send to the desk and ask to have read a paper as an original matter, the point of order would lie. The gentleman from South Carolina who is addressing the House has asked to have this letter read as a part of his remarks.

I believe that the rule in the Senate in regard to reading documents has always been much more strictly adhered to than in the House; yet I am not aware that it has ever been ruled out of order for a Senator to have a pertinent letter read as a part of his remarks. I submit to the Chair——

Mr. STEWART of New Jersey. I withdraw the objection.

Mr. BAILEY. I think that is right.

Mr. TALBERT. I do not beg the gentleman from New Jersey to withdraw his objection.

The Clerk read as follows:

ERIE, PA., *April 11, 1896.*

DEAR SIR: I have read your speeches in the House on pensions. The speech delivered by you on last Friday night meets my views and expresses my sentiments.

I do not believe in this discrimination between the officers and the soldiers who fought the battles, giving the widow of one $100 per month, to the other the paltry sum of $8.

I enlisted in 1862, and served during the war in the Eighty-third Pennsylvania Volunteer Infantry, and two of my brothers in the same regiment, and one in the Tenth New York Volunteer Infantry, from 1861 to 1863, and I have tried to get a pension on account of the loss of an eye at the battle of Chancellorsville.

Now, it is time to "call a halt," as you say, and try to equalize the pensions a little.

Now is the time for those who pretend to be the friends of the soldier to do the rank and file justice.

You are a better friend of the soldier than half the Republicans, and if you were a candidate for Congress from here you would get a majority of the votes of the "boys in blue."

[Laughter.]

Keep up the fire; give them a shot whenever opportunity offers. I have always voted the Republican ticket, but shall not continue doing so.

[Laughter.]

I may have more to say some future time.

Respectfully, CHARLES RICE.

Hon. W. J. TALBERT, M. C.,
Washington, D. C.

Mr. RAY. I wish to ask the gentleman from South Carolina what lunatic asylum that man is a resident of? [Laughter.]

Mr. TALBERT. The one the gentleman from New York came out of, I suspect, before he was sent to Congress. [Laughter.]

Now, I want to say right here, Mr. Chairman, that we have here another evidence of the want of feeling toward the soldier, for whom so much has been claimed by Republicans on this floor. I would ask the gentleman from New York whether he means to dub the common soldiers of this country as lunatics?

Mr. RAY. I want to say that I regard any soldier as a lunatic who, living in a Northern State, would say or write that the gentleman from South Carolina, if he ran for office, would obtain a majority of the votes of the old soldiers in that district. [Laughter.]

Mr. TALBERT. That may be true. I have nothing to say as regards myself. But I want to say to the gentleman that if the Republican party were composed entirely of such men as he is they would make lunatics of the whole nation in little or no time. [Laughter.]

But, Mr. Chairman, that is irrelevant. I did not introduce this letter for the purpose of making any unsavory or unpleasant comments. I introduced it because the soldier wrote it to me. I do not know him, but I put the letter in evidence and submit that it expresses the sentiment of the private soldiers themselves. I put the witness upon the stand. You can say what you please about him. You can take him and cross-examine him if you wish. He is your witness. He has been a Republican all his life. He says that your conduct has driven him into such a mood of mind that he intends never to vote the Republican ticket any more.

I have no desire to take up further the time of the committee. My remarks are already on record in opposition to this discrimination against the private soldiers of this country. I move to amend by striking out "seventy-five" and inserting "thirty." And I hope the amendment will be adopted.

Mr. LAYTON. Mr. Chairman, inasmuch as I had the honor to report this bill to the House, I ask the indulgence of the committee for a very few moments while I state a few of the reasons why I believe it ought to pass.

As early as 1862 perhaps—in the first pension legislation of Congress pertaining to the Union soldier during the war of the rebellion—a provision was embraced that there should be granted to lieutenant-colonels and all officers of higher grade a pension for total disability not exceeding $30 a month. Notwithstanding the fact that all other pension legislation has been amended or modified in some particulars—always in the line of increase of pensions

to privates, to officers of inferior grade, to widows and orphans, and dependents—this particular provision has never been changed from that hour until the present. In the light of this fact the Congress of the United States from the time of the war until the present term of Congress has adopted—I think I would be safe in saying in every Congress—a policy of increasing pensions to officers and to widows of officers of higher rank.

Congress has assumed, I suppose, that inasmuch as there were but few officers of these higher grades as compared with officers of lower grade and with privates and the widows of privates, it would be better, instead of making a general law applicable to the higher grades, to pass special legislation upon the merits of each particular case. I repeat, that every Congress since the war has adopted this policy, until now it is known and recognized by those who have given it attention as the unwritten law of the land. For instance, I have collated to-day, hurriedly, a statement of what was done in this respect in the Fifty-first Congress, and I call the attention of gentlemen upon the other side to this because that was a Republican Congress. I will not take the time of the committee to read it, as I want to be very brief, but I will say that this statement, which I now hold in my hand, giving the chapter and page, shows that in the Fifty-first Congress alone there were 45 cases of that kind enacted into law, giving pensions to widows of officers above the rank of lieutenant-colonel, and to officers themselves above that rank, ranging from thirty to one hundred dollars per month.

I cite this, first, to show that this has become by custom adopted as a policy of Congress, has become the unwritten law of the land, to vote private pensions in meritorious cases by special act to widows of officers and officers of a higher grade than lieutenant-colonel rather than by general legislation. I cite it again, Mr. Chairman, for the purpose of showing that there has been no uniform manner or process by which the exact amount that should be allowed to the persons claiming these pensions should be determined. The cases must stand upon their own merits; and that, Mr. Chairman, is what I understand we desire here and what I desire in this case as well as all other cases. There are many cases of widows of officers to whom I would not vote pensions beyond the amount allowed by the strict letter of the law, $30 a month. There are other cases, following precedents and following justice, in which I would allow as high as $100 a month for widows of major-generals, and admirals whose rank corresponds with that of major-general. But each case should stand on its own merits. That has been the principle adopted by all Congresses since the war, both Republican and Democratic Congresses.

To illustrate that fact, I again call attention to the acts passed by the Fifty-first Congress, and repeat that I have here a statement of cases, 45 in number, showing that that number of widows and of officers were allowed pensions running from $30 up to $100; some $50, some $60, some $75, one as high as $2,000. The list is as follows:

FIFTY-FIRST CONGRESS, PRIVATE ACTS.

Chapter 86. Colonel Ballier, $50.
Chapter 88. Brevet Brigadier-General Boughton, $100.
Chapter 136. Commander Gibson's widow, $50.
Chapter 137. Colonel Alden, increased from $75 to $100.
Chapter 179. Colonel King's widow, $50.
Chapter 218. Commander Baker's widow, $50.
Chapter 318. Brigadier-General Ward's widow, $50.
Chapter 352. Brigadier-General Schimmelfennig's widow, $50.
Chapter 354. Rear-Admiral Nicholson's widow, $100.
Chapter 363. Rear-Admiral Taylor's widow, $50.
Chapter 381. Lieutenant-Colonel Hook's widow, $50.
Chapter 397. Brigadier-General Ayers's widow, $75.
Chapter 455. Admiral Parnell's daughter, $50.
Chapter 463. Colonel Blake's widow, $50.
Chapter 596. Surgeon-General of the Navy Whelan's widow, $50.
Chapter 670. Rear-Admiral Stanley's widow, $50.
Chapter 699. Lieutenant-Colonel Healy's widow, $50.
Chapter 701. Brevet Brigadier-General Michler's widow, $50.
Chapter 709. Rear-Admiral Redford's widow, $50.
Chapter 783. General Whittaker's widow, $100.
Chapter 784. Rear-Admiral Chandler's widow, $50.
Chapter 790. Colonel Potter, $72.
Chapter 823. Brigadier-General Harney's widow, $50.
Chapter 834. Major-General Worth's dependent daughter, $75.
Chapter 830. Colonel Macomb's widow, $50.
Chapter 836. Brigadier-General Ewing's widow, $50.
Chapter 847. Rear-Admiral Le Roy's widow, $50.
Chapter 851. Colonel Baker's widow, $50.
Chapter 863. Major-General Milroy's widow, $75.
Chapter 893. Rear-Admiral Boggs's widow, $50.
Chapter 933. Colonel Wallen's widow, $100.
Chapter 953. Brigadier-General Barnum, $100.
Chapter 984. Rear-Admiral Donaldson's widow, $50.
Chapter 1009. Major-General Crook's widow, $2,000.
Chapter 1138. Lieutenant-Colonel Reed, $50.
Chapter 1143. Lieutenant-Colonel Barnes, $50.
Chapter 1149. Colonel McCreery, $60.
Chapter 1179. Colonel Bradley, $50.
Chapter 1198. General Mower's widow, $100.
Chapter 1201. Brigadier-General Hartranft's widow, $100.
Chapter 1209. Colonel Vodge's widow, $30.
Chapter 1213. Commodore Marchand's widow, $50.
Chapter 1224. Major-General Warren's widow, $100.
Chapter 1228. Brigadier-General Howell's widow, $50.
Chapter 1309. Brigadier-General Blaidsell's widow, $50.

In this connection, Mr. Chairman, I want to call the attention of the committee to the fact that, in pursuance of this policy adopted by Congress, as applicable to the pensions allowable to officers and widows of officers of a higher grade than that of lieutenant-colonel, that Mrs. Grant was allowed $5,000 a year. Is there a man in this House, I care not who it may be—I present this inquiry especially to those who are posing here as the special champions of the widows of private soldiers—is there a man in the House who would begrudge that pension to Mrs. Grant? Is there a man here who poses as the special champion of the widows of private soldiers who has the courage to get up here and introduce a bill to repeal that law, or the law allowing $5,000 to Mrs. Logan, or the law allowing $5,000 to Mrs. Sheridan—I am not certain as to the exact amount—and perhaps to three or four other widows of distinguished generals? Dozens and dozens of laws have been enacted allowing as high as $2,000 to widows of generals, and a great number allowing as high as $1,200 to widows of generals and rear-admirals. I am talking now about consistency. Is there a man on this floor who regrets that these ladies are drawing these pensions to-day, although they are wealthy, comparatively speaking, in their own right. Is there a man who has the courage or the desire to get up here and ask to repeal those laws that we adopted in pursuance of this policy to which I have referred and which I approve?

This Congress has followed the same precedent. The Committee on Invalid Pensions have adopted the same policy. This House has adopted the same policy. I want to call the attention of the House to the bill H. R. 4606, allowing to the widow of Colonel Houk $30. Immediately following that is the case of Brigadier-General Cooper, $100 per month. Then there are the cases of Major-General Hamilton's widow, $50; Major and Brevet Brigadier-General Hough's widow, $30—in that case only a brigadier-general by brevet; Major-General Carroll's widow, $100; Brigadier-General and Brevet Major-General Doubleday's widow, $100. And only last Friday a week ago this House passed a law allowing to Catherine R. Jardine, widow of Brig. Gen. Edward Jardine, the sum of $100 per month, and he held the same rank as General Van Derveer holds.

Mr. McCLELLAN. That was passed at $50, was it not?

Mr. LAYTON. Probably the gentleman is right. But the House no doubt took into consideration the fact that this lady only married General Jardine eight years prior to his death. But all this goes to show that there was no uniformity as to the amount of these pensions, and it is the general custom and practice to permit each case to stand upon its own merits.

Mr. PICKLER. How much did the gentleman say was allowed in the case of Mrs. Jardine?

Mr. LAYTON. I said $100 per month. The gentleman from New York [Mr. McCLELLAN] corrected me and said $50. I make the point that there was no testimony adduced, such as we have in this case, and the further fact that I believe that every true friend of the soldier and of the soldier's widow will seriously consider that that lady was only married to that officer eight years prior to his decease in 1893.

Now, then, with this preliminary statement, Mr. Chairman, permit me to call the attention of this House to the special facts connected with this case and why I believe it possesses such merit as will demand its passage as recommended by the Committee on Invalid Pensions.

Mr. PICKLER. Before you leave that, will you allow me to say that the only bill we have passed granting a pension of $100 a month at this session was that to the widow of Gen. Abner Doubleday, who was a soldier herself?

Mr. LAYTON. She was allowed, Mr. Chairman, $100 per month, I will admit. I voted for that bill. It was a just and righteous bill; but I submit there is not a difference of more than $25 per month, which I am willing to concede, as between the claim of Mrs Doubleday and Mrs. General Van Derveer. I will concede that there is that much difference and no more.

Now, then, in the first place, General Van Derveer was a gallant soldier of two wars. That is not very often the case. There are cases in which this is the fact, but in a majority of cases it is not. That ought to be given due weight and consideration by this committee. He was a gallant soldier in the Mexican war. He enlisted as a private and was mustered out as a captain.

In the second place, he served in the war of the rebellion pretty nearly four years altogether, and for two years and two months, while holding the rank of colonel only, he commanded a brigade. That ought to be given due weight and consideration. For the unusual period of two years and two months he actually commanded a brigade all the time while he was commissioned as a colonel, and only drew the pay of a colonel during that time, while he was justly and fairly entitled to the pay of a géneral in the Army.

In the third place, although entitled to draw a pension, as shown by the reports and by the record, which I very carefully examined when I prepared the report—the testimony of his old

physician, who knew him before, during, and after the war also, shows that he was entitled to a pension under the strict letter of the law, but he never applied for a pension. Therefore he was justly entitled to a pension for thirty-five years up to the time of his death, in 1893. Proud-spirited man as he was, as all who knew him in western Ohio will recall, he declined to accept the charity of the Government so long as he was able to take care of himself. We should consider that fact in determining the amount which this poor widow should receive.

In the fourth place, the fact that death is due to army service is another consideration that is always considered and should be considered by members of the committee. His death was due, as shown by his physician, to his army service. In all cases we have made the distinction as to whether death was due to natural causes or from service in the Army. We always make a greater allowance in case of death from army service origin than from other causes.

In the fifth place, the beneficiary, the widow of General Van Derveer, married in 1848. That is a material consideration, which addresses itself at once to the sympathy and judgment of men in deciding on these special bills. From 1848 she was his faithful wife. During the whole war of the rebellion she was what was called a favored "war widow." That is another consideration. Then she is now more than 67 years of age, and in very feeble health, as shown by the testimony before the committee. That is another material fact.

In the seventh place, she has no income whatever, except a small service pension of $8 a month allowed to her by reason of her husband's service in the Mexican war. The testimony before the committee shows clearly and conclusively that this old lady has no income whatever except that pitiful pension of $8 a month. She has no property at all, except a little old homestead in the city of Hamilton, worth a few hundred dollars, and which to-day is advertised at forfeit tax sale for the nonpayment of taxes, showing conclusively her poor and indigent circumstances; not having enough money, not having enough income, to redeem that little property she possesses and which she occupies from a forced sale for taxes; and this must have been going on for a period of two years, otherwise it would not have been thus offered for sale.

Now, with these eight reasons, I appeal to this committee if this is not an especially meritorious case. Conceding all these arguments as to the discrimination between the widows of private soldiers and the widows of officers to be true, I will ask if under all the circumstances, in view of the policy that has been adopted, in view of the eight facts I have here stated, this bill does not appeal to us as a specially meritorious case, and that this old lady should be allowed this small sum of money, which she will only enjoy probably during a very few years, owing to her feeble condition.

As a firm friend of the private soldier, as the 5,000 or 6,000 names upon my private pension roll will show, during the five or six years that I have been in Congress, in the utmost good faith I appeal to this committee to vote this poor widow this sum, and not adopt the amendment submitted by the gentleman from South Carolina.

The CHAIRMAN. The question is on the amendment of the gentleman from South Carolina to the amendment proposed by the committee.

Mr. WALSH. Mr. Chairman, I come from a constituency that has not had a Republican Representative on this floor in thirty-five years, and I am going back to that constituency with the record of never having voted against a pension bill reported by this committee. [Applause.] I have not proceeded upon the theory that all the patriotism is upon the other side of the House. I have rather gone upon the theory that we should show some of it on this side [applause], and upon the further theory that the Committee on Invalid Pensions is composed of men of prudence, of integrity, of judgment, and that when, after considering a case, they say that the person whom they recommend for a pension ought to receive $75 a month, we should not undertake here, hurriedly and without full consideration, to reduce it to $30 or to any other sum. In the few words I had to say on the general appropriation bill I called attention to the fact that the women of this country had suffered a great deal from the war; that the men who went to the front had not endured all the suffering; that sometimes the women who remained at home suffered as much from the anxiety and the torments of mind and heart which they endured on account of their beloved ones at the front. Apropos to that, I send to the Clerk's desk and ask to have read an article from this morning's New York Journal, showing how, under certain circumstances, women are capable of the highest heroism. This article tells of the heroic action of a woman in the present Cuban war.

Mr. ERDMAN. Mr. Chairman, I must object to the reading of that article. It does not appear to be connected in any way with the subject under discussion.

Mr. WALSH. Very well; I will read it myself in my own time.

SHE FOUGHT LIKE A TIGRESS AT BAY—SEÑORA ALVAREZ'S GALLANT ATTEMPT TO RESCUE HER HUSBAND—TOO WEAK TO FOLLOW HIM THROUGH THE LINE, SHE WAS SURROUNDED BY SOLDIERS—SHE AND TWO CUBANS WHO HAD JOINED HER WERE CUT TO PIECES BY THE SPANIARDS—FELL, CRY WHILE THE ENEMY CROSSED THEIR SABERS IN RECOGNITION OF A WOMAN'S COURAGE.

KEY WEST, FLA., *April 16* (Habana, via Key West, April 15).

Your correspondent, who is with Maceo, has forwarded me the story of a tragic incident that occurred during the battle on Saturday, in which the Spaniards were so seriously defeated by the insurgents.

"As the Spaniards were retreating," he writes, "one woman was killed while performing an act of courage that has been without parallel among the women of war, and three men lost their lives while trying to save her. She was Señora Paquita Alvarez, one of the female company that Señora Herandez organized.

"Señora Alvarez's husband was in the battle, and during the retreat he, with two Cubans, saw a chance to capture Lieutenant-Colonel Debos. The Spaniard had moved a little too far from the right flank of his command, and Alvarez and his companions made a dash for him. Debos saw the movement and ran for the shelter of his troops. The Cubans rashly pursued him too far, and in a moment found themselves fighting for their lives with a score of the enemy.

"Señora Alvarez saw her husband's danger and rushed to the rescue, followed by two Cuban soldiers, who were determined that she should not be unprotected. Señora Alvarez fell on the Spaniards surrounding her husband with the ferocity of a tigress. He was fighting alone. The two other men who started to capture the colonel with Alvarez were both dead. The quarters were too close to permit the use of rifles, so Señor and Señora Alvarez and the two Cubans who followed her were fighting with machetes. It was a battle against fearful odds.

"Suddenly Alvarez thought he saw a chance of flight through the line to safety. He called to his wife to follow and started off toward the rebel column through a living wall, but Señora Alvarez was too weak to cope with so many soldiers, and the two men who formed her volunteer escort were not equal to the task of overcoming the numbers who closed in behind Alvarez.

"Señora Alvarez and her escort were cut to pieces in sight of their friends. As they fell, shouting 'Viva Cuba libre!' the 5,000 rebel soldiers answered the cry. Even the Spaniards crossed themselves in recognition of such fanatical courage.

"Señor Alvarez did not know that his wife was not with him until he arrived inside the Cuban lines. When he learned what had happened, he put the muzzle of his pistol to his breast and fired.

"'Why did you do that?' asked General Maceo when the battle was over.

"'So that it could not be said that I was a coward and deserted my wife to save myself,' replied the soldier.

"'Pray for death to come, then, for if you live I shall hang you. We need men to be shot by the Spaniards. We can not waste bullets on ourselves,' said Maceo.

"Alvarez joined his wife in eternity before dawn next day."

FREDERICK L. LAWRENCE.

Now, my friends, if there is a small minority in this House—and I must say it is a very small minority, an infinitesimally small minority—who oppose pensions, for Heaven's sake let them not make war on women. [Applause.]

Mr. CONNOLLY. Mr. Chairman, I would not detain this committee to-night one minute were it not for the fact that I knew General Van Derveer well in the Army, served with him, know what he was as a man, know what he was as a soldier, and know full well that he merited as much as any man who wore the blue and bore the rank which General Van Derveer did during the last year of the war. I first became associated with him in the valley of Chattanooga after the field of Chickamauga, when I was assigned to duty in the same division in which he commanded the brigade, and from that time forward as long as he was able to remain in the field I saw him daily in camp, on the march, and in battle. I know that no officer who commanded men was more kindly, more thoughtful, more considerate of the private soldier, of his necessities and his comforts, than was General Van Derveer.

Mr. LAYTON. May I interrupt the gentleman to say just one word?

Mr. CONNOLLY. Yes, sir.

Mr. LAYTON. Right in that connection I want to say what I forgot to say a while ago, that while it is true that General Van Derveer for a number of years enjoyed a comfortable income as judge of the court of common pleas, yet, by reason of his great, big heart, such as nearly all the old army officers possessed, and by reason of his well-known charity and benevolence, he was kept poor. No old soldier, especially no widow of an old soldier, ever applied to General Van Derveer and went away empty handed.

Mr. CONNOLLY. Mr. Chairman, that was simply the carrying by General Van Derveer into his private life of what I know he practiced day by day in his connection with the men who were under his command. No soldier that served under him ever suffered for anything if it was possible for General Van Derveer, from his own purse or by any means that he could control, to relieve his suffering or supply his wants. During all those long months of service, when I was with him, I was conscious, as we all were, that the man was overtaxing his strength.

In repose about the camp he looked feeble. He was never found moving about as other men were. Kindly and agreeable to all, he evidently was unable to move about with comfort, as others did. But, sir, when the sound of battle came, when the

men were drawn up in line and the enemy was in sight, no man exhibited more physical power or endurance, or more courage, than did General Van Derveer. I remember, as well as though it were but yesterday, when the long lines were drawn out in the valley of Chattanooga, stretching north and south, confronting Mission Ridge, General Van Derveer's brigade in the center of that line and old Turchin's brigade on his immediate right, when the six shots were fired from Fort Wood, I myself carried the order to him to advance his line, and I sat there on my horse and saw him ride across that valley, immediately behind the front line of his men, without a single one of his staff officers about him.

By his orders they were all compelled to remain in the rear and not risk their lives in the open field, but he, thoughtless of himself, thinking of nothing but the victory that was in sight, moved on horseback over the open field, behind the very front line of his men, under a heavy fire, until they reached the foot of the ridge where horses could no longer go, and then, during some fifteen or twenty long minutes, General Van Derveer could be seen on all fours, climbing up, hand over hand, and he was one of the first to leap the breastwork above, mingling with his men on the summit of the ridge. [Applause.] When he reached there—when the enemy disappeared—when the night came, and with it victory, General Van Derveer sank exhausted to the ground; and there he lay, unable to go back along the hill to his quarters.

Mr. MILNES. Ought not those men who went ahead of General Van Derveer—those private soldiers who were in the forefront of that battle—ought not they to receive $75 a month?

Mr. CONNOLLY. Let me say to my friend that while I have not been favoring the payment of large pensions, as some of you know—while I have not been in favor of improper discriminations—yet the common sense of all the people of our land and of all nations has made discriminations between the salary paid to the private soldier and the salary paid to the officer. An officer does something more than bring to the service mere personal bravery. All the men in the ranks had that, and the Government paid but little for it. Shall we say now that the Government did not do right because it did not pay every private soldier as much as it paid General Grant or General McClellan or some of the other distinguished generals? No; the common judgment of the people of this and every other country is that those distinctions must exist necessarily.

The commanding officer brings to the service something more than mere muscle. He brings brain; he brings intelligence; he brings the power to think and lead; and these he is expected to exercise in moments of supreme danger. Looking, as he may, over the entire field, he is expected to think for the men under his command; he is expected to see that they are not put in a dangerous place for no good purpose. Their lives are at the mercy of his naked order. He must, if he occupies high position, be a man who in moments of danger is capable of thinking coolly. Van Derveer was a man of that kind.

Now, if my friend from Michigan [Mr. MILNES] says that he does not believe that any man who held a commission should receive more pension than a man who did not——

Mr. MILNES. I do say so.

Mr. CONNOLLY. Then I recommend him to introduce a bill to repeal the pension laws that have given to lieutenant-colonels and all officers above that grade $30 a month.

Mr. MILNES. I would introduce such a bill if I thought I could pass it.

Mr. CONNOLLY. Try it; introduce your bill; show your faith by your works; otherwise we shall know that you do not believe what you say.

Now, sir, I wish that this committee, instead of recommending the granting of a pension of $75 a month, had fixed it at the moderate and respectable figure of $50 a month. I say this as one who to-day respects the memory of Ferdinand Van Derveer, true soldier as he was—a man who daily was burning the candle of life at both ends that he might do his whole duty in commanding the regiment and afterwards the brigade that he was in charge of. I believe that this bill ought to pass; but I would have preferred that the committee had made the figure $50 instead of $75. I believe that my friend from South Carolina——

Mr. TALBERT. If the gentleman will offer that amendment, I will accept it.

Mr. CONNOLLY. With the understanding, then, that the gentleman from South Carolina will accept this amendment, I propose to make this pension $50 a month.

Mr. SORG. I hope the gentleman will not do that. General Van Derveer for the last few years of his life, had he been a private, would have been entitled to $72 a month.

Mr. CONNOLLY. I submit that this widow had better have a bill passed giving her a pension of $50 a month than fail to have any passed at all.

Mr. SORG. The gentleman need not be alarmed about that.

Mr. CONNOLLY. I feel that this bill ought to be passed, in view of the services of General Van Derveer, of his personal sacrifices, of his intelligence, of the care that he gave his men. I feel that there is no man who served under him as a private soldier who, if his voice could be heard here to-day, would not say, "Give this pension to the old widow of General Van Derveer, who, while he was leading us, was sitting at home watching and praying for him and us together." [Applause.]

Mr. TALBERT. Mr. Chairman, as I understand, the proposition of the gentleman from Illinois [Mr. CONNOLLY] is accepted as an amendment to my amendment, and the pending amendment is now to reduce this pension to $50.

Mr. HEMENWAY. Mr. Chairman, I do not believe there is anything too good for an old soldier, whether he be general or private. But I do believe that in taking up this class of claims at our Friday night sessions, and giving almost all our time to them, we are doing wrong. It is a question here of who shall have precedence in this matter—the claims of the widows of general officers of the Army or the claims of the widows of privates and the privates themselves. I know that gentlemen on the committee have been active in their work. But, Mr. Chairman, I know also that there is a bill now that sleeps here in the pigeonholes in this Capitol that if passed would grant a pension of $30 a month to an old blind man who served during the whole war, and who is now receiving but $8 a month, a man who has eight or ten little children clustering around his knee begging him for bread, and I claim that this committee, instead of allowing pensions in the cases that we have had here for the last two evenings, should give consideration to payments of that kind. I know a number of just such cases of absolute helplessness and necessity. Within my own personal experience I have two cases of blind soldiers with families surrounding them, and who are absolutely not able to furnish the necessaries of life for their support. And yet these cases must give way and we must give up half of our time, as we have done here to-night, to grant pensions of $75 a month to a noble lady, I have no doubt—I have no question to make as to that fact—I have no objection to make to any consideration that can be given to her when her necessities are considered; but it is wrong, I repeat, to take up this time to the exclusion of the claims of old soldiers all over the country who can not secure pensions by reason of technical obstructions thrown in their way at the Pension Office.

Why, gentlemen, there is not a man who sits here on this floor to-night, who will allow his memory to go back in his own district, but can remember old soldiers struggling along for the absolute necessaries of life, often without even the necessaries of life, who have not been able to secure their pensions because of technical constructions of the law placed upon it in the Pension Office. And these sessions of Friday evening, fixed expressly for the purpose of granting pensions, if we carry them out to their strict letter and in conformity to the intention with which they were originated, are designed to grant that class of people pensions who can not otherwise secure pensions and give them the necessary relief, and not take up the time, as we are now doing, to increase a pension of a widow from thirty to seventy-five dollars a month or more.

I repeat, I do not desire to criticise the action of the Pensions Committee. I have no doubt that they are doing the very best they can. The trouble is that where a case involving a pension of $75 a month is presented it is a large amount, and the parties who have it in charge can stay more closely by the committee, give more attention to the matter, and get it reported sooner than we can get reports on ordinary pension bills. [Cries of "Vote!" "Vote!"]

Mr. LAYTON. Will the gentleman allow me——

Mr. HEMENWAY. No; I can not yield. To gentlemen who are clamoring for a vote I will state that you may as well await your time. I propose to take my time on this question, and shall continue to do so if every man in the House cries "Vote." On last Friday night you were willing to listen to the chairman of the Committee on Invalid Pensions, who talked the time of the committee out. Now, I hope you will hear me for a little while. The gentleman from South Dakota, during the discussion on a similar question on last Friday, said, referring to myself, that I did not know anything about the question—his language being: "No, sir; the law does not allow anything. The gentleman does not understand the question." And this is in reference to these ladies who are getting an increase of from thirty to fifty and seventy-five dollars a month. The law did give them $30 per month. He said he would not allow me to ask a question because I wanted to mislead the committee.

Now, how did I mislead the committee? I ask your attention to my language in the RECORD, and see where it is calculated to mislead the committee. I simply put this question in substance: "Why is it," I asked the gentleman, "that this case of Mrs. Helen Morrill Carroll is reported here at $50 a month, when the utmost that you grant on a favorable report on a bill to grant a pension to the widow of a private soldier is $12 a month?" Now, in that I did not desire to reflect upon the Committee on Invalid Pensions;

not by any means. They were only following a precedent that had been set here and carried out up to this time. But I do desire to object to the taking up of the time of the House in the consideration of these pensions.

On last Friday night what did we consider? We considered five claims, seeking to raise the pensions of the widows of officers from thirty to seventy-five or a hundred dollars a month. We considered at the same time four or five claims for private soldiers.

Mr. Chairman, I am not alone in my objection to this system. Every man almost in this committee, if he dared to say it and speak his own thought, knows that I am right in claiming that the committee should consider the claims of those people who are in absolute need of the necessities of life; the widows who have little children clustering around their knees, to whom they can not furnish clothing or food. These people should have consideration, and not have the time of the committee taken up in considering claims of increases of pensions from thirty to seventy-five dollars a month.

Mr. LAYTON. I hope the gentleman will allow me just a moment. I know he is a fair-minded man, and does not want to mislead or misrepresent the Pension Committee.

Mr. HEMENWAY. Certainly not.

Mr. LAYTON. I am a member of that committee, and will you not permit me to make a single statement in this connection? [Cries of "Vote!" "Vote!"]

Mr. HEMENWAY. Certainly I will allow the gentleman, if the members of the committee around me will yield, and not insist upon a vote just now.

Mr. LAYTON. In this connection—and I know the gentleman is a fair-minded man and does not wish to misrepresent the committee of which I have the honor to be a member—in this connection let me state to him that it so happened that just now and including the last Friday night session we have reached on the Calendar what I may call a nest of these cases of widows of officers. But it must be remembered that this committee has reported some 300 bills, an unprecedented number for the short time we have been in session, and of that number we have reported, I I venture to say without knowing the exact facts, more bills allowing privates from $50 to $72 a month than pensions to widows of general officers at $50 or $75 a month.

Mr. HEMENWAY. I am very glad to hear it.

Mr. HULL. Will the gentleman from Ohio allow me to ask him a question?

Mr. LAYTON. Certainly; with the permission of the gentleman from Indiana.

Mr. HULL. Have you reported a single bill for a private's widow at $50 a month?

Mr. LAYTON. No; not at $50 a month. We have at $25.

Mr. HEMENWAY. Have you reported a single bill for any widow of a private at a rate above $12 a month?

Mr. LAYTON. Yes.

Mr. HEMENWAY. How many?

Mr. LAYTON. I do not know.

Mr. LEIGHTY. May I be permitted to ask the gentleman a question?

Mr. LAYTON. Yes.

Mr. LEIGHTY. Have you reported a bill allowing any private a larger sum than he would get under the law?

Mr. LAYTON. Yes. Of course if we had not, why he would get his pension at the Pension Office.

Mr. LEIGHTY. I mean if he were able to establish it?

Mr. LAYTON. Yes; quite a number of them; especially in the cases which the gentleman from Indiana referred to, of old blind men.

Mr. HEMENWAY. I decline to yield further. I do not intend to criticise the Committee on Invalid Pensions. I do not see why they should get that idea. They are a hard-working committee. They have done an immense amount of work in this House; but every time a man gets up here to criticise a bill or to criticise the action of this committee sitting here, he is not criticising the action of the Committee on Invalid Pensions. I do not desire to criticise their action, but I simply desire by my statement here to-night, if I can, to call the attention of this committee to the fact that, in the place of wasting our time here and taking up half the time on the Private Calendar in this way, we ought to get down to these poor widows and grant them their $8 and $12 a month.

Mr. PICKLER. Will the gentleman allow me?

Mr. HEMENWAY. If I should do as the gentleman from South Dakota did to me, I would not yield, but I willingly yield to the gentleman from South Dakota.

Mr. PICKLER. You had better not follow my bad example.

Mr. HEMENWAY. I am not going to follow your example. I will tell you right now that I will not follow your example.

Mr. PICKLER. I want to call the gentleman's attention to the fact that the second bill from where we are now on the Calendar is a bill recommending a pension of $42 a month to a private's widow.

Mr. HEMENWAY. I want to call the attention of the gentleman from South Dakota to this letter which I hold in my hand, and which reads as follows:

HEADQUARTERS GRAND ARMY OF THE REPUBLIC,
ADJUTANT-GENERAL'S OFFICE,
Indianapolis, Ind., April 14, 1896.

MY DEAR SIR: General Walker, commander in chief of the Grand Army of the Republic, directs me to write to you that he has read your remarks in the Indianapolis Journal in regard to giving large pensions to widows—

That was the question that I put to the gentleman from South Dakota at last Friday night's meeting—

instead of acting on general remedial legislation for the benefit of soldiers, and to say that he heartily indorses your position and believes that Congress would be doing much better service to the old soldier if they would take up and pass the bill on invalid pensions, which comprises within its limits the legislation that is most urgently demanded by ex-soldiers.

Very respectfully, yours,
IRVIN ROBBINS, *Adjutant-General.*

Hon. JAMES A. HEMENWAY, M. C.,
Washington, D. C.

And I want to say to you that not only are the commander of the Grand Army of the Republic and the adjutant-general of the Grand Army of the Republic, but the grand army of soldiers all over this country, and of soldiers' widows who are wanting for the necessaries of life to-night, and who have very few comforts, are back of me and back of this letter, and want this committee to stop taking up their time Friday night after Friday night in the consideration of claims to raise pensions from $30 to $75 a month, but to come down to these poor old widows that need the $8, to these poor old blind soldiers who have their little children suffering around them, to grant to them what they deserve. And I want to say to you gentlemen—I say this in all kindness to the Committee on Invalid Pensions——

Mr. ANDREWS. Will the gentleman yield for a question?

Mr. HEMENWAY (continuing). It is not the fault of the Committee on Invalid Pensions, it is the fault of members who press this class of claims before the committee. Yes, I will yield to the gentleman from Nebraska.

Mr. ANDREWS. Do you understand it is the fault of the Committee on Invalid Pensions that a general bill has not been brought forward for consideration here?

Mr. HEMENWAY. I have just said, and I repeat it, that I am not criticising the Committee on Invalid Pensions. I do not see how I can make it any plainer than I have. They have worked hard. I pass their committee room down there and find them actively at work all the time; but it is this committee here that allows these claims to come up to take up the time in the place of passing other bills. It is not a question whether these claims are right or not, it is a question of who shall have precedence, the old soldier's widow, who is suffering for the necessaries of life, or the general's widow, who is now receiving $30.

Mr. ANDREWS. Will the gentleman yield?

Mr. HEMENWAY. I decline to yield further. It is a question of who shall have precedence. These soldiers' widows, who are actually in want for the necessaries of life, these old soldiers, who are actually in want for the necessaries of life, whether they shall have precedence here or whether these bills to increase pensions from $30 to $75 a month shall have precedence. Why, in Indiana and South Dakota a widow can live very comfortably on $30 a month. Whole families in our State live comfortably on less than $30 a month.

Why should we take up our time increasing the pensions of those who are well cared for, in place of getting down to and helping out those poor and suffering widows and soldiers who need to be cared for. Grant these large pensions when the time comes to grant them; but for God's sake give to those who are suffering the preference in the consideration of their cases. [A cry of "Vote!" "Vote!"] That gentleman, I presume, claims to be a grand friend of the soldier. Let me say to the gentleman who made that remark that I represent 6,000 soldiers. I care for their interest. I answer an average of from 65 to 70 letters a day to those old soldiers. I give their interests full consideration and protect them in every way I can. I go to the Pension Office and go through the files wherever a wrong has been done, and have it corrected when I can. I see sitting about me gentlemen whom I meet at the Pension Office. They are out helping the people who are needy; and those gentlemen who want to vote, I do not know them; but possibly the gentleman is a general himself. I say that these cases ought to be laid aside and the cases of widows who are in want, and soldiers who are in want, but by reason of some technicality can not secure pension under the law—their cases should be taken up here and passed upon.

Mr. HULL. Mr. Chairman, I have taken very little of the time of the committee at this session, and do not propose to make any extended remarks to-night. The gentleman from Ohio [Mr. LAYTON], in his illustration, certainly misrepresented, unintentionally, no doubt, some of the pensions that have been granted in the past. He referred especially to Mrs. Grant receiving $5,000 a year, which is true, but she gets that pension as the widow of an ex-President of

the United States. The same amount is given to every other widow of an ex-President of the United States. He referred to Mrs. Logan's pension as $5,000, when as a matter of fact it is but $2,000.

Mr. LAYTON. I stated that I was not certain.

Mr. HULL. That, however, is the fact.

Mr. STEELE. The widow of General Sheridan gets the same.

Mr. HULL. The widow of General Sheridan is also receiving a pension of $2,000 a year. He was General of the Army. However, that has but little to do with this.

I want to say, Mr. Chairman, that I believe there is a distinction in rank. I do not believe that the comrades of the Grand Army of the Republic say that the officer's widow shall receive no more than the private; but I do say that every comrade of the Grand Army believes this to be true—that the officer's widow, under the law getting $30 a month, is not entitled in equity to an act of Congress to increase her pension beyond that, because when the soldier's widow comes here she gets but $12 a month, the amount allowed by law. That is the point. The gentleman from Illinois [Mr. CONNOLLY] made a splendid speech in favor of a large pension to the gentleman whose widow is now before this House. If the gentleman himself were here applying for an increase of pension, I think this committee would be doing right to grant the request and increase it, but gentleman are aware of the fact that we do not take into consideration and can not consider the disabilities of widows in granting a pension. This widow is entitled to $30 a month under the law, which is two and a half times the amount of pension allowed to the widow of a private soldier whose death resulted from his service; it may be that this gentleman's death resulted from his service; but it must be conceded that he lived a long time since the war, as he died in 1895.

Mr. LAYTON. But he drew no pension.

Mr. HULL. That makes no difference.

Mr. LAYTON. But it can be taken into consideration.

Mr. HULL. If he was entitled to receive a pension, all he would have had to do would have been to put in an application and receive it. And I am willing to accept the gentleman's statement that he was entitled to a pension; but the House has no business with that question now. But under the law——

Mr. SORG. Should not the House take that into consideration?

Mr. HULL. Well, we will take it into consideration, and the widow of this officer is entitled to $30 a month.

Mr. SPALDING. Admitting that he died as a result of the service.

Mr. HULL. Admitting that the cause of death was the result of his service, and then there is no man in the United States who served in the Army who would raise his voice against giving this widow a pension of $30 a month. If she can not get it at the office, she can get it at the hands of the United States Congress; and nobody criticises the Committee on Invalid Pensions. I do not criticise it. God knows they have a hard enough task in dealing with members who desire to have special bills reported. There is no doubt about that. But I have noticed where a widow was compelled to come to Congress and applied for $20 or $25 a month, in almost every case the committee reported an amendment striking out the $20 or $25 and inserting $12, giving her the pension that she would be entitled to under the law if she could prove that the husband's death was the result of his service.

Now, here comes a widow who can get $30 a month if she can prove that her husband's death resulted from his service, and no man in Congress would object to giving her $30 a month. But I want to object now, as I did once before this session, to taking up these bills for officers' widows and granting them large pensions while thousands and thousands of widows of the boys who carried the musket are fighting in vain for $8 and $12 a month. [Applause.] My good friend from Illinois [Mr. CONNOLLY] drew a splendid picture of a battle where this brave general commanded his brigade, but in his very statement he admitted that the private soldiers, with their muskets in their hands and their 40 rounds belted around them, crawled upon their hands and knees ahead of the general, and if one of their widows were knocking at your doors to-night for relief, saying that her husband had sacrificed his life in defense of his country, and if she was unable to prove that his death was the result of his service, you would grant that poor old widow of a private soldier but $12 a month.

Mr. HEMENWAY. But we would do it in about two minutes instead of taking two hours.

Mr. HULL. Well, you would do it. Now, Mr. Chairman, we are unfortunate in another thing in this Congress, and we of the majority must be held responsible for it. It is true that our friends in the minority, who have objected so strenuously to small pensions for the widows of private soldiers, have kept their mouths sealed when it was a question of granting a large pension to the widow of an officer, until at last our friend from South Carolina [Mr. TALBERT] has thrown himself into the breach.

Those gentlemen who have fought us so hard on the small pensions have had no objection to our raising the pension of a widow of an officer to $75 a month or higher; but we are responsible all the same for the action of this House, and the word has gone out over the United States that the Republican House of Representatives can take night after night to consider bills granting from $50 to $100 a month to the widows of officers, and yet can find but scant time to provide pensions for the old soldiers and their widows. I said to this committee when we started out in this session that I should oppose these large increases of pensions to the widows of officers above the amounts allowed by law. I have been awfully lonesome from that time until now. But last Friday night, when we were considering certain bills giving large pensions to the widows of officers, a few other gentlemen were found joining in my protest, and I am glad now to welcome the gentleman from Indiana [Mr. HEMENWAY] as a champion of the private soldiers of this country, by whose devotion and heroism the flag of our country has been maintained unsullied and the Union of the States has been cemented so that even the hand of treason can never again be raised against it.

Mr. COOPER of Wisconsin. I would like to ask the gentleman from Iowa a question.

Mr. HULL. Certainly; two of them, if you wish.

Mr. COOPER of Wisconsin. The gentleman said, with much vehemence of manner, that the time of this House has been taken up and that it has gone out all over the country that the time of this Republican House has been taken up with the consideration of bills granting pensions to generals and their widows.

Mr. HULL. I did not say to generals.

Mr. COOPER of Wisconsin. Well, pensions to the widows of generals.

Mr. HULL. Yes; I said that.

Mr. COOPER of Wisconsin. And that it had gone out that this House could find but scant time to consider bills for pensions for the widows of the boys who carried the musket. Now, has there been any pension claim of a widow of a private soldier skipped?

Mr. HULL. No; but how much did they get?

Mr. COOPER of Wisconsin. There has, then, been no claim of a private soldier, or of the widow of a private soldier, skipped or neglected. That being true, and the cases being taken up in their order on the Calendar, what justification is there for this tirade about this Republican House having scant time to take up and consider bills for pensioning private soldiers and their widows, when, in fact, we have taken them up in their order and have skipped none. [Applause on the Republican side.]

Mr. HULL. I will answer that question. At last Friday night's session the time was taken up almost entirely in the consideration of bills granting high pensions, and if the gentleman has read the dispatches in the leading Republican papers of the great Northwest he knows that what I said is true, and that the papers have been discussing the matter as I have stated to-night. I do not say that we have not considered every claim on the Calendar in the order that it has been presented to us. I do say that many of these claims for small pensions to the widows of privates have been fought, not on this side of the House, but on the other; but that does not absolve us from our responsibility in connection with the fact that in the aggregate of pensions passed by this House the number of officers' widows is out of all proportion to what it should be. There is one brigadier-general to a brigade; there is one officer's widow to thousands of the widows of privates. Yet on last Friday night how many bills did we consider for the widows of privates and how many for the widows of officers?

Mr. KIRKPATRICK. Mr. Chairman, I dislike very much to occupy a moment of the time of this committee; but I feel that I am justified in referring to two or three matters suggested by this discussion. I want to say to the gentleman from Indiana [Mr. HEMENWAY] and other gentlemen here that if they desire to know the reason why the claims of these generals' widows are presented here by the Committee on Invalid Pensions, they can ascertain the reason by applying to the members who introduce and press these bills. The Committee on Invalid Pensions is divided into subcommittees, each man having a certain territory, embracing sometimes more than two States; and each subcommitteeman permits the gentleman whose bills come to him to select the bill that shall be presented by the committee.

Mr. PICKLER. That is it.

Mr. KIRKPATRICK. That is the reason these bills are here. It is not the fault of the Committee on Invalid Pensions. It is because of the fact that the men who introduce these bills are hounding the committee to bring them in and are standing around and insisting upon having them pressed, to the exclusion of the bills for the privates and their widows. That is the fact of the case, if you want to know it.

Mr. PICKLER. That is it.

Mr. KIRKPATRICK. Let me go further and say that if the men who stand in their places on Friday nights and condemn the committee would go to work and ascertain what evidence should be presented in connection with their cases, would get it in proper shape and present it to their subcommitteeman, their bills would

not lie covered with dust in the committee room. Sometimes a member of Congress brings in twenty-five or thirty or forty or fifty bills, and half the time he does not get the number of the regiment correctly; then the bills are turned over to the subcommittee without any of the necessary evidence, without a single fact to support them; and the Committee on Invalid Pensions is expected to root around and find the testimony, put it in shape, and report the bills to the House. I am getting a little tired of that sort of thing. [Applause.]

Mr. HEMENWAY. Is it not true that you are overworked; that you have more cases before you, with the evidence all prepared, than you possibly can get through this session?

Mr. KIRKPATRICK. That is possibly true. These matters must be divided among subcommittees, as I have stated.

Mr. HEMENWAY. I have no desire to criticise the Committee on Invalid Pensions; I know that they are overworked. But, by the statement which the gentleman has just made in response to my question, it is demonstrated that he has now before him, with the evidence made out, more cases than he can possibly report and get back before the House this session.

Mr. KIRKPATRICK. I might say that the statement is correct. I have, I believe, 260 or 270 bills referred to me. Some are accompanied with affidavits; in other cases there is nothing but the naked bill. I suppose that in many of these cases proof could be obtained at the Pension Office. But very few bills are presented with the evidence all in shape, so that a man can take them up and consider them.

Mr. PICKLER. Does the gentleman remember that at any of our meetings, three times a week, from 10 till 12 o'clock, the gentleman from Indiana has ever appeared before our committee to ask for a pension for anybody? [Applause.]

Mr. KIRKPATRICK. I do not know anything about it.

Mr. HEMENWAY. Will the gentleman from Kansas [Mr. KIRKPATRICK] allow me to answer that?

Mr. KIRKPATRICK. Yes, sir.

Mr. HEMENWAY. Have I not asked the gentleman repeatedly to report on one of my cases?

Mr. KIRKPATRICK. I suppose you have.

Mr. HEMENWAY. Now, I want to say to the gentleman from South Dakota—I do not know how his time is taken up; but for myself, being a member of the Appropriations Committee of this House, and with 6,000 soldiers writing me from time to time—I think I might almost make affidavit that I receive 75 letters a day—and with constant attendance at the Pension Office morning after morning, I have had no time to go down to the committee room and ask the gentleman to report any bills for me. I know that the gentleman from South Dakota [Mr. PICKLER] is not the proper person for me to speak with; the gentleman from Kansas [Mr. KIRKPATRICK] is the man to answer my inquiries; and he says that I have repeatedly asked him to report my cases. No doubt the gentleman is doing the best he can; he is working, I am sure, as hard as any member of the committee. I have no reason to believe that if I were to ask the gentleman from South Dakota I would get a respectful answer, because, according to the indications, he always goes off and gets mad. I do not want to insult the gentleman.

Mr. KIRKPATRICK. Now, Mr. Chairman——

Mr. HEMENWAY. His whole demeanor here——

The CHAIRMAN. The gentleman from Indiana is out of order.

Mr. KIRKPATRICK. Mr. Chairman, I desire to occupy the floor myself a little while.

Mr. HEMENWAY. I recognize that the Chair desires to protect the gentleman from South Dakota.

Mr. KIRKPATRICK. I wish to finish my remarks, and then the gentleman may occupy the floor as long as he chooses.

With reference to all of these bills reported by me, Mr. Chairman, I want to state that with but one single exception the bills reported have been for the benefit of private soldiers, and at a higher rate of pension as a rule, where the requisite disability was shown, than those granted to officers' widows. [Applause.]

Mr. HEMENWAY. I desire to say that I believe the gentleman from Kansas is a good member of the committee.

Mr. KIRKPATRICK. I have reported bills for three soldiers at $72 a month——

Mr. PICKLER. And private soldiers, too; let that be remembered.

Mr. KIRKPATRICK (continuing). And I have made it a point to give special consideration to such bills and present them to the House and the committee for its action in preference to less deserving measures.

Mr. HEMENWAY. I want to say, as a member from Indiana, that we are well satisfied with the way you represent the interests of the pensioners from that State.

Mr. STEELE. Of course you speak for yourself, not for me.

Mr. HEMENWAY. Only for myself. [Laughter.]

Mr. BURTON of Missouri. Mr. Chairman, I have addressed this committee on one occasion for a few moments only, and yet I have been here at every Friday night during this session of Congress. I addressed the committee then only in order that I might explain to this committee the facts upon which I wanted them to grant a pension in the case of a soldier named in a bill which I had the honor to introduce.

I do not think it is wise for us to stand here to criticise the Committee on Invalid Pensions, for I may state that the trouble complained of does not lie in the committee at all. I am proud of the fact that I am a representative of the private soldier, for I was one myself, and I assume the right to speak for them and to champion the cause of the boys who marched in the ranks as fully as any man on the floor of this House.

But the trouble does not lie in the committee. It lies in the fact that many of the men here—and, I regret to say, on this side of the House, too—have got the mouth disease, and they have got to make it manifest on this floor every Friday night. [Prolonged applause.]

The CHAIRMAN. The question is on agreeing to the amendment of the committee.

Mr. WOOD. Will the Chair state the question?

The CHAIRMAN. There is an amendment offered by the committee, and an amendment to the amendment, to strike out the sum proposed and insert "thirty."

Mr. TALBERT. I offered the amendment, Mr. Chairman, to insert "thirty" instead of "seventy-five," but the gentleman from Illinois [Mr. CONNOLLY] proposed to make it "fifty" instead of "thirty," and I accepted that amendment.

Mr. MILNES. I offer as a substitute for the whole proposition that the rate of pension be fixed at $30.

The CHAIRMAN. The question, then, will first be taken upon the substitute to strike out "seventy-five," as reported by the committee, and insert "thirty."

Mr. MILNES. That is just what she would be entitled to if the soldier had been killed in battle.

Mr. WOOD. Mr. Chairman, I have not taken very much of the time of the committee and shall not occupy its attention now more than two or three minutes. But there are some points to which I wish to ask your attention before the vote is taken on the pending question.

Something has been said about the work before the Pension Committee, and I desire to say in this connection that its work is chiefly done in the committee room, and is confined to the committee room and not to the floor of the House. Few members of the committee have done their work upon this floor, with the exception of our honored chairman and the gentleman from Pennsylvania, who have perhaps had a little more than their share here. It is quite rare that any other member of the Pension Committee has obtained recognition on Friday night or at any other time for discussion of pension bills.

But I wish to say a word or two in regard to the pending amendment. I speak for myself and not on behalf of the committee. This case of General Van Derveer is perhaps as good as any upon which to say what I wish. He was a gallant soldier, and the report shows that he won his stars at the battle of Chickamauga. But, Mr. Chairman, he won his stars at that battle for the very reason that he commanded a gallant body of men, and his stars came because of the firmness and bravery of the private soldiers in the brigade which he commanded. If they had left the field as some others did, not only in this but in other battles, he would not have become a brigadier-general.

Now, a single word with reference to the remarks of the gentleman from Illinois. He gave a beautiful and a very graphic picture of the battle of Missionary Ridge. But, if I remember history aright, it was the private soldiers who stormed that ridge and carried our flag to the summit without orders of brigadier or major general—yes, despite the orders of the silent commander of that army. I ask, Mr. Chairman, if to-day the widows of the brave private soldiers who fell in Van Derveer's brigade at Chickamauga were here, asking for $50 or $30 or $25 a month, whether we should favorably consider their cases? If they got $12, it would, I fear, be about the best that we would do.

I am aware that there was a distinction in rank. The law recognized that fact. It also recognized that there was a distinction in pay. The private soldier got a great deal less pay. The brigadier-general did not trudge along in the dust of summer or the mud and snow of winter. He was provided with horses and forage and rations, and a servant to take care of them. When it came to the matter of pension, he was provided with a pension about four times the amount of the pension of a private soldier at that time. The distinction was made in the rank they bore during the service, and also in the pay that they received; and now, Mr. Chairman, there is no settled policy in regard to such cases as this. If there was, what should we give? What amount should be fixed? Should it be $30, $50, $75, or $100?

There is said to be a precedent for each, but I have yet to learn that a private enactment is ever a precedent for anything except itself, or that it settles any policy at all so far as legislation is

concerned. It is a precedent for that case and for no others. I agree with the gentleman from Iowa [Mr. HULL] who has spoken upon this matter. When it comes to seeking the bounty of the Government—and that is all that these cases are—we should first have meritorious service, and then we should have the need of the applicant. I am aware that both these things concur in this case, but I do believe when it comes to this matter of bounty that the private soldier should come somewhere near the officer who was made an officer on account of the valor and heroism of the privates. You may say that we could not have gotten along with an army of private soldiers alone. We could not very well have gotten along with an army of brigadier-generals alone. We should have done a great deal better with the privates alone than with the officers alone.

Little Round Top was not lost when Zook and Weed and Vincent fell. The battlefield of Chickamauga was not abandoned when the commander and two of the corps commanders were swept from the field; but private soldiers turned their faces to the foe and their backs to that rocky spur of Chickamauga and fought out that long and weary day, and the next morning the Army of the Cumberland was found across that Lafayette and Chattanooga road, as it was at the beginning of the battle. Disaster did not come when the line of brigadiers or major-generals was broken; but when the line of blue that carried the musket and manned the cannon was broken and disappeared, then the day was lost. But in this matter, which is purely one of charity, I believe that the policy ought not to be to grant so large pensions to the widows of officers. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment to the amendment, to strike out "$75" and insert "$50."

The question being taken, the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the substitute, to strike out "$50" and insert "$30."

The question being taken, on a division (demanded by Mr. MILNES) there were—ayes 19, noes 82.

Accordingly the substitute was rejected.

The CHAIRMAN. The question now is upon the original amendment as amended, namely, to strike out "$75" and insert "$50."

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ANNIE THOMPSON.

The next business on the Private Calendar was the bill (H. R. 4298) granting an increase of pension to Annie Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place upon the pension roll the name of Annie Thompson, widow of Jay Thompson, late captain of Company M, Third Wisconsin Cavalry, and pay her a pension of $30 a month.

The Committee on Invalid Pensions recommended an amendment striking out the word "thirty," in line 7, and inserting in lieu thereof the word "twenty."

The report (by Mr. PICKLER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4298) granting a pension to Annie Thompson, have carefully considered the same, and respectfully submit the following report:

Jay Thompson enlisted in Company M, Third Wisconsin Cavalry, as first sergeant November 26, 1861; mustered as first lieutenant October 2, 1862; mustered as captain July 10, 1863; discharged August 29, 1864, because of incipient consumption and hemorrhage of the lungs since entering the service by exposure and fatigues of the field while in the line of duty.

Soldier filed application for pension November 15, 1885, which was allowed October 28, 1889, at $30, for lung disease contracted in the service. He died of the same disease July 11, 1888.

His widow, the beneficiary named in this bill, filed application September 4, 1888, and on July 15, 1889, the same was allowed at $12. June 2, 1890, she applied for reissue, alleging that the disease from which the soldier died was contracted while he was captain. The soldier himself, in his own declaration, alleges that it was contracted after he became captain, and the question was never raised until after her application for reissue was filed.

Brigadier-General Blair, who commanded the regiment at that time, says: "I never noticed anything wrong with his health until after he became captain. * * * He was a faithful, efficient, and competent officer. * * * He was not only a model soldier, but a straightforward and conscientious man."

While the soldier was a small man physically, his soundness at enlistment has never been questioned, and the general trend of all the testimony is to the effect that the disease was contracted as stated.

Probably the true inwardness of the situation is best manifested by a glance at the reports of the special examiners. On February 3, 1893, after giving his views as to the standing of the witnesses, one of them says:

"The case is one of merit in my opinion, but, in order to settle the point in issue, would recommend further examination, as follows: * * * Testimony of Surg. R. O. Reynolds and Gen. Charles W. Blair: It seems to me that the evidence of these would settle the case."

On August 24, 1893, the special examiner who took the testimony of General Blair comments thereon thus:

"General Blair is a gentleman of unquestioned standing and reputation. His testimony is to the effect that the soldier was apparently sound when he first became acquainted with him in April, 1863, and remained so for some months, when deponent first became aware that soldier had lung trouble. The question at issue in this case seems to be a very difficult one to settle by the testimony of officers and comrades."

On December 23, 1893, the special examiner who took the testimony of Dr. Reynolds, above mentioned, opens by saying that "he enjoys a good reputation, but, posing as the soldier's friend, is known to be rather liberal, if not accommodating, in furnishing affidavits." And, having thus insidiously prepared the mind of the reader, disposes of his evidence by saying:

"There is no doubt in my mind that affiant was prompted by claimant, who, by the way, is described as a 'business woman.'"

The claim for reissue was rejected June 11, 1895.

A liberal view of the evidence would have resulted in the allowance of this claim by the Bureau of Pensions, and, if there is any doubt at all in the matter, your committee believe it should be resolved in favor of the claimant.

Your committee therefore recommend that the bill be amended by striking out the word "thirty," in line 7, and inserting in lieu thereof the word "twenty," and that as amended the same do pass.

The CHAIRMAN. The question is on the amendment to strike out "thirty" and insert "twenty."

Mr. ERDMAN. Mr. Chairman, I should like to have the gentleman in charge of this measure inform the House whether this was the case of a war widow, and whether she is a dependent woman or not. It is a proposition to exercise the charity of the House instead of the justice, and therefore those would probably be two relevant questions.

Now, this man, on January 4, 1886, in an unsworn statement, says that he contracted a cold on his lungs in the spring of 1862, at Benton Barracks, Mo., and was a sergeant at the time.

Two days later, on January 6, 1886, the soldier bethinks himself, and he swears that he contracted cold during the summer and fall of 1863, at Fort Scott, Kans. Then he was a captain. Now, the question as to when he contracted this cold is a very material question. Philip in one condition says he contracted it at Benton Barracks, and Philip in another condition says he contracted it later at Fort Scott.

Now, then, this pension examiner, who is accused of being a gentleman "who would insidiously make a report against the interest of a soldier," says that he took the testimony of three comrades of the soldier, one of whom states that the soldier was delicate and drank, and had consumption before he went into the Army, did not take care of himself in the service, and was up and down with illness the most of the time. The soldier, he thinks, was sick at Benton Barracks. He does not recall the nature of the sickness. The other comrade states that he was with the soldier from start to finish of service, and that the soldier had cold and cough at Benton Barracks, and was dangerously ill. He was again taken sick at Benton Barracks, when he thought his lungs were affected and he had consumption. This continued to the end of his army service. The third comrade states that the soldier was delicate before the war, had lung trouble, was sick at Benton Barracks with lung disease during his service. He never knew the soldier to drink at all. The soldier had pneumonia after the war, in 1886. The widow is now receiving a pension of $12 per month, what she would get if her husband contracted this disease as a sergeant; and the evidence points to that. To increase her pension up to that of the widow of a captain is a pure charity. Therefore I say it is relevant to know whether this woman is dependent upon this charity, or whether, being a business woman, as the examiner says, she has means of her own, and also whether she was or was not a war widow.

But I suppose, following the lead of the gentleman from New York [Mr. WALSH], who says that he has voted for every pension bill, we will have to pass this bill, regardless of what the evidence shows. I congratulate the gentleman from New York upon having voted for the Molly Crandall bill, for having voted for the photographer's bill, and for the teamster's bill, and for a whole raft of bills of that character. I think he ought to take that record home and paste it up for his constituents to study, and then see what they think of it.

Mr. CURTIS of New York. They will indorse it.

Mr. ERDMAN. Yes; some of them will.

Mr. CURTIS of New York. New York soldiers indorse it all.

Mr. ERDMAN. Oh, New York soldiers were a brave set of men. They want what is right. They want the "bum" relegated to the rear as he relegated himself to the rear when the fight was on, and it will not be a subject of pride when the gentleman from New York gets with his constituents and tells them that he voted for everything. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment proposed by the committee.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CASSIE A. DAVIS.

The next business on the Private Calendar was the bill (H. R. 5814) granting a pension to Cassie A. Davis, widow of James P. Davis, and mother of Mary T. Davis, an invalid daughter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Cassie A. Davis, widow of James R. Davis, late Company E, Third Regiment of Vermont Volunteers, at the rate of $30 per month, in addition to the $12 which she is now receiving as a widow; said $30 per month to be in lieu of the $2 per month now paid on account of soldier's helpless daughter, Mary T. Davis, and to be paid so long as said Mary T. Davis remains helpless and is cared for by said Cassie A. Davis.

Mr. McCLELLAN. Let us have the report read.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5814) granting an increase of pension to Cassie A. Davis on account of Mary T. Davis, dependent daughter of James F. Davis, have carefully examined the evidence and report as follows:

The soldier died from causes arising in the service, and the widow is pensioned at $12 under the general law, and $2 additional on account of the daughter, Mary T. Davis.

The evidence shows that said daughter is as helpless as an infant, and much more troublesome. She can not speak, can not feed or dress herself, can not masticate her food, and can not make known her wants to anyone but her mother, who is required to be in constant attendance on her, and so is unable to do anything for her own support.

It is absolutely necessary that the pension be sufficient to provide for the needs of both, and your committee therefore recommend that the bill do pass.

The bill was ordered to be laid aside with a favorable recommendation.

CYNTHIA A. LAPHAM.

The next business on the Private Calendar was the bill (H. R. 3001) granting a pension to Cynthia A. Lapham, widow of William B. Lapham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll of the United States the name of Cynthia A. Lapham, the widow of William B. Lapham, formerly first lieutenant Twenty-third Maine Volunteer Infantry, first lieutenant Seventh Maine Volunteer Light Battery, and captain and assistant quartermaster United States Volunteers, at the rate of $17 per month, commencing at the date of the soldier's death, and to continue during widowhood, deducting any payments which may have been made to her as such widow.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3001) granting a pension to Cynthia A. Lapham, having carefully considered the facts in evidence, report as follows:

William B. Lapham, who was the husband of the beneficiary of this bill, served as first lieutenant of the Seventh Maine Battery from December 30, 1863, to May 26, 1865, and as captain and assistant quartermaster from May 19, 1865, to October 30, 1865.

While with the Seventh Maine Battery he contracted malarial fever and chronic diarrhea, for which he was pensioned up to the date of his death, his rate from November 10, 1893, being $17 per month, which was total of rank as first lieutenant. He died at the Soldiers' Home at Togus, Me., February 21, 1894, and the certificate of the surgeon of the Home shows that he was admitted to the hospital on date of admission to the Home on account of diabetes mellitus, complicated with peripheral neuritis, with a history of having suffered from malaria and chronic diarrhea and their sequelæ since the war, which may have been factors in the causation of the disease for which he was admitted. His condition was not the result of vicious habits. He died February 21, 1894, of diabetes mellitus.

A certificate filed in the Pension Office July 6, 1895, by the same surgeon, concludes as follows:

"From this review of the case I feel justified in stating that while my certificate of death, dated March 6, 1894, is correct so far as it goes, it probably does not fully represent all of the causes operating to produce death, and that said certificate would be more complete if it included chronic malarial poisoning and chronic diarrhea with diabetes mellitus as a final complication, as the causes operating to produce death."

Dr. W. Scott Hill, of Augusta, Me., testifies that he treated Dr. Lapham for about eight weeks just prior to his entrance to the Soldiers' Home for chronic malaria and valvular disease of heart. That he examined the Doctor's urine for sugar and found only a trace, but he did not require or receive any treatment for diabetes. He did, however, suffer from dyspnœa and œdema of the lower extremities.

Dr. Lapham was for some time a member of the United States board of examining surgeons at Augusta, Me. In view of all these facts the committee are of opinion that soldier's death was due to causes arising in the service.

The amendment of the committee was read, as follows:

Strike out all after the word "month," in line 10.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE T. STEVENS.

The next business on the Private Calendar was the bill (H. R. 5610) for the relief of George T. Stevens, assistant surgeon, Seventy-seventh New York Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to revoke the order of November 11, 1862, dismissing George T. Stevens, assistant surgeon Seventy-seventh New York Volunteers.

Mr. LACEY. Has this committee jurisdiction?

Mr. CURTIS of New York. Mr. Chairman, this is a long report, and I think the gentleman who made it might be allowed to state its substance, as he is familiar with all the facts; if not, I know all the details.

Mr. McCLELLAN. Mr. Chairman, the beneficiary of this bill, Dr. Stevens, was given leave of absence from his command and went home on sick leave. While there he applied for renewal of his leave of absence, and subsequently he temporarily lost his mind. During that time the application for a renewal of the leave of absence was denied, and when he returned to his command he found that he had been recorded as absent without leave and as a deserter, and, under a general order issued about that time, he was dismissed from the Army. The officers of his regiment felt that an injustice had been done him, and recommended him to the colonel for promotion, and he was subsequently restored as surgeon of the same regiment, and served during the war with a very gallant record.

This bill simply seeks to correct his military record by removing the charge of desertion now standing against him. I may say that it is not for the purpose of obtaining a pension, as Dr. Stevens is one of the most prominent oculists in the United States, with a very large practice. The object is simply to make his record in this particular perfect, as it is in all other respects.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

PETER FLEMING.

The next business on the Private Calendar was the bill (H. R. 1609) to remove the charge of desertion from the military record of Peter Fleming.

The bill was read, as follows:

Be it enacted, etc., That the charge of desertion now standing on the rolls of the Adjutant-General's Office, in the War Department, against Peter Fleming, Battery E, Third United States Artillery, be, and the same is hereby, removed.

Mr. TALBERT. Mr. Chairman, I ask that that bill be passed over for to-night.

The CHAIRMAN. Does the gentleman make a point of order against the bill?

Mr. TALBERT. Yes, sir; I do not think this bill properly comes up for consideration under the special order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. STEELE. This is a bill to remove the charge of desertion. This man, after having performed three years' service, was reenlisted——

Mr. TALBERT. I wish to say to the gentleman from Indiana that I have made a point of order against the consideration of this bill at this Friday evening session, and the Chair has sustained it.

Mr. STEELE. I hope the Chair will hear me on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. STEELE. This is a bill to remove the charge of desertion, but the committee have recommended a substitute simply providing that the man may be admitted to a Soldiers' Home. He has lost both feet and is utterly helpless, and they believe that it is not improper under the circumstances, in view of his service and his present condition, that he should be admitted to a Home and have the care which he can find there, without any pension or other allowance. Both feet, and I think one of his hands, have been frozen off. The bill as proposed to be amended simply authorizes him to be admitted to a Soldiers' Home, without granting him any other relief. As I said before, the bill as originally introduced is a bill to remove the charge of desertion, but the committee recommend this substitute.

Mr. TALBERT. If that be the case I withdraw the point of order, Mr. Chairman, although I do not believe that this bill in its present form comes properly before the committee at this Friday evening session.

The CHAIRMAN. The point of order having been withdrawn, the question is on the amendment recommended by the committee.

The amendment was read, as follows:

Strike out all after the enacting clause and insert the following:

"That Peter Fleming, late a private in Battery E, Third United States Artillery, by reason of faithful services as a soldier for a period of nearly three years and his present mutilated and disabled condition, be, and he hereby is, declared to be entitled to admission to the Soldiers' Home for Disabled Volunteer Soldiers and to any Branch thereof, notwithstanding the charge of desertion against him, and he shall be so admitted at his request."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

RUFUS BETZ.

The next business on the Private Calendar was the bill (H. R. 2048) for the relief of Rufus Betz.

The bill was read, as follows:

Be it enacted, etc., That the charge of desertion standing against the name of Rufus Betz, late a private of Company A, Ninteenth Regiment of Ohio Infantry Volunteers, be removed, and he be granted an honorable discharge, to date August 9, 1862.

The committee recommended an amendment adding after the words "sixty-two" the words:

Provided, That nothing in this act shall be construed so as to allow the said Betz any pay, bounty, or other allowances to which he would not have been entitled but for the passage of this act.

The amendment was agreed to.

Mr. TALBERT. Mr. Chairman, I would like to hear some explanation of this bill, and of how this man came to be charged with desertion.

Mr. TAYLER. Mr. Chairman, I know that I can satisfy the gentleman from South Carolina, as well as all the other members of the committee, as to the propriety of this bill. This is simply a case where, on account of the lack of completeness in the records kept by the officers of the regiment to which he belonged, a failure occurred to have his record correct. The fact is that immediately after the battle of Stone River this man, after a long march, was sent to the hospital with frozen feet, and then was sent

to the hospital at Cincinnati, and furloughed. When he reached home his condition was pitiable. His feet and body were greatly swollen. He was unable to take care of himself, and, to a certain extent, he has continued in that condition ever since. He undoubtedly had a furlough, because he did receive an extension of furlough later on. He was unable to return to the Army, but he enlisted in the Forty-fifth Ohio Home Guards and was honorably discharged from that organization about a year afterwards, his discharge being on account of his inability to perform the duties required of him. The officers refused to permit him to remain on account of his physical disability.

Mr. TALBERT. Then the object of this bill is simply to correct his military record?

Mr. TAYLER. Simply to correct his military record; that is all.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARTHA M'NEIL.

The next business on the Private Calendar was the bill (H. R. 2844) granting a pension to Martha McNeil.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha McNeil, widow of John McNeil, late brigadier-general and brevet major-general United States Volunteers, and to pay her a pension of $100 per month.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2844) granting a pension to Martha McNeil, submit the following report:

John McNeil, who was the husband of the beneficiary of this bill, was mustered into the United States service as colonel of the Third United States Reserve Corps, Missouri Volunteer Infantry, and was mustered out August 17, 1861. He was mustered in as colonel Second Missouri State Militia Volunteer Cavalry, April 26, 1862, and was promoted to brigadier-general May 13, 1863, and from that time on he was actively engaged in suppressing guerrilla bands and encouraging the loyal citizens, and by his untiring efforts succeeded in preserving the State of Missouri to the Union. His resignation, which was tendered April 8, 1865, was accepted to date April 12, 1865. In it he said:

"I beg to state that my reason for resigning is that, having been for nearly four years in constant service, I have suffered to such an extent in my pecuniary affairs that my longer continuance in the service threatens me with financial ruin and my family with beggary."

He was a pensioner for gunshot wound of right hip until his death, which occurred on June 8, 1891.

The widow, who was married to the soldier on September 28, 1834, is now 79 years of age, is disabled on account of age and its attendant infirmities, and, as is shown by the evidence before this committee, has an income of only $284.70 per annum, which in her aged and disabled condition is totally inadequate to her needs.

Your committee therefore recommend that the bill do pass.

Appended is a memorial of the commandery of the Loyal Legion for the State of Missouri, which fittingly describes the valuable services to his country of the gallant officer, Gen. John McNeil.

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[Circular No. 16, series of 1891, whole No., 79.]

MILITARY ORDER LOYAL LEGION OF THE UNITED STATES,
HEADQUARTERS COMMANDERY STATE OF MISSOURI,
St. Louis, November 7, 1891.

At a stated meeting of the commandery, held at the Laclede Hotel, St. Louis, on the above date, the following memorial was unanimously adopted:

IN MEMORIAM—GENERAL JOHN M'NEIL.

On the 8th day of June, 1891, John McNeil, brevet major-general United States Volunteers and companion of the Military Order of the Loyal Legion, entered into rest. After a long and patriotic career he died in the fullness of years, respected and lamented. In honor of his memory his companions of the Missouri Commandery erect this memorial.

No man ever loved his country more ardently than John McNeil. In days that were darkest and amid trials that were sorest, he was from first to last the noncompromising defender of her integrity, and so closely linked together were his loyalty and his appreciation of duty, that between them neither policy nor expediency ever found a middle ground.

John McNeil was born of American parentage in Halifax, Nova Scotia, on the 4th day of February, 1813. After receiving a common-school education he learned the trade of a hatter in Boston, Mass., at the age of 16, and three years later he was president of the Mechanics' Apprentice Library Association. In 1832 he removed to New York and entered into copartnership with his father, and also became, while a resident of that city, a member of the famous New York Seventh Regiment. He settled in St. Louis in 1836, first taking a position in the employ of a Mr. McKee, and subsequently setting up for himself in the retail, and afterwards, upon Main street, in the wholesale hat business. In 1844-45 he was a member of the Missouri legislature, and from 1855 to 1861 was president of the Pacific Insurance Company. From the time of his settlement in St. Louis to the breaking out of the war he continued, however, to prosecute the business of a wholesale hat merchant.

On the 18th of May, 1861, he abandoned his business and entered the military service of the United States as colonel of the Third United States Reserve Corps, Missouri Volunteers. During April and May he was engaged in organizing the regiment at Turner Hall, and on the 10th of the latter month participated in the capture of Camp Jackson. On July 16 and 17 he was engaged in the capture of Fulton, Mo., and in the defeat of General Harris. After serving as post commander and provost-marshal of St. Louis until August, 1861, he was, on the 10th of that month, mustered out of service.

On the 7th of the following December he reentered the service as colonel of the Second Missouri (cavalry) State Militia. He engaged in actions of Walkerville, Mo., April 2 and 14, 1862, and on June 4 was assigned to the command of the district of northeast Missouri, with headquarters at Palmyra. He was in action against the enemy on June 26, 1862, and from July 29 to August 6 operated in the campaign against Porter's guerrillas in northern Missouri, engaging them at Whalleys Mills August 1, and in the battle of Kirksville August 3 and 6, where Porter's command of 3,000 men were dispersed. He was also in actions at Stockton August 6, Bragg's Farm September 13, and Shelbourne September 15. On the 23d of October he was assigned to the command of the eighth military district of Missouri, and engaged in operations in Lewis, Clark, Scotland, and Schuyler counties.

On the 29th of November, 1862, he was commissioned a brigadier-general "for gallant services north of the Missouri River." From December, 1862, to May, 1863, he operated against guerrillas in southeastern Missouri, being in action at Bloomfield March 1; in the expedition from that place March 9 to 15; in command at Cape Girardeau in April; in command against Marmaduke and pursuit from Cape Girardeau to Chalk Bluffs, Arkansas, April 17 to May 2; engaging in actions at Cape Girardeau April 26; Jackson and near White River, April 27; Castor River, April 29; Bloomfield, April 30; and Chalk Bluffs, on St. Francis River, May 1 and 2.

From July 15 to October 19, 1863, he commanded the district of southwestern Missouri, with headquarters at Springfield. He was in the campaign against Shelby from September 22 to October 26, being in action at Humansville October 16, and Buffalo Mountain October 24.

On the 29th of October he was assigned to command the district of the frontier, Department of the Missouri. From March to August, 1864, he commanded the district of Lafourche, Department of the Gulf, and subsequently (until September) the district of Rolla, Department of the Missouri.

On the 6th of October he was assigned to the command of the second brigade of the forces at Jefferson City, Mo., and operated against Price in his invasion of the State from September 24 to October 26, participating in the repulse of Price's attack on Jefferson, October 6 and 7; in actions at Brownsville, October 9 and 11; Little Blue, October 21; Independence, October 22; Big Blue, October 23; Coldwater Grove, October 24; Marais des Cygnes, and the rout of Price's army, October 25.

From October, 1864, to April, 1865, he commanded the district of central Missouri, and on the 12th of the latter month he resigned and was honorably mustered out of the service, having been on the same day brevetted a major-general of volunteers "for gallant and distinguished services during the war of the rebellion."

Thus for four long, bitter years, unallured by those grander and more brilliant campaigns which were heaping honors upon other men, did this brave soldier stand at his post of duty, and thus in the arena of a fierce and merciless border warfare did he battle against the forces which vainly struggled to wrest the great State of Missouri from her allegiance.

The importance of this work and the value of these services can only be estimated in the light of the disastrous results which must have followed the successful occupation of this great strategic section of the country by the powers of the rebellion. No more enduring monument can be builded to the honor of our deceased companion than the page of history which will record that he was one of the leaders whose untiring energy saved this imperial State from the calamity and the crime of secession.

At the conclusion of the war General McNeil settled in St. Louis, and was soon appointed clerk of the criminal court. In 1866 he was elected sheriff of St. Louis County (then including the city of St. Louis, which office he held until 1871. He was a Centennial Commissioner from 1872 to 1876, also a United States Indian inspector until 1882. During 1883, and until June, 1885, he was chief inspector of United States customs. In 1887 he was assistant adjutant-general of the Grand Army of the Republic, Department of Missouri, and in 1890 was appointed to a position of trust in the St. Louis post-office. Although in apparent health, he died suddenly while in the discharge of his official duties.

It is a pleasure to record that as a citizen in the private walks of life General McNeil was modest in deportment and always courteous in address. Well-read, especially in historical literature, he was an interesting conversationalist, and rarely inaccurate in marshaling argumentative data. Despite adverse circumstances of fortune, he was cheerful, unobtrusive, free from jealousy, and never happier than in the society of his old comrades of the war, to whom he was devotedly attached. Beneath a natural ruggedness of character, and a crisp, stern manner of speech, he had a warm and tender heart, which often found expression in illy concealed emotion.

His consideration of the complex questions which grew out of the war was tempered by an earnest desire to eradicate the bitterness which four years of strife had engendered, and to create in the new life of the country a patriotism which should universally pervade the hearts of the American people.

In grateful appreciation of his services for the preservation of the Union, the commandery of the State of Missouri enters this memorial upon its records, with instructions to the recorder to transmit a copy to the family of the deceased.

CHAS. E. PEARCE, *Chairman.*
NELSON COLE,
THOS. WRIGHT,
Committee.
JAMES G. BUTLER,
Major, Commander.
W. R. HODGES,
Captain, United States Volunteers, Recorder.

Mr. PICKLER. I move to amend this bill by striking out "$100" and inserting "$50."

The amendment was agreed to.

Mr. MILNES. I move to amend the amendment by striking out "$50" and inserting "$30."

The CHAIRMAN. That motion is not now in order. The amendment to the amendment has been agreed to.

The amendment as amended was adopted; and the bill as amended was laid aside to be favorably reported to the House.

ANN CATHERINE HULL.

The next business on the Private Calendar was the bill (H. R. 1734) to increase the pension of Ann Catherine Hull.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and is hereby directed to increase the pension of Ann Catherine Hull, widow of Commodore Joseph B. Hull, United States Navy, and that she be paid a pension of $50 per month.

The report (by Mr. ERDMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1734) to increase the pension of Ann Catherine Hull, respectfully submit the following report:

The beneficiary of this bill is the widow of Commodore J. B. Hull, who was appointed a midshipman in the United States Navy November 9, 1813, and was in active service continuously until July 16, 1862, when promoted to commodore and placed on the retired list. October 29, 1864, he was assigned to duty as commander of the navy-yard at Philadelphia, Pa., until January 1, 1866, when detached. He remained on the retired list, except when assigned to some special duty, until January 17, 1890, when he died at Philadelphia, Pa., having been in the United States naval service seventy-seven years.

Evidence has been presented to this committee which shows that the widow has only $240 per annum income, including her pension of $12 per month as a

widow of a veteran of the war of 1812; that she is 82 years of age, in failing health, and that her income is not sufficient for her needs.

In view of these facts, the committee recommend that the bill do pass.

Appended is a statement of the service of Commodore J. B. Hull.

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DEPARTMENT OF THE NAVY,
Washington, D. C., January 10, 1896.

SIR: In reply to your letter of the 7th instant, I have the honor to inform you that the following is the record of service of the late Commodore J. B. Hull, United States Navy:

Appointed a midshipman, November 9, 1813; to the *Congress*, January 12, 1814; detached and to the *Washington*, January 23, 1816; ordered to report to Captain Hull for duty, September 21, 1819; ordered to the *Franklin*, June 13, 1821; promoted to lieutenant, January 13, 1825; granted leave of absence, June 6, 1825; to the *Constellation*, October 10, 1825; granted leave, November 1, 1827; to the *Guerriere*, December 4, 1828; detached and to the navy-yard, Washington, D. C., December 16, 1831; detached and granted leave, October 1, 1833; to the *Potomac*, August 6, 1834; detached and granted leave, March 8, 1837; member of a board, May 5, 1835; to the receiving ship at Boston, October 19, 1837; promoted to commander, September 8, 1841; detached and waiting orders, September 25, 1841; to command the *Warren*, July 6, 1843; detached and leave of absence, March 7, 1848; to command the Rendezvous at Philadelphia, November 1, 1849; detached and wait orders, November 1, 1851; one year leave abroad, June 4, 1852; promoted to captain, September 14, 1855; to command the *St. Lawrence*, September 20, 1856; detached and granted leave, May 11, 1859; to command the *Savannah*, May 22, 1861; detached and wait orders, September 18, 1861; to special duty at St. Louis, May 16, 1862; promoted to commodore on the retired list, July 16, 1862; detached and to command the navy-yard, Philadelphia, October 29, 1864; detached and wait orders, January 1, 1866; president of board of examiners, November 27, 1866; board dissolved, July 8, 1867; inspector of First light-house district, October 2, 1869; detached and wait orders, October 1, 1870; died at Philadelphia, Pa., January 17, 1890.

Very respectfully,

F. M. RAMSAY, *Chief of Bureau.*

Hon. HENRY H. BINGHAM, M. C.,
House of Representatives, Washington, D. C.

Mr. TALBERT. I hope we shall have some explanation of this bill.

Mr. BINGHAM. Mrs. Hull is a constituent of mine. I recently called to see her with reference to this pension claim. I found her to be an old woman in failing health, dependent upon her needle for maintenance. Last year she made $96. She has been receiving a pension of $12 a month. Her husband performed active service for this Government fifty-seven years. During the last half dozen years of his life his health rapidly declined, so that he required very great personal care, and large expense was incurred in caring for him. He could not get a pension because he did not die of disease contracted in the service, but he literally died of old age; the machine had worn out. His widow is absolutely penniless, dependent solely upon her needle, and is in broken health. She simply asks that she may have the same rate of pension that has been given to the widows of officers occupying the same line of command that her husband deservedly occupied in the service for fifty-seven years. [Cries of "Vote!" "Vote!"]

The bill was laid aside to be reported favorably to the House.

JOHN KEHL.

The next business on the Private Calendar was the bill (H. R. 1261) for the relief of John Kehl and to restore him to his former rating.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and instructed to restore the rating of John Kehl, late of Company D, Ninth Regiment of Wisconsin Volunteer Infantry, to the rate of $30 per month, as it was previous to July, 1893.

The report (by Mr. LAYTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1261) for the relief of John Kehl, having carefully considered the evidence on file with the case, report as follows:

John Kehl, private, Company D, Ninth Wisconsin Volunteer Infantry, enlisted April 22, 1861, and was discharged January 30, 1866, after serving more than four years and nine months. June 30, 1886, he filed a declaration alleging rheumatism contracted in the service, established it by both medical and lay testimony, and on February 25, 1888, was granted a pension at $8 per month for rheumatism and resulting disease of heart. He was increased to $30 per month from May 29, 1888, for rheumatism and resulting disease of heart, and resulting locomotor ataxia. On April 8, 1892, a reissue was made to reduce his pension to $8 per month for rheumatism and resulting disease of heart and to drop locomotor ataxia, which was said by the medical referee to have been erroneously accepted as the result of rheumatism. A slip of the medical referee, attached to the Pension Office brief of the case, says:

"The medical certificates show clearly that syphilis is the principal if not the sole factor in this man's disability, and that all doubts are amply covered by the allowance of $8 per month."

The assumption of the medical referee that the locomotor ataxia was due to syphilis and not to causes arising in the service seems to be completely overthrown by the report of a medical examination made May 9, 1894, by the board of United States surgeons at Cincinnati, Ohio. The examination was made under special instructions from the Pension Office to determine whether syphilis was the cause of locomotor ataxia, and concludes as follows:

"In spite of the most painstaking examination, according to special instructions, we can not find any evidence of syphilis on skull, hair, skin, tibia, or other bones, mucous membrane, brain, heart, lungs, or other viscera and glands. It is the unanimous opinion of this board that claimant's locomotor ataxia is the result of exposure to wet and cold and rheumatism, not of syphilis. Wholly disabled for manual labor * * * needs the regular and constant personal aid and attention of another person."

Your committee are of the opinion that the evidence shows conclusively that claimant's helpless condition is not due to his own vicious habits, but is due to the cause which has once been admitted by the Pension Office, and they therefore recommend that the bill do pass.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported favorably to the House?

Mr. TALBERT. Mr. Chairman——

Mr. BROMWELL. Mr. Chairman, I think I can satisfy the gentleman from South Carolina [Mr. TALBERT] as to the merits of this case. This is the claim of a private soldier—just the sort of claim that this committee has been wanting to get hold of all this evening. [Laughter.] I want to say also that I have not been afflicted, as members of the House are aware, with the mouth disease, and therefore I shall take but one or two minutes to explain this case.

As the report shows, the pension originally allowed to this claimant was $8 a month. Upon an application for an increase he was reexamined and the pension was increased to $30 per month on May 29, 1888, for rheumatism and resulting disease of heart and resulting locomotor ataxia. In April, 1892, the pension was reduced to $8 per month——

Mr. TALBERT. Is that the amount he is now receiving?

Mr. BROMWELL. Yes, sir; it was reduced to this amount on the ground that his disability was due to his own vicious habits—was the result of syphilis. In thus reducing his pension a mistake was made in this way: When he was asked whether he had ever suffered from syphilis, he misunderstood the question by reason of his deafness; and supposing the examining surgeon had asked him whether he had ever had erysipelas, he replied that he had. As a matter of fact, he never had syphilitic disease. In 1894 a careful reexamination was made by the board of surgeons, and it was found there was no evidence that the man had ever had syphilis; there was nothing to indicate any of the results of that disease; and the board gave it as their unanimous opinion that the claimant's locomotor ataxia is the result of exposure to wet and cold and rheumatism—not syphilis.

This man is wholly incapacitated for the performance of manual labor. He needs regularly and constantly the attention of another person. I know him, and I know this is a worthy case.

Mr. TALBERT. I am opposed to increasing the pension in this case. I think a pension of $8 a month is sufficient.

Mr. BROMWELL. Under the general law this man would be entitled to $30.

Mr. TALBERT. I understand he is now drawing $8 a month. It seems to me that the testimony is exceedingly conflicting, and there seems to be something irregular about this matter.

Now, I am not disposed to do any injustice if I know it to any applicant here, but it seems to me that after he went before the special board of examiners authorized by the Pension Bureau and it was found that the statements made were entirely incorrect, and then goes outside and employs another board, and comes in and makes a contradictory statement in regard to his condition, that we should not allow an increase on such a flimsy pretext.

Mr. BROMWELL. Will the gentleman allow me just a single word of correction?

Mr. TALBERT. Certainly.

Mr. BROMWELL. I do not think the gentleman understood my explanation in regard to the bill. I find it was not understood by gentlemen just behind me.

Mr. TALBERT. Very well; I would be very glad if the gentleman would repeat the statement in my time, and I will hold the floor.

Mr. BROMWELL. This claimant was asked if he had syphilis, and understood the question to be whether he ever had erysipelas. He replied that he had had erysipelas, and did not discover his mistake until he found that his pension had been reduced, for the board, on the strength of his own statement, reported that his disabilities were of syphilitic origin, and then, for the first time, he discovered the mistake he had made in answering the inquiry.

Mr. TALBERT. I understood that statement very well, but that does not explain the matter. I understand that the first board of examiners were the regularly authorized board, appointed by the Bureau——

Mr. BROMWELL. And so was the last one. They had the same authority as the first.

Mr. TALBERT. And they show exactly what the facts were in the case. Then he goes before another board, and a suggestion had been made to him by somebody, or somebody else, that he change the name of some of these things. Just like in the discussion the other day, when I wanted to ask the gentleman from Kansas [Mr. BLUE], who was speaking of the drunkenness of the governor of the Leavenworth Home, General Smith—I wanted to ask him what constituted, in his opinion, drunkenness. Some men have different opinions about that. Some of them will not admit that they are drunk as long as they can stand on a 10-acre field. Some men call it one thing and some another. Some say when they are drunk that it is not drunkenness that is the trouble, but they call it sickness; and I wanted to suggest that possibly this distinguished gentleman, when he got out of his buggy, as we were informed, and had to hold on by the wheels, that he might claim that he was feeling badly, that he was suffering, that he was sick, but not drunk.

I want to say that much in palliation of the gentleman's condition: and possibly when he dragged himself along up the steps to his door—I say possibly—the poor old fellow might claim that he was not drunk then either, but still sick. But here comes a man who has gone before a regular board of pension examiners, a board of physicians, who find he is not entitled to any more than $8 a month; that he has locomotor ataxia, or something else, I do not know what it is—I do not know what it means and I do not care—but he knew he could not get a pension beyond the amount that he is now drawing until somebody put it into his head to say he misunderstood a question propounded to him and gave the disease the wrong name.

I submit, Mr. Chairman, that no such testimony as that ought to operate on a member of this House or on the Congress of the United States in granting a pension to any old soldier or anybody else. And the evidence shows just that state of things. The outside evidence explains it, and a gentleman, a distinguished member of this body, who sits just in front of me, who has looked over the whole matter and understands the case, suggested to me that that is just what it is; that it is only a change of name. That is all.

I am unwilling, if I can prevent it, to see the pension increased in this case over $8 a month. I think that is enough. I do not think there is any justification or any ground whatever for increasing the pension beyond that. I see no reason for paying any attention to a claim that comes in here under an assumed name, and asks us to jump it right up to $30 a month. I do not think we ought to allow such a rating of disability in this case. Why, that is even worse than the man who comes in, as we had a case some time ago, and produces testimony to show that he went beyond death six-eighteenths. [Laughter.] It grows worse and worse.

Mr. AVERY. Will the gentleman yield for a question?

Mr. TALBERT. Certainly.

Mr. AVERY. On what theory would you give this man $8 a month if the disease that he suffers from is the result of syphilis? Why give him $8 or give him anything?

Mr. TALBERT. Well, he had some disease; there is no doubt of that. He had rheumatism, and had sufficient disability to entitle him to $8 a month, and the board recommended that. He was drawing it, but was not satisfied, and wanted to get a higher rate for the disability, and rob and plunder the Treasury, as a good many others are trying to do all the time. I say I am not willing to consent to it myself, and such a pension can not pass the House if I am able to prevent it.

The CHAIRMAN. The hour has arrived when the committee must rise in pursuance to the rule.

The committee accordingly rose; and Mr. LACEY having resumed the chair as Speaker pro tempore, Mr. HEPBURN reported that the Committee of the Whole House, having had under consideration business on the Private Calendar, under the special rule, had directed him to report to the House sundry bills with various recommendations.

And then, the hour of 10 o'clock and 30 minutes p. m. having arrived, the Speaker pro tempore declared the House adjourned, under the rule, until 12 o'clock to-morrow, Saturday.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LACEY, from the Committee on the Public Lands, submitted a report (No. 1113, part 2) recommending certain amendments to the bill (H. R. 7945) to provide for the entry of lands in Greer County, Okla., to give preference rights to settlers, and for other purposes—heretofore referred to the Committee of the Whole House on the state of the Union and now pending therein.

Mr. CORLISS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 656) appropriating $75,000 for the construction of a light-house tender for the Gulf coast of Florida, reported the same without amendment, accompanied by a report (No. 1337); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 738) authorizing the establishment of a pierhead light at or near South Milwaukee, in the State of Wisconsin, reported the same without amendment, accompanied by a report (No. 1338); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 1820) for the establishment of a light-house and fog signal at or near Point Arguello, California, reported the same without amendment, accompanied by a report (No. 1339); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PARKER, from the Committee on Military Affairs, to which was referred House bill No. 351, reported in lieu thereof a bill (H. R. 8261) to purchase and inclose the sites, or portions thereof, of certain forts, battlefields, and other ground containing the graves of American soldiers, sailors, and marines, in the Maumee Valley, accompanied by a report (No. 1344); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HUTCHESON, from the Committee on Claims, to which was referred the bill of the Senate (S. 101) to authorize the Secretary of the Treasury to settle the mutual account between the United States and the State of Florida, heretofore examined and stated by said Secretary under the authority of the Congress, and for other purposes, reported the same without amendment, accompanied by a report (No. 1351); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HILBORN, from the Committee on Naval Affairs, to which was referred House bill No. 5108, reported in lieu thereof the bill (H. R. 8262) authorizing and directing the Secretary of the Navy to furnish condemned cannon to certain Grand Army posts, a monument association, and army post, accompanied by a report (No. 1352); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 1353) to revive and reenact the act entitled "An act to authorize the building of a railroad bridge at Little Rock, Ark.," approved March 2, 1891, reported the same without amendment, accompanied by a report (No. 1353); which said bill and report were referred to the House Calendar.

Mr. McRAE, from the Committee on the Public Lands, to which was referred House bill No. 881, reported in lieu thereof the bill (H. R. 8270) for the relief of persons who entered lands and paid a price in excess of the price fixed by law, accompanied by a report (No. 1354); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (S. 1303) granting an increase of pension to Charles F. Holly. (Report No. 1323.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions:

The bill (S. 1523) granting a pension to Benjamin F. Bell. (Report No. 1324.)

The bill (S. 737) granting a pension to James Richardson. (Report No. 1325.)

By Mr. ERDMAN, from the Committee on Invalid Pensions: The bill (H. R. 7490) to pension Mary Elizabeth Hieskell, widow of the late Pay Director H. M. Hieskell, on the pension rolls. (Report No. 1326.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (S. 1036) granting a pension to Rebecca E. Kutz. (Report No. 1327.)

By Mr. LAYTON, from the Committee on Invalid Pensions:

The bill (S. 1414) granting a pension to Emma Brough Gerard. (Report No. 1328.)

The bill (S. 2514) granting an increase of pension to Mrs. Annie E. Colwell. (Report No. 1329.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 6293) to increase the pension of Peter Rafferty. (Report No. 1330.)

By Mr. POOLE, from the Committee on Invalid Pensions:

The bill (H. R. 7648) granting a pension to Charles Harrington (insane), late sergeant Company F, Eleventh Regiment New York Volunteers. (Report No. 1331.)

The bill (H. R. 5949) granting a pension to Emily J. Miller, blind and helpless child of Robert B. Miller, deceased, late of Company C, One hundred and ninth New York Volunteer Infantry. (Report No. 1332.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions:

The bill (H. R. 6268) to increase the pension of William U. Wells. (Report No. 1333.)

The bill (S. 146) granting an increase of pension to Samuel C. Towne. (Report No. 1334.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 1168) to increase the pension of Josiah P. Hill, late Company F, Eighty-first Regiment of Illinois Volunteers in the war of the rebellion. (Report No. 1335.)

By Mr. GRIFFIN, from the Committee on Military Affairs: The bill (H. R. 4392) for the relief of Edward C. Parsons. (Report No. 1336.)

By Mr. TRACEY, from the Committee on Military Affairs:

The bill (H. R. 6143) for the relief of Peter Young. (Report No. 1340.)

The bill (H. R. 2463) to remove the charge of desertion standing against Michael F. Newell. (Report No. 1341.)

The bill (H. R. 5499) for the relief of Patrick Clabby. (Report No. 1342.)

By Mr. PARKER, from the Committee on Military Affairs, the bill (H. R. 514) to remove the charge of desertion from the military record of Wear Crawford. (Report No. 1343.)

By Mr. PUGH, from the Committee on War Claims:

The resolution (House No. 255) to refer the bill (H. R. 6296) for the relief of H. W. Rookwood and all of the accompanying papers to the Court of Claims, reported in lieu of House bill No. 6296. (Report No. 1346.)

The resolution (House No. 256) to refer the bill (H. R. 5878) for the relief of the heirs of Silas Burke, deceased, late of Fairfax County, Va., together with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 5878. (Report No. 1347.)

The resolution (House Res. No. 257) to refer the bill (H. R. 561) for the relief of the estate of Jane Taylor, deceased, late of Fairfax County, Va., together with all accompanying papers, to the Court of Claims, reported in lieu House bill No. 561. (Report No. 1348.)

By Mr. LESTER, from the Committee on War Claims: The resolution (House Res. No. 258) to refer the bill (H. R. 1900) for the relief of Mary E. Hughes, heir of D. L. Pritchard, deceased, with all of the accompanying papers, to the Court of Claims, reported in lieu House bill No. 1900. (Report No. 1349.)

By Mr. WOODARD, from the Committee on Claims: The bill (H. R. 3675) for the relief of representatives of John W. Branham. (Report No. 1350.)

By Mr. DENNY, from the Committee on Claims: The bill (H. R. 1935) for the relief of Irwin Tucker, postmaster at Newport News, Va. (Report No. 1355.)

By Mr. MEYER, from the Committee on Naval Affairs:

The bill (S. 129) for the relief of Capt. George H. Perkins. (Report No. 1356.)

The bill (S. 641) to promote Commodore Louis C. Sartori, now on the retired list of the Navy, to be a rear-admiral on said list, in accordance with his original position on the Navy Register. (Report No. 1357.)

The bill (S. 642) for the relief of Commodore Oscar C. Badger. (Report No. 1358.)

ADVERSE REPORT.

Under clause 2 of Rule XIII, an adverse report was delivered to the Clerk and laid on the table as follows:

By Mr. PARKER, from the Committee on Military Affairs, the bill (H. R. 2723) granting an honorable discharge to James Coughlin, of North Topeka, Kans. (Report No. 1345.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JOHNSON of California: A bill (H. R. 8263) to provide money for the construction and building of the N. W. Mahaffey submarine torpedo boat and to authorize the Secretary of the Navy to contract for the building thereof—to the Committee on Naval Affairs.

By Mr. WOODMAN: A bill (H. R. 8264) to amend section 3394 of the Revised Statutes of the United States—to the Committee on Ways and Means.

By Mr. MILNES: A bill (H. R. 8265) donating one cannon and five cannon balls to Loomis Post, No. 2, Quincy, Mich.—to the Committee on Naval Affairs.

By Mr. WILLIAM A. STONE: A bill (H. R. 8266) donating two condemned cannon to Custer Post, No. 38, Grand Army of the Republic, of Etna, Pa.; and two condemned cannon to James G. Clark Post, No. 162, Grand Army of the Republic, of Allegheny, Pa.—to the Committee on Naval Affairs.

By Mr. WILLIS: A bill (H. R. 8267) donating condemned mounted cannon to the National Guard of Delaware—to the Committee on Naval Affairs.

By Mr. CANNON: A bill (H. R. 8268) granting condemned cannon, carriages, and balls to Kenesaw Post, Grand Army of the Republic, of Danville, Ill., for monumental purposes—to the Committee on Naval Affairs.

By Mr. CATRON: A bill (H. R. 8272) to create the sixth judicial district in the Territory of New Mexico, the appointment of an additional associate justice of the supreme court of the Territory of New Mexico, and for other purposes—to the Committee on the Judiciary.

By Mr. DALZELL: A bill (H. R. 8269) donating condemned cannon to Colonel John M. Patterson Post, No. 131, Grand Army of the Republic—to the Committee on Naval Affairs.

By Mr. PICKLER: A bill (H. R. 8271) relating to pensions—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 8289) for the establishment of range lights on Coos Bay, in the State of Oregon—to the Committee on Interstate and Foreign Commerce.

By Mr. HARDY: A bill (H. R. 8290) to authorize the President of the United States to appoint and confer the rank of lieutenant of the junior class upon the instructor of swordsmanship at the United States Naval Academy—to the Committee on Naval Affairs.

By Mr. TURNER of Virginia: Joint resolution (H. Res. 174) granting permission to the circuit and county courts in Rockingham County, Va., to occupy the Federal court room in Harrisonburg, Va.—to the Cammittee on the Judiciary.

By Mr. WALKER of Massachusetts: Memorial of the general court of Massachusetts, relative to the extermination of the gypsy moth—to the Committee on Agriculture.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 8248) to increase the pension of Mrs. Emily E. Cash, and the same was referred to the Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ACHESON: A bill (H. R. 8273) to amend the military record of Sidney M. Davis, late a private in Troop F, Sixth Regiment of Cavalry, Army of the United States—to the Committee on Military Affairs.

Also, a bill (H. R. 8274) for the relief of Sidney M. Davis, late a private in Troop F, Sixth Regiment of Cavalry, Army of the United States—to the Committee on War Claims.

By Mr. BROSIUS: A bill (H. R. 8275) to remove the charge of desertion standing against Philip Beidle—to the Committee on Military Affairs.

By Mr. COFFIN: A bill (H. R. 8276) granting a pension to Caroline Little—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 8277) for the relief of John D. Hudelson—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 8278) to restore Margaret Barney, widow of Herman Fenskey, to the pension roll—to the Committee on Invalid Pensions.

By Mr. HADLEY: A bill (H. R. 8279) for the relief of Eugenia A. Helston—to the Committee on War Claims.

By Mr. LINTON: A bill (H. R. 8280) amending the military record of Frank Paul—to the Committee on Military Affairs.

By Mr. PAYNE: A bill (H. R. 8281) granting a pension to Phœbe A. Leonard—to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 8282) to pension Mrs. Adelaide A. Ayot, widow of Alexis Ayot—to the Committee on Pensions.

By Mr. RAY: A bill (H. R. 8283) for the relief of Wesley Van Over, late Company C, One hundred and ninth New York Volunteers, and Company G, Eighth Pennsylvania Cavalry—to the Committee on Military Affairs.

By Mr. SORG: A bill (H. R. 8284) authorizing the Secretary of the Treasury to pay the sum of $400 to The Brownell Company, Dayton, Ohio, on account of penalty erroneously imposed by the Light-House Board—to the Committee on Claims.

By Mr. SPARKMAN: A bill (H. R. 8285) for the relief of Fernando J. Moreno, late marshal for the southern district of Florida—to the Committee on Claims.

By Mr. TRELOAR: A bill (H. R. 8286) for the relief of Peter Meyers, Jacob R. Hiller, and William Brandle, bondsmen of the Steelville Distilling Company, and J. M. Key, its successor—to the Committee on Claims.

By Mr. TYLER: A bill (H. R. 8287) to remove the charge of desertion standing against James McGreevey—to the Committee on Military Affairs.

By Mr. HENDRICK: A bill (H. R. 8288) granting a pension to Rachel Hurley—to the Committee on Pensions.

By Mr. ERDMAN: A bill (H. R. 8291) granting increase of pension to Daniel Whitman—to the Committee on Invalid Pensions.

By Mr. ARNOLD of Pennsylvania: A bill (H. R. 8292) granting a pension to Edward Whitling, late a private of Company E, Twenty-eighth Regiment Pennsylvania Volunteers—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Richard A. McClean and other old soldiers of Uniontown, Pa., who have each lost a limb in the war of the rebellion, for the passage of a bill to readjust the pensions of those who have lost limbs in the Union Army—to the Committee on Invalid Pensions.

Also, resolutions of Lodge No. 321, Brotherhood of Railroad Trainmen, of McKees Rocks, Pa., indorsing the Erdman arbitration bill and the Phillips nonpartisan commission bill—to the Committee on Labor.

By Mr. ARNOLD of Pennsylvania: Petition of Amos Kiser Post, No. 475, Grand Army of the Republic, Department of Pennsylvania, and citizens of Shippenville, Pa., and vicinity, to accompany House bill No. 8241, granting a pension to Albert J. Goble, late a private of Company H, Eighth Pennsylvania Reserve Volunteer Corps—to the Committee on Invalid Pensions.

By Mr. BOWERS: Petition of 84 citizens of San Bernardino, Cal., for the restoration of forest reservations to the public domain—to the Committee on the Public Lands.

Also, petition of 42 citizens of Coalinga, Cal., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. COBB of Missouri: Papers to accompany House bill No. 5678, being amendments suggested to said bill by Rev. Fred H. Wines and George R. Lockwood, in regard to paroling United States convicts—to the Committee on the Judiciary.

By Mr. COFFIN: Papers to accompany bill for the relief of Caroline Little—to the Committee on Invalid Pensions.

By Mr. CONNOLLY: Petition of Spooner Post, No. 294, Argenta, Ill., for the enactment of a service-pension law—to the Committee on Invalid Pensions.

By Mr. COOK of Wisconsin: Petition of H. J. Yapp, president, and Sarah L. McMillen, secretary, of Oshkosh, Wis., representing the Winnebago Christian Endeavor Union, of Wisconsin, 1,500 members, favoring Sunday-rest law for the District of Columbia equal to the most efficient State Sunday law; to raise the age of consent to 18 in the District of Columbia and in the Territories, and to prevent interstate gambling by telegraph, and for other purposes—to the Committee on the District of Columbia.

By Mr. DALZELL: Petition of sundry citizens of the Twenty-second Congressional district of Pennsylvania, in favor of the passage of a bill for the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. DOLLIVER: Petition of citizens of What Cheer, Iowa, urging the passage of House bill No. 4709, for revenue, for a more equitable distribution of wealth by discouraging vast accumulations in a few hands, and as a recompense for its fostering protection, which has made the accumulation of vast private fortunes possible—to the Committee on Ways and Means.

By Mr. FAIRCHILD: Petition and remonstrance of 209 citizens of Peekskill, Sing Sing, and vicinity, State of New York, protesting against the statue of Marquette remaining in Statuary Hall—to the Committee on the Library.

By Mr. GILLETT of Massachusetts: Petition of professors in Smith College, Northampton, Mass., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. HART: Petition of 58 citizens of Carbon County, Pa., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HENDERSON: Petition of M. P. Messinger and 61 others; also of L. L. Brooks and 72 other citizens of Blackhawk County, Iowa, praying for the enactment of a law to prohibit railroads from using cars without extension or adjustable roof or some method to close the space between the roofs of cars to prevent persons falling between them—to the Committee on Interstate and Foreign Commerce.

By Mr. HERMANN: Petition of citizens of Oregon, asking for the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty to equalize the benefits and burdens of the protective system—to the Committee on Ways and Means.

Also, petition of citizens of Oregon, in favor of the speedy construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. KULP: Protest and resolution of Washington Camp, No. 105, Patriotic Order Sons of America, of Berwick, Pa., composed of 370 members, protesting against the statue of Père Marquette remaining in the Capitol of the United States—to the Committee on the Library.

By Mr. LAYTON: Resolutions of the Fort Recovery Monumental Association, Fort Recovery; I. O. O. F. Lodge No. 458; Harrod-McDaniel Post, No. 161, Grand Army of the Republic; Fort Recovery Lodge, No. 539, F. A. A. M., and 484 citizens of western Ohio, urging Congress to consider and pass at an early day House bill No. 1437, providing for the erection of a monument at Fort Recovery, Ohio, in memory of General St. Clair and 900 American soldiers who lost their lives in battle with the Indians, known as St. Clair's defeat, at Fort Recovery, in 1791—to the Committee on the Library.

By Mr. LOUD: Petition of citizens of San Mateo County, Cal., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export duty—to the Committee on Ways and Means.

Also, petition of M. E. and C. L. Cramer, publishers, protesting against the passage of bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Ponk Manufacturing Company, of Chicago, Ill., for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent postage per half ounce, and to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the board of supervisors of Santa Clara County, Cal., favoring liberal expenditure of money for various improvements in the harbor of San Francisco, Cal.—to the Committee on Rivers and Harbors.

By Mr. McCLEARY of Minnesota: Resolutions of the Minneapolis (Minn.) Jobbers and Manufacturers' Association, in favor of a national bankruptcy law—to the Committee on the Judiciary.

Also, resolutions of the Minneapolis (Minn.) Jobbers and Manufacturers' Association, in favor of sundry bills for the improvement of the postal service—to the Committee on the Post-Office and Post Roads.

By Mr. OTJEN: Protest of Henry Smith and 19 other citizens of Milwaukee, Wis., against the constitutional amendment relating to God in civil government, etc.—to the Committee on the Judiciary.

By Mr. SORG: Petition of Shining Light Council, No. 93, Order United American Mechanics, of Middletown, Ohio; also of J. E. Parent, J. W. Poling, and others, of Butler County, Ohio, favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. TRACEY: Papers to accompany House bill No. 7463, for the relief of Thomas Mathias—to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 18, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. CANNON, from the Committee on Appropriations, reported a bill (H. R. 8293) making appropriations to supply deficiencies for the fiscal year ending June 30, 1896, and for prior years, and for other purposes; which was read a first and second time, and, with the accompanying report, ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON. I believe it is usual to reserve points of order against this bill, and I desire to reserve all points of order.

Mr. CANNON. I desire to give notice, Mr. Speaker, that at the earliest practicable moment I shall ask the House to consider the bill.

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON] reserves all points of order.

NAVAL TRAINING STATION, SAN FRANCISCO, CAL.

Mr. HILBORN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 744) providing for a naval training station on the island of Yerba Buena (or Goat Island), in the harbor of San Francisco, Cal., and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to establish a training station for naval apprentices on the island of Yerba Buena (or Goat Island), in the harbor of San Francisco, Cal.; and said Secretary is authorized to designate two officers of the Navy, and the Secretary of War is authorized to designate one officer of the Army, said three officers to constitute a board, who shall select and assign so much of said island as may be necessary for the purpose of establishing said naval training station; and the site so selected, when approved by the President, shall be, by virtue of this act, transferred to the Navy Department for the purposes of said naval training station.

SEC. 2. That all apprentices of the Navy, whether at a training station or on board an apprentice training ship, shall be additional to the number of enlisted persons allowed by law for the Navy.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON. I should like to have some explanation of the bill.

Mr. HILBORN. The report will give a sufficient explanation.

The SPEAKER. Does the gentleman from Tennessee object, or reserve the right to object?

Mr. RICHARDSON. I simply ask to have some explanation of the bill. If the gentleman desires to have the report read, that may be done, or the gentleman can make an explanation.

Mr. HILBORN. The report is short.

The report (by Mr. HILBORN) was read, as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 744) providing for a naval training station on the island of Yerba Buena (or Goat Island), in the harbor of San Francisco, Cal., and for other purposes, having had the same under consideration, beg leave to report the same back with a recommendation that it do pass.

The committee adopt as its report the Senate Report No. 100, Fifty-fourth

Congress, first session, made by the Senate Committee on Naval Affairs, namely:

"The committee recommend the passage of the bill in its new draft. There is need at the present time of increased efforts to educate the boys of the country to become seamen of the Navy. They can be enlisted between the ages of 16 and 18 to serve until they arrive at the age of 21 years, not, however, without the consent of their parents or guardians. They can be trained partly on the shore and partly in the practice ships, and the good effects of the system have been made apparent by many years of experience. Much real benefit is derived from the boys while they are undergoing their apprenticeship, and later when they enlist, as most of them do, as seamen, they make the best possible recruits for the Navy.

"The establishment at Coasters Harbor Island, in Narragansett Bay, of a training station has been fruitful of good results. A similar establishment is needed upon the Pacific Coast, and unless it is provided no apprentices can be enlisted on that coast. This impossibility works injustice to the boys there who desire to enlist, and is injurious to the Government, which needs to train and utilize them as it does boys upon the other coasts of the country. There is ample room for the Pacific home station upon Goat Island, near San Francisco, and the Navy Department will have no difficulty in providing a suitable training ship, so that the education and discipline of the boys will not be carried on too much on land, but may be conducted mainly upon the water. No possible objection can be conceived to the passage of the bill authorizing part of Goat Island to be taken for the buildings for the shore station, and transferring so much of the island as may be necessary to the control of the Navy Department for the purposes of the station.

"The bill contains a provision that the boys constituting the naval apprentices shall be an addition to the total number of seamen in the Navy allowed by law, and not be counted as a part thereof. The vessels of the new navy are requiring all the seamen now by law allowed, and indeed the number ought to be considerably increased in accordance with bills now pending in Congress with that end in view. To the present bill, therefore, is added a provision that all boys who may be enlisted as naval apprentices to serve until they are 21 shall be additional to the number of enlisted persons allowed by law for the Navy. This provision, unless previously made a law in some other bill, ought to remain and be adopted as a part of the present bill, as clearly appears from the letter of the Secretary of the Navy, dated January 13, 1896, and hereto annexed.

"NAVY DEPARTMENT,
"*Washington, January 13, 1896.*

"SIR: I herewith return to you the bill providing for a naval training station on the Island of Yerba Buena (or Goat Island), in the harbor of San Francisco, Cal., and for other purposes, together with my opinion, as requested.

"The establishment of a training station for naval apprentices at San Francisco, Cal., would undoubtedly benefit the naval service and would greatly assist the Department in its efforts to have the enlisted force of the United States Navy composed entirely of American citizens. The proviso in Senate bill No. 744, 'That all apprentices of the Navy, while at a training station or on board of an apprentice training ship, shall be additional to the number of enlisted persons allowed by law for the Navy,' is absolutely necessary for the success of the apprentice system.

"There being now no United States merchant marine, the Navy is obliged to depend upon its apprentice system to supply it with seamen and petty officers, and it is therefore necessary that there shall be enlisted annually the full number of apprentices permitted by the law. The law now in force regarding the enlistment of apprentices authorizes 750 to be enlisted annually, provided the total number of enlisted persons, including apprentices, does not exceed 10,000.

"The demand for enlisted men for crews on the new vessels recently commissioned has forced the Department, during the past two years, to reduce the number of enlistments of apprentices, so that during the fiscal year ending June 30, 1894, only 561 apprentices were enlisted, and during the last fiscal year ending June 30, 1895, only 348 could be enlisted. Since November 16, 1895, it has been necessary to stop all enlistments for apprentices.

"Very respectfully,
"H. A. HERBERT, *Secretary.*

"Hon. J. DONALD CAMERON,
"*Chairman Committee on Naval Affairs, United States Senate.*"

Mr. HILBORN. The only purpose of the bill is to allow some of the 750 boys permitted to be enlisted in the Navy to be enlisted on the Pacific Coast. They are now all enlisted on the Atlantic Coast at one place. It is deemed advisable that some of them—such number as the Secretary of the Navy may see fit—should be enlisted on the Pacific Coast. There is no appropriation in the bill.

Mr. RICHARDSON. As I understood from the report, the Secretary of the Navy recommends and indorses this bill.

Mr. HILBORN. Yes; he recommends it.

The SPEAKER. Is there objection to the present consideration of the bill.

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HILBORN, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 5488) to provide for the incorporation and regulation of medical colleges in the District of Columbia; in which the concurrence of the House was requested.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to furnish to the House, in compliance with its request, a duplicate engrossed copy of the bill (S. 716) to correct the naval history of John C. Dull.

The message also announced that the Senate had passed the following bill; in which the concurrence of the House was requested:

A bill (S. 2389) for the relief of James and Emma S. Cameron for occupation and damages to property and for fuel taken and used by the United States Army during the war.

The message also announced that the Presiding Officer appointed Mr. PROCTOR as one of the conferees on the bill (S. 1247) "to establish and provide for the maintenance of a free public library and reading room in the District of Columbia," in place of Mr. HANSBROUGH.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and resolution were taken from the Speaker's table, and referred by the Speaker as follows:

A bill (S. 682) for the relief of the heirs of Sterling T. Austin, deceased—to the Committee on War Claims.

A bill (S. 1466) for the protection and preservation of the burial places of certain soldiers and sailors of the war of 1812, and for other purposes—to the Committee on Military Affairs.

A bill (S. 2289) for the relief of James and Emma S. Cameron for occupation and damages to property and for fuel taken and used by the United States Army during the war—to the Committee on War Claims.

Resolution—

Resolved, That the Secretary be directed to furnish to the House, in compliance with its request, a duplicate engrossed copy of the bill (S. 716) "to correct the naval history of John C. Dull"—

To the Committee on Naval Affairs.

S. W. MARSTON.

Mr. COBB of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 69) to authorize the Secretary of the Interior to settle the claims of the legal representatives of S. W. Marston, late United States Indian agent at Union Agency, Ind. T., for services and expenses.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to cause to be examined and audited the claims of the legal representatives of S. W. Marston, late United States Indian agent at Union Agency, Ind. T., for services rendered and expenses incurred by him in the months of July, August, September, and October, in the year 1878, which claims were transmitted to the office of Indian Affairs about November in said year, and to pay to his legal representatives whatever sum of money may be found to be justly due to him for such services and expenses, not exceeding in amount the sum of $448.10; and a sufficient sum of money to pay the amount so found to be due is hereby appropriated.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON. I think the gentleman ought to make some explanation.

Mr. COBB of Missouri. Mr. Speaker, the report states very explicitly the character of this bill, but it is hardly necessary to read it, I suppose. This was an Indian agency that had been abolished. The Secretary of the Interior ordered the agent to remain there to take care of the Government property until such time as they could settle everything. This is simply to pay for the services which he rendered to the Government after the agency was abolished, until the Government property could be removed. The Secretary of the Interior and the Commissioner of Indian Affairs both approve it, and say it is correct.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read the third time; and it was accordingly read the third time, and passed.

On motion of Mr. COBB of Missouri, a motion to reconsider the last vote was laid on the table.

ELBRIDGE M'FADDEN.

Mr. DINGLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5999) to correct the military record of Elbridge McFadden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized to correct the military record, remove the charge of desertion, and grant an honorable discharge to Elbridge McFadden, late of Company I, Thirty-eighth Regiment New York Volunteers.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. I should like to ask the gentleman if this bill has been considered at a Friday night session?

Mr. DINGLEY. No; it has not been. It is a bill to correct a military record. It comes from the Military Committee, and not from the Pensions Committee. There is no objectionable feature connected with it at all.

Mr. TALBERT. It is a bill that should properly come before the Friday night sessions. It is a bill to remove the charge of desertion, is it not?

Mr. DINGLEY. It is to correct a record, and although it stands nominally as such, yet as a matter of fact it is not anything of that kind. No pension is involved.

Mr. TALBERT. Is it merely to correct a military record, or to give him a pension?

Mr. DINGLEY. It is to correct the record of a man who would not be entitled to a pension anyway. I will say, if I may be allowed a moment, that this is to correct the military record of Elbridge McFadden, a soldier of a New York regiment, who en-

listed at the age of 19, served two years in the Peninsular campaign, was in all the battles of the Peninsular campaign from

ability contracted in the line of duty, and the case not coming within any of the other provisions of the act approved March, 2, 1889.

It appears that these facts are in the main corroborated by the subsequent

this class of claims. It seems to me that they ought to be brought up there and considered; and I submit this continually bringing in and asking unanimous consent for these outrageous claims ought to be stamped out.

endured and must endure for life. I have had the payment of rent and a chattel mortgage on all of our household goods extended until June. If not paid then I must lose all, and with my wife become a public charge. Mrs. Dunn has become entirely broken down in health with years of effort to keep me from the almshouse. If it is agreeable for you to defeat that amendment and

listed at the age of 19, served two years in the Peninsular campaign, was in all the battles of the Peninsular campaign from 1861 to the autumn of 1863—a gallant soldier. Then he received notice that he would be appointed as a captain in one of the colored brigades in which his brother was an officer, and after delay he obtained a furlough for the purpose of going to accept this new position, but on account of delay the expedition sailed before his arrival. He immediately left for his home, thinking he would there receive information, but he did not receive it, and while he was waiting for this he was taken down ill and was unable to return in season. The report says, without reading it in detail:

The facts in this case clearly justify the conclusion that in separating from his command, the Thirty-eighth New York Volunteers, the beneficiary was not actuated by any design or purpose to desert, but became separated therefrom by reason of proper orders and in conformity with a furlough for the purpose of uniting with Ullman's brigade.

It was not desertion, or an intent to desert, and the committee therefore thinks the charge ought to be removed. I may say that, being a strong man, and standing well among his neighbors, there is no ultimate intention of applying for a pension. It is simply to give him an honorable discharge.

Mr. LOUD. Mr. Speaker, I would like to ask the gentleman a question or two. He was a soldier who was seeking a commission as an officer?

Mr. DINGLEY. He sought none.

Mr. LOUD. He was supposed to be, no doubt, a man of ordinary intelligence.

Mr. DINGLEY. He was a boy of 19 years.

Mr. LOUD. Still he was supposed to be a man of ordinary intelligence?

Mr. DINGLEY. I take it for granted that he was.

Mr. LOUD. And he should have known that all he had to do was to report to his own regiment or to some other command during the war and secure his honorable discharge.

Mr. DINGLEY. All the facts have been laid before the committee, and they seem to justify not only this recommendation, but clearly to show that he served for two years and participated in all the battles in Virginia for two years; and having done so, that he should receive an honorable discharge.

Mr. LOUD. Why should we give a discharge to a man who was a deserter?

Mr. DINGLEY. I state the facts, and will not argue the matter.

Mr. LOUD. Here was a man competent to be an officer, supposed to be familiar with all the rules and regulations governing war service, and he ought to know that all he would have had to do would be to report to a hospital or to his own regiment and that he then could have received an honorable discharge.

Mr. DINGLEY. Does the gentleman remember that he was taken sick?

Mr. LOUD. Did he remain sick until after May, 1865?

Mr. DINGLEY. I can not say how long.

Mr. LOUD. I think that this is a cold case of desertion, as the gentleman will find if he makes a close examination of the matter. This man did not want to go back as a private.

Mr. DINGLEY. I think the circumstances do not warrant any such conclusion, nor did the committee reach such a conclusion. Certainly I would not ask to have a bill of this character considered except where justice required that the charge be removed.

Mr. OWENS. Reserving the right to object, I should like to hear the report of the committee.

The report (by Mr. GRIFFIN) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 5999) to correct the military record of Elbridge McFadden, having had the same under consideration, report thereon as follows:

It is shown by the records that E. McFadden (also borne as Elbridge McFadden), aged 19 years, was enrolled and mustered into service June 15, 1861, as a private in Company G, Fourth Maine Infantry Volunteers, to serve three years. He was transferred to Company I, Thirty-eighth New York Infantry Volunteers, September 23, 1861, and to Company E, same regiment, in October or November, 1862. He appears to have served faithfully until May 17, 1863, when he is reported as having deserted while on furlough; that no record has been found that he returned to his command or to military control; that in an application for an honorable discharge, involving removal of the charge of desertion, McFadden testified May 12, 1884, that on March 11, 1863, he received an appointment as second lieutenant in Ullman's brigade, and was ordered to report at headquarters in New York City; that he was not allowed to go until the officers had also received an order; that on April 11, 1863, he received a furlough to go to New York City, was furnished with his descriptive list, and told that he would be mustered out of service and commissioned as a second lieutenant; that when he arrived in the city he was told that the expedition had been gone four days.

The records show that Elbridge McFadden was ordered to report to Brigadier-General Ullman for assignment to his expedition and for appointment as an officer of United States colored troops, but nothing has been found showing that he was commissioned as such; that in a letter dated April 6, 1889, the soldier stated that he failed to report on March 11, 1863, because he had received an order from General Ullman to report to his headquarters in New York City, having received an appointment from Governor Coburn as a lieutenant in Ullman's brigade; that he was delayed by his officers until he procured a furlough; that when he arrived in New York City he found that the expedition under General Ullman had been gone four days, and that there was no one to whom he could report; that he did all in his power to get there, but that through somebody's blunder he was prevented from getting his commission; that the application for relief in this case has been repeatedly denied by the War Department, and now stands denied, the soldier not having been prevented from completing his term of enlistment by reason of disability contracted in the line of duty, and the case not coming within any of the other provisions of the act approved March, 2, 1889.

It appears that these facts are in the main corroborated by the subsequent affidavit of Orrin McFadden, now judge of probate of the county of Lincoln, in the State of Maine, and who became a lieutenant-colonel in the Eightieth Regiment United States Colored Troops, which formed a part of Ullman's brigade, and who is a brother of the beneficiary. Judge McFadden also states in such affidavit, made January 28, 1896, that he was himself appointed captain in the brigade of Gen. Daniel Ullman and given the privilege of nominating his second lieutenant, and accordingly nominated the beneficiary; that General Ullman's adjutant-general, upon being given the company and regiment in which Elbridge McFadden was serving, assured Capt. Orrin McFadden that the necessary orders would be forwarded to enable the beneficiary to join the brigade at 240 Broadway, New York, where the organization was then being perfected. Delay occurring, he again went to brigade headquarters to see about it and was informed that it was all right—that the order would be sent; that later Elbridge informed Captain McFadden that a blunder had been made in sending the order direct to Elbridge instead of to his commanding officers, and again Captain McFadden applied to General Ullman's adjutant and received the assurance that the matter should be straightened out, and afterwards that it had been straightened and that Elbridge would be right along; that on April 9 the brigade was ordered on board vessel for New Orleans and that Elbridge had not yet arrived.

Captain McFadden, believing that he would be there in a day or two, addressed a letter to Elbridge and deposited it in the post-office at New York, giving him directions such as he had received from General Ullman, to enable Elbridge to follow the command to New Orleans; that they were seven or eight days on passage to New Orleans, and on his arriving there he wrote home, but did not repeat the directions given in the letter to his brother which was deposited in the New York post-office, not doubting that such former letter had been received; that the siege of Port Hudson came on soon after, and that the mails were very slow between New Orleans and the North.

The beneficiary states in his affidavit, made on the 2d day of January, 1896, that upon receiving his furlough to enable him to go to New York to join Ullman's brigade, which occurred a month after the order had been received by him, he started for New York, but was delayed in Washington from Saturday until Monday to get four months' pay, and did not arrive in New York until April 13, 1863; that he promptly called at 200 Broadway, New York, but found the place closed; that he then went to the hotel where his brother, Captain McFadden, had boarded and learned that Ullman's brigade had sailed four days previously, but could learn nothing further; that he went to the post-office, believing that Captain McFadden had left a letter for him, but did not get one, and that the letter which his brother had written him he had no doubt had been put in the advertisement delivery, and that he, through ignorance, did not call there for it; that, being unable to learn anything, the beneficiary went home to Dresden, Me., thinking that his brother, the Captain, had perhaps sent the needed information there, but again he met with disappointment; that he regarded his furlough as a virtual discharge from the Thirty-eighth New York, and waited in Dresden, still expecting to receive the needed information, but that it did not come; that for several weeks previous to receiving the furlough he had been afflicted with chronic diarrhea, and was much enfeebled by the disease and considered that to go back to his company in Virginia would seem like going to his death, and so he waited day after day in the vain hope of receiving the information that would enable him to join Ullman's brigade, until so much time had elapsed that he feared punishment if he went back; that he was thoroughly discouraged, and went to Vermont and sought employment on a farm, and there remained until the war ended.

The facts in this case clearly justify the conclusion that in separating from his command, the Thirty-eighth New York Volunteers, the beneficiary was not actuated by any design or purpose to desert, but became separated therefrom by reason of proper orders and in conformity with a furlough for the purpose of uniting with Ullman's brigade; and it is equally clear that his failure so to do was due to circumstances over which he had no control, viz, the delay in the transmission of the order through the proper channels for his transfer to Ullman's brigade, and also that which occurred in procuring his furlough and the time consumed in making his journey to New York, in consequence of which he did not reach the latter city until after Ullman's brigade had departed. These circumstances absolutely refute any intention on his part up to this point to abandon the service or to desert the flag of his country.

His subsequent efforts to obtain information that would enable him to join the brigade to which he was assigned, as detailed in his affidavit and in a measure corroborated by the affidavit of Judge McFadden, also negative the idea of any present intention to desert; and he may well, without any such intention, have waited in expectation of receiving proper orders or instructions for joining the command until he became alarmed because of the consequence of his absence from the Thirty-eighth New York Regiment without having in the meantime joined Ullman's brigade, as was contemplated. According to his own statement he became discouraged, and then, impressed with the belief that if he returned to Virginia, where his command was, the affliction with which he states he was suffering, and in consequence of which he became enfeebled, might prove fatal, he became as a result somewhat demoralized, as young men of his age often did, and, without any willful intent to desert, went home and remained out of the service.

It is clear to your committee that the desertion in this case was due to a combination of unfortunate circumstances over which the beneficiary had no control. While he was the subject, he did not produce them, and hence, without any deliberate purpose to leave the service, his environments ultimately were such that he became a passive subject of those circumstances, and thus without active responsibility was placed in the position stated in the record. The high standing of the beneficiary as a citizen is vouched for by those of unquestioned reputation to whom he is personally known, and in view of the fact that his service in the Thirty-eighth New York Volunteers was honorable and creditable, having participated in the battles of Bull Run, Fredericksburg, and the Peninsula campaign, together with his youth and inexperience, having been but 19 years of age when he enlisted in 1861, your committee believe that he should not be held to that strict accountability which would justify a refusal to grant his request, and therefore recommend the passage of the bill.

During the reading.

Mr. OWENS. I withdraw the demand for the reading of the report. I am satisfied.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on the engrossment and third reading of the bill.

Mr. TALBERT. Mr. Speaker, I desire to say a word or two in regard to the passage of this bill if it is in order.

The SPEAKER. It is in order.

Mr. TALBERT. I have taken the position heretofore that these matters ought to come up regularly and be considered at the regular Friday night sessions, at times that are specially devoted to

this class of claims. It seems to me that they ought to be brought up there and considered; and I submit this continually bringing in and asking unanimous consent for these outrageous claims ought to be stamped out.

The SPEAKER. The gentleman will please suspend. The House must be in order. It is impossible to hear what the gentleman says.

Mr. TALBERT. I think it is wrong to continually press such claims as this for unanimous consent when so much time is given on Friday afternoons and Friday evenings for these special claims. I submit that, while not objecting now to the claim itself, I do not want to be put in a wrong position; and then, in the second place, I can not understand why it is gentlemen will continually bring in here and urge the claims of deserters, to remove the charge of desertion, when there are so many other claims of brave and gallant soldiers who stood by their arms from the beginning to the end of the war, and we hear very little of those claims being urged before this House. Let justice be first done where deserving.

Now, sir, while I am upon that subject, I desire to have a letter read from an old soldier, only to call attention to these things. I do not know him. It is strange his claim has not been brought up here instead of this one and unanimous consent asked for its consideration, in preference to cases of deserters. I am tired of hearing these claims for deserters and bummers, and I think also that these cases ought to all be considered at the Friday night sessions.

Mr. PITNEY. Will the gentleman yield to me for a question?

Mr. TALBERT. Certainly.

Mr. PITNEY. I will ask the gentleman if, in the Friday night session last night, he did not raise the point of order against a bill of this character, that it must be considered in the House and not at the Friday night session?

Mr. TALBERT. Not in this class of cases. This class of cases properly come up on the Friday evening sessions.

Mr. PITNEY. It was a bill removing the charge of desertion.

Mr. TALBERT. What is the case?

Mr. PITNEY. The gentleman talks so much on the Friday night sessions that he does not remember it. I call his attention to the RECORD of yesterday, page 4127. A bill to remove the charge of desertion from the military record of Peter Fleming was reached on the Calendar, and Mr. TALBERT said:

Mr. Chairman, I ask that that bill be passed over for to-night.

The CHAIRMAN. Does the gentleman make a point of order against the bill?

Mr. TALBERT. Yes, sir; I do not think this bill properly comes up for consideration under the special order.

Mr. TALBERT. That was something in regard to the sentence of a court-martial. That was a case to correct the record, and I made that point of order; and as I was informed that it was an exceptional case, I withdrew my objection. The gentleman from Ohio [Mr. TAYLER] came up and said that this old fellow had lost both his feet, and that he was taken or would be taken to the Soldiers' Home to be taken care of without a pension; and I said, "Mr. Chairman, I will withdraw my objection, notwithstanding the case should not come up at a Friday night session." Now, this man, I understand, is a young man who deserted, and has both feet and both hands; and I submit it is wrong to continue to press such cases when you have more meritorious cases that have not been considered. I ask that the Clerk read that letter, which has a bearing on what I have to say; and I desire to say that I feel it to be my duty to protect the great mass of the people from the burden of being taxed to pay such claims.

Mr. STEWART of New Jersey. I object to the reading of that letter.

Mr. DINGLEY. If the gentleman from South Carolina asks to have it read as a part of his remarks, of course that is in order.

Mr. TALBERT. I will read it myself, in my own time.

Mr. DINGLEY. As that letter refers to another matter, will not the gentleman have the kindness to take some other time for having it read?

Mr. TALBERT. Mr. Speaker, I submit that I have a right to have that letter read, and I appeal to the Speaker to decide it.

The SPEAKER. The gentleman has that right.

Mr. TALBERT. I ask the Clerk to read the letter. I submit that I like to see fairness and justice on this floor, as I intend to be fair and just to everybody here. That letter came to me only this morning. I do not know the old soldier who wrote it; possibly somebody here may recognize him when the letter is read; perhaps the gentleman from Pennsylvania [Mr. GROW] may know something about him. The letter speaks for itself.

The Clerk read the letter, as follows:

ELIZABETH CITY, N. C., *April 17.*

DEAR SIR: As an ex-Union soldier in great distress, I take the liberty to address you. My record before the committee will show that I done my "duty at the front." A bill, No. 321, has passed the Senate for my increase of pension. I will most respectfully call your attention to the unjust amendment made by the committee. After being fully convinced that I am in my present helpless condition, and "that this condition is directly traceable to the wound received in 1862 there can be no doubt"—and then, without assigning any reason for it, reduce me to $30 per month, when every board of surgeons have rated me at $72. Had they given me $100 it would have been more patriotic and more like equity for the long suffering that I have endured and must endure for life. I have had the payment of rent and a chattel mortgage on all of our household goods extended until June. If not paid then I must lose all, and with my wife become a public charge. Mrs. Dunn has become entirely broken down in health with years of effort to keep me from the almshouse. If it is agreeable for you to defeat that amendment and get for me what you consider my case merits without jeopardizing or causing any material delay, I certainly will appreciate your kindness. I have written Hon. GALUSHA A. GROW relative to the matter, but do not know what action he will take.

Yours, fraternally, JAMES W. DUNN,
Company E, Ninety-third Pennsylvania Volunteers.

Hon. W. JASPER TALBERT, *Washington, D. C.*

Mr. TALBERT. That letter speaks for itself, and I think it is a sad commentary upon the pretended desire of the Republican party to do justice to the old soldiers that they have to appeal to me, a representative from the South, and a Democrat, to seek justice for them [laughter]; but I will, am willing and glad to do it; at the same time to do justice to my own people at home by opposing unjust legislation. It is on behalf of men like the writer of that letter that I raise my voice here against the constant bringing in of these bills to remove charges of desertion from men who were not soldiers, who always had their backs to the enemy—"bummers" and "coffee coolers"—and I put this House upon notice now that I shall object to the passage of all bills of that character that have not first been considered at a Friday night session. I shall do this in no factional spirit, but upon principle and justice and right.

Mr. DINGLEY. Mr. Speaker, I have simply to say that in this case the soldier served over two years and was in six of the great battles of the war, so that he can not be properly described as one of those who "always had their backs to the enemy." I move the previous question.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. DINGLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONDEMNED CANNON.

Mr. PITNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 6666) granting to Major C. A. Angel Post, No. 20, Grand Army of the Republic, of Lambertville, N. J., 4 condemned cannon and 20 cannon balls, was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to Major C. A. Angel Post, No. 20, Grand Army of the Republic, of Lambertville, N. J., 4 condemned cannon and 20 cannon balls, for the decoration of the soldiers' monument of said city: *Provided*, That the same can be spared without detriment to the service and that no expense is thereby incurred by the Government.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. COOPER of Texas. Mr. Speaker, I am reluctant to interpose an objection, but for satisfactory reasons I shall object in this case.

The SPEAKER. Objection is made.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk, being a bill (H. R. 7172) donating four condemned cannon and four pyramids of condemned cannon balls to the Soldiers' Monument Association of Allegan, Mich.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to donate to the Soldiers' Monument Association of Allegan, Mich., four condemned cannon and four pyramids of condemned cannon balls for the monument to be erected in said town: *Provided*, That in the judgment of the Secretary of the Navy such articles can be spared without detriment to the public interest: *And provided farther*, That the United States shall not be subjected to any expense on account of such donation.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

Mr. PITNEY. Mr. Speaker, I offer the amendment which I send to the desk.

Mr. RICHARDSON. Mr. Speaker, I make the point of order that it is not in order to put two bills together in this way.

The SPEAKER. The Chair thinks the gentleman ought to hear the amendment reported before he makes his point of order.

Mr. RICHARDSON. I will hear the amendment.

The amendment was read, as follows:

Amend by adding: "And also to Major C. A. Angel Post, No. 20, Grand Army of the Republic, of Lambertville, N. J., 4 condemned cannon and 20 cannon balls for the decoration of the soldiers' monument of said city."

Mr. RICHARDSON. I make the point of order, Mr. Speaker, in the interest of good legislation.

The SPEAKER. The Chair sustains the point of order. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. THOMAS, a motion to reconsider the vote by which the bill was passed was laid on the table.

COMPANY I, SEVENTH IOWA INFANTRY VOLUNTEERS.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby directed to correct the muster roll of Company I, Seventh Regiment of Iowa Infantry Volunteers, so as to show that said company was enrolled in the service on the 15th day of July, 1861

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. TALBERT. Mr. Speaker, I should like to hear some explanation of the bill.

Mr. LACEY. The report in this case is quite long, but I can explain the matter very briefly. In the Fifty-first Congress I introduced a bill to correct the muster rolls of this regiment to make them date uniformly on the 15th of July, 1861, the actual date of enlistment. The Secretary of War reported that action by Congress was not necessary, as he could make the correction himself, and he made an order to that effect. Afterwards it was ascertained that by mistake the rolls of Company I had been erroneously dated. The Secretary then issued an order vacating so much of his previous order as related to that company.

Mr. TALBERT. There is no question of desertion involved?

Mr. LACEY. Oh, no; it requires Congressional action to make the rolls of this company uniform with the others.

Mr. LOUD. What is the object of the bill?

Mr. LACEY. The object is this: These men enlisted on the 15th of July, 1861, but they were mustered in on the 24th. By mistake the rolls were dated the 24th instead of the 15th, and this is to make the rolls of this company conform to the fact, the same as the other companies' rolls.

Mr. LOUD. Is it not correct as it is?

Mr. LACEY. No; the rolls should have been dated the day the men actually enlisted. All of the nine companies have had their rolls corrected already by the Secretary of War, but by a mistake in the dating of the rolls in this case, the company could not avail itself of the benefit of the order of the Secretary.

Mr. LOUD. In my own case my enlistment antedated my enrollment, and I do not know why I should seek to have it changed.

Mr. LACEY. If, as a matter of fact, the date is wrong it should be corrected, and if the point were made the Secretary of War would correct it.

Mr. LOUD. What is to be obtained by this? What is the object?

Mr. LACEY. The object is this: The bounty law was changed on the 21st of July, and this muster roll as it stands leaves nine companies under one bounty law and this company under another law.

Mr. SPALDING. What is the object of this bill—to give extra pay?

Mr. LOUD. I would like to inquire how many hundred dollars are involved? How much bounty will be paid?

Mr. LACEY. I do not know. A few men—the number I can not precisely state—were discharged inside of two years and their rights are affected. Most of the men, however, served three years and "veteranized."

Mr. LOUD. How much bounty is involved—$100 to each?

Mr. LACEY. It would be $100 under the first enlistment.

Mr. LOUD. Very well; this is only a few dollars more; I guess we can stand it.

The SPEAKER. Is there objection to the consideration of the bill?

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

FRANCIS MILLET.

Mr. CLARDY. I ask unanimous consent for the consideration and adoption of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the bill (H. R. 1800) for the relief of Francis Millet, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

Mr. LOUD. What is this case?

Mr. DINGLEY. Is this a proposition to refer a claim to the Court of Claims for a finding of fact, and without authority to render judgment?

Mr. CLARDY. This is a claim for property taken during the war. The resolution proposes simply to refer the claim with all the papers to the Court of Claims.

Mr. LOUD. What amount of money is involved?

Mr. CLARDY. A little over $2,000, I think, in all.

Mr. LOUD. I would like to know what kind of property was taken. I believe I will ask for the reading of the report.

Mr. CLARDY. It is short.

The report of the Committee on War Claims (by Mr. PUGH) was read.

Mr. LOUD. As that report gives no information in relation to the claim, I shall be compelled to object.

ANTHONY O'GRADY.

Mr. CANNON. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill which I send to the desk, and that it be placed on its passage.

The Clerk read as follows:

A bill (H. R. 3671) to remove the charge of desertion from the military record of Anthony O'Grady, alias John Davis.

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to remove the charge of desertion appearing on the records of the Adjutant-General United States Army against Anthony O'Grady, alias John Davis, late private of Company F, Nineteenth Regiment Massachusetts Volunteers, and that a certificate of honorable discharge as of Company F, Nineteenth Regiment Massachusetts Volunteers, be issued to said soldier.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. TALBERT. I object.

Mr. CANNON. Just one word, if the gentleman will allow me.

Mr. TALBERT. Certainly. I withdraw my objection for the present.

Mr. CANNON. For the first time in twenty years, I have asked unanimous consent to pass a bill. The beneficiary in this case is a constituent of mine—almost blind and totally disabled. He enlisted in the Army, as appears from the record, in the State of Massachusetts. In a terrific battle near the close of the war he had the palm of his hand torn off and his sight destroyed for two years. He was absent when his regiment was mustered out. He is noted on the records of the State of Massachusetts as "mustered out sick." But he has never received any discharge from the Federal Army. He is now old and dependent. The facts of the case coming to my knowledge, they appealed to me, and I greatly desire to have the bill passed.

Mr. TALBERT. Because this is an exceptional case, and for the personal reasons stated, I withdraw my objection.

There being no objection, the Committee of the Whole was discharged from the further consideration of the bill, and the House proceeded to consider it.

The amendment reported by the Committee on Military Affairs, to add to the bill the words "to date from April 30, 1865," was read and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

CONDEMNED CANNON FOR SOLDIERS' MONUMENT, ST. JOHNSBURY, VT.

Mr. GROUT. I ask unanimous consent for the consideration of the joint resolution which I ask the Clerk to read.

The Clerk read as follows:

Joint resolution (H. Res. 122) authorizing the Secretary of the Navy to deliver condemned cannon to Chamberlain Post, Grand Army of the Republic, to be posted by the soldiers' monument at St. Johnsbury, Vt.

Resolved by the Senate and House of Representatives, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to Chamberlain Post, Grand Army of the Republic, to be posted by the soldiers' monument in St. Johnsbury, Vt., 2 light pieces of condemned cannon and 20 cannon balls: *Provided*, That said delivery shall be made without expense to the United States Government and without detriment to the naval service.

There being no objection, the House proceeded to the consideration of the joint resolution.

The SPEAKER. The question is on ordering the resolution to be engrossed for a third reading.

Mr. PICKLER. Are amendments in order?

The SPEAKER. Amendments are in order if—they are in order. [Laughter.]

Mr. PICKLER. I desire to have the bill amended by adding the clause which I send to the desk, to which I think nobody will object.

The Clerk read as follows:

Add to the joint resolution these words:

"To each State and Territorial department of the Grand Army of the Republic eight pieces of condemned cannon, to be delivered to said departments of the Grand Army of the Republic upon order of the commander of the department and without cost to the Government."

Mr. GROUT. I make a point of order on that amendment.

Mr. PICKLER. I hope the gentleman will reserve the point for a moment. Let me say that my amendment proposes a fair way to distribute these cannon. The Grand Army of the Republic is organized in each State and Territory as a State or Territorial department. This will give to each State, treating all of them alike, eight pieces of cannon, and then when they have the annual meetings they can ship the pieces from place to place where the meetings are to be held or divide them up if necessary among the different posts in the manner best calculated to meet the wishes of the Grand Army men. It will give to all an equal number without favoritism, and place them upon an exact and equal footing. It is a fair proposition, and saves the taking of these cannon

away and putting them in specially favored or out of the way places. I repeat, this treats all alike; and I can say to the gentleman from Tennessee that I am sure it will meet the approval of the Grand Army men throughout the country. We ought to have this distribution made evenly and upon some regular basis, and not let the man who happens to get in first have the right to secure these guns to the exclusion of all others.

Mr. PAYNE. Is it the gentleman's proposition to give eight pieces to each State and Territory?

Mr. PICKLER. Yes.

Mr. PAYNE. Then I hope the point of order will be insisted upon.

Mr. PICKLER. Let me say to the gentleman that each State is organized as one department, and this will give all of the States an equal number.

Mr. MEREDITH. Are we manufacturing condemned cannon for distribution?

Mr. RICHARDSON. I wish, Mr. Speaker, to suggest to the gentleman from South Dakota, who makes his appeal to me, that I am not making the point of order against the amendment because of any objection to the method of distribution proposed by the gentleman. I have not objected to the consideration of a single application of this kind, nor shall I do so, so far as I know. But what I do object to is the vicious legislation that this proposes, because if you can couple bills of this character together, you can couple all of the pension bills together now pending before the House and pass them as amendments any time you get a single pension case before this body. You can couple every war claim and put them on a single bill in the same manner.

Mr. PICKLER. Yes; but there is no money in this.

Mr. RICHARDSON (continuing). And the bill may be ever so meritorious as an amendment proposed, but it is not proper legislation; nor is it, on the other hand, because of the fact that the bill has no merit; the objection is to the principle involved and not to the matter. It is simply an objection made in the interest of good legislation.

If the gentleman's measure is so highly meritorious, as he seems to think it is, I have no doubt that the able Speaker, the discreet Speaker of this House, will recognize the gentleman at any time when the public business will permit in order to get consideration before the House for his measure.

Mr. PICKLER. If the gentleman will allow me, I think it was just about two months ago, when the House had a flood of bills of this character coming in every day, applications from all over the country from one place or another, and on my suggestion, on motion of the gentleman from Ohio [Mr. GROSVENOR], the whole subject was referred to the Naval Committee with an understanding that they would report some bill that would dispose of the question. It seems, though, that there has been no such report, and now the single bills are coming in again, as we have seen in the last day or two—the same flood we had of them before.

It seems to me that under the circumstances the House ought, so as to avoid any appearance of favoritism in such a matter as this, give to each one of the State and Territorial departments the eight pieces of cannon recommended in my amendment. The distribution is certainly fair if made in that way. Then the departments of the Grand Army in all of the States will have the pieces and can control them. I repeat, it is a fair and equitable distribution, and it will satisfy the Grand Army men in all the States and Territories. I hope the objection will not be made.

Mr. RICHARDSON. Will the gentleman yield for a question?

Mr. PICKLER. Certainly.

Mr. RICHARDSON. Is not the very measure you describe pending before the same committee that reports this bill?

Mr. PICKLER. No, sir; not in form——

Mr. RICHARDSON. Then, why not put it in form and send it to the committee and have it considered there?

Mr. PICKLER. The instructions of the committee were to report the matter; and it is in form, so far as that is concerned. But owing, as I suppose, to the multitudinous cares and business before the committee, they have not reported it.

The gentleman will see that this artillery, available for the purpose contemplated, is being rapidly exhausted. It goes to the man who can get in first, or who pushes ahead of the rest, while the modest man, like myself [laughter], will never get a piece unless we can have a fair distribution by some systematic arrangement such as I have proposed.

Mr. RICHARDSON. I think the legislation is vicious. The only place where we allow matters to be bunched together or grouped as the gentleman proposes is in the river and harbor bill.

Mr. PICKLER. Yes; but that is where there is money involved. I do not see what possible objection there could be to settling the matter in this simple way; and I hope the point of order will be withdrawn.

The SPEAKER. The gentleman from Tennessee makes the point of order against the amendment, and the Chair must sustain it.

The question is on the engrossment and third reading of the bill.

Mr. PICKLER. Is this matter open for debate now?

The SPEAKER. It is.

Mr. PICKLER. I do not know whose bill this is, Mr. Speaker, for I have not paid attention to that fact. But no matter whose bill it is, I hope it will be voted down.

It is not fair to the members of this House and the other States and Grand Army posts, and the different cemeteries in the country where they want this artillery, to have these guns grabbed up in this manner as the members manage to get their bills rushed to the front. It has not been two months ago since this House, in order to avoid this very condition of things, requested one of its committees to report a plan for a fair distribution of the guns. Something of that kind ought to be done, and until it is done these independent measures ought not to be allowed to pass. I hope the bill, therefore, will be voted down in order to get a fair distribution.

Mr. MEREDITH. The poor fellows in the cemeteries are in no hurry to get the guns now.

Mr. PICKLER. I move to reconsider the vote by which the bill was ordered to be engrossed and read a third time.

The SPEAKER. The bill has not yet been ordered to be engrossed and read a third time; that is the pending question.

The question was taken on the engrossment and third reading of the bill, and it was agreed to.

Mr. PICKLER. I move to reconsider the vote by which the bill was ordered to be engrossed and read a third time.

Mr. FAIRCHILD. I move to lay that motion on the table.

The question was taken, and decided in the affirmative.

Mr. PICKLER. On that I demand the yeas and nays.

The yeas and nays were not ordered.

Mr. PICKLER. I demand tellers on the yeas and nays.

Tellers were not ordered.

So the motion to reconsider was laid on the table.

Mr. PICKLER. I move that this bill be recommitted to the committee from which it was reported.

The question was taken; and on a division there were—ayes 1, noes 60.

Mr. PICKLER. I move that the House do now adjourn. Is it not time for the special order, fixed for 1 o'clock?

The SPEAKER. The Chair thinks the House is dividing and that the question must be disposed of.

Mr. PICKLER. On which question is the House dividing?

The SPEAKER. The House is dividing on the question of recommittal. The noes have it, and the bill is ordered to be read a third time.

The bill was read a third time, and passed.

On motion of Mr. GROUT, a motion to reconsider the last vote was laid on the table.

Mr. PICKLER. I want to give notice that this is the last one of these bills——

THE LATE REPRESENTATIVE COGSWELL.

The SPEAKER. The time fixed for the special order has arrived.

Mr. MOODY. Mr. Speaker, I offer the resolutions which I send to the Clerk's desk.

The resolutions were read, as follows:

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. WILLIAM COGSWELL, late a Representative from the State of Massachusetts.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be instructed to communicate a copy of these resolutions to the family of the deceased.

Mr. MOODY. Mr. Speaker, his office who seeks to construct in enduring form a just estimate of the life and character of one who has so recently departed from the midst of living men that the glance of the eye and the sound of the voice seem hardly yet a memory is never easy of accomplishment. He must neither degenerate into mere fulsome eulogy which overshoots the mark nor fail in due appreciation of the great qualities which deserve commemoration. The difficulties and dangers of the duty, always sufficiently manifest, are multiplied in the case of the man whose memory we honor to-day.

WILLIAM COGSWELL was the most modest of men. He was impatient of eulogy. If we could respect his wishes, if we could accept his own estimate of himself, we should be silent at this hour. But that can not be. His life, so full of splendid achievement, demands a higher measure of praise than he would willingly receive.

I know how poor are the words which I shall speak. At the most, I can expect to recite his history only in meager outline, leaving it to the loving touch of others to delineate the beauty of its detail.

There can be no complete knowledge of an individual unless we

know of what manner of men he was born. WILLIAM COGSWELL owed much to his ancestry. They were of English origin. He was descended from John Cogswell, who appears to have been a man of substance and position in Westbury Leigh, county of Wilts, where he owned and managed a woolen mill which had been in the family for many generations. When about 43 years of age he sailed from Bristol with his wife and eight children in search of a new home across the Atlantic. The voyage began on June 4, 1635, in the ship *Angel Gabriel*, and ended in shipwreck on the inhospitable shores of Maine in the great storm of August 15 of that year. The Cogswells were among the saved, and with little delay the family proceeded to Ipswich, in what is now the county of Essex, in the Commonwealth of Massachusetts, and settled in that part of Ipswich which subsequently became the town of Essex.

The Cogswells were always leaders in the community in which they dwelt. In the fifth generation of the family eight brothers served in the Continental Army in the war of the Revolution, their aggregate term of service being thirty-eight years. One of the brothers, the grandfather of WILLIAM COGSWELL, entered the Army as a private at the age of 15 years, subsequently became surgeon's mate, surgeon, and chief medical officer of the Army, from which position he resigned in 1785.

WILLIAM COGSWELL, seventh in descent from John Cogswell, was born at Bradford, Mass., August 23, 1838, of the marriage of George Cogswell and Abigail Parker. His father, George Cogswell, is a surgeon of extended practice and great reputation, and through a long and busy life has held many important public and private offices. He was one of the founders of the Republican party in Massachusetts, and was a delegate in the convention which nominated Abraham Lincoln in 1860. He is now, at the age of 88, living at his home in Bradford, with mental powers unimpaired by the passage of time, serenely awaiting the summons which in the order of nature can not be many years delayed. Young COGSWELL'S mother died when he was about 7 years of age.

He received his early education at Atkinson Academy, Atkinson, N. H., and Philips Academy, Andover, Mass., and at Kimball's Union Academy, Meriden, N. H. One of his instructors at Atkinson writes of him;

He was a bright boy, decided and independent in his opinions, but always pleasant and gentlemanly in their expression, so that he did not offend those with whom he differed.

Gentlemen on the other side of this Chamber can best testify how far in this respect the boy was the father of the man. Entering Dartmouth College in 1855, he remained there only a short time, and in 1856 and 1857 made the voyage around the world as a sailor before the mast. Upon his return he began the study of law at the Harvard Law School, and on September 8, 1860, was admitted to practice as a member of the Essex bar.

But COGSWELL was not destined for a career at the bar. His life came to be so full of great events that no room was left for the wearying diligence and exclusive devotion which alone command success in the legal profession. For a time he remained in the office of William D. Northend, an eminent member of the Essex bar, and in April, 1861, he ventured to open an office for himself at Salem. We can well understand how little, in those exciting days, his mind and heart responded to the dreary exactions of the beginnings of a professional career. He had enlisted as a private in the Second Corps of Cadets, a militia organization of the State, and during the winter of 1860-61 was enthusiastic in the performance of his military duties. Governor Andrew believed war to be inevitable, and had sought to ascertain from the various militia organizations in the State how many men, if called upon for duty, would respond. When the roll of the cadets was called, WILLIAM COGSWELL was one of the first to answer that he was ready when the time should come. Throughout that winter his voice was heard at various public meetings in support of the Constitution, the laws, and the integrity of his country.

I fancy that up to the 19th of April, 1861, few clients had found their way to the young lawyer's office. At about 1 o'clock in the afternoon of that day news came to Salem which changed his whole career. The Sixth Massachusetts had been attacked in the streets of Baltimore on its march to the defense of the capital, which it was destined to reach as the first armed body of volunteers. Law books, clients, and the hope of clients were all thrown aside, and the law office became the recruiting station, where in twenty-four hours a full company was raised for the war. It is worthy of notice that this was the first company in the country which was recruited for the war. This company, with Captain COGSWELL in command, became Company C of the Second Massachusetts Infantry Volunteers, which was under the command of Col. George H. Gordon, a graduate of West Point. On the 25th of May, COGSWELL was mustered into the service of the United States as captain, to serve three years, and on the 12th of July the regiment crossed the Potomac and stepped upon the soil which was to receive so much of its precious blood. By the side of the national flag was borne the emblem of the Commonwealth of Massachusetts, but upon its folds were the words, then, always, and forever dear to Massachusetts hearts: "We carry the flag and keep step to the music of the Union."

COGSWELL commanded this regiment longer than any other man. How closely it was connected with his military career we can judge from the words of General Hooker, who, when recommending him for promotion, wrote:

He has commanded the regiment with distinction in and out of battle for more than two years. Colonels make regiments, and his, as is well known to two armies, has no superior.

Mr. Speaker, you will forgive a son of Massachusetts if for one moment, yielding to a just pride, he dwells upon this regiment which in its membership, its achievements, and its sufferings represents so much of all that is dear to that ancient State. Its commander, born on our soil, educated at West Point, a veteran of the Mexican war, was destined to win new laurels and retire with the rank of brevet major-general. Its lieutenant-colonel, educated at West Point, retired with the rank of brevet major-general. Of its officers 35 were graduates of colleges, and many more interrupted their higher education to enter the service, and 24 were killed in battle or died in the hospital of wounds or disease contracted in the line of duty. The valor and devotion of the enlisted men were abundantly manifest upon many fields. At Cedar Mountain the loss was 35 per cent; at Antietam, 25 per cent; at Chancellorsville, 33 per cent of those in action, and at Gettysburg, 44 men out of every 100 who went into the battle were killed or wounded. In the war 843 men were killed, wounded, and disabled in action or by accident or disease. Well may the men of this regiment take to themselves the words that were spoken by the side of the monument of Robert G. Shaw, who entered the service with them as an officer:

Ah, when the fight is won,
Dear Land, whom triflers now make bold to scorn
(Thee! from whose forehead Earth awaits her morn),
How nobler shall the sun
Flame in thy sky, how braver breathe thy air,
That thou bredst children who for thee could dare
And die as thine have done!

Although the limitations of this occasion prohibit a description in detail of COGSWELL'S military services, a sketch of them can by no means be omitted. In the latter part of 1861 and the early part of 1862 he was under Banks's command. In March, 1862, when Banks was driven out of the Shenandoah Valley and across the Potomac at Williamsport, the Second Massachusetts was the rear guard which, by its dogged persistence, resisted the approach of the victorious troops of Jackson. At Cedar Mountain and at Antietam the regiment was hotly engaged, and in the latter battle COGSWELL received a slight wound. On September 25, 1862, he was detailed as acting major of the regiment and mustered in as lieutenant-colonel October 23, 1862. On the second day of the battle of Chancellorsville, May 3, 1863, COGSWELL received a severe wound in the left arm, from the effects of which he always suffered. Under his command the regiment fought on this battlefield until it was without ammunition of its own, and then continued the contest with ammunition gathered from the cartridge boxes of the wounded and dead of the retreating enemy, until this ammunition in its turn was exhausted. On June 25, 1863, when 24 years of age, he was mustered in as colonel of the regiment. By reason of the wound which he had received at Chancellorsville he escaped the terrible experience at Gettysburg, where its commanding officer was shot at the head of the regiment.

He returned to the front with his wounded arm still in a sling. After a period of service in New York City during the draft riots, he rejoined the Army of the Potomac, and in September, 1863, he, with his regiment, was attached to the Army of the Cumberland.

On the 31st of December the regiment, whose term of service had expired, reenlisted and became the Second Regiment of Massachusetts Veteran Volunteers. In January, 1864, a furlough of thirty days was given them, and on the 19th of that month the regiment reached Boston, where it was received with the most intense enthusiasm. Of the 1,046 men who had left Boston thirty months before, 222 returned. At the reception given at Faneuil Hall, Colonel COGSWELL, replying to an eloquent address by Governor Andrew, said:

When I say to your excellency that these men, with the experience they have had, with the hardships, sufferings, and dangers that they have seen and dared, have reenlisted, I have said enough for a lifetime in their praise.

On the return to the front, COGSWELL took part in the campaign against Atlanta. After the capture of the city he was made by General Sherman post commandant, and continued in that office until the evacuation by the Union troops, when it became his duty to destroy all buildings and works of military importance in that city.

COGSWELL rarely spoke of his military career, but thirty years later the duty of destruction which he was called upon to perform was recalled to the memory of those who then sat in this Hall. The military commandant had become a Representative of the people of Massachusetts. The people of Georgia were asking from the Treasury of the United States national aid for the exposition

about to be held in the city of Atlanta. Differences had arisen between members of this House and those at the other end of the Capitol. COGSWELL arose in his place and said:

Mr. Speaker, on the morning of the 3d day of September, 1864, as a member of the Federal Army I marched into the city of Atlanta. It had been partially destroyed by the retreating Confederate forces under General Hood. We occupied it until the 17th day of November following. At that time it had a population of but 10,000 inhabitants. During our occupancy of the city we sent north or south the people there residing, and made it a complete military post. On the 16th day of November General Sherman's army withdrew from the region of country surrounding that city, and as the commandant of the post of Atlanta it became my duty to remain the night following with my command. The day and night following, and indeed for nearly the entire three days ending on the morning of the 17th of November, the city was wholly destroyed for any military purposes and occupancy under the sad exigencies and necessities of war, and I left it a heap of smoldering ruins and ashes.

Mr. Speaker, I returned to the city of Atlanta not many years ago, and I found that that city, which was then, when I last saw it, but a mound of ashes and ruins, had arisen from its fires, from its ashes, and from its sad condition, and had grown to be a magnificent city of 100,000 inhabitants, with all of the evidences of prosperity, of enterprise, of push, and of business exhibited by any other city on this continent. I found that from the narrow limits which formerly environed it it had grown out 7 miles, and where we had surrounded the city with earthwork after earthwork it had pushed its settlements, its dwelling houses, its factories, its workshops, and its places of business away beyond the old limits, and had so far obliterated the whole line of earthworks and the evidences of war that I could hardly find one of the fields of the many where we had engaged in battle when we besieged the city.

I came back to see a typical American city, built upon the ruins and the ravages of war, in a contest in which its defenders had been defeated, and I was proud to see it capable so soon of renewing its old American spirit and putting itself in the front, where the noble and enterprising citizens of Atlanta have put that beautiful "gate city" of the South.

Mr. Speaker, when the proposition came before me as a member of the Committee on Appropriations whether in this enterprise, which contains all of the elements of success, we should take a part and have the Government exhibits displayed and help along the great exposition, I said to that people, "If I stand alone there is one voice and one vote that will give Atlanta any reasonable assistance from the General Government." And so all hail to her in her grand and what I believe will be successful exposition.

No man in the Union could have spoken more effectively for Atlanta's cause. No one more fittingly could carry from his comrades in arms and the people of his State their message of peace and good will to the new South than the man who, within its limits, had wrought ruin by fire and sword.

After the destruction of Atlanta, COGSWELL was with Sherman on the march to Savannah, and in the operations about that city was promoted upon the battlefield and assigned to the command of a brigrade. His brevet as brigadier-general dated from December 12, 1864, and on January 12, 1865, he was assigned by the President to the command of the Third Brigade of the Third Division, Twentieth Army Corps, and continued in command until June 13, 1865, when the corps was discontinued.

At the battle of Averysboro, in April, 1865, COGSWELL was again wounded, but not so severely as to keep him from duty, for two days later we find him engaged upon a field where, according to the official report, upon the morning after the engagement three distinct rows of the enemy's dead were in the rear of his brigade. Here, too, he received a slight wound from a piece of shell.

At the close of the war, on July 24, 1865, he was mustered out and honorably discharged, after four years and three months of service, and at the age of 26 years returned to the practice of law.

I can not trust myself to speak of these years of splendid service. He who has not "shared the incommunicable experience of war" has neither the capacity nor the right to describe it. I trust I may be pardoned if, failing in my own, I borrow the words of a gallant soldier who in civil life has adorned an illustrious name. Mr. Justice Oliver Wendell Holmes, speaking on Memorial Day to the students of Harvard College, said:

Most men who know battle know the cynic force with which the thoughts of common sense will assail them in times of stress, but they know that in their greatest moments faith has trampled those thoughts under foot. If you have been in line, suppose on Tremont Street Mall, ordered simply to wait and to do nothing, and have watched the enemy bring their guns to bear upon you down a gentle slope like that from Beacon street, have seen the puff of the firing, have felt the burst of the spherical case shot as it came toward you, have heard and seen the shrieking fragments go tearing through your company, and have known that the next or the next shot carries your fate; if you have advanced in line and have seen ahead of you the spot which you must pass where the rifle bullets are striking; if you have ridden by night at a walk toward the blue line of fire at the dead angle of Spottsylvania, where for twenty-four hours the soldiers were fighting on the two sides of an earthwork, and in the morning the dead and dying lay piled in a row six deep, and as you rode have heard the bullets splashing in the mud and earth about you; if you have been on the picket line at night in a black and unknown wood, have heard the spat of the bullets upon the trees, and as you moved have felt your foot slip upon a dead man's body; if you have had a blind, fierce gallop against the enemy, with your blood up and a pace that left no time for fear; if, in short, as some, I hope many, who hear me have known, you have known the vicissitudes of terror and of triumph in war, you know that there is such a thing as the faith I spoke of. You know your own weakness and are modest, but you know that man has in him that unspeakable somewhat which makes him capable of miracle, able to lift himself by the might of his own soul, unaided, able to face annihilation for a blind belief.

The men of my generation can never hope to understand the truth which these words seek to tell us. They come faintly to us like the sound of a distant bugle call, quickening the pulse with the hope that we might not be found wanting in an hour of trial.

But the generation which is reaping where it has not sown, though it know not the agony of the seedtime, can measure the abundance of the harvest; and as one by one, with ever-increasing frequency, those who by their valor and devotion have united discordant States into a lasting Union, sustained by the willing loyalty of freemen North and South alike, fall from the ranks of the living, upon their graves we reverently lay the tribute of our enduring gratitude.

General COGSWELL was married on June 20, 1865, to Emma Thorndike Proctor, who died April 1, 1877. Of this marriage there are now living two children, William and Emma Silsby. He married again on December 12, 1881, Eva M. Davis, who survives him.

The membership of this House for thirty years has demonstrated how often the qualities of leadership, which were developed in the war, have led on to promotion in the walks of civil life. It was thus in the case of COGSWELL. Two years after his retirement from the Army he was elected mayor of the city of Salem and served three years in that office. Again in 1873 and 1874 he was reelected to that position. Five times, in 1870, 1871, 1881, 1882, and 1883 he was elected to membership in the Massachusetts house of representatives. In 1876 he was appointed inspector-general of fish throughout the State of Massachusetts and held that lucrative office for ten years. In 1885 and 1886 he was a member of the State senate of Massachusetts. In all of these positions he rendered faithful and effective service.

In 1886 he was elected from the Essex district of Massachusetts to membership in the Fiftieth Congress, and later reelected to the Fifty-first, Fifty-second, Fifty-third, and Fifty-fourth Congresses. The principal committees on which he served were those on Appropriations, Rivers and Harbors, and the District of Columbia.

In this presence I refrain from dwelling upon his service in this Chamber. Those who are to follow me can best do that. But this much I know and can say. To every duty which his position imposed upon him he was faithful to the end. No duty was so great that he shrank from it; none so small that he neglected it. He was neither an orator nor a frequent speaker, but he lent to all that he said the weight of sincerity and truth. Massachusetts has had few Representatives who have wielded a greater influence than his. He was respected and loved by his associates. Although he was unswerving in his allegiance to the principles of the Republican party, he never forfeited the confidence and respect of gentlemen upon the other side of the Chamber. While he never forgot the cause to which he had devoted the best years of his life upon the battlefield, and jealously guarded every right which he had helped to win, he had no more loving friends than his associates here against whom he had so strenuously fought day after day for more than four years. With him there was no shadow of yielding of any of the great results of the war; but, saving this, with him the war was done when he laid aside his sword in 1865.

He so conducted himself in his great office as a Representative of the people in the Congress of the United States that he grew year after year in the esteem of his constituents, so that in the election of 1894 he was returned to the Fifty-fourth Congress by a plurality of more than 10,000 votes.

But this message of renewed confidence from his people fell upon ears dulled by approaching death. The disease from which COGSWELL had been suffering for many months began in the autumn of 1894 to assume an alarming aspect. He was able to take little part in the political canvass of that year, and it was not until January that he took his seat in the last session of the Fifty-third Congress. But his work was done. A few days of attendance on the sessions of the House served but to convince him and his sorrowing colleagues of the havoc which disease had wrought in the sturdy frame, and he soon sought to recover health and strength under more favoring skies.

In the Island of Jamaica, cheered by the companionship of his loving wife, he seemed at first to gain in vigor. But the hope which the temporary improvement aroused in the breast of the stricken man soon passed away. Returning to our shores, slowly he made his way northward through Georgia and Tennessee and North Carolina and Virginia, all so full of memories for him. The kindness of the people of the South, and especially of those of Atlanta, seemed like a benediction in those final days. He reached Washington, but he could go no farther. Here he lingered until the 22d of May, 1895. Then, surrounded and sustained by the love of children and of the woman who had been companion, friend, and wife alike, he passed into the eternal rest.

When a few days later, in the city of his home, he lay waiting the solemn service for the dead, a great throng of men and women came to his side for the last farewell. They remembered the steadfast friend, the faithful official, the brave soldier, and for him they mourned. They knew that after a lifetime of public service he had died in honorable poverty, and in that they rejoiced.

Mr. Speaker, the life which has been so lived has not been lived in vain, and its lesson will endure from generation to generation, a heritage and an inspiration among his people.

Mr. CATCHINGS. Mr. Speaker, I have never known in all my life a man for whom I had greater admiration than I had for

General COGSWELL. During his whole service in Congress my acquaintance with him was most intimate.

In the Fiftieth Congress he was assigned to the Committee on Rivers and Harbors, of which I was myself a member. The work of that committee is laborious and exacting and calculated to bring to view both the strong and the weak characteristics of its members. It is wholly nonpartisan, and embraces the general subject of river and harbor improvement throughout the country. Delegations of citizens from every section come before it in advocacy of the projects in which they are chiefly concerned, and explain in general and in detail the character and extent of the commercial interests to be subserved by the improvements sought by them. No member gave greater attention to these demands or sought more diligently to sift the good from the bad, and to do what on the whole seemed best and wisest for the general welfare. It mattered not to him from what section these demands came. He was a national man in the broadest sense, and all that he cared to learn was whether or not they were worthy and, if allowed, would contribute to the general advancement and prosperity of the American people. It was a great pleasure to him to listen to the recital of the facts furnished by these delegations, which gave evidence of the marvelous growth of our country and its future possibilities.

I was soon impressed by his usefulness and his pure and patriotic instincts, and we speedily grew to be warm and devoted friends. He was a man of extraordinary natural ability, and his information on all subjects was extensive and accurate.

The work of the Committee on Rivers and Harbors, while useful and interesting in the highest degree, is so exacting and confining that its members are largely precluded from general participation in the work of Congress and for that reason from manifesting their capabilities. I met him on the streets of this city one night shortly before the organization of the Fifty-first Congress, which was to be controlled by his party, and asked him what committee assignment he contemplated seeking. He replied that he supposed he would go back on the Committee on Rivers and Harbors. I said to him that his abilities and character entitled him to a position which would enable him to take a leading part in shaping legislative policies, and that he would do himself great injustice to again bind himself to the exacting labors of that committee, which he could leave without sacrificing any of the local interests of his State. His modesty was so great that I am quite sure he was somewhat startled when I urged him to apply for a place on the great and powerful Committee on Appropriations, but he finally consented to do so. He secured the transfer, and we all know how fully he at once measured up to his increased responsibilities and forged to the front as one of the boldest, most attractive, and most trusted leaders of the House.

No man rejoiced more than myself over the superb manner in which he bore his new honors, or the brilliant success which marked his career from that time until his death. Democrats and Republicans vied with each other in manifesting for him the most profound respect and affectionate regard. I remember when the committees were being framed in the Fifty-second Congress, Speaker CRISP asked me to ascertain what assignments General COGSWELL wished, saying that his abilities and high character entitled him to anything that he wanted.

He was a strong and unswerving partisan, as he had the right to be, but with it all he was so manly, so fair, so honest, so brave, and so strong that he commanded the unqualified admiration of all. But I prefer to remember him as I knew him in the companionship of private life. Scarcely a day passed that he and I did not contrive in some way to get together and abandon ourselves to the pleasures of friendly intercourse. How I enjoyed these occasions I can not describe. His thoughts were so elevated and pure, his manners so gentle and refined, and his information so varied and rich that it was not only profitable, but ennobling to be with him. If he had any faults of character I never discovered them. To me he was always a wise, noble, and virtuous man, a winsome, knightly gentleman, and a delightful companion.

The country never had a more ardent defender nor the people a truer friend or more devoted public servant. Had he lived he would surely have grown in power, and that power would as surely have been used for the public good as he saw and understood it.

When the sad tidings of his death reached me in my distant Southern home, I grieved as sincerely and as truly as though he had been flesh of my flesh and bone of my bone. No recompense can be made to his bereaved family for his untimely loss, but it should be some consolation to them to know that he was universally honored and beloved and that his friends mourn with them sincerely and deeply.

Mr. WALKER of Massachusetts. Mr. Speaker, Gen. WILLIAM COGSWELL's name will always be held in highest honor in this House, in his town, in his Congressional district, in the State of Massachusetts, and in the whole country.

I had known of him for many years, but the first time I met him was upon the assembling of the Fifty-first Congress, in December, 1889.

I never shall forget the meetings of the Massachusetts delegation to take account of our duties to Massachusetts as a delegation. Congressman Rockwell presided and General COGSWELL took the lead in discussing the various plans whereby each member could best serve our beloved State. In this he peculiarly revealed himself. Eight of us were new members. There, as everywhere, he knew no political parties when the interests of Massachusetts were at stake. The two Democrats on the delegation were as fully considered as Republicans and secured some of the very best assignments.

His strength of character and skill in making the delegation felt in the House as a solid force for Massachusetts was exceptional. While always a thorough Republican, he knew no party in the House when party politics was not forced upon him.

Like the noble soldier that he was, errors in war or peace, long ago forgiven by him and the country, were buried in oblivion. Indiscretions in bringing old errors and differences of speech and conduct into prominence to revive bitter memories by any member of the House never angered or provoked reply from this noble patriot. His great heart passed them by in noble sorrow that small minds could not let the dead past lie quietly in its grave in the interest of a harmonious and patriotic living present.

His sense of honor and love of justice was keen above that of almost any man I ever knew. He always was exceedingly watchful for the interests and reputation of every one of his colleagues. He would be at any pains to protect any one of them from being misunderstood or to see that credit was bestowed where justly due.

He was in every fiber an honest man. In fact, his high sense of honor, ever prompting him to conscientious discharge of the burdensome duties of the high places assigned him in this House, very perceptibly shortened his life.

There has not been a single man in any of the many Congresses in which he served who was not proud to count General COGSWELL or did not feel that he was among his friends. Where so much depends upon the personal good will of one's colleagues in securing legislation desired, no man in Congress was any more successful than General COGSWELL. His lovable qualities, added to his acknowledged ability, made him peculiarly successful.

His death was to me a very great personal sorrow and official loss. I feel shorn of half my power and influence in his absence from the halls of legislation. His sympathy with his associates, which led him always to put the better rather than the worse construction upon words and conduct, his disinterested advice and assistance, seemed to double the influence of each one of us. Massachusetts sadly misses him from the halls of legislation.

All of us who had the great felicity of being counted among his dear friends mourn him with the sincerest sorrow. The district, the State, as well as the whole country he so faithfully served hold his memory as a rich inheritance for their children.

Mr. GROSVENOR. Mr. Speaker, so far as words of mine are concerned, I might as well rest this memorial service upon the exceedingly beautiful address which has just been made in our presence by the successor of the distinguished gentleman whose life we honor and whose death we mourn. Seldom have I heard in this House so beautiful a tribute, and seldom have I listened to an address of this character that has brought back to my mind so distinctly the great characteristics of the dead.

I did not know General COGSWELL during the war, although he came in the height of his career to the army of which I was a humble member. He came by transfer of his regiment from the Eastern to the Western army. He came with a Massachusetts regiment and in a corps of the army that had done great service in the battles in Virginia. He came when his training and discipline and fitness for a soldier's life had become thoroughly developed and wonderfully developed, considering the youth of the man. He came with a grand division of the army, which was at once met by the jealousies and criticisms that the Western and Southern armies always had for the Army of the Potomac. But the troops to which he belonged very shortly made and established their position among the men of the Army of the Cumberland, and during the great campaign of Atlanta, as we have termed it, they very successfully competed with the best of the Western troops for that standing which ultimately made them one of the best corps of Sherman's army, a corps that ultimately aided in the capture of Atlanta and marched with Sherman to the sea.

Joining in that great campaign as they did, three great armies of the Union, they were in a condition which demanded competition if they would achieve excellence. They were surrounded by competitors in achievement such as no other troops of the Union Army at any period in the war ever encountered. There came to us of the Army of the Cumberland after the battle of Chickamauga that splendid army tried as by fire, the Army of the Tennessee, than which no better army of soldiers ever marched to the music of the great American Union. Disciplined in campaign, great in

maneuver, hardened by exposure, and tried by fire, this subdivision of the Army of the Potomac joined with us and the Army of the Tennessee in the great campaign which immortalized the leaders and placed a halo which has never perished around the names of the great commanders of those three armies.

Something of the standing which General COGSWELL had in that splendid army with which he came to the South I heard of by accident. I did not know him at the time. I was on the staff of a brigade commander, and at the point in the movement which we designated as Buzzards Roost Gap—I do not know what the name was upon the other side—I was sent with an order, or with a communication, to be delivered to General Hooker. I did not know what that communication was, but I rode up to General Hooker, who was at that time in conference with General Sherman, and delivered the paper to him. He opened it and read it, and I heard him say, "If I were to obey that order literally, I would send COGSWELL." And then he said, "I am directed to send the best regimental commander I have." I did not know COGSWELL at the time, but I learned afterwards all about him, and know that that was an historical fact.

I might say in this connection that Hooker did not send him upon the detached service, undertaking to discriminate in his own favor by retaining COGSWELL at the head of his command. His career as a soldier is best tested by the progress of his promotions. He entered the Army at the age of 23, without military experience, and inside of four years he was a brigadier-general by brevet and in command of a brigade of the great Army to which he belonged. In the beginning of our war many men rose to distinction by the mere election to a company or regiment, but the man who started as a captain in a great army and then rose in later years to be a colonel and brigadier-general had something in him outside of the common and average capacity and fitness of the men of that time.

After the war I met General COGSWELL in this House and made his acquaintance when he came as a member of the Fiftieth Congress. I met him in service upon the Committee on Rivers and Harbors, where he succeeded his predecessor, who had represented the district from which General COGSWELL came in several Congresses. The service of General COGSWELL upon that committee made his true characteristics known to me. It is a committee of the House most fortunate for a broad-minded, statesmanlike member to serve upon. It is a committee happily very free from partisan considerations and brings out of the members a broad and judicious examination and determination of the rights and interests of the whole country. No man on that committee commended himself to me in a higher degree for his wisdom, fairness, and justice with which he studied the wants of the whole country than did General COGSWELL. He criticised with the same acuteness of mind and integrity of judgment the claims from his own district as he did the claims from the most remote districts of the South or West. I think every gentleman upon that committee serving at the time will justify this comment upon his character, and that was one of the fundamental monuments of his mental make-up. He was wise, just, and absolutely impartial. His was a mind that was judicial in character, a mind that was fair and just, a mind that was wonderfully discriminating and powerful when it was applied to anything that came before him. On the floor of this House he was a man of great influence. His distinguished successor has said that he did not often speak, and I doubt not that was one of the elements of his influence. He did not fritter it away by a discussion of every question that came up, and herein was one of the points of his success.

When he spoke he spoke with that fullness of knowledge of a subject which alone makes a man capable and powerful on this floor. He was never detected in making a mistake in a statement of fact. He was never detected in attempting to speak upon a question for the purpose of displaying either his oratorical powers or his knowledge of a subject. He spoke from an earnest purpose to enlighten the House and carry conviction to its members; and no man had greater influence on this floor than did WILLIAM COGSWELL.

He was true and faithful to every duty he owed to man. He was a man of stern faith and confidence in the duty and propriety of great citizenship; and in his upright manhood he was a man of the highest integrity, a man of the strictest adherence to honor, a man whose faithfulness to friendship was only equaled by his faithfulness to duty.

Nothing that has happened in my experience here in Congress was more painful for me to witness than the struggle of General COGSWELL with that fell destroyer that finally conquered when he died. I talked with him on several occasions and he told me that he had been warned that he ought to leave, and I urged him to go. I urged him to go to other climes and other atmospheres and seek health and restoration, but he said he had come from strong stock and felt that he could recover. He did not believe he was going to be stricken down. He did not speak of any unfulfilled ambition, for I never heard him speak of ambition, but then and always he spoke of his duty to the State and the country. He was not a provincial representative. He never spoke about the section of the country that he came from. It was impossible that a man with such a military record as he, a man who stood where he had stood, a man who fought where he had fought, a man who associated where he had associated, should be a provincialist. It could not be expected that he would be a narrow-minded representative of a single section of the country, and I never heard him put the claims of one section against any other section of the country.

But I was speaking of his struggle against death: It was a fight for life, and when I saw him coming back from the South with death upon him I tried to encourage him. I happened to be in the city on the very day he died. I tried to encourage him in that way which we are all so much in the habit of doing, saying that he had recovered his looks and his strength. He said, "No, no; the battle is over;" and that was all he said. He did not discuss with me anything about his fears or hopes or anything of that sort, but simply said, with a resignation that astonished me, "No; the battle is over."

Mr. Speaker, his example was one worthy of our emulation. The grand State that he had the honor in part to represent on this floor has lost another of her distinguished sons. I honor that great Commonwealth, that produces such eminent gentlemen on all occasions to take the places of her fallen great ones. Webster may fall, Sumner may pass away, and COGSWELL may vanish to the other shore, and yet there comes and will continue to come from Massachusetts, from that old stock of Puritans, ingrafted here and commingled with the blood of other nations, great men to fill the places of those who have fallen, but they can have no greater exhibition of statesmanship and manhood, and no higher mark of emulation, than is found in the life, career, and character of WILLIAM COGSWELL.

Mr. DOCKERY. Mr. Speaker, I regret that circumstances prevent me from paying to the life and character of the late Gen. WILLIAM COGSWELL the tribute I would desire to offer. But I can not forbear a single observation with respect to the high character of his public services and the stainless record of his private life.

My acquaintance with General COGSWELL began with the Fiftieth Congress, and I served with him upon the Committee on Appropriations during a period of six years. I knew him intimately as a member of that great committee, but was brought perhaps into even closer relations with him as a member of the special committee appointed to investigate the expenditures and conduct of the World's Columbian Exposition, whose exacting duties required their presence at Chicago for nearly two weeks. Mr. Speaker, I recall in passing the oft-repeated opinion of General COGSWELL that the unanimous finding of this committee contributed very much to the success of that most marvelous exposition of all time.

A very brief time has wrought many changes in the relations of that committee since their report was submitted to Congress in 1892. Of those who composed the committee, Breckinridge of Arkansas, courtly, scholarly, and the very soul of honor, represents the Republic at the Court of St. Petersburg; Compton, genial and capable, is naval officer of customs at the port of Baltimore; HENDERSON, chivalrous, able, and patriotic, is still an honored Representative of the great State of Iowa on this floor; while the sleeping dust of COGSWELL rests in the soil of the Commonwealth of Massachusetts.

Mr. Speaker, General COGSWELL was an earnest and convincing speaker, but to me rugged integrity, exalted courage, and sound judgment seemed to be his most conspicuous gifts, and they appeared to greatest advantage in the labors of the committee room. And in this arena, too, he was a sage in counsel and an unrelenting foe of every unworthy scheme and questionable proposition. He was indeed an efficient guardian of the people's interests.

But, Mr. Speaker, I will not enter into the details of his long and useful career. I leave to others the privilege of properly presenting the brilliant record of General COGSWELL as a soldier, a legislator, a citizen, and a husband and father. He was brave and manly, bluff, candid, honest, tireless and faithful in the discharge of every duty devolved upon him:

The knight's bones are dust,
And his good sword rust;
His soul is with the saints, I trust.

Mr. HENDERSON. Mr. Speaker, one of the greatest pleasures, we will all agree, that we have in this public life springs from the strong, warm friendships that we form among our associates. The saddest experience that we have as members of this body is when one is torn from us whom we have learned to love. General COGSWELL was one of my closest friends, the dearest and the most trusted that I have ever had during my membership of this House; and I share with others who knew him in feeling, deeply feeling, the great loss that has come to us.

What can any of us say to-day about our absent, silent friend?

We can only feebly summarize some of his leading deeds and characteristics—opening, it may be, a page here of his life which reveals the lion, and then another page giving us some of the sunlight of his warm, rich life. Fortunately for him his life was more eloquent than anything that the lips of warmest friend can speak this afternoon.

Did I call him absent friend? No; not absent while one remains on earth who ever felt and truly understood the charm, the intensity, the warmth, the honesty, the tenderness of his great soul, his great life.

So many die and pass away, and the world says "Amen," and the fairest critics of their lives have but little to say in their behalf. Others come and stay with us and touch our lives and fill our souls with tender melodies, and then pass away into the darkness, and questions loom up in our souls which we seem to hurl at the foot of the eternal throne demanding an explanation of this breaking up of our loves. And so it was with General COGSWELL.

For months he bravely and patiently lingered in the cruel agonies of sickness, and during that period of uncertainty many of us anxiously hoped that the dreaded message of the wires, which we knew must come, might in some way be averted. When at last the cruel, brief, chilling word "Dead" came to us it was almost rebellion that rose up in our souls, and all our religion, all our philosophies, failed to keep down the bitter plaint that we sent to the Master.

Why should he go while yet so young, so fond of life, so fond of all that sweetest is in life? The power that issued the final edict must have known how many hearts were pierced by the dread shaft when WILLIAM COGSWELL died.

Some men seem made of only one material. We see one man made of granite; another is made in softer mold of some fine clay; and another rises like some lofty pine until heaven's warmest sunlight touches his head.

Some seem to have their existence only in the garden where the fairest flowers are found. Another seems to draw his life material from the great, dark sorrows of humanity. Then another is made of the melodies that come to us from the groves where the muses dwell.

One heart is made only of stern material, while another consists of life's sweetest loves and holiest, tenderest sympathies.

When the life of General COGSWELL comes to be written, it will have to be said that he was a composite man. All the mighty feelings that surge through great hearts have passed through his and left their abiding influence.

When heroes were needed, COGSWELL could easily be found. When the tender sympathies of a woman were needed, his heart was loaded with that sweet necessity of life.

His close companions, those whom he loved, knew him to be great in God's holiest, sweetest, and tenderest gifts, as well as great in the heart that accomplishes the grand achievements of life.

He had a soul fitted to reprove the wicked. He had an arm potential against the oppressor. He had a heart dauntless in the face of danger, ever quick to respond when duty called him to action. The tear of a suffering child, the sigh of an unfortunate woman, and the pitiful look of the debased, all found sympathy in his great soul.

If he had sins—and who has not?—"they leaned to virtue's side."

We have lost in his death one with every sweet element of the dearest relationships of life. The truest orations that will be delivered to the memory of WILLIAM COGSWELL will only be heard by the angels as they are delivered in the aching hearts that loved him best.

Mr. MORSE. Mr. Speaker, an effort has been made at previous Congresses, of which I have been a member, to abolish these memorial services in honor of our deceased members.

I trust that proposition will never prevail, and that the time-honored custom in which we are now engaged will continue. Surely it is good to suspend our labor for a brief season, when one of our members is called away, and recite his virtues, recount his service to his country, that others may be incited to patriotism and high and noble endeavor. I say it is good, Mr. Speaker, to suspend our busy work here for a brief hour on such an occasion as this and ponder upon the solemn fact that we, too, are mortal; that we have here no continuing city, and that sooner or later our work, too, will be done. And I am sure, in this connection, that it is pleasant to reflect that should we be called hence during our term of office, our fellow-members would gather in this Hall and recall our memory and speak kindly of us.

I think Shakespeare spoke ironically when he said:

> The evil that men do lives after them;
> The good is oft interred with their bones.

I think it is exactly the other way, and it is well that it should be. We love to recount the worthy deeds and noble actions and the good there is in the lives of those who have fallen asleep. My acquaintance with Gen. WILLIAM COGSWELL began more than a decade ago, when we were both elected members of the Massachusetts State senate; he from Essex County, I from Norfolk County.

I learned to esteem him there, not only as a faithful servant of the State, jealous of every interest of Massachusetts, but as a man of generous impulses, with noble qualities of soul and mind.

What he was in the State legislature of Massachusetts he was in a much greater and larger degree as a Representative of that ancient Commonwealth for eight years on the floor of the National House of Representatives.

I need not tell any of the older members here who served with him of his untiring industry, of his zeal in the discharge of his public duties upon the important committees to which he was assigned by Speaker Carlisle, Speaker REED, and Speaker CRISP.

I need not tell any of his comrades, soldiers of the Union Army, how he loved them, how he was instant in season and out of season, willing and anxious to do everything to promote their welfare and to extend to them a helping hand and the bounty of the Government, when they needed it, which they helped to save.

He was proud of the Commonwealth which honored him, and the Commonwealth was proud of General WILLIAM COGSWELL, and I do not think I am extravagant when I say in this presence and on this occasion, the brave man wore himself out in her service.

He struggled bravely and manfully with the disease that was gnawing at his vitals. Whenever I met him he seemed cheerful and hopeful, and longed for the day when he could return to duty and the service of the dear old Commonwealth that he loved.

As a specimen of his generosity and magnanimity and the big soul that was within him let me recite an incident. When the appropriation for the World's Fair was under consideration, I was strongly opposed to opening that exposition on the Lord's day.

The General, for reasons known to himself, took the opposite view, and thought that the best way to take care of the thronging thousands who were to attend the exposition—to let such attend on the Lord's day as wished to.

When the matter was under consideration in this House, I was confined to my bed by illness and was unable to deliver a speech which I had prepared. I telegraphed to General COGSWELL to ask permission to print my speech in the RECORD.

At great personal inconvenience to himself he procured such permission, knowing my views to be entirely and utterly opposed to his own.

On another occasion a sick and wounded soldier came to this city from my district to seek my assistance at the Pension Bureau. He found me absent in consequence of illness. General COGSWELL took the man, a humble man, only a private in the Army, and went with him to the Pension Bureau and procured for him the information which he desired to expedite his claim.

These little incidents, perhaps trifling in themselves, show the large heart that was in this man. As straws tell which way the wind blows, so the little events of life go to make up character.

Did you ever think what the righteous are finally commended for in that awful day when they come to stand before the Judge of all the earth to give an account for the deeds done in the body?

It is not for great deeds—founding an orphan asylum or a scholarship in a college, or endowing a school—great deeds printed in the newspapers and heralded abroad.

Oh, no; what does the Judge say?

> I was a hungered, and ye gave me meat: I was thirsty, and ye gave me drink: I was a stranger, and ye took me in:
> Naked, and ye clothed me: I was sick, and ye visited me: I was in prison, and ye came unto me.
>
> Then shall the righteous say:
>
> When saw ye we hungry, or thirsty, or naked?
>
> Then shall the Judge say:
>
> Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me.

General COGSWELL's funeral was one of the most notable and remarkable ever held in Massachusetts. When the funeral escort composed of his fellow-members reached his home, in the old city of Salem, they found the city draped in mourning, and the tolling bells told the grief and sorrow of her citizens over the death of the great man who had fallen.

His funeral was attended by the governor, lieutenant-governor, senators, members of the executive council, members of the legislature, judges of the court, and the highest officers of the Commonwealth.

He died in this capital city, where such a man would wish to die; he died in the capital of the nation, where for eight years he had stood as the Representative from Massachusetts.

Like the ancient gladiator, he died on his shield; he sleeps bravely and well, and the old Commonwealth of Massachusetts will revere and honor his memory until the latest time.

The streets of the city of Salem were thronged by thousands

on the occasion of his funeral, not only the inhabitants of that city, but by his constituents from every part of the district he had the honor to represent.

There was general sorrow, mourning, and grief among all classes of people in Massachusetts, for in his death his constituents lost an able Representative, the Commonwealth of Massachusetts lost one of her first citizens, and I have lost a friend.

The following clippings from several of the newspapers of my State give evidence of the sorrow of Massachusetts over the untimely death of Gen. WILLIAM COGSWELL:

[From the Salem Gazette.]

From first to last he was the embodiment of integrity, no smirch of dishonor ever attaching to his name.

[From the Nashua Telegraph.]

His place will not be easily filled.

[From the Haverhill Gazette.]

Since his election General COGSWELL has been faithful to every trust, great or small, reposed in him by his constituents.

[From the New Bedford Journal.]

General COGSWELL's story is something for the rising generation to study.

[From the Lewiston Journal.]

His death is a serious public loss.

[From the Worcester Gazette.]

General COGSWELL was courteous and affable, a man who made and kept friends.

[From the Clinton Item.]

He was one of the ablest of the Massachusetts Congressional delegation.

[From the Lawrence American.]

An exceptional career of usefulness to city, State, and nation is that just closed by the death of Representative COGSWELL.

[From the Haverhill Bulletin.]

He was a noble son of old Essex County, but his love of country spurned all boundary lines, and the broad scope of his mind gave him a deep interest in the interests of all sections.

[From the Lowell Vox Populi.]

In the death of General COGSWELL Massachusetts loses a distinguished son and the Sixth district an able Representative in Congress.

[From the Springfield Republican.]

The tributes to General COGSWELL will help make clear to Massachusetts people how strong a hold on the confidence of men in public life he had earned by faithful work in Washington.

[From the Lowell Citizen.]

General COGSWELL merited well of his countrymen.

[From the Lynn Item.]

General COGSWELL was an example in patriotism for the young of the country.

[From the Brockton Times.]

Massachusetts will long honor the memory of WILLIAM COGSWELL, of Salem. The State has had among its brave soldiers and faithful public servants few men who have commanded such universal esteem as he.

[From the Lawrence American.]

An exceptional career of usefulness to city, State, and nation is that just closed by the death of Representative COGSWELL.

[From the New Bedford Standard.]

By the death of Congressman COGSWELL Massachusetts loses a Representative who always honored his State. He was an earnest, true, manly man, of whom the Commonwealth was proud.

[From the Clinton Item.]

Gen. WILLIAM COGSWELL was one of the ablest of the Massachusetts Congressional delegation; his war record as colonel of the Second Massachusetts Regiment was excellent, and during his long term of service in the National House he has distinguished himself and his district.

[From the Newburyport News.]

General COGSWELL's career as a soldier and as a statesman was an honorable one, and his devotion to the needs of the Sixth district, which he represented so well, will long be remembered. Eulogies will be spoken over his body, but the best compliment that could be paid him was that of his own people, who without regard to party affiliations recognized his worth and without question elected him again and again to his Congressional seat.

[From the Lowell Times.]

Gen. WILLIAM COGSWELL, Congressman from the Sixth Essex district, was a gallant soldier, a genial, kind-hearted man, and an able Representative. His friends and constituents will mourn his death as a personal loss.

[From the Lowell Citizen.]

General COGSWELL was a brave patriot, a gallant soldier, who won his honors on the field of battle and bore them modestly, as all genuine men do. If he was a patriot in the field he was no less a patriot in the halls of legislation, and his honorable record in the National Congress rounded out that quality which in the time of trial gave him distinguished reputation.

[From the Springfield Union.]

Massachusetts suffers serious loss in the death of General COGSWELL. He has been very efficient in public service, and his efficiency was largely due to the kindly personal characteristics which made friends for him even among his political opponents. He seemed good for a score of years yet, but it is probably true of him, as of thousands of men who fought for the Union, that he sacrificed a quarter part of his natural life on his country's altar.

The governor sends a message to the legislature:

THE GOVERNOR'S MESSAGE.

Governor Greenhalge, in announcing to the legislature the death of General COGSWELL, said:

"WILLIAM COGSWELL, a Representative of the Commonwealth in the Congress of the United States, died this morning in Washington. Congress is not now in session.

"A statesman in the active service of the Commonwealth has died at his post. I deem it fitting that the legislature of Massachusetts should appoint a committee of their honorable body to proceed forthwith to Washington and escort the cortege on the journey back to the former home of your Representative in Massachusetts and do all things suitable and worthy of this solemn occasion."

The legislature of Massachusetts passed the following resolutions on the death of General COGSWELL, on motion of Mr. Jordan, of Salem:

Resolved, That the legislature of the Commonwealth of Massachusetts receives with profound sorrow and regret the sad intelligence, communicated by his excellency the governor, of the death in Washington of the Hon. WILLIAM COGSWELL, Representative in the National Congress from the Sixth Massachusetts district.

Resolved, That in the loss of General COGSWELL, Massachusetts and the nation have lost one worthy of every token of honor and respect; one whose life was literally spent in the service of his country. As a soldier he manifested a loyal and patriotic devotion to country by raising the first volunteer company for the late war, and his able, efficient, and continuous service throughout the entire conflict resulted in a deserved promotion on the field to the rank of brigadier-general. As a statesman he reflected great credit upon city, State, and nation, and was excelled by none in diligent and effective public service, and in faithful and fearless performance of public duty. He possessed unsurpassed sagacity and steadiness of purpose, energy, and wisdom, and a marvelous strength of character. General COGSWELL departed this life having won, to a marked degree, the confidence, admiration, and affection of his constituents, and of all who were privileged to have any relations with him, together with the esteem of his associates in Congress. Having devoted his life to duty, death found him crowned with the highest honors his district could bestow, with a national renown, and possessing the deepest regard of all the people.

Resolved, That in this tribute to Gen. WILLIAM COGSWELL, the Commonwealth honors the memory of an eminent citizen, a brave soldier, and an able statesman.

The Republican Club of Massachusetts, a large and influential body of citizens of the Commonwealth, unanimously adopted the following resolutions:

The Republican Club of Massachusetts, in common with all lovers of State and country, deeply regrets the death of Gen. WILLIAM COGSWELL, and joins in paying to the soldier and statesman the heart-felt tribute which his life and his qualities demand.

No party or sectional lines bound the mourning for the leader, who has fought his last fight. His whole career, from the day when, as a young man, he mustered soldiers in defense of his country, to the day of his death, is one constant lesson in patriotism that will endure and grow with the years to come. Everywhere and always he fought for the truth and against the lie. His political enemies were his personal friends, his personal enemies nowhere to be found.

He was a national figure that brought honor to Massachusetts. In the high councils of the nation his voice was powerful, his advice sought and followed. In the many circles of his life work he will be keenly missed, but especially here in his own State, where all knew him as a statesman, soldier, friend and neighbor, the mourning will be most sincere.

To his wife and family the Republican Club of Massachusetts, through its executive committee, extends its sympathy and mourns with them over his death in the height of his usefulness.

FRANCIS H. APPLETON, *President*.
FORREST C. MANCHESTER, *Secretary*.

When General COGSWELL was, with myself, a member of the Massachusetts senate, Stephen N. Gifford, of Duxbury, a venerable old man, who had served the senate for more than a generation as its clerk, died.

He was a venerable man, beloved by everybody, and the senate and house of representatives voted to attend his funeral in a body, and the senate voted to pronounce eulogies upon his memory.

I shall never forget the closing words of General COGSWELL's address, which are, as I remember them, as follows:

Dear Gifford, we shall see you no more; we shall listen to your pleasant greetings no more. Fare you well, Stephen N. Gifford, clerk.

So I say, standing here and now in this great presence, in this Hall where his voice was heard, in his seat near where he sat, Fare thee well, dear General GOSWELL, we shall hear your voice

no more; we shall hear your pleasant greeting and feel the grasp of your hand no more; you have crossed the "great divide"; we will little longer wait. Fare you well, General COGSWELL, a long and last and sad farewell.

Mr. DRAPER. Mr. Speaker, I can not better contribute to these services in honor of General COGSWELL's memory than by reading to the House the story of his military record, dictated by himself and confided to me for this purpose by Mrs. Cogswell. It bears a touching dedication calculated to bring tears to the eyes of those who knew him:

To my dear wife, as a souvenir, this substantially correct statement of my military career is dedicated for "her tender care and keeping and disposal":

On the 19th of April, 1861, the Massachusetts Sixth was fired upon in the streets of Baltimore on its march to the defense of the capital. The news reached Salem, Mass., at 1 o'clock that afternoon. WILLIAM COGSWELL, then a young attorney about six months in practice and 22 years of age, turned his office into a recruiting bureau for a company of volunteers for the war and in twenty-four hours thereafter he had recruited a full company of 100 men.

This was the first company raised in the country for the war. In May following it became Company C of Gordon's famous Second Massachusetts. As captain of that company COGSWELL with his company and regiment left Massachusetts shortly afterwards and joined General Patterson's command at Martinsburg, now in West Virginia. When the Confederate General Johnston escaped from Patterson's front and joined Beauregard at the first Bull Run, Patterson was retired to Harpers Ferry and his command turned over to General Banks.

Here Captain COGSWELL, with his own and three other companies, commanded the outposts of General Banks's command. Later in the season, the command having retired to Darnestown, Md., the regiment marched to the support of our troops at the battle of Balls Bluff. That winter it bivouacked in the field, and the following spring made the advance with Banks up the Shenandoah Valley as far as Harrisonburg, Va., when it fell back to Strasburg, Va., and here commenced the famous campaign in which Jackson drove Banks out of the valley and across the Potomac at Williamsport.

During the early part of this retreat the Second Massachusetts was the rear guard of Banks's column, and Captain COGSWELL's company with another skirmished in retreat from early in the afternoon until midnight, when Banks halted at Winchester. During the skirmish in retreat with these two companies, several charges of cavalry supported by infantry were made, but repulsed in every instance. The stout resistance of these companies was even mentioned in the Life of Stonewall Jackson.

When the Union command halted at midnight at Winchester Captain COGSWELL's company, although it had been skirmishing in retreat since early in the afternoon before, was placed on picket in front of our lines, which position he held against repeated attacks of the enemy, after daylight next morning, until Banks's troops could be thrown together in line, when a stubborn fight took place. But before long, Banks's whole line being nearly surrounded, it cut its way through, and the following night reached the Potomac at Williamsport.

Later that season COGSWELL with his company and regiment, in Banks's command, moved up the valley again, and afterwards crossed into the Valley of Virginia and took part in the battle of Cedar Mountain. Thence came the retreat under General Pope, back finally to the lines in and around Washington; then to the battle of Antietam, where his company and regiment were engaged all day, himself receiving a slight wound.

Previous to this Gordon had been made a brigadier, and after the battle of Antietam the then Colonel Andrews was promoted, and COGSWELL received his promotion to be lieutenant-colonel of the regiment, which he afterwards commanded as lieutenant-colonel and colonel until he was promoted on the field at Savannah to the command of a brigade and assigned to the command of the Third Division of the Twentieth Army Corps, which command he held until after the grand review in Washington and his muster out of service in July, 1865.

After Antietam COGSWELL conducted a night expedition across the river into Virginia, capturing a band of guerrillas under the notorious Captain Burk, who was killed in the encounter. For this COGSWELL received many compliments.

The following spring he took part in Hooker's campaign at Chancellorsville, and at the head of his regiment in that bloody and disastrous battle was severely wounded in the left arm, which took him from the field, and from the effects of which he suffered up to the time of his death.

While he was in hospital his regiment participated in the battle of Gettysburg, where it made a famous record. Soon after Gettysburg, with his arm in a sling and his wound not yet healed, COGSWELL resumed command of his regiment, which remained with the Army of the Potomac until the riots in New York. In that emergency his regiment and 19 others were selected as the best 20 regiments in the Army of the Potomac to go back to New York to quell the riot, protect that city, and subdue the rebel mob which then seemed to have possession of it. This was a duty which required the utmost coolness and caution, and in its execution COGSWELL was situated with his regiment in City Hall Park, now the site of the present post-office building, for the space of two weeks. Comparative quiet having been restored, with his regiment COGSWELL rejoined the Army of the Potomac at the front, where it remained until after the battle of Chickamauga, when his corps, the Twelfth, and the Eleventh Corps, both under Hooker, were transferred to Tennessee and became part of the Army of the Cumberland.

While his division was guarding the line of railroad at the battle of Missionary Ridge it was ordered to the front to take part in the campaign of Atlanta, COGSWELL being actively engaged with his regiment at the battle of Resaca, where he was mentioned for distinguished conduct. At the battle of Peach Tree Creek, in front of Atlanta, COGSWELL was division officer of the day. It was noon, and the Union troops were resting en masse in the shade, taking their dinner, totally unprepared for and not expecting the sudden attack which Hood made upon the Union Army at that time. When it began there was nothing in front of the corps but COGSWELL's line of division pickets, but, putting his reserve immediately upon the line, he was enabled to check the rebel advance long enough to give the Union troops opportunity to deploy in line and prepare to meet the assault which almost immediately followed.

When the Union lines closed in on the immediate defenses of Atlanta, with his regiment COGSWELL was ordered one morning to advance on the picket line and take some rebel earthworks. This was successfully done, despite a hot fire, and the rebel lines were driven back into their interior fortifications.

When Sherman made his famous flank movement on the right COGSWELL's command was retired to the Chattahoochee to defend that line. The flank movement resulting in the evacuation of Atlanta, COGSWELL's command moved up into the city, and there he was made by General Sherman post commandant of Atlanta while the Union troops held the place, from September 3 to November 17, 1864. This command he held with from 12,000 to 13,000 troops under him until after the Union Army had moved South on its march, and there COGSWELL, with his provisional command, joined the main body of Sherman's army.

Continuing on to Savannah, he was engaged in front of the works there some three days, during which he was sent with his regiment to Argyle Island, in the Savannah River, for the purpose of cutting off Hardee's retreat; but that retreat had already begun before this expedition was completed, and Savannah was evacuated.

At this point, as has been stated, Colonel COGSWELL was promoted on the field and given a brigade command. Crossing into South Carolina at the head of his brigade, he took part in the arduous and difficult campaign through South and North Carolina, being detailed frequently with his regiment to meet the ever-repeated attacks of the rebel cavalry, which hovered in front of the advance.

At the battle of Averysboro, in April, 1865, his brigade was actively engaged, losing heavily, and in this engagement COGSWELL was again slightly wounded. Two days subsequent his brigade was detached from its corps and ordered to the Fourteenth Corps, to hold a line from which a Union division had just been driven. This line was not only successfully held, but COGSWELL advanced his forces, meeting and overcoming three successive lines of the enemy. As was said in the words of another, "The next morning three distinct windrows of rebel dead could be seen in rear of COGSWELL's line, which showed that it had broken and driven back three distinct lines of the enemy."

In this engagement General COGSWELL was knocked over by a piece of shell, but was not seriously injured. With his command he marched to Raleigh, where Johnston capitulated to Sherman; thence up through Richmond to the grand review at Washington; and, as stated before, in July, 1865, he was mustered out of the service, having rendered a continuous, active service in the field of four years and three months.

In addition to this story of the General's own composition, I will add just a brief statement from a man who served in the same command—Gen. Benjamin Harrison, ex-President of the United States. He writes to Mrs. Cogswell as follows:

I did esteem him very highly and we had much delightful intercourse. He was a man whose heart was full of loyalty and courage—an unflinching and gallant soldier in action—a hearty and lovable comrade—and a just, kind, clear-headed man. If this brief but most sincere tribute can be made use of in any way to honor his memory you are welcome so to use it, and I am glad that your letter gives me an opportunity to express my appreciation of a noble man.

Most sincerely, yours, BENJAMIN HARRISON.

It was not my fortune during my military service to have been associated with General COGSWELL. Soon after the war I met him in various military and political channels, and the friendship then formed endured to the end. He was brave, loyal, a devoted friend, and an honorable and outspoken opponent.

At the time of his death he was one of the most distinguished, if not the most distinguished, of the remaining soldiers who served from Massachusetts in the civil war. His career in public life since the war, both at home and here in Congress, was a credit to himself and an honor to his State. His associates here, regardless of party or section, unite in sorrow for his loss and honor to his memory. In the words of Burns,

He was an honest man: If there is another world he lives in bliss;
If there is no other world he made the best of this.

Before taking my seat I will read a brief letter which I have received from my colleague, Mr. MCCALL, who would have taken part in these memorial services:

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 18, 1896.

MY DEAR GENERAL: An imperative engagement out of the city will prevent me, much to my regret, from being present on Saturday at the consideration of the resolution in honor of our former colleague, Gen. WILLIAM COGSWELL. The high degree of popularity among members of the House which General COGSWELL enjoyed was thoroughly deserved. He was able, frank, and genial, diligent in the discharge of his duty, and his death was a loss to the whole country. He had the respect of everybody and the warm affection of his friends, of whom, I am glad to say, I was one.

Sincerely, S. W. MCCALL.

Gen. WILLIAM F. DRAPER,
House of Representatives.

Mr. TUCKER. Mr. Speaker, I very much regret that the pressure of public business has prevented me from preparing something worthy of this occasion and of our friend who is the subject of these memorial ceremonies, but I am left to speak from the suggestions of the moment. I came to know General COGSWELL in the Fifty-first Congress, in a Congress full of partisanship and feeling, but from the first day I met him I felt that he was a man who could be trusted, and a man worthy of all honor. Our friendship grew with time, and as I look back over an experience of seven years here, the warm friendships which have been made in that time and the noble characters with whom I have been brought in contact, I hesitate not to say that not one of them stands out more prominently in memory than our deceased friend, General COGSWELL.

As I think of the memorable speeches which have been made in this body since I have been a member of it, I recall many that have impressed me with the lawyer's skill and the orator's power, but, sir, I recall no speech in that time that exhibited the great virtue of patriotism more than the one made by General COGSWELL to which allusion has been made. I can never forget the impression made upon me by his speech on the Atlanta Exposition. I was opposed to the bill to aid that exposition; I voted against it; I doubt not that my honored friend who sits before me [Mr.

SAYERS] voted against it; but the broad, catholic spirit of that speech and its genuine patriotism won me for life to the man who uttered it.

Mr. Speaker, there was another quality of General COGSWELL which the honorable gentleman from Ohio [Mr. GROSVENOR] has referred to, and which impressed itself upon everybody who knew him. There was no narrowness in his composition. His political convictions were pronounced and fixed, but he did not "play" politics at the expense of his patriotism. A lie, duplicity in any form, could not live in his nature. He was the personification of frankness, and manhood, with all that the word imports, was his chief characteristic. For of all the qualities with which human nature is endowed I believe that one which General COGSWELL possessed to a higher extent than any other is the most beautiful and the most worthy of emulation. His was indeed a manhood symmetrical in all its elements.

Mr. Speaker, I mourn the death of our friend, for I counted him among my friends; but, as has been well said, his life was not lived in vain. In the great trouble in this country which succeeded the civil war General COGSWELL, as a prominent factor in that strife, did as much, in my humble judgment, as any man who has lived in his day to smother the fires of that strife forever; and surely no higher eulogy could be passed upon any man as a patriot than to say that he did what he could to bring together the distracted elements of our country.

Mr. Speaker, when the history of the great men of the Commonwealth of Massachusetts is written, the historian will find many who were eminent for their powers of oratory, or for their legal lore, or distinguished in art and in science; but, believe me, there will be none in the long catalogue of the distinguished men of that great State to whom she can more proudly point as a fit object of the emulation of her children in a sturdy and robust manhood than WILLIAM COGSWELL, our friend gone now forever. And since his blood has moistened the soil of old Virginia in time of war, I have deemed it a mournful pleasure that I, as one of her Representatives on this floor, have been permitted to bear testimony to his splendid character and drop a flower—a tribute of my affection—on his new-made grave.

Mr. GILLETT of Massachusetts. Mr. Speaker, at the commencement of the last Congress the lottery of drawing seats placed me beside General COGSWELL, and he seemed to take pleasure in inducting me to my new position, instructing me about my duties, smoothing the way into pleasant and useful associations, and exercising a general sponsorship which was most helpful and agreeable at the time and led to an intimacy and a gratitude which impels me now to a word of expression. I appreciate how adequately he has already been portrayed and shall only attempt to summarily characterize what to me was most impressive in his personality as I saw him here and what I think was the secret of his wide influence. It was a quality of frank, direct, courageous sincerity which marked all his words and conduct. I do not think he was endowed with those shining traits which inevitably catch public admiration and raise a man above his fellows. He was not preeminently brilliant or profound or farseeing or eloquent, but he brought to every emergency a strong mind guided by a straightforward will, and his judgment was never clouded by the politician's baneful calculation of personal consequences. He chose what seemed to him right, without afterthought, and hence his decision was quick and sound and earned respect and confidence.

In social intercourse he won and kept his friends by no art or sycophancy, but by a free disclosure of his real personality, and you felt here is a true man who does not seek to hide his defects beneath a cloak of reserve, and extended acquaintance extended your reliance on his transparent trustworthiness. He was a warm partisan and not without prejudices, and I think what quickest kindled his antipathy was a professed sanctity, springing not from conviction, but from hypocritical prudence. Of such assumption he was innocent himself and outspoken in his contempt. Indeed, I sometimes thought his aversion led him to the other extreme, and that in his hatred of hypocrisy he almost posed as more lenient to vice than was his nature. Not only did he never "assume a virtue if he had it not," but virtues which were ingrained in his being he never paraded. It was this same quality of unostentatious sincerity which gave impressiveness to his public utterances and influence to his public example. For while a strong he was not a brilliant speaker; he was a clear but not a deep thinker, a good but not a learned lawyer, an industrious but not tireless worker. But from him words, though not eloquent, and thoughts, though not striking, bore with them the weight of his stalwart personality. His shafts were always feathered with honesty and pointed with conviction, and so flew far and penetrated deep.

I think, too, his slender means added to his great popularity. While wealth acquired in public office does not imply corruption, yet the people are quick to ascribe an impregnable honesty to the man who through long service continues poor. And there is a certain propriety in this conclusion. Albert Gallatin, in 1818, wrote to Baring Bros., in reply to their tender of a lucrative position:

I will not accept your obliging offer, because a man who has had the direction of the finances of his country as long as I have should not die rich.

And although that showed a sensitiveness far above the modern standard, and which perhaps can not be logically defended, yet it appeals directly to the popular heart. And I think some of the warm sympathy and attachment to General COGSWELL sprang from the fact that public office never brought to him private luxury. That he should leave at his death an estate less than $500 was accepted as a natural and honorable result of a pure and disinterested public career.

His position here was eminent and distinguished, influential alike from personal popularity and proved desert. Perhaps his associates were unconsciously affected, too, by the knowledge that he had been a brilliant soldier; that his energy and prudence and dauntless courage had made him a general when in appearance yet a boy, though this was never disclosed by any allusion of his own. To those of us who have only known the "canker of a long peace" the reputation of success in war invests its possessors with a glamour to which their perils well entitle them, and which I trust may never be diminished. The fact that at 26 he had fought his way to the head of a brigade gave authority to his opinions. Indeed, there was ever about him a flavor of that blunt directness which we associate with the resolute soldier. And if he had not the poetic, quivering imagination which soars into the highest flights of eloquence he was free from the feverish and variable judgment of the poet; if he lacked the profound and all-embracing grasp of the philosopher he had not his uncertainty and hesitation in action; if he was not gifted with genius he was without its aberrations and eccentricities and mistakes. God gave him a noble heart and strong talents, which he did not hide in a napkin, but so employed them as to be more effectual and fruitful for himself and for his country than endowments far more lavish. His useful career seems but the acting out of his manly nature, and well illustrates the classic admonition—

To thine own self be true, and it must follow as the night the day, thou cans't not then be false to any man.

Mr. MOODY. Mr. Speaker, I move the adoption of the resolutions.

The resolutions were adopted unanimously; and the House accordingly, as a mark of respect to the memory of General COGSWELL (at 2 o'clock and 51 minutes p. m.), adjourned until Monday,

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation for rent of the Miner School Building for the current fiscal year—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting estimates of deficiencies for pay of Navy, and miscellaneous pay for the years 1894, 1895, and 1896—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

By Mr. CATRON, from the Committee on the Territories, to which was referred the bill of the House (H. R. 7716) to amend section 1921 of the Revised Statutes, and for other purposes, reported the same without amendment, accompanied by a report (No. 1362); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

By Mr. ALDRICH of Illinois, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 1675) to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory, reported the same without amendment, accompanied by a report (No. 1363); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. LOUDENSLAGER, from the Committee on Pensions: The bill (S. 1565) granting a pension to Benjamin F. Howland. (Report No. 1360.)

commandant of Atlanta while the Union troops held the place, from Septem- | I doubt not that my honored friend who sits before me [illegible]

man who through long service continues poor. And there is a | (Report No. 1360.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (H. R. 7658) for the relief of Stephen R. Stafford, captain Fifteenth Infantry, United States Army. (Report No. 1364.)

By Mr. DENNY, from the Committee on Claims: The bill (S. 1085) for the relief of the Potomac Steamboat Company. (Report No. 1365.)

By Mr. KIRKPATRICK, from the Committee on Pensions:

The bill (H. R. 5703) granting a pension to Mary M. Macauley, widow of late Brig. Gen. Daniel Macauley, United States Volunteers. (Report No. 1366.)

The bill (H. R. 3316) granting a pension to Cora L. Dodge. (Report No. 1367.)

By Mr. GRAFF, from the Committee on Claims: The bill (H. R. 7891) to refer the claim of Joseph W. Parish to the Secretary of the Treasury for examination and report. (Report No. 1368.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. KULP: A bill (H. R. 8294) donating four condemned cannon and four pyramids of condemned cannon balls to Monumental Association, of Catawissa, Pa.—to the Committee on Naval Affairs.

Also, a bill (H. R. 8295) donating one condemned cannon and two pyramids of condemned cannon balls to Captain Jackson Post, Grand Army of the Republic, No. 159, Berwick, Pa.—to the Committee on Naval Affairs.

Also, a bill (H. R. 8296) donating four condemned cannon and four pyramids of condemned cannon balls to Lincoln Post, No. 140, Shamokin, Pa., for their Soldiers' Monumental Association—to the Committee on Naval Affairs.

By Mr. BAILEY (by request): A bill (H. R. 8297) to regulate insurance companies in the Indian Territory—to the Committee on the Judiciary.

Also (by request), a bill (H. R. 8298) relating to mortgages in the Indian Territory—to the Committee on the Judiciary.

By Mr. BROWN: A bill (H. R. 8299) granting the right of way to the Chattanooga Rapid Transit Company to lay track into the grounds of the Chickamauga and Chattanooga National Park—to the Committee on Military Affairs.

By Mr. HITT: A bill (H. R. 8313) authorizing the transfer of a cannon from the Rock Island Arsenal, Rock Island, Ill., to Grant Park, in Galena, Ill.—to the Committee on Military Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 8154) for the relief of Alice Severy—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

Papers in the case of Frederick Fisher—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BREWSTER: A bill (H. R. 8300) granting an increased pension to Isaiah F. Force—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 8301) granting an increase of pension to Rufus H. Duncan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8302) granting an increase of pension to A. V. Bloodgood—to the Committee on Invalid Pensions.

By Mr. FENTON: A bill (H. R. 8303) to increase the pension of Lorenzo Thomas—to the Committee on Invalid Pensions.

By Mr. HADLEY: A bill (H. R. 8304) to increase the pension of John Purkapile—to the Committee on Invalid Pensions.

By Mr. HARTMAN: A bill (H. R. 8305) for the relief of Henry C. Worthington—to the Committee on Claims.

By Mr. HATCH: A bill (H. R. 8306) granting a pension to Darwin T. Brown—to the Committee on Invalid Pensions.

By Mr. LEIGHTY: A bill (H. R. 8307) to remove charge of desertion now standing against James Hennessy on the rolls of the War Department—to the Committee on Military Affairs.

By Mr. LONG: A bill (H. R. 8308) granting a pension to Eliza A. Stafford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8309) for the relief of Simon Reyneir—to the Committee on Military Affairs.

Also, a bill (H. R. 8310) for the relief of Permelia R. Parris—to the Committee on Invalid Pensions.

By Mr. MAHANY: A bill (H. R. 8311) for the relief of John W. T. Briggs—to the Committee on Military Affairs.

Also, a bill (H. R. 8312) for the relief of John Finn—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CURTIS of Iowa: Petition of Frank Nadler, of Davenport, Iowa, asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. DOCKERY: Petition of citizens of Stewartsville, Mo., asking for favorable action on House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DOLLIVER: Petition of the city council of the city of Boone, Iowa, in behalf of the transmississippi and international exposition at Omaha—to the Committee on Ways and Means.

By Mr. EVANS: Petition of J. W. McGee and others; also of W. M. Dauner, of Louisville, Ky., praying for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. FLYNN: Petition of 500 citizens of Indian Territory, asking that Wagner be designated as a place for holding United States court—to the Committee on the Judiciary.

By Mr. HART (by request): Petition of the Young Men's Christian Association of Mauch Chunk, Pa., praying for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HARTMAN: Remonstrances and petitions of C. F. Schwab and others; also of J. A. Carnegie and other citizens, all of the State of Montana, against permitting the statue of Père Marquette to remain in Statuary Hall—to the Committee on the Library.

By Mr. HILL (by request): Petition of Charles P. Haller, general secretary of the Young Men's Christian Association, of Stamford, Conn.; also of E. J. Steele, of Torrington, Conn., asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HULING (by request): Petition of citizens of West Virginia, protesting against the statue of Père Marquette remaining in the Capitol of the United States—to the Committee on the Library.

By Mr. LEIGHTY: Paper to accompany House bill to remove the charge of desertion against James Hennessy, of Battery B, Third New York Artillery—to the Committee on Military Affairs.

By Mr. LINTON: Petition and remonstrance of citizens of Montpelier, Vt.; also of Jacob Gunsaul and other residents of Covert, Mich.; also of citizens of Ravenswood, W. Va., protesting against the statue of Marquette remaining in Statuary Hall—to the Committee on the Library.

By Mr. MEIKLEJOHN: Petition of the mayor and city council of Chadron, Nebr.; also of city council of Aurora, Nebr., in favor of the transmississippi exposition at Omaha—to the Committee on Ways and Means.

Also, petition of Banner Post, No. 308, Grand Army of the Republic, of South Sioux City, Nebr.; also of Kilpatrick Post, No. 82, Grand Army of the Republic, of Oakdale, Nebr., asking for the passage of the National Tribune service-pension bill—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Pennsylvania: Petition of J. T. Reynolds and others, of the borough of Media, Delaware County, Pa., favoring the appropriation of unclaimed pension and bounty money due the estates of deceased colored soldiers to educational purposes—to the Committee on Education.

By Mr. SIMPKINS: Petition of the Boston Merchants' Association, of Boston, Mass., urging the establishment of a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Boston Merchants' Association, favoring the enactment of the Torrey bankruptcy bill—to the Committee on the Judiciary.

By Mr. SOUTHWICK: Remonstrance and petition of Francis F. Butt and others; also of Geurtze and others, all of Albany, N. Y., against the acceptance of a statue of Père Marquette—to the Committee on the Library.

SENATE.

MONDAY, *April 20, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on motion of Mr. PETTIGREW, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, in response to a resolution of March 24, 1896, calling for information as to whether any of the lands referred to in Exhibits 3, 4, 5, 6, and 7, on page 32 of Senate Document No. 155, Fifty-fourth Congress, first session, and more particularly described therein, have been disposed of for less than $1.25 per acre, etc., transmitting a report from the Commissioner of the General Land Office containing the information desired; which, with the report, was ordered to be printed, and, with the accompanying papers, ordered to lie on the table.

He also laid before the Senate a communication from the Secretary of War, transmitting, for the information of the Committee on Commerce, United States Senate, a letter from the Attorney-General, together with inclosures referred to, relative to the improvement of the Fox and Wisconsin rivers; which, on motion of Mr. VILAS, was ordered to be printed, and, with the accompanying papers, referred to the Committee on Commerce.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of February 6, 1896, a statement of the bids for bonds recently advertised for sale by him, giving the names and residences of the bidders, the amounts bid, and other detailed information; which, on motion of Mr. HILL, was ordered to be printed, and, with the accompanying papers, ordered to lie on the table.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Merchants' Exchange of St. Louis, Mo.; a petition of the Alton Board of Trade of Alton, Ill., and a petition of the Central Association of Retail Merchants of Nyack, N. Y., praying for the establishment of a department of commerce and manufactures; which were referred to the Committee on Commerce.

Mr. SHERMAN presented a petition in the form of resolutions adopted by the Trades and Labor Council of Piqua, Ohio, having a membership of 1,500, praying for the free and unlimited coinage of silver; which was ordered to lie on the table.

Mr. BURROWS presented a petition of the Congregational Church of Benton Harbor, Mich., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. ALLEN presented a petition of the New York Mercantile Exchange, praying for the passage of House bill No. 8008, relating to filled cheese; which was referred to the Committee on Agriculture and Forestry.

He also presented sundry petitions of railway postal clerks of Omaha, Hastings, and McCook, all in the State of Nebraska, praying for the passage of Senate bill No. 2741, providing for a reclassification of clerks in the railway postal service; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. TURPIE presented a petition of sundry citizens of Jeffersonville, Ind., praying for the passage of House bill No. 7606, granting an increase of pension to Lucy Ord Mason; which was referred to the Committee on Pensions.

Mr. VEST presented a petition of the Merchants' Exchange of St. Louis, Mo., praying that the so-called Harter Act, relating to the navigation of vessels, be amended so as to afford ample and proper protection to shippers of produce, etc., and also for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a petition of the Commercial Club of Kansas City, Mo., praying for the enactment of legislation providing 1-cent letter postage for each half ounce, and also to correct abuses in connection with second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

MRS. FLORENCE E. MAYBRICK.

Mr. CALL. I present a brief by Hon. A. H. Garland and L. D. Yarrell, a paper by a retired barrister, and other papers, asking Congress to express a desire for the pardon of Mrs. Maybrick. I move that the papers be printed as a document for the information of the Senate.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PETTIGREW, from the Committee on Public Lands, to whom was referred the bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that purpose, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. SHOUP, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3852) to amend the record of William H. De Freest, reported it without amendment, and submitted a report thereon.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2178) to provide for the purchase of a site, and for the erection of a public building thereon at Salt Lake City, the capital of the State of Utah, and at Ogden, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 131) to provide for the purchase of a site, and the erection of a public building thereon, at Nashua, in the State of New Hampshire, reported it without amendment, and submitted a report thereon.

The PRESIDENT pro tempore (Mr. FRYE), from the Committee on Commerce, to whom was referred the bill (S. 2391) to amend section 2981 of the Revised Statutes as amended by the act of June 10, 1880, reported it without amendment.

Mr. ALLEN (for Mr. BERRY), from the Committee on Public Lands, to whom was referred the bill (H. R. 2265) to provide for the reimbursement of the expense of constructing a sewer upon the permanent reservation at Hot Springs, Ark., reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 2725) to establish a railroad bridge across the Illinois River at a point within 5 miles from and above the upper limits of Grafton and a point in Calhoun County in said State opposite or nearly opposite the said point in Jersey County, all in the State of Illinois, reported it with amendments.

Mr. ALLISON. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, to report it with amendments, and I submit a report thereon. I give notice that at the earliest practicable moment I shall ask the Senate to consider the bill.

The PRESIDENT pro tempore. Meanwhile the bill will be placed on the Calendar.

Mr. WILSON, from the Committee on Public Lands, to whom was referred the bill (S. 2503) for the relief of Addison A. Hosmer, reported it without amendment, and submitted a report thereon.

Mr. HILL, from the Committee on the Judiciary, to whom was referred the bill (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, reported it with an amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 2101) to extend the provisions of an act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 606) for the relief of Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean, reported it without amendment, and submitted a report thereon.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. HAWLEY. By the instruction of the Committee on Military Affairs I report, back favorably the joint resolution (H. Res. 160) to appoint four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers, and I beg leave to have it acted upon now. I can explain the reason if desired.

The Secretary read the joint resolution, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides for the appointment of William B. Franklin, of Connecticut; Thomas J. Henderson, of Illinois; George L. Beal, of Maine, and GEORGE W. STEELE, of Indiana, as members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SEWERAGE WORK AT FORTRESS MONROE.

Mr. HAWLEY. From the Committee on Military Affairs I submit a report to accompany the joint resolution (H. Res. 163) to amend the act approved August 1, 1894, making appropriations for fortifications and other works of defense, etc., heretofore reported by me.

I beg leave to ask for the immediate consideration of the joint resolution. It is to complete the sewerage work at Fortress Monroe. It appropriates no money, but diverts a portion of an unexpended appropriation to that purpose. The Chief of Engineers says the work ought to be done now for the health of the post.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. HAWLEY. I will briefly explain the joint resolution. In the act of 1894 it was provided that not to exceed $75,000 might be expended upon a sewerage system badly needed at that place, one-half of it to be contributed by private parties, the owners of the hotels and other buildings. The work was done finally for $45,000. The private parties paid their $22,500 and the United States expended its $22,500, leaving, if I recollect aright, $15,000 of the United States sum of $37,500 free. Five thousand dollars of that amount the Chief of Engineers says must be expended to provide a system for flushing the sewers.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS JOHNSON.

Mr. WALTHALL. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 365) to fix the date of the discharge of Thomas Johnson, to report it without amendment. It is a House bill of less than four lines and can be disposed of in a minute. I ask unanimous consent that it may be put upon its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to fix the date of the discharge of Thomas Johnson, Company L, Seventh Kentucky Cavalry, at November 20, 1862.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PACIFIC RAILROADS.

Mr. PUGH. At the request of my colleague [Mr. MORGAN], a member of the Committee on Pacific Railroads, who is unable to be present in the Senate, I present his views, representing the minority, adverse to the bill (S. 2894) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned. I ask that the minority report may be printed in the RECORD.

The PRESIDING OFFICER (Mr. THURSTON in the chair). The Senator from Alabama asks that the report presented on behalf of his colleague may be printed in the RECORD. Is there objection?

Mr. CHANDLER. I wish to ask the Senator from Alabama a question first. Is the minority report the large book he holds in his hand?

Mr. PUGH. No, sir; it is only 36 pages of this book.

Mr. CHANDLER. It is the 36 pages of the minority report itself, without the accompanying papers, that the Senator desires to have printed.

Mr. PUGH. Yes, sir; the minority report, making 36 pages.

Mr. CHANDLER. Without the documents?

Mr. PUGH. Yes, sir.

Mr. CHANDLER. I make no objection.

Mr. ALLISON. Has the majority report been printed in the RECORD?

Mr. WOLCOTT. I desire to make a remark in reference to the inadvertent statement made by the Senator from Alabama [Mr. PUGH] that his colleague [Mr. MORGAN] submitted a report of the minority of the committee. I wish to state that the bill as agreed upon and reported to the Senate by the chairman of the committee, the Senator from Iowa [Mr. GEAR], is not the unanimous report of the committee. I did not agree and do not now agree with the rest of the committee as to so much of the bill at least as relates to the proposed settlement with the Union Pacific Railway Company, and I have reserved the right to file such minority report as I shall deem best. The report which the Senator from Alabama [Mr. PUGH] presents represents the views of the Senator from Alabama [Mr. MORGAN], also in the minority.

Mr. PUGH. Alone.

The PRESIDING OFFICER. Is there objection to printing the minority report in the RECORD?

Mr. ALLISON. I merely desire to ask if the majority report has been printed in the RECORD.

Mr. WOLCOTT. It has not yet been filed. The Senator's colleague, the junior Senator from Iowa [Mr. GEAR], has not filed his report, and it has not been printed in the RECORD.

The PRESIDING OFFICER. The Chair understands that the majority report has not yet been made to the Senate.

Mr. ALLISON. I suggest that the two reports should be printed together in the same document in some way. It would seem that the majority report should be printed in the RECORD at the same time that the minority report is.

Mr. PUGH. Has the Senator from Iowa any information as to the time when the majority report will be made?

Mr. ALLISON. I have no information on the subject.

Mr. CHANDLER. If the Senator will allow me, when I assented to having the minority report printed in the RECORD I had the impression that the majority report had been printed in the RECORD. I recall now that no report has been printed, but only the bill. The Senator from Nebraska [Mr. ALLEN] asked that the bill might be printed in the RECORD, and it is all that has been printed. So I do not think the minority report should be printed in the RECORD at this time.

Mr. PUGH. Is the Senator able to say that there will be a majority report?

Mr. BRICE. The Senator from Alabama will allow me for a moment. The chairman of the Committee on Pacific Railroads is now engaged in revising the report on behalf of the majority of the committee, and it will be formally presented to the Senate within a day or two. I suggest that as soon as the majority report has been prepared the minority report, or both minority reports, in case there shall be two, shall be printed in the same document or at the same time.

Mr. GEAR. I will state at the same time——

Mr. PUGH. I will withhold the minority report on that statement.

The PRESIDING OFFICER. The Senator from Alabama withdraws the minority report.

Mr. GEAR. I will state for the information of the Senator from Alabama that the majority report is practically made out, and I am waiting for some figures from the Treasury as to when the proposed payment, if Congress shall adopt the bill as reported by the committee, would fall due. I shall be able to present it to-morrow or the next day.

BILLS INTRODUCED.

Mr. PRITCHARD introduced a bill (S. 2895) for the relief of J. M. Johnson, administrator of Henry Johnson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. QUAY introduced a bill (S. 2896) to provide an American register for the ship *Charles R. Flint;* which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2897) for the relief of John T. Brewster; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2898) to authorize the construction of a bridge over the Monongahela River from the city of McKeesport to the township of Mifflin, Allegheny County, Pa.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. HARRIS (by request) introduced a bill (S. 2899) granting the right of way to the Chattanooga Rapid Transit Company to lay a single track and the necessary turn-outs into the grounds of the Chickamauga and Chattanooga National Park, in the State of Tennessee; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 2900) granting an increase of pension to Joseph McGuckian; which was read twice by its title, and referred to the Committee on Pensions.

The PRESIDENT pro tempore (Mr. FRYE) (by request) introduced a bill (S. 2901) to incorporate the United States Annuity Company, of Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2902) for the establishment of a light and fog signal on Duck Island, Maine; which was read twice by its title, and referred to the Committee on Commerce.

GROUND MAP OF THE UNITED STATES.

Mr. CANNON. I introduce a joint resolution. I ask that it be read at length and lie on the table; and I give notice that to-morrow I shall submit some observations upon it at the conclusion of the routine morning business.

The joint resolution (S. R. 135) providing for the appointment of a commission to report upon the practicability of establishing near Washington, D. C., a ground map of the United States, was read the first time by its title and the second time at length, as follows:

Be it resolved, etc., That the appointment of a commission of five citizens of the United States is authorized to be made in the following manner: Three members to be selected by the President of the United States, one by the President of the Senate, and one by the Speaker of the House of Representatives, and for the following purpose: To examine into and to report to Congress upon the practicability, advisability, and cost of establishing, at or near the city of Washington, a ground map of the United States of America on a scale of 1 square yard of map surface for each square mile of actual area; said ground map to be as nearly as may be our country in miniature, reproducing in earth and other materials, on scale, the boundaries and the

topography, all the natural and artificial features of the surface, showing geographical divisions, also mountains, hills, and valleys, forests, lakes, and streams, cities and villages; and that said commission is to serve without compensation.

The PRESIDENT pro tempore. The Senator from Utah asks that the joint resolution lie on the table. If there be no objection, that order will be made.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CHANDLER submitted three amendments intended to be proposed by him to the naval appropriation bill; which were referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. QUAY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BURROWS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads.

The PRESIDENT pro tempore (Mr. FRYE) submitted an amendment intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Military Affairs.

Mr. HAWLEY subsequently, from the Committee on Military Affairs, to whom was referred the amendment submitted by Mr. FRYE on this day, intended to be proposed to the fortifications appropriation bill, the amendment providing that the ordnance storekeeper now on duty in Washington as disbursing officer and assistant to Chief of Ordnance, United States Army, shall hereafter have the rank of major, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. SEWELL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

EMPLOYEES OF GOVERNMENT PRINTING OFFICE.

Mr. HANSBROUGH submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Public Printer be, and he is hereby, directed to furnish the Senate at his earliest convenience with a statement of the amount of "leave money" claimed to be due the employees of the Government Printing Office for the fiscal year 1892-93.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 69) to authorize the Secretary of the Interior to settle the claims of the legal representatives of S. W. Marston, late United States Indian agent at Union Agency, Ind. T., for services and expenses; and

A bill (S. 744) providing for a naval training station on the Island of Yerba Buena (or Goat Island) in the harbor of San Francisco, Cal., and for other purposes.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 468) granting an increase of pension to Mrs. H. J. Kiernan;

A bill (H. R. 2618) granting honorable discharge to Andrew V. Sende;

A bill (H. R. 2689) granting a pension to Charlotte Weirer;

A bill (H. R. 2740) to carry into effect the findings of the Court of Claims in favor of the estate of George Case, late of Independence County, Ark.;

A bill (H. R. 3112) granting a pension to Josephine Foote Fairfax;

A bill (H. R. 3671) to remove the charge of desertion from the military record of Anthony O'Grady, alias John Davis;

A bill (H. R. 3772) to correct the muster roll of Company I of the Seventh Iowa Infantry Volunteers;

A bill (H. R. 3932) granting a pension to Mrs. Elizabeth Richardson;

A bill (H. R. 4456) to authorize and direct the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to the Cemetery Association in the city of St. Paul, Minn., to be used at or near the foot of the soldiers' monument in said cemetery;

A bill (H. R. 4475) granting a pension to Mrs. Catherine Gaffney;

A bill (H. R. 4712) granting a pension to Margaret A Luthy;

A bill (H. R. 5667) granting a pension to Mrs. Maria B. Brinton;

A bill (H. R. 5999) to correct the military record of Elbridge McFadden;

A bill (H. R. 7161) for the relief of Benjamin F. Jones;

A bill (H. R. 7172) donating four condemned cannon and four pyramids of condemned cannon balls to the Soldiers' Monument Association of Allegan, Mich.;

A bill (H. R. 7285) for the relief of George McFarland;

A bill (H. R. 8012) donating condemned cannon and cannon balls;

A bill (H. R. 8077) granting to Budlong Post, Grand Army of the Republic, of Westerly, R. I., two condemned mounted brass cannon; and

A joint resolution (H. Res. 122) authorizing the Secretary of the Navy to deliver condemned cannon to Chamberlain Post, Grand Army of the Republic, to be posted by the soldiers' monument at St. Johnsbury, Vt.

The message further announced that the House had passed a concurrent resolution, authorizing the Public Printer to print and bind in paper covers 500 copies of the report of the commanding officer of the Watertown Arsenal of tests of materials for industrial and other purposes; in which it requested the concurrence of the Senate.

The message also communicated to the Senate resolutions of the House commemorative of the life and character of Hon. William Cogswell, late a Representative from the State of Massachusetts.

PENSIONS TO SURVIVORS OF INDIAN WARS.

Mr. MITCHELL of Oregon. I desire to give notice that on Wednesday morning next, immediately after the conclusion of the morning business, I shall ask the Senate to proceed to the consideration of the bill (S. 2281) to amend an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892, for the purpose of enabling me to submit some remarks.

STATUE OF JAMES MARQUETTE.

Mr. VILAS. I give notice that on Wednesday, the 29th instant, at the conclusion of the routine morning business, I shall ask the Senate to receive a communication from the governor of Wisconsin, tendering the Congress the statue of James Marquette, and to ask such further action in reference to the same as may be appropriate.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 468) granting an increase of pension to Mrs. H. J. Kiernan;

A bill (H. R. 2689) granting a pension to Charlotte Weirer;

A bill (H. R. 3112) granting a pension to Josephine Foote Fairfax;

A bill (H. R. 3932) granting a pension to Mrs. Elizabeth Richardson;

A bill (H. R. 4475) granting a pension to Mrs. Catherine Gaffney;

A bill (H. R. 4712) granting a pension to Margaret A. Luthy; and

A bill (H. R. 5667) granting a pension to Mrs. Maria B. Brinton.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 2618) granting honorable discharge to Andrew V. Sende;

A bill (H. R. 3671) to remove the charge of desertion from the military record of Anthony O'Grady, alias John Davis;

A bill (H. R. 3772) to correct the muster roll of Company I of the Seventh Iowa Infantry Volunteers; and

A bill (H. R. 5999) to correct the military record of Elbridge McFadden.

The following bills and joint resolution were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. 4456) to authorize and direct the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to the Cemetery Association in the city of St. Paul, Minn., to be used at or near the foot of the soldiers' monument in said cemetery;

A bill (H. R. 7172) donating four condemned cannon and four pyramids of condemned cannon balls to the Soldiers' Monument Association of Allegan, Mich.;

A bill (H. R. 8012) donating condemned cannon and cannon balls;

A bill (H. R. 8077) granting to Budlong Post, Grand Army of the Republic, of Westerly, R. I., two condemned mounted brass cannon; and

A joint resolution (H. Res. 122) authorizing the Secretary of the Navy to deliver condemned cannon to Chamberlain Post, Grand Army of the Republic, to be posted by the soldiers' monument at St. Johnsbury, Vt.

The bill (H. R. 2740) to carry into effect the findings of the Court of Claims in favor of the estate of George Case, late of Independence County, Ark., was read twice by its title, and referred to the Committee on Claims.

Mr. ALLISON. I suggest that the two reports should be printed | reproducing in earth and other materials, on scale, the boundaries and the

A bill (H. R. 7172) donating four condemned cannon and four | to the Committee on Claims.

The bill (H. R. 7161) for the relief of Benjamin F. Jones was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 7285) for the relief of George McFarland was read twice by its title, and referred to the Committee on Finance.

TESTS OF MATERIALS FOR INDUSTRIAL AND OTHER PURPOSES.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized to print and bind in paper covers 500 copies of the report of the commanding officer of the Watertown Arsenal of tests of materials for industrial and other purposes made at said arsenal during the fiscal year ended June 30, 1893.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I ask unanimous consent to proceed to the consideration of the Indian appropriation bill.

Mr. WOLCOTT. I should like to ask if the Senator from Kansas [Mr. PEFFER] is aware of the purpose to call up the appropriation bill at this time?

Mr. PETTIGREW. He is.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

The PRESIDENT pro tempore. The pending question is on the amendment submitted by the Senator from Kansas [Mr. PEFFER], which will be read.

The SECRETARY. On page 59, line 3, after the word "schools," insert:

And in any case, if such there be, where the provisions of this act shall operate to deprive Indian children of present school facilities, the Secretary of the Interior is hereby authorized to provide such temporary school accommodations, including teachers, as may be necessary for the time being, and report to Congress at the opening of the next regular session.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

The PRESIDENT pro tempore. The question recurs on the amendment of the Senator from Montana [Mr. CARTER], which will be read.

The SECRETARY. In line 20, page 58, strike out all after the word "Alaska" down to and including the word "schools," in line 3, page 59, and including the amendment just adopted, and insert:

Provided, That the Secretary of the Interior may make contracts with present contract schools for the education of Indian pupils during fiscal year 1897, but shall only make such contracts at places where Government schools of adequate capacity can not be provided for such Indian children and to an amount not exceeding 60 per cent of the amount so used for the fiscal year 1895, and it is hereby declared to be the settled policy of the Government to make no appropriation whatever for the education of Indian children in any other than Government schools as soon as it is possible for provision to be made for their education in such schools; and the Secretary of the Interior is hereby authorized and directed to make such provision at the earliest practicable day, not later than July 1, 1899.

Mr. BURROWS. May I inquire what the amendment was which was adopted by the Senate a moment ago?

The PRESIDENT pro tempore. The amendment which was adopted a few minutes ago will be read by the Secretary.

The Secretary again read Mr. PEFFER'S amendment.

The PRESIDENT pro tempore. The amendment now before the Senate proposes to strike out the amendment just read, together with the matter between line 20, on page 58 and line 3, on page 59. Is the Senate ready for the question on the amendment of the junior Senator from Montana [Mr. CARTER]?

Mr. COCKRELL. I offer an amendment, to come in after the amendment of the Senator from Kansas just adopted.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Missouri will be read.

The SECRETARY. It is proposed to add the following proviso:

Provided, That the Secretary of the Interior may make contracts with present contract schools for the education of Indian pupils during fiscal year 1897, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children and to an amount not exceeding 50 per cent of the amount so used for the fiscal year 1895, and it is hereby declared to be the settled policy of the Government to make no appropriation whatever for the education of Indian children in any sectarian school just as soon as it is possible for provision to be made for their education otherwise, and the Secretary of the Interior is hereby authorized and directed to make such provision at the earliest practicable day, not later than July 1, 1898.

Mr. TELLER. I understood that the school question was to go over until the Senator from Montana [Mr. CARTER] returns. He seems to be away. Does he understand that it is to be acted upon?

Mr. PETTIGREW. I think perhaps it is best to pass over this item until the Senator from Montana returns. I understand that he will be here this evening at 5 o'clock. In the meantime I should like to have the Senate take up the reserved amendment on page 56.

The PRESIDENT pro tempore. Is there objection to passing over the pending amendments? The Chair hears none, and they are passed over for the present. The Senator from South Dakota asks unanimous consent to take up the amendment on page 56.

Mr. CHANDLER. I ask that the amendment offered by the Senator from Missouri may be ordered printed.

Mr. FAULKNER. It is printed.

Mr. CHANDLER. It is already in print?

The PRESIDENT pro tempore. It is in print now.

Mr. WILSON. I ask the Senator from South Dakota if he will not yield to me to offer an amendment on page 50. It is a very short amendment and I think it will be adopted without opposition. It will take but a minute.

Mr. PETTIGREW. That can be done after we dispose of the committee amendments, which is the regular order.

The PRESIDENT pro tempore. Will the Senator from South Dakota call attention to the amendment now to be acted upon?

Mr. PETTIGREW. On page 56, line 4.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. The Committee on Appropriations report to insert, after the committee amendment ending with line 3, on page 56, the following:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to the following persons, and not to their assignees, immediately upon the passage of this act, out of the balance remaining of the 35 per cent reserved for payment of legal services rendered and expenses incurred, under contracts entered into by the Old Settlers or Western Cherokee Indians, through their authorized commissioners, in the prosecution of their claim, appropriated for by act of Congress approved August 23, 1894 (28 Statutes at Large, page 451), entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes," namely:

To William S. Peabody, $29,000.
To Charles A. Webb, administrator of estate of C. M. McLoud, $5,050.
To Marcus Erwin, administrator of the estate of Marcus Erwin, deceased, $5,050.
To Theodore H. N. McPherson, $5,050.
To Mary E. Carey, executrix of the estate of James J. Newell, deceased, $3,000.
To John A. Sibbald, $1,000.
To Samuel W. Peel, $5,000.
To Reese H. Voorhees and John Paul Jones, $7,003.86.
To David A. McKnight, $1,000.
To C. M. Carter, $333.
To Belva A. Lockwood, $1,000.
To Joel L. Baugh, $5,000.
To Joel M. Bryan, the remainder of said sum of money after paying the foregoing specific sums, be the same more or less: *Provided*, That every person receiving the sums herein stated shall receipt in full for all claims upon the aforesaid fund.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Committee on Appropriations which has been read.

Mr. BATE. I should like very much to have some explanation of the amendment. No one could hear it read on this side of the Chamber.

Mr. CHANDLER. Mr. President, I am in favor of disagreeing to this amendment. I understand that the question now before the Senate is the whole amendment of the committee, from line 4, on page 56, to and including line 14, on page 57. I am not willing on any evidence that is now before me to vote to give the affirmative approval of Congress to these claims. I can not find out anything about them that is satisfactory to me in the time that I have been able to give to the consideration of the claims. I have been called upon by counsel who are opposed to this amendment and by counsel who are in favor of the amendment, and also by counsel who want something paid, but do not think that the apportionment of the fees is correct.

It seems that there have been presented here at one time and another claims against this Old Settlers' fund amounting to more than 75 per cent of the whole amount which was appropriated by Congress. It appears also that there are in the list of names given here large fees to attorneys who had nothing whatever to do with the original claim, but attorneys who have aided in defending attorneys' claims. They are all to be paid out of this money in some way. If I were to believe half that has been told me on this subject I should think there had been chicanery and corruption almost illimitable in connection with these attorneys' fees.

The result of it all is that we are called upon to approve by our affirmative vote a distribution of the money to these attorneys by name, beginning with William S. Peabody, who shall have $29,000, and coming down to Belva A. Lockwood, who shall have $1,000, and Joel M. Bryan, who has had large fees, I understand, and is to have all the rest.

Mr. President, I do not know that I ought to speak on this subject, because I have not information upon which to speak. It is, however, precisely because of my lack of information that I am unwilling to vote for the payment of these claims. I do not think we should be asked to vote to pay these claims, specified separately and individually as they are in the amendment. It seems to me the responsibility of distributing the amount should be placed

upon some one else rather than upon the two Houses of Congress in passing a law. If an adjudication is made, and it is found that A is entitled to so much, that B is entitled to so much, and that C is entitled to so much, and so on, the authority to pay should be a general authority to pay the claims as they have been adjudicated by competent authority, and we should not be asked to take upon ourselves the responsibility of paying individual claims as they stand here upon this record.

Therefore I hope, unless some very clear explanation is made of the paragraph, that it will all be stricken out.

Mr. BROWN. Mr. President, I should like to ask the Senator in charge of this bill, in relation to the amendment which is pending, if he has examined the contracts there referred to and is prepared to pass on their validity or certify to this Senate that they are valid contracts? By this amendment we are proposing to adjudicate as a matter of law that these contracts are valid, and we propose to enforce them by taking the money of somebody who is not represented here—the Indians—and delivering it over to certain persons who would like to have it. It is a clear act of adjudication, as the Senator from New Hampshire [Mr. CHANDLER] has already said. It is a judgment; it is trying the existence of a contract and the performance of it; and I should like to know whether any evidence has ever been had by any of our committees as to the lawfulness of the contracts or the services performed. If this were a proposition to take these many hundred thousand dollars out of the pockets of the white man it would be considered taking money without due process of law. The Indian has the same right as the white man to have his contract determined and to have it ascertained whether he made a contract with these attorneys to pay them these enormous fees.

On its face this claim is not merely fraudulent, but it is, to put it plainly, a palpable steal, clean and unvarnished, from one end to the other. It is a proposition to put the hand in the pocket of somebody who can not appear here, who can not be heard here, and adjudicate $29,000 of the money of the Indians to this man Peabody, whatever he may have done. What did he do? What service has he rendered? Where is there a report showing these facts? Where could there be a report in the jurisdiction of the Senate to give him any money out of the funds of these Indians? If they made the contract, there are courts in this land whereby these parties can enforce it. If they did not make the contract, I am sure we ought not to make one for them to take their money away. It seems to me that no man can read this amendment without having his indignation raised that the American Senate would think for one second of adopting it.

Mr. President, since I came into the Chamber one of our number has sent me an article from the Boston Journal, and suggested that it would be appropriate to this discussion. I will ask to have it read by the Secretary to show what people outside of the Senate are thinking at this time of the amendment.

The PRESIDENT pro tempore. The communication will be read, as requested.

The Secretary read as follows:

A DISCREDITABLE STEAL.

Under the general deficiency act of August 23, 1894, an appropriation was made of about $80,000 to pay certain claims of the "Old Settlers" or Western Cherokees against the Government. The Commissioner of Indian Affairs was directed to "withhold from distribution among said Indians only so much of that part of the said judgment set apart by the Indians for the prosecution of their claims as is necessary for him to pay the expenses, and for legal services justly or equitably payable on account of the said prosecution."

The amount set apart by the Indians for the purposes indicated was 35 per cent of whatever might be recovered, which certainly was an ample provision for all proper legal expenses; and the plain intent of the paragraph cited was to empower the Commissioner to save for the Indians such part of this 35 per cent as might not be needed, and pay it over to them with the other 65 per cent.

Within three months after the passage of this bill, however, enough claims from attorneys and agents were filed in the Indian Office to amount to more than twice the sum set apart by the Indians. Other claims have since been presented, some to Congress and some to the Indian Office. In the Indian appropriation bill now before Congress a number of these claims, some of which are undoubtedly spurious, and others highly questionable, have been included as amendments. The effect will be, if these amendments remain in the bill, to distribute among attorneys and agents, some of whom have rendered no services whatever, money which rightfully belongs to the Western Cherokees. Some claimants whose pretensions were examined and dismissed by the Commissioner reappear in the bill, and others whose claims he settled turn up with increased claims.

In plain language, this is nothing but a steal, and a very contemptible steal at that. If these claims are valid, there is no reason why each claim should not be presented in a bill by itself, where it may be scrutinized before settlement. If they are invalid, it is sheer robbery to attach them as amendments to a general appropriation bill, with a view to escaping notice. They should be stricken out and presented separately, if at all.

Mr. BROWN. Mr. President, the Senate has taken up very much time of late in the discussion of the Du Pont case, and members of the Senate upon this side have been very much worried as to the executive of the State of Delaware trenching upon the legislative authority of that State. Here is a case where it is proposed that the Legislature of this United States shall absolutely take away the judicial power in regard to these cases. This is trenching upon the judiciary, I take it, in a much more serious sense than that which we had in the Du Pont case, and I doubt not my friends on the other side will agree with me that this is trenching upon the judiciary as much as that was trenching upon the legislative power.

We also had another discussion, to which I desire to call attention, as to the value of the services of United States attorneys throughout the country. Some of the members of this distinguished body thought that $5,000 was little enough for a United States attorney, and some of our friends over the way, particularly the Senator from Mississippi [Mr. GEORGE], thought that $5,000 was an immense sum, that hardly any attorney in the land would earn so large a salary as $5,000, and he thought it was too much to give to the United States attorneys. The United States attorneys have great duties of the United States to attend to; yet here it is proposed to give not $5,000 a year, but $29,000, to one individual, for what? Not for trying lawsuits, which requires some skill and capacity and learning, but simply for acting as a lobbyist to hang around and annoy Senators and Representatives; and we propose to give him as much as we pay a United States attorney for almost six years, or pay six attorneys for one year, namely, $29,000. Is it any more just or any more right because the money is to be paid out of the Indian fund than if it was to be paid out of our own pockets?

Mr. President, I submit this amendment ought not to pass and that none of us ought to vote for it.

Mr. SHERMAN. Mr. President, I do not know anything about the merits of this proposition, but there is one provision of the amendment which is very singular. It reads:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to the following persons, and not to their assignees—

certain large sums of money. That would be dishonorable and fraudulent if these parties had borrowed money or had transferred their claims. In such case they ought not to receive the money, and clearly the assignees ought to receive it. This provision in a statute of the United States is a violation of the contract and a gross fraud, and I hope the Senator having charge of the bill will consent to strike it out. Certainly it is dishonest in every sense of the word.

Mr. PETTIGREW. I see no objection to the amendment which the Senator from Ohio offers; I personally have no objection to it.

Mr. SHERMAN. I move, in line 5, on page 56, after the word "persons," to strike out "and not to their assignees."

The PRESIDENT pro tempore. The amendment of the Senator from Ohio will be stated.

The SECRETARY. On page 56, line 5, after the word "persons," it is proposed to strike out "and not to their assignees"; so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to the following persons, immediately upon the passage of this act, etc.

Mr. HOAR. I should like to be informed about this matter. I have not had an opportunity to examine it in connection with existing law as to whether these are claims which were in their nature lawfully and properly assignable at the time they were assigned.

The PRESIDENT pro tempore. Does the Senator from Massachusetts object to the amendment which has been offered by the Senator from Ohio?

Mr. HOAR. I rise to the amendment moved by the Senator from Ohio.

The PRESIDENT pro tempore. The amendment is before the Senate.

Mr. GRAY. Let the amendment be again read.

The PRESIDENT pro tempore. The amendment will be again read.

The Secretary read the amendment proposed by Mr. SHERMAN.

Mr. HOAR. I do not rise to object to the amendment, but to get light upon it before voting. I should like to know whether the Senator from Ohio or the Senator from South Dakota can inform the Senate sufficiently of the character of these claims to show whether they were lawfully assignable. A claim growing out of the ordinary necessities of business and assigned for a good consideration and in the ordinary way, of course, gives an equitable and just claim to the assignee; but if they are mere speculations by men who have sent out circulars and got Indians or other persons to intrust them with the care of their claims and agreed to give them 10 per cent on what they collect, I do not think that class of claims should be entitled to much sympathy or respect, and I think the money had better be paid to the original claimant and let him settle with his assignee as he sees fit. I do not see any justice where claims are not technically assignable by law for the United States undertaking to deal with the validity or the lawfulness of the assignment.

I ask to have section 3477 of the Revised Statutes read, as showing what is regarded as the honest, just, and wise rule.

The PRESIDENT pro tempore. The Secretary will read as indicated.

The Secretary read as follows:

SEC. 3477. All transfers and assignments made of any claim upon the United States, or of any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or of any part or share thereof, shall be absolutely null and void, unless they are freely made and executed in the presence of at least two attesting witnesses, after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof. Such transfers, assignments, and powers of attorney must recite the warrant for payment and must be acknowledged by the person making them, before an officer having authority to take acknowledgments of deeds, and shall be certified by the officer; and it must appear by the certificate that the officer, at the time of the acknowledgment, read and fully explained the transfer, assignment, or warrant of attorney to the person acknowledging the same.

Mr. HOAR. I should like to ask the Senator from South Dakota what is the nature of these claims that makes it proper to take them out of the general rule, and makes it proper for the United States to deal with the assignee directly? I merely ask the question for information.

Mr. PETTIGREW. Mr. President——

Mr. CHANDLER. If the Senator from South Dakota will allow me before he replies to the Senator from Massachusetts, I should like to call the attention of the Senator from Massachusetts to section 2106 of the Revised Statutes. Section 2103 is a long section, to which there may be further occasion to refer, which provides that no agreement with Indians shall be valid unless made in a certain way. Then comes the next section, 2106, which provides that—

No assignment of any contracts embraced by section 2103, or of any part of one, shall be valid unless the names of the assignees and their residences and occupations be entered in writing upon the contract, and the consent of the Secretary of the Interior and the Commissioner of Indian Affairs to such assignment be also indorsed thereon.

The Senator will see that requiring an assignment to be made in this way impliedly makes valid an assignment so made; but the clause which the Senator from Ohio moves to strike out would invalidate assignments under section 2106 as well as all others.

Mr. HOAR. Were the assignments referred to in this bill made in pursuance of that law?

Mr. CHANDLER. I can not answer that question; but referring to the motion of the Senator from Ohio, I say that the provision prohibiting payment to assignees certainly should not include assignments made in pursuance of section 2106. I ask the Senator whether the assignments should not be recognized which are made under that provision?

Mr. WILSON and Mr. HOAR addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Massachusetts?

Mr. HOAR. I think I am entitled to the floor. I merely yielded to have a section of the Revised Statutes read. I have a few more words to say.

I rose, as I said in the beginning, merely to put a question, neither to oppose nor to defend these claims; but I think, where we have an express prohibition, not only the general prohibition of the assignment of claims against the Treasury, but an express prohibition, which the Senator from New Hampshire [Mr. CHANDLER] has now read, of an assignment of this class of claims, that it is not proper for the Senate to authorize their payment to assignees without being informed whether the condition of the statute making the assignment valid has been complied with, or, if it has not been complied with, without being informed whether it is a case which comes within the reason of the law. That I do not know, and I think the Senate should know before acting.

Mr. GRAY. I wished to ask the Senator from Massachusetts before he sat down, and I will ask him now, whether there has been any auditing of these claims anywhere within our reach by which we can make any judgment as to the fairness of the charge or the fact of the services having actually been rendered. Has any accounting officer of the Government, or any other accounting department which would be a sufficient evidence to us to warrant the appropriation of this money out of the Indian funds, been displayed before any committee or before the Senate in any way?

Mr. HOAR. All I know of that subject is what may be gathered from the remarks of the honorable Senator from Utah [Mr. BROWN], that there is one claim of $29,000 for the services of a lobbyist. Whether the lobbyist had his claim audited or not by any public authority I do not know.

Let it be understood again that I do not interfere in this question as expressing an opinion or as opposing or favoring this thing. I want somebody to tell us what it is; that is all.

Mr. GRAY. How are we to apply, I would ask the Senator, the quantum meruit to the services of the lobbyist? What standard have we by which we could apply a quantum meruit to the value of the services of a lobbyist unless there had been a judgment of the Court of Claims or the finding of our Committee on Claims? What have we to guide us in appropriating this large sum of money?

Mr. PLATT. I want to interrupt the Senator. I think, if the Senator will permit me one word, this matter would be explained, and I think it will now, if Senators will give an opportunity to the Senators who have the matter in charge or the chairman of the Committee on Indian Affairs to explain it.

Mr. GRAY. It very much needs explanation.

Mr. PLATT. I think it would be very much better to do that than to rest upon the assertion that there are $29,000 payable to a lobbyist here. I venture to say that as to the $29,000 referred to, which is proposed to be appropriated to the person mentioned, that that person has not lobbied a day or an hour about the Senate. There have been pretty wild statements made here this morning, and I suggest that perhaps it would be as well to wait until there has been some explanation made of this matter.

Mr. CHANDLER. What did the Secretary of the Interior say about this $8,000?

Mr. PALMER. I desire to ask the Senator, if he will answer me, if this William S. Peabody performed no service as a lobbyist, did he perform any service whatever?

Mr. PLATT. I do not think I ought to be called upon to make a statement with regard to these claims, but, as I understand this matter, Mr. Peabody was employed directly, legally, and properly by the attorney who had the original contract to press this matter of the Old Settlers' claims before Congress, and that a large part of his claim was disallowed upon the theory that because he took employment at one time in one of the Departments of the Government he thereby forfeited everything which was due or earned after that time—something of that sort. The whole matter will be explained if Senators will give the opportunity.

Mr. PALMER. Mr. President, I should be delighted to hear any explanation from any Senator which would remove the impression from my mind that this is a palpable fraud on its face. It seems that the Committee on Indian Affairs finds that in the contract with the Old Settlers they reserved 35 per cent to pay the expenses of managing their claim against the Government. It appears from the paper that I hold in my hand that a very large sum of money, under the authority of Congress, was paid to the various parties having claims against this fund. It seems now that there is a balance of 35 per cent that remains unexpended, and that is disposed of by this amendment in this way:

To William S. Peabody, $29,000.

From the statement I hold in my hand it appears that Mr. Peabody's claim was submitted to the Commissioner of Indian Affairs, and was partially allowed and paid.

Mr. GALLINGER. Eight thousand dollars was paid.

Mr. PALMER. Eight thousand dollars was paid. Without going into the discussion of the claim fully, it seems to have been the purpose of the Committee on Indian Affairs to wipe this claim out. Beginning on the eleventh line of page 57, this provision is found:

To Joel M. Bryan, the remainder of said sum of money after paying the foregoing specific sums, be the same more or less.

It seems to me very singular indeed that this Joel M. Bryan, who has received, as I am informed, $52,025.11 on his claim, should have some moral right to rub out and extinguish the balance. If he is entitled to any compensation at all, he is entitled to something specific, but if he is simply to rub out the balance for what is left, it seems to me quite as unjust to Mr. Bryan as it is to the Indians.

From the paper I hold in my hand it is apparent that some of these claims have been submitted to the Commissioner of Indian Affairs and the Secretary of the Interior, and have been rejected. The statement is most interesting. I read from the pamphlet I have in my hand:

The contract with said Peabody was made by J. M. Bryan, as commissioner of the "Old Settler Cherokees," to prosecute said claims before the proper committees of Congress, the Departments, or courts of the United States to a final termination and collection of the same for a compensation of 8 per cent on the dollar of the amount collected on said claim.

The Commissioner of Indian Affairs rejected the claim not only upon reasons of a legal character, but because there was no evidence that he rendered service which was of any value to his clients.

The legal objection to the allowance of the entire claim was based upon well-established legal principles. The contract was not only contingent, but entire. It required the continued service of Peabody until the money was paid. He voluntarily disqualified himself from rendering that service by his acceptance of an office under the Government, which rendered any performance of service by him in the prosecution of said claim unlawful. This acceptance of an office by Peabody was such an abandonment of the service of his client as destroyed his right to recover upon his contract. This opinion of the Commissioner of Indian Affairs was in accord with the principles declared by the Supreme Court in Denver *vs.* Roane. (99 U. S., 355, 361.)

Now, there are $29,000 of this sum, which the committee in the liberality with which they dispose of this residuum of money that belongs to the Indians, which is given to this person. He has had $8,000; and the criticism of the Senator from Utah is well founded, or seems plausible at least, that when $5,000 is thought to be an excessive compensation to United States district attorneys, this party, who abandoned his contract with the Indians and who has received $8,000, is now to have $29,000 more. As to what possible service was rendered these Indians, I am utterly without information.

There are other criticisms upon this claim which, to my mind, stamp it as a transaction in which the rights of the Indians are

totally disregarded, for it appears that these mere speculators—people who have rendered pretended service to the Indians—are by this amendment to have the balance, whatever it may be. The following are sums proposed to be paid:

To William S. Peabody, $29,000.
To Charles A. Webb, administrator of the estate of C. M. McLoud, $5,050.
To Marcus Erwin, administrator of the estate of Marcus Erwin, deceased, $5,050.
To Theodore H. N. McPherson, $5,050.
To Mary E. Carey, executrix of the estate of James J. Newell, deceased, $3,000.
To John A. Sibbald, $1,000.
To Samuel W. Peel, $5,000.
To Reese H. Voorhees and John Paul Jones, $7,003.86.

Certainly there is nothing more exact than that determination of the rights of these parties.

To David A. McKnight, $1,000.
To C. M. Carter, $353.
To Belva A. Lockwood, $1,000.
To Joel L. Baugh, $5,000.

Mr. TURPIE. Will the Senator allow me to interrupt him?

Mr. PALMER. Certainly.

Mr. TURPIE. I did not hear the Senator's remarks in relation to the claims in lines 5 and 6.

Mr. PALMER. I spoke of the claims of Voorhees and Jones.

Mr. PETTIGREW. Will the Senator yield to me for a moment?

Mr. PALMER. With great satisfaction.

Mr. PETTIGREW. I think perhaps it would be better to hear from the Committee on Indian Affairs with relation to this matter before this discussion proceeds further. Senators are laboring under a misapprehension and are floundering in the dark in discussing the amendment now.

Mr. PALMER. The chairman of the Committee on Indian Affairs has been invited in the most insinuating and delicate way to afford any information to the Senate he possesses.

Mr. PETTIGREW. I will say——

Mr. PALMER. I cheerfully yield for an explanation.

Mr. PETTIGREW. I will say that I am not on the list of the most active talkers in the Senate, and with three or four men on the floor at the same time I found it impossible to get in.

Mr. GRAY (to Mr. PETTIGREW). Go ahead now.

Mr. PALMER. I certainly yield——

Mr. GRAY (to Mr. PALMER). Yield now.

Mr. PALMER. I now yield the floor to the Senator from South Dakota.

Mr. PETTIGREW. The Senator from Washington [Mr. WILSON], of our committee, has been trying to get the floor.

Mr. PALMER. I yield the floor to whoever may represent the Committee on Indian Affairs. He has the opportunity to explain.

Mr. WILSON. Mr. President, I certainly am under obligation to the Senator from Illinois. It is not my intention to take him from the floor or to make any extended explanation in regard to these items in the bill.

In the early portion of the session I introduced a bill for the relief of and payment to Reese H. Voorhees and John Paul Jones of $7,003.86 for services rendered the Old Cherokee Settlers. A similar bill was introduced in another branch and passed and came to the Committee on Indian Affairs. The Senator from New Hampshire states that he is against the entire crowd.

It is true a protest has been filed, but I call the attention of the Senator from New Hampshire and other Senators to the fact that in the protest which is filed against the allowance of these claims, on page 8, the following language is used relative to the claim of Reese H. Voorhees and John Paul Jones:

It is conceded by those in whose behalf this protest is made that the provision contained in the proposed amendment for the payment to Reese H. Voorhees and John Paul Jones the amount of $7,003.86 is just and proper and should be paid, and that it is only a fair and reasonable compensation to these gentlemen for the valuable services rendered.

That is in the protest of the Old Settlers or Western Cherokees, and I read the same here only in justification of myself in introducing into the bill this item. After a very careful and painstaking research in regard to their claims, I found that these gentlemen had given good and valuable services, that they had examined a vast amount of testimony and papers, continued for almost a year and a half, and I felt they were in justice and equity entitled to this amount. There is no protest at any place or at any time by any Old Settlers of the Cherokees to the allowance and payment of the claim to Voorhees and Jones. I only rose to justify my action as to the bill in that respect.

Mr. TURPIE. Mr. President, I concur in everything that has been said by the honorable Senator from Washington [Mr. WILSON]. The claims mentioned in lines 5 and 6 are undoubtedly for regular, bona fide, professional services rendered under contract—made first with the chief and next with the council of the tribe. It was authorized originally by the council of the tribe and in a regular written contract which appears in the letter of the Secretary of the Interior, by which Messrs. Voorhees and Jones were to have 1 per cent upon the amount of the claim for defending the fund against the claims of other attorneys and agents who had been employed in the case. The services were regularly professional. Though it is not very common, it is not uncommon that attorneys of the first class are employed to defend in claims for attorneys' services. The services here rendered were of that character and were rendered at the instance of and under written contract with the tribe or nation.

Mr. GEORGE. Were they successful?

Mr. TURPIE. They were successful in reducing a great many of the claims against the fund. They were successful in defeating several of them.

As the report of the Secretary of the Interior shows, the amount here charged is very reasonable, because although the actual hearing before the Secretary of the Interior lasted only about three days and the actual debate of the claims occupied but that time, the preparatory labor involved in the inquiry as to who had been originally retained in all the cases, as to what the nature and character of the services of the persons retained had been, of what value they had been to the fund, and of what benefit they had been to the tribe, was very great, and all this was embraced in the services of Messrs. Voorhees and Jones.

I am inclined to think, as the honorable Senator from Washington has stated, and I give it as my opinion as an attorney from my personal knowledge of the service and investigation, that the claim is a very reasonable one.

Mr. GEORGE. What is the amount?

Mr. TURPIE. Seven thousand and three dollars and eighty-six cents. They contracted for 1 per cent. This is less than 1 per cent.

Mr. PALMER. I should like to ask the Senator from Indiana if the claim of Mr. Jones and Mr. Voorhees has been presented to the Commissioner of Indian Affairs or the Secretary of the Interior?

Mr. TURPIE. My impression is that it has been presented to both.

Mr. PALMER. Do I understand the Senator to say that it has been so presented?

Mr. TURPIE. Yes, sir; to both. If the honorable Senator from Illinois will excuse me, I will state that the Secretary and the Commissioner both passed on the claim. They made no question upon its justice, but decided the case just as they did the others—on the question of technicality merely.

Mr. PALMER. It is part of the facts in this case that certain of these persons whose names I have forgotten—I have not before me the book that I had before—presented their claims to the Secretary of the Interior or the Commissioner of Indian Affairs, as the case may be, and their claims were considered, the amount found due them was determined and was paid. Others of them have never presented their claims to the Commissioner of Indian Affairs or the Secretary of the Interior. They were brought directly to the Committee on Indian Affairs.

Mr. TURPIE. Yes, sir.

Mr. PALMER. That, I think, is in disregard of the statute. The Secretary of the Interior was directed by former action of Congress to investigate and pay out of the sum that was reserved for the payment of the attorneys and agents of the Indians, and he did pay nearly $200,000, according to my recollection.

Mr. COCKRELL. One hundred and ninety-three thousand nine hundred and thirty-two dollars.

Mr. PALMER. That much was paid.

Mr. TURPIE. Will the honorable Senator from Illinois allow me?

Mr. PALMER. I do not know why this claim was not paid——

Mr. TURPIE. Will the honorable Senator from Illinois allow me? I will state the technical point on which the claim was rejected.

The Secretary of the Interior held that he could only pass upon claims against the original fund for services rendered in behalf of the original fund, and he held a very nice point—perhaps Senators here would not have held the same way—that as the appointment of those gentlemen by the tribe was for services in defending claims of attorneys and agents on account of the original fund it was not embraced within the letter or the spirit of the act of Congress which gave them power to allow claims as a lien on the fund. But he acknowledged by implication the entire justice and fairness of this claim and recommended that the gentlemen go to Congress for relief. It was in compliance with the intimation of the honorable Secretary, as well as of the Commissioner, that the original bills for relief were introduced. One of them has passed the House of Representatives and is now pending before the Senate committee, and another is yet pending in this body. I say it was in compliance with the intimation of the Department that those bills were introduced for separate relief. Of course, if the payment is made under the appropriation bill, those bills will be indefinitely postponed.

Mr. PETTIGREW. At the beginning of the present session of Congress some bills were introduced and referred to the

Mr. PLATT. I want to interrupt the Senator. I think, if the Senator will permit me one word, this matter would be explained, and I think it will now, if Senators will give an opportunity to the

Committee on Indian Affairs to pay these various attorneys. The Committee on Indian Affairs appointed a subcommittee to look into the whole matter and provide for the disposition of the money, if anyone were entitled to it.

It appears that this sum of money is a part of the 35 per cent set apart by the Cherokee Indians many years ago out of the whole sum they might recover, which they claimed was due them from the United States. They appointed commissioners to prosecute the claim, and made J. M. Bryan commissioner and also treasurer and attorney. Over twenty years ago he came to Washington to prosecute the claim of $800,000 in the courts. He made a recovery. Of the $800,000 due the Indians 35 per cent was set apart by the Indians, the Old Settlers, to pay attorneys and to pay the expense of following up the matter.

This money is the remainder of that 35 per cent. All the money that is due the Indians has been paid to them. There is not a dollar of this money which can go to the Indians in any event, no matter what disposition is made.

Mr. PLATT. Not without an act of Congress.

Mr. PALMER. May I ask the Senator from South Dakota why this money would not go to the Indians if Congress fails to appropriate it?

Mr. PETTIGREW. I will tell the Senator from Illinois why. That is just what I was proceeding to do.

The Cherokee council of the Old Settlers set apart 35 per cent of the $800,000 to pay expenses and attorneys' fees. There has been distributed all of this money but $79,000 provided in this bill. In their council, on July 11, 1892, the Old Settlers passed the following resolution:

Whereas for nearly twenty years, during which we have been aided by such services and by the advancement to us of the said sums of money, we have at each and all of our conventions, held after notice thereof duly published in the newspapers of the nation, declared by formal resolution and vote that there should be set apart 35 per cent of the moneys recovered to us upon our claim against the United States, and authorized the payment thereof unto our treasurer and commissioner, J. M. Bryan, wherewith to meet and pay the obligations which we have met aforesaid and to be devoted to that purpose; and

Whereas those who have rendered us the said services and have advanced to us the said sums of money have relied in perfect good faith upon these solemnly and many times repeated declarations of such our purpose, and the solemn and repeated authorization of the said Bryan to devote the said 35 per cent of the recovery upon the said claim to fully satisfy and meet our said obligations, and have so aided us on the security of the said promises of our people in council; and

Whereas we have enjoyed the services rendered, used the money, and will, in the event of final success, reap all the advantages looked for and intended from such services and such loans, and it would be dishonest and unjust not to keep our agreement as above set forth: Now, therefore,

Be it resolved by the Old Settlers or Western Cherokee Indians in council convened, That we again declare that the said 35 per cent of whatever moneys shall be recovered upon the said claim shall be set apart for the purposes aforesaid, reaffirming all prior resolutions to the same effect.

Mr. PALMER. What is the date of the resolution, may I ask the Senator from South Dakota?

Mr. PETTIGREW. July 11, 1892.

Mr. COCKRELL. Is it not November 25, 1875?

Mr. PETTIGREW. July 11, 1892, reaffirming the contract of 1875.

On July 28, 1893, they passed these resolutions:

Be it resolved by the Old Settlers' council in session regularly convened, That the commissioner and treasurer of the Old Settler Cherokees, Hon. J. M. Bryan, be, and he is hereby, requested and instructed to use all lawful means to have the money due the Old Settler Cherokees under the recent decision of the Supreme Court of the United States paid to the Old Settler Cherokees now living and to the descendants of the Old Settler Cherokees in equal per capita distribution, and that the pay rolls of 1851 be made the basis of the coming payment.

Be it further resolved, That the sum of 1½ per cent of the amount due the Old Settler Cherokees, in accordance with the decision of the United States Supreme Court above cited, be paid to Joel L. Baugh for services rendered and to be rendered upon the Old Settlers' claim, the same to be deducted out of the 35 per cent set apart for the prosecution of the Old Settlers' claim—

This is one of the claims provided for in the amendment, and it does not provide for the whole amount either. That is Baugh's claim. It would amount to $12,000. He has received $1,000, and the amendment gives him $5,000 more—

and that the sum of 1 per cent of the whole amount adjudged due the Old Settler Cherokees be paid to E. C. Boudinot for services rendered and to be rendered in securing the favorable termination of the Old Settlers' claim and this appropriation: *Provided*, That the same shall be deducted from the 35 per cent referred to above; and the said Joel L. Baugh and E. C. Boudinot are hereby authorized to receive and receipt for the sums due them from the Secretary of the Interior as soon as the money shall be appropriated and available, and the commissioner of the Old Settlers are instructed to enter into written contract as above, in accordance with the requirements of law.

Be it further resolved, That the contract entered into July 25, 1890, by and between Old Settlers' commissioner and treasurer, J. M. Bryan, on the one part and John T. Heard, of Missouri, of the other part, for $10,000, be, and the same is hereby, approved: *Provided*, That the same shall be taken from the 35 per cent set apart for the prosecution of the Old Settlers' claim.

Be it further resolved, That after the Cherokee Nation shall have been reimbursed for borrowed money and all contracts in force satisfied, the residue of the 35 per cent shall be allowed to Hon. J. M. Bryan, commissioner and treasurer, as an additional consideration for his long and valuable services as commissioner, delegate, and attorney for the Old Settler Cherokees.

The money has been reimbursed that was loaned by the Cherokee Nation, and the remainder of this money, whatever is not distributed to the attorneys named in the amendment under the agreement, goes to their commissioner and attorney, J. M. Bryan.

Be it further resolved, That all previous acts of the Old Settlers' councils not modified by these resolutions be, and the same are hereby, reaffirmed.

Be it further resolved, That our delegate and commissioner, or his successors, are hereby instructed to see that no claims are allowed for attorney fees acting for the Old Settlers in cases where no services have been rendered or where they have failed to strictly comply with the provisions and conditions of their contracts.

There were attorneys who filed claims against this fund far in excess of the 35 per cent—one was for $200,000, I think—after the court had decided and decreed that this money belonged to the Old Settler Cherokees. Thereupon Mr. Bryan employed attorneys to resist the claim of those attorneys, who he insisted had no right to compensation, and some of the items are to compensate attorneys who appeared before the Interior Department to resist the unlawful claims of persons who had no right to compensation. But they were employed by Bryan, and as Bryan receives all that is left of the 35 per cent, it seems to me no one else is interested in the controversy.

This matter was thoroughly investigated by the Committee on Indian Affairs and reported as an amendment to the Committee on Appropriations. The Committee on Appropriations thoroughly examined the matter, and believed that this was as fair and just a settlement of the matter as could be reached, and the committee were also given to understand that it was satisfactory to Mr. Bryan, who would receive the balance of the money when the other attorneys are paid. So for my part I can not see where there is any chance for controversy about this question.

The protest which has been put into the hands of every Senator by the representatives of the Cherokee Nation is signed by people who have no interest whatever in the matter. It is not the Old Settlers who come here protesting. I do not know the purpose of the protest unless it is that this money may all be drawn out in lump sum by the representatives of Mr. Bryan.

Mr. FAULKNER. I will ask the Senator in charge of the bill whether I am correct in saying that the whole controversy in this matter is simply whether or not Mr. Bryan shall receive this fund or whether the claimants whose names are mentioned shall receive it?

Mr. PETTIGREW. That is the way I understand it. Not a dollar of the money will ever go to the Indians. There is no show in the world for them to get a cent of it, and, as I understand it, this provision simply divides it up among the numerous claimants in a satisfactory way, so that Congress hereafter will be rid of the matter.

Mr. COCKRELL. Will the Senator allow me to read what was in the very first, the original, contract? I find it on page 4. It is the first contract, made on the 25th of November, 1875. It reads thus:

Resolved further, That it is deemed expedient and proper that the said Old Settler Cherokees prosecute the said claim before the Government of the United States to a speedy, just, and final settlement; and for that purpose the following-named persons, J. L. McCoy, J. M. Bryan, and William Wilson, be, and they are hereby, constituted a commission, with full powers to represent said Cherokees before the Government, with full and ample authority to do and cause to be done any act and doing necessary and proper to be done in the premises; and with full authority to employ such assistance in the prosecution of said claim as they may deem necessary, and that a sum equal to 35 per cent of the amount of said claim when recovered, or so much thereof as may be necessary, be set apart and subject to the draft and receipt of said commission, and payable to them or their order by the proper authorities of the United States Government, which per cent shall be applied in the payment of said prosecution and all incidental expenses.

Every meeting of the Old Settlers after that described how much they allowed out of the 35 per cent. The 35 per cent, as I understand, was never actually set apart, but only so much as was necessary, and the council determined how much was necessary from time to time.

Mr. PETTIGREW. I call the attention of the Senator from Missouri to the paper I have just read, which is an authenticated copy of the contract on file in the Interior Department.

Be it further resolved, That after the Cherokee Nation shall have been reimbursed for borrowed money, and all contracts in full satisfied, the residue of the 35 per cent shall be allowed to Hon J. M. Bryan, commissioner and treasurer, as an additional consideration for his long and valuable services as commissioner, delegate, and attorney for the Old Settler Cherokees.

Mr. COCKRELL. What is the date of that resolution?

Mr. PETTIGREW. The 28th of July, 1893. This is a certified copy from the records of the Interior Department.

All we are contending about is the residue. This divides it up so that everybody is satisfied, even Bryan. I see no reason why we should continue the controversy. Bryan's services were worth all he has ever received. He spent over twenty years of his life prosecuting the Old Settlers' claim at his own expense. He spent his entire estate, amounting to over $20,000. He never stopped pursuing the case. It might have been abandoned fifteen years ago if it had not been for him. He is entitled to compensation. The Old Settlers so regard him on account of his services, and therefore gave him the balance of the claim. He says: "I am satisfied with this distribution. I want to satisfy the people I

to have 1 per cent upon the amount of the claim for defending the

of Congress some bills were introduced and referred to the

have employed." Those are the people who are designated in the amendment.

Mr. TELLER. Mr. President, I think if the Senate knows the facts of the case there will not be so much intemperate language used in reference to the amendment as has been used this morning.

Growing out of the treaties of 1835 and subsequent thereto what were known as the Old Settlers in the Indian country—that is, the band that went in under these treaties—made a claim against the Government for moneys that they said ought to have been paid to them at that time. The claim against the Government has been pressed from time to time from very soon after the settlement in the Indian Territory in 1835, 1836, and 1837, and along there.

In 1875, as stated, the Old Settlers, not being a corporation, not being a tribe, not being a nation, but a community of Indians, got together in council, practically, as if they were an independent tribe and authorized the appointment of commissioners, which had already been mentioned, to employ attorneys and assistants to secure from the United States that which justly belonged to them. They pursued the course——

Mr. GRAY. I should like to ask the Senator from Colorado whether the Old Settlers of whom he speaks as getting together in a community as a quasi tribe and making this claim made it on their own behalf or on behalf of one of the nations, or is it to the Old Settlers alone that the money is due?

Mr. TELLER. It is due to the people and their descendants who made the immigration at the early day, and it excluded the Indians who came at a subsequent period.

Mr. PLATT. The nation has no claim on the United States.

Mr. TELLER. The Cherokee Nation, as a nation, has nothing more to do with it than you or I.

I was about to state, when interrupted by the Senator from Delaware, that those Indians pursued the same course that every Indian nation has been obliged to pursue and that every individual band has been obliged to pursue in dealing with the United States Government—that is, to hire some attorneys or influential people to speak for them here. There has never been an officer appointed for that purpose; and their claims have never been paid, except it was by the efforts of people whom they have employed. It happened to be my fortune to be Secretary of the Interior when, I think, the first of those contracts, or, if not the first, very nearly the first, came to the Department of the Interior to be approved. I was met with a difficulty. This was not a nation; this was not a tribe; and it was doubtful whether the contract which had been made could be construed to be a contract within the meaning of the statute with reference to contracts made with Indian tribes. I knew nothing about the claim, except I knew that it had been presented here at an early day. Ever since I had been a member of this body I had known the claim to be presented year after year successively by somebody, and particularly by Mr. Bryan, who, when I came in in 1876, was here pressing this matter on Congress.

I determined that I would treat the Old Settlers as an organization which could make a contract. I found later, I believe, that in one or two instances it had been done before. I approved of all the contracts that were made at that time. I do not remember now what they were except two of them that my attention has been directly called to, and those were the case of Mr. Wiltshire, of the State of Arkansas, and of Mr. Peabody, a citizen of the State of Colorado.

In 1881, perhaps, or in the early part of 1882, for the purpose of settling this question and determining what was due them, if anything, Congress authorized the appointment by the Secretary of the Interior of a commissioner and appropriated $5,000 for the expense of the commissioner. I appointed a man who still resides in this city, who was then residing here, by the name of Clements, a lawyer, a gentleman whom I had a personal acquaintance with for ten or fifteen years. I knew him and believed him to be an honest and upright man. I appointed him as the commissioner to settle these claims and report to Congress. He took about a year to make his report. He made two reports. He made one report to the Secretary of the Interior which my recollection is he withdrew before it was approved or disapproved, and made another, and subsequently another. Before him appeared these persons who have been improperly designated as lobbyists. Mr. Wiltshire and Mr. Peabody had special charge of that branch of the case, appearing before the commissioner, in searching the records, in examining the accounts, and stating the accounts. According to my recollection (and it is stated in an affidavit by Mr. Clements to be the fact) the first report made by Mr. Clements had charged the Cherokees with a large sum of money, fifty-odd thousand dollars, more than the Government had expended in their behalf. Mr. Peabody and Mr. Wiltshire protested against that and succeeded in satisfying the commissioner by the documents which they presented to him that there had been an error, and he subsequently withdrew his report and filed an additional one.

When this case came before Congress for an appropriation the then Senator from Kansas, Mr. Ingalls, suggested that inasmuch as this was the work of one commissioner and it amounted to some $800,000, it was a case too important for Congress to act upon without the opinion of the Court of Claims. Then the case went to the Court of Claims, and the Court of Claims restated and recast the account, and it came out substantially with Mr. Clements, the commissioner, and then Congress made the appropriation.

During all this time, commencing in 1875, Mr. Bryan was the accredited commissioner here of these Cherokee settlers—his face was familiar to every man, I think, who was here—pressing what he believed and what substantially proved to be a just and valid claim against the Government. He made contracts with people to press this matter before Congress in every way. You may call it lobbying, if you please; it was the only method they had of securing what belonged to them. He made a contract with two gentlemen named in the amendment, or whose administrators are named, for almost always when a claim is allowed that the Government of the United States has anything to do with it is after the claimant is dead; it is generally his grandchildren or great-grandchildren who come in for relief, and not the man who was originally entitled to it. Bryan and McCoy made a contract in 1876, or about that time, with McLoud, Erwin, and McPherson. They were the two contracts I recollect that I found and that had been approved. Two of these gentlemen died, and of course when they died their services ceased. All these contracts were approved by the Secretary, and no contract has been considered that was not made in accordance with the United States statutes and approved by the Secretary of the Interior. When Mr. Erwin and Mr. McLoud died, as I said, of course their services could no longer be availed of; I think they died early in the eighties—in 1882 or 1883, along there. In the meantime Mr. Bryan employed other attorneys, and he employed a number of attorneys who never rendered any service whatever. Some whom he employed never had their contracts approved. It was found when the time had come for the payment of the debt, as stated by the chairman of the committee, that there were enough attorneys' fees, I think, if they had been allowed, to take in perhaps the whole appropriation. Men made claims who had never rendered service, whose contracts had not been approved, or if approved they had not rendered the service. Mr. Bryan felt it was necessary that he should resist that class of claims, which he did properly and rightfully. He employed attorneys, and they are entitled to be paid, and I have no doubt they will be paid, although the Secretary is without power to pay them under the act that we passed. He may pay the other attorneys.

Erwin and McLoud were dead, and when the matter came before the Secretary he made an examination and a partial adjudication, and I think in some respects—and I say it with all respect to the Secretary—a very unfair distribution, and a very erroneous one in some particulars. But the representatives of these two persons did not know that there was such a claim; that is, they did not know that they should present their claims to the Secretary. They did not present their claims, and their claims I believe have never been acted upon by the Department; they are pending there now. Undoubtedly the representatives of those persons are entitled to something; not perhaps the amount specified in the contract, because, death intervening, Erwin and McLoud were not able to carry it out.

Now, I come to the case which is for the largest amount, the payment to the one the Senator from Utah (who, I am sorry to say, knows absolutely nothing about the matter, as I think he is willing to admit) characterizes as a lobbyist. As the Senator from Connecticut said, I think there is no Senator here who can say that he was ever disturbed or interfered with by either Mr. Peabody or Mr. Wiltshire. They carried on their work in the place where it was necessary to carry it on, in searching the Department files and presenting the case before the commissioner, and when the commissioner had made his report the case ought to have been at an end. There ought to have been no further investigation, because we had provided that the commissioner should make an examination. We had selected him ourselves and had empowered him to act, and when Mr. Peabody came here, in all justice and right that money ought to have been paid. We necessitated further employment. He and the others had not gone into it with an idea that it was to be a litigated case before the courts. Nobody had any reason to suppose that it would ever get into a United States court in any shape or manner. These were not people who could bring an action against the Government for a failure to pay them the money that it ought to have paid a generation before. But Congress provided that they should go into court. Then Mr. Bryan made a contract, not calling upon these men, not claiming that they were under any obligation to go into the court, knowing when he employed at least a number of the gentlemen who appeared here and rendered him service that they could not appear in court because they were not attorneys. Then he employed Mr. Garland, who had been Attorney-General in Mr. Cleveland's first Administration, to appear for them in the Court

of Claims; and he and his partner, Mr. May, did so appear, for which service they charged $15,000, I say an exceedingly reasonable sum considering the amount and considering the difficulty—the case went to the Supreme Court—and that has been paid to them. The Secretary of the Interior made that payment.

After these services by Mr. Wiltshire and Mr. Peabody had been rendered before the commissioner Mr. Wiltshire died. Mr. Peabody survived and kept his contract alive, renewing it from time to time through the agent, Mr. Bryan, who is to be the beneficiary if Mr. Peabody does not get anything out of this claim more than he has already received.

Mr. PLATT. May I make an inquiry? I think the Senator has not stated it. Was that contract a definite percentage on the amount to be recovered?

Mr. TELLER. It was a definite percentage, 8 per cent of whatever sum should be collected.

Mr. PLATT. The sum allowed here does not amount to 4 or 5 per cent?

Mr. TELLER. Probably not.

Then Mr. Peabody made an assignment to a man by the name of Hayden, in the Indian Territory, of 3 per cent of that sum. It has never been claimed by anyone that Mr. Hayden attempted to do anything for the Indians or that he has ever claimed any part of it. Mr. Peabody has claimed but the 5 per cent; that is to say, I think he put in his bill for the whole amount in the first instance, but in this transaction the committees have considered it simply with reference to the 5 per cent, and that he does not get.

Mr. Bryan was the active agent of these people. The Senator from Utah assumes that Mr. Peabody is not entitled to $29,000 and that he has rendered no service. He inquires what service he has rendered. Not only did Mr. Peabody render service up to the time the case was decided by the commissioner, but the statement made by Mr. Garland is that after the case went to the Court of Claims, where it was practically a recasting and a reconsideration of the whole case, Mr. Peabody rendered valuable service to him in presenting to him the facts that he had presented before, made on another occasion to the commissioner; and without that service, Mr. Wiltshire then being dead, I do not believe the claim would have been made to stand in the Court of Claims, as it did, for whatever may be said of the services of others, Mr. Peabody was the only man in my day, while I was familiar with this subject, who had any longer a personal knowledge of the facts in the case. Without his service I have no hesitation in saying there would have been a different judgment before the commissioner and a different judgment before the Court of Claims.

Mr. CHANDLER. Will the Senator from Colorado allow me to ask him a question right there?

Mr. TELLER. Yes.

Mr. CHANDLER. Mr. Peabody was paid $8,000, and we are now asked to pay him $29,000. What I want to get at is, who has determined that this sum of $29,000 is a just sum?

Mr. TELLER. I will get to that if the Senator will wait.

Mr. CHANDLER. But it is right on that point.

Mr. TELLER. I will get around to it if the Senator will allow me to go on.

Mr. CHANDLER. If the Senator does not wish to have the question asked him, I will not ask it.

Mr. TELLER. I am willing to have it asked, but I will answer it in my own time.

Mr. CHANDLER. I want to say that the appropriate time to answer it is when the Senator is speaking of Mr. Peabody's claim.

Mr. TELLER. I am trying to give a history of this case. I mention Mr. Peabody because he is a citizen of my State, and because he has a just claim, and because I have a thorough knowledge of the transaction, so far at least as he is concerned. He continued to render service up to the time when the case was finally adjudicated in the Court of Claims. When it got out of the Court of Claims and became a mere quesion of law before the Supreme Court, then, of course, it was left to law attorneys and not to him.

The PRESIDING OFFICER (Mr. THURSTON in the chair). The Senator from Colorado will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A resolution by Mr. PEFFER, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. PETTIGREW. I ask that the special order be temporarily laid aside until we dispose of the Indian appropriation bill, the unfinished business not to lose its place.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection?

Mr. PEFFER. I will object temporarily until we can come to some conclusion about the further discussion of the bond resolution. I am perfectly willing to withdraw my objection until the Senator from Colorado concludes his present remarks, and then we will see what we can do as to further proceedings.

The PRESIDING OFFICER. Is there objection to temporarily laying aside the unfinished business?

Mr. PEFFER. Until the Senator from Colorado concludes his remarks.

The PRESIDING OFFICER. Until the Senator from Colorado has concluded his remarks. The Chair hears no objection, and the Senator from Colorado will proceed.

Mr. TELLER. Mr. President, when the Supreme Court of the United States had settled this question Congress made an appropriation for the payment of the claim. On the 27th of February, 1893, Mr. Bryan, who was still commissioner, who had been in charge on the ground, and who I am willing to say has called on me more than a hundred times in reference to this claim (I have no doubt that old man has traipsed up to my house a great deal more than a hundred times, both while I was Secretary and while I have been a Senator, to see if there was something I could do to further and help it along), wrote to Major Peabody, who had been the chief and active man after the death of Mr. Wiltshire, as follows:

> I am expecting to start home in about a week from now. When our Old Settler claim is passed and ready for settlement no doubt I will have trouble in settling with various attorneys with whom I have made contracts and who have not complied with their agreement. And our Old Settlers in their councils have forbidden me from paying one dollar on any contract unless it has been strictly complied with. Now, Major, if all our attorneys had acted as you did in the prosecution of said claim I would have had no trouble, as from the time you were employed to now I never knew of you losing a single day when anything could be done for the claim. But no doubt I will have to summons attorneys who strictly attended to the claim to prove the absence of those who did nothing for the claim.

Thereupon Mr. Peabody filed his affidavit, as is required. If any Senator wants to look at Mr. Peabody's contract I have a copy of it here in the petition which he presented to Congress for relief. He was required, according to the practice, to file an affidavit that his services had been rendered before the Commissioner of Indian Affairs. This he did, and with it he filed the following attachment:

> I have carefully read the foregoing affidavit of W. S. Peabody, and I was actually present when a considerable part of the services therein named was rendered. I know that all such services were rendered, and that they were of value to the claimants to the amounts charged by affiant, and all the statements of facts contained in said affidavit I know to be true and correct.
>
> (Signed) J. M. BRYAN,
> *Agent, Attorney, and Treasurer for the Old Settlers or Western Cherokee Indians.*
>
> Witness:
> J. L. BAUGH—

Who in the meantime had come in as another commissioner.

Major Peabody has submitted with his claim which he presented to the Commissioner of Indian Affairs a statement by Governor Crawford, of Kansas, who was employed by the Cherokee Nation during this time as attorney to look after some other matters, fully sustaining the declaration as to services rendered made by Mr. Clements, the commissioner, and by various other people. Unfortunately, in some way the claimant got into a controversy in the Indian Office. It is not worth while to recount how it occurred or anything about it except to say that the Indian Office determined that he was entitled to nothing. They said later that he had accepted service from the Government. He had been the executive officer of the Geological Bureau for about three years, and they said that in accepting such service from the Geological Bureau he had forfeited his claim to any compensation, although it appeared that at the time he was so employed in the Department he could not have rendered, because of the pendency in the Supreme Court, any special services except the services that ex-Senator Garland declares he did render. They decided on that ground that he could not recover.

If the Senator from New Hampshire were present I could answer the question which he put to me, and which I suppose he will insist I have not answered if he is not here to hear it. When the Commissioner of Indian Affairs declined to allow any compensation whatever, the case went to the office of the Secretary of the Interior, and the Secretary of the Interior declared that the reason given for the nonpayment of Major Peabody was not a good one and he had not forfeited this claim, that he was entitled to it; but he allowed him only $8,000. Now, I say that that is not conclusive on Congress. We have a right to say that these parties shall have a fair compensation.

Mr. CHANDLER entered the Chamber.

Mr. TELLER. The Senator from New Hampshire is here now. If he wants me to answer the question he asked I will answer it as I have been answering it.

The Secretary of the Interior was authorized by a provision in the appropriation act to settle this question. We supposed that he would take the contracts and allow the claims according to the contracts if the services had been rendered according to the contracts. The Secretary allowed some of the contracts in full. Of

some of them he allowed but a small part. Mr. Peabody was entitled under any consideration to over $40,000 on his contract of 5 per cent, leaving out the 3 per cent which he had assigned to a man who had rendered no services whatever, and that is what Mr. Peabody has been claiming. That is what he does not get, but he gets three or four thousand dollars less than he was entitled to under the provision of law.

I will state that there is a large number of bills pending before the committee to pay these claims. I think there is a bill pending for three of the claims and for some that are not allowed. It was morally certain that if each man succeeded in the attempt to get his bill through there would very likely be an appropriation of more money than is still reserved on this account in the Treasury, and there was a sort of agreement by all the claimants among themselves to distribute the money practically as it is distributed in the amendment. Among others who contributed to see that the attorneys' fees were not exorbitant and that men who had made claims for large sums of money against the fund—some of whom, as I said before, had no contracts at all, some of them having contracts and having rendered only partial service under the contracts, then ceased their efforts, and others who had never done anything at all—among others employed to see that no more was paid was Mr. Peel, of Arkansas, a former member of Congress. He has a claim in here for $5,000. Now, we come to the conclusion that these people have rendered service to these Indians. They have rendered it under contracts made by the Indians. Major Peabody's contract has been renewed from time to time by the approval of the commissioner, and the approval of the Commissioner of Indian Affairs, and the approval of the Secretary of the Interior, and when the money was paid into the Treasury of the United States or appropriated Major Peabody's contract was still an existing contract.

The Senator from Utah asks why not go into the courts? Mr. President, if this were a controversy between the Cherokee Nation and these claimants there would be some force in that, but it is simply a controversy between the men who rendered the service, how much they shall have, whether there shall be an equitable distribution and the men who rendered the service shall be paid, or whether some man should get it all.

Mr. PLATT. I should like to ask the Senator from Colorado a question.

Mr. TELLER. Certainly.

Mr. PLATT. If there are not other persons who have claims upon this money which would amount to more than the whole sum to be distributed, is there any reason why Mr. Peabody should not have the amount which the commissioner of the Indians contracted with him for, which is $64,000?

Mr. TELLER. None whatever, because his assignee never rendered any service whatever, and he never contracted to render any.

Mr. PLATT. That would be $40,000, if that is deducted?

Mr. TELLER. It would be $40,000 without it. But Mr. Peabody is not now in the city; he has returned to Colorado, which has been his home, and his representative, his attorney, consented that this amount might be paid him so that others might get a proportionate and what appeared to be a proper amount. Then they do not all get what they ought to have, neither does Mr. Peabody.

Mr. PALMER. Did not Mr. Peabody assign an interest in the claim with the expectation that the assignee would render some service?

Mr. TELLER. Certainly. He assigned 3 per cent, and the assignee was to render service. That was explicitly declared. But he never did render any service. That man has never presented any claim, and I suppose never will, because he would be met with the fact that he had rendered no service. In addition, the Department always required that with the contract there must be proof of service rendered.

Mr. President, I have said all that can be said about this matter, perhaps, or all that is necessary. I have had a very thorough knowledge of it. I want to assure the Senator from Utah that there is no misappropriation of public funds nor is there any steal here. I say to the Senator from Utah that after twenty years in this or in another forum closely connected with this I do not believe I need to make any defense to the Senate to show that I have not engaged in any attempt to steal from anybody.

Mr. BROWN. I wish the Senator from Colorado to understand that I did not intend to make any reflection upon him.

Mr. TELLER. I will say more, Mr. President. I have never presented a claim to the Senate that I did not practically know was an honest claim. These men are as much entitled to their money as the Senator is entitled to his salary, and there is no more impropriety in our paying it out of this fund than there is in the financial clerk paying the Senator his salary. If the Senator had taken a little pains to acquaint himself with the facts he would not have substantially charged two committees of the Senate with attempting to impose upon this Senate and steal from the wards of the Government.

Mr. BROWN. Will the Senator yield to me?

Mr. TELLER. Certainly.

Mr. BROWN. I wish to say that I designed no such criticism to the extent which the Senator intimates upon the Committee on Indian Affairs or the Committee on Appropriations; but if we may happen to differ with either one of those committees and express our difference in strong language, I apprehend that we have that right, and that we have a right to do what we please about this amendment without reflecting upon the committee. No reflection is designed or intended upon any member of either of those committees, and least of all upon the Senator from Colorado [Mr. TELLER]; but I have the right to my opinion about the effect of the amendment without reflecting upon him.

Mr. TELLER. Of course, Mr. President, I would not for the world interfere with the right of private judgment of the Senator from Utah.

Mr. CHANDLER. Will the Senator allow me to ask him a question as to this claim?

Mr. TELLER. Certainly.

Mr. CHANDLER. I believe I have used no harsh language about this matter, and I am honestly seeking light. I find here the claim approved by the Secretary of the Interior and the Commissioner of Indian Affairs to dispose of the whole balance of 35 per cent to Joel M. Bryan. So that that would dispose of the whole 35 per cent.

Mr. TELLER. I do not understand the Senator.

Mr. CHANDLER. I think from the contract, which was approved by the Acting Secretary of the Interior July 24, 1894, which was read, I believe, by the Senator from South Dakota [Mr. PETTIGREW], and which winds up by conveying to J. M. Bryan the residue of the 35 per cent, which, I suppose, accounts for the clause on page 57 which disposes of any balance there may be in that way. My trouble is that in these intermediate allowances to various individuals which are being made by law of Congress, Congress gives them that money, and it gives all the balance, 35 per cent, to Joel M. Bryan. I know very well that there are other claims, and that some of the parties mentioned here claim more. For instance, Mr. David A. McKnight, claiming as a representative and partner of E. John Ellis, claims $12,000 instead of $1,000. He is not going to give up his claim for that $11,000; he is going to press it.

Mr. TELLER. I will say that Mr. McKnight does give up his claim and does not expect to get anything more.

Mr. CHANDLER. I am informed very differently by a brief of his which has been put into my hands.

The Senator will get my point. These other parties are not going to remain satisfied with these allowances. They will be coming here and asking for more; and the point I want to get at is, who makes this adjudication? Who has made an adjudication that we can accept as satisfactory that Mr. Peabody is entitled to $29,000 in addition to the $8,000, and that Mrs. Mary E. Carey, executrix of the estate of James J. Newell, is entitled——

Mr. TELLER. I will answer the Senator.

Mr. CHANDLER. Please let me ask the question before the Senator answers it.

Somebody adjudicates that Mary E. Carey, executrix of James J. Newell, shall have $3,000, in addition to $10,000 which has already been paid. What is there to protect and justify Congress in paying all these detailed sums to these parties?

Mr. TELLER. As I stated while the Senator was out of the Chamber, perhaps these various claimants got together and substantially agreed upon what they would each take and make no further claim. It was certain that Major Peabody could not get his whole claim; it was certain that the executrix of Newell could not get her whole claim; and Mr. Bryan still thought that he was entitled to something more than the $52,000 he had received. There was a feeling, of course, among all the attorneys that he ought not to have anything until they got their pay in full; but that would not have been fair, for many of the contracts made by Mr. Bryan were made under stress of circumstances, because of the death of some of the people like those I have mentioned. At least four of the attorneys have died pending this controversy. Then the Committee on Indian Affairs took this matter under consideration and subsequently referred it to the Committee on Appropriations, by whom it was also considered. I have no hesitation in saying that, so far as I was concerned, I thought I had some knowledge of the services these people had rendered. I contributed in some degree myself, I think, toward determining what they were rightfully entitled to. Then we inserted a provision that these people should accept the sums named. I can assure the Senator from Kansas that there will never be any demand made upon the Government or upon the Indians by these people for anything more than is provided for in this bill. If there had been money sufficient to pay all these attorneys they would have been paid, I suppose, what they claim. I know of no other reason why they should not be paid, unless it could have been shown that they had not rendered the services they had contracted to render.

Mr. PEFFER. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The unfinished business was temporarily laid aside until the conclusion of the remarks of the Senator from Colorado [Mr. TELLER].

Mr. PETTIGREW. I now ask unanimous consent that the unfinished business be temporarily laid aside, and that we proceed with the consideration of the Indian appropriation bill.

The PRESIDING OFFICER. The Senator from South Dakota asks that the unfinished business be temporarily laid aside. Is there objection?

Mr. PEFFER. I object, Mr. President, for the present.

Mr. PETTIGREW. I think, then, I shall be obliged to move to lay aside the unfinished business and proceed with the Indian appropriation bill. I am in favor of the bond resolution, and do not desire to displace it to its prejudice, but it can be delayed until we dispose of the Indian appropriation bill.

Mr. PEFFER. I think if the Senator will withhold the motion for a minute or two we possibly may come to an agreement by which we can go along with the appropriation bill. I would suggest to the Senators who are opposed to the resolution that we agree, or try to agree, upon a time when a vote may be had. If that can be done, I shall have no objection to passing the resolution over to give Senators time to accommodate themselves to the situation.

Mr. HILL. What is the suggestion, Mr. President?

The PRESIDING OFFICER. The Senator from Kansas will please state his suggestion.

Mr. PEFFER. The suggestion is that possibly we may be able to arrive at an agreement when a vote may be taken upon the bond resolution, and if that can be done, then we shall have got one serious difficulty out of the way, and the appropriation bills may be proceeded with until that time. If the Senator from New York thinks that we can agree upon some such suggestion I shall be very glad of it.

Mr. HILL. It is utterly impossible for me to say when the discussion upon the resolution will be completed. Several Senators desire to speak upon it, and it is impossible to agree now as to when a vote shall be taken. We were assured the other day that no one desired to speak upon the other side. If that be so, probably in the near future a vote can be had, but we can not agree upon a time for it now.

Mr. STEWART. Let us fix the time.

Mr. PEFFER. I am quite well satisfied that the friends of the resolution do not care to discuss the measure. I think the minds of Senators on both sides are made up. I suggest, in view of that fact, that we take the vote, say, at 4 o'clock to-morrow upon the resolution and amendments.

Mr. HILL. Mr. President, I can not agree to that. I desire to say right here that when the tariff and the silver questions were pending, in January, I think it was, I was intending to submit some remarks, but in order to accommodate the Senator from Arkansas [Mr. JONES] I consented that an hour might be fixed when debate should cease. During the last hour of that debate new matter sprang up, new suggestions were made, new arguments presented, in which I desired to participate, but I did not see fit to ask for a vote upon them. I have seen that same course pursued theretofore where unanimous consent had been given. When the discussion is over, there will be no effort on my part to delay the debate if the Senate pleases to pass the resolution. After I have finished my remarks, and those who agree with me have finished what they desire to say on the subject, there will be no further proceeding interposed to prevent the Senate doing what it desires in regard to the resolution.

Allow me to say, Mr. President, that the disposition which is manifested to take up a matter of this kind and crowd out appropriation bills is rather new. I have always understood appropriation bills had the right of way. I prefer to have the appropriation bills considered in their order and disposed of, and then the bond resolution can be taken up in its order and kept as the unfinished business. Twice my speech on the resolution has been cut short by the expiration of the morning hour. It was cut short on Friday last by a side discussion between the Senator from Iowa [Mr. GEAR] and the Senator from Nebraska [Mr. ALLEN]. Whenever the resolution is taken up I want to continue it to the end. That is the best way to do it.

Mr. PETTIGREW. Will the Senator from New York allow me a question?

Mr. HILL. Certainly; but I suggest to the Senator from South Dakota that he has a right to move to take up the Indian appropriation bill if he desires to do so.

Mr. PETTIGREW. I simply desire to ask the Senator from New York a question. He says he has been cut off in debate. Can the Senator not name the number of hours he wants to talk, and then agree that we shall vote immediately thereafter? That will make it impossible to cut off his speech.

Mr. HILL. I do not wish to limit the time of other Senators who wish to speak upon the question.

Mr. PALMER. I have no disposition to interfere with any proposition made by the Senator from Kansas or the Senator from New York; but I wish to state that it will not be possible to take the vote on the resolution at 4 o'clock to-morrow. Others desire to be heard on the resolution, and for myself I protest, and shall continue to protest against fixing that hour to-morrow for taking the vote.

Mr. HARRIS. I rise to a parliamentary inquiry. I inquire of the Chair what is the status at present of the resolution of the Senator from Kansas? I see it is the unfinished business. I have been told, although I am not cognizant of the fact, that it has been made the subject of a unanimous-consent agreement. Is that true?

Mr. STEWART. That is true.

Mr. HARRIS. What is that agreement? Let the Secretary read it. If there be a unanimous agreement I should be glad to know exactly what it is; and if there be such agreement, I hope the Senate will not now or at any other time violate any of the terms of the agreement.

Mr. PEFFER. That is the situation exactly, I will say to the Senator from Tennessee.

Mr. HILL. Allow me to say right there that the last time the unanimous agreement was discussed—it has been discussed on several occasions—it was expressly stated in the discussion had between the Senator from Kansas and the Senator from Iowa that it should not interfere with appropriation bills.

Mr. HARRIS. I hope the agreement, if there be one, will speak for itself. If there be a unanimous-consent agreement it is of record, and I shall be glad to know what it is.

Mr. PEFFER. It has been read several times.

Mr. HILL. The unanimous-consent agreement was simply made ten days ago, which was to take up the resolution for consideration. That does not at all prevent the Senate at any time afterwards from proceeding to take up something else. There never has been any unanimous consent that the resolution should be proceeded with and not be discontinued until a vote should be taken.

Mr. ALLISON. Mr. President——

Mr. PEFFER. We all understand that very well. The object of this effort on my part——

The PRESIDING OFFICER. The Chair has recognized the Senator from Iowa [Mr. ALLISON].

Mr. PEFFER. The Senator will bear with me a moment longer?

Mr. ALLISON. Certainly.

Mr. PEFFER. My object is to effect an agreement, if possible, as to when we may dispose of the bond resolution. Then I shall get out of the way and not annoy Senators any more with respect to the appropriation bills.

Mr. ALLISON. Allow me to make a suggestion to the Senate and the Senator from Kansas. I understand that the bond resolution is here not by vote of the Senate, but by the unanimous consent of the Senate. I understood at the time that consent was given that it was not to displace appropriation bills when they were ready, but I agree that the phraseology used by the Senator from Kansas would perhaps not imply thoroughly that he was willing, or that consent was given, to allow the resolution to be laid aside temporarily for the consideration of appropriation bills; but I now appeal to him to yield to what has been the uniform custom of the Senate within my recollection, namely, to lay aside temporarily, by unanimous consent, the pending business when appropriation bills are ready for consideration. The Senator now has his resolution as the unfinished business of the Senate, and no other business except appropriation bills can intervene to prevent its consideration. After the appropriation bills are considered and amended by the Senate they must undergo, as Senators know very well, further consideration by the House of Representatives and by conference committees.

There will be ample time, no matter when we shall agree to adjourn, outside of the appropriation bills to consider the necessary business of the Senate, and I can see no reason why the Senator from Kansas should ask that the bond resolution be considered to the exclusion of appropriation bills, when he has the absolute right of way to the exclusion of everything else, even if the unanimous consent now asked for by the Senator from South Dakota shall be granted. So I hope, at least for the present, and until we get our docket clear of some of the appropriation bills and get them into conference, the Senator from Kansas will allow his resolution to be informally laid aside, not losing its place upon the Calendar.

Mr. WOLCOTT. May I ask the Senator from Iowa a question?

Mr. ALLISON. Certainly.

Mr. WOLCOTT. I ask the Senator, as one of the senior Senators on this floor, speaking, as he always does, sincerely, is he of the opinion that if the Senator from Kansas shall now give way without protest to the consideration of appropriation bills that it will still result that a vote will be had upon the resolution of the Senator from Kansas, and that that resolution will stand before

the Senate for final action—for I take it that is all any of us want—and that we shall be certain not to be drifted to one side and pushed out of the way?

Mr. ALLISON. I can say without hesitation to the Senator from Colorado that the resolution of the Senator from Kansas must be the unfinished business until laid aside by a majority vote of the Senate for the consideration of other business. I hope that we shall not be put to the hazard of a contest; and I trust the Senator from Kansas will not enter into a contest whereby the resolution shall go on indefinitely in debate, as we see around us evidence that it is likely to do, to the exclusion of appropriation bills. The Senator has now absolute control of the Senate as respects his resolution, appropriations bills only intervening, and I can not see why we should depart from a custom which has prevailed in the Senate certainly for twenty-three years, that appropriation bills shall take precedence of everything else; in fact, according to our rules they are entitled to such precedence. Of course, by securing unanimous consent, and the Senator has secured it, impliedly he may have a claim upon the Senate, but surely it can not last a great while to the exclusion of appropriation bills; and I think it would be wiser and better for us all that we should go on with the business in the ordinary way.

I wish to assure the Senator from Nevada [Mr. STEWART], who takes a deep interest in the resolution of the Senator from Kansas, that this is no proposition to set aside the consideration of the resolution or to postpone a vote upon it. I will stay with the Senators to secure a vote upon it as long as they want me to stay here; but I do not wish that the resolution shall take precedence of appropriation bills, which are pressing upon us, and occupy the whole of this week.

Mr. STEWART. Mr. President——

Mr. PEFFER. After that statement of the Senator from Iowa, clearly made——

Mr. STEWART. I wish to make a remark. Am I recognized?

The PRESIDING OFFICER. The Senator from Nevada [Mr. STEWART] is entitled to the floor.

Mr. STEWART. It is very evident that there is a determined opposition to the bond resolution and that there is an effort to prevent a vote upon it. I regard that resolution as more important than the present consideration of any appropriation bills; I regard it as of the highest importance to the honor of this nation that a resolution giving an expression of our views should be passed after all that has been said in the public press and after all has occurred which we know has occurred. I think it the duty of the Senate to pass the pending resolution or some resolution of similar character. It appears all the while that there is a disposition, and it is manifest and has become obvious to all, to set the resolution aside, so that it shall not be considered. We know very well if the resolution has only the right of way subject to appropriation bills that a discussion of it between the consideration of appropriation bills can be carried on indefinitely, and the resolution can thus be conveniently set aside to the end of the session. I believe we should get along with the business much more rapidly by taking up the resolution now and finishing it; but when appropriation bills are coming here every few hours and are to take the place of anything else which is pending, it will be very easy to consume those few hours. The only way to pass a resolution of this kind is to take it up and hold on to it until it is disposed of. If it is to be set aside in this way it can not be passed between appropriation bills, because that will give its opponents a breathing spell and give them an opportunity to load up again, so that they can continue to occupy the intervals of time between appropriation bills until the end of the session, and we shall have no disposition of the subject. If it is the intention that we shall have no consideration of the resolution, I want the question put to a vote of the Senate and see how many are willing to have that done.

Mr. WOLCOTT. Will the Senator from Nevada allow me?

Mr. STEWART. Certainly.

Mr. WOLCOTT. The Senator must have misunderstood the statement of the chairman of the Committee on Appropriations [Mr. ALLISON], who always speaks with the utmost good faith. He said, as a matter of fact, that he did not introduce his suggestion so as to avoid a vote on the resolution. I must say, for my part, that I consider the bond resolution the most important matter before the Senate, and yet I believe, as a friend of the measure, we should gain more in the way of friendship and in the way of getting the resolution acted upon by letting the appropriation bills go through and assisting in the completion of them than we should by antagonizing each measure until the bond resolution should be voted on. If the appropriation bills can then be got through, the Senator from Nevada must see that all the moral support of the Committee on Appropriations, to which we have cheerfully yielded, must come to our aid in assisting us in securing the final consideration of the bond resolution.

Mr. ALLISON. Besides that, the bond resolution has the exclusive right of way except for appropriation bills.

Mr. STEWART. All I have to say further is that the time is going to come when we shall have to stand by the bond resolution day after day. It is not going to be child's play.

Mr. ALLISON. So I understand.

Mr. STEWART. The Administration is opposed to it, and we must stay here by it. Now, when the time comes will the Senator from Iowa stand by us?

Mr. ALLISON. I will be in the neighborhood, I will say to my friend. [Laughter.]

Mr. STEWART. All right. With that understanding, I have no objection to the resolution being laid aside informally.

Mr. HILL. I trust the Senate is not to be bound by the agreement made between the two distinguished Senators a moment ago.

Mr. STEWART. No; we are simply bound by your capacity to talk. [Laughter.]

Mr. CHANDLER. I should like to ask the Senator from Nevada his authority for stating that the Administration is opposing the passage of the resolution?

Mr. STEWART. What authority?

Mr. CHANDLER. Yes; what authority?

Mr. STEWART. Must I give authority for what I say on this floor? If so, I will say it is on the best authority in the world. I do not want to give any other.

The PRESIDING OFFICER. The Senator from South Dakota [Mr. PETTIGREW] asks unanimous consent that the unfinished business may be temporarily laid aside.

Mr. PEFFER. With the statement which has been made so clearly and courteously by the chairman of the Committee on Appropriations [Mr. ALLISON], I am willing that shall be done.

The PRESIDING OFFICER. Is there objection?

Mr. HILL. The resolution is temporarily laid aside, is it not? There is no other understanding or agreement on the part of the Senate?

The PRESIDING OFFICER. The Chair will state the proposition. The Senator from South Dakota asks that the unfinished business be temporarily laid aside. Is there objection?

Mr. HILL. To that I do not make any objection.

The PRESIDING OFFICER. The Chair hears no objection.

Mr. PETTIGREW. I think I included in my request that the bond resolution before the Senate should not lose its place, but should be the unfinished business.

Mr. FAULKNER. That is the effect of the agreement.

Mr. CULLOM. That is all right.

Mr. CHANDLER. Mr. President, I was not entirely satisfied with the explanation made by the Senator from Colorado [Mr. TELLER] as to the way in which these various amounts have been reached. I was not surprised that the Senator took exception to some remarks that had been made by Senators in reference to the claims. I think one Senator said the claims were a fraud. I think both Senators, the Senator from Illinois [Mr. PALMER] and the Senator from Utah [Mr. BROWN], used very strong language in reference to the claims. Although they did not intend to make any imputation upon the committee, I am conscious that such remarks might well be understood as making a reflection upon the committee, and I am glad the Senator from Utah, and the Senator from Illinois as well, disclaimed any such purpose. They had a right to stigmatize the claim, I suppose, by as strong language as they chose to use. They were not justified in imputing any disposition to the committee to press a fraudulent claim, and I do not understand that they intended to make any such imputation. I certainly do not. I am bound to believe that the committee acted with the best of motives and that they believe these sums should be paid out to the individuals named.

Still, Mr. President, I am not satisfied with the situation which will be presented after the claims are paid as they are here listed in the amendment, and I shall expect the Senator from Colorado [Mr. TELLER] or the Senator from South Dakota [Mr. PETTIGREW] or the Senator from Connecticut [Mr. PLATT] to explain to me upon what basis we are to place our action in this adjudication. Here is a large amount of money to be paid out. It is to be paid out to particular individuals. This clause is not for the payment of the whole balance of 35 per cent to Joel M. Bryan. It withholds it from Joel M. Bryan, to whom it was contracted to be paid, and gives it to these individuals. It proposes to give to William S. Peabody $29,000. He has already had $8,000. It gives to McLoud and Erwin and McPherson over $15,000, claims that were rejected by the Secretary of the Interior.

Mr. PRITCHARD. Will the Senator from New Hampshire allow me to interrupt him?

Mr. CHANDLER. Certainly.

Mr. PRITCHARD. I desire to state for the information of the Senator from New Hampshire that those claims are now pending. They have never been considered and passed upon by the Secretary of the Interior.

The Secretary of the Interior gave as the reason for refusing to pass upon the claims the fact that the Senator from Colorado at the last session of Congress introduced a resolution forbidding the payment of any more money on those claims. Therefore he could

Mr. PALMER. I have no disposition to interfere with any Senator from Kansas, and that that resolution will stand before

Mr. STEWART. All I have to say further is that the time is payment of any more money on those claims. Therefore he could

not consider it. I introduced a resolution during the present session of the Senate asking a modification of the resolution introduced by the Senator from Colorado, and that resolution was referred to the Committee on Indian Affairs. The committee, in response to my resolution, after considering all the evidence which had been filed before the Secretary of the Interior, decided to allow the claims of McLoud and Erwin in the amount of $5,000 each. In order that the Senator from New Hampshire may be fully advised as to the nature of those claims and the evidence on which they are based, I beg leave to ask that a statement furnished me may be read by the Secretary and inserted in the RECORD as a part of my remarks.

The PRESIDING OFFICER (Mr. PERKINS in the chair). If there be no objection, the Secretary will read as requested.

The Secretary read as follows:

1. In 1876 Bryan and McCoy, Old Settler commissioners, made a contract with C. M. McLoud to prosecute said claim. The contract called for 10 per cent of the amount that should be recovered. This was the first contract made by the Old Settler commissioners after their appointment by their council of 1875.

2. McLoud assigned a one-half interest in said contract to Marcus Erwin, of ——.

3. Marcus Erwin assigned one-half of his interest in said contract to Theodore H. N. McPherson on June 29, 1876.

4. These three attorneys worked on the claim during the sessions of Congress from the date of their employment to the following dates: To 1881, as to Erwin, when he died; to 1884, or thereabouts, as to McLoud, his health breaking down about that time, and failing completely in 1886, when he retired from practice, and died in 1892. Mr. McPherson did not continue in the case after McLoud died or discontinued his efforts in the prosecution.

5. The McLoud contract, calling for 10 per cent, would have entitled these claimants to put in claims for $80,038.63, which is 10 per cent of the amount of the claim as allowed, viz: $800,386.31; but inasmuch as they did not remain in the case to the end, their claims were only made for half of the contract fee.

As to contract and service rendered thereunder the proof filed in the Department of the Interior in support of the claims shows the following, the same being the substance of the several affidavits:

Exhibit 1.—Affidavit of James Taylor, of Cherokee, N. C., setting forth the making of the contract with McLoud, its stipulations as to service, compensation, etc., with all of which he was familiar; that service was rendered in drafting bills for referring the claim to the Court of Claims, the introduction of said bills in Congress by Congressman Vance at McLoud's request; that McLoud, Erwin, and McPherson worked diligently before the committees to get the bills reported from session to session; the preparation and urging, with Newell, of the amendment to the sundry civil bill in 1882, for referring the case, with other Cherokee matters, to the Secretary of the Interior for investigation and report; that said services extended over a period of six years, during which time McLoud and Erwin spent many months in Washington, and expended large sums of money in the prosecution of said claim; that he, Taylor, during the year 1895, had a conversation in Washington with Joel M. Bryan, Old Settler commissioner, when the said Bryan remarked that all of the different contracts with attorneys had been submitted to the Secretary of the Interior, except the contract of McLoud and Erwin, and he thought it strange that the claims under said contract had not been submitted, as they had rendered valuable services in the prosecution of the claim of the Old Settlers.

Exhibit 2.—Affidavit of W. W. Rollins, of Asheville, N. C.: Was in Washington a great deal of time from 1870 to 1880; in 1876 McLoud and himself took meals at same house with Old Settler Commissioners Bryan, McCoy, and David Tucker, their intrepreter; a contract was made in April or May, 1876, by said commissioners with McLoud, employing him as the attorney to prosecute the claim of the Old Settlers; said contract was executed in the room of Maj. Marcus Erwin, and in the presence of David Tucker, James Taylor, and himself; that he signed the same as a witness; that the contract stipulated to pay McLoud 10 per cent of the amount that might be awarded on the claim; McLoud intrusted said contract to Major Erwin for safe keeping, and at the same time assigned to him a one-half interest therein; that McLoud and Erwin soon thereafter prepared a bill and secured its introduction in Congress by Hon. R. B. Vance, of North Carolina; the bill was introduced on June 5, 1876, and was referred to the Indian Committee, before which both McLoud and Erwin appeared and presented the facts in the case; they also appeared before the Commissioner of Indian Affairs, to whom the bill was referred, and urged report thereon, which was not made because it was then so near the close of the session; that McLoud and Erwin spent many, many months in Washington at work on the claim, fully enlisting the interest therein of both Senator Vance and Congressman Vance in urging some plan of settlement of the claim; that both Senator and Congressman Vance introduced bills, at the request of said McLoud and Erwin, in behalf of the claim; that Major Erwin, finding it necessary to be absent from Washington part of the time, assigned a half of his interest in said contract to T. H. N. McPherson, attorney at law, of Washington, D. C., in order that the claims might receive constantly the close attention required; McLoud and Erwin remained in Washington many months at a time for several years prosecuting said Old Settlers' claim, spending large sums of their own money in keeping in Washington McCoy and Tucker, whose presence was necessary in furnishing information to committees of Congress, the Departments, etc.; and that said McLoud and Erwin did more to advance the Old Settlers' claim than any two attorneys ever employed in its prosecution, and details how he came to be familiar with the facts, from being present with them, etc.

Exhibit 3.—Affidavit of Hon. R. B. Vance: Was member of Congress for twelve years successively from 1872 to 1884; while such member the Old Settlers' claim was frequently discussed; had many conversations with McLoud and Erwin about said claim; at many of these conversations Joel M. Bryan, Old Settlers' commissioner, was present; that on June 5, 1876, McLoud brought to him a bill that he had drafted for sending the Old Settlers' claim to the Court of Claims; that he introduced the bill (attaching a copy of it to his affidavit, viz: No. 3041); that the bill was in McLoud's handwriting; that at several sessions of Congress, up to the Forty-seventh Congress, he introduced, at the request of McLoud, bills for the adjustment of the Old Settlers' claim; also did the same at the request of Erwin; that on December 16, 1881, he introduced House bill No. 1203 (attaches copy to his affidavit); this bill is similar to 3041, with additional provisions; that McLoud and Erwin were often in Washington engaged in prosecuting said claim, and thinks that the bill introduced by him June 5, 1876, was the first measure introduced for sending said claim to the Court of Claims; that McLoud exerted great influence in inducing Congress to recognize the said Old Settlers' claims, and to finally adjust them, and thinks that they should be well paid for their services.

Exhibit 4.—An affidavit of six prominent citizens of Asheville, N. C., as to the character and standing of Hon. R. B. Vance. (A summary of the contents of this paper is not considered necessary.)

Exhibit 5.—Affidavit of T. H. N. McPherson: That he has been an attorney practicing in the city of Washington for the past twenty-five years; that Erwin assigned to him one-half of his half interest in the McLoud contract; sets out in full a copy of said assignment, dated June 29, 1876; that Erwin was compelled to return to North Carolina from time to time, and arranged with him to look after the claim, so that at all times it would receive attention; that the case had no standing in the Court of Claims, and McLoud, Erwin, and himself rendered services in consulting with members, collecting data and information concerning the claim, drafting bills, getting them introduced in Congress, appearing before committees, Departments, etc., all for the purpose of inducing Congress to send the claim to the Court of Claims; that the services of himself, McLoud, and Erwin extended over a period of five years, and of himself and McLoud over a period of six years; that all three of them spent large sums of their own money in the prosecution of said Old Settlers' claim; that owing to serious ill health at time of making the affidavit he is unable to specify more in detail the acts of service rendered by himself, McLoud, and Erwin.

Exhibit 6.—Affidavit of Ella C. McLoud: Is the widow of C. M. McLoud; that she is familiar with the services of her husband in the prosecution of the Old Settlers' claim; made seven trips to Washington with her husband in one year on the business; that he, with Erwin, spent almost the entire winter of 1876-77 in Washington engaged on said claim; that she did not accompany him on all of his trips to Washington; that the journeys were expensive, and he spent several thousand dollars in the prosecution of said claims, almost completely abandoning his practice at home; relates conversations her husband had in her presence with Judge Robert P. Dick, judge United States court for the western district of North Carolina, and with her father, and that he expected large compensation from the work he was doing on the case; that his health failed in 1886, and he died in 1892.

Exhibit 7.—Is affidavit of the widow of Marcus Erwin: That she frequently heard discussions between her husband and McLoud and others concerning the prosecution of the Old Settlers' claim; that from 1876 to 1881, inclusive, her husband was in Washington during every session of Congress; that he spent large sums of money in paying his expenses there while prosecuting said claim, often staying for a month after Congress adjourned; that he spent all he had made for several years prior to entering upon the case, and neglected his home practice, and died leaving her penniless; that in consequence she has had a struggle to rear her family, being compelled to move on an average of about twice a year, and she became indifferent about preserving her husband's papers, at one time burning a barrel full of papers, mostly on Indian matters; that she often begged her husband to give up the business of prosecuting said claim, but he said he could not afford to do so, and that some day he would be well compensated.

Exhibit 8.—Is affidavit of J. E. Rankin, cashier Battery Park Bank, Asheville, as to the character, standing, and ability as a lawyer of C. M. McLoud.

Exhibit 9.—Is affidavit of Charles A. Webb, the administrator of the estate of C. M. McLoud, deceased.

Upon the testimony, etc., thus produced before the Department of the Interior, the attorneys for the claimants were informed that the facts of contract and service were established, but that the value of the service was not set forth in such manner as to enable the Assistant Attorney-General to state the amount that should be allowed, and further proof was called for as to the money value of the services rendered, whereupon the affidavits, of which the following synopses are given, were filed:

Exhibit 10.—Affidavit of Hon. Robert B. Vance; services were laborious and required close attention and much skill; thinks $30,000 a reasonable estimate of the services rendered by McLoud and Erwin.

Exhibit 11.—Affidavit of W. W. Rollins; knows of his own knowledge of the services of McLoud, Erwin, and McPherson in prosecuting said "Old Settlers" claim; that McPherson devoted a great deal of time to the matter while McLoud and Erwin were in Washington, and also while they were at their homes in North Carolina; that McLoud and Erwin expended several thousand dollars in actual expenses for themselves and others whose evidence was necessary before committees of Congress; thinks a reasonable estimate of the value of the services is from $30,000 to $40,000; thinks the latter sum nearer the correct value of the services rendered by the three.

Exhibit 12.—Affidavit of M. W. Robertson; that McLoud and Erwin could have earned from $30,000 to $35,000 out of their home practice during the six years they were prosecuting the "Old Settlers" claim; that their services and money expended were worth the latter sum as a reasonable estimate.

Exhibit 13.—Affidavit by James Taylor, Cherokee, N. C. McLeod, Erwin, and McPherson were the first attorneys employed after the "Old Settlers" convention of 1875. Consequently their services were difficult, laborious, and hard, and were worth from $25,000 to $30,000 at a conservative estimate. They would have earned, with the same diligence, etc., at their home practice or in other matters fully the latter sum.

Exhibit 14.—Is letters of administration to Lucius H. Smith, Buncombe County, N. C., of the estate of Marcus Erwin, decesaed, and power of attorney from said Smith to Charles A. Webb, of Asheville, N. C.

After consideration of the proofs presented and hearing given to the attorneys representing the three claimants, the Assistant Attorney-General gave them to understand that he would recommend an allowance to be made on the claims to the Secretary of the Interior; but he declined to inform them as to the amount of the allowance so recommended by him; and the Secretary has said that he could not pay the claim until the restrictions of Senate resolution of March 2, 1895, were removed, and advised them that they secure the removal of these restrictions by a resolution, which is sought to be done by Senate resolution No. 74.

Mr. PRITCHARD. I sought by the Senate resolution, to which I have referred, to have a former resolution modified so as to permit the Secretary of the Interior to adjust those claims. The resolution, as I stated, was referred to the Committee on Indian Affairs, and in response to the resolution the amounts fixed in the bill were placed there as the compensation to the parties for the services they have rendered.

I know nothing about the claims of my own knowledge. I simply have the facts as stated in the various affidavits which have been filed in the office of the Secretary of the Interior. I know one thing, and that is that Major Erwin was a gentleman, and I am satisfied that neither he nor his representatives would file a claim in the Congress of the United States asking to be paid for services never rendered. I also know Major McLoud. He was one of the most prominent attorneys in our State, and I am satisfied that he rendered the services as alleged in the paper read by the Secretary. While we would much prefer that the Secretary of the Interior should have considered this matter, at the same

time the Committee on Indian Affairs have preferred to take the other course. They have said to us, "Rather than to modify the resolution and let this controversy continue before the Secretary of the Interior, we prefer to settle the whole matter at one time"; and they have cut down the claims of these individuals from $30,000 to $10,000.

Mr. PLATT. Fifteen thousand dollars.

Mr. PRITCHARD. Fifteen thousand dollars in bulk; but I was referring only to the claim of McLoud and Erwin. I know nothing as to the claim of Mr. McPherson, except to say that he is a gentleman. He hails from a different State. But these gentlemen lived in my State in their lifetime.

The entire amount allowed to these people, the amount that they have proven the services were worth, was $30,000, and it has been scaled one-half by the committee. I take it the committee thought the best thing to do was to settle the matter while they had it before them; to settle all these amounts and scale them down, so as to give each individual what he would be entitled to in equity. They are not getting their legal rights. If they were getting the amounts they are legally entitled to the bill would include an appropriation for $30,000. But I take it the committee has granted these people what they think is equitable.

It is true they did not get their claims considered before the Secretary of the Interior when the other claims were considered. The way they account for that is this: They say Major Erwin had died and they had to have an administrator appointed. Captain McLoud had died, and they had to have an administrator appointed in that case. Pending the appointment of the administrators in those two cases the claims were considered by the Secretary of the Interior. I feel confident that the Committee on Indian Affairs, while I have not the honor to be a member of that body, have done what they conceive to be for the best interests of the Indians and for the best interests of all parties concerned. This fund, I understand, was set aside for the payment of attorneys' fees. So it is more in the nature of an adjustment of the amount due these individuals than in the nature of an appropriation from the Government to pay the attorneys for services rendered.

I do not care to say anything more about the matter. I know nothing about it individually; but I know that they have established the fact that they had a contract under which they were entitled to a certain sum of money. I further know the fact that they have proven that they rendered the services. It is admitted here that they have rendered the services, and it is also admitted here that the consideration for the services has been scaled one-half. I can see no good reason, no just cause, for disallowing this amount to these individuals.

Mr. CHANDLER. Mr. President, I have no knowledge as to these particular claims, whether they are sound or unsound. I do think it strange that if the claimants are entitled to the large sums awarded them by this clause there has not been earlier prosecution of their case to an adjudication by some tribunal. No one has yet said that these amounts are due except the Committee on Indian Affairs or the Committee on Appropriations of this body. We do not know as the case stands to which committee we are indebted for this list. We do not know which committee has made up the list and decided that each of these parties shall have the sum set against his name.

This is either the money of Joel M. Bryan that we are appropriating in this way, or it is the money of the United States. If it is the money of the United States, then none of these contracts are sound and legal unless they were made under section 2103 of the Revised Statutes, which is so long that I will not insert it in the RECORD, but it distinctly provides that any contract which is to bind an Indian tribe shall be executed with certain formalities and shall be approved by the Commissioner of Indian Affairs and the Secretary of the Interior. Joel M. Bryan's contract appears to have been so approved. I think it was an extravagant and an exorbitant contract; but there it stands. The amendment proposes not to give Mr. Bryan all this money, but before giving any to Mr. Bryan to award these various sums to the different parties named. Mr. William S. Peabody is to be given $29,000, who, as I said, has already been paid $8,000. The estate of McLoud, the estate of Erwin, and Mr. McPherson are to be given $5,050 each. There was no contract made with them under section 2103 of the Revised Statutes, and their claim never had any adjudication whatever until the two committees now propose these amounts. By some process it has been ascertained that Mary E. Carey, executrix of the estate of James J. Newell, who has had $10,000, is to have $3,000 more. John A. Sibbald is to have $1,000. He has already had $2,700. Reese H. Voorhees and John Paul Jones are to have $7,003.86, who have already had $32,000.

Mr. WILSON. May I interrupt the Senator from New Hampshire right there?

Mr. CHANDLER. Certainly.

Mr. WILSON. Has the Senator from New Hampshire read in the protest of the Old Settler or Western Cherokee Indians the statement that I made relative to that item? Perhaps the Senator was not present when I read it.

Mr. CHANDLER. I do not remember to have read it.

Mr. WILSON. I will read it again, with the Senator's permission:

It is conceded by those in whose behalf this protest is made that the provision contained in the proposed amendment for the payment of Reese H. Voorhees and John Paul Jones, the amount of $7,003.86 is just and proper, and should be paid; and that it is only a fair and reasonable compensation to these gentlemen for the valuable services rendered.

That is in the protest that I understand the Senator from New Hampshire is supporting. Their bill has passed the other House and it has been before the Committee on Indian Affairs.

Mr. CHANDLER. Does the Senator admit that those two gentlemen have already received $32,000?

Mr. WILSON. The amount that they received, the $32,000, has nothing to do with this contract, which was made subsequently. I introduced a bill in the Senate, and that is the reason why I feel some interest in the matter. I went all over the papers. They gave a year and a half of service.

Mr. TELLER. If the Senator from New Hampshire will allow me, I will suggest to him that these two gentlemen were attorneys at law and were concerned with Mr. Garland in the prosecution of the case originally in the Court of Claims and in the Supreme Court.

Mr. CHANDLER. What was the $32,000 paid to them for?

Mr. TELLER. Thirty-two thousand dollars was paid to them for that service, as I understand. They have rendered other services. They had a contract——

Mr. CHANDLER. I have before me——

Mr. TELLER. Will the Senator permit me to explain?

Mr. CHANDLER. Excuse me, I thought the Senator was through.

Mr. TELLER. They had a contract made according to law, approved by the proper officers, and under it the Secretary of the Interior paid them the full amount of their contract.

Mr. CHANDLER. My impression is, from a memorandum which is before me, that Messrs. Voorhees and Jones were paid $32,000 for services in the prosecution of the Old Settlers' claim, and that the claim which is now allowed was for another service.

Defending the money recovered by the Indians from the Government against all spurious, unauthentic, or unreasonable claims of attorneys or other persons claiming to have rendered services in securing or aiding in the collection of the Old Settlers' claim.

So, having received $32,000 themselves, they are now to have $7,003.86 for defending the Indians from the unreasonable claims of other attorneys. That is a very singular state of things. It seems these Indians had to make a contract to pay out 35 per cent of all they could recover, and then they had to make additional contracts to protect themselves from the unreasonable claims of attorneys, and they had to pay large sums to new attorneys to protect them from the unreasonable claims of attorneys whom they had already employed. I do not say that these amounts are not due, but I ask, where is the adjudication that they are due which is to justify the Senate in making this appropriation?

Now we come to Mr. McKnight's claim of $1,000. Mr. McKnight, as I said a little while ago, is the surviving partner of Mr. E. J. Ellis. The original contract with Mr. Ellis was for 2 per cent on the appropriation of $800,000, which would have made a claim of $16,000. They have been paid $4,000. They are now claiming before Congress the sum of $12,000. They are prosecuting that claim before this body; they are prosecuting that claim before the House of Representatives. Who has adjudicated that they are entitled to only $1,000? What is the justification for reducing the amount? I admit it may be necessary that it should be reduced, but should it not be done by some tribunal? Should it not be done by some adjudication? If done by a committee of this body, should it not be done in pursuance of a report which shows the grounds for the action of the committee of this body before we are asked to approve these specific sums as due to these people? We are asked to adjudicate that $29,000 is due to Mr. Peabody, who has already had $8,000. Why? Because that is the judgment of the Senator from Colorado, the Senator from Connecticut, and the Senator from South Dakota. We are also asked to adjudicate to Mr. McKnight——

Mr. TELLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. CHANDLER. In one moment, as soon as I utter this sentence. We are also asked to adjudicate that Mr. McKnight's claim for $12,000 is to be reduced to $1,000. How is that? What are we to say to Mr. McKnight when he comes here after this bill is passed and asks for an additional $11,000? Now I will yield to the Senator from Colorado.

Mr. TELLER. I should like to suggest to the Senator from

New Hampshire that in this case Mr. Peabody's claim was not adjudicated by me. He had a contract. The Committee on Indian Affairs had charge of it, not myself, although I think that he is entitled to more money than he is getting. I have detailed some of the services he has rendered.

Mr. CHANDLER. Does the Senator think that the Old Settlers ought to have paid 35 per cent of all they recovered to attorneys?

Mr. PETTIGREW. Will the Senator from New Hampshire allow me to answer?

Mr. CHANDLER. Certainly.

Mr. PETTIGREW. Mr. Bryan has the contract for the whole $79,000, and has also filed a claim for the entire amount, shutting out everybody. He has made an affidavit, which is here, showing in detail what his services were, and that they were not paid for.

Mr. CHANDLER. Very good; and we are called upon by an act of Congress to legislate the money away from him and into the pockets of these people. We are called upon to handle all this sum of money without any report from the committee stating the reasons, and when we know that every one of these claimants who has not had allowed to him by these two committees the sum which he claims will come and complain to Congress hereafter and ask for more money, and when we have not any reason for overruling the findings of the Secretary of the Interior except a clause in an appropriation bill reported from the committee, not accompanied by any statement of reasons for the conclusions which the committee have reached.

Mrs. Belva A. Lockwood is to be paid $1,000. How much does she claim? She claims that her contract was for $80,000. Why has the committee cut this woman down $79,000 and given us no reason for cutting down the amount of her claim from $80,000 to $1,000?

Mr. TELLER. I will tell the Senator.

Mr. CHANDLER. Why should not the women be treated just as well as the men in this game of distribution?

Mr. TELLER. If the Senator does not ask a question for information, but only asks to hear himself talk, I do not care about interrupting him.

Mr. CHANDLER. I suppose it would be more agreeable to hear the Senator talk, and therefore I will yield if he wants me to yield.

Mr. TELLER. If the Senator really wants to know why the sum was cut down——

Mr. CHANDLER. Certainly I do; but the Senator got angry a little while ago when I asked him a question; and he can answer or not, just as he pleases.

Mr. TELLER. I did not get angry at all.

Mr. CHANDLER. The Senator refused to allow me to interrupt him to ask a question, and now he wants to ask me a question. Every question put in the course of my argument, unless disclaimed——

Mr. TELLER. I will not interrupt the Senator. The Senator evidently does not desire to have the truth.

Mr. CHANDLER. I recognize the Senator as the fount of all truth, and now I will ask him why he cut down the claim of Mrs. Lockwood from $80,000 to $1,000?

Mr. TELLER. I did not cut down the claim of Mrs. Lockwood. Mrs. Lockwood had no contract at all. Mrs. Lockwood rendered some service as the agent of Mr. Newell, and out of Mr. Newell's fund the committee thought she was entitled to that amount of money. She had no contract. The Senator is entirely mistaken. If he knew the facts as well as he thinks he knows them he would get along a great deal better.

Mr. CHANDLER. Having said that the Senator is the fount of all knowledge, it seems to me he might have left a little presumption that I know something myself. It is the privilege of any Senator to ask questions of a committee that advocates a bill. When the Senator advocates the payment of these large sums of money and I ask him a question about them and he answers it, it is not gracious nor courteous for him to wind up by telling the Senator who asked the question that he does not know as much as he ought to know. He is trying to find out, and he gets mighty little information from the committee that has this matter in charge. He gets bad temper enough, but very little information. I continue to ask how it is that we are to be guaranteed against the pressure of Mrs. Lockwood upon Congress for the remaining $79,000 when the committee have given her $1,000 and have acknowledged thereby that she is entitled to something?

Mr. President, I do not undertake to say that I know anything about the details of these claims. My argument is that I do not know anything about them, and that the Senate does not know anything about them, and that it has no information upon which to base the action which is proposed by this amendment. I say if there was an adjudication here by the Secretary of the Interior I might be willing and probably should be willing to vote in accordance therewith. There is no such adjudication. The Secretary of the Interior has made his adjudication of smaller sums and they have been paid. There is no adjudication of the Court of Claims, as perhaps there ought to be, upon these cases. There is merely this clause in the pending appropriation bill proposing that we shall vote these sums through the Senate because we find them reported by the Committee on Appropriations. Now, I say it is not a satisfactory way of doing business. It is not the satisfactory way of finding out how much, if anything, is due to these parties. I give notice to the Senate that if this schedule becomes a law Congress will be pestered from this time on by claimants who will say they were not allowed what they ought to have been allowed, and they will come to Congress and ask that justice may be done to them, Congress having undertaken to make the adjudication and to determine that these payments shall be made and no other payments shall be made.

I submit, Mr. President, that these claims should take the way of other claims; that if they are to be put upon an appropriation bill they should be put upon the appropriation bill in pursuance of something which can be handed to a Senator or published to the outside world as a reason why this list of claims is just, carefully made, and accurate, and is good not only to the extent to which it goes, but is a protection against any other claims of a like character that may be presented to Congress.

Mr. PLATT. Mr. President, I feel very much like thanking the Senator from New Hampshire that in his zeal in attacking this appropriation bill he has not gone so far as some other Senators to say that the proposed appropriation is a fraud and a theft. I think that the members of the Committee on Indian Affairs and the members of the Committee on Appropriations owe a great deal to the forbearance of the Senator from New Hampshire and that they should express their obligation to him when he comes to their defense and says that he really does not think the members of the Appropriations Committee who have examined these items and the members of the Indian Affairs Committee, who I think it will be conceded by and by have examined these items, are not frauds and thieves. Really we owe a great deal to him, Mr. President, and for one I feel like expressing that obligation.

But while the imputation of personal dishonesty upon these two committees is now disavowed, it is a pretty serious thing to stand up in the Senate of the United States and say that the payment of claims represented by these committees will be fraudulent and in the nature of a theft from the Indians. That charge could not be made except upon one of two grounds, that the claims had not been considered fairly and justly, or that there was an intention to commit fraud.

As the charge of intentional imposition upon the Senate of fraudulent and wicked claims is abandoned so far as it relates to the personnel of the committees who have brought them forward, it remains to inquire whether the claims are here as the result of inattention or carelessness or want of investigation, or for any other reason which militates against the acceptance of this amendment.

I will give the history of the claims, and I speak of the matter, and speak somewhat feelingly, because I am a member of the Committee on Indian Affairs. When the present Congress met bills were introduced providing for payment out of this fund in the Treasury to attorneys who had rendered services in obtaining a judgment for and payment of about $800,000 to the Old Settlers or Western Cherokee Indians. It has been complained here that these claims ought to be adjusted upon the introduction of bills and the investigation of bills and a report upon the bills. I think there has been a bill introduced for every one, or nearly every one, of these claims. The Senator from North Carolina [Mr. PRITCHARD] rose and stated what he had endeavored to do. The bills came before Congress and they came before the Indian Affairs Committee by reference to that committee, and there a subcommittee was appointed early in the session. That subcommittee consisted of the Senator from Idaho [Mr. SHOUP] and the Senator from Washington [Mr. WILSON], and they devoted a very considerable time, week after week, to the investigation of the claims.

The Senator from New Hampshire complains that there is no adjudication of these claims. I venture to say that no subcommittee or any committee in Congress has ever devoted more attention to the consideration of claims brought before Congress than did the members of that subcommittee. They made a report to the full Committee on Indian Affairs. That report was accompanied by a written memorandum of the facts relating to each case; and when it was presented to the Committee on Indian Affairs and explained by the subcommittee it received the unanimous consideration of the Committee on Indian Affairs.

Perhaps these are all fraudulent claims. Perhaps the subcommittee and the other members of the Committee on Indian Affairs are not capable of detecting a fraudulent and thieving claim against the Government. But the same argument applies to every case. The same argument which the Senator from New Hampshire has urged here applies to every case which comes

before Congress, where Congress is asked to pay an honest claim, that it has not been adjudicated except by the committee and that it has received only the examination given it by the committee. It will not be three weeks before the Senator from New Hampshire will come in here with a report upon some subject, and when a Senator rises and asks him where and when it was adjudicated, he will say, "I have investigated the matter as a member of the committee; the committee to which I belong, the Naval Committee, hearing the facts, have come to the conclusion that this is a proper report." That is the way in which all claims are adjudicated against the Government for the payment of which the Government is responsible. It is the usual course.

Would it have been better to have had a dozen bills reported here and acted upon separately than that they should have been consolidated and proposed as an amendment to the Indian appropriation bill?

After the matter had received the sanction of the Committee on Indian Affairs, and I believe the unanimous approbation of every member of the committee, it went to the Appropriations Committee. The same yellow paper memoranda from which the Senator has been reading and the same arguments which the Senator has been retailing here were laid before the Appropriations Committee, emanating, I believe, from somebody who thinks he has not got as much of this money as he ought to have. The Appropriations Committee have not passed this subject by slightingly. They have given care and attention to it, and have in some respects modified the recommendations of the Indian Committee. They have not exactly adopted the recommendations of that committee.

Mr. President, why is it that Senators say that these claims are fraudulent; that they are an attempt to steal something from the Indians; that they have not been considered, and have not been adjudicated? I think I can tell why it is. First, there are some attorneys who think that they have not been fairly dealt with here—some of whose claims, or alleged claims, have been disallowed entirely, some of whom have not got as much as they think they ought to have gotten. That is one class of people who are objecting here. Then there is the Cherokee Nation, by its delegates here, which has not an iota of just claim as a nation upon this money, claiming to represent the Old Settlers, who, after having voted this money away for the purpose of collecting this claim and giving all the balance of it by a vote of the council to Mr. Bryan, their original commissioner, come in and say they want the money. These two parties, the attorneys who think they have not got quite enough and the Cherokee Nation and the Old Settlers who, after the old fashion of Indian giving—give and take back—have excited the philanthropic sympathy of the Indian Rights Association, and so this attack is made upon the payment of these claims.

Now, just a word about the claims. I do not think much of contingent fees, but every prosecution of an Indian claim against the Government and every recovery of an Indian claim against the Government, and every prosecution of almost every other claim against the Government and recovery against the Government, is conducted just in this way. Attorneys take such claims upon contracts to receive so much in case they succeed. I do not think much of it, but the necessity of that sort of employment of attorneys grows out of the negligence of this Government in paying claims it ought to pay. The people who have these claims against the Government ordinarily can not employ attorneys and pay them, and the Government refuses to pay, as it refused to pay these Old Settlers $800,000, which it owed them for fifty years, more or less. They were forced to put their claims into the hands of attorneys, who took them for a contingent fee. Here was this old claim against the Government in behalf of these settlers—fifty years old, was it not, I inquire of the Senator from Arkansas? I think it dates back as far as 1838.

Mr. JONES of Arkansas. I think it is more than 60 years old. I think it originated from the treaties of 1832 and 1833.

Mr. PLATT. Yes. This claim has been pending against the Government. It has been claimed by these Old Settlers that the Government owed them this large amount of money. They never could get any payment from the Government, and, as a result, they made a contract with Mr. Joel M. Bryan, whom they made their agent to prosecute this claim, and gave him full power and agreed to pay him 35 per cent of what they should recover. They did not know how much it might be; it might be $100,000; it might be a million dollars. Mr. Bryan took the case under that contract.

When the Indians say this money belongs to them it is a violation of a contract on their part. They have no claim on it; and if they ever had a claim on it they have since then, and deliberately, agreed to give to Joel M. Bryan all that may be left of the 35 per cent after the payment of the other attorneys who have claims upon the fund. This operates, if these payments are not to be made out of this fund, as a matter of confiscation on the part of the United States, and I say that the $86,000 belongs to some one who has rendered services. It does not belong to the Indians; it does not belong to the United States; it belongs unquestionably to the parties who have rendered services under that original contract. If there are no payments to be made, then the United States is simply to confiscate this $86,000. It can not be paid back to the Indians, or any portion of it; they can not recover it.

Now, let us take one claim here, for there is no time to go through all of the claims. When the Indian Committee investigated this subject a memorandum of a report was drawn up with reference to each one of the claims, setting forth fully the facts in relation to it. Take the claim of Mr. Peabody. I do not know Mr. Peabody; I never saw him. I know that he is a citizen of Colorado, and I know the Senator from Colorado says he is a worthy and estimable attorney and gentleman. What are the facts about that claim? When it was undetermined how much this recovery was going to be in the inception of it, Mr. Bryan, who was the agent of these Indians and had plenary power, made a contract with Mr. Peabody to give him 8 per cent of the amount which should be recovered.

Mr. PALMER. Will the Senator allow me to ask him a question?

Mr. PLATT. Certainly.

Mr. PALMER. I ask whether it is not true that the Commissioner of Indian Affairs or the Secretary of the Interior allowed to Mr. Peabody all that that officer thought he ought to have?

Mr. PLATT. Oh, Mr. President, I do not wish to be impolite to the Senator; I shall not be, and I could not be; but this practice when a Senator is making a statement with regard to a particular subject, and thinks he is making a good statement, and intends to make a complete statement, of getting up and asking him something with reference to a particular subject before he gets to it is scarcely a proper method of discussion.

Mr. PALMER. I hope the Senator from Connecticut will say that I offend against that rule of politeness perhaps as rarely as any other Senator.

Mr. PLATT. I will say that.

I was coming to the particular subject to which the Senator has referred. I was going to examine the Peabody claim, because it may be treated as a sample claim. It has been styled the fraudulent claim of a lobbyist for a year's service. Mr. President, let us look at the claim a little. Mr. Peabody made a contract with Mr. Bryan, the agent of these Indians, who was authorized to make the contract. That contract was that he should receive 8 per cent of the amount collected. That can not be denied and is not denied.

It is said that Mr. Peabody never rendered services adequate to the amount of his contract. I do not think that question comes very fairly into this case, though I suppose that it is customary in the Interior Department to examine the question of services, and not to give the full amount of the contract if it be found that the services have not been rendered. But when was Mr. Peabody employed? How long ago was it? It was said here in the Senate that it was the work of a lobbyist for a year. Mr. Peabody was employed by Mr. Bryan on the 9th day of September, 1882. That is nearly fourteen years ago. So this service ran over a period of thirteen years up to the time of the collection of the money. His contract recited that there was 35 per cent set aside to pay the expenses, of which he was to have 8 per cent for his services. This contract was approved by the Commissioner of Indian Affairs in 1883. On the 6th of December, 1886, it was continued in force for a period of nine years from December 9, 1882, by the original parties to the contract, Mr. Bryan, the agent of the Indians, and Mr. Peabody. It was again approved by the Commissioner of Indian Affairs January 27, 1887, and the Secretary of the Interior. It was again renewed and extended on the 10th of February, 1892, approved by the Commissioner of Indian Affairs on the 9th of March, 1892, and the Secretary of the Interior March 11, 1892. It was in full force and effect when this money was paid.

Now, do Senators come in here and say that Mr. Peabody is a fraudulent claimant, with this contract in existence since 1882, renewed and approved by the Commissioner of Indian Affairs and the Secretary of the Interior three different times? I venture to say from what I have learned in this case that if Mr. Peabody had not been employed to do the work which he did, or if some other person had not been employed to do that work, there would have been no recovery in this case. I think that Mr. Garland, late Attorney-General, has practically said that. Mr. Peabody was an expert accountant, familiar with statistics and accounts, and his business as an attorney was to look up and state this claim through all its multifarious complications for the last sixty years. He did it so successfully that the Indians recovered $800,000, which they never would have been able to recover and never would have recovered if it had not been for the industry and skill of Mr. Peabody, or some man of precisely the same character and caliber in

looking up the evidence and presenting it originally before the commissioner appointed by the Interior Department, and subsequently putting it in shape for the Court of Claims. The Secretary of the Interior now says for that service, extending over a period of twelve years, there being $280,000 set aside for the payment of attorneys by the Indians themselves, that all Mr. Peabody is entitled to is $8,000.

There are some very peculiar things about the case. The Indian Commissioner recommended $8,000, although he said that Mr. Peabody had forfeited the right to recover anything under his contract by reason of having been employed for two years in the Geological Survey. The case was before the Court of Claims, and although he said that the service which was rendered to Mr. Clements, the commissioner, was unimportant—that was the commissioner's report—he recommended the payment of $8,000. The Secretary of the Interior, acting upon that recommendation, while he negatived the findings of the commissioner, and said there was nothing in the fact of Mr. Peabody's employment in the Geological Survey which prevented him from recovering the worth of his services, and while he negatived the fact that his services in connection with the report of Mr. Clements were unimportant, allowed him only $8,000.

Let us see if that is not so. This is what the Secretary of the Interior says about it:

The claim of W. S. Peabody.—Upon this claim I am of opinion that Mr. Peabody's acceptance of employment under the Government of the United States can not be considered an abandonment of his contract.

The commissioner said the contract had been abandoned.

The proof filed shows that he performed very valuable services during a period of many years, extending from the year 1878 to the close of the case. I have carefully considered his claim, and I can not think that, however valuable and meritorious these services may have been, he is entitled to the enormous sum at which he rates them. I agree with you that the sum of $8,000 would be ample compensation for all the services rendered; and that sum is allowed.

That is a most remarkable judgment on the part of the Secretary of the Interior. The Commissioner of Indian Affairs based the reduction of the claim upon two reasons: One that Mr. Peabody had abandoned his contract, and the other that his services were not worth anything. And yet he recommended $8,000 upon that basis. The Secretary of the Interior negatived both of those grounds upon which the commissioner made the recommendation and only allowed Mr. Peabody the $8,000 which the commissioner had allowed. I want to read that again. This is the statement of Secretary Hoke Smith:

The claim of W. S. Peabody.—Upon this claim I am of opinion that Mr. Peabody's acceptance of employment under the Government of the United States can not be considered an abandonment of his contract. The proof filed shows that he performed very valuable services during a period of many years, extending from the year 1878 to the close of the case.

A lobbyist who is to be paid $29,000 for going around to Senators and spending a year's time! The Secretary of the Interior says the proof filed shows that Mr. Peabody "performed very valuable services during a period of many years, extending from the year 1878 to the close of the case."

The finding of the Secretary of the Interior in this matter was not conclusive. Mr. Peabody had a right to present his claim under his contract to Congress. His contract called for $64,000, and I venture to say from all my reading in the case that he rendered just as important services as any attorney in this case out of court or in court, and is entitled to just as much compensation. I am willing to let this amendment stand on this sample claim of Mr. Peabody. I think he has fairly made out his case here, as I think the rest of them have.

But, Mr. President, in the usual way in which these cases go on, employing attorney after attorney, discharging attorneys and employing new ones, it always happens that the claims presented by attorneys who have rendered services run up to a very large figure; and there was left over only the sum of $86,000. There were claims upon it by attorneys to the amount of about $200,000, which were presented to Congress, as they had a right to present them, and the place where they should be presented, and referred to the committee where they should be referred, and adjudicated as they should be adjudicated, let me say to the Senator from New Hampshire [Mr. CHANDLER]. So it came to this, that there had to be a sort of rude justice done between these different claimants, or one of three things must follow, to use the expressive and almost classic language of the Senator from New Hampshire, Congress would be forever pestered with these claims, or the United States would confiscate the money, as the Senator about half intimated it ought to do, or give it to Joel M. Bryan. So the Committee on Indian Affairs, through its subcommittee and its whole committee, with the most tedious and careful and painstaking examination of these cases, came to the conclusion as to what should be paid to the different claimants, making as nearly as they could a fair adjustment of these claims, a rude kind of justice and equity perhaps it was, but I venture to say that upon any one of the claims in that bill considered by itself the claim would be very much larger than it is as finally adjusted. Then, as I say, the claim went to the Appropriations Committee, and the Appropriations Committee went over all this work, and now Senators come in and say it is all fraudulent, thievery, and stealing from the Indians. Mr. President, if that be so, let us advance that argument in every case which has been examined—carefully, thoroughly, and comprehensively examined—by a committee. Oh, no, Mr. President, that will not do.

I should not have said a word in this case if it had not been that, as a member of the Committee on Indian Affairs, I gave my assent to the amendment as reported to the Appropriations Committee. The Appropriations Committee, following it mainly, has changed it in some respects, and, as the Senator in charge of this bill tells you, in a manner that all the claimants who had claims of any validity whatever are substantially satisfied. Now, had we not better dispose of the subject?

Mr. PALMER. Mr. President, I have endeavored since I have been a member of this body to observe its rules with great exactness. I have sought always to observe the rules of courtesy which ought to characterize the relations of Senators, but interruptions are so very frequent here, though generally by the consent of the Senators interrupted, that my interruption of the Senator from Connecticut seems hardly to have justified that discourteous snub that he retorted upon me. I am afraid that I have so conducted myself in this body that Senators imagine that I am incapable of feeling a snub tendered to me deliberately. I shall not notice the matter any further now; but I hope the Senator will pardon me for what he deemed an unusual discourtesy.

Mr. PLATT. If I said anything that the Senator thought was discourteous I did not intend to say it. I beg to assure him that I did not intend it. I would not say anything which by any means could be construed into disrespect or discourtesy to the Senator.

Mr. PALMER. Mr. President, that ends the matter so far as I am concerned.

I oppose the allowance of these claims, and I do it upon grounds which I think are fairly consistent with my respect for both the Committee on Indian Affairs and the Committee on Appropriations. I regard committees as important, valuable, and intelligent aids to the Senate. They are useful. They are somewhat like the referee, the master in chancery, in that forum to which I am much more accustomed than this. But I have never supposed that an exception to the report of a master, however able or intelligent, could be construed into an offense, except as Barrington says that in Ireland, if a lawyer demurred to a declaration, it was followed by an immediate challenge. I should be sorry to see the rule established in the Senate that no criticism could be made upon the action of a committee without incurring its resentment.

I listened to the very instructive remarks of the Senator from Colorado [Mr. TELLER] with great interest; and I understand this to be the state of facts: Long ago there were settlers in the Indian Territory called the Old Settlers, who were not regarded as a tribe or a nation, but as a sort of voluntary association, which could neither sue nor be sued, nor do I suppose, as a matter of law, it was capable of contracting; but a committee of that body did enter into some sort of arrangement with some agent for the prosecution of a claim against the United States; and as a result of the prosecution of that claim the United States became a trustee for that disorganized and, I suppose, somewhat incapable class of persons, that group of persons—for the term "group" describes them, I think, much more accurately than any other term I can think of at present. I understand, therefore, that these people were under the protection of the United States. The United States was a trustee, somewhat like a trustee for the incapable classes, the insane or minors, and the United States assumed all the responsibility of a trustee.

These persons made contracts that were sanctioned by the United States, and among the contracts which were made, I infer from the suggestion of the Senator from Missouri [Mr. COCKRELL], there was an order or resolution of this group adopted setting apart 35 per cent of whatever might be realized to compensate attorneys, or to compensate the particular attorney with whom the contract was made.

Mr. GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Maryland?

Mr. PALMER. For a moment.

Mr. GORMAN. The pending bill, of course, can not be concluded to-night, and there are reasons which Senators understand why an adjournment should be had at this time. I therefore move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 14 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 21, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 20, 1896.*

The House met at 12 o'clock m., and was called to order by the Clerk of the House, Mr. ALEXANDER MCDOWELL, who said: "In the absence of the Speaker, the House will please designate a Speaker pro tempore."

Mr. HENDERSON submitted the following resolution:

Resolved, That Hon. JOHN A. T. HULL, a Representative from the State of Iowa, be, and is hereby, elected Speaker pro tempore during the temporary absence of the Speaker.

The question being put by the Clerk, the resolution was unanimously adopted.

The Speaker pro tempore on taking the chair was loudly applauded

Prayer was offered by the Chaplain, Rev. HENRY N. COUDEN.

The Clerk was proceeding to read the Journal of Saturday last, when the Speaker appeared and took the chair, amid laughter and applause.

The SPEAKER. The House will be in order. The Clerk will read the Journal of the proceedings of Saturday last.

The Journal was read and approved.

TESTS OF MATERIALS.

Mr. PERKINS, by unanimous consent, offered the following resolution; which was read, considered, and adopted:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized to print and bind in paper covers 500 copies of the report of the commanding officer of the Watertown Arsenal of tests of material for industrial and other purposes made at said arsenal during the fiscal year ended June 30, 1893.

On motion of Mr. PERKINS, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

DONATIONS OF CONDEMNED CANNON.

Mr. BROMWELL. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 8262) authorizing and directing the Secretary of the Navy to furnish condemned cannon to certain Grand Army posts, a monument association, and army post, was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, the authorized and directed to furnish to the Veteran Brigade, Grand Army of Republic, Rochester, N. Y., eight pieces of condemned cannon for the purpose of decorating the burial lots in Mount Hope Cemetery and in the Holy Sepulchre Cemetery, set apart for the exclusive use of the veteran soldiers and sailors of the war of the rebellion, and also four pieces of condemned cannon to the Brockport Soldiers' Monument Association, an incorporated body, of Brockport, N. Y., for the decoration of the soldiers and sailors' monument recently erected in that village; also, two pieces of condemned cannon to the John C. Campbell Post, Grand Army of the Republic, at Harrison, Ohio, for the use of its cemetery, and four condemned cannon for the use of the Soldiers' Home at Bennington, Vt.: *Provided*, That the same can be spared without detriment to the service, and that no expense is thereby incurred by the Government.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BROMWELL, a motion to reconsider the last vote was laid on the table.

PETER P. FERGUSON.

Mr. STEWART of Wisconsin. I ask unanimous consent for the present consideration of the bill (H. R. 6431) to pay Peter P. Ferguson $1,765 and interest.

The bill was read.

Mr. CANNON. What is this about?

Mr. STEWART of Wisconsin. The Clerk will please read the report.

The report was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. LOUD. This seems to be a just claim, but I think the bill should state for what this money is to be paid. I do not believe we should pass a bill which simply directs that a certain amount of money shall be paid to a certain individual and makes no statement of the matter for which payment is to be made. Unless the bill can be put in more specific shape I shall have to object.

The SPEAKER. Objection is made.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering the general deficiency appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. PAYNE in the chair.

The CHAIRMAN. The Clerk will report the title of the pending bill.

The Clerk read as follows:

A bill (H. R. 8293) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, for prior years, and for other purposes.

Mr. CANNON. I ask unanimous consent to dispense with the first formal reading of the bill.

There was no objection, and it was so ordered.

Mr. CANNON. Now, Mr. Chairman, if I can have the attention of the gentleman from Texas [Mr. SAYERS] for a moment, does the gentleman desire any time for general debate on the bill?

Mr. SAYERS. Not at all. I think we can get through with it much more rapidly and more satisfactorily to the committee if we proceed to consider it under the five-minute rule.

Mr. CANNON. Then I ask unanimous consent that the general debate may now be considered as closed and that we proceed at once to read the bill for amendments under the five-minute rule.

There was no objection, and it was so ordered.

The Clerk proceeded with the reading of the bill, and read as follows:

To James Bain, who was assaulted and injured in the State of Louisiana by residents of that State, $1,000.

Mr. HOPKINS. Mr. Chairman, I move to strike out the last word for the purpose of getting some information in reference to this matter.

This is an item of $1,000 for payment to one James Bain for an assault made upon him in the State of Louisiana. Now, I should like the gentleman in charge of the bill, my colleague, to state the circumstances of the assault and why it is a subject for appropriation by the General Government.

Mr. CANNON. Mr. Chairman, this item and the next items following it, three in number, are precisely of the same character, and have been examined by the Committee on Appropriations; but upon the recommendation of the Committee on Foreign Affairs—and I see my colleague, the chairman of the Committee on Foreign Affairs [Mr. HITT], in his seat, and would be glad to have him give an explanation of the matter, as he is more familiar with the facts than I am.

Mr. HITT. Mr. Chairman, this claim was transmitted to the House by the Secretary of State, who recommended the action which has been taken by the committee.

There is no method and no provision of law by which claims of this character can be indemnified in any other way than through an appropriation by Congress.

Mr. HOPKINS. I did not understand the statement of my colleague.

Mr. HITT. I say there is no method by which an applicant can have a claim of this character acted upon other than by having it transmitted to Congress, as was done in this case, on presentation by the British ambassador to our Government. The Secretary of State laid the matter before the Committee on Foreign Affairs, with an urgent recommendation for immediate action upon it.

The British Government, through its ambassador, had asked for Bain the sum of $2,500, but after a great deal of discussion on the part of the Committee on Appropriations and the Committee on Foreign Affairs the sum of $1,000 has been fixed upon. Bain, in the disturbances mentioned in this item of the bill, was shot, and was a long time suffering from the consequences of the wound. He was subjected to very considerable expense for medical treatment, and it was thought, on a full consideration of the matter, that this was a fair sum, not too high, but sufficient to satisfy the British Government.

Mr. HOPKINS. If my colleague will allow me, was this in the city of New Orleans where the assault was made on this man? I see it says "in the State of Louisiana" in the item here.

Mr. HITT. It was in New Orleans. There was no assault. There are voluminous papers, giving the details and full explanations of the affair——

Mr. HOPKINS. But was this an assault that occurred in a street fight or riot?

Mr. HITT. Yes; it was during a riotous disturbance which took place on the street or wharf. The appropriation is provided in the bill precisely on the same principle as the payments heretofore made in the case of the Chinese slain at Rock Springs and the Mafia case at New Orleans, and cases arising in other places, where there was no provision of law to compensate the injured parties or no redress practicable through local courts.

Mr. HOPKINS. I would like to ask if this assault was ever investigated by the municipal authorities immediately thereafter or at the time to determine as to whether this man was in any degree at fault in the matter?

Mr. HITT. There was an investigation and a report by the district attorney on the subject. The man was injured in a riot

between the screw men and the longshoremen, certain labor organizations in the city, and the disturbance took place upon the wharf; this man not being a participant in it, but injured by shots fired by this crowd while he was at his duty. It is not certain as to whether he was shot accidentally or intentionally.

Mr. HOPKINS. Then, if I understand my colleague, this man belonged to one of two labor organizations which were engaged in a riot?

Mr. SAYERS. Oh, no; not at all. If the gentleman from Illinois will permit me, he had nothing to do with the organizations.

Mr. HITT. It was during a strike, when there was some labor trouble prevailing in the city between the labor organizations. This man, a British subject, was not engaged in the matter, but was shot either accidentally or purposely by some of these people. A number of persons were indicted——

Mr. SAYERS. If the gentleman will allow me, this man, I believe, was an officer on an English ship, and was engaged in loading the ship at the time the disturbance took place. During the progress of the work of loading the ship the riot occurred along the wharves between the labor organizations and he was accidentally shot. He had nothing to do with either organization or with the riot.

Mr. HOPKINS. He was not engaged or employed in any American service then, as I understand it?

Mr. HITT. No; he was engaged in his duty as an officer of a British ship at the time. Six persons were indicted, as I was saying a moment ago, but no evidence was adduced proving who fired the shot. There was a total miscarriage of justice.

Mr. HOPKINS. While we are on this subject, I see that the next two items are appropriations for other persons named in the bill.

Mr. HITT. Yes.

Mr. HOPKINS. Were these other persons injured in this same controversy or riot?

Mr. SAYERS. No; they are in different States. If the gentleman will read the bill he will see.

Mr. HITT. They are in other places, but the injuries originated similarly; that is, in disorders.

Mr. HOPKINS. I withdraw my formal amendment.

The Clerk, proceeding with the reading of the bill, read as follows:

To Frederick D. Dawson, wife, and daughter, for loss of property and bodily injuries inflicted in the State of Nebraska by residents of that State, $1,800; in all, $2,800.

Mr. KEM. I should like to have some explanation of the nature and circumstances of this claim.

Mr. CANNON. I will say to the gentleman—and if that explanation does not answer the purpose I will turn him over to my colleague [Mr. HITT], chairman of the Committee on Foreign Affairs—that these three people, as shown by the papers sent to our committee from the Committee on Foreign Affairs, were three English subjects who were traveling in Nebraska. They were set upon, as shown by the reports of Nebraska officers, by a lot of ruffians or outlaws. Their property was destroyed, and they were very severely treated personally. Their claim for indemnity, preferred through the British minister, was quite a large one; but after an investigation of all the circumstances this is recommended by the Committee on Foreign Affairs and concurred in by the Committee on Appropriations as an allowance to indemnify them.

Mr. KEM. These were British subjects, were they?

Mr. CANNON. Oh, yes.

Mr. MERCER. Mr. Chairman, my understanding with reference to this trouble, which took place in Sarpy County, is that it was a quarrel by words at first, but wound up in a fight.

The testimony is very conflicting, as I understand, as to who is really to blame, but I desire in this instance to call special attention to one thing, and that is whenever any subject of Great Britain is in trouble anywhere she looks after him, and I understand the British Government, through its authorized agents, paid just as much attention to this affair as if it was a great international complication. I wonder if this Government has asked France to pay anything for the incarceration of John Waller? I wonder if this Government has asked any other government for pay for injuries inflicted upon our citizens anywhere?

I will ask the chairman of the Committee on Foreign Affairs if, after he has read the testimony taken in this Nebraska case, he feels justified in appropriating one cent in remuneration for injuries or supposed injuries received by the Dawson family? I am in receipt of letters from Nebraska that this was nothing but a common quarrel on the highway, and that the Dawsons were just as much to blame as the McCartys and the McCartys just as much to blame as the Dawsons. I do not know anything about the case, except as I receive information by correspondence, and hence do not care to express any judgment about the row. I have never even had the chance to read the testimony in the case I understand, however, that the British Government actually asked the State of Nebraska to pay $40,000 because a little street fight took place in Sarpy County, but it has been cut down now to $2,800. If the payment of this sum will insure better protection to American citizens traveling abroad perhaps it will be good policy to allow the item to stand.

Mr. OWENS. What damage was inflicted upon these British subjects?

Mr. MERCER. I think one of the men had his eye pretty well pommeled, while others were more or less injured. As to the destruction of personal property, I am not informed.

Mr. SAYERS. The evidence is that some people outrageously mistreated a woman. That is one of the items in the damages.

Mr. MERCER. Does the testimony show that?

Mr. SAYERS. That is what I am told it shows.

Mr. HITT. The evidence in the State Department, which was transmitted here, shows that Mr. Dawson's daughter is now suffering from epilepsy as the result of the outrages inflicted by this gang of desperadoes. Here is the report of the attorney-general of Nebraska. There is no remedy under our laws.

In answer to another question, I will say that our laws differ from those of other countries which make these applications to us in that they afford a judicial channel through which applications can be made or suit brought for damages.

The Committee on the Judiciary of this House are now considering a bill to provide such a method in this country, by which Congress shall be forever rid of these claims, which can not now be settled in the courts.

In case of a claim for indemnity by an American citizen against the French, Belgian, German, or the English Government, there are tribunals open with jurisdiction; but these British subjects have no recourse except through their minister to our Government, and it has to be settled in this way or not at all. The committee thought it was impossible to get through this Congress a bill allowing the amount that was claimed, nor was it due, and after a careful investigation the amount was reduced to this small sum.

Mr. MERCER. Did they claim $40,000?

Mr. HITT. I do not know the amount of the claim that was made; but this amount is for what is believed to have been actually spent for medical attendance and other losses, and not anything in the way of sentiment for the wretchedness and the suffering that the family have been subjected to.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. HOPKINS. I move to strike out the last two words. I infer from what the gentleman from Nebraska has said that this appropriation of $2,800 is put in this bill in accordance with the suggestion of the British ambassador. There is nothing in the bill, however, that indicates that Frederick Dawson, wife, and daughter are British subjects. I would like to know from my colleague, the head of the Committee on Foreign Affairs, what Mr. Dawson, wife, and daughter were doing out in Nebraska?

Mr. HITT. They had gone there and remained there for the time, but were still British subjects.

Mr. HOPKINS. Were they living in that State?

Mr. HITT. They were sojourning there.

Mr. HOPKINS. What do you mean by "sojourning" there? Were they there for the purpose of making that State their home?

Mr. HITT. They were there temporarily, I think, at a little town called Alliance.

Mr. MERCER. Oh, no.

Mr. HOPKINS. How long had they lived there?

Mr. HITT. I do not know. They were not living in Alliance. They are there now. They were passing through.

Mr. HOPKINS. Is there anything in the claim as made by the British ambassador to indicate whether it was a case of injury inflicted upon a British subject sojourning temporarily in this country, or whether it was done to a person who had left the British Kingdom for the purpose of coming to America and making America his future home?

Mr. SAYERS. If the gentleman will allow me——

Mr. HOPKINS. Now, if this Mr. Dawson had gone to Nebraska because of the great facilities afforded by that State for acquiring landed estate and building up a competency, and received these injuries, I think, Mr. Chairman, that he is not entitled to the consideration that would be given to an English subject under the conditions that I have just intimated; and for that reason I would like to know from the gentleman how long these Dawsons had lived in Nebraska, and whether they had gone there to make it their permanent home?

Mr. HITT. The communications from the British ambassador do not state what the intentions of these people were. They were British subjects who were there. I will read a letter from the ambassador of recent date with reference to the matter:

BRITISH EMBASSY, *Washington, March 26, 1896.*

SIR: With reference to my note of January 21 last, I have the honor to inform you that I have received a letter of a distressing character from Mrs. Dawson, now at Alliance, Nebr., describing the sufferings of her daughter from violent attacks of epilepsy brought on by the cruel outrages committed on her and her family by the McCarty gang of desperadoes.

Mrs. Dawson, who has been reduced to extreme misery by this last misfortune, as she can not leave her daughter to go out and work, has asked me, as a matter of charity, to defray the cost of travel of the family to Tacoma, where a brother of Mr. Dawson resides; and while informing you of the above, I have the honor to inquire whether the further investigations of the governor of Nebraska have yet been concluded and whether there is a prospect of some relief being granted at an early date to the sufferers.

I have the honor, etc.,

JULIAN PAUNCEFOTE.

The Secretary was unable to give him any assurance of any prospect of relief through the courts in January, and as it was desirable that the subject should be closed, and as the question might be made a source of irritation, and as it was a small matter of money, this course was taken and the claim sent to be treated like similar claims in the past.

Mr. HOPKINS. My colleague does not answer my question, as to whether these Dawsons had gone to the State of Nebraska to make it their permanent home.

Mr. HITT. There is nothing in the correspondence that shows what their intentions were. I only know from it that they are British subjects and seem to be respectable people.

Mr. HOPKINS. Is there any evidence before your committee showing how long they had been in the State of Nebraska before this trouble occurred?

Mr. HITT. There is not.

Mr. KEM. Mr. Chairman——

Mr. HOPKINS. Now, Mr. Chairman, I desire to say a word or two upon this subject. From the statement made by my friend from the Omaha district [Mr. MERCER] it appears that these persons, these Dawsons, were of the same class of citizens as the McCartys, that have been characterized in such rough language by the British ambassador. It appears, also, that they had left their native country for the purpose of coming here to make it their permanent home. Now, if that is so, I see no reason why they should have any further or different privileges than American citizens. If these Dawsons had been native Americans, or if they had taken out their last citizenship papers, this controversy would have been one that would have been settled in the local courts of the State of Nebraska; and if there had been an injury such as is claimed by the British ambassador, the courts of that State would have been open to them for just compensation for such damages. But under this statement these Dawsons, for aught we know, might have lived in that State ten years, they might have acquired the title to real estate, they might have accumulated personal property, they might have enjoyed all the rights enjoyed by citizens of that State, yet when they get into a street brawl or any trouble of this kind they invoke the protection of the British flag, and attempt to filch money from the Treasury of the United States. I say that under such conditions no appropriation should be made for this purpose.

Mr. CANNON. Mr. Chairman, this claim comes recommended by the Secretary of State, after full investigation made in connection with the governor and the attorney-general of Nebraska, and also with the British minister, the whole matter supervised finally by the Committee on Foreign Affairs, who certified it to the Committee on Appropriations with a request that a limited appropriation be made in the bill.

Mr. KEM. Will the gentleman yield for a question?

Mr. CANNON. In a minute. Now, Mr. Chairman, I have not given this matter careful study. I did glance at the allegations made, from which it appeared that these parties had been roughly dealt with. There appears to be no doubt that they are British subjects. The appropriation is not in order upon this bill if any gentleman had seen proper to make the point of order or to reserve the point; either my colleague [Mr. HOPKINS] or the gentleman from Nebraska [Mr. MERCER], and, speaking of myself as one member of the Committee of the Whole, if either of those gentlemen will rise now in his place and make the point of order, I will not object that it is too late.

Mr. KEM. Mr. Chairman, I do not desire to raise the point of order against this item if the appropriation is a just one, but I represent the district in which this outrage is alleged to have occurred and I desire to know something about it.

Mr. HAINER of Nebraska. No; you do not.

Mr. KEM. If it occurred at Alliance it was in my district.

Mr. HAINER of Nebraska. It occurred in Sarpy County.

Mr. CANNON. As I am informed, it did not occur in the gentleman's district [Mr. KEM'S]. Now, Mr. Chairman, in the nature of things it is impossible for any committee of this House to exhaust a question of this kind. The claim is one that could not be enforced against this Government except as good faith; and our treaty obligations may require that it should be enforced, just as we have enforced our claim against the Chinese Government for wrongs done to American citizens to the extent of many thousands of dollars. The British Government in this matter is standing by its citizens, just as we stand by ours when wrongs are committed upon them in foreign lands. I do not pretend to say of my own knowledge that there is any merit in this claim, but I do say that the Secretary of State, after full investigation, recommends that an appropriation be made. The British minister claims it, our own Committee on Foreign Affairs recommends it, and therefore we have placed it in the bill; but, as I said before, a point of order will take it out.

Mr. LIVINGSTON rose.

Mr. HOPKINS. Mr. Chairman, I move to strike out the last word with the view of submitting some observations on this matter.

The CHAIRMAN. The gentleman from Georgia [Mr. LIVINGSTON] is recognized.

Mr. LIVINGSTON. Mr. Chairman, the recommendation of this appropriation is in keeping with all international custom and practice. We are trying now to get some recognition and some compensation for insult, wrong, and oppression committed upon an American citizen in Cuba, Mr. Diaz, a Baptist minister. This is in accordance with our own practice for a hundred years and with the practice of other nations for a hundred years or more, and the only question that I suppose the gentleman from Illinois [Mr. HOPKINS] wants to raise here is whether this claim is well founded as matter of fact.

Mr. HOPKINS. That is right.

Mr. LIVINGSTON. Whether this money ought to be paid as a matter of justice.

Mr. HOPKINS. Certainly.

Mr. LIVINGSTON. Now, I want to say to the gentleman that to the best of our ability we have looked into this matter. The Committee on Appropriations not only inquired into it, but we had the advantage of the information which we could obtain from the State Department and the recommendation of our distinguished chairman of the Committee on Foreign Affairs, who seems to have familiarized himself with the matter.

Mr. HOPKINS. Will the gentleman permit a question?

Mr. LIVINGSTON. Yes.

Mr. HOPKINS. The question that I propounded to my colleague, the chairman of the Committee on Foreign Affairs, was intended to get at the length of time that these people had lived in Nebraska. If they were simply temporary sojourners there, that is one thing; but if in fact they had gone there intending to become residents of that State and had neglected to take out their papers of citizenship, that would put an entirely different color upon the case, to my mind.

Mr. LIVINGSTON. In answer to that I will say to the gentleman that there are no facts before the Committee of the Whole, and none were laid before the Committee on Appropriations, touching that question, but the presumption is—and it is a legal presumption——

Mr. HOPKINS (interposing). If the gentleman will permit me right there, what I criticise is that any appropriation should be sought to be made here on a presumption. We ought not to make an appropriation on a presumption. We ought to know the facts.

Mr. LIVINGSTON. Wait until I complete my sentence. I say the legal and the reasonable presumption is that these people were there prospecting and had not yet determined whether they would become citizens of the United States or not.

Mr. HITT. The gentleman's whole question is irrelevant at any rate.

Mr. LIVINGSTON. Of course it is irrelevant, but I wanted to answer the gentleman from Illinois. The facts that we have before us show that the people were there simply prospecting and had not determined whether they would become citizens or not. In the meantime this wrong was done to them. Now, I want to say to you, gentlemen of the Committee of the Whole, that there is no way out of this business except to pay the claim. If you intend to protect your own citizens in foreign lands under similar circumstances you must pay this claim.

Mr. NORTHWAY. We presumed that the State Department, which had investigated all the evidence in the case, knew something, and when they found the fact to be that these people were British subjects we were concluded by that finding, and it is not true that we are bound to investigate everything in detail. When the head of a Department comes to us with a statement and recommends an appropriation, we have a right to take something for granted.

Mr. LIVINGSTON. Certainly. There is not a scintilla of evidence that these people were not British subjects, and therefore, as my friend from Ohio has said, we were shut up to the conclusion that the case was as it was presented to us by the State Department.

Mr. HITT. My colleague from Illinois asked a question which the committee did not ask as to these British subjects and their intentions, because we will not suffer any foreign government to ask such a question in the case of a like claim by an American. When an American who had lived eighteen years in China was

hurt in an altercation, a ship of ours threatened to bombard the town if $19,000 was not paid because this man had had his head broken in a row, and we did not permit any Chinese functionary to ask what were the intentions of that American as to permanent or temporary residence.

Mr. MERCER. How much money has this Government exacted of the Chinese Government on account of the missionary riots last summer?

Mr. HITT. Well, we have not collected all——

Mr. MERCER. It seems to take about thirty years to collect 30 cents.

Mr. HITT. But we have collected so much money from China and from other governments on such claims for indemnity that it does not lie in our mouths to ask the question whether a foreigner within our borders is here for a short time or a long time. We never permit that question to be asked as to an American in a foreign country.

Mr. HOPKINS. I wish to say to my colleague [Mr. HITT] before he takes his seat that his Chinese illustration has no bearing upon the point I am making. Nobody would suppose that an American citizen would want to lose the rights belonging to him as such and become a subject of the Chinese Empire. But we do know that British subjects come here by the thousands every year, and while some become American citizens, we know that many remain here year after year enjoying the splendid privileges that are accorded to American citizens, while they still cling to the rights of British subjects, so that in an emergency they may have other and different rights from those accorded to the people with whom they associate.

Mr. HITT. American citizens do the same thing in other countries.

Mr. HOPKINS. Never in the world. The gentleman can not cite an instance.

Mr. HITT. We have such cases arising all the time. I could refer particularly to cases in France, in Peru, in Colombia, and other foreign countries.

Mr. TUCKER. I would like to ask the gentleman from Illinois [Mr. HOPKINS] a question.

The CHAIRMAN. The Chair will say to the gentleman from Virginia [Mr. TUCKER] that the gentleman from Illinois [Mr. HOPKINS] is not entitled to the floor.

Mr. TALBERT. Mr. Chairman, I see that the pending bill proposes to appropriate something like $15,000, to be paid to foreign governments on account of injuries or wrongs supposed to have been suffered by subjects of those governments in the United States. Here, for instance, is an appropriation of $10,000 to the Italian Government, nearly $4,000 to the Government of Great Britain, and $2,000 to the German Government. Now, I do not pretend to say that these are not just claims and that they ought not to be paid, for it is probable they may be just and right. I do not assert that these injuries and losses should not be indemnified if the damages have actually been sustained by the different parties mentioned. But I want to remind the House that while we are thus willingly appropriating these large sums for the relief of foreign citizens or subjects, we on last Friday occupied the whole day in the discussion of an appropriation amounting, I believe, to only $1,000 to pay to a citizen of the United States a debt which was a perfectly just obligation of the Government, which had been so adjudged by the Court of Claims of the United States. It costs us $25,000 or $30,000 a year to maintain that court; yet we sit here day after day and refuse to pay to citizens of the United States the amounts which that tribunal finds honestly and justly due for ravages committed during the war. Ought we not to pay the debts the Government owes to her own citizens as well as others?

I say, Mr. Chairman, that while we are doing justice to these foreigners we should not forget that charity, if charity you call it, ought to begin at home. We should not neglect to do justice to the thousands of American citizens in this country who have for years been awaiting reimbursement for their property which the Government took from them under the guise of the rights of rigid warfare. Indeed, sir, it would seem almost a matter of practical impossibility to get one dollar appropriated to citizens of the United States on claims honestly due and which the Court of Claims has said ought to be paid, and in some cases where the money is locked up already in the United States Treasury.

Sir, this is a piece of injustice toward our own citizens of which we should not be guilty. We should act honestly toward our own citizens; we should pay them what is justly due them; we should carry out the rule that charity begins at home, even if it should afterwards go abroad. If we want to extend our generosity or justice to citizens of other countries, let us not forget at the same time to do justice to our own citizens. Let us be just and honest toward our own people before we are so generous to foreigners.

Sir, I know citizens of my own State to whom the Government is justly indebted, and who are suffering to-day for the want of the money which the Government owes them. Some of those claims may not yet have been reported upon, but they are honestly due; but in the case of the claim of which I spoke, which was under discussion the whole of last Friday, the right of the claimant had been established in the Court of Claims. Now, I say, unless we intend to pay such claims, let us abolish that court at once; let us declare in plain terms that we repudiate our just debts; let us put up or shut up; let us do right in these matters.

I do not say that the appropriations now before this Committee of the Whole for the benefit of foreign subjects ought not to be paid; possibly they ought to be. If they are just and right let them be paid; but while we are taking care of foreigners, while we are taking care of negroes, while we are taking care of Indians, let us try and take care of the poor white people of our own country who have just claims against us, for it is the poor people who are in the majority. It seems to me, sir, that God must love the poor people more than anybody else, because he has made so many more of them. Let us do something for this class of people in our own country. I have introduced a bill which only asked for the right to draw money from the Treasury already there for citizens of my own State, and the bill has not even been reported, either favorably or unfavorably. If we pay one, let us pay all; if we refuse to pay one party, let us refuse to pay all. "Equal rights to all and special privileges to none" should be our motto in this as in all other matters.

Mr. HAINER of Nebraska. Mr. Chairman, if I can have the attention of the committee for a very few moments, I think I can state in brief terms the substantial facts with reference to this matter, which I have taken some pains to investigate carefully, as disclosed by the papers filed with our committee.

It is there shown that these people, Dawson, his wife, and daughter, and a gentleman who was with them at the time, now his son-in-law, were passing through our State and had reached Sarpy County, on the eastern border of the State. They had camped by the roadside——

Mr. KEM. Will my colleague state when this was?

Mr. HAINER of Nebraska. About eighteen months ago.

They had camped by the roadside, when a gang known as the McCartys, who have since, but for another offense, been sentenced to the penitentiary, passed, very much in liquor. They inquired of the now son-in-law if it was a "show" encamped there. The young man to whom I have referred replied that if they wouldn't get out he would "show" them. This answer, it seems, provoked a fight. The women subsequently interfered, and the whole party were severely handled by the McCartys, the women as well as the men being badly bruised, and their effects destroyed or at least injured. The amount in this bill, doubtless, fully covers all the damage, including that to their feelings.

Now, these facts seem established: These parties were itinerants, passing through the country, going to the northwestern part of the State for the purpose, it appears, of taking up land in that region. After they had been engaged in the fight, as I have already briefly described, they remained a week or ten days in that locality, in the vicinity of the McCartys, and partly as their guests—at least cared for by them. The McCartys were arrested; but the Dawsons, either through fear or for some other reason satisfactory to themselves, declined to appear against them; and while the courts of the State, both civil and criminal, were open to them, certain it is that no action was ever taken by them against their assailants. The fact remains, however, that they were British subjects temporarily sojourning in the State, were severely injured by their assailants, and have a claim against the people of this country for the injuries thus received.

Now, the point I wish to make is this: Our people under all such circumstances demand recompense from foreign countries and foreign people wherever our citizens have been unjustly treated. We have a right to insist upon a satisfactory settlement when the humblest citizen of our land is set upon without just cause in a foreign land. When a question of fact arises we resolve it, as we should, in favor of our people. But, Mr. Chairman, we would have no standing whatever with foreign countries unless we are ourselves generous and fair in the treatment of those who come here—the citizens of other foreign countries—and who have like claims against our people. If, therefore, we expect to defend our citizens abroad, we must extend to those people who are temporarily in our States the same measure of protection that we demand for our own people; and we must, wherever a question of fact is raised, give to them the benefit of the doubt if we expect to claim the same benefit on the part of our people in foreign lands.

Now, summing it all up, it is conceded that these people were temporarily in our borders, that they were severely handled, that they have a right to demand recompense, that the State authorities recommend that they be recompensed for the injuries received, that the State Department joins in this recommendation,

and the Committee on Appropriations, having carefully investigated the subject, report favorably the provision embodied in this bill. I submit, Mr. Chairman, that Congress ought not to cavil for a single moment over the money.

Mr. KIEFER. Were the McCartys themselves not also British subjects?

Mr. HAINER of Nebraska. I think not. I do not know, however. At present, as I understand, they are incarcerated in the State penitentiary.

Mr. KIEFER. If they were British subjects, what would be the effect so far as the liabilities of the United States in this case are concerned?

Mr. HAINER of Nebraska. That I do not concede. I do not care, however, to discuss a question which is not before us.

Mr. KEM. I would like to ask my colleague one or two questions.

Mr. HAINER of Nebraska. Certainly.

Mr. KEM. I understand that these people, at the time the outrage was committed upon them, were on their way to northwestern Nebraska to take up lands?

Mr. HAINER of Nebraska. Yes, sir.

Mr. KEM. Then, evidently, it was their intention to become American citizens?

Mr. HAINER of Nebraska. Not necessarily; our State laws permit them to take property without being citizens.

Mr. KEM. Does the gentleman know whether they have since become citizens?

Mr. HAINER of Nebraska. I do not know. There is nothing in the record to show it. They are now about Alliance, in the northwestern part of the State.

Mr. HOPKINS. I suppose there is no doubt among the members of the House on the proposition that this Government should always respond to a fair and just request of a foreign government for indemnity for injuries done to subjects of such government in this country. It was not to controvert that principle at all that I arose from my seat and propounded the question to my colleague when this matter first came up; but I think that when these appropriations are made and the members of the House are called upon to pass upon them, the committee should be prepared with facts and circumstances sufficient to enlighten the members so that they can vote intelligently upon the subject.

Now, as I said before, to my mind it makes a great deal of difference whether the case is one of a foreigner temporarily within our borders or whether it is a person who has lived here for a great many years. The statement of the gentleman from Nebraska [Mr. HAINER] has cleared up that doubt in my mind. He has shown clearly from his knowledge of the affair that these parties were only temporarily here and that they were set upon by ruffians whom the authorities have since sent to the penitentiary. Under such conditions I shall withdraw any opposition to the appropriation. Let the pro forma amendment be withdrawn.

The Clerk, proceeding with the reading of the bill, read as follows:

Recoinage, reissue, and transportation of minor coins: The Secretary of the Treasury is authorized to transfer to the United States mint at Philadelphia, for cleaning and reissue, any minor coins now in, or which may be hereafter received at, the subtreasury offices in excess of the requirement for the current business of said offices; and the sum of $2,000 is hereby appropriated for the expense of transportation for such reissue. And the Secretary of the Treasury is also authorized to recoin any and all the uncurrent minor coins now in the Treasury.

Mr. WILLIS. I desire to offer an amendment.

The Clerk read as follows:

Joint resolution authorizing and directing the President to invite the commercial nations of the world to join in an international monetary conference.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be and he is hereby, authorized and directed to invite the commercial nations of the world to join in an international monetary conference, to be held at as early a date as practicable, for the purpose of establishing an international standard of ratio between gold and silver as money; and for this purpose a commission consisting of nine delegates shall be selected to represent the United States in such conference, three of which delegates shall be appointed by the Speaker of the House of Representatives from among the members thereof, three by the Senate from among the Senators, and three by the President of the United States.

And further, For the compensation of said delegates, together with all reasonable expenses incurred by the holding of the conference, to be approved by the Secretary of State, including the proportion to be paid by the United States of the joint expenses of the conference, the sum of $150,000, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. CANNON. If the gentleman from Delaware desires to be heard I do not desire to cut him off from a five-minute speech. I will reserve the point of order.

The CHAIRMAN. The point of order will be reserved.

Mr. WILLIS. Mr. Chairman, my purpose in offering that amendment is to get that subject before the House. If it shall be ruled out of order as not germane, why, then, I shall ask to have it referred to the Committee on Foreign Affairs. I think that after all that has been said and all that has been done, and in view of the peculiar attitude that we occupy as a party to this great question of finance and currency, it is as little as we can do to urge what is indicated in that joint resolution.

Mr. CANNON. As we have had legislation substantially of that kind upon the statute books for two years and over and it is not yet executed—and, so far as I know, not an effort has been made toward it—it seems to me under existing conditions that it is useless to take up time in this discussion, and therefore I will have to make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WILLIS. There is a statute upon the books that authorizes and directs the President to appoint this commission whenever provision shall have been made or invitation given by any foreign government; but this is a joint resolution authorizing and directing the President to make the invitation, to take the initiative.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CANNON. My point of order is that this is not germane; and it can be seen at once that under existing conditions if we enter upon this discussion we are liable to have the dog days upon us before we finish it. I have no objection to the appointment of the commission.

Mr. SAYERS. There is no question pending before the committee. The Chair has sustained the point of order.

The CHAIRMAN. The Chair has sustained the point of order. There is nothing before the committee.

Mr. CANNON. I did not understand that the Chair had sustained the point of order.

Mr. WILLIS. Would it be in order for me to have this resolution referred to the Committee on Foreign Affairs?

The CHAIRMAN. Not in Committee of the Whole. It can be done in the House.

Mr. WILLIS. I will make the proposition in the House.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. COUSINS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment joint resolutions and a bill of the following titles:

Joint resolution (H. Res. 160) to appoint four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers;

Joint resolution (H. Res. 163) to amend the act approved August 1, 1894, making appropriations for fortifications and other works of defense, etc.; and

A bill (H. R. 365) to fix the date of the discharge of Thomas Johnson.

The message also announced that the Senate had passed with amendments the bill (H. R. 3549) authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings Ship Channel, in Aransas County, Tex.; in which the concurrence of the House was requested.

The message also announced that the Senate had passed the bill (S. 2848) to amend section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895," approved August 18, 1894; in which the concurrence of the House was requested.

GENERAL DEFICIENCY APPROPRIATION BILL.

The committee again resumed its session, Mr. PAYNE in the chair.

The Clerk read as follows:

Customs service: To defray the expenses of collecting the revenue from customs, being additional to the permanent appropriations for this purpose, for the fiscal year ending June 30, 1896, $850,000.

Mr. CANNON. I move to strike out the last word, and may desire ten minutes.

The CHAIRMAN. The gentleman from Illinois asks that he may have ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Chairman, this is an appropriation recommended by the committee of $850,000 to cover a deficiency in the collection of customs revenues. I will call the attention of the committee to the fact that there is a permanent appropriation for the collection of customs revenues of $5,500,000 per annum. In addition to that, the law appropriates certain miscellaneous receipts, which, when they come into the Treasury in connection with customs collections, become available for the service. Now, then, we do not recommend anywhere near the amount estimated by the Secretary of the Treasury as necessary for this purpose; and it is so important a matter that we feel that it ought not to be passed over without the committee being in full possession, briefly stated, of the facts; so that if they see proper to increase this appropriation, they should have an opportunity to do so, or, if it is sufficient, that they should have such information as would justify the committee in standing by the recommendation.

Now, then, there have been some extraordinary increases in the expenses of the current year; and if you will bear with me a minute I will show the amount of revenue collected since 1892 to the present time and the cost of collecting the same.

In 1892 the revenues collected from customs were $177,452,964.15, and the expense of collections was $6,504,662.91.

In 1893, from customs, there was $203,000,000 of revenue collected, the cost of collecting which was $6,756,000.

The next year, 1894, there was $131,000,000 collected, which was a falling off of $73,000,000. The cost of collecting was $6,841,000. In round numbers it cost in 1894 $100,000 more to collect the revenue than it did in 1893, although the amount collected in 1893 was seventy-odd millions more than in 1894.

In 1895 the amount of customs revenue collected was $152,000,000. The expense of collection was $6,896,000; an increase of $50,000 of expense and an increase of $20,000,000 of revenue.

In 1896—that is, the present year—the estimate of customs revenues to be collected by the 1st of July, provided the collections for the next three months hold up as they have for the last nine months, will be $169,000,000. That shows a decrease of some thirty-odd million dollars below what they were in 1893. Now, the expense of collecting these revenues are, if we grant the full estimates, $7,239,000; an increase of $734,520 above 1892 for cost of collection; of $482,000 above 1893 of cost of collection; $397,000 above 1894, and $342,000 above 1895, last year. Now, then——

Mr. BAKER of New Hampshire. Will the gentleman right there state what the estimate of the Secretary is? I do not see it here.

Mr. CANNON. Oh, yes. The permanent appropriation is $5,500,000, and from miscellaneous receipts $589,000, and then the estimate is $1,150,000 in addition, making in all to the Secretary for the collection of revenues this year, $7,239,000, an increase of $342,000 over last year.

Mr. HOPKINS. How much over the last year of the Republican Administration?

Mr. CANNON. Well, in round numbers, $734,000 over the fiscal year 1892. It is $482,000 over the first year of Cleveland's present Administration.

Now, then, so far as a hasty examination shows the reason for this expenditure, we have the following explanation from the Secretary of the Treasury: At Tampa, Baltimore, Boston, Newport News, Philadelphia, Burlington, Vt., and New York, there is an increase this year, 1896, for clerical force over clerical force of 1895 of 272 people. But that is not all. There is an increase in the salaries of 168 people at these 5 ports. Now, that largely explains the increase. I have not a complete statement, and had not time to get it of the whole 119 collection districts, but we did get it as to these 5, and to me it is a most extraordinary condition of things.

A MEMBER. Is that not additional warehouses?

Mr. CANNON. That fact is, I believe, not a sufficient reason for making arbitrarily an increase of 272 people at these 5 ports, and increasing the salary of 168 others. Now, then, these increases over last year amount in the aggregate, as I stated a moment ago, to $342,000.

Mr. HOPKINS. In salaries?

Mr. CANNON. Most of it in salaries, substantially in salaries, the large part being for increase of force and another large part being increase of the salaries of the force that they had in 1895. That is pretty well up to $300,000 in one department touching the collection of customs. For this reason, Mr. Chairman, we do not recommend the whole amount of the deficiency, $1,150,000; but do recommend $850,000, which is, in round numbers, $50,000 more than the service cost last year; and it was the intention of the committee, if the Committee of the Whole should agree with it, that the Secretary of the Treasury should be compelled, so far as he can be compelled by appropriation, to decrease this force, if it can be decreased, or at least to decrease the salaries of the 162 persons that he has arbitrarily added to the force during this fiscal year. So far as I know there is nothing like this in the action of any Executive Department in the history of the country where the fund is expended under the discretion of the Executive. Why, I recollect that in the Forty-fourth Congress the whole country was absolutely convulsed by the attack that was made upon the salaried list of the employees of the Government. There were hundreds and thousands of pages written, telegraphed, and printed on the subject, and a great political campaign was made upon the question of reduction of salaries; and yet the total reduction of the salaries of Government employees made at that time did not amount to $150,000; while here is an increase of these expenses for salaries at one turn of the crank of $300,000 in round numbers.

The CHAIRMAN. The time of the gentleman has expired.

By unanimous consent, Mr. CANNON's time was extended for five minutes.

Mr. CANNON. I do not speak of these things, Mr. Chairman, for the purpose of attacking anybody. This is a great service in a great Department of a great Government. Every dollar that is required for the honest and economical conduct of the public service should be granted, and nobody will go further than I will to vote it; but it did seem to me and it does seem to me that this is an extraordinary condition of affairs when we compare this expenditure, not with that under any Republican Administration, but with the expenditure under this same Democratic Administration for the fiscal years 1893, 1894, 1895, and so much of 1896 as has elapsed; and I am glad to say that, so far as I am informed, the members of the Committee on Appropriations at both ends of the table were unanimous in recommending that the full deficiency should not be given and in recommending only $850,000. It may be that as the years roll round it requires more money to collect less revenue. It may be that the ad valorem system affords greater opportunities for fraud, and therefore requires greater vigilance and consequently greater expense than the specific system. I do not know; but I do feel quite certain that if it requires three or four hundred thousand dollars more this year under the ad valorem system than it required last year, they must have had last year a very lax administration of the law.

Now, so far as I am concerned, I have made the explanation that I desired to make to the Committee of the Whole about this item.

Mr. SAYERS. Mr. Chairman, in connection with this item I desire to have read from the Clerk's desk a telegram just received from the chief of the warrant division of the Treasury respecting expenditures for collection of customs revenue.

The telegram was read, as follows:

TREASURY DEPARTMENT, *April 20, 1896.*

To J. C. COUNTS:

The expenditures on account of collecting revenue from customs for first six months of present fiscal year were $3,604,771. The expenditures are not separated so as to show how much are chargeable to the permanent appropriation and how much to the fees collected. It has always been treated as one account.

W. F. MACLENNAN.

Mr. HOPKINS. Mr. Chairman, before we go on with this item I would like to hear from our Democratic friends some explanation of this remarkable increase in the number of employees in this service and also of the increase of salaries. My colleague [Mr. CANNON] has laid before the committee a most extraordinary statement of what would seem to be profligate expenditure on the part of the Treasury Department. If any explanation can be made to the members of this Committee of the Whole and to the country I would like to have it made now.

Mr. SAYERS. Mr. Chairman, I do not think I am under any obligations to the gentleman from Illinois [Mr. HOPKINS]. He is not running this House, and I would suggest to him that if he desires information about this matter he should call upon the Secretary of the Treasury for it. I do not profess to have all the information that is necessary to explain in detail every act of every officer in the administrative branch of the Government. There may be good reasons why this increase has been made, but I do not know them. The gentleman ought to be possessed of the information himself. He is a member of the Committee on Ways and Means, and he should have taken steps to inquire into the methods employed for the collection of customs duties during the past six months. That is the business of the gentleman from Illinois as a prominent member of the Committee on Ways and Means as well as of this House. I am informed by the gentleman from Nebraska [Mr. HAINER] that most of this increase is due to new warehouses that have been constructed under the authority of Congress.

Mr. HOPKINS. Mr. Chairman, the courtesy of the gentleman from Texas is fully equal to the amount of information he has given to the committee on this subject.

Mr. SAYERS. I did not intend to give any information. [Laughter.]

Mr. HOPKINS. I supposed so, and that is the reason I say that the gentleman's courtesy is equal to the amount of information that he has conveyed to the members of this committee. [Laughter.] Now, Mr. Chairman, the reason I called upon the gentleman, or upon some gentleman of his political faith, for an explanation of this matter is that the gentleman from Texas is especially charged, as a member of the Committee on Appropriations, with the duty of laying before the House the information upon which the recommendations of that committee are made.

Mr. SAYERS. I beg the gentleman's pardon. The gentleman from Illinois who is chairman of the Committee on Appropriations is specially charged with this matter; and I will say that the other gentleman from Illinois [Mr. HOPKINS], who is now occupying the floor, can not exempt himself from culpability, if there has been any, in not putting himself in possession of the information necessary to enable the House to understand what is being done.

Mr. HOPKINS. The "gentleman who is now occupying the floor" is attempting to do just what the gentleman from Texas has indicated he should do; he is trying to develop some of the

facts upon which this enormous increase in the expense of the service has been made and upon which this increase of salaries has also been made. According to the statement of my colleague [Mr. CANNON], the expense of this service has increased about $500,000 beyond what it was during the last year of the Republican Administration. The evidence also is that the amount of duty we are collecting is less than it was during the last year of the Republican Administration.

Now, the gentlemen on the other side have prided themselves on the fact that they are statesmen representing retrenchment and reform; they believe in cutting down appropriations wherever it can properly be done; they are against increase of clerical force; and they are also, or at least pretend to be, against any increase of salaries of Government employees. The statement is made here to-day that there have been more than one hundred increases——

A MEMBER. One hundred and sixty-eight.

Mr. HOPKINS. One hundred and sixty-eight increases in the clerical force, while, according to the reports, less business is being done than was performed by the force during the last Republican Administration. Not only that, but more than 270 of the members of this clerical force have had their salaries increased.

Now, I see that my friend from Georgia [Mr. LIVINGSTON] is interested in this discussion. He is a member of this Committee on Appropriations. I should like to know whether this increase in the salaries of more than 270 members of this force meets with his approval, and also whether this increase to the extent of 168 new members of the clerical force meets with his approval. If not, then I want to know whether he will join with my honored colleague at the head of this committee [Mr. CANNON] in holding these appropriations down to something that is reasonable.

Statistics show that this Democratic party has cost the Government nearly $6,000,000 per month, during every month that Grover Cleveland has occupied the White House, more than the revenues of the Government. Under these conditions it seems to me the Secretary of the Treasury ought to be told in language plain and clear that this House at least will not approve of these extravagant expenditures upon his part or upon the part of any of his subordinates.

Mr. LIVINGSTON. Mr. Chairman, all that I want to say in reply to my friend from Illinois [Mr. HOPKINS] is this: Over perhaps no one section of this bill did we exercise more care, upon no other section probably did we bestow more thought and investigation, than upon the one now under discussion. We believe as a committee—I think I can speak for the whole committee—that this increase in the number of employees and in the amount of salaries and the general increase in the expenditures of that Department ought to be looked into; and we did look into it as best we could. With Mr. Hamlin, one of the assistant secretaries of the Treasury before us, we went through the matter in detail. We found we had to do just one of two things—either to grant the appropriation or at the next session have the Department come in with a large deficit on the deficiency bill.

More than that, I want to say to my friend from Illinois—no doubt he has learned it since he has been in Congress—that this is a "billion-dollar Congress" and it is a "billion-dollar country." [Applause on the Republican side.] You can not get rid of that fact. [Renewed applause.] Our country is growing. The increase in the number of these warehouses has necessarily increased the clerical force. I can not say to the gentleman from Illinois just why some of these salaries have been increased. I take it for granted, as this thing occurs under both Republican and Democratic Administrations and is occurring every day in all Departments of the Government, there are good reasons for these increases; but I do not know what they are.

Mr. HEPBURN. Will the gentleman allow me a question?

Mr. LIVINGSTON. Certainly.

Mr. HEPBURN. I find in a table attached to the report of the committee on this bill a statement which induces me to suppose that nine additional warehouses and annexes to warehouses have been established in the port of New York and that a considerable amount of this increased amount is incident thereto. The gentleman of course knows that those are private establishments, that they are entirely in the interest of individuals as to whatever profits may be made out of them. Now, with decreasing importations, why the necessity for this increased number of warehouses with the attendant increase of expenses on the part of the Government? Can the gentleman explain that?

Mr. LIVINGSTON. My friend must remember that while the fees on importations have decreased, yet the number of articles put upon the free list by the last Congress was greatly increased. We put an immense number of articles on the free list, and these must go through the same examination as if they were dutiable.

Mr. HEPBURN. Oh, no. I beg the gentleman's pardon. No nondutiable goods go into the warehouses at all. It is the imports of dutiable goods that go into the warehouses, and this volume is decreasing and has decreased largely. Therefore, why the necessity for this increase in warehouses?

Mr. SAYERS. I desire to take issue with my friend from Georgia right here. I do not wish what he has said just now to go out as representing the views of every one of the minority. I do not believe Mr. Chairman——

Mr. HEPBURN. Before my friend from Texas goes on I would like to ask what has become of my inquiry of the gentleman from Georgia? [Laughter.]

Mr. SAYERS. I will yield the floor in a moment. I want to occupy it just now in connection with what the gentleman from Georgia has been saying.

I do not believe the administration of this Government requires the expenditure of a billion of dollars every Congress, and therefore do not agree to the statement of the gentleman from Georgia.

Mr. LIVINGSTON. If my colleague will allow me, I made no such statement.

Mr. SAYERS. The gentleman said this was a billion-dollar Congress and a billion-dollar country.

Mr. LIVINGSTON. Yes; but I said in the investigation of the matter we concluded that the matters presented by the Department must be met, not that we approved of them or said it was not too large or too great an increase.

Mr. SAYERS. I understood the gentleman from Georgia to say that this is a billion-dollar Congress and a billion-dollar country.

Mr. LIVINGSTON. Well, I am not going back on that proposition, if you want to discuss it.

Mr. SAYERS. I am one of those, Mr. Chairman, who do not believe that in order that the public affairs of this country may be properly administered it will require the expenditure of a billion of dollars for each Congress. I believe the expenditures for the administration of the Government are already too large, and that they should be decreased, not increased, and that they could be decreased without any injury to the public service. That is my judgment; and what I say applies to all Administrations, whether they be Democratic or Republican. I think we are spending too much money in administering the public affairs. And I am not willing for my Republican friends to believe that I for one sanction the statement made by the gentleman from Georgia, and what is implied in the statement, that this is necessarily a billion-dollar Congress and a billion-dollar country.

Mr. LIVINGSTON. I was making my statement from an entirely nonpartisan standpoint. I do not think politics ought to enter into these questions. I do not propose to lug politics into everything I say on the floor of the House.

Mr. HEPBURN. Do not forget my question. [Laughter.]

Mr. LIVINGSTON. What is your question?

Mr. HEPBURN. I asked you the necessity for the increase in the number of bonded warehouses and the increase in the detail of clerks to them, while there is a constantly decreasing volume of dutiable goods to go into them?

Mr. LIVINGSTON. I wish to say now again that the Appropriations Committee went into this matter in detail. While we doubted the propriety of the increase in the number of employees and the salaries of employees, we were met by the officials of the Treasury Department with the positive assertion and their positive figures that they could not do the work with less, and we granted it on their statement and not on our own personal knowledge.

Mr. CANNON. Now, will the gentleman just allow me there?

Mr. HEPBURN. I thought I had a right to get an answer to my inquiry.

Mr. CANNON. I want to keep matters straight as we go on.

Mr. HEPBURN. Very well.

Mr. CANNON. We recommend $850,000; that is to say, $300,000 less than the estimate. So we are trying, in our recommendation, to cure the increase of salaries and the increase of force at least in part.

Mr. LIVINGSTON. We suppose that we have been putting the Department on notice that we are not satisfied about that increase of expenditure.

Mr. HEPBURN. Does not the gentleman know that the bonded warehouses are private establishments? The Government does not own them. They are kept by certain persons in their own interest, and they are the sole beneficiaries of them. It is true that the Government sends its officers to watch them, but why have you increased the number by about 33⅓ per cent in New York, when there is such a marked decrease in dutiable goods? That is what I want to know, and I hope the gentleman will take time to answer the question.

The CHAIRMAN. The time of the gentleman from Texas has expired. [Laughter.]

Mr. HOPKINS. I move to strike out the last word. I desire to have the attention of the gentleman from Texas [Mr. SAYERS], who protests that this is not a billion-dollar country, and that appropriations should not be made that would aggregate a billion of dollars for the purpose of carrying on the Government.

Now, I find by an examination of the record that the revenues

collected from customs in 1892 aggregated $191,938,887. Under a Republican Administration, with Republican officials to collect this vast sum of money, it only cost the Government $6,504,662. But when this party of economy and reform came in, when the gentleman from Texas [Mr. SAYERS] and the gentleman from Missouri [Mr. DOCKERY] were placed in power in the House to control the expenditures of the Government, I find that in the present year, while there was only collected the sum of $169,288,-399 from customs revenues, the Department insists that it has cost $7,239,183.52 to make the collections, which is just $734,520 more than it required to collect the $191,000,000 during the last year of Republican Administration. Here is a splendid example, Mr. Chairman, of the manner in which the Democratic party, under the leadership of my friend from Texas [Mr. SAYERS] and his colleague from Missouri [Mr. DOCKERY] conducted the affairs of this Government. These are the men who are constantly prating to the members of this committee that they are standing like a stone wall between the members of the House and the Treasury.

Now, I want to know from the gentleman from Texas, and also the gentleman from Missouri, why it is that in this bill that is before us to-day they vote the Treasury Department $434,520 more money for collecting $169,000,000 than was required under a Republican Administration to collect the larger sum that I have mentioned? The gentleman from Texas [Mr. SAYERS] says that they are cutting this down, and yet he comes in and favors a bill that gives the Treasury Department this vast sum of $434,000 more than was ever received by a Republican Administration. Now, if the gentleman has any explanation, I should like to have him rise in his place and give it. If he has not, then I for one want him to stop prating about economy. I want him to stop parading the Democratic party before the members of this committee as a party of retrenchment and reform. [Applause on the Republican side.]

Mr. SAYERS. Mr. Chairman, the first thing I would do would be to advise the gentleman to very carefully revise his remarks before he puts them in the RECORD, because I do not think he or his friends who have applauded him will stand by all that he has just said. Now, Mr. Chairman, the gentleman has not heard me say a word during this Congress about the comparative merits or demerits of the Republican and Democratic parties in the matter of appropriations and expenditures. I challenge him to examine the RECORD and show, if he can, a single word from me that will sustain what he has said in reference to the gentleman from Missouri [Mr. DOCKERY] and myself in this particular.

But I will call the attention of the committee to one fact. The Congress of the United States has not sought to control the expenditures for the collection of customs. In the first place, a permanent appropriation of $5,500,000 was made many years ago, which the Secretary of the Treasury is authorized to use in his discretion for the purpose of collecting customs dues. In addition to that sum the Secretary of the Treasury has been authorized to use various fees accruing in the shape of miscellaneous receipts, which in 1871 amounted to $1,366,890.47. But those fees through the operations of laws——

Mr. GROUT. Of the Wilson law.

Mr. SAYERS. No; not the Wilson law. If the gentleman will read the testimony given before the subcommittee on the deficiency bill he will find that three laws which were enacted long before the Wilson bill are the laws which principally caused the reduction. The gentleman from Illinois [Mr. CANNON] has the testimony of Mr. Hamlin, showing what the three laws were which have reduced this amount from $1,366,890.47, which it was in 1871, to $640,966 in 1895.

The gentleman will see that this has been reduced more than one-half. Now, from year to year, in order to supply the deficiency, the Secretary of the Treasury has been compelled to ask Congress to make up the deficit by such an appropriation as is now under consideration.

The gentleman from Illinois [Mr. HOPKINS], who I believe has been a member of the Committee on Ways and Means for two Congresses, should be absolutely familiar not only with the amount of duties which are paid, but with the cost of collecting those duties. All the information that the Appropriations Committee have had upon the subject is what has been read by the gentleman from Illinois [Mr. CANNON].

Now, I do not approve any more than does anyone else these increases of salaries. I have uniformly voted against them. I stand by my vote to-day, as I have stood ever since I have been a member of Congress, voting for only $850,000 as against an appropriation of $1,150,000. Whether my course has been right or wrong, it has at least been consistent; and before Congress shall have adjourned I will have, I will not say the pleasure, the opportunity of calling the attention of the gentleman from Illinois, the distinguished gentleman who represents the Aurora district [Mr. HOPKINS], to the fact that the appropriations made by a Republican House largely exceed those which were made when the Democrats were in control. The gentleman in the course of his remarks seems to hold me responsible for the action of the Secretary of the Treasury in the matter of this increase. I submit to the gentleman that if his criticism in other matters is not more just and not better founded than his criticism of myself for this increase of the customs force, that it ought not to be appreciated, even by himself, after deliberate reflection.

Mr. HOPKINS. You repudiate the action of the Department, do you?

Mr. SAYERS. I do not.

Mr. HOPKINS. You wash your hands of it?

Mr. SAYERS. I know nothing about it. I do not repudiate it.

Mr. CANNON. If my colleague on the committee will allow me, I have only to state that I said, or at least I intended to say, and if I did not, I desire now to say, that I know the Committee on Appropriations are unanimous at both ends of the table and in the center in recommending $850,000 for this deficiency, which is $300,000 less than the estimate made by the Secretary.

Mr. SAYERS. Certainly; there is no question as to that.

Mr. HOPKINS. Right there, before my colleague sits down——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOPKINS. I move to strike out the last word. That $300,000 is $432,520 more than was expended in the last Republican Administration, is it not?

Mr. CANNON. For the year 1892——

Mr. HOPKINS. Yes.

Mr. CANNON. That is correct, but——

Mr. HOPKINS. And that these figures——

Mr. SAYERS. Let the gentleman answer.

Mr. CANNON. I want to say to my friend that I do not feel justified in cutting the amount down to what it cost to collect the revenues in 1892, while the collections were much larger in 1892 than they will be this year or were last year; but yet we did not have sufficient knowledge to be able to say that it does not cost more to collect the customs on an ad valorem principle than it does on a specific; and we do not know, perhaps, but what a part of this increase might be explained from the fact that maybe it was necessary to exercise very great diligence against undervaluation in the importations.

Mr. HOPKINS. If there is a change from the specific to the ad valorem system of customs duties, that change was brought about by the repeal of the Republican law of 1890 and the substitution for it of the Wilson-Gorman bill, so called.

Mr. CANNON. Well, I understand, the gentleman knows, and the country knows what the history of legislation is. I am not now here to say that it cost more to collect under the ad valorem than under a specific tariff bill. Possibly that may be so. But let me say that under these appropriations, as we recommend them, it costs this year, with $30,000,000 less of revenue, $424,000 more of expenditure than in 1892, whatever the cause may be; and for fear that the service may possibly be crippled, we did not see proper to withhold that $424,000 in our recommendation.

Mr. GROUT was recognized.

Mr. SAYERS rose.

Mr. GROUT. If the gentleman wants to ask a question I will yield for a moment.

Mr. SAYERS. My friend from the Aurora district will please stand up. [Laughter.]

Mr. HOPKINS. Certainly. I will be delighted to be interrogated by the gentleman.

Mr. SAYERS. The gentleman addresses his colleague from Illinois—the gentleman in charge of this bill—and refers to the repeal of what he terms the Republican customs law.

Mr. HOPKINS. Yes.

Mr. SAYERS. Will the gentleman also tell the committee whether or not he would reenact that customs law, carrying with it the sugar bounty, amounting to between $9,000,000 or $10,000,-000 in its last payment?

Mr. HOPKINS. As compared with the present law, I would vote for it a thousand to one. [Loud applause on the Republican side.]

Mr. SAYERS. But will you vote for that bill, not as compared with any other?

Mr. HOPKINS. If we find that by the experience of the last few years we can improve upon that bill, when we send forth a general tariff we will put those improvements in; but I will say to the gentleman that if we do not, we will reenact that law as it is now, for it is infinitely better than anything that could be had from the present Democratic party. [Renewed applause.]

Mr. SAYERS. I suppose the gentleman speaks for the various candidates for the Presidency. [Laughter.]

Mr. HOPKINS. I do not happen to be a manager of any of the candidates. [Laughter.]

Mr. GROUT. Mr. Chairman, the gentleman from Texas [Mr. SAYERS] stated that the gentleman from Illinois [Mr. HOPKINS] should revise his remarks before they are printed. I say the same as to one item, and that he should revise and make the figures still more telling against the Democracy.

Mr. SAYERS. Of course.

Mr. GROUT. Precisely; because the figures justify that remark.

Mr. SAYERS. Will the gentleman tell us how?

Mr. GROUT. The gentleman from Illinois said that the amount expended in collecting the revenue in 1892 was six millions and some odd hundred thousand dollars. It was a little less than $6,000,000. The annual appropriation for such purpose was $5,500,-000, but the deficiency appropriation for that year was $450,000, making the total amount $5,950,000.

Mr. SAYERS. Will the gentleman allow me? He means that he shall revise to that extent and make the bill still higher.

Mr. GROUT. Certainly.

Mr. SAYERS. Now, the gentleman will have to revise his figures. I will not use the expression that the gentleman is "talking through his hat," but he is certainly groping in the dark. If the gentleman will turn to page 10 of the hearings before the subcommittee on deficiencies he will find a communication from the chief of the division of bookkeeping and warrants. That is the best authority that I know of—even better than that of the gentleman from Vermont, distinguished statistician as he is. This authority puts the expenditures at $6,000,000 in 1892 and $6,607,-507.39 in 1893.

Mr. GROUT. Yes, but that includes these incidental expenses which by operation of law are appropriated. I am talking of the deficiency which came in here. Presumably the miscellaneous collections were about the same, but the deficiency that we were asked to make up in 1892 in the appropriation bill was only $450,000.

Mr. SAYERS. The gentleman says he presumes that the miscellaneous receipts were about the same. If he will turn to page 10 of the hearings he will find that since 1892 they have decreased more than $120,000.

Mr. GROUT. They have decreased, and I was going to call attention to that in this very connection. The gentleman says that by operation of law these miscellaneous expenditures have been gradually decreasing. It seems that they have. He stated that in 1891 they were over a million, but in 1895 they were only $640,000. That is correct. But let us look between these dates. In 1889 they were $1,000,000 and over; in 1891 they were $966,000 and over; in 1892 they were $909,000 and over; in 1893 they were $806,000. But after the Wilson bill took effect, as I said to the gentleman from Texas by way of interruption, they dropped from that figure down to $682,000 in 1894 and to $640,000 in 1895, the greater fall having taken place since the Wilson bill went into effect.

Now, Mr. Chairman, to go back to the other point: I say that the gentleman from Illinois [Mr. HOPKINS] may revise his figures, and say that the cost of collecting the revenue, aside from these miscellaneous items appropriated by operation of law, was less than $6,000,000 in 1892.

Let us follow up the history of these figures and see what it shows. In 1893, when the Democrats came in and managed the business for that fiscal year under the McKinley law from March to July, what was the deficiency appropriation? It was $500,000. There was an increase of $50,000 under a Democratic Administration of precisely the same law for only five months. In 1894, which was, of course, wholly under Democratic rule, but under the McKinley law, because the Wilson Act did not take effect until August, 1894, as I remember, there was a further increase to $685,000. That was under a Democratic Administration of precisely the same law, the McKinley law. Whereas, as I said before, in 1892 the deficiency was only $450,000, in 1891 it was only $500,000, and 1890 it was only $435,000. Here we see an increase from $450,000, the amount appropriated under the last full year of Republican Administration of the McKinley law, to $685,000, the only full year of Democratic Administration of the same law. In other words, it cost the Democratic party $235,000 more to collect the customs revenue for a year than it did the Republican party. But that is not all. In 1895, when the Wilson bill was in operation, the deficiency straightway jumped to $770,000. That was the first full year of the Wilson bill, to wit, the fiscal year ending June 30, 1895.

Now, we have the enormous estimate sent to the Committee on Appropriations by the Secretary of the Treasury of $1,150,000 of deficiency for this purpose for the current year. That estimate, as the chairman of the committee has well said, startled the committee, and they saw fit to put a limitation upon the Secretary of the Treasury in what seemed to them this extravagant administration of the law, resulting in an increase at the port of New York alone of 120 men. That was the increase in the force at New York alone, and the salaries of 15 other men were also increased.

Mr. ARNOLD of Rhode Island. One hundred and seventy.

Mr. GROUT. That is the total number. I am speaking of the port of New York alone. But on examination I find the gentleman from Rhode Island is right. There is an increase of 170 men at the port of New York alone, and who believes this increase necessary?

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOCKERY. Mr. Chairman, I ask that the gentleman's time be extended.

There was no objection, and it was so ordered.

Mr. GROUT. The gentleman from Illinois, in charge of this bill, says that the committee were united in limiting this deficiency appropriation to $850,000, but let members keep in mind that that does not limit the Secretary of the Treasury to that expenditure. He may go right on and expend his $1,150,000 and send in an estimate for a deficiency next winter, and we must go forward and appropriate the money. I say there should be a limitation put upon the Secretary in this expenditure, and the only way to limit him in it is by an express provision of law attached to this appropriation saying that he shall not exceed this amount. That is really the only way to do it. He may, without regard to this appropriation, go on and employ additional force even beyond what he has employed, thus creating a deficiency even beyond what he has estimated for if he chooses.

Under the law he has full authority in the premises to do that, and all we have to do is to settle the bills. The particular thing, however, which is noteworthy is that in 1892, the last year that the collection of the customs revenue was entirely under the control of the Republican party—that extravagant party which the Democrats have told us about—it cost the people of this country $400,000 less than to collect the revenue for the current year as by this bill appropriated, and cost almost $700,000 less than the Secretary of the Treasury says it will cost for the current year; and it will undoubtedly ultimately cost up to his estimate, viz, $1,150,000, and this is a fair sample of economical Democratic administration. In other words, here is an increase of about $700,-000 in collecting about $70,000,000 less revenue than under the last year of Republican administration of the McKinley law; and this is a fair sample of Democratic tariff reform—$700,000 additional expense and $70,000,000 less revenue, and the Government selling bonds to meet current expenses. Who can defend such administration as this?

Mr. DOCKERY. Mr. Chairman, I shall not occupy any great length of time in the discussion of the pending paragraph. I regret that my nonpartisan friend from the Aurora district of Illinois [Mr. HOPKINS], in his newborn zeal for economy and retrenchment, should have precipitated this debate. I had hoped that this measure would pass without eliciting any partisan discussion, the bill itself having received nonpartisan consideration by the Committee on Appropriations.

Mr. Chairman, the unjust and unexpected decision of the Supreme Court of the United States, declaring the income tax to be unconstitutional, has deprived the Government of not less than $30,000,000 of revenue annually and resulted in a deficiency in the Federal revenues; that is to say, the expenditures of the Government have exceeded its income. Now, then, confronted with this situation, the Democratic minority on the Appropriations Committee have heartily cooperated with the Republican majority in endeavoring to limit the appropriations to the lowest possible amount consistent with the inexorable demands of the public service. I do not think there has been any division along political lines in the consideration of appropriation bills. We have sustained the chairman of this committee whenever he has pursued this policy, because that seemed to be the requirement of patriotism and sound business judgment.

Mr. Chairman, I regret that in the pursuit of this laudable purpose we have not at all times enjoyed the efficient aid and counsel of the gentleman from Illinois [Mr. HOPKINS]. I recall that only very recently his clarion voice was uplifted in favor of increasing the salaries of five Indian inspectors. I refer to this "more in sorrow than in anger." I remember also that one short week ago his eloquent and persuasive argument was heard in this Hall in behalf of a river and harbor bill carrying liabilities of $62,148,770.91. I mourned on that occasion as one who would not be comforted because my economical friend from Illinois participated in that ruthless assault upon the public Treasury.

But this morning, on a bill unanimously reported by the Committee on Appropriations, we are ambushed by a partisan assault from the other side, led by my eminent friend from Illinois. What is the occasion of this attack? There is no difference of opinion as to the item. The Treasury Department estimate called for $1,150,000. The committee reviewed that estimate and reduced it to $850,000. Why? Because the committee, in the exercise of its best judgment, thought the very large increase of force unnecessary. It is also beyond cavil—I care not who made the estimate—that these extraordinary increases of salaries should not be made in times of widespread industrial depression. So, Mr. Chairman, the subcommittee having in charge this appropriation bill reached the conclusion without dissent that the estimate exceeded the requirements of the public service. Possibly they did not have all the information that could have been obtained; but with the information at hand this was the unanimous finding of the subcommittee without regard to party lines.

Mr. BAKER of New Hampshire. Did the committee take any

the Democrats were in control. The gentleman in the course of his remarks seems to hold me responsible for the action of the

Mr. SAYERS. Of course.

Mr. GROUT. Precisely; because the figures justify that remark.

action which would require the Secretary of the Treasury to diminish these expenses?

Mr. DOCKERY. I was not a member of the subcommittee having this bill in charge, and I am not therefore entirely familiar with the facts upon which each item of the bill rests. I was speaking only on the general question.

Mr. SAYERS. If the gentleman from Missouri will permit, I will answer the question of the gentleman from New Hampshire. For two reasons the committee took no such action as he indicates. One reason was that any attempted legislation on this bill would be in violation of the rules of this House and would be subject to a point of order. The other reason was that it would be clearly unwise for Congress to undertake to determine how much the Secretary of the Treasury should expend in the collection of the customs and to limit him to any specified amount.

[Here the hammer fell.]

Mr. SAYERS. I ask unanimous consent that the time of the gentleman from Missouri [Mr. DOCKERY] be extended for ten minutes.

There was no objection.

Mr. SAYERS. Now, with the consent of the gentleman from Missouri, I will conclude my answer to the gentleman from New Hampshire [Mr. BAKER].

There is no business man in this House—I do not care what his political affiliations may be—who will rise in his seat and say that he believes that this Government in the collection of customs duties, or even in the collection of excise duties, upon both of which the Government must depend for its maintenance, should be limited to an exact sum. These officers must be invested to some extent with discretionary power. I repeat, it would be exceedingly unwise for Congress to undertake to limit the expenditures for the collection of the revenues of the Government. I am willing to stand upon those two propositions.

Mr. BAKER of New Hampshire rose.

Mr. DOCKERY. I prefer not to yield further.

Mr. BAKER of New Hampshire. I will ask to be recognized in my own right in order to answer the gentleman from Texas [Mr. SAYERS].

Mr. DOCKERY. I prefer that the gentleman take that course, as my time is limited.

Mr. Chairman, let me refer a moment to the appropriations made at the first session of the last Congress—a Congress which was Democratic in both branches and for whose action in respect to expenditures we accept full responsibility. The gentleman from Illinois [Mr. HOPKINS] seems to think that in this Congress the responsibility rests on the minority. I beg to say that the country will not so hold. With 150 Republican majority, whatever is done by this House, wise or unwise, the responsibility therefor properly belongs to the Republican party.

Now, then, Mr. Chairman, in answer to the criticism of the gentleman from Illinois let me say that in the last Congress, with a Democratic majority on this floor, the total appropriations at the first session amounted to $497,008,520. We were in the majority then, and assume the full responsibility for those appropriations, and our friends on the other side of the aisle, now constituting the Republican majority, must likewise assume the responsibility for the appropriations of this Congress. The appropriation bills of this Congress, as they have already passed the House, amount to $505,079,410.88, exclusive of contracts authorized, which may reach $65,000,000.

And, Mr. Chairman, let me say in passing that a good deal has been said in this debate about the Wilson-Gorman tariff bill by gentlemen on the other side of the House. Will the gentleman from Illinois [Mr. HOPKINS], in his own time, tell the country what efforts have been made in this House, with its 150 Republican majority, to repeal that law, so odious, as they claim? It may be that the purpose of the gentleman from Illinois in assailing the Democratic minority, which is powerless here, is to divert attention from the record of the Republican majority made at this session. I remember, Mr. Chairman, that in the campaign of 1894 no more effective campaign document was circulated by the Republican party than the little book of blank leaves, on the title page of which appeared the words: "What Congress has done." That little campaign document was circulated all over the Union by the Republican party.

Mr. Chairman, with the do-nothing record of this Congress I suggest that this document can be again employed to good advantage. That little book of blank leaves in the coming campaign will tell the story of the incapacity of this Republican Congress. What have you done? What law has this Congress enacted to bridge the chasm between inadequate revenues and increasing expenditures? Where is the so-called Dingley bill, framed by the distinguished gentleman from Maine? It rests now in a pigeonhole in the Senate of the United States, consigned to its last resting place by the votes of five Republican Senators who positively refused to even honor it with consideration.

Mr. BRUMM. And how many Democratic Senators helped to put it there?

Mr. DOCKERY. Why, of course every Democratic Senator voted against the bill, because it increased taxation to the amount of more than $40,000,000 annually, and that, too, on the reviled "horizontal" plan about which we heard so much and such bitter denunciation in former years.

Gentlemen, you have not dared to meet untoward conditions with the courage that formerly characterized the Republican party. And why? Because you do not desire to develop to the public gaze on the eve of a Presidential contest the divisions in your own ranks. Mr. Chairman, the Republican party of Lincoln in the old days, with 150 Republican majority on this floor face to face with inadequate revenues and the necessity of increasing them, believing in protection as they did and as you do, would have brought in without delay a general bill revising the tariff to increase the revenues to meet the demands of the Government. But what have you done? You have run away from a tariff bill because you sought to avoid the disclosure of your own differences. You have turned down the Banking and Currency Committee. That great committee is not permitted to perform its proper functions. Charged with the high duty of revising the currency system of the country, it is denied by the leaders of the Republican majority the privileges which it enjoyed during the last Congress. Up to this moment that committee has not called up for consideration a single bill to revise the currency system, although the business interests of the country are intimidated and suffering from ocean to ocean. The policy of the administration of this House seems to be one of delay only, in pursuance of the announcement made by the distinguished Speaker at the beginning of the session. He declaimed then against "crude and hasty legislation," language, interpreted by the action of this Congress, which means no legislation until after the November election.

About the only legislation this House has attempted was the passage of the bill indorsing the action of the President in respect to the issue of bonds and granting him "additional" authority under the Dingley bond bill.

I do not believe in thus closing the chasm between income and liabilities. I am opposed to the increase of the interest-bearing debt of the United States in a time of profound peace. I am opposed, Mr. Chairman, to the issue of bonds to secure gold for the redemption of greenbacks and Sherman notes when there is silver available for that purpose in the National Treasury, clothed with full legal-tender powers, and in all respects the equal partner with gold in meeting the obligations of the Government. Since the Forty-eighth Congress I have over and over again voted for the free coinage of silver at the old tried ratio of "16 to 1." The restoration of silver to its ancient equality with gold during eighty years of our history would obviate the necessity for further bond issues. The Dingley bond bill and the Dingley "horizontal" tariff bill constitute the only attempted relief measures by the House, and in view, therefore, of the utter failure of the Republican party to relieve the suffering industries of the country, I do not wonder that the gentleman from Illinois should seek to divert public attention from the humiliating record of this do-nothing Congress. [Applause.]

[Here the hammer fell.]

Mr. CANNON. Mr. Chairman, I would be glad now to see if we can arrive at some conclusion as to the limit of this debate. The gentleman from Maine [Mr. DINGLEY], I understand, wants to take a few minutes. Does anybody on the other side wish to be heard?

Mr. SAYERS. I should like to have a few minutes longer for myself.

Mr. CANNON. I would be very glad to close the general debate in twenty-five minutes on this item, or, say, thirty minutes; that all the debate on this proposition and amendments be closed in that time.

Mr. SAYERS. To be equally divided.

Mr. CANNON. The gentleman from Maine [Mr. DINGLEY] desires fifteen minutes, he tells me, and I should be glad to have unanimous consent to close the debate in an hour.

Mr. SAYERS. That would be entirely satisfactory to me. The debate, however, has been sprung on the committee by the gentleman from Illinois [Mr. HOPKINS]. We were proceeding in a quiet and an orderly way, as the committee always should when considering an appropriation bill, when the gentleman from Illinois—I refer to the gentleman from the Aurora district [laughter], and who is, if anything, a strong political partisan—injected politics into the debate. I appeal, therefore, to my friend—he knows I am not one who seeks or desires to unduly prolong the consideration of appropriation bills—to allow us to conclude the thrashing over this question. I think we ought to have time on this side of the House for the discussion, under the circumstances.

Mr. CANNON. Well, I suggest an hour's time—half of it on that side and half on this side.

Mr. McMILLIN. I suggest to the gentleman that he let it run a little longer. The House was very kind——

Mr. CANNON. I will say to the gentleman from Tennessee that, so far as the Committee on Appropriations are concerned,

up to this time we have discussed the bill. It seems to me now that half an hour on a side, equally divided, ought to be sufficient on this item.

Mr. McMILLIN. I think the gentleman has been very fortunate in getting even thus far without any obstacles, and there is no disposition on this side of the House to interfere with the rapid consideration of the bill.

Mr. CANNON. How much time does the gentleman think we ought to have?

Mr. McMILLIN. Let it run along. I was only stating what I thought was just and fair to the House, and am not disposed to take the time of the House. If the gentleman from Texas [Mr. SAYERS], representing this side of the House on this bill, wants to limit the time to ten minutes I shall not complain.

Mr. SAYERS. I do not wish to do that? I only wish to see the consideration of the bill proceed.

Mr. CANNON. I will say to the gentleman suppose we close it at a quarter to 4 o'clock.

Mr. SAYERS. Very well.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that general debate upon this paragraph be closed at a quarter to 4 o'clock. Is there objection?

Mr. BAKER of New Hampshire. I object.

Mr. CANNON. Then I move that debate on this paragraph be closed at a quarter to 4 o'clock.

The motion was agreed to.

Mr. CANNON. The time, of course, is to be equally divided. I now yield to the gentleman from Maine fifteen minutes.

Mr. DINGLEY. Mr. Chairman, on the paragraph in the bill which has provoked this debate I have simply this to say: It is inevitable that in all appropriations of this character for the enforcement of certain laws, like those for the collection of the revenues, the judgment of the Department, which is set to enforce the laws, must be accepted. The Department knows the conditions of the various laws relating to the collection of the revenues, the extent of importations, the extent of the efforts to defeat the collection of the revenues, the undervaluation of goods, and everything else that is necessary to form a correct judgment with reference to what is necessary in the administration of these laws. Hence the Committee on Appropriations have done wisely in appropriating, at least approximately, the amount that the Department asks for, placing upon the Department the responsibility for the proper use of that appropriation. It is impossible to pursue any other course with reference to appropriations of this character. Otherwise you would find that the laws providing for the collection of revenue would be defeated and the revenue would fail. It is not in this way that we are to bring to bear upon the Administration such legislation or such direction as may tend directly to promote greater economy.

I am not prepared to say that the Treasury Department has not exercised appropriate economy in the enforcement and collection of the customs revenue, although the necessity for the very large increase of expenditures has not appeared. I am surprised that the amount has increased so largely during the last fiscal year and during the present fiscal year up to this time; and yet I am not surprised from another point of view.

It was inevitable, Mr. Chairman, when the customs law of 1894 was enacted and the specific duties which had prevailed so largely under the act of 1890 were changed so largely to exclusively ad valorem duties—it was inevitable that from that cause alone, if no other, two things would result: First, there would be undervaluation of imports, thereby of itself diminishing the revenue; and, secondly, there would be an increase of expenditures in collecting the same amount of revenue under an ad valorem system over and above any specific system, for this reason: Specific duties are easily administered, and the specific rates provided by the law are easily collected. It requires comparatively a small force to do it. The opportunities for evasion of a specific duty are few. But when duties that were formerly in large part specific were changed to exclusively ad valorem duties, as, for example, in the woolen schedule of the act of 1894, it was inevitable that because of the undervaluation which would follow the revenue would rapidly decrease, and that the force necessary to collect that revenue would be largely increased. When you come to the administration of ad valorem duties, you must have an increased number of appraisers at every point in order to collect any duties at all. And you also have increased importations and less revenue.

Ex-Secretary of the Treasury Manning, in a report to Congress on this subject, said:

> Whatever successful contrivances are in operation to-day to evade the revenue by false invoices or by undervaluation or by any other means under an ad valorem system will not cease even if the ad valorem rates shall have been largely reduced. They are incontestably, they are even notoriously, inherent in that system. One advantage, and perhaps the chief advantage, of a specific over an ad valorem system is in the fact that under the former duties are levied by a positive test which can be applied by our officers while the merchandise is in possession of the Government. But under an ad valorem system the facts to which the ad valorem rate is to be applied must be gathered in places many thousand miles away and under circumstances most unfavorable to the administration of justice.

One hears it often said that if our ad valorem rates did not exceed 25 or 30 per cent undervaluation and temptation to undervaluation would disappear. But the records of this Department for the years 1817, 1840, and 1857 do not uphold that conclusion.

James D. Powers, a special agent of the Treasury under Mr. Cleveland, reported:

> Ad valorem rates of duty afford temptations and opportunities for fraud which can not be guarded against. Under the ad valorem system fraud has prospered and demoralized the importing trade, which has passed from the hands of American citizens into the control of men who have enriched themselves at the expense of the revenue and the ruin of the trade of American wholesale firms.

Mr. McMILLIN. Will my friend from Maine permit me to ask him a question there?

Mr. DINGLEY. Yes, although my time is short.

Mr. McMILLIN. The gentleman speaks of the increased cost of collection resulting from the method of collecting the taxes. I wish to ask him, is it not a fact that both ad valorem and specific duties were imposed under the law before the Wilson bill was enacted?

Mr. DINGLEY. Certainly; but the difference in the schedules was this: Under the act of 1890 half of the amount of the duty imposed upon each article under the woolens schedule was specific, and that specific duty was entirely removed by the act of 1894, and nothing but the ad valorem duty was left.

Mr. McMILLIN. But my friend will admit that the collection of 10 cents ad valorem is as great as the collection of 20 cents specific, and that the amount does not change the necessity of the force to collect it?

Mr. DINGLEY. I do not admit that at all, for this reason, that the moment every specific duty was removed—for example, on imitations of woolen goods—then undervaluation immediately became a fine art. So long as the duties were half specific they stood in the way of undervaluation, and limited the extent to which it could be done. What has been the result? Under the act of 1890 in 1892 there were imported into this country about $36,000,000 of woolen goods, on which we collected duties to the amount of $34,000,000.

During the last calendar year, ended January 1, 1896, there were imported $60,000,000 of woolen goods, at a lower valuation, and only $27,000,000 of revenue was collected. And unquestionably the true valuation of the $60,000,000 was more than $75,000,000. There is where the mischief comes in. There is where we find the cost of collections runs up and the revenue runs down. The loss of revenue on wool and woolens alone has been at least $20,000,000 and the cost of collecting the smaller amount of revenue has been more than the cost of collecting the larger amount.

Worse than this, you have transferred to Europe the manufacture of more than $30,000,000 of woolen goods, which under the act of 1890 was done in this country, and have decreased the revenues and increased the cost of collection and taken away the manufacture of $30,000,000 of woolens from the workingmen of this country. [Loud applause on the Republican side.]

Now, Mr. Chairman, the gentleman from Missouri [Mr. DOCKERY] has said that this side of the House has not undertaken anything to relieve the country in its distress.

Mr. DOCKERY. I did not say that side of the House. I said this Congress.

Mr. DINGLEY. This Congress; not this House.

Mr. DOCKERY. I also said that the other side of the House had not reported any bill to repeal the existing tariff law.

Mr. DINGLEY. Mr. Chairman, there are three factors in legislation—the House, the Senate, and the President—and unless all three concur there can be no legislative results. The House is the only one of these three factors that is under the control of the Republicans. Here we do have a majority, and we are responsible for what we attempt to do. We are not responsible for what the Democratic and Populistic Senate refuses to do. [Applause on the Republican side.] We are not responsible when all the influence of the Democratic Administration is brought to bear against legislation that may be undertaken by the House.

Now, what has the House undertaken to do to meet the situation? When it met here in December it found that since the 1st of July, 1893, there had been a steady and continuous deficiency of revenue amounting on the 31st day of December to about $130,000,000. That is what we found. The first thing that the Republican majority of the House did was to present and pass within five days after the committees were announced a bill to increase the annual revenues $40,000,000, which would at once, if it could have become law, have provided sufficient revenues to meet every expenditure and stop the deficiency which then existed and has continued up to this hour. We did not undertake to revise the tariff in doing that. We did not undertake to do it because, in the first place, it would take so much time. The exigency was too great. In the next place, we knew that it would at once be said that we had proposed a purely Republican measure in order that it might not pass a Democratic and Populistic Senate and be approved by the Democratic President. Therefore we selected

what came nearest at hand to meet the exigency for two years and a half and to provide $40,000,000 of revenue to meet the expenses of this Government. We sent that to the Senate.

Now, the gentleman has said that was defeated in the Senate. That is true. But every Democratic and every Populist member voted against the bill to increase the revenue in this House; and every Democratic Senator and every Populist Senator voted against it in the Senate, and the Democrats and Populists united, working together, as they did in opposition to more revenue, defeated it in the Senate; no matter what four or five Republicans may have done, the Democratic and Populist Senators were sufficient to defeat it, and they are responsible for it.

Now, in view of such facts, what is to be said about the claim that the Republican House has pursued a do-nothing policy and has not attempted to meet the situation? They have done everything that they could do under the circumstances, but they could not control the Senate nor could they control a Democratic President.

When we attempted to reduce the interest on the bonds for which authority had been given under the act of 1875, we had the united opposition of those gentlemen; when we attempted to provide that money raised by selling bonds, ostensibly for redemption purposes, should not be used to meet deficiencies of revenue, they voted solidly against it, and affirmatively for the process that has been going on since July 1, 1893. Of course it is evident from these demonstrations that so far as the united Republican Senate is concerned, with a Democratic President, we were to have no cooperation in these measures. Hence, after the repeated efforts in this direction, there is but one thing to do, namely, to appeal to the people in the approaching elections in November, and to allow them to say whether there shall not be a Senate and a President that will cooperate with the Republican House in furnishing sufficient revenue to run this Government, and stop the industry of issuing bonds to meet deficiencies of revenue in time of peace. [Loud applause on the Republican side.]

Mr. SAYERS. I would like to ask my friend from Maine a question before he takes his seat. I understood him to say that Democratic Senators and Populist Senators had prevented the passage of the bill to which he alluded.

Mr. DINGLEY. Yes.

Mr. SAYERS. Will my friend be kind enough to tell the committee how he classes the two Senators from Colorado?

Mr. DINGLEY. I simply said that so far as any Republicans voted against the consideration of the bill their votes effected nothing, one way or the other, because the Democrats and the Populists united controlled the Senate.

Mr. SAYERS. But are not the Republicans who voted with the Democrats and Populists equally responsible for the results?

Mr. DINGLEY. Not so much. I think they are partly responsible, but not so much as the Democrats and Populists who voted solidly together, because their votes combined controlled the Senate.

Mr. SAYERS. Will the Republican party call upon the Republicans of the States represented by those recalcitrant Senators who refused to cooperate with the Republicans of the House in carrying forward their legislation to replace those Senators?

Mr. DINGLEY. The Republicans of those States will be able to take care of themselves.

Mr. DOCKERY. Let me suggest to the gentleman that the organization of the Senate is in the hands of the Republicans.

Mr. DINGLEY. What do you mean by the organication?

Mr. DOCKERY. I refer to the Republican trade with the Populists.

Mr. DINGLEY. The gentleman knows that the Democrats and the Populists united control the Senate.

Mr. MCMILLIN. Mr. Chairman, the Democratic party is willing to assume, and will assume, every responsibility that justly belongs to it; but when the Republican party and any other party combine to control the organization of the Senate, as was recently done, it shall not shift the responsibility upon us, for it does not belong to us. In response to the gentleman from Maine, I say you bought the organization of the Senate and paid for it, and why do you not control it? The gentleman from Maine has said that it was a combination of the Democrats and Populists that defeated his bill in the Senate.

Mr. TAWNEY. Will the gentleman yield for a question?

Mr. MCMILLIN. In a moment. I am dealing now with you, chairman, and when I get through with him I shall take pleasure in joining issue with you.

Mr. TAWNEY. All right.

Mr. MCMILLIN. The gentleman from Maine has charged that it was a combination of Democratic and Populist Senators who stopped his bill in the Senate. What are the facts? The chairman of the Republican national executive committee of the United States, Senator CARTER, is one of the "Populists," who stood in your way and defeated the bill. Another is Mr. WOLCOTT. Another is Senator DUBOIS, and another is Senator TELLER. Does the gentleman claim that Mr. TELLER is a Populist? Is Mr. DUBOIS one? I believe he is a member of your steering committee. Is Mr. CARTER a Populist? He is chairman yet of your national committee. Is Mr. WOLCOTT a Populist? If you call those gentlemen Populists, you cut off a good deal of the respectability of your own party, and you may need some of them in the next election.

Mr. DINGLEY. Is there any doubt of the fact that the Democratic Senators and the Populist Senators, united as they were on that vote, did, as a matter of fact, have a majority of the Senate, no matter where Senator TELLER or Senator CARTER may have stood?

Mr. MCMILLIN. When I say that four or five of your Republican Senators were the men who held the balance of power and said that you should not any longer plunder the country and defeated your bill, I speak a truth which no one can gainsay. They did it.

Mr. WATSON of Ohio. May I ask the gentleman a question?

Mr. MCMILLIN. Yes.

Mr. WATSON of Ohio. Why do you not answer Governor DINGLEY'S question? [Laughter.]

Mr. MCMILLIN. If you are not satisfied with the way that Governor DINGLEY is taking care of this question and your party, I will cheerfully take you in his place in this discussion.

Mr. WATSON of Ohio. I want you to answer his question.

Mr. DINGLEY. I would like to have an answer to my question.

Mr. MCMILLIN. I have stated the facts. The facts are that four Republican Senators threw themselves athwart your path and told you that they would no longer help you to rob and fleece the American people by processes of taxation. [Cries of "Oh!" "Oh!" on the Republican side.] You can say "Oh," but I want to announce to the country the further fact that when you passed that bill here you yourselves said that it was not such a measure as ought to become a law. You had no heart in it. The country had no faith in it.

Mr. WATSON of Ohio. Will the gentleman permit me to ask him a question?

Mr. MCMILLIN. With pleasure.

Mr. WATSON of Ohio. Why do you not answer Governor DINGLEY'S question? [Laughter.]

Mr. MCMILLIN. I have answered Governor DINGLEY'S question. My only regret is that I can not give you the intelligence to see the force of the answer. [Laughter.]

Mr. WATSON of Ohio. Oh!

Mr. DINGLEY. If the gentleman will pardon me, he has not answered my question. I asked him if it was not true that the Democratic and the Populist Senators had a majority of the Senate and that their votes would control it.

Mr. MCMILLIN. But the Democratic party do not control the Populists. If they did, you would not have organized the Senate.

Mr. DINGLEY. The Democrats and Populists seem to work together, though.

Mr. MCMILLIN. You were willing to swap the biggest committee in the Senate, the one that has to do with finances—you were willing to trade that off in order to get the loaves and fishes of the Senate. You made the trade deliberately, and should not now complain at the result.

Mr. DINGLEY. But the bill to raise more revenue was defeated in the Senate—in the Senate; we are not talking about committees—by the combined vote of the Democratic Senators and the Populists.

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Mr. TAWNEY. He simply came in after the bill was defeated and made the explanation why he voted as he did. Therefore he did not lead the fight against the revenue measure.

Mr. MCMILLIN. The gentleman does not deny that he was in the fight.

Mr. TAWNEY. I deny that he led the fight.

Mr. MCMILLIN. I do not care who led it. You may say that the Democrats led it or the Republicans led it; but the Republicans held the balance of power and controlled the action on the measure and stopped your robbery.

Mr. TAWNEY. The question is, Was the measure defeated in the committee or in the Senate?

Mr. MCMILLIN. In the Senate.

Mr. TAWNEY. And who controlled in the Senate?

Mr. MCMILLIN. The Republicans and the Populists organized the committees in the Senate [derisive laughter on the Republican side] by a bargain that was no credit to the Republican party—a party that is always ready to bargain with anybody or anything, to sacrifice principle for temporary expediency.

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But, Mr. Chairman, I am not going to let some of the other assertions of the gentleman from Maine escape a little attention.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. MCMILLIN] has expired.

Mr. MCMILLIN. I ask a few minutes additional.

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Mr. GROUT. Will the gentleman allow me a question?

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Mr. MCMILLIN. The gentleman knows—he and I have been here a good while—that we have never seen a Congress yet that was wise enough to appropriate the exact amount necessary to run any one of the Departments of the Government. There is almost always a deficiency—sometimes greater and sometimes less. But what I am arguing—and this is the way I answer the question—is that when we have reduced the number of articles upon which calculations must be made and when we have adopted a method of collecting a single form of duty instead of a combination of ad valorem and specific duties, there must necessarily be less expense under a proper administration of such a law than under the previous law.

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But, Mr. Chairman, it is not true that the McKinley bill was furnishing sufficient revenue for the expenditures of the Government during the period of its operation. On the contrary, about one hundred million of surplus revenue in the Treasury of the United States was turned over to his successor when Mr. Cleveland left that office after his first Administration, and every dollar of it was squandered by the operation of the McKinley bill, on account of the deficiencies which necessarily resulted and which that bill had legislated upon the statute books.

Thus much I was determined should be said on behalf of the legislation of the last Congress and for the purpose of fixing the responsibilities for whatever has gone wrong in this Congress.

The gentleman from Missouri [Mr. DOCKERY] very properly asked, in the course of his remarks with reference to the legislation of this Congress and the responsibility of the Republican party, "What have you done?" I repeat the inquiry, What have you done? Have you passed the bankruptcy bill? Have you passed a funding bill for the Pacific railroads, whose indebtedness is now falling due and which are in the hands of receivers? Have you dealt with any of the great questions which are admittedly pressing upon the attention of Congress? No; you have done nothing. You have acknowledged, by your very proposition to adjourn in a few days, that you are not capable of handling them, and are going to run away from them.

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With such a condition of prosperity as that prevailing, with the growth of every industry with unparalleled rapidity, with the business interests of the country far in excess of any other point which had ever before been attained, the Democratic party came into full power. And, Mr. Chairman, what did they do? Their first effort was to strike down this law, this beneficent law, that had given this magnificent era of prosperity. They were challenged by Republican members to the fact that their legislation would not bring revenue enough into the Treasury to pay the running expenses of the Government, and also the policy they inaugurated under the Wilson bill would strike down the industries of the country and turn honest workmen out into the highways and the streets and make tramps of them.

Their attention was called to the fact that under the reciprocity clause of this great tariff measure the ports of Cuba and of South America had been opened to American commerce, and that millions of the products of our farms and factories were finding markets there from which they had been shut out before the enactment of this law. Their attention was called to the fact that the German ports had been opened under this clause of the law to American meats, to American cattle, and American flour; that France had been compelled under reciprocity legislation to open her markets to American flour as well, and that this immense trade had already set in. But, sir, they heeded not any of these admonitions on the part of the Republicans. They struck them all down, knowing when they did it that they would get nothing in return, but that, on the contrary, they would deprive us of the markets of Cuba, the markets of Brazil, and of Germany and France.

Now, what is the result? Under the Harrison Administration the revenues of the Government, brought in under the operation of the McKinley law, were not only more than sufficient to meet the current expenditures of the Government, but, under the wise administration of the Republican party, the excess was applied to the payment of the national debt, and more than $260,000,000 of the national debt was paid off. Not only that, Mr. Chairman, but the Republican party turned the Treasury over with $107,000,000 in gold and nearly $40,000,000 of other money to the incoming Democratic Administration. What has been done by the Democratic party or the Democratic Administration since it came into power? Instead of paying off any part of our national debt, they have increased our national debt in the enormous sum of $262,315,000 in a period of a little over three years' time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOPKINS. I ask for five minutes more time, Mr. Chairman.

There was no objection.

Mr. HOPKINS. This imposes upon the people of this country an indebtedness in interest alone of $11,492,616 over and above the other expenditures that we had under a Republican Administration. This expense comes year after year, and these $262,000,000 are a mortgage upon the people of this country extending over a period of thirty years.

Now, Mr. Chairman, the gentleman from Missouri [Mr. DOCKERY] says that we should repeal this law if it is working in the

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what came nearest at hand to meet the exigency for two years and a half and to provide $40,000,000 of revenue to meet the expenses of this Government. We sent that to the Senate.

Now, the gentleman has said that was defeated in the Senate. That is true. But every Democratic and every Populist member voted against the bill to increase the revenue in this House; and every Democratic Senator and every Populist Senator voted against it in the Senate, and the Democrats and Populists united, working together, as they did in opposition to more revenue, defeated it in the Senate; no matter what four or five Republicans may have done, the Democratic and Populist Senators were sufficient to defeat it, and they are responsible for it.

Now, in view of such facts, what is to be said about the claim that the Republican House has pursued a do-nothing policy and has not attempted to meet the situation? They have done everything that they could do under the circumstances, but they could not control the Senate nor could they control a Democratic President.

When we attempted to reduce the interest on the bonds for which authority had been given under the act of 1875, we had the united opposition of those gentlemen; when we attempted to provide that money raised by selling bonds, ostensibly for redemption purposes, should not be used to meet deficiencies of revenue, they voted solidly against it, and affirmatively for the process that has been going on since July 1, 1893. Of course it is evident from these demonstrations that so far as the united Republican Senate is concerned, with a Democratic President, we were to have no cooperation in these measures. Hence, after the repeated efforts in this direction, there is but one thing to do, namely, to appeal to the people in the approaching elections in November, and to allow them to say whether there shall not be a Senate and a President that will cooperate with the Republican House in furnishing sufficient revenue to run this Government, and stop the industry of issuing bonds to meet deficiencies of revenue in time of peace. [Loud applause on the Republican side.]

Mr. SAYERS. I would like to ask my friend from Maine a question before he takes his seat. I understood him to say that Democratic Senators and Populist Senators had prevented the passage of the bill to which he alluded.

Mr. DINGLEY. Yes.

Mr. SAYERS. Will my friend be kind enough to tell the committee how he classes the two Senators from Colorado?

Mr. DINGLEY. I simply said that so far as any Republicans voted against the consideration of the bill their votes effected nothing, one way or the other, because the Democrats and the Populists united controlled the Senate.

Mr. SAYERS. But are not the Republicans who voted with the Democrats and Populists equally responsible for the results?

Mr. DINGLEY. Not so much. I think they are partly responsible, but not so much as the Democrats and Populists who voted solidly together, because their votes combined controlled the Senate.

Mr. SAYERS. Will the Republican party call upon the Republicans of the States represented by those recalcitrant Senators who refused to cooperate with the Republicans of the House in carrying forward their legislation to replace those Senators?

Mr. DINGLEY. The Republicans of those States will be able to take care of themselves.

Mr. DOCKERY. Let me suggest to the gentleman that the organization of the Senate is in the hands of the Republicans.

Mr. DINGLEY. What do you mean by the organication?

Mr. DOCKERY. I refer to the Republican trade with the Populists.

Mr. DINGLEY. The gentleman knows that the Democrats and the Populists united control the Senate.

Mr. MCMILLIN. Mr. Chairman, the Democratic party is willing to assume, and will assume, every responsibility that justly belongs to it; but when the Republican party and any other party combine to control the organization of the Senate, as was recently done, it shall not shift the responsibility upon us, for it does not belong to us. In response to the gentleman from Maine, I say you bought the organization of the Senate and paid for it, and why do you not control it? The gentleman from Maine has said that it was a combination of the Democrats and Populists that defeated his bill in the Senate.

Mr. TAWNEY. Will the gentleman yield for a question?

Mr. MCMILLIN. In a moment. I am dealing now with you, chairman, and when I get through with him I shall take pleasure in joining issue with you.

Mr. TAWNEY. All right.

Mr. MCMILLIN. The gentleman from Maine has charged that it was a combination of Democratic and Populist Senators who stopped his bill in the Senate. What are the facts? The chairman of the Republican national executive committee of the United States, Senator CARTER, is one of the "Populists," who stood in your way and defeated the bill. Another is Mr. WOLCOTT. Another is Senator DUBOIS, and another is Senator TELLER. Does the gentleman claim that Mr. TELLER is a Populist? Is Mr. DUBOIS one? I believe he is a member of your steering committee. Is Mr. CARTER a Populist? He is chairman yet of your national committee. Is Mr. WOLCOTT a Populist? If you call those gentlemen Populists, you cut off a good deal of the respectability of your own party, and you may need some of them in the next election.

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Mr. MCMILLIN. I have stated the facts. The facts are that four Republican Senators threw themselves athwart your path and told you that they would no longer help you to rob and fleece the American people by processes of taxation. [Cries of "Oh!" "Oh!" on the Republican side.] You can say "Oh," but I want to announce to the country the further fact that when you passed that bill here you yourselves said that it was not such a measure as ought to become a law. You had no heart in it. The country had no faith in it.

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The CHAIRMAN. The time of the gentleman from Tennessee [Mr. MCMILLIN] has expired.

Mr. MCMILLIN. I ask a few minutes additional.

There was no objection.

Mr. MCMILLIN. The gentleman from Maine has said that the Wilson bill is necessarily more expensive in administration than the McKinley bill. Why, sir, no man who will think about the proposition for a moment can come to any other conclusion than that the gentleman must have lost his usual brightness and acumen before he made such a statement. Does he forget that a large number of articles were put on the free list by that bill and thereby the laws of collection simplified? Does he forget that as to many articles the method of raising revenue by a combined ad valorem and specific duty was done away with and a single method substituted? The fact is that the Wilson bill provided ample revenue. We are not responsible for the state of affairs——

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Mr. GROUT. If the administration of the present tariff law does not cost more than the previous law, will the gentleman tell me why it is that the Secretary of the Treasury estimates for the present fiscal year a deficiency of $1,150,000 in expenses of collecting the revenue, to be provided for in this bill, whereas for the last year of the administration of the McKinley law only $450,000 was required in addition to the regular appropriation? Why this increased expenditure?

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Now, Mr. Chairman, the gentleman from Missouri [Mr. DOCKERY] says that we should repeal this law if it is working in the

manner I have indicated. I say to him that he is one of the men responsible for increasing our national debt; he is one of the men responsible for turning American workingmen out of their shops into the highways to tramp and beg for bread. [Applause on the Republican side.] The Democratic party is responsible for the wrecks which have been strewn from the Atlantic to the Pacific in the industries of this country, brought upon the people by this Gorman tariff bill.

Now, what is this bill? The gentleman from Tennessee [Mr. McMILLIN] says that it would have brought sufficient revenue into the Treasury if the income tax had been sustained. Does not the gentleman know that when that portion of the bill was presented here the best lawyers in the House and the country told him and his colleagues that it was unconstitutional? Did not even the great Democratic leader from New York [Senator HILL] make his opposition to that legislation upon the ground that it was unconstitutional? And yet they pressed it forward, knowing at the time that the revenues of the country would be insufficient to pay the expenditures. I say it comes with poor grace for the gentleman from Missouri [Mr. DOCKERY], or any other gentleman on that side of the House, to attempt to defend any of these indictments presented here by the Republican members of this committee. Now, in the face of all this we find that this Department here has increased its expenditures nearly $500,000 over what they were during the last year of Harrison's Administration——

Mr. GROUT. More than $700,000 in the collection of the revenue alone.

Mr. HOPKINS. Seven hundred thousand dollars. The gentleman from Missouri has approved of an increase of 272 new offices in the revenue department of the Government alone.

Mr. DOCKERY. In what paragraph of the bill?

Mr. HOPKINS. I find that without protest on this floor he has approved of increased salaries of 168 more.

Mr. DOCKERY. In what paragraph of the bill?

Mr. HOPKINS. The bill that we are considering.

Mr. DOCKERY. Why, I protested against that when I was on the floor.

Mr. HOPKINS. Well, Mr. Chairman, how did this matter come up? Did the gentleman spring to the front like an athlete in opposition to it, as he usually does here when some poor claimant with a hundred-dollar claim that ought to be paid comes before us? Not at all. When this bill was presented here to this House the gentleman knew of these increased salaries and this increased force, and yet he sat there as silent as death until he was forced from his seat by the debate in which other members had been participating, when, to save his consistency, as he supposed, he made his faint objection to it. And yet he knows, as I know, that he voted for the bill in the committee, and I venture to say that he will vote for it in this committee and in the House.

A MEMBER. The report of the committee is unanimous.

Mr. HOPKINS. Yes.

Mr. SAYERS. I yield five minutes to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Chairman, I think the House and the country very well understand the respective responsibilities of the Republican and Democratic parties in reference to the question of inadequate revenue.

I want to refer for just a moment to the statement made by the gentleman from Illinois [Mr. HOPKINS]. He announced at the outset of his remarks that the Harrison Administration covered the golden period of American industries. If so, Mr. Chairman—and I am quite disposed to agree with him, at least so far as political industries are concerned—will he tell the House why the country turned down the Republican party both in 1890 and in 1892?

Mr. GROUT. Because they did not know what they were doing.

Mr. DOCKERY. Did not know what they were doing?

Mr. HOPKINS. They repented of it.

Mr. DOCKERY. I never knew the American people to display more intelligence than they manifested in the campaigns of 1890 and 1892, when they retired the Republican party.

Mr. MILNES. They have mourned it ever since.

Mr. DOCKERY. Mr. Chairman, something has been said about expenditures having been increased. Why, sir, the total expenditures of the Government, exclusive of bond purchases and premiums thereon, under the Administration of Mr. Harrison, were $1,330,394,780.55, while the total expenditures under the first Administration of Mr. Cleveland were but $1,063,223,202.93. The entire income under the Administration of Mr. Harrison was $1,539,723,590.58, the receipts during Mr. Cleveland's first Administration being $1,451,660,246.74. The receipts of President Harrison's Administration exceeded Cleveland's by $88,063,343.84, the expenditures under Mr. Harrison being also greater by $267,171,577.62 than they were under President Cleveland.

Mr. LACEY. May I ask the gentleman a question there?

Mr. DOCKERY. I can not yield; my time is so limited.

Mr. DINGLEY. They had the benefit of the Republican policy.

Mr. DOCKERY. Again, Mr. Chairman, the gentleman has rolled as a sweet morsel under his tongue the statement that $259,000,000 of bonds were retired under Harrison's Administration. The gentleman is correct as to the statement of the principal, but the cost of those bonds was $292,963,486.67. During the term of President Cleveland's first Administration bonds at a cost of $360,419,953.11 were retired.

Mr. HOPKINS. How many have you retired in Cleveland's present Administration?

Mr. DOCKERY. I regret to say that the President has been following in the footsteps of the Republican party by paying out gold only to meet the coin obligations of the Government instead of both gold and silver. Therefore an increase of the debt. [Laughter and applause on the Democratic side.]

Mr. Chairman, the McKinley bill, so much vaunted in this presence, during the last four months of President Harrison's Administration failed to meet current expenditures by $4,094,021.38.

Mr. HOPKINS. But that was after the election, and the threat of the Democratic party to revise the tariff kept the people from importing goods.

Mr. DOCKERY. The approaching financial disaster was felt in all departments of business before the election.

Mr. HOPKINS. Not at all.

Mr. DOCKERY. The fact is——

Mr. HOPKINS. The friends of the Democratic party in Europe kept their goods over there and abstained from exporting them, so that they could be imported under the Wilson bill.

Mr. DOCKERY. I decline to yield for a speech.

The CHAIRMAN. The gentleman from Missouri is entitled to the floor.

Mr. DOCKERY. It was because of the business paralysis, which first manifested itself after the failure of Baring Bros. in 1890——

Mr. HOPKINS. It commenced after the success of the Democratic party.

Mr. DOCKERY. The gentleman will please not interrupt me without my permission. I am willing to yield to all reasonable requests——

Mr. WASHINGTON. Hit him again.

Mr. DOCKERY (continuing). But I am entitled to the floor.

Mr. HOPKINS. I will not interrupt you again.

Mr. DOCKERY. I was about to say, Mr. Chairman, that the business depression began soon after the failure of Baring Bros. in 1890, and continued until it encircled the globe; and because of its presence in 1892 the Republican party was overwhelmingly defeated. Let us look further in the presentation of this comparative exhibit. What was the Treasury surplus when President Cleveland turned over the control of national affairs to Mr. Harrison? It amounted then, including the gold reserve, to $183,827,190.29 of available cash assets.

Mr. HOPKINS. But that was put there under a Republican law.

Mr. DOCKERY. At the close of Mr. Harrison's Administration the surplus had been reduced to $124,128,087.88, notwithstanding the Republican Administration had defaulted in the sinking-fund requirement to the amount of nearly $50,000,000.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. SAYERS. I yield ten minutes to the gentleman.

Mr. DOCKERY. I was about to say that the surplus was thus largely reduced, notwithstanding the Republican party had defaulted for the first time since the civil strife, in the payment of the sinking fund, to perhaps $50,000,000; notwithstanding they had extended bonds maturing on September 1, 1891, amounting to $25,364,500; notwithstanding the receipts under Mr. Harrison were $88,063,343.84 greater than under President Cleveland; notwithstanding that the Sherman Act ruthlessly covered into the Treasury to be used for current expenses a trust fund belonging to the holders of national-bank notes amounting to $54,207,975.75; and finally the surplus was thus meager, notwithstanding Mr. Harrison had reduced the balances of disbursing officers available for the payment of current expenses from $47,905,423.30, the amount to their credit when Mr. Cleveland retired from office on the 4th of March, 1889, to $23,515,033.70, when he returned to the Executive Mansion March 4, 1893.

Now, then, Mr. Chairman, these are the facts and figures disclosed by official records. No sophistry in which the gentleman from Illinois [Mr. HOPKINS] can indulge—and he is an accomplished master in that art—can change these rugged facts. During the four years of President Harrison's Administration the Republican party not only squandered the surplus of the people in riotous living—a surplus accumulated under Democratic rule—but they also enacted laws under which we are required to appropriate large sums of money, thus coercing Congress to an easy approach to a billion-dollar total, although in the last Congress that limit was escaped by rigid economy.

Mr. GROUT. Was not the surplus that Cleveland piled up in his first Administration accumulated by not paying the debt with the surplus, as his predecessors had invariably done.

Mr. DOCKERY. There was paid out during his first Administration a little in excess of $360,000,000 for the purchase of bonds.

Mr. GROUT. He paid a little, but not near so much as was paid under Mr. Arthur's Administration.

Mr. DOCKERY. I present these official figures and am willing to resign my seat to-morrow should they prove to be inaccurate. They are correct.

I repeat again that the cost of the bonds retired by Mr. Harrison was $292,963,486.67; the cost of the bonds retired by Mr. Cleveland being $360,419,953.11. [Loud applause on the Democratic side.]

Mr. GROUT. Now, one word——

Mr. DOCKERY. The gentleman is a member of the Committee on Appropriations; he is an intelligent gentleman and an honest man, usually [laughter] candid, and he ought to be candid in this presence. I know that he would not knowingly make a misstatement, but he has been misled as to the facts.

Let me say in conclusion, Mr. Chairman, that the gentleman from Maine [Mr. DINGLEY] seems to desire to escape responsibility. No gentleman on that side of the House and no member of the Republican party is a more accomplished legislator or better able to make a bad cause seem like a good one than the gentleman from Maine, the chairman of the Ways and Means Committee. When, however, he seeks to avoid responsibility for the work of this session, he should remember that the Republican party controls the organization of the Senate committees. There are but 39 Democrats in that body. There are 44 straight Republicans and 6 Populists, including Senator JONES of Nevada, who was elected as a Republican and has always acted with that party, except on the bond bill and upon questions relating to the free coinage of silver.

Mr. DINGLEY. But he declared himself a Populist over a year ago.

Mr. DOCKERY. The Republican party controls the organization of the Senate committees and accepted that responsibility as a result of a "dicker" with the Populist Senators, who sat silent and declined to vote when the Republicans captured the organization, and they can not, therefore, escape their responsibility. So far as the action of the President is concerned, it is not a matter for legitimate consideration at this time. This do-nothing Congress has failed to present a single relief measure to the President for approval or disapproval, although there was no occasion for hesitation, because it is known that upon financial questions the President is more nearly in accord with the Republican party than with the majority of his own party. [Applause.]

Mr. GROUT. Mr. Chairman, just a word with reference to what the gentleman from Missouri says about the relative amount of the public debt paid under Harrison's Administration and the first Cleveland Administration. It will be remembered that of Mr. Harrison's Administration there were only two years when he had surplus revenue to pay out on the public debt. The two last years of his Administration were under the McKinley law, whereby, in response to the demand of the Democracy that taxation should be reduced, it was reduced by over $60,000,000 a year, so that, as I have said, in the last two years of Mr. Harrison's Administration he paid nothing on the public debt. He could not pay anything. Matters were so adjusted that the revenue should just about meet the expenditure, and it did meet the expenditure up to the very day when Mr. Cleveland again took the chair.

Now, the question I asked the gentleman, and which he did not answer, was, How has Mr. Cleveland's Administration compared with the Administration of Garfield and of Arthur in respect to payments upon the public debt? I have not the figures before me, but I have in mind, in general outline, the amounts paid under these two Administrations, and the figures will show that only a little more than one-half as much was paid by Mr. Cleveland as was paid by Garfield and Arthur. That was the question I put to the gentleman, and it is a perfectly fair one, too, but he did not answer it. It is not fair to compare what the Harrison Administration paid during two years with what was paid by Mr. Cleveland during his term. But if gentlemen insist on doing so and will keep in mind that Harrison paid nearly as much in two years as Cleveland did in four, they will feel like withdrawing their cheers for the bluff answer of the gentleman from Missouri.

Mr. DOCKERY. It is hardly a fair comparison to retire into the asylum of ancient history.

Mr. GROUT. Are Garfield's and Arthur's Administrations ancient history, Mr. Chairman? Gentlemen on the other side know what the facts are. They know the facts tell this story, that Mr. Cleveland, to make it appear that there ought to be a revision of the tariff such as he desired, piled up the revenues of the country and distributed between sixty and seventy million dollars to favorite national banks on deposit without interest, instead of paying out the money on the public debt, as his predecessors had done. I repeat, therefore, that he paid only a little more than one-half the amount that was paid by preceding Republican Administrations, and this is the whole secret of his much-vaunted surplus.

Mr. DOCKERY. Will the gentleman state the amounts of bonds that were retired under President Garfield, President Arthur, President Cleveland's first Administration, and President Harrison's Administration.

Mr. GROUT. I can not give the exact amounts.

Mr. DOCKERY. Will the gentleman give the amount approximately?

Mr. GROUT. I will not undertake to state the figures here, but I will insert them in my remarks.

Mr. DOCKERY. I thought the gentleman knew the figures.

Mr. GROUT. No; I stated in the outset that I could not give the exact figures, but I have already stated them approximately. I have said that President Arthur and President Garfield paid almost twice as much on the public debt as Mr. Cleveland paid.

And now, Mr. Chairman, in extension of my remarks, according to promise, I give the exact amounts paid on the bonded debt by the three Administrations above named: Garfield and Arthur, $479,983,280; Cleveland's first, $341,396,280—just $138,586,900 less than Garfield and Arthur; and this difference was more than three times as large as the free surplus left by Cleveland in the Treasury at the close of his term, which was but $48,096,158.50.

Harrison paid in the first two years and four months of his term $234,009,640—within $107,386,640 as much as Cleveland paid in a full four years. As already stated, during the last year and a half of Harrison's term there was no excess of revenue for application on the public debt. It was only a little in excess of expenditures.

Mr. CANNON. Mr. Chairman, how much time remains on this side?

The CHAIRMAN. The Chair is informed that there are ten minutes remaining on the gentleman's side and seventeen on the other.

Mr. CANNON. I would be glad to notify the Chair now, in a modest way, that I would like to have the last five minutes myself.

The CHAIRMAN. The Chair will recognize some gentleman upon the other side now.

Mr. BAKER of New Hampshire. Mr. Chairman, a parliamentary question. I understood the order to be that the discussion should close at 4 o'clock, which would leave forty minutes remaining.

The CHAIRMAN. The present occupant of the chair is informed that the vote was that the debate should close at a quarter to 4.

Mr. CANNON. That is correct.

The CHAIRMAN. The Chair will now recognize some gentleman on the other side.

Mr. SAYERS. I do not think the Chair should undertake to control as to when this side of the House should speak.

The CHAIRMAN. Certainly not.

Mr. SAYERS. The gentleman from New Hampshire [Mr. BAKER], on the other side of the House, has been desiring to speak for the last half hour——

Mr. CANNON. We have but ten minutes on this side, and there are seventeen minutes remaining on the other, I believe. I will say to my colleague on the committee that it looks to me as if possibly this side ought to close the discussion.

Mr. SAYERS. Very well; but you have fifteen minutes.

Mr. CANNON. No; only ten.

Mr. SAYERS. Very well, Mr. Chairman; then I will proceed now.

This is the first time in the history of appropriation bills—at least since I have been a member of the Committee on Appropriations—that the chairman of that committee and the majority of the House have precipitated a political discussion when the bill was under discussion. I had hoped, Mr. Chairman, that this bill would be considered in an orderly manner and with reference alone to the items in the bill. But the gentleman from Illinois [Mr. HOPKINS] has seen proper to precipitate a discussion by an assault upon the Secretary of the Treasury because of an increase of several hundred thousand dollars in the expenditures for the collection of the customs.

It is true, Mr. Chairman, and I admit it, that there has been an increase in the expenditures in this branch of the service; and it seems, from the statement given by the Assistant Secretary of the Treasury, that this increase has been brought about partly by the increase of salaries and the increase in the number of officers. Now, I do not approve of the increase of salaries, nor do I approve of an increase in the number of officers, unless it can be shown most conclusively that such increases are justified by the exigency of the service. I submit that no information has yet been given to this committee which would justify it in reaching a conclusion as to whether these increases were necessary or unnecessary. It is impossible in the present status of the question, as it is before this committee, for any gentleman to arrive at a conclusion as to whether those increases were proper or not.

Mr. BAKER of New Hampshire. Will the gentleman allow me a question?

Mr. SAYERS. I will yield to the gentleman for a question.

Mr. BAKER of New Hampshire. I find on page 15 of this bill, under the heading "Collecting internal revenue," this provision:

That the number of deputy collectors and clerks employed in the collection of internal revenue shall not be increased, nor shall the salary of said officers and employees be increased beyond the salaries paid during the last fiscal year.

Now, I wish to ask the gentleman why it is not entirely feasible and proper to attach such a proviso to the portion of the bill now under discussion?

Mr. SAYERS. Mr. Chairman, any gentleman who is at all familiar with these two branches of the service—that which collects excise duties and that which collects customs duties—must know that the methods of collection in the two branches are entirely different. The chairman of the Committee on Appropriations, Republican as he is, representing the majority on this floor, would not, I am confident, rise from his seat and advocate the putting of any such limitation upon the pending paragraph as has been inserted in the bill with reference to the internal-revenue service. It would be unwise to do so.

But, Mr. Chairman, I was going on to say that from a criticism of the item of appropriation under consideration members of the committee have proceeded to discuss the question of expenditures under the present and the past Administrations. I do not think this discussion should have been entered upon at the present time. I was in the hope that it would have been delayed until Congress was about to adjourn, when, in an orderly manner, the representatives of both parties on the Appropriations Committee could present statements to the House and to the country as to the character and amount of the appropriations made by the present Congress. But the gentleman from Illinois [Mr. HOPKINS] has anticipated such a presentation of the matter; and I now desire to call his attention——

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SAYERS. I had more than five minutes.

The CHAIRMAN. The Chair understood that this discussion was proceeding under the five-minute rule.

Mr. SAYERS. I understood the gentleman from Illinois [Mr. CANNON] to say that one-half the time would be under my control.

Mr. PITNEY. I ask that the gentleman from Texas have the privilege of occupying so much of the remaining time on his side as he may think proper.

The CHAIRMAN. Without objection, that request will be granted.

There was no objection.

Mr. SAYERS. Now, let me invite the attention of my friend from Illinois to a few figures. I take the Fifty-first Congress. There were then no Populists in the Senate to interfere with the progress of appropriation bills. The Democrats were then sadly in the minority. The Republicans had control of the House and of the Senate, and the President was a Republican. Now, let us see how the matter stood in that Congress upon the question of deficiencies.

Notwithstanding large appropriations were made at the first session of the Fifty-first Congress, we find that at its second session that Congress was called upon to appropriate $38,699,746.96 for deficiencies, to say nothing of the $19,498,531.10 carried in the miscellaneous bills.

Will the gentleman find anything in the conduct of the present Administration to compare with such extravagance in public expenditures as that? What is the total amount of deficiencies at the present time? Mr. Chairman, the gentleman in charge of this bill and his associates have placed upon the urgency deficiency bill, which was passed some time ago, large sums of money which in no sense of the word can be called deficiencies.

Mr. HOPKINS. Will the gentleman allow me?

Mr. SAYERS. Certainly.

Mr. HOPKINS. The gentleman speaks of large sums appropriated by way of deficiencies in the Fifty-first Congress. Does he not know that they related largely to pension appropriations, which are necessarily indefinite, because we can not tell the exact amount required? I refer now to the act of 1890.

Mr. SAYERS. Well, I will show the gentleman. Exclude the pensions, and what do we find? The deficiencies, coupled with the miscellaneous appropriations, amounted in the second session of the Fifty-first Congress to nearly $30,000,000. Let me call my friend's attention to the actual figures. The total number of deficiencies at the second session of Congress amounted to $38,699,746.96. That included $29,335,598.34 for pensions. Now, subtracting the pension deficiency from the sum total, we have left $9,364,148.62 for other deficiencies, and add to that $19,498,531.10 carried in the miscellaneous acts, and we have $28,862,679.72, besides what was carried in the regular appropriation bills of the second session of the Fifty-first Congress.

Mr. HOPKINS. Can the gentleman from Texas take the miscellaneous items and mention or show to this committee or to the country any money misappropriated or extravagantly appropriated? You give gross sums, but no Democrat has ever, to my knowledge, since the Congress of which you speak held its sessions, pointed out a single item that was extravagant in character. On the contrary, the matter before us now, and to which I made allusion in the course of my remarks at the opening of this debate, is a specific item of expenditure.

Mr. SAYERS. Now, Mr. Chairman, here are over twenty-eight millions of dollars, excluding the deficiencies for pension bills. Let us see how the deficiency bills at this session have been loaded with appropriations that can not be classed as deficiencies. In the urgent deficiency bill there was put $300,000 for printing an agricultural report, in order that the members might have the report before the termination of this Congress; but it was in no sense a deficiency, and ought not to have been included in that bill. For the Library building another was also included in that bill—an appropriation of $480,000, not a penny of which will be expended during the present fiscal year.

Mr. HOPKINS. Let me interrupt the gentleman for a moment. That printing bill to which he refers was for a report to be circulated all over the country for the benefit of the people, I believe.

Mr. SAYERS. Certainly.

Mr. HOPKINS. Agricultural Reports, were they not?

Mr. SAYERS. Yes; but the appropriation for them was not a deficiency.

Mr. HOPKINS. It does not matter whether it was or not.

Mr. SAYERS. Oh, yes; it does. That is the very question at this time.

Mr. HOPKINS. My point is that the appropriation itself is one that commends itself to the good judgment of the country.

Mr. SAYERS. Well, now I can almost foresee what the gentleman from Illinois will say when he mounts the stump during the coming campaign and presents the Republican side in the controversies that will necessarily arise.

When he is faced with a billion-dollar Congress the gentleman will say: "Why, the Fifty-third Congress put upon us the necessity of appropriating $11,000,000 of deficiencies." Now, my purpose is to call the attention of the gentleman and the committee to the fact that items are included as deficiencies that properly belong to other appropriation bills.

There are included in the present bill, Mr. Chairman, near $500,000 of appropriations that can not be considered as deficiencies, and for which the last Congress was not responsible in any sense of the word, and for which it should not be held accountable.

But there is one thing to which I wish to call the attention of the gentleman from Illinois, if he will listen to me for a moment.

Mr. HOPKINS. Entirely.

Mr. SAYERS. Can the gentleman from Illinois point to a single item of appropriation made by the last Congress which was indefinite in character? Did not the appropriation bills which passed that Congress at both sessions carry on their face the exact amount of the money the bills appropriated?

Mr. HOPKINS. Oh, now, if the gentleman——

Mr. SAYERS (continuing). And I ask him to compare that record with that of the present Congress in this particular and tell us the result.

Mr. HOPKINS. Now, you challenge my attention to another matter. You evade the point I make.

Mr. SAYERS. Not at all. I understood the point you made and have answered, and now I call your attention to a point that has a direct bearing upon the pending controversy.

Mr. HOPKINS. On the contrary, I think not. In the discussion here I called attention to nearly three-quarters of a million of money extravagantly expended in one of the Departments of the Government, and you reply by saying that the Fifty-first Congress was a billion-dollar Congress. I challenged the issue, and asked you to show an item that was extravagant in character and that did not meet the approval of all honest men, and you fail to do it; but you state that in the Fifty-second Congress you had the items specified in the bill.

Mr. SAYERS. The gentleman is only answering my question by asking another. I put the question to the gentleman from Illinois if he can show a single instance in the appropriation bills of the last Congress——

Mr. HOPKINS. That does not meet the issue at all.

Mr. SAYERS. I understand that on last suspension day the gentleman advocated the passage of the river and harbor bill under suspension of the rules. Is that true?

Mr. HOPKINS. That is true, and I would do it again.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAYERS. I should like to have five minutes more.

Mr. SWANSON. I ask that the time be given to the gentleman from Texas.

Mr. CANNON. As I understand, the time of the gentleman from Texas is exhausted, but if he desires more——

Mr. SAYERS. I should like to have five minutes more. I desire to get through with the gentleman from Illinois [Mr. HOPKINS].

Mr. CANNON. I will ask unanimous consent that the time be extended ten minutes, but I want to ask the right to control all of the remaining time except five minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] asks unanimous consent that the time of debate on this paragraph be extended ten minutes, five minutes to be given to the gentleman from Texas.

Mr. CANNON. That will leave fifteen minutes on this side, and I should like to control the last ten minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SAYERS. Now, the gentleman from Illinois [Mr. HOPKINS] will please give me his attention. He began this debate. We should have passed this bill by this time if it had not been for him. The gentleman says he favored the river and harbor bill, and that he would do it again. That bill carries nominally upon its face about $10,000,000, besides contracts amounting in all to over $60,000,000. But yet there is to be added to this amount a concealed and an indefinite appropriation which will amount to at least $3,000,000 when it is expended. The House generally knew nothing about this item, though it provides for the expenditure of fully $3,000,000 which is not expressed on the face of the bill.

Mr. NORTHWAY. What was it? What was the concealed appropriation of $3,000,000?

Mr. SAYERS. To purchase the locks and dams on the Monongahela River. You voted for it, and not one gentleman in ten in the House understood that he was voting for it. Now, whatever may be the sins of the Democratic party——

Mr. COOPER of Wisconsin. I am a member of the Committee on Rivers and Harbors, and I wish to state to the gentleman from Texas that there was nothing concealed about that.

Mr. SAYERS. Oh, I do not mean to say—the gentleman understands me——

Mr. COOPER of Wisconsin. There was no appropriation of $3,000,000. It is to be a condemnation proceeding in open court, and in the opinion of the executive officers, if the award is not proper, the Government is not bound to take the property. The gentleman from Texas is entirely wrong in his construction of it.

Mr. SAYERS. My friend must not take his seat now after asking that question. Is there not an indefinite appropriation in that bill?

Mr. COOPER of Wisconsin. No, sir.

Mr. SAYERS. To pay for the award?

Mr. COOPER of Wisconsin. No, sir.

Mr. SAYERS. Does the gentleman state that?

Mr. COOPER of Wisconsin. Let me answer the question. There is an award, provided that award, in the opinion of the Secretary of War, is fair and just. There is nothing obligatory, so far as the provision of the bill is concerned, upon the United States to take the award and pay it, regardless of its amount.

Mr. SAYERS. Does not the bill appropriate a sufficient amount of money to pay for the award, if it should be accepted by the Government?

Mr. COOPER of Wisconsin. Yes; but I can defend that, and any other man can who knows the facts.

Mr. SAYERS. Let me ask the gentleman another question. Is it not estimated by the office of the engineers that it will probably require $3,000,000 to pay this award?

Mr. COOPER of Wisconsin. Possibly; yes.

Mr. SAYERS. The gentleman, then, has admitted the truth of what I have said.

Mr. COOPER of Wisconsin. It is to relieve the great amount of business which goes up and down that river from paying tolls to a private corporation.

Mr. SAYERS. I am not arguing the merits of the case at all.

Mr. COOPER of Wisconsin. You assumed that nobody knew anything about it. It was openly and notoriously discussed in the committee for days and days.

Mr. SAYERS. I do not deny the statement.

Mr. COOPER of Wisconsin. And stated upon the floor.

Mr. HOPKINS. I think every member except the gentleman from Texas knew all about it.

Mr. SAYERS. I am glad that they did. But I hear several gentlemen around me say that they did not know anything about it. We are not all as wise as the gentleman from Illinois [Mr. HOPKINS], who seems to have concentrated within his brain all the power of what is known as the X rays. Possibly he can see through a bill without ever having read it or heard any one read it.

Mr. HOPKINS. Not at all. The difference between the gentleman from Texas and "the gentleman from Illinois" is that he attends to his duties and the gentleman from Texas does not.

Mr. HEPBURN. It seems to me, Mr. Chairman, that this debate has wandered a long way from the original starting point. We were considering a provision to appropriate $850,000 to meet the expense of collecting the customs revenue, in addition to the miscellaneous collections that may be appropriated in that way and the permanent appropriation of $5,500,000. That becomes necessary because of an increase of 169 officers as compared with 1893 at the port of New York alone. A little while ago a great deal of prattle went out through all parts of this country because in one of the Departments, by dismissing the seed division of that Department, the expense of employing some 30 or 40 clerks was saved to the Government, and a gentleman, one of the economists of the House, all of last Congress was devoting himself to saving the expense of the salaries of 169 clerks in this very department of the Treasury.

How gentlemen plumed themselves upon this economy! And yet here we find an officer, with the apparent approval of that side of the House, certainly without any word rebuking him, assuming authority to increase the number of employees in one of the custom-houses of the country 169 and increasing the expenditures more than a quarter of a million of dollars. Not one word of condemnation from that side of the House! The gentleman from Missouri [Mr. DOCKERY] said that they were not responsible for what was done in this House or Congress. But, Mr. Chairman, they are responsible for this item of increased expenditure, because it is done through the power that is lodged in the Secretary and done by him, and, as I have said, without any comment upon that side. It is done, too, sir, in my judgment, under circumstances that are absolutely indefensible.

Compare the imports at that custom-house in 1893 with those of last year and you will find, Mr. Chairman, that they have decreased $21,000,000. Twenty-one million dollars less of merchandise went through the hands of the custom-house officers at the port of New York in 1895 than there did in 1893. In 1893 to handle all this amount of $548,000,000 of imports there were 1,733 employees. In 1895 to dispose of and care for $477,000,000 of imports of all classes, dutiable and nondutiable, there were of employees at that port 1,922, an increase of 169, to dispose of a smaller volume of business; and that, too, at a great increase in the salaries of these men. I find that there are 66 examiners in the appraisers' stores at New York whose salaries have been increased, not by act of Congress, but by act of the Secretary, under that discretionary power that Congress gives to him. This $850,000 of deficiency is not the amount that he requires, for under the estimates $1,150,000 are necessary, he tells us, to make good this extraordinary expense for the payment of 268 officers in half a dozen custom-houses.

Mr. CANNON. Mr. Chairman, how much time have I?

The CHAIRMAN. The gentleman has eight minutes of his time remaining.

Mr. CANNON. I yield two minutes to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Mr. Chairman, I am obliged to the gentleman from Illinois for yielding me this time. I just asked him to yield it for the purpose of resenting a statement, or rather an insinuation, I should say, put forth by the gentleman from Texas.

Mr. SAYERS rose.

Mr. HOPKINS. Do not interrupt the gentleman from Wisconsin.

Mr. SAYERS. You can not control me.

Mr. HOPKINS. You would be a better man if I did.

Mr. SAYERS. Possibly so; probably not. I ask unanimous consent that the gentleman may have five minutes so that I can disabuse his mind as to any intimation by me that the provision was improper. What I intended to criticise was the manner in which the appropriation was made; that is all.

Mr. COOPER of Wisconsin. That explanation is no explanation. It does not deceive or delude me at all as to what I thought the gentleman intended to convey by his remarks. There was but one construction to be put upon it. There was as much in the gentleman's manner as what he said, and it was to convey the impression, in connection with the river and harbor bill which was before this House under suspension of the rules, that there was in that bill what is known in common parlance as a "job."

Mr. SAYERS. I disavow any such meaning as the gentleman intimates.

Mr. COOPER of Wisconsin. The gentleman may disavow.

Mr. SAYERS. I meant that the appropriation ought to have been "$3,000,000, or so much thereof as may be necessary."

Mr. COOPER of Wisconsin. He said that he called the attention of the House to the fact that this bill, which was before this House under suspension of the rules (with his fists clinched) was a bill to pay for the property of the Monongahela Company, and not one member in ten, or rather but very few, knew that it was there. What does that mean? What did that mean? That it ought not to have been there.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. I ask for one minute more.

Mr. CANNON. I yield it to the gentleman.

Mr. COOPER of Wisconsin. I simply wish to say that that provision in that bill was inserted upon grounds of high public policy. The Monongahela Company controls the traffic upon that river. It exacts a toll from the enormous tonnage of coal which passes down the river, and thereby adds to the cost of coal to the consumers of this country. The Committee on Rivers and Harbors investigated the subject and saw that there was a net income to that company running up into hundreds and thousands of dollars levied upon the consumers of coal. Therefore the committee, in its wisdom, after carefully looking into the whole matter, decided to insert a provision in the river and harbor bill whereby the Government could take proper proceedings in the United States courts to condemn the property and franchise of that company, so that if the award made by the court was, in the opinion of the Secretary of War, a proper one to be made—and not unless it was proper in the opinion of the Secretary of War—the property should be purchased and the commerce of that river relieved from the unjust burdens imposed upon it. [Applause.]

Mr. CANNON. In the remaining time that I have I want to say that I am going to ask this committee to stand by me in the consideration of this bill and to finish it to-night. It is desired to-morrow, as I understand, to take up the pension bill, and other business will crowd later in the week, and I desire that we shall send this the last appropriation bill to be passed by the House, with our compliments, to the Senate before we adjourn this evening. It is quite practicable to do it. [Applause.]

Now, as to this item, there has been a good deal of talk about it, but let me call attention for a moment to just what it is. It is $850,000 in addition to the miscellaneous receipts and in addition to the permanent appropriation to collect the customs revenues for the balance of this fiscal year. That is over $700,000 more than it cost to collect the revenues in 1892, when the revenues were far greater than they are this year. It comes from an increase in the number of officials; it comes from an increase of salaries in one custom-house alone of 162 employees. If the circumstances were reversed and a Republican Secretary of the Treasury had done this thing, it would furnish ammunition enough for the Democratic party to conduct a Presidential campaign upon. [Laughter. Applause on the Republican side.] That is all I want to say about it. I surrender the balance of my time and ask the Clerk to read.

The Clerk read as follows:

Building for Government exhibit, exposition at Atlanta, Ga.: The Secretary of the Treasury is hereby authorized and directed to transfer to the city of Atlanta, in the State of Georgia, all of the right, title, claim, and interest of the United States in and to the building erected for the Government exhibit at the Cotton States and International Exposition recently held in said city.

Mr. HEPBURN. Mr. Chairman, I should like to hear some explanation of this paragraph. Probably the gentleman from Georgia [Mr. LIVINGSTON] can give us some information as to why this provision is found in the bill.

Mr. CANNON. The gentleman from Georgia points to me, and I will try to explain it. This building cost about $50,000.

Mr. LIVINGSTON. Forty-two thousand dollars.

Mr. CANNON. Forty-two thousand dollars, the gentleman from Georgia says. It is on a park near Atlanta. The Department asks for $500 for the purpose of making a contract to move it off. Our experience in the sale and removal of buildings at Chicago shows that they bring practically nothing, and it seemed to the committee that it was proper enough to give this building to the city of Atlanta, and that the Government would not really lose anything by doing so.

Mr. LIVINGSTON. In addition to what the chairman of the Committee on Appropriations has said, gentlemen, it will be remembered that we got the small sum of $200,000 for our exposition, and that we turned back into the Treasury about $12,000 of that $200,000. More than that, when the Government agents went down there they made up their minds that there was not money enough appropriated to do all the necessary work, and the people of the city of Atlanta and the exposition company went to work and graded the ground for that building. To make a long story short, the city of Atlanta and the exposition company spent $33,000 there for the Government.

Mr. HEPBURN. For the Government exposition?

Mr. LIVINGSTON. Yes. They built a warehouse for the customs office and did a good many other things, believing that the Government appropriation would not cover them. Now, I would not put this donation upon that ground, but I do say that, with our experience at Chicago in regard to removing buildings, you can not advertise to sell that building and have it removed without it costing you more than you can sell it for.

Mr. HEPBURN. The gentleman can correct me if I am in error, but the people of Georgia, as I understand, do not approve of these expositions, do they?

Mr. LIVINGSTON. They do.

Mr. HEPBURN. When we had the national exposition a year or two earlier, did not the State of Georgia refuse to participate? Was not Georgia the only State that did not have a building there, and did not the whole delegation in Congress vote against the appropriation for that enterprise?

Mr. LIVINGSTON. The State of Georgia did not refuse to participate. Under the State constitution the legislature of Georgia is prohibited from making any appropriation for anything of that sort.

Mr. HEPBURN. Did not the gentleman from Georgia himself vote against the appropriation for that exposition?

Mr. LIVINGSTON. I did not vote against them all. I voted against some of them, but some of them I voted for.

The Clerk read as follows:

Payment to John Iffland: To pay John Iffland, of Port Townsend, Wash., for board and lodging of seven destitute and disabled seamen of the wrecked American schooner *C. G. White*, in August, 1895, two days, at $2 per day each, $28, and for conveyance from hotel to wharf, $1; in all, $29.

Mr. TERRY. Mr. Chairman, I move to amend by striking out the last word.

A great deal has been said in the debate here to-day in regard to the falling off in the revenues of this Government and the insufficiency of the revenues derived from the operations of the Wilson bill. I wish to call attention to the fact that for quite a number of years, despite the change in tariff laws, there has been a constant falling off in the revenues of the Government derived from customs. As compared with the fiscal year 1890, the receipts for 1891 from customs fell off $10,146,379.34. For that same year there was an increase of $57,636,198 in the ordinary expenses of the Government. Again, as compared with the fiscal year 1891, the receipts for 1892 for customs fell off $42,069,241. That was under the McKinley law. As compared with the fiscal year 1893, the receipts from customs for 1894 fell off $71,536,486. That, too, was under the McKinley law. There had been a slight increase at one time. As compared with the fiscal year 1894, the receipts for 1895 from customs increased $20,340,086.

Now, Mr. Chairman, the point I desire to make is this, that independently of the McKinley bill (because there was a falling off before it was enacted)—independently of the Wilson bill (there was a falling off before it was enacted)—independently of any of these bills, there is a constant cause in operation that has produced this falling off. When you diminish the capacity of the people to purchase and pay for goods, whether foreign or domestic, there is going to be a falling off in your receipts. Not only was there this falling off in the receipts from customs duties on foreign goods, but there was a falling off in the sale of American goods which resulted in the shutting up of a great many manufactories.

So, gentlemen, there is a constant cause, operating independently of any of these tariff laws, to bring about a constant result—a paralysis of business, a crippling of the Government, and a decreased demand for labor and all its products—and that result, in my judgment, is due to the policy which the majority of the Republican party insists upon continuing to the injury of the people of the country; that policy which the Republican party first foisted upon the people in 1873, and which the great majority of that party continues to advocate, namely, gold monometallism and all its train of attendant evils. That is the real trouble with this country, and Republican so-called "protection" can only aggravate the mischief by throwing almost the entire burden of the gold standard and unequal taxation upon the backs of the farmers and the producing classes, who get no benefit from your McKinley laws.

Mr. BAKER of New Hampshire. I move pro forma to strike out the last two words.

Mr. Chairman, the gentleman who has just taken his seat [Mr. TERRY] says that whenever the capacity of the people to purchase is diminished the revenues will necessarily be reduced. If he can point to any instance in which the capacity of the American people to purchase has been reduced as under the Wilson-Gorman bill he can have my time in which to make the statement. Neither he nor any other man can point out any such instance. I wish, however, particularly at this time to refer to the section which has been under discussion to-day, providing an additional appropriation for defraying the expenses of collecting the revenue from customs. It was my privilege in the second session of the last Congress to call attention to the increasing deficiency under this head. Back in the seventies and in the eighties there was practically no deficiency for defraying the expenses for collecting the revenue from customs. It is true, as was stated by the gentleman from Texas [Mr. SAYERS], that the amount which could be used for that purpose has been diminished by the passage of the antimoiety law of 1874 and some other acts; but taking all such matters into consideration, there has still been a general increase in these expenses for some years past; and they are augmenting each and every year.

Under this head, in the Fiftieth Congress, there was in both sessions only $480,000 of deficiency required; in the Fifty-first Congress only $685,000; in the Fifty-second Congress $950,000 was

required; and in the very first regular session of the Fifty-third Congress (I have not the complete figures for the whole Congress) the deficiency appropriations passed by this House aggregated more than $500,000. And now, here in the very first year of this Congress, the Secretary of the Treasury asks for an appropriation which, with that already made in the urgent deficiency bill, amounts to $1,235,000 as deficiency in this one matter of collecting the revenue from customs.

Mr. Chairman, this is a case of downright extravagance. It involves an increase of salaries of men who are useless; it involves the addition of nearly 300 to the list of employees. No one can justify this increase. No one on the other side has really attempted to justify it. It is simple extravagance of magnificent proportions for the purpose of keeping Democrats in office. I think that this House should as speedily as possible take some direct action to curb the extravagance of the Treasury Department in this regard. If not, in addition to the $885,000 already appropriated, and nearly an additional million added from general sources, we shall find in the near future, before this Administration closes, that it will take a million and a half or two million dollars of deficiency to meet the extravagant demands of the Treasury Department. I hope the committee at the next session, if not at this—and I pray that they may take it into consideration at this session—will pass some act which will prevent a repetition of this extravagance.

The Clerk read as follows:

PUBLIC BUILDINGS.

For old custom-house at Louisville, Ky.: For outstanding liabilities, expenses incident to sale of old custom-house, $911.66.

Mr. EVANS. Mr. Chairman, I would ask the chairman of the Committee on Appropriations to pass this item over for the present informally, as I have one or two items that I think ought to be included and which seem to have been omitted by mistake.

Mr. CANNON. I would say to the gentleman from Kentucky if it so turns out it can be attended to by the Senate. I want to finish the bill to-night, if possible.

Mr. EVANS. I do not want to impede the progress of the bill, but this is a matter of some importance that ought to be included.

Mr. CANNON. Has the gentleman another estimate than that furnished already?

Mr. EVANS. I hope to have one during the course of the afternoon.

Mr. CANNON. Well, we can turn back, if correction be necessary.

Mr. EVANS. I would like to pass this over informally.

Mr. CANNON. Oh, there is no doubt that we can get back to it if necessary. I ask unanimous consent that the gentleman from Kentucky may be permitted to turn back to the item, if desired, hereafter.

Mr. EVANS. That is entirely satisfactory to me.

Mr. CANNON. I presume there will be no objection.

Mr. LEWIS. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Insert in line 21, page 17 of the bill, after the word "cents," the following: "For unpaid liability allowed by the proper accounting officers of the Treasury Department and certified by the Secretary of the Treasury to the present Congress for payment, $1,000 for use of the court-house of Meade County, Ky., as barracks by the Government of the United States of America, which is directed to be paid to the presiding judge of the county court of said county for use of said county; and for unpaid liability, allowed by the proper accounting officers of the Treasury Department and certified to the present Congress for payment by the Secretary of the Treasury, $1,666.66 for the use of the court-house of Taylor County, Ky., as barracks by the Government of the United States of America, to be paid to the presiding judge of Taylor County court for the use of said county."

Mr. CANNON. Mr. Chairman, I must make the point of order upon this proposition. There is no estimate certified here for it.

Mr. LEWIS. I understood the gentleman to say that he would not make the point of order.

The CHAIRMAN. If the point of order is made, of course the Chair will have to sustain it.

Mr. LEWIS. I desire to be heard on the point of order. We have already passed, on the fifteenth page of this bill, a paragraph in the following words:

Payment to Pennsylvania Railroad Company: To pay the claims of the Pennsylvania Railroad Company and its leased lines, certified in Senate Executive Document No 6, third session Fifty-third Congress, $14,878.93.

Now the items that I ask to have inserted in the bill and paid are certified by the Secretary of the Treasury in Executive Document No. 234 to the Fifty-third Congress, and not only certified in that, but also in Senate Document No. 189 to this Congress for payment.

Now, if we can embrace in this bill a payment of fourteen thousand and some hundred dollars, certified to the Fifty-third Congress, to a railroad company, as I have just shown, I must confess that I do not understand how the point of order can be made to exclude or prevent the payment of a debt due to the people of the State of Kentucky, a debt which the Government of the United States owes them beyond all question.

This debt has been pending for many years, and it is a just and honest debt of this Government. The people of Kentucky pay into the Treasury of the United States $30,000,000 a year in revenues, and I submit that no pretext against the payment of this paltry sum should be set up on the part of this Government.

But it is said that there is not money enough in the Treasury; that the expenditures of the Government exceed the receipts, and consequently it can not pay its debts. That is a new plea to me, Mr. Chairman. I was licensed to practice law in 1863, and have been trying to do something in the business ever since until elected a member of this House, and have occupied my seat on this floort and I never yet knew, in all of that time, a man sued for a debt who made the plea that he did not have anything; that he had no, any money to pay it, and hence judgment ought not to go against him. I do not think that any court in Christendom would regard such a plea as of the slightest possible value, and I am only demanding here the right of the people that I represent at the hands of the Congress of the United States. The proper officers of the Government—the Government itself—acknowledge the use of the property, and that the money is justly due.

Appropriations have been made to pay similar claims to the people of this country for twenty-one years; in fact appropriations were never refused to the people until the Democratic Congress—the Fifty-third Congress—so celebrated in the history of America, in order to make a sham and bogus pretext of economy, refused to pay them. And this Republican Congress will be asked to follow the example of the Fifty-third Congress and refuse to pay this little sum due to the loyal people of Kentucky, a people who are putting into the Treasury of the United States to-day, to pay the expenses of the Government, $30,000,000 a year. Will you refuse a debt that you owe them? You can not do it honestly, and I stand here representing my people to denounce the act, if it is refused, as dishonest, unjust, and a shameless repudiation, which is a disgrace not only to the Congress of the United States, but would be a disgrace to any American citizen in any part of this country.

The CHAIRMAN. The only question is whether this is included in the estimate. The Chair will hear the gentleman from Illinois on the subject.

Mr. CANNON. Well, Mr. Chairman, I will not make the point of order. The gentleman has made a speech upon the merits, and now I think if I can be heard for five minutes the committee will be ready to vote, if nobody makes the point of order.

Mr. LEWIS. If they can pay this railroad company $14,000 upon a claim certified here, why can they not pay these claims certified to the same Congress and again certified to this Congress in a Senate document.

Mr. CANNON. Mr. Chairman, if I can have the attention of the committee, I will say that this amendment covers one of many claims for the occupancy of court-houses in Kentucky, Missouri, and perhaps in other States.

Mr. WASHINGTON. In Tennessee.

Mr. CANNON. The principle would apply to all the States in the late war.

Mr. NORTHWAY. The claim dates back to the time of the war?

Mr. CANNON. Certainly. It arises out of the occupation of these court-houses by troops, as they were marching through the country and within the enemy's lines.

Mr. LEWIS. No; Kentucky was not within the enemy's lines.

Mr. CANNON. Well, I think sometimes it was, and sometimes it was not. That is my understanding. But I will say—and I want the attention of the committee—this class of claims, including these specific claims, were investigated fifteen years ago by the Treasury Department, and turned down and rejected by Comptroller Upton. There they slept the long sleep until the late Mr. Mansur, of Missouri, was appointed Second Comptroller. When he was appointed Second Comptroller, as I recollect, in a general way, he took up these claims and reversed the former Comptroller, after a period of fifteen years, and audited these claims upon the ground that there was an implied contract between the United States and the court-house or court-houses, that the court-house or court-houses should be paid.

Well, it came up for consideration. It was duly certified to the last Congress. It was fully examined by the subcommittee on deficiencies in the House. The House rejected it. The Senate put it on by way of amendment. It went into conference. The conferees were Representative Breckinridge of Kentucky, the gentleman from Texas [Mr. SAYERS], and I believe I was there as a spectator on the part of the House.

Mr. SAYERS. And took your part in the proceedings, and were loyal to the conferees.

Mr. CANNON. Senator COCKRELL was chairman of the Senate conferees. I will not state what passed in that conference room,

but I do state that the matter was put so strongly by the gentleman from Kentucky and the gentleman from Texas, myself assenting with my brother conferees, that the Senate receded.

Now, this matter has been referred back to the present Comptroller, and in this document he says he can not reopen it unless he is authorized to do so by a resolution of Congress. I wish Comptroller Mansur had held the same way, because he reopened it after it had slept the sleep of death for fifteen years and passed it.

Now, my judgment is that the safer way is to leave this amendment out and for Congress to direct that the Comptroller reexamine these claims. You will say that the $18,000 or $20,000 for these two court-houses, or whatever the amount is, does not amount to much; but it establishes a principle which, in my judgment, will make the United States, by an implied contract, pay for the occupation of every court-house, every schoolhouse, and perhaps every church that was occupied by the troops during the late war.

Mr. LEWIS. I desire to state in response to the distinguished gentleman——

The CHAIRMAN. Debate upon this amendment is exhausted.

Mr. LEWIS. I ask a little time in which to respond to the gentleman. I should like ten minutes.

Mr. CANNON. Will not five minutes answer the gentleman?

Mr. LEWIS. Ten minutes. I will conclude my remarks inside of ten minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. LEWIS. The gentleman talks about "this class of claims," but in the executive document which I send to him, and which he has, it is shown that the whole amount of this class of claims for the whole country is only $63,000. Now, they have put into this bill without complaint—there was a good deal of debate, but it has been passed—an item of $800,000 to meet deficiencies, as they call them, in paying the expenses of the customs service.

For twenty-one years these appropriations were made upon these claims, certified here to Congress by the Treasury Department, without objection. They have already paid other counties in Kentucky outside of my district for the use of court-houses, and I want to say to the House of Representatives here that because the Federal Government took these court-houses of Meade County and Taylor County, for which I am asking this appropriation, because they used them as barracks, when the Confederates passed through Kentucky in 1862 they burned both these court-houses and destroyed them. They are poor counties. The people of those counties have been taxed $15,000 to $20,000 to build new court-houses. They do not expect to get pay for the court-houses, but for the use of them by the Government that caused them to be destroyed. They do ask the Government to pay them a reasonable rental for the time they used them as forts against the public enemy. That is all they ask.

Now, I do not know what this Comptroller of the Treasury might have done, reversing another Comptroller; but I do know that it is regularly certified to the Congress of the United States in the usual manner for payment, not $16,000, as the gentleman from Illinois says, but in the case of Meade County $1,000, and of Taylor County $1,666.66. That is all that is asked for—$2,666.66.

Mr. STEELE. Is that all the appropriation you are asking for?

Mr. LEWIS. That is all I am asking for. And I want to say further that it is already certified in a Senate document to the present Congress for payment in the document that I sent to the gentleman; and the gentleman is paying in this deficiency bill to this great railroad company—and if it is right they ought to have it—upon a certificate exactly the same as this to the Fifty-third Congress, over $14,800, and yet he stands in the attitude of objecting to and refusing to my people, a patriotic people, a paltry sum, when they pay into the Treasury $30,000,000 in revenue every year, helping to pay this railroad company and other creditors of the Government. He says further that Mr. Breckinridge objected to this in the Fifty-third Congress. Well, I have nothing to say about Mr. Breckinridge. I stand here to say that Mr. Breckinridge does not speak for the Fourth Congressional district, nor does he speak for any part of the people of Kentucky at this time. I do not think that this House will follow Mr. Breckinridge's advice and the example of the Fifty-third Congress in this matter.

I stand here representing a people who were loyal, and always loyal, and who always will be loyal, to the country and to the flag; a people who sent 128,000 brave men to fight the battles of this country, and whose support turned the scales in favor of the Union and the Government of this country. I am simply asking justice for them. When a mere schoolboy I remember the issue in Kentucky, and I heard the great secessionist, John C. Breckinridge, trying to persuade the people of Kentucky to go into secession; and I heard that great man and statesman and leader, John J. Crittenden, appealing to the people. I heard Crittenden say to the people of Kentucky, "Stand by the Union; stand by your Government; stand by the flag; try it, try it, and try it again. If one Congress will not do you justice, another will." The people of Kentucky followed Crittenden and did stand by the flag and the Government. And I am here to-day asking only justice of this Congress for my people. You may deny it; but the people of Kentucky will still be true and loyal; and if this Congress will not do us justice, they will, following the advice of Crittenden, try another and try again, until the people send here a Congress that will do justice and pay just claims against the United States, a Congress that will despise, as they ought to, repudiation or anything that looks like favoring repudiation of just obligations. [Loud applause.]

Mr. CANNON. I move to strike out the last word, and will not take over a minute. Let us understand what this amendment means. I should be glad to vote an appropriation to the gentleman from Kentucky, eloquent and splendid as he is in his advocacy of his amendment. I believe I would on account of the speech he made. But let us see. If we put this appropriation in we establish the principle that it was an implied contract between the Government of the United States and the county authorities that the value should be paid and the damages should be paid for every court-house occupied by the Army during the war, if it was injured. Now, then, it may be that is a good law.

Mr. BAKER of New Hampshire. Will you allow me——

Mr. CANNON. Comptroller Upton said fifteen years ago it was not good law, and it slept the sleep of the dead until Comptroller Mansur came in, and he on his own motion resurrected and reversed the decision of Comptroller Upton.

Mr. SAYERS. Will the gentleman permit me to say he did so over the protest and objection of the Auditor of the Treasury when he considered these claims in the first instance?

Mr. CANNON. Oh, certainly. The Senate tried to get another Comptroller to guess at it, and sent it to Comptroller Bowler, and he says without authority of Congress he has no power to review it, it having been passed upon by a Comptroller. Now, then, before this Congress adjourns I hope there will go on this bill or some other bill a definite provision that will send these cases to the Court of Claims, and let the principle be established, or we will send it for another opinion by the accounting officer of the Treasury; but I think we are not ready to establish the principle now. I am ready for a vote.

Mr. COX. Does not the principle involved include the occupation of churches, schoolhouses, and everything of that kind?

Mr. CANNON. In my opinion it does.

Mr. COX. What is the distinction that can be drawn between them?

Mr. DINGLEY. Why not private houses and all other places, thus paying for the damages of the war?

Mr. CANNON. I do not think private property would come within the principle.

Mr. COX. But churches and schoolhouses would.

Mr. CANNON. Certainly schoolhouses and court-houses would.

Mr. COX. And churches.

Mr. CANNON. And possibly churches on the same ground.

Mr. BAKER of New Hampshire. If I will draw an amendment will the gentleman accept it, that all claims not appropriated for go to the Court of Claims, with jurisdiction vested in that court to determine them in a judgment.

Mr. CANNON. I will say to my friend, no. There are all the intimations that are usually given that the Senate is ready to amend this bill by putting on these claims; and I will say to the gentleman that if the House honors me as a conferee I will do what I can to work out a re-reference of these claims, so that we can get the correct principle fully established and the cases disposed of.

Mr. BAKER of New Hampshire. But will the gentleman give the Court of Claims authority to pass upon these questions?

Mr. CANNON. It is not practicable here and now to prepare such a provision. I withdraw my amendment, Mr. Chairman.

Mr. LEWIS rose.

Mr. CANNON. How much time does the gentleman desire? If five minutes will satisfy him, I will ask that at the end of five minutes we may have a vote.

Mr. LEWIS. Mr. Chairman, I do not know, nor has it been explained, what Comptroller of the Treasury or what other official of this great Government certified this claim of $14,888.93 of the Pennsylvania Railroad Company. Neither have I heard it proposed to refer that claim back or to refer it to the Court of Claims. That was certified to the Fifty-third Congress, just like the claim that I ask to have paid.

Mr. BRUMM. Has the claim which this amendment covers ever gone through the committee?

Mr. LEWIS. I think it has.

Mr. BRUMM. Not through the Committee on Claims; it may have gone through the Committee on War Claims.

Mr. LEWIS. I do not know; but at any rate it is here regularly; certified in the regular way.

Mr. BRUMM. But in this Congress has it gone through the regular committee?

Mr. LEWIS. I think not. It was certified, just as this railroad claim was certified. Now, in addition to what I have said, I want to say this. It would take just six of the claims that I ask to have paid to pay this railroad company's claim which is allowed in this bill. We stand in this Congress in the attitude of allowing that claim, which was certified to the Fifty-third Congress, and at the same time rejecting this claim of the people of Kentucky, which was certified to the Fifty-third Congress and which has been certified by the proper officers of the Treasury and by the Secretary of the Treasury to the Fifty-fourth Congress also. Gentlemen need not be scared about this opening up a channel through which the Government can be flooded with claims. This House has already passed bills carrying $500,000,000, and if Uncle Sam can pack that load I am sure that this small pittance for the people of Kentucky, who give him thirty millions a year, will not break his back. [Laughter.] I am sure, too, that this Republican House, when the people of Kentucky have contributed five Representatives to the majority, and, barring myself, as good men as ever came to Congress, will not be guilty of the mean, the niggardly, the dishonest, the unjust discrimination of refusing them this paltry appropriation which is their due.

The question being taken on the amendment, the Chairman declared that the noes seemed to prevail.

Mr. LEWIS. I ask for a division.

The committee divided; and there were—ayes 32, noes 54.

So the amendment was rejected.

Mr. CANNON. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Page 17, line 21, strike out "eleven" and insert in lieu thereof "sixty-one."

Mr. CANNON. That is a revised estimate.

The amendment was adopted.

Mr. LEWIS. Mr. Chairman, I now move to strike out the paragraph beginning on line 3, page 15, and ending on line 8, on the same page.

Mr. CANNON. I make the point that that paragraph has been passed.

The CHAIRMAN. The point of order is well taken. The Clerk will read.

The Clerk read as follows:

LIGHT-HOUSE ESTABLISHMENT.

Expenses of light vessels: For expenses of light vessels for the fiscal year 1894, to adjust the account of Commander M. R. S. Mackenzie, United States Navy, inspector of the Sixth light-house district, for expenditures made from the appropriation "Expenses of fog signals," 1894, for the services of the Davis Coast Wrecking Company in recovering and floating Rattlesnake Shoal light-ship, South Carolina, No. 34, held by the Commissioner of Customs not properly chargeable to said appropriation, $2,000: *Provided*, That this shall not involve the further payment of money from the Treasury.

Mr. HARDY. Mr. Chairman, I move to strike out the last word. Something has been said to-day by my affable and distinguished friend from Missouri [Mr. DOCKERY] relative to the fact that the Republican party in this session of Congress has not repealed the Wilson tariff bill. I want to tell my friend that the Republican party in this session of Congress has its eyes in the front of its head. It looks ahead and does not, like a mule, kick behind. [Laughter.] We sometimes wonder here why, if our Democratic friends are possessed of such great foresight as they claim, they should have passed the Wilson bill in this House when they knew that it would be repudiated, absolutely repudiated, in the Senate of the United States and denounced and derided by the President.

The Republican party stands in this Congress ready to pass a tariff bill that will give every man labor, that will start every spindle running and every wheel turning, but it is not ready to waste its sweetness upon the desert air, knowing what will be done at the other end of the Capitol and at the other end of the Avenue. The Republican party is a party of foresight, and during thirty years of Republican rule never one bond was issued to pay the expenses of running this Government. Under the McKinley law and under every other law enacted by the Republican party we were always able to get revenue enough into our Treasury to pay the running expenses of the Government and to pay off besides over $2,000,000,000 of public debt. The Democratic party, on the other hand, with all its boasting for the purpose of making political capital, has never paid off $500,000,000 of the public debt from the day of Thomas Jefferson down to the present. [Laughter and derisive cheers on the Democratic side.] You may laugh, gentlemen, but you will sorrow after the St. Louis convention, when the Republican party, having nominated some great big protectionist who represents the protective tariff policy, who represents sound and honest money, while you are struggling and fighting in your Chicago convention, splitting and dividing off and scattering yourselves to the four winds of the earth, the Republican candidates will be in the field and will be running on to victory. [Loud applause on the Republican side.]

The Clerk read as follows:

That on and after July 1, 1896, all expenditures on account of the Reform School for Boys, the Girls' Reform School, and the board of children's guardians shall be made by the Commissioners of the District of Columbia upon itemized vouchers approved by the auditor of the District and certified by the Commissioners, as required by the act of June 11, 1878, in the case of other expenses of the government of the District of Columbia. And all acts or parts of acts providing for treasurers for the institutions herein named are hereby repealed, to take effect June 30, 1896.

Mr. CURTIS of New York. I make a point of order on this whole paragraph.

Mr. CANNON. I will ask the gentleman whether he is determined to insist on that point of order?

Mr. CURTIS of New York. I am.

Mr. CANNON. Well, with the single statement that the legislation here proposed would give better service and save $3,000, I will concede that the point of order is well taken and let the paragraph go out.

Mr. CURTIS of New York. Mr. Chairman——

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Accounts of Pay Director H. M. Denniston: The accounting officers of the Treasury are hereby authorized and directed to pass the voucher, under the appropriation "Pay, miscellaneous, 1895," from which it was paid by Pay Director H. M. Denniston, United States Navy, namely: For services of a detective agency, $845.64.

Mr. WASHINGTON. I offer an amendment, to which I ask the attention of the chairman of the committee.

The Clerk read as follows:

Insert after the paragraph just read the following:

"Publication of records of the Continental Congress, together with all the official documents relating to the Revolutionary period now in the custody of the Secretary of State, and which have not heretofore been published, $25,000, or so much thereof as may be needed, to be expended under the supervision of the Secretary of State."

Mr. CANNON. I will say to my friend from Tennessee [Mr. WASHINGTON] that this amendment is subject to a point of order; and I shall have to make it.

Mr. WASHINGTON. Of course, if the chairman of the committee makes the point of order, without allowing any discussion, I have no opportunity to explain the amendment; but if he will withdraw his point of order——

Mr. CANNON. If it were not so late, and if we did not want to finish the bill this evening——

Mr. WASHINGTON. My friend knows that I never take up time unnecessarily.

Mr. CANNON. I shall have to insist on the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For allowance to the following contestants and contestees, audited and recommended by the Committee on Elections, for expenses incurred by them in contested-election cases, namely:

To H. R. Belknap, $2,000;
To L. E. McGann, $1,522.86;
To James E. Cobb, $2,000;
To W. F. Aldrich, $2,000;
To G. A. Robbins, $2,000;
To H. St. George Tucker, $1,971.96;
To G. W. Cornett, $1,350;
To J. L. McLaurin, $2,000;
To C. A. Swanson, $1,350;
To D. B. Culberson, $750;
To Oscar W. Underwood, $2,000;
To George P. Harrison, $2,000;
To Joshua E. Wilson, $2,000;
To Ashury C. Latimer, $2,000;
To Miles Crowley, $2,000;
To William Elliott, $2,000;
To J. W. Stokes, $2,000;
To John I. Rinaker, $2,000;
To W. C. Owens, $1,363.05;
To John W. Maddox, $2,000;
To Truman H. Aldrich, $2,000;
To Albert T. Goodwyn, $2,000;
To James C. Spencer, $350;
To A. M. Newman, $350;
To John S. Williams, $175;
To Peter J. Otey, $1,350;
To Jerome C. Kearby, $2,000;
To A. J. Rosenthal, $2,000;
To Jo Abbott, $2,000; in all, $49,162.87.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 66, in lines 13 and 16, strike out "three" and insert "seven."
On page 67, in line 7, strike out "three" and insert "five."
On page 67, in line 15, strike out "forty-nine" and insert "fifty."

The CHAIRMAN. Without objection, these amendments will be agreed to.

Mr. DOCKERY. I understand that Election Committee No. 2 have not yet certified to the Committee on Appropriations the expenses of either contestants or contestees, but that the Committee on Appropriations will investigate the certification to be hereafter made, and will send the items to the Senate for consideration.

Mr. CANNON. Yes, sir.

The question being taken, the amendment of Mr. CANNON was agreed to.

The Clerk read as follows:

To pay Charles Carter and Erastus Green for caring for subcommittee rooms of the Committees on Appropriations and Ways and Means, $75 each, $150.

Mr. PICKLER. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add after the paragraph just read the following:

"To pay W. H. Blanchard, as extra compensation for services rendered as assistant clerk to the Committee on Invalid Pensions during the first session of the Fifty-fourth Congress, $500."

Mr. CANNON. That is the usual provision for the assistant clerk of that committee.

The amendment was agreed to.

The Clerk read as follows:

To pay L. B. Cook, George Winters, R. W. Goudelock, C. L. Williams, Edwin Giddings, and Ralph M. Dale, each, the difference between $1,200 and $1,100 per annum, as conductors of the elevators, from July 1, 1894, to July 1, 1896, $600.

Mr. CANNON. To correct an error I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 69, in line 16, after the words "eighteen hundred and ninety-six," strike out "six" and insert "eight."

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read as follows:

For Life-Saving Service, $585.67.
For supplies of light-houses, $16.56.
For expenses of buoyage, $96.95.

Mr. EVANS. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Amend in line 6, page 75, of the bill by inserting the following words:

"For repaying to the State of Kentucky the sum of $22,022.31, amount due said State for expenses incurred in raising troops during the war of the rebellion, as reported in Senate Document No. 75, Fifty-fourth Congress."

Mr. CANNON. Well, I think I must make the point of order on that amendment. We have had nothing certified to the House, as far as I am aware, in this matter.

The CHAIRMAN. Does the gentleman from Kentucky desire to be heard on the point of order?

Mr. EVANS. Is there any provision of the rule—if so, I would be glad if the gentleman will point it out—that requires a matter of this kind to be certified to the House before it can be considered by the House?

Mr. CANNON. I will state to the gentleman that the law requires that the audited accounts shall be certified to Congress for consideration. The Senate has a way of at times getting certificates that the House does not get, and acting upon them; and the best way, when they do get such matters, is to let them perform. The House is not in the habit of dealing with these matters until they come to it in the shape of audited and certified accounts.

Of course I have not given this matter any examination; knew nothing about it until this moment, and had had no opportunity, according to my recollection, of giving it any examination. But it seems to me that under the rule it is not before the House, under the law, as a certified claim.

Mr. EVANS. I will address myself entirely to the point of order raised by the gentleman from Illinois, because if there is any rule that forbids such an amendment to the bill it is a rule that has entirely escaped my observation.

Here is a claim from the State of Kentucky; a claim that is reported by the Auditor of the Treasury Department to be, on a certain calculation, a justly due claim to the amount of $22,022.31. That document, in which this claim is embodied, is an executive document sent to the Senate, and the paper in question is signed by T. Stobo Farrow, Auditor. The communication is addressed to Hon. John G. Carlisle, Secretary of the Treasury, and sets forth these various claims of the States in a table which appears in the paper.

I have no doubt that the amount is due and that it has been due for many years.

Mr. CANNON. What is the date of this certificate to which the gentleman refers?

Mr. EVANS. The Secretary's letter, transmitting this matter to the President of the Senate, is dated January 15, 1896, and as to the certificate of the Auditor, I do not know the date, as it is not appended.

Mr. CANNON. I think that is hardly a certification in terms under the rule that we adopt here, but if the gentleman will permit me I will examine the document.

Mr. EVANS. Here is the document.

Mr. CANNON (after examining the paper). I find, if the gentleman will allow me, the following language:

Under the proposed modifications as suggested by the Second Comptroller (Exhibit B) and as directed by the order of February 8, 1893, the claims of but one State, New York, were examined, when, on March 29, 1893, the Secretary of the Treasury issued the following order:

"TREASURY DEPARTMENT, *March 29, 1893.*

"Respectfully referred to the honorable Second Comptroller. Upon further consideration I approve the recommendation of Assistant Secretary Lambertson, and decline to modify the rules as suggested by the Second Comptroller. The order of Secretary Foster of February 8, 1893, hereto attached, is accordingly revoked.

"J. G. CARLISLE, *Secretary.*"

Then further on I find the following language:

On receipt of the order of March 29, 1893, further examinations ceased.

Taking now as a provisional standard the modifications suggested, there would be due to the several States the following sums if the proposed change in the rules should finally be adopted:

The trouble is that Mr. Foster adopted one rule and Mr. Carlisle revoked it. Now, the Auditor says that if the Foster rule were adopted the account, which he appends, including the amount that the gentleman has fixed in his amendment for the State of Kentucky, would be due.

But it does not come within the provisions of the law, and is so far a mere claim. It is not audited as the rule requires, and the Chair understands the distinction where the law calls for a certification. It is not ascertained and certified under the law for the consideration of Congress. The gentleman will see for himself that that is the exact condition. It is a mere communication to the Senate, and not an audited claim. On its face it shows that it never was audited, as the Chair will see on examination.

The CHAIRMAN. On the statement of the gentleman from Illinois the Chair must sustain the point of order.

Mr. EVANS. The gentleman does not point out any provision under our rules requiring that an amendment shall be based on an audited claim.

Mr. CANNON. Our rules now provide, in the first place, the general rule, that we shall care for the service of the Government of the United States for the coming year and for the present year, and then the custom obtains of appropriating for deficiencies of former years where they have been adjudicated. An audited claim stands on the same ground as a judgment of the Court of Claims, but until they have been so audited we do not take cognizance of them in the deficiency appropriation bill.

The CHAIRMAN. The point of order is sustained, and the Clerk will resume the reading of the bill.

The Clerk resumed and completed the reading of the bill.

Mr. HOWE. I ask unanimous consent to return to line 10, page 68.

Mr. CANNON. The gentleman wishes to recur to page 68 of the bill.

The CHAIRMAN. Unanimous consent is asked to recur to page 68, line 10. Is there objection?

There was no objection.

Mr. HOWE. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Insert in line 10, page 68, the following:

"To pay D. S. Porter, for extra services as assistant clerk Committee on Pensions, $500."

Mr. CANNON. That is the usual appropriation to the assistant clerk of that committee.

The amendment was agreed to.

And then (on motion of Mr. CANNON) the committee rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8293) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes, and had directed him to report the same to the House with sundry amendments, and with the recommendation that as amended the bill do pass.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. PICKLER. I move to suspend the rules and pass the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

Resolved, That on Tuesday, after the reading of the Journal, it shall be in order to take up House bill 8271 and discuss the same in general debate until after the reading of the Journal Friday, when the previous question shall be considered as ordered and the vote shall be taken on the bill.

Mr. ALLEN of Mississippi. What bill is that?

Mr. HENDERSON. The general pension bill.

Mr. McCLELLAN. Does the gentleman propose in this rule to discuss the bill under the five-minute rule?

Mr. DINGLEY. No; the resolution provides for general debate.

Mr. McCLELLAN. The effect of this resolution would be to shut out all amendments.

Mr. PICKLER. This provides for general debate. It is in the power of the House to make such order as it may desire for debate in addition to this.

Mr. LIVINGSTON. Why not specify now what time shall be devoted to the consideration of the bill by paragraphs, so there will be no mistake about the matter?

Mr. CURTIS of New York. Is it understood that general debate shall be continued until Friday?

Mr. PICKLER. Yes.

Mr. CURTIS of New York. Tuesday, Wednesday, and Thursday. I should not think it would be necessary to have so long a time as that.

Mr. PICKLER. It is probable that an election case will come in somewhere during that time. Provision is intended to be made for that.

Mr. CURTIS of New York. Oh, if you introduce other matters——

The SPEAKER. The Chair desires to say that under this order he would of course rule that the general debate would continue until the close of Thursday, and that a vote would be taken on the bill as a whole the next day. It is proper that the Chair should make that statement.

Mr. LIVINGSTON. Then I insist upon the gentleman setting apart a portion of this time for debate under the five-minute rule, so that we can offer amendments if we want to.

Mr. CURTIS of New York. Give us the last day.

Mr. LIVINGSTON. Give us the last day.

The SPEAKER. Is a second demanded? The Chair hears none.

Mr. COX. I want to understand what is the character of the proposition? What is the point?

The SPEAKER. It is a pension bill, which is numbered in the resolution H. R. 8271.

Mr. COX. Mr. Speaker, a parliamentary inquiry. How far does that bill go? What is the proposition involved?

Mr. PICKLER. It relates to the administration of the Pension Office.

Mr. CANNON. Why should we not have a vote, Mr. Speaker?

The SPEAKER. As many as are in favor of the motion to suspend the rules and pass the resolution will say "aye."

Mr. ALLEN of Mississippi. I demand a second.

The SPEAKER. The Chair asked if a second was demanded, and no one asked for it. The question is on suspending the rules and passing the resolution.

The question was taken.

On a division (demanded by Mr. ALLEN) there were—ayes 62, noes 5.

Mr. ALLEN of Mississippi. No quorum, Mr. Speaker.

The SPEAKER. The Chair thinks there is plainly no quorum present.

And then, on motion of Mr. DINGLEY (at 6 o'clock and 3 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of E. L. Tuggle against the United States, was taken from the Speaker's table, referred to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3012) to fix the pay, allowances, tenure of office, and rank of the veterinary surgeons of the United States Army, reported the same with amendment, accompanied by a report (No. 1372); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARNEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 1436) to quiet title to lands in persons who purchased the same in good faith without notice and for a valuable consideration, and to enable the Government to issue patents on such lands, and that commutations of homestead entries shall take effect from date of settlement and not from date of entry, reported the same with amendments, accompanied by a report (No. 1375); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. UNDERWOOD, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 2461) to grant lands to the State of Alabama for the use of the Industrial School for Girls of Alabama, and of the Tuskegee Normal Industrial Institute, reported the same with amendment, accompanied by a report (No. 1376); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LORIMER, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 4176) to extend the uses of the mail service, reported the same with amendments, accompanied by a report (No. 1382); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

By Mr. DOLLIVER, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 1306) to authorize and encourage the holding of a transmississippi and international exposition at the city of Omaha, in the State of Nebraska, in the year 1898, reported the same with amendment, accompanied by a report (No. 1381); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 3295) for the relief of John K. Dixon, of Portsmouth, Ohio. (Report No. 1369.)

By Mr. MARSH, from the Committee on Military Affairs:

The bill (H. R. 7282) for the relief of Charles T. Trowbridge, George D. Walker, and John A. Trowbridge. (Report No. 1370.)

The bill (H. R. 2600) to define the status and for the relief of the heirs or legal representatives of certain recruits for the Fourteenth Kansas Cavalry Volunteers who were killed at Lawrence, Kans., August 21, 1863, by guerrillas. (Report No. 1371.)

By Mr. HARDY, from the Committee on Pensions: The bill (H. R. 2141) to increase the pension of Joseph Claire (Report No. 1373.)

By Mr. HOWE, from the Committee on Pensions: The bill (H. R. 8048) granting a pension to Bethany Bostwick, daughter of John Bostwick. (Report No. 1374.)

By Mr. COUSINS, from the Committee on Foreign Affairs:

The joint resolution (S. R. 76) authorizing Lieut. William McCarty Little to accept a decoration from the King of Spain. (Report No. 1377.)

The bill (S. 153) authorizing the persons herein named to accept certain decorations and testimonials. (Report No. 1378.)

The bill (S. 1676) authorizing Rear-Admiral W. A. Kirkland to accept a gold box presented to him by the Emperor of Germany. (Report No. 1379.)

The joint resolution (S. R. 107) to authorize Prof. Simon Newcomb, United States Navy, and Prof. Asaph Hall, United States Navy, to accept decorations from the Government of the Republic of France. (Report No. 1380.)

By Mr. GRAFF, from the Committee on Claims:

The bill (S. 1573) for the relief of Dr. S. A. Brown. (Report No. 1383.)

The bill (S. 306) for the relief of Thomas Chambers. (Report No. 1384.)

The bill (H. R. 7980) for the relief of Redick M. Ridgely, postmaster at Springfield, Ill. (Report No. 1385.)

The bill (H. R. 3375) for the relief of W. A. Walker, of Albuquerque, N. Mex. (Report No. 1386.)

The bill (H. R. 4538) for the relief of John Keefe. (Report No. 1387.)

By Mr. COX, from the Committee on Claims: The bill (H. R. 3668) for the relief of Willbert Bowen, of Cripple Creek, Colo. (Report No. 1388.)

By Mr. POOLE, from the Committee on Invalid Pensions:

The bill (S. 830) granting a pension to Mary Allard, widow of John Allard, formerly of Company E, Seventh Connecticut Volunteer Infantry. (Report No. 1389.)

The bill (S. 2200) granting an increase of pension to William H. Morgan. (Report No. 1390.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (S. 706) for the relief of Eugenia Wood. (Report No. 1391.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (S. 1949) granting an additional pension to Capt. Bradbury W. Hight. (Report No. 1392.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. MILLER of Kansas: A bill (H. R. 8314) to amend an

act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, and for other purposes—to the Committee on Indian Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 8315) to impose a tax upon and regulate the manufacture, sale, importation, and exportation of adulterated beer—to the Committee on Ways and Means.

By Mr. RUSK: A bill (H. R. 8316) to amend the charters and enlarge the powers and franchises of certain railway companies in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HENDERSON: A bill (H. R. 8317) donating one condemned cannon and four pyramids of condemned cannon balls to O. R. Whitman Post, No. 346, Grand Army of the Republic, Lamont, Buchanan County, Iowa—to the Committee on Naval Affairs.

By Mr. BRODERICK: A bill (H. R. 8318) to amend the acts relating to the United States court in the Indian Territory, and for other purposes—to the Committee on the Judiciary.

By Mr. HEINER of Pennsylvania: A bill (H. R. 8319) granting a pension of $8 to officers and enlisted men of the military and naval services of the United States—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 8320) for the improvement of the public service, by optional and compulsory retirement of certain Government employees, and for the creation of a fund for the benefit of such employees, and for other purposes—to the Committee on Reform in the Civil Service.

By Mr. TOWNE: A bill (H. R. 8321) to authorize the county of St. Louis, in the State of Minnesota, to build or authorize the building of a foot and wagon bridge across the St. Louis River between Minnesota and Wisconsin, at a point near Fond du Lac, in said State of Minnesota—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK (by request): A bill (H. R. 8322) to incorporate the United States Annuity Company, of Washington, D. C.—to the Committee on the District of Columbia.

By Mr. BAKER of New Hampshire: A bill (H. R. 8323) granting condemned cannon, carriages, and balls to Nelson Post, No. 40, Grand Army of the Republic, Bristol, N. H., for monumental purposes—to the Committee on Naval Affairs.

By Mr. BABCOCK: A bill (H. R. 8324) authorizing and directing the Secretary of the Navy to donate four pieces of condemned cannon and four pyramids of condemned cannon balls to the Grant County Union Soldiers' Monument and Memorial Association of Wisconsin—to the Committee on Naval Affairs.

Also, a resolution (House Res. No. 260) relating to the employment of stenographers and typewriters on the Committee on the District of Columbia—to the Committee on Accounts.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 8047) for the relief of William J. Norton—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

The bill (H. R. 8052) granting a pension to Elizabeth Horrah, widow of Thomas Horrah—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 8063) for the relief of Eliza Percival—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ALDRICH of Alabama: A bill (H. R. 8325) for the relief of Sylvania A. Brown, only surviving heir of the late Lieut. Col. William A. McCartney, of the One hundred and thirty-third Pennsylvania Volunteer Infantry—to the Committee on Military Affairs.

By Mr. ARNOLD of Rhode Island: A bill (H. R. 8326) to remove the charge of desertion against the military record of James W. McKachney—to the Committee on Military Affairs.

By Mr. ARNOLD of Pennsylvania: A bill (H. R. 8327) to remove the charge of desertion against the name of John M. Lockry, late of Company L, Fourth Michigan Cavalry Volunteers—to the Committee on Military Affairs.

By Mr. BURRELL: A bill (H. R. 8328) to increase pension of John D. Craig—to the Committee on Invalid Pensions.

By Mr. COFFIN: A bill (H. R. 8329) granting an honorable discharge to George W. Speake—to the Committee on Military Affairs.

By Mr. CURTIS of Kansas: A bill (H. R. 8330) to increase the pension of Susan R. Knight—to the Committee on Invalid Pensions.

By Mr. CURTIS of Iowa: A bill (H. R. 8331) granting an increase of pension to Adam Crawshaw—to the Committee on Invalid Pensions.

By Mr. DANFORD: A bill (H. R. 8332) for the relief of James Starkey—to the Committee on Military Affairs.

By Mr. FENTON: A bill (H. R. 8333) for the relief of Darius Adkinson—to the Committee on Military Affairs.

By Mr. HEINER of Pennsylvania: A bill (H. R. 8334) for the relief of Samuel G. Cook, of Echo, Pa.—to the Committee on Invalid Pensions.

By Mr. LESTER: A bill (H. R. 8335) for the relief of Jacob Cohen—to the Committee on War Claims.

By Mr. LEWIS: A bill (H. R. 8336) granting a pension to Daniel Sullivan—to the Committee on Invalid Pensions.

By Mr. LINNEY: A bill (H. R. 8337) for the relief of G. L. Smoot, of Wilkes County, N. C.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8338) for the relief of Hezekiah A. Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8339) for the relief of J. Washington Hays—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8340) for the relief of L. L. Coffey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8341) for the relief of Rebecca E. Coffee, of Wilkes County, N. C.—to the Committee on Invalid Pensions.

By Mr. McCREARY of Kentucky: A bill (H. R. 8342) for the relief of Thomas W. Caldwell—to the Committee on Military Affairs.

By Mr. PRICE: A bill (H. R. 8343) to remove the charge of desertion against Randall Smith, late a landsman on the U. S. S. *Magazine*, *Arizona*, and *Sachem*—to the Committee on Naval Affairs.

By Mr. PUGH: A bill (H. R. 8344) granting an increase of pension to Kitty F. Musselman—to the Committee on Invalid Pensions.

By Mr. RAY: A bill (H. R. 8345) granting a pension to Henry S. Murray, late private Eighth New York Independent Battery—to the Committee on Invalid Pensions.

By Mr. RUSK: A bill (H. R. 8346) for the relief of Nicolai Bros.—to the Committee on the District of Columbia.

By Mr. SPALDING: A bill (H. R. 8347) to remove charge of of desertion from record of Conrad Springer—to the Committee on Military Affairs.

By Mr. VAN VOORHIS: A bill (H. R. 8348) granting a pension to Charles F. Hamme—to the Committee on Invalid Pensions.

By Mr. MOODY: A bill (H. R. 8349) to remove the charge of desertion standing against Dennis Fitzpatrick—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARNEY: Resolutions of citizens of Wisconsin, relating to the Armenian outrages—to the Committee on Foreign Affairs.

By Mr. BARRETT: Petition of the Boston Merchants' Association, of Boston, Mass., urging the establishment of a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Boston Merchants' Association, favoring the enactment of the Torrey bankruptcy bill—to the Committee on the Judiciary.

By Mr. BLUE: Resolution of the Commercial Club of Newton, Kans., in favor of a bankruptcy law—to the Committee on the Judiciary.

Also, resolution of the Commercial Club of Newton, Kans., in favor of Senate bill No. 2447, creating a department of commerce and manufactures—to the Committee on Manufactures.

By Mr. CLARK of Iowa: Petition of B. Tracy and others, of Brighton, Iowa, asking for favorable action on House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. COUSINS (by request): Petition of D. D. Rorick and others, of Oxford Junction, Iowa, praying for favorable action on bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. CROWTHER: Petition of 11 posts, Grand Army of the Republic, Department of Missouri, praying for the passage of House bill No. 1196, for the relief of soldiers and sailors and their heirs, formerly pensioned under the act of June 27, 1890, who have been dropped from the pension roll or who have been rerated thereon at a lower figure, and establishing a standard of rating under said act—to the Committee on Invalid Pensions.

By Mr. CURTIS of Iowa: Petition of the city council of the city of Boone, Iowa, in behalf of the transmississippi and international exposition at Omaha—to the Committee on Ways and Means.

By Mr. HAINER of Nebraska: Petition of J. T. McKnight, of Brainard, Nebr., praying for favorable action on House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HATCH: Petition of citizens of Francisville, Ind., in favor of bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HEINER of Pennsylvania: Petition of 200 citizens of Armstrong County, Pa., asking for the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty to equalize the benefits and burdens of the protective system—to the Committee on Ways and Means.

By Mr. HEPBURN: Petition of L. A. Hill and others, of Tabor, Iowa, praying for favorable action on House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HYDE: Petitions of citizens of Spokane, Spangle, and Lyman, State of Washington, against permitting the statue of Père Marquette to remain in Statuary Hall—to the Committee on the Library.

Also, petition of citizens of La Camas, Wash., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. JENKINS: Petition of G. A. Sherwood and 41 others, of Emerald, Wis., for the removal of the statue of Marquette from Statuary Hall—to the Committee on the Library.

By Mr. KIEFER: Petition of the Minnesota State Historical Society, in favor of the Crandall bill, relating to public documents—to the Committee on Printing.

By Mr. KIRKPATRICK: Petitions of J. M. Cavaness, C. E. Moore, Adrian Reynolds, F. W. Frye, W. M. Jones, F. M. Hartley, and W. M. Graves, favoring the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LAYTON: Resolutions of the New York Board of Trade and Transportation, asking for the enactment of a national bankruptcy law, known as the Torrey bill—to the Committee on the Judiciary.

By Mr. LINTON: Remonstrance and petition of citizens of New Chicago, Ill.; also of citizens of Millburn, Ill., respecting the Marquette statue—to the Committee on the Library.

Also, petition of E. C. Van Ness, of Owosso, Mich., praying for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUD: Petition of merchants, manufacturers, and shippers; also petition of shipowners; also petition of marine insurance companies, all of San Francisco, Cal., for improvements in the harbor of San Francisco—to the Committee on Interstate and Foreign Commerce.

Also, petition of H. F. Samford, of Chicago, Ill., praying for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McCALL of Massachusetts: Resolutions of the Boston Merchants' Association, in favor of a national bankruptcy law—to the Committee on the Judiciary.

Also, resolutions of the Boston Merchants' Association, in favor of the establishment of a department of commerce and manufactures—to the Committee on the Judiciary.

By Mr. McCREARY of Kentucky: Petition of Thomas W. Caldwell, to accompany House bill for his relief—to the Committee on Military Affairs.

By Mr. McCORMICK: Petition of Railroad Branch, Young Men's Christian Association of Long Island City, N. Y., asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MERCER: Resolutions of South Omaha Stock Exchange, of Omaha, Nebr.; also of Black Hills Improvement Company, of Hot Springs, S. Dak.; also of city councils of Fremont, Plattsmouth, and Chadron, of the State of Nebraska, in favor of the transmississippi exposition at Omaha—to the Committee on Ways and Means.

By Mr. MILNES: Petition of Julia A. Mumford and others, favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. MORSE: Petition of the Reformed Presbyterian Church of Wahoo, Nebr., in favor of Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. NORTHWAY: Petition of 14 citizens of Ohio, praying for the passage of House bill No. 6851, appropriating unclaimed pension and bounty money due the estates of deceased colored soldiers to military and educational purposes for the colored people—to the Committee on Military Affairs.

By Mr. PERKINS: Petition of H. H. Crow and others, of Paullina, Iowa, praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter; also in favor of bill No. 838, to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. PHILLIPS: Petition of the Young Men's Christian Association of Butler, Pa., by J. B. Caruthers, secretary, asking favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ROYSE: Petition of Jasper E. Lewis and 138 other veterans of the Union Army, citizens of South Bend, Ind., favoring the passage of a service-pension bill granting $8 a month to honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. SAUERHERING: Petition of 84 citizens of Wisconsin, in favor of the passage of a bill for the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. SPALDING: Papers to accompany House bill to remove the charge of desertion from the record of Conrad Springer—to the Committee on Military Affairs.

By Mr. TERRY: Petition of the Press Publishing Company, of the State of Arkansas, praying for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS: Petition of Grange No. 37, Patrons of Husbandry, of Wayland, Allegan County, Mich., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

Also, petition of 50 citizens of Covert, Mich., against the acceptance of a statue of Père Marquette—to the Committee on the Library.

By Mr. TOWNE (by request): Petition of citizens of Morrison County, Minn., protesting against the statue of Père Marquette remaining in the Capitol of the United States—to the Committee on the Library

SENATE.

TUESDAY, *April 21, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. WOLCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will, without objection, stand approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the requirements of the joint resolution approved April 10, 1896, directing the Secretary of War to prepare and submit estimates for the improvement of the harbor at Portland, Me., a letter from the Chief of Engineers, United States Army, upon the subject; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, in compliance with the requirements of the joint resolution approved April 18, 1896, directing the Secretary of War to cause to be prepared and submit a plan and estimate for the improvement of the Nebraska side of the Missouri River opposite Sioux City, Iowa, transmitting a report of the Chief of Engineers, United States Army, on the subject; which, on motion of Mr. ALLEN, was, with the accompanying papers, referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the requirements of the joint resolution approved April 18, 1896, a report of the Chief of Engineers, United States Army, upon the survey of the waterway connecting the waters of Puget Sound, at Salmon Bay, with Lakes Union and Washington; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Chamber of Commerce and Merchants' Exchange of Cincinnati, Ohio; a petition of the Paint, Oil, and Varnish Club of Chicago, Ill., and a petition of the Chamber of Commerce of Pittsburg, Pa., praying for the establishment of a department of commerce and manufactures; which were referred to the Committee on Commerce.

Mr. WILSON presented sundry memorials of citizens of the State of Washington, remonstrating against placing the statue of Père Marquette in Statuary Hall, and praying for its immediate removal; which were referred to the Committee on the Library.

Mr. McMILLAN presented the petition of Freeborn G. Smith and sundry other citizens of Washington, D. C., praying for the passage of Senate bill No. 1515, to incorporate the Columbia Telephone Company; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Manufacturers' Club of Detroit, Mich., praying for the speedy passage of the so-called Detroit bridge bill; which was ordered to lie on the table.

He also presented the petition of N. I. Moore and sundry other citizens of Moscow, Mich., praying for the passage of House bill No. 2626, providing for the protection of agricultural staples by an export bounty; which was referred to the Committee on Finance.

He also presented a petition of the Journeymen Stonecutters' Association of Sault Ste. Marie, Mich., praying for the passage of the so-called Allen bill, to prohibit convict labor on Government buildings; which was referred to the Committee on Education and Labor.

Mr. SEWELL presented a memorial of the Essex District Medical Society of Newark, N. J., remonstrating against the passage of Senate bill No. 1552, providing for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Methodist Episcopal Church of Elmer, N. J., a petition of the Presbyterian Church of Elmer, N. J., and a petition of the Methodist Episcopal Church of Cranbury, N. J., praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented the petition of C. T. Russell, president of the Tower Bible and Tract Society of the United States, praying that that society be accorded the same rights in the mails as other publishers of religious literature under the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WARREN presented a petition of the Board of Trade of Rawlins, Wyo., praying Congress to aid the transmississippi exposition to be held at Omaha, Nebr., in 1898; which was ordered to lie on the table.

Mr. GORMAN presented the memorial of S. P. Cook and sundry other citizens of Harford County, Md., remonstrating against the introduction of military training in the public schools of the country; which was referred to the Committee on Military Affairs.

He also presented the petition of Henry N. Rahn and sundry other citizens of Baltimore, Md., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of H. B. Hawkins, secretary of the Young Men's Christian Association of Hagerstown, Md., praying for the enactment of legislation to provide 1-cent letter postage per half ounce, and also to amend the postal laws relating to second-class and free mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KYLE presented a petition of the Young Men's Democratic Club of Massachusetts, praying for the adoption of a constitutional amendment permitting the election of United States Senators by a direct vote of the people; which was ordered to lie on the table.

Mr. HILL presented a resolution of the assembly of the State of New York, in favor of the passage of House bill No. 306, granting pensions to soldiers and sailors confined in so-called Confederate prisons; which was referred to the Committee on Pensions, and ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK, IN ASSEMBLY, *Albany, April 3, 1896.*

On motion of Mr. Maccabe—

"Whereas a bill is now before the Congress of the United States granting pensions to soldiers and sailors confined in so-called Confederate prisons;

"Whereas many officers, soldiers, sailors, and marines of the Federal Army and Navy were confined in so-called Confederate prisons for a great length of time, suffering unusual hardships and contracting diseases and disabilities difficult to fully prove under existing pension laws:

"Therefore, for the purpose of doing justice to a specially deserving class of surviving veterans of the war,

"*Be it resolved*, That the senators and representatives of the State of New York, in legislature assembled, believe in the justice and equity of House bill No. 306, to those that served our Government as prisoners of war during the war of the rebellion, and request the Senators and Representatives from this State in the Congress of the United States to use their influence in favor of the passage of said bill.

"*Resolved*, That copies of these resolutions, properly attested, be transmitted by the secretary of state to the presiding officers of both branches of Congress, and also to the Senators and Representatives in Congress from this State.

"By order of the assembly. A. E. BAXTER, *Clerk*."

STATE OF NEW YORK,
Office of the Secretary of State, ss:

I have compared the preceding copy of resolution with the original resolution on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole thereof.

Given under my hand and the seal of office of the secretary of state, at the city of Albany, this 7th day of April, in the year 1896.

JNO. PALMER, *Secretary of State.*

Mr. HILL presented a petition of the New York Board of Trade and Transportation, praying for the enactment of a national bankruptcy law; which was ordered to lie on the table.

He also presented a petition of the Mohawk Chapter of the Daughters of the American Revolution of New York, praying for the publication of the records and papers of the Continental Congress; which was referred to the Committee on the Library.

He also presented sundry memorials of the Woman's Christian Temperance Union of Shelby County, Ind., remonstrating against the sale of beer on Ellis Island, New York; which were referred to the Committee on Immigration.

Mr. ALLEN presented a petition of the New York Produce Exchange, praying for the passage of House bill No. 8008, regulating the manufacture and sale of filled cheese; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the city council of Stromsburg, Nebr., praying Congress to aid the transmississippi exposition to be held at Omaha, Nebr., in 1898; which was ordered to lie on the table.

He also presented a petition of the Tower Bible and Tract Society, of Allegheny, Pa., praying that they be granted the same privileges in the mails as other publishers of religious literature under the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented a petition of the General Synod of the Evangelical Church of the United States, praying for the appointment of an impartial national commission of inquiry to investigate and report upon the alcoholic liquor traffic; which was referred to the Committee on Education and Labor.

Mr. BRICE presented a petition of Encampment No. 124, Union Veteran Legion of the State Soldiers' Home of Erie County, Ohio, praying for the enactment of a per diem pension law; which was referred to the Committee on Pensions.

He also presented a petition of the Civil Engineers' Club of Cleveland, Ohio, praying for the adoption of a metric system of weights and measures; which was referred to the Committee on Finance.

He also presented a memorial of Erie Council, No. 92, Junior Order of American Mechanics, of Huron, Ohio, remonstrating against the appropriation of money for sectarian institutions; which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Columbus, Ohio, praying for the enactment of legislation to secure better markets for grain, grain products, meats, and all manufactured products of the United States; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of Cleveland, Ohio, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a petition of Lodge No. 116, International Association of Machinists, of Lima, Ohio, and a petition of Marion Lodge, No. 90, International Association of Machinists, of Marion, Ohio, praying for an investigation into the treatment of employees of the Brooklyn (N. Y.) Navy-Yard and other navy-yards in the country; which were referred to the Committee on Naval Affairs.

He also presented a petition of Mount Lookout Auxiliary of the Woman's Home Missionary Society of Cincinnati, Ohio, praying for the abolishment of the sweat-shop system; which was referred to the Committee on Education and Labor.

He also presented a petition of the Journeyman Stonecutters' Association of Tiffin, Ohio, praying for the enactment of legislation prohibiting convict labor on public buildings; which was referred to the Committee on Education and Labor.

He also presented a petition of the Postal Clerks' Association, Fifth Division, Railway Mail Service, of Terrace Park, Ohio, praying for the passage of the so-called railway postal clerks' bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Young Men's Christian Association of Dayton, Ohio, praying for the enactment of legislation to provide 1-cent letter postage, and also to restrict second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Cleveland Journal of Medicine, of Cleveland, Ohio, remonstrating against the passage of the so-called Loud bill, increasing the rate on second-class postal matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Journeyman Stonecutters' Association of Canton, Ohio, praying for the enactment of legislation prohibiting convict labor on public buildings, and also for the restriction of second-class postal matter; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. SHERMAN. I am directed by the Committee on Finance to report an amendment to the bill (H. R. 886) to amend section

3255 of the Revised Statutes of the United States, concerning the distilling of brandy from fruits. I ask that the amendment be printed in connection with the bill, and give notice that at an early day I shall call up the bill for consideration.

The PRESIDENT pro tempore. Without objection, a new print of the bill will be ordered, to include the amendment now reported.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 5790) to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington, to report it without amendment. I ask that the corresponding Senate bill on the Calendar be indefinitely postponed and that the bill just reported shall take its place.

The PRESIDENT pro tempore. If there be no objection, the bill (S. 2769) to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington will be postponed indefinitely and the bill just reported will take its place upon the Calendar.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 1782) providing for the appointment by the Commissioners of the District of Columbia of the trustees of the Industrial Home School, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. QUAY on the 20th instant, intended to be proposed to the sundry civil appropriation bill, the amendment providing for the establishment off Fire Island, New York, of a first-class light-vessel with steam fog signal, and appropriating the sum of $80,000 therefor, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4887) granting a pension to Sarah G. Ives; and

A bill (H. R. 4968) granting a pension to Helen A. Jackman, dependent daughter of Lieut. William Jackman, late of Company I, Fourteenth Regiment of Maine Volunteers.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2601) granting an increase of pension to Ambrose B. Carlton; and

A bill (S. 1898) granting a pension to Mrs. Marietta Hayes.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (H. R. 1634) to grant pension to William F. Good, Company L, Tenth Indiana Cavalry Volunteers; and

A bill (S. 1395) granting a pension to A. M. Bliss.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 524) for the relief of Avery D. Babcock and wife, of Oregon, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1652) for the relief of the estate of Charles M. Roberts, deceased, reported it with an amendment, and submitted a report thereon.

Mr. VILAS, from the Committee on Pensions, to whom was referred the bill (S. 2637) granting a pension to Jane Christian Marye, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2414) granting a pension to Mrs. Mary E. Wyse, widow of Lieut. Col. F. O. Wyse, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MITCHELL of Oregon, from the Committee on Claims, to whom was referred the bill (S. 2538) for the relief of the Portland Company of Portland, Me., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2136) for the relief of Joel M. Bryan and Rebecca Bryan, deceased, by Joel M. Bryan, her administrator, asked to be discharged from its further consideration and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. BURROWS, from the Committee on Claims, to whom was referred the amendment submitted by Mr. HARRIS on the 10th instant, providing for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the Bowman Act, intended to be proposed to the sundry civil appropriation bill, reported it with amendments, submitting a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 2817) for the relief of the Atlantic Works, of Boston, Mass., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1181) to pay the heirs of the late John Roach, deceased, $330,151.42 for labor and material, dockage and detention, and occupation of yards and shops for the gunboats *Chicago*, *Boston*, and *Atlanta*, reported it without amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 527) for the relief of Margaret C. McKay, widow of the late Dr. William C. McKay, of Oregon, reported it with an amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 515) for the relief of Mrs. Ellen Sexton, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1010) for the relief of the owners and crew of the Hawaiian bark *Arctic*, reported it without amendment, and submitted a report thereon.

Mr. PALMER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1185) granting a pension to Rachel Patton;

A bill (H. R. 1020) granting an increase of pension to Gilman Williams; and

A bill (H. R. 3189) to increase the pension of John S. Cochenour.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (S. 1611) granting a pension to Clarissa E. Hobbs, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2645) granting a pension to Jane H. Vandever, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported adversely thereon; and the bills were postponed indefinitely:

A bill (S. 1791) granting an increase of pension to William H. Bennett; and

A bill (S. 1808) granting an increase of pension to George K. Morgan.

Mr. PEFFER. Some time ago I reported from the Committee on Pensions the bill (S. 1465) granting an increase of pension to Elijah A. Gilbert. The bill was accompanied simply by a statement recommending its passage. I now wish to file a supplemental report setting out the facts in connection with the claim. I ask that it may be printed and lie on the table.

The PRESIDENT pro tempore. The report will be printed under the rule.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (S. 2342) granting a pension to Nancy E. Rowe, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2074) granting a pension to Sarah L. Hively, reported it with an amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (S. 2763) granting a pension to Silas B. Hensley, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2529) for the relief of Sarah E. Catton, reported it with amendments, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Pensions, to whom was referred the bill (H. R. 3606) granting a pension to French W. Thornhill, reported it without amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 572) for the relief of James Duke, reported it without amendment, and submitted a report thereon.

Mr. CHANDLER, from the Committee on Naval Affairs, to whom was referred the amendment submitted by Mr. HILL on the 15th instant, providing for the construction of tide gates in the causeway across Wallabout Channel, Brooklyn, N. Y., intended to be proposed to the naval appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (H. R. 708) to increase the pension of Albert Ellis, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 491) granting an increase of pension to Francis Walsh, of Stockham, Nebr., reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER. On the 14th of April the bill (H. R. 1181) for the relief of Maria E. Wilson was reported from the Committee on Pensions with an amendment, and on the next day it was recommitted to that committee. I am directed by the Committee on Pensions to report it back favorably with an amendment, as was recommended in the original report.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

tion on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole thereof.

Mr. SHERMAN. I am directed by the Committee on Finance to report an amendment to the bill (H. R. 886) to amend section

reported it without amendment, and submitted a report thereon.

Calendar.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (S. 2711) granting a pension to Ira Harris, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 989) to place the name of Fannie Kautz, widow of August V. Kautz, deceased, late brigadier-general, United States Army, retired, on the pension roll at the rate of $175 per month, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1124) granting an increase of pension to Albert B. Simpson, reported it with amendments, and submitted a report thereon.

Mr. MITCHELL of Oregon, from the Committee on the Judiciary, to whom was referred the joint resolution (S. R. 124) to facilitate the reorganization of the Northern Pacific Railroad Company, to secure to actual settlers the right to purchase at a price not exceeding $2.50 per acre the agricultural lands within its grant, and to prohibit said company or any successor company from giving by consolidation, sale, or other corporate action control of its railroad to any corporation, company, person, or association of persons owning, operating, or controlling a parallel or competing railroad, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 17th instant, intended to be proposed to the sundry civil appropriation bill, the amendment providing that any State having a claim or claims against the United States shall be given the right within one year to file a petition in the Court of Claims and have the same adjudicated and determined, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BRICE, from the Committee on Pensions, to whom was referred the bill (S. 937) granting an increase of pension to Sarah E. Comly, widow of Maj. Clifton Comly, reported it with amendments, and submitted a report thereon.

PORTS OF DELIVERY IN COLORADO.

Mr. WOLCOTT. I am directed by the Committee on Finance, to whom was referred the bill (S. 2508) to establish customs ports of delivery at Pueblo, Durango, and Leadville, Colo., to report it favorably with an amendment. It is purely a local measure, recommended by the Treasury Department, having reference to the putting of the smelting works in different sections of the State of Colorado on an equality, so that they can all be bonded. I ask unanimous consent that the bill may be put upon its passage.

The PRESIDENT pro tempore. The bill will be read in full for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That Pueblo, Durango, and Leadville, all in the State of Colorado, be, and are hereby, made customs ports of delivery, and attached to the port of Denver, in said State, with all the rights and privileges now accorded by law to said port of Denver, the surveyor of customs of which port shall supervise the customs business at said Pueblo, Durango, and Leadville in the same manner and to the same extent as at Denver.

Mr. CARTER. The bill relates to a subject which the Senator from Idaho [Mr. DUBOIS] has had in charge to some extent, and I ask that it may go over until he comes in.

Mr. WOLCOTT. I shall be very glad indeed to move to reconsider its passage if the Senator from Idaho has the slightest objection. The bill, I think, does not touch at all the subject to which the Senator from Montana refers. It puts the smelters at Pueblo and Durango on an equality with the smelters at Denver.

I will state to the Senator in a word that Colorado is in the customs district of New Orleans. The Department refuses to put employees at smelting works in Colorado except where there are ports of delivery. Colorado is not on the border, it is not on the seacoast, and therefore can not be made a collection district. The smelters at Denver, that being a port of delivery, are permitted to bond their warehouses. At these other points, 120 miles away, where they are on an equal footing, they are not permitted to bond, and to give this permission is the only effect of the bill.

If the Senator from Montana sees fit to object, of course I have nothing to say, but I shall not have the slightest objection to a motion to reconsider, and I will myself make the motion, if that is hereafter desired.

Mr. CARTER. I understand that a contention exists between the Senator from Colorado and the Senator from Idaho relative to the sampling of lead ores at the border in Government sampling works, which is contended for by the Senator from Idaho, and the sampling at bonded smelters throughout the States, which is contended for by the Senator from Colorado.

Mr. WOLCOTT. The Senator is stating a contention which never has arisen, never has been voiced, and never has been suggested except by himself. The only point involved is the one I have indicated. The Senator is entirely mistaken.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. CARTER. I ask that the bill may be passed over until the Senator from Idaho comes in.

The PRESIDENT pro tempore. There is objection, and the bill will be placed on the Calendar.

Mr. CARTER subsequently said: Upon inquiry I ascertain that no objection exists to the bill reported by the Senator from Colorado [Mr. WOLCOTT] from the Committee on Finance, and I renew the request for unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT pro tempore. The bill has been read in full to the Senate.

Mr. WOLCOTT. There is an amendment from the committee.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. The Committee on Finance report to add, at the end of the bill, the following as an additional section:

SEC. 2. And such other places in the State of Colorado as the Secretary of the Treasury may designate from time to time shall be ports of delivery, with all the privileges now accorded by law to the port of Denver, Colo., the surveyor of customs of which port shall supervise the customs business transacted at such places in the same manner and to the same extent as at Denver.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to establish customs ports of delivery at Pueblo, Durango, Leadville, and other places in Colorado."

MESSAGES AND PAPERS OF THE PRESIDENTS.

Mr. GORMAN. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 170) to provide for the proper distribution of the publication entitled Messages and Papers of the Presidents, to report it with an amendment. I ask that the joint resolution may be considered at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution; which was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the quotas of Senators, Members, and Delegates of the House Miscellaneous Document No. 210, second session Fifty-third Congress, being a compilation the title of which is "Messages and Papers of the Presidents," be delivered by the Public Printer, when printed and ready for distribution, to the Superintendent of Documents. That the Senators, Members, and Delegates of the Fifty-fourth Congress be, and are hereby, authorized to designate to the Superintendent of Documents the names of persons to whom their respective quotas of said document shall be sent from time to time as the volumes are published.

The amendment of the Committee on Printing was to add the following proviso:

Provided, That in the distribution to the Senate and House of Representatives the fraction in each case shall be delivered to the compiler: *And provided further*, That the Public Printer shall bind in black half Turkey morocco one copy for the use of each Senator, Member, and Delegate in the Fifty-fourth Congress.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

HANDBOOK OF EXPERIMENT STATION WORK.

Mr. GORMAN, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed 10,000 additional copies of Bulletin No. 15 of the Office of Experiment Stations of the Department of Agriculture, entitled Handbook of Experiment Station Work, of which 2,000 copies shall be for the use of the members of the Senate, 4,000 copies for the use of members of the House of Representatives, and 4,000 copies for the use of the Secretary of Agriculture.

COMMITTEE ON PACIFIC RAILROADS.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. GEAR January 30, 1896, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Pacific Railroads be, and is hereby, authorized, in the course of the inquiries which are being made, to employ a stenographer and messenger, and that the expenses of the same be paid from the contingent fund of the Senate.

STENOGRAPHER TO COMMITTEE ON INDIAN AFFAIRS.

Mr. JONES of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from South Dakota [Mr. PETTIGREW] February 12, 1896, to report it favorably without amendment, and I ask for its present consideration:

The resolution was read, as follows:

Resolved, That the Committee on Indian Affairs be, and is hereby, authorized to employ a stenographer, the expense of the same to be paid from the contingent fund of the Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. HILL. What is the object of the employment specified in the resolution?

Mr. PETTIGREW. I will state to the Senator from New York that I care nothing whatever about the resolution. I would just as soon have it go over or be rejected.

Mr. HILL. I do not care about objecting to it.

Mr. PETTIGREW. What the Committee on Indian Affairs needs is an assistant clerk. There is more work in the committee than one man can do. I have been hiring some one at my own expense during the entire session.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. HARRIS. Is the resolution reported from the Committee to Audit and Control the Contingent Expenses of the Senate?

The PRESIDENT pro tempore. It is reported from that committee. Is there objection to its present consideration?

The resolution was considered by unanimous consent, and agreed to.

HEARING BEFORE COMMITTEE ON PATENTS.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PLATT February 17, 1896, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the stenographer employed to report the hearing before the Committee on Patents of parties interested in the bill (S. 1453) for the relief of Daniel Drawbaugh be paid from the contingent fund of the Senate.

HEARINGS ON UNIVERSITY OF THE UNITED STATES.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. KYLE March 23, 1896, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the stenographer employed to report the hearings before the Committee to Establish the University of the United States of parties interested in the bill (S. 1392) to establish a university of the United States be paid from the contingent fund of the Senate.

COMMITTEE ON CONSTRUCTION OF THE NICARAGUA CANAL.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. MORGAN February 7, 1896, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That, when it may be so necessary, the chairman of the Committee on the Construction of the Nicaraguan Canal is authorized to employ a stenographer, whose compensation shall be paid out of the contingent fund of the Senate.

NATIONAL SANITARIUM IN NEW MEXICO.

Mr. DUBOIS. I am unanimously directed by the Committee on Public Lands, to whom was referred the bill (S. 2593) granting to the American Invalid Aid Society, of Boston, Mass., the abandoned Fort Stanton Military Reservation, in New Mexico, for the purpose of a national sanitarium for the treatment of pulmonary diseases, to report it favorably with an amendment, and I ask for its present consideration.

The bill was read, as follows:

Be it enacted, etc., That the abandoned Fort Stanton Military Reservation, and all the improvements thereon, situated in the Territory of New Mexico, be, and the same is hereby, granted to the American Invalid Aid Society, of Boston, Mass., upon the conditions that said society shall establish and maintain perpetually thereon a national sanitarium for the treatment of pulmonary diseases: *Provided*, That said society shall within two years from and after the passage of this act accept this grant and shall establish on said reservation a sanitarium for the purposes herein named; and whenever the said lands and buildings shall cease to be used by said society for the purposes herein provided the same shall revert to the United States.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Public Lands was, in line 3, to strike out "Stanton" and insert "Marcy"; so as to read "the abandoned Fort Marcy Military Reservation."

Mr. GRAY. I do not understand that. Will the Senator state the meaning of it?

Mr. GALLINGER. In response to the Senator from Delaware, I will state that there is an incorporated association in the city of Boston entitled the American Invalid Aid Society. It consists of men like Dr. Edward Everett Hale, Hezekiah Butterworth——

Mr. GRAY. I understand that; but I ask as to the amendment.

Mr. GALLINGER. The amendment is simply to give the Fort Marcy Military Reservation at Santa Fe. It has been found that the Fort Stanton Military Reservation is a hundred miles or more from a railroad, and hence it is not applicable for the purposes of the society. The Fort Marcy Reservation is going to be given to the city of Santa Fe if it is not given to this very laudable purpose, and all parties are agreed that it is better to have the proposed amendment made.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting to the American Invalid Aid Society of Boston, Mass., the abandoned Fort Marcy Military Reservation, in New Mexico, for the purpose of a national sanitarium for the treatment of pulmonary diseases."

PACIFIC RAILROADS.

Mr. PUGH. Yesterday I agreed to withhold the minority report of my colleague [Mr. MORGAN] adverse to Senate bill 2894, etc., until the majority report is ready to be presented by the chairman of the Committee on Pacific Railroads. My colleague left the city to-day at 11.30, and before leaving he addressed me the following note:

Please file my report adverse to Senate bill No. 2894 to-day and ask that it be printed. It has reference to three bills reported to the Senate by the Committee on Pacific Railroads and placed on the Calendar, and is not merely a response to Senate bill 2894, which was not introduced in the Senate and was never seen or discussed by me.

Upon that statement of my colleague, I present the minority report signed by him, and ask that it be printed in the RECORD.

The PRESIDENT pro tempore. The Senator from Alabama presents a minority report, as indicated, in behalf of his colleague and asks that it be printed in the RECORD.

Mr. PUGH. The minority report comprises only 36 pages. My colleague does not ask that the whole document be printed.

The PRESIDENT pro tempore. The request is that it be printed in the RECORD?

Mr. PUGH. That it be printed in the RECORD. My colleague says the bills to which it relates have been printed in the RECORD and he desires to have the minority report printed in the RECORD.

Mr. CHANDLER. I object for two reasons, which I should like to state to the Senator from Alabama.

Mr. PUGH. I can not hear the Senator from New Hampshire.

Mr. CHANDLER. I object to printing in the RECORD for two reasons. One is, I do not think the RECORD should be cumbered by the majority and the minority reports. They would appear in fine type and nobody would read them. When Senators want them they will inquire for the document and read them in that form. Secondly, while the bill reported by the majority of the committee is printed in the RECORD, the majority report itself is not yet printed in the RECORD, and it would be unprecedented to print the minority report in advance of the majority report.

Mr. PUGH. I do not understand from the note of my colleague that the minority report has any relation at all to the majority report upon Senate bill 2894. It is his view upon the whole system of legislation embodied in the three bills which are now on the Calendar of the Senate. His report is not directed to the bill to which the majority report relates, because he says he has never seen that bill, that he never read it, and never discussed it in the committee.

Mr. CHANDLER. Then I do not see why it should be put into the RECORD. If, when the bill comes up for discussion, the Senator from Alabama is not present and it is desired that a paper giving his views shall be read, I certainly would not object to it, but here are 36 printed pages with a vast mass of matter accompanying, and in the interest of keeping the RECORD within reasonable limits I think I ought to object, in the absence of anything from the majority of the committee printed in the RECORD upon which to found this request.

The PRESIDENT pro tempore. Objection is made to printing the views of the minority in the RECORD.

Mr. PUGH. My colleague requests that his views be printed.

Mr. PLATT. That is not a request that his views be printed in the RECORD.

The PRESIDENT pro tempore. That is the usual request made when a report is offered. The views of the minority are presented, and they will be printed.

Mr. GEAR. I will state in reference to the report offered by the Senator from Alabama, that I understand it is the report of the Senator from Alabama [Mr. MORGAN] who is ill, and relates to the bills presented by the Senator from Nebraska [Mr. THURSTON], the Senator from Nebraska [Mr. ALLEN], and the Senator from Maine [Mr. FRYE]. It has no direct connection with the bill reported by the majority of the committee. The reason why the Senator from Alabama, did not see the bill is because he was confined to his house for the last ten days or two weeks and has not been able to meet with the committee. What may be his views on the subject of the bill reported I do not know. The majority of the committee shall not ask to have their report printed in the RECORD. It will be printed as an ordinary document.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 1353) to revive and reenact the act entitled "An act to

Mr. CHANDLER. I ask that the bill may be passed over until the Senator from Idaho comes in.

ized to employ a stenographer, the expense of the same to be paid from the contingent fund of the Senate.

proposed amendment made.

BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 1353) to revive and reenact the act entitled "An act to

authorize the building of a railroad bridge at Little Rock, Ark.," approved March 2, 1891.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7140) granting to A. L. Robeson Post, No. 42, Grand Army of the Republic, of Bridgeton, N. J., 4 condemned cannon and 20 cannon balls;

A bill (H. R. 8262) authorizing and directing the Secretary of the Navy to furnish condemned cannon to certain Grand Army posts, a monument association, and an army post; and

A bill (H. R. 8313) authorizing the transfer of a cannon from the Rock Island Arsenal, Rock Island, Ill., to Grant Park, in Galena, Ill.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President pro tempore:

A bill (S. 69) to authorize the Secretary of the Interior to settle the claims of the legal representatives of S. W. Marston, late United States Indian agent at Union Agency, Ind. T., for services and expenses;

A bill (S. 744) providing for a naval training station on the island of Yerba Buena (or Goat Island), in the harbor of San Francisco, Cal., and for other purposes;

A bill (H. R. 365) to fix the date of the discharge of Thomas Johnson;

A bill (H. R. 2224) granting an increase of pension to Lewis C. Schilling;

A joint resolution (H. Res. 85) relative to the medal of honor authorized by the acts of July 12, 1862, and March 3, 1863;

A joint resolution (H. Res. 160) to appoint four members of the Board of Managers for the National Home for Disabled Volunteer Soldiers; and

A joint resolution (H. Res. 163) to amend an act approved August 1, 1894, making appropriations for fortifications and other works of defense, etc.

BILLS INTRODUCED.

Mr. NELSON introduced a bill (S. 2903) to increase the pension of Sarah Gresham, widow of Col. Benjamin Q. A. Gresham; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2904) for the relief of the next of kin of Christian Reimers; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOAR introduced a bill (S. 2905) for the relief of Mrs. L. A. Barber; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PRITCHARD introduced a bill (S. 2906) for the establishment of a light-house at the pitch of Cape Fear River, near Wilmington, N. C.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CALL introduced a bill (S. 2907) granting an increase of pension to I. C. Clifton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BRICE introduced a bill (S. 2908) granting a pension to Franklin Andrews; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2909) granting a pension to Henry Schafer; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2910) granting a pension to Mrs. Essie E. Powell; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2911) increasing the pension of George B. Cock; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2912) increasing the pension of William C. Forsythe; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. McMILLAN submitted two amendments intended to be proposed by him to the District of Columbia appropriation bill; which were referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. SMITH submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

CHARLES E. JONES.

Mr. BAKER. A few days since the Senate passed a bill for the relief of Charles E. Jones. No amount was stated in the bill that passed. He was merely given a status in the Pension Bureau. It being necessary for him to prove his claim in the Pension Bureau, he desires that the papers now on file in the office of the Secretary of the Senate be transmitted to the Commissioner of Pensions to be considered as testimony in his case. I ask that an order may be made to that effect.

The PRESIDENT pro tempore. Without objection, an order for the withdrawal of the papers will be entered.

MARY J. HICKMAN.

Mr. GORMAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the miscellaneous items of the contingent fund of the Senate to Mary J. Hickman, widow of Anthony Hickman, late a laborer in charge of the private passage in the employ of the Senate, an amount equal to six months' salary as such laborer, said sum to be considered as in lieu of all funeral expenses and allowances.

JUDGMENTS OF COURT OF CLAIMS.

Mr. HILL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to transmit to the Senate a list of judgments rendered by the Court of Claims, not including those heretofore transmitted, and which require an appropriation for their payment.

REPORT ON THE NICARAGUA CANAL.

Mr. COCKRELL submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed 10,000 copies of the report made by Messrs. Ludlow, Endicott, and Noble, of date October 31, 1895, upon the Nicaragua Canal, together with the maps and plans accompanying the same, 6,000 of which shall be for the use of the House of Representatives and 4,000 for the use of the Senate.

NATIONAL NEW HAVEN BANK.

Mr. PLATT. On the 17th of April the Senate passed, upon my motion, the bill (S. 1365) for the relief of the National New Haven Bank of the State of Connecticut. I find that there is a mistake in the corporate name of the bank. I therefore move that the votes by which the bill was ordered to a third reading and passed be reconsidered. The bill is still in the possession of the Senate.

The motion to reconsider was agreed to.

Mr. PLATT. In line 4, I move to strike out the words "National Bank of New Haven" and insert in lieu the words "National New Haven Bank of the State of Connecticut."

The amendment was agreed to.

The bill was read the third time, and passed.

HOUSE BILLS REFERRED.

The bill (H. R. 7140) granting to A. L. Robeson Post, No. 42, Grand Army of the Republic, of Bridgeton, N. J., 4 condemned cannon and 20 cannon balls was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 8262) authorizing and directing the Secretary of the Navy to furnish condemned cannon to certain Grand Army posts, a monument association, and an army post was read twice its title, and referred to the Committee on Naval Affairs.

UNION PACIFIC RAILWAY LANDS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a former day, which will be stated.

The SECRETARY. A resolution, by Mr. WARREN, directing the Secretary of the Interior to rescind his orders to the Commissioner of the General Land Office suspending work upon the Union Pacific Railroad land lists now on file, embracing lands along the main line in western Nebraska.

Mr. ALLEN. Let the resolution be stated again.

Mr. WILSON. The Senator from Wyoming [Mr. WARREN] is not present, and I ask that the resolution may go over without prejudice.

Mr. ALLEN. I am not objecting to the resolution. I caught only the latter part of the title and I should like to have it read again.

The PRESIDENT pro tempore. The Senator from Wyoming is not present, and the Senator from Washington asks unanimous consent that the resolution may go over and not lose its place.

Mr. WILSON. Yes, sir.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 8293) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and

for prior years, and for other purposes; in which it requested the concurrence of the Senate.

GROUND MAP OF THE UNITED STATES.

Mr. CANNON. I ask unanimous consent to call up from the table the joint resolution (S. R. 135) providing for the appointment of a commission to report upon the practicability of establishing near Washington, D. C., a ground map of the United States, that I may submit a few observations upon that proposed measure. I ask that the joint resolution be read in full for the information of the Senate.

The joint resolution was read, as follows:

Resolved, etc., That the appointment of a commission of five citizens of the United States is authorized to be made in the following manner: Three members to be selected by the President of the United States, one by the President of the Senate, and one by the Speaker of the House of Representatives, and for the following purpose: To examine into and to report to Congress upon the practicability, advisability, and cost of establishing at or near the city of Washington a ground map of the United States of America, on a scale of 1 square yard of map surface for each square mile of actual area, said ground map to be as nearly as may be our country in miniature, reproducing in earth and other materials, on scale, the boundaries and the topography, all the natural and artificial features of the surface, showing geographical divisions; also, mountains, hills, and valleys, forests, lakes, and streams, cities and villages; and that said commission is to serve without compensation.

Mr. CANNON. Do I understand that I have the permission of the Senate to proceed with some brief observations on this subject?

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent that he may address the Senate at this time on the joint resolution. Is there objection? The Chair hears none.

Mr. CANNON. Mr. President, I shall move that the joint resolution be referred to the Committee on Public Buildings and Grounds at the conclusion of my remarks.

It will be observed, Mr. President, from a reading of this resolution that its sole present purpose is to provide for the creation of a commission to make certain inquiries regarding what I believe to be a most desirable object. It will also be observed that no expense will be entailed upon the National Treasury if this commission shall be appointed, except by further specific action by Congress to that end.

The purpose I have in view ultimately by this resolution is to secure the establishment at or near the capital of our nation of a ground map of this country, which shall furnish in general and in detail a comprehensive view of the vast domain within the boundaries of the United States proper. To provide so large a map as this upon the scale proposed there will be required 625 acres upon which would be projected all the geographical lines, all the topography, and what map makers call the culture of the United States. Upon imaginary State lines there would run footpaths, so that the observer could pass around each State, and through the larger States, where such paths would not interfere with the topography or the culture.

Mr. President, upon such a tract there would first be established the periphery of the United States, 10,855 miles in length of land and water boundaries, and then from the apparent sea level on the east and west the tract would be graded to a vertical scale, corresponding with the horizontal scale, to show the greatest height attained by any of our mountains.

Any season of the year might be selected for representation, either the awakening spring or the flashing summer or the serene autumn; but perhaps the 1st of June, which is, generally speaking, the most beautiful season of the year in the United States, might be chosen, and by reproducing the country as of that date some idea would be given to the observer of the latitudinal differences in the country. We would have all the rivers, all the lakes, all the forests, all the mountains, all the valleys, all the chasms, all the cities, and all the hamlets of the United States produced here in as great exactitude as human skill could compass. Upon such a map the Mississippi River with its Missouri tributary would be 4,506 yards long and about 3 feet wide of actual water. Lake Michigan would contain 22,000 square yards of actual water surface. Upon such a body miniature steamboats could ply. The cities would be probably built of glass, in order that by running electric wires under them they could be illuminated at night.

It is quite practicable, Mr. President, with the skill now at the command of our scientists, to thus reproduce the country, to give for educational purposes and for still greater purposes than immediate practical results so great a benefaction to the people of the United States.

The commission to be appointed would inquire into three propositions: The practicability, the cost, and the advisability of such a project. I group under the head of "practicability" the physical and financial propositions; and, inasmuch as it is not wise at this time to anticipate the work of the commission, I will simply state, Mr. President, that I have expert testimony on these points that neither will the cost be extravagant nor will there be any physical difficulties in the way of such a proposed production of "our country in miniature."

As to the advisability, there is not one hour, Mr. President, in any working day of the year when legislators of the United States or administrative officers are not confronted by problems which could be more speedily, more justly, and more intelligently settled by reference to a map of this character.

It is not for me to reflect upon the general intelligence of the people of the United States of America; but our country has grown so fast and so rapidly that it has passed the possibility of a man engaged in active public, professional, or business life—and therefore moving forward the many interests of the people of the United States—to so keep himself informed as to be thoroughly conversant with even the physical development of the country over which legislative and administrative officers preside, and for which they perform such signal service. A map of this character would at once, upon visiting it, convey to the mind of the observer some correct and comprehensive idea of any physical question under consideration. There is not anything pertaining to railroads, internal navigation, public improvement, or to any other physical development requiring conversance with the physical conditions of the United States but that will be settled by reference to such a map if established.

Mr. President, I listened not long since to a very interesting address on the subject of fortifications in this Senate. Coming from the vast West, without any intimate knowledge of the demands of the seacoasts of the United States, it was practically impossible, except in the most general way, to receive even from the learned Senator who addressed this body an idea of the requirements for the national safety on the seaboard.

Our seacoast, Mr. President, is 5,300 miles long in the main, and, including indentations, is 21,000 miles in length. To defend that we have 70 forts in greater or lesser degree of inefficiency—so generally inefficient that we could not kill an attacking enemy with even civilized rapidity. We have some 124 war vessels to guard that long line of coast as against the 489 which England possesses. One visit to a map of this character would convey more information of the actual need or give demonstration of the correctness of addresses delivered on the subject more comprehensively than hours and hours of talk in both branches of Congress.

Any member of the legislative body, any citizen of the United States visiting here from any section of the country, could gain an idea of the requirements of any part of the West or of the East. People from the Mississippi Valley and from the farther West could see represented the towns where are manufactured $9,000,000,000 worth of products per annum, the result of quintupled powers within the generation of men now living. People from the East could see the wonderful growth in that vast West which is opening, with its possibilities of homesteads for all the people of the United States who shall have the desire and energy to become independent owners of their country's soil.

We have arrived at an hour when the renaissance of home seeking is necessary. We have 12,600,000 families, according to the last census, and only 11,400,000 dwellings in the United States. Somewhere within 2,000,000 families in this country dwell under the same roof with other families, thus destroying the sweetest sanctity of home life.

There is in the vast West of public lands yet unoccupied nearly 1,000,000 square miles, sufficient in that arid and semiarid region to give to 16,000,000 home owners each a farm of 20 acres. In 1850 we had but a million and a half of farms in the United States. Now we have more than four and one-half millions, and from those homestead farms have come up hundreds of great soldiers of civilization, Mr. President, who, had they been reared in the crowded cities of the East, where humanity grows cheaper year by year because of its superabundance, might, many of them, have been servitors instead of sovereigns. We should so incite the thought and the sentiment of the people in this country that we shall re-create the ambition of home owning, adding strength to the mightiest bulwark of this great empire of freedom.

Historians have noted that the highest civilization of past ages was reached in rainless lands. There is a reason for that, Mr. President, because in lands where God sends the rain to enrich the soil the tiller of the soil is enervated. He goes out and looks up to the sky and says to his sons, "Well, please God, send a rain storm and we will make a crop," or, "Please God, no more rain and our crop will be saved." But in rainless lands, where irrigation is practiced, the husbandman at 6 o'clock in the morning says, "Up boys and turn the water on, and by our own energy we will make a crop;" and crop failures are never known. There is thus a significant physical reason why in rainless lands men should develop to a stancher and more self-reliant type. The men who are thus developing would prefer that rain should come, but in the centuries the result will be shown; and in the great arid uplands of our country, where the soil is nearer to the stars, there may be developed some of the greatest and highest effects of our civilization. It is to such waiting and welcoming lands that we should direct the attention of the masses of this country, that we may stay the swelling of that army of discontent, whose banner is rags, whose courage is only despair, and whose battle

cry is merely destruction of the thing that is. It is growing all the time, and anything which can draw the attention of the masses of this country to the opportunities which exist for home getting will add more than any other one thing I can conceive of to benefit and to bless the nation.

Mr. President, upon such a map would be spread out a showing of the 236,000 schoolhouses in the United States, where there are being educated by the State more than 12,000,000 of those people who have the Godlike possibilities of the future, the children who are going to do what we of the older generation thought we would do, but which we have failed to accomplish.

Mr. President, while all these practical questions are being presented, there is one more of greater importance. I think it is desirable at the present time to give some common, patriotic impulsion to the thought of the people of the United States. We grow specialized in our consciousness of our duty toward Government. The scientist says that the day has almost come when a student will give his whole lifetime to the study of a bee's foot. Because of the wonderful trend to specializing in all the departments of life, and notwithstanding the facilities for intercommunication, notwithstanding the wonderful diffusiveness of the daily papers, which furnish information, and sometimes misinformation, to the popular mind, it is a fact that men are raising around themselves a necessary environment, narrowing all the time in their appreciation of the wants of others with the growth and wonders of our civilization. And anything which can have a tendency to promote thought of the common duty of all the people to the common end, anything which can show every man who shall care to open his eyes and see, the wonder of his duty toward a country comprising such a vast variety of soil and climate with such a vast variety of needs, certainly is desirable.

Mr. President, every man in the nation should feel by example made to his physical sense, if he does not obtain it otherwise, that he is a part of a great monument like that which stands here upon the reservation—square, white, and majestic—every stone of which is absolutely necessary to its perpetuity and to its stability.

Upon this map, Mr. President, would be displayed all the colors of all the earth and its culture within our confines—the red soil of the lands east of the Alleghanies, the black loam of the Mississippi Valley, and the rainbow tints of the Colorado chasms of the farther West. Vineyards and sand dunes would be shown; the cotton fields whitening to their ripeness; the rice plantations and the fields of grain. Upon the Great Lakes of the country would stand at moor the ships which give to our internal commerce greater facilities on water than is known on all the oceans of the world. We would have the Detroit River, with its chain of steamboats, showing to the actual physical sense of the observer that way which carries more commerce than any other similar space of water on the globe.

I have said, however, that the physical advantages and the educational results to be attained are not so great, in my humble judgment, as the patriotic advantage to the country to have such a map established at the seat of Government of the United States, kept in good repair, kept up to date, with probably an attendant furnished by each State to give the information of changes so fast as they occur. I would hope, if such a map were established, that there might be some margin left to the north and to the south where extensions of the map might occur. I would hope that the patriotic scientists of this commission, if they finally decide to recommend to Congress, and if the idea should be carried out under their direction, would leave a little space off to the far southeast corner, from which might rise some time in the dear sisterhood of republics, if not in that dearer sisterhood of States, crucified Cuba. When the wound in her side shall be healed, perhaps some time her sacrificial ruby flow will mingle with the sacred scarlet of our own flag.

Mr. President, I would hope that the representatives of other lands lying to the north and the far south, gazing at such a demonstration as this map would be of the miracle of one hundred and twenty years of free civilization, will take heart of hope and, as our fathers did and dared, will themselves do and dare until no throne of earth shall cast its shadow on this hemisphere.

I move that the joint resolution be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 8293) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

BVT. COL. THOMAS P. O'REILLY.

Mr. PETTIGREW. I move that the Senate proceed to the consideration of the Indian appropriation bill.

Mr. SMITH. I ask unanimous consent for the consideration of a bill which will not occasion any debate.

Mr. PETTIGREW. I shall have to object to any order of business except the appropriation bill.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The Senator from South Dakota objects.

Mr. SMITH. I will say to the Senator from South Dakota that as I must leave the Senate for a few days, and this bill will not lead to any debate, I should like to have it taken up and disposed of now.

The PRESIDING OFFICER. Does the Senator from South Dakota yield for that purpose?

Mr. PETTIGREW. I will yield to the Senator from New Jersey on his statement that he wishes to leave the city.

Mr. SMITH. I ask unanimous consent for the present consideration of the bill (S. 559) for the relief of Bvt. Col. Thomas P. O'Reilly.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That the President of the United States be, and he is hereby, authorized to appoint Thomas P. O'Reilly, late second lieutenant in the Twenty-second Infantry of the Army, a first lieutenant in the Army, and to place him upon the retired list of the Army in his late grade, the retired list being thereby increased in number to that extent.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I now move that the Senate proceed to the consideration of the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, the pending question being on the amendment submitted by Mr. SHERMAN to the amendment of the Committee on Appropriations, on page 56, line 5, after the word "persons," to strike out "and not to their assignees"; so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to the following persons immediately upon the passage of this act, etc.

Mr. PALMER. Mr. President, yesterday when interrupted I was about presenting to the Senate my views of the actual condition of the Old Settler Indians and their relations to the United States. I said:

These persons made contracts that were sanctioned by the United States, and among the contracts which were made, I infer from the suggestion of the Senator from Missouri [Mr. COCKRELL], there was an order or resolution of this group adopted setting apart 35 per cent of whatever might be realized to compensate attorneys, or to compensate the particular attorney with whom the contract was made.

This group of persons had rights, somewhat shadowy, as I supposed at the time. They were recognized to a limited extent by the Department of the Interior as having some capacity to contract. I apprehend that as a matter of pure law they had no such power. I apprehend that the Secretaries of the Interior recognized them somewhat of necessity, and treated these contracts as having some binding force. But the particular idea I wanted to present was that these persons were incapable of making contracts that ought to bind anybody; that they were under the protection of the United States, as we sometimes say, as persons laboring under disabilities are under the protection of the chancellor, the rule being, as in chancery, that where an incapable person—as, for instance, a minor—makes a contract with a person capable of contracting the court will recognize the contract if it is for the benefit of the minor or the incapable. I suppose it was in that view or to that extent and with that limitation that the Secretaries of the Interior recognized this contract as it ought to be enforced upon principles of equity and according to the doctrine of the courts of equity—that is, to the extent that the persons who have served this group of individuals are entitled to compensation to the extent of their merits and should be paid that which they reasonably deserve to have; and that is the limit of their rights. I can not conceive that they have any right predicated upon free contracts; but the United States being the trustee, having complete jurisdiction over this subject, stands in the place of a vigilant, earnest, careful trustee, recognizing all that has been done to the extent that it has benefited these persons and that the fund shall be made to pay these persons for the services actually rendered. That is the extent to which I am disposed to concede any right to these attorneys, whoever they may be.

The United States in the administration of this fund—I speak now of the fund set apart to pay expenses, the 35 per cent—had possession of the fund, and, as I have maintained, ought to administer it upon principles of equity and justice. The laws that have

been passed in regard to this subject—I speak of them without reference to any particular statute—confided the execution of this trust to the Department of the Interior, and the Secretary of the Interior became the representative at once of the justice of the United States, and he is bound, or the United States is bound in acting through him, to see to it that absolute justice is done to all the parties who claim these funds as well as to those to whom the fund ultimately belongs. The Senator from South Dakota [Mr. PETTIGREW] said on yesterday that no part of this fund will ever be paid to these Indians. If that is a prophecy, I fear it is true; if it is an assertion of a legal proposition, I respectfully contest it. This fund belongs to these tribes, and upon the basis of the contract, because, as I understand the statement of the Senator from Missouri [Mr. COCKRELL], it is that 35 per cent, or so much thereof as may be necessary, shall be set apart. It was not a contract with anybody; at least there is no contract anywhere to be found in any of the papers by which any particular person acquired the exclusive right to this fund. It was a mere setting apart, in an imaginary sense, of money for this purpose, but the ultimate right to what remains belongs to the Indians.

The Secretary of the Interior, acting through the Commissioner of Indian Affairs, received the claims on this fund and passed upon them. He allowed to various persons the amounts which upon principles of equity and justice were due; as, for example, he allowed to one of the claimants—I speak of Mr. Peabody—$8,000, and that was supposed to be in full compensation for whatever service he had rendered the Indians. By reference to the pamphlet I hold in my hand, which contains extracts from the opinion of the Secretary of the Interior, it will be seen that this was intended to be a final and complete adjustment of the claim of Mr. Peabody against the fund. It is true that the Commissioner of Indian Affairs rejected the claim altogether, as one having no just foundation. It is also true that the Secretary of the Interior reversed that finding of the Commissioner of Indian Affairs and allowed to Mr. Peabody $8,000.

Now, what reason can be given for increasing the amount? It was referred by the United States to a commissioner, if I may use that term, with ample power to investigate and do justice with respect to the fund and to the claimant. Eight thousand dollars was allowed as full compensation, and yet the amendment of the Committee on Indian Affairs proposes to allow him the additional sum of $29,000. If he received under the adjudication of the Secretary of the Interior $8,000 in full of the merits of his claim, upon what principle can the $29,000 additional be allowed?

It appears in the course of an examination of the papers that most of these persons presented their claims to the Secretary of the Interior and most of them were passed upon, were adjudicated. I use that term not in the absolutely technical sense, but in a sense higher, because the United States, the trustee of this fund, charged with the obligation of being just to all—just to the Indians, just to the claimants—referred the matter to a proper officer, and these persons presented their claims to him. The claims were adjudicated and partially allowed, and so far as the extent of the allowance goes they were paid. I submit, therefore, that the ultimate balance of the fund after paying the just claims belongs to those from whom the fund was derived—the Old Settlers.

The United States, in the disposition of this fund, in the clear exercise of its power, determined that the Secretary of the Interior should not only pass upon the merits of the claims, but impliedly required that all claimants should apply to that adjudicating officer for the adjustment of their claims. There is a class of claims which were never submitted to the adjudication of the Secretary of the Interior. I should like to know upon what principle it is that the committee propose to allow that class of claims. The United States creates a tribunal, a competent officer, with authority to adjust the whole matter. Here are claimants with claims to a very considerable amount who have altogether declined the jurisdiction of the Department of the Interior, and the committee, upon evidence with which we have not been furnished, without requiring such presentation and without giving the ultimate owners of the residuum of the fund an opportunity to be heard in contesting the claims before the Secretary of the Interior, have made very liberal and very large allowances.

I shall refer, by way of illustration, to a few of the claims which were not presented to the Commissioner of Indian Affairs as provided by the act of August 23, 1894, amounting to $20,150. I read now:

The first observation which it seems proper for us to make upon these claims is that if they had the slightest foundation in fact, or were of such unquestioned merit as should commend them to the favorable consideration of Congress, the persons who now solicit the enactment of a law which shall provide for their payment would have been willing to submit them to an examination by that officer who was charged with the duty of making payment of the claims for "expenses and legal services."

Why did not those persons present their claims to the Commissioner of Indian Affairs, and why have they postponed the presentation of those claims until this late day? It has been said by a very distinguished jurist that time, which destroys the evidence of claims or destroys the defenses, furnishes statutes of limitations to supply the place of evidence lost. Why is it that these claims have been withheld until now? Why have not those persons submitted them to the adjudication of the Commissioner of Indian Affairs, the guardian of this fund selected by Congress, selected by the United States, which is under the highest obligation to be just and to discharge all just obligations? Twenty thousand dollars of these claims has never been presented to the Department of the Interior, from which I infer——

Mr. TELLER. If the Senator from Illinois will allow me, he is mistaken about that. They were presented, but not until after the adjudication was made by the Secretary.

Mr. PALMER. I beg pardon.

Mr. TELLER. I understand the reason why two were not presented is, that the administrators were not aware that the matter was being considered. When they did find it out they presented their claims, so I am informed.

Mr. PALMER. That would make it necessary to modify the generality of my statement. I grant that persons who were ignorant of this peculiar method of adjudicating claims are entitled to the benefit of that plea. It was not a tribunal of general jurisdiction, but one of special jurisdiction created for the purpose, and, although I do not remember that any such fact appears upon any of the records which I have examined, yet if supported by proper facts it would be a sufficient reason for not presenting the claim.

The argument against the claims growing out of their nonpresentation is, that the claimants declined the jurisdiction and preferred to appeal to Congress, where the facts could only be imperfectly known, rather than to appeal to a tribunal where all the facts might have been distinctly investigated and a proper conclusion reached. Therefore, whatever may be said by way of excuse, it would seem that persons holding claims of this magnitude would have been put upon inquiry; that they would have watched the progress of their claims, and when a plea of the statute of limitations is made to a demand the mere ignorance of the right or of the tribunal has never been regarded as an excuse for not presenting the claim. The statutes provide for disabilities, nonresidence, infancy, and many other things, which may be replied to a plea of the statute of limitations, but this being a tribunal where justice, pure, absolute justice, should be done, I am not disposed to adopt that rigid theory.

I maintain that the fund was only conditionally set apart by the Indians by a contract which was imperfect of itself. It derived its sanction largely from the acquiescence of Congress and the agents—the officers of the Department. It ought to be administered upon principles of absolute justice, and no right ought to be asserted here simply upon the arbitrary ground of contract. These persons ought to be paid the amount they reasonably deserve to have for their services, and perhaps I may allude to the opinion of the Commissioner of Indian Affairs, when speaking of the claim of Mr. Peabody, as illustrating my meaning:

I am therefore unable to find that Mr. Peabody is entitled to anything under his contract. He has filed four affidavits of services, neither of which fully complies with the statute. He declares that he did not keep a memorandum of his services, and that it would be impossible for him to file a statement showing each act of service, with date and fact in detail as required by law, and that the best he can do is to give inclusive dates within which he rendered service. This he has done in his affidavit of November 13, 1894; but even in this, as in all his other affidavits, he fails to give even one specific date upon which he rendered any single act of service.

In this affidavit he says that between the dates of December 9, 1882, and January 24, 1883, he rendered service before C. C. Clements, the special agent of the Interior Department; between January 24, 1883, and December 12, 1883, he rendered service before the Commissioner of Indian Affairs and the Secretary of the Interior; that between December 12, 1883, and February 13, 1884, he rendered service in connection with Mr. Wilshire and Mr. Sibbald in advancing the case before committees of Congress, where it was then pending; that during the period from February 13, 1884, to February 9, 1885, he was all ready to consult with his associates, and did so consult when desired; that he, from February 9, 1885, until March 8, 1889, while the case was pending before Congress on the findings of fact by the Court of Claims, was in frequent consultation with his associates, and aided in all actions possible by appearing personally, and whenever it was proper and advantageous to the case for him to appear, and in furtherance of its rereference to the Court of Claims; that after the case was sent to the Court of Claims the second time, he considered his work performed, although he was consulted from time to time between March 8, 1889, and April 21, 1891, on which latter date he entered the Government service, where he remained until October 20, 1893, and during which time he rendered no service under his contract; that from about November 1, 1893, until the passage of the act of August 13, 1894, he was in consultation with his associates from time to time and rendered service such as was to the best interest of the claim before committees of Congress.

There are loose, vague specifications, that admit of no absolute statement. It is difficult enough, at best, to fix the value of legal services. It was said by one of the judges of the Court of Claims—a citizen of Illinois, by the way—who has a good deal of humor: "What a remarkable thing it is to be a lawyer. No man can tell whether the service is worth $40 or $400. It has to be estimated." That was illustrated very much in a celebrated case in which Mr. Lincoln was concerned against the Illinois Central Railroad Company, where the elements that enter into the value of the services of an attorney were taken into account, were considered separately. One of them was the amount involved in the

controversy, which necessarily imposes higher responsibilities upon the attorney than where the amount is much smaller, and that is a part of the theory on which compensation is adjusted.

Here is a claim of $37,000. I do not speak of this claim because I am particularly hostile to it, for I regard them all as being alike. Here is a claim made by a party who does not specify—does not attempt to specify, except in this loose way—what he did, who abandoned the service of his client for two years, during which time he not only performed no service, but during which it would actually have been a crime and a misdemeanor under the statute to have served his client. This person comes and demands $37,000 on an account without specification. There is no single example of appearance before any tribunal. I speak now of the affidavits—I quote from so much of the affidavits as is furnished in the opinion of the Commissioner of Indian Affairs. For that unspecified service $37,000 is demanded. Eight thousand dollars has been determined by the proper officer of the Government to cover the entire claim so far as it has merit in fact. So I might speak of others to show how things are inflated. I speak now of the name I am about to mention with the most profound respect. I mention the case of an attorney who has claims upon the gallantry of the bar at least, not perhaps a brother lawyer, but a sister-in-law to all lawyers—the claim of Belva A. Lockwood.

This active and intelligent lawyer claims—

I read what has been written and printed—

This active and intelligent lawyer claimed the insignificant sum $80,000 for her valuable services. The claim was rejected by both the Commissioner of Indian Affairs and the Secretary of the Interior, upon such satisfactory and conclusive reasons as ought to preclude the possibility of Congress passing any act which shall give to this claimant the sum of $1,000 out of the moneys which ought to be returned to these Indians.

Mr. GRAY. May I ask the Senator from Illinois a question? Has the lawyer to whom he refers agreed to accept $1,000 in lieu of $80,000?

Mr. PALMER. I have not the confidence of that sister-in-law of the profession, but I venture to say that she will not be satisfied with it.

Mr. GRAY. Why does the Senator from Illinois say "sister-in-law"?

Mr. PALMER. Simply because she is not a brother-in-law.

Mr. GRAY. I beg the Senator's pardon, but to whom is he referring?

Mr. PALMER. I am referring to Belva A. Lockwood.

Mr. GRAY. I beg pardon. I hope I may be forgiven for any lack of gallantry in the premises.

Mr. PALMER. When I mention the name and the sex the Senator will agree with me that she will never be satisfied with $1,000 when she has claimed $80,000.

Mr. GRAY. I think not.

Mr. PALMER. It has been stated in the course of this debate that claims to the amount of $200,000 were preferred against the fund, and I must say that so far as I know the Committee on Indian Affairs and the Committee on Appropriations have divided it out as equitably as possible where there is no equity upon which the thing can possibly rest.

I insist now, in conclusion, that this fund, being in the hands of the nation as a trust, becomes a sacred fund from that consideration, and perhaps from it alone. The duty of a trustee, especially when voluntarily assumed, is one that involves the greatest responsibilities and the highest of moral obligations. The United States, without regard to the particular beneficiaries of the fund, has voluntarily assumed the trust. Rights seem to have been established in one of our courts, and that would be not only prima facie, but conclusive evidence of the justice of the right. The Indians set aside 35 per cent, or so much thereof as might be necessary, to pay the almost inevitable expenses which attend such claims. I find here that, although the contract was made with a single person, the claimants seem to be legion. They come, and each one demands a portion of the fund, and it is divided among persons who have no apparent connection with the original contract, and we are not furnished with evidence that such persons have ever performed a single act of service.

Mr. President, I have not been a member of this body for so short a time as not to know something of the influences and of the delays that attend the adjustment of claims of citizens against the Government. It is a reproach to the Congress of the United States that just and meritorious claims have not been settled long ago. There ought to be no necessity for the employment of that class of persons called lobbyists. The necessity for lobbyists has been recognized in some countries. For example, in that country from which we draw many of our institutions, they have parliamentary advocates who are recognized by the courts, the great court of Parliament. They are practitioners there and are subject to the control of the court.

We have no control over lobbyists. They simply come and go. They serve whatever interest they have and contest the questions in which they are interested outdoors or before committees, perhaps. But still they are irresponsible, and I find in this case that the Committee on Indian Affairs has simply determined by a process that they have not explained very fully to consume the fund. After A's and B's and C's amounts have been allowed to them the committee propose to dispose of the final residue. I maintain that the claims already settled and paid are enough. One hundred and ninety-three thousand dollars has already been paid out of the fund, a small balance remains, and the amendment proposes to dispose of that balance to persons who have been partially paid, persons who have received all that a proper tribunal determined they should have. Yet this is a proposition to add to their compensation. I speak of the Peabody claim again. Peabody was held to be entitled to $8,000 upon a quantum meruit, and the amendment proposes to give him $29,000 in addition to the $8,000 which was thought by the Department of the Interior or the Commissioner of Indian Affairs to be ample reasonable compensation for the services he had rendered.

Mr. President, having gone over the matter in a hasty way, I can only say that I regard this as an occasion when Congress ought to step in to protect this trust fund from further spoliation.

Mr. BROWN. Mr. President, the objection to the amendment which I made first yesterday and which I repeat to-day is that the amendment provides no suitable tribunal in which the claims can be adjudicated—no court or commission in the nature of a court where the parties who are affected may have notice, may be brought in, where the right of claimants may be determined by evidence and by cross-examination.

I have listened with great interest to what has been so clearly stated by the Senator from Colorado [Mr. TELLER] and the arguments of the Senator from Connecticut [Mr. PLATT] and of the Senator from Illinois [Mr. PALMER], and it seems to me that the more the case is discussed and the more we hear about the facts of it the more apparent it is that each step in this inquiry should be before some such tribunal as that which I have described, where witnesses may be examined and the rights of the parties determined. Take the original contract. Begin with that way back in 1875. It was a contract, as appears by the reports before us, made by a sort of convention. It is signed by William Wilson, president of the convention, and H. T. Landrum, secretary, and by those resolutions a sort of contract was made with Mr. Wilson himself and two other persons.

The contract provided that a sum not exceeding 35 per cent of the entire amount received should be set apart for attorneys, but the contract was not executed by all the beneficiaries. It was a convention from out of them, not by all of them, as I understand it, and if I am wrong I should like to be corrected. The Supreme Court of the United States, in passing upon it, say that these petitioners who were thus appointed do not represent all the beneficiaries, if I understand to whom they refer. They say in the decision when this case was before them (148 U. S., 479):

But the evidence is quite inadequate to justify the court in treating the immediate petitioners as appointed by all the beneficiaries as their agents to receive and disburse the amount awarded.

There were then certain persons who were not represented in this convention and who have not agreed to give 35 per cent; and yet out of the sum which will be awarded to them per capita must be taken the 35 per cent. In other words, they are deprived of 35 per cent of that which comes to them, without any hearing, without any contract, without any opportunity whatever to say whether it is legitimate or just. It seems to me right there we might stop and pause and say that instead of that contract being absolutely binding and giving the claimants the 35 per cent it should be only so much thereof as would be just and equitable, a quantum meruit of it. When we look at the original contract we find in it a clause, which has been adverted to by the Senator from Illinois, that it is 35 per cent "or so much thereof as may be necessary." It was evidently the intention of the original makers of the convention that some body or board of audit should determine just how much should be earned under the contract. So with the other resolutions that year after year were passed, until we come down to the resolution, which appears not to be printed, or, at least, I have failed to see any printed copy of it, and which was read here yesterday by the chairman of the committee, typewritten or in writing, in which it is said in substance that they have set aside the former contracts and awarded all to Mr. Bryan. I do not quote the words—I have not the report here—but I understand that to be the substance of it. Am I correct? The whole of the 35 per cent?

Mr. PETTIGREW. What was left of it.

Mr. BROWN. What was left of it, of course. The whole of it that has not been already used up.

Now, whether that contract was executed fairly, honestly, legitimately is a matter which they would have the right to inquire into before any tribunal. While I am not here to say that it was unfairly procured, whether it was or was not, I have heard it stated that it was a thing that these Indians had a right to defend against, being a suit in which they are in the position of defendants. You propose to take their property under that contract.

Have they not a right to have an opportunity to appear and be heard by their counsel and by their witnesses to show that that contract was procured improperly? Whether it was properly or improperly procured, Congress is not the proper place to enforce contracts or to make them. The enforcement of that contract, or any branch of it, ought to belong to some place where the parties may have an opportunity to be heard.

So in every step and every reason we find here additional grounds for demanding a judicial tribunal. The last bill that was before Congress in 1894 seemed to have left it in a measure to the Commissioner of Indian Affairs, with an appeal to the Secretary of the Interior. At all events, these parties acted upon the assumption that the Commissioner of Indian Affairs and the Secretary of the Interior had the right to adjudicate their claims. Accordingly we find that nearly all these claimants (and I do not know but all of them and many more) appeared before the Commissioner of Indian Affairs and presented their claims. To be sure, the defendants in the case, the Indians, had no notice of it. It was an ex parte hearing. It was a place where their claims were adjudicated in their own favor, and nobody had the right to defend against them. These claims were there heard and were awarded. I will reverse the order in which they appear in the bill. The principal one, Mr. Joel M. Bryan, had his cause presented there. He appeared there, and his claim was examined and adjudicated there. He received upon his claim for his services fifty-two thousand and some odd dollars, and it was adjudged to him. He accepted it. Apparently he received it. If I understand the report correctly, it was paid to him. In other words, he submitted his claim for whatever it was, was awarded $52,000, and he accepted it, and now he comes back as cool and refreshing as if he had never had a cent and says to Congress, "Give me all the rest of it that you can not apportion to anybody else."

Now, I differ with the honorable committees that have had charge of this matter, not that I express any criticism of them, or that I desire, in what I wish to say upon the subject of this claim, either to criticise their lack of examination or criticise their view; but I have the right to my own.

Mr. President, it seems to me, and I think it would seem to the majority of men, that when Mr. Bryan had presented his claim thus and had thus been awarded $52,000, and he received it in full of his services, and that when he comes back to Congress and asks more, it can not be an honest claim. While I say this with all deference to the committee, it seems to me that upon his part it would be a steal to come back and ask it. He, it must be remembered, was the confidential agent as well as the attorney. It was his business to protect these Indians, to protect this fund against the unlawful encroachment of dishonest attorneys. He claims that he has done it, and that some of this money is paid for that unlawful encroachment, and that the claim of at least one of the claimants was for that purpose. But now he says, "I must have the whole of it for doing it." What good would it be to the Indians to have this 35 per cent protected against these unlawful encroachments unless they were to have some of it, if there should be any left over?

Now he says, and this amendment proposes, that if there should be anything left after the attorneys get it, or get what they want, the balance shall be handed over to Mr. Bryan. It seems to me that the claim of Mr. Bryan under all these circumstances ought not to be allowed in this amendment. As to the claim of these other gentlemen that they were his associates, they do not pretend, if I understand the claim rightly, that one of them made an original contract with the Indians, but their contracts come from Bryan, either by direct contract with him or by the assignment of some interest that he may have had in it. So whatever rights and duties apply to Bryan must apply to his assignees as well, and whatever might be said about his conduct is equally true of the conduct of them.

It was said here yesterday in criticism of what I said that these parties were not engaged in lobbying; that it was in something else that they were engaged. I had supposed when I used the expression that there was no dispute about it that they were engaged in lobbying, and so I ask the members of the Senate who are interested in this subject to look at the original contract. The Indians claim that there was a large sum there due, and they asked Mr. Bryan to present and prosecute it before the Government of the United States. What branch of the Government? Before its courts or before its Congress? It could not be presented before the courts; it must come before Congress necessarily. In the very nature of the contract it was one in which Mr. Bryan was to appear here and procure such legislation as he thought for the interest of these Indians, and is that anything but lobbying? In using his personal influence to get this claim from the Government by Congress it was, if I understand the term at all, the beginning of lobbying. His contract was to lobby through this bill in behalf of the Indians, and the other gentlemen and ladies who present their claims are his associates, his assistants; they are assistants to a lobby. If it was wrong to call Mr. Peabody a lobbyist it could only be corrected by saying that he was assisting in lobbying, that he was assistant to a lobbyist. That was the business in which he certainly was engaged.

Mr. Bryan, it is said by the Senator from Colorado [Mr. TELLER], took such an interest in this matter that for years his face was familiar to every member of either House. How did it become familiar, Mr. President, except by his engaging in the business of lobbying? The Senator says that at least a hundred times, in all, he came to visit him while he was Secretary of the Interior and while he was a Senator. What was the errand? Was it the trial of a lawsuit? Was it anything else but exerting his personal influence as a lobbyist with the distinguished Secretary and distinguished Senator? It could be nothing else. I did not know Mr. Peabody and did not particularly intend to single him out from the rest, but he has been engaged in this service during a period of over twelve years. What could he have been doing all that time—over twelve years? It is not alleged or stated by any of the distinguished Senators who know him or know the service, it is not stated in the testimony of any witness, not even by affidavit, that he spent any twelve years in this service, nor, if I mistake not, is it stated anywhere how much time he spent. It might be true, and these affidavits also be true, that he was employed in this matter over twelve years ago, and that once a year he would spend a day upon it. So he could have been engaged in the service over twelve years. The mere length of time through which this claim was drizzling through the different Houses is not the measure of the compensation of a lobbyist or a lawyer. If it be true that the longer a lawyer could keep his client's case in court the more compensation he was entitled to, then, indeed, it might operate to put a premium on the delay of the law. The question must be, it seems to me, in considering any one of these cases, how much time, diligence, ability, and reputation each man put into it; how can we properly judge of these things here in Congress; have we the machinery or the knowledge by which we may determine them, or is it not proper that it should be referred to a judicial tribunal?

This claim of Mr. Peabody was considered by the Commissioner of Indian Affairs, carefully examined, and, in an elaborate opinion, rejected. He appealed to the Secretary of the Interior, and the Secretary of the Interior reviews the evidence, weighs the evidence, considers the case, and awards him $8,000, which he accepts.

The PRESIDING OFFICER. The Senator from Utah will please suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A resolution, by Mr. PEFFER, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. CHANDLER. I ask unanimous consent that the unfinished business may be passed over without losing its place as the unfinished business.

Mr. PETTIGREW. I think that is the understanding.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the unfinished business be passed over without losing its place. Is there objection?

Mr. HILL. We do not want any new understanding about it. I want to stand on the old understanding and not make a new one all the time. There is an understanding now.

Mr. CHANDLER. I did not ask for any new understanding. I refer to the old one.

Mr. HILL. One is enough.

The PRESIDING OFFICER. The Chair hears no objection. The Senator from Utah will proceed.

Mr. BROWN. All I ask is that that acceptance shall be final. I see no reason why with that acceptance it is proper that he should be permitted to ask for it over again. It is said here that it was insufficient. It is among the misfortunes of human trials that causes are not always determined rightly. This is not the only plaintiff, this is not the only claimant, who has presented an honest and proper claim and yet has not received the full amount of what he thought was due him. Yet it has been held, by the common sense of all mankind, that when a man does present his claim and it has been once decided and he receives the benefit of that decision, his mouth should be estopped forever upon that subject; so with each of the others. It seems to me that they have no legitimate claim to come before Congress. Many of them, and I think most of them, hold by contract from Joel M. Bryan. That is especially true of the last two, in lines 9 and 10, page 57, and I think of all the rest on page 57.

Now, I submit to the Senate, what have we to do to enforce the contracts of Bryan with the different persons who claim that they have made arrangements with him? If he owes them 1 per cent or 2 per cent or one-half per cent of what he receives, the court where he lives is the proper and the only tribunal to dispose of his indebtedness and to test the validity of his contracts.

It has been said here that the Indians are non compos, and

therefore we must pass contracts for them and take care of them. Does that apply to these claimants and to Mr. Bryan? For aught that appears here, they are able to take care of themselves. I know there has been a peculiar clause put into this amendment, which the Senator from Ohio has asked to be stricken out, which is found at page 56, lines 5 and 6, directing the payment to be made to the following persons and not to their assignees, as if these persons were incompetent to assign. And yet most of them were assignees under Bryan, or contractors under Bryan, in whichever capacity, substantially it is the same thing. Why are we asked not to recognize any assignment now when the very gist of their action under their claim against these Indians was that they are the assignees of Mr. Bryan's right?

It seems to me, Mr. President, that as we examine into this case the reasons and causes that were urged yesterday appear only the more prominent. These are claims which should be determined by some court or tribunal, and they are the claims of lobbyists whose claims have been once adjudicated and who have been in large part paid for their services.

What I have to say does not apply to one or two whose claims are still pending. Undoubtedly the Interior Department will take care of them at the proper time.

Mr. CHANDLER. Mr. President, after the amendment of the Senator from Ohio to the amendment is disposed of, I shall move an amendment to the committee amendment and which I will ask to have read at this time as a part of my remarks.

The PRESIDING OFFICER. The Secretary will read the proposed amendment to the amendment.

The Secretary read as follows:

Strike out on page 56 all after the word "that," in line 4, to and including the words "out of," in line 7; also all from line 18 on page 56 to line 14 on page 57, inclusive, and insert after line 17 on page 56 the following:

"Shall remain in the Treasury to be available, with 4 per cent interest thereon from said August 23, 1894, for the payment of the claims of the parties legally or equitably entitled to said balance; and all claimants may bring suits therefor in the Court of Claims within three months after the passage of this act and not afterwards, which shall consider all existing evidence in the Interior Department, and such other evidence as may be properly taken, and the judgments of said court shall be final and conclusive without appeal as to the amount and validity of said claims; and said balance with interest thereon shall be paid out in accordance with said judgments without further legislation by Congress."

Mr. CHANDLER. Mr. President, it seems to me that this amendment meets the objection of the Senator from Utah to the amendment of the committee. I trust this method of disposing of this vexed question will be satisfactory to the Senator from Colorado and the Committee on Appropriations and to the Committee on Indian Affairs, for the more I consider the propositions upon pages 56 and 57 of the bill, which are designed to commit the Senate to a judgment that these particular individuals are entitled to these sums and no more, the more am I opposed to having an adjudication of this kind made by the Senate.

I was struck with one curious incident of this adjudication of these claims which has been made by the Committee on Appropriations. It seems that Messrs. Reese H. Voorhees and John Paul Jones, who had received $32,000 for their services in securing the allowance of the $800,000, were also employed by a further contract to defend the Old Settlers against the unreasonable claims of attorneys, and they are to be paid $7,003.86 for defending the Old Settlers from the unreasonable claims of attorneys. Now, the Committee on Appropriations bring in a proposition here which wholly nullifies the services of Messrs. Voorhees and Jones. They were successful before the Secretary of the Interior in preventing the allowance of all the demands which were made upon this fund, and they are to be paid $7,003.86 for their success in defending the Old Settlers from these exorbitant fees; but now the Committee on Indian Affairs and the Committee on Appropriations come here and set aside all the results of these attorneys, and go on and pay to these claimants the sums which the Secretary of the Interior has refused to pay them, and in the same bill propose to pay Voorhees and Jones $7,003.86 for defending the Old Settlers from unreasonable claims.

It would seem to me as if the employment of Mr. Voorhees and Mr. Jones ought to have been extended to a defense of their clients before the Committee on Indian Affairs and the Committee on Appropriations, and that there ought to have been another sum here for that particular defense. They defended their clients with success before the Secretary of the Interior and are to be paid $7,003.86 for it. Ought they not to have been employed and paid $7,000 to defend their clients before the Committee on Indian Affairs and the Committee on Appropriations? I think so. And yet here is this ludicrous situation that we are called upon to pay to these two gentlemen $7,000 for defending their clients, while the Committee on Appropriations which allows them the $7,000 overrules and nullifies the defense which they had successfully made before the Secretary of the Interior. That seems to me to be very singular. What success have the clients of Messrs. Reese H. Voorhees and John Paul Jones had in their contention if it is to be set aside and nullified by the Committee on Indian Affairs and the Committee on Appropriations?

Mr. President, the more Senators study these items the more unwilling will they be to be responsible by their votes for the declaration and the adjudication that those particular men and that particular woman are entitled to the sums which are named here. And the more Senators will investigate the subject the more unwilling will they be to adjudicate that to Joel M. Bryan the remainder of this 35 per cent upon $800,000 shall be paid in accordance with the contract which the Senator from South Dakota read to the Senate yesterday for the purpose of showing that in no event could the Old Settlers realize anything from the balance of the 35 per cent.

As to the claim of Mrs. Lockwood, when I said it had been cut down from $80,000 to $1,000, I was not mistaken. The Senator from Colorado said she had no contract. I did not say that she had. I said she claimed $80,000, and her claim was cut down to $1,000.

Mr. TELLER. I do not hear what the Senator from New Hampshire says. If he is addressing his remarks to me I should like to hear them.

Mr. CHANDLER. The Senator from Colorado said yesterday, addressing himself to me:

If he knew the facts as well as he thinks he knows them he would get along a great deal better.

Nothing disturbs me more, Mr. President, than to have an imputation of ignorance placed upon me by the Senator from Colorado. I owe the Senator a debt of gratitude, however, because, as he has been in the habit of telling me from year to year that I knew nothing about the silver question, adding occasionally, by way of gentle admonition, that I did not desire to know, I have been led to study the subject somewhat, and I wish to say to the Senator that the result of my studies of the silver question has been different from what they have been in this case, to bring me nearer to the Senator from Colorado in my views than I should have been if it had not been, I might add, for his paternal admonitions.

Mr. TELLER. I should like to say that I am delighted to hear that the Senator has been making progress in that direction. I have been aware of that for some time, and if anything I have said has stimulated him I am very glad I said it. [Laughter.]

Mr. CHANDLER. Faithful, Mr. President, are the wounds of a friend, and it is a good thing sometimes for a man to be hugged by a bear, if he succeeds in getting away with his life. [Laughter.]

I have been investigating this subject since yesterday. I was struck by the fact that these Old Settlers seem to have made a contract with Mr. Joel M. Bryan, by which they agreed to give to him the balance of this 35 per cent. It struck me as singular that after Mr. Bryan had been working all these years of his life, from 1875 to 1895, twenty years, on a contract by which he was to receive 6¼ per cent of the amount recovered, which amounted, upon the $800,386.31, to $52,025.11, they had on the 28th day of July, 1893, made another contract with Mr. Bryan to give him all there was left of the 35 per cent. I say it struck me as very singular that the Old Settlers had been willing to do that thing. I was impressed by the air of triumph with which the Senator from South Dakota read this contract, which seems, as he said, to show that the Old Settlers were not in this business, and that it was a mere question of various persons to whom this money should be parceled out. I was set on inquiry, and I found an affidavit bearing upon that last agreement. This copy, I think, was handed to the Senator from Idaho [Mr. SHOUP], but I was informed that the original of this affidavit was placed in the hands of the Appropriations Committee. I shall be obliged to either of the Senators to ascertain where the original is, and whether or not it is in the hands of the Appropriations Committee; but I found this affidavit. I was then led to contemplate this contract, which the Senator from South Dakota claims deprives the Old Settlers of any interest in this controversy.

Mr. President, after all these years of struggle on the part of Mr. Joel M. Bryan, an appropriation by Congress was made in settlement of the claim, thanks to the efforts which had been made by the Old Settlers themselves, or by the young settlers, or by the attorneys, or by the lobbyists, or by all of them together—a settlement was approaching, an appropriation by Congress was coming; and it seems to have occurred to Mr. Bryan that by some possibility some portion of this 35 per cent of the $800,000, this $280,000 of counsel fees out of $800,000, would go to the Old Settlers themselves; that by some possibility some little remnant of that money might remain to these Indians. So, on the 28th day of July, 1893, they made this contract with Mr. Bryan. On the 26th of March, 1894, it was approved by Commissioner Browning, and on the 24th of July, 1894, it was approved by Mr. Sims, the Acting Secretary of the Interior. When it was satisfactorily arranged that by no possibility should any portion of this 35 per cent get into the hands of the Old Settlers, then this appropriation made speedy progress. The $800,000 was allowed on the 23d day of August, 1894, and to-day, in pursuance of this contract of July

28, 1893, Mr. Joel M. Bryan is to be adjudicated by this Senate as entitled to "the remainder of said sum of money after paying the foregoing specific sums, be the same more or less." We are to pronounce that that contract was legal, was fair, was equitable, and ought to be carried out by these special provisions of this act of Congress.

I learn that when the Old Settlers made this new contract they supposed that only one-half of 1 per cent of this 35 per cent would be left undisposed of by the contract which had been made by Mr. Bryan in addition to his own contract of 6¼ per cent; they supposed that the barest pittance of this whole sum was to remain, and they were induced to agree that Mr. Bryan might have that money; whereas in truth and in fact, according to this statement made by this tribunal, consisting of the Senator from South Dakota, the Senator from Colorado, and the Senator from Connecticut, there is to go, if I am right, about $20,000 under this bill to Mr. Bryan. They supposed that there was a half of 1 per cent to go to him, which would be $4,000. That was all they supposed would go to him, and the fact that they made that contract under that mistaken idea is apparent from the affidavit, the original of which is now on the files, I am informed, of the Committee on Appropriations, but which has not been submitted to the Senate by either of the Senators who have spoken in behalf of this appropriation. I ask that the affidavit may be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

CHEROKEE NATION, *Tahlequah District:*

Personally before me, a clerk in and for Tahlequah district, Cherokee Nation, came this day A. J. Robertson, R. Wofford, J. M. Smith, John Hendricks, and Lewis Miller, who, after being duly sworn according to law, jointly make the following statement:

"We are members of the 'Old Settler Cherokees,' and have been present at and have taken an active part in the deliberations and transactions of the councils of 'Old Settler Cherokees' during the past twenty years, more or less.

"We were personally present at and participated in the business done by the 'Old Settler council' in 1893, at which time the said council passed a motion or resolution allowing J. M. Bryan whatever should remain of the 35 per cent set aside out of judgment against the United States to pay attorneys' fees after all amounts already contracted to be paid had been so paid. We further state that such action by the 'Old Settler council' was had on the express understanding that said residue would not exceed one-half of 1 per cent, the said J. M. Bryan having there made a report to the effect that 34½ per cent had been contracted for already.

"We state positively that the said Old Settler Council never allowed or agreed to allow J. M. Bryan any more than the amount named, one-half per cent, in addition to what had already been allowed him.

"We earnestly protest against any further claim being allowed the said J. M. Bryan."

Further they state not.

S. J. ROBERTSON.
JOHN (his x mark) HENDRICKS.
R. WOFFORD.
J. M. SMITH.
LEWIS (his x mark) MILLER.

Subscribed and sworn to before me this the 7th day of March, A. D. 1896. Witness my hand and official seal on day and date above last written.

[SEAL.] T. W. TRIPLET,
Clerk Tahlequah District.
By ARCH SPEARS, *Deputy.*

Mr. CHANDLER. Mr. President, if the original of that affidavit is in the possession of the Committee on Appropriations, I should like to have it submitted to the Senate in order that it may not be said that this is not a true copy.

The whole transaction is a singular one. On July 28, 1892, when the Old Settlers came to pass this resolution, they personally resolved that the sum of 1½ per cent of the amount due the Old Settler Cherokees be paid to Joel L. Baugh for services rendered and to be rendered upon the Old Settlers' claim, the same to be deducted out of the 35 per cent set apart for the prosecution of the Old Settlers' claim.

It does not appear from the papers in the case who Joel L. Baugh is. Joel L. Baugh is a relative and connection of Mr. Bryan. In the year 1893, when the payment of this claim was in sight, for some reason or other, Joel L. Baugh having had no part in these contracts, a provision was made that he should receive 1½ per cent, and he has been paid I do not know how many thousands of dollars, and 1½ per cent would have been $12,000. Twelve thousand dollars was agreed to be taken out of the 35 per cent for Joel L. Baugh. That would not exhaust the whole money, and so John B. Heard, of Missouri, is provided for.

Be it further resolved, That the contract entered into July 25, 1893, by and between Old Settlers' Commissioner and Treasurer J. M. Bryan on the one part and John T. Heard, of Missouri, of the other part, for $10,000, be, and the same is hereby, approved.

So $12,000 is taken for Baugh, and $10,000 is taken for Heard. What services did Mr. Heard render? He had been a member of Congress all the time I have been in Congress down to the last Congress, and he was hardly out of Congress, if he was out of it, when this agreement was made.

Mr. TELLER. Will the Senator allow me a word, as Mr. Heard is not here?

Mr. CHANDLER. Certainly.

Mr. TELLER. Mr. Heard was employed by these Indians before he was a member of Congress. When he became a member of Congress his connection with the matter ceased, and the Indians, recognizing his services, consented that he should have $10,000. Congress passed an act, which originated in the House of Representatives, and which passed the Senate, giving him $10,000 out of this fund. There can be no reflection upon Mr. Heard. He had earned the money and was entitled to it, and everybody, unless it may be the Senator from New Hampshire, agrees that he was entitled to it. So that matter ought to be considered settled.

Mr. CHANDLER. I meant no reflection upon Mr. Heard; none whatever. The Senator is too sensitive altogether about these claims. I knew very well that this amount had been allowed to Mr. Heard after a full debate in the House of Representatives as to what should be paid him. When he was going out of Congress, after many years of service, it was suggested that many years before he had done something, some mysterious thing, some wonderful service for these Indians, and the House of Representatives, the Senate concurring, donated him $10,000, equal to the amount of his salary as a member of Congress for two years, for what he had done away back. I undertake to say the Senator from Colorado does not know to this moment what Mr. Heard did. He located the service away back in a time almost before the deluge.

Mr. Heard never brought in any bill for the service until it was found that $800,000 were to be appropriated by Congress and that there was a bare possibility that some portion of the 35 per cent might remain with the Old Settlers, and it was determined to use that up. So this arrangement was made by which Joel L. Baugh was to have $12,000 and John B. Heard was to have $10,000. Then the Indians were told that there would be a little remnant of one-half of 1 per cent, and it was suggested to them, "You are perfectly willing to give that to Mr. Bryan in addition to his $52,000, are you not?" The Indians said, "Certainly," and so that contract was made, the Indians believing that it would not amount to over $4,000. Now we are to pass this bill, and it is asserted that Joel M. Bryan, in addition to his $52,000, is entitled to $20,000 more than the $52,000, in order that the whole 35 per cent may be used up.

Mr. President, if I were not afraid that I should irritate the Senator from Colorado, I would ask him how much Mr. Joel M. Bryan is likely to get under this bill.

Mr. TELLER. Mr. Bryan should get, I think, about $11,000; between ten and eleven thousand dollars, as I understand.

Mr. CHANDLER. I thought it was $20,000, but whether it is $20,000 or not, I will call it $11,000, if the Senator says so. It would be altogether more satisfactory if we could have a report showing the reasons why this settlement should be made in this way. It would be altogether more satisfactory, if we are to be the judges, if we are to decide this question as between all of the claimants of fees in this case, where it will cost these Indians $280,000 lawyers' fees, and druggists' fees, and female fees in order to get $800,000 appropriated—it would be altogether more satisfactory if we had a report stating why these different amounts are to be paid.

There was $6,000,000 appropriated for the Choctaw and Chickasaw Indians, and $600,000 of that had to be paid out in fees. Fortunately we were not called upon to approve the whole schedule of fees. The $600,000 was put into the hands of Mr. James S. Stansley, and he took the larger part of it to St. Louis and paid it out there. He paid out the other portion in Washington, and all the lawyers from all parts of the earth, including, I think, New York City, were paid out by Mr. Stansley. I should have regretted very much if that whole list of lawyers' fees, for whom that $600,000 was paid, had been brought in here by the Appropriations Committee, and we had been obliged to indorse every one of those payments by name, as we are here asked to indorse this extraordinary list of attorneys' fees by the Committee on Appropriations to say, in our judgment and by our votes, that they are due.

Mr. President, I believe that last contract made in 1893 was not binding upon the Indians. I am very anxious to say that I think it was a fraud upon the Indians. I think I can say that without putting any imputation, which I disclaim, upon the committee. The Indians were a set of innocents. They did not know what they were doing, and the Committee on Indian Affairs and the Committee on Appropriations were a set of innocents when they brought in this list and asked us to approve it. They ought to have had counsel, Mr. Voorhees and Mr. Jones, before them, in order that they might defend this sum from the claims of all these harpies who have been making prey upon it. Mr. Voorhees and Mr. Jones have successfully protected the Secretary of the Interior, and they are paid for it in this bill. Who was there to protect these two committees when they undertook to approve and adjudicate to be valid this deceptive contract which these Indians were induced to make, and when these committees were led to ask us to say by our vote that each of these sums of money, and

no more, is due to each one of the distinguished lawyers and associates of the lawyers whose names are contained in this bill? I respectfully submit, in all candor, that the Senate of the United States ought not to have been put to this test. I submit that this money either ought to have been paid over in a lump to Mr. Bryan, if he were entitled to it, and he should have been compelled to settle with these parties, or the money should have been left in the hands of the Secretary of the Interior, and these parties should have been compelled to prove their claims to him, or else the Committee on Appropriations ought to have brought in a provision here for sending these claims to the Court of Claims, where they would have a hearing on both sides.

Mr. President, I hope that the amendment which I have submitted will, upon calm and candid reflection, when they are in a nonirritable condition of mind, be acceptable to both the Senator from South Dakota and the Senator from Colorado.

Mr. PETTIGREW. Mr. President, the Senator from New Hampshire has attacked the contract made with Mr. Bryan by the Old Settler Cherokees on the 28th of July, 1893, and to sustain his attack has put in an ex parte affidavit that the Indians understood something else. Of course an affidavit of that sort and affidavits of that character are entitled to no weight and no credence whatever. I believe it is pretty well understood from the evidence taken before the Dawes Commission that affidavits can be obtained by the bushel at a very small price from the inhabitants of that country; and to bring such an affidavit here in order to influence the action of the Senate in opposition to a contract which was duly passed by these people and approved by the Department is certainly pettifogging the case before the Senate, it seems to me.

It appears that this contract was made by the Old Settlers' council in pursuance of advertisement.

The report of the Hon. J. M. Bryan, Old Settler Cherokee commissioner and treasurer, was read.

Motion made that the president appoint a committee of five to take into consideration the report of Commissioner and Treasurer J. M. Bryan and to also look into Old Settler matters generally.

The president appointed as such committee E. B. Wright, H. C. Barnes, E. C. Boudinot, Aaron Terrell, and A. J. Griffin.

Motion made that they elect an additional member to cooperate with the committee of five appointed by the president; carried, and W. A. Duncan was so elected. Committee made the following report, which was adopted:

Among other things in the report was the following:

TAHLEQUAH, CHEROKEE NATION, *July 28, 1893.*

Then follows the report of these six gentlemen, who, on looking into all these matters, say:

We further recommend that, after the Cherokee Nation be reimbursed for all borrowed money, the residue of the 35 per cent be allowed to the Hon. J. M. Bryan, in addition to the 5½ per cent already approved, as an additional compensation for his valuable services.

We recommend the adoption of the following resolutions as embracing the substance of this report.

This is signed by the six members of the committee. Then the council proceed to pass this resolution:

Be it further resolved, That after the Cherokee Nation shall have been reimbursed for borrowed money and all contracts in force satisfied the residue of the 35 per cent shall be allowed to Hon. J. M. Bryan, commissioner and treasurer, as an additional consideration for his long and valuable services as commissioner, delegate, and attorney for the Old Settler Cherokees.

Then follows this:

Be it further resolved, That all previous acts of the Old Settlers' councils not modified by these resolutions be, and the same are hereby, reaffirmed.

Be it further resolved, That our delegate and commissioner, or his successors, are hereby instructed to see that no claims are allowed for attorney fees acting for the Old Settlers in cases where no services have been rendered or where they have failed to strictly comply with the provisions and conditions of their contracts.

The Senator says that $7,000 was allowed to Voorhees and Jones to defend against the very claims that the committee now allow in order that the Old Settler Cherokees might save a part of the 35 per cent. They passed a resolution giving the remainder of the 35 per cent to Bryan, and then passed a resolution protesting against claims that were not proper claims and where no service had been rendered. They employed these attorneys to contest those claims in excess of the 35 per cent. There were claims filed that pretty nearly absorbed the whole $800,000, and part of the claims allowed by the committee are for service in contending against and securing the disallowance of those claims in excess of 35 per cent.

This report is signed July 28, 1893; passed the council unanimously at Tahlequah, Ind. T. It is signed by six persons, Mr. Wright, Mr. Boudinot, Mr. Barnes, Mr. Duncan, Mr. Terrel, and Mr. Griffin. It was approved July 28 by Mr. Hendricks, president of the council, and then there is a certificate and seal that this is a true copy of the original. Then C. J. Harris, who signed the protest here, the principal chief of the Cherokee Nation, certifies:

I * * * do hereby certify that the foregoing four pages are the proceedings of an Old Settler Cherokee council held at Tahlequah, Ind. T., on the 28th of July, 1893.

And yet the Senator brings in to impeach this an affidavit of some of these Indians in which it is charged that Mr. Harris and those six gentlemen did not know what they were about when they made the contract, which was approved by the Commissioner of Indian Affairs and the Secretary of the Interior.

Now, let us see what Bryan had done to earn this money. He has been paid $52,000, but $52,000 will only pay him back the money he has advanced and the expense he has been to. He is 86 years old. If the case is sent to the Court of Claims he will never live to see the end of it or to receive a dollar of the money, and I think what he himself says in his affidavit certainly must be true. He states what I will read:

Joel M. Bryan, having been duly sworn on his oath, deposes and says:

The Old Settler claim arose under treaty of 1828, the treaty violation of 1835, and failure to make full settlement under the treaty of 1846.

From 1846, when the Old Settlers presented the claim, and 1852, when they protested against the partial payment of it, till 1875, they had made various attempts to secure justice, to induce the officers of the United States who had the proper authority to secure an adjustment of the sum due them.

They were poor, without influence, and discouraged by two entire generations of failure. Our community had no representation in Congress, even by a Delegate, no votes to be considered, and no stronger method of commanding and enforcing our rights than by appeal to the justice of preoccupied men, whose energies were absorbed in other duties.

I was then a vigorous and sanguine man of 65 years. I had had a large experience in public affairs and knew the justice of the claim. I believed I could make its merit so clear that payment would soon follow. My present age of 86 and my position as a suppliant for fees earned at the expense of life, the sacrifice of fortune, and the repose due old age admonish me that I was oversanguine, and that even a just claim against the United States may be full of jeopardy and heart-breaking discouragement.

If it is sent to the Court of Claims he will certainly die continuing in this belief, for he will not get a dollar out of it for five years.

Mr. GRAY. How much has he already received?

Mr. PETTIGREW. He claims the entire $79,000, and proceeds to make a good case for every cent of it. He says, however, that he wants what he can get before he dies, and he is willing that it shall be distributed in this way if he can get his $11,000 to carry him to his grave. Yet Senators stand up here and attack this old man's just claim, which he spent his life contending for, and want to beat him out of it:

It is but justice to myself to say that, when I assumed the responsibility of collecting the money due my people, I laid aside everything else and gave my whole time and energy to this duty. I was then fairly well off. I had two stores, one at home and one at Fort Gibson, a good farm, home residence, the best flour mill, sawmill, and planing mill in the Cherokee Nation, 12 teams and wagons, horses and cattle, various town lots, and was generally well to do. When I had finished this fight I had consumed it all and was heavily in debt. After I used up my property, when Congress was not in session, I practiced law in the courts of the Cherokee Nation making, probably, $1,500 a year from this source, every dollar of which I used in keeping up and pressing the fight for my people.

I think it proper to say that in the brief and condensed history of my services which follow in these pages I wish it to be understood as part of my sworn statement that at no part of the long struggle was I a noncombatant, but that I took an active part in drawing the various bills by which relief was sought, drew memorials, obtained evidence, made written and oral arguments whenever and wherever necessary, constantly personally interviewing the executive officers and members of Congress, and urging their action with all the zeal I possessed.

Then he gives a history of the case in detail, what he did in each Congress every year, showing that he spent every moment of his time on the claim. He made 72 trips from the Indian Territory to Washington and back. Knowing all these facts, knowing his valuable service, knowing that he had taken a contingent fee and put up his entire fortune, the Cherokee Indians chose to give him the remainder of the 35 per cent, as they had a right to do, and they made a solemn agreement and contract which it is proposed to refute and overturn by an ex parte affidavit of a lot of Indians put in here by the Senator from New Hampshire. If he were practicing before a justice's court he would hardly undertake to pursue such a course.

Bryan said the Secretary allowed him 6½ per cent, or $52,025. He says:

It may not be improper to state that this sum was in large part consumed at once in paying my private indebtedness incurred in the prosecution of this case for money borrowed, with years of accumulated interest, and for my local attorneys, whose assistance was necessary to me in the safe conduct of this case.

He not only had spent his fortune, but he paid out nearly all of this money, and is without compensation. He is here pressing his claim for the remainder of this money. It seems to me, in view of these facts, that there is no possible equitable claim on the part of the Cherokees for a dollar of this money, and that not a dollar of it can go to them. It must go to Bryan, if not distributed among the attorneys, and if Mr. Bryan is satisfied that it shall be distributed in this way who else has occasion to complain? Who else is interested?

It seems to me that if the Senators who have not spoken against the amendment are as ignorant in regard to this case as those who have spoken, it will be unfortunate, indeed. It seems to me only those Senators have spoken against the amendment who are ignorant with respect to it, who know nothing about it. They have groped along here through two days of discussion for the purpose of gaining information, I should judge, and yet they succeeded in absorbing but very little of it. Bryan shows here by a bill of

items that he has paid out not only the $52,000 which he has received, but a sum nearly equal to the whole $75,000 still undistributed.

It seems to me, and it seemed to the Committee on Appropriations and to the Committee on Indian Affairs, which went carefully into the whole subject and made a unanimous report, that this is the best disposition that can be made of the money. There is not money enough to begin to pay all the claims that were presented, and we determined, if possible, to keep the question out of future Congresses. We therefore provide "that every person receiving the sums herein stated shall receipt in full for all claims upon the aforesaid fund."

I think the best thing for the Senate to do is to dispose of this matter by adopting the committee amendment and have it done with.

Mr. TELLER. Mr. President, I merely wish to say a few words about this case, because it seems that the gentlemen who have the largest amount of money involved are made the object of special attack by some Senators, and it is repeated, notwithstanding what I called the attention of the Senate to yesterday, that this man has rendered no service.

I call the attention of the Senator from Illinois [Mr. PALMER], who seems to think this man rendered no service, to the fact that the foundation of the claim is the report of the Commissioner. If that report had been against the claim or for a much less sum, undoubtedly a less sum would have obtained, and if wholly against it there would have been no further consideration whatever. In an affidavit submitted to the Secretary of the Interior by Mr. Clements, the Commissioner, who, as I said yesterday, I have known for thirty years, an honest man, he makes the statement that after he had made the first report Major Peabody and Mr. Sibbald, who is one of the beneficiaries in the amendment, discovered that he had made an error against the Old Settlers of $240,743.82. Subsequently they discovered another error of $54,000, making an error of about $300,000 in the accounting, which he said was discovered by Peabody and Sibbald.

The Senator from Utah [Mr. BROWN] insisted that these men were lobbyists. He makes the statement that they must be lobbyists, because there was no other place to which they could go than to Congress. I do not understand that when a claim is prosecuted before Congress every man who prosecutes it is a lobbyist. I do not understand that Mr. Bryan comes within the term "lobbyist." A man who comes here to see that justice is done, although he may be employed as an attorney who goes before committees, is not to be rated as a lobbyist. If they could not hire attorneys to come here they would have no remedy whatever. The late Attorney-General, Mr. Garland, than whom no more honorable man ever sat in this Chamber, states of his own knowledge the service rendered by Mr. Peabody, and he says that Mr. Peabody made trips to the Indian Territory in the interest of the claim, looking up facts. Governor Crawford, a former governor of the State of Kansas, files an affidavit in which he states that he has been entirely familiar with Major Peabody's services, as he was prosecuting a claim at the same time, and he also states that Major Peabody's services were of great value, as Mr. Garland had stated before.

There is abundant evidence here. Governor Crawford gives to Peabody practically the credit of securing the first legislation recognizing that there was some obligation on the part of the Government to pay the claim. He says that Peabody was largely influential in securing the commission, and the Commissioner states that during the two years 1882 and 1883 Mr. Peabody was daily before him in connection with the matter. Mr. Peabody was a merchant, familiar with accounts, books, and figures, and he devoted his time to going through the various files of the Department and making calculations and presenting them to the commission. The Commissioner's statement is here that nearly $300,000—$294,000—was saved to the Indians by those two attorneys alone.

I made the statement—I am always loath to do it—that on the protest of these men I allowed the Commissioner to withdraw his report for revision. It does seem to me that it ought not to be controverted that Mr. Peabody rendered valuable service. The Commissioner says that he did not think his services were valuable, because he did not think the report of the commission amounted to anything; but it was the basis of all the proceedings in the courts and everywhere else subsequently. I repeat, but for the favorable finding there never would have been any claim presented to Congress and the Old Settlers would have lost their claim.

Mr. Bryan, who is a beneficiary, as I stated yesterday, declared after the appropriation was made that Major Peabody had rendered services entirely in accord with his contract. He wrote him a letter to that effect and signed his affidavit, saying that the facts stated in his affidavit were correct. Mr. Bryan is not now contesting the question. He has an attorney here in the city who is representing his claim before the m comittee, and he consents that these people shall have the money and consents to take the balance of it.

Now, what we are contending for I am unable to say, unless, as was suggested yesterday, somebody may think that the Government will confiscate this money and keep it itself. It does not belong to the Indians. It belongs to the attorneys. It is theirs of right, and it ought to be paid to them. They ought not go to the Court of Claims, which is so filled with business that it will be five years before a decision is reached. Old man Bryan will be dead. Some of the rest of them will be dead. They have rendered service, they are entitled to the money, and every year we adjudicate on just such evidence claims aggregating millions and millions of dollars.

The Senator from Utah says we are not the proper tribunal. We every day take cognizance of claims involving as much money as this, because we have the right so to do, and there is no reason why we should not settle this question, which is a mere question between attorneys, and the attorneys themselves agree to the settlement. If the nation is trustee, it is trustee for whom? For the people who are entitled to the money. We are not trustees for the people who are not entitled to it, but for those who are. When all the people who have contracts, as here represented, who have not been paid in full agree among themselves, which they have practically done, there is no reason, and there can be none on the face of the earth, why the claim should not be paid.

I am very certain that if the Senators who have been contesting this claim had known as much then as they know now, probably they would not have contested it so hotly as they have. I know how easy it is when we get into a controversy to bear it out and go through with it. I know that in our own profession it is exceedingly natural that we should, but after all what good can come of sending the claim to the Court of Claims? The division is fair. It is agreed to practically by all. Some of them think they do not get enough. They could not get enough. There is not money enough to give them under their contracts. There have been too many contracts made.

Mr. PLATT. What right has Congress to send these parties to the Court of Claims? How can we oblige the Old Settlers to go into the Court of Claims?

Mr. TELLER. I suppose if we say they have to go there and that we will not do anything else, the poor creatures will have to go there.

Mr. PLATT. It is not a claim against the United States.

Mr. TELLER. It is not a claim against the United States.

Mr. PLATT. It is not a claim against the Cherokee Nation.

Mr. TELLER. It is not a claim against the Cherokee Nation. It is a claim against the fund which we hold as trustees, which we are as capable of settling on the equities of it, the right of it, as the Court of Claims.

Mr. PLATT. The Old Settlers constitute a voluntary association.

Mr. TELLER. That is true. This is nothing more to me than to any other member of the Senate. I happen to be conversant with the services most of these people have rendered. Some of them rendered services in the matter before I got into the Interior Department, like the two gentlemen in North Carolina who are dead. But they rendered the service under a contract which was approved, and they are entitled to as much as they will get, and I have no doubt they are entitled to more.

Mr. Bryan has given thirty-odd years to this matter; he has paid large sums of money and he will not get any extraordinary compensation. The fees are not large as I understand fees. They would not be regarded in my country as especially large, or in Utah, as I recollect, for the amount of service and the time. I think the Senator from Utah would hardly render the service these men have rendered and charge less. Unless attorneys' fees in Utah have fallen in the last fifteen years, he would expect quite as much as it is proposed to give to these people. They are entitled to their money. It would be a great hardship and a great wrong to send them to the Court of Claims. Of course, if Congress says they can not have it without going there that is the end of it, and they will have to go there and fight it out and divide up the money among a lot of attorneys. There will be long litigation and some of the claimants will die before they realize anything from the claims. I believe that the two committees, acting independently of each other, have arrived at practically the same identical conclusion, and I think it is very strange if there can be any better adjudication than that which has been made of the claims by those committees.

Mr. ALLISON. Is there an amendment pending to the amendment of the committee?

The PRESIDING OFFICER. The pending amendment is the amendment proposed by the Senator from Ohio [Mr. SHERMAN] to the amendment of the committee.

Mr. CHANDLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Davis,	Lindsay,	Roach,
Allison,	Dubois,	McMillan,	Sewell,
Baker,	Elkins,	Mantle,	Sherman,
Bate,	Faulkner,	Martin,	Shoup,
Brice,	Frye,	Mills,	Teller,
Brown,	Gear,	Mitchell, Oreg.	Turpie,
Burrows,	George,	Mitchell, Wis.	Vest,
Butler,	Gray,	Nelson,	Walthall,
Caffery,	Hansbrough,	Palmer,	Warren,
Call,	Hawley,	Pasco,	White,
Cannon,	Hill,	Perkins,	Wilson,
Carter,	Hoar,	Pettigrew,	Wolcott
Chandler,	Jones, Ark.	Platt,	
Chilton,	Jones, Nev.	Pritchard,	
Clark,	Kyle,	Pugh,	

The PRESIDING OFFICER. Fifty-seven Senators have responded to their names. A quorum is present.

The pending question is upon the amendment proposed by the Senator from Ohio [Mr. SHERMAN] to the amendment of the Committee on Appropriations.

Mr. GEORGE. What is the amendment?

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. In lines 5 and 6, page 56, strike out the words "and not to their assignees"; so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to the following persons, immediately upon the passage of this act, out of the balance remaining of the 35 per cent reserved for payment of legal services rendered and expenses incurred, etc.

The amendment to the amendment was rejected.

Mr. CHANDLER. Now I move the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment of the Senator from New Hampshire to the amendment of the committee will be stated.

The Secretary read as follows:

Strike out, on page 56, all after the word "That," in line 4, to and including the words "out of," in line 7; also all from line 18, on page 56, to line 14, on page 57, inclusive, and insert after line 17 on page 56 the following:

"Shall remain in the Treasury, to be available, with 4 per cent interest thereon from said August 23, 1894, for the payment of the claims of the parties legally or equitably entitled to said balance, and all claimants may bring suits thereof in the Court of Claims within three months after the passage of this act and not afterwards, which shall consider all existing evidence in the Interior Department and such other evidence as may be properly taken, and the judgments of said court shall be final and conclusive, without appeal, as to the amount and validity of said claims, and said balance with interest thereon shall be paid out in accordance with said judgments without further legislation by Congress."

Mr. GRAY. I should like to ask the Senator from New Hampshire if it is within the meaning of his amendment that this whole fund shall be distributed by the Court of Claims as a fund or whether they shall be at liberty to decide upon claims against them, and if perchance there should be none established against them, the fund is to remain undistributed to go to the Indians or whoever may be the lawful owners?

Mr. CHANDLER. My amendment contemplates that the Old Settlers will themselves bring suit for this money, and that the various parties who claim to be paid fees from the fund will bring suit, so that the clause as a whole creates an interpleader suit.

Mr. GRAY. Are the Old Settlers capable of bringing suit, may I ask the Senator?

Mr. CHANDLER. I suppose they are, Mr. President.

Mr. PLATT. They certainly are not.

Mr. GRAY. They are not capable in a legal sense. They are not incorporated and a body recognized as a party to a suit in court.

Mr. PLATT. Unless specially authorized by Congress.

Mr. GRAY. Are they specially authorized by Congress?

Mr. PLATT. Not by the amendment.

Mr. GRAY. They ought to be specially authorized, I suggest to the Senator from New Hampshire, to bring that suit.

Mr. PLATT. The amendment to the amendment is, in my judgment, I venture to say, entirely and absolutely inoperative.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New Hampshire [Mr. CHANDLER] to the amendment of the Committee on Appropriations.

Mr. BROWN and Mr. CHANDLER called for the yeas and nays; and they were ordered.

Mr. BATE. Now let the amendment to the amendment be read again.

The Secretary again read the amendment to the amendment.

Mr. PLATT. Now, to show how utterly inoperative that is, just suppose that Belva A. Lockwood, whom the Senator from New Hampshire seems to represent on this floor and to think she is entitled to $80,000——

Mr. CHANDLER. The Senator from Connecticut misapprehends me. He is the representative of Mrs. Lockwood to the extent of a thousand dollars, and I am to represent her only to the extent of $79,000 under those circumstances.

Mr. PLATT. The Senator seemed to be very much troubled because the claim of Mrs. Lockwood had been cut down. Suppose she brings suit for $80,000 and gets the first suit on the docket and recovers that amount, who else is going to get anything of the fund? There is no provision in the amendment that the court shall determine as between the different claimants what portion each shall have. It will simply allow the first person who gets in there and can establish a claim to have it paid, and then the next one, until the fund is exhausted. One or two claims may exhaust the whole of it and the others be left out. It is utterly inoperative.

Mr. CHANDLER. There is no such intention and no such provision, as the Senator very well knows. I suppose the amendment can be expanded so as to make it a bill of interpleader or an interpleader suit, which is certainly what is meant. When the time for the presentation of claims is limited to three months there is no danger that all the parties will not be in court. The Court of Claims is to decide to whom this fund belongs. I think the amendment is sufficient, and it can be amended after it is adopted if it is thought that other words should be added to it to make its meaning clear.

Mr. MILLS. I ask the Senator why he proposes that 4 per cent interest shall be paid?

Mr. CHANDLER. Several Senators have asked me about that. I inserted 4 per cent interest because it is the custom of the United States to pay 4 per cent interest on judgments of the Court of Claims. We ought to have paid this money. Under the circumstances, however, I ask leave to strike out the clause "with 4 per cent interest thereon from August 23, 1894."

The PRESIDING OFFICER. The amendment will be so modified. The question is on agreeing to the amendment of the Senator from New Hampshire [Mr. CHANDLER] to the amendment of the committee, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. HANSBROUGH (when the name of Mr. DUBOIS was called). I am authorized to announce that the Senator from Idaho [Mr. DUBOIS] is paired with the senior Senator from New Jersey [Mr. SMITH].

Mr. GEAR (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON]. He is not present, and I withhold my vote.

Mr. HILL (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE].

Mr. McMILLAN (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. MITCHELL of Oregon (when his name was called). I have a general pair with the senior Senator from Wisconsin [Mr. VILAS], and withhold my vote.

Mr. WALTHALL (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. FAULKNER (after having voted in the affirmative). When I voted I did not know that my colleague [Mr. ELKINS], with whom I am paired, is not in the Chamber. I therefore withdraw my vote.

Mr. GEORGE (after having voted in the affirmative). Has the Senator from Oregon [Mr. McBRIDE] voted?

The PRESIDING OFFICER. He has not voted.

Mr. GEORGE. I withdraw my vote, as I am paired with that Senator.

The result was announced—yeas 15, nays 36; as follows:

YEAS—15.

Bate,	Chilton,	Kyle,	Sewell,
Brown,	Cockrell,	Mills,	Vest,
Caffery,	Gallinger,	Palmer,	White.
Chandler,	Gray,	Pasco,	

NAYS—36.

Allen,	Clark,	Mitchell, Wis.	Roach,
Allison,	Cullom,	Nelson,	Sherman,
Bacon,	Davis,	Peffer,	Shoup,
Berry,	Frye,	Perkins,	Squire,
Brice,	Hansbrough,	Pettigrew,	Teller,
Butler,	Hawley,	Platt,	Turpie,
Call,	Jones, Ark.	Pritchard,	Warren,
Cannon,	Jones, Nev.	Proctor,	Wilson,
Carter,	Mantle,	Pugh,	Wolcott.

NOT VOTING—38.

Aldrich,	Gear,	Lindsay,	Smith,
Baker,	George,	Lodge,	Stewart,
Blackburn,	Gibson,	McBride,	Thurston,
Blanchard,	Gordon,	McMillan,	Tillman,
Burrows,	Gorman,	Martin,	Vilas,
Cameron,	Hale,	Mitchell, Oreg.	Voorhees,
Daniel,	Harris,	Morgan,	Walthall,
Dubois,	Hill,	Morrill,	Wetmore.
Elkins,	Hoar,	Murphy,	
Faulkner,	Irby,	Quay,	

So the amendment to the amendment was rejected.

Mr. GALLINGER. Mr. President, when this matter was first called to my attention in examining the bill under consideration and after having read a printed brief that had been sent to me, as I presume it was sent to every other member of this body, my

prejudices ran in the direction of looking upon the entire proposition as one devoid of merit if not possessed of the absolute elements of fraud, and I had intended to cast my vote against the amendment of the committee. Since that time I have received a communication from a friend of mine, a man who would not advocate the passage of a bill that was not a just one by this or any other legislative body. He has called my attention particularly to one claim in the list which he insists is entirely meritorious, whether the other claims are meritorious or not.

I have examined the claim thoroughly—

That is, the claim of D. A. McKnight—

and believe it to be without a flaw. Mr. McKnight appeals to Congress from an inequitable ruling of the Secretary of the Interior, which was founded on several mistakes of fact, and I ask you to aid in securing justice for him. The recent protest of the Old Settler delegates against further payments to attorneys excepted cases of "mistake," and Mr. Garrett's protest was leveled at "spurious" claims, which this claim manifestly is not.

Accompanying this letter is a printed brief, which I presume has been prepared by Mr. McKnight, in fact it is signed by D. A. McKnight for the surviving partners, in which the equities and perhaps the law of this case are argued at considerable length. The statement is that—

The claim made by D. A. McKnight was originally for $16,007.72, or 2 per cent of the appropriation of $800,386.31 for the "Old Settlers" or Western Cherokee Indians (Senate Executive Document 77, Fifty-fourth Congress, first session, page 9), of which but $4,000 was paid by the Secretary of the Interior (ibid, page 3). The claim now made is for the difference between the said sums, or $12,007.72.

The grounds upon which the claim rests are the errors committed by the Secretary of the Interior in reaching his conclusion as to the value of the services of the late E. John Ellis, a member of said firm of Ellis, Johns & McKnight, and who rendered most of the services for which this compensation is prayed. Said errors were the following:

1. Mistake of fact, in that the Secretary has found that the services of said E. John Ellis, though "of the most meritorious character"—

That is a quotation from the Secretary—

"were not of long duration, for he died a few months (namely, four) after he was employed in the case"; whereas the record shows that he was employed in the case at least sixteen months before his death, and his services were therefore reasonably worth four times the valuation which the Secretary has placed on them, or $16,000.

2. Mistake of fact, in that the Secretary has found said Ellis's services to be of the value of $4,000 only, while finding the services of W. W. Wilshire, whose "most valuable service" was his work in connection with the first reference of the claim to the Court of Claims under the Bowman Act and in prosecuting it there, to be worth $13,500; whereas said Ellis's most valuable work was in procuring the second reference to said court by act of Congress, after it had been reported adversely by the House, and in preparing the petition in said court, and was therefore reasonably worth more than said Wilshire's work.

3. Mistake of fact, in that the Secretary has found said Ellis's services to be of the value of $4,000 only, while finding the services of W. W. Wilshire and A. H. Garland to be of the aggregate value of $28,500; whereas the Indians themselves fixed the value of Wilshire's services at $40,000, and, since after his death said Ellis and Garland rendered the remainder of the services which he had engaged to perform, the services of Ellis were therefore reasonably worth more than $11,500.

4. Mistake of fact in that the Secretary has (implicitly) found that the services of said Ellis were rendered under an individual employment and not under an employment of the firm; whereas the employment was clearly of the firm, as well understood by said Ellis, by said Johns and McKnight, and by Bryan, the "Old Settler" agent; and, the contract entered into never having been revoked, and the several members of said firm having partially rendered, and being always able, ready, and willing to render the full services stipulated for, said firm were justly entitled to the $16,000 provided for in said contract.

Following this statement is an argument of each of the points made, which I will ask to have inserted in the RECORD without reading. I think the matter is discussed very intelligently, and to my mind it is discussed very conclusively:

First. The Secretary erred in finding the period of E. John Ellis's services to be of short duration, or about four months altogether, whereas they extended over sixteen months at the least, were "of the most meritorious character," and were reasonably worth $16,000.

In regard to compensation for the services rendered by Mr. Ellis the Secretary's decision is as follows (ibid., page 25):

"The proof shows that this claim is of the most meritorious character. To be sure, the services of Mr. Ellis were not of long duration, for he died a few months after he was employed in the case. I do not think, under the circumstances, that the representatives of Mr. Ellis are entitled to a very considerable compensation for his services. * * * I am of opinion that the estate of Mr. Ellis should be allowed the sum $4,000 in full for his services."

The Secretary's mistake undoubtedly arose from his reliance on the report of the Commissioner of Indian Affairs, which took December 15, 1888, the date of a certain written contract with Mr. Ellis, as the date of his employment. This date was so taken under a ruling of the Attorney-General that under sections 2103–2105, Revised Statues, only services rendered "after the date of the contract" could be considered (ibid., page 17), and the Commissioner accordingly found that "there were but little over four months between the date of Mr. Ellis's contract and his decease" (ibid., page 18). The Commissioner further strenuously contended that sections 2103–2105, Revised Statutes, controlled the disbursement of the fund set apart for the payment of the fees of attorneys (ibid., page 10), but in this he was overruled by the Secretary (ibid., page 24), who held that the appropriation act, authorizing payment "for legal services justly or equitably payable on account of said prosecution," contemplated not only services rendered upon contracts executed under the Revised Statutes, but "under agreements not strictly within the requirements of the Revised Statutes, which gave just and equitable claims on the Old Settler Cherokees for professional services." This ruling justified payment for professional services rendered before the date of the written contract, and under it the services of Jones and Voorhees so rendered (ibid., pages 8 and 9) were paid in full. This ruling and this precedent required the Secretary to pay for E. John Ellis's services so rendered, and he undoubtedly would have done so had he not overlooked the facts in the record, which are as follows:

1. The contract of December 15, 1888, between J. M. Bryan and E. John Ellis recites that services had been rendered by said Ellis prior to its date (Senate Executive Document No. 18, Fifty-second Congress, second session, page 57):

"Whereas the said J. M. Bryan is desirous of securing the services of the said E. John Ellis in the future, and to remunerate him for services rendered in the past," etc. * * * "And in consideration of the services heretofore rendered by the said E. John Ellis, and the services hereafter to be rendered and performed by him," etc.

2. Said contract also recites that Mr. Ellis's employment was "as assistant counsel or attorney to prosecute said claim before the proper committees of Congress," etc. The Committees on Indian Affairs of both the House and Senate had reported favorably on February 7, 1888, or more than ten months before (Fiftieth Congress, first session; Senate Report 217; House Report 342).

3. Hon. H. L. Dawes, then chairman of the Senate committee, and Hon. S. W. Peel, then chairman of the House committee, both certify to Mr. Ellis's services before their respective committees "while they had the subject under consideration."

SENATE OF THE UNITED STATES,
Washington, D. C., April 21, 1892.

MY DEAR SIR: I knew the late E. John Ellis very well, and had a very high personal regard for him. I knew that he interested himself very much in the prosecution of the claims of the Old Settlers or the Western Cherokee Indians, and acted precisely as if he was counsel in the case. He frequently consulted with me upon the subject, and with other members of the committee. I am not sure that he ever appeared before the full committee in any hearing that was had in their behalf, for I do not remember of any special hearing. The matter was considered by the committee, and Mr. Ellis and others interested in it presented their views mostly to the committee individually.

I am, truly yours, H. L. DAWES.

D. A. McKNIGHT, Esq., *1416 F street, City.*

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., February 22, 1890.

FRIEND McKNIGHT: Yours received. E. John Ellis, late of your firm, appeared frequently before the sub and full Committee on Indian Affairs, House of Representatives, as attorney for the Western Cherokees, or Old Settlers, in prosecution of a bill to refer said claim to Court of Claims United States. He rendered all the service that an attorney at law could have done.

Respectfully, S. W. PEEL.

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., April 20, 1892.

DEAR SIR: In regard to the bill passed by the Fiftieth Congress conferring jurisdiction upon the Court of Claims to determine the rights of the Old Settlers, or Western Cherokee Indians, I am requested by the friends of the late E. John Ellis to refer to the part he took as attorney in the prosecution of the claim.

The firm, I think, was Ellis, McKnight & Johns. I can say that Mr. Ellis was very zealous in the prosecution of the claim; it was one he had had under his control, as I understand it, for many years. He frequently appeared before the Committee on Indian Affairs of the House in its interest, and made an argument before the subcommittee of which I was chairman, and was very efficient in getting up the law and data to submit to Congress. After our committee had come to the conclusion that it was a meritorious claim, or sufficiently so to go to the courts, Mr. Ellis appeared before the whole committee and presented it in a more forcible manner than I had ever seen it done before. There is no doubt but what he rendered valuable service, and I believe he did all any lawyer could under the circumstances.

Respectfully, S. W. PEEL.

THE SECRETARY OF THE INTERIOR, *Washington, D. C.*

4. The affidavits of the late John Johns and D. A. McKnight (Ibid, pages 61, 58) aver their personal knowledge of Mr. Ellis's assiduous efforts in Congress; and another affidavit of D. A. McKnight (copy herewith filed) explicitly avers his knowledge of Mr. Ellis's services "for many months, and, as affiant is informed and believes, for more than a year prior to the date of said contract."

There is no denial or attempt to deny Mr. Ellis's said valuable services before the committee of Congress except the following statements by Mr. Bryan:

"The late E. John Ellis did no service in the prosecution of the said claim."

"Mr. Ellis rendered no service in procuring the passage of this bill, to my knowledge or to the knowledge of the Old Settlers or Western Cherokees."

"Affiant and the said Wilshire worked energetically and successfully to secure the passage of the said bill until the death of said Wilshire, affiant continuing thereafter to care for said bill."

The first of these statements is absurdly false, and is so proved by the contract itself. The second statement is limited to Bryan's personal knowledge, and the third is not a denial that Mr. Ellis also aided in the matter. They do not shake the positive evidence hereinbefore recited.

Said evidence shows conclusively that Mr. Ellis was engaged in serving the Old Settlers for at least a year before the date of his contract, which period the Secretary did not consider in valuing his services. Since the Secretary has found four months' service to be worth $4,000, on the same basis a reasonable value for sixteen months' service would be $16,000.

Indeed, the most valuable part of Mr. Ellis's services were in procuring the favorable reports of the committees, for it is to be remembered that, notwithstanding the favorable finding of the Court of Claims under the Bowman Act, the House committee had reported against the claim in the Forty-eighth Congress, second session (House Report 2051), and the Forty-ninth Congress had done nothing to forward its progress.

Second. The Secretary erred in finding the services of E. John Ellis to be of the value of $4,000 only, whereas, being similar to and more valuable than the recognized services of W. W. Wilshire, which were found to be worth the sum of $13,500, they were reasonably worth the sum of $16,000.

The Commissioner has carefully discussed the services rendered by Mr. Wilshire (Senate Executive Document 77, pages 12 and 13), and his conclusion of fact is as follows:

"The most valuable service that was rendered by Mr. Wilshire was, therefore, in connection with the reference of the case to the Court of Claims for a finding of fact and the prosecution of the matter in the court under that reference, he having died before it was referred to the courts for adjudication by the Congress."

This reference of the claim to the Court of Claims was by the Committee on Indian Affairs for a report under the Bowman Act, and it need hardly be urged that the amount of work required to procure such a reference was vastly less than that required to pass a bill through Congress a second time referring the claim to that court for adjudication. In obtaining the former of said references, Mr. Wilshire appears to have been aided by Hon. John T. Heard, who also, in connection with Hon. John W. Douglas, aided him in

preparing the cause for trial, as appears by Mr. Heard's affidavit filed in the Interior Department in connection with this claim, as follows:

"John T. Heard, being duly sworn, deposes and says that he, together with the late W. W. Wilshire, procured the reference by a committee of Congress of the claim of the Old Settlers against the United States to the Court of Claims for the findings of facts under the Bowman Act, and that later he, together with said Wilshire and assisted also by John W. Douglass, prepared said cause for trial, and that on January 29, 1885, the said Heard argued the same in said court."

For their said services Wilshire (and his assignee, Mr. John A. Sibbald) were paid $13,500, Heard was paid $10,000, and Douglass was paid $2,500, or an aggregate sum of $26,000 (Ibid., page 2).

The Commissioner has found (Ibid., page 17) that Mr. Ellis "did perform some services in connection with the passage of that bill," and that he was interested in the preparation of the petition filed in the Court of Claims as "consulting attorney" and as "attorney of record" (Ibid., page 18). The affidavits of Messrs. Johns and McKnight (Senate Executive Document No. 18, pages 58 and 61) show that Mr. Ellis's efforts contributed to if not mainly procured the passage of said bill, and were of essential service in the preparation of the case for the Court of Claims.

The affidavit of Hon. John W. Douglass, on file in the Interior Department, is to the same effect, as follows:

"Mr. McKnight has called my attention to the fact that in addition to the meetings at the office of Jones and Voorhees there were several meetings also on the same business at Mr. Ellis's office. The meetings at Mr. Ellis's office did occur (two or more of them); but as my affidavit made on the 28th of August, 1894, was made simply to show the part taken by Jones and Voorhees, I did not think it necessary to refer at any length to the part taken by Mr. Ellis.

"My recollection is that Mr. Ellis was looked to largely to take care of the matter before Congress and its committees, being considered very competent in such cases."

It was also shown by the affidavit of D. A. McKnight, above referred to (copy herewith, page 4), that Mr. Heard has personally stated that said bill was "put through" by Mr. Ellis.

There is no denial or attempt to deny Mr. Ellis's said valuable services in passing the bill referring the claim to the Court of Claims, in preparing the petition for the court as consulting attorney, and in signing said petition as attorney of record (for which his retainer would reasonably be worth $2,500), except the following from the affidavit of Mr. Bryan above referred to:

"That at the date of the said contract (i. e., December 15, 1888) the work necessary to and which in fact did secure the passage of the bill had been done."

This statement is absolutely false, being flatly contradicted not only by Bryan's contract with Mr. Ellis, but by the letters of the chairmen of the respective Committees on Indian Affairs (above quoted, page 5), and by all of the affidavits just above recited.

It is submitted, therefore, that if the above-mentioned services of Messrs. Wilshire and Sibbald (in aiding the reference of the claim to the Court of Claims and the preparation of it there) were worth $13,500—and it is conceded that they were actually worth much more—then the services of Mr. Ellis were reasonably worth the sum of $16,000.

Third. The Secretary erred in finding the services of E. John Ellis to be of the value of $4,000 only, whereas the Indians themselves fixed the value of the services of said Wilshire before Congress and in the courts at $40,000, and Ellis aided said Wilshire in Congress, and Wilshire having died before the passage of the bill referring the case to the courts, Mr. Ellis was in charge of said bill thereafter, and aided in the preparation of the case for court, and he having died, Hon. A. H. Garland argued the case in court, for which services Wilshire and Garland were paid the aggregate sum of $28,500; wherefore said Ellis's services are reasonably worth more than the difference between $28,500 and $40,000, and are worth at least $16,000.

Mr. Ellis's employment was not intended to require him to perform all the work necessary to collect the Old Settlers' claim, but was to be rendered "in connection with such other counsel or attorneys as have been or may hereafter be employed" (Senate Executive Document No. 18, page 67). During his employment he was associated, as the record shows and as was contemplated by said contract, with Messrs. Wilshire, Sibbald, Douglass, and Jones and Voorhees, and upon the death of Mr. Wilshire, Ellis rendered services in his stead, and upon the death of Mr. Ellis, Mr. Garland was employed. Since the services of Messrs. Wilshire, Sibbald, and Garland have been valued at $28,500 (Senate Executive Document No. 77, page 2), it reasonably follows that, upon the estimate of the Indians themselves, the services of Ellis would be worth the difference between said amount and the $40,000 contracted for, namely, $11,500. And, since Ellis's services in passing a reference bill were necessarily greater than Wilshire's services in obtaining the Senate committee's resolution, as above pointed out, it would follow that said services were reasonably worth $16,000.

Fourth. The Secretary erred in finding that the firm of Ellis, Johns & McKnight rendered no services to the Old Settlers, but that they were rendered by E. John Ellis alone, under a contract of employment for his individual services, whereas the record shows as a matter of fact that the employment was of the firm; and since the surviving members of said firm tendered their services to the Old Settlers, and were always able, willing, and ready to render them, and were not discharged from said employment, said firm is reasonably entitled to the full contracted sum of $16,007.72.

The Commissioner has found (Senate Executive Document No. 77, page 17), and the Secretary apparently concurs in the finding (ibid., page 25), in regard to the claim of D. A. McKnight in behalf of said firm, upon the evidence then before him, as follows:

"It seems to me that in view of the well-known rule that a client may contract with a firm of attorneys for the individual services of one partner, and the conduct of Mr. Bryan, the representative of the Old Settlers or Western Cherokees, in making this contract, which clearly shows, if it does not so declare, that his intention in making the said contract was to secure the individual services of Mr. Ellis in this case, I think Mr. McKnight has not sufficiently shown that it was understood by Mr. Bryan, Mr. Ellis, and other members of his firm that this was a firm contract to sustain his claim."

The "rule" stated by the Commissioner is well settled, but there must always be evidence proving it, because the presumption of law is that the contract of one partner is the contract of the firm.

There is no doubt that the contract of December 15, 1888, made under section 2103, Revised Statutes, was made in the name of E. John Ellis, but there is nothing whatever in the terms of said contract, further than the use of Ellis's name with the appropriate pronouns "him" and "his," which indicates that it was the intention of either party to contract for the personal services of Mr. Ellis alone (Senate Executive Document No. 18, page 66). If the original employment had not been thus provided for in a written contract, there is no doubt that it would be regarded as a firm employment, and the service in Congress rendered by Mr. Ellis acting for the firm, the burden being on him denying that it was a firm employment. Hence the written contract is fairly subject in this respect to an explanation by the parties interested, and that it is had as follows:

1. The contract in terms provides for the payment for the services "heretofore rendered and hereafter to be rendered" to "the said E. John Ellis, or his legal representative or assigns." After Mr. Ellis's death said contract was assigned by his administratrix to John Johns and D. A. McKnight, surviving partners, as part of the assets of said firm. (Ibid., page 68.) This action of the administratrix is conclusive of her opinion that the proceeds of said contract were firm assets.

2. The late John Johns has explicitly testified that in dealing with Mr. Bryan in this matter Mr. Ellis was "acting for and on account of his firm," that it was customary for contracts of the firm to be made "in the names of the individual members of the firm," that "this piece of professional business belonged to the firm," that Bryan offered the firm "$1,500 in satisfaction of their claim under said contract," and that the surviving partners tendered their services, which were rejected, but that they were never discharged and were always able, ready, and willing to perform said services. (Ibid., page 61.)

3. Mr. D. A. McKnight has explicitly testified that this contract was made in Mr. Ellis's name in conformity with a custom obtaining in the firm; that it was so made with his knowledge and consent, and that Mr. Ellis advised him that he intended to assign it to the firm; that Mr. Bryan was fully advised of the fact "that his business was firm business," and that "he led affiant to believe that he regarded him as one of his consulting attorneys"; that it was agreed that Ellis should have charge of this business in Congress, that Mr. McKnight should prepare the case for the courts, and that both of them should argue it there; that in a conversation with Bryan subsequently to Mr. Ellis's death he did not deny "the firm's interest in the business" or allege "that said Ellis was employed personally or that the firm was not employed," but admitted the firm's employment, and that the surviving partners tendered their services to Mr. Bryan, which were rejected, but that they were not discharged from the case, and that they were always able, willing, and ready to perform said services. (Ibid., page 58.)

4. Confirmatory of the foregoing statement is the following letter from the Hon. S. W. Peel, which was recently put into the record by Mr. Bryan:

"DEAR UNCLE JOEL: I saw Mr. McKnight, of the law firm of E. John Ellis, Johns & McKnight, to-day. He tells me that Ellis handed the papers in the case over to him, with request that he attend to it in court, and said that he would tell him all the facts in a day or so, but died before he did so. Now, he wants you to come to Washington as soon as you can and post him on the facts, so that he can go to work. I think you had better come and push the case along. I wrote you at Selim, but, thinking you might be at the council, write this.

"S. W. PEEL."

5. In further explanation of the nature of the employment, Mr. McKnight has explicitly testified (affidavit herewith, page 5), as follows:

"Affiant reiterates what he has heretofore stated in his affidavits, that as a matter of fact Joel M. Bryan employed the firm of Ellis, Johns & McKnight as counsel for the Old Settler Indians, and that while he undoubtedly expected to have advantage of Mr. Ellis's skill and ability in Congress and the courts, he never did intend to employ him alone, or to make a contract with said firm for said Ellis's special services. And affiant further says that the contract executed December 15, 1888, was made in the name of E. John Ellis, not at the instance or request of Mr. Bryan, but at the instance and request of E. John Ellis himself, for his benefit and not for Bryan's, and with the full knowledge and consent of affiant, and with the expressed intention of said Ellis to subsequently assign to the firm."

There is no denial or attempt to deny any one of the material averments above recited, except in the following statement by Mr. Bryan in one of his affidavits:

"Mr. Ellis's contract was made, I think, in December of 1888. It was made with him personally and not with his firm."

It needs no argument to enforce the proposition that Bryan's said statement is a denial of something which was never affirmed by the surviving partners, for, as above stated, it is plain that as a matter of fact the written contract was made with Mr. Ellis and not with the firm. But as a matter of fact it is equally plain upon the uncontradicted testimony above recited that the employment and the services rendered under it were the employment and services of the firm, and that said contract was made in Mr. Ellis's name, at his instance, and for his benefit, and not at the instance or for the benefit of the Old Settler Indians. And as a matter of law it is clear that the reduction of the contract to writing in the name of E. John Ellis alone would not alter the nature of the employment or the legal relationship of the parties, unless it was their intention to so alter or modify them, of which there is no indication in the testimony.

It is submitted that upon the record facts, as above shown, the Commissioner of Indian Affairs was not justified in finding that the services rendered by Mr. Ellis were under an individual employment, and the Secretary was not justified in concurring with him. Wherefore it is submitted that the surviving partners, having been able, willing, and ready to render necessary services in the courts, and having tendered them to said Indians, are entitled to the full stipulated compensation of $16,007.72.

The propositions of law upon which this claim rests are fully recited in the brief heretofore filed in behalf of said claim (Senate Executive Document No. 18, pages 63 and 64).

A person may expressly contract with a firm of lawyers for the individual services of one partner. (Smith *vs.* Hill, 8 Eng. Ark., 173.)

If a person is engaged in no other business, his contract is presumed to be the contract of the firm. (Oliphant *vs.* Matthews, 16 Barb., 608; Mifflin *vs.* Smith, 17 S. & R., 165; Etheridge *vs.* Binney, 9 Pick., 272; Bank of Rochester *vs.* Monteath, 1 Denio, 402.)

A contract by one partner about the firm's business is the contract of the firm, unless the partners agree that one of the firm only shall be bound by it. (Collyer on Partnership, chapter 20.)

If one partner in a law firm treats a retainer as the firm's, the presumption is that it was a retainer of the firm. (Harris *vs.* Pearce, 5 Brad. Ill., 622.)

It is a firm contract if the custom was for the partner making it to use his own name. (Collyer on Partnership, section 412.)

The name of one member of a firm may be used as a firm name by consent of the partners. (Collyer on Partnership, section 411; Bank of Rochester *vs.* Monteath, 1 Denio, 402; Winship *vs.* Bank of United States, 5 Pet., 529, 561; Straus *vs.* Waldo, 25 Ga., 641; Thielan *vs.* Hann, 27 Kans., 778; Mercantile Bank *vs.* Cox, 38 Me., 100; Etheridge *vs.* Binney, 9 Pick., 272.)

The dissolution of a firm prevents new engagements, but prior engagements must be fulfilled. (Story on Partnership, chapter 14; Ferreira *vs.* Sayers, 40 Am. Dec., 496.)

Notwithstanding the death of a partner, the partnership continues in respect of all unfulfilled engagements. (Johnson *vs.* Totten, 58 Am. Dec., 412; Western Stage Company *vs.* Walker, 65 Am. Dec., 789.)

If attorneys, copartners, accept a retainer the contract continues to the termination of the business, notwithstanding the dissolution of the firm; the dissolution affects new business only. (Weeks, Attorneys at Law, section 191.)

A contract to prosecute a claim for a share of the proceeds is not terminated by the death of the owner or by the dissolution of the partnership. (Wylie *vs.* Coxe, 15 How., 415; Jeffrey *vs.* Mutual Life Insurance Company, 110 U. S., 305.)

Where a firm of attorneys has contracted with a client for the personal

services of one of their number who dies before the entire rendition of the services, the client can not break the contract with the surviving partners without tendering them a fair compensation for the services rendered, and if the survivors render the remaining services with skill and diligence they are entitled to the entire fee. (Smith *vs.* Hill, 8 Eng. Ark., 173.)

If the completion of the attorney's services is prevented by the client, their noncompletion is no defense to an action on the contract. (Brodie *vs.* Watkins, 34 Am. Rep., 59; Rawson *vs.* Earle, Moody & M., 538; Van Sandan *vs.* Brown, 9 Bing., 462.)

Even where an attorney without cause is dismissed he may entitle himself to the whole fee stipulated for by a continuing tender. (Cantrell *vs.* Clinn, 5 Sneed, 166.)

Respectfully submitted.

D. A. McKNIGHT,
For Surviving Partners.

I have had my attention this moment called to the fact that a report has been made by the Committee on Indian Affairs of the House of Representatives, under date of April 16, 1896, which committee, I understand, finds in favor of this claim.

I do not desire to occupy the attention of the Senate unnecessarily in the discussion of this question. What I rose to say more particularly is, that I trust in taking the vote on these several claims in the amendment they may be separated and that the vote may be taken upon each claim upon its own merits. I have an impression that some of these claims, never having been submitted to the Secretary, never having been considered by him, or adjudicated by him, stand in a very different attitude from the claim to which I have called the attention of the Senate. Whatever action I take on some of the other claims, I certainly want to record my vote in the affirmative so far as the claim of McKnight is concerned. I believe it it is a claim full of equities. I think it ought to be paid, and I know of no better way to get it paid than to put it on this bill. For that reason if no one else makes the suggestion, when the vote is to be taken on these claims I shall ask for a separate vote upon the claim of D. A. McKnight.

Mr. CHANDLER. I ask my colleague if he knows any reason why a sixteen-thousand-dollar claim upon which $4,000 has been paid should be settled at $1,000?

Mr. GALLINGER. I do not know that I quite understand the question.

Mr. CHANDLER. I will say that the original claim was 2 per cent, which would be $16,000. He has been paid $4,000. Now, upon what principle should he be paid only $1,000?

Mr. GALLINGER. I do not understand that it is only $1,000.

Mr. CHANDLER. There is $1,000 given in the amendment of the committee.

Mr. GALLINGER. I have not examined the amendment very carefully, but in the brief which I have read, submitted by Mr. McKnight, he speaks of a balance between $4,000 and $16,000.

Mr. CHANDLER. The Senator will understand that one of the criticisms I made of the amendment of the committee is that we are called upon to deal with $16,000, upon which $4,000 has been paid, and where only $1,000 is the amount appropriated. I can not understand why $1,000 is to be paid. The Senator from Colorado told me that it is to be paid because McKnight is satisfied with it.

Mr. GALLINGER. As I said in my remarks, Mr. President, I confess I have not seen the bill recently. I have been called from the Senate and did not even hear the entire speech of my colleague, which I was listening to very attentively when I left; but the brief submitted by Mr. McKnight says, and I base my observations upon this brief, that—

Four thousand dollars was paid by the Secretary of the Interior. The claim now made is for the difference between the said sums, or $12,007.72.

Mr. CHANDLER. The difficulty is that the committee only put in $1,000, and there is no way for Mr. McKnight to get the rest.

Mr. GALLINGER. I quite agree with my colleague, if that is so. I supposed the balance was provided for in the bill; I had not examined it. I simply based my remarks upon what the brief of Mr. McKnight, submitted to individual members of the Senate, stated.

I voted to send this entire list of claims to the Court of Claims. I think that would have been a very proper tribunal to investigate and determine the entire question. That failed of adoption, and now that the matter is before the Senate, I do not know how I can, under the circumstances, do justice to this man, with the feeling that I have that he ought to have the balance between $16,000 and $4,000; but I shall endeavor to reach a conclusion on that question before it comes to a vote.

Mr. PETTIGREW. The claim of Mr. Ellis is no more meritorious than all the others. A sum of money is to be distributed, $79,000 on claims amounting to about $200,000. The committee did the best they could in this respect. It appears that the service of this man Ellis, although he had made a claim which was meritorious, was of very short duration, for he died a few months after he was employed in the case. The Secretary of the Interior under those circumstances thought that $4,000 was an entirely adequate compensation for the services performed for the few months of work Mr. Ellis did before he died. This percentage that is to be paid to Ellis was based upon continuous service until the claim was allowed. He had no opportunity to earn the money, yet the committee under the circumstances thought he was entitled to $1,000. We tried to do what was equitable in adjusting this matter and we took into consideration the equities of his claim and the equities of all the other claims and agreed to give him $1,000 and the others the amounts stated in the bill. I do not believe that the Senator or anybody else would be able to make a better or a more fair adjustment of this matter than has been done.

Mr. CHANDLER. What is the principle which gave Mr. McKnight $1,000 instead of $12,000?

Mr. PETTIGREW. The principle of equity, the principle of service, the principle of fair dealing, to divide what there was among the claimants—the principle which does not apply to anything in New Hampshire.

Mr. GALLINGER. That does not apply to New Hampshire, I will say to the Senator.

I want to call the Senator's attention to the fact that he makes a broad declaration that Mr. Ellis only performed four months' service. There seems to be a good deal of testimony that he performed sixteen months' service, instead of four.

Mr. PLATT. There is no question but that the contract was certified in December, 1888, and Mr. Ellis died on the 20th of April, 1889, about four months; but his contract was signed, and it could not have been approved by the Secretary of the Interior before it was signed.

Mr. CHANDLER. But he had been rendering service for fourteen months before.

Mr. PLATT. It is possible that previous to the time when he made the contract for this service he might have rendered some service.

Mr. GALLINGER. I think that it is an undisputed and an indisputable fact that he had rendered partial service, and that that had been taken into account. It does seem to me that in the equitable distribution of this fund it is an extraordinary thing to give a particular claimant one-twelfth of the claim after other claimants have been given a much larger proportion.

From the report of the House committee I will read a single paragraph:

And while it is true that this committee has recommended the passage of the bill for the relief of Voorhees and Jones, and one for the relief of S. W. Peel for defeating the various claims against the Old Settler Cherokee Indians, which your committee believes should have been defeated, and those bills in part were based on the fact that the claim of David A. McKnight, who represents the estate of Mr. Ellis, was reduced; yet, in view of the fact of the meritorious services rendered by Mr. Ellis, your committee believe that his estate should have been paid in full for the services rendered by him, and it was admitted by the attorney for the Old Settlers that this estate should have been paid at least $8,000 for his work.

There is other evidence, and quite a good deal of evidence, in the brief which I submitted to be printed in connection with my remarks, showing that Mr. Ellis did render service for a much longer period than four months, and that that fact was taken into consideration when this bill was submitted. I think the amount allowed in this bill for Mr. Ellis is out of any proportion to the value of his services, and yet possibly, if this matter goes to conference, justice may be done through a conference committee to all the claimants, for whom I make this appeal and against whom I think the worst kind of discrimination has been exercised by the committee.

Mr. BROWN. Mr. President, I rise to a point of order on this amendment. The entire amendment of the committee of the Senate is contrary to the fourth clause of the sixteenth rule, which I will read:

4. No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

This seems to be a general appropriation bill; these are all private claims, and the amendment is not to carry out the provisions of any existing law or any treaty stipulation. I therefore submit the point of order, Mr. President, that the entire amendment is out of order.

Mr. TELLER. This is to carry out an existing law. We made an appropriation of this money, and this is to make a distribution of it. It has never been held at any time that such a provision was within the rule invoked by the Senator.

Mr. PLATT. The point of order comes too late.

The PRESIDING OFFICER. The Chair finds, by reference to the act making appropriations to supply deficiencies for the year ended June 30, 1894, and prior years, among other provisions in that act, the following:

The Old Settlers or Western Cherokee Indians, by Joel M. Bryan, William Wilson, and William H. Hendricks, commissioners, and Joel M. Bryan, treasurer, etc., $60,366.31; and the Commissioner of Indian Affairs is directed to withhold from distribution among said Indians only so much of that part of the said judgment set apart by the said Indians for the prosecution of their claim as is necessary for him to pay the expenses, and for legal services justly or equitably payable on account of said prosecution.

The Chair thinks the amendment is in execution of existing law, and therefore overrules the point of order. The question is upon the amendment of the committee.

The amendment was agreed to.

Mr. PETTIGREW. I think we had now better take up and dispose of the school question, which was put over on account of the absence of some Senators who have now returned.

The PRESIDING OFFICER. The Secretary will state the pending amendment.

Mr. PETTIGREW. I think it is the amendment of the Senator from Missouri [Mr. COCKRELL].

The SECRETARY. Instead of the amendment proposed by Mr. CARTER, it is proposed, after the word "Alaska," in line 20, on page 58, to insert:

And it is hereby declared to be the settled policy of the Government to make no appropriation whatever for the education of Indian children in any sectarian school just as soon as it is possible for provision to be made for their education otherwise, and the Secretary of the Interior is hereby authorized and directed to make such provision at the earliest practicable day, not later than July 1, 1898: *Provided*, That the Secretary of the Interior may make contracts with present contract schools for the education of Indian pupils during fiscal year 1897, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children and to an amount not exceeding 50 per cent of the amount so used for the fiscal year 1895.

Mr. PLATT. It is stated that that amendment is a substitute for an amendment proposed by the Senator from Montana [Mr. CARTER].

The PRESIDING OFFICER. Including the amendment of the Senator from Montana.

Mr. PLATT. I wish it may be stated for what the amendment which has been read at the desk is a substitute?

The PRESIDING OFFICER. The Chair understands it is a substitute offered by the Senator from Missouri [Mr. COCKRELL] for the amendment proposed by the Senator from Montana [Mr. CARTER].

Mr. PLATT. Let that amendment be stated.

The PRESIDING OFFICER. The amendment proposed by the Senator from Montana [Mr. CARTER] will be stated.

Mr. CARTER. I accept the substitute of the Senator from Missouri [Mr. COCKRELL] and withdraw my amendment.

The PRESIDING OFFICER. The Senator from Montana withdraws his amendment. The pending amendment will be stated.

The SECRETARY. It is proposed to strike out all after the word "Alaska," on page 58, line 20, down to and including the amendment which followed the word "schools," on page 59, line 3.

Mr. COCKRELL. To the proviso after the word "schools."

Mr. GALLINGER. I should like to hear that amendment read once more, and I should like to ask the Senator from Missouri—my attention had been called away from this matter—if he proposes to strike out the language after the word "Alaska," in line 20?

Mr. COCKRELL. I propose to strike out the words after "Alaska," in line 20, on page 58, down to and including the word "schools," in line 3, on page 59.

Mr. GALLINGER. I should like to hear the amendment read once more. My attention was called away from it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out all after the word "Alaska," in line 20, on page 58, down to and including the word "schools," in line 3, on page 59.

Mr. COCKRELL. I understand that an amendment has already been made there at the instance of the Senator from Kansas [Mr. PEFFER]. I move to strike that out also. I ask that the amendment be read.

The SECRETARY. The amendment adopted was inserted after the word "schools," in line 3, on page 59, as follows:

And in any case, if such there be, where the provisions of this act shall operate to deprive Indian children of present school facilities, the Secretary of the Interior is hereby authorized to provide such temporary school accommodations, including teachers, as may be necessary for the time being, and report to Congress at the opening of the next regular session.

Mr. COCKRELL. I wanted to include that and leave in the proviso beginning in line 3, on page 49.

Mr. PLATT. That amendment has been adopted, has it not?

The PRESIDING OFFICER. It has been.

The Secretary again read the amendment submitted by Mr. COCKRELL.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GALLINGER. Mr. President, a few days ago I had occasion to submit some brief observations touching the matter of the appropriation of public money for sectarian purposes. At that time I was laboring under a disability to the extent of not knowing precisely what the facilities of the Government were for taking charge of and educating its wards, the children of Indians in the United States. Subsequently the distinguished Senator from Iowa [Mr. ALLISON], the chairman of the Committee on Appropriations, spoke at considerable length on this question, and, if I understood him correctly, and I think I did understand him, he stated to the Senate that evidence had been submitted to the committee that under existing conditions the Government could care for and educate every Indian child in the United States.

If that be so, I do not see why we should waste time or pass votes for the purpose of bringing about a different condition of things and diverting the money of the people of the United States into sectarian channels. If, on the other hand, it can be shown conclusively that, under the bill as it came from the House of Representatives, any considerable number of Indian children would be deprived of the advantages of education which they have heretofore enjoyed, I should be strongly in favor of standing by the amendment which has already been incorporated in the bill which was submitted by the Senator from Kansas [Mr. PEFFER]. It seems to me, if we are going to do anything other than what the House of Representatives has done, if we provide that the Government shall care for children who may be deprived of education under this bill, providing teachers for them, providing schoolhouses for them, and doing whatever is necessary to give them an education, when we have done that we have gone far enough.

I simply add this single word for the purpose of saying, in the first place, that my mind has not been changed in the least by the discussion; that I still believe it will be the part of wisdom and good legislation for the Senate to take up the provisions of the House bill precisely as they came to this body. I can not believe that the committee of the House of Representatives and the House of Representatives itself has sent to the Senate a bill which is going to wrong any considerable number of people in the United States whom we are bound by equity and by justice to take care of; and the plain, unvarnished, unqualified statement of the distinguished chairman of the Committee on Appropriations of the Senate to the effect that if this bill is passed precisely as it came from the House of Representatives no harm will be done, no wrong will be done to any Indian child in the United States, it seems to me, ought to be a sufficient answer to all the arguments that we ought to depart from the policy which the House of Representatives laid down when it passed this bill.

I understand that the conclusion reached by the Committee on Appropriations, or by the distinguished chairman of the Committee on Appropriations, that if this bill is passed no harm will be done to any Indian child, is based upon statements made by the Commissioner of Indian Affairs. If that be so, I submit in all kindness, for I have nothing but kindly feelings on this subject, that it will be unwisdom in the highest degree for us to amend this bill in the least particular so far as the support of Indian schools is concerned, when if we pass it precisely as it is no harm will be done to a single Indian child in the United States.

Mr. PETTIGREW. Mr. President, I think I know what transpired in the Committee on Appropriations, and I must say that I disagree entirely with the Senator from New Hampshire. I do not think any such understanding was reached or agreed to in any particular. It is certain that this bill, as it came from the House of Representatives, will not provide for a very large number of Indian children in my own State. In the first place, we are bound to educate all the Sioux children under the Dawes Act when they become citizens of the United States and citizens of my State and voters in my State, when they take allotments of land and become of age. There are 1,200 Indian children in my State who are in no school at all; there are no schools provided for them, and no schoolhouses built for them, and all the money which has been added by the committee to this bill will not build schoolhouses enough to take care of those 1,200 children who are in no schools at all.

If the Senator from New Hampshire is anxious that no injustice shall be done to any Indian children, and is anxious that money shall be provided to take care of the children who are not provided with schools, he will vote for the provision reported by the committee.

In addition to that, there are 300 children in two State schools in my State who will be unprovided for, and there is no means under this bill of providing for them, because they are in schools upon the reservation. There are no other buildings within miles and miles which could be rented or bought or secured in any way to take care of those children. The only possible way they can be taken care of is for them to continue to be educated in the sectarian schools until we can build schools. The Government will not build schools between now and next September. The Government is always slow in the construction of anything. It will be two years before schools can be built, and in the meantime the proposition is to turn those 300 children out of doors. That is the plain, clear proposition; yet Senators say they do not want to do injustice to any Indian children.

Mr. GALLINGER. I will ask the Senator, if he will permit me, if the Commissioner of Indian Affairs agrees with him in the statement he makes that these children will be turned out of doors?

Mr. PETTIGREW. Yes, sir; he does agree with me. He says that they will all be turned out unless the people now in charge of the schools will care for them and do the work themselves.

Mr. GALLINGER. Did the Senator from South Dakota hear the statement made by the chairman of the Committee on Appropriations the other day?

Mr. PETTIGREW. I heard the statement, and it did not have the force the Senator gives it.

Mr. GALLINGER. Perhaps it did not.

Mr. PETTIGREW. I am fully as cognizant of those facts as the chairman of the committee.

Mr. GALLINGER. The Senator from Iowa certainly gave me to understand that in his opinion no injustice would be done.

Mr. PETTIGREW. Mr. President, I have a letter from the Commissioner of Indian Affairs which completely answers all of this talk and shows what his position is upon this subject. His letter is addressed to Hon. R. J. GAMBLE, of the House of Representatives, and is as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, February 15, 1896.

SIR: I have the honor to acknowledge receipt of your letter of February 8, relative to certain school matters. In reply I advise you seriatim as follows:

First. Number of Indian children receiving education in sectarian or contract schools under pay from the Government:

Contracts are made for 4,072 pupils, while the average attendance on these schools is shown by reports of contractors to be 4,998.

Second. How much was paid by the Government to such schools for the above purpose for each of the fiscal years of 1895 and 1896, and how much is proposed to be used for such purpose for the fiscal year 1897?

During fiscal year 1895 contracts were made for this purpose aggregating $463,505, and for 1896, $370,796. A like reduction for 1897 would reduce the amount to about $290,000.

Third. How much money, if any, has been used by the Government since the appropriation for the fiscal year 1895 for the Indian Department in the construction or purchase of school buildings for educational use for the Indians?

An approximate estimate shows the cost of this item to be $216,612, to which should be added about $50,000 more for minor repairs, improvements, water systems, and sewerage.

Fourth. If all contracts by the Government with sectarian or other schools were at this time terminated, what appropriation of money by the Government would be necessary to construct or purchase suitable buildings and sites with equipments to adequately and sufficiently supply the service equal to that before the discontinuance of any of the contract schools under the law of 1895?

As stated above, if the contract school system were abolished and the Government forced to care for the 4,000 children now being educated therein, it would require at least twenty boarding-school plants, with capacity for 200 pupils each. To construct and equip these plants would cost not less than $90,000 each, or a total of $1,200,000. This estimate is based upon the actual expenses of this office in constructing such schools.

Fifth. How long would it take the Government to construct and equip the school buildings by purchase or otherwise before the same would be ready for use and occupancy without injury to the cause of education of the Indians?

By putting forth special effort it would take from two to three years.

As to the policy of this Bureau and the Department, see reports transmitted to Congress, Executive Document No. 107, Fifty-third Congress.

Very respectfully,

D. M. BROWNING, *Commissioner.*

The amendment offered by the Senator from Missouri provides for two years longer in which to dispose of the contract school system. For my part I am willing to accept that amendment in the interest of what is just and fair, and in the interest of the Indian children. I think that when the two years are up these people will have disposed of those schools which they are not able to take care of themselves, and it will give the religious denominations an opportunity to raise more money than they are now raising, and to raise it gradually, so that no Indian child will be turned out, his school term broken into, and his education abandoned. It seems to me it is cowardly to strike down the provision for contract schools; that we are running from something in the dark, under cover somewhere, and are afraid to do what is right because of something that is threatened from some quarter, from some battery in ambush.

I do not believe in sectarian schools, but I do believe in doing what is just and fair and right and honest in this connection. The Indian contract school system has grown up in this country, beginning back many years ago. I think it was first established in 1870, and it increased rapidly after 1885. At that time the Commissioner of Indian Affairs, in a circular, especially invited the religious denominations to build schools, and the Catholics took hold of it with great activity, more so than any other denomination. They built very fine school buildings indeed. They built two splendid school buildings in my State. They have done excellent work. Now, all they ask is that they may be allowed an opportunity to raise sufficient money to take care of those schools. It seems to me it is a reasonable, just, and consistent request.

Mr. KYLE. Will my colleague state, just for a moment, the features of the amendment proposed at this time? Is it the same as that offered here a year or two ago, proposing a decrease of the appropriation 20 per cent each year for four years, until it finally ceases altogether?

Mr. COCKRELL. No.

Mr. PETTIGREW. This is more than the regular decrease. We decreased the amount last year 20 per cent. If we decreased it the same amount this year, we would appropriate 60 per cent of the appropriation of 1895, and it would take three years finally to dispose of the whole system; but instead of that the proposition is to appropriate 50 per cent of the appropriation of 1895, taking 1895 as the basis from which to figure, and next year to appropriate 25 per cent, and by 1898 it will be entirely disposed of and we will be out of the contract-school business.

Mr. KYLE. It seems to me that there really can be no objection on the part of the Senate to that proposition.

Mr. PETTIGREW. I do not see how there can be.

Mr. KYLE. It is perfectly fair to the people who established those schools.

Mr. PETTIGREW. I am very glad to hear my colleague say that. It certainly is just and proper. These people, as I have said, have 35 boarding schools and 20 day schools. They have been doing what the Government has neglected to do, for with all the appropriations for Government schools and sectarian schools there are still 1,200 Indian children in my State for whom no provision whatever is made. If we increase the appropriation in the bill by $200,000, every dollar of it should be spent in South Dakota, even if you continue the present contracts to the full amount, in order to reach all those Indian children. When we consider that those Indians were gathered from all the surrounding States and put into Dakota when it was a Territory, and that the burden of their residence among us is upon the people I represent, it is seen that we have a right to demand that Congress shall appropriate money enough to educate them and to fit them for the citizenship which is imposed upon us by act of Congress.

Mr. GALLINGER. Mr. President, the Senator from South Dakota [Mr. PETTIGREW] has read a letter from the Commissioner of Indian Affairs, and makes the claim that it entirely substantiates the position he holds on this question and creates an absolute necessity on our part for adopting the amendment submitted by the Senator from Missouri. The other day in discussing this question I ventured the observation that if the Government went out of the contract-school business, as I think it ought to—I believe it can not get out of it any too soon—the school buildings will still remain, and the Government can rent those buildings and continue to educate the children.

The Senator from South Dakota on that occasion rushed into the breach to say that no matter what action we take here the church schools will continue, and if that be true I should like to ask him what becomes of his argument to-day that the children in those schools will be turned out into the world and will have no means of education whatever?

Mr. PETTIGREW. I will answer the Senator from New Hampshire right now, if he chooses.

Mr. GALLINGER. I shall be pleased to have an answer.

Mr. PETTIGREW. In those two schools there are 300 children. The church will continue them with 50 children in each school. Next year they will take more and the succeeding year more, as they raise more money; and in the meantime 200 of the children will be turned out, their education broken into. Those children will not go back. Other children will come.

Mr. GALLINGER. If the men who are running the schools——

Mr. PETTIGREW. They will run the schools. They will not turn the buildings over to the Government and let the Government rent them for a year or two and, when the Government builds schools by the side of them, be out of business, in the meantime their teachers dispersed.

Mr. GALLINGER. I shall not vote, and I hope the Senate will not vote, for any system that is in open and palpable opposition to the common-school system of the United States.

If the men who are running those schools are as patriotic as the Senator from South Dakota usually is, and if they can not raise money to conduct the schools, they should turn the buildings over to the Government upon a fair rental and let the Government educate the children. If they do run the schools it is evident that they will take care of a portion of the children, so that the number turned out will fall far short of the number stated by the Commissioner of Indian Affairs, whose figures are based on the presumption that all the children in sectarian schools will be deprived of educational advantages.

Mr. President, I have no fears as to the competency and the ability of the Government of the United States speedily to provide school accommodations for any Indian children who may be wronged, if any shall be wronged, by the passage of the pending bill. Think of the proposition of the Commissioner of Indian Affairs that it is going to take the Government of the United States three years to build a little schoolhouse that a Yankee would build in three weeks. It is utter nonsense. I do not believe there is any danger, if we pass the bill, that those children will be turned out into the cold without opportunity for continuing their education for two or three years, waiting the building of a little schoolhouse out on the plains in South Dakota or anywhere else.

The Government will see that some means is provided for taking care of the children, and if a few are turned out, if a few are

deprived of the means of education, they will be no worse off than thousands of children are in the District of Columbia to-day or were one year ago.

I am not throbbing with intense and patriotic feeling particularly for the Indians or the Indian children of the United States. I think they have been as well taken care of as the white men and white children of this country have been in the past; and even if a few of them, as I have just said, shall be deprived for a few months or maybe a year of the advantages that this great Government has so liberally bestowed upon them in the past in the matter of education, I will not allow that consideration to swerve me one iota from my support of the bill as it came from the House of Representatives.

Mr. President, I do not care to prolong the discussion. As I said a moment ago, I have no unkind or bitter feelings on this question, and the insinuation that I understood the Senator from South Dakota to indulge in, that there was some occult influence back of individuals, back of the Senate, inducing any member of this body to advocate the abolition of sectarian education in this country does not apply to me. I believe that we have come to the parting of the ways in regard to this matter. I believe it has been a reproach and a shame to the Government of the United States that not only the spirit, but the letter of the Constitution has been violated in the matter of the appropriation of public funds for sectarian purposes. I feel that I can stand here in the spirit of patriotism and justice to all parties concerned and advocate the proposition laid down in the bill as it comes from the House of Representatives when they declare it the intention of the proposed act that "no money herein appropriated shall be paid for education in sectarian schools."

That, Mr. President, is the American doctrine. That is the doctrine which the people of the United States are going to stand upon in the future, and if the Congress of the United States does not respond to the demand of the people in that respect this year the Congress of the United States will respond to it, in my judgment, before many years come and go.

Mr. GRAY. Let me ask the Senator from New Hampshire a question. I believe it is understood and conceded on all hands that the policy of the United States is to be what he has described, to support nonsectarian schools, and that it is utterly averse to the appropriation of any money for the support of sectarian schools. But while we are making this change, and inasmuch as there have been sectarian schools which have been in a measure supported by public appropriations, doing the great work of education which has been allowed to go by default by the Government of the United States, what is the necessity of running the risk of turning any children out while we are in the process of transition from the old system to the new? What is there so objectionable and so abhorrent about the schools that have been appropriated for in the past that for the sake of doing no wrong to those helpless people we can not endure for a few months longer the existence of those schools as contemplated by the amendment of the Senator from Missouri [Mr. COCKRELL]?

Mr. GALLINGER. In reply to the Senator from Delaware, if he has completed his question——

Mr. GRAY. I have.

Mr. GALLINGER. I will say that there is a very grave doubt in my mind as to whether we are going to do wrong to any Indian children.

Mr. GRAY. But the Senator said he did not care whether we did or not, so far as the amendment is concerned.

Mr. GALLINGER. I did not quite say that. I said if a few Indian children are made to suffer they will be no worse off than many white children.

Mr. GRAY. Why run the risk?

Mr. GALLINGER. We have to run such risks in legislation.

Mr. GRAY. Where there is a worthy object.

Mr. GALLINGER. Yes, sometimes. It is a matter very clear to my mind that this policy should end, and end now. If I had had the opportunity to vote against the appropriation of public money for sectarian purposes when it was first entered upon, I should have so voted. I have cast my vote against it on every occasion I have had since I have been a member of this body, and I shall continue to do so until the system is wholly abandoned.

Mr. President, I happened to be in a Western State not a great many months ago, and I visited an Indian school, a very prosperous and flourishing school, supported by the Government, and almost within a stone's throw of that school was a sectarian school supported in part by appropriations from the public Treasury. I did not like it. I do not like it any better to-day than I did when I looked from the Government school over to the sectarian school and wondered what they were doing there with the money of the people. I believe that this is a great principle, and as such, I contend for it and trust that the Senate will stand by the proposition that comes to us from the other House of Congress.

I presume that a few Indian children may be caused some hardship if we adopt this policy at once. I assume that that may be the case, but I have no reason to believe and neither has the Senator from Delaware [Mr. GRAY], nor the Senator from South Dakota [Mr. PETTIGREW], any reason to believe that any considerable number of Indian children will be deprived of the advantages of education. The Senator from South Dakota talks about ten or twelve hundred Indian children in his own State having no opportunity to be educated. I do not know whether that is true or not. I observe that there are appropriations in this bill for the construction of two additional school buildings in that State which, I presume, in the course of two or three years, more or less, will enable some of those children to have the advantages of education. The Senator must know that the continuance of the 50 per cent appropriation will not do anything toward educating the children in South Dakota who the Senator says are now without the means of education. It will not reach them at all. It simply continues in full blast schools that are clearly, manifestly, undeniably sectarian in their purpose and in which the teachings are sectarian.

Mr. President, I am against it. If we pass the amendment submitted by the Senator from Missouri putting the matter over until 1898, no one can foresee what action will be taken by the next Congress, and I apprehend that if we amend the bill as is proposed the sliding scale will be continued after 1898 and that the year 1900 will find the Senate of the United States still voting the money of the people for sectarian purposes, which it has no right to do under the Constitution of the United States. I stand on the great principle that church and state should be absolutely and eternally divorced.

Mr. GEORGE. Mr. President, this is no new question. I shall vote against the appropriation of money out of the Treasury for sectarian schools as a matter of principle. It is prohibited, I think, by the first amendment to the Constitution of the United States. I will read two lines:

> Congress shall make no law respecting an establishment of religion.

It is not that Congress shall make no law organizing, creating, an establishment of religion, but no law respecting an establishment of religion. Any law which appropriates the money of the people out of the Treasury to any religious denomination to be used for sectarian purposes is a law respecting an establishment of religion, and it is not only in violation of the clause of the Constitution which I have read, but manifestly unjust.

There are many people, millions of people, in the United States who contribute their money to the Treasury of the United States. Those people do not believe that the money which they thus contribute should be applied to the purpose of propagating any religious tenets which they do not entertain. Many of them also believe that the money ought not to be appropriated for propagating religious tenets which they do entertain. One of the largest churches in this country in membership has uniformly from the very beginning refused to accept appropriations of the kind now under discussion. It refused to establish schools or any other eleemosynary institution and receive from the Government any money to help to support them. I think, sir, that it is not only in violation of the Constitution, but a violation of the just rights of conscience of a large number of people of the United States, and for that reason I shall vote against the amendment offered by the Senator from Missouri.

One more remark and then I shall be through. I know that some little inconvenience may occur from ceasing to make such appropriation. One of the great evils of a bad system is the difficulty of escaping from it. But the best way, when the system is wrong, and especially when it is prohibited by the Constitution of the United States, is to quit right off and make no more appropriations.

Mr. KYLE. Mr. President, in listening to the reading of the Constitution by the Senator from Mississippi [Mr. GEORGE] it seemed to me that his quotation is not to the point. It says the Congress of the United States shall make no law respecting an establishment of religion. The mother country had an established religion, and I presume that clause was framed as a guard against the English custom of making a certain religion the established church of the country. There never was a desire on the part of the founders of this Government, nor is there a desire on the part of the Congress of the United States now, to establish any sort of religion or to unite in any sense church and state in the United States. We have got into a bad practice—I have always considered it a bad practice of appropriating—indirectly of course—money for sectarian purposes, and for years we have made these grants not only to the Catholic Church, but to the numerous branches of the Protestant Church.

Mr. GEORGE. Not all of them.

Mr. KYLE. Several branches of the Protestant Church, so as to carry on the missionary work among the Indians of the United States.

As the Senator from Mississippi has just said, this has not been agreeable to the wishes of a very large number of the citizens of the United States. They believe that church and state should be

entirely divorced. A great many Protestant denominations have so thought, and I believe only three or four years ago decided they would accept no gift of this kind from the Government. Since then they have supported their schools by private donations.

Mr. GEORGE. I wish to state to the Senator from South Dakota that the Baptist Church of the United States, on principle, is opposed to all appropriations from the Treasury for sectarian purposes. It has uniformly, from the very beginning, refused to apply its hand to any such fund.

Mr. KYLE. I know that is true, and I think they are to be commended for it. The Presbyterian, Congregational, and other denominations agreed three or four years ago to pursue the same course and now refuse to accept appropriations of this kind.

The Catholic Church, as has been remarked by my colleague [Mr. PETTIGREW], went into the missionary work with a great deal of activity. It established schools upon the frontier at great cost to itself and far beyond its means of supporting them by private donations, relying upon the contract plan of the Government for assistance to educate the Indian children.

Now the proposition is to stop the appropriations. The question is, how shall it be done? The Catholic Church itself is willing to have the appropriations cease, and it merely asks Congress for a little time to change from the contract system to the system of private donation from its people. As is well known to many, that denomination is carrying on missionary work of various kinds to the very limit of their purse. It will take some little time to make the change, and I think it nothing more than fair and just that they should be allowed two or three years to adjust matters, and they are perfectly willing at that time to prosecute their school work without further help from the Government. They were encouraged by Congress to inaugurate the present system, and we should now be generous enough to allow them time to make different arrangements.

Mr. THURSTON. Mr. President, I am a profound believer in the Christian religion. I have the utmost respect for every spire that points to heaven, for every creed that looks to God. I believe I am liberal enough and broad enough to draw no line against any man or against the advancement of any man in this country on account of his religious convictions. But I have for many years held, and have oftentimes in public address and otherwise declared the belief, that the public moneys of the people, collected from the people, should only be expended for public purposes, and when expended, that they should always and under all circumstances be expended by public officers and instrumentalities of the Government; and I can not now, in voting upon the pending amendment, depart from that belief.

I believe it is unconstitutional under our theory of Government to appropriate moneys collected from the people to assist in the support of any institution, whether conducted by a religious organization or otherwise, which is not an institution of the Government, run by the Government, and administered by officers and agents of the Government. It is confessed upon this floor and from both sides of the Chamber that the whole policy of our appropriation of money for the education of the wards of the Government in sectarian schools has been from the beginning wrong. If that is true, it seems to me there is no place where we can compromise with this fundamental wrong against the Constitution of the United States. A carbuncle on the body human must be treated by the knife, and so ought a carbuncle on the body politic.

It is suggested that numerous Indian children, wards of this Government, will be temporarily deprived of educational facilities in case we stand by the bill as it comes to us from the other House.

Sir, I do not believe it, and I stand here to assert my belief that it is all nonsense to say that Indian children will suffer from our standing by the provisions of the bill as it comes from the other House. The distinguished chairman of the Committee on Appropriations has said in this presence that the committee is willing to appropriate whatever money is necessary to provide adequate school accommodation for the children who will be deprived of the advantages of the sectarian schools. The schools of the next school year do not commence before the middle of September. It would be no great hardship to postpone that school year until the 1st of November. It is oftentimes done by communities in this country, and especially in rural communities in this country, and there are whole sections where the winter schooling is limited to three or four months in the year. I grew up in a farming community where we had but three months of school in summer and three months of school in winter, and almost every man upon this floor grew up under similar circumstances. I believe that what was good enough for our fathers and for their children will at least temporarily suffice to properly take care of the Indian wards of this Government.

I stand here to insist that before it becomes absolutely necessary to provide for the next winter's schooling of the Indian children in this country the agencies of this Government, with proper appropriations, can provide all the school facilities that are necessary and no Indian child will unnecessarily suffer because of our standing now by the Constitution of the United States, when we are all determined that from this time on the fundamental policy of the Government shall be recognized, that church and state shall be and remain divorced, and that Government enterprises shall be carried on by Government agencies and through the administration of Government officers.

Mr. GRAY. Mr. President, it seems very strange that at this quiet hour in the history of our country, when the fundamental principles of the American Constitution are accepted all over its breadth and length, when there is no one so far as I know in this body of representative American citizens advocating any policy in contravention of the great American doctrine of separation of church from state, when there is no propaganda anywhere so far as I know which threatens that condition of things which all Americans take pride in maintaining—the absolute divorce of the one from the other, to hear these solemn warnings and invocations uttered in the eloquent language of the Senator from Nebraska to fright us from our propriety in dealing simple justice to a class of helpless children whose education depends upon the wisdom of the American Congress.

If it be so that our Constitution is framed upon such lines that we can not do justice when justice stands plain before our eyes and its dictates are unmistakable, we have not builded better than we knew, but much worse than we intended.

Mr. President, I have not one drop of blood in my veins that is not Protestant. My education was drawn from Puritan sources. But I never learned that this country was laid upon any foundations less broad and sure than those which meant to deal out exact justice and charity to all, and to tolerate the widest difference of religious and political thought.

What is the proposition before us? It is not to unite church and state; it is not to support any policy looking to their union; but simply that in passing from an administration of Indian schools in what was only a short time ago the far West, we should recognize present conditions and seek in establishing absolute nonsectarian schools to do no injustice to the work nor to the character of the devoted men and women who have given of their time and means to do what the Government of the United States was unable or unwilling in the past to do.

It appears now that we are both able and willing, and we are to adopt a system of nonsectarian schools. I say amen to it. It is right; but in doing it I should rather forget, I think, that I am an American citizen imbued with the principles that lay at the foundation of our Government if I could not do justice to those who are also American citizens and who have been laboring in their own way to educate those who, without their efforts, would have been bereft of educational advantages.

So, Mr. President, as I said a moment ago, in a question that I asked the Senator from New Hampshire, it is merely whether we shall take the risk of doing any injustice to these Indian children in passing from this provisional state in which the Government of the United States, whether for good reason or for bad reason, chose to avail itself of these schools established by Christian men and Christian women—whether in passing from that we should not only do them injustice, but in the mode of doing it do them insult and injury.

Mr. President, it was no crime, however impolitic it may be, and I grant that it is, to continue these schools, or to continue aid to them. It was no crime to have these children taught even by the Catholic teachers or Baptist teachers or Methodist teachers. They were all Christians and they were American citizens, men and women both, who were giving their endeavor and making the sacrifice for the great cause of education.

That there is no danger in adopting this provisional arrangement contemplated by the Senator from Missouri, but only doing simple justice and relieving ourselves from the imputation of a narrowness and bigotry that do not belong to the American character, I will ask to have read at the desk a passage from the address of Archbishop Ireland in yesterday's Washington Post, which I think, on account of the patriotic sentiment, and the eloquent expression of it that he has given, ought to be spread upon the record. I will ask the Secretary to read from the heading "Church and state."

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

SPHERES OF CHURCH AND STATE.

The church recognizes as her own sphere faith and morals. She possesses and claims no mission in civil and political matters. The state appropriates to itself civil and political matters, and assumes no authority in the domain of faith and morals. There is no room for conflict between church and state; both move in separate and distinct spheres. If the church encroaches upon the sphere of the state, we should bid her be away. If the state enters into the sanctuary of conscience, the proper empire of the church, the appeal is to God, and the state is ordered to hold off its hands. There is not an American who will not say, "Better obey God than man," and this is all that Catholics ever would be permitted to say by the Catholic Church.

Separation of church and state, as we have it in America—church and state revolving freely in their separate and distinct spheres. Catholics fall behind none of their fellow-citizens in admiring it and demanding its continuance. The Catholic Church wishes no aid from the state in the preaching of her gospel. She rests her cause on its truth and beauty. But liberty from the state she wishes and clamors for as a sacred and inalienable right; liberty in its fullest gifts under the common law of the land; liberty which other associations are entitled to and receive. Yes, we claim liberty in our religious belief and observances, and in the enjoyment of all our rights of citizenship. I am a Catholic, I am a priest and bishop; but I am an American citizen, and I must be debarred from no rights or privileges accorded to other citizens because I am a Catholic or because I carry upon me the insignia of my priesthood. I can hold office, and I can do work, educational and charitable, for the state, although I am a Catholic and a priest, and no one in the name of liberty shall debar me.

Separation of church and state! Most assuredly. The state must not aid in the propagation of the faith of a church, but she must not impede and hamper the church in her work and close her out from the necessary opportunities to do it.

Separation of church and state! Most assuredly again. But let there not be, in the working out of this separation, wild and extreme measures, which would tend to make society godless and destroy in it all moral life and supernatural hopes. Often under cover of separation of church and state infidelity and impiety are stealthily advancing their cause.

My words betray no fear for the future. Americans are a people of sincere religious convictions and of profound common sense, and they well know how to keep church and state separate and yet give liberty its full sway and guard religion and morals.

Mr. GRAY. Mr. President, those utterances would have fallen with propriety, and I have heard many such, perhaps not so eloquently expressed, from the mouths of Protestant clergymen, from men who were high in the priesthood of other than the Roman Catholic Church, expressing just that estimate of what true Americanism is in regard to church and state; and when it falls from the lips of a Roman Catholic bishop it does not cease to be true, and it remains true to-day, and thank God there is room enough in this country for all denominations, and surely for all Christian denominations.

The amendment expressly declares in the following language the purpose of adherence to this American doctrine so eloquently portrayed by the Senator from Nebraska:

And it is hereby declared to be the settled policy—

Says the amendment—

of the Government to make no appropriation whatever for the education of Indian children in any sectarian school just as soon as it is possible for provision to be made for their education otherwise; and the Secretary of the Interior is hereby authorized and directed to make such provision at the earliest practicable day, not later than July 1, 1898.

What more do you want than that? Does not that fill the measure of American common sense and of American Christianity, I should say?

Mr. President, Protestantism is not bigotry and Christianity is not fanaticism. They are both consistent with that broad common sense and that true American spirit that I have tried to describe and which I have heard described not only in the words of Archbishop Ireland, but from the lips of many of our Protestant clergymen.

Mr. GEORGE. Will the Senator from Delaware allow me to ask him a question?

Mr. GRAY. Certainly.

Mr. GEORGE. If it is so entirely proper and constitutional to make provision for sectarian schools, where is the necessity for ceasing to make it two years hence?

Mr. GRAY. I was interrupted by the Senator from West Virginia [Mr. FAULKNER], if the Senator will pardon me, just as he was asking the question.

Mr. GEORGE. The question I propounded was this: If it was so entirely proper and so consonant with American institutions and the American Constitution to make appropriations out of the public Treasury to sustain sectarian schools, where is the propriety of ceasing to perform that operation in two years?

Mr. GRAY. I do not exactly understand the question. Perhaps that is my fault.

Mr. GEORGE. I will explain.

Mr. GRAY. It is my fault.

Mr. GEORGE. I understood the Senator to say that in about two years from now we would get out of this system; that we would have no more of it.

Mr. GRAY. Well.

Mr. GEORGE. Now, why are we getting out of it, if it is a good thing?

Mr. GRAY. Mr. President, no one denies, I do not deny, and you, sir, do not deny that education by a Protestant school, education by a Baptist minister, or education by a Catholic priest is better than no education at all, and that the foundations of freedom in this country were not laid in any wise to forbid the mere touch of a Christian minister as if it were pollution. They have performed, sir, a great part in the past history of this country. They have carried on a great part of the education of American youth, and I have never heard that any lesson that was wanting in patriotism was ever inculcated by a clerical teacher of any denomination. I, sir, have received instruction from clerical teachers. I recollect with gratitude lessons that I have been taught by them of duty not only to my Creator, but to the country and State and society in which I live. They came from the lips of clerical teachers, and notwithstanding that I am not willing that public money should be appropriated to pay such teachers, but neither am I willing that in the public laws of this country we should treat with insult and contumely that portion of our citizenship that has devoted itself to preaching the gospel of Christ, whether it be in a Catholic cathedral or a Methodist or Baptist or Presbyterian church.

No, Mr. President, I do not believe that any such feeling is consonant with American patriotism anywhere. I know the Senator from Nebraska entertains no such feelings; he has disclaimed them on the floor, and we all knew that he did not before he made his disclaimer. But all I want to say is that the great principle of separation of church and state does not forbid us to do simple justice in passing from this provisional arrangement—simple justice to both teachers and children.

Mr. THURSTON. Mr. President, I can not consent that my silence should even impliedly admit that I disagree with any of the general statements or propositions of the Senator from Delaware. I am at a loss to understand how it was possible that anything I said upon this floor aroused him to such a pitch of defense of one particular religious denomination, for I said no word, I made no suggestion, which could be claimed as pointed to any denomination in the United States. The Senator can go no further than I do in my reverent admiration for the barefoot priest with the cross of Christ upon his breast, who has made pathways into the wilderness and has spread for many generations, aye, for many centuries, the divine doctrine of the lowly Nazarene.

Sir, this is no question, and it can not be changed into a question, of religious intolerance. I do not care what may be the religious faith, the religious creed, the religious association of the man who teaches the Indian children of this country, or who teaches my children, but when he teaches them he must be the employed officer and the employed agent of the Government toward which I contribute my quota of taxation for the support of the education of the children of the country. That is all I ask for; all that I insist upon. I will not raise any barrier of religious intoleration or of bigotry against the selection of any man, I care not what his religious creed may be, or of any woman, to teach the Indian wards of the Government of the United States. I only insist that he shall teach them in a schoolhouse of the United States of America, subject to Government supervision, subject to Government inspection, subject to Government regulation, and that the teacher who stands there and teaches Americanism in the education of the children of the United States shall stand there subject to direction of the Government and subject to removal if he abuses the trust conferred upon him by the United States of America.

I think the Senator from Delaware has been unfortunate in another respect. I had supposed up to the time he arose that the whole question of our consideration was as to whether or not by this action of ours we would deprive the Indian wards of this Government of that immediate and necessary support and education to which their helpless condition entitles them from us. But the Senator from Delaware, it seems to me without warrant, it seems to me without excuse, it seems to me without justification from anything that has been said, stands up here and charges that this proposed action of ours, confirming the action of the House of Representatives, is directed as a reproach against some particular religious institution which has heretofore maintained schools for the education of our Indian wards. I do not so understand it at all. I know of no obligation, expressed or implied, on the part of the United States of America to contribute this year or any year one dollar to assist in the support of any private or sectarian school of the United States. The fact that we have done so in the past is no warrant that we should continue it in the future. There is no guaranty by this Government that because it has done a wrong for one year or a hundred years it will continue the wrong in the future.

I say now, not as a result of any immediate or present conversion, but as a result of many years of deliberate thought, animated by the broadest and most patriotic motives, that having for the first time to elect as to whether I will vote moneys of the United States to the support of institutions not officered and managed by the United States, I have only one course to pursue. It is a patriotic course, it seems to me, and I still insist that it works no wrong to any religious denomination; it works no wrong to any established school, and I still insist that this Government is big enough and has money enough to furnish all the necessary school accommodations that are needed by the wards of the United States.

Mr. GRAY. As I understand it, sir, the only question before the Senate is upon the amendment offered by the Senator from Missouri, which provides merely that the Secretary of the Interior may make contracts with present contract schools, thereby showing that contract schools have been authorized in the past by the

Government or availed of by the Government for Indian educational purposes.

That the Secretary of the Interior may make contracts with present contract schools for the education of Indian pupils during fiscal year 1897, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children, and to an amount not exceeding 50 per cent of the amount so used for the fiscal year 1895.

That is the amendment the Senator from Nebraska is opposing. That is the amendment toward which he has directed his eloquent denunciation. That is the practical question before the Senate, whether we can afford to allow such Indian children as can not be provided with nonsectarian schools to use for one year the sectarian schools at which they have already been accustomed to attend; that is all. What prevents our doing it? That is what I ask. Not the principle of nonsectarian schools, for I believe in it as much as the Senator from Nebraska; no principle of division between church and state, because we avow in the amendment that hereafter it is—

The settled policy of the Government to make no appropriation whatever for the education of Indian children in any sectarian school.

The amendment declares our settled policy; but it is a mere question of convenience of administration; it is a mere question whether we shall subject these Indian children, or any portion of them, to the hardship and to the inconvenience and to the cruelty of being turned out without any education, in order that they may not be continued even for a short time in the sectarian schools which they have been accustomed to attend.

Mr. PLATT. May I not ask this question: If there is to be a 50 per cent reduction during the year for which this appropriation bill is adopted, will there not be the same risk of children being thrown out?

Mr. GRAY. I am afraid so. I should not make a 50 per cent reduction; but I supposed in the collision of opinion that there has been a certain concession to this feeling which I can not understand, though of course I am bound to respect it because it is an opinion uttered by men whom I am bound to respect, but I can not understand the feeling, agreeing with them as I do that there must be an absolute division between church and state, that we can not afford, in simple justice, to provide in this temporary way during the transition from a provisional system to a permanent system for the care and custody of these children.

I said nothing about a defense of one denomination or of another. I read from the remarks of Archbishop Ireland, because they express eloquently what I have heard before expressed from clericals of other denominations. We agree with him; the Senator from Nebraska indorses him, and I indorse him. I do not care what body of Christians has been doing or is doing this Christian work, it is the same thing. Let them go on for a year and continue the work they have been doing until the United States is able to take it entirely into their own hands. That is all there is in it; and what is to prevent it?

Mr. TELLER. Mr. President, there seems to be no division of sentiment here as to the propriety of the Government of the United States taking charge of Indian education directly. The only question is, it seems now, whether it can be done properly to-day—that is, whether we can discard the old system of contract schools and the Government can furnish the necessary appliances for the education of the Indian children or whether we must by degrees reach that point.

Mr. President, a majority of the Committee on Appropriations have, for the reasons very clearly and conclusively given by the chairman the other day, believed that it was better to accept the provision of the House bill as it came to us. We brought before the committee the Commissioner of Indian Affairs, who very frankly stated to us, I think, that he could take care of substantially all the Indian children. I do not believe there would be any more trouble in taking care of the Indian children under the provisions of the bill as it came from the other House than under the provisions of the amendment now pending. The Committee on Appropriations have recommended to the Senate very large additions to the usual appropriations for the purpose of meeting this question.

Mr. PLATT. Will the Senator allow me to ask him a question?

Mr. TELLER. Certainly.

Mr. PLATT. Will it not be more difficult in taking care of the Indian children if 50 per cent is withheld the next year and 50 per cent the year after than if this change is made all at once? How is the 50 per cent of the children going to be provided for? Those are not provided for by the Government.

Mr. COCKRELL. It is not 50 per cent of the children; it is 50 per cent of the appropriation.

Mr. PLATT. It is 50 per cent for the education of the children.

Mr. COCKRELL. That will be taken from certain schools, and other schools will be allowed their whole number, as has always been done.

Mr. TELLER. But some schools somewhere must be discontinued or else a portion of all the schools must be discontinued. Last year the House of Representatives sent us a provision something similar to the amendment of the Senator from Missouri, which is now pending, providing for a gradual reduction of the contract schools and a cessation of the system. The Commissioner of Indian Affairs stated to the committee that he did not pro rate them in the different schools, but discontinued certain contract schools entirely, and in that way he brought himself within the provision of the law. That is the way undoubtedly he will do it again. If we say we will cut off 50 per cent of the money we shall cut off 50 per cent of the children. It seems to me that, inasmuch as we are entering upon this system of discontinuing and discarding the contract system, it would be better for us to seize this question to-day and prepare at once for taking care of these children. The Commissioner of Indian Affairs made the impression, at least upon my mind, that that would be substantially done if proper appropriations were made.

Mr. President, there have been some erroneous statements made as to the system of contract schools. It was asserted here by at least one or two Senators that it originated with President Grant. There never was a greater mistake. President Grant had nothing whatever to do with the contract schools, and never made, so far as I can learn, any suggestion about them. That statement arises from the fact that President Grant thought it would be a good thing to allow the peace-loving people of the country, like the Quakers and church people, to select the Indian agents. He had an idea if they selected the Indian agents from the class of people they knew, the universal complaint of robbery, stealing, etc., at Indian agencies would cease. So the whole country was parceled out by the Secretary of the Interior. He said such an agency shall belong to the Methodists, such an agency shall belong to the Presbyterians, such an agency shall belong to the Moravians; and I believe a few agencies were allotted to the Catholics, but not, I think, in proportion to the number of their membership or their zeal in the cause of education.

It was found this did not work well. The church, in their desire to serve some good brother, would recommend people who had not the qualifications and who did not and could not make good Indian agents, and it was found to be a very bad system. I know of instances where designing and bad men even went so far as to join the church in order that they might get Indian agencies. When it became my duty to administer the law in 1882 the first case that came before me was from the State of Colorado, where an Indian agent, appointed on the recommendation of one of the great churches of the country, had been caught substantially in stealing the supplies which the Government provided for the Indians. Having seen for some years the bad effects of this system, I very promptly asked the President to remove the man and appoint a man of whom I had personal knowledge, and I did it without consulting the churches. As may be supposed, that raised something of a storm about my ears; but the church was not the church in which I had been brought up and to which my family belonged, and I rather got along with that fairly.

The next case that came was from the Methodist Church, of which my wife was a member, and of which my family had been members for many years, my father, and my relatives generally. While not a member of that organization myself, it was considered a very unfair thing for me to thus treat the church that I had at least some attachment for, and I received very severe castigation through the press and through the secretaries, and from church people generally, because I had interfered with this valuable system. I had taken the advice of the President of the United States, who had very kindly said to me that if I thought it was not a good system I might tear it up by the roots, and I had determined to tear it up by the roots, and did tear it up by the roots, greatly to the benefit of the public service.

At that time there was very little interest in Indian education. The number of Indians in schools was comparatively few to the number to-day. Up to that time there had not been very many appropriations for Indian schools. About $800,000 of Indian money had been put into the Treasury and made available for Indian schools; and that, under the administration of my predecessor, had been practically paid out.

I came to Congress for appropriations, having some notions of my own, and urged Congress to allow me to take charge of all the schools—there were some few contract schools at that time to take charge of—and give me money enough to enable me to do so. It cost the Government about $150 apiece, from that up to $170, to educate the children in its own schools. The good people who had established sectarian schools, or church schools, or mission schools, or whatever you choose to call them, were able to do this work for less; in some instances for as low as $70, and from that up to $100 and $108—in that neighborhood. The Department was compelled, in order to provide for the Indian children who were demanding access to the schools, to make use of these agencies, and gradually they began to grow in extent.

The Catholic Church had had comparatively few schools. I knew myself that the Catholic Church had been a very powerful agency in the civilization of the Indians. Their order of doing business and their methods are much better calculated to get the

them of duty not only to my Creator, but to the country and State | ing that contract schools have been authorized in the past by the

entire control of the wild people than those of the other denominations. They had been successful, and I parceled out to some of them at least the privilege of taking charge of Indian education; and some of the most successful Indian schools in the United States have been the Catholic Indian schools.

I am a little like the Senator from Delaware [Mr. GRAY]. I come of an anti-Catholic race, a race which suffered as much from Catholicism as any race that ever lived on the face of the earth; but I have no prejudice whatever against any organization which attempts to uplift and elevate the human race. I can see virtue in the Catholic schools as well as in the Methodist schools; but, Mr. President, I was, as Secretary of the Interior, opposed, and so declared to the committees, to any sectarian schools whatever, against any contract schools, believing, as was stated here on the floor to-day, that the Government of the United States is rich enough and strong enough to educate its own children without the charity of anybody, and believing also that the American people do not want the Government of the United States to save a few dollars on the education of the Indians of this country. I believed then, as I believe now, that it is the duty of the Government to take charge of the Indian schools, and I believe I can point to several Indian schools of which the Government has taken charge which are vastly better than any contract schools which have ever been conducted by any denomination. I will mention the Carlisle School and the school at Lawrence, Kans. I might mention a dozen others which have been very successful, and even more successful than the most successful of the contract schools, which, I again repeat, have been, I think, in the hands of the Catholic Church and not in the Protestant churches.

Mr. CALL. I will ask the Senator if it will be agreeable to him to continue his remarks in the morning?

Mr. TELLER. I only want to say a word or two more, and I prefer to finish what I have to say now.

I have no complaint to make of the Catholics. They have taken possession of the Indian schools when other churches withdrew; but the whole system, in my judgment, of allowing any religious body to educate these children is wrong. If I believed, as has been stated on the floor, that the adoption of the pending or a similar amendment or an adhesion to the House provision would turn out of the schools or deprive a large portion of the Indian children of the benefits and advantages of the schools, I should not vote for it; but I believe, and have believed for many years, that it is the duty of the Government to take charge of the schools and educate the children. Whether they be white or black or red, according to my idea of public policy, the duty of educating them belongs to the state.

Mr. President, I come from a State which adopted a free-school system before there had been a surveyor's chain put upon an acre of its land; a school law which has been in force ever since, and to which no man has ever contributed one cent, except by way of taxation; a school law which has, I think, brought the people of Colorado into loving communion with the idea that the State is bound to educate its children. To such an extent have we gone in Colorado that not only have we provided that each man shall send his children to the public schools, but, if he is too poor to clothe them, the State intends that its citizens shall have the opportunities and benefits of an education no matter what may be their condition in life, and the State puts the clothes upon their backs as it furnishes them the books; and no rate bill has ever gone to a citizen of my State for the education of his children or the education of any children, white, black, or red. Believing, as I do thoroughly, that it is the State's duty to educate, I am opposed to anybody except the State putting out their hand to educate the children.

For that reason I have been willing to adhere to the other provision, believing that there will be no suffering caused by it, that there will be no deprivation of educational facilities with the liberal appropriations which the Committee on Appropriations have recommended to the Senate over and above those provided by the House of Representatives if the Senate shall adopt those provisions.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri [Mr. COCKRELL].

Mr. PETTIGREW. I do not ask for a vote on the pending amendment to-night, as there probably is not a quorum present; but I should like unanimous consent that the vote may be taken on this amendment to-morrow, say, at 2 o'clock.

Mr. CALL. Oh, no; you can not do that.

Mr. COCKRELL. I do not think that is necessary.

The PRESIDING OFFICER. Objection is made.

Mr. PETTIGREW. Can we not agree upon an hour perhaps later than 1 o'clock? It seems to me we ought to dispose of this matter, say, at 2 o'clock to-morrow, and agree that the bill be taken up immediately after the routine morning business.

Mr. GORMAN. I suggest that we agree to finish the bill to-morrow before we adjourn.

Mr. CULLOM. The entire bill?

Mr. TELLER. I do not believe we can do that.

Mr. PETTIGREW. Let us dispose of the pending amendment by 2 o'clock, agreeing to take up the bill immediately after the routine morning business.

Mr. COCKRELL. I suggest that we go on in an orderly way. We shall then consume a great deal less time than will be occupied in trying to secure agreements, and I do not think there will be much more discussion on the pending amendment. I am certain that no one will speak upon it merely for the purpose of delay.

Mr. PETTIGREW. We may be able to dispose of it earlier than 2 o'clock to-morrow.

Mr. COCKRELL. With the Senate in the condition it now is, I can not consent to a unanimous-consent agreement.

The PRESIDING OFFICER. Objection is made.

Mr. TELLER. I offer an amendment to the pending bill, to come in at the foot of page 79. It is an amendment which is desired by the Department, and I ask that it may be printed.

The PRESIDING OFFICER. The amendment will be received and ordered to be printed.

CONDEMNED CANNON FOR GRANT PARK.

Mr. HAWLEY. I beg leave to ask unanimous consent for the consideration of a bill which some of my friends in the Senate are exceedingly anxious to dispose of now, and which is needed before the 27th instant. The bill is now lying upon the table, and I ask unanimous consent that it may be taken from the table and considered at this time. It is House bill 8313.

The PRESIDING OFFICER laid before the Senate the bill (H. R. 8313) authorizing the transfer of a cannon from the Rock Island Arsenal, Rock Island, Ill., to Grant Park, in Galena, Ill.; which was read twice by its title.

Mr. HAWLEY. I ask unanimous consent for the present consideration of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HAWLEY. The Military Committee wishes to move an amendment, which is indicated by brackets on the face of the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to amend the bill, after the word "infantry," in line 16, by striking out "and bearing an inscription, 'Presented to the Sovereign State of South Carolina in commemoration of the 20th day of December, 1860, by citizens abroad'"; so as to make the bill read:

Be it enacted, etc., That the Secretary of War be authorized and directed to cause to be transferred from the Rock Island Arsenal, Rock Island, Ill., to Grant Park, in Galena, Ill., a Confederate cannon captured by the Forty-fifth Illinois Infantry: *Provided*, That the transfer shall be made without expense to the Government.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 22, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 21, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

BANKRUPTCY BILL.

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent that the arrangement which was made for the consideration of the bankruptcy bill on Wednesday, Thursday, and Friday morning of this week be changed to Tuesday, Wednesday, and Thursday morning of next week. I understand there are other matters which will be considered this week, so that we can not get that bill up.

Mr. BAILEY. Then am I to understand that the consideration of the bill is to be had on Tuesday and Wednesday and the vote on Thursday?

Mr. HENDERSON. The vote is to be taken immediately after the reading of the Journal on Thursday. It is just the same arrangement as was made for this week, except it is for next week.

Mr. BAILEY. Mr. Speaker, I have no objection to that; but I would suggest to the gentleman from Iowa, in view of the fact that a good number of gentlemen have expressed to me a desire to speak upon the subject, that instead of taking the vote immediately after the reading of the Journal it be taken later on Thursday.

agency in the civilization of the Indians. Their order of doing business and their methods are much better calculated to get the

Mr. HENDERSON. That can be arranged afterwards. I think we had better allow the order to be transferred one week, and that can be arranged later.

Mr. BAILEY. I will say to the gentleman after we make an arrangement by unanimous consent it will then be in the power of one gentleman to prevent an extension of the time.

Mr. HENDERSON. I will amend my request so that it be that the vote be taken on Thursday. We can arrange then at what hour it shall be taken.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

Mr. HEPBURN. I object to the consideration of any bill of this character.

CONDEMNED CANNON.

Mr. HARDY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7671) authorizing and directing the Secretary of the Navy to donate one condemned cannon and condemned cannon balls to U. S. Grant Post, No. 72, Grand Army of the Republic, of Washington, Ind., Department of Indiana.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to donate one condemned cannon and condemned cannon balls for two pyramids to U. S. Grant Post, No. 72, Grand Army of the Republic, of Washington, Ind., Department of Indiana.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Indiana," insert the following:
"*Provided*, That in the judgment of the Secretary of the Navy such articles can be spared without detriment to the public interests: *And provided further*, That the United States shall not be subjected to any expense on account of such donation."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HARDY, a motion to reconsider the vote by which the bill was passed was laid on the table.

TRANSFER OF CANNON TO GRANT PARK, GALENA, ILL.

Mr. HULL. Mr. Speaker, I desire to submit a report, and ask for its immediate consideration.

The Clerk read as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 8313) authorizing the transfer of a cannon from the Rock Island Arsenal, Rock Island, Ill., to Grant Park, in Galena, Ill., having had the same under consideration, report it favorably with an amendment, as follows:
"Providing that the transfer shall be made without expense to the Government."

The bill was read, as follows:

A bill (H. R. 8313) authorizing the transfer of a cannon from the Rock Island Arsenal, Rock Island, Ill., to Grant Park, in Galena, Ill.

Be it enacted, etc., That the Secretary of War be authorized and directed to cause to be transferred from the Rock Island Arsenal, Rock Island, Ill., to Grant Park, in Galena, Ill., a Confederate cannon captured by the Forty-fifth Illinois Infantry, and bearing an inscription, "Presented to the sovereign State of South Carolina in commemoration of the 20th day of December, 1860, by citizens abroad."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

RAILROAD BRIDGE AT LITTLE ROCK, ARK.

Mr. TERRY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1353) to revive and reenact the act entitled "An act to authorize the building of a railroad bridge at Little Rock, Ark.," approved March 2, 1891.

The bill was read, as follows:

Be it enacted, etc., That the act approved March 2, 1891, granting the Little Rock Bridge and Terminal Railway Company authority to construct and maintain a bridge and approaches thereto over the Arkansas River at a point on said river at or near the city of Little Rock, in the State of Arkansas, which act has expired by limitation, be, and is hereby, revived and reenacted.

SEC. 2. That section 7 of the said act be amended so as to read as follows:

"SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from July 1, 1896; and all the benefits of this act shall inure and belong to the Little Rock Bridge and Terminal Railway Company, a corporation existing under the laws of Arkansas, its successors or assigns: *Provided*, That the navigation of the Arkansas River shall not be obstructed by false work during the construction of said bridge."

Mr. TERRY. Mr. Speaker, the bill has been reported by the Committee on Interstate and Foreign Commerce.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. TERRY, a motion to reconsider the vote by which the bill was passed was laid on the table.

A. T. HENSLEY.

Mr. NOONAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7200) for the relief of A. T. Hensley.

The bill was read, as follows:

Be it enacted, etc., That there be, and is hereby, appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of $432, to be paid by the Secretary of the Treasury to A. T. Hensley, in full compensation for dressed flooring and rough boards furnished to the United States in August, 1865.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. Mr. Speaker, I hope the gentleman from Texas will give a brief statement concerning the bill.

Mr. NOONAN. The statement is that these parties furnished the lumber——

The SPEAKER. The House will be in order. These bills ought to receive the attention of the House.

Mr. NOONAN. Mr. Speaker, this bill for lumber was incurred for the use of the Army of the United States years ago. This gentleman was keeping a lumber yard at Lavaca, Tex., and the lumber was furnished to an Indiana regiment at that time. It has been pending since, and for one reason or another it has not been paid. It has now been favorably reported by the committee. It is a small amount of money that is due, $400.

Mr. LOUD. The report is very short. I think it will be well to have the report read.

Mr. NOONAN. The report can be read.

The report (by Mr. COOPER of Texas) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 7200) for the relief of A. T. Hensley, submit the following report:

The claim of A. T. Hensley, late of Lavaca, Tex., against the United States for $432 is for a house sold to the United States, and was by order of Col. E. D. Swain, commanding post, furnished to Lieutenant Zollinger, acting assistant quartermaster, the lumber to be used for building bunks for the soldiers of the Fifty-seventh Indiana Veteran Volunteer Infantry to keep the men out of the mud and water. A committee composed of J. S. McGraw, lieutenant-colonel Fifty-seventh Indiana; J. E. Loyal, captain of Company G of Twenty-eighth Kentucky Veteran Volunteer Infantry, and R. J. Clow, a citizen of Lavaca, after examination of witnesses, approved the claim for $432 on November 18, 1865.

This claim was approved by J. Rowan Boone, lieutenant-colonel of Twenty-eighth Kentucky Veteran Volunteer Infantry, commanding post of Lavaca, and sent by him to Joseph Conrad, brevet brigadier-general, commanding at Victoria, Tex., and by him sent to D. S. Stanley, major-general, at San Antonio, who returned the claim with his approval November 28, 1865.

This claim was presented to the Quartermaster-General United States Army for payment by Attorney G. W. Paschal, and he was told that the fund from which this claim should have been paid was exhausted. It has been presented several times since 1873, and was not paid, as it required an appropriation to be made for its payment.

Your committee, in view of the foregoing statement of facts, recommend the passage of the bill with the following amendment:

In line 6, after "Hensley," insert "late of Lavaca, Tex."

The loyalty of Mr. Hensley is established by the testimony of army officers stationed at that time in Texas.

Mr. NOONAN. I trust the gentleman will not object to the consideration of the bill. The report, I think, sets out all the facts and shows that the party is clearly entitled to the amount that he claims.

Mr. DINGLEY. One suggestion. Why was not this paid in the regular order? It seems to have been approved by the officer in command—by the quartermaster.

Mr. COOPER of Texas. There was no appropriation.

Mr. DINGLEY. Is there any question of the loyalty of the claimant?

Mr. COOPER of Texas. None at all.

Mr. DINGLEY. It seems on the face of it that this was an account that might have been presented to the Quartermaster-General.

Mr. COOPER of Texas. It was presented and allowed, but there were no funds to pay it.

Mr. DINGLEY. That is all right, then.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. NOONAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED JOINT RESOLUTIONS AND BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 365) to fix the date of the discharge of Thomas Johnson;

A bill (H. R. 2224) granting an increase of pension to Lewis C. Schilling;

A bill (S. 744) providing for a naval training station on the

island of Yerba Buena (or Goat Island), in the harbor of San Francisco, Cal., and for other purposes;

A bill (S. 69) to authorize the Secretary of the Interior to settle the claims of the legal representatives of S. W. Marston, late United States Indian agent at Union Agency, Ind. T., for services and expenses;

Joint resolution (H. Res. 85) relative to the medal of honor authorized by the acts of July 12, 1862, and March 3, 1863;

Joint resolution (H. Res. 160) to appoint four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers; and

Joint resolution (H. Res. 163) to amend the act approved August 1, 1894, making appropriations for fortifications and other works of defense, etc.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the bill (S. 2848) to amend section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895," approved August 18, 1894, was referred to the Committee on Irrigation of Arid Lands.

CONDEMNED CANNON.

Mr. SHAFROTH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7100) to donate 8 condemned cannon and 100 cannon shot to the Grand Army of the Republic Cemetery Association of Colorado.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to the Grand Army of the Republic Cemetery Association of the State of Colorado, for ornamental uses in its burial ground, 4 mounted condemed cannon and 4 unmounted condemned cannon and 100 24-pound or 32-pound round cannon shot: *Provided*, That the same can be spared without detriment to the service and that no expense is thereby incurred by the Government.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

Mr. CANNON. Mr. Speaker, I desire just a minute for discussion upon this bill. I am in favor of the passage of the bill, but I want to make a suggestion to the House. Information comes to me, which I have not verified, that there are plenty of condemned cannon at the various navy-yards, most of them, perhaps, at Mare Island, to meet the demand for monumental purposes generally throughout the country. Gentlemen understand that the ordnance which we have had heretofore is practically of no account except as old iron, and that it would be an expense to the Government even to get rid of it. Now, most of us have Grand Army posts that are pressing us to secure for them condemned ordnance for monumental purposes, and gentlemen are urgent here every morning to get unanimous consent for bills of that character. I know I would be glad to get unanimous consent for one or two such bills.

Now, my suggestion is that, by unanimous consent, a resolution be referred to the Committee on Naval Affairs and one to the Committee on Military Affairs, which will practically exhaust this whole subject, give us some idea of the supply of this condemned ordnance that is on hand, and make some apportionment of it in an omnibus bill, thus disposing of the whole matter and getting it off our minds and off our hands; and if the Speaker will recognize me for the purpose, I will, later on, offer a resolution for reference to those committees, directing them respectively to make inquiry and report touching this subject.

Mr. LACEY. Mr. Speaker, I am informed by the gentleman from California, Mr. HILBORN, that there is a very large supply of cannon at the Mare Island Navy-Yard that are not even worth breaking up; that is, the Government can not afford to ship them to the points where it would be necessary to send them in order to break them up. The cost of shipping those cannon to points in the East would, perhaps, be more than a good many Grand Army posts would be willing to bear, but the cannon are there practically useless and more than sufficient in quantity to fill every requirement of the bills that have been heretofore reported.

Mr. RICHARDSON. Mr. Speaker, has unanimous consent been given for the consideration of this bill?

The SPEAKER. It has.

Mr. RICHARDSON. I would like to have the bill again reported.

The bill was again read as above.

Mr. RICHARDSON. My object in asking to have the bill read again was to find out whether it contained the provision that the Government should be put to no expense in connection with the matter.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SHAFROTH, a motion to reconsider the vote by which the bill was passed was laid on the table.

NORTHERN PACIFIC INDEMNITY LANDS.

Mr. TOWNE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4974) for the relief of settlers on the Northern Pacific Railroad indemnity lands.

The bill was read, as follows:

Be it enacted, etc., That those persons who, after the 15th day of August, in the year of our Lord 1887, and before the 1st day of January, in the year 1889, settled upon, improved, and made final proof on lands in the so-called second indemnity belt of the Northern Pacific Railroad Company's grant under the homestead and preemption laws of the United States, or their heirs, may transfer their said entries from said tracts to such other vacant surveyed Government land in compact form and in legal subdivisions, subject to entry under the homestead and preemption laws, as they may select, and receive final certificates and receipts thereof, in lieu of the tracts proved up on in said belt by the respective claimants: *Provided*, That such transfer of entry shall be made and completed within two years from the date of the passage of this act, and be so made in person by the claimant, or, in case of death, by his legal representative, and without the intervention of agent or attorney.

SEC. 2. That all persons professing requisite qualifications under the homestead and preemption laws, who, between said 15th day of August, 1887, and said 1st day of January, 1889, in good faith settled upon, improved, and lived six months upon land in said second indemnity belt, having made filing or entry of the same, and who, for any reason other than voluntary abandonment, failed to make proof thereon, may, within two years after the passage of this act, transfer their claims to any vacant surveyed Government land subject to entry under the homestead laws, and make proof therefor in the same way as proof might have been made for their original entries had the same been perfected; and in making such proof credit shall be given for the amount of their improvements upon their claims in said indemnity belt as if the same had been made upon the claims to which the transfer is made. Payment for such final selections shall be made as under existing laws. The provisions of this act shall be carried into effect under such rules and regulations as may be prescribed by the Secretary of the Interior.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DINGLEY. I reserve the right to object until I can hear an explanation of the bill.

Mr. TOWNE. The report is very brief and I will ask that it be read.

The report (by Mr. WILSON of Idaho) was read, as follows:

The Committee on the Public Lands, to whom was referred House bill 4974, submit the following report:

On May 31, 1870, Congress by joint resolution gave to the Northern Pacific Railroad Company an additional, or second, indemnity limit of 10 miles.

On August 15, 1887, Mr. Lamar, Secretary of the Interior, gave an opinion that the company was not entitled to said additional 10-mile limit, and that the lands embraced therein were open to homestead and preemption entry.

On January 17, 1888, Attorney-General Garland rendered an opinion overruling the Secretary and holding the company to be entitled to the additional indemnity belt, and the Supreme Court (36 Fed. Rep., 282) has sustained that opinion.

But this decision of the Attorney-General was not delivered to the local land office at St. Cloud, Minn., until some time in November, 1888.

Meantime, while the lands were open to entry, and in many cases during the time between the date of the Attorney-General's opinion and its receipt at the St. Cloud land office, hundreds of settlers went upon these lands, made homestead and preemption entries, resided the necessary length of time, made improvements, and either received final receipts or were prevented from doing so by reason of the opinion of the Attorney-General before mentioned.

The object of this bill is to afford relief to both classes of these settlers that were thus injured—those who had made final proof and those who had not. The former are permitted to transfer their entries to other vacant Government land subject to entry, provided that such transfer be made within two years from the passage of this act, and by either the claimant himself or, in case of his death, by his legal representative. Those who failed to make final proof are permitted to transfer their claims to any remaining Government land subject to entry, and prove up on the same as they might have done in the case of the original entry, receiving credit also for the improvements made on the original claim.

The act is to be carried out under regulations prescribed by the Secretary of the Interior.

The committee are unanimously and strongly of opinion that the object of the bill is a worthy one, and that the bill should pass.

Mr. TOWNE. Mr. Speaker, the Commissioner of the General Land Office and the Secretary of the Interior are both favorable to the passage of this bill with an amendment which I have sent to the Clerk's desk, as indicated by the letters which I have here.

Mr. DINGLEY. Will the gentleman please put those letters into the RECORD?

Mr. TOWNE. I will do so.

Mr. McMILLIN. Will the gentleman kindly have the letters read from the desk, as this is rather an important matter?

Mr. TOWNE. Certainly.

The letters were read, as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 23, 1896.

SIR: I have to acknowledge the receipt, by reference from the Department for report, of a copy of a bill (H. R. 4974) "for the relief of settlers on Northern Pacific Railroad indemnity lands."

The text of the bill is as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That those persons who, after the 15th day of August, in the year of our Lord 1887, and before the 1st day of January, in the year 1889, settled upon, improved, and made final proof of lands in the so-called second indemnity belt of the Northern Pacific Railroad Company's grant under the homestead and preemption laws of the United States, or their heirs, may transfer their said entries from said tracts to such other vacant surveyed Government land in compact form and in legal subdivisions, subject to entry under the homestead and preemption laws, as they may select, and receive final certificates and receipts therefor, in lieu of the tracts proved up on in said belt by the respective claimants: *Provided*, That such

transfer of entry shall be made and completed within two years from the date of the passage of this act, and be so made in person by the claimant, or, in case of death, by his legal representative, and without the intervention of agent or attorney.

"SEC. 2. That all persons professing requisite qualifications under the homestead and preemption laws, who, between the 15th day of August, 1887, and said 1st day of January, 1889, in good faith settled upon, improved, and lived six months upon land in said second indemnity belt, having made filing or entry of the same, and who for any reason other than voluntary abandonment, failed to make proof thereon, may, within two years after the passage of this act, transfer their claim to any vacant surveyed Government land subject to entry under the homestead laws, and make proof therefor in the same way as proof might have been made for their original entries had the same been perfected; and in making such proof credit shall be given for the amount of their improvements upon their claims in said indemnity belt as if the same had been made upon the claims to which the transfer is made. Payment for such final selections shall be made as under existing laws. The provisions of this act shall be carried into effect under such rules and regulations as may be prescribed by the Secretary of the Interior."

The facts in relation to this matter are that when the line of the Northern Pacific Railroad was definitely located through the States of Minnesota and Wisconsin, diagrams were prepared showing the limits of the company's grant and transmitted to the local land offices of the districts containing lands falling within such limits, with instruction for their withdrawal from entry. The limits shown on the diagrams were the 20-mile primary limits, the 30-mile first indemnity limits, and the 40-mile or second indemnity limits.

In 1887 the Secretary of the Interior rendered a decision wherein it was held that there was but one indemnity belt (that between the 20 and 30 mile limits) authorized by law within which the Northern Pacific Company could select lands in lieu of losses within the primary limits.

The company had applied for and selected lands within the second indemnity belt, but following the decision of the Secretary aforesaid and in pursuance of the instructions given the local land officers in relation thereto, numerous persons settled upon and entered, and some made proof and payment for the lands selected or applied for.

It was subsequently determined that the joint resolution of May 31, 1870, did provide for a second indemnity belt. (8 L. D., 13.) Therefore, all settlements on lands within this second indemnity belt after a proper application therefor had been made by the railroad company were illegal, and all entries made of the lands were subject to cancellation, and most, if not all, of them have been canceled.

On October 1, 1890 (26 Stat., 647), Congress passed an act authorizing certain parties who had made entries of these lands between August 15, 1887, and January 1, 1889, to transfer their entries and claims to other vacant surveyed Government lands subject to entry under the homestead and preemption laws, but provided that the transfer should be made within one year from its passage.

The proposed legislation is practically an extension of the time allowed by the act of October 1, 1890, for the transfer of said entries and claims for two years from its date, should it become a law.

As the passage of the bill could not interfere with the rights of or in any manner injure other persons, and might afford relief to meritorious entrymen who failed to avail themselves of the privileges conferred by the act of 1890, I see no objection to its becoming a law.

The copy of the bill and the letter of the chairman of the Committee on Public Lands, House of Representatives, are herewith returned.

Very respectfully,

S. W. LAMOREUX,
Commissioner.

The honorable SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, March 28, 1896.

SIR: I have the honor to hand you herewith a report from the Commissioner of the General Land Office on H. R. 4974, "for the relief of settlers on Northern Pacific Railroad indemnity lands."

In addition to what the Commissioner has said, I desire to call your attention to the fact that between August 15, 1887, and January 1, 1889, the land within the second indemnity belt of the grant to the Northern Pacific Railroad Company was very largely settled upon by persons seeking to acquire homes on the public domain, and unless it can be made to appear that persons who settled upon said lands between the dates mentioned can not complete title to the lands which they are seeking to acquire because of the decision of the Department holding that the joint resolution of May 31, 1870, provided jor a second indemnity belt, I can see no reason for the passage of the act as presented. The bill is very broad in its statements, and in effect authorizes persons who settled upon the territory in question between August 15, 1887, and January 1, 1889, to transfer their entries or claims to any other vacant surveyed lands subject to entry under the homestead laws. It is manifest, I think, that this right should be extended only to those persons whose claims were affected by the decision of the Department of January 1, 1889, and who, because thereof, are not enabled to perfect title to their lands, and I would recommend that the bill be amended so as to comply with this suggestion.

Very respectfully,

JNO. M. REYNOLDS,
Acting Secretary.

Hon. JOHN F. LACEY,
Chairman Committee on Public Lands, House of Representatives.

Mr. TOWNE. Agreeably to the suggestion of the Secretary, an amendment was prepared yesterday at the Department which covers that point, and to which I have no objection.

The amendment was read, as follows:

SEC. 3. No person shall be entitled to the relief herein granted who may have initiated a claim upon any of said second indemnity lands and who can yet complete the same and obtain patent therefor under the general land laws of the United States.

Mr. TOWNE. Mr. Speaker, I desire now to ask that the unanimous consent I have requested be made applicable to Senate bill No. 2221, and that the House bill (H. R. 4974) be substituted therefor, and I will ask the chairman of the Committee on Public Lands to make an explanation in that connection.

The SPEAKER. The gentleman from Minnesota asks that the unanimous consent granted for the consideration of the pending bill be applied to the corresponding Senate bill indicated by him, and the Clerk will cause the Senate bill to be read.

Mr. McMILLIN. I should like to inquire whether the bill of the Senate contains the amendment suggested by the Interior Department?

Mr. TOWNE. The Senate bill covers in a general way the same ground as the House bill; but the provisions of the House bill are considered by the settlers concerned much preferable to those of the Senate bill and are so regarded by the committee. It is now desired as a matter of parliamentary procedure to strike out all after the enacting clause of the Senate bill and substitute the House bill, in order to facilitate the passage of the measure through the two Houses.

Mr. McMILLIN. Then, as I understand, it is proposed to incorporate the amendment which has been suggested by the Interior Department?

Mr. LACEY. That amendment is not in the Senate bill as it stands.

Mr. DINGLEY. As I understand the request of the gentleman from Minnesota [Mr. TOWNE], it is that the Senate bill be taken up and the provisions of the House bill as amended by the committee be substituted for those of the Senate bill, for the sake of the parliamentary position which the bill will thereby gain.

Mr. TOWNE. That is it precisely.

Senate bill No. 2221, for the relief of settlers on the Northern Pacific Railroad indemnity lands, was read.

The SPEAKER. Is there objection to the present consideration of this bill? The Chair hears none. The gentleman from Minnesota moves to strike out all after the enacting clause and insert the provisions of the House bill with the third section as reported to the House. Is there objection? The Chair hears none.

The Senate bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. TOWNE, a motion to reconsider the last vote was laid on the table.

ELECTION CONTEST—RINAKER VS. DOWNING.

Mr. COOKE of Illinois. I desire to submit a report of a majority of the Committee on Elections No. 1, in the case of Rinaker *vs.* Downing, from the Sixteenth Congressional district of Illinois. I am also directed to ask that the minority of the committee be allowed to file their views in this case on or before Monday next.

The SPEAKER. The report of the committee in this case will be printed. The gentleman from Illinois asks that the minority of the committee have leave to file their views on this case not later than Monday next. Is there objection? The Chair hears none.

The resolutions appended to the report of the committee are as follows:

Resolved, That Finis E. Downing was not elected a member of the House of Representatives of the Fifty-fourth Congress from the Sixteenth Congressional district of Illinois, and is not entitled to the seat.

Resolved, That John I. Rinaker was elected a Representative to the Fifty-fourth Congress from the Sixteenth Congressional district of Illinois, and that he is entitled to the seat.

ELECTION CONTEST—GOODWYN VS. COBB.

Mr. DANIELS. I desire to call up the contested-election case of Goodwyn *vs.* Cobb, from the Fifth Congressional district of Alabama.

The SPEAKER. The resolutions reported by the committee will be read.

The Clerk read as follows:

Resolved, That James E. Cobb was not elected a member of the Fifty-fourth Congress as a Representative of the Fifth Congressional district of the State of Alabama, at the election held in said district on the 6th day of November, 1894, and is not entitled to the seat in the Fifty-fourth Congress as such Representative.

Resolved, That Albert T. Goodwyn was elected a member of the Fifty-fourth Congress as the Representative of the Fifth Congressional district of the State of Alabama, at the election held in said district on the 6th day of November, 1894, and is entitled to the seat in the Fifty-fourth Congress as such Representative.

Mr. DANIELS. Mr. Speaker, it has been agreed with the minority of the committee that an hour and a half may be occupied by them in addressing the House, and the same time by the majority of the committee, and that the time on the part of the minority be controlled by the gentleman from Georgia [Mr. BARTLETT] and the time on the part of the majority by myself.

The SPEAKER. As the Chair understands, the proposition is that an hour and a half be allowed each side for the discussion of this case——

Mr. DANIELS. Yes, sir.

The SPEAKER. And that the case then be voted on.

Mr. DANIELS. The time on the part of the minority to be controlled by the gentleman from Georgia [Mr. BARTLETT] and on the part of the majority by myself.

The SPEAKER. Is there objection to the arrangement proposed?

Mr. BARTLETT of Georgia. I hope that our side will not be confined to an hour and a half. Originally there was an understanding that we were to have more time. So far as I am concerned, I should be satisfied with the arrangement, but the gentleman from Alabama, Judge Cobb, who will conclude the argument on our side, will probably desire more time than he could have under the arrangement proposed. The original proposition, which I understood was for a time acceptable to the chairman of the committee and members on the other side, was that

three hours be allowed on each side for the discussion. I hope the House will not limit us to an hour and a half.

Mr. DANIELS. When the previous arrangement was made it was understood that the minority of the committee desired to address the House. We were informed afterwards that they did not desire to do so, and then an hour on each side was suggested as a sufficient time. This morning a further conference has taken place and on the part of the minority an hour and a half was requested, and that we have conceded. I object to any further time.

The SPEAKER. Is there objection to the proposition of the gentleman from New York [Mr. DANIELS], that the debate on this case be limited to an hour and a half on each side?

Mr. BARTLETT of Georgia. I object.

The SPEAKER. Objection is made.

Mr. DINGLEY. All that the gentleman from New York [Mr. DANIELS] has to do is to move the previous question at the end of three hours.

Mr. DANIELS. Very well; I give notice that when three hours shall have been occupied I shall move the previous question and ask a vote.

I yield three-quarters of an hour to my colleague, Mr. ROYSE.

Mr. ROYSE. Mr. Speaker, this case is somewhat voluminous, and it will be impossible to cover it fully in detail in the three-quarters of an hour allotted to me for discussion. I have therefore been compelled to condense what I shall say, but hope to be able to convince you that the judgment of the majority of the committee with reference to the question presented is a correct judgment.

Before going into the evidence relating to the various precincts involved in this contest, allow me to make a few remarks at the outset upon one or two technical questions raised by the contestee which bear directly upon the case, and of course if he is correct in them it ends the case and he is entitled to the seat.

He insists that the record of the vote of the precincts, the record put in evidence before us of the registration of voters and poll lists, are not properly before the Committee on Elections and therefore not properly before the House for consideration. He maintains that there is no law in Alabama making these things of record or authorizing them or authenticated transcripts of the same to be introduced in any court or body where a controversy arises. It will be seen, therefore, that if that position is a correct one we have no evidence in the record of the vote of the various precincts in that Congressional district, and hence we can not make any calculations at all with respect to it.

Now, the law of Alabama authorizes the registration of voters. It provides for an original list to be made by the registrar of the precinct, and the registrar puts down on the record the name of each voter as he appears before him in a book provided for that purpose. At the beginning of the list is the oath to be taken by each voter, and at the end is the certificate of the registrar. When the list is completed he returns it to the probate judge of the county. The probate judge of the county then takes the list and from that makes up another list, putting down all of the voters registered in their alphabetical order. The statute, therefore, provides for the making of two original lists, the one by the registrar himself, which is an original list, and then the other, an alphabetical list, made by the probate judge, which is also an original list, and is to be certified to by the probate judge. After the probate judge has made the list in alphabetical order he is required by the law of Alabama to make out a correct copy of the same for each precinct and deliver it to the judge and inspectors of election of the precinct.

Now, it is objected that these lists are not required by the law of Alabama and are not properly before us. This matter has been discussed at considerable length in the report made by the majority of the committee, and it is unnecessary for me to enlarge upon it. The statute of the State of Alabama expressly provides that these lists (and I may add here that after the election is over and the votes counted, and the certificates of the returns of the election are made out, the poll lists and the registration lists are all returned to the probate judge), and then it provides that these shall be kept in his office; that the ballots, the poll list, and the registration list of the entire county or State shall be open to public inspection by any voter who desires to inspect them.

Now, it is true that in no express language is it provided that they are public records. It is true that there is no express direction to the judge of probate that he shall make out or certify copies of them which shall be competent evidence in a judicial tribunal. But I apprehend that there is no lawyer present who will contend seriously that it is necessary there should be an express declaration of this kind. The fact that they are made public records, the fact that they are required to be kept in the probate judge's office, the fact that they are kept there for public inspection, makes them public records; and evidently they are public records for some purpose. They are not public records merely to be inspected now and then, but evidently they are to be preserved for the very purpose that they might be used whenever a controversy arises in respect to the vote of that particular precinct; and the law under which we are operating—the law of the United States—authorizes a notary public who takes the deposition in the particular matter to subpœna the custodian of any record to be exhibited, to receive certified copies of any public record; and if it does not so authorize then Congress evidently has been derelict in its duty, and has left the notary public who takes the evidence with but meager power and but limited authority to procure that which is the best evidence in the matter.

But, Mr. Speaker, the best test we can apply to a rule is, What is its result? What shall follow by the adoption of such a rule? And the cases are not exceptional. We need not put an extreme case, a case not likely to happen, but we can go to those cases that have transpired by which, if the rule were adopted, it would be utterly impossible to tell who was elected from a Congressional district. Take, for instance, the very case in hand. In Lowndes County, when the vote was canvassed, the officers made a mistake in adding the columns, giving to Mr. Cobb 240 votes more than the column will add. Now, if you can not go back and take the figures of each precinct itself, it is impossible to correct that mistake, and yet it is apparent. Now, shall we do that? Shall we adopt a rule that will absolutely prevent us from going to the precincts and ascertaining the true vote of a precinct and correcting a mistake of this character made in the returns? I need not go further than this—but there is another case in point. In the Forty-eighth Congress Mr. Craig contested the seat from the Fourth district of Alabama. The contestee was Mr. Shelley. The committee in that case, after investigation, made a unanimous report. The majority of the committee were Democrats. The committee found that something like 8,000 votes had been thrown out by the returning officers of the precincts on the technical ground that the certificates were not properly authenticated as they came from the precincts, and by throwing out nearly 8,000 votes they defeated Mr. Craig, who was honestly elected, and gave the seat to Mr. Shelley, who was not honestly elected.

Now, there was the situation. Suppose we could not go back to those precincts and take up the votes returned and the certificates of the election officers in order to ascertain what was the true vote of those precincts. How would it be possible for us to determine who is honestly elected? But the committee at that time refused to adopt that rule, and adopted the other one, so consonant with justice and right, and went back and counted these returns, took the certificates of the returning officers, and when they came to count the votes over, in that way they seated Mr. Craig, giving him a majority of 3,459, when the returns showed that he was defeated by 2,721.

But this question is really settled now in another case in the Fiftieth Congress, where the contest was between Mr. Duffy against Mr. Davidson. Mr. Duffy put a number of witnesses upon the stand who said they voted for him. He introduced a sufficient number of these witnesses to overcome the majority that was certified in favor of Mr. Davidson, but he did not go to the record. He did not ask to count the ballots, and a majority of the committee in that case refused to consider the evidence that he had brought forward, showing that he was honestly elected, if you could take the statements of the men who said they had voted for him. The committee said: "You must go to the record;" and that evidently is the true rule. The record of these votes is the best evidence, and it will not do to say to one man who comes here by proof outside of the record, "You can not be heard because you have omitted to go to the record," and then when he goes to the record turn around and say, "The record is not admissible." That is the sort of logic we are asked to believe in in this case.

And there is one other technical objection urged by Mr. Cobb, which is that the registration laws of the State of Alabama are unconstitutional. Now, there is some question as to whether they are constitutional in the manner in which they stand, for the constitution of Alabama provides what shall constitute a legal voter, and provides that it shall be necessary that he reside within the county for one year. It provides a certain residence in the precinct, and then again the constitution provides the legislature may alter the residence in the precinct and increase it, but that they shall not increase it beyond three months. Then another provision of the constitution says that the legislature may pass registration laws, but it is silent as to how far these registration laws may go with respect to providing the length of time a man shall reside in a particular precinct.

Now, the registration law provides that the books for registration shall be opened up on the first Monday in May and continue for eighteen days, exclusive of Sundays. It further provides that in cities of 10,000 inhabitants and upward the registration shall extend for thirty days. Then there can be no registration after that time, except as to persons who become of age between the last day of registration and election day. Those may be registered, but no one else. Of course, that puts the period of the registration in the precinct something about five months prior to the election day, when the constitution says the legislature shall not provide a residence longer than three months in the precinct; but

it is to be observed that that registration law could affect no one excepting somebody who came into the precinct after the registration day and prior to the beginning of the three months before election day. But whether it is constitutional or not cuts no figure so far as this case is concerned, because the election was held under the law and everything was done under the law in the same manner as if it were unconstitutional. The registrations were had. The lists were deposited in the office of the probate judge. They were delivered over to the precinct judges and inspectors and returned again in most of the cases. So that that can cut no figure. The value of the registration lists in this case lies simply here. We can tell from the registration list who were legal and honest voters in this precinct, and it makes no difference whether that registration list is constitutional or not. If some man would put down a list of the honest voters and make a poll of the honest voters it would be perfectly competent to go to that poll for the purposes of ascertaining who were legal voters in that precinct, and that is the only figure that the registration lists cut in this case at all.

Now, Mr. Speaker, I propose to go through this case in detail, as far as my time will permit me. I just wish to refer here to two things stated in the minority report which are not borne out by the record. One of those statements is that a notary public named Grace did not certify to the evidence taken before him, and the gentlemen constructing the minority report evidently overlooked a certificate made by this notary public, on page 225 of the record, where there is a complete and legal certificate of all the evidence taken before him. Again, it is said that there was no detailed statement by precincts of the vote of Lowndes County that was put in evidence in chief, but it is said that it came in in rebuttal. Again the gentlemen who drew this report are mistaken, for on page 242 a statement of the vote by precincts is put in the record by the contestant when he is adducing his evidence in chief.

Now, then, Mr. Speaker, this contest was had between Mr. Goodwyn and Mr. Cobb at the election in November, 1894.

Mr. BARTLETT of Georgia. If the gentleman will permit me, the certificate to which he referred on page 242 is the statement as to the county of Lowndes.

Mr. ROYSE. That is what I said—of Lowndes County only.

Mr. Goodwyn was first nominated by the Populist party and afterwards indorsed by the Republican party. Mr. Cobb was the regular Democratic nominee. Mr. Goodwyn, it seems, ran upon a platform the principal planks of which were these: Free coinage of silver, protective tariff, and honest elections. These were the principal planks of his platform. At a meeting held in Macon County during the campaign, where both Mr. Cobb and Mr. Goodwyn were present and engaged in a joint debate, resolutions were offered asking both of these men who were contesting for this seat to join in a request that there should be an honest election in every precinct in that Congressional district, and that Mr. Goodwyn and Mr. Cobb should have friends upon the election board of each precinct. These resolutions were unanimously passed at that meeting. The only man who opposed these resolutions openly—I believe there is some other evidence that some other gentlemen, or friends of Mr. Cobb, had some opposition to them; but the only open opposition came from Mr. Cobb.

Now, that is the proof that is in this record, and uncontradicted. The resolutions, I say, were unanimously adopted by that meeting. It is due to Mr. Cobb, however, to say that in some evidence which came out in rebuttal on a cross-examination of a witness it appears that this meeting was largely composed of the friends of Mr. Goodwyn—nearly all were Populists there at that time, and Mr. Cobb really had no political friends present; but I can not see how that would alter the case. I should think that if Mr. Cobb was in favor of honest elections it was just the time to state it, and thus disarm his opponent, Mr. Goodwyn, from the use of the weapon that he was plying so vigorously against him.

Mr. COBB of Alabama. Does not the record show that he did state in his speech that he was in favor of honest elections?

Mr. ROYSE. Oh, yes; it is due to Mr. Cobb to state that he did say in the meeting that he was in favor of honest elections; but he opposed the resolutions which required these elections to be held honestly.

Before this, however, correspondence had taken place between Mr. Cobb and Mr. Goodwyn, in which it appears that Mr. Goodwyn had asked Mr. Cobb to join with him in a joint debate, and one of the propositions that Mr. Goodwyn had made to Mr. Cobb was this, that they should debate the question as to whether there was to be honest elections in the Fifth Congressional district of the State of Alabama. Well, Mr. Cobb accepted the challenge, but refused to debate that question as to honest elections.

Now, then, Mr. Speaker, in order that I may condense and say all that I desire to say upon this question, I will have to refer to some manuscript where I have condensed my remarks. The district was composed of nine counties. On the face of the returns Cobb is given 10,651 votes and Goodwyn 9,903. On the face of the returns Mr. Cobb has a majority of 748. However, there was a mistake made in adding up the precincts in Lowndes County, and Mr. Cobb was given 240 more votes than he actually received. By deducting this mistake from Mr. Cobb's vote it leaves his majority on the face of the returns 508. The contest relates to the vote returned from three precincts in Macon County, namely, Tuskegee, Cotton Valley, and Honeycut, also to seven precincts in Lowndes County, namely, to wit: Benton, Church Hill, Gordonville, Haynville, Lowndesboro, St. Clair, and White Hall; also to two precincts in Antauga County, namely, Stateswille and Days.

The report of the majority of the committee covers all these precincts in detail. In nearly all of them more or less fraud was discovered which led to a deduction of 2,866 votes from the total given to Mr. Cobb on the face of the returns. As he had only 508 majority to begin with, his majority is completely wiped out, and in its stead one of 2,358 is substituted for Mr. Goodwyn by this finding. It is my purpose now to show that the majority of the committee had reached the correct conclusion. But let me assure you that I shall not attempt to run through all these precincts, for that would consume more time than is allotted to me. All that is required is that enough of the returns in favor of Mr. Cobb be cast aside by reason of fraud to elect Mr. Goodwyn. The size of Mr. Goodwyn's majority is not very important when you are once satisfied that he is elected.

Let us make some comparisons between various portions of the district. We have seen that it was composed of 9 counties. The contest is about the returns from 3 of these. No objection is urged against the returns from the other 6.

The returns from these 6 uncontested counties gave Cobb 5,727 votes and Goodwyn 9,339, a majority for Goodwyn of 3,612.

The other 3 counties to which the contest relates by the returns gave Cobb 4,924 and Goodwyn 564. Here in these 3 counties, where a majority of the voters are colored, Cobb comes within 800 of getting as many votes as he received in all of the other 6, where a majority of the voters are white. Here is a circumstance that throws great suspicion on the returns from these 3 counties. Just why in the white counties Cobb should receive only 40 per cent of the white vote and none of the negro vote, and then all the white vote and 90 per cent of the colored vote in the 3 counties where the negro vote largely predominates we would like to have explained. No such explanation is given us in the record.

Let us now take up Macon County and make a comparison of the vote in the contested precincts with that in those where no contest is made. I have already said to you that only 3 precincts in this county are contested. In these by the returns Cobb gets 768 votes and Goodwyn 9 only.

Why Cobb let these 9 votes get away from him is something I can not explain. Lest you might think he was not vigilant, let me say that these 9 votes slipped through his fingers in 1 precinct. Goodwyn had a goose egg to his credit in each one of the other 2 precincts. From whom does Mr. Cobb get this large vote? The census report informs us that in these 3 precincts there are 306 white and 1,307 colored voters. The proof shows that Mr. Goodwyn did not have a representative favorable to him in either of the election boards of these precincts. There are 7 other precincts in this county. On the election board of each of these precincts Mr. Goodwyn had a friend. Now, let us look at the returns from these precincts—Cobb, 267; Goodwyn, 141.

In these precincts there are 655 white voters and 1,447 colored. Here Mr. Cobb fails in getting 388 of the white votes and gets none of the colored. He gets but about one-third of the white vote and none of the colored. In the other 3 precincts he gets all of the white vote and 462 of the colored—about one-third of the entire colored vote of these 3 precincts. Can anyone tell why in 3 precincts he gets all the white votes and 462 negro votes besides, and in the other 7 only gets one-third of the white vote and not a single colored vote? This occurs all in the same county. Now, you are asked to believe that the election in this county was square and honest in the face of this unaccountable condition of things.

I want you now to go with me to Lowndes County. In this county there are 1,078 white voters and 5,422 colored. Yet in this county there is returned for Cobb 3,276 votes and for Goodwyn only 189. Cobb must therefore receive all the white vote and in addition 2,200 negro votes. No explanation is given as to why he should receive such a large negro vote in this county.

But this is not all. There are 20 precincts in this county. In 9 of them Goodwyn had no representative on the election board. In these 9 precincts 2,722 colored votes and 267 white votes were polled. The returns give Cobb 2,777 votes and Goodwyn only 13. In order to make this Cobb must receive all the white votes and 2,410 colored. But now let us look at the other 11 precincts, where Goodwyn had a friend on each board. In these 11 precincts there are 711 white votes and 2,500 colored. Yet the returns show that Cobb gets only 229 votes and Goodwyn 176. Here Cobb gets less than one-third of the white vote—482 out of the 711 white people refuse to vote for him, and he is not able to induce even a single colored person to vote for him. Can anyone explain why in the 9 precincts he should receive all the white vote and 80 per cent of

the colored, and in the other 11 get less than 30 per cent of the white vote and not a single colored vote? You are asked to believe that this unaccountable thing actually happened, and that the election in this whole county was honest and fair. If Mr. Cobb was a man of such wonderful strength and popularity as to be able to carry all the white votes and over 80 per cent of the negro votes in 9 precincts, why is it that in the other 11 he gets no colored votes and but less than 30 per cent of the white votes? No explanation is offered and none can be conceived.

In 8 of the precincts of this county not a single vote is returned for Goodwyn. In 5 of these, where there are only 179 white votes all told, the returns give Cobb 1,843 votes and Goodwyn none.

We have seen that in 11 of the precincts Cobb lacked 482 of receiving all the white votes in these precincts. There are only 1,078 white votes in the county; this would leave him only 596 white votes, so that he really gets but about five-ninths of the white votes of the county. The residue of his majority of 3,276 returned for him in this county must come from the colored vote.

Let us now go to a few of the precincts. I say a few of them, because it would consume too much time to review all of them. Besides, it would not be necessary; for all that you desire is that we go far enough to show that Mr. Cobb was not honestly elected and that Goodwyn was.

Some of the evidence brought forward by contestant tending to impeach the returns from these precincts is from persons present at the polling places and who state that a much smaller number of persons actually voted than are returned by the officers of the election. Other evidence is introduced tending to show that many persons on the poll list did not vote; that the names of dead and absent persons are returned as having voted. We also have some proof that only the white voters were the supporters of Mr. Cobb, while the returns show that he received a large negro vote. Other proof discloses that but a small number of the negroes either registered or voted.

The contestee presents witnesses who contradict this and say that all who are reported as voting did actually cast their ballots; that large crowds were at the polling places, and that the negroes in mass were supporting Mr. Cobb, and in some instances with much enthusiasm. Here is a direct conflict in the evidence. I shall not go into a discussion of this evidence further than to state that the witnesses for the contestant were at the polls for the very purpose of learning the number of voters; that this was their special business, and that their attention was given to nothing else, while, on the other hand, the witnesses for contestee had no such purpose in view. They were not at the polling places for the purpose of ascertaining the number of voters, and their attention was not specifically directed to that subject. It is evident, therefore, that their statements are not so reliable as those made by the witnesses for the contestee.

But we can settle this question without weighing the evidence of the witnesses arrayed on either side of it. There are things apparent on the face of the registration and poll lists which are not contested, and which seem to be incontestible, and by which fraud in these precincts is established beyond doubt. I will first take up the precincts of Macon County. The three contested precincts in this county gave Cobb 769, Goodwyn 9.

If these precincts are thrown out Mr. Goodwyn is elected by a majority of 261.

Let us take them up in order:

TUSKEGEE NO. 1.

This precinct gave Cobb 426, Goodwyn 9. This is made up of 175 white, 224 colored, and 36 color not known.

Two persons, Walker and Grimmet, swear that they were at the polls for the purpose of counting all the negroes who voted and remained there all day. They say that the number was 42. Thirty-six names on the poll list as voting are not found on the registration list. Thirteen names appear on poll list two and thirteen times. Twenty-nine persons whose names are on the list swear they did not vote.

There were two boxes at this precinct. Box No. 1 (Record 119) shows that from No. 167 to No. 194 the voters are put down in alphabetical order. In box No. 2, from Nos. 127 to 151, they voted in alphabetical order, and the strange thing about it is that they took box No. 1 and ran down in alphabetical order to "L," and then they commenced on box No. 2 with "M," and continued in alphabetical order.

Now, let me call attention to Cotton Valley precinct. In this precinct Mr. Cobb gets 237 votes and Mr. Goodwyn none. Thirty-six persons whose names are on the poll list swear that they did not vote. Thirty-seven names on the poll list are not found on the registration list. Mr. Lynch, who was at the polls all day for the purpose of counting the persons who entered the polling place, says there were but 42 persons who voted. The registration list made and furnished by the judge of probate contains 250 names. The registration list made by the precinct registrar contains only 30 names. Yet the judge must get his list from the precinct registrar's list. I want to refer to another thing in reference to this precinct. One hundred and eighty persons are reported to have voted at this precinct in the precise order in which they registered.

Now we will go to Honeycut precinct, Macon County. There the vote is 106 for Cobb and nothing for Goodwyn. Forty persons on the poll list are not registered. Several witnesses well acquainted with the precinct have examined the poll list and are unable to recognize a single name from No. 58 to No. 104, being 46 names. Mr. Covington hunted two days and could not find a single one of these men. William Pierce, a Democrat, and a bailiff in whose hands was placed a subpœna for the persons bearing these names, searched three days through the precinct and could not find one of them. And when Mr. Cobb comes to offer his evidence in contradiction of the evidence of the contestant he can not find a single one of these men in the precinct.

Now we will go to Lowndes County. I take up Benton precinct No. 1. There are returned from this precinct 311 votes, all for Cobb. There are two registration lists, one made by the precinct registrar and the other by the probate judge. The one made by the registrar has 203 names upon it. Remember, it is presumed that the registrar of the precinct registered the men as they came to him without any reference to alphabetical order; yet upon his list there are 33 names registered in alphabetical order. Then the judge of probate, without any authority in the world, adds to this registration list 123 names. No persons bearing these names can be found in the precinct. The contestant produces a number of witnesses who testify that they are well acquainted with the voters of the precinct and do not know a single person bearing any of these 123 names. Again, Mr. Cobb, when he comes to reply to that evidence, can not find one of these men, and does not produce one. Now go to Church Hill precinct No. 2, Lowndes County. Here are 278 votes for Mr. Cobb and 2 for Mr. Goodwyn, making a total of 280 votes. We have in the record two registration lists, one the original made by the registrar and one made by the probate judge. The list prepared by the registrar shows only 32 names——

[Here the hammer fell.]

Mr. DANIELS. I yield to the gentleman five minutes more.

Mr. ROYSE. I will refer to only one more precinct—Hayneville precinct, Lowndes County. Here are 611 votes, and they are all returned for Mr. Cobb. We have the two registration lists, one by the registrar of the precinct and one by the probate judge. The original contains 493 names, 22 being registered in August. In the hands of the probate judge this original list grows to 501, being 8 more than the original list prepared by the precinct registrar. Not satisfied with this, the judge of probate adds 118 more names by way of supplement to the list. No persons bearing these additional names are known to anyone in the precinct. Williams, a Democrat and a constable, who had a subpœna for the men represented by the names, hunted through the precinct diligently and could not find one of them.

Now, a peculiar thing is that these names on the poll list are not voted quite in the order in which they registered; but they are voted in blocks—not "blocks of 5," but in irregular blocks. Let me give you some illustrations: Here is the first block, starting with 24 on the poll list and running down to 47. The persons in that block appear all to have voted at once. Then there is a skip from 47 to 64. Beginning with 64 we have 6 more voting in a block. Then there is another skip; then there is a block of 3 voting. Then, after another skip, a block of 5 is voted. Next there is a block of 8, next a block of 3, next a block of 7, next a block of 14, next a block of 4, next a block of 24, next a block of 7, and finally a block of 5, covering the entire list.

Now, there are other precincts that I might run through, but it is not necessary I should do so. No unbiased man in the world can read this record through without becoming satisfied that there is fraud in each of these precincts. Mr. Cobb is not honestly elected, and no matter how painful it may be to any of us who have been associated here with him on the floor of this House to vote against him in this case, yet we owe a higher duty. It is a duty we owe to ourselves, a duty we owe to the House and to the country at large, to vote according to what we conceive to be the facts, and we owe an overpowering and an overwhelming duty to the people of Alabama. [Applause.]

Mr. BARTLETT of Georgia. Mr. Speaker, I have not the time, nor am I physically able to discuss this case as I had hoped I might discuss it. The gentleman from Indiana [Mr. ROYSE] who has just taken his seat has partially gone through the record, and has stated that Mr. Cobb, the contestee, was not elected, and that they owed a duty to the people of Alabama and to the House to so decide because of frauds that are contained within the pages of the record in the case. In illustrating his argument as to frauds in Alabama elections, he found it appropriate to refer to, as an illustration, an election episode from the State from which he comes, a State which has become notorious by reason of the "blocks-of-five" fraud. It may be that, unexplained, the evidence in this case would suggest and does suggest wrong in the election.

If the testimony of the contestant, upon which the committee alone made up their report, so far as it is contained in the record, is to be accepted as absolute verity, if no attention is to be paid to the evidence with which the contestee met the charges of fraud, if only one side is to be heard and reported to the House, then indeed might we as well abandon all hope of having this case fairly adjudicated.

I had occasion to say, Mr. Speaker, in another case before this House, that no man can point his finger solely to Alabama or that section alone as being the State or section where frauds are committed or where frauds are charged to have been committed in elections. I might detain the House, but I have not the time to do so, and prove by the testimony delivered before Republican courts and Republican executive committees in the great cities of Philadelphia and New York the wrongs committed on the ballot box, wrongs as grievous as those which have ever been charged or alleged in this record or in any other case pending before the House of Representatives. I have the proof at hand here before me; but I have not the time to read it, nor is it necessary, Mr. Speaker, that I should read it. The public journals in the city of New York and elsewhere have denounced the padded poll lists even when Republicans came to select delegates to their State conventions, and where it has been shown also that the 80,000 Republican majority in the city of Philadelphia was made up of returns honeycombed with fraud, and the ballot list contained names of men who never voted and could not be found as residents of that city.

But that does not answer an argument in this case. It could but serve to consume time. Yet, when gentlemen make charges of fraud against the State of Alabama and her election laws, let them look at their own States and at other Republican strongholds throughout the country.

Mr. Speaker, I am not here either to indorse or to sanction for a moment any wrong committed upon the ballot box, no matter where it be committed. I hope the day will come, if such a day can ever come in politics in the United States, in our elections, when the law will be so stringent, when the ballot will be so guarded by the law, by prescribing methods and manner in which the votes shall be cast and counted, that no fraud can possibly be committed upon the purity of the ballot box. But I stand here at the same time to tell this House, at least that small portion of it who seem to pay attention to the argument of this case, that this evidence in this record, which has been taken and reported and printed here for unseating the contestee, would not have been accepted or acted upon in any court that was solely guided by the rules of procedure laid down by the statutes of Congress and prescribed and adjudicated by the courts and the precedents established for a hundred years.

Mr. Speaker, the majority of the Committee on Elections (and I hope nothing I shall say on this occasion with reference to them will be construed in any way otherwise than that I entertain the greatest respect for them all, but I must criticise what they have done and criticise it respectfully and earnestly and not personally in any sense of the word, because for each one of them I entertain the highest consideration and esteem)—but I repeat, Mr. Speaker, that the majority of the Committee on Elections, I think, fell far short of their duty in this case when they presented to the House but one side of it. You may examine their report which they presented to the House, and I say that there is no reference made to any one of the witnesses of the contestee, although he introduced a mass of testimony, which fills a book, to meet at every point charges made and the evidence given for the contestant to sustain them. I wish I had the time and the physical ability to go through with the case, but I have not.

Permit me, before I shall undertake to present the argument which I have laid out for myself, to call your special attention to certain facts in the case. I begin with the suggestion and the statement made by my friend from Indiana [Mr. ROYSE] in reference to certain names appearing on the poll list which witnesses swore not to be residents in the beat where they voted.

Why, Mr. Speaker and gentlemen, I have been through this record; I have taken up the statements and the names of the contestant's witnesses, who swore these men were not in the district and did not vote. I have examined them thoroughly. I have found that the contestee has taken up the majority of the names of the voters testified about, and has proven, not by unreliable "tramp" witnesses who have no character, no place of residence, no credibility or character, but by men in the community who have been honored by positions of trust, men of character, business men, who swear that these men, alleged by contestant's witnesses not to have been in the precinct and not to have voted, were residents of those precincts and voted there on the day of this election. These witnesses for contestee testify that they were present and saw such voters vote, and give reasons and facts that must convince everyone that they are correct. No effort was made to deny it by contestant in rebuttal.

I can not of course undertake to go through with the list which I have here. I took the record in an orderly way, and first put down the names sworn to by the contestant's witnesses as not being present at the polls and not residing in these districts. I then took the evidence of contestee's witnesses, shown to be reputable witnesses, which demonstrates that these men were at the polls and voted—men of that name, men who appeared at the polls and voted at that election. It appears in the evidence here, both of the contestant and contestee, that the colored voters in Alabama—and it is known to be so everywhere—have a number of names that are similar to each other. Upon the large plantations, taking the names of their former owners, or taking such names as they may fancy, to suit their pleasure, there are sometimes as many as five men of the same name living in a district. There were as many as five Naith Forts living in the one precinct. One poll was attacked because Naith Fort was shown not to have voted; but the proof shows that five Naith Forts lived in that district, and that one of them voted.

Why, they even undertook to prove that two men upon the poll list were dead on the day of election. Judge Cobb swore the brother of one of the men who was sworn to be dead. The brother of one of these men swore that the man was present at the election, if I recollect right, and swore further that he did not die until Christmas, because he, the brother, was present at the death-bed and bought the coffin to bury him, and that this was during Christmas after the election.

So that to present to this House a report asking you to unseat the contestee who has served here so long with some of you, and not present to the House the evidence that he offered before and submitted to the committee, properly taken and certified, in order to meet these charges, is, to say the least of it, unfair, unjudicial, and wholly partisan. It certainly is an utter disregard of that fair judicial rule of conduct we were assured would be laid down for their guidance on the 17th of December, when these committees were appointed, and when we were told that an impartial and judicial consideration and determination was to be given to these contested election cases.

I desire to refer to another thing, because Judge Cobb, who will conclude this argument, will doubtless not care to refer to it. The suggestion is made by the distinguished gentleman from Indiana [Mr. ROYSE]—although he at last pulls the sting out of it before he concludes, and although his report endeavors not to charge upon Judge Cobb, the contestee, anything wrong connected with these alleged wrongs—yet it is stated by the gentleman from Indiana [Mr. ROYSE] upon the floor of this House that Judge Cobb is, in a measure, responsible for the frauds committed, because at a meeting at Cross Keys and at a meeting at Bentley he refused to vote for but opposed certain resolutions which provided that Judge Cobb should request the election officers to give Goodwyn representation at all the beats in the county of Macon.

Mr. Speaker, I apprehend there is not a man on this floor, Republican or Democrat, who would not have acted as Judge Cobb did on that occasion. What were the circumstances and the facts, as disclosed by B. F. Walker and Lynch and J. R. Wood, the first two witnesses for the contestant, and the other a witness for the contestee? It appeared they had a little meeting at Cross Keys, at which there were 35 people present. There were 35 people, and not all these 35 people were voters. When Judge Cobb was there to make an address upon terms that had been agreed upon between him and his opponent, three-fourths of that 35, according to Walker's testimony, being opponents to Judge Cobb, a resolution was introduced, which, if sanctioned by Judge Cobb and his friends, would have carried in the preamble as well as the resolution a statement that the Democrats of Macon County, the officers of the county where Judge Cobb lived, the probate judge and the sheriff and clerk, intended to defraud Goodwyn.

The consequence was that only those who were supporters of Mr. Goodwyn voted for it, and nobody thought it worth while to vote against it, and did not vote against it. That is the size and importance of this meeting. Those are the resolutions of the people of Macon County—35 men, two-thirds of whom were Populists. How absurd to give any importance to their action. One word more with reference to the appointment of these inspectors and managers of election. The record discloses that there are no Populists in Macon County, except in one or two beats. In these beats where Judge Cobb received his majority there was not a single white or black Populist, except in Tuskegee. They did not even register or vote.

The gentleman calls the attention of the House to the record, which discloses that at certain precincts Cobb got all the votes and Goodwyn got none. Why was that? The gentleman says that the very fact that a man could not get any votes in some precincts and only 6 in Tuskegee is evidence of fraud. There is no proof in this record, there is no charge made, as I now remember it, in the notice of contest that a vote that was cast for Goodwyn was counted for Cobb. On the contrary, the whole theory and purpose of contestant in the conduct of the election and the campaign

made by him and his followers were to advise his followers to stay away from the polls and not to vote in certain counties, these three that we have under discussion.

But to other counties, two of which, at least, had a large majority of colored people and a majority of Populists, he sent resolutions or requests from the committee that they go to the polls and vote, and they did go and vote. He surrendered in Macon, in Lowndes, and in Autauga, and did not ask them to vote in those counties, but rather begged them not to vote at all. There were no white Populists, with rare exceptions, and I can point to the testimony of colored men in this record who swore that in these three counties the colored men were for Judge Cobb enthusiastically, and that they had no use for a Populist. That is the statement of one of the witnesses offered.

Another thing. Why should it lie in the mouth of any gentleman of the majority of the committee to suggest that Judge Cobb was responsible for any wrong when it is not true, and when their report says he is not? I call attention to the testimony of Walker, one of the witnesses offered by Mr. Goodwyn, illegally as we contend, but still the testimony is here and I might as well call attention to it. It is found on page 356. Walker is a Republican, and was a supporter of Goodwyn. I think he held an office of United States marshal under the Republican Administration of President Harrison. I do not think he even voted for Goodwyn, although he was in favor of him. He had not registered, according to my recollection, but what says he as to these charges that they undertake to make upon this honorable gentleman whom you are asked to turn out of this House?

How can a majority of this committee, in justice to an honorable gentleman on this floor, when they make a statement with these suggestions in it, fail to call attention of the House to that testimony offered by the contestant himself which shatters and breaks down and destroys any such imputation or suggestion as that Judge James E. Cobb had any connection, even the slightest, with wrongs done at that election, or ever had with any wrong done at any election? Take the testimony of B. W. Walker, this Republican, this ex-officer, who held the position of marshal, and I believe was postmaster in one of these cities in the district under Mr. Harrison's Administration; does he make any such insinuation? On the contrary, he swears, on page 355, that at these meetings at Bentleys and Cross Keys he did not mean to suggest or intimate that Judge Cobb in the least palliated, suggested, or aided fraud at any time or under any circumstances. He swears:

Speaking of you personally, I have never known you directly nor indirectly connected with frauds publicly or otherwise. I have heard you while judge of the court charge juries to investigate fraud at ballot box, when I knew that public and political sentiment of your party in the community did not favor such a charge. I have heard you in public discussion say that you did not favor fraud at the ballot box. I have known you while judge to go so far to secure fairness in public debate in this county, when Independent and Republican meetings were being disturbed by Organized Democrats, to attend these meetings in your official capacity to prevent disturbances, during the canvass of 1886 especially, and that you have been regarded in this county as being at the head of that element in this county representing fairness at elections all the time, and having known you in that way caused me to make the remark to you, at Cross Keys, that you could not afford not to indorse those resolutions for a fair count.

Whatever the result of this contested election may be, whether you shall unseat him and place in his seat to represent the people of the Fifth Congressional district of Alabama a man who, according to his own statement, is neither a Democrat, Populite, nor a Jeffersonian Democrat, but all combined, neither "fish, flesh, fowl, nor good red herring," but anything and everything; whatever you may do, the suggestion or insinuation made on the floor or put in your report, so far as this contestee is concerned, that he ever suggested or indorsed a wrong upon the ballot box is not borne out by the record, but absolutely contradicted by it. I therefore think it is due him that I shall place upon the record the words spoken of him by the man upon whose testimony the committee based their report for the purpose of defeating his election. He has earned a reputation for honesty of purpose and integrity of character in all things, so that his people love and honor him. And he earned it not only from his friends, but from his political enemies, who can not and dare not gainsay it. It ill becomes any member of the majority to make these insinuations against the contestee, when the record does not authorize but disproves them.

Mr. Speaker, I can not, in justice to the case or to myself, undertake to go through all this record. I have stated some of the facts succinctly and briefly. I desire to call attention to one fact, and you will find it as I state it if you will examine this record, and I challenge any man to deny it. I desire to call attention to the injustice, the one-sidedness, and unfairness of this majority report as to the evidence, and this is but a fair sample of the wrong coloring and the lack of information that they convey to the House in this report. What is it? Great stress is laid by the report of the majority on the evidence as to the Tuskegee beat, Judge Cobb's home. Here there were 746 voters registered and only 427 votes polled, a little more than half of the number registered. Two witnesses—Grimmet, chairman of the Republican committee, and another man, named Walker—stood off from the court-house and watched the election; they say that they only saw a certain number of colored men go into the polling place. Grimmet and Walker, mark you, Mr. Speaker and gentlemen of the House, during the whole day sat side by side or stood side by side all the time. They sat in chairs together a part of the time at the same place, and what one saw the other could see, and only could see that much, and what one failed to see the other necessarily failed to see. So they swore.

During that day the sheriff and other men who knew that that election was being conducted fairly found out what these two watchers were doing, and they went to them and said, "We know what you are here for; you can not see where you are now stationed. Come down in front where you can see and we will furnish you ample opportunity to observe all that occurs. Come down and see. Do not shelter yourselves behind the stone walls of the court-house, where you can not see the polling place, but come down in front and examine what is going on and see it." They refused; and they appear in the record as witnesses for the contestant and swear, after refusing to go where they could see thoroughly and examine, that they could see well, and that they observed the men who went in, and only a certain number went in. They are completely and absolutely contradicted by six reputable, worthy gentlemen. Now, it was shown by a diagram, by photographs, and by measurement, that it was as absolutely impossible for them to have seen where they sat as it would be for you to look through that wall and see the White House through it.

Why, Mr. Speaker, they could not even have seen the polling place with the use of the most powerful cathode X rays that have yet been invented; and yet these gentlemen swear, swear positively, that they could see. But what change came over the spirit of their testimony? The court adjourned for dinner while Grimmet's testimony was being taken. He went out. So many people had asked him about it that he began to doubt his own memory, and, an honest man as he apparently is, in order to satisfy his judgment, in order to satisfy his conscience, in order to swear truly, he went out and examined again on the day that his testimony was being taken, took the same position, measured it off, made a thorough investigation and came back before the commissioner and said, "I want to retract my testimony. I was mistaken when I said that I could see the court-house door, and I swear now I could not see it"; yet the judicial turn of mind of the majority of our committee did not permit them to suggest to the House that the very witness upon whose evidence they destroy this precinct and reject it entirely had taken back his testimony, had said that he was mistaken, and that his former testimony was not true.

So I might go through with this record, and if I had the time I could demonstrate that, so far as the testimony is concerned, the overwhelming weight of it sustains the returns made by the election officers. I could show that the contestee met his assailants at every point where he had the opportunity. But why do it? Why consume time when I know that, following the precedents established here by this Congress, the majority report will doubtless be accepted without investigation or inquiry into the merits of the case. I have no complaint to make that it should be. That may be natural; but I challenge any man who wants to ascertain the truth in this case to examine the reports and the evidence contained in the record; I challenge the distinguished chairman of this committee to deny that the record I have quoted is as I have stated it. If it is, why has he and the majority withheld from the House in his report this most important evidence?

Now, Mr. Speaker, I maintain, as this minority report maintains, and I can demonstrate it to any impartial court or judicial tribunal, that the testimony upon which the majority find that the contestee was not elected is not legitimate testimony and ought not to be received. I should like to have time to present authorities, decisions of the Supreme Court of the United States, construing the law prescribing when depositions taken under the act of Congress are to be received and when they are to be excluded. I state it as a rule laid down as early as 2 Cranch, repeated in 149 United States Reports, and especially laid down in 17 Wallace, that in taking depositions wherever a party made a motion to suppress the depositions on account of the testimony being illegal or being improperly taken, no matter whether he was present when it was taken or not, the court will exclude them. Now, let us apply the rule thus prescribed by the statute of the United States relative to contested election cases. Let us apply it to the phases of this case presented by the record.

There is not a word in this record, Mr. Speaker, which shows what the vote of the district was for either side, except what was offered in rebuttal, and the evidence offered in rebuttal shows that Mr. Cobb had a majority of 748. There is not a particle of evidence with reference to failure to find certain named voters,

except Pierce's, which I must leave for Judge Cobb to discuss, except that offered in rebuttal. The material evidence for the contestant, the witnesses Walker and others, whose names I will not call over, were called and sworn in rebuttal, but they testified to facts in chief, or they were sworn in Montgomery County, in the Second district of Alabama, outside of the Fifth Congressional district, before a notary public who was appointed in Elmore County, the county where the contestee lives, and not a county of the Second district.

Now, let us take up this proposition first and the other one last, and I am done. I lay this down as a proposition that can not be disputed, and to deny which would open the door to fraud, would permit any man's seat on this floor being challenged and taken away from him. I call attention to section 107 of the Revised Statutes, which prescribes the time within which testimony shall be taken. It provides that—

The contestant shall take testimony during the first forty days, the returned member during the succeeding forty days, and the contestant may take testimony in rebuttal only—

Mark it, in rebuttal only—

during the remaining ten days.

Now, I state, and I defy contradiction, and the majority of the committee admit it in their report, that this testimony in chief was taken within the time prescribed by the law for taking testimony in rebuttal only. The majority do not deny that. They simply undertake to evade the law by saying that the testimony was not objected to, when the record shows that it was objected to. I repeat that the testimony upon which their report was founded and must rest, because without it there could be no report against the contestee in this case, is testimony offered by the contestant in the last ten days, and that he took testimony in chief during the time when the law provided that he could take testimony "in rebuttal only." It came to this committee damaging testimony, testimony indicating such fraud as to turn the sitting member out of his seat; that testimony was taken and came to this committee at a time when the contestee had no opportunity to reply to it, or to call witnesses in rebuttal, because the law had closed his mouth when that testimony was taken. He made a motion before the committee to suppress it. He made a motion that, if they considered it, they should permit him to reply to it, as he said he could do.

They saw fit to decide against him on that question, and to-day it is proposed to send him out of this House as not having been elected or having been declared elected by fraudulent votes, when the evidence upon which that verdict is based was offered by the contestant in the last ten days of the time for the taking of testimony and when the contestee has never had any opportunity to reply to it. Is that judicial? Is there a court on earth that ever permitted such a proceeding in the trial of any cause before it? I challenge the gentleman on the majority, or any gentleman on this floor, to point out or name a case when this was ever done.

Section 117 of the Revised Statutes declares that—

Depositions of witnesses residing outside of the district and beyond the reach of a subpœna may be taken before any officer authorized by law to take testimony in contested election cases in the district in which the witness to be examined may reside.

There is the plain provision of the statute. Yet a number of these witnesses, the most intelligent witnesses for the contestant, were examined in the county of Montgomery before a notary public, an officer not residing in Montgomery County or in that Congressional district, but residing in the county of Elmore and in the Fifth Congressional district. These witnesses might as well have been sworn before a private person. A notary might as well have been taken from New York to take the testimony of these witnesses. Yet testimony taken in this way is made a part of this record, and it is relied on in the majority report for the purpose of upholding the conclusions reached, and their testimony set out in detail in the report of the majority.

They say that no objection was raised on this ground, except in one instance. Sir, the record shows that objection was made; but apart from that I lay down the broad proposition of law, as declared by the Supreme Court of the United States in cases which I have referred to, and I could furnish a number of them if I had the time, that it was not necessary that objection should be made; that all that was necessary was that when this testimony was presented before the committee a motion should be made to suppress it; and it ought to have been suppressed. To say the least, if the committee chose to consider evidence of this character in violation of the strict terms of the statute, they ought to have permitted the contestee to have obtained and offered evidence in rebuttal. The contestant himself testified for the first in rebuttal, and gave testimony in chief; most of his testimony is taken up in detailing what he gathered from the records of the court and from the statements of other people, and proving facts which had never before been testified to, and which was regarded by the majority as most material evidence and upon which they have acted in making their report.

These are the legal aspects of the case. I have stated in a general way what the contestee did to meet the case as made by the evidence in chief. I have shown that he could not meet the evidence offered in chief and taken in the time allowed only for rebuttal. Yet a majority of the committee sitting as a judicial tribunal to determine the result of this election and to apply a uniform, unvarying rule of law to the case have said, in spite of the imperfections of the evidence, in spite of the violation of the statute and the principles of law, "This is enough." They have raised the "red flag" of fraud and flouted it in the face of this House, and all else must be lost sight of because it is raised. As evidence of fraud they presented here that which the contestee has had no opportunity to reply to.

This may be judicial; this may be right; but if so, Mr. Speaker and gentlemen, we shall have to learn anew the judicial rules for the interpretation of statutes and the admissibility of testimony as laid down by Greenleaf—rules which have grown hoary and sanctified by age. We shall have to unlearn the rules of law as established by English and American courts and as upheld by the greatest court on the face of the earth, occupying a chamber not far from this Hall. That august tribunal will have to learn new lessons from this Republican majority which establishes new principles of law in order to unseat a Democrat and seat a "combine" Populite-Jeffersonian-Democrat-Republican—the Lord only knows what he is! [Applause.]

I desire to yield the balance of my time to the gentleman from Alabama, Mr. Cobb, but before taking my seat I will ask leave to print as part of my remarks the report of the minority of the committee.

The report is as follows:

VIEWS OF THE MINORITY.

We, the undersigned members of Committee on Elections No. 1, not being able to indorse the reasoning and conclusion of the majority of the committee, present these as our views:

The questions of law submitted in this case to the committee, and a determination of which was asked at their hands, are these:

First. "Whether evidence taken before a notary public, acting as commissioner to take testimony, could be considered when the testimony was taken before such notary public in a county of the district other than the county for which he was appointed?" We believe that this could not be done, and that the evidence taken before such notary public in this case should be suppressed and not considered. The reasons given therefor have already been reported to the House in the case of Aldrich *vs.* Robbins, and will not be repeated here.

Second. "Whether evidence taken outside of the Congressional district from which the contest comes could be taken by and before a notary public who does not reside in the county or district where he takes such testimony?"

In this case important testimony was taken in Montgomery County, Ala., in the Second Congressional district of Alabama, before a notary public who resided in a county in the Fifth Congressional district of Alabama. This testimony was that given by B. W. Walker, U. D. Lynch, S. M. Dinkins, D. D. Askew, and J. D. McDuffy, and certain exhibits then made before such notary public. It is clear from the statutes of the United States, as contained in section 117 of the Revised Statutes, that the notary who took this testimony in Montgomery County was utterly without jurisdiction to do so; and as the want of jurisdiction appears upon the face of the papers, according to the universal and accepted rules of law, advantage can be taken of it at any time, and this was done in this case by the contestee in a motion to rule out and suppress this testimony.

Section 117 of the Revised Statutes declares that "depositions of witnesses residing outside of the district and beyond the reach of subpœna may be taken before any officer authorized by law to take testimony in contested election cases in the district in which the witness to be examined may reside." There can be no question that this section expressly provides that the testimony shall be taken before an officer such as is described in section 117 of the Revised Statutes, who must reside in the same district in which the witness to be examined resides. No other officer or person is clothed with authority to take the testimony of a witness who resides outside of the district in which the contest is pending except an officer who resides in the district of the residence of the witness.

The statute of Alabama defining the power and authority of a notary public confines his power and jurisdiction to the county for which such notary is appointed, and the statute of the United States confines the power to take the testimony to an officer who resides in the district of the witness, so that neither the laws of Alabama nor the United States permit or authorize this officer who did take the testimony in Montgomery County to take it, and his actions in taking the testimony are absolutely void and the evidence thus taken wholly illegal. If this testimony is not considered, then the most important evidence which was offered for the contestant should not be considered, and it would be impossible for any fair-minded tribunal to arrive at the conclusion which the majority of the committee have reported.

Third. The contestant began taking testimony in rebuttal April 9, 1895, and with rare exception introduced original testimony, and this evidence thus offered has been considered by the majority of the committee, and upon it the majority have founded their report. But in our judgment this testimony should not have been considered or acted on. The testimony given by the contestant himself, which is related in the report of the majority, and all the exhibits attached to his testimony, beginning on page 334 and ending on page 347 of the record, without which it would be impossible for the majority to reach the conclusion it did, is original testimony taken in rebuttal after the expiration of the forty days in which the contestant was permitted by law to take original testimony, and was taken in the remaining ten days in which the law declares "he should take testimony in rebuttal only." (See section 107 of the Revised Statutes, which declares "the contestant may take testimony in rebuttal only during the remaining ten days of said period.")

This provision of the statutes is but an affirmation of the rule of the common law. No rule of law is more firmly established and universally observed than that evidence in chief can not be used in rebuttal unless, after its introduction by the exercise of the discretion of the court, the opposite party is given the opportunity to meet it by contradictory evidence. No court will permit a plaintiff to introduce a part of his evidence in chief and then when the defendant has closed his evidence to introduce other evidence in chief, under the pretense that it is only in answer to the evidence of the defendant.

In view of this well-recognized principle it surprises us to see in the majority report this declaration:

"Evidence was taken which the contestee urges was not within the scope of a proper rebuttal; but it was mainly to prove that persons did not vote whose names were not on the poll lists. Similar proof had been previously taken, and there can be no reason for supposing that the contestee, Mr. Cobb, was specially prejudiced by the order of this evidence, for it seems to have been beyond his power of contradiction."

How does it seem beyond his power of contradiction? Such a fact could not possibly appear until he was afforded the opportunity to contradict. This opportunity he sought at the hands of the committee, by asking that if they saw proper to consider this rebuttal evidence, he should be allowed an opportunity to meet it by contradictory proof, as he declared his ability and willingness to do. This request was reasonable. The rebuttal evidence, which clearly appears to be evidence in chief, should have been suppressed or the committee should have reported a request to the House that the contestee be granted time to contradict it.

If this rebuttal evidence was mainly to prove, as asserted, that persons did not vote whose names were on the poll list, it is certainly true that this is made by the contestant the vital issue in his case. But it will appear from examination of the record that the rebuttal evidence took a much wider scope. There were examined in rebuttal more than 25 witnesses, whose evidence touched upon every point which it was conceived could possibly affect beneficially the interests of the contestant. Among these witnesses are found Reed Smith, A. J. Wood, C. E. Reese, J. L. Long, B. W. Walker, D. D. Askew, W. A. de Bardelaben, J. M. Williams, A. T. Goodwin, J. A. Reese, W. E. Mealing, and J. V. McDuffy, all of whom are mentioned in the report of the majority as the witnesses on whose evidence reliance is mainly placed to sustain the cause of the contestant. Here, then, we have the case in which the trial court makes up its judgment on rebuttal evidence, entirely cutting off from hearing the party against whom the judgment is rendered, in violation of law and for no reason assigned except the presumption of the court that the evidence could not be rebutted—a presumption directly in conflict with the established law of more than one hundred years.

The contestant failed during his first forty days to prove the vote of the whole district. Without this proof it was impossible, by any amount of other evidence, that he could sustain his contest. He was bound to know this, and the presumption is strong, if not conclusive, that he withheld this necessary proof for the direct purpose of cutting off the contestee from an attack upon it. When the case was first submitted to the committee there was no proof before them, even in the rebuttal evidence, legal in character, proving the vote of the district. This was so apparent that the committee called on the contestant for additional proof on this point. He was permitted to get certain transcripts from the secretary of state of Alabama. On production of those transcripts the fact was made apparent that the vote of one whole county should have been disregarded because of the illegal manner in which it had been transmitted to the secretary of state. Had the vote of this county been excluded, as clearly it should have been, then the contestee's majority would have been increased at least a thousand votes. Being accepted by the committee, what could have been more reasonable than to allow the contestee opportunity to show that behind this return of the county supervisors to the secretary of state, and on which it rests, were votes counted from a number of precincts with no returns before the county board to show that such votes were ever legally cast?

No reason is offered by the majority of the committee for the introduction of this supplemental proof, except that it is a record, when the most cursory view of the statutes of Alabama negative such an idea. It was evidence subject to contradiction, capable of contradiction, as was made clearly to appear before the committee, and no greater injustice can be done, in our opinion, than to seat the contestant on such evidence. But if it was a record, it could not have been legally received by the committee. Mr. McCrary says:

"Record evidence must be put in before the commissioner, and put in the record of evidence. (McCrary, page 307, section 362.)"

The whole of this testimony, in our opinion, should be suppressed and not considered. Not to do so violates, we repeat, the express terms of the statute and rules of law that have not heretofore been questioned. To permit this course of procedure would authorize contestants in election cases to withhold the most vital and important evidence in their possession until the last days permitted for offering evidence in rebuttal, and then cut off the right of the contestee to reply to it, and would not only be in violation of the law and statutes of the United States, but would be approving and upholding wrong and injustice, which no impartial and fair-minded judicial body or legislative body acting in a judicial capacity can afford to permit or sanction.

This testimony contains the only suggestion or statement, and that by means of offering evidence that is clearly secondary and hearsay, that contestee's majority was less than 748. Therefore, without accepting this secondary evidence and evidence offered in rebuttal, the majority of the committee could not arrive at the conclusion that contestee's majority was only 508, instead of 748; and to the admission of this testimony the contestee strenuously objected, and by solemn agreement with contestant, entered in the record, said objection and agreement being found on pages 334, 402, 403, and 404 of the record, and in addition thereto a motion was made to suppress this testimony before the committee. To say that the contestee had not availed himself of every technical rule to resist the introduction and use of this testimony thus illegally put in the record is to make a statement which the record of the case will not sustain.

Besides, in our judgment, if no objection had been taken before the notary public, it was in the power of the contestee, if he so desired, when his case came up to be heard before the committee, to object to all illegal testimony and to move to suppress it, and if for the first time objection had been made before the committee, we are of the opinion that the objections should have been sustained if they were legal objections, and if the testimony objected to was illegal and inadmissible it should be suppressed and rejected. It must be remembered that the notary public who took the testimony has no judicial power to rule out evidence, or to admit evidence, or to pass upon the objection to the legality of testimony. He is simply the officer designated by the statute to summon the witnesses and to administer the oath to them, and to take down the questions propounded and the answers made.

We therefore conclude that all this evidence taken in rebuttal, which is original testimony and was offered for the purpose of sustaining contestant's case, and which should have been offered in chief, is not simply in reply to contestee's evidence, and should be utterly disregarded, especially as the contestee vigorously asserted his ability to meet and overcome it.

Fourth. Another portion of the testimony taken before Mr. T. L. Grace, notary public, which attacks precincts in Lowndes County, viz, Hayneville, Gordonsville, and Benton, and which is important testimony, comes before the committee without any certificate from the notary public. We do not believe this testimony should be accepted or regarded. Section 127 of the Revised Statutes of the United States requires that "the officer who takes the testimony shall certify and carefully seal and immediately forward the same by mail," etc., "to the Clerk of the House of Representatives."

It appears in this record, and it is not denied, that the contestant, during the time when the testimony was being taken in the case, took possession of parts of the testimony and carried it about with him out of the care of the commissioner, and at one time when the testimony that had been taken was called for the commissioner did not have it, but stated that the contestant had it, and that the contestant refused to give it to him on his demand.

We can not fail to call attention to the fact that a majority of the committee wholly neglected and failed to refer or call the attention of the House to the evidence of the contestee taken in the case, although a large mass of testimony was taken by him in reply to every charge made; and the officers of election of every precinct attacked were offered and sworn; and, besides that, numbers of persons were offered who did sustain the fairness and honesty of the election. The witnesses for the contestant were flatly contradicted as to the material facts sworn to by them, in every instance, and while the majority have a right to disbelieve the testimony of contestee's witnesses if they see fit, we think it is the right of this House to know, and it is the duty of the committee to inform the House, of the evidence. The witnesses for the contestee were shown to be worthy and reliable, and in most instances citizens of high standing, character, and probity in the community where they lived, and if their testimony is the truth, then the majority could not arrive at the conclusions they have.

The House is left to infer that only the witnesses named for the contestant were offered, when such is not the truth. In each precinct attacked it is shown by contestee not only that the votes returned were voted and counted as voted, but that large numbers of voters were present at the time at the polling place, and that the colored voters were for Judge Cobb, contestee, were his supporters and his friends, and had no affiliation with or sympathy with the Populist candidate, contestant. Great stress is made in the report of the majority that numbers of voters say that poll list were shown not to reside in the precincts in which they voted, that some were shown to be dead and some absent from the precincts, and that a number of them made affidavit that they did not vote. Taking up the last proposition first, we deny emphatically that there are any affidavits in the record sworn to by the number of persons stated in the report of the majority or any other to that effect. The only reference made thereto is the testimony of D. D. Askew, taken in Montgomery County on the 19th of February, 1896, before a notary public who was a resident of the Fifth Congressional district and not authorized to take the evidence, and was taken after the expiration of the forty days in which the contestant had a right to take the original testimony, and was taken when the contestee was not present, and like evidence of Askew taken by contestant in the last ten days for taking evidence.

On page 308 of the record will be found the statement of D. D. Askew, in which he says that "certain ex parte affidavits were made before him in Macon County by parties therein named that they did not vote," and he gives the names. The affidavits are not in the record, nor does it appear that they were ever sworn to before the commissioner or that the contestee was ever notified that they would be sworn, nor did he, the contestee, ever cross-examine them, because the affidavits were ex parte. Other than this there is not a word in the record to sustain the statement made in the report of the majority that any number of persons made affidavit that they did not vote, so that the contestee did not have an opportunity to meet these affidavits, nor ought they to be considered. In nearly every instance where it was shown by the contestant that a voter whose name appeared on the poll list was dead it was shown by the contestee and by reputable citizens that the person alleged to have been dead, whose name appeared on the poll list, had died since the election, or that there were two persons of the same name in the precinct, and that one person of the name living in the precinct voted. This evidence will be found in the testimony with reference to Hayneville, Gordonsville, Whitehall, St. Clair, and Benton, in Lowndes County. In two instances it was shown by the close relatives of the person alleged to have been dead at the time of election that he was not dead at that time, but died since.

Evidence was offered by contestant that certain persons on the poll list in various precincts did not reside in the beat on election day. Especially is this true of Hayneville, Gordonsville, Benton, Churchill, and Whitehall. Contestee replied to these by introducing witnesses, taking up the names of these persons who had sworn, or were alleged by others not to have been in the precinct and voted, and showed by such witnesses that the persons whose names were on the poll list did reside in the beat and did vote, and in detail took up the testimony of contestant and disproved the statement made by the witnesses, and we deem it to be our duty to at least call attention of the House to these facts because justice to the contestee, and, what is more, justice to the people of that district, demand that the allegation that dead people were voted, persons not in the precinct were voted, should be, if it can be, disproved. It was disproved in this case. Ample proof was made by the contestee, and we are surprised that the majority thought proper to submit to the House the report with the simple statement that so many persons were proven not to have voted whose names appeared on the list, when, in fact, it was proven by reputable witnesses either that they did vote or that persons of that name resided in that precinct and voted.

We quote the following:

"Nor has a mere statement by a witness that a voter was or was not a resident without giving facts to justify his opinion been considered sufficient to throw out such vote. (McCrary, page 314.)"

This principle has been sustained by the House in Letcher *vs.* Moore (Clark & Hall's cases, page 479), Gooding *vs.* Wilson (Smith's Digest of Election Cases, 79).

In this connection we call attention to the fact that it was shown that every vote put in the boxes was presented to the inspectors by a person who gave the name entered on the poll list, and who appeared to be a legal voter; and thus the idea of conspiracy on the part of the inspectors is effectually rebutted. It also appears from the evidence of witnesses, both for contestant and contestee, that it is very common to find two or more colored people bearing the same name.

We desire to say in reference to the statements made in the report of the majority, to be found on page 6 of the report, regarding the appointment of inspectors of election and the refusal to give to contestant representation at the precincts named, and the refusal of Judge Cobb to join in requesting the appointing board to give the contestant a division of "managers," and the statement of what occurred at certain public meetings, it was shown that the appointments were made in accordance with the law; "that the predominant parties in the precincts were Democratic and Republican, and that there were very few Populists in the county;" and that in every instance a Republican manager was appointed. In some instances those appointed did not serve, and their places were filled according to the provisions of the statute of Alabama, and after the appointment of the "managers" of election Mr. Grimmet, chairman of the Republican executive committee, expressed satisfaction at their appointment, and said "they were the best that had ever been appointed"; and these officers of election thus appointed were introduced by contestee and sustained the returns from the precincts; and at the meeting at Cross Keys referred to, at which the resolutions were passed, according to the testimony of Walker, a witness for contestant, there were only about 35 voters present, and three-fourths of them were the supporters of the contestant; and none of the friends of contestee voted on the resolutions. To like effect is the evidence in regard to the meeting at Bentley. The record does not bear out the statement of the report of the majority

that there was any conspiracy formed or carried out to defraud the contestant in the election precincts referred to, and every particle of the evidence offered in that regard was illegal and inadmissible, because the witnesses either testified at Montgomery before a notary public who had no authority to take their testimony or was offered in rebuttal.

It may here be stated that there is not the slightest evidence in the record so much as tending to show that the contestee, Mr. Cobb, at any time objected to the appointment of friends of contestant as election officers, or that he in any manner attempted to influence the appointing officers.

On the contrary, the witness Walker, on whose evidence the majority report so strongly relies, states that Mr. Cobb is now and has always been on the side of fair and honest elections, and no responsibility for any wrongdoing attaches to him.

We can not but conclude that if the rules of law and the plain words of the statute enacted for the conducting of election contests are observed and followed that this testimony upon which the majority base their report should be rejected. If it is, the contestant has no case. If the testimony that was not offered "in rebuttal only" is considered, and due regard is paid to the evidence of contestee, then the conclusion can not be reached that the contestant was elected. If the House should be of opinion that the testimony offered in rebuttal, after considering the testimony of contestee, should be considered, and that it makes a case that the contestee should reply to, then we suggest to the House that before it shall unseat the contestee upon testimony to which he has not had opportunity to reply, it should, in fairness to contestee, reopen the case and permit the contestee to take testimony in reply to that thus offered at the time and in violation of the express terms of the statutes, or at the furthest should declare this election void.

Fifth. There is another point of law raised by the contestee which, in our opinion, is conceded, and which, if conceded, effectually destroys the claim of contestant to a seat in the House. It is that all the evidence touching the registration of voters contained in the record should be disregarded and suppressed. The grounds of this contention are, first, that the evidence tending to show registration was by corporation only in the absence of any State law providing for such certification and without any proper certificate to the papers introduced, even if such law existed; and, second, that the registration law supposed to be of force in Alabama at the date of the late election was unconstitutional and void. This contention seems to us not only plausible, but conclusively established.

We will not prolong these views by a detailed argument on the question of the introduction of evidence by certification, since it is too plain for a controversy that if the registration law was unconstitutional it was not only void, but that every act done under it was likewise void. Men may differ in their construction of laws which admit as evidence papers certified by an officer, but no reasonable man would contend seriously, as we apprehend, that a paper prepared by virtue of an unconstitutional enactment could be made evidence by the certificate of any officer. This proposition is not directly denied in the majority report, but it is avoided by what appears to us a remarkable statement. That statement is as follows:

"The contestee further objected that the registration law was in conflict with the constitution of the State of Alabama, and that all of the registrations were unlawful. If any conflict exists between the statute and the fundamental law of the State it consists in the prohibition that no person not registered shall vote unless he shall become 21 years of age after the registration in May has been completed. The prohibition can only affect persons becoming residents of the county between the close of the May registration and the day of the election. The proof taken failed to show any such person. The contestee, Mr. Cobb, was therefore deprived of no vote by this prohibition, and consequently has been in no respect injured by it and has no cause for complaint against the law. Besides that, if this prohibition conflicts with the constitution in this respect it was inoperative as to adult persons taking up their residence in the county after the May registration and three months before the election, and they were entitled under the constitution to vote without being registered."

This statement seems to be made on the idea that an enactment may be unconstitutional as to a class of persons and valid as to all others, and also that no one can attack an enactment as unconstitutional unless he shall first be able to show that he has been injured by it. Our view is that as soon as an unconstitutional enactment is presented to the court in any way which affects the cause before it, it will be declared void, not only as to the parties litigant but as to all other persons. It is on this view that enactments similar to the one now under consideration have been declared void by the supreme courts of Pennsylvania, North Carolina, and other States of the Union.

In the above utterance the committee say in effect that the constitutionality of the registration law of Alabama was not a matter of concern to the contestee, because they say he was not injured by the enforcement of the law, and yet, the moment that it appeared on the election of 100 votes at one precinct, shown to have been cast for the contestee, was proper, because the persons who cast them were not on the registration list. This contradictory logic we confess ourselves unable to appreciate. That the registration law was unconstitutional and void can not, we are confident, be seriously doubted.

We quote from brief of contestee on this point:

"Thus far I have chosen to present the reasoning in support of the proposition that the copies of registration certificates found in the record should be excluded, assuming that the registration law is valid. Such is not the case; that law is unconstitutional and void. The authorities are one to the point that, while the legislature of a State may enact registration laws as a regulation of the exercise of the right of suffrage, it can not under the guise of such legislation restrict or materially hinder the exercise of that right. 'Any law which has the effect to disfranchise a part of the voters will be unconstitutional.' (Eng. and Am. Enc., 285, 287, and 288; McCrary on El., p. 46, sec. 6; Paine on El., p. 295, sec. 341; 49 Wis., 555; 58 Penn., 338.)

"In People *vs.* Canady (73 N. C., 223) it is said: 'The constitution ordains that the general assembly shall provide for the registration of voters, and that no one shall vote without registration. This means that the general assembly shall provide the conveniences and necessaries, so that the voters can register. It is to facilitate the exercise of the right of the voters.' And the court held the registration law unconstitutional.

"The registration law of Alabama sought to be enforced at the late Congressional election provides that the registration shall commence on the first Monday in May and continue for eighteen days, and that thereafter no one shall be allowed to register except those who become of age between the date of closing the registration and the day of the election. It also provides that when a special election is held no one shall be allowed to vote except those whose names are already on the registration list and those who have become of age since the close of the last registration period. The constitution of Alabama prescribes the qualification of voters and confers the right of suffrage on all who possess these qualifications. It is true that it also confers power on the legislature to pass registration laws, but as a means of regulation only. Under the constitution, all men having the other qualifications of sanity, freedom from conviction for crime, etc., can vote who have resided in the State twelve months, three months in the county, and thirty days in the precincts where they offer to vote. It will thus be seen that the right to vote is denied by the registration law to a large number of citizens having every constitutional qualification. To illustrate: A citizen lives in the county of Macon in the month of May and registers in all respects as required by the registration acts; immediately thereafter he removes his residence to the county of Lee. In November following there is a general election, or in January following there is a special election.

"He is, under the registration law, denied the right of voting in either county, although under the constitution he is a qualified voter of Lee County, having resided there three months immediately preceding the election; he can not return to Macon County and vote, because he can only vote in the county of his residence; he can not vote in Lee County, because he did not and could not register there during the registration period. Here is a positive denial by a statute of the right to vote when the Constitution says it may be exercised. Again, a citizen is sick or absent from his home during the whole of the registration period; he can not register after he recovers or returns. Thus, for causes for which he is not responsible, he is denied the exercise of his right of suffrage. It is too plain for controversy that we must overrule all the adjudicated cases or hold this election law unconstitutional. The registration law must fall, and with it falls all the evidence in the record touching the matter of registration. The exhibits of registration lists must be excluded. They can not be looked to for any purpose. Not being legal papers in the office of the judge of probate, they were incapable of certification, and there has been no attempt to otherwise prove them. Not only do the lists made exhibits go out of the record, but with them goes also all the evidence of witnesses who are presented with these lists and asked to testify from them."

But we repeat, it is upon the evidence in chief, offered in rebuttal, and the evidence founded on a void registration law, and secondary evidence when the absence of the primary is not accounted for, that the committee make the case of the contestant to rest. Take away this illegal evidence, and the contestant's case vanishes with it. And here we call attention to a strong expression of Greenleaf:

"It (the best evidence) is adopted for the prevention of fraud; for when it is apparent that better evidence is withheld, it is fair to presume that the party had some sinister motive for not producing it, and that, if offered, his design would be frustrated. The rule thus becomes essential to the pure administration of justice. (1 Greenleaf, page 126, section 82.)"

Waiving for the time being the line of reasoning thus far pursued, we propose to examine the case in other aspects.

In the beginning of their report the majority of the committee make this observation:

"The said district consists and then consisted of nine counties, namely: Autauga, Chambers, Clay, Coosa, Elmore, Lowndes, Macon, Randolph, and Tallapoosa.

"The counties of Autauga, Lowndes, and Macon were designated as black counties on account of their large colored population, and the others were designated white counties because of the predominance of the white people in them."

They also say:

"The returns from the white counties gave the contestant, Mr. Goodwyn, a majority of 3,612 votes, while the 3 black counties returned majorities so large for the contestee, Mr. Cobb, as to extinguish the majority for the contestant in the white counties and give him a majority of 508. The returns were so canvassed as to report a majority of 748 for the contestee, Mr. Cobb; but that was evidently a mistake in the footings, by which the contestee, Mr. Cobb, was allowed 240 votes more than the returns stated to have been given for him."

The purpose in making these statements seems to be to convey in the outset of their opinion the idea that at the election under consideration the contestant was supported by the majority of the white voters of the district. There is no foundation for such belief, as we will show. It will be borne in mind that the contestant claims that in what he calls the white counties the colored vote was cast almost entirely for him. The population of these counties, white and colored, is as follows:

County.	White.	Colored.	County.	White.	Colored.
Chambers	12,460	13,858	Elmore	11,444	10,288
Coosa	10,552	5,354	Randolph	13,914	3,305
Clay	14,061	1,704	Tallapoosa	12,951	8,508

The majorities which the contestant claims it is shown that he received in these counties are as follows:

County.	Majority.	County.	Majority.
Chambers	538	Elmore	1,049
Coosa	400	Randolph	521
Clay	257	Tallapoosa	847

It will thus be seen by comparing the colored vote in these counties and the majorities received in them by the contestant how utterly unfounded is the claim that he had the support of the white voters in the so-called white counties.

We proceed to the examination of the evidence touching the conduct of the election at the several precincts which the majority of the committee have found to be tainted with fraud, taking them up in the order in which they appear in the majority report.

HONEYCUT PRECINCT, MACON COUNTY.

The majority report gives the names of the witnesses on whose testimony they altogether reject the returns from this precinct. The only three who gave any direct evidence for the contestant of the manner in which the election was conducted are J. D. Brooks, William Pierce, and Hilliard Judkin. Of these, J. D. Brooks was examined in the absence of the contestee and his counsel, and therefore escaped a cross-examination. He lived in a different precinct. He says he knows about 60 per cent of the voters in Honeycut. After making this statement, the following occurred:

Q. Are you acquainted with the names on the poll list of said beat from Nos. 58 to 104, both inclusive?

A. (Witness examines poll list.) I do not know any one of them.

Q. Do you know the voters on the poll list, Nos. 16, 17, 19, 55, and 56?

A. I don't know any such persons in this beat.

He then makes a statement about the conduct of the inspectors. Suppose this statement to be true, what does it amount to? He does not pretend that the names on the list handed him were not legal voters of the precinct; the paper on which he looked is not shown to have been the poll list. Whether

it was the poll list or some other paper we are left wholly to conjecture. It is not shown or even intimated that the disorderly conduct mentioned had the slightest effect on any voter, and in this connection it must be remembered that the contestant's claim is that his supporters remained away from the voting places. Therefore, if disorderly conduct affected anybody, it was the supporters of the contestee.

Three reputable white witnesses—F. H. Foster, G. F. Hagood, and Thomas O'Donnell—flatly contradict Brooks, and show that he was not so situated that it was possible for him to know who entered the polling places, or how many. The witness Walker, whose testimony is commented upon in the majority report, was twice examined. His first examination was in Montgomery County, outside the Fifth Congressional district, before a notary public living in one of the counties of the district. This examination was admitted to be illegal, but it is upheld notwithstanding its illegality and notwithstanding it was had in the absence of any representative of the contestee until after his examination in chief had concluded, on the ground that no proper objection seems to have been made to it by the contestee. This, to us, seems ground narrow indeed on which to permit the consideration in an important matter of evidence admittedly illegal. Without dissent the courts everywhere hold that illegal evidence should be excluded from consideration whenever objection to it is made, without regard to the period of time at which the objection is urged. All the evidence of a cause may be in and the case being submitted to the jury, and even at that stage the court will, without hesitation, exclude on motion any illegal testimony. Besides, under the contest law, even consent of parties would not justify the taking of testimony before other persons than the parties named in the statute. The contending parties may agree to facts, but not that disputed facts may be put in testimony before an officer or person not authorized to take evidence.

On the second occasion Walker was examined in rebuttal, the effect of which course has already been discussed. Further than this, his statements were contradicted by Sheriff Thompson, from whom he states that he received his information and whose truthfulness is vouched for by the contestant by being offered and examined by him as a witness. He was also contradicted by W. H. Hurt, probate judge, and W. H. Roney, clerk, who, with Sheriff Thompson, constituted the appointing board of inspectors of elections. These three men swear that they made no such agreement as Walker speaks of, but, on the contrary, made for each precinct as fair and legal appointments as it was possible for them to make.

Reed Smith is another witness who was examined in rebuttal. His statements are clearly evidence in chief. The contestee had no opportunity to contradict it. That he would have done so had such opportunity been offered appears clearly from the answer of the contestee to the notice of contest.

William Pierce was an employee of the contestant. He was not sent out with an honest purpose to find anybody, but rather to report that certain parties named to him could not be found. He says the precinct was a large one; that the weather was the worst he ever knew in Alabama; that he traveled on foot, visiting some houses and asking such persons as he met whether they knew any of the names which his list contained. His cross-examination effectually disposes of the pretension that he made proper search for anybody. Instead of pursuing this method, if the contestant had had an earnest purpose to ascertain the existence or not of the persons mentioned by him, there were other means to which he could have resorted far more effective than those adopted by him.

Hilliard Judkins testified as follows:

HILLIARD JUDKINS, being duly sworn, deposes as follows:

Q. What is your full name?
A. Hilliard Judkins.
Q. Where do you live?
A. Honeycut beat.
Q. How long have you lived in Honeycut beat?
A. I have been there about eighteen years; maybe longer.
Q. Where were you on the day of the Congressional election, the 0th of November last?
A. I was at Hardaway.
Q. Were you one of the managers at the election?
A. Yes, sir.
Q. What did you do in the management of the election?
A. I put the tickets in the box when they handed them to me.
Q. Were you there throughout the day and when they were counted out of the box?
A. Yes, sir; I was there.
Q. Did you with the other managers sign and send up the returns of that election?
A. I didn't sign myself. I told one of the other managers to sign for me. I was standing by and saw it done.
Q. How many votes did Judge Cobb receive at that box?
A. One hundred and five or six—one or the other of those numbers.
Q. Did you know all that came in there to vote?
A. I did not.
Q. Did you require the voters to surrender their registration certificates when they voted?
A. I did.
Q. Do you know of any Populites or Third Partyites in Honeycut beat?
A. No, sir; I don't know of any.
Q. Do you know any white Populites or Third Partyites?
A. I know of only one, Mr. Covington. I have never heard of any others.
Q. Was there anything said or done there to prevent anybody from voting who had a right to vote?
A. Nothing that I know of.
Q. Did you allow anybody to vote at that election who was not a registered and qualified voter?
A. No, sir. A certificate was demanded of everyone. Two or three asked if they could vote without being registered. Mr. Hagood told them no, unless they were registered.

While on cross-examination he said that he did not know certain persons named to him. He also said that there were a great many in the precinct with whom he was not acquainted, and that these persons may have been of the number.

It was upon this evidence, given at the instance of contestant, indefinite and inconclusive in character, and illegal as some of it was, and all of it contradicted where the opportunity to contradict was offered, and in disregard of such evidence as above given by Hilliard Judkins that the majority exclude from the count the whole precinct vote.

COTTON VALLEY PRECINCT.

The majority exclude the vote of this precinct on testimony more objectionable if possible. Stress is again laid on the testimony of Walker, which we have already examined. The statement is made that the registrar's book showed no more than 30 names. This is not borne out by the record. The registrar was himself examined and testifies that all the names appearing on the registration list as from that precinct were duly registered before him. He also explained why some pages of the book did not contain his signature.

Here we may remark in passing that if in this instance so much stress is to be put on the absence of the signature of the registrar to his registration lists, how is it that the committee can with consistency accept other registration lists, as they do without hesitation, to which the name of the registrar does not appear? It does not appear on any registration list from Lowndes County. To show the complete fairness and honesty of purpose on the part of Judge Hurt, it may be stated that while he was a witness on the stand for the contestee, and while he was being cross-examined by the contestant, he voluntarily proposed to bring into court the original registration lists of this precinct. To this proposition the attorneys of the contestee readily assented, in the light of the fact that they might with all propriety have objected to the contestant's procuring testimony for himself in that way. The book was brought before the commissioner, placed in the hands of the contestant's attorney, and then and there the contestant and his attorney had full power to have the whole book copied in the record had they so desired. It seemed to suit them better not to pursue that course, trusting rather to such benefit as they should gain from secondary and hearsay evidence of the contents of the book.

The testimony of McDuffie, to which allusion is made in the majority report, is not in the printed evidence. It was illegally taken in Montgomery, and for that reason excluded by the Clerk. Its printing was refused by the committee, and hence we naturally concluded it was not to be regarded. Hence we have not examined it, but what we have said above with reference to the opportunity afforded him to have the registration book of this beat put into the record effectually disposes of his evidence with reference to its contents

The majority in their report deal very summarily with the testimony of Essex Menefee. The contestant did not at one time regard it with indifference. In his first brief he makes allusion to Essex Menefee as one of the inspectors on whose testimony he relies. It was not until he came to file a second brief that it seemed to occur to him that Essex Menefee was an "ignorant, illiterate colored man." Meantime attention had been called to the following, which appears in Menefee's evidence, and to which allusion is made in the report of the majority:

Q. What is Mr. Goodwyn's politics?
A. He claims Third Party.
Q. Do you know any Third Party man in Cotton Valley beat?
A. No, sir.
Q. Do you know Mr. Goodwyn?
A. Yes, sir; I know him when I see him.
Q. When did you see him last?
A. I saw him at Mr. Boyd's when he sent for me to come over there.
Q. Was that when he was taking testimony in this contest?
A. Yes, sir.
Q. Did he have any conversation with you at that time? If so, state where it was, when it was, and what he said.
A. He sent for me and took me down on the lower side of the house, before I went in the room, and he said to me—he asked me if I didn't want to make some money; he asked me wouldn't I swear that there wasn't no more than about 30 or 40 voted at Cotton Valley.
Q. When he asked you if you wanted to make some money, what did you say to him?
A. I told him I wanted to make some money, but I couldn't swear there wasn't any more than 30 or 40 voted when I knew there was more.
Q. What else did he ask you?
A. He asked me if I was one of the managers. I told him "Yes, sir." He said if I would swear there was not more than 30 or 40 voted I could make some money; he had the money in his hand; I told him I couldn't say there was no more than that voted, for there were two other men who knew there were more, and they would know I lied; he carried me on in the room then before the men.
Q. Were you examined before the men?
A. Yes, sir; I don't remember what they said.

On cross-examination he said:

Q. What was it you said Mr. Goodwyn told you?
A. When I come up to the house he took me off to the lower side of the house; he asked me didn't I want to make some money. He asked me would I swear there was no more than 30 or 40 voted. He said if I would I could get the money. I told him I could not swear that, as there were two other men who knew there were more than that voted, and I would have to swear a lie.
Q. And you declined to swear a lie, did you?
A. I said I would not swear a lie if I know it.
Q. That's all he said to you, was it?
A. Yes, sir; he carried me on in the room there.

The facts about the first examination of this witness were these: He was examined in the absence of anyone to represent the contestee. When the attorney for contestee reached the place at which the examination was being held, he asked that the witnesses who had already been examined might be recalled that he might cross them. This was refused. He asked to see their testimony. This was refused. He asked to be permitted to take a copy of the testimony. This was refused. When afterwards called as a witness by the contestee, Menefee swore to the correctness of the returns made by the inspectors from that beat. He was severely cross-examined without any satisfactory results tending to impeach him. He said that on his prior examination he answered such questions as were asked him to the best of his knowledge at that time. Why such secretiveness on the part of the contestant to prevent the inspection of this witness's testimony, is a question which we are unable satisfactorily to answer consistently with fair dealing on the part of the contestant.

The contestant was on the stand as a witness in his own behalf after Menefee had been examined, and did not contradict him, nor did he call any of "the men" before whom Menefee swore he took him. While the majority reject the above-quoted evidence of Menefee, they still rely on other statements made by him as sufficient to warrant the rejection of the whole vote of this precinct.

If whole polls are to be excluded on testimony like this—illegal, vague, inconclusive, taken in an ex parte manner—and this report should become a precedent, the law in this behalf will be reversed and notice given to contestants to direct their efforts in the production of testimony, not to an honest effort to ascertain the truth, but to get into the record as much so-called evidence as possible which the contestee has not had the opportunity to controvert.

A number of witnesses were examined by the contestee touching the conduct of the election at this precinct. The managers swore to the number of votes cast, and other persons to the number of voters present and voting—all of which evidence more than overcame the evidence of the contestant.

TUSKEGEE PRECINCT.

Two witnesses are relied upon to impeach the integrity of the returns from this precinct, B. W. Walker and J. A. Grimmet. These men represent themselves to have been watchers at the election in the interest of the contestant. They swear to a certain number of colored voters who entered the polling place that day, but upon cross-examination it appears that they were

testifying not wholly from their own knowledge, but from testimony conveyed to them by other watchers who were stationed on the opposite side of the court-house in which the election was held and who were not called as witnesses.

Grimmet swore that he could see to the entrance to the court-house from where he stood. He afterwards, on cross-examination, retracted this statement. Here is the question and answer on this point:

Q. Is it not a fact that you could not see the door of the court-house from where you were?
A. On examination to-day I find that I could not see the door of the court-house from where I was.
Q. Were you not mistaken in your former testimony, in which you said you could see the court-house door from where you were?
A. I find that I was.
Q. Is it not a fact that you don't know that the list reported to you by the colored men was correct?
A. I can't say that I know that it was correct.

If Grimmet could not see the entrance to the polling place, Walker could not, for they were together. The contestee proved by several witnesses, including Sheriff Thompson, that it was impossible that Walker and Grimmet could have seen persons entering the polling place; that a number entered from the side of the court-house, opposite to where they were stationed, without ever coming in range of the view of these witnesses. It was also shown that the side of the court-house opposite to the witnesses was the business portion of the town, from which the large majority of voters approached the polling place.

The testimony of witness Thompson is referred to in the majority report, not only approvingly, but with emphasis. The credibility of Mr. Thompson is in this way affirmed and indorsed, as it was when he was called to the stand as a witness for the contestant. We also affirm Mr. Thompson's credibility, and call especial attention to his clear and intelligent testimony. It will be noticed that he swears with great distinctness that Grimmet and Walker could not see all the openings to the polling place, and that a majority of colored voters entered the polling place at a point where they could not possibly have seen them. He places Grimmet and Walker in front of Russell's store, and not livery stable. But the point we especially emphasize is Thompson's denial of Walker's statements, so often referred to in the majority report, to the effect that the contestant was to be deprived of representation at certain precincts. Here we have two witnesses whose credibility is vouched for by the contestant, who contradict each other in their statements. The one, Mr. Walker, sustained by no person, while the other, Mr. Thompson, is fully sustained on this point by witnesses Hurt and Roney.

We give the following extracts from the testimony of witness Thompson:

Q. Is it not a fact, Mr. Thompson, that the colored voters in this county are averse to the Populite party?
A. It is, and I had to send some extra deputies out to keep the Populites from running them away from the polls in one beat in this county.
Q. Is it not a fact, Mr. Thompson, that the colored voters are active and outspoken in opposition to the Populite party in this county?
A. It is.
Q. To what political party does Captain Goodwyn, the defeated candidate for Congress in the Fifth Congressional district, belong?
A. I think he claims to be a Jeffersonian Democrat or Populite.
Q. Explain, Mr. Thompson, if there was a rope stretched around the voting place, and who put it there?
A. There was. I put it there myself; was 50 feet from any window or door of the room.
Q. How many openings were there through the rope?
A. Three.
Q. Can you describe where they were located?
A. One was on the eastern portion, the other south, and the other in the northwestern portion.
Q. How far were these openings from the door that enters the court room to the voting place?
A. Between 50 and 60 feet.
Q. From where Mr. Grimmet was located, could he possibly see all of the openings in the rope?
A. He could not.
Q. Why could he not?
A. On account of the court-house wall.
Q. How near could he see to the opening that was beyond the wall from him?
A. Part of the time he couldn't see within 10 or 15 feet of it.
Q. Did not Mr. Grimmet spend the greater part of the day in a chair in front of Russell's store, where he could not see that opening in the rope?
A. I think he stayed there until about half past 12 o'clock.
Q. Did any voters go in at that opening during the day?
A. They did.
Q. Is it not a fact that a greater number of voters passed in that way to the polls?
A. I think they did. Most of the darkies voted there.
Q. About how many voters were in town on the 6th of November at the Congressional election?
A. I don't know; they were coming in all day.
Q. Is it not a fact that a large majority of the voters in town that day occupied that side of the street beyond where Mr. Grimmet was located?
A. It is. I saw a very few on the side where Mr. Grimmet was.
Q. Is it not a fact that most of the business of the town is done on that side of the square?
A. It is. There is very little business done on this side.
Q. How many booths did you have in the election here?
A. Either seven or eight.
Q. Was there anything to obstruct a voter at this box, within your knowledge?
A. No, sir.
Q. Did you have any conversation with Mr. B. W. Walker, in which you told him that there was an arrangement or conspiracy by which Mr. Goodwyn was to have so many beats and Judge Cobb so many?
A. I had no such conversation. I had several conversations with Mr. Walker, but nothing of that kind.
Q. Did you have any conversation with B. W. Walker or anyone else in which you said that there was an arrangement by which Mr. Goodwyn was to be denied representation in the appointment of managers in three beats of this county, by which this county was to be carried for Judge Cobb for Congress?
A. I did not. I had a conversation with Mr. Grimmet, chairman of the Republican executive committee, about the managers, and he asked me whom they were. I told him, and Mr. Grimmet told me, that they were all good managers and the best that had ever been appointed.

On cross-examination he said:

Q. Are you positive that they did not move down until the evening?
A. That is my best recollection. I couldn't state positively as to the time.
Q. You were asked about a conversation had with B. W. Walker. Didn't you state to B. W. Walker, in talking about the election, that if any frauds were to be committed in this county it would be at Tuskegee, Cotton Valley, and Honeycut precincts?
A. I did not.
Q. Didn't you have a conversation with him in which you used expressions conveying that idea?
A. I did not. Mr. Walker asked me about the managers, and I told him that we had appointed the best negroes, and that Mr. Grimmet had said that they were good managers and good Republicans.
Q. Some two or three weeks before the election, or some time in September, did you not go to Mr. Walker's place, find him in his field, go with him to his house, stay with him all night, sleeping in the same bed, and have a conversation with him in which you expressed the opinion that if any frauds were to be committed at the coming election it would be in Honeycut, Cotton Valley, and Tuskegee precincts?
A. No, sir; that is not the conversation. I drove by Mr. Walker's fish pond, and I think Mr. Walker got in my buggy; we went to his house and I stayed all night with him. Mr. Walker was telling me about the resolutions he had written out for Mr. Goodwyn, also about a proposition which he had written for Mr. Goodwyn and asked Judge Clark to sign requesting the probate judge, clerk, and sheriff to appoint their managers. I told Mr. Walker that we were going to appoint Goodwyn managers in every beat in the county where Goodwyn had any men, and in Tuskegee, Cotton Valley, and Honeycut that we would appoint negro managers.

The majority report denies that Walker's testimony was taken in rebuttal, but it is true that it was taken in the county of Montgomery in an illegal manner, as heretofore stated.

The evidence taken at this precinct for the contestant was contradicted in every particular by a number of witnesses introduced by contestee, to which the majority report makes no allusion. These witnesses prove the votes polled at the precinct, some of them by direct testimony and others by facts going to show the number of voters who were in town and about the polling place.

BENTON, LOWNDES COUNTY.

To sustain their conclusion in regard to this precinct the testimony of a colored witness, A. J. Wood, is mainly relied on. His testimony is made mainly to the effect that he did not know certain persons. To show how unreliable his statements are we extract from his testimony:

Cross-examination:

Q. You said in your direct examination that you knew Jim Burnett and that he lived in Dallas County; are you positive that he lived in Dallas County on the 6th day of November last year and for three months prior to that time?—A. Yes, sir; I am positive.
Q. Do you know where the lines are between Lowndes and Dallas counties?
A. I know pretty much where it is.
Q. You do not know, then, exactly where the said line is, do you?
A. From what people have told me I know where some of the lines are.
Q. How, then, do you know that Jim Burnett does not live in Lowndes County? Is it from hearsay?
A. Jim Burnett has told me that he pays tax in Dallas County.
Q. Do you know of your own knowledge where James Grumbles, Perry Hill, E. J. Johnson, Jordon Maxey, and Dave Wright lived last year, or on the 6th day of November last year?
A. I know that all of them except Dave Wright lived in Dallas County and that Dave Wright lived in Lee County.
Q. Is it not a fact that all of the voters asked about above live on or near the line which divides Lowndes and Dallas counties?
A. E. J. Johnson and Jim Burnett live near the line; the others do not.
Q. How do you know in what beat Ike Cunningham lives?
A. Ike Cunningham has told me where he pays his tax.
Q. Is it not a fact that all the voters in this county pay their tax to the tax collector of this county or one of his deputies?
A. It is.
Q. Well, then, how can you know in what beat a man lives by where he pays his taxes?
A. I heard from the man that pays his tax and by his tax collector's and tax assessor's receipts.
Q. Have you ever asked him to show you, and did he ever show you, his tax assessor's or collector's receipts?
A. I don't recollect that I ever did.
Q. Well, then, are you swearing here on what somebody has told you?
A. No one, unless it was Ike Cunningham—the one that we have been speaking of.
Q. Then Ike Cunningham is the man who is so truthful that you will swear by anything he tells you?
A. He is not.

We fail to find support given to the conclusion of the majority report in regard to this precinct from the other witnesses named in the report.

While Ed Freeman does say that he "didn't see airy one vote," he does not say that no colored man entered the polling place. We give the following extract from his testimony:

Q. Do you know Hamp Lee and Jim Barnett; and if so, do they live in this county or Dallas County?

(Contestee objects to the question on the grounds that it calls for illegal, irrelevant, and incompetent testimony.)

A. Yes, sir; I know Hamp Lee and Jim Barnett. Well, Hamp Lee lives in Dallas County. I am not certain, but have been told that he lives in Dallas County.

(Contestee objects to the answer on the grounds that it is secondary, hearsay, incompetent, illegal, and irrelevant testimony.)

Q. Has the line between Lowndes and Dallas counties been pointed out to you or shown you, and do you know the house in which Jim Barnett lives; and if so, is that house situated on the Dallas or Lowndes side of the line dividing the two counties?

(Contestee objects to the question on the grounds that it calls for illegal, irrelevant, incompetent, and secondary evidence, and the said question has no bearing to the issue in this cause. Contestee here objects to the interlineation of the words "you or shown you" in the last above question after the witness had to answer said question and after the objections of the contestee to the question, as it then stood, had been made.)

A. They were not exactly shown to me, but have been told to me. The house in which John Barnett lives was shown to me to be in Dallas County.

Cross-examination:

Q. Are you positive that Hamp Lee lives in Dallas County?
A. I am positive that Hamp Lee lives in Dallas County.
Q. How do you know that he lives in Dallas County?
A. I have been told that the lines are this side of where he lives.
Q. Who gave you this information?
A. Old Dr. Kendall, in his lifetime.
Q. How long has it been since Dr. Kendall gave you this information?
A. I reckon it has been fifteen years, to the best of my recollection.
Q. Where were you and where was Dr. Kendall when he gave you this information?

A. In his office, here in Benton.

Lee Barlow has nothing whatever to say about the registration list. His intelligence is shown by the following extracts from his testimony:

Q. Lee, do you know who is now governor of Alabama?

A. I hear them say who are.

Q. Who do you hear them say is governor of Alabama—Mr. Cleveland or Mr. Kolb?

A. Well, I hear them say Mr. Kolb.

Q. Do you know who is President of the United States?

A. No, sir; I haven't caught on to that yet.

The colored witness, Ed Hayden, was examined in the absence of the counsel for contestee. He was handed a list and asked to look at it and say how many he recognized. Whether it was any list now in the records of evidence is not shown except by the statement contained in the question. He signs his name with a mark, thus leaving it a question of doubt whether he could read the names on the list. We give the following extracts from the testimony of Mr. Robinson:

Q. What has been your opportunity to become acquainted with the voters of Benton precinct, good or bad? Are you not acquainted with nearly all of the voters living in said precinct?

(Contestee objects to the question because it calls for illegal, irrelevant, and incompetent testimony, and does not tend to prove or disprove any issue in this case.)

A. Have lived here seven or eight years, and within 5 miles all of my life, but I don't suppose that I know more than one negro in ten in the precinct.

The contestee examined 8 witnesses, including the managers of the election. These witnesses fully sustain the regularity of the election, and they prove also the number of legal votes cast.

The witness Steele impeaches the contestant's witnesses, Wood, Freeman, and Hardy.

CHURCH HILL, LOWNDES COUNTY.

The testimony of James Bryant was secondary in character. He was not shown the registration book, but was handed a paper, and asked if it was a copy of this book. He answered, "It was, so far as he could then recollect." And it is upon this evidence that the majority report relies as proof of the registration list.

The colored witness, Scott Moore, testifies simply that he did not know certain persons which were named to him.

Of like character is the testimony of Charles Heabowski. This colored witness was examined in rebuttal, and hence contestee could not offer evidence to contradict him. When asked his occupation his answer was, "Farming; working on sewing machines, clocks; and sometimes shoe work; sometimes politics, and sometimes mission work."

No witness by the name of Pierce was examined by contestant, but one Alfe Pearce was examined in rebuttal. He only "reckons they ought to be about 250"—speaking of the number of voters in the precinct.

Mealing's evidence, like the others, is secondary and hearsay. When asked how he knew that certain persons were not voters, his answer was, "Because their names were not on the poll list."

In direct conflict with contestant's witnesses is the testimony of five witnesses examined for contestee.

HAYNEVILLE PRECINCT, LOWNDES COUNTY.

The majority report makes summary disposition of this precinct. The whole vote is excluded, in the face of the following facts:

The contestant introduced as witnesses two of the inspectors of election, H. M. Caffy and J. M. Salley. Each of these witnesses testified to the fairness of the election and to the number of legal votes cast. The third inspector, W. D. Haynes, was examined by the contestee, and no question was asked him on cross-examination. He says that the election was conducted honestly and fairly in all particulars.

By introducing the inspectors as witnesses, the contestant indorsed them as credible persons. But to throw out of the count a whole poll it must appear that the managers of the election were willfully corrupt. This rule of law has been affirmed and reaffirmed again and again. Hence, to throw this poll out of the count the law must be put aside and the testimony of witnesses who knew more about the election than anyone else must be wholly disregarded, and they were vouched for by contestant.

A party can not impeach his own witness, although afterwards called by the other side, either by general evidence or by proof of prior contradictory statements. (1 Wharton, section 549.)

The entire poll should not be rejected except in extreme cases. (McCrary, page 299, section 393.)

Mere evidence that illegal votes were polled does not authorize the poll to be thrown out. It must first be shown that the officers acted dishonestly or collusively. (Paine on Election, section 510.)

Many witnesses were examined by the contestee, both white and colored, who showed, conclusively, the large number of persons, white and colored, particularly the latter, that were present at the polling place, their enthusiasm for the contestee, and that they were seen through the whole day going into the polling place to deposit their ballots. If any evidence is wanting to sustain the managers at this precinct, we fail to discover it. To throw out the whole vote is to disregard the law and to put aside without reason the strongest of testimony.

LOWNDESBORO PRECINCT, LOWNDES COUNTY.

The witness McRee gives no testimony which can be regarded as legal. He is not shown any registration list, but merely swears to what his recollection was at the time he was examined. His testimony would not have been received by any respectable court, because it was hearsay and secondary.

J. T. Dickson does not swear, as stated in the majority report, that there are about 300 voters in the precinct. He says, on the contrary, that he does not know the number of voters in the precinct, but that of that number he "reckons" that he knows 300.

It was proved by the contestee that there were twice that number of voters in the precinct.

J. A. Reese was examined in rebuttal, and therefore the defendant had no opportunity to examine witnesses touching the matter of his testimony. And so it was of C. E. Reese, jr.

It is upon the testimony of this witness, who swore to what Dickson told him as to the number of votes cast, that the committee seems to rely for the number of votes cast at this precinct.

WHITEHALL, LOWNDES COUNTY.

The main reliance for their conclusion touching this precinct is upon W. A. De Bardelaben. He was twice on the stand. But it appears that the reliance of the majority report is on his evidence taken in rebuttal. He seems to have been a very willing witness, a strong partisan, and suffered himself to be used to impeach the integrity of his own brother.

The witness Alexander White was also examined in rebuttal. He is a colored man who had been indicted for larceny. Because of which fact, and his incompetency, he was removed from the postmastership. His testimony is largely hearsay.

The majority report says that this witness was in great part corroborated by J. L. Long, when the only testimony given by Long was in rebuttal, and confined to the single statement of the death of one Henry Burke.

Against these witnesses for contestant the contestee examined seven witnesses, the evidence of not one of whom is referred to in the majority report. They directly and flatly contradict the evidence of contestant's witnesses.

STATESVILLE, AUTAUGA COUNTY.

The only witness named in the majority report on which they sustain their conclusion as to this precinct is one W. L. Prather. The majority report says that an effort was made to impeach this witness by one J. B. Golson. This is an entire mistake. Golson was called on to sustain Prather after he had been successfully impeached by six reputable white gentlemen of that precinct.

These witnesses show not only that Prather was entirely unworthy of belief, but could not possibly have seen what he testifies to have seen. They also swear that the election was fair, and that the contestee received the full number of legal votes returned for him.

In our concise examination of the evidence touching the several precincts which are attacked by the contestant we have closely followed the report of the majority, for the reason that this report gives the evidence on which its conclusions are based; and an analysis of it shows how far short it comes from that degree of proof necessary under all the decisions to warrant the exclusion of whole polls, and too much emphasis can not be given to the fact that without the exclusion of whole polls the contestant has no case. This analysis also shows the unreliability of the witnesses referred to in the majority report.

The contestee did not make extensive effort to attack the conduct of the election in counties in which the friends of contestant had control of the election machinery, for the reason, as stated by him before the committee, and which reason we believe to be supported by the record, that the contestant had failed to make out a case.

But contestee did go far enough in this direction to show that the registration law, on which the majority report puts so much stress, was disregarded by the friends of the contestant or made use of by them to control illiterate voters in the interests of the contestant. It was shown that at one precinct in Elmore County the Populist election managers refused to appoint more than one assistant, and he a Populist, and that in the opinion of the witness, who was a Democratic inspector, this assistant fixed the tickets for the colored voters without asking the voters how they wanted to vote.

It was shown that at other precincts voters claiming to be illiterate were not sworn, as provided by the election law, and that some of them were allowed to vote without producing registration certificates.

At still another precinct it was proven that the Populist assistant declared publicly that if a white man asked him to fix his ticket he would do so according to his expressed wish, but if a colored man applied to him he would fix his ticket just as he (the assistant) desired him to vote; and that this assistant took control of the colored voters as they entered the polling place and marked their tickets for them without carrying them into the booths.

These and other instances of misconduct on the part of the friends of the contestant were proven, and such proven facts emphasize the injustice done to the contestee by deciding the case against him on evidence which he had no opportunity afforded him to contradict.

The following extract from the majority report is significant:

"The presumption in favor of the official acts of the public officers whose conduct has become involved in this contest has been completely extinguished by the evidence establishing their frauds, and it is very clear that their attempt to disprove their guilt would have been fruitless.

"It is quite evident that more proof beyond that which was given could have been secured against them."

By this kind of assumption the majority report justifies the acceptance of evidence in chief when given in rebuttal, denying opportunity to the contestee to meet it, and the utter disregard of the strong and abundant evidence given by contestee.

We assert again that such assumptions are not based or authorized by any legal proof in the record, nor can the conclusion stated be justly reached by a judicial investigation of the record.

By all the decisions it is declared that fraud is not to be presumed and can not be inferred from evidence that merely raises a suspicion of its existence; and especially is it the law that a conspiracy to commit fraud can only be established by the strongest proof. The majority report assumes a conspiracy to have existed between reputable citizens without evidence to support such assumption.

If principles of law about which there is no conflict are applied in the trial of this contest, then there is not so much as a plausible pretext for unseating the contestee. If, on the other hand, the contest is tried on the whole evidence, without regard to legal objections to its admission, due regard being given to the evidence of contestee as well as that of the contestant, the contestant has failed.

So that, to reach the conclusion of the majority report, the law must be put aside and the evidence of contestee wholly disregarded on the illiberal assumptions indulged by the majority report.

We give most emphatic dissent to both propositions, and believe that the law and facts in the case not only authorize but demand the adoption by the House of the following resolutions, which we offer in substitution of those offered by the majority of the committee:

"*Resolved*, That Albert T. Goodwyn was not elected a Member of the Fifty-fourth Congress, and is not entitled to a seat therein.

"*Resolved*, That James E. Cobb was elected a member of the Fifty-fourth Congress, as a Representative from the Fifth Congressional district of the State of Alabama, and is entitled to a seat therein as such Representative."

C. L. BARTLETT.
HUGH A. DINSMORE.
S. S. TURNER.

The SPEAKER pro tempore (Mr. BARRETT). The gentleman from Georgia [Mr. BARTLETT] asks unanimous consent that the views of the minority of the committee may be printed as part of his remarks in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

Mr. DANIELS. I object, unless it is agreed——

The SPEAKER pro tempore. The Chair understood the gentleman from Georgia to yield the residue of his time to the gentleman from Alabama.

Mr. BARTLETT of Georgia. Yes, sir.

Mr. DANIELS. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from Alabama is entitled to the floor.

Mr. DANIELS. If the report of the minority goes into the RECORD, we desire that the report of the majority shall also go in.

Mr. BARTLETT of Georgia. I have no objection to that.

The SPEAKER pro tempore. Does the gentleman from Alabama yield to the gentleman from New York [Mr. DANIELS].

Mr. COBB of Alabama. What is the proposition?

The SPEAKER pro tempore. The gentleman from Alabama, as the Chair understands, declines to yield to the gentleman from New York for the purpose of making the request.

Mr. COBB of Alabama. I yield to the gentleman.

Mr. COOKE of Illinois. Mr. Chairman, the gentleman from Georgia [Mr. BARTLETT] requested that the views of the minority be printed in the RECORD as part of his remarks. Now, that is objected to, unless the report of the majority may also be printed.

The SPEAKER pro tempore. The Chair asked if there was objection to the request of the gentleman from Georgia, and none was made; so the views of the minority were ordered to be printed in the RECORD.

Mr. DINGLEY. But the gentleman from New York rose and objected to the request.

Mr. DANIELS. I did object, but the attention of the Chair was directed in another way.

The SPEAKER pro tempore. The gentleman from Alabama, as the Chair understands, has yielded the floor.

Mr. COBB of Alabama. No, sir.

The SPEAKER pro tempore. The Chair understood the gentleman to yield; and if so, the gentleman from Illinois [Mr. COOKE] has the floor.

Mr. COOKE of Illinois. Now, I ask unanimous consent that inasmuch as the gentleman from Georgia desires that the views of the minority be printed in the RECORD as part of his remarks, it be also unanimously agreed that the report of the majority be printed in the RECORD.

Mr. BARTLETT of Georgia. I hope there will be no objection to that.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the report of the majority of the committee be printed in the RECORD. Is there objection? The Chair hears none.

The report of the majority of the committee is as follows:

The subscribers, members of the Committee on Elections No. 1, do hereby respectfully report that they have heard the contest in the election case pending before the House of Representatives, wherein Albert T. Goodwyn is the contestant and James E. Cobb is the contestee, and have considered the proofs, arguments, and objections of the said parties, and duly examined the evidence submitted by said parties, and do determine and decide as follows:

The said contestant and contestee were candidates for the office of Representative in Congress from the Fifth Congressional district of the State of Alabama at the election held in said district on the 6th day of November, 1894.

The said district consists and then consisted of nine counties, namely Autauga, Chambers, Clay, Coosa, Elmore, Lowndes, Macon, Randolph, and Tallapoosa.

The counties of Autauga, Lowndes, and Macon were designated as black counties, on account of their large colored population, and the others were designated white counties because of the predominance of the white people in them. It was believed that the votes of the colored voters would not be counted as they were cast in these three black counties, as they were advised by their leaders neither to register for nor vote at the election in November, 1894, and they very generally conformed to that advice.

The contestant, Mr. Goodwyn, is a Populist, and was nominated by that party and by the organization known as the Jeffersonian Democrats, and his nomination was afterwards approved by the Republican committee. He therefore became the nominee of these three party organizations.

The returns from the white counties gave the contestant, Mr. Goodwyn, a majority of 3,612 votes, while the three black counties returned majorities so large for the contestee, Mr. Cobb, as to extinguish the majority for the contestant in the white counties and give him a majority of 508. The returns were so canvassed as to report a majority of 748 for the contestee, Mr. Cobb; but that was evidently a mistake in the footings, by which the contestee, Mr. Cobb, was allowed votes which he claimed to have been given for him. He has claimed before the committee that another 100 votes should be added to his majority, because that number of votes was rejected in one precinct and were offered by persons who had not been registered during the May registration. But as the statute of Alabama denied the right to vote to persons not so registered, excluding minors attaining the age of 21 years after the May registration closed, and these persons did not appear to belong to the excepted class, nor to have become residents of the county after the time for the first registration had passed, the exclusion of these 100 votes was proper.

To support his contest for the seat in the Fifty-fourth Congress the contestant claimed that the returns from three precincts in Macon County, seven in Lowndes County, and two in Autauga County were false and fraudulent, and that they returned a much larger number of fraudulent votes than the majority reported for the contestee, Mr. Cobb. To lay the foundation for the proof of these facts, and, in part, to supply that proof, the contestant, Mr. Goodwyn, produced in evidence copies of the registration lists and of the poll lists certified by the judges of probate in these black counties. The contestee, Mr. Cobb, has strenuously objected to the introduction of these copies, on the ground that the registration copies were no more than copies of copies, and for the want of power in the probate judge to certify these copies of registration and poll lists so as to make them evidence. These objections are considered to be unfounded under the language of the laws of Alabama. They require—

"SEC. 7. That each registrar shall, within two weeks after the expiration of the time prescribed for registration, make a true copy of the list of names registered, which copy, along with the original registration list, he must return to the office of the judge of probate of the county.

"SEC. 8. That the judge of probate shall, from the registration list of electors returned to his office, make a correct alphabetical list of the electors so registered by precincts or wards, which list shall be certified by him officially to be a full and correct transcript of the list of registered electors as the same appears from the returns of the registrars in his office. One copy of said list for each precinct or ward the judge of probate shall deliver to the inspectors of election in each precinct or ward immediately preceding every election."

The probate judge, it will be seen, is not to make a copy of either the registration list or of the copy of it. But he is to make a complete alphabetical list of the electors registered by precincts or wards, and to certify the list officially; and one copy of said list for each precinct or ward the judge of probate shall deliver to the inspectors of election in each precinct or ward immediately preceding every election. The list required to be made by the judge of probate is therefore not a copy of the registration list, but a new and different list, containing, it is true, the same names as are on the registration lists, but alphabetically arranged. It is to be an original list so far, to be furnished for the convenience and instruction of the inspectors of election, and when he certified to a copy of that registration list it was to a copy of his own list, which remains in his office as a part of its permanent papers or records. And his authority to certify a copy of that list and make it evidence has been fully supplied by the following provisions of the laws of Alabama:

"Copies of official bonds or other instruments or papers required to be kept by any officer of this State, and transcripts from the books and proceedings required to be kept by any sworn officer of the State, are presumptive evidence in any civil cause, and have the same legal effect as if the originals were produced and proved, upon the certificate of the custodian thereof that it is a true copy of the original; but the court may, on motion, require production of the original, if practicable, when necessary to promote the ends of justice."—*Code of Alabama*, section 2788.

"All transcripts of books or papers required by law to be kept in the office of the secretary of state, or the office of the auditor, when certified by the proper custodian thereof, must be received in evidence in all courts; and it is no objection to such transcript that the book from which it is taken is a copy of office books belonging to the United States."—*Code of Alabama*, section 2785.

The contestee, Mr. Cobb, has denied the application of this section to the certified copies made because the law has not declared that the list shall be kept in the office of the judge of probate. But an express direction to that effect is not necessary. It is sufficient that the statute by implication contemplates that one of the list shall remain in the office; and that it clearly does by the eighth section of the law already quoted. For that provides for the probate judge to deliver to the inspectors one of the lists made by him, and as no other disposition has been made of the other it must remain where it is found, and that is in the custody and office of the probate judge as one of the public papers or records. The list is, therefore, a paper as much required to be kept by him in his office as if that had been done by the most explicit language of the law. For what is plainly to be implied from the law is as truly within its intent as though it had been most clearly expressed.

The inspectors of election were also required to send the poll list of the election to the judge of probate, for the obvious reason that it was to be the basis of the final and official canvass of the votes; and that in like manner became a paper, in the language of the statute, to be kept in his office, and a copy of which he could make presumptive evidence by his official certificate. United States Revised Statutes, section 123, also lends its sanction to certified copies of papers delivered to the officer taking evidence in contested election cases by requiring him to return them to the Clerk of the House of Representatives, to be used as evidence in the hearing and decision of the contest. The returns of the voting precincts were required to be canvassed by the board of supervisors of the county, who were directed to state the exact number of votes cast in the county for each person voted for and the office voted for. The canvass was to be made on the returns filed with the probate judge. The canvass certificates of the supervisors were required to be filed in the office of the probate judge, who must immediately forward them, so far as they include Representatives in Congress, to the secretary of state, where, within fifteen days after the election, they were to be opened and counted in the presence of the governor, secretary of state, and attorney-general, or any two of them; and of the result the governor was required to give notice by proclamation.

This was the final canvass, and it may be assumed from the fact that the contestee is in this House a sitting member that the canvass both by the boards of supervisors and at least two of these State officers were made, and that each board had the votes returned by each of these precincts or counties before them. A certified statement of the final canvass was produced in evidence. But the contestee, Mr. Cobb, objected that the secretary of state was without authority to make the certificate of evidence. The grounds taken in support of the objection are practically the same as those already considered concerning the power of the probate judge to certify copies of papers in his office. But it is the manifest purpose of the law that all these returns, and the canvasses made from them, shall become records in these public offices, to be preserved and maintained as evidence of the titles of the various officers found to be elected; and as such the certificate of the custodian thereof that it is a true copy of the original has the same legal effect as if the original were produced and proved.

There was introduced in evidence over this and other objections a certificate of the secretary of state with the following heading:

"STATE OF ALABAMA, *Office of Secretary of State:*

"I, J. K. Jackson, secretary of state of the State of Alabama, hereby certify that the records in this office show that on the 19th day of November, 1894, the returns of the election held on the 6th of November, 1894, for members of Congress were duly canvassed by the governor and secretary of state, as required by law, and the following result was declared:"

Then follows a statement, by counties, of the vote of the Fourth Congressional district, and immediately under that is the following statement:

Fifth Congressional district.

County.	James E. Cobb.	Albert T. Goodwyn.
Autauga	613	225
Chambers	1,195	1,723
Clay	806	1,063
Coosa	810	1,210
Elmore	1,086	2,115
Lowndes	2,276	180
Macon	1,635	150
Randolph	646	1,167
Tallapoosa	1,204	2,051
	10,651	9,903

And in conclusion it is added:

"In testimony whereof witness my hand and the great seal of State at the capitol this the 6th day of December, 1894.

"[SEAL.] J. K. JACKSON, *Secretary of State.*"

This instrument was given in evidence after a statement made by the contestant of the returns sent by the different canvassing boards of the Fifth Congressional district to the secretary of state, which is the same as that contained in the certificate of the secretary of state. There was no objection taken to the secretary's statements and certificate when they were offered in evidence. But at the conclusion of the deposition of the contestant it is stated by the contestant alone—

"That to each of said questions and answers such exceptions and objections are reserved as the contestee could and can legally make and reserve, and such legal exceptions and objections are to have the same force and effect as if entered specifically to each of said questions and answers when propounded and taken, and this argument applies to exhibits introduced."

And in consequence of this agreement the contestee, Mr. Cobb, now urges the objection that the secretary of state's certificate is formally defective. But this objection does not seem to require the exclusion of the document, for the secretary has also certified to the essential facts required to be stated and shown, and they are that the returns of this election had been canvassed by the governor and secretary of state, two officers of law empowered to make the canvass, and the result following was declared, which included the votes, by counties, returned for each of these candidates, and the result for each, including, as previously stated, a mistake in footing of 240 votes for the contestee, Mr. Cobb. The certificate of attestation then followed, verified by the great seal of the State and the signature of the secretary. And these facts, irrespective of other matters referred to, constituted lawful proof of the fact of the canvass and the result reached.

To obviate other objections to the evidence of the canvass by the several boards of supervisors further and more formal statements and the certificate of the secretary of state have been obtained and produced before the committee, and they have been received to correct any informality in the proof previously made. It is record evidence, and therefore admissible to correct informalities in the proof previously made. But there really was no such informality, for the contestant testified positively to the returns sent to the secretary of state, and no ground of objection appears to his answer.

The certificate and statements produced show that in Elmore County the sheriff, who was one of the supervising canvassers, failed to sign the statement. But as it was subscribed by the probate judge and a person acting, as he may be presumed to have done, in the place of the clerk, and they were a majority of the board, that was sufficient.

These proofs are lawfully in the record, therefore, and answer all the requirements of the law for the purposes of this contest, and the objection made should be disregarded. And together they establish the returns made for each county in the district, and the majority certified for the contestee, Mr. Cobb.

The contestee further objected that the registration law was in conflict with the constitution of the State of Alabama, and that all of the registrations were unlawful. If any conflict exists between the statute and the fundamental law of the State, it consists in the prohibition that no person not registered shall vote, unless he shall become 21 years of age after the registration in May has been completed. The prohibition can only affect persons becoming residents of the county between the close of the May registration and the day of the election. The proof taken failed to show any such person. The contestee, Mr. Cobb, was therefore deprived of no vote by this prohibition, and consequently has been in no respect injured by it, and has no cause for complaint against the law. Besides that, if this prohibition conflicts with the constitution in this respect it was inoperative as to adult persons taking up their residence in the county after the May registration and three months before the election, and they were entitled under the constitution to vote without being registered. The objection that the notary could not act beyond the bounds of the county of which he was an officer has already been overthrown by the House in another case and therefore requires no further attention here.

Evidence was taken which the contestee urges was not within the scope of a proper rebuttal; but it was mainly to prove that persons did not vote whose names were on the poll lists. Similar proof had been previously taken, and there can be no reason for supposing that the contestee, Mr. Cobb, was specially prejudiced by the order of this evidence, for it seems to have been beyond his power of contradiction. The notary should not have taken evidence beyond the limits of the Fifth Congressional district without consent. But as to the five witnesses whose testimony was taken in Montgomery County, the objection of want of authority was only made to the witness Lynch, and his evidence has not been considered on this occasion. As to the others, the absence of objection warrants the inference of consent, and their evidence is legally before the House. Other objections were from time to time taken to the form of questions, and to evidence, both pertinent and competent, which do not require any special attention, as they are without merit.

The real matter remaining to be examined is that relating to the registrations, the poll lists, the general conduct of the elections, and the failure to give the contestant representation on the election boards of the contested precincts by persons in whom he and his supporters confided. Formal representation was given to him in several of the precincts; but it was by persons who could be controlled, deceived, and hoodwinked, as the majority of the election boards intended should be done. That, as well as the most astounding frauds, will appear from the evidence relating to the election in the several controverted precincts, which will now be referred to in support of the charges which have been made.

HONEYCUT BEAT, NO. 6.

Honeycut beat, No. 6, Macon County, reported Cobb 106; none for Goodwyn.

The polls were in a mill house. J. D. Brooks swears that he kept the tally of the votes polled up to 3.30 o'clock; that 53 persons entered the mill house up to that time; some of them carried in corn to grind, and stated that they did not vote; that there was a rush for grinding that day, and that about one-half of those who entered the mill carried grists. Two of the inspectors, he testifies, were drinking, disorderly, shouting, and threatened Sanford, who, with Brooks, was watching the polls. It was testified by Mr. Walker, a witness for contestant, that he was informed the contestant was to have no representative at the polls in the controverted precincts of Tuskegee, Cotton Valley, and Honeycut, in Macon County, and there the Cobb men expected to count Cobb's majority. He testifies further that at a public meeting in Benton, in the county, when Mr. Cobb was present, he was asked to join with the citizens in requesting the appointing board to give Mr. Goodwyn a division of managers in these precincts. He refused to agree to that. After Mr. Cobb refused to join in the request a further resolution was adopted asking the board to give Mr. Goodwyn the representation, adding that the refusal would be regarded as in the interest of fraud for Judge Cobb.

Reid Smith gave similar evidence, that he was informed that Goodwyn in seven beats of Macon County would have representation at the polls, which proved to be true, but in these three beats he would not, and that also proved to be the fact. He was present at the Benton meeting which requested Mr. Cobb to unite in securing representatives for Goodwyn in Tuskegee, Cotton Valley, and Honeycut, and he stated that Mr. Cobb opposed the resolution alone, but it was adopted, and then the meeting unanimously adopted another resolution requesting such representation. The contestant gave similar evidence, and that he was refused representation in these three beats, and in the other two black counties, in which beats the contestee secured his majorities.

William Pierce, who had been a bailiff in Honeycut beat about a year, testified that he reckoned he knew two-thirds of the voters, white and black, in Honeycut beat. He was then asked if he knew any of 52 persons named to him, and he testified that he did not: that he had made an effort to find them and spent three and a half days traveling over the beat, making inquiries for them as best he could; that he looked for them and did not find any of them. He acted under a subpœna for them as witnesses to give evidence. These persons appear to be on the poll lists of this beat as part of the vote of 106 given to the contestee.

Hilliard Judkins testified for the contestee that 105 or 106 votes were taken at this precinct at the election of 1894 for member of Congress, but he knew none of these persons whose names were repeated to him, unless it might be Mr. Thomas, a preacher. No direct evidence was given as to the number of persons who voted at this precinct. The evidence does not afford a fair ground of conjecture as to the number beyond Judkins, for Green was not registered, and the best that can be done, and the only practical disposition, is to reject the returns altogether, with that one exception; for certainly they are in other respects overthrown, and Judkins, who did not even sign the returns from his inability to answer to a large number of names on the list, can not be credited as to the number of votes actually taken. An additional circumstance requiring this conclusion is the fact that nearly 40 names are on the poll list which are not on the registration list, and it was not intimated or shown, if any of these persons did reside in the county, that they did not reside in the county when the registration closed.

COTTON VALLEY PRECINCT, NO. 5, MACON COUNTY.

The inspectors reported 237 votes cast in this precinct—all for Mr. Cobb, contestee.

The evidence proves that the contestant, Mr. Goodwyn, had no representative in the board of inspectors and clerks in this precinct. He was informed that he was to have none, and the contestee, Mr. Cobb, objected to the request to give him representation, at the meeting which has been mentioned.

In September, 1894, a written correspondence was had between Mr. Goodwyn, the contestant, and Mr. Cobb, the contestee, requesting the latter to join the contestant in petitioning the appointing board for equal representation to both parties in all the election boards, which the contestee, Mr. Cobb, declined to agree to.

It had been reported that the contestee was to derive his majority in part from this precinct by means of fraudulent votes, and these facts surely indicate the truth of the information; but the evidence does not connect the contestee personally with any fraud. The contestant also applied to Judge Hurt for copies of the registration and poll lists. He also requested permission to see the lists; also for permission to copy them; each of which requests was then refused. But the contestant did finally secure copies of the registration and poll lists. The registration list so furnished stated that there were about 250 voters registered in this beat, while the registrar's book showed no more than 30. And the certificate of the registrar is to that effect only. How the additional names came to be placed on the list was not explained. It is certain that there could not have been so many persons attaining the age of 21 years between May 26 and November 6 in the precinct. One hundred and twenty-six of the additional names are stated by the contestant in his evidence to be in the same handwriting. Neither page was certified or signed, 94 names were on another sheet, neither certified nor signed, and 32 entered in pencil.

The evidence of the witness, McDuffee, confirmed these statements, for he testified that the book was produced before the officer taking the evidence in the present contest, and that the names for this precinct followed consecutively along to 156, but there was no certificate that they had been registered, except as to the first 30 on the last page. There were 2 names of the first 56 on one page. That and the next page were in blank after the 2 names. Then names commenced again on the third page and ran consecutively from 155 to 249. A request was made of Judge Hurt for a copy of these pages, which he refused.

An inspector (Menefee) testified that he did not think there were as many as 100 persons voted at the precinct. He was afterwards examined on the part of the contestee, Mr. Cobb, and testified that he had been offered money by the contestant to swear that no more than 30 or 40 persons voted at Cotton Valley; and he further testified that there were 237 votes voted for the contestee, Mr. Cobb. It is manifest that but little, if any, reliance can be placed on this witness, by reason of the discrepancy in his statements made on each of his examinations.

Thirty-six persons whose names are on the poll list, which contains 237 names, swore that they did not vote at the November election in 1894, and knew of no other persons in the precinct having the same names. Seventy-two persons also made affidavits that they did not vote at this precinct at the November election, although their names are on the poll list; and these affidavits were without objection received by the notary. But it does not affirmatively appear that the contestee was represented when the affidavits were received. He did not, however, if he was not then present, ask when he was that they should be stricken out. But aside from them the evidence otherwise given is sufficient to characterize the return for this precinct as false and fraudulent, and no means have been supplied for ascertaining the legal votes of the precinct. Accordingly, there seems to be no other rational alternative than to reject the return altogether.

TUSKEGEE PRECINCT, NO. 1, MACON COUNTY.

The inspectors returned 426 votes for the contestee, Mr. Cobb, and 9 for the contestant, Mr. Goodwyn.

The same evidence was given as in the other two precincts of the effort to secure representation on the election board for the contestant, and the refusal of the contestee to consent to it. The same report existed as to the intention to count a majority in this precinct for the contestee. And what were represented by Judge Hurt as copies of the registration and poll lists were finally furnished by him to the contestant, Mr. Goodwyn. Two hundred and twenty-four votes are stated in the poll lists of the two boxes of this precinct to have been given by colored voters, while their leaders advised them not to register or vote in the black counties, of which Macon was one, fearing that their votes would not be counted as given, and they generally abstained from registering or voting.

The evidence of B. W. Walker, who was elected to the legislature of the State of Alabama as an Independent, and was at one time a deputy marshal, was to the effect that he was informed, as the fact turned out to be, that the contestant should have no representation on the election board of Tuskegee and the other two precincts already considered in Macon County; that they were the black precincts of the county; but in the other seven precincts the contestant should be represented, they being considered white precincts. And as to these seven no contest or controversy has arisen. This witness testified that the polls were in the court-house (for Tuskegee precinct, and were supplied with two boxes; that the court-house was on an open piece of ground of about 4 acres, with an iron picket fence around the court-house. A diagram was made of it, which has been made a part of the record. The witness testified further that Mr. Grimmet and he were stationed there outside of the fence, where they could see the persons entering through the

opening left for the passage of voters, made by a rope drawn around in front of the court-house, and had also a view of the rear door of the court-house. And he testified that they were there through the day, and no more than 50 colored persons were in the court-house square that day, and only 42 voted there that day.

Grimmet testified that he watched all day, and there were 42 colored voters went into the voting place that day. And the position occupied by these two persons, marked on the diagram, was in plain view of the passageway through the rope inclosure in front of the court-house, and also of the rear door of the court-house. There was another door to the court-house, but it did not appear that any persons entered that way; and the front inclosure by the rope was made with the passage opening in it for the persons approaching to enter the court-house that way. The contestee is mistaken in the statement that this evidence of Walker is in rebuttal. It was evidence in chief, taken in February, 1895. He was afterwards recalled and examined in rebuttal, but that part of his testimony adds no substantial weight to his testimony already referred to. It is further objected that both Walker and Grimmet are not worthy of credit, but nothing appeared having the effect of discrediting either of them.

The witness Thompson swore that there were three openings in the rope, and the rope was stretched into the hallway, and the voters had to pass through the door in the northern portion of the hallway; that there was an opening in the eastern portion and one in the southwestern portion of the court-house through which voters could pass in going to the polls, and a person sitting in front of Russell's livery stable could see both openings. This witness was the sheriff, and stated that part of the day he was acting as sheriff and part of the time swapping horses. He also stated that he appointed Republicans on the election board of this and the other two precincts, but they were evidently not such as the contestant or his friends approved. About 30 persons are stated on the poll list to have voted in this precinct who were not registered; 34 persons are reported to have voted whose names follow each other alphabetically; 29 whose names are on the poll list testified that they did not vote, and 12 others made affidavits that they did not vote. Like the other two precincts, no reliance can be placed on the returns, and they should be rejected. And there is no evidence whatever showing what legal votes were given at this precinct.

BENTON, NO. 1, LOWNDES COUNTY.

This precinct returned 311 votes for the contestee, Mr. Cobb; none for Mr. Goodwyn.

A. J. Wood, a merchant who had resided in the precinct five years, and knew a majority of the people there, testified that he noticed and estimated the number of voters in town on the day of election. In his judgment there were less than 50, and 25 or 30 voted. There were about 200 colored and 25 or 30 white voters in the precinct.

Ed Freeman stated that he stood where he could see the polling place and watched to see how many colored men voted, and added: "I didn't see airy one vote." The registration list was proven by Mr. Traylor, A. J. Wood, E. T. Robinson, Lee Barlow, and Ed Hayden, who were each well acquainted with the people of the precinct. So contain over 100 names of persons not residents of the precinct, many of whom are named in the poll list as having voted at the election. Other persons, registered as having voted, testified that they did not vote and to the other names being those of dead persons, and the poll list contains 311 names. The utmost latitude of the evidence does not warrant the belief that over 25 persons, all being white, voted at this precinct. And assuming there were that many who voted for the contestee, there requires to be deducted from the vote returned for him in the Benton precinct 286 votes.

CHURCH HILL, NO. 2, LOWNDES COUNTY.

Vote returned: 278 for Cobb and 2 for Goodwyn.

The testimony of James Bryant, assistant registrar, is that he registered only 42 persons, and that is the statement of his certificate to the two lists. He says that the copy produced by him is a correct copy of the registration lists he filed. His certificate is dated May 28, 1894; after that and by the day of election the number was increased to 233. Scott Maull, who had been election clerk twice and was church clerk in the Baptist Church where the colored people generally attended, swore he knew the people who resided in the precinct, and he answered, in detail, that there were about 70 persons on the list that he did not know. Charles Heabowhite gave similar evidence, to the extent of 50 persons named on the registration list. And it was proved that the names of dead and of persons not residing in the precinct were on the list.

This evidence is consistent with no other supposition than that these false registrations were made with the expectation of adding fraudulent votes to those which might be lawfully given at the election. And that is confirmed by the fact proven that the colored voters, on the advice of their leaders, abstained from registering, and also from voting. The witness Charles Heabowhite also testified that there were generally from 14 to 16 white Democratic voters in this beat, and the total voters about 170. Scott Maull put the white and colored voters of the precinct at between 175 and 180. W. E. Mealing put the number of voters in the precinct, as he supposes, at about 180. Pierce reckoned there ought to be about 250 voters there. The evidence of neither of these persons was seriously brought in question, and it must be assumed, as they were credible persons, and their evidence is inconsistent with the vote returned for this precinct, that the number returned was largely fraudulent. No witness put the white Democratic vote higher than from 14 to 16, and allowing they all voted for the contestee, his returned vote must be reduced by deducting from it 262.

GORDONVILLE, NO. 4, LOWNDES COUNTY.

The vote returned for this precinct was 172—for Cobb, 170; for Goodwyn, 2.

The poll list, as certified by the probate judge, had 170 names; 33 persons named on the poll list swear that they did not vote, and a few others were out of the precinct. The vote is overstated by at least 35, and that number should be deducted from the 172 returned, leaving 137 as the extreme vote given in this precinct for the contestee, Mr. Cobb.

HAYNEVILLE, NO. 14, LOWNDES COUNTY.

The certified copy of the poll list for this precinct contains 611 names, all of which are returned for the contestee, Mr. Cobb, while the original registration list has on it 501 names, and the supplemental list 118. Martin Smith, Peter Frayzer, J. M. Salley, W. T. Brightman, W. E. Carson, L. R. Brightman, and John W. Jones are persons acquainted with the residents of this precinct, and each testified, with the exception of not exceeding 3 or 4, he knew none of the persons of 118 names on the supplemental poll list; and J. M. Williams, a Democratic constable, could find none of them to serve his subpœna upon; and the poll list of 611 votes necessarily included very nearly all of these fraudulent names. It was also proved that some of the persons named were dead or did not reside in this precinct, and about 40 persons on the registration and poll lists did not vote.

H. M. Caffey, an inspector, was asked whether he would swear that each person on the poll list voted, and he answered, "I am not personally acquainted with more than about one-tenth of the names, and will therefore subscribe to no such oath." And Sam Williams swore that there were 500 or 600 persons about the polls, but he gives no estimate of the vote. This precinct is proved to have been badly tainted, both in the registrations and poll list. No evidence was given to show the number of legal votes given, and it would be merely guessing to try to estimate them. It is apparent that the lists of registration and voting are fraudulent. The returns are false and unreliable, and no other alternative is presented than to exclude the entire vote.

LOWNDESBORO, LOWNDES COUNTY.

Beat No. 18 returns 526 votes—all for the contestee, Mr. Cobb.

The registration and poll lists are brought in question as affected by fraud in this precinct.

A. C. McRee was the registrar. He testified that he thought there were about 151 voters registered in May, and he did not recollect registering any voters after May and sending the list to Hayneville as a supplementary list. He is a Democrat. His recollection is supported by the registration list, which is certified by the registrar and contains no more than 151 names. This list was afterwards extended to 214 voters' names—63 more than the registrar registered. Then there is added a supplemental list of 322 names, making 536 in all. By the laws of the State of Alabama this supplementary list can only consist of the names of persons attaining the age of 21 years between the close of the registration day in May and the day of the election; and by the constitution those who have been residents in the county three months have the right to vote. To render the supplemental list lawful, 322 voters must have become residents of the precinct or attained 21 years of age, or both, during this intermediate period, a fact which is utterly incredible. There were added to the original list 63 names without authority, and this supplemental list was fabricated to the extent of 322 names.

J. T. Dickson was shown this supplemental list. He was a merchant having a general acquaintance in the precinct, and testified that he did not know to exceed 4 names on the list, and they were of persons over 21 years of age before the day for completing the registration. And he reckons there were about 300 voters in the precinct, including, of course, white and colored. The poll list is certified by the probate judge to be a true and correct copy of the poll list filed in his office, and that it contains the names of 526 persons as voters. According to this list every person named on the registration list, except 10, voted, and all for the contestee, Mr. Cobb—certainly not a statement to be believed.

J. A. Reese, a Democrat, was clerk of the election. He testified that he turned over his poll list to the inspectors after the polls were closed, and then he thought there were between 100 and 125 names on the list, and that included names added from registration certificates brought in by Manager Dickson. C. E. Reese, also a Democrat, testified that R. S. Dickson, a manager of the election, told him that there were not exceeding 80 votes cast at the election. He added further that there were not exceeding 60 white voters in the beat, and they claimed to be Democrats; and he thinks 1 colored person voted for Cobb. Seven persons whose names are on the poll list testified that they did not vote. And Democrats testified that there were but few men at the polls during the day. This precinct is certainly deeply stained by fraud, and in no event can more than 61 votes be given to the contestee here, making a deduction from the vote returned for him of 446 votes.

ST. CLAIR BEAT, NO. 19, LOWNDES COUNTY.

This beat returned 86 votes—all for contestee, Mr. Cobb.

J. T. Dickson was in his store all the day of election, about 75 yards from the place in which the election was held. He testifies that there were but few persons in St. Clair that day, and two of the managers told him about 4 o'clock that but 6 votes had been cast, and these two managers were Democrats. Two names were proven to be of persons who did not vote. It will be seen that the evidence is by no means decisive, and it will be safest to allow 84 of these votes to remain to the credit of the contestee, Mr. Cobb.

WHITE HALL BEAT, NO. 20, LOWNDES COUNTY.

This beat returned 209 votes—all for the contestee, Mr. Cobb.

W. A. De Bardelaben testified that he knew 90 per cent of the voters of this beat; that 6 persons reported as voting were then dead. He had been a collector of taxes. The managers of the election were part of the day attending to other business. About 225 to 230 men lived in the beat. Sixteen persons named on the poll list testified that they did not vote at this election. Alexander White testified that he had been postmaster there. He knew nearly all the voters in the beat, and that the 19 persons named to him did not live in the beat the last year referred to, which was the year of the election in question. And he was in great part corroborated in this by the witness, J. L. Long. He also swore that 8 persons whose names were on the poll list had been dead for more than a year; and his testimony was taken in February, 1895. He also stated that 64 were names on the poll list of men who never lived in the beat. The names of other persons on the list were also shown to be fictitious; and no proof of the polling of a legal vote has been given. It follows, therefore, that the return from this precinct should be wholly disregarded.

STATESVILLE PRECINCT, NO. 12, AUTAUGA COUNTY.

In this precinct 71 votes were returned—all of them for the contestee, Mr. Cobb.

The conduct of the election officers was shown to be riotous, threatening, and disorderly. The witness, M. L. Prather, testified that he was in full view of the polling place during the entire day, and to the best of his count 28 men were on the ground; that he was positive there were no more than 28, and 27 entered the polling place. An effort was made to impeach this witness by the witness J. B. Goldson; but he swore that Prather's character was good and he would believe him. Prather's evidence seems thoroughly reliable, and it requires the vote of the contestee to be reduced in this precinct to 27, making a deduction from the returned vote of 44. The fact that the contestant was allowed no representative in this precinct is a further fact warranting this result.

As to these several precincts, it should be added that no evidence was given in any form justifying any different disposition of their votes than has been above mentioned.

DAY'S BEAT, NO. 5, AUTAUGA COUNTY.

This beat returned 50 votes for the contestee, Mr. Cobb.

The contestant had no representative in the election board of this precinct, and the proceedings were disorderly in the extreme. But these facts alone will not justify a reduction in the vote, although there is a probability that it was not genuine.

Allowing the contestee, Mr. Cobb, every possible item of proof does not change the results already noted. The presumption in favor of the official acts of the public officers whose conduct has become involved in this contest has been completely extinguished by the evidence establishing their frauds; and it is very clear that their attempt to disprove their guilt would have been fruitless. With so many stubborn facts against them their denials or explanations would be acceptable to no one beyond their own confederates. It is quite evident that more proof beyond that which was given could be secured against them. The nature of the case is such that a general knowledge of the population of the locality compared with the registration and poll lists must disclose the presence of fraud whenever it exists.

The effort to deprive the people of the result of the expression of their will at the ballot box whenever these avenues of proof are carefully followed can always be defeated. And it is fortunate for the cause of free government that the presence of these and other prominent facts which may be accessible will not fail to vindicate the right of the people to legal and honest representation. Their will is sovereign, and whoever they select and whatever may be his pronounced sentiments, he is their representative, and his right can not be denied because of political differences. In these precincts there was a deliberate purpose to defeat the real design of the people. It was not the case as to a few persons, but all who endeavored to exercise control were implicated in the common design; and other public officers whose concurrence was necessary for success were confederated with the election officers in the devices they instituted and endeavored to carry out.

The reductions in the vote returned for the contestee, Mr. Cobb, aggregate 2,866, obliterating completely his stated majority of 508 votes. They do not, however, increase the contestant's majority. The election officers were careful not to allow him any special advantage in the way of votes, by reserving their favors wholly for the contestee. But he can very well stand, as he is entitled to do, on the greater part of the majority secured to him in the other counties of the district and the precincts not contested in these contested counties. His vote will then be 2,360 over that of the contestee.

There is but one mode, therefore, in which this House can maintain what appears to be the right, and that is to unseat Mr. Cobb and to seat the contestant, Mr. Goodwyn. To that end we recommend the adoption of the following resolutions:

"*Resolved*, That James E. Cobb was not elected a member of the Fifty-fourth Congress as a Representative of the Fifth Congressional district of the State of Alabama at the election held in said district on the 6th day of November, 1894, and is not entitled to the seat in the Fifty-fourth Congress as such Representative.

"*Resolved*, That Albert T. Goodwyn was elected a member of the Fifty-fourth Congress as the Representative of the Fifth Congressional district of the State of Alabama at the election held in said district on the 6th day of November, 1894, and is entitled to the seat in the Fifty-fourth Congress as such Representative."

CHAS. DANIELS, *Chairman*.
L. W. ROYSE.
FRED C. LEONARD.
E. D. COOKE.
R. Z. LINNEY.
W. H. MOODY.

Mr. COBB of Alabama. Mr. Speaker, I hope to have the ear of the House, and particularly of gentlemen on the majority side of this Chamber, while I attempt to make a fair and concise statement of the side of the contestee in this case. I am aware that, taking this case as contested elections generally go, but little hope exists that there will be in this House a reversal of the action of the majority of the Committee on Elections. And if it were a matter affecting myself alone, a mere matter of personal concern, I do not think I would feel at all inclined to enter into this argument to-day. But the action of this House, if it should unseat me, has a more far-reaching effect than any consequences that it may bring to myself individually. It will be a declaration on the part of this body that gentlemen whom I know and honor, gentlemen whom I esteem as men of integrity and character, have committed fraud in the discharge of their official duty. It is also a declaration that the people of the Fifth Congressional district of the State of Alabama shall be represented on the floor of this House by one who, in my opinion, is not of their choice.

I shall be necessarily brief and unable to examine the case in all of its details. I must content myself with mere suggestions, trusting that the gentlemen who do me the honor to listen to what I will say will take these suggestions and draw from them the deductions to which they legitimately and logically lead. My belief about this case is that the question of fraud, which has been raised and urged here with such persistency, would never have been raised at all if the case had been properly examined and treated. My own views are that in the trial of an election case the same rules should prevail that obtain in courts of justice. We are in the search of truth, and the rules established by law and governing all judicial tribunals in their efforts for the ascertainment of the truth have been so long and so well recognized that it has become axiomatic that there can be no proper ascertainment of that which is true on an issue made—that there can be no reliable elimination of the true from the false—except by an unvarying adherence to those rules which have received the sanction of mankind for hundreds of years.

And so, Mr. Speaker, I understood at the last session of the last Congress that that was to be certainly the manner of the procedure of this House in the trial of the contested election cases which would be brought before it. It was openly declared everywhere that this Congress would make precedents in these cases which no man could assail, and which would bring honor upon those who made them. The belief engendered by these declarations—for I gave to the gentlemen who made them my confidence in their sincerity—governed and determined me largely in my course in taking the evidence that you now find embodied in the record in this case. But to this point further on.

Any lawyer who will take the record and calmly consider and intelligently analyze it, putting aside for the time being his partisan bias and partisan prejudices, can come to but one conclusion, in my opinion, and that is that if there was eliminated from the record all the testimony which would be rejected by any court in this country the contestant has absolutely no case. And therefore I abstained from making any extensive attack against contestant in the counties where I was advised that frauds had been committed against me.

Now, what is the foundation for the assertion that contestant had made no case at the expiration of the time allowed to him to take evidence in chief?

When the contestant closed his case he had not introduced a single particle of evidence to show the vote of the whole district—not a particle. Forty days were consumed by him with diligent effort to fill the record with evidence which he conceived would benefit him without regard to its relevancy, and yet he abstained from inserting a word which even tended to show the vote of the district. Therefore, Mr. Speaker, no matter what amount of proof there might have been tending to show fraud in the three counties attacked by him, it could not be made to appear that that fraud affected in his favor the vote of the district. But that is said to be "technical" by gentlemen on the other side. That, Mr. Speaker, is the cry of every man who finds himself hard pressed in a matter undergoing judicial investigation. Technical, indeed! It is a rule of law, it is a rule of universal application, it is a rule that is recognized everywhere, in every court throughout the land, that those things which are matters of primary evidence, evidence in chief, shall be given in at a proper time, so that the opposing party may have an opportunity to meet and disprove them.

Now, when the time of the contestee had expired, when no opportunity was thereafter to be offered to him to put in a single particle of evidence, then for the first time the contestant introduced the evidence as to the vote of the district. And what kind of evidence was it? It was wholly illegal, because it was hearsay. The contestant put himself on the stand and swore positively that the vote of every county in the district was the figures he gave, without so much as deigning to tell the source from which he obtained his information. He also inserted a statement, made without authority of law, by the secretary of state of Alabama. This was the evidence on which he relied. It was so illegal in character, so defective in every respect, that the Committee on Elections would not rely on it, but announced to the contestant that he must amend his case in this particular by producing other and better evidence. This course of the committee was not only unfair, but, in my view, it was illegal.

The true rule, as stated by McCrary and sustained by every precedent worthy to be followed, is not to allow the introduction of evidence, whether it be record evidence or not, unless it is put in before the commissioner, so that the other contending party may have an opportunity to see its effect upon his case and govern himself accordingly.

Now, what was the result? They sent down to the secretary of state——

Mr. TURNER of Georgia. Does the gentleman from Alabama mean that this foundation of the contest was supplied by testimony taken at the instance of the contestant after the time for taking testimony had expired?

Mr. COBB of Alabama. Yes; it was so done. I do not know whether it was at the instance of the contestant or at the instance of the committee, but the committee advised me and the contestant that the contestant would be compelled to supply this testimony and that they would give him an opportunity to do it.

Mr. TURNER of Georgia. And were you permitted to reply to it?

Mr. COBB of Alabama. Not a bit of it. I said to the committee, "Gentleman, this is all wrong. You have no right to do this. It is a right and power belonging to the House alone, and not to the committee, and if you propose to amend the record, I demand as a matter of right and justice that you go before the House of Representatives with a suggestion that this testimony is needed, that I may have an opportunity of being heard before the House, so that I may show to them the effect of this course upon my claim to this seat in cutting me off from testimony that I know I can produce in answer to this very testimony that you propose to bring here."

They refused it. They could not trust this House, with its overwhelming Republican majority, to deal with a question like that. Thus I was deprived of the right of a hearing before the only body having the right to hear.

Now, what was the result? Here is a paper I hold in my hand, one of those that the contestant obtained from the secretary of state at the instance of the committee. It purports to be a copy of the returns from the county of Elmore, his own county, which shows upon its face that under the law of Alabama it was so defective that it ought to have been excluded. I have not the time to dwell here, but the law of Alabama requires that these certificates shall be signed by the judge of probate, the sheriff, and the clerk. It provides that when the judge of probate and the clerk are absent, their places may be supplied, but not so with the sheriff. Why? Because there are no contingencies that would prevent him from being present either personally or by deputy. He may have deputies to an unlimited number.

Now, this paper is signed alone by the judge of probate and by J. J. Pierce, representing the circuit clerk. Neither the name of the circuit clerk nor the name of the sheriff appears upon it, and

if the attention of the State board had been called to that fact they would have excluded it. But nobody is called before the State board or notified of the time of their meeting. They have a certain number of days in which they may count these returns, and as a rule they meet at their convenience within the time named and accept the county returns without strict scrutiny.

Now, what would have been the result if attention had been called to the defect in the return from Elmore County? One thousand additional votes added to my majority! But the defect which makes the paper illegal appears on its face, and hence the committee should have excluded the vote of that county.

Another rule of law which was violated was in the receiving of hearsay testimony. Why, it is all through the record. But before I pass from the matter of the introduction of evidence in chief in rebuttal I want to show you what reason is given in this majority report for such course:

Evidence was taken which the contestee urges was not within the scope of a proper rebuttal; but it was mainly to prove that persons did not vote whose names were on the poll lists. Similar proof had been previously taken, and there can be no reason for supposing that the contestee, Mr. Cobb, was specially prejudiced by the order of this evidence; for it seems to have been beyond his power of contradiction.

A judge on the bench, hearing a contest to be decided judicially, tells one of the parties "I will depart from the rule of law in favor of your opponent, and I do it because I assume to determine that the evidence which is about to be offered is such evidence that you can not meet it." Who ever heard of such reasoning from a judge? When I stand before a court I have the right of an opportunity at least to produce evidence to contradict that of my opponent, and until I have that opportunity granted there is no man who has the right to say the evidence of my adversary is beyond my power of contradiction.

And yet such is the deliverance of the judicial tribunal in whose hands was committed the pending contest.

That is not all. It is not true that this evidence was mainly to prove that men did not vote whose names were on the poll list. But suppose it had been. That was one of the main points in this case. This whole case turned on the charge that men were counted as voting and their names made to appear on the pollmg lists when, as a matter of fact, they never cast a ballot. Now, then, Mr. Speaker, you are the plaintiff in a court of justice. The issue is made. You put up one witness to make out your case, then you close, and the defendant puts up his witness, and then you come back with a dozen, fifteen, or twenty witnesses to sustain your first witness on the pretense of legitimate rebuttal. Such is not the course sanctioned by the decisions of high judicial tribunals.

Gentlemen, do you wish to be fair? Do you intend to be fair? Do you intend to redeem the pledge you made that you would establish sound precedents in the contest cases before this Congress? Will you do it? Is it not far better that you should do this than that one man or another man should occupy one of the seats in this House?

But, as I said, that was not all of this pretended rebuttal evidence. It covered every phase of contestant's case. In it appeared for the first time any pretense of evidence of the vote of the district, without which evidence the contestant could not possibly succeed, as I have shown. I was thus denied the opportunity to meet this evidence and disprove it. More than a score of witnesses were allowed to give evidence in chief in rebuttal, including those on whom the committee seem mainly to have relied.

But I must hasten. It contained all the evidence that has been insisted on here, and repeated over and over again about my refusal to join contestant in a petition, and about certain pretended resolutions passed by citizens of Macon County. I was given no opportunity to contradict these statements, which distorted the true facts. I will say in passing that my friend in his opening speech said something to the effect that I refused to have a fair count. I never made such refusal, nor did I ever say or write one word to that effect.

I have not time to read the correspondence, but the letter addressed to me by contestant was not a letter petitioning for a fair count. It was a letter in which he proposed that we should ask judicial officers to abrogate their power under the law and delegate that power to committees, political committees, to do that which the law itself imposed on its sworn officers.

Mr. McMILLIN. And which they could not transfer.

Mr. COBB of Alabama. And which they could not transfer without making themselves liable; and it would have been an insult to ask them to do it.

Why, sir, I come to you as a judge, and say: "I am afraid of you; you have too much power; turn it over to my friend here, I can trust him, and I ask you to take his statement as the fixed and conclusive determination of your official conduct." That is a true statement of the case. It is quite different from mere advice. But on every stump and everywhere I stated, without hesitation, that I was in favor in that election, as I had been in other elections, of honest balloting. Mr. Walker so states, if I can turn to his testimony. Here it is. There had been an effort, as I thought, to draw from him some sort of an insinuation that I had been guilty of misconduct. I challenged him: "Do you mean to assert in any statement that you have made that I have been at any time, directly or indirectly, engaged in fraudulent practices?" He promptly and emphatically protested that he meant no such thing; and that I had been known in that county always, and was then known, to be in favor of fair elections, and stood with those who were advocating and urging them.

And what of the meeting of citizens on which so much stress is laid in the majority report?

It was a small gathering of about 35 voters, as stated by Walker. They had assembled to hear a joint discussion to be held under agreement between the opposing candidates, and for no other purpose. It was presided over by an extreme partisan friend of contestant. To this I had consented, for I was innocent of suspicion that any unfairness would be attempted. To my amazement, certain resolutions intended to secure improperly a partisan advantage to contestant were offered—not, however, in terms as stated by Walker and Smith, according to my recollection.

With indignation I denounced them. I said in substance: "We are not here for such purpose. We are friends of the opposing candidates met together to listen to a joint discussion to be had under terms of agreement between them, and an attempt to secure advantage to one of them by resolutions of this sort was never before heard of when honorable men were engaged in free and fair debate." I was indignant, as I had every right to be. But my surprise then is exceeded by my surprise now that a committee of this House should accept this occurrence as a reason on which to base their report. It is but an evidence of the weakness of the contestant's case.

I extract from Mr. Walker's testimony:

Q. Do you not remember that my objection to the resolutions spoken of was to the breach of faith and unfairness in presenting them at a meeting of the friends of both parties called together to hear a joint discussion, the terms of which had been agreed upon between the candidates, and that I expressed surprise that they were offered?

A. Yes, sir; I think that covers fully the substance of your remarks; I don't know that you expressed any other objection in your speeches, both at Cross Keys and Bentley, only you stated that to pass such resolutions might be a reflection on the officers who were to appoint the inspectors, and that you were not willing to do anything that would reflect on the officers; that they were honest officials and you had no reason to believe that they would not discharge their duty faithfully under their official oaths; that is in substance as what I understood was your objection to the resolutions.

Q. Did I not say also that I had written a letter to Mr. Goodwyn in answer to me, addressed by him to me, in which I set forth my reasons for declining his proposition to petition the officers, and did I not then and there direct attention to the correspondence which Mr. Goodwyn had in his possession?

A. I understood from your remarks that you charged directly that to attempt to pass those resolutions at that meeting was absolutely in bad faith in view of the agreement which you had had by a written correspondence, and in view of the fact that you had answered and given your reasons in a letter which had been published as to why you would not join in a petition to the officers.

Q. I said in that connection, did I not, that I had always been and was then in favor of a fair and honest election and believed that we would have it?

A. Yes; I understood you to make statements to that effect.

But, I repeat, what have these things to do with this case? Why are they brought in here? But I pass on.

Ex parte affidavits—why, gentlemen, I never dreamed for a moment that there could be gotten together in this House, or in any House, an elections committee that would receive ex parte affidavits as evidence. While the commissioner was taking testimony, or in the interval of the examinations, a friend of contestant, armed with affidavits all prepared for their signatures, was procuring ignorant negroes to sign them, and these are the proofs upon which the majority of this committee rely largely for the determination of this issue.

I have alluded to the secondary and hearsay evidence that is introduced in this record. Here is a sample. How is it ascertained that 240 votes should be deducted from the majority of contestee as the same appear from the returns made? There is not a scintilla of proof in the record to show errors in addition except that Mr. Goodwyn swears that he happened to be present in one county and heard the sheriff call out the vote, and it did not amount to the number that was afterwards certified to by the three election officers, and that McDuffey told him that Judge Caffee told McDuffey that there was an error in the count in Lowndes County. This is the evidence, not only on which the majority of the committee rely, but on which they state that it is apparent there was a mistake. The contestant introduced first the statement of the judge of probate as to what the vote of Lowndes County was, and that certified return gives me a majority of 748 votes, and if the gentleman on the other side can find any mistake in the addition he will do more than I have been able to do.

I will not dwell here longer. Time presses. I will briefly allude to the question of the introduction of the copies of registration lists. These were introduced without other proof of genuineness than the certificates attached to them.

testant in the counties where I was advised that frauds had been committed against me.

Now, this paper is signed alone by the judge of probate and by J. J. Pierce, representing the circuit clerk. Neither the name of the circuit clerk nor the name of the sheriff appears upon it, and

vice. But on every stump and everywhere I stated, without hesitation, that I was in favor in that election, as I had been in other

lists. These were introduced without other proof or g
than the certificates attached to them.

The law on this subject is this: No paper writing, at least below the dignity of a solemn record, can be introduced into a court of justice on the certificate of an officer, unless there exists a statute authorizing that sort of paper, thus certified, to be received as evidence. That is the law.

Now, in the first place, there is not one single registration list in this record, not one, that has the certificate which the law requires to make it evidence by certification, if indeed there was such a law; but, secondly, there is no such law. It is like the plea, "I am not guilty if I was there, but I was not there." There is no proper certificate even if there was any law, but there is no law. But, Mr. Speaker, it makes no difference about the introduction of these registration lists by certificates, because the legislative enactment providing for registration existing in Alabama at the late election is utterly null and void by reason of its unconstitutionality. Why is it unconstitutional? The gentleman who drew the majority report does not meet this question fairly.

The purport of the report on this point is that even if the law is unconstitutional it does not make any difference to the contestee, because he has not shown that he suffered by it. As if a constitutional law had any validity whether anybody suffered from it or not! The rule of law is that the moment a law comes before the court for construction and the court denounces it as unconstitutional, that law is null and void as to everybody and for all purposes. The supreme court of Indiana has decided the question involved here; the supreme court of Pennsylvania has decided it; the supreme court of North Carolina has decided the identical question. The legislature of Alabama, in the effort to enact a law that would make futile any attempt to commit fraud in elections, made its provisions too stringent. It enacted that the registration should be had in May, closing in that month; that thereafter no one should register except those coming of age after that date and before the day of election, and that no one should vote unless registered. Thus it was that many men fully qualified by the constitution of the State to vote, but who failed to register without fault of their own, were denied the right of suffrage.

This point was raised in the decisions to which I have referred, and the courts held without hesitation that such a law was null and void. Now what effect does this consideration have in this case? It is a question as to the admission of evidence.

Copies of registration lists made under and by virtue of a void enactment were introduced by certification only. But certainly no lawyer will contend for a moment that a list could be made evidence by certificates the preparation of which was authorized by no law. What would have been the result if these principles of law had been applied? Every registration list in this record would have been suppressed. What more? Every portion of the testimony of men who swore by looking upon an unconstitutionally admitted registration list would also have gone out. Take all these things out of the evidence; take out the illegal testimony; take out the testimony clearly hearsay and secondary; take out the testimony which was admitted against me in rebuttal, which was evidence in chief, and confessedly there is no case here. Gentlemen admit it. But they seek to avoid the force of what they can not answer by the weak and specious plea that these things are "technical."

But I hasten on. I have many points which I am forced from the want of time to omit. The majority of the committee have stated in their report what votes they exclude and upon what grounds. And this case is practically tried on that report. But the report does not say one word about the many witnesses that I examined contradicting the witnesses of the contestant at every step. It has been stated that I could not meet this case as made out against me; yet staring in the face the gentlemen who made such a claim was the testimony of the numerous witnesses who one after another swore that the testimony introduced by the contestant was utterly and entirely untrue. But the majority of the committee reject all this without so much as an allusion to it.

Now let us go on a little further. The effort is made to make this House believe that if I was elected it was by negro votes, the votes in the "black counties." The contestant comes down, so he claims, to what he is pleased to term the border of the black counties, with a large vote in his favor; and he wants you gentlemen to believe that it is a vote of white men.

The SPEAKER pro tempore (Mr. BARRETT). The time of the gentleman from Alabama has expired.

Mr. BARTLETT of Georgia. Mr. Speaker, I do not understand that any time was fixed.

The SPEAKER pro tempore. The gentleman from New York [Mr. DANIELS] is recognized.

Mr. COBB of Alabama. A question of privilege.

The SPEAKER pro tempore. Does the gentleman from New York yield?

Mr. BAILEY. He must yield for a question of privilege.

Mr. MCMILLIN. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from New York yield, and to which gentleman does he yield?

Mr. DANIELS. I yield for an inquiry.

Mr. BAILEY. I insist that we are not dependent upon anybody's courtesy for the right to make a parliamentary inquiry.

The SPEAKER pro tempore. To which gentleman does the gentleman from New York yield?

Mr. MCMILLIN. I do not ask to be recognized, except for a parliamentary inquiry, which is addressed to the Chair and nobody else.

The SPEAKER pro tempore. The Chair has asked the gentleman from New York whether he yields, and to whom he desires to yield.

Mr. BAILEY. No gentleman on either side asks the gentleman from New York to yield.

The SPEAKER pro tempore. The Chair will ask the gentleman from Texas not to speak on the floor until he is recognized by the Chair.

Mr. BAILEY. I rise to a parliamentary inquiry, and I have a right to address it to the Chair.

The SPEAKER pro tempore. The gentleman will be seated.

Mr. BAILEY. If anybody were in the chair having sufficient knowledge of the rules it would not be necessary to insist upon the right to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will be seated. Does the gentleman from New York yield to any gentleman on the other side?

Mr. DANIELS. I yield to the gentleman from Alabama to make an inquiry.

Mr. COBB of Alabama. Mr. Speaker, there was no agreement——

Mr. COX. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from New York has yielded to the gentleman from Alabama for the purpose of an inquiry, and the Chair recognizes him to make the inquiry.

Mr. COBB of Alabama. I want to state a fact. There was no agreement as to the time to be occupied in this discussion. I am certainly entitled to an hour, in the absence of any agreement, because I was recognized.

The SPEAKER pro tempore. The Chair was advised by the gentleman from New York that an agreement had been made to limit the debate to three hours—one hour and thirty minutes on each side.

Several MEMBERS. Oh, no.

Mr. COBB of Alabama. That proposition was not agreed to. I appeal to the Speaker of the House——

The SPEAKER pro tempore. The Chair, who was not in the House when the debate began, sent to the gentleman from New York, who has the matter in charge, to ascertain what the agreement was. The answer returned by the gentleman from New York was that an agreement was reached by which one hour and thirty minutes was to be consumed on each side. The Chair therefore allowed the gentleman from Alabama [Mr. COBB] to proceed for the thirteen minutes remaining of the hour of the gentleman from Georgia, and then allowed him thirty minutes additional, giving the gentleman from Alabama in all forty-three minutes, and thus completing the one hour and thirty minutes allowed on that side.

Mr. BARTLETT of Georgia. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from New York [Mr. DANIELS] yield to the gentleman from Georgia?

Mr. DANIELS. Yes, sir.

Mr. BARTLETT of Georgia. The record will not show that there was any agreement as to the length of time to be occupied in this discussion. On the contrary, when the proposition was made that there be an hour and a half of debate on each side, and that at the conclusion of three hours the vote be taken, objection was made by myself, and then the gentleman from New York said that at the conclusion of three hours he would call the previous question.

That is all that has been done with reference to the matter, and the RECORD will bear out the statement of fact. There was no agreement whatever as to time.

[The Speaker here resumed the chair.]

The SPEAKER. The Speaker was in the chair at the time referred to, and inasmuch as there seems to be a misunderstanding, the gentleman from New York having given notice that he would call the previous question at the expiration of three hours, though, under the circumstances, of course, he would not have been able to take the floor for that purpose, and the temporary occupant of the chair, not being aware of the fact that this suggestion of the gentleman from New York was objected to, acted upon the assumption that it was an agreement as to the division of time. The matter has arisen entirely from a misunderstanding on the part of the temporary occupant of the chair, who merely carried out or attempted to carry out in good faith what he understood to be the agreement.

Mr. MCMILLIN. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. MCMILLIN. My point of order is this: Under the statement that has been so clearly and correctly made by the Chair, that the gentleman from Alabama, being on the floor, was, under the invariable practice of the House, entitled to an hour, and could not have been taken off the floor by an interruption arising from a misapprehension.

The SPEAKER. The Chair thinks so. The Chair thinks there was a misunderstanding on the part of the gentleman from New York, which was communicated to the temporary occupant of the chair. The gentleman from Alabama will be entitled to go on, provided he desires to do so, in view of the notice of the gentleman from New York.

Mr. DANIELS. We shall claim the same extension of time.

Mr. BARTLETT of Georgia. Certainly.

The SPEAKER. That rests, of course, with the gentleman from New York as to when he will demand the previous question.

Mr. COBB of Alabama. Mr. Speaker, may I be permitted to ask how much time I will be entitled to?

The SPEAKER. The gentleman has thirty-three minutes, as the Chair is informed.

Mr. COBB of Alabama. Now, Mr. Speaker, when I was interrupted I was calling the attention of the House to the fact that the claim of the contestant is that he carried certain so-called white counties, and the gentlemen on the other side in drawing up his report say that certain of these counties were called black counties and others white. There is not a word of legal proof in the record about this, so far as I have been able to discover. But what are the facts? Here is the population of what the gentleman from New York calls the white counties, and here is the vote which the contestant received in those counties:

County.	White.	Colored.	County.	White.	Colored.
Chambers	12,460	13,858	Elmore	11,444	10,288
Coosa	10,552	5,354	Randolph	13,914	3,305
Clay	14,061	1,704	Tallapoosa	12,951	8,508

The majorities which the contestant claims it is shown that he received in these counties are as follows:

County.	Majority.	County.	Majority.
Chambers	538	Elmore	1,049
Coosa	400	Randolph	521
Clay	257	Tallapoosa	847

Thus it is shown, by comparing the colored vote in these counties and the majorities returned for the contestant in them, how absolutely unfounded his claim is that he had the support of the white voters in the so-called "white" counties. Take out the colored vote and it utterly annihilates the majority in every county and gives me an unquestionable majority. These are the figures. But I will not dwell on that.

We will come to the beats, and I will hasten over them. I will first ask your attention to Honeycut precinct, in Macon County. There is a good deal of testimony with reference to this point; and the report of the majority of the committee gives the names of the witnesses on whom they can mainly rely. They are J. D. Brooks, William Pierce, and Hilliard Judkin. Judkin was a Republican manager of the election, and swears with distinct emphasis that every vote that went into the box was cast by a legal voter, and that every vote that was counted out of the box went into it in a legal manner. He was a Republican manager, and his testimony appears in the records. J. D. Brooks was examined in the absence of the contestee and his attorneys, and therefore escaped cross-examination; but he says in response to inquiries:

Q. Are you acquainted with the names on the poll list of said beat from Nos. 58 to 104, both inclusive?
A. (Witness examines poll list.) I do not know any one of them.
Q. Do you know the voters on the poll list, Nos. 16, 17, 19, 55, and 56?
A. I don't know any such persons in this beat.

What list was shown him does not appear, nor does he swear that the persons named did not live in the precinct.

William Pierce was a man who was in the employment of the contestant. He was sent out around through the country, as they claim, to investigate and determine whether the parties, some of whose votes were questioned, lived in the precinct. He said that it was a very large precinct, and the weather was the worst he ever knew in Alabama, and he traveled on foot, and when he came to a colored man's house he would ask him if such and such persons, whose names he mentioned, were known. If he met a colored man in the road he would ask him whether he knew the names which his list contained, and if he got a response, "I don't know any such person," that testimony was accepted as conclusive. The cross-examination shows that he made no proper search for anybody.

Mr. COX. Why was he examined? What was he doing?

Mr. COBB of Alabama. Why, he was sent out to prove that certain men did not live there. That is the way they proposed to determine the fact that certain votes were illegal.

Now, Hilliard Judkin I have already referred to. He was, you will remember, the Republican manager. He says:

Q. Did you know all that came in there to vote?
A. I did not.
Q. Did you require the voters to surrender their registration certificates when they voted?
A. I did.
Q. Do you know of any Populites or Third Partyites in Honeycut beat?
A. No, sir; I don't know of any.
Q. Do you know any white Populites or Third Partyites?
A. I know of only one, Mr. Covington. I have never heard of any others.
Q. Was there anything said or done there to prevent anybody from voting who had a right to vote?
A. Nothing that I know of.
Q. Did you allow anybody to vote at that election who was not a registered and qualified voter?
A. No, sir; a certificate was demanded of everyone. Two or three asked if they could vote without being registered. Mr. Hagood told them no, unless they were registered.

At Cotton Valley precinct, Essex Menefee is the man whose evidence is relied on. Essex Menefee was twice on the stand. He was put on the stand once in the absence of the contestee, and when nobody was there to represent him. The counsel of the contestee was delayed by severe weather. When he got to the place of examination he found that a number of witnesses had been examined, among them Essex Menefee. He asked to see the examination. He was refused. He asked to see the list of witnesses examined. He was refused. He asked that they be called back to be cross-examined. That was refused.

Essex Menefee was made to swear that about 100 voters voted there. On this evidence the contestant claimed in his first brief that the whole vote at this precinct should be excluded. In his rebuttal brief the contestant called Essex Menefee an ignorant colored man. Attention was called to his evidence taken on a second examination when both parties to this contest were represented. Read his evidence and see what he says. He says that the contestant attempted to bribe him to swear that only thirty or forty votes were cast at Cotton Valley, and then took him before certain men. The contestant was on the stand after this testimony was given and did not contradict it, nor did he introduce any of the men who were there at the time. The majority of the committee reject this statement of Menefee, but are quite willing to rely on his first evidence to discard the whole vote of the precinct.

Essex Menefee swears that that poll was regular, and that the number of votes returned were actually cast.

Now, take Tuskegee precinct. They say that there are a number of votes here apparently cast in alphabetical order. Well, grant it. I do not pretend to explain anything that does not appear in the record; but this I say, that the most that can be said is that it is a suspicious circumstance. To impeach the integrity of the managers of election you must go further and produce something definite, and not something which merely makes you suspicious of wrongdoing. This can be accounted for. It could have been accounted for if attention had been properly called to it. I will not speculate as to the cause of this appearance of the poll list; but I know that in some precincts the poll lists were copied after they had been written down, and this is the proof as to one, at least, of the precincts of Lowndes. But be that as it may, Walker swears in effect that there were 200 votes polled at Tuskegee, and he is the contestant's own witness. Yet the committee do not give me credit for 200 votes, but throw out the whole poll. It is to be further remarked that the fact that this precinct contained 900 voters and the fact that the inspectors returned less than one-half of them are not consistent with the idea of deliberate fraud on the part of the inspectors.

It is admitted in the notice of contest that legal votes were polled there. No credit is given for that admission.

How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has twenty-three minutes.

Mr. COBB of Alabama. So it is with all these precincts that are excluded. It is admitted in the notice of contest that so many votes were cast for the contestee, and proved that there were so many votes cast for the contestee, and yet it is all ignored.

Now, let us take Hayneville. I want to call your attention particularly to that beat. It is a rule of law that whenever a man calls a witness to the stand he vouches for his integrity, and can not thereafter impeach his character for truth. But in order to discard a whole poll you have got to impeach the integrity of the managers.

Now, what about Hayneville? Two of the managers were called to the stand by the contestant and vouched for by him, and they were good reputable gentlemen, too. They testify that this election was all right; they say that every vote that was returned on the poll list represents a vote handed to them by a man who appeared to be a lawful voter, and nobody challenged him. I put the other manager upon the stand and he swore to the same thing, and, although the contestant was there with his attorney, he did

York yield, and to which gentleman does he yield?

Mr. McMILLIN. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

for anybody.

Mr. COX. Why was he examined? What was he doing?

the other manager upon the stand and he swore to the same things, and, although the contestant was there with his attorney, he did

not ask that manager a single question by way of cross-examination. How is it attempted to be proven that there was any fraud here? By men who swear, some of them, that they did not vote. And if you would look at the cross-examination of witnesses had in this and other precincts in the district, you would hesitate, I apprehend, to unseat a member on their evidence.

"When was the election held?"

"I don't know, sir."

"Was it an August election?"

"I don't know."

"Was it in November?"

"Well, I can't tell."

"Do you know the obligation of an oath?"

"No; I don't know what that means."

"Do you know who is President of the United States?"

"I haven't caught on to that yet."

"Whom did you vote for for President last?"

"I voted for a man down in Eufaula, named Mahany."

"What did you vote for him for?"

"For President."

"What sort of a man was he?"

"He was a colored man—a yellow man."

Such are samples given from memory of the answers on cross-examination. But my friend, Mr. ROYSE, in his argument said that this sort of proof ought not to be admitted against the record. He alluded to the Davidson case and said that the committee properly ruled that they would not receive the evidence of men who swore that they voted; but that the record must be examined. And yet the committee allow this sort of testimony to which I allude to overturn the integrity of the official acts of sworn officers.

At Benton beat a witness named A. J. Wood, a colored man, is relied upon. Wood says he is a merchant there. He said he did not think there were more than a few votes there. I do not remember how many he gives, but less than were returned. Then he was asked on cross-examination where certain parties lived, and he replied that they lived in Dallas County.

"How do you know they live in Dallas County?"

"They pay taxes in Dallas County."

"How do you know they pay taxes in Dallas County?"

"Well, the tax collector says so, or the tax receipt shows it."

That is the kind of testimony on which I am to be unseated.

The main man who is relied on in Church Hill beat is asked to look upon a certain paper, and to state if it is a copy of a book. They tried to prove a copy by just handing him a paper; and he says, "So far as I recollect, it is a copy." Well, he is asked, "Who are you? What is your occupation?"

"Farming, working on sewing machines, clocks some; sometimes shoe work, sometimes politics, and sometimes mission work."

Lowndesboro precinct. It is said that there was not any registration list properly taken of the voters at this precinct. This is contradicted; but suppose there was not. I have already shown you that it is immaterial whether there was a registration or not. The majority report has a very singular way of dealing with this question of registration. It waives the decision on the constitutionality of the law because the contestee does not show that he was injured by the law, and yet when it is shown that 100 voters were thrown out at one precinct because those casting them did not appear to be registered, that action of the inspectors is upheld.

They say that J. T. Dickson swore there were only 300 voters in this precinct. His statement is: "I reckon there are 300 voters in the beat that I know."

Now, as to Whitehall. De Bardelaben was the man who was called to the stand to impeach the integrity of the action of his own brother, the manager there. He is a bitter partisan, and swears on cross-examination that he could not see the voting place from where his store was, and that he was in the store most of the day.

Autauga County precincts are attempted to be thrown out on the testimony of hired watchers, who were not only contradicted but directly impeached by reputable witnesses.

Mr. Speaker, there is not a particle of testimony here for the contestant that has not been contradicted by reputable witnesses, and, as I believe, entirely overturned. But at all events, if you will take the evidence and fairly and justly consider it, there is not a sufficiency in any precinct to overcome the integrity of the action of the managers. Now, that being the case, the burden of proof was upon the contestant to show that enough irregular and illegal votes were cast in order to overcome the majority appearing against him. This he has failed to do.

I wish now to glance—for my time is so nearly exhausted that it must be but a hasty glance—at the evidence tending to show misconduct on the part of friends of contestant.

I stated in the outset that when the time had expired in which the contestant could take evidence in chief he had failed to make out his case. For this reason I refrained from going into extensive examination of the election management in the counties which returned majorities for him. But I did take evidence touching several precincts of one county—the home county of the contestant—with the result, to put it mildly, of showing gross and willful irregularities, which, in the language of the supreme court of Kansas, "invite and conceal fraud." In these precincts there was scarcely the semblance of obedience of the registration law, and if this law is to be held valid as against me, it certainly should also be so held against contestant. In one precinct only one assistant was allowed, while the law provided for as many as needed, and this assistant, a Populist, marked the tickets of colored voters just as he pleased. The same course of appointing only one assistant was pursued at another precinct, in each instance the contestee being denied representation in this important office.

In yet another precinct the Populist assistant was heard to declare that he would mark the ballots of negroes to suit himself, and it was shown that he took officious control of this class of voters, making suggestions to them contrary to law and preparing their ballots without taking them to the booths. In these precincts the voters asking assistance were not sworn as to their ability to read, and registration certificates were not demanded from many of them. All this evidence was overlooked by the majority of the committee, and shows the management of the illiterate voters by the friends of the contestant having full control of the election machinery.

Mr. SWANSON. In how many counties did he have the election machinery?

Mr. COBB of Alabama. In six; and in every one of them the evidence points to the conclusion that I received the majority of the white vote.

Mr. SWANSON. In six of the counties he had the entire election machinery?

Mr. COBB of Alabama. Yes. And let it not be forgotten that there is no complaint that in the so-called black counties any colored voter was ever denied the right to vote or that his vote was manipulated at all. The complaint is that the colored voters remained away from the polls and that the inspectors made up a fictitious poll list. And yet it was proven, sometimes by witnesses for contestant, that the attendance of colored voters at the polling places was large, and that they were enthusiastic supporters of the contestee. So that while the charge of fraud against Democratic inspectors is repelled by counter proof, the disregard of law by Populist and Republican managers stands confessed by the failure of an attempt to disprove it.

I would that time had been allowed me to analyze and examine the evidence in this case more minutely, in justice to the people whose cause I defend to-day. But in obedience to the rules of the House I must yield the floor.

Now, gentlemen of the Republican party, justice to yourselves requires that if you believe there has been unfair treatment in the way of denial of opportunity to me to meet the evidence on which the opinion of the majority of the committee is based you ought in common fairness to give me that opportunity. At all events, you can not, without taking illegal testimony, come to the conclusion that the contestant is elected. You must put the law under your feet and refuse to consider any testimony of the contestee before you can cast your vote in favor of the resolutions here introduced by the majority.

I know the prejudice I have to meet. I know with what persistent assiduity you have been besieged with the cry of election frauds in Alabama; and I know, too, the methods resorted to to mislead and deceive you.

Who are the men who come here and make these charges and resort to these methods? How long have they been aroused to the conviction that there have been election frauds in Alabama, and that they are specially commissioned to correct them? Search their political records and find out how this sudden change of view on their part has come to pass, and what the evidences are upon which they traduce and slander the people among whom they are permitted to live. A slanderer of his own people—what is to be said of him? He is a fit agent to do the meanest work of the darkest fiend of hell.

There is not upon the face of this broad earth a people more to be trusted, a people who believe more in honor and truth and virtue and law, a people who are more sincerely attached to the principles of our Government, or who would do more and go further to maintain them, than the white people who live in this so-called black belt of Alabama. They are not to be impeached by these slanderous utterances of pretended patriots. The people of Alabama are an honorable, brave, truthful people, as true to this Government as any that live under it; and, furthermore, they are the best friends that the colored people have, and the colored people themselves have long since come to recognize that fact. They protect the negro and aid and encourage him to the attainment of a better living and a higher citizenship. Yet now it is proposed to disfranchise the people of a Congressional district upon such testimony as I have briefly and hurriedly outlined here to-day. If the die is cast, so be it. Deprive me of my seat if you will. It

is to me a matter of no great personal concern, and my earnestness of speech has been in behalf of the people I love, the people I respect, the people who, if you knew them well, would command your respect and high esteem. [Applause.]

Mr. DANIELS. Mr. Speaker, I shall spend but very little time upon the objections which have been urged so elaborately to the certificates that have been made and which appear in the record in this case. The registrar has certified in all instances to the correctness of the registry as it has been presented here. His certificate is in the case. The probate judge has certified to the correctness of the poll lists which are in the case. The secretary of state has certified to the correctness of the final canvass that was made by himself and the governor, for the purpose of determining who was elected in this district of Alabama, and——

Mr. HEPBURN. Will the gentleman permit a question?

Mr. DANIELS. Yes, sir.

Mr. HEPBURN. At what time in the conduct of this contest did these proofs appear in the case, in the testimony in chief or in rebuttal?

Mr. DANIELS. This certificate of the secretary of state concerning the election appeared in the course of the rebuttal evidence, and it is certified by the secretary of state, showing the canvass of the votes and the number of votes in the district for each candidate. We insist upon it that where papers of this description are introduced in evidence, it is a matter of no consequence where they are introduced as to the order of proof, because the certificate of the officer is of such a character that it is not in the least degree probable that any evidence could be given for the purpose of countervailing or contradicting it.

Mr. HEPBURN. Do you regard the presence of that proof as essential to the contestant's case?

Mr. DANIELS. I do not; for the reason that in the record in this case it is stated that the contestee, Mr. Cobb, is here on a majority of 700 and odd votes, and we have in the case over 2,000 votes against him upon a fair examination of the evidence contained in this record.

Mr. HEPBURN. I think the gentleman did not understand my question. What I want to get at is this: Was it essential to the contestant's case that he should establish the facts that were established by the certificate?

Mr. DANIELS. Only for the purpose of making the case more intelligible.

Mr. HEPBURN. Was it essential at all, in your opinion?

Mr. DANIELS. No; because we have in the record itself, in the biographical sketch which is contained in the record, a statement of the vote, or the majority, by which the contestee, Mr. Cobb, holds his seat in this House.

Mr. COBB of Alabama. Do you not know that I had nothing to do with that biographical sketch; at least with the matter in relation to the vote?

Mr. DANIELS. No; I do not know that.

Mr. COBB of Alabama. Was that matter in evidence before the committee?

Mr. DANIELS. It is not important whether it was before the committee or not. It is before the House, and it was brought up before the committee by way of suggestion, and the gentleman himself, Mr. Cobb, said that he did not furnish that statement. But is that to be believed? Will any member here believe that these statements are made up and put into the records of the House without any concurrence or knowledge on the part of the members whose records are affected?

Mr. COBB of Alabama. Well, I say that I had nothing on earth to do with it and never knew of it until I saw it published, and I say further that it is not true that these statements are obtained always from members. The Clerk gets them; I do not know where he gets them.

Mr. DANIELS. He gets them from the members. I appeal to gentlemen present to consult their own recollection as to whether these records are not made up in the way I have stated.

Mr. McMILLIN. Does the gentleman insist that even if this statement had been made out by the gentleman from Alabama [Mr. Cobb] and it had never been presented as evidence in this case, it would be a legitimate subject of consideration in the case here?

Mr. DANIELS. I do.

Mr. McMILLIN. Now, as a matter of fact, if the House will pardon me, I will state that I for one can say that I have never made out a statement of my own majority in fifteen years, and I guess that is the experience of other members.

Mr. DANIELS. Well, I can say that I have been required to make out mine. In reference to record evidence, no matter where it is to be brought in—and I desire to call attention, if any question deserving of consideration is to be raised on that subject, to a decision in Paine on Elections. It is there said that so far as documentary evidence is concerned it does not come within the limit of time prescribed by the act of Congress for taking the ordinary proofs; that the act applies only to oral evidence and such other testimony as may in the course of the investigation be brought before the notary. Now, upon this subject it was said in the case of Vallandigham *vs.* Campbell, 1 Bartlett, that—

It was objected that the committee ought not to receive and consider the "abstract" of votes returned to the office of the secretary of state, because the document was not "obtained" or "taken" within the sixty days limited for "taking testimony." This objection, in the opinion of the undersigned, is destitute of force. Without deciding whether it was not rather the duty of the sitting member, than of the contestant, to produce it before the committee, they are clearly of the opinion that the negative provision, as to testimony, in the ninth section of the act of 1851, was intended to apply, and does apply, solely to the testimony of witnesses, or, at most, to such writing as can be proved only by the examination of witnesses; and that documentary evidence, at least that which proves itself, may be obtained at any time after the sixty days and produced before the committee at the hearing. The "abstract" in question purports to come from the proper office and officer, and bears upon it the impress of the great seal of the State, than which there can be no higher evidence of authenticity. In confirmation of this view the undersigned find that, in a majority of cases since the act of 1851, the abstract or copy of the returns has been "obtained or taken" subsequent to the sixty days limited in the act.

That seems to be a very decided authority in favor of producing this documentary evidence at any time, either before the committee or even afterwards before the House.

Mr. HEPBURN. Will the gentleman allow me to interrupt him?

Mr. DANIELS. Certainly.

Mr. HEPBURN. Does the gentleman regard what he has read as a proper commentary upon the provision of the present act that in the last ten days testimony in rebuttal only shall be received?

Mr. DANIELS. Yes, sir.

Mr. HEPBURN. The gentleman was reading a comment on the old act, the act of 1851?

Mr. DANIELS. Yes, sir.

Mr. HEPBURN. And that act is entirely different in its terms from the present law?

Mr. DANIELS. Oh, the act was substantially the same.

Mr. HEPBURN. Does the gentleman find in the old act the same language with regard to testimony in rebuttal only?

Mr. DANIELS. Yes, sir; substantially.

Now, in reference to this document of the secretary of state certifying when and how the final canvass of this election took place. It was brought before the notary upon the examination of a witness. In the course of his evidence this paper was produced; and it is stated in the record, "Contestant now offers in evidence paper marked Exhibit O." There was not the slightest objection of any kind or character then made to the introduction of that paper, and it was received in evidence.

Mr. COBB of Alabama. Will the gentleman allow me?

Mr. DANIELS. No, sir; wait a moment.

Mr. COBB of Alabama. At the beginning of that examination it was understood that there was to be no objection until the end.

Mr. BARTLETT of Georgia. It was so stated at the beginning.

Mr. COBB of Alabama. Yes, sir.

Mr. DANIELS. I will read the agreement to which the gentlemen refer, and the House will see whether it sustains the position they take:

It is agreed here by and between the contestee and contestant, both present in person, that each and every legal objection and exception is now made and reserved to each and every question and the answer thereto hereinafter propounded and answered in all respects as if made severally to each and every question and answer, and this agreement is made for the purpose of saving time.

That is the agreement which was made before this paper was offered in evidence; and that agreement is expressly restricted to the questions put to the witnesses and the answers made by way of response to such inquiries. So that when this paper was offered in evidence there was no objection made to it whatever, and it was received by the notary as part of the proof of the case, as showing the state of things forming and attending the canvass.

Under these circumstances, and inasmuch as the manner in which these votes were canvassed and the result reached is thus proved by the certificate of the secretary of state, we have before us the proof prescribed by the laws of the State of Alabama, upon which this election was determined and the certificate issued to the contestee.

It was objected when this certificate was produced (and that was the only objection apparently which was in the mind of the contestee at that time) that the certificate did not conform to the requirements of the law. In the first place, he objected that the facts could not be proved by the certificate at all, being in effect the same objection which was made to the certificates made to the registration lists and the poll lists—that the certificates were not evidence because the secretary of state had not certified as fully as the gentleman on the other side desired him to certify as to the facts which had transpired in the canvass.

Upon the examination of this certificate, however, it was concluded by the committee that the certificate was sufficient. But

as a matter of precaution, for the purpose of avoiding the possibility of any mistake in that respect, Mr. Goodwyn was required to send back to the officer and produce a further certificate showing the basis upon which this final certificate was made.

Now, what does the secretary of state say? He says in his certificate:

STATE OF ALABAMA, *Office of Secretary of State:*

I, J. K. Jackson, secretary of state of the State of Alabama, hereby certify that the records in this office show that on the 19th day of November, 1894—

And one objection made was that this man was not secretary of state at the time when the canvass took place, and therefore could not certify as to the records of the office. Then follows that—

the returns of the election held on the 6th of November, 1894, for members of Congress were duly canvassed by the governor and secretary of state, as required by law, and the following result was declared—

Then follows a list of the votes in the Fifth and also in the Fourth and in the Ninth Congressional districts of the State of Alabama, and the certificate is signed——

Mr. COBB of Alabama. Now, if the gentleman will permit me.

Mr. DANIELS. I must object to being interrupted, Mr. Cobb.

Mr. COBB of Alabama. You do not want to misstate that.

Mr. DANIELS. No, sir; you will please sit down and allow me to proceed. I do not intend to misstate it.

Mr. COBB of Alabama. That was not brought here at the instance of the committee at all.

Mr. DANIELS. I am talking now of the certificate of the secretary of state. To which is appended this certificate:

In testimony whereof witness my hand, and the great seal of the State, at the capitol, this 6th day of December, 1894.

And he did so seal and subscribe the certificate.

That is the certificate of the secretary of state. Now, to show whether there was any foundation for the contention set up on the part of the contestee and the objection he made to this certificate, we required the contestant to send to the secretary of state and get a further certificate as to what appeared to have actually transpired in the count of these votes and all matters connected with it; and he sends it to us in the shape of another and more elaborate certificate, which I hold in my hand, going through all of these counties, showing the votes received, the votes canvassed, the returns of the supervisors, all the certificates, and the results of the election under the great seal of the State. This paper satisfied the committee amply that there was no ground for the complaint which had been set up as to the certificate of the secretary of state; that the proceedings were entirely straight and regular, and that each county had been canvassed properly by itself. This paper, therefore, might just as well be eliminated altogether—the paper I hold in my hand—because the certificate of the secretary of state is complete in itself. This simply shows the steps that had been taken in the office of the secretary of state, county by county, and instead of being a general statement of the secretary of state as to one particular county or district it shows what took place and the result, treating each county by itself, and giving in detail severally and distinctly the result of the canvass in each of the counties of the district.

Under these circumstances we contend, on the part of the majority of the committee, that there was no difficulty at all in ascertaining the vote given for Mr. Cobb. He was not willing to make the concession in the face of the facts exhibited, but, on the other hand, he set up untenable objections all through. He made no statement in his brief of the vote in the different precincts given for himself or Mr. Goodwyn, but contented himself with interposing technical objections to the different certificates which were presented. Among others was the certificate of the registrar of the voting population. He certifies, as the law requires that to be done, showing the names of the persons who were registered as voters. I will read one of the certificates of one of the registrars. They are all alike, except in the name of the registrar:

I, J. J. Motley, registrar for said precinct (or ward) No. 1, in the county of Macon, do hereby certify that the above and foregoing names of registered voters were duly registered by me according to law, and that each of said persons so registered took and subscribed before me the above and foregoing oath on the dates set opposite to their several names.

Witness my hand this 1st day of June, 1894.

J. J. MOTLEY, *Registrar.*

Then comes the certificate of the probate judge to whose office the returns were required to be made by the inspectors of elections, showing the result of the election in the different precincts, and his certificate is in the following words:

STATE OF ALABAMA, *Macon County:*

I, W. H. Hurt, judge of probate in and for said State and county, hereby certify that the foregoing pages, numbered from 1 to 28, inclusive, is a true, correct, and full copy of the registration list for beat No. 1 of said county for the year 1894, as the same appears on file in this office.

Given under my hand this 30th day of November, 1894.

[SEAL.] W. H. HURT, *Judge of Probate.*

That, in the natural course of things, went to the board of supervisors of the county, as these inspectors sent in their count of the votes to the judge of probate. The judge of probate, the sheriff, and the clerk constitute the board of supervisors, and they were required to canvass the vote, which they did, as it appears by the certificates, which are certified and sent here by the secretary of state. The next step was for the secretary of state, the governor, and the attorney-general, or any two of them, to go on and canvass the vote officially and determine who was elected to Congress from the district, and that appears by these certificates, which are to be found in the record accompanying the case, showing that in every separate step they proceeded as the law required, following technical details, as will be found by reference to the record.

It may be, of course, that there can be found defects in the official steps required to be taken by the registrars and inspectors of the election of the probate judges and the secretary of state; but if you require strict and entire accuracy in all of these matters of election by persons who have authority in the State to conduct them, there would be no case arising on which any member could stand here and sustain his right to a seat, because in every respect the utmost accuracy had not been preserved. It would be almost an impossibility. We have as near, however, as it is practicable to go, and as strict compliance with the laws of Alabama will be found in this case as has ordinarily been presented to a committee of this House. And if, on the other hand, in dealing with a question of the right of a member to a seat on this floor and in ascertaining or attempting to ascertain whether a member has been legally elected or not, you require him to establish affirmatively that every one of these steps has been absolutely and strictly taken, then your investigation may as well be given up at once, because it will be almost impossible to establish such a fact, and there will be no criterion on which you can proceed to assert the right of a member to a seat here.

On the contrary, we must take these matters as we find them in the public offices. We must take the return of the register of votes as we find it in the office of the probate judge. We must take the certificates of the inspectors of electors as we find them there, or their return, whether they certify to it or not, whether they go on and deliver to the probate judge simply a list of the persons who were voted, or whether they formally certify the paper goes there and the probate judge puts it upon his record. It becomes a paper of his office, and there it remains until he is required to act upon it and makes his certificate, in the form to which I have called the attention of the House.

Now, what more can be done for the purpose of authenticating the proceedings of this character? The canvass of the secretary of state rested upon it. The canvass of the board of supervisors rested upon it, and the positions of the members who come here to hold their seats rest entirely upon the regularity of those proceedings, without reference to technical defects. That is the situation in which this matter comes before this House. Now, it was objected on the part of the contestee, as it has been objected here, that under the laws of Alabama neither the probate judge nor the secretary of state had any power to certify copies of these papers so that they might be used in evidence. It was objected strenuously that the certificate of the probate judge was simply certifying to a copy of a copy when he certified to the registration list; but the law of the State of Alabama requires that when the registration was taken to the office of the probate judge he should then make out an alphabetical list of each one of the papers, each one of the lists of the registrar, and that he should send a copy of that list to each one of the precincts to be used upon the day of election in his county. It all appears to have been done in this case, and the election has been held upon the basis of these papers. The law of the State of Alabama has provided that where papers are on file in any public office that the officer may certify to those papers, and that his certificate, when he certifies to the papers, is evidence of the facts stated in the paper itself.

Now, the gentleman objected that the officer could not certify, because the law did not say in so many words that the paper must be kept in his office. It did not say to the probate judge, "You must keep these papers on file," or to the secretary of state, "You must keep these papers on file;" and therefore, they say, he was at liberty to burn them up or do anything else that he pleased with them except to keep them. That was a view that the committee could not accept, because it is the intent of the law when these papers are sent to the public office that they shall remain there and become a part of the records of that office, and the system devised by the laws of the State of Alabama, as well as of other States, is that these papers can be authenticated by the certificate of the officer who holds the office where the papers are deposited. Upon this subject it has been provided by the laws of Alabama that—

Copies of official bonds or other instruments or papers required to be kept by any officer of this State, and transcripts from the books and proceedings required to be kept by any sworn officer of the State, are presumptive evidence in any civil cause, and have the same legal effect as if the original were produced and proved, upon the certificate of the custodian thereof that it is a true copy of the original.

This is a general statutory provision of the State of Alabama, not simply restricted to the secretary of state, but including all public officers. Is it possible that such a narrow construction is

to be placed upon it that the officer is to be excluded from the power of certification because the law did not say to him when these registration lists came into his office or when the returns of the inspectors of election came there that he must keep those papers upon the files of his office? He was not bound to keep them, and therefore he was at liberty to disregard the deposit and send them anywhere he pleased, and that his certificate under those circumstances, if the papers remained in the office, could not be used as evidence or presumptive evidence of the fact?

The law is a general one. The papers of course include papers of this character. Wherever the papers are required to go to a public office, and as there is no other provision relating to the disposition of these papers, the officer must take care of them. They must remain in his office as a part of the files of the office, and when any information is required as to these papers the place to go for it is the office of the probate judge or secretary of state, as the case may be. When that information is required to be used you have no power to take away these papers from the office. All you can ordinarily do is to take his certificate to a copy of the paper, and that, the law says, shall have the same force and effect as the original would have if it were produced before the tribunal or the authority considering the subject.

Now, the law also provided that these returns of these votes, as they were sent in, shall go to the board of supervisors, and they shall make their canvass of the votes, and then upon that being done, as I think I have already stated, the whole thing goes to the office of the secretary of state, the papers are required to be sent there, precisely as these papers were sent there, and this canvass is required to be made within a certain period of time; and after it is made there is no provision declaring that anybody can abstract one of those papers from the office of the secretary of state. On the contrary, the theory of the law is that they must remain there, and remain there as evidence of the proceedings which have been taken upon the basis of these papers; and one of these proceedings is the declaration or proclamation that a certain man has been elected to Congress upon the appearance of the documents as they have been presented to that office. So that, in reference to these matters, these are mere technical questions, and the objections to them have no substantial foundation in the laws of the State of Alabama. If these objections are allowed to prevail upon a contest of this character, where can you then find the proof that any person has been elected a member of the House of Representatives?

Now, objection was made during the progress of the proceedings that certain important evidence was brought before the notary after the contestant's proofs in chief were closed. And I desire right here to present to the attention of the House one or two of these objections. The most important of the objections of the contestee is to the fact that Mr. Walker, who had been a United States marshal in the State of Alabama, was allowed to state, after the evidence on the part of the contestee had been taken, that it was reported in these contested precincts that the votes were not to be honestly and fairly polled or counted, and that the majority of the contestee was to be found in such precincts; and the minority of the committee have presented the objection to the House that this was improper evidence, for the reason that it was taken by way of rebuttal, and that Mr. Cobb, the contestee, had no power to controvert it. In answer to that objection, I desire to turn back to pages 66 and 67 of the record. The evidence there was taken on the 1st of February, 1895, and within the forty days that were allowed to the contestant to make his proof. What do you find in that testimony upon this subject? This subject is made the basis of the objection that, for the first time by rebuttal evidence, this fact was brought into the case. But Mr. Walker repeated upon his last examination only what he had testified to before. I will read briefly what he says upon the same subject, on page 67 of the record, in the evidence taken on the 1st of February, 1895, and the answer was served in this case on the 9th of January, 1895. His evidence is this:

Well, I will state here that I had been told by a person who was present and who was a party to an agreement for appointment of managers for the election in Macon County held on the 6th day of November last that the officials whose duty it was to appoint managers had agreed with certain persons who represented Judge Cobb's interest that in seven of the ten precincts Goodwyn would have a fair man to represent him at the polls, as follows: Notasulga, Texas, Society Hill, Warrior Stand, Cross Keys, Franklin, and La Place. That there were three precincts—Tuskegee, Cotton Valley, and Honeycut—

And the precincts here mentioned are the precincts considered in the report which has been made by the committee.

He testified that—

Goodwyn was to have no person to represent him, and that in those three precincts the Cobb men expected to count Cobb's majority.

This evidence was given in an early part of the case, and I submit to the gentlemen who are present here that the mere repetition of it at the time of the taking of the rebuttal testimony by Mr. Walker added nothing to it, and did not deprive this contestee of the right or opportunity to meet and contradict it if he could. What Mr. Walker says, in his rebuttal evidence, is simply this: He was speaking of a gentleman with whom he was:

In driving along he said: "We have agreed upon a plan for the appointment of those managers," and stated that, "We are going to give Goodwyn just as good men as we can find to represent his interest in 7 of the 10 precincts; that we are not going to give him a representative at the other 3 precincts, namely, Tuskegee, Cotton Valley, and Honeycut."

Where is the difficulty, where is the hardship, where is the trouble and embarrassment to this man in the fact that this testimony has been repeated while the witness so called back is repeating only the same testimony that was given on the 1st day of February, and still more fully on page 67 of the case?

The objections which have been taken as to these subjects are very much of a similar nature all the way through. And where copies of records were given, the contestee could have produced, if he had been disposed to, certified copies of such records. It has been objected that the notary had no authority to take testimony outside of the Congressional district. He did not have any such authority, but there was only the testimony of one witness who was objected to on that ground. The testimony of the other witnesses appear without objection, and there is evidence given on the part of the contestee in his rebuttal case going to rebut the testimony which the other four witnesses gave.

Now, if that is the case as to the testimony of these four witnesses taken before the notary out of the district, it must be agreed that substantially it was taken by consent. We have paid no attention whatever to the evidence of the person whose testimony was objected to, and it is so stated in the report, but as to the testimony of the other witnesses, we have regarded it as in the case because there was no objection made to taking it, and the testimony itself is of very slight importance. Now, another objection that was taken on the part of the contestee as to evidence in rebuttal was concerning the statement of 13 witnesses, who swore that they did not vote for the contestee, although they were named in the poll lists as persons who had voted in that election. It was simply an enlargement of similar evidence given before on the part of the contestant when the case was before the notary on the 1st, 2d, and 5th of February. I think those are the days. At that time a large number of persons were sworn, and swore out and out, with as much positiveness as the English language can express, that they did not vote at this election; and most of them swore that they did not register at this election.

Now, under these circumstances, when these people came up and swore as they did, that they did not vote, is it to be supposed that the contestee had the power to prove that they did vote, unless perhaps by these inspectors of election, who were appointed for the very purpose of carrying out this system of fraud and iniquity? These are the objections that are mainly relied upon as to rebuttal evidence.

I desire now to call the attention of the House to other matters which complicate the contestee with the fraud and rascality which appear to have taken place in that election. I have read a portion of the evidence of Mr. Walker, on page 66 of the record, as to the current report that fraud was intended. Two meetings were held, and I maintain that the evidence complicates the contestee in that design. Although he did not go and put his handful of ballots into the ballot box, although he did not make fraudulent and false registration lists and poll lists, he opened the way by which all this iniquity could be successfully perpetrated, and therefore he was responsible, morally responsible, for what took place in these controverted precincts. There were two meetings held in Macon County, one at Cross Keys and another at Benton, and it makes no difference how many people were present at those meetings. It has been said that there were only 35 persons present at one of them, but the number is immaterial. At the meeting at Cross Keys a resolution was offered, and also at the meeting at Benton, asking Mr. Cobb, the contestee, to join with the contestant, Mr. Goodwyn, in requesting the officials who were to appoint the election officers to make a fair division of them between the parties. I may as well read the resolution. It is as follows:

Whereas the citizens of Bentley, in the county of Macon, the same being the home county of the Hon. James E. Cobb, having learned on what they regard as reliable information that the appointing board of managers of elections would not appoint a representative manager for Goodwyn in three precincts in Macon, namely, Tuskegee, Cotton Valley, and Honeycut, and that the refusal to appoint a division of managers was, in their judgment, to commit fraud in the interest of Judge Cobb; that, therefore, be it resolved, that the citizens of Bentley do hereby urge Judge Cobb to join with them as citizens of his own home county in a request to the appointing board to give Mr. Goodwyn a division of managers in the aforesaid three precincts.

Mr. COBB of Alabama. Now, will the gentleman please do me the justice to state that that is not the resolution itself, but merely Mr. Walker's remembrance of it?

Mr. DANIELS. Yes; we will not stand on that. We will not hold the contestee responsible on the sole ground that he did not agree to this resolution, even if its language has been accurately given by the witness, but we will bring him down to his own signature, not only with reference to these three precincts but to

each one of the precincts now in controversy, where it is claimed on behalf of the contestant that the fraudulent votes were given

Mr. COX. Now, why do you expect those officers to practice a fraud any more than you would an officer of the Govern-

these technical objections these proceedings may possibly be overthrown. What does he say in reference to the statements circu-

the support that could securely be given to him for the purpose of securing his election.

each one of the precincts now in controversy, where it is claimed on behalf of the contestant that the fraudulent votes were given and returned in favor of the contestee. I read from a letter from Mr. Goodwyn to Mr. Cobb:

ROBINSON SPRINGS, ALA., *September 14, 1894.*

HON. J. E. COBB, *Tuskegee, Ala.*

DEAR SIR: As the Congressional nominee of the Jeffersonian and People's Party for the Fifth district, I make the following proposition to you, as the nominee of the Organized Democratic party, to wit:

1. That in the interest of free ballots and fair counts in the ensuing Congressional election, we join in a petition to the county appointing boards asking that both contending parties be represented at every polling place in the district among the inspectors of election; and that said inspectors be nominated by the recognized county executive committees of each party, respectively; and that we further petition the board of inspectors to appoint clerks of each opposing party, and an equal number of assistants from each party in the preparation of ballots.

That was not limited to any particular precinct, but applied to all the precincts, including those mentioned in the resolution, and it was intended to require that these officers should appoint, for the benefit of each party, persons designated by a committee and who would have the power to see to it that there was an honest election. The contestee replied to a part of the letter, agreeing to the joint discussion. Then Mr. Goodwyn telegraphed to him:

Do you positively decline to accept my first proposition? Answer.

That telegram is dated September 20, 1894. To this Mr. Cobb replied on the 21st of September, 1894:

First proposition declined; second accepted. Will you meet me on Monday? Answer as soon as possible.

There was a positive refusal on the part of the contestant to join in the request to the officers, the probate judge, the sheriff, and the clerk, who were to appoint these election officers, to give each party a fair representation, so as to preclude the occurrence or a possibility of fraud in these election precincts. But this telegram was preceded by a letter which gives a further explanation of the position taken by the contestee, and I desire to call the attention of this House to the reasons, or the excuses, which this man gave for refusing to join in this manly proceeding intended to have the election officers divided fairly between the two parties and justice secured. He says:

The objections to this proposition are so patent and vital that it is difficult to understand how they escaped your apprehension. Its foundation idea is that the county officials of the several counties of the district are corruptly unwilling to discharge their duties—a presumption not indulged by the law or by a healthy public sentiment. You propose not only that requests be made to the county appointing boards that the contending parties be represented at the polls by men satisfactory to them respectively, but that the members of these boards surrender absolutely their judgments in the discharge of their duties and accept as conclusive and binding on them whatever action in this behalf the county executive committees may take. For, while you use the words "be nominated," it is clear that, as no choice is left to the county officials, the "said inspectors" so nominated must be appointed by them without question. It seems to me that an honest official, while ready and anxious to hear and adopt suggestions as to the persons to be appointed by him which tend to secure fairness in elections and to give satisfaction to the people, would consider a proposition made to him to relinquish altogether his sworn duty to be a reflection either on his capacity or his integrity.

What do you think of that? There are the excuses—there is a recapitulation of the reasons—why this man would not join with Mr. Goodwyn, the contestant, in asking these officers to select clerks and appoint inspectors and to divide the election appointees fairly between the two parties. It was because it might be regarded as an insult to the men who were to be selected, and who might be selected, or who might be engaged in the selection, because it might carry an imputation upon them that they were trying to do precisely what they did do, namely, defraud the people out of their votes.

Mr. COBB of Alabama. There is more of that letter than you have read.

Mr. DANIELS. Yes. The other part relates to the joint discussion. The whole of this part of the letter of Mr. Goodwyn to Mr. Cobb simply asked him to join in requesting these officers, the probate judge, the sheriff, and the clerk, to make an equal division of the inspectors and the poll clerks, in order that there might be an honest election. That is all there is of it. But when the letter of Mr. Cobb comes in, it is, as will be seen, a mass of subterfuge for the purpose of excusing himself from acquiescing or joining in what was a perfectly honest and honorable proceeding to secure a proper and honest election in those precincts.

Mr. COX. Allow me to ask the gentleman whether the officers who were to hold the election were not designated by law?

Mr. DANIELS. No, sir; they were to be appointed by the sheriff, the probate judge, and the clerk.

Mr. COX. That was to be done under a statute of that State?

Mr. DANIELS. Yes, sir.

Mr. COX. And they were the legal officers to hold the election?

Mr. DANIELS. If they were so appointed.

Mr. COX. Now, why do you expect those officers to practice a fraud any more than you would an officer of the Government?

Mr. DANIELS. We do not expect those officers to practice a fraud at all.

Mr. COX. Then what do you want with a new set?

Mr. DANIELS. There was no new set asked for. It was asked that the appointments should be made equally between the political friends of the two candidates. What was asked for was that there should be a board appointed that would have the ability to see to it and would see to it that an honest and fair election was held. Under the law of the State of Alabama both parties are entitled to be represented upon boards of that character—the minority as well as the majority. This was simply a request that the contestee in this case join with the contestant in asking the appointing officers, in making up the election board of inspectors and clerks, to make an equal division between the two parties or such a division as would secure a fair and honest observance of the rights of the contestant.

Mr. COBB of Alabama. They were to be asked to appoint men named by the committees and not selected by the officers themselves.

Mr. DANIELS. No matter as to that, if the committees suggested to them perfectly good men. No objection could be made to the appointment of the men desired. The sheriff, the clerk, and the probate judge should have appointed them. That is what is done in other States where there are similar laws, and it was only expected that under the law of the State of Alabama a proper exercise of this authority would be made. But it was not done. No persons were appointed to represent the contestant at these different precincts, unless it was some ignorant man with no force of character, who could be hoodwinked and deceived by the persons who were appointed for the purpose of carrying out what was stated to be the purpose, according to notorious reports circulating through the country—the furnishing to the contestee of his majority in those precincts and deriving the vote from a dishonest source.

Looking beyond what transpired between these parties, take the registration lists, for instance. You will see that this scheme of fraud and the design to carry it into execution commenced before the time when those reports of designed frauds were circulated, when Mr. Walker says it was currently reported that these frauds were to be committed and the contestee's majorities were to come from these notoriously Republican precincts, where the black population greatly outnumbered the white, and where the voters are shown to be men who would vote the Republican ticket. Besides that, it appears by the evidence that the colored persons were persuaded by the leaders of their party not to register and not to vote because, if they did vote, their votes would not be honestly counted, but would be turned over to the contestee.

Now, look at the registration lists. It is not shown that these men went up and registered. On the contrary, the evidence is that they did not register and did not vote. They followed in this respect the advice of their leaders. Look at the registration lists and you find a "W" for white voters and a "C" for colored. You find on the registration lists a large majority of colored persons appear as having registered. On page 123 you have just five W's for the white people; every other name is marked with a C, indicating apparently that all the others were colored persons, notwithstanding that they had been advised to refrain from registration. On page 124 the same thing is repeated. We do not find a single W there—simply the letter C over and over again, showing that the colored voters were the persons who are stated to have made the registrations. Pass right along through these different precincts so far as given here and on the basis of which the contestee now holds his seat, and you find the same thing. As to one of these precincts, on page 138 you find C's all the way down—not one W. On page 139 you again have C's all the way down. On page 140 you have a fair amount of W's. On page 141 you have all C's, with the exception of five W's. On page 142 you find all C's; and the case is the same with page 143, page 144, page 145, page 146—all C's.

That is the manner in which these registration lists were made out. Is there any reason to doubt that these registrations were fraudulent? Is there any reason to believe that these men, who were advised by their leaders not to register and not to vote, came forward and registered? Notwithstanding it is proved without contradiction that they complied with the advice that was given to them by their leaders, is there any reason for believing that they went before the registrar and in this manner registered? But I will not stand merely upon the evidence given by the contestant on this subject. I will call your attention to a clause in the argument of the contestee himself, who, as I have said before, did not attempt to maintain his right to a seat upon the ground that he had been elected, but on the ground that by means of

these technical objections these proceedings may possibly be overthrown. What does he say in reference to the statements circulated among the colored people that they should not register and vote on that day? He used this language:

Stress is laid by the contestant on certain instructions said to have been given to colored voters. This appears in part 2 of the record, but was put there by contestant. (See page 148 of part 2.) It is not legal evidence, but if considered it must be remembered that it is in proof that William Stevens, a colored man, was acting as chairman of State committee of the Republican party and gave instructions directly to the reverse of what appears in said exhibit, and that these instructions were respected by colored voters.

Now, is it possible that this registration should actually take place where "C's" follow each other in unbroken succession if the voters, in defiance of the instructions of their leaders, were really and truthfully registered on the registration list? It is evidently a fraud, Mr. Speaker, from beginning to the end, and the evidence shows it. All of these events transpired in connection with this case, and concerning which there is substantially no controversy in the case.

Now, certainly the further proof which is given as to the supplemental list of the registers shows the same thing. The laws of the State of Alabama provide that only those who register should be entitled to vote at the election succeeding. It required that this list should be concluded by the latter part of May. Ordinarily it was closed out by the 26th day of May for the next election, and the persons who became 21 years of age after that time were entitled to register on the day of the election. Now, as to the vote of beat No. 14, in Lowndes County. There were 232 persons named on the registration list, but there were 118 added between the date of the registration in May and the election in November. Will you believe that 232 persons had families who produced 118 persons of legal age between the date of the 26th day of May and the 6th day of November of the same year? [Laughter.] Is it possible that any man would give credibility to any statement of that kind?

Again, in another place in Lowndes County 264 names are on the list originally, and there were added to the list between the 26th day of May and the 6th day of November 323 names. These are supposed to be the names of persons who became of age between the 26th of May and the 6th of November of the same year. Is this credible? Does not this, on the other hand, show conclusively that this was a gigantic swindle, a swindle that had been conceived before the time when this registration list was made up, and intended to be carried out for a fraudulent purpose, to secure fraudulent returns, and for the purpose of securing through fraud the election of the contestee?

Now, in one precinct, No. 1, of Lowndes County, as will appear by page 223 of the record in the case, we find the names of 123 persons who were asserted to be registered voters of Benton beat, in that county, and the testimony of witnesses residing in the vicinity, men who testified that they knew the voters in that beat, declare that there were no such persons. Upon this subject the witness Taylor swears that he knows only three of these names; A. J. Wood that he knows only three; E. T. Robinson knew two of them in the beat; a witness named Barlow testified to the same effect, and E. R. Hayden knew one of them. Of the 118 names which were added to the registration list between the 26th of May and the 6th of November the testimony is conclusive of fraud. Martin Smith knows not one; Mr. Carson knows not one of them; Mr. Brightman testifies that he knows one of them; John W. Jones knows none of them; Peter Frayzer knew none of them, and J. M. Salley and W. P. Brightman knew some three or four of them.

A subpœna was issued, including the names of the persons supposed to be fraudulently put on the list in this manner, requiring them to appear before the notary and be examined; and the officer proceeded through the precinct to hunt up these persons who were supposed to be fraudulently on the list, and requiring them to appear before the notary to be examined. But he could not find a single one of these individuals to serve the subpœna upon.

These, Mr. Speaker, are the evidences of the frauds which were inaugurated, and which were calculated to defeat the people of the State of Alabama in this particular district out of their right to rightful representation on the floor of this House. It was an effort on the part of the persons manipulating this election to defeat the will of the people at the polls and to seat in this House a man who was not elected by the voters of that State. Now, I care not what may be the politics of the man elected; I care not what may be his belief or who he may be, if the people of the district in which he resides are content to elect him to represent them in Congress he is their man, and he must be entitled to his seat when he comes here and presents himself under the authority of the electors of the district, no matter who he may be. In this case the man is a Populist. He was nominated by the Populists. He was nominated also by the Jeffersonian Democrats, and his nomination was taken up and approved by the committee of the Republican party, intending to sustain him honestly and squarely, and give him all the support that could securely be given to him for the purpose of securing his election.

Now, another thing will be remembered, to which I wish to call the attention of the committee, and that is that in the districts outside of these three counties where this controversy has arisen the contestant came down with a majority of 3,612 votes; that is, from the other counties of the district. He came down in this manner to these three counties which are called the black counties, because of the predominance of the black population over the white. Because of the fact that these people were the majority of the population of the counties they were called black counties, and it was there, not in the white counties, where the people were intelligent, where they could watch the proceedings, where they had a fair representation on the part of the elections, that these frauds were committed. Where these officers were properly divided, no objection can be made to the election. It was honest, regular, legal, as the law required it to be. In the ten precincts of Macon County, outside of these three where the opposing parties had no representation on the board, the election was perfectly straight and right. There was no cause of dissatisfaction; but when you come down to these Republican counties, with these large populations, where it is stated that the black people almost to a man are Republicans, and that they vote the Republican ticket, here you see that the man who was overthrown and rejected by the white men in the other counties comes out with a majority of over 3,000.

The SPEAKER. The time of the gentleman has expired.

Mr. DANIELS. I desire about five minutes more to call the attention of the committee to one further thing.

The SPEAKER. There are ten minutes remaining on that side.

Mr. DANIELS. I have all the time on this side.

Now, what was the vote in those Republican counties? What was the vote in these Republican precincts, 11 or 12 in number? Remember, this man, the contestee, had been rejected in the other counties of this district. Why, in the precinct of Honeycut, Goodwyn gets none, while Cobb gets 106. In Cotton Valley, Goodwyn gets none, Cobb gets 237. Does that look as though the Republicans had registered and were voting? In Benton, Goodwyn gets none, Cobb 311. In Hayneville, Goodwyn none, Cobb 611. In Lowndesboro, Goodwyn none, Cobb 526. In Whitehall, Goodwyn none, Cobb 209; St. Clair, Goodwyn none, Cobb 86; Statesville, Goodwyn none, Cobb 71; making an aggregate of 2,157 for Cobb and none for Goodwyn. Now, if the Republicans were voting, if they were sustaining the nomination that had been approved by their representative committee, would this state of things have taken place? If these votes had been given there honestly and fairly, as they were stated in the returns, would this large number have been given to the contestee and not one single vote to the contestant? It is improbable on its face. It is impossible on its face. On its face it is a fraud, and a gigantic fraud, that can be brought before this House in no other cases than those where there is an utter disregard of the laws of the State and of every restraint of morality and decency.

Now, in Tuskegee Goodwyn gets 9, Cobb 426; Church Hill, Goodwyn 2, Cobb 278; Gordonville, Goodwyn 2, Cobb 172. Out of the vote of those 3 precincts, therefore, Cobb gets 876 and Goodwyn gets 13. Those 11 precincts give Cobb a majority of 3,020. Coming down, remember, in the Republican precincts, into those precincts where these men, representing the Republicans and the other organizations, had asked that they be given a fair representation, so that there might be a fair election, which was refused, this is the result. Now, what is that consistent with? Is it consistent with honesty? Is it consistent with a fair observance of the legal obligations of parties or of the laws of the State of Alabama? Is it not the evidence, the culminating evidence, of one of the most gigantic, one of the most wicked, frauds that ever came before this House in the course of its proceedings where contested election cases have to be considered and determined?

It was said here that we impugned the laws and character of the people of the State of Alabama. We do no such thing. It is a State that has my unqualified admiration in everything but its elective policy. Its extensive rivers, its plateaus of fine soil, its deposits of mineral wealth, have given it all the resources necessary to make it one of the prosperous States of this Union, perhaps the most prosperous; and the only thing that now stands in its way is the prostitution of the laws relating to the elections of the State for public officers. If they please to be satisfied with it—though they are not—let them have their State officers in the way in which they choose, but do not let them foist upon this House members as persons who have been elected by the majority of the people, when those majorities are only upon paper—when they are frauds and fictions in and of themselves.

This case is one where certainly there can be no question as to the merits of the controversy. This contestant in the counties where the white people could canvass his claims and regard his character received the support of the precincts, but when you come

down to the places where the Republicans predominate and where it was hoped to shut out every possibility of excluding fraud and rascality, by leaving everything in the hands of these iniquitous election officers to do as they please, the votes are thrown in, or, if they are not thrown in at all, they are written upon the returns that are made without any regard to truth, regularity, legality, or anything else, for the purpose of foisting upon this House a man who has not been elected.

Now, if the members of this House are willing to sustain the claim of a person that originated under this state of things, that from the beginning, when he was requested to join in a proceeding which would shut out the possibility of this iniquity, and by his refusal it has all been brought about, comes before you and asks you to sustain him, is there anything left that will add to the degradation of the House of Representatives if it should vote to keep him in his seat under circumstances so appalling, so disgraceful, so fraudulent, and criminal in character? [Loud applause on the Republican side.]

Now, Mr. Speaker, I desire to move the previous question on the resolutions.

Mr. DINSMORE. I desire to offer a substitute.

The SPEAKER. The gentleman from Arkansas desires to offer a substitute. Does the gentleman from New York, in his motion for the previous question, exclude that?

Mr. DANIELS. It was not read, and I ask the previous question on my resolutions. The substitute was not read, although there is no objection to its being read.

The SPEAKER. Does the gentleman from New York desire that the substitute shall be offered before the question is taken on ordering the previous question?

Mr. DANIELS. I move the previous question, Mr. Speaker, as I stated, on the resolutions.

Mr. DINGLEY. Mr. Speaker, has the substitute been offered?

The SPEAKER. The gentleman from Arkansas offers a substitute for the original resolutions, and the gentleman from New York demands the previous question.

Mr. DINSMORE. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DINSMORE. The minority resolutions are before the House also?

Mr. BARTLETT of Georgia. They are in the report. They are offered as a substitute by the minority for the majority resolutions.

Mr. DINSMORE. I have offered this as a substitute for them all. This resolution which I offer asks to recommit this case to the Committee on Elections.

Mr. MCMILLIN. That comes in later.

The SPEAKER. That would not be in order now.

Mr. DANIELS. I demand the previous question.

The SPEAKER. In the demand for the previous question, is the proposition of the gentleman from Arkansas not to be considered as offered?

Mr. MCMILLIN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MCMILLIN. I understand the gentleman from New York does not seek to cut off action on the substitute offered by the minority of the committee?

The SPEAKER. No; the Chair so understands.

Mr. MCMILLIN. Then I understand that the gentleman from Arkansas, at the proper time, gives notice that he will seek to recommit the whole question? I believe that was your motion.

Mr. DINSMORE. That is what I desire. I supposed that it was in order either before or after the previous question was ordered.

The SPEAKER. The gentleman from New York asks the previous question on the original resolutions and the substitute offered by the minority.

Mr. BARTLETT of Georgia. Will a motion to recommit be entertained after the previous question has been ordered?

The SPEAKER. The Chair thinks that after the question on the substitute has been decided a motion to recommit may be in order.

The question was taken; and the previous question was ordered.

The SPEAKER. The question is on the substitute, which the Clerk will report.

The Clerk read as follows:

Resolved, That Albert T. Goodwyn was not elected a member of the Fifty-fourth Congress, and is not entitled to a seat therein.

Resolved, That James E. Cobb was elected a member of the Fifty-fourth Congress as a Representative from the Fifth Congressional district of the State of Alabama, and is entitled to a seat therein as such Representative.

The SPEAKER. The question is on agreeing to the substitute.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. BARTLETT of Georgia. Division!

The House divided; and there were—ayes 47, noes 109.

So the substitute was rejected.

The SPEAKER. The question is upon the adoption of the resolutions offered by the committee.

Mr. DINSMORE. Is a motion to recommit now in order? I move the adoption of the resolution I send to the desk.

The SPEAKER. The gentleman from Arkansas moves that the resolutions be recommitted.

Mr. MCMILLIN. I would ask the reading of the resolution, Mr. Speaker, which I think contains an instruction.

The Clerk read as follows:

Resolved, That the contested-election case of Goodwyn against Cobb be recommitted to Committee on Elections No. 1, with instructions to report a resolution authorizing the contestee to take further testimony in rebuttal of evidence in the record taken by contestant which is evidence in chief, during the last period of ten days in which testimony was taken.

The question was taken on the motion to recommit; and the Speaker announced that the noes seemed to have it.

Mr. BARTLETT of Georgia. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 60, nays 131, not voting 163; as follows:

YEAS—60.

Allen, Miss.	Erdman,	McCreary, Ky.	Sparkman,
Arnold, R. I.	Hall,	McCulloch,	Spencer,
Barrett,	Harrison,	McDearmon,	Strait,
Bartlett, Ga.	Hart,	McLaurin,	Sulzer,
Black, Ga.	Hendrick,	McMillin,	Swanson,
Clardy,	Jones,	McRae,	Talbert,
Cockrell,	Kendall,	Meyer,	Tate,
Cooper, Fla.	Knox,	Money,	Terry,
Cox,	Kyle,	Otey,	Turner, Ga.
Crisp,	Latimer,	Owens,	Turner, Va.
Crowley,	Layton,	Patterson,	Tyler,
Culberson,	Lester,	Pendleton,	Underwood,
De Armond,	Little,	Price,	Washington,
Dinsmore,	Loud,	Richardson,	Williams,
Elliott, S. C.	Maguire,	Sayers,	Willis.

NAYS—131.

Adams,	Daniels,	Hurley,	Ray,
Aldrich, Ala.	Dayton,	Hyde,	Royse,
Aldrich, Ill.	Dingley,	Jenkins,	Sauerhering,
Arnold, Pa.	Doolittle,	Kem,	Settle,
Avery,	Draper,	Kiefer,	Shafroth,
Babcock,	Ellis,	Kirkpatrick,	Shuford,
Baker, Kans.	Evans,	Lacey,	Skinner,
Barham,	Fowler,	Lefever,	Snover,
Barney,	Gamble,	Leighty,	Southwick,
Bartholdt,	Gardner,	Lewis,	Spalding,
Beach,	Gibson,	Linney,	Sperry,
Belknap,	Gillet, N. Y.	Long,	Stahle,
Bell, Colo.	Gillett, Mass.	Lorimer,	Steele,
Bishop,	Graff,	Loudenslager,	Stephenson,
Black, N. Y.	Griffin,	Mahany,	Stewart, N. J.
Blue,	Hadley,	Marsh,	Stewart, Wis.
Boutelle,	Hager,	McCall, Tenn.	Stone, C. W
Brewster,	Hainer, Nebr.	McEwan,	Strode, Nebr.
Broderick,	Halterman,	McLachlan,	Strowd, N. C.
Brosius,	Hardy,	Mercer,	Sulloway,
Brumm,	Harris,	Miller, Kans.	Towne,
Burrell,	Henderson,	Minor, Wis.	Tracey,
Cannon,	Henry, Conn.	Moody,	Updegraff,
Clark, Mo.	Henry, Ind.	Murphy,	Van Horn,
Connolly,	Hermann,	Northway,	Van Voorhis,
Cook, Wis.	Hill,	Otjen,	Walker, Mass.
Cooke, Ill.	Hitt,	Parker,	Warner,
Cousins,	Hopkins,	Payne,	Watson, Ohio
Crowther,	Howe,	Pearson,	White,
Crump,	Howell,	Perkins,	Wilson, N. Y.
Curtis, Kans.	Huff,	Phillips,	Wood,
Dalzell,	Huling,	Pitney,	Woomer.
Danford,	Hunter,	Pugh,	

NOT VOTING—163.

Abbott,	Codding,	Harmer,	McCleary, Minn.
Acheson,	Coffin,	Hartman,	McClellan,
Aitken,	Colson,	Hatch,	McClure,
Allen, Utah	Cooper, Tex.	Heatwole,	McCormick,
Anderson,	Cooper, Wis.	Heiner, Pa.	McKenney,
Andrews,	Corliss,	Hemenway,	Meiklejohn,
Apsley,	Cowen,	Hepburn,	Meredith,
Atwood,	Cummings,	Hicks,	Miles,
Bailey,	Curtis, Iowa	Hilborn,	Miller, W. Va.
Baker, Md.	Curtis, N. Y.	Hooker,	Milliken,
Baker, N. H.	Denny,	Howard,	Milnes,
Bankhead,	De Witt,	Hubbard,	Miner, N. Y.
Bartlett, N. Y.	Dockery,	Hulick,	Mondell,
Bell, Tex.	Dolliver,	Hull,	Morse,
Bennett,	Dovener,	Hutcheson,	Moses,
Berry,	Downing,	Johnson, Cal.	Mozley,
Bingham,	Eddy,	Johnson, Ind.	Neill,
Bowers,	Ellett, Va.	Johnson, N. Dak.	Newlands,
Bromwell,	Fairchild,	Joy,	Noonan,
Brown,	Faris,	Kerr,	Odell,
Buck,	Fenton,	Kulp,	Ogden,
Bull,	Fischer,	Lawson,	Overstreet,
Burton, Mo.	Fitzgerald,	Leisenring,	Pickler,
Burton, Ohio	Fletcher,	Leonard,	Poole,
Calderhead,	Foote,	Linton,	Powers,
Catchings,	Foss,	Livingston,	Prince,
Chickering,	Griswold,	Lockart,	Quigg,
Clark, Iowa	Grosvenor,	Low,	Raney,
Clarke, Ala.	Grout,	Maddox,	Reeves,
Cobb, Ala.	Grow,	Mahon,	Reyburn,
Cobb, Mo.	Hanly,	McCall, Mass.	Robertson, La.

Robinson, Pa.	Smith, Mich.	Thomas,	Wheeler,
Rusk,	Sorg,	Tracewell,	Wilber,
Russell, Conn.	Southard,	Treloar,	Wilson, Idaho
Russell, Ga.	Stallings,	Tucker.	Wilson, Ohio
Scranton,	Stokes,	Wadsworth,	Wilson, S. C.
Shannon,	Stone, W. A.	Walker, Va.	Woodard,
Shaw,	Strong,	Walsh,	Woodman,
Sherman,	Taft,	Wanger,	Wright,
Simpkins,	Tawney,	Watson, Ind.	Yoakum.
Smith, Ill.	Tayler,	Wellington,	

So the motion to recommit was rejected.

The following pairs were announced:

Until further notice:

Mr. RANEY with Mr. COWEN.

Mr. BINGHAM with Mr. DOCKERY.

Mr. ANDREWS with Mr. MILES.

Mr. WILSON of Ohio with Mr. MCKENNEY.

Mr. JOHNSON of Indiana with Mr. HUTCHESON.

Mr. HEMENWAY with Mr. ROBERTSON of Louisiana.

Mr. PRINCE with Mr. BAILEY.

Mr. JOHNSON of North Dakota with Mr. LAWSON.

Mr. MILLER of West Virginia with Mr. WOODARD.

Mr. OVERSTREET with Mr. BELL of Texas.

Mr. HOOKER with Mr. MINER of New York.

Mr. REEVES with Mr. CATCHINGS.

Mr. LEONARD with Mr. BERRY.

The following for this day:

Mr. BAKER of New Hampshire with Mr. NEWLANDS.

Mr. HOWARD with Mr. WALSH.

Mr. MILLIKEN with Mr. ABBOTT.

Mr. QUIGG with Mr. FISCHER.

Mr. CODDING with Mr. BANKHEAD.

Mr. WANGER with Mr. WHEELER.

Mr. RUSSELL of Connecticut with Mr. WILSON of South Carolina.

Mr. PICKLER with Mr. MOSES.

Mr. CLARK of Iowa with Mr. TUCKER.

Mr. JOHNSON of California with Mr. MEREDITH.

Mr. FOSS with Mr. RUSSELL of Georgia.

Mr. ACHESON with Mr. SORG.

Mr. ALLEN of Utah with Mr. CLARKE of Alabama.

Mr. MAHON with Mr. OGDEN.

Mr. SIMPKINS with Mr. MCCLELLAN.

Mr. BURTON of Missouri with Mr. YOAKUM.

Mr. HARMER with Mr. MADDOX.

Mr. GROSVENOR with Mr. NEILL.

Mr. JOY with Mr. CUMMINGS.

Mr. DE WITT with Mr. ELLETT of Virginia.

Mr. MCCLURE with Mr. DOWNING.

Mr. HATCH with Mr. COOPER of Texas.

Mr. HUBBARD with Mr. RUSK.

Mr. REYBURN with Mr. COBB of Missouri.

Mr. POOLE with Mr. LIVINGSTON.

Mr. KULP with Mr. STOKES.

Mr. BROWN with Mr. FITZGERALD.

Mr. CORLISS with Mr. SHAW.

Mr. LEISENRING with Mr. LOCKHART.

Mr. HULICK with Mr. BUCK.

Mr. MEIKLEJOHN with Mr. BARTLETT of New York.

Mr. TRELOAR with Mr. STALLINGS.

Mr. THOMAS. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall and listening and did he fail to hear his name called?

Mr. THOMAS. I do not know whether I was in the Hall or not when my name was called. I think I was in the lobby.

The SPEAKER. Under the rule the Chair can not entertain the gentleman's request.

Mr. THOMAS. If permitted to vote, I should vote "nay."

Mr. DOCKERY. Mr. Speaker, I voted, but being paired with the gentleman from Pennsylvania, Mr. BINGHAM, I withdraw my vote.

Mr. BAILEY. Mr. Speaker, I am paired with the gentleman from Illinois, Mr. PRINCE, so I will withdraw my vote. I desire to announce on behalf of my colleague, Mr. COOPER of Texas, that he was called from the Hall a few moments ago. He is paired with the gentleman from Indiana, Mr. HATCH, but if present and not paired, he would vote "yea."

The result of the vote was then announced as above recorded.

The SPEAKER. The question is on the passage of the resolution.

Mr. BARTLETT of Georgia. Mr. Speaker, I ask for a division of the resolution.

The SPEAKER. Will the gentleman state where he desires the division made?

Mr. BARTLETT of Georgia. There are two resolutions—one declaring that Mr. Cobb was not elected, and the other declaring that Mr. Goodwyn was elected. I ask that they be voted on separately.

The SPEAKER. The Clerk will read the first resolution.

The resolution was read, as follows:

Resolved, That James E. Cobb was not elected a member of the Fifty-fourth Congress as a Representative of the Fifth Congressional district of the State of Alabama at the election held in said district on the 6th day of November, 1894, and is not entitled to the seat in the Fifty-fourth Congress as such Representative.

The resolution was agreed to.

The SPEAKER. The Clerk will read the second resolution.

The resolution was read, as follows:

Resolved, That Albert T. Goodwyn was elected a member of the Fifty-fourth Congress as the Representative of the Fifth Congressional district of the State of Alabama at the election held in said district on the 6th day of November, 1894, and is entitled to the seat in the Fifty-fourth Congress as such Representative.

Mr. BARTLETT of Georgia. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 119, nays 45, not voting 190; as follows:

YEAS—119.

Aldrich, Ala.	Dayton,	Kem,	Sauerhering,
Aldrich, Ill.	Dingley,	Kiefer,	Settle,
Avery,	Doolittle,	Kirkpatrick,	Shuford,
Babcock,	Ellis,	Lacey,	Skinner,
Baker, Kans.	Evans,	Lefever,	Snover,
Baker, N. H.	Fowler,	Leighty,	Southwick,
Barham,	Gamble,	Lewis,	Spalding,
Barney,	Gardner,	Linney,	Sperry,
Beach,	Gibson,	Long,	Stahle,
Belknap,	Graff,	Lorimer,	Steele,
Bell, Colo.	Griffin,	Mahany,	Stephenson,
Bishop,	Hadley,	Marsh,	Stewart, N. J.
Black, N. Y.	Hager,	McCall, Tenn.	Stewart, Wis.
Blue,	Hainer, Nebr.	McEwan,	Stone, C. W.
Boutelle,	Hardy,	McLachlan,	Strode, Nebr.
Brewster,	Harris,	Mercer,	Strowd, N. C.
Broderick,	Henderson,	Miller, Kans.	Sulloway,
Brosius,	Henry, Conn.	Milnes,	Thomas,
Brumm,	Henry, Ind.	Minor, Wis.	Treloar,
Burrell,	Hermann,	Moody,	Updegraff,
Cannon,	Hill,	Murphy,	Van Horn,
Clark, Mo.	Hitt,	Northway,	Van Voorhis,
Connolly,	Hopkins,	Otjen,	Walker, Mass.
Cooke, Ill.	Howe,	Payne,	Warner,
Cousins,	Howell,	Pearson,	Watson, Ohio
Crowther,	Huling,	Perkins,	White,
Crump,	Hunter,	Phillips,	Wilson, N.Y.
Dalzell,	Hurley,	Pitney,	Wood,
Danford,	Hyde,	Ray,	Woomer.
Daniels,	Jenkins,	Royse,	

NAYS—45.

Allen, Miss.	Erdman,	McDearmon,	Sulzer,
Bartlett, Ga.	Hall,	McMillin,	Swanson,
Black, Ga.	Harrison,	McRae,	Tate,
Clardy,	Hart,	Meyer,	Terry,
Cockrell,	Hendrick,	Otey,	Turner, Ga.
Cooper, Fla.	Jones,	Owens,	Turner, Va.
Cox,	Kendall,	Patterson,	Washington,
Crisp,	Lester,	Pendleton,	Wheeler,
Culberson,	Little,	Richardson,	Williams.
Denny,	Maguire,	Sayers,	
Dinsmore,	McCreary, Ky.	Sparkman,	
Elliott, S. C.	McCulloch,	Spencer,	

NOT VOTING—190.

Abbott,	Corliss,	Hooker,	Mondell,
Acheson,	Cowen,	Howard,	Money,
Adams,	Crowley,	Hubbard,	Morse,
Aitken,	Cummings,	Huff,	Moses,
Allen, Utah	Curtis, Iowa	Hulick,	Mozley,
Anderson,	Curtis, Kans.	Hull,	Neill,
Andrews,	Curtis, N. Y.	Hutcheson,	Newlands,
Apsley,	De Armond,	Johnson, Cal.	Noonan,
Arnold, Pa.	De Witt,	Johnson, Ind.	Odell,
Arnold, R. I.	Dockery,	Johnson, N. Dak.	Ogden,
Atwood,	Dolliver,	Joy,	Overstreet,
Bailey,	Dovener,	Kerr,	Parker,
Baker, Md.	Downing,	Knox,	Pickler,
Bankhead,	Draper,	Kulp,	Poole,
Barrett,	Eddy,	Kyle,	Powers,
Bartholdt,	Ellett, Va.	Latimer,	Price,
Bartlett, N. Y.	Fairchild,	Lawson,	Prince,
Bell, Tex.	Faris,	Layton,	Pugh,
Bennett,	Fenton,	Leisenring,	Quigg,
Berry,	Fischer,	Leonard,	Raney,
Bingham,	Fitzgerald,	Linton,	Reeves,
Bowers,	Fletcher,	Livingston,	Reyburn,
Bromwell,	Foote,	Lockhart,	Robertson, La.
Brown,	Foss,	Loud,	Robinson, Pa.
Buck,	Gillet, N. Y.	Loudenslager,	Rusk,
Bull,	Gillett, Mass.	Low,	Russell, Conn.
Burton, Mo.	Griswold,	Maddox,	Russell, Ga.
Burton, Ohio	Grosvenor,	Mahon,	Scranton,
Calderhead,	Grout,	McCall, Mass.	Shafroth,
Catchings,	Grow,	McCleary, Minn.	Shannon,
Chickering,	Halterman,	McClellan,	Shaw,
Clark, Iowa	Hanly,	McClure,	Sherman,
Clarke, Ala.	Harmer,	McCormick,	Simpkins,
Cobb, Ala.	Hartman,	McKenney,	Smith, Ill.
Cobb, Mo.	Hatch,	McLaurin,	Smith, Mich.
Codding,	Heatwole,	Meiklejohn,	Sorg,
Coffin,	Heiner, Pa.	Meredith,	Southard,
Colson,	Hemenway,	Miles,	Stallings,
Cook, Wis.	Hepburn,	Miller, W. Va.	Stokes,
Cooper, Tex.	Hicks,	Milliken,	Stone, W. A.
Cooper, Wis.	Hilborn,	Miner, N. Y.	Strait,

Strong,	Tracey,	Wanger,	Wilson, S. C.
Taft,	Tucker,	Watson, Ind.	Woodard,
Talbert,	Tyler,	Wellington,	Woodman,
Tawney,	Underwood,	Wilber,	Wright,
Tayler,	Wadsworth,	Willis,	Yoakum.
Towne,	Walker, Va.	Wilson, Idaho	
Tracewell,	Walsh,	Wilson, Ohio	

The following additional pairs were announced:

Mr. MOZLEY with Mr. LAYTON, for this day.

Mr. WANGER with Mr. STALLINGS, on this vote.

The SPEAKER. On this question the yeas are 119 and the nays are 45—less than a quorum.

Mr. DINGLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and the House accordingly (at 5 o'clock and 47 minutes p. m.) adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of David N. Heath against The United States, was taken from the Speaker's table, referred to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. RAY, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 8212) for the preservation and protection of public records and documents, and providing for the use of copies thereof as evidence, reported the same with amendment, accompanied by a report (No. 1394); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 8071) to amend "An act respecting the limits of reservations for town sites upon the public domain," approved March 3, 1877, reported the same without amendment, accompanied by a report (No. 1395); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TRACEY, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 2490) entitled "An act to authorize the Secretary of War to improve and maintain the public roads within the limits of the national park at Gettysburg, Pa.," reported the same without amendment, accompanied by a report (No. 1398); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred House resolution No. 241, to authorize the Speaker to appoint a committee of five members to investigate and report to the House upon the management of the National Home for Disabled Volunteer Soldiers at Leavenworth, Kans., reported the same with amendment, accompanied by a report (No. 1399); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MCCORMICK, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 6776) to provide an American register for the bark *Vila*, reported the same without amendment, accompanied by a report (No. 1416); which said bill and report were referred to the House Calendar.

Mr. UPDEGRAFF, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 7905) to establish and provide for the government of Greer County, Okla., and for other purposes, reported the same with amendment, accompanied by a report (No. 1434); which said bill and report were referred to the House Calendar.

Mr. SPERRY, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 3273) for the classification of clerks in first and second class post-offices, reported the same with amendment, accompanied by a report (No. 1436); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HERMANN, from the Committee on Irrigation of Arid Lands, to which was referred the bill of the House (H. R. 6710) to amend an act approved August 18, 1894, and to aid in the reclamation of the arid lands, reported the same with amendment, accompanied by a report (No. 1437); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BRUMM, from the Committee on Claims, to which was referred the bill of the House (H. R. 5289) making appropriation for the payment of the French spoliation claims which have been adjudicated by the Court of Claims, reported the same with amendment, accompanied by a report (No. 1438); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIS, from the Committee on Agriculture, to which was referred the bill of the House (H. R. 3339) to create a special commission on highways, and to make appropriations therefor, reported the same with amendment, accompanied by a report (No. 1439); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. GRIFFIN, from the Committee on Military Affairs: The bill (H. R. 518) for the relief of John C. Nuss. (Report No. 1396.)

By Mr. BAKER of Kansas, from the Committee on Pensions: The bill (H. R. 6519) granting a pension to Herman Dellit. (Report No. 1397.)

By Mr. AVERY, from the Committee on Claims: A resolution (House Res. No. 264) to refer the bill (H. R. 6682) for the relief of the estate of Joshua Hill, together with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 6682. (Report No. 1401.)

By Mr. GIBSON, from the Committee on War Claims: A resolution (House Res. No. 265) to refer the bill (H. R. 6912) for the relief of David Hogan, with accompanying papers, to the Court of Claims, reported in lieu of House bill No. 6912. (Report No. 1402.)

By Mr. HATCH, from the Committee on War Claims:

The bill (S. 59) entitled "An act for the relief of Joseph W. Carmack." (Report No. 1403.)

The bill (H. R. 5721) to relieve Alice Utz, heir and legatee of Joshua Wiley, and to give the Court of Claims jurisdiction, and to remove the bar of statute of limitations. (Report No. 1404.)

By Mr. HURLEY, from the Committee on War Claims:

The bill (H. R. 2011) for the relief of Capt. John T. Bruen, of the State of New York. (Report No. 1405.)

The bill (H. R. 6430) to carry out the findings of the Court of Claims in the case of David Miller. (Report No. 1406.)

By Mr. LESTER, from the Committee on War Claims:

A resolution (House Res. No. 266) to refer the bill (H. R. 7752) for the relief of the owners of the steamer *Leesburg*, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 7752. (Report No. 1407.)

A resolution (House Res. No. 267) to refer the bill (H. R. 8335) for the relief of Jacob Cohen, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 8335. (Report No. 1408.)

By Mr. MAHON, from the Committee on War Claims:

A resolution (House Res. No. 268) to refer the bill (H. R. 3563) for the relief of J. H. Sparks, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 3563. (Report No. 1409.)

A resolution (House Res. No. 269) to refer the bill (H. R. 6943) for the relief of Sarah Friedman, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 6943. (Report No. 1410.)

The bill (S. 682) entitled "An act for the relief of the heirs of Sterling T. Austin, deceased." (Report No. 1411.)

By Mr. OTJEN, from the Committee on War Claims: A resolution (House Res. No. 270) to refer the bill (H. R. 5460) for the relief of James Lindsay, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 5460. (Report No. 1412.)

By Mr. PUGH, from the Committee on War Claims:

The bill (H. R. 6269) for the relief of James M. Blackburn, of Covington, Ky. (Report No. 1413.)

A resolution (House Res. No. 271) to refer the bill (H. R. 1517) for the relief of Rudolphus Minton, of Louisville, Ky., to the Court of Claims. (Report No. 1414.)

The bill (H. R. 6426) for the relief of the Madison Female Institute, located at Richmond, Ky. (Report No. 1415.)

By Mr. DENNY, from the Committee on Claims: The bill (H. R. 1531) for the relief of the legal representatives of John Wightman, deceased. (Report No. 1417.)

By Mr. DE WITT, from the Committee on Claims: The bill (S. 1585) entitled "An act to authorize and direct the Auditor for the Post-Office Department to credit the account of George H. Tice, postmaster at Perth Amboy, N. J., for postage stamps and money-order funds stolen from his office." (Report No. 1418.)

By Mr. COX, from the Committee on Claims:

Views of a minority of said committee upon the bill (H. R. 1531) for the relief of the legal representatives of John Wightman, deceased. (Report No. 1417, part 2.)

The bill (H. R. 1343) for the relief of the legal representatives of Massalon Whitten, deceased. (Report No. 1419.)

The bill (H. R. 1510) for the relief of Franklin Lee and Charles F. Dunbar. (Report No. 1420.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 7334) granting an increase of pension to William T. Applegate. (Report No. 1421.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 487) granting increase of pension to John F. Early. (Report No. 1422.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (S. 504) entitled "An act to increase the pension of Edmund Woog." (Report No. 1423.)

By Mr. LAYTON, from the Committee on Invalid Pensions:

A bill (H. R. 8357) granting a pension to Dora D. Jones, reported in lieu of House bill No. 8102. (Report No. 1424.)

The bill (H. R. 7067) granting a pension to Joseph B. Arbaugh. (Report No. 1425.)

By Mr. PICKLER, from the Committee on Invalid Pensions:

The bill (H. R. 5193) granting increase of pension to Emma Thurston. (Report No. 1426.)

The bill (H. R. 7660) granting an increase of pension to Samuel M. Howard. (Report No. 1427.)

The bill (H. R. 7346) granting an increase of pension to John A. Worswick. (Report No. 1428.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 7898) granting an increase of pension to William D. Seamans, late a private Company L, Fourteenth New York Heavy Artillery. (Report No. 1429.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 2600) entitled "An act granting a pension to Mrs. Clifford Neff Fyffe." (Report No. 1430.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (S. 1510) entitled "An act to pension Mrs. Susan M. Sessford." (Report No. 1431.)

By Mr. WOOD, from the Committee on Invalid Pensions:

The bill (H. R. 6989) to increase the pension of Robert A. Roberts. (Report No. 1432.)

The bill (H. R. 3108) to grant a pension to Jesse Durnell, late second-class pilot on gunboat *Lexington* and transferred to gunboat *Marmora*. (Report No. 1433.)

By Mr. BISHOP, from the Committee on Military Affairs: The bill (H. R. 6032) for the relief of Spencer D. Hunt. (Report No. 1435.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FENTON: A bill (H. R. 8350) to fix the pay of noncommissioned staff officers of the United States Army unattached to regiments—to the Committee on Military Affairs.

By Mr. NORTHWAY: A bill (H. R. 8351) to restore pensions to certain widows—to the Committee on Invalid Pensions.

By Mr. POOLE: A bill (H. R. 8352) to amend section 3 of the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents"—to the Committee on Invalid Pensions.

By Mr. SKINNER: A bill (H. R. 8353) to submit to a direct vote of the people free coinage of silver at 16 to 1; a graduated income tax; the election of President, Vice-President, and United States Senators by a direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. ANDREWS: A bill (H. R. 8354) to adjust the pensions of maimed Union soldiers and sailors of the late war of the rebellion—to the Committee on Invalid Pensions.

By Mr. PICKLER: A bill (H. R. 8355) to provide for the distribution of condemned cannon to State and Territorial departments of the Grand Army of the Republic—to the Committee on Naval Affairs.

By Mr. SULLOWAY: A bill (H. R. 8356) to establish a life-saving station at or near Great Boars Head, on the coast of New Hampshire—to the Committee on Interstate and Foreign Commerce.

By Mr. QUIGG: A joint resolution (H. Res. 175) directing the Secretary of the Navy to appoint a commission of naval experts to examine and report upon the Secor direct system of propelling vessels and its applicability to naval purposes—to the Committee on Naval Affairs.

By Mr. CANNON: A resolution (House Res. No. 261) relating to the number of condemned cannon, carriages, and balls in possession of the Navy Department—to the Committee on Naval Affairs.

Also, a resolution (House Res. No. 262) relating to the number of condemned cannon, carriages, and condemned cannon balls in possession of the War Department—to the Committee on Military Affairs.

By Mr. BULL: A memorial of the legislature of the State of Rhode Island, in favor of the passage of House bill No. 4339, to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg—to the Committee on Military Affairs.

By Mr. ARNOLD of Rhode Island: A memorial of the legislature of the State of Rhode Island, in favor of the passage of House bill No. 4339, to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ATWOOD: A bill (H. R. 8358) granting pension to Sarah A. McInerney, as dependent mother—to the Committee on Invalid Pensions.

By Mr. BRODERICK: A bill (H. R. 8359) for the relief of John H. Davison—to the Committee on Military Affairs.

By Mr. CURTIS of Iowa: A bill (H. R. 8360) granting a pension to C. S. Alvord—to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 8361) to compensate Sophie Kosack for injuries sustained, and reward her for bravery displayed in rescuing the imperiled in the "Old Ford's Theater" disaster—to the Committee on Claims.

By Mr. HULING: A bill (H. R. 8362) to correct the military record of George Simmonds, late of Company D, Ninety-sixth Regiment Pennsylvania Infantry—to the Committee on Military Affairs.

By Mr. HURLEY: A bill (H. R. 8363) for the relief of Robert D. Benedict—to the Committee on Claims.

By Mr. KIRKPATRICK: A bill (H. R. 8364) for the relief of Capt. Henry C. Seaman—to the Committee on Military Affairs.

Also, a bill (H. R. 8365) granting a pension to Dr. J. B. Thurman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8366) to remove the charge of desertion against David G. Cormack—to the Committee on Military Affairs.

By Mr. MURPHY of Arizona: A bill (H. R. 8367) for the relief of Delos H. Smith—to the Committee on Claims.

Also, a bill (H. R. 8368) for the relief of John A. Mellon—to the Committee on Claims.

By Mr. MURPHY of Illinois: A bill (H. R. 8369) for the relief of Martha E. Flesschert—to the Committee on Claims.

By Mr. NORTHWAY: A bill (H. R. 8370) to increase the pension of Isaac C. Gibbons—to the Committee on Invalid Pensions.

By Mr. QUIGG: A bill (H. R. 8371) for the relief of Francis Irsch—to the Committee on Military Affairs.

By Mr. TRACEY: A bill (H. R. 8372) for the relief of B. F. Follin—to the Committee on Military Affairs.

By Mr. VAN VOORHIS: A bill (H. R. 8373) granting a pension to Jane Linn—to the Committee on Invalid Pensions.

By Mr. WALSH: A bill (H. R. 8374) for the relief of Edward McDermott—to the Committee on Military Affairs.

By Mr. WATSON of Ohio: A bill (H. R. 8375) granting a pension to William S. Laney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8376) granting a pension to Charles S. Spring—to the Committee on Invalid Pensions.

By Mr. WOOMER: A bill (H. R. 8377) for the relief of Joseph Betz—to the Committee on Military Affairs.

Also, a bill (H. R. 8378) for the relief of Jacob Olmstead—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petiton of Benjamin Keefer, sr., and other citizens of Freed, Pa.; also petition of Mrs. Mary A. Wiley, of Monongahela, Pa., praying that religious publications be given every advantage of the act of Congress of July 16, 1894, in transmission through the mail—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Philadelphia Maritime Exchange, favoring the passage of the Torrey bankruptcy bill—to the Committee on the Judiciary.

Also, resolutions of General George A. Custer Command, No. 1, Union Veterans' Union, Department of Pennsylvania, opposing the correction of the records of persons who have deserted from the United States Army—to the Committee on Military Affairs.

By Mr. BOWERS: Four petitions of sundry citizens of San Bernardino County, Cal., favoring the occupation of and mining on forest reservations—to the Committee on the Public Lands.

By Mr. CURTIS of Iowa: Petition of 69 citizens of Davenport, Iowa, praying that a pension be granted to C. S. Alvord—to the Committee on Invalid Pensions.

Also, petition of F. S. Shepard, of Davenport, Iowa, praying for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of S. F. Smith, Frank Wilmerton, and 480 other prominent citizens of Davenport, Iowa, praying Congress for the passage of joint resolution No. 11, to amend the Constitution of the United States prohibiting further appropriations to institutions under ecclesiastical control, and remonstrating against appropriating, directly or indirectly, public moneys for sectarian undertakings—to the Committee on the Judiciary.

By Mr. CURTIS of New York: Petition of Miles H. De Long and others, of Schuylersville, N. Y., and vicinity, praying for a pension of $8 per month to every soldier who served ninety days and was honorably discharged and $12 per month to their widows—to the Committee on Invalid Pensions.

By Mr. DALZELL: Two petitions of sundry citizens of Pittsburg, asking for adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, resolution of Duquesne Post, No. 259, Grand Army of the Republic, in favor of the promotion of Gen. Nelson A. Miles—to the Committee on Military Affairs.

By Mr. DANFORD: Petition of J. B. Gowdy, moderator of the session of the United Presbyterian Church of Knoxville, Jefferson County, Ohio, praying for the appointment of an impartial committee to investigate the labor problem and suggest remedy—to the Committee on Labor.

Also, petition of H. M. Rolls and 80 others, of Bellaire, Ohio, for the passage of House bill No. 6351, appropriating unclaimed pension and bounty money due the estates of deceased colored soldiers to military and educational purposes for the colored people—to the Committee on Military Affairs.

By Mr. HARDY: Papers to accompany House bill No. 7744, to correct the military record of John Bass—to the Committee on Military Affairs.

By Mr. HENRY of Connecticut: Petition of Webb Council, No. 73, Order United American Mechanics, in behalf of the Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HYDE: Remonstrance of the citizens of Lopez, Wash.; also of citizens of Roslyn, Wash., against the statue of Marquette remaining in Statuary Hall—to the Committee on the Library.

Also, memorial of the Chamber of Commerce of Seattle, Wash., relative to flax culture—to the Committee on Agriculture.

Also, resolutions of Commodore Foote Post, No. 84, Grand Army of the Republic, of Sidney, Wash., asking for the passage of the National Tribune service-pension bill—to the Committee on Invalid Pensions.

Also, memorial of the town council of Cosmopolis, Wash.; also of the town council of Waterville, Wash., urging legislation favorable to the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. LACEY: Resolutions of the city council of Boone, Iowa, favoring an appropriation to aid an exposition to be held at Omaha, Nebr., during 1898—to the Committee on Appropriations.

By Mr. LOUD: Petition of Andrews-Demarest Seating Company of New York, asking favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MERCER: Resolutions of the board of trustees of Rawlins, Wyo.; also of the city council of Boone, Iowa; also of the city council of Aurora, Nebr.; also of the city council of Chamberlain, S. Dak.; also of the Republican State convention of Nebraska, favoring the transmississippi and international exposition of Omaha—to the Committee on Ways and Means.

By Mr. PAYNE: Petition of citizens of Wayne County, N. Y., asking for the passage of House bill for reclassification of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. PUGH: Petition of Patton Bros. and sundry other citizens of Catlettsburg, Ky., in favor of the passage of a bill for the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. QUIGG: Papers to accompany House bill for the relief of Francis Irsch—to the Committee on Military Affairs.

By Mr. STEELE: Petition of William W. Draper and 20 others, of Converse, Ind.; also of Nat Hiatt and 20 other citizens of Fairmount, Ind., praying for favorable action on bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Michigan: Petition of the wholesale houses of Grand Rapids, Mich., praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter; also in favor of bill No. 838, to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. SULLOWAY: Petition of John G. Cutler and 158 other citizens of Hampton, N. H., praying for a life-saving station at or near Great Boars Head, in the town of Hampton, on the coast of New Hampshire—to the Committee on Interstate and Foreign Commerce.

By Mr. TAWNEY: Petition of Joseph Leicht and 37 others, of the State of Wisconsin, against a certain proposed amendment to the Constitution, relating to the first day of the week, and the recognition in the Constitution of God as the source of power and Jesus Christ as the ruler of all nations—to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *April 22, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The VICE-PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. FAULKNER, and by unanimous consent, the further reading was dispensed with.

STATE CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, in response to a resolution of the 8th instant calling for information as to what States under the act of Congress of July 27, 1861, entitled "An act to indemnify the States for expenses incurred by them in defense of the United States," and the joint resolution of March 8, 1862, explanatory thereof, have filed claims in the Treasury Department for interest, discount, and exchange paid by said States upon moneys raised by said States for and expended in raising, equipping, and putting into the field, troops in defense of the Union, etc., transmitting a report of the Auditor for the War Department on the subject; which, with the accompanying paper, was referred to the Committee on the Judiciary, and ordered to be printed.

NANCY G. ALLABACH—VETO MESSAGE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I herewith return without my approval Senate bill numbered 894, entitled "An act granting a pension to Nancy G. Allabach."

This bill provides for the payment of a pension of $30 a month to the beneficiary named as the widow of Peter H. Allabach.

This soldier served for nine months in the Army during the war of the rebellion, having also served in the war with Mexico.

He was mustered out of his last service on the 23d day of May, 1863, and died on the 11th of February, 1892.

During his life he made no application for pension on account of disabilities. It is not now claimed that he was in the least disabled as an incident of his military service, nor is it alleged that his death, which occurred nearly twenty-nine years after his discharge from the Army, was in any degree related to such service.

His widow was pensioned after his death under the statute allowing pensions to widows of soldiers of the Mexican war, without reference to the cause of the death of their husbands. Her case is also, indirectly, one of those provided for by the general act passed in 1890, commonly called the dependent pension law.

It is proposed, however, by the special act under consideration to give this widow a pension of $30 a month without the least suggestion of the death or disability of her husband having been caused by his military service, and solely, as far as is discoverable, upon the ground that she is poor and needs the money.

This condition is precisely covered by existing general laws, and if a precedent is to be established by the special legislation proposed I do not see how the same relief as is contained in this bill can be denied to the many thousand widows who, in a similar situation, are now on the pension rolls under general laws.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 21, 1896.*

The VICE-PRESIDENT. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. GALLINGER. Mr. President, as I understand the matter, Peter H. Allabach was for a considerable time captain of the police force of this Capitol. He had service in two wars, and it has been stated to me, I think authoritatively, that when he was appointed to a position in the Capitol it was upon the written recommendation of General Hancock, with whom he had served in those two wars.

It is likewise stated to me that there was not a moment of the time after the soldier was discharged from the service of the United States that he might not have received a pension on account of disabilities incurred in the service of his country. He was, however, too patriotic to ask for a pension, and went to his death without asking the Government for relief. His widow is poor, in

utter destitution, I understand, and the committee of the Senate, and the Senate itself, as well as the House of Representatives, concluded to grant her the pension that would have gone to her in accordance with the rank which her husband held, that of colonel.

I believe the claim is entirely meritorious. I regret exceedingly that the President has seen fit to veto the bill, and I think it ought to be passed this morning. Still I will not urge it if it is desired that the Committee on Pensions shall give it further consideration.

Mr. CALL. I suggest to the Senator from New Hampshire that he move its reference to the Committee on Pensions.

Mr. GALLINGER. I move that the bill and message be referred to the Committee on Pensions.

Mr. CALL. The veto message will be printed.

The VICE-PRESIDENT. The message will be printed, and it will be referred with the bill to the Committee on Pensions.

CHARLES E. JONES—VETO MESSAGE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return herewith without my approval Senate bill No. 249, entitled "An act granting a pension to Charles E. Jones."

The beneficiary named in this bill was a photographer, who accompanied one of the regiments of the Union Army in the war of the rebellion. He was injured, apparently not very seriously, while taking photographs and when no battle was in actual progress. He was not enlisted and was in no manner in the military service of the United States.

Aside from the question as to whether his present sad condition is attributable to the injury mentioned, it seems to me the extension of pension relief to such cases would open the door to legislation hard to justify and impossible to restrain from abuse.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 21, 1896.*

The VICE-PRESIDENT. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. GALLINGER. Mr. President, during my service in the Senate as a member of the Committee on Pensions, and more recently as chairman of that committee, I have never submitted a case to the Senate without giving the reasons, in the form of a somewhat lengthy written report, why the bill should be enacted into law. It was my privilege to make a report both in the Fifty-third and Fifty-fourth Congresses on the bill to pension Charles E. Jones. I hold that written report in my hand, and that the facts in the case may accompany the declaration to the country that this bill has been vetoed by the President of the United States, I desire to read the report before moving to refer the bill and message to the Committee on Pensions for its further consideration. The report states:

This bill passed the Senate during the Fifty-third Congress.

Claimant was not an enlisted man—

And here I want to say that there are numerous precedents for pensioning by special act persons who were not enlisted, but who performed in emergencies actual military service or who were wounded during the performance of service for the Government—

Claimant was not an enlisted man, and hence not pensionable under the general law. He was employed as a photographer, and in that capacity rendered valuable service to the Union cause. Not only did he faithfully perform his duties as a photographer, but the evidence clearly shows that he performed actual military service, and that while thus engaged he received a gunshot wound which has resulted in almost total blindness.

There seems to be no question as to the incurrence of the disability, the affidavit of Capt. R. B. Ward, herewith appended, being conclusive on that point. Many other affidavits are on file which tend to confirm Captain Ward's statement. Had claimant been an enlisted man, there can be no reasonable doubt of his right to pension, and having performed actual military service, and being wounded while thus engaged, the duty of Congress to come to his relief is clear and imperative.

Your committee recommend the passage of the bill.

AFFIDAVIT OF CAPT. R. B. WARD.

STATE OF MISSOURI, *County of Jackson, ss:*

In the matter of Charles E. Jones, claimant.

On this 5th day of September, A. D. 1890, personally appeared before me, a notary public in and for said county, duly authorized to administer oaths, Robert B. Ward, aged 61 years, a resident of Kansas City, in the county of Jackson and State of Missouri, whose post-office address is Kansas City, Mo., well known to me to be reputable and entitled to credit, and who, being duly sworn, declared in relation to aforesaid case as follows:

"I have known above claimant, Charles E. Jones, since the spring of 1863, when he came to and joined the Eleventh Pennsylvania Cavalry as photographer, I being captain of Company D of said regiment. Said claimant was not an enlisted man, but I know of him being in several engagements under military orders, and in April, 1863, I know of my personal knowledge that the said Charles E. Jones was ordered to take photographic view of Longstreet's fortifications at the siege of Suffolk, in the State of Virginia, and while performing his duty, acting under orders of Gen. John Peck, commanding officer, said claimant, Charles E. Jones, received gunshot wound from Longstreet's sharpshooters in the small of back, across the spine, which affected his eyesight and caused blindness of both eyes to such an extent that said claimant has to be accompanied with a guide at all times to walk around, rendering him as good as totally blind.

"R. B. WARD."

Subscribed and sworn to before me this 5th day of September, 1890.

[SEAL.] ROBERT S. RODGERS,
Notary Public.

AFFIDAVIT OF W. D. HOOVER, M. D.

STATE OF KANSAS, *County of Miami, ss:*

In the matter of appeal for pension through special act of Congress by Charles E. Jones, regimental photographer, Eleventh Regiment Pennsylvania Cavalry Volunteers.

On this 29th day of October, A. D. 1894, personally appeared before me, a notary public in and for the said county, duly authorized to administer oaths, W. D. Hoover, aged 60 years, a resident of Paola City, in the county of Miami and State of Kansas, well known to me to be reputable and entitled to credit, and who, being duly affirmed, declares in relation to aforesaid case as follows: "That I have been acquainted with the said Charles E. Jones since 1867, when he first came to Paola, Kans., and that his eyes were diseased then, and that they continued to grow worse until he became totally blind, or nearly so. He can just barely grope his way with the use of his cane. He received a gunshot wound across the small of his back while in the line of duty in the Army during the late war. The ball passed across the back just over the second lumbar vertebræ, and has left a scar over one-half an inch across and more than an inch in length. It is a wonder it did not cause paraplegia—

That is, paralysis.

"His eyes became affected before he recovered from the wound in the back, and I am of the opinion, taking the prostrated condition of his system, especially the nervous system, into consideration, if the wound in the back was not a primary cause of the disease of the eye it certainly was a secondary cause. Said Jones has been a good citizen during his residence here.

"The above is from my personal observation of the case, and was written by myself."

His post-office address is Paola, Kans.; and further declares that he has no interest in said case, and is not concerned in its prosecution.

W. D. HOOVER, M. D.

STATE OF KANSAS, *County of Miami, ss:*

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read said affidavit to said affiant, including the words erased and the words added, and acquainted him with its contents before he executed the same. I further certify that I am in nowise interested in said case, nor am I concerned in the prosecution; and that said affiant is personally known to me, and that he is a credible person.

[L. S.] WARD J. CARPENTER,
Notary Public.

(My term expires March 27, 1895.)

Now, Mr. President, just a word. Here is the case of a man who, while in the service of the Government, not enlisted, it is true, performed military service in emergencies and received a very severe gunshot wound of the spine, which has resulted in total if not complete blindness.

Mr. HILL. Will the Senator please state what military service he was performing? It is a pretty general statement, that he performed military service. What service?

Mr. GALLINGER. At the time when he received the wound he was taking photographic views of Longstreet's fortifications for the use of the officers of our Army.

Mr. HILL. It does not so appear in the report.

Mr. GALLINGER. I beg pardon.

Mr. HILL. There is nothing which the Senator has read which shows that.

Mr. GALLINGER. It is shown by Captain Ward's affidavit, which, perhaps, the Senator did not hear me read. He was captain of a company in the regiment.

Mr. HILL. It states that he was performing military service, but I do not think it states what it was.

Mr. GALLINGER. That was it. I was about to say (and it is all I care to say on the subject this morning) that here is a case where a man received a wound while performing at least semi-military service which has resulted in total blindness. The President of the United States, who it appears to me could not have read these affidavits, has sent to the Senate a veto message, in which he says this man received a trivial wound which does not seem to be of much consequence. I am not going to be discourteous about this matter and suggest what is in my mind, that the message must have been written without an accurate knowledge of all the facts in this case——

Mr. MILLS. Under whose employment did he go into service? The Senator says he went in under employment. Was he employed by some private company or by the Government?

Mr. GALLINGER. By the Government, I understand.

Mr. MILLS. Under an officer?

Mr. GALLINGER. Unquestionably so. There is no doubt about it. This man is to-day, as I said—and perhaps I repeat myself—totally blind from the wound which he received, and yet the veto message tells us that he received a very trivial wound, which it is not worth our time seriously to consider.

I simply make this statement that it may go out to the country with the veto message, which will undoubtedly be spread broadcast throughout the land and be used by certain great newspapers of the country as an argument to show the carelessness and recklessness which the Congress of the United States exercises in the matter of pension legislation.

I move the reference of the message and bill to the Committee on Pensions.

Mr. PALMER. Mr. President, the disapproval by the President of this bill and the reasons for his disapproval are worthy of very attentive consideration.

I beg to say that since my connection with this body I have

been continually at all times a member of the Committee on Pensions, and that committee has encountered some embarrassment when applications have been made for pensions by persons who were not enlisted in the military service of the United States. It did happen during the war that persons who were not enlisted men placed themselves at the service of the Government pro tempore—men who did not like to enlist for a great term, but who actually obeyed orders and performed military duties. We have been embarrassed steadily and constantly by cases of that class.

I have held and I shall hold that where a citizen voluntarily united himself with the military forces of the United States and submitted to the orders of the commanders of the forces for the time being he was de facto in the military service of the United States, and if in the course of meritorious and proper service he was wounded his moral claim to a pension is equal to that of any other person. All that can be said of an enlisted man, as the foundation of a claim for a pension, is that he incurred disabilities while in the service of the United States, having been enlisted in that service. In the hypothetical case which is in my mind now the party deserves a pension unless, indeed, his failure to enlist should defeat his right to a pension. But in the instance now before us, as I understand it, this photographer was with the Army. I think that he performed other military service, but on this particular occasion he was executing the orders of some authority he recognized; he was taking views of the enemy's fortifications and position.

Mr. KYLE. Will the Senator allow me to ask him just there under whose pay he was?

Mr. PALMER. I think probably under no one's pay. That is a question, however, that will be answered by the committee in their report.

Mr. KYLE. I should like to know the fact on that point.

Mr. PALMER. As I said, that will be answered in the formal report that will be now made by the Committee on Pensions.

I am not at all surprised that the President should have disapproved this measure. It has caused us trouble; but we shall maintain, and we hope to get the concurrence of the Senate in maintaining, that a citizen in such a case should be given relief. I have a case in my mind now in the State of Missouri. There was a raid across the river into Iowa. The citizens were called out, a quasi military organization was assumed, there was a fight, and a citizen who simply came out to defend his home was seriously wounded. I shall maintain as long as I have a seat on this floor, and after I quit it, that in such a case the party was de facto a soldier, and that he is entitled to a pension for a service patriotically and gallantly performed.

I concur with the Senator from New Hampshire in the reference of the bill and message to the Committee on Pensions, and I trust that the committee will make such a report as will satisfy the Senate, and such a report as will show that the Committee on Pensions have not acted hastily and carelessly about this matter.

Mr. HILL. I will ask the Senator from New Hampshire whether the printed report usually accompanies the bill to the Executive Mansion?

Mr. GALLINGER. It does, I understand.

Mr. HILL. What does the Senator understand by this language in the affidavit:

> When he came to and joined the Eleventh Pennsylvania Cavalry as photographer.

Does that have any particular significance? Was it just as a photographer for himself, taking views in his own behalf, and not supported by the Government? There was no such official as photographer, was there?

Mr. GALLINGER. I want to be entirely frank about this matter.

Mr. HILL. I ask for information.

Mr. GALLINGER. If the Senator will permit me, I have made a motion to refer the matter to the committee for further investigation. My own judgment was when I wrote the report, and I have examined it in two Congresses, that this man had employment by the Government. I think that will be found to be correct. I know of no reason why the Government might not employ a photographer as well as a teamster or a baggage master or any other servant who would perform certain work for the Government. I am not myself a military man, but it seems to me it would be a very wise military act for the Government to have just that kind of an officer, a man who could take photographic views of fortifications and the position of the enemy. I may be wrong about it, but my mind when I wrote the report was fixed upon the fact, as I conceived it to be a fact, that this man was employed by the Government to perform this service, but of course he was not an enlisted man. If it proves to be otherwise, I confess it places the matter upon a different plane from what I supposed it occupied.

Mr. HILL. I trust the matter will receive careful investigation.

Mr. GALLINGER. We will give it very careful attention, of course. The fact that the man received a wound while thus employed is unquestioned, and the fact that it was a very severe wound is undoubted.

Mr. HILL. But I can not see how the gentleman could have got near enough to the fortifications to have taken any very accurate view of them. I can not quite understand that point.

Mr. GALLINGER. The captain of the company simply swears that Mr. Jones was there for that purpose, and that while there he was wounded. That is all I know of it.

Mr. HILL. There is a peculiar wording of the affidavit. It is very carefully and peculiarly worded.

The VICE-PRESIDENT. The question is on the motion of the Senator from New Hampshire, that the message and bill be referred to the Committee on Pensions and printed.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the New York Annual Conference of the Methodist Episcopal Church of New York City, N. Y., praying that the Senate uphold the action of the House of Representatives in refusing to grant further appropriation to certain sectarian schools, which for years have been supported at an average annual expense to the Treasury of the United States of $250,000; which was ordered to lie on the table.

He also presented a petition of the New York Board of Trade and Transportation, praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the philanthropic committee of the Baltimore (Md.) Yearly Meeting of Friends, praying for the appointment of an impartial national commission of inquiry to investigate and report upon the alcoholic liquor traffic, its relations to crime, pauperism, taxation, and the general public welfare; which was referred to the Committee on Education and Labor.

He also presented a memorial of the American Antisemitic Association of Brooklyn, N. Y., remonstrating against the passage of the so-called McCall educational-test bill and praying for the passage of the so-called Stone consular-certificate bill; which was referred to the Committee on Foreign Relations.

He also presented sundry petitions of the First Presbyterian Church of Wahoo, Nebr., praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. SMITH presented a petition, in the form of resolutions adopted by the Presbytery of Morris and Orange, N. J., praying that American citizens resident in the Turkish Empire be given protection by the treaties between this country and Turkey; which was referred to the Committee on Foreign Relations.

Mr. BLACKBURN presented sundry petitions of citizens of Kentucky, praying for the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration.

Mr. GALLINGER. I present a petition of committees of the Medical Society of the District of Columbia and of the Washington Homeopathic Society of the District of Columbia, setting forth certain reasons why House bill No. 5731, which is a bill to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia, should become a law. I move that the petition lie on the table, and that it be printed as a document.

The motion was agreed to.

Mr. DAVIS presented a petition of the Board of Trade of Minneapolis, Minn., praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

Mr. LODGE. I present a petition of the order of the Knights of Labor, No. 1562, of Brooklyn, N. Y., and at their request I will state the substance of the petition. It is that "notwithstanding the prevailing stagnation of trade and industry, and the enforced idleness of the working people, foreign immigrants still flock to our shores in great numbers." The petitioners state that this is inflicting "great hardship and misery upon our own working people, by lowering the wages of some and depriving others of employment altogether"; and they ask the enactment of a tariff or head tax upon each immigrant; that no immigrant shall be admitted who does not possess, "if a single man, the sum of $200; if a single woman, the sum of $50, or if the head of a family, the sum of $300"; and they also ask "the enactment of additional legislation to exclude nonresident Canadian workmen, and all immigrants who do not intend to become citizens of the United States." The petitioners ask for a further amendment to the contract-labor law so that none but American citizens shall be employed on any public works.

The VICE-PRESIDENT. The petition will be referred to the Committee on Immigration.

Mr. LODGE presented a memorial of Charles W. Eliot, president of Harvard University, and 116 other citizens of Cambridge, Mass., remonstrating against the adoption of the so-called Pasco amendment to the Post-Office appropriation bill, or any other action tending to separate the Cambridge station from the Boston (Mass.) post-office; which was referred to the Committee on Appropriations.

He also presented the petition of Franklin P. Shumway, of Melrose, Mass., praying for the enactment of legislation to provide 1-cent letter postage per half ounce, and also to amend the postal laws relating to second-class and free mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS presented a petition of the Presbyterian Church of Ishpeming, Mich., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SHERMAN presented a memorial of 25 citizens of Ravenna, Ohio, remonstrating against the introduction of military training in the public schools of the country; which was referred to the Committee on Military Affairs.

He also presented a petition of the United Presbyterian Church of Knoxville, Ohio, praying for the enactment of legislation to prohibit gambling; which was referred to the Committee on Finance.

He also presented a petition of the United Presbyterian Church of Knoxville, Ohio, praying for the repeal of the ninety-day divorce law in the Territories; which was referred to the Committee on Territories.

He also presented a petition of the United Presbyterian Church of Knoxville, Ohio, praying for the enactment of legislation to raise the age of consent to 18 years in the Territories and in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the United Presbyterian Church of Knoxville, Ohio, praying for the passage of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the United Presbyterian Church of Knoxville, Ohio, praying for the appointment of a nonpartisan commission to investigate the labor problem; which was referred to the Committee on Education and Labor.

He also presented a petition of the United Presbyterian Church of Knoxville, Ohio, praying for the enactment of legislation to substitute voluntary industrial arbitration for railway strikes; which was referred to the Committee on Education and Labor.

Mr. COCKRELL presented a memorial of Benjamin Franklin Council, No. 6, Junior Order United American Mechanics, of St. Louis, Mo., remonstrating against the appropriation of money for sectarian purposes, and indorsing the provision made by the House of Representatives on the subject; which was ordered to lie on the table.

Mr. DANIEL presented a petition of A. P. Hill Camp of Confederate Veterans, of Petersburg, Va., praying for the enactment of legislation establishing a national park on the battlefields around Petersburg, Va.; which was referred to the Committee on Military Affairs.

He also presented a memorial of Clinton Hatcher Camp of Confederate Veterans, of Leesburg, Va., remonstrating against the discontinuance of the publication of War Records; which was referred to the Committee on Appropriations.

He also presented a petition in the form of resolutions adopted by the Chamber of Commerce of Richmond, Va., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. HILL presented a memorial of the Woman's Christian Temperance Union of New York and a memorial of the Woman's Christian Temperance Union of Cortland, N. Y., remonstrating against the introduction of military training in the public schools of the country; which were referred to the Committee on Military Affairs.

He also presented a petition of the Easton and Saratoga (N. Y.) Quarterly Meeting of the Religious Society of Friends, praying for the appointment of a national commission of inquiry to investigate and report upon the alcoholic liquor traffic, its relation to crime, pauperism, taxation, and the general public welfare; which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Albany, N. Y., remonstrating against placing the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

Mr. TURPIE (for Mr. VOORHEES) presented a petition of the Journeymen Stonecutters' Association, of Fort Wayne, Ind., praying for the passage of Senate bill No. 1848, to prohibit the purchase and use by the Government of the United States of prison-made wares, and for other purposes; and also for the passage of the so-called Loud bill, regulating second-class mail matter; which was referred to the Committee on Education and Labor.

Mr. FAULKNER presented the petition of E. E. Stratton and 63 other postal clerks on runs centering at Grafton, W. Va., praying for the passage of Senate bill No. 2741, reorganizing the railway postal service; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN presented the petition of John B. Howarth, Ward L. Andrews, Edwin E. Armstrong, Frederick E. Stoepel, J. A. Whiting, R. S. Mason, H. B. Gillespie, and George C. Wetherbee, representing the Merchants and Manufacturers' Exchange of Detroit, Mich., praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

Mr. CARTER presented a memorial of 65 citizens of Corvallis, Mont., remonstrating against placing the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

Mr. HANSBROUGH presented a petition of the Woman's Christian Temperance Union of Lucca, N. Dak., praying for the enactment of legislation prohibiting United States commissioners of internal revenue from granting licenses to sell intoxicants in States where it is forbidden by law; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Rolette County, N. Dak., praying that the treaty made between the Turtle Mountain band of Indians and the United States be ratified, and that the claims of these Indians to certain land be recognized and disposed of as provided by that treaty; which was referred to the Committee on Indian Affairs, and ordered to be printed as a document.

IMPRISONMENT OF REV. A. J. DIAZ AND A. V. DIAZ.

Mr. BATE. I present seven petitions from seven Baptist churches of Nashville, Tenn., in regard to the imprisonment of Rev. A. J. Diaz, a missionary at Habana, Cuba. I beg to read the heading of one of the petitions. It is short, but the petitioners express very fully their desire:

> The First Baptist Church of Nashville, Tenn., assembled at its usual place of worship, having heard that our brother, Rev. A. J. Diaz, missionary to Cuba under appointment of the Southern Baptist Convention, has been imprisoned by the Spanish authorities in Habana, Cuba, earnestly request the Senators and Representatives in Congress from the State of Tennessee to use their utmost endeavors to secure his speedy liberation.
>
> Knowing the Rev. A. J. Diaz as we do, and having the highest confidence in his Christian integrity, without knowing the specific charges against him, we are bold to say that we will not accept as true any statement of his guilt until it is established by the most incontrovertible evidence.
>
> We specially urge this request, believing, as we do, that his imprisonment is fraught with hourly danger to his life.
>
> Done at Nashville this 19th day of April, 1896, by unanimous vote of the church.
>
> J. M. FROST, *Moderator.*
> A. LARCOMBE, *Church Clerk.*
> J. L. WECHLEY,
> J. M. FROST,
> P. M. ESTES,
> C. F. CHEEK,
> H. L. PURINTON,
> *Committee.*

There are seven petitions; this is one of the seven; they are counterparts of each other, and I have taken the liberty of reading the language of one of them as showing the purport of the entire number which I present. I move their reference to the Committee on Foreign Relations, with the permission to that committee of transferring them to the State Department.

The VICE-PRESIDENT. The petitions will be referred to the Committee on Foreign Relations.

Mr. CALL. I present a petition of the First Baptist Church of Tampa, Fla., in which the petitioners state that they hear with regret of the arrest and imprisonment of their brother, Rev. Alberta J. Diaz, an American citizen, by the Spanish authorities at Habana, Cuba, and they respectfully ask the Congress of the United States to use their influence with the Government authorities to investigate at once the cause of his arrest and imprisonment, if any, and to use every means to have him set at liberty. I move the reference of the petition to the Committee on Foreign Relations.

The motion was agreed to.

Mr. PUGH presented a petition of the Jasper Baptist Church of Jasper, Ala., praying for the release of Rev. A. J. Diaz, a missionary in Cuba; which was referred to the Committee on Foreign Relations.

Mr. GEORGE. Mr. President, I desire to make a statement. I have received several petitions similar to those presented by the Senator from Tennessee [Mr. BATE], and I have sent them to the State Department.

Mr. ALLEN presented a petition of the Home Mission Board of the Southern Baptist Convention of Atlanta, Ga., praying for the release of Rev. A. J. Diaz, a missionary in Cuba; which was referred to the Committee on Foreign Relations.

Mr. DANIEL presented a petition in the form of resolutions adopted by members of the Baptist Church of Petersburg, Va., praying for the release of their missionary, Rev. A. J. Diaz, incarcerated in Cuba by Spanish authority; which was referred to the Committee on Foreign Relations.

Mr. BACON. I present a petition of sundry members of the Home Mission Board of the Southern Baptist Convention, relative to the arrest and imprisonment by the Spanish authorities in Cuba of Rev. A. J. Diaz and of A. V. Diaz, citizens of the United States. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. BACON. Upon the same subject I ask the Senate to permit a resolution to be offered calling for information from the Secretary of State relative to the matter concerning which all these petitions have been presented to the Senate.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read as follows:

Resolved, That the Secretary of State is hereby directed to communicate to the Senate the information which he has, if any, relative to the arrest and imprisonment by the Spanish authorities in Cuba of Rev. A. J. Diaz, a citizen of the United States of America, and the superintendent of the mission work in Cuba of the Home Mission Board of the Southern Baptist Convention. Also, what steps, if any, have been taken or directed for the purpose of securing for him a fair and impartial trial upon any charges which may have been preferred against him. Also, such further information as may be in the possession of the State Department relative to said arrest and imprisonment, the communication of which is compatible with the public interest.

Resolved further, That the Secretary of State is directed to communicate to the Senate like information relative to the arrest and imprisonment of A. V. Diaz, a citizen of the United States, by the Spanish authorities in Cuba.

Mr. BACON. I only desire that such direction shall be given to the resolution as may be in entire harmony with the views of the Committee on Foreign Relations, and therefore I will either ask for its present consideration or that it may be referred to that committee, as they may deem best.

Mr. SHERMAN. I think the resolution is a proper one in the form it is in and that it ought to be passed. If it is addressed to the President of the United States it is left as a matter of course to his discretion, but I think there could be no objection at all to communicating any information in regard to the arrest in a foreign country of an American citizen upon an alleged crime. Therefore I think it is in proper form and should be passed.

Mr. BACON. If it is consistent with the views of the chairman of the Committee on Foreign Relations I will then ask that the Senate give the resolution present consideration.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

REPORTS OF COMMITTEES.

Mr. GEAR. I am directed by the Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of "filled cheese," to report it back with the accompanying evidence, and request that the committee be discharged from its further consideration, and that it be referred to the Committee on Finance, it being a bill proposing to impose a tax.

The report was agreed to.

Mr. DAVIS, from the Committee on Foreign Relations, to whom was referred the bill (S. 2268) for the relief of the legal representatives of Edwin De Leon, deceased, late consul-general of the United States in Egypt, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2269) for the relief of the legal representatives of Edwin De Leon, deceased, on account of judicial services performed by him while serving as consul-general in Egypt, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. MITCHELL of Oregon, from the Committee on Claims, to whom was referred the bill (S. 2526) for the relief of Twyman O. Abbott, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2517) to refer to the Court of Claims the war claims of the State of New Hampshire, reported it without amendment, and submitted a report thereon.

Mr. BURROWS, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 653) for the relief of C. W. Michaels, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. CHANDLER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1860) for the relief of John M. Guyton, late postmaster at Blacksburg, S. C., reported it without amendment, and submitted a report thereon.

REGULATIONS CONCERNING REGATTAS.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (S. 2642) to provide for the safety of passengers on excursion steamers, to report it favorably with amendments.

Mr. HILL. I ask for the present consideration of the bill just reported from the Committee on Commerce. The object of the bill is a very plain one. It is requested by those who have charge of regattas in the harbor of New York and on the Hudson River.

Mr. MITCHELL of Oregon. Let the bill be read for information.

The Secretary read the bill.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments of the Committee on Commerce were, in line 7, after the word "empowered," to insert "in his discretion"; after the word "detail," in the same line, to strike out "a sufficient number of"; in line 8, after the word "to," to strike out the words "properly carry out" and insert "enforce"; after the word "regulations," in the same line, to insert "as may be adopted"; and in line 10, after the word "regattas," to strike out "as may, in his judgment, be necessary"; so as to make the bill read:

Be it enacted, etc., That in order to provide for the safety of passengers on excursion steamers and oarsmen taking part in regattas, amateur or professional, that may hereafter be held on navigable waters, the Secretary of the Treasury be, and he is hereby, authorized and empowered, in his discretion, to detail revenue cutters to enforce such rules and regulations as may be adopted to insure the safety of passengers on said excursion steamers and the oarsmen taking part in such regattas.

The amendments were agreed to.

Mr. LODGE. I should like to ask the Senator from New York whether the bill is confined entirely to rowing regattas and simply oarsmen, or whether it is the intention to cover all sorts of regattas?

Mr. HILL. It is not necessarily confined to oarsmen. I think such regulations would be very appropriate at other regattas. The bill will probably cover them all, the point being that at the various regattas, where thousands and tens of thousands of people are assembled and all sorts of craft, there is no one to give authority to regulate the moving of the craft. There came very near a serious accident occurring at a regatta nearly a year ago that all recollect about. The people engaged in regattas, at the various colleges of the country and others interested in the subject, have requested the passage of the bill.

Mr. LODGE. I agree entirely with the Senator; I think the bill a most excellent one; only I thought it was confined simply to rowing regattas, and I think it should be made also to cover the cases of yacht races, where the crowds are much greater. That it shall be broad enough to cover all is what I desire.

Mr. HILL. I ask that the bill be read as amended. I think it is sufficient to cover all, although oarsmen were in view.

The PRESIDING OFFICER. The bill will be read as amended.

The Secretary read the bill as amended.

Mr. HILL. I think it is sufficient to cover all.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SURGEON P. M. RIXEY.

Mr. LODGE. I am directed by the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 133) authorizing Surgeon P. M. Rixey, of the Navy, to accept from the King of Spain the grand cross of naval merit with the white distinction mark, in recognition of services rendered to the officer and sailors of the *Santa Maria* who were injured by an explosion on that ship, to report it without amendment, and I will ask unanimous consent to put it on its passage. It is a formal matter, which the Senate has always agreed to.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INVESTIGATIONS IN ALASKA.

Mr. SHERMAN, from the Committee on Foreign Relations, reported the following resolution; which was read:

Resolved, That a committee of five Senators, to be designated by the President of the Senate, is hereby instructed to proceed to Alaska after the adjournment of Congress, and there inquire into and report to the Senate:

First. The condition of the fishery industry on the coast and waters of Alaska, and such measures as will protect such industry from waste and destruction.

Second. The present condition of the fur-seal fisheries, and such regulations as may be adopted, consistent with the treaty with Great Britain, to preserve the life of female seals on the islands and adjacent waters of Alaska.

Third. Such measures as may be deemed expedient to promote the progress and development of the people of Alaska in population, industry, education, and good order, and especially the mineral resources of Alaska.

Fourth. And the committee shall ascertain and report the progress made in defining the boundaries between Alaska and the British Possessions.

Resolved further, That the Secretary of the Treasury is requested to furnish the committee, when it arrives at Sitka, with a suitable vessel to convey its members to such points on the coast of Alaska as they may deem necessary for this investigation. And the committee may appoint a clerk now in the employ of the Senate to attend said committee; and the necessary expenses incurred in complying with these resolutions shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The PRESIDING OFFICER. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. SHERMAN. Yes; the law requires that reference.

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 2913) granting a pension to Nettie A. Cheeks; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2914) granting a pension to Sallie B. Carter; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2915) for the relief of W. A. Bohannon, of Smithfield, Ky.; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURROWS introduced a bill (S. 2916) granting an increase of pension to Mary Sprague; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 2917) granting a pension to Mary Hitt Walker; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2918) to remove the charge of desertion from Richard H. Lee; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. McMILLAN introduced a bill (S. 2919) authorizing the Secretary of the Interior to convey a certain lot in the District of Columbia to Charles G. Stott; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. TELLER introduced a bill (S. 2920) for the relief of Harry A. E. Pickard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 2921) for the relief of Thomas Rosbrugh; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Lands.

He also introduced a bill (S. 2922) granting a pension to Mrs. Mary L. Daniels; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. JONES of Arkansas introduced a bill (S. 2923) for the better improvement of the Government reservation at the city of Fort Smith, in the State of Arkansas, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MANTLE introduced a bill (S. 2924) providing for disposal of lands on abandoned portions of the Fort Maginnis Military Reservation, in Montana, and for the relief of certain settlers thereon; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. WARREN introduced a bill (S. 2925) authorizing payment to the State of Wyoming of all moneys received by the United States from the sale of mineral lands in Wyoming; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PLATT (by request) introduced a bill (S. 2926) to amend the acts relating to the United States court in the Indian Territory, and for other purpose; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BUTLER introduced a joint resolution (S. R. 136) providing for the purchase of the site of the battle of Moores Creek Bridge, North Carolina, and for the improvement, preservation, and beautifying of said grounds, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HOAR submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. BURROWS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Library, and ordered to be printed.

Mr. SEWELL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL of Oregon submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. COCKRELL, it was

Ordered, That Jacob D. Jones be permitted to withdraw from the files of the Senate the papers relating to the bill for his relief in the Forty-sixth Congress, upon leaving copies of said papers in the office of the Secretary, in accordance with the rules of the Senate.

ENLISTMENT OF MARINES AND "BLUE JACKETS."

Mr. KYLE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be directed to furnish the Senate the following information:

First. The number and nativity of marines and "blue jackets," respectively, enlisted in the naval service of the United States.

Second. The number of "blue jackets" enlisted under the class of "landsmen."

STATEMENT OF GOVERNMENT OBLIGATIONS.

Mr. COCKRELL. I submit a resolution, which I send to the desk, and after it shall have been read I desire to make a brief statement regarding it.

The resolution was read, as follows:

Resolved, That there be printed for the use of the Senate 15,000 copies of Senate Document No. 154, of the Fifty-fourth Congress, first session, being a statement of the Secretary of the Treasury containing a copy of each obligation of the Government since March 4, 1789.

Mr. COCKRELL. Mr. President, I have an estimate here from the chief clerk of the Public Printing Office, stating that 22,000 copies of Senate Document No. 154, Fifty-fourth Congress, first session, can be printed for $450. The cost of printing the 15,000 copies called for by the resolution will be much less than that, and will come within the rule giving the Senate the right to order its publication.

The resolution was considered by unanimous consent, and agreed to.

UNION PACIFIC RAILWAY LANDS.

The PRESIDING OFFICER. If there be no further routine business, the Chair lays before the Senate a resolution coming over from a former day, which will be stated.

The SECRETARY. A resolution by Mr. WARREN, directing the Secretary of the Interior to rescind his order to the Commissioner of the General Land Office suspending work upon the Union Pacific Railroad land list now on file, embracing lands along the main line in western Nebraska.

Mr. WARREN. I ask that the resolution may lie over until to-morrow morning without losing its place, when I hope to have it disposed of.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and it is so ordered.

PENSIONS TO SURVIVORS OF INDIAN WARS.

Mr. MITCHELL of Oregon. Mr. President, in pursuance of the notice I gave on Monday last, I now ask unanimous consent that Senate bill 2281 be taken up for the purpose of enabling me to submit some remarks, at the conclusion of which I shall ask that the bill be placed upon its passage. If, however, it should lead to debate, I will not insist upon it at this time to interfere with the pending appropriation bill.

The PRESIDING OFFICER. The Senator from Oregon asks unanimous consent for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (S. 2281) to amend an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MITCHELL of Oregon. I ask that the bill be read in full, as it is brief.

The Secretary read the bill, as follows:

Be it enacted, etc., That the act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892, be, and the same is hereby, amended and extended so as to include the names of the surviving officers and enlisted men who served

for thirty days or more and were honorably discharged under the United States military, Territorial, or provisional authorities in the Florida and Georgia Seminole Indian war of 1817 and 1818; the Fevre River Indian war of Illinois of 1827, the Sabine Indian disturbances of 1836 and 1837; the Cayuse Indian war of 1847 and 1848 on the Pacific Coast; the Texas and New Mexico Indian war of 1849 to 1855; the California Indian disturbances of 1851 and 1852; the Utah Indian disturbances of 1850 to 1853; and the Oregon and Washington Territory Indian wars from 1851 to 1856, inclusive, and also to include the surviving widows of such officers and enlisted men: *Provided*, That such widows have not remarried: *And provided further*, That where there is no record of enlisted or muster into service in any of the wars mentioned in this act, or the original act of which it is a supplement, the record of pay by the United States shall be acceptable as evidence of said service.

Mr. MITCHELL of Oregon. Mr. President, since I first took my seat in the Senate, now more than twenty-three years ago, I have, I think, never permitted a session to pass that I have not exerted myself to the extent of my power to obtain some just recognition from Congress of the services of that most worthy among all worthy classes, the Indian war veterans of the far West.

That such recognition should have been so long delayed can not be otherwise characterized than as a reflection upon the justice of this Government; to indulge in longer delay would be little less than a flagrant national crime.

While during all these years I have been struggling, in connection with my colleagues, to obtain some fitting response to their reasonable and just appeals, I have seen these old veterans, these—

Aged men of cares,
Weary and worn, and white with hoary hairs—

drop, one after another, into their graves, until now there are but few remaining. No atonement for its neglect can be made by this Government to those who have departed. The opportunity, however, is now presented to do an act of tardy justice, although in a measure entirely too limited and far from commensurate with their deserts, to those who survive.

The pending bill, introduced by me early in the session, has been reported favorably by the distinguished chairman of the Committee on Pensions [Mr. GALLINGER], and the report, I believe, is unanimous. A similar bill has also, I am pleased to know, been reported favorably from the House Committee on Pensions. I therefore implore the Senate to permit this bill to be placed on its passage without further delay.

I fear we are too prone to forget the magnitude of the debt this Government and the people of this country and American civilization itself are under to the brave and hardy pioneers of the far West. They are the men and women who, through unparalleled dangers and sore trials in the past, by perilous and innumerable hardships without limit, laid the foundations of an empire of political, social, and commercial power amid the then impenetrable forests of that region. They braved not only the dangers, trials, and bereavements incident to the penetration and reclamation of a vast wilderness, but also the hostilities of savage men who disputed with them at every step the occupation, settlement, and sovereignty of that country. They, with their wives and children, were forced not only to risk the constant danger of the tomahawk and the scalping knife in the hands of the lurking individual savage, but were compelled also at divers times to meet in open warfare organized hostile Indian tribes.

The record of the Indian wars in Oregon and Washington from 1847 to 1856, inclusive, is one written in blood. The sacrifices and sufferings, the privations, the trials, the bereavements in which the pioneers of that country were involved by these bloody wars can never be adequately comprehended by those who were not participants in their innumerable and progressive tragedies. War is a terrible thing in any country, at any time, under any conditions, whether between civilized or savage tribes, whether in the open fields of civilization or amid the solitudes of the wilderness; but under no condition is its horrid front so appalling or its privations and desolations so absolutely unrelieved by any circumstance of amelioration as when pioneers engaged in carving out settlements amid the primitive forest and in establishing homes in a new country are compelled to contest the right to their possessions against bands of vengeful savages.

This was the kind of war these brave vanguards of civilization were compelled to and did encounter on the shores of the Pacific. At every call of their Territorial governor they promptly responded, furnishing their own horses, their own arms, and their own subsistence, leaving their wives and children unprotected. Many of them surrendered their lives in the unequal contest; many others were wounded and maimed for life; many of them witnessed their families stricken down by the tomahawk and the scalping knife, their houses burned, and their goods pillaged; and now every one of these survivors, with scarcely a single exception, is an old man or woman and unfortunately, also, in most instances in indigent and dependent circumstances. Are not these surviving patriots, this remnant of as brave a body of men and women as ever trod the face of God's green earth, as much entitled to pensions as are those other worthy survivors of a terrible war fought out with civilized armies according to the code of civilized and not of savage warfare in the open fields of civilization? To all these this Government, this country, human progress, liberty, civilization, owe a debt of gratitude which never has been and never can be fully paid. But surely no one who reads and understands the history of each class, no one who has within him a human heart capable of comprehending human sufferings, privations, and sorrow in all their most acute and agonizing forms, will ever insist that the claims of the Indian war veterans, in whose interest I now especially speak, are in any respect less worthy of consideration, less entitled to recognition from the Government than are those who fought for the preservation of the Union upon many battlefields in the late war of the rebellion.

The names and the memories of the brave pioneer men and women who laid the foundations of empire in the wilds of Oregon deserve to be forever perpetuated, not only in their country's history but in the reverential hearts and minds of the people of the present and all future generations.

The occupation and settlement of the far West present a history without a parallel in the occupation and settlement of any other country since the beginning of time. As I have had occasion heretofore to say, there is something strangely dramatic, as also sublimely pathetic, in the strange scene of hundreds of men with their wives and little ones bidding farewell to friends, to home, to civilization, and starting on a journey with ox teams a distance of 3,000 miles across a trackless waste and over rugged, unexplored mountains, the way obstructed by numberless bridgeless rivers, yawning desolate canyons, and parched, repellant deserts, with a view of establishing new homes amid all the perils incident to a wilderness inhabited only by savage men and beasts.

Many of these brave men and women never lived to reach their destination, but fell by the wayside, like Hervey's ships, "that sailed for sunny isles, but never came to shore." But leaving the lonely grave of the loved one in the desert, the body soon to be devoured by the hungry wolf of the plain, the brave column of survivors, sustained by Wordsworth's "amaranthine flower of faith," and, in the language of Milton, "finding new hope springing out of despair," moved on and on, and, although, in the words of Southey, "no station is in view nor palm grove islanded amid the waste," they still press on and on, over burning deserts and trackless mountain steeps, until at last they rest in the cooling shades of "the continuous woods where rolls the Oregon."

But notwithstanding the innumerable hardships and seemingly insurmountable difficulties and trials with which these brave and resolute men and women had to contend in their weary pilgrimage, they were only to be eclipsed by the still greater hardships and trials which confronted them in their new-made homes in that distant wilderness. Their survivors and the widows of those whose unanswered appeals can no longer be heard make this last appeal to the American Congress for that just recognition so long denied them.

As factors in the civilization of America and of the age in which we live these brave pioneers are entitled to the fullest measure of recognition.

The pending bill is intended to include within the provisions of the pension laws a small class of Indian war veterans which should have been included, and which, it was generally believed, was included in the act approved July 27, 1892, of which this is amendatory. By a departmental decision, however, giving construction to that act, the veterans now designated by the pending bill were held not to come within its provisions or to be entitled to its benefits.

The pending bill includes the survivors and the widows of survivors of Indian war veterans of the following wars:

The Seminole war of 1817–18; the number of pensionable survivors and widows of this war was estimated nearly fifteen months ago to be 5 survivors and 120 widows. Those of the Fevre River or Winnebago disturbance of 1827; survivors were then estimated at 14, the widows at 107, total 121. The Sabine war of 1836–37; survivors then estimated at 221, widows 155, total 376. The Cayuse war in the then Oregon Territory of 1847–48; survivors then estimated at 144, widows at 82, total 226. The veterans of the Texas and New Mexico war of 1849–1855; survivors then estimated at 1,448, widows at 890, total 2,338. The California Indian war of 1851–52; survivors then estimated at 476, widows at 230, total 706. The Oregon and Washington Territory wars of 1851–1856, inclusive; survivors then estimated at 2,399, widows at 1,340; total, 3,739.

These several estimates were made by the Bureau of Pensions February 7, 1895, now nearly fifteen months ago, and it is believed the estimates then made were largely in excess, both as to number of survivors and widows, of the real number.

From various estimates furnished me by those thoroughly familiar with the Oregon and Washington Territory wars, and with the survivors, I am fully persuaded that the estimate as to the number of survivors and the number of widows of these several wars is at least more than treble the actual number. Taking the estimate, however, of the Commissioner of fifteen months ago,

and the whole number of pensioners who would be beneficiaries under this bill, making no allowance for intervening deaths, would be but 4,707 survivors and 2,924 widows, making a total of 7,631.

It will be remembered, further, that the average age of all these survivors, as also that of widows, is nearly if not quite three-score years and ten. The estimated age of the survivors of the Seminole war is 94; of the Fevre River or Winnebago disturbance, 88; of the Sabine war, 81; of the Cayuse war, 68; of the Texas and New Mexico wars, 65; of the California wars, 67; of the Oregon and Washington Territory wars, 65; all these being the estimates of fifteen months ago, every one of which as to numbers, I undertake to say, was far in excess of the actual number at that time, to make no mention of intervening deaths, which can not be few among a class of men whose average age is three-score years and ten.

In conclusion, I may say it has been the policy of the Government, as stated in the report of the committee, and the uniform course of legislation that service pensions should be granted at the expiration of forty years following the wars for which such pensions have been granted, and it is now more than forty years since all these wars came to an end.

It was the estimate of the Department fifteen months ago that the average pensionable period of those intended to be benefited by the present bill could not extend beyond about seven years from that time.

The language of the bill has the approval of the Department.

The present Congress can do no greater act of justice to any more worthy class than by promptly passing the pending bill.

I ask that there may be printed in the RECORD, and appended to my remarks, the report of the Committee on Pensions on the pending bill, submitted by the chairman of that committee.

The PRESIDING OFFICER. It will be so ordered, in the absence of objection.

The report submitted by Mr. GALLINGER March 24, 1896, is as follows:

The Committee on Pensions, to whom was referred the bill (S. 2281) to amend an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892, have carefully examined the same, and beg leave to report:

There is a remnant of the men who served in the early Indian wars in this country not yet on the pension roll. They are old and decrepit, and as a rule in circumstances of destitution. They are scattered all over the Western country, and while they recount their deeds of valor in the troublous times of the past, they naturally wonder that their names are not included in the list of those to whom the Government extends financial aid. It is safe to say that when the act of July 27, 1892, was passed the belief was entertained that its provisions would be extended to all the survivors of the early Indian wars, but in the administration of that law it has been found that certain classes (those named in this bill) had not been given a pensionable status. The following letter from the Commissioner of Pensions, addressed to Hon. C. L. MOSES, chairman of the Committee on Pensions, House of Representatives, Fifty-third Congress, fully explains the matter:

"DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
"*Washington, D. C., February 7, 1895.*

"SIR: In compliance with your request of the 18th ultimo, I have the honor to forward herewith an estimate of the probable number of persons who will be benefited by the passage of House bill 8457 and the approximate sum required to make payments thereunder.

"In submitting this estimate I would state that it is based upon the best obtainable data and prepared in the manner briefly stated in notes accompanying it. As a number of the organizations were not in the military service of the United States, but were State organizations, and for the service of which the States were subsequently reimbursed, their services are not pensionable under the act of July 27, 1892, as now construed. Then, others of the organizations which were allowed pay for thirty days, a part of which was for travel, would not come within the provisions of said act unless all of the service and travel was rendered and performed at the seat of the war or disturbance, or the travel performed was from place of rendezvous to seat of war or disturbance and return therefrom to place of rendezvous.

"The cost of pensions of survivors and widows, as estimated, would be for the first year $730,656, and, computed by the American Table of Mortality, the average pensionable period would be seven and two-thirds years; consequently it is believed that the sum of $5,601,696 would be required to satisfy all pensions under the bill in question.

"The difficulties encountered in preparing an estimate of this kind will be readily understood when the numerous factors that enter into it, and which can not be correctly disposed of, are taken into consideration.

"Very respectfully,
"WM. LOCHREN, *Commissioner.*

"Hon. C. L. MOSES,
"*Chairman Committee on Pensions, House of Representatives.*"

A tabular estimate was furnished by the Bureau of Pensions at the same time.

Statement showing the estimated number of persons to be benefited by passage of House bill 8457, and approximate sum required to make payments thereunder.

Wars.	Troops engaged.	Survivors now living, average age at enlistment.	Estimated age, 1895.		Number of pensionable survivors and soldiers' widows January, 1895.			Cost per year, at $8 per month.			Expectation of life, in years and fractions.
			Survivors.	Widows.	Survivors.	Widows.	Total.	Survivors.	Widows.	Total.	
Seminole, 1817–18	6,911	20	94	92	5	120	125	$480	$11,520	$12,000	Survivors. 0.64 Widows... .98
Fevre River or Winnebago disturbance, 1827	1,416	20	88	88	14	107	121	1,344	10,272	11,616	Survivors. 1.91 Widows... 1.91
Sabine, 1836–37	4,429	22	81	81	221	155	376	21,216	14,880	36,096	Survivors. 4.05 Widows... 4.05
Cayuse, 1847–48	682	22	68	65	144	82	226	12,576	7,200	19,776	Survivors. 9.47 Widows... 11.10
Texas and New Mexico, 1849–1855	6,465	22	65	60	1,448	890	2,338	139,008	85,440	224,448	Survivors. 11.10 Widows... 14.10
California, 1851–52	1,265	22	67	62	476	230	706	45,696	22,080	67,776	Survivors. 10 Widows... 12.86
Utah, 1850–1853											
Oregon and Washington Territory, 1851–1856	7,229	22	65	60	2,399	1,340	3,739	230,304	128,640	358,944	Survivors. 11.10 Widows... 14.10
Number of pensioners					4,707	2,924	7,631				
Cost of first year								450,624	280,032	730,656	
Cost of 7⅔ years										5,601,696	

It will be seen from the above that a careful estimate placed the cost of the proposed legislation at $730,656 the first year, and that the entire cost to the Government would be, taking the American Table of Mortality as a guide, $5,601,696. As the average pensionable period under the bill was computed to be seven and one-half years and over one year has already elapsed, it will readily be seen that the addition to the pension roll will not be very great and in about six years from the present time will have entirely ceased.

From an elaborate and interesting report made to the House of Representatives in the Fifty-third Congress, favoring the proposed legislation (which same recommendation is made by the House Committee on Pensions in this Congress) the following is taken:

"Your committee find that, on examination of the Department records, muster, and pay rolls of the Government, there still remain of the Seminole war of 1817-18 but 5 survivors and 120 widows. Of the "La Fevre" Indian war, which occurred sixty-eight years ago, there remain but 14 survivors and 107 widows. Of the Sabine war of 1836 there remain but 221 survivors and 155 widows. Of the Cayuse war of 1847-48 there are 144 survivors and 82 widows. Of the Texas and New Mexico Indian wars there still survive 1,448, with 890 widows. Of the California Indian wars there still survive 476, and 230 widows. Of the Indian wars of the Territories of Oregon and Washington, prior to 1856, there still survive 2,399, and 1,340 widows.

"In many regiments serving in these Indian wars an examination of the names shows a repetition, caused by the same person enlisting in different companies, and this, it is estimated, will still further reduce the number of beneficiaries at least 700, leaving the total survivors of the Indian wars at about 4,000.

"The last of these wars occurred forty years ago, and the estimated age of the survivors is fixed at 65 years, while the estimated age of the Seminole survivors is 94 years. Of the inestimable services of these pioneer men and soldiers we deem it unnecessary to refer. History recognizes the results they achieved. In the South and West they endured the greatest of privations, sacrifices, and sufferings. We owe to them largely, if not entirely, the acquisition of the vast empire of the Pacific Northwest.

"It having been the policy of the Government and the uniform course of legislation that service pensions should be granted at the expiration of forty years following the wars for which such pensions have been granted, it will be seen that this period has been now reached as to all the wars mentioned in the present bill, while as to some over seventy-seven years have elapsed since the war. Most of these old survivors are in needy circumstances, while all are in old age, and, as estimated by the Commissioner of Pensions, the average pensionable period can not extend beyond about seven years hence. Many of these aged men were omitted from the act pensioning survivors of Indian wars between 1832 and 1842, and for this reason the present bill is the more just, since it includes all the survivors of the recognized Indian wars prior to 1856.

"The language of the bill has the approval of the Interior Department.

"In the Seminole war, 1817-18, there were 1,000 regulars and 5,911 volunteers, and the estimate for this war is based upon the percentage of survivors of the war of 1812 and widows of soldiers of that war who were drawing pensions June 30, 1890, the period between the two wars being practically the same as that embraced between June 30, 1890, and this date.

"Five survivors and 120 widows are estimated to be now living.

"In the "La Fevre" or Winnebago disturbance, 1827, there were 900 regulars and 516 volunteers engaged. Of these troops there were probably 50 per cent, or 708, who served in the Black Hawk war or other Indian wars and have pensionable service under act of July 27, 1892, or other acts, leaving 708 remaining at the close of disturbance.

"The disturbance occurred sixty-eight years ago, and from an examination of claims on file it is estimated that the soldiers now living were 20 years of age at enlistment.

"Taking the percentage above noted and computing with the American Table of Mortality, it is estimated that 14 survivors and 107 widows are now living and would be beneficiaries.

SABINE DISTURBANCE, 1836.

"The War Department reports 1,323 regulars, and the Auditor for the War Department reports 3,106 volunteers, making a total of 4,429 soldiers called into service during said disturbances. From former reports from War Department it is shown that practically all of the regular soldiers served in either the Creek Indian or Florida Indian war, or Cherokee disturbance, and come within the provisions of existing laws. Of the 3,106 militia, it is fair to estimate that 40 per cent of them, or 1,242, also served in one of the wars or disturbances mentioned. As there was no fighting and few casualties in the Sabine disturbance, it is estimated that 1,800 of the remaining 1,864 soldiers survived at the close of the disturbance. As it has been nearly fifty-nine years since the service was rendered, and age at enlistment being estimated at 22 years, the survivors would now be 81 years of age.

"Taking this estimate and computing with the American Table of Mortality, the number of survivors should be 221. The remaining 1,579 represent those deceased. It is assumed that 80 per cent, or 1,263, were married and left widows, 155 of whom are now living at the age of 81.

CAYUSE, 1847-48.

"There were 682 volunteers and no regular troops engaged.

"The estimate as to Cayuse war is based upon the percentage of survivors of the Mexican war and widows of soldiers of that war who are now alive and have pensionable service, the Cayuse war having occurred while the Mexican war was in progress.

"It is shown that 12 per cent of claims filed by Mexican war survivors and 10 per cent filed by soldiers' widows have been rejected on conditions that do not enter into the Indian war act, to wit, a service of less than sixty days and age limit, etc.

"Taking this estimate and computing with the American Table of Mortality, there should be 144 survivors and 82 widows now living.

"These volunteers were not mustered into the United States service, but under a subsequent act of Congress the State of Oregon was reimbursed for their service by the United States.

TEXAS AND NEW MEXICO, 1849-1855.

"The War Department reports that there were 5,050 Regular Army soldiers engaged in the Texas and New Mexico Indian disturbances in 1849-1855. As enlistments in the regular service were for five years, with the exception of the men who composed the additional regiments raised for the Mexican war, it is presumed that at least 20 per cent, or 1,010 of the 5,050, rendered service in the Mexican war and have title under the act of January 29, 1887. As the same organizations, or a large proportion of them, served in more than one of the disturbances during the period mentioned, probably 25 per cent, or 1,010 of the remaining 4,040, should be deducted, for the reason that they were counted more than once in War Department report. Of the remaining 3,030, probably 15 per cent, or 454, served in the United States Army during the war of the rebellion, and have pensionable status under other acts. Of the 2,576 remaining, 15 per cent, or 386, should be deducted for death in service, desertions, and for those who were discharged for disabilities resulting from service, which gave them title to pension under the general law.

"This would leave 2,190 who were living in 1855. An examination of a large number of bounty-land cases based on the services of these soldiers shows that their average ages at this time is about 65½ years. The American Table of Mortality shows that 48 per cent of people at that age are living; but as the war of the rebellion occurred shortly after the disturbances in question, it may be presumed that quite a number of the survivors entered the Confederate service, consequently the mortality would be increased by that service, say, 6 per cent, or 131, leaving 2,058 survivors and 513 widows.

"The Auditor for the War Department reports that there were 1,415 militiamen who served thirty days or upward. Of this number 685 were from Texas. It is known to the Bureau that a considerable percentage of the Texans rendered prior service in the Mexican war, and also that a number of them rendered more than one service in the Texas and New Mexico war. Probably 40 per cent, or 274, should be deducted for this estimate, which would leave 411. Of the 730 New Mexicans who served, probably 25 per cent, or 182, rendered more than one service, leaving 548.

"Thus the total survivors of said wars alive in 1855 would have been—

Regulars	2,058
Texans	411
New Mexicans	548
Total	3,017

"Of these 3,017, at the average age of 65½ years, there should now be living, according to the mortality table, 1,448 survivors with pensionable status for thirty days' service.

"It is believed that a fair estimate of the number of widows surviving is obtained by taking the percentage of Mexican war widows with Mexican war survivors. This would give 890 widows of soldiers of Texas and New Mexico disturbances living.

CALIFORNIA INDIAN DISTURBANCES.

"The War Department reports 265 regular soldiers engaged in said disturbance. The Auditor for the War Department reports that the State of California was reimbursed in bulk for the services of her soldiers in the Indian wars, and was not required to furnish rolls, consequently an estimate as to the number of men other than the regulars can not be given. Of the regulars probably 80 per cent, or 212, served in the Mexican war, leaving 53.

"The records of this Bureau show that over 900 bounty land warrants were issued for this service, and estimating the volunteers as 1,000 and regulars as 53, and computing with the American Table of Mortality, there should be now living 476 survivors, and, computing on Mexican war basis, 230 widows.

"As the California militia were not in "the military or naval service of the United States" they will not come within the provisions of the act of July 27, 1892.

"In Utah disturbance of 1850-1853 the War Department reports 10 regulars, all of whom probably served in other wars. The Auditor for the War Department reports 530 militia, none of whom served thirty days, consequently they have no pensionable status under act of July 27, 1892.

IN THE OREGON AND WASHINGTON TERRITORY WARS.

"The War Department reports that 850 regulars were engaged, and the Auditor for the War Department 6,379 militia. Of the regulars probably 75 per cent, or 637, served in the Mexican war and other wars, leaving 213, and of the militia 20 per cent, or 1,276, served in other wars or rendered more than one service in the Oregon and Washington Territory wars, leaving 5,103 militia; a total of regulars and militia of 5,316. Of this number deduct 6 per cent, or 319, for desertion and casualties, which would leave 4,997 survivors at close of the wars.

"From an examination of a number of claims it appears that these survivors should now be 65½ years of age, and from the American Table of Mortality 48 per cent, or 2,399, are now living.

"The number of widows is based upon the percentage of widows of Mexican war soldiers who are living, which would show 1,340 widows of soldiers of Oregon and Washington Territory disturbances living."

In view of all the circumstances surrounding this matter, and in recognition of the services and necessities of the few survivors of our early Indian wars, your committee recommend early and favorable action on the bill.

Mr. MITCHELL of Oregon. As this bill has received the careful consideration of every member of the Committee on Pensions, and has been reported with the approval of every member of that committee, I ask, in the name of common humanity, of common justice and of right, the unanimous consent of the Senate, that the bill may now, without further discussion, be placed on its passage. I have the consent and the permission of the chairman of the committee; in fact, the request of the chairman, that I do so at this time.

Mr. CALL. Mr. President——

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon?

Mr. CALL. I have no objection to the bill being put on its passage.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Oregon to the word "enlisted," in line 30, on page 2, and inquire whether it ought not to be "enlistment"?

Mr. COCKRELL. Let it be read, and then we can see whether an amendment is necessary.

The Secretary read as follows:

And provided further, That where there is no record of enlisted or muster into the service, etc.

Mr. MITCHELL of Oregon. The word "enlisted" ought to be "enlistment," and I ask that that change may be made.

Mr. ALLISON. Let the whole of the proviso be read, so that we may see the connection.

Mr. MITCHELL of Oregon. Very well, let the whole of it be read.

The Secretary read as follows:

And provided further, That where there is no record of enlistment or muster into service in any of the wars mentioned in this act, or the original act of which it is a supplement, the record of pay by the United States shall be acceptable as evidence of said service.

Mr. GRAY. I wish to ask the Senator from Oregon whether the wars mentioned were public wars of the United States and were recognized as such?

Mr. MITCHELL of Oregon. Every one of them was so recognized.

Mr. GRAY. I ask that the proviso be again read.

Mr. COCKRELL. Let the wars mentioned in the first part of the bill be read. It will show what they are.

Mr. MITCHELL of Oregon. All those veterans were not mustered into the service of the United States. Numbers of them were mustered under the provisional governments and Territorial governments. The act of which this is proposed to be amendatory applies to that class of persons.

The PRESIDING OFFICER. The Secretary will read as indicated.

The Secretary read as follows:

That the act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892, be, and the same is hereby, amended and extended so as to include the names of the surviving officers and enlisted men who served for thirty days or more and were honorably discharged under the United States military, Territorial, or provisional authorities in the Florida and Georgia Seminole Indian war of 1817 and 1818, the Fevre River Indian war of Illinois of 1827, the Sabine Indian disturbances of 1836 and 1837, the Cayuse Indian war of 1847 and 1848 on the Pacific Coast, the Texas and New Mexico Indian war of 1849 to 1855, the California Indian disturbances of 1851 and 1852, the Utah Indian disturbances of 1850 to 1853, and the Oregon and Washington Territory Indian wars from 1851 to 1856, inclusive, and also to include the surviving widows of such officers and enlisted men: *Provided*, That such widows have not remarried: *And provided further*, That where there is no record of enlistment or muster into service in any of the wars mentioned in this act, or the original act of which it is a supplement, the record of pay by the United States shall be acceptable as evidence of said service.

Mr. GRAY. I think that in the enumeration of wars there are some as to which I should like to have more light. I think I shall have to object to the present consideration of the bill.

Mr. MITCHELL of Oregon. I am very sorry the Senator from Delaware objects. The bill has had very careful consideration in the committee. I hope he will withdraw his objection.

Mr. GALLINGER. If the Senator from Delaware will permit me, before he makes his objection, I wish to state that the committee were very fairly of the opinion that under the act of July 27, 1892, it was believed that all those soldiers would be pensioned; but there were some difficulties in the way. For instance, some of the organizations which were allowed pay for thirty days, a part of which was for travel, would not come within the provisions of said act unless all of the service and travel was rendered and performed at the seat of the war or disturbance, or the travel performed was from place of rendezvous to seat of war or disturbance and return therefrom to place of rendezvous.

It was a mere technical objection. Some were ruled out on that ground. I think the Senator from Oregon did not state how expensive this measure will be to the Government. I think it is right that that should go into the RECORD, and I desire to put it in if the Senator will allow me.

Mr. MITCHELL of Oregon. I have had the report inserted in the RECORD.

Mr. GALLINGER. The Commissioner of Pensions made a very careful estimate fifteen months ago, according to the American Table of Mortality, of the length of time these soldiers would survive. It has wiped out the survivors of the Seminole war, who were to live sixty-four one-hundredths of a year. The survivors of the La Fevre River or Winnebago war were to live one and ninety-one one-hundredths years. They are pretty nearly wiped out. The survivors of those wars were to live an average of seven and two-thirds years from the time the estimate was made fifteen months ago. So that in six years or a little more from the present time, according to the American Table of Mortality, they will all have disappeared. The cost to the Government fifteen months ago would have been $790,656 the first year, or for the seven years and two-thirds the entire cost to the Government until they all disappeared would have been $5,601,696.

Mr. GRAY. That does not include the widows?

Mr. GALLINGER. It does absolutely.

Mr. MITCHELL of Oregon. It includes everything.

Mr. GALLINGER. The Senator from Oregon thinks the estimate is very much beyond the fact.

Mr. MITCHELL of Oregon. There is no question about it so far as Oregon is concerned. I am familiar with the condition there.

Mr. GALLINGER. It will not cost the Government very much. The committee believed all these persons would be included under the act of July 27, 1892, but for technical reasons it did not apply.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon [Mr. MITCHELL]?

Mr. CALL. There is an omission in the bill which I ask may be corrected.

Mr. ALLISON. If the bill is to give rise to long debate I hope it will not be considered at this time.

Mr. GALLINGER (to Mr. CALL). Do not ask for that change.

Mr. CALL. I merely ask for a verbal correction in the bill.

Mr. MITCHELL of Oregon. What is it?

Mr. CALL. It is simply to embrace the Seminole Indian wars in Florida of 1856, like those of Oregon. I only ask that after the Oregon war of 1856 we insert the Seminole Indian wars in Florida of 1856 and 1857.

Mr. PASCO. I suggest that in line 19, after the word "coast," the words "the Florida wars with the Seminole Indians from 1842 to 1858" be inserted.

Mr. CALL. All right.

Mr. PASCO. That will cover it.

Mr. MITCHELL of Oregon. I have no objection to the amendment.

Mr. GRAY. I object to the further consideration of the bill.

The PRESIDING OFFICER. The Senator from Delaware objects to the further consideration of the bill.

Mr. MITCHELL of Oregon. I give notice, then, at this time that at the very first opportunity I get I shall move to proceed to the consideration of the bill, and I shall antagonize everything that comes in the way until I can get a vote.

Mr. PASCO. I wish to ask if the amendment which has been suggested has been accepted. I understand it has been, and if that is the case I wish the fact to appear of record.

Mr. CALL. Yes; it has been accepted.

The PRESIDING OFFICER. The Chair understands the committee to accept the amendment submitted by the Senator from Florida.

Mr. GALLINGER. I ask that the bill be further amended by substituting the word "accepted" for the word "acceptable," in line 33.

Mr. COCKRELL. Then let the bill be reprinted.

Mr. GALLINGER. And let the bill be reprinted.

The PRESIDING OFFICER. There is objection to the further consideration of the bill, and it will go over.

LEAVE OF ABSENCE.

Mr. HOAR. Mr. President, I ask leave of absence for the remainder of the session.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Massachusetts? The Chair hears none.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills and joint resolution:

A bill (H. R. 3549) authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings Ship Channel, in Aransas County, Tex.;

A bill (H. R. 5488) to provide for the incorporation and regulation of medical colleges in the District of Columbia;

A bill (H. R. 8313) authorizing the transfer of a cannon from the Rock Island Arsenal, Rock Island, Ill., to Grant Park, in Galena, Ill.; and

A joint resolution (H. Res. 170) to provide for the proper distribution of the publication entitled "Messages and Papers of the Presidents."

The message also announced that the House had passed the bill (S. 2221) for the relief of settlers on the Northern Pacific Railroad indemnity lands, with an amendment; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7100) to donate 8 condemned cannon and 100 cannon shot to the Grand Army of the Republic Cemetery Association of Colorado;

A bill (H. R. 7200) for the relief of A. T. Hensley; and

A bill (H. R. 7671) authorizing and directing the Secretary of the Navy to donate one condemned cannon and condemned cannon balls to U. S. Grant Post, No. 72, Grand Army of the Republic, of Washington, Ind., Department of Indiana.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 2557) granting a pension to Sarah A. Boyd.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I move that the Senate proceed to the consideration of the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The question is on agreeing to the amendment submitted by the Senator from Missouri [Mr. COCKRELL].

Mr. ALLISON. This is an important matter, and I think we should have more present in the Senate than there are at this time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Iowa suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Cockrell,	Hoar,	Platt,
Allison,	Cullom,	Jones, Ark.	Pugh,
Bacon,	Daniel,	Kyle,	Sewell,
Baker,	Davis,	Lodge,	Sherman,
Bate,	Dubois,	McBride,	Shoup,
Berry,	Elkins,	McMillan,	Smith,
Blackburn,	Faulkner,	Martin,	Teller,
Brice,	Frye,	Mills,	Turpie,
Burrows,	Gallinger,	Mitchell, Oreg.	Vest,
Butler,	Gear,	Morrill,	Walthall,
Call,	George,	Palmer,	Warren,
Cannon,	Gordon,	Pasco,	White,
Carter,	Gray,	Peffer,	Wilson,
Chandler,	Hansbrough,	Perkins,	Wolcott.
Clark,	Hawley,	Pettigrew,	

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names. A quorum of the Senate is present.

Mr. COCKRELL. Mr. President, there is no question of constitutional law involved in the pending amendment. There has been no union of church and state. The provision of the bill to which my amendment refers and in lieu of which it is offered does not separate church and state. They have not been joined together by any legislation of Congress, and there is no violation of any constitutional provision in the amendment I offer, nor is the clause I propose to strike out in enforcement of a constitutional provision or requirement.

Article I of the amendments to the Constitution says:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

There is another provision in Article VI, clause 3.

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Congress for a long series of years has been making appropriation for the education of Indians in the schools of the different denominations, not all of the Protestant denominations, but quite a number of them. We have furnished money for the education

of those children in Catholic schools and in Protestant schools. It was done not because those schools were preferred, but because they were the only available schools at the time. That policy has been continued. All the denominations except the Catholics have withdrawn their schools, and now the only question is whether any appropriation shall be continued in the pending bill for the education of Indian children in Catholic schools.

The amendment asserts distinctly the principle of this Government:

And it is hereby declared to be the settled policy of the Government to make no appropriation whatever for the education of Indian children in any sectarian school just as soon as it is possible for provision to be made for their education otherwise, and the Secretary of the Interior is hereby authorized and directed to make such provision at the earliest practicable day, not later than July 1, 1898.

There is the declared policy of the United States to make no appropriation for the education of Indian children in any sectarian school where provision can otherwise be made. Now, what is the proviso?

Provided, That the Secretary of the Interior may make contracts with present contract schools for the education of Indian pupils during fiscal year 1897, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children and to an amount not exceeding 50 per cent of the amount so used for the fiscal year 1895.

I am opposed to appropriations for sectarian schools as much as any other Senator upon this floor, and the only question is whether there is any emergency now existing where, if this policy is carried out, Indian children will be deprived of the means of education. I understand the Senators who are opposing the amendment to say that they believe the Government can provide school facilities for all Indian children independent of the sectarian schools. Then, if it can, my amendment declares that it shall be done.

My amendment meets that proposition squarely. If the Government can furnish school facilities for Indian children at any place, then the Secretary of the Interior has no authority to make contracts. That is a plain proposition. Then why object to the amendment? Senators admit that there is a possibility, a probability, and those who are familiar with it absolutely know that all those children can not be provided for in governmental schools during the fiscal year 1897. They may be provided for possibly during the fiscal year 1898, provided the increased appropriations we propose to make here are given. It will take a large sum of money, and it will take time for the erection of school buildings before school facilities can be furnished to all the children.

If such facilities can be furnished, then my amendment prohibits any use of the money for sectarian schools. If they can not be furnished, if the Government can not make such provision, then the question is, Will you deny to the Indian children access to those school facilities because they are under the control of the Catholic Church? No, Mr. President; I think not. My amendment merely provides for that emergency, for that contingency, and I ask Senators if they will now vote to deprive children who can not be educated in any other than sectarian schools of the facilities of education in such sectarian schools, because my amendment is perfectly plain and there is no evasion in it. If the Government can furnish school facilities it must do so, and it can not make contracts with any of the present schools. Therefore I earnestly hope that my amendment will be adopted.

Mr. CALL. Let the amendment of the Senator from Missouri be again read.

The SECRETARY. Instead of the amendment proposed by Mr. CARTER, it is proposed, after the word "Alaska," in line 20, on page 58, to insert:

And it is hereby declared to be the settled policy of the Government to make no appropriation whatever for the education of Indian children in any sectarian school just as soon as it is possible for provision to be made for their education otherwise, and the Secretary of the Interior is hereby authorized and directed to make such provision at the earliest practicable day, not later than July 1, 1898: *Provided*, That the Secretary of the Interior may make contracts with present contract schools for the education of Indian pupils during fiscal year 1897; but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children and to an amount not exceeding 50 per cent of the amount so used for the fiscal year 1895.

Mr. ALLEN. Mr. President, I would not at present consume the time of the Senate in considering the amendment if it were not for the fact that the senior Senator from Mississippi [Mr. GEORGE] declared yesterday that the proposed amendment is in violation of the first amendment to the Constitution, which he quoted. I am myself unable to see wherein it violates the Constitution, either in its language or its policy. I think the Senator was entirely wrong in stating that there is anything in the amendment which is violative either of the language or the evident policy of the first amendment to the Constitution.

There are two places in the Constitution as amended where the subject of church and state can be found mentioned. In the first amendment there is an express declaration that Congress shall make no law respecting an establishment of religion. In another section, in speaking of the oath that is to be taken by certain officers of the Government, it is provided that no religious test shall be required as a qualification to any office or public trust under the United States. It occurs to me that those two provisions of the Constitution settle the question of the entire divorcement of church from state, and that no one can now seriously claim that there is any intention or purpose on the part of Congress to bring about a union between church and state.

The history of these two provisions, especially the one I have just referred to, is somewhat interesting. On August 20, 1787, Mr. Pinckney submitted to the constitutional convention certain propositions, among which was this:

No religious test or qualification shall ever be annexed to any oath of office under the authority of the United States.

August 30, 1787, Mr. Pinckney moved to add the words:

But no religious test shall ever be required as a qualification to any office or public trust under the United States.

Mr. Sherman, at that time a member of the constitutional convention, said that he thought the amendment was unnecessary, the prevailing liberality being sufficient security against such a test.

The evident purpose of the first amendment to the Constitution, prohibiting Congress from making a law respecting an establishment of religion, was to destroy a rule that had prevailed in England for a great many years, from which country we got our institutions, whereby a certain church was established as the church of the Government and was supported by onerous taxation levied on the people. That had been practiced in the colonies to some extent. There were a number of colonies which had adopted a particular religious creed as a church of state, and their levies upon the people of those colonies had been very burdensome in supporting the established church and in propagating the tenets and faith of that church among the people. It was for the purpose of making the line of demarcation distinct between the Government upon the one hand and the church or churches on the other that the first amendment to the Constitution was adopted.

What does it mean? It means no more and no less than that Congress shall never by act or resolution establish a particular church as an institution of this Government or an institution of the State governments which shall draw its support from taxes to be levied upon the people. But it does not mean that Congress may not, under appropriate circumstances, give its aid to the advancement of education, although that education may be taken with sectarianism.

I am not a believer in the doctrine that the Government of the United States or any State government should be burdened with taxation for the support of any particular religious denomination. I believe that we should keep clear of legislation of that kind. But I hope that the American people have not become so narrow and so bigoted that they are not willing to extend even by a liberal appropriation of money aid to any church that is engaged in educating Indian children when their education can not be procured through schools established by the Government. I see nothing to be gained by precipitating upon the Senate a discussion of the doctrine of the first constitutional amendment, or of the doctrine of church and state, that has caused so much unfeeling controversy in the history of the past and that would be productive of no good result at this time.

The amendment of the Senator from Missouri is in line with the policy which was discussed at the last Congress, and, as I supposed, adopted, to the effect that the Government would reduce by 20 per cent each year its appropriation for the education of the Indian children at contract schools and that in the course of five years the appropriations would cease entirely. It was then shown to the Senate quite conclusively, as I believe it is now, that the Catholic Church was induced, and possibly other churches were induced, to expend large sums of money in the construction of school buildings and in preparing themselves to carry on this educational work, much of which would be lost in consequence of an immediate withdrawal of the policy of the Government in aiding in the education of the Indian children.

Mr. President, I do not think that the American Congress can afford to be unjust to any class of its citizens. I do not believe that we can afford to say that a church organization or any other organization that has invested its money in the construction of commodious and valuable buildings shall lose that money in consequence of a sudden and unnecessary withdrawal of public assistance, especially when we told these people by the policy we have been pursuing that the Government would render them some assistance and some aid in carrying along the educational work they were engaged in.

Mr. GRAY. We invited them.

Mr. ALLEN. We invited them to invest money, and now it would be, in my judgment, absolutely and cruelly wrong suddenly to take the appropriations from them and by that means render their property worthless.

I am in full accord with the sentiment expressed in the proposed amendment, which is found in the following language:

And it is hereby declared to be the settled policy of the Government to make no appropriation whatever for the education of Indian children in any

sectarian school just as soon as it is possible for provision to be made for their education otherwise, and the Secretary of the Interior is hereby authorized and directed to make such provision at the earliest practicable day, not later than July 1, 1898.

It occurs to me that no man can find fault with that language. There is an express declaration on the part of the Government to discontinue the appropriation of money to carry on the contract schools or to assist the contract schools just as soon as the Government can put itself in a condition where it can afford ample educational facilities for these children. With that I am in hearty accord. But I am not in favor of bowing to a sentiment which seems to exist to some extent that the Government should absolutely and without warning abandon these people and leave their property upon their hands unproductive.

Mr. President, I was in hopes that the time had passed in this country when sectarian bigotry would make its appearance in the Congress of the United States, and when any man could be moved to give utterance to sentiments that possibly he is not willing to express on all occasions in consequence of the particular and peculiar political situation existing at this time. I am not a Catholic. I am the son of a Protestant minister. Whatever religious education I have came from Protestant parents and Protestant teachers. But I supposed the time had come, at least I hope it has come, when no man is to be arraigned in this country in consequence of his religious faith, and when every man and woman may be permitted to worship God according to the dictates of his or her own conscience without being arraigned or charged with entertaining a belief that is hostile to the perpetuity of American institutions and American freedom.

I know of no organization that has done more to bring about civilization in this country than the Catholic Church. I am not its advocate; I am not a member of it; and I can not say that I have any more sympathy with it than I have for any other church. In fact my sympathies go out to the church of my father and my mother. When the Pilgrims landed at Plymouth Rock they found the missionaries of this church scattered among the barbarous tribes of this country. They had preceded the landing of the Pilgrims and the landing of the immigrants at Jamestown. They were carrying the gospel among the heathen of this country; they were devoted to the work of civilizing and bringing the gospel of Christ to the uncivilized tribes inhabiting this country.

We may disagree, Mr. President, as to church creeds, as to church government; we may disagree as to the proper construction to be placed upon certain passages of the Scriptures; but we certainly can not disagree upon the question that the time has come in this country, and I hope in the civilized world, when no man is to be proscribed, directly or indirectly, in consequence of any religious faith he may entertain.

I look upon it as unfortunate. It is unfortunate, Mr. President, for during the great struggles through which this country has passed the blood of the Catholic and the Protestant has been spilled upon the same battlefields. All through the long Revolutionary struggle extending over seven years Catholic and Protestant fought side by side for American freedom, for political freedom. Yes, Mr. President, they fought side by side for religious freedom as well. There has been no great epoch in our national history where Catholic and Protestant have not stood side by side and sustained the Government and contributed to the march of civilization and peace. And now after we have reached the one hundred and twentieth year of our national existence, when we have progressed from a nation of 4,000,000 people on the east side of the Alleghany Mountains and skirting along the Atlantic Ocean to a nation of 70,000,000 people extending from the Atlantic to the Pacific, that we should raise the flag of intolerance and sectarianism right at the place where it should never appear, in the Congress of the United States, is in my judgment to be deplored.

In our history, in the development of the arts and sciences, in commerce, in industries, in our navies and our armies, Protestants and Catholics alike have contributed their portion to the development and upholding of this country.

I will support the amendment of the Senator from Missouri upon this ground. It is made to appear to me, I think quite conclusively, that some of these Indian children will be deprived of educational opportunities unless the present system be continued the coming fiscal year, unless we pursue the policy that was marked out in the Fifty-third Congress. I do it cheerfully, because I would not witness the education of these little children, which has just been started, broken into and destroyed in consequence of bowing to a sentiment which in my judgment is altogether un-American and which in the nature of things must pass away with the next breath.

The American people are not a bigoted people. The American Constitution was not founded upon religious or political bigotry or narrowness. Religious bigotry and narrowness can never find a permanent lodgment in Congress or a permanent lodgment in the hearts of true American people.

Mr. President, you and I demand, as American citizens, respect for our opinions. No man has a right to assail you as being untrue to the flag of your country and to its best interests because you may indulge in a particular religious faith. No man has a right to arraign me because I may believe in a different faith in consequence of having been taught by my parents the faith in which I believe. These things necessarily are sacred to every American citizen. It is not necessary to bring them into the consideration of public questions. It is not necessary to bow to every idle wind that blows, and it is altogether un-American to have any disrespectful reference to the faith of any particular American citizen made in the Congress of the United States.

Sir, we might learn some valuable lessons from the history of the Catholic Church as well as the history of the Protestant churches if it were proper to consider them. I do not know of the history of an organization that has gone upon the very confines of civilization itself and marked the pathway for governments and empires more successfully than the great organization known as the Catholic Church. It has carried the torch of civilization in one hand and the gospel of Christ in the other to those who never knew them before. While we may disagree with reference to particular church dogmas, it furnishes no reason why the Congress of the United States should permit narrowness and bigotry to appear here and induce us to do that which is not only wrong in itself but which is wrong in its effect upon the education of the Indian children. This narrowness and bigotry was not the teaching of the Master. It is foreign to our institutions. Here every church organization is supposed to stand upon an equality before the law and all are to receive equal recognition and equal justice at the hands of the Government.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A resolution by Mr. PEFFER, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. PETTIGREW. I believe it is the understanding that the resolution, which is the unfinished business, shall be temporarily laid aside, so as not to prejudice it.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the unfinished business be temporarily laid aside without prejudice. Is there objection? The Chair hears none. The Senator from Nebraska will proceed.

Mr. ALLEN. Mr. President, just a word more upon this subject. Although I am not a member of any church organization, I never want to live in any community in which there are not churches and church organizations; I never want to live in a community where the church bell does not break the stillness of the Sabbath morning and call the inhabitants of that locality to the worship of the Supreme Being; I never want to live in a community or see a country where the songs of the Master can not be sung by His children as they may see fit to sing them upon the Sabbath and on other occasions; I never want to live in a community that is so narrow in its construction that every Christian organization which may see fit to build a temple of worship may not receive just and proper treatment at the hands of the entire community.

Mr. President, we can learn here a valuable lesson. Here is a great church organization under the encouragement of the Government which has undertaken to educate these children, and has accomplished a wonderful work in that direction. We all agree that the time has come when the Government must withdraw its assistance from sectarian institutions; but if we have had the power to encourage that organization to construct great buildings and equip itself to carry on the work of education by the appropriation of money, certainly we have the power now to prevent absolute bankruptcy coming to those educational institutions in consequence of a sudden withdrawal of our support, a withdrawal not prefaced by any notice of a change of policy.

I think, especially in the Congress of the United States, composed of representatives of the people, we should remember that here of all places sectarian discussion should not take place. We are the representatives of all classes of people, Catholics, Protestants, and nonbelievers; of Armenians and Jews, as my honorable friend from Delaware [Mr. GRAY] suggests. We are the representatives of all classes of citizens, and it is our duty in Congress to follow out the spirit and the language of the teachings of the fathers by avoiding unnecessary sectarian discussion and unnecessary sectarian bigotry in the disposition of public moneys.

Mr. President, I have sometimes thought that it might be well for the Congress of the United States to turn back to the teachings of the Master and see what they were. With the permission of the Senate, I will quote some of those teachings. I refer to Paul's First Epistle to the Corinthians:

Though I speak with tongues of men and of angels, and have not charity, I become as sounding brass or a tinkling cymbal.

And though I have the gift of prophecy, and understand all mysteries, and

all acknowledge; and though I have all faith, so that I could remove mountains, and have not charity, I am nothing.

And though I bestow all my goods to feed the poor, and though I give my body to be burned, and have not charity, it profiteth me nothing.

Charity suffereth long, and is kind; charity envieth not; charity vaunteth not itself, is not puffed up;

Doth not behave itself unseemly, seeketh not her own, is not easily provoked, thinketh no evil;

Rejoiceth not in iniquity, but rejoiceth in the truth;

Beareth all things, believeth all things, hopeth all things, endureth all things.

Charity never faileth; but whether there be prophecies, they shall fail; whether there be tongues, they shall cease; whether there be knowledge, it shall vanish away.

* * * * * * *

And now abideth faith, hope, charity, these three; but the greatest of these is charity.

Mr. President, this is an impressive lesson. It teaches charity, not in almsgiving, for that is the meaner portion of it, but charity of judgment, that charity which rests in the breast of every true citizen and every true man and woman and looks upon the faults and frailties of others, if there be faults and frailties, with some degree of allowance. I thank God, Mr. President, this country is big enough, that the Constitution under which we live is broad enough in its principles, to take under the folds of our flag every church organization and every school organization and do ample and complete justice to all, and that, too, within the light of the doctrine that there shall be an eternal divorcement of church from state.

Mr. PEFFER. Before the vote is taken on the pending amendment I wish to offer a few words and I will detain the Senate but a very short time.

In the first place, Mr. President, I do not understand why there is so much sensitiveness manifested in relation to the sectarian aspect of this discussion. I have not heard one Senator who has said anything in opposition to any particular denominational belief. I think I have listened to every argument that has been presented thus far, and I have not heard a word in derogation of the work or the creed or the church polity of any particular religious sect or denomination. That being true, I do not see why Senators feel called upon to select one particular denomination and to eulogize it and pay homage to it in preference to all others.

Since the foundation of the Christian religion there have been divisions. They began among the early Christians. There were first but seven churches, but at that time they were all one—many members, one body. However, in the course of time there were divisions, originating possibly with the contending popes, one at Rome and the other at Alexandria, until at the present day we have some 600 different denominations, and, if I remember correctly, some 65,000 different church organizations, with separate buildings in which they worship, and they have a total membership of somewhere in the neighborhood of 22,000,000, equal to one-third of the total population of the country. These various religious denominations are so many parts of one great Christian system. While there are differences existing between every two of these different denominations, and while some of them are radical, they are all based upon the religion that the Master Himself taught when He was here.

I have seen no disposition whatever on the part of Senators to disparage any one of them. Hence I repeat my astonishment at some Senators whose views seem to be so sensitive on this subject that they must single out one particular denomination in order to speak well of it while saying nothing of the others.

For myself, Mr. President, I believe in the broadness of Christianity, like the Kingdom of heaven gathering them in at all times. It is the right of mortal man to worship God as he pleases, and it is a part of our constitutional history that the Government shall be no respecter of religions.

In this particular case the amendment proposed by the Senator from Missouri concedes, to begin with, and so have all the Senators who have spoken along that line, that it is now and is to be the established policy of Congress to get rid of the contract schools. I see no better way to abolish anything than by abolishing it. If it is the established policy of the Government, if Congress has agreed upon it, and the people are satisfied with it, that the contract system of Indian schools shall be dispensed with directly, that ought to settle the question at once. To continue the matter is merely to prolong the discussion, to add nothing to the opinions of the people.

But Senators say that we ought in some measure to respect the property rights of persons and societies who have invested their means in buildings and in other improvements for the purpose of carrying on these schools. If we are to adopt that policy the Government would be ruined in a short time. Not quite but nearly two years since we had a long, animated discussion in this Chamber with respect to changing our revenue system, or rather a revision of our revenue laws. I remember that I pleaded for hours and days in order to save property rights of people whom I had the honor to represent upon this floor—farmers by the thousand engaged in the production of wool. I asked that the law might remain partly, at least, in force. I said, "Save for us, if you please, only 5 cents a pound on our wool." But it was taken away from us unceremoniously; no attention was paid to these property rights of farmers; there was no sympathy with them in the immediate destruction of one of their great industries.

So, too, a large number of men and corporations relied upon the good faith of the Government of the United States, represented in Congressional action, that they might proceed to manufacture sugar, and for a certain number of years should be paid 2 cents a pound as a bounty for their energy and their enterprise. I asked that that might be retained, or at least that some part of the provision for their protection might be retained; but it was ruthlessly taken away from them. So it is in all our legislation with respect to matters of that kind. We are not in the habit of paying any attention whatever to the property rights invested by individuals.

In our own State some years ago we had this question brought up in our courts by the liquor interests. As the Senate knows very well, in 1880 we amended our State constitution by prohibiting the manufacture and sale of intoxicating liquors, except for three certain specified purposes. Men who were engaged in the retail liquor business insisted that the enforcement of that constitutional amendment would have the effect of destroying a large amount of their property which was valuable. They were correct about it; undoubtedly that would be true. They went into the courts in order to protect their property, and the courts held, as the courts have always done in such cases, that there was no remedy, that society could not stop in order to gather up the wrecks that occurred in the path of progress. As men go forward in civilization and advancement there must be wrecking, there must be destruction, there must be waste; but we can not stop to take care of those losses. They are incident to the great movement of men in the progress of the world. So it is here.

There is another thing about this established policy. The language of the amendment reminds me of some of the same words in another connection, it being the established policy of the United States to maintain a parity between certain metals, and in that respect it is a stupendous humbug and a fraud. I do not believe it was ever intended for any honest construction and honest purpose. We can not follow these established policies except as we show them in legal enactments and in judicial decisions. An act of Congress can be changed twice in one session. No one Congress is bound by the act of another Congress except where a positive contract has been made.

Now, as to the loss of school facilities. The amendment which I have had the honor to propose covers all there is in that question, authorizing the Secretary of the Interior to provide temporary facilities for the education of children in all cases where they are deprived of facilities by reason of the enactment of this proposed law. It is said that that might require some time. Perhaps the statement is correct, but surely it will not require more time than we, the white people of the United States, the farmers and mechanics and all classes of people living in rural districts, are often subjected to with respect to the education of our children. We are frequently put off two months, sometimes three months, and in cases where there has been a burning of our school building for probably a year without school facilities for some of our children. There would be no great hardship even if that were true to the fullest extent claimed for it; but it can not be true to a very great extent, and even if it were, with our present facilities of transportation for the forwarding of supplies and the manufacture of implements and machinery, all the failures which would be likely to occur could be obviated in thirty days, as was expressed so well yesterday by the Senator from New Hampshire [Mr. GALLINGER]. Houses are now made in carpenter shops, all the framework, all the sash, all the doors, all the casings, all the ornamentation—everything made in a factory a thousand or fifteen hundred miles away ready for putting together where the building is finally to be constructed.

We have a great many religious people in this country, and let it once be known that Congress has passed an act destroying forever the contract system of schools at the Indian agencies, and then arrangements will be immediately put in progress by agents of the Government. If material for building can not be readily procured, large tenting facilities can be brought into requisition at once, and in ten days' time the benches and all the necessary accouterments and appurtenances for school work can be put in position at any one of the agencies of the United States. We send our requests and our answers by electricity now; we do not have to wait, as we did when our first President was in office; we act instantaneously. We can cross the continent from east to west in five days. So there may be no trouble whatever on that account.

Hence, Mr. President, I am opposed to the adoption of the amendment proposed by the Senator from Missouri and to the adoption of all other amendments of that character, and in favor only of the one proposed by myself, which I think perfects the bill as it came from the House of Representatives by way of

obviating the difficulty which Senators see in the way lest some children should be deprived of school facilities.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The question is on agreeing to the amendment proposed by the Senator from Missouri [Mr. COCKRELL].

Mr. SHERMAN. Let the amendment be read, Mr. President.

The PRESIDING OFFICER. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. On page 58, line 20, after the word "Alaska," it is proposed to strike out all down to and including the word "schools," in line 3 on page 59, and the amendment which follows, and insert:

And it is hereby declared to be the settled policy of the Government to make no appropriation whatever for the education of Indian children in any sectarian school just as soon as it is possible for provision to be made for their education otherwise, and the Secretary of the Interior is hereby authorized and directed to make such provision at the earliest practicable day, not later than July 1, 1898: *Provided*, That the Secretary of the Interior may make contracts with present contract schools for the education of Indian pupils during fiscal year 1897, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children and to an amount not exceeding 50 per cent of the amount so used for the fiscal year 1895.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Missouri.

Mr. HAWLEY. Mr. President, I suggest a call of the Senate. There seems to be no quorum present.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Clark,	Jones, Ark.	Sewell,
Allison,	Cockrell,	Jones, Nev.	Sherman,
Bacon,	Davis,	Lodge,	Shoup,
Bate,	Dubois,	Martin,	Smith,
Blackburn,	Elkins,	Mills,	Stewart,
Brice,	Faulkner,	Mitchell, Oreg.	Teller,
Brown,	Frye,	Mitchell, Wis.	Turpie,
Burrows,	Gallinger,	Palmer,	Vest,
Butler,	Gear,	Peffer,	Vilas,
Caffery,	George,	Perkins,	Walthall,
Call,	Gray,	Pettigrew,	Warren,
Cannon,	Hansbrough,	Platt,	White,
Carter,	Hawley,	Pritchard,	Wilson,
Chandler,	Hill,	Proctor,	Wolcott.
Chilton,	Hoar,	Roach,	

The VICE-PRESIDENT. Fifty-nine Senators having answered to their names, a quorum is present. The question is on the amendment submitted by the Senator from Missouri.

Mr. GALLINGER and Mr. LODGE. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HOAR (when his name was called). I am paired with the Senator from Alabama [Mr. PUGH].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "nay."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON], otherwise I should vote "yea."

Mr. WILSON (when his name was called). I am paired with the Senator from Florida [Mr. PASCO]. I do not know how he would vote if he were present, but if he were present I should vote "nay."

The roll call was concluded.

Mr. BERRY. I am paired with the Senator from Maine [Mr. HALE]. If he were present I should vote "yea."

Mr. FRYE (after having voted in the negative). I am paired with the senior Senator from Maryland [Mr. GORMAN], who, I am informed, if present would vote "yea." As I would vote "nay," I withdraw my vote.

Mr. CALL (after having voted in the negative). I am paired with the Senator from Vermont [Mr. PROCTOR]. I do not see him present, and therefore I withdraw my vote.

Mr. FAULKNER. I voted in the affirmative on this question. I am paired with the junior Senator from West Virginia [Mr. ELKINS], and in order to allow my vote to stand I transfer my pair with the junior Senator from West Virginia to the senior Senator from Indiana [Mr. VOORHEES].

Mr. WALTHALL. I transfer my pair with the Senator from Pennsylvania [Mr. CAMERON] to the Senator from South Carolina [Mr. IRBY] and vote "yea."

Mr. BACON (after having voted in the affirmative). I am paired with the junior Senator from Rhode Island [Mr. WETMORE]. I understand he has not voted. I do not know how he would vote if he were present, and therefore I withdraw my vote.

Mr. HILL. I suggest that the Senator transfer his pair to my colleague [Mr. MURPHY], who is absent.

Mr. BACON. At the suggestion of the senior Senator from New York [Mr. HILL] I transfer my pair to the junior Senator from New York [Mr. MURPHY], and will let my vote stand.

Mr. FRYE. I transfer my pair with the senior Senator from Maryland [Mr. GORMAN] to the senior Senator from Rhode Island [Mr. ALDRICH], and vote "nay."

Mr. ELKINS. I vote "yea."

Mr. PLATT. I thought the Senator from West Virginia [Mr. ELKINS] had been paired with the Senator from Indiana [Mr. VOORHEES] by his colleague [Mr. FAULKNER].

Mr. COCKRELL. The Senator from Indiana [Mr. VOORHEES] would also vote "yea" if he were here.

Mr. FAULKNER. That is right.

The result was announced—yeas 38, nays 24; as follows:

YEAS—38.

Allen,	Daniel,	Kyle,	Sewell,
Bacon,	Elkins,	McMillan,	Sherman,
Bate,	Faulkner,	Mantle,	Smith,
Blackburn,	Gibson,	Martin,	Turpie,
Brice,	Gordon,	Mills,	Vest,
Caffery,	Gray,	Mitchell, Wis.	Vilas,
Carter,	Hansbrough,	Nelson,	Walthall,
Chandler,	Hawley,	Palmer,	White.
Chilton,	Hill,	Pettigrew,	
Cockrell,	Jones, Ark.	Roach,	

NAYS—24.

Allison,	Davis,	Lodge,	Shoup,
Brown,	Dubois,	McBride,	Squire,
Burrows,	Frye,	Mitchell, Oreg.	Stewart,
Cannon,	Gallinger,	Peffer,	Teller,
Clark,	Gear,	Perkins,	Warren,
Cullom,	George,	Platt,	Wolcott.

NOT VOTING—27.

Aldrich,	Gorman,	Morgan,	Quay,
Baker,	Hale,	Morrill,	Thurston,
Berry,	Harris,	Murphy,	Tillman,
Blanchard,	Hoar,	Pasco,	Voorhees,
Butler,	Irby,	Pritchard,	Wetmore,
Call,	Jones, Nev.	Proctor,	Wilson.
Cameron,	Lindsay,	Pugh,	

So the amendment was agreed to.

The VICE-PRESIDENT. The next reserved amendment of the Committee on Appropriations will be stated.

Mr. PETTIGREW. I think the agreement was that we should first dispose of the whole school question.

Mr. FAULKNER. That was the agreement.

Mr. PETTIGREW. There is an amendment on page 65 which should be disposed of before going to the other amendments.

The VICE-PRESIDENT. The amendment of the Committee on Appropriations will be stated.

The SECRETARY. On page 65, beginning in line 1, the Committee on Appropriations reported to strike out the following:

For support and education of 120 Indian pupils at the school at Hampton, Va., $20,040.

Mr. FAULKNER. I ask that that be disagreed to; and as it has been fully discussed, I do not think it necessary to make any further remarks on it.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Committee on Appropriations to strike out the clause which has just been read.

The amendment was rejected.

The VICE-PRESIDENT. The next reserved amendment will be stated.

Mr. SEWELL. I move that similar action be taken in regard to the next reserved amendment.

Mr. COCKRELL. Let the amendment be stated.

The SECRETARY. On page 65, after line 3, the Committee on Appropriations reported to strike out the following:

For support and education of 200 Indian pupils at Lincoln Institution, Philadelphia, Pa., at $167 per annum each, $33,400.

The VICE-PRESIDENT. The question is on the amendment of the committee to strike out the clause which has just been read.

The amendment was rejected.

The VICE-PRESIDENT. The next reserved amendment of the Committee on Appropriations will be stated.

The SECRETARY. On page 57, after line 14, the Committee on Appropriations reported to insert:

That the Secretary of the Interior is hereby directed to distribute between the Shawnees, Delawares, and freedmen of the Cherokee Nation per capita, after deducting the attorneys' fees and expenses, the balance of the $1,650,000 now in the Treasury and the interest thereon, computed at 4 per cent per annum, and the amount per capita shall equal $295.35, the amount which the Cherokee legislature has paid or authorized to be paid to the Cherokees by blood per capita. All the foregoing sums shall be paid to said freedmen, Shawnees, and Delawares per capita by an officer of the Interior Department duly authorized, who shall give bond as a disbursing officer of said Department, and the estimated expense of making such payment shall be deducted from the principal sum, which estimated expense shall be made by the Secretary of the Interior in advance of payment: *Provided*, That if there shall not be enough of said moneys to pay to each of said three classes of persons an amount equal to what each Cherokee by blood has received as aforesaid, then the Secretary of the Interior shall distribute and pay said moneys pro rata per capita to said three classes of persons.

The VICE-PRESIDENT. The question is on the amendment.

Mr. COCKRELL. Mr. President, I offer as a substitute for that amendment what I send to the desk. I hope the Senator in charge of the bill will accept the substitute I propose, as I think

it more just and reasonable and places the situation in better condition.

The VICE-PRESIDENT. The amendment submitted by the Senator from Missouri will be stated.

The SECRETARY. It is proposed to substitute for the amendment reported by the Committee on Appropriations the following:

The Secretary of the Interior is hereby directed to distribute out of the balance of $1,660,000 now in the Treasury, and the interest thereon, being the balance of the first payment of the Cherokee Outlet, the amount of the judgment rendered in favor of the Cherokee freedmen in the Court of Claims against the Cherokee Nation, the sum of $903,254 and the costs of said suit as directed by the terms of the judgment in said cause.

He is directed to pay the Shawnee Indians the judgment rendered in the Court of Claims in their favor against the Cherokee Nation the amount of said judgment, $149,604, and the cost thereof, as provided in said judgment.

The judgment rendered in favor of the Delaware Indians in the Court of Claims amounting to $205,205 having already been paid by said Secretary of the Interior, he is directed to pay the balance of the aforesaid $1,660,000, and interest thereon, after paying the aforesaid judgment as herein provided, to the treasurer of the Cherokee Nation in accordance with the terms of the agreement hitherto made between the Secretary of the Interior and the Cherokee Nation, and with the act of Congress purchasing said Cherokee Outlet.

He is directed to appoint a special agent to cooperate with the treasurer of the Cherokee Nation in disbursing $400,000 of said balance, or so much thereof as may be needed to equalize the freedmen with the Cherokees per capita, appropriated by the act of the Cherokee national council approved March 27, 1896, appropriating said sum for the benefit of the freedmen to the beneficiaries and parties named therein in accordance with the provisions of said act.

Mr. GORDON. If the Senator from Missouri will permit me at this time, in order to avoid the possibility of losing my right, I wish to inquire of the Chair at what point it will be in order for me to move an amendment between lines 10 and 11, on page 57, in these words:

To Stephen W. Parker, $17,303.79.

The VICE-PRESIDENT. The Chair will recognize the Senator from Georgia to submit the amendment after the committee amendments shall have been disposed of.

Mr. GORDON. This is an amendment to a committee amendment.

Mr. PLATT. That has been disposed of.

Mr. GORDON. The committee amendments are now before the Senate, as I understand, and I wish to amend a committee amendment.

Mr. PETTIGREW. The amendment to which the Senator refers has been agreed to by the Senate.

Mr. COCKRELL. The Senator can move to reconsider that amendment, and when it is reconsidered offer his amendment. It has already been agreed to in Committee of the Whole without a yea-and-nay vote, and any Senator may move to reconsider and then offer an amendment.

Mr. PLATT. The committee amendment to which the Senator from Georgia desires to offer an amendment has been agreed to as in Committee of the Whole. I suppose, therefore, the proper time for him to offer the amendment is when the question comes up in the Senate as to whether we will concur in the amendment made as in Committee of the Whole.

The VICE-PRESIDENT. The Chair so understands, and the Chair will recognize the Senator from Georgia at that time.

Mr. GORDON. Do I understand from the Chair now that I shall have the right to offer the amendment in the Senate, or as in Committee of the Whole?

The VICE-PRESIDENT. The Chair will recognize the Senator from Georgia to offer the amendment in the Senate.

Mr. BACON. In order that I may have a like opportunity, I desire to give notice that when the bill is in the Senate I shall ask for a nonconcurrence in an amendment adopted as in Committee of the Whole in line 12, page 7. It strikes out $3,000 and allows but $2,500 as the pay of Indian inspectors. As the bill came from the other House it conformed to the law, which prescribes $3,000, and the Senate committee reported and the Senate as in Committee of the Whole has adopted an amendment to strike out $3,000 and insert $2,500. I do not offer the amendment now, but I shall do so when the bill comes into the Senate.

Mr. JONES of Arkansas. I should be glad to have some explanation of the pending amendment proposed by the committee and also the amendment proposed to be substituted for it by the Senator from Missouri. The amendment in the bill recommended by the committee is a reappropriation of money which was appropriated, I understand, in the appropriation act of last year, which it seems to me completely covers the case. I see no necessity for this amendment, as the appropriation in the act of last year, if I am not mistaken, completely covers the entire case and makes all the appropriation that is necessary.

If I remember correctly the facts in the case, one of the payments due to the Cherokee Indians for the Outlet money was withheld for the purpose of allowing the Delaware Indians, the freedmen, and the Shawnees to set up a claim in the courts to an equal right to a distributive share of this money with the Cherokee Indians. The judgment has been rendered in favor of those claimants. The amounts of money to which they are entitled under the decision of the court have been ascertained, and the appropriation made last year provided for the distribution of the money upon the finding of the rights of those parties by the courts.

There is no necessity for any additional appropriation, I understand, but, on the contrary, this appropriation would cause complications which would likely result in injustice, and it could do no good whatever. If the amendment proposed by the Senator from Missouri to the amendment will avoid the difficulties that are raised by the amendment, then I am perfectly willing to have his amendment to the amendment adopted. But there ought to be some explanation to the Senate as to exactly the purpose to be accomplished and how the amendment will operate.

Mr. PETTIGREW. I am inclined very much to agree with the Senator from Arkansas [Mr. JONES] that the amendment is entirely unnecessary and that no legislation whatever on this subject is necessary. There is another provision in the bill which requires that the Secretary of the Interior shall appoint an officer to distribute whatever money is due to the Indians per capita, and I think it covers this question.

When the amendment was placed in the bill I think the purpose of the committee was to provide that the money should be distributed by an officer of the Government rather than to be paid into the treasury of these nations, to be distributed by their officers. I think our experience in distributing money through that channel has been one of national disgrace, and the money did not reach the persons who were entitled to it. For the purpose of avoiding that scandal, for the purpose of having the money reach the people who are entitled to it, the committee placed the amendment in the bill. I think the difficulty is obviated by another provision in the bill, page 40, which says:

That any sums of money appropriated in this act that are to be paid per capita to individual Indians shall be paid to said Indians by an officer of the Government, designated by the Secretary of the Interior.

Therefore I am myself inclined to think that the amendment of the committee is unnecessary.

Mr. CHANDLER. I hope the Indians will get some of this money. I see that there is a provision in lines 17 and 18 that it is to be paid to them after deducting the attorneys' fees and expenses. We are not informed of the amount of the attorneys' fees and expenses. I hope they will not take it all.

Mr. PETTIGREW. I will state right here that so far as I am concerned I will accept an amendment to strike out those words.

Mr. CHANDLER. Now, secondly, the Cherokee Indians are not to be trusted to disburse this money among themselves. That shows a great distrust of the Indians. Perhaps the Indians would not settle the attorneys' fees and expenses so liberally as the Secretary of the Interior would, or as the two committees in control of this bill would do it. But the money is not to be disbursed by the tribe, although it is the money of the tribe; it is to be paid to them deliberately; it is theirs. They have councils, and their councils are good enough when they make contracts to pay out 35 per cent of whatever they receive. Their councils are good enough, strong enough to make such large contracts, but the balance of the money they are not to be trusted to pay out among themselves. First, the attorneys' fees and expenses are to be taken out; then it is to be paid out by a disbursing officer of the Interior Department, to be appointed by the Secretary, and lastly an estimated amount for expenses for making such payment shall be deducted from the principal sum. The Secretary of the Interior can charge upon this money any expense he chooses to estimate; he can take it out of the money, give it to somebody for paying over the principal amount to the Indians, and each of the Indians can only get his proportion of what is left.

It seems to me that it is desirable to avoid committing Congress to these attorneys' fees and expenses of which we know nothing. It would be a great deal better, I think, if the Indians can be trusted to make such large contracts for fees and expenses, to trust them with their own money and let them pay it out in their own way per capita to the members of the tribe. There is a great distrust of the Indians when it is proposed to leave them to deal with themselves. There is no distrust of them at all when they choose to make these large contracts for attorneys' fees and expenses.

Mr. PLATT. Mr. President, if the whole amendment is to go out by consent of the committee I have nothing to say about it. I think, perhaps, that would be as proper a disposition as under the circumstances is likely to be made of the subject in the Senate.

But I wish to state, in reply to the insinuations of the Senator from New Hampshire [Mr. CHANDLER], that Congress authorized a suit to be brought in the Court of Claims in favor of the freedmen, citizens of the Cherokee Nation, of the Delawares, incorporated into the Cherokee Nation, and of the Shawnees, to determine whether the freedmen, Shawnees, and Delawares were not entitled to an equal proportion per capita of the amount for which the Outlet was sold. That suit has been brought by reputable attorneys; it has been argued in the Court of Claims, and two of them appealed to the United States Supreme Court. The case has been argued there and decided in favor of the freedmen, the Shawnees,

and the Delawares. I know of no reason why those attorneys who have been employed are not entitled to be paid out of this fund.

Now, one word in regard to something else that the Senator from New Hampshire [Mr. CHANDLER] said.

Mr. GRAY. I ask the Senator from Connecticut, Who fixes the amount of the compensation of the attorneys?

Mr. PLATT. I am not advised on that subject. I think the attorneys have some understanding or agreement. I do not know about it.

Mr. GRAY. I agree with the Senator from Connecticut that the attorneys ought to be paid, but I think we ought to know how their compensation is to be fixed.

Mr. PLATT. I am assuming that this whole matter is to go out; but I wish to make an explanation with regard to the payment of this money to the Cherokees, to the freedmen, to the Shawnees, and to the Delawares and allowing them to distribute it with the idea which the Senator from New Hampshire has, that each Indian would get his per capita share of the appropriation. I wish to say to that Senator and to the Senate that the experience which we have had with reference to the payment of money per capita by Indian tribes themselves in the Indian Territory is such that there is no reasonable ground to believe or to hope that a payment made by the tribe or by portions of the tribe would ever be distributed fairly per capita.

The payment by the Cherokee Nation, the Choctaw and the Chickasaw Nation, and other nations where money has been distributed, having been turned over from the United States Treasury to the nations or the tribes, has been of the most scandalous and wicked nature; and if there is any other term which would characterize an unholy transaction I should use that word which can be imagined. I know of one instance where an Indian woman, the head of a family, was entitled to $1,600. She received in fact when the payment was over less than $350. When the payment of the balance of the Cherokee money was made in the Cherokee Nation there never was such a saturnalia on the face of the earth as there took place. The gamblers and the prostitutes assembled, and where a person really got the money into his hands it was got away from him, and 13 murders followed for the purpose of robbery. The conditions which attended that payment and which have attended other similar transactions have so impressed me that no payment to Indians per capita will ever be made through the agency of the tribes or the agents of the tribes if my voice can prevent it in the Senate.

Mr. JONES of Arkansas. For a distinct understanding of what is to be accomplished by the amendment it seems to me necessary that some facts should be stated. The distribution of the Outlet money among the Cherokees gave to each Cherokee $295.33. The question brought before the court was whether the Shawnees, the Delawares, and the freedmen were entitled to receive a like amount of money. The court held that they were, but the court, as is claimed by the Shawnees, Delawares, and freedmen, made a mistake as to the number of Shawnees, Delawares, and freedmen who were entitled to the money. There were, in fact, 830 Shawnees and 876 Delawares who were entitled to receive the money, whereas the court found the number to be 624 Shawnees and 737 Delawares. There should be an additional appropriation above and beyond what has been ascertained by the court as belonging to those two tribes of Indians and to the negroes to make up the mistake made in the number as ascertained by the court.

I understand that when the court rendered this judgment the Shawnees and Delawares were on the eve of taking an appeal for the purpose of correcting what they understood to be an error by the court; that the Cherokee authorities recognized the fact that the court had made a mistake and that they have by an act of the Cherokee council appropriated money sufficient to make up the difference that would come to those tribes by reason of the mistake in numbers. The proposition now is that this appropriation shall be made to pay the judgment of the court direct by the officers of the Government; that the remainder of the money shall go into the Cherokee treasury, and then that the Delawares and Shawnees shall be paid the amounts of money that are coming to them under the act of the Cherokee council.

The only defect that I see in the amendment submitted by the Senator from Missouri as a substitute for the other amendment is that it does not specifically provide for the payment of the amounts of money that are due to the Shawnees and the Delawares by reason of this error, although it does provide for paying the amount due to the freedmen by reason of the mistake of the court, over $400,000. But there is a considerable sum of money, amounting to something like $200,000, I think, although I am not sure about the amount, due to the other tribes, and there ought to be a provision in the amendment, if we pass it at all, to give these Indians $295.33 a head for whatever number there are among the Cherokees and not for the number erroneously found by the court.

The result of the finding of the court is that the Shawnees and Delawares would receive $250 a head instead of $295 a head, which they ought to have. That error ought to be corrected. While the amendment of the Senator from Missouri does propose to correct it as to the freedmen, it does not correct it, I understand, with respect to the Shawnees and Delawares. I send an amendment to the desk and request that it be read, and I will ask the Senator from Missouri to accept it in lieu of his proposed substitute for the other amendment.

The VICE-PRESIDENT. The Secretary will read the proposed substitute.

The Secretary read as follows:

The Secretary of the Interior is hereby directed to distribute out of the balance of $1,660,000 now in the Treasury, and the interest thereon, being the balance of the first payment for the purchase of the Cherokee Outlet, a judgment rendered in favor of the Cherokee freedmen against the Cherokee Nation, the sum of $903,254 and the cost of said suit, as directed by the terms of the judgment in said cause. He is further directed to pay the Shawnee Indians residing in the Cherokee Nation the judgment rendered in the Court of Claims in their favor against the Cherokee Nation the amount of said judgment, to wit, $149,604, and the costs thereof, as provided in said judgment.

The judgment rendered in favor of the Delaware Indians residing in the Cherokee Nation in the Court of Claims, amounting to $205,205, having already been paid by said Secretary of the Interior, he is directed to pay the balance of the aforesaid $1,660,000 and interest thereon, after paying the aforesaid judgment as herein provided, to the treasurer of the Cherokee Nation, in accordance with the terms of the agreement hitherto made between the Secretary of the Interior and said Cherokee Nation, and with the act of Congress providing for the purchase of said Cherokee Outlet.

And the Secretary is directed to appoint a special agent to cooperate and have joint authority with the treasurer of the Cherokee Nation in disbursing $400,000 of said balance so paid over to the Cherokee treasury, or so much thereof as may be needed to equalize the freedmen with the Cherokees by blood per capita, in accordance with the terms and conditions of an act of the Cherokee council entitled "An act to appropriate and pay certain moneys out of moneys arising from the sale of the Cherokee Outlet to the freedmen of the Cherokee Nation," approved March 27, 1896, appropriating said sum and providing for the distribution thereof. Said special agent shall also cooperate in the same manner with the treasurer of the Cherokee Nation in disbursing $53,461.60 of said balance, or so much thereof as may be needed to equalize the said Delaware Indians with the Cherokees by blood per capita, as provided by a similar act of the Cherokee national council approved March 30, 1896, for the benefit of said Delaware Indians, and $76,536 of said balance, or so much thereof as may be needed to equalize the Shawnee Indians with the Cherokees by blood per capita, as provided by a similar act of the Cherokee national council approved March 30, 1896, for the benefit of the said Shawnee Indians.

Mr. ALLISON. I should be glad to have the Senator from Arkansas explain briefly the substitute, so that we may know exactly what the effect of the substitute is as compared with the other provisions for the payment of this money to the Indians. Wherein does it differ, for instance, from the provision in the bill itself?

Mr. JONES of Arkansas. There are very material differences between this and the provision in the bill. I will read the latter part of the proposed amendment:

The Secretary is directed to appoint a special agent to cooperate and have joint authority with the treasurer of the Cherokee Nation in disbursing $400,000 of said balance so paid over to the Cherokee treasury, or so much thereof as may be needed to equalize the freedmen with the Cherokees by blood per capita, in accordance with the terms and conditions of an act of the Cherokee council entitled "An act to appropriate and pay certain moneys out of moneys arising from the sale of the Cherokee Outlet to the freedmen of the Cherokee Nation," approved March 27, 1896, appropriating said sum and providing for the distribution thereof. Said special agent shall also cooperate in the same manner with the treasurer of the Cherokee Nation in disbursing $53,461.60 of said balance, or so much thereof as may be needed to equalize the said Delaware Indians with the Cherokees by blood per capita, as provided by a similar act of the Cherokee national council approved March 30, 1896.

Mr. ALLISON. I do not care to have the Senator read further. The substance of it is that the treasurer of the Cherokee Nation and the special agent of the United States are jointly to equalize the payments.

Mr. JONES of Arkansas. Exactly.

Mr. ALLISON. Adding to the Shawnees and the Delawares, as well as to the freedmen, the difference between the judgment of the court and the amount actually due?

Mr. JONES of Arkansas. Actually paid to the Cherokees.

Mr. ALLISON. According to population now?

Mr. JONES of Arkansas. Yes, sir.

Mr. ALLISON. I do not ask any further explanation of the amendment.

Mr. JONES of Arkansas. It seems to me that the amendment accomplishes exactly and precisely the purpose that different Senators have expressed themselves in sympathy with.

There is one thing in this connection which ought to be taken into consideration in justice and fairness. I do not know what arrangements have been made by the attorneys who have represented these people in the suit which they have prosecuted in the Court of Claims and in the Supreme Court of the United States. The attorneys were legitimately employed under contracts approved by the Interior Department, and they are entitled to a fair compensation for their services, whatever that may be, and there ought to be some provision——

Mr. COCKRELL. Let me ask the Senator from Arkansas if the court did not fix the compensation and if the attorneys have not already been paid the compensation fixed by the court?

Mr. JONES of Arkansas. I am not aware of that. Of course, if they have been paid that is sufficient; it is all that is necessary. I am making no point about it except that if no provision is made

for the fees some provision should be made in the proposed law to pay the legitimate expenses.

Now, one matter which we must guard against, and which, it seems to me, ought to be watched, is in connection with the statement made here that the Delawares and Shawnees have been induced to have the Cherokee council agree to pay to a certain individual 20 per cent of the money that is coming to them in consideration of the fact that they will not appeal here. They allege, and the agent of the Shawnees writes (I have his letter in my pocket), that the statement was made that this individual could prevent the payment of any part of the money if they did not give him 20 per cent of it.

If an agent of the Government of the United States acts with the agent of the Cherokee Nation in paying out this money, no 20 per cent of it can be diverted to be paid out, under an agreement obtained by fraud, to somebody who is not entitled to it. It seems to me that this will effectually guard and protect the money in the Cherokee Nation, after it goes out of the hands of the United States, on its way to the Shawnees, Delawares, and freedmen, where it rightfully belongs. It will not be misappropriated if it is done under the supervision of a Government officer, as provided for in the amendment.

Mr. ALLISON. Does the amendment provide for the payment of the Government agent? How is the agent of the Government to be paid?

Mr. JONES of Arkansas. There is no provision for that purpose. The Interior Department, I understand, has a number of times detailed officers who are paid regular salaries to perform services of that kind.

Mr. PETTIGREW. I hope very much that the Senate will not adopt the amendment offered by the Senator from Arkansas [Mr. JONES]. The difficulty with the matter is just this: There is a certain sum of money in the Treasury of the United States to be paid out to certain Indians and freedmen, members of the Cherokee Nation. The purpose to be accomplished by the Cherokee Nation is to get possession of this sum of money. They have padded the rolls of the freedmen, representing that there are 4,400 of them, when in reality there are only 3,000 of them. If they can get this whole sum of money down there and pay the 3,000 freedmen, the balance will be taken care of by the men who have corruptly managed the affairs of that nation ever since it has been a nation. That is what I understand they are after. They have padded the rolls of the freedmen, making 4,400 of them. The Interior Department, which has been investigating the matter, finds there are only 3,000 of them. If those men can get this whole sum down there, the balance, instead of being distributed among the Cherokee Indians who are entitled to it, if there is a balance, will be divided among the men who have been manipulating the affairs of that country.

Mr. JONES of Arkansas. Let me call the Senator's attention to the fact that the amendment which I have proposed provides that an officer of the Government shall act with the treasurer of the Cherokee Nation and shall pay to the individuals this money or so much thereof as may be necessary to pay them, and every dollar of it that is not paid out to such persons under the supervision of a Government officer will remain in the Cherokee Nation.

Mr. PETTIGREW. They will pay the 3,000 negroes, and they themselves will take care of the money appropriated for the other 1,400 negroes.

It seems to me it is far safer—I care not how the amendment is framed—to allow an officer of the Interior Department to pay out all of this money and be directly responsible that it reaches the proper parties, and if there is anything left pay it to the Cherokee Indians per capita, and have nothing further to do with the rotten and corrupt government which has disgraced that country and has disgraced this nation.

Mr. JONES of Arkansas. I am perfectly willing to have my amendment amended so as to accomplish that purpose exactly, and have it done by a Government officer, if the Senator from North Dakota prefers.

Mr. PETTIGREW. Here is what the Dawes Commission says about the condition of affairs in that country:

All the functions of the so-called governments of these five tribes have become powerless to protect the life or property rights of the citizen. The courts of justice have become helpless and paralyzed. Violence, robbery, and murder are almost of daily occurrence, and no effective measures of restraint or punishment are put forth to suppress crime. Railroad trains are stopped and their passengers robbed within a few miles of populous towns and the plunder carried off with impunity in the very presence of those in authority. A reign of terror exists, and barbarous outrages, almost impossible of belief, are enacted, and the perpetrators hardly find it necessary to shun daily intercourse with their victims. We are now informed that within the territory of one of these tribes there were 53 murders during the month of September and the first twenty-four days of October last, and not a single person brought to trial.

I submit, are we in the distribution of this money going into partnership with a lot of cutthroats like those? I think it is our duty to have the money distributed by an accredited officer of this Government, without paying it into their treasury to be handled by a gang of thieves.

Mr. JONES of Arkansas. Will the Senator from South Dakota allow me to interrupt him right at that point?

Mr. PETTIGREW. Certainly.

Mr. JONES of Arkansas. The Senator either clearly misapprehends the facts in this case or I do. Our purpose is certainly the same. He stated in the beginning of his remarks just now that there is a specific amount of money in the Treasury which belongs to the freedmen, the Shawnees, and the Delawares. I think this $1,666,000 belongs to the Cherokee Nation; that it is held in the Treasury for the purpose of making the claims of the Shawnees and Delawares and freedmen equal to the balance of the Cherokees; and that when they are paid the amount of money which will make them equal, the remainder of it, if there is anything over, will go to the Cherokee treasury. If the amendment, as the Senator suggested just now, should go out, and nothing whatever goes in the bill, the result will be that the Treasury will pay the amount of the judgments in favor of these three classes of people, and there will be something like $600,000 of this money which will go into the absolute control of the Cherokee council instead of being controlled by a Government officer; and instead of having a partnership with these people in an honest distribution of the money it would put it all bodily in the hands of the Cherokees to be disposed of as they please.

Mr. PETTIGREW. The committee amendment certainly obviates that, although there was another section in the bill that will thoroughly obviate it. It certainly can be fixed so that it does obviate it and see that the money is paid out by an officer of the Government. This money belongs to the Cherokee Indians; that is, what remains of it after the proper share is given to the freedmen, Delawares, and Shawnees.

Mr. JONES of Arkansas. That is correct.

Mr. PETTIGREW. Now, what I want is an amendment which will require the Secretary of the Interior to pay this money first to the freedmen, the Shawnees, and the Delawares, and, if there is anything remaining, per capita to the Cherokees themselves. I think it is time we stopped the practice of turning money into the treasury of the Cherokee Nation to be distributed by them, and the people do not get the money.

Mr. JONES of Arkansas. Then I suggest if the Senator will take the amendment which I have presented and modify it to cover that point exactly it will meet my hearty concurrence. I am perfectly willing——

Mr. PETTIGREW. Then I do not see that we disagree.

Mr. JONES of Arkansas. We do not.

Mr. PETTIGREW. I simply do not want the money turned over there and then send an officer down to supervise its distribution and let the balance be stolen. That is not necessary. We can send an officer who will attend to the matter without any partnership on the part of those people whatever. I want to say further, Mr. President, the freedmen have had paid out to them $900,000 of the $1,600,000 that was in the Treasury and their attorney has been paid $54,000 of that sum for his services.

Mr. COCKRELL. And all the attorneys in all the suits have been paid, in accordance with the judgment of the Court of Claims, every one.

Mr. PETTIGREW. Then strike out the judgment fees and turn the matter over to the Indian Commission by an officer of the Government. That is all I want.

Mr. COCKRELL. This amendment does exactly what the Senator wants done. Now, let us see:

The Secretary of the Interior is hereby directed to distribute out of the balance of $1,660,000 now in the Treasury and the interest thereon, being the balance of the first payment for the purchase of the Cherokee Outlet, a judgment rendered in favor of the Cherokee freedmen against the Cherokee Nation, the sum of $903,254——

Mr. PETTIGREW. That has been paid.

Mr. COCKRELL—

and the cost of said suit, as directed by the terms of the judgment in said cause. He is further directed to pay the Shawnee Indians residing in the Cherokee Nation the judgment rendered in the Court of Claims——

Mr. PETTIGREW. That has been paid. Those items have been paid.

Mr. COCKRELL—

in their favor against the Cherokee Nation the amount of said judgment, to wit, $149,604, and the costs thereof, as provided in said judgment.

Mr. JONES of Arkansas. If I remember correctly, only the Delawares have been paid.

Mr. PETTIGREW. They have all been paid all the amounts read by the Senator from Missouri.

Mr. PLATT. How much was the judgment in favor of the Delawares?

Mr. COCKRELL. I will come to the next clause. This is another thing the Secretary is to do:

The judgment rendered in favor of the Delaware Indians residing in the Cherokee Nation in the Court of Claims, amounting to $205,265, having already been paid—

That is the one which has been paid.

Mr. PETTIGREW. They have all been paid. All the items the Senator has read have been paid.

Mr. COCKRELL—

having already been paid by said Secretary of the Interior, he is directed to pay the balance of the aforesaid $1,660,000 and interest thereon, after paying the aforesaid judgment as herein provided, to the treasurer of the Cherokee Nation, in accordance with the terms of the agreement hitherto made between the Secretary of the Interior and said Cherokee Nation and with the act of Congress providing for the purchase of said Cherokee Outlet.

And the Secretary is directed to appoint a special agent to cooperate and have joint authority with the treasurer of the Cherokee Nation in disbursing $400,000 of said balance so paid over to the Cherokee treasury, or so much thereof as may be needed to equalize the freedmen with the Cherokees by blood per capita, in accordance with the terms and conditions of an act of the Cherokee council entitled "An act to appropriate and pay certain moneys out of moneys arising from the sale of the Cherokee Outlet to the freedmen of the Cherokee Nation," approved March 27, 1896, appropriating said sum and providing for the distribution thereof. Said special agent shall also cooperate in the same manner with the treasurer of the Cherokee Nation in disbursing $53,461.60 of said balance, or so much thereof as may be needed to equalize the said Delaware Indians with the Cherokees by blood per capita, as provided by a similar act of the Cherokee council approved March 30, 1896, for the benefit of said Delaware Indians, and $76,536 of said balance, or so much thereof as may be needed to equalize the Shawnee Indians with the Cherokees by blood per capita, as provided by a similar act of the Cherokee national council approved March 30, 1896, for the benefit of the said Shawnee Indians.

Now, the only difference on earth between what the Senator from South Dakota wants and what the amendment provides is that only $400,000 goes into the Cherokee treasury, and it is then to be paid out per capita to the freedmen and to the Delawares and to the Shawnees by the treasurer of the Cherokee Nation, supervised and directed by the presence of a United States officer. The Senator makes objection to that, that it will not reach the hands of these men. Then let us change it and say that the Secretary shall pay those amounts. Then in what condition would we be? Where would the liability be? The Cherokee council and Nation, authorized to enact laws, have passed a law that this $400,000 shall be paid to these persons in conformity with the declaration of the Supreme Court. Now, we appoint an officer to go down there and see that it is paid over. Does the Senator want the $400,000 to go into the treasury to be paid directly by an officer?

Mr. PETTIGREW. Oh, certainly.

Mr. COCKRELL. Then it would be very easy to arrange it so far as that point is concerned.

Mr. PETTIGREW. In the first place, there was $1,660,000. The judgments referred to have been paid. I do not see why that recital is in the amendment at all. The judgment of $900,000, after deducting $54,000 attorney's fees, has been paid to the freedmen.

Mr. COCKRELL. The judgment in favor of the freedmen has not been paid.

Mr. PETTIGREW. It has been paid.

Mr. COCKRELL. I say it has not.

Mr. JONES of Arkansas. I should be glad to ask on what authority the Senator from South Dakota states that that money has been paid. My understanding has been——

Mr. PETTIGREW. The attorney of the freedmen, a Mr. Kern, who is a resident of St. Louis, a well-known lawyer, told me that it had been paid and that he had received his attorney fee of $54,000.

Mr. JONES of Arkansas. My understanding has always been——

Mr. COCKRELL. I read from what Mr. Kern has just sent to me since this discussion has been going on:

Freedmen judgment not paid.

R. H. KERN.

Mr. PLATT. Does that mean the $900,000 or the $400,000 additional?

Mr. JONES of Arkansas. The $900,000. That is the only judgment they had. My understanding has been all along that the $205,000 in favor of the Delawares has been paid, but that the amounts in favor of the Shawnees and the freedmen have not been paid. I have just telegraphed to the Department of the Interior for the facts. I presume they will be here in a few minutes. I am perfectly willing to have the amendment so modified as to do exactly what the Senator from South Dakota suggests, and I am willing to let the matter be passed over to give him an opportunity to change the amendment so as to conform to his wishes.

Mr. PETTIGREW. Very well.

Mr. JONES of Arkansas. There are one or two other amendments to which we can devote a few minutes.

Mr. PLATT. I understand if the amendment is passed over that there are no other committee amendments to be considered.

Mr. PETTIGREW. I have some amendments that I am authorized to offer on the part of the committee.

Mr. CHANDLER. All the reserved amendments have been concluded?

Mr. PETTIGREW. I think so.

Mr. PLATT. When the committee has concluded its amendments I desire to be recognized to offer an amendment.

The VICE-PRESIDENT. The Chair will recognize the Senator from Connecticut at the time.

Mr. PETTIGREW. The Senator from Connecticut may as well offer his amendment now.

Mr. PLATT. I understand that the Senator having charge of the bill is perfectly willing that the amendment shall be offered at the present time, and I therefore offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment submitted by the Senator from Connecticut will be stated.

The SECRETARY. On page 69, at the end of line 8, insert:

For salaries and expenses of the commissioners appointed under acts of Congress approved March 3, 1893, and March 2, 1895, to negotiate with the Five Civilized Tribes in the Indian Territory, the sum of $50,000, to be immediately available; and said commissioners, in addition to the authority already conferred upon them by law, are authorized and directed to proceed at once to hear and determine all questions of citizenship in the several tribes or nations in said Indian Territory, namely: The Cherokee, Muscogee or Creek, Choctaw, Chickasaw, and Seminole tribes or nations, and to make for each a full and complete roll of all persons entitled to the rights of citizenship therein; and in the performance of such duties said commissioners, and each of them, shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, to send for persons and papers, and to punish any disobedience of their orders and process as for contempt. They shall at all times have access to all rolls of citizens, records, and documents belonging to any of said nations or any of their officers, or in any of the Departments of the United States which they may deem necessary for the prosecution of said work, and may make copies thereof. In determining all said questions of citizenship said commissioners are authorized to consider all the acts of the national councils of said several nations, and the acts and decisions of persons claiming to act by authority thereof, and any decisions made or papers issued by such persons in any case before them, and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong. In making up such citizenship rolls said commissioners shall accept as citizens all persons now on rolls recognized by said several nations with reference to whose citizenship no controversy has been instituted. The decisions of said commissioners in all such cases shall be final, and the rolls so prepared by them shall be thereafter held and considered to be the true and correct rolls of persons entitled to the rights of citizens in said several nations. Such rolls shall be made in duplicate, attested by the commissioners, one to be deposited with the secretary of the nation to which it relates and the other with the Secretary of the Interior. The said commissioners shall also make a full and complete roll of all those persons residing in the Choctaw and Chickasaw Nations, and designated in Article III of the treaty of April 28, 1866 (14 Stat., page 769), with said nations as "persons of African descent resident in said nations at the date of the treaty of Fort Smith, and their descendants, heretofore held in slavery among said Indians," who shall not be found by said commissioners entitled to be enrolled as citizens of said nations; and the said commissioners shall forward said roll as early as practicable to the Secretary of the Interior, with their report thereon, showing whether the stipulations prescribed in said treaty of April 28, 1866, for the benefit of said persons have been fulfilled, with their recommendations for such action by Congress as in their judgment is required, said report to be laid before the Congress by the Secretary of the Interior with his recommendations thereon.

When the rolls of citizens of any one of said nations or tribes are fully completed and deposited as aforesaid, the President of the United States shall, at his discretion, order said commissioners to proceed to allot the occupancy of all the lands of said nation susceptible of allotment among the citizens thereof as shown by said roll, and to persons of African descent aforesaid who may be entitled, giving to each so far as may be his just and equitable share considering the nature and fertility of the soil, location, and value of same, and providing, when practicable, that where lands are now occupied by citizens in excess of their fair share, such allotments shall be from lands thus occupied, and where lands are now occupied by citizens amounting to less than their fair share, such allotments shall, if desired by the occupants, include the lands so occupied. When such allotment has been by them completed, said commissioners shall make full report thereof to the Secretary of the Interior for his approval; said commissioners shall in said report also describe the lands or other property found incapable of division, giving reasons why the same can not be divided; all reports made by the commissioners shall be submitted by the Secretary of the Interior to Congress; said commissioners may employ such assistants as they find necessary in the performance of their duties, to be so certified by them and approved by the Secretary of the Interior, who may fix their compensation, and at his discretion may commute the subsistence of said commissioners and assistants to a certain per diem amount. All per capita payments hereafter made to the citizens of any of said nations shall be paid directly to each individual citizen by an officer of the United States, who shall be required to give sufficient bond for the faithful performance of such duty and to render strict account for such for disbursements, and he shall be paid by the United States for such service.

Mr. WALTHALL. Unless the Senator in charge of the bill or some other member of the Committee on Appropriations makes a point of order upon the amendment I desire to do so myself.

Mr. PLATT. What is the point of order?

Mr. WALTHALL. The point of order is that it is general legislation, open and undisguised, of a most important character, upon an appropriation bill.

Mr. PLATT. I do not think the amendment is open to that point of order. I should like to have Rule XVI read.

The VICE-PRESIDENT. The Secretary will read the third paragraph of Rule XVI.

The Secretary read as follows:

3. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule when raised shall be submitted to the Senate and be decided without debate; and any amendment to a general appropriation bill may be laid on the table without prejudice to the bill.

Mr. GRAY. Read further.

The Secretary read as follows:

4. No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

Mr. PLATT. All that is raised by the point of order, if I may be permitted, by the consent of the Senate, is that the amendment proposes general legislation to an appropriation bill. If the Chair is in doubt on that point I should hope that the question might be submitted to the Senate in order that I may be permitted to express my views on the subject.

We have now a commission appointed to negotiate with the Five Civilized Tribes. In 1894 the Cherokee commission was created and given certain duties. It was provided in the Indian appropriation act of 1894 that there should be created a commission to be composed of—

three commissioners, to enter into negotiations with the Cherokee Nation, the Choctaw Nation, the Chickasaw Nation, the Muscogee (or Creek) Nation, the Seminole Nation, for the purpose of the extinguishment of the national or tribal titles to any lands within that Territory now held by any and all of such nations or tribes, either by cession of the same or some part thereof to the United States, or by the allotment and division of the same in severalty among the Indians of such nations or tribes respectively as may be entitled to the same.

So the original act contemplated as a part of the duties of these commissioners the negotiation of the allotment and division of their lands.

Mr. GRAY. From what act did the Senator read?

Mr. PLATT. I read from the Indian appropriation act of 1894, where the commission was created. Now, in 1895 there was appropriated for the purpose of continuing the work of the commission, under section 16 of that act, $30,000, and the President was authorized to appoint two additional members of the commission. So the commission, for the payment of the salaries and expenses of which this appropriation is made, is already in existence. It is authorized to deal with the subject-matter which is referred to in the amendment.

Mr. GEORGE. Will the Senator from Connecticut allow me one question just for information?

Mr. PLATT. Yes, sir.

Mr. GEORGE. Were not the powers of the commission to deal with this subject-matter confined to negotiations with the Indians?

Mr. PLATT. They were in the original act. That I have stated. I agree that this appropriation for the payment of the salaries and expenses of the commissioners contemplates somewhat of an enlargement of their powers. I agree to that. But under the decisions of the Senate heretofore this is not general legislation. It is an appropriation of money and a direction as to what shall be done in the expenditure of that money. That has always been held not to be within the scope of the rule that no amendment proposing general legislation to an appropriation bill shall be received.

The matter first came up in the Senate in a notable form in 1885, when the Senator from Maine [Mr. FRYE], the Senate being engaged in the consideration of the Post-Office appropriation bill, moved to strike out three lines, and to insert in lieu thereof a provision which appropriated $800,000, and proceeded to authorize the Postmaster-General—

to enter into contracts for the transportation of any part of said foreign mails, after legal advertisement, with the lowest responsible bidder, at a rate not exceeding 50 cents a nautical mile on the trip, each way, actually travelled between the terminal points: *Provided*, That the mails so contracted shall be carried on American steamships, and that the aggregate of such contracts shall not exceed one-half of the sum hereby appropriated.

Within the point as made by the Senator from Mississippi, that was general legislation on an appropriation bill. There was no legislation which authorized the Postmaster-General to advertise for any such contract, to make any such contract, or to limit any such contract to the owners of American vessels. That matter was submitted to the Senate by the President pro tempore; it was argued at length, and finally decided by the Senate to be in order. On many occasions that precedent was followed from 1885, and has been followed to the present day.

The same question came up again notably in 1891, where the same Senator, the Senator from Maine [Mr. FRYE], moved to strike out from the Post-Office appropriation bill an item "for transportation of foreign mails, $752,990," and to insert in lieu thereof an appropriation of $1,200,000, covering two or three pages, an amendment as long as the pending one, providing that the Postmaster-General should advertise for contracts for a variety of service, prescribing the character of the vessels to be employed in the mail service; dividing them into four classes; providing how they should be built and officered; that they should be adapted to be used as cruisers and subject to be taken by the Government; the rate of compensation for the mail service and a provision as to how much the owner should be paid in case the vessel should be taken for a cruiser, and an immense amount of what the Senator would call general legislation. I happened at that time to be in the Chair, and the question being raised by the Senator from Virginia [Mr. DANIEL], I said that the Chair would rule upon the question of order that—

Under the rulings of the Senate on former occasions upon amendments similar to this, which have been proposed to the Post-Office appropriation bill and which, according to the recollection of the Chair, were similar in substance, it has been decided that such amendments were in order. Following that decision, which has been repeated several times, the Chair will hold that the amendment is in order.

Then the Senator from Virginia appealed from the decision of the Chair; there was a very long discussion on the appeal, and the Chair was sustained and the amendment declared to be in order.

There are many other cases of that character which might be referred to, but these are the notable ones, because the practice was perhaps commenced upon these amendments. I might refer to a variety of cases where perhaps the question was closer than it was in the two cases to which I have referred.

The pending amendment is an appropriation; it proposes to add a new item of appropriation to the bill; it provides for the continuance of the commission—that is to say, for the payment of the salaries and expenses of the commission not provided elsewhere in the bill. It is not liable to a point of order upon that ground, because it has been proposed by the Committee on Indian Affairs and submitted to the Committee on Appropriations. That cures any defect that the amendment adds a new item of appropriation to the bill. Then the sum of $50,000 being appropriated, it simply determines the services to be performed by the commission. The amendment is carefully worded in that respect. It reads:

The sum of $50,000 to be immediately available; and said commissioners, in addition to the authority already conferred upon them by law, are authorized and directed to proceed at once to hear and determine all questions of citizenship in the several tribes or nations in said Indian Territory, etc.

To sustain the point of order would be to hold that when money is appropriated to pay a Government official his salary and expenses, no legislation can accompany that appropriation defining what he shall do, what services he shall perform in order to be entitled to the salary.

I apprehend, Mr. President, there can be no question that this amendment is not general legislation in the sense in which that phrase has been understood in the Senate. This very commission was created in this way in the Indian appropriation act of June 30, 1894, by section 16, where the sum of $50,000 was appropriated. That section commenced by saying:

The President shall nominate and, by and with the advice and consent of the Senate, shall appoint three commissioners.

It then went on to determine the duties of the commission, and then the appropriation followed the appointment of the commission and the prescribing of their duties. In this case, the commission being appointed, the appropriation for their payment and expenses is first put into the amendment, and what follows is merely an amplification of the duties of the commissioners to be performed under the appropriation.

I think clearly, Mr. President, the amendment is outside of the rule to which reference has been made.

Mr. WALTHALL. Mr. President, the third paragraph of Rule XVI, which is in question, provides that:

No amendment which proposes general legislation shall be received to any general appropriation bill.

The language is plain, is explicit, and its object and purpose and meaning are unmistakable. If the pending amendment proposes general legislation, then it must go out of the bill under this point of order, or a standing rule of the Senate must be boldly overridden.

The Senator from Connecticut [Mr. PLATT] has shown, by reference to other cases he considers somewhat analogous, that this rule has probably been disregarded in times past.

Mr. PLATT. No, Mr. President, I do not say it has been disregarded. I say it has been construed.

Mr. WALTHALL. That this rule has been construed, if the Senator prefers that expression, in the past, and the effect of the construction in every case referred to by him has simply been to decide that the legislation involved in those amendments was not general legislation. That is the whole of it.

The Senator opposed my position with reference to this point of order upon another ground, which is, that this commission was itself appointed under a general appropriation bill. If that be true, Mr. President, it does not follow that it ought to have been done or that it would have been done if a point of order like the one now submitted had been urged against it. No matter what the Senate has done in the past in deciding that certain amendments were or were not general legislation, I propose to show that this amendment proposes general legislation of the most important, the most delicate, the most difficult, and, as many think, of the most doubtful character.

Sir, what does the amendment propose? I shall only give the substance of its leading features. It proposes that the commis-

sioners appointed heretofore to negotiate with the Five Civilized Tribes in the Indian Territory, appointed simply for that purpose, shall proceed to hear and determine all questions of citizenship in the several tribes or nations in said Indian Territory, naming them, and make for each a full and complete roll of all persons entitled to the rights of citizenship therein; and in the performance of such duties that they, and each of them, shall have power and authority to administer oaths, to issue processes, and compel the attendance of witnesses, to send for persons and papers, and to punish any disobedience of their orders and process as for contempt—as high a power as any court in this land possesses.

It provides further that the decision of said commissioners shall be final, and the commissioners shall forward the roll as early as practicable to the Secretary of the Interior, with a report thereon. When the rolls of citizenship of any one of said nations shall be fully completed, the President shall, at his discretion, order the commissioners to proceed to allot the occupancy of all the lands of the nation susceptible of allotment among the citizens thereof, as shown by said roll, etc.

Mr. President, the intention of that amendment is, as its advocates will not deny, to work a radical change in the land tenure of these Indians, from holding in common to holding in severalty, and I believe it will not be denied that it is the initial step in a programme for a radical and sweeping change in the government of those Indians.

It is not only general legislation, Mr. President, but, as I have said before, it is legislation of the most delicate and difficult character; it is legislation upon a subject which has puzzled the greatest statesmen in this land; which has vexed this Government for years, and no solution of it has yet been proposed, as I believe, which is wholly satisfactory even to the author of it.

Mr. President, bills proposing to do thoroughly and at once what this amendment proposes to do tentatively and partially have been considered by the proper committees of both Houses of Congress at this session; much attention and consideration have been given to them, and many hearings have been had upon them. I have before me a statement made at one of these hearings by the Hon. A. S. McKennon, a member of the Dawes Commission, favorable to the general scheme of these bills, but I wish to read an extract from it for the purpose of showing how much attention has been given in the past and how much is now being given to this most important subject which it is proposed now to deal with summarily upon an appropriation bill, instead of in the orderly and usual manner which its gravity and importance would seem to demand. What that gentleman says will serve to refresh us as to the troubles which have attended the consideration of the question it is now proposed to dispose of so summarily in this incidental manner. He says:

This is a matter that has attracted considerable attention for several years. It is nothing new. We find that in 1889 a committee was sent to the Territory to investigate affairs there. There must have been some reason for that committee going there. If everything had been regarded as in a perfectly safe condition, I apprehend that Congress would not have gone to the trouble of sending a committee there. That committee was headed by a then member of the House of Representatives, now one of the judges in that Territory, Hon. William M. Springer. Mr. Mansur, Mr. Perkins, Mr. Peters, and Mr. Allen were also members of it. I do not now remember who the other members were, if there were others. When they returned the chairman of that committee introduced a bill providing for statehood in that Territory.

* * * * * * *

Afterwards, in 1892, another committee was sent down there—that was in the first session of the Fifty-second Congress. The chairman of that committee was Senator Butler, and Mr. Perkins and Mr. Higgins were his associates. When they returned Mr. Perkins introduced a court bill for the purpose of regulating affairs in that Territory.

* * * * * * *

In 1894 a bill was introduced by Mr. Higgins in regard to the intruder question. I desire to call attention to that. It is Senate bill No. 1860, Fifty-third Congress, second session.

I merely call attention to these in order to show you the interest that has been manifested in this question.

In 1893 Congress passed a bill for the creation of a commission to negotiate with the Five Civilized Tribes. Hon. Henry L. Dawes, Major Kidd, and I were appointed the members of that commission; Senator Dawes was made chairman of it. We went to the Territory about January 10, 1894.

Afterwards, during that year—

To show some few of the steps which have been taken in reference to this all-important matter which is now proposed to be disposed of so summarily—

Afterwards, during that year, a Senate committee, composed of Senators TELLER, PLATT, and ROACH, came to the Territory to investigate matters, and on their return Senator TELLER made a report (Senate Report No. 377). Gentlemen of the committee, I invite your especial attention to this report, because it is in the line of the report which we afterwards made, in substance the same, reporting the same condition of affairs that we found to exist in that Territory.

Mr. President, that report of the Senator from Colorado [Mr. TELLER] was a very thorough one, a very instructive one, and a very able one, and it concludes with these words:

As the matters submitted are so complicated and of such grave importance, the committee has thought proper to submit this preliminary report, and hopes, upon further investigation, to be able to make such further and more specific recommendation as to necessary legislation as will lead to a satisfactory solution of this difficult question.

This strong committee, on account of the complications of the question involved, on account of the grave importance, to use their own language, of this great problem, after they had been to the Indian Territory and investigated as thoroughly as they could do, asked to be allowed to investigate further before they would take the responsibility of making a specific recommendation as to necessary legislation, and now it is proposed, not by a committee amendment, but by an amendment offered by an individual not a member of the Committee on Appropriations, as I understand, to summarily deal with this matter just before this appropriation bill, which has been pending here for more than a week, is disposed of.

Mr. President, it is not even proposed that this subject, which in this report is shown to be so complicated, so grave, so important that a strong committee hesitated to make a recommendation as to legislation—it is not even proposed to submit this subject to the existing Committee on the Five Civilized Tribes, which is the same committee which made the report from which I have just read the concluding paragraph, in which we were led to hope that a specific recommendation from that committee would come, which never has come.

Mr. PLATT. Will the Senator allow me to interrupt him?

Mr. WALTHALL. Certainly.

Mr. PLATT. This matter relating to the Indian Territory has been very much more thoroughly considered during the past years by the Committee on Indian Affairs than by the Committee on the Five Civilized Tribes. The Committee on the Five Civilized Tribes was authorized to go to the Indian Territory, and did make their investigation there, and did make that report. I am a member of both committees, but I am able to say that it is a matter which has been very much more considered by the Indian Committee than by the Committee on the Five Civilized Tribes.

This is not my amendment, but it is an amendment which represents the deliberate judgment, after full hearings, of the Indian Committee as to what ought to be done.

Mr. WALTHALL. Let me ask the Senator why that committee did not propose a bill dealing directly with the subject?

Mr. PLATT. If it is not interrupting the Senator too much I shall be very glad to answer the question. This has been a matter of very serious consideration by the Indian Committee at this session of Congress. There have been many bills introduced and referred to that committee. The members of that committee have had different views as to what ought to be done finally, but upon this amendment, that we ought to go this far and do this much, all the members of the committee agree. They could not agree as to further proceedings and as to those bills. The provision of this amendment is taken from bills which have been before the committee, and as to it every member of the Indian Committee is agreed. I will not answer the Senator any further now than to make this explanation.

Mr. WALTHALL. Yet the fact remains, Mr. President, that this matter, which engaged the attention some years ago, in 1894 I believe it was, of the Committee on the Five Civilized Tribes sufficiently to justify Congress in authorizing that committee to go into that Territory and investigate the matter—which committee indicated in their report they would recommend some specific legislation—and this matter, which has had that sort of consideration from that committee, for some reason or other that I do not understand, has never gone to the existing Committee on the Five Civilized Tribes, of which my distinguished friend who sits in front of me, the Senator from Delaware [Mr. GRAY], is chairman, and which is composed of some of the very ablest men in this body, including the Senator from Colorado [Mr. TELLER], who made the report from which I have quoted, referring to a probable supplemental report, which we have never received; including also the distinguished Senator from Connecticut [Mr. PLATT], who offers this amendment, and the Senator from Minnesota [Mr. DAVIS] and the Senator from Florida [Mr. PASCO].

Mr. TELLER. I should like to say to the Senator, in explanation of why the Select Committee on the Five Civilized Tribes did not proceed further, that, as I stated in the report, it was a complex and difficult question, and we found that there was some feeling in the Committee on Indian Affairs of the Senate that really that committee ought to proceed with it, and, so far as I was concerned as chairman of the select committee, I did not want to invade the province of the other committee, and thought we had better perhaps withhold any further report until the other committee had acted.

Mr. WALTHALL. I can understand from considerations of delicacy why the Senator should have done that; and yet if the Committee on the Five Civilized Tribes were not organized expressly and solely to deal with just such a question as this then the purpose for which it was organized does not appear to the naked eye. I can understand how my distinguished friend the Senator from Colorado might have yielded to the Indian Committee, as I said, from considerations of delicacy; but he went out to the Indian Territory with other members of that committee.

They made a most careful examination, they made a most elaborate and able report; and when they came back they said the question was so grave, so important, so complicated, that that committee declined to make any specific recommendation as to legislation without some further investigation. Now, both the Senator from Connecticut and the Senator from Colorado assure me, of which I have no question, that the Indian Committee have dealt with this matter more than the Committee on the Five Civilized Tribes; but, sir, the Indian Committee have not proposed a separate bill, to stand on its own merits, dealing with this entire subject. This matter ought not to be put through on an appropriation bill when possibly it might not succeed in going through otherwise. It makes no difference what committee has had charge of it, the Indian Committee or the Committee on the Five Civilized Tribes; one or the other ought to bring us a bill which will stand on its own merits, and dispose of this troublesome and vexatious problem and pass upon its merits independently of any connection with an appropriation of money for various other purposes.

Mr. President, the Senator from Connecticut has talked about the precedents. I say his precedents simply show that certain propositions have been held by the Senate not to be general legislation, and if it shall hold that this is not general legislation, let it go. But, sir, only a few weeks ago, on an amendment proposed by the Committee on Appropriations, not an amendment of another committee, it was proposed to do even so inconsiderable a thing as to change the time of holding the legislature in New Mexico. It was vigorously opposed on the ground that it was general legislation upon an appropriation bill, and it was defeated here within the last few weeks after very full argument. Even so inconsiderable a matter as that proposed by that amendment went down on the ground, and on the ground alone, that it was general legislation upon an appropriation bill.

In the same appropriation bill there was a provision, not offered here, but inserted in the other House, changing the mode of compensating United States marshals and district attorneys from the fee system to the salary system. I remember some of the oldest and most distinguished Senators in the body—I allude especially at this moment to the Senator from Massachusetts [Mr. HOAR]—warned us of the danger, to use his own words, of the grave and serious objection to legislating upon a general appropriation bill upon any subject whatever, however important. I think I have quoted the substance if not the words he used. I took great interest in the debate, because I am not versed in parliamentary law, and I listened attentively to these older Senators, for whom I have great regard on account of their ability and their experience. Here is what the Senator from Ohio [Mr. SHERMAN] said in that very debate on a bill which has not become a law yet. I believe it is in a conference committee. Talk about precedents; we have them right here. The Senator from Ohio [Mr. SHERMAN] said:

As a rule, no important legislation ought to be ingrafted upon an appropriation bill. We all admit that, and yet we constantly violate that rule—

That may account for some of the precedents which have been suggested—

The established rule of almost every legislative body is to confine appropriations to the distribution of money to the various public objects. The practice of attaching legislation to appropriation bills has largely increased of late. Formerly, thirty or forty years ago, it rarely occurred, and only when it became necessary, either by the urgency of a political faction or to accomplish some political purpose, was a legislative amendment placed on an appropriation bill.

Here is a most striking example of the dangers which may occur from this kind of legislation.

I will not follow him to the end of his argument.

Mr. PLATT. Was the point of order made on the amendment?

Mr. WALTHALL. It was debated. I will explain the situation.

Mr. ALLISON. It was not an amendment.

Mr. WALTHALL. I will get to that point in a moment, and I will explain it. He was discussing the danger of legislating at all upon a general appropriation bill with or without reference to the point of order. The point of order was not made, and the reason will appear in a moment. But I read a little further from the Senator from Ohio:

The first objection I have to the system proposed is the general principle that it is faulty; that it is bad legislation to encumber an appropriation bill with legislative provisions affecting the whole judicial department of the Government of the United States.

Again, he says:

I do not know the history of the measure in the House of Representatives, or how it came to be attached to the bill before the Senate, but it is certain that the principle is adopted of ingrafting in a bill that must be passed provisions to which there may be marked opposition, and which could not pass upon their own merits.

Referring to the matter to which the Senator from Iowa [Mr. ALLISON] calls my attention, I will state that the provision to change the mode of compensating United States marshals and district attorneys upon an appropriation bill was defended here not because it was proper upon an appropriation bill—everybody admitted that it ought not to be there—but on the ground that it had passed through the House of Representatives according to the rules of that House, and that our committee here were not able to control the matter. Is not that a fair statement? Even there, in the absence of any point of order, we received these warnings from distinguished Senators of great experience as to the serious, grave objections to this sort of legislation.

Now, the situation as to the bill just mentioned was explained very fully by the chairman of the committee, who is now doing me the honor to give me his attention. The Senator from Iowa [Mr. ALLISON] said:

I agree with all that has been said by Senators as to the impropriety of placing riders in the way of legislation on appropriation bills—

That is what is proposed here—

The Senator from New York [Mr. HILL], who laid great stress upon that point, can not outdo me in objecting as a rule to placing riders upon appropriation bills. I have heard the Senator from Ohio many times express his view upon that subject and I have never differed from him in his argument. I think I can say truthfully for all the members of the Committee on Appropriations that they do object to legislation upon these bills. They would greatly prefer to deal with the appropriation bills without respect to legislation upon them; and we always hope that as to every one of these bills the rule which prohibits general legislation upon them will be adhered to. The House of Representatives has a similar rule. So, according to the rules of the two Houses, legislation of a general character can not be put upon appropriation bills, and that question need not be debated here.

The only question—

Says the chairman—

which arises now, as it seems to me, is whether the situation and condition surrounding this question of the compensation of district attorneys and marshals take this proposed legislation out of the general rule which prevails here, and which ought to prevail.

Then he goes on to discuss that question. I will not trouble the Senate to listen to the reading of the paragraph, but I will ask leave to insert it in my remarks.

In the first place, so far as the Senate is concerned, it has no choice as respects this bill. These provisions came to us from the House of Representatives; they are in the bill; and in some form they must be dealt with here. I know perfectly well it would be an easy thing for us to adopt the motion proposed by the Senator from Ohio and strike them out; but that does not deal with the question which is presented to us in these sections, unless the Senate is ready, and it never has been ready so far as I know, to say to the House of Representatives, "We will not agree to pass this bill unless you strip it of the legislation which you propose." I agree that according to parliamentary law, and according to the just relations that should exist between the two Houses, when either House proposes on an appropriation bill new legislation, if the other House objects to it the legislation should be taken from the bill. That is the rule; nobody disputes it that I know of; and every member of the Senate, so far as I know, agrees with the suggestions made by the honorable Senator from Ohio, the Senator from New York, and other Senators who say that we should not legislate upon appropriation bills.

The Committee on Appropriations, however, in the consideration of this bill regarded, and were compelled to regard, this as an exceptional case; and they so treated it. The House of Representatives, with its rule providing that no legislation should be placed upon appropriation bills, took this proposed legislation out of the scope of that rule. The Committee on Rules, having the power to bring in special rules as respects special questions, overriding the general rules of the House, brought into that body a special rule; and so unanimous was the House of Representatives for this legislation that the yeas and nays were not called, as the record of the House shows, upon the adoption of that rule.

Mr. HILL. Will the Senator from Iowa permit me to ask him a question? What was precisely the special rule which the Committee on Rules reported?

Mr. ALLISON. The special rule provided that these sections which are now incorporated in the bill should be made in order upon the legislative, executive, and judicial appropriation bill, and that the sections should be considered pending that bill, and they were so considered under that special rule. Otherwise, of course, the provisions would have been subject to a point of order, and ruled out.

When the distinguished chairman of the committee said:

I think I can say truthfully for all the members of the Committee on Appropriations that they do object to legislation upon these bills.

The statement carried the implication to me, at least, that the Senator and his powerful committee would resist all general legislation such as this upon an appropriation bill. When it was sought a few weeks ago to strip that great committee of very much of its power, it was urged with great force that it was overburdened now with its legitimate work. That work undoubtedly is heavy enough to justify the committee, to say the least, in resisting all efforts to enlarge its sphere of responsibility by general legislation on appropriation bills, and especially in a matter of such gravity as this.

I do not propose to discuss the merits of the amendment. It is enough for me to know and to show that it involves very serious issues which ought to be dealt with in a separate measure, presenting them directly, so that the bill would be either passed or defeated upon its own merits.

What are those issues? These Indians claim that they are protected against what is proposed to be done by solemn treaty stipulations with this Government and by the Government's pledge of honor and of faith, and many wise and just men in and out of Congress agree with them. On the other hand, the Dawes Commission claim (and many equally wise and just men in and out of Congress agree with them) that—

The pretense that the Government is debarred by treaty obligations from interference in the present condition of affairs in this Territory is without foundation. The present conditions are not "treaty conditions." There is

not only no treaty obligation on the part of the United States to maintain or even to permit the present condition of affairs in the Indian Territory, but, on the contrary, the whole structure and tenor of the treaties forbid it.

A square issue upon a most important, vital, perplexing public problem between the parties most interested and the commission appointed by the President to treat with them, and appointed for no other purpose.

I submit that these issues do exist upon this old question which we have been trying to dispose of for years. Although we have had two committees—one the general Indian Committee and the other a special Indian Committee—to take charge of this very question and instruct us about it, this important amendment is proposed at the end of an appropriation bill to be summarily dealt with, while the very subject, in bills dealing with the entire question, has been fully considered by the proper committees of this body and the other.

I do not know, sir, what the merits of this amendment are. It is too large a question for me to inform myself about, presented in this indirect way, although I will say that I have given it considerable attention since I saw a copy of the amendment. I have no fixed conviction upon it, but I wish to see the Indians fairly dealt with hereafter, as I think they have been by Congress in the past, in legislation enacted in the usual, orderly way in accordance with the rules of this body.

I perhaps ought to say that I feel especially interested in the Chickasaws and the Choctaws, because the State which I represent in part is composed largely of lands ceded by those nations in exchange for the very land they are living on now in the Indian Territory which the amendment proposes to deal with. Those people have blood relations in my State, substantial, orderly citizens, some of them prominent in the communities where they live. It is perhaps on that account that I have looked into this question as far as I have done, and to that fact, sir, is perhaps due the very strong memorial which was lately sent to Congress by the legislature of Mississippi on this subject, which I will ask to have read, and then I will yield the floor. However, it is a lengthy paper, and if it is desired to adjourn, it now being pretty late in the evening, it can be printed in the RECORD as a part of my remarks. Otherwise I will have it read.

The VICE-PRESIDENT. The Chair hears no objection, and the memorial will be printed in the RECORD as requested.

The memorial is as follows:

Memorial of the legislature of the State of Mississippi to the Congress of the United States.

Whereas the State of Mississippi is composed largely of the lands ceded by the Chickasaw and Choctaw Nations of Indians by solemn treaties made by said Indians with the United States, by which said Indians acquired in exchange therefor the lands on which they now live in the Indian Territory; and

Whereas the Chickasaw Indians ceded all that part of our State from the Tombigbee on the east to the Mississippi River on the west, and the Choctaws ceded all that part of our State from the Alabama like on the east to the Mississippi River on the west and to the Gulf coast on the south; and

Whereas the Five Civilized Tribes, the Chickasaws, Choctaws, Cherokees, Creeks, and Seminoles have ceded vast empires of lands to the Government of the United States, out of which State after State has been carved, and have received in exchange for this vast domain by solemn treaties and formal letters patent what is known as the "Indian Territory," west of the Mississippi River; and

Whereas there is an effort now being made before your honorable bodies to virtually strip the Five Nations of Indians of the land thus solemnly conveyed to them, to destroy the autonomy of their respective governments, fashioned as they all are on the constitution and government of our own States, we respectfully memorialize your respective bodies to keep honorable faith with these weak nations, and in aid of our prayer and memorial, beg leave earnestly to call the attention of the Congress of the United States to the terms of the treaties solemnly entered into with these Five Civilized Tribes of Indians.

In the year 1830 the United States Government announced its policy of removing the Indian tribes then located east of the Mississippi River to west of the river by an exchange of lands, and authorized the President, by an act of Congress passed on the 28th day of May, 1830—

"To assure the tribe or nation with which the exchange is made that the United States will forever secure and guarantee to them, and their heirs and successors, the country so exchanged with them; and if they prefer it the United States will cause a patent or grant to be made to them for the same: *Provided always*, That such lands shall revert to the United States if the Indians become extinct or abandon same."

And by treaty made on the 14th day of February, 1833, the Government of the United States, by authorized commission, guaranteed their present home to the Cherokees (and all the other tribes), in the words following:

"ARTICLE 1. The United States agrees to possess the Cherokees (and same terms apply to the other tribes), and to guarantee it to them forever, and that guarantee is hereby pledged, of 7,000,000 acres of land to be bounded as follows [and here land is described], which includes the land now owned and occupied by the Cherokees, and letters patent shall be issued by the United States as soon as practicable for the land hereby guaranteed."

By treaty of December 29, 1835, the United States confirmed the grant and renewed the pledges of a patent in the following words:

"ART. 3. The United States also agrees that the lands above ceded by the treaty of February 14, 1823, including the 'Outlet' and those ceded by this treaty, the so-called 'neutral lands,' shall all be included in one patent, executed to the Cherokee Nation of Indians by the President of the United States, according to the act of May 28, 1830."

This patent was issued December 31, 1839, and conveyed the lands to the Cherokee Nation, their heirs and successors, "to hold forever."

By treaty of August 17, 1846, the United States further declared:

"ARTICLE 1. That the lands now occupied by the Cherokee Nation shall be secured to the whole Cherokee people for their common use and benefit."

By the treaty of 1855, sections 5, 6, and 7, all these grants of land were solemnly confirmed, and so anxious was the Government of the United States to secure these lands lying within the limits of the States of Mississippi, Alabama, Georgia, Florida, and Tennessee, and to remove the Five Civilized Tribes to the west of the Mississippi River, that they agreed, by the seventh article of the treaty of 1855, to grant to the Indian tribes, should they desire it, a Delegate to the House of Representatives of the United States.

At the close of the war between the States, the Cherokees and Chickasaws having raised regiments and taken sides with the Confederates, it became necessary to make new treaties, to define the relation of the Indian Nation to the United States, and by the treaty of 1866, made after the close of the war, it was provided—

"ART. 26. The United States guarantee to the people of the Cherokee Nation (and same provision applied to all the Five Civilized Tribes) the quiet and peaceable possession of their country, and protection against domestic feuds and insurrections, and against hostilities of other tribes. They shall also be protected from interruption and intrusion from all unauthorized citizens of the United States who may attempt to settle on their land or reside in their territory.

"ART. 27. All persons not in the military service of the United States not citizens of the nation are to be prohibited from coming into the Cherokee Nation or remaining in the same except as herein otherwise provided, and it is the duty of the United States Indian agent of the Cherokees to have such persons not lawfully residing or sojourning therein removed from the nation, as they now are or hereafter may be required by the Indian intercourse laws of the United States.

TREATY OF 1866.

"ART. 7. The Choctaws and Chickasaws agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of person and property within the Indian Territory: *Provided, however*, Such legislation shall not in any wise interfere with or annul their present tribal organization, or their respective legislatures or judiciaries, or the rights, laws, privileges, or customs of the Choctaw and Chickasaw Nations, respectively.

"ART. 10. The United States reaffirms all obligations arising out of treaty stipulations or acts of legislature with regard to the Choctaw and Chickasaw Nations extending prior to the late rebellion and in force at that time not inconsistent herewith; and, further, agrees to renew the payment of all annuities and other moneys accruing under such treaty stipulation and acts of legislation from and after the close of the fiscal year ending on the 30th day of June, in the year 1866."

It will thus be seen that by every treaty stipulation between the United States and the Indian tribes from 1830 to 1866 the right to govern themselves and to hold their lands in common was most solemnly guaranteed.

Now it is proposed to do away with these governments, all republican, and closely modeled after the Government of the United States and the State constitutions and governments, and to force them, against the most solemn treaty stipulations, to hold their lands in severalty.

It must be remembered that these Indians were asked to give up their homes and the homes of their wives and children and the graves of their ancestors, and seek new homes in the then wilds of the West. All this they did for the whites. The love and reverence of the Chickasaws for the homes they left behind them is shown by the fact that in naming the counties of the nation they took the names of the old counties they left behind. They have their Tishomingo, Choctaw, Pontotoc, as we have. The Indians gave up their homes with fear and dread; but when the brave old hero, whom they had learned to honor and respect (for he never spoke to them "with a forked tongue") said to them in their own beautiful and figurative language, "This land shall be yours as long as the grass grows and the water flows," they yielded and sought a new home in the Western wilds, and have become a civilized and prosperous people. Shall our own Government go back on the word of the hero of New Orleans? While our Government is demanding that there shall be no dismembering of the territory of far-distant Venezuela, and proclaiming its advocacy of the far-distant Christians of Armenia and its horror of the Turkish barbarism which oppresses them, shall we go back on our plighted faith to the weak Indian nations in our very midst, who have yielded to the white man an empire of lands, the richest and most fertile on the globe? Shall we tarnish the honor and bright fame of our Government by keeping punic faith with the weak and the helpless?

We ask that you keep faith with these tribes, and break not the solemn treaties by which you have agreed to let them have their own government and conduct their own affairs.

Be it resolved by the senate (the house concurring), That a copy of this memorial, signed by the president of the senate and the speaker of the house, and attested by the secretary of state, with the great seal of the State attached, be forwarded to each of our Senators and each of our Representatives in the Congress of the United States.

Passed the house March 3, 1896.

FRANK A. CRITZ,
Speaker of the House.

Passed the senate March 14, 1896.

J. H. JONES,
President of the Senate.

A true copy.

[SEAL.]

J. L. POWER,
Secretary of State.

Mr. BERRY. Mr. President, before I undertake to say anything upon the point of order made by the Senator from Mississippi [Mr. WALTHALL], I wish to say a few words in answer to the remarks he made with regard to the committee having jurisdiction of this matter. As was stated by the Senator from Connecticut [Mr. PLATT], the amendment comes from the Committee on Indian Affairs, and by the unanimous vote of that committee he was directed to offer it as an amendment to the Indian appropriation bill. I want to say further, and I mean no disrespect to the other committee when I say it, that the committee known as the Committee on the Five Civilized Tribes of Indians has never had anything to do with this matter, nor with any legislation that has been passed with reference to it since the time when the committee was appointed. Those of us who knew anything of affairs when the committee was appointed knew that it was not appointed with the expectation or intention that it would take charge of the matters which belong to the regular Committee on Indian Affairs and with which it has always dealt.

The Senator from Mississippi spoke of the fact that three members of that committee had gone out to the Indian Territory. I want to say that two of those members, the Senator from Connecticut [Mr. PLATT] and the Senator from North Dakota [Mr. ROACH], are members of the Committee on Indian Affairs, and both join in recommending the adoption of this amendment.

Therefore it comes from the committee that has always dealt with the matter. It comes from the committee which has thoroughly investigated it. It comes from the committee that originated the commission with which the amendment deals, and which was passed as an amendment to the Indian appropriation act first in 1891.

The Senator from Mississippi also says that it is proposed in a summary way to dispose of this great and important question. The amendment does not propose to dispose of this great and important question. There are many questions in regard to the Indian Territory resting behind this and pressing upon Congress that are as important as anything which has been before the present Congress, and they should be dealt with and finally settled. The only proposition and intention of the amendment is that however much difference may exist in that committee in regard to what shall finally be done, for the present it is absolutely necessary that this be done at least before the adjournment of the present session of Congress. If there be no legislation had with reference to this commission, if no provision be made for continuing it, all that has been attempted, all that has been fought for, and all the work and labor which have been going on for the last seven or eight years in order to try to correct the abuses existing there will amount to naught, and we shall have to commence where we began in 1891.

I introduced a bill early in this session, as I introduced one in the last session, proposing a Territorial government over the Five Civilized Tribes, and giving them representation in Congress, providing for the allotment of land, and finally dealing with this subject-matter. That bill, with others, is being considered by the Committee on Indian Affairs. It is being considered by the House Committee on Indian Affairs, as the Senator from Mississippi has said. But this is not a final determination. It is a temporary proposition. This is something that is absolutely necessary to be done at the present session of Congress.

Without going at length into the merits of the amendment, I simply wish to say as to the section of country bounding the Indian Territory that among those who are familiar with the condition there, among members of Congress from those States, there is but one opinion, that legislation is not only important, but imperatively demanded by the conditions in that country. When the commission was sent there the distinguished Senator from Massachusetts, Mr. Dawes, known as the friend of the Indians for the last thirty years, was made chairman. Up to that time he had a belief that possibly the people in the western part of the Union were not disposed to do justice to those Indians. When he was put at the head of the commission he and the two other gentlemen came and reported to Congress that the condition of affairs existing there was intolerable and that something must be done. Those who control affairs in the Indian Territory were dissatisfied with that report, and they said that if they could get on that commission General Armstrong and others who were their friends they would make a different report. During the last Congress, to comply with their wishes, the commission was enlarged. General Armstrong and two other gentlemen who had been members of the House of Representatives were placed upon the commission, and yet all five of them came back to Congress and said that it was imperative that something should be done.

Now, coming down to the present condition, if no legislation is had, if no appropriation is made for the commission, the probabilities of agreement which exist will disappear and all the good effects which have arisen will have disappeared with the commission. If the Senator from Mississippi lived as I do, bordering upon that Territory; if he knew the violations that are going on; if he knew the murders that are being committed; if he knew the robberies not only in the Territory but which extend to surrounding States by those who congregate in the Territory; if he knew the strife and contention there, he would be as earnestly in favor of dealing with the situation as those who come from that section of the country.

Mr. WALTHALL. Will the Senator from Arkansas allow me to ask him a question?

Mr. BERRY. Certainly.

Mr. WALTHALL. Has not the Senator shown that he thinks this subject ought to be dealt with in an independent bill by introducing such a bill first at one and then at another session of Congress?

Mr. BERRY. I will answer the Senator with pleasure. I have stated already that the bill I have introduced deals with the whole subject. The bill which I have advocated and which I hope will become a law deals finally with all of the questions as far as it is possible to deal by legislative act at this time with the entire question.

Now, the probabilities are that by reason of delay we will be unable to pass that bill or one of a similar character during the present session. The Committee on Indian Affairs, with a full knowledge of the surroundings, have said it may be that on account of difference of opinion as to what shall finally be done legislation can not be had, but this much must be had. Otherwise great wrong and injury will be done not only to the people of that Territory, but to the people of the surrounding States.

A few words as to whether or not the amendment is in order. I wish to state in the first place that this commission was created by an amendment proposed by the Committee on Indian Affairs in 1891 on the Indian appropriation act. On the same Indian act, I think it was, we also dealt with the matter of purchasing some 6,000,000 acres of land, known as the Cherokee Strip. So far as I know, during the ten or eleven years that I have been here there has never been any legislation with regard to the Five Civilized Tribes except it was on the Indian appropriation act. It has always been done there. This commission was created in that way. The salaries, if it is to be continued, will have to be provided on this bill, and it seems to me it is clearly as much in order to define the character and duties of the commission, if it is extended, as it is to make a disposition of the Indian school money. Will the Senator say that that was legitimate legislation upon an appropriation bill? Have we not this very day said in what direction and in what manner that money shall be expended? It is a necessary result of providing for the commission and providing for the salaries.

Not only that, but from time to time payments have been made to those Indians. Heretofore it has been made to the treasurers of those nations. Experience has demonstrated the fact that when paid to the treasurer of the nation it has gone into the pockets of white men, half-breeds, and squaw men, a large part never reaching the Indians to whom it belongs. The amendment proposes that hereafter the money shall be paid over directly by an officer appointed by the Secretary of the Interior to make the payment. Is not that legitimate legislation on the Indian appropriation bill? Is not this proper legislation to go on a bill in dealing with this commission?

In addition to that, the commission, it is provided in the amendment, shall make the roll and determine who is entitled to a share in paying out Indian money. It is claimed, it is asserted, and it has been proved that hundreds of Indians—a great many Indians at any rate—are entitled to be on those rolls and are entitled to a part of the Government money that is continually paid down there. Yet they are cut off by the council and by interested parties, and they get no part and no interest in it. Is it not legitimate in dealing with the pending bill to say that this commission shall determine to whom the money shall be paid—Government money which goes to the Indians?

Mr. President, I want to repeat, and I wish the Senator from Mississippi to hear the statement I can make, that this becomes legitimate and proper in defining the powers of that commission because of the fact, it is alleged and believed, that a great many persons are entitled to be on that Indian roll who have been kept off by means of bribery and many other causes because it would lessen the fund that might go to others. Is it not proper and legitimate, then, in dealing with the salaries of this commission and in providing for their continuance, to provide also that they should regulate and determine as to whom this Indian money should go that is paid out by the Government?

There is another point to which the Senator from Connecticut called my attention and to which I wish to allude.

Mr. PLATT. I said, in reply to the suggestion made by the Senator from Mississippi to the effect that the provision was dealing with and settling all the complicated questions down there, that so far as it relates to allotments it is a mere preliminary matter and settles nothing.

Mr. WALTHALL. The Senator from Connecticut certainly understood me when I said distinctly that it was the initial step in a radical and sweeping change by the Government.

Mr. PLATT. I understood the Senator to say that it was dealing with all the complicated questions.

Mr. WALTHALL. It is dealing with them.

Mr. BERRY. I do not know that I can add anything to what the Senator has stated in regard to the allotment save and except to say that it is only preliminary. It is true that eventually we shall have to allot that land. It is true that it ought to be allotted. It is true that a bill ought to be passed through the present Congress allotting that land and creating a Territorial government down there at once. But if we can not do that, Mr. President, it is the duty of Congress to do the best that it can. It is the duty of this Congress, that is responsible for the Indians, to see that the conditions which now exist there do not continue.

I want to say to the Senator from Mississippi that in the Creek Nation, with 14,000 Indians, with something about 3,000,000 acres of land, 62 men to-day have fenced up and are controlling and receiving the proceeds of more than a million acres of that 3,000,000 acres of land. In talking about this commission and the duty of Congress to take care of those Indians, let me state that we guaranteed to them that they should have equal rights in that Territory; that each Indian should have an equal right with every other Indian; yet in the case I have just cited 62 men, half-breeds,

white men, and squaw men, have got control of more than a million acres of the 3,000,000 acres belonging to the entire tribe. It is not denied. Ex-Senator Dawes and his Commission have everyone stated it; it has been stated and restated; and no man has raised his voice to deny it. And yet we talk about fulfilling and keeping treaty stipulations when such wrongs and such injustice are done by a few men who have got control in that Territory and have used it to further their own profit and to put money into their own pockets, while the Indian proper is crowded back on the creeks and hills with no property, with his little cabin, with his rocky home around him, while those fertile lands are occupied by strangers and aliens to his tribe.

I say, Mr. President, such a condition should not exist there; and if this amendment be defeated, if we can not legislate upon the appropriation bill, if Congress adjourns and takes no action in regard to the other bill, the conditions will grow worse; the Indians will regard it as a license hereafter to go further and further in the direction of wrong which has characterized that country for the last few years.

Two years ago robberies, robberies of trains, robberies of stores, murders, were daily committed within that Territory. I believe that in the western district of Arkansas (which has jurisdiction of the felonies over there in connection with the court of Paris) there are 250 felons to-day in that jail, 40 or 50 of them being charged with murder. Such is the condition there that legislation is a necessity.

Then I say that, according to the rules and precedents which have been adopted by the Senate, to invoke that rule here and defeat all legislation when the Senator from Connecticut has shown clearly that it is not contrary to the rule, when it comes from the proper committee, when it is a unanimous report of the Committee on Indian Affairs, which is thoroughly familiar with this matter, would be a great injustice and a great wrong to the people not only of the Territory, but to the States which surround it.

Mr. GRAY. Mr. President, I do not rise to discuss the merits of the amendment proposed by the Senator from Connecticut [Mr. PLATT] from the Committee on Indian Affairs, but I want to say a word or two, if anything at all were necessary to be said, on the propriety of this legislation when proposed as an amendment to a general appropriation bill.

I have sat here—I will not say many a time, but more than once—and seen what I considered general legislation attached to appropriation bills, because there was a strong and overwhelming feeling in the Senate in favor of the legislation proposed by the given amendment. But no one whom I heard of ever disguised the fact that it was in violation of the rule which has just been read in the hearing of the Senate. I do not believe it was wise under those circumstances, or under any circumstances, to depart from rules that we have adopted to govern our own procedure. If we are not capable of governing ourselves by rules, we might as well forego the pretense of being governed by rules.

There is nothing that needs, it seems to me, construction in the rule which was read by the Senator from Mississippi [Mr. WALTHALL] and with which we are all so familiar, that "no amendment which proposes general legislation shall be received to any general appropriation bill." There is no doubt in anyone's mind as to the propriety of that rule as a general rule. The reasons upon which it rests are obvious to all.

The only question, then, that is presented, sir, to you is that the amendment, after appropriating $50,000 for salaries and expenses of the commissioners appointed under certain acts of Congress named, goes on, after that complete and entire disposition of the matter of appropriation, to legislate. The amendment provides that the "said commissioners," appointed under another act of Congress, shall, "in addition to the authority already conferred upon them by law," be "authorized and directed to proceed at once to hear and determine all questions of citizenship in the several tribes or nations in said Indian Territory."

That is not all by any means, but that is enough. It proposes to confer upon these commissioners a judicial power of the highest importance. It puts into the hands of the commissioners the right to determine finally the whole matter of citizenship in the Territory, and the roll of citizenship determines the per capita of distribution, determines to whom moneys are to be distributed and to whom lands are to be allotted. Then it proceeds, after providing in detail how the commissioners shall exercise this judicial function, to require, for instance, that—

> In determining all said questions of citizenship said commissioners are authorized to consider all the acts of the national councils of said several nations and the acts and decisions of persons claiming to act by authority thereof—

And so on. Then the amendment proceeds to enact that—

> When the rolls of citizens of any one of said nations or tribes are fully completed and deposited as aforesaid, the President of the United States shall, at his discretion, order said commissioners to proceed to allot the occupancy of all the lands of said nation susceptible of allotment among the citizens thereof as shown by said roll and to persons of African descent aforesaid who may be entitled, giving to each so far as may be his just and equitable share, considering the nature and fertility of the soil, location, and value of same, and providing, when practicable, that where lands are now occupied by citizens in excess of their fair share such allotments shall be from lands thus occupied, and where lands are now occupied by citizens amounting to less than their fair share such allotments shall, if desired by the occupants, include the lands so occupied.

Mr. President, that is a very important, far-reaching power conferred upon these commissioners.

Mr. GEORGE. It is a judicial power.

Mr. GRAY. It is a judicial power conferred upon them, one that gives them the right, if the amendment shall become a law, to take from A and give to B, to turn a man out of his homestead without, so far as I have gathered by a hasty examination of the amendment, any compensation for improvements.

Mr. PLATT. Will the Senator from Delaware permit an interruption?

Mr. GRAY. Certainly.

Mr. PLATT. I do not think that the provision to which he alludes has the effect or goes so far as he thinks it does. It is a preliminary plan for an allotment and is to be all brought back to Congress.

Mr. GRAY. That may be, and it may be the fact——

Mr. PLATT. The Senator will easily see by an examination that under it it is impossible to put anybody into possession or to dispossess anybody. The whole matter is to be brought back to Congress.

Mr. GRAY. Of course I do not profess to have studied the amendment, for I have not had the time to study the amendment as the Senator from Connecticut has done, nor has any Senator here who has not made a previous study had time to examine this matter since the amendment was introduced. That is just the trouble about it.

Mr. BATE. May I read a sentence from the very amendment upon the point the Senator makes as to whether the action of the commission is to be permanent or not?

Mr. GRAY. Certainly.

Mr. BATE. On page 3, line 2, you will find the following:

> The decision of said commissioners in all such cases shall be final.

Mr. PLATT. That relates to the roll.

Mr. JONES of Arkansas. In what cases? Citizenship?

Mr. BATE. It relates to the question of citizenship.

Mr. JONES of Arkansas. It has nothing to do with land. It does not relate to land.

Mr. BATE. That is the point. I say if there is a right there that is greater than another it is citizenship. The commissioners are given the power here to make and unmake a citizen, and that is a greater and a grander right than that involved in the distribution of property.

Mr. PLATT. That may be true; but the thing we were all talking about at that particular moment was allotment and not citizenship.

Mr. BATE. We were talking about judicial power, as I understand it, and this is judicial power that is granted.

Mr. PLATT. The Senator from Tennessee is entirely mistaken as to the reference I made when I rose to interrupt the Senator from Delaware.

Mr. GRAY. Let me say right here that while I think the point of the Senator from Tennessee has been well taken, it is true that the language to which he refers me on page 3, "The decisions of said commissioners in all such cases shall be final," undoubtedly refers to the ascertainment and the making of rolls of citizens, but the land is to be allotted to the citizens who are thus ascertained, and if A B is not included in that roll when he ought to have been included he is deprived of his allotment.

Mr. BATE. Then I am right about it; it is a judicial power.

Mr. GEORGE. Certainly it is.

Mr. GRAY. You can not get away from that. So, Mr. President, I am more than justified in saying that this is general legislation of a very important and a very far-reaching character. This proposed legislation determines men's rights. It confers powers that go so far in their exercise as to dispossess those who claim rights to property.

Mr. PUGH. Allow me to suggest that the extraordinary power is given of passing on the quality of each piece of land, the relative value of each piece of land, so as to determine whether the allotment is fair and equal—a most sweeping power.

Mr. GRAY. In that sense it does seem to me that when you give power to a commission to determine who shall constitute a class that is entitled to property, you give them the power to determine a property right. The persons so empowered may make that class large or small according as their discretion may direct them. Now, sir, that is legislation of too grave a character to be conferred in an amendment proposed in the last stages of the action of the Senate upon a general appropriation bill.

The Senator from Connecticut has studied this subject, and to his opinion and that of his colleagues upon the Committee on Indian Affairs I would defer in all these matters; but this is proposed here to the Senate, and upon the very face of the amendment

we are confronted with this extraordinary judicial power sought to be conferred, and we ought to go slow about it. We ought to have time to consider it. As the Senator from Mississippi, who made the point of order, said, it is too grave and difficult a subject not to be treated independently in a bill proposed by one of the committees having jurisdiction of the subject.

The Senator from Connecticut thinks, and no doubt it was so intended, that the part of the duty imposed upon the commission which relates to the allotment of the lands in severalty to the Indians was not meant to be final, but in the hasty reading that I have been able to give it I do not see why it is not final. The language is that when the roll of citizens is complete—

the President of the United States shall, at his discretion, order said commissioners to proceed to allot the occupancy of all the lands of said nation susceptible of allotment among the citizens thereof as shown by said roll and to persons of African descent aforesaid who may be entitled, giving to each so far as may be his just and equitable share considering the nature and fertility of the soil, location, and value of same, etc.

The verb "allot" means to give partitively, to distribute, to assign to the individuals of a class their respective shares in a common piece of property. That is all you can make out of it. It seems to me the word "allot" is complete of itself. It is not a provisional thing. An allotment of land, unless there are words of limitation, means a final allotment, it seems to me. I submit, with entire deference to the Senator from Connecticut, that if there is language limiting the word "allot" I have not discovered it.

Mr. PLATT. If the language is not sufficient here, the intention of the committee was to leave the matter for Congress to pass upon. It is provided that—

When such allotment has been by them completed, said commissioners shall make full report thereof to the Secretary of the Interior for his approval.

It is also provided that—

All reports made by the commissioners shall be submitted by the Secretary of the Interior to Congress.

Perhaps the language is not sufficiently full there to make it absolutely beyond question that it is submitted to Congress for Congress to deal with the plan thus submitted by the commissioners and the Secretary of the Interior.

Mr. GRAY. That may be.

Mr. PLATT. If the language is not complete, it can easily be altered to conform to the opinion of the committee.

Mr. GEORGE. Will the Senator from Delaware allow me to ask the Senator from Connecticut one question?

Mr. GRAY. Certainly.

Mr. GEORGE. I should like to ask the Senator from Connecticut if he believes Congress has the judicial power of making an allotment of land to these Indians?

Mr. PLATT. I do believe it has, and I am very much inclined to believe that it is a power which it can not delegate and can only appoint the commission an agent to formulate a plan to be submitted to Congress for its action. I doubt very much whether there is any power which can make an allotment of the occupancy of the land except Congress acting directly upon the subject.

Mr. GRAY. It does not make any difference for the purposes of my argument on the propriety of the amendment under the rule whether the allotment is to be final or not. I will only say in passing that the remarks of the Senator from Connecticut show the hasty character of the proposed legislation, and that, although the general subject may have been considered, as he said it was and as it doubtless was, by the committee, here in a most important particular he is not quite sure that the language employed has been adequate to express fully the meaning of the committee. But whether the allotment be final or not, the list of citizens is final. As I said a while ago, that is the key of the whole situation in regard to these lands, as to who are to be entitled to come in and share them and who are to be excluded.

Mr. GEORGE. Does the Senator from Delaware notice that the very highest of all judicial powers is conferred upon the commission—the power to punish for contempt and to imprison a man?

Mr. GRAY. The Senator's colleague alluded to that point. I will not consume the time of the Senate by going over in detail the various provisions of the amendment which make it necessary to assert the general legislative power in providing for a roll of citizenship and providing for allotment. There are various clauses that empower the commissioners to do things of great importance. The Senator from Mississippi referred to the power to punish for contempt, to fine and imprison as one of the powers to be conferred upon the commission. Surely no Senator will say that a power conferred upon this body of men to fine and imprison is not general legislation of the gravest possible character.

Mr. PLATT. It is special legislation.

Mr. GRAY. I hope there is no special legislation that will allow the imposition of a fine or imprisonment. No fine or imprisonment can be imposed except by virtue of general legislation.

Mr. MILLS. Will the Senator from Delaware yield for a motion to adjourn?

Mr. GRAY. In one minute I shall be through.

Not only is it general legislation on this account, but it is general legislation on another and distinct ground. In my opinion it repeals the public law of the United States. It repeals the solemn treaties entered into by the United States with these Indian tribes, and those treaties have been declared by the Supreme Court to be the supreme law of the land. In undertaking to make this roll of citizenship by the instrumentality of these commissioners we would directly violate a solemn treaty ratified by an agreement made more than once with these tribes, the last time in 1891, by which it is stipulated "that all persons now resident, or who may hereafter become residents, in the Cherokee Nation, and who are not recognized as citizens of the Cherokee Nation by the constituted authorities thereof," and so on. That has been passed upon by the Court of Claims and passed upon by the Supreme Court of the United States in the case which I have here, in 117 United States Reports. I shall only read a sentence from it:

This action of Congress affirming the right of the Cherokees to determine the question of citizenship has been construed by the United States court in the Cherokee Trust Fund cases (117 U. S., page 288), and held to confer upon the Cherokees the exclusive right to determine the question of citizenship with the Cherokee Nation.

If that right has been conferred by treaty upon the Cherokee Nation, then surely the legislation proposed by this amendment, which repeals or violates that treaty right, is general legislation of the most violent character. It is general legislation beyond all question, for it undertakes to repeal existing law, and upon that ground I would be willing that this case should be determined.

Something has been said by the Senator from Arkansas [Mr. BERRY], and very strongly said, in regard to the unhappy condition which obtains in the Indian Territory and as to the necessity of some legislation. Deferring to his opinion, as I cheerfully do in all matters which he has carefully considered and knowing how conscientious he is in the performance of his duty here, let me say that, notwithstanding that, I have had information from gentlemen who have come directly from the Indian Territory, who have lived among the Indians, which predicates a state of things directly contrary to what has been asserted by the Senator from Arkansas.

Mr. BERRY. Will the Senator from Delaware permit me to interrupt him?

Mr. GRAY. Certainly.

Mr. BERRY. I wish to repeat what the Senator from Mississippi [Mr. WALTHALL] read from the address of one of the members of the Dawes Commission, that every committee of either House of Congress which has been sent to the Indian Territory, that Mr. Dawes and two other gentlemen who were selected by the President of the United States as a commission, that Mr. Dawes and one of those gentlemen, with three others selected by the President of the United States as a second commission, that every official body and every member of every committee of either House which has been sent there to investigate the matter has come back and always made substantially the same report in regard to those conditions. There can be no mistake, I think, on that point.

Mr. GRAY. Very well, Mr. President, I would have thought not on the first statement made by the Senator from Arkansas; but all I have to say is, and I think I ought to say it, that I have been informed by gentlemen who have lived in that country and who have investigated the Indian question, that this mode of allotting the land and destroying occupancy in common would be very detrimental to the best interests of the Indians.

Mr. JONES of Arkansas. Mr. President——

Mr. GRAY. That may be wrong; that information may not be based upon proper evidence, but certainly the persons from whom I gained that information were sincere and had devoted their attention to and had carefully considered the subject.

Mr. JONES of Arkansas. If the Senator will allow me, I will suggest that it might be possible that one of the persons who went into the Territory from abroad, who has lived for some years in that country, and who has and now occupies and controls absolutely 68,170 acres of land, while 520 members of the Cherokee tribe petitioned their council and said that there are thousands of Cherokees who have no land at all—that that man, having 68,170 acres, thinks this condition of things very delightful, and that any change in it would be very bad.

Mr. GRAY. Mr. President, I think that the gentleman who expressed this opinion to me would be very much amused if he were convicted of having 68,000 acres of land or 68 acres of land, and would be very glad to have the Senator from Arkansas prove that he owns that or any other land. But I do not feel at liberty—perhaps there is no reason why I should not—to give his name without his authority. The names of both these gentlemen, if they were given, would carry weight wherever they were mentioned.

But I want time to consider this matter; I want to see the appropriate committee, the Committee on Indian Affairs, or whatever the proper committee is, take this matter up and propose a bill, after due investigation, and bring it before the Senate, so that

it may be properly discussed. I do think it most dangerous and most perilous legislation for the United States and for these Indians to have such far-reaching provisions as are contained in this amendment enacted into law as an amendment to an appropriation bill incidentally as we pass.

I have not had time to consider the amendment. I have only seen it this afternoon. What the Senator from Connecticut [Mr. PLATT] says may be true, but I do have an opinion now, which perhaps might be changed by fair examination and discussion, that the amendment if enacted into law will repeal the solemn treaty obligations of this Government with these Indian tribes.

Mr. PLATT. To what treaty does the Senator refer?

Mr. GRAY. The treaty of 1835 and the agreement made in 1891 and recognized by the Secretary of the Interior and by the Supreme Court of the United States.

Mr. PLATT. The Senator does not claim that there is any treaty which specifically gives to these nations the right to determine their citizenship, does he?

Mr. GRAY. I think there is, and I think it recognizes the right distinctly.

Mr. PLATT. I think not.

Mr. GRAY. The lands were patented to these Indians in fee by the United States.

Mr. PLATT. To the tribe.

Mr. GRAY. And full value was given for them.

Mr. PLATT. I know; but we are talking about their right to determine citizenship as being a treaty right.

Mr. GRAY. If we patent lands to the Cherokee Nation as a body politic, and then undertake to distribute those lands in severalty among the members of that nation and take away from them the power to determine that membership, it seems to me that there we have violated not only the treaty to which I referred, but we have violated the obligation, and not only impaired the obligation, but destroyed it.

Mr. PLATT. All there is to that point, Mr. President, is—and I think perhaps I can state it so that the Senator will think it is quite as strong as when he bases it upon a supposed treaty provision—the Supreme Court decided by an obiter dictum in a case where this question was not involved that we had treaties with these Indians in a way that they were entitled to be considered as a distinct political community. This was the language of the court:

Our Government, by its treaties with the Cherokees, recognized them as a distinct political community, and so far independent as to justify and require negotiations with them in that character.

From that it has been inferred that if these Indians are a distinct political community they must themselves have the right to determine who belong to that community. It is an inference growing out of the way in which we have treated them.

Mr. VILAS. Will the Senator from Delaware allow me to ask the Senator from Connecticut a question?

Mr. GRAY. Certainly.

Mr. VILAS. Does not the Senator from Connecticut recognize that it is now the law that the right to determine the citizenship of persons in the Five Civilized Tribes is vested exclusively in the authorities of those tribes, especially in their judicial tribunals?

Mr. PLATT. I do not.

Mr. VILAS. The Senator does not recognize it?

Mr. PLATT. I do not recognize it. I am aware that the Interior Department has said that this decision of the Supreme Court—and I have read the only words in it which refer to this question—in effect recognizes that right to exist in the judicial tribunals of the different tribes. I do not think so.

Mr. VILAS. Does not the Senator recognize that that decision recognizes that right?

Mr. PLATT. That decision had nothing whatever to do with the question of citizenship; that case had nothing to do with the question of citizenship. In determining that case relating to the trust fund and as to what was the character of the cession, whether it conveyed the property to the nation and divested the interests of the members of the nation, whether it gave the nation the title rather than the members of it, the court made use of the language I have read, from which the inference has been drawn.

Mr. VILAS. It is only an inference, but it is a direct interpretation of the treaty itself to the extent necessary in that case by the Supreme Court and by the Interior Department, when our distinguished associate, the Senator from Colorado [Mr. TELLER], was the Secretary of the Interior, and always followed since, that the right was exclusive in those tribes to determine their citizenship, and that that right followed from and grew out of the treaties which were made between the United States and the Indians.

Mr. GRAY. Let me read to show that not only the legislative and judicial departments of the Government have recognized it, but that the Executive has recognized it through the Secretary of the Interior, the Hon. H. M. TELLER, our honored colleague here at present, in a letter dated as January 3, 1885. I am reading at secondhand, but I presume this to be authentic.

Mr. PLATT. When was it dated?

Mr. GRAY. January 3, 1885.

Mr. PLATT. That was before the case was decided on which the Senator commented.

Mr. GRAY. The letter was addressed to the Senate, and used the following language:

The right of the Cherokee Nation to control its property is especially guaranteed by the provisions of article 5 of the treaty of 1835 and subsequent treaties. This is especially the case in the treaty of 1866, as may be seen by article 16 of that treaty, wherein it is stipulated that the lands to be taken by the United States to settle friendly Indians on should be paid for at such price as the Cherokees and such friendly Indians might agree upon, subject to the approval of the President of the United States. The rights reserved to the United States are clearly expressed in the several treaties, and the right of the United States to control the Cherokee property and prevent the nation from having the full and absolute control of the products of these lands is not even suggested. On the contrary, the Government guarantees, in article 33, as follows.

Then it quotes the article. The letter further says:

Their right to occupy and control the possession of such lands and to receive the products thereof can not be questioned, and Congress can not interfere to prevent the cestui que trust from having the usual and natural use of the lands so occupied by them.

Mr. President, that would be going somewhat into the merits, and I have only gone so far as is necessary to show the character of the legislation proposed by the amendment, that it is general, that it comes within the denunciation of Rule XVI, and as such is not appropriate upon an appropriation bill.

Mr. CALL. If there be no objection on the part of anyone, I move that the Senate adjourn.

The VICE-PRESIDENT. Before putting the question on the motion of the Senator from Florida, the Chair will lay before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. 7100) to donate eight condemned cannon and 100 cannon shot to the Grand Army of the Republic Cemetery Association of Colorado; and

A bill (H. R. 7671) authorizing and directing the Secretary of the Navy to donate one condemned cannon and condemned cannon balls to U. S. Grant Post, No. 72, Grand Army of the Republic, of Washington, Ind., Department of Indiana.

The bill (H. R. 7200) for the relief of A. T. Hensley was read twice by its title, and referred to the Committee on Claims.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 1363) to revive and reenact the act entitled "An act to authorize the building of a railroad bridge at Little Rock, Ark.," approved March 2, 1891; and

A bill (H. R. 8313) authorizing the transfer of a cannon from the Rock Island Arsenal, Rock Island, Ill., to Grant Park, in Galena, Ill.

The VICE-PRESIDENT. The Senator from Florida [Mr. CALL] moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 23, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 22, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

ELECTION CONTEST—GOODWYN VS. COBB.

The SPEAKER. When the House adjourned yesterday it had voted by yeas and nays upon the resolution which the Clerk will now read.

The Clerk read as follows:

Resolved, That Albert T. Goodwyn was elected a member of the Fifty-fourth Congress as the Representative of the Fifth Congressional district of the State of Alabama at the election held in said district on the 6th day of November, 1894, and is entitled to the seat in the Fifty-fourth Congress as such Representative.

The SPEAKER. No quorum appearing on the vote taken yesterday on this resolution, the vote will be again taken by yeas and nays.

Mr. GRAY. In one minute I shall be through.

bill, after due investigation, and bring it before the Senate, so that

The question was taken; and there were—yeas 145, nays 55, not voting 153; as follows:

YEAS—145.

Aldrich, Ala.	Dayton,	Jenkins,	Royse,
Aldrich, Ill.	De Witt,	Johnson, Cal.	Scranton,
Allen, Utah	Dingley,	Kem,	Shafroth,
Atwood,	Dolliver,	Kirkpatrick,	Shannon,
Avery,	Doolittle,	Knox,	Shuford,
Babcock,	Draper,	Lacey,	Simpkins,
Baker, Kans.	Eddy,	Lefever,	Skinner,
Baker, Md.	Ellis,	Leighty,	Snover,
Baker, N.H.	Evans,	Lewis,	Southard,
Barney,	Fowler,	Linney,	Spalding,
Bartholdt,	Gardner,	Long,	Sperry,
Beach,	Gibson,	Lorimer,	Stahle,
Belknap,	Gillet, N.Y.	Loudenslager,	Steele,
Bell, Colo.	Graff,	Low,	Stephenson,
Bennett,	Griffin,	Mahany,	Stewart, N.J.
Bishop,	Griswold,	Mahon,	Stewart, Wis.
Brewster,	Grout,	Marsh,	Stone, C.W.
Broderick,	Hadley,	McCall, Tenn.	Strode, Nebr.
Bromwell,	Hager,	McCormick,	Strowd, N.C.
Brosius,	Halterman,	McEwan,	Sulloway,
Burton, Mo.	Hardy,	Mercer,	Thomas,
Burton, Ohio	Harris,	Miller, Kans.	Towne,
Cannon,	Hartman,	Milnes,	Treloar,
Clark, Iowa	Heatwole,	Minor, Wis.	Updegraff,
Clark, Mo.	Hemenway,	Moody,	Van Horn,
Codding,	Henderson,	Murphy,	Van Voorhis,
Connolly,	Henry, Conn.	Northway,	Warner,
Cook, Wis.	Henry, Ind.	Otjen,	Watson, Ind.
Cooper, Wis.	Hill,	Parker,	Watson, Ohio
Corliss,	Hitt,	Payne,	White,
Cousins,	Hopkins,	Pearson,	Wilson, Idaho
Crowther,	Howell,	Perkins,	Wilson, N.Y.
Crump,	Hubbard,	Phillips,	Wood,
Curtis, Kans.	Huling,	Pitney,	Woomer.
Dalzell,	Hunter,	Pugh,	
Danford,	Hurley,	Quigg,	
Daniels,	Hyde,	Ray,	

NAYS—55.

Allen, Miss.	Erdman,	McRae,	Swanson,
Bartlett, Ga.	Hall,	Meredith,	Talbert,
Black, Ga.	Harrison,	Meyer,	Tate,
Clardy,	Hart,	Miner, N.Y.	Terry,
Cockrell,	Hendrick,	Money,	Tucker,
Cooper, Fla.	Hutcheson,	Owens,	Turner, Ga.
Cooper, Tex.	Kendall,	Pendleton,	Turner, Va.
Cox,	Lester,	Price,	Tyler,
Crisp,	Little,	Richardson,	Underwood,
Culberson,	McClellan,	Sayers,	Washington,
Denny,	McCulloch,	Sparkman,	Williams,
Dinsmore,	McDearmon,	Spencer,	Wilson, S.C.
Ellett, Va.	McLaurin,	Strait,	Yoakum.
Elliott, S.C.	McMillin,	Sulzer,	

NOT VOTING—153.

Abbott,	De Armond,	Latimer,	Reyburn,
Acheson,	Dockery,	Lawson,	Robertson, La.
Adams,	Dovener,	Layton,	Robinson, Pa.
Aitken,	Downing,	Leisenring,	Rusk,
Anderson,	Fairchild,	Leonard,	Russell, Conn.
Andrews,	Faris,	Linton,	Russell, Ga.
Apley,	Fenton,	Livingston,	Sauerhering,
Arnold, Pa.	Fischer,	Lockhart,	Settle,
Arnold, R.I.	Fitzgerald,	Loud,	Shaw,
Bailey,	Fletcher,	Maddox,	Sherman,
Bankhead,	Foote,	Maguire,	Smith, Ill.
Barham,	Foss,	McCall, Mass.	Smith, Mich.
Barrett,	Gamble,	McCleary, Minn.	Sorg,
Bartlett, N.Y.	Gillett, Mass.	McClure,	Southwick,
Bell, Tex.	Grosvenor,	McCreary, Ky.	Stallings,
Berry,	Grow,	McKenney,	Stokes,
Bingham,	Hainer, Nebr.	McLachlan,	Stone, W.A.
Black, N.Y.	Hanly,	Meiklejohn,	Strong,
Blue,	Harmer,	Miles,	Taft,
Boutelle,	Hatch,	Miller, W.Va.	Tawney,
Bowers,	Heiner, Pa.	Milliken,	Tayler,
Brown,	Hepburn,	Mondell,	Tracewell,
Brumm,	Hermann,	Morse,	Tracey,
Buck,	Hicks,	Moses,	Wadsworth,
Bull,	Hilborn,	Mozley,	Walker, Mass.
Burrell,	Hooker,	Neill,	Walker, Va.
Calderhead,	Howard,	Newlands,	Walsh,
Catchings,	Howe,	Noonan,	Wanger,
Chickering,	Huff,	Odell,	Wellington,
Clarke, Ala.	Hulick,	Ogden,	Wheeler,
Cobb,	Hull,	Otey,	Wilber,
Coffin,	Johnson, Ind.	Overstreet,	Willis,
Colson,	Johnson, N.Dak.	Patterson,	Wilson, Ohio
Cooke, Ill.	Jones,	Pickler,	Woodard,
Cowen,	Joy,	Poole,	Woodman,
Crowley,	Kerr,	Powers,	Wright.
Cummings,	Kiefer,	Prince,	
Curtis, Iowa	Kulp,	Raney,	
Curtis, N.Y.	Kyle,	Reeves,	

So the resolution was adopted.

The following pairs were announced:

Until further notice:

Mr. ANDREWS with Mr. MILES.

Mr. WILSON of Ohio with Mr. MCKENNEY.

Mr. PRINCE with Mr. BAILEY.

Mr. RANEY with Mr. COWEN.

Mr. LEONARD with Mr. BERRY.

Mr. REEVES with CATCHINGS.

Mr. OVERSTREET with Mr. BELL of Texas.

Mr. MILLER of West Virginia with Mr. WOODARD.

Mr. JOHNSON of North Dakota with Mr. LAWSON.

Mr. HOOKER with Mr. STALLINGS.

Mr. BINGHAM with Mr. DOCKERY.

On this vote:

Mr. JOHNSON of Indiana with Mr. ROBERTSON of Louisiana.

Mr. WANGER with Mr. WHEELER.

Mr. ROBINSON of Pennsylvania with Mr. RUSK.

Mr. MCCALL of Massachusetts with Mr. MAGUIRE.

Mr. HULL with Mr. JONES.

Mr. BARHAM with Mr. CROWLEY.

Mr. HATCH with Mr. DE ARMOND.

Mr. MOZLEY with Mr. LAYTON.

Mr. SAUERHERING with Mr. ABBOTT.

Mr. HAINER of Nebraska with Mr. DOWNING.

For this day:

Mr. KIEFER with Mr. SHAW.

Mr. RUSSELL of Connecticut with Mr. CLARKE of Alabama.

Mr. PICKLER with Mr. MOSES.

Mr. WILLIAM A. STONE with Mr. BANKHEAD.

Mr. HOWARD with Mr. WALSH.

Mr. KULP with Mr. MADDOX.

Mr. FOSS with Mr. RUSSELL of Georgia.

Mr. BROWN with Mr. FITZGERALD.

Mr. LEISENRING with Mr. LOCKHART.

Mr. HULICK with Mr. BUCK.

Mr. MEIKLEJOHN with Mr. BARTLETT of New York.

Mr. JOY with Mr. CUMMINGS.

Mr. GROSVENOR with Mr. NEILL.

Mr. ACHESON with Mr. SORG.

Mr. DOVENOR with Mr. LIVINGSTON.

Mr. BURRELL. Mr. Speaker, I came into the Hall from my committee room just after my name was called the second time. I should like to vote.

The SPEAKER. Under the terms of the rule, the gentleman's vote can not now be received.

Mr. BURRELL. If permitted to vote, I should have voted "yea."

The result of the vote was announced as above stated.

On motion of Mr. DANIELS, a motion to reconsider the vote just taken was laid on the table.

Mr. DANIELS. I ask that the oath of office be administered to Mr. Goodwyn.

Mr. Albert T. Goodwyn presented himself, and was duly qualified by taking the oath prescribed by law.

DELEGATE FROM ALASKA.

Mr. SCRANTON. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 3826) providing for the election of a Delegate from the District of Alaska to the House of Representatives of the United States was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PICKLER. I shall have to object.

Mr. CRISP. I must object, unless some explanation be given. I should like to know whether there is any government out in Alaska with any machinery for holding this proposed election.

Mr. PICKLER. I would like to inquire of the gentleman in charge of this matter if he expects this bill to take up any considerable time? If so, I will be compelled to object to it.

Mr. SCRANTON. I am sure it will not occupy more than a half hour.

Mr. JOHNSON of California. Scarcely that long; a quarter of of an hour would be ample.

Mr. PICKLER. If there can be an agreement that the gentleman will call the previous question in an hour I will be content. I have waited now to get up this pension bill for a long time, and I want to have the right of way.

Mr. SCRANTON. It will not take a half hour.

Mr. PERKINS. I do not know about that. I would like to say something about this matter myself.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. CRISP. There is, Mr. Speaker, unless we have some explanation as to the points I have already referred to.

Mr. SCRANTON. I will be perfectly willing, if the gentleman will withhold his objection, to explain this matter——

Mr. CRISP (continuing). I want to know whether they have the machinery out there for holding an election, whether there are any officers who are capable of conducting an election, and something about the matter that is proposed to be accomplished by this bill before consent is given.

Mr. HOPKINS. Mr. Speaker, there is nothing before the House. The gentleman from South Dakota has objected.

Mr. PERKINS. The gentleman withheld his objection, I understood.

The SPEAKER. The Chair understands that there is objection, and the gentleman from Texas [Mr. COCKRELL] is recognized.

Mr. SCRANTON. I understood the objection was withdrawn.

The SPEAKER. The Chair will again submit the request of the gentleman. Is there objection to the present consideration of the bill relating to the election of a Delegate from Alaska?

Mr. CRISP. There is, Mr. Speaker, without some satisfactory explanation.

The SPEAKER. That settles it.

The gentleman from Texas is recognized.

GREER COUNTY, OKLA.

Mr. COCKRELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7905) to establish and provide for the government of Greer County, Okla., and for other purposes.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the portion of the Territory of Oklahoma bounded by the North Fork of the Red River and the State of Texas, heretofore known as Greer County, Tex., be, and the same is hereby, established as Greer County of Oklahoma, with Mangum as the county seat. The governor of Oklahoma shall forthwith appoint for said county the same officers as are provided by law for other counties of Oklahoma, who shall have the same powers and duties, receive the same compensation, and hold office until their successors shall be provided by the legislature of Oklahoma. All provisions of law applicable to the organization and government of counties in Oklahoma shall forthwith be applied by the proper officers thereof to said Greer County, the intention being to provide without delay the same organized government for said Greer as for the other counties of Oklahoma. All appointments herein provided shall be made from persons, having the other qualifications required by law, who were on March 16, 1896, bona fide residents within the territory now erected into said county. All public buildings and property of every description heretofore belonging to Greer County, Tex., or used in the administration of the public business thereof is hereby declared to be the property of said Greer County, Okla., and the officers thereof shall, as soon as appointed, take immediate charge and custody thereof.

SEC. 2. That all proceedings and actions of every kind in or before the several courts and officers of Greer County, Tex., shall have the same force and effect as if said courts and officers had been legally authorized courts and officers of the United States or of the Territory of Oklahoma, and the courts of said Territory having jurisdiction of similar matters shall make and issue all orders and writs necessary to enforce the orders, decrees, and final judgments of said courts and officers of Texas.

SEC. 3. That all suits which were pending in the several courts of said Greer County, Tex., on March 16, 1896, as shown by the dockets thereof, shall be entered upon the dockets of the courts of Oklahoma having jurisdiction of like cases, and the same shall proceed as if they had been brought in said courts of Oklahoma. Where an appeal or writ of error has been taken from a judgment in any civil or criminal case rendered by any of said courts of Greer County, Tex., to any other court of Texas, the judgment of such appellate court shall be binding upon all parties to such case, and upon the filing of a certified copy thereof in the court of Oklahoma having jurisdiction of like cases, it shall be the duty of such court to enter the same upon its minutes and proceed in said action in all respects as though it had rendered the original judgment therein. All rights in the cases mentioned in this section shall be determined by the law of Texas applicable to the act or transaction involved, and the courts shall take judicial notice of such law for that purpose. When any judgment affirmed by any such appellate court provides for imprisonment, such imprisonment shall be in such place as the proper court of Oklahoma shall designate.

SEC. 4. That all records, minutes, and files of any of the courts and officers mentioned in section 2 of this act shall be preserved and kept by the proper courts and officers of Oklahoma, and they, or certified copies thereof, shall be competent evidence. All written contracts, conveyances, mortgages, or other instruments which have been heretofore filed or recorded in said Greer County, in conformity with the laws of Texas, shall be held and considered to have been legally filed or recorded, and it shall not be necessary again to file or record them.

The Committee on the Judiciary recommend the adoption of the following amendments:

At the end of section 1 insert the following:

"And all school property in said county shall become the property of the respective school districts in which the same are situated."

In line 6 of section 4, after the word "mortgages," insert the word "liens."

At the end of section 4 add the following:

"And all interests, rights, titles, and estates conveyed, limited, encumbered, or in any wise affected by any contract, lien, conveyance, mortgage, or other instrument, or by any judgment or decree of any court of Texas of competent jurisdiction, and all judgments of said courts, civil and criminal, prior in date to March 16, 1896, shall have the same force and effect in all respects as if said Greer County had legally formed a part of the territory of the State of Texas up to March 16, 1896, and had upon that date been lawfully ceded by Texas to the United States with a reservation and ratification of all existing rights and liabilities according to the laws of Texas."

Mr. DINGLEY. As I understand it, this bill simply provides for the government of the county of Greer, which by a decision of the Supreme Court has been held not to belong to the State of Texas, in which it was formerly included, but to Oklahoma, and this provides a county organization and government under the law of Oklahoma.

Mr. HENDERSON. Simply clothing it with its proper powers in Oklahoma; that is all.

There being no objection, the bill was considered, and the amendments recommended by the Committee on the Judiciary were agreed to.

Mr. FLYNN. Mr. Speaker, I desire to offer another amendment.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

Strike out all after the word "seat," in line 7 of section 1 of the bill, down to and including the word "Oklahoma," in line 12, and insert:

"The present county officers of said county shall be continued in office until the first Tuesday of November, 1896, or until the successors are elected and qualified at an election to be held on said first Tuesday in November, 1896, as provided in the laws of the Territory of Oklahoma."

Mr. HENDERSON. That is all right. It simply applies to the persons now holding office in that county.

The amendment was agreed to.

Mr. FLYNN. I desire now, Mr. Speaker, to offer another amendment to perfect the text of the bill, an amendment rendered necessary by the adoption of the amendment just passed upon.

The Clerk read as follows:

On page 2, strike out all after the word "Oklahoma," in line 17, down to and including the word "county," in line 21.

Mr. BAILEY. I would like to ask, Mr. Speaker, what will be the effect of that amendment? I presume it can only be ascertained by a statement or by rereading the bill.

Mr. FLYNN. The object of the amendment is merely to perfect the text of the bill. As at present drawn the bill reads:

All appointments herein provided shall be made from persons, having the other qualifications required by law who were on March 16, 1896, bona fide residents within the territory now erected into said county.

These are the words which will be stricken out if the amendment is adopted. The previous amendment did away with the appointing power and confirmed the present officials in office. This is now surplusage in the bill, owing to the adoption of that amendment.

Mr. BAILEY. What amendment has been adopted providing for continuing the present officials in office? Do I understand that such an amendment was reported from the Committee on the Judiciary?

Mr. FLYNN. No, sir——

The SPEAKER. It was an amendment offered by the gentleman from Oklahoma.

Mr. BAILEY. I did not hear it; and, Mr. Speaker, I seriously doubt the power of the House to appoint the officers in that Territory.

Mr. FLYNN. We do not appoint; we only confirm those already in office.

Mr. BAILEY. The confirmation of an existing official in this manner can not amount to the appointment of a new one. I think that there is some question about that amendment, and would have made the objection at the time if I had heard it read.

Mr. CULBERSON. Mr. Speaker, I did not understand when that amendment was read that it attempted to confirm in office the persons who now hold office in that county. I understood this question had been settled by the Judiciary Committee. This bill, in the main, as read by the Clerk, was prepared by the Attorney-General and by the Secretary of the Interior. I concur in the opinion of my colleague [Mr. BAILEY], that Congress has no power to make the appointment.

Mr. BAILEY. I suggest, as an easy way out, that my friend from Oklahoma [Mr. FLYNN] ask unanimous consent to reconsider the amendment that has been adopted, and then to withdraw both amendments.

Mr. FLYNN. Mr. Speaker, I desire, first, in justice to myself and the House, to make a statement. The remarks which have been made would seem to indicate that I had offered an amendment here which did not meet with the approval of certain gentlemen. The gentleman from Texas [Mr. COCKRELL] has represented Greer County in this House in the last Congress and in this. By a decision rendered on the 16th day of last March, in a suit pending between the United States and Texas to determine who should control and own Greer County, the decision was rendered in behalf of the United States. By that decision Greer County, owing to the act of 1890, became a part of the Territory of Oklahoma. Greer County has been electing its county officers the same as any other county in the State of Texas.

The bill as reported provided that the governor of the Territory of Oklahoma should make new appointments of officials in that county. I did not think it would be just to those people who had been elected that that recommendation should be approved by Congress. So that, in order to show the people of that county that we had no desire to interfere with their county officers that they had elected, I have offered this amendment. Let me say here that there is no politics in this in my favor. Greer County, I am informed, has 700 votes, and I understand that 35 of them are Republicans, so that there is no danger of confirming any Republicans in office by this amendment. But I do say, in justice to those people who have been elected to those offices, it is but right they should serve out their terms until next November, when the general election in Oklahoma will give them authority to elect whomsoever they see fit. I do object to any governor, no matter what his politics may be, being authorized to remove these men and appoint new officials in their places.

Mr. CULBERSON. I should like to ask the gentleman from Oklahoma if he proposes to confirm in office the Democrats who are now holding office in this county?

Mr. FLYNN. I propose to confirm every officeholder who has been elected by these people, no matter what his politics may be.

Mr. CULBERSON. Do you not know that there is hardly a Democrat in office in that county?

Mr. FLYNN. No; I do not know any such thing. I know I am told that there are 700 Democratic voters and only 35 Republicans, and let me say to my friend from Texas that this amendment is acceptable to the gentleman from Texas [Mr. COCKRELL] who has represented Greer County in this House so long.

Mr. CULBERSON. Then I withdraw all objection to it.

Mr. COCKRELL. I want to say this in explanation: As to whether these officers are Democrats, Republicans, or Populists, my impressions are that they are about equally divided. I know that some of them are Democrats and I know that some of them are Republicans.

Mr. FLYNN. Republicans?

Mr. COCKRELL. Populists; but I think it is nothing but fair that those people who have been selected under the laws of Texas at an election properly held should hold their offices in preference to others to be appointed by the governor. I do not think there is any politics in this. I consulted with my colleague [Mr. CULBERSON] about this before this bill was framed. He told me he did not believe that Congress had the authority to pass a law confirming these men in office. With that view the bill was framed leaving them out. The gentleman from Oklahoma [Mr. FLYNN] asked me if I would accept this amendment and I told him I would do it most cheerfully, because I think it is just and right.

Mr. LACEY. I may say, in justice to the Attorney-General, that the bill introduced by me was drawn by him. He suggested that he would recommend the appointment of all those officials, and that he thought perhaps that was the best way out of it, the way that the bill was originally drawn. I am quite sure that he would have no objection to the other form, as it was his intention to recommend the appointment of these men over again.

Mr. BAILEY. Mr. Speaker, I have no desire to detain the House over this matter.

The amendment of Mr. FLYNN was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. COCKRELL, a motion to reconsider the last vote was laid on the table.

GREER COUNTY LANDS, OKLAHOMA.

Mr. LACEY. Mr. Speaker, I would like to call up the bill H. R. 7945, which is another branch of the same matter. We have just disposed of one part, and we might as well dispose of the other while the House has the subject before it.

Mr. PICKLER. How long will this take?

Mr. LACEY. It will not take longer than the other bill. The House has the facts before it, and the subject will not have to be gone over again. This is the land bill; the other was the government bill. At first the whole matter was proposed as one bill, and then afterwards divided into two parts before it was introduced. We have just passed one part, and this is the other part.

Mr. PICKLER. Will the gentleman move the previous question?

The SPEAKER. The Chair will submit it to the House for unanimous consent if the gentleman sends up the bill.

The Clerk read as follows:

A bill (H. R. 7945) to provide for the entry of lands in Greer County, Okla., to give preference rights to settlers, and for other purposes.

Be it enacted, etc., That every person of the age of 21 years, or the head of a family, who, on March 16, 1896, was a bona fide occupant of land within the territory established as Greer County, Okla., shall be entitled to continue his occupation of such land with improvements thereon, not exceeding 160 acres, and shall be allowed six months' preference right from the passage of this act within which to initiate his claim thereto, and shall be entitled to perfect title thereto under the provisions of the homestead law, upon payment therefor, at the rate of $1 per acre, to be paid in five equal annual payments, at the expiration of five years from the date of entry, except that such person shall receive credit for all time during which he or those under whom he claims shall have continuously occupied the same prior to March 16, 1896. Every such person shall also have the right for six months prior to all other persons to purchase at the like rate and upon the same terms of payment at the time of making his homestead entry, any additional land of which he was in actual possession on March 16, 1896, not exceeding 160 acres, which, prior to said date, shall have been cultivated or improved by him, or those under whom he claims. When any person entitled to a homestead or additional land, as above provided, is the head of a family, and though still living, shall not take such homestead or additional land, within six months from the passage of this act, any member of such family over the age of 21 years, other than husband or wife, shall succeed to the right to take such homestead or additional land for three months longer, and any such member of the family shall also have the right to take, as before provided, any excess of additional land actually cultivated or improved prior to March 16, 1896, above the amount to which such head of the family is entitled, not to exceed 160 acres to any one person thus taking as a member of such family, upon like payment of $1 per acre therefor.

In case of the death of any settler who actually established residence and made improvement on land in said Greer County prior to March 16, 1896, the entry shall be treated as having accrued at the time the residence was established, and sections 2291 and 2292 of the Revised Statutes shall be applicable thereto.

Any person entitled to such homestead or additional land shall have the right during twelve months from the passage of this act to remove all crops and improvements he may have on land not taken by him.

SEC. 2. That all land in said county not occupied, cultivated, or improved, as provided in the first section hereof, or not included within the limits of any town site or reserve, shall be subject to entry to actual settlers only, under the provisions of the homestead law, upon payment of $1 per acre.

SEC. 3. That in the acquisition of land as provided in this act, the surveys and boundaries heretofore adopted by the settlers in said county shall be observed as near as practicable, and no land shall be taken in an irregular shape when it can be fairly avoided.

SEC. 4. That when any town plat covering lands in said county, not exceeding 640 acres, shall have been made and lots improved according thereto, prior to March 16, 1896, the Secretary of the Interior shall adopt said plat, and the persons who have made or own such improvements shall be entitled to receive patents for said lots, upon payment therefor at the rate of $10 per acre, including streets, in such manner as shall be fixed by rules and regulations of the Interior Department. Any land covered by such town plat remaining undisposed of for the period of one year after the passage of this act, and not involved in contest or controversy, shall be subject to sale to the highest bidder for cash, under such rules as the Secretary of the Interior may prescribe, at not less than $10 per acre, including streets. The general provisions of the town-site laws of the United States are hereby made applicable to the lands within said Greer County.

SEC. 5. That when any land which by law would otherwise belong to sections reserved for school purposes shall be taken under the provisions of this act the Secretary of the Interior shall designate other lands for school purposes in place thereof. Sections numbered 16 and 36 are reserved for school purposes as provided in laws relating to Oklahoma.

SEC. 6. That all lands which on March 16, 1896, are occupied for church, cemetery, school, or other charitable or voluntary purposes, not for profit, not exceeding 2 acres in each case, shall be patented to the proper authorities in charge thereof, under such rules and regulations as the Secretary of the Interior shall establish, upon payment of the Government price therefor, excepting for school purposes.

SEC. 7. There shall be a land office established at Mangum, in said county, upon the passage of this act.

SEC. 8. That any law hereafter passed releasing claimants from, or extending the time for payment for land in Oklahoma, shall have like force and effect on lands in Greer County.

SEC. 9. That the provisions of this act shall apply only to Greer County, Okla., and that all laws inconsistent with the provisions of this act, applying to said territory in said county, are hereby repealed.

SEC. 10. That this act shall take effect from its passage and approval.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. Mr. Speaker, I want to make an inquiry. I notice in the amendments reported by the committee that these lands are to be taken, although as to part of them, I understand there is some claim by the Indians upon them, without any payment to the Government. Now, if it should be decided that these Indians have a claim—although I am assured there is no foundation for such a claim—would not the claim come upon the Treasury?

Mr. LACEY. That involves the old Chickasaw and Choctaw dispute that was discussed very thoroughly by previous Congresses. The committee reported in favor of making the land free, because this House has already by an almost unanimous vote declared for free homes for all Oklahoma; and these men who have settled on these lands have as meritorious a claim to free homes as anyone in any other part of Oklahoma.

Mr. DINGLEY. But would it not be possible, if this bill were passed, that the Government might have to meet some claim of the Indians, if it was decided in their favor?

Mr. LACEY. Whatever we do with this land in making it a part of Oklahoma there is a probability that the Indians will ask for some further compensation from the United States. They have asked it in reference to the lands elsewhere, and no doubt they will as to Greer County. But President Harrison, in his message to Congress, declared that they had no valid claim, and the Secretary of the Interior, Mr. Noble, concurred in that statement. A claim will be asserted, I presume, but the validity of it is another matter. Now, that is not involved in the question before the House. The House has determined that homesteads in Oklahoma should be free, and this bill is in harmony with the bill already passed in favor of free homes in Oklahoma.

Mr. DINGLEY. But in Oklahoma there is no Indian claim, and here possibly there may be an Indian claim.

Mr. LACEY. In old Oklahoma 2,000,000 acres were bought and made free; the balance of it was bought and paid for and not made free; and this bill is in harmony with the former action of the House.

Mr. DINGLEY. I call attention to this in order that the House may understand in passing this bill, with the amendments which have been reported, that whatever claim the Indians may be proved to have in these lands, if any, the Government must step in and pay for it and give away the land.

Mr. LACEY. A portion of the land would be given away, and a portion of it would not be. I yield to the gentleman from Oklahoma [Mr. FLYNN].

Mr. FLYNN. Mr. Speaker, Greer County, as I stated when the Oklahoma bill was up, without any additional legislation from Congress, would be free. It stands to-day, if there is any surplus land there, subject to entry free, with the exception of the land-office fees. The law of 1890, giving Oklahoma Territorial

government, provided that the land affected should be open to homestead settlement free and without cost, and then provided that if the suit pending between Texas and the United States should be decided in favor of the United States the same law should apply. So that there is no change of existing law in this bill. It is merely giving them the benefit of the law that they are entitled to on the statute book, and it would take some very positive action on the part of this House before the people in Greer County would be compelled to pay any more than land-office fees.

Mr. DINGLEY. The bill as originally introduced provided for the payment of a dollar an acre. This seems to be an afterthought.

Mr. FLYNN. The bill as introduced would change existing law, and compel the people of Greer County to pay for land when the existing law provides they shall have it for nothing. Now I yield to the gentleman from Texas.

Mr. COCKRELL. Let me make a statement to the gentleman from Maine in reference to that matter. That bill was originally drawn at the instance of a gentleman—Mr. Brown—who came here to represent the people of Greer County. You will understand that these people in Greer County for years have been under serious apprehension as to what would be the result of this suit, and what would become of their rights in the event the land should go to the Federal Government. Many of these parties had been on the land for ten years without being able to acquire any title from Texas. During the time that the lands were in controversy Texas did not sell them to anyone. The settlers had gone into that territory by virtue of the right of Texas over that territory, by a provision that it is useless to state here; and they told Mr. Brown, their representative here, that they wanted this question settled and their rights determined somehow or other during this Congress; and he went and consulted the Attorney-General and the Commissioner of the General Land Office in reference to this matter. They told him that they thought these people ought to pay for their homes, for the reason that the Choctaw and Chickasaw Indians were setting up some claim to the land.

Now, whatever that claim may be, it has been investigated by committees of Congress, by a good many able lawyers, and by a previous Administration, and all of them have found that the Indians have no right or title to Greer County under any circumstances; and while it is true that these settlers were willing to pay a dollar an acre for that land, they agreed to that under the impression that unless they did so they might forfeit their rights by delay. As the chairman of the Committee on Public Lands knows, I was opposed to that bill. I told the Secretary of the Interior and the Commissioner of the Land Office that no bill should pass through this House if I could help it that did not give those people free homesteads in common with the other people of Oklahoma, because I believed that was just and right, and while they might have agreed to pay for the land, they had so agreed under the impression that if they did not they might be deprived of their rights in the future. Consequently this bill was changed at the instance of the gentleman from Oklahoma and myself. We agree upon this subject. We agree as to what the rights of these people are. He is now their legal representative. I have been, and I know all about the character and conditions of that region. It is a desert country, and I tell you that a man who makes a home in that wind-swept district secures but a very meager property upon which to support himself and his family. I hope this bill will pass, doing justice to those people, with the amendments that have been proposed and agreed to and recommended unanimously by the committee.

Mr. SHAFROTH. Mr. Speaker, I wish simply to say a word concerning the hearings that took place before the Public Lands Committee in relation to the character of this land. It was stated there by gentlemen who well knew that the character of the land in that region is semiarid, that crops are not raised there regularly, and, in fact, that the lands are worth little if anything. Indeed, it was thought by some of the committee that a man who would undertake to live on those lands ought to have a pension instead of being required to pay anything for them. [Laughter.]

Mr. DINGLEY. But that is not the question. The question is, are we giving away lands that belong to the United States or lands that belong to the Indians? If these lands belong to the Indians, even though they may be such as the gentleman describes, we may rest assured that we shall have to pay a big bill for them before we get through. If the lands belong to the United States, I am in favor of giving them to homestead settlers, but I do not want to give them to homestead settlers and then have the Indians come in and collect $1.40 per acre for them from the Government.

Mr. DOCKERY. The gentleman may rely upon it that whether the lands belong to the Indians or not, the United States at some time will be called on to pay something to the Indians.

Mr. SHAFROTH. It has been the policy of the Government, whether lands were bought from the Indians or not, to throw them open to settlement, and it seems to me that the people who have gone upon those lands and made homes there ought not to be disturbed or required to pay when other settlers in the same region do not have to pay.

Mr. BAILEY. The effect of this bill, and the only effect of it, will be to give the settlers whatever title the United States may now have, and if the Indians were to establish their right to these lands they would take them from both the settlers and the United States, and the United States would be under no legal or moral obligation to reimburse these people, it having given them the land originally. I believe, although I am not familiar with the public-land laws, that the United States Government never warrants the title to land, and of course if there is no warranty of title there can be no legal obligation. I will ask the chairman of the Committee on Public Lands whether I am correct in saying that the United States never warrants the title to lands.

Mr. LACEY. I think the gentleman is correct in that; but in this case the United States first had a perpetual lease of these lands for the purpose of allowing Indians to settle upon them. Subsequently additional contracts were made by various Indian tribes, and lands between the ninety-eighth meridian and the one hundredth meridian, instead of being leased, were sold outright to the United States. The Indians say, however, that that was done with a verbal understanding that the lands were to be part of the Indian Territory, for occupation only by Indians, and on the basis of that understanding they have made a claim, what is known as the Chickasaw and Choctaw claim, about which there was so much controversy in a previous Congress. They do not claim that they own the lands, but they hold that they have some sort of claim to them in equity owing to the United States undertaking to use them for other purposes than to settle Indians upon them.

Mr. BAILEY. Of course Greer County belonged to the United States all the time. That is the decision of the court. It is also true that the act which established the Territory of Oklahoma included Greer County within that Territory, exempting it, however, from the operation of the act until the question of ownership could be decided. Now, if Congress requires these settlers to pay for these lands, would it not be true that they would be compelled to take their lands under different and harder conditions than the other residents of Oklahoma Territory have taken theirs?

Mr. DINGLEY. Undoubtedly; but that was an exceptional policy. Has there ever been a case where the Government has bought lands from the Indians and then opened those lands up to homestead settlement without payment?

Mr. LACEY. Oh, yes. The United States has always done so. That has been the almost uniform course of procedure. There was no other policy until recent years. Old Oklahoma was purchased from the Indians and then opened up free to settlers.

Mr. SAYERS. With the permission of the gentleman from Iowa, I wish to ask him a question bearing directly on the one asked by the gentleman from Maine [Mr. DINGLEY]. Is it not true that the Government has paid large prices for public lands, and in opening them to settlement has either given those lands away in the shape of homesteads or has sold them for a smaller price than it paid for them?

Mr. LACEY. In some cases that is true. I took a great deal of pains in preparing the Oklahoma report to ascertain the facts of this question, and I found that in this matter the Government is not behind very much. In the aggregate it has gained enough on the sale of public lands to offset in large part such losses as the gentleman refers to.

Mr. SAYERS. If that be true, does it not follow that it would be an injustice to the people of Greer County, situated as they are, to refuse to them these lands with the same privileges and on like conditions that have been given to other communities not so well entitled?

Mr. LACEY. Much of Greer County is as undesirable homestead lands as the country contains. The land is largely arid, and whatever these settlers may be compelled to pay will of course operate as a great hardship upon them. They should be put, perhaps, in the same category with the settlers in old Oklahoma. The lands of old Oklahoma were bought from the Indians and paid for and then homesteaded free of charge. It was new Oklahoma, including the Cherokee Strip and the additional purchases made by the Government, where settlers were required to undergo all the requirements of the homestead law and pay for the land afterwards. The bill as originally drawn in this case at the Attorney-General's Office provided that in case the Oklahoma free-home bill should pass, these men should have the same benefits as settlers under that bill.

Mr. HENDERSON. And this bill gives them those privileges.

Mr. LACEY. Yes, sir; and without waiting the determination upon the Oklahoma bill.

Mr. HENDERSON. We seem to be all agreed. Why should not the bill pass?

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

In case of the death of any settler who actually established residence and made improvement on land in said Greer County prior to March 16, 1896, the land-office fees. The law of 1890, giving Oklahoma Territorial

Mr. LACEY. I desire to offer two formal amendments to the amendments reported by the committee. I ask that they be read.

The Clerk read as follows:

Amend the amendment by striking out, in line 3, page 1, the words "of the age of 21 years or the head of a family" and inserting "qualified under the homestead laws of the United States."

The amendment to the amendment was agreed to.

Mr. LACEY. Now I ask that the other amendment to the amendment be read.

The Clerk read as follows:

On page 5, in section 4, strike out, after the word "by," the words "the laws of the Territory of Oklahoma" and insert the word "law."

The amendment to the amendment was agreed to.

The amendments of the committee as amended were adopted.

Mr. LACEY. I now yield two minutes to the gentleman from Arkansas [Mr. MCRAE].

Mr. MCRAE. Mr. Speaker, I wish to say a few words. I am in favor of the amendment which allows homestead entries to be made in Greer County free of cost except office fees, and I think it unnecessary to discuss that question. I wish, however, to put upon record in this connection an emphatic denial that the Indians have any right or title to or interest in the lands in Greer County. If any such right should ever be asserted, it will be predicated upon such suggestions as have been introduced into this discussion this morning. The inquiries and indirect admissions that have been made here may suggest to the Indian lobbyists who fill our corridors from day to day and from year to year a basis for the pretense that the Indians have some sort of claim to these lands. Sir, the Indians never occupied Greer County; they have no rights there and have never had, and, so far as I am concerned, I believe it is the judgment of the House that they never can establish any right to those lands. I insist that we should not do or say anything that will countenance or recognize the idea that there is any foundation for such a claim.

Mr. COCKRELL. I should like to say just one word.

Mr. LACEY. I yield to the gentleman one minute.

Mr. COCKRELL. Just one word in response to what has been said by the gentleman from Arkansas [Mr. MCRAE]. I have lived on that border for thirty-odd years, and can say that no one there has ever heard of a Choctaw or Chickasaw Indian laying any claim to Greer County until within the last few years, when the Government began to make some trades, and some lawyer lobbying around here got up a scheme to make the Government pay the Indians for Greer County in the event that the Government should recover it from the State of Texas. That is the history of the whole matter.

Mr. DOCKERY. In other words, those claims have been made by white Choctaws and Chickasaws?

Mr. COCKRELL. Yes, sir.

Mr. LACEY. I now call for the previous question.

The previous question was ordered, and under the operation thereof the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (S. 2557) granting a pension to Sarah E. Boyd; when the Speaker signed the same.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2508) to establish customs ports of delivery at Pueblo, Durango, and Leadville, Colo.;

A bill (S. 2593) granting to the American Invalid Aid Society of Boston, Mass., the abandoned Fort Marcy Military Reservation, in New Mexico, for the purpose of a national sanitarium for the treatment of pulmonary diseases;

A bill (S. 1365) for the relief of the National New Haven Bank of the State of Connecticut; and

A bill (S. 559) for the relief of Bvt. Col. Thomas P. O'Reilly.

The message also announced that the Senate had passed with amendment bill and joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (H. R. 8318) authorizing the transfer of a cannon from the Rock Island Arsenal, Rock Island, Ill., to Grant Park, in Galena, Ill.; and

Joint resolution (H. Res. 170) to provide for the proper distribution of the publication entitled Messages and Papers of the Presidents.

The message also announced that the Senate had passed without amendment the following concurrent resolution:

Resolved by the House of Representatives (the Senate concurring), That there be printed 10,000 additional copies of Bulletin No. 15 of the Office of Experiment Stations of the Department of Agriculture, entitled Handbook of Experiment Station Work, of which 2,000 copies shall be for the use of the members of the Senate, 4,000 copies for the use of members of the House of Representatives, and 4,000 copies for the use of the Secretary of Agriculture.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2557) granting a pension to Sarah E. Boyd.

CONDEMNED CANNON, GRANT PARK, GALENA, ILL.

The SPEAKER laid before the House the amendment of the Senate to the bill (H. R. 8318) authorizing the transfer of a cannon from the Rock Island Arsenal, Rock Island, Ill., to Grant Park, in Galena, Ill.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Amend by striking out, in line 16, after the word "infantry," the words "and bearing an inscription 'Presented to the sovereign State of South Carolina in commemoration of the 20th day of December, 1860, by citizens abroad.'"

Mr. MCMILLIN. Mr. Speaker, I wish to call the attention of the gentleman from Illinois and of the House to the phraseology of this bill, which seems to be peculiar in this, that it devolves on the Secretary of War the necessity of making the transfer. It is true that there are words affixed to the bill to prevent the Government from bearing any of the expense, but in matters of this kind usually we have been in the habit of providing in terms that the expense of the movement or delivery of the guns shall be paid by the post or the association receiving them, the Government incurring no responsibility of the transfer.

Mr. HITT. The people there are prepared to pay all the expense at once, and only desire the gun to be transferred under the authority of the Secretary of War, as the facilities are at hand. They will meet the necessary expense.

The amendment of the Senate was concurred in.

On motion of Mr. HITT, a motion to reconsider the last vote was laid on the table.

MEDICAL COLLEGES, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 5488) providing for the incorporation and regulation of medical colleges of the District of Columbia.

The SPEAKER. In this case the amendment of the Senate is to the title. The Clerk will read the amended title.

The Clerk read as follows:

A bill to provide for the incorporation and regulation of medical and dental colleges in the District of Columbia.

The amendment to the title was concurred in.

BRIDGE ACROSS CORPUS CHRISTI CHANNEL.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 3549) authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings Ship Channel, in Aransas County, Tex.

The Senate amendments were read at length and concurred in.

DISTRIBUTION OF MESSAGES AND PAPERS OF THE PRESIDENTS.

The SPEAKER also laid before the House the amendment of the Senate to the joint resolution (H. Res. 170) to provide for the proper distribution of the publication entitled "Messages and Papers of the Presidents."

The Senate amendment was read at length.

Mr. PERKINS. I move that the House concur in the Senate amendment.

The motion was agreed to.

DONATION OF CONDEMNED CANNON, CHICAGO, ILL.

Mr. BELKNAP. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4557) authorizing and directing the Secretary of the Navy to donate two pieces of condemned cannon and four pyramids of condemned cannon balls to the St. Boniface Union Soldiers' Monument and Memorial Association of Chicago, Ill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to donate two pieces of condemned cannon and four pyramids of condemned cannon balls to the St. Boniface Union Soldiers' Monument and Memorial Association of Chicago, Ill., for the soldiers' monument now erected in St. Boniface Cemetery, Chicago, Ill.: *Provided*, That the same can be spared without detriment to the service and that no expense is thereby incurred by the Government.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BELKNAP, a motion to reconsider the last vote was laid on the table.

CONDEMNED CANNON, LAMBERTVILLE, N. J.

Mr. PITNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6666) granting to Major C. A.

Angel Post, No. 20, Grand Army of the Republic, of Lambertville, N. J., 4 condemned cannon and 20 cannon balls.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to Major C. A. Angel Post, No. 20, Grand Army of the Republic, of Lambertville, N. J., 4 condemned cannon and 20 cannon balls, for the decoration of the soldiers' monument of said city: *Provided*, That the same can be spared without detriment to the service and that no expense is thereby incurred by the Government.

There being no objection, the bill was considered, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. PITNEY, a motion to reconsider the last vote was laid on the table.

AMENDMENT TO PENSION LAWS.

Mr. PICKLER. I ask for the regular order.

Mr. PHILLIPS. Mr. Speaker, I ask present consideration of the bill I send to the desk.

The SPEAKER. Does the gentleman from South Dakota demand the regular order?

Mr. PICKLER. Mr. Speaker, I must demand the regular order.

I desire to present a privileged report from the Committee on Invalid Pensions. I send to the desk for present consideration the bill H. R. 8271, a bill relating to pensions.

The bill was read at length.

And then (on motion of Mr. PICKLER) the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, with Mr. HOPKINS in the chair.

Mr. PICKLER. Mr. Chairman, more than thirty years have passed since the close of the war for the preservation of the American Union——

Mr. RICHARDSON. Mr. Chairman, I suggest that the first thing in order would be the reading of the bill.

Several MEMBERS. It has been read.

Mr. RICHARDSON. The bill was read in the House, but it has not been read in the committee.

Mr. PICKLER. I ask unanimous consent to dispense with the first reading in the committee, as it has just been read in the House.

Mr. RICHARDSON. There is no objection to that.

The CHAIRMAN. The gentleman asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. PICKLER. Mr. Chairman, more than thirty years have joined the past since the close of the war for the preservation of the American Union. A generation has been born and grown to prime manhood and womanhood, who know by experience nothing of that great contest.

To this new generation that great struggle is only history. Historical knowledge of war can but faintly approximate actual experience of the same. To know war one must have been of it. No description can approach reality. The men who were soldiers in the war of the rebellion on either side are in mature manhood and old age, and more than half their number have joined the great army of the dead.

More than thirty thousand of the Union Army, and doubtless relatively as great a number of the Confederate army, went down to death during the past year.

To the bill under consideration, entitled "A bill relating to pensions," the Committee on Invalid Pensions invite your attention to-day. It is a bill in the interest of the soldiers of that war.

There has grown up all over this country a feeling of unrest, disquiet, and dissatisfaction concerning the administration of the pension laws during the last few years; claimants for pension and increase have been long delayed in the adjudication of their claims; constructions have been severely technical; pensions have been discontinued and reduced; and much complaint is heard among pensioners, claimants, and their friends throughout the land.

No community is free from these complaints, and thousands of neighborhoods have their well-known cases of injustice to pensioners and applicants for pension; and this injustice has, in a great number of instances, ripened into disgust and indignation.

There is a widespread feeling among the soldiers and their friends that they are entitled to more liberal treatment in the adjustment and allowance of pensions than they are receiving. The committee, after very careful consideration of this bill in detail, present it to the House, believing that every section will be found important in the future administration of the pension laws, and that this bill, if it shall become a law, will greatly facilitate the allowance of pensions and allay the fear of the pensioner as to the reduction or discontinuance of his pension after its allowance.

The committee has, in the abuses it seeks to correct, confined itself to no particular time or administration, but, regardless of the time of the initiation of such abuses, seeks to remedy the same and aid the claimant in allowing and preserving his rights under the law.

It does not add a single new class of pensioners to the pension rolls, but seeks to establish a more liberal construction of existing laws.

It will, if it becomes a law, answer a large number of the questions and inquiries that come to members of this House.

PRIOR CONFEDERATE SERVICE.

The first section of the bill provides—

That no person otherwise entitled to a pension by virtue of any law of the United States shall be disqualified from receiving the same by reason of any prior service in the Confederate army or navy during the war of the rebellion, nor shall the widow, children, or dependent relatives of such person be deprived of a right to pension by reason of such service: *Provided*, That no pension shall be granted by virtue of this section for disability contracted or incurred while aiding or abetting the late rebellion against the authority of the United States.

Mr. MILES. Will my friend allow me to ask him a question?

Mr. PICKLER. I prefer not to be interrupted. When I get through I will be glad to answer any questions I can. I propose to take up the bill by sections, and when I get through with that I shall be glad to confer with my colleague or any other gentleman who may desire to ask questions.

The inhibition sought to be removed by this section of the proposed bill is contained in section 4716 of the Revised Statutes, and is as follows:

SEC. 4716. No money on account of pension shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in or aided or abetted the late rebellion against the authority of the United States.

On March 3, 1877, the disqualification was removed as to soldiers who afterwards voluntarily enlisted in the Army of the United States and incurred or contracted disability or disease while in line of duty, and their widows, children, or heirs.

On March 9, 1878, the inhibition was removed as to survivors and widows of the war of 1812.

On January 29, 1887, it was removed as to survivors and widows of the Mexican war.

July 27, 1892, it was removed as to survivors and widows of the Indian wars.

And on August 1, 1892, the act of March 3, 1877, removing the bar as to soldiers, was made applicable to sailors as well.

It is worthy of special attention that the section under consideration seeks only to remove the disqualification of a prior service in the Confederate army or navy, whereas three of the statutes above mentioned refer to and necessarily condone a similar service subsequent to the one by virtue of which the pensioner draws a pension.

The Department of the Interior, under the last Administration, laid down the rule that section 4716, Revised Statutes, had no application to the law of June 27, 1890, and hence held substantially as we now provide in this section.

In the case of George W. Coffey (4 P. D., 285), December 16, 1890, Assistant Secretary Bussey decided that the fact that the claimant served in the Confederate army prior to his enlistment and service in the Army of the United States did not impair his pensionable status under the law of June 27, 1890, or any other act. He says:

The claimant is entitled to pension * * * under the act of June 27, 1890, if he can prove a service of not less than ninety days, an honorable discharge, and also that his disabilities are not the result of his own vicious habits.

In the case of Henry Hayman, decided March 19, 1891, Assistant Secretary Bussey says:

The foregoing provision (section 2 of the act of June 27, 1890) expressly states that proof of service for ninety days in the naval service of the United States during the late war of the rebellion, and of an honorable discharge therefrom, shall be sufficient as a basis for invalid pension under the act of June 27, 1890. This provision is made regardless alike of section 4716 and the act of March 3, 1877. It is made without reference to any other condition than those distinctly named in the act of which it forms a part, and it may be added that if there be aught in preceding legislation in conflict with this provision it would be held by the Department as repealed, in conformity with the accepted rules of statutory construction. The latest expression of the legislative will is necessarily the law until the same be amended or revoked. The claim of Hayman must therefore be adjudicated under section 2 of the act of June 27, 1890, and not in pursuance of section 4716, Revised Statutes, which has in fact no bearing upon the case. The Government accepted Hayman as a suitable person for the naval service, and nothing that he had done prior to his authoritative admission into the service can invalidate his claim for pension under the act of June 27, 1890.

Again, in the case of Daniel B. Garrison (6 P. D., 289), decided March 11, 1893, Assistant Secretary Bussey says that the Department "has universally held this view of the law."

But with the incoming Administration came a change of policy, and Assistant Secretary Reynolds, in the cases of Bernstine (7 P. D., 229) and Ozborn (id., 317), decided May 19 and September 6, 1894, expressly overrules the cases of Coffey, Hayman, Garrison, and all other like cases, thus refusing to allow pensions to those who had all the qualifications required by the act of June 27, 1890, but who had previously served in the Confederacy, and thereby overturning the rulings made by his predecessor. The present Administration, however, has not stopped with applying this rule to claims as such, but has dropped from the rolls the

Amendment the following concurrent resolution:

Resolved by the House of Representatives (the Senate concurring), That there be printed 10,000 additional copies of Bulletin No. 15 of the Office of Experiment Stations of the Department of Agriculture, entitled Handbook of

Mr. PITNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6666) granting to Major C. A.

the law.

this rule to claims as such, but has dropped from the rolls the

names of pensioners who were granted pensions under the former decisions.

It seems that this section should become a law. It is not only an act of justice to these men who were in the Confederate service and afterwards served in the Union Army, from which they were honorably discharged, to give them a pensionable status, but is an act of magnanimity on the part of Congress toward these men who fought against it, now that thirty years have elapsed since the close of the war, that the Government will not longer regard their hostility to their detriment.

The war was not a war of individuals; it was a war of sections. Little individual enmity was ever engendered. The Union soldier and the Confederate never had a personal grievance against each other. They were the same people—all proud of the Republic they and their fathers had founded and nurtured, all proud of the old flag to the very dawn of the conflict. Kindred were arrayed against each other, neighbors found themselves opposed, friends parted and followed the fortunes of different armies, father and son could not agree and raised their hand the one against the other. It was a war among kindred upon issues of government, hence had naturally little individual resentment.

I remember during that memorable siege of Vicksburg, while passing from the camp of one of the besieging regiments with a comrade to trenches nearest the enemy, we traveled under cover much of the time, but at occasional points of exposure we were advised to pass quickly, to stoop and run, to hurry here and hasten there, in order to avoid the deadly and almost instantaneous shots of the watchful sharpshooters. Reaching a point where the trenches of the two armies were very near together and raising a small flag, 8 by 12 inches in size, attached to a small staff a little above our trenches, 13 bullet holes were shot through it, seemingly in an instant. To expose one's self on either side meant certain wounds or death. Although these men for days and weeks so watched each other with deadly intent while on duty, when nightfall came they stacked arms, crawled from the trenches, talked and bartered in friendly intercourse, conversed as to their homes and families, and expressed their hearts' desire to one another that the war might soon be over.

And as the asperities of war have been softened by the lapse of three decades and all now bear allegiance to the flag our fathers bore, the flag of all of us since the war, it seems fitting that the provisions of this section should become a law; and, Mr. Chairman, I am sure that no member of this House will more cheerfully vote for its passage than the many Union soldiers on this floor.

During the present session Congress has passed a law permitting persons who served as officers in the Army of the United States and afterwards joined the Confederacy to again serve in the Union Army. This section seeks merely to extend the benefits of the pension laws to persons, or those claiming under them, who would otherwise be entitled to a pension but for the fact of a prior service in the Confederate army or navy.

All soldiers are
Or should be comrades, even though enemies.
Our swords when drawn must cross, our engines aim
(While leveled) at each other's heart; but when
A truce, a peace, or what you will, remits
The steel into its scabbard, and lets sleep
The spark which lights the matchlock, we are brethren.

As to the probable number of claimants who might be granted pensions under this section, I have obtained the following authentic information:

The records of the War Department show that there were six regiments and one independent company of infantry, known as United States Volunteers, which were chiefly composed of deserters from the Confederate army and prisoners of war, after having taken the oath of allegiance to the United States. The officers of these organizations were mostly appointed from the Regular Army or from volunteer regiments then in the service, and consequently they should not be taken into consideration in connection with this section of the bill. The enlisted men numbered 5,738, and many of them are undoubtedly now drawing pensions for disabilities incurred in line of duty.

These were not all the men in the service of the United States who had served in the Confederate army, however, but the war records afford no clew to determining the number. Some pensions probably have been granted and may be granted in the future to men who come within the provisions of section 4716 of the Revised Statutes, whose service in the Confederacy has never been brought to the attention of the Bureau of Pensions, because for such information the Bureau must depend on the claimants themselves to disclose the fact or on other persons having knowledge of it.

While this section would add to the pension rolls the names of a comparatively small number of men who have heretofore been held to be pensionable, yet it would also introduce a uniform rule to be applied to all claimants. On this point the committee says:

More than thirty years having elapsed since the close of the war, your committee are of opinion that the soldier who had an honorable service in, and an honorable discharge from, the Union Army should not be refused a pensionable status on account of a prior service in the Confederate army. The inhibition has long been removed in the cases of those soldiers who incurred disabilities in line of duty, and there are diverse rulings on the subject under the act of June 27, 1890. The distinction between voluntary and involuntary enlistment has been sought to be made, but we think the line of demarcation, as shown by the decisions, is rather finely drawn. A uniform rule should be adopted in the matter, and we believe that the comparatively small number of this class who are not already on the pension rolls should be given a like chance with the others.

NO PENSION SHALL BE REDUCED OR DISCONTINUED.

Section 2 provides:

SEC. 2. That from and after the passage of this act no pension heretofore granted or which may hereafter be granted under the pension laws shall be reduced or discontinued except for fraud, clerical error, mistake of fact, or recovery from disability: *Provided, however*, That nothing herein contained shall be construed to entitle any person to more than one pension, or as allowing more than one pension for the same service, nor to affect or enlarge the pension rights of widows and others under sections 4702, 4703, and 4708 of the Revised Statutes of the United States and acts supplemental to and amendatory thereof.

If this section shall become a law it will bring greater peace, quiet, comfort, and satisfaction, and to a far greater number of people, than any other legislation that this Congress can possibly enact. The pensioners all over this land, soldiers, soldiers' widows and orphans, hundreds of thousands of whom are now in absolute dread and fear of the discontinuance of their pensions, will rejoice. To wives and daughters, to children and grandchildren, will this provision come with feelings of the deepest gratitude.

Veterans in all parts of the country who depend on their pensions to keep them out of the almshouse have during the past two years experienced the greatest solicitude and fearful anxiety lest their pensions should be discontinued. This section will dissipate this fear. It will be a solace to their declining years. It is just, it is humane, it is righteous.

These men now average nearly 60 years of age. The pension roll for some time past has been subjected to the closest scrutiny. Hundreds of men have been in the field, and great treasure has been expended in seeking to detect and strike from the roll every fraudulent and irregular pension. Impelled by the desire to verify the mistaken declaration of the Chief Executive that thousands of neighborhoods had their well-known cases of fraudulent pensioners, the subordinates have scoured the country seeking to strike from the rolls the names of soldiers, widows, and orphans. In thousands of cases, honest and deserving, this has been wrongfully done, and the pensioners have thus been deprived of support, as well as humiliated and disgraced in the eyes of their neighbors and friends as persons who had been defrauding the Government.

The presumption, therefore, Mr. Chairman, being conclusive that the present pensioners are honestly and rightfully drawing their pensions, and as they now average nearly 60 years of age they are entitled to the protection of this section, that there shall be no reduction or discontinuance except for fraud, clerical error, mistake of fact, or recovery from disability.

Furthermore, the exceptions in this section upon which a pension may be suspended or discontinued cover all cases where pensions should be suspended or discontinued. And to call attention to the breadth of the exception and the multitudinous forms of deceit covered, thus providing the means of stoppage of any dishonest pension that may be discovered, at the risk of quoting elementary definitions I desire to refer to the wide latitude still extended to the Bureau of Pensions in pursuing the dishonest pensioner by giving the breadth and scope of the term "fraud."

Fraud is said to be manifested in such endless variety of forms and ever-changing colors that a definition of it would appear almost useless. Few codes, courts, or text writers have ever made the attempt. Says Lord Hardwick:

Fraud is infinite; and were a court of equity once to lay down rules how far they would go, and no farther, in extending their relief against it or to define strictly the species or evidence of it, the jurisdiction would be cramped and perpetually eluded by new schemes which the fertility of man's invention would contrive.

The text-books have divided fraud into (1) actual and (2) constructive.

1. Actual fraud may consist in (1) the statement of that which is false—suggestio falsi; or (2) the concealment of that which is true—suppressio veri.

The gist of actual fraud is deception in some form. Where this element is lacking there is no actual fraud.

Deception or deceit is any trick, collusion, contrivance, false representation, or underhand practice used to defraud another.

It consists in guiltily creating a false impression on one's mind by act or omission.

Deception by "act" may be caused either by misrepresentation or misconduct. Deception by "omission" is caused by silence where there is a duty to speak.

2. Constructive fraud arises where a party can not take advantage of the act or transaction complained of without subverting or violating some principle of law or equity or settled rule of public policy.

He who alleges fraud must always clearly and distinctly prove it.

Examples of fraud arising in the administration of the pension laws may be found in 1 P. D., 443; 2 ib., 65; 7 ib., 494.

An example of clerical error or mistake of fact can be found in the Rudder case (7 P. D., 488).

Considering their age, it is not probable that many pensioners now upon the rolls will recover from their disabilities. However, in case of actual recovery, of course the pension should not be continued thereafter. This can not interfere with the pensioner who does not recover; as long as the disability exists he should draw his pension.

Nor is this provision that a pension shall not be discontinued without precedent. We find in the act of June 9, 1880, relative to the Navy, the provision that nothing contained in the act shall—

operate to reduce the rate of any pension which had actually been allowed to the commissioned, noncommissioned, or petty officers of the Navy or their widows or minor children prior to July 25, 1866; and the Secretary of the Interior is hereby directed to restore all such pensions as have already been so reduced to the rate originally granted and allowed, to take effect from the date of such reduction.

This is an express provision in regard to naval officers, declaring in terms that pensions shall not be reduced, and it also affords a precedent for what is asked in section 3 of the bill by declaring that the Secretary of the Interior shall restore pensions that had already been reduced. Thus the statute affords a direct precedent for sections 2 and 3 of this bill.

Again, in the law concerning pensions for the Indian wars, we find the following provision:

SEC. 2. That pensions under this act shall be at the rate of $8 per month, and payable from and after the passage of this act for and during the natural lives of the persons entitled thereto.

If possible, this is a more emphatic statute than the one last quoted, where it is provided absolutely that the pensions shall be granted for the natural life of the pensioner, the statute taking it out of the power of the Secretary of the Interior to discontinue the pension. This statute, however, is modified in exactly the same manner that we provide in this bill, to wit, that they shall only be discontinued for fraud; the language of the law being as follows:

And the Secretary of the Interior shall cause to be stricken from the pension roll the name of any person whenever it shall be made to appear by proof satisfactory to him that such name was put upon such roll through false and fraudulent representations, and that such person is not entitled to a pension under this act.

So it will be observed that we have the strongest precedent by former acts of Congress for what we ask in this bill.

By the act of March 18, 1818, concerning Revolutionary soldiers and their widows, it is provided:

Every commissioned officer, noncommissioned officer, musician, and private soldier, and all officers in the hospital department and medical staff who served in the war of the Revolution until the end thereof, or for the term of nine months or longer at any period of the war, on the Continental establishment, and every commissioned officer, noncommissioned officer, mariner, or marine who served for the same time and for a like term in the naval service of the United States, who is yet a resident citizen of the United States, and who is or hereafter, by reason of his reduced circumstances in life, shall be in need of assistance from his country for support, and shall have substantiated his claim to a pension, shall receive a pension from the United States; if an officer, of $20 per month during life; if a noncommissioned officer, musician, mariner, marine, or private soldier, of $8 per month during life.

Likewise, under the act of March 15, 1828, it is provided that certain officers of the army of the Revolution in the Continental line shall be entitled to a pension "to continue during his natural life."

Here it will be observed that the pension was granted when, "by reduced circumstances in life," he "shall be in need of assistance from his country for support," and the pension, when granted, continued during life. And so this statute, in the strongest language possible, upholds the theory of this bill in taking it out of the power of the Secretary to reduce a pension unless for the causes provided in this section.

Again, concerning pensioners of the war of 1812, by section 4637 of the Revised Statutes, it is provided that pensions under the preceding section shall be at the rate of $8 per month, "and shall be paid to the persons entitled thereto for the term of their lives from and after" February 14, 1871. And by act of March 9, 1878, the Secretary is directed to place the names of pensioners upon the rolls for and during their natural lives.

The committee, therefore, in providing that pensions shall not hereafter be discontinued or reduced, announces no new or strange doctrine, but simply follows the many precedents above cited that Congress has applied to the pensioners of other wars.

The veteran pensioner, Mr. Chairman, is richly entitled to rest without further anxiety as to his pension. He is the gray-haired remainder of the great Union Army. He was an active participant in the tremendous conflict which shook this nation to its very foundation. Years of his life were amid fire and sword, carnage and strife, bloodshed, destruction, and battle.

His best days were in the shadow of a mighty struggle. He lived at a time that "tried men's souls." His age and generation were dedicated to the sword. A nation saved or a nation lost were the alternatives offered him. He stood for the nation. Victory perched upon his banner. War is over. Another generation has appeared. Peace reigns. Mr. Chairman, how blessed to a nation is peace.

The neighing troop, the flashing blade,
The bugle's stirring blast;
The charge, the dreadful cannonade,
The din and shout are past.

The active days of a great majority of that old army are nearing a close. Peace and quiet is their desire; the Government should accord it to them. Half of their number have crossed the great river; the remainder must soon join their comrades gone before.

On Fame's eternal camping-ground
Their silent tents are spread,
And Glory guards with solemn round
The bivouac of the dead.

Nor war's wild note, nor glory's peal,
Shall thrill with fierce delight,
These breasts that never more may feel
The raptures of the fight.

This section, Mr. Chairman, will afford true peace in this age of peace to the living veterans of the war, the widows, and orphans.

RESTORATION.

Section 3 provides that pensions reduced or discontinued by reason of the late interpretation of the act of June 27, 1890, shall, upon application, be restored under the provisions of this act.

INVESTIGATIONS—FRAUD.

Section 4 provides that all investigations into the merits of any pension previously allowed shall be conducted by question and answer. Under the present practice the special examiner calls upon the pensioner, claimant, or witness, and himself submits in narrative form the testimony to be examined. It needs no argument to show that the examiner can easily color the testimony in one direction or the other as he may be inclined when he is allowed to examine the witness orally and then commit the statement to writing in narrative form, with his own interpretation and bias concerning the facts sworn to. It is believed that in a large number of cases the exact meaning of the witness does not, by this means, reach the Pension Office, and the provision that it shall be by question and answer will enable the office to understand just what was asked and what was replied thereto. It will clearly demonstrate whether the examination was fair and whether the answers are responsive to the questions put. It will also conform to the examination of witnesses in courts more nearly than under the present system.

This rule would closely adhere to the former provision of law as contained in the act of June 21, 1879, in the following words:

But in no case shall a pension be withdrawn or reduced except upon notice to the pensioner and a hearing upon sworn testimony, except as to the certificate of the examining surgeon.

The proviso to this section is as follows:

Provided, That when fraud is alleged the allegations shall be reduced to writing and under oath and the person or persons affected thereby shall be furnished with a certified copy of the charges made, together with the names of the persons making the same and of the witnesses by whom said charges are to be proved at least thirty days prior to such investigation, such investigation to be conducted at the county seat of the county in which the person affected resides, and the depositions of witnesses residing outside of said county shall be taken as near as may be in accordance with the practice of the State or Territory in which said witness resides.

This provides a mode of taking testimony where fraud is charged. Fraud can not be inferred, but must always be clearly established by the evidence, and there is no reason why a charge of fraud in a pension case should not be as carefully investigated and examined as in a case at law. Fraud should not be inferred against the pensioner, nor should it be found to exist by evidence which is incompetent to establish the charge or improperly adduced. Under this proviso the pensioner will be fully advised as to the nature of the charges made, he will have time to secure counsel and procure witnesses to rebut the allegations, and it is believed that thereunder his rights will be fully protected.

Nor is it any hardship to the Government or its agents that they should proceed to the county seat of the county wherein the pensioner resides, and there, after due notice, conduct the examination. It is but fair that the pensioner should be fully informed of the exact charge made against him; that he should be confronted by the witnesses who are to testify, and that he should be assisted by counsel if he should so desire; for not only may the continuance of his pension depend upon the outcome of such investigation, but he may also be subjected to severe punishment under the law if such fraud shall be established. This provision will conduce largely to a fair examination and the ascertainment of the facts in such cases.

THE OATH OF AN ENLISTED MAN.

Section 5 provides that the oath of an enlisted man shall be of equal weight with that of a commissioned officer, and that no claim shall be rejected because of claimant's inability to furnish the testimony of more than one witness to any material fact.

This section, in form substantially as here stated, passed the last House, but was not considered in the Senate.

There never was any good reason why the oath of a noncommissioned officer or private should not have as great weight as the oath of a commissioned officer. It is a strained effort to keep up rank when applied to testimony which is neither logical nor American. The equality of men is the fundamental principle of republican government. The Declaration of Independence declares that all men are created equal, and equality before the law is the boast of our civilization.

The distinction between the officer and enlisted man was far less in the war of the rebellion than in any other war. Generally there was very little difference in the education and ability of a large number of men in the company and the captain and lieutenants who commanded it, and, as promotions were made from the ranks, many enlisted men at the beginning became officers before their service was over. It is unreasonable, therefore, to hold that the oath of a soldier while he was in the ranks should not be as good as when promoted to the grade of a commissioned officer. The adoption of this portion of the section will save the claimants much delay and troublesome annoyance in the prosecution of their claims, and the Government will not be any worse off by reason thereof.

Nor is there anything unreasonable in the proviso to the section, to wit:

That no claim shall be rejected because of claimant's inability to furnish as to any material fact in the case the testimony of more than one credible witness having knowledge of such fact.

While it does not provide that a proposition shall be considered as established by such evidence it inferentially directs the allowance of the claim if the Commissioner shall believe the fact is thereby sufficiently proved.

ORDER 229 DISPENSED WITH.

Section 6 provides—

That in the administration of the pension laws an affiant shall be required only to make oath that said affiant has read or heard read the subscribed affidavit; that the same was prepared in his or her presence at his or her dictation, is in affiant's own language, and that the matters and things therein stated are true.

Mr. HEPBURN. Why do you strike from this bill the provision in the other one that I will read?

And that the matters and things therein stated on information and belief affiant believes to be true.

Why should not that be permitted to remain in this bill?

Mr. PICKLER. If the gentleman from Iowa will permit me to proceed, I will return to that and speak upon that later.

The demand for the provision embodied in this section arises from what is known as "Order 229" of the Department of the Interior, which is as follows:

[Order No. 229.]

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., June 19, 1893.

In the preparation of testimony in support of claims in pension cases all statements affecting the particular case and not merely formal must be written, or prepared to be typewritten, in the presence of the witness, and from his oral declarations then made to the person who then reduces the testimony to writing, or then prepares the same to be typewritten. And such testimony must embody a statement by the witness that such testimony was all written, or prepared for typewriting (as the case may be), in his presence, and only from his oral statements then made; stating also the time, place, and person, when, where, and to whom he made such oral statements, and that in making the same he did not use, and was not aided or prompted by any written or printed statement or recital prepared or dictated by any other person and not attached as an exhibit to his testimony.

Any needless delay in the preparation of such testimony after such oral statement by the witness, or in forwarding the same to this Bureau, and any material alteration or erasure will be cause for rejecting such testimony.

WM. LOCHREN, *Commissioner.*

Approved:
HOKE SMITH, *Secretary.*

The complaint against this order is universal. In actual practice it is very difficult to prepare an affidavit in accordance with its mandate. No such drastic requirements are known in any court or tribunal in the land. In fact, the careful attention of a good lawyer is absolutely necessary.

When it is considered that many applicants for pension are persons of limited education and very generally unacquainted with legal rules and forms, such a measure becomes impracticable and unreasonable, and should be discontinued. The annoyance and vexation to applicants growing out of this order can readily be imagined. It is condemned the country over, and the last paragraph of it, stating that any delay in the preparation of the testimony or the forwarding of the same will be cause for its rejection, is a constant menace to the claimant, and in his anxiety and haste to comply with this condition, in a majority of cases he gets the affidavit wrong.

The order carries with it the intimation that the witness does not intend to testify to the truth, and the object of it would seem to be to delay him by its unusual requirements. It has hindered and delayed the granting of more pensions than probably any other emanation from the Pension Bureau. Such an order is wholly unnecessary.

The section provides that the affidavit may be prepared in a form similar to that generally obtaining in courts of justice throughout the land, and an affidavit so prepared would be good in any State or Territory. No more technical requirements should be imposed upon the pensioner in the preparation of an affidavit than are required in the preparation of like papers in the courts where great property interests, and even life itself, may be at stake. After all this is complied with, the climax is reached when the Bureau writes to the postmaster or other person as to the standing of the witness and the validity of his affidavit, thereby causing increased delay.

The correction of the abuse, as provided in this section, is universally demanded.

NOTIFICATIONS AS TO STATUS.

Section 7 of the bill provides—

That all notifications from the Bureau of Pensions as to the status of any case shall set forth each and every fact upon which further evidence is required to complete the same.

Upon receipt of such notification the claimant will be informed as to all the facts upon which evidence is required to complete his case, and can intelligently at once judge for himself whether it is possible to secure the evidence to substantiate such facts. This is said to be the rule of the Pension Office at the present time, but it seems to be "more honored in the breach than the observance," the evidence being frequently required by piecemeal.

Taking into consideration the many other sources of delay in the adjudication of claims and the snail-like progress made in their allowance, it is but fair to each applicant that he should have before him exact information as to the facts on which further evidence is necessary, in order that he may, if possible, submit the evidence on all controverted points at one and the same time, and thus close his case.

NO MORE "CONFIDENTIAL COMMUNICATIONS."

Section 8 requires that all papers, memoranda, writings, letters, or exhibits relating to any pension or claim shall be open to the inspection of the claimant or his attorney. It has long been the practice of the Pension Office after the filing of the affidavits, the medical certificate, and other evidence necessary to complete the case to secretly inquire of postmasters and other persons in regard to the applicant, the witnesses, character of the testimony, and various other matters relating to the case. The claimant and his attorney are never allowed to inspect these communications, and thousands of cases have thus been delayed and often disallowed on account of the malicious statement of some person unknown to the applicant, which he necessarily could in no way rebut. Many cases have thus been delayed for years, the claimant simply groping in the dark, he having furnished sufficient evidence to complete it, and yet the claim being refused for some cause of which the Bureau never informs him. In a large majority of these cases, should the claimant be informed of the charges against him or his witnesses, he could easily disprove them; and in many instances, where made out of pure malice, they never would be made if such communications were open to inspection. Under the present system it is an easy method of paying off an old grudge.

Such secret inquiry presupposes that the soldiers who fought the battles of their country, who saved the nation in its hour of direst peril, when the very fabric of this great Republic rocked—

From turret to foundation stone—

are now seeking to obtain their pensions by fraud and misrepresentation.

The imputation is false, and should be removed.

In the courts of no civilized country is a litigant required to try a case where testimony is submitted by his opponent as to the nature and character of which he is ignorant; and there is no reason why a pension claim should not be as fairly and openly investigated as any claim against the Government in the district or circuit courts or in the Court of Claims, or as an ordinary case between individuals is tried in any court. This practice is one of the most un-American and star-chamber proceedings that has ever obtained in this country, and there is no necessity for its longer continuance. The Government is provided with plenty of money and plenty of agents to investigate the character of witnesses and everything else relating to a pension claim, and this section is simply in the interest of fair treatment and justice to the claimant.

The last Congress took a step in this direction by providing that the reports of examining surgeons, to which the claimant or his attorney had formerly been denied access, should be open to inspection. Probably there was more opposition to the inspection of papers of this kind than any other class, but there seems to be no complaint that this provision has not led to good results.

WAR OR NAVY RECORDS CONCLUSIVE.

Section 9 provides—

That in all claims for pension or increase of pension the records of the War or Navy Department showing disabilities to have been incurred or contracted in line of duty shall be conclusive of that fact.

There can hardly be objection to this section making the records of the War or Navy Department conclusive of the fact of incurrence of disability. After the Government has made up its own

record concerning the soldier it should not afterwards be allowed to repudiate it in order to escape the payment of a paltry pension. In other words, it should be estopped from denying its own record.

PRESUMPTION OF DEATH.

Section 10 provides—

That the common-law presumption of death, after the lapse of seven years without news or tidings of the missing person, shall obtain and be of force in the administration of the pension laws: *Provided*, That if such person shall afterwards be proved to be alive, any pension that may have been granted on account of his death shall thereupon cease.

In this connection it may not be amiss to state that the act of March 13, 1896, is very similar to this section in its provisions, but therein the presumption is confined and limited to any officer or enlisted man, whilst this section makes it apply to any case arising in the administration of the pension laws.

The enlargement of the provision as herein is well warranted by past precedents. The act of March 13, 1896, is as follows:

Be it enacted, etc., That in considering claims filed under the pension laws, the death of an enlisted man or officer shall be considered as sufficiently proved if satisfactory evidence is produced establishing the fact of the continued and unexplained absence of such enlisted man or officer from his home and family for a period of seven years, during which period no intelligence of his existence shall have been received. And any pension granted under this act shall cease upon proof that such officer or enlisted man is still living.

Mr. LACEY. I should like to ask the gentleman whether or not what is known as the Poole bill as to death covers that question?

Mr. PICKLER. The Poole bill, now the act of March 13, 1896, covers the absence of the officer or enlisted man, but there are a great many other cases that it does not cover. For instance, a widow applies for a pension. She was married to a soldier say five years ago, and he is now dead. As his widow she undertakes to prove up her claim. It turns out that twenty-five years before she married this soldier she was married to another man who was not a soldier. That man has disappeared, and she can not prove that he is dead. It takes the enlargement of this statute to cover such cases as that—the presumption of the death of this party who was not a soldier. A great many such cases arise, in addition to the one covered by the Poole bill.

In general, when a thing is once proved to have existed, there arises a presumption in favor of its continuance until the contrary is shown; but in regard to the duration of human life there is also a presumption which has been acted upon for centuries, and when a person is shown to have been absent for seven years without being heard of by those who, in the usual course, would naturally be likely to hear from him, a disputable presumption of law arises that he has ceased to exist. This period of seven years is supposed to have been adopted as the ground for such presumption from analogy to the statutes of 1 Jac. I, 19 Car. II, and 9 Geo. IV, relating to bigamy and the continuance of lives on which leases were held. It can, however, be traced further back than that, and in all probability the unwritten rule gave direction to these statutes. As matter of fact, even as long ago as 1560 (Thorn *vs.* Rolff, 2 Dyer, 185*a*) it seems not only that the presumption of death arose after the lapse of seven years without news from the absent person, but that the onus probandi was shifted on those who alleged the continuance of life after that time.

In Rowe *vs.* Hafland (1 Wm. Bl., 404) Lord Mansfield, the great expounder of the common law, said:

In establishing a title upon a pedigree where it may be necessary to lay a branch of the family out of the case, it is sufficient to show that the person has not been heard of for many years to put the opposite party upon proof that he still exists.

In the case of Doe *vs.* Jesson (6 East, 85) Lord Ellenborough applies the settled rule to the facts before him, as follows:

As to the period when the brother might be supposed to have died * * * (it) ends with the expiration of seven years from the time when they were last known to be living. Therefore, in the absence of all other evidence to show that he was living at a later date, there was fair ground for the jury to presume that he was dead at the end of seven years.

And in Hopewell *vs.* De Pinna (2 Camp., 113) he reaffimed the rule, and held that it lay upon the defendant to prove that a person was alive within the seven years.

According to some of the English cases, the presumption arises even before the lapse of the period mentioned, and in Phene's Trusts (L. R., 5 Ch., 150) the evidence was to the effect that A went to America in 1853 and wrote home continually until August, 1858. From this date no letters were received from him by those to whom he would naturally have written. It was found that he enlisted in the United States Navy, and was entered upon the books as having deserted June 16, 1860. The court said:

If we are to draw a conclusion at all, we should infer that a person in the position of sergeant, having nothing against his character, would not desert, and that he died while on leave and was not heard of by the authorities.

And hence the court refused to presume that A was alive on January 6, 1861, less than two and one-half years after his friends at home heard from him, and less than six months after his alleged desertion.

In our country the question is almost universally settled by statutory enactment, limiting or enlarging the common-law period in which the presumption can arise, and shifting the burden of proof on the opposite party after that time. For instance, the revised statutes of Arkansas fix it at five years, thus:

SEC. 2473. Any person absenting himself beyond the limits of this State for five years shall be presumed to be dead in any case in which his death may come in question, unless proof be made that he was alive within that time.

The presumption arises by statute in California, Delaware, Missouri, Mississippi, Montana, New Jersey, New York, Rhode Island, Texas, Virginia, West Virginia, and some other States, and the burden of proof is shifted accordingly.

Under the civil code of Louisiana, if a second marriage is contracted after the lapse of ten years without news from the absent husband or wife, such second marriage shall be valid, notwithstanding the return of the absentee.

In those States which have no statutory enactment on the subject the common-law presumption obtains, and the Supreme Court in Davie *vs.* Briggs (97 U. S., 628, 633), states the universal rule as follows:

The general rule undoubtedly is that "a person not shown to have been heard of for seven years by those (if any) who, if he had been alive, would naturally have heard of him, is presumed to be dead, unless the circumstances of the case are such as to account of his not being heard of without assuming his death."

In former times the same rule obtained in the administration of the pension laws, and on December 16, 1892, in a case in which the intention of the soldier to abandon his wife was manifest, the Department held:

That although the claimant would not naturally have heard from him if living, yet diligent and conscientious inquiry having been made as to his whereabouts, far more than the average duration of life having elapsed, and a chronic disease having existed, his death will be presumed.

Again, in 6 P. D., 172, death was presumed after the lapse of about ten years.

But on March 6, 1895 (7 P. D., 462), the Department uses the following extraordinary language:

In view of these findings I therefore feel it incumbent upon me to lay down the rule that, independent of absence for any period of time, it must be held in pension cases that the facts attending the absence must show beyond a reasonable doubt that the party is dead. I am fully convinced that more urgent reasons exist for the modification of this rule in the consideration of pension claims than any shown in the decisions of the courts.

It is not so readily apparent to the ordinary intelligence why such a marked distinction as that above drawn should be made between prospective pensioners and common litigants, and it is more inexplicable why the rule of evidence as applied in criminal cases should obtain in respect to this deserving class. According to the foregoing decision, the evidence must exclude every possible hypothesis other than that of death before it will be presumed. Mr. Greenleaf, in speaking of the subject of circumstantial evidence, says (section 13):

In criminal cases, because of the more serious and irreparable consequences of a wrong decision, the jurors are required to be satisfied beyond any reasonable doubt of the guilt of the accused. * * * In civil cases, it is sufficient if the evidence on the whole agrees with and supports the hypothesis which it is adduced to prove; but in criminal cases it must exclude every other hypothesis but that of the guilt of the party.

By section 4719 of the Revised Statutes, in favor of the Government, the presumption of death arises if the pensioner fails to claim his pension for three years, with the right of restoration on filing a new application; and it is not unreasonable to apply a similar rule for the benefit of the widow or dependent relatives of the soldier, subject to discontinuance if it should afterwards appear that the soldier or other person is alive, as provided in the bill.

COMMON-LAW MARRIAGE.

Section 11 of this bill provides as follows:

SEC. 11. That hereafter in the administration of the pension laws the fact of marriage may be prima facie proved by satisfactory evidence that the parties were joined in marriage by some ceremony deemed by them obligatory, or habitually recognized each other as husband and wife and were so recognized by their neighbors, and lived together as such up to the date of the death of either of them, or, if the soldier, sailor, or marine died in the service, up to the date of enlistment; and the children born of any marriage so proved shall be deemed and held, for pensionable purposes, to be legitimate.

This section makes applicable to all marriages, without reference to race or color, the simple method of proof as contained in section 4705 of the Revised Statutes, which allows marriages thus proved in the case of Indians and colored soldiers to be valid.

Mr. STEWART of New Jersey. Does your section take into consideration the fact that there may have been a marriage existing prior to this common-law marriage or marriage by report?

Mr. PICKLER. This makes a prima facie case. That is all it provides. I may as well read the section with reference to marriages. The provision referred to in section 4705 is as follows:

SEC. 4705. The widows of colored and Indian soldiers and sailors who have died, or shall hereafter die, by reason of wounds or injuries received, or casualty received, or disease contracted, in the military or naval service of the United States, and in the line of duty, shall be entitled to receive the pension provided by law without other evidence of marriage than satisfactory proof

that the parties were joined in marriage by some ceremony deemed by them obligatory, or habitually recognized each other as man and wife, and were so recognized by their neighbors, and lived together as such up to the date of enlistment, when such soldier or sailor died in the service, or, if otherwise, to date of death; and the children born of any marriage so proved shall be deemed and held to be lawful children of such soldier or sailor.

The present law on the subject is contained in the act of August 7, 1882, and is as follows:

SEC. 2. That marriages, except such as are mentioned in section 4705 of the Revised Statutes, shall be proven in pension cases to be legal marriages according to the law of the place where the parties resided at the time of marriage or at the time when the right to pension accrued.

In many instances this law works excessive hardship, because in several of the States a marriage good at common law (and a marriage proved in accordance with the provisions of this section would be a common-law marriage) is not held to be valid.

We may take as an example the States of Pennsylvania and Maryland. In the former the laws as to marriage are lax, while in the latter they are probably as stringent as in any State in the Union. A widow who was married in Maryland has to prove that every formality was complied with, but the widow who in Pennsylvania went through no ceremony whatever can obtain her pension without proof of anything beyond cohabitation and repute.

Parties who live in Pennsylvania may cross the line to Maryland and be married and return to their home. After living there for a number of years sufficiently long to establish a good common-law marriage in the former State, they move to Maryland and the soldier dies. If they have omitted some formality required by the preexisting law of Maryland, the widow will not be entitled to a pension, but the widow under the same circumstances who had never left the State of Pennsylvania, and went through no ceremony whatever, would obtain a pension. In the illustration given, outside of the fact of the great inequality on which the parties stand, in the case of the widow who has been denied her pension there is something more than a common-law marriage; there is a common-law marriage plus a solemnization, but on account of some informality or defect in the law her claim is not recognized.

This section makes valid in the administration of the pension laws a common-law marriage, and there is no room for criticism of this provision as not being sufficiently rigid in its requirements.

Marriage, Mr. Chairman, is as aged as the human race. It is said to be the parent, not the offspring, of civilization and society.

Marriage is a contract jure gentium, and consent is all that is required by natural or public law. No ceremony is necessary, no solemnization by priest or layman. The ancient maxim of the law is consensus non concubitus facit nuptias—the consent makes the marriage. It may take place to all intents and purposes between two individuals, although no other person exist in the world.

The consent of two persons expressing present mutual acceptance, without more, constitutes a legal marriage, technically known as sponsalia per verba de presenti. The parties having accepted the relation of husband and wife, consummation is presumed. A contract for future marriage, sponsalia per verba de futuro, is a mere pactum until consummation, when it becomes sponsalia per verba de futuro cum subsequente copula, and is then a valid marriage.

This was the doctrine of the Roman law, the canon law, and the common law of England. Throughout all Europe, up to the days of Innocent III, the solemnization of marriages in churches was unknown. There was merely an agreement to cohabit, after which the man led the woman to his dwelling, this constituting the simple ceremony then in vogue. Book 4 of the Decretals lays it down that a male and female competent to contract matrimony may take each other for husband and wife per verba de presenti tempore, and if either of the parties contract a second marriage, the other being alive, the latter is absolutely void. It seems the parties to the first contract could even be compelled to cohabit. This was the law of the civilized world on the subject until the time of the Council of Trent (1545–1563).

The decrees of the Council of Trent, however, were never recognized as authority by the English people, being after the separation, and the customary law as it existed prior to that time, therefore, remained in full force. This state of things continued until the statute of 26 George II (1753), which required a publication of the bans and solemnization in facie ecclesiæ, delaring marriages not thus made to be mere nullities.

Notwithstanding this drastic measure the courts of England ignored the statute whenever possible and upheld the marriage made according to the common law. It was not until the leading case of Queen *vs.* Millis (1844), decided by the House of Lords, that a marriage good at common law was held to be invalid, and even then by an equally divided house (3 to 3), the decision of the court below being thereby affirmed. In favor of the validity of such a contract on this appeal we find the names of Brougham, Denman, Campbell. But it must be borne in mind that this was a criminal prosecution, involving the severest penalties, and in such a case, says Mr. Wharton (Evidence, section 86):

When the prosecution rests simply on a technical first marriage it is not inconsistent in courts that recognize the validity of a consensual marriage to hold that such technical first marriage should in a criminal issue be fully made out beyond a reasonable doubt by proof in the way the lex loci contractus prescribes.

In view of the far-reaching effects of this decision the law was afterwards somewhat modified, and the rule laid down in this case is repudiated in some of the English colonies, more especially in Canada, where it was treated with disdain. (The Breakey Case, 3 U. C., Q. B., 349 et seq.) As matter of fact, the opinions of the great men hitherto mentioned are quoted as law, while the decision of the house itself is allowed to sink into insignificance and oblivion.

In Scotland such a marriage was always recognized (Dalrymple *vs.* Dalrymple, 2 Hag. C. R., 54), and the celebrated Gretna Green unions, wherein the blacksmith supplied the place of priest or magistrate, were invariably upheld in England without reference to any act of consummation.

The essentials at common law are that the parties must be capable of consenting and that they must in fact consent to assume the new relation. "The only doubt entertained on the subject," says Chancellor Kent, "was whether cohabitation was also necessary to give validity to the contract."

In our own country the subject of marriage is, of course, regulated to a large extent by statutes of the different States, but out of them all there are only three or four in which the common-law marriage has been held to be absolutely void. In Kentucky the statute is positively against it, while in Maryland, Massachusetts, Tennessee, and probably North Carolina, it would seem to be a nullity on account of conflict with preexisting law. In Kentucky, Maryland, and Massachusetts the point has been definitely settled.

The doubtful States are probably 17 in number, but in a majority of these it may safely be assumed that a marriage good at common law would be held to be valid should the question arise. In at least 18 of the States it has been held to be good.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. McCLELLAN. Mr. Chairman, I ask unanimous consent that my friend from South Dakota be allowed to conclude his remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from South Dakota be allowed to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. PICKLER. I thank the committee.

In Hutchins *vs.* Kimmell (31 Mich., 127) Judge Cooley declares it to be the law of Michigan that—

Where parties agree presently to take each other for husband and wife, whatever the form of ceremony, or if all ceremony be dispensed with, and from that time live together professedly in that relation, this constitutes a valid marriage.

And further—

This has become the settled doctrine of the American courts, the few cases of dissent, or apparent dissent, being borne down by the great weight of authority in favor of the rule as we have stated it.

In the case of Meister *vs.* Moore (96 U. S., 76, 78) the Supreme Court says:

That such a contract (per verba de presenti) constitutes a marriage at common law there can be no doubt in view of the adjudications made in this country from its earliest settlement to the present day.

Marriage is the most favored institution known to the law; all ordinary presumptions are overthrown that come in conflict with it. The doctrine on the subject is that a marriage good at common law is good notwithstanding the existence of any statute regulating it, unless such statute contains express and positive words of nullity.

When parties have lived together as man and wife in the United States, it will require very strong proof that their marriage was void for want of formality to justify with us an adjudication that it is invalid.

With regard to parties marrying in their domicile of origin with the intention of settling in the United States, no American court, after the parents had taken up their residence in this country, would venture to pronounce the marriage void because the formalities prescribed by the lex loci contractus were not followed. (Wharton on Evidence, section 83.)

Where parties live together as man and wife, demean themselves toward each other as such, and are received into society and treated by their friends as having and being entitled to that status, the law will presume that they have been legally married. (Stewart on Marriage and Divorce, section 152.)

The facts that parties have publicly acknowledged each other as husband and wife, have assumed marriage rights, duties, and obligations, and have been reputed in the place of their residence to be husband and wife are relevant to prove a contract of marriage, and consequently, in cases where no celebration is necessary, a valid marriage.

Cohabitation and repute are evidence of marriage, and even when repute is lacking a marriage will sometimes be presumed. (4 Bradf., 28.)

The fact of cohabitation as man and wife by itself raises a presumption of legal marriage, and this is particularly so after a long period of time.

The reputation which has thus to be proved may be the reputation of either a neighborhood or of a family, and may be established by a single witness; but proof of mere reputation, unsupported by that of cohabitation, is by itself insufficient to establish a marriage. (Wharton, section 84.)

As an apt illustration of the extent to which the courts of this

country will go in favor of marriage, the case of Yates *vs.* Houston (3 Tex., 433) may be cited, the facts of which were as follows:

The parties presented themselves as man and wife in 1822; they were so reputed until the death of the man in 1827; it subsequently appeared that the man had been previously married in 1809 and lived with his first wife until 1818, when a separation occurred; the wife shortly afterwards disappeared. On this state of facts the court held:

1. That the rational presumption was that the first wife was dead.
2. That there was no legal impediment in the way of the man's contracting marriage with a second wife.
3. That such marriage, from cohabitation and repute, must be presumed to have been entered into.
4. And this, notwithstanding the connection of the parties was clearly illicit and criminal in its commencement.

The onus of rebutting a marriage by habit and repute is thrown upon those who deny it. (Appeal Cases, H. L. Div., 686.)

In striking contrast to the liberal views of judicial tribunals on the subject of marriage where property rights are involved, let us turn to a case recently decided by the Department (7 P. D., 600), wherein the trifling sum of $8 per month was at stake. The facts are stated thus:

It appears from the evidence that claimant and the soldier were formally married by a minister of the gospel in Kansas August 3, 1862; that at the time of their marriage the soldier had another wife living, from whom he had not been divorced; that this fact was known to both him and the claimant; that the first wife secured a divorce from the soldier in 1876; that no marriage ceremony between him and the claimant was performed subsequently to the granting of said divorce, but that they simply continued to live together as man and wife in the same manner as they had done before, and that they continued to live together until the soldier's death, which occurred July 10, 1882.

Claimant says she was informed by the soldier before she married him, and also by friends and neighbors, that as he and his first wife had been separated for three years no divorce was necessary. It is in evidence that the soldier always after their marriage acknowledged her to be his wife, and that she was so regarded in the community where they lived; also that they raised a large family of children, some of whom are still living.

The Assistant Secretary then quotes from Bishop's well-known work on Marriage, Divorce, and Separation, as follows:

If the parties desire marriage and do what they can to render their union matrimonial, yet one of them is under a disability—as where there is a prior marriage undissolved—their cohabitation, thus matrimonially meant, will in matter of law make them husband and wife from the moment when the disability is removed, and it is immaterial whether they knew of its existence or its removal or not; nor is this a question of evidence.

The living together of the parties for a single day after the disability is removed makes them man and wife. (Ib., sec. 975.)

The law as thus laid down by this excellent writer does not quite meet with the ideas of propriety entertained by the Assistant Secretary, and he says it has given rise to considerable confusion. This "confusion," however, seems to pertain solely to the Pension Office, and the decision under consideration is a fair example of it. He proceeds:

What the courts have held is that where cohabitation commences between parties under a contract of marriage which was void, a subsequent marriage, after the removal of the disability, may be presumed from circumstances.

We will grant all that.

In order to bring a case within the rule it must be shown that there was a mutual wish for marriage at the time the impediment was removed or after the parties became free to marry. How is this shown? * * * The mere fact that they went through the form of a marriage in 1862 is not proof that there was even then a mutual wish for matrimony.

Shades of Hymen! What better evidence could be found?

Why should they not be willing to go through an empty ceremony in furtherance of their purpose to deceive the public; undoubtedly there have been cases in which persons have done so.

And because he thinks there have been such cases the assumption is made that the case at bar is one of them.

Was there a mutual wish to marry in 1876, when the parties became free to marry? If there was not, it is clear that the law did not make them man and wife.

The Assistant Secretary finds that there was not. To live together as husband and wife for sixteen years after 1876, to rear a large family of children, to attend the bedside and smooth the pillow of the soldier in the hour of dissolution after thirty years' cohabitation and repute preceded by a ceremonious marriage, these are not expressive of a "wish"—are "circumstances" not sufficient to satisfy this astute mind and prevent the stigma of bastardy from resting on the offspring of this union.

It will thus be seen that the provisions of this section—

That * * * marriage may be prima facie proved by satisfactory evidence that the parties were joined in marriage by some ceremony deemed by them obligatory, or habitually recognized each other as husband and wife and were so recognized by their neighbors and lived together as such up to the date of death of either of them—

are abundantly sustained as constituting a good common-law marriage, and, in fact, are more rigid in requirement than at common law. Hence, in the administration of the pension laws, the committee believes that marriages so proved should be regarded as valid.

This, too, will establish uniformity—as is the object of this bill in all of its provisions—in making proof of marriage, and hereafter the soldier's widow and children residing in one State will have an equal chance of securing a pension as those residing in another State, and these children will not, as under the law as construed at present, run the risk of being tainted with illegitimacy.

It must be borne in mind, however, that this section does not repeal the existing law on this subject. Proof must be made under the lex loci contractus when possible, and it is only on failure in this respect that evidence of marriage in accordance with the rules of common law can be resorted to.

END OF THE WAR.

Section 12 provides that in the administration of the pension laws the war of the rebellion shall be deemed to have closed July 1, 1865.

Recruiting for the war of the rebellion ceased immediately after Lee's surrender, April 9, 1865, and muster out began April 29, 1865. The last battle or skirmish is reported to have been fought May 13, 1865, and the last Confederate force surrendered May 26, 1865. The blockade was raised by proclamation June 23, 1865. (7 P. D., 214, 215.)

The date fixed by the bill is taken from this proclamation, which went into effect July 1, 1865. The material part of it is as follows:

Whereas by the proclamations of the President of the 19th and 27th of April, 1861, a blockade of certain ports of the United States was set on foot, but whereas the reasons for that measure have ceased to exist:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, do hereby declare and proclaim the blockade aforesaid to be rescinded as to the ports aforesaid, including that of Galveston and other ports west of the Mississippi River, which ports will be open to foreign commerce on the 1st of July next.

It is held by the Department that enlistment for the war of the rebellion determines the nature of the service, and, although a portion of the ninety days' service may have been after the date fixed as the close of the war, yet it is during the war of the rebellion (7 P. D., 374). So that under this provision an enlistment prior to July 1, 1865, by the same construction of the Pension Office, will render the soldier's service during the war of the rebellion.

This section will greatly simplify the practice by reducing the date to a certainty, and will be generally acceptable in the administration of the pension laws.

The conclusion is forced upon us from the decisions of the Pension Office that there were different dates for the closing of the war, and it is for the purpose of obviating this uncertainty that section 12 is incorporated in the bill.

Mr. STEWART of New Jersey. Is not that section 12, which you are explaining, repugnant to judicial decisions?

Mr. PICKLER. The Supreme Court of the United States decided that August 20, 1866, was when the war closed. The committee thinks that it has extended the date to cover the cases of men who are supposed to have fought in the war of the rebellion and that they are covered by this act.

Mr. HEPBURN. Will the gentleman allow me to ask him if it is not true that some of the volunteer regiments were not mustered out until nearly a year after that?

Mr. PICKLER. Yes, sir.

Mr. HEPBURN. Notably the First Nebraska. Under this section these persons would be precluded from obtaining a pension, although they served for nearly half a year. I know that there were many regiments on the Texas frontier, perhaps 30,000 or 40,000 men, where they continued until late in 1866.

Mr. PICKLER. I know, Mr. Chairman, the great difficulty in fixing a specific date, and it is very hard to get a date that will not do injustice to somebody. I call the attention of my colleagues to this—that will bring some light upon this:

The question as to whether services were rendered in the war of the rebellion or in other military operations is determined by the actual purposes of enlistment and actual services rendered.

The date of enlistment is evidence only so far as that fact may elucidate the purposes of enlistment. (7 P. D., 374.)

Mr. LACEY. I would like to call the attention of the gentleman from South Dakota to a ruling reversing that upon which he is relying. This law, as he has stated, was good law up to then, which is within the last few weeks. But there has been a new ruling made, so that the bill as you have now drawn it would have the effect of cutting out every soldier who enlisted for less than ninety days prior to the 1st day of July, 1865. So that there ought to be an amendment, if this bill goes through, providing that no pension heretofore granted shall be terminated on account of this provision.

Mr. PICKLER. What ruling is that to which the gentleman refers?

Mr. LACEY. The decision was made on March 30, 1896, and it reversed the decision to which you have referred.

Mr. PICKLER. What decision is it?

Mr. LACEY. It is the George Lessor decision, reversing the decision to which you called the attention of the committee. The

effect of the decision would be to cut out a large number of pensioners that my friend has no purpose to interfere with.

Mr. PICKLER. What is the date of that decision?

Mr. LACEY. March 30, 1896. It was rendered within three or four weeks, and has not yet been reported.

Mr. PICKLER. I will say that the Commissioner of Pensions has written a letter to the committee in support of fixing this date; and I scarcely see how he could have done so with knowledge of that decision.

Mr. LACEY. The date is all right. July 1 is as good a date to make a pension on as any other would be, but the result of fixing that date would be to cut off many men under this decision; and I think it would be a mistake, unless provision is made to preserve their rights. So that I say my friend is relying on this old decision, without having notice of this recent decision, which has not yet been published.

Mr. PICKLER. I do not know of any contrary decision.

Mr. LACEY. I suggest that some amendment ought to be made to this section.

Mr. PICKLER. Have you a copy of the decision?

Mr. LACEY. No; I have not. It has not been published yet.

Mr. NORTHWAY. What is the effect of the decision?

Mr. LACEY. The effect of the decision is—I have the memoranda of the decision, but I have given the wrong reference; but there is a recent decision which would have the effect to which I have called your attention.

Mr. PICKLER. What is the case? The decision mentioned by the gentleman refers to desertion solely. I have it in my hand.

Mr. LACEY. I do not at present find the memoranda I have; but the decision is there must have been ninety days of actual service prior to the end of the war, and the end of the war has been differently construed. In Tennessee it is construed to be at a certain time, in Texas at another time; and so, if we are to adopt the uniform date of July 1, 1865, a number of pensions that have already been granted on the theory that the soldier had served more than ninety days before the end of the war, having taken a later day as the end of the war, these pensions would be cut off.

Mr. PICKLER. I think section 2 of our bill will cover all that.

Mr. LACEY. I am afraid not; and I know that the purpose of the bill is not to cut off pensions already granted.

Mr. PICKLER. I am very glad of the suggestion of the gentleman.

Mr. LACEY. The other decision to which I referred was in regard to deserters.

Mr. PICKLER. We have no information of such a decision, and it is strange that the Commissioner of Pensions should have written this letter with a knowledge of the decision of which the gentleman speaks. But I will leave this question. I think section 2 would cover the matter completely:

That from and after the passage of this act no pension heretofore granted or which may hereafter be granted under the pension laws shall be reduced or discontinued except for fraud, clerical error, mistake of fact, or recovery from disability.

Mr. LACEY. There is the point now, right there. You say from a "mistake of fact." Now, the close of the war is a fact, and if there is a mistake as to the fact and Congress determines by act when the war closed as the 1st day of July, 1865, if they have held it to be the 2d of April, 1866, and the 20th of August, 1866, that is a mistake of fact, because the close of the war was a fact.

Mr. PICKLER. Well, Mr. Chairman, let me suggest to the gentleman that Congress has the right to say when the war ended, so far as the act of June 27, 1890, is concerned, regardless of all decisions. We are only applying it to one act of Congress, that for pensions. I am anxious that it shall not cut off any pensions.

Mr. LACEY. What I am trying to effect is this: August 20, 1866, is fixed for the date of discharge from service in Texas. Now, a man enlisted there would have more than ninety days' service during the war by that decision; but when you change it from August 20, 1866, and put it to the 1st of July, 1865, if the man did not enlist until in April the result would be that his pension will have been issued through "mistake in fact," and that "mistake in fact" will lead to a reference of the matter to the present Secretary of the Interior, and I am afraid he might possibly feel he ought to refuse this pension on this ground, and it would go out. Anyone who has a pension ought not to be put to this risk by this change of date, and this definite settlement of the date ought to go out.

Mr. PICKLER. Section 2 will cover that I think; but I agree with the gentleman that we do not want to cut out anybody.

Mr. HEPBURN. The question I want to ask is this: The Supreme Court have determined, as far as they could, that the war closed on the 20th of August, 1866, and the Pension Office is governed by that decision. A large number of troops were mustered out about that date, perhaps earlier. It is proposed by this bill to change the date at which the war ended, and the declaration of this bill upon that subject will doubtless control. Now, what will be the status of a man who incurred disease between the 1st of July, 1865, and the date of his muster out, perhaps a year later? Does not this cut him out almost absolutely? There are nearly 40,000 of these men, mostly from the West. I know of a regiment from the State of Nebraska, and there are a great many such cases from the State of Iowa.

Mr. MILES. It does not make any difference when the man was discharged, if his disability was contracted in the service.

Mr. PICKLER. In the first place, Mr. Chairman, the fixing of a date at which the war shall be considered to have ended applies solely to the act of June 27, 1890. That act provided that a soldier who had had ninety days' service during the war of the rebellion should be pensioned provided he came otherwise within the provisions of the law. The Pension Office has been holding that the war ended in Tennessee at one time, and at another time somewhere else. That has caused great confusion, and the office itself, and everybody, I think, is desirous of having some date fixed as applicable to pension cases under the act of June 27, 1890; some rule that we can all work to. In the first draft of this bill the committee were inclined to insert the date fixed by the Supreme Court decision, but an objection to that was that there was quite a large number of men who enlisted along in July and August of that year. I know of two regiments being mustered in in August, although Lee had surrendered in April.

Now, the question is whether those men who did not enlist until after the war was really over should be included in the act of June 27, 1890. The idea of the committee in fixing the 1st of July, 1865, was this: The surrender was on the 9th of April, and this date, July 1, was about three months after the surrender. It would seem that the war ought to have been over by that time, and the holding of the Pension Office heretofore has been that the enlistment governed, so that if a man enlisted before the 1st of July, 1865, nearly three months after the war actually closed, he would still come under the act of 1890.

Mr. NORTHWAY. Suppose he enlisted in May, 1865, and was not mustered out until after July 1, and contracted his disease after July 1, would he be included?

Mr. PICKLER. Yes, sir; this relates only to the act of 1890, and the time of the contraction of the disease has nothing to do with the act of 1890, as the gentleman knows. The only point about the date is to show ninety days' service in the war of the rebellion. If the man was a soldier for ninety days in the war of the rebellion, it does not make any difference when his disability was contracted. Therefore there can be no point in that suggestion. There is difficulty about this case just as there is about another case—the question of how to determine the length of service, to determine whether a man served the full ninety days or not. In many instances men were enlisted at one time and mustered in a little later, so that they lacked a few days of serving ninety days, although if you were to count from the time they started from their homes there would be more than ninety days. The fixing of absolute dates, therefore, is pretty certain to do injustice to somebody, and I am glad to have these interruptions, because they throw light on the subject and the committee are anxious to let in all the soldiers who ought to come in under the act of June 27, 1890.

Mr. STEELE. Were there any enlistments after the 1st of May, 1865, excepting the veteran reserve?

Mr. PICKLER. There were colored regiments, I know.

Mr. LACEY. There were a great many men enlisted in April. The surrender did not occur until the 9th of April, and a good many men enlisted in the early part of that month, and they would be cut off by this bill.

Mr. PICKLER. No; if this bill becomes a law section 2 will save them, anyway.

Mr. LACEY. A mistake as to the date of the close of the war would be a mistake of fact.

Mr. PICKLER. No; it would be a mistake of law. If it appears to the committee, however, that this date ought to be changed, there are no sticklers for this particular day.

Mr. LACEY. I suggest this amendment:

Provided, That no pension shall be terminated by reason of this section.

Mr. PICKLER. That seems to me to be only a reduplicating of what is already in the bill—the provision—

That from and after the passage of this act no pension heretofore granted, or which may hereafter be granted under the pension laws, shall be reduced or discontinued except for fraud, clerical error, mistake of fact, or recovery from disability.

Mr. LACEY. But a mistake as to the date of the close of the war would be a mistake of fact, and the date was different in different parts of the country.

Mr. PICKLER. Not if Congress fixed the date.

Mr. LACEY. Congress by this bill will make the date the 1st of July, 1865, but in Texas it would be the 20th of August, 1866, and in other parts of the country the date would be different. Now, we say in this bill that neither of those dates was right, that the 1st day of July, 1865, was the time. Congress having authoritatively declared when the war closed, that is to be accepted as a

fact, and the question is whether pensions granted under a mistake of fact as to the proper date should be stricken down.

Mr. PICKLER. Congress has never determined when the war ended, so far as the act of June 27, 1890, is concerned.

Mr. LACEY. We are just now doing it.

Mr. PICKLER. And we are saying that nobody's pension shall be reduced or discontinued on that account.

Mr. LACEY. Not on that account, but on account of the mistake of fact.

Mr. PICKLER. Well, we will see about that.

Now, the decision to which the gentleman refers does not sustain the assertion he has made in regard to the legal termination of the war of the rebellion. Under section 2 of the act of June 27, 1890, service must have been rendered both during and in some necessary connection with the war of the rebellion. This decision does not sustain the gentleman.

Mr. LACEY. That man was enlisted in the Regular Army, and he did not serve more than ninety days prior to July 1, 1865.

Mr. PICKLER. There is no such holding as the gentleman cites. I read from the decision mentioned:

Service rendered after July, 1865, will be presumed to have not been in said war; and the burden of proof will be upon claimants to show by positive and satisfactory evidence that such service was in some actual connection with the war as existing at the time the service was rendered.

Service rendered after April 2, 1866, must be shown to have been rendered in some connection with the war as existing in the State of Texas.

Service rendered within the State of Tennessee after June 13, 1865, will likewise be presumed not to have been in said war, unless shown to have had some necessary connection with the war elsewhere.

So I say the gentleman is mistaken in supposing that there is any decision controverting the assertion I made, to wit, that the enlistment before the date fixed as the termination of the war is what determines whether the service is to be considered as during the war of the rebellion. That, I understand, is the decision of the Pension Office; and there is nothing in the decision referred to by the gentleman from Iowa that controverts it.

Mr. LACEY. The rulings have been both ways. In one case the holding was just as the gentleman claims.

Mr. PICKLER. It is only a few days ago since the Commissioner wrote this letter to the committee, and he then cited this date which we fix here as the proper one.

Mr. LACEY. I know that my friend does not want to make a mistake, and, having examined the decisions, I want to say to him that there has been a change in the rulings. I wish to give him notice of that fact now.

Mr. PICKLER. Let me say this to the gentleman: Suppose the office is holding, as I say and as the Commissioner said they were holding when he wrote this letter—suppose the office is holding that it is the time of enlistment that governs; that would let in under the act of June 27, 1890, every man who enlisted before the 1st day of July, 1865.

Mr. LACEY. Undoubtedly.

Mr. PICKLER. Is not that late enough for the enlistment to run?

Mr. LACEY. That would be all right if it were not for the subsequent holding to the contrary.

Mr. PICKLER. If the man served ninety days after date of enlistment, although it should run beyond the date fixed here, then, according to the holding of the Pension Office, he would be entitled to the benefit of the provisions of the act of June 27, 1890. That is the position of the committee. That is where we have stood. Of course if we have named a date here which ought to be changed it will ultimately be changed.

Mr. SPALDING. What would be the result if the soldier were injured after the date named?

Mr. PICKLER. It would have no effect in his case.

Mr. SPALDING. Is the gentleman sure he is correct in that view?

Mr. PICKLER. If the gentleman will reflect a moment he will remember that the law of 1890——

Mr. SPALDING. I am not talking about the law of 1890.

Mr. PICKLER. This does not refer to any other law. This fixing of a date refers only to the law of 1890, to ascertain whether the soldier was in the war of the rebellion ninety days.

Mr. SPALDING. This provision refers to the entire system of pension laws.

Mr. HEPBURN. All of them.

Mr. SPALDING. And it will cut out a large number of persons, it seems to me.

Mr. PICKLER. No, sir. Under the general law it does not make any difference when the disability was incurred. If a man contracts a disability now in the Regular Army he can get his pension.

Mr. CALDERHEAD. I know that some volunteer regiments were taken from the field and sent to the Plains to fight the Indians. That was long after the date named—July 1, 1865. Now, if any of those men received injuries in the service after July 1, 1865, would they be entitled to pensions under the law of 1890?

Mr. PICKLER. Yes; if they volunteered before the 1st of July, 1865. The only point in that date is—and let me say that this relates exclusively to the pensions under the act of 1890—the only point is that it will necessarily fix the date preceding which these men should have enlisted to come under the provisions of that law. Now, under the general law it makes no difference when the disability was incurred, whether during the war or not, provided it was in line of duty. The law of 1890 required ninety days' service in the rebellion.

The question then is, When did the rebellion end? It has been held that if the enlistment was before the date fixed for the close of the rebellion, the ninety days, although a part of the service might extend after that date, was service under the law "during the late war of the rebellion."

Mr. SPALDING. But it was held by Secretary Stanton—and I know the facts myself, because I had a division of cavalry that was affected by the ruling—it was held that these men, although the war was declared ended, must serve out the entire term of their enlistments, and they were sent out on the Plains to fight the Indians after their term of service had expired, and they were not mustered out until October, 1865. Now, if they were engaged in service, they were certainly engaged in the war of the rebellion, although they had been sent out to the Plains.

Mr. PICKLER. Oh, there is no question about those men.

Mr. SPALDING. But this bill that you are passing now covers all pension legislation, and unquestionably it would affect men under such circumstances.

Mr. MILES. This does not affect any man, under such circumstances, who was injured in the service.

Mr. SPALDING. If the disability has any service origin in the war of the rebellion he would come in under the provisions of the law; but if the disability occurred after the close of the rebellion it would come under the head of the regular service.

Mr. PICKLER. He would come under the provisions of this bill if he enlisted before June, 1865.

Mr. CROWTHER. Let me suggest to the gentleman from South Dakota, if in his opinion it would not be better to follow the decision of the Supreme Court instead of the particular ruling made by some departmental officer?

Mr. SPALDING. Certainly that would be a better rule to adopt.

Mr. PICKLER. But the point is, and everybody will concede the fact who knows anything about the matter, that there were many troops who enlisted throughout the year 1865 who were not in the war of the rebellion to any extent, and would have no right to be classed as soldiers of the rebellion——

Mr. SPALDING. But these men, some 40,000 of them, composed largely of Sheridan's cavalry, were certainly engaged in the rebellion.

Mr. PICKLER. Oh, they were always in it. There could be no question about them.

Mr. SPALDING. Well, these very men, under the orders of the Secretary of War, were sent out, serving under their officers, although they claimed at the time that the term of their enlistment was over and had expired. They were sent out by order of the Secretary of War, who decided against their contention, and they reluctantly went out on the Plains and fought the Indians for several months after the war was over.

Mr. PICKLER. They enlisted before the date fixed by the bill and would come under the head of enlistments during the war of the rebellion.

Mr. CROWTHER. It seems to me that the only question would be as to when the war actually closed according to the interpretation of the highest authority of the land to decide that question, and that is the Supreme Court of the United States.

Mr. SPALDING. It seems to me that it would be much better to adopt that date.

Mr. CALDERHEAD. Let me ask the gentleman why was it changed? It was reported August 20, 1866.

Mr. PICKLER. We will consider these matters afterwards.

Mr. STEELE. Before the gentleman proceeds I would like to ask him a question as to whether or not he would be willing to modify this bill, beginning with line 6, section 13, and ending with line 11, extending the law to apply to those who reenlisted, so that the claimants under this act should prove to the satisfaction of the Secretary of War that they were not bounty jumpers or had not deserted in the face of the enemy.

Mr. PICKLER. The gentleman can discuss that question hereafter, and if the section needs modification it can be done.

Mr. STEELE. Clearly a modification should be made of it.

Mr. PICKLER (continuing). And I want to say in regard to the bounty jumpers and camp followers, that there is more scare in it than anything to hurt. Let me ask the gentleman whether there were any bounty jumpers in Indiana?

Mr. STEELE. I suppose there were.

Mr. PICKLER. Well, I was an Iowa soldier, and I do not believe that there was one in that State.

Mr. STEELE. I have no doubt that there were some in Iowa as well as in Indiana.

Mr. PICKLER. There were some in the eastern parts of the country, I admit—

Mr. SULLOWAY. Not at all. I protest against that statement. There were none in the East.

Mr. STEELE. I investigated myself on one occasion, and found that one man had enlisted forty-one times in one day in New York City.

Mr. PICKLER. I venture then if there was a man who was sharp enough to do that that he had his pension long ago. The bounty jumpers and those who went into the Army for money were perhaps shrewd enough after getting their money to also get a pension if they could make any show for it. The fact that we required them to go under oath would not stand in their way, and if they made application for pension they were sharp enough to back up the application with sufficient evidence to get it.

Mr. STEELE. I do not suppose the gentleman wants to take any man in who did not perform honorable services.

Mr. PICKLER. This very question about pensions to deserters in the face of the enemy and bounty jumpers is no doubt largely overdrawn. While the actual deserter, the man who deserted in the face of the enemy, ought not to have any leniency whatever shown to him, still there is a large class of men classed as deserters thirty years after the service, who as boys, or young men, entered the Army, and as boys went away to see a sick mother——

Mr. STEELE. And a very large majority of them were deserters, too.

Mr. PICKLER. Husbands who went home to sick wives, men who, when their term of service was out, as the gentleman has just said, went home. There were hundreds of cases of these boys, who said: "The war is over; we have completed the contract. We are going home." They went, and they are marked deserters on the rolls to-day.

Mr. STEELE. The general law has provided for such men.

Mr. PICKLER. If the gentleman from Indiana can fix any way to sift out everybody who was a bounty jumper I want to do it, but I do not know how you will do it. I say there is more of a bugbear than there is of reality about the bounty jumper. I suppose in some of the Eastern States there were professional bounty jumpers; but, take the country over, the talk about bounty jumpers on the part of men opposed to pensions has stirred up a great deal of opposition, and the result has been that a great many good men who were in favor of pensions have a prejudice on that subject, and great injustice has been done to men who were marked on the rolls as technical deserters, but who were not actual deserters.

Now, Mr. Chairman, I would rather proceed until I conclude my remarks, and will have these explanations by and by.

The conclusion is forced upon us from the decisions of the Pension Office that there were different dates for closing the war, and it is for the purpose of obviating that uncertainty that this section is incorporated in the bill. I think it is conceded that we ought to fix some date when it can be said that the war closed. It ought to be done for all purposes, for that matter, but as we are principally concerned in this act of June 27, 1890, it ought to be done especially as regards pensioners claiming under that act.

PRIOR DISHONORABLE SERVICE.

Section 13 provides that under the act of June 27, 1890, a prior service from which the soldier was not honorably discharged shall not disqualify the claimant from receiving a pension by virtue of a subsequent service of ninety days from which he was honorably discharged, provided the disability was not contracted or incurred during the dishonorable service. In a vast majority of these cases the service is technically "not honorable."

Until a recent date the rule of the Pension Office was substantially in accordance with the first provision of the section; and there being diverse rulings as to the method of determining the length of service, the second provision makes the discharge certificate conclusive of that question. Certainly no better evidence can be adduced than the certificate itself.

The proviso—

> That the death of a soldier, sailor, or marine while in the service of the United States, and not for or in violation of any law or regulation thereof, shall be construed and held as equivalent to an honorable discharge in determining title to pension under said act—

is added for the purpose of putting into statute form a very just and equitable rule. The Department has held that death in the service under the circumstances stated is not equivalent to an honorable discharge. Thus, in 6 P. D., 29, it is said:

> The death of the soldier in the service is not construed as an "honorable discharge" from the service under section 3, act of June 27, 1890. * * * Death in the service, while a release from military duty, is the result of a decree of Divine Providence; but the act of June 27, 1890, requires an "honorable discharge."

It was hardly the intention of Congress to have such a construction placed upon the statute, or to have it construed otherwise than as herein provided.

Mr. TRACEY. I should like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from South Dakota yield?

Mr. PICKLER. Yes; I will yield.

Mr. TRACEY. Is the discharge certificate under that section conclusive in all cases as to the length of service?

Mr. PICKLER. That is provided for here in this bill. Let me say to the gentleman it is a pretty difficult question to fix a date that will not do somebody an injustice.

Let me say in regard to the provisions of this bill that it seems as though every Assistant Secretary of the Interior who succeeds another Assistant Secretary takes great liberties with the decisions of his predecessors. I believe the present Assistant Secretary of the Interior has reversed fifty decisions of former Secretaries. Now, disregarding the fact as to who is right and who is wrong, Congress ought to fix, on these debatable questions and on these prominent points, a certain rule, and that is the object of this bill throughout, to fix some time, so that different Secretaries can not be changing these rulings.

If it will not weary the committee too much I want the especial attention of members, and particularly those interested in pension legislation, to the question of rerating, comparing the rule of rating under the last Administration and the rule of rating, as changed, under this Administration, because this is one of the vital provisions of this bill.

OLD RATINGS ESTABLISHED.

The question involved in section 14, and upon which section 3 depends, is whether the ratings of disabilities shall be calculated the same under the law of June 27, 1890, as under the general law. It provides that the ratings of fixed disabilities shall be the same under both laws.

I shall not only contend that the action of the committee in placing this section in the bill establishes a just and equitable rule of rating but that it is and ever has been the law.

From the passage of the act of June 27, 1890, the rulings were, as the committee herein contends, the same, and made on the same theory as they had been made under all former pension laws of the Government up to January 7, 1893, when Assistant Secretary Bussey promulgated a new theory of rating for the act of June 27, 1890, in the Weike case (6 P. D., 193), which was followed by Assistant Secretary Reynolds, May 27, 1893, in the Bennett case (7 P. D., 1).

The committee will understand that under the general pension laws as distinguished from the act of June 27, 1890, there has grown up under statute and by rulings of the Department fixed allowances for specified disabilities; for instance:

TABLE OF RATES.

Rates fixed by law for officers for disabilities which would entitle a private or other enlisted man to $8.

ARMY.

	Per month.
Lieutenant-colonel and all officers of higher rank	$30.00
Major, surgeon, and paymaster	25.00
Captain, provost-marshal, and chaplain	20.00
First lieutenant, assistant surgeon, deputy provost-marshal, and quartermaster	17.00
Second lieutenant and enrolling officer	15.00
All enlisted men	8.00

NAVY AND MARINE CORPS.

Captain and all officers of higher rank, commander, lieutenant commanding, and master commanding, surgeon, paymaster, and chief engineer ranking with commander by law, lieutenant-colonel, and all of higher rank in Marine Corps	30.00
Lieutenant, passed assistant surgeon, surgeon, paymaster, and chief engineer ranking with lieutenant by law, and major in Marine Corps	25.00
Master, professor of mathematics, assistant surgeon, paymaster, and chaplain, and captain in Marine Corps	20.00
First lieutenant in Marine Corps	17.00
First assistant engineer, ensign, and pilot, and second lieutenant in Marine Corps	15.00
Cadet midshipmen, passed midshipmen, midshipmen, clerks of admirals, of paymasters, and of officers commanding vessels, second and third assistant engineers, master's mate, and warrant officers	10.00
All enlisted men, except warrant officers	8.00

Rates and disabilities specified by law.

Loss of both hands	100.00
Total disability in both hands	72.00
Loss of both feet	72.00
Loss of both eyes	72.00
Loss of an eye, the other lost before enlistment	72.00
Regular aid and attendance (first grade)	50.00
Frequent aid and attendance	
Amputation at shoulder or hip joint, or so near joint as to prevent use of artificial limb	45.00
Total disability of arm or leg	36.00
Loss of one hand and one foot	36.00
Total disability in one hand and one foot	36.00
Amputation at or above elbow or knee	30.00
Loss of a hand or a foot	30.00
Total disability of one hand or one foot	30.00
Inability to perform manual labor (second grade)	30.00
Total deafness	24.00
Disability equivalent to loss of hand or foot (third grade)	

Tables of rates fixed by the Commissioner of Pensions for certain disabilities not specified by law.

Anchylosis of shoulder	
Anchylosis of elbow	
Anchylosis of knee	
Anchylosis of ankle	
Anchylosis of wrist	
Loss of sight of one eye	
Loss of one eye	
Nearly total deafness of one ear	
Total deafness of one ear	
Slight deafness of both ears	
Severe deafness of one ear and slight of the other	
Nearly total deafness of one ear and slight of the other	
Total deafness of one ear and slight of the other	
Severe deafness of both ears	
Total deafness of one ear and severe of the other	
Deafness of both ears existing in a degree nearly total	
Loss of palm of hand and all the fingers, the thumb remaining	
Loss of thumb, index, middle, and ring fingers	
Loss of thumb, index, and middle fingers	
Loss of thumb and index finger	
Loss of thumb and little finger	
Loss of thumb, index, and little fingers	
Loss of thumb	
Loss of thumb and metacarpal bone	
Loss of all the fingers, thumb and palm remaining	
Loss of index, middle, and ring fingers	
Loss of middle, ring, and little fingers	
Loss of index and middle fingers	
Loss of little and middle fingers	
Loss of little and ring fingers	
Loss of ring and middle fingers	
Loss of index and little fingers	
Loss of index finger	
Loss of any other finger without complications	
Loss of all the toes of one foot	
Loss of great, second, and third toes	
Loss of great toe and metatarsal	
Loss of great and second toes	
Loss of great toe	
Loss of any other toe and metatarsal	
Loss of any other toe	
Chopart's amputation of foot, with good results	
Pirogoff's modification of Syme's	
Small varicocele	
Well-marked varicocele	
Inguinal hernia which passes through the external ring	
Inguinal hernia which does not pass through the external ring	
Double inguinal hernia each of which passes through the external ring	
Double inguinal hernia one of which passes through the external ring and the other does not	
Double inguinal hernia neither of which passes through the external ring	
Femoral hernia	

THOS. FEATHERSTONHAUGH,
Medical Referee.

Approved:

WM. LOCHREN,
Commissioner of Pensions.

Commissioner Raum followed the general-law ratings just quoted in ascertaining the measure of incapacity under the law of June 27, 1890. His Order 164 (October 15, 1890) on the subject is as follows:

> That all claimants under the act of June 27, 1890, showing a mental or physical disability or disabilities of a permanent character not the result of their own vicious habits, and which incapacitate them for the performance of manual labor, rendering them unable to earn a support in such a degree as would be rated under former laws at or above $6 and less than $12, shall be rated the same as like disabilities of service origin; and that all cases showing a pensionable disability which, if of service origin, would be rated at or above $12 per month shall be rated at $12 per month.

GREEN B. RAUM, *Commissioner.*

Approved:

CYRUS BUSSEY,
Assistant Secretary.

In accordance with the ruling in the Bennett Case (supra) Secretary Smith, introducing a new principle into the administration of the pension laws and establishing a novel system of rating, made the following order:

DEPARTMENT OF THE INTERIOR, *Washington, D. C., May 27, 1893.*

SIR: Order No. 164, signed "Green B. Raum, Commissioner of Pensions," and approved, "Cyrus Bussey, assistant secretary," of date October 15, 1890, is hereby revoked.

You will prepare, for approval of the Secretary, new rules and regulations covering the proof of the right to pensions and rates of same in accordance with the provisions of section 2 of the act of Congress approved June 27, 1890.

Your attention is directed to the fact that the disabilities which are pensionable under this section must be of a permanent character, incapacitating for the performance of manual labor to such a degree as to produce inability to earn a support. You will observe also that the rate of pension is fixed at not less than $6 nor more than $12 per month, proportioned to the degree of inability to earn a support.

You will have an examination made to determine what pensions have heretofore been allowed under section 2 of the act approved June 27, 1890, in disregard of the terms of said act and in conflict with the ruling of this Department in the case of Charles T. Bennett this day transmitted to you.

Respectfully,

HOKE SMITH, *Secretary.*

To the COMMISSIONER OF PENSIONS.

Here, then, Secretary Smith abandons the Raum rating, which was the same as under the old law, and orders that the disability shall be arrived at in some general way which has never been described—simply some kind of general estimate—and orders all pensions under the law of 1890 to be examined.

This reexamination was made, Raum's ratings overthrown, a great number of pensions reduced and stricken from the rolls, a great number of claims rejected which would have been allowed under the Raum rating; and this practice still prevails, and therein is the great complaint of the pensioners.

This, then, is the contention. Which is correct? Did Congress, by the act of June 27, 1890, provide for a new scheme of pension ratings, independent of all prior laws, or was it contemplated that that act should become a part of the pension system and be construed in pari materia with all prior laws?

Of course it is the province of Congress, aside from this contention, to fix by statute, as herein, these ratings and to say what shall hereafter be the rule under the act of June 27, 1890; but I purpose, Mr. Chairman, to show that the order promulgated by Commissioner Raum was the law and is the law, and that it is the only way in which justice can be administered in these cases.

To arrive at a correct conclusion as to this question we must examine these laws in relation to each other.

The act of June 27, 1890, is a part of our pension system, and the various enactments must be construed together.

There is no conflict of authorities as to this rule of construction, and relating to same subject-matter and being a part of our system of pension laws is in pari materia.

> Statutes which are not inconsistent with one another and which relate to the same subject-matter are in pari materia, and should be construed together and effect given to all, although they contain no reference to one another and were passed at different times. (23 Eng. and Am. Enc. of Law, 311.)
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> In construing a statute regard must be had to other current legislation in pari materia, and the whole should, if possible, be made to harmonize and if the sense be doubtful, such construction should, if possible, be given as will not conflict with the general principles of law, which it may be presumed the legislature would not intend to disregard or change. (Manuel vs. Manuel, 13 Ohio St., 464.)
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> The revenue laws of the United States, though made up of independent enactments, are to be regarded as one system. (Pennington vs. Coxe, 2 Cr., 33; United States vs. Collier, 3 Blatchf., 323.)
>
> The various acts of Congress on the subject of soldiers' bounty are in pari materia. (Philbrook vs. U. S., 8 Ct. Cls., 523.)
>
> Laws upon the subject of public lands are in pari materia, and are to be construed together. (2 Atty. Gen. Ops., 46.)
>
> The sections of a code referring to the same subject-matter are to be construed in pari materia. (Roberts vs. Briscoe, 44 Ohio St., 600.)
>
> The several statutes relating to the jurisdiction and practice of the district courts, though varying in their titles, are in pari materia. (Gartner vs. Cohen, 51 N. J. L., 125.)
>
> Where two acts of Congress are in pari materia it will be presumed, in the absence of anything to show a contrary intent, that if the same word be used in both and a special meaning be given to it in the first act it was intended that it should receive the same interpretation in the second act. (Reiche vs. Smythe, 13 Wall., 162.)
>
> When terms or modes of expression are employed in a new statute which had acquired a definite meaning and application in a previous statute on the same subject or one analogous to it, they are generally supposed to be used in the same sense, and in settling the construction of such new statute regard should be had to the known and established interpretation of the old. (Whitcomb vs. Rood, 20 Vt., 49.)
>
> It is the universal rule in the construction of statutes, and a settled maxim of the common law, that all acts passed on the same subject in pari materia must be construed together and made to stand if capable of being reconciled. There is no exception to the universality of this rule. (McFarland vs. State Bank, 4 Ark., 410.)
>
> If a thing contained in a subsequent statute be within the reason of a former statute, it should be taken to be within the meaning of that statute. (United States vs. Freeman, 3 How., 564.)

But not only did Secretary Noble and Commissioner Raum so construe this act, but the present Assistant Secretary so construes it, and continues to do so except as to ratings for disabilities.

In the case of Adolph Burnstein (7 P. D., 229) Assistant Secretary Reynolds held:

> The act of June 27, 1890, is a part of the pension code, and is to be construed like all similar acts in pari materia. The various statutes upon the subject of pensions enacted by Congress from time to time comprise our system of pension laws, in the nature of a code, relating to one subject and governed by one spirit and policy. They are to be construed together like our revenue laws, banking laws, land laws, mining laws, patent laws, and other similar laws upon a specific subject, and where the later statute fails to repeal a former in express terms or by necessary implication such later statutes operate cumulatively and not by way of substitution or repeal.
>
> For the reasons already stated the act of June 27, 1890, is not complete in itself, and was not intended, nor does it purport to prescribe the only rule to be observed; nor is the scope and aim distinct and unconnected with former legislation. * * * In the very first line we are forced to look to section 4707 of the Revised Statutes to ascertain the rights of persons designated as "dependent parents" and the rate of pension to which they are entitled; so, too, we are forced to recur to a former statute for authority to medically examine the applicants under said act, and the whole detail of issuing the pension certificate and paying the same depends upon the then existing laws.
>
> The Department sought the aid of the acts of March 3 and 6, 1873, in construing and ascertaining the scope and meaning of the words "all persons," used in section 2 of said act of June 27, 1890.
>
> So, too, the Department held that sections 4707 and 4708 were not repealed or modified by the act of June 27, 1890, but are applicable to claims under said act.
>
> So, also, sections 4702 and 4703 of the Revised Statutes, in reference to minor children, were relied upon in construing the rights of minors under said act of 1890.
>
> Again, the Department held in 1890 that while section 4716 was repealed by the act of June 27, 1890, the act of March 3, 1877, was not, and that claimant was entitled to a pension under the act of June 27, 1890, notwithstanding his prior voluntary service in the Confederate army.

How the Assistant Secretary could so strongly hold this act of 1890 in pari materia with the pension laws for all these purposes and abandon it when he comes to the subject of ratings is a mystery.

wise than as herein provided.

† Disability equivalent to loss of hand or foot (third grade).....

But comparing the language of the act of June 27, 1890, to wit, "which incapacitates them for the performance of manual labor in such a degree as to render them unable to earn a support," with the language of former pension legislation, and noting its exact similarity to those statutes, the construction for which we contend is still more apparent.

In the Bennett case (7 P. D., 1) Assistant Secretary Reynolds says:

Disabilities incurred during service and in line of duty are pensionable without regard to capacity to earn a support, and are graded without reference to this condition. Disabilities resulting from causes other than of service origin are only pensionable when incapacity to labor joins with incapacity to earn a support, and the degrees of rating are dependent upon these two conditions.

On this erroneous reasoning the new system of ratings is based.

Turning to section 4693 of the Revised Statutes we find the classes of persons thereunder entitled to pensions, as follows:

First. Any officer or enlisted man disabled, without more.
Second. Any master serving on a gunboat, etc., disabled * * * or otherwise incapacitated * * * for procuring his subsistence by manual labor.

Mr. TERRY. Will the gentleman allow me to ask him a question in regard to that section which he is on now?

Mr. PICKLER. Yes.

Mr. TERRY. Would that apply to a pilot on an armed transport who was wounded in the line of service?

Mr. PICKLER. I think it would.

Mr. TERRY. I have known of such cases that did not receive any pension.

Mr. SPALDING. He would have to be an enlisted man in order to draw a pension.

Mr. TERRY. This man was a pilot and served on quite a number of armed transports. He was wounded while in the service. He was in the service in such a way that he was compelled to go whether he wanted to go or not. An armed transport, as I understand, is not a gunboat within the strict meaning of the word.

Mr. PICKLER. We provide in this bill for all those pilots and engineers who were pensioned under the general law to come in under the law of 1890, as they did under the last Administration.

Mr. TERRY. I do not believe that would cover the case.

Mr. PICKLER. I could not answer the gentleman intelligently without knowing the exact case.

Now I will return to my argument. The fourth subdivision provides for—

Any acting assistant or contract surgeon disabled.
Fifth. Any provost-marshal, etc., disabled * * * to procure a subsistence by manual labor.

Now, we have these three distinct terms, to wit: (1) "Disabled," pure and simple; (2) "incapacitated for procuring his subsistence by manual labor"; and (3) "disabled to procure a subsistence by manual labor." And assuming that the conclusion of the Assistant Secretary is correct, we would naturally seek in the ratings and rulings to find a marked distinction between the three. But we find it not. As matter of fact, the question had never arisen; they have all been treated as equivalent since the enactment of the laws composing the section until these days of refining on subtle refinements.

"Disabled" in the first class has the same significance and weight as "incapacitated for procuring his subsistence by manual labor" in the second class, and either expression is equivalent to "disabled to procure a subsistence by manual labor" in the fifth class.

The master who served on a gunboat is allowed the same pension if "incapacitated for procuring his subsistence by manual labor" as the soldier of the same rank if "disabled"; and the provost-marshal with an empty sleeve, being thereby "disabled to procure a subsistence by manual labor," draws the same pension as the enlisted man in the same condition who is merely "disabled" thereby.

Capacity to procure a subsistence or earn a support by manual labor is the foundation, the very bed rock, upon which the entire fabric of ratings is based. Congress has never enacted a general law granting pensions to soldiers or sailors who are perfectly able to earn a support; it is only when infirmity sets in, whether from wound, disease, or old age, that the bounty of the Government is extended. It grants no pension for the wound itself, or the pain suffered therefrom, but it is its result that is pensionable. That result is measured by capacity to perform manual labor, and manual labor becomes a factor in the calculation only in so far as it is a means of support.

Says Assistant Secretary Chandler, in the case of Henry Schmidt (February 11, 1876):

A soldier is not allowed a pension for a wound received by him in battle unless such wound results in a disability and injury, so that the pension is granted, if at all, for the injury and not for its cause, the wound.

The language of the statute is "disabled." Disabled from what? may be asked. The answer is ready: "Disabled from the performance of manual labor." But "manual labor" is merely the thing by which the result of the disability is measured. It is based on manual labor because every man, when he enters the service, must be found to be capable of performing that kind of labor at least. Manual labor is merely significant as a means of obtaining a subsistence—a general mode of measurement which is applicable to every class of enlisted men without exception.

Turning to the resolutions and laws upon the subject of pensions, we find that as early as August 26, 1776, the Continental Congress resolved, among other things:

Whereas in the course of the present wars some commissioned and noncommissioned officers of the Army and Navy, and also private soldiers, marines, and seamen, may lose a limb, or be otherwise so disabled as to prevent their serving in the Army or Navy or getting their livelihood, and may stand in need of relief, etc. (1 Journals of Congress, 454.)

In the first general statute enacted on the subject of pensions (act of March 23, 1792; 1 Stat., 244) the claimant is required to produce—

The affidavits of three reputable freeholders of the city, town, or county in which he resides, ascertaining of their own knowledge the mode of life, employment, labor, or means of support of such applicant.

The act of February 28, 1793 (1 Stat., 325), requires—

Every claimant shall be examined, upon oath or affirmation, by two physicians or surgeons, to be authorized by commission from said judge, who shall report in writing their opinion, upon oath or affirmation, of the nature of said disability, and in what degree it prevents the claimant from obtaining his livelihood by labor.

Again, by the act of March 3, 1803 (2 Stat., 243), granting pensions to Revolutionary soldiers, it is provided:

Every claimant shall be examined, on oath or affirmation, by some respectable physician or surgeon to be authorized by commission from said judge, who shall report in writing his opinion, upon oath or affirmation, of the nature of said disability and in what degree it prevents the claimant from obtaining his livelihood.

It will be observed that this provision is substantially the same as that contained in the law of February 28, 1793 (supra), with the exception that the claimant need not necessarily be prevented from obtaining his livelihood by labor.

Carrying the matter a little further, we find in the act of March 3, 1805 (2 Stat., 345), which was amendatory of the act of March 3, 1803:

All persons in the service of the United States who, in consequence of their disability by known wounds received in actual service during the Revolutionary war, resigned their commissions or took discharges, or who, after incurring their disability, were taken captive by the enemy and remained either in captivity or on parole until the close of the war, and who, in consequence of known injuries received in the actual service of the United States, have at any period since become and continued disabled in such manner as to render them unable to procure a subsistence by manual labor.

The act of April 10, 1806 (2 Stat., 376), provides a pension to any man injured in the service of the United States during the Revolution who—

became and continued disabled in such manner as to render him unable to procure a subsistence by manual labor.

Section 2 of the same act, as to the matter of evidence, provides:

The nature of such disability, and in what degree it prevents the claimant from obtaining his subsistence, must be proved by the affidavit of some reputable physician or surgeon.

And section 5 is to the effect that every claimant making application for increase of pension—

Shall be examined by two reputable physicians or surgeons * * * who shall report, on oath or affirmation, their opinion of the nature of applicant's disability, and in what degree it prevents him from obtaining a subsistence by manual labor.

The act of August 2, 1813 (3 Stat., 73), provides for the payment of pensions to persons disabled during the war of 1812, and substantially reenacts the provisions of the act of April 10, 1806 (supra), as to proof, etc.

The act of April 10, 1806, which had expired by limitation, was subsequently reenacted and revived on several occasions (3 Stat., 596, 650; 4 Stat., 307), and seems to be the basis on which all subsequent pension legislation was founded.

But if there were any doubt as to whether "disabled" means anything more or less than "incapacity to earn a support," we have only to look at section 9 of the act of May 8, 1792 (1 Stat., 273), containing the following express promise:

If any person, whether officer or soldier, belonging to the militia of any State and called into the service of the United States be wounded or disabled while in actual service, he shall be taken care of and provided for at the public expense.

That is to say, if the person so wounded or disabled while in the service is unable by reason thereof to obtain a subsistence through his own efforts he shall be provided with the necessaries of life—the means of living—by the Government, and in the fulfillment of this promise the later statutes on the subject of pensions were enacted.

In the text of the law of June 27, 1890, there is no new rating provided for; no direction that disabilities shall not be rated as under all previous laws, except that, whatever the disabilities of the claimant might be (because proof could not be made that the disability originated in the service, or because it actually did not originate in the service), the maximum pension was to be $12. Now, with these ratings long established, based, as all of them are, on laws granting pensions for "inability to perform manual labor"

or "gain a subsistence," the act of June 27, 1890, is passed with no repeal of these laws or ratings, using the same terms—inability to earn a living by manual labor—with no mention of different ratings in the debates in Congress, how can anyone arrive at a conclusion that different ratings were intended?

Moreover, the executive officers to construe this law, the Secretary of the Interior and the Commissionor of Pensions, being in office and knowing the intent of the legislators, place a construction thereon, Order 164 (supra) giving the same ratings to disabilities under the law of June 27, 1890, as are given to like disabilities under the general law.

The will of the legislators and the contemporaneous construction always have great weight in construing a statute.

Statute law is the will of the legislature, and the object of all judicial interpretation of statutes is to determine what intention is conveyed, whether expressly or by implication, by the language used. (23 Eng. and Am. Ency. of Law, 297.)

A thing which is within the intention of the makers of the statute is as much within the statute as if it were within the letter, and a thing which is within the letter of a statute is not within the statute unless it be within the intention of the makers. (26 N. Y., 198; 15 Johns., 358; 8 Pa., 608; 3 Cowan, 89; 80 N. Y., 339; 108 id., 524; 32 Fed. Rep., 147.)

It is a canon of interpretation that the legislative purpose and the object aimed at are to be borne in mind, and that language susceptible of more than one construction is to receive that which will bring it into harmony with such object and purpose rather than that which will tend to defeat it. (23 Eng. and Am. Ency. of Law, 319, and cases cited.)

Words in a statute which have acquired a particular legal meaning are, in the absence of other controlling circumstances, when applied to the subject-matter as to which they have acquired such meaning, to be taken in their technical sense. (1 Black, 58; 98 U. S., 440.)

In statutory exposition the reason and spirit of the law are above the mere cavil about words. (Spencer *vs.* State, 5 Ind., 41.)

Courts, in construing or interpreting a statute, give much weight to the interpretation put upon it at the time of its enactment and since by those whose duty it has been to construe, execute, and apply it. (23 Ency. of Law, 339.)

The contemporaneous construction is generally the best construction of a statute. It gives the sense of the community of the terms made use of by the legislature. If there is ambiguity in the language, the understanding and application of it when the statute first comes into operation, sanctioned by long acquiescence on the part of the legislature and the judicial tribunals, are the strongest evidence that it has been rightly explained in practice. (Packard *vs.* Richardson, 9 Am. Dec., 123.)

Chief Justice Marshall, in Cohens *vs.* Virginia (6 Wheat., 418), says:

Great weight has always been attached, and very rightly attached, to contemporaneous exposition.

The contemporaneous and continued practice of officers required to execute or take special cognizance of a statute is strong evidence of its true meaning. (5 Cr., 22; 8 Wall., 330; 3 Wall., 291; 12 How., 299; 21 id., 35; 111 U. S., 53; 113 id., 568; 120 id., 52, 169; 142 id., 615; 1 Cr., 299; 12 Wheat., 206; 6 Pet., 29; 95 U. S., 760; 114 id., 411; 124 id., 236; 138 id., 573; 140 id., 35; 24 Ct. Cls., 299.)

The presumption is that the legislature does not intend to change or modify the law beyond what it explicitly declares, or by unmistakable implication. (1 Kent, 464; Dwarris, 695.)

But it is unnecessary to cite additional authorities on this point.

It remained the construction from passage of act, June 27, 1890—never questioned, never doubted, no dispute as to its construction—until January 7, 1893, although millions of dollars had been paid out under this construction which would not have been under the later one.

But are the ratings of the general law practical when applied to the act of June 27, 1890, and are they reasonable?

I assert, Mr. Chairman, that they are—more than that, such ratings are not only reasonable, but they are the only practical ratings.

What are these ratings? What do they mean? What do they measure?

These ratings, under the general law, are found on pages 18 and 19 of Instructions to Examining Surgeons of the Bureau of Pensions, 1895. Certain of these ratings are fixed by law and others by the Commissioner of Pensions.

These ratings measure the incapacity of the applicant to earn a living by manual labor. A certain disease or disability represents a certain incapacity to perform manual labor, and the ratings of the Pension Bureau fix in dollars what the applicant ought to receive for such disability under the statutes. For instance, the loss of any other than the index finger, without complications, is two-eighteenths—that is, $2. Now, this means, and can only mean, that, rated in dollars, the loss of such finger incapacitates the person to the extent of $2 per month from earning a living by manual labor.

Again, when the rate of six-eighteenths, or $6 per month, is fixed for inguinal hernia, it simply means that, rated in dollars, such disability incapacitates the soldier to the extent of $6 per month from earning a living by manual labor.

The basis of all pension legislation, as we have already shown, being the incapacity to earn a support by manual labor, these ratings necessarily indicate and measure the extent which the disabilities incapacitate the pensioner from performing manual labor. And where the claimant is found, under the old law, to have more than one disability, they are all taken into consideration in fixing the amount that may be allowed him—they are added together until the maximum of $17 is reached, and formerly $18. To use the language of the present Assistant Secretary (7 P. D., 150):

Subsequently, during the administration of Commissioner Black, it was held that where a claimant was found to be suffering under two or more disabilities, for each of which an allowance was made, the aggregate allowance for all the disabilities might be $18 per month under the provisions of section 4699, Revised Statutes. In other words, a man might be allowed $12 per month for rheumatism and $6 a month for chronic diarrhea, making a total pension of $18. But if he had only one cause of disability he could not receive more than $17 unless the disability was equal to the loss of a hand or foot.

Under the general law all the disabilities are taken in the aggregate up to $17. For instance, if the applicant lost his middle finger ($2) and had an inguinal hernia ($6) he would be allowed $8. Again, if he lost his middle finger ($2), had an inguinal hernia ($6), lost an eye ($17), and was totally deaf in one ear ($10), he would be allowed but $17, unless it were found that his infirmities disabled him for manual labor equivalent to the loss of a hand or foot, in which event he would be granted $24.

I contend that the same rule should be pursued in regard to ratings under the act of June 27, 1890, with the restriction, however, that for the total of all disabilities the claimant should not be allowed more than $12, the maximum fixed by that law, just as under the general law the claimant is allowed nothing in excess of $17 for the total of all disabilities until the next grade rating is reached, which, as before stated, is a disability equivalent to the loss of a hand or foot.

This was Commissioner Raum's interpretation of the statute, and is the only sensible and logical one. There is no other way of measuring these disabilities. The examiners ascertain the disabilities separately, and apply some rating to each of them. To ascertain the claimant's incapacity under the act of June 27, 1890, the examining boards proceed on this same theory. The disabilities are rated by them as under the general law. As under the general law, they proceed in exactly parallel lines until it comes to fixing the amount, and then, in some mysterious manner which has never been explained, and which can not be explained, but which permits one examiner to designate one amount and another examiner to designate a wholly different amount for the same disabilities, a sum is arrived at which is finally allowed the pensioner.

The difficulty of the Pension Office in endeavoring to carry out the provisions of that act in the abandonment of the ratings under the general law is made manifest by the first order issued under Assistant Secretary Reynolds's ruling discarding the old law rates. We find, under date of June 12, 1893, the following circular issued by the medical referee:

MEDICAL DIVISION CIRCULAR.

JUNE 12, 1893.

In rating cases under act of June 27, 1890, the following directions will serve as landmarks only, and will be subject to such variations as each particular case may require:

The ratings will be $12, $10, $8, and $6.

The rate of $12 will be allowed only in the following cases:

1. In cases where claimant is clearly disabled from performing any effective manual labor.
2. In loss of either hand or foot.
3. In total deafness of both ears.

The minimum rate will be allowed for a disability equivalent to anchylosis of elbow joint.

The ratings between $12 and $6 will be given in proportion as claimant is disabled from earning support by manual labor.

If there are two or more disabilities demanding a rate of $6 (each), the rate of $8 only shall be allowed, and if there are two or more disabilities demanding a rate of $8 (each), the rating of $10 shall be allowed. But two or more disabilities, each demanding a rating below $6, shall not be added to make a minimum rating, and such cases shall be rejected.

All specific ratings, as published in the book of instructions, have no application in claims under act of June 27, 1890.

FEATHERSTONHAUGH,
Medical Referee.

While it is declared that the old ratings under the general law shall be abandoned and shall not apply to the act of June 27, 1890, and while declaiming against them and their application to this act of June 27, this circular of June 12, 1893, clearly shows that the old ratings were followed. For instance, the circular states that the ratings shall be $12, $10, $8, and $6, which are ratings under the old law. There are no $7, $9, or $11 ratings under the old law, nor do they recognize any such ratings under the new.

The order continues by giving the cases in which $12 shall be allowed, to wit:

1. In cases where claimant is clearly disabled from performing any effective manual labor.
2. In loss of either hand or foot.
3. In total deafness of both ears.

Assistant Secretary Reynolds, in the Bennett decision, abandoning the old theory of ratings and seeking to establish a new one for the act of June 27, 1890, declares that—

Disabilities resulting from causes other than of service origin are pensionable only when incapacity to labor joins with incapacity to earn a support, and the grades of rating are dependent upon these two conditions.

In this order, however, he ignores this distinction which he has drawn with so much effort, and declares that the highest rate under the act of June 27, 1890, shall be allowed where claimant is clearly "disabled from performing any effective manual labor,"

utterly disregarding his second condition above stated, on which, as he says, the whole difference between the two systems depends. The circular fixes the rating at $12 where the claimant is disabled from performing any "effective manual labor," saying nothing of capacity to earn a support, although, according to his decision, "the grades of rating are dependent upon these two conditions," to wit, ability to perform manual labor and capacity to earn a support.

But the strangest part of this circular is the following:

If there are two or more disabilities demanding a rate of $6 each, the rate of $8 only shall be allowed; and if there are two or more disabilities demanding $8 each, the rate of $10 shall be allowed.

In the list of disabilities under the old law there are eight rated at $6. Theoretically, an applicant could have all these disabilities and would yet receive only $8, whereas under the general law he would receive at least $17, and possibly $24.

Again, by this circular he might have all the disabilities in the catalogue that are rated at less than $6 each and still get absolutely nothing.

Right here is the cause of the soldiers' complaint. Although they may have six-dollar disabilities aggregating $18, $24, or more, they are allowed only $8, while the law clearly provides that they shall have at least $12. Regardless of the number of eight-dollar disabilities they may have, they are allowed only $10.

The Assistant Secretary argues that the ratings under the general law should not apply to the act of June 27, 1890, because a man may suffer the loss of a finger and have some inferior disability, and yet be able to earn a living by manual labor. This is conceded; but it must be remembered that the act of 1890 presupposes that he may have a two-dollar disability or a four-dollar disability and yet not be entitled to a pension, because he can earn his support by manual labor. However, when these disabilities, measured by the old law rates, as was the evident intention of the act, amount to $6 or more, then he should receive at least the minimum rate under the law of June 27, 1890, to wit, $6.

Whilst pretending to rate the disability in proportion to the degree of inability to earn a support, three, four, or even more six-dollar disabilities are not allowed any more than two six-dollar disabilities, though it is apparent to the most ordinary intelligence that a man with but two disabilities is not as much incapacitated as a man with the same two disabilities plus two equivalent disabilities. It is evident that with three or four disabilities he is less able to earn a support than with two, and hence he is not pensioned in proportion to his inability to earn a support by the terms of this circular.

The inefficacy of this blundering order was soon apparent to the Bureau of Pensions, and on September 2, a little more than two and one-half months after its issue, it was withdrawn by order 241, which is as follows:

[Order No. 241.] SEPTEMBER 2, 1893.

The circular of June 12, 1893, is withdrawn.

Hereafter in fixing rates under act of June 27, 1890, the medical referee or the medical officer in the board of revision shall weigh each disability and determine the degree that each or the combined disabilities disables the claimant for earning a support by manual labor, and a rate corresponding to this degree shall be allowed.

In cases in which the pensioner has reached the age of 75 his rate shall not be disturbed if he is receiving the maximum, and if he is not a pensioner he shall receive the maximum for senility alone if there are no special pensionable disabilities shown.

From necessity there can not be a different rate for a disability allowed under the general law and the act of June 27, 1890. This follows from the fact that the disability is a constant factor, unvarying, unchanging, regardless of where incurred. It measures the same incapacity to perform manual labor. The soldier who lost his leg in a railroad accident a year ago is incapacitated to exactly the same extent, all other things equal, as the man who lost a leg at the siege of Vicksburg, and the soldier who had his finger shot off at Lookout Mountain is not disabled to a greater extent thereby than the one who a month since had his finger shot off by accident. The disability is therefore constant, and is the same. It equally incapacitates the soldier, regardless of the place or time of its incurrence. So that when, under the general law, a rating is fixed for any disability it must be the same under any other law, because, as before stated, the disability is a constant factor. And as the aggregate disabilities are considered under the general law in ascertaining the total disability, there is no other way of ascertaining the total disability under the act of June 27, 1890, than by following the same rule, namely, by aggregating, adding the disabilities, as was done by Commissioner Raum. It is true that the soldier can not receive more than $12 under the act of June 27, 1890, regardless of what these disabilities may amount to, and it is equally true that he can not receive more than $17 under the general law, regardless of what these disabilities may amount to, if they are not equivalent to the loss of a hand or foot. The principle is precisely the same.

But further hostility and unfairness to the pensioner are exemplified by Order 245, dated November 2, 1893, which is as follows:

[Order 245.] NOVEMBER 22, 1893.

Pension certificates issued under second section of act of June 27, 1890, will no longer specify particular disabilities. In such certificate, where the maximum rating of $12 is allowed, the certificate will state that it is for "inability to earn support by manual labor." Where less than the maximum rating is allowed, the certificate will state that it is for "partial inability to earn support by manual labor."

Whenever, in case of a pension granted under said section at less than the maximum rating, a higher rating is subsequently sought, the application for such higher rating shall be considered and treated as a claim for increase and not as a claim for a new disability, and the increase, if allowed, will commence from the date of the official medical examination showing the increased disability.

It is directed that the medical officer "shall weigh each disability and determine the degree that each of the combined disabilities disables the claimant," etc. But how is it possible to "weigh" disabilities without weights? All rates for particular disabilities are abandoned, and yet the order is that the disabilities must be weighed. How can these officers come to any correct conclusion as to the extent of claimant's incapacity if these disabilities are not considered separately and a rating given to each? Why should they be allowed to jump at a conclusion as to the sum the disability entitles the claimant to receive unless these disabilities are considered separately?

The fact is, it is impossible to so do; nor do they pretend to carry this order into execution. Every one of these examiners, in examining a case and ascertaining the disabilities, attach to each one an old-law rating which they claim to have abandoned. In other words, while claiming to have abandoned the old law and jumping at a rate for all the disabilities, thus putting it out of the power of the claimant to know for what he has been rated or to show that a mistake has been made in the rating of any particular disability, they still cling to the old-law figures.

Moreover, the instructions to the examining surgeons are exactly the same for examinations under both laws (Instructions to Examining Surgeons, pages 16 and 17), and the same directions are given, regardless of which law the application is filed under.

The most conspicuous feature of the present practice is found in this Order 241, which commands the medical officer to lump the disabilities and fix the amount for all, without a particular amount for any, thus rendering it impossible for the claimant to show wherein he is improperly rated, and rendering as many different conclusions possible for the same disabilities as there are different medical officers. It is a notorious fact that such is the case at the present time, and that there is no uniformity whatever in the ratings of these medical officers, because of the fact that it is impossible to obtain satisfactory results after abandoning the old-law system and substituting nothing certain in its place.

This same intent to confuse the claimant and to render it impossible for him to ascertain from his certificate for what he is pensioned, and also to make it difficult for him to obtain a higher rating, is illustrated by Order 245, which declares that the pension certificate "will no longer specify particular disabilities," but will merely state inability or partial inability to earn a support; and likewise, when a higher rating is sought, it will be treated as an application for increase and not as a claim for a new disability. The pensioner is thus deprived of the increase he would justly be entitled to by filing a new application, as in increase cases he receives pension from the date of medical examination only, which may take place a year or two after he has filed his claim. From his pension certificate he does not know for what disabilities he is pensioned, and is therefore in the dark as to what new ones he might apply for, although entitled to increase. Suppose the pensioner has rheumatism, hernia, and anchylosis of wrist; from his certificate it is impossible for him to tell whether he is pensioned for one or all of these things, and therefore impossible for him to know whether justice has been done him.

The fact is, the whole matter under the present system is chaotic, a jumble of distinctions without a difference and differences without the least distinction, by which it is intended that the claimant or pensioner shall not understand and can not understand the grounds upon which he is pensioned or anything else connected with it. It is unfair and unjust, and it all arises from a strained construction of the law under which a new system of ratings was forced into existence, entirely different from that in vogue at the passage of the act and during two years and six months thereafter.

The necessity of the enactment of this section into law is therefore apparent. It restores the former practice of rating, which is the just and true one under a liberal interpretation of the statute.

NEW APPLICATION NOT REQUIRED.

Section 15 provides:

That upon the rejection of a claim for pension under said act of June 27, 1890, on the ground of no pensionable degree of disability, the applicant shall not be required to file a new or supplemental declaration, but on filing in his case the sworn statement of a reputable physician that a pensionable

degree of disability does in fact exist, an order for the applicant's examination, before another board of surgeons if desired, shall issue; and in case the report of such board and the evidence show the existence of a pensionable disability at the time of filing, the pension, when allowed, shall commence from the date of filing the application rejected as aforesaid, or, if otherwise, from the date subsequent to said filing at which the disability began to exist, as shown by the evidence.

This is simple justice to the applicant, for it is unfair that, after filing one application and having diligently sought to prove up his claim, if the same is rejected, although wrongfully rejected, he must file a new application, and can receive a pension, if it is allowed at all, from the date of his second application only. Probably no greater source of complaint has arisen during the last few years than from this practice of refusing a claim after the applicant has for a long time tried to make proof, compelling him to file a new application, and then allowing it from the date of the second filing. If the first refusal is unjust or a mistake, it hardly needs argument to show that the pension should commence from the date the disability actually existed as shown by the evidence.

A provision very similar to this is contained in the pension appropriation act recently approved, but there are several points of difference of more or less importance.

Under the appropriation act it is required to file a new application. This, of course, would have to be in form, and in accordance with the rules of the Pension Bureau. It would also subject the applicant to the payment of an attorney's fee. Under section 15 of this bill the provision is that "the claimant shall not be required to file a new or supplemental declaration," but can file merely the sworn statement of a reputable physician that a pensionable degree of disability does in fact exist.

Under the present practice of the Pension Bureau it is required that each application shall be technically correct, and the claimant is held to the strict rules of pleading.

For example, a soldier applied under the act of June 27, 1890, and was allowed pension thereunder. He is afterwards dropped. He wants a renewal. He executes an application alleging his disabilities, but merely states his service, without setting forth in terms the dates of enlistment and discharge or that he served ninety days. In every case the application is held to be defective, and the applicant must begin anew, notwithstanding the fact that the term of his service is matter of record in the Pension Office and War Department.

This is equally true in regard to a second application when the first is rejected on the ground of no pensionable degree of disability.

The Pension Office abides by the record in any event, even if these things are alleged with exactness and precision.

Moreover, the section under consideration gives the applicant the option of being examined by another and different board of examining surgeons if he believes justice was not done him on his prior examination.

And further, to obtain relief under the appropriation act, after filing the new declaration, the evidence must show that the disability existed at the time of filing the first application. If the claimant fails to show this fact, he is without remedy, although he may be able to prove that a pensionable disability existed shortly after his first filing. Under this section, however, he may establish his disability at the time of filing or at any time subsequent thereto, and the pension will commence accordingly. It need hardly be said that this is eminently fair to the Government and to the claimant—in truth, it more nearly approaches exact justice to them both. This section will prove a valuable supplement to the remedial and beneficial provisions of the pension appropriation act.

THE INCOME OF THE WIDOW.

Section 16 provides that the phrase "without other means of support than her daily labor" in section 3 of the act of June 27, 1890, shall be construed to mean "without a net income of $300 per annum." The present Administration holds it to mean "without an income of $96 per annum," and the former Administration was a little more liberal; but the whole matter is very well understood by the members of the House, it having been lately fully discussed. In regard to this section the committee says:

While this amount must necessarily be arbitrary, yet it is believed to be better to establish a sum certain than to leave it to the whim or caprice of the officers who execute the law.

After careful consideration this sum was fixed upon, and generally, it is believed, gives satisfaction on all hands.

RESTORING TO THEM THEIR PENSIONABLE STATUS.

Section 17 gives a pensionable status under the act of June 27, 1890, to certain classes of persons who for several years were held to be within the letter and spirit of that law. Lately, however, under a different interpretation of the statute, they have been denied this right.

The persons mentioned are on the same plane with the enlisted man under the general law, and there is no reason why they should not receive the benefits of the act of 1890, if, as provided in this section, they otherwise bring themselves within the provisions of said act.

These classes are as set forth in section 4693, Revised Statutes:

Second. Any master serving on a gunboat, or any pilot, engineer, sailor, or other person not regularly mustered serving upon any gunboat or war vessel of the United States. * * *

Fourth. Any acting assistant or contract surgeon. * * *

Fifth. Any provost-marshal, deputy provost-marshal, or enrolling officer.

COST OF THE BILL.

From estimates from the War Department and the Commissioner of Pensions as to sections in regard to which numbers can be definitely ascertained, and approximating the number under other sections of the bill, the total cost would be about $3,160,000. Supposing it would require, in connection with other business of the Pension Office, three years, as it probably would, to replace those heretofore drawing pensions, together with claims which will be allowed in the first instance, the cost would be about $1,000,000 per year.

Now I yield to the gentleman from Ohio or the gentleman from New York.

Mr. NORTHWAY. I see that section 15 of your bill applies only to claims which have been rejected on the ground of no pensionable degree of disability. Now, why do you limit it to that, so long as there are rejections of applications which are on mere technical grounds? Many of the rejections have been on the ground that there was no pensionable degree of disability, but others have had their applications rejected because the declarations are sworn to before an improper officer. Why should you not include all of them in this provision?

Mr. PICKLER. Well, the gentleman will see that this section is confined to the ratings. We try to bring it back to the old ratings.

Mr. NORTHWAY. But it is section 15 I am speaking of.

Mr. PICKLER (reading)—

That upon the rejection of a claim for pension under said act of June 27, 1890, on the ground of no pensionable degree of disability, the applicant shall not be required to file a new or supplemental declaration.

Mr. NORTHWAY. Now, why not let it apply to any rejection, so that if a pension is eventually granted it shall be from the date of the filing of the first application? Why limit it to the rejection on the ground of no pensionable degree of disability?

Mr. PICKLER. Can you do that with safety?

Mr. NORTHWAY. Certainly you can.

Mr. PICKLER. Suppose that the applicant alleged no disability in his application?

Mr. NORTHWAY. Very well; put in the limitation that if the proof shows that he was entitled to a pension from the date of the filing of his first application, he shall draw pension from that date. There is no harm in that.

Mr. PICKLER. Of course, I recognize the force of what the gentleman says. The committee in discussing this matter found the trouble as to the pensionable disability. The pensioner sends in an application that is defective, and if they do their duty they let him know immediately that it is defective.

Mr. NORTHWAY. But they do not let him know. They may not reach the case for two or three years.

Mr. PICKLER. It is very hard to govern that. Then the question is, How will you limit it?

Mr. NORTHWAY. If he makes one application for a pension, and a pension is eventually allowed, it should go back to that date.

Mr. PICKLER. Yes; we provide in this bill it shall go back to the time the evidence shows it to exist. A person might file an application and not allege that he is disabled.

Mr. NORTHWAY. Then that would not be an application.

Mr. PICKLER. It would be an application, if he made it and filed it as such.

Mr. NORTHWAY. If you will read the examination of the Commissioner of Pensions before the subcommittee on Appropriations having in charge the pension appropriation bill, you will find that where a claim is rejected on the ground of no pensionable degree of disability alone, and a new application is required, they will date it back; but if the application is rejected on the ground of some technicalities then they will not permit it to date back, even if the proof shows that he was entitled to a pension prior to the date of filing the application; and these are the very men that you ought to help.

Mr. PICKLER. I refer the gentleman to the law lately passed on the pension appropriation bill—March 13, 1896. Let me read it:

That whenever a claim for pension under the act of June 27, 1890, has been, or shall hereafter be, rejected, suspended, or dismissed—

I suppose that is what the gentlemen is referring to?

Mr. NORTHWAY. Yes, sir.

Mr. PICKLER (reading):

and a new application shall have been, or shall hereafter be, filed, and a pension has been, or shall hereafter be, allowed in such claim, such pension

shall date from the time of filing the first application, provided the evidence in the case shall show a pensionable disability to have existed, or to exist at the time of filing of such first application, anything in the law or ruling of the Department to the contrary notwithstanding.

That is under the pension appropriation act. This, which you have in the appropriation bill, applies to the pension act of June 27, 1890. The appropriation act covers your objection; but in the appropriation act you adhere to present ratings as to pensionable degree of disability. We supplement that in this act and go back to the old Raum decision. It will make the appropriation act effective and cover rejected claims, so it is not necessary to cover in terms rejected cases in this bill.

Mr. NORTHWAY. Then it is all right.

Mr. PICKLER. This supplements the appropriation act by applying the Raum rulings. We first had rejections in our bill, but concluded to change it in the manner that it is in the bill now, believing the former act to be all that is necessary.

Mr. NORTHWAY. I see in your old bill, 5549, section 10, you had, but you have not included it in the bill now under consideration. The following section (10) of the bill you before introduced, 5549—

That, in the administration of the pension laws, the first acceptance into the military or naval service of the United States shall be conclusive evidence of soundness—

is stricken out of the present bill, is it not?

Mr. PICKLER. Yes, sir.

Mr. NORTHWAY. Why was that done?

Mr. PICKLER. Well, on further consideration of the matter by the committee.

Mr. NORTHWAY. Who considered it?

Mr. PICKLER. The members of the committee and other gentlemen who are very warmly interested in the soldiers and in pensions——

Mr. NORTHWAY. I am not questioning that.

Mr. PICKLER. The objection made to that provision was the fear that it would be criticised as showing that we wanted to pension men who were not sound when they went into the service.

Mr. NORTHWAY. Who would criticise in that way? I would like to know if there is anything wrong in applying to the Government the same rule which the Government enforces among individuals? If the Government examines a man and accepts him and he serves it three or four years, is there any reason why it should not be estopped from denying that he was sound when he entered the service?

Mr. PICKLER. Individually I do not think there is any objection to that provision as it originally stood in the bill. I have always contended the Government should be estopped from denying soundness after accepting soldier as sound.

Mr. HEPBURN. I call the gentleman's attention to this phraseology in section 15 of his bill:

That upon the rejection of a claim for pension under said act of June 27, 1890, on the ground of no pensionable degree of disability, the applicant shall not be required to file a new or supplemental declaration, etc.

Will that apply to rejections other than those made hereafter? Will it apply to those that have been made heretofore?

Mr. PICKLER. Whether it does or not, I call the gentleman's attention to the fact that under the pension appropriation act, which goes back to June 27, 1890, these cases will be provided for.

Mr. HEPBURN. So far as this language is concerned, it seems to me that it applies only to future rejections.

Mr. PICKLER. Let me say to the gentleman that if there is a rejection existing in that Bureau at the present time and this bill should become a law, then, while the rejection stands, the applicant takes the pension under the present law.

Mr. HEPBURN. If this read, "That upon the rejection of a claim for pension under the act of June 27, 1890, heretofore or hereafter made," etc., the idea would be more clearly expressed.

Mr. PICKLER. We thought there could not be any doubt about the meaning of the provision as it stands, and with what is included in the appropriation act and this taken together I do not think there will be any trouble. We want the rule to apply to all of these cases, of course.

Now, Mr. Chairman, thanking members of the committee for their patience and indulgence, I yield the floor. [Loud applause.]

Mr. MCCLELLAN was recognized.

Mr. MCCLELLAN. Mr. Chairman, before proceeding I should like to make some arrangement with the gentleman from South Dakota for the purpose of yielding to him at this time to move that the committee rise. I find that several gentlemen desire to continue the discussion upon this bill to-morrow, and as the hour is so late, within twenty minutes of 5 o'clock, I think I can hardly conclude what I have to say before the usual hour of adjournment. I suggest, therefore, to the gentleman that he move that the committee rise.

Mr. PICKLER. How much time does the gentleman desire to occupy?

Mr. MCCLELLAN. I shall need from forty-five minutes to an hour.

Mr. PICKLER. Will not the gentleman go on for half an hour this afternoon?

Mr. MCCLELLAN. I would rather not.

Mr. PICKLER. Well, Mr. Chairman, I do not wish to ask the gentleman to go on against his inclination, and I therefore accept his suggestion, and move that the committee do now rise.

Mr. MCCLELLAN. I am much obliged to the gentleman.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 8271) in relation to pensions, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 1353) to revive and reenact the act entitled "An act to authorize the building of a railroad bridge at Little Rock, Ark.," approved March 2, 1891; and

An act (H. R. 8313) authorizing the transfer of a cannon from the Rock Island Arsenal, Rock Island, Ill., to Grant Park, in Galena, Ill.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table, and referred by the Speaker as follows:

A bill (S. 559) for the relief of Bvt. Col. Thomas P. O'Reilly—to the Committee on Military Affairs.

A bill (S. 2508) to establish customs ports of delivery at Pueblo, Durango, and Leadville, Colo., and for other purposes—to the Committee on Ways and Means.

A bill (S. 2593) granting to the American Invalid Aid Society of Boston, Mass., the abandoned Fort Marcy Military Reservation, in New Mexico, for the purpose of a national sanitarium for the treatment of pulmonary diseases—to the Committee on the Public Lands.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HATCH, indefinitely, on account of sickness.

To Mr. MCCLURE, for one week, on account of important business.

To Mr. HULL, for ten days, on account of important business.

To Mr. KIEFER, for twelve days, on account of important business.

To Mr. BARHAM, for five days, on account of important business.

To Mr. BROWN, for one week, on account of important business.

Mr. DINGLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and the House accordingly (at 4 o'clock and 35 minutes p. m.) adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DINGLEY, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 7865) to allow the return free of duty of certain articles exported from the United States for exhibition purposes, reported the same without amendment, accompanied by a report (No. 1442); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BRODERICK, from the Committee on the Judiciary, to which was referred House bill No. 6178, reported in lieu thereof a bill (H. R. 8383) to establish a site for the erection of a penitentiary on the military reservation at Fort Leavenworth, Kans., and for other purposes, accompanied by a report (No. 1443); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. EVANS, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 3282) to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 25, 1894, reported the same with amendment, accompanied by a report (No. 1444); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 7169)

providing that all judgments in civil causes in the District of Columbia shall bear interest, reported the same with amendment, accompanied by a report (No. 1448); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 888) entitled "An act to amend an act entitled 'An act to incorporate the Capital Railway Company,' approved March 2, 1895," reported the same with amendments, accompanied by a report (No. 1449); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. LESTER, from the Committee on War Claims: A resolution (House Res. No. 272) to refer the bill (H. R. 6596) for the relief of George S. Ayre, with accompanying papers, to the Court of Claims, reported in lieu of House bill No. 6596. (Report No. 1440.)

By Mr. OTJEN, from the Committee on War Claims: A resolution (House Res. No. 273) to refer the bill (H. R. 7550) for the relief of Nimrod D. Keneaster, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 7550. (Report No. 1441.)

By Mr. HANLY, from the Committee on Claims: The bill (H. R. 2388) for the relief of William R. Wheaton and Charles H. Chamberlain, of California. (Report No. 1445.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (H. R. 7600) for the relief of Maria E. Mumford, widow of Ferdinand S. Mumford, late captain First Regiment United States Infantry. (Report No. 1446.)

The bill (S. 923) entitled "An act for the relief of Irving W. Stanton." (Report No. 1447.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. TOWNE: A bill (H. R. 8379) to authorize the improvement of the water power in the Mississippi River at Grand Rapids, Minn.—to the Committee on Interstate and Foreign Commerce.

By Mr. TRACEY: A bill (H. R. 8380) to authorize the Auditor for the War Department to audit the claims of the State of Missouri on file in his office—to the Committee on War Claims.

By Mr. DE WITT: A bill (H. R. 8381) disposing of 6 condemned cannon and 48 cannon balls—to the Committee on Naval Affairs.

By Mr. KULP: A bill (H. R. 8382) donating 4 condemned cannon and 4 pyramids of condemned cannon balls to General W. H. Ent Post, Grand Army of the Republic, Bloomsburg (Pa.) Monumental Association, and 60 condemned muskets to C. B. Brockway Camp, No. 270, Sons of Veterans, Bloomsburg, Pa.—to the Committee on Naval Affairs.

By Mr. SMITH of Michigan: A bill (H. R. 8384) providing for an additional circuit judge in the sixth judicial circuit—to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: A bill (H. R. 8410) to incorporate the Maritime Canal of North America, and for other purposes—to the Committee on Railways and Canals.

By Mr. CROWLEY: A bill (H. R. 8411) to amend an act entitled "An act to regulate commerce," approved February 4, 1887—to the Committee on Interstate and Foreign Commerce.

By Mr. PATTERSON (by request): A bill (H. R. 8412) to revive and amend and extend the act of Congress of August 15, 1876, to encourage and promote telegraphic communications between America and Asia across the Pacific Ocean, from the western shores of the United States to the Hawaiian Islands, to Japan, and China—to the Committee on Foreign Affairs.

By Mr. HENDERSON: A resolution (House Res. No. 274) to set apart Tuesday, April 28, and April 29, for consideration of H. R. 8110, a bill to establish a uniform law on bankruptcy throughout the United States—to the Committee on Rules.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 1371) to apply the unexpended balance of the amount heretofore appropriated for the relief of the captain, owners, officers, and crew of the late United States private armed brig *General Armstrong*, their heirs, executors, administrators, agents, or assigns—Committee on Claims discharged, and referred to the Committee on the Judiciary.

The bill (H. R. 7955) to remove the charge of desertion from the naval record of William Kiernes—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BARRETT: A bill (H. R. 8385) for the relief of Mrs. L. A. Barber—to the Committee on Invalid Pensions.

By Mr. BLUE: A bill (H. R. 8386) granting a pension to Josiah Sykes, of Olathe, Kans.—to the Committee on Invalid Pensions.

By Mr. BRUMM: A bill (H. R. 8387) for the relief of the Columbia Brewing Company, of Shenandoah, Pa.—to the Committee on Claims.

By Mr. DE ARMOND (by request): A bill (H. R. 8388) for the relief of William G. Buck—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 8389) to pension Lawrence James—to the Committee on Invalid Pensions.

By Mr. HULING: A bill (H. R. 8390) granting a pension to Andrew Porter—to the Committee on Invalid Pensions.

By Mr. HYDE: A bill (H. R. 8391) for the relief of Thomas H. Burns—to the Committee on Military Affairs.

By Mr. KIEFER: A bill (H. R. 8392) to refer claim of Jessie Benton Fremont to Court of Claims—to the Committee on Claims.

By Mr. LAYTON: A bill (H. R. 8393) for the relief of Mark Guyton—to the Committee on War Claims.

By Mr. LONG: A bill (H. R. 8394) granting a pension to John M. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8395) granting a pension to Sarah A. North—to the Committee on Invalid Pensions.

By Mr. MARSH: A bill (H. R. 8396) to grant a pension to William Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8397) granting a pension to Eveline Pave—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8398) to grant a pension to William Kemper—to the Committee on Invalid Pensions.

By Mr. MCCALL of Tennessee: A bill (H. R. 8399) for the relief of William Christenberry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8400) to remove charge of desertion against R. A. Blount and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. MEREDITH: A bill (H. R. 8401) for the relief of Emma H. Slamm, Addison Slamm, and Clara S. Mitchell—to the Committee on Claims.

By Mr. PITNEY: A bill (H. R. 8402) granting an increase of pension to Marion W. Wildrick, widow of Bvt. Brig. Gen. Abram C. Wildrick—to the Committee on Invalid Pensions.

By Mr. STROWD of North Carolina: A bill (H. R. 8403) for the relief of Jacob Hobbs—to the Committee on Invalid Pensions.

By Mr. TATE: A bill (H. R. 8404) to pension Mrs. Marzey Collins, widow of Charles O. Collins—to the Committee on Pensions.

By Mr. THOMAS: A bill (H. R. 8405) granting a pension to Charles E. Gregg—to the Committee on Invalid Pensions.

By Mr. TUCKER: A bill (H. R. 8406) granting a pension to Miss Susan M. Baskett, of Fluvanna County, Va—to the Committee on Pensions.

By Mr. TYLER: A bill (H. R. 8407) for the relief of Jane McD. Armistead, widow of Samuel W. Armistead, late constructor in the United States Navy—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: A bill (H. R. 8408) for the relief of Hannah Howard, stepmother of Francis W. Howard, late of Company D, Sixty-fourth New York Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. WOOMER: A bill (H. R. 8409) for the relief of A. C. Landis, late lieutenant of Company K, One hundred and seventh Pennsylvania Volunteers—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH of Alabama: Papers to accompany House bill No. 7781, for register for barge *Black Diamond*—to the Committee on the Merchant Marine and Fisheries.

By Mr. CLARDY: Papers to accompany House bill No. 8247, for the relief of T. R. Mason, of Adairville, Ky.—to the Committee on Claims.

Also, papers to accompany House bill No. 8116, to grant a pension to Mrs. Sarah D. Lightfoot—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 8117, for increase of pension of Charles B. Eades, of Hopkinsville, Ky.—to the Committee on Invalid Pensions.

By Mr. COWEN: Petition of Henry N. Rahn and 25 other citizens of Baltimore, Md., praying that religious publications be given every advantage of the act of Congress of July 16, 1894, in transmission through the mails—to the Committee on the Post-Office and Post-Roads.

By Mr. DE ARMOND: Resolutions of Bates County Post, No. 58, Grand Army of the Republic, of Butler, Mo., to accompany bill for the relief of William G. Buck—to the Committee on Invalid Pensions.

By Mr. ELLIS: Petition of Loyal Orange Lodge, No. 79, of Portland, Oreg., on behalf of its 378 members, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Charles M. Davis and 35 others, of Portland, Oreg., against the appropriation of public moneys for sectarian undertakings and for a constitutional amendment against making appropriations for ecclesiastical purposes—to the Committee on Appropriations.

By Mr. HALL: Petition of citizens of Triplett, Mo.; also of citizens of Linneus, Mo., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter, and bill No. 838, to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. HEMENWAY: Petition of committee of Stonecutters' Union of Evansville, Ind., protesting against the use of convict-cut stone in the construction of public buildings—to the Committee on Public Buildings and Grounds.

By Mr. LINTON: Remonstrances and petitions of citizens of Washington, D. C., Baltimore, Md., and Newark, N. J., respecting the Marquette statue—to the Committee on the Library.

By Mr. LOUDENSLAGER: Petition of S. C. Woodhull, asking favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Epworth League, Chapter 8188, of the Trinity Methodist Episcopal Church, Merchantville, N. J., in favor of the passage of resolutions to prevent the recurrence of outrages upon the Armenians and for the protection of American missionaries in Armenia—to the Committee on Foreign Affairs.

Also, petitions indorsed by 70 members of the Presbyterian Church and 250 members of the Methodist Church of Elmer, N. J., praying for the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Liquor Dealers' Association of Bayonne, N. J., against the passage of House bill No. 6668, to raise the license fee in the District of Columbia from $400 to $800—to the Committee on the District of Columbia.

By Mr. McCALL of Tennessee: Papers to accompany House bill to remove the charge of desertion against R. A. Blount and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. McCORMICK: Petition of citizens of Southampton, N. Y., in favor of better immigration laws—to the Committee on Immigration and Naturalization.

By Mr. OTJEN: Petition of F. J. Lambeck and 14 other citizens of Milwaukee, Wis., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. POOLE (by request): Petition of citizens of Peterboro, Madison County, N. Y., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, memorial of citizens of Syracuse, N. Y., engaged in the manufacture of clothing, protesting against the passage of House bill No. 3346, introduced by Mr. SULZER—to the Committee on Manufactures.

By Mr. SOUTHWICK: Remonstrance and petition of citizens of Albany, N. Y., asking for the removal of the Marquette statue from Statuary Hall—to the Committee on the Library.

By Mr. STRODE of Nebraska: Petition of citizens of Salem, Nebr., for the passage of House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of New York: Resolutions of the New York Jewelers' Association, relative to the Torrey bankruptcy bill—to the Committee on the Judiciary.

Also, resolutions of the New York Jewelers' Association, favoring the bill which provides for the establishment of a department of commerce and manufactures, introduced in the Senate on March 9, 1896, by Senator FRYE—to the Committee on Manufactures.

Also, resolutions of Order of Knights of Labor, Local Assembly No. 1562, recommending the restriction of immigration—to the Committee on Immigration and Naturalization.

SENATE.

THURSDAY, *April 23, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. MITCHELL of Wisconsin, and by unanimous consent, the further reading was dispensed with.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the pastors of sundry Presbyterian churches of Oakland, Cal., remonstrating against the passage of the Pacific railroad funding bill; which was ordered to lie on the table.

Mr. LODGE presented a petition of the Boston and Philadelphia Steamship Company and 19 other vessel owners and transportation companies, praying for the purchase of the jetties at the mouth of the Brazos River, Texas; which was referred to the Committee on Commerce.

Mr. SHERMAN presented a petition of the Home Mission Board of the Southern Baptist Convention of Atlanta, Ga., praying that the Government of the United States use its influence with the Government of Spain to effect the release of Rev. A. J. Diaz, imprisoned in Cuba; which was referred to the Committee on Foreign Relations.

Mr. SEWELL presented the memorial of A. Turner and 67 other citizens of Newark, N. J., and the memorial of John B. Loder and 29 other citizens of Newark, N. J., remonstrating against placing the statue of Père Marquette in Statuary Hall; which were referred to the Committee on the Library.

Mr. TELLER presented a memorial of sundry citizens of Leadville, Colo., remonstrating against placing the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

He also presented a petition of Farragut Post, No. 46, Grand Army of the Republic, Department of Colorado and Wyoming, of Denver, Colo., praying for the transfer of the Fort Lyon Military Reservation to the Grand Army of the Republic of Colorado for a soldiers' home; which was referred to the Committee on Military Affairs.

He also presented a petition of the Woman's Christian Temperance Union of Colorado, praying for the appointment of an international board of arbitration between Great Britain and the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of Federal Labor Union, No. 409, American Federation of Labor, of Martins Ferry, Ohio, praying for the free and unlimited coinage of silver; which was ordered to lie on the table.

Mr. BURROWS presented the memorial of William Higgins and 41 other citizens of Michigan, and the memorial of O. A. Purchase and 40 other citizens of Michigan, remonstrating against placing the statue of Père Marquette in Statuary Hall; which were referred to the Committee on the Library.

Mr. COCKRELL presented a petition of the board of directors of the Merchants' Exchange of St. Louis, Mo., praying Congress to so amend the act known as the Harter Act, adopted in 1893, entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property," as to afford ample and proper protection to shippers of produce or merchandise from American ports against damage from negligence of shipmasters or other employees of vessels engaged in the transportation thereof; which was referred to the Committee on Commerce.

He also presented a memorial of Journeyman Stonecutters' Association of North America, Kansas City branch, remonstrating against the employment of convicts to cut stones in the penitentiaries of the country; which was referred to the Committee on Education and Labor.

Mr. PASCO presented a petition, in the form of resolutions adopted by the Home Mission Board of the Southern Baptist Convention, praying that all proper efforts be made for the relief and deliverance of Rev. A. J. Diaz, an American citizen, now under arrest in Cuba; which was referred to the Committee on Foreign Relations.

Mr. PERKINS presented a memorial of the Chamber of Commerce of San Francisco, Cal., remonstrating against the passage of House bill No. 4437, relating to the customs administration act; which was referred to the Committee on Finance.

Mr. VEST presented a petition of sundry citizens of Cooper County, Mo., praying for the enactment of legislation to reduce letter postage to 1 cent per half ounce, and also to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Free Home League, No. 3, of Grant County, Okla., praying for the passage of the so-called free-home bill; which was referred to the Committee on Public Lands.

Mr. HILL presented a petition of sundry citizens of Herkimer County, N. Y., praying for the passage of House bill No. 2626, providing for the protection of agricultural staples by an export bounty; which was referred to the Committee on Finance.

Mr. WOLCOTT presented a memorial of sundry citizens of Holyoke, Colo., remonstrating against placing the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

Mr. GORDON presented a petition of the Home Mission Board of the Southern Baptist Convention, of Atlanta, Ga., and a petition of sundry citizens of Macon, Ga., praying for the release of Rev. A. J. Diaz, now under arrest in Cuba; which were referred to the Committee on Foreign Relations.

Mr. ALLEN presented the petition of W. P. Jacks, of Grand Island, Nebr., and the petition of A. G. Diehl, of Holdrege, Nebr., praying for the passage of Senate bill No. 2741, reorganizing the railway postal service; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Aspen Consolidated Mining Company of Kansas City, Kans., remonstrating against the adoption of the second section of Senate bill No. 2739, to confirm the Aspen town site in the State of Colorado; which was referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom the subject was referred, reported a bill (S. 2928) to extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company of the District of Columbia, and for other purposes; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (H. R. 6994) relating to the sale of gas in the District of Columbia, reported it with amendments.

He also, from the same committee, to whom were referred the following bills, reported adversely thereon; and the bills were postponed indefinitely:

A bill (S. 1886) to amend the charter of the Eckington and Soldiers' Home Railway Company of the District of Columbia;

A bill (S. 1337) relating to the sale of gas in the District of Columbia; and

A bill (S. 2339) to reduce the price of gas in the District of Columbia.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the bill (S. 915) for the relief of Sarah R. Dresser, reported it without amendment, and submitted a report thereon.

Mr. PROCTOR, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 2892) to incorporate "The National Plant, Flower, and Fruit Guild," asked to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary; which was agreed to.

He also, from the Committee on the District of Columbia, to whom was referred the bill (S. 2332) to extend North Capitol street to the Soldiers Home, reported it without amendment.

Mr. VEST, from the Committee on Public Buildings and Grounds, reported an amendment providing for the erection of a post-office building at Fortress Monroe, Va., intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. CALL. I am instructed by the Select Committee on Woman Suffrage, to whom was referred the joint resolution (S. R. 106), proposing an amendment to the Constitution of the United States, introduced by me on the 23d of March, by request, to report it without recommendation, and I ask that it be placed on the Calendar. I also submit, for myself and the Senator from Mississippi [Mr. GEORGE], the report submitted by the minority of the Select Committee on Woman Suffrage by the Senator from Mississippi [Mr. GEORGE] and others in the Forty-seventh Congress, first session, June 5, 1882, expressing the views of myself and the Senator from Mississippi [Mr. GEORGE].

The VICE-PRESIDENT. The joint resolution will be placed on the Calendar.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the amendment submitted by himself on the 20th instant, providing for an appropriation to pay the amounts found due the States of Iowa, Illinois, Maine, Ohio, etc., for expenses incurred by them under the act approved July 27, 1861, intended to be proposed to the general deficiency appropriation bill, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. ALLEN, from the Committee on Indian Affairs, to whom was referred the bill (S. 2749) to establish the official survey of fractional townships 31 and 32 north, of ranges 6, 7, and 8 west of the sixth principal meridian, in the State of Nebraska, north and west of the Niobrara River, and quieting the title to settlers thereon, and for other purposes, reported it without amendment.

Mr. WARREN, from the Committee on Claims, to whom was referred the amendment submitted by Mr. HOAR on the 22d instant, intended to be proposed to the sundry civil appropriation bill, the amendment appropriating $1,021,865.20 for the payment of claims adjudicated by the Court of Claims under the French spoliation act of January 20, 1885, reported it with amendments, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

PARTY WALLS IN THE DISTRICT OF COLUMBIA.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia, to whom the subject was referred, to report a bill and to ask for its immediate consideration. It will take but a moment.

The bill (S. 2927) in regard to party walls in the District of Columbia was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the terms, conditions, and regulations in regard to party walls in the city of Washington, in the District of Columbia, established by President George Washington October 17, 1791, be, and the same are hereby, extended to the entire District of Columbia, to have therein the same force and effect in all respects as in the city of Washington aforesaid.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SHERMAN. Will the Senator state the object of the bill?

Mr. McMILLAN. It is simply to extend the law in regard to party walls beyond the boundary line of the city.

Mr. SHERMAN. That is where persons build on the same line?

Mr. McMILLAN. Yes, sir.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. ATKINS.

Mr. MITCHELL of Wisconsin. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 296) for the relief of William H. Atkins, formerly commissary sergeant, United States Army, to report it favorably without amendment. The beneficiary is a poor, deserving soldier, who is denied money which clearly belongs to him. There is an element of urgency in the matter, and I ask that the bill be considered at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay William H. Atkins, of St. Augustine, Fla., $145, the amount due him for travel pay and allowances from the place of his discharge to the place of his enlistment, as an honorably discharged soldier from the United States Army, under section 1290, Revised Statutes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAN S. PLACE.

Mr. WALTHALL. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 951) to amend the military record of Dan S. Place, first lieutenant, Eighteenth Indiana Volunteers, to report it without amendment.

Mr. PASCO. This is a very meritorious bill, and it will take but a few moments. I ask that it be now considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the military record of Dan S. Place so as to show him honorably discharged from the service as first lieutenant, Eighteenth Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS W. SEELEY.

Mr. DAVIS. I ask unanimous consent to call up the bill (S. 1287) to place Francis W. Seeley on the retired list of the Army. It is a very short bill, and will give rise to no debate.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Francis W. Seeley, late a captain in the Fourth Regiment United States Artillery, a captain of artillery in the Army, and to place him on the retired list thereof with that rank and pay, the retired list being thereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That from and after his appointment under the provisions of this act no pension shall be paid to the said Francis W. Seeley.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE AT BOONVILLE.

Mr. VEST. I am directed by the Committee on Commerce, to whom was referred the bill (S. 2843) to authorize the construction of a bridge across the Missouri River at or near the city of Boonville, Mo., to report it favorably, with amendments. I will ask for its present consideration. It is necessary that the bill should be passed upon now.

Mr. PETTIGREW. I should like to ask if we have completed the order of morning business.

The VICE-PRESIDENT. The morning business has not been completed. The Senator from Missouri asks unanimous consent for the present consideration of the bill reported by him from the Committee on Commerce. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment of the committee was, in section 2, line 17, after the word "bridge," to insert "and accessory works"; and in line 20, after the word "soundings," to insert "and direction of currents at medium high water"; so as to read:

The said parties shall submit to the Secretary of War, for his examination and approval, a design of and drawings for said bridge and accessory works, and a map of the proposed location, giving for the space of 1 mile above and 1 mile below such proposed location the topography of the banks of the river, with shore lines and soundings, and direction of currents at medium high water, and such other information as may be required for a full understanding of the subject.

The amendment was agreed to.

The next amendment was, to strike out section 9, in the following words:

SEC. 9. That the right to alter, amend, or repeal this act by Congress at any time is hereby expressly reserved.

Mr. VEST. That clause is in section 7, and this is a repetition.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. COCKRELL introduced a bill (S. 2929) granting a pension to Charles F. Berger; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 2930) restoring the pension of Theron Johnson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 2931) granting an increase of pension to Silas M. Stevens; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER (for Mr. MCMILLAN) introduced a bill (S. 2932) relating to the probate of wills in the District of Columbia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. PASCO introduced a bill (S. 2933) to provide for connecting the survey stations of the United States Coast and Geodetic Survey, the United States Lake Survey, and the United States Geological Survey with the corners of the public-land surveys; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BLACKBURN introduced a bill (S. 2934) granting an increase of pension to Mrs. Lilly Middleton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 2935) for the relief of Col. G. H. Mendell, Corps of Engineers, United States Army, retired; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HILL introduced a bill (S. 2936) to authorize the construction of a bridge across the Niagara River, in the town of Lewiston, in the county of Niagara, State of New York; which was read twice by its title, and referred to the Committee on Commerce.

Mr. WOLCOTT introduced a bill (S. 2937) granting an increase of pension to Orlando J. Hopkins; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BAKER introduced a bill (S. 2938) granting an increase of pension to Anna B. S. Phillips, widow of Col. William A. Phillips, late colonel of Third Regiment Indian Home Guards; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HANSBROUGH introduced a bill (S. 2939) to amend "An act providing for the public printing and binding, and the distribution of public documents"; which was read twice by its title, and referred to the Committee on Printing.

Mr. BURROWS introduced a joint resolution (S. R. 137) granting a life-saving medal to Henry Adsit Woodruff, of New York City, N. Y.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. PETTIGREW. I ask unanimous consent that the Senate proceed to the consideration of the Indian appropriation bill.

Mr. SEWELL and Mr. WILSON addressed the Chair.

The VICE-PRESIDENT. The Senator from New Jersey.

Mr. SEWELL. I ask the Senator from South Dakota to allow me to call up a bill of public interest. It will take but a moment.

Mr. PETTIGREW. I should like to get up the Indian appropriation bill first.

The VICE-PRESIDENT. The morning business is not yet concluded.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PERKINS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. STEWART submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. GEAR (by request) submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. GRAY submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the naval appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

He also submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Finance, and ordered to be printed.

RETURN OF PAPERS TO THE SECRETARY OF STATE.

On motion of Mr. LODGE, it was

Ordered, That the Secretary of the Senate be directed to return to the Secretary of State the papers contained in the memorandum transmitted to the Senate by the President of the United States with his message of March 21, 1854, the return of which papers is requested by the Secretary of State in a letter dated April 3, 1896.

SARAH A. BOYD.

Mr. GALLINGER submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Committee on Enrolled Bills of the two Houses be authorized to correct the enrolled bill of the Senate (S. 2557) granting a pension to Sarah A. Boyd, by striking out the word "captain," in line 5 of said enrolled bill, and inserting "first lieutenant."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 1835) to execute the findings of the Court of Claims in the matter of the claim of John J. Shipman against the United States.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4557) authorizing and directing the Secretary of the Navy to donate 2 pieces of condemned cannon and 4 pyramids of cannon balls to the St. Boniface Union Soldiers' Monument and Memorial Association of Chicago, Ill.;

A bill (H. R. 6666) granting to Major C. A. Angel Post, No. 20, Grand Army of the Republic, of Lambertville, N. J., 4 condemned cannon and 20 cannon balls;

A bill (H. R. 7905) to establish and provide for the government of Greer County, Okla., and for other purposes; and

A bill (H. R. 7945) to provide for the entry of lands in Greer County, Okla., to give preference rights to settlers, and for other purposes.

ORDER OF BUSINESS.

Mr. PETTIGREW. I renew my motion to take up the Indian appropriation bill.

Mr. CALL. I make no objection to the motion of the Senator from South Dakota, but I ask leave, after that is done, if the Senator from South Dakota will agree to it, and there be no debate upon it, to have the Senate consider joint resolution No. 119, introduced by me some time since, requesting the President of the United States to send a portion of the American Navy to Cuba for the protection of American citizens.

The VICE-PRESIDENT. The Chair will state to the Senator from South Dakota that his motion can not be entertained until the morning business is transacted. Then the Chair will entertain the motion.

Mr. CALL. I ask unanimous consent that the joint resolution introduced by me, which is now lying on the table, requesting the President of the United States to send a portion of the American fleet to the Island of Cuba for the protection of American citizens, may be taken up and considered by the Senate at this time.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Florida?

Mr. PLATT. It is very difficult to understand what is going on.

The VICE-PRESIDENT. The Chair requests Senators to refrain from audible conversation.

Mr. PLATT. To what measure does the Senator from Florida refer?

Mr. CALL. I introduced a joint resolution some time since, which lies upon the table, requesting the President of the United States to send the fleet of the United States, or so much thereof as may be necessary, to the Island of Cuba for the protection of the lives and property of American citizens in that island. I will state to the Senator that I understand there is an urgent necessity——

Mr. PLATT. The joint resolution is lying upon the table?

Mr. CALL. It is lying upon the table awaiting action.

Mr. PLATT. Does it require unanimous consent to call it up?

The VICE-PRESIDENT. The Chair so understands. The Chair has submitted the request of the Senator from Florida to the Senate. Is there objection?

Mr. PLATT. I wish the Senator from Florida would not press the request this morning. The Indian appropriation bill has been before the Senate now for many days. The Senator from Kansas [Mr. PEFFER] has a matter in charge in which he is extremely interested and deems of great importance, and he very kindly and I think properly agreed to refrain from pressing it until the Indian appropriation bill is disposed of. If the joint resolution is taken up it will lead to discussion and consume the morning hour. I wish the Senator would withhold any request to consider it this morning or until the Indian appropriation bill has been disposed of. I do not want to interpose a formal objection, but I shall have to do it if he insists upon it this morning.

Mr. CALL. Very well; I will withdraw the request.

The VICE-PRESIDENT. The request is withdrawn. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The SECRETARY. A resolution, by Mr. WARREN, directing the Secretary of the Interior to rescind his order to the Commissioner of the General Land Office suspending work upon the Union Pacific Railroad land list now on file, embracing lands along the main line in western Nebraska.

Mr. WARREN. In the interest of economy of time, as I think it will take less time, I ask that the resolution may lie over another day, without losing its place.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. SEWELL. I desire the consent of the Senator from South Dakota to call up House bill 3719. It will take but a few moments.

Mr. PETTIGREW. I ask unanimous consent to proceed with the Indian appropriation bill. The Chair said he would recognize me to move to proceed to its consideration.

The VICE-PRESIDENT. The Chair stated to the Senator that the motion could not then be entertained, not his request for unanimous consent. The Chair submits to the Senate the request of the Senator from South Dakota for the present consideration of the Indian appropriation bill. Is there objection? The Chair hears none, and lays the bill before the Senate.

The SECRETARY. A bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

Mr. SEWELL. Now, I trust the Senator from South Dakota will allow me to call up House bill 3719.

Mr. PETTIGREW. I hope the Senator from New Jersey will not press that matter. There are a great many other bills in the same situation. I think we can dispose of the Indian appropriation bill, so that we can go on with the Calendar, this afternoon if other bills are not now urged. There are several Senators who have made the same request, and I know we shall spend the day with those bills if we undertake to go into it. I very much hope the Senator will not insist upon it.

Mr. SEWELL. I represent in this matter the Committee on Military Affairs with instructions to press this case. It will take but a few moments. We have probably, with the exception of the Committee on Pensions, the largest number of bills in charge of any committee of this body; and unless its members occasionally press bills we shall not get anything through at all. I ask the Senator to give way.

Mr. PETTIGREW. With the understanding that it will lead to no debate and that the consideration of no other bill shall be consented to, I will yield.

Mr. WILSON. I rose at the same time with the Senator from New Jersey. If the rule is to be departed from, I shall certainly ask to be accorded the same privilege.

The VICE-PRESIDENT. The Chair intends to recognize the Senator from Washington at the proper time. The Chair was first addressed by the Senator from New Jersey [Mr. SEWELL]. The Chair understands that the Senator from South Dakota has yielded to the Senator from New Jersey. Is that correct?

Mr. PETTIGREW. With the understanding that this will be the only matter interposed. I shall not yield again.

Mr. WILSON. The Senator will proceed more rapidly with his appropriation bill, I think, if he accommodates us in the passage of small bills that will not lead to any debate.

The VICE-PRESIDENT. The Senator from New Jersey asks unanimous consent for the present consideration of a bill which will be read for information.

The Secretary read the bill (H. R. 3719) to provide for appointment by brevet of active or retired officers of the United States Army.

The VICE-PRESIDENT. The bill was reported from the Committee on Military Affairs with an amendment, which will be stated.

The SECRETARY. In line 5 strike out the word "shall" and insert the words "may at the discretion of the President."

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. PETTIGREW. I should like to know if the bill increases the compensation of these officers.

Mr. SEWELL. It does not increase any pay one dollar.

Mr. HILL. I do not wish to interfere especially with the passage of the bill, for I know nothing about its merits. It has been suggested to me that the Senator from Nebraska [Mr. ALLEN] desires to offer an amendment to the bill and probably to be heard upon it. I suggest whether it might not be delayed until he comes in. He will be here very shortly. I merely suggest the matter.

Mr. SEWELL. I will say to the Senator from New York that the proposed amendment of the Senator from Nebraska is ridiculous in its character. He proposes that the President shall be authorized to brevet all privates and noncommissioned officers in the Army under the rank of colonel. That is about what his amendment amounts to. I do not think it ought to receive any consideration in this body. The bill only applies, I think, to about 68 officers of the Regular Army. It absolutely leaves it to the discretion of the President after the passage of the bill whether he will give the brevets or not.

Mr. HILL. I will inform the Senator from New Jersey that I do not regard myself as committed to any amendment that the Senator from Nebraska may offer to the bill, especially in the line indicated. I merely suggested as a matter of courtesy, as he desires to offer an amendment to the bill, whether it would be exactly the right thing to take up the bill in the morning hour in his absence and pass it. Having made that suggestion, I will interpose nothing further.

Mr. SEWELL. I think the statement I made in relation to it ought to be sufficient to cover that objection.

Mr. KYLE. I think the bill had better go over until the Senator from Nebraska returns. Therefore I object.

The VICE-PRESIDENT. Objection is interposed to the present consideration of the bill.

Mr. SEWELL. I move that the Senate proceed to the consideration of the bill, notwithstanding the objection.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from New Jersey, to proceed to the consideration of the bill.

Mr. PETTIGREW. The Indian appropriation bill is before the Senate. With the understanding that this bill would not lead to discussion, I yielded the floor to allow it to be called up, but it clearly appears that it will lead to discussion and take up the time of the Senate. Therefore to press it seems to me to be a violation of the understanding. Certainly it was not to be crowded in the face of an objection. I very much hope the Senate will do nothing of the sort.

Mr. SEWELL. I do not think it will lead to any discussion. It may lead to a vote upon taking it up. I think the time of the Committee on Military Affairs is worth something, and that we ought to receive consideration. I think our bills ought to be taken up.

Mr. PEFFER. Let us have a yea-and-nay vote, Mr. President.

The VICE-PRESIDENT. The Chair submits to the Senate the motion of the Senator from New Jersey, to proceed to the consideration of the bill.

Mr. PEFFER. On that I ask for the yeas and nays.

Mr. SEWELL. Rather than delay the time of the Senate, I will withdraw the motion.

The VICE-PRESIDENT. The motion is withdrawn.

Mr. CALL. I desire to give notice that at the first opportunity to-morrow morning, or on Monday, if there shall be no session to-morrow, I shall ask the Senate to proceed to the consideration of

the consideration of the Indian appropriation bill.

tain the motion.

Mr. WILSON. I rose at the same time with the Senator from

morrow, I shall ask the Senate to proceed to the consideration of

Senate joint resolution 119, providing for sending ships of war of the United States to the Island of Cuba.

Mr. CHANDLER. Allow me to ask whether the Senator from Florida gave notice that he would ask the Senate to take up the joint resolution after the appropriation bill is finished, or to-morrow?

Mr. CALL. Whenever the opportunity shall occur. I do not desire to interfere with the Senator from South Dakota in the passage of the appropriation bill.

Mr. CHANDLER. Then I understand the Senator will defer his effort until the Indian appropriation bill is disposed of?

Mr. CALL. I will do so.

Mr. PEFFER. Was the request made by the Senator from Florida a request for any particular order?

The VICE-PRESIDENT. It was not.

Mr. PEFFER. It was simply a notice?

The VICE-PRESIDENT. He simply gave a notice. The Chair now recognizes the Senator from Washington [Mr. WILSON].

Mr. WILSON. I desire unanimous consent to call up a bill which will require no time.

Mr. PETTIGREW. I shall be obliged to object to the consideration of any further bill.

The VICE-PRESIDENT. Objection is interposed.

Mr. WILSON. Knowing the temper the Senator from South Dakota is now in, I did not intend to renew my request.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. 4557) authorizing and directing the Secretary of the Navy to donate 2 pieces of condemned cannon and 4 pyramids of cannon balls to the St. Boniface Union Soldiers' Monument and Memorial Association of Chicago, Ill.; and

A bill (H. R. 6666) granting to Major C. A. Angel Post, No. 20, Grand Army of the Republic, of Lambertville, N. J., 4 condemned cannon and 20 cannon balls.

The bill (H. R. 7905) to establish and provide for the government of Greer County, Okla., and for other purposes, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 7945) to provide for the entry of lands in Greer County, Okla., to give preference rights to settlers, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

Mr. PETTIGREW. I should like to have the pending amendment read.

The VICE-PRESIDENT. The pending question is on the amendment of the Senator from Connecticut [Mr. PLATT], which will be again read.

The SECRETARY. On page 69, at the end of line 8, it is proposed to insert:

For salaries and expenses of the commissioners appointed under acts of Congress approved March 3, 1893, and March 2, 1895, to negotiate with the Five Civilized Tribes in the Indian Territory, the sum of $50,000, to be immediately available; and said Commissioners, in addition to the authority already conferred upon them by law, are authorized and directed to proceed at once to hear and determine all questions of citizenship in the several tribes or nations in said Indian Territory, namely: The Cherokee, Muscogee or Creek, Choctaw, Chickasaw, and Seminole tribes or nations, and to make for each a full and complete roll of all persons entitled to the rights of citizenship therein; and in the performance of such duties said Commissioners, and each of them, shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, to send for persons and papers, and to punish any disobedience of their orders and process as for contempt. They shall at all times have access to all rolls of citizens, records, and documents belonging to any of said nations or any of their officers, or in any of the Departments of the United States which they may deem necessary for the prosecution of said work, and may make copies thereof. In determining all said questions of citizenship said Commissioners are authorized to consider all the acts of the national councils of said several nations, and the acts and decisions of persons claiming to act by authority thereof, and any decisions made or papers issued by such persons in any case before them, and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong. In making up such citizenship rolls said Commissioners shall accept as citizens all persons now on rolls recognized by said several nations with reference to whose citizenship no controversy has been instituted. The decisions of said Commissioners in all such cases shall be final, and the rolls so prepared by them shall be thereafter held and considered to be the true and correct rolls of persons entitled to the rights of citizens in said several nations. Such rolls shall be made in duplicate, attested by the Commissioners, one to be deposited with the secretary of the nation to which it relates and the other with the Secretary of the Interior. The said Commissioners shall also make a full and complete roll of all those persons residing in the Choctaw and Chickasaw nations and designated in Article III of the treaty of April 28, 1866 (14 Statutes, page 769), with said nations as "persons of African descent resident in said nations at the date of the treaty of Fort Smith, and their descendants, heretofore held in slavery among said Indians," who shall not be found by said Commissioners entitled to be enrolled as citizens of said nations; and the said Commissioners shall forward said roll as early as practicable to the Secretary of the Interior, with their report thereon, showing whether the stipulations prescribed in said treaty of April 28, 1866, for the benefit of said persons have been fulfilled, with their recommendation for such action by Congress as in their judgment is required, said report to be laid before the Congress by the Secretary of the Interior with his recommendations thereon.

When the rolls of citizens of any one of said nations or tribes are fully completed and deposited as aforesaid, the President of the United States shall, at his discretion, order said commissioners to proceed to allot the occupancy of all the lands of said nation susceptible of allotment among the citizens thereof as shown by said roll and to persons of African descent aforesaid who may be entitled, giving to each, so far as may be, his just and equitable share considering the nature and fertility of the soil, location, and value of same, and providing, when practicable, that where lands are now occupied by citizens in excess of their fair share such allotments shall be from lands thus occupied, and where lands are now occupied by citizens amounting to less than their fair share such allotments shall, if desired by the occupants, include the lands so occupied. When such allotment has been by them completed, said commissioners shall make full report thereof to the Secretary of the Interior for his approval; said commissioners shall in said report also describe the lands or other property found incapable of division, giving reasons why the same can not be divided. All reports made by the commissioners shall be submitted by the Secretary of the Interior to Congress. Said commissioners may employ such assistants as they find necessary in the performance of their duties, to be so certified by them and approved by the Secretary of the Interior, who may fix their compensation, and at his discretion may commute the subsistence of said commissioners and assistants to a certain per diem amount. All per capita payments hereafter made to the citizens of any of said nations shall be paid directly to each individual citizen by an officer of the United States, who shall be required to give sufficient bond for the faithful performance of such duty and to render strict account for such for disbursements, and he shall be paid by the United States for such service.

The VICE-PRESIDENT. The Senator from Mississippi [Mr. WALTHALL] makes the point of order against the proposed amendment which has been discussed. The Chair will hear any further argument if Senators desire to address the Chair on the question.

Mr. GEORGE. Mr. President, at some stage of the proceedings I desire to submit a few remarks on the point of order.

The interest I feel in a portion of the Indians who are affected by the amendment, the Choctaws and the Chickasaws, who were once the owners of nearly all of the soil of the State in which I live, and the fact that the point of order was made upon full consultation and deliberation between my colleague and myself induce me to submit some remarks in support of the point of order, although I believe that the side upon which I shall submit those remarks has been so fully presented to the Chair that very little if any further argument is needed.

However, there are one or two points which need some elaboration, so that the Chair may fully understand the magnitude of the question involved in the amendment. Really, sir, except for a disposition which has heretofore been manifested in the Senate to disregard the rule of the Senate upon the subject of placing general legislation on appropriation bills, I should feel that any argument at all would be unnecessary.

This is an amendment of very sweeping and very broad provisions. It undertakes in the first place—and I desire to call your attention, Mr. President, especially to this—to convert the commission, whose sole powers up to this time are powers of negotiation with Indian tribes, into a tribunal—I hardly know whether I ought to call it judicial or not, but into a tribunal which has very large powers of adjudicating upon the property and the rights of citizens of the Indian tribes. The Senator from Connecticut [Mr. PLATT], who opened the discussion in favor of the amendment, seemed to think that Congress having once provided a commission to do certain specific work and having created it upon an appropriation bill, therefore it might enlarge the powers of the commission to any extent. He made the very ingenious yet fallacious argument that this is no more than an appropriation of a certain sum of money for salaries, and then a direction as to how the money shall be expended. In that he is mistaken. There is no attempt and there could be no attempt in the amendment to make any disposition of so much of the money as goes to the salaries of the commissioners further than to pay it into the hands of the commissioners. After the payment has been made the money becomes the absolute property of the commissioners, not subject to any provision of law which Congress might enact upon the subject.

The provision, under color of an appropriation to pay the expenses of the commission, converts the commission into something else. It has been stated to the Chair that the commission originally had no powers, except powers of negotiation, to treat with the Indian tribes. That was purely an executive duty. As has been pointed out by Senators who have discussed this point on my side, very large powers of a very different character are attempted to be conferred on the same commission by the amendment; and I wish the Chair to understand that when those commissioners were appointed and confirmed by the Senate, as the law required that they should be confirmed, they had a specific duty and no more, the duty of negotiation.

Upon that is attempted to be ingrafted by the amendment power "to make for each a full and complete roll of all persons entitled to the rights of citizenship therein, and in the performance of such duties said commissioners, and each of them, shall have power and authority to administer oaths." That is a quasi judicial power,

though it frequently is given to persons who have not judicial powers. They are to have power to issue processes. I believe that is exclusively a judicial power. I am unacquainted with any provision by which a tribunal has the power to issue processes except the tribunal be a judicial tribunal. They have power to compel the attendance of witnesses. That is a judicial power. The compulsory attendance of witnesses of course means this, and nothing but this—the imposition of a pecuniary penalty and the collection of it in case of failure to attend. Let us see what it means to collect a fine. The tribunal first adjudges the crime, adjudges the default of the party, adjudges the amount that ought to be imposed on him as a penalty, and then it has the power to enforce its judgment, which can only be done in one of two ways, either by confining in jail the witness or the party who refuses to attend on process until he pays the fine or entering a judgment against him and issuing an execution to be levied on his lands and tenements.

So right here in the beginning we have the most important judicial power. The commissioners are to have power to send for persons and papers. I do not know exactly what that means, unless it means, so far as a person is concerned, to issue a process by which a person who is unwilling to come is brought before the tribunal. So far as papers are concerned, I do not know what it means, except to summon the party in whose possession the papers may be, and compel him to bring them before the commission. That is a very high judicial power. The commissioners are to have power to punish any disobedience of their orders and processes as for contempt, which of course is of the highest nature of judicial power. I will venture to say that in Anglo-Saxon institutions no tribunal ever had, or now has, the power to imprison a man for contempt for disobedience of its orders unless that tribunal is a court. It is a judicial power.

There is some trouble about the amendment which the framer of the amendment did not probably look into. All officers of the United States, and these are officers, are required to be appointed by the President by and with the advice and consent of the Senate, unless he is allowed by law to appoint them on his own responsibility. These were appointed by and with the advice and consent of the Senate. Here arises a very serious question to which I wish to call the attention of the Senator from Connecticut, as well as the attention of the Chair. Can Congress, after having created a commission of purely executive character, with limited powers of negotiation only, by subsequent act impose upon it judicial duties, independent now of the question of the power of Congress to create a commission with judicial powers in the Indian Territory? I leave that out of the question. I admit, for the sake of argument, that it can do that; but when a law has been passed creating certain officers, giving them certain powers which are exclusively of an executive character, can Congress, after that, confer upon those individuals who have been thus appointed under the law the extraordinary powers of a judicial nature which are named in the amendment?

I am not going to express my opinion as to whether Congress can do so or not, for this reason: The example has been set to me by the Senators who have argued on my side of the question not to argue the merits of the amendment, but simply to show what serious questions arise out of the attempted legislation, and how much those questions deserve the serious consideration of the Senate and its committees on regular bills. I have, however, without expressing it, a very decided opinion upon the subject, but I shall not express it. But I will read to the Senate and to the Chair what the Supreme Court of the United States has said upon a similar question. The Supreme Court of the United States may be wrong or it may be right. I will not say anything about that. I hold in my hand the thirteenth volume of Howard's Reports, and I propose to read a sentence or two from a very learned opinion contained in that volume, delivered with the full consent of all the other justices of the court by Chief Justice Taney. To show how nearly the question involved in that case approaches the question involved in this, I will make a short statement.

In our treaty with Spain of 1819, by which we acquired Florida, there was provision made for a settlement, adjustment, and payment by the United States of certain claims of Spanish citizens against the Government. Congress passed a law on the subject. In fact, it passed two or three acts on the subject. Finally, however, though—and this is the point to which I wish to call the attention of the Senator from Connecticut as well as the attention of the Chair—it passed a law by which the judge of the district court for the district of Florida was made the agent or commissioner to adjudge and settle the claims. The judge did, in the case of Ferreira, adjudge the claim. He adjudged a certain amount to be due to Ferreira. The district attorney of the United States was not satisfied with the adjudication of the judge, and he appealed to the Supreme Court of the United States. There these questions arose: If the judge in deciding upon the claim of Ferreira acted as judge of the district court in his judicial capacity, and if the award which he made was a judgment of the court, then the appeal would lie; if, however, he was a mere commissioner designated by the name of district judge of the district of Florida for the purpose of adjusting the claim, with no judicial power, then there was no appeal to the Supreme Court of the United States. The court said:

It is too evident for argument on the subject, that such a tribunal—

That is, the one by which the judge acted—

is not a judicial one, and that the act of Congress did not intend to make it one. The authority conferred on the respective judges was nothing more than that of a commissioner to adjust certain claims against the United States; and the office of judges and their respective jurisdictions are referred to in the law merely as a designation of the persons to whom the authority is confided and the territorial limits to which it extends.

There they decided that the judge was not a judge in the act which he performed, but was a mere commissioner.

Here is what the court says, which will be found to be very pertinent to this case:

A question might arise whether commissioners appointed to adjust these claims are not officers of the United States within the meaning of the Constitution. The duties to be performed are entirely alien to the legitimate functions of a judge or court of justice and have no analogy to the general or special powers ordinarily and legally conferred on judges or courts to secure the due administration of the laws. And if they are to be regarded as officers, holding offices under the Government, the power of appointment is in the President, by and with the advice and consent of the Senate, and Congress could not by law designate the persons to fill these offices.

The district judge had been appointed judge by the President by and with the advice and consent of the Senate. That was settled. But when it is attempted by an act of Congress, although approved by the President, as acts are usually, to make out of the judge a commissioner with entirely distinct powers from those of judge, the courts say that the question arises whether Congress can appoint a commissioner who ought to be appointed by the President of the United States. So now I ask whether these commissioners, appointed by the President, confirmed by the Senate, with the single power of negotiation—it raises a very serious question—can be converted into a judicial tribunal by a mere act of Congress? You will read, Mr. President, and consider the decision to which I have called the attention of the Senate and of the Chair, and find at least that it is a very serious question, and that is all I am going to say. I have a very positive, clear, decided opinion as to whether Congress can do that or not, but that is not the point here. The question is whether upon an amendment to an appropriation bill we can make such a provision, general legislation, which raises these important and serious questions.

Another very serious question arises, and it is one to which I wish to call the attention of the Chair. Here is a provision to allot the lands of each of those tribes among the citizens of the tribes. There may be several views taken of the ownership of that land. If the land belongs to the tribe as a nation, and as the lands of the United States belong to the United States as a nation, then no individual, no citizen, has any interest in any part of it. Every man who enters upon the land, every Indian who enters upon the land, would be just like a citizen of the United States entering upon the public land of the United States, a trespasser. If he cuts down a tree he would be liable to indictment and fine.

In that view, Mr. President, you will see what a remarkable, what an extraordinary, change it makes in the general law of this country. The amendment undertakes to divide out among the citizens of the country lands which belong to the nation as a nation. If we are to regard, which I think probably is the correct way to view it, that the title to the land is in the nation, but for the use of the people in common, and that they are tenants in common thereunder, or rather joint tenants (because their title originates by one act and at the same time, and there is survivorship and all that sort of thing; but whether they be joint tenants or tenants in common makes no difference), then each citizen of the nation would have an undivided interest in every parcel of land in the nation. It would be a property interest, subject to division at the proper time and by the proper processes.

Admit that to be the case, which I think probably it is. Then you come here with a judicial tribunal and propose to divide the property rights of the citizens of the nation into several allotments, to destroy the right of each citizen in the common property and give him a sole and separate right in a particular piece of property which may be allotted to him. I say that can not be done, or rather it could not be done—no, I do not like to express myself so clearly, because I am not discussing the merits of this question. But would it not be a little singular, would it not raise a very serious question, if a law were allowed to pass authorizing a judicial tribunal to allot lands held in joint tenancy or tenancy in common among the coparceners or tenants in common or joint tenants without giving notice to any single individual?

Take that out and then let us see. You divest by the judgment of the court—do not forget that—each Indian of his joint right to every parcel of the land and confine him to a certain allotment. Can you do that in any court in the world without giving the party notice, summoning him before the court, that he may object to the allotment? He has a right to say when he comes before the court, "My allotment has not been fair."

Very serious questions are submitted to the commission. They are not to divide the land per capita, to each a certain number of acres. They are to adjudge the value of each piece, so as to give as nearly as may be to each Indian the same value. Can you conclude—this is one of the questions, and one of the most serious questions—the right of any Indian in the joint property by setting off to him a part of that property without giving to him an opportunity of contesting the question whether the division be fair? That is one of the questions, and I should like to hear the Senator from Connecticut upon it. I have very decided opinions about it, but I am not going to express them for the reason that I do not intend to discuss the merits of the amendment. I am going to show what the troubles are; I am going to show what a large job we have taken upon our hands when we undertake to ingraft upon an appropriation bill this very remarkable and important legislation.

It was said that this is all technical; that it does not amount to anything. The commission make allotments to this Indian, to that Indian, and to all Indians, and yet they are not bound by it until Congress approves it. I should like to know where there is authority for the Congress of the United States, without notice to anybody, to perform the judicial act of rendering a judgment in case of partition of property held in common or in joint tenancy or as coparceners. That is one thing we can not do. Where we have jurisdiction we may authorize a proper tribunal to act, but we can not ourselves make partition.

Mr. PLATT. Will the Senator from Mississippi permit me?

Mr. GEORGE. I shall be very glad to be corrected if I am wrong about anything.

Mr. PLATT. My view of land title in the Indian Territory is that the several tribes took the land under treaties and under deeds as trustee for the equal benefit of all the members of the tribes. That language is used in certain treaties.

Mr. GEORGE. Very well. I do not know anything about that.

Mr. PLATT. They were then bound to execute the trust fairly and equally, so as to give each citizen an equal benefit from all the lands.

Mr. GEORGE. I agree to that.

Mr. PLATT. Those who desire this legislation hold that they have utterly failed to execute the trust, and that therefore it becomes the duty of the United States to step in and to execute the trust; and it is in furtherance of the duty and the purpose of the United States to execute the trust which those nations or tribes have utterly neglected and refused to execute that this legislation is proposed.

Mr. GEORGE. Mr. President, I do not know that I differ with the statement the Senator from Connecticut has made. I do not propose to discuss the merits of this question, but I am very glad he made the statement, because it does help the Chair to understand, and also the Senate to understand, if it pays any attention to this discussion, that this is general legislation of the utmost importance. What is it according to the statement of the Senator from Connecticut? It is no more than a provision ingrafted on an appropriation bill for the purpose of compelling a trustee to execute a trust, or, which is probably the better phrase, adjudging that he has failed to execute his trust and to make other provisions for the execution of that trust. I suppose that would be the better statement.

Mr. President, that is the great question; that is the question which the Senator from Connecticut says is involved in this amendment. How general; how important! First, we are to adjudge a breach of trust on the part of the trustee. Who does that? The Senate? The Congress? That is a judicial power. Have we a right under the Constitution of the United States to exercise a judicial power? I am not going to say we have not, for that would be discussing the merits of this controversy; but I will say that if you pass this bill into a law you will find lawyers, and plenty of them, too, who will insist before the courts of this country, and with great plausibility, that we have no such power.

What is the next thing we do on the statement made by the Senator from Connecticut? We not only adjudge under this amendment that this trustee has been a faithless trustee, that he has not discharged his trust by giving to each one of these Indians a right to which he was entitled, but we go on and invest this tribunal, which we have created here, with the power to do that thing. Is not that general legislation? How much more general could you make it? You can not get around it upon the idea that you are merely conferring additional powers upon a tribunal already established. The book which I read from in the hearing of the Senate will give you information upon that. I should like to show how that is. Take the Sergeant-at-Arms of the Senate, for instance, an officer of the United States, elected in pursuance of the Constitution of the United States. Can we make an appropriation to pay his salary, and then in the same bill go on to provide that he shall hold court in the Indian Territory, or in the District of Columbia, or anywhere else? Most certainly not. There would be some trouble about it. I hesitate to say we could not do it, because I do not want to discuss the merits of this matter, but it would raise a very serious question, and I should think my friend from Connecticut himself would think that it was rather a serious question, if he did not say at once we could not do it.

Here is another question. This proposition is as full of serious trouble from beginning to end as it has lines in it. We have not only made out of a commission to negotiate a court with power to adjudicate upon titles, to divide property, to adjudicate upon who are citizens of a certain country—not only that, but the power to summon witnesses and to punish them—but we go on further and do this: We actually in this amendment undertake—I suppose it is special—to lay down the rules of evidence by which the tribunal is to be governed. Let us see what the amendment says on that subject:

> In determining all said questions of citizenship said commissioners are authorized to consider all the acts of the national councils—

That is evidence—

> of said several nations, and the acts and decisions of persons claiming to act by authority thereof, and any decisions made or papers issued by such persons in any case before them, and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong.

Going into the general question of evidence. That is pretty general legislation, pretty important legislation. Ex parte affidavits are made by this amendment competent evidence to be used against the Indians, and the Indian has no right to appear before the tribunal and cross-question any witness that may be summoned. There is no provision here that he may have a witness summoned in his behalf or have a lawyer there.

Mr. President, it seems to me that these are rather important constitutional questions to be decided in an amendment to an appropriation bill. If I were not discussing the point of order to the Chair and not under the limitations upon which I put myself not to discuss the merits of the case I should be very apt to say that the first principle of law that we learn is that you can not decide a man's right unless he is present or has an opportunity to be present—has had notice. You can not decide upon people's rights and take away their property from them without giving them either actual or constructive notice; but what good will notice do them unless you give them the opportunity of appearing before the tribunal and placing their rights before it? All these are very important questions, and yet all of them are summarily disposed of by this amendment.

I believe I have only one other thought which I wish to bring before the Chair. The case has really been so fully discussed by Senators who have sustained the point of order that but very little is left for anyone to say. But I understood the Senator from Connecticut to say yesterday evening that Congress had a right to make this allotment, not to order it. That is another question. I am not going to dispute but that Congress may have the power to order the allotment; but that was not the question to which I understood the Senator from Connecticut to speak yesterday evening, when he said he thought that Congress had power to make it.

> All reports made by the commissioners shall be submitted by the Secretary of the Interior to Congress.

What are we to do when the report comes here? It is not stated. If the allotment has no validity for want of judicial power on the part of these commissioners to make it final, if it is still in fieri, still a matter in process of becoming final and perfect, how can the Congress make it perfect?

Recollect now, Mr. President, there is a very broad distinction between the power to order by proper judicial means the partition of property held in common or joint tenancy and the power actually to go to work and make the allotment itself. We can not escape from that upon the idea either that we have appointed machinery to make the several allotments but reserve to ourselves the power to make it final, because if we reserve to ourselves the power to make it final or to set it aside, we reserve to ourselves precisely the power of a judge who issues a writ from his court to make a partition in case of joint tenancy or tenancy in common and requires a commission to report to him, to hear evidence upon both sides upon a motion to confirm the report and decide whether that allotment or that partition has been made in accordance with the law of right and justice, and if it has been so made to affirm it, and if it has not been so made to set it aside. What is that, if that be the process to which the Senator from Connecticut alludes in saying that Congress has the power to make it, but constituting the Senate and House of Representatives in Congress assembled a judge to revise, to correct, to set aside, or to affirm these allotments or partitions which have been made in the Indian Territory?

Calling the attention of the Chair to the point simply that this commission originally and now has only the power to confer, to

treat, to get the assent of these Indians to a bargain, to make a bargain—that is their full power at present—now we take them in that shape, and under cover, as the Senator from Connecticut argued, of making an appropriation to these commissioners for their salaries for one year or more, we do away with the powers of negotiation. That is not only, as the Senator supposed, an enlargement of the powers of this commission, but an annulment of every power which they had up to this time, and conferring on them the extraordinary powers to which I have called the attention of the Chair. I should like to hear now by what process of reasoning that is to be justified under an appropriation bill.

In calling the Chair's attention to the other extraordinary provisions, which others on this side have called to the attention of the Chair, I think I have said enough, and I shall not proceed any further with the argument.

Mr. VEST. Mr. President, it always interests me to listen to any discussion in this august assembly upon a point of order. However interest may flag upon international subjects and great constitutional issues, a point of order is a call to battle and arouses all the analytical inquiry, the rhetorical elegance, and historical research of this body.

It is equally interesting, not to say amusing, to recur to the precedents which the Senate has established upon points of order, and upon none so particularly as upon the one now under consideration—that of general legislation. During my twenty years' service, or nearly that, in this body I think I have heard, within proper limitations, 500 definitions of general legislation, and I have never known but one that has been crystallized by the practice of the body, and that is, the Senate always finds what it does not want to do to be general legislation, and vice versa as to what it wants to do.

Not to give more than one or two precedents which occur to me now, I remember that in the river and harbor bill of 1891 we created a crime, a violation of the laws of the United States, to be prosecuted by indictment, if any citizen should throw débris into any navigable river of the United States, and that was voted by the Senate not to be general legislation.

I heard a very accomplished lawyer, now dead, whom I considered one of the most accomplished jurists I have ever known, declare in this body that general legislation meant such legislation as existed after the appropriation was exhausted. It was suggested to him at the time, and I do not think he answered it, that there was, with the exception of a payment of salaries, no appropriation which did not in its effect last after the appropriation was exhausted.

If I were disposed to go into a technical discussion and follow the Senator from Mississippi, I think I could very easily show that no judicial powers are to be vested in these commissioners under this proposed legislation, and that after the payment of $50,000 and the discharge of their duties, under the rule which I have stated as given to us once from eminent legal authority, this is not general legislation.

The nearest approximate definition to general legislation which has ever satisfied me—it may be entirely wrong, but I state the result—is that legislation is general which affects the whole country, but does not apply to a community or to one State alone. Obviously the meaning of this rule by the parliamentarians who constructed it was that in an appropriation bill, paying money out of the Treasury of the United States, there should not be laws which affect the entire United States and all the people thereof simply under the guise of paying out so much money.

This provision under that rule is not general legislation, but it is only—and to be frank, and every Senator knows it to be true, however he may argue—that the Senate has decided this question in every way possible, to suit its own wishes, and will always do so, without impugning the integrity of the individual members of this body, so long as any tribunal—legislative or judicial—is engaged in a work which applies alone to its own action. If a court is making a judgment which affects the interests of other people than themselves, or, to speak more broadly, which affects the entire people of the country, it is safe to say that that opinion and that judgment is entirely disinterested. But if any tribunal is engaged in making a decision which applies alone to its own action, you will always find exactly the same result which has happened in this body, that that tribunal will do what it pleases, because it assumes that, as the effect is alone upon it, it has the right to construe the rule as it pleases. I say that for fifty years this body has overruled the written text in our parliamentary manual whenever it saw proper to do so or wished to do so; and I could stand here until my strength was exhausted and the patience of the Senate worn out in adducing precedents which every Senator here knows to have existed.

I am not attacking the right of any Senator to oppose this legislation, but to oppose it upon the ground of a point of order is to my mind simply absurd, in view of the precedents we have established and what we have done.

Mr. President, all at once we have discovered the sacredness of treaties with Indian tribes. When did this revelation occur to the Senate of the United States or the Congress of the United States? When was it before discovered that the Congress of the United States have no right to abrogate a treaty made not only with an Indian tribe but with a foreign country? We have placed upon the statute book now a law that no treaty shall be made with an Indian tribe, and the Supreme Court of the United States has solemnly adjudicated that the Congress of the United States can repeal any treaty made with any foreign country, and certainly with any domestic dependency, as they have declared these Indian tribes to be.

Mr. GRAY. May I ask the Senator a question?

Mr. VEST. Of course.

Mr. GRAY. I made that point myself yesterday afternoon as a test as to whether this proposed amendment was general legislation or no. I thought that its effect would be to repeal a treaty. I do not at all deny the proposition that Congress may repeal a treaty, as it may repeal any other of the laws of the land; but I do contend that legislation which repeals a law of the land is general legislation.

Mr. VEST. We do not expressly repeal a treaty by this amendment. The effect of it may be to take away certain rights which have been granted to these Indian tribes. We have been doing that for one hundred years.

With great respect to my friend from Mississippi, who is an eminent lawyer, and I concede his ability as such, I am rather amused by his argument as regards the rights of the Indian in courts of justice. He speaks of these Indians as if they were citizens of the United States, entitled, if I may use the expression, to the vested constitutional rights given to our own people. We never so considered them. The Indians are sui generis; their position has always been nebulous and uncertain; a most unfortunate people, and, in a great many respects, an outraged people. The Supreme Court, in the Cherokee case which went up to that court from the Indian Territory, said these Indian tribes were independent dependencies. What the Supreme Court meant I have never been able to understand; but that we have ever given them the rights that we give in courts of justice and under the law to our own people is absurd.

Mr. GEORGE. If the Senator will allow me, I wish to call his attention, and also that of the Senator from Delaware, to a statement made by both of them. I hope that neither of the Senators contends that Congress has the power to destroy property rights vested under a treaty.

Mr. VEST. Mr. President, if the property rights, as the Senator from Mississippi terms them, of an Indian—such as the property rights which were given to the Indians in the Indian Territory—come in conflict with the general welfare, to use the constitutional expression, the people of the United States have a right to destroy them. These Indians were put there, not with a fee-simple title to that land, as all the world knows who has ever examined it, but they are there with a conditional fee, dependent upon their occupation of the Indian Territory and their autonomy as tribes.

Mr. GEORGE. Speaking of the decision of the Supreme Court upon the power of Congress to repeal a treaty, a treaty is both a contract and a law. So far as it is a law merely it may be repealed, but so far as it is a contract and vests property rights, the court never held that it could be repealed and never will so hold.

Mr. VEST. When we wipe away the law all the rights under it go, and anything in contravention of that declaration is a bare, naked technicality; and, with great respect to the Senator, there is nothing in it. If we have a right in the interest of the people of the whole United States, and it becomes with us a question of national preservation to change the treaties made with these Indian tribes and the laws which govern them, that settles this whole question. We have come directly to that issue now and have been in front of it for years.

Why talk about the rights of these Indians as claimed now, that we can not legislate in regard to them on account of past treaties? What did we do in regard to the Cherokee Outlet? We attempted vainly to negotiate with these Indians, and finally the Congress of the United States, in sheer legal or parliamentary desperation, said to them: "We will give you so much for those lands; you may take that or you will get nothing; we intend to take those lands." We took them, and then they accepted the money, and I think they have been very well satisfied ever since.

Just so long as we tolerate the idea that these Indians can continue to constitute themselves a national nuisance, just so long as they can make their country a harbor for criminals and thieves and men who live by violations of the law, just so long shall we continue to menace the prosperity of the adjoining States, and indirectly of the entire country. I could stand here by the hour and recite instances in which we have torn to pieces and scattered to the winds stipulations, agreements, and treaties made with the Indians. Nobody has ever undertaken to go into a court of justice under the technical learning of the Senator from Mississippi to

show that we had no right to pass such laws. The Indians have been called, as the negroes were at one time, the wards of the nation. Unlike the negroes, they have never received the rights of citizenship, except upon special grants of allotment of land under special acts of the Congress of the United States. In Nebraska and other States there are Indians to-day who vote, but they vote because they have had lands allotted to them, without notice, by commissioners appointed by the Government of the United States.

The Senator from Mississippi asks, Can we make this allotment without notice? We have done it, and the legal efficacy of such a statute has never been successfully questioned in the courts, and never will be. We moved Indians across the river from Georgia and Alabama under a treaty. Does anybody suppose that it was then contemplated that the present conditions would supervene, and that this agreement should be eternal? Did anybody suppose that the Indian Territory would become what it is to-day—an outrage and a menace to the prosperity of the whole Southwest?

I do not wonder that the Senator from Mississippi so scrupulously avoids discussing the facts, and confines himself to technical assertions in regard to the point of order. But, Mr. President, I venture to incur his criticism by the statement that in the southern part of my State, abutting upon the Indian Territory, property has been depreciated 33⅓ per cent. Men dash out almost every week upon that country from the Indian Territory, upon the towns and cities of Kansas, Arkansas, and Missouri, pistol in hand, rob banks, and go back to a harbor of refuge; and we are told that we have no right to interfere except by notice and by contract with these people! We put them in the Indian Territory upon the condition that they should be law-abiding citizens. They have now a close corporation, with some twenty-five or thirty men owning the entire Territory, the peon Indians, every full-blood back from the railroad upon the rocky points, living upon the pittance doled out to them by their lords and owners, who come here and crowd these galleries and draw pay from the people they are robbing under the pretense that they are protecting their rights.

Senators say to us now, "Put this legislation in a separate bill and we will vote for it." For twenty years I have tried to secure the passage of such a bill. I have introduced a dozen such bills; but by some subtle process—I know not what—those bills never reached a vote in the Senate nor in the other House. We are met always with treaty stipulations, with technical arguments as to the right of notice, and as to the title which these people have. Mr. President, if we were to come here with legislation of the same sort we should be then met by the same sort of argument that we hear now to-day.

I confess, sir, that I listen with some impatience to these arguments about points of order. I have not the greatest respect for the rules of the Senate, as I have had occasion frequently to say; but when I see these points used or not used in order to meet the wishes of Senators, I confess, I say, to some impatience in regard to them.

I repeat that the nearest approximation to what is the real meaning of general legislation is in what I have said as to its effect upon the entire country or upon individuals, communities, or States. As to the rule, which, as I stated a few minutes ago, was written in here by a distinguished lawyer, it is evident upon the slightest reflection that that can not be the test as to general legislation. But I wish to say in conclusion to Senators who do not appreciate the situation in the Southwest that if there ever has been a case in which a rule or a point of order should not be invoked against such legislation as we propose now it is found in the facts that exist in the Southwest to-day.

Mr. JONES of Arkansas. Mr. President, I confess that I am not critically informed as to the rules. I believe that the point of order made against the proposed amendment is not well taken. I have given the best attention I could to the question. I have talked with experts, with men who have carefully investigated these questions, and they tell me that at best it is a doubtful question that no man can determine positively as to one way or the other.

I sympathize with the feeling expressed by the Senator from Missouri [Mr. VEST] of some degree of impatience at the fact that whenever there is a proposition to change the condition of things existing in the Indian Territory it is met in the Senate by some technical complaint and technical objection; that no change can be made in the condition of things that is crying aloud and demanding a change and that is a disgrace to civilization to be allowed to exist; and I hope that the Senate will not allow technicalities to prevent it from entering upon the administration of justice in this case.

The very language of one of the treaties with these Indians is that their land is to be held in common, "so that each and every member of either tribe shall have an equal and undiminished interest in the whole." Yet what are the facts in the case? Has this Government, which entered into a solemn treaty with these Indians that every member of each and every tribe should have an equal interest in this land, maintained that treaty? Has this Government discharged its duty under the solemn obligations of that treaty? On the contrary, the exact reverse has been the fact.

Only about three years ago I was personally in the Cherokee Nation while the council was in session, and was told by individual Indians within a stone's throw of where the council sat that they were practically without homes; that they had no land of any consequence; that the whole of the country was occupied by a handful of individuals, some of whom hold enormous quantities of land, and they were begging that the United States Government should see to it that they had their rights.

Mr. GEORGE. Will the Senator from Arkansas allow me to ask——

Mr. JONES of Arkansas. For the last fifteen years this has been the case and their rights have been demanded again and again by those people. When I asked those men why they did not stand up and say like men that that was the case, they answered because they would not live two weeks.

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Mississippi?

Mr. JONES of Arkansas. Yes, sir; I will yield to the Senator from Mississippi.

Mr. GEORGE. I should like to ask the Senator from Arkansas what that statement has to do with the point of order?

Mr. JONES of Arkansas. The Senator from Mississippi studiously refrained from discussing the merits of this case on the point of order, but every other Senator who has discussed the point of order on his side has discussed the merits of the case. I admit that it is judicious in the Senator from Mississippi to want to avoid the discussion of the merits of this case in determining what shall be done on the point of order.

Mr. GEORGE. I think both my colleague and myself refrained from discussing the merits.

Mr. JONES of Arkansas. Perhaps the Senator's colleague did.

Mr. WALTHALL. I have not touched on the merits of the case.

Mr. JONES of Arkansas. Perhaps the Senator's colleague has avoided the discussion of the merits as well as himself. I believe that is true, but it has been the rule generally on the other side that they have discussed the merits. It is as well for the merits to be understood as the point of order as we go along, and that we should point out the reasons why no technicality ought to be invoked to prevent the passage of a law that ought to be passed.

Mr. GEORGE. The Senator means by "technicality" that no rule of the Senate ought to be invoked?

Mr. PLATT rose.

Mr. JONES of Arkansas. As I said just now, the rule of the Senate is not clear on that point. Does the Senator from Connecticut wish to say anything?

Mr. PLATT. I was going to say that it seemed to me, while the Senator from Mississippi was every few minutes denying that he was discussing the merits of the amendment, he was going pretty fully into a discussion of the merits of the amendment under those denials.

Mr. JONES of Arkansas. It did seem so, but I will frankly admit that I propose to discuss some of the merits of this case as we go along on the point of order.

I have just stated that some years ago I was at the capital of the Cherokee Nation, and Cherokees not a stone's throw from where the council was sitting then told me they were absolutely without homes and they could get no fair division of the land, and when I asked the reason why they did not say so, they answered, because they would not live two weeks if they dared to do it. I have in my pocket now a letter from an Indian stating that in an effort he made a short time ago to provide a home for a younger member of his family, after a fence had been put around a piece of land the fence was cut down in the night by the emissaries of a man who is now sitting in the galleries of the Senate, who is listening to this debate, and who has been making arguments in private conversations with Senators to show that there should be no change in the status of things existing down there, that it is all meritorious. Of course the Indian winds up his letter by saying that I must by no means use his name. I must not let anybody understand who he is, because we understand that with the assassination that goes on and with that sort of rascality no man's life is safe when it is known that he dares to open his mouth in opposition to any of those people.

There has been a little better condition of things, no doubt, in that nation by reason of the discussions in Congress in the last year or two. The very first instance that I know of a complaint ever being made openly and audibly by any of these Indians was in a petition sent to the Cherokee council, signed by 520 of their citizens, only a short time ago. It was absolutely ignored by that council. They pay no attention to the complaints of these people, and when they transfer their complaints to the Senate of the United States, stating that they have been robbed of their patrimony, that they are entitled to some land and a place to live, that

they are entitled to a home, we invoke technicalities and say we will not give them what the treaties require that we shall give them. A part of the petition, as presented to the committee in the other House, reads as follows:

Petition to the honorable council of the Cherokee Nation.

We, the undersigned citizens, beg leave to call your attention to the deplorable and unsatisfactory condition of our public domain, with which you are familiar, and ask that you enact such law or laws as will correct this condition. A portion of our citizens, through the connivance and financial assistance of noncitizens, have managed to monopolize our entire public domain under various pretenses of law. Thousands of our citizens are to-day without homes, and there is no land left upon which they can make homes. Our entire country is wired in, and anyone desiring to travel across the country a few miles is necessarily forced to go, in many instances, 10 miles around in order to reach a place only 3 or 4 miles away. In most places in the nation the noncitizens on land claims outnumber the citizens. West of Grand River, in Cooweescoowee and Delaware districts, it is the exception to the rule to find a citizen on a claim; the noncitizens will outnumber them 100 to 1. There is nothing thought of one man in this portion of country claiming from five to twenty farms. And in most instances these farms perhaps consist of 10 acres in cultivation, and from 1,000 to 5,000 acres in grass land, for hay to cut and ship out of the country for speculation. These noncitizens claim to be leasing this land from citizens. And in most instances when a noncitizen once gets to be a leaseholder he then commences to lease to other noncitizens on his own account. Hundreds of leases are held by noncitizens, emanating from another noncitizen. Thus our entire public domain is absorbed, and they even go so far as to sell the unfenced quarter for hay purposes for shipment. This condition of affairs has been productive of a great hardship to a large portion of our citizens. They realize that they are entirely deprived of homes and privileges in the public domain, while the few citizens, together with noncitizens, are monopolizing all of their rights. Even hay and wood are denied them.

Denied to Indians by blood and denied by men who are not members of the tribes at all, simply because they hold under pretense of a right under Indians who sublet the inheritance of their fathers.

A committee of this body made a report some years ago calling attention to the wrong and outrage of this condition of things, which if I had time I should be glad to read to the Senate. I will not ask the Senate to listen to it further than to call attention to the fact. The Senator from Colorado [Mr. TELLER] was chairman of the subcommittee. I believe the Senator from Connecticut [Mr. PLATT] was on the subcommittee, and also the Senator from North Dakota [Mr. ROACH]. They made the following statement as to the condition of things they found existing in that Territory as to the use of this land:

Instances came to our notice of Indians who had as high as 100 tenants, and we heard of one case where it was said the Indian citizen, a citizen by marriage, had 400 holdings, amounting to about 20,000 acres of farm land.

In a list of landholders given a committee of the other House by a member of the Dawes Commission sixty or seventy Indians are named who hold from 5,000 to 70,000 acres of land each; and yet a technicality in the rule is invoked to prevent the Senate of the United States from undertaking to guarantee the rights that are due to these people under the solemn obligations of treaty, that this land was to be held in common, so that each and every member of every tribe shall have an equal undivided interest in the whole.

Mr. President, the complaint which has been made by Senators here that it is the purpose of the amendment to divide this land in severalty is not well founded. The proposition of the amendment is that a roll shall be made of the Indians by this commission, and that when the President shall order it to be done, the occupancy of the land shall be divided equally among these people; that the man who has 70,000 acres shall be compelled to give up his excessive holdings, and that the man who has no land shall have the same rights to the inheritance of his fathers; that the land baron, the robber who has been exercising his power there for the last twenty years in monopolizing all that comes within his reach, shall be put on the same footing with him. That is all the amendment directs. It proposes to do simple and equal justice to all members of this tribe, and nothing more. No complaint can be made, and no complaint will be made among the poorer classes of Indians, the rank and file of these people, who have been deprived of their homes. The complaints come from those who have made a monopoly of the rights of the nation for themselves.

But some Senators have complained that for us to determine who are citizens is a great outrage. When gentlemen make up their minds to find some cause of complaint they always find it. The truth is that the Department here has always determined finally who were those citizens. I sent this morning to the Indian Office to get a copy of a letter written some years ago that I happened to remember, which has been the rule in the Department from then until the present time. I will read a part of it. It is a letter addressed by the acting Commissioner to the United States Indian agent at Muscogee. It is dated July 20, 1880, and says:

This office is in receipt of a communication, dated the 8th instant, from the Cherokee delegation in this city, requesting that this Department cause the immediate removal from the Cherokee Nation of all persons not claiming Cherokee citizenship. With a view to effecting such removal this office has requested the Cherokee authorities to submit to you a list of the names of all persons claimed by them to be intruders.

The question of Cherokee citizenship and the rights of colored persons who claim to be beneficiaries under the ninth article of the Cherokee treaty of 1866 (14 Stats., 801) are subjects which are now pending before this Department, and no action will be taken by you which will in any way tend to embarrass or complicate these questions or which in the slightest degree tends to recognize the authority of the Cherokee Nation to determine or fix the legal status of such claimants, that question being also under consideration.

But in all cases presented to you by the Cherokee authorities for removal wherein the parties named claim citizenship, either by blood, through the father or mother, or by virtue of adoption, according to the laws and customs of the Cherokees, after making proper investigation, if you are satisfied that they have, prima facie, a just claim to citizenship, you will permit such persons to remain in the Territory to await final action in their cases, which will be hereafter determined under such rules as may be adopted by the Department.

That has been the rule of the Executive Departments from then until this hour. Whenever we direct that money shall be paid among those people how do we pay it? By the rolls that are made under the administration of the Indian Department. Again and again those rolls are made up and the money is paid out. We are charged by our obligations under these treaties with paying certain moneys to those people. Are we not compelled in the very nature of things to determine to whom the money is to be paid? How can we do that except upon the ascertainment of who are those citizens. Mr. President, it is a fact——

The VICE-PRESIDENT. The Senator from Arkansas will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by title.

The SECRETARY. A resolution, by Mr. PEFFER, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. JONES of Arkansas. In the absence of the Senator from South Dakota [Mr. PETTIGREW], I ask unanimous consent that the unfinished business may be laid aside that the Senate may proceed with the consideration of the Indian appropriation bill.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered. The Senator from Arkansas will proceed.

Mr. JONES of Arkansas. The letter from which I was reading proceeds:

Your inquiry in such cases will proceed only far enough to ascertain whether or not a prima facie case exists. You will notify all persons of either of the above classes and all other persons known to you or whose names are presented to you by the Cherokee authorities who have no written permit from the Government or the Cherokees and who do not establish a prima facie right to remain to immediately remove from the Cherokee country.

I simply refer to this to show that it is a matter of absolute necessity when the Government is undertaking to discharge its obligations to these people that it shall determine who are citizens. I will not follow this discussion further than to say I believe the recommendation made by the subcommittee of which the Senator from Colorado [Mr. TELLER] was chairman, and which made a report to the Senate several years ago, was wise and should have been acted upon long since. The Senator from Colorado in that report said:

It is apparent to all who are conversant with the present condition in the Indian Territory that their system of government can not continue. It is not only non-American, but it is radically wrong, and a change is imperatively demanded in the interest of the Indians and whites alike, and such change can not be much longer delayed. The situation grows worse, and will continue to grow worse. There can be no modification of the system. It can not be reformed. It must be abandoned and a better one substituted. That it will be difficult to do your committee freely admit, but because it is a difficult task is no reason why Congress should not at the earliest possible moment address itself to this question.

The propositions embraced in the amendment proposed by the Senator from Connecticut [Mr. PLATT] are reasonable and moderate. It does not propose to interfere with the title to the land. It proposes simply to continue the powers that the present commission have, to allow them, if possible, to negotiate with these people for a change in their situation; and in the meantime it authorizes the commission to purge the rolls of that country. It is an open fact—it is notorious, and no one will deny it—that quite a number of people were added to the roll of citizenship in those councils last fall, and that it was corruptly done. Corruption will not be denied; the proof can be brought here if anybody wants to see it, that these people simply hired the council to put them on the roll. It is equally true that men who were Indians by blood, about whose right there can be no dispute, were refused rights on the roll of the tribe simply because they had no money to pay corrupt councilors for their corrupt votes. These things are notorious; they will not be denied. In conversation in the Territory I have heard members of the council openly laugh about it and boast of it in hotels at the capital of the nation. They do not make any secret of it. It is the most corrupt pretense of a government that exists on the face of the earth.

When the masses of those people petition their council to divide the use of the land among them fairly, to give them some show, and they refuse to do it, and when we have the solemn obligation

of our treaty binding upon us it seems to me that we can not shirk the duty to appoint a commission to investigate these facts and to do what justice demands of us. I have in my hand pages of lists of men with the holdings they have in the Territory. Many of these men are really not Indians by blood; the most of them are either white men or mixed bloods. The Indians, scornfully and contemptuously called "tubbies," are pushed into the background and they have nothing of this inheritance of their fathers. It is these interlopers, these unjust and unfair men who are willing to take the patrimony of these people by blood and by force, who have got possession of that country and are holding it now. It is a disgrace to the Senate that it should be so. The condition ought not to exist another day; it is a shame that it has existed as long as it has. If technicalities are to be invoked for the purpose of preventing justice being done in this case, I for one feel like the Senate ought at least to release the Committee on Indian Affairs from any further effort ever to do anything in this line. I am heartsick and disgusted with the efforts that have been made here and with the defeats that have been met on these same technicalities, which have been invoked in the advocacy of injustice and wrong and which never have been invoked in advocacy of what is right.

Here are a number of Indians belonging to the Cherokee Nation holding lands in 15,000, 18,000, 12,000, 8,000, 4,000, and 10,000 tracts. Here are pages of names given. In another part of the report made by the Dawes Commission several pages of names are given of men who hold tracts of land ranging from 4,000 to 70,000 acres each. Such a condition of things ought not to be allowed to exist. Everybody knows well enough the advantages that these people get. They have large wealth in their hands; they are here to be heard. The poor people who have no patrimony, the poor men who have no homes, are not here; they can not be here. There is no chance for them except to appeal to the sense of justice of the men who are in this body. Yet we find the shrewd, sharp, wide-awake robbers who have got possession of that country are actively engaged all the time in pouring out the woes of the poor, miserable Indians to gentlemen who stand up here and invoke technicalities to prevent the enactment of a law that will bring justice to these people.

Mr. President, this condition ought not to exist any longer. I wish I had the power to make the Senate of the United States understand the facts as they exist; but it seems impossible to get Senators to pay any attention to these wrongs. The mere suggestion of a technicality by which there can be a refusal to do anything is considered enough, and they turn their backs upon any proposition to bring relief to these downtrodden, oppressed, and outraged people. Our treaty obligations require that we shall see to it that each man of them shall have his equal, undivided right with the balance of his brethren. The amendment does not propose to divide the fee of the land. It simply proposes to divide the occupancy, to put these men in the occupancy of equal parts of the land, and then we believe that it will result in an agreement by which the fee of the land shall be divided among the members of that tribe.

Mr. BATE. Mr. President, I thought it was conceded that the point of order should be discussed without much reference to the facts, and certainly to such facts only as would be calculated to elucidate the nature and show the effect of the law now sought to be enacted through the instrumentality of this amendment. I do not propose to go fully into the merits, and will speak but a little while. I am, however, led, by the two speeches that have just been made, to say something in regard to the facts, for I do not know what course the President of the Senate will take in regard to this motion, whether he will sustain the point of order, overrule it, or refer it, as he has the right to do, to the Senate. Therefore, taking a broad view of it, perhaps, since Senators who oppose the motion have said so much about the facts, it may be proper that those of us who differ with them should likewise allude to them, so that the Senate may have a clearer understanding of the real, legal, and practical effect of this amendment than they otherwise would.

The Senator from Mississippi [Mr. GEORGE] purposely avoided discussing the facts, and for so doing the Senator from Arkansas [Mr. JONES] criticised and ridiculed him upon the idea that he is seeking only upon the barest technical grounds to defeat the amendment. Technicalities, Mr. President, have often been the salvation of human life, as they have been the salvation of the rights of men and of governments. Technicalities should not be scouted from a tribunal like this Senate, judicial in its character although political in its organization. Sir, we have a right to rely upon technicalities, and if there was ever a case in which technicalities should be invoked it is certainly where the downtrodden, the oppressed, and the poor, unfortunate Indian has been made the victim for a hundred years of our white people. I repeat, in a case of this kind, technicality should be invoked. I invoke it, sir. I invoke it in the name of justice, in the name of right, in the name of humanity, in the name of Christianity. If there is a technicality that will protect these Indians from imposition, from wrong, from the wicked course which has been pursued by our people, and which has destroyed their rights, whether of a personal or a proprietary character, let them have the benefit of it. As I conceive it, it is your duty, as it is mine, to invoke those technicalities to protect against wrong and injustice, and I do it without the fear of just criticism or of bringing the blush of shame upon any honest face.

This commission was appointed for the purpose of "negotiation," not as lawmakers, or lawgivers, or law executors. It had no judicial faculty, no judicial power, conferred upon it in the original appointment.

In 1890, I believe it was, there were three commissioners appointed and subsequently two more, making the present commission consist of five—against whom personally I have no criticism, but entertain the highest regard. What was the object of this commission? The sole object was to be on friendly terms with these unfortunate Indians and to appeal to them and to satisfy them that it would be better for them to be in a different condition than that in which they are now; and that the relations of the Government with them should be somewhat different. Therefore, they have pursued that line of policy, not once, but twice, yea, three times have the commissioners been among them on persuasive missions. Two or three times have they invoked these Indians to enter into such further agreement with this Government touching their land tenure as would inure to their advantage. But, sir, they have refused it. And now we are told by the Senator from Arkansas [Mr. JONES] who has just taken his seat that there is trouble in that country; that it is full of theft, murder, and rapine, that human rights are trampled upon, and that citizens in the adjoining States dare not go in this Territory, and that incursions are constantly being made into adjoining States from this Territory, while it has been asserted by the Senator of Missouri [Mr. VEST] that this Indian reservation is a nest of robbers from which come all sorts of evils.

That Senators may better understand the condition of affairs there, it is proper to say that interlopers, intruders, are there and they have gobbled up the land, at least to the extent of securing to themselves the benefits that come from its use. The real owners have been divested of its practical use and the Indians are mere "subs" under these intruders while they are reaping the rewards of their greed. Let us see what our Government has said in regard to these intruders. Article 6 of the treaty concluded with the Cherokees December 29, 1835, soon after the beginning of the matter of transferring the Indians to this reservation, says:

The Cherokees shall also be protected—

The very tribe which the Senator has just criticised—

The Cherokees shall also be protected against interruption and intrusion from citizens of the United States who may attempt to settle in their country without their consent; and all such persons shall be removed from the same by order of the President of the United States. But this is not intended to prevent the residence among them of useful farmers, mechanics, and teachers for the instruction of Indians, according to treaty stipulations.

You see, therefore, it is the fault of the Government if there are intruders and outlaws there who are disturbing the peace of the neighboring States.

We have, I think, but little right to complain of the treatment that has been given by the Indians to the white man in this Territory. We are the violators of the law. We are the poachers upon the rights of others. Indeed, we have trespassed upon their rights for a hundred years. We have especially trespassed upon the rights of those who, under sacred treaties, in 1830, 1832, 1834, 1835, and 1836, left our borders, going from Mississippi, Georgia, Alabama, and Tennessee to the far West, where they could be free from the disturbances they found at their then homes and free from the enforcement of laws of the white man, which were uncongenial and distasteful to them. They were promised that when they got beyond the Great River, in their own territory, they should be free from molestation, free from the intrusion of the white man, as Senators will see from what I have just read. Under this treaty there should be no intruders, but if there were, it became the duty of the President of the United States, even by the use of military force if necessary, to eject those who thus came among them and remained there improperly to their annoyance.

Now, this commission was empowered simply to "negotiate," and there is no authority upon the statute books that I have been able to find—and I have searched—which gives any commission power beyond that of negotiation in a friendly, peaceable, and just way. The amendment comes in, however, under the sheltering wing of this appropriation bill, injected into its body that it may be saved from defeat. Other bills affecting the rights of Indians have frequently been introduced in Congress, but none so bold, so far-reaching, and so vital as this; and now its promoters, so solicitous for its passage, so fearful of its defeat, and so satisfied that

it can not stand alone and be passed on its own merits, they seek to ingraft it into the body of this appropriation bill, knowing that Senators as well as members of the House of Representatives would hesitate long to vote against an appropriation bill which is to move the machinery of the Government and is absolutely necessary to carry on the business of the country although it has objectionable features in it. One of the reasons for and the beauty of this rule is the very fact that Senators do not wish to vote against a bill because it may have an objectionable section in it, when it is otherwise full of good features and known to be essential legislation.

Although this rule which forbids general legislation on an appropriation bill has been the subject of ridicule and criticism by the Senator from Missouri [Mr. VEST] and the Senator from Arkansas [Mr. JONES] in their presentation of precedents, its virtue and value can not be denied. Another difficulty attaching to such vicious legislation is when it has thus passed the Senate and House and goes to the President for Executive action, the President is necessarily embarrassed, because, under the Constitution of our country, he has no right to eliminate the objectionable feature in an appropriation bill from that which is good; therefore, he must take it as an entirety and give or withhold his approval to the whole bill. This is one of the embarrassments that arise in legislation of this kind; hence the necessity for Rule XVI, clauses 3 and 4. There is no more wholesome rule embodied in the rules of the Senate than this one, and I regret to see it violated. It is very rarely violated without turning back to trouble us. It has often proved a boomerang in this Chamber, as you know, Mr. President, and will continue to do so.

Since so much has been said in this debate about the condition of affairs in this Territory, let us try and get at the truth and legislate accordingly. We have listened to much talk about treaties, and they have been made the subject of ridicule and spoken of contemptuously. I am not going into a harangue on the abstract rights of Indians as shown in treaties with the United States, but I think after what has here been said touching them it is eminently proper that something should be said in their vindication. But before I speak of them, permit me to say that the very context of the amendment, if adopted, although passed under the wing of the appropriation bill, will, nevertheless, be a law of equal force and virtue as if enacted in a separate and distinct bill.

See the very face of the amendment. Look at it. Its terms have been read to you, and I shall not reiterate them except in a brief way, to illustrate and elucidate the fact that it is general legislation. One of the most objectionable features, and one of first importance, is that it clothes the commission with extraordinary powers. They are empowered as a judicial body. And what, pray, are these commissioners to do? The are, among other things, to decide upon the citizenship of the Indians, notwithstanding our repeated pledges to them that they should not be molested, that they should have their homes and personal and property rights secure and undisturbed. A treaty rises to a grade higher than an ordinary statutory law, as the legislative body that makes the law can repeal it at will. A treaty, however, is made by more than one party—there must be two or more governments, nations, or tribes that agree to it. We can make our laws and enforce them or repeal them, but we can not alter or annul a treaty at will. Why? Because we have to consult all the parties with whom we made it. It rises to a higher and more sacred dignity than a contract, which our Constitution declares is inviolable. It is not only a contract, but a treaty, with all the dignity and binding force of a treaty, and we must so regard it. Can we dare to put into an appropriation bill an amendment which uproots and changes the civil rights of tribes as well as the individual rights of the Indians who are parties to the treaty without their consent?

Mr. GEORGE. Or anywhere else?

Mr. BATE. Yes, or anywhere else. Even in an original and separate bill, or otherwise.

These Indians have no right to treat with foreign powers. They do not hold that dignity and strength of separate nationality to entitle them to do so, for they are a domestic nation, if I may so speak. They could not treat with England, Mexico, or any foreign power, because they are supposed to be under our care, isolated from other nations, and any intercourse between them and other countries would necessarily be through our Government. We are their protectors, so called, which is another reason why we should be sensitive of their rights and sympathize with their misfortunes and not take advantage of them or let boomers, land grabbers, and heartless speculators force themselves upon them, use their lands under unlawful leases, and grow rich at the Indians' expense.

Article 7 of the treaty between the United States and the Choctaws and Chickasaws contains upon this subject the following provision:

And all persons not being citizens or members of either tribe found within their limits shall be considered intruders, and be removed from and kept out of the same by the United States agent, assisted, if necessary, by the military.

Again, article 15 of the treaty with the Creeks and Seminoles contains this provision:

And all persons not being members of either tribe found within their limits shall be considered intruders, and be removed from and kept out of the same by the United States agents for said tribes, respectively, assisted, if necessary, by the military.

The same, in substance, was entered into and now exists between the United States and the Cherokees.

So you see it applies to all those nations known as the Five Civilized Tribes.

Now, Mr. President, what is proposed to be done by this amendment? The commission is to be granted, as I said, judicial power, and as such it has the right to chase down the victim and bring him by force, under arrest, before that august tribunal and compel him to submit to its process and its judgment, and upon refusal send him to jail and submit him to such other indignities and punishment as the law would allow in the case of any court of record. Yes, the commission would have the power to imprison, to fine, and to do all that will enable it to effect its object, which is to allot their lands and have their holdings in severalty.

Again, we are told by its advocates that the amendment does not affect the property rights of the Indians. I shall not trouble you, Mr. President, or the Senate to reread that which has been read twice by the Secretary, and read and commented on by Senators who have preceded me, which clearly shows that property rights are involved, that jurisdiction is granted over the lands for purposes that are vital to the Indian, and that $50,000 is appropriated to enable the commission to enforce its orders and decrees touching ownership in their lands. The commission is granted jurisdiction over all the citizens of all the tribes, and having that jurisdiction it goes there empowered by authority of law with the instrumentality and machinery at hand to carry it into effect if it takes all the agents that are in the Territory or all the military force in the United States.

Furthermore, would not the forced allotment of their lands and passing titles thereto from the tribal tenure to that of severalty seriously and vitally affect property rights? And what is worse, they are practically denied the right of appeal—a constitutional right that belongs to every citizen of the United States. But we are told by the Senator from Arkansas [Mr. JONES] that the action of the commission is subject to review by the Secretary of the Interior. But when we look to the terms of the amendment we find that the Secretary may review it as a whole, not as an appeal, but as a kind of perfunctory duty in passing upon the general official course adopted by the commission. This is, in fact, no appeal. It is a mockery of this right. No individual, no tribe, as a tribe, can appeal, however dissatisfied with the judgment of this court, to any tribunal. Then, from that departmental officer it can be taken to Congress and carried into effect.

This is a judicial proceeding. Why would you appeal from a judicial proceeding to the Secretary of the Interior, a nonjudicial officer? Why should you not carry it to the courts where the rights of those Indians have been adjudicated since the date of 5 and 6 Peters, when these Indians were in Georgia, and where they were regarded as "a domestic nation," to use the language of the Supreme Court in that case, and were entitled to an appeal? Why not allow them those rights? Those rights are taken away from them, sir, in the very terms of this amendment. The matter is sent to the Secretary of the Interior to do what? Not to decide whether they are citizens, for the Secretary will not go into the minutiæ of it (no one man can take an appeal), but the Secretary is to review the whole matter, and then, perchance, it will come to Congress. But that does not settle the right of appeal that every man should have when his rights are taken from him by judicial or quasi judicial proceedings.

Sir, I further say it may affect the property rights, in this indirect way, because when it is passed upon by the Secretary of the Interior those property rights are affected. It is a mere play upon the part of Senators to avoid that conclusion which was made so clear by the Senator from Mississippi [Mr. GEORGE]. But, Mr. President, there is a higher right than that jeopardized by this proposed amendment. It is the right of citizenship. Is the right to property to be compared to the right of citizenship? Ah, Mr. President, those who immediately after our late and unhappy war were deprived for four or five years, as in my State, of citizenship know how to appreciate it. We put a value upon it that is beyond all price. That which is higher than property, next to life and honor—citizenship—is taken charge of by the court or commission—I may call it an inquisition, because it is such. The commissioners go there to inquire into the condition of these rights and to summarily dispose of them. They will inquire into a man's rights to citizenship. They pass upon those rights and say the judgment is final, from which the party has no appeal to any court. The word "final" as to the commission's judgment touching citizenship is the one used without qualification in the proposed amendment.

Then I am not to be told, without challenge, that it is not general legislation, when it affects the rights of the Indians by granting or denying citizenship that carries with it the exercise of the ballot and all the personal rights that belong to the citizen. This right of citizenship is higher than if it were a property right, and any law affecting it alike in all the tribes is general legislation. The amendment denies such rights to whole tribes, to those who do not wish to give up the mode of their fathers in holding title to their lands.

These Indians, for the sake of peace and quiet, gave up their hunting grounds, their forests and fields, their little tepees, and all that made life dear to them. The white man trampled upon them and drove them from those sacred spots, and under pressure, they left and sought peace and homes in the West. But the same restless spirit of the Anglo Saxon, as shown by the earliest settlers in our country, and which somehow infuses itself into all our blood, seems still further to be encroaching upon the rights of the Indians in an attempt to interfere with what has been left them, yea, granted them under the seal of this Government. The very language of the first cession to the Cherokees touching titles to the lands purchased by them uses the words "fee simple," and guarantees to them fee-simple titles. In the very treaty itself which they signed with General Coffey, the words "fee-simple title" are used as to the land which was ceded them in the West. Yet we are told by the Senator from Missouri that there was no such title as "fee simple" given, and that it was held in abeyance to the wishes of the United States, subservient and of doubtful tenure.

Mr. KYLE. Will the Senator from Tennessee allow me to ask him a question?

Mr. BATE. Certainly.

Mr. KYLE. Upon what ground, may I ask, can we enact a law such as is proposed in the amendment? Can it be done otherwise than with the consent of the Indians in council?

Mr. BATE. We can not, and I will read to the Senator the reason for it from the sacred treaties of this Government, which, I have already shown stand higher than a statutory provision. Article 20 of the treaty from which I read, concluded between the United States and the Cherokee Nation on the 10th of July, 1866—even as late as that—provides as follows:

> Whenever the Cherokee national council shall request it, the Secretary of the Interior shall cause the country reserved for the Cherokees to be surveyed and allotted among them at the expense of the United States.

Whenever they request it, and not before; and there is the sacred seal of the United States to it. Yet you have heard the character of speeches in urging the adoption of this amendment which have just been made by Senators in this Chamber.

Mr. KYLE. Whose consent has been received?

Mr. BATE. I will get to that point in a moment. I wish, in this connection, to read another treaty. It is found in the Revision of Treaties, page 293. I read the provision of the treaty concluded between the United States and the Choctaws and Chickasaws (the treaty with the Cherokees I have just read) of April, 1866. Relating to this subject there is the following provision:

> It is hereby agreed that should the Choctaws and Chickasaw people, through their respective legislative councils, agree to the survey and dividing their land on the system of the United States, the land aforesaid shall be surveyed and laid off in ranges, townships, sections, and parts of sections.

Never until when? To use the language of the treaty, article 20, until they shall request the Secretary to do it. So declares the Cherokee treaty, and the Choctaw and Chickasaw treaty says it is not to be done until it is done through their respective councils and they agree to it. That is the mode by which it can be done, and the only one.

Mr. PEFFER. There has been no such request made yet.

Mr. BATE. No, sir.

Mr. GEORGE. There is a protest.

Mr. BATE. I hold in my hand, instead of a request, a protest by those Indians, passed in their legislative council. There never was but one agreement to it, and that was by the Chickasaws on conditions, which conditions were not complied with. That Senators may the better understand this conditional agreement by the Chickasaws, I will state that the Choctaws and Chickasaws bear this relation to each other: The Choctaws made the original purchase of the lands occupied by the two tribes. The Chickasaws became their partners in that purchase to the extent of one-fourth of the land. They hold one-fourth and the Choctaws hold three-fourths of the land conditioned that neither tribe can do anything affecting the title to the land without the consent of the other. This conditional agreement with the Chickasaws was ten or twelve years ago; but immediately thereafter when their council got together they rescinded or repealed that conditional agreement. The Choctaws, on the contrary, who have three-fourths of the land—a joint and common interest—holding the territorial possessions in common with the Chickasaws, would not agree to it at all and never have. It never has been done. To the contrary, as I said, there is a protest from the council of the Chickasaws and Choctaws protesting against this amendment and asking that they have justice done them. Instead of it being requested and agreed to by the nations, they are actually protesting to-day in solemn form against it. The Senator from Missouri [Mr. VEST] ridicules their standing around this Capitol, and says they are lobbyists, etc.

Mr. President, why should not a man whose rights are imperiled stand at the doors and knock and ask to be heard in vindication of his rights? These Indians did not come here through idle curiosity nor for a bad purpose, but to let Congressmen know the true inwardness of this unjust and outrageous attempt to deprive them of their rights, regardless of treaty stipulation; rights that are vital to their tribal existence. I have seen two or three of them, and find them intelligent and speaking with fluency our language. They are alive to the injustice and wrong that is sought to be perpetrated upon them by the adoption of the amendment now under discussion. The only recourse for the Indian in this embarrassment is an appeal to Congress, or to give up his rights. He seeks none other than a pacific and polite mode of protesting against this burning wrong. For one, I will lend him a listening ear, and if his cause is just and right I will stand by it. These Indians, in their capacity as delegates from their respective tribes, are here to speak in an humble but manly way for their interests. They have sorrow in their hearts and tears in their eyes for fear that this amendment may be adopted, and as they believe, and have the right to believe, will be the crack of doom, if not the death knell, to their tribal relations.

Indeed, sir, this is more fateful to these Indians known as the Five Civilized Tribes than any attempted legislation known to our statutes for half a century.

I repeat, and say that no species of legislation has ever been enacted that was so fraught with fate, so pregnant with results to them, as this very amendment, sheltered under the wing of an appropriation bill.

We, as a Government, stand, as it has been said, as guardian to them. If so, let us see that our wards are fairly dealt with. Let the great American Christian heart throb with sympathy for their misfortunes; let our love of justice and sense of honor forbid a wrong to these unfortunate and dependent red men, who are struggling under our guidance to rise still higher in the scale of Christianity and civilization.

Mr. PEFFER. I should like to ask the Senator a question before he takes his seat.

Mr. BATE. Certainly.

Mr. PEFFER. I ask the Senator whether or not, in his opinion, the difficulties which are intended to be cured by the proposed amendment would not be cured quite as well and much better if the United States Government would remove the intruders from the Territory?

Mr. BATE. Unquestionably; and it is the duty of the United States to do it under the treaties which they have made and the laws of the country. They have failed to do it, and "the nest of robbers" spoken of would not be there if the United States did their duty. Furthermore, it is the duty of the United States not only to see that bad men are put out, but it is their duty to see that the individual citizens who have intermarried with these Indians, if they are good citizens, get their rights also.

Whence comes all this trouble? Is it not from those land grabbers—those aggressive, and, in many instances, vicious, men who have gone among these Indians for no good to the Indian?

It is true that most countries in their earliest settlement have more or less bummers and bad men to contend with, and this Territory is not an exception. Many of these intruders are mere adventurers who have gone in among the Indians to take advantage of them, and if they can not do it one way they will another. They are generally reckless of life and disregardful of law. They are alike ready to boom a town or lease a ranch for one year and hold over longer, in violation of law. Where the carcass is the eagles will gather.

There are rich pastures in this Territory to graze, and cattle are cheap. They have inspired this movement that they may, under the guise of law, get these lands. If once allotted and owned in severalty, as this amendment contemplates, these intruders will have an easy task in "gobbling" them up. There is another class who hang around the borders of the Territory, expecting and hoping that soon some such bill as this amendment will pass Congress and open up the way to eject the Indian from his seat. This class of boomers is waiting for the Government to make a deal with the Indian or force upon him some such law as this, and when done, and the bell taps or the signal gun fires they will leap into the Territory with the eagerness of the hound unleashed for the chase.

Having failed thus far to get this under the commission by negotiation, they now seek to add judicial powers to the commission and force the Indian, against his will, in the face of sacred treaties, to yield to the white man's greed. I thank the

Senator from Kansas [Mr. PEFFER] for his suggestion as to these intruders.

Now, Mr. President, is there in point of fact much lawlessness in the Territory among the Indians, and is not the lawlessness there, if it is there, confined principally to the interlopers and intruders, the hangers-on who are ready to grab the land when the occasion offers?

I have myself no experience to give like he Senator from Arkansas [Mr. JONES], who has been there, it seems, time and again, and who relates his own experience, which almost melted me to tears when he talked of the sadness of the condition of things there and the great misfortunes which individual Americans there have had visited on them. Well, if this is so, why do they remain there? I was never there, except as I have been on a passing train, and then I saw one of the most magnificent, beautiful, and attractive countries that my eyes ever rested upon, with outstretched plains and mountains in the distance; with swelling mounds, green with pasturage; here and there streams draining rich valleys. Coal fields and mines of precious metals abound and are of easy access. This last fact is named in this amendment as an inducement, I suppose, to excuse, if not justify, this proceeding.

As I said, I can not give the experience of my friend from Arkansas, for I have not been there, as he has, but I can call upon testimony that is as good as that of any man, I care not who he may be, and to that end I ask, Mr. President, the attention of the Senate for a moment while, with permission, the Secretary reads something that bears directly on this point. Let me preface it by saying that if there are any persons who have better opportunities than others to know the exact condition of the morals and crimes of that country it is those who preside upon the bench and try the violators of law. The paper which I present first is from Judge Bryant, who has been holding court in that country, or rather on its border, with criminal jurisdiction extending over it or parts of it, for a number of years. I ask the Senate to listen to what he says about the Indians there and as to the infractions of law.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

OFFICE UNITED STATES DISTRICT JUDGE,
EASTERN DISTRICT OF TEXAS,
Galveston, Tex., March 9, 1896.

DEAR SIR: As you are aware, for nearly six years I have been on the bench, and among other places hold court at Paris, Tex. During this time my duty has led me to a careful study of the conditions existing in the Indian Territory. The courts at Paris and Fort Smith have improved the Territory very much in ridding the country of lawless men, and if a comparison is made with any adjoining country, considering area and population, it will be found that less crime is committed in the Territory than any contiguous Territory or State of equal size. This is due solely to the fearless and certain enforcement of the law by the above courts.

If you look to Oklahoma you will find that crime is practically unpunished as compared with the Indian Territory. Many circumstances combine to make the Paris and Fort Smith courts preferable, but the main reason is, the juries are not acquainted with the parties or witnesses, are not related to nor interested in them, except to do their duty firmly and fairly, and consequently the innocent are protected and the guilty punished.

The records of these courts will compare favorably, to say the least, with any court on earth. The Indian is seldom a defendant in my court. The crimes are committed by white men nearly altogether, and they are generally fugitives from justice from the States.

The question of governing the Indian Territory is a simple one. If the United States will follow strictly its treaty obligations and expel all intruders from the Indian country, the question is then settled. The trouble comes from the intruder, and when he is removed, the cause is removed and the trouble ceases.

If Congress puts the Indian Territory into a Territorial form of government, or takes the jurisdiction from Paris and Fort Smith and gives it exclusively to the courts in the Indian country, crime will rule the day; life and property will not be safe. In making this statement I desire to be distinctly understood as not reflecting on the judges or marshals of those courts. They are gentlemen and good officers and will do all that anyone can do to enforce the law. The fault is not with them. If the juries are composed of white men, in many verdicts of fact feeling will determine it, and the Indian will sincerely think it does in all. If the juries are composed of Indians the white men will think the same. If the juries are composed of both they will agree possibly in one case out of ten. In any event, either the white or Indian element will have no confidence that the verdicts are impartial. You know there are many feuds in the country, and they play no small part in the enforcement of law.

The Indians and the law-abiding white men in your country have confidence in the juries at Paris and Fort Smith, because they are not involved in the local feuds and local interests, not related to nor acquainted with the defendants, and consequently can have no motive to do other than right. If the United States will expel the intruder, let the tribal relations stand as they are, the question is settled and settled right. Many white men live in the Indian country that are honest and good citizens, but they comply with all regulations, are not in the criminal courts, and this letter does not apply to them. I refer to the large class of white men in your country who live by crime.

I would write more fully, but I am very busy here and have not the time. I will add, personally, it would be to my interest to lose the jurisdiction at Paris; it would relieve me of great labor and annoyance, but interest does not control me. I have given you my real convictions on this question.

Yours, truly,

D. E. BRYANT.

Hon. HOLMES COLBERT,
Washington, D. C.

Mr. BATE. I will also ask the Secretary to read a short extract from the charge of Judge Stewart of December 1, 1894, which I preface by saying as to the letter which has just been read from Judge Bryant, that he is the judge presiding over the court at Paris, Tex., which has jurisdiction over a certain part of the Indian Nation. It is a part carved out of the peninsula between the white man and the Indian, which he presided over. Prisoners have been taken there and have been tried there for several years by him. He has made a statement touching the character of crimes that are committed there. I ask now that a short letter from Judge Stewart may be read, and also another one following it from Judge Parker. These are the men before whom the criminals are brought and tried, who understand their nature and who live in their midst.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

Charge of Judge Stewart, December 1, 1894:

* * * * * * *

"And I say now, and I say it everywhere, and I am proud to say it, that I lived on the border, right on the edge of the Chickasaw Nation, for years before I came to this country, and I will say that there never has been a more law-abiding people than the people of this Territory. Why do I say it? These people were here for years without law; these white men who came in here with the permission of the Indians had intercourse with each other to protect their rights; they had no law to protect them against crime; yet these men went out and built towns, they erected churches and schoolhouses, and the good order of society was preserved and maintained without law, and now for the world to say that this Territory, as a whole, is more lawless than other new countries is a slander on the good people of this Territory, and it is not true. I have seen it and I know it."

—

WASHINGTON, D. C., *December 20, 1895.*

SIR: In accordance with your knowledge of crime in the Cherokee Nation, were there as many as 53 murders committed there during September and part of October last, and no attempt to make arrests?

W. A. DUNCAN.

To Judge I. C. PARKER, *Fort Smith, Ark.*

—

FORT SMITH, ARK., *December 21, 1895.*

To Hon. W. A. DUNCAN,
Cherokee Delegate, National Hotel:

In reply to your dispatch of 20th, I state four cases of murder were reported to United States commissioners here as having occurred in the Cherokee Nation during the whole of September and October last. Arrests in all cases.

I think all the cases over which court had jurisdiction were reported. These were cases over which court here had jurisdiction. There were probably as many more cases of murder committed by Indians upon Indians. There was more crime than usual during these months, owing to the number of reckless men attracted to that country by payment to the people of so large a sum of money. The story that there were 53 murders committed in the Cherokee Nation during the month of September and part of October for which no one was brought to justice, in my opinion, is a grave mistake. Some one has imposed on the author of the statement to the committee. I do not believe any such statement is warranted by the truth, and I think a gross injustice is unintentionally done your people by such statement.

I. C. PARKER.

Mr. BATE. Mr. President, I have a statement here from the Rev. Walter P. King, a Baptist minister, who has gone over that country with others, and also a statement of Dew M. Wisdom, United States Indian agent at Muscogee, in the Indian Territory. I will not ask that they be read, nor detain the Senate by reading them myself, but they are to the same effect as the statements which I have read.

Mr. GEORGE. I hope the Senator will insert the statements in his remarks.

Mr. BATE. Very well. I will do that, if there be no objection.

The VICE-PRESIDENT. In the absence of objection, leave will be granted.

The papers referred to are as follows:

CHEROKEE ACADEMY, *Tahlequah, Ind. T., January 15, 1895.*

HONORED SIR: I have read with interest the newspaper report of your reply to the report of the Dawes Commission. Allow me to add my humble indorsement thereto. After a three-years residence in your nation, with perfect liberty to observe your people, and every possible opportunity to study their customs and the administration of your government, with no possible political limitations, and in a work that brings men of all classes and conditions together on common ground, and having traveled the length and breadth of your country in public and private conveyance, I am free to say that I have ever found the enforcement of law as effectual, and the safety of persons and property as sure as in any of the well-governed Atlantic Seaboard States in which I made my home for many years. And this is especially true of the safety of our women from insult and annoyance upon our streets, or on the highways, where they frequently travel unattended for many, many miles together. I have never heard of a single instance where the slightest insult or indignity has been offered them.

I may say also upon the grave question at issue, merely as the conviction of one who has the best interest of your people at heart, and who has no personal gain or loss in the balance, that any of the plans submitted for a change of government for the Cherokee Nation (I know nothing about the others) must be detrimental to the best interests of the Cherokee people, if not of fatal result to the full-blood Indians.

Believing the position of yourself and your delegations to be the only correct one in the face of the facts, allow me to wish you godspeed toward success in your noble efforts for your people.

WALTER P. KING,
Principal under the American Baptist Home Mission Society.

Hon. C. J. HARRIS,
Principal Chief of the C. N.,
National Hotel, Washington, D. C.

UNITED STATES INDIAN SERVICE, UNION AGENCY.
Muscogee, Ind. T., January 3, 1895.

SIR: I am in receipt of your letter of December 18, 1894, in which you state that a statement was made on that day, before the House Judiciary Committee, that 51 murders had been committed in the Cherokee Nation from the 15th of September to the 20th of October, for which no one had been brought to justice. You also ask if I have any information to prove or disprove this statement, or if I give it any credit.

I would respectfully state that my information discredits any such statement, and I do not believe it to be true.

I know that the Cherokees, as a rule, apprehend and punish all criminals, and their laws are reasonably well executed.

Whenever I have called upon the Cherokee authorities to assist me in capturing outlaws they have always responded.

Very respectfully, DEW M. WISDOM,
United States Indian Agent.

J. F. THOMPSON,
Cherokee Delegate, care National Hotel, Washington, D. C.

Mr. BATE. Mr. President, in addition I may be permitted to say in conclusion, for I have but very few words more to utter, when you go into that country and pass along even on the railroads which permeate it you find in many respects a most happy condition. One would think, to have heard the speeches that have been made this morning by the Senator from Arkansas [Mr. JONES] and the Senator from Missouri [Mr. VEST], that these people are savages, and that they dwell in a wild and untamed region, leading a barbarous life, but when you go there you find some parts of it, in many respects, almost a garden. It is cultivated, and cultivated by the Indians themselves. But we are told that the lands are leased out. While I am on that point as to the question of leases I wish to say it is claimed that there is exercised by a few individuals an ownership of 10,000 or 20,000 acres of land leased by the men who go there and monopolize the cattle business.

Mr. President, it is said in the New Testament—

> Thou hypocrite, first cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye.

Look at the vast corporations in our own country holding millions of acres of land—given them, too, by the Government, to say nothing of many private individuals who own more than a million acres of land in our Western country. You have enacted no laws to stop the ownership of such enormous landed estates, but you want to have us stop those of much less magnitude in the Indian Nation, over which lands, as the law now is, our Government has no control. If we allow such things to go on with impunity in our own country, we should be consistent and not ask that it be denied elsewhere.

These civilized tribes have modeled their respective forms of government after that of our States. They have their governors, their legislatures, composed of senate and house, their judges, sheriffs, etc., all elected by ballot. They have their capitol, legislative halls, court-houses and jails, and their court trials by judges and juries, all Indians. These are exclusively for the Indians. When white men have suits with one another or with an Indian, the United States courts have jurisdiction and try such cases. The Indians have their own hospitals and charitable institutions, kept up at public expense. It is a singular fact, however, that while they have asylums for the blind and deaf and dumb, they have none for the insane, for the reason, it is said, they have no insane Indians.

These Indians have churches and schools in that country. The spires of their churches ascend to heaven, showing that they are followers of that meek and lowly Nazarene, that Man of Galilee to whom we all bow. They have churches of all denominations there—the Presbyterian, the Methodist, the Baptist, the Episcopalian, and Catholic churches. Not only so, but they have their schools, fashioned after ours, the common schools, as we have in our precincts or districts. They have likewise their academies, their high schools, and their colleges, all kept up at the public expense. They keep up, at public expense, an orphan school where every orphan in the tribe is educated.

The Chickasaws annually expend $160 per capita in the education of their children. I am asked how they raise the money. In answer I say if they are the lazy lazzaroni and worthless set of blanketed thieves that Senators have tried to make it appear, they would spend no money for such civilizing purposes. Where do they get the money? I will tell you where the money for the schools comes from. The money comes from their lands that were sold and the proceeds invested by the Government of the United States. It is the interest upon that fund, together with certain taxes levied and collected that constitute this school fund.

Then, as I said before, they have their churches. We are informed by a Baptist minister, whose letter you have just heard read, that three-fourths of these Indians are members of the various churches; and yet we are ridiculing and abusing them and saying that they are not progressive. Look at their condition when they went there and see their condition to-day. I challenge history to show any people who have been elevated from the savage condition in which these Indians were fifty or sixty years ago up to the high point of Christian life and obedience as have these Indians. I say such progress in civilization and Christianity in so short a time can not be found in all history.

Now we propose to give them a backset by doing away with their tribal relation; that relation, and the only one, which means success with the Indians. Permit me to say that the history of all the Indians, if I am not mistaken—Northwestern men like the Senator on my right [Mr. VILAS] know more about these things than I do—but history teaches that wherever the tribal relationship of the Indian has been done away with the Indian has gone down. He has flourished for a few years, as did the Wyandottes in New York, as did the Chippewas in Michigan, as did the Ossawatomies out in the West; but, Mr. President, after a few years they have begun to go down, down, down, and where are they now?

I have the history of it here, which shows that they have gone into degradation and infamy—have returned to ignorance and vice. They go into these sluices of dependence and beggary, and are swallowed up. We have pushed them to the precipice, and now bid them leap. Truly, Mr. President, as it has been said, there will be no one left to mourn for Logan—no, not one.

> Poor race of man! Said a pitying spirit,
> Dearly ye pay for your primal fall—
> Some flow'rets of Eden ye still inherit,
> But the trail of the serpent is over them all.

These discomfited Indians have arisen from an humble and barbarous condition to one that is praiseworthy and has received the approbation of all Christians; and we, as a Christian people, should not put a stumbling-block in their way.

Tribal relationship of the Indian is the ideal relationship for him. Deprive him of that and you make him a vagabond. This amendment strikes at that vital point. It means to allot the Indian's land and let him own it in severalty. It means to individualize him and to give him the power to sell his land to the white man who goes there and gives him liquor, if he wants it, or shows him gold or silver, if he wants it, or trinkets, or anything of that kind with which to purchase his land from him. What becomes of the Indian? He is then without a home, and falls back into the spurs of the barren mountains, without a guardian and almost without a God. Keep him from that; let his tribal relations remain, and allow him to go on and on, as he is now doing. This amendment strikes at the root—the pith and marrow—of that relation and whether intended or not it will destroy him.

You hold out to him a beautiful and peaceful picture. You say to him, when your land is allotted you will have your home; you will have your family around you; you will have the right to dispose of your property in your own way, and all that. This pleasing picture fascinates him. To him it is a blushing rose, but beneath that rose there is a serpent coiled to bite the hand that plucks it. This pleasing picture held out to him is but a dagger behind a smile; and that dagger in the end will pierce the red man's heart. Let the tribal relations of the Indians remain. Do not allot their lands. Let them continue as they now are in their progress, civilization, and Christianity, of which we shall be proud, and in which we should be glad to give them a helping hand.

You will pardon me, Mr. President, for having gone into the facts. I should not have done so, or said anything except simply in regard to the point of order made by my friend the Senator from Mississippi [Mr. WALTHALL]. He handled the subject so successfully, as did his colleague [Mr. GEORGE], that I felt it unnecessary for me to say anything in regard to it, and I should not have uttered a word in this discussion by way of advocating the cause of these Indians and their rights had not the Senator from Missouri and the Senator from Arkansas opened up the facts and talked so vigorously about murders, the nests of robbers, etc., in giving the condition of things in the Indian Territory.

Mr. VILAS. Mr. President, a question has been raised as to what the law now is in regard to the right to determine citizenship in any one of the Five Civilized Tribes. The Senator from Connecticut [Mr. PLATT] rather surprised me yesterday by saying that he did not recognize the right under the present state of treaty and law to exist in the several tribes themselves. It is enough for the purpose of showing that the amendment, were it enacted into law, would revolutionize the present treaty condition, to show that one of those people, the Cherokee people, is now protected, beyond the least question or doubt, by the most explicit stipulations. I should like to correct, if I am right and if the statement was somewhat erroneous which the Senator from Arkansas made, that view of it which he submitted. The question did not become important under the treaties which established autonomous government of those civilized tribes for a long time after those treaties were made.

The treaty of 1835, by which the Cherokee Nation was established, or by which the former treaty made with them in 1829 was given its durable form, provided explicitly that the Cherokees on their part should endeavor to preserve and maintain the peace of

the country and not make war upon others, while in consideration of that it was added immediately:

> They shall also be protected against interruption and intrusion from citizens of the United States who may attempt to settle in the country without their consent.

That was the origin of the intruder question and of the difficulties which have arisen in respect to the subject. That was practically reaffirmed in the treaty of 1866, and there was little need for a considerable time for enforcement of that agreement on the part of the United States. Little or no claim was made by either of the nations or by the Cherokees until the settlement of the West began to expose their borders to intrusion from lawless persons, individuals who disregarded every sort of right and every sort of obligation which the United States had imposed upon their citizens. It happened at last that one of those nations claimed the exercise on the part of the United States of this guaranty to protect them from intrusion. Then Attorney-General Devens gave it as an opinion that the United States were at liberty to decide, when asked to expel an intruder, whether or not the person was an intruder, whether or not he could be regarded by the constituted authorities of this Government as entitled to participate in their citizenship or to remain in their country. After that opinion was announced, the Supreme Court, in the case to which I referred yesterday, which is known as the Cherokee Trust Fund case, arising out of claims of the Eastern Cherokees to participate in the funds of the nation, etc., decided, as stated in the first headnote of that case, that—

> By treaties with the Cherokees the United States have recognized them as a distinct political community, so far independent as to justify and require negotiations with them in that character.

There followed in the discussion of that case the further question of the right of the Eastern Cherokees to participate as citizens in the funds and property of the Cherokee Nation domiciled and settled in the Indian Territory, and to which as a nation a patent had granted the right of ownership of their lands in common, upon whatever implied trust need not be discussed. The Supreme Court said then that—

> The claim presented by the Cherokees of North Carolina to a share of the commuted annuity fund of $214,000, and of the fund created by sales of lands west of the Mississippi ceded to the Cherokee Nation, resting as it does upon the designation in the treaties of the lands originally possessed by the Cherokees and ceded to the United States, or subsequently acquired by them from the United States as "the common property of the nation," or as held for the "common use and benefit" of the Cherokee people, has no substantial foundation.

Then follows what they add as the reason for that:

> If Indians in that State, or in any other State east of the Mississippi, wish to enjoy the benefits of the common property of the Cherokee Nation, in whatever form it may exist, they must, as held by the Court of Claims, comply with the constitution and laws of the Cherokee Nation, and be readmitted to citizenship as there provided.

In other words, the Supreme Court of the United States declared, what to a lawyer was obvious without that declaration it seems to me, that the constitution and laws of that independent political community were the sole touchstone of the right to citizenship within that community. After that decision, which was made subsequent, indeed, to the ruling of Attorney-General Devens, the case was heard at the October term, 1885—after that decision, the Department of the Interior always regarded that the right to decide upon the status of a claimant to citizenship in one of those Five Civilized Tribes was exclusively vested in the lawful authority of the tribes, to be determined by the constitution and the laws of the tribes. That decision was made by the honorable Senator from Colorado [Mr. TELLER] a little before, even, when he was Secretary of the Interior. It was afterwards followed by others in that office, and I myself had occasion, when occupying that office, to render a similar decision, although I insisted that when a person had been allowed to enter the lands of a tribe and remain there for years while the question of citizenship was depending undetermined by its authorities, if they suffered him so to delay, and while delaying to accumulate property and interests, that there remained in him a right which the Government should protect, however tenuous that right was; that a final decision of the question against his claim of citizenship should be accompanied with sufficient accord to him of privilege to dispose of his property without taking it from him.

Mr. GEORGE. Still their decision would be final.

Mr. VILAS. Their decision was so recognized in the Department in a case to which I refer—the Kusterman case. The fact that they had found him to be no citizen was considered as controlling the Department upon that point. That has been ever since the ruling of the Department, as I understand it.

But a few years ago Congress established a commission to deal with this same nation for the extinguishment of the title, whatever it was, whether to the use or otherwise of a large body of land, exceeding 6,000,000 acres in quantity, called the Cherokee Strip.

Mr. JONES of Arkansas. The Cherokee Outlet.

Mr. VILAS. The Cherokee Outlet, sometimes also called the Cherokee Strip. That commission made a bargain with those Indians by which, after long resistance on their part and great reluctance to part with their title, they did finally agree to transfer it to the United States upon certain considerations. One was a consideration of money, but others upon which they insisted with the greatest pertinacity were considerations of another character. They were left with their original patented lands in their possession, but for the protection of their government and exclusive enjoyment of those patented lands they made this stipulation in the treaty then agreed to——

Mr. GEORGE. Concerning the Outlet?

Mr. VILAS. Concerning the Outlet.

> For and in consideration of the above cession and relinquishment—
>
> Begins article 2, the cession being made in article 1—
>
> the United States agrees:
>
> First. That all persons now resident, or who may hereafter become residents, in the Cherokee Nation, and who are not recognized as citizens of the Cherokee Nation by the constituted authorities thereof——

Mr. JONES of Arkansas. That has no relation to citizenship. That was the question about intruders.

Mr. VILAS. I will repeat that, in order to answer by its own terms the suggestion of the Senator from Arkansas, which I think was rather hastily made:

> For and in consideration of the above cession and relinquishment the United States agrees:
>
> First. That all persons now resident, or who may hereafter become residents, in the Cherokee Nation, and who are not recognized as citizens of the Cherokee Nation by the constituted authorities thereof, and who are not in the employment of the Cherokee Nation or in the employment of citizens of the Cherokee Nation, in conformity with the laws thereof, or in the employment of the United States Government, and all citizens of the United States who are not resident in the Cherokee Nation under the provisions of treaty or acts of Congress, shall be deemed and held to be intruders and unauthorized persons within the intent and meaning of section 6 of the treaty of 1835 and sections 26 and 27 of the treaty of July 19, 1866, and shall, together with their personal effects, be removed without delay from the limits of said nation by the United States, as trespassers, upon the demand of the principal chief of the Cherokee Nation.

Mr. GEORGE. What is the date of that agreement?

Mr. VILAS. I will give it. That agreement was signed by the commissioners at Tahlequah, in the Indian Territory, on the 19th day of December, 1891, and was approved by the law of March 3, 1893, with this qualification touching the particular clause in question:

> Amend the same by adding to the first paragraph of article 2 of said agreement the following words: "*And provided further*, That before any intruder or unauthorized person occupying houses, lands, or improvements, which occupancy commenced before the 11th day of August, A. D. 1886, shall be removed therefrom, upon demand of the principal chief or otherwise, the value of his improvements, as the same shall be appraised by a board of three appraisers to be appointed by the President of the United States, one of the same upon the recommendation of the principal chief of the Cherokee Nation, for that purpose, shall be paid to him by the Cherokee Nation; and upon such payment such improvements shall become the property of the Cherokee Nation: *Provided*, That the amount so paid for said improvements shall not exceed the sum of $250,000: *And provided further*, That the appraisers in determining the value of such improvements may consider the value of the use and occupation of the land."

In other words, Mr. President, by the act of Congress confirming and sealing that contract, by which we purchased the Cherokee Outlet, we agreed that they should be considered as intruders whom that nation did not recognize as citizens, with the exception of those particular cases specially named.

I think that argument leaves no sort of question of the proposition that the right to determine the citizenship of the several nations, certainly of the Cherokees, is as solemnly vested by contract and by statute in the nation itself as it is possible for the Congress of the United States to accomplish it.

The question then is presented whether by an amendment thrust in upon this appropriation bill we shall trample down, hardly more than three years after that agreement upon which we obtained their lands, that right which we then declared to be theirs and covenanted to respect.

Mr. President, I am by no means prepared to say what is the best thing to do with that disordered country. It may be necessary that the United States shall trample, as it always has in the past, upon its agreement with these Indian people. I believe it was General Harney who once testified before a committee of Congress that after fifty years' service in the Army of the United States upon the plains of the West he had never known the Indians to be first to break an agreement which they made with the whites, and had never known the whites to keep an agreement with the Indians; that no treaty of the United States but had gone unbroken in defiance of the obligation and good faith of the Government.

The case must be, as it seems to me, a desperate one before we openly resort to the remedy of the club and the bludgeon in order to put down the disorders in the Indian Territory. I feel reluctant to resort to those extreme measures of violence, so destructive of the sentiment of repose upon the obligation of the United States, when I reflect that it is undoubtedly true, as was stated in the document which was read at the request of the Senator

from Tennessee, that the cause of the troubles in the Indian Territory, more than any other, is the unauthorized, unwarranted intrusion of reckless and lawless white men whom the United States has not removed, although it covenanted that it would protect those tribes from such intrusion. That was the cause of their woes, for we must all be able to remember that up to the time when that intrusion became considerable they prospered, they grew in intelligence, until we pointed to the Five Civilized Tribes of Indians as an example of what might be yet in store for all Indians.

When I reflect upon that, I am unwilling to proceed to such extremities without the exhaustion of every remedy, of every effort; and when we do it, let us do it not by a measure half considered put upon an appropriation bill, but let us take time fairly, deliberately, in the way in which we legislate upon matters of solemn consequence, to consider the whole question, and dispose of it with dignity and with justice to that people. If we can not but exert the power of the law to tear away from them what it has bestowed, let us at all events apply as fair and comforting an anæsthetic as it is possible to devise to accompany and assuage the violence. If this were not an appropriation bill we might offer many amendments and discuss it, but when the subject is presented in this way it becomes difficult to dispose of it with satisfaction.

I do not feel myself assured of what the right step to take is; but I do feel assured that we ought not to throw down the whole system of right, of independence, and authority which we have so solemnly created and so solemnly guaranteed the existence of without proceeding in a due and orderly manner to consider all the circumstances of it and the proper measures of relief which should be addressed to the necessity.

This condition can better rest a little longer than the Senate of the United States can be called upon to violate that rule which it has prescribed to itself with such obvious advantage in principle, and which, as the distinguished Senator from Missouri [Mr. VEST] to-day said, is asked to be disregarded upon every instance when there is a strong desire on the part of somebody to obtain some relief or advantage which the rule of the Senate denies. Let us, the highest lawmaking body of this country, proceed with respect to law; and if we can not, how can we expect our law to be observed by others?

Mr. PLATT. Mr. President, I feel very much embarrassed in attempting to reply even briefly to the attack which has been made upon the legislation proposed in this amendment. I feel that I am not justified in taking the time of the Senate which should be taken for a thorough, conclusive reply to the arguments which have been addressed to the merits of this case. I can not attempt to go into the merits of the case.

But I want to say that neither in Russia nor in Turkey is the despotism of the so-called governments in the Indian Territory equaled; neither in Cuba nor anywhere else are the atrocities committed in that Territory surpassed. If the Territory and those governments and this despotism and these atrocities were not in our midst every Senator in the United States Senate would be crying out in the name of liberty and justice and humanity that something should be done to put an end to the condition of things in that Territory. It is in our midst, Mr. President, and therefore there is resorted to every ingenious technicality to prevent the consideration of this subject by the Senate, to prevent the remedy of these enormous wrongs and this flagrant injustice and inhumanity. We are asked to forget that we are under any obligation to the Indians.

We talk about Indians, Mr. President. The objections, technical and otherwise, which have been made to this proposed amendment are not in the interest of Indians; they are in the interest of white men; men as white as you or the Senator from Wisconsin or myself; men who have not one drop of Indian blood in their veins, yet who dominate those tribes and those nations with as heavy a hand as the feudal baron ever dominated the people of his barony.

When the appeal is made here in behalf of the Indians I take it that it is not in the interest of the Indians that these objections are raised. When we are appealed to to observe the letter of the treaties which we have made, I reply that to observe them as we are told they should be observed is to violate them in their spirit, to transfer the interests of the wards of this nation, whom we are bound to protect, to the tender mercies of white men who have no regard for them or their interests.

Mr. President, in that Territory, as large as the State of Indiana, as fertile in soil, richer, if possible, in mineral resources, 500 men, largely white, with scarcely a half-blood Indian in the list, have seized, appropriated, and hold nine-tenths of the agricultural land to the exclusion of those who are entitled equally as citizens of the Territory to the use and benefit of that land; and the moment any measure is proposed looking to a remedy for that awful injustice, that unholy spoliation of the Indians, our wards, whom we are bound to protect, then Senators are shocked lest some rule of the Senate should be transgressed.

Mr. President, I can not exercise sufficient imagination to believe that the zeal which has been shown here for the rules of the Senate, the fear lest they should be transgressed, is born wholly of the desire that nothing should be done here except in the strictest order, according to the most technical construction of our rules. The course which the debate has taken, the arguments which have been brought forward here, the appeals which have been made in behalf of the poor Indian, the defense which has been put up here for the robbers and oppressors and corrupters of that nation, indicate to me that there is something which influences the minds of Senators besides that just regard which we all ought to have for the rules of the Senate.

I think I know of what I speak, Mr. President. I have not only examined that country personally, but I have examined carefully all that has been reported from that country. I do not whistle down the wind the statements of the gentlemen composing the Dawes Commission. I do not impute to men like the former honored Senator in this body from the State of Massachusetts either ignorance or a desire to misrepresent, nor do I impute to his associates any such ignorance or desire to misrepresent. There is no better friend to the Indian in the United States than Henry L. Dawes, who stood at the head of the commission. There is no man in the United States who would more scrupulously preserve the rights and protect the interests of the Indians; and conceding his honesty, the only answer which is made to the arraignment of the robbers and the corruptionists who have seized upon the Territory is that his powers are failing and that he has been imposed upon.

Mr. President, filled with years and with honor, that ex-Senator has not lost his powers of observation, his sense of justice, his desire to protect the Indians, nor his fearless honesty to expose the corruptions and wickedness of the people who are attempting in the Territory to despoil the Indians. If any man believes that that honored ex-Senator has been imposed upon by reason of failing powers let him meet him in debate and discussion of this subject. I could wish it were possible that for one day he might stand in the Senate in his old place and tell the Senate and the American people what he knows of the condition of affairs in the Territory.

I can not continue in detail what I would say respecting that condition of affairs which demands the attention of the United States and its action, but I want to say here upon my own responsibility and knowledge, based upon my own observation as well as derived from the testimony and observation of others, that pretended self-government in the Territory is a failure. It is more than a failure; it is a shame, a disgrace, an intolerable nuisance. The 500 men who have seized the land control it by the corruption of the legislatures, by the corruption of courts, by the terrorizing of those whose lands they have seized. Robbing the Indian, they either corrupt him with money or close his mouth by fear, and so represent themselves as being those persons who have a right to be heard as to the condition of the Territory.

The Senator from Wisconsin [Mr. VILAS] said something about adopting desperate remedies; but desperate cases sometimes require desperate remedies, and until this Government awakens to a sense of its responsibility, to a sense of its duty, and is ready to adopt any measure which will enable it to discharge its duty to the real Indians and to take them out of the hands of the false Indians, their oppressors, this wickedness, this unholy condition of affairs will go on in the Territory from bad to worse.

This is not a measure thrown in here to be adopted without consideration and without discussion. The amendment has been here one month and more as the result of the deliberation of the Committee on Indian Affairs, carefully considering the subject. It does not attempt to deal with the political conditions in the Territory. It does not attempt to set up a Territorial government over the Indians. It does not attempt to deal with the great question of the title to those lands. It does not attempt to limit the powers of the Indian courts. In all those matters where there are specific treaty obligations we have avoided the question whether the time has come when we must disregard the letter of the treaty in order to carry out its spirit.

There is nothing to be derived from the argument that this is not a well-considered proposition; that it is not a well-considered report of the Indian Committee; that it is not fairly considered in the Senate; that it is unjust and improper to attach it to an appropriation bill because of the importance of the subject. The same objections, the same technicalities, not perhaps on the question of order but on the question of the provisions of the amendment, have met us and will meet us until this question is settled. The money which the Government of the United States pays out liberally year after year to the Indian tribes is diverted from the Indians who are entitled to it and made into a fund to employ the best of lawyers and lobbyists to come here and endeavor to prevent any legislation whatever. I think I do not overstate it. I think I have information in my possession which justifies me in stating that never since I have been a member of this Senate has there ever been such fund of money raised to be spent in the

endeavor to prevent any legislation which would affect the Indian Territory. The appeal that is made in behalf of the Indians is made in behalf of the land grabber, the land monopolist, the legislature corrupter, and the court briber.

This language may seem harsh, it may seem strong, but the condition of affairs as stated in the Dawes Commission report, as known to every person who has carefully studied the condition existing in the Territory, warrants and demands the use of such unqualified language. I undertake to say that no important measure passes through the legislative councils of the Territory without having its way bought openly and unblushingly through those councils. I mean to say that as a general thing no important cause is decided in the Indian courts where bribery, either of the judge or of the jury, is not resorted to. Nobody denies it in that country. They laugh at it. They say, "You do the same thing in your State legislatures and in your courts and with your juries." The white men who have been admitted to citizenship in the Indian nations because they have married Indian women, or women who have some Indian blood in them, have all the vices of the white man, all his methods of corrupting legislatures, bribing juries, and every species of management by which a man enriches himself and despoils others, and they are beyond the possibility of being interfered with except as the United States Government takes a hand and does what in the name of civilization and justice and humanity it ought to do, restore the Territory to a condition which shall no longer be a disgrace to us.

Mr. President, one word with regard to the question of order. What is the meaning of the term "general legislation"? The Senator from Mississippi discusses it as if it meant important legislation. That is not the meaning of the term. There is nothing in the rule which prevents legislation on an appropriation bill because the word "general" qualifies the word "legislation." The Senator from Mississippi has given one definition of what general legislation is. In my judgment no legislation is general legislation which relates to the expenditure of money appropriated, which relates to the object to be attained by the appropriation of money. The clause "general legislation" was purposely adopted in order that matters entirely foreign to the object for which money is appropriated should not be introduced and carried through as riders upon an appropriation bill. So whatever has reference either to money appropriated, as to how it shall be spent, or as to the object to be attained in the expenditure of the money is not general legislation upon an appropriation bill. The Senator from Missouri [Mr. VEST] well remarked that when Senators are opposed to an appropriation contained in an amendment they are quick to discover that the amendment is general legislation on an appropriation bill, and vice versa that when Senators feel the importance of legislation they are equally quick to put a more liberal construction upon the rule.

Under the rules and decisions of the Senate by the Chair, upon appeals from the decisions of the Chair, upon the submission of the question of order to the Senate for the last seventeen years in which I have had the honor to be a member of this body, the pending amendment does not fall within the definition of general legislation. I have seen amendment after amendment much more open to the objection adopted by the vote of the Senate as not being within the inhibition of general legislation. General legislation is either that legislation which affects the whole country and all classes of its people, or it is that legislation which has no connection with the appropriation, with the expenditure of the appropriation, with the object sought to be accomplished by the appropriation, with the duties of the officers for whom the appropriation is made. Judged by this test the amendment is not general legislation on an appropriation bill; and the importance of the subject, the solemn duty which rests upon the United States now to do something without further delay to wipe off and to wipe out the foul blot and disgrace upon our national honor resulting from the condition of affairs in the Indian Territory would be a justification for a most liberal construction of the rule, if such a construction were necessary.

Mr. President, the proposed legislation is not conclusive; it is not harsh; it is not severe. It is tentative; it is preliminary, and, in my judgment, if carried into law, it will result in the accomplishment of the object for which the commission was originally appointed—the settlement of the difficulties and the complicated affairs there by negotiation. Just so long as these technicalities can prevail to prevent action by Congress, just so long as the attorneys and lobbyists can prevent anything being done by Congress, just so long will this great wrong and iniquity continue, and every failure to act but fastens stronger upon that unhappy people, whom we are bound to protect, the grasp of the despoilers.

I do not know that I need to say more. I could talk by the hour, and I could detail facts, I could refer to correspondence showing that all I have stated in this general way falls even short of the terrible reality. If it be necessary to override treaties, if in the opinion of any Senator there is anything in the amendment which by any construction or by any stretch of construction can be held as not living up to the letter of the treaties, then I am prepared to say that no more solemn obligation ever rested upon the Senate of the United States than to disregard those treaties. When we make a treaty with an Indian nation we make it not only for ourselves, but for the Indians. We make it with our wards. We make it with a people whose interest we are bound to protect, and when the letter of the treaty is used for the oppression of those people by men who have thrust themselves into the situation for gain and for personal advancement it becomes our duty to see that the spirit in which the treaty was made is carried out. Five hundred people of the 60,000 so-called Indians have appropriated the property which belongs to the whole number. Civilization is arrested, progress is arrested, the real Indian is retrograding; he is going back to a state of savagery and barbarism, and all in order that the 500 robbers and despoilers may be kept in their unlawful possessions. I would not hesitate to disregard a treaty if it were necessary to do so for that purpose.

We are told that we have nothing to say about who are citizens there; that the 500 men who have thus usurped the power can decitizenize all the rest of the Indians, and we have nothing to say about it; that this Government has relinquished to the people who, through bribery and corruption and fear, control the tribes, to whoever may be in control the right to determine who are citizens there. If we have we had better regain it, and the more quickly the better, for the 500 people who own the land, who control the courts, who control the legislatures, will very soon be solving the question, if they have the unlimited power, by wiping off from the rolls of citizenship all the rest of the people there. The argument of the Senator from Wisconsin [Mr. VILAS] goes to that extent that whoever can control the courts and the legislatures of those nations can determine the rights of the people claiming to be citizens, and it has been done.

When the great payment of $6,000,000, which we gave for the Cherokee Outlet, was made, name after name of persons who had been upon the rolls as citizens was deliberately and corruptly wiped off in order that there might be a larger per capita distribution for the rest. Pitiable indeed is the condition of those Indians, for whom we are in honor bound to look out, if they are to be left to the tender mercies of those who control the courts and the legislature in those nations. No, Mr. President, there rests behind all treaties, there rests behind all statutes, there rests behind all the decisions of the Court of Claims and of the Supreme Court the solemn obligation on the part of the Government to protect the Indians in the Indian Territory, and there is no protection possible for them unless we are to assume the right to determine who are the rightful citizens of the Territory.

As I said, I shall not detain the Senate further. I feel that the amendment is in order. I feel that it is of the highest importance. I feel that no question of Armenia or Cuba or Hawaii, no question of foreign policy, is to be compared in importance and in obligation with the question of our own domestic affairs.

Mr. WALTHALL. Mr. President, before this question is disposed of I desire to have printed in the RECORD a paper which I hold in my hand. Several Senators have insisted that the Government may properly disregard its solemn treaties, but I believe none of them has been bold enough to claim that the Government may properly annul its own patents. I wish to have inserted in the RECORD a specimen of the patents issued by the Government to these several tribes. The one I hold in my hand is a patent issued to the Choctaws. After the usual recitals and a special reference to a particular treaty, it proceeds:

Now, therefore, ye: That the United States of America, in consideration of the premises, and in execution of the agreement and stipulation in the aforesaid treaty, have given and granted and by these presents do give and grant, unto the said Choctaw Nation, in the aforesaid "tract of country west of the Mississippi," to have and to hold the same, with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, as intended to be conveyed "by the aforesaid article, in fee simple to them and their descendants, to inure to them while they shall exist as a nation and live on it," liable to no transfer or alienation, except to the United States or with their consent.

The VICE-PRESIDENT. Without objection, the paper indicated will be inserted in the RECORD.

The patent is as follows:

THE UNITED STATES OF AMERICA.

To all whom these presents shall come, greeting:

Whereas by the second article of the treaty began and held at Dancing Rabbit Creek on the 15th day of September, A.D. 1830 (as ratified by Senate of the United States on the 24th day of February, 1831), by the commissioners on the part of the United States, and the mingoes, chiefs, captains, and warriors of the Choctaw Nation on the part of said nation, it is provided that the United States, under a grant specially to be made by the President of the United States, shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River, in fee simple, to them and their descendants, to inure to them while they shall exist as a nation and live on it. Beginning near Fort Smith, where the Arkansas boundary crosses the Arkansas River, running thence to the sources of the Canadian Fork if in the "limits of the United States, or those limits; thence due south to Red River, and down Red River to the west boundary of the Territory of Arkansas"; thence north along that line to the beginning. The boundary of the same to be agreeable to the treaty made and concluded at Washington City "in the year 1825."

Now, therefore, ye: That the United States of America, in consideration of the premises, and in execution of the agreement and stipulation in the aforesaid treaty, have given and granted, and by these presents do give and grant, unto the said Choctaw Nation, in the aforesaid "tract of country west of the Mississippi," to have and to hold the same, with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, as intended to be conveyed "by the aforesaid article, in fee simple to them and their descendants, to inure them, while they shall exist as a nation and live on it," liable to no transfer or alienation, except to the United States or with their consent.

In testimony whereof, I, John Tyler, President of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand at the city of Washington, the 23d day of March, in the year of our Lord 1842, and of the Independence of the United States the sixtieth.

By the President.

JOHN TYLER.
DAN'L WEBSTER,
Secretary of State.
JOHN C. SPENCER,
Secretary of War.
T. HARTLY CRAWFORD,
Commissioner of Indian Affairs.

Recorded, volume 1, page 43.

I. WILLIAMSON,
Recorder of the General Land Office.

This is to certify that the foregoing is a true and correct copy from the original patent as given to Choctaw tribes of Indians by the United States Government in the year 1842, now in the office of national secretary at Tashka Humma, the capital of the Choctaw Nation.

In testimony whereof I have hereunto set my hand and affixed the seal of the Choctaw Nation, this the 14th day of March, A. D. 1896.

[SEAL.] J. B. JACKSON,
National Secretary, Choctaw Nation.

Mr. CHILTON. Mr. President, it is a matter of no importance to me, but I wish to correct the generality of one observation made by the Senator from Connecticut [Mr. PLATT]. I read from the RECORD, in which he says:

The provision of this amendment is taken from bills which have been before the committee, and as to it every member of the Indian Affairs Committee is agreed.

I believe that I am the junior member of the committee, and I did not happen to be present at the time the measure was considered. I do not wish to imply any particular opposition to a drastic measure in regard to the Indian Territory when the matter comes before the Senate in the ordinary way, but I think it proper to put myself upon the record, as no doubt my absence at that time escaped the attention of the Senator from Connecticut.

Mr. PLATT. The mistake into which I fell is a very natural one——

Mr. CHILTON. Entirely so.

Mr. PLATT. Because I knew that every member of the committee who was present did agree, and I was not aware of the absence of the Senator from Texas.

Mr. CALL. Mr. President, if the amendment shall be decided to be in order I propose to address some observations to the Senate upon it, but as there are very few Senators here, we had better have an idea with respect to what course the amendment will pursue, as to whether or not it is in order.

I wish to state, so that my position upon this subject may be known, that I regard the proposed legislation as the most extraordinary that has ever been presented to the consideration of this body since I have been a member of it. Conceding all that the Senator from Connecticut [Mr. PLATT] has said to be true, admitting his propositions to be true, this body has no information upon which it can act.

We can not proceed to take away the rights of these Indians, guaranteed by treaty, upon the opinion of individual Senators here, without any opportunity on the part of these people to maintain by proof the contradictions which they have sent here of these statements, to maintain by proof the opposing declarations of judges who preside in that country, of ministers of the gospel, of men of high character. We should not be asked summarily to violate these treaty obligations, which are admitted by all, upon statements which are absolutely without any other proof or sanction than the declaration of opinion of a few persons—Senators of character, it is true, whose opinions are entitled to respect, but not that conclusiveness, not that weight of evidence which should characterize the action of this body upon a subject so important as this. Therefore I say I earnestly hope that this proposition may not be entertained, because if entertained we shall have a protracted debate of many days here. I for one shall insist upon going carefully over all the statements which are contained in the pamphlets presented by these Five Civilized Tribes.

It is a matter of no importance whether there is a lobby here or not. It is not to be presumed that any lobby can improperly influence or by corrupt measures influence any member of this body. If a lobby is here and presents substantial reasons, based in truth and logic and justice, why this legislation should not be passed, it is proper that those reasons should be considered, come from whatever source they may.

But I observe one of the statements here is that this commission never went into the Territory except at one or two prominent places, with the exception of a part of two days. I have here the statement that these people are prepared to negotiate if the United States will first fulfill its treaty obligations with them; and they appear before this assembly in this light to-day, denying these statements and saying, "We are prepared to negotiate if the United States will first keep its faith with us." But, in view of the fact that the consideration of this amendment will involve many days of further discussion and debate, I hope that the point of order will be sustained.

The VICE-PRESIDENT. The point of order is made against the pending amendment that it proposes "general legislation upon a general appropriation bill."

The third paragraph of Rule XVI reads as follows:

No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received, etc.

The proposed amendment contains the following provision:

And said commissioners, in addition to the authority already conferred upon them by law, are authorized and directed to proceed at once to hear and determine all questions of citizenship in the several tribes or nations in said Indian Territory; namely, the Cherokee, Muskogee or Creek, Choctaw, Chickasaw, and Seminole tribes or nations, and to make for each a full and complete roll of all persons entitled to the rights of citizenship therein; and in the performance of such duties said commissioners, and each of them, shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, to send for persons and papers, and to punish any disobedience of their orders and process as for contempt, etc.

Undoubtedly this is general legislation of a most important character. In addition to the authority already conferred upon the commissioners, they are by the pending amendment invested with judicial powers. It can hardly be questioned that "to hear and determine all questions of citizenship" as provided for in the amendment is to exercise important judicial functions.

In the judgment of the Chair the proposed amendment is obnoxious to the third clause of Rule XVI, and the point of order is therefore sustained.

Mr. PETTIGREW. There is a committee amendment on page 59 which has not yet been disposed of.

The VICE-PRESIDENT. The reserved amendment of the Committee on Appropriations will be stated.

The SECRETARY. On page 59, line 7, after the word "sites," it is proposed to insert "one hundred and"; so as to read:

For construction, purchase, lease, and repair of school buildings and purchase of school sites, $140,000.

The amendment was agreed to.

Mr. PETTIGREW. I am authorized by the Committee on Indian Affairs to offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of line 9, on page 21, it is proposed to insert:

To enable the Secretary of the Interior to assist the Kickapoo Indians of Oklahoma Territory who have not accepted their allotments to make improvements upon said allotments as fast as accepted, and to purchase seed, grain, and subsistence for said Indians, $5,000, to be immediately available. The sum of money now in the Treasury of the United States belonging to said Indians shall be retained as a permanent fund, upon which the Treasurer shall pay to said Indians interest at the rate of 5 per cent per annum from July 1, 1895.

The amendment was agreed to.

Mr. PETTIGREW. I offer another amendment, which is recommended by the Committee on Indian Affairs.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of page 50 it is proposed to insert:

That the homestead settlers on all ceded Indian reservations be, and they are hereby, granted an extension of one year in which to make payments as now provided by law.

The amendment was agreed to.

Mr. PETTIGREW. I offer an amendment, which I send to the desk, to come in at the end of line 3, on page 56. The amendment is recommended by the Committee on Indian Affairs.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 56, at the end of line 3, it is proposed to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to ascertain and pay to Louis Magawakingena, Louis D. Coteau, and James W. Lynd, of South Dakota, such sum as he shall find justly due them for property lost and destroyed by the Sioux Indians on the Sioux Reservation during the outbreak in 1890. For the purpose of carrying out the provision of this act there is hereby appropriated out of any moneys in the Treasury not otherwise appropriated a sum of money sufficient to carry out the provisions of this act, not exceeding $550.

The amendment was agreed to.

Mr. PETTIGREW. I offer another amendment, which is recommended by the Committee on Indian Affairs, to come in after line 11, on page 58.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 58, after line 11, it is proposed to insert:

That the Secretary of the Interior be, and he hereby is, authorized and directed to pay to A. J. Campbell, the son of Scott Campbell, deceased, or his legal representatives, the sum of $10,000, as provided by the ninth article of the treaty of June 19, 1858, with the Medawakanton and Wahpakoota bands of Dakota or Sioux Indians, and for which purpose the sum of $10,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. PETTIGREW. I offer another amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of line 15, on page 49, it is proposed to insert:

That the Secretary of the Interior is hereby authorized and directed to ascertain and determine the amounts due various merchants of Cloquet and Fond du Lac, Minn., from certain Fond du Lac Indians, not exceeding in the aggregate $6,000, for supplies furnished to said Indians, at the request of the Indian farmer, during the years 1888 and 1889, or upon orders approved by the Indian farmer drawn upon and accepted by certain contractors for the purchase of pine timber on lands allotted to or selected by said Indians or claimed by them, and to pay said merchants the amount found due them, or each of them, their proportion of said sum out of any money on hand paid the United States by said contractors, or any of them, in settlement or satisfaction for pine timber cut upon such lands.

The VICE-PRESIDENT. The amendment will be regarded as agreed to, if there be no objection.

Mr. CHILTON. I ask that that amendment may be passed for a moment. I wish to examine it.

The VICE-PRESIDENT. The amendment will be passed over.

Mr. PETTIGREW. On page 57 there is a committee amendment which led to some controversy yesterday, beginning on line 15. I think we have come to an agreement that the amendment I now propose shall take the place of the amendment adopted. I have not had time to examine it carefully, but I think there is no objection to it, and I now offer it. It is to strike out, after line 14, on page 57, down to and including line 11, on page 58.

Mr. COCKRELL. In lieu of the amendment adopted.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out, beginning in line 15, on page 57, down to and including line 11, on page 58, and insert:

The Secretary of the Interior is hereby directed to cause to be paid out of the balance of $1,660,000 now in the Treasury, and the interest thereon, being the balance of the first payment for the purchase of the Cherokee Outlet, the judgment rendered in the Court of Claims in favor of the Cherokee freedmen against the Cherokee Nation for $903,254, with costs, and the judgment rendered in said court in favor of the Shawnee Indians residing in the Cherokee Nation against the Cherokee Nation for $149,604, with costs, he having already paid the judgment rendered in said court against said nation in favor of the Delaware Indians residing therein for $26,265.

The Secretary of the Interior, after making such payments, is hereby further directed, out of the balance of said $1,660,000 and interest due thereon, to make payments in manner following:

The sum of $400,000 to said freedmen, or so much thereof as may be necessary, to make them equal to Cherokees by blood, in per capita payment of moneys derived from the sale of said Cherokee Outlet; and the sum of $53,461.60 to said Delaware Indians, or so much thereof as may be necessary, to make them equal to Cherokees by blood, in per capita payment of such moneys; and the sum of $76,536 to said Shawnee Indians, or so much thereof as may be necessary, to make them equal to Cherokees by blood, in per capita payment of such moneys; appropriations for such payments having been made by acts of the national council of said Cherokee Nation, approved March 27, 1896, and March 30, 1896.

He shall also pay out of said money the attorney of record in the case of Moses Whitmire, trustee of the freedmen of the Cherokee Nation, against the Cherokee Nation and the United States in the Court of Claims, the fees provided by a certified copy of an act of the Cherokee national council and a stipulation for a consent decree filed in said cause in said court December 19, 1895.

And he shall pay to the attorneys of the Shawnees and Delawares, as they appear of record in the respective cases in the Court of Claims, fees at the same rate and in the same manner herein provided to be paid to the attorney of record of the freedmen: *Provided*, That after making the payments herein referred to the balance of $1,666,000 shall be distributed under the direction of the Secretary of the Interior per capita to the persons entitled thereto, members of the Cherokee tribe of Indians.

The amendment was agreed to.

Mr. CALL. Mr. President, it seems to me that the payment of these great sums of money, which no one understands anything about, ought to be provided for by some separate measure. I guarantee that there are not a dozen Senators in this body who know anything about the payment of this large sum of money. I presume it is probably correct, and that it may be in all respects right and proper—I do not know whether that is so or not—but I do not think such amendments ought to be put on an appropriation bill in this way without very mature consideration and very full explanation.

Mr. PETTIGREW. I offer the amendment which I send to the desk, to come in at the end of line 11, on page 58, after the amendment just adopted:

The Secretary of the Interior is hereby authorized and directed to locate and establish certain Kansas Indians known as the Absentee Wyandotte Indians in the Choctaw and Chickasaw Nations, in accordance with the provisions of articles 30, 31, and 37 of the treaty made between the Government of the United States and the Choctaw and Chickasaw Nations, April 28, A. D. 1866, and the sum of $15,686.80 appropriated by act of August 15, 1894, made for the purpose of buying homes for the said Absentee Wyandotte Indians, and the additional sum of $6,000 appropriated by act of March 2, 1895, shall constitute a fund to be used by the Secretary of the Interior for the payment of the Choctaw and Chickasaw Nations, according to the provision of article 37 of the treaty of 1866 herein referred to, not less than 80 acres per capita for the said Absentee Wyandotte Indians, which said fund shall be paid to the national treasurers of the Choctaw and Chickasaw Nations in the proportions of three-fourths to the former and one-fourth to the latter, the tender of the same being equivalent to the payment thereof. And the Secretary of the Interior is hereby authorized and directed to carry out and enforce the said articles 30, 31, and 37 of the treaty of 1866 in such manner as may be necessary and sufficient for the purposes of this act.

The amendment was agreed to.

Mr. PETTIGREW. I offer another amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 35, at the end of line 23, it is proposed to insert:

The Lower Brulé Indians who were living on the Rosebud Reservation in South Dakota, south of White River, prior to the 3d day of July, 1890, are hereby allowed to return and select the allotments of land occupied by them prior to July 3, 1890, and said lands shall be surveyed and patented to said Indians under the provisions of the acts of Congress in relation to the allotment of lands in severalty to Indians.

That such of the Lower Brulé Indians as desire to do so may take allotments of land on the Rosebud Indian Reservation, south of White River, in South Dakota, the same as they might have done prior to March —, 1889; and the Secretary of the Interior is hereby directed to pay to the Rosebud Indians the sum of $1 per acre for all lands so taken and allotted, and the money to make such payment is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. PETTIGREW. I think that concludes the committee amendments to the bill.

Mr. WILSON. I offer an amendment to the bill, which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. After the word "necessary," in line 25, on page 50, it is proposed to insert:

Provided further, That the time for the completion of said canal, or any part thereof, authorized by an act entitled "An act granting to the Columbia Irrigation Company a right of way through the Yakima Indian Reservation in Washington," be, and is hereby, extended two years from July 24, 1896.

The amendment was agreed to.

Mr. CLARK. I submit an amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 68, line 12, before the word "thousand," it is proposed to strike out "one" and insert "four"; and in the same line, after the word "all," to strike out "twenty-seven" and insert "thirty"; so as to read:

For support and education of 150 Indian pupils at the Indian school, Shoshone Reservation, Wyo., at $167 per annum each, $25,050; for pay of superintendent of said school, $1,400; for general repairs and improvements, $4,000; in all, $30,450.

The amendment was agreed to.

Mr. PEFFER. I propose an amendment which has been referred to the Committee on Indian Affairs. The committee was not willing to report it in that form. Afterwards I had a letter from the Commissioner of Indian Affairs, which I think sets at rest all difficulties in the way. I ask that the amendment, which I send to the desk, may be inserted after line 3, on page 55, which is as convenient a place as any other for its insertion.

The VICE-PRESIDENT. The amendment submitted by the Senator from Kansas will be stated.

The SECRETARY. On page 55, after line 3, it is proposed to insert:

To pay Josephine Lofland, an Indian woman, formerly assistant matron at the Seneca, Shawnee, and Wyandotte school, her heirs and representatives, such sum as the Secretary of the Interior shall ascertain will compensate her for loss sustained by reason of the burning of the school building in which she was employed, not exceeding the sum of $200.

Mr. PEFFER. In connection with this amendment, I wish to have read a letter from the Commissioner of Indian Affairs, which I send to the desk.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 15, 1896.

SIR: In accordance with your request, I have the honor to advise you that on March 28, 1894, a fire occurred at the Seneca Boarding School, Quapaw Agency, Ind. T., which destroyed several buildings and other property. It is stated that the fire began in the room of the assistant boys' matron, Josephine Lofland, during her absence a few minutes, sending the little boys to school. When first discovered the flames were coming through the doors and windows, and in a few seconds it was too hot in every part of the building to remove any furniture or clothing. Superintendent Mateer, in his report to Agent Doane, states that Josephine Lofland, the assistant boys' matron, lost all of her clothing and other valuable articles, besides $40 in money. Special Agent John Lane, on April 13, 1894, made a report upon said fire, and inclosed the affidavits of the assistant boys' matron, Josephine Lofland, Supt. J. H. Mateer, and the farmer, Solon Perrin, which he states gives all the facts that can be ascertained in relation to the fire, loss of property, and the struggle made by the school employees and others to save the other buildings. Superintendent Mateer says that the assistant matron lost almost all of her private property and $40 in money, but there is no exhibit or inventory on file among the papers relating to the fire which gives a list or inventory of what personal property belonging to Miss Lofland was destroyed or its value.

Very respectfully,

D. M. BROWNING,
Commissioner.

Hon. W. A. PEFFER,
United States Senate.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Kansas.

Mr. PETTIGREW. I should like to have that amendment again read.

The VICE-PRESIDENT. The amendment will be read.

The Secretary again read the amendment submitted by Mr. PEFFER.

Mr. PETTIGREW. The Committee on Appropriations discussed and considered that matter and decided that it ought to go upon the deficiency appropriation bill and not upon this bill. I therefore hope that the Senator from Kansas will not press it, but will again let it be referred to the Committee on Appropriations.

The VICE-PRESIDENT. Does the Senator from Kansas desire a vote upon his amendment?

Mr. PEFFER. I do not see why the amendment may not be inserted, as the Senator had a somewhat similar amendment inserted a few moments ago.

Mr. PETTIGREW. The amendment inserted on my motion a few moments ago had the approval of the Committee on Indian Affairs. This has not, as I understand.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Kansas.

The amendment was agreed to.

Mr. BAKER. I offer an amendment, to come in at the end of line 7, on page 26.

The VICE-PRESIDENT. The amendment proposed by the Senator from Kansas will be stated.

The SECRETARY. On page 26, at the end of line 7, it is proposed to insert:

That all deeds and instruments of writing pertaining to real estate within the Quapaw Agency and the town of Miami, in the Indian Territory, shall be recorded at the said town of Miami by the clerk of the United States court in and for the northern district of the Indian Territory, or his duly appointed deputy, in a book or books kept for the purpose.

Mr. BAKER. I understand that there is no objection to that amendment on the part of the chairman or other members of the committee.

The amendment was agreed to.

Mr. MITCHELL of Oregon. I offer an amendment, to come in after line 13, page 51. I will state that the amendment was introduced by me and referred to the Committee on Indian Affairs, and by that committee reported back favorably and referred to the Committee on Appropriations. I think there is no objection to it.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. After line 13, page 51, insert:

That the President of the United States is hereby authorized to appoint a commission, to be composed of three persons, not more than two of whom shall be of the same political party, and not more than one of whom shall be a resident of any one State, whose duty it shall be to visit and thoroughly investigate and determine as to the correct location of the boundary lines of the Klamath Indian Reservation, in the State of Oregon, the location of said boundary lines to be according to the terms of the treaties heretofore made with said Indians establishing said reservation; and when the correct location of said treaty boundaries of said reservation shall have been ascertained and determined, said commission shall ascertain and determine, as nearly as practicable, the number of acres, if any, of the land, the character thereof, and also the value thereof, in a state of nature, that have been excluded from said treaty reservation by the erroneous survey of its outboundaries, as now existing and as shown and reported to have been made in reports of the Commissioner of Indian Affairs and of the Commissioner of the General Land Office, submitted to the Senate by the Secretary of the Interior, and as set out in Senate Executive Documents No. 129, Fifty-third Congress, second session, and No. 62, Fifty-third Congress, third session.

And said commission shall make report of the facts ascertained and of their conclusions and recommendations upon the matters hereby committed to them to the Secretary of the Interior, who is hereby directed to report the facts found and reported by said commission and their conclusions and recommendations in the matter, together with his recommendations thereon, to the next regular session of Congress for its action.

And each member of said commission shall be paid not to exceed the sum of $10 per day while necessarily engaged in the performance of the duties of said commission and actual expenses of travel and subsistence, the same to be audited and paid upon proper vouchers as other expenditures for the Indian service are audited and paid. And the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for such purpose.

The amendment was agreed to.

Mr. DUBOIS. I offer an amendment which was introduced by the Senator from Colorado [Mr. TELLER]. In lieu of the committee amendment at the top of page 51, which was ruled out of order, I move to insert:

To enable the Secretary of the Interior to negotiate with the Uncompahgre tribe of Indians, and with the Indians residing upon the Uintah Reservation in the State of Utah, and with any other Indians, for the surrender of any portion of their respective reservations, or for such modification of existing treaties as may be deemed desirable by said Indians and the Secretary of the Interior, any agreement thus negotiated being subject to subsequent ratification by Congress, $15,000.

Mr. BROWN. I move to amend the amendment, in lines 1 and 2, by striking out the words "with the Uncompahgre tribe of Indians and." My object in moving the amendment is because the language contained in the amendment of the Senator from Idaho would seem to recognize that the Uncompahgres have some rights that ought to be treated with, whereas in fact, as has been explained to the Senate in the discussion of the question of the Uncompahgre Reservation, they have no rights in that land or in any lands whatsoever in the United States. Their lands were in Colorado. They were settled with for them in 1880, they were paid for them, and their money is now in the Treasury of the United States, drawing interest. It is there as a trust fund, amounting to a million and a quarter of dollars, and they have no rights here. The act which was passed in 1894 provided that they could have lands by paying for them in the ordinary way, but it did not recognize them as having any right to be treated for. I fear that the language in the proposed amendment would raise the implication that they have some right in those lands. I therefore move to strike out the words.

I will say further that I called the attention of the Senator from Colorado [Mr. TELLER], who introduced the amendment, to this subject, and he is very familiar with it. He agreed with me that the Uncompahgre Indians have no rights there, and I understand has no objection to the words I have indicated being stricken out.

Mr. DUBOIS. I accept the amendment to the amendment, and with an agreement with the Senator from Colorado and the Senators from Utah, after the word "the," in line 2 of the amendment, where the words "Uncompahgre tribe of Indians" are stricken out, I ask leave to insert "Indians residing upon the Fort Hall Reservation, in the State of Idaho."

The VICE-PRESIDENT. The amendment, will be read as modified.

The Secretary read as follows:

To enable the Secretary of the Interior to negotiate with the Indians residing on the Fort Hall Reservation in the State of Idaho and with the Indians residing upon the Uintah Reservation in the State of Utah, and with any other Indians, for the surrender of any portion of their respective reservations, or for such modification of existing treaties as may be deemed desirable by said Indians and the Secretary of the Interior, any agreement thus negotiated being subject to subsequent ratification by Congress, $15,000.

The amendment as modified was agreed to.

Mr. SHOUP. I move to insert, after line 9, page 48:

For surveying the unsurveyed portions of ceded lands of the Nez Perce Indian Reservation, in the State of Idaho, $10,000, the same to be immediately available.

The amendment was agreed to.

Mr. MANTLE. I submit an amendment, to be inserted after line 14, on page 50.

The amendment was read and agreed to, as follows:

For the purpose of paying the expenses of a commission of three persons, to be appointed by the Secretary of the Interior, to negotiate with the Crow and Flathead Indians in the State of Montana for the cession of portions of their respective reservations, and also to negotiate with the Northern Cheyenne and Crow Indians for the removal of said Northern Cheyenne Indians from their present reservation on the Rosebud River at Lame Deer Agency to the southern portion of the Crow Reservation, the sum of $3,000, or as much thereof as may be necessary: *Provided*, That any agreement made with said Indians shall provide that a certain sum of money shall be deposited in the Treasury of the United States out of which to pay the taxes upon all inalienable allotments of lands to said Indians during the time said allotments are inalienable.

Mr. TELLER. I offer an amendment, to come in on page 72, after line 25. I will simply say that the amendment is sent up by the Commissioner of Indian Affairs, with an indorsement, and it seems to be a very proper amendment, and one that ought to be adopted.

The amendment was read and agreed to, as follows:

To enable the Secretary of the Interior to provide additional school facilities for Indian pupils at Santa Fe, N. Mex., and also suitable agency accommodations for the Pueblo and Jicarilla Agency, the abandoned military reservation known as Fort Marcy, containing about 17.17 acres, and situated in the city of Santa Fe, N. Mex., which said reservation was, by Executive order of June 15, 1876, placed under the control of the Interior Department for disposal in accordance with the provisions of the act of Congress approved July 5, 1884 (23 Stat. L., page 103), and is also subject to disposal under the act of Congress approved March 3, 1893 (27 Stat. L., page 556), is hereby withheld from sale or grant under said acts and placed under control of the Interior Department to be used for Indian school and agency purposes: *Provided*, That when this abandoned military reservation is no longer needed for such school and agency purposes by the Interior Department, then the same shall be disposed of in accordance with the provisions of the said acts of Congress.

Mr. BACON. I understand the amendments adopted as in Committee of the Whole have not yet been agreed to in the Senate.

The VICE-PRESIDENT. The Senator is correct.

Mr. BACON. I trust the Senate will not agree to the amendment of the committee on page 7, which was agreed to as in Committee of the Whole.

Mr. ALLISON. Let the bill be reported to the Senate.

Mr. PETTIGREW. As the amendment to be proposed by the Senator from Georgia is to amend an amendment already agreed to as in Committee of the Whole, I think the bill should be reported to the Senate first.

Mr. BACON. I understood that the bill had been reported to the Senate.

Mr. PETTIGREW. The bill has not yet been reported to the Senate.

Mr. BACON. I beg pardon. I understood the Chair to so announce.

Mr. JONES of Arkansas. I was requested by an Indian to offer an amendment to the pending appropriation bill at a proper place; I presume at the end of the bill. I do not know anything about the merits of the amendment, but, as everything seems to be going in, I suggest that it shall go in.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Insert at the end of the bill:

That the Secretary of the Interior is hereby directed to issue a patent in fee to Benjamin J. Clardy for all the land heretofore allotted to him in the Territory of Oklahoma as a citizen Pottawatomie Indian, and all restrictions as to the sale, incumbrance, or taxation of said land is hereby removed.

The amendment was agreed to.

The amendment was agreed to.

Mr. PETTIGREW. I desire that the bill shall be reported to the Senate.

Mr. PEFFER. There is another amendment that I wish to submit. It is an amendment that was before the Committee on Indian Affairs, and I understood the chairman to say that the committee were satisfied with all of it except the latter paragraph. I ask that it may be read. It can be inserted anywhere.

The Secretary read as follows:

Provided, That any Indian of any tribe who has heretofore taken allotment of land in severalty, or who shall hereafter take allotment of land in severalty under any of the laws of the United States, and who does not reside upon said allotment, but is a legal resident of another State or Territory other than the State or Territory in which said allotment is situated, or a legal resident of any foreign country, may sell and convey all of the land included in such allotment, and upon filing in the proper office of the State and Territory where said allotment is located of a certificate of a court of record of the district and county in which said Indian is a legal resident, setting forth said facts, and that the same has been proven to the satisfaction of the court making such certificate, the said conveyance shall become absolute, and the title to such lands shall thereupon vest in the grantee therein named, and patent shall issue therefor, and the said land shall therefore be subject to taxation as other lands.

Mr. PETTIGREW. I make a point of order against the amendment that it is general legislation. Worse than that, it has not been passed upon by any committee.

Mr. PEFFER. If the Senator from South Dakota will pardon me for a moment, I understood the chairman of the committee to say that the committee would be satisfied with all but the last paragraph. I have stricken out the last paragraph, leaving the rest of the amendment to stand.

Mr. PETTIGREW. I shall insist on the point of order.

The VICE-PRESIDENT. The Chair sustains the point of order. If there are no further amendments to be proposed as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The VICE-PRESIDENT. Without objection, the amendments made as in Committee of the Whole——

Mr. BACON. The question now is on concurring in the amendments made as in committee.

The VICE-PRESIDENT. That is the question.

Mr. BACON. Therefore my proposition must be made now. An amendment proposed by the Committee on Appropriations, which has been adopted by the Committee of the Whole, on the seventh page, is the one to which I ask the attention of the Senate. I trust the Senate will not concur in that amendment. It is found on the twelfth and thirteenth lines, on page 7. I will read it. The bill as it came from the House is as follows:

For pay of five Indian inspectors at $3,000 per annum each, $15,000.

That is the clause as it came from the House. The Senate committee struck out "$3,000" and inserted "$2,500," changing the aggregate from $15,000 to $12,500. The general law fixes the salaries of Indian inspectors at $3,000. It is found in section 2044 of the Revised Statutes, and is as follows:

Each inspector shall receive an annual salary of $3,000 and his necessary traveling expenses, not exceeding 10 cents a mile for actual travel, etc.

The House in recognition of that statute appropriated the amount provided in the statute as the salary of each of these five Indian inspectors, and I am at a loss to see upon what principle the committee bases its proposed change. If it were true that no fixed salary was specified as that to be paid to these inspectors and the committee saw proper to reduce their compensation below what had hitherto been given to them, of course there would be no right to complain; but it does occur to me that an Indian inspector whose salary is fixed by law is just as much entitled to have that amount of money appropriated for his compensation as any other officer of the Government, and that it would be just as proper for the Committee on Appropriations to say that any judicial or legislative officer should not have appropriated the amount necessary to compensate him, his compensation being fixed by law, as to say that the salary of an Indian inspector shall be reduced $500 below the amount of salary which the general law of the land says shall be his.

The general law fixes the amount of salary to be paid a judicial officer; it fixes the amount of salary to be paid to each member of the Senate and each member of the House of Representatives, and we who have control of the appropriations go forward and appropriate the amount provided by law. And yet when it comes to one of these officers, who has no voice in the matter and who has undertaken to represent the Government in conformity to the implied, or I may say the express, contract that he shall be paid the amount appropriated by law, arbitrarily and without reason, so far as I have been able to learn, he is reduced the amount of $500, one-sixth of his entire salary.

Mr. President, of course we have the power to do it. I know that on the first page of the pending appropriation bill it is specified that the amounts hereby appropriated shall be in full compensation for all offices the salaries for which are provided for herein; but that is simply the exercise of an arbitrary power. The question is, what is right? The only way, it seems to me, by which the matter can be properly reached is to change the general law. I insist that it hardly comports with the good faith and dignity of the Government to have upon the statute books a law which provides that an officer shall have a certain amount of salary, and then when we come to appropriate money for the payment of the salary arbitrarily to reduce it by the amount of $500.

I fully understand that the reply is made that the appropriation is for the next fiscal year, and if any one of these officers does not like to serve for that amount he is not compelled to do so. But that is not a good argument. That argument would apply to any other officer of the Government. It might be said that in the judicial or legislative departments officers could be found who would serve at a much less rate than the salary provided by law. That is not the question. The question is, What is the amount fixed by law as the proper compensation of these persons? When persons undertake to serve the Government, especially in an office which calls them away from home, it is necessary that they should give up their private business. It so happens——

Mr. PETTIGREW. I wish to ask the Senator from Georgia a question. I should like to know when the inspectors were appointed to whom the Senator has special reference?

Mr. BACON. I will state to the Senator from South Dakota that I know but one of the inspectors. He was appointed during the present Administration, and he is a citizen of my State. I know as a fact that he was doing a good law business, but he has laid it down and gone into this business in the belief that his salary would be $3,000 a year.

Mr. PETTIGREW. I think we can obviate all difficulty of that sort. The fact of the matter is that he has been receiving but $2,500 a year. That is all that has been appropriated in the past for these officers.

Mr. BACON. I think the Senator is mistaken.

Mr. PETTIGREW. I have the appropriation acts of the last two years here upon my desk.

For pay of five Indian inspectors, at $2,500 per annum each, $12,500.

Mr. BACON. What is the date of that act?

Mr. PETTIGREW. It is the appropriation act of last year, and here is the appropriation act of the year before.

Mr. BACON. What was the amount appropriated the year before?

Mr. PETTIGREW. For the year before—

For pay of five Indian inspectors, at $2,500 per annum each, $12,500.

The clause in the bill is an exact copy of the provision of the present law. So the Indian inspector to whom the Senator refers has been receiving just $2,500. The Senator will find also that many of the surveyors-general of the United States have their salaries fixed at $3,000 in the statute, but for ten years Congress has never appropriated over $2,500. The governors of Territories have their salaries fixed at $3,000, but for fifteen or twenty years Congress has appropriated only $2,600; so this is a custom of Congress well established by precedent.

Mr. BACON. It may be that it is well settled by precedent, but that does not change the justice of the case. If at the time these inspectors were appointed the law said they should have $3,000, they certainly had the right to assume in accepting the office that they would be paid that amount. As I was proceeding to say, the acceptance of this office, unlike the acceptance of many other offices, requires the utter abandonment of a man's private business. It takes him away from his home; it requires the surrender of all other emoluments. These persons have their arrangements made for the support of their families and for conducting their private business; and they have a right, it seems to me, to depend upon the assumption that Congress will appropriate the amount of money which the statute says shall be their lawful salary. If wrong has been done in the past I do not think that is a sufficient reason why it should be repeated in the future.

I have felt it my duty at least to ask the Senate not to insist that these inspectors shall receive less than the law upon the statute book prescribes for their regular salary.

The VICE-PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was nonconcurred in.

The VICE-PRESIDENT. The question is on concurring in the residue of the amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. BACON. I do not understand exactly what is the result of the vote on the amendment. The question, as I understand, was on concurring in the amendment which was made as in Committee of the Whole.

The VICE-PRESIDENT. That is correct. The Senate voted upon the amendment referred to by the Senator from Georgia, and refused to concur in the amendment.

Mr. BACON. The gentlemen sitting near me did not so understand it. They thought I had proposed an amendment. I did not propose an amendment. I simply asked the Senate to nonconcur in the amendment which had been agreed to as in Committee of the Whole.

The VICE-PRESIDENT. The Senate did not concur in the amendment.

Mr. PETTIGREW. I shall ask that the question be again put, because it was not so understood on this side of the Chamber.

The VICE-PRESIDENT. By unanimous consent the Chair will again submit the question on concurring in the amendment made as in Committee of the Whole.

Mr. VILAS. I ask that the amendment be stated, so that there will be no misunderstanding about it.

Mr. ALLISON. The question is on concurring in the amendment made as in Committee of the Whole.

The VICE-PRESIDENT. That is the question.

Mr. ALLISON. An "aye" vote is a vote to maintain the action taken as in Committee of the Whole, and a "no" vote of course has the reverse effect.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. The Senate, as in Committee of the Whole, agreed to the following amendment: In line 12, page 7, strike out "three thousand" and insert "two thousand five hundred," and in lines 13 and 14 strike out the total "fifteen thousand," and insert in lieu "twelve thousand five hundred"; so as to read:

For pay of five Indian inspectors, at $2,500 per annum each, $12,500.

The VICE-PRESIDENT. The question is on concurring in the amendment which has been stated. [Putting the question.] The noes appear to have it.

Mr. PETTIGREW. I do not like to delay the progress of the bill, but I do not feel that that precedent ought to be established.

Mr. DUBOIS (to Mr. PETTIGREW). Call for a division.

Mr. BACON. The only precedent I know of that the Senator can refer to is not agreeing to the amendment of the committee, because there have been numerous precedents during the present session where amounts proposed by committees have been raised. I do not know that there is any very great hazard in such a precedent.

Mr. PETTIGREW. I call for a division.

The question being put, there were on a division—ayes 27; noes not counted.

Mr. PETTIGREW. I hope the Senator from Georgia will not insist further.

Mr. BACON. I am not at liberty to withdraw it, I will state to the Senator from South Dakota. I do not insist upon it from a captious spirit, but the circumstances are such that I can not withdraw it. I have no disposition to disclose the fact of the absence of a quorum, and if I were otherwise circumstanced I would withdraw it, as I see what is the disposition of the Senate. I am willing that the matter shall go over until to-morrow morning, if the Senator from South Dakota prefers, and let us take a vote then.

Mr. CHANDLER. It seems to me the want of a quorum has been suggested. I therefore ask for a call of the roll.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Chilton,	Hawley,	Pritchard,
Allison,	Clark,	Hill,	Proctor,
Bacon,	Cockrell,	Jones, Ark.	Shoup,
Bate,	Cullom,	McMillan,	Squire,
Berry,	Daniel,	Mantle,	Teller,
Blackburn,	Davis,	Martin,	Turpie,
Brice,	Dubois,	Nelson,	Vest,
Brown,	Elkins,	Pasco,	Vilas,
Burrows,	Frye,	Peffer,	Walthall,
Call,	Gallinger,	Perkins,	Warren,
Carter,	Gordon,	Pettigrew,	Wolcott.
Chandler,	Gray,	Platt,	

The VICE-PRESIDENT. Forty-seven Senators have answered to their names. A quorum of the Senate is present. Upon the vote the ayes have it. The amendment made as in Committee of the Whole is concurred in.

Mr. GORDON. On page 57, after line 10, I move to insert: "To Stephen W. Parker, $5,000." I do this by agreement with the committee, although when I gave notice of the amendment yesterday it was $17,303.79.

The VICE-PRESIDENT. The amendment submitted by the Senator from Georgia will be stated.

The SECRETARY. After line 10, on page 57, it is proposed to insert:

To Stephen W. Parker, $5,000.

Mr. PETTIGREW. I wish to make a statement in regard to this matter. I am willing to accept the amendment with the understanding that it can be looked into hereafter, as it is a Senate amendment. I understand this man has no contract. However, if there is any merit in the claim I presume it should be considered and disposed of along with the other Old Settlers claims. Therefore I am willing that the amendment shall go into the bill with the understanding that we will investigate the merits, and if the man shows a contract the matter will be disposed of properly.

Mr. GORDON. I do not want to introduce the amendment and have it acted upon under any cloud. This gentleman has a contract. He has performed the service, and is as much entitled to his pay as any man whose name the committee has brought into the Senate. I hold in my hand the contract.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Georgia [Mr. GORDON].

The amendment was agreed to.

Mr. VILAS. I offer the amendment which I send to the desk.

The SECRETARY. At the bottom of page 47 it is proposed to insert:

For salaries and expenses of the commissioners appointed under acts of Congress approved March 3, 1893, and March 2, 1895, to negotiate with the Five Civilized Tribes in the Indian Territory, the sum of $40,000, to be immediately available; and said Commission is directed to continue the exercise of the authority already conferred upon them by law and endeavor to accomplish the objects heretofore prescribed to them and report from time to time to Congress.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PETTIGREW. I move that the Senate request a conference with the House of Representatives upon the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL were appointed.

Mr. COCKRELL subsequently said: In the appointment of the conferees on the Indian appropriation bill I ask that instead of my name that of the Senator from Florida [Mr. CALL] be inserted.

The PRESIDING OFFICER (Mr. BACON in the chair). It will be so ordered, in the absence of objection.

PUBLIC BUILDING AT NASHUA, N. H.

Mr. GALLINGER. I ask unanimous consent for the consideration of the bill (S. 131) to provide for the purchase of a site and the erection of a public building thereon at Nashua, in the State of New Hampshire.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $100,000 for the purchase of a site and the erection of a public building thereon at Nashua, N. H.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of House bill 7664, being the sundry civil bill.

Mr. PEFFER. The Senator from Iowa understands that that will not displace the unfinished business?

Mr. ALLISON. Not to displace the regular order.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Iowa to proceed to the consideration of the bill indicated, which will be read by title.

The SECRETARY. A bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

The motion was agreed to.

Mr. VEST. I take it for granted that the Senator from Iowa, the chairman of the Appropriations Committee, does not desire to go on with the sundry civil bill this evening.

Mr. ALLISON. I do desire to go on with it.

Mr. VEST. I ask the Senator to allow the bill to be laid aside for a moment while I ask the Senate to consider a little bill of five lines.

Mr. ALLISON. If the Senator from Missouri will allow me for a moment, I will state that I am willing, if it is understood that to-morrow morning after the routine morning business I shall call up the bill without objection, to give way this evening for a few bills that will require no special time.

Mr. VILAS. I hope also for an executive session.

Mr. ALLISON. I will yield also for that purpose.

Mr. VILAS. There are thirty or forty nominations which have not yet been laid before the Senate.

Mr. VEST. There is no objection to the statement of the Senator from Iowa.

Mr. ALLISON. Very well; then I yield to the Senator from Missouri.

ARTHUR P. SELBY.

Mr. VEST. I ask the Senate to consider the bill (S. 261) for the relief Arthur P. Selby. It will give rise to no debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Arthur P. Selby $946, being an amount paid into the Treasury by Selby, as clerk of the United States circuit court of the eastern district of Missouri, by mistake.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDISON A. HOSMER.

Mr. HAWLEY. I ask unanimous consent for the present consideration of the bill (S. 2503) for the relief of Addison A. Hosmer.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Interior to issue to Addison A. Hosmer a certificate of location in place of certificate No. K 9, upon proof of ownership and loss of the same, as the Secretary of the Interior may deem proper.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. DE FREEST.

Mr. VILAS. I move that the Senate proceed to the consideration of executive business.

Mr. ALLISON. I ask the Senator from Wisconsin to yield to me for a moment that I may call up a little bill which it will take but a moment to pass. It is a bill that came from the other House, and I should be glad to have it passed. It is for the benefit of an old soldier in my State.

Mr. VILAS. Very well.

Mr. ALLISON. I ask the Senate to proceed to the consideration of the bill (H. R. 3852) to amend the record of William H. De Freest.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to amend the record of the War Department in the case of William H. De Freest, late second lieutenant of Company B, First Iowa Cavalry, so as to grant him an honorable discharge.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL W. PERKINS.

Mr. BURROWS. I ask unanimous consent to call up the bill (S. 308) for the relief of Daniel W. Perkins.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Daniel W. Perkins, late of East Saginaw, Mich., now of New York City, $1,045, in full for his services rendered as substitute district attorney of the eastern district of Michigan from October 1, 1871, to June 30, 1875.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RAILROAD INDEMNITY LANDS.

The PRESIDING OFFICER (Mr. BACON in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 2221) for the relief of settlers on the Northern Pacific Railroad indemnity lands; which was referred to the Committee on Public Lands, and ordered to be printed.

ADDITIONAL JUDGE IN SIXTH CIRCUIT.

Mr. DAVIS. I ask unanimous consent for the present consideration of the bill (S. 1200) providing for an additional circuit judge in the Sixth judicial circuit.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ELLEN SEXTON.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (S. 515) for the relief of Mrs. Ellen Sexton.

Mr. COCKRELL. Let the bill be read for information, subject to objection.

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill.

Mr. WARREN. The bill was reported from the Committee on Claims with amendments.

Mr. COCKRELL. Before I give consent for the consideration of that bill I wish to know if it is not setting the precedent of making the United States liable for all the costs in all criminal prosecutions for violations of the pension laws. It seems to me it is opening a very broad and wide door; and while I beg the Senator's pardon, I must be permitted to examine it a little further before we take it up. I have only glanced at the bill, but I see that it reads:

To reimburse her for the expense she was caused in defending herself against charges of perjury in connection with her pension claim, on which charges she was acquitted.

In case a grand jury finds an indictment for perjury against a witness and that witness is acquitted the United States will be liable to reimburse the attorney's fees and expenses and everything of that kind. I think that is setting a precedent which is too far-reaching.

Mr. WARREN. I will only take time to state, first, that I do not consider that the bill sets such a precedent, and, second, that the bill as proposed to be amended on the report of the committee does not reimburse the claimant except in part. I should only hope, if it did make a precedent, it would be one that would be followed in all cases so aggravated as this one.

Mr. COCKRELL. There is a long report in the case, and I hope the Senator will allow the bill to pass over, without losing its place, so that we may examine it.

Mr. WARREN. Certainly, if it is so desired.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

OLIVIA AND IDA WALTER.

Mr. PASCO. I ask unanimous consent for the present consideration of the bill (S. 278) for the relief of Olivia and Ida Walter, heirs and children of Thomas U. Walter, deceased. The bill has heretofore been twice passed by the Senate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on Claims with an amendment, in line 7, before the word "thousand," to strike out "twenty-five" and insert "fourteen"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Olivia and Ida Walter, heirs and children of Thomas U. Walter, deceased, out of any moneys in the Treasury not otherwise appropriated, the sum of $14,000, in full satisfaction of all claims against the United States for services rendered by the testator in connection with any of the public buildings belonging to the Government, whether as architect, designer, disbursing agent, superintendent, or otherwise.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDINGS AT SALT LAKE CITY AND OGDEN.

Mr. BROWN. I ask unanimous consent for the present consideration of the bill (S. 2178) to provide for the purchase of a site and for the erection of a public building thereon at Salt Lake City, the capital of the State of Utah, and at Ogden.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HILL. Is there provision made for two public buildings in that bill?

Mr. BROWN. Yes, sir.

Mr. HILL. One at a time is about the average.

Mr. BROWN. I know that is ordinarily true; but, if the Senator will permit me, I will say in regard to this bill that these cities, had they been in States, would have had public buildings long ago.

Mr. HILL. I did not hear the Senator.

Mr. BROWN. Had these cities been in States they would have received public buildings before this on account of their size and the amount of business transacted; but it has not been the policy of the United States to erect buildings in Territories, and for that reason we are a little behind.

Mr. HILL. The Senator is making up for lost time by providing for two public buildings in one bill.

Mr. BROWN. In a certain measure that is true, but of course the capital of the State is entitled to a building.

Mr. HILL. What is the size of the other town for which a building is provided?

Mr. BROWN. It has a population of 20,000. It is a railroad town and is growing rapidly.

The PRESIDING OFFICER. The amendment reported by the Committee on Public Buildings and Grounds will be stated.

The amendment was, after the words "sum of," in line 10 of section 2, to strike out "three hundred thousand" and insert "one hundred and eighty-eight thousand"; so as to read:

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States court, post-office, and other Government offices in the city of Ogden, in the State of Utah. That the cost of such building, including vaults, heating and ventilating apparatus, elevators, and approaches, complete, shall not exceed the sum of $188,000, etc.

Mr. HILL. One hundred and eighty-eight thousand dollars is to be the total cost?

Mr. BROWN. One hundred and eighty-eight thousand dollars is to be the total cost of the building at Ogden.

Mr. HILL. For which $100,000 only is appropriated in this bill?

Mr. BROWN. But $60,000 is now appropriated.

Mr. HILL. What is the other building to cost?

Mr. BROWN. Five hundred thousand dollars, and $100,000 is to be expended during the coming fiscal year.

Mr. HILL. Creating debts for some one to pay.

Mr. BROWN. To an extent that is true. It is to cover a long period of years. It will take probably five or six years to complete the building at Salt Lake City. Salt Lake City has a population of nearly 60,000, and Ogden has a population of about 20,000.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Public Buildings and Grounds.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORT SHAW MILITARY RESERVATION.

Mr. MANTLE. I ask unanimous consent for the present consideration of the bill (S. 1985) to provide for the disposal of the abandoned Fort Shaw Military Reservation, in Montana, under the homestead and mining laws of the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT PORTSMOUTH, VA.

Mr. DANIEL. I am authorized by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 270) to provide for the erection of a public building in the city of Portsmouth, in the State of Virginia, to report it favorably without amendment. In making the report, I ask unanimous consent of the Senate to consider the bill at this time.

Mr. HILL. Does it provide for only one building?

Mr. DANIEL. There is only one building provided for in this bill. Portsmouth is an old Virginia town, with over 21,000 inhabitants, a deep-water terminus, with four railway lines, the site of a great navy-yard of the United States, and I believe in the true interests of the United States a Government building should be erected there.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. CHANDLER. I ask that the bill be read, subject to objection.

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill, which proposes to appropriate not to exceed $150,000 for a site and the erection thereon of a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States courts, post-office, and other Government offices, in the city of Portsmouth and State of Virginia.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. VILAS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 57 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 24, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 23, 1896.

PROMOTION IN THE ARMY.

Infantry arm.

Second Lieut. John Moore Sigworth, Tenth Infantry, to be first lieutenant, April 15, 1896, vice Tyson, Ninth Infantry, resigned.

REGISTER OF LAND OFFICE.

Edwin E. Sluder, of Santa Fe, N. Mex., to be register of the land office at Las Cruces, N. Mex., vice John D. Bryan, to be removed.

RECEIVER OF PUBLIC MONEYS.

Caleb P. Organ, of Cheyenne, Wyo., to be receiver of public moneys at Cheyenne, Wyo., vice Cyrus D. Kelley, to be removed.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Frederick C. Billard, of Maryland, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed C. M. White, promoted.

Bernard H. Camden, of West Virginia, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed C. S. Craig, promoted.

Benjamin M. Chiswell, of Maryland, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed George M. Daniels, promoted.

Leonard T. Cutter, of New Hampshire, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed F. S. Van Boskerck, jr., promoted.

Moses Goodrich, of New Hampshire, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed D. F. A. de Otte, promoted.

Harry G. Hamlet, of Massachusetts, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed S. B. Winram, jr., promoted.

James C. Hooker, of Mississippi, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed A. R. Hasson, promoted.

Thomas L. Jenkins, of North Carolina, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed Fred. J. Haake, promoted.

Randolph Ridgely, jr., of Georgia, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed James H. Scott, promoted.

Richard M. Sturdevant, of Pennsylvania, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed F. A. Levis, promoted.

POSTMASTERS.

Thomas H. Tulley, to be postmaster at Silverton, in the county of San Juan and State of Colorado, in the place of Daniel Flisher, removed.

Duncan G. Campbell, to be postmaster at Rockford, in the county of Floyd and State of Iowa, in the place of Alex. McElroy, whose commission expired April 18, 1896.

John W. Irwin, to be postmaster at New Sharon, in the county of Mahaska and State of Iowa, in the place of David Vail, whose commission expired April 8, 1896.

L. S. Kennington, to be postmaster at Newton, in the county of Jasper and State of Iowa, in the place of J. T. Sherman, deceased.

Lois Martin, to be postmaster at Pella, in the county of Marion and State of Iowa, in the place of Samuel F. Cole, whose commission expired February 16, 1896.

R. L. Mortland, to be postmaster at Montezuma, in the county of Poweshiek and State of Iowa, in the place of Allen T. Underwood, whose commission expired December 16, 1895; L. H. Boydston, who is now serving as postmaster under a temporary commission issued during the recess of the Senate, not having been nominated to the Senate.

Charles E. Brady, to be postmaster at Sandwich, in the county of Barnstable and State of Massachusetts, in the place of Charles E. Brady, whose commission expired April 18, 1896.

Edwin L. Cragin, to be postmaster at Melrose Highlands, in the county of Middlesex and State of Massachusetts, in the place of John Singer, whose commission expired December 16, 1895.

William J. Flynn, to be postmaster at Staples, in the county of Todd and State of Minnesota, in the place of William A. Miller, whose commission expired January 19, 1896.

Michael J. Toher, to be postmaster at Owatonna, in the county of Steele and State of Minnesota, in the place of Charles E. Luce, whose commission expires April 23, 1896.

Thomas M. Ryan, to be postmaster at Anoka, in the county of Anoka and State of Minnesota, in the place of James A. Foote, whose commission expires April 23, 1896.

Julia H. Bronson, to be postmaster at Clinton in the county Oneida and State of New York, her commission having expired April 12, 1892.

Charles E. Rose, to be postmaster at Patchogue, in the county of Suffolk and State of New York, in the place of John J. Kirkpatrick, whose commission expired February 2, 1895.

John T. Baldwin, to be postmaster at Hennessey, in the county of Kingfisher and Territory of Oklahoma, in the place of Isidore McShea, removed.

Charles L. Pohe, to be postmaster at Catawissa, in the county of Columbia and State of Pennsylvania, in the place of Jonas H. Geary, whose commission expired April 4, 1896.

Boyce Rankin, to be postmaster at McDonald, in the county of Washington and State of Pennsylvania, in the place of David L. Williams, whose commission expired April 4, 1896.

James A. Crow, to be postmaster at Plano, in the county of Collin and State of Texas, in the place of Robert L. Livingston, whose commission expired March 21, 1896.

John L. Anable, to be postmaster at Mount Vernon, in the county of Skagit and State of Washington, in the place of Charles D. Kimball, whose commission expired March 21, 1896.

George B. McCall, to be postmaster at Chippewa Falls, in the county of Chippewa and State of Wisconsin, in the place of Albert E. Pound, whose commission expired January 19, 1896, the nomination of Arthur Gough to be postmaster at Chippewa Falls, which was sent to the Senate March 4, 1896, having been withdrawn.

WITHDRAWAL.

The following Executive nomination was withdrawn April 23, 1896:

POSTMASTER.

Arthur Gough, to be postmaster at Chippewa Falls, county of Chippewa, in the State of Wisconsin.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 23, 1896.

CONSUL-GENERAL.

Fitzhugh Lee, of Virginia, to be consul-general of the United States at Habana, Cuba.

POSTMASTERS.

Oliver P. Kendrick, to be postmaster at West Brookfield, in the county of Worcester and State of Massachusetts.

Henry A. Pope, to be postmaster at Milton, in the county of Norfolk and State of Massachusetts.

George B. McCall, to be postmaster at Chippewa Falls, in the county of Chippewa and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 23, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

ARREST OF AMERICAN CITIZENS IN CUBA.

Mr. TALBERT. I ask unanimous consent for the present consideration of the resolution which I send to the Clerk.

The Clerk read as follows:

Resolved, That the Secretary of State is hereby directed to communicate to the House of Representatives the information which he has, if any, relative to the arrest and imprisonment by the Spanish authorities in Cuba of Rev. A. J. Diaz, a citizen of the United States of America, and the superintendent of the mission work in Cuba of the Home Mission Board of the Southern Baptist Convention.

Also, what steps, if any, have been taken or directed for the purpose of securing for him a fair and impartial trial upon any charges which may have been preferred against him.

Also, such further information as may be in the possession of the State Department relative to said arrest and imprisonment, the communication of which is compatible with the public interest.

Resolved, That the Secretary of State is hereby directed to communicate to the House of Representatives like information relative to the arrest and imprisonment of A. J. Diaz, a citizen of the United States, by the Spanish authorities in Cuba.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. DINGLEY. Has not a similar resolution of inquiry been adopted by the Senate?

Mr. TALBERT. Yes, sir; a resolution of the same nature.

Mr. DINGLEY. Is there any necessity for both bodies taking this action? The information which may be sent to the Senate will suffice for the two Houses.

Mr. TALBERT. I think it should be sent officially to the House; in that way it will come to us in stronger form. That is my idea.

Mr. DINGLEY. All right.

There being no objection, the House proceeded to the consideration of the resolution; and it was adopted.

REPRINT OF REPORT ON BANKRUPTCY BILL.

Mr. HENDERSON. I ask unanimous consent that a reprint of 5,000 copies of the report of the Judiciary Committee on House bill 8110—the bankruptcy bill—be ordered. The copies already printed are exhausted, and members have been pressing me for a reprint. This report, I will state, contains the bill and also an index, all being condensed in one document.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. HENDERSON] for printing 5,000 extra copies of the report of the Committee on the Judiciary on the bankruptcy bill?

There was no objection; and it was ordered accordingly.

JOHN N. QUACKENBUSH.

Mr. HEPBURN. I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The bill, with the amendment of the Committee on the Judiciary, was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. McEWAN. I reserve the right to object. I want to hear some explanation.

Mr. DINGLEY. Let the right to object be reserved.

The SPEAKER. The gentleman from New Jersey [Mr. McEWAN] and the gentleman from Maine [Mr. DINGLEY] reserve the right to object, pending an explanation.

Mr. HEPBURN. Mr. Speaker, in February, 1874, this officer was sentenced by court-martial to be dismissed from the service of the United States.

Mr. DINGLEY. For what cause?

Mr. HEPBURN. For drunkenness. The President of the United States commuted the punishment to six years' suspension from rank, and the officer was put upon shore pay. During the period of his suspension his place in the Navy was, by an error, filled through the commissioning of another officer; so that at the expiration of six years there was no place in his grade for him. He was, however, retained upon the Navy Register until 1882, receiving his pay and being recognized as an officer of the Navy. In the year 1882 the Secretary of the Navy for some cause dropped his name.

In the Forty-seventh Congress a bill similar to this was favorably reported in both Houses. In the Forty-eighth Congress an act similar to this was passed by both Houses, but got to the President only a few moments before the expiration of that Congress and did not receive his signature. In the Forty-ninth, the Fiftieth, and the Fifty-first Congresses this bill was favorably reported to both Houses.

Mr. SAYERS. Is the gentleman quite sure that the bill for the relief of this officer was reported favorably in both Houses?

Mr. HEPBURN. I am reading from the report of the Judiciary Committee, which states that the bill was favorably reported to both Houses in the Forty-seventh Congress and was passed by both Houses in the Forty-eighth Congress; that in the Forty-ninth, Fiftieth, and Fifty-first Congresses the bill was favorably reported to both Houses. In the Fifty-third Congress it was favorably reported, unanimously reported, by the Judiciary Committee of this House. This is the statement of the report of the Judiciary Committee at this session.

In 1885 this officer instituted a proceeding in one of the courts here against the Secretary of the Navy to secure his restoration to the Official Register of the Navy. This matter was heard before Judge Bradley, of the supreme court of the District of Columbia, who, for want of jurisdiction, refused to grant the peremptory mandamus applied for. Yet the judge, in rendering his decision, said:

The correction of this error—

That is, the restoration of the officer to the Navy Register—

The correction of this error, from which Commander Quackenbush has so long suffered, would be a simple act of justice. It should be corrected, not only as matter of righting a wrong to an injured and powerless citizen, but as a matter of honor on the part of a great and powerful Government. The remedy, however, is not in the courts, but in Congress. The petition must be dismissed.

Now, Mr. Speaker, I believe that for Congress to pass this bill is simply to do an act of justice, because the failure to do so imposes upon this officer additional or double punishment for an offense. He has suffered sufficient punishment already inflicted upon him by the court as modified by the action of the President of the United States. He should have been restored to his place twelve years ago. He is now an old man. He went into the Navy when a boy. He remained until 1874; he has no other occupation; he has no means of support; his service during the war was of an honorable character, and his record, with the exception of the one unfortunate habit, was a splendid record, that any officer of the Navy might well be proud of. I do not believe that the House will be willing longer to let him rest under this great disability, under this second punishment for one offense.

Mr. DINGLEY. Before consent is given, I would like to ask a question. It appears that this officer was dismissed under rather flagrant circumstances for drunkenness by a court-martial—permanently dismissed—and the President modified the sentence to a suspension for six years.

Mr. HEPBURN. Yes, sir.

Mr. DINGLEY. Now, the question is whether the habits of the officer whom it is proposed to restore and place on the retired list have been such within the last ten or a dozen years as to justify this action?

Mr. HEPBURN. I think there can be no possible doubt of it. Here are a dozen or more letters or certificates from his intimates, from the pastor of the church of which he is a member, and from other persons who have intimate acquaintance with him, all of them testifying to that fact, and that there has been no such conduct on his part since the period in question as would justify the prolongation of this sentence.

Mr. HENDERSON. I would like to add, with the consent of my colleague, that there are a large number of the best people in Washington who have interceded in behalf of the passage of this bill. He has children of the loveliest character who are suffering under this blot upon the record of their father, and all good citizens in the District who know the man seem to be united in urging favorable action upon this measure.

Mr. HEPBURN. I might say that during two winters I boarded in the same house with this gentleman, and have never observed anything in his conduct or habits not exemplary and correct in every respect, and I thank my colleague for the statement he has make with reference to the case.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SAYERS. Mr. Speaker, I object.

Mr. HEPBURN. I hope my friend will not interpose objection now.

Mr. WILLIS. I trust the gentleman from Texas will withdraw the objection.

Mr. SAYERS. Mr. Speaker, I am not interposing an objection here without some knowledge of the facts connected with the case. This matter was referred to the Committee on Naval Affairs in the Forty-ninth Congress, of which committee I was then a

member, and while many of the facts have passed from my recollection, yet I remember that when this officer was dismissed from the Navy for the offense alleged the President transmitted to the Senate the name of some officer to be appointed in his stead, and that nomination was approved by the Senate. Afterwards, if I remember correctly, the change was made from a permanent dismissal from the Navy to a suspension for a term of years.

Mr. HEPBURN. The gentleman will remember that there is abundant evidence in the case showing that this was an error; that it was not the purpose of the President so to do, but was simply the result of an oversight. It is clear beyond all question that such was the case, and the then Secretary of the Navy certifies to that fact; and I hope, therefore, my friend from Texas will not object.

Mr. SAYERS. I do not believe the bill ought to pass——

Mr. HEPBURN. It is a good and righteous bill.

Mr. BAKER of New Hampshire. If the gentleman will permit me, the then President of the United States, General Grant, and his Secretary of the Navy, Mr. Robeson, both certify in the case that the nomination to the Senate and its confirmation was an error.

Mr. SAYERS. At the solicitation of gentlemen around me I withdraw the objection. [Applause.]

But I wish to say, Mr. Speaker, in reference to this bill, that I do not believe it ought to be passed until all of the facts connected with the history of this officer, which can be obtained in a few days from the Navy Department, are laid before the House.

Mr. HEPBURN. They are all embodied in the report——

Mr. SAYERS. I do not think that the House should pass upon the bill without all the facts before it.

Now, I ask the gentleman from Iowa to take a unanimous consent, and let this bill lie over until Saturday morning, retaining its place.

Mr. HEPBURN. I would be perfectly willing to consent to that, but, Mr. Speaker, I shall not be here on Saturday morning.

The SPEAKER. The question first is, Is there objection to the present consideration of the bill?

There was no objection.

Mr. SAYERS. Mr. Speaker, I ask that the consideration of the bill go over until Saturday morning.

Mr. HEPBURN. I would like to make it Friday, if it will suit the gentleman from Texas, as I can not be here on Saturday.

Mr. SAYERS. Then say Monday.

Mr. HEPBURN. Let us make it Tuesday next; that will make it more convenient for me.

Mr. SAYERS. Very well.

The SPEAKER. The Chair understands that the gentleman asks consent that the consideration of this bill be set for Tuesday? Is there objection?

There was no objection, and it was so ordered.

CONDEMNED CANNON, EVANS CITY, PA.

Mr. PHILLIPS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7216) donating one condemned cannon and cannon balls to Grand Army of the Republic Post No. 573, of Evans City, Pa.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to Post No. 573 of the Grand Army of the Republic, of Evans City, Pa., one condemned cannon and five cannon balls for the purpose of decorating the soldiers' monument in said place: *Provided*, That the same can be spared without detriment to the service, and that no expense is hereby incurred by the Government.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. PHILLIPS, a motion to reconsider the last vote was laid on the table.

N. T. APPLEGATE.

Mr. COX. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7334) to increase the pension of N. T. Applegate, who served in Company B, Twenty-eighth Kentucky, in the late civil war.

The bill was read, as follows:

Be it enacted, etc., That the pension of N. T. Applegate, who served in Company B, Twenty-eighth Kentucky Regiment, in the late civil war, be, and the same is hereby, increased to $40 per month, the said soldier being entirely helpless.

The Committee on Invalid Pensions recommended an amendment, to strike out all after the enacting clause and insert the following:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of William T. Applegate, late private and second lieutenant in Company B, Twenty-eighth Kentucky Volunteer Infantry, and pay him a pension of $30 per month in lieu of the pension he is now receiving.

Amend the title so as to read: "A bill granting an increase of pension to William T. Applegate."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ERDMAN. Has this bill been considered in Committee of the Whole?

Mr. COX. No, Mr. Speaker, the bill has not been considered in Committee of the Whole, but I desire to make a short statement in regard to it.

This bill is to increase the pension of this man from $12 to $30 a month. That is done by the committee amendment. I know this man well. He lives in my district. He is utterly helpless. I prosecuted his claim as earnestly as I could, to try to get the pension increased at the Bureau. He can not establish to the satisfaction of the Bureau that his disabilities were caused by his service in the Army. He is a man of upright character, of as good morals as anybody. He is utterly helpless. I have seen him time and time again. He has to be nursed by his wife as though he were a child. The committee recommend an increase to $30 a month. I hope there will be no objection to helping this old man to that little sum of money.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. Mr. Speaker, I should like to ask the gentleman if there is any evidence that would tend to show that this man's present disability is the result of his service?

Mr. COX. I will tell you what the evidence does show, which strongly recommends the case to me. This man enlisted in the Army. He was a second lieutenant. In the service he had his leg broken. He is now absolutely helpless. But the trouble is, he is paralyzed, and it is hard to trace that, as they tell me, to the results of exposure in the service. Now, if my friend could see this man for one moment he would not stop at $30 a month.

Mr. LOUD. Oh, well, permit me to say, Mr. Speaker, that I do not believe Congress has any right to be charitable in matters of this character. There are, I will assume to say, 100,000 old veterans in this country who are totally disabled, and many of them feel that it is the result of their service; but if it does not appear clearly that it is the result of service, I hold that this Congress has no right and no power to pick out a special individual and pension him above the rate allowed by law simply because he is disabled at the present time and is poor and in want.

Mr. COX. If the gentleman will allow me to interrupt him for one moment, I will say that part of this disability and trouble grows out of having his leg broken in the service; but every other limb is nearly helpless. He could not make proof which was sufficient to satisfy the Department, because he could not find his old comrades; he could not find his physician. The evidence before the committee is full. Every mark and every point in regard to it has been taken with care, and if there ever was a case where an old soldier, under any state of facts, should have enough so that he can be fed, why this is that case.

Mr. LOUD. I should like to ask the gentleman now, on his honor as a member of Congress, if he believes that this man's disability is the result of his service?

Mr. COX. I will tell you what I honestly believe. I believe it was in part, and I have known him for years.

Mr. LOUD. Now, I beg your pardon——

Mr. COX. Well, I think that I would not be disabled that way for any consideration on earth.

Mr. LOUD. You would hardly assume that the breaking of a leg resulted in paralysis thirty or thirty-five years after the war, or that the paralysis was the result of the service, would you?

Mr. COX. Well, I would hardly presume that, if you state it in that way; but he has been stricken with paralysis for quite a number of years. Let me appeal to my friend. I know what I am talking about. This man had his leg broken. His health is utterly broken down, and he has no sort of assistance in the world except that of his good wife. I do think that if there ever was a case which appealed to the conscience of my very warm personal friend, this is such a case.

Mr. LOUD. Then I will ask the gentleman why he does not, with all his vigor, advocate the granting of a pension of thirty, or forty, or fifty, or seventy dollars a month to every man who served in the late war and who is at present disabled? Why not do justice to all of them?

Mr. COX. I will answer my friend by saying that I have never objected to the pensioning of an old soldier that I saw was thoroughly disabled and could not help himself. I left it to the committee to say what they would do, knowing that they would be fair in regard to the matter. I did not press the matter with the committee as to the amount to be allowed. Now, you know as well as I know that I am as cautious about these appropriations as the gentleman from California.

Mr. LOUD. I understand. Every gentleman is prejudiced in favor of his own claim. If this House should do this in one case why should it not do it in a great many others? I shall make no objection to the consideration of this bill. If it is on the Calendar it would be passed if it carried a thousand dollars. [Laughter.] I simply desire to call the attention of the House to what is

being done in these individual cases. If it were shown that the beneficiary's present condition was the result of service I should raise no objection, but this House has passed bills granting pensions where in the reports they have stated the present disability was not the result of service.

Mr. COX. There is no such statement as that in this report.

Mr. LOUD. Is not the inference about the same?

Mr. COX. The inference is the other way, in a unanimous report of the committee.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The amendment to the title recommended by the committee was agreed to.

On motion of Mr. COX, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN J. SHIPMAN.

Mr. MEREDITH. Mr. Speaker, I ask unanimous consent to take up and pass the bill (S. 1835) to execute the findings of the Court of Claims in the matter of the claim of John J. Shipman against the United States.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John J. Shipman, out of any moneys in the Treasury not otherwise appropriated, the sum of $17,811.96, the same being the amount found by the Court of Claims to be due to the said John J. Shipman from the United States for stone furnished and delivered by the said Shipman to the United States and used by it in the construction of a lock on the Big Sandy River near Louisa, Ky., the said findings of the Court of Claims having been made in a proceeding and trial in said court authorized by resolution of the Senate of the 16th day of January, A. D. 1889, transmitting said claim to the Court of Claims under the provisions of an act approved the 3d day of March, A. D. 1883 (22 U. S. Stats., page 485), and an act approved the 3d day of March, A. D. 1887 (24 Stats., page 505), to be instituted in said court against the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. I reserve the right to object until we can hear a statement. I do not see why this has not been presented to the proper accounting officers for payment.

Mr. MEREDITH. Mr. Speaker, if my friend will permit me, the report is very short; I will state the substance of the report. There was a contract entered into with the United States Government to build a lock in the Big Sandy River, in the State of Kentucky. The contract was entered into——

Mr. LOUD. I would like to have the report read, as we can not hear.

The SPEAKER. The gentleman from California demands that the House shall be in order. The Chair hopes that gentlemen will take their seats and cease conversation, and gentlemen desiring to converse will retire to the cloakroom.

Mr. MEREDITH. I will state that this bill passed the Senate and has been favorably reported to the House. The report on the House bill will give all the information that my friend may desire.

The report (by Mr. MINOR of Wisconsin) on House bill 1030 was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 1030) entitled "A bill to execute the findings of the Court of Claims in the matter of the claim of John J. Shipman," has carefully examined the records in this case and find that the report made to the House January 29, 1895 (Fifty-third Congress, third session), covers the ground very thoroughly, and, as shown by evidence in the case, is correct.

Your committee therefore append said report and incorporate the same as a part of the report of this committee, and recommend that the bill do pass.

[House Report No. 1695, Fifty-third Congress, third session.]

The Committee on Claims, to whom was referred the bill (H. R. 7076) entitled "A bill to execute the findings of the Court of Claims in the matter of the claim of John J. Shipman," respectfully submit the following report:

A contract was entered into by Capt. James C. Post, for the Government of the United States, with David B. Shipley for the delivery of stone for the construction of a lock in the Big Sandy River. By an agreement between said Shipley and said John J. Shipman the latter furnished the stone required by the contract. This agreement was known by the Government officers, and all the dealings of the latter were with Mr. Shipman. The quantity of stone required by the contract was delivered, but orders were given to Mr. Shipman under which he delivered stone and made changes in cuttings required in excess of what the contract called for. Payment was duly made to the extent of what the contract called for, but no payment was made for the excess above alluded to, and, as Mr. Shipman was in no position to enforce his claim therefor by a suit in the Court of Claims, he applied to Congress for relief, and the matter was referred by Congress to the Court of Claims.

He then filed his petition in that court, and the case proceeded to final hearing, resulting in a finding that there is due to Mr. Shipman the sum of $17,811.96.

Your committee have examined the record and find that the matters involved were carefully and exhaustively considered. Much testimony was taken, and the case was carefully prepared and tried on behalf of the Government, with the result above named. There seems to be no reason to question the accuracy of the findings of the court.

The Government has received and is now enjoying the benefit of the material and labor, and Mr. Shipman should be paid therefor without delay.

Your committee therefore recommend that the bill do pass.

The findings of the Court of Claims are hereto appended.

[Senate Miscellaneous Document No. 103, Fifty-third Congress, second session.]

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 28, 1894.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the finding filed by the court in the aforesaid cause, which case was referred to this court by the resolution of the Senate of the United States under the acts of March 3, 1883, and of March 3, 1887.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. ADLAI E. STEVENSON,
President United States Senate.

[In the Court of Claims. Congressional, No. 6653. John J. Shipman, claimant, *vs.* The United States.]

STATEMENT OF CASE.

This claim in the above-entitled case was transmitted to the court on the 16th day of January, 1889, by the following resolution of the Senate:

"*Resolved*, That the bill (S. 2081) entitled 'A bill for the relief of John J. Shipman,' now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims in pursuance of the provisions of an act approved March 3, 1883, and an act entitled 'An act to provide for the bringing of suits against the Government of the United States,' approved March 3, 1887, to find and report to the Senate the facts bearing upon the merits of the claim, including the loyalty of the claimant and all other facts contemplated by the provisions of said act."

Messrs. Shellabarger, Wilson, and Hoehling appeared for the claimant, and the Attorney-General, by Felix Brannigan, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The case was brought to a hearing on its merits on the 28th day of February, 1893.

The court, upon the evidence, and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT.

I.

On the 23d day of July, 1883, David B. Shipley entered into a contract with Capt. James C. Post, United States Army, of the Corps of Engineers, on behalf of the United States, for the delivery of stone for the construction of a lock on the Big Sandy River, near Louisa, Ky., and which said contract was duly approved by the Chief of Engineers, United States Army, on the 10th day of August, 1883. On the 1st day of September, 1884, a supplemental agreement was entered into, which was duly approved by the Secretary of War on the 17th day of September, 1884.

II.

On the 23d day of August, 1883, the claimant entered into a contract with the said David B. Shipley, whereby the said Shipman agreed to deliver stone contemplated by the first contract named in the finding, in accordance with the requirements contained therein and at the prices fixed by the contract. The second contract was subsequently entered into by Shipley with the assent of the claimant.

III.

After the making of this contract between said Shipley and Shipman, Shipley, as well as the claimant, requested that the name of Shipman might be substituted for his (Shipley's) in the contracts, the requests being accompanied by the written consent to such change on the part of the bondsmen of Shipley. Captain Post, having charge of the construction of said lock, recommended that said substitution be made; but the Chief of Engineers refused, on the ground of its not being lawful so to do. Thereupon the claimant gave notice to the Secretary of War and the other officials of the Government having charge and control of the matter of the execution of the contracts of the agreement by which he, Shipman, was to complete the said contract of Shipley; and the Secretary of War and other officials having the matter in charge, with full notice of said arrangement with Shipman, recognized him throughout the entire execution of said contracts as the party who, in fact, executed the same, and who delivered all the stone in the execution thereof.

IV.

After the foregoing arrangement was reached the claimant proceeded, with full knowledge and approval of the defendant's officers having charge of the work, and, under their orders and directions, fully performed all the requirements and conditions of Shipley's contract, to the satisfaction of the officers in charge of the work.

V.

From time to time during the progress of the work payments were made by drafts or warrants, payable to the order of Shipley, and which were indorsed by Shipley, and by him delivered to the said Shipman, who received the proceeds thereof, amounting in the aggregate to $66,285.22.

VI.

The contractor, David B. Shipley, has disavowed and disclaimed all right and interest in the compensation, both that paid and that unpaid, and has in this case expressly declared and testified that he is not interested in the claim here sued for, and that he had no connection with the execution of the contracts, and that he did not furnish any money for the carrying out of the same; and he has filed in this case his written disclaimer of all interest in the compensation due under the contract, and has ordered and requested that any such compensation remaining due, if any, may be paid to the claimant, Shipman.

VII.

The contracts between Captain Post and Shipley, before referred to, contained, among others, the following provision:

"The decision of the engineer officer in charge as to quality and quantity shall be final."

The assistant engineer in charge of the work was satisfied with and approved the quality of work performed by claimant, but a dispute arose as to the quantity of stone furnished, and the mode and manner of measurement, and of ascertaining the quantity where it could not be ascertained by direct measurement. The decision of the assistant engineer was that the claimant had furnished the following quantities:

	Cubic yards.
Cut stone, dressed face	1,552.46
Cut stone, quarry face	803.42
Squared stone	2,002.66
Backing stone	6,042.58
Special stone	785.40

The whole of which aggregated, at contract rates, the sum of $66,285.22.

VIII.

The contract also contained, among others, the following provisions:

"If at any time during the prosecution of the work it be found advantageous or necessary to make any change or modification in the project, and

this change or modification should involve such change in the specification as to character and quantity, whether of labor or material, as would either increase or diminish the cost of the work, then such change or modification must be agreed upon in writing by the contracting parties, the agreement setting forth fully the reasons for such change and giving clearly the quantities and prices of both material and labor thus substituted for those named in the original contract, and before taking effect must be approved by the Secretary of War: *Provided*, That no payments shall be made unless such supplemental or modified agreement was signed and approved before the obligation arising from such modification was incurred.

"No claim whatever shall at any time be made upon the United States by the party or parties of the second part for or on account of extra work or material performed or furnished or alleged to have been performed or furnished under or by virtue of this contract, and not expressly bargained for and specifically included therein, unless such extra work or materials shall have been expressly required in writing by the party of the first part, or his successor, the prices and quantities thereof having been first agreed upon by the contracting parties and approved by the Chief of Engineers."

But the claimant did not comply with the foregoing conditions of the contracts—that is to say, he did not procure an agreement in writing with regard to the extra stone furnished by him for the use of the defendants in excess of the quantities prescribed by the contracts, as shown in the next finding.

IX.

The quantities of stone required by the contracts were stated as follows:

	Cubic yards.
Cut stone, dressed face	1,352.05
Cut stone, quarry face	943.00
Squared stone	2,000.00
Backing stone	6,069.05
Special stone, coping, etc	853.00

The court find from the evidence in the case, irrespective of the foregoing restrictions of the contracts, that the quantities of stone actually furnished and delivered by the claimant for the use of the defendants were, at contract rates, as follows:

	Cubic yards.	Amount.
Cut stone, dressed face	1,717.23	$12,879.22
Cut stone, quarry face	1,480.35	9,622.27
Squared stone	2,002.56	11,014.08
Backing stone	6,891.88	31,231.40
Special stone, coping, etc	1,357.91	19,350.21
Amounting in all to		84,097.18
The claimant has been paid		66,285.32
Leaving a difference of		17,811.86

BY THE COURT.

Filed November 6, 1893.
A true copy.
Test this —— day of ——, A. D. 1894.
[SEAL.] JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Mr. DINGLEY. From the reading of the report it seems that the War Department made a contract with a certain gentleman to furnish the material for a river improvement in Kentucky?

Mr. MEREDITH. Yes, sir.

Mr. DINGLEY. And this was stone furnished outside of the contract, or rather an additional quantity?

Mr. MEREDITH. It became necessary, in order to complete the work, to have this stone.

Mr. DINGLEY. Now, my inquiry is this: According to the report the Department accepted this stone and used it?

Mr. MEREDITH. It was used by the Government.

Mr. DINGLEY. Now, my inquiry is, Why, under the circumstances, the War Department did not audit the account and pay it in the usual manner?

Mr. MEREDITH. It seems to me that that ought to have been done, but they failed or refused to do that on account of the fact that the contract was made with Shipley by the Government and not with the man who furnished the stone. The gentleman who has this claim has been waiting for twelve years after furnishing this stone, at the instance and request of the Government officers. It was inspected by them, and they say it was necessary for the completion of the work; but they say they were unable to pay him, because it was not embraced in the contract. The Government officers say that this work was done. A court that has been established by this Government has found that every dollar he claims is justly due to this petitioner.

Mr. DINGLEY. Why did not he bring a suit in the Court of Claims, instead of bringing the matter before Congress?

Mr. MEREDITH. He did not have the contract himself.

Mr. DINGLEY. That is the point.

Mr. MEREDITH. And therefore his case was sent to the Court of Claims, and we have its findings.

Mr. DINGLEY. Do you know whether the Law Department presented any facts in defense?

Mr. MEREDITH. There was no objection to it anywhere. The War Department would be glad for it to be paid.

Mr. DINGLEY. I ask this because the claim seems to be an entirely just one on its face, and because I do not see why the War Department did not audit the accounts and pay them.

Mr. MINOR of Wisconsin. I made the report in that case.

Mr. MEREDITH. I yield to the gentleman who made the report.

Mr. MINOR of Wisconsin. I will say to the gentleman from Maine that Shipman was substituted in the place of Shipley, who originally had the contract; but it was not done in writing, and Major Post, in charge of the work, said he had no authority to pay the money to Shipman.

Mr. DINGLEY. But the Government could have corrected that at the War Department.

Mr. MINOR of Wisconsin. That is just the way it occurred. They failed to do it. The Government has used this material in this work, and it has met the entire satisfaction of the engineer in charge.

Mr. GROUT. Is there anything from the War Department recognizing this as a just claim?

Mr. MINOR of Wisconsin. I have found nothing from the War Department.

Mr. DINGLEY. The Department ought to have been called upon for some explanation of what appears to be a dereliction of duty on their part.

Mr. MINOR of Wisconsin. They appeared in the Court of Claims.

Mr. MEREDITH. They defended the claim in the Court of Claims; but the testimony shows that this work was done and was approved by the Government officers in charge and accepted by them.

Mr. DINGLEY. Of course gentlemen understand that when a bill is sent to the Court of Claims for a finding of fact, that is done only for the assistance of Congress. The finding of the court is not conclusive upon Congress. Now, I would like to know what the War Department have to say in explanation of what appears to have been a dereliction of duty.

Mr. MEREDITH. Well, I can say with confidence, though not officially, that the Department would have been glad to pay this claim if they thought they could do it legally; but, for the reasons stated by the gentleman from Wisconsin, they did not feel that they could do so.

Mr. MINOR of Wisconsin. This claim is a just one.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. MEREDITH, a motion to reconsider the vote by which the bill was passed was laid on the table.

INDUSTRIAL SCHOOLS, ALABAMA.

Mr. ALDRICH of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2461) to grant lands to the State of Alabama for the use of the Industrial School for Girls of Alabama and of the Tuskegee Normal and Industrial Institute.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PICKLER. I must call for the regular order, Mr. Speaker.

The SPEAKER. The gentleman from South Dakota calls for the regular order, which is equivalent to an objection.

ORDER OF BUSINESS.

Mr. PICKLER. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the pension bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. PAYNE in the chair.

PENSIONS.

The CHAIRMAN. The House is in Committee of the Whole for the further consideration of the bill (H. R. 8271) relating to pensions.

Mr. McCLELLAN. Mr. Chairman, the Republican party has so often made the claim that it has been in the past, and is to-day, the only party that is friendly to the old soldier that gentlemen on the other side of the House, who on nearly every other subject are inclined to be comparatively fair, have, from constant reiteration of this claim, almost persuaded themselves that it is true. They have constituted themselves a sort of "Old Soldiers' Friendship Trust," to the exclusion of all the rest of the world. During the short sessions of Congress this "Old Soldiers' Friendship Trust" is very seldom heard from, but toward the close of the long sessions, before the commencement of Congressional, and more especially of Presidential, campaigns, this "Old Soldiers' Friendship Trust" springs again into life and great activity.

It is an open secret that the bosses of the Republican party have decreed that no bill carrying on its face any large appropriation shall be allowed to pass during the present session. They have at the same time recognized the necessity of giving to the country some guaranty of good faith that the "Old Soldiers' Friendship

Trust" is not dead, but has been only sleeping. Hence this Pickler bill, warranted by its authors to confer a maximum of benefit upon the old soldier at a minimum of cost.

At the commencement of the present session a majority of the Committee on Invalid Pensions, with most commendable industry, began to draft a general pension bill. On the 11th of February it was reported to the House and placed upon the Calendar. It was proudly referred to by the majority members of the committee as "our general pension bill." It was guaranteed by them to cure all the ills and to right all the wrongs of the old soldiers. It was the little ewe lamb of my friend the gentleman from South Dakota [Mr. PICKLER], who from that time until quite recently never ceased to clamor for the blue ribbon of recognition from the Chair wherewith to decorate his little pet. [Laughter.] Unfortunately for the gentleman from South Dakota, the bill was critically examined by the bosses who preside over our destinies. It was too bad for even them. It was returned to the Committee on Invalid Pensions, and, under the lash of party discipline, recast and reintroduced on Friday last. The little ewe lamb of the gentleman from South Dakota has been shorn of some of its bad features, but many of its worst remain.

It is proposed in this bill to pension certain classes of undeserving survivors of the late war, to the prejudice of the deserving Union veterans. It is not the economical bill it was supposed to be by the bosses on the other side. It calls for an annual expenditure of, at the very least, $5,000,000. Moreover, it seeks to criticise and to reflect upon the present excellent and just administration of the Interior Department in its adjudication of pension claims.

THE PRESENT ADMINISTRATION THE FRIEND OF THE OLD SOLDIER.

During the time that I shall occupy I propose, first, to show wherein the indirect charge contained in this bill that the present administration of the Interior Department has been unfair to the old soldier is false; and that, on the contrary, it has been one of the fairest, justest, and most friendly to the honest old soldier that we have ever had; and, secondly, to show wherein some of the provisions of this bill, enacting present rulings of the Department and reenacting existing law, are unnecessary, and wherein other of its provisions are scandalous.

When the present administration of the Interior Department began, on March 4, 1893, it was confronted by a body of rulings and decisions which represented the practice of the Department in the enforcement and execution of the pension laws during the preceding administration. Some of those decisions were so unjust to the old soldier, were so unfair, were so extraordinary and so much in violation not only of the spirit but of the letter of the law, that it became necessary, without delay, to virtually reorganize the practice of the Department in so far as the Pension Bureau was concerned. The Assistant Secretary of the Interior is the court of last resort in pension appeals. His decisions, therefore, represent the practice of the Department in reference to the pension code.

For purposes of convenience, the decisions of Assistant Secretary Reynolds which change, modify, or overrule former decisions may be divided into two groups or classes: First, decisions wherein previous departmental decisions and rulings have been rendered more liberal to the old soldier; and second, decisions whereby improper and illegal practices in the adjudication of pension claims in the Pension Bureau have been corrected and decisions by which former illegal, erroneous, and absurd departmental rulings have been set aside and overruled.

1. LIBERALIZING DECISIONS.—HONORABLE DISCHARGE.—DEATH IN SERVICE.

It had been held by the previous administration of the Interior Department that where a soldier served one enlistment, from which he obtained an honorable discharge, and then reenlisted and died in the service, that for pensionable purposes his widow did not come under the operation of the act of June 27, 1890, because death was not considered an honorable discharge. Secretary Reynolds overruled this narrow and unjustifiable decision, and held that in such cases death in the service of the United States shall constitute an honorable discharge. The proviso of section 13 of this bill in effect pays a well-deserved compliment to the justice and fairness of Secretary Reynolds by enacting into law his decision rendered March 1, 1894, in the case of Mary E. Walker. (7 P. D., 197.)

AMPUTATIONS AT THE KNEE AND ELBOW.

The act of August 4, 1886, providing a $36 rate of pension for amputations at the knee and the elbow was so liberally construed by Secretary Reynolds in an opinion rendered April 6, 1894, that more than 300 maimed veterans have in consequence had their pensions raised from $30 or under to $36 a month. By means of this decision a fixed rule, entirely defensible in surgery, was for the first time established, humane in its terms, and both just and liberal in defining the intention of Congress with respect to pensions to be allowed in this class of cases.

ARMY NURSES.

On March 1, 1893, there were 53 army nurses on the pension rolls under authority of the act of August 5, 1892.

On the 27th day of June, 1893, in response to a request from the acting Commissioner, instructions were given to the Bureau of Pensions (7 P. D., 8) to govern the adjudication of claims arising under this act. As the effect of these instructions, on March 1, 1896, the number of army nurses on the roll had increased to 520.

The following letter is self-explanatory:

NATIONAL WOMAN'S RELIEF CORPS HOME, MADISON, OHIO.
Office of the Chairman, Sanatoga, Pa., October 10, 1893.

DEAR SIR: I desire, in the name of the Woman's Relief Corps of the Grand Army of the Republic, to thank you most heartily for your wise and generous rulings in regard to the army nurse pension law. And especially do I most sincerely thank you for your ruling in regard to the dietary nurses, who by their additional efforts brought, on the orders of the surgeons of each ward, under the direction and authority of the surgeon in charge, food in home-like preparation which won so many back to health.

I was mainly instrumental in securing the passage of the army nurse pension bill through Congress, and was unanimously chosen by the tenth national convention to aid them in making out their claims. You have by your clear and generous rendering of the law greatly helped me in my difficult duties.

Again thanking you, I am, yours, with great respect,
ANNIE WITTENMYER.

Hon. JOHN M. REYNOLDS,
Assistant Secretary of the Interior.

A MILLION DOLLARS TO PENSIONERS.

Perhaps the most important liberalizing decision that has ever been rendered by an Assistant Secretary of the Interior in reference to pension claims was that in the case of Adolph Bernstein (7 P. D., 229) decided on May 19, 1894. The previous Administration had held that the act of June 27, 1890, was legislation of an independent and special character, not to be construed with the rest of the pension code. As the result of this holding, section 4718 of the Revised Statutes, which provides for the payment of accrued pensions to the widows or minor children of pensioners under the general law, was not held to be applicable to the act of June 27, 1890. Secretary Reynolds held that the act of 1890 was merely a part of the pension code and should be construed whenever possible in pari materia.

This ruling authorized the widow of a deceased soldier who had died while his application for pension, under the act of June 27, 1890, was pending, and who had served his country loyally and faithfully through his entire term of enlistment, to prosecute his pending claim to completion, and to receive the accrued pension to the date of the death of such soldier.

It has not been practicable to ascertain the whole number of cases founded upon the act of June 27, 1890, which have received the benefit of the ruling in the Bernstein decision; but between October 1, 1894, and February 29, 1896, inclusive, accrued pension was allowed in claims under the act of June 27, 1890, to the number of 6,243.

Assuming that these claims would carry an average rating of $12 per month each, and that but one quarterly payment was due in each case, as intervening last payment and death, and we reach an expenditure, in favor of claimants under the June 27, 1890, act, by reason of the decision in the Bernstein case, to the amount of $224,748, or nearly a quarter of a million of dollars disbursed among pension claimants which had been denied them previous to the decision in the Bernstein case.

As a matter of fact, since section 4718, Revised Statutes, applies its benefits to pending claims as well as adjudicated claims, and the Bernstein decision applies section, 4718 Revised Statutes to claims under act of June 27, 1890, pending claims under the latter act would carry arrears from the date of filing the declaration therefor.

As the Bernstein case was not decided until May 19, 1894, there was likely to be due on each pending claim, under the June, 1890, act, from one to three years' pension, at rates varying between $6 and $12 per month, running through those years.

Assuming that 1,561 claims, or one-fourth of the accrued pensions allowed between October 1, 1894, and February 29, 1896, carried arrears from date of filing (and that would not be an extravagant estimate), and that the rate would be $6 per month, or $72 per year, for, say, three years, making $216 per claim, we would thus reach the amount of $337,176 paid out on 1,561 claims by virtue of the Bernstein decision, and one quarterly payment each in the remaining 4,682 claims at $12 per month, as accrued between last payment and death, would make an additional payment of $168,552, or in all the sum of $505,728. Should the accrued pension on the 1,561 claims referred to carry arrears for three years at the rate of $12 it would increase the amount so paid by $337,176, making a total of $842,904, almost a million of dollars, paid out in behalf of June, 1890, claimants by reason of Secretary Reynolds's decision in the Bernstein case, which had previously been denied them.

If the figures were accessible to show how many accrued pensions under the June, 1890, act were allowed by virtue of the Bernstein decision between May 19, 1894, the date when it was rendered, and October 1, 1894, when the statistics of the Pension

Bureau take hold of the subject, it would be seen that the amount expended would be, covering about four and one-half months, at least one-third greater than is herein enumerated.

REIMBURSEMENT.

Under the decision in the Bernstein case the right to reimbursement in June, 1890, claims, which had before been denied, was likewise conceded in invalid claims. It appears from the records of the Treasury Department that 1,151 reimbursement claims were allowed between May 19, 1894 (the date of the Bernstein decision), and March 2, 1895.

As the registry of reimbursement settlements in that Department does not disclose the "classes" and laws under which such settlements were made, it is of course impracticable to present the number of reimbursement claims under the act of June 27, 1890, allowed and paid by virtue of the decision in the Bernstein case; but it would be conservative to put the number at one-third of all claims allowed, or in the vicinity of 400 claims in which reimbursement was paid out as a direct result of the decision in the Bernstein case.

The act of March 2, 1895, providing for reimbursements of dependent claims, was drafted by a Democratic Assistant Secretary of the Interior, John M. Reynolds, passed by a Democratic Congress, and signed by a Democratic President. As the result of that act up to March 23, 1896, 5,562 claims have been allowed.

THE FRIEND OF HELPLESS CHILDREN.

Secretary Reynolds held, in the case of the minor of Jacob Loeb (7 P. D., 163), March 24, 1894, that the act of 1890 was retroactive in effect; and as a result of this decision, while before only 30 minors had been placed on the rolls, we find that on March 1, 1896, there were 248 pensioned in their own right.

It has also been held, in the case of Thomas H. Strange, decided December 21, 1893 (7 P. D., 36), that the adverse presumption arising from long delay in alleging new disability as the basis for increase is rebuttable by the testimony of officers, comrades, and neighbors.

The act of March 14, 1890, and the act of July 14, 1892, providing for periodical and regular aid and attendance, have been more liberally and generously construed.

It was held by the last Administration that if the minor children of a deceased soldier can have no valid right to pension during the life of the soldier's widow, and at the date of her death had attained the age of 16 years, no title can vest in them to receive the additional pension not paid to her, because theirs was only a contingent right which could not mature during her life, and the accrued pension can not vest in them after they have passed the age of 16 years; in other words, that the conditions on which the child or children of a deceased soldier who leaves a widow may be pensioned must arise during the pensionable minority of the child or children. (Fitzpatrick, 5 P. D., 248.)

On April 17, 1895, it was held by the present Administration, in the case of the minors of Thomas W. Baugher (7 P. D., 433), that the—

Exception contained in the proviso to the second section of the act of March 3, 1879, which declares that the limitation therein contained "shall not apply to claims by or in behalf of * * * children under 16 years of age," is decriptive of a class of claims wherein title has accrued by reason of minority at the date of the father's death, and does not limit the pensionable period during which said minors must apply. Such claims are excepted from all limitation, and are not forfeited by neglect to apply during the period of pensionable minority.

While the exact number of minors' claims that received benefit under this construction of the law has not been definitely ascertained, it is reasonable to believe, from data at hand, that not less than 1,000 of such claims received that benefit.

On March 30, 1896, the Department ruled and held, in the case of the minor children of Eli Phipps, that there is nothing in the statute that can be construed to indicate that the contingent right of the minors to the same pension which the father would have been entitled to receive, had he been totally disabled, must be asserted during the pensionable period of the minor; and, if this be so, the right to file an application after that period may be recognized by the Department, as has generally been done, and as stated in the case of the minors of Thomas W. Baugher.

It is not definitely known how many claims have received the immediate benefit of the last-named decision, but it is known that not less than 50 and perhaps very many more, involving the same point, have received the immediate benefit of the doctrine of stare decisis growing out of these decisions.

CARE FOR THE DEPENDENT AND HELPLESS.

All of these holdings serve to show the consideration which has been bestowed by the present Administration of the Interior Department upon the weak and helpless, upon the widows, the minors, and helpless children. Nor has this generous care been confined alone to such cases as I have mentioned.

An urgent necessity was found for liberalizing the rules governing the filing of declarations. It was held by this Administration that minors may file declarations and prosecute claims in person, by guardian, or next friend, thereby saving arrears and setting aside the previous technical practice to the contrary; and that claims for insane persons may be filed and prosecuted by any competent person, as of next friend, guardians being appointed to receive the amount due upon certificate.

Where a widow has forfeited her title to pension by adulterous cohabitation it has also been held that the minor children of soldier take title as if the widow's right had terminated by death or remarriage. Where the minor is insane or helpless, the two-dollar increase is continued during the insanity or helplessness of the child; the entire pension is continued to the insane or helpless minor so long as such disability exists. The two-dollar increase provided by law will be paid to the widow under the present rulings, where the stepchildren are being maintained, in whole or in part, by any educational institution or any institution organized for the care of soldiers' orphans, and all former decisions to the contrary have been overruled.

Where there is nothing to indicate that the disability was caused by vicious habits, claimant's affidavit, setting forth the circumstances, together with the testimony of witnesses, will be accepted. If these show that claimant, prior to and after the incurrence of disability, was a man of good habits, vicious habits, in application under the act of June 27, 1890, will not be presumed. (See case of John Martin, 7 P. D., 578.)

Dependence upon the soldier at date of his death has been held to relate to the needs, wants, and necessities of the father, mother, or minor brother or sister of the soldier, and not to the ability of the soldier to furnish support; and prior holdings to the contrary have been overruled.

Where a soldier at the date of his death leaves a divorced wife or children over 16 years of age it has been held that his mother has a pensionable status, other statutory requirements being shown.

THE MAIMED SOLDIERS' LEAGUE.

The statements of a soldier, made immediately after an accident which caused death, have been held to be a part of the res gestæ and therefore admissible in his widow's claim.

This last-named ruling met with prompt recognition and approbation on the part of those most interested, and especially on the part of the United States Maimed Soldiers' League, which, through its board of officers, in expressing its appreciation of the action taken, took occasion to say that—

The board of officers of this association have read with pleasure your decision [Secretary Reynolds's] in the Rebecca Maness case. No former Secretary would so rule. It is the correct, equitable way to look at such cases. Your various decisions on pension-appeal cases have done justice to the soldier and his widow and orphan.

In a very recent case, that of Clement B. Guchess, it has been held by this Administration that the act of June 27, 1890, was intended to confer a benefit, and for that reason where one is receiving a general-law pension at a given rate and is entitled to a higher rate by virtue of an application under the act of June 27, 1890, he may receive the allowance due upon the general-law certificate up to the date when the June 27, 1890, application was filed, after which, in order that he may receive the benefit of the June, 1890, act, a new certificate shall issue to him thereunder, at any rate an excess of that allowed by the general law; and that when the rating under the act of June 27, 1890, shall reach $12, the benefit under that law being thereby exhausted, the pensioner may, if he so desire, apply for and obtain pension under the general law at a higher rate, if he be entitled thereto, than $12. In other words, the legal consequences of the doctrine of election are held not to apply in such a case.

It will be seen that the policy of this Administration, from beginning to end, has been one of watchful care and anxious concern to administer the pension laws in the liberal spirit that ought to characterize a nation's dealings with its preservers and their survivors.

If any further evidence were necessary it would be sufficient to add that, out of 5,611 original appeals disposed of by the Secretary of the Interior during the year ending June 30, 1895, 1,208 were reversals of the action of the Pension Bureau, thus extending benefit in many cases often upon the principles announced that overruled former decisions, and these were cases not simply covering the practice during the past three years, but extending backward through many years.

2. DECISIONS OVERRULING FORMER ILLEGAL RULINGS.

I shall be obliged in considering the bill under discussion to mention at length several of Secretary Reynolds's rulings under this head. I shall, therefore, now only consider the decisions not affected by the Pickler bill.

LINE OF DUTY.

Very many indefensible rulings and decisions were made during the last Administration on the subject of line of duty.

It may be instructive to note some of them. The decision in the case of Zenas Hamilton (3 P. D., 3), April 11, 1889, overruled one in the same case September 15, 1888 (2 P. D., 217), and holds that a man hurt by a fall of seats in a circus which he was attending as a spectator was injured in line of duty and was pensionable therefor.

In the case of the widow of Alex. McNeil (3 P. D., 26) it was held that a soldier injured in a wrestling match with a comrade was in line of duty.

In the case of Henry A. Helmer (3 P. D., 111) it was held, overruling a decision of March 1, 1889, in the same case (2 P. D., 385), that injuries received by being thrown from his captain's horse, which the soldier was riding solely for his own pleasure, and against the warning and direction of his captain, were incurred in line of duty and were pensionable.

In the case of Lewis Summers (3 P. D., 372) it was held that injuries received by accidental shot from a pistol (which was no part of his military accouterments, but his own property and carried at his own risk) while out foraging, and in the attempt to shoot a hog belonging to a citizen, were within the line of duty and pensionable.

In the case of James A. Pearl (3 P. D., 375) it was shown that instead of returning directly to his command, as directed by his superior officer, the soldier stopped on the way at a hotel to get a private supper and drinks, and on coming out fell down a cellar and was injured; notwithstanding which it was held that his injuries were incurred in the line of duty and were pensionable.

In the case of Alfred C. Taft (5 P. D., 110) it was held that disabilities incurred while soldier was absent from his command in desertion were incurred in line of duty and were pensionable.

In the case of William F. Wescott (6 P. D., 226) the soldier, who was an infantryman, was wounded by a pistol (his private property and not a part of his proper arms and accouterments) while engaged in shooting at a mark for sport, was held to be in line of duty and pensionable, if by the authority of his commanding officer.

The untenability of such holdings is so apparent as to require no elaboration. The plain duty devolved on this Administration to check and correct the abuses necessarily incident to such a perverted view of the conditions on which a claim for disability incurred in the service line of duty must rest.

On October 31, 1894 (7 P. D., 376) the Department overruled the previous decisions in the Helmar case, before mentioned, holding that as the soldier was, when injured, engaged in a private matter for his own pleasure or gratification, and was not engaged in the performance of that which the law required of him as a military duty, he is not pensionable. This decision likewise overruled that in the McNeil and Pearl cases, and all similar cases.

In the case of James E. Harrison (7 P. D., 97) the Department, on December 22, 1893, reversed and overruled General Bussey's decision of July 29, 1892, under which the claim was admitted, the proof showing that the claimant had received permission to hunt for his own recreation, and while hunting was shot in the hand by the accidental discharge of his gun. The claimant himself testified that at the time of the injury he was not on duty or acting in pursuance of orders from his superior officers, but was acting in this particular instance on his own volition.

In this case the Department, in order to return to a form of sound doctrine, in the matter of line of duty, laid down the rule that—

While in the performance of those things which the law requires of him as a military duty, the soldier is in the line of duty.

In cases involving the line of duty, the vital question is, Was the cause of disability appurtenant to, dependent upon, or otherwise essentially connected with the claimant's duty as a soldier, or was the disability incurred while the soldier was acting in a personal matter independent of, or adverse to, his military duty? If the disability was incurred under the latter circumstances the soldier would not be pensionable as one in the line of duty.

Here the rule is succinctly stated. While no harsh technicality should defeat the generous intention of a grateful nation to pension those who were disabled while discharging their duty in its defense, at the same time no maudlin sentiment should be permitted either to deflect the course of justice or, by ignoring the law of cause and effect, to apply a different rule from that which both law and usage has shown to be just and proper.

ACT OF AUGUST 7, 1882.—OPEN AND ADULTEROUS COHABITATION.

Under this head decisions were rendered by General Bussey which completely overturned the construction formerly put upon the act of August 7, 1882, holding that it was in the nature of a criminal statute and must be strictly construed; that it applied only to a widow who was actually in receipt of a pension and who was living with one man and being supported by him as a mistress.

The result of such a holding was to place on the rolls in many instances women of notoriously immoral character.

To illustrate: In the case of certificate No. 32698 the evidence established the fact that the claimant was the keeper of a house of ill fame, or an assignation house, in Oakland, Cal., and the chief of police swore that she was under the surveillance of his men. Other witnesses testified that she was a lewd woman and a prostitute, and her name was dropped from the roll, for violation of act of August 7, 1882. Yet, under the rule laid down in the case of Sarah E. West, she was not shown to be supported by a paramour, and therefore, on appeal, her name was restored to the pension roll.

In the case of certificate 36141 the pensioner's name was dropped from the roll. The son of her paramour had sworn that—

When I was at home two years ago this winter (1883) they were living as man and wife. They were not then married, and I never heard of their being married. * * * They slept together except at times when they had company or there was sickness. Claimant's own son knows it, but, like me, does not like to speak of it.

And yet, on appeal, the Department held that—

The evidence does not establish the fact that claimant is supported by ——, as a paramour.

And thereupon her name was restored to the roll.

In another case it was not only held that the adultery which constitutes a forfeiture of a widow's pension is her living with a paramour as a substitute for her deceased husband and being supported by him, but it was likewise gravely announced (5 P. D., 195) that—

The adulterous cohabitation which the law thus makes the ground of forfeiture is a living together in the apparent though not lawful relationship of husband and wife, involving the voluntary sexual intercourse of a married person with a person other than the offender's husband or wife, the theory of the law being that a widow who is a pensioner is a married person within the legal definition of adultery, and within the meaning of the inhibitory clause of section 2 of the act of August 7, 1882.

This absurd and remarkable proposition was but the logical outcome of the line of reasoning resorted to in sustaining the West and the Lingers decisions, and others of like nature, and served to show how imperious was the demand for a return to the age of reason and law.

Accordingly, on February 28, 1894, decisions were rendered in 7 P. D., 205, and 7 P. D., 207, which overruled the decisions in the cases hereinbefore referred to, and returned to the doctrine held and announced by all administrations before the last one.

In the case reported in 7 P. D., 205, claimant not a pensioner, but an applicant, the evidence showed that she was married to the soldier in 1863, lived with him about six weeks, and then deserted him; and from that time until 1892 led the life of a prostitute.

One witness testified:

She is nothing but a prostitute of the lowest kind, consorts with negroes and anyone else. She has had two children during the past seventeen or eighteen years, and she is now living with a man named ——.

Under the doctrine of the preceding administration this woman would have been held pensionable, because promiscuous intercourse was not held to be within the rule which made a regular paramour necessary, and because she was not and never had been a pensioner, and the construction given to the act excluded her from its operation.

But the present Administration held that where a widow, at the time of filing her claim for pension, was living in open, notorious, adulterous cohabitation, the act of August 7, 1882, is applicable and the claim should be rejected. For the moment the claimant's name is placed on the rolls she is a pensioner, and the act of August 7, 1882, provides that the pension of a widow who is a pensioner shall be terminated from the commencement of the adulterous cohabitation. If the claim should be allowed the fact would remain that the adulterous cohabitation commenced before and existed at the very moment her name was placed on the rolls.

In the case reported in 7 P. D., 207, the evidence showed that the claimant married the soldier in July, 1883. She had not borne a good reputation for chastity before her marriage to him, and upon his death in 1885, leaving children by a former marriage, but none by her, the children were taken by his relations, and she went immediately to Madison, Ind., where she engaged at once in prostitution, which continued up to 1889 (when her claim was examined), at which time she was living with one —— as his mistress. She was indicted by the grand jury of Jefferson County, Ind., January 8, 1887, for keeping a house of ill fame in Madison, Ind.; was arraigned, pleaded guilty, and was fined. And yet, under the rulings of the former Administration, as hereinbefore cited, she would have been held pensionable.

But in this case the present administration held that—

The open, notorious, and adulterous cohabitation of a widow who is a pensioner, or an applicant for pension on account of the service and death of her husband, will work a forfeiture of her pension, or her right to a pension; and such cohabitation may be proved by her conduct in habitually, openly, and notoriously consorting with one or more persons of the opposite sex, under circumstances which would lead the guarded discretion of a reasonable and just man to infer from such relation, as a necessary conclusion, that it was illicit.

This rule, which is founded in the very elements of the law of evidence, was not a novel construction, but simply a return from the realm of vagary into which the late administration had wandered to the domain of reason and law from which it had departed. It had long before been held, during the first Cleveland Administration, in 1 P. D., 427, that—

A review of the whole body of the pension laws enacted by Congress, the remainder of the act itself (August 7, 1882), and all the circumstances surrounding its passage, leads the Department to the conclusion that the words "open and notorious adulterous cohabitation," used in said act, were

intended as descriptive merely of acts which would deprive a widow of pension. In other words, Congress intended and did say by said act that any widow pensioner who was guilty of immoral and licentious acts of an open and notorious character should forfeit her pension. * * * To hold that the term adulterous should be taken in its strict legal signification would exclude from the operation of the pension act the very parties whom it was intended to reach, since at law it is impossible for an unmarried person to be guilty of the crime of adultery.

These doctrines were asserted not only in 1 P. D., 427, but also in 1 P. D., 171; 2 P. D., 119, and other cases which raised the same issue.

The holding of December 22, 1893, by the present administration in 7 P. D., 134, and in 7 P. D., 207, and 7 P. D., 205, before named, was really a reaffirmation of the doctrine which had always governed the Department previous to the innovations and legal gymnastics resorted to by the late administration.

And so a shameless and undeserving class were excluded from the pension rolls, who, but for such timely action, would still be fattening upon the spoils obtained through a relation to the soldier whose memory was being dishonored every day.

MARRIAGE AND DIVORCE.

Some astounding doctrines concerning the marriage status of parties were promulgated by the late administration.

In the case of Mary A. Garman, the facts showed that she was married to the soldier, Jonas T. Boynton (as whose widow she claimed pension), September 11, 1852, at Manchester, N. H. She separated from him in 1856, and then married William M. Stevens, in Hookset, N. H., in 1867, and lived with him until he died, in 1876. One year later she heard that her husband was alive. On the 9th of March he died. On May 23, 1884, she married Elbridge G. Garman, at Manchester, N. H.

It was held in this case (3 P. D., 179) that the voluntary separation of Mary A. Garman and the soldier was equivalent to and constituted a divorce.

In the case of Margaret J. Anderson (4 P. D., 67) it was likewise held by the late administration that a husband or wife who willfully abandons the other for seven years is barred by statutory limitation in the State of Pennsylvania from returning after that time and asserting any marital rights, and the other party is fully and completely released from all obligations and duties growing out of the marriage.

The origin of such extraordinary doctrines is necessarily involved in obscurity. They do not commend themselves as familiar principles of law. They may not even be said to be old friends with new faces. When a great Department of the Government, giving loose rein to its fancy, engrafts such daring innovations upon the law as these cases supply, it is high time that prompt measures should be resorted to to correct and check such dangerous abuses.

In the case of Lavanchia L. Salsbury (7 P. D., 247), this administration, on June 2, 1894, overruled the Garman case and all standing upon a common plane with it. This claimant, in her declaration for pension, alleged that the soldier to whom she was married June 5, 1868, at Salamanca, N. Y., died January 2, 1888. Further, that she had been previously married to Langford Hall, which marriage was dissolved by mutual consent. The claim was rejected, and the appellant said that she would not have filed the appeal but for the opinion of the Department expressed in the case of Mary A. Garman.

In overruling the Mary Garman case it was held by the Department (June 2, 1894) that—

It is not necessary to enter into an extended discussion of the question involved, as it is fully determined by a reference to the well-settled doctrine that while abandonment or desertion of one party by the other is quite commonly a cause for divorce, it does not dissolve the marriage relation, but such relation remains in force until the death of one of the parties, or until it is annulled by the decree of a court of competent jurisdiction. (Stewart on Marriage and Divorce, sections 165 and 167; Bishop on Marriage, Divorce, and Separation, section 1778.)

RERATING OF WIDOWS' PENSIONS.

From April 15, 1890, under the doctrine announced in the case of Rowland M. Jones (3 P. D., 433), it was held that under the provisions of section 4718, Revised Statutes, a widow had the right to file and prosecute an original claim for the rerating of her deceased husband's pension, although he had never filed such a claim in his lifetime, and had left nothing pending and unadjudicated in the Pension Bureau at his death.

This doctrine was so palpably repugnant to the plain provisions of the law, as expressed in section 4718, Revised Statutes, that on September 2, 1893, it was distinctly overruled in the case of the widow of Rowland A. Colby (7 P. D., 24), and the practice was made to conform to the original holding in the Rowland M. Jones case (3 P. D., 72), in which it was declared that section 4718, Revised Statutes, gives to the widow such accrued pension as may be due upon a pension actually in possession of the husband at the date of his death, or for which he has made a claim which is left pending and undetermined at said date, and which she is permitted to complete after his death; but manifestly confers no right upon her to assert or prosecute a claim for any invalid pension or for increase of invalid pension after his death for which he had not made claim in his lifetime.

Not only is this doctrine believed to be the true construction of section 4718, Revised Statutes, which makes the widow of a pensioner or claimant for pension the residuary legatee, as it were, of the fruits of his actual pension or of a claim asserted by him in his lifetime, and therefore pending (in the sense that it has not yet been adjudicated) at his death, but any other holding would have the effect of nullifying the law, for the law simply authorizes the pensioner himself to receive payment upon a claim made and filed by him; and section 4718, Revised Statutes, simply bestows upon his widow the right to convert to her own use whatever balance may be found to be due to him, upon a claim presented in due form of law, in his lifetime. And to allow any other holding would confer superior rights upon the soldier's widow, by enabling her to do what he could not do, if living, to wit, to receive allowance upon a pension for which he had never made a claim.

STATE MILITIAMEN.

It was held by the former administration, in the case of Louisa S. Norris (5 P. D., 42), that a person who served as a member of a State militia organization which was never in the service of the United States and had never been recognized by the War Department occupied a pensionable status.

This erroneous holding was corrected by the overruling decision delivered October 26, 1893, in the case of Alvin West (7 P. D., 74), in which the distinction was clearly drawn between those persons who served in the militia organizations which were included in the Army of the United States by a proclamation of the President, and by incorporation into the Army of the United States, and those who were never even temporarily in the military service of the United States.

Mr. CURTIS of Kansas. Will the gentleman permit me to ask him a question?

Mr. McCLELLAN. If it is not very long.

Mr. CURTIS of Kansas. No; a very short one. I want to ask the gentleman a question with reference to the State militia. Is it not a fact that the last Congress passed a law retaining about 10,000 of the State militiamen who, under the ruling referred to, would have been dropped from the rolls?

Mr. McCLELLAN. I should have said, if I have not already done so, the State militia who had not been in the service of the United States——

Mr. CURTIS of Kansas. Is it not a fact that the militiamen of Missouri did not come under the law as construed, and were not entitled under the ruling to remain on the rolls, and the Administration recommended and the last Congress passed an act which affected about 10,000 of them and placed them on the rolls, but did not extend the same privilege to the militiamen of the other States who were entitled to the same relief?

Mr. McCLELLAN. I understand that an act was drafted, and is now pending, to place on the roll all of these State militiamen.

Mr. CURTIS of Kansas. And ought to pass.

THE PICKLER BILL.

Mr. McCLELLAN. I did not intend to discuss this bill in detail or by sections at this time, but I have been informed, and I trust it is not accurate information, that it is proposed later on in this debate to apply the gag rule and not permit amendments or discussion of any of the paragraphs of the bill under the five-minute rule. I trust it is not true——

Mr. CROWTHER. I would like to interrupt my colleague for a question: Do I understand you to say that the gag rule is to be applied?

Mr. McCLELLAN. I say that I have heard it rumored, but trust it is not true.

Mr. CROWTHER. Pardon me; I understood you to assert that such was the case.

Mr. McCLELLAN. Section 16 is much-needed legislation, strongly recommended by Secretary Reynolds.

Section 10 is existing law (act of March 13, 1896), and section 15 is a reenactment of a proviso of the last pension appropriation bill.

Sections 2, 5, 7, and 12 are the present rulings of the Department.

Sections 6 and 9 are unnecessary, but harmless.

The proviso of section 4, described in the report as allowing the party affected by allegations of fraud to be confronted by his accuser in the light of day, as in ordinary tribunals of justice, is most misleading, as it is intended to be. The proceedings which it reaches are the preliminary proceedings under a charge of fraud against a pensioner—proceedings analogous to those before a grand jury. I have yet to hear of any State where a grand jury notifies the accused thirty days prior to its investigation of the crime charged, and before indictment, and permits him to examine the evidence and to cross-examine the witnesses. I may say that the present practice of the Pension Bureau, after a prima facie case of fraud has been made out, is to give the accused a full and fair opportunity to defend himself. If this proviso is enacted it is needless to say that no pension, even though obtained by the most glaring fraud, can ever be revoked.

Section 8 is apparently drawn in the interest of pension attorneys. It permits them to run riot in the Pension Office and to ransack every scrap of paper in the possession of the Department for the purpose of finding possible clients and obtaining possible fees. This section, besides putting the Government at the mercy of the pension attorneys, would require at least double the number of clerks in the Pension Office to serve the interests of the attorneys.

TO GALVANIZE EX-CONFEDERATES.

It is proposed in section 1 of the bill to practically overrule the decision of Secretary Reynolds in the Osterhout and similar cases.

It was held by the late Assistant Secretary that the pensionable status, as prescribed in the second section of the act of June 27, 1890, was regardless of section 4716, Revised Statutes. The effect of such an interpretation was to allow pension for disabilities of whatever character, including gunshot wounds received in a prior service in the Confederate army, as was done in the case of one George W. Coffee (4 P. D., 285), wherein it was held that the fact that the claimant served in the Confederate army prior to his enlistment and service in the United States did not impair his pensionable status under said act, nor under any other act, and that the only inquiry on this point that can be raised was whether or not, subsequently to his service in the Confederate army, claimant served ninety days in the Army of the United States and was honorably discharged therefrom.

In the cases of Russell S. Cole (4 P. D., 141), John R. McCoy (5 P. D., 369), and Louis Pereles (No. 571677) it was held that where a soldier in the Union Army, who had been captured and was held as a prisoner of war, deserted to the enemy and joined the Confederate army, and afterwards returned and succeeded in obtaining a discharge from his previous service in the Union Army, his own unsupported statement that his desertion and joining the ranks of the enemy was intended as a device or plan to escape from prison and rejoin his original command should be accepted as sufficiently explaining or excusing his conduct, and avoid the inhibitory provision of section 4716, Revised Statutes, and give him a pensionable status.

In the case of Ezra Reed (7 P. D., 95), decided December 13, 1893, and particularly in the case of Milo Osterhout, decided July, 1894, the Department overruled the decisions cited and others rendered by the preceding Administration, which led to such anomalous results.

In the case Milo Osterhout (No. 491797) the facts were as follows: He deserted while a prisoner of war and joined the Confederate army; he was recaptured afterwards in arms against the Government by the Union forces and held for some time as a Confederate prisoner of war, and released in June, 1865, on taking the oath of allegiance to the United States. He applied for pension on account of disability contracted during his first Union service. It was held by this Administration that his right to pension was barred under the circumstances of the case by the provisions of section 4716, Revised Statutes, which prohibits the payment of pension money to those who have voluntarily engaged in rebellion. This decision overruled all adverse decisions by the former Administration and returned to the rule which had been followed in all similar cases by Secretaries Usher, Cox, Delano, Chandler, Schurz, Teller, Kirkwood, and Lamar, and, in fact, by every Secretary of the Interior since the war, saving only Secretary Noble.

The theory upon which the decision setting aside his ruling was based was that the desertion of a prisoner of war and his enlistment into the forces of the enemy was to be construed as a plan and device for escaping from imprisonment to enable him to return to his command, and was not voluntarily engaging in or aiding or abetting the rebellion.

While it was not denied in the Osterhout case that in some exceptional instances such a theory might be sound, yet it was held that the act of desertion and joining the enemy is of such a suspicious character that the bona fides of the party must be conclusively established, not only by direct testimony but by all the facts and the circumstances of the case, before it could be accepted as an excuse for what would otherwise be the gravest and most inexcusable military offense that could be committed. The party advancing such an explanation of his conduct, in order to obtain the bounty of the Government whose cause he had apparently basely deserted, should not only be required to establish by positive proof that he acted in good faith, but his own actions must show that he really intended to return to his command by doing so, or attempted to do so upon the first opportunity presented, and with reasonable promptness.

In not one of the cases admitted under the decisions of the last Administration, and overruled by the Osterhout decision, was this shown or attempted to be shown. In no single instance did it appear that the applicant for pension had rejoined or attempted to rejoin his command in the Union Army, until just prior to or about the time of the utter collapse of the Confederacy, when the motive for such action would be naturally open to grave doubt. In none of these cases, moreover, was there a scintilla of evidence, either direct or circumstantial, going to show the bona fides of the applicant, except his own statement that he had deserted and joined the forces of the enemy—not to aid the rebellion, but to avoid the hardships of prison life, and for the purpose of escaping and rejoining his command. In other words, the unsupported statement of this class of applicants for pension was accepted as sufficient to countervail the prohibition of the statute and place them in line of duty while serving in the ranks of the enemy, when, at the same time, the man who had served his country faithfully and well, without a stain upon his military record, was required by the rules of the Department and the Pension Bureau to establish every material fact in his claim by evidence other than his own testimony or fail to obtain his pension.

The adoption of the theory of an attempted escape to return as an explanation for the desertion to and service in the Confederate army of these applicants for pension necessitated the holding that they were in line of duty for pensionable purposes during the whole time; that their alleged plan, scheme, or method of escape or return was in progress even while bearing arms in the ranks of the Confederate army. So the late Assistant Secretary was driven by the position he had taken to decide in the case of Louis Pereles (No. 571677), on October 4, 1892, that the rejection of this claim by the Pension Bureau and the affirmance of said rejection on appeal by the Department on January 25, 1888, was error, and to set aside and overrule such action and direct the admission of the claim and the allowance of pension, although it was conclusively shown by the record, and so admitted by the applicant, that the disability for which he claimed a pension was incurred while he was actually serving in the Confederate army.

Here we have an instance where pension was ordered by departmental ruling to be granted for disability incurred while actually serving in arms against the Government by which the pension was bestowed. It is safe to say that no administration had ever before so construed the law as to render possible such a monstrous anomaly.

It was likewise held, in the case of Daniel B. Garrison (6 P. D., 289), that the act of June 27, 1890, being legislation of a special nature, is independent of the provision forbidding pension to those who aided and abetted the rebellion.

A single additional instance may be cited. In the case of Sarah C. Hutsell (5 P. D., 58) it was held that taking the oath of allegiance to the Confederate States was not voluntarily aiding and abetting the rebellion and not disloyalty within the meaning of section 4716, Revised Statutes.

It is noteworthy that the War Department records contain the following statement with regard to the husband of this claimant:

Deserted; entered General Forrest's rebel lines; solemnly renounced his allegiance to the United States and swore true and faithful allegiance to the Confederate States. This oath was taken before Andrew Ewing, judge-advocate of General Forrest's staff, October 15, 1862.

Notwithstanding this record, this widow claimant was on appeal held, on March 24, 1891, to be pensionable.

The act of June 27, 1890, was, undoubtedly, controlled by section 4716, Revised Statutes, and the act of March 3, 1877, which provided that—

No money, on account of pensions, shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in or aided or abetted the late rebellion against the authority of the United States—

and which denies pension, under the act of 1890, as well as under the general law—except in the case of persons who, after participation in the rebellion against the authority of the United States, voluntarily enlisted in the Army of the United States, and who, while in said service, incurred disability from a wound or injury received or disease contracted in the line of duty (act of March 3, 1887)—to those who voluntarily aided and abetted the rebellion.

Now, which construction ought to prevail—a construction in harmony with the law which grants accrued pension to the widow and children of a soldier who dies with a pending application under the act of 1890, who served his country without a stain on his record, or in case of his death without widow or children allow the unpaid portion of his pension to reimburse the person who bore the expenses of his last sickness and death and burial, or that construction which denied this justice to the widow and children and placed on the rolls instead of them those who served the Confederacy for a while and then, when the fortunes of war were found to be against them, enlisted and served merely for ninety days in the Union Army, as many did, just before the collapse of the rebellion, a construction which in the case of Job White (7 P. D., 312) placed this man on the rolls under the act of 1890 for inability to perform manual labor, when the facts in the case showed that the disability producing his inability to earn a support by manual labor was incurred in the Confederate service?

It does not seem as though need exists to further demonstrate the necessity for the ruling in the Osterhout case and others of similar import by the present Administration in order to prevent the bounty of a generous Government from being misdirected to such persons as lifted their hands against it in actual

warfare, and compelling them, as well as those who claim that they were conscripted, by the strictest method of proof compatible with the case, to demonstrate their bona fides before they may be permitted to acquire a pensionable status under the act of June 27, 1890.

I believe that entire justice is already accorded this class of claimants under the broad and liberal ruling of the Department that—

Where such enlistment and service in the Confederate army is sought to be palliated or excused on the ground of duress, that the same was not voluntary, or that it was for the purpose of escape from imprisonment by the so-called Confederacy, the presumption of voluntarily aiding and abetting the rebellion can only be overcome by the most positive, direct, and satisfactory evidence, and the uncorroborated testimony of a claimant will not be accepted to overcome such presumption.

The first section of this bill has been greatly modified since it was originally drafted, but it still permits the "galvanized" Confederate, the man who waited until the close of the war and then deserted the flag he had sworn to support and went over to the Union Army mainly for the purpose of taking service in the West, away from the fire of the enemy—permits him to be foisted on the pension roll of the country and placed on an equality with the man who never deserted the flag, but who fought for the Union from start to finish.

Mr. GIBSON. Let me inform the gentleman from New York——

Mr. McCLELLAN. I decline to yield.

Mr. GIBSON (continuing). That there were thousands as good Union men as ever served the cause of the Union from Tennessee who went into the Army under such circumstances.

Mr. McCLELLAN. I decline to yield——

The CHAIRMAN. The gentleman from New York can not be interrupted without his consent.

COMMON-LAW MARRIAGE.

Mr. McCLELLAN. Section 11 is apparently intended to enact the common-law rule of marriage. What it virtually does is to make section 4705 of the Revised Statutes universal in its application, and the section would be commendable if the wording were somewhat changed to accomplish the result evidently desired.

The proposition to make section 4705 of the Revised Statutes of the United States universal in its application to marriage, extending it to marriages between white persons, I believe to be unwise and that it would not subserve the purpose intended.

Section 4705 was an act of public policy—a remedial act—and in its nature was akin to the laws enacted by most of the Southern States, removing or remedying the inconsistencies and matters of injustice incident to a change of status from slaves to freemen of a great class of residents in these States, the whole necessity for such legislation being the desire to remove these disabilities. When, therefore, pensionable status was conceded to the widows of colored or Indian soldiers or sailors who had died or should hereafter die by reason of wounds or injuries received or disease contracted in the service of the United States, it was found necessary to make some provision by which the relation of these persons, not matrimonial in its inception, could be brought within a universal provision relative to the establishment of marriage. The foundation of this act lies in the inability of the slave to contract—it extends only to slaves and to Indians. It is, in fact, an adoption of the law governing common-law marriages in force in every State in the Union save three, namely, Massachusetts, Maryland, and Kentucky.

Section 4705 applies only to negroes and Indians, excluding marriage under the common-law rules in the three States above indicated. It will, therefore, readily be seen that the widows (in fact if not in law) who have resided in Massachusetts, Maryland, or Kentucky are denied rights which never would be disputed had they been residents of any of the other States. In these three States—Massachusetts, Maryland, and Kentucky—the widow of a colored soldier is afforded by section 4705 the facility for establishing her marriage and title to pension, while the widow of a white soldier, married under the common-law rules, could establish neither.

A case in point will illustrate this: Eliza Kelly claimed pension as the widow of John D. Kelly, late of Company K, Third Maryland Infantry, claim No. 301,288. The evidence clearly showed a marriage contract by mutual agreement in the State of Maryland on the 7th day of July, 1842. This claimant and the soldier continued to reside together as husband and wife until the 12th day of September, 1877, when the soldier died. During these thirty-five years of continuous cohabitation together many children were born, and the evidence shows that the soldier and claimant were respected and universally regarded as husband and wife by their friends and neighbors; that they so conducted themselves at all times, being respected and received accordingly. A satisfactory reason for the absence of ceremony was given and the claimant's title in any other save the three States indicated would be conceded to be clear and well founded. But under a law enacted more than three hundred and fifty years ago in England (July 1, 1540; reenacted 1712–1732, Henry VIII, chapter 38), this woman's marriage must be held to be void.

It would seem to be neither consistent nor advisable to adopt this remedial slave legislation in order to give title to the widows of soldiers residing in these three States, and it is believed that a provision of law to the effect that for pensionable purposes marriage established under the common-law rule, per verba de præsenti, the parties being required to show that they were universally known, recognized, and respected as husband and wife prior to the death of the soldier—this law being made to cover all the States of the Union, and it being indicated that it would in no way repeal or modify section 4705 of the Revised Statutes of the United States, would accomplish the result desired.

The first part of section 13 is so framed as to give pension to bounty jumpers, who, having deserted, afterwards enlisted again for bounty, and perhaps repeated this, but finally had a service of ninety days and honorable discharge without discovery. The second proviso in this section enacts a rule established by this Administration contrary to a preceding holding.

PENSIONS NONCOMBATANTS.

One of the sections of this bill (No. 17) seeks to overrule Secretary Reynolds's decision in Shannon's case.

In the case of Richard Mace (5 P. D., 16) it was held by General Bussey that contract surgeons, having been made pensionable by the acts approved March 3, 1865, and March 3, 1873, are likewise pensionable under section 2 of the act of June 27, 1890.

The doctrine herein contained was overruled November 24, 1893, in the case of Andrew J. Shannon (7 P. D., 64), in which it was declared that the pension provided by section 2 of the act of June 27, 1890, is limited to such persons as regularly enlisted, or were mustered into the military or naval service of the United States; and service by a provost-marshal, deputy provost-marshal, enrolling officer, and contract surgeon is not such military service as is contemplated by section 2 of the act of June 27, 1890. Such persons are neither officers nor enlisted men; and having been employed in the civil branch of the service are not included within the terms of said section, and are not pensionable thereunder.

The general doctrine was laid down that none of the classes of persons for whom special provision is made by the second, third, fourth, and fifth subdivisions of section 4693, Revised Statutes, can be considered as having been regularly or legally in the military or naval service of the United States, or included within the terms of the second section of the act of June 27, 1890, or pensionable thereunder. This doctrine has been reaffirmed in later decisions; but the decision in the Shannon case marked the turning point in the history of this class of cases and corrected a practice that was without foundation of law.

It is now sought by this bill to place these noncombatants, men who never saw a gray uniform, except that worn by a prisoner; men who had never faced the enemy, unless the enemy was a prisoner and were under a strong guard—it is sought to place them on the same basis under the act of June 27, 1890, as the men who went to the front and fought for the flag from the very beginning.

Mr. MILNES. What section do you refer to now?

Mr. McCLELLAN. Section 17. This section relates to noncombatants, and I have stated what it proposes to accomplish.

NOTORIOUS ORDER NO. 164.

The worst feature of this bill, however, is contained in sections 3 and 14. It is sought by these sections to undo the work of the board of revision, so called, and to enact the illegal Order 164 of Green B. Raum, countersigned by Cyrus Bussey.

From the passage of the act of June 27, 1890, until September 26, 1890, when the adjudication of claims under this act was begun, there was no rule formulated to govern such adjudications.

On September 26, 1890, the Pension Office issued Order No. 162, which plainly declares—

That pensionable status under the act of June 27, 1890, is based upon the incapacity of the claimant for earning a support by manual labor on account of disabilities of a permanent character not the result of vicious habits.

This order, which was a correct interpretation of the act of June 27, 1890, was published for the guidance of the Pension Bureau in the adjudication of claims arising under said act.

For some reason not definitely made known, just nineteen days later, about three weeks before election day, and, if my memory serves me, about the time of the annual encampment of the Grand Army of the Republic, on October 15, 1890, Order 164 was issued by the Pension Bureau. This order provides that—

Disability under the June 27, 1890, act, such as would be rated under former laws at or above $6 and less than $12, shall be rated the same as like disabilities of service origin; and that all cases showing a pensionable disability which, if of service origin, would be rated at or above $12 per month, shall be rated at $12 per month.

Here was a strange departure from the proper construction of the act, as set forth in Order 162, in which the rate was fixed wholly by the degree of incapacity to earn a support by manual labor, to a rule wholly diverse in its character, established only nineteen days later, without adequate reason, so far as appears,

whereby the rate was fixed by the rule for measuring the degree of disability of service origin.

To illustrate the workings of Order 164, it may be said that if a man were suffering from slight deafness of one ear, and the deafness were of service origin, he would be pensioned at the rate of $10 a month, utterly regardless of whether it incapacitated him from the performance of manual labor. Under Order 164, if a man suffering from slight deafness applied under the act of June 27, 1890, he would still be rated in the same manner as though the disability had been of service origin, and pensioned at $10 a month, which would be equivalent to saying that slight deafness of one ear rendered him ten-twelfths, or almost wholly, incapacitated from the performance of manual labor, a proposition so preposterous that it is difficult to conceive of any sane man for a moment supposing it to have been the intention of Congress.

The practice authorized by Order 164 continued without abatement until January 7, 1893, when Assistant Secretary Bussey was called upon to decide an appeal in the case of Henry H. Weike. (6 P. D., 193.) Referring to Order 164, he said:

The foregoing order has governed the practice of your Bureau in the matter of rates under the act of June 27, 1890, since the date of its issue. It appears, however, that said order, as understood by the Department when approving it, may have been misconstrued by your Bureau so far as it has been your practice to add the separate nominal and schedule rates allowed for several disabilities in making a rate under this act.

This has resulted by reason of the fact that it has been your practice under the old law to combine these rates where the total does not exceed seventeen-eighteenths. The question as to the correctness of that practice is not now before the Department for decision. It is deemed proper to state that the Department in approving said Order 164 did not intend that small rates should be added together, as, for example, three or more rates of two-eighteenths, in order to make a rate under the provisions of said act. * * * The basis of rates under the act of June 27, 1890, is inability to earn a support by reason of incapacity for manual labor due to a permanent mental or physical disability not the result of vicious habits. * * *

It is directed that the views herein expressed be observed in future adjudications of claims under the act of June 27, 1890.

When this conclusion was reached the Department found that over 350,000 claims had already been adjudicated upon the erroneous basis set forth in Order 164. It proposed to change its methods for the future, and approve a construction hitherto employed in violation of the law for the adjudication of over 350,000 claims already allowed, and to lay down a new rule, in accordance with the law, in the adjudication of the 200,000 and more claims unadjudicated and still pending.

With the ruling in the Weike decision before it, the present administration held that if Order 164 was illegal for the pending 200,000 claims, it must necessarily be illegal for the 350,000 and more claims already adjudicated, and therefore came the decision in Bennett's case, which directed that all claims should be placed upon the same footing. And yet the Bennett decision was not reached until the admission had been obtained from the chief medical officer of the Department, who, by the bye, was a Republican and a member of General Raum's administration, that in adjudicating claims under the act of June 27, 1890, disability for the performance of manual labor was never taken into consideration.

WORK OF THE BOARD OF REVIEW.

The result of the Bennett decision was the formation of the so-called board of revision. It is now proposed in this bill to undo all the work of this board of revision, to place these men upon the pension rolls, and afford the right of review to the men whose pensions have been discontinued or reduced, and not to afford that right to the men whose pensions have been allowed at just and legal rates.

The board of review was in existence from June 9, 1893, to June 30, 1895. I desire to be perfectly frank with the committee. The number of pensioners dropped from the rolls was 6,329; the number of pensioners reduced was 23,702; the number of pensioners dropped under the act of June 27, 1890, and renewed under general law, 3,366; the number of pensioners continued was 187,273.

Now, assuming that this bill becomes a law, and assuming that the reductions in the cases of the 23,702 pensions reduced amounted to one-half—and I am sure gentlemen on the other side will concede that that is a very moderate estimate—we find that the annual expenditures for the restoration of these claimants alone, without considering the claims that may hereafter be allowed under the working of this bill, amount to $2,617,920 per annum; and when we add to that the claims that will hereafter be adjudicated, and also the deserters, the bounty jumpers, and the galvanized Confederates who are placed upon the rolls under this bill, I think the estimate is very moderate when I say $5,000,000 will be required to meet its requirements.

I may also say that every estimate in the history of Congress that has ever been made of the probable cost of a pension act has fallen short of the ultimate expenditure.

The Senate Committee on Pensions estimated that the act of June 27, 1890, would not require an annual expenditure of more than $36,000,000. As a matter of fact, during the past year nearly $60,000,000 were expended under this act alone. I shall ask leave at this point to insert in my remarks in the RECORD two tables for the information of the committee, illustrating the work of the Pension Office during the present Administration.

TABLE No. 1.—*Act of June 27, 1890.*

June 27, 1890, claims allowed prior to and during the week ended June 10, 1893 (the order establishing the board of revision is dated June 7, 1893):

Invalid original	402,153
Widows' original	85,378
Total	487,531

June 27, 1890, claims pending and unadjudicated (week ended) March 4, 1893:

Invalid.		
Original	111,880	
With pending original invalid	32,039	
With rejected original invalid	10,184	
With certificate invalid pending	18,769	
With certificate invalid not pending	45,255	
Total		218,147
Widows.		
Original	59,895	
With pending widows	16,955	
With rejected widows	3,499	
With certificate widows, not pending	800	
Total		81,149
Grand total		299,296

Statement of work performed by board of revision from June 9, 1893, to June 30, 1895:

Number of pensioners dropped from rolls	6,329
Number of pensioners reduced	23,702
Number of pensioners dropped under act June 27, 1890, and renewed under general law	3,366
Number of pensioners continued	187,273
Total number of cases revised	220,670

TABLE No. 2.—*Statement showing the various causes for which pensioners were dropped from the rolls between March 1, 1893, and March 25, 1896, inclusive, and the number dropped for each of such causes.*

Allowance erroneous	15
Allowed on fraudulent evidence	92
By request of pensioner	1
Desertion at large	217
Dependence ceased (mother)	2
Death of soldier not established	3
Death of soldier not due to service	39
Disloyalty (act of June 27, 1890)	900
Disability not due to service	127
Disability due to vicious habits (act June 27, 1890)	97
Did not perform service alleged	12
Illegal declarations	179
Married after 1890	2
Mother living (dependent father)	3
No disability: feigned to obtain pension	2
No service in war of rebellion (1890)	56
No pensionable service	25
Not dependent parent	101
Not father or mother of soldier	11
Not soldier's legal widow	205
Not soldier's legitimate child (minor)	4
Not required service (Indian wars)	7
Not honorably discharged (1890)	91
Not discharged	14
Not in United States service	62
Other means of support than daily labor (widow, 1890)	74
Pensioned for disability—law provides pension for wounds only (old war)	1
Rating fixed on medical examination of another person of same name	1
Reenlisted	2
Remarried (widow or mother)	107
Remarriage prior to 1890 (act June 27, 1890)	1
Soldier rendered no service	1
Soldier still living	20
Soldier left widow or minor (dependent parent)	6
Soldier's adopted child (minor)	1
Soldier not identical with one who rendered service	35
Served less than ninety days (1890)	100
Served less than sixty days (Mexican war)	12
Served less than thirty days (Indian war)	5
Violation of act of August 7, 1882 (widow)	475
Widow declared unsuitable person to have custody of minor children	3
Disability existed prior to enlistment	57
Not regularly enlisted	99
Nondependence of minor	1
Not mustered into service	26
Soldier not legitimate son of pensioner	1
Disability self-inflicted	2
Invalids, cause unknown	18
Widows, cause unknown	77
Total	3,392

THE PRESENT CONGRESS THE ENEMY OF THE TRUE SOLDIER.

The present Congress has refused relief to the regimental and camp nurses, a class of most self-sacrificing women who should long ago have been placed on the pension rolls. They have been pushed aside by this bill. The present Congress has up to this time turned a deaf ear to the request for a moderate increase in the pensions of the armless and legless, the maimed veterans of the late war, a class of soldiers who carry with them evidences of their gallantry. Their bill has not thus far been considered—it has been laid aside for this.

In the Fifty-first Congress, when the Republican party was in control, instead of passing a service-pension bill that would have been just and equitable, it passed this act of June 27, 1890, with

all its inconsistencies. The Republican party is again in control. As I understand it, several service-pension bills have been introduced. They have all been laid aside for this, and now the majority of the House submit for your consideration this bill that gives no relief to those soldiers who most need it, drawn for the purpose of protecting a class of men who are not worthy of the ample provision it makes for them. No thinking, fair-minded man, in any part of the country, and least of all, to its honor be it said, in that part of the country that constituted the Confederacy, begrudges for one moment one cent of the magnificent appropriations that are annually made for the payment of pensions; but I think, and I believe that my opinion is in line with that of the vast majority of old soldiers, that the old soldiers of the Union Army should be pensioned in accordance with the service that they rendered, and in recognition of the wounds and disabilities that they received while fighting for the Union, and not as an indirect method of bribery against election day.

The self-respect of the old soldier should be maintained. He should not be brought down to the level of men he would be ashamed to call his comrades. The pension roll should be kept a roll of honor. It should be kept free from the names of deserters, of bounty jumpers, and of the men who, influenced by motives of revenue only, deserted the flag of the "lost cause." With all its professed friendship for the old soldier, constituting, as it does in its own estimation, a sort of "old soldiers' friendship trust," this bill is the best that the Republican party of the Fifty-fourth Congress is apparently able to produce. The mountain has labored and brought forth a mouse! This bill should not pass.

A SERVICE-PENSION ACT THE REAL SOLUTION.

I send to the desk and ask to have read in my time a bill which I should feel inclined to offer as a substitute for this bill, but, unfortunately, I understand no such opportunity will be given me. It is a service-pension bill in substance similar to one that was submitted during the debate of the act of June 27, 1890, in the Fifty-first Congress, which was called the "Grand Army" bill. It represents only my own ideas upon the subject; it is only my personal opinion, but I think that if some such legislation could be enacted it would go a long way to solve the vexed problem of pensions. It is, I think, a bill that would meet the approval of every fair-minded man and the approbation of almost every honest soldier. I ask the Clerk to read it in my time.

Mr. RAY. Do you offer that as a substitute now?

Mr. McCLELLAN. No; I have no opportunity to offer it. I ask that it be read, as representing my own views on the subject.

Mr. POOLE. Why do you not offer it?

Mr. McCLELLAN. I can not offer it now; it would not be in order at this time. This bill is submitted merely as a suggestion. I do not pretend that it is perfect. It is only a step in the right direction. It would be far less expensive than the present act of June 27, 1890, which it is intended to repeal. I firmly believe that were some such legislation enacted it would tend toward taking the pension question out of politics, which should be the purpose of every true friend of the old soldier. [Applause on the Democratic side.]

The Clerk read as follows:

A bill providing for the granting of per diem service pensions to veterans of the civil war and their widows.

Be it enacted, etc., That the act of the Congress of the United States, approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of labor, and providing for pensions to widows, minor children, and dependent parents," be, and hereby is, repealed, and all pensions allowed or granted under said act prior to the approval of this act, and all claim or right to any such pension, or the allowance or payment of any such pension, shall cease and be determined upon the approval of this act, except as hereinafter provided.

SEC. 2. That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension rolls of the United States the name of any person specified in the following section, and grant to such person a pension as hereinafter provided.

SEC. 3. That the persons to whom this act shall apply, and who shall be entitled as beneficiaries hereunder, are as follows: Any officer or enlisted man who shall have served in the Army, Navy, or Marine Corps of the United States, including regulars and volunteers, subsequent to 12th day of April, 1861, and prior to the 1st day of July, 1865, and who shall have been honorably discharged from such service. Also the widow of any deceased officer or enlisted man who shall have served and have been discharged as aforesaid. The provisions and benefits of this act shall apply to any officer or enlisted man who shall heretofore have been granted or who may hereafter be granted a pension under any other law for or on account of wounds or disabilities incurred while in the line of duty.

SEC. 4. That the rate of pension to be allowed and paid to any person whose name shall be placed upon the pension rolls under the provisions of this act shall be at the rate per month of 1 cent per day for each and every day such officer or enlisted man may have served in the Army, Navy, or Marine Corps of the United States, and any widow entitled to pension hereunder shall be allowed and paid at the rate per month of 1 cent per day for each day her husband shall have served as aforesaid.

SEC. 5. That the period of service shall be computed from the date of enlistment into the service of the United States to the date of discharge therefrom: *Provided*, That when any officer or enlisted man shall have served under more than one enlistment and shall have received more than one honorable discharge the rate of pension shall be fixed and determined by the aggregate of the time of such cumulative periods of service.

SEC. 6. That the said Secretary of the Interior is hereby directed, immediately upon the approval of this act, and without any additional application or proofs other than the proofs now on file in the office of the Commissioner of Pensions and the records of the office of the Adjutant-General of the Army, to ascertain the length or period of service of each and every officer or enlisted man to whom a pension has been allowed under the said act approved June 27, 1890, or to whose widow any pension has been granted thereunder, and to continue the name of such officer, enlisted man, or widow upon the pension rolls of the United States, and to cause such officer, enlisted man, or widow to be paid a pension thereafter at the rate specified in this act.

SEC. 7. That any officer or enlisted man of the Army, Navy, or Marine Corps of the United States, having served as aforesaid, and the widow of any officer or enlisted man who may have served as aforesaid, may avail themselves of and have the benefits of this act without any formal application therefor. The filing with the Commissioner of Pensions of an honorable discharge from the Army, Navy, or Marine Corps of the United States, which discharge shall show service within the period aforesaid, together with satisfactory proof of the identity of the person claiming pension hereunder as the person named in such discharge, or as the widow of the person named therein, and of her marriage, shall be deemed and held sufficient application and proof to entitle such person to the benefits of this act; but no pension shall be granted to any officer or enlisted man who shall have deserted from the Army, Navy, or Marine Corps of the United States, nor to the widow of any such officer or enlisted man, until the record of such desertion shall have been removed or amended by the issue of an honorable discharge, covering the period of enlistment from which such officer or enlisted man shall have deserted.

SEC. 8. That no fee or compensation shall be allowed or paid to any attorney or agent for any service in procuring or aiding in procuring the allowance of any pension under this act, and it shall be unlawful for any person to solicit, accept, or receive any compensation, gratuity, or reward from any applicant for pension hereunder for any service or pretended service relating to the application or allowance of such pension.

Mr. McCLELLAN. Mr. Chairman, I ask leave to insert in my remarks certain decisions of Secretary Reynolds in illustration of what I have said.

The CHAIRMAN. The gentleman from New York asks unanimous consent to insert in his remarks certain decisions.

Mr. PICKLER. What is the request?

Mr. McCLELLAN. To insert in my remarks some decisions of Secretary Reynolds.

Mr. PICKLER. In the Bennett case?

Mr. McCLELLAN. The Bennett and two or three other decisions.

The CHAIRMAN. Without objection, that leave will be given.

There was no objection.

Mr. PICKLER. I yield ten minutes to the gentleman from Michigan, my colleague on the committee, Mr. WOOD, being out.

Mr. SMITH of Michigan. Mr. Chairman, it had not been my intention to take any part in the discussion of the bill now under consideration in Committee of the Whole. Not that I do not feel an interest in the welfare and happiness of the old soldiers of the civil war, for I do feel a deep interest. In fact, sir, no service that I have rendered during my brief experience as a legislator has been rendered more willingly than that which has been given to the old soldiers of my district. I sat silent while the committee were formulating this bill, feeling every confidence and expectation that they would report a measure that would be entirely satisfactory to the loyal veterans of the civil war and to those in this Chamber who wished fitly to recognize their honorable service, but I am obliged to dissent from a portion of this bill, and my reasons for so doing are these: Many of the abuses that have crept into the administration of the Pension Department and that we have sought to remedy have arisen from leaving too much discretion to the Pension Department, and I find that this bill fails to remedy that evil. Indeed, in the second section of the bill, in line 4, I find a startling concession to the practice that has prevailed for several years in the management of the Pension Department. Section 2 of this bill reads as follows:

SEC. 2. That from and after the passage of this act no pension heretofore granted or which may hereafter be granted under the pension laws shall be reduced or discontinued except for fraud, clerical error, mistake of fact, or recovery from disability.

I give notice now, Mr. Chairman, that when we come to consider this bill under the five-minute rule for amendment I shall move to strike out the words "mistake of fact" and "the recovery from disability." I believe that those six words will have a far-reaching effect, and that they will be interpreted by the present officers of the Pension Department in a way calculated to react upon the pensioner and to prevent him from obtaining and enjoying that which is his right at the hands of this Government.

Mistake of fact! Why, Mr. Chairman, what mistake of fact can creep into a pension that has been granted to an old soldier of the civil war? Any man who runs the gauntlet of Government scrutiny and the judgment of the officers of that Department is certainly entitled to have the facts of his case foreclosed against reopening by any later officers of the Department. In a court of law such a proceeding is deemed to be res adjudicata, and it should be so regarded in the Pension Department of this Government. I know of no reason why there should be always dangling over the head of the pensioner the possibility that some new fact will develop which will set aside the honorable pension that he has received, and I object to the matter being left open so that any future administration of the office can cause the pensioner trouble and annoyance. Therefore I repeat, when the proper stage in the consideration of this bill is reached, I shall move that the language I have indicated be stricken from it. Then, as to "recovery from

disability," who is to say when the pensioner has recovered from his disability? Is he to be obliged to crawl through life exhibiting his suffering and distress for fear that some sneaking spy may come upon him and seek to deprive him of the bounty which the Government has given him?

I want to discourage the tattle-tale spy system in this country, Mr. Chairman. [Applause.] I want to brand as unworthy the dignity of this Government the spy system that now exists, and therefore I shall move to strike out those words. If you strike them out, you will find that the Department will be more vigorous in the prosecution and closing up of pending claims and less vigorous in pursuing the pensioner after his case has been adjudicated. [Applause.] For one, I object to any such opening being left in this law. It has no place or business here. What soldier can recover from the injuries received in battle or the hardships endured for months and years of service in the field? No man came out of the army as good as he went into it, exposed to its hardships and perils. Hundreds and thousands of men are obliged to crawl through life, bearing the effects of their service as cripples and invalids, and I want the law so framed that they shall not live in fear that any cowardly informant, spy, or detective is dogging their footsteps, watching for some pretext upon which to take away the small compensation which the Government allows them, watching every word that falls from the pensioner's lips, every expression of his countenance, to find out something that may be reported to the Department which will enable them to humiliate the pensioner and make the remaining years of his life more distressing than the past. I believe it to be the duty of the House to prevent the possibility of such proceedings in the future. I take this ground for two reasons; first, because I want the pensioner to enjoy the bounty of his Government; and second, because I want to relieve and force into more honorable employment that band of meddlesome tattle tales who have gone about this country during the last three and a half years of Democratic Administration trying to find some pretext upon which to drop pensioners from the roll.

For my part I want no more of it. When the pension is granted I want it to belong to the pensioner for life, and I do not want any Commissioner of Pensions to have the right to strike a pensioner from the rolls because, forsooth, in his judgment the man seems to have recovered from his disability. Who, I ask again, is to pass upon the recovery? Is it to be some person who does not enjoy the confidence of the pensioner? Who knows whether he has recovered or not? No one but himself. Many a man carries a pleasant face and an agreeable smile when he is enduring constant suffering and distress which he does not choose to expose to the world. I am utterly opposed to any legislation which will leave it open to the Commissioner of Pensions to disregard the sufferings of the old veterans. Why, our gallant friend the gentleman from Iowa [General HENDERSON], who sits upon this floor, went back into battle after his leg had been shot off at Corinth and rendered gallant service to his country in the campaign that followed in Tennessee. Recovery from injuries! I say a man never can recover from such injuries. There never will be a time in his life when he will be as good a man as he was when he entered the Union Army, and I do not want any officer of this Government or anybody else to have the right to say that he has recovered, when he himself knows that he has not, and is not in any respect so good a man as when he entered the service in defense of the flag.

Mr. MILES. Will the gentleman allow me a question?

Mr. SMITH of Michigan. Certainly.

Mr. MILES. Suppose a person who has been upon the pension rolls at $72 a month for insanity should recover his reason, would the gentleman have the pension continued at $72 per month?

Mr. SMITH of Michigan. I will answer the gentleman from Maryland [Mr. MILES] in this way: If any man is upon the pension rolls for insanity and is held by some officer of the Government to have recovered his reason, I ask the gentleman, as a member of this House, to tell me what the likelihood is of that man being again afflicted with the same calamity; and if he should be so afflicted when all of his associates shall have passed away, when the cause of his distress and suffering shall be known only by secondary evidence, I ask how such a man could be reinstated so as to draw the pension that he justly deserves?

Mr. MORSE. Will the gentleman allow me a question?

Mr. SMITH of Michigan. Yes, sir.

Mr. MORSE. Does not the gentleman think that the defects of which he complains in connection with the administration of the pension laws would wholly disappear under a Republican Administration with its just and liberal construction and execution of the pension laws? Under such an Administration would there be any danger to the pensioner?

Mr. SMITH of Michigan. The gentleman is undoubtedly correct in his suggestion; but we never can account for some of the changes of heart of the American voter. They are sometimes led off to do strange things which they afterwards regret; and in order that there may be no opening left for a possible reversal of their good judgment again, I would foreclose the question by an act of Congress and let the pension be guaranteed to the pensioner for life.

Mr. MORSE. My friend knows that the American people would not again go after "strange gods" during the next twenty-five years.

Mr. SMITH of Michigan. I am hopeful in that respect, as the gentleman is. But in order to provide against such a possibility I would make this bounty which goes to the pensioner a bounty for life, so that it may never be disturbed while he shall live and shall wish to receive it.

Mr. Chairman, this morning on my way to this Capitol I passed the magnificent monument erected to the memory of Gen. Winfield S. Hancock. It will soon be unveiled upon Pennsylvania avenue leading to this Capitol. It was but a quarter of a century ago that the soldiers who helped maintain Hancock's columns at Gettysburg marched up that street; and while you are putting into monuments and upon tablets the memory and glory of the achievements of Hancock, I ask you not to forget that thousands of veterans who walked up that avenue bleeding and wounded after the close of the war are still haunting the Pension Department of this country asking that justice may be done them in their old age. [Applause.] And I say to you that 500,000 applications are still undecided and soldiers who believe that they were injured to a pensionable degree are waiting at your doors. They helped to make the campaign of Hancock memorable. It was upon his right and upon his left that the soldiers filed into the thinned ranks from which their comrades fell and made it impossible for the foe to successfully pierce that line of living fire. [Applause.] In my Congressional district and State thousands of those veterans are still waiting for this Government to pass upon their claims, while thousands of them are trembling for fear that they may be dropped from the pension roll without even the formality of a public hearing. In the interest of those men who saved their country, who did so much that we younger men might enjoy the blessings of liberty here, I say it is our duty to protect them now and make the future years of their lives less liable to annoyance than they have been in the last four years. [Applause.]

Mr. MORSE. I certainly hope that my friend from Michigan did not understand me as making any apology for the present administration of the Pension Office. I believe it is contemptible. [Applause on the Republican side.] I believe that the Commissioner has overridden the acts of Congress and assumed legislative as well as judicial functions, and that he has done great wrong to the pensioners of this country. I am making no apology for him.

Mr. SMITH of Michigan. I would not ascribe any hostile motive to the gentleman from Massachusetts, but call the attention of this House to the fact that those six words "mistake of fact" and "recovery from disability" leave it open to any future administration of the Pension Department to drop these veterans when it is impossible, owing to the death of their comrades, for them to furnish the new testimony that would reinstate them; and I believe it to be our duty to close this door now.

In another part of this bill I find that for fraud a public hearing shall be given; that for fraud a man shall have the right to face the witnesses and to be represented by an attorney. But where in this act is the authority for the pensioner to meet face to face the man who shall sneak around and peer through the window of his castle and see that he is enjoying himself in the last years of his life and that such enjoyment is inconsistent with the pain and sufferings of which he has complained?

Mr. MILES. Will the gentleman yield to me for a question?

Mr. SMITH of Michigan. Certainly.

Mr. MILES. The gentleman will find that the first part of section 4 meets the objection he urges.

Mr. SMITH of Michigan. Not at all.

Mr. MILES. I think if the gentleman will read it he will find that it does meet exactly the objection.

Mr. SMITH of Michigan. That relates only to cases where objection has been raised on the ground of fraud. But it is our duty—that is what I am claiming—to shut this door now against the opportunity of depriving these men of their pensions on mere technical grounds, and give to the veterans the right in old age to feel secure in the pension which the Government has seen proper to give them. I care not who formulated this bill; I care not who revised the first edition of it; I would be in favor of overriding any rule adopted here that will not leave the pensioner absolutely secure in his title from the Government. I repeat that it is our duty to do it, and it is our duty to do it now. Let us do it thoroughly and courageously, so that there may be no misapprehension in future. We do not want any further rulings that will set aside the express will of Congress.

Mr. MILES. If the gentleman will allow me, I want again to call his attention to the fact (and parenthetically I may say that

or proofs other than the proofs now on file in the office of the Commissioner | I have indicated be stricken from it. Then, as to "recovery from

I do not stand as godfather for this bill) that I think he is laboring under a mistake in the objection he is urging to this measure. If he will permit me, the first part of section 4 provides—

That hereafter, in the administration of the pension laws, all investigations into the merits of any pension previously allowed shall be by question and answer, under oath, in open session, after due notice to the person or persons who may be affected thereby to be present personally or by attorney.

Mr. SMITH of Michigan. Present where?

Mr. MILES. Well, of course, that is, I suppose, a matter to be left to the discretion of the Department.

Mr. SMITH of Michigan. I repeat the question, Where? Are you going to oblige a soldier to come all the way from Michigan to Washington to answer a claim or charge against him?

Mr. PICKLER. Oh, that would not be required. Under the rules and regulations of the Department they go to where the soldier lives.

Mr. SMITH of Michigan. There is nothing in this bill that makes that necessary.

Mr. PICKLER. That is the practice of the Department now.

Mr. MILES. That is a matter of practice in the office, of course. This Administration, and all Administrations, have always gone to the pensioner's home and conducted the examination there, and this bill provides that this examination shall be conducted in open session, in the presence of all persons interested and in the presence of the attorney for the claimant, if desired. So that the objection of the gentleman really has no force.

Mr. SMITH of Michigan. In the fourth section of this bill it is provided that where fraud is alleged there shall be an investigation at the county seat in the county in which the pensioner resides; and I make the claim that you should make that section apply in every case where the pension is questioned. I do not believe the pensioner should be called to go a distance from his home, to go to a remote part of the country, perhaps to come to Washington, to establish a right the Government has accorded to him after due examination.

Mr. PICKLER. This applies in every case where the pension is questioned.

Mr. SMITH of Michigan. Where there is fraud alleged. But suppose a man is held up by the Pension Office under the spy system, and is claimed to have recovered from the disease from which he was suffering, then where is the examination to be held?

Mr. PICKLER. The only difference is that where fraud is charged they go to the county seat and conduct the examination or hearing, but where other things are charged it has been the practice to go to the soldier's home and meet him and his witnesses there and conduct the examination. The trouble has not been there, but in the rating and in the medical examinations.

Mr. SMITH of Michigan. In answer to the gentleman from South Dakota, whose loyalty to the soldiers all will admit, I will say that this is a mere regulation of which he speaks. But we are now formulating a law, and we ought to make it mandatory on every Commissioner of Pensions who questions the disability of the soldier to go to his home and find out the truth of the allegation and enable him to meet the charges and to present his own witnesses face to face.

Mr. PICKLER. That is the case now; that is the practice.

Mr. SMITH of Michigan. Under what law?

Mr. PICKLER. There is no statute providing for it. It is simply a practice or rule of the Department.

Mr. SMITH of Michigan. That is just the point; there ought to be a rule of law for it.

Mr. PICKLER (continuing). If the gentleman will allow me, in case of fraud they go to-day, and have always done so under all Administrations, and make the examination at the home of the soldier, taking his statement, and he gives the names of the witnesses he wants to call, and he is informed of those that the Government proposes to call. This bill provides that in cases of fraud there shall be a more formal examination; that the pensioner shall be cited to the county seat; that he shall have the privilege there of being represented by his attorneys.

Mr. SMITH of Michigan. I admit what the gentleman says in the case of fraud. I want to make it obligatory in all cases where hostile action is contemplated.

Mr. MILNES. Let me ask the gentleman from South Dakota if a soldier who is drawing a pension is deprived of it for any reason, is he not hurt just as much as if he was deprived of it for fraud?

Mr. PICKLER. He can not be deprived of it except for that——

Mr. SMITH of Michigan. The language of the bill is:

Except for fraud, clerical error, or mistake of fact.

Mr. PICKLER. The gentleman is borrowing a great deal of trouble about those words "mistake of fact." The words "mistake of fact" have a technical meaning in the Pension Office. They do not refer to anything which the gentleman has in mind.

Mr. SMITH of Michigan. I understand there has been an adjudication on that language, and I understand it is held to apply in this one case, that it would be a mistake of fact if a pension was granted at $10 a month and actually put in the certificate at $16 a month.

Mr. PICKLER. That is a clerical error.

Mr. SMITH of Michigan. It is a clerical error and a mistake.

Mr. PICKLER. Does not the gentleman think that is right?

Mr. SMITH of Michigan. I think it is right to correct it.

Mr. PICKLER. That is all they do here.

Mr. SMITH of Michigan. But I would not leave such general language to apply to such a technical question.

Mr. PICKLER. Neither have we.

Mr. SMITH of Michigan. I would strike out that general language, or else I would specify after the language what is intended to be meant by it, limiting its force and effect.

Mr. PICKLER. Let me put a case to the gentleman from Michigan. The gentleman gives a good instance of a clerical error. Suppose the Pension Office, after an adjudication, allows a man $10 a month, and the clerk, in making out his certificate, gets it $16. We want to correct that. That is right. Now, in regard to a mistake of fact. Suppose a woman married a soldier five years ago, and that soldier dies, and she continues to draw the pension, and it turns out that this soldier had a legal wife before he married her, and that that wife comes in now for her legal pension. That would be a mistake of fact that ought to be corrected.

Mr. SMITH of Michigan. Now, I say this——

Mr. PICKLER (continuing). Or suppose the case of a wrong man. Suppose there is some man drawing a pension under some other man's name. Suppose John Jones, of Tennessee, is drawing a pension in the name of John Jones, of Illinois, and it is a clear case of that kind—a mistake of fact.

Mr. SMITH of Michigan. No, sir; that is a fraud, and it should be so denominated, and this law provides for it.

Mr. PICKLER. It is a mistake of fact as well as a fraud.

Mr. SMITH of Michigan. No; it is not a mistake of fact. It is a fraud, and it is open to review.

Mr. PICKLER. I will not detain the gentleman any longer, because I appreciate his earnestness in behalf of the soldier; but this matter of allowing anybody to draw a pension, where it becomes known that it is a mistake, does more to create prejudice against the pensioners than anything that can be brought about. Now, what the gentleman complains of, the words "mistake of fact," are a technical term, and do not refer to ratings or anything of that kind. Under this bill the pensioner will be absolutely safe in his pension. Pass this bill, and he will be absolutely safe.

Mr. SMITH of Michigan. How will he be safe under the language that follows, "recovery from disability"?

Mr. PICKLER. I agree with the gentleman from Michigan to this extent—that there will be very few pensioners in the United States who will recover; but we have had such instances brought to the attention of our committee; for instance, where a man had been pensioned at the rate of $72 for blindness, and he seemed to be totally blind for a time, but afterwards recovered his sight altogether. Now, I do not think the gentleman can say that it is fair to anybody that that man after recovery should continue to draw $72 a month for his whole life. The burden of proof, of course, is on the Government to show that the soldier recovers, and I have no idea that anybody will suffer injustice from this provision.

Mr. BURTON of Missouri. Suppose it is claimed by somebody that a blind man has recovered, and he denies it. Where are you going to try that issue of fact, and upon what kind of pleading?

Mr. PICKLER. You would try the issue as you would any other case before the Pension Office.

Mr. BURTON of Missouri. Why not on sworn complaint, as in cases of alleged fraud?

Mr. PICKLER. In such a case as that the man has the physicians. He can be examined by the physicians. The whole thing is all open.

Mr. Chairman, now, if the gentleman will allow me, I would like the attention of the gentleman from Missouri. I want to call his attention to the fact that the bill covers everything in the language of section 4:

That hereafter in the administration of the pension laws all investigations into the merits of any pension previously allowed shall be by question and answer, under oath, in open session, after due notice to the person or persons who may be affected thereby to be present personally or by attorney.

Now, I defy any member of this House to make any objection to this section.

Mr. SMITH of Michigan. That section is good, and I am not complaining of it.

Mr. PICKLER. We first contemplated putting in every investigation, whether the pension was allowed or not; but, after consideration, it was concluded that that might possibly bar the allowance of pensions by having them to go into this rigid examination before the pension was allowed. Now, any attack on earth, any charge that can be made against a pension that has been granted, this bill covers it; and the investigation has to be

in open session, where the pensioner has the right to be present in person or by attorney.

Mr. SPALDING. What is meant by "open session"?

Mr. PICKLER. Well, Mr. Chairman, the gentleman certainly understands the practice of the Pension Office. In every Administration these special examiners go to where the soldiers live and take the testimony there. They must go to the claimant.

Mr. BURTON of Missouri. Very well. You require when fraud is alleged that the allegation shall be reduced to writing and sworn to. Now, in case some one claims that the pensioner has recovered, why do you not require that that allegation of recovery shall be reduced to writing and sworn to?

Mr. PICKLER. They would have to do that. That is a medical question, and would depend upon the proof.

Mr. BURTON of Missouri. And yet I had to hustle around down in my district and get up affidavits to prove that the man was still blind.

Mr. PICKLER. You did not have to do that.

Mr. BURTON of Missouri. But I did.

Mr. PICKLER. That was certainly unnecessary. Every special examiner goes to the neighborhood where the claimant lives and takes the proof.

Mr. BURTON of Missouri. The examiner did go to the neighborhood.

Mr. PICKLER. Did he not examine the witnesses?

Mr. BURTON of Missouri. Yes, sir.

Mr. PICKLER. And did he not take the testimony of everybody that the soldier gave him the names of? Now, while I do not admire the present Administration in its conduct of the Pension Office, the special examiners are required to take all the testimony offered.

Mr. BURTON of Missouri. Well, the claimant did not know anything about it.

Mr. PICKLER. He received notice, and he must have known about it.

Mr. BURTON of Missouri. Very well. Where it is alleged that a man has recovered and the Government is required to go into this inquiry I want the statements to be made under oath.

Mr. PICKLER. It must be made under oath, because the burden of proof is on the Government to show that he has recovered.

The CHAIRMAN. The gentleman from Michigan has the floor.

Mr. SMITH of Michigan. Now, Mr. Chairman, what I complain of particularly in this bill is this: That in section 2 the words "mistake of fact or recovery from disability" leave a door open where this pensioner's right to his pension may be questioned arbitrarily by the Pension Bureau.

And it does not do what the report of the committee says it does. For instance, the report of the committee says:

This guarantees to the old survivor of our great struggle, whose average age is now nearly 60, that security and peace of mind which should come to him in his declining years. The pension roll has recently been critically inspected, and it is a very reasonable assumption that few persons are now drawing pensions who are not entitled to them.

It does not guarantee to the pensioner that "peace of mind"; and I think he never will have that "peace of mind," after the sad experience of the past three years, until these three words are stricken out of the law and no opening left for any future Commissioner to override and drop his pension.

If there is any citizen in this Republic that I honor more than I do another it is he who took the gun at the first fire on Sumter, and, turning to the gray-headed mother with pale and trembling lips, or to the wife whose moistened eyes could little tell the feeling of her heart, or to the child perhaps but newly cradled, leaving all, only turned back to say, "Good-bye; duty calls; my country is in danger, and I go forth to do its battle." I honor the soldier who bled and died in such a cause, and I love the living. It is the duty of this House to minimize all the possibilities calculated to deprive the soldier of this little mite of bounty that has been guaranteed to him by this great Government; and I give notice that I shall urge and insist that these three words shall be stricken from this bill and that the further possibility of dropping the pensioner shall be forever foreclosed to future Commissioners who may be placed in charge of that Department. [Loud applause on the Republican side.]

Mr. WOOD. Mr. Chairman, I desire to submit a few remarks upon this bill. It is not a question of sentiment that we are considering here; it is a question as to whether we shall give our attention to a practical measure to cure some defects in the administration of the pension laws. It is not my desire, being a member of the Committee on Invalid Pensions, to offer any amendment to this bill. I shall support it as a measure that will perhaps remove some of the causes of complaint against the present administration of the pension laws. I will more cheerfully vote for it if some amendments are made, which I trust some gentleman will offer, and which I hope will be adopted by this Committee of the Whole.

The pension laws now in force are not generally unfair or unjust to the pensioner. If gentlemen will recall discussions in this House on the subject of pensions they will recognize the fact that the great cause of criticism has been found not in the laws themselves, but rather in the manner in which they have been administered. We have already passed an act, introduced by my colleague on the committee, the gentleman from New York [Mr. POOLE], and we propose in this bill to supplement it by prescribing a rule of evidence in regard to death. We have also in this bill a provision in regard to marriage and the evidence proving marriage. Neither is necessary. It was in the power, and I think it was the duty, of the Secretary of the Interior to have adopted these proposed rules of evidence independent of any enactment by Congress. The statutes of the States have generally recognized the presumption of death after an unexplained absence of the person for seven years. That was the common-law presumption adopted by the courts without any statutes. The presumption of legal marriage by man and woman living together, holding out each other and being recognized in the community as husband and wife, has generally been indulged in by the courts of the country in matters quite as grave as that of the allowance of a pension. It is somewhat remarkable that the Secretary of the Interior should not have adopted these same reasonable rules. So I may say that after this bill becomes a law, an unfair, or a narrow, or an unjustly strict construction of it will practically undo all the work that we may do here.

I desire now to call the attention of the committee to two or three other sections of this bill. All of the fourth section after the fifteenth line should be stricken out. I ask the attention of the gentleman from South Dakota [Mr. PICKLER] to this point. There is entirely too much machinery, involving too great expense and trouble to the pensioner, provided for in the latter part of this section. The taking of depositions invariably requires the aid of a skillful attorney. If counties were all of small size, and if the pensioner was always found to be living near the county seat, it would not be very objectionable to require the examination to be conducted at the seat of justice; but many counties, particularly in the Western States and Territories, are very large. One within my knowledge has quite an important town, where old soldiers are living, 250 miles from the county seat.

Mr. WILLIS. In the same county?

Mr. WOOD. In the same county. That county is represented by my friend from California, Mr. BOWERS.

This section gives the right to the pensioner to rebut or substantiate any facts alleged. He must do that by testimony; and to make a journey to the county seat with his witnesses, and to support them during the time they are there, might practically work as great hardship to him as to absolutely cut off his pension. Considering the expense and trouble, would it not be better, after we provide that charges shall be made under oath with notice and with a copy of the charges to be given to the pensioner, to let the place of examination be left to the Commissioner, with the hope and the expectation that a fair and just Commissioner will be in charge of the Pension Bureau? Leave the matter as it is now. Let me state one thing further. Whenever charges of fraud are required to be reduced to writing and sustained by the oath of the person making them there will be very few pensioners dropped from the roll on the ground of fraud. Occasionally, of course, some worthy man may have the charge made against him, and with this section as it stands in the bill it practically amounts to a denial of a fair hearing in such cases. If we strike out all of this section after the fifteenth line it will then be a good section, and we may trust to a fair Commissioner to execute the law fairly and with due regard to the interest of the old soldier as well as to the interest of the Government.

I wish now to call the special attention of the committee to section 6. This section is aimed at Order 229. The chairman of the Committee on Invalid Pensions, the gentleman from South Dakota [Mr. PICKLER] has shown to his own satisfaction, but not to mine, nor, I think, to the satisfaction of the House, how this section of the bill abrogates that order. It does not do it. It in fact substantially approves that order, and is a virtual indorsement of it; it really enacts the more stringent part of that order into law. Let gentlemen scrutinize this section carefully. All the objectionable features of Order 229 are retained, or at least are not prohibited. The requirement of the preparation of testimony, the reducing it to writing or typewriting, the preparation and forwarding of the same without "needless delay"—the Commissioner being the sole judge of what is "needless delay"—are not forbidden by this section. Order 229 did not require the affidavit to be in the affiant's own language as this section does. This section, by necessary implication, prohibits any oral prompting or questions suggestive of answers.

Mr. PICKLER. Not at all.

Mr. WOOD. I think it does. Order 229 does not prohibit oral prompting or leading questions for the purpose of drawing out the facts. It only requires that any "printed or written statement or recital" which aids the recollection of the witness shall be attached to the affidavit. Mr. Chairman, I submit that no

judication on that language, and I understand it is held to apply

earth, any charge that can be made against a pension that has been granted, this bill covers it; and the investigation has to be

just to the pensioner. If gentlemen will recall discussions in this be attached to the affidavit, Mr. Chairman, I submit that no

statute of the United States, or of any State, nor any rule of court, can be found which requires so great a degree of particularity and strictness in the preparation of affidavits to be used in courts of justice in the disposition of business involving important consequences. Injunctions are issued on sworn bills of complaint. Men's hands are tied in the conduct of their business, or the disposition of their property. Injunctions are dissolved on motions and answers supported by affidavits. Receivers are appointed on verified bills of complaint. Property is taken from the hands of owners and from the process obtained by creditors, and turned over to the hands of receivers or officers of courts, and there retained, perhaps until eaten up in fees and costs. Property is taken from defendant and turned over to plaintiff under replevin writs issued after affidavit is filed. Writs of attachment are daily issued from our courts and property seized under them and, if perishable, sold before judgment.

This proceeding, in which execution precedes judgment, is based on an affidavit to be first filed. Causes are continued, new trials are granted, and alimony decreed pending suit upon affidavits. Men are arrested on criminal charges based on complaint under oath. In any or all of these instances of daily occurrence in our courts, involving frequently important interests, has any gentleman ever heard of requiring from the affiant a statement that the affidavit "was prepared in his or her presence, at his or her dictation," and "is in affiant's own language"? And yet we require in this order from an old soldier more particularity in an affidavit to establish a six-dollar-a-month pension claim than courts and statutes generally require to take away from creditors and out of the hands of owners a hundred or a thousand miles of railroad. Take the average comrade of ordinary intelligence upon whom the old soldier must depend for his evidence. I submit that if an affidavit must be obtained "from his or her dictation," or must be "in affiant's own language," nine out of ten would be defective and would be rejected. I send to the Clerk's desk to be read as part of my remarks a substitute for this section. If some member does not offer a better provision, I give notice that I shall offer this at the proper time.

The Clerk read as follows:

SEC. 6. That in the administration of the pension laws an affiant shall be required only to make oath that said affiant has read or heard read the subscribed affidavit, that affiant knows the contents thereof, that the matters and things therein stated as of affiant's personal knowledge are true, and that the matters and things therein stated on information and belief affiant believes to be true. Such affidavit shall be considered in the adjudication of the claim and such weight be given to it as it may be justly entitled to.

Mr. WOOD. That is not very much different from the ordinary jurat that is attached to a bill in chancery where a discovery is sought. It is about the same that is attached to an answer which may be introduced as evidence, and in default of answer the bill might be taken as confessed and regarded as evidence under the statutes of some States.

It may be insisted, and I believe it is claimed by the Commissioner, that pensions are granted on ex parte evidence, and therefore there should be great particularity used; also that affidavits in pension cases are ex parte, and that to adopt this section would open wide the doors to fraud. This, I believe, is the insistence of the present Commissioner. I deny that any affidavit of a material fact in a pension case is ex parte except in form. If affiant is a comrade, whether officer or enlisted man, his affidavit, if to a material fact, is not considered until the records of the War Department are searched to ascertain if affiant was present at the time with his command. Even if he is corroborated there, it does not suffice. The postmaster is written to, or a special examiner reports whether the man is credible; then he himself is written to, to get a version in "affiant's own language" of the facts about which he testified. Next it frequently happens that a special examiner is sent to examine him under oath. If his examination or affidavit discloses that some one else knows the same facts, the consideration of the claim is generally stayed until such person is written to and his reply is received, to ascertain whether the affiant may not be contradicted or may not be mistaken. Lastly, if the allowance of the claim would carry any considerable amount of money, it is generally resolved that a special examination is required to determine the merits of the case. That action is good for a year's delay, and generally for a much longer period. This course of procedure is well known to every member of the committee who has examined claims in the Pension Office, and he knows, as do I, that no material affidavit filed in support of a pension claim is in effect an ex parte affidavit.

Mr. Chairman, no harm will ever be done to the Government by the adoption of this substitute. The Commissioner or the Secretary of the Interior will still be the sole judge of the weight to be given to every affidavit. The present method of determining its truthfulness is not abrogated. If affiant makes a statement on information or belief, he will still be obliged to state the sources of his information so that the reasonableness of his grounds of belief may be determined. If he fails to do this, no weight would be given to his affidavit; it would go merely for what it is worth; and it would be worth nothing.

The administration of the pension laws is wholly in the hands of the Secretary of the Interior. There is no appeal save to Congress. I am aware that there is a pretty theory indulged in by unsophisticated claimants and their attorneys, and I believe by my colleague from New York [Mr. MCCLELLAN], that there is an appeal from a decision rejecting a claim or cutting down or discontinuing a pension. That is a great mistake. The Interior Department is charged with the administration of the pension laws. True, there is the Commissioner of Pensions; but he is practically the head clerk of a bureau in that Department. An appeal is said to lie from his decision. That appeal is decided by the Assistant Secretary of the Interior, another head clerk in the same office or the same Department. It is an appeal from Philip drunk to Philip not yet sobered up.

After this act is passed the old soldier will still be in the hands of the Secretary of the Interior; he will still feel the effects of the policy of the Administration. If that policy be that the pension laws shall be fairly construed, to carry out in fairness and good faith the purpose of their enactment, he will have no reason to complain. Everyone whom the policy of the law has declared to be the proper recipient of a pension will have no serious trouble in obtaining it. If, on the contrary, the policy of the Administration shall be to admit none to the pension rolls whom it is possible to prevent and to cut off every pensioner where some excuse may be invented, then the same complaint will meet the next Congress.

The policy is not to be settled here or in the Interior Department or in the White House. A greater than Secretary or Congress or President must determine it. The appeal is to the people. On them we must wait for the final judgment in November.

Now, there is one thing in regard to a suggestion made by my friend the gentleman from South Dakota, the chairman of the Committee on Invalid Pensions, to which I will allude briefly and then I am done. He suggests that I select some section of the bill with which I am satisfied. I have criticised, I trust, in all fairness, two sections of this bill. I think the criticisms I have made are not at all unjust. I think it due to the Pension Committee and this side of the House that we perfect this bill, if it is possible for us to do so, so that after it becomes a law it be not worse than the present law, or the construction which has been given to the present law. There are many parts of the bill that are good——

Mr. NORTHWAY. May I ask the gentleman if he is a member of the Committee on Invalid Pensions?

Mr. WOOD. I am a member of that committee.

Mr. NORTHWAY. Now, if the gentleman will permit me, you have liberalized the bill in one respect by a provision permitting the oath of a private to have as much weight as that of the commissioned officer, and I indorse what has been done in that regard. But why not go further and permit an applicant himself, in this matter of pension cases, to be heard as a witness in his own behalf, as he would be heard in the courts of justice? Let him appear under oath and let his evidence be taken to prove the facts connected with his claim.

Mr. WOOD. I will say to the gentleman that I think the ordinary rules of pleading in courts of justice, that the allegations of the claimant should be taken most strongly against him, are not unfair in their application to a man who is seeking a pension.

Mr. NORTHWAY. But if, in a court of justice, a party can go and be sworn in his own behalf, and his testimony is received just as the testimony of any other witness, why should not the same rule apply in pension cases? Why, in other words, should not a claimant, when he makes his application to the Department, be heard in a pension application the same as he would be heard in a court—of course his interest being taken into account?

Mr. PICKLER. But he can do that now.

Mr. NORTHWAY. Not at all. You do not permit a claimant for a pension to prove by his own evidence an independent fact. He must call sufficient witnesses to establish the fact, either two privates or one commissioned officer under the present law.

Mr. PICKLER. The claimant may make his statement; the only difference is that more testimony is required in support of it. But let me ask the gentleman from Ohio if he thinks it would be a safe policy to enact a statute whereby an applicant for pension should be allowed his claim upon his own unsupported testimony?

Mr. NORTHWAY. No; I would not claim that. But I claim that he should have the same right to introduce testimony in his case that he would have in a case in a court of justice.

Mr. PICKLER. He can do that now.

Mr. NORTHWAY. The gentleman is entirely mistaken. He can not. I have known cases myself where the principle has been applied. I have one case now, the case of Captain Goodwin, a resident of Norfolk, Va., who was the captain of a Massachusetts regiment during the war, who filed his application, and it has been pending for a long time. I secured him a pension of $12 a month under the law of 1890, but he has an application for a pension pending under the old law. He is absolutely and entirely

helpless. He was wounded in one of the battles, a bullet rupturing his intestines, and he took from his own person the bullet. No physician was near; no one was able to testify as to the facts. He has an abscess arising from the wound formed in the intestines, and yet no human being can swear but himself that the bullet passed through. The Department refuses to listen to his testimony. Now, that is a case absolutely in point——

Mr. PICKLER. I wish to call the gentleman's attention to section 5 of this bill, by which it is provided that the oath of a person who has served as a noncommissioned officer or private shall not be of less weight than that of a commissioned officer. It provides as follows:

SEC. 5. That in the administration of the pension laws the oath of a person who has served as a noncommissioned officer or private shall not have any less weight than if such person had served as a commissioned officer: *Provided*, That no claim shall be rejected because of claimant's inability to furnish, as to any material fact in the case, the testimony of more than one credible witness having knowledge of such fact.

Mr. NORTHWAY. That is equivalent to saying that he must furnish one credible witness besides himself.

Mr. PICKLER. Oh, not at all. The Commissioner of Pensions has held that a man's own testimony may be taken, and it has been held that the statement of the claimant is good in support of the facts set forth in the application.

Mr. WOOD. Mr. Chairman, I was about to make an inquiry for information as to who had the floor. [Laughter.]

Mr. NORTHWAY. The gentleman has.

Mr. WOOD. I will state to the gentleman from Ohio [Mr. NORTHWAY] that the affidavit of the pensioner and his statement are received, and when a pension examiner goes out hunting up fraud, or when he goes for the purpose of assisting the claimant or pensioner in making out his case, as he many times does, the affidavit of the applicant is generally taken. That affidavit, so far as my attention has been called to it—and I have examined a great many cases—seems to have no weight whatever unless there should be some word or phrase in it that could be construed into an admission against the claimant. If that should happen, then it has great weight and will overturn a great deal of other testimony. But in this case let me say that the claimant is not treated very much worse than his witnesses.

Mr. NORTHWAY. That may be.

Mr. WOOD. As I have endeavored to show to the committee—and I think the facts will justify me—no statement of material facts by a witness or claimant is considered at the Pension Office unless it is verified to some extent. I am not complaining about that. I think it is no more than right that it should be verified; but with that practice of verifying those statements, and with the orders that are made requiring a special examiner to go and cross-examine the witnesses, with the practice in vogue of writing a year or two afterwards to the witnesses, who may be unlearned, to put down in writing their recollection of the facts in the case—with that in mind, I do not think it may be said that pensions are allowed upon ex parte affidavits or ex parte evidence.

One thing further. The Commissioner of Pensions, under the direction of the Secretary of the Interior or the Assistant Secretary of the Interior, is absolutely his own judge as to the length of time he will take to consider a case. It may be one year, it may be five years; and there is no power, so far as I know, that will compel him to expedite a case. There is absolutely less danger of fraud creeping into a pension claim than there is in a proceeding in a court of justice as exemplified under the practice of the Pension Office in a large number of cases that I myself have examined; and I presume other members of the committee will also bear me out in that.

As I said before, I have criticised only two sections of this bill. Whether these should be amended as I have suggested, or whether they should not be, will make no difference in my support of this bill. I believe it would be better to amend in these particulars, but the bill is a step in the right direction.

Let me state another thing to the committee. The gentleman from South Dakota [Mr. PICKLER], the very efficient and able chairman of this committee, has spent no small amount of time in the perfection of this bill. His opinion should have great weight; and yet, after all, this bill which is introduced by him, and which bears evidence of his research and examination, is not altogether sacred. It should be treated as any other bill. If we can perfect it in this or that particular it is only right that we should do it. By section 6 we open a trap to catch the unwary pensioner or claimant. That is also the case with the latter part of section 4.

I thank the gentlemen of the committee for their attention. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PITNEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 951) to amend the military record of Dan S. Place, first lieutenant, Eighteenth Indiana Volunteers.

The message also announced that the Senate had passed joint resolution and bill of the following titles; in which the concurrence of the House was requested:

A joint resolution (S. R. 133) authorizing Surg. P. M. Rixey, of the Navy, to accept from the King of Spain the grand cross of naval merit with the white distinction mark, in recognition of services rendered to the officer and sailors of the *Santa Maria* who were injured by an explosion on that ship;

A bill (S. 2642) to provide for the safety of passengers on excursion steamers.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That the Committee on Enrolled Bills of the two Houses be authorized to correct the enrolled bill of the Senate (S. 2557) granting a pension to Sarah A. Boyd, by striking out the word "captain," in line 5 of said enrolled bill, and inserting "first lieutenant."

AMENDMENT TO PENSION LAWS.

The committee again resumed its session, Mr. PAYNE in the chair.

Mr. TALBERT. Mr. Chairman, I am opposed to the passage of this bill for several reasons. In the first place it is very indefinite. No man has been able to tell anywhere in the neighborhood of the amount which the passage of this bill will carry in appropriations. Therefore I am opposed to it, because I have no idea of the amount of appropriation which it will necessitate.

In the next place it seems to me that the bill is a misnomer, because it misstates and conceals its real object. It is stated in the report of the Committee on Invalid Pensions that this bill adds no new class of pensioners to the pension roll. Then by a careful perusal of the bill you will see that it enumerates numbers of persons who will come in as new pensioners under this bill who are not now drawing pensions. Hence I say the very name of it is a misnomer to begin with, and hence it is deceiving and hypocritical.

In the very first section of the bill it is provided that a number of persons who did service on the Confederate side in the late war, but who, toward the close of the war, for some reason or other, saw proper to desert the flag under which they had been fighting, to turn their backs upon their own country and to seek shelter under another flag—the first section of this bill proposes to put that class of soldiers along with other soldiers who went into the Union Army and fought for four long years amidst snow and storm and sunshine and rain. It proposes to pension a class of citizens who were loyal to no flag, who were loyal to no country, who were loyal to no principle at all. For that reason again I shall be constrained to vote against the passage of this bill. I do not think such a class of people deserve any such consideration at the hands of any nation. That is another reason why I shall vote against the passage of the bill.

Mr. PICKLER. Will the gentleman allow me to ask him a question? The country has forgiven the Confederate soldier for everything else on earth, I think, except for being a Union soldier afterwards. Does not the gentleman think it is time that we should forgive him for being a Union soldier after having been in the Confederate service?

Mr. TALBERT. That is not relevant to the subject at all. I am not discussing the question of pardon, or anything of that sort. I am just discussing the merits of the bill upon which the gentleman from South Dakota came very near killing himself on yesterday afternoon. [Laughter.] I think the gentleman's widow should be cared for if he does kill himself speaking. I say that the man who will desert his flag in time of distress, in time of war, who will deliberately walk out from under his flag, can not claim to be loyal to any country, and is not deserving of a pension at the hands of any nation.

These men, seeing the declining star of the Confederacy, deliberately deserted and went over to the Yankee Army, showing themselves to be cowards, without principle, without patriotism, and without love of country altogether. For this reason, I shall vote against the passage of this bill.

Then section 2 goes on, and upon its face it seems to be very fair. It is very well that we should have "rest" from anxiety and perturbation among the old regular soldiers who are now enjoying their pensions, and that they should be undisturbed, that they should have "rest and quiet." I have no objection to that, but it goes on to say—

No pension heretofore granted or which may hereafter be granted under the pension laws shall be reduced or discontinued except from fraud, clerical error, or mistake of fact, or recovery from disability.

That is all very well; but why is it that you do not go further and designate and say to whom this section would give advantage, to another class of citizens, the remarried widows?

Mr. ERDMAN. They cut them out by the proviso.

Mr. TALBERT. I suppose they are cut off by the proviso, however.

As to sections 3 and 4 I have nothing to say.

Then we come down to section 5. The report says:

The purpose of this section is to abolish the distinction between the oath of a commissioned officer and that of a noncommissioned officer or private.

That is very well. Why do not you go further and do away with this discrimination in favor of officers' widows as against the widows of private soldiers? It seems to me that if you had intended to do justice you would have gone a little further, and have inserted that in the bill here. And the report says further that—

While the proviso allows large latitude to the Bureau of Pensions in the matter of evidence, yet it prescribes that no claim shall be rejected because of claimant's inability to furnish the testimony of more than one credible witness as to any material fact in his case.

That is breaking down the rules of evidence, and leaving it so that not only do we do away with affidavits, but let anybody come in, and on his ipse dixit a claim for pension shall be allowed without any testimony whatever. I submit, Mr. Chairman, that that is not right; it is wrong; and that is another reason why I shall vote against the bill.

As to sections 7, 8, and 9 I have nothing in particular to say.

Section 10 provides that the common-law presumption of death after lapse of seven years without news or tidings of the missing person shall obtain in the administration of the pension laws. The committee says this will—

establish a rule of long standing in the ordinary courts of justice and lighten to a large extent the labors of this committee.

It seems to me that this opens up a field wide for fraud, where men desert their families, and run off, and after seven years they ought not to be considered as dead. I think that is wrong. But I make no particular objection to that; at the same time no woman is a widow with a living husband.

Section 11, the committee says, introduces a new rule into the Pension Office, the common-law rule, in the matter of proving marriages on failure of the best evidence, and they say it is—

Substantially in accordance with the rule for establishing common-law marriages.

It seems to me that the usage in the Pension Office at present in that regard should not be interfered with.

As to section 12 I have nothing to say.

Section 13 provides that under the act of June 27, 1890, desertion or dishonorable discharge from a prior service shall not be a bar to pension if the soldier has a subsequent service of ninety days and honorable discharge from the same. Now, it seems to me here that this section, if passed, will add a number of new pensioners to the rolls. It opens up a wide field for granting pensions to bummers, coffee coolers, and deserters, men who had deserted and received bounty after bounty whenever they enlisted before the close of the war. I think that is wrong, and not justice, and it is not right to the old soldiers who are drawing pensions to-day. That is another reason why I shall vote against this bill.

These are some of the reasons, Mr. Chairman, which actuate me; and in the next place I submit that any further pension legislation is unnecessary and extravagant and unjust to the great mass of taxpayers. I contend, sir, that the pension laws of the United States are just as liberal toward the old soldiers as they ought to be. I do not object to them as they stand. I do not stand up here and oppose the pension policy of our Government, because I know that it is just for every government to have a liberal pension policy toward the soldiers who stand up and fight for their country. But, Mr. Chairman, I submit that all of this talk and all of this oratory about the old soldier is mere claptrap. It is mere hypocrisy upon the part of a great many who talk of their love for the old soldier, unattended by anything but love for his vote. It reminds me of the love of the vultures for dead bodies, because they feed upon them; and these gentlemen feed upon the old soldiers by getting their votes. I say it is unnecessary to have any further pension legislation, and it is beginning to become a heavy burden upon the soldiers as well as the people.

I just want to call the attention of the committee for a few moments to some figures which I have collected in regard to the amount of pensions that have been paid to the soldiers of the United States. There was paid in pensions in 1888, $83,167,500; 1889, $76,312,400; 1890, $81,758,700; 1891, $98,587,252; 1892, $135,263,085; 1893, $147,064,550; 1894, $166,831,350; 1895, $162,631,570, and in 1896, $142,000,000.

In 1887 there were paid $86,667,500, and so on down until 1894, when the amount was $166,531,350, making in all about $2,000,000,000. I think that speaks well for the United States. I think that the laws giving pensions are liberal enough.

The army of Germany, which is in the neighborhood of 800,000, costs less than our pension roll, with all her wars and troubles. Think of this enormous sum of money yearly extorted from the toiling masses, and then upon the top of that you would increase the amount. Russia, with an army of nearly the same number as Germany, expends less than a hundred millions. France, with an army of 550,000, spends but $120,000,000, including the pensions resulting from all of her wars, and so it goes with the other nations—Spain, Great Britain, Italy, etc. The comparative figures go to show that we have been extremely liberal in granting pensions to the Union soldiers.

Mr. Chairman, in opposing the passage of this bill I am not opposing anything that would inure to the benefit of the old soldiers. I submit that this bill, if it becomes a law, will not do justice to the old soldiers, but will rather detract from them by placing upon the rolls the names of men who never ought to be on a roll of honor, thus making it instead a roll of dishonor. A great cry is raised here about the men who saved the Union. Well, sir, they deserve credit for it, of course. But who saved the Union? A great overruling Providence saved the Union. I would like to hear some of the members of this House give more credit to Providence and to God Almighty than they do for saving the Union. I recall an anecdote of the war of 1812–1815, that bears on providential interposition. On the evening before the battle of New Orleans a British and American picket came near enough to hold a colloquy, when the Britisher ventured the prediction that a battle would result the next day. Forecasting events, he said: "On our side we have General Keane, General Gibbs, and Lord Pakenham, and we will be bound to whip you."

The Kentuckian replied: "Well, on our side we have the Lord God Almighty, the Lord Jesus Christ, and Old Hickory Jackson, and if we don't whip you, I'll be damned!"

Yes, Mr. Chairman, it was the great overruling Providence, which controls the destinies of nations as well as of individuals, that saved this Union, for it is plain if the war had not ended when it did there would have been little left, as nearly every soldier is either wounded or dead.

Now I say, gentlemen of the other side, if you propose to go any further in this pension legislation you might just as well turn over the whole Treasury at once to the old soldiers. Let them have it all and then adopt the plan that we are told they have adopted at some of the Soldiers' Homes out West; let the old soldiers take possession of the Treasury, and then set up beer saloons and sell them beer in the name of the Government, and make them all drunk and set up Keeley cures to cure them, and in that way get all the money back again into the Treasury. [Laughter.] I say we have gone far enough in granting liberal pensions to the soldiers of the civil war, and while some may criticise my motives because I am a Southern man and stand up here to protest against this legislation, I propose to do what I conceive to be my duty in the premises, regardless of fear or favor from any source whatever.

Mr. MAHANY. Will the gentleman permit a question?

Mr. TALBERT. Yes, sir.

Mr. MAHANY. You say that Providence was responsible for the Union victory. Have you any objection to a pension being granted to Providence? [Laughter.]

Mr. TALBERT. Well, if it were granted I do not think my friend would get any of it. There is not much Providence about him, I think. [Laughter.] Now, Mr. Chairman, in conclusion, let me say that I only spoke of the overruling hand of Providence (which I do not think the gentleman from New York ever has recognized properly, judging from his question) in order to direct the attention of members of this House to the fact that whenever a nation forgets God and turns her back upon Him and goes out after false gods, calamity comes upon that nation. When the top and the bottom of the map fell out we had our civil war. It amounted to nothing more than that the United States, after whipping Great Britain and whipping Mexico, turned around and whipped herself. It was a providential thing that the Union was saved. Now, we do not propose to go back and dig up the dry bones of the past. We are living men, living and acting in the present.

Mr. MAHANY. Will the gentleman permit another question?

Mr. TALBERT. Of course, if I can answer it. If I can not I will not, for it is said that a certain class can ask questions that another class can not answer. [Laughter.]

Mr. MAHANY. Will you tell the House how you got your commission to speak as a special agent of Providence on this floor?

Mr. TALBERT. I did not understand the gentleman's remark.

Mr. MAHANY. I should judge from your remarks that you are the special instrument of Providence here. Now, will you tell us——

Mr. TALBERT (interrupting). Oh, no; but I am instructed in the Bible, and its teachings have directed me not to cast pearls before swine, so I will not say anything more to the gentleman. [Great laughter.]

I have now no more to say on the bill, but shall vote against its enactment, and hope it will not pass. [Applause.]

[Mr. KIRKPATRICK addressed the committee. See Appendix.]

Mr. MAHANY. Mr. Chairman, I listened the other day to the eloquent and beautiful eulogy pronounced by the gentleman from Massachusetts [Mr. MOODY] in honor of the memory of

General Cogswell, a Representative of that State. One particular passage struck me as peculiarly appropriate for the men of a younger generation to ponder when they presume to speak upon the questions affecting the relations and results of the civil war. It is this:

Though we stand here reaping where we have not sown, though we understand little of the agony of the seedtime we can, at least, measure the abundance of the harvest.

And as a man of this generation, not knowing from experience the fury, the sufferings, the hopes, the aspirations, the disappointments, or the glories of the civil war, I felt an especial and painful surprise on listening this morning to the opening speech made by a colleague from my own State, my equal in years, but having the added advantage of bearing the great name of one who once led the armies of the United States. It was an astonishing thing to me to behold the son of George B. McClellan standing in the path of the justice due to the men his father led.

I have no need here to place myself on record as a friend of the Union soldiers of the civil war. I have no political or selfish interest animating the words I now utter, for the people of my district fully understand and appreciate my position upon these questions; but as a patriotic man, as one who is an inheritor of the splendid and inspiring possibilities of this Republic, preserved to me and to all other men of this generation—yea, to all the generations that are to come—I should be recreant to my own sense of gratitude if I did not stand upon the floor of this House in protest against the policy which seems to harass and hound and obstruct every step of the aged and helpless veterans whose sacrifices made free government a verity. [Applause on the Republican side.]

I sometimes believe, Mr. Chairman, that we who, in the language of Lowell—

Sit here in the promised land
That flows with freedom's honey and milk—

are not sufficiently conscious of the heritage which we enjoy. I imagine the prosperity in which we are lapped and the magnificence of our political and personal possibilities have a tendency to dull that appreciation which should be the first instinct of every American to-day, and especially of the representative Americans who occupy seats in this Chamber. [Applause.] Were it not for the heroic faith of those men who were the pillars in the upholding of the best Government the world has ever seen, a Government freighted with all the hopes and dreams of human kind, the gentleman who dared with flippancy to speak regarding the merits and deservings of these soldiers of an immortal struggle would not to-day hold citizenship in the foremost of nations nor have the opportunity open to him to be honored with a seat upon the floor of this House.

When we picture to ourselves the historical significance of their accomplishment, when we see the Asiatic despotisms and the sullen monarchies of Europe galling the necks of subject peoples, and when we picture the slaves of old oppressions looking across the severing ocean to this fairyland of human liberty and human happiness, we can appreciate the better the deathless debt of gratitude we owe to the men who made such a Government possible; yea, who did more than that, perpetuated it to all generations. [Applause.]

I remember five or six years ago when I made my first visit to this city, the capital of this nation, I sat in the gallery of the Senate of the United States and I saw a new Senator from the State of Texas make his first entry into that Chamber and I beheld Senators from the North and Senators from the South crowd about him and give him a reception which might well have made any European monarch grateful. When I inquired who the distinguished personage was, they told me it was Mr. Reagan, the Senator from Texas, the ex-postmaster-general of the Southern Confederacy. And then, Mr. Chairman, beyond that stately scene at the other end of this Capitol, my mind went out to the crippled and decrepit veterans of our civil war, dying neglected and forgotten in the almshouses of the country they had helped to save, and it seems to me a monstrous thing that Senator Reagan in his dignity, and the gentleman from South Carolina in his absurdity, should be in a position in these halls to vote away the bread from the mouths of the men who made the triumph of their treason impossible. [Applause on the Republican side.]

Mr. TALBERT. I challenge the gentleman to cite a single instance where I have opposed the granting of a pension which in my judgment was due to a meritorious Union soldier.

Mr. MAHANY. I may say to the gentleman from South Carolina that I would be exceedingly loath to accept his judgment upon the merits of a pension claim or on any other subject. [Laughter.]

Mr. TALBERT. I have never opposed the granting of a pension in any meritorious case, and I am responsible for every position that I have taken here, but I am not responsible to the gentleman.

Mr. MAHANY. I should judge you were irresponsible.

Mr. TALBERT. My record shows that I have only opposed the giving of pensions to deserters and bummers and coffee coolers and camp followers, and I shall continue to do that as long as I have a seat here.

Mr. MAHANY. Mr. Chairman, as the Thersites of South Carolina has brought up his record, I will quote from the modest encomium he passes upon himself in the Congressional Directory:

In all relations of life, as neighbor, friend, and public official, he has been faithful to every trust, zealous as a church member and Sunday-school worker, legislator, and Alliance man

[Laughter.]

Is the gentleman satisfied with my indorsement? [Laughter.]

Mr. TALBERT. I want to state to the gentleman that I am not the author of that biography, but he is obviously the author of his, and I propose to read it:

He was born in Buffalo——

Mr. MAHANY. I object, Mr. Chairman. The gentleman from South Carolina will pardon me if I am too modest to permit my own biography to be read on this occasion. [Laughter.]

But, Mr. Chairman, there is in this discussion a seriousness not suggested by the personality of the gentleman from South Carolina. The question before us rises, in its dignity and sublimity, far above any interchange of personal recriminations or personal amenities. It is a consideration affecting the interest and the well-being of the saviors of that Republic which is the hope of humanity and the pledge of its future. It concerns the duty and obligation of this Commonwealth to the men who, from 1861 to 1865, went forth in the morning of their years, in the glory of their hopes, in the fullness of their powers. It involves our dignity and our honor and our integrity as a nation, and I say, as one young American, standing here not in my character as a Representative on this floor, but simply as a citizen of the United States, enjoying the benefits and largess of their unequaled and heroic sacrifice, that I for one am proud to support this bill, and my only regret is that we can not throw better and closer safeguards around the rights and interests of those who in their day deserved so well of the Republic. [Prolonged applause.]

Mr. HAGER. Mr. Chairman, the bill now being considered by the committee recalls events in our country's history that it would be well for the generation of men who have appeared on the scene of action since the close of the war to contemplate with care and much thoughtful attention. To those men who took an active part in that great contest for the preservation of all that is dear to us as a nation, or to those old enough at the time to comprehend and appreciate the services those men rendered the country, humanity, and the cause of freedom throughout the civilized world, the necessity for the character of the legislation now proposed is anything but flattering to the justice and fairness and appreciation of the men who are responsible for the administration of the pension laws as they now appear upon our statute book. The condition of affairs at the Pension Office for the past three years causes one to wonder whether or not if republics are not altogether ungrateful or totally forgetful of services rendered. During my brief service in this body I have closed my lips and held my peace when pension questions were being discussed, and have attempted in vain to reason myself into the belief that the pension laws were being justly administered by this Administration, but I have been unwillingly forced to the contrary conclusion, and, after exercising the broadest charity for the men who have made necessary the enactment into law of the pending measure, I have been forced to the conclusion by their open, continuous, and notorious acts that they are guilty beyond a reasonable doubt of doing everything in their power to make it difficult and almost impossible for a claimant to receive justice before that Department.

I do not intend to be severe in my criticisms, and desire to be perfectly fair, charitable, and candid in what I may say, but I judge there are few members of this Congress who may have been called upon to examine pension cases during the present Administration who could not cite case after case and instance after instance coming under his personal notice where the evidence demanded from the claimant was of a character that was perfectly frivolous and absurd, and I know of no court in Christendom that would not hold much of the evidence demanded as irrelevant, immaterial, incompetent, and not a little of it impertinent.

In the name of reason, of common sense, and common justice, why is it that a rule of evidence obtains in the Pension Department as now administered that resolves and determines every doubt against the claimant for a pension instead of adopting the correct and charitable and just rule of giving to every old soldier the benefit of every doubt and aiding him in every proper and just way to secure a pension if he is fairly entitled thereto. The road to the Pension Office, Mr. Chairman, should be made as free from technicalities and legal obstacles as possible, and the doors to its entrance as broad as the courage and loyalty and sacrifice of

an army of 550,000, spends but $120,000,000, including the pensions | from Massachusetts [Mr. MOODY] in honor of the memory of

Mr. MAHANY. I should judge you were irresponsible.

the men who are, by force of circumstances and changed conditions, compelled to seek entrance thereto. [Applause.] Were I President of the United States (and if my modest ambition in that direction can not be gratified I should be abundantly satisfied to have the next Executive of this Republic chosen from within the borders of my own loved State), I would do all in my power to make the Pension Department of this Government a great object lesson of loyalty to all the people of this country, and would demonstrate the fact to the people of every nation and of every tribe throughout the whole world that the greatest of all of the Republics was not ungrateful and infinitely prouder to remember and care for its defenders than to boast of its wealth, its intelligence, its manufactories, its standing armies, or its strength upon the land or upon the seas; for, after all, Mr. Chairman, the best test of a nation's strength is not in its standing armies, its trained soldiery, its iron-clad navy, or its flying squadrons, but in the willingness and readiness of its citizens to respond to its call and to come to its defense in times of need and danger. [Applause.]

In the administration of criminal laws in all our State and Federal courts, whenever the Commonwealth accuses one of its citizens of violating law the presumption of innocence at once obtains to shield and protect the accused against the accusations brought against the citizens, and the State, in the trial of the defendant, is required to convince the jury beyond a reasonable doubt of the prisoner's guilt or they must acquit him. The law of reasonable doubt in the case of men accused of crime commends itself to the candid judgment of conservative men, and if such a rule should apply in the case of men accused of violating law then with what greater force should it apply to the laws passed in the interest of those men who fought to uphold the flag, preserve the Union, free a race, and support the laws of our common country.

Is there a member of this Congress, fully advised of the course that has been pursued in the Pension Department during this Administration, who will argue for a moment that the presumption of innocence that obtains in all our courts in favor of men accused of crime has not been reversed by the Pension Department in its treatment of claimants for pensions before that tribunal? Every doubt, so far as I have been able to discover, is resolved against them. Every shred of evidence in their reach or in the reach of their friends, I care not how broadly scattered, is demanded; and the common presumption of the credibility of men generally has been reversed, and the evidence furnished by the soldier himself, or by those who may have known him, is not accepted by the Department, and a new and modern use has been made of the freshly appointed Democratic postmasters of this Administration, and those men are finally called upon as a court of last resort to pass upon the character of the soldier and the credibility of the evidence furnished to the Department by the claimant. What an outrageous proceeding is this. What utter nonsense. What a violation of the spirit that should pervade and prevail in the just administration of that great Department of this great nation. The ingenuity exercised in devising rules of evidence for the express purpose, it seems to me, to prevent or postpone the allowance of just and valid claims is certainly worthy a better cause, and the Administration that has made possible such a condition of affairs will most surely be overtaken by the righteous wrath of an outraged and aroused public conscience, and be swept from power and position, and its acts be remembered only to be condemned by a patriotic and fair-minded people. [Applause.]

Mr. Chairman, in the State which I have the honor in part to represent we have a law providing that the head of every family shall have exempt a homestead, and that the head of every family shall have certain personal property exempted from execution, and the same law provides that the laws of homesteads and exemption shall be liberally construed by the courts of the State. The law is certainly a just one and recommends itself to the judgment of candid men, as it protects the family and encourages home building. If laws of such a character should be liberally construed, then with what greater force can be urged a broad and liberal interpretation of the laws passed in the interest of those men who by their valor and courage saved the nation and made it possible, or desirable even, for men to make and own their own homes. A vast majority of the men who responded to the call of duty in 1861 and 1865 came from the ranks of the common people, from the hills of New England, from the valleys of the Mississippi, from the prairies of the Northwest, and, as Lincoln so truthfully said, "God must love the common people, He made so many of them." They most certainly were not tempted to leave everything dear to them from sordid motives, but the vast majority, and with scarcely an exception, were inspired by patriotic motives and a love of our free institutions. And if there is any class of men in the world whose statements could be accepted and relied upon without support and corroboration, it is most certainly the men who were brave enough and loyal enough and unselfish enough to respond to the command of Abraham Lincoln, men who were baptized with the spirit of true patriotism and to whose services we are justly indebted for a united and indivisible union of States.

Mr. Chairman, from my experience in the Fifty-third Congress, and from what I have observed in this session, I am satisfied that I hold views on the question of pensions to private soldiers and their widows that would fail to receive the indorsement or approval of quite a large number of members of this Congress. However, my views are well grounded and, in the district which I have the honor to represent, fairly well understood and, I am satisfied, very generally indorsed. I gladly take advantage of this opportunity of expressing my views in the presence of such a representative body of men, and under circumstances when what I may say will reach beyond the sound of my own voice.

I have ever been willing and ready to accord to each and every man who took a part in that great contest for the preservation of this Union his just deserts, and on this occasion I willingly and gladly accord to all the officers of the Union Army all the praise and honor that their bravery and ability deserve. I would certainly withhold no laurel that their valor or leadership won, but it seems to me, Mr. Chairman, in discussing a measure that, if enacted into law, will affect so large a class of men, we should see to it that equal and exact justice is meted out to all alike.

This committee will certainly agree with me that during that terrible contest from 1861 to 1865 there was not a day nor an hour when the life of this nation depended upon any one man, or upon all of our generals, or upon all of the civil officers of the Government, but it did depend, from hour to hour, from day to day, and year to year, upon the valor and the courage and the loyalty of the rank and file, the boys who carried the musket and the knapsack, the men who tented upon the open field and were in the front of every battle, and met death and carnage in ten thousand forms.

Mr. Chairman, there never was such an army of men since creation dawned as marched and fought and died under the Stars and Stripes from 1861 to 1865. [Applause.] They were as brave as any army that Napoleon Bonaparte ever led to victory or to defeat, as patriotic as any Spartan who ever offered his life a sacrifice to his country, and had a more thorough comprehension of the principles for which they fought, and a more thorough realization of the awful results of defeat to themselves and to their countrymen than any army ever before marshaled on the field of battle.

With such an army as Grant commanded there was little need of leaders. They neither asked nor expected any man to go in advance of them to battle. They were enlisted for three years or during the war; were there at their country's call and to defend the flag, with a full knowledge of what our independence had cost of blood and treasure, and with love of country stronger than love of life, they were at the front to remain until every rebel had laid down his arms and acknowledged allegiance to one country and to one flag. At the call of Abraham Lincoln, the most majestic figure in the history of the world, the loyal sons of the North responded as though touched by the mighty hand of the Omnipotent. They waited for no second call, for the issuance of no draft. They knew that armed treason was assaulting the flag, and they went to the front to make treason and secession odious, and there they remained for four years of war and suffering and death and until the cause for which the South had fought went out in everlasting midnight at Appomattox, never to have an Easter, never to have a resurrection. The rank and file who responded to the call of country and duty were in no way responsible for the war. They met at the point where the lightnings burned and the thunderbolts fell, and when the shock came they were at the front to meet its terrible force and stood between us and all danger like a wall of fire and as firm as the everlasting hills around Jerusalem.

The echoes of the guns fired upon the flag as it floated over Sumter in April of 1861 had scarcely died away until England and France and Germany were casting lots for our garment. The once proud Republic was in their estimation soon to be scattered to the four winds, and they hoped amid the crash and crumble and ashes of its ruins to forever establish the "divine right of kings." But, Mr. Chairman, they were not acquainted with Lincoln and they had not heard of Grant. They were boasting of a great standing army and of a trained soldiery, but they had no comprehension of that great army of men who came forth as if by magic and rallied around their leader when the proud emblem of the nation was assaulted and the Union was in danger. They were judging our institutions and form of government by their own, and a nation of freemen by a nation of subjects governed by kings and emperors. The sequel must have convinced them that the comparison could not stand in either case. The cause for which our soldiers fought, the unity of a nation and the freedom of a race, was as grand, was as noble, was as laudable, as when at Lexington the embattled farmers fired the shot whose echoes resounded around the world and made every throne in Europe totter as though in the mighty throes of a terrible earthquake.

The men who made up that vast army arrayed in defense of the nation's honor, the nation's integrity, and the nation's life were volunteers; and from the very nature of the case the vast majority were compelled to serve as privates in the ranks, although it will not be questioned by the members of this House that thousands, yea, tens of thousands, of the men who served in that capacity were as well equipped and qualified to serve as officers as those who were really in command. During the war the officers received greater honor and praise and more emoluments than did the private soldier, but now that the war is over it appears to me, Mr. Chairman, that officer and soldier should stand absolutely equal before the law [applause], and the Government that they saved, in passing upon their claims for a pension, should see nothing but the honorable service that each rendered during the war and the honorable discharge that each received after performing every duty asked of him by his Government. [Applause.]

Let us not forget for one moment that this is a government of the people, and in my judgment the time has come when men sitting in this Chamber as the representatives of all the people should see to it that the interests of the common people are looked after and cared for as well as the interests of those who occupied higher official positions during the war. It should be remembered that it costs just as much money and labor and thought to care for, support, and educate the children of the man who served as a private in the ranks as it does to perform the same service for the children of those who occupied higher positions; and we should not forget that the grief of the wife of the private soldier over the death of her loved husband is just as sacred and just as poignant as the grief of the officer's widow over the loss of her dead husband; and that it requires the same amount of energy and care and concern to support and maintain the orphans of the private's widow as it does the orphans of the officer's widow.

Mr. Chairman, I am now and have been for years strongly opposed to four-dollar and six-dollar and eight-dollar monthly pensions to private soldiers and as unalterably opposed to fifty-dollar and seventy-five dollar and one-hundred-dollar monthly pensions or one-thousand-dollar yearly pensions to officers and to officers' widows. [Applause.] Let us abolish the two extremes and adopt a happy mean, with all deserving soldiers upon a perfect equality. [Applause.]

If I had the power I would with one stroke of the pen scale down all these large pensions we are now paying to officers and to officers' widows and at the same time would raise to a higher level the pensions we are now paying to private soldiers and the widows of private soldiers. And, Mr. Chairman, the time is not far distant when such a change will take place, as the people are already demanding it, and when they make their demand earnestly enough their voices will reach the innermost recesses of this Chamber, for if there is any place in the world where equality before the law should mean something more than theory it should be in this Chamber, where the people's representatives are assembled.

Mr. Chairman, I believe the road to the Pension Office should be made so plain and easy that the humblest soldier who served in the ranks could not possibly err in finding his way thereto with a just claim, or, if perchance he did err, that the administration of that great Bureau should be such, so just, so broad, and liberal, that his error would not be taken advantage of, but that the servants of this great Government would stand ready to extend a friendly and a powerful hand to aid and encourage and direct him, and make it every whit as easy for an old and worthy veteran to get his name upon the pension roll as it was for the same soldier thirty-three years ago, then young and strong and patriotic, and when the nation was in dire need of defenders, to get his name upon the muster roll [loud applause]; and if these conditions do not exist now, then this Congress should not adjourn until such conditions were enacted into law, and I think we may safely trust the common people of this great country to elect a President in this year of grace 1896 whose first duty will be to place a man at the head of the Pension Bureau who will see to it that the laws we enact shall be fairly and liberally construed and enforced. [Applause.]

Mr. Chairman, I shall never forget, I think, an instance that happened in my experience while present at a reunion in my own district in the fall of 1895. I had been attending a reunion of the veterans of the late war, and after finishing some remarks I had the honor to make on that occasion, I was approached by one of the veterans whose hair was whitened with the frost that never melts, whose cheeks were furrowed with lines of care, and whose general appearance at once indicated that he was far down the western slope of life. He took my hand and thanked me very earnestly for the words that I had spoken and asked me why it was that it was so much more difficult for an old veteran to get his name upon the pension roll than it was for that same soldier thirty years ago to get his name upon the muster roll. Mr. Chairman, I stood dumb before my questioner, unable to answer or to give any explanation, and I now refer that entire matter to this Administration and to the thoughtful consideration of the honorable Commissioner of Pensions. I do not believe that we should forget the debt we owe to those men. They willingly gave their services when the nation was in great need, and, now that conditions are reversed, I see no reason why the Government for which they suffered should not as willingly and as freely come to their help and see to it that those old and worthy veterans are looked after in their last days even as a father would care for his own children. [Applause.]

Mr. Chairman, it seems to me that we are living in peculiar times. A spirit seems to be abroad in the land inspired from very high sources seeking to bring reproach upon the veterans of the war. Mr. Chairman, you may have heard it, and I know that the veterans throughout the length and breadth of the land have felt it, as it railed and proclaimed against the pension roll with hypocritical pretenses of "purging" it and making it "a roll of honor," but, thank Heaven, our pension roll is the most honorable roll ever held up for the inspection of 70,000,000 of people whose liberties were preserved and whose nation was saved by the bravery and valor of the men whose names appear upon that roll, and I am truly thankful of this opportunity to say to the men who made up that vast army for the preservation of our institutions that they need not be ashamed of that roll, neither need they be ashamed to have their children or their children's children inspect it, for the most searching and painstaking investigations made by the present Administration have demonstrated the fact that the pension roll is almost absolutely free from fraud and misrepresentation, so far as soldiers themselves are concerned, and every true American citizen, however exalted or however humble his station in life may be, should rejoice in the knowledge that this rigid and exhaustive investigation has not only refuted the statement "that every community has its well-known cases of pension frauds," but has demonstrated the fact beyond any hope of dispute that the Pension Department, so far as the claimants themselves are concerned, is infinitely freer from fraud than any other of the great Departments of the Government.

During my service in this body I have received letters from hundreds of old soldiers calling my attention to their claims pending before the Pension Department, and with the rarest exception the letters have been free from fault-finding or complaint, simply requesting that some action might be taken by the Department and that their claims so long pending might be allowed or rejected. I have been surprised at the patience and forbearance of these men, but I judge that the sufferings through which they passed from 1861 to 1865 gave them a philosophy and a view of life that I can not fully understand, and strengthened, and broadened, and purified them and made them grander and better men than they otherwise would have been. I regret to say, Mr. Chairman, that I have not been able to write them many encouraging letters in answer to their appeals, but have encouraged and cheered them as best I could, and have assured the boys that if they could hold on to life a few months longer light would break through the clouds that were now hovering over the Pension Department; that the Democratic party could already discern the handwriting on the wall; that this Administration had been weighed and in the judgment of the people been found disqualified to conduct the affairs of this great nation and unworthy the trust confided to them on the fatal 6th day of November, 1892 [applause], and that on March 4, in the year of our Lord 1897, there would be inaugurated as President of the United States a man who would have patriotism enough to see to it that full and complete justice was meted out to the saviors of this Republic. [Loud applause.]

Mr. Chairman, if the committee will bear with me I would like to recall a brief chapter of American history that vividly portrays the circumstances and conditions under which men were placed when they gave their names to their country and were enrolled among their country's defenders. This Administration and the men selected by the President of the United States to administer and interpret the pension laws deserve to have their attention called to that remarkable period in our country's history that tested the experiment of self-government as it had never before been tested, and we most earnestly trust as it may never be tested again. As I glance around this Chamber I see many members of this body old enough to readily recall the time in the history of this country when slavery was a despot whose every wish and desire was obeyed. At its command we were forced into an unholy war with Mexico and robbed that country of a vast empire now forming the magnificent State of Texas; we wrote into our statute books that most infamous and abhorred of all the laws that a republic ever passed—the fugitive slave law. Under its devilish provisions we drove the black fugitive fleeing from bondage and the lash back into slavery, ignorance, and degradation; we sealed the lips of our press and demanded the silence of our churches; in the eloquent language of another: "We became the instruments of torture and revenge, and we hissed Phillips at Boston, imprisoned Garrettson at Baltimore, and murdered Lovejoy at Alton." Though but a mere lad, I can recall the threats that were made prior to and during the campaign of 1860. When the

people of the North realized that the threats made by the leaders of the South would be carried into effect fear and frenzy seemed to seize the nation's heart. "Incompetency reigned at the White House, while traitors' hands sowed the seeds of discord and scattered the nation's strength and plundered the nation's Treasury. A rope of sand, cemented only by loyal affection, seemed to be holding the States together, and they were fast falling asunder."

Already in the Halls of Congress lips of treason poured forth the fiery poison of its eloquence, as with scoff and scorn they bade their fellows and the nation farewell. But in the mighty heart of him who had been chosen our leader there breathed the spirit of loyalty and devotion to God and to man and country that feared nothing save dishonor and knew no course of conduct save that of duty, and around him in that supreme hour of the nation's peril gathered the noblest manhood and the supremest courage of the nation's best; men seemed to realize that the time had come when their souls were to be tried as if by fire. A cloud had settled on the horizon more awful in its blackness than any that had yet overcast the sky. Then came the shots like lurid lightnings upon Sumter's walls, and the old flag, torn and dismantled, bowed in shame and disgrace. A shock like that which follows a blinding flash left men for a moment stunned and dazed. It was at such an hour as this, it was under such circumstances as these, Mr. Chairman, that the men who are now so anxious to get the names of these old veterans off of the pension roll were then praying with blanched cheeks and whitened lips that those same men, then young and strong, patriotic and determined, would place their names upon the muster roll, and as in answer to a nation's prayer, in willing obedience to a command that came to them from across the century, from Lexington and Bunker Hill, from Trenton and Valley Forge, and a hundred battlefields of the Revolution, a million swords leaped from their scabbards, and a million men rushed to defend the insult to that old flag, and in that hour of heroism and self-sacrifice and devotion, thank God, the Union was preserved [applause], the honor of the old flag maintained, and an indivisible Union of indestructible States cemented by the blood and the courage and the loyalty of those men was placed upon a foundation so strong and lasting that all of the armaments of all the flying squadrons in Europe could not shake a stone in its foundation. [Loud applause.]

But, Mr. Chairman, a generation has passed since then, and we find that same class of men who were then so anxious to get the names of those men upon the muster roll now quite as anxious to get their names off or to keep them off the pension roll. But, Mr. Chairman, I have never lost faith in the justice of the people of this country, and I believe that there is loyalty and patriotism enough in the hearts of the people to see to it that substantial justice is done in this question of pensions; and if I can read the history of the times correctly they point to the repudiation and the utter annihilation of the vilifiers of the old veteran. [Applause.] This question of pensions, Mr. Chairman, will not trouble us long at most. The old soldiers are being rapidly marshaled on the other side of the "mystic river." The last report of the Commissioner of Pensions shows that nearly 30,000 were "called out of the noise of time" during the last fiscal year, and it seems to me that the death roll is sufficiently long to satisfy the most enthusiastic in their demands for reduction of pension appropriations. The debt that we owe these men is the only part of the national debt that we shall never be able to repay. I am one of those, Mr. Chairman, who believe that the men who loaned their lives to the Government should be paid quite as freely as the men who loaned their money to the Government. [Loud applause.] And the generation of men who have come upon the scene of action since the close of the war will see to it that those men and those depending upon them are looked after and cared for.

Mr. Chairman, while the bill which the Committee on Invalid Pensions has presented for the consideration of this House is not a perfect product, it represents the best thought of one of the ablest committees of this body, and I sincerely trust that it will receive the votes of a large majority of the members on both sides of this Chamber, will pass the Senate, receive Executive sanction, and become a part of the law of this land.

I am under obligations to the committee for their forbearance, and thank the members very earnestly for their attention. [Loud applause.]

Mr. MAHON. Mr. Chairman, I do not propose to discuss all the features of this bill, but I do want to say some things in regard to a certain section of it. I should be satisfied to have the bill go through without amendment; but if it is to be open to amendment I should like to see a substitute adopted for section 2—not that I am dissatisfied with the bill, but I believe that such a substitute as I would like to propose for the second section would tend to perfect the bill and provide for taking better care of our pensioners. I ask to have read this bill, and then I will make a few remarks upon it.

The Clerk read as follows:

That from and after the passage of this act no pension heretofore granted or that may be hereafter granted under the pension laws shall be reduced or discontinued, except for fraud, clerical error, mistake of fact, or recovery from disability. Where a pension has been allowed by a clerical error or by mistake the same may be suspended until the case is investigated and a decision thereon had.

SEC. 2. That in any case where fraud or recovery from disability is alleged the person making the charge of fraud or recovery from disability shall file his or her statement of fraud or recovery from disability in writing, setting forth fully and in detail all the facts in the case, said statement to be signed by and sworn to by the person making the same. When said statement is filed in the Pension Office the Commissioner of Pensions may suspend, and not before, the payment of the pension until said charge is proven or dismissed. Within thirty days from the date of filing said statement with the Commissioner of Pensions, notice of not less than thirty days shall be given to the pensioner of the time and place the testimony in support of and in denial of the allegations of fraud or recovery from disability will be taken, said testimony to be taken within twelve months from the time said statement is filed as aforesaid; and said notice shall have attached to it a certified copy of the charge of fraud, which said certified copy shall contain the name of the person making the charge.

SEC. 3. That the pensioner or his attorney, or both, shall have the right to be present at the taking of the testimony, and to cross-examine all witnesses produced by the Government. The pensioner shall have the right to produce witnesses in denial of the charge, the Government having the right to cross-examine witnesses produced by pensioner. The testimony of all witnesses living within 50 miles of the county seat of the county wherein the pensioner lives, or within 50 miles of the city of Washington, if pensioner lives in the District of Columbia, shall be taken at the county seat wherein the pensioner lives, or in the city of Washington if the pensioner lives in the District of Columbia. The evidence shall be taken by an examiner appointed by the Commissioner of Pensions; said examiner is hereby authorized to administer the oath to witnesses. The testimony of all witnesses residing 50 miles from the county seat, or city of Washington, shall be by depositions taken before said examiner, under such rules and regulations as the Commissioner of Pensions shall make, said depositions to be in the usual form and manner of taking depositions by interrogatories and cross-interrogatories.

SEC. 4. That all testimony taken shall be reduced to writing and filed with the Commissioner of Pensions within thirty days from the time the evidence is closed.

SEC. 5. That the pensioner or his attorney shall be allowed to examine all papers and evidence in the case. If the charge of fraud or recovery from disability is sustained, the pension shall be annulled and vacated. If the charge is dismissed, the suspension shall be removed and payment of pension be made from date of last payment, the right of appeal to remain as now allowed by the Pension and Interior Departments and by the courts having jurisdiction in such cases; *Provided, however*, That nothing herein contained shall be construed to entitle any person to more than one pension, or as allowing more than one pension for the same service, nor to affect or enlarge the pension rights of widows and others under sections 4702, 4706, and 4708 of the Revised Statutes of the United States and acts supplemental to and amendatory thereof.

SEC. 6. That all acts or parts of acts inconsistent herewith and repugnant to the foregoing act be, and the same are hereby, repealed.

Mr. MAHON. Mr. Chairman, the amendment that has just been read is proposed to take the place of section 2 in the committee's bill. In my judgment it is a much better provision. It is fuller than the one in the bill, and will give better results. It provides that all soldiers living within 50 miles of the county seat, having a charge preferred against their pension, shall have all testimony taken at the county seat. When they live 50 miles away from the county seat, the mode of taking the testimony is changed to depositions, and the amendment also provides for closing the testimony in the case, so that there shall be no unnecessary delay.

The head of the present Administration has adopted a policy of hostility to the pensions of Union soldiers. Since the 4th day of March, 1893, about 20,000 men have been dropped from the rolls who were put there after a fair, honest, and legal investigation of their claims. The first thing a pensioner must do is to file his application in the Pension Office, setting forth his military record and his disability. If his military record is not verified by the examination of the records of the War Department he is required to correct it, and if the records disclose the fact that he was a deserter or was not in the service that is an end to the case. I state this fact, Mr. Chairman, to deny the charge made by the Democratic party and their leaders that the pension rolls are full of men who were deserters or had no military record. That statement, coming from whatever source it may, is an absolute falsehood without any possible reference to the truth—a falsehood in every respect, except in those very rare cases where men may have been put upon the rolls through a mistake.

If a man gets on the pension rolls who was a deserter or not in service, the fault is in the Pension Department, because they have failed to examine his war record. So this charge of deserters and men who were never in the service being placed upon the rolls of the Pension Office has nothing whatever in it. The man who has no war record, or the man who has a record with desertion appended to it, can not get a pension through the Pension Office if the officials are careful and diligent in the exercise of their duties.

What is the next step that is required of the applicant for a pension? The next step is to ascertain whether the disability existed as alleged in his application. During the Harrison Administration the medical boards throughout the country had on them two Republicans and one Democrat representing the Democratic minority, they being given one member of each board. The present Democratic Administration refused to give the Republicans representation, and the boards were made solidly Democratic. With the selection of the board of examiners the pensioner has nothing whatever to do. They are creatures of the Pension Office. My experience, and I suppose that that is the experience of every member of Congress, is that the gentlemen placed on these boards

are physicians of experience, men of reputation and intelligence in their business. Pensioners are ordered before the board of examiners, whereupon they are examined carefully, with the applicant before them in person, and after a careful examination a report is presented either that the man was disabled to a certain extent, or was not, according to the circumstances. Upon that examination and other evidence the pension is granted. It is an examination conducted by the officers of the Government. During the present Administration, however, permit me to say again, nearly 20,000 pensioners who had filed their application under the law, who had proved their disability before the board selected by the Government, and, after a full hearing, had been placed on the rolls, were dropped from the rolls without cause, without any notice; they were arbitrarily dropped. To prove that an infamous outrage was perpetrated upon these men it is only necessary to state that the Pension Office restored all of them except about 15 per cent.

How were these men dropped? The present Democratic Administration appointed a "board of review." That board of review is composed of men who are known as "sun-down doctors," men who are clerks in the Department during the day, and who attend the medical colleges and practice medicine after office hours, and who are willing to work at salaries ranging from twelve hundred to fourteen hundred dollars a year. Why, Mr. Chairman, I have veterinary surgeons in my district who would not enter the service of the Department at that price. These young gentlemen—inexperienced men—take the medical testimony of the board of examiners and review it, and on that review the pensioner is dropped from the rolls. A more dastardly outrage was never perpetrated upon a class of men who have just claims against the Government.

This bill is intended to stop such outrages in the future. All over my district Democrats openly denounce the whole business. I had men in my district who were suspended from the rolls who had been for six months confined to their bed by illness before they were suspended, and before they could be restored to the rolls they passed from time into eternity. Notice was sent to them that unless satisfactory reasons were given within thirty days their names would be dropped from the rolls. If a man is on the roll fraudulently, let the person who makes the charge file his statement, put his name to it and swear to it; let a copy of that notice be served upon the pensioner. Let him know who his accuser is. Why should the pensioner be deprived of that right?

I examined a case about ten months ago in my district where I found an old soldier who had been refused a pension. Upon the examination of his papers in the Pension Office, I suppose I got hold of the case before it was "stripped." They have a process in the Pension Department which they call "stripping the files"—that is, taking out all private information, taking out the report of the postmaster and all other private information which they get. After the Department have stripped the files, they are willing to hand them over to the member of Congress or to the attorney of the claimant for examination, but not before. Somehow I got hold of that case before it was stripped, and in the case I found a blank filled in by the postmaster of the place where applicant lived, in which he stated that he would not believe one physician who testified in the case on oath, and the other physician, who also testified, he might believe, but it would be a very close case. Those two physicians are reputable physicians, men who had practiced medicine for many years, and men who stand high as physicians and citizens. I was told that this very postmaster had called both of those gentlemen to his house when his wife or child was sick. These men no doubt had spent many long and weary hours of the night to minister to the sick in his family, but unlike most men he failed to pay their bills, and because these men compelled him to pay what was honestly due them he sent that untrue report to the Pension Office about them. The result of that report was that the pensioner was refused his pension.

Mr. Chairman, postmasters are used by the Pension Office as spies upon the old soldiers of this country. I have seen the blanks, and no doubt all you gentlemen have seen them. The Pension Office sends these blanks to postmasters to obtain information about claimants and about their witnesses; and upon information given by postmasters, not sworn to, these pensioners are suspended.

Of all the men in this country who should be trusted with work of that kind, the postmasters, as a rule, are the last that should be employed, and for the following reason: There is scarcely a person holding a position of postmaster in a village or town to-day who did not secure his place after a contest. Other persons were applicants for the same office, and woe betide the pensioner if any man has testified in his behalf who signed the petition of some one who was an applicant against the fellow who got the office. Many of these men are prejudiced, and I would advise pensioners to be on the lookout for postmasters who ply them with questions about their pension.

I stated in the Fifty-third Congress, and I state it here again, that when the great State of Pennsylvania rolled up her majority of 183,000 for my venerable colleague, the Hon. GALUSHA A. GROW, I am satisfied that 50,000 of that majority came from the ranks of soldiers and their friends who were Democrats. I know of Grand Army of the Republic posts in my district in which a few years ago the Democratic members predominated, and to-day you could not find a Democrat in one of them if you should go through it with a microscope. [Applause on the Republican side.] Do you wonder that these men, after all these years of fidelity and loyalty to the Democratic party, have finally come to understand that the only party in this country that ever was, is to-day, or ever will be their defenders and protectors is the Republican party? [Applause on the Republican side.]

My young friend from New York [Mr. MCCLELLAN], in his speech, stated that the Republican party set up a sort of "friendship trust" for the old soldier. I will read some few statistics from the records of Congress to show him that perhaps some things have happened in this country during the past thirty years that he knows nothing about.

I repeat that the gentleman who to-day sits in the White House, Mr. Cleveland, when he was in that office before, did not disguise his opposition, hostility, and prejudice against the pensioners of this country. He has never changed his position or policy toward the Union soldier; and let the feelings of the members of the Democratic party be as they may in this respect, he is the head and front of this business of dropping pensioners from the rolls and reducing their pensions. A few weeks ago the Secretary of the Interior, Hon. Hoke Smith, made a speech in the State of Georgia. He said, in substance, if the Democratic party was entitled to any credit, one thing they were entitled to credit for in their financial management of this Government was that they had taken from the soldiers of this Union, by reduction and suspension of pensions, $25,000,000. Well, the Department over which he presides has filched from the old soldier millions of dollars and have succeeded in sending many of them to the poorhouses, but I now venture the assertion that the child is not born in this country to-day that will live long enough to see another Hoke Smith in the Interior Department. [Applause and laughter.]

Mr. Chairman, I ask the House to bear with me. I want to get some facts before the country, in order to show that the Democratic party, or at least a large portion of it, has always been hostile to pensions. I will not go back of 1878, because I have not the time. The most important pension legislation of this Government was subsequent to that date. Let us see who passed the great pension bills under which most of our soldiers are pensioners. In 1878 a bill was passed by the lower House of Congress repealing all limitations of time in which applications for arrears of pensions should be made. Upon this the vote stood: Democrats for the bill, 48; Democrats against the bill, 61; Republicans for the bill, 116; Republicans against the bill, none.

Subsequently a bill increasing the pensions of widows from $8 to $12 was voted on, with the following result: Democrats for the bill, 80; Democrats against the bill, 66; Republicans for the bill, 118; Republicans against the bill, none.

The amputation bill, passed August 4, 1886: Democrats for the bill, 75; Democrats against the bill, 51. Republicans for the bill, 91; Republicans against the bill, none.

The widows' arrears bill, giving arrears of pensions, from the death of their husbands, to widows entitled to pensions, passed the Senate by the following vote: Democrats for the bill, 1; Democrats against the bill, 20. Republicans for the bill, 22; Republicans against the bill, none.

The disability pension bill (gives pension to all disabled soldiers and to dependent parents and children), passed June, 1890: Democrats for the bill, 28; Democrats against the bill, 56. Republicans for the bill, 117; Republicans against the bill, none.

Same bill in the Senate: Democrats for the bill, 3; Democrats against the bill, 18. Republicans for the bill, 31; Republicans against the bill, none.

In the Forty-ninth Congress a dependent pension bill was voted on in the Senate, with the following result: Democrats for the bill, 7; Democrats against the bill, 14. Republicans for the bill, 27; Republicans against the bill, none.

In the same Congress a similar bill was voted upon in the House of Representatives, with the following result: Democrats for the bill, 66; Democrats against the bill, 76. Republicans for the bill, 114; Republicans against the bill, none.

This bill was vetoed by President Cleveland. An effort was made in the lower House to pass the bill over the veto, with the following result: Democrats for the bill, 37; Democrats against the bill, 125. Republicans for the bill, 138; Republicans against the bill, none.

Showing that 29 Democrats who had originally voted for the bill hastened to avail themselves of the opportunity afforded by the President's veto to vote against it, thus testifying their real sentiments, while 20 others who had dodged the first vote came up promptly to the support of the veto.

The vote upon which the dependent pension bill was finally

passed by the Republican Congress, of which TOM REED was Speaker, stood as follows in the Senate: Democrats for the bill, 16; Democrats against the bill, 12. Republicans for the bill, 32; Republicans against the bill, none.

In the lower House it was sought to take up and pass the bill promptly, but the Democrats solidly opposed a motion to suspend the rules for that purpose, and the effort failed. Shortly after this, however, a second effort met with success, the vote standing: Democrats for the bill, 38; Democrats against the bill, 71. Republicans for the bill, 141; Republicans against the bill, none.

This bill was, as the old soldiers well know, promptly approved by President Harrison.

The next pension legislation of importance was the bill to pension prisoners of war, and giving them each $2 for every day they were held by the Confederates. When it came up in the lower House the following vote was had: Democrats for the bill, 24; Democrats against the bill, 78. Republicans for the bill, 119; Republicans against the bill, none.

To sum up, the following gives the totals of fourteen votes in Congress upon the most important of the various pension measures presented since the war, viz: Democrats for the bills, 417; Democrats against the bills, 648. Republicans for the bills, 1,066; Republicans against the bills, none. [Loud applause on the Republican side.]

So you see that since 1878 all important legislation by which the pensioners are now on the pension rolls was written by Republican statesmen and voted into law by Republican legislators.

The following statement, prepared from official records, shows the number of pension bills to which each President since the war has refused his signature:

Lincoln, none.
Johnson, none.
Grant, 5.
Hayes, none.
Garfield, none.
Arthur, none.
Cleveland, 540.
Harrison, none.

[Loud applause.]

You will also see that said laws were signed by Republican Presidents, with the exception of five private bills vetoed by President Grant.

Mr. PICKLER. Two more yesterday.

Mr. MAHON. Two more yesterday and more to follow. This is the record I want to put before the young gentleman from New York [Mr. MCCLELLAN] who stated that the Republican party set themselves up as the friends of the soldier. The record quoted proves beyond all controversy that the Republican party is the friend of the soldier. If the soldiers of this Union had had to depend since the war on a Democratic House and a Democratic Senate and a Democratic President, we would have had no pension roll to-day, and not a solitary defender of the Union would be drawing a pension, because the record of the Democratic party just read shows they would have defeated all pension legislation. Since the war was over, on every yea-and-nay vote in this House, not one solitary Republican cast his vote against a general pension bill. I bring this to your attention, and I hope that the Republican members of this Congress will keep up the record. [Renewed applause.]

During the war the Democratic party, through its representatives in Congress, opposed and voted against nearly every measure intended to maintain the honor and integrity of the nation. It opposed the raising of revenue and money from other sources to support the nation in its hour of peril. It voted against raising men for the field. It did all in its power to prevent giving the soldiers in the field adequate pay, or to provide them with supplies, tents, and all the comforts necessary to make a soldier's life even tolerable. So, after the war, as the record read by me shows that the Democratic party, in season and out of season, have voted against and opposed legislation granting pensions to the defenders of the flag—after the war, when the Confederate Democrat was given all his rights to citizenship and a seat in the Congress of the United States, and when our Democratic brethren from the South again took charge of the national Democratic party, to dictate its policy and direct all its doings, they eagerly joined in the unholy crusade waged against the Union veterans.

I will now, in proof of this assertion, give you another glance into the record of the Democratic party. If I had time I could consume a week of the time of this House, instead of the half hour allowed me, in bringing up their record. Any vote would show the determined and malignant hostility of the Democratic party toward the men who saved the Union. Now for the record showing how ex-Confederates voted.

On February 3, 1879, a bill was passed by a vote of 140 to 81 providing for the issue of bonds to be sold for the payment of the arrears of pensions. Of the votes against it 78 were Democrats, and 69 of those were from the South. Of 67 votes cast against the pension appropriation bill, with provisions covering the arrears, passed on the 17th of February, 1879, 61 were from the South.

Of 66 Democratic votes and two pairs against increasing the widows' pensions by the enormous amount of $4 a month, I regret to say that all but two were from States lately in rebellion, and they included a remarkably representative group of ex-Confederates. That historic vote, recorded in the proceedings of this House, shows that of the men who stood up here and opposed granting that little increase of $48 per year, not to widows who had married since 1870, but to widows of Union soldiers, who died by reason of their service, included, as I find by the Congressional Directory, 1 ex-Confederate postmaster-general and acting secretary of the treasury, 2 ex-Confederate congressmen, 1 ex-Confederate State attorney-general, 1 ex-Confederate corps commander, 5 ex-Confederate brigadier-generals, 7 ex-Confederate colonels, 2 ex-Confederate lieutenant-colonels, 2 ex-Confederate majors, 7 ex-Confederate lieutenants, 1 ex-Confederate midshipman, and 4 ex-Confederate privates.

On the final passage of the bill, on June 27, 1890, known as the dependent pension bill, 56 of the 71 votes against the bill came from the ex-Confederate States.

On January 5, 1885, on the Mexican pension bill, with the Senate's Union soldiers amendments, under suspension of the rules, there were—yeas 129, nays 85; 67 of the nays being from the late Confederate States. No Republican cast his vote against suspension.

Mr. Chairman, not only the private soldiers of the Union Army encountered their hostility, but our distinguished generals met the same opposition. My time will only permit me to give you several cases:

On February 12, 1885, on the bill granting a pension of $2,000 to the widow of Maj. Gen. George H. Thomas, there were—yeas 144, nays 52, of which 48 were cast by ex-Confederates.

On March 22, 1886, on the bill granting pension of $2,000 to the widow of Gen. W. S. Hancock, the ayes were 158, nays 47, of which 38 were from the late Confederate States.

On March 3, 1885, of 78 Democratic votes cast against putting Gen. Ulysses S. Grant upon the retired list 58 were from the South.

Mr. Chairman, I have only given you a portion of the record, but it is true, and a fair illustration of the whole record. It shows beyond all doubt that the Democrats from the South, aided by some of their Democratic colleagues from the North, have ever since the war been waging a guerrilla warfare upon the crippled and enfeebled old soldiers and their widows. And this contemptible business is still going on under the leadership of President Cleveland and his "man Friday," Hon. Hoke Smith, a gentleman from the Southland. In the name of the 2,859,132 men who offered their lives in defense of the Union, in the name and over the sacred graves of 304,369 gallant men who went down to death by disease contracted in the service and in the hell of battle, in the name of the tens of thousands of loyal sons of the North who were many long and weary months confined in Andersonville, Libby Prison, and other rebel prisons, all veritable hells on earth, I do most solemnly protest against this cruel taking away from our old soldiers the small pensions given to them by a grateful Government by the votes of Republican members of Congress. Southern Democratic votes have always been cast against pension legislation in favor of the Union soldier; against the widows of men they starved to death, shot to death over the dead line, and tore to death by thirsty bloodhounds in Southern prison pens. But Southern votes were ready to open, and did open, the pension roll for their own kind, so that to-day the "men who manned the dead line in Andersonville, a palisade of horror, the fiendish guards who shot down the starving maniac who crawled a yard across that limit to snatch at a decaying bone, these human bloodhounds," have had, if they had service in the Mexican or Indian wars, opened up to them the pension rolls of the nation.

I have but little of the time assigned me left, and can give you only a few names of ex-Confederates who are now on the pension rolls.

EX-CONFEDERATES ON THE PENSION ROLLS.

I find that Samuel Cooper, colonel and adjutant-general of the United States Army, resigned in March, 1861. That gentleman served throughout the whole rebellion, I believe, as the adjutant-general of General Lee's army of northern Virginia. He used the great talents that had been cultivated at West Point in trying to compass the military overthrow of the United States Government. His political disabilities under the fourteenth amendment had not been removed at the date of his death. A Democratic Commissioner of Pensions, however, ruled that the fact that he was brevetted colonel for meritorious service—although he never left Washington during the Mexican war—brought him within the requirement of the act which says:

Or personally named in a resolution of Congress for specific service—

as his brevet had to be confirmed by the Senate. It was also ruled that his widow was not, at the date of the passage of the act, herself laboring under the disabilities referred to in the fourteenth amendment. So the widow of Gen. Lee's Confederate adjutant-general throughout the war has been drawing a pension from the United States Government since June 6, 1887, under certificate No. 116.

Gen. Thomas J. Jackson. He was a first lieutenant in the First United States Artillery. He resigned a long time before the rebellion to take a professorship in the Virginia Military Institute, and commanded its cadets as a part of the military guard at the execution of John Brown, December 2, 1859. On the 21st of April, 1861, he marched with his cadets to Richmond in response to the call of Governor Letcher. A few days later he was commissioned as colonel of Virginia Volunteers, and his service as a leader in the armies of the rebellion are well known. His widow is not yet on the pension roll, but her application is on file, and just as soon as the age limit is reached the widow of Stonewall Jackson will be drawing a Mexican war pension from that United States Government against which he advocated hoisting the black flag.

STONEWALL JACKSON'S PROPOSAL TO HOIST THE BLACK FLAG.

I hold in my hand another remarkable book—a volume not of Northern origin—the Life and Letters of Stonewall Jackson, by his wife; and this reveals another phase of the kind of warfare to which our soldiers were subjected. I will not stop to read at any length, but will incorporate in my remarks some portions of this astonishing contribution to the history of that great struggle.

Mrs. Jackson, in the chapter headed "The raising of the black flag," says that "the statement would be received with the greatest reserve did it not come from his own brother-in-law, Capt. (afterwards Gen.) Rufus Barringer, who might be supposed to be in his confidence." General Barringer's statement begins by saying that General Jackson sent for him by a letter to Gen. J. E. B. Stuart, and that he visited General Jackson in the middle of July, 1862, and spent the night with him. He says that General Jackson said he desired to talk with him about a new policy of organizing movable columns to attack important cities in the North. After giving his views of the origin of the war, General Barringer, on page 310, quotes General Jackson as saying:

With these convictions I have always thought we ought to meet the Federal invaders on the outer verge of just right and defense, and raise at once the black flag, viz: "No quarter to the violators of our homes and firesides!" It would in the end have proved true humanity and mercy. The Bible is full of such wars, and it is the only policy that would bring the North to its senses.

He went on to state that he had not been able to get the black-flag policy adopted, but that he had been talking to General Lee about a more radical military policy; that he "gave him frankly certain outlines of my own plan of waging the contest, which he considered favorably, and which he promised to lay before Mr. Davis and try to secure his approval in whole or in part." He says General Jackson then proceeded to state his views of a new plan of operations, as follows:

As I have always said, my own first policy would have been the black flag to all comers against the safety of our Southern homes.

Then he proposed to organize two, four, or more movable columns to assail the enemy "as they entered our borders"—

But better, I would hurl these thunderbolts of war against the rich cities and teeming regions of our Federal friends. I would seek to avoid all regular battles. I would subsist my troops as far as possible on the Northern people. I would lay heavy contributions in money on their cities. I would encumber my marches with no prisoners, except noted leaders, held mainly as hostages for ransom or retaliation. All the rank and file I would parole, but only at the risk of life if the parole was violated. All this, just as Pope is doing in northern Virginia. * * * And so I would make it hot for our friends at their homes and firesides all the way to Kansas, "bleeding Kansas," and doubly so for Ohio and Pennsylvania.

The results of military operations changed all these plans, but General Barringer says:

But now, after the lapse of nearly a generation since the conversation occurred and since the cause for which we fought went down in disaster and defeat, I think it my duty to Stonewall Jackson to give him the full credit of the strong and clear convictions that he entertained, and which he, and he alone, seems to have had the courage to express.

I will not take time to read further, because the book is accessible to all. Failing the black flag, his plan was to organize separate columns and divide them and carry fire and sword into some of the great cities of the North. It was a sort of variation of the policy attempted of secretly applying the torch and introducing pestilence into New York and other of our populous cities.

Now, Mr. Chairman, I have been reading history. It is useless to shut our eyes to it. There is nothing gained by making believe that we do not see it.

Dabney H. Maury, second lieutenant United States Mounted Rifles, was dismissed June 25, 1861, for going over to the enemy. He was admitted to the pension rolls and now draws a pension under a ruling of the Assistant Secretary of the Interior in the Cleveland Administration that service until the close of the Mexican war constituted an "honorable discharge" under the act of January 29, 1887.

We have heard men inveigh here by the hour against granting a pension to a Union soldier who had not received an honorable discharge, although he might have rendered years of gallant service at the front. Here is the case of an officer dismissed from the Regular Army in 1861, put on the pension roll by Democratic legislation and ruling after fighting the Government throughout the rebellion.

Sidney Smith Lee, commander in the United States Navy, was dismissed April 22, 1861, for similar cause. His widow draws a pension under certificate No. 6328, under the same ruling, that the service of a man until the close of the Mexican war was equivalent to an honorable discharge.

S. B. Maxey, second lieutenant Seventh United States Infantry, resigned in 1849, long before the war, but served, I believe, all through the war of the rebellion on the Confederate side. He was United States Senator from Texas from 1875 to 1887, and an able man. The docket shows that this claim was received at the Pension Office Monday night, May 23, 1887, jacketed Tuesday, 24th, called up by Commissioner Black's chief clerk Wednesday, 25th, submitted to the board of review for allowance on the same day, and the certificate was issued Friday, May 27. Pretty rapid work! I hardly think this will be cited among the cases of delay of which we have heard complaint.

Francis T. Bryan, captain United States Engineers, resigned June 10, 1861, and now draws pension under certificate No. 8466.

Richard C. Gatlin, major Fifth United States Infantry, resigned May 20, 1861, and now draws pension under certificate No. 1738.

Thomas Claiborne, captain United States Mounted Rifles, resigned May 14, 1861, and now draws pension under certificate No. 9125.

JAMES Z. GEORGE, United States Senator from Mississippi, late colonel in the Confederate army, draws pension under certificate No. 17214, issued two days after he was 62 years of age.

Alfred H. Colquitt, late United States Senator from Georgia, formerly major-general in the Confederate army, drew pension under certificate No. 19199.

I could give you similar examples, which include other members and ex-members of the Senate and House of Representatives, who have found the United States Government generous enough to ignore the war they waged against it in order to put them on the pension roll. Should not that gratitude that should fill every man's breast at least give them a kindly feeling toward the brave men who conquered them in battle?

Mr. Chairman, I can not discuss all the features of this bill.

The present Administration has been and is to-day urging a malignant and treacherous warfare upon the gray-haired men whose courage and loyalty saved this Republic. President Cleveland regards Union pensioners with undisguised hostility, and a large majority of his party heartily sympathize with him. Nothing that his Administration could do to deprive veterans of hard-won pensions has been left undone. No subterfuge has been too mean, no pretext has been too trivial, for his chosen agents to use in robbing the old soldier of their just dues.

The suspension of a soldier, once pensioned legally, without notice of hearing, is unprecedented as well as unlawful. Such a course is unworthy a great Government which was preserved through the services and sacrifices of its volunteer army. There is no good citizen who desires that an unworthy person should have a place upon this honorable roll of the nation, and while this is true, there is no good citizen who will not condemn the striking down upon ex parte testimony and statements of postmasters, not sworn to, of any soldier who has been judicially determined by a previous Administration worthy of his place there. Every soldier on the pension roll to-day is there after trial and investigation of his case. He is there because, in the judgment of the Commissioner of Pensions and the Secretary of the Interior, he has fully met every requirement of the law granting pensions to soldiers. Once there, he is entitled to remain until it is shown by competent testimony, to which he shall have an opportunity to reply, that he is there by fraud and has no place among the honorably disabled soldiers of the war. No man should be condemned without a hearing. No soldier should have the taint of fraud put upon him without an opportunity to meet his accusers. It is like opening a judgment once rendered by a competent court. The burden of proof rests upon him who charges fraud and assails the integrity of the judgment, and he can not set aside that judgment upon ex parte testimony. The simplest and the most fundamental principles of justice require that a man should have an opportunity to confront his accuser and the witnesses who testify against him. I understand that in the cases suspended the suspended pensioner has no access to the testimony, to the letters, or the information furnished by those who complain against the validity of the pension. All that is denied him. He simply is advised that his pension is suspended, and he is required to show why he should be restored to the roll. The Government should be required, in the first instance, to show why his name should be dropped from the roll, and it should be by clear and unmistakable

the pension appropriation bill, with provisions covering the ar- | ruled that his widow was not, at the date of the passage of the

and conclusive evidence. The pensioner is dropped, and, without knowing why he is dropped, he is required to show that he ought not to have been dropped, and he is required to show that the judgment heretofore had in his case by an authority as competent as that now passing upon his case was justified.

After the conduct of the Pension Office during the past two years, if there is a solitary soldier who served in the war and who still has faith in the Democratic party, he has more faith than Abraham ever had. Yes, sir; he has more faith than a bald-headed man who would step into a barber's shop and buy a hair restorer from a bald-headed barber. [Laughter.] He has more faith than a fellow who would eat old chestnuts in a dark room. [Laughter.]

I do not believe in a system which permits the Government to thus treat the defenders of the flag. I condemn with all the earnestness of my nature a system that puts this stigma of fraud upon my comrades in that great war which preserved the Union. Thousands of as brave men as ever wore a uniform have been summarily dropped from the rolls and disgraced before the eyes of their fellow-citizens, and the work of the executioner still goes on.

If an undeserving soldier is on the pension roll to-day, and the Administration has reason to believe he is there unlawfully, let the Administration confront him with the evidence in its hands and permit the old soldier to meet his accuser, a privilege which is religiously accorded the most depraved criminal in the land. He is permitted to meet his accuser in open court. Shall the veteran have less consideration at the hands of the Government which he helped to save? Grant him this plain, legal right, and if upon full trial it is the judgment of the Administration that he has no right to receive a pension and does not fall within the provisions of the pension law, every soldier and every other patriotic citizen will respect the verdict.

I protest against the presumption of fraud being put upon the men who preserved this country by a member of an Administration who had no part in the great work of its preservation. I protest against this cruel stigma being placed upon them. I protest against this disgrace being put upon their wives and their children who have esteemed the honorable record of their protector as the dearest heirloom of the generations to come. These men who were willing to die for their country must not be left helpless and defenseless by their country. The patriotic people of the country have not thought of deserting them, and will not permit their honor to be impeached.

The amount paid for pensions matters little. The soldiers of the Union did not count the cost when they offered their strength, their manhood, and their lives as a free gift to their country. The nation which owes its existence to their valor and their devotion should not make return with a niggard's hand. The people have decreed that no veteran and no veteran's widow shall want for the necessaries of life or tread the stony path that leads to the almshouse. The Administration whose constant aim is to lessen the veteran's bounty and whose proudest achievement is the snatching of a pension from an old soldier's trembling hand has earned the condemnation and contempt of every loyal citizen. [Applause.]

In ancient days the man who saved the life of a Roman citizen was entitled to wear, as a badge of honor, a laurel wreath. The soldiers of the Union saved the life of the Republic; and the pension voted by a grateful country is their badge of honor. The men who seek to take it from them by tricks and quibbles, who garb their malice under the cloak of hypocrisy and cover their treachery with the pretense of patriotism are guilty of baseness which makes the crime of the highway robber seem honorable by comparison. The nation reveres the veterans who preserved it. The American people will neither forgive nor forget injustice to the defenders of the American Republic.

At the national review of 1865, stretched across the walls of the Capitol in bold letters to be read by the returning Army, was this motto:

The only debt this country can never pay is the debt it owes the brave men who saved this nation.

This noble sentiment may be temporarily disregarded or ignored, but it will be only temporary.

Now, Mr. Chairman, just one word. There is no court in this land, there is no court in Christendom, that would not indorse a proceeding set forth in my amendment. It is fair for the Government; it is fair to the pensioner. It is simply a provision for a fair hearing where fraud is alleged, and certainly no man should be deprived of a hearing in this country, whether he be a citizen or a soldier, under the pension laws. Upon this amendment we can all stand irrespective of party, and I believe its adoption will put an end to the bitterness now existing between the pensioners and the Pension Department, because under its provisions all will be, all must be, treated with candor and honesty. The rights of the Government, as well as the rights of the pensioner, will be fully protected. What more could either party ask for?

Now, Mr. Chairman, we have heard here a great deal of talk about the amount of money that these pensions require. It is true that they require a large amount of money, but do gentlemen put against that the sacrifices the soldiers of the Union made? Many of my comrades around me know that when a man entered the Army in 1861 he had to be as near as could be a perfect man. He had to be "sound of eye, sound of tooth, sound of lung and of limb; he had to measure a certain height; he had to measure so many inches around the chest." Other men who failed to come up to that standard could not enter the service. A man defective in these respects might stand in the market. He might stand at the bar and plead the cause of his client. He might stand in the pulpit and preach the love of Him who came to save all men. The man who became a soldier of Uncle Sam had to be a perfect man, but, as was eloquently said by the gentleman from Michigan to-day [Mr. SMITH], hardly any man, no matter how sound and strong he was when he entered the service, could stand the hardship and exposure and come out of the service a sound man.

I am in favor of this bill. I do not know what the chairman of the committee will think of my amendment. I hope he will consider it favorably. I do not want to interfere with his bill. I am satisfied with it as it is. If, however, he thinks this amendment improves the bill and will give better protection to the old soldiers, I hope he will not object to having it made a part of his bill.

It simply makes the examination easier for the old soldier. That is all. If testimony is to be taken a long distance off let the Government pay the expense. The old soldier ought not to be compelled to take his witnesses more than 50 miles. This Government is rich and strong, and it ought to give the veteran a chance. If the bill becomes a law I am satisfied that the Commissioner of Pensions will enforce it fairly and for the benefit of the old soldiers. I thank the committee for their attention. [Loud applause.]

Mr. HEPBURN. Mr. Chairman, I ask to be recognized for the purpose of giving notice of an amendment which I propose to offer.

The CHAIRMAN. The amendment is not in order at the present time.

Mr. HEPBURN. I understand that, but I wish to give notice of my intention to offer this amendment, so that it may go into the RECORD.

The amendment was read, as follows:

Add as an additional section:

"That in the administration of the Pension Bureau all pension laws shall be construed liberally in the interest of the claimant, and in no case shall the claimant be required to furnish a measure of proof that excludes all reasonable doubt, but he shall only be required to establish his claim by a fair preponderance of proofs."

Mr. PICKLER. Mr. Chairman, I now yield three minutes to the gentleman from New Jersey [Mr. STEWART].

Mr. STEWART of New Jersey. The citizen soldiery is the glory of a republic, and the nation thus blessed is doomed if it condemns or improperly disregards their interest.

As has been well and beautifully said by the prose poet Gardner:

When the emaciated Union prisoner at Libby or Andersonville in his delirium saw a vision of home, and in his mad rush escaped the bullets of the guards at the dead line and reached the swamps, the bloodhounds that were turned loose upon his weary trail were less pitiless than the sleuthhounds which a Democratic Administration has set upon his faltering track thirty years afterwards.

[Applause.]

I do not desire to influence the passions of party or draw invidious distinctions, but are any so blind as not to see that every obstacle is offered by the Bureau of Pensions and the Democratic Administration to the allowance of the just claims of the worthy soldier?

Why are the gentlemen on the other side so silent when a bill like the one under discussion, against which they offer no cohesion, is up for consideration and passage? Does their love for the "old soldier" restrain them? Or, rather, do not considerations of settled opposition and indifference prevail?

In law, as in logic, a principle prevails that to remain silent when it is a duty to speak is conclusive evidence against the party affected.

It remained for the gentleman from New York to allege, with a smile upon his face, that the administration of the Bureau of Pensions is admirable. I presume the veterans of the country and those who have interested themselves in their behalf are the best judges; and I assert, without danger of successful contradiction, that their voice is unanimous in absolute condemnation of this Bureau for its delays, injustice, and positive exhibitions of unfriendliness.

The day of the veteran is fast passing to a close. The eye is dimmer day by day, the steps more faltering and unsteady, and the vital current less ebullient as the days pass and go. His soul is gazing on eternity; his earthly shadow is gathering apace out of time and touch. Shall we then, in this solemn period, longer stay that justice which the universal sense of right and justice proclaim and approve of?

Justice demands that the meritorious soldier shall be as securely assured of his pension as the owner of chattels or lands in his muniments and title. [Loud applause.]

Mr. PICKLER. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having taken the chair, Mr. PAYNE, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 8271) relating to pensions, and had come to no resolution thereon.

LEAVE TO PRINT.

Mr. PICKLER. Mr. Speaker, I ask unanimous consent that members may have leave to print remarks upon this bill or to extend their remarks made on the floor for ten days after the close of the debate.

There was no objection, and it was so ordered.

CHANGE OF REFERENCE.

There being no objection, the Committee on Foreign Affairs was discharged from further consideration of the bill to revive, amend, and extend the act of Congress of August 15, 1876, to encourage and promote telegraphic communication between America and Asia across the Pacific Ocean from the western shores of the United States, etc., and it was referred to the Committee on Interstate and Foreign Commerce.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ALDRICH of Alabama, for ten days, on account of important business.

To Mr. LACEY, for ten days, on account of important business.

Mr. PICKLER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and the House accordingly (at 5 o'clock p. m.) adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a reply to the House resolution of March 11, 1896, asking for information relating to the purchase of minor coinage blanks by the superintendent of the mint at Philadelphia, together with accompanying papers, was taken from the Speaker's table and referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PAYNE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 8038) for the protection of yacht owners and shipbuilders of the United States, reported the same without amendment, accompanied by a report (No. 1451); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KNOX, from the Committee on the Territories, to which was referred the bill of the Senate (S. 2022) entitled "An act to amend an act entitled 'An act to provide for the protection of the salmon fisheries of Alaska,'" reported the same without amendment, accompanied by a report (No. 1452); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LITTLE, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 5486) to authorize the Muskogee, Oklahoma and Western Railroad Company to construct and operate a line of railway through Oklahoma and the Indian Territory, and for other purposes, reported the same with amendments, accompanied by a report (No. 1453); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DALZELL, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 7257) making Pueblo, Colo., a port of entry, and for other purposes, reported the same without amendment, accompanied by a report (No. 1454); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MURPHY of Arizona, from the Committee on the Territories, to which was referred the bill of the House (H. R. 4068) to enable the city of Tucson, in the Territory of Arizona, to issue bonds to construct a water and sewer system, reported the same with amendment, accompanied by a report (No. 1456); which said bill and report were referred to the House Calendar.

Mr. FLYNN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 6186) to provide for the condemnation of allotted lands in Oklahoma Territory, reported the same with amendments, accompanied by a report (No. 1457); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. STEWART of Wisconsin, from the Committee on Indian Affairs: The bill (S. 361) entitled "An act for the relief of Silas P. Keller." (Report No. 1450.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 5854) granting a pension to John Caster. (Report No. 1455.)

By Mr. WOODARD, from the Committee on Claims: The bill (H. R. 1803) for the relief of Nathan Plummer. (Report No. 1461.)

By Mr. DOWNING, from the Committee on Claims: The bill (S. 67) entitled "An act for the relief of E. R. Shipley." (Report No. 1463.)

The bill (H. R. 6861) authorizing and directing the Secretary of the Interior to quitclaim and release unto Francis Hall and Juriah Hall and their heirs and assigns all the right, title, and interest of the United States in and to the east 20 feet front by the full depth of 100 feet of lot 2, in square 493 in the city of Washington, D. C., as laid down on the original plan or plat of said city. (Report No. 1460.)

By Mr. SNOVER, from the Committee on Claims:

The bill (H. R. 4945) for the relief of James Grace. (Report No. 1462.)

The bill (S. 1546) entitled "An act for the relief of Levi Stoltz." (Report No. 1458.)

The bill (S. 290) entitled "An act to carry into effect the findings of the Court of Claims in the cases of Edward N. Fish and others for supplies furnished the Indian service." (Report No. 1459.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. McRAE: A bill (H. R. 8413) to confirm certain cash entries of public lands—to the Committee on the Public Lands.

By Mr. JENKINS: A bill (H. R. 8414) to regulate the use of a uniform flag in the Army and Navy, its proportions, and location of the stars in the union or blue field—to the Committee on Military Affairs.

By Mr. RUSSELL of Connecticut: A bill (H. R. 8415) to authorize the purchase of a steam launch for use in the customs collection district of New London, Conn.—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK: A bill (H. R. 8416) to provide for the construction of a system of municipal subways in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BAKER of New Hampshire: A bill (H. R. 8417) to refer to the Court of Claims the war claims of the State of New Hampshire—to the Committee on War Claims.

By Mr. MEIKLEJOHN: A bill (H. R. 8418) to permit Rene C. Baughman to lay pipes in a certain street in the city of Washington—to the Committee on the District of Columbia.

By Mr. CATCHINGS: A bill (H. R. 8419) to authorize the Muscogee or Creek Nation of Indians to sell and assign their right and claim to $400,000 of the money set apart and remaining to their credit in the Treasury of the United States by virtue of "An act to ratify and confirm an agreement with the Muscogee or Creek Nation of Indians, in the Indian Territory, and for other purposes," approved March 1, 1889—to the Committee on Indian Affairs.

By Mr. BABCOCK (by request): A bill (H. R. 8420) to secure uniformity in the names of streets and roads in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WILLIS: A joint resolution (H. Res. 176) authorizing and directing the President to invite the commercial nations of the world to join in an international monetary conference—to the Committee on Coinage, Weights, and Measures.

By Mr. PEARSON: A joint resolution (H. Res. 177) authorizing the President of the United States to make overtures for the establishment of an international court of arbitration—to the Committee on Foreign Affairs.

By Mr. SHUFORD: A resolution (House Res. No. 276) to investigate the extent to which Federal patronage is being used to control legislation and corrupt the public service—to the Committee on Reform in the Civil Service.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 2366) to increase the pension of John A. Anderson, with petition and evidence—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

Memorial of Sprage Camp, No. 4, Sons of Veterans, of Tacoma, Wash., indorsing joint resolution No. 102—Committee on Military Affairs discharged, and referred to the Committee on the Militia.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BELL of Colorado: A bill (H. R. 8421) for the relief of George McCracken—to the Committee on Invalid Pensions.

By Mr. CONNOLLY: A bill (H. R. 8422) granting a pension to John W. Hartley—to the Committee on Invalid Pensions.

By Mr. CURTIS of New York: A bill (H. R. 8423) to increase the pension of William J. Lee, confidential scout and guide at headquarters Army of the Potomac—to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 8424) for the relief of James Q. Shirley and the estate of Francis De Long, deceased—to the Committee on Claims.

By Mr. HEATWOLE: A bill (H. R. 8425) to correct the military record of George E. Day—to the Committee on Military Affairs.

By Mr. HERMANN: A bill (H. R. 8426) for the relief of M. J. Gilstrap—to the Committee on Military Affairs.

By Mr. MAHON: A bill (H. R. 8427) granting an increase of pension to John Doebler—to the Committee on Invalid Pensions.

By Mr. MOODY: A bill (H. R. 8428) for the relief of Cyrus H. Thurlow—to the Committee on Claims.

By Mr. RAY: A bill (H. R. 8429) increasing the pension of William A. Peck, private Company H, Third New York Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Connecticut: A bill (H. R. 8430) for the relief of the legal representatives of Joseph A. Mower—to the Committee on Military Affairs.

By Mr. SHUFORD: A bill (H. R. 8431) granting a pension to Mary Wesley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8432) for the relief of John W. Gray—to the Committee on War Claims.

By Mr. STEELE: A bill (H. R. 8433) for the relief of Charles T. Brant—to the Committee on Claims.

By Mr. TAWNEY: A bill (H. R. 8434) granting an increase of pension to John B. Norton—to the Committee on Invalid Pensions.

By Mr. TRELOAR: A bill (H. R. 8435) for the relief of the heirs of Andrew J. Surber—to the Committee on War Claims.

Also, a bill (H. R. 8436) granting a pension to Joseph Hazleton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8437) granting a pension to Orison Williams—to the Committee on Invalid Pensions.

By Mr. VAN HORN: A bill (H. R. 8438) for the relief of Thomas Rogers, late postmaster at Sheffield, Mo.—to the Committee on Claims.

By Mr. WHEELER: A bill (H. R. 8439) for the relief of the heirs of Dr. Andrew Moore—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK (by request): A letter to accompany House bill No. 8420, to secure uniformity in the names of streets and roads in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BLACK of New York: Remonstrance of citizens of Troy, N. Y., against the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, remonstrance and petition of citizens of Troy, N. Y., asking for the removal of the Marquette statue from Statuary Hall—to the Committee on the Library.

By Mr. BROSIUS: Resolutions of the Pennsylvania State Grange, Patrons of Husbandry, in favor of equitable protection—to the Committee on Ways and Means.

By Mr. CONNOLLY: Petition and evidence to accompany a bill granting a pension to John W. Hartley—to the Committee on Invalid Pensions.

By Mr. COOKE of Illinois: Petition of Samuel S. Greeley and others, of Chicago, Ill., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. DANFORD: Petition of William H. Wilson and many others, of Bridgeport, Ohio, for the passage of House bill No. 6851, appropriating unclaimed pension and bounty money due the estates of deceased colored soldiers to military and educational purposes for the colored people—to the Committee on Military Affairs.

By Mr. DOOLITTLE: Remonstrances and petitions of citizens of Port Angeles, North Bend, and Snohomish, in the State of Washington, regarding the Marquette statue—to the Committee on the Library.

Also, memorial of citizens of Tacoma, Wash., favoring the passage of House bill No. 7251, in favor of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, memorial of citizens of Olympia, Wash., favoring the passage of House bill No. 444, for the relief of A. D. Glover—to the Committee on Claims.

By Mr. HEATWOLE: Papers to accompany House bill to correct the military record of George E. Day—to the Committee on Military Affairs.

By Mr. HAINER of Nebraska: Petition of the First Presbyterian Church of Wahoo, Nebr., praying for the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. JOHNSON of California: Petition of citizens of Stockton, Cal., for levy of duty on chicory—to the Committee on Ways and Means.

By Mr. KIEFER: Petition of the Minneapolis Board of Trade, for a bureau of commerce and manufactures—to the Committee on Manufactures.

By Mr. LEFEVER: Petition of A. H. Wardle, secretary of Young Men's Christian Association of Poughkeepsie, N. Y., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter, and bill No. 838, to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. LINTON: Remonstrances and petitions of citizens of San Diego, Cal.; Wray, Colo., and Lyman, Wash., regarding the Marquette statue—to the Committee on the Library.

By Mr. LOUD: Petition of the William Tonk & Bro. Company, praying for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLEARY of Minnesota: Resolutions of the St. Paul (Minn.) Chamber of Commerce, in favor of a voluntary bankruptcy law—to the Committee on the Judiciary.

By Mr. PHILLIPS: Petition of Falls City Lodge, No. 385, Order United American Mechanics, of Beaver Falls, Pa., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. POOLE: Memorial of the Business Men's Association of the city of Syracuse, N. Y., protesting against the passage of House bill No. 3346, introduced by Mr. SULZER—to the Committee on Ways and Means.

By Mr. RUSSELL of Connecticut: Papers relating to the pension case of L. Electa Brown—to the Committee on Pensions.

By Mr. SHERMAN: Petition of 118 citizens of Herkimer County, N. Y., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

Also, petition of Robert Hardie and others, of Rome, N. Y., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. SMITH of Illinois: Petition of citizens of Carterville, Ill., for the passage of House bills Nos. 4566 and 838, amending the postal laws; also praying for legislation authorizing the Post-Office Department to prohibit the use of the mails in advertising frauds on the business public—to the Committee on the Post-Office and Post-Roads.

By Mr. SORG: Petition of D. A. Sinclair, secretary of the Young Men's Christian Association, of Dayton, Ohio; also of G. N. Bierce, of Dayton, Ohio; also of N. Thacker and others, asking favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. TRELOAR: Papers to accompany bill for the relief of the heirs of Andrew J. Surber—to the Committee on War Claims.

SENATE.

FRIDAY, *April 24, 1896.*

Prayer by Rev. HUGH JOHNSTON, D. D., of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, in response to a resolution of the 17th instant, calling for a list of accidents that have occurred to naval vessels during the last six years, the causes thereof, and the amount of damages, separately, in money, stating that instructions have been issued for the collection of the data necessary for the Department's answer, and it will be made at the earliest date

practicable; which was ordered to lie on the table, and to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of March 24, 1896, a letter from the Commissioner of Pensions, containing a list of the number of soldiers and sailors now on the pension rolls drawing respectively $30 and $36 per month for total disability of arms and legs; which, with the accompanying papers, was referred to the Committee on Pensions, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. McMILLAN presented the petition of George Simmons, A. B. Jameson, and G. M. Husted, a special committee representing the Columbia Heights Citizens' Association of Washington, D. C., praying for a change in the system of naming minor streets in the District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed as a document.

Mr. TURPIE presented a memorial of the South Bend Medicine Company of South Bend, Ind., remonstrating against the repeal of the tariff law of 1894, allowing manufacturers a rebate on alcohol; which was ordered to lie on the table.

He also presented a petition of the Home Mission Board of the Southern Baptist Convention of Atlanta, Ga., praying for the release of the Rev. A. J. Diaz; which was referred to the Committee on Foreign Relations.

Mr. GORDON. I present a petition of sundry citizens of Albany, Ga., praying the intervention of our Government in behalf of Rev. Dr. Diaz, recently arrested and imprisoned by the Spanish authorities in Habana, Cuba. Although he has been released, as we see by the newspapers, I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. GORDON presented the memorial of Lippman Bros., wholesale druggists, of Savannah, Ga., remonstrating against the repeal of the law allowing manufacturers a rebate on the alcohol they use in the manufacture of medicine and the arts; which was ordered to lie on the table.

He also presented the petition of Armstead Brown, business manager of the Talbotton Creamery and Manufacturing Company of Talbotton, Ga., praying for the enactment of legislation to regulate the manufacture of counterfeit butter and cheese, filled cheese, and oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of J. Frank Beck, of Atlanta, Ga., praying for the enactment of legislation to provide 1-cent letter postage per half ounce, and also to amend the postal laws relating to second-class and free mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Bishop H. M. Turner, of the African Methodist Episcopal Church of Atlanta, Ga., praying for the passage of House bill No. 6851, to aid the Wilberforce University, located in Greene County, Ohio; which was referred to the Committee on Education and Labor.

Mr. SHERMAN presented a petition, in the form of resolutions adopted by Local Union, No. 2, Carriage and Wagon Workers' International Union, of Cleveland, Ohio, praying for the free and unlimited coinage of silver; which was ordered to lie on the table.

Mr. NELSON presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the passage of a bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented a petition of James McIntosh & Co., of Minneapolis, Minn., and a petition of the J. R. Watkins Medical Company, of Winona, Minn., praying for the enactment of legislation touching the matter of rebate for alcohol used in the arts; which were ordered to lie on the table.

Mr. THURSTON presented a petition of Banner Post, Grand Army of the Republic, Department of Nebraska, of South Sioux City, Nebr., praying for the enactment of a per diem service-pension law; which was referred to the Committee on Pensions.

He also presented the petition of Mrs. Mary E. Howe, of Table Rock, Nebr., praying for the adoption of an amendment to the Constitution of the United States allowing woman suffrage in all the States; which was ordered to lie on the table.

He also presented a petition of sundry railway-postal clerks of Nebraska, praying for the passage of House bill No. 2741, reorganizing the railway-postal service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the United Presbyterian Church of Ewing, Nebr., and a petition of the United Presbyterian Church of Orchard, Nebr., praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a petition of Home Circle, No. 14, Ladies of the Grand Army of the Republic, of Arborville, Nebr., and a petition of McPherson Circle, No. 23, Ladies of the Grand Army of the Republic, of Nebraska, praying for the enactment of a service-pension bill; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. GALLINGER. On the 21st of April I introduced an amendment intended to be proposed to the deficiency appropriation bill, the amendment making an appropriation to pay the rent of the Miner School building for the fiscal year ending June 30, 1896. It was referred to the Committee on the District of Columbia, and I am now directed by that committee to report it favorably. I move that the amendment be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. DAVIS, from the Committee on Territories, to whom was referred the bill (H. R. 1191) to provide for the disposal of public reservations in vacated town sites or additions to town sites in the Territory of Oklahoma, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the amendment submitted by Mr. TELLER on the 7th instant proposing to make an appropriation for the purchase of the Howell counterpoise gun carriages, intended to be proposed to the fortifications appropriation bill, reported favorably thereon, and asked that it be referred to the Committee on Appropriations; which was agreed to.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. 2306) to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights, reported it with amendments.

Mr. CARTER, from the Committee on Public Lands, to whom was referred the bill (H. R. 3018) to amend the act approved March 3, 1891, granting the right of way upon the public lands for reservoir and canal purposes, asked to be discharged from its further consideration, and that it be referred to the Committee on Forest Reservations and the Protection of Game; which was agreed to.

Mr. CLARK, from the Committee on the Judiciary, to whom was referred the bill (S. 2473) to amend an act entitled "An act to provide for holding terms of court in the district of Montana," approved July 20, 1892, reported it with amendments.

CARE OF INEBRIATES.

Mr. GALLINGER. Some time ago the Committee on the District of Columbia reported adversely the bill (H. R. 818) to provide for the care and cure of inebriates in the District of Columbia, and it was indefinitely postponed. I ask unanimous consent that that vote may be reconsidered, and that the bill and accompanying papers be recommitted to the Committee on the District of Columbia.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

TESTS OF MATERIALS FOR INDUSTRIAL AND OTHER PURPOSES.

Mr. GORMAN. I am directed by the Committee on Printing, to whom was referred a concurrent resolution of the House of Representatives providing for printing a report of the commanding officer of the Watertown Arsenal, to report it without amendment, and I ask for its present consideration.

The concurrent resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized to print and bind in paper covers 500 copies of the report of the commanding officer of the Watertown Arsenal of tests of materials for industrial and other purposes made at said arsenal during the fiscal year ended June 30, 1893.

Mr. GORMAN. I wish to state to the Senate that in the printing act there was a failure to provide for the printing of this report for 1893. For that reason the adoption of the concurrent resolution is necessary.

The concurrent resolution was considered by unanimous consent, and agreed to.

BRANDY FROM FRUITS AND ALCOHOL IN THE ARTS.

Mr. SHERMAN. I ask the unanimous consent of the Senate to take up for consideration the bill (H. R. 886) to amend section 3255 of the Revised Statutes of the United States, concerning the distilling of brandy from fruits. There seems to be a pressure for the passage of the bill. I believe there will be no opposition to it, and I therefore ask for its present consideration.

Mr. PROCTOR. I must object to the consideration of the bill at this time. The Senator from Connecticut [Mr. PLATT] is absent.

The VICE-PRESIDENT. Objection is interposed.

Mr. SHERMAN. I am rather surprised to learn that there is any opposition to the measure. There is great pressure by the Department to have a certain mistake corrected. It is a House bill. I did not suppose that any one in the Senate would object.

Mr. GALLINGER. The difficulty, I will suggest, is with the

amendment that the Committee on Finance has reported to the bill. Very likely there is no objection to the original bill, but there is very serious objection to the amendment which the committee has added to the bill.

Mr. PROCTOR. But for the amendment there would probably be no objection to the bill.

Mr. SHERMAN. The Committee on Finance, I believe, with a single exception, directed the amendment to be reported, and as a matter of course I have no right to withdraw it. I consider the amendment as even more important than the bill, although the bill is very important, and it is necessary to have speedy action upon it.

The amendment which is objected to simply repeals the clause that was inserted in the last tariff act, and inserted by inadvertence. The author of it himself, the Senator from Massachusetts [Mr. HOAR], who is now absent, said it was put there merely for the purpose of presenting the subject-matter to the committee of conference, and that it ought not to be there. The Secretary of the Treasury in an official report says it is impossible to carry into execution the terms provided for, and he asks Congress to repeal that section. I supposed there was really no opposition to it. It is vitally necessary to repeal it, because all the time, every day and every hour, claims may arise under that section which can not be enforced. It is a dead cock in the pit, I might say; it never has been enforced and can not be enforced; it is admitted that it can not be enforced; and yet claims may be accumulating arising out of it because of the failure to put it in force, claims that would be very embarrassing to the Treasury, amounting to millions of dollars.

Mr. PLATT entered the Chamber.

Mr. SHERMAN. The Senator from Connecticut is now present and he can speak for himself. I ask that House bill 886 may be taken up.

Mr. PLATT. I object, Mr. President.

The VICE-PRESIDENT. Objection is interposed.

Mr. SHERMAN. I move that the Senate proceed to the consideration of the bill.

The VICE-PRESIDENT. When the morning business is closed the Chair will entertain the motion.

Mr. SHERMAN. I will wait until the morning business is closed.

UNION PACIFIC RAILROAD LANDS.

Mr. ALLEN. I am directed by the Committee on Public Lands to report a concurrent resolution directing the Secretary of the Interior to rescind his orders to the Commissioner of the General Land Office suspending work upon the Union Pacific Railroad land lists now on file, embracing lands along the main line in western Nebraska, northern Colorado, Wyoming, and Utah, and I submit a report thereon. I ask unanimous consent for the present consideration of the resolution.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Interior be directed to rescind his orders to the Commissioner of the General Land Office suspending work upon the Union Pacific Railroad Company land lists now on file, embracing lands along the Union Pacific main line in western Nebraska, northern Colorado, Wyoming, and Utah, and shall cause work thereon to be resumed and patents to issue to the Union Pacific Railway Company, without delay, to all lands described in the several lists now on file in the United States Land Office upon which title is due to the Union Pacific Railway Company, in order to complete, through the Union Pacific Railway Company, good and sufficient title to the purchasers and present owners of such lands: *Provided*, No patents shall be issued for any lands which have not been sold by said company prior to the passage of this resolution.

Mr. CALL. I hope the Senator from Nebraska who reported this resolution will allow it to stand over and let us examine it. I have no objection to the purpose of the resolution as it is stated, but I think where there is no title in the railroad company, if it shall be so adjudicated, there ought to be some provision that the title of the settler or purchaser should be protected, and also that suits may be brought against the railroad company for the recovery of the money paid for property they had no right to sell. I should like to have that point considered. I understand there is no pretense even of rightful claim of title on the part of the railroad company, and while every settler should be protected and every purchaser should be protected, I know of no reason why the corporation itself should be allowed to retain the money of these people wrongfully taken from them.

Mr. DUBOIS. I will say to the Senator from Florida that the proviso which has been added at the end covers the objection which he makes to the resolution.

Mr. CALL. All right; then I make no objection to it.

The concurrent resolution was considered by unanimous consent, and agreed to.

BILLS INTRODUCED.

Mr. McMILLAN introduced a bill (S. 2940) to secure uniformity in the names of the streets and roads in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2941) to authorize the Baltimore and Washington Transit Company of Maryland to enter the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. TURPIE introduced a bill (S. 2942) granting an increase of pension to Theodore B. Harlan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GORDON introduced a bill (S. 2943) to authorize the construction of a bridge across the Warrior River by the Mobile and Ohio Railroad Company; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2944) to authorize the construction of a bridge across the Cahaba River, in Bibb County, Ala., by the Mobile and Ohio Railroad Company; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2945) to amend an act approved August 6, 1888, entitled "An act to authorize the construction of a bridge across the Alabama River"; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DUBOIS introduced a bill (S. 2946) to protect and administer the public timber lands; which was read twice by its title, and referred to the Committee on Forest Reservations and the Protection of Game.

Mr. CHANDLER introduced a bill (S. 2947) granting an increase of pension to Mary E. Nesmith, widow of Capt. Arthur S. Nesmith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 2948) granting a pension to Irena Wilkinson Gibson, only child of David Wilkinson, of the Revolutionary army; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PASCO submitteed an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HANSBROUGH submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GEORGE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committeee on Appropriations, and ordered to be printed.

PARTY WALLS IN THE DISTRICT OF COLUMBIA.

Mr. CHANDLER. I desire to enter a motion to reconsider the vote by which the Senate yesterday passed the bill S. 2927, in regard to party walls in the District of Columbia.

The VICE-PRESIDENT. The motion to reconsider will be entered.

UNION PACIFIC RAILROAD LANDS.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The SECRETARY. A resolution, by Mr. WARREN, directing the Secretary of the Interior to rescind his orders to the Commissioner of the General Land Office, suspending work upon the Union Pacific Railroad land list now on file, embracing lands along the main line in western Nebraska.

Mr. WARREN. The substance of the resolution has already been passed, and it may be postponed.

Mr. ALLEN. Let the resolution be indefinitely postponed.

The VICE-PRESIDENT. It will be postponed indefinitely.

BRANDY FROM FRUITS AND ALCOHOL IN THE ARTS.

Mr. SHERMAN. I move that the Senate proceed to the consideration of the bill (H. R. 886) to amend section 3255 of the Revised Statutes of the United States concerning the distilling of brandy from fruits.

Mr. PLATT. The motion is not debatable, I am well aware, but I wish, with the consent of the Senate——

Mr. SHERMAN. If it is not debatable I hope there will be no debate. I have not said a word.

The VICE-PRESIDENT. Objection is interposed to debate.

Mr. CHANDLER. I desire to ask the Senator from Ohio, with his permission, not to press the bill at this time. If he will give notice that he will call it up to-morrow or some other day there will be no objection; but it is a tariff bill; it will occasion long debate, and I do not think the Senator, without giving some notice, ought to press the measure upon the Senate.

Mr. SHERMAN. The bill has been here since the 30th day of January.

Mr. CHANDLER. How long has the amendment been before the Senate?

Mr. SHERMAN. Two or three days.

Mr. PLATT. On Tuesday it was reported.

Mr. CHANDLER. The amendment proposes to repeal free alcohol in the arts.

Mr. SHERMAN. I regard it as a bill of the very highest importance. It is pressed by the Treasury Department, and is brought here by the unanimous vote of the Senate committee.

Mr. CHANDLER. I say to the Senator, then, that he ought to give us a little notice before he presses it. It is a tariff bill; it opens the whole tariff question, and it ought not to be taken up this morning so suddenly. The Senator will admit that.

Mr. SHERMAN. If the Senate will allow me five minutes to state the two simple points involved in the bill, Senators can then judge as to the importance of the measure.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Ohio?

Mr. SHERMAN. I will not speak over five minutes.

Mr. PLATT. I think the Senator from Ohio did not intend to object to a suggestion which I desired to make to him, inasmuch as he allowed the Senator from New Hampshire to make a suggestion in the line which I proposed to make.

This is a measure to which there is very serious and earnest objection, and we have had no notice whatever. The part to which the serious objection is made was reported to the Senate only on the 21st of April, three days ago. Senators who desire to be heard on that amendment, who oppose it and desire to submit amendments to it, have had no notice of it; and I do not think the Senator from Ohio ought to press the measure this morning. If he desires to press it to-morrow morning I shall be prepared with an amendment to the amendment.

Mr. SHERMAN. Very well; if the Senator really desires time to prepare himself I have no objection.

Mr. GORMAN. I trust the Senator from Ohio will at least give notice that to-morrow or Monday he will call the bill up before the consideration of the appropriation bill is proceeded with.

Mr. SHERMAN. I merely give notice. In my judgment there is no measure upon our Calendar that is more important for immediate action. The Government is suffering day by day to the amount of perhaps thousands of dollars. I do not believe that when the subject is considered by the Senate there will be any doubt about it. I will let the bill go over until to-morrow.

Mr. CHANDLER. That is all we should ask the Senator to do. We shall be prepared to meet the question.

The VICE-PRESIDENT. The motion of the Senator from Ohio is withdrawn.

Mr. PLATT subsequently submitted two amendments intended to be proposed by him to the bill (H. R. 886) to amend section 3255 of the Revised Statutes of the United States concerning the distilling of brandy from fruits; which were ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the concurrent resolution of the Senate authorizing the Committees on Enrolled Bills of the two Houses to correct an error in the enrolled bill (S. 2557) granting a pension to Sarah A. Boyd.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7216) donating one condemned cannon and cannon balls to Grand Army of the Republic Post, No. 573, of Evans City, Pa.; and

A bill (H. R. 7334) granting an increase of pension to William T. Applegate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 3549) authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings Ship Channel, in Aransas County, Tex.;

A bill (H. R. 5488) to provide for the incorporation and regulation of medical and dental colleges in the District of Columbia; and

A joint resolution (H. Res. 170) to provide for the proper distribution of the publication entitled "Messages and Papers of the Presidents."

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. ALLISON. I ask unanimous consent that the formal reading of the bill may be dispensed with, and that the amendments of the committee may be first considered, and considered in the progress of the reading.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, on page 2, after line 10, to insert:

For public building at Boise City, Idaho: For continuation of building, $50,000; and the limit of cost of said building and site is increased from $150,000 to $200,000.

Mr. DUBOIS. The original bill passed during the last session of Congress excluded the site from this appropriation, and I wish to offer an amendment signifying that, to exclude the cost of the sites of the buildings. That will apply to the appropriations for Boise, Cheyenne, and Helena.

Mr. ALLISON. The sites have been selected.

Mr. DUBOIS. I understand that the sites have already been selected with the appropriation of $55,000 made for the selection of those sites. This appropriation will be for the buildings exclusive of the sites.

Mr. ALLISON. I hope the Senator from Idaho will not press the amendment. This is the usual way to limit the cost of the building including the site. We have increased the limit at the request of the Senator and other Senators interested, and I think the limit is large enough now.

Mr. DUBOIS. I will withdraw my amendment.

Mr. GORMAN. Mr. President, the amendment that we are now considering is one to which I have no special objection, although it seems to me that right on the threshold of the consideration of this bill some statement by the chairman of the committee or those of us who are specially charged with the consideration of the bill ought to be made to the Senate.

I find that the bill as it came here contains appropriations amounting to $29,498,374.59, which it is stated is $10,975,000 less than the estimate and over $17,000,000 less than the appropriations of a year ago. By the report of the committee of the Senate we find the statement that the estimates were $40,473,653.90, and that the increase recommended by the Senate committee in the shape of amendments, of which this is one, is $5,122,350.31, showing an immense increase recommended by the Committee on Appropriations to the bill.

In nearly all the increases recommended by the Committee on Appropriations I, as one of the members of that committee, have agreed that the amendments are not only proper but absolutely necessary; and yet on the face of the papers the Senate committee will stand in an attitude of extravagance in recommending a larger increase than usual.

The reason is that in this bill the attempt is made (and it is the only appropriation bill in which I find the attempt being made) to cut down the appropriations by making provision for public buildings and public works for only nine months in the year and for the judiciary for only six months, with a view of making the impression upon the country that there is great economy in the recommendations and appropriations of a coordinate branch, and throwing the responsibility upon this body of making extravagant appropriations, when the fact is that the appropriations in the aggregate as they have reached this body and as they will be enacted into law are greater than ever before in the history of the country.

It seems to me that the chairman of the committee, on the very threshold of the consideration of this bill, so that all Senators may have an opportunity to know why we have recommended these amendments, ought to give to the Senate a full statement of the attempt to make an appropriation for only six months or nine months of the year instead of appropriating the whole amount.

I have made a cursory examination of the matter, which everybody is interested in all through the country. I have here the estimates of the Department, and I want to say that the Treasury Department has, I understand, cut down the estimates wherever they could be reduced in every Department of the Government, and that it asks only the amounts that are absolutely necessary for the continuance of public buildings and for the continuation of the improvements in the public works, such as rivers and harbors, that are contracted for. The Department estimated that it would require $3,223,899.29 to go on and complete the public buildings already under construction. Unless that amount is appropriated there will be not only great delay but greatly increased expense because of the delay. Yet the bill as it comes here carries with it an appropriation of $1,558,074.29. We have increased that amount. The Senator from Iowa will give the exact figures, I have no doubt. If the bill were to pass as it came here there would necessarily be a deficiency of sixteen hundred thousand dollars at the next session. So with the courts and so with rivers and harbors. Yet I know that while the Senate committee has done its full duty and not added to the bill in the

aggregate more than is absolutely necessary to carry on the Government, leaving the bill as it comes from the Committee on Appropriations, a deficiency is to follow when we meet here in December next.

As to this particular amendment and three or four other amendments to follow, they are appropriations for public buildings at the capitals of the States. With the exception of the State of Utah and the State of Maryland, this will make provision for a public building at the capital of every State in the Union. Whether the limit fixed in this case is too great is a matter of opinion. We did, on an appropriation bill a year ago, fix a lower limit, but the Western States are growing and they are active and anxious to have not only public buildings for the accommodation of the present population, but, as they have a right to suppose, they will have a largely increased population within a few years, and they of course are naturally anxious to have larger appropriations made than are necessary for the present wants. I think probably there is economy in such a course. I have no special objection to those provisions, but I do think that the Senator from Iowa, who I know does not desire to consume time, ought to make in the very beginning of the consideration of this bill a very full statement of the attitude of the Committee on Appropriations.

Mr. MILLS. Will the chairman of the committee permit me a moment before he takes the floor? In reference to the statement just made by the Senator from Maryland, which I have heard made and repeated for a number of years since I have been a member of one or the other of the two Houses of Congress, it seems to me that it would be a proper thing for this body to take some steps to prevent it from being put constantly in the wrong before the American people. Why would it not be the proper thing to do to agree to the bills as they come from the other House? Let the deficiency occur. Let the President when he signs the bills call the attention of the two Houses of Congress to the fact that they are only appropriations for three-fourths of the year or for one-half of the year, and require the House, which is authorized by the Constitution to originate these measures, to bring in a supplemental bill for the necessary appropriations to support the administration of the Government.

I do not think that it is the right thing for the Senate to continue to carry the suspicion that is thrown upon it. It is an improper method of legislation. If my advice should be taken, I would approve their bills and pass them as they are, and let them take upon themselves the responsibility of originating the necessary appropriations to support the Government.

Mr. ALLISON. Mr. President, the Committee on Appropriations in presenting this bill also presented with it a brief report, which is Senate Report No. 738. In that report we have made an analysis of the increases proposed by the Senate Committee on Appropriations, so that if Senators will send for the report they will find a brief abstract of the several increases made by the committee.

It is true, as stated by the Senator from Maryland, that in regard to a portion of the subjects treated of in the bill the other House has provided for only nine months and in regard to another portion probably only for six months.

In response to the suggestion made by the Senator from Texas, I will state that the Committee on Appropriations has not felt it to be its duty to withhold appropriations for the ordinary and necessary expenses of our Government for a fiscal year, the House of Representatives itself failing to make appropriations for the year. The appropriations alluded to by the Senator from Maryland are chiefly to be found in the appropriations for public buildings and for rivers and harbors under subsisting contracts, the appropriations now being carried into the sundry civil bill instead of being carried on the river and harbor bill as heretofore, and perhaps there are one or two other instances.

In the case of the United States courts, I think it may be safely said that the bill as it comes to us from the House appropriates only for six months, or until the 1st of January, 1897. This has been the practice for a good many years. It is found in the appropriations for the current fiscal year. My impression is that we have already in our deficiency bill for this year appropriated more than $3,000,000 for the courts. The appropriations for the current year for the courts of the United States were $3,450,000. We have already appropriated in round numbers $3,400,000 as a deficiency, making the expenditures of the courts for the current year nearly $7,000,000.

The estimates for the courts for the current year were about $6,489,512. The bill as it came from the House of Representatives appropriated for these purposes $3,308,212. The Senate Committee on Appropriations have added for the expenses of the courts $2,538,000, making a total as now found in the bill, including the Senate amendments, of $5,130,450.31. This may not be sufficient to carry on the courts for the next fiscal year. It is hoped and believed that the legislation which is likely to pass, found upon the executive, legislative, and judicial appropriation bill, will materially diminish the expenditures of the courts. So it was our purpose, as nearly as we could, in proposing the amendments as to the courts, to provide for the fiscal year and not for one-half of it.

But the making of insufficient appropriations is not a new habit of the House of Representatives. The same thing appeared on the sundry civil bill of last year. When it came to us from the House of Representatives it only provided for about six months, and I believe last year the Senate did as it now proposes to do; it allowed these appropriations to be made as the House of Representatives proposed. The result has been, as I have already stated, that an amount more than equal to the original appropriation has already been appropriated in the deficiency appropriation bills for the expenditures of the current year.

We have increased these items, as will be seen from the document to which I have already alluded. We have increased for public buildings $501,000. In doing so, we have provided $50,000 each for the three capitals of the new States of Idaho, Wyoming, and Montana. We have also increased the appropriations for the building in Washington City known as the post-office building $100,000, and have appropriated for other small necessary items. We have also increased the appropriations for the public buildings in progress of construction, so as to enable the Secretary of the Treasury to proceed with the construction of those buildings to the end of the fiscal year in cases where that is necessary, as we believe that it is wise, where a public building is in process of construction, especially where the United States is paying large rental, notwithstanding the condition of our Treasury, to complete those buildings at the earliest practicable moment. We have also increased various items here in other branches of the public service, such as military posts in process of construction, surveys of the public lands, etc.

I believe the Committee on Appropriations have, with the utmost care, limited the appropriations to necessary objects and have not increased the bill as it came from the House of Representatives except where it appeared that it was wise to make the additional appropriation. I am glad that the Senator from Maryland [Mr. GORMAN], who is so able and efficient on this committee, has given his assent to the increases made by the Senate.

I do not know that it is worth while for me to make a more elaborate statement in the beginning of the consideration of the bill. As the amendments are read I shall be glad to make such explanation as may seem necessary to a full understanding of the reasons why the committee recommend the increases.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 2, after line 22, to insert:

For public building at Cheyenne, Wyo.: For continuation of building, $50,000; and the limit of cost of said building and site is increased from $150,000 to $250,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 2, to insert:

Assay office at Deadwood, S. Dak.: For establishing an assay office at Deadwood, in the State of South Dakota, $15,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 9, to insert:

For public building at Helena, Mont.: For continuation of building, $50,000; and the limit of cost of said building and site is increased from $150,000 to $300,000.

The amendment was agreed to.

The next amendment was, on page 3, line 15, to increase the appropriation for continuation of building of post-office and court house at Kansas City, Mo., from $50,000 to $100,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 16, to insert:

For court-house and post-office at Los Angeles, Cal.: For additions to and alterations in the court-house and post-office building, $12,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 19, to insert:

For court-house and post-office at Martinsburg, W. Va.: For completion of approaches, $5,000.

The amendment was agreed to.

The next amendment was, on page 4, line 9, to increase the appropriation for continuation of building of court-house, custom-house, and post-office at Omaha, Nebr., from $70,000 to $100,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 9, to insert:

For custom-house and post-office at St. Albans, Vt.: For rebuilding and repairing same, made necessary by recent fire, $70,000.

The amendment was agreed to.

The next amendment was, on page 4, line 15, to increase the appropriation for continuation of building for post-office, court-house, and custom-house at St. Paul, Minn., from $60,000 to $125,000.

The amendment was agreed to.

The next amendment was, on page 4, line 21, before the word "hundred," to strike out "two" and insert "three"; and in the same line, after the word "dollars," to insert "and the limit of cost of said building is increased $410,000"; so as to make the clause read:

For post-office at Washington, D. C.: For continuation of building under present limit, $375,000; and the limit of cost of said building is increased $410,000.

Mr. GORMAN. Mr. President, the Washington City post-office, for which an increased appropriation is contained in this amendment, is one of a class of cases which are constantly arising. It is now found necessary to increase the limit of cost fixed for that building $410,000. It is, of course, absolutely necessary, the committee think, to increase that limit. It is no fault of legislation. There is no extraordinary reason that occurred in the construction of the building for this increase. It has arisen from the fact that the Supervising Architect's Office saw proper to change the original plans, not to increase the size of the building, but its ornamentation, from rough-faced stone to cut stone. Whether that improvement is a substantial one and one which will add to the beauty of the building is a question; but the change was made, and the increased appropriation becomes necessary largely because of that change.

I think myself that the officers of the Government ought to be held to a more strict account, and that when they have made plans for public buildings and furnished their estimates no change other than one which is unforeseen at the time the estimate was made ought to be allowed without their having first obtained the consent of Congress.

There is an improvement authorized in this new appropriation which will, I believe, give sixty or seventy additional rooms in the post-office building. That is suggested by the present Architect, who is not at all responsible for the change which necessitates this large appropriation. In this case it is absolutely necessary, I take it, to have the appropriation made; but I call attention to this practice, and, so far as I am concerned hereafter as a member of this body, I shall not agree that such additional appropriations be made where they become necessary because of the mere change in the ornamentation of a building without the consent of Congress having been first obtained.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The question is on the amendment proposed by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 4, line 26, to increase the appropriation for repairs to Treasury, Butler, and Winder buildings, in Washington, D. C., from $8,000 to $12,000.

The amendment was agreed to.

The next amendment was, on page 5, line 20, before the word "sidewalk," to strike out "macadamizing": in line 21, before the word "hundred," to strike out "two thousand three" and insert "eight"; and in line 22, before the word "hundred," to strike out "eight thousand nine" and insert "seven thousand four"; so as to make the clause read:

For marine hospital at Chicago, Ill.: For artesian and surface wells, $1,650; sidewalk and curbing, $800; boundary walls, stone or brick, $5,000; in all, $7,450.

The amendment was agreed to.

The next amendment was, on page 7, after line 12, to insert:

For quarantine station, Key West, Fla.: For wharf on iron piles, and 70-foot bridge and tracks, $8,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 3, to insert:

Lynn Harbor, Massachusetts: For establishing four lighted beacons in Lynn Harbor, Massachusetts, $2,000.

The amendment was agreed to.

The next amendment was, on page 10, after line 8, to insert:

Sandusky Bay light stations, Ohio: For establishing two range-light stations in Sandusky Bay, Ohio, $30,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 3, to insert:

Menominee light and fog-signal station, Michigan: For establishing a fog signal at Menominee light station, Green Bay, Lake Michigan, Michigan, $5,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 17, to insert:

Coos Bay post and range lights, Oregon: For establishing post and range lights at Coos Bay, Oregon, $500.

The amendment was agreed to.

The next amendment was, on page 12, after line 5, to insert:

Swan Island light, Caribbean Sea: For the establishment on Swan Island, belonging to the United States, in the Caribbean Sea, of a light-house, $15,000: *Provided*, That a suitable site for said light-house shall be secured to the United States free of cost or liability.

The amendment was agreed to.

The next amendment was, on page 12, after line 14, to insert:

Fire Island light-vessel, New York: For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel, with steam fog signal, $80,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 18, to insert:

Overfalls Shoal Light Vessel, New Jersey: For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel, with steam fog signal, $70,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 22, to insert:

Diamond Shoal light-vessel, North Carolina: For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel, with steam fog signal, the Secretary of the Treasury is hereby authorized to use not exceeding $60,000 of the unexpended balance of the appropriation of $250,000 made by the sundry civil appropriation act approved March 2, 1889, for the establishment of a light-house on Outer Diamond Shoal, off Cape Hatteras, North Carolina; and the remainder of such unexpended balance of appropriation, after paying outstanding bills thereunder, if any, shall be covered into the Treasury.

Mr. GORMAN. Mr. President, I wish to say as to the amendment which has just been read for Diamond Shoal Light, North Carolina, that it is to authorize the construction of a light-ship instead of the construction of a light-house on Diamond Shoal. This is on the Atlantic Ocean, and a more important point, perhaps, than any other except the entrance to New York Harbor. It is one in which the people I represent are very deeply interested, as the commerce entering the Chesapeake Bay by this very dangerous point is very great.

Congress authorized the construction of a light-house at Diamond Shoal to cost $500,000, but up to this time the officers of the Government have absolutely failed to erect a light-house at that point, although the attempt has been made, at a loss of $100,000 to the contractors and not to the Government.

Since this provision was incorporated in the bill quite a number of gentlemen who are engaged in shipping have communicated with me. They seem to think that this is a backward step on the part of the Senate of the United States in abandoning the attempt to construct a light-house and to place a light-ship at that point. Some of these gentlemen go so far as to say that, in their judgment, it will be impossible to maintain a light-ship at that point owing to the roughness of the sea.

So far as I am concerned, I wish to say that I think the committee, after patient inquiry into this matter and hearing statements, differ from the accomplished officers who are in charge of this branch of the public service—and there are none more competent and skilled than Admiral Walker, who is the head of the Board, and the Naval Secretary. We were satisfied if any relief whatever was to be given to commerce at that point, that the proposition submitted by the committee is the proper and the only way in which it can be reached; but even should it be found impossible to maintain a light-ship at that point, it can be transferred to other points where it may be necessary.

I make this statement because of the respectability of the gentlemen who have communicated with me upon the subject, and so as to show that we have not attempted to do anything except to facilitate navigation and to give greater security to life and property at that place. I am fully satisfied that what the committee propose is the only means of accomplishing the result desired for the benefit of the commerce of the country.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 13, after line 9, to insert:

Relief light vessel for the Atlantic coast: For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel, with steam fog signal, for the Atlantic coast, $70,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 13, to insert:

San Francisco Harbor light vessel: For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel, with steam fog signal, $80,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 16, to insert:

Tender for the Second light-house district: For constructing, equipping, and outfitting, complete for service, a new steam tender for buoyage, supply, and inspection in the Second light-house district, Massachusetts, $75,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 21, to insert:

Tender for the Seventh light-house district: For constructing, equipping, and outfitting, complete for service, a new steam tender for buoyage, supply, and inspection in the Seventh light-house district, Florida, $75,000.

The amendment was agreed to.

The next amendment was, on page 15, line 3, to increase the appropriation for expenses of light vessels, from $300,000 to $320,000.

The amendment was agreed to.

The next amendment was, on page 15, line 7, to increase the appropriation for expenses of buoyage from $430,000 to $460,000.

The amendment was agreed to.

The next amendment was, on page 20, line 1, after the word "dollars," to insert:

Provided, That the Secretary of the Treasury be, and he is hereby, authorized to permit officers and others of the Revenue-Cutter Service to make

allotments from their pay, under such regulations as he may prescribe, for the support of their families or relatives, for their own savings, or for other proper purposes, during such time as they may be absent at sea, on distant duty, or under other circumstances warranting such action.

The amendment was agreed to.

The next amendment was, on page 20, after line 12, to insert:

For constructing a revenue steamer of the first class, under the direction of the Secretary of the Treasury, for service on the Great Lakes, $200,000.

The amendment was agreed to.

The next amendment was, at the top of page 22, to strike out:

For rent of office for agent of the Post-Office Department to supervise the distribution of stamps of the Bureau of Engraving and Printing, $600.

The amendment was agreed to.

The next amendment was, on page 24, line 7, before the word "thousand," to strike out "twenty" and insert "fifteen"; so as to make the clause read:

For triangulation, topography, and hydrography of the coasts of California, Oregon, and Washington, and for necessary resurveys, San Francisco Harbor, triangulation, topography, and hydrography, $15,000.

The amendment was agreed to.

The next amendment was, on page 26, line 17, before the word "thousand," to strike out "fifteen" and insert "ten"; so as to make the clause read:

In all, for field expenses, $110,800.

The amendment was agreed to.

The next amendment was, in the provision for clerical force of the Coast and Geodetic Survey, on page 29, after line 16, to insert:

For one, at $1,400.

The amendment was agreed to.

The next amendment was, in the same provision, on page 29, line 19, after the word "For," to strike out "one, at $1,000" and insert "two, at $1,000 each"; so as to make the clause read:

For two, at $1,000 each.

The amendment was agreed to.

The next amendment was, on page 29, line 22, to increase the appropriation for additional engravers, Coast and Geodetic Survey, from $4,000 to $4,100.

The amendment was agreed to.

The next amendment was, on page 30, line 17, to increase the total appropriation for office force, Coast and Geodetic Survey, from $32,670 to $35,170.

The amendment was agreed to.

The next amendment was, on page 31, line 3, before the word "dollars," to strike out "eighteen thousand" and insert "fifteen thousand five hundred"; so as to make the clause read:

For copper plates, chart paper, printer's ink, copper, zinc, and chemicals for electrotyping and photographing; engraving, printing, photographing, and electrotyping supplies; for extra engraving and drawing, and for photolithographing charts and printing from stone and copper for immediate use, $15,500.

The amendment was agreed to.

The next amendment was, on page 32, line 16, to increase the appropriation for cases, furniture, fixtures, etc., for the National Museum from $15,000 to $20,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 2, page 33.

Mr. ALLISON. In line 1, page 33, I move to strike out "forty-three" and insert "fifty-three." In this connection I ask that two letters which I hold in my hand may be printed in the RECORD, giving the reasons for the increase.

The PRESIDING OFFICER. If there be no objection, the letters will be printed in the RECORD.

The letters referred to are as follows:

SMITHSONIAN INSTITUTION,
OFFICE OF ASSISTANT SECRETARY
IN CHARGE OF UNITED STATES NATIONAL MUSEUM,
Washington, April 22, 1896.

SIR: I deem it my duty to bring to your attention the fact that unless some special provision is made for its maintenance, the National Herbarium, recently transferred from the care of the Department of Agriculture to that of the Smithsonian Institution, will become comparatively useless.

This is one of the largest collections of American plants in the world, and one of the most important, embracing as it does the collections of all the Government surveys from the time of Fremont and Wilkes to the present day. It contains about 250,000 specimens, mostly American, and constitutes for American botany a "consultative library of specimens" of the very greatest importance. In it there are many types of American plants not to be found elsewhere, and it is constantly consulted, either personally or through correspondence, by all working botanists in America.

Although the Smithsonian Institution has always been responsible for the administration of this herbarium, it was for many years relieved of the care and expense of this work by the Department of Agriculture. In the fall of 1894, however, the present Secretary, finding himself unable to give it proper accommodation, and also thinking it might suffer destruction if kept longer in a building which is not fireproof, requested the secretary of this Institution to resume its direct custody, promising, however, that so long as funds should be available for the purpose in the hands of the Department of Agriculture he would be responsible for its support and maintenance.

The value of the collection was so great that the secretary did not feel at liberty to refuse to receive it, and it was at once transferred, although at very great inconvenience, since our Museum building is so crowded that several of its departments were seriously discommoded by the change.

From that time until now the herbarium has been maintained from the appropriation of the Department of Agriculture; but the appropriation for botanical work has been so much decreased by the present Congress that, as I am informed, this can no longer be done.

The Secretary of Agriculture has already addressed a letter to you calling your attention to this fact, and suggesting that the sum of $10,000, which was withdrawn from his appropriation, be added to our appropriation "for the preservation and increase of the collections in the National Museum," in order to provide for the utilization of this great collection of plants.

I need scarcely say to you that the collection is of special importance to the Department of Agriculture, and is necessarily in constant use by many members of its staff.

Should this addition to our appropriations not be made, I do not see how it is possible to do more for the herbarium than simply to preserve it from destruction. It can not be kept in such shape that it will be conveniently available for reference; it can not be increased in order to keep pace with the growth of botanical knowledge and the necessities of American botanists and of the Department of Agriculture. Nothing can be done with the great amount of material which is already on hand, which requires special treatment for its preservation and utilization. It will also be impossible to carry on the system of exchange, long practiced, by which not only the National Herbarium but all the herbariums of the country are constantly benefiting.

Should the sum of $10,000 be provided, it would be utilized in the first place by the retention of the staff of skilled assistants, clerks, and preparators already engaged upon this work and now on the rolls of the Department of Agriculture. The direct charge of the herbarium would be, as now, in the hands of the Botanist of the Department of Agriculture, who, by permission of the Secretary of Agriculture, serves in this capacity without compensation with the title of honorary curator in the National Museum. There are also two skilled assistants, one at $1,800 and one at $1,200; and it is desired to add another at $1,500 to take charge of the collection of cryptogamic plants. There is also a typewriter and clerk at $900, one preparator at $720, and three at $900; making, in all, $7,920.

Supplies and materials for preservation cost annually about $1,000, about $800 of this sum being required for the purchase of paper for mounting and covers.

A certain sum is required each year for the acquisition of new material—the types of new investigations and the results of explorations of the year. For this a sum of about $750 is required. This would leave a contingent fund of $330.

Should the desired sum be granted, it will be possible to maintain this vast collection, which is of much importance to botanical science, in a manner befitting the dignity of the nation.

I am, sir, yours, with great respect,

G. BROWN GOODE,
Acting Secretary.

The Hon. WILLIAM B. ALLISON,
Chairman of the Appropriations Committee, United States Senate.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, D. C., April 22, 1896.

Hon. W. B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

DEAR SIR: In response to your desire, communicated through Mr. Coville, for further information as to the purpose and effect of granting to the National Museum an additional sum of $10,000 for the maintenance of the National Herbarium, I have to reply as follows:

When, nearly two years ago, the Secretary of Agriculture found the Department buildings entirely too small and it was brought to his attention that a large amount of space was occupied by a collection of plants estimated to be worth $250,000 and liable at any time to be destroyed by fire, arrangements were made with the Smithsonian Institution to house the collection in the fireproof building of the National Museum. The Department agreed to retain on its rolls so long as the appropriation admitted it the force of assistants necessary in caring for the collection, but the unexpected reduction in the botanical appropriation recently made has forced the Secretary to ask that he be relieved of this charge.

If the proposed appropriation be made, the force of assistants and mounters now engaged in caring for the herbarium in the National Museum building will be transferred to the rolls of that Institution, and the places thus made vacant upon the statutory roll in our Division of Botany will be filled by the transfer of employees now on the botanical lump sum. No new employees will be appointed as a result of the change, and the statutory position of assistant curator will be left vacant during the coming year, either to be abolished in the next Agricultural appropriation bill or to be changed to assistant botanist.

Besides the emergency reasons just cited for the transfer of the herbarium, the Department holds that the care of the collection is properly the function of the Smithsonian Institution, but that it should always be open to the botanists of the Department for reference and consultation in any investigations in which they need it. The object, and the sole object, of the proposed change is to place the herbarium in good hands and in its legitimate place, so as to enable the Department to organize all the botanical work on a distinctly practical basis.

Respectfully,

CHAS. W. DABNEY, JR.,
Assistant Secretary.

N. B.—This letter is written in connection with that of the acting secretary of the Smithsonian Institution, dated April 22, 1896, addressed to the Hon. W. B. ALLISON, chairman Committee on Appropriations, United States Senate, which is our authority for the above statement with regard to the part to be performed by the National Museum and Smithsonian Institution.

The PRESIDING OFFICER. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. In line 1, page 33, before the word "thousand," it is proposed to strike out "forty-three" and insert "fifty-three"; so as to make the clause read:

For continuing the preservation, exhibition, and increase of the collections from the surveying and exploring expeditions of the Government, and from other sources, including salaries or compensation of all necessary employees, $153,225.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 33, line 4, to increase the appropriation for repairs to buildings, shops, and sheds, National Museum, from $4,000 to $8,000.

The amendment was agreed to.

The next amendment was, in line 23, page 33, to increase the appropriation for the National Zoological Park from $65,000 to $70,000.

The amendment was agreed to.

The next amendment was, on page 36, line 8, after the word "dollars," to strike out "one laborer, $480" and insert "two laborers, at $540 each"; and in line 11, before the word "and," to strike out "three thousand four hundred" and insert "four thousand"; so as to make the clause read:

Green Lake (Maine) station: Superintendent, $1,500; foreman, $780; fish-culturist, $660; two laborers, at $540 each; in all, $4,020.

The amendment was agreed to.

The next amendment was, on page 37, line 1, before the word "dollars," to strike out "five hundred and forty" and insert "six hundred"; and in line 4, before the word "dollars," to strike out "seven hundred and eighty" and insert "nine hundred and sixty"; so as to make the clause read:

Woods Hole (Massachusetts) station: Superintendent, $1,500; machinist, $900; fish-culturist, $900; pilot and collector, $720; three firemen, at $600 each; two laborers, at $540 each; in all, $6,960.

Mr. LODGE. I wish to say a word on the amendment. The committee has been good enough to raise the pay of the firemen from five hundred and forty to six hundred dollars, but I do not see why, as they do the same work, they should not receive the same pay that is paid at the Cape Vincent station. Woods Hole is the largest station, I believe. The work is extremely heavy. If the employment is worth $720 as established at Cape Vincent, where the duties are the same as at Woods Hole station—I think the work is precisely the same at both places—the same class of labor being employed, it is only fair that the firemen at Woods Hole station should receive the same grade of pay that is given to those at the Cape Vincent station. I would suggest to make it the same as at Cape Vincent—that is, $720 instead of $540.

Mr. ALLISON. I hope the Senator from Massachusetts will not press the motion. If he will look over the different stations he will see that a large number of firemen receive much less than those at Woods Hole. We looked into the matter with considerable care. We did not feel that we could fairly reduce the laborers at the Cape Vincent station. If the Senator will look at the provision as to the office of the Commissioner in this city he will see that the firemen receive only $540.

Mr. LODGE. Those duties are not the same as at the stations.

Mr. ALLISON. They are of like nature.

Mr. LODGE. That is simply for firemen to be employed in heating the building.

Mr. ALLISON. Here in this station——

Mr. LODGE. It does not mean the station. That is for the office of the Commissioner, and it is not the station.

Mr. ALLISON. It is the fish station here, including the office of the Commissioner.

Mr. LODGE. The fish station here is the fish pond. The provision the Senator refers to is simply for ordinary firemen to run the engine in the building. I am speaking of the station, where the work is connected with the work of fish culture. If the Senator will point out to me the pay of a fireman at some other station which is less, I shall not make any unreasonable objection.

Mr. ALLISON. Very well; I will do so. Take Green Lake, Me., where the laborers are receiving only $480.

Mr. LODGE. Those are laborers. I mean firemen. Our laborers are getting the same.

Mr. ALLISON. That is true.

Mr. LODGE. I am speaking of firemen.

Mr. ALLISON. We increased the laborers as we increased the firemen at Woods Hole.

Mr. LODGE. The laborers at Green Lake have been paid on the same basis as the laborers at Woods Hole, to which I make no objection. I think it is proper. I am speaking of the firemen at the station, whose work is connected directly with the work of fish culture.

Mr. ALLISON. The firemen in this city at the office of the Commissioner receive only $540. They are engaged in the same kind of work.

Mr. LODGE. That is an entirely different kind of work I think.

Mr. ALLISON. There is an aquarium on the first floor of the building where the office of the Commissioner is situated. I hope the Senator from Massachusetts will be content with what we have done in this matter. I think it is an increase that they ought to be satisfied with.

Mr. LODGE. I looked through the list of stations hastily and I may be mistaken, but I could find only the two firemen at Cape Vincent in addition to the three at Woods Hole, because that is a large station——

Mr. ALLISON. The Senator is right except as to this city.

Mr. LODGE. Those in this city, I suppose, have simply the ordinary charge of the furnace and steam-heating apparatus.

Mr. ALLISON. They are firemen.

Mr. LODGE. That is the reason I desire to have those at Woods Hole put on the same basis as the firemen at the Cape Vincent station.

Mr. ALLISON. I do not like to move to reduce the firemen at the Cape Vincent station. If the Senator thinks it ought to be done——

Mr. LODGE. I have no desire to have the pay of the firemen there reduced. I do not think they are overpaid, but it seems to me that those at Woods Hole might fairly be paid at the same rate. It is a very small amount.

Mr. ALLISON. Five hundred and forty dollars is the amount that has been paid there for some years. We saw no great necessity for increasing their pay at a single jump $10 a month. I hope the Senator from Massachusetts will be satisfied with what has been done.

Mr. LODGE. Very well; I will not press the matter.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 38, line 15, after the word "dollars," to insert "one skilled laborer, $720"; and in line 18, before the word "dollars," to strike out "two thousand eight hundred and twenty" and insert "three thousand five hundred and forty"; so as to make the clause read:

Neosho (Mo.) station: Superintendent, $1,500; foreman, $720; one skilled laborer, $720; one laborer, $600; in all, $3,540.

The amendment was agreed to.

The next amendment was, on page 38, line 21, after the word "each," to insert "one skilled laborer, $720"; and in line 24, before the word "dollars," to strike out "four thousand nine hundred and eighty" and insert "five thousand seven hundred"; so as to make the clause read:

Leadville (Colo.) station: Superintendent, $1,500; foreman, $1,200; two fish culturists, at $900 each; one skilled laborer, $720; cook, $480; in all, $5,700.

The amendment was agreed to.

The next amendment was, on page 39, line 3, after the word "dollars," to insert "one laborer, $600"; and in line 4, before the word "and," to strike out "three thousand four hundred" and insert "four thousand"; so as to make the clause read:

Baird (Cal.) and Fort Gaston (Cal.) stations: Superintendent, $1,500; foreman, $1,080; foreman, $900; one laborer, $600; in all, $4,080.

The amendment was agreed to.

The next amendment was, on page 40, line 12, before the word "hundred," to strike out "two" and insert "four"; and in line 16, before the word "hundred," to strike out "fourteen thousand nine" and insert "fifteen thousand one"; so as to make the clause read:

Division of statistics and methods of the fisheries: Assistant in charge, $2,500; one clerk of class 4; one clerk of class 1; two clerks, at $1,000 each; one clerk, at $900; two clerks, at $720 each; statistical agent, $1,400; three statistical agents, at $1,000 each; one local agent at Boston, Mass., $900; one local agent at Gloucester, Mass., $600; in all, $15,140.

The amendment was agreed to.

The next amendment was, on page 41, line 10, to increase the appropriation for the contingent expenses of the office of the Fish Commissioner from $9,000 to $10,000.

The amendment was agreed to.

The next amendment was, on page 41, line 16, to increase the appropriation for propagation of food-fishes from $105,000 to $112,000.

The amendment was agreed to.

The next amendment was, on page 42, after line 16, to insert:

Fish hatchery in South Dakota: For the establishment of a fish-culture station in the Black Hills, in the State of South Dakota, at a point to be selected by the United States Commissioner of Fish and Fisheries, $10,000.

The amendment was agreed to.

The next amendment was, in the clause for the Interstate Commerce Commission, at the top of page 43, to strike out:

For all other necessary expenditures to enable the Commission to properly carry out the objects of the "act to regulate commerce" (including expenditures for counsel), to give effect to the provisions of said act and all acts and amendments supplementary thereto, $184,000.

And insert:

For all other necessary expenditures to enable the Commission to give effect to the provisions of the "act to regulate commerce," and all acts and amendments supplementary thereto, $184,000, of which sum not exceeding $25,000 may be expended in the employment of counsel.

The amendment was agreed to.

The next amendment was, on page 44, line 10, to increase the appropriation for contingent expenses, independent treasury, from $75,000 to $100,000.

The amendment was agreed to.

The next amendment was, on page 44, line 13, to increase the appropriation for transportation of silver coin from $55,000 to $70,000.

The amendment was agreed to.

The next amendment was, on page 45, line 4, before the word "silver," to insert "fractional"; so as to make the clause read:

Recoinage of silver coins: For recoinage of the uncurrent fractional silver coins in the Treasury, to be expended under the direction of the Secretary of the Treasury, $100,000.

The amendment was agreed to.

I am informed, this can no longer be done.

The amendment was agreed to.

Mr. ALLISON. I do not like to move to reduce the firemen at

The next amendment was, on page 52, after line 7, to insert:

To enable the Secretary of the Treasury to pay to John Lampman, of Alexandria, Minn., for capturing, arresting, and procuring the conviction of Thomas F. Truman and John Martin for breaking into the United States post-office at Alexandria, Minn., on the 11th day of April, 1893, and stealing therefrom money of the United States to the amount of $181.21, together with a large number of postage stamps of the United States, $150.

The amendment was agreed to.

The next amendment was, on page 53, line 1, to increase the appropriation for the quarantine service from $125,000 to $137,000.

The amendment was agreed to.

The next amendment was, on page 53, after line 19, to insert:

Map of the United States: For engraving on copper the map of the United States prepared by the General Land Office, $12,000.

The amendment was agreed to.

The next amendment was, on page 54, line 5, to increase the appropriation for work at Capitol from $25,000 to $30,000.

The amendment was agreed to.

The next amendment was, on page 54, after line 5, to insert:

To provide flags for the east and west fronts of the center of the Capitol, to be hoisted daily under the direction of the Capitol police board, $100, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 54, after line 9, to insert:

For continuing the work of cleaning and repairing works of art in the Capitol, including the repairing of frames, under the direction of the Joint Committee on the Library, $1,500.

The amendment was agreed to.

The next amendment was, on page 54, after line 13, to insert:

For necessary repairs and improvements to the steam-heating and ventilating apparatus of the Senate, including air ducts, elevators, legislative bell service, and all machinery relating thereto in the Senate wing of the Capitol, including the Supreme Court, under the direction of the Architect of the Capitol, $4,000.

The amendment was agreed to.

The next amendment was, on page 55, line 2, after the word "including," to insert "the Capitol Grounds"; and in line 7, before the word "thousand," to strike out "sixteen" and insert "twenty-six"; so as to make the clause read:

Lighting the Capitol: For lighting the Capitol, including the Capitol Grounds, the Botanic Garden, Senate and House stables, Maltby Building, and folding and storage rooms of the House of Representatives; for gas and electric lighting; pay of superintendent of meters, lamplighters, gas fitters, and for materials and labor for gas and electric lighting, and for general repairs, $26,000.

The amendment was agreed to.

The next amendment was, on page 55, after line 8, to strike out:

Lighting Capitol Grounds: For electric lights for three hundred and sixty-five nights for 50 posts in the public grounds about the Capitol, at 28 cents per light per night, burning from forty-five minutes after sunset to forty-five minutes before sunrise, and operated wholly by means of underground wires; and each arc light shall be of not less than 1,000 actual candlepower, $5,110: *Provided*, That all wires shall be placed under ground, and the conduits, wires, lamp-posts complete shall be furnished by the electric light company without expense to the United States, and that 28 cents per lamp per night shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in the said public grounds about the Capitol.

The amendment was agreed to.

The next amendment was, on page 55, after line 22, to insert:

For the extension of the electric-light plants in the Capitol and to the grounds about the Capitol: For additional engine and generator, running of conduits, wiring, lamps and fixtures, steam pipe and fitting, cables for feeder system, and for the pay of electricians, wire men, and laborers, said work to be done by the Architect of the Capitol, under the direction of the Senate Committee on Rules, in accordance with the plan adopted by said committee, $45,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 56, after line 8, to insert:

Ventilation, Senate wing of the Capitol: For the improvement of the ventilation of the Senate wing of the Capitol, including the installation of refrigerating apparatus, in accordance with the plans submitted by Prof. S. H. Woodbridge to the Committee on Rules, United States Senate, said work to be done by the Architect of the Capitol under the supervision of said Woodbridge and the direction of the Senate Committee on Rules, $55,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 58, line 12, to increase the appropriation for surveying public lands from $250,000 to $400,000.

The amendment was agreed to.

The next amendment was, on page 60, after line 20, to insert:

When, under the provisions of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895," approved August 18, 1894, any State may authorize any person or persons to reclaim arid lands, in pursuance and acceptance of the terms of the grant made in section 4 of said act, then such person or persons are authorized to create, in pursuance of the laws of such State, a lien or liens on and against the separate legal subdivisions of land reclaimed, for the actual cost and necessary expenses of reclamation and reasonable interest thereon from the date of reclamation until disposed of to actual settlers; and when an ample supply of water is actually furnished in a substantial ditch or canal, or by artesian wells or reservoirs, to reclaim a particular tract or tracts of such lands, then patents shall issue for the same to such State without regard to settlement or cultivation: *Provided*, That in no event, in no contingency, and under no circumstances shall the United States be in any manner directly or indirectly liable for any amount of any such lien or liability, in whole or in part.

Mr. CARTER. I offer an amendment to the amendment of the committee.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to strike out all after line 20, on page 60, down to and including line 4, on page 61, and in lieu thereof insert:

That under any law heretofore or hereafter enacted by any State providing for the reclamation of the arid lands in pursuance and acceptance of the terms of the grant made in section 4 of an act entitled "An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1895," approved August 18, 1894, a lien or liens is hereby authorized and shall be valid.

Mr. ALLISON. I ask that the provision may now be read as it will read if amended.

The PRESIDING OFFICER. The Secretary will read the committee amendment as it is proposed to be amended by the Senator from Montana.

The Secretary read as follows:

That under any law heretofore or hereafter enacted by any State providing for the reclamation of arid lands in pursuance and acceptance of the terms of the grant made in section 4 of an act entitled "An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1895," approved August 18, 1894, a lien or liens is hereby authorized and shall be valid on and against the separate legal subdivisions of land reclaimed, for the actual cost and necessary expenses of reclamation and reasonable interest thereon from the date of reclamation until disposed of to actual settlers; and when an ample supply of water is actually furnished in a substantial ditch or canal, or by artesian wells or reservoirs, to reclaim a particular tract or tracts of such lands, then patents shall issue for the same to such State without regard to settlement or cultivation: *Provided*, That in no event, in no contingency, and under no circumstances shall the United States be in any manner directly or indirectly liable for any amount of any such lien or liability, in whole or in part.

Mr. ALLISON. Those provisions have been prepared with care by the Senator from Missouri [Mr. COCKRELL], a member of the committee, and I understand that he has examined and assents to the modification. Therefore the committee will make no objection to the amendment to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 61, after line 16, to insert:

That the city of Bismarck, in the State of North Dakota, by and through its regular city council, shall have authority to use or lease Sibley Island, an island in the Missouri River near said city of Bismarck, for a public park: *Provided*, That nothing herein contained shall be construed as authorizing the felling of timber on said island for sale or consumption, nor shall any timber be cut save for the purpose of improving or beautifying the grounds.

The amendment was agreed to.

The next amendment was, on page 61, after line 24, to insert:

That the sum of $1,000, appropriated by the sundry civil act, approved August 18, 1894, to enable the Secretary of the Interior to examine the desert lands selected by the States under the provisions of section 4 of said act (28 Stat. L., page 422), be, and is hereby, reappropriated and made available for the examination of said lands during the fiscal years of 1896 and 1897.

Mr. ALLISON. This amendment has been inserted in the deficiency appropriation bill by the House, and therefore it should be disagreed to.

The amendment was rejected.

PROPOSED INVESTIGATION OF BOND SALES.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A resolution, by Mr. PEFFER, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. PEFFER. While the resolution is before the Senate, I wish to modify it in one other respect; that is, to strike out in line 21, after the word "bonds," all that follows to the word "arrangement," in line 5, on page 3. That is the only additional modification that I wish to make. I ask that the resolution may be printed in the amended form, so that Senators will understand the form in which the resolution will appear when it comes up for discussion.

The PRESIDING OFFICER. The Senator from Kansas proposes a modification of the resolution and asks that it be reprinted as modified. The Chair hears no objection.

Mr. ALLISON. I ask that the unfinished business be informally laid aside, that the Senate may proceed with the consideration of the sundry civil appropriation bill.

The PRESIDING OFFICER. There is no objection, and it will be so ordered.

HOUSE BILLS REFERRED.

The bill (H. R. 7216) donating one condemned cannon and cannon balls to Grand Army of the Republic Post, No. 573, of Evans City, Pa., was read twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. 7334) granting an increase of pension to William

T. Applegate was read twice by its title, and referred to the Committee on Pensions.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

A bill (S. 1835) to execute the findings of the Court of Claims in the matter of the claim of John J. Shipman against the United States; and

A bill (H. R. 951) to amend the military record of Dan S. Place, first lieutenant, Eighteenth Indiana Volunteers.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the items for the United States Geological Survey, on page 62, line 18, before the word "geographer," to strike out "chief"; so as to make the clause read:

For one geographer, $2,700.

The amendment was agreed to.

The next amendment was, on page 63, line 10, to increase the appropriation for topographic surveys in various portions of the United States from $150,000 to $175,000.

The amendment was agreed to.

The reading of the bill was continued to line 5, on page 65.

Mr. ALLISON. In line 4, page 65, before the word "thousand," I move to strike out "thirty-five" and insert "fifty"; so as to read:

For gauging the streams and determining the water supply of the United States, including the investigation of underground currents and artesian wells in arid and semiarid sections, and the preparation of reports upon the best methods of utilizing the water resources of said sections, $50,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 65, line 9, to increase the total appropriation for the United States Geological Survey from $449,100 to $474,100.

Mr. ALLISON. I move to amend the amendment so as to increase the total to $489,100.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 67, line 14, to increase the appropriation for general repairs and improvements at the Government Hospital for the insane from $13,000 to $16,000.

The amendment was agreed to.

The next amendment was, on page 67, after line 20, to insert:

For rebuilding shops, $7,000.

The amendment was agreed to.

The next amendment was, on page 67, after line 21, to insert:

For laboratory extension, $1,500.

The amendment was agreed to.

The next amendment was, on page 67, after line 23, to insert:

For electric fans and resistance coils, $6,000.

The amendment was agreed to.

The next amendment was, on page 69, after line 14, to insert:

For all expenses of a school at Circle City, including hire of a teacher, $1,500.

The amendment was agreed to.

The next amendment was, on page 69, line 20, to increase the appropriation for support of the reindeer station at Port Clarence, Alaska, from $5,000 to $12,000.

The amendment was agreed to.

The next amendment was, at the top of page 70, to insert:

To enable the Government to take official part in the international exhibition to be held at Brussels, Belgium, during the year 1897, $35,000.

The amendment was agreed to.

The next amendment was, on page 70, after line 4, to insert:

For salary of consul at Alexandretta, Turkish Dominions, $1,500.

The amendment was agreed to.

The next amendment was, on page 70, after line 6, to insert:

For editing, under the direction of the Secretary of State, with a view to future publication, all reports, papers, and documents belonging to the United States relating to the war of the Revolution, and the operation, organization, and administration of the forces therein engaged, and now in the custody of the State Department, $5,000.

The amendment was agreed to.

The next amendment was, on page 70, after line 12, to insert:

In editing the documents hereinbefore provided for all muster rolls, pay rolls, morning reports, regimental and company returns, and other lists or rosters of officers and enlisted men in said war of the Revolution, and all pensioners of said war shall not be included, but the same shall be collected and deposited for public uses in the Record and Pension Office of the War Department, to be there preserved and indexed as the rolls of the later wars have been.

Mr. ALLISON. I move at the end of the paragraph to insert a semicolon and the words:

And the Secretaries of State and of War shall each designate some competent person to examine such documents and determine those that should be transferred to the Record and Pension Office and those that should be retained in the State Department, and in case of their disagreement the said Secretaries shall select some third person to decide the questions.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 70, after line 20, to insert:

Authority is hereby given to expend from the appropriation of $100,000, made by the act approved December 21, 1895, for the expenses of the Commission to Investigate and Report upon the True Divisional Line between the Republic of Venezuela and British Guiana, such amount for rent of building or part of building in the District of Columbia as may be deemed necessary by the Commission.

Mr. GORMAN. I ask the Senator from Iowa whether it would not be wise to put a limit to the amount to be paid for rent?

Mr. ALLISON. The committee in considering this provision did not think it necessary to establish any limit to the amount to be paid for rent, inasmuch as with great promptness some time ago Congress passed an appropriation of $100,000 in bulk, supposing at the time that it would include the necessary rent of a building for the use of the Commission. So, having given them absolute, unlimited power as respects the remainder of the $100,000, I think we may fairly trust them not to be extravagant in the matter of rent.

Mr. GORMAN. What is the occasion for making this provision when we authorized the Commission to expend without any restriction whatever the appropriation of $100,000?

Mr. ALLISON. There is a general law which provides that no general appropriation shall be applied to the rent of buildings in the District of Columbia, and that no Department shall have authority to rent buildings under a general provision. So the Comptroller has decided, and I have no doubt, will decide that the general appropriation of $100,000 will not cover the matter of rent. That is the only reason for inserting it here, I understand.

Mr. GORMAN. Does the Senator from Iowa say that such a decision has been made; that after Congress with great haste and great unanimity placed at the disposal of the President of the United States a hundred thousand dollars to settle a great international question—to prevent a war—the Comptroller of the Treasury has stepped in and said to the Commission that they can not pay a reasonable amount for rent out of the $100,000? Do I understand that to be the case?

Mr. ALLISON. I understand that the Comptroller of the Treasury decides that under a statute passed some years ago it is not competent to rent buildings in the District of Columbia under a general appropriation for expenses. I am not sure that the Comptroller has already so decided, but I understand that is to be the ruling, if it has not already been so ruled by him. That is the only object in inserting this provision, in order that rent may be paid for the building or portion of building which is now being occupied by the Venezuelan Commission.

Mr. GORMAN. I am amazed that that should be the state of the case.

Mr. ALLISON. The Senator from Maryland is aware, of course, that the present Comptroller is very rigid in his rulings on a good many subjects.

Mr. GORMAN. I understand that he is very rigid, as all the Comptrollers have been; but under great excitement, at the request of the President of the United States, we authorized him to create the Commission and placed in his hands $100,000 to be expended for any purpose whatever in connection with their investigation. I supposed the enactment was broad enough to authorize them to send agents abroad, to make maps, to employ clerks and other assistants, and, as a matter of course, to pay the necessary expense for quarters here suitable to the dignity of this great Commission. They have, I understand, selected very good quarters. Now we are confronted with the fact that after this great conference is organized that Congress proposed to the President, designed to settle a great question between the two greatest nations on earth, it is necessary to put in a provision to cover the matter of rent. I do not understand it. I ask the Senator from Iowa if there is an official communication from the Department showing that the Comptroller has interfered so seriously with this great Commission?

Mr. ALLISON. I believe there is a letter either from a member of the Commission or from the Secretary of the Treasury—I am not sure—among our documents here, stating that under the general statute to which I have adverted but do not have before me, the Comptroller either had decided or would decide that rent could not be paid under the appropriation of $100,000. I will try to find the letter so that the Senator may have it spread upon the record. The Comptroller, I believe, holds that the Commission can not under the provision pay rent which they have agreed to pay.

Mr. GORMAN. I should like to ask the Senator if he concurs

in a view of that sort, that the general law, which prohibits in ordinary cases officers of the Government from renting buildings for quarters, would apply to a great commission of this kind, which Congress created, placing absolutely in the hands of the President $100,000 to be used as he deemed best for the disposal of a great international question? I ask if that law applies in a case of this sort?

Mr. ALLISON. I should not have supposed so, but it seems it does, because the rent has not been paid and can not be paid without some further provision of law.

Mr. GORMAN. I am utterly amazed at it. I trust that hereafter, if we are to rush through resolutions which affect grave international affairs in which not only our own country but the entire world is concerned, there will be no trouble in a case of this kind, where the President of the United States is authorized to appoint a commission, in renting quarters in which to conduct their business, and where they are to invite the representatives of foreign governments to join them. It seems to me a very small affair.

Mr. ALLISON. It does seem ridiculous, I will say to the Senator; but we are in this difficulty: The appropriation was a general appropriation for the expenses of the Commission, and the Comptroller holds that under a prior statute, which forbade any of the Government Departments from renting buildings under any general appropriation, this Commission could not rent a building in this way.

Mr. GORMAN. Of course I think it is the general feeling throughout the country that the emergency for which the Commission was created has probably passed by, if a serious one ever existed. I am delighted that it has dwindled now to a mere matter of rent. I trust we are not to have any further serious trouble with this great problem; but I do want to emphasize the statement I have made, that it seems to me it is utterly ridiculous that an officer of the Treasury Department should be permitted to bring about such a state of things with this Commission, which is a very important one. I do not know how the executive branch of the Government may view the case, but I think it ought never to have been permitted to come here in the shape it is. The Comptroller ought to have found, at all events, what was the wish of the State Department and the President of the United States, and not have raised this small point. I understand that ordinarily Comptrollers do such things, and very properly in cases of ordinary administration, where officers may contract debts for the Government which are not authorized by the letter of the law; but in this particular case, it seems to me, considering the circumstances under which the appropriation was made, with full liberty on the part of the President to expend this money in any form he saw proper, that this provision ought not to have found its way into this bill.

Mr. WALTHALL. I should like to ask the chairman of the committee if the act appropriating $100,000 for the expenses of the Commission did not repeal the law to which the Comptroller refers? That act provides—

That the sum of $100,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the expenses of a commission to be appointed by the President to investigate and report upon the true divisional line between the Republic of Venezuela and British Guiana.

If rent is part of the expenses, this is a specific provision for that purpose, and undoubtedly repeals pro tanto the law on which the Comptroller relies. I do not think the Comptroller ought to be humored by this sort of an appropriation.

Mr. ALLISON. The difficulty is—at least it seems to be—that the Comptroller decides that this rent can not be paid out of the $100,000 heretofore appropriated. While it is very pleasant for us to decide otherwise, it is not so convenient to the person who has rented a building and can not get his money until the appropriation be made available. I should be glad that my opinion or the opinion of the Senator from Mississippi would be taken, but the difficulty is that the Comptroller has the control of this matter, and the person to whom the rent is due can not get his rent.

Mr. WALTHALL. Can there be any sort of doubt as to the proper construction of the law I have read?

Mr. ALLISON. It would appear from the reading that the Senator's interpretation of it is right. I have not at hand the general statute which is quoted as controlling this provision, which was passed some four or five years ago upon an appropriation bill, but I will have the statute here in a few minutes, if the Senator desires to read it.

Mr. WALTHALL. The law I have read is manifestly a later law, and repeals the former one.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The amendment will be considered as agreed to, if there be no objection.

Mr. ALLEN. I want to put just one question to the Senator from Iowa for information. This Government owns a great many million dollars' worth of property in this city, among other buildings a very large State Department. Was there any necessity for renting a private building for this Commission? Could it not have been put in the State Department or some other Government building?

Mr. ALLISON. I have not examined into that question, but I take it for granted that it was necessary to rent portions of a building for this purpose, as I think there are no vacant quarters in any of the departmental buildings. In fact, we are paying now, I think, in the city of Washington about $140,000 per annum for the use of the various Departments for the rent of buildings outside of buildings owned by the Government. So I have no doubt it was necessary to rent quarters for the accommodation of this Commission.

Mr. ALLEN. It appears to me that two or three rooms could have been found in the State Department or some other eligible quarters in a public building for this Commission, without going to the expense of renting of the Washington real-estate syndicate an expensive building for an indefinite length of time at the expense of the Government.

Mr. GORMAN. I think this is one of the cases where we ought to make a stand, unless, in the better judgment of the Senator from Iowa, it is absolutely necessary that the appropriation be made at this time. The act creating this Commission, as quoted by the Senator from Mississippi, is so plain, that it seems to me there can be no question regarding it. The Senator has kindly handed me that act, and I will read it again:

That the sum of $100,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the expenses of a commission to be appointed by the President to investigate and report upon the true divisional line between the Republic of Venezuela and British Guiana.

This act was approved December 21, 1895. It seems full and complete.

Mr. ALLISON. The Senator will see that if the Comptroller decides otherwise it is necessary to make some provision in this bill.

Mr. GORMAN. I ask to have the amendment go over, and let us see whether the Comptroller has so decided. I should like to know whether that officer, in a case of this kind, not the ordinary case of an appropriation for an ordinary commission, but for a high Commission, has made such a decision or not. Let the amendment go over until I can communicate with that officer.

Mr. ALLISON. I trust the Senator will allow the amendment to stand, as it has already been agreed to, and it can be taken up again, if necessary, when the bill is reported to the Senate. If we find the authority is given under that general clause we can strike out this provision.

Mr. GORMAN. Let the amendment be passed over for the present and I will telegraph to the officer.

Mr. ALLISON. Very well.

The PRESIDING OFFICER. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 71, after line 21, to insert:

For additional amount for the reconstruction of the Rock Island Bridge, as authorized by the act making appropriations for the sundry civil expenses of the Government for the fiscal year 1896, approved March 2, 1895, $10,200.

The amendment was agreed to.

The next amendment was, on page 72, after line 8, to insert:

For shop fixtures, shafting, hangers, pulleys, gearing, and belting connected therewith, for use with shop engine, $500.

The amendment was agreed to.

The next amendment was, on page 72, after line 22, to strike out:

For macadamizing that portion of Beyers street, the property of the United States, forming a highway of the city of Springfield, $1,000.

The amendment was agreed to.

The next amendment was, on page 73, line 8, after the word "dollars," to insert:

Provided, That no patented machine shall be erected unless the patentee shall first authorize its use by the Government without compensation to said patentee;

So as to make the clause read:

Watertown Arsenal, Watertown, Mass.: For manufacture and erection of an impact testing machine, $5,000: *Provided*, That no patented machine shall be erected unless the patentee shall first authorize its use by the Government without compensation to said patentee.

The amendment was agreed to.

The next amendment was, on page 73, after line 18, to insert:

Machine guns: For purchase of machine guns of approved musket caliber, of American manufacture, $15,000.

The amendment was agreed to.

Mr. GORMAN. I desire to call the attention of the chairman of the committee to the item at the foot of page 75, in relation to concrete or asphalt pavements in Washington City, where it is provided that the contracts shall not be at a higher price than $1.75 per square yard in the bill as it came from the House. The Senator was probably not present yesterday when the Engineer Commissioner of the District made a statement in relation to this item, showing that the limit fixed in the bill will not be sufficient for securing such work.

Mr. ALLISON. I am obliged to the Senator. That amendment was omitted. In line 22, on page 75, after the word "than," I move to strike out "one dollar and seventy-five" and insert "two dollars and fifteen."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 75, line 22, after the word "than," it is proposed to strike out "$1" and insert "$2," and in line 23, before the word "cents," to strike out "75" and insert "15"; so as to make the clause read:

That under appropriations herein contained no contract shall be made for making or repairing concrete or asphalt pavements in Washington City at a higher price than $2.15 per square yard for a quality equal to the best laid in the District of Columbia prior to July 1, 1886, and with a base of not less than 6 inches in thickness.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 76, after line 9, to insert:

For fencing and planting children's playground in East Washington (reservation No. 126), $1,500.

The amendment was agreed to.

The next amendment was, on page 76, after line 12, to insert:

For paving the roadways on the east and south sides of the State, War, and Navy Department building, $15,000.

The amendment was agreed to.

The next amendment was, on page 77, line 7, before the word "dollars," to strike out "eleven thousand five hundred" and insert "fourteen thousand"; in line 10, after the word "than," to strike out "$16" and insert "$20.50"; and in line 13, after the word "burn," to strike out "every night on the average from forty-five minutes after sunset to forty-five minutes before sunrise" and insert "not less than three thousand hours per annum"; so as to make the clause read:

Lighting the Executive Mansion and public grounds: For gas, pay of lamplighters, gas fitters, and laborers; purchase, erection, and repair of lamps and lamp-posts; purchase of matches, and repairs of all kinds; fuel and lights for office, office stable, watchmen's lodges, and for the greenhouses at the nursery, $14,000: *Provided*, That for each 6-foot burner not connected with a meter in the lamps on the public grounds no more than $20.50 shall be paid per lamp for gas, including lighting, cleaning, and keeping the lamps in repair, under any expenditure provided for in this act; and said lamps shall burn not less than three thousand hours per annum; and authority is hereby given to substitute other illuminating material for the same or less price, and to use so much of the sum hereby appropriated as may be necessary for that purpose: *Provided*, That before any expenditures are made from the appropriations herein provided for, the contracting gas company shall equip each lamp with a self-regulating burner and tip, so combined and adjusted as to secure, under all ordinary variations of pressure and density, a consumption of 6 cubic feet of gas per hour.

The amendment was agreed to.

The next amendment was, on page 78, line 1, before the word "cents," to strike out "20" and insert "30"; and in line 2, after the words "Executive Mansion," to strike out "$511" and insert "$766.50"; so as to make the clause read:

For electric lights for three hundred and sixty-five nights from seven posts, at 30 cents per light per night, on grounds south of Executive Mansion, $766.50.

The amendment was agreed to.

The next amendment was, on page 78, line 7, before the word "cents," to strike out "28" and insert "30"; in line 8, after the word "thousand," to strike out "$270.40," and insert "$504"; and in line 13, before the word "cents," to strike out "28" and insert "30"; so as to make the clause read:

For electric lights for three hundred and sixty-five nights for not exceeding 32 posts in Lafayette, Franklin, Judiciary, and Lincoln parks, at 30 cents per light per night, $3,504: *Provided*, That all wires shall be placed underground, and that the conduits, wires, lamp-posts complete, shall be furnished by the electric light company without expense to the United States and that 30 cents per lamp per night shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in the parks mentioned.

The amendment was agreed to.

The next amendment was, on page 80, line 16, to increase the appropriation for the construction of buildings and the enlargement thereof at military posts from $300,000 to $400,000.

The amendment was agreed to.

Mr. ALLISON. On page 80, line 21, I move to strike out the letter "s" at the end of the word "posts"; so as to read:

Military post at Spokane, Wash.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 80, line 22, to increase the appropriation for beginning the construction of permanent buildings, etc., at the military post at Spokane, Wash., from $50,000 to $100,000.

The amendment was agreed to.

The next amendment was, on page 81, after line 2, to insert:

To continue construction of buildings at the Fort Harrison military post, in Montana, to be expended under the direction of the Secretary of War, $60,000.

The amendment was agreed to.

The next amendment was, on page 81, after line 5, to insert:

To extend the barracks and make necessary sanitary improvements at Fort D. A. Russell, Wyo., to be expended under the direction of the Secretary of War, $50,000.

The amendment was agreed to.

The next amendment was, on page 81, line 12, after the word "dollars," to insert "to be immediately available"; so as to make the clause read:

Fort Wayne Military Reservation: For improving the Fort Wayne Military Reservation, $30,000, to be immediately available.

The amendment was agreed to.

Mr. PALMER. I wish to call the attention of the chairman of the Committee on Appropriations to the proviso, beginning on line 6, page 82, to the clause relative to the target range at Jefferson Barracks, Mo.:

Provided, That any land purchased hereunder shall be unincumbered by any private or public ways or roads.

What does that mean? Is it the intention to exclude the purchase of land upon which there are public highways?

Mr. ALLISON. I should think that would be the intention; in other words, it is not wished to authorize the purchase of land which would be encumbered by an obligation to maintain a public highway.

Mr. PALMER. I know something of the ground, and I am not quite sure that that proviso is proper. I only ask for information.

Mr. ALLISON. That I understand to be the purpose.

The reading of the bill was resumed.

Mr. ALLISON. On page 82, line 14, in the clause relating to the improvement of the Yellowstone National Park, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 82, line 14, it is proposed to strike out "Yellowstone Park Reserve," and insert "Forest Reserve, in Wyoming, established by Executive proclamation September 10, A. D. 1891"; so as to read:

Improvement of the Yellowstone National Park: For the improvement and protection of the Yellowstone National Park, to be expended by and under the direction of the Secretary of War, not more than $5,000 of which may be expended within the limits of the Forest Reserve in Wyoming, established by Executive proclamation September 10, A. D. 1891, $35,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 84, line 2, to increase the appropriation for continuing improvement of harbor at Philadelphia Pa., from $480,000 to $600,000.

The amendment was agreed to.

The next amendment was, on page 84, after line 10, to insert:

For improving harbor at Mobile, Ala.: To enable the National Dredging Company, the contractor under the continuing contract for the improvement of the harbor at Mobile, Ala., to proceed with the work of dredging, under the direction of the Secretary of War, as authorized by the joint resolution of Congress passed the present session, $160,000.

The amendment was agreed to.

The next amendment was, on page 84, line 24, after the word "dollars," to insert:

Provided, That the Secretary of War be, and he is hereby, authorized and directed to expend of this amount not to exceed the sum of $20,000 in constructing on the land and river sides of the canal, between the upper lock gate masonry and the upper guard gate masonry, such portions of the walls proposed in the modified project presented by the Board of Engineers in its report of October 18, 1894 (which report was printed in the Annual Report of the Chief of Engineers for the year 1895, part 5, pages 3576 and following), as may be necessary to construct in advance of the opening of the canal to commerce: *Provided*, That the contractor or contractors for completing the construction of the said canal in accordance with the present adopted project shall consent to such use of this appropriation, and shall make no claim of any kind against the United States on account thereof;

So as to make the clause read:

For improving canal at the Cascades of the Columbia River, Oregon: Completing improvement, $179,597: *Provided*, That the Secretary of War be, and he is hereby, authorized and directed to expend of this amount not to exceed the sum of $20,000 in constructing on the land and river sides of the canal, between the upper lock gate masonry and the upper guard gate masonry, such portions of the walls proposed in the modified project presented by the Board of Engineers in its report of October 18, 1894 (which report was printed in the Annual Report of the Chief of Engineers for the year 1895, part 5, pages 3576 and following), as may be necessary to construct in advance of the opening of the canal to commerce: *Provided*, That the contractor or contractors for completing the construction of the said canal in accordance with the present adopted project shall consent to such use of this appropriation, and shall make no claim of any kind against the United States on account thereof.

Mr. MITCHELL of Oregon. I move to amend the amendment of the committee by inserting after the word "dollars," in line 1, on page 85, the words "to be immediately available."

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Oregon to the amendment reported by the committee.

Mr. GORMAN. I think the Senator from Oregon ought to state the necessity for that amendment. We shall need it hereafter, and I should like to have it myself, to be used in the consideration of the bill elsewhere.

Mr. MITCHELL of Oregon. I will state the reason. Under the first project for the construction of a canal and locks at the

Cascades of the Columbia, the work is about completed. The project, however, of extending the walls of the canal and locks was made necessary by an extraordinary rise of water some two years ago; and it is necessary, in order to open the locks to commerce, that this amount of money be immediately available for the construction of the walls specified in the amendment, which can be done at a cost perhaps of something considerably less than $20,000. If made immediately available the work can go on at once and the canal and locks will be opened.

Mr. GORMAN. The walls were erected to prevent floods from destroying the locks?

Mr. MITCHELL of Oregon. Certainly.

Mr. GORMAN. The Senator's information is that by making the money immediately available the work can be completed during the summer?

Mr. MITCHELL of Oregon. Immediately, without any delay whatever.

The amendment to the amendment was agreed to.

Mr. MITCHELL of Oregon. Then I suggest an amendment in the text of the bill, by striking out the word "completing," in line 22, page 84, and inserting the word "continuing," so that it shall not be for completing but for continuing the improvement.

The SECRETARY. In line 22, page 84, it is proposed to strike out the word "completing" and insert in lieu thereof the word "continuing"; so as to read:

For improving canal at the Cascades of the Columbia River, Oregon: Continuing improvement, $179,597.

Mr. ALLISON. I do not object to the amendment proposed by the Senator from Oregon, but I should like to know whether or not he proposes to insert the word "continuing," in view of the diversion of the $20,000, or if there will still be required an additional sum.

Mr. MITCHELL of Oregon. I do suggest it in view of the diversion of the $20,000, and in view of the further fact that the total amount estimated under the new project, in order to construct all the walls necessary to be constructed there, is $413,000. The $179,000 appropriated here is a part of the $413,000, so the engineers tell me.

Mr. ALLISON. May I ask the Senator when the new project was authorized?

Mr. MITCHELL of Oregon. About two years ago. It is referred to specifically on page 85.

Mr. ALLISON. The only thing that struck me as peculiar is that if a further appropriation will still be necessary to complete the work, we should have ascertained so accurately just the amount to be appropriated. I was under the impression, without having examined it with care, that the $179,597, being such an accurate statement of the amount necessary, must be an estimate for the completion of the work.

Mr. MITCHELL of Oregon. I can state, I think, how that is. It is the limit placed originally on the amount to be expended to complete the whole contract. That is true under the original project, but when the new provision was made, rendered necessary by the extraordinarily high water, then the amount estimated by the engineers to do the work was $413,000. The committee and the Senate will understand that the limit placed upon the amount to be appropriated to complete the first project will not all be required, I understand. Perhaps very little of the $179,000 will be required to complete the original project. Consequently the great bulk of the $179,000 will come out of the $413,000. I think it is all right and in accordance with the recommendation of the engineers.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Oregon [Mr. MITCHELL] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 85, line 17, to increase the appropriation for continuing improvement of harbor of refuge at Point Judith, Rhode Island, from $240,000 to $300,000.

The amendment was agreed to.

The next amendment was, on page 85, line 21, to increase the appropriation for continuing improvement of harbor and bay at Humboldt, Cal., from $159,000 to $225,000.

The amendment was agreed to.

The next amendment was, on page 86, line 4, after the word "patients," to strike out:

For the support and medical treatment of medical and surgical patients who are destitute in the District of Columbia, under contract or contracts to be made with responsible and competent persons or institutions by the Surgeon-General of the Army, $38,000, or so much thereof as may be necessary: *Provided*, That no payment shall be made under any such contract except for service actually rendered, for which specific compensation shall be provided under such contract.

And insert:

For the support and medical treatment of 95 medical and surgical patients who are destitute, in the city of Washington, under a contract to be made with the Providence Hospital by the Surgeon-General of the Army, $19,000.

Mr. GALLINGER. Before we act upon the amendment, it would be gratifying to me to have the Senator in charge of the bill give a brief explanation as to why the House provision should be stricken out and this amendment inserted. The House provision is for $38,000—

For the support and medical treatment of medical and surgical patients who are destitute in the District of Columbia, under contract or contracts to be made with responsible and competent persons or institutions by the Surgeon-General of the Army.

Then there is a proviso which reads:

Provided, That no payment shall be made under any such contract except for service actually rendered, for which specific compensation shall be provided under such contract.

It strikes me that the House provision is a proper one and that it meets specifically and accurately what we have undertaken to accomplish in our legislation, so far as appropriating public money is concerned to take care of destitute people in the District who may require medical and surgical attendance.

The amendment contemplates appropriating one-half of that amount to the Providence Hospital and the other half to the Garfield Memorial Hospital, as I understand it, and the provision requiring the service to be actually rendered is not included. For my part, I can not see why the change should be made, and I should like to have a brief explanation of the matter.

Mr. PLATT. And there is no contract?

Mr. GALLINGER. Yes, a contract is to be made, so far as the Providence Hospital is concerned.

I will simply state that I myself am clearly of the opinion that the House provision is the better one, and that it involves the element of business such as any careful business man or firm would insist upon in providing funds for carrying on charitable or benevolent work. I may be wrong.

Mr. ALLISON. The Committee on Appropriations considered the matter with some care and made examination respecting the effect of the provision as it came to us from the other House. Under the existing provision as to the support and medical and surgical treatment of patients, Providence Hospital, here mentioned, have a contract with the Government whereby they care for destitute medical and surgical patients at the rate of 60 cents a day, while the Garfield Memorial Hospital, the only other hospital which has the care of this class of persons, finds the cost to it in maintaining the patients to be 90 or 95 cents a day. The persons who are managing and caring for the Garfield Memorial Hospital say it is impossible to maintain the efficiency of the hospital unless they can have support from the Government itself as respects these destitute persons, and that if the House provision remains, as a matter of course the Surgeon-General will feel obliged, as I think he would be, being a mere administrative officer of the Government, to make a contract for the whole number of these patients with Providence Hospital, where the rate is 60 cents a day, as against Garfield Hospital, where the absolute cost is 95 cents a day.

So the committee, believing that the provision as to Garfield Hospital is absolutely necessary for the maintenance of the hospital, separated the provision as it came from the other House into two clauses, allowing Providence Hospital to continue its contract with the Surgeon-General at 60 cents a day and continuing the Garfield Memorial Hospital as provided for under the appropriation act of the current year.

I will say to the Senator from New Hampshire that there is no objection that I know of to the proviso. I think it is a wholesome proviso, and that it could be very well inserted at the end of either of the clauses; certainly at the end of the first paragraph. As to the next paragraph, relating to Garfield Hospital, I think it is not contemplated that a contract shall be made, but there is no objection to its insertion in connection with the first paragraph.

Mr. GALLINGER. Then I move an amendment to the amendment adding the proviso which is proposed to be stricken out by the amendment of the committee.

Mr. GORMAN. Let the amendment to the amendment be stated.

The SECRETARY. After the word "dollars," in line 16, page 89, it is proposed to insert the following proviso:

Provided, That no payment shall be made under any such contract except for service actually rendered, for which specific compensation shall be provided under such contract.

Mr. GORMAN. Mr. President, the Senator from Iowa in charge of the bill has stated very frankly and justly the condition as to these two hospitals. The provision as it came from the other House, as we understand it, would in effect have given to Providence Hospital all that they would have been entitled to under the old provision of law, and in all probability more. It would have deprived the Garfield Hospital of the possibility of reasonable existence. So much for the plain business statement of the case.

That was not the object of the House provision. It is one of

the many provisions which have been inserted in all the appropriation bills striking out all charitable institutions and educational institutions which are conducted and controlled by certain religious denominations. It may be well to separate, as the phrase goes, church from state in the matter of educational affairs. We have had the question discussed very thoroughly upon the Indian appropriation bill. We will have it very thoroughly discussed in the matter of charitable institutions in the District of Columbia. But I confess my amazement that any Congress of the United States or any party in control of the Congress of the United States could be so far swept from just treatment, from fair treatment, when it comes to a matter such as is now under consideration. If it be for political purposes, it will react upon the authors. Can it be that the Senate of the United States will ever agree to a proposition to strike down two great hospitals in the city of Washington, which take care of the unfortunate, simply because one of them happens to be controlled by one religious denomination?

I can understand the sentiment when it enters upon the public-school question; how men may be carried away by fanaticism; how a man can honestly believe that there ought to be no appropriations on that account. But in the matter of a hospital, the only one in the city of Washington which to-day is equipped to take charge of persons who are afflicted with diseases that are contagious, a hospital which the Congress of the United States has aided by giving it sufficient appropriations to enable it to put up one of its buildings, how can anyone propose to strike at it simply because it happens to be under the control of the Catholics? But in striking at it the authors of the proposition strike down another great hospital, known as the Garfield Hospital, which happens not to be under the control of Catholics, but of Protestants. They come and say to Congress, "You have stricken us down and have made it impossible for us to take care of the unfortunate." The provision as it comes to us would give it all, in all probability, to the Providence Hospital, because they can contract cheaper than the Garfield.

Now, the Senator from New Hampshire [Mr. GALLINGER], after the Committee on Appropriations have adjusted the matter properly and simply propose to continue the old rule of designating the amount to each one of these hospitals, offers a proviso as to one that a contract shall be made and they shall only be paid for service actually rendered. He proposes, I understand, to make a distinction between the two hospitals in a matter where life and limb and health are at stake. Can it be that the sentiment of proscription is to go that far? Has it come to this, that you will practically prohibit a good woman or a good man, because she or he is a Catholic, from attending a child who is afflicted with a disease that is contagious?

A great many things are occurring. A great many things do occur every four years. When we are about to enter upon a great campaign for the control of the executive branch of the Government propositions are presented and speeches are made that would not be entertained or made at any other time. But is it possible that the great party on the other side of the Chamber, with all its strength, which controls another branch of this Government (it seems as if every member of it is looking forward to November next, that they may control every branch of this Government—both Houses of Congress and the Executive), will enter upon this crusade which would prevent a Catholic from administering to the wants of the unfortunate in the District?

I am amazed that the Senator from New Hampshire, a learned and skilled physician, who knows the wants of the District, who understands the organization here, should have offered the amendment. He understands that we have the Emergency Hospital, controlled by energetic, and active, and intelligent citizens of the District, aided only to an extent by Congress, which takes charge of one class of patients, the Garfield Hospital, and this hospital near us on the Hill. I am amazed that in the matter of hospitals the question of religion should enter. If the provision the Senator from New Hampshire has offered as a proviso applying to the one hospital is adopted it should apply to both, and when you do that you will destroy the Protestant hospital and enable the Catholic hospital to live.

The insignificant sum of $19,000 to each of these hospitals ought to be given without a word. It ought to be given in the interest of humanity. I am sorry the Senator has offered the proviso, or that he or any other member of Congress should bring up the question of religious denominations in connection with these institutions. I move to lay the amendment to the amendment upon the table.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maryland to lay on the table the amendment to the amendment.

The amendment to the amendment was laid on the table.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 89, after line 16, to insert:

Garfield Memorial Hospital: For maintenance, to enable it to provide medical and surgical treatment to persons unable to pay therefor, $19,000.

Mr. GALLINGER. I move to amend the amendment by inserting, after the word "dollars," the words which I send to the desk. I desire to be heard for a moment on the amendment to the amendment.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After the word "dollars," in line 19, page 89, it is proposed to insert:

Provided, That no payment shall be made except for service actually rendered, for which specific compensation shall be provided.

Mr. GALLINGER. Mr. President, after the vote just taken on the amendment which I submitted a moment ago to the amendment, I do not expect the amendment to the amendment which I now offer to be adopted. It ought not to be adopted. But inasmuch as the distinguished Senator from Maryland [Mr. GORMAN] made a speech misrepresenting my position and then by a motion to lay on the table refused me the courtesy of a word in reply——

Mr. GORMAN. I would have withheld the motion.

Mr. GALLINGER. I have availed myself of the rules of the Senate to make a brief reply.

I dissent entirely from every statement made by the Senator from Maryland connecting me with any purpose or plan to draw the religious line in the matter of appropriations made by the Congress of the United States for charitable or benevolent purposes. If he wishes to arraign the other House, as he did arraign it, he must settle with the members of that legislative body without reference to any word or act of mine.

Two years ago I called attention to the fact that this provision, which always finds its way into appropriation bills, is very strangely drawn. It reads:

For the support and medical treatment of 95 medical and surgical patients who are destitute in the District of Columbia, etc., $19,000.

I then took the liberty to interrogate the Committee on Appropriations as to the exact meaning of the provision. I was assured then that it meant something or nothing, as the case might be, and that in some future appropriation bill it might be corrected. The House of Representatives saw fit to omit from the bill those two clauses regarding these two hospitals and to put in a general provision. I presume the Senator from Maryland is right when he says that the House provision, if adopted, might strike a blow at the Garfield Hospital, which I should be unwilling to have done; but I wish to say that it is barely possible that it might give the money to other hospitals in the District of Columbia. I am not quite sure that we should be bound by our acts here to give donations to two specified hospitals in the matter of caring for destitute medical and surgical patients in the District. I want to say here and now that, in my judgment, the policy adopted by Congress of voting public money to hospitals has resulted in the multiplication of hospitals in the District of Columbia to an extent far beyond the necessities of the case. I know of no other city of the size of Washington which has one-half so many hospitals as we have in this city to-day.

I asked a courteous question of the chairman of the Committee on Appropriations. He answered it courteously, and not upon my own motion, but at the suggestion of the chairman of the Committee on Appropriations, I offered the amendment to the amendment. Immediately the Senator from Maryland arraigns me as an enemy to the hospitals of the District of Columbia, as a man who draws the religious line in questions of charity. Nothing that I said could have warranted the accusation which the Senator from Maryland made against me in this respect. I have my own opinions, which have been expressed here on other occasions, and will be again, if I find it necessary to give expression to them; but in this matter I was in the first place seeking light, which very kindly was given to me by the distinguished chairman of the Committee on Appropriations, and in the next place I offered the amendment at the suggestion of the distinguished Senator from Iowa. I submit that under the circumstances it was not kind, it was not fair, it was not just on the part of the Senator from Maryland, who is usually kind and fair and just, to represent me as being an enemy to charitable work in the District of Columbia, and as desiring to strike a blow at the welfare and prosperity of certain hospitals in this great city.

Mr. President, that is all I care to say about it. If it is the judgment of the Senate that this matter shall stand precisely as it is, I have no objection. I presume that it is a wiser provision than that which was inserted by the House of Representatives. I, with unanimous consent, will withdraw the amendment I have submitted to the amendment of the committee.

Mr. GORMAN. Of course the Senator from New Hampshire understands that by my motion to lay the amendment to the amendment on the table I had no idea of cutting him off from

debate. Probably I ought not to have done it at the moment, as I am always very glad to hear the distinguished Senator from New Hampshire. It was not my intention, I am sure, to cut him off from an opportunity to reply to what I had said. It is possible that at the moment I may have held the Senator responsible for the movement to a greater extent than I ought to have done. What I intended to convey was not anything personal to himself. I know how liberal and just he usually is. I was astonished that the Senator moved the amendment, knowing how liberal and how fair he has been heretofore.

Mr. GALLINGER. If the Senator from Maryland will permit me, did he observe that it was made at the suggestion of the Senator from Iowa, the chairman of the Committee on Appropriations? The Senator from Iowa made the suggestion to me.

Mr. ALLISON. I am perfectly willing to take my share of blame, whatever it is. The reason why I said it would do no harm to be inserted, at least as I understood it, is the fact that I believe Providence Hospital has largely in excess of 95 patients all the time. So they would have no difficulty in complying with the proviso as the House has it. But it certainly would not do for the Garfield Hospital.

Mr. GORMAN. Of course I had no special intention in the matter, I say again; and I want to assure the Senator from New Hampshire that I have a very high regard for him personally. My general remarks were not intended to apply especially to him, but to the evident intention elsewhere, from which this body, I am glad to say, so far has been entirely free, to bring in the religious question upon all appropriations for schools and charities. This is only one of many provisions which are in the appropriation bills as they come to us. I wanted to announce in the most emphatic way I could the general scheme that has been inaugurated elsewhere, and which, if we are to believe the newspapers, has been inaugurated for purely political purposes right in the face of a Presidential election. It was intended for those who are advocating it and pushing it forward on every bill that is before the body.

I want to assure my distinguished friend from New Hampshire that, while I may have used some expression that he has taken exception to, if I did, it was only because of the extraordinary astonishment I had at the moment that he should fall to any extent into the line which has been pursued elsewhere.

The VICE-PRESIDENT. The amendment of the Senator from New Hampshire to the amendment is withdrawn, the Chair understands?

Mr. GALLINGER. It is withdrawn.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 91, after line 12, to insert:

Cable, Alcatraz Island, California: For purpose of restoring communication by cable between Alcatraz Island and Angel Island, California, $6,000.

The amendment was agreed to.

The next amendment was, on page 91, after line 15, to insert:

Military telegraph, Colorado: For construction of a military telegraph line between Fort Logan, Colo., and the headquarters of the Department of the Colorado, at Denver, Colo., $800.

The amendment was agreed to.

The next amendment was, on page 91, after line 19, to insert:

California Débris Commission: To defray the expenses of the California Débris Commission, authorized by the act approved March 1, 1893, $15,000.

The amendment was agreed to.

The next amendment was, on page 91, after line 23, to insert:

Army and Navy Hospital, Hot Springs, Ark.: For improvement and maintenance of grounds about the Army and Navy Hospital, Hot Springs, Ark., $650.

The amendment was agreed to.

The next amendment was, on page 93, line 18, in the items for National Home for Disabled Volunteer Soldiers, after the word "nurses," to insert "internes."

The amendment was agreed to.

The next amendment was in the items for the Eastern Branch, on page 96, after line 19, to insert:

For new coal shed, $4,000.

The amendment was agreed to.

The next amendment was, on page 96, line 23, to increase the total of appropriation for current expenses at the Eastern Branch of the National Home for Disabled Volunteer Soldiers at Togus, Me., from $54,100 to $58,100.

The amendment was agreed to.

The next amendment was, on page 97, after line 17, to strike out "For additional boilers, $3,500" and to insert "For reimbursement of amounts advanced for additional boilers, $4,200."

The amendment was agreed to.

The next amendment was in the items for the Southern Branch, on page 98, line 2, after the word "dollars," to insert "to be immediately available"; so as to make the clause read:

For construction of sewage pumping works, including building, reservoir, machinery, pipes, ventilating chimney, and other items necessary for the purpose, $26,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 98, line 6, to increase the total appropriation for the National Home for Disabled Volunteer Soldiers at the Southern Branch at Hampton, Va., from $65,500 to $66,200.

The amendment was agreed to.

The next amendment was, on page 101, line 25, before the word "dollars," to insert "five hundred"; and on page 102, line 14, before the word "hundred," to strike out "thirty-eight thousand eight," and insert "thirty-nine thousand three"; so as to make the clause read:

For president of the Board of Managers, $4,000; secretary of the Board of Managers, $2,000; one general treasurer, who shall not be a member of the Board of Managers, $3,500; one inspector-general, $2,500; one assistant inspector-general, $2,000; clerical services for the offices of the president and general treasurer, $5,500; messenger service for president's office, $144; messenger service for secretary's office, $32; clerical services for managers, $1,500; agents, $2,400; for traveling expenses of the Board of Managers, their officers and employees, $11,500; for outdoor relief, $1,750; for rent, medical examinations, stationery, telegrams, and other incidental expenses, $2,500; in all, $39,346.

The amendment was agreed to.

The next amendment was, on page 102, line 17, to increase the total of the appropriations for the National Home for Disabled Volunteer Soldiers from $2,469,778.75 to $2,474,978.75.

The amendment was agreed to.

The next amendment was, in line 18, page 102, after the word "cents," to insert the following proviso:

Provided, That all amounts disbursed from the appropriation of a Branch Home shall be disbursed and accounted for monthly to the general treasurer by the treasurer of that Branch, except such expenditures for inspections, services, and supplies as may be required by the Board of Managers to be legally made by the general treasurer, and all such supplies shall be shipped and distributed as may be directed by the Board of Managers.

The amendment was agreed to.

The next amendment was, on page 104, line 17, to increase the appropriation for defending suits in claims against the United States, to be expended under the direction of the Attorney-General, from $25,000 to $40,000.

The amendment was agreed to.

The next amendment was, at the top of page 106, to insert:

For repairs and preservation of buildings in the custody of the United States marshal for the district of Alaska, to be expended by the Attorney-General, $1,500.

The amendment was agreed to.

The next amendment was, on page 107, line 6, before the word "fees," to insert "salaries"; and in line 8, before the word "thousand," to strike out "eight hundred and seventeen" and insert "one million five hundred"; so as to read:

For payment of the salaries, fees, and expenses of the United States marshals and deputies, $1,500,000.

The amendment was agreed to.

The next amendment was, on page 107, line 15, before the words "United States," to insert "salaries and fees of"; in line 16, after the word "attorneys," to strike out "the same being in payment of the regular fees"; and in line 18, before the word "thousand," to strike out "two hundred and five" and insert "four hundred"; so as to make the clause read:

For payment of salaries and fees of United States district attorneys provided by law for official services, $400,000.

The amendment was agreed to.

The next amendment was, on page 107, line 19, before the word "regular," to insert "salaries of," and in line 22, before the word "thousand," to strike out "sixty-five" and insert "one hundred"; so as to make the clause read:

For payment of salaries of regular assistants to United States district attorneys, who are appointed by the Attorney-General at a fixed annual compensation, $100,000.

The amendment was agreed to.

The next amendment was, on page 108, line 1, to increase the appropriation for fees of clerks of United States courts from $165,000 to $300,000.

The amendment was agreed to.

The next amendment was, on page 108, line 5, to increase the appropriation for fees of United States commissioners and justices of the peace acting as United States commissioners from $170,000 to $300,000.

The amendment was agreed to.

The next amendment was, on page 108, line 6, to increase the appropriation for fees of jurors from $400,000 to $800,000.

The amendment was agreed to.

The next amendment was, on page 108, line 8, to increase the appropriation for fees of witnesses from $750,000 to $1,400,000.

The amendment was agreed to.

The next amendment was, on page 108, line 16, to increase the

appropriation for support of United States prisoners, etc., from $320,000 to $600,000.

The amendment was agreed to.

Mr. CHANDLER. I wish to make an inquiry of the chairman of the committee in reference to these provisions for expenses of United States courts. There has been much discussion during the present session of Congress concerning those expenses. The fact was developed early in the session in the debate upon the urgent deficiency appropriation bill that it had been the custom to make appropriations for the courts far less than the estimates, really and in fact not intended to cover the whole expenses of the year, but simply to provide for the expenses of from one-half to three-quarters of the year. That was spoken of very justly as a vicious and improper practice, as deceptive in its effect.

I observe that the House of Representatives made limited appropriations for the expenses of the United States courts under these various heads, as, for instance, for commissioners, $170,000; and the committee propose $300,000. For fees of jurors the House appropriated $400,000; the committee propose $800,000. For fees of witnesses the House proposed $750,000; the committee propose $1,400,000; and for the support of prisoners, where the House provided $320,000 the Senate committee propose $600,000. I should like to have the chairman of the committee inform me if I am correct in my surmise that the Senate committee propose only the estimates of the Department?

Mr. PLATT. For the year.

Mr. CHANDLER. For the whole year. Am I right in supposing that the House of Representatives cut down the estimates to two-thirds or three-quarters the amount which the Department contended would be necessary, and made these insufficient appropriations, so that the increase by the Senate is only bringing the appropriations up to the estimates? Am I right in that supposition, or have the Senate committee proposed to make increases beyond the original estimates of the Department?

Mr. ALLISON. In response to the inquiry of the Senator from New Hampshire, I will say that in the amendments reported the committee have not appropriated up to the estimates. Take, for example, the illustration given by the Senator of the fees of jurors, $800,000. The House of Representatives appropriated $400,000, and we have already appropriated for the current year a deficiency of $200,000. So the appropriation provided here is the exact amount appropriated for the current year in the original bill and in the deficiencies, and it is in accordance with the estimate.

For fees of witnesses, where the House have appropriated $750,000, we have appropriated $1,400,000, the estimate being $1,500,000. What the Committee on Appropriations propose is still $100,000 less than the estimates, and also $100,000 less than the appropriations for the current year, including deficiencies. It may be true that there will be deficiencies in some of these items, notwithstanding the great increases proposed by the Committee on Appropriations. That is practically true of all the items which are included in the judicial expenses.

Mr. CHANDLER. Then I understand that the Senate committee in no case have provided more than the estimate of the Department?

Mr. ALLISON. In no case have they provided more than the estimates of the Department, and in no case have they provided more than has already been appropriated, including the deficiency appropriations for the current fiscal year.

Mr. CHANDLER. So the House of Representatives seem to have deliberately reduced the appropriations below what they knew would be the expenditures, unless very large economies should be secured during the fiscal year?

Mr. ALLISON. It appears in a general way from the statements, reports, etc., that they only provided for one-half of the year.

Mr. CHANDLER. Mr. President, I should like to ask the Senator from Iowa whether it is not possible to insert in this bill some provision which, without crippling the administration of justice in the courts, will impose some duty upon the officers engaged in the expenditure of this money, from the Attorney-General down to the district attorneys and marshals, of keeping these expenditures within the estimates? Is there no way of requiring these amounts to be so apportioned to the districts or to the courts in the districts, or so apportioned during the four quarters of the year, that they will not all be spent during the first half or three-quarters of the year; but so that they will be sufficient, in order that there may be no deficiency, for which we shall be called upon to appropriate next year, as we have been always hitherto, and have been especially called upon to appropriate during the present session of Congress? Can not some provision be inserted in the bill which will keep the expenditures for the whole year within the estimates? In other words, can we not do something to keep these officers of justice from spending all this money between now and the 1st of next January, and then saying to us, "The courts will stop unless you appropriate about as much more as you have already appropriated"?

I remember when we began the discussion of this subject here in January the Senator from Florida [Mr. CALL] said that we must appropriate, I think, about two and a half million dollars, because, he said, there was a court to meet in about a week in Florida, and there was not money enough to pay the expenses of that court. In order that the Senator's court might meet in his State, we had given to us this one great reason why we should appropriate two or three million dollars.

Mr. CALL. My friend will allow me to correct him. I should be very glad to get two and a half million dollars for the court in Florida, but I did not make such an extravagant statement as that. I did say that there was a deficiency, and that the expenses of the courts all over the United States had largely increased, and very much because of the attempts to punish the laboring people who had been engaged in strikes for the protection of their wages. That is what I said.

Mr. CHANDLER. I did not mean to say that the Senator conveyed the idea that any such large sum of money was to be expended in Florida. I have no doubt if the Senator could have got the larger part of the whole appropriation into Florida he would have generously taken it into that State.

Mr. CALL. That is what I should have done.

Mr. CHANDLER. The argument that was made was that we could not do anything to stop the $3,000,000 of appropriation, because money had already been expended in the first half of the year and the courts could not go on, especially the court in Florida could not go on. So we took all the appropriation. Can not we to-day in this bill do something which will keep us from being in that predicament next January?

Mr. ALLISON. If the Senator will allow me a moment, I will say to him that the appropriations for the current fiscal year were largely under the estimates. Our friends, who had charge of the appropriations last year especially, only appropriated for the expenses of the courts, if I remember rightly, $3,340,000, when it was apparent, at least from the estimate of the Department and from the expenses of prior years, that that sum would be largely less than would be necessary to defray the expenses of the courts. I know of no way whereby we can provide in a statute for a limitation upon these expenditures. These expenses are under the control largely of the district, circuit, and appellate courts. They are also greater or less, depending upon litigation, criminal and otherwise, in those courts, and no man can tell a year in advance how many people will break through and steal, or how many robberies there will be of the mails, or how many infractions of the liquor law of the United States, the tax laws, and so on. Therefore we can only take an average of the expenditures, assuming and supposing that those who have control of the courts, the judges, district attorneys, and so forth, are not men who will wastefully use the public money, although that may have been done in some instances in the case of the district marshals; but it was the aim of the Committee on Appropriations to reasonably provide for the expenditures of those courts for the next fiscal year as disclosed by the actual expenditures this year, appropriating, I will say, nearly $1,000,000 less than the expenditures of those courts for the current fiscal year.

Mr. CHANDLER. I suppose the amounts which the committee propose are based upon the assumption that during the next fiscal year the district attorneys and marshals are to have salaries?

Mr. ALLISON. They are based upon a large reduction in the expenditures of those courts in view of the legislation which is now in process of completion, in the legislative, executive, and judicial appropriation bill.

Mr. CHANDLER. Does the committee think that the appropriations contained in this bill, if the officers of the Department of Justice, great and small, do their duty, will be sufficient without the necessity of large deficiency appropriations next winter?

Mr. ALLISON. We hope so.

Mr. CHANDLER. I ask the Senator whether there will be any objection to putting into the bill a proviso like this?

It shall be the duty of the Attorney-General to so apportion and control the expenditure of the appropriations contained in this bill for the expenses of the United States courts as to prevent deficiencies toward the close of the year.

Is there any objection to putting that legislative injunction into the bill?

Mr. ALLISON. I do not believe that would be a wise provision. Suppose we appropriate $800,000 for jurors, and toward the end of the last quarter or the beginning of the last quarter it turns out that there has been expended for jurors all the appropriations, shall the court stop and no jurors be summoned because of the fact that this inhibition is upon the Attorney-General? Or suppose the Attorney-General should so distribute this appropriation for jurors as to say that $100,000 of it shall be expended in the first quarter, another $100,000 in the second, and so on, and the moment the $100,000 is exhausted for the first quarter the judge sitting upon the bench, although there may be the most important trial in progress, will be obliged to say, "The jury is

discharged because of the want of money provided by this inhibition proposed by the Senator from New Hampshire." As the Senator from Connecticut [Mr. PLATT] wisely suggests, these expenditures are not uniform.

I see no way whereby these expenses can be reduced, unless they are reduced either by fewer prosecutions or by the greater care of the judges, district attorneys, and marshals, who are in control of the expenditures very largely. I do not think it is in the power of the Attorney-General to control many of these expenditures, although I must say for all the Attorneys-General I have known, at least in recent years, that great care has been taken to minimize so far as possible the expenditures of the courts.

Mr. CHANDLER. I do not believe that a limitation of this kind and an apportionment of the expenditures to be made by the Attorney-General would result in any serious calamity. I do not believe that any court would not be held that would otherwise be held. As I understand, the Attorney-General is in the habit of making advances to marshals. He subdivides these appropriations, makes an estimate of how much will be wanted in each district, and sends that to the marshals, so that they may make payments of certain sums of money, and the balance of the appropriation is held subject to the control of the Department of Justice to pay audited accounts which may come in. I think the Attorney-General does substantially what my amendment would require him to do or would advise him to do. He undertakes to make an apportionment of this money to the districts, and he certainly can at least transmit the admonition of Congress to the district attorneys and the marshals, warning them that Congress expects them to get along with the money that has been appropriated.

Mr. President, I remember once this was done in connection with some naval appropriations when I had the honor to be Secretary of the Navy. An appropriation for labor in the Department of Construction, or an appropriation for labor in the Engineering Department, was made, and the Secretary of the Navy was directed to so apportion it during the four quarters of the year that there would be no deficiency; and you may be certain that it was so apportioned, and that the expenditure did not exceed the estimates under that direction. I thought then that there was a disposition on the part of a Democratic House of Representatives to somewhat hamper or restrain a Republican Secretary of the Navy; but after it was over I was glad that the limitation had been imposed, because I found that the head of a Department with will power enough could compel the keeping of the expenditures within the estimates; and I believe that the Attorney-General, although these are very large sums to expend, if he is directed to so control and apportion these expenditures that there shall be no deficiency at the end of the year, can so control and apportion them that we shall not be put to the necessity here next January of passing a deficiency bill of three or four million dollars for the expenses of the United States courts.

Mr. President, I am glad that the Committee on Appropriations have increased these amounts. Nevertheless, the Senator from Iowa is aware that it will be claimed, and it will be claimed by members of the House of Representatives, that that House appropriated, we will say, three or four million dollars for the United States courts, and that the Senate increased those amounts a million and a half or two million dollars; that the Senate unnecessarily raised appropriations made by the House of Representatives. That will be said after the old fashion of attaching or attempting to attach discredit to the Senate. Nevertheless, I am glad that the Senate committee have proposed to make appropriations which they think ought to cover the whole year, and I do think there ought to be some injunction put into this bill, which the Attorney-General shall obey, which will operate upon his subordinates in such manner that we shall not be confronted next winter with these deficiencies. I shall read again my suggested amendment:

That it shall be the duty of the Attorney-General to so apportion and control the expenditure of the appropriations contained in this bill for the expenses of the United States courts as to prevent deficiencies toward the close of the year.

I think that would be a useful provision. If the Senator prefers, I will insert the words "if possible" in the amendment. It seems to me that when we legislate as much as we do in these appropriation bills, filling them all up with legislation, we might occasionally put an injunction upon the heads of Departments, who are given appropriations in general terms which we mean shall be sufficient for the whole year, that they shall make those appropriations last during the whole year, and not subject us to the necessity of making deficiency appropriations.

Mr. STEWART. Will the Senator allow me to make a suggestion there?

Mr. CHANDLER. Certainly.

Mr. STEWART. From Bradstreet's reports it appears that crime of all kinds is increasing to an alarming extent, and that the almshouses and insane asylums are overflowing.

Mr. CHANDLER. Will the Senator tell us why that has happened?

Mr. STEWART. It is happening for the want of employment for the people. If we put an appropriation in this bill which would enable the people to go to work, I think we could probably cut down the appropriations. If they had something to do, if there was any business going on in the country, it would not be necessary to spend so much money for prosecuting people for crimes, for many of their crimes are the result of necessity. I think if there was a little more money in the country, so that business could go on, the appropriations could be cut down; but if you are going to keep the people in idleness, you must increase your appropriations for criminal purposes.

Mr. GALLINGER. Does it make any difference what kind of money it is? [Laughter.]

Mr. STEWART. Money that will buy bread, that is what we are looking for; money that will buy bread in this country. We will be satisfied with that. We are not hunting money to be used in doing our marketing in London. Very few of these poor fellows buy their vegetables in London, but they do want something with which they can buy bread in this country.

The VICE-PRESIDENT. Does the Senator from Nevada propose an amendment.

Mr. STEWART. No; but I make the suggestion to the Senator from New Hampshire if he wants to move an amendment.

Mr. CHANDLER. I will offer the amendment now, if the Senator from Iowa will allow me at this point, or wait until the committee amendments are concluded.

Mr. ALLISON. If the Senator consults me, I should hope he would wait a long time. I do not believe it is wise for us to undertake to place this restriction upon the Attorney-General. These expenses are not within the control of the Attorney-General, but they are within the control of 72 or more courts, scattered all over the country, having litigation not of their own volition. A judge sitting on the bench can not control the expenditures of his court. He does not know how many cases are to come before the grand jury, he does not know how many witnesses are to be summoned before the grand jury, he does not know how many indictments will be found, or how many witnesses will appear in court in the various cases, or how long they will remain, or whether the cases will occupy one day or two days or three days, and so on.

If the Senator from Nevada [Mr. STEWART] be right as to the increase of crime, the increase of litigation may happen in certain portions of our country and not in other portions; it might happen this year that the apportionment given, for instance, to the State of Iowa would not be needed by the courts in Iowa, and so of other districts and circuits. I think that this is one of the instances where it is impossible for legislation to control the expenditures of the courts from month to month.

Mr. CHANDLER. Then the Senator thinks we are in the hands of these officers of ours and can not do anything to restrain them?

Mr. ALLISON. We are in the hands of these officers, who are discharging their duties as the law requires, hearing and deciding cases which come before them. I do not see how we can very well regulate these expenditures by the Attorney-General.

Mr. GRAY. Without hampering the administration of justice.

Mr. ALLISON. Without hampering the administration of justice, as the Senator from Delaware well says.

The Attorney-General distributes to the marshals a certain amount of the appropriation. He does that for convenience, the marshal having given a bond for the faithful expenditure of the money coming into his hands. It is usual, I believe, for the marshal to estimate the cost of the expenses of a single term, for example, of the district court or the circuit court at the places where court is to be held, say, in April or in May, or whatever the time may be. The marshal then estimates the cost of that term of court as near as he can by knowing the situation of the business of the court, whether there is a grand jury, and, if so, the number of commitments that are to take place, and so on. The Attorney-General by requisition provides the marshal with two-thirds of that estimated expense, but that estimated expense may be increased in the first month or the first week of the court; and, if so, the expenses must be paid upon vouchers furnished by the marshal and approved by the court, as all these vouchers must be approved by the judge who sits in the trial of the causes.

So, with all deference to my friend from New Hampshire, who desires so much, as we all do, to curtail and limit the expenditures of our courts, I see no way whereby it can be done by a restrictive provision upon an appropriation bill.

Mr. CHANDLER. In deference to the Senator from Iowa, I will not offer the amendment; but I do insist that we shall endeavor to effect some reform by electing a new President of the United States and getting new district attorneys and new marshals. I hope that suggestion will meet with the favor of the Senator from Iowa. [Laughter.]

The reading of the bill was resumed at line 17, on page 108. The next amendment of the Committee on Appropriations was, on

page 111, line 10, to increase the appropriation for rent of United States court rooms from $50,000 to $80,000.

The amendment was agreed to.

The next amendment was, on page 111, line 21, after the word "judges," to insert "and such payments shall be allowed the marshal in the settlement of his accounts with the United States"; so as to make the clause read:

For pay of bailiffs and criers, not exceeding three bailiffs and one crier in each court, except in the southern district of New York: *Provided*, That all persons employed under section 715 of the Revised Statutes shall be deemed to be in actual attendance when they attend upon the order of the courts: *And provided further*, That no such person shall be employed during vacation; of reasonable expenses for travel and attendance of district judges directed to hold court outside of their districts, not to exceed $10 per day each, to be paid on written certificates of the judges, and such payments shall be allowed the marshal in the settlement of his accounts with the United States; expenses of judges of the circuit courts of appeals; of meals and lodgings for jurors in United States cases, and of bailiffs in attendance upon the same, when ordered by the court; and of compensation for jury commissioners, $5 per day, not exceeding three days for any one term of court, $110,000.

Mr. ALLEN. Mr. President, I desire to call the attention of the Senator from Iowa to a fact which came to my knowledge the other day, and it is to the effect that under this law, or laws similar to this which have been passed where Congress allows compensation to judges who hold courts outside of their particular districts, and especially the United States appellate judges, that in all instances they certify to $10 a day, regardless of the actual expenses to which they are put. The evident policy of the law was to cover the actual expenses of the judges at hotels and for traveling expenses not to exceed $10 per day.

I have information from a source that I am not permitted to disclose that in many instances where the legitimate expenses and hotel bills are not to exceed three or four dollars a day, where a judge has gone to a city and stayed there perhaps for a month or two months——

Mr. WOLCOTT. We can not hear the Senator.

Mr. ALLEN. In cases where the judge has gone to a place where the court is to be held, and has no expense except the mere expense of hotel bills, remaining there for a month, or, possibly, all winter in some cases, or for several months at least, uniformly he certifies to $10 a day, which is the full maximum allowed by the law. I call the attention of the Senator from Iowa to this fact, so that this bill may be amended and the law not be abused by the very officer whose duty it is, above all others, to see that the law is observed. This bill provides:

That no such person shall be employed during vacation; of reasonable expenses for travel and attendance of district judges directed to hold court outside of their districts, not to exceed $10 per day each, to be paid on written certificates of the judges.

There is a maximum fixed. There may be days when $10 would be required to cover the expenses of the judge, and it would be perfectly proper for him to draw that sum and certify to it; but I submit that it is improper and in violation of the spirit, if not of the language, of the statute that the judge, simply because he has the power to certify, will be enabled to take from the Treasury of the United States $10 for every day to cover his expenses when his actual expenses do not exceed four or five dollars a day.

It may be a small item; probably it is a small item, but it is not small in so far as it develops a disposition upon the part of high judicial officers of the country to violate the spirit of a law which they themselves are engaged in enforcing against criminals and other violators of the law.

Mr. CHANDLER. Will the Senator from Nebraska allow me to interrupt him?

Mr. ALLEN. Certainly.

Mr. CHANDLER. The provision is that the judge shall be paid his reasonable expenses for travel and attendance, not to exceed $10 a day. The judge of a United States court has to certify that that is an expense; that that is what he has paid out. Does the Senator mean to say that there is a judge anywhere in the United States holding court in that way who, if his expenses were $7 or $8 or $5 a day, would certify that they were $10 in order to get the additional money?

Mr. ALLEN. I mean to assert, according to my information, and I look upon it as reliable, and I think inquiry at the Department of Justice would disclose the fact, that there are Federal judges in the United States—there is where they belong—who uniformly certify to $10. They take the maximum under a certificate covering their expenses.

Mr. GRAY. Do I understand the Senator to say that all the judges certify to $10 a day?

Mr. ALLEN. Not all. I do not say all. But I say that there are judges who do it—district judges holding, for instance, courts of appeal. Some of them do certify uniformly to $10 a day and take $10 a day out of the Government in cases where their legitimate expenses are not, and in the nature of things can not be, to exceed three or four dollars a day.

Mr. CHANDLER. Let me ask the Senator from Nebraska where on this footstool of ours where there is United States jurisdiction a judge going from one district to another can stop at a hotel, get a bedroom and a parlor (because he has to be where the attorneys can call upon him, where he can maintain the dignity and the decency befitting a Federal judge), with board, the poorest board the Senator would be willing to feed a district judge on, for three or four dollars a day?

Mr. ALLEN. It can be done in almost every city and town in this Union.

Mr. CHANDLER. Would the Senator be willing, if he were counsel, to go and wait on a judge holding court and find him living on $3 a day? What sort of accommodations could he get? He could not for that price get a room big enough to take the Senator in to make his call. I do not think the Senator, who I know is for economy in public affairs, as I am, is disposed to be mean and to cut down the judges under such conditions. I certainly do not think the Senator means to say that there is a single judge in the United States who would make a false certificate for any such purpose.

Mr. ALLEN. If I had a decent-sized room and a very small-sized closet, I could take care of the Senator from New Hampshire and myself. There would be no trouble about that.

Mr. ALLISON. The Senator from Nebraska will observe that the only object of this provision is to place the district judges upon an equality with circuit judges as respects their expenses.

Mr. ALLEN. Yes, sir; I observe that they are put upon an equality. What I am contending for, and what I hope the honorable Senator from Iowa will remedy, is that these men shall not be permitted to violate the law themselves.

Mr. ALLISON. Does the Senator believe that any district judge or circuit judge is likely to violate the law by making a false certificate? The Senator must remember that this includes all traveling expenses as well as expenses while at the place of holding court.

Mr. ALLEN. I hope the Senator from Iowa will not put me in the attitude of making the charge that all Federal judges violate the law, for I do not make it.

Mr. ALLISON. I certainly would not put the Senator in any such attitude.

Mr. ALLEN. I say some of them do, according to my information. A judge is a human being. He is no more of a man after he becomes a judge than he was at the time he became a judge. If he had frailties at that time, he carries them to the bench with him.

The proposed statute fixes the maximum in these words:

Of reasonable expenses for travel and attendance of district judges directed to hold court outside of their districts, not to exceed $10 per day each, to be paid on written certificates of the judges.

That carries the implication, which is as clear as language can make it, that he shall not receive $10 a day unless his actual expenses amount to $10 a day.

Mr. GRAY. His reasonable expenses.

Mr. ALLEN. His reasonable expenses. Reasonable expenses include hotel bill and railroad fare. I do not suppose it includes the purchase of a new suit of clothes or a box of cigars, but the reasonable, ordinary expenses of travel, including hotel bills.

Now, in answer to the honorable Senator from New Hampshire [Mr. CHANDLER], I wish to state that so far as my section of the country is concerned any district judge, or any other judge for that matter—any gentleman who wants to be entertained with reasonable liberality and have clean and decent, commodious quarters—can sustain himself at the best class of hotels, with the best class of food and the best class of service, for not to exceed $2.50 a day. There is no hotel where he will be charged more than that, and he ought to be compelled to take that amount, because it is enough for any decent, respectable man.

Why, under these circumstances, should the judges be permitted to certify—a mere formality—that their expenses have been $10 a day? I regret very much to feel it my duty to call attention to this matter. It would be much more pleasant to me, especially in view of the fact that I am in trouble here half the time with Democrats and Republicans and skirmishing between lines, trying to establish the Populist party as the respectable party of this country, to let the matter pass over and say nothing more about it. I may sometimes feel the weight of the remarks I am making when I go into one of the Federal courts to try a cause. At least if the judge should be against me I should have some suspicion that by something I had said here I had incurred his enmity, especially if the honorable Senator from Iowa concludes to accept my position as right, that the certificate should state that the actual expenses covered by the certificate were incurred and paid by the judge. I hope that will be done.

Mr. ALLISON. The object of the provision, as I stated a while ago to the Senator from Nebraska, is to equalize the judges when they travel outside of their circuits or districts to hold court. If there are abuses of the provision as respects circuit judges (there can not be abuses with respect to district judges), if the circuit judges are in the habit of certifying to more than they ought to

certify to, it would be wiser and better to allow the equality to be established, and then let the Judiciary Committee of this body take cognizance of the whole question, and make such modification of the statute of 1891 as will cure the defect or the evil which seems to be in the mind of the Senator from Nebraska. I hope that will be satisfactory to the Senator, and that he will allow the amendment to go in without objecting to it.

Mr. ALLEN. I suggest to the Senator from Iowa the propriety of inserting after the word "judges," in line 21, on page 111, the words:

Which said certificate shall in all cases contain a statement that the expenses therein certified have actually been incurred or paid.

Mr. ALLISON. I think on reflection the Senator from Nebraska will not care to have that amendment inserted in the bill. It is an imputation upon the good faith of the judges, and I should greatly prefer that the Senator would not press the amendment to the amendment.

Mr. ALLEN. I do not myself look upon it as an imputation at all. I dislike very much to disagree with the chairman of the Committee on Appropriations, for which position I have high respect, but there is altogether too much of a disposition to take money from this Government upon the thought that the man who occupies the position holds a very high official position, and therefore it would be wrong to impugn either his motives or his purpose. I do not regard this as an imputation upon the character of the judges. I do not think any honest, conscientious man can object to it. I am speaking now of the judges. I do not think any clear-minded man can object to it. It does not require the specification or itemizing of his expenses or anything of the kind. It simply requires that he shall state in the certificates that the amount has actually been incurred or paid by him. What can there be wrong about that? I do not see wherein it is wrong. Wherever a man draws mileage he is required to certify under oath what he has paid. Marshals are required to certify and so are bailiffs, and the fact that one is a judicial officer and the other an executive officer, it occurs to me, should make no difference.

The disposition which has been fallen into in our Government, and especially in certain branches, that some man is to be offended by legislation, and therefore the disposition to trust too much to his sense of honor rather than to trust it to statute, has brought about much of the extravagance in this country. Take, for instance, the case which the honorable Senator from New Hampshire [Mr. CHANDLER] spoke of a moment ago. Here we have in every Federal court in the United States 23 jurymen summoned at every term of court. We could very well dispense with 7 of them and come within the common-law rule as to the grand jury. The grand jury, according to common law, can not be less than 16 nor more than 23, so that 12 shall always constitute a majority. What objection is there or what objection has there been in the last twenty-five or thirty years to cutting off 7 of those grand jurymen at each term of court? They are as worthless as the fifth wheel to a wagon and are a great source of expense. Senators talk about expenses increasing constantly, and they are increasing to the great detriment of the debt-ridden and debt-burdened people. Why not take hold of this matter at a sensible and reasonable point and cut off expense? If we keep up the work of paring off a little here and a little there, where the expense is useless, in the course of time the expenditures will be brought down to a reasonable sum.

Mr. ALLISON. I will say to the Senator that I will agree, so far as I am concerned, to accept his amendment to the amendment.

Mr. ALLEN. I hope the Senator will not only yield at this time, as I feel he ought to do, but that he will not be in a yielding mood in the committee of conference.

Mr. ALLISON. That is rather anticipating what may be done hereafter, I suggest to the Senator. I always insist upon every amendment which the Senate insists upon.

Mr. ALLEN. I beg the honorable Senator's pardon for the remark, but I have been the victim, four or five times, of conference committees, and a burnt child always takes warning.

I move, then, to insert after the word "judges," in line 21, page 111, the words:

Which said certificate shall state in all cases that the judge has actually incurred or paid the expense therein stated.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Nebraska to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 112, line 9, to increase the appropriation for payment of miscellaneous expenses, United States courts, from $100,000 to $175,000.

The amendment was agreed to.

Mr. ALLISON. I offer the amendment which I send to the desk.

The SECRETARY. On page 113, after line 7, insert:

That the Secretary of the Senate be, and he is hereby, authorized and directed to pay for reporting the debates and proceedings of the Senate from March 26 to March 29, 1896, inclusive, the payment to be made to the Official Reporters appointed by resolution of the Senate of March 30, 1896, the service having been performed by them.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 113, after the amendment just adopted, to insert:

Maltby Building: For repairs to building, $3,500, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 113, after line 9, to insert:

Rent of warehouse: For rent of warehouse for storage of public documents for the Senate, $1,800.

The amendment was agreed to.

The next amendment was, on page 113, after line 12, to insert:

For repairs and improvements to the Senate stables and grounds, $2,000.

The amendment was agreed to.

The next amendment was, on page 113, after line 14, to insert:

Purchase of historical publications: That the Secretary of the Senate be, and he is hereby, authorized and directed to purchase from Gen. James D. McBride 2,500 complete sets of his historical publications, entitled Important Periods in the History of the United States, Portraits of the Presidents of the United States, and the Seal of the United States and Seals of the Executive, Judicial, and Legislative Departments of the Government; and that said publications be distributed by the Secretary of the Senate as follows: One set for the use of the Senate of the United States, 1 set for the use of the House of Representatives, 3 sets to each Senator, Representative, and Delegate in Congress; 1 set to the President, 1 set to the Vice-President, 1 set to the Chief Justice of the United States, 1 set to each associate justice, 1 set to each member of the Cabinet, 1 set to the Executive Mansion, and 1 set to each of the Executive Departments, 1 set to the Supreme Court of the United States, 1 set to the Congressional Library; 42 sets to the Department of State for distribution among the various United States embassies and legations; 88 sets to the War Department for distribution among the various military post schools, including 1 set to the Military Academy at West Point and 5 sets to the National Homes for Disabled Volunteer Soldiers; 2 sets to the Department of Justice for the use of the United States prison; 78 sets to the Navy Department for distribution among the various vessels of the United States having libraries, including 1 set to the Naval Academy at Annapolis; 48 sets to the Department of Agriculture for distribution among the various agricultural colleges in the United States and Territories, and 860 sets to the Commissioner of Education for distribution among the various public libraries and educational institutions in the United States. And the sum of $12,500 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to enable the said Secretary of the Senate to carry into effect the provisions of this act.

Mr. HILL. What is the publication entitled Important Periods in the History of the United States—which may mean a good deal or nothing—Portraits of the Presidents of the United States, and the Seal of the United States, etc.? It seems to me the portraits of the Presidents of the United States are pretty well known and spread over the country in documents. The seal of the United States has been published over and over again. What is the document proposed to be published?

Mr. ALLISON. I am told this is a very valuable publication. I have not myself had time to investigate the subject thoroughly. It was presented to us by the Committee on Education, one of the responsible committees of this body, and very strongly urged upon the Committee on Appropriations. One or two members of the committee made an investigation of the subject, and were very warmly for it. I am sorry that they do not happen to be present at this moment. If there is any objection to the adoption of the amendment I will ask that it may be passed over until the chairman of the Committee on Education comes in.

The VICE-PRESIDENT. The amendment will be passed over for the present.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to increase the appropriation for public printing and binding from $2,917,320 to $2,922,320.

The amendment was agreed to.

The next amendment was, on page 117, line 11, before the word "thousand," to strike out "seven" and insert "nine"; and in the same line, after the word "dollars," to insert:

Provided, That hereafter the entire cost of paper, printing, and binding of the separate chapters and papers from the annual report of the Director of the Geological Survey, provided for in the sundry civil act approved March 2, 1895, shall not exceed $4,000;

So as to make the clause read:

For engraving the illustrations necessary for the report of the Director, $9,000: *Provided*, That hereafter the entire cost of paper, printing, and binding of the separate chapters and papers from the annual report of the Director of the Geological Survey, provided for in the sundry civil act approved March 2, 1895, shall not exceed $4,000.

The amendment was agreed to.

The next amendment was, on page 117, line 20, after the word "dollars," to insert:

Provided, That hereafter the reports of the Geological Survey in relation to the gauging of streams and rivers may be printed in octavo form, not to exceed 100 pages in length and 5,000 copies in number, for official use and for distribution upon the request of Senators and Representatives in Congress;

So as to make the clause read:

For printing and binding the monographs and bulletins, $30,000: *Provided*, That hereafter the reports of the Geological Survey in relation to the gauging of streams and rivers may be printed in octavo form, not to exceed 100 pages in length and 5,000 copies in number, for official use and for distribution upon the request of Senators and Representatives in Congress.

Mr. WARREN. I desire, with the consent of the Senator in charge of the bill, to move an amendment to the committee amendment. I send the amendment to the amendment to the desk.

The VICE-PRESIDENT. The amendment of the Senator from Wyoming to the amendment will be stated.

The SECRETARY. On page 117, line 22, it is proposed to strike out the word "rivers" and insert "to the methods of utilizing the water resources"; so as to read:

Provided, That hereafter the reports of the Geological Survey in relation to the gauging of streams and to the methods of utilizing the water resources may be printed in octavo form, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed at line 1, page 118. The next amendment of the Committee on Appropriations was, on page 118, line 13, to increase the appropriation for the Library of Congress from $12,000 to $15,000.

The amendment was agreed to.

The next amendment was, on page 121, after line 3, to insert:

To enable the Public Printer, with the approval of the Secretary of the Treasury, to purchase two lots of land immediately adjoining the site of the Government Printing Office on the west, said lots running north and south from H street to Jackson alley, and containing 8,412 square feet, more or less; and to purchase in addition a site in the vicinity of the Government Printing Office, within that part of square 624 bounded on the south by G street northwest, on the east by North Capitol street, and on the north by Jackson alley, and containing 8,412 square feet, more or less, and to erect thereon a boiler house and coal sheds; and for the purchase and erection of two 300-horsepower steel steam boilers, with all necessary fittings and connections to connect said boilers to the Government Printing Office, $100,000, to be immediately available.

If from any cause the Public Printer, with the approval of the Secretary of the Treasury, shall be unable to purchase said land at a satisfactory price from the owners, he is hereby directed and empowered, within thirty days after the passage of this act, to secure the same by condemnation proceedings, as provided in the act approved June 25, 1890, entitled "An act to authorize the acquisition of certain parcels of real estate embraced in square No. 323, of the city of Washington, to provide an eligible site for a city post-office," and the amendment to said act contained in the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes," approved August 30, 1890.

Mr. PLATT. I should like to make an inquiry of the chairman of the committee for information. I see that the first part of the amendment provides for the purchase of two lots adjoining the Printing Office, and the second half of the paragraph provides for the purchase of two lots which I understand are not adjoining the Printing Office, the last two lots being for the purpose of erecting a boiler house upon them. What are the first two lots intended for?

Mr. ALLISON. The first two lots are small parcels of ground immediately west of the wing that has been constructed during the last year, and they are intended to make it certain that it may be utilized for lighting, etc. They are small lots; I have forgotten the size of them, but they are not large. The other is to build a new boiler house for the purpose of heating and power for the Printing Office. The present power house is in the heart of the Printing Office and is very dangerous to the people who work there.

Mr. PLATT. Then the first two lots are not intended for building upon?

Mr. ALLISON. No; they are not.

Mr. PLATT. That is to say, if the first two lots were built on they would shut off the light from the wing?

Mr. ALLISON. It is not the intention to build on them. They are narrow lots.

Mr. PLATT. It is to give the Government some ground around the wing which has been built.

Mr. ALLISON. That is all there is of it.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. ALLISON. On page 3, after line 16, I move to insert:

For court-house and post-office at Little Rock, Ark.: For additional amount to construct an addition to the United States court-house and post-office and enlarging judges' chamber and the offices of the marshal and clerk of the circuit and district courts, and for an elevator, $43,000.

The amendment was agreed to.

Mr. ALLISON. On page 10, after line 21, I move to insert:

Morris River lights, New Jersey: For establishing range lights and keepers' quarters at or near the entrance of Morris River, Delaware Bay, New Jersey, $4,500.

The amendment was agreed to.

Mr. ALLISON. I suggest to the Senator from Maryland that we now go back to page 70 and consider the amendment that was passed over.

Mr. GORMAN. Very well.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The amendment which was passed over will be read by the Secretary.

The SECRETARY. After line 20, on page 70, the Committee on Appropriations report to insert:

Authority is hereby given to expend from the appropriation of $100,000 made by the act approved December 21, 1895, for the expenses of the Commission to investigate and Report upon the True Divisional Line between the Republic of Venezuela and British Guiana, such amount for rent of building or part of building in the District of Columbia as may be deemed necessary by the Commission.

Mr. ALLISON. A letter, which I believe the Senator from Maryland has in his possession, can be read if desired, and I should be glad to read the statute. The statute of March 3, 1877, provides that—

Hereafter no contract shall be made for the rent of any building, or part of any building, to be used for the purposes of the Government in the District of Columbia, until an appropriation therefor shall have been made in terms by Congress, and that this clause be regarded as notice to all contractors or lessors of any such building or any part of building.

That is the statute under which, I understand, it has been ruled, or is to be ruled, that under the appropriation of $100,000 the Commission can not pay rent for a building, or part of a building, in the District of Columbia.

Mr. GORMAN. What is the date of the statute?

Mr. ALLISON. March 3, 1877, and it is in volume 1 of the second edition of the Supplement to the Revised Statutes. Under the provision read by the Senator from Mississippi [Mr. WALTHALL], general in its terms, I think it might be fairly decided by a court, or by an officer of the Government, that a general provision such as is inserted in the clause appropriating money for the Venezuela Commission could not be used for renting buildings in the District of Columbia. The Commission could use a part of the appropriation for renting buildings anywhere else. If they chose to establish their headquarters in New York City there is no doubt but that the appropriation could be made to apply.

Mr. WALTHALL. When this matter was up before I read to the Senate the act making the appropriation for the expenses of the Commission and suggested that that act, I thought, probably ought to work the repeal pro tanto of the statute just read. I did not have before me at that time the statute which the Senator from Iowa has just read, but after reading the statute I think it is very clear that I was mistaken.

Mr. ALLISON. I hope, then, there will be no objection to the amendment.

Mr. GORMAN. Of course I shall make no further opposition to the amendment, but the fact was brought to my attention that in 1893, when we made provision for the Exposition at Chicago, and a lump appropriation was made placing it in the hands of the board, this question was not raised at that time. That was the only case that I had in mind. Since the discussion took place I have been informed by a gentleman who was connected with that commission that there was no trouble. As a matter of course, if the Senator in charge of the bill and the Senator from Mississippi think there is no question in this case, I make no further opposition to the amendment.

The amendment was agreed to.

Mr. ALLISON. That, I believe, closes the committee amendments, except that on to-morrow I may desire to offer one or two amendments.

The PRESIDING OFFICER. The Chair will inquire of the Senator from Iowa if the amendment on page 113 was not passed over?

Mr. ALLISON. That is to be passed over until to-morrow.

The PRESIDING OFFICER. That amendment will be passed over for the day.

Mr. BACON. I ask leave to offer an amendment to the bill, to come in on page 122, after line 12.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. After line 12, on page 122, insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay over to the Cotton States and International Exposition Company all those portions of the appropriations heretofore made under the act of August 18, 1894, for the building and for the exhibit by the Government at the Cotton States and International Exposition at Atlanta, Ga., which shall remain unexpended after all the liabilities incurred by the Government on account of said building and exhibit shall have been fully paid off and discharged.

Mr. BACON. I offer the amendment with the consent of the Committee on Appropriations, and I trust after the statement which I shall present that I shall also have their support in its adoption as a part of the bill. The amendment does not appropriate any money. It simply seeks to have paid over to the Exposition Company the money which was appropriated in 1894 for the purposes of the Government building and the Government exhibit at the Atlanta Exposition.

I will state the facts. In 1894 Congress passed an act by which $50,000 was appropriated for the building at the Atlanta Exposition and $150,000 for the other expenses of the exhibit. When the commissioners who were charged with this work began it they were apprehensive that if they did certain grading and sewering and built certain structures which were needed there would not be enough money left to carry out the design of the appropriation. While they were hesitating the Atlanta Exposition Company themselves went forward and made an expenditure of over $33,000 in grading the ground, in sewering it, and in other matters. I will call the attention of the Senate to the various items of expenses, all of which were legitimate charges upon the Government.

In the matter of preparing the ground, grading it, and in laying sewer pipes, etc., the expense was over $21,900. A life-saving station also was needed for the purpose of exhibiting the life-saving apparatus and methods. The Government commissioners were afraid to undertake that work, and the Exposition Company went forward and erected it at a cost of $4,097. A custom-house was also needed for the purpose of collecting the revenues of the Government from the exhibits which were imported, and that was erected by the Atlanta Exposition Company at a cost of $900. There were other expenses of this character amounting to $6,344, and the aggregate is over $33,000.

The commissioners went forward in the discharge of the duties laid upon them by the law, and after having discharged all of the indebtedness there is of the appropriation still remaining about $13,000. There are still some bills, probably amounting to $2,000, unpaid. The purpose of the amendment which I have offered is to have this fund, which was designed for the making of the Government exhibit, apply so far as it is not needed for the discharge of the remaining liabilities, to the reimbursement pro tanto of the Exposition Company.

I desire to state that the amendment was introduced by me some days ago and referred to the Committee on Appropriations. I think it met with the approval of the committee. My information from members of the committee is that it was not ingrafted upon the bill, and the amendment does not come here with their recommendation simply from the fact that they had information as to proceedings in the other House with reference to the disposition of the Government building. In other words, the committee were informed that in the House it was proposed that the Government building, which still stands upon the ground, should be donated to the city of Atlanta or to the militia of that city, and thinking that that would be full compensation for this expenditure of $33,000, they did not in the last moment put it upon the bill, although there are some members of the committee who absolutely thought that it had been done, and so informed me, they being mistaken.

Now, here is the point to which I desire to call the attention of the Senate. The proposed disposition of the building does not in any manner reimburse the Atlanta Exposition Company. The Atlanta Exposition was not carried out by the city of Atlanta or by the citizens of Atlanta, but by an incorporated company, the Cotton States and International Exposition Company. That company at a very large expense made that splendid exhibit. I am sure that no Senator who hears me will think I speak extravagantly when I say it was a splendid exhibit, which did credit not only to the city of Atlanta and the State of Georgia, but to the entire country. I have heard it commended in the most unstinted manner by ex-Senator Palmer, who was chief officer of the Chicago Exposition, as being in many respects superior to that one. It has certainly done a great deal to bring the people of this country together and to produce harmonious, friendly, and fraternal relations among them.

Another point to which I desire the attention of the Senate, and particularly of the Committee on Appropriations, is that the members of the company have made no money out of the enterprise. On the contrary, I hold in my hand a statement of the president of the company to this effect:

The directors have contributed from their private means about $250,000 to bring the enterprise through to a successful conclusion, not one cent of which do they ever expect to receive back.

So, even if the building should be disposed of as it is proposed in the other House, it will not in any manner reimburse the directors to the amount of one dollar. If the donation of the building is to defeat this disposition of the unexpended balance, it would be very much preferred by the citizens of Atlanta that the Government would make some other disposition of the building and let them have this unexpended portion of the money.

I trust, Mr. President, with this statement, that the members of the Appropriations Committee and the Senate will see the propriety and justice of having the unexpended balance of the appropriation which has been heretofore made devoted to this purpose.

Mr. ALLISON. When this matter first came to the Committee on Appropriations I gave it my assent for the reason chiefly that it was the first time——

Mr. BACON. The Senator will please pardon me while I read a few lines from the Commission—it will take but a moment. I beg pardon for the interruption, but it is necessary in order that I may complete what I intended to say. This is a letter from the commission which was appointed under the law for the expenditure of this money, which has taken this action. It is signed by the secretary, Mr. W. I. Adams, addressed to the president of the commission, and is as follows:

COTTON STATES AND INTERNATIONAL EXPOSITION,
BOARD OF MANAGEMENT UNITED STATES GOVERNMENT EXHIBIT,
Office Agricultural Museum, Washington, D. C., April 10, 1896.

SIR: I have the honor to transmit the following true extract from minutes of the meeting of this Board held yesterday afternoon:

"*Resolved*, That in view of the fact that the Cotton States and International Exposition Company has made considerable expenditures on behalf of the Government exhibit in Atlanta, it is proper that the unexpended balance of the appropriation for the exhibit be transferred to the Exposition Company."

Very respectfully,
W. I. ADAMS, *Secretary.*

Mr. C. A. COLLIER,
President and Director-General
Cotton States and International Exposition Company, Atlanta, Ga.

That is an extract from their proceedings.

Mr. ALLISON. This amendment commends itself to me from the fact that this is the first instance within my knowledge where there appears to have been a surplus remaining after such appropriations have been made. Some years ago, in aid of the Cotton Exposition at Atlanta, Congress appropriated $200,000, providing, however, that $50,000 of it only should be used for the construction of a building and $150,000 should be used for the Government exhibit. It turned out, as shown by the papers, that the building cost ten or twelve thousand dollars more than the $50,000.

Mr. BACON. More than that.

Mr. ALLISON. Whatever the exact amount may have been is immaterial. In other words, the building cost considerably in excess of the amount appropriated in the act providing for the exposition. Then there was a residuum, after paying all the expenses of the Government exhibit. So, although an appropriation of $200,000 was made for the exposition, less than $188,000 has been expended. So I thought this was a wise recognition of this exposition; but when I saw in the deficiency bill a provision that the building should be turned over to what I supposed at the time to be the same corporation, or the same people, I withdrew my support of the amendment. Learning since, however, from the Senator from Georgia and others that this building, if turned over at all, will be turned over to entirely different people, I am willing, for one, that the amendment shall be agreed to.

The amendment was agreed to.

Mr. ALLEN. I ask the unanimous consent of the Senate to call up for consideration at this time Order of Business 697, with the consent of the Senator from Iowa.

Mr. ALLISON. Mr. President, as the Senate has been very faithful in the consideration of the sundry civil bill during the day, and as I have on behalf of the committee two or three amendments to offer to-morrow, which are not quite ready to be offered now, and as I learn that there are more amendments to follow, notably the one to be proposed by the Senator from Connecticut [Mr. HAWLEY] relating to the printing of postage stamps, it is impossible for the bill to be completed to-night. Therefore I will yield to the Senator from Nebraska and other Senators for ordinary current business.

STOUT, HALL & BANGS.

Mr. ALLEN. I ask unanimous consent for the present consideration of the bill (S. 1656) for the relief of Stout, Hall & Bangs.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. PETTIGREW. I do not object to the consideration of the bill, but I wish to amend the last sentence of the bill, which reads:

One-third of the sum herein appropriated shall be paid to each of the said claimants or to their authorized agents in writing.

So that the payment will go to the firm of Stout, Hall & Bangs, who did the work.

The PRESIDING OFFICER. The amendment proposed by the Senator from South Dakota will be read for information.

The SECRETARY. In line 14, after the word "Congress," it is proposed to strike out "one-third of"; and in line 15, after the word "to," to strike out "each of the said claimants," and insert "Stout, Hall & Bangs"; so as to read:

The sum herein appropriated shall be paid to Stout, Hall & Bangs, or to their authorized agents in writing, and the Secretary of the Treasury shall take vouchers therefor.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from South Dakota.

Mr. ALLEN. Just one word. I hope the Senator from South Dakota will withdraw the amendment. The firm of Stout, Hall & Bangs has been dissolved, so that there is now no firm of that name in existence; and the amendment proposed by the Senator from South Dakota might permit one of those persons to go to the Treasury Department and draw this entire sum of money to the exclusion of the others. It is to prevent that that I hope the Senator will withdraw his amendment.

Mr. PETTIGREW. I shall not withdraw my amendment to this bill. Two of these three partners have bought the other out. I am perfectly willing to so arrange it as that the two partners shall draw the money equally, but I am not willing to have it so that one can cheat the others. The Senator, I know, does not understand that, but I think I do. If my amendment is not adopted I shall object to the bill.

The PRESIDING OFFICER. The Chair has not yet submitted the question as to the matter of unanimous consent. Is there objection to the present consideration of the bill?

Mr. PETTIGREW. I object.

The PRESIDING OFFICER. Objection is made.

JAMES SIMS.

Mr. WALTHALL. I ask unanimous consent for the present consideration of the bill (S. 2501) for the relief of James Sims, of Marshall County, Miss.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay $6,338 to James Sims, of Marshall County, in the State of Mississippi, for quartermaster and commissary stores furnished by him to the Army of the United States in the years 1862 and 1863.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRESERVATION OF HERDS AND FLOCKS.

Mr. WARREN. I ask for the present consideration of Order of Business 133, being Senate resolution No. 72.

The PRESIDING OFFICER. The resolution will be read for information.

The Secretary read the resolution submitted by Mr. WARREN January 20, 1896, as follows:

Resolved, That in view of the late unprecedented shrinkage in numbers and values of farm animals throughout the United States, as shown by the last published reports of the Department of Agriculture, the attention of the Committee on Agriculture is hereby especially directed to this subject, with the request to consider and report to the Senate, or to invite the Finance Committee to consider and report by bill or otherwise, what legislation, if any, is necessary to preserve our herds and flocks.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. HILL. I do not think the recitals in that resolution are well founded. Is there any special hurry about it, I ask the Senator?

Mr. WARREN. The resolution has been on the Calendar for some time, and I should like to have it disposed of. Has the Senator any amendment he desires to offer to it?

Mr. HILL. I thought it was one of those resolutions that was offered for the purpose of making a speech, and the speech having been made, that that would end the matter.

Mr. WARREN. Mr. President, if the Senator objects to the Committee on Agriculture taking cognizance of this shrinkage in numbers and value of live stock and of its submitting the question to the Committee on Finance for that committee to investigate the cause of the shrinkage, and, if possible, suggest a remedy, then I of course do not propose to press it. The resolution merely directs the committee to make an inquiry and to submit a report.

Mr. HILL. Let the resolution go over to-day.

Mr. WARREN. If the Senator from New York objects to the investigation and will take that responsibility, I am willing to leave it in that way.

The PRESIDING OFFICER. Does the Senator from New York object?

Mr. HILL. Yes; I will take the responsibility of objecting, though I think it is not a very serious one.

The PRESIDING OFFICER. Objection is made, and the resolution goes over.

SALARY ACCOUNTS OF SENATORS.

Mr. MITCHELL of Oregon. I ask unanimous consent for the consideration at this time of a concurrent resolution, reported from the Committee on Privileges and Elections, in relation to the salary accounts of certain Senators.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read the resolution reported by Mr. MITCHELL of Oregon from the Committee on Privileges and Elections on the 10th instant, as follows:

Resolved, That it is the duty of the Secretary of the Senate to credit the salary accounts, respectively, of LEE MANTLE, a Senator from the State of Montana, and CLARENCE B. CLARK, a Senator from the State of Wyoming, to the full extent of their monthly pay from March 4, 1893, the date of the commencement of the terms for which they were elected, to July 31, 1894, the date of the passage of the act of Congress changing the time when the salaries of Senators elected or appointed to fill vacancies in the Senate, and of Senators elected for a full term subsequent to the commencement of such term, shall commence to run.

The resolution was considered by unanimous consent, and agreed to.

Mr. COCKRELL. I ask that the report in that case may be printed in the RECORD.

The PRESIDING OFFICER. That order will be made, in the absence of objection.

The report referred to, made by Mr. MITCHELL of Oregon on the 10th instant, is as follows:

The Committee on Privileges and Elections, to whom was referred resolution No. 165, directing such committee "to investigate and report to what extent, if any, the salary accounts of any members of the Senate should be credited with amounts which have accumulated during former vacancies in this body," having had the same under consideration, beg to submit the following report:

The only cases embraced in the terms of the resolution to which they could possibly have any application are those of LEE MANTLE, a Senator from the State of Montana, CLARENCE D. CLARK, a Senator from the State of Wyoming, and, possibly, GEORGE L. SHOUP, a Senator from the State of Idaho.

Mr. MANTLE was elected January 16, 1893, took the oath of office February 2, 1893, and has been paid from the date of his election.

Mr. CLARK was elected January 23, 1893, took the oath of office February 6, 1893, and has been paid from the date of his election.

Mr. SHOUP was elected March 9, 1893, took the oath of office December 2, 1895, and has been paid from the date of his election.

Accounts have been stated in these cases, certified by the President of the Senate, and allowed and passed by the Treasury Department.

Prior to July 31, 1894, Senators elected for a full term subsequent to the commencement of such term were invariably paid from the beginning of the term. The act of July 31, 1894, however, provided as follows:

"That the salaries of Senators elected or appointed to fill vacancies in the Senate and of Senators elected for a full term subsequent to the commencement of such term shall commence on the date of their election or appointment."

It is claimed upon the part of Messrs. MANTLE and CLARK that inasmuch as the full terms to which they were elected had commenced to run prior to the passage of the act of July 31, 1894, supra, they are entitled to compensation from the date of the commencement of such terms to the date of the passage of the act aforesaid.

Your committee are of the opinion that such contention is well founded, and therefore that the salary accounts, respectively, of Messrs. MANTLE and CLARK should be credited to the extent of their full monthly pay from March 4, 1893, the date of the commencement of the terms for which they were elected, to July 31, 1894, the date of the passage of the act aforesaid.

No claim has been made by Mr. SHOUP, nor do your committee believe that his account should be credited with any amount whatever, from the fact that the full term to which he was elected did not commence to run until subsequent to the passage of the act of July 31, 1894.

Your committee therefore report the following resolution and recommend its adoption:

"*Resolved*, That it is the duty of the Secretary of the Senate to credit the salary accounts, respectively, of LEE MANTLE, a Senator from the State of Montana, and CLARENCE D. CLARK, a Senator from the State of Wyoming, to the full extent of their monthly pay from March 4, 1893, the date of the commencement of the terms for which they were elected, respectively, to July 31, 1894, the date of the passage of the act of Congress changing the time when the salaries of Senators elected or appointed to fill vacancies in the Senate and of Senators elected for a full term subsequent to the commencement of such term shall commence to run."

JOINT SPECIAL COMMITTEE ON CONGRESSIONAL LIBRARY.

Mr. JONES of Arkansas. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution submitted by the Senator from New Hampshire [Mr. GALLINGER] for the Senator from North Dakota [Mr. HANSBROUGH], to report it favorably.

Mr. HANSBROUGH. I ask unanimous consent that the resolution may be considered at this time.

There being no objection, the Senate proceeded to consider the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the chairman of the Committee on the Library of the Senate and the chairman of the Committee on the Library of the House of Representatives and one other member of the Joint Committee on the Library, to be selected by the two chairmen aforesaid, be, and they are hereby, constituted a joint special committee, with authority to sit during the recess of Congress, for the purpose of inquiring into the condition of the Congressional Library and the Botanic Garden and to report upon the same at the next session of Congress with such recommendations as may be deemed advisable. Also to report a plan for the organization, custody, and management of the new Library building and the Congressional Library and the Botanic Garden. That the said joint special committee is also authorized to employ a stenographer whenever necessary during the course of the inquiry; that the necessary expenses of the sittings of the said joint special committee, including the pay of the stenographer, be taken equally from the contingent funds of the two Houses of Congress.

Mr. GORMAN. I suggest to the Senator to strike out the words "and the Botanic Garden" wherever they occur, and let the investigation be confined to the Congressional Library.

Mr. HANSBROUGH. I have no objection to that amendment. I will say that the resolution has already passed the Senate before, and was subsequently referred to another committee.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Maryland, to strike out the words "and the Botanic Garden" where they occur in the resolution.

The amendment was agreed to.

Mr. CHANDLER. I move, after the word "sit," in line 8, to insert the words "in Washington"; so that the committee will sit in Washington City.

Mr. HANSBROUGH. I have no objection to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

REASSESSMENT OF WATER-MAIN TAXES.

Mr. PROCTOR. I ask unanimous consent for the consideration of the bill (H. R. 3279) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment, to insert at the end of the bill the following:

And any amount heretofore paid upon an assessment which has been declared void shall be credited the owner upon the reassessment made under the provisions of this bill.

Mr. PROCTOR. From the Committee on the District of Columbia I submit other amendments in lieu of that amendment which was formerly proposed, and I ask that the amendments which I now send to the desk may be considered.

Exposition Company has made considerable expenditures on behalf of the] jection to the present consideration of the bill.

The PRESIDING OFFICER. The amendments reported by the Senator from Vermont will be stated in their order.

The SECRETARY. In line 4, after the word "cases," it is proposed to insert "not exempted by this act"; so as to read:

That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed in all cases not exempted by this act, where water-main taxes or assessments in the District of Columbia may hereafter be quashed, etc.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 2. That no water-main tax or assessment shall hereafter be assessed or reassessed upon any land in the District of Columbia held and used exclusively for agricultural purposes, or upon any unsubdivided land not used for business purposes: *Provided*, That this exemption shall not apply to any land into which Potomac water has been or shall be introduced from a public water main in the avenue, street, alley, or road on which the land abuts.

Mr. GORMAN. I suggest to the Senator to let the bill go over and have the amendments printed, as I should like to examine it as the committee propose to amend it.

Mr. PROCTOR. I suggest to the Senator that the amendments to the bill may be agreed to, so that the bill may be perfected and then go over and be reprinted. The amendments have been reported by the Committee on the District of Columbia, and are recommended very earnestly by the Commissioners in view of avoiding litigation which comes up over these reassessments. The bill is precisely the same in principle as a bill we passed the other day in regard to the reassessment of general taxes.

Mr. GORMAN. I should like to see the amendments in print before they are adopted, and I trust the Senator will consent to have them printed and let the bill lie over.

Mr. PROCTOR. Then I ask that an order be made that the bill be printed with the proposed amendments.

The PRESIDING OFFICER. That order will be made, in the absence of objection.

Mr. ALLISON. I move that the Senate adjourn.

Mr. ALLEN. I hope the Senator will withdraw that motion for a moment.

Mr. STEWART. I hope the Senator from Iowa will yield to me to secure the passage of a bill.

Mr. ALLISON. I will yield to my friend on my right [Mr. STEWART] and then to my friend on my left [Mr. ALLEN], after which I shall insist on my motion.

JAMES A. MOORE.

Mr. STEWART. I ask unanimous consent for the present consideration of the bill (S. 768) for the relief of James A. Moore.

Mr. JONES of Arkansas. There was a list of Senators submitted to the President of the Senate who were to be recognized in the order they were placed on the list, and I am not going to agree that Senators whose names are there shall be displaced now by the action of any Senator; and I move that the Senate adjourn, so as to make us all even.

Mr. STEWART. I have not displaced anybody; I was in order.

Mr. JONES of Arkansas. I beg leave to say that the Senator has displaced several Senators whose names were down on the list before his.

Mr. STEWART. Oh, no; I have not.

The PRESIDING OFFICER. The Chair will explain to the Senator from Arkansas that the Senator from Nevada [Mr. STEWART] had his name on the list.

Mr. JONES of Arkansas. Was he next on the list?

The PRESIDING OFFICER. He was next on the list.

Mr. JONES of Arkansas. Then I withdraw my motion.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 768) for the relief of James A. Moore. It directs the proper accounting officers of the Treasury to settle the accounts of James A. Moore for services rendered and expenses incurred as United States marshal for the district of Nevada from October 12, 1892, the date of the expiration of his commission, until May 15, 1893, the date when his successor qualified, in the same manner as if section 793 of the Revised Statutes of the United States providing for ad interim appointments had been complied with.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JANE CHRISTIAN MARYE.

Mr. GORMAN. I ask unanimous consent for the present consideration of the bill (S. 2637) granting a pension to Jane Christian Marye.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place the name of Jane Christian Marye, only child of W. S. Jett, late a soldier of the Revolutionary war, on the pension roll as a dependent daughter, to be paid a pension at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RICHMOND COLLEGE, RICHMOND, VA.

Mr. MARTIN. I ask unanimous consent for the consideration of the bill (S. 2143) for the relief of Richmond College, located at Richmond, Va.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, in line 12, after the word "officers," to insert the following proviso:

Provided, That no money be so paid except upon accounts of such occupation, injury, and destruction, and the damage caused thereby duly verified and proven.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Richmond College, located at Richmond, Va., the sum of $25,000, out of any money in the Treasury not otherwise appropriated, to reimburse said college for the occupation of its buildings and grounds by United States troops and officers for the period of eight months, said occupation commencing in April, 1865, and for injury to and destruction of the buildings, the apparatus, libraries, and other property of said college by said troops and officers: *Provided*, That no money be so paid except upon accounts of such occupation, injury, and destruction, and the damage caused thereby duly verified and proven.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SEWER AT HOT SPRINGS, ARK.

Mr. BERRY. I ask unanimous consent to call up the bill (H. R. 2265) to provide for reimbursement of the expenses of constructing a sewer upon the permanent reservation at Hot Springs, Ark.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Albert B. Gaines, S. H. Stitt, and A. S. Garnett, of Hot Springs, Ark., S. W. Fordyce, of St. Louis, Mo., and Charles B. Platt, of the city of New York, $930 in reimbursement of the amount actually expended by them in the construction of a sewer upon the permanent reservation at Hot Springs, Ark.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SURVEY OF LAND IN NEBRASKA.

Mr. ALLEN. I ask unanimous consent to call up the bill (S. 2749) to establish the official survey of fractional townships 31 and 32 north, of ranges 6, 7, and 8 west, of the sixth principal meridian, in the State of Nebraska, north and west of the Niobrara River, and quieting the title of settlers thereon, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, in line 6, section 2, after the word "meridian," to insert "lying on the left bank of the Niobrara River."

The amendment was agreed to.

Mr. ALLEN. After the word "dollars," in line 5, section 3, I move to insert "or so much thereof as may be necessary."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT-HOUSE AT ST. JOSEPHS BAY, FLORIDA.

Mr. PASCO. I ask unanimous consent to call up the bill (S. 657) to provide for the erection of range lights at St. Josephs Bay, Florida, and at St. Andrews Bay, Florida.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, in line 3, after the word "that," to strike out "range light" and insert "a light-house"; in line 5, after the name "Florida," to strike out "and at St. Andrews Bay, Florida"; in line 6, after the word "thousand," to insert "five hundred"; and in line 6, after the word "dollars," to insert "or so much thereof as may be necessary"; so as to make the bill read:

Be it enacted, etc., That a light-house shall be erected, under the supervision of the Light-House Board, at St. Josephs Bay, Florida, and $20,500, or so much thereof as may be necessary, is hereby appropriated for that purpose out of any money in the Treasury not otherwise appropriated.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the erection of a light-house at St. Josephs Bay, Florida."

JENNIE E. BURCH.

Mr. PETTIGREW. I ask unanimous consent for the present consideration of the bill (S. 1902) granting a pension to Jennie E. Burch.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twelve"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jennie E. Burch, a volunteer nurse during the war of the rebellion, and pay her a pension at the rate of $12 dollars per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA WILSON.

Mr. SHOUP. I ask unanimous consent for the present consideration of the bill (H. R. 4265) granting a pension to Eliza Wilson.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Eliza Wilson, widow of the late Nathaniel Wilson, late of Company M, Second Regiment Iowa Cavalry Volunteers, at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 25, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 24, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

WATER BONDS OF TUCSON, ARIZ.

Mr. MURPHY of Arizona. I ask unanimous consent for the present consideration of the bill which I send to the desk.

Mr. PICKLER. I call for the regular order.

Mr. MURPHY of Arizona. I hope the gentleman will withdraw that call for a moment. This bill will occupy no time.

Mr. PICKLER. Very well; I withdraw the call for a moment.

The Clerk read as follows:

A bill (H. R. 4068) to enable the city of Tucson, in the Territory of Arizona, to issue bonds to construct a water and sewer system.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the city of Tucson, in the Territory of Arizona, by its mayor and common council, is hereby enabled to issue bonds of the said city, not to exceed $100,000 in amount, payable within thirty years from the date thereof, in lawful money of the United States of America, and to bear interest at not to exceed 5 per cent per annum, interest payable semi-annually, the proceeds of the sale of said bonds, which shall not be sold at less than par, to be used exclusively in the construction of a water and sewer system for the said city of Tucson. That before said bonds are sold, at least thirty days' notice shall be given by publication in one or more newspapers of general circulation, asking for bids for the purchase of said bonds at not less than par.

SEC. 2. That at the time said bonds are ready to be issued by the mayor and common council of the said city of Tucson, the city treasurer of said city of Tucson, in whose custody the said bonds, or the proceeds of the sale thereof, shall be kept, shall be required to give an additional bond, to be approved by the mayor and common council of said city of Tucson, to the said city of Tucson, in not less than the value of said bonds, or the proceeds of the sale thereof, in his hands, for the safe-keeping of said bonds, or the proceeds of the sale thereof, and to account for the same.

SEC. 3. That before said bonds are issued the mayor and common council of the said city of Tucson shall cause an election to be held, in all respects as elections are now held in said city for the election of city officers, at which election the qualified electors of said city may vote for or against the issuance of said bonds, and should a majority of the votes cast at said election be against the issuance of said bonds, then said city of Tucson, by its mayor and common council, shall not issue said bonds.

The amendment reported by the Committee on Territories was read, as follows:

In line 6 of section 3, strike out "a majority" and insert "one-third"; so as to read, "one-third of the vote cast at said election," etc.

There being no objection, the House proceeded to the consideration of the bill.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read a third time, and passed.

On motion of Mr. SCRANTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, the following Senate bills and joint resolution were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 2642) to provide for the safety of passengers on excursion steamers—to the Committee on Interstate and Foreign Commerce;

A bill (S. 1365) for the relief of the National New Haven Bank of the State of Connecticut—to the Committee on Claims; and

Joint resolution (S. R. 133) authorizing Surg. P. M. Rixey, of the Navy, to accept from the King of Spain the grand cross of naval merit with the white distinction mark, in recognition of services rendered to the officer and sailors of the *Santa Maria* who were injured by an explosion on that ship—to the Committee on Foreign Affairs.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 3549) authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings Ship Channel, in Aransas County, Tex.;

A bill (H. R. 5488) to provide for the incorporation and regulation of medical and dental colleges in the District of Columbia; and

Joint resolution (H. Res. 170) to provide for the proper distribution of the publication entitled "Messages and Papers of the Presidents."

ARTICLES EXPORTED FOR EXHIBITION PURPOSES.

Mr. DINGLEY. I ask consent to call up a public bill which has been reported by the Committee on Ways and Means, and which the Treasury Department desires to have immediately passed.

The bill (H. R. 7865) to allow the return free of duty of certain articles exported from the United States for exhibition purposes was read, as follows:

Be it enacted, etc., That whenever any article or articles or live stock shall be sent out of the United States for temporary use or exhibition at any public exposition, fair, or conference held in a foreign country such articles shall be entitled to be returned to the United States, under such regulations as may be prescribed by the Secretary of the Treasury, without the payment of customs duty, whether they shall be of domestic or of foreign production: *Provided*, That the articles of foreign production have once paid duty in the United States and no drawback has been allowed thereon, and if any domestic articles are subject to internal-revenue tax such tax shall be proved to have been paid before exportation and not refunded.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

On motion of Mr. DINGLEY, a motion to reconsider the last vote was laid on the table.

Mr. PICKLER. I call for the regular order.

ELECTION CONTEST—CORNETT VS. SWANSON.

Mr. JONES. I desire to present a privileged report. I am directed by the Committee on Elections No. 3 to present their report in the contested-election case of Cornett *vs.* Swanson, from the Fifth Congressional district of Virginia, and to ask that the minority of the committee be allowed until Wednesday next to file their views.

The SPEAKER. The report of the committee will be ordered to be printed. The gentleman from Virginia [Mr. JONES] asks that the minority of the committee may have until Wednesday next to file their views.

There was no objection.

The resolutions appended to the report of the committee are as follows:

Resolved, That George W. Cornett was not elected a Representative to the Fifty-fourth Congress of the United States from the Fifth district of Virginia.

Resolved, That Claude A. Swanson was duly elected a Representative to the Fifty-fourth Congress of the United States from the Fifth district of Virginia, and is entitled to his seat.

SARAH A. BOYD.

The SPEAKER laid before the House the following resolution of the Senate; which was read, considered, and concurred in:

Resolved by the Senate (the House of Representatives concurring), That the Committee on Enrolled Bills of the two Houses be authorized to correct the enrolled bill of the Senate (S. 2557) granting a pension to Sarah A. Boyd, by striking out the word "captain," in line 5 of said enrolled bill, and inserting "first lieutenant."

PENSION BILLS PASSED.

The SPEAKER. The next business in order is certain pension bills reported on last Friday evening from the Committee of the Whole House. These bills will now be taken up in their order.

Bills of the following titles, reported with amendments from the Committee of the Whole House, were severally taken up; and under the operation of the previous question (called for by Mr. PICKLER) the amendments were agreed to, and the bills as amended were ordered to be engrossed and read a third time; and they were accordingly read the third time, and passed:

A bill (H. R. 2143) granting a pension to Mrs. Emily M. Van Derveer;

A bill (H. R. 4298) granting an increase of pension to Annie Thompson;

A bill (H. R. 3001) granting a pension to Cynthia A. Lapham, widow of William B. Lapham;

A bill (H. R. 1609) to remove the charge of desertion from the military record of Peter Fleming, of Battery E, Third United States Artillery (title amended so as to read "A bill for the relief of Peter Fleming, of Battery E, Third United States Artillery");

A bill (H. R. 2048) for the relief of Rufus Betz; and

A bill (H. R. 2844) granting a pension to Martha McNeil.

Bills of the following titles, favorably reported from the Committee of the Whole House, were severally taken up; and under the operation of the previous question (called for by Mr. PICKLER), were ordered to be engrossed, read the third time, and passed:

A bill (H. R. 5814) granting a pension to Cassie A. Davis, widow of James P. Davis and mother of Mary J. Davis, an invalid daughter;

A bill (H. R. 5610) for the relief of George T. Stevens, assistant surgeon, Seventy-seventh New York Volunteers; and

A bill (H. R. 1734) to increase the pension of Ann Catherine Hull.

On motion of Mr. PICKLER, a motion to reconsider the several votes by which bills reported from the Committee of the Whole House were passed was laid on the table.

COMMITTEE APPOINTMENT.

The SPEAKER announced the appointment of Mr. MILES as a member of the Committee on the Judiciary.

ORDER OF BUSINESS.

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of business on the Private Calendar.

Mr. PICKLER. Mr. Speaker, if I may be permitted to say so, I hope the motion will not prevail, as we wish to proceed with the further consideration of the pension bill.

The question was taken; and on a division (demanded by Mr. MAHON) there were—ayes 58, noes 63.

Mr. RICHARDSON. I demand the yeas and nays on the motion.

The yeas and nays were ordered.

The question was taken; and there were—yeas 77, nays 139, not voting 138; as follows:

YEAS—77.

Abbott,	Denny,	Mahon,	Spencer,
Adams,	Dinsmore,	McCreary, Ky.	Stokes,
Aldrich, Ala.	Downing,	McCulloch,	Strait,
Allen, Utah	Erdman,	McDearmon,	Strowd, N. C.
Baker, N. H.	Evans,	McMillin,	Sulzer,
Bartlett, Ga.	Fischer,	McRae,	Swanson,
Bell, Colo.	Gibson,	Miller, Kans.	Tallbert,
Bell, Tex.	Hall,	Odell,	Tate,
Berry,	Hart,	Otey,	Terry,
Black, Ga.	Hendrick,	Owens,	Tucker,
Broderick,	Hubbard,	Patterson,	Turner, Ga.
Clardy,	Johnson, Cal.	Pendleton,	Turner, Va.
Cobb,	Jones,	Pugh,	Tyler,
Cockrell,	Kem,	Richardson,	Underwood,
Cooper, Fla.	Layton,	Sayers,	Wheeler,
Cooper, Tex.	Lester,	Sherman,	Williams,
Cox,	Lewis,	Shuford,	Wilson, S. C.
Crisp,	Little,	Skinner,	
Crowley,	Livingston,	Smith, Ill.	
De Armond,	Loudenslager,	Sparkman,	

NAYS—139.

Acheson,	Dingley,	Jenkins,	Sauerhering,
Andrews,	Dolliver,	Joy,	Scranton,
Arnold, R. I.	Draper,	Kerr,	Shafroth,
Atwood,	Eddy,	Knox,	Shannon,
Avery,	Ellis,	Leighty,	Simpkins,
Baker, Kans.	Faris,	Linney,	Snover,
Baker, Md.	Fenton,	Linton,	Southard,
Bartholdt,	Fowler,	Lockhart,	Spalding,
Bartlett, N. Y.	Gamble,	Low,	Sperry,
Beach,	Gardner,	Mahany,	Stable,
Bennett,	Gillet, N. Y.	Marsh,	Stephenson,
Bishop,	Gillett, Mass.	McClellan,	Stewart, N. J.
Blue,	Graff,	McCormick,	Stewart, Wis.
Boutelle,	Griffin,	Meiklejohn,	Stone, C. W.
Brosius,	Grosvenor,	Mercer,	Strode, Nebr.
Brumm,	Grow,	Miller, W. Va.	Sulloway,
Bull,	Hadley,	Milliken,	Tawney,
Burton, Mo.	Hager,	Milnes,	Thomas,
Calderhead,	Haterman,	Miner, N. Y.	Towne,
Cannon,	Hardy,	Minor, Wis.	Tracey,
Chickering,	Harmer,	Moody,	Van Horn,
Clark, Mo.	Heatwole,	Morse,	Van Voorhis,
Codding,	Hemenway,	Northway,	Walsh,
Coffin,	Henderson,	Otjen,	Warner,
Connolly,	Henry, Conn.	Overstreet,	Watson, Ohio
Cooke, Ill.	Henry, Ind.	Parker,	Wellington,
Cooper, Wis.	Hepburn,	Payne,	Wilber,
Corliss,	Hermann,	Pearson,	Willis,
Cousins,	Hilborn,	Perkins,	Wilson, Idaho
Crowther,	Hitt,	Phillips,	Wilson, Ohio
Curtis, Iowa	Howell,	Pickler,	Wood,
Curtis, Kans.	Huff,	Poole,	Woodard,
Dalzell,	Hunter,	Quigg,	Woodman,
Danford,	Hurley,	Ray,	Woomer.
Daniels,	Hyde,	Royse,	

NOT VOTING—138.

Aitken,	Doolittle,	Kyle,	Prince,
Aldrich, Ill.	Dovener,	Lacey,	Raney,
Allen, Miss.	Elliott, Va.	Latimer,	Reeves,
Anderson,	Elliott, S. C.	Lawson,	Reyburn,
Apsley,	Fairchild,	Lefever,	Robertson, La.
Arnold, Pa.	Fitzgerald,	Leisenring,	Robinson, Pa.
Babcock,	Fletcher,	Leonard,	Rusk,
Bailey,	Foote,	Long,	Russell, Conn.
Bankhead,	Foss,	Lorimer,	Russell, Ga.
Barham,	Goodwyn,	Loud,	Settle,
Barney,	Griswold,	Maddox,	Shaw,
Barrett,	Grout,	Maguire,	Smith, Mich.
Belknap,	Hainer, Nebr.	McCall, Mass.	Sorg,
Bingham,	Hanly,	McCall, Tenn.	Southwick,
Black, N. Y.	Harris,	McCleary, Minn.	Stallings,
Bowers,	Harrison,	McClure,	Steele,
Brewster,	Hartman,	McEwan,	Stone, W. A.
Bromwell,	Hatch,	McKenney,	Strong,
Brown,	Heiner, Pa.	McLachlan,	Taft,
Buck,	Hicks,	McLaurin,	Tayler,
Burrell,	Hill,	Meredith,	Tracewell,
Burton, Ohio	Hooker,	Meyer,	Treloar,
Catchings,	Hopkins,	Miles,	Updegraff,
Clark, Iowa	Howard,	Mondell,	Wadsworth,
Clarke, Ala.	Howe,	Money,	Walker, Mass.
Colson,	Hulick,	Moses,	Walker, Va.
Cook, Wis.	Huling,	Mozley,	Wanger,
Cowen,	Hull,	Murphy,	Washington,
Crump,	Hutcheson,	Neill,	Watson, Ind.
Culberson,	Johnson, Ind.	Newlands,	White,
Cummings,	Johnson, N. Dak.	Noonan,	Wilson, N. Y.
Curtis, N. Y.	Kendall,	Ogden,	Wright.
Dayton,	Kiefer,	Pitney,	Yoakum.
De Witt,	Kirkpatrick,	Powers,	
Dockery,	Kulp,	Price,	

So the motion was rejected.

The following pairs were announced until further notice:

Mr. HICKS with Mr. MADDOX.

Mr. HOOKER with Mr. MINER of New York.

Mr. JOHNSON of North Dakota with Mr. STALLINGS.

Mr. REEVES with Mr. CATCHINGS.

Mr. PRINCE with Mr. BAILEY.

Mr. RANEY with Mr. COWEN.

Mr. LACEY with Mr. HUTCHESON.

Mr. BINGHAM with Mr. DOCKERY.

Mr. ALDRICH of Alabama with Mr. MCKENNEY.

Mr. WILLIAM A. STONE of Pennsylvania with Mr. NEILL.

Mr. JOHNSON of Indiana with Mr. ROBERTSON of Louisiana.

Mr. WHITE with Mr. RUSK.

Mr. MOZLEY with Mr. MAGUIRE.

Mr. ROBINSON of Pennsylvania with Mr. SHAW.

Mr. MCCALL of Massachusetts with Mr. CLARKE of Alabama.

Mr. HULL with Mr. MOSES.

Mr. BARHAM with Mr. BANKHEAD.

Mr. LEISENRING with Mr. MONEY.

Mr. HATCH with Mr. WASHINGTON.

Mr. MEIKLEJOHN with Mr. ELLIOTT of Virginia.

Mr. BRUMM with Mr. ELLIOTT of South Carolina.

Mr. RUSSELL of Connecticut with Mr. RUSSELL of Georgia.

Mr. KULP with Mr. CUMMINGS.

Mr. WANGER with Mr. FITZGERALD.

Mr. FOSS with Mr. HARRISON.

The following pairs were announced on this vote:

Mr. LEONARD with Mr. MEREDITH.

Mr. DOVENER with Mr. MCLAURIN.

Mr. KIEFER with Mr. LATIMER.

Mr. DE WITT with Mr. KENDALL.

Mr. HULICK with Mr. KYLE.

Mr. CURTIS of New York with Mr. SORG.

Mr. REYBURN with Mr. CULBERSON.

Mr. SMITH of Michigan with Mr. YOAKUM.

Mr. AITKEN with Mr. ALLEN of Mississippi.

Mr. FAIRCHILD with Mr. PRICE.

Mr. FLETCHER with Mr. OGDEN.

Mr. HOPKINS with Mr. MILES.

Mr. STEWART of New Jersey. Mr. Speaker, my colleague Mr. PITNEY is confined to his room by sickness. I ask that he be excused.

There was no objection.

Mr. SMITH of Michigan. Mr. Speaker, I entered the Hall immediately after my name was called and desire to be recorded.

The SPEAKER pro tempore. The Chair can not entertain a request to record a vote under the circumstances.

Mr. SMITH of Michigan. I believe I am paired, but desire to state that I should vote "nay" on this proposition.

Mr. BAILEY. I am paired with the gentleman from Illinois, Mr. PRINCE, and desire to withdraw my vote. I had temporarily overlooked the fact.

The result of the vote was then announced as above recorded.

AMENDMENT OF PENSION LAWS.

Mr. PICKLER. Mr. Speaker I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the pension bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. PAYNE in the chair.

Mr. PICKLER. I yield to my colleague, the gentleman from Ohio [Mr. LAYTON].

Mr. LAYTON. Mr. Chairman, as a member of the Committee on Invalid Pensions that reported this bill to the House for its consideration, my first thought was, in view of the fact that it was the first bill of a general character pertaining to pensions that had been presented to the House for its action at this session, it was incumbent on me, as a member of the minority of the committee especially, to say something upon the floor as to its merits or demerits. But after having heard the long, able, interesting, and, all things considered, the very fair and conservative speech of the chairman of the committee [Mr. PICKLER] I reconsidered my first opinion, and came to the conclusion that inasmuch as I could not hope to add anything of interest to the discussion, I would willingly refrain from taking the floor at all. I believe I so stated in the committee room; but I did couple that statement with the qualification that if no gentleman upon the other side of the House should in his zeal provoke me further I certainly would adhere to my original resolution, but reserved the right as a matter of self-defense, not particularly for myself as a member of the minority of the committee, but of the party which I represent, to present some matters to this House in explanation of any opposition that I might offer to any portion of the bill.

Mr. Chairman, I want to make myself understood at the outset. I am not here as a champion of this Administration on the pension question. I am not here in opposition to this bill now under consideration. As a whole, I think it a good bill. I believe that it is in the interest of the old soldier—in the language of the gentleman from Illinois of the "sure-enough" soldier. But while I shall vote for it in its present condition if compelled to do so, it seems to me at the same time proper to add that I hope an opportunity will be given to those who are interested in the special welfare of the "sure-enough" soldiers to submit two or three amendments at least, to which I wish to call attention before concluding.

I take pleasure in saying that I have the honor to represent on this floor a large soldier constituency. I do not know the exact number and could not undertake to say; but including the old soldiers and their widows and dependents, I have no doubt the number will be between five and six thousand. I would be perfectly safe in saying that the number is not less than 5,000. I have mingled a great deal with those old soldiers; I have mingled with them since my early boyhood, long before I ever aspired to an office; and more especially since I have had the honor to be a member of this body. I have become in that time acquainted with a very large number of them. Hence I assume and claim that I have the means of knowing their wishes relative to pension legislation, because I have always made it a point, when talking with them either in public or private, to ascertain what their wishes were relative to these subjects which I knew I would have continually to deal with while discharging, or attempting to discharge, my official duties in this body. Therefore I say, as a friend of the old soldier, as a friend of the true soldier, that I believe this is a good bill, as a whole, and I shall vote for it. I hope that gentlemen on this side of the House will, with at least substantial unanimity, concur with me in my position.

Referring again to the provocation that put me on the floor, I anticipated that unfortunately, in the discussion of this question, some gentleman upon the other side would not fail to lug in politics. I deprecate it. I condemn it. I enter my protest against it; for if there is any question that ought to be regarded as nonpartisan, that ought to be considered without any feeling or bias in a political way, it is the question of pensions to the defenders of our flag and of our country.

But before I refer to the gentleman who has thus irritated me, or who has provoked me to take the floor, I want to respectfully call the attention of this committee to my objections to this bill. I ask the earnest attention of gentlemen, because I have given this bill a great deal of serious consideration. And I repeat, speaking now as the friend, as the representative of the true soldiers, as the friend of the "sure-enough" soldiers, that there are at least two sections in this bill which do not meet with their approval.

I wish especially to refer to section 13. I will not take the time to read it, but it is the section which provides that, notwithstanding the fact that a soldier may have deserted the Army, if he has afterwards enlisted and received an honorable discharge it shall be no bar to his status upon the pension roll. I ask your earnest consideration of this proposition; and that is all there is in it. It presents the simple question now, whether or not a soldier, having enlisted in the Army, and having deserted, willfully deserted, if you please, because there is no exception—basely deserted—but having afterwards reenlisted, and from that reenlistment received an honorable discharge, whether or not he is worthy to be placed upon the pension rolls?

In this connection, I want to call the attention of the committee to this important fact, which came to me by reason of my intermingling and conversations with the old soldiers themselves. I have heard it referred to frequently. In 1864, especially—and a great many of the old soldiers upon this floor can bear me out in this statement—the year 1864 was the time especially in which these desertions principally occurred. I have forgotten the number of desertions that took place from the Army of the Union in 1864, and hence shall not undertake to state it, but it was among the thousands and tens of thousands, and possibly 100,000. There was a very large and extraordinary number of desertions during that year. And I am told by these "sure-enough" soldiers that a great majority, if not nine-tenths, of those who thus basely deserted their flag and their country in that year and hour of trial did it for the express purpose of receiving the large bounties that were paid to soldiers during the latter part of that year. And the effect would be to give these soldiers who deserted in that year especially, and who are not upon the rolls, who deserted their commands for the mercenary purpose of receiving the large sums of money that were offered by way of bounty, to place them upon the pension rolls.

Mr. Chairman and gentlemen of this committee, I submit to you that that ought not to be done, and as a true friend of the true soldier I am here to enter my protest. If I have an opportunity, which I hope the Chairman of this committee or the members of the House will give me, I shall submit an amendment striking out the following words in section 13, covering the objection to which I have just referred, namely:

Notwithstanding a prior service from which the person on whose service the claim depends was not honorably discharged.

That will, by striking out the words I have just referred to, prevent these objectionable people to whom I have just alluded from getting upon this roll, which I believe we all, on both sides of this House, want to preserve as a roll of honor.

My second objection to this bill is to section 14, and I call the especial attention of the Committee of the Whole to this objection, which has been well stated by my colleague upon the committee, Mr. MCCLELLAN. The portion that I object to is the rating that shall be allowed to the soldier for his injuries. My objection is to this part of the section:

To all disabilities pensionable under the general law the same rate of pension shall be allowed as under the general law, not to exceed in the aggregate $12 per month.

Now, when you stop to think a while, you will see the pertinency of my objection. There is not a true friend of the true soldier but will concede that a man who receives his injuries in battle, at the front, in the face of the enemy, is entitled to more consideration at the hands of a grateful country than a man who may have received his injuries in a runaway, or in a sawmill, while engaged in peaceful pursuits. But yet, if you permit those words to remain in the bill, you make no distinction up to and including $12 a month. The man who was shot on the field of battle, and who was maimed or injured in some way while in the Army, or who incurred a disease while at the front, will be entitled to no more consideration, to no greater pension at your hands if this rate is permitted, than will the man who received a wound while pursuing his peaceful avocations last year, in 1895, or any prior year since the war.

I submit to you, gentlemen of this committee, that that distinction ought to be obviated; that it has been recognized as the policy of this Government from the close of the war, and with every other government, that men who receive their injuries on the battlefield, or in the front, are entitled to more consideration at the hands of a grateful country than are those who received wounds or injuries or contracted disease otherwise.

Now, these are the only two serious objections I have to this bill. I hope they will be eliminated, and then I can vote for it cheerfully. I will vote for it, I repeat, anyhow, but under protest, because I believe it is in the interest, taking it altogether, of the old soldier. It will enable him to secure a pension much more speedily, if he is entitled to it, and it will at least enable him to have his case closed up and determined without unnecessary delay, whether or not he is to receive a pension.

Now, as to the other objections that have been made, I suggest they are not tenable, in my judgment. The gentleman from Michigan [Mr. SMITH] objects to this second section of the bill, providing that no pension heretofore granted or which may hereafter be granted under the pension laws shall be reduced except on "mistake of fact" or "recovery from disability." The gentleman objects to those six words, and objects to that portion of the bill. The distinguished gentleman from Iowa [Mr. HEPBURN], as I remember, objects to the form of the jurat required in prosecuting an application for pension before the Pension Bureau; and the distinguished gentleman from Iowa submitted an amendment which he proposes to offer for the consideration of this committee if opportunity is given him—an amendment which I will read here, and will vote for it, because if this amendment is adopted it will not only be in the interest of the old soldier, but at the same

time it will obviate entirely, in my opinion, the objections offered by the gentleman from Michigan and the gentleman from Iowa himself to other portions of the bill. That amendment offered by the gentleman from Iowa [Mr. HEPBURN] is as follows:

That in the administration of the Pension Bureau all pension laws shall be construed liberally in the interest of the claimant, and in no case shall the claimant be required to furnish a measure of proof that excludes all reasonable doubt, but he shall only be required to establish his claim by a fair preponderance of proofs.

I believe that amendment, I say, should be adopted; and if it is, it will obviate and entirely eliminate all these other objections that have thus far been advanced against this bill. When we come to deal with a definition of fraud, and to provide a code of laws for it, and a definition of mistake of fact, all lawyers will agree that you are getting into very deep waters. In other words, it can not be done; it is not practicable. The only thing you can do as to these details, as to what constitutes fraud and mistake of fact, is to leave that to the broad discretion and judgment of your judicial and executive officers; and when you put in this amendment that in the administration of the laws in the Bureau all pension laws shall be construed liberally, in the interest of the claimant, you at once obviate the objections made by the gentleman from Michigan [Mr. SMITH] and the gentleman from Iowa [Mr. HEPBURN]. Therefore I think, with these three amendments, I can cheerfully commend and do commend this bill to every member upon both sides of this House.

Mr. OWENS. As to the first section, too?

Mr. LAYTON. Yes, as to the first section. That includes the men who first enlisted in the Confederate army and afterwards repented of their mistake and enlisted in the Union Army and received an honorable discharge therefrom. I do not see any objection to that. I believe in forgiving men when they honestly admit that they made a mistake and try to make all amends possible; and this was the only or the best way they could show their good faith at that time.

Mr. PICKLER. Will my colleague allow me to ask him a question right there?

Mr. LAYTON. Certainly.

Mr. PICKLER. Why should you not, in good faith, be in favor of the proposition to forgive those boys who deserted and afterwards went into the Union Army?

Mr. LAYTON. I will forgive them if they were not deserters for a mercenary purpose.

Mr. PICKLER. My colleague of course remembers that in the Administration preceding this these men were all pensioned, and this is only going back to the old rule, so far as that is concerned.

Mr. LAYTON. I never approved it; I have never known any true soldier that did approve of these willful deserters being pensioned under any circumstances. If they were simply technical deserters, if they did not, in fact, intend to desert, I would give them a pensionable status; but, as I have stated, a great majority of them are reported to have deserted in the latter part of 1864 from one regiment and enlisted in another, in order to secure the large bounties which were paid at that time. If it was a mere technical absence without leave and not a willful desertion, I believe in removing that charge; but everyone who is in that condition can come to Congress; and after they have done that no objection will be made to their being thereafter placed in a pensionable status and that they may go on the pension roll.

Mr. COX. Will the gentleman yield to me for one moment?

Mr. LAYTON. With pleasure.

Mr. COX. Let me call your attention there to the amendment offered by the gentleman from Iowa [Mr. HEPBURN].

Mr. LAYTON. I have it before me.

Mr. COX. You have it before you. That is, that in construing the evidence it shall be construed with a view to deciding the case according to the preponderance of the evidence. That is the point, is it not?

Mr. LAYTON. That is the purpose.

Mr. COX. Now look at the amendment. It provides on the face of it that this evidence shall be construed in the interest of the applicant. Now, why not strike that out and leave the evidence to be construed with reference to the preponderance, regardless of the applicant or the Government?

Mr. LAYTON. I think that, taking the whole amendment together, is its intent and purport. The rule has been, not only under this Administration but also under the preceding one—I speak from personal knowledge, because I have had a great deal to do with both in my official capacity—the rule has been, or at least the practice has seemed to be, no matter what rule they claim to be acting under, that the soldier was required to prove the claim beyond all reasonable doubt.

Mr. COX. Of course. Now, the point there is on the construction of the evidence, and your position is that the rule has been that the applicant must prove his case beyond reasonable doubt. That is the point you are making.

Mr. LAYTON. I say that has been the practice, whatever the rule may have been.

Mr. COX. But that is your point. Now, then, why put in this bill a provision that the evidence shall be construed liberally for the applicant?

Mr. LAYTON. In answer to the distinguished gentleman from Tennessee I will say that I believe the time has come when that provision ought to be placed in a general pension bill, for the reason that at this time, thirty-one years after the close of the war, it is often very difficult for these old soldiers to secure the technical evidence that might be required. This is only a question involving in each case a few dollars and cents. It is in the nature of a simple civil action in a court, and there is not a court in Christendom that requires anything more than this amendment requires where the mere question of dollars is involved; the rule in all such cases is that the preponderance of testimony shall govern. In that same connection I do not know that it would be well now, so long after the close of the war, that the executive officers should be required to construe the law and the evidence applicable to these pension cases liberally in favor of the applicants.

But, Mr. Chairman, I am talking a good deal longer than I intended when I took the floor. I want now to speak of the provocation to which I referred at the beginning of my remarks. The gentleman from Iowa [Mr. HAGER] in his eloquent speech yesterday afternoon used this language, as near as I can quote it:

The same men who thirty years ago did all in their power to keep men off the muster rolls are now doing all they can to keep them off the pension rolls.

And the gentleman from Pennsylvania [Mr. MAHON], who followed the gentleman from Iowa, said:

The soldiers and their friends have come to know that their only true friend is the Republican party.

Now, reverting to the statement of which I have complained as made by the gentleman from Iowa, I assume in commenting upon it that he possibly referred to the members of this House from the Southern States. He either referred to them or he referred generally to the great Democratic party, to which I have the honor to belong. If he referred to the former, I do not hesitate to stand here—because I know that those members will remain silent, as they always have done during the discussions of these questions—to repel and refute any such imputation as might be implied by the statement that the men who thirty years ago did all in their power to keep men off the muster rolls are now doing all they can to keep them off the pension rolls.

Mr. MILES. Who made that remark?

Mr. LAYTON. The gentleman from Iowa [Mr. HAGER]. Mr. Chairman, during my short experience in Congress I have sat in my place and have seen these gentlemen from the Southern States, men who were soldiers in the army of the Confederacy, brave soldiers, men like the gentleman from Alabama [General WHEELER], like the gentleman from Georgia, the ex-Speaker of this House [Mr. CRISP], like the distinguished gentleman from Tennessee [Colonel COX] who has just asked me a question, and many others—I have seen those men day after day, session after session, without opposition, without objection, ungrudgingly, and cheerfully, if you please, vote millions and millions of dollars; in fact, vote every dollar that was asked for by the administration of the Pension Bureau for the payment of pensions to the veterans of the Union armies. Take for illustration now, for the purpose of refuting these statements, the action of the Fifty-third Congress.

I repeat, in order that I may not be misunderstood, that I am not appearing here as the champion of this Administration in its conduct relative to the pension laws. I do not indorse it, but I do protest against the statements of the gentleman from Pennsylvania [Mr. MAHON] and the gentleman from Iowa [Mr. HAGER] in the light of the record of the Fifty-third Congress, the preceding Democratic Congress, of which I had the honor to be a humble member, and I believe that when I get through calling the attention of this committee and of the gentleman from Pennsylvania and the gentleman from Iowa to the record, which I have taken the trouble to look over and compile briefly, they will rise in their places and say that, so far as the Democratic party in the Fifty-third Congress is concerned, the statements that they made here yesterday were not correct.

Mr. MAHON. Will the gentleman allow me to ask him a question?

Mr. LAYTON. Yes, sir; just a question.

Mr. MAHON. I gave you yesterday from the records of Congress the figures to show that in all general pension legislation the majority of the votes cast by the Democratic party were in opposition.

Mr. LAYTON. Mr. Chairman, I have seen that record, with the exception of the last few votes, for many years past, and I have heard it cited at every session of Congress since I have been here.

Mr. MAHON. Those data I secured by getting and paying for the services of an expert. Now I want to ask the gentleman this question: If pension legislation since the war—I mean general legislation; I am not talking about appropriations—had depended

on the votes of the Democrats on that side of the House, would there have been any such legislation?

Mr. LAYTON. I am going to answer that question in my own way by calling the gentleman's attention to what I know to be the fact. I am going to answer the question, in other words, by referring to the action of the Fifty-third Congress. The gentleman knows—he was a member of that Congress—I do not now refer so particularly to the gentleman from Iowa [Mr. HAGER], who was not a member—the gentleman from Pennsylvania [Mr. MAHON] knows that the Fifty-third Congress had about 100 Democratic majority. They had full control of the legislation of this House; they could have refused, if they had so desired, to appropriate one dollar for the old soldier. They could have refused to pass any legislation whatever in the interest of the old soldier. I am not going to refer to the appropriations only, but before I get through will refer also to the general legislation. I propose to cite not only one bill, not only two bills, not only three bills, but many bills passed by the Fifty-third Congress—all in the interest and for the benefit of the soldier. And in passing I may say that this same line of remark would apply to the Fifty-second Congress, in which we had a larger majority on this side and in which we made about $15,000,000 more of appropriations for the benefit of the old soldier than we did in the Fifty-third Congress—many more millions than was ever appropriated by any Congress in the history of the country. I do not desire to take up the time of the committee; but for the purpose of refuting a statement that the only true friend of the soldier is the Republican party, I propose to give the record of the Fifty-third Congress, in which the Democracy had a majority of 100.

I claim that the Representatives on the floor of this House represent, as their name indicates, the true belief and feeling of the people and of a party better than it is represented elsewhere. They come directly from the people; they are of the people themselves; and hence when we are discussing and determining the question whether or not a party is against a certain proposition, the best and most satisfactory way to determine that question is by what their representatives do here rather than by what they say.

As I have said, Mr. Chairman, I hurriedly collated some figures last night upon this question—provoked to do so, if you please, by what the gentleman from Pennsylvania [Mr. MAHON] and the gentleman from Iowa [Mr. HAGER] had said. I propose to read a statement of the appropriations for pensions made by the Fifty-third Congress, as shown by the United States Statutes at Large, volume 28, covering the years 1893 to 1895. I give the pages of the various acts, with the purposes for which the appropriations were made, and the respective amounts.

Appropriations for pensions made by the Fifty-third Congress.

[United States Statutes at Large, volume 28, Fifty-third Congress, 1893-1895.]

Page.	For what purpose.	Amount.
18	For special examiners	$200,000
113	For Army and Navy pensions	150,000,000
	For examining surgeons	1,000,000
	For pension agents	72,000
	For clerk hire	450,000
114	For fuel	750
	For lights	750
	For stationery	35,000
	For rents	23,070
194-195	For Pension Office	2,291,610
195	For special examiners	250,000
	For extra special examiners	195,000
638	do	250,000
703	For Army and Navy pensions	140,000,000
	For examining surgeons	800,000
704	For pension agents	72,000
	For clerk hire	450,000
	For fuel	750
	For lights	750
	For stationery, etc	35,000
	For rents	23,070
796	For Pension Office	2,086,710
	For special examiners	500,000
797	For extra examiners	195,000
	Total for two years	298,931,460
	Average each year	149,465,730

Thus it will be seen that the total amount appropriated by that much-maligned Democratic Congress was $298,931,460.

Mr. SULLOWAY. Will the gentleman give the political complexion of the members who voted for the acts to which he is referring?

Mr. LAYTON. I have not that data here or I would do so with pleasure, because I believe this side almost unanimously voted for every one of those appropriations. I believe the record will sustain me in that statement. The bills were all reported by Democratic committees, and reported unanimously. Governor SAYERS, of Texas, sitting here, was chairman of the Committee on Appropriations. I know there was no minority report in any case, or any serious opposition.

The figures I have just stated, $298,931,460, cover the two years, making an average of $149,465,730 for each year. Those amounts cover, so far as I now remember, every dollar asked or estimated for by the Pension Department; nor do the figures I have just given include the several hundred thousand dollars appropriated for the maintenance of the many National Soldiers' Homes in the country, nor several other minor appropriations not enumerated, which, if added, would probably make a grand total of over $300,000,000 appropriated by the much-maligned Democratic Fifty-third Congress for the benefit of the Union soldier in the war of the rebellion, his widow, orphans, and dependents.

But that is not all that this much-maligned Fifty-third Democratic Congress did in behalf of the old soldier. I have here collated, and shall take the liberty of reading, a statement of the pension legislation other than appropriations passed by the Fifty-third Congress. This statement I have made after a hasty glance at the CONGRESSIONAL RECORD, because I had but little time last evening. I find that the House of Representatives—those men who represent the people, who come directly from the people, who speak and act for the people—the House of Representatives of that Congress, passed the following bills in the interest and for the benefit of the Union soldier, his widow, orphans, and dependents:

1. A bill to supplement the act of June, 1890, so as to give pensions to widows of soldiers who died in the service, but not in line of duty. (This bill did not pass the Senate.)

Mr. MAHON. Will the gentleman give the dates of these several acts?

Mr. LAYTON. Unfortunately, I have not included the dates; but I give the titles.

2. A bill to repeal the law of March, 1893, prohibiting the payment of pensions to nonresidents, because it was ascertained upon a more careful investigation that most of these nonresidents are widows and mothers of deceased soldiers.

3. A bill to give the same weight and character to the testimony of private soldiers as to that of officers (This bill did not pass the Senate.)

4. A bill to pay accrued pensions prior to the death of the pensioner, and also providing that where a pension check is forwarded by the United States Government to a pensioner who dies after executing the proper voucher, but before the receipt of the check, such check shall be considered as a payment, and shall be honored and paid to the proper person representing the deceased pensioner.

The following bills were also passed:

5. A bill to authorize fourth-class postmasters to administer oaths in the execution of pension vouchers.

6. A bill to pension certain members of the Missouri State Militia who actually served in the war of the rebellion and who had theretofore been granted pensions under the act of June, 1890, but whose right to draw same had been overthrown by a ruling of the Assistant Secretary of the Interior.

7. A bill to amend the act of June, 1890, so as to include the insane, idiotic, or otherwise permanently helpless children of soldiers, regardless of their age. (This bill did not pass the Senate.)

8. A bill to prohibit the Commissioner of Pensions from withholding or suspending a pension theretofore granted until due notice is first given the pensioner and an opportunity to be first heard relative thereto, known as the "vested-rights bill."

In passing along I may state that I had the honor to introduce this very just bill substantially as it passed the House. One of the effects of this law was to stop the practice which had been followed for many years in the Pension Office of suspending pensions without notice to pensioners; thus recognizing the principle and well-known rule of law and justice that no man should be deprived of an adjudicated right, by an executive officer especially, without first being given a fair opportunity to be heard in his defense.

9. A bill providing that the reports of medical examining boards shall be open to the inspection of applicants for pensions, or the attorneys representing them.

10. Another bill, authorizing and requiring such medical boards to state ratings for the various disabilities of applicants whom they examine and make these ratings a part of their reports to the Pension Bureau.

11. And another, providing that all pensions heretofore allowed for any sum less than $6 per month shall be immediately increased to that sum; and providing further, that no pension shall hereafter be granted for a less sum than $6 per month.

The effect of this law was to increase to $6 per month the pensions of nearly 50,000 soldiers who had theretofore been drawing less than that amount.

One or two other minor bills may have passed the House also which I have overlooked in my hurried examination of the RECORD, but surely the foregoing are amply sufficient to refute any statement or assertion that the Fifty-third Congress was, or that the Democratic party is, unfriendly to the old soldier, and at the same time ought to convince you and all fair-minded men—such as I know the old soldiers to be—that they can safely intrust their claims and their welfare in the hands of the great party of all the people of which I have the honor to be a humble member. So long as this party shall have the power to do so, all just and reasonable relief shall and will be afforded by a grateful nation to all these now rapidly aging heroes.

I earnestly hope that the enactment of this bill into a law may be speedily followed by other and additional legislation granting a reasonable service pension to all honorably discharged ex-Union

soldiers; by an act increasing the pensions of the armless and legless and otherwise maimed soldiers, and other favorable legislation on the same line which my limited time will not permit me to mention in detail.

Mr. Chairman, I will conclude these brief but earnest remarks by reciting a few lines from a poem written by the celebrated author of "Ben Bolt," who was himself a Democratic member of the Fifty-third Congress. I will further preface them by saying that I most heartily approve their spirit and sentiment.

The past is glorious. Shall we e'er forget
The veterans' service and country's debt?
But few survive; age, penury, and pain
Are thinning fast the veterans who remain.
Shall sleek economists then grudge the meed
A country gives its servants in their need?
Not long these heroes need our help and thanks,
For death is breaking fast their white-haired ranks.
Dear mother country! that indeed were shame,
Staining thine honor, sullying thy name,
If these were not, from out thy full supply,
Sustained while living, honored when they die.
Thou lovest all thy children! Let us see
Thy love no less for men who fought for thee—
For men whose deeds, predestined by the Fates,
Restored the Union and preserved the States—
States to remain as many, joined in one,
So long as grasses grow and rivers run.

Mr. Chairman, the pending bill, as a whole, is a meritorious one, and hence I shall cheerfully vote for it. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 2843) to authorize the construction of a bridge across the Missouri River at or near the city of Boonville, Mo.;

A bill (S. 131) to provide for the purchase of a site and the erection of a public building thereon at Nashua, in the State of New Hampshire;

A bill (S. 261) for the relief of Arthur P. Selby;

A bill (S. 2503) for the relief of Addison A. Hosmer;

A bill (S. 308) for the relief of Daniel W. Perkins;

A bill (S. 1200) providing for an additional circuit judge in the sixth judicial circuit;

A bill (S. 278) for the relief of Olivia and Ida Walter, heirs and children of Thomas U. Walter, deceased;

A bill (S. 2178) to provide for the purchase of a site and for the erection of a public building thereon at Salt Lake City, the capital of the State of Utah, and at Ogden;

A bill (S. 1985) to provide for the disposal of the abandoned Fort Shaw Military Reservation, in Montana, under the homestead and mining laws of the United States;

A bill (S. 270) to provide for the erection of a public building in the city of Portsmouth, in the State of Virginia;

A bill (S. 1287) to place Francis W. Seeley on the retired list of the Army; and

A bill (S. 296) for the relief of William H. Atkins, formerly commissary sergeant, United States Army.

The message also announced that the Senate had passed with amendments the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, had asked a conference with the House upon the bill and amendments, and had appointed Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment concurrent resolution relative to printing report of the commanding officer of the Watertown Arsenal of tests of materials for industrial and other purposes made at arsenal during the fiscal year ended June 30, 1893.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Interior be directed to rescind his orders to the Commissioner of the General Land Office suspending work upon the Union Pacific Railroad Company land lists now on file, embracing lands along the Union Pacific main line in western Nebraska, northern Colorado, Wyoming, and Utah, and shall cause work thereon to be resumed and patents to issue to the Union Pacific Railroad Company without delay to all lands described in the several lists now on file in the United States Land Office, upon which title is due to the Union Pacific Railway Company, in order to complete, through the Union Pacific Railway Company, good and sufficient title to the purchasers and present owners of such lands: *Provided*, No patents shall be issued for any lands which have not been sold by said company prior to the passage of this resolution.

The message also announced that the Senate had passed without amendment a bill (H. R. 3852) to amend the record of William H. De Freest.

PENSIONS.

The committee again resumed its session, Mr. PAYNE in the chair.

Mr. TRACEY. Mr. Chairman, it is with a feeling of pride that I arise to address the committee upon this occasion, mingled with regret at my inability to do justice to the subject under consideration. I have the honor to represent in part upon this floor a State greater in the endowment of natural wealth than any other, and the equal of any in its devotion to the integrity of the Union; a State that gave 109,000 soldiers to the Union Army in spite of all the influences that were urged against it; a State whose quota of volunteers was always filled; a State that has made wonderful progress since the war, and whose progress in the years to come will make one of the brightest chapters of the history of the Republic.

The district I have the honor to represent contains a quarter of a million population, and among its people, all of them inspired by the spirit of patriotism and of progress, are from eight to ten thousand Union soldiers. These men were not coffee coolers or camp followers, nor are they in whole or in part an old soldiers' pension trust, which I have heard referred to here. They are citizens because they were soldiers, and they realize that citizenship in the Republic now was only made possible by the devotion and sacrifices of a generation ago. The people among whom they live realize the same great truth, and hence in the remarks which I desire to submit I expect to represent the entire people of the district, and I believe of the State as well.

I believe, after having listened very earnestly to the discussion which has thus far taken place upon the bill pending before the committee, that I may be permitted to say that I doubt very much indeed whether any man or any member of this body is entitled to speak here or elsewhere as the especial representative of the true soldier in the late war. The true soldier can usually speak for himself, and even he can but express his opinion, as can others. But in so far as the assumption goes that any particular person is endowed with the right to speak for him, I may repeat that I seriously doubt it.

Now, this bill pending before the committee, if it is anything at all, is a bill intended to simplify and render less burdensome and tedious the proceedings on the part of the pensioners making an application for an increase of pension, or on the part of those who are not on the pension roll to secure a place upon it. If that is a correct description of the bill, then it seems to me that every member of the House, regardless of the State from which he hails or the party with which he affiliates, can afford to give it his hearty support.

The war out of which these pensions have grown, the war to which this bill owes its existence, is so far in the past that to-day and for some time past a feeling of unity, a spirit of peace, and a desire to act in the direction of unity has grown up among the American people that live not alone in any particular State or States, but has permeated every community beneath the flag, from the Lakes to the Gulf, and from ocean to ocean.

Mr. Chairman, I know of no better expression of that feeling of unity than has been given in the wording of a letter which I shall read, written by as distinguished and as brave an ex-Confederate officer as ever bestrode a horse—Gen. Jo. Shelby, of Missouri. I know him personally, Mr. Chairman, and know whereof I speak. He is as brave to-day and as fearless in the expression of his sentiments as he was brave and fearless thirty-odd years ago in the discharge of what he believed to be his duty then.

The letter was written in response to an incident which occurred some two or three months ago, and which will be remembered as the letter is read. I read it solely for the purpose of emphasizing what I have said about the spirit of unity that has grown up in every community of this great land of ours. This letter is as follows:

DEAR SIR: Replying to your telegram of yesterday, will say: When General Lee furled the flag and stacked arms at Appomattox, then and there the colors and uniform of the Confederacy were buried for all time. The idol of brave men lay shattered as the Stars and Stripes floated again in its old-time place. Heroes wept at the burial, but raised their faces to salute the flag of an undivided and indivisible country. And we, who still stand "this side of the weary door of death," enjoying the protection vouchsafed to us by our common country and that flag, realize that there is but one flag and one uniform, one symbol and one country. Citizenship is broader than sentiment and duty greater than tender recollections. But above all, true Americanism is chief of this trinity of virtues.

And so the ex-soldiery, whether of the North or of the South, should maintain that spirit of duty, citizenship, and Americanism which will banish sectionalism, bitterness, and prejudice, and tie us together with a fourfold bond of respect, esteem, affection, and patriotism.

Believing, therefore, as I do, that in the parade as proposed in your city July 4 next, of the Grand Army of the Republic in national uniform, and the ex-Confederates in gray uniform with the stars and bars, would be incongruous and mar the harmony of that occasion, I indorse cordially and commend the action of General Walker, commander-in-chief, in the course he has taken. Our griefs are private—the sunny Southland, all billowed over with the graves of our dead from the sea to the plain, from the mountain to the gulf, invites our love and claims our tenderest care. And it is no part of our duty or patriotism to obtrude ourselves or our private sorrows into the marching columns of the Grand Army.

JOE. O. SHELBY.

FOSTER COATES, Esq.,
Commercial Advertiser, New York City.

I have read that letter, Mr. Chairman, as I stated at the outset, for the purpose of emphasizing here and now that we have again become one people, one broad-spirited American people, animated

by the same desire to see this grand Republic of ours grow and prosper in the future as it has in the past—aye, and to accelerate that growth and progress, if it is possible to do so. Hence the only question which, it strikes me, is raised by the bill pending before the committee is as to whether or not in a free state the defenders of that state shall at all times feel assured that their services, when given in time of danger, shall not be forgotten in time of peace; that their services, given to the state when indeed, in unstinted measure, shall not go unremembered when the hour of need comes to them. I see nothing else in the bill before the committee.

Upon the question of the right or wrong of the granting of pensions, it has been the policy of this country, as it has been the policy of every free state on earth, to grant pensions to the soldiers of its volunteer armies. There was a time, now nearly thirty-one years ago, when an immense column of the men who had given three or four years, the best years of their young manhood, to the service of their country, were gathered in martial array and marched in triumph through the length of Pennsylvania avenue, in this city, carrying back to a restored Union and to the waiting and anxious friends they had left at home the remnant of physical manhood they yet had.

If you ask the question: Did those brave and victorious men once think, as they marched along the Avenue, of the priceless investment they had left behind; did they think of the lives that lay buried upon the battlefields upon which they had turned their backs forever to welcome the rising sun of the new Republic; did they think once of the blood that had flowed in unstinted measure to preserve the freedom of the country, or of the limbs that had been shattered, or of the health that lay buried on the plains or in the swamps of the sunny Southland? I answer, no, Mr. Chairman. These men as they turned their backs upon the past and their faces to the future thought only of the building up of the Republic, thought only of returning to home and loved ones, thought only of thanking the God of Battles that the flag they had followed so long still floated in triumph above them. These were the thoughts which animated the bosoms of the men in those marching columns. No thought of pensions then entered the mind of one of them.

But the years passed, and although they had marched with a proud and stately step along the Avenue, yet when twenty or twenty-five years or more had passed over their heads their steps became a little slower, a little less stately, a little more feeble. Then it was, perhaps, in ten or fifteen or twenty years, that they began to think about the promise that had been made to them by the history of their country, the promise that had been expressed by the immortal Washington, when he expounded the principles upon which he believed the Revolutionary war could alone be successfully conducted. They began to think, when the pains of wounds and disabilities incurred began to afflict them, of the promise which the policy of the country held out to them, that its defenders in time of war should not be forgotten when their hour of need came. [Applause.]

Did those veteran legions, as they melted away from the ranks of war, bristling with bayonets, to the employments and the ranks of peace, bristling with the tools and implements of commerce and the industries, look askance at the future and endeavor to raise the veil that they might see the result to which they were so quietly and in such an orderly way devoting themselves? Assuredly, no. They went with hearts full of faith in the future. They went, believing in the eternity of the Republic whose life they had assisted in saving. They went, believing not only in the eternity of the Republic, but in the justice of the Republic as well. And it gratifies me to be able to say they have not believed altogether in vain. The thousands who to-day are upon the pension rolls of the United States are a most significant proof of the fact that republics are not ungrateful. But there are still those among the defenders of the country in the past who are yet asking that they, too, may receive some recognition, some remembrance of the services they rendered their country years ago.

Strange as it may seem, thirty-one years after the war closed, there are yet men in this country whose names are not upon the pension roll, but who rendered as faithful and as honorable services as were rendered by any soldier in the Army. There are men who in one way or another, through the administration of the pension laws, have been kept off the rolls throughout all these years. It may be the fault of the law. It may be the fault of those who administer the law. It may be the fault of the soldier himself; but it is some one's fault, and this bill seeks to furnish a remedy for a large number of those cases; seeks to furnish a means by which the Pension Bureau may no longer misinterpret the law or enact a rule whose seeming purpose is to aid the law, but whose real effect is to delay the action of the Government, to delay the granting of the pension.

Different administrations have made different rulings. The law should be made so plain that it would not be subject to more than one construction. This bill will eliminate a number of the evils of that sort and lead to a wider distribution of justice and a more expeditious settlement of claims. But it does more than that, it seeks in itself to declare in those cases of the greatest frequency in the administration of the pension laws, where it has been rendered difficult for meritorious claimants to have their pensions allowed, to furnish a remedy by which the rule of administration is itself made a part of the law.

Now, I have listened to some of the criticisms that have been made of the bill, and I confess that while it does not go as far as I wish it did in the direction of eliminating the difficulties that have grown up in the administration of the pension laws, yet, inasmuch as it does go a long way in the right direction, it seems to me that the great American people will indorse it heartily and that we, their representatives, not as Republicans, not as Democrats, not as Populists, but as representatives of the American people, representatives of the Republic, ought to give to it our unanimous vote and support.

I might say in reference to the first section of the bill that perhaps a date ought to have been fixed, and it ought to exclude those whose prior service in the Confederate army was voluntary; but I apprehend no serious danger will come to the pension roll if that section is left in as it is. I heard it intimated a few moments ago that under certain contingencies the pension payments required by the pension roll of this country would amount up to $200,000,000 a year. To me that statement appears to be utterly absurd. I do not believe myself that it can ever hereafter under any circumstances exceed $160,000,000, and should it ever reach that figure death will speedily reduce the amount.

Now, let us look at this pension payment for a moment. I spoke a few minutes ago of the investment that had been made by the marching thousands who passed in review on Pennsylvania avenue, and the marching thousands who were mustered out in other towns and cities of the country, and who never saw Pennsylvania avenue. What was it? From three to fours years of the energy and vigor, and blood, so to speak, of active young manhood. The bloom of health had gone from their cheeks and they had become wan and lean, the energy and vigor of youth had gone, even from those who saw least of the severities of the service. Arms and legs, and eyes and ears by the thousands had gone, and rivers of blood had been shed and thousands of lives sacrificed. Out of that investment, not of money, but of the health and vigor of the noblest young men of the country, including the 300,000 lives that were given and consigned to the dust—out of that investment, out of that magnificent libation poured around the roots of the tree of liberty, behold, it rises anew among the nations of the earth with a new majesty and a new meaning. Out of that investment comes a new Republic, with a growth and progress and development that the world had never seen equaled. Out of that investment, at a time when the nation had but $16,000,000,000 of wealth, has grown a nation with $70,000,000,000 of wealth. Out of that investment has grown a nation with an internal commerce greater than the internal commerce of all the nations of Europe. Out of that investment has grown up a nation with 70,000,000 of people with a capacity to make, to create, to produce, to consume, equal to four or five times the number of any other people in the world.

By reason of that investment less than 40,000 miles of railway have grown until the iron arms of commerce equal 180,000 miles and cover the 3,000,000 square miles of the United States like a network, making our unequaled internal commerce possible.

Out of that investment the Republic has risen to be the first among the nations of the earth in agriculture, in manufactures, in inventions, in mines and mining, in education, in wealth and power, and in the comfortable housing of its laboring millions. But great and glorious as are these achievements, there is a greater glory in the birth and growth of a genuine American spirit. A spirit that sees in the atmosphere of the Republic a place for but a single flag, the flag born out of the very poetry of patriotism, christened with the blood of heroes and carrying in every thread of its warp and woof a story of human achievement without a parallel in the annals of mankind. A spirit that sees in the Republic the embodiment of man's highest and best capacity to govern; that sees in the right of every man to worship God beneath his own vine and fig tree according to the dictates of his own conscience, a sacred right that can not be invaded without peril to liberty itself. A spirit that watches with sleepless vigilance every approach toward a union of church and state, and guards against it. A spirit that believes in educating the children of the people and clings to the public school as the foundation rock upon which the Republic rests and which no storm can destroy. A spirit that regards the Republic as the hope of mankind and guards against every encroachment upon the ideal of the fathers. A spirit that believes in and encourages the development of our own country, the constant increase of our own industries, the enlargement of our commerce and the employment at fair wages of our own people, and believes that with such devotion to the interests and welfare of the people of the Republic, want and destitution would give way to comfort and plenty, and happiness would reign triumphant in American homes.

All this was made possible by the unmeasured sacrifices of four years of war to preserve the Union. The vast growth, the unexampled development, the prosperity and glory of achievement, became

Washington declared, when he was Commander in Chief of the Continental Army, that—

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lawyer and a physician, so that he would make no mistake in alleging his disabilities and thus avoid a fatal variance between the

All this was made possible by the unmeasured sacrifices of four years of war to preserve the Union. The vast growth, the unexampled development, the progress and glory of achievement, became possible alone through a restored and preserved Union. The 300,000 men who fell ask nothing. Their names are surrounded with a halo of imperishable glory. But loved ones were left behind who may be asking. Let it not be said they have asked in vain.

And there are some thousands yet who were equally generous in the time of danger with those who have been provided for, who, by reason of difficulties they have been unable to surmount in procuring the testimony demanded by the administration of the Pension Bureau, are standing with one foot in the grave and the other on the verge of it, shuddering in the face of an uncertain future, and asking, as they sit down in this land of plenty to a dinner of bread and water, without meat, without vegetables, without milk, without coffee, asking, as they look upon the growth and progress around them, asking as they remember their sacrifices which made that growth and progress possible, that out of the unexampled abundance which blesses the country a portion may be given to them—a small portion—in order that their last days upon earth may not be days of absolute suffering. That is all, Mr. Chairman, that these disabled and debilitated heroes of the Republic ask, and the bill under consideration will aid them in securing what is so justly due. The request can not be regarded as unreasonable, and the bill therefore ought to be supported.

As the Father of his Country stood amidst his bleeding countrymen and saw them falling on every hand, saw them poorly fed and poorly clothed, and poorly paid, in the darkest hour of the Revolution he was gazing wistfully through the smoke of battle, the thunder of the cannon, and the shouting "at the temple of liberty and order which he trusted, even then, was growing in symmetry and strength," but nowhere in the beautiful temple that filled his prophetic vision was there a place for a large standing army, because the maintenance of such an army is inconsistent with the preservation of the temple. And yet Washington, whose judgment was singularly clear, fair, and comprehensive, was not blind to the fact that governmental institutions, whether builded upon the divine right of kings to govern the people or the divine right of the people to govern themselves, must be strong in order to be permanent.

Wanting a standing army, there is but one remaining source of strength, the citizen soldiery, who are soldiers in time of war and citizens in time of peace; men who willingly leave the plow standing in the unfinished furrow, or the plane upon the unsurfaced plank, or the unforged iron upon the anvil, to join the serried ranks of war when danger threatens, and who as willingly return to their several employments when the danger has passed. But it is manifest that while patriotism is saving a country it is losing a business, while it is supporting the source of all employments it is abandoning its own, and the men who are thus prompted, and who are the very salt of their country, ought certainly to have some assurance that they will not be thrown entirely upon their own resources when they return to the employments they abandoned, not because they loved their homes the less, but their country more. It would be unjust for the country to make this, the heaviest of all drafts upon patriotism, without some recompense other than the beggarly stipend paid under the mismomer of wages.

Four years of life in camp, on the march, and on the battle line, or three years, or two years, perhaps a month or less, leaves an impress upon the soldier which can not be eradicated and which partially or wholly unfits him to do battle in the ranks of peace. To the extent that he is disqualified by reason of his service for the active employments of peace, the State has robbed those depending upon him and should make the loss good. This is the foundation of the pension system, and every part of it is rock ribbed with the principles of justice and truth.

It is not unnatural, perhaps, to regard with higher favor those who were in the forefront of great battles, because their situation appeals in the strongest terms to the dramatic element in our nature, which is ever present and always ready to mount its heroes upon a pedestal and shout their heroism to the world; and this, too, although they may have come through unscathed, while a night's sleep in the mud of a camp, on the wet ground, or amid the poison vapors of a swamp, may have planted in the system the germs of disease which, partially or wholly, ever thereafter incapacitates the soldier from playing an equal hand in the great game of practical life.

In a free government every citizen of military age owes to his country the same duty, if he is of sound mind and body, and his acceptance after an examination should be conclusive upon that question. The government should not in after years be heard to dispute the truth of what its own officers had averred. Each owes his life, his fortune, and his sacred honor, but all do not render this heroic service, and manifestly those who do not, owe to those who do, a fair and just compensation for the services which yield a benefit to all alike.

Washington declared, when he was Commander in Chief of the Continental Army, that—

> Military service is a profession and business for which there should be due training and due support. Hence, in addition to the conditions of good training, officers and soldiers should be well paid, we l clothed, and should have the security given them of pensions when the war closes.

The policy of the United States, having so high an origin, has been consistent and straightforward, including, without opposition, the soldiers of every war until the war of the rebellion. The soldiers of the war of the Revolution, the war of 1812, numerous Indian wars, and the war with Mexico have all been pensioned. There is a difference, it is true, between the war of the rebellion and all other wars in which the country has engaged, but in no other war did our soldiers gain more for their country than in the war of the rebellion. The differences, then, whatever they may be, can not be called upon to justify any discrimination against the soldiers of the Union Army.

The large number of soldiers in the war of the rebellion, and the large number, therefore, who are pensionable, has something to do, doubtless, with the spirit of opposition that breaks out occasionally in places to making any increase in the list possible. But the amount required each year will not probably exceed an average of more than a hundred and forty millions, and that average can not continue but a few years longer, when it must inevitably begin to decrease. But if the amount should reach two hundred millions per annum, as has been asserted, it can not be regarded as unjust. A stream of youth and health and vigor poured into the terrible maelstrom of war from the loyal homes of the Republic for four long years. Three hundred thousand young men, the support of 300,000 homes, went down in the swirl; and a half a million more were cast up in a bruised and maimed condition or with bodies debilitated with disease, and another half a million were injured more or less.

The payment of the money quarterly to meet the demand upon the pension roll has never been a burden and never can be. It is manifestly unfair to compare the cost of our pension roll with the cost of the standing armies of Europe. A standing army is a cancer that feeds upon the body politic, that has destroyed it, and may destroy it again. The pension roll in a free country, the result of service in a volunteer army, is an element of strength. Its presence is a constant assurance to each generation of freemen that a prompt response to their country's call when danger threatens will not be allowed to go unremembered. It is infinitely better than a promise, because in our country, at least, it is the continued fulfillment of the settled policy of the Republic.

Without the sacrifices of thirty-odd years ago the nation of today would have been impossible.

Without those sacrifices the sun of liberty would in all human probability have gone down forever in a night of eternal gloom.

Without those sacrifices the iron heel of despotism would rest heavier upon the necks of the people to-day than it did a century ago.

Without those sacrifices, instead of one flag floating over a united, happy, and peaceful country, we would have had a dozen or more flags floating over bodies of armed men engaged in the rapine and plunder of perpetual war.

Without those sacrifices, instead of a nation of 70,000,000 people, we would have had a dozen or more so-called independent States, without industries, without commerce, without education, without growth or development, constantly embroiled with each other and constantly cultivating the art of war.

Without those sacrifices the tremendous growth and progress of the Republic, and of the world, would have been impossible.

Barbarous as is war, it has its uses if its lessons are rightfully applied. Among those lessons there is none of higher importance than that that is illustrated by the men who are asking as a right a share in the marvelous growth and progress which their sacrifices alone made possible.

Washington looked upon war as the pioneer looks upon the destruction of the forest in the midst of which he casts his lot for the purpose of building a home. As the trees crash upon the earth and are made into rails or cut into wood for fuel or hauled to the sawmill to be made into lumber, the pioneer sees the farm, the garden, the orchard, the domestic animals, the home that is to be, rise like a beautiful vision of the mirage upon the horizon of the future. So to the soldiers of the Union Army, as they lay down upon the wet earth or in the mud to get a few moments of sleep, as they went day after day with a half or less than half a ration, as they went day after day into battle and saw the destruction going on around them, could also see the picture of the glory of the Republic yet to come, and they cheerfully made the sacrifices which might otherwise have been impossible.

Now, Mr. Chairman, I have read one letter to show the spirit of unity that has taken possession of the people and has made us again one country and one flag, with a common ancestry, a common heritage, and a future of greater glory than can be described in words.

I have another letter to read which is as well calculated to excite feelings of sadness as was the former to excite feelings of pride and pleasure. The letter is dated April 20, and I read it to emphasize the necessity for just such legislation as is embraced in the pending bill. It is from a man I know well and have known for years, and I do not believe he has overdrawn the picture. I trust I may have the serious attention of every member on the floor, because the story told in the letter addresses itself to every sentiment of humanity, as well as to that love of country that revolts at the possibility of a condition such as is described:

SPRINGFIELD, MO., *April 20, 1896.*

Col. J. P. TRACEY, *Washington, D. C.*

SIR AND FRIEND: TRACEY, please do not consign this to the waste-paper basket, but please, for humanity's sake, read and then act. By accident I came in contact with an old soldier in the most abject poverty. Some days ago his wife came to me to get me to write an application for her husband's discharge from the Home at Leavenworth. I did so; and Saturday his papers were returned to my care. Yesterday (Sunday) I hunted him up to deliver the papers. In a miserable hovel not larger than 8 by 10 feet I found a husband, wife, and little girl at a dinner of dry bread and water. The wife told me that Saturday she cleaned the office of the Queen City Mills and received in pay a 25-cent sack of flour and 25 cents cash, and was glad to get it. The woman has more than ordinary culture and refinement for her station—evidently has seen better days, and is devoted to her wreck of a husband. He has been a man of splendid physical organism, but is now as deaf as a stone, epileptic, and badly ruptured. He was pensioned at $6 per month July 18, 1892, under certificate No. 765067, under act June 27, 1890, for disease of the rectum. That pension was cut off May 4, 1895. He can not tell for what cause.

His discharge from the Home states his disease to be deafness and rupture. His name is Samuel Davidson, late a member of Companies I and M, First Regiment Missouri State Militia Volunteer Cavalry. I earnestly believe the man to be a sober man, and he and his wife Christians. When I got home and sat down to a good dinner I related to my wife and children my experience of the last hour and asked what we had done that we should be more favored than they, who were as good by nature and better by practice than were we. While in your line of duty and to be consistent you are compelled to sit in your seat and vote large pensions to officers' widows, now please do this much out of your line of official duty—make a strong effort to have this man restored to the pension rolls. There is not a board of medical examiners in the United States that would not certify the man to be totally disabled to perform any kind of manual labor.

I was pleased to read and proud to know that you put yourself on record against the management of the Leavenworth Home. No wonder that such poor, abject mortals as the one of whom I have written prefer to take anything a cold, uncharitable world may give than to submit to the treatment endured by the rank and file who are taken into that institution.

Please act at once and in earnest for Davidson, and oblige your friend.

Every word of that letter is the truth, and I submit that in my opinion it would be difficult to frame a more powerful appeal for prompt action in the direction indicated by the bill under consideration. Had this bill been a law Davidson could not have been unceremoniously dropped from the pension roll, and the story of that letter would never have been written. But Davidson's case is but one of hundreds, perhaps of thousands. Is it not a shame that there should be one, and while there is one ought any friend of the present administration of the Pension Bureau complain of unfriendly criticism of its action?

I would not knowingly be unfair to anyone, and I believe the present Pension Commissioner to have been a brave Union soldier, and I believe he is a good man. He is doubtless affected, more or less, by his surroundings—most men are—and those surroundings do not appear to be overflowing with love for the Union soldier. At any rate, whatever the cause there are features of the present administration of the pension laws that do not commend themselves to the hilarious indorsement of men who believe themselves entitled to pensions, and who are so entitled if faithful service in the Union Army and disability by reason thereof to earn a support are evidence of title.

Some of the regulations appear to be based upon the theory that the old soldier is a sort of nuisance, to be tolerated because the laws require it, but to be rid of as far as the laws will permit, instead of being regarded, as he should be, a citizen to be proud of and to be treated with deference and respect. One of those regulations is a printed reply to a letter of inquiry as to the status of a claim.

The claimant is informed that his claim is awaiting replies to letters written by the Bureau to persons who are supposed to have personal knowledge of the merits of the claim; that as soon as the replies are received the claim will again be taken up for further consideration. It is difficult to imagine anything more exasperating. The letters must be written upon the assumption that the claimant is dishonest and is engaged in the effort to perpetrate a fraud, and yet just such letters have been addressed to claimants whom I personally know to be honest men. There is no intimation that the claims will ever again be taken up should the parties addressed fail to reply, although it is easily within the possibilities that they may never reply. Should they be enemies of the claimant, as they doubtless are in many cases, they will make haste to fill the Bureau with the poison that rankles in their own mind and heart.

Under the law of 1890 Congress certainly intended that a disabled soldier should be pensioned unless his disabilities were the result of his own vicious habits. That being true, it need only be shown that the claimant was a soldier, that he is disabled, and that his disability was not caused by his own vicious habits. But under the rulings of the Bureau every claimant should be both a lawyer and a physician, so that he would make no mistake in alleging his disabilities and thus avoid a fatal variance between the allegations and the proof. Pension claims have been rejected for no other reason than such a variance. Now, it seems to me that it ought to be apparent to the dullest intellect that disability being the ground of pension under the law of 1890, whenever such disability is established, and along with it the absence of vicious habits as the cause, the pension should be allowed whether the proof corresponds with the allegation or not.

These faults of administration will be corrected by the bill under consideration, if it becomes a law, and I sincerely regret that it does not go further and extend the benefits of the law of 1890 to members of State organizations who, while they were never mustered into the service of the United States, were called into that service by the commanding officer of a military district or department and performed for ninety days or more as faithful and valuable services as did the troops regularly mustered in. There are also a number of others who were not mustered into any organization, but who shared every danger and vicissitude of the soldier and whose services were in constant demand and were invaluable. I refer to the civil scouts who were employed and paid, but who were not mustered into the service, and hence are not pensionable. I hope an amendment may be adopted that will embrace these deserving men.

I trust the amendments I have suggested, and some others I will not take the time of the committee to suggest, may be adopted; but, Mr. Chairman, if they are not I will support the bill and vote for its passage, because, with whatever defects it may have, it is an improvement upon existing laws, and will help many an honest, struggling, poverty-stricken, almost heartbroken soldier to render his declining days brighter and more cheerful by securing the pension he should have had years ago. Where is the man who begrudges the payment or feels like commending the Pension Bureau for stopping it?

With all the deference and respect which I think I ought to feel for gentlemen upon the floor who feel it to be their duty to criticise the present bill, and who have criticised other pension bills from time to time, I am compelled to say that in my opinion every act that enables the placing of one more deserving name upon the pension roll until all are there who are entitled adds to the glory and the longevity of the Republic.

But, Mr. Chairman, I can not refrain from saying in conclusion that a better law than this, a law that ought to have been passed when the invalid-pension law of 1890 was enacted, is a service-pension law properly framed to do justice to all the gallant men whose services helped to save the Union and to the dependents of those who have crossed the river to camp forever on "fame's eternal camping ground." The time has come to do away with the machinery of the Pension Bureau, the medical boards, the special examiners, the army of clerks, and the boards of review, instituted, doubtless, to aid the deserving veteran, but often used against him; their cost absorbs a considerable sum of money that could be more wisely and profitably paid to deserving pensioners. The average age of those who served in the Union Army has reached beyond 60, and if all were given an equitable rating upon the roll the immediate increase of the pension payment would not be as great as many suppose, and before the first quarter had passed away after the completion of the roll it would begin to decrease, and the decrease would be rapid. It is but an act of simple justice. The millions who have come to the country since the war, or who have grown up in it, are in the full enjoyment of the blessings vouchsafed them through the labors and sacrifices of the soldiers of the Union Army. The very sacrifices out of which the blessings came rendered those who made them incapable of participating fully in the advantages of the era which, under God, they had created. It must be right to share with them. There is no serious complaint against it; there can be none. The occasional kick that comes is but the misconception of those whose thoughts have skimmed the surface of the facts. It would give me great pleasure to vote for such a law, but in its absence I want to repeat that I will support and vote for the best that is offered, believing that each step forward in the right direction brings us nearer the promised goal, the time when full and complete justice shall be done cheerfully and with unanimity and zeal.

Mr. ANDREWS. Mr. Chairman, many members have assigned certain reasons which induce them to support the passage of this bill. I hope it will not be considered out of order for me to state briefly a few of the merits of the bill which induce me to favor its passage. It seeks justice in behalf of the Union soldiers of the late war of the rebellion. It is firmly believed that its enactment into law would level many harsh practices to the plane of patriotic gratitude. It has been strongly urged by some that the complaints existing generally throughout the country relative to the present administration of pension affairs have resulted from the fact—at least, the alleged fact—that a hostile spirit of revenge has gone into almost every hamlet of the country and laid the hand of cruelty upon the feeble forms of those who, in the vigor of early manhood, were the Union's brave defenders and preservers. In

reply to this charge others allege that these complaints have

of claimants and to the pensioners who firmly believe that they

been shown forward me in any portion of my work. But as a rule

No harm would be done. For myself I would like to see placed

reply to this charge others allege that these complaints have resulted from a correct interpretation and construction and a proper application of existing laws.

But, Mr. Chairman, whatever may be the nature of the causes producing these results, it is important that this House should seek proper remedies whereby these complaints may be corrected and justice be served. If these complaints have arisen from the exercise of a hostile spirit of revenge, everyone will concede the necessity of legislation upon this point. If, on the other hand, they have resulted from a true construction and proper application of existing law, it is all the more urgent that proper legislation be had in order that justice may be served. Waiving, then, all question as to the correctness or incorrectness of either of these statements, let us direct our attention to the features of this bill which seek to correct some of these complaints. I need not stop to enumerate them one by one. They will be readily suggested by the reading of various sections of the bill.

Section 2 makes this specific provision:

That from and after the passage of this act no pension heretofore granted or which may hereafter be granted under the pension laws shall be reduced or discontinued except for fraud, clerical error, mistake of fact, or recovery from disability.

In this connection, please note the following provisions of section 8:

That all papers, memoranda, writings, letters, or exhibits received by the Bureau of Pensions relating to any pension or claim shall be preserved and filed with the papers in said case, and every pensioner or pension claimant shall have the right, in person or by attorney, to examine and inspect each and every such paper, memorandum, writing, letter, or exhibit which has any reference to or bearing upon his or her pension or claim.

It will be readily noted that section 2 seeks to prevent hasty and unjust discriminations against those who already hold pension certificates and the almost instantaneous suspension of payment of their claims. I assume that every member is fully aware of the deep-seated spirit of unrest that prevails throughout the country upon this question. Thousands of pensioners are forced by existing circumstances to pass through weary days in cruel anticipation that their small remittances from the Government are likely to cease at any moment.

I will not dwell upon this point, except to say that it is the settled judgment of the committee that the provision, as herein stated, will guard against many of the unjust practices of recent years.

It is the manifest and imperative duty of Congress to do everything in its power to give to these veterans the same measure of defense and peace that their loyal, patriotic services have given to the nation.

By section 8 the committee hopes to incorporate into law a provision which will enable the claimant or the pensioner to know the name of every man who makes any charge against his claim or his pension, as well as those who testify in his behalf.

It will bear strongly, and we hope effectually, against that practice which has evidently obtained in many instances, of sending clandestine reports to the Pension Office, to be used to the prejudice of the claimant, who has no opportunity whatever to reply to the allegations against his claim. Section 8 deserves special attention:

That all pensions reduced or discontinued since January 7, 1893, shall, upon application, be reconsidered and adjudicated in accordance with the provisions of this act, and the pension, if restored or allowed, shall commence from the date of such reduction or discontinuance, or from the date subsequent thereto at which the disability is shown by the evidence to have existed.

The original draft of this section read as follows:

That all pensions reduced or discontinued, and all claims for pension or increase rejected, since January 7, 1892, shall, upon application, be reconsidered and adjudicated in accordance with the provisions of this act, and the pension, if restored or allowed, shall commence from the date of such reduction or discontinuance, or from the date subsequent to the filing of the rejected application at which the disability is shown by the evidence to have existed.

This modification was made because an appropriation bill which has recently passed into law carries a provision much more extensive in relation to rejected claims than the one contained in the committee bill. Hence the matter of rejections is not here referred to. Let me call your attention now to the fact, Mr. Chairman and gentlemen of the committee, that this section 3 stands as one of the important and central features of the bill and relates to one of the principal evils which we seek to correct. This section affords an opportunity whereby those who believe that they have been unfairly treated at the Pension Office may have their claims reopened upon their own application and readjudicated in accordance with the provisions of this bill.

It will be observed at this point that members of the House are powerless to afford the relief asked, and almost demanded, by the daily correspondence which they receive. Persons write us saying that their claims have been rejected, suspended, or reduced, and appeal to us to make the restoration. But we are powerless to make the restoration; we have no authority whatever except as we can bring the question to the attention of the officers of the Interior Department and by persuasion secure, perhaps in one case out of a thousand, reconsideration and proper adjustment.

But by the provisions of this bill we seek to go to the full measure of our authority under the law in affording relief to this class of claimants and to the pensioners who firmly believe that they have been unfairly and unjustly treated. Instead of ordering by statute the immediate restoration of these names to the roll and the payment of the pensions in full from the date of discontinuance or reduction, we open the way for a fair and candid examination of the evidence in each case and a proper and fair hearing under the terms or ratings as proposed in this bill, and in accordance with the rule which was in operation when those claims were allowed originally.

Thus we believe, Mr. Chairman, that the thousands of pensioners throughout the country will see that we have gone to the proper limit in the exercise of legislative power for the purpose of opening the way and making it possible for them to secure a rehearing in these cases and a rerating upon the ground of the evidence in the case.

We all understand far too clearly—in many instances very painfully is it understood—that these words "rejection," "reduction," "suspension," and "discontinuance" have been brought out into bold relief by the events of the past few years, until they appear like firebrands thrust to the hearts of thousands and thousands of loyal soldiers throughout the land. They come to them like flashes of lightning from out the clouds of renewed war; and justice to them, justice to the country at large, demands that we shall go to the full limit of our power in opening the way for redress in these cases and giving to them the possible rehearing and the possible restoration of their claims and their pensions.

Under the provisions of section 7 we seek to prevent delay in the adjudication of pending claims. That section reads as follows:

That all notifications from the Bureau of Pensions as to the status of any claim shall set forth each and every fact upon which further evidence is required to complete the same.

A brief reference to the practice of the office will disclose the practical benefit sought to be secured by this section. Every member of the House knows full well that from time to time he receives in reply to his status calls a letter calling for evidence upon a certain point in the case. That letter of the office is forwarded to the claimant; the evidence is prepared and returned. Another call is made for status. If it is made within ninety days of the date of the last reply from the office, it is a very common thing to receive a reply saying:

Respectfully returned with the information that, inasmuch as it appears from the records of this Bureau that he was fully advised as to the status of the claim above noted under date of ——, 1896 (less than ninety days ago), the present call can not, under the rules of the Bureau, be recognized.

——, *Commissioner.*

At the end of ninety days we may send another call; and, as a rule, we will receive our reply at the end of four or six weeks. Continuing this order, we may receive a call for additional evidence; and thus each case runs for an indefinite period. Thus we can receive no more than four replies from the office in the course of the year in any one case. Under existing practice, however, we can not reasonably expect to receive more than three replies in one case in the course of a year. After the evidence is all completed, we are likely to receive a letter stating that letters of inquiry have been sent out to ascertain how many men have sworn to falsehoods, what the standing or reputation of the claimant may be, what the character of witnesses may be, "letters of inquiry," so called, but in far too many instances they might be properly called "letters of iniquity."

After these letters of inquiry shall have run their course, and three or four or five months shall have been consumed with one of them, we may receive in reply to the next call a letter stating that "the claim is now under consideration with view to its final disposition." We all know that that may mean something or nothing. Then the case may be reopened to travel the old circuit again, and time consumed unnecessarily in this way.

Now, this provision of the bill seeks to secure as far as possible a full statement of the points of evidence, and also of the material facts, so far as the papers will enable the statement to be made, upon which the final adjudication of that claim is based and must necessarily rest.

Mr. Chairman, upon this point I desire to call attention to the fact that my correspondence has forced me to believe that under this administration of the Interior Department every claim meets this question when taken up in the Pension Office: "Can this claim be defeated by delay or otherwise?" It does not seem to meet the question, "Is it admissible under existing law?" but, "How long can we prevent its allowance? How long can we prevent payment upon this claim? By what means can payment be defeated or delayed?"

I would not seek to press a prejudicial bearing into this discussion or seek to make a statement unfair in this case, because I believe we are called upon to deal with it in a practical, candid manner. If the existing policy in the Pension Office retards rather than facilitates the adjudication of these claims, we ought to speak out plainly and candidly in regard to the effect of that policy. I would not be understood as intimating that anything of discourtesy on the part of the officers and clerks in the Pension Office (with the exception of one—the second deputy) has ever

been shown toward me in any portion of my work. But as a rule, Mr. Chairman, we come in contact with this work in such a way as to be required to measure the whole policy by the results that can be achieved. If the policy in its nature has a tendency to retard and prevent the payment of these just claims we ought to speak out candidly in opposition to it and propose modes of correction; and this section seeks to make an important correction.

Let us direct our attention for a few moments to a portion of section 14 which reads as follows:

That an application under said act of June 27, 1890, shall be sufficient as to allegation of disability if the applicant alleges therein the existence of disability, not the result of his own vicious habits, which renders him unable to earn a support; and every disability found to exist at the time of filing which is recognized as pensionable under the general pension laws or under said act of June 27, 1890, shall be taken into consideration in determining the degree of disability of such applicant, and to all disabilities pensionable under the general laws the same rate of pension shall be allowed as under the general laws, not to exceed in the aggregate $12 per month.

The claimant should be simply required to state that he is entitled to a pension under the law, and that he makes application therefor. To the committee it seems unreasonable to require that the claimant must state in his application, in technical medical terms, the precise nature of the disease and the exact extent to which it may have gone; but upon the ground of his loyal, patriotic service he should be permitted to say, "I am entitled to a pension from the Government, and I make my application therefor." The Government, upon the receipt of such application, even though the applicant does not give an exact specification of the nature and extent of the disease, cites him to appear for examination before a board of surgeons chosen by the Government of the United States itself. He appears before such board for his examination. That medical board examines him in such manner as it may deem proper to ascertain the nature and extent of the physical disability from which he suffers, and that report is returned to the Pension Office. Upon that report the office makes its findings, or I may properly say it is sometimes supposed to do so, although there are instances on record which I could cite from my own private register here in which cases of total disability more than twofold, as found by the medical board, were either rejected or rated far below the proper figure.

But assuming that the matter will work fairly and justly, the report of the local board goes before the medical division of the Pension Office. I know it has become common to refer to that division as the division of pathological sequences; but perhaps it ought to be termed under existing conditions the division of "illogical nonsense." When this report comes into possession of the medical authorities in the Pension Office it will be referred for review to the medical division of the Bureau, and then the finding is expected to be made upon the report submitted.

Now, how will the Government be placed at any disadvantage in the matter of ascertaining the disability? Take a case with which I am familiar, a case in point, a case pending which I may cite as an illustration: The claimant alleged two specific disabilities. He applied under the law of 1890, and the medical board examined him and found four specific disabilities and named them in the report.

Under that finding he was entitled to the maximum rating under the law of 1890, but simply because he failed to allege the existence of the four disabilities in the application, the office says the claim must be rejected on the ground that he is receiving already $6 a month under the general law, and having failed to allege the two additional disabilities in his application, he can not be admitted under the law of 1890. Then, Mr. Chairman, let the medical authorities, chosen by the Government itself, pass on this question and let the matter be rated on the basis of their report. It is unreasonable to require a man who is untrained to the use of medical or professional terms to go beyond this practical requirement. It is unfair and unreasonable to say that the pensioner shall be denied the full measure of the pension indicated by the disability, reported by the board of pension examiners who have passed upon his case. I say strike down these technicalities. Sweep them away by statute, and wipe out of existence a rule of the Department which prevents the man from securing the proper rating of his pension.

Under section 15 of the bill it is proposed in the matter of reduced claims that payment shall be renewed upon the measure of disability as determined in the examination. This is just and should be done at once; and this bill furnishes an opportunity whereby the thousands of pensioners throughout the country, who believe that they have been unjustly dealt with, may come and have a fair and impartial hearing of their claims. If it should be shown by the testimony on a reexamination of the case under this bill that they are fairly and clearly entitled to it, let them be restored to the former rating.

Why, Mr. Chairman, it is strange that any person would stand on the floor of this House and allege objections against this provision in regard to rating, and at the same time be understood to be in favor of a service-pension bill at a rating of $12 per month, the maximum under this law of 1890. Suppose they do all come in who can show disability according to this rule of rating. No harm would be done. For myself I would like to see placed on the statute books at the earliest practicable date a service-pension law which would give the Union soldiers of the late war of the rebellion a liberal service pension.

I hope the people will soon delegate to the legislative and executive departments of the Government the adequate power to enact a genuine protective tariff law and follow it speedily with a just service-pension law.

Section 16 makes the following important provision in regard to widows' pension under the law of 1890:

That the term "without other means of support than her daily labor," in section 3 of said act of June 27, 1890, shall be construed and held, to all intents and purposes, to be equivalent to and mean "without a net income of $300 per annum."

Under this section many claims would be allowed that are rejected by the present rulings of the Pension Office. Such a provision is reasonable and just and should become a law.

Passing from the specific provisions of the bill I desire to call attention to two or three items which bear directly upon this subject.

The question of pensions can not be discussed and fully considered without taking into account other important lines of legislation. We must of necessity consider the question of revenues. For what would it benefit the soldiers of the country to pass a pension bill and have no money in the Treasury with which to pay the claims?

It is important, then, as a matter of business, that we have proper provisions made as to revenue when we enact the law, however friendly it may be toward the survivors of the late war of the rebellion.

Some have referred to this question upon party grounds. I would not intrude the question of party politics into this matter except for the fact that so long as there is a party objection, thrown by any person or persons in this country, against the just claims of the Union soldiers of the late war of the rebellion, some one responding to patriotic duty must stand forth to speak in their support and behalf.

The gentleman from New York [Mr. MCCLELLAN] on yesterday spent considerable time in telling us how much the present Administration has done for the old soldiers of the country. I will not enter into a denial of any statement made in his remarks, but I submit, Mr. Chairman, without passing upon their correctness or incorrectness, that he would have found a much broader subject if he had undertaken to tell this committee what the present Administration has not done for the old soldier; in fact, if he had taken up the task of telling us what it has done against them. In that event, the words "rejection," "suspension," "reduction," and "discontinuance," as if by force would have stood out in clear relief to challenge the correctness of his statement at every word and every sentence and every thought as they fell from his lips. I do not claim that the Republican party alone possesses all the patriotism there is in this country; but no one can truthfully deny that it has always been a patriotic party. I appeal to the history of the past thirty years; I appeal to the records of Congress to bear forth the vindication and the truth of the statement that the Republican party has always stood loyally to the support of the just claims of the Union soldiers.

In the discussion of this matter, Mr. Chairman, we ought to take into account the broad range of patriotic sentiment that should thoroughly imbue the citizenship of this country, East, West, North, and South. Our patriotism as members, whatever our party affiliations may be, our patriotism as American citizens—a plane which is higher than party—should lead us in these later years to exhibit in the enactment of the laws of this nation a patriotism commensurate with that which actuated the rank and file of the Union Army. We should stand forth to show gratitude, not simply in words but in deeds, written upon the statute books of the country, carrying temporal relief to the men and women, in the hour of their temporal need, who, in the hour of the nation's need, bore the full measure of its relief and laid upon the altar of their country their best services, their best thought, and their highest devotion.

Let us, Mr. Chairman, rise above party lines, join hands on both sides of this House, and place before the country an example showing clearly and distinctly that, more than thirty years after the close of the war, fraternal peace, fraternal union, and fraternal gratitude bind together the citizens of this country, North, South, East, and West, as a reunited country. Let us forget the bitterness of the past, and always insisting that the Union forces were right and forever right and that by virtue of their victories we have a reunited country of magnificent proportions, of immeasurable power and possibility, let us unite in one glad acclaim, saying:

My country, 'tis of thee,
Sweet land of liberty,
Of thee I sing:
Land where my fathers died,
Land of the pilgrims' pride,
From every mountain side
Let freedom ring.

[Applause.]

Mr. BURTON of Missouri. The survivors of the Army and Navy of the Union do not demand extravagance in pension legislation, nor do they demand looseness in the construction thereof, but they do insist that all pension legislation shall be construed, administered, and enforced in the spirit which prompted its enactment, to the end that not one of them living shall, either by disease or misfortune, be compelled to live beneath the roof of the almshouse, or, dying, be laid at rest within the unconsecrated limits of the potter's field.

I am not here, Mr. Chairman, to enter into a discussion which shall involve crimination or recrimination. I accept it as true that the laws now upon the statute books have not received the construction, have not been administered and enforced, in the spirit in which they were enacted, and this bill, while it does not go to the end or the limit which I desire, yet does cure or will cure in many respects the evils that now exist in the administration or enforcement of the pension laws.

This bill may be said to treat of this subject in four particulars: First, as to the personnel of those entitled to pensions; second, to the declarations of applications therefor; third, to the method and degree of proof required; and fourth, in relation to the discontinuance of pensions that have been heretofore granted.

Sections 1 and 13 amend the existing laws so as to admit to the benefits of those laws a certain class of soldiers who are not now entitled to pensions. I confess that they do not meet with my approbation. I will admit that there are existing evils which these sections attempt and will in a measure overcome and rectify; but in my judgment, Mr. Chairman and gentlemen of the committee, the sections are too broad, in this, that they will permit men to obtain pensions thereunder who are in no wise entitled to pensions.

The first section of the bill directly permits anyone to obtain a pension, although he may have rendered service in the Confederate army. I listened to the suggestion of my friend the gentleman from east Tennessee [Mr. GIBSON] on yesterday, and it was full of meat and merit. I recognize the fact that there were quite anumber of men who were conscripted into the Confederate service and who at some subsequent period enlisted and were mustered into the service of the Union and rendered gallant service to the flag and the country. I say to him that every such a one is entitled to or ought to be entitled to a pension. I concede that. But, Mr. Chairman, I do not believe that every man who served in the Union Army, although he may have received therefrom an honorable discharge, should receive a pension; and I refer particularly to a number of regiments that some five or six months before the close of the war were enlisted and mustered out of the prisons at Indianapolis and Chicago; of men who preferred, rather than remain in the prison in Chicago or Indianapolis, to accept service under the Union flag out upon the Plains. I say not a single man of that kind or character ought to be permitted to draw a pension under this bill or any other law upon the statute books. I shall not indicate such an amendment as I would offer. My seat mate, the gentleman from Illinois [Mr. CONNOLLY], has brought to the consideration of this subject a careful scrutiny and analysis, and at the proper time he will offer an amendment to this first section which, in my honest judgment, will remove from it the evil to which I now call your attention; and when that amendment shall have been presented by my friend from Illinois I shall vote for it, and I hope that every other old soldier upon the floor of the House will vote for it.

The thirteenth section, Mr. Chairman, is objectionable in this, that a fair construction of the thirteenth section will permit deserters and bounty jumpers to obtain a pension. We all know that in the earlier days of the war there was either no bounty or a very small bounty. We also know that in the latter days of the war, when the draft was on, that large and liberal bounties were offered, and it is a notorious fact that there were a large number of men who deserted from existing organizations and enlisted in other organizations, prompted by the fact that by doing so they would obtain the enormous bounties that were then being offered for recruits. I believe that every such man ought to be shut out, and I hope that the thirteenth section will be amended so as to provide against the contingency of any bounty jumper obtaining a pension under the provisions of this act. My friend from Illinois has also drafted an amendment which I think squarely cures that evil. I shall vote for that amendment, and I sincerely hope that it will receive the unanimous support of the members upon the floor of this House.

The second subject-matter to which I desire to call the attention of the House is that provided for in section 14, which relates to the declaration or application for pension. The lawyers upon the floor of this House will all understand what I mean when I call their attention to the "doctrine of variance." We all know that in the trial of a case in the courts, either civil or criminal, if the proof offered does not conform to the allegation contained in the pleadings or in the indictment it can not be received. That doctrine now holds in the Pension Department in the administration of the law of June 27, 1890. So far as the law of July, 1862, is concerned, the rule is correct; because in order to obtain a pension under the law of 1862 it is necessary that the person shall prove that his disability was of service origin; that is, incurred in the line of his duty; and, therefore, of necessity his declaration should set out with particularity the disease, injury, or disability upon which he bases his claim for a pension; but the act of June 27, 1890, confers upon a soldier the right to a pension if he shall have honorably served for ninety days or more and shall be so disabled as to be unable to earn his support by manual labor.

Now, if he be so disabled that he can not earn his support by manual labor, and the disability is not due to his vicious or criminal habits, why should he be required to name with particularity the disability of which he may be suffering? In other words, Mr. Chairman, supposing that the soldier is absolutely disabled from earning his support by manual labor, he alleges in his declaration that his disabilities are due to disease of the lungs. The medical examination shows that his lungs are sound, and yet it shows that the man is not able to earn his support by reason of some disease of the liver or of the kidneys. I ask you is there any reason in the world why that man should be refused a pension? Every man upon the floor of this House will say "No." The fourteenth section of this law does away with the doctrine of variance, by providing that all that is requisite shall be simply a declaration of disability that prevents him from earning his support by manual labor.

As to those sections which change the nature and degree of proof, I do not know that I particularly care to tax the time and attention of this body. As to the sections which relate to those whose pensions have been discontinued or dropped, I clearly think that the specific provisions of this bill not only ought to be adopted, but that they ought to be rigidly enforced. The gentleman from New York [Mr. MCCLELLAN], in the presentation of his views on yesterday, took the position that quite a number of those who were borne upon the pension rolls had been placed there by reason of a certain order, No. 164, that that order was wrong, based upon wrong principles, and that when the Department abandoned the principles of the order then those who had been placed on the roll during the operation of that order ought to come off. I think not. I stated in the beginning, Mr. Chairman, that the survivors of the Army and Navy of the Union do not demand a loose construction of the law, but they do demand fair and honorable treatment.

Mr. Chairman, I call the attention of the Committee of the Whole to this fact: In every court in all this broad land and in every tribunal of justice in the whole civilized world any individual who stands before that tribunal charged with the commission of a crime or an offense is presumed to be innocent until he shall have been proven guilty beyond all reasonable doubt. I care not though he who stands there be a man whose reputation is of the worst in the community in which he lives. I care not though his lineaments be furrowed with crime, even though he bear the mark of Cain upon his brow, the crystallized intelligence of the nineteenth century throws around that man the presumption of innocence, and he continues to be guarded by that presumption until his guilt is clearly proved.

Now, I say to my friend from New York and to every member upon this floor that when, in conformity to the law and the requirements of the rules of the Pension Department, an old soldier has proved his claim and his name has been placed upon the pension roll, he ought at least to have the benefit of the presumption which the law throws around the person of even the vilest criminal. That same privilege, that same protection, ought to be given to the old and decrepit defender of his country and its flag. [Applause.] The survivors of the Army and Navy of the Union declare and maintain that the pension roll is a roll of honor, and if there be thereon a single name that has been put upon it by mistake, by false representation, by fraud, or by perjury, they say let it come off.

But, Mr. Chairman and gentlemen of the committee, it ought not to come off upon a mere charge made by somebody who is unwilling to put his name to the charge and back it up by his oath. Much less ought it to come off because of a charge contained in a simple anonymous communication. What the old soldiers demand is this, that if there be in all this land a Government official or taxpayer, a man who thinks, or claims, or maintains, that the name of any old soldier is wrongfully upon the pension list, that man shall make his charge fairly and openly; that the soldier shall be given notice thereof; that after notice is duly given there shall be an open, fair, and complete adjudication of the whole question; and if, upon such trial, upon such a hearing, it shall be found that the soldier's name has been wrongfully placed upon the pension roll, he will consent and his comrades will consent that that name shall come off. But until that showing has been made the old soldier demands that the presumption which, as I have heretofore said, this great Government and all other civilized governments throw around the person of the vilest person

that lives in a community shall also be extended to him, and that he shall not be struck down unjustly and without a fair hearing.

Mr. Chairman, there are quite a number of existing evils which this bill seeks to correct: In relation to marriage, in relation to divorce, in relation to several things. The spirit of the bill is right, and, over and above and beyond it, in addition to the two specific amendments to which I have directed attention to-day concerning the first and thirteenth sections, I sincerely hope that this committee will vote to incorporate into this bill the amendment offered by the gentleman from Iowa [Mr. HEPBURN]. I stand here to declare that right and justice, humanity and patriotism, demand that every enactment upon our statute books concerning pensions shall be liberally construed in favor of the claimant, to the end that he who bore the burden, he who donned the uniform of the nation in its hour of difficulty and danger, when he shall have become old and decrepit, may be protected not only in his person but in his family and in his home. [Loud applause.]

Mr. Chairman, I thank the committee for their attention.

Mr. OVERSTREET. Mr. Chairman, the report that introduced this measure to the House states that "the bill adds no new class of pensioners as such to the pension roll." In view of this fact, there can certainly be no objection to its consideration from the standpoint of the need for some legislation in aid of the administration of the pension laws. However meritorious legislation that adds to the rolls any worthy class of pensioners, and however meritorious any measure that may aid any class of pensioners may be, yet the time has come, in my judgment, when we can afford to step aside from such classes of legislation and consider a purely administrative bill that has for its object simply a safe adjustment of all matters pending before the Pension Bureau and the security of all pensions that have thus far been adjudicated.

This bill does not contain all that I might select, even in the line in which it is drawn, neither does it contain some things that in my judgment are essential to complete a just administration of the laws on the statute books. Yet it does contain so much of merit, so much that will expedite the work already in progress, and so much that will add safety and security to the adjudicated pensions, that it meets my most hearty approval in every respect.

While all that has been done by Congress in aid of the veterans of the late war has prompted most careful consideration, and in many instances, through the sympathies that have been aroused, created most liberal laws, that have brought comfort and relief to the wounded and stricken in health, and consolation and ease to the widows and orphans of deceased soldiers, yet, in my judgment, there is at least one part of this bill that in point of importance is of equal import to any law that has been enacted by Congress in aid or support of pension legislation.

I refer to sections 2 and 4, that undertake to fix a title to pensions already adjudicated and that may hereafter be passed upon by the Department.

In the past it has been thought that when once a claimant had gone through the minute and sometimes intricate rules of the Department, complying with their demands in all particulars, and had at last received an allowance that gave to him an annual pension, that there was an end to his further anxiety, and to him, at least, was secured during the remainder of his life the amount fixed by the certificate issued by the Department. It was thought by all that no further legislation would be needed to guarantee to the pensioner the allowance that the great Bureau had, after many months and sometimes years of investigation, at last determined upon, and that such an amount as fixed by that Bureau would be considered by the Government as a claim against it so long as the holder of that certificate should be in life. But it has been left to recent years, under changed circumstances, to demonstrate that dangerous rulings under existing laws may be so exercised as to entirely overcome the presumptions that had existed in favor of an adjusted claim. Not until the decision in the Bennett case, in May, 1893, was it ever dreamed that without further legislation by Congress the Pension Department could of its own motion reinvestigate and reexamine claims that had once been passed upon and order a discontinuance or suspension of the same. But after that decision had been made and the present Secretary of the Interior had organized his "board of revision," thousands of claims already adjudicated, and, so far as any person had dreamed before May, 1893, were forever put at rest, not to be changed save upon the death of the claimants, when their various accounts should be closed, were reconsidered and suspended.

The exact data of the number of claims thus considered by that famous "board of revision" can not be obtained, but, without going into the details and giving a full and complete statement of the same, it is sufficient for the purpose of this argument to notice simply those that have occurred within recent months. As shown by the report of the Commissioner of Pensions for the year ended June 30, 1895, there were dropped from the pension roll during that year 42,411 pensions. Those pensions are divided into classes—so many dropped on account of death, so many for remarriage, so many for minors who had obtained the legal limitations, and so many by failure to claim the pension. But all the others, being 9,680, are grouped into one class and noted by the Commissioner as having been dropped "for other causes," without stating what those "other causes" were; and it is safe to claim that those pensions so dropped, without identifying the exact nature of the claims or the reasons for their suspension, were simply dropped on the order of the Commissioner; otherwise there would certainly have been enumerated in his report some reason for his action.

In a subsequent report from the Bureau, in answer to the request of the Senate of the United States, the Commissioner reports that from the 1st day of July, 1895, to the 1st day of January, 1896, there were dropped from the roll 21,112 pensions, and in this late report, as in the former to which I have alluded, these pensions were classified; and under the head of "For other causes," the Commissioner notes that there were suspended during this period of six months 4,826 pensions, making the total suspension for the eighteen months ending January 1, 1896, 14,506. Fourteen thousand five hundred and six pensions suspended within a period of eighteen months for "other causes." It must be remembered that through all the pension legislation of this Government, the method and procedure of the Department has been of an ex parte character, wherein the claimant was permitted to file such application as he desired under the rules and regulations stipulated by the Department itself; after which the claim rested completely and entirely in charge of the officers of the Bureau, who, following out regulations prescribed by the Department in harmony with the laws that then existed, and at such times as they desired, passed upon the evidence that was submitted under their various rules, and either rejected the claim or made allowance therefor. There is no procedure known to the statute or common law that was and is as complete and searching as the method of procedure prescribed by the Bureau of Pensions of this Government. That procedure enables the most searching investigation under all varying conditions, and permits the officers of the Department unlimited time and means to make such investigation.

All evidence is filed subject to the approval of this Bureau and passed upon by its officers in star-chamber sessions, without the presence of the claimant or any of his representatives, and when his claim has been once rejected, after the allowance of an appeal to the Secretary of the Interior, his rights are forever concluded and his one salvation is to begin anew the effort that after long and laborious trial has resulted in failure. If, instead of rejection, his claim is allowed, after every avenue known to the Bureau has been traveled and every phase of the question completely exhausted, I believe, as all believed until the decision of May, 1893, that that allowance forever fixed the title to that pension in the individual to whom it had been granted. But it seems that under the recent dangerous rules of the Department, that give to this same Bureau the right to reopen at pleasure and examine any claim, reduce a rating, or suspend a pension, it becomes necessary that the legislative power of the Government be invoked to establish a line beyond which even this Bureau can not go, and forever put at rest the fear that has arisen that all pensions are in jeopardy.

Let us for a moment consider the various roads that a claim for pension must needs travel before it can culminate in an allowance. There are six different boards to which a claim may go, and five boards to which a claim must go before its final determination. After the formal filing of an application, it is at once referred to the adjudicating division, where it is charged out to an examiner, who, after obtaining the military record of the claimant and passing upon the formal matter of the application and the order of evidence, in the event evidence has at that time been filed, directs an examination by the board of examining surgeons. This constitutes the second board. Evidence is then called for, if not already filed, and examined to the satisfaction of the examiner in whose hands the claim rests, who thereupon submits the claim to the board of review. Not content thus far, after having been presented to three boards, the member of the board of review who receives the claim passes upon it under the various rules of the Department, and refers the same to the board of rereview, where it undergoes its fourth examination. All cases involving a medical question then pass from this board of review to the medical board. It must be remembered that at any stage of this investigation the claim may be at any time ordered into the field for special examination, so that where a claim is specially examined there are absolutely five separate and distinct examinations before final action thereon; and where a claim involves a medical question, there are six separate and distinct examinations of it.

Each board is a check upon the other, and if at any stage of the investigation it fails to meet the requirements of the law under the rulings of the Department as viewed by the board in whose hands it may then be found, the claim goes no further, but dies. If, for instance, in the original adjudicating division it is discovered by the examiner that some technical defect exists in the record of the soldier, as disclosed by the report from the War Department, the investigation ceases until the soldier can by his

own acts correct his record. If a soldier is fortunate enough to have that record complete and satisfactory and yet the evidence upon his physical condition as shown by the board of examining surgeons does not satisfy the examiner, then the investigation stops and the claim is rejected. If perchance the claim has been sufficiently strong to pass through these early stages of its travels and goes to the board of review and the examiner of it is not satisfied upon all the evidence that has been filed, both medical and otherwise, then investigation ceases and the claim is rejected. But even if it meets the favor of the examiner in this board and seems to conform with the rules of the Department, and by him is passed to the board of rereview, which has no fuller powers than he, but does not meet the satisfaction of this fourth board, then the investigation ceases and the claim dies. So it is evident from the history of every claim that has passed through the various boards that it must necessarily meet the approval of each board in the successive stages of its progress or else it fails.

Is it strange that the thought had arisen in the minds of our people that when a claim had passed through so intricate a procedure, and had met with favor at the hands of so many investigators, that it was at an end, and that the pensioner could rest secure in the thought that he need have no further anxiety concerning it? And is it any further wonder that astonishment, dismay, anxiety, and disturbance arose when it was announced by the ruling of this Department that, notwithstanding so thorough and complete and satisfactory an investigation of the claim, at any time and under any and all circumstances the Pension Bureau holds the right to reinvestigate a claim and reduce the rating or suspend the same entirely? It is because of this anxiety and disturbance that sections 2 and 4 have been incorporated in the pending bill, and inasmuch as these sections were incorporated at my suggestion, being in substance the same as a separate bill that had been introduced by me and by my consent and approval incorporated in this bill, I desire to direct especial attention to them.

The first clause of section 2 of this bill was, in substance, originally a part of what is known as section 4, and in order to bring the two sections together for consideration I desire to read this first clause and connect it with section 4 in order to clearly show that these two sections taken together undertake to establish a title to all pensions already adjudicated or that may hereafter be determined. This will read as follows:

That from and after the passage of this act no pension heretofore granted or which may hereafter be granted under the pension law shall be reduced or discontinued except for fraud, clerical error, mistake of facts, or recovery from disability.

That hereafter in the administration of the pension laws all investigation into the merits of any pension previously allowed shall be by question and answer, under oath, in open session, after due notice to the person or persons who may be affected thereby to be present personally or by attorney; and such person or persons shall have the right to cross-examine, and a fair and full opportunity to rebut or substantiate any facts alleged or disputed: *Provided*, That when fraud is alleged the allegations shall be reduced to writing and under oath, and the person or persons affected thereby shall be furnished with a certified copy of the charges made, together with the names of the persons making the same, at least thirty days prior to such investigation, and shall be furnished with the names of the witnesses by whom the said charges are to be proved at least five days prior to their examination, such investigation to be conducted at the county seat of the county in which the person affected resides, and the depositions of witnesses residing outside of said county shall be taken as near as may be in accordance with the practice of the State or Territory in which said witnesses reside.

The enactment of this law will, in my judgment, establish absolute title to all pensions already adjudicated and that may be hereafter favorably determined. It has been common to speak of the title of a pension as a vested right; but no matter what it is called, the title is, after all, the thing to be desired. Some courts have held—and as yet the question is undetermined by our highest court—that a pension is not a vested right, and for this reason it is not deemed advisable to undertake by the terms of this bill to declare it to be a vested right. But if language can be definite and in terms clearly establish the title to a pension, it does not matter whether we undertake to declare the pension to be a vested right or not; but let that matter remain still as it is, because, after all, the thing that is to be desired is to put an end to the controversies that have arisen and forever establish the security and safety of a pension to the soldier by fixing the title in him.

After more than thirty years have passed, and after the claimant has exhausted all means known to him to discover the best evidence upon which to rest his claim, and it has at last been allowed him, he no longer endeavors to keep in mind all the evidence upon which he had asked that allowance, and the comrades who had been his witnesses may have scattered, or may have died; and yet the pensioner, unless this title shall be declared, is at the mercy of the Department, and if notice should be made, would be compelled to make some effort to gather together his scattered forces, relocate his absent comrades, and undertake anew to satisfy the Department that in the first instance had given so searching an investigation to his claim, and had passed upon it after it had met the requirements of five or six separate boards of examiners. If, however, we declare by the enactment of this law that when once this investigation has been made, once the claimant has complied with all the rules of the Department, and his efforts have been favored by an allowance, then that shall end the matter, and he shall be permitted to enjoy all the rights and comforts which ensue from that allowance.

No individual ever excuses fraud, and no one will undertake to defend fraud or challenge the right of the Government to become released from any liability that had been established by fraudulent methods. It is for this reason that this exception is recited in this bill, and that the right shall still obtain to the Government at any and all times to reexamine what may have been obtained by fraudulent means, and if such discovery is made that the Government shall have the right to suspend such pension. However, the Government having once had the opportunity to discover any irregularities or fraudulent practices, having had the opportunity at every stage of the progress of the claim through its various boards of examiners to discover these irregularities or frauds, the Government must take the burden of proof when once the claim has been allowed and prove the fraud before it can finally suspend the pension.

In the first instance all burden rests upon the claimant, and he has no rights until he has established his claim to the entire and complete satisfaction of the Bureau of Pensions. So that when fraud shall be alleged as a reason for the discontinuance of a pension, the burden should be upon the Government to establish that the fraud did exist. Until that fact is so established, the presumption of innocence should rest and remain with the pensioner. I shall not go into severe criticisms or abuse of the practices of the Department that have resulted in the suspension of so many thousands of pensions under existing rules, neither shall I resort to any harsh expressions, believing that the main object of this measure is to remedy these evils and not to exhaust language in abuse of them. There can be no doubt, however, but that hundreds of pensions have been thus suspended simply because the pensioner failed to comply with the demands of the Department to furnish additional proof of his disabilities. I shall not impugn these officers, however strong the temptation and facts may warrant, but I do insist that speedy remedy should be made to put a check, aye, to prohibit further continuance of any such practice or methods.

I am informed that in some instances examiners have given assurance that if a charge should be laid against a pensioner that his disability does not warrant the rating that he has been given that the Department will see that the claimant's pension is reduced. I have been informed that pensions have been suspended upon hearsay statements of a special examiner in the face of overwhelming evidence against the charges. I have been informed that after notices have been sent for a claimant to state why his pension should not be reduced that the reduction has followed notwithstanding the fact that evidence was furnished by the pensioner showing that he is still disabled to a sufficient degree to justify the rating that had been made. Now, I submit that when these pensions have been finally determined and allowed that no change whatever should of right be made unless the pensioner had obtained it originally by fraudulent practice.

There are instances where a disabled condition has forced the pensioner to develop new faculties and talents, and pursue other avocations than what he might have followed had not the disability have been incurred. If, for example, a soldier is pensioned for the loss of an arm or both limbs, his rating would be such as to compensate for that loss. But it was never intended that that individual should be required to remain idle and undertake to do nothing further than to draw his pension. Because, if the loss of his limbs or the impairment of his physical strength has necessitated more vigorous mental development and training, whereby the soldier may have acquired faculties of mind that might bring to him emoluments in fields of labor that would not require vigorous physical efforts, his pension should not be reduced or suspended. Suppose, for example, a soldier found himself at the close of the rebellion disabled in body to that exent that he could not perform manual labor and was totally physically disabled, that would bring to him under the rules of the Department the full allowance, and yet, not content to remain idle, he should by careful training and study so develop his faculties of mind and voice as to become an orator of note and influence that would attract to him demands for public speaking that would bring emoluments far in excess of his pension. Would it be fair to him, and did the Government intend that because he had been able to thus earn support despite his physical disabilities, that his pension should for that reason be suspended? And yet, unless we by legislation fix the title to the pension absolutely in the pensioner, not to be wrested from him or in any way disturbed, there is no guarantee or assurance but that under the existing rules of the Department some method may be discovered whereby the pension of such individuals might be suspended or discontinued.

To direct attention particularly to section 4 of the bill, I frankly acknowledge that it is proper for the Government to investigate

a charge of fraud against any pensioner. But when so grievous a charge as that is made, the pensioner has the right to be informed of the names of the individuals who make such charge and to be apprised of the facts upon which the charges rest. He should have the right that every individual has in the smallest case at law—to confront his witness in open court and hear his statement and to subject him to cross-examination and meet his charges by evidence of his own. When these pensions have been allowed and the title given over to the pensioner, the charge of fraud fixes an imputation upon the pensioner. The presumption of innocence clothes him. His honor, integrity, and the good name of his family are at stake, and because of these things the Government owes it to its subjects, owes it to those who have established the title to this Government, to compel an open and frank and an honest investigation before it taints the good name of a soldier with the charge of fraud.

If an allegation of fraud is made, the pensioner whose pension is sought to be attacked shall be furnished with a certified copy of the allegations and the names of the witnesses who will be examined in support of the charge. This copy shall be furnished him at least thirty days before such investigation, and the names of the witnesses shall be furnished at least five days prior to their examination. The investigation shall be conducted at the county seat of the county in which the pensioner resides, except where witnesses live in other counties, and in that event their examination will follow the usual rules of law in force in the State of their residence. Under this method no hardship will accrue to the Government other than that incumbent upon her to make some investigation of the charges before the examination is had; in other words, compel the Government to prepare her case before she files it. As it is now, she simply serves notice on a pensioner to show cause, and if he fails to show cause his pension is at once discontinued.

Under the arrangement provided in this bill the Government would necessarily have to prepare a case in advance, and in so doing would avoid opening investigation that she did not feel assured would result in the suspension of the pension. I doubt not but that in hundreds of cases where simple notice is given by the Government the party whose pension is thus attacked is ignorant of what to do, and before he has fully advised himself what course to take the time has elapsed and it is too late. There certainly can be no reasonable objection to the enforcement of the procedure fixed by this section of the bill, and its results will guarantee to all the security and absolute safety of the pensions when once allowed, unless they have resorted to fraudulent practices in obtaining them. I sincerely believe that in following the procedure that I have outlined, after such scrutiny as is given originally by the Government upon all claims, this law will entirely do away with further suspensions and discontinuance of pensions.

It must be said, to the everlasting credit of the soldiers, that with all the machinery and means in the possession of the Government, managed and controlled by officers known to be hostile to the pensioners, less than 20 convictions for frauds have been effected in the past two years, notwithstanding the charge of the present Executive that "thousands of our neighborhoods have their fraudulent pensioners."

In my judgment this legislation at this time is of greater importance than legislation that seeks to enlarge the opportunities for the allowance of claims, because after the pension is allowed of what use may it be to the pensioner unless some safety is guaranteed to him in the pension. It can be but little consolation to him if clothed with doubt and uncertainty. In my judgment it devolves upon us to take such steps as shall remedy this evil, and so put away these doubts and forever dispose of the anxiety and unrest that have stricken terror to the hearts of the thousands of veterans who are so largely dependent upon this source of income. It is difficult for us to fully understand the extent of the anxiety that prevails. It is difficult for us to understand how far-reaching this disturbing element has been. There is an affinity between the veterans that can not fully and completely be appreciated by those who have been born since the opening of the war.

Those of us whose youth forbade contact with the times and appreciation of the trials, sacrifices, and hardships are absolutely unable to fully understand the tie of sympathy that binds the heartstrings of the soldiers. They have our regard and praise, our respect and honor, our unfaltering love; but there is a something, undefined, uncolored, unknown to us, and which the soldiers themselves are unable to disclose or describe, that strikes a chord of sympathy that finds response only in the heart of him who has felt the pulse beat and the throat choke when first he parted from his home. It is felt by those who have together slept upon the same bed, with its scanty covering, while the cold rain beat against the leaking tent, or touched elbows as the quickened march brought them nearer the angered foe; who have pressed the hand of the wounded comrade in exchange for the message of hope to be conveyed to his dear ones; or who have together marched, slept, starved, and suffered with feelings so akin that thoughts seemed to be exchanged without the aid of speech and understandings, fathoms deep and freighted with meaning, were conveyed in the expression of the eye.

That sympathy between soldier and soldier was conceived in the common sorrow which all experienced upon enlistment; was nurtured by the common danger which threatened all alike; was warmed by the blood heat of battle; burned into their hearts by scenes and trials which no one can describe; and for thirty years has grown among the living or eased the dying moments of those who answered the last command of "taps," and for whom forever the "lights" are "out." Our failure to fully understand that sympathy is pardonable. But there is an appreciation which we owe them which we do understand, and a failure on our part is unpardonable. The recognition of the great work of the soldier, the true merit of his cause, and the scanty compensation for his wounds and crippled health, we can appreciate even better than they. They achieved the victory, our hearts are filled with gratitude. They suffered, we appreciate. They, without fear and little speech, discharged a grave duty. We praise and honor. They made peace and prosperity possible. We from the abundance of our fruits should ungrudgingly bestow bounteous aid for their shattered health and crippled limbs. In the dark hour of the nation's danger, when the lowering clouds of war hung over our land, they fought for us. And now, when age has weakened them, and enemies seek to withdraw the pitiful allowances a grateful Government has extended, and mar their good name with the blot of dishonor, we, using only the weapons of peace, should fight for them.

The friendship which developed a tie of sympathy between soldier and soldier as an outgrowth of the trials of the camp, the fatigue of the march, and the danger of the field, has in a measure been in part bestowed upon the children of the veterans so as to develop in them a desire to publicly exemplify their fidelity to the cause of their fathers, allegiance to their memory, and loyalty to the principles by which their acts were prompted.

If, by honest observance of the laws of the nation, due respect and reverence for our institutions, and allegiance to the flag, a spirit of patriotism shall be engendered, then the acts of the younger men become a monument to the "veterans," whose memory shall be forever beautified.

It was not given to us to witness the carnage at Shiloh, suffer the disastrous repulse in the charge upon the works at Vicksburg, breathe the miasmas of the Virginia swamps, or hear the whistling of the bullets in the Wilderness. It was not given to us to cheer the fall of Donelson, share the victory of Gettysburg, or participate in the triumphal march to the sea, or the grand review that displayed to the nation's capital the shattered army of victorious people triumphant in its cause.

But it is ours to rejoice in the achievement of those arms, respect the memory of those men, extend honor to their names, and by our conduct prove ourselves worthy of their sacrifice. [Loud applause.]

Mr. BROWN. Mr. Chairman, the pending bill in all respects meets my views and has my unqualified support. This bill does not enlarge the pension list and does not increase pensions, but it undertakes simply to correct many of the wrongs and injustices now found to exist in the Pension Bureau in the administration of our pension laws, and may be called a bill to better administer the present pension laws.

I indorse that patriotic sentiment that the claims of those who risked their lives and their all in defense of the best Government known to man "should not be weighed in an apothecary's scales."

It is now conceded by all that it is a sacred duty of this Government to provide in a generous way for the brave men who fought that we and the unborn millions might enjoy to the latest posterity the benefits of a republican government.

I prefer to regard the pension granted the soldier and his widow and children as a bounty freely given to him by a generous Government.

This view best accords with the idea of the generosity and large-heartedness of our people. It is not the paying of what we are compelled to pay, but it is the gift of a bounty because of sacrifices freely made in time of great public peril.

It is not my purpose to discuss the whole bill now before the House, but to speak especially of the first section, and I shall at the proper time offer an amendment to this section.

The first section is as follows:

SECTION 1. That no person otherwise entitled to a pension by virtue of any law of the United States shall be disqualified from receiving the same by reason of any prior service in the Confederate army or navy during the war of the rebellion, nor shall the widow, children, or dependent relatives of such person be deprived of a right to pension by reason of such service.

The amendment which I offer reads as follows:

Provided, That pensioners who have been dropped from the rolls since March 4, 1893, solely on account or because of previous Confederate service shall be at once restored without formal application, and their pensions shall commence from the time their names were dropped from the rolls.

I shall offer this amendment because I do not believe any provision of the bill will remedy the wrong intended to be remedied by this amendment, and I hope the chairman of the Invalid Pensions Committee will agree to this amendment. I offer this amendment because a great many pensioners have been dropped from the pension rolls under the act of June 27, 1890, solely on account of their previous service in the Confederate army, and when this is the case they should be restored without further formal application and their pay commence from the time their pensions were so discontinued.

Mr. PICKLER. Suppose the persons whose pensions the gentleman proposes to restore by this amendment should be dead?

Mr. BROWN. Then, of course, their widows would receive the pension.

Mr. PICKLER. I think there is no question that this bill will fully provide for all proper cases where pensions have been dropped. We have made the terms of the bill as broad as it would be safe to make them. The committee thought that it would be very unsafe to undertake by a wholesale enactment to say that all these men who have been dropped should be restored. Some of them have died; some of them have already had their pensions restored; in some cases the disability has ceased.

Mr. BROWN. No men have been restored, so far as I know, where the pension has been discontinued on account of previous service in the Confederate army.

Mr. PICKLER. But, let me say to the gentleman, there must be some kind of identification.

Mr. BROWN. If the pensioner has died, the pension of course will not be paid to him.

Mr. PICKLER. But such a case will be covered by your amendment.

Mr. BROWN. No, sir.

Mr. PICKLER. Your amendment says that if the pensioner has been dropped his pension shall be restored.

Mr. BROWN. But it does not provide that the pension shall be paid if the party is in fact dead.

Mr. PICKLER. I am in accord with the gentleman's views in regard to the justice of restoration generally in these cases; but the bill as we have drawn it will accomplish the object which the gentleman seeks.

Mr. BROWN. The fourth section of the bill, as I understand, will give the Pension Department the opportunity to pass again upon the question of the pensioner's right to the pension. Now, this amendment provides that in the event that the pensioner has been dropped from the rolls solely on the ground of previous Confederate service it shall be the duty of the Commissioner of Pensions to immediately restore his name to the pension roll. As a matter of course, if the pensioner has in the meantime died, the pension will not be paid to him.

Mr. CROWTHER. I suggest to the gentleman that the restoration provided for by section 4 of this bill would enable the party to be readmitted to the pension roll.

Mr. BROWN. Does not that provision leave the Pension Department at liberty to adjudicate again the question of the pensioner's right to the pension?

Mr. CROWTHER. No; section 1 covers that.

Mr. BROWN. The purpose of my amendment is simply that a party who has been wrongfully dropped from the rolls shall be restored to the rolls without further formal application.

Mr. PICKLER. Section 3 ought certainly to accomplish the object the gentleman has in view. That section provides—

That all pensions reduced or discontinued since January 7, 1893, shall, upon application, be reconsidered and adjudicated in accordance with the provisions of this act, and the pension, if restored or allowed, shall commence from the date of such reduction or discontinuance, or from the date subsequent thereto at which the disability is shown by the evidence to have existed.

Now, for the reasons I have suggested, it would not do for us to undertake by any wholesale provision to restore all these pensions that have been dropped.

Now, in regard to the amendment which the gentleman suggests and other amendments which are proposed and other objections which are presented here, I wish to say that for six long weeks we have considered this measure in the Committee on Invalid Pensions; and although we may be mistaken in some of the provisions which we have adopted, yet during the consideration of this bill no proposition has been presented to the House that was not fully discussed pro and con in the committee. I repeat, it would be very unsafe to provide that the whole list of pensions that have been discontinued should be restored. In some cases the disability may have ceased; in some cases the widow may have been drawing pension and she may have died.

Mr. BROWN. I wish to say that I think this is a most excellent bill in its general provisions and one which ought to be passed. I simply wished to bring this amendment to the consideration of the chairman and members of the Invalid Pensions Committee.

Mr. PICKLER. I am quite in accord with the object which the gentleman seeks.

Mr. BROWN. Now, Mr. Chairman, addressing myself to the first section of this bill and the amendment thereto, under what is known and designated as the general pension law, previous service in the Confederate army was and is no bar to a pension for injury received or disability incurred in the line of duty in the service of the United States, and this is now the holding of the present Commissioner of Pensions. But under the act of June 27, 1890, as now construed by the Pension Department, service in the Confederate army is a bar to any man, no matter how long he may have served in the Union Army, and although he may have received at the close of the war an honorable discharge.

This construction of the act of June 27, 1890, is not what Congress intended, and is made in violation of every rule for the construction of acts of Congress, and is contrary to the former holding of the Pension Department, but this is the ruling of the Interior Department, and the only remedy now is to correct the wrongful construction by an act of Congress; and this is done by the first section of this bill. To be entirely fair and just to the Department, I shall state more accurately the ruling of the Department.

In substance its holding is that when a soldier appears to have been enlisted or conscripted into the Confederate service, and afterwards enlisted in the United States Army, the presumption is that he voluntarily rendered aid and assistance to the Confederate government, and is not pensionable, and the presumption is so great that it can not be overcome by his own testimony, however strong, and although he may swear that he never voluntarily rendered any service. I give you an illustration showing the injustice and harshness of the ruling of the Department.

It is the case of Thomas K. Edgman, of McMinn County, Tenn., who was pensioned under the act of June 27, 1890, and dropped from the rolls on account of his Confederate service.

On application to be reinstated, the following state of facts was shown.

Claimant proved by five or six good citizens, neighbors and long-time acquaintances, that he was a Union man; that he voted both times against secession in Tennessee, when submitted to a vote of the people in Tennessee; that he made two attempts to escape from McMinn County, where he lived (then in control of the Confederate authorities), and to go to the Union Army in Kentucky; that at the second attempt his relatives, who were in sympathy with the Confederacy, believing that he intended to go into the Union Army, had him (while on his way out of McMinn County) arrested by the Confederate military authorities, sent him off to some point above Knoxville, and compelled him to join the Confederate army. Soon after this he was sent to Vicksburg, Miss., and while there he and some others, seizing the first opportunity, laid down their arms and made their escape into the Union lines, joined Grant's army, served twenty-two months, and received an honorable discharge. And to make a still stronger case, Mr. Edgman swore, and his testimony was corroborated by two or three men who were with him in the Confederate army, that his Union sentiments were so strong that while he served in the Confederate army he never fired his gun, and while he was forced to do some service, he made up his mind from the start to do as little as possible, so as not to hurt or harm anyone on the other side. With all this proof of his loyalty to his country he was dropped from the rolls.

This is one of a large class of men who have suffered wrong and been denied justice by the unwarranted construction of the act of June 27, 1890.

In order that this House may know the difficulties which surrounded the Union men of the border States, and especially of east Tennessee, and that this House may fully appreciate the valuable services rendered by the Union men of the border States to this Government during the war, and, having this knowledge, to be better prepared to do them the simple justice long denied them, I desire to call attention to some of the history of our country in east Tennessee during the late war.

It is not my purpose to refer to these matters in order to stir up strife or to kindle anew any of the flames and passions of the war, but simply and alone that the truth of history may be known. I am glad to say that the people of the South are as loyal to this Government and love our republican institutions as much as the people of any other section of the country, and I do not believe there is in the whole South to-day a single intelligent man who wishes that the Confederacy had succeeded.

The Southern people are anxious that the feelings and prejudices growing out of the war may be forgotten, and that we shall all unite in an earnest effort to make our country what God intended it should be, the greatest and grandest country in all the earth, and because the people of the South have been undeceived and now believe that the Republican party is a national party, willing to legislate for the best interests of the whole country,

many, yes, thousands, who have heretofore acted with the Democratic party, who believe in sound money, a protective tariff, and the national policies of the Republican party, have parted company with the Democracy, and on questions of tariff, finance, etc., have come into the Republican party, and have come on principle, and for principle, and come to stay. And if we act wisely, addressing ourselves in a courageous way to do for the best interests of the country, leaving the Southern people to settle in their own way the race problem and the control of elections, we shall see the Republican party in the South composed of the best and most intelligent citizens and voters, and we shall see the Democratic party there rent in twain, divided and disorganized, and appealing for support to the worst element of society in that favored land.

Tennessee was one of the last of the States to go out of the Union. East Tennessee, or, more accurately, the eastern part of the State, was strongly opposed to secession. It was intensely Whig before the war. The people who lived there were Federal Whigs of the Alexander Hamilton and George Washington school, believing in a strong National Government. Being great admirers of Webster and Clay, they believed the Union should be perserved at all hazards, and in the campaign of 1860 had supported Bell and Everett, and marched, rallied, and hurrahed to the campaign slogan of "the Union, the Constitution, and the enforcement of the laws." So when it was proposed to go out of the Union the people of east Tennessee strongly protested.

The people of Tennessee voted twice in 1861 on the question of seceding after the other States had gone out of the Union. At the first election the vote was overwhelmingly against secession, east Tennessee voting 34,400 for the Union and 7,000 against. But soon after this an extra session of the legislature was called and the question again submitted, and this time, on account of the presence of Confederate troops which had been brought into Tennessee, although it was still a State of the Union, and by other unfairness, it is claimed, Tennessee was voted out of the Union, although east Tennessee voted this last time largely against the proposition to go out of the Union.

Immediately the governor of the State called for a large number of volunteers for the Confederate army, and many thousands promptly responded, but comparatively few from east Tennessee, and later conscription was resorted to, largely on account of the attitude of east Tennessee.

The Union men did not believe a State could vote itself out of the Union, and instead of tamely submitting, as the Union men did farther South, they met in open convention at Greeneville, Tenn., on June 17, 1861, only a few days after the last vote on secession or separation, and in a largely attended convention, with delegates from every county in east Tennessee, passed resolutions strongly condemning the effort to take Tennessee out of the Union. This protest, however, was all in vain; the story of east Tennessee from this time on was written in blood and tears.

Immediately after this Greeneville convention the Confederate authorities, in order to retain supremacy in east Tennessee, occupied this territory with a large military force, and continued to hold this territory until September 4, 1863, when General Burnside entered Knoxville with his army, Colonel Foster, afterwards Secretary of State under General Harrison, leading the advance. The Confederate authorities found it necessary to keep a large force in east Tennessee on account of the strong Union sentiment there; and while the Confederate authorities occupied this territory Union men were compelled to join the Confederate army or go to Southern prisons, and this class of men are denied pensions now, although they quit the Confederate service at the first opportunity.

The State administration early took steps to enforce the doctrine of repression in east Tennessee. Confederate States troops from Alabama, Georgia, Louisiana, and Mississippi were hurried up and quartered, under various pretenses, in the mountains.

The question of "taking sides" actively, marching under the "stars and bars" or under the "Stars and Stripes," was forced to an issue. The day of discussion was a brief one. The conscript officer appeared on the scene. The way for this was prepared by reports that a Federal army was marching into Tennessee from Kentucky. Doubt and confusion were part of the atmosphere. The Union men who could be apprehended were conscripted into the Confederate army. Many fled, first to the mountains, to escape conscription, where they were fed for months by the Union women of the vicinity, and at length, despairing of Buell's army reaching east Tennessee, many of them determined to make their way to the Union Army in Kentucky. The traveling was to be done by night, and the journey lay over mountains and across deep rivers, and must be done with extreme caution, for the passes from Tennessee into Kentucky were constantly and strongly guarded. Many of the men thus attempting, through dangers and extreme cold, to reach and join the Union Army, because they wanted the Union preserved, were captured and compelled to join the Confederate army. Was it any disgrace or dishonor for them to desert a cause which they abhorred and to fight for a cause they loved?

Both generals—Grant and Sherman—in their memoirs speak of the desertions from the Confederate army before Vicksburg, on the march to the sea, and at other points. These were not the men who, believing in secession, had risked their all and gone to fight for what they believed to be right. These were not cowards, for braver men never marched to martial music than the Confederate soldiers, but they were in large part the Union men from the border States who did not believe in secession, but in the Union, and had been compelled to join a cause they hated, and felt it the exercise of the highest patriotism to quit this cause and fight for the old flag which they had been taught to love since they first looked on its sacred folds. And these are the men who, having quit the Confederate service with joy and gladness, joined the Union Army, fought bravely during the war, as all Tennesseeans ever did, whether at Kings Mountain, under Jackson at New Orleans, during the Indian war, or under General Scott in Mexico, and made Tennessee famous as the Volunteer State; and these Union men having fought through the war and received an honorable discharge, and having seen peace restored, our country reunited, are in their extreme old age and helpless condition denied a small pension because of service in the Confederate army which they were compelled to render.

A generous Government will not tolerate this, and no brave, true man will wish that it should. The perilous situation of the east Tennessee loyalists and the great help rendered the Union cause by them was known to and recognized by President Lincoln, and he was constantly urging General Buell, then in Kentucky, to move into east Tennessee with his army to relieve them.

Mr. Lincoln, in a dispatch to General Buell dated January 6, 1862, says:

EXECUTIVE MANSION, *Washington, January 6, 1862.*

MY DEAR SIR: Your dispatch of yesterday has been received, and it disappoints and distresses me. * * * My distress is that our friends in east Tennessee are being hanged and driven to despair, and even now I fear are thinking of taking rebel arms for the sake of personal protection. In this we lose the most valuable stake we have in the South. My dispatch to which yours is an answer was sent with the knowledge of Senator Johnson and Representative Maynard, of east Tennessee, and they will be upon me to know the answer, which I can not safely show them. They would despair; possibly resign to go and save their families somehow or die with them.

I do not intend this to be an order in any sense, but merely, as intimated before, to show you the grounds of my anxiety.

Yours, very truly,

A. LINCOLN.

Brigadier-General BUELL.

General McClellan also felt the same way, as is seen by the following dispatch to General Buell:

CONFIDENTIAL.] WASHINGTON, *Monday, January 6, 1862.*

MY DEAR GENERAL: * * * There are few things I have more at heart than the prompt movement of a strong column into eastern Tennessee. The political consequences of the delay of this movement will be much more serious than you seem to anticipate. If relief is not soon afforded those people we shall lose them entirely, and with them the power of inflicting the most severe blow upon the secession cause.

I was extremely sorry to learn from your telegram to the President that you had from the beginning attached little or no importance to a movement in east Tennessee. I had not so understood your views, and it develope a radical difference between your views and my own, which I deeply regret. * * * Interesting as Nashville may be to the Louisville interests, it strikes me that its possession is of very secondary importance in comparison with the immense results that would arise from the adherence to our cause of the masses in east Tennessee, west North Carolina, South Carolina, north Georgia, and Alabama—results that I feel assured would ere long flow from the movement I allude to.

* * * * * * *

In haste, my dear General, very truly, yours,

GEO. B. MCCLELLAN,
Major-General, Commanding.

Brig. Gen. D. C. BUELL, *Louisville, Ky.*

Although with all the urging on the part of the President and his superior, General McClellan, Buell did not move into east Tennessee, and that section of Tennessee was not permanently occupied until later by the Federals. The aid rendered the Union cause by the Union men, not only of east Tennessee, but by the loyal men of all the border States, while known to the President and the Union officers, is hardly known to the general public, and has not been appreciated since as it should have been. I do not desire to take from any section or from any men the glory to which it or they may be entitled for the splendid services and sacrifices rendered for the Union cause. I do wish to see justice done to loyal men of the border States, who made many sacrifices for their "opinions' sake."

A brief review of the part played by the loyal men of the border States in the late war will not be considered, I hope, out of place here.

The whole number of men furnished to the Union Army, according to the Adjutant-General's report of November 9, 1880, from the firing on Fort Sumter to the close of the war, was 2,865,028, of which the Northern States furnished 2,432,801 men. The census of 1860 showed that the number of white males of the military age (between 18 and 45) in the Northern States was 4,327,000, so that the troops furnished by them to the Union Army were 60

per cent of the available men. Turning to the slave States, the first discovery is the amazing one that Delaware furnished a larger number of troops to the Union Army in proportion to her available military population than any other State in any part of the country. This is so contrary to accepted ideas that the average Northern Republican would pronounce the statement absurd on its face. But the figures leave no room for doubt. Delaware had in 1860 only 18,273 white males between the ages of 18 and 45. She sent 13,670 men into the Union Army, which equaled 74.8 per cent. New Hampshire contributed only about 54 per cent, Vermont and Massachusetts 58 per cent, Maine 59 per cent, Rhode Island 66 per cent, Illinois and Ohio 69 per cent, Kansas 72 per cent, and Indiana 74 per cent.

The other border States did nearly as well. Maryland had 102,715 white males of army age, and 50,316 of them did service for the Union, being almost exactly 49 per cent. Kentucky had 180,589 men to call upon, and 79,025, or nearly 44 per cent, responded. Missouri had 232,781 white males, and 109,111 of them went into the Union Army, being almost 47 per cent. West Virginia did not fall behind. She had 66,500 white males, of whom 32,068 became Union soldiers, or more than 48 per cent. Even Tennessee, one of the States which actually seceded, furnished no less than 31,095 men to the Union Army.

Altogether, the thirteen slave States contributed 432,227 men in defense of the Union. Kentucky also furnished 23,703 colored troops, which do not enter into this calculation. Maryland and Missouri also supplied the Army with a large contingent for the same arm of the service. It thus appears that one-seventh of the Union Army came from the South.

Contemplate, if you will, what would have been the result if this half million of strong, brave men had been in the Confederate army, making a difference of a million of men, and the border States of east Tennessee, Missouri, Kentucky, Delaware, Maryland, North Carolina, and West Virginia had been as enthusiastically against the Union as Mississippi, Louisiana, Texas, South Carolina, and the other cotton States. Not only would the seat of war have been in the North, but the result made more doubtful, to say the least.

LOYALTY OF EAST TENNESSEE AS ATTESTED BY A CONFEDERATE OFFICER.

In an article in the Century Magazine of February, 1885, Col. William Preston Johnson (son of Gen. Albert Sydney Johnson, and a member of Jeff. Davis's staff during the war), writing on the battle of Shiloh, and defending his father from the severe criticism of certain Southern newspapers for the loss of Forts Donelson and Henry, the evacuation of Bowling Green, and the disaster at Fishing Creek, says:

His father's army was weakened by the necessity of keeping thousands of troops in east Tennessee to overawe the Union population there, and so as to guard the only line of railroad communication between Virginia and Tennessee.

He further says:

This hostile section penetrated the heart of the Confederacy like a wedge, and flanked and weakened General Johnson's line of defense, requiring, as it did, constant vigilance and repression.

Gen. D. H. Hill, of the Confederate army, insisted a few years ago that the rebellion was suppressed by Southern men. Whether this be true or not, it is true that the first repulse to the Southern army was inflicted at Mill Springs by General Thomas, a Southern loyalist. The first confidence inspired in the demoralized army of Bull Run was owing to the generalship of Ord, of Maryland, at Dranesville. Blair, Canby, Crittenden, Alexander, and Nelson were born in Kentucky. Newton and Cook were Virginians; Ord and Sykes were Marylanders.

The most successful of all naval heroes was David G. Farragut, an east Tennessee boy. Dupont of Delaware and Goldsborough of Maryland made the first lodgment on the Atlantic coast.

When the Federal Army had been scattered at Chickamauga, who was it that stood at Rossville, Ga., like a rock in the ocean against which the waves dash and fret in vain? It was Thomas, the rock of Chickamauga.

Had it not been for the stubborn resistance of this gallant general and his brave men, Chickamauga would have been a complete Federal rout and the Confederacy an established fact at this very hour.

We have the testimony of Generals Grant and Sherman for the statement that the Union men of east Tennessee, out of their scanty supplies, fed General Burnside's starving army during the siege of Knoxville, and the loyal people of the Sequatchie Valley contributed liberally to feed General Rosecrans's army at Chattanooga before General Grant established the "cracker line" to Bridgeport, Ala.

H. V. Redfield, at one time the able correspondent of the Cincinnati Commercial Gazette, writing about Tennessee troops, says:

A detail of the exploits of the Tennessee troops in the Union Army would fill volumes.

The Tennessee troops were fighters rather than writers, and they left little record of their transactions. It was Tennessee troops who finally routed the famous cavalry command of Gen. John H. Morgan, and killed that famous rider. He vanquished armies and captured more prisoners in a single raid than his own men numbered, yet a strange fate decreed that he should meet his fate at the hands of Tennessee Unionists, aided by a Michigan regiment.

And the capture of Morgan was equal to the destruction of an army.

Mr. Chairman, I have not thus spoken to stir up bad blood, to bring skeletons from moldy graves to speak the language of revenge, but to set forth the work and virtues of humble people, who helped to continue and extend American institutions by heroic devotion and suffering, and have proved by their suffering that love of country is a divine truth; that the United States is not a rope of sand tying together antagonistic States; that the Constitution is not a "glittering generality," but a "divine ubiquity," a law of growth, freedom, and civilization, and that long-delayed justice may speedily be done the Union men of the South, many of them the descendants of the heroes of Kings Mountain, New Orleans, Monterey, and Buena Vista.

Mr. CONNOLLY. Mr. Chairman, before proceeding, I desire to yield two minutes to my colleague from Illinois [Mr. SMITH] for the purpose of suggesting an amendment he proposes to offer at the proper time.

Mr. SMITH of Illinois. Mr. Chairman, I do not desire to discuss this measure at this time, but will probably have something to say upon it under the five-minute debate. I have read this bill carefully and believe it to be a good one, although I believe, at the same time, it might be amended in some one or two respects with advantage, and that certain amendments which could not be objectionable to anyone might be incorporated in the bill which would be beneficial.

But I only desire now to give notice that at the proper time I shall offer an amendment on page 3 of the bill, and I ask unanimous consent that that amendment may go into the RECORD—it will take about five or six lines of the RECORD—so that members of the committee may have an opportunity of considering it before it comes up under the five-minute rule. I ask that the amendment be read as a part of my remarks.

The Clerk read as follows:

On page 3, after section 4, insert the following, to be known as section 4½, namely:

"That hereafter, in the administration of the pension laws and determination of the rights of any claimant to a pension or an increase of pension, the same shall be determined solely on the sworn testimony, or affirmation, of witnesses, taken under the provisions of law; and the unsworn statements of any person or persons relative to the credibility of witnesses, or as to supposed facts in connection with such claims, shall not be considered or accepted by the Pension Office officials to impeach or discredit the sworn statements, or affirmation, of a witness."

[Mr. CONNOLLY addressed the committee. See Appendix.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONNOLLY. I would like to have enough time to call attention to this section.

Mr. SPERRY. I ask that the gentleman have further time.

The CHAIRMAN. It is also five minutes to 5 o'clock, when the House must take a recess.

Mr. CONNOLLY. I will yield.

Mr. PICKLER. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8271) relating to pensions, and had come to no resolution thereon.

INDIAN APPROPRIATION BILL.

The SPEAKER. The Indian appropriation bill has come back from the Senate with Senate amendments and a request for a conference. The gentleman from Kansas [Mr. CURTIS], a member of the committee, moves that the House nonconcur in the Senate amendments and agree to the request for a conference. Without objection it will be so ordered; and the Chair will appoint as conferees on the part of the House the gentleman from New York, Mr. SHERMAN, the gentleman from Kansas, Mr. CURTIS, and the gentleman from Texas, Mr. PENDLETON.

There was no objection, and it was so ordered.

CONNEAUT, OHIO, A SUBPORT OF ENTRY.

Mr. GROSVENOR. Mr. Speaker, the Committee on Ways and Means direct me to report back the bill (H. R. 4787) to establish the port of Conneaut, in the State of Ohio, as a subport of entry in the district of Cuyahoga, in the said State of Ohio.

Mr. DINGLEY. Ask for its passage. It can be passed in a moment or two.

Mr. GROSVENOR. I ask unanimous consent to pass the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. BAILEY. Let us hear what the bill is.

Mr. GROSVENOR. It is a bill to establish a subport of entry at a little town in Ohio.

The bill was read, as follows:

A bill (H. R. 4787) to establish the port of Conneaut, in the State of Ohio, as a subport of entry in the district of Cuyahoga, in said State of Ohio.

Be it enacted, etc., That the port of Conneaut, in the State of Ohio, be, and the same is hereby, declared to be a subport of entry in the district of Cuyahoga, in said State of Ohio, from and after the passage of this act.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SENATE BILLS AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and resolution were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 2843) to authorize the construction of a bridge across the Missouri River at or near the city of Boonville, Mo.—to the Committee on Interstate and Foreign Commerce.

A bill (S. 2178) to provide for the purchase of a site and for the erection of a public building thereon at Salt Lake City, the capital of the State of Utah, and at Ogden—to the Committee on Public Buildings and Grounds.

A bill (S. 1985) to provide for the disposal of the abandoned Fort Shaw Military Reservation, in Montana, under the homestead and mining laws of the United States—to the Committee on the Public Lands.

A bill (S. 1287) to place Francis W. Seeley on the retired list of the Army—to the Committee on Military Affairs.

A bill (S. 1200) providing for an additional circuit judge in the sixth judicial circuit—to the Committee on the Judiciary.

A bill (S. 278) for the relief of Olivia and Ida Walter, heirs and children of Thomas U. Walter, deceased—to the Committee on Claims.

A bill (S. 270) to provide for the erection of a public building in the city of Portsmouth, in the State of Virginia—to the Committee on Public Buildings and Grounds.

A bill (S. 131) to provide for the purchase of a site and the erection of a public building thereon at Nashua, in the State of New Hampshire—to the Committee on Public Buildings and Grounds.

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Interior be directed to rescind his orders to the Commissioner of the General Land Office suspending work upon the Union Pacific Railroad Company land lists now on file, embracing lands along the Union Pacific main line in western Nebraska, northern Colorado, Wyoming, and Utah, and shall cause work thereon to be resumed and patents to issue to the Union Pacific Railway Company without delay to all lands described in the several lists now on file in the United States Land Office upon which title is due to the Union Pacific Railway Company, in order to complete, through the Union Pacific Railway Company, good and sufficient title to the purchasers and present owners of such lands: *Provided*, No patents shall be issued for any lands which have not been sold by said company prior to the passage of this resolution—

To the Committee on the Public Lands.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same, to wit:

A bill (H. R. 951) to amend the military record of Dan S. Place, first lieutenant, Eighteenth Indiana Volunteers; and

A bill (S. 1835) to execute the findings of the Court of Claims in the matter of the claim of John J. Shipman against the United States.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BROSIUS, for three days, on account of important business.

To Mr. GOODWYN, for twelve days, on account of important business.

REPRINT OF BILL.

On the request of Mr. SPERRY, a reprint was ordered of the bill (H. R. 3273) for the classification of clerks in the first and second class post-offices, for the purpose of correcting an error in the reported bill.

Mr. PICKLER. I ask consent that the House take a recess now.

Mr. SCRANTON. Pending that, I desire a change of reference made.

CHANGE OF REFERENCE.

Mr. SCRANTON. Mr. Speaker, I ask that the bill (H. R. 2466) to approve an act of the legislative assembly of the Territory of New Mexico entitled "An act to create a county court" be referred to the Committee on the Judiciary. It was referred to the Committee on Territories.

The SPEAKER. The gentleman from Pennsylvania asks a change of reference of this bill from the Committee on Territories to the Committee on the Judiciary.

Mr. PERKINS. What is the bill?

The SPEAKER. An act creating a county court in New Mexico. [After a pause.] The Chair hears no objection, and the change of reference will be made.

REPRINT.

Mr. PICKLER. Mr. Speaker, I ask unanimous consent for a reprint of the bill under consideration (H. R. 8271).

There was no objection, and it was so ordered.

The SPEAKER. The time having arrived for the recess, the House is now declared in recess until 8 o'clock this evening, and the gentleman from New York, Mr. PAYNE, will please take the chair at that time.

And accordingly (at 5 o'clock) the House was declared in recess.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m.

Mr. PAYNE, as Speaker pro tempore, called the House to order and directed the reading of the special order, as follows:

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

ORDER OF BUSINESS.

Mr. PICKLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar.

The question being taken on the motion of Mr. PICKLER, the Speaker declared that the ayes seemed to have it.

Mr. TALBERT. A division, Mr. Speaker.

The House divided; and there were—ayes 45, noes none; so the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HEPBURN in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of business on the Private Calendar. The Clerk will report the first bill.

JOHN KEHL.

The bill (H. R. 1261) for the relief of John Kehl was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and instructed to restore the rating of John Kehl, late of Company D, Ninth Regiment of Wisconsin Volunteer Infantry, to the rate of $30 per month, as it was previous to July, 1893.

Mr. TALBERT. Mr. Chairman, when we adjourned on last Friday evening we were discussing the propriety of the passage of this bill. If I am not mistaken, I had the floor when the hour of adjournment arrived. I do not believe that we ought to grant any increase of pension in this case. I think this man is justly entitled to what he is receiving, $8 per month, but I fail to see any testimony which leads me to conclude that his pension ought to be increased. Therefore, to prevent friction and in order that we may move on and consider other more meritorious bills which possibly may be found upon the Calendar, I trust that the gentleman in charge of this bill will not press it this evening, but will let it be passed over without prejudice until the case can be further investigated and more proof, if possible, presented than is contained in the report of the committee in favor of increasing this pension. I hope the bill will not be favorably passed upon by this committee at this time.

Mr. BROMWELL. Mr. Chairman, so far from adopting the suggestion of the distinguished gentleman from South Carolina, I shall most unhesitatingly urge that this Committee of the Whole report this bill favorably and recommend its passage. I have gone very carefully over the reports of the various medical examinations in this case—there are six of them—and I am satisfied that no more meritorious bill ever came before the House of Representatives, and I hope to be able to show this committee that this has been a case of the most unjust persecution of this man from the time his first application for an increase was made up to the present time.

I shall state briefly the facts in this case. It is not a pleasant case to discuss in the presence of this House or in the presence of those who are visiting us this evening, but justice to this man demands that I shall speak plainly and deal plainly with this subject. In 1884 John Kehl, a poor, ignorant old German, applied for and was granted a pension at the rate of $8 per month, for disease of the heart and rheumatism, resulting from cold and exposure while in the military service. He applied for an increase. On the 25th of August, 1884, the report of the medical board, consisting of Drs. Muscroft, Stevenson, and Prendergrast, three of the most reputable citizens of the city of Cincinnati, was substantially as follows. The language which I am about to read is quoted exactly from their report:

This man's case, in our opinion, shows the commencement of some special disease which is still somewhat obscure and prevents a diagnosis, but will result in locomotor ataxia. We think his present disability entitles him to three-fourths of total rating.

Now, the gentleman from South Carolina [Mr. TALBERT], for whom I have the highest regard and respect personally, is like some other members of this House who think it is extremely amusing and entertaining to boast of their ignorance. It seems to me, Mr. Chairman, that a man who has been studying these pension matters as he has been during this session and before, ought to know something of the meaning of medical terms, and when the gentleman gets up and talks about locomotor ataxia and twists and distorts the term, and then says that he does not know what it means, that is a confession of ignorance which, if I were he, I should be ashamed to make. I will say to the gentleman that locomotor ataxia is a complaint which results in lameness and inability to move the limbs, or rather inability to control their motions, and it is often a result of exposure to severe cold and rheumatism and other influences of that kind.

Mr. TALBERT. I want to say to the gentleman that "the gentleman from South Carolina" knows a little more about this case than you think he does.

Mr. BROMWELL (continuing). On the strength of this report this man was given a pension of $8 a month. He applied for an increase. He lived in the city of Cincinnati. And here let me say that whenever an unfavorable report was to be obtained in this case (and there were three of them, more or less unfavorable) they took him away from Cincinnati, his home—once to Covington, Ky., and twice to Hamilton, Ohio, 25 miles distant from where he lived—and had him examined there, while the examinations by the physicians in Cincinnati, his home, were invariably favorable to his application. I mention this as a coincidence. The examination at Hamilton, Ohio, which took place on the 29th of May, 1888, before Drs. Hinckley and McNeeley, contains this language:

Scars of bubos are visible in each groin. Formerly drank freely, but now only temperately. We believe his trouble is due to spinal sclerosis from syphilitic taint.

That was by the examining board at Hamilton, Ohio, and, as I have said, was made and dated on the 29th of May, 1888. With the delay usual in the Pension Office under all administrations—I do not make any special criticism upon the present administration in that respect—this case was not again considered or an examination had until the 4th of September, 1889, a year and a half after the Hamilton examination. This examination was made by Drs. Hartshorn, Smith, and Klein at Cincinnati.

They say:

He is, in our opinion, entitled to first-grade rating for the disability caused by rheumatism, enlargement of the heart, locomotor ataxia.

Now, Mr. Chairman, as most of the members present are aware, locomotor ataxia is not a disease that comes suddenly; it is not a disease that develops itself at once, and at a stroke, like paralysis, immediately destroys all power and control of the limbs, but is a disease that is insidious and grows steadily day by day. This report continues:

There is reason to believe that he had suffered exposure previous to or at the time of his attack of rheumatism to produce the locomotor ataxia. In this particular there is a very close connection of the causes of rheumatism and locomotor ataxia. The applicant is totally disabled, requiring regular aid and attendance of another person.

Now, on the 27th day of February, 1890, or six months after this report was made, the Commissioner of Pensions not yet having acted on the case, the following instructions were issued for another examination in the case of this man. These are the identical words of the instructions:

It is desired in this case that the examination be made with special reference to chronic rheumatism and results. Claimant is on the rolls for rheumatism and resulting disease of the heart and alleges also resulting paralysis. There is a prevalent impression of a syphilitic taint in this case, and to this point your attention is especially directed.

I ask your attention to that language, because it called the special attention of the examining board to this part of the case and to what the medical examiners in the Department had done with a view to discovering the nature of this man's disability.

Please examine with care and let your report state what, if any, agency syphilis has had in causing present disabilities. Please state also as to condition of skin, throat, groins, bones, head, and scalp, as to any signs of syphilis which may be shown.

THOS. D. INGRAM,
Medical Referee.

Now, Mr. Chairman, I wish to call the attention of the committee to the condition of certain parts of the body of this applicant as shown by the examination of the case; because, as a result of this dreadful disease, these are the parts of the body that are always and invariably affected. This report of the board of examiners, a board composed of three eminent physicians in the city of Cincinnati, than whom none stand higher in this country, men with whom I am personally acquainted—Dr. A. C. Kemper, Dr. J. W. Stevenson, and Dr. A. B. Isham, himself a gallant soldier, who carries a wounded limb, and has a limp resulting from this wound received in the service that he will carry during his lifetime.

On March 19, 1890, this board used this language, and I will say that I have not quoted the report in full, as it is not necessary. I have quoted the language mainly applicable to the complaint to which reference has been made as affecting the standing of this applicant before the office. In that report they say:

Skin and tongue healthy. Find he has decided dragging of the right leg, with ataxia gait; some incoordination of muscles of right arm and hand.

He is, in our opinion, entitled to a second-grade rating for the disability caused by rheumatism and spinal sclerosis.

Mr. ERDMAN. Will you permit an inquiry just there?

Mr. BROMWELL. No; not now.

Mr. ERDMAN. I suppose you will read the whole report?

Mr. BROMWELL. I will be glad to have the gentleman read the whole report if it will be any satisfaction to him. I am reading substantially the entire report, particularly that part of it which bears on this special disease. They say, continuing:

Unable to button clothes with right hand; could detect no anæsthesia of any part; * * * unable to stand alone with eyes shut. Find a cicatrix from ulcer under glans penis and near meatus, having destroyed prenum and enlarged meatus somewhat; no induration. Could detect no enlargement of any of the glands of the body; no scars in groin; no nodes or enlargement of any of the bones indicative of syphilis. Says he had a sore on penis, but could get no other history of syphilis and no other evidence of any. Could detect no other changes in the case. This man is totally disabled, due to spinal sclerosis, and if it is the result of his army service we recommend a second-grade rating.

Now, I will say that most of the usual sequelæ of this disease are the enlargement of the glands on the back of the neck and the enlargement of the glands on the arm. The examiners at Hamilton spoke of having found lumps or enlargement of the glands in the groin. This examination finds a complete absence of any of those symptoms. Other symptoms are usually the falling out of the hair and the growth of nodes or lumps upon the scalp. Those are all missing; there is nothing of that kind.

Not satisfied with this report made by these three eminent physicians of Cincinnati, the Department sent this case to Covington, in the State of Kentucky, and there, on the 26th of August, 1892, before Drs. Tarvin, Davis, and Stuard, an examination was had, from the report of which I will read an extract; and I will say that in making the selection of what I read I have picked out those parts which refer to the particular disease in question; and if I omit any part which the gentleman from Pennsylvania [Mr. ERDMAN] wishes to include in his reply, I shall be very glad to have him do it. But I did not suppose the House would care to hear the entire report. I am dealing fairly with the House and giving in each case the worst statement made in the report. This board of examiners at Covington says:

He makes the following statement: "Also syphilis in 1863."

Now, as I stated on last Friday night when this matter was up, this claimant being an ignorant German and not understanding well the English language, misunderstood the question put to him in the first examination, and supposed it was whether he had ever had erysipelas, and he replied that he had. But the examiners put it down in their statement that he had admitted he had had syphilis. Then this board goes on to say:

Well-marked cicatrix on left side of glans penis and slight loss of substance of lower wall of meatus, the result of initial lesion of syphilis. * * * Well-marked case of locomotor ataxia. * * We see no evidence of excessive consumption of spirituous liquors.

One of the claims was that his diseased condition was due to his having been intemperate.

Owing to the imbecility of the applicant—

Now, I ask attention to this language—

Owing to the imbecility of the applicant and the total inability to obtain a complete history of the case, we are unable to determine positively whether the condition of the applicant is due to syphilis or other pathological changes.

This board, sitting at Covington, with this statement before them that this man had made that he had had this disease, were unable to determine whether his disability was due to this disease or to other pathological changes. That was on the 26th of August, 1891; and the claim was rejected. It was afterwards taken up at the request of Mr. Storer, a member of the Fifty-third Congress, and another examination was ordered, which took place on the 28th of March, 1894, before Drs. Dunham, Juettner, and Fogel, of the city of Cincinnati. They say:

We can not find any evidence of syphilis (soldier denies it also); no chancre scar; no enlarged glands. Palate relaxed, pharynx and nasal passages catarrhal, skin cyanotic but healthy; hair, skull, tibiæ, and other bones normal; no evidence of vicious habits.

Another examination was ordered before this same board, because the Department was determined to prove that this man was suffering from the result of his vicious habits. This examination was made on the 9th of May, 1894, a little less than two months after the one last mentioned. In the report of this examination the board says:

Locomotor ataxia; sense of cushion beneath feet; coordination of movements in walking markedly impaired; he reels immediately upon closing eyes; marked unsteadiness of the voluntary movements of upper and lower extremities; patella reflex lost; difficulty in swallowing and speaking; sense of constriction about thorax; local areas of anæsthesia of skin on thorax, neck, and legs. * * * There is a scar on both sides of meatus urinarius on

glans penis. (Soldier claims as the result of a practical joke while in Camp Siegel, at Milwaukee. A comrade touched his glans penis with a red-hot ramrod.)

In spite—

Now, notice this language—

In spite of the most painstaking examination, according to special instruction, we can not find any evidence of syphilis on skull, hair, skin, tibiæ, or other bones, mucous membrane, brain, heart, lungs, or other viscera and glands. There is positively no enlargement of the post cervical—

That is the gland at the back of the neck—

epitrochlear—

That is the gland on the arm above the elbow—

and inguinal glands. It is the unanimous opinion of this board that claimant's locomotor ataxia is the result of exposure to wet and cold and rheumatism, not of syphilis.

No evidence of vicious habits.

Totally disabled for manual labor.

Now, with all this evidence before it, the Pension Department, still determined to harass this man and refuse him the pension to which he was entitled, sends him off 25 miles to the city of Hamilton for another examination. This is the sixth examination. On the 1st of August, 1894, he appeared before three doctors in Hamilton—Drs. Huston, Grafft, and Sharkey. After contradicting nearly everything found by former examinations, they say:

The cause of this trouble is probably a syphilitic germinata. There is a scar situated about the meatus and another scar situated near and on the right side of the meatus. No enlarged glands in the groin. No loss of hair. No nodes formed on the skull, but roughness of both tibiæ.

There are the examinations into this case, and the Department, following, I am sorry to say, the usual rule in these cases, has determined that this man shall not get a pension, and they are construing every possible thing against him. Instead of doing as is provided for in the general bill that we now have under consideration; instead of giving this man the benefit of the doubt; instead of remembering that he risked his life in the service and came out of it a poor, crippled, broken-down man, requiring constant attendance, unable to control the natural functions of the body, filthy and diseased, and an absolute care and dependent upon his family, getting but $8 per month for rheumatism, where he is undoubtedly entitled, upon the report of these physicians, to the amount asked for in this bill, $30, they have construed everything against him, they have refused to allow him his pension, and it becomes necessary to appeal to this House to see that this injustice is righted.

Now, if the gentleman from Pennsylvania [Mr. ERDMAN] has the full statement of this case I should be very glad to have him read any parts of it that I have omitted if he wants to.

Mr. ERDMAN. Mr. Chairman, this case is of a character not proper for discussion in the open House, and I do not propose to be drawn into any discussion of the details of it. I want to say that this gentleman's pension was reduced in April, 1892, not under a Democratic Administration, and the implied fling at the present Administration, in the remarks of the gentleman who has just taken his seat, does not apply.

Mr. BROMWELL. May I ask the gentleman what remark I made which could be construed into any fling at the present Administration? Did I not say specifically that I did not propose to criticise the present Administration?

Mr. ERDMAN. Indeed, I heard you say that, but I judged your remarks by their general tenor. Now, in April, 1892, this man was reduced to $8 a month. The Pension Bureau then said:

Medical experience shows that 50 per cent of all cases of "locomotor ataxia" are due to syphilis and alcohol.

And I want to say that this man had admitted before that he formerly indulged freely in alcoholic stimulants and that he had the other disease.

The medical certificates show that in this case these are the principal if not sole factors in claimant's condition.

I have gone over the medical reports, and it is my judgment that the Pension Bureau in 1892 reported correctly:

Strict justice would seem to demand the dropping of his name from the rolls. Granting, however, that some disability may exist, due to long service and exposure and independent of the effects upon the nervous system of the syphilitic virus and alcoholic poisoning, all doubts are amply covered by the allowance of $8 per month.

A Republican Administration said that of him. If this is a proper case for pensioning by private bill in the House, then I have never seen an improper one.

The CHAIRMAN. The question is, Shall this bill be laid aside with a favorable recommendation?

The question was taken; and the Chairman announced that the ayes seemed to have it.

On a division (demanded by Mr. ERDMAN) there were—ayes 80, noes 4.

Mr. TALBERT. No quorum, Mr. Chairman.

Several MEMBERS. Count, Mr. Chairman.

The CHAIRMAN (after counting). No quorum appears to be present, and the Clerk will call the roll.

Mr. PICKLER. Mr. Chairman, I ask if the gentleman will withdraw the point of no quorum, and allow this bill to be passed without prejudice?

Mr. TALBERT. If you will lay aside the bill with an unfavorable report, I will withdraw the point.

Several MEMBERS. Oh, no.

Mr. TALBERT. I made a suggestion which gentlemen indignantly refused, and in their refusal made some unpleasant remarks. I refuse to withdraw the point of no quorum.

Mr. PICKLER. Let the bill be passed over without prejudice, without any report upon it.

The CHAIRMAN. The Clerk will call the roll.

Mr. LAYTON. I hope the bill will not be passed over. It is a meritorious case. I have examined it, and it is undoubtedly meritorious.

The roll was called, when the following-named members failed to respond:

Abbott,
Acheson,
Adams,
Aitken,
Aldrich, Ala.
Aldrich, Ill.
Allen, Miss.
Anderson,
Apsley,
Arnold, Pa.
Arnold, R. I.
Atwood,
Babcock,
Bailey,
Baker, Md.
Bankhead,
Barham,
Barrett,
Bartlett, Ga.
Bartlett, N. Y.
Beach,
Belknap,
Bell, Colo.
Bell, Tex.
Bennett,
Berry,
Bingham,
Black, N. Y.
Boutelle,
Bowers,
Brosius,
Buck,
Bull,
Burrell,
Burton, Ohio
Cannon,
Catchings,
Clarke, Ala.
Cobb,
Cockrell,
Coffin,
Colson,
Cooke, Ill.
Cooper, Fla.
Cooper, Tex.
Cooper, Wis.
Cousins,
Cowen,
Cox,
Crisp,
Crowley,
Culberson,
Cummings,
Dalzell,
Danford,
Dayton,
Denny,
De Witt,
Dingley,
Dinsmore,
Dockery,
Doolittle,
Dovener,
Draper,
Ellett, Va.
Elliott, S. C.
Evans,
Fischer,
Fitzgerald,
Fletcher,
Foote,
Foss,
Fowler,
Gardner,
Gillet, N. Y.
Goodwyn,
Griswold,
Grow,
Hall,
Halterman,
Hanly,
Harmer,
Harris,
Harrison,
Hart,
Hartman,
Hatch,
Heatwole,
Heiner, Pa.
Henderson,
Hendrick,
Hermann,
Hicks,
Hilborn,
Hill,
Hitt,
Hooker,
Hopkins,
Howard,
Howe,
Hubbard,
Huff,
Hulick,
Huling,
Hull,
Hurley,
Hutcheson,
Hyde,
Johnson, Cal.
Johnson, Ind.
Johnson, N. D.
Jones,
Joy,
Kem,
Kendall,
Kiefer,
Kulp,
Kyle,
Lacey,
Latimer,
Lawson,
Lefever,
Leisenring,
Leonard,
Lester,
Livingston,
Lockhart,
Lorimer,
Loud,
Maddox,
Maguire,
Mahany,
McCall, Mass.
McClellan,
McClure,
McCormick,
McCreary, Ky.
McDearmon,
McEwan,
McKenney,
McLachlan,
Mc Laurin,
McMillin,
McRae,
Meiklejohn,
Mercer,
Meredith,
Meyer,
Miller, Kans.
Milliken,
Miner, N. Y.
Mondell,
Money,
Moody,
Morse,
Moses,
Mozley,
Neill,
Newlands,
Noonan,
Northway,
Odell,
Ogden,
Otey,
Otjen,
Owens,
Patterson,
Pearson,
Pendleton,
Perkins,
Pitney,
Powers,
Price,
Prince,
Quigg,
Raney,
Ray,
Reeves,
Reyburn,
Richardson,
Robertson, La.
Robinson, Pa.
Royse,
Rusk,
Russell, Ga.
Sauerhering,
Sayers,
Scranton,
Settle,
Shannon,
Shaw,
Sherman,
Simpkins,
Skinner,
Smith, Ill.
Smith, Mich.
Southwick,
Spalding,
Spencer,
Stahle,
Stallings,
Steele,
Stokes,
Stone, W. A.
Strait,
Strong,
Strowd, N. C.
Sulzer,
Swanson,
Taft,
Tawney,
Tayler,
Terry,
Tucker,
Turner, Ga.
Turner, Va.
Tyler,
Underwood,
Van Horn,
Wadsworth,
Walker, Mass.
Walker, Va.
Warner,
Washington,
Wellington,
Wheeler,
White,
Wilber,
Williams,
Wilson, Idaho
Wilson, N. Y.
Wilson, Ohio
Wilson, S. C.
Woodard,
Wooner,
Wright,
Yoakum.

Mr. LOUDENSLAGER. Mr. Chairman, I desire to say that my colleague, Mr. GARDNER, was called away by telegram on account of important business.

The CHAIRMAN. The committee will rise.

The committee rose; and Mr. PAYNE resumed the chair as Speaker pro tempore.

Mr. HEPBURN. Mr. Speaker, the Committee of the Whole House finding itself without a quorum, as Chairman I directed the roll to be called, when 116 members responded to their names. I report the names of the absentees for entry upon the Journal.

The SPEAKER pro tempore. The names of the absentees will be entered upon the Journal. A quorum has appeared, and the committee will resume its session.

The committee again resumed its session.

The CHAIRMAN. The question is, Shall this bill be laid aside with a favorable recommendation?

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. TALBERT. I demand a division.

The committee divided; and there were—ayes 97, noes 4. [Applause.]

So the bill was ordered to be laid aside with a favorable recommendation.

HELEN MORRELL CARROLL.

The next business on the Private Calendar was the bill (S. 730) granting an increase of pension to Mrs. Helen Morrell Carroll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Helen Morrell Carroll, widow of Samuel Sprigg Carroll, late a major-general in the United States Army, at the rate of $75 per month, in lieu of the pension she is now receiving.

The question was taken on the amendment offered by Mr. BAKER of New Hampshire to strike out the words "seventy-five" and insert the word "fifty."

The amendment was agreed to.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. TALBERT. Mr. Chairman, I am constrained to take the same position in regard to this bill that I did when it came up several Friday evenings past, and in doing so I do not propose to detain the committee.

Mr. PICKLER. Yes, you do.

Mr. TALBERT. I want to state to the gentleman that no insinuation nor any of his rough language can deter me from doing what I think is right. The gentleman may be as long and as lean and as lank as he pleases, but it does not deter me. As I was going on to say, I do not propose to repeat what I have said on former occasions in regard to this discrimination in favor of the widows of major-generals. I am already on record on that proposition. Right here, bearing upon this subject, I desire to send to the desk and to have read a letter bearing upon questions of this kind, which I will ask the Clerk to read in my own time. I would be glad if gentlemen will listen to this letter. These are not my words, but the words of a soldier whom I do not know.

The Clerk read as follows:

ERIE, PA., *April 22, 1896.*

DEAR SIR: I told you in my first letter that I may have more to say; but I gave up the notion until I saw the CONGRESSIONAL RECORD of last Friday night and saw what you said about the pension of General Van Deveer.

I said in my first letter, "You was right." I think so yet. Keep up your work. If Congress wants to do anything for us let them pass a service bill that will satisfy the boys all along the line.

How much better is General Logan's and General Sheridan's wife than mine to get $2,000 a year, because they had shoulder straps and sat on a horse while the boys tramped through the mud and slush? Oh, no!

Now for Mr. RAY, from New York. He asked what lunatic asylum I resided in. Tell him the same one that every man that voted for him to come to Congress.

[Laughter.]

He had better come here and see how much of a lunatic I am. He has not enough sense to be a "lunatic."

Any man that will stand up in his place in the Halls of Congress and talk like he does thirty years after the war and claims that he is a Republican, "and that the party is the friend of the men that made it possible for just such men to have a seat in Congress, show their gratitude toward us now."

You made him a good answer.

Respectfully, CHARLES RICE.

Hon. J. W. TALBERT.

Mr. TALBERT. Now, Mr. Chairman, that letter speaks for itself. I move to amend the amendment by striking out "fifty" and inserting "thirty."

Mr. MILES. Mr. Chairman, this question was before the House in my absence a week ago. I regret that I was not here at that time to present some of the facts in this case, which I believe are not fully presented in the report. The report which is made in this case is the Senate report and was adopted by me with, I believe, no additions, and it goes without saying, Mr. Chairman, and I believe is admitted by my friend from South Carolina, that the distinguished soldier whose widow is asking a pension in this case had served his country brilliantly at Kernstown, Cedar Mountain, Gettysburg, Fredericksburg, Chancellorsville, the Wilderness, Spottsylvania, Petersburg, and all those great battlefields speak, and speak eloquently, of this man's service.

As to his widow, she is now lying in Providence Hospital, in this city, where she has been most of this winter. She is the war widow of Gen. Sprigg Carroll, and I sincerely regret—and I desire that every member of this House shall hear what I say—I sincerely regret that any amendment was offered to this bill which proposes to give this widow a pension of $75 per month. I hope the gentleman from Illinois [Mr. CONNOLLY] will hereafter bear in mind that there are some Democrats who are not moved by economical considerations in recommending pensions for the widows of distinguished Union soldiers. [Applause.]

I am a Democrat, a Democrat by birth, the son of a Democrat, who was the son of a Democrat; I am a Democrat by training, a Democrat in every sense of the word, and am proud of it. But, Mr. Chairman and gentlemen, I deny that those of us who have served upon the minority of the Invalid Pensions Committee have been actuated by any motive of hostility to the soldiers in the positions which we have assumed with regard to pension legislation in the Fifty-fourth Congress. I bring you here a clean pension claim, in striking contrast with the one against which I stood up with four other members on this floor to vote proudly a while ago. It has been said of me and it is true, although only by accident, that I am constantly reporting to this House bills granting liberal pensions for generals or the widows of generals and men distinguished in the naval service of the country.

I am proud, sir, that that has been my good fortune, and I want to say to gentlemen on the other side of the House, whoever they were, who favored the first amendment proposed to this bill on last Friday evening—I want to say to them that as a Democrat, believing not in any distinctions in the English sense, I favor allowing more liberal pensions to the men, or to the widows of the men, who have won fame and added luster to American history than to the class of men to one of whom you awarded a pension of $25 a few moments ago, and I count myself fortunate that I have been by accident the champion here of the widows of the Union generals. She who was "last at the cross and earliest at the grave" will, in your pension legislation, add nothing unclean to the pension roll.

Now, Mr. Chairman, I do not know this lady. This is not a pension claim from my district or from my State. I desire simply in this connection that an affidavit which has been made by this invalid lady shall be read from the Clerk's desk, and when it shall have been read I trust that no man who stood up a while ago to vote in favor of a claimant to whom the granting of a pension is the granting of a badge of shame instead of a badge of honor will oppose this bill.

Mr. Chairman, I simply desire that this affidavit be read, and I beg pardon of the committee for having, with my usual earnestness, occupied so much time in presenting this case.

Mr. PICKLER. Will my colleague on the committee permit a suggestion?

Mr. MILES. Certainly.

Mr. PICKLER. I simply want to suggest that this bill passed the Senate in the Fifty-third Congress at $75 a month.

Mr. MILES. I ask that the Clerk now read the affidavit.

The affidavit was read, as follows:

Personally appeared before me, a notary public in and for the District of Columbia, Helen Morrell Carroll, who, being first duly sworn, deposes and says that she is the widow of the late Maj. Gen. Samuel Sprigg Carroll, and that she is now receiving a pension of $30 a month; that she is without property or means of support and entirely dependent upon said pension; that she is in very feeble health and has been ill for three years, finding it necessary on several occasions during said period to go to a hospital for treatment; that she is now confined by illness at Providence Hospital, this city; that some months ago she injured her right arm in letting a folding bed down, since which time she has been practically deprived of the use of it; that she had four children by General Carroll, two of whom are dead, a married daughter living, also a son, aged 19 years, who is employed at a very small salary, hardly enough to support him; that with the greatest economy and self-denial she finds it impossible to live on her pension of $30 a month, as her ill health and injured arm render it impossible to perform any work in self-support, and as she is constantly in need of medical treatment.

HELEN MORRELL CARROLL.

Subscribed and sworn to before me this 23d day of April, A. D. 1896.

[SEAL.] PAUL E. JOHNSON,
Notary Public, District of Columbia.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with the recommendation that it do pass?

Mr. TALBERT. I moved to amend the amendment, Mr. Chairman.

The CHAIRMAN. That motion was not in order and is not in order at this time.

Mr. MILES. I rise to a parliamentary inquiry, Mr. Chairman. What is the original amendment?

The CHAIRMAN. The original amendment was to strike out "seventy-five" and insert "fifty." The committee acted affirmatively upon that amendment, and the gentleman from South Carolina then proposed to strike out "fifty" and insert "thirty"; but that motion was not in order.

Mr. MILES. I move to strike out "fifty" and insert "seventy."

The CHAIRMAN. That motion is not in order, the committee having inserted "fifty" by an affirmative vote.

Mr. MILES. Then I move to reconsider that vote. If that amendment is carried, I simply desire to say that the result will be that this lady will get no pension at all.

A MEMBER. Oh, no.

The CHAIRMAN. A motion to reconsider can not be made in Committee of the Whole. The question is, Shall this bill be laid aside to be reported to the House with a favorable recommendation?

The question being taken, it was decided in the affirmative; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MIRIAM V. KENNEY.

The next business on the Private Calendar was the bill (H. R. 3937) granting a pension to Miriam V. Kenney, widow of Samuel W. Kenney.

The bill was read, as follows:

Be it enacted, etc., That a pension of $25 per month be, and the same is hereby, granted to Mrs. Miriam V. Kenney, widow of Samuel W. Kenney, during the term of her natural life, together with the sum of $5,000 for the services of her late husband during the war of the rebellion.

The amendment reported by the Committee on Pensions was read, as follows:

Strike out at the end of the bill the words "together with the sum of $5,000 for the services of her late husband during the war of the rebellion."

Mr. WOOD. Mr. Chairman, the report which I desire to have read will fully explain this claim. The case is one which has been very fully investigated by the other members of the committee as well as by myself. If, after the reading of the report, any explanation should be desired, I think I can answer satisfactorily every inquiry which may be made.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3937) granting a pension to Miriam V. Kenney, widow of Samuel W. Kenney, submit the following report:

The evidence in this case discloses that Miriam V. Kenney was the lawful wife of Samuel W. Kenney, and has remained his wife since his death.

Samuel W. Kenney was employed and paid by and under direction of Gen. James S. Negley, commanding a division of the Army of the Cumberland, as a spy to seek information of the Confederate army, its position and intentions, and in January, 1863, he went into the Confederate lines, under the above authority and for the above purpose, and while on such duty was captured by the Confederates, tried and convicted as a spy, and was hanged as a spy at Tullahoma, Tenn., February 13, 1863.

The evidence in this case is voluminous, and a considerable portion of it is from Confederate archives, including the record of the court-martial which tried and convicted Kenney. Letters from General Negley have also been considered by the committee. There is no controversy or contradiction in the above facts nor that Kenney was from the first a Union man.

The claimant applied for a pension, which was rejected on the ground that Samuel W. Kenney was not in the military or naval service of the United States.

Your committee recommend that the bill be amended by striking out the last two lines, and that as amended the same do pass.

The CHAIRMAN. The question is on the amendment proposed by the committee.

Mr. ERDMAN. Will the gentleman in charge of this case give us a little more information relative to the employment and compensation of the man whose widow it is now proposed to pension? This is a new class of people whom we are asked to pension—spies. Possibly we ought to grant pensions in these cases, where the employment is demonstrated and where, as stated in this case, the spy was hanged by the enemy. But the evidence in a case of this kind ought to be very clear. I hope we shall have some explanation, therefore, from the gentleman in charge of this bill.

Mr. WOOD. Mr. Chairman, I shall very gladly give to the gentleman from Pennsylvania [Mr. ERDMAN] and to this Committee of the Whole all the information that has come to the Committee on Invalid Pensions in reference to this case. We found among the papers a certified copy of the record of the Confederate court-martial by which this man was tried, convicted, and executed as a spy. We found a very considerable amount of evidence, both Union and Confederate, to show that he was a Union man from the first. The circumstances are developed particularly in a letter of Gen. James S. Negley, who commanded a division of the Army of the Cumberland in the operations of that army immediately preceding the battle of Stone River, on the 1st of January, 1863. I have before me a copy of that letter, and will read it if desired, or I can give the substance of it.

Mr. ERDMAN. What officers constituted the court-martial that convicted this man?

Mr. WOOD. I am unable to say. I recollect that the court-martial was ordered by General Wood—I think Gen. S. A. M. Wood—of the Confederate army, commanding at Tullahoma, Tenn. I could send for the papers on file in the committee room and read the entire record, or a full exhibition of the case may be found in the records of the Pension Office.

Samuel W. Kenney was a Pennsylvanian by birth, coming from Armstrong County. He was a resident of the State of Tennessee. When the Union Army approached there he came to our lines to save his life, having been recognized as a Union man and driven out. He was acquainted with a number of the members of the Seventy-eighth Pennsylvania, a regiment of that Army; and General Negley, in his letter, which I have before me, states that he frequently employed Kenney as a spy and found him to be a brave and true man. Let me read a moment.

Mr. ERDMAN. I do not think it is necessary to occupy time in reading. I would like to know what rank this man held. Was he an enlisted man, a scout, or what was he?

Mr. WOOD. He was employed by General Negley, as that officer himself says, as a scout and spy. He penetrated the Confederate lines at General Negley's request for the purpose of ascertaining the forces and the intentions of the Confederate army, which lay at Murfreesboro.

Sir, there is a statue set up in New York to the memory of a spy whose name has been honored by his country—Nathan Hale. The services of this man Kenney were necessary; they were bravely and honorably performed. There is only one thing wrong, it seems to me, in regard to this bill. This woman ought to have been pensioned from the very day of the execution of her husband. [Applause.] The provision for paying her $5,000 was struck out—not because she was not considered as deserving it, but simply because a majority of the committee felt that they were not justified in paying anything in the nature of arrearages of pension. If there is anything wrong about the bill it is the amendment proposed by the committee, and for one I should be glad to have that amendment disagreed to, and the bill passed unamended, thus giving this woman the amount of money originally specified.

The question being taken on the amendment reported by the committee, it was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

MARY F. DAVENPORT.

The next business on the Private Calendar was the bill (H. R. 75) granting a pension to Mary F. Davenport.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Mary F. Davenport, widow of Dudley Davenport, late first lieutenant of the steamer *Caleb Cushing*, and pay her a pension at the rate of $50 per month.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 75) granting a pension to Mary F. Davenport, widow of Dudly Davenport, submit the following:

Dudly Davenport was a first lieutenant of the revenue cutter *Caleb Cushing* during the late war of the rebellion. The evidence examined by your committee includes a letter from the Secretary of the Treasury dated April 21, 1893, which says:

"The records of the Department show that the revenue cutter *Cushing* was captured by a Confederate privateer in Portland Harbor, Maine, on the night of the 26th of June, 1863. She was at the time in command of Lieutenant Davenport, Captain Clark, who had been in command, having died on that date in the city of Portland.

"The *Cushing*, with the other vessels of the service, was under orders by the President dated June 14, 1863, to cooperate with the Navy in arresting rebel depredations on American commerce, etc."

At the time of the capture of the *Cushing* by the rebel privateer, great cruelty was shown Lieutenant Davenport by his captors, it being known to them that he was a native of Georgia who had remained loyal to the Union; that his life was threatened and he was placed in irons; that armed vessels of the United States pursued the privateer and the *Cushing*, and that finally Lieutenant Davenport and his crew were placed in small boats and abandoned in midocean, and the *Cushing* blown up.

As part of the evidence in this case is a letter to Lieutenant Davenport from Hon. S. P. Chase, Secretary of the Treasury, dated July 14, 1863, which says, in part:

"I am pleased to say that your conduct while a prisoner on the cutter *Cushing* in refusing to furnish any information whatever to her rebel captors meets my most cordial and unqualified approval."

The evidence presented in this claim shows conclusively that before and up to the capture of the *Cushing* by the rebel privateer, that Lieutenant Davenport had been an exceptionally strong and hearty man, but that the mental strain and anxiety, together with personal abuse received at that time, produced a very marked change in him; melancholia was developed, which soon resulted in insanity, and that he was confined in an asylum at New Rochelle, N. Y., and afterwards at Utica, N. Y., where he died May 9, 1869. Affidavits of well-known citizens of Oswego, N. Y., where he resided, are exhibited, which show that from the time of his arrival home, after the capture of the *Cushing*, about July 15, that he was undoubtedly insane.

Mary F. Davenport, the wife of Lieutenant Davenport, made application to the Commissioner of Pensions for a pension as the widow of Dudly Davenport, alleging that his death was the direct result of the hardship, suffering, mental strain, and exposure endured at the time of the capture of the *Cushing* by the rebel privateer on the 26th of June, 1863.

The claim was rejected July 19, 1890, "on the ground of no existing law granting pensions to widows of officers who served in the Revenue-Marine Service."

There is no dispute about the facts in this claim, and as all the evidence goes to show that the mind of Lieutenant Davenport became shattered, ending in total insanity and death, all resulting from the capture of the vessel commanded by Lieutenant Davenport by an armed vessel of the enemy. There is no equitable reason why the relief sought for in this bill should not be granted. It further appears from the testimony that Mary F. Davenport was married to Lieutenant Davenport on the 9th day of July, 1862; that she is entirely destitute and has been for several years partially blind, having to remain in a darkened room a large portion of the time, and that she is now dependent for her support upon the bounty of friends, and that she has no children.

Considering all the evidence in this claim, which evidence is from the leading citizens of Oswego, N. Y., as well as physicians of the asylum where said Davenport was confined, and the documentary evidence furnished by the Government, your committee believe that this is a case where special legislation only can afford relief that seems to be just, and therefore recommend the passage of the bill H. R. 75 with an amendment striking out the word "fifty" in the last line and inserting "twenty-five."

The amendment recommended by the Committee on Invalid Pensions was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

HARRIET WOODBURY.

The next business on the Private Calendar was the bill (H. R. 1299) to pension Harriet Woodbury, of Windsor, Vt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Harriet Woodbury, late widow of Aaron G. Firman, of Company I, Seventh Regiment Vermont Volunteers.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1299) to pension Harriet Woodbury, having carefully considered the same, respectfully submit the following report:

The petitioner was formerly the widow of Aaron G. Firman, who served in Company I, Seventh Vermont Volunteers, from November 26, 1862, until

his death in the service, October 2, 1864; the widow was pensioned from the death of the soldier to July 14, 1886, when she again married; pension was then paid to a minor child of soldier until October 29, 1880, when he became 16 years of age, since which date no pension has been paid. These facts are shown by the records of the Pension Bureau.

The petitioner, Harriet Woodbury, of Windsor, Vt., testifies that after her marriage to Samuel H. Woodbury she was compelled to go out to labor to support herself and invalid husband, and that he lingered along until July 26, 1886, when he died of cancer; that since his death she is left without any means, and is now obliged to earn her subsistence by laboring at 25 cents per day, and that such remuneration is all the income she has.

Samuel H. R. Emery, of Bartonsville, Vt., corroborates the above, and testifies that the petitioner's husband (Woodbury), while apparently healthy when she married him, was afterwards afflicted with cancer, and that the petitioner had to labor for their support; that Mr. Woodbury died in 1886, leaving his widow without means, and that she now labors for her daily bread, and hardly earns enough for a support.

Similar bills were favorably reported in the Fifty-second and Fifty-third Congresses, but died on the Calendar.

Your committee recommend that the bill be amended by adding to line 8 the words "and pay her a pension of $12 per month"; and that as amended the bill do pass.

The CHAIRMAN. The question is on the amendment.

Mr. ERDMAN. Mr. Chairman, I suggest to the gentleman in charge of this bill that he allow it to be laid aside without prejudice for the present. It is another case of a remarried widow, and those cases always take up the time of the committee. Other good bills might be passed while we are considering this one.

The CHAIRMAN. Is there objection to the request of the gentleman to lay this bill aside?

Mr. GROUT. I object.

Mr. ERDMAN. Mr. Chairman——

Mr. GROUT. I hope the gentleman will not take up the time in discussing this matter. This whole question has been gone through with heretofore very fully; and it has been ascertained that the committee is in favor of these bills, where, as in this case, the widow is destitute, and dependent wholly upon her own exertions.

Mr. ERDMAN. Mr. Chairman, we are considering to-day, and have been for a day or two past, a general pension bill, and widows of this class are carefully excluded from the provisions of that bill. You had your opportunity, if you are going to pension every widow who remarried, to do it by general legislation, and you did not choose to avail yourself of that opportunity. You propose, on the contrary, to do it by private bills, and in that manner to do injustice to all others who have not a member of Congress here to make an effort in their behalf or to look after their interests.

Mr. PICKLER. Will the gentleman allow me a suggestion?

Mr. ERDMAN. Certainly.

Mr. PICKLER. As I have already said several times during the course of this discussion, we have added no new classes to this general administrative bill.

Mr. ERDMAN. Oh, yes; you do.

Mr. PICKLER. No, sir; not one.

Mr. ERDMAN. Oh, yes; this bill embraces in the first paragraph a certain class, and in the third and thirteenth paragraphs.

Mr. PICKLER. Not by any manner of means. These were always pensioned and pensionable until this Administration. This is not anything new in that line.

Mr. ERDMAN. They were never pensioned, I think.

Mr. PICKLER. Always.

Mr. ERDMAN. Under Order 164, an erroneous order, admittedly erroneous by General Bussey, after 300,000 pensioners had been placed on the rolls, you propose again to admit those who were placed there by this erroneous order or erroneous ruling of the Department.

Was it any wonder, when this Administration came into power, when, by the admission of General Bussey on his own ruling, there had been an erroneous construction, placing 300,000 men on the rolls—I say, was it any wonder that they should be careful and scrutinize the claims of the various claimants? And yet you propose to put them again on the rolls, notwithstanding the admission that that order was erroneous, by your general pension bill.

Now, in the proviso of the second paragraph you carefully exclude remarried widows, so that perchance you may have an opportunity every Friday, or soon, to bring up a special case to demonstrate to the country particularly that you are the friends of the remarried and divorced widows.

But, Mr. Chairman, I had occasion in the Fifty-third Congress to express my views at length upon this subject, and I will send the same to the desk to have read now; and I would be very much delighted to see one gentleman on the other side rise and controvert any one of the arguments or any single position therein set forth.

The Clerk read as follows:

The purpose of this bill is to restore to the pension roll, as widow of a soldier who died in 1864, his former widow who remarried in 1866 and lived with her second husband until he died in 1886. The minority have had occasion to express their views heretofore in cases of this character, and the statement made in report No. 601 on the bill (H. R. 2908) to pension Martha E. Miller, which is equally applicable to this case, is as follows:

To pass this bill is to nullify for the benefit of this one individual the substantial limitation of the general laws that the pension of soldiers' widows who have remarried shall cease.

The objections to be urged against such bills as this are numerous. In the first place, it makes an exception of a case which is in no wise exceptional. There may be varying degrees of destitution in different cases, but it may be fairly stated that all cases of widows who have remarried and again become husbandless by reason of death or divorce present the same substantial conditions.

If any widow so situated should be restored to pension all widows so situated should be restored, and this by general enactment and not by individual private bills, whereby those who may happen to have a friend to espouse their cause secure a benefit which the modest and the unknown never think of seeking. Special pension acts are justifiable only in cases which are essentially exceptional and should not be used to grant to one that which is denied to the many, whose situation is precisely the same. But aside from this consideration, however, the soldier's widow who remarries voluntarily relinquishes her pension because she prefers to do so.

The Government can not become an insurer against an unfortunate termination of this second matrimonial venture either by divorce or death. To restore pension in case of divorce is to encourage remarried widows to seek divorces, and, in any event, it is to give them an ostensible claim upon the soldier's death and memory which they have long since renounced by preference.

Furthermore, it is not to be assumed that legislation of this character is in the line of justice or of honor to the soldiers themselves, or that it is necessarily desired or favored by the soldier classes.

A contribution from the public Treasury to the support of the widow of the soldier so long as she remains his widow, every soldier, perhaps, desires, and the common consent of the nation for thirty years has sanctioned this, but that each soldier looks forward to and desires that his services and his memory shall be the basis of a pension to his wife at some remote day beyond an intervening period of matrimonial alliance with some other husband is by no means self-evident or fairly to be presumed.

Mr. PICKLER. Mr. Chairman, the gentleman from Pennsylvania is criticising the Committee on Invalid Pensions, saying that we have made a new class of pensioners in the general bill under discussion in the House at the day session, in which class Confederate soldiers are admitted to pensions. I call attention to the decision in the case of Daniel B. Garrison (6 Pension Decisions, 289), rendered March 11, 1893, where it is expressly decided that the Confederate soldier who afterwards went into the Union Army was entitled to a pension. The gentleman said it was a new class of pensioners. He is mistaken. Under the last Administration they were pensionable. I can assert that there is not a new class of pensioners in the general bill.

Mr. ERDMAN. If that is the construction of this Department, why pass the law at all?

Mr. PICKLER. Well, the present Administration have started out the other way. That is the only trouble.

Mr. ERDMAN. You say that decision was rendered in 1893?

Mr. PICKLER. Yes; March 11, 1893. There are several decisions to that effect, so that the gentleman ought not to say we are putting on any new class.

Mr. TALBERT. Mr. Chairman, it seems to me this is rather an exceptional case. The pension asked for is very small indeed. This is a very deserving lady, the widow of a private soldier. [Applause.] While I am disposed to oppose the granting of a pension to any widow who has remarried, whose husband is still alive, it seems to me that this is an exceptional case. She only drew a pension for two years, and then remarried, and her husband only lived a short time. She was an invalid during that time. It does seem to me that there is some merit in this bill. [Applause and cries of "Vote!"] You have just passed a bill giving $50 a month to the widow of a major-general. The gentleman from Maryland [Mr. MILES] stood up here and pleaded eloquently for her because she was in the hospital, and he openeth not his mouth here now, when we are considering the case of a widow of a poor private, and that widow is working up in Vermont, as I understand from the report of the committee, for only 25 cents a day.

Mr. PICKLER. That is correct.

Mr. TALBERT. I want to say also, Mr. Chairman, that is a sad commentary upon these wide-mouthed orators who have been standing up here, day in and day out, proclaiming their love for the soldier and the soldier's widow, when there are such widows living at their doors earning the pitiful sum of 25 cents a day. It is a shame and a disgrace upon your heads, and I want to call the attention of this House to the fact. I am ready and willing, as a rebuke to the pretended friends of soldiers, to vote this $12 a month to this poor woman, to make out a supplement to that pitiful little sum of 25 cents a day which you permit her to work for there, while you stand up here and make hypocritical speeches of love for the soldier, for his vote, and let his widow perish at your very doors. [Applause on the Democratic side.]

The CHAIRMAN. The question is upon agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY E. WYSE.

The next business on the Private Calendar was the bill (H. R. 4913) granting a pension to Mrs. Mary E. Wyse, widow of Lieut. Col. F. O. Wyse.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Mrs. Mary E. Wyse, widow of the late Francis O. Wyse, lieutenant-colonel Fourth Regiment United States Artillery, at the rate of $20 per month.

Mr. ERDMAN. Let us have the report, Mr. Chairman.

The report (by Mr. COFFIN) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4913) granting a pension to Mrs. Mary E. Wyse, have considered the same, and respectfully report as follows:

Francis O. Wyse, the claimant's deceased husband, entered the United States Military Academy September 1, 1833, and was appointed brevet second lieutenant, Third Artillery, July 1, 1837; promoted to second lieutenant July 31, 1837; to first lieutenant July 31, 1838; captain March 3, 1847; major Fourth Artillery May 14, 1861, and lieutenant-colonel Fourth Artillery November 1, 1861.

He resigned July 25, 1863, but was reappointed and retired February 28, 1879, under an act of February 15, 1849, as an additional lieutenant-colonel, United States Army.

Colonel Wyse participated in three wars (Indian, Mexican, and civil) during the period of his service, and his conduct throughout was marked by great gallantry and bravery. In the report of a joint committee of the Senate and House of Representatives at the first session of the Thirty-third Congress is contained a complimentary notice of efficient conduct on the part of the soldier and his junior officers, and gives them great credit for their services.

The record shows that in April, 1859, Colonel Wyse (then a captain and brevet major) received an injury of left ankle joint and fracture of the external malleolus from a fall of his horse, and the testimony on file in the pension claim of the widow shows that he continued to be seriously affected by this injury until his death, which occurred January 21, 1893.

A printed report, dated July 18, 1847, contained in a copy of the Tampico (Mexico) Sentinel (newspaper) bestows the highest praise upon Captain Wyse for the conduct of himself and men in an engagement near the Calaboso River, Mexico, about July 11, 1847.

The report was made by L. G. De Russy, colonel Louisiana Volunteers, who commanded the United States forces in the engagement, and repeatedly commends Captain Wyse for his courage and gallantry.

After the death of the soldier the widow filed an application for pension, and the proof established the fact that his death was due to causes originating in the service and line of duty, but the Pension Bureau rejected the claim on the ground that the fatal disease had its inception in a time of peace prior to March 4, 1861, and hence there is no law under which the widow can be allowed a pension. The officials of the Pension Office concede, however, that the disease originated during the soldier's military service and in line of duty, and the rejection is based wholly upon the absence of law under which the widow can be pensioned when the soldier's fatal disease originated during a time of peace prior to March 4, 1861.

The soldier held the rank of captain at the time of contracting the disease (bronchitis) from which he died, and in the light of the foregoing facts and circumstances your committee believe that it would be but an act of justice to allow his widow the usual pension granted to the widows of captains.

The bill is therefore returned with the recommendation that it do pass.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

GEN. WILLIAM H. MORRIS.

The next business on the Private Calendar was the bill (H. R. 4383) granting a pension to Gen. William H. Morris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Morris, late a brevet major-general of volunteers in the Army of the United States, at the rate of $100 per month, in lieu of the pension which he is now receiving.

Mr. ERDMAN. Let us have the report read.

The report (by Mr. MCCLELLAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4383) granting a pension to Gen. William H. Morris, have examined the same, and report as follows:

William H. Morris was born in 1827. He was graduated from West Point with the class of 1851, and commenced his military career as a lieutenant in the Second United States Infantry, then stationed at Fort Yuma, Cal. At the outbreak of the war of the rebellion he was assigned to duty, with the rank of captain, as the assistant adjutant-general and chief of the staff of Maj. Gen. John J. Peck, in the Army of the Potomac. He served through the peninsula campaigns with great credit.

He was commissioned colonel of the Sixth New York Volunteer Artillery on September 2, 1862, and was ordered with his regiment to Baltimore, which was then being threatened by Stonewall Jackson's army, only 40 miles away, at Frederick. The rebels having been driven back out of Maryland by the Army of the Potomac, Morris was placed in command of Fort McHenry and his regiment added to its garrison. Soon after he was ordered to Harpers Ferry. While there he was promoted to the rank of brigadier-general, and placed in charge of Maryland Heights, with a force consisting of the Sixth Regiment New York Artillery, regiments of infantry and cavalry, and batteries of heavy guns.

When Maryland Heights were abandoned, by order of the War Department, General Morris was ordered to join the Third Corps in the Army of the Potomac. A brigade was organized for him, consisting of the Sixth Regiment New York Artillery and the following regiments of infantry: The Fourteenth New Jersey, the Tenth Vermont, the One hundred and fifty-first New York Volunteers. General Morris was in the reserve at the battle of Gettysburg July 1 to 3, 1863, and engaged in the action of Wapping Heights July 23, 1863. Not long after this time the Sixth New York Regiment of Artillery was ordered to join the artillery reserve of the Army of the Potomac.

General Morris was conspicuous in the action of Locust Grove, November 29, 1863.

In the reorganization of the Army of the Potomac the Third Corps was broken up; one part sent to join the Second Corps, and the other part, with General Morris, was added to the Sixth Corps. The new brigade formed for him consisted of the One hundred and sixth New York, the One hundred and fifty-first New York, the Fourteenth New Jersey, the Tenth Vermont, and the Eighty-seventh Pennsylvania Regiment Volunteer Infantry. In the Richmond campaign under Grant General Morris was constantly engaged, taking an important part in the battle of the Wilderness.

At the action near Spottsylvania, May 9, 1864, General Morris was shot through the leg by a sharpshooter, and rendered unfit for further service in the field.

After some months passed in the hospital at Georgetown General Morris was ordered to report to General Dix for court-martial duty in New York, and continued on light duty until the close of the war, when he was honorably mustered out of service. The brevet rank of major-general, United States Volunteers, was conferred upon him by the President of the United States March 13, 1863, "for gallant and meritorious services in the battle of the Wilderness, Virginia."

General Morris represented Putnam County, N. Y., in the constitutional convention of 1867, and was chief of ordnance and inspector-general in the National Guard of the State of New York.

General Morris has lately been suffering from a complication of diseases which has made him a chronic invalid, unable to earn his living—a serious consideration to a man who has all his life been obliged to depend on his own exertions for his means of support.

In view of the very distinguished services of General Morris, and of his record as a gallant soldier, your committee recommend the passage of the bill.

Mr. TALBERT. I should like to ask what is the amount of pension asked for by this gentleman? I did not catch it from the reading of the report.

The CHAIRMAN. One hundred dollars a month. The question is, Shall this bill be laid aside with a favorable recommendation?

Mr. PICKLER. Mr. Chairman, I move to strike out "one hundred" and insert "seventy-five."

Mr. FAIRCHILD. Mr. Chairman——

Mr. TALBERT. I move to amend the amendment by striking out "seventy-five" and inserting "fifty."

Mr. PICKLER. This is an application on the part of the soldier himself.

Mr. FAIRCHILD. Mr. Chairman, I hope that neither of these amendments will prevail. There have been two things I have done in regard to pension matters. One is to come here every Friday night and hold my peace, content to only vote for the soldiers' pensions, realizing how valuable the time is to the soldiers who are seeking pensions through Congress. But when a motion is made by the chairman of the Committee on Invalid Pensions to amend a unanimous report, resulting from an examination into the record of General Morris, I feel it incumbent upon me to speak. The other thing I have done is never to introduce a bill in Congress for a pension without first examining into the merits of the case myself.

This matter was first called to my attention by the only Republican predecessor that I have had in Congress from my district in the history of the Republican party—Hon. William H. Robertson, who served a term in this House at the close of the war. After receiving the bill f om him, and after it had been introduced by me without conversing with or request from any of the individuals who subsequently communicated with me, then, for the first time, I learned, in addition to the brilliant record of General Morris disclosed by my previous investigation, how warm a place he had in the hearts of those who served under him during the four years of war. Those who listened to the reading of the report learned that he served in California several years before the rebellion. He resigned from the Regular Army because of loss of health. Ten years elapsed, and the war of the rebellion broke out. Immediately he enlisted, and served as commander of volunteers throughout the war.

I shall not take the time of this House, after the reading of the report, in going over his military record, but I want to call the attention of this committee and the attention of the chairman of the Committee on Invalid Pensions, who has offered one of these amendments, to the fact that if, in addition to the evidence of his brave services, the testimony of the private soldiers who served under him as to the place a commander holds in the hearts of the soldiers has anything to do with granting $100 per month pension to a man in his old age, with a wife and child dependent upon him for support, then this bill should pass for $100 a month.

Mr. WILLIS. What is the financial condition of General Morris?

Mr. FAIRCHILD. He is without means, and is unable to support himself and family.

Mr. MILES. Will the gentleman allow me to ask him a question?

Mr. FAIRCHILD. Certainly.

Mr. MILES. How old is General Morris?

Mr. FAIRCHILD. He was born April 22, 1827.

Mr. MILES. Then he is over 69 years of age.

Mr. FAIRCHILD. He is over 69 years of age. He is an invalid, broken down, unable to leave his house, with his wife and child dependent upon him for support.

Now, I want to call the attention of this committee, before they vote in favor of the amendment of the gentleman from South Dakota [Mr. PICKLER], to the resolutions that were sent to me the moment it was announced in the papers that the bill had been introduced. I will not take the time of the committee, when time is so valuable, to read the resolutions from every one of the Grand Army posts I have in my hand, but I will read just one

that came to me from the grand council of the Union Veterans' Protective Association:

At a regular meeting of the grand council of the Union Veterans' Protective Association, March 4, 1896, the following preamble and resolution were unanimously adopted:

"Whereas the Hon. BENJAMIN L. FAIRCHILD, member of Congress, has introduced in the United States House of Representatives a bill to increase the pension of Gen. William H. Morris; Therefore

"*Resolved*, That the grand council of the Union Veterans' Protective Association is much gratified at this action of Congressman FAIRCHILD as a well-deserved reward for the military services of General Morris, who distinguished himself as chief of General Peck's staff through the Peninsular campaign under McClellan; took, with his brigade, a prominent part in the Rapidan campaign under Meade, and commanded a chosen brigade in the renowned Sixth Corps, Army of the Potomac, in the Richmond campaign under Grant, and was recommended by his division commander, Gen. James B. Ricketts, and his corps commander, Gen. Horatio G. Wright, for the brevet rank of major-general, 'for gallant and meritorious conduct in the battle of the Wilderness, Virginia,' which honor was conferred upon him by the President of the United States."

C. P. QUINTARD,
Recording Secretary.

A true copy from the records of the grand council, Union Veterans' Protective Association.

WM. C. YORKE,
Corresponding Secretary.

I have in my hand similar resolutions from the John C. Fremont Post, No. 590, Grand Army of the Republic, Department of New York; Oliver Tilden Post, No. 96, Department of New York, Grand Army of the Republic; Judson Kilpatrick Post, No. 143, Department of New York, Grand Army of the Republic; and also G. K. Warren Council, No. 4, Union Veterans' Protective Association, Fordham, New York City, besides letters from commanders of other posts. It is said of George Washington, he was "First in war, first in peace, and first in the hearts of his countrymen." And I think it will be agreed that the statement that he was first in the hearts of his countrymen has as much to do with the position he occupies in the world's history as the statement that he was first in war and first in peace.

Mr. BAKER of New Hampshire. Will the gentleman allow me to ask him a question?

Mr. FAIRCHILD. I will.

Mr. BAKER of New Hampshire. Can you give the committee the age of that dependent child?

Mr. FAIRCHILD. I do not know it; but I will state to the gentleman from New Hampshire that I made several inquiries and that I received information from various sources that in addition to his wife he has a child dependent upon him for support; and I have the impression that the reason of that is the invalid condition of the child; but that part of it I can not vouch for.

Mr. SULLOWAY. I think it is an invalid daughter.

Mr. FAIRCHILD. Now, I say it is likewise true that it is not only the deeds on the battlefields that is disclosed from the reports of his army record, but it is also the position that he occupied in the hearts of his comrades and those that served under him that distinguishes a deserving general. I have with me numerous letters from privates which I will not attempt to read. But I will give one extract from one of these letters. It is a sample of numbers I have received, coming continuously from day to day, from these men scattered throughout different parts of the country who had read in the papers that the bill had been introduced:

As an old comrade of General Morris, I thank you for what you are doing for him and pray that you may succeed. I know what the general was worth from 1861 to 1865, and know that he is old and feeble and also almost in want, and I had him, at the last meeting of the Sixth New York Heavy Artillery Association, as a mark of respect, made the president of the association. The general was too old and feeble to attend the meeting, but the nomination and his election were made with cheers and unanimously.

That, Mr. Chairman, is a sample of the letters that I have received from the privates of General Morris's command. From historians also commendations come. From the compiler of the Townsend Library of National, State, and Individual Record, now the property of Columbia College, is received a strong indorsement that reminds me that General Morris is the descendant of two signers of the Declaration of Independence, and a son of the author of "Woodman, spare that tree." From the Westchester County Historical Society I receive strong resolutions urging the amount named in this bill.

Mr. Chairman and gentlemen of the committee, I earnestly ask that the amendments, both of them, be defeated.

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. TALBERT. Mr. Chairman, I desire to state briefly my reasons for offering the amendment to the amendment, proposing to strike out "seventy-five" and insert "fifty." This claimant was undoubtedly a distinguished officer, and he deserves credit for his service to the country; but he is now drawing $30 a month, and the Committee on Invalid Pensions have recommended increasing his pension to $100 a month, and I think $50 is a happy medium between the two. This great Government of ours is built upon concession and compromise, and now let us come together in this matter and agree upon a compromise and give this distinguished gentleman $50 a month.

Mr. MILES. Why?

Mr. TALBERT. I have already stated the reasons; and I would be glad if I could get gentlemen who shed these crocodile tears over the generals and their widows here night after night to help me to get a pension for some poor widow that is working for 25 cents a day. I am sorry, too, that the gentleman from Ohio [Mr. BROMWELL], who spoke so eloquently this evening in his effort to get a pension for a man who ought not to have it, has seen fit, after getting that bill through, to take his hat and leave this Hall. [Laughter.] I am sorry, also, that I do not see in his seat the distinguished Mr. ROWLAND BLENNERHASSETT MAHANY, from New York, who has such a long biography in the Congressional Directory, which he was ashamed to hear read here, and who was so loud-mouthed in behalf of the soldiers—I am sorry that his seat also is vacant this evening.

Mr. GROSVENOR. I would like to call the attention of the gentleman from South Carolina to the fact——

The CHAIRMAN. Does the gentleman from South Carolina yield?

Mr. TALBERT. Certainly; I always yield to the distinguished gentleman from McKinley—Ohio, I mean. [Laughter.]

Mr. GROSVENOR. I thought that possibly the distinguished gentleman from South Carolina might not know that the young gentleman from New York [Mr. MAHANY] was not present, as I supposed that he would not make that sort of allusion to a gentleman who was absent. Possibly, however, I may have put a wrong estimate upon the gentlemanly character of the distinguished gentleman from South Carolina.

Mr. TALBERT. I do not care anything about the opinion of the gentleman at all. [Laughter.] I stated that I was sorry that the distinguished gentleman from New York who saw fit to read other people's biographies here had run away and that his seat was vacant. If that is treason, make the most of it. Take me down and hang me up again. [Laughter.]

Now, Mr. Chairman, I want to say in relation to this bill that I think $50 is ample for General Morris. I do not wish to deny anything that was said in his behalf by the gentleman from New York [Mr. FAIRCHILD]. He was undoubtedly a distinguished officer and deserves great credit for his services, but I think $50 a month will pay him very well when we consider the pitiful sums that we are allowing to the private soldiers and their widows all along the line. I hope gentlemen will open their eyes to the fact that they are doing injustice to these private soldiers, and that here now, once for all, we shall put our foot down upon the business of granting these high pensions to officers and officers' widows, and I am glad to see in his seat the gentleman from Tennessee [Mr. MCCALL], who became converted on this subject several evenings ago, and I hope to have his assistance in this matter. [Laughter.]

Mr. PICKLER. Mr. Chairman, I am very glad that the Committee of the Whole can understand this evening something of the position of the Committee on Invalid Pensions and something of the appeals that are constantly made to it. Since you have listened to the eloquent, touching, and really, to a great extent, convincing words of the distinguished young gentleman from New York [Mr. FAIRCHILD] in behalf of this aged Union soldier, you are better able to understand something of the appeals that come every day to the Committee on Invalid Pensions. I appreciate what the gentleman from New York has said about this case. I did not know that this was his bill, though if I had known it that would not have made any difference. I did not know whose bill it was. The Committee on Invalid Pensions have been criticised night after night because they have reported in some cases larger pensions for officers and the widows of officers than they have recommended for privates.

The amendment which I have offered to this bill proposes to put this pension at $75 a month. That is $900 a year, and I suggest to my friend from New York that $900 a year ought to keep in comfort any man with so small a family as that of General Morris. I think this amount ought to provide him with the comforts of life. My sympathies are as much aroused in his favor as any gentleman's can be. But this committee has been criticised time and again; and notwithstanding the records and petitions and letters which have been presented here in this case, if this bill goes through granting a pension of $100 a month, the gentleman from South Carolina [Mr. TALBERT] and gentlemen from other parts of the country will be flooding the RECORD here next Friday night with outcries from private soldiers that we are putting these pensions too high.

I am in favor of giving this old soldier what will keep him comfortably for the remainder of his life; I am unwilling that he should suffer want or distress. But, Mr. Chairman, when the private soldier to whom we grant a pension is obliged in many cases to live on $144 a year, or, if he should be in the condition of this man, might get $30 a month or $360 a year, regardless of what

family he might have, I do think in fairness to the private soldier and all others concerned that when we pension this man at $900 a year it ought to be sufficient.

I am loath to differ with gentlemen who have so eloquently presented the claim of this old soldier. But I believe it is the duty of members of this committee to live up to their professions and to reduce this pension to $75 a month. Not only will this amount keep this man in comfort, beyond the reach of want, but I do not doubt that if the bill goes through with a pension of $900 a year the beneficiary will be surprised at the success of his distinguished Representative in getting the bill through in so liberal a shape. The bill was reported in the Fifty-first Congress at $50 a month, and that was a very liberal Congress for pensions. It was reported in the last House at $50 a month. And now, if we pass it at $75 a month, we shall be doing, I think, our full duty in the case.

Mr. WALSH. The gentleman will allow me to ask why his committee reports a bill to pay $100 a month, and then on the floor moves to reduce the amount to $75 a month?

Mr. PICKLER. Let me say to the gentleman that since these bills were reported there has been a very decided expression on the floor of this House that probably bills of this kind have been reported at too high a figure. Let me say that while I am disposed to stand by my committee, yet individually I am not in favor of any of these high pensions. I am in favor of proper distinctions between officers and privates, because such a policy is in accord with the history of this Government. But I am not in favor of these unwarranted distinctions. That has not been my disposition in committee and it is not here. I believe it is unfair to the private soldier to put these pensions for officers and their widows at so high figures as some gentlemen here seem to favor.

Mr. FAIRCHILD. Allow me to say a single word in reply to the gentleman from South Dakota [Mr. PICKLER]. He has stated that this bill was reported for a less amount in previous Congresses. Sir, this bill as reported in the Senate in 1891 was for $100 a month; as it passed the Senate it granted that amount; and it only failed in the House because it came here too late for consideration before the final adjournment.

Mr. PICKLER. Oh, no; the bill has always been reported to this House at $50 a month.

The question being taken on Mr. TALBERT's amendment to the amendment of Mr. PICKLER, there were on a division (called for by Mr. TALBERT)—ayes 17, noes 64.

Mr. TALBERT. No quorum.

Several MEMBERS. Do not make that point.

The CHAIRMAN (after a count). One hundred and three members are present. The noes have it; and the amendment to the amendment is rejected.

The question then recurring on the amendment of Mr. PICKLER to strike out "$100" and insert "$75," it was agreed to, there being—ayes 73, noes 20.

The bill as amended was ordered to be laid aside to be favorably reported to the House.

MARY L. BACON.

The next business on the Private Calendar was the bill (H. R. 5400) to increase the pension of Mary L. Bacon, widow of the late George B. Bacon, late lieutenant-commander of the United States Navy.

The bill was read, as follows:

Be it enacted, etc., That from and after the passage of this act there be allowed and paid to Mary L. Bacon, widow of the late George B. Bacon, lieutenant-commander, United States Navy, a pension at the rate of $40 per month during her widowhood, in place of $30 per month, which she is now receiving.

The report (by Mr. HOWE) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5400) granting an increase of pension to Mary L. Bacon, have considered the same and report:

Mrs. Bacon is the widow of the late Lieut. Commander George B. Bacon, of the United States Navy, who passed through all the grades from midshipman, to which he was appointed October 10, 1850, to lieutenant-commander, the rank held by him at the time of his honorable resignation from the Navy on June 6, 1865.

During the above period this officer rendered gallant and arduous service to his country, including active duty during the war of the rebellion. He died April 1, 1890, of malarial poisoning, which had its origin during his said service, and his widow was allowed a pension at $25 per month under the general pension laws. This was increased to $30 by special act approved February 15, 1893.

Gen. N. M. CURTIS, a member of the House, states that he knows the claimant personally, and that she is of delicate constitution, without property or means of support aside from her said pension, and is dependent upon whatever employment she can secure of a nature suited to her bodily strength and lot in life.

General CURTIS further states that the bill is in all respects an exceptionally meritorious one, and that an increase of her pension is an absolute necessity to the claimant's comfortable support.

In view of the valuable service rendered by Mrs Bacon's husband, and in the light of her dependence and necessities, your committee feel constrained to recommend the passage of the bill.

The bill was laid aside to be reported favorably to the House.

ARCHIBALD HUNLEY.

The next business on the Private Calendar was the bill (H. R. 5580) granting a pension to Archibald Hunley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Archibald Hunley, late a member of Company H, Thirtieth Regiment Illinois Volunteers, at the rate of $16 per month.

The amendment of the Committee on Invalid Pensions was read, as follows:

Strike out "sixteen" and insert "twelve"; so as to make the amount of the pension $12 per month.

Mr. ERDMAN. Mr. Chairman, I ask for the reading of the report in that case.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5580) granting a pension to Archibald Hunley, submit the following report:

The committee, having examined the evidence in support of this bill, find:

Archibald Hunley was tried by division court-martial January 25, 1863, on charge of disrespectful language and resistance to officer, was convicted and sentenced to be confined at hard labor in military prison during remainder of his term, and to be dishonorably discharged. The sentence was duly executed. The offense for which he was tried was very trivial, if, indeed, any offense whatever. A sergeant being in the act of putting a drunken soldier in a tent, and having the soldier down in the mud and water, Hunley said to the sergeant: "Let him up and don't hurt him. You ought not to treat Graves that way."

That was the whole offense. Hunley's captain seems to have had a spite against him. When sick the captain had him sent to hospital and directed that no descriptive roll be sent with him. On Hunley's return from hospital the said captain, then being major, had him marked "absent without leave" and prevented him from getting his pay on that account. On Hunley's obtaining a certificate from the hospital showing his presence there, the major refused to have rolls corrected and said to him: "You must lose your pay or stand court-martial." Two hours afterwards Hunley was arrested; the trial followed, with the above result.

The case of this soldier has been before the Forty-seventh, Fiftieth, and Fifty-first Congresses. Favorable reports were made in the Forty-seventh and Fiftieth Congresses, and the above facts were found. The Fifty-first Congress passed an act for this soldier's relief, which was approved March 3, 1891, and provides that "the said proceedings of said court-martial be no bar to application for and allowance of a pension to said Hunley in accordance with the provisions and limitations of the pension laws." This act also authorized the Treasury Department to audit and pay Hunley his back pay, bounty, and allowances, which has since been done. Prior to the passage of said act the Secretary of War removed the charges of "being absent without leave and desertion."

The Secretary of the Interior, through the Commissioner of Pensions, now refuses to place the claimant on the pension roll under act of June 27, 1890, holding that he has not an honorable discharge.

There is no question but that this claimant is entitled under that act to a pension, so far as disability from manual labor is concerned.

Your committee conclude that a great wrong and hardship has been done this soldier; that he has been a victim of oppression and injustice at the hands of his officers, which the Congress in good faith has endeavored to correct so far as it is able. The act of June 27, 1890, was in force when the act for the relief of this soldier became a law. It must be considered that the lawmaking power had in mind the condition of legislation in regard to pensions. If reasonable effect be given to every part of the act for this soldier's relief, there is now no bar to his receiving a pension, except the unwarrantable action of the Commissioner of Pensions in refusing to obey the law.

Your committee recommend that the bill be amended by striking out the word "sixteen," in sixth line, and inserting in lieu the word "twelve," and that the bill as amended pass.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside with favorable recommendation.

JOHN W. HINES.

The next business on the Private Calendar was the bill (H. R. 5712) granting an increase of pension to John W. Hines.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of John W. Hines, late first lieutenant and adjutant of Fourth Tennessee Volunteer Infantry, and pay him a pension of $30 per month.

Mr. ERDMAN. Let us hear the report.

The report (by Mr. PICKLER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5712) granting increase of pension to John W. Hines, having carefully considered the same, respectfully report:

John W. Hines enlisted June 7, 1861, as private in Company C, First Kentucky Volunteer Infantry, and was discharged therefrom May 15, 1863. He reenlisted as first lieutenant in the Fourth Tennessee Volunteer Infantry January 2, 1864, and served to April 24, 1865, when he resigned.

February 24, 1891, he filed a claim under the old law alleging rheumatism contracted in the service. On August 21, 1892, the examining board finds him entitled to a first-grade rating for disability from said cause. He is pensioned under the act of June 27, 1890, at $12, for rheumatism and resulting disease of the heart.

Almost every officer of the Pension Office who passed upon this claim under the old law recommended its allowance, but the rereviewer says:

"The claimant having declared that inflammatory rheumatism was contracted during his first service at Shiloh, Tenn., in April, 186—, and having made no other declaration under oath as to origin, it appears that the evidence of the existence of rheumatism during the service as first lieutenant and adjutant of the Fourth Tennessee Volunteer Infantry is not sufficient to warrant the allowance as of that origin and that rank."

And for this reason the claim was rejected.

As to origin, Lieutenant-Colonel Patterson, in command of the Fourth Tennessee, testifies:

"In January, 1865, my command was ordered on forced march from Knoxville, Tenn., to Paintrock, N. C. It rained on us nearly all the time and we were marching day and night, wading many small streams and creeks, also Big Pigeon River and the French Broad River. Much ice was floating on these rivers and we had to wade them, the water coming to our armpits, and we had, what little camping we did, to lie on the frozen ground. From this exposure and hard marching Lieut. John W. Hines was again attacked with his old disease—diarrhea—and also with an attack of inflammatory rheumatism. The two disabilities together rendered him unfit for duty for a long

time afterwards. I remember that a great many of the men were affected and unfit for duty for some time afterwards. I am one of them."

The then major, afterwards lieutenant-colonel, in command of the same regiment, says:

"John W. Hines * * * was with the regiment in all its marches and exposures when able for duty. * * * I have read Col. M. L. Patterson's statement made for Mr. Hines and indorse the same as fully as if her' re-stated."

The testimony as to continuance is full and complete.

This case was several times specially examined, and on October 8, 1894, the examiner says:

"The claimant's general standing in the community and his reputation for truth are good. I find him a very much broken-down man—unable to dress himself. * * * The claim has merit."

December 15, 1894, another special examiner recommended the case for admission for rheumatism.

On April 23, 1894, the chief of the board of review says:

"The rheumatism appears to be established as of army origin, if not in Kentucky service."

The claim was rejected on a mere technicality.

Your committee think the claimant is entitled to at least $30 per month, whether he claims as private or first lieutenant, and therefore respectfully recommend the passage of the bill.

The bill was laid aside with a favorable recommendation.

JOHN COOMBS.

The next business on the Private Calendar was the bill (H. R. 950) granting an increase of pension to John Coombs.

The bill was read, as follows.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Coombs, of Hopkinsville, Ky., and pay him a pension at the rate of $50 per month, in lieu of the pension he now receives. John Coombs served in the Army of the United States during the late war in Company H, Second Illinois Light Artillery, and this increase of pension is asked on account of total disability resulting from injuries and diseases traced to his army service.

Mr. ERDMAN. Mr. Chairman, I ask for the reading of the report.

The report (by Mr. ANDERSON) was read, as follows;

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 950) granting increase of pension to John Coombs, late a member of Company H, Second Illinois Light Artillery, having carefully examined all the facts and circumstances in evidence, submit the following report:

Soldier served from December 1, 1861, until July 29, 1865. He filed claim and was pensioned, receiving $24 per month since April, 1889, for injury of back and left leg and varicose ulcers, disease of gums and loss of teeth, result of scurvy contracted in service. He filed claim for increase June 17, 1895, which was rejected.

Dr. J. M. Dennis and Dr. F. M. Stiles, both reputable citizens and excellent physicians, testify that claimant is wholly di-abled for performing any kind of manual labor from the disabilities for which he is pensioned; and the board of examining surgeons at Hopkinsville, Ky., who examined him August 14, 1895, certified:

"Claimant is so disabled from disease of left leg and varicose ulcers and disease of gums and loss of teeth, as result of scurvy, as to be incapacitated for performing any manual labor."

In addition to his pensioned disabilities the soldier is now blind in one eye and almost blind in the other eye, and is practically helpless.

In view of all the facts we believe him entitled to a pension of $30 per month. We therefore recommend that the bill (H. R. 950) be amended by striking out all after the word "Coombs," in the sixth line, and inserting in lieu thereof the following words: "Late a member of Company H, Second Regiment Illinois Light Artillery, at the rate of $30 per month, in lieu of the pension he is now receiving."

Mr. ERDMAN. Mr. Chairman, I would like the gentleman in charge of this bill to make a somewhat more extended statement with reference to the bill than appears in the report, which is hardly satisfactory.

Mr. CLARDY. I will with pleasure. What particular point have you in view?

Mr. ERDMAN. This seems to be simply a charity, a gratuity on the part of the Government, and not a matter of right.

Mr. CLARDY. The gentleman is entirely mistaken; it lacks a great deal of being a matter of gratuity.

Now, let me say, in the first place, that this is not a ninety-day soldier, a bounty-jumper, or anything of that kind, but a soldier from the very beginning to the end of the war. That is the kind of a man we ask you to pension in this case. He served through the whole war.

His horse fell with him at Columbus and partially injured one of his legs, and although he went through the war in a somewhat disabled condition, it continued to grow worse and worse; varicose veins developed, and as you understand they continue to grow worse as a rule. Scurvy also was contracted, and the disease from that source grew worse. If there is any man who ever served in the Army of the United States who merits a pension this man is one, and he only asks to be pensioned at what the law allows him.

The physicians, reputable citizens and excellent physicians, who examined him testify that he is wholly disabled for any kind of manual labor; and the examining surgeons—the board at Hopkinsville, Ky.—in August, 1895, certified that he was so disabled from the disease of the left leg and from the results of the scurvy as to be incapacitated for any kind of manual labor.

Mr. Chairman, I know this man personally. He lives in my county town. And I am sure I would not recommend a pension to any soldier whom I did not believe was entitled to it. My friend Colonel EVANS here, who once lived in the county, also knows this man well, and knows he was a good, a faithful soldier.

Mr. MILES. What is the proposition in the bill?

Mr. CLARDY. To give him $30 a month.

Mr. ERDMAN. I am satisfied.

The question being taken on the amendment recommended by the committee, it was agreed to.

The bill as amended was laid aside with a favorable recommendation.

MARY E. HAZLIP.

The next business on the Private Calendar was the bill (H. R. 138) granting a pension to Mary E. Hazlip.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Hazlip, widow of John Hazlip, late a private in Company H, One hundred and fortieth New York Infantry, and pay her a pension at the rate of $12 per month, in lieu of the pension she is now receiving.

Mr. ERDMAN. Mr. Chairman, let us have the report.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 138) granting an increase of pension to Mary E. Hazlip, having examined the same, respectfully report:

It appears that the soldier served in Company H, One hundred and fortieth Regiment New York Volunteer Infantry, from August 16, 1862, to June 3, 1865, when he was mustered out with his company, and that he has an honorable record.

He was pensioned under general law at $4 per month for gunshot wound of right shoulder, and also under act of 1890 at $12 per month, and that the latter pension was terminated February 6, 1891, by reason of the pensioner's death, which is believed to have resulted from the effects of a bullet or other missile lodged in the right shoulder during the war of the rebellion, although this was not conclusively proved to the satisfaction of the Pension Office.

Dr. M. D. Bedal was called in on consultation just before the soldier's death, and says in his affidavit that, from statements made to him by the attending physician, Dr. S. B. Taylor, and the family of the soldier, he believes that said "soldier died from the effects of a bullet or other missile lodged in the right shoulder during the war of the rebellion, and as that fact was not disputed, no post-mortem examination was had." Dr. S. B. Taylor is now dead, and therefore his affidavit can not be secured.

Your committee believe that the claim is a just one, and therefore recommend the passage of the bill.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with a favorable recommendation?

Mr. ERDMAN. Will the gentleman who made this report state whether there is any other testimony in this case than the hearsay testimony of Dr. Bedal?

Mr. ANDREWS. Mr. Chairman, the consulting physician here named states in his affidavit the agreement between himself and the attending physician. As the attending physician is dead, his affidavit can not be secured, and the committee believed the affidavit of the consulting physician, under these circumstances, was sufficient to justify the recommendation of the passage of the bill.

The financial condition of the widow and all the circumstances, aside from the points stated in the report, led the committee to strongly believe that the pension was just and reasonable, and that it should be allowed at $12 a month.

Mr. ERDMAN. Does the gentleman know from what disease this person died?

Mr. ANDREWS. I am not able to state the nature of the disease, but the affidavit of the consulting physician conveys definitely and positively the assurance that in the judgment of these two physicians his death resulted from this wound.

Mr. ERDMAN. Dr. Bedal had no knowledge at all on the subject, and Dr. Taylor only heard the statement of the soldier and his family.

Mr. ANDREWS. No; the physician who was in consultation with the attending physician states this as the result of their deliberations.

Mr. ERDMAN. That does not appear. He testifies in a very indefinite way.

The bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

MRS. ANNIS H. ENOCHS.

The next business on the Private Calendar was the bill (H. R. 4275) to increase the pension of Mrs. Annis H. Enochs, widow of Gen. William H. Enochs, from $20 to $50 per month.

The bill was read, as follows:

Be it enacted, etc., That the pension of Annis H. Enochs, widow of Gen. William H. Enochs, late lieutenant-colonel of the Fifth Regiment of West Virginia Volunteer Infantry and brevet brigadier general, United States Volunteers, be, and the same is hereby, increased from $20 per month to $50 per month, and the Secretary of the Interior be, and is hereby, authorized and directed to place her name on the pension roll at the rate of $50 per month, subject to the provisions and limitations of the pension laws.

The CHAIRMAN. The question is, Shall this bill be laid aside with a favorable recommendation?

Mr. TALBERT. Mr. Chairman, I ask for the reading of the report.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4275) to increase the pension of Annis H. Enochs, widow of Bvt. Brig. Gen.

William H. Enochs, from $20 per month to $50 per month, submit the following report.

William H. Enochs was mustered into service as first lieutenant Company K, Fifth West Virginia Volunteers, to date September 15, 1861, to serve three years; as captain Company E, same regiment, to date April 19, 1862; as lieutenant-colonel, same regiment, to date September 29, 1863; as colonel, same regiment, to date December 23, 1864, and was mustered out and honorably discharged with the field and staff July 21, 1865.

Under the provision of the act of Congress approved June 3, 1864, and the acts amendatory thereof, he is considered by this Department as having been commissioned to the grade of colonel of the said regiment to date from December 19, 1864.

The medical records show that W. H. Enochs, lieutenant-colonel Fifth West Virginia Volunteers, was dangerously wounded, being shot through the body in action September 19, 1864.

He was brevetted brigadier-general of volunteers March 13, 1865, "for gallant and meritorious services."

After careful consideration of the merits of this bill, your committee are of opinion, in view of the brilliant military record of the late General Enochs, who served constantly in the field from September, 1861, until the close of the late war, that the allowance asked for the benefit of his widow is by no means extravagant, and they therefore recommend that the bill do pass.

The widow has no sufficient means of support. Appended is a report from the War Department, giving the military record of General Enochs:

Statement of the military service of William H. Enochs, brevet brigadier-general of volunteers.

William H. Enochs was mustered into service as first lieutenant Company K, Fifth West Virginia Volunteers, to date September 15, 1861, to serve three years; as captain Company E, same regiment, to date April 19, 1862; as lieutenant-colonel, same regiment, to date September 29, 1863; as colonel, same regiment, to date December 23, 1864, and was mustered out and honorably discharged with the field and staff July 21, 1865.

Under the provisions of the act of Congress approved June 3, 1884, and the acts amendatory thereof, he is considered by this Department as having been commissioned to the grade of colonel of the said regiment to date from December 19, 1864.

The medical records show that W. H. Enochs, lieutenant-colonel Fifth West Virginia Volunteers, was wounded in action September 19, 1864.

He was brevetted brigadier-general of volunteers March 13, 1865, "for gallant and meritorious services."

By authority of the Secretary of War:

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

RECORD AND PENSION OFFICE,
War Department, December 30, 1895.

Mr. FENTON. Mr. Chairman, just one word in reference to this bill. The military record of General Enochs is not quite complete, as stated in the report. I desire to use about a minute in the statement of it. General Enochs not only served from September, 1861, but he first enlisted in the three-months' service, on the 19th of April, 1861, served through that service, and then re-enlisted. In October, 1861, he was elected captain of his company. Within a month afterwards he was chosen major of his regiment, but the colonel declined to commission him as a major on account of his youth, he being then only 19 years of age. When he was 20 years of age he was a colonel. At 22 he was a brigadier-general by brevet, and also in command of a department. His record was one of the very best and most brilliant. He was probably the youngest brigadier-general in the Army.

He was a member of this House in the Fifty-second Congress and reelected to the Fifty-third Congress. I doubt not there are many members present who knew him. I trust there will be no amendment offered to this bill.

Mr. TALBERT. Mr. Chairman, this is a case somewhat similar to that of Mrs. Mary L. Bacon, a little ahead of this case.

Mr. PICKLER. Will the gentleman from South Carolina yield to me to move that the committee rise?

Mr. TALBERT. Just let me offer an amendment, and let us pass this amendment, and pass this bill. Maybe we can get through with it. I move to amend by striking out "$50" and make it "$40," upon the same plane as Mrs. Bacon, the bill just passed, which was in charge of the gentleman from New York [Mr. CURTIS].

The question was taken, and the amendment was rejected.

Mr. TALBERT. Mr. Chairman, it seems to me that this is a very contrary kind of a House. [Laughter.] I thought that was a very fair proposition. I can not see any difference between the merits of this case and the merits of the one that we passed giving Mrs. Bacon a pension of $40 a month. I see nothing in the testimony, I see nothing in the report of the committee which makes one single bit of difference between the deserts of these distinguished ladies, widows of these distinguished major-generals; and I can not see why it is that this House continually persists in this headlong way of extravagance in pensions of this kind.

Mr. PICKLER. Will the gentleman yield to me?

Mr. TALBERT. I will yield for a question.

Mr. PICKLER. I move that the committee do now rise.

Mr. TALBERT. I hope the gentleman will not take me off the floor and put me on the table or under the table until I get ready to go. I claim the right to address this House on an important question.

The CHAIRMAN. The hour has now arrived when the committee must rise.

The committee accordingly rose; and Mr. PAYNE having resumed the chair as Speaker pro tempore, Mr. HEPBURN reported that the Committee of the Whole House had had under consideration the bill S. 730 and the bills H. R. 3937, H. R. 3075, H. R. 1299, H. R. 383, H. R. 5580, and H. R. 950, and had made certain amendments to them, and as amended recommended their passage; that it had also had under consideration the bills H. R. 1261, H. R. 4913, H. R. 5400, H. R. 5712, and H. R. 138, and recommended the passage of the same; that it had also had under consideration the bill H. R. 4275, and had come to no resolution thereon.

The SPEAKER pro tempore. The hour of 10.30 having arrived, the House stands adjourned until to-morrow at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. TRACEY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2) disposing of two condemned cannon, reported the same with amendment, accompanied by a report (No. 1472); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PERKINS, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 7416) to provide for the location of a fish-cultural station at Spearfish, S. Dak., and for the purchase of a site and the erection of building and equipments therefor, reported the same without amendment, accompanied by a report (No. 1474); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 1466) entitled "An act for the protection and preservation of the burial places of certain soldiers and sailors of the war of 1812, and for other purposes," reported the same with amendment, accompanied by a report (No. 1489); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 7983) to pension Frances E. Wickware. (Report No. 1464.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (S. 400) entitled "An act granting a pension to Johnson Hays." (Report No. 1465.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (H. R. 8053) granting a pension to Alice Gard. (Report No. 1466.)

The bill (H. R. 5981) granting a pension to Elihu Jones, of Potwin, Butler County, Kans. (Report No. 1467.)

The bill (H. R. 6827) granting a pension to Mary E. Wallick. (Report No. 1477.)

The bill (H. R. 4201) granting a pension to Nicholas Gardner. (Report No. 1468.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 5787) for the relief of Henry A. F. Worth. (Report No. 1469.)

By Mr. WOOD, from the Committee on Invalid Pensions:

The bill (H. R. 4191) granting a pension to George Schamberger. (Report No. 1483.)

The bill (S. 601) entitled "An act granting a pension to Clara R. Rodgers." (Report No. 1470.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 8408) for the relief of Hannah Howard, stepmother of Francis W. Howard, late of Company D, Sixty-fourth New York Volunteer Infantry. (Report No. 1471.)

By Mr. CURTIS of Kansas, from the Committee on Indian Affairs: The bill (H. R. 2596) for the relief of John S. Friend, of Eldorado, State of Kansas. (Report No. 1475.)

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 4921) to relieve the North Georgia Agricultural College from the payment of $450 for damaged gun. (Report No. 1476.)

By Mr. PICKLER, from the Committee on Invalid Pensions:

The bill (H. R. 479) granting a pension to Malachi Cordeiro. (Report No. 1478.)

The bill (S. 625) entitled "An act granting a pension to Nellie L. Groshon." (Report No. 1479.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions:

The bill (S. 2238) entitled "An act granting an increase of pension to Simeon Stevens." (Report No. 1480.)

The bill (H. R. 5665) granting a pension to Henry F. Rice. (Report No. 1481.)

The bill (S. 1105) entitled "An act granting a pension to Mary E. Sessions." (Report No. 1482.)

By Mr. COUSINS, from the Committee on Foreign Affairs: The joint resolution of the Senate (S. R. 133) authorizing Surg. P. M. Rixey, of the Navy, to accept from the King of Spain the grand cross of naval merit with the white distinction mark, in recognition of services rendered to the officer and sailors of the *Santa Maria*, who were injured by an explosion on that ship. (Report No. 1484.)

By Mr. GRAFF, from the Committee on Claims: The bill (S. 57) entitled "An act for the relief of Napoleon B. Giddings." (Report No. 1485.)

By Mr. SNOVER, from the Committee on Claims: The bill (S. 314) entitled "An act for the relief of Eunice Tripler, widow of Charles S. Tripler." (Report No. 1486.)

By Mr. LOUDENSLAGER, from the Committee on Pensions: The bill (H. R. 1513) granting a pension to Caroline Wilkinson. (Report No. 1487.)

By Mr. MOZLEY, from the Committee on Pensions: The bill (H. R. 5453) to pension Taylor Triplett. (Report No. 1488.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. STEPHENSON: A bill (H. R. 8440) to repeal sections 2 and 3 of an act entitled "An act to provide for the extension of time within which suits may be brought to vacate and annul land patents," approved March 2, 1896—to the Committee on the Public Lands.

By Mr. RICHARDSON: A bill (H. R. 8441) to extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company of the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. SPARKMAN: A bill (H. R. 8442) to donate to the city of Pensacola certain pieces of cannon for the purpose of decorating the public parks of said city—to the Committee on Naval Affairs.

By Mr. BAKER of New Hampshire: A bill (H. R. 8443) to amend section 4878 of the Revised Statutes, relating to burials in national cemeteries—to the Committee on Military Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 8256) for the relief of Henry McGaddery; and the same was referred to the Committee on the Public Lands.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ALLEN of Utah: A bill (H. R. 8444) granting restoration of pension to Wallace G. Bone—to the Committee on Pensions.

By Mr. BARTLETT of New York: A bill (H. R. 8445) for the relief of the owner of the tug *William Alexander*—to the Committee on Claims.

By Mr. BENNETT: A bill (H. R. 8446) granting an increase of pension to James H. Stevens—to the Committee on Invalid Pensions.

By Mr. BERRY: A bill (H. R. 8447) to remove the charge of desertion from the name of Turner Rodgers, of Frankfort, Ky.—to the Committee on Military Affairs.

By Mr. GAMBLE: A bill (H. R. 8448) to authorize and direct the Secretary of War to issue an honorable discharge to Sylvester Starkweather—to the Committee on Military Affairs.

By Mr. HAINER of Nebraska (by request): A bill (H. R. 8449) for the relief of Harriett S. Edwards, widow of William G. Keen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8450) granting a pension to Alden B. Thompson—to the Committee on Pensions.

Also, a bill (H. R. 8451) granting an increase of pension to Samuel McConaughey—to the Committee on Invalid Pensions.

By Mr. HEINER of Pennsylvania: A bill (H. R. 8452) for the relief of Mrs. Libbie Arnold—to the Committee on Claims.

By Mr. HYDE: A bill (H. R. 8453) to remove the charge of desertion from military record of Charles M. Sollars—to the Committee on Military Affairs.

By Mr. LINTON: A bill (H. R. 8454) granting an increase of pension to Frank Rockwith—to the Committee on Invalid Pensions.

By Mr. MILES: A bill (H. R. 8455) granting an honorable discharge to certain members of Company K, First Regiment Eastern Shore Maryland Volunteer Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 8456) to increase the pension of Lucy LeG. Jeffers—to the Committee on Pensions.

By Mr. SPALDING: A bill (H. R. 8457) to increase the pension of Mrs. Margaret Custer Calhoun—to the Committee on Invalid Pensions.

By Mr. SPENCER: A bill (H. R. 8458) for the relief of Mary Ann Hendricks, Hinds County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 8459) for the relief of the estate of John Fisher—to the Committee on War Claims.

Also, a bill (H. R. 8460) for the relief of Mrs. Olivia F. Montgomery, of Hinds County, Miss.—to the Committee on War Claims.

By Mr. WATSON of Ohio: A bill (H. R. 8461) granting a pension to Theodore Jones, late brigadier-general of volunteers—to the Committee on Invalid Pensions.

By Mr. WOOMER: A bill (H. R. 8462) to remove the charge of desertion against Israel Blessing—to the Committee on Military Affairs.

By Mr. STROWD of North Carolina: A bill (H. R. 8463) granting a pension to Milo Dixon—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARNEY: Memorial of citizens of Polish nativity residing in Milwaukee, Wis., relating to immigration—to the Committee on Immigration and Naturalization.

By Mr. BROSIUS.: Petition of the consistory of Zion's Reformed Church, of New Brunswick, Pa., praying for the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. CRUMP: Petition of George B. Wilcox and 7 other citizens of West Bay City, Mich., favoring the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, remonstrance of Frederick Stearns & Co., of Detroit, Mich., against the passage of the Loud bill, regarding second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Petition of sundry citizens of Pittsburg, Pa., in favor of House bill No. 5729, to regulate interstate traffic in wild game—to the Committee on Interstate and Foreign Commerce.

By Mr. EVANS: Papers to accompany House bill No. 7984, granting a pension to the widow of Philip W. Stanhope, of Indianapolis, Ind.—to the Committee on Invalid Pensions.

By Mr. HILBORN: Resolutions of the board of supervisors of Colusa County, Cal., asking for appropriations to cover the needs of the harbor of San Francisco, Cal.—to the Committee on Rivers and Harbors.

By Mr. JOHNSON of California: Petition of many thousands of citizens of the State of California, recommending the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

Also, petition and remonstrance of 35 citizens of West Point, Calaveras County, Cal., against the statue of Père Marquette remaining in Statuary Hall—to the Committee on the Library.

By Mr. LINTON: Remonstrance and petition of citizens of Chicago, Ill.; also citizens of Centralia, Ohio; also of citizens of Freemansburg, W. Va.; also citizens of Leavenworth, Kans., regarding the Marquette statue—to the Committee on the Library.

By Mr. LONG: Petition of Willis K. Folks, of Wellington, Kans., asking favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McRAE: Remonstrance and petition of Hon. J. M. Pittman, H. A. Sykes, and 163 other citizens of Nevada County, Nev., against the acceptance of the statue of Père Marquette in Statuary Hall—to the Committee on the Library.

By Mr. OTJEN: Memorial of Polish citizens of Milwaukee, Wis., relating to immigration—to the Committee on Immigration and Naturalization.

By Mr. STRODE of Nebraska: Petition of citizens of Talmage, Nebr., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter, and bill No. 838, to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. WALKER of Massachusetts: Resolutions of the Paint and Oil Club of New England, Boston, Mass., in favor of Senate bill No. 2447, for a bureau of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, *April 25, 1896.*

Prayer by Rev. HUGH JOHNSTON, D. D., of the city of Washington.

The VICE-PRESIDENT. The Secretary will read the Journal of yesterday's proceedings.

Mr. CHANDLER. I suggest that there is not a quorum in the Chamber.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Chilton,	Lodge,	Pritchard,
Allison,	Cockrell,	Mantle,	Proctor,
Bacon,	Cullom,	Martin,	Pugh,
Berry,	Davis,	Mills,	Sherman,
Blackburn,	Elkins,	Nelson,	Teller,
Brown,	Frye,	Palmer,	Turpie,
Burrows,	Gallinger,	Pasco,	Vest,
Call,	Gear,	Peffer,	Walthall,
Cannon,	Hansbrough,	Perkins,	Wilson,
Carter,	Hawley,	Pettigrew,	Wolcott.
Chandler,	Hill,	Platt,	

The VICE-PRESIDENT. Forty-three Senators have answered to their names. There is not a quorum present. What is the pleasure of the Senate?

Mr. SHERMAN. I suppose the usual motion ought to be made to request absent Senators to attend. I have no doubt there are plenty of Senators about the Chamber. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE-PRESIDENT. The Sergeant-at-Arms will execute the order of the Senate.

Mr. GRAY and Mr. SHOUP entered the Chamber and answered to their names.

The VICE-PRESIDENT. Forty-five Senators have answered to their names. A quorum is present.

Mr. NELSON. I move to dispense with further proceedings under the call.

The motion was agreed to.

The VICE-PRESIDENT. The Journal of yesterday's proceedings will be read.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. HANSBROUGH. I ask that the further reading of the Journal be dispensed with.

Mr. LODGE. I object.

The VICE-PRESIDENT. There is objection. The Journal will be read.

The Secretary resumed and concluded the reading of the Journal.

AMERICAN COTTON PICKER.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, in response to a resolution of the 16th ultimo, calling for the report submitted to the Commissioner of Patents on the tests and field work of the American cotton picker exhibited at the Cotton States and International Exposition lately held at Atlanta, Ga., transmitting a letter from the Commissioner of Patents, and accompanying unofficial report, made by a law clerk in his office, regarding the cotton-picking machine referred to; which, with the accompanying papers, was referred to the Committee on Patents, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. LODGE presented resolutions adopted by the legislature of the State of Massachusetts, relative to the establishment of a national military park at Vicksburg; which were read, and referred to the Committee on Military Affairs, as follows:

Commonwealth of Massachusetts. In the year 1896. Resolutions relative to the establishment of a national military park at Vicksburg.

Whereas there is now pending in Congress a bill (H. R. 4339) "to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg," which has been favorably reported by the Committee on Military Affairs; and

Whereas Gettysburg and Vicksburg, being inseparably connected, and constituting the greatest epoch in the war of the rebellion, should be equally commemorated in the most impressive and enduring manner possible; and

Whereas the establishment of a national military park to commemorate the campaign and siege of Vicksburg will be a most appropriate monument to the commander whose genius planned these operations and directed them to a successful issue, and whose fame and character are so dear to all Americans; and

Whereas the State of Massachusetts has not only a general but also an especial interest in this bill, for the reason that three of her gallant regiments of infantry volunteers, the Twenty-ninth, Thirty-fifth, and Thirty-sixth, participated in the operations it proposes to commemorate: Therefore

Resolved, That the senate and house of representatives of the Commonwealth of Massachusetts, in general court assembled, request the Senators and Representatives from this Commonwealth in the Congress of the United States to use their influence to secure the prompt passage by Congress, at this session, of the bill H. R. 4339, and request the House Committee on Rules to give the earliest possible date for its consideration by the House.

Resolved, That a copy of these resolutions, properly attested, be transmitted by the clerks of the two branches of the general court to each of our Senators and Representatives in Congress.

SENATE, *April 14, 1896.*

Adopted. Sent down for concurrence.

HENRY D. COOLIDGE, *Clerk.*

HOUSE OF REPRESENTATIVES, *April 16, 1896.*

Adopted, in concurrence.

GEORGE T. SLEEPER, *Clerk.*

A true copy. Attest:

HENRY D. COOLIDGE,
Clerk of the Senate.

Mr. LODGE presented a petition of the Harvard Natural History Society of Milton, Mass., praying for the appointment of a director in chief of the scientific researches conducted by the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Paint and Oil Club of New England, praying for the passage of Senate bill No. 2447, to establish a department of commerce and manufactures; which was referred to the Committee on Commerce.

Mr. HANSBROUGH. I present a memorial of the Woman's Christian Temperance Union of North Dakota, containing 3,049 signatures, remonstrating against the granting of liquor licenses by the Federal Government in States having constitutional or statutory prohibition. The memorial has been approved by numerous mass meetings in the State, and, as I have stated, contains 3,049 names. I move that the memorial be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. GALLINGER. I present a memorial of the American Woman's Citizens' League of Boston, Mass., of which Mrs. Emma J. Staples is secretary, containing the names of over 200 women, remonstrating against the acceptance of the Père Marquette statue by Congress. I move that the memorial be referred to the Committee on the Library.

The motion was agreed to.

Mr. PASCO presented a petition, in the form of resolutions adopted by the First Baptist Church of De Land, Fla., relative to the arrest of Rev. A. J. Diaz, an American citizen, in Cuba, and urging prompt action in his behalf; which was referred to the Committee on Foreign Relations.

Mr. SHERMAN presented a petition of 7 business firms of New Richmond, Ohio, praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Union ex-Prisoners of War Association of Hamilton County, Ohio, praying for the passage of House bill No. 306, for the relief of soldiers and sailors confined in so-called Confederate prisons; which was referred to the Committee on Pensions.

Mr. CARTER presented a petition of Federal Labor Union No. 6512, American Federation of Labor, of Belt, Mont., praying for the free coinage of silver at the ratio of 16 to 1; which was ordered to lie on the table.

ASSAY OFFICE AT DEADWOOD, S. DAK.

Mr. PETTIGREW. I present a paper on the subject of the establishment of an assay office at the city of Deadwood, in the State of South Dakota. I move that it be printed as a document, to accompany the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. GALLINGER. On the 9th day of April the Senator from Kansas [Mr. PEFFER] submitted an amendment intended to be proposed to the District of Columbia appropriation bill, the amendment providing that the wages of van drivers and of all other drivers in the police department shall not be less than $50 per month each, and it was referred to the Committee on the District of Columbia. I am instructed by that committee to report the amendment back favorably. I move that it be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. WILSON, from the Committee on Public Lands, to whom was referred the bill (H. R. 7395) to authorize the Secretary of the Treasury of the United States to reconvey to the former owners a certain tract of land in Valverde County, Tex., reported it without amendment, and submitted a report thereon.

Mr. ALLEN, from the Committee on Public Lands, to whom was referred the bill (S. 2821) for the relief of Isaac Marsh, reported it with an amendment, and submitted a report thereon.

Mr. CARTER, from the Committee on Public Lands, to whom were referred the following bills, asked to be discharged from their further consideration, and that they be referred to the Committee on Forest Reservations and the Protection of Game; which was agreed to:

A bill (S. 2708) authorizing the purchase by the United States and the making free of the toll roads passing over the Yosemite National Park; and

A bill (S. 2232) to vacate Sugar Loaf Reservoir site in Colorado and to restore the lands contained in the same to entry.

Mr. PROCTOR, from the Committee on the District of Columbia, reported an amendment intended to be proposed to the District of Columbia appropriation bill, the amendment providing for the purchase of Analostan Island, in the Potomac River, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. DANIEL, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1914) supplemental to an act entitled "An act to provide for the erection of a public building in the city of Norfolk, in the State of Virginia," approved January 2, 1891, reported it without amendment, and submitted a report thereon.

Mr. SQUIRE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 163) providing for the erection of a public building at the city of Tacoma, in the State of Washington, reported it without amendment.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the amendment, submitted by himself on the 21st instant, intended to be proposed to the District of Columbia appropriation bill, the amendment providing that the unexpended balance of appropriations heretofore made for the removal of Hancock Circle, in the city of Washington, D. C., be used for enlarging and beautifying the same, reported adversely thereon; and the amendment was postponed indefinitely.

He also, from the same committee, to whom was referred the amendment submitted by Mr. PERKINS on the 13th instant, intended to be proposed to the District of Columbia appropriation bill, the amendment providing for paving Eighteenth street extended and Cincinnati street, for improving and protecting Connecticut avenue extended beyond Rock Creek, and for continuing the macadamizing of the road extending from the Broad Branch road to Chevy Chase Circle, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. STEWART March 16, 1896, intended to be proposed to the District of Columbia appropriation bill, the amendment appropriating $2,500 for grading banks on First street extended, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 21st instant, intended to be proposed to the District of Columbia appropriation bill, the amendment providing for a commission to examine into the present system and course of study now in use in the seventh and eighth divisions of the Washington public schools, reported it with an amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. WARREN, from the Committee on Public Buildings and Grounds, to whom was referred the joint resolution (S. R. 135) providing for the appointment of a commission to report upon the practicability of establishing near Washington, D. C., a ground map of the United States, reported it without amendment.

BILLS INTRODUCED.

Mr. BAKER introduced a bill (S. 2949) granting an increase of pension to William H. H. Wright, of McPherson, Kans.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 2950) for the relief of Mrs. Libbie Arnold; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLACKBURN introduced a bill (S. 2951) for the relief of William E. Russell, of Lebanon, Ky.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. SHERMAN introduced a bill (S. 2952) to remove the charge of desertion from James Burroes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. GEORGE introduced a bill (S. 2953) to carry out the findings of the Court of Claims in the case of Mattie S. Whitney, administratrix of Franklin S. Whitney; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 2954) to increase the pension of Margaret Custer Calhoun; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARTER (by request) introduced a bill (S. 2955) to amend the act of January 5, 1893, granting increase of pension in certain cases; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2956) granting a pension to Adrian Nappy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TURPIE introduced a joint resolution (S. R. 138) for the relief of James P. Veach; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. GEAR submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PRITCHARD submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HILL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

DELAYS IN WASHINGTON POST-OFFICE.

Mr. LODGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Postmaster-General be directed to inform the Senate why there is so much delay in the transmission of public documents through the Washington post-office, and whether it is not possible to secure the prompt dispatch of such documents from Washington.

BRANDY FROM FRUITS AND ALCOHOL IN THE ARTS.

Mr. SHERMAN. I desire to move to take up the bill (H. R. 886) to amend section 3255 of the Revised Statutes of the United States concerning the distilling of brandy from fruits; but I should like the attention of the Senator from Iowa [Mr. ALLISON].

I regard it as of the highest importance that action should be taken on the bill at the present session. It is a matter involving very largely the revenue of the Government, running into millions of dollars. I wish to fix a time when it will be agreeable to the Senate to consider the bill, and when it will at least not interfere with the ordinary business. The Senator from Iowa appreciates with me the importance of this bill and the urgency of action upon it; but I do not wish to interfere with the appropriation bills if it can be understood by the Senate that the bill shall be taken up after the appropriation bills are disposed of.

Mr. PEFFER. It can not be so understood, Mr. President. I shall object to it.

The VICE-PRESIDENT. Objection is interposed to the suggestion of the Senator from Ohio.

Mr. SHERMAN. Then I move to proceed to the consideration of House bill 886.

Mr. CHANDLER. Mr. President, I desire to make a suggestion, with the permission of the Senate.

The VICE-PRESIDENT. The Chair will state that the motion is not debatable.

Mr. CHANDLER. I understand, but before making the motion the Senator from Ohio made an inquiry, and I suppose that perhaps under the circumstances there will be no objection to my making a suggestion. I ask unanimous consent to make a suggestion.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent to make a suggestion. The Chair hears no objection.

Mr. CHANDLER. It was generally understood yesterday, and has been for two or three days, that no business calculated to take up time or encounter debate should be brought before the Senate until after the appropriation bills were disposed of. That has been the idea of the Senator from Iowa and of other Senators, I think, upon both sides of the Chamber. The Senator from Ohio must be aware that interjecting the tariff bill, a subject which it has been announced in the Senate is as dead as Julius Cæsar, is indefinitely postponing the consideration of appropriation bills. I appeal to the Senator to withhold his motion until the appropriation bills are disposed of.

Mr. SHERMAN. I ought to say in reply that this measure does not bring up the tariff question to any considerable extent. It is true the House bill does make a single provision in regard to the distilling of brandy from fruits, to which there is no objection and which it is important to pass at this time in aid of the revenue. The tax on brandy made from fruits is still continued, and it increases the revenue. The amendment proposed by the Senate committee, and which is vitally important, is a repeal of section 61 of what is called the Wilson-Gorman Act. That section is pronounced by the Secretary of the Treasury and by the Commissioner of Internal Revenue as practically inoperative, and so report to Congress; and yet, while it is in existence, claims are being constantly made by persons who are manufacturing whisky used in the arts and for other purposes. Claims are accumulating to the amount of millions of dollars, and unless the section is repealed those claims will go on.

I do not believe there is any foundation in the claims, because I believe that section 61, which we ask to have repealed, does not take effect, and has not taken effect, because it depends upon regulations made by the Treasury Department, and the Treasury Department reports that no regulations whatever can protect the Government from palpable fraud.

That is the simple question involved in the case. All I desire is the repeal of section 61, the history of which is known to most Senators. It was made by inadvertence, merely to present the subject-matter to a committee of conference, and not with a view to letting it remain upon the statute books. But as we all know, the law was passed at the end without a committee of conference, simply from the necessity of the case, and everybody has felt the necessity of repealing section 61. It will involve the country in a very large expenditure and very large losses unless it is repealed. All I desire is to repeal it, leaving the claims, if any are outstanding, to be settled either by the courts or by the Department, or by subsequent legislation.

Mr. PEFFER. This bill will undoubtedly bring up a great deal of discussion, and I hope that the Senate will vote the motion down. It has been understood for a number of days past that the unfinished business—the bond resolution—should not be set aside for anything except——

The VICE-PRESIDENT. The Chair will state that debate is proceeding by unanimous consent.

Mr. PEFFER. I so understand, but I know the Senate will bear with me a moment, as it has borne with others, and I know the Chair will do so as long as Senators do not object. It has been understood for several days—certainly for five or six days—that nothing should interfere with the consideration of the bond resolution except appropriation bills, and I do hope the Senate will vote the motion down.

Mr. PLATT. I do not rise for the purpose of saying anything about this bill or whether it is advisable to repeal section 61, except to say that I feel it ought not to be repealed, and I shall be obliged to oppose its repeal.

The Senator from Ohio said if we could have some understanding that the bill should come up after the appropriation bills are out of the way he would not press it at this time. Of course he can move to take it up when the appropriation bills are out of the way and take the chances with all other measures for which Senators are seeking consideration.

Mr. BACON. Mr. President, we can not hear the Senator from Connecticut on this side of the Chamber.

Mr. PLATT. I do not know whether I should repeat or not. The Senator from Ohio suggested that if there could be some understanding that this bill was to be considered after the appropriation bills were out of the way he would withhold his motion until that time.

Mr. SHERMAN. The pending appropriation bill.

Mr. PLATT. He corrects me now by saying "the pending appropriation bill." The Senator from Kansas says that he has unanimous consent, as I understand it, that his bond resolution shall be proceeded with except as it gives way to appropriation bills. There are other measures pending here in the way of special orders. So I suppose the Senator from Ohio would have to take his chances with the other matters that are pending before the Senate.

I simply desire to say, however, that this bill has not been long before the Senate, and it is a matter of such great importance to my constituents that I feel I shall be obliged to take considerable time in the discussion of it. I shall discuss it from two points of view. First, that the section ought not to be repealed without providing at the same time a substitute for it which should carry out the purpose of the law. The second point of view is that if it is insisted upon now that there should be a simple repeal of the section on the ground that it was a mistake, or that the Treasury is suffering, or likely to suffer, or possible to suffer from it, then I shall insist that if we are going to deal with the subject at all we should correct the great mistake of all and repeal the Wilson Act and reenact the McKinley Act.

Mr. GRAY. That would bring less revenue still.

Mr. PLATT. No, sir.

Mr. GRAY. That has been demonstrated. We will demonstrate it to you if you will bring it up.

Mr. PLATT. I should like to discuss that proposition.

Mr. GRAY. We will discuss it if you bring it up. We are anxious to discuss it.

Mr. PLATT. I am anxious to discuss it.

Mr. GRAY. Not more than we are.

Mr. CHANDLER. I should like to ask the Senator from Connecticut whether he knows why it should be considered urgent here to repeal the provision as to whisky without putting a duty on wool?

Mr. PLATT. I simply desired to state that I should be obliged to discuss the subject at length.

Mr. CHANDLER. Mr. President——

Mr. VEST. I object to further debate. Let us have a vote on the motion.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio to proceed to the consideration of House bill 886.

Mr. SHERMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HILL (when his name was called). On this vote I am paired with the Senator from South Dakota [Mr. KYLE].

Mr. PERKINS (when his name was called). I am paired with the junior Senator from North Dakota [Mr. ROACH]. As he is not present, I will withhold my vote.

Mr. PUGH (when his name was called). I have a standing pair with the senior Senator from Massachusetts [Mr. HOAR]. I have no idea how he would vote on this motion. I therefore withhold my vote. I should vote "yea," if he were present.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Nebraska [Mr. THURSTON]. I do not think this is a matter that causes us to keep up pairs. I vote "nay."

Mr. WALTHALL (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. CAMERON]. I transfer my pair to the junior Senator from Kentucky [Mr. LINDSAY]. I vote "yea."

The roll call was concluded.

Mr. PRITCHARD. I have a general pair with the Senator from Louisiana [Mr. BLANCHARD]. His colleague informs me that he considers this a political question, and therefore I will withhold my vote. If I were not paired, I should vote "nay."

Mr. LODGE. I desire to state that my colleague [Mr. HOAR], if present, would vote "nay" on this question.

Mr. SHOUP. I have a general pair with the Senator from California [Mr. WHITE]. He seems to be absent from the Chamber, and I therefore withhold my vote.

Mr. CARTER (after having voted in the negative). I have a general pair with the junior Senator from Maryland [Mr. GIBSON], who has not voted. I withdraw my vote.

Mr. ELKINS. I am paired with my colleague [Mr. FAULKNER], who is absent. I think if he were present, he would vote "yea," and therefore I can not vote. I should vote "nay," if I were not paired.

Mr. BLACKBURN (after having voted in the affirmative). I have a general pair with the senior Senator from Michigan [Mr. McMILLAN]. I note his absence from the Chamber. I will transfer my pair to the Senator from South Carolina [Mr. IRBY] and let my vote stand.

Mr. BATE. I wish to announce that my colleague [Mr. HARRIS] is not well enough to be in the Chamber this morning, and he is paired with the Senator from Vermont [Mr. MORRILL]. If my colleague were present, he would vote "yea."

Mr. BACON. I inquire whether the junior Senator from Rhode Island [Mr. WETMORE] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. BACON. I desire to state that I have a general pair with that Senator, but under our arrangement each of us has a right, in his discretion, to vote on matters which are not political. Therefore I will vote in this instance. I vote "nay."

Mr. JONES of Arkansas (after having voted in the affirmative). I have a general pair with the Senator from Maine [Mr. HALE], and not knowing how he would vote on this question, I withdraw my vote.

Mr. CARTER. I wish to announce the transfer of my pair with the junior Senator from Maryland [Mr. GIBSON] to the senior Senator from Massachusetts [Mr. HOAR]. I vote "nay."

Mr. PUGH. I vote "nay."

Mr. GEORGE. I wish to inquire whether the Senator from Oregon [Mr. McBRIDE] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. GEORGE. I am paired with that Senator. If he were present, I should vote "yea."

The result was announced—yeas 22, nays 27; as follows:

YEAS—22.

Allison,	Caffery,	Martin,	Teller,
Bate,	Call,	Mills,	Vest,
Berry,	Chilton,	Palmer,	Walthall,
Blackburn,	Cockrell,	Pasco,	Wolcott.
Brice,	Gordon,	Pugh,	
Brown,	Gray,	Sherman,	

NAYS—27.

Allen,	Chandler,	Hansbrough,	Platt,
Bacon,	Clark,	Hawley,	Proctor,
Baker,	Cullom,	Lodge,	Tillman,
Burrows,	Davis,	Mantle,	Turpie,
Butler,	Frye,	Nelson,	Warren,
Cannon,	Gallinger,	Peffer,	Wilson.
Carter,	Gear,	Pettigrew,	

NOT VOTING—40.

Aldrich,	Hale,	McMillan,	Sewell,
Blanchard,	Harris,	Mitchell, Oreg.	Shoup,
Cameron,	Hill,	Mitchell, Wis.	Smith,
Daniel,	Hoar,	Morgan,	Squire,
Dubois,	Irby,	Morrill,	Stewart,
Elkins,	Jones, Ark.	Murphy,	Thurston,
Faulkner,	Jones, Nev.	Perkins,	Vilas,
George,	Kyle,	Pritchard,	Voorhees,
Gibson,	Lindsay,	Quay,	Wetmore,
Gorman,	McBride,	Roach,	White.

So the motion was not agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 24th instant approved and signed the following acts and joint resolution:

An act (S. 2141) to amend an act approved August 24, 1894, entitled "An act to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation, and to confer upon the same all the powers, privileges, and franchises vested in that company";

An act (S. 69) to authorize the Secretary of the Interior to settle the claims of the legal representatives of S. W. Marston, late United States Indian agent at Union Agency, Ind. T., for services and expenses;

An act (S. 1317) to grant certain lands to the city of Colorado Springs, Colo.;

An act (S. 744) providing for a naval training station on the island of Yerba Buena (or Goat Island), in the harbor of San Francisco, Cal., and for other purposes; and

A joint resolution (S. R. 131) relative to the improvement of the harbor of Erie, Pa.

BILL BECOME A LAW.

The message also announced that the bill (S. 136) granting an increase of pension to Horace Townsend, having been presented to the President of the United States on the 9th instant and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without his approval.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask unanimous consent that the Senate proceed to the consideration of the sundry civil appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

Mr. PRITCHARD. I offer an amendment, to be inserted after line 6, on page 88.

The amendment was read, and agreed to, as follows:

For keeping in repair the Guilford battle grounds: To enable the Guilford Battle Ground Company to maintain and keep in proper repair the grounds and public buildings of said company, and other expenses, the sum of $1,000; said amount to be disbursed on the order of the president of the said company.

Mr. PEFFER. I wish to call the attention of the Senator from Iowa to the last paragraph, on page 120 of the bill. It provides for repealing a portion of an act passed some time ago for the benefit of libraries in different parts of the country. I wish to ask the Senator whether there is a provision anywhere else in the bill or in any other bill passed at the present session that will supply the defect which will be caused by striking out these words.

Mr. ALLISON. I know of no other provision in the bill.

Mr. PEFFER. Then I move that the words on page 120, beginning with line 19 and continuing to the end of line 3, on page 121, be stricken out.

My reason for moving the amendment is because there is a very great demand coming up from the public libraries of the country, and more especially those which are being organized in the public schools, for the dissemination of public documents among them. My correspondence this spring has been larger than ever before on that line. I find that a number of young men who are going to take part in oratorical contests and in discussions in their schools and societies upon matters pending in the Congress of the United States and matters of public concern generally want information, and within the last sixty days I think I have had applications from at least twelve or fifteen private libraries, that is to say, libraries in institutions carried on by religious associations and by citizens in the towns, for the purpose of supplying themselves with this information which comes through public documents.

I hope the Senator from Iowa will not insist on retaining the provision in the bill, because it repeals the sections indicated. I will read the clause so as to call the attention of Senators to it:

That paragraph 46, section 73, of an act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895, be, and the same hereby is, amended by striking out the following words: "Of which number eight copies shall be sent by the Superintendent of Documents, one each to such public or school libraries other than designated depositories as shall be designated for this purpose by each Representative and Delegate in Congress."

I think it would be better to enlarge the number, so that we might be able to supply all the demands. They are constantly growing, and I have conferred with some other Senators in relation to it and I find that it is the same with them.

Mr. GRAY. What reason is alleged for striking out those words?

Mr. PEFFER. I do not know.

Mr. ALLISON. It is economy; that is all. I shall interpose no objection to the amendment of the Senator from Kansas.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 120, after line 18, it is proposed to strike out:

That paragraph 46, section 73, of an act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895, be, and the same hereby is, amended by striking out the following words: "Of which number eight copies shall be sent by the Superintendent of Documents, one each to such public or school libraries other than designated depositories as shall be designated for this purpose by each Representative and Delegate in Congress."

The amendment was agreed to.

Mr. PERKINS. I desire to offer an amendment.

The SECRETARY. On page 20, after line 15, it is proposed to insert:

For constructing a steam revenue cutter of the first class, under the direction of the Secretary of the Treasury, for service on the Pacific Coast, $250,000.

Mr. PERKINS. I will state that at the last session of Congress a bill was passed authorizing the Secretary of the Treasury to construct a first-class revenue cutter for the Pacific Coast. Two hundred thousand dollars was appropriated for that purpose. Bids were invited from various shipbuilders, and the lowest bid received for a steam cutter suitable for that service, to ply in the north waters of the Pacific and in the Arctic Ocean, with sufficient capacity to carry coal for the voyage, was $290,000. The $200,000 still remains in the Treasury. At the present session of Congress a bill was introduced, and it has passed the Senate, Senate bill 1359, providing for the building of two revenue cutters. The bill, I am informed, has been favorably considered in the other House, but it will not become a law at this session.

The Secretary of the Treasury and the Chief of the Revenue Department are unanimous in requesting at least one cutter for the Pacific Coast. They say that there should be two. I think there can be no point of order made against the amendment, as the bill to which I have referred has already passed the Senate. I ask for only one revenue cutter, and I trust the chairman of the Committee on Appropriations will accept the amendment.

Mr. CHANDLER. I should like to ask the Senator from California a question. The Senator is very earnest and very diligent and very successful in procuring appropriations for his own coast. I desire to ask him about the provision on page 20, "for completing a revenue steamer of the first class, under the direction of the Secretary of the Treasury, for service on the Pacific Coast, $125,000." Is that the same cutter for which the Senator now asks provision, or another one?

Mr. PERKINS. This is for another cutter. The bill to which I referred provides for two revenue cutters. The Senator from New Hampshire gave that bill his approval. The Committee on Commerce unanimously reported in favor of it. It has passed the Senate, as I before stated, and if this sum is appropriated for that purpose it will enable us to complete the other cutter and give us an additional one, which is so necessary for protecting the revenues of our country on the Pacific coast.

Mr. CHANDLER. I think there ought to be two, but I want to vote intelligently on the amendment of the Senator from California.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from California.

Mr. ALLISON. Let it be again stated.

The VICE-PRESIDENT. The amendment will again be stated.

The SECRETARY. After line 15, on page 20, it is proposed to insert:

For constructing a steam revenue cutter of the first class, under the direction of the Secretary of the Treasury, for service on the Pacific Coast, $250,000.

Mr. ALLISON. I do not think $250,000 is necessary. I hope the Senator from California will modify his amendment by inserting $200,000 instead, and then I shall not object to it.

Mr. PERKINS. Under other circumstances I would gladly do so, but it is much better for us in building a cutter to have one suitable to the business of the Pacific Coast. As the Senator from Iowa is aware, we have over 3,000 miles of coast line on the coasts of Oregon, California, and Alaska, and it is absolutely necessary that the vessel shall not only have sufficient capacity for carrying fuel, but that she shall have speed. As I have stated, $290,000 was the lowest bid received by the Secretary of the Treasury for a revenue cutter of a displacement of 1,000 tons, with a maximum speed of from 16 to 17 miles an hour and an average speed at sea of 12 miles, which is absolutely necessary. Frequently steamers break down, and the revenue cutters are called into service to rescue life and property. The Revenue-Cutter Service of this

country has rendered most valuable service to the merchant trade in that respect. Therefore I think it is much better for us to have sufficient money appropriated to build a suitable vessel. Of course, if the Senator from Iowa insists upon it, I will accept $200,000, but it will not give us such a vessel as we ought to have for the trade.

Mr. FRYE. The report from the Department is that on the Pacific coast such a vessel can not be built for less than $250,000, and the Senate Committee on Commerce unanimously reported a bill for that purpose, and it passed the Senate at that sum.

Mr. GRAY. Such a vessel could be built on this coast for a less sum.

Mr. FRYE. Undoubtedly.

Mr. ALLISON. It depends upon the kind of steamer that is built. I understand very well that such a revenue cutter as the Senator from California proposes would cost $250,000 and probably more. But we have appropriated $175,000 for cutters on the Atlantic coast. If the Senators think it will advance the building of the vessel better by leaving it at $250,000 I shall not object.

Mr. CHANDLER. I am entirely certain that it is necessary to have much larger vessels on the Pacific coast than on the Atlantic coast.

Mr. FRYE. The Senator from Iowa does not object.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from California [Mr. PERKINS].

The amendment was agreed to.

Mr. FRYE. On page 16, line 3, after the word "Superior," I move to insert:

Gas buoys at or near the following-named places in the St. Lawrence River: One at Charity Shoals, one at Featherbed Shoals, one at Rock Island Point, one near the Sisters Island light, one at Sunken Rock, one at Bay State Shoals, one at the Lower Narrows, and one at entrance upper harbor, Ogdensburg.

This is an experiment, as to the success of which there is not much doubt. It will save a good many thousand dollars in the matter of light-houses, and it is recommended strongly by the Light-House Board, reported unanimously by the Committee on Commerce, and has passed the Senate in another shape. The cost is very small, not over $4,000.

Mr. ALLISON. I submit to the Senator from Maine that he will not accomplish his object unless he puts a sum in the amendment. I believe the amount estimated for this purpose is $4,000.

Mr. FRYE. The amendment is to be inserted in the provision where $300,000 is proposed to be appropriated for this sort of thing.

Mr. ALLISON. It is in connection with that provision?

Mr. FRYE. Yes, sir.

Mr. ALLISON. Let the Secretary read the connection.

The VICE-PRESIDENT. The Secretary will read as indicated.

Mr. FRYE. There is no need of reading it. It says:

Lighting of rivers: For establishing, supplying, and maintaining post lights——

And then about 40 places are named.

Mr. ALLISON. I object to inserting it at that point. I prefer that the Senator should put the amendment in as a separate provision and make an appropriation for it. The appropriation for lighting rivers is now rather less than it ought to be, and I hope the Senator will not burden it with these lights. The Light-House Board stated that if this appropriation——

Mr. FRYE. If the Senator objects to the amendment going in at that point, I will not offer it there and I will not offer it at the present moment, because I shall be obliged to ascertain the exact cost.

Mr. ALLISON. I will say to the Senator that we considered the matter in the Committee on Appropriations very thoroughly, and the Light-House Board stated that if we would add to the appropriation at another place for lighted buoys, they would put up these lights without any additional appropriation. But I have learned since that time that it may be necessary to have a specification of those places in order to insure their being lighted. Therefore if the Senator puts in $4,000 for this purpose I shall not object.

Mr. FRYE. I will amend it, then, by inserting the words "to establish" gas buoys so and so, "$4,000," and offer it as an item to be inserted immediately after the conclusion of the paragraph where I did offer it.

Mr. ALLISON. I will state to the Senator that the Light-House Board said that if we would increase the appropriation they would put in these lights, but I have learned since that it is possible that this sum might be exhausted, or that it is doubtful, at least, whether it could be done unless a special appropriation be made.

Mr. FRYE. I propose to offer it now as a special appropriation.

Mr. ALLISON. Very well.

Mr. FRYE. Then there is no objection to it?

Mr. ALLISON. It ought to come in on page 15, after line 7.

The SECRETARY. On page 15, after line 7, it is proposed to insert:

To establish gas buoys at or near the following-named places in the St. Lawrence River: One at Charity Shoals, one at Featherbed Shoals, one at Rock Island Point, one near the Sisters Island Light, one at Sunken Rock, one at Bay State Shoals, one at the Lower Narrows, and one at entrance upper harbor, Ogdensburg, $4,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Maine.

The amendment was agreed to.

Mr. FRYE. I wish to call the attention of the Senator from Iowa to an item on page 20. The committee inserted a provision for constructing one revenue cutter for service on the Lakes. Two revenue cutters are absolutely necessary on the Lakes, and they ought to be first-class cutters, swift, and very strong. The Senator knows why they ought to be without my stating the reason, and the Senate does. The Committee on Commerce, on the recommendation of the Treasury Department, reported unanimously in favor of two vessels, to cost $200,000 each. A bill for that purpose passed the Senate without any opposition. I should like, in line 13, after the word "constructing," to strike out "a" and insert the word "two," making "steamer" into the plural "steamers," and striking out "two," in line 15, and making it "four."

Mr. ALLISON. The Committee on Appropriations considered this provision very carefully. We are now building, as the Senator is aware, a revenue cutter for service on the Lakes, and the committee were of opinion that if we could get one additional cutter it would perhaps be all that we would be likely to secure this year.

I quite agree with the Senator from Maine that if we could provide for two vessels it would be well to do so. But I hope the Senator will not insist upon another revenue cutter.

Mr. FRYE. I should like to have the amendment put in here. I think we are infinitely more likely to get one cutter if we provide for two in the bill.

Mr. ALLISON. I am not so sure of that. I shall not object to the Senator's amendment, however.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In the amendment of the committee, beginning in line 13, page 20, it is proposed to strike out the word "a" and insert "two"; to strike out the word "steamer" and insert "steamers"; and, in line 15, to strike out the word "two" and insert "four"; so as to read:

For constructing two revenue steamers of the first class, under the direction of the Secretary of the Treasury, for service on the Great Lakes, $400,000.

The VICE-PRESIDENT. By unanimous consent, the vote by which the amendment was agreed to will be considered as reconsidered. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. PETTIGREW. I offer an amendment, to be inserted on page 55, at the end of line 19.

The amendment was read and agreed to, as follows:

To collect statistics in relation to criminals and paupers, the feeble-minded, deaf, dumb, and blind, and to investigate the causes of criminality and pauperism from a scientific point of view, and purchase and repair of instruments of precision under the direction of the Bureau of Education, $1,000.

Mr. PETTIGREW. I offer an amendment, to be inserted on page 3, after line 16.

The amendment was read and agreed to, as follows:

For constructing a bathroom and lavatory in the basement of the post-office building at Sioux Falls, S. Dak., $300.

Mr. BATE. On behalf of my colleague [Mr. HARRIS], who is unable to be in the Chamber to-day, I offer an amendment, to be inserted after the word "dollars," in line 10, on page 112. The amendment embraces claims, permit me to say, which have been passed upon by the Court of Claims. All the items have been acted upon by the Court of Claims. The amendment has been reported unanimously from the Committee on Claims.

The SECRETARY. On page 112, line 10, after the word "dollars," it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the several persons in this act named, the several sums mentioned herein, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final discharge of, the several claims examined, investigated, and reported favorably by the Court of Claims of the United States under the provisions of the act of March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," and known as the Bowman Act, namely——

Mr. ALLISON. This is a very long amendment. I make the point of order against the amendment that it is not in order on the pending bill. It is not for service in the fiscal year ending in 1897. It is a collection of claims, which are not in order upon an appropriation bill. I hope the Senator from Tennessee will not press the amendment, as it is clearly out of order. I have the amendment before me, and I have also before me the reports

relating to the claims. They have always been considered in this body in separate bills; they have never appeared on any of the regular appropriation bills. They are not audited accounts; they are not estimated for; they are not judgments, and in no sense can they be considered as applicable to a bill of this character.

Mr. HAWLEY. What claims are they?

made by the Senator from Iowa [Mr. ALLISON] against the amendment offered by the Senator from Tennessee [Mr. BATE] for his colleague [Mr. HARRIS]. I have an interest in that question, and I should like to understand what is his objection to that amendment, what rule of the Senate is violated by its being offered, especially when the amendment proposes simply to pay a debt

Buildings and Grounds to report an amendment, to come in at the foot of page 4.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the bottom of page 4 it is proposed to insert.

That the Secretary of the Treasury be directed to submit to Congress

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. PERKINS. I desire to offer an amendment, on page 1, line 11, after the word "dollars," by inserting "to be immediately available."

This is an appropriation for repairing the wharf at Sitka, Alaska,

relating to the claims. They have always been considered in this body in separate bills; they have never appeared on any of the regular appropriation bills. They are not audited accounts; they are not estimated for; they are not judgments, and in no sense can they be considered as applicable to a bill of this character.

Mr. HAWLEY. What claims are they?

Mr. ALLISON. They are individual claims referred to the Court of Claims under the Bowman Act.

Mr. BATE. I would rather that the amendment should not be disposed of just now. My colleague [Mr. HARRIS], in whose behalf, as I stated, I offered the amendment, is not here, and I know but little about the matter. The point of order is made upon the amendment. I think my colleague will be here by Monday, and if we do not dispose of the bill to-day I have no doubt he would like to be heard upon it. I suggest to the Senator from Iowa, the chairman of the committee, that the matter had better go over for the present.

Mr. ALLISON. Certainly.

Mr. BATE. I am not here to say that the Senator from Iowa is not correct in his point of order. It is something I should like to look into. These are just claims. It has been so decided by the Court of Claims. The claims have been taken up item by item. There are reports to show it. The Government owes the money. It is not disputed. The committee sent the amendment here by unanimous report, and I do not see why we can not dispose of it. But it may be amenable to the point of order which the Senator makes. I am not prepared to say that it is not. Therefore I think it is proper for us to delay it until my colleague comes in.

The VICE-PRESIDENT. Without objection, the amendment will go over for the present.

Mr. ALLISON. I do not object to the Senator withdrawing the amendment or allowing it to lie upon the table; but, of course, it must be disposed of during the day, for I expect to finish the bill to-day.

Mr. BATE. If the bill is to be finished, of course the amendment will have to be disposed of; but if it is not finished I understand the amendment will not be disposed of.

Mr. GORDON. I offer an amendment, to appear on the third page of the bill, after line 9.

The VICE-PRESIDENT. The amendment, submitted by the Senator from Georgia will be stated.

The SECRETARY. After line 9, on page 3, it is proposed to insert:

That the act of Congress approved June 30, 1886, as amended by act of Congress approved January 21, 1891, providing for the purchase of a site and the erection thereon of a public building for the accommodation of the United States circuit and district courts, the post-office, and other Government uses, in the city of Savannah and State of Georgia, be, and the same is hereby, amended so as to extend the limit of cost of the site and building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, complete, from $400,000 to $500,000, to permit the construction of said building of marble, and the Secretary of the Treasury may authorize a contract or contracts to be entered into for construction of any portion or the whole of said building within the limit of cost prescribed by law for said building, and subject to appropriations heretofore made and to be made therefor by Congress.

Mr. ALLISON. I offer as a substitute for the amendment what I send to the desk.

The VICE-PRESIDENT. The substitute proposed by the Senator from Iowa will be stated.

The SECRETARY. On page 4, after line 15, it is proposed to insert:

For court-house at Savannah, Ga.: For continuation of building, $25,000; and the limit of cost of said building is increased $100,000.

Mr. GORDON. May I inquire of the chairman of the Committee on Appropriations the effect of that amendment? Is it intended as a substitute for the amendment I have just offered?

Mr. ALLISON. I hope the Senator from Georgia will withdraw his amendment. The Treasury Department recommend an increase of the limit $100,000 at Savannah, Ga. This amendment provides for that increase, and also gives a small appropriation of $25,000, which is substantially, I think, what the Senator desires.

Mr. GORDON. I should have no objection whatever to the substitute, provided it would accomplish the purposes in view, which are to give a marble front to a building in the city of Savannah, which ought to have it, instead of an ordinary brick front. The amendment is recommended by the Committee on Public Buildings and Grounds of the House of Representatives, and recommended by the Secretary of the Treasury.

Mr. ALLISON. The amendment I have offered to the amendment covers that idea by increasing the limit $100,000.

Mr. GORDON. That is satisfactory.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Iowa to the amendment submitted by the Senator from Georgia.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GEORGE. Mr. President, I desire to call the attention of the Senator from Michigan [Mr. BURROWS] to what I am going to say. I did not understand exactly the point of order which was made by the Senator from Iowa [Mr. ALLISON] against the amendment offered by the Senator from Tennessee [Mr. BATE] for his colleague [Mr. HARRIS]. I have an interest in that question, and I should like to understand what is his objection to that amendment, what rule of the Senate is violated by its being offered, especially when the amendment proposes simply to pay a debt which has been adjudicated by the Court of Claims, and the payment of which is recommended by the Committee on Claims of this body.

Mr. ALLISON. Is it the desire of the Senator that the point of order upon the amendment shall be now decided?

Mr. GEORGE. Yes; because it is a matter of very great importance to some very good people.

Mr. ALLISON. The Senator from Mississippi perhaps did not observe that the Senator from Tennessee asked that the amendment be laid aside for the present.

Mr. GEORGE. But the Senator from Michigan and I have amendments of a similar character which we intend to offer, and that is the reason why I am now interposing. I should like to know the specific point on which the Senator from Iowa believes the amendment out of order.

Mr. ALLISON. My point is that it is not estimated for. These claims have not passed through the accounting officers of the Treasury; they are not a judgment against the United States; they are simply the separate findings of the Court of Claims under the Bowman Act. We never have yet, so far as I know, put upon a regular appropriation bill any of the claims decided or considered by the Court of Claims under the Bowman Act. If we begin that business on appropriation bills there will be no end either to the amount of money appropriated or the time consumed in their consideration.

Mr. BURROWS. I only desire to state what the Senator from Mississippi has already indicated, that there is a claim of the same character of those embraced in the amendment of the Senator from Tennessee, which I have stated to the Senator from Mississippi I wished to offer as an amendment and intended to offer as an amendment, provided the amendment of the Senator from Tennessee [Mr. HARRIS] was offered to the bill and admitted. If, however, the point of order is made against it, of course I shall not offer the amendment. As the point of order is the only question now before the Senate, I have nothing to say in relation to the merits of the amendment until that shall be determined; but I am frank to say that I do not see how the point of order can be avoided under clause 4 of Rule XVI, which provides that—

No amendment the object of which is to provide for a private claim shall be received to any general appropriation bill.

These are claims in favor of 325 individual citizens claiming $572,790.54, findings of the Court of Claims. As I said, however, I have nothing to say about the merit of the claims themselves until the point of order is decided.

Mr. HAWLEY. I move an amendment, on page 3, after line 3, concerning the post-office at Fortress Monroe.

Mr. ALLISON. I understand that the amendment relating to claims is now before the Senate.

The VICE-PRESIDENT. The Chair understood the Senator from Tennessee [Mr. BATE] to request that the matter be not determined at this time.

Mr. BATE. Certainly, Mr. President, but as other persons were interested in it, I did not want to interfere with their desires. I made my request in courtesy to my colleague, and I think that the amendment ought to lie over until he returns.

Mr. ALLISON. But the Senator from Mississippi insists that this matter should be disposed of.

Mr. GEORGE. No; I do not.

Mr. BATE. That is a matter which I can not control, because the Senator has that right.

Mr. ALLISON. I have no objection to the amendment being laid aside temporarily.

Mr. GEORGE. I desire to say as to the amendment that I do not insist upon its consideration now. My object was simply to have from the Senator a more clear and explicit statement of the point on which he relied in making the point of order. That was all.

The VICE-PRESIDENT. The Senator from Connecticut [Mr. HAWLEY] submits an amendment, which will be stated.

The SECRETARY. On page 3, after line 3, it is proposed to insert:

For post-office at Fortress Monroe, Va.: That the sum of $15,000 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the erection of a post-office building at Fortress Monroe, Va., upon the Government reservation. The said building shall be erected upon plans, specifications, and contracts to be approved, in the manner provided by law, by the Secretary of War, and to cover quarters for the postmaster and office accommodations for customs officer and United States commissioner. Nor shall any plan for the erection of said building be approved by the Secretary of War involving an expenditure exceeding the said sum of $15,000.

Mr. HAWLEY. This is an amendment reported from the Committee on Public Buildings and Grounds.

The amendment was agreed to.

Mr. VEST. I am instructed by the Committee on Public

Buildings and Grounds to report an amendment, to come in at the foot of page 4.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the bottom of page 4 it is proposed to insert.

That the Secretary of the Treasury be directed to submit to Congress a plan giving the size and general characteristics of a public building to be used for a hall of records in the city of Washington, suitable for the storage of papers, documents, and other records which have accumulated in the various Departments and are needed only for occasional use and also for the storage and distribution of books and other publications issued by the order of Congress; and said Secretary is directed, before making his report, to consult with the heads of the other Departments and the proper officers of the Senate and House of Representatives; and he is also directed to consider and report upon the suitableness for a site for such a building on the public reservation at the intersection of Ohio and Louisiana avenues with Tenth and Twelfth streets, and of any other public grounds located within the city of Washington within reasonable distance of the Departments to be accommodated by such hall of records.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Missouri.

The amendment was agreed to.

Mr. VEST. I call the attention of the chairman of the committee to lines 14, 15, and 16, on page 3 of the bill, for which I propose as a substitute the amendment I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out lines 14, 15, and 16, on page 3, and insert:

For post-office and court-house at Kansas City, Mo.: For continuation of building, $50,000, and the limit of cost of said building and site is increased from $1,200,000 to $1,316,000.

Mr. VEST. That only increases the limit $114,000, which was the amount fixed by the Secretary of the Treasury.

Mr. ALLISON. I do not object to that amendment, but I call the attention of the Senator to the fact that the Senate amended the appropriation contained in the bill so as to make the sum $100,000 instead of $50,000, the Supervising Architect of the Treasury saying to us that if he had this additional $100,000 it would not be necessary to deal with the question of limit at this time. If the Senator prefers to deal with that question now I see no objection to his amendment.

Mr. VEST. I would rather do that, because the building can not go on unless the limit is increased, and this would be the end of the matter.

Mr. ALLISON. Very well. I shall not object to the substitution.

The amendment was agreed to.

Mr. TURPIE. On page 62, after line 15, I move to insert the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 62, after line 15, it is proposed to insert:

Indianapolis Arsenal, Indianapolis, Ind.: For the payment to A. Bruner the sum of $4,323.15 for the construction of a main sewer in Clifford avenue, adjacent to the United States arsenal grounds, in the city of Indianapolis, Ind.: *Provided*, That the Secretary of the Treasury shall not issue a warrant for the payment of said sum until the officer in command of the arsenal at Indianapolis shall certify that the sewer now provided for upon said grounds shall have been constructed by the United States and the same connected with the sewerage system of the city of Indianapolis.

Mr. ALLISON. The Committee on Appropriations considered this claim, if it can be called a claim, to reimburse Mr. Bruner for work he did on grounds of the United States, and we decided that it properly belonged to the general deficiency appropriation bill, and therefore left it off this bill. I trust the Senator will allow the amendment to lie over, to be placed on the general deficiency bill. I think that is the proper place for it.

Mr. TURPIE. It was on the sundry civil bill of last year, Mr. President.

Mr. ALLISON. I am aware of that. The Senate inserted this provision last year, but the House of Representatives did not agree to it.

Mr. TURPIE. This amendment has heretofore been offered and placed on the sundry civil bill. It passed the House at the last session, but was stricken out by the committee here on the ground that the connection of the local sewer had not been made to the general sewer in the street, for which this claim is made. Now the amendment is offered with a provision that that connection shall be made, and that the sum named shall then be payable. It is about four years since the work was done. The claim has been before the Committee on Claims two or three times, and this is the third session in which it has been presented. The claim is perfectly just and fair. The sewer runs along the street which is the boundary of the arsenal grounds.

Mr. ALLISON. The amendment is to pay for work already done, and not for work to be done, and therefore it belongs to the deficiency bill, and it is probable that when we get into conference that may be claimed. I therefore ask the Senator if he will not be willing to allow the amendment to be placed upon the general deficiency bill, which I am sure will be done?

Mr. TURPIE. With that assurance, Mr. President, I will withdraw the amendment.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. PERKINS. I desire to offer an amendment, on page 1, line 11, after the word "dollars," by inserting "to be immediately available."

This is an appropriation for repairing the wharf at Sitka, Alaska. The wharf is now in a very dilapidated condition, and the work should be done immediately. I received a communication from the collector of that port some few weeks since, in which he said if the appropriation was not made available immediately the season would be gone and the wharf perhaps washed away. I trust the amendment will be accepted.

Mr. ALLISON. I have no objection to it.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "dollars," in line 11, page 1, it is proposed to insert "to be immediately available"; so as to read:

Government wharf in Alaska: For reconstructing or repairing and putting in safe and proper condition the wharf at Sitka, Alaska, $5,000, to be immediately available.

The amendment was agreed to.

Mr. HILL. I offer an amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 5, at the end of line 12, it is proposed to insert:

For making certain proposed alterations in the post-office building in New York City, and for improving, arranging, and furnishing certain rooms therein, in accordance with plans proposed by the Supervising Architect of the Treasury, to be done under the direction of the Secretary of the Treasury, the sum of $0,000; such sum to be immediately available.

Mr. ALLISON. That amendment certainly was not called to the attention of the Committee on Appropriations, and I should be very glad to have the Senator from New York state the reasons for it. I have no knowledge of such an appropriation being estimated for.

Mr. HILL. Mr. President, a bill to the same effect was reported favorably by the Committee on Public Buildings and Grounds, and has passed the Senate. If the amendment was not referred to the Committee on Appropriations it was an inadvertence on my part. I suppose, the bill having once passed the Senate, that is a compliance with the rules.

Just a word as to the importance of this work, which arises from the fact that there is in the city of New York a corporation known as the American Law Institute, which has its library in the post-office building. It formerly had its library in the Chambers street public building, and has always accompanied the United States court. It is one of the most valuable law libraries in this country. The accommodations for that library have become totally insufficient, and the corporation will have to remove the library to some other place unless greater accommodations can be furnished.

The Supervising Architect has made an estimate of the amount necessary to make certain alterations. The stories are very high, especially the ones where the court rooms are. The court rooms can be reduced just one-half, and another story put in. By putting iron beams across the rooms they can be duplicated. It can be done for the sum named in the amendment, and it must be done immediately, or the association will have to remove its library. The president of the association is Mr. Choate, and the best lawyers of New York are interested in it. The amendment is recommended by the Committee on Post-Offices and Post-Roads; it is also recommended by the Supervising Architect and by the judges of the United States court in the city of New York.

A bill having the same object in view has passed the Senate and can not pass the House of Representatives for various reasons well known to this body, and this amendment ought to go on this bill. That is the reason why I ask for its adoption.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from New York.

The amendment was agreed to.

Mr. HILL. I have another amendment, to come in on page 20, at the end of line 15, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 20, after the amendment already adopted, at the end of line 15, it is proposed to insert:

For constructing and equipping a steam revenue cutter of the first class for service on the Atlantic Coast of the United States, with headquarters at the port of New York, the sum of $250,000.

Mr. HILL. I offer the amendment to this bill at the suggestion of the chairman of the Committee on Commerce. A bill to the same effect has already been reported favorably, which has passed the other House, and it is suggested that it should go upon this bill as an amendment. I therefore offer it.

Mr. ALLISON. Certainly on the Atlantic Coast a revenue cutter can be constructed for $200,000. I know of no appropriation hitherto for the construction of a revenue cutter on the Atlantic Coast at a higher cost than $200,000, and I hope that the Senator will so modify his amendment.

Mr. HILL. I know nothing in regard to what the cost should

be, except that the committee have reported the provision in that way.

Mr. ALLISON. I move to amend the amendment by striking out the word "fifty," before the word "thousand"; so as to make the appropriation $200,000.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Iowa to the amendment of the Senator from

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Delaware [Mr. GRAY].

The amendment was agreed to.

Mr. PASCO. On page 87, after line 14, I move to insert:

Military cemetery at Key West, Fla.: For the purchase and use of land included in the military cemetery adjacent to the reservation of Key West Barracks, Fla., as recommended in a letter from the Secretary of War, dated February 7, 1896 (House Document No. 221, Fifty-fourth Congress, first ses-

appropriation from $2,000 to $10,000 (the amount originally estimated) to reproduce worn and defaced township plats, and to request your favorable consideration of the same.

Respectfully, HOKE SMITH, *Secretary*.

Hon. WILLIAM B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE.

Mr. WARREN. I desire to state that the amendment was submitted to a committee of this body and the committee unanimously recommended it. However, I do not wish to press it against the wishes of the Senator in charge of the bill. I believe that it ought to pass. I withdraw it simply in deference to the chairman of the committee, and for no other reason.

Mr. ALLISON. I am glad the

be, except that the committee have reported the provision in that way.

Mr. ALLISON. I move to amend the amendment by striking out the word "fifty," before the word "thousand"; so as to make the appropriation $200,000.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Iowa to the amendment of the Senator from New York.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HILL. I offer another amendment, to come in at some proper place in the bill.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert:

To Elihu Root, ex-United States attorney, southern district of New York, for services rendered as attorney for defendant in the suit of the Yale Lock Manufacturing Company against Thomas L. James, in March, 1884, by the direction of the Attorney-General, the sum of $2,000.

Mr. ALLISON. That is a deficiency. I trust the Senator will not move to put it upon this bill.

Mr. HILL. Are there no claims of that character in this bill?

Mr. ALLISON. Not usually.

Mr. HILL. A bill for this purpose has passed the Senate three or four times, but has always failed to pass the other House, and has never been finally acted upon.

Mr. ALLISON. I have no doubt it is a just claim, but it belongs to the general deficiency bill. I hope the Senator will not press it on this bill.

Mr. HILL. I will withdraw the amendment for the present, and will offer it on the deficiency bill.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. GRAY. On page 33, after line 16, I move the amendment I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 33, after line 16, it is proposed to insert:

For an additional fireproof building for the use of the National Museum, 300 feet square, with two stories and a basement, to be erected under the direction of Bernard R. Green, with the approval of the Regents of the Smithsonian Institution, in harmony with the present National Museum building, on the southwestern portion of the grounds of the Smithsonian Institution, there shall be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $250,000; said building to be placed west of the Smithsonian Institution, leaving a roadway between it and the latter of not less than 50 feet; with its north front on a line with the south face of the Agricultural Department and of the Smithsonian Institution, and constructed as far as practicable, after proper advertisement, by contract or contracts approved by the Secretary of the Treasury, and awarded to the lowest responsible bidder; and all expenditures for the purpose herein mentioned shall be audited by the proper officers of the Treasury Department.

Mr. GRAY. I hope it may consist with the duty of the chairman of the Committee on Appropriations to accept this amendment. I will say that I offer it in place of the senior Senator from Vermont [Mr. MORRILL], who is absent, and who requested that I should urge the passage of the amendment upon the committee and upon the Senate.

Mr. PLATT. Is it the amendment in favor of which the Senator from Vermont made a speech recently?

Mr. GRAY. Yes, sir.

The Senator from Vermont is one of the Regents of the Smithsonian Institution. I also have the honor to be one of that body, and I know something in that way of the necessities for the building provided for in this amendment. There is a large amount of exceedingly valuable scientific material which is housed there in temporary wooden sheds, exposed to the peril of conflagration, and which would entail, if it were destroyed, incalculable loss not only upon the Government of the United States, but upon the scientific world. There are matters there now thus insecurely housed that could not be replaced. We all know what a credit the Smithsonian Institution is to the country and to the science of the country. There is no Department of the Government that is better conducted, more conscientiously administered in all of its branches, and from which there are so many benefits, direct and indirect, diffusing themselves among all the people of the country.

The Senator from Iowa, the chairman of the committee, of course understands this question better than I do. He is familiar with it. The Senator from Vermont [Mr. MORRILL] has the amendment very much on his mind and is exceedingly interested in its passage. He requested that I should make this statement for him as well as for myself to the Senate. I trust that the Senator from Iowa may see his way clear to accept the amendment.

Mr. ALLISON. The Committee on Appropriations considered the amendment very carefully and recognize the importance at an early day of an additional building for the National Museum, but in view of what appeared to be an apparent necessity for a large increase of the bill as it came to us from the House, we thought this matter might be postponed for another year. I am perfectly willing to leave it to the judgment of the Senate. I think the amendment is in order, and I do not make a point of order upon it.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Delaware [Mr. GRAY].

The amendment was agreed to.

Mr. PASCO. On page 87, after line 14, I move to insert:

Military cemetery at Key West, Fla.: For the purchase and use of land included in the military cemetery adjacent to the reservation of Key West Barracks, Fla., as recommended in a letter from the Secretary of War, dated February 7, 1896 (House Document No. 221, Fifty-fourth Congress, first session), $2,068.

This purchase is recommended by the Secretary of War. The reasons for the recommendation are given in House Document No. 221, containing a letter from him, and accompanying documents. The amendment has been submitted to the Committee on Appropriations and the special attention of the chairman of the committee has been called to it.

Mr. ALLISON. I do not object to the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Florida [Mr. PASCO].

The amendment was agreed to.

Mr. MITCHELL of Oregon. I offer an amendment, to come in after line 16, on page 106. I will state that the amendment was referred to the Committee on the Judiciary and reported favorably from that committee. I will also state that a bill of a similar character was reported favorably by the Committee on the Judiciary and is on the Calendar.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. After line 16, page 106, insert:

That any State having a claim or claims against the United States, including the claims of the States of California, Oregon, and Nevada, heretofore examined and reported by the Secretary of War to the Senate in Senate Executive Documents Nos. 10, 11, and 17, Fifty-first Congress, first session, under an act entitled "An act to indemnify the United States for expenses incurred by them in defense of the United States," approved July 27, 1861, is hereby given the right within one year from the passage of this act to file a petition in the Court of Claims of the United States and have the same adjudicated and determined. Said Court of Claims shall, notwithstanding the statute of limitations, hear, determine, and give judgment upon all such claims according to law.

Mr. ALLISON. I make the point of order upon the amendment that it is legislation.

Mr. MITCHELL of Oregon. I hope the chairman of the committee will not insist upon that point of order. It makes no appropriation. It does not increase the bill in any manner. It simply puts the claims in a shape to be adjudicated in the Court of Claims. There are a number of States interested in it. It is not merely my own State, but perhaps some eight or ten States of the Union have claims of this character. The Judiciary Committee were united in recommending the amendment to the appropriation bill.

The VICE-PRESIDENT. The Chair is compelled to sustain the point of order against the proposed amendment.

Mr. MITCHELL of Oregon. I offer another amendment. On page 58, line 5, before the word "thousand," I move to strike out "two" and insert "ten"; so as to read:

Reproducing plats of surveys: To enable the Commissioner of the General Land Office to continue to reproduce worn and defaced official plats of surveys on file and other plats constituting a part of the records of said office, and to furnish local land offices with the same, $10,000.

If the chairman will allow me a moment, I will state that it is the purpose of the amendment to provide $10,000 instead of $2,000 for reproducing defaced official plats of surveys on file and other plats constituting a part of the records of the General Land Office. There are about 76,000 township maps; and they are all important in the transaction of the public business in the Land Office. The public-land States are immensely interested, of course, in the speedy and proper transaction of business relating to public lands.

The officer in charge of the Bureau submitted a letter recently recommending this increase in the appropriation and giving reasons why this work should be provided for. His recommendation is approved and earnestly recommended by the Commissioner of the General Land Office, and also by the Secretary of the Interior, letters from each of whom I hold in my hand, and I will ask to have them at least incorporated in the RECORD, or read now if desired. The chief of the division states that of the 76,000 maps now in the office there are 5,000 of them requiring immediate attention, which are unfit for use, and nearly one-half of the whole number should have attention at a very early date; otherwise they can not go out into the hands of the subordinates of the office for the purpose of transacting the public business in that office. I ask that the communications be read.

Mr. ALLISON. I hope the communications will be printed in the RECORD.

Mr. MITCHELL of Oregon. Very well.

The VICE-PRESIDENT. Without objection, they will be printed in the RECORD without reading.

The communications are as follows:

DEPARTMENT OF THE INTERIOR, *Washington, April 23, 1896.*

SIR: I have the honor to send you herewith a communication from the Commissioner of the General Land Office, inclosing a letter from the principal draftsman of his office, setting forth the necessity for the increase of the

appropriation from $2,000 to $10,000 (the amount originally estimated) to reproduce worn and defaced township plats, and to request your favorable consideration of the same.

Respectfully, HOKE SMITH, *Secretary.*

Hon. WILLIAM B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., April 23, 1896.

SIR: I have the honor to transmit herewith a communication from Prof. Harry King, the principal draftsman of this office, dated the 23d instant, in which the necessity for the passage of an appropriation of $10,000 originally requested by this office for reproducing worn and defaced township plats is set forth.

It is believed that the needs for this appropriation, instead of the $2,000 recommended by the Committees on Appropriation in the sundry civil bill of the Senate and the House of Representatives, Fifty-fourth Congress, are imperative, and I therefore approve the suggestions contained in the accompanying letter.

Very respectfully, S. W. LAMOREUX, *Commissioner.*

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., April 23, 1896.

SIR: I beg to state that in the report of the Senate Committee on Appropriations, No. 538, making appropriations for sundry civil expenses, and which was reported with amendments to the Senate April 20, 1896, I find that the sum of $12,000 is allotted for engraving on copper the map of the United States, and but $2,000 for reproducing the worn and defaced township plats, whereas this office had made a request for $10,000 for this latter item.

Of the above two appropriations asked for the one for the preservation of the township plats is vastly of the greater importance, for reasons hereinafter stated. Should it be found impracticable to obtain appropriation for both objects, I earnestly recommend that the item of $12,000 for the engraving on copper of the United States map (see page 53, lines 20, 21, and 22) be stricken out and in lieu thereof the appropriation for reproducing the township plats (see page 58, line 5) be raised to $10,000.

Of the 76,000 township plats now on file in this division, at least 5,000 require immediate reproduction by photolithography, barely one-half of which are so worn and defaced from constant handling as to cause them to be almost unintelligible, and unless measures are adopted for their early reproduction their withdrawal from inspection of even the employees of this office will soon be absolutely necessary, a result that, in so far as applies to those plats, will cause the stoppage, to a large extent, of the adjudication of matters pertaining to the disposal of public lands.

The reproduction of a township plat by photolithography, including an edition of 15 copies, will cost on an average of $8 per plat. The importance of applying at least $10,000 for their reproduction therefore becomes apparent.

All expenses incurred in reproducing these plats would eventually be returned to the United States Treasury through the sale of copies to outside parties at a cost of 25 cents each if uncertified or 50 cents each if certified.

This enlarged appropriation will not require an increased force of this division, as the work is given out by contract.

If the above recommendations should be carried out, it is my fixed opinion that they will inure to the best interest of the service.

Very respectfully, HARRY KING,
Chief of the Drafting Division.

The honorable COMMISSIONER
UNITED STATES GENERAL LAND OFFICE.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Oregon [Mr. MITCHELL].

The amendment was agreed to.

Mr. CALL. On page 20, after line 15, I move to insert:

For the construction of a revenue cutter for service on the Gulf of Mexico, $150,000, or so much thereof as may be necessary.

I will state that a bill for this purpose has passed the Senate, and that it is recommended by the Department.

The amendment was agreed to.

Mr. ROACH. I offer an amendment which I send to the desk. I call the attention of the chairman of the committee to the amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 81, after line 9, insert:

For beginning the construction of permanent buildings, providing for sewerage, water supply, roads and other means of communication, and other necessary improvements at the military post at Bismarck, N. Dak., to be expended under the direction of the Secretary of War, $50,000.

The amendment was agreed to.

Mr. ALLISON. I move to insert under the head of "Military posts," immediately after the amendment just adopted:

For continuation of construction of buildings at Fort Riley Military Post, Kans., to be expended under the direction of the Secretary of War, $50,000.

The amendment was agreed to.

Mr. ALLISON. On page 4, after line 15, I move to insert:

For court-house and post-office at Salt Lake City, Utah: For purchase of site and commencement of construction of building, $75,000.

The amendment was agreed to.

Mr. ALLISON. On page 2, after line 22, I move to insert:

Public building at Camden, N. J.: For construction of building, $25,000, and the limit of cost of said building is increased $125,000.

Mr. WARREN. On page 64, after the word "hundred," in line 5, I move to insert "and fifty"; so as to read:

For geological surveys in the various portions of the United States, $150,000, to be immediately available.

Mr. ALLISON. I hope that amendment will not be agreed to. I make the point of order that the appropriation proposed is higher than the estimate. The estimate is only $100,000, and the amendment is beyond the estimate.

Mr. WARREN. I desire to state that the amendment was submitted to a committee of this body and the committee unanimously recommended it. However, I do not wish to press it against the wishes of the Senator in charge of the bill. I believe that it ought to pass. I withdraw it simply in deference to the chairman of the committee, and for no other reason.

Mr. ALLISON. I am glad the Senator has done so. I ask that the amendment on page 113, which was passed over, be considered now.

The VICE-PRESIDENT. The amendment passed over will be stated.

The SECRETARY. On page 113, after line 14, the Committee on Appropriations reported to insert:

Purchase of historical publications: That the Secretary of the Senate be, and he is hereby, authorized and directed to purchase from Gen. James D. McBride 2,500 complete sets of his historical publications, entitled Important Periods in the History of the United States, Portraits of the Presidents of the United States, and the Seal of the United States and Seals of the Executive, Judicial, and Legislative Departments of the Government; and that said publications be distributed by the Secretary of the Senate as follows: One set for the use of the Senate of the United States, 1 set for the use of the House of Representatives, 3 sets to each Senator, Representative, and Delegate in Congress; 1 set to the President, 1 set to the Vice-President, 1 set to the Chief Justice of the United States, 1 set to each associate justice, 1 set to each member of the Cabinet, 1 set to the Executive Mansion, and 1 set to each of the Executive Departments, 1 set to the Supreme Court of the United States, 1 set to the Congressional Library; 42 sets to the Department of State for distribution among the various United States embassies and legations; 88 sets to the War Department for distribution among the various military post schools, including 1 set to the Military Academy at West Point and 5 sets to the National Homes for Disabled Volunteer Soldiers; 2 sets to the Department of Justice for the use of the United States prison; 78 sets to the Navy Department for distribution among the various vessels of the United States having libraries, including 1 set to the Naval Academy at Annapolis; 43 sets to the Department of Agriculture for distribution among the various agricultural colleges in the United States and Territories, and 880 sets to the Commissioner of Education for distribution among the various public libraries and educational institutions in the United States. And the sum of $12,500 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to enable the said Secretary of the Senate to carry into effect the provisions of this act.

Mr. PEFFER. I ask that the unfinished business may be laid before the Senate.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A resolution, by Mr. PEFFER, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. PEFFER. I ask that the unfinished business may be temporarily laid aside in order that we may proceed with the appropriation bill.

The VICE-PRESIDENT. Without objection, it is so ordered. The question is upon agreeing to the amendment reported by the committee on page 113.

Mr. GEORGE. I should like to know something about that amendment. It seems to be a very large gift by the Congress of the United States. I should like to have it explained. I want to know something about it.

Mr. TELLER. I can not hear what the Senator is saying.

Mr. GEORGE. I should like to have the amendment explained. I want to know why we ought to expend money for this purpose. There must be some reason for it.

Mr. SHOUP. In the early part of the session a bill for this purpose was introduced and referred to the Committee on Education and Labor. The bill was then referred to a subcommittee, who corresponded with the heads of the Departments and had a favorable report from the Secretary of State, the Secretary of War, the Secretary of Agriculture, the Secretary of the Navy, the Attorney-General, the Secretary of the Interior, and the Commissioner of Education. The subcommittee reported favorably on the bill. The bill received the favorable consideration of the Committee on Education and Labor and was reported to the Senate. This is a very valuable collection. The Senator from Colorado [Mr. TELLER] has in his possession the correspondence with the Departments and is more familiar with the points set forth by the different Secretaries and the Attorney-General and the Commissioner of Education.

Mr. TELLER. The amendment is not the act of the Committee on Appropriations upon its own motion. The amendment came, as stated, from the Committee on Education and Labor, and it came to us with the indorsement of that committee and the indorsement of every Department of the Government. The amount to be appropriated is $12,500. The publications consist of several charts, the first being what was called the Centennial chart, gotten up in 1876 by the author, Mr. McBride, containing the names of all the officers of the Government at that time, including Senators and Members of the House of Representatives, etc., with the Declaration of Independence and some other matters attached. Since that time he has added five other charts, which include the seals of the States, steel engravings of the Presidents

of the United States, and various other things, making five or six charts. I will read from the correspondence on the subject, and I am going to ask to put it entire in the RECORD, if the amend-

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., March 25, 1896.

SIR: I have the honor to acknowledge the receipt of your communication of the 3d instant, inclosing Senate bill No. 2305, "providing for the purchase

I think it is a very small amount of money to be appropriated for a purpose so patriotic and so necessary—the education of the youth of our country in its great points of history in the past.

Mr. HAWLEY. I would suggest to the Senator having the amendment in charge that there ought to be more than one copy each for the two Houses. Such books I know from experience

The point is made that this is a change of existing law. The Senator from Minnesota insists that the law now provides for the stamps being printed by the Bureau of Engraving and Printing. Has there been any change of the existing law which requires that it shall be let by contract?

Mr. ALLISON. I do not think there has been any change of

of the United States, and various other things, making five or six charts. I will read from the correspondence on the subject, and I am going to ask to put it entire in the RECORD, if the amendment is adopted, for the benefit of the Committee on Appropriations. The Secretary of State says—I will not read it all—

This work contains, in a highly compact and convenient form, much historical information, a knowledge of which will always be most useful to the people of our country.

That is in response to the bill that was sent to him with a request to state whether he had any objection to it. He said he would be glad to send copies to our different embassies. The Secretary of War recommends it also. He says:

I take pleasure in stating that they are considered by this Department of great interest and value.

The Secretary of the Navy indorses it and says that he desires it for the libraries on the ships.

The Secretary of Agriculture speaks of it in high terms and says:

I cordially indorse the proposition to distribute these valuable historical charts among the various agricultural colleges in the United States and Territories.

Then the Secretary of the Interior indorses it, and with it he sends the letter of the Commissioner of Education, Mr. Harris, which is quite a lengthy letter, and which I will have read if anyone desires to hear it. He says:

A gift of these charts would be a valuable gift to any one of these schools, and if it is intended to distribute to these elementary schools the matter can be best managed by sending first the proper quota to each of the 800 city superintendents, etc.

And he indorses it in the highest terms. I believe several educational societies have indorsed it from time to time. It seems to me that it is a matter we could hardly overlook. The committee felt that with these indorsements, as the sum is small, they ought to put the amendment in the bill, and we put it in. The committee have no other interest in it than anybody else.

The letters referred to are as follows:

DEPARTMENT OF STATE, *Washington, March 11, 1896.*

SIR: I have the honor to acknowledge receipt of your letter of March 3 instant, inclosing copy of Senate bill 2305, "A bill providing for the purchase and distribution of certain historical publications therein named."

In response to your request for my views of that part of the bill with which this Department is concerned, I have the honor to advise you that not only do I see no objection to it, but the Department will be glad to receive copies of General McBride's publications for distribution to the several embassies and legations of the United States. This work contains, in a highly compact and convenient form, much historical information, a knowledge of which will always be most useful to the people of our country.

I have the honor to be, sir, your obedient servant,

RICHARD OLNEY.

The Hon. JAMES H. KYLE,
United States Senate.

WAR DEPARTMENT, OFFICE OF THE ASSISTANT SECRETARY,
Washington, D. C., March 27, 1896.

DEAR SIR: I have the honor to acknowledge the receipt of your communication of the 3d instant, inclosing Senate bill No. 2305, "providing for the purchase and distribution of certain historical publications therein named."

I have examined the historical charts submitted by Gen. James D. McBride, and take pleasure in stating that they are considered by this Department of great interest and value.

If Congress should see fit to supply the Department with them, or to pass the bill referred to, that portion of the bill referring to the War Department should be amended to read substantially as follows:

"Ninety sets to the War Department, for distribution to military post schools, the military service schools, the Military Academy at West Point, and, if any remain, to be distributed in the discretion of the Secretary of War."

Very respectfully, yours,

JOSEPH B. DOE,
Assistant Secretary of War.

Hon. JAMES H. KYLE,
Committee on Education and Labor, United States Senate.

NAVY DEPARTMENT, *Washington, March 5, 1896.*

SIR: Answering yours of the 3d instant, in which you ask for the views of the Department touching the provisions of Senate bill 2305, lines 16, 17, and 18, page 2, which provide that 78 sets of the proposed publication be furnished the Navy Department for distribution among the various vessels of the United States having libraries, including 1 set to the Naval Academy at Annapolis, the Department is of opinion that this number of sets could be distributed with advantage as indicated and would be of value in these libraries. There are not as many as 78 ships now having libraries, but the spare numbers might be retained for future use and some of them also sent to the Naval War College and to the Torpedo Station.

Very respectfully,

H. A. HERBERT,
Secretary.

Hon. JAMES H. KYLE,
Chairman Subcommittee on Education and Labor,
United States Senate, Washington, D. C.

DEPARTMENT OF JUSTICE, *Washington, D. C., March 28, 1896.*

SIR: I have the honor to acknowledge the receipt of your letter of March 3, inclosing a copy of Senate bill No. 2305, providing for the purchase and distribution of certain historical publications therein named. In response to your request for my views on that part of the bill contained in lines 23 and 24, page 2, I have the honor to advise you that this Department will be glad to receive copies of General McBride's publications, as provided for in the bill. These charts appear to have been prepared with great care, and I have no doubt will prove of inestimable value as a mean of ready instruction to the officers and employees of the Government.

Respectfully,

HOLMES CONRAD,
Acting Attorney-General.

Hon. JAMES H. KYLE,
United States Senate.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., March 25, 1896.

SIR: I have the honor to acknowledge the receipt of your communication of the 3d instant, inclosing Senate bill No. 2305, "providing for the purchase and distribution of certain historical publications therein named."

I have examined carefully the historical charts originated by Gen. James D. McBride, entitled "Important Periods in the History of the United States," "Portraits of the Presidents," and "The Seal of the United States and Seals of the Executive, Judicial, and Legislative Departments of the Government," and take pleasure in stating that I cordially indorse the proposition to distribute these valuable historical charts among the various agricultural colleges in the United States and Territories.

There is so much in them to inspire patriotism, that I earnestly hope the time will come when they will be found upon the walls of every school and educational institution in this country.

Very respectfully,

J. STERLING MORTON, *Secretary.*

Hon. JAMES H. KYLE,
Committee on Education and Labor, United States Senate.

DEPARTMENT OF THE INTERIOR, *Washington, March 10, 1896.*

SIR: Replying to your communication of January 27, in which you inclose copy of Senate bill 1759, providing for the purchase and distribution of certain historical publications therein named, I have the honor to transmit herewith a copy of the report of the Commissioner of Education, to whom, in compliance with your request, said communication and bill were referred for an expression of "his views as to the educational worth of these publications and the advisability of their being distributed among the various public libraries and educational institutions of the United States."

Very respectfully,

HOKE SMITH, *Secretary.*

Hon. GEORGE L. SHOUP,
Chairman Committee on Education and Labor,
United States Senate.

[Copy.]

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 28, 1896.

SIR: I herewith acknowledge the receipt of your communication of present date referring to me a bill from Hon. GEORGE L. SHOUP, chairman of the Committee on Education and Labor of the Senate of the United States, requesting my views as to the educational worth of certain publications edited and prepared by Gen. James D. McBride, intended to illustrate important periods in the history of the United States, the same to be placed in public libraries, common schools, and other educational institutions for the purpose of interesting and instructing the people in the history of their Government and thereby tending to patriotism. I am requested to furnish an opinion as to the educational worth of these publications and the advisability of their being distributed among the various public libraries and educational institutions of the United States, and am requested to further state what in my judgment would be the proper number to supply to said institutions.

I have the honor to state that I have examined the several publications referred to and found that they present, among other things, authentic portraits of the Presidents of the United States; "the seal of the United States and seals of the executive, judicial, and legislative departments of the Government." It is admitted that one of the important means of interesting and thereby educating people in their government is the opportunity of seeing and studying important historical documents and symbols of sovereignty and authenticity, such as the Declaration of Independence and the several seals; the portraits of the persons who have been raised to the highest office in the gift of the Government. It seems to me that a set of charts like those prepared by General McBride, constituting a complete history of the subject-matter considered, should be placed in each of the schools of the country, and in each of the public libraries. This Bureau has prepared a list of 4,000 public libraries, each containing not less than 1,000 volumes. I would suggest that the first order in the Senate bill No. 1759, of which a copy has been handed me, should specify that 4,000 complete sets of the historic publications should be presented through this Bureau to the public libraries of the United States. Second in order after the public libraries, I would recommend that the public high schools of the country, in the number of 4,122, be supplied with sets of this chart, and 1,650 copies be provided for the corporate, endowed, and other secondary schools of same rank as the high schools herein mentioned. The normal schools for the education of teachers, to the number of 300, should be furnished one set each, and next after this in order of importance should come what are called the district schools, varying in size from those containing 1 teacher and 20 to 50 pupils up to those containing 25 teachers and 1,500 pupils. Of these schools there are in the United States upward of 228,000. A gift of these charts would be a valuable gift to any one of these schools, and if it is intended to distribute to these elementary schools, the matter can be best managed by sending first the proper quota to each of the 800 city superintendents, enrolling nearly 3,000,000 of the elementary pupils taught by nearly 60,000 teachers.

Very respectfully, your obedient servant,

W. T. HARRIS, *Commissioner.*

The honorable SECRETARY OF THE INTERIOR.

Mr. GEORGE. I should like to ask the Senator from Colorado one question. What is the exceptional condition of this particular publication different from any other good publication which requires its purchase by the United States Government?

Mr. TELLER. It is a historical chart that has been specially adapted, the author and friends think, to presenting in a concise and attractive form the history of the country. It contains particularly the Centennial year, which was, as we know, a very important year, and then it contains what is called the Columbian year, also.

Mr. GORDON rose.

Mr. TELLER. I see the Senator from Georgia [Mr. GORDON] on the floor. He introduced the amendment, and I will allow him to make a statement.

Mr. GORDON. I was merely going to add to what the Senator from Colorado has said that it has been my privilege to look into this matter very carefully. I was deeply interested in it myself. I really think that it would be a desideratum for every school in America to have the chart. I learned from it myself in a very brief space many points of interest in the history of our country.

I think it is a very small amount of money to be appropriated for a purpose so patriotic and so necessary—the education of the youth of our country in its great points of history in the past.

Mr. HAWLEY. I would suggest to the Senator having the amendment in charge that there ought to be more than one copy each for the two Houses. Such books I know from experience which are desirable in matters of amusement or instruction are apt to be taken from the library and lost. I think there ought to be two copies for each of the two Houses.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. McMILLAN. On page 26, line 24, I move to increase the salary of the Superintendent of the Coast and Geodetic Survey from $5,000 to $6,000.

The amendment was agreed to.

Mr. PEFFER. On page 81, line 2, before the word "thousand," I move to strike out the word "fifty" and insert "seventy-five"; so as to read:

To continue the construction of buildings at the Fort Riley (Kans.) military post, to be expended under the direction of the Secretary of War, $75,000.

Mr. ALLISON. I do not object to that amendment. Inadvertently I offered an amendment with reference to the same post, which I beg leave to withdraw.

The VICE-PRESIDENT. It will be so ordered. The question is on agreeing to the amendment of the Senator from Kansas [Mr. PEFFER].

The amendment was agreed to.

Mr. HAWLEY. I offer an amendment indicated in the printed form to come in at line 23, page 17, but the bill has been reprinted, with many additions, and the pages and lines are changed. It is now line 20, page 21, after the words "Revised Statutes," the amendment referring to the printing of stamps by contract.

The VICE-PRESIDENT. The Senator from Connecticut submits an amendment, which will be read.

The SECRETARY. After the words "Revised Statutes," line 20, page 21, insert the following proviso:

Provided, That on and after the 1st day of January, 1897, no postage stamps shall be manufactured or furnished by the Bureau of Engraving and Printing; but said stamps shall be procured by the Post-Office Department as formerly, under the provisions of section 3709 of the Revised Statutes of the United States, requiring such work to be given out upon competitive bidding, after public advertisement for proposals.

The VICE-PRESIDENT. Without objection, the amendment will be agreed to.

Mr. NELSON. Mr. President, I object to that amendment.

Mr. PEFFER. Before the amendment is agreed to——

The VICE-PRESIDENT. Objection being interposed, a vote will be taken upon the amendment.

Mr. HAWLEY. The Senator from Minnesota objects to the amendment I have proposed?

Mr. NELSON. Yes, sir.

Mr. PEFFER. Before the vote is taken——

Mr. HAWLEY. I have certain things to say before the vote is taken. The first is to ask for a call of the Senate.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Clark,	Mantle,	Shoup,
Bacon,	Frye,	Martin,	Stewart,
Bate,	Gallinger,	Mitchell, Oreg.	Teller,
Berry,	Gear,	Nelson,	Tillman,
Blackburn,	George,	Palmer,	Turpie,
Brice,	Gordon,	Pasco,	Vest,
Burrows,	Gorman,	Peffer,	Waithall,
Butler,	Gray,	Perkins,	Warren,
Caffery,	Hansbrough,	Platt,	Wilson,
Call,	Hawley,	Pritchard,	Wolcott.
Cannon,	Jones, Ark.	Pugh,	
Carter,	Jones, Nev.	Roach,	
Chilton,	McMillan,	Sherman,	

The PRESIDING OFFICER (Mr. CHILTON in the chair). Forty-nine Senators have answered to their names. The presence of a quorum is disclosed.

Mr. NELSON. I make a point of order against the amendment.

Mr. HAWLEY. What is the point of order?

Mr. NELSON. That it is obnoxious to the rule, inasmuch as it changes existing law. By existing law the printing of the stamps is done at the Bureau of Engraving and Printing. The object of the amendment is to take it away from the Bureau. It is in opposition to the existing law and changes existing law. It is in the nature of general legislation. I understand that by existing law the printing of the stamps is done at the Bureau of Printing and Engraving, while the object of the amendment is to take it away from the Bureau and provide a different method for securing the printing of the stamps.

Mr. HAWLEY. I should like to have the attention of the chairman of the Committee on Appropriations and also of the chairman of the Committee on Post-Offices and Post-Roads.

The point is made that this is a change of existing law. The Senator from Minnesota insists that the law now provides for the stamps being printed by the Bureau of Engraving and Printing. Has there been any change of the existing law which requires that it shall be let by contract?

Mr. ALLISON. I do not think there has been any change of law.

Mr. HAWLEY. The law stands as before, I understand. That was my impression, and so I am informed by the Senator from Iowa.

Mr. PLATT. The law, section 3709, is this:

All purchases and contracts for supplies or services in any of the Departments, etc., shall be made by advertising a sufficient time previously for proposals respecting the same when the public exigencies do not require the immediate delivery of the articles.

As I understand the matter, the Bureau of Printing and Engraving has no right whatever to compete for this work. It is the duty of the Postmaster-General under the law as it now exists——

Mr. MITCHELL of Oregon. The Bureau not only competed, but it put in a bid, I understand, after all the other bids were in.

Mr. WOLCOTT. And opened.

Mr. MITCHELL of Oregon. And opened.

Mr. PLATT. What I was going to say is that I do not understand that the Bureau of Engraving and Printing has any authority to compete for this work.

Mr. MITCHELL of Oregon. None whatever.

Mr. HAWLEY. It is not a corporation.

Mr. PLATT. And the work is now being done by the Bureau of Engraving and Printing in opposition to the law. The object of the amendment is to restore the law and insist upon its performance.

Mr. HAWLEY. I am much obliged to Senators, and that is just my view of it. I may add that if the amendment proposed a change of existing law, if I am not mistaken in the rules of the Senate, the fact that it has been unanimously approved by the Committee on Post-Offices and Post-Roads would take it out of the objection.

Mr. ALLISON. I am not sure, if the Senator from Connecticut will allow me to interrupt him, but that the last clause of his amendment does change existing law.

Mr. PLATT. What is it?

The PRESIDING OFFICER. The Chair failed to hear the remark of the Senator from Iowa.

Mr. ALLISON. I think the last clause of the Senator's amendment, as I heard it read at the desk, does change existing law. That is to say, the Postmaster-General can now advertise, under existing law, and award the contract to the lowest or best bidder. That is precisely what was done two or three years ago. The Postmaster-General advertised for bids, and when all the bids came in he rejected them all and made a contract with the Bureau of Engraving and Printing; but the amendment of the Senator from Connecticut, I believe, requires him to accept the lowest and best bid, which I think the law does not require.

Mr. HAWLEY. I will strike out those lines and say he shall do it under section 3709 of the Revised Statutes. That would not change existing law.

Mr. ALLISON. I think not.

Mr. HAWLEY. Then I will strike out all after the words "United States," in line 7, and make it conform to existing law.

The PRESIDING OFFICER. The modification will be stated.

The SECRETARY. It is proposed to strike out all of the amendment after the words "United States," as follows:

Requiring such work to be given out upon competitive bidding, after public advertisement for proposals.

Mr. HAWLEY. That is what he would have to do under the statute.

Mr. PEFFER. How will the amendment read then?

The PRESIDING OFFICER. The amendment will be read.

The Secretary read as follows:

Provided, That on and after the 1st day of January, 1897, no postage stamps shall be manufactured or furnished by the Bureau of Engraving and Printing; but said stamps shall be procured by the Post-Office Department as formerly, under the provisions of section 3709 of the Revised Statutes of the United States.

Mr. NELSON. Mr. President——

Mr. HAWLEY. Will the Senator from Minnesota allow me to explain my own amendment?

Mr. NELSON. I wish to say on the point of order—the Senator can explain the amendment—that the amendment changes existing law in that it absolutely prohibits the Post-Office Department from having the Bureau of Engraving do the work. It is an absolute veto. Even under existing law there is nothing to hinder the Government from employing the Bureau of Engraving and Printing to do the work. The amendment is an absolute veto of it, and to that extent it changes the letter and the spirit of existing law.

Mr. HAWLEY. Mr. President, I hold that there is no statute anywhere and no proper usage of the Government which permits

one of its bureaus to enter into competition and bid for all the work that is being done. If the Senator's view is correct, why has not the Navy Department a right, under section 3709, to bid for the building of ships? Why should not the Post-Office Department bid for the manufacture of mail bags and all the various mechanical appliances that are used in that service? Why should not every Department of the Government bid for the manufacture of everything that it has or uses or gets now under contract?

Mr. GRAY. How can a Department bid?

Mr. HAWLEY. I should like to know myself.

Mr. GRAY. The Departments are supported by the taxes of the people and they can underbid any contractor, and then the people will have to pay the bill.

Mr. HAWLEY. The people have to pay the bill anyhow. They have to pay no matter how much in excess the expenditures of the Department may run. The people of the United States have to pay it. The Departments are not corporations. They are in no legal sense of the word persons at all. They are created for another purpose; not for the purpose of manufacturing, but simply for the purpose of administering the laws as they stand upon the statute books. It took a specific statute to create the Bureau of Engraving and Printing and specify its work. Its work has been specified. It has been doing its work. Some of it is done very satisfactorily. When private persons or what are called private corporations, as distinguished from Government institutions, did the work it was done to the universal acceptance of the people of the United States. The engraving was exquisite; the paper was substantial, good; the ink was good; the gum was satisfactory. No complaint was heard for a long series of years, and the price was down to what to the uninitiated would seem to be a ridiculously low figure.

After the bids of those persons were put in, varying considerably, one of them running down, I believe, to $150,000 for the whole number of postage stamps, thousands of millions of them, and some days after the bids were opened, the Bureau of Engraving and Printing, desiring to magnify its office, was permitted to see the bids and to put in a lower bid. If it had been an authorized bidder that would have been a very unfair transaction.

Mr. NELSON. Will the Senator from Connecticut allow me to ask him a question? Ought not the Government of the United States to be nearer and dearer to us than any private concern?

Mr. HAWLEY. No, sir; not in this matter, and not in a great many others. The Government of the United States is not here to nurse a Department of the Government. We are here to do the work in the cheapest way and the best way it can be done for the people.

Mr. PEFFER. Are we not doing that now?

Mr. HAWLEY. No, sir; we are not doing it so cheaply. I challenge investigation in that respect. Why does not the Bureau of Engraving and Printing reply honestly and candidly and in detail to the inquiries legitimately addressed to it upon that subject? I hold it to be a very bad policy, especially as to bidding against private parties, to go out and take their work and do it by governmental agencies. It is unfair competition. The Government, under this form of bidding, can do the work nominally and by pretense cheaper than an individual can bid. It may bid a cent a thousand for the stamps.

Mr. WOLCOTT. I should like to suggest, because the whole subject is being so thoroughly stated by the Senator from Connecticut, that this bid, unfairly proposed after the bids had been opened, was apparently for something over $50,000 cheaper, with the result that they have already spent nearly that amount in machinery; that the bid did not include rent, or fuel, or lights, or the use of machinery, or interest upon the cost of the plant; that 42 per cent of the stamps so manufactured were unfit for use; that the Bureau has fallen 14 per cent short of supplying the number it contracted for. Upon any fair estimate it has cost the Government 40 to 50 per cent more than if done by private individuals; and the Bureau has made a miserable mess of it instead of furnishing decent stamps, as the different bank-note companies did.

Mr. HAWLEY. I am very much obliged to the Senator from Colorado, for he has made substantially all the speech that is necessary to be made on this question. Every word he has said can be fortified by reference to the record. It appears that after repeated inquiries by the House of Representatives, if I may be allowed to make that reference to the other branch, after repeated inquiries by the subcommittee of the Committee on Appropriations, it was impossible to obtain a satisfactory reply from the Bureau of Engraving and Printing as to the details of its work; and when the distinguished chairman of the Committee on Appropriations of the Senate made a similar inquiry he got a reply which, if it is satisfactory to him, and as to that I am not informed, was not satisfactory to anybody else. We never yet have been able to get the proper details of the actual expenditure, nor a correct statement, if I understand the matter, of the enormous loss and waste that came from doing botched and bad work.

Now, the chief of the Bureau came here something like a year ago to get a deficiency appropriation to carry out the work of the year ending June 30, 1895, and he spent about all of his additional appropriation. He represented to the subcommittee on the sundry civil bill that he was making economies in various directions; that he had reduced the wages of printers engaged on internal-revenue stamps at the rate of about $23,000 per annum in order that he might get money enough to make the post-office stamps.

He represented that he had reduced the wages of printers engaged on internal-revenue stamps at the rate of about $23,000 per annum, amounting from the date of the reduction to the close of the fiscal year 1895 to about $11,000, and that the cost of materials was much less.

That I do not know about.

The undeniable fact—

I am quoting now from a very interesting speech—

The undeniable fact was that he was obliged to skin his annual appropriations in every direction to meet the extra expenditure involved in the production of postage stamps over and above the amount which he was paid for the same by the Post-Office Department, and even then he came out barely ahead.

The work has never satisfied the public. It was obtained unfairly. It is in general against public policy. As I say, the case has been altogether stated. I have before me columns of matter all fortifying what has been said by the Senator from Colorado [Mr. WOLCOTT] and myself.

Mr. SHERMAN. Mr. President, it has been the established policy of the Government for a number of years, after a sad experience to the contrary, to engrave and print all forms of its public securities——

Mr. HAWLEY. That is right.

Mr. SHERMAN. Bonds of the United States, paper money that is circulated in the United States; and I see no reason why the same rule ought not to apply to postage stamps. We ought not to trust to any corporation to manufacture the stamps unless they are manufactured under the eyes of the officers of the United States. Even if it should cost more to the Government to print and engrave them, it is far better for the safety of the Government that all its certificates, all its obligations, should be printed under Government surveillance, with direct examination of Government officials. There is great danger, and there was danger years ago, that money would be printed, and sometimes it got into circulation, from paper printed by private corporations.

Mr. WOLCOTT. Will the Senator from Ohio permit me for just a moment in this connection?

Mr. SHERMAN. Certainly.

Mr. WOLCOTT. Is the Senator from Ohio aware that since the postage stamps have been printed by private parties, and they were so printed until 1894, the only robbery that ever took place—and it was an extensive robbery—took place under the Bureau of Engraving and Printing?

Mr. SHERMAN. That makes no difference. The general principle will apply to postage stamps as well as to any other securities.

The Government ought to control the manufacture and handling of the stamps at every stage to the final execution of the stamps. That is the general policy. I am therefore opposed to intrusting any corporation or any set of individuals with the power to print money and stamp it with the authority of the United States. The postage stamp is a completed work, and there is great danger that there may, by possibility, be a leak in the delivery of the postage stamps and that the stamps will get into circulation at the loss of the Government. It would be difficult indeed to find out exactly the extent of the loss.

I think it is wise, as a matter of public policy, that the Government should print all of its paper obligations, from the smallest postage stamp up to a registered bond of the United States.

Mr. GRAY. May I ask the Senator from Ohio whether there was any dissatisfaction with the contract system before it was changed to the present system in 1894; and, if so, what the grounds of dissatisfaction were?

Mr. SHERMAN. The change was made so as to bring the printing of postage stamps under the general rule of the Government, and there must have been a good reason which influenced the action of Congress two years ago. It strikes me, therefore, that we had better stand by it, and if there is any defect in the organization of our Bureau of Engraving and Printing it ought to be corrected. Stamps should only be manufactured under the surveillance and the control of the Government.

Mr. PEFFER. Mr. President, I was waiting for the point of order to be decided, but I see that Senators are discussing the merits of the proposition, and I have a word or two to say.

Some weeks ago I was down to the Bureau of Engraving and Printing. I observed closely and carefully—I spent an hour or two in doing it—the work that is going on there, and I was agreeably surprised to see the skill and the order and the efficiency that were everywhere manifest in the work of that organization. The

only criticism I have to offer is of the parsimony of the Government, our niggardliness here, in not giving those people better quarters, more room, instead of a little cramped-up hencoop, if I may use that expression, and I do not think of anything else that is more forcible, although I might think of something that would be more elegant, for they are sandwiched in; they are working along in little grooves, scarcely wider than the dais upon which our Presiding Officer sits——

Mr. HAWLEY. I wish the Senator from Kansas would speak a little more distinctly, so that I can hear what he is saying.

Mr. PEFFER. I was going on to say that the work which is now being done by the Bureau of Engraving and Printing is prompt, it is accurate, it is perfect, it is cheap. The only criticism I have to offer is of the parsimony of Congress in not giving to the Bureau more room, better buildings, more machinery. Within the two or three years that the Bureau of Engraving and Printing has been doing the work they have progressed from day to day, from week to week, from month to month, from year to year in the efficiency and excellence of their work. I thought at the time the change was made that it was an excellent one, that it would prove in the end beneficial.

I believe that every Department of the Government ought to do all of the Government's work that it can do or can accomplish. I believe we ought to build our own ships. I believe we ought to equip our own armies. I believe we ought to do everything that we can do in and of ourselves.

Mr. HAWLEY. Including the construction of railroads?

Mr. PEFFER. And to build railroads.

Mr. HAWLEY. That is what I thought.

Mr. PEFFER. Of course that disposes of the Senator's favorable view of what I was going to say. Yes, I would build our own roads. I would not go so far, however, I will say to the Senator from Connecticut, as to confiscate existing roads. I would let the present management go along as best they can. That is what they are doing now. But wherever and whenever a Department of the Government can perform its own work it ought to do so. Is there any reason why the Government should go outside of its own force to procure the manufacture of postage stamps, when it can be done so well and so accurately here close to headquarters?

I think what I have said is enough to express my view. I am very earnestly opposed to the amendment. I do hope that the Department will be permitted to go ahead as it is doing now and make its own stamps.

Mr. HAWLEY. As to the matter of conducting, through the Government, all the work and the manufacture of all the articles that the Government may need there has been a great deal of discussion in past years, and in some respects at least the policy has been irrevocably established.

The Senator from Kansas [Mr. PEFFER] said some things which I wished to have him say in order to complete the reductio ad absurdum of his own argument. He has said to us that the Government ought to build all of the railroads in the United States, and employ, of course, something in the neighborhood of——

Mr. PEFFER. The Senator from Connecticut perhaps did not understand me. I did not say the Government ought to build all of the railroads in the United States. The Government ought to build all the railroads that the Government needs.

Mr. HAWLEY. The Government needs every one over which the mail goes.

Mr. PEFFER. Very well; let it build them.

Mr. HAWLEY. It needs one as much as it needs the other.

Mr. PEFFER. Let it build them.

Mr. HAWLEY. We have discussed those things and have settled the general policy of the United States Government. Complaint is made that there would be a vast body of employees and of the power which they could exert under the influence of the Government—that is, of their employers.

There is a well-defined jealousy among the Senator's friends of the influence employers may exert, and the Government is the most wealthy and the most influential employer of them all. What is the total number of miles of railway in the United States now?

Mr. DAVIS. One hundred and seventy thousand.

Mr. HAWLEY. Imagine the Government of the United States with 175,000 or 180,000 miles of railroad, with nearly a million employees, immediately employed, and so at work in ancillary labor as to be practically at work under Government employ, and imagine that enormous force of men inevitably influenced more or less by leading persons, perhaps Government officers, or persons having them in charge. It used to be——

Mr. PEFFER. Will the Senator from Connecticut allow me?

Mr. HAWLEY. In a moment. That is very much better than to destroy the continuity of a Senator's remarks.

In old times it used to be thought very important that the collector of the port of New York should be taken from the party in control, because it used to be the fashion of half of the employees there to go up to a State convention and run the whole machine. Public sentiment has in a measure corrected that and there is very much less of it. But that illustrates what I was saying as to the wiser modern policy and the vicious old one, to which I am not desirous of returning.

It is proposed that the Government shall take charge not only of the railways, but of all the telegraph lines. It is proposed that the Government shall conduct the great savings-bank interests as well.

Now, elaborate the scheme at your leisure and see what an enormous machine the Government would come to be—how practically the power over everything that enters into our daily life would be centered in the Government, and in some cases at the very demand of the people who are all the while denouncing the Government as corrupt, denouncing the Senate and the House of Representatives, the President, and everybody else as unfit to conduct business. Yet they turn around the next day, and when they have a little bridge to build across a river they think they have done the prettiest thing in the world when they provide an engineer of the Army to build it, and in a thousand other ways display the powers of the Government. Is it fair, in a free government, that we should require or permit a great bureau, in the absence of law, to come in and look over the rest of the bids submitted by private citizens, put in one confessedly ridiculously low, get the contract, and then have a great deficiency raised in the conduct of the business? I shall be very much surprised and I shall regret if the Senate shall sustain a departure from what I think is sound policy, and I shall lament that a sort of sanction will have been given to a very unwise practice, an extravagant practice, on the part of the Bureau of Engraving and Printing.

The Senator from Ohio [Mr. SHERMAN] says very properly that much of the work done by that fine Bureau has been excellently well done. I admit that, and I am proud of it. I have many of their engravings, obtained in one way and another, in the collection which I have, and it does some of the finest work done in the United States.

Mr. GRAY. Treasury notes.

Mr. HAWLEY. Not so much in that form as I would like.

It is quite right that the Government should print its own bonds, because there is a great sum of money involved. The number of bonds is not so great as the number of postage stamps, and the Government can keep a better record of them, a better account of them, and it does not make so much difference whether the work is in a measure shirked.

It is not absolutely necessary that a postage stamp, which is practically destroyed the moment it is used, should be as well done in every single respect as a bond, and we know what vexation there was by reason of poor gum, imperfect paper, and the dirty and inartistic colors upon the postage stamps; but there is no necessity in this case of this work going to the Government. There are no vast pecuniary interests liable to be injured here. A man would have to steal a very large number of stamps to get anything worth going to Canada for.

The answer to what has been claimed, that the work can be better done by the Government, is that it was done for a long series of years by private corporations, who have done a vast amount of bond and similar work for foreign governments, and they have just as much experience and skill in those concerns as can be found in the Bureau of Engraving and Printing here. They furnish South America and other countries with practically all the evidences of obligations that those countries have, and it has been done to absolute perfection. We went on years and years without any growling about it, unless it was as to the designs. I do not know who was responsible for some of the modern designs.

Mr. Thomas A. H. Hay, of Easton, Pa., makes this remark in a letter which happens to come under my eye just now:

If you will kindly get the report of the Auditor of the Treasury, showing the amount of money that was paid to the American Bank Note Company during the four years I was postage-stamp agent, you will find it is about half the amount of money used by the printing department in the manufacture of the stamps, and what miserable apologies for postage stamps we have had the past eighteen months.

Senators speak of doing this work under the charge of our own officers. It has all been done under our own officers; nothing has been done or is done under contracts with any of these private parties except under the close inspection of the Government agent, who has oversight and control of the paper, the ink, the presswork, the gum, the issue, and all that sort of thing. Nor was there ever a fraud dignified enough to get into history in connection with this work—none whatever, to my knowledge—while the business was conducted by the parties in New York.

Mr. PEFFER. The Senator from Connecticut does not say or intimate that the business of the Post-Office Department is not well condrcted. There are somewhere in the neighborhood of 75,000 post-offices in the country; there are about 175,000 persons connected with these different offices.

Mr. HAWLEY. Is not that work enough for the Post-Office Department?

Mr. PEFFER. The distance that is traveled backward and forward in the transportation of the mails of the United States in the course of a year amounts to a line equal to about fifteen thousand times around the earth. It is the most stupendous business establishment in the world, and yet it is conducted with the systematic arrangement of clockwork by one man no larger than the Senator from Connecticut or myself, physically speaking, and it is done with perfection, and yet the Senator complains about the vast amount of power that will be concentrated in the Administration in case the principle involved in this discussion should be extended to other Departments of the Government.

Then the Senator undertakes to cast ridicule upon those who are taking the same view of the subject I do, because of the view that he and some other self-appointed critics allege that the party to which I belong holds. There is nothing in our political creed, so far as I am aware—and I think I know a good deal about it—that has ever looked toward the taking possession of the present railway systems of the United States and bringing the entire transportation business of the country immediately under Government control—nothing of that kind. We do believe that the people ought to have control of all of their own transportation interests; but, while that is true, we do not believe in the doctrine of the Senator from Florida [Mr. CALL], who insists that while we are anxious at some time or other to procure the good will, and all that that implies, of the people of Cuba, we should therefore immediately go down and take possession of the island and take possession of the people. That is not our view of the situation at all, Mr. President. We do believe that the Government of the United States should control by Government agencies: that all public functions ought to be exercised by public agencies in one way or another. That is the fundamental principle and the doctrine of the party to which I have the honor to belong; but we do not propose to go about and make a holocaust of this business; we do not propose to tear everything down, as anarchists would, to destroy. We are builders, Mr. President; we are not destroyers. In some respects, perhaps, we might be called iconoclasts, because we are breakers of images, but they are party images. We are not dangerous at all.

The principle that is involved in the work that is going on in the Bureau of Engraving and Printing covers the whole ground, so far as the principle is concerned of public officers doing public work. This is purely public work; it is for the benefit of the people; and it is one of the agencies that Government has in carrying on its business, in carrying on the work of the Post-Office Department, which has grown in a little over one hundred years from an expenditure of about $22,000 a year to ninety-odd million dollars a year, and from 75 post-offices in the entire country in 1790 to some 75,000 post-offices in 1896; from an entire transportation distance of about 1,875 miles to over 450,000 miles to-day; and with the accuracy of its performance, with the perfection of its expansion, and all those things, the wonder is, Mr. President, why Senators should object to this work being done by the Government. I know of no other reason for it unless it be the interests of private parties who are anxious to do this work. The labor must be done somewhere. Why not do it under the eye of the Government?

The PRESIDING OFFICER. The Chair sustains the point of order made by the Senator from Minnesota [Mr. NELSON].

Mr. PLATT. I desire to take an appeal from that decision.

The PRESIDING OFFICER. The Senator from Connecticut appeals from the decision of the Chair.

Mr. NELSON. Mr. President, do I understand an appeal has been taken from the decision of the Chair?

The PRESIDING OFFICER. An appeal has been taken.

Mr. NELSON. Under those circumstances, inasmuch as the discussion has passed off from the point of order into a discussion upon the merits of the question, by a sort of unanimous consent, I want to take up about five minutes of the time of the Senate with a few remarks upon the merits of this question, as the discussion seems to have been mainly devoted to that.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. PLATT. An appeal from the decision of the Chair on the point of order is debatable, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. NELSON. Mr. President, years ago most of the printing of the Government was done through private firms. The proceedings of these two Houses were printed in the Congressional Globe by private parties. All that system has been changed. We have a Government Printing Office here in the northwest, the best equipped and most perfect of its kind in the whole world, and all the printing of the Government—its reports, its bills, and, the most marvelous thing of all, a RECORD of the legislative proceedings—are printed there from day to day as perfectly and the work is as well done as it is possible to be done in any printing office on the face of the earth. I do not think that this body or the American people, so far as that printing is concerned, would like to go back to the old system, the old method of doing things.

What we have done in that line we have done in the other line of printing in the finer work. We have established a Bureau of Engraving and Printing, where we print our bonds, all our different bank notes, Treasury notes, gold certificates, silver certificates, national-bank notes, and stamps of various kinds. This printing is and has been done in a manner satisfactory and equal to the best in the world. There is no country on the face of the earth that has finer paper currency than the United States of America. I have seen any number of paper notes, and I have not yet seen any kind of paper currency equal to our own paper currency.

The Bureau of Engraving and Printing has been in successful operation, and now, in this year of our Lord 1896, because some firm is disappointed in its bid, because some firm has not the privilege of printing these stamps, because the Government has assumed to do that, what are we told? We are told all at once that this Bureau of Engraving and Printing, which prints the best paper money in the world, which can do as fine and as good printing as any printing institution in the world, is incompetent to print our postage stamps. I never knew that the people of the United States were suffering from bad postage stamps until it was told to me here on the floor of the Senate. For the last year I have been licking postage stamps unconsciously, and I never knew how bad they were until the chairman of the Committee on Post-Offices and Post-Roads told me. It is passing strange, Mr. President, that this Bureau, which is competent to print the best kind of greenbacks, the best kind of national-bank notes, which can print beer and tobacco stamps, is all at once found incompetent to print postage stamps.

Sir, are we running this Government for the interests of the Government or are we running it for disappointed bidders? We have a Bureau of Engraving and Printing here, fully equipped, with a good force, which is run honestly and economically. The printing of postage stamps is only an incident to its general work. It can do this fine work just as well as it can do all the other work of the Government. Having established it, why should we single out this matter of postage stamps and take it away from the Government simply because some bidders somewhere in the Northeast have been disappointed in bidding for the printing of Government postage stamps?

Mr. President, we ought to think twice before we take this step. The people of this country are in favor of supporting their Government just as it stands. We have a Government Printing Office here in the northwest for doing our ordinary and everyday printing. You might as well come forward at this time and say that office is incompetent to print our RECORD; that our RECORD is dirty and nasty and we ought to let it to some private printer; that our documents and reports are not gotten out rapidly, and we ought to submit their printing to private enterprise.

It will not do to lug in this question of Populism about Government ownership of railroads and to attempt to throw discredit on the Government. You might as well attempt to bring that in to throw discredit on the Government in the management of its Post-Office Department. We run that Post-Office Department successfully, we run our Government Printing Office over here successfully, and we run the Bureau of Engraving and Printing successfully, and I do not think anybody will want to have any of them dismantled and destroyed. Why should we do in a roundabout and insidious manner what we would not do openly and aboveboard?

The Bureau of Engraving and Printing is competent to do our finer work. Look at the printing of bank notes. Why is it not competent to print an inferior grade of postage stamps? Let us stand by our colors and stand by our Government. It is our Government; let us smoke its pipe in peace and wield its tomahawk in war.

Mr. GORMAN. I understand the Chair has ruled the amendment not to be in order.

The PRESIDING OFFICER. The Senator is correct.

Mr. GORMAN. And that there has been an appeal taken from the decision of the Chair.

The PRESIDING OFFICER. An appeal has been taken from the decision of the Chair by the Senator from Connecticut [Mr. PLATT].

Mr. GORMAN. I understand discussion is not in order.

Mr. PLATT. Discussion is perfectly in order, as I understand, upon an appeal from the decision of the Chair. That is debatable.

Mr. GORMAN. Then I desire to say only a word or two, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maryland.

Mr. GORMAN. That this amendment is legislation, pure and simple, I do not think there can be the slightest doubt. In the Post-Office appropriation bill of this year will be found an item appropriating "for manufacture of adhesive postage stamps and special-delivery stamps, $160,000." When the appropriation was made placing that amount in the hands of the Postmaster-General, of course it would have been, I suppose, within the rules to put in a limitation in regard to the expenditure. The opportunity for that, however, passed. Now comes the sundry civil bill, which has no reference whatever to the appropriation for printing postage stamps, when a new provision of law is attempted to be inserted. I submit that there can not be any question that this is legislation pure and simple.

Mr. PLATT. I beg the Senator's pardon. That was not the point of order which was decided. The point of order the Chair decided was that the proposed amendment would change existing law, and was therefore obnoxious to the rule.

The PRESIDING OFFICER. The Chair will state to the Senator from Connecticut that the Senator from Minnesota made two points: First, that the amendment would change existing law, and secondly, that it constituted general legislation. The Chair did not sustain him on the first, because the first clause of the rule refers only to the question of increasing appropriations or adding a new item of appropriation. But the Chair sustained the second point of order made by the Senator from Minnesota.

Mr. PLATT. It must have been when I was out of the Chamber, then. I was called away.

The PRESIDING OFFICER. The Chair inquires of the Senator from Minnesota if he did not make both points?

Mr. NELSON. The Chair is correct.

Mr. GRAY. I hope the Chair will state the ground of his decision, if it will not interrupt the Senator from Maryland.

Mr. GORMAN. Certainly not. I should be glad to hear the ground of the decision.

The PRESIDING OFFICER. The ground of the decision is simply that the amendment proposes to absolutely prohibit the Bureau of Engraving and Printing from printing stamps in the future, and the Chair believes that such a provision must be fairly termed "general legislation."

Mr. GORMAN. And it changes existing law.

Mr. President, as an appeal has been taken from the decision of the Chair, as a matter of course it is usual in such cases to discuss the merits of the question. The Postmaster-General in 1894, in permitting the Bureau of Engraving and Printing to do this work, had, I think, authority under existing law to make that arrangement. The statement of the case by the Department, which is a very strong one, is that the printing of all the stamps, bank notes, and Treasury notes can best be done and more safely be done and much more economically be done by the Bureau of Engraving and Printing than by private parties.

In the first six months after the Bureau of Engraving and Printing undertook to do this work they had not the facilities, nor had they so many skilled men as were found in the American Bank Note Company and other companies which had theretofore been doing it. During that time there was an inefficiency, if you please; certainly the work was not quite so well executed. Since then the Bureau has performed the duty to the entire satisfaction of the Government; and from what information comes to me and from the examination I have made of the matter, their work to-day is equal to the best work heretofore done by the note companies, and is certainly satisfactory to the Post-Office Department.

It is claimed that in 1893 the cost of postage stamps to the Government was $312,110, and in 1894 it was $338,745. The only appropriation asked for doing the same work by the Bureau of Engraving and Printing was $160,000. It may be said in answer to that that there is in the present cost of $160,000 no estimate whatever for interest upon the plant, or for interest and wear and tear upon the fifty or sixty thousand dollars' worth of machinery which it was necessary to place in the Bureau to do the work of printing postage stamps; and to that extent the statement is true.

Mr. HAWLEY. Let me ask the Senator another question, if he will be so kind as to yield for that purpose. Whereabouts in the sundry civil bill now before us is to be found a definition or limitation of the money to be expended for stamps? A lump sum is applied to the Bureau of Engraving and Printing just as it was in previous years, but no mention whatever is made there of the stamp business. How has the existing law been changed?

Mr. GORMAN. I will say to the Senator that he has made a mistake in the bill to which he has offered the amendment. If he will refer to the Post-Office appropriation bill, which passed some days ago, on page 8 of that bill he will find a specific appropriation "for manufacture of adhesive postage stamps and special-delivery stamps, $160,000." That sum is to be expended under the direction of the Postmaster-General, and he contracts with the Bureau of Engraving and Printing for all the printing of stamps, and, as they are delivered they are paid for out of that appropriation.

Mr. HAWLEY. There is nothing there said about giving the job to the Bureau of Engraving and Printing.

Mr. GORMAN. Nothing whatever.

Mr. HAWLEY. Section 3709 of the Revised Statutes provides that such work shall be upon public bidding.

Mr. GORMAN. If the Senator is correct about that, as a matter of course the Post-Office Department has been at fault; but I understand the Postmaster-General in making this arrangement with the Bureau of Engraving and Printing consulted the Attorney-General and the law officers of the Government, who advised that under this appropriation for postage stamps the Postmaster-General had a right to disburse the money as he is now doing under this contract.

Mr. HAWLEY. The Senator from Maryland will allow me to read section 3709, on page 733 of the Revised Statutes, to which I referred.

Mr. GORMAN. Certainly.

Mr. HAWLEY. That section reads as follows:

SEC. 3709. All purchases and contracts for supplies or services, in any of the Departments of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles, or performance of the service. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract, at the places and in the manner in which such articles are usually bought and sold, or such services engaged, between individuals.

That statute continues to be the law of the country, and has only been modified from time to time by little two-penny provisions in certain cases, as, for instance, that the engineers of the Navy Department may buy supplies under $200 or under $300, or something of that kind, for immediate necessities. That statute providing that all this work should be done under public proposals has not been touched at all, so far as I can find, by any of the bills which have been passed during the years in which this practice of working in the Bureau of Engraving and Printing has existed. I find no reference to it in what the Senator has read from the Post-Office appropriation bill. It gives so much money to the Postmaster-General, but it does not tell him he shall do the work in the Bureau of Engraving and Printing. There is no specification of that Bureau anywhere.

Mr. GORMAN. No, Mr. President; there is no specific provision requiring the Postmaster-General to have this work done at the Bureau of Engraving and Printing; that is true; but the Senator will find upon examination that it has never been held that the statute which he has just read, which was for the purchase of the little departmental supplies, applied to the Post-Office Department in such a case as this. At all events, bids were asked for this work and they were received, in fact, from the bank-note companies. I think two bids were made by outside parties which were not satisfactory to the Post-Office Department for some reason.

Mr. HAWLEY. They were in the exact figures used in that appropriation bill.

Mr. GORMAN. I know they were not satisfactory.

Mr. HAWLEY. They were $150,000 and $160,000. Those were the outside bids.

Mr. GORMAN. They were not satisfactory to the Department, at all events. I do not know about the bids, but the Postmaster-General thought they were not satisfactory. He then asked for a proposition from the Bureau of Engraving and Printing; and I am inclined to think that it was after the other bids had been submitted and possibly had been opened.

Mr. HAWLEY. It was.

Mr. GORMAN. You may criticise the Postmaster-General for that action; that is another matter; but he was advised that he had the authority to contract with the Bureau of Engraving and Printing. He did so contract, and the contract has continued until this time, and it is claimed by the Bureau, and it would appear from the appropriations that we have made that the cost to the Government has been much less than it was under the old system.

Mr. President, I have shown the Senate the amount appropriated for this work. As to the other suggestion, that there is no charge made for interest on this great plant and machinery now in the Bureau of Engraving and Printing, that is true, I admit.

Mr. PEFFER. Mr. President, before the Senator from Maryland goes to the next point of his argument I wish to call his attention, and also the attention of the Senator from Connecticut, to the wording of the statute, where it is required that bids shall be proposed to furnish supplies. What I wanted to suggest to the Senator, and to all Senators, is that supplies do not mean the performance of work; it means paper, paste, ink, mucilage, and all those things which the Departments have to purchase from parties outside. I think that is all that is contemplated in the statute—the securing of the necessary supplies for doing this particular work.

Mr. GORMAN. In the bill which we are considering there is the general provision for an appropriation for all the work of this Department. It does not include postage stamps, but all the printing for the Treasury Department, all the bank notes and internal-revenue stamps. If the appropriations are less on this bill than they were one year ago, or two years ago when the contract for postage stamps was in the hands of private parties, and if the volume of the work of the Bureau of Engraving and Printing for the Treasury Department is greater, it would seem to demonstrate that the claim of the Superintendent of the Bureau of Engraving and Printing is correct, that he absolutely does the work for the Post-Office Department $150,000 cheaper than heretofore.

Mr. PEFFER. With our own plant.

Mr. GORMAN. With our own plant, and he assigns the reason why he can do it.

Mr. PEFFER. And under the civil service.

Mr. GORMAN. Yes; this Bureau is entirely under the civil service. The reason he assigns is because in this work he can utilize to some extent the same people who are engaged in printing stamps for the Internal Revenue Department, and keep his establishment going all the time.

Mr. HAWLEY. That is to say, he pays for stamp work partly out of the money appropriated for bond work, internal-revenue stamps, and——

Mr. GORMAN. No.

Mr. HAWLEY. That is what he said. He said he could equalize the work employed in printing internal-revenue stamps. So he expends it out of another fund in reality.

Mr. GORMAN. No; he claims not, and I say the figures would warrant his statement. He says that in 1894, the last year of printing stamps by a private concern, the cost of running the Bureau of Engraving and Printing, not a postage stamp then being printed, was $1,195,705.66. Now, for the next fiscal year, for the same purposes of his Bureau, with a greater amount of work, as he claims, because of the increased amount of internal-revenue printing and the extraordinary demand for small notes, bank notes, and Treasury notes of all sorts and descriptions, we are appropriating only $1,103,000, or eighty-four or eighty-five thousand dollars less than we appropriated the last year of the contract.

Mr. PEFFER. And doing vastly more work.

Mr. GORMAN. Doing vastly more work, as the Senator from Kansas suggests. If the Senate is to vote upon the merits of this question, I suggest, from the official figures furnished, there can not be any doubt about the economy of continuing the present work.

Now, as to the work itself. As I stated a moment ago, when the Bureau first began the printing of postage stamps there was for six months a good deal of trouble. They used the old dies of the American Bank Note Company, which had been purchased by the Government, and their printing of the stamps was not equal to the work of the American Bank Note Company's; but since then it is admitted, and admitted very frankly, by one of the ablest officers of the Government we have ever had, who is now, I think, interested in getting the work for private concerns, that, taking the last six months, the work of the Bureau is equal to anything we have had. They are making distinctive paper, and it is being made by the same firms with whom the private contractors contracted; and they have it in a shape that is almost as perfect as in the printing of national-bank notes and Treasury notes.

I think, on an appropriation bill, it would be unwise to prohibit the Post-Office Department from continuing this work. I think it was his predecessor and not the present Postmaster-General who made a mistake about it, and, if you will have a little patience we may have another Postmaster-General within a year who will change it, or, if it is considered wise to do it by legislation, let the Committee on Post-Offices and Post-Roads take up the question of the whole of the expenditures under the Post-Office Department, and let us have some greater checks and balances, if it can be done, without interfering with the postal service.

There are no appropriations made by Congress of so large amounts as are placed in the hands of the Postmaster-General. Millions of money are absolutely in the hands of the Postmaster-General to determine without contracts and without public advertisement what railroad companies are to receive, and but for the fact that in all time past, so far as I know—there may have been a few small exceptions—every Postmaster-General has managed this great fund if not with economy, certainly with honesty. But it does seem that as this system is growing, as the country is growing, and as the corporations are demanding more every year for their services, it would be wise if the Post-Office Committee, after consultation with the Postmaster-General, were to bring in a bill restricting the power of the Postmaster-General, and requiring, if you please, contracts in all these cases.

The Senator from Connecticut and I have had discussions before on the general idea involved. I believe as a rule that safety and economy in all these matters are secured by having competition from outside sources with the Government. In the matter of printing bank notes, Treasury notes, and valuable securities there were good reasons why the Bureau of Engraving and Printing should be established. All sorts of abuses would have grown up in all probability but for that establishment. It was a wise provision and it ought not to be disturbed. The same consideration applies to a very great extent to postage stamps. It is claimed that under the bank-note contract no default ever occurred, but there is no way to follow that. One did occur under the present system with the Department here, but it was detected immediately, the men were soon arrested, convicted, and imprisoned. The same guarantees as to safety and the prevention of fraud are thrown around postage stamps that are thrown around the bank notes and Treasury notes. I do not believe the system ought to be changed at this time and changed in this way. Let the Post-Office Committee, if they desire to restrict the Postmaster-General, come in with a general provision covering all these subjects.

Mr. PLATT. I did not understand the ground upon which the Chair sustained the point of order, as I was called out of the Chamber. I thought it was upon the ground first suggested by the Senator from Minnesota [Mr. NELSON], that under Rule VII it proposes to change existing law. I understand now it was decided upon the ground that it is new legislation.

The PRESIDING OFFICER. Yes; under clause 3 of Rule XVI.

Mr. PLATT. Therefore I withdraw my appeal, and I submit another amendment, which I think is not open to the suggestion that it is not in order.

The PRESIDING OFFICER. The amendment will be stated.

Mr. SHERMAN. The appeal is withdrawn?

The PRESIDING OFFICER. The appeal is withdrawn, the Chair understands. The amendment now proposed will be stated.

The SECRETARY. After the word "statutes," in line 20, page 21, insert:

Provided, That, out of the sums appropriated for engraving and printing, the Bureau shall provide the full amount of internal-revenue stamps required by law, and the printing of postage stamps shall be done by contract to the lowest bidder.

Mr. HAWLEY. I concur in the amendment. I had an amendment to the same effect in my hands, intending to offer it if we were ruled out on the previous amendment.

The PRESIDING OFFICER. The Chair will hold the amendment now proposed to be in order.

Mr. HAWLEY. Now, I want to say just a few words. I shall not prolong the discussion. The Senator from Maryland has left the Chamber, I believe. He told us, I think, that the appropriation this year in the Post-Office bill was $160,000 for procuring postage stamps. As against $150,000 by private parties, the bid made by the Bureau two and a half years ago was $139,487.52. We will add a few dollars and call it $140,000. I had no idea the estimate was made so closely. Now, telling us that that would be cheaper than anybody else could do it for, they propose to give this year $10,000 more than private parties stand ready to do the work for. So I think there is no economy in the transaction. Anyhow, I think there is more safety and more economy and more political wisdom in the old practice we had.

I want to give a parting word to my friend the Senator from Kansas [Mr. PEFFER]. I do not wish to appear altogether ignorant of the principles of the great Populistic party. When I said that the Senator's associates desired to own the railroads, etc., he corrected me. He said that they desired to build such railroads as the Government might need. I have here the Tribune Almanac for 1895 with the platforms of the various conventions for many years. Here is the platform of the People's Party convention which met at Omaha July 2, 1892. Is that the particular branch of reform under which the Senator marches? I ask the Senator from Kansas is that his convention, the one that met at Omaha July 2, 1892?

Mr. PEFFER. July 4, I think.

Mr. HAWLEY. Then my statement is substantially correct. It said in its third resolution:

We believe that the time has come when the railroad corporations will either own the people or the people must own the railroads, etc.

And again, under the head of "Control of transportation":

Transportation being a means of exchange and a public necessity, the Government should own and operate the railroads in the interest of the people.

The telegraph and telephone, like the post-office system, being necessities for the transmission of news, should be owned and operated by the Government in the interest of the people.

All that I said and more, too, is specified there in that platform. Then it goes on to say that practically the Government should own the lands, but that involves an argument—I do not include that. I am entirely justified in what I said by the letter of the platform.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Connecticut [Mr. PLATT].

Mr. VEST. Mr. President, I wish to say a word upon the amendment. To speak plainly, a persistent effort has been made by the bank-note engraving companies to force the Government of

the United States to put this work into their hands under the competitive system. One of these companies is in the city of St. Louis, and I have received numerous letters urging upon me the propriety of supporting this legislation. I have come to the conclusion that I will do nothing of the sort, and I simply want to give my reason for it.

We have here a Bureau of Engraving and Printing, a most expensive one, where the finest kind of work in the way of engraving notes and securities and other papers of the Government is being done daily and hourly. I should like to know from some Senator why we should support this Bureau and at the same time put out a contract for the postage stamps for the whole people of the United States with outside parties?

The principal argument made by the Senator from Connecticut [Mr. HAWLEY], I understand, is that the general provision of the statute requires that all supplies to furnish the Government and all contracts for services except personal services shall be put up to the lowest and best bidder. I can not believe that the framers of that law ever contemplated its application to a case of this sort. That has not been the practice of the Government.

But aside from that, I do not think the law itself would perpetrate any such absurdity. For instance, let us apply it to the Public Printing Office. Suppose that Congress orders 500,000 or 1,000,000 copies of any publication. Under the construction put by the Senator from Connecticut upon that general provision of the statute we would have immediately to advertise that that work should be done by the lowest and best bidder. Is it possible that the framers of the statute ever intended any such absurdity, that with this enormous Printing Office—the largest, possibly, in the world—we should allow all its machinery and all its workmen to remain idle while we put up to the highest bidder the publication of 1,000,000, 500,000, or 100,000 copies of any governmental publication? I do not think that was the meaning of the law. I do not believe it was ever contemplated that we should establish this Bureau of Engraving and Printing and then take the peoples' money and give it to outside parties, allowing the workmen and machinery of the Bureau of Engraving and Printing to remain idle. Therefore I shall vote against the amendment.

Mr. HAWLEY. I wish to say that the Senator's illustration of the Printing Office will not, in the common slang of the day, wash, because the Printing Office was established even before this law was passed, and nobody ever thought of providing and does not provide that the printing shall be done in this way. The work that has been done in other ways went on, and we had the Post-Office distinctly provided for by law for just that kind of work. If we had had a Bureau of Printing for just the work of printing stamps it would have been another affair, of course—it would have been perfectly legitimate to go on under that. But there is no thought of any interference with the Government Printing Office. Nobody can pretend to make a claim under the statute that the printing of 400,000 copies of the Agricultural Report should be let out, though I think it might be done cheaper. But no one objects to the existence of that splendid institution.

Mr. VEST. I submit with great respect that that is no answer to what I stated. Congress has enacted a statute which, under the construction of the Senator from Connecticut, requires that all services except personal services shall be put up to the lowest and best bidder. That statute, as a matter of course, was not retroactive, but it did affect all services except personal services for the future; and there is nothing whatever which would take the work of publishing the agricultural reports out of the operation of that statute. If it applies to one bureau or one Department it applies to all. I say, like the Senator from Connecticut, I do not think the framers of the statute ever intended it to apply either to the Bureau of Engraving and Printing or to the Public Printing Office.

Mr. HAWLEY. Does not the public printing go specifically to that office under the legislation from year to year?

Mr. VEST. It simply uses the words "public printing"; that all documents of the Government ordered by Congress or necessary for the Departments shall be printed by the Public Printer at the Public Printing Office. Afterwards this statute was enacted, which declared that all services except personal services—a most unfortunate expression, but passing by the verbiage—all services except personal services shall be put up to the lowest and best bidder. If the construction of the Senator from Connecticut is good as to the Bureau of Engraving and Printing, it is equally good as to every other bureau and Department of the Government of the United States.

Mr. PEFFER. Mr. President, before the vote is taken, I wish to say that while the amendment proposed by the Senator from Connecticut [Mr. PLATT] differs somewhat from that proposed by his colleague, the substance is the same and the object aimed at is the same. I hope that the amendment will be voted down.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Connecticut [Mr. PLATT].

Mr. GORMAN. Let the amendment be read again.

The SECRETARY. After the words "Revised Statutes," in line 20, on page 21, insert:

Provided, That out of the sum appropriated for engraving and printing the Bureau shall provide the full amount of internal-revenue stamps required by law, and the printing of postage stamps shall be done by contract to the lowest bidder.

Mr. GORMAN. Do I understand the Chair to rule that the latter part of the amendment is in order?

The PRESIDING OFFICER. The Chair has ruled that the amendment is in order. The Chair thinks that there is some doubt as to the proper interpretation of the statute which has been read, but being in doubt, the Chair rules that the amendment is in order. The question is on agreeing to the amendment of the Senator from Connecticut [Mr. PLATT].

The amendment was rejected.

Mr. ALLISON. If there are no further amendments, I ask that the bill be reported to the Senate. The amendment proposed by the Senator from Tennessee [Mr. BATE] I believe is withdrawn.

Mr. BATE. No, sir; it is not withdrawn. It was postponed temporarily. I do not ask any further postponement. I am perfectly willing that the amendment shall be acted upon at this time.

Mr. FRYE. Let the amendment be read.

The PRESIDING OFFICER. Is a ruling asked upon the amendment?

Mr. BATE. No; but I ask that the amendment be disposed of now.

Mr. ALLISON. I object to the amendment because it is a private claim, or rather a collection of private claims, and not in order upon this bill.

Mr. BATE. Mr. President, I have nothing to say about the amendment particularly, except that I wish to read section 4 of Rule XVI, which I am frank to say is rather against our view. The amendment was submitted by my colleague [Mr. HARRIS], who is not well enough to be here to-day. I am representing him, inasmuch as he introduced this amendment, but I represent likewise the interests he represents, for it concerns our people as well as many others in some fifteen States. The claims are small and numerous. The items have each and every one of them, however, been passed upon by the Court of Claims, and they have to that extent adjudicated the question as to loyalty and amount, and all have been certified up here.

Now, on the question of order made by the Senator from Iowa, who has this matter in charge, I will read clause 4 of Senate Rule XVI:

No amendment the object of which is to provide for a private claim—

Now, these are private claims, I admit—

shall be received to any general appropriation bill unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

This is to carry out an existing law, and I think is sufficiently stated on the face of the amendment. There can be no question about it, for I read from the amendment itself to show what the law is and what we propose to carry out:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the several persons in this act named the several sums mentioned herein, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final discharge of, the several claims examined, investigated, and reported favorably by the Court of Claims of the United States under the provisions of the act of March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," and known as the Bowman Act.

That is on the face of the amendment. So it conforms. I think, to that part of the requirement of section 4 of Rule XVI, where it is stated that if it is a claim it shall be cited on the face of the amendment.

I have nothing more to say about it. I am perfectly content that the Chair shall rule upon the point of order. I do not wish to detain the Senate. I must confess, sir, that I am in doubt about it myself. I am generally against such things, but I submit that, it having been introduced and presented, it was hoped that there would be no debate upon it and that it would be passed as some other matters of this kind are allowed to be passed upon appropriation bills, the point of order not being made. But the point of order having been made, we have to take action upon it. I thus present this view, and will abide the result.

The PRESIDING OFFICER. The Chair sustains the point of order raised against the amendment of the Senator from Tennessee.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6249)

making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON managers at the conference on the part of the House.

The message also announced that the House had agreed to the second report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; further insisted upon its disagreement to the amendments of the Senate numbered 11, 12, 13, 14, 16, 19, 22, 23, 36, 37, 38, 83, 108, 109, 142, 144, 233, 305, 306, 307, 308, 309, 310, 313, and 314; asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BINGHAM, Mr. MCCALL of Tennessee, and Mr. DOCKERY managers at the further conference on the part of the House.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1609) for the relief of Peter Fleming, Battery E, Third United States Artillery;

A bill (H. R. 1734) to increase the pension of Ann Catherine Hull;

A bill (H. R. 2048) for the relief of Rufus Betz;

A bill (H. R. 2143) granting a pension to Mrs. Emily M. Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer;

A bill (H. R. 2844) granting a pension to Martha McNeil;

A bill (H. R. 3001) granting a pension to Cynthia A. Lapham, widow of William B. Lapham;

A bill (H. R. 4068) to enable the city of Tucson, in the Territory of Arizona, to issue bonds to construct a water and sewer system;

A bill (H. R. 4298) granting a pension to Annie Thompson;

A bill (H. R. 4787) to establish the port of Conneaut, in the State of Ohio, as a subport in the district of Cuyahoga, in the State of Ohio;

A bill (H. R. 5610) for the relief of George T. Stevens, assistant surgeon, Seventy-seventh New York Volunteers;

A bill (H. R. 5814) granting a pension to Cassie A. Davis, widow of James P. Davis, and mother of Mary T. Davis, an invalid daughter; and

A bill (H. R. 7865) to allow the return free of duty of certain articles exported from the United States for exhibition purposes.

STOUT, HALL & BANGS.

Mr. ALLEN. I ask unanimous consent to call up the bill (S. 1656) for the relief of Stout, Hall & Bangs.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to W. H. B. Stout, Cyrus J. Hall, and Isaac S. Bangs $31,802.52, in full payment of the balance due them on a contract to furnish stone for the walls of the cellar or subbasement of the Library building in the city of Washington.

Mr. ALLEN. I will state to the Senate that I understand the Senator from South Dakota [Mr. PETTIGREW] withdraws the amendment which he offered and withdraws all objection.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED INVESTIGATION OF BOND SALES.

Mr. GALLINGER. Mr. President——

Mr. GRAY. Will the Senator from New Hampshire yield to me for just a moment?

Mr. GALLINGER. Certainly.

Mr. GRAY. I ask unanimous consent to call up the bill (S. 1929) for the relief of William H. Crook.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Delaware?

Mr. PEFFER. I insist upon the regular order. I ask that the unfinished business may be laid before the Senate.

Mr. GRAY. I hope the Senator from Kansas will allow the bill for which consideration has already been asked to be passed.

Mr. PEFFER. I will yield after the unfinished business is laid before the Senate.

The PRESIDING OFFICER. Does the Senator withdraw his request?

Mr. PEFFER. I ask that the unfinished business may be laid before the Senate.

The PRESIDING OFFICER. It was before the Senate, and was laid aside temporarily.

Mr. PEFFER. That is true—for the appropriation bill. But the appropriation bill having been passed, I ask that it may now be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A resolution by Mr. PEFFER, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. GRAY. I ask the Senator from Kansas to yield to me.

Mr. PEFFER. I yield temporarily.

WILLIAM H. CROOK.

Mr. GRAY. I ask the Senate to proceed to the consideration of the bill (S. 1929) for the relief of William H. Crook.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, in line 6, before the word "thousand," to strike out "six" and insert "four"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William H. Crook, out of any money in the Treasury not otherwise appropriated, the sum of $4,000, as compensation for services as secretary to the President to sign land patents for the fiscal years of 1879, 1880, 1881 and 1882, inclusive, and which services were additional to his regular duties as executive clerk and disbursing agent, the amount being the same as was formerly paid for such service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM A. BECKFORD.

Mr. GALLINGER. I ask unanimous consent——

Mr. PEFFER. I have not yielded the floor.

The PRESIDING OFFICER. Does the Senator from Kansas insist on proceeding with the unfinished business?

Mr. PEFFER. The Senator from New Hampshire has not asked me to yield. At least I did not so understand him.

Mr. GALLINGER. I addressed the Chair and was recognized, and then I yielded to the Senator from Delaware [Mr. GRAY].

Mr. PEFFER. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I appreciate the Senator's courtesy. I ask unanimous consent for the present consideration of the bill (S. 2594) granting an increase of pension to William A. Beckford.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pension William A. Beckford, late first lieutenant of Company F, Eighth Regiment New Hampshire Volunteer Infantry, at the rate of $50 per month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ECKINGTON AND BELT LINE RAILWAYS.

Mr. GORMAN. I ask the Senate to consider Senate bill 2928, in relation to an extension of the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company. The bill has been reported favorably by the Committee on the District of Columbia.

Mr. PEFFER. I insist upon my right to the floor. I will yield to the Senator from Maryland, however, for the purpose of considering the bill he has indicated. Perhaps the Senator is not aware that the bond resolution is now before the Senate, and I have been yielding the floor to several Senators. I yield to the Senator from Maryland.

Mr. GORMAN. I am very much indebted to the Senator from Kansas.

Mr. HILL. The courtesy must be equal, of course. I hardly think the Senator from Kansas expects to take up the unfinished business at 4 o'clock on Saturday afternoon. It can not be finished to-day. In fact, I do not wish to have my argument cut off. Others desire to speak, and I suggest to the Senator from Kansas that the resolution go over and take its place on Monday, and then if the Senate wishes to go on with it I shall be ready to proceed.

Mr. PEFFER. I would not oppose a motion to adjourn.

Mr. HILL. I would make a motion to adjourn, except that I do not wish to be discourteous to Senators as to routine business, which might be proceeded with and disposed of.

Mr. GORMAN. I suggest that the bond resolution shall be laid before the Senate before we adjourn, so as to leave it the unfinished business, and that will serve the purpose.

Mr. PUGH. It has already been laid before the Senate.

Mr. GORMAN. With that understanding, I shall ask that the bill I have indicated may be considered.

Mr. PEFFER. Very well.

Mr. GORMAN. I ask the Senate to proceed to the consideration of the bill (S. 2928) to extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company of the District of Columbia, and for other purposes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M'CARTHY.

Mr. WILSON. I ask unanimous consent to call up the bill (S. 2324) to relieve John McCarthy from the charge of desertion.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with an amendment, in line 6, to strike out the word "desertion" and insert "having deserted from the service August 6, 1865"; so as to make the bill read:

Be it enacted, etc., That the charge of desertion now appearing against John McCarthy, formerly of the United States Navy, is hereby removed, and the said John McCarthy be, and he is hereby, relieved from the charge of having deserted from the service August 6, 1865, and that he be, and he is hereby, restored to all the rights to which he would have been entitled had no charge of desertion been entered against him and had no record showing desertion been made.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

IRWIN TUCKER.

Mr. MARTIN. I ask unanimous consent for the consideration of the bill (S. 1082) for the relief of Irwin Tucker, postmaster at Newport News, Va.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Auditor for the Post-Office Department to credit the account of Irwin Tucker, postmaster at Newport News, Va., with $4,290.80 for postage stamps and with $83.93 for money-order funds stolen from his office February 8, 1894.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF GAS IN THE DISTRICT OF COLUMBIA.

Mr. MCMILLAN. I ask unanimous consent to call up the bill (H. R. 6994) relating to the sale of gas in the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, line 8, after the word "dollar," to insert "and fifteen cents"; and after the word "feet," in the same line, to insert:

Until July 1, 1898; at a rate not exceeding $1.10 per thousand cubic feet from July 1, 1898, until July 1, 1900; at a rate not exceeding $1.05 per thousand cubic feet from July 1, 1900, until July 1, 1901, after which last-named date the rate shall not exceed $1 per thousand cubic feet;

So as to make the section read:

That the Washington Gas Light Company of the District of Columbia is authorized to charge and collect, after the passage of this act, for illuminating gas furnished to and paid for by the Government of the United States, and other consumers in the District of Columbia, at the rate of not exceeding $1.15 per thousand cubic feet until July 1, 1898; at a rate not exceeding $1.10 per thousand cubic feet from July 1, 1898, until July 1, 1900; at a rate not exceeding $1.05 per thousand cubic feet from July 1, 1900, until July 1, 1901, after which last-named date the rate shall not exceed $1 per thousand cubic feet: *Provided*, That if consumers other than the Government shall not pay monthly any gas bill within ten days after the same shall have been presented, said company may charge and collect from said consumer so failing to pay said bill as aforesaid $1.25 per thousand cubic feet for the gas furnished to said consumer during said month.

The amendment was agreed to.

The next amendment was, in section 2, after the word "and," in line 15, to strike out the words "twenty-five" and insert "forty"; and in line 16, after the word "feet," to insert:

Until July 1, 1898; at a rate not exceeding $1.35 per thousand cubic feet from July 1, 1898, until July 1, 1900; at a rate not exceeding $1.30 per thousand cubic feet from July 1, 1900, until July 1, 1901, after which last-named date the rate shall not exceed $1.25 per thousand cubic feet;

So as to make the section read:

SEC. 2. That the Georgetown Gas Light Company, doing business in that part of the District of Columbia formerly known as Georgetown, is authorized to charge and collect, after passage of this act, for illuminating gas furnished to, and paid for, by the Government of the United States, and other consumers in that part of the District of Columbia, at the rate of not exceeding $1.40 per thousand cubic feet until July 1, 1898; at a rate not exceeding $1.35 per thousand cubic feet from July 1, 1898, until July 1, 1900; at a rate not exceeding $1.30 per thousand cubic feet from July 1, 1900, until July 1, 1901, after which last-named date the rate shall not exceed $1.25 per thousand cubic feet: *Provided*, That if consumers, other than the Government, shall not pay monthly any gas bill within ten days after the same shall have been presented, said company may charge and collect from said consumer so failing to pay said bill as aforesaid $1.50 per thousand cubic feet for the gas furnished said consumer during said month.

The amendment was agreed to.

The next amendment was, in section 3, line 12, after the word "equal," to strike out "twenty-two" and insert "twenty-four," and in line 13, after the words "using the," to strike out "English parliamentary standard Argand burner having 15 holes and a 7-inch chimney" and insert "Bray slit union burner No. 7"; so as to read:

That section 1 of an act entitled "An act regulating gas works," approved June 23, 1874, is amended so as to read as follows: "That from and after the 30th day of June, 1874, the illuminating power of the gas furnished by any gaslight company, person, or persons in the District of Columbia shall be equal to 24 candles by the Bunsen photometer, using the Bray slit union burner No. 7, consuming 5 cubic feet of gas per hour.

The amendment was agreed to.

The next amendment was to insert as an additional section the following:

SEC. 5. That neither the Washington Gas Light Company nor the Georgetown Gas Light Company shall hereafter issue any greater number of shares of stock than shall be equal to the actual and necessary cost of the construction of future extensions or future enlargement of plant, which cost shall first be ascertained and authorized upon petition therefor to the supreme court of the District of Columbia, under such regulations as the chief justice and the justices thereof shall prescribe; also, if either of the said corporations shall desire hereafter to issue bonds upon their property, secured by mortgage or otherwise, upon petition therefor to said court, setting forth the necessity thereof and the amount of stock issued and outstanding, it may and shall be lawful for said court, or the chief justice and justices thereof, as the case may be, or one of them, upon public notice, to be prescribed by the rules of said court, to permit the issuance of such bonds and mortgage as desired: *Provided*, that the amount of stock and bonds so issued shall not exceed the actual cost of such extensions or enlargement of plant: *And provided further*, That the Washington Gas Light Company is hereby authorized to issue such additional amount of capital stock as will provide for the conversion into such stock of its outstanding certificates of indebtedness, which conversion is hereby authorized to an amount not exceeding $600,000.

The amendment was agreed to.

The next amendment was to add as a new section the following:

SEC. 6. That the officers of the United States having in charge the lighting of the public buildings situated in the District of Columbia and the Commissioners of the District of Columbia are hereby authorized, in their discretion, to enter into contracts with the Washington Gas Light Company or the Georgetown Gas Light Company for Government or public lighting, as the case may be, for a period not to exceed five years, at such rates as they may deem for the public interest, but not in any case exceeding the rates named in this act: *Provided*, That nothing in this section shall be construed to restrict the substitution of electric lighting for gas, either in public buildings or public streets.

The amendment was agreed to.

The next amendment was to add as a new section the following:

SEC. 7. That Congress reserves the right to alter, amend, or repeal this act.

The amendment was agreed to.

Mr. ALLEN. I want to call the attention of the Senator from Michigan to the bill for a moment. I observe in one section of the bill a provision that the company may mortgage their plant upon obtaining a ruling from the supreme court of the District.

Mr. MCMILLAN. That is to enable the company to increase their capital stock when their plant is increased.

Mr. ALLEN. It uses the language "the chief justice and justices thereof, as the case may be, or one of them." I suggest to the Senator the propriety of striking out the words "or one of them," in line 13, of section 5, so that the entire court shall pass upon it.

Mr. MCMILLAN. I have no objection to that.

The amendment was agreed to.

Mr. CALL. I think that this bill ought not to pass without mature consideration. As I heard it read, it is one of the very worst forms of monopoly that could be created. For a long time the gas supply of this city and the conditions with which it has been surrounded have been regarded by the people of this city and throughout the United States as a most iniquitous condition of things; and this bill continues this monopoly until 1901, impliedly, if not directly. I have no objection to any company making a reasonable profit; but for years it has been contended here, and reported upon by different committees, that there is a most outrageous condition of things in reference to the enormous profits which have been made by this gas company. Now, in common fairness to the people, when it has been reported here time and again that gas can be supplied and will be supplied by companies petitioning for the opportunity at one-half the cost proposed, for this body silently to permit this monopoly to be fixed without any inquiry whatever, with the right to take from the people of this District double the price for which other persons are anxious to supply gas—without inquiry, without evidence, without any discussion, that this condition of things may be continued seems to me not creditable to this body.

I can not speak with any certainty of the facts in regard to this case, but it is the universal opinion of business men and of persons who have investigated the condition of this gas company, and we read it in the public journals, that in some places gas of a superior quality and of greater illuminating power is furnished at 75 cents a thousand feet.

Then, again, this bill provides that if a poor person shall fail to pay his gas bill within a certain time the price of gas shall be increased 25, 30, or 40 per cent. Why should not this enormously rich company be content with the ordinary means of obtaining what is due to it? Again, I am told that a poor person here is required to pay $5 for a deposit, notwithstanding this company have made, I understand, four, five, and six times the original cost of their plant and every year receive nearly as much as the entire money they have put into the concern. We know that the stock

of the gas company is held here by a few enormously rich men, who have grown rich by plundering the poor people of this District in excessive and enormous charges.

If these things are not true, let them be disproved; but do not let us pass a bill of this description, with the most odious form of monopoly that can possibly be conceived of, and fasten it upon these people, without a single word of discussion.

Mr. PROCTOR. I do not understand that the Senator from Florida objects to the consideration of the bill. I wish to say that I sympathize strongly with his view. I was one of the committee who did everything in my power to get dollar gas, but I believed, as we could not get everything we desired, in accepting the best we could get. This was a compromise; and I think, under all the circumstances, a very fair one. It will give dollar gas after five years and makes an early reduction.

I think, on the whole, the purpose the Senator has at heart will be better accomplished by passing this bill than in any other possible way. I fear if the bill is not agreed to by the Senate we may fail to get any reduction. This is a step in the right direction, and I think the Senator, if he understood the case fully as it came before the committee, would be satisfied with the results that we reached.

Mr. BACON. Mr. President, I desire to say, as one of the committee, that I fully agree with what the distinguished Senator from Vermont [Mr. PROCTOR] has just said. I was also one of those who desired to make a more radical reduction than that proposed by the committee; but, as has been stated by the Senator from Vermont as to himself, I finally agreed to the bill in its present shape, because I thought it was better to do that than to jeopardize the getting of any reduction at all.

There is a gradual descending scale; there is a material reduction immediately; and while I should be very glad if the reduction could have been greater, I felt that I was serving the interests of the people of this District in giving my assent to the bill as it has been reported, rather than jeopardize the passage of any bill whatever.

Mr. GEORGE. What was the difficulty in adjusting the rate as the Senator from Georgia thinks it ought to be adjusted? Was the difficulty with the company?

Mr. BACON. No, sir; not with the company, but there was a difference among Senators as to what was proper.

Mr. GEORGE. Not the committee?

Mr. BACON. Not the committee. There were a few members of the committee who wanted the price fixed at $1.25.

Mr. GEORGE. There was no dispute as to the power of Congress to fix the rate?

Mr. BACON. Undoubtedly Congress has that power. There was no trouble upon that subject. The sole difficulty grew out of the fact that there was a division among the members as to what was the proper rate.

I will state to the Senator from Mississippi that this conclusion was not reached simply by haphazard. Senators have gone carefully through the figures and made calculations as to what was a fair profit, and while they differed, it was thought best that there should be some common ground upon which they could agree, and this is the result.

Mr. GEORGE. The Senator from Florida complained of the very excessive charge made for delay in the payment of gas bills.

Mr. BACON. I am not exact in my recollection as to what it is, but in this case, as is not unusual in gas companies—I know it is so in other communities, and not only in gas companies, but telephone and other companies—a certain rate is allowed to persons who pay their bills promptly, and those who do not pay promptly are required to pay a higher rate. I do not remember exactly what that matter of detail is. I will state that the matter of detail was not carefully considered by me.

Mr. McMILLAN. I will state, in answer to what has been said on that question, that this is the rule in every city. There is always a rebate for the prompt payment of gas bills.

Mr. GEORGE. What is the charge here for delay in payment?

Mr. McMILLAN. At present it is 25 cents—about 20 per cent. Under this bill it will be but 10 cents on a thousand feet at first.

Mr. GEORGE. For how long a delay?

Mr. McMILLAN. Ten days.

Mr. GEORGE. Twenty per cent, then, for ten days' delay?

Mr. McMILLAN. There are less than 2 per cent of the people in the entire District of Columbia who do not pay promptly.

Mr. GALLINGER. A single observation, Mr. President, on this question. I started out very firmly convinced that we ought to have dollar gas in the District of Columbia. I will confess, however, that I knew nothing whatever of the subject except what I had read in newspapers and learned from public clamor. The Committee on the District of Columbia, of which I am a member, gave days and days to the consideration of this question, hearing everybody who pretended to be interested in it or who had a grievance. The result was that it was demonstrated to our entire satisfaction that the cost of some of the ingredients of gas, coal particularly, which enters into the manufacture of gas, was higher in this city than in the Northern cities, and that a less amount was received for the so-called residuum in this city than is received in other cities of the country.

The company demonstrated further that for the next three years they had entered into contracts whereby they are to pay a very much larger amount for certain important ingredients which are used in the manufacture of gas than they had been paying in the past. They furnish gas for $1.25 a thousand feet in the District of Columbia.

Beyond doubt the company has made very large profits, or what might be considered large profits, but those profits have not been anywhere nearly so excessive as is represented by parties who know nothing about the subject. We believed, after examining all the facts and figures that we could get access to, that it would be disastrous to the interests of the stockholders if we made an immediate reduction to $1 per thousand feet. The result was that our judgment was—and it was the combined judgment of the committee, two or three members yielding convictions that they held a little more tenaciously than I did mine—that if we reduced for two years the price of gas from $1.25 to $1.15, taking some $80,000 from the revenues of the company, reducing it still further for the next two years to $1.05, and then to $1, it would be as far as we ought to go and do justice to the stockholders of this corporation, which has invested some $4,000,000 in a gas plant in the city of Washington. There was no difference of opinion finally in the committee; and I do not think that any Senator offhand can rise up and say that he knows more about this matter than the 13 members of the Committee on the District of Columbia, who have given, as I said a moment ago, days and days of their valuable time to the consideration of this great subject. I think we have done justice to the citizens of the District of Columbia. We have tried to do equal and exact justice to the men who have their money invested in this enterprise, and I trust the bill will pass without further objection.

Mr. CALL. I ask the Senator from New Hampshire if he will state what profits have been made by this company? What was the amount of money originally actually paid into the company?

Mr. GALLINGER. I am sorry to say to the Senator from Florida that I am unable to do that. I will say to the Senator that beyond a doubt some twenty years ago, or thereabout, this company made enormous profits; there is no doubt about that; but the stock is now held to a very large extent by other parties than those who held it at that time. The committee were of opinion that that old argument which had been used against this corporation and has been repeated and reiterated over and over again, that they made very large profits at some time in the past, ought not to be urged against the present stockholders, and that their investments ought not to be jeopardized because of that fact.

My judgment is that the company last year, receiving $1.25 per thousand for their gas, were able to pay 10 per cent on their capital. I would say that their capital stock is $2,000,000, and they having $4,000,000 invested, it would be 5 per cent on the amount invested. They had a very respectable balance sheet, the exact amount of which I can not state, but by the bill which is now under consideration we propose to take $80,000 from their balance sheet for the next year, which we thought was all that we could be reasonably expected to do.

I regret that the Senator from West Virginia [Mr. FAULKNER] is not here. He has made a very careful computation of the expenditures and receipts of this gas company, and was very largely instrumental in converting me as a member of that committee to the views he held, that we should be doing gross injustice to the stockholders of this company if we reduced gas at this time to a lower rate than $1.15 a thousand.

Mr. McMILLAN. I would say to the Senator from Florida that the trouble is that the original stockholders, or most of them, have passed away. The present stockholders have paid a very large price for their stock in the open market.

Mr. CALL. Will the Senator please repeat his statement?

Mr. McMILLAN. I say the present stockholders are principally persons who have purchased stock in the market at high rates, and the rate of interest the present stockholders get with gas at $1.25 a thousand is about 6 or 7 per cent. Of course the original stockholders make more.

Mr. CALL. Will the Senator state how many stockholders there are at this time and how many of the original stockholders now hold stock?

Mr. McMILLAN. The number of present stockholders would run into the hundreds, as I am informed. Some six or seven hundred of the stockholders are residents of Washington.

Mr. CALL. What proportion of the original stockholders still remain?

Mr. McMILLAN. I can not answer that question; but I will say that most of them died or sold their holdings.

Mr. GALLINGER. They are practically all dead, I will say to the Senator from Florida.

Mr. CALL. Will either of the Senators state what amount of money the company's plant can be duplicated for?

Mr. McMILLAN. The present plant could not be duplicated for less than $4,000,000, possibly $5,000,000.

Mr. CALL. Does the Senator state that as a fact?

Mr. McMILLAN. I state it as a fact. That is my opinion, based on experience, and I have had a good deal of experience in such matters.

Mr. CALL. I should like to know of what the great cost of the gas plant consists? The city furnishes the streets and there is nothing but excavations which have been made. What is it for which it is necessary to expend $4,000,000 by the company which supplies gas to this city?

Mr. McMILLAN. This is a very large city and requires a great many retorts. A great deal of real estate is required, an enormous quantity of piping, and betterments, for which money is continually being expended here in carrying on the gas business. I have not any question in my own mind that if any one were to try to duplicate all the property in the possession of the gas company to-day it would require at least $4,000,000 to do it. I have not any doubt about that.

Mr. CALL. What are the gross receipts of the company?

Mr. McMILLAN. About $1,100,000.

Mr. CALL. One million one hundred thousand dollars on an investment of $4,000,000.

Mr. GALLINGER. That represents the gross receipts.

Mr. McMILLAN. Certainly, that represents the gross receipts.

Mr. CALL. I understand that.

Mr. McMILLAN. Of course the cost of distributing gas, which is very expensive, must be deducted, and the price of coal, which is nearly double what it is in my city of Detroit. Coal costs more here than it does in most cities; for example, Cleveland, Buffalo, Chicago, or even Boston.

Mr. CALL. It seems, then, that everything in the District of Columbia is a subject of some kind of monopoly, which increases its cost beyond what it is elsewhere.

Mr. McMILLAN. The cost of labor, too, is very much greater here.

Mr. CALL. Then the committee ought to report some kind of legislation which would remedy that state of things.

I am informed; however, upon that point, that it is the opinion here that this gas plant can be duplicated for one-third of this amount, and that there are companies proposing to furnish gas, and to give bond and guarantee that they will do so to any extent which is demanded by Congress, for one-half the amount specified in this bill. I do not know that to be true, or that these companies are responsible, but I do know that if there be any particle of truth in the statement the opportunity should be offered to the people here to have their gas supplied at one-half the cost provided for in the bill. We ought to know before passing this bill whether or not these statements are untrue, and that the opinions of Senators who have spoken are well founded.

Mr. GALLINGER. I will say to the Senator from Florida that the committee has very diligently investigated that phase of the question, giving a great many hours to the advocates of so-called cheap gas, and the committee were unanimously of opinion that it could not be done.

Mr. CALL. Is it true that a company has offered to furnish gas, if the opportunity is allowed, for greatly less than the rates provided in this bill?

Mr. GALLINGER. That is on the face of it true, but the committee gave very careful consideration to that matter, and they were guided to a considerable extent by the fate of competing gas companies in other cities of this country, where they in almost every instance have been absorbed by the existing gas companies, and have simply added to the burdens of the people.

Furthermore, the very gentlemen who advocated cheap gas before the committee had their arguments absolutely refuted by a gentleman who is at the head of the only large gas company which is operating under their system, who says that the cost of gas is very much larger as a matter of fact than it is under the system which is used in this and most other cities.

Mr. HAWLEY. Can the Senator from Michigan tell us how many miles of service pipe there are in this city?

Mr. McMILLAN. Nearly 400.

Mr. HAWLEY. Then 400 miles of street would have to be torn up by a new company. I had rather pay more for gas than have that done.

Mr. GALLINGER. And simply for experimental purposes, too.

Mr. McMILLAN. I will say to the Senator from Florida that this is an intelligent effort to reduce the price of gas in the District of Columbia. We have examined this question very thoroughly and carefully, and we believe the bill the best possible solution of existing difficulties. The District Committee think we ought not to go to dollar gas at once, but that we ought to make the reduction gradually. The bill will give the people of the District of Columbia cheaper gas immediately and bring the price down to a dollar in five years. There are comparatively few cities in this whole country which have dollar gas. In New York and in most cities the price is $1.25; and in others it is $1.50. We are trying to reduce it to $1 here; and if the Senator succeeds in defeating this bill by objecting, he simply makes the people here pay $1.25 per thousand feet for gas.

Mr. CALL. There is another provision of the bill to which I call attention, for which I have heard no kind of justification. The bill makes the poor man, who is unable to pay his bill promptly, pay $1.30, I believe it is, for his gas, and the man who is able to pay and has money lying by him has to pay a third less.

Mr. GALLINGER. Does the Senator from Florida know of a single gas company in the world which does not have a provision of this kind which they can enforce?

Mr. CALL. I am happy to state that the American people ought not to be bound by the monopolies which have robbed and plundered the poor people of the world. We are here to protect the people; we are here to make this District the model government, in which the poor man equally with the rich man shall have all the comforts of life at his command; and I believe that it is in the power of legislation to do it. I do not think it is our policy to encourage monopoly; and, if we do permit it, it ought to be bound down by the strongest chains to what is reasonable.

I am willing to see men compensated for the use of their money in public franchises, but I insist upon it that they shall be restrained and limited, and if there be an opportunity offered to the Congress of the United States by responsible parties who are willing to furnish bond and security to supply gas for a less amount largely than the amount named in this bill, I think it should be accepted; and if it be necessary that there should be other legislation, why not enact it? If the Government can furnish gas at one-half the price, why not do it? If the railroad corporations of this country are demanding excessive and extortionate charges for the transportation of coal, why should not this Congress prohibit it and impose reasonable rates upon them? What is the difficulty about it, I should like to know? You say money should have reasonable compensation. Admit it. My friend laughs, but the people whose homes are suffering do not laugh. They have not the comforts of life, and they feel the hard hand of oppression. If these ideas are not true, disprove them. If an unreasonable price is charged for coal, come forward here and correct it. This is the arena for discussion. Let us have the proof upon this subject.

The Senator from New Hampshire says that some company has offered to furnish gas and offered to furnish security, and yet it is said that in the past the old monopolies have been able to defeat these efforts to cheapen the gas furnished to the people of the country, and that the new companies have been absorbed by the larger concerns. Can not we prohibit that? For what is free government except to protect the people?

Mr. President, it seems to me that this bill ought to have very careful consideration before we provide that after 1900 an absolute monopoly shall have the right to charge a fixed price for gas. I do not think that this bill ought to pass in the present conditions.

Mr. GEORGE. I was rather struck with the argument which was made in opposition to the views of the Senator from Florida [Mr. CALL]. The Senator from New Hampshire [Mr. GALLINGER] stated that in the past there had been enormous profits made by this gas company. The Senator from Michigan [Mr. McMILLAN] stated that the present stockholders, or a large number of them, have given a very high premium for the stock, that they have paid out a large sum of money for their stock, and that they ought to receive a fair interest on this large increase in the value of the stock. So the argument reduces itself down to this, that the company heretofore has been allowed to increase the value of its stock by extortionate charges upon the public; and now, when we are undertaking to regulate it, we are estopped from doing it because after they had made these large profits they had sold the stock to other people, and it would be unjust to make the present holders take less interest than they think they ought to get. That is about the situation; and I do not think that is a fair argument against the position taken by the Senator from Florida.

Mr. CALL. I think this bill had better go over until the Senator from West Virginia [Mr. FAULKNER] comes here, who, it is said, knows all about it.

The PRESIDING OFFICER. Objection being made, the bill will go over.

REPUBLICAN FORM OF GOVERNMENT IN ALABAMA.

Mr. CHANDLER. I desire to have the Senate proceed to the consideration of Order of Business 445, being resolution 54, proposing an inquiry concerning the election in Alabama in 1894.

Mr. PUGH. What do I understand to be the motion of the Senator from New Hampshire?

Mr. CHANDLER. I made no motion, I will say to the Senator from Alabama. I said that I desired at this time to proceed to the consideration of the resolution I indicated. Does the Senator rise to object?

Mr. PUGH. The Senator from Delaware [Mr. GRAY], who is the senior member representing the minority of the Committee on Privileges and Elections, which opposed the report of that resolution to the Senate, is not now present.

Mr. CHANDLER. If the Senator will allow me a word, that

is true. The Senator from Delaware is doubtless called away by the pressure of private or public business.

But I call the Senator's attention to the fact that this resolution was reported on the 3d of March with an amendment, and the minority were authorized to submit their views. The majority gave their reasons why the resolution ought to be adopted. It is a resolution of inquiry introduced, I think, in December by the Senator from Nebraska [Mr. ALLEN], who is here opposite me. The reasons given by the majority were reported March 10, 1896. It is now the 25th of April, and the minority have not yet submitted their views. We have waited for them patiently.

If the resolution is not to be proceeded with at this time I certainly desire to submit a few remarks, and so does the Senator from Nebraska, in reference to the facts which are the bases of the proposed inquiry. I do not like to go on in the absence of the Senator from Delaware. I do not like to go on in the absence of the colleague of the Senator from Alabama, whose title to his seat is in some degree impugned by the facts which are stated in the majority report and stated in the speech made here more than a year ago by the Senator from Nebraska, and will be impugned by the facts which I shall state.

But I ask the Senator from Alabama when there will be an opportunity to state these facts and to discuss this question? There is no minority report. We have waited more than a month for that. We ask to take it up. The Senator from Delaware is absent. It is manifest that if things go on in this way we shall be as little likely to pass the resolution as we are to pass the resolution to investigate the sale of bonds as long as the Senator from New York chooses to discuss that resolution.

Mr. ALLEN. I should like to ask the Senator from New Hampshire if he has any information as to when the minority report will be filed.

Mr. CHANDLER. I am obliged to say I have not. Perhaps the Senator from Alabama [Mr. PUGH] can tell us. I have inquired for it two or three times.

Mr. ALLEN. Has the Senator called the attention of the Senator from Delaware [Mr. GRAY] to the matter?

Mr. CHANDLER. Several times, and the Senator from Delaware has had good excuses, it seemed to me, personally. Perhaps the Senator from Alabama can tell us why we have not the report.

Mr. PUGH. It is true that the majority report was made at the time stated by the Senator and we have had sufficient time to present the views of the minority. But the cause of the delay ought to be well known to the Senator. The Senator from Delaware [Mr. GRAY], who had charge of the preparation of the minority report, has been engaged pretty much the whole time in listening to the protracted arguments upon the right of Mr. Du Pont to a seat in the Senate. Pretty much all of the time that he had to prepare the minority report has been taken up by the duty imposed on him to hear the argument and participate in the argument on the right of the claimant from Delaware as a Senator from his own State to a seat in this body.

I am sorry the Senator from Delaware is not present to make his own statement as to what engagements he has had that have interfered in preventing him from preparing the minority report. But I happen to know that he could not undertake to prepare it without submitting it not only to those who join with him in making the minority report, but also to my colleague, who is perfectly familiar with all the facts, more so than any other Senator, and the right to whose seat is involved in the proposed investigation. One of the predicates of the power claimed by the Senate to make the investigation is that it strikes at the right of my colleague to the seat he now occupies in the Senate founded on the election in August, 1894, at which the legislature was elected that sent him to this body.

I am unable to state with my knowledge of the condition of my colleague what time he would be in a condition to give attention to the preparation or examination of the minority report. I know that the very day this skeleton was sent to him for examination and to make such additions to it as he thought proper he was taken with severe illness, and he was confined to his room or his bed until a few days ago, when he was able to leave town. He is now absent in Pennsylvania, seeking the rest that is indispensable to restore him so that he can engage in his duties in this body. I am very much in hopes that he will be in a condition to give attention to the minority report in the course of the next week.

We have no disposition at all to delay action on this resolution, and while I am unable to state to the Senator what particular day we shall be ready to submit the minority report, I think I can undertake to say that we will have it ready in the course of the next week. I will correspond with my colleague and learn whether he is in a condition to give it attention, and if he is, as soon as it is received from him it will be presented, and when it is printed I see no objection to calling up and considering the resolution.

Mr. CHANDLER. Mr. President, I wish to show all possible consideration to the Senator from Alabama who is absent sick. I am willing to make such disposition of this subject for the time being as may be satisfactory to the Senator from Nebraska, whose resolution it is. I desire at the earliest possible day to make some statements to the Senate in reference to the facts which are to be the basis of the investigation, if one is made by order of the Senate. I shall not take more than fifteen or twenty minutes. I shall be very glad to go on at this time if there is no objection. If not, I shall certainly desire to do so at an early day.

Mr. VEST. As it seems very evident that this case can not be determined this afternoon, I ask the Senator from New Hampshire to yield to me that I may call up an unobjected bill.

Mr. ALLEN. Will the Senator from Missouri yield to me just a moment?

Mr. VEST. Certainly.

Mr. ALLEN. It is due to myself that I should state the attitude I occupy to this resolution. I have been trying now for almost a year and a half to have it taken up and adopted by the Senate; and I have been at all times ready to take it up. The organization of the Senate now being in the hands of the Republican party, and they being within one of a majority, I have felt and still feel that the country will hold them responsible for a failure to take up and pass the resolution promptly. I may supplement that, however, with the statement that if the Republican party gives its 44 votes in this Chamber in favor of the resolution there will be no doubt about its passage.

Mr. CHANDLER. When does the Senator think we can get an opportunity to vote on it? That seems to be the point now. If he will expedite his political—I will not say associates, the Senators with whom he occasionally associates politically, oftener than he does with the Senators upon this side of the Chamber—if he will expedite them we will have a vote upon the resolution and can undoubtedly adopt it.

Mr. ALLEN. I do not know. I am afraid the resolution would not find much sympathy on this side of the Chamber. I feel as though the Republican party has declared itself repeatedly in favor of a fair ballot and an honest count, and that if it fails now, with a majority in this Chamber——

Mr. FRYE. No.

Mr. ALLEN. It has a majority upon this resolution. It has within one of a majority, and I, as a Populist, will make the forty-fifth man in favor of it. Therefore you have the majority. If the Republican party under those circumstances fails to take up and pass the resolution, as it has the power to do and has the time within which to do it, I shall feel that the country will simply construe its claim to preeminent purity in this respect as something of a mere claim, and that when the opportunity is presented to it it fails to avail itself of it.

Mr. CHANDLER. I do not think the Senator attributes any dilatoriness to me.

Mr. ALLEN. Not at all.

Mr. CHANDLER. We have been unfortunate in the fact that the Senator from Alabama whose seat is affected has been sick and is absent.

Mr. ALLEN. I feel that the Senator from New Hampshire has done all he could. I regret very much that the Senator from Alabama is sick and that there has necessarily been some delay in consequence. I hope, however, that the Senator from Delaware will get the minority report on file. I understand that the Senator from Alabama [Mr. MORGAN] is in Pennsylvania, and can be reached by a few hours' travel. I trust the minority report may be submitted to him and he agree to it, or suggest such amendments as he sees fit, and that it will be filed promptly, and the resolution can be taken up and passed before Congress adjourns.

Mr. CHANDLER. I will add but a word and then I will yield to the Senator from Missouri, if he desires to have a bill passed. I will submit on Monday morning a supplemental report containing the additional facts which I should like to state to the Senate in my remarks, so that the minority of the committee—who have been more than a month with the majority report before them without answering it—may also answer the supplemental facts in their minority report. After the minority report is printed I hope the Senator from Alabama will agree that we ought to have a day fixed for the discussion of the resolution, and we ought to have a vote upon the question whether there shall be an inquiry.

Mr. ALLEN. I should like to ask the Senator from Alabama if he can approximate the time when the minority report will be filed and when the Senator from Alabama will himself be willing to take the resolution up for discussion and consideration?

Mr. PUGH. I have stated that I am unable to mention what time my colleague will be in a condition to give attention to the preparation of the minority report. I apprehend that the Senator from Delaware would not be willing to submit a minority report without giving my colleague an opportunity to examine it and make such additions or changes in it as he might think proper with his superior knowledge of the facts. The Senator can tell as well as I can what time my colleague will be in a condition to give attention to business. I hope that he will recover rapidly enough to be in a condition to devote some time to the preparation of the minority report, or at least to examine the report that will be submitted to him by the Senator from Delaware.

There has not been an hour's intentional delay in the preparation of the minority report. The circumstances preventing its preparation we had no agency whatever in producing. It was the sickness of my colleague and the unavoidable duties of the Senator from Delaware. In the absence of my colleague and knowing the engagements of the Senator from Delaware, a skeleton report, imperfect in its thoroughness, has been presented and is now in the hands of my colleague. My belief is that with very little labor, when he is in condition to work at all, he will be able to make such additions to what he has in hand as to satisfy himself with the minority report, and it can be returned and presented to the Senate by the Senator from Delaware.

In my relations to this case, being a Senator from the State and a colleague of the Senator whose right to a seat is involved in this investigation, I am embarrassed in undertaking to assume any charge, or control, or management of this attempt to ask the authority of the Senate for making the investigation.

The first ground upon which the power is asked to be exercised by the Senate is that Alabama has no republican government, and the object of the inquiry is to ascertain facts upon which that conclusion is to be reached by the Senate. The trial is to be made by the Senate whether, upon the facts discovered by this committee, Alabama has a republican form of government.

The next ground upon which the power of the Senate is invoked to order the investigation is the denial of the right of my colleague to the seat that he has obtained from the legislature of Alabama. I undertake to say it is a mere statement that perhaps will amount to nothing, but I am satisfied that when the facts in the minority report are presented to the Senate it will be the most remarkable event in its history if 44 Senators are found here to vote to order that investigation. There is no event in the history of the Senate that would compare with the one that would happen if that investigation were ordered upon the facts which will be presented upon the record—indisputable facts presented upon the record in that minority report.

Mr. ALLEN. Will the Senator from Alabama object to stating briefly what those facts will be?

Mr. PUGH. I do object, because they will be presented in the minority report in due time.

Mr. ALLEN. I realize the situation the Senator is in. I hope, however, that there will not be manifested any purpose to further delay the filing of the minority report; that it may be filed at an early day next week, and the resolution taken up for consideration.

ROBERT M'GEE.

Mr. VEST. I ask the Senate to proceed to the consideration of the bill (S. 229) for the relief of Robert McGee.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to investigate the claim of Robert McGee, to be paid out of interest money due to the Sioux Nation of Indians from the Government of the United States, $10,000, in compensation for damages sustained by him by reason of having been scalped and otherwise injured by the Brulé Sioux Indians while serving as a teamster with a train conveying Government supplies to Fort Union, N. Mex., July 18, 1864.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. FRYE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1734) to increase the pension of Ann Catherine Hull;

A bill (H. R. 2143) granting a pension to Mrs. Emily M. Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer;

A bill (H. R. 2844) granting a pension to Martha McNeil;

A bill (H. R. 3001) granting a pension to Cynthia A. Lapham, widow of William B. Lapham;

A bill (H. R. 4298) granting a pension to Annie Thompson; and

A bill (H. R. 5814) granting a pension to Cassie A. Davis, widow of James P. Davis, and mother of Mary T. Davis, an invalid daughter.

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A bill (H. R. 2048) for the relief of Rufus Betz; and

A bill (H. R. 5610) for the relief of George T. Stevens, assistant surgeon, Seventy-seventh New York Volunteers.

A bill (H. R. 4068) to enable the city of Tucson, in the Territory of Arizona, to issue bonds to construct a water and sewer system; was read twice by its title, and referred to the Committee on Territories.

The bill (H. R. 4787) to establish the port of Conneaut, in the State of Ohio, as a subport in the district of Cuyahoga, in the State of Ohio, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 7865) to allow the return free of duty of certain articles exported from the United States for exhibition purposes, was read twice by its title, and referred to the Committee on Finance.

PROPOSED INVESTIGATION OF BOND SALES.

Mr. PEFFER. I ask that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A resolution, by Mr. PEFFER, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. VEST. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, April 27, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 25, 1896.

POST CHAPLAIN.

The Rev. Sewell N. Pilchard, of Delaware, to be post chaplain, April 24, 1896, vice Parker, retired from active service.

PROMOTIONS IN THE ARMY.

Corps of Engineers.

First Lieut. Harry Taylor, to be captain, January 6, 1896, vice Rossell, promoted.

First Lieut. William Luther Sibert, to be captain, March 31, 1896, vice Symons, promoted.

Second Lieut. Charles Patton Echols, to be first lieutenant, January 6, 1896, vice Taylor, promoted.

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Infantry arm.

First Lieut. James Alexander Leyden, Fourth Infantry, to be captain, April 22, 1896, vice O'Brien, Fourth Infantry, retired from active service.

Second Lieut. Percival Greene Lowe, Eighteenth Infantry, to be first lieutenant, April 22, 1896, vice Leyden, Fourth Infantry, promoted.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. Samuel E. Maguire, of Louisiana, to be a captain in the Revenue-Cutter Service of the United States, in place of Alvan A. Fengar, deceased.

Second Lieut. James H. Brown, of the District of Columbia, to be a first lieutenant in the Revenue-Cutter Service of the United States, to succeed Samuel E. Maguire, promoted.

POSTMASTERS.

Ulysses G. Swartz, to be postmaster at Whiting, in the county of Lake and State of Indiana, in the place of Henry Schrage, whose commission expired April 8, 1896.

James L. Lincoln, to be postmaster at East Weymouth, in the county of Norfolk and State of Massachusetts, in the place of Lizzie F. Graves, whose commission expired February 9, 1896.

Charles C. Field, to be postmaster at Puyallup, in the county of Pierce and State of Washington, in the place of Benjamin S. Johnson, whose commission expired April 18, 1896.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 25, 1896.

CONSUL.

Leo Bergholz, of New York, to be consul of the United States at Erzerum, Armenia.

INDIAN AGENT.

Peter Gallagher, of Pocatello, Idaho, to be agent for the Indians of the Warm Springs Agency in Oregon.

APPOINTMENTS IN THE REVENUE-CUTTER SERVICE.

Thomas L. Jenkins, of North Carolina, to be a third lieutenant.
Randolph Ridgely, jr., of Georgia, to be a third lieutenant.
Richard M. Sturdevant, of Pennsylvania, to be a third lieutenant.
James C. Hooker, of Mississippi, to be a third lieutenant.
Frederick C. Billard, of Maryland, to be a third lieutenant.
Bernard H. Camden, of West Virginia, to be a third lieutenant.
Benjamin M. Chiswell, of Maryland, to be a third lieutenant.
Leonard T. Cutter, of New Hampshire, to be a third lieutenant.
Moses Goodrich, of New Hampshire, to be a third lieutenant.
Harry G. Hamlet, of Massachusetts, to be a third lieutenant.

POSTMASTERS.

Thomas J. Buchanan, to be postmaster at Marietta, in the county of Lancaster and State of Pennsylvania.

is true. The Senator from Delaware is doubtless called away by the pressure of private or public business.

But I call the Senator's attention to the fact that this resolution was reported on the 3d of March with an amendment, and the minority were authorized to submit their views. The majority gave their reasons why the resolution ought to be adopted. It is a resolution of inquiry introduced, I think, in December by the Senator from Nebraska [Mr. ALLEN], who is here opposite me. The reasons given by the majority were reported March 10, 1896. It is now the 25th of April, and the minority have not yet submitted their views. We have waited for them patiently.

If the resolution is not to be proceeded with at this time I certainly desire to submit a few remarks, and so does the Senator from Nebraska, in reference to the facts which are the bases of the proposed inquiry. I do not like to go on in the absence of the Senator from Delaware. I do not like to go on in the absence of the colleague of the Senator from Alabama, whose title to his seat is in some degree impugned by the facts which are stated in the majority report and stated in the speech made here more than a year ago by the Senator from Nebraska, and will be impugned by the facts which I shall state.

But I ask the Senator from Alabama when there will be an opportunity to state these facts and to discuss this question? There is no minority report. We have waited more than a month for that. We ask to take it up. The Senator from Delaware is absent. It is manifest that if things go on in this way we shall be as little likely to pass the resolution as we are to pass the resolution to investigate the sale of bonds as long as the Senator from New York chooses to discuss that resolution.

Mr. ALLEN. I should like to ask the Senator from New Hampshire if he has any information as to when the minority report will be filed.

Mr. CHANDLER. I am obliged to say I have not. Perhaps the Senator from Alabama [Mr. PUGH] can tell us. I have inquired for it two or three times.

Mr. ALLEN. Has the Senator called the attention of the Senator from Delaware [Mr. GRAY] to the matter?

Mr. CHANDLER. Several times, and the Senator from Delaware has had good excuses, it seemed to me, personally. Perhaps the Senator from Alabama can tell us why we have not the report.

Mr. PUGH. It is true that the majority report was made at the time stated by the Senator and we have had sufficient time to present the views of the minority. But the cause of the delay ought to be well known to the Senator. The Senator from Delaware [Mr. GRAY], who had charge of the preparation of the minority report, has been engaged pretty much the whole time in listening to the protracted arguments upon the right of Mr. Du Pont to a seat in the Senate. Pretty much all of the time that he had to prepare the minority report has been taken up by the duty imposed on him to hear the argument and participate in the argument on the right of the claimant from Delaware as a Senator from his own State to a seat in this body.

I am sorry the Senator from Delaware is not present to make his own statement as to what engagements he has had that have interfered in preventing him from preparing the minority report. But I happen to know that he could not undertake to prepare it without submitting it not only to those who join with him in making the minority report, but also to my colleague, who is perfectly familiar with all the facts, more so than any other Senator, and the right to whose seat is involved in the proposed investigation. One of the predicates of the power claimed by the Senate to make the investigation is that it strikes at the right of my colleague to the seat he now occupies in the Senate founded on the election in August, 1894, at which the legislature was elected that sent him to this body.

I am unable to state with my knowledge of the condition of my colleague what time he would be in a condition to give attention to the preparation or examination of the minority report. I know that the very day this skeleton was sent to him for examination and to make such additions to it as he thought proper he was taken with severe illness, and he was confined to his room or his bed until a few days ago, when he was able to leave town. He is now absent in Pennsylvania, seeking the rest that is indispensable to restore him so that he can engage in his duties in this body. I am very much in hopes that he will be in a condition to give attention to the minority report in the course of the next week.

We have no disposition at all to delay action on this resolution, and while I am unable to state to the Senator what particular day we shall be ready to submit the minority report, I think I can undertake to say that we will have it ready in the course of the next week. I will correspond with my colleague and learn whether he is in a condition to give it attention, and if he is, as soon as it is received from him it will be presented, and when it is printed I see no objection to calling up and considering the resolution.

Mr. CHANDLER. Mr. President, I wish to show all possible consideration to the Senator from Alabama who is absent sick. I am willing to make such disposition of this subject for the time being as may be satisfactory to the Senator from Nebraska, whose resolution it is. I desire at the earliest possible day to make some statements to the Senate in reference to the facts which are to be the basis of the investigation, if one is made by order of the Senate. I shall not take more than fifteen or twenty minutes. I shall be very glad to go on at this time if there is no objection. If not, I shall certainly desire to do so at an early day.

Mr. VEST. As it seems very evident that this case can not be determined this afternoon, I ask the Senator from New Hampshire to yield to me that I may call up an unobjected bill.

Mr. ALLEN. Will the Senator from Missouri yield to me just a moment?

Mr. VEST. Certainly.

Mr. ALLEN. It is due to myself that I should state the attitude I occupy to this resolution. I have been trying now for almost a year and a half to have it taken up and adopted by the Senate; and I have been at all times ready to take it up. The organization of the Senate now being in the hands of the Republican party, and they being within one of a majority, I have felt and still feel that the country will hold them responsible for a failure to take up and pass the resolution promptly. I may supplement that, however, with the statement that if the Republican party gives its 44 votes in this Chamber in favor of the resolution there will be no doubt about its passage.

Mr. CHANDLER. When does the Senator think we can get an opportunity to vote on it? That seems to be the point now. If he will expedite his political—I will not say associates, the Senators with whom he occasionally associates politically, oftener than he does with the Senators upon this side of the Chamber—if he will expedite them we will have a vote upon the resolution and can undoubtedly adopt it.

Mr. ALLEN. I do not know. I am afraid the resolution would not find much sympathy on this side of the Chamber. I feel as though the Republican party has declared itself repeatedly in favor of a fair ballot and an honest count, and that if it fails now, with a majority in this Chamber——

Mr. FRYE. No.

Mr. ALLEN. It has a majority upon this resolution. It has within one of a majority, and I, as a Populist, will make the forty-fifth man in favor of it. Therefore you have the majority. If the Republican party under those circumstances fails to take up and pass the resolution, as it has the power to do and has the time within which to do it, I shall feel that the country will simply construe its claim to preeminent purity in this respect as something of a mere claim, and that when the opportunity is presented to it it fails to avail itself of it.

Mr. CHANDLER. I do not think the Senator attributes any dilatoriness to me.

Mr. ALLEN. Not at all.

Mr. CHANDLER. We have been unfortunate in the fact that the Senator from Alabama whose seat is affected has been sick and is absent.

Mr. ALLEN. I feel that the Senator from New Hampshire has done all he could. I regret very much that the Senator from Alabama is sick and that there has necessarily been some delay in consequence. I hope, however, that the Senator from Delaware will get the minority report on file. I understand that the Senator from Alabama [Mr. MORGAN] is in Pennsylvania, and can be reached by a few hours' travel. I trust the minority report may be submitted to him and he agree to it, or suggest such amendments as he sees fit, and that it will be filed promptly, and the resolution can be taken up and passed before Congress adjourns.

Mr. CHANDLER. I will add but a word and then I will yield to the Senator from Missouri, if he desires to have a bill passed. I will submit on Monday morning a supplemental report containing the additional facts which I should like to state to the Senate in my remarks, so that the minority of the committee—who have been more than a month with the majority report before them without answering it—may also answer the supplemental facts in their minority report. After the minority report is printed I hope the Senator from Alabama will agree that we ought to have a day fixed for the discussion of the resolution, and we ought to have a vote upon the question whether there shall be an inquiry.

Mr. ALLEN. I should like to ask the Senator from Alabama if he can approximate the time when the minority report will be filed and when the Senator from Alabama will himself be willing to take the resolution up for discussion and consideration?

Mr. PUGH. I have stated that I am unable to mention what time my colleague will be in a condition to give attention to the preparation of the minority report. I apprehend that the Senator from Delaware would not be willing to submit a minority report without giving my colleague an opportunity to examine it and make such additions or changes in it as he might think proper with his superior knowledge of the facts. The Senator can tell as well as I can what time my colleague will be in a condition to give attention to business. I hope that he will recover rapidly enough to be in a condition to devote some time to the preparation of the minority report, or at least to examine the report that will be submitted to him by the Senator from Delaware.

There has not been an hour's intentional delay in the preparation of the minority report. The circumstances preventing its preparation we had no agency whatever in producing. It was the sickness of my colleague and the unavoidable duties of the Senator from Delaware. In the absence of my colleague and knowing the engagements of the Senator from Delaware, a skeleton report, imperfect in its thoroughness, has been presented and is now in the hands of my colleague. My belief is that with very little labor, when he is in condition to work at all, he will be able to make such additions to what he has in hand as to satisfy himself with the minority report, and it can be returned and presented to the Senate by the Senator from Delaware.

In my relations to this case, being a Senator from the State and a colleague of the Senator whose right to a seat is involved in this investigation, I am embarrassed in undertaking to assume any charge, or control, or management of this attempt to ask the authority of the Senate for making the investigation.

The first ground upon which the power is asked to be exercised by the Senate is that Alabama has no republican government, and the object of the inquiry is to ascertain facts upon which that conclusion is to be reached by the Senate. The trial is to be made by the Senate whether, upon the facts discovered by this committee, Alabama has a republican form of government.

The next ground upon which the power of the Senate is invoked to order the investigation is the denial of the right of my colleague to the seat that he has obtained from the legislature of Alabama. I undertake to say it is a mere statement that perhaps will amount to nothing, but I am satisfied that when the facts in the minority report are presented to the Senate it will be the most remarkable event in its history if 44 Senators are found here to vote to order that investigation. There is no event in the history of the Senate that would compare with the one that would happen if that investigation were ordered upon the facts which will be presented upon the record—indisputable facts presented upon the record in that minority report.

Mr. ALLEN. Will the Senator from Alabama object to stating briefly what those facts will be?

Mr. PUGH. I do object, because they will be presented in the minority report in due time.

Mr. ALLEN. I realize the situation the Senator is in. I hope, however, that there will not be manifested any purpose to further delay the filing of the minority report; that it may be filed at an early day next week, and the resolution taken up for consideration.

ROBERT M'GEE.

Mr. VEST. I ask the Senate to proceed to the consideration of the bill (S. 229) for the relief of Robert McGee.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to investigate the claim of Robert McGee, to be paid out of interest money due to the Sioux Nation of Indians from the Government of the United States, $10,000, in compensation for damages sustained by him by reason of having been scalped and otherwise injured by the Brulé Sioux Indians while serving as a teamster with a train conveying Government supplies to Fort Union, N. Mex., July 18, 1864.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. FRYE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1734) to increase the pension of Ann Catherine Hull;

A bill (H. R. 2143) granting a pension to Mrs. Emily M. Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer;

A bill (H. R. 2844) granting a pension to Martha McNeil;

A bill (H. R. 3001) granting a pension to Cynthia A. Lapham, widow of William B. Lapham;

A bill (H. R. 4298) granting a pension to Annie Thompson; and

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The bill (H. R. 7865) to allow the return free of duty of certain articles exported from the United States for exhibition purposes, was read twice by its title, and referred to the Committee on Finance.

PROPOSED INVESTIGATION OF BOND SALES.

Mr. PEFFER. I ask that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A resolution, by Mr. PEFFER, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. VEST. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, April 27, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 25, 1896.

POST CHAPLAIN.

The Rev. Sewell N. Pilchard, of Delaware, to be post chaplain, April 24, 1896, vice Parker, retired from active service.

PROMOTIONS IN THE ARMY.

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Infantry arm.

First Lieut. James Alexander Leyden, Fourth Infantry, to be captain, April 22, 1896, vice O'Brien, Fourth Infantry, retired from active service.

Second Lieut. Percival Greene Lowe, Eighteenth Infantry, to be first lieutenant, April 22, 1896, vice Leyden, Fourth Infantry, promoted.

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Frederick Holtz, to be postmaster at Williamsport, in the county of Warren and State of Indiana.

James B. Lucas, to be postmaster at Romeo, in the county of Macomb and State of Michigan.

Catherine E. McInnis, to be postmaster at Mosspoint, in the county of Jackson and State of Mississippi.

Guy Northrop, to be postmaster at Pass Christian, in the county of Harrison and State of Mississippi.

Franklin Sansom, to be postmaster at Indiana, in the county of Indiana and State of Pennsylvania.

Mary E. Gerety, to be postmaster at Honesdale, in the county of Wayne and State of Pennsylvania.

Jay R. Worst, to be postmaster at Berwyn, in the county of Chester and State of Pennsylvania.

Alexander J. Myers, to be postmaster at Natrona, in the county of Allegheny and State of Pennsylvania.

William B. Gwathmey, to be postmaster at Aitkin, in the county of Aitkin and State of Minnesota.

C. C. Lockett, to be postmaster at Kerrville, in the county of Kerr and State of Texas.

Lizzie K. Weber, to be postmaster at North Wales, in the county of Montgomery and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 25, 1896.*

The House met at 12 o'clock m.

The Chaplain, Rev. HENRY N. COUDEN, delivered the following prayer:

Our Father who art in Heaven, we thank Thee for those tender ties which bind us together as families, and for those ties of friendship which tend to widen the circle of fraternity and teach us that all the world are akin. Help us to-day, O Lord, as we call to mind the character of one who lately occupied a seat among us, that we may be able to throw the sweet veil of charity over all his faults and magnify his virtues; and help us that we may emulate those virtues, so that when we are called upon to pass from this life we, too, shall have the eulogy of our friends. Through Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

LEGISLATIVE APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I present a conference report on the legislative appropriation bill.

The SPEAKER. The Clerk will read the report of the committee of conference.

The Clerk proceeded to read the report of the committee of conference.

Mr. BINGHAM (interrupting the reading). Mr. Speaker, unless some gentleman demands the reading of the details of the report, I am of opinion the statement will give to the House all the information required and expedite business.

The SPEAKER. Without objection, the reading of the report in detail will be omitted. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the statement.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 101, 121, 133, 134, 136, 225, 226, 227, 228, 229, 230, 231, 232, 234, 237, 238, 239, 240, 241, 242, 245, 247, 248, 249, 250, 251, 252, 253, 254, 255, 257, 259, 261, 262, 264, 265, 266, 267, 269, 272, 273, 277, 278, 279, 280, 281, and 283.

That the House recede from its disagreement to the amendments of the Senate numbered 88, 98, 132, 135, 156, 157, 158, 219, 220, 221, 222, 224, 258, 285, 286, 287, 289, 292, 300, and 302, and agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,500"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$59,900"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For printing, binding, and wrapping 1,000 additional copies of series 1, volumes 1, 2, 3, and 4, for supplying officers of the Navy who have not received the work, $2,400."

And the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert:

"For 10 examiners of surveys, to constitute a board of examiners of surveys, under the direction of the surveying division of the General Land Office, the members of said board to be certified by the Civil Service Commission, at $2,000 each, $20,000: *Provided*, That this amount shall be paid from the appropriation for the examination of public surveys, and that no addition to the said appropriation, nor any increase of the employees of the General Land Office, shall be caused by the creation of this board: *Provided further*, That if any of the clerks of said office be transferred or promoted to this board, a corresponding number of clerks for whom appropriation is made in this act shall be dropped and their places shall not be filled."

And the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,500"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,500"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,500"; and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,500"; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,000"; and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,000"; and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,300"; and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,300"; and the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four"; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$164,010"; and the Senate agree to the same.

Amendment numbered 155: That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In lieu of the number proposed insert "six"; and the Senate agree to the same.

Amendment numbered 159: That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Eleven and thirteen"; and the Senate agree to the same.

Amendments numbered 160 to 217: That the House recede from its disagreement to the amendments of the Senate numbered 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, and 217, and agree to the same with an amendment as follows: In lieu of the amended section insert the following:

"SEC. 7. That the United States district attorney for each of the following judicial districts of the United States shall be paid, in lieu of the salaries, fees, per cents, and other compensations now allowed by law, an annual salary, as follows: For the northern and middle districts of the State of Alabama, each $4,000; for the southern district of the State of Alabama, $3,000; for the Territory of Arizona, $4,000; for the eastern district of Arkansas, $4,000; for the western district of Arkansas, $5,000; for the northern district of California, $4,500; for the southern district of California, $3,500; for the district of Colorado, $4,000; for the district of Connecticut, $2,500; for the district of Delaware, $2,000; for the northern district of Florida, $3,500; for the southern district of Florida, $3,500; for the northern district of Georgia, $3,000; for the southern district of Georgia, $3,500; for the district of Idaho, $3,000; for the northern district of Illinois, $5,000; for the southern district of Illinois, $5,000; for the district of Indiana, $5,000; for the northern and southern districts of Iowa, each $4,500; for the district of Kansas, $4,500; for the district of Kentucky, $5,000; for the eastern district of Louisiana, $3,500; for the western district of Louisiana, $2,500; for the district of Maine, $3,000; for the district of Maryland, $4,000; for the district of Massachusetts, $5,000; for the eastern district of Michigan, $4,000; for the western district of Michigan, $3,500; for the district of Minnesota, $4,000; for the northern and southern districts of Mississippi, each $3,500; for the eastern district of Missouri, $4,500; for the western district of Missouri, $4,500; for the district of Montana, $4,000; for the district of Nebraska, $4,000; for the district of Nevada, $3,000; for the district of New Hampshire, $2,000; for the district of New Jersey, $3,000; for the district of New Mexico, $4,000; for the northern district of New York, $4,500; for the eastern district of New York, $4,500; for the eastern district of North Carolina, $4,000; for the western district of North Carolina, $4,500; for the district of North Dakota, $4,000; for the northern and southern districts of Ohio, each $4,500; for the district of Oklahoma, $5,000; for the district of Oregon, $4,500; for the eastern district of Pennsylvania, $4,500; for the western district of Pennsylvania, $4,500; for the district of Rhode Island, $2,500; for the eastern and western divisions of the district of South Carolina, $4,500; for the district of South Dakota, $4,000; for the eastern, middle, and western districts of Tennessee, each $4,500; for the northern district of Texas, $3,500; for the eastern district of Texas, $5,000; for the western district of Texas, $4,000; for the district of Utah, $4,000; for the district of Vermont, $3,000; for the eastern district of Virginia, $4,000; for the western district of Virginia, $4,500; for the district of Washington, $4,500; for the district of West Virginia, $4,500; for the eastern district of Wisconsin, $4,000; for the western district of Wisconsin, $4,000; for the district of Wyoming, $4,000."

And the Senate agree to the same.

Amendment numbered 218: That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eight"; and the Senate agree to the same.

Amendment numbered 223: That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: In lieu of the number proposed insert "nine"; and the Senate agree to the same.

Amendment numbered 235: That the House recede from its disagreement to the amendment of the Senate numbered 235, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,500"; and the Senate agree to the same.

Amendment numbered 236: That the House recede from its disagreement

to the amendment of the Senate numbered 236, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000"; and the Senate agree to the same.

Amendment numbered 243: That the House recede from its disagreement to the amendment of the Senate numbered 243, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000"; and the Senate agree to the same.

Amendment numbered 244: That the House recede from its disagreement to the amendment of the Senate numbered 244, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500"; and the Senate agree to the same.

Amendment numbered 246: That the House recede from its disagreement to the amendment of the Senate numbered 246, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,500"; and the Senate agree to the same.

Amendment numbered 256: That the House recede from its disagreement to the amendment of the Senate numbered 256, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500"; and the Senate agree to the same.

Amendment numbered 260: That the House recede from its disagreement to the amendment of the Senate numbered 260, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000"; and the Senate agree to the same.

Amendment numbered 263: That the House recede from its disagreement to the amendment of the Senate numbered 263, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000"; and the Senate agree to the same.

Amendment numbered 268: That the House recede from its disagreement to the amendment of the Senate numbered 268, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000"; and the Senate agree to the same.

Amendment numbered 270: That the House recede from its disagreement to the amendment of the Senate numbered 270, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the eastern and western divisions of the district of South Carolina, $4,500"; and the Senate agree to the same.

Amendment numbered 271: That the House recede from its disagreement to the amendment of the Senate numbered 271 and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000"; and the Senate agree to the same.

Amendment numbered 274: That the House recede from its disagreement to the amendment of the Senate numbered 274 and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000"; and the Senate agree to the same.

Amendment numbered 275: That the House recede from its disagreement to the amendment of the Senate numbered 275 and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,500"; and the Senate agree to the same.

Amendment numbered 276: That the House recede from its disagreement to the amendment of the Senate numbered 276, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500"; and the Senate agree to the same.

Amendment numbered 282: That the House recede from its disagreement to the amendment of the Senate numbered 282, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000"; and the Senate agree to the same.

Amendment numbered 283: That the House recede from its disagreement to the amendment of the Senate numbered 283, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,500"; and the Senate agree to the same.

Amendment numbered 284: That the House recede from its disagreement to the amendment of the Senate numbered 284, and agree to the same with an amendment as follows: In lieu of the number proposed insert "ten"; and the Senate agree to the same.

Amendment numbered 290: That the House recede from its disagreement to the amendment of the Senate numbered 290, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment insert the following:

"SEC. 11. That at any time when in the opinion of the marshal of any district, the public interest will thereby be promoted, he may appoint one or more deputy marshals for such districts, who shall be known as field deputies, and who, unless sooner removed by the district court as now provided by law, shall hold office during the pleasure of the marshal, except as hereinafter provided, and who shall each, as his compensation, receive three-fourths of the gross fees, including mileage, as provided by law, earned by him, not to exceed $1,500 per fiscal year, or at the rate for any part of a fiscal year; and in addition shall be allowed his actual necessary expenses, not exceeding $2 a day, while endeavoring to arrest, under process, a person charged with or convicted of crime: *Provided*, That a field deputy may elect to receive actual expenses on any trip in lieu of mileage: *Provided*, That in special cases, where in his judgment justice requires, the Attorney-General may make an additional allowance, not, however, in any case to make the aggregate annual compensation of any field deputy in excess of $2,500 nor more than three-fourths of the gross fees earned by such field deputy. The marshal immediately after making any appointment or appointments under this section shall report the same to the Attorney-General, stating the facts as distinguished from conclusions constituting the reason for such appointment, and the Attorney-General may at any time cancel any such appointment as the public interest may require. The field deputies herein provided for of the districts of California, Colorado, Washington, Montana, North Dakota, South Dakota, Nevada, Oregon, Wyoming, and Idaho shall, for the services they may perform during the fiscal year 1897, receive double the fees allowed by law to like officers in other States for performing similar duties, but neither of them shall be allowed to receive of such fees any sum exceeding the aggregate compensation of such officer as provided herein."

And the Senate agree to the same.

Amendment numbered 291: That the House recede from its disagreement to the amendment of the Senate numbered 291, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twelve"; and the Senate agree to the same.

Amendment numbered 293: That the House recede from its disagreement to the amendment of the Senate numbered 293, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirteen"; and the Senate agree to the same.

Amendment numbered 294: That the House recede from its disagreement to the amendment of the Senate numbered 294, and agree to the same with an amendment as follows: In line 6 of the matter inserted by said amendment strike out the words "nineteen or"; and the Senate agree to the same.

Amendment numbered 295: That the House recede from its disagreement to the amendment of the Senate numbered 295, and agree to the same with an amendment as follows: In lieu of the number proposed insert "fourteen"; and the Senate agree to the same.

Amendment numbered 296: That the House recede from its disagreement to the amendment of the Senate numbered 296, and agree to the same with an amendment as follows: In lieu of the number proposed insert "fifteen"; and the Senate agree to the same.

Amendment numbered 297: That the House recede from its disagreement to the amendment of the Senate numbered 297, and agree to the same with an amendment as follows: In lieu of the number proposed insert "sixteen"; and the Senate agree to the same.

Amendment numbered 298: That the House recede from its disagreement to the amendment of the Senate numbered 298, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Sections 6 to 15, inclusive, of"; and the Senate agree to the same.

Amendment numbered 299: That the House recede from its disagreement to the amendment of the Senate numbered 299, and agree to the same with an amendment as follows: In lieu of the number proposed insert "seventeen"; and the Senate agree to the same.

Amendment numbered 301: That the House recede from its disagreement to the amendment of the Senate numbered 301, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "6 to 15, inclusive"; and the Senate agree to the same.

Amendment numbered 303: That the House recede from its disagreement to the amendment of the Senate numbered 303, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eighteen"; and the Senate agree to the same.

Amendment numbered 304: That the House recede from its disagreement to the amendment of the Senate numbered 304, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Sections 6 to 15, inclusive, of"; and the Senate agree to the same.

Amendment numbered 311: That the House recede from its disagreement to the amendment of the Senate numbered 311, and agree to the same with amendments as follows: In lieu of the matter inserted by said amendment insert the following: "5 to 23"; and on page 127 of the bill, in line 10, strike out the words "June 30" and insert in lieu thereof the words "the 1st day of July"; and the Senate agree to the same.

Amendment numbered 312: That the House recede from its disagreement to the amendment of the Senate numbered 312, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "6, 8, or 15"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 11, 12, 13, 14, 16, 19, 22, 23, 36, 37, 38, 83, 108, 109, 142, 144, 233, 305, 306, 307, 308, 309, 310, 313, and 314.

HENRY H. BINGHAM,
JNO. E. MCCALL,
ALEX. M. DOCKERY,
Managers on the part of the House.

S. M. CULLOM,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers of the conference on the part of the House on the disagreeing votes of the two Houses on certain amendments of the Senate to the legislative, executive, and judicial appropriation bill for the fiscal year 1897 (H. R. 6248) submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report, namely:

On amendments numbered 55 and 56: Appropriates $4,500, instead of $4,000 as proposed by the House and $5,000 as proposed by the Senate, for the Assistant Comptroller of the Treasury.

On amendment numbered 82: Appropriates $3,000, instead of $2,500 as proposed by the House and $3,500 as proposed by the Senate, for incidental and contingent expenses for the assay office at Boise, Idaho.

On amendment numbered 88: Strikes from the bill as it passed the House the provision authorizing the Secretary of the Navy to select the employees in the office of the Naval Records of the Rebellion.

On amendment numbered 89: Appropriates $2,400, as proposed by the Senate, for printing 1,000 additional copies of the Naval Records for officers of the Navy, and strikes out the appropriation of $11,600 proposed by the Senate for the expenses of a board of publication to conduct the preparation of said Naval Records.

On amendment numbered 98: Appropriates $3,960, as proposed by the Senate, to enable the Secretary of the Interior to employ laborers in the work of distributing the Reports of the Eleventh Census.

On amendment numbered 99: Provides for the appointment of a board of 10 examiners of surveys at $2,000 each in the General Land Office, to be paid from the appropriation for examination of surveys of public lands.

On amendment numbered 101: Strikes out the appropriation of $44,020 proposed by the Senate for the classification division in the Patent Office.

On amendments numbered 115, 116, 117, 118, 119, 120, 121, and 122: Strikes out one-half of the increase proposed by the Senate for clerks in the offices of the surveyors-general of New Mexico, Oregon, Utah, and Wyoming.

On amendments numbered 130, 131, 132, 133, 134, 135, 136, and 137, relating to the Department of Justice: Appropriates for one additional assistant attorney, instead of two, at $2,500 each, as proposed by the Senate; strikes out the increase proposed by the Senate of one clerk of class 4, one clerk of class 3, and one clerk of class 2; increases the compensation of the chief of division of accounts from $2,000 to $2,200; and provides for four additional clerks of class 1, as proposed by the Senate, and nine copyists at $900 each, as proposed by the House, instead of six, as proposed by the Senate.

On amendments numbered 155 to 204, inclusive, and on amendments numbered 311 and 312, relating to the compensation of United States attorneys and United States marshals and deputy marshals: Fixes the compensation of United States attorneys as set out in detail in the conference report, being in the aggregate $29,000 more than was proposed by the House, and $63,950 less than was proposed by the Senate; leaves the compensation of United States marshals throughout the United States as proposed by the House, except as follows:

Southern district of Georgia, $3,500, instead of $2,500 as proposed by the House and $5,000 as proposed by the Senate;

Idaho, $3,000, instead of $2,500 as proposed by the House and $3,500 as proposed by the Senate;

Eastern district of Louisiana, $3,000, instead of $2,500 as proposed by the House and $4,000 as proposed by the Senate;

Western district of Louisiana, $2,500, instead of $2,000 as proposed by the House and $3,000 as proposed by the Senate;

Maryland, $3,500, instead of $3,000 as proposed by the House and $4,500 as proposed by the Senate;

Nevada, $2,500, instead of $2,000 as proposed by the House and $3,000 as proposed by the Senate;

New Jersey, $3,000, as proposed by the Senate, instead of $2,500 as proposed by the House;

Eastern district of New York, $4,000, instead of $3,000 as proposed by the House and $5,000 as proposed by the Senate;

North Dakota and South Dakota, $4,000 each, instead of $3,500 as proposed by the House and $5,000 as proposed by the Senate;

Western district of Pennsylvania, $4,000, instead of $3,500 as proposed by the House and $5,000 as proposed by the Senate;

Western district of Texas, $4,000, instead of $3,500 as proposed by the House and $5,000 as proposed by the Senate;

Utah, $3,500, instead of $3,000 as proposed by the House and $4,000 as proposed by the Senate;

Vermont, $2,500, instead of $2,000 as proposed by the House and $4,000 as proposed by the Senate;

Western district of Wisconsin, $4,000, instead of $3,000 as proposed by the House and $5,000 as proposed by the Senate; and Wyoming, $3,500, instead of $3,000 as proposed by the House and $5,000 as proposed by the Senate; the aggregate of salaries for United States marshals being $4,500 more than was proposed by the House and $67,000 less than was proposed by the Senate, and strikes out the provision proposed by the Senate to give salaries of $1,500 each to field deputy marshals.

The committee of conference were unable to agree as to the following Senate amendments, namely:

Increasing the pay of certain committee clerks of the Senate from $1,440 to $1,800 each;

Providing for 10 additional messengers, at $1,440 each, instead of 10 skilled laborers, at $1,000 each, for the Senate;

Increasing the pay of 3 laborers from $720 to $840 each, for the Senate;

Appropriating for 12 additional Capitol policemen, at $1,100 each, in lieu of 7 watchmen now employed in the Capitol Grounds, at $840 each;

Appropriating for 38 annual clerks to Senators who are not chairmen of committees, at $1,500 each;

Providing for 3 additional clerks, at $900 each, for the execution of the copyright law, and for a register of copyrights, at $2,000, to be selected by the Joint Committee on the Library;

Regulating time of meeting of legislature of New Mexico;

Providing for printing and distributing advance sheets of the opinions of the Supreme Court to all circuit and district judges;

Providing for a messenger, at $2,000, to perform the duties of librarian and crier for the circuit court of appeals of the Eighth judicial circuit;

Increasing the salary of the marshal of the District of Columbia from $5,000 to $6,000; and

Striking out the provision proposed by the House regulating the appointment and fees of United States commissioners.

HENRY H. BINGHAM,
JNO. E. McCALL,
ALEXANDER M. DOCKERY,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the report of the committee of conference.

Mr. BINGHAM. I do not know whether there is any desire on the part of the House to debate the agreements and disagreements of the report. If there are any inquiries to be made, I am ready to answer them.

Mr. GROSVENOR. I would like to ask the gentleman from Pennsylvania if there is any legislation in regard to the capital of Oklahoma Territory?

Mr. BINGHAM. In what respect?

Mr. GROSVENOR. There is some money in one of these appropriation bills, appropriated for some purpose; and, in connection with that, I am informed that there has been put in by the Senate a limitation on the part of the Territorial legislature to legislate upon the subject of the capital of the Territory.

Mr. BINGHAM. I would say to the gentleman from Ohio that it is not in this conference, but was acted upon in the first conference by this committee, providing that the legislative assembly as to Oklahoma shall not consider any proposition or pass any bill to remove the seat of the government of said Territory from its present location. That was agreed upon by the first conference, and is therefore not before us in this conference.

Mr. GROSVENOR. Then it was agreed that a certain town should perpetually, until Statehood comes in, be established as the capital of the State, and putting it out of the power of the people of Oklahoma to have any voice in the matter of their capital.

Mr. BINGHAM. I again state to the gentleman from Ohio that that paragraph has already been agreed upon in the first conference.

Mr. GROSVENOR. It is a piece of legislation that ought to destroy any man that has been a party to it in the Territory. I have here a protest from a number of the largest towns of the Territory—a number of them—protesting against that legislation. I only voice that sentiment.

Mr. BINGHAM. I submit that this committee at this time has no authority over the subject.

Mr. GROSVENOR. Well, I want the responsibility to be fixed; that is all.

Mr. FLYNN. Mr. Speaker, I am responsible in a measure for the insertion of that provision in the bill. I desire to state that ever since Oklahoma was opened to settlement Congress has inserted, except in the first bill, a like provision. The gentleman from Indiana [Mr. STEELE], now a member of this House, was the first governor of the Territory. Congress provided where the temporary seat of government should be. The legislative assembly met, and more disgraceful action never was known than that which was taken by that legislature concerning the capital location. Since that time most of the officials of the Territory, Democrats and Republicans alike, have appealed to Congress to remove the possibility of a repetition of that disgrace before the people of the Territory have the right to determine by ballot where they desire to have their capital located. In reply to the gentleman from Ohio, I want to say this: That perhaps were he not rankling with reference to other matters, he, with every fair-minded man in this House desirous of good government in the Territory of Oklahoma, would approve this provision, and he would not have made this onslaught here. If there is an official in the Territory who is not in favor of this provision now, he was in favor of it and recommended it to the last Congress by telegraph and by petition. The only reason now for dragging this matter in here is because, forsooth, I live in that town and am entering upon a campaign, and it is sought to have the people of the Territory think that perhaps by some underhand means I have succeeded in injecting this provision into the bill. The fact is, as I have stated, that it has been in every bill, except the first, since Oklahoma was organized. Let me say further that I was in the Territory at the time the present provision was put in the bill by the Senate, but I justify the action of the Senate. I justify the action of the House conferees in putting it in, and I think I voice the desire of our people. I say they have done well; they have done an act of justice to our people.

I am willing and desirous of our people being given an opportunity by their ballots to determine where the capital should be, and will support that kind of a proposition at all times.

Mr. GROSVENOR rose.

Mr. BINGHAM. Mr. Speaker, while I am willing to yield for a moment, I wish to say that this is not now a matter in dispute. I desire, however, to be courteous to the gentleman.

Mr. GROSVENOR. Oh, you will not cut me off after my motives have been attacked.

Mr. BINGHAM. I have no desire to cut the gentleman off. I merely wish to call attention to the fact that this is not now a matter in controversy.

Mr. GROSVENOR. I simply wish to say that there is not anything "rankling" in me, and I do not know what the enormously distinguished gentleman means when he attacks me in that way.

Mr. FLYNN. What did the gentleman mean, then?

Mr. GROSVENOR. I happen to be the recipient of a large number of letters from respectable citizens of that Territory, one of which has just come to my desk, and I felt it to be my duty to call attention to the matter. That was all I proposed to do.

Mr. FLYNN. Will the gentleman permit a question?

Mr. GROSVENOR. I will not. A man who attacks my motives and undertakes to cast reproach upon me in that way must take care of himself and not interrupt me. I have received a letter which I propose to read in part. It is but one of a series of letters which I have received from a number of people in that Territory. This letter is written from Oklahoma City, by a gentleman whom I vouch for as a highly respectable man, a lawyer. He does not authorize me to give his name, but I should not hesitate much to do that if necessary. He writes:

OKLAHOMA CITY, OKLA., *April 22, 1896.*

Hon. C. H. GROSVENOR,
Washington, D. C.

DEAR SIR: There is a provision in the bill appropriating certain moneys for Oklahoma that is intended to prevent the Oklahoma legislature from taking any action relative to the removal of the capital from Guthrie. The bill is in the conference committee at this time, I understand.

While the people of this section may not desire to agitate that question, still such a clause is not doing justice to the other parts of the Territory. Oklahoma City has two railroads and is now the largest city in the Territory. It has the best accommodations for a capital, and before any legislature meets in this Territory there will be a third railroad in the city. Notwitstanding the protection of Congress in the way of each time preventing the legislature from taking any action upon the capital question, Guthrie is suffering from ennui, while this city is moving ahead.

I think it but just to all the balance of the Territory that the people shall have the right to say where this capital shall be.

Mr. GROSVENOR. Now, simply because I had been appealed to in the matter, I called the attention of the House to this provision in the bill, and I care nothing whatever about it—nothing whatever—and the bombastes furioso process by which the gentleman has worked himself into this spontaneous effervecence here makes no impression upon me. [Laughter.] I repeat, I care nothing about this matter.

Mr. FLYNN. What brought me out was the statement of the gentleman that whoever had anything to do with this ought to be "destroyed." I am willing to let my people destroy me, but not the gentleman from Ohio.

Mr. BINGHAM. Mr. Speaker, I regard it as due to the House, before calling the previous question, to make a brief statement. Among the most serious and complicated propositions your committee had to consider were the many paragraphs with reference to the compensation of United States marshals and district attorneys, the change from the fee system to the fixed salary or compensation. The Judiciary Committee of the House rendered valuable services to the House in connection with the discussion, as did also the Judiciary Committee of the Senate, in the several Chambers. We had these gentlemen in conference with us throughout our conferences, and they rendered more than valuable service, and this House is under very great obligations to them.

The Senate amended the House bill with reference to the district attorneys, increasing it $66,500. We were able, with the aid of the gentlemen of the Judiciary Committee, both of the House and of the Senate, to reduce that to $43,000, so that the House allowance of salaries was increased only $23,000.

With reference to the marshals, the Senate increased the House allowance $71,500, and we were able to reduce that, so that the increase is only $4,500. [Applause.] There are between the two Houses to-day for the next conference only $16,020 for contention other than the $67,000 increase of the subordinate force of the

Senate. So that this conference report amounts almost to a conclusion of the bill.

The Senate made a net increase in the amount appropriated by the bill of	$247,029.20
From which sum, by the terms of the conference reports—	
The Senate recedes from	103,920.00
The House agrees to	59,209.20
Remaining in dispute	83,900.00
Total	247,029.20

In dispute:

No. 11,* $7,560. Committee clerks, $37,440 to $45,000.

Nos. 12* and 13,* $3,320. Increasing 10 laborers, $1,000 each, to messengers, at $1,440 each, and for 3 laborers, at $840 each, in lieu of 5 laborers, at $720 each.

No. 19,* $57,000. Clerks to Senators, at $1,500 each.

* Relate to Senate.

No. 36, $2,700. Copyright clerks.

No. 38, $2,000. Register of copyrights.

Nos. 22, 23, 108, and 109, $7,320. Increase of Capitol police.

No. 142, $2,000. Supreme Court, opinions for judges.

No. 144, $2,000. Messenger to circuit court, eighth circuit.

No. 233. Fixing salary of United States marshal, District of Columbia, at $6,000 instead of $5,000.

No. 305. Regulating appointment and fees of United States commissioners.

No. 83. Regulating time of meeting of legislature of New Mexico.

Mr. DOCKERY. I simply desired, Mr. Speaker, to concur in the tribute that the gentleman from Pennsylvania has paid to the Judiciary Committees of the two Houses.

Mr. HENDERSON. I would like to have the gentleman from Pennsylvania incorporate in the report, or with his remarks, this statement, a comparative statement, for the information of the House.

Mr. BINGHAM. I will do so with pleasure.

Statement showing the gross and net emoluments of United States district attorneys and United States marshals for the fiscal year 1895, and the salaries allowed in H. R. 6245 by the House and Senate and by the conference committee.

District.	Gross and net emoluments of the United States district attorney from which his compensation, not to exceed $6,000, is paid.	Amount of annual salary— Allowed by the House.	Allowed by the Senate.	Agreed to by conference committee.	Gross and net emoluments of the United States marshal from which his compensation, not to exceed $6,000, is paid.	Amount of annual salary— Allowed by the House.	Allowed by the Senate.	Agreed to by conference committee.
Alabama:								
Northern	$11,598.70	$4,000	$5,000	$4,000	$43,726.08	$4,000	$5,000	$4,000
	9,094.31				6,119.27			
Middle	10,001.00	4,000	5,000	4,000	46,872.33	4,000	5,000	4,000
	8,787.48				6,521.26			
Southern	4,880.00	3,000	4,000	3,000	27,645.60	3,000	4,000	3,000
	4,798.15				6,459.23			
Alaska	6,103.80	4,000	4,000	4,000	25,900.15	4,000	5,000	4,000
Arizona	5,460.23				5,103.56			
Arkansas:								
Eastern	5,582.80	4,000	4,000	4,000	20,092.60	4,000	4,000	4,000
	5,419.30				7,283.87			
Western	10,770.00	5,000	5,000	5,000	50,490.85	5,000	5,000	5,000
	10,562.90				10,356.18			
California:								
Northern	4,047.17	4,000	5,000	4,500	13,294.38	4,000	5,000	4,000
	1,947.17				4,852.27			
Southern	3,440.62	3,000	4,000	3,500	14,821.59	3,000	4,000	3,000
	2,900.62				3,533.17			
Colorado	6,860.60	4,000	5,000	4,000	13,697.76	4,000	5,000	4,000
	6,860.60				4,714.12			
Connecticut	2,763.00	2,000	3,000	2,500	3,728.12	2,000	3,000	2,000
	2,763.00				2,977.05			
Delaware	1,830.00	2,000	2,500	2,000	2,611.35	2,000	2,500	2,000
	1,822.75				2,591.35			
District of Columbia	47,065.00	5,000	----------	----------	20,573.48	5,000	6,000	----------
	31,178.42				12,889.41			
Florida:								
Northern	4,539.57	3,000	4,000	3,500	12,150.77	3,000	4,000	3,000
	4,439.07				*4,775.27			
Southern	3,607.90	3,000	4,000	3,500	4,752.94	3,000	4,000	3,000
	3,244.90				2,796.64			
Georgia:								
Northern	13,001.60	5,000	5,000	5,000	51,231.85	5,000	5,000	5,000
	7,959.23				6,611.33			
Southern	3,056.60	2,500	5,000	3,500	15,545.78	2,500	5,000	3,500
	3,056.60				6,000.00			
Idaho	3,856.60	2,500	3,500	3,000	11,544.07	2,500	3,500	3,000
	2,390.05				3,690.83			
Illinois:								
Northern	6,933.13	5,000	5,500	5,000	23,885.51	5,000	5,500	5,000
	5,417.66				6,000.00			
Southern	6,703.60	4,500	5,000	5,000	22,876.38	4,500	5,000	4,500
	5,500.65				6,857.48			
Indian Territory:								
Northern	----------	----------	----------	----------	----------	----------	----------	----------
Central	----------	----------	----------	----------	----------	----------	----------	----------
Southern	----------	----------	----------	----------	----------	----------	----------	----------
Indiana	6,765.80	5,000	5,500	5,000	16,690.37	4,500	5,500	4,500
	6,588.00				4,933.93			
Iowa:								
Northern	9,114.60	4,000	5,500	4,500	13,783.02	4,000	5,000	4,000
	7,753.43				5,195.64			
Southern	6,952.30	4,000	5,500	4,500	30,722.20	4,000	5,000	4,000
	6,146.80				8,652.41			
Kansas	6,201.70	4,000	5,000	4,500	14,311.64	4,000	5,000	4,000
	5,293.26				4,023.64			
Kentucky	10,129.19	5,000	5,500	5,000	36,015.26	5,000	5,500	5,000
	8,558.45				6,200.20			
Louisiana:								
Eastern	2,906.00	3,000	5,000	3,500	4,733.22	2,500	4,000	3,000
	2,906.00				2,817.94			
Western	2,695.20	2,000	3,000	2,500	3,502.33	2,000	3,000	2,500
	2,695.20				3,143.67			
Maine	2,992.36	2,500	4,000	3,000	10,709.16	3,000	4,000	3,000
	2,992.36				5,328.94			
Maryland	4,067.50	3,000	5,000	4,000	6,048.15	3,000	4,500	3,500
	4,067.50				3,590.21			
Massachusetts	8,235.15	5,000	5,500	5,000	13,794.24	5,000	5,500	5,000
	7,816.25				6,000.00			

* Net emoluments estimated for six months.

Statement showing the gross and net emoluments of United States district attorneys and United States marshals, etc.—Continued.

District.	Gross and net emoluments of the United States district attorney from which his compensation, not to exceed $6,000, is paid.	Amount of annual salary— Allowed by the House.	Allowed by the Senate.	Agreed to by conference committee.	Gross and net emoluments of the United States marshal from which his compensation, not to exceed $6,000, is paid.	Amount of annual salary— Allowed by the House.	Allowed by the Senate.	Agreed to by conference committee.
Michigan:								
Eastern	$3,444.48	$4,000	$4,000	$4,000	$11,576.99	$4,000	$5,000	$4,000
	3,444.48				6,498.72			
Western	5,311.70	3,000	4,000	3,500	8,914.85	3,000	4,000	3,000
	5,311.70				5,815.78			
Minnesota	4,840.00	4,000	5,000	4,000	22,069.79	4,000	5,500	4,000
	3,485.12				*5,364.00			
Mississippi:								
Northern	7,377.40	3,000	5,000	3,500	18,899.35	3,000	5,000	3,000
	6,125.65				5,401.58			
Southern	7,916.00	3,000	5,000	3,500	19,406.51	3,000	5,000	3,000
	5,892.74				6,046.15			
Missouri:								
Eastern	†3,300.00	4,000	5,000	4,500	17,624.55	4,000	4,500	4,000
	3,084.00				5,262.79			
Western	7,761.30	4,000	5,000	4,500	21,964.78	4,000	4,500	4,000
	7,082.52				4,289.77			
Montana	7,314.80	3,500	5,000	4,000	24,293.22	3,500	5,000	3,500
	5,800.10				6,493.06			
Nebraska	5,507.70	3,500	5,000	4,000	17,937.96	3,500	5,000	3,500
	5,164.12				7,007.25			
Nevada	4,322.40	2,500	3,000	3,000	7,104.08	2,000	3,000	2,500
	4,322.40				4,255.52			
New Hampshire	†1,293.60	2,000	2,500	2,000	1,846.30	2,000	3,000	2,000
	866.80				1,846.30			
New Jersey	†2,254.40	2,000	4,000	3,000	6,444.44	2,500	3,000	3,000
	†2,254.40				3,400.53			
New Mexico	9,354.15	4,000	5,000	4,000	34,[illegible].95	4,000	5,000	4,000
	7,833.54				8,[illegible]5.60			
New York:								
Northern	5,217.56	4,000	5,000	4,500	21,888.82	5,000	5,000	5,000
	4,402.19				8,244.69			
Eastern	3,950.08	3,000	4,500	4,500	6,923.49	3,000	5,000	4,000
	3,950.08				5,880.51			
Southern	----------	----------	----------	----------	23,279.54	5,000	6,000	5,000
					†5,217.46			
North Carolina:								
Eastern	5,395.40	4,000	4,000	4,000	17,377.71	4,000	4,000	4,000
	5,395.40				5,823.30			
Western	19,563.20	4,500	5,000	4,500	43,762.25	4,500	5,000	4,500
	17,177.79				8,571.69			
North Dakota	5,923.20	3,500	5,000	4,000	36,172.88	3,500	5,000	4,000
	5,840.45				7,305.35			
Ohio:								
Northern	†5,697.86	4,000	5,000	4,500	14,474.62	4,000	4,500	4,000
	*5,081.55				5,095.48			
Southern	5,335.65	4,000	5,000	4,500	16,026.79	4,000	5,000	4,000
	5,206.05				6,281.93			
Oklahoma	16,364.80	5,000	5,000	5,000	248,179.39	5,000	5,500	5,000
	14,196.56				26,919.86			
Oregon	5,916.75	4,000	5,500	4,500	18,376.02	4,000	5,000	4,000
	5,747.52				3,955.62			
Pennsylvania:								
Eastern	†4,332.40	4,000	5,000	4,500	9,069.37	4,000	5,000	4,000
	4,047.54				5,283.34			
Western	4,520.00	4,000	5,000	4,500	8,699.40	3,500	5,000	4,000
	3,301.47				4,764.92			
Rhode Island	2,315.00	2,000	3,000	2,500	2,352.89	2,000	3,000	2,000
	2,315.00				2,263.12			
South Carolina	11,261.00	----------	----------	4,500	42,971.99	----------	----------	4,500
	9,359.99				12,998.27			
Eastern	----------	4,500	2,000	----------	----------	4,500	2,000	----------
Western			3,000				3,000	
South Dakota	6,731.60	3,500	5,000	4,000	29,675.24	3,500	5,000	4,000
	5,974.75				6,484.46			
Tennessee:								
Eastern	12,560.20	4,000	5,000	4,500	35,094.53	4,000	5,000	4,000
	10,471.47				5,997.35			
Middle	11,425.00	4,000	5,000	4,500	30,983.41	4,000	5,000	4,000
	9,430.59				10,017.91			
Western	9,019.00	4,000	5,000	4,500	11,907.06	4,000	5,000	4,000
	8,843.25				5,431.83			
Texas:								
Northern	3,438.30	3,000	4,000	3,500	13,878.55	3,000	4,000	3,000
	3,438.30				4,769.50			
Eastern	10,405.74	5,000	5,500	5,000	83,067.37	5,000	5,000	5,000
	8,611.27				8,090.76			
Western	4,005.10	3,500	5,000	4,000	24,396.83	3,500	5,000	4,000
	4,005.10				5,327.83			
Utah	9,170.20	3,000	5,000	4,000	16,684.29	3,000	4,000	3,500
	7,833.42				4,191.65			
Vermont	2,985.60	2,000	3,000	3,000	4,545.48	2,000	4,000	2,500
	2,985.60				4,545.48			
Virginia:								
Eastern	5,236.20	3,500	4,500	4,000	6,144.13	3,500	4,000	3,500
	5,109.54				4,495.41			
Western	12,804.60	4,000	5,000	4,500	43,500.27	4,000	5,000	4,000
	10,687.77				8,643.66			
Washington	8,370.00	4,000	5,000	4,500	46,320.44	4,000	5,000	4,000
	6,460.13				11,064.57			
West Virginia	10,301.60	4,000	5,000	4,500	46,161.56	4,000	5,000	4,000
	7,323.05				6,365.70			
Wisconsin:								
Eastern	†6,211.00	4,000	5,000	4,000	14,775.77	4,000	5,000	4,000
	5,400.50				5,418.08			
Western	4,986.60	3,000	5,000	4,000	11,347.23	3,000	5,000	4,000
	4,986.60				5,680.99			
Wyoming	4,615.00	3,000	4,500	4,000	5,891.23	3,000	5,000	3,500
	4,410.00				5,484.98			
Total salaries	----------	257,500	324,000	280,500	----------	262,500	334,000	267,000

* Net emoluments estimated for four months. † Estimated in part.

CONFERENCE AGREEMENT.

Attorneys:	
Increase over House	$23,000
Reduction under Senate	43,500
Proposed increase by Senate	66,500
Marshals:	
Increase over House	4,500
Reduction under Senate	67,000
Proposed increase by Senate	71,500

I now move the previous question on the adoption of the report.

The previous question was ordered; under the operation of which the conference report was agreed to.

Mr. BINGHAM. I now move that the House further insist upon its disagreement to the Senate amendments, and ask for a further conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. BINGHAM, Mr. MCCALL of Tennessee, and Mr. DOCKERY.

SENATE EXPENDITURES.

Mr. DOCKERY. Mr. Speaker, I congratulate the House and the country upon the adoption of this conference report, whereby the fee system as to United States marshals and attorneys is replaced by fixed salaries.

At the time this bill was being originally considered by the House I made some remarks in opposition to the pernicious fee system. I stated then that this reform was beneficial and far-reaching, that it would operate to forbid petty persecutions and prosecutions of honest citizens, and that it would result in a large reduction of the cost of maintaining the courts of the United States. This prediction will be fully verified by the bill agreed upon.

Mr. Speaker, there are yet remaining several items in controversy between the two Houses. Many of them are relatively unimportant, and a conclusion will probably be reached upon the greater number of them at the next meeting of the conferees. It may be well to state, however, that the very considerable increase of the salaries of Senate employees is a subject of stubborn contention. The bill as already agreed upon carries $338,162.50 for the compensation of 295 employees of this body. This amount is exclusive of the salaries of Reporters of Debates, reporters of committees, and the reimbursement to members for clerk hire, and it shows that the average cost per Representative for the pay of the House employees is $939.

The bill as it comes to us from the Senate, and insisted upon by the Senate conferees, appropriates $403,529.90 for the salaries of 273 Senate employees. This amount does not include Senate Reporters of Debates, committee reporters, and clerks to Senators. The per capita cost, therefore, per Senator on account of the compensation of Senate employees is $4,483.

Notwithstanding this, the Senate now insists that the salaries of Senators' personal clerks be increased from $1,200 to $1,500 per annum, and the compensation of clerks to certain unimportant committees from $1,440 to $1,800 per annum. The House conferees have earnestly resisted this proposed increase of compensation, it being their judgment that the present period of grave industrial depression is a peculiarly inopportune moment to increase the salaries of Federal officeholders.

Mr. Speaker, I will not further comment upon this comparative exhibit of the relative cost of maintaining the employees of the Senate and of the House. The facts I have submitted tell the story without the necessity for further comment or criticism.

In conclusion, I desire to incorporate as a part of my remarks the following interesting historical review, by Hon. Charles S. Hamlin, Assistant Secretary of the Treasury, of the accounting system of the Government from the days of Alexander Hamilton until the present time. The entertaining recital of Secretary Hamlin shows the various changes made by "Uncle Sam" in his system of bookkeeping and the methods of transacting public business, and also shows that the new system of accounting secures economy, accuracy, and expedition.

THE DOCKERY COMMISSION PLAN SAVES $250,000 YEARLY.

"The old accounting system of the Government was established in 1789 by the First Congress, it being one of the many details of the original machinery of government authorized under the Constitution. Alexander Hamilton, then Secretary of the Treasury, was its reputed author. The system was one of double checks and divided responsibility.

"It provided for an auditor, by whom all accounts and claims against the Government were first examined; a comptroller, who revised the work of the auditor; a register, who registered the settlements; and a treasurer, who made payments upon warrants issued after settlements.

"At the time of the adoption of the system the area of the country was less than 830,000 square miles, its population less than 4,000,000, and its annual expenditures only about $500,000. The appropriations made by Congress for the support of the Government for the calendar year 1789 were expressed in a statute of 18 lines. For nearly thirty years thereafter the appropriations for the conduct of the several Departments were made in the most general terms, without stating the number of persons to be employed, specifying the salaries to be paid, or stipulating amounts for any other public objects. It was the early practice under the system, and apparently its design, to have all accounts against the Government (except possibly those for the Army and Navy) paid only after audit by the accounting officers.

"The growth of the country in area and population and the increase in public expenditures required in time many changes to be made in the original system. The first important change was in 1792, when the office of accountant for the War Department was created, with authority to settle accounts relating to that Department, and to whom advances of moneys were to be made for all expenses of the Department. In 1798 a similar office was created for the Navy Department. This material departure from the original theory continued until 1817, when these offices were abolished, and there was created in the Treasury a second comptroller, and a second, a third, and a fourth auditor, with jurisdiction over the War and Navy accounts. Other important changes in the system were those conferring on the General Land Office power to audit its own accounts, subject to revision only by the Comptroller; the creation, in 1836, of an auditor for the Post-Office Department, with power to settle finally all accounts of the postal service, subject to appeal to the Comptroller; the creation, in 1849, of the office of Commissioner of Customs, to relieve the Comptroller of such of his labors as applied to customs accounts; and, in 1867, the passage of the important act requiring in express terms an administrative examination of accounts by the Executive Departments before their submission to the accounting officers of the Treasury."

"This system, thus built upon and patched about, requiring a triplicate examination as to expenditures and a quadruple examination as to customs receipts, exhibited two fatal weaknesses, namely, an unavoidable delay in the final settlement of accounts, and an utter lack of power to require uniformly those intrusted with public funds to make punctual settlements. It failed in the fundamental proposition recognized by every Government and by every business establishment—that the essential virtue of an audit consists in the audit being as nearly contemporaneous with the receipt or expenditure as it is practicable to make it, and in the other equally fundamental proposition that sound business principles require that agents be compelled to account for funds already in hand before approval is granted to requisitions for further advances.

HOW MONEY IS DRAWN.

"Money is drawn from the Treasury, after appropriation by Congress, under two forms of warrants: First, accountable warrants, by which money is advanced to disbursing agents, to be accounted for after expenditure; second, by settlement warrants for money payable after audit and approval by the accounting officers. Of the enormous expenditures of the Government for the fiscal year 1895, excluding those of the postal service, about 91 per cent are paid under accountable warrants, and only about 9 per cent under settlement warrants. These percentages demonstrate that the audit of accounts by Treasury officials serves only to determine, in large measure, simply whether expenditures have been made in accordance with the forms of law, and that the accounts rendered therefor are mathematically correct, and that after an administrative examination of accounts by the Department responsible for the expenditure any system of Treasury auditing requiring another examination by more than one set of competent clerks serves only to cause delay, dangerous to the Government, and an indefensible extravagance.

"Any accounting system devised, no matter how wisely, more than a century ago is necessarily primitive when applied to conditions existing to-day, and to a country that has increased in area from less than 830,000 to more than 3,600,000 square miles, with a population that has grown from less than 4,000,000 to 70,000,000, and with expenditures approximating $500,000,000 instead of $500,000 annually.

"From its original theory of an auditor and a comptroller, the old system developed in the course of a century into a hydra-headed creation of five auditors acting under three comptrollers, a Department bureau (the General Land Office) settling its own accounts directly with one of the comptrollers, and a sixth auditor acting independently of a comptroller, except upon appeal.

"Under acts of Congress or by Executive regulations, the jurisdiction of the several auditors and comptrollers was confusing and utterly incomprehensible to the average citizen having to do with public affairs. One auditor settled a portion of the accounts of a Department, while other accounts of the same Department were settled by another auditor, and sometimes by two other auditors. The two comptrollers and the Commissioner of Customs (acting as a comptroller) construed statutes affecting public accounts without any pretense as to harmony of conclusions.

* Net emoluments estimated for four months. † Estimated in part.

[A statute passed in 1878 was construed by one of the comptrollers as a statute of limitation against certain claims, while another of the comptrollers held that the same statute was not one of limitation.]

"The necessity for a reform in this anomalous accounting system had been recognized and pressed upon public attention for many years; radical changes therein had been recommended by Secretaries of the Treasury and other public officials, and it had been the subject of investigation and report by committees of Congress. That no change was effected until the new system was inaugurated in October, 1894, under an act of Congress, is not greatly to be wondered at when all the obstacles in the way of so radical and far-reaching a reform are considered. Some officials in the public service opposed a change, fearing that it might adversely affect themselves. Others, for years absorbed in the daily treadmill of their office routine, could not see anything better than the methods in whose practice they had grown old. Tradesmen, real-estate agents, and others inveighed against any change, fearing lest their business might be injured thereby through a diminution of public employments. There were others who, from honest differences of opinion, antagonized the new system as it was proposed."

JOINT COMMISSION.

"The joint commission of Congress commonly known as the Dockery commission, authorized by the act approved March 3, 1893, consisted of three Representatives and three Senators, as follows: Representatives A. M. DOCKERY, J. D. RICHARDSON, NELSON DINGLEY, Jr., and Senators F. M. COCKRELL, J. K. JONES, and S. M. CULLOM. Hon. A. M. DOCKERY, of Missouri, was made chairman. After many months of patient investigation and arduous toil, in which they were aided by the Secretary of the Treasury, by other public officials in the various Departments, and by efficient and experienced experts drawn from the business world, a new system was agreed upon.

"The new accounting system, as crystallized into a statute approved July 31, 1894, went into successful operation on October 1 of that year, and retains every feature of the old system that was of value. The primary or administrative audit of accounts by the several Departments is strengthened and extended, notably in the case of the Department of Justice. The offices of the First and Second Comptroller and Commissioner of Customs were abolished, with their deputies and numerous other subordinates. In their place there was created the office of Comptroller of the Treasury, to exercise all the functions performed by the three officers named, thus avoiding conflicting decisions and concentrating responsibility.

"The auditors, instead of being known by numbers, are given titles indicative of their duties. Their action in settling accounts coming to them after an administrative audit is made final and conclusive against the executive branch of the Government, except that an appeal may be taken from their decisions to the Comptroller of the Treasury by the head of the Department interested, or by the Comptroller of the Treasury himself, or by the claimant, or by the Secretary of the Treasury, upon any question of law or fact. The statute requires that when an auditor makes an original construction or modifies an existing construction of statutes, such decision shall be forthwith reported to the Comptroller of the Treasury, and the payment of items affected by the decision withheld until the Comptroller shall approve, disapprove, or modify the decision.

"This provision will necessarily beget a uniform rule of action applying to all public accounts. It authorizes the head of any Department or any disbursing officer to apply to the Comptroller of the Treasury for a decision upon any payment to be made, the decisions thus obtained to govern in the settlement of the account containing the disbursement. It requires also that where a claim is presented to an auditor before an administrative examination has been made the auditor must cause the claim to be examined by two of his subordinates, independently of each other. The new law further requires that upon the allowance of an account or claim the head of the Department interested shall forthwith be notified of the allowance, affording him opportunity to appeal if he believes the interest of the Government requires it. This privilege of appeal is made effective by a provision requiring the Secretary of the Treasury to fix a time that shall elapse between an allowance of an account and the issuance of a warrant therefor, thus affording the administrative Department opportunity to take an appeal, if one be necessary.

CHECK ON DISBURSING OFFICERS.

"Another innovation of the new system which was believed at the time and has since been proven by experience to be a most important and valuable feature, is the one requiring that every requisition for an advance of money, before being acted upon by the Secretary of the Treasury, shall be sent to the proper auditor for his action and requiring that the auditor withhold his approval unless the accounts of the disbursing officer for whom the advance is asked have been forwarded to his Department at Washington within a specified time and have been forwarded by that Department to the auditor within another specified time. This provision is mandatory and is the most effectual method of preventing frauds against the Government that can be devised by any system of auditing. Under its operation, immediately after the enactment of the new law, disbursing officers were found to be in arrears in the settlement of their accounts—officers who were chargeable with millions of dollars, which they had expended for public purposes and for which they had rendered no accounts for settlement, although directed by law to do so. All of the accounts of each Department of the Government are required to be settled by the one Auditor, whose new title indicates his jurisdiction thereof, as for instance, all of the accounts of the War Department go to the Auditor for the War Department instead of, as previously, to the First, Second, and Third Auditors, whose titles indicated nothing and whose confused jurisdiction rested upon inexplicable construction of conflicting statutes or Treasury regulations.

"Under the new methods the work of settlement of public accounts is now as nearly current as it is practicable to have it under any system, while under the old system the work was from three months to two years in arrears in the offices of the several auditors.

"The new system has been in successful operation since October 1, 1894. It meets the unqualified approval of all the accounting officers of the Treasury and heads of Departments and other officials who have given the subject attention and who have publicly expressed opinions concerning it, and it is being effectually administered at an annual saving of nearly a quarter of a million of dollars as compared with the cost of the old system. It insures accuracy in a degree equal to if not superior to the old system, while it is more economical and vastly more expeditious."

EVENING SESSION FOR DEBATE ON PENSION BILL.

Mr. PICKLER. Mr. Speaker, I desire to ask unanimous consent that we may have a session of the House to-night, beginning at 8 o'clock and extending not later than 11 o'clock, for the purpose of debate only on the pending bill relating to pensions.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

Mr. ERDMAN. Mr. Speaker, there is leave to print already upon this bill, and I hardly see the necessity for acceding to that request.

Mr. PICKLER. I hope the gentleman will not object to it; there are many gentlemen who desire to be heard.

Mr. ERDMAN. I will not object.

The SPEAKER. The Chair hears no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 768) for the relief of James A. Moore;

A bill (S. 2637) granting a pension to Jane Christian Marye;

A bill (S. 2143) for the relief of Richmond College, located at Richmond, Va.;

A bill (S. 2749) to establish the official survey of fractional townships 31 and 32 north, of ranges 6, 7, and 8 west, of the sixth principal meridian, in the State of Nebraska, north and west of the Niobrara River, and quieting the title of settlers thereon, and for other purposes;

A bill (S. 657) to provide for the erection of range lights at St. Josephs Bay, Florida, and at St. Andrews Bay, Florida;

A bill (S. 1902) granting a pension to Jennie E. Burch; and

A bill (S. 2501) for the relief of James Sims, of Marshall County, Miss.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 2265) to provide for reimbursement of the expenses of constructing a sewer upon the permanent reservation of Hot Springs, Ark.; and

A bill (H. R. 4265) granting a pension to Eliza Wilson.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That the chairman of the Committee on the Library of the Senate and the chairman of the Committee on the Library of the House of Representatives and one other member of the Joint Committee on the Library, to be selected by the two chairmen aforesaid, be, and they are hereby, constituted a joint special committee, with authority to sit during the recess of Congress, for the purpose of inquiring into the condition of the Congressional Library and the Botanic Garden and to report upon the same at the next session of Congress with such recommendations as may be deemed advisable. Also to report a plan for the organization, custody, and management of the new Library building and the Congressional Library and the Botanic Garden. That the said joint special committee is also authorized to employ a stenographer whenever necessary during the course of the inquiry; that the necessary expenses of the sittings of the said joint special committee, including the pay of the stenographer, be taken equally from the contingent funds of the two Houses of Congress.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and joint resolutions of the following titles:

On April 15, 1896:

An act (H. R. 5363) authorizing the construction of a fog signal on the north pier of the entrance to Menominee Harbor, Michigan.

On April 16, 1896:

An act (H. R. 6996) to authorize the construction of a wagon and foot bridge across the Chattahoochee River at or near the city of Columbia, Ala.;

An act (H. R. 1499) to correct the muster of Lieut. Gilman L. Johnson; and

An act (H. R. 83) for the relief of John C. Cutter, late first lieutenant, Thirty-sixth Massachusetts Volunteer Infantry.

On April 18, 1896:

An act (H. R. 6644) granting a pension to Gen. John M. Thayer, United States Volunteers;

An act (H. R. 1141) granting a pension to Miss Mary E. Hull, dependent sister of John A. Hull, deceased, late of Company F, Eighty-first Regiment of Illinois Volunteer Infantry, in the late war of the rebellion;

An act (H. R. 5088) granting an increase of pension to A. H. McLaws; and

An act (H. R. 6425) for the relief of Clifton R. Anderson.

NOTE.—The following bill was presented to the President on April 7, 1896, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without his approval:

An act (H. R. 2912) granting to the Atchison and Nebraska Railroad Company, and the Chicago, Burlington and Quincy Railroad Company, its lessee in perpetuity, the right of way over a part of the Sac and Fox and Iowa Indian Reservation, in the States of Kansas and Nebraska.

On April 21, 1896:

Joint resolution (H. Res. 160) to appoint four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

On April 24, 1896:

An act (H. R. 8313) authorizing the transfer of a cannon from the Rock Island Arsenal, Rock Island, Ill., to Grant Park, in Galena, Ill.

NOTE.—The following bill was presented to the President on April 13, 1896, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without his approval:

An act (H. R. 569) granting a pension to Sophia J. Hamilton, widow of Charles S. Hamilton, major-general of volunteers.

On April 24, 1896:

An act (H. R. 925) granting a pension to Annie J. Corbett, of Providence, R. I.;

An act (H. R. 995) granting a pension to Kate A. Pitman;

An act (H. R. 2340) granting a pension to Caroline Parker;

An act (H. R. 2797) granting a pension to Peter B. Palmenteer;

An act (H. R. 3993) granting a pension to Joseph Porter;

An act (H. R. 3432) for the relief of John E. Evans;

An act (H. R. 1050) to grant an increase of pension to Elizabeth Deshler Whiting, widow of Lieut. Henry Whiting;

An act (H. R. 994) granting an increase of pension to Andrew B. Keith;

An act (H. R. 1838) granting an increase of pension to Thomas Corigan;

An act (H. R. 3749) to increase the pension of Mrs. Eunice Ida Rhoades;

An act (H. R. 2410) to amend an act increasing the pension of Marcus D. Box;

An act (H. R. 2151) to restore to the pension rolls the name of Agnes A. Blackman;

An act (H. R. 2813) granting a pension to Rita Stine;

An act (H. R. 365) to fix the date of the discharge of Thomas Johnson;

An act (H. R. 3281) to authorize reassessments for improvements and general taxes in the District of Columbia, and for other purposes; and

Joint resolution (H. Res. 163) to amend the act approved August 1, 1894, making appropriations for fortifications and other works of defense, etc.

CONSIDERATION OF PRIVATE PENSION BILLS.

Mr. PICKLER. Mr. Speaker, I ask unanimous consent to submit for consideration the resolution I send to the desk.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That on Saturday, May 2, immediately after the reading of the Journal, the House shall resolve itself into Committee of the Whole House for the purpose of considering private pension bills and bills removing charges of desertion; and that in Committee of the Whole debate on each bill shall be limited to ten minutes, this time to be divided equally between those favoring and those opposing the bill.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. ERDMAN. I object.

SEED DISTRIBUTION.

Mr. ODELL. Mr. Speaker, I desire to present for present consideration the resolution I send to the desk.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, etc., That the Postmaster of this House is hereby authorized to employ not to exceed four assistant laborers, at not exceeding $3 per day, for such time, not exceeding twenty days, as shall be necessary to distribute and deliver to the members of this House the garden seeds which are arriving in carload lots, and such assistants shall be paid for such service out of the House contingent fund.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. McMILLIN. Mr. Speaker, I know the Agricultural Department has requested members to deliver the labels for seeds, assuring them that they would be filled by the office and mailed without going through our House post-office. Thus far there has been, as far as I am aware, no glut here of the seed or any necessity for the force proposed by this resolution. It may be necessary, but I think it would be better, before consent is given, to refer this matter to the Committee on Accounts for consideration.

Mr. LAYTON. It is entirely necessary, let me say to the gentleman.

Mr. ODELL. The members of the Committee on Accounts who are present have examined the resolution and agree upon the necessity for its adoption.

Mr. COX. I would like to ask my colleague a question.

Mr. McMILLIN. Certainly.

Mr. MEREDITH. My friend, let me say, is mistaken about there being no glut of seed here.

Mr. ODELL. Entirely mistaken.

Mr. COX. The question I would like to ask is this: Was it not understood that if members would send their franks to the Secretary of Agriculture he would furnish them to the parties who were to supply the seed for distribution?

Mr. McMILLIN. I do not know how that may be. I understood that if the franks were sent to the Department the packages of seed would go directly from the Department to the addresses given, and that there would be no necessity for sending them through our post-office here.

Mr. COX. I think my friend is mistaken in that.

Mr. McMILLIN. Mr. Speaker, if it can be shown that there is a necessity for this, I do not propose to stand in the way of it, and therefore I am entirely willing to have it considered, if we can have such a statement made as will show the necessity for its adoption.

Mr. ODELL. I will say that the necessity for the passage of this resolution consists in a desire on the part of a great many members to have the seeds sent to them in bulk, so that they may distribute them as they please. While a great many of the members have sent their franks to the Agricultural Department, yet there are a great many who want their seeds sent to them in bulk, and that requires the sending of the seeds through the Post-Office Department. There are already two or three carloads of seeds awaiting the disposition of the postmaster here now, and others are arriving, which can not be handled by the post-office help.

Mr. McMILLIN. Do I understand that they have been sent to the postmaster here?

Mr. ODELL. They are to be distributed through the House post-office; yes.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

ORDER OF BUSINESS.

Mr. PICKLER. I ask that the resolution to which objection was made, fixing next Saturday for private pensions, be referred to the Committee on Rules.

The SPEAKER. Without objection, it will be referred to the Committee on Rules.

There was no objection.

Mr. PICKLER. Mr. Speaker, I now move that the House resolve itself into the Committee of the Whole for the further consideration of the general pension bill.

CONDEMNED CANNON, REEDSBURG, WIS.

Mr. BABCOCK. Mr. Speaker, will the gentleman withhold that motion just for a moment?

Mr. PICKLER. I will withhold it if it is just for a moment.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4932) authorizing and directing the Secretary of the Navy to donate four pieces of

condemned cannon and four pyramids of condemned cannon balls to the city of Reedsburg, Wis.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the present consideration of the bill which will be reported by the Clerk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to donate four pieces of condemned cannon and four pyramids of condemned cannon balls to the city of Reedsburg, Wis., for use in completing the soldiers' monument at that place: *Provided*, That the same can be spared without detriment to the service and that no expense is thereby incurred by the Government.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JOSEPH S. BUNKER.

Mr. TERRY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 649) granting a pension to Joseph S. Bunker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Joseph S. Bunker, a soldier in the Southern or Sabine war of 1836, and allow him a pension rated at $15 per month.

The Committee on Pensions recommended an amendment, striking out "fifteen" and inserting "eight."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. One moment. What war was that?

Mr. TERRY. The Sabine Indian disturbances. By accident this was omitted from the general bill covering these old Indian wars. A number of these old men, I understand, had already been put upon the rolls before it was discovered that they were not provided for in the bill.

Mr. DINGLEY. Is this one of a whole class of men who are not now pensioned?

Mr. TERRY. I do not think there are many of them alive now.

Mr. DINGLEY. This seems to be adopting a new class.

Mr. TERRY. No; this House has been giving relief of this kind for a number of sessions.

Mr. DINGLEY. Has there been any relief given to soldiers serving in this particular war?

Mr. TERRY. Oh, yes; several times. Several bills have already passed. This man is about 80 years old, and if you are going to do anything for him, it is time to do it now.

Mr. LOUD. How many of these bills has the gentleman himself presented?

Mr. TERRY. This is the second one I have presented.

Mr. LOUD. How many more have you got?

Mr. TERRY. I have not any more now.

Mr. LOUD. Will you agree not to present any more?

Mr. TERRY. No; you can not put me under bond in that way.

Mr. DINGLEY. When did that war occur?

Mr. CROWTHER. I should like to ask the gentleman from Arkansas whether he attends the Friday night sessions of the House?

Mr. TERRY. I did while I thought there was any chance of doing anything, and then I quit.

Mr. LOUD. I should like to suggest to the gentleman that there is no room for privates anyway. They spend all the time in pensioning generals.

Mr. TERRY. Well, this man is a private.

Mr. PAYNE. I would like to know, Mr. Speaker, from the gentleman from Arkansas whether there is anything in reference to the history of that war that would justify taking this case up out of the regular order.

Mr. TERRY. I think it is just following the usual order we have been taking, and if it has to wait until we can consider it in the Friday night sessions we will not be able to get anything done.

Mr. DOCKERY. I understand the gentleman wants the bill passed?

Mr. TERRY. I would like to have the bill passed while this man is living.

The SPEAKER. Is there objection?

Mr. CANNON. Mr. Speaker, I would be glad to consider this bill under the five-minute rule as in Committee of the Whole. I only want to know what war this man served in, and whether he is fairly entitled to be pensioned. Now that, I think, we are entitled to know, and I hope unanimous consent will be given. There is no objection to considering it in the House.

Mr. PICKLER. When?

Mr. CANNON. At any time.

Mr. PICKLER. Not now.

Mr. TERRY. Here is the report. It will explain the whole matter.

The SPEAKER. Objection is made.

ORDER OF BUSINESS.

Mr. PICKLER. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the pension bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PAYNE in the chair.

Mr. TERRY. Mr. Speaker, I hope this will be considered "unfinished business."

The SPEAKER. It seems unfinished. [Laughter.]

PENSIONS.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 8271.

Mr. PICKLER. I yield fifteen minutes to the gentleman from New York.

The CHAIRMAN. The Chair does not understand that the gentleman from South Dakota has any time to yield.

Mr. PICKLER. Does the Chair hold that the chairman of the committee has no control over the time?

The CHAIRMAN. Only by consent of committee unanimously obtained.

Mr. PICKLER. It has been done unanimously heretofore.

The CHAIRMAN. The Chair thought the Chair was recognizing members.

Mr. PICKLER. If the Chair is going to assume control of the time, it is a very strange matter that the committee should not have control of it.

Mr. BARTLETT of New York. I ask to be recognized for thirty minutes in my own right.

The CHAIRMAN. Public business will await the pleasure of gentlemen.

Mr. BARTLETT of New York. Mr. Chairman, I ask to be recognized for thirty minutes in my own right.

The CHAIRMAN. The gentleman will wait a moment, until order can be obtained. [After a pause.] The gentleman from New York is recognized for fifteen minutes.

Mr. BARTLETT of New York. Mr. Chairman, I deem it to be my duty to make a few remarks on this general pension bill, in view of the fact that I was made for two or three days the target of villification and abuse during the consideration of the pension appropriation bill in the early part of this session. By the rules of our House, according to our standing rules, every Friday evening is devoted to the consideration of measures in violation of the existing law—that is, to bills for the relief of deserters, and to private pension bills in contravention of the provisions of existing statutes. I do not believe in special legislation. If you wish to provide pensions for the widows of officers, pass a general pension bill. If you wish to provide for a certain class of cases, provide for that class by general statute; but do not by rule devote one evening in a week to the consideration of bills which practically violate the laws upon our statute books.

Now, on one of the evenings in March, when these particular bills were under consideration, the gentleman from Illinois [Mr. CONNOLLY], who addressed the committee, took occasion to attack the leaders of this House, and in speaking of the general pension bill he said, "Why does that bill sleep? Why is no earnest step taken to have it passed?" And then he told us something about the chains which held back the majority. He said:

> But there is a power somewhere in this House that is blocking this thing, holding it back; and I insist that with the numbers we have we break the chains that are binding on this side of the House.

Well, gentlemen, if there were any chains holding you back, if there were any fetters binding you from entering upon the consideration and passage of a general pension law such as this, I say it is a great pity for the American people, it is a great pity for our overburdened taxpayers, that these chains are not binding you to-day. That evening was a memorable evening, because a peculiarly objectionable bill was then passed, and that was a bill pensioning a photographer, a man not enlisted, not connected with the Army in any way, not wounded in battle, but wounded, it would seem, by a stray shot, and as to whose disability there was considerable doubt as to its being the result of the shot. That bill was passed, and the President of the United States, on the 21st day of April, vetoed it, saying in conclusion:

> It seems to me an extension of pension relief to such cases would open the door to legislation hard to justify and impossible to restrain from abuse.

The passage of that bill furnishes an apt illustration of the danger of passing private pension bills enlarging the scope of our pension laws without full and careful consideration and examination. Now, we have devoted several days to the consideration of this general pension bill, and it has come before the House in its amended form free from some of the gravest objections to the original bill; but the bill to-day remains as it was in its inception, a bill for the relief of deserters, a bill for the relief of ex-Confederates, and a bill to remove the requirement of dependence of the widow which is found in the act of June 27, 1890.

Now, Mr. Chairman, I believe in giving full, fair, and adequate pensions to the men who were disabled or wounded in the Union service in the line of duty, and to the widows of such men. I believe that they can not be too fully paid. Moreover, I am willing that the act of 1890 shall remain as it stands upon our statute book. But, gentlemen, I tell you there is a sentiment in this country, there is a feeling among the intelligent people, among the very masses throughout the United States, against the further enlargement of the pension laws, against the enlargement of the dependent pension act of June 27, 1890. We have listened for several days to bombastic and turgid oratory. We have listened to gentlemen who would fain make you believe that there never had been any patriotism in any country until the breaking out of our civil war. From the earliest times, Mr. Chairman, from the time of prehistoric man, patriotism has been found among all peoples, and I would be the last man to fail to give the full meed of praise to the patriot and the soldier who dies for his country. You remember that one of our greatest poets, after speaking of the terrors of death, says:

> But to the hero, when his sword
> Has won the battle for the free,
> Thy voice sounds like a prophet's word,
> And in its hollow tones are heard
> The thanks of millions yet to be.

I believe, sir, that by every man who fell fighting for his country in our civil war, as in every other patriotic struggle, the thanks of millions yet to be could be heard in his death knell. [Applause.] But, sir, that is not the question before the committee to-day. It is no question of giving money, of granting full and adequate pensions to the men who were slain on the battlefield, to the men who were wounded on the battlefield, to the men who incurred disease or disability in the service in the line of duty.

What is it that you propose to do? Not to extend the operations of the dependent pension act of June 27, 1890, to the deserving; not to extend the scope and operation of that act to those who would fairly come within its existing provisions. But it is proposed here deliberately, in the year 1896, thirty-one years after the close of the war, to impose upon the people an added burden of five or six millions per annum in order to pay what? To pay largess, to pay bounty to the men who were base enough, after having fought under another flag, to become mercenaries under the flag of the United States. I respect, I admire every man who fought only under the Union flag. I respect every man who fought only under the Confederate flag. But I have no respect, I have no admiration, I have only contempt for the men who, having fought under one flag, were base and cowardly enough, either from fear or for purposes of gain, to seek refuge under the opposite banner; and I believe that that feeling is entertained by many gentlemen on the other side of the aisle.

I do not believe that you as a whole, gentlemen, desire to pension the ex-Confederates, who are not entitled to your respect and who never should receive the respect of the men on this side of the House. Have we not done enough for the ex-Confederates already? We began with a very wise provision. Section 4716 of the Revised Statutes, passed, if I mistake not, first in 1862, reenacted in 1864, and then again reenacted in substance in 1873, provided that—

> No money on account of pension shall be paid to any person or to the widow, children, or heirs of any deceased person who in any manner engaged in or aided or abetted the late rebellion against the authority of the United States.

Was not that a wise and proper provision of law? And yet on the 3d day of March, 1877, we modified and amended or practically repealed the operation of that section, so as to let in the ex-Confederates who had been wounded or disabled in the line of duty in the service of the Union. The act of 1877 provided that this section 4716 should not be construed to apply to such persons as afterwards voluntarily enlisted in the Army of the United States, and who, while in such service, incurred disability from wound or injury received or disease contracted in the line of duty. Was not that amendment sufficiently broad? I call the attention of the committee to the fact, which appears by the report of Assistant Secretary of the Interior, John M. Reynolds, that when a man was compulsorily forced to enlist in the Confederate army he is allowed, under the existing construction of the law, to receive a pension.

What is the next objectionable feature in this bill? But before I go on to discuss the special provisions of the bill I will ask the Chair what time I have remaining.

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. BARTLETT of New York. Did I not have thirty minutes, Mr. Chairman?

The CHAIRMAN. The gentleman had fifteen.

Mr. BARTLETT of New York. I understood that I was allowed thirty minutes.

The CHAIRMAN. The Chair stated to the gentleman that he was recognized for fifteen minutes.

Mr. BARTLETT of New York. I did not so understand it, and I now ask the gentleman from South Dakota to give me fifteen minutes more.

The CHAIRMAN. The gentleman from South Dakota has no more time.

Mr. BARTLETT of New York. Then I ask unanimous consent that I be allowed to proceed for fifteen minutes.

The CHAIRMAN. The gentleman from New York [Mr. BARTLETT] asks unanimous consent that he be allowed to continue his remarks for fifteen minutes. Is there objection?

Mr. GIBSON. Mr. Chairman, I desire to know if there is any limit upon any member except by the rule of the House which allows each member one hour?

The CHAIRMAN. There is no limit unless the gentleman makes an agreement with the Chair or is recognized by the Chair for a certain length of time.

Mr. PICKLER. Will the Chair recognize members of the committee when they wish to speak?

The CHAIRMAN. The Chair will endeavor to recognize members of the committee when they express a desire to be recognized.

Mr. PICKLER. I did not know whether you would or not. [Laughter.]

The CHAIRMAN. The question is on the request of the gentleman from New York [Mr. BARTLETT] for unanimous consent that he be allowed to proceed for fifteen minutes. Is there objection?

Mr. PICKLER. I object.

The CHAIRMAN. Objection is made.

Mr. PICKLER. I object for this reason: There are a great many members who desire to be heard on this bill, and the Chair has already given a good deal of time to gentlemen who are not members of the committee, and——

The CHAIRMAN. Is there objection to the request of the gentleman from New York that he be allowed to proceed for fifteen minutes? [A pause.] The Chair hears none.

Mr. BARTLETT of New York. Mr. Chairman, I say that if we further extend the scope and operations of the pension act of 1890, we break faith with the people of the United States; we break that faith which was pledged to them when the act of 1890 was passed by the Congress of the United States. Of course it was a somewhat singular proposition to enlarge the scope of pension legislation, then beyond that which had ever found favor in any other country in the world; for I believe that I am accurate when I state that there is no such pension act as the dependent pension act on the statute books of any other country in the world, and no such measure has ever found favor or advocacy in any other country in the world.

It was a measure to enlarge pension legislation so that it would include hundreds of thousands of new applicants, so that it would involve an additional burden upon the people of the United States of millions and millions of dollars per annum, and in favor of whom? In favor, not of those men who, according to the words of the gentleman from Illinois [Mr. CONNOLLY], bore the heat and burden of the fray, but men who were only ninety days in the service of their country, many of them. At the time of the passage of that bill it was stated by Senator DAVIS of Minnesota, who had charge of the measure in the Senate, that the whole additional burden or cost would be only some $35,000,000, and that estimate in debate was increased only to about $40,000,000. What has been the practical result? That we are paying $61,000,000 per annum. This very year we are paying $61,000,000 or more to men or women who have filed applications under the provisions of the act of June 27, 1890. And now you propose to enlarge that act, as I have said, in favor of the deserter, in favor of the ex-Confederate, in favor of the woman who does not need a pension, and the result will be an additional burden of some five or six millions of dollars.

Among the objectionable sections of this bill is the first section, which gives to ex-Confederates the benefit of the provisions of the act of June 27, 1890, and which repeals section 4716 of the Revised Statutes and the amendatory act of March 3, 1877. I may say in passing that not one of these sections has any merit. They are either declaratory of the law as construed by the Pension Bureau, by the Interior Department, or they are pernicious in their purpose and intended operation.

The third section is objectionable, because it assumes that our efficient Commissioner of Pensions, General Lochren, who I believe is a fair, honest, and able administrator of his office, and further, that his chief, the Assistant Secretary of the Interior, Mr. Reynolds, and the Secretary of the Interior himself, Mr. Hoke Smith—that each and every one of them has improperly administered the existing pension laws. It assumes that all the cases, going back to a somewhat arbitrary date, January 7, 1893, should be reopened, that they must be reopened; and by that assumption we virtually hold that the cases already decided have been dishonestly and unfairly decided. Now, without some reason, Mr. Chairman, without some argument, without some

clear evidence and proof, I do not believe that it is fair to attack the administration of any Department of this Government.

The most objectionable section is section 13, which alters the act of 1890 in this respect: It makes an honorable discharge no longer necessary. It says in substance that it matters not whether a man was a deserter, whether he ran away and enlisted again for merely mercenary reasons and received a bounty jumper's reward. Give him a pension; let him come in; let the coward and the deserter receive the benefit of our enlarged pension laws! It provides that a pension shall be received under the act of 1890, notwithstanding what? The words "dishonorable discharge" are a little too severe, but the substance is couched in more euphemistic language:

Notwithstanding a prior service from which the person on whose service the claim depends was not honorably discharged.

Not "dishonorably discharged," but simply "not honorably discharged." And so we are asked to let in all the bounty jumpers, all the deserters, provided they hoodwinked the authorities, and, having enlisted under their own names, made a subsequent fraudulent enlistment and served their ninety days. Give such men the benefit of our pension laws! Why, gentlemen, I think the proposition is too monstrous even to find favor with the most extreme advocate of the enlargement of our pension system.

Mr. WATSON of Ohio. Suppose a man was forced to join a Southern regiment, but was a Union man, and at the first opportunity had deserted and enlisted in the Union Army. Will you provide him a pension?

Mr. BARTLETT of New York. In answer to that question, Mr. Chairman, I shall call the attention of the gentleman to the fact that in Lougee's appeal (7 Pension Decisions, 586) it was announced relative to service in the Confederate army as affecting right to pension under act of June 27, 1890:

That where there is a record of service in the Confederate army, whether by conscription or otherwise, such record failing to show whether such service was voluntary or involuntary, it will be presumed that service was voluntary; and while such presumption may be rebutted, the burden of proof is on him to show that such service was not voluntary.

That, it will be conceded, is perfectly proper. Now, I go on to read the next section:

Where it is shown that a claimant voluntarily engaged in or aided and abetted the rebellion, his claim under the act of June 27, 1890, should be rejected under section 4716, Revised Statutes; but where it is shown that a claimant's service was wholly compulsory, who was conscripted into the Confederate army, he is excepted from the operation of section 4716, Revised Statutes.

Mr. WATSON of Ohio. I ask for the gentleman's individual opinion.

Mr. BARTLETT of New York. In cases where a man was forced into the Confederate service, I have no objection.

Mr. WATSON of Ohio. Where you can discriminate that class from the other class you have been describing?

Mr. BARTLETT of New York. Where you can not discriminate, no pension at all should be paid.

Mr. WATSON of Ohio. Does the gentleman think that no pension should be paid to men who deserve a pension who were forced into the Confederate army?

Mr. BARTLETT of New York. What I say is that where a man can show that his service was compulsory, not voluntary—that he was forced into the Army—let him have the pension. But where, as in ninety-nine cases out of a hundred—yes, I may say as in nine hundred and ninety-nine cases out of a thousand—the service was entirely voluntary, no pension should be paid to the man under any circumstances; and I claim that the act of March 3, 1877, giving such man a pension when wounded or disabled in the line of duty is radically wrong and absolutely improper.

Mr. PICKLER. Will the gentleman yield to me for a question?

Mr. BARTLETT of New York. Certainly.

Mr. PICKLER. The Mexican soldier who was drawing a pension and who went into the Confederate army had his pension stopped under that section for a time; the soldier who served in the Indian wars and who was drawing a pension and afterwards went into the Confederate army had his pension also stopped for a time; and so of the Navy as well as of the Army. Now, there have been five different acts of Congress with reference to these matters restoring these pensions. Let me ask the gentleman from New York, then, why should he treat the Union soldier differently or with less consideration than he is willing to give to the soldier of the Mexican war or the Indian wars?

Mr. BARTLETT of New York. I am not in favor of treating the soldier in any war in any different manner. I favor treating all alike, and if improper laws have been passed by the Congress of the United States in the past it is not within my power to revise them all to-day.

Mr. PICKLER. But take the case of a man who served in the Confederate army and afterwards went into the Union service and was disabled and injured in the defense of the Union. I would like to ask the gentleman why he would treat him differently from the Mexican war soldier or any other soldier?

Mr. BARTLETT of New York. I have never voted to treat the soldier of the Mexican war in the way the gentleman refers to.

Mr. PICKLER. But do you object to that principle? Can you say that a man who served in the Confederate army and afterwards went into the Union service and became disabled is any less entitled to the pension than the man who served in the Mexican war and afterwards went into the Confederate service and had his pension restored?

Mr. BARTLETT of New York. If such a thing was done with reference to the other wars in which this country was engaged it does not make it right to repeat the wrong in this case. It is clearly wrong, clearly improper, and I do not advocate any such provision in any statute.

Mr. MILNES. Will the gentleman allow me a question?

Mr. BARTLETT of New York. I have but a very brief time, and will yield to the gentleman for a question but not an argument.

Mr. MILNES. Only a question. The gentleman made a statement a moment ago, if I understood him aright, that an honorable discharge had been made unnecessary under this bill. Does the gentleman pretend to say that that is one of the effects of this bill?

Mr. BARTLETT of New York. I say a second discharge, if an honorable discharge, is held sufficient to wipe out a previous dishonorable discharge. I contend that a previous dishonorable discharge ought to be sufficient to keep a man off the pension rolls at any time and for all time.

Now, Mr. Chairman, in conclusion, we have in this bill a provision of law which removes the necessity for dependence on the part of the widow, and provides that a widow who has an income of $300 a year can receive an additional pension of $96, when her sister, with no income whatever, is given but $96. That, I say, is unjust and manifestly unjust.

The bill changes the provision of the law of 1890 in three essential particulars. First, it lets in an enormous class of ex-Confederates to the pension roll who should never receive a dollar from the public Treasury. It further enlarges the law in this respect, that deserters—men who were dishonorably discharged from the service of the United States—may be restored to an honorable condition and receive a pension, and it further enlarges it so as to benefit a class of widows who do not need the benefit of the pension laws.

Now, Mr. Chairman, I want to testify to the pleasure and appreciation with which I have read the remarks of my colleague [Mr. MCCLELLAN], from the city and State of New York. I honor the distinguished gentleman; I honor his courage and manliness and ability, and although I could not help noting the ridiculous criticism made upon him by a gentleman from another part of the State of New York—from the city of Buffalo—that criticism will be received either with utter indifference or with contempt.

Mr. MAHANY. Will the gentleman yield for a moment?

Mr. BARTLETT of New York. Certainly.

Mr. MAHANY. I understood the gentleman to say that I made an attack on my colleague from New York?

Mr. BARTLETT of New York. In your remarks, if they were correctly reported in the RECORD, you said you were sorry to see the son of so distinguished a general blocking the path of justice for the veterans of the late war.

Mr. MAHANY. Does the gentleman construe that into an attack?

Mr. BARTLETT of New York. I should say it was an attack.

Mr. MAHANY. The gentleman is entitled to his construction of the language.

Mr. BARTLETT of New York. I should certainly call a charge that the gentleman was blocking the path of justice an attack, notwithstanding the gentleman tells us that he is an inheritor of the splendid and inspiring possibilities of this Republic. [Laughter.] Now, most people are the inheritors of actualities. Most people do not inherit possibilities. I do not know of any law, either physical or legal, by which a man can inherit mere possibilities.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Ohio is recognized for ten minutes.

[Mr. GROSVENOR addressed the committee. See Appendix.]

Mr. KERR Mr. Chairman, it has never been so difficult to secure a pension, and especially an adequate pension, as during the last three years. The Republican party in its years of power provided just and liberal pension laws, and while the executive and administrative officers were of its choosing no serious complaint was made against the Pension Bureau.

The unholy crusade against the old soldiers of the Republic by this Administration was not accidental in its origin nor purposed to secure needed reforms. It was begun designedly, with premeditation and malice aforethought. From beginning to end its infamous course has not been relieved by one redeeming quality.

The first message of the present President invited the attack,

and in the very organization of his Administration the batteries of the Government were trained on the broken and decimated ranks of the boys in blue, upon the remnant of the once grand army, upon the remnant of the once magnificent legions of Grant and Sherman, that bore the old flag through sunshine and storm, in victory and defeat, from Philippi to Petersburg.

The appointment of the gentleman who presides over the Interior Department created an atmosphere in which patriotism itself has withered and made impossible a just administration of the pension laws. He was and is a post bellum Confederate civilian, and I do not use the word Confederate as a term of opprobrium. I admire and honor courage wherever it is displayed. I do not forget that 500,000 Americans fought in the Southern army for Southern homes and firesides, for what they believed to be right, and with a valor and heroism that made glorious and immortal the victory of the Union arms.

If a Confederate soldier had been appointed to administer the Interior Department I believe justice would have been done the Union soldiers. I conceive that it is not from this quarter that danger comes or is threatened, but rather from such cold-blooded civilians as the Secretary of the Interior and the gentleman from New York [Mr. BARTLETT], whose unreasonable and unpatriotic attack upon the pension appropriation bill is still remembered.

It would have been a most fitting thing, it would have more than half redeemed his fame, had the President appointed a Union soldier as Secretary of the Interior. It would have been proper had he appointed a Confederate soldier; one who, in good faith, had accepted the results and settlements of the war. But he appointed neither. He appointed a man who, no doubt, is patriotic in the ordinary qualities of that term and in the ordinary duties of office and citizenship, yet who was wholly unfit for one of the great duties of his position, namely, the administration of the Pension Office, because he had imbibed all the prejudices of his section against the Union cause and those who battled for it, and had not those prejudices softened and neutralized by the chivalry and comradeship which inheres in every soldier whether he marched under "Old Glory" or the Stars and Bars.

The President at the beginning of this profited much by the experience of his first Administration, He found vetoing private pension bills too slow for his sanguinary temperament. By that process the mortality of his attacks was limited by the number Congress attempted to put upon the roll. So he organized a machine—a bloodless but merciless guillotine—and for more than a year, and until an outraged public sentiment compelled the slackening of its operations, the old heroes were cut down right and left.

In the last three years ingratitude, "more strong than traitor's arms," has broken the hearts of thousands of soldiers and sent hundreds of them to their graves, their service and sacrifice unrequited. What a stain upon the Republic the rejection of a soldier's claim because, forsooth, according to the strictest letter of the law, he could not show whether the shock to his constitution, the drain upon his vitality, which had made him an old man while he was young, was received at Bull Run or Shiloh, at both of which places, fresh from home, he breasted the fierce waves of battle like a veteran; whether he got it in the dark cedars of Murfreesboro or in the storm of death at Vicksburg; whether in the tangles of the Wilderness, by the stone bridge at Antietam, or in beating back the tide of treason at Gettysburg; in scaling the slopes of Lookout to fight above the clouds with old Joe Hooker, in the sweep up and over Missionary Ridge, or with Sherman in his immortal march to the sea—the blood of Cæsar must be produced to prove that Brutus struck, or no. The venue, the place, the when, the time, has undone thousands of soldiers who were in the Army from Mill Springs to Appomattox. These men, victorious on a score of battlefields, have fallen before the invincibility of the impossible. In all reason, what difference is it whether the disability was incurred in '62, '63, '64, or '65? The ancient doctrine of venue and time was never so strictly enforced as in the Pension Bureau under this Administration. The obstacles erected in the pathway of the soldiers have wrought the desired result. Let me prove it.

During the last year of Harrison's Administration there were granted under the act of 1890, 62,291 invalid pensions, and under Cleveland's 8,810. During the last year of Republican rule there were 36,917 widows' claims allowed, and under the first year of this Administration 16,026.

But let us look at the adjudications under the old law. During Harrison's last year in office there were granted 10,223 invalid pensions, and in President Cleveland's first year 6,129. During the last year of Republican Administration 7,295 widows' claims were allowed, and during the first year of this Administration 4,225.

As I have intimated, these figures demonstrate not only a result, but a change in the system and practice in the Pension Office. In these figures we see the cause and ground of the discontent which has prevailed among the soldiers, and which has aroused patriotic resentment and protest all over the country.

Let me dwell a moment longer on this point. Of the 1,443,666 pensions thus far allowed, 1,234,349 were granted by Republican Pension Commissioners. Of the thirty-three years since this Bureau was created the Democrats have controlled seven years and the Republicans twenty-six years, or in other words, substantially one-fifth of the time has been under Democratic Administration and four-fifths under Republican. Now, what does all this show? That the Democrats have held the Pension Office one-fifth of the time and have granted less than one-seventh of the pensions.

In this brief history we get some idea of the diluted and adulterated patriotism of the present Administration. If the pension laws were administered with that patriotism and fidelity to duty which characterized the service of the soldiers to the country no complaint would ever reach the Pension Office. [Applause.]

The report of the Pension Commissioner shows that there were sent out during the last year 142,289 "credibility witness letters," or an average of 474 per day, or 59 per hour, or about 1 a minute. These letters seek and invite information, or rather opinions, upon which to reject affidavits and evidence filed by soldiers to establish their pension claims. This proceeding is contrary to the whole course and spirit of legal investigation in every American tribunal save in the Pension Office. The answers to these letters are not under oath, and not required to be. Under this system a small postmaster at a crossroads may strike down and annihilate the evidence of half a dozen reputable citizens.

A wise man once said that the common law was the perfection of reason, and as near as a human institution can be it is. It has preserved Anglo-Saxon liberty for many centuries. The three main pillars in this temple of jurisprudence are, first, an impartial tribunal; second, the right to a clear and truthful statement of the charge; and third, the right to face and cross-examine the witness by which the charge was to be sustained. Every one of these fundamental principles has been violated in the organization and practice of the Pension Office.

In a civil suit a contention between litigants in a court of justice about property of smallest value no evidence is received except it be under oath. No evidence will be admitted unless the adverse party has or has had an opportunity to cross-examine the witness. Now, take this time-sanctioned and time-seasoned system, the crystallization of the wisdom of centuries, the product of the most enlightened system of jurisprudence in the world, and put over against it this modern method of character assassination, and we have some conception of the monstrous injustice which has been practiced against the soldiers.

An applicant's witnesses are destroyed, and he knows not from whence the blow proceeded. Three or four or five good citizens may be blackened and their evidence rejected upon the tale of a small politician told to satisfy his private malice or under the delusion that he is doing God's service in helping the Democratic party. There is no system of jurisprudence so barbarous but that it would be dishonored by this proceeding and practice.

It is simply a proceeding by which witnesses are impeached—that and nothing more. In every State in the Union, whether its practice is statutory or under the common law, the impeachment of a witness is a matter of grave importance; it proceeds with that formality and solemnity befitting its importance and the results. That is true not only in this Republic, but in every country where Anglo-Saxon institutions have been erected, and has been for five hundred years, save only in the Pension Office. To brand a man as a perjurer is a solemn thing; to deprive a man of his property or a right upon the assumption that his witnesses are false is a monstrous thing unless it is done by due course of law.

From the old days of Coke to this year of grace the legal and constitutional modus operandi of impeaching a witness has been fixed and clearly defined.

The first requisite is that the party whose credibility is to be attacked has the right to face the witnesses and cross-examine them. Again, although it may never have been written in the law, yet it is the unwritten rule that unless a certain number testify against his credibility the impeachment fails.

The second requisite is that the impeaching witnesses must live in the vicinity—the neighborhood—and be acquainted with the general reputation of the witness to be impeached as to truth and veracity. This testimony must not be predicated on particular transactions nor be the product of personal controversy or contention. To sum it all up, it must be what neighbors say and think of an individual's credibility, and not the private opinion of the witness. This salutary rule is wholly disregarded, and upon private and personal opinions testimony is rejected and affiants branded as perjurers.

But still again, in illustration of the obstacles thrown in the way of the soldiers in the Pension Office. The form required in taking evidence, in making affidavits, is onerous and unreasonable. Order No. 229 makes the pensioner's road a hard one to travel, and

I have no doubt it was so intended. No court, no matter what the issue—millions may be staked on the result, life or death may turn upon the judgment, yet whenever an affidavit is competent evidence the certificate of the officer that the affiant was duly sworn (and in some States that he is a credible person) is all that is required to admit it in evidence.

Order 229 reads as follows:

[Order No. 229.]

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., June 19, 1893.

In the preparation of testimony in support of claims in pension cases all statements affecting the particular case and not merely formal must be written, or prepared to be typewritten, in the presence of the witness, and from his oral declarations then made to the person who then reduces the testimony to writing, or then prepares the same to be typewritten. And such testimony must embody a statement by the witness that such testimony was all written, or prepared for typewriting (as the case may be), in his presence, and only from his oral statements then made; stating also the time, place, and person, when, where, and to whom he made such oral statements, and that in making the same he did not use, and was not aided or prompted by any written or printed statement or recital prepared or dictated by any other person and not attached as an exhibit to his testimony.

Any needless delay in the preparation of such testimony after such oral statement by the witness or in forwarding the same to this Bureau and any material alteration or erasure will be cause for rejecting such testimony.

WM. LOCHREN, *Commissioner.*

Approved:
HOKE SMITH, *Secretary.*

I object to this regulation especially because it carries with it the suggestion that the soldier and his comrades will commit perjury unless they are so hedged about as to render it impossible. The soldier and his comrades are slandered by inference—they are branded as unworthy of belief unless by form and regulation; every opportunity to prevaricate is cut off and their premeditated crime frustrated. This, in my judgment, is infamous. But still more infamous is another practice. The evidence—and I use the word evidence in this connection as a term of convenience merely—secured in response to these witness credibility letters is filed away in secret archives. Access to it and knowledge of its import is denied the applicant. His claim is rejected and his witnesses declared unworthy of belief upon this character of testimony, upon information which he has never seen or heard, which he has had no opportunity to combat, deny, or explain.

The Pension Office indulges in presumptions against the soldier which should not obtain, and it declines to act upon presumptions in his favor which obtain in every system of enlightened jurisprudence. It has refused over and over again to presume a party dead whose absence ran into twenty, thirty, and forty years without tidings. It has presumed disabilities the result of vicious habits if proof was not furnished to the contrary. The equitable presumptions that good is to be presumed rather than evil, that a man's character is presumed good until it is proven bad, and that he is not to be found guilty of an immoral or infamous offense or habit without proof are wholly disregarded, although there is no place in the world where the flowers of justice and equity ought to find a more congenial soil in which to bloom than in the Pension Office. As it is now, if any bloom there they are exotics.

The law ought to be amended as to the widows of soldiers. Especially should we treat tenderly and liberally the war widows—they who kept safely the little flocks around the sacred hearthstone of home while the husband and father was battling for our country. How long shall they be compelled to exhaust the philosophy and science of pathology and sequence before a few paltry dollars from the nation's riches shall go to supply their needs and make physically comfortable for them the sunset slope of life?

This pension administration has employed assiduously and applied harshly the accumulated and refined science and mystery of all the generations of Esculapius to break the threads of proof stretching from the soldier's grave to "the weary marches, the hospitals of pain, the prison pens, and the fields of battle."

It ought, instead, to call into requisition the hundred eyes of Argus and the hundred hands of Briareus to find the broken strands and tie them. This narrow and technical construction of the pension laws is against the clearly defined and often expressed sentiment of the country.

The nation's appreciation of their service and its gratitude to the Union soldiers have been manifested in a hundred ways and more. The battlefields upon which they fought have been marked by monuments, and so far as cold marble can enshrine it the story of their heroism and patriotism will descend until these splendid memorials crumble to dust. Their bones have been gathered from fields swept with the storm of battle and laid in consecrated ground to sleep the ages out. Splendid homes have been built in which the old heroes can live in peace and comfort until they are mustered out to join the comrades on the other side. The great captains, wrought in stone and marble, keep sentinel watch upon the streets of the capital. On Memorial Day, amid the perfume of flowers and the sweet incense of beautiful speech, a nation lays upon their graves its tribute of thankfulness and love. This day, in a civic sense, is the most sacredly conspicuous of any in the calendar of the nation. It is a day of remembrance and reverence, all for the dead, and yet all the wealth of speech and eulogy, all the tribute of beautiful flowers and tears, can not throw a ray of light into the green tents in which they sleep nor add a shade of luster to their immortal fame. For them the chapter is ended, and their names are inscribed among the immortals. [Applause.]

How much more, then, should we do for the living. Lincoln was the embodiment and personification of grateful patriotism, and when he said it was the first duty of the redeemed country to take care of those who had borne the brunt of battle, their widows and orphans, he forced into a single sentence the most sacred obligation of the century. In that "dread tribunal where laws are silent and nations appear in arms for judgment" these men wrested liberty and republican government from the hands of those who would destroy them, and placed both beyond the reach of the iconoclastic hand of treason.

For three thousand years Thermopylæ stood the highest headland in martial glory. The bloody angle at Gettysburg will stand above Thermopylæ like a mountain above its foothills for the next three thousand years. [Applause.]

The sweep of Farragut up the Mississippi sinks into insignificance the maritime victories of Nelson and Decatur and the Greeks at Salamis.

The charge of the six hundred is embalmed in Tennyson's poem, but the charge of Pickett at Gettysburg will go down the centuries as the highest exhibition of courage and heroism in the annals of warfare. [Applause.]

Mr. Chairman, the day this Republic refuses or neglects to care for its soldiers commensurate with their deserts, that day will mark the beginning of its decadence. Let us avert that day by passing this law, and thus compel a fair and liberal administration of the pension laws. As for myself, if I should live so long and have a vote, I shall continue to the end to vote liberal pensions to the old soldiers until the last one has joined his comrades on the other shore.

If the opportunity presents itself, I shall vote against the proposition in regard to deserters. [Loud applause.]

Mr. MILES. Mr. Chairman and gentlemen of the committee, it had not been my purpose to participate in this discussion at all, and therefore what I say will be couched in such language as may come to me as I proceed with my remarks. In the beginning of this session I was assigned to the foot of the table in the Invalid Pensions Committee room as one of a minority of four Democratic members. We have tried in the discharge of our duties as members of that committee to be as fair, as patriotic, and as liberal to the old soldiers of the country as a proper sense of our obligations to them and to our constituents would justify. But, because of the fact that I was born in a State ordinarily classed as a Southern State, and came from a people—I desire to state it frankly—who in the "late unpleasantness" sympathized with Lee and Jackson and the followers of those commanders in the South rather than with the followers of McClellan, of Sherman, and of Grant, I thought it perhaps indelicate that I should stand upon this floor, though born only a short while before somber war clouds were dispersed, to discuss questions of pension legislation for the Federal soldiers.

But as I know my heart and my conscience, Mr. Chairman, I have tried to put those things behind me; I have tried to recognize the fact that a brave and true and really good and "sure-enough" Union soldier is entitled to the benefit of liberal pension legislation by this now reunited country, and I have endeavored to act upon that theory. However, as I have intimated, I should not have participated in this discussion at all but that I have been provoked to do so by the course of this debate. Mr. Chairman, it is not true that this side of the House has dragged politics into this discussion. I call upon any member on the other side to point to one word of violent partisanship that has fallen from any Democratic member of the Invalid Pensions Committee or from any member on the Democratic side of this Chamber in discussing this question. But can as much be said of gentlemen on the other side? I desire to read at this point an extract from the brief remarks of the gentleman from New Jersey [Mr. STEWART] on this bill. He said:

I do not desire to influence the passions of party or draw invidious distinctions, but are any so blind as not to see that every obstacle is offered by the Bureau of Pensions and the Democratic Administration to the allowance of the just claims of the worthy soldier?

And then comes a remark which, if nothing else had been said by him or by other gentlemen on that side of the Chamber, would have goaded me into participation in this discussion:

Why are gentlemen on the other side so silent when a bill like the one under discussion, against which they offer no cohesion, is up for consideration and passage?

I do not know what the gentleman means by "cohesion"——

Mr. STEWART of New Jersey. If the gentleman will permit me, that is a misprint; it should be "criticism."

Mr. MILES. Well, I do not stand upon verbal criticism. It is the thought which I think the gentleman intended to express in

this language that I ask attention to, and not this mere word "cohesion," which, of course, in this connection, means nothing. The gentleman goes on to say—

Does their love for the old soldier restrain them, or rather do not considerations of settled opposition and indifference prevail?

Mr. Chairman, when the gentleman on the other side made that remark only one member on the Democratic side had addressed this committee, and that was the gentleman from New York, Mr. MCCLELLAN. What has been said on this floor of the remarks of the gentleman from New York, who up to this time stood alone on his side of the Chamber in breaking that silence which the gentleman from New Jersey accepts as an evidence of opposition or indifference? I appeal to the fair-minded members of this House, without regard to party affiliations—I appeal to them to point to one remark made by the gentleman from New York in his discussion of this question which could be properly criticised as partaking of undue partisanship, or as tending to drag politics into the debate. And yet, sir, I regret that a veteran member of the Republican party, a distinguished member of the Judiciary Committee of this House, a man who, therefore, ought to be calm and judicial in the discussion of public questions, when he took the floor chose to make a violent attack upon this son of a gallant Union commander, a brilliant, cultured, patriotic, generous, and manly young American, who first saw the light of day after the war had closed.

I think, Mr. Chairman, that when the gentleman comes to revise those remarks (for they are not yet in the RECORD) he will not be content that the fair-minded soldiers of his district shall see that harsh, unjust, ungenerous, and unmanly criticism of the son of George B. McClellan. Here are the gentleman's remarks. I have them as taken down from his lips. Just here, Mr. Chairman, I desire to say I take it that the distinguished gentleman who presides over the deliberations of this body saw nothing in the character, education, training, or history of young MCCLELLAN to unfit him for this kind of work, to wit, the work of pension legislation, or else he would not have assigned him to duty upon the Committee on Invalid Pensions.

And yet, Mr. Chairman, this man, advanced in years, who ought to be conservative, who ought to be deliberate, who ought to measure his words, who ought to know and appreciate the force of the English language, says—what, Mr. Chairman?

When I reflect upon matters that are within my memory, but are not within his, the name that he bears brings back to me the recollection of a reason why the gentleman may be presumed to be hostile to this measure and every other measure that may be introduced here for the benefit of the Federal soldier surviving the war of the rebellion.

But that is not all, Mr. Chairman. I read further from his remarks:

Because I remember, sir, in 1864, after a gentleman had been long leading a portion of the armies of the Republic and withdrew from that leadership, the next I heard of him was raising the white flag of truce and beckoning to South Carolina and her confrères—as the gentleman from New York yesterday beckoned to the gentleman from South Carolina to support him—beckoning to them and saying, "Hold on for a time, and we will help you in your work."

Here is an unmanly, ungenerous, indecorous, and unpatriotic assault upon the memory of as patriotic a soldier as ever fought in the war of the rebellion, made in the absence of Mr. MCCLELLAN from the floor of this House; made not only against the memory of a deceased soldier, but made against his distinguished, manly, and high-souled son, who was born after the great surrender at Appomattox had closed the greatest epoch in American history.

Mr. Chairman, I do not mean by my earnestness in this matter to manifest any temper, ill will, or unkindness toward the gentleman from Illinois, because of these imprudent remarks; but what I do mean, Mr. Chairman, is to protest with all the vehemence of my nature against this unjust attack upon a distinguished soldier and his equally distinguished son.

Now, Mr. Chairman, there were some other things said by the gentleman from Illinois to which I might refer, but I should consume all of my time in a review of his speech if I were to attempt to do so. He undertook to give credit to the Democratic party for the Mexican war. As a Democrat, I accept the responsibility cheerfully, Mr. Chairman. I take it, however, that if Ulysses S. Grant were living he would protest against giving credit to the great men of the Democratic party alone for all the honors of Chapultepec, Buena Vista, and Monterey. But if the gentleman repudiates the honors of that war so far as the Republican party is concerned, I say to him we glory in accepting the responsibility for the making of that war, exult in the results of that great conflict, and are proud of the luster it reflects upon the pages of American history.

Mr. GROSVENOR. I want to ask the gentleman if he has read General Grant's discussion of the cause and necessity for the Mexican war in his memoirs?

Mr. MILES. There are a great many things which I have up to this time not read, but which when I shall have lived to the mature age of the gentleman from Ohio I shall have read. I find, Mr. Chairman, that the gentleman from Ohio has a great deal of information upon a great many subjects which I do not claim to possess. But that has nothing whatever to do with the point I was trying to make.

Mr. GROSVENOR. You were speaking about what General Grant would say, and I asked you if you had read what he did say.

Mr. MILES. What I said was that Grant would not be willing to concede that all the glories of the great battles of the Mexican war should be reckoned up by the historian as belonging to the Democratic party alone.

Now, Mr. Chairman, as to the late war, I do not want to enter into a discussion here upon that subject, for if I should do so I should fall into the same error as the gentleman from Illinois. I do not want to enter upon a discussion as to who was responsible for the making of the "late unpleasantness;" but, Mr. Chairman, when that war came on all of the soldiers of the Union Army whose careers reflected renown upon American history were not members of the Republican party. I will ask if my friend from Ohio ever heard of the distinguished volunteer soldier General Steedman?

Mr. GROSVENOR. I served on his staff, and served with him for two years.

Mr. MILES. A better Democrat never breathed the breath of life, and, I may add, the gentleman from Ohio was never before or since under more excellent leadership.

Mr. GROSVENOR. Nor a better soldier.

Mr. MILES. And no better soldier ever lived.

Mr. HEPBURN. Will the gentleman permit me?

Mr. MILES. I do not want to yield further.

Mr. Chairman, no general in that war ever won a more splendid victory than did Steedman at Chickamauga. But the Democratic roll in the late war is a long and illustrious one. It includes the names of Rosecrans, Sigel, Hancock, Kearny, Schofield, Slocum, George H. Thomas, Bragg, and Farragut, not to mention George B. McClellan. Referring once more, Mr. Chairman, to General McClellan's sentiments on the question of the late war, and as a better refutation to the charges made against his memory than any that I could hope to make, I shall send to the Clerk's desk his letter of acceptance of the Democratic nomination in 1864, and ask that the marked passage be read as a part of my remarks.

The Clerk read as follows:

* * * The effect of long and varied service in the Army during war and peace has been to strengthen and make indelible in my mind and heart the love and reverence for the Union, Constitution, laws, and flag of our country impressed upon me in early youth. These feelings have thus far guided the course of my life and must continue to do so to its end.

The existence of more than one government over the region which once owned our flag is incompatible with the peace, the power, and the happiness of the people.

The preservation of our Union was the sole avowed object for which the war was commenced. It should have been conducted for that object only and in accordance with those principles which I took occasion to declare when in active service.

Thus conducted, the work of reconciliation would have been easy, and we might have reaped the benefits of our many victories on land and sea.

The Union was originally formed by the exercise of a spirit of conciliation and compromise. To restore and preserve it the same spirit must prevail in our councils and in the hearts of the people. The reestablishment of the Union in all its integrity is and must continue to be the indispensable condition in any settlement. So soon as it is clear or even probable that our present adversaries are ready for peace, upon the basis of the Union, we should exhaust all the resources of statesmanship practiced by civilized nations and taught by the traditions of the American people, consistent with the honor and interest of the country, to secure such peace, reestablish the Union, and guarantee for the future the constitutional rights of every State. The Union is in one condition of peace—we ask no more.

Let us add what I doubt not was, although unexpressed, the sentiment of the convention as it is of the people they represent, that when any State is willing to return to the Union it should be received at once with full guaranty of all its constitutional rights.

If a frank, earnest, and persistent effort to obtain these objects should fail, the responsibility of ulterior consequences will fall upon those who remain in arms against the Union. But the Union must be preserved at all hazards.

I could not look in the face of my gallant comrades of the Army and Navy who have survived so many bloody battles and tell them that their labors and the sacrifice of so many of our slain and wounded brethren had been in vain; that we had abandoned that Union for which we have so often perilled our lives. A vast majority of our people, whether in the Army and Navy or at home, would, as I would, hail with unbounded joy the permanent restoration of peace on the basis of the Union under the Constitution, without the effusion of another drop of blood. But no peace can be permanent without Union.

As to the other subjects presented in the resolution of the convention, I need only to say that I should seek in the Constitution of the United States and the laws framed in accordance therewith the rule of my duty and the limitations of executive power; endeavor to restore economy in public expenditure, reestablish the supremacy of law, and, by the operation of a more vigorous nationality, resume our commanding position among the nations of the earth.

The condition of our finances, the depreciation of the paper money, and the burdens thereby imposed on labor and capital show the necessity of a return to a sound financial system; while the rights of citizens and the rights of States and the binding authority of law over President, Army, and people, are subjects of not less vital importance in war than in peace. Believing that the views here expressed are those of the convention and the people we represent, I accept the nomination.

Mr. DINGLEY. Let me ask the gentleman, why not incorporate, in connection with this letter of acceptance, the resolution of

the Democratic national convention of 1864, that declared the war a failure? [Applause on the Republican side.]

Mr. GROSVENOR. Yes; the second resolution of the convention.

Mr. MILES. Mr. Chairman, I want to be considerate and courteous to the distinguished gentleman from Maine, and to answer his question in a way that I believe will commend itself to his fair mind. I did not start out, sir, in a defense of the Democratic party's war history. [Applause on the Republican side.] All right, gentlemen; just hear me out. If I had time I would be delighted to compare the history of the Democratic party in peace or war with the unsavory record of the Republican party; but I could not in the few moments that are left of my time undertake a review of the history of the late unpleasantness. What I started out to do, and what I have undertaken to do, is to defend the great and good name of a distinguished Union soldier who has been charged in this debate with having beckoned to South Carolina in 1864 "to hold on for a while longer" and he would help her out in the war of the rebellion.

I say to you, sir, that there is nothing in the history of the war that is connected with the career of General McClellan and nothing in his political history that justifies the unmanly attack that has been made on his memory, now that he is sleeping beneath the sod. And the best refutation that I could make of the charge was to read his letter of acceptance of the Democratic nomination in 1864. But I must put this question aside, because, having taken the floor, in justice to myself I must address myself for a short time at least to the consideration of the pending bill.

I had hoped, sir, I had sincerely hoped, that this Committee on Invalid Pensions would bring for the consideration of this House such a bill as would command the respect, the support, and the vote of every man on both sides of this Chamber; and I believe they might have done so, and been even more liberal to the real and sure-enough soldier than they have been in the legislation proposed by the pending bill.

Mr. Chairman, for reasons which have already been well assigned by my colleague on this committee [Mr. MCCLELLAN], I can not get the consent of my mind to vote for this bill, and my objections to the bill control my vote against it. In view of all that I have heard from the lips of gentlemen on the other side of the Chamber, this is very strange, because their objections to the bill are the things which seem to control their votes in favor of the bill. My distinguished friend from Illinois spoke for half an hour against certain provisions of this bill, and yet I take it he will swallow it as a whole. My distinguished friend from Ohio [Mr. GROSVENOR] protested against the very provisions in this bill which will control my vote against it, and yet he said frankly that he would vote for the bill.

The sections to which I object are sections 13, 14, 17, 1, and 3. I shall be compelled, because of the few moments that are left me, to refer the House to the very cogent and convincing argument made by my distinguished colleague [Mr. MCCLELLAN] for a statement of the reasons which cause me to object to sections 3, 14, and 17. And yet I want to say—and this is the concluding remark that I shall make—that I would forego my objections to sections 3, 14, and 17, although section 17 proposes to put upon the pension list men who are noncombatants, who never enlisted, who never saw war, and men who never received injury in battle.

Mr. PICKLER. Who?

Mr. MILES. Pilots of gunboats and men of that class.

Mr. PICKLER. Does the gentleman say that pilots never saw any service?

Mr. MILES. They saw it at a very great distance, as the gentleman understands very well. He admitted in his opening statement, which was a very strong and a very fair one, very free from that partisanship that has characterized some of his speeches here on Friday nights, and I congratulate him for it—in that opening statement he admitted that section 17 included men who were unenlisted soldiers, and that it proposed to provide for men who were unenlisted soldiers. But that is immaterial. I do not propose to stand upon sections 3, 14, and 17. Although I am a Democrat and although I am the son of a rebel, I would stand here and vote for this bill cheerfully except that you propose to place upon the pension rolls hirelings who honored no flag, who served no country, perjurers and deserters, who were true to no cause, and whose mercenary souls made them strangers to the manly impulses of patriotism. These people entertained no sentiments, Mr. Chairman, that gold would not stifle or suppress.

That is my objection to this bill. I can not stand here and give my vote to those men who, in 1864, when Confederate money was cheap, and when eighteen hundred and two thousand dollars was being paid for substitutes, seeing the money that they could make, which was good money, and seeing the cause for which they had given three years of service was certain to be a lost cause, abandoned that cause and went as hirelings, mercenaries, Hessians, to do battle for gold in company with the patriotic sons of the Union. Oh, talk about forgiveness! It is not a question of forgiveness. Of course we all forgive them; but we owe something to the real, true, sure-enough soldiers, of whom our friend from Illinois spoke so eloquently and so much with my approval.

Mr. Chairman, everybody knows that every bounty jumper in the land will be pensioned if section 13 becomes a part of the law, and no gentleman in this debate has undertaken to dispute the fact.

Now, Mr. Chairman, I have done. I have spoken without preparation and somewhat at random. I am sincerely sorry that this bill does not come to this House in such a way as to command my vote and my sincere respect. If the opportunity is allowed, I shall move to amend sections 1 and 3, and then I will cheerfully vote for the remainder of this bill.

Mr. PICKLER. Will the gentleman allow me a question?

Mr. MILES. Yes.

Mr. PICKLER. Why are you not willing to serve a Union soldier as the Government serves all other soldiers? For instance, the Mexican soldier who was drawing a pension and went into the Confederate army had his pension taken away from him for a long time. The Congress of the United States has given it back to him. It has, under the same circumstances, given back the pensions of the survivors of the Indian wars. There have been five acts of Congress forgiving these Confederate soldiers who are drawing pensions. Why not be as fair to the Union soldier as you have been to all others? We have forgiven the Confederate soldier for everything now except being a Union soldier afterwards. Are you not willing to forgive him for being a Union soldier after he has been a Confederate soldier?

Mr. MILES. I have heard the gentleman make that statement some three or four times.

Mr. PICKLER. It is a good statement, and it is true.

Mr. MILES. It has nothing whatever to do with the case.

Mr. MILNES. Let me answer that question. I can tell the gentleman from South Dakota what the difference is in my opinion.

Mr. PICKLER. I did not call upon the gentleman from Michigan.

Mr. MILNES. Will the gentleman allow me?

Mr. MILES. I give the gentleman the floor. That is all right. I hope I have made one convert.

Mr. MILNES. The difference is that these men deserted from one service into the other.

Mr. PICKLER. No, sir; the question as to what they should suffer from having been Confederates, as I understand it.

Mr. MILNES. In the case of the Mexican soldier they did not do any such thing.

Mr. MILES. That is so clear to everybody's mind except the gentleman from South Dakota that I did not think it was worth while to state it.

Mr. PICKLER. These men were in the prisons of the North. Our officers promised them their liberty on condition of enlistment on the Union side. Those men not only risked the ordinary dangers of the Union soldier, but they risked the danger of being hanged if caught by their neighbors. These men fought against their neighbors for principle. You have forgiven every other soldier, but you are not willing to forgive the Union soldier.

Mr. MILNES. Let me ask the gentleman another question.

Mr. PICKLER. Are you a Republican?

Mr. MILNES. Yes.

Mr. PICKLER. Do not you think Harrison's Administration was friendly to the soldier? It always granted these pensions, and this Administration has taken them away.

Mr. MILNES. I am not going to indorse everything that the Harrison Administration or any other Administration did. [Applause on the Democratic side.]

Mr. PICKLER. Then you are opposed to that?

Mr. MILNES. I will indorse what I believe to be right and condemn what I believe to be wrong; but the question is, what would you have thought of a Union soldier who was in Andersonville and who joined the Confederate service on a promise of his liberty?

Mr. PICKLER. Oh, well, that is going to the wrong side. These men came to the right side—they came to the Union, to the old flag—and you are trying to punish them because they became Union soldiers afterwards.

Mr. MILNES. I do not want to punish them, but I am against pensioning them.

Mr. PICKLER. The Democratic party has always been that way.

Mr. MILES. The best evidence I could possibly offer to this House of that kind of good nature which is always forgiving is the scene which gentlemen have just witnessed, in allowing these gentlemen to occupy so much of my time.

Mr. Chairman, I think I have made myself perfectly clear. I want to vote for this bill if sections 1 and3 are stricken out. But if you do not strike those sections out, I give you notice now

that we shall make splendid weapons of them in the next campaign.

Mr. PICKLER. Oh, that is all right; you have always been opposed to pensions——

Mr. MILES. Now, the gentleman knows that the statement that I have always been opposed to pensions is not true, Mr. Chairman.

Mr. PICKLER. It is, except as to soldiers whom you have put up on a pedestal, and the kind of a soldier whom you say ought to have a pension is the kind that you do not often find. I do not say that the gentleman is opposed to all pensions.

Mr. MILES. Mr. Chairman, it is a little bit strange that a man who is opposed to pensions should be so careful to maintain the pension roll as a roll of honor and a pension certificate as something else than a badge of shame! [Applause on the Democratic side.]

Mr. PICKLER. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DALZELL, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8271, and had come to no resolution thereon.

VETO MESSAGE.

The SPEAKER. The Chair lays before the House a message from the President of the United States.

The Clerk read as follows:

To the House of Representatives:

I herewith return without my approval House bill No. 1094, entitled "An act granting a pension to Francis E. Hoover."

It is proposed by this bill to grant a pension of $50 a month to the beneficiary named, who served as a private for about one year and nine months in the Union Army during the war of the rebellion.

I do not understand it is claimed in any quarter that the present helpless condition of this soldier is at all attributable to his army service. He himself never applied for a pension until after the passage of the law of 1890, providing for a pension for those who had served in the Army and are unable to maintain themselves by manual labor on account of disability not chargeable to army service. The committee of the House of Representatives, in reporting this bill, declare: "The testimony does not show the disease of the soldier to be of service origin."

The beneficiary is now receiving the largest pension permitted under the law of 1890.

His condition may well excite our sympathy, but to grant him a pension of $50 a month, without the least suggestion that his pitiable disability is related to his army service, and in view of the fact that he is now receiving the highest pension allowed by a general law enacted to expressly meet such cases, it seems to me would result in an unfair discrimination as against many thousand worthy soldiers similarly situated, and would invite applications which, while difficult to refuse in the face of such a precedent, must certainly lead to the breaking down of all the limitations and restrictions provided by our laws regulating pensions.

The value of pension legislation depends as much upon fairness and justice in its administration as it does upon its liberality and generosity.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 25, 1896.*

Mr. PICKLER. Mr. Speaker, I ask that the bill and the veto message be referred to the Committee on Invalid Pensions.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

HON. WILLIAM H. CRAIN.

Mr. PENDLETON. Under the order of the House eulogies were to be delivered on our deceased colleague, Mr. WILLIAM H. CRAIN, commencing at 2.30. I ask that the order be read.

The Clerk read as follows:

Resolved, That the session on Saturday, April 25, beginning at 2.30 p. m., be devoted to the delivery of eulogies on the late W. H. CRAIN.

Mr. PENDLETON. Mr. Speaker, it is well for the living to express their sorrow and to pay the tribute of respect due to those who have been our daily associates and friends, and who have before us passed over the line which is drawn between time and eternity.

It is a duty demanded by friendship, by affection, and by our common humanity; and while engaged in this duty it reminds us that we, too, are mortal; that we, too, are hastening to the grave, and that when a few more fleeting moments have passed we will be called into the presence of that Creator who has given us existence and opportunity, and to whom we are responsible for the use of the opportunities he has placed in our grasp.

We miss the genial smile, the cordial greeting, the hearty handshake of our noble friend; our hearts are sore, for many of us have known him long and well, and none knew him but to love him.

WILLIAM H. CRAIN was a native Texan, born at Galveston November 25, 1848; graduated at St. Francis Xavier College, New York, in 1867; studied law and was admitted to practice in 1871, at once taking high rank in his profession. Possessing fine natural ability, well educated, with a genial, social disposition, it was natural that he should engage in politics. True to his convictions and loyal to his friends, he drew to himself a body of earnest supporters who followed his fortunes and made him successful in every contest. He was elected first as district attorney, then State senator, and in 1884 to the Forty-ninth Congress, which place he held by successive reelections until his death.

No man can long retain friends who is unworthy of them; on the other hand, he who through a long term of years and many trying ordeals secures and holds the respect and affection of a large number of the best among his fellow-men must possess many sterling qualities.

Mr. CRAIN was a poor man; he did not possess the money-making faculty, and he was too honest to barter his convictions for sordid gain. Yet when money was needed for legitimate campaign purposes, men—prudent, calculating business men—would use their means in his behalf as freely as if he were a brother or son. No man in Texas or any other State had a more loyal, faithful constituency. When he announced his candidacy at the beginning of a political campaign it was the signal for all the loyal enthusiasm and effort of which his friends were capable.

His death brought grief to many a heart and he will long be kindly remembered by the people he served so faithfully and well.

When the news of his death was sent the grief was deep and sincere. Throughout his district (one of the largest in Texas) meetings were held at all the principal towns, and appropriate resolutions were adopted.

The Congressional committee which escorted his remains to his home was met at Houston, 200 miles distant, by a special train occupied by his friends and neighbors.

The estimate placed upon him by those who had known him longest and best can be better shown by the account of the ceremonies at his funeral and burial, taken from the San Antonio Express, which I here append as a part of my remarks:

AT REST ON THE HILLSIDE—THE LAST HONORS PAID TO CONGRESSMAN CRAIN—DISTINGUISHED VISITORS AND TWO THOUSAND PEOPLE FOLLOW THE REMAINS TO THE GRAVE—FATHER SMITH'S TRIBUTE TO THE DEAD STATESMAN—MAGNIFICENT FLORAL TRIBUTES FROM A PEOPLE IN MOURNING—BURIED IN SIGHT OF HIS HOME—DETAILS OF THE FUNERAL.

CUERO, TEX., *February 14.*

Tenderly and with hearts whose every pulsation was a requiem the people of Cuero to-day laid in the bosom of Mother Earth all that is mortal of their beloved Congressman, WILLIAM HENRY CRAIN. Upon a hillside, where his children, playing in their home, can watch over his rest, they dug his grave, and into this they softly lowered his body amid 2,000 drooping heads.

Such a tribute seldom is paid a man. It was devoid of grandeur, but rich in simple sincerity. It was a funeral in which all were mourners, a funeral in which the most lowly negro trudged feebly along behind the rich equipage, in which white and black, gray hairs and kiltered tots, contributed their grief to the common woe. It was an inspiring spectacle—a lesson that must have made its impression upon everyone who saw it.

The shock which the sudden announcement of Mr. CRAIN'S death caused made the people of Cuero almost insensible of their own grief. Dejectedly they hung crape about their stores, made mourners of their houses, and omitted no opportunity to show respect to the memory of their dead. But it was not until yesterday, as they filed slowly around his bier, and looked sadly down on the cold and rigid face they had known so well, did they become truly sensible of their grief. Since then this has been truly a town in mourning. From the moment his gray-haired mother and stricken wife were led away from the casket until this morning at 10 o'clock when the undertakers shoved them aside to shut his face off forever from the light of the world, a constant stream of people wended slowly around the catafalque to take the last look. It is doubtful if a man, woman, or child in this town omitted to pay the last respects. Certainly more people than are in Cuero did this honor, for hundreds were here from a distance for this very purpose.

FLORAL TRIBUTES.

Some brought flowers to lay on his bier. Some were but small bunches of violets, dropped by a childish hand. Others were magnificent designs, which taxed the art of the florist. Scarce a variety of nature's poems was missing. They were banked up a foot high on the casket, obscuring from view all save a small space of the glass through which the kindly face was visible. Then they were placed on tables and on the piano, and finally chairs had to be brought in to hold the wealth of floral offerings. All of them were pretty, some magnificent in the elaborateness of their design, some touching in their winsome simplicity.

Two especially were very striking. One was a circle of immortelles, full 2 feet in diameter, and with a rim not less than 6 inches wide. Around the edge of the immaculate immortelles was a faint line of purple, and elevated a few inches above was a crosspiece not unlike that to an anchor. This, too, was of immortelles, and through it was "Our friend" in purple. It was an offering from the National Association of Letter Carriers, who esteemed Mr. CRAIN their especial friend because of his activity in legislation in their behalf.

Another magnificent piece was presented by Mrs. E. D. L. Wickes, of San Antonio. It was very elaborate in design. Between two long slender palms, which gracefully nodded their tips together, assuming a shape something like that of a heart, was a bank, set incline, of flowers of almost every variety. About 2 feet long and a little less in width, it represented Mr. CRAIN'S desk in Congress. The outlines of the desk were marked by a border of Marechal Neil buds, nestling close to an inner border of passionate dark red roses, just opening. The body of the desk was of sprays of evergreens and pinks, and in the center an open book was formed of hyacinths and pinks. Lying diagonally across the face of the book was a broken pen, the stem being made of delicate ferns. Rising above the whole by nearly a foot was a cross formed of Marechal Neils and red buds. The whole rested on a wire frame made especially for it.

There were dozens and dozens of other designs, all of them pretentious, while there were banks of flowers tied in bunches. Among the very many offerings were handsome designs from "The Ladies of Edna," Mrs. Richard King, of Corpus Christi, Mrs. Robert Kleberg, and Mr. and Mrs. Sinclair Taliaferro, of Houston.

To add to the striking effect of the scene, three candles burned at the foot

of the casket, where sat also a crucifix. The candles had been carried by three of Mr. CRAIN's sons when they made their first communion. Indeed, signs of Mr. CRAIN'S religious faith were manifest everywhere, for, a consistent Catholic through life, he died surrounded by priests, and with all the rites of the church. The last sacrament was administered to him by Father Foley, of Washington, according to Mr. Corridon, his private secretary, who was with him when he died, and who bore his last messages to his stricken wife.

From the time the body was brought to the house until it was taken to the church this morning it was watched by a detail of the Merchants' Protective Hose Company, of which Mr. CRAIN used to be an active member and of which he was an honorary member at the time of his death. This privilege was granted at their own request, for each of them felt an especial affection for him.

CROWDS VIEW THE REMAINS.

Their vigil was not long, for, save during the middle hours of the night, there were always crowds coming to see the body. Early this morning before most people had breakfasted they began to come, and as the day grew, so did their numbers. Before the sun had driven the chill from the air the line reached from the street into the house.

Most of the callers this morning were out-of-town people, who had come in on the early trains and on the special from Victoria. There was an unwonted crowd on the streets, and had not a subdued air pervaded all a stranger might have thought some festival was about to begin. But as it was, this could not be thought, for it was not a moving crowd, but a crowd that gathered in knots all over town before closed doors and heavy-draped windows. Toward 9 o'clock they began to drift toward the residence where the body lay.

The residence is a big, old-fashioned two-story house, almost square, and destitute of the least fanciful design. It stands in one corner of a 2-acre lot, covered with grass. It is but a step from the church, and between the two places the sidewalks were not adequate for the crowds that passed to and fro.

Before the crowd became very large this morning the members of both fire companies in uniform took position on each side of the walk leading from the gate to the door and kept the line moving between the wall which they formed.

Among the callers about this time were Governor Culberson, accompanied by Colonel Proctor, Mr. Ed. Kauffman, internal-revenue collector of Austin, and Mr. Pleasanton, secretary of the Democratic State executive committee. State Senator Lawhon was also among the callers, as was Mr. Rudolph Kleberg, who came to look for the last time on the face of his dead partner.

Governor Culberson spent but a moment beside the body, and then stood out in the hall until the members of the Congressional escort arrived. They wore long white silk sashes, hung diagonally from their shoulders, with black rosettes at the shoulder and where they crossed at the button. They also wore white silk gloves, and these, with glossy silk ties and long broadcloth Prince Alberts, made a striking uniform. When they arrived Undertaker Zarhorst, of Washington, who directed the ceremonies, pinned sashes on Governor Culberson and Colonel Proctor, and they were among the honorary pallbearers. The members of the Cuero Turn Verein, with their silk banner heavily draped in black, arrived in a body and passed around the casket. Then, it being just 10 o'clock, the cover was screwed on the glass plate and the face of WILLIAM HENRY CRAIN was shut from view forever. The flowers which had covered it were taken off, revealing a plain but rich casket covered with heavy velvet. Save for the ornamentation of the massive silver handle pieces, there was no decoration. On the middle was a heavy silver plate on which was engraved:

WILLIAM HENRY CRAIN.
November 25, 1848.
February 10, 1896.

The active pallbearers were Charles Breeding, Joseph Rice, Dr. W. R. Rathbone, John McDonald, Jeff Baker, and Joseph Sheppard, all of whom live in Cuero. These gently lifted the casket and bore it to the waiting hearse, to which were hitched four handsome black horses.

When the body was deposited in the hearse the members of the fire company marched ahead and took a position in front. The honorary pallbearers divided on each side of the hearse. Next, in carriages, were Mr. CRAIN'S mother, his sister-in-law, and Judge Mitchell, of Victoria, and his five children. Mrs. Crain did not attend either at the church or the grave, she being completely prostrated. Probably a thousand others fell in behind, and thus they marched slowly to the church.

SERVICES AT THE CHURCH.

The big crowd which was standing outside the church, being unable to get admission, opened a passageway, and when the procession was in closed up and wholly hid it from view.

At the entrance the casket was met by Bishop Forest and five surpliced priests, with crucifix, font, and censor.

"I am the resurrection and the life," announced the arrival of the corpse, and simultaneously from the deep, solemn voice of the pipe organ came the dirge. Slowly up the aisle, following the praying clergy, the casket was borne and placed in front of the altar. Save that the altars and chancel were dressed in midnight black, the church was not draped. High above the altar, though, rested the floral piece which Mrs. Wickes had sent. The relatives took the front seats on the left of the aisle and the pallbearers were immediately opposite.

Then the crowd was admitted until the church was full, when the doors were closed, leaving a thousand outside.

Requiem mass differs from high mass scarcely in any detail except that the music is very solemn, being sung almost in dirge time. The Credo, Kyrie, and Offertory are sung, but not the Gloria. Father Wyer, of St. Joseph's College, Victoria, was the celebrant; Father Kline, of St. Edward's, Austin, was the deacon; Father Gerlach, of Myersville, subdeacon, and Father Mocyzgambi, of Pana Maria, master of ceremonies. Bishop Forest sat on the gospel side of the altar with Father Shehan, pastor of the church. Bishop Forest blessed the corpse and gave the benediction.

When the service had been concluded Father Smith, of San Antonio, robed only in a black cassock, with a crucifix in his belt, stepped to the front of the altar and spoke of the dead.

"Death is an unwelcome visitor," he said, "and, unbidden, enters every rank of life. It respects neither the righteous nor the wicked, neither rich nor poor, and so audacious is it that one day it ascended Calvary and did not come down until it had given the fatal blow to God himself, made man. Here before us to-day we have evidence of his visit.

"Among men there is an unbounded ambition. From birth they seek to attain the influential positions of life. Many aspire to the legislature of their country or of their States, and not a few as editors of newspapers aspire to lead the thought of men and mold the opinion of the public. From the newspaper men we expect that they shall strive to widen and uplift our thoughts. To the legislators the people look for such laws as will conduce to their happiness, and the one who seeks to rule by laws and enactments must, if he be successful, give heed to the higher laws of God.

"The deceased was one who considered the responsibilities of public life. In yonder years, when he thought he was destined for public usefulness, he knocked at the door of the Catholic Church and asked to be admitted among her children. He was soon convinced that she who had witnessed the downfall and rise of so many people, who for so long a time had governed men and had assisted nations in regaining their lost prestige, had a true sense of liberty, which means to do the greatest good to the greatest number. She told him that there was a God, that there was a Christ, the Son of God. She told him that there were two powers independent in their spheres—the spiritual and the physical. She told him also of the necessity of making use of this world for the other, of the use of reason and religion. She told him all this and he accepted it, and those who may have listened to his reasons for joining that church know that, as he frequently said to himself, he was a 'convinced Catholic.' He was a convinced Catholic, and, my dear friends, he took the teachings which he had received from the church and brought them into the public arena, and became not only a Catholic but an American, feeling himself at home anywhere in this country. He was not afraid to say that he was an American, and his loyalty to the church did not suffer. Never did he forget that he was a Catholic American.

"A Catholic American the deceased was, and as I have promised not to delay you long I can not better illustrate what I have said than to recall to your mind the last speech which he uttered in the halls of Congress. It was on a bill making an appropriation for charitable purposes. The peroration must still ring in your ears. Once more he brought the antagonistic armies on the fields of thirty years ago face to face. You saw them fight; you saw them fall dead and wounded, and on these fields of carnage he showed you the Sisters of Charity—white-winged ministers of God's mercy—going about the fields holding a cup of cold water to some parched lips, dressing the wounds of some prostrate soldier, praying beside some fallen boy, and closing in death the eyes of those who had been killed. In that peroration—in that speech—you can see the Catholic, who, fast in the faith of the church, teaches wisdom and love of country. You can see likewise the statesman applying the Constitution of his country, which demands justice for all.

"I will conclude by asking what he is unable to ask now. We have a soul; so had he, but it is now in eternity, and he realizes, no doubt, now the truth of the doctrines of the Catholic Church, and one of them was prayer for the dead. And to-day and hereafter, when his name comes to your memory, do not forget to say: 'O Lord, have mercy on the Honorable WILLIAM HENRY CRAIN, the Catholic American Congressman.'"

Then Bishop Forest passed twice around the casket, once sprinkling it with holy water and once with the censer. Then the pallbearers lifted the body, and, following Bishop Forest and five robed priests, they placed it in the hearse and it was borne to the cemetery.

AT THE CEMETERY.

The cemetery is about half a mile from the church, on a hillside, and in view of the house which was the dead Congressman's home. The procession en route passed quite in front of where his widow lay sick of grief. The order of march was the same as that from the house to the church, except that the honorary pallbearers rode in carriages immediately behind the hearse. The line extended almost from the church to the cemetery. Fully two-thirds of those who were at the cemetery went afoot.

The ceremony at the grave was very brief, consisting of Latin chants. When these had been sung Bishop Forest and each of the priests threw a spadeful of earth into the grave. Then the active pallbearers, hats in hand, filed singly around the grave, and as each passed the head he pulled off the crape from his arm and dropped it into the grave.

The firemen followed, dropping crape and bunches of evergreen, which they carried. Then came the honorary pallbearers, the Congressional escort, and as they passed the head of the grave they pulled the white silk gloves from their hands and dropped them onto the casket.

Then the flowers, of which there was an immense pile, were thrown in, and lastly four strong men covered the whole with earth and piled it up high to mark the last resting place of WILLIAM HENRY CRAIN.

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A TRIBUTE TO CRAIN.

AUSTIN, TEX., *February 14.*

Out of respect to the memory of the late WILLIAM HENRY CRAIN, whose remains were to-day consigned to the grave in the cemetery at Cuero, the flags on the State capitol and the Federal building have been flying at half mast. No member of the Texas delegation in Congress was more popular in Austin than Mr. CRAIN, and the news of his death came to his Austin friends like a clap of thunder in a clear sky. Generous, impulsive, and brilliant, his was a life that shone like some majestic star, dimming those around it by its matchless luster, while his genius charmed and cast a spell on all who came beneath its influence. Born where the ocean's roar made the first music for his infant ears, he seemed to catch that inspiration from the boundless deep which moved to mighty deeds.

The S. S. Prentiss of the South, he knew not what fear meant when duty called, for his was the courage of a Richard Cœur de Lion and the spirit of a Henry of Navarre. But "he is now at rest, and praise and blame fall on his ear alike, now cold in death." No more will his voice charm with its magic or arouse with its eloquence, and to-day when the grave received all that was mortal of this mighty statesman, this matchless orator, this friend of liberty, this genial, generous, and impulsive man, all nature sighed and a shadow crossed the sun. "Yes, thou art gone, going like a star, that through the firmament shot and was lost, in its eccentric course dazzling, perplexing," and

Look where we may, yet we will look in vain,
To find thy likeness, O immortal CRAIN!

A FRIEND.

—

EAGLE PASS'S ACTION.

EAGLE PASS, TEX., *February 13.*

The citizens of Eagle Pass, irrespective of party, met at the court-house last night to express the sentiments of this community on the untimely death of the Hon. W. H. CRAIN, once its honored Representative.

Judge Winchester Kelso was elected chairman and Maj. S. M. Simmons secretary.

After eulogistic remarks on the rare ability and charming personality of deceased, the following committee was appointed to draft resolutions expressing the sentiments of the meeting: J. M. Goggin, J. O. Williamson, W. Kelso, W. A. Fitch, A. H. Evans, and C. W. Hartup.

The committee afterwards presented the following resolutions, which were unanimously adopted:

"*Resolved*, First, that this community has heard with profound sorrow of the death of our former Representative, the Hon. W. H. CRAIN.

"Second. That in the death of the Hon. W. H. CRAIN Texas has lost one of her noblest and best sons and a nation one of her ablest and wisest lawmakers.

"Third. That the sympathies of this entire community go out to the family of the deceased.

"Fourth. That a copy of these resolutions be forwarded to the family of the deceased and to the press."

While he was sincere in his political opinions and bold in asserting them, he never unnecessarily wounded the feelings of those who differed with him, and among his political opponents he numbered some of his best personal friends. The Republican convention in Aransas County adopted the resolutions which I here append:

Be it resolved by the Republicans of Aransas County in convention assembled, That in the death of the Hon. WILLIAM HENRY CRAIN the citizenship of southwest Texas has lost a most polished, worthy, and able representative; that the Republicans of this district share and feel that loss, and join with their Democratic friends in mourning the demise of one of Democracy's brightest minds and one of Republicanism's most honorable and talented foes; that a copy of this resolution be furnished the press of the State, and as a mark of our respectful sympathy the secretary is also instructed to transmit a copy to the family of the deceased.

He left to mourn his loss a wife, one of the purest and noblest women who ever blessed a home, and seven children, all bright and sensible, but most of them too young to battle with the world.

The grief-stricken mother must not only bear her burden of woe, but must also take the place of both parents.

Our friend had his faults, and no man more regretted and deplored them. None of us is exempt. "To err is human."

No further seek his merits to disclose,
Nor draw his frailties from their dread abode;
There they alike in trembling hope repose,
The bosom of his Father and his God.

Mr. WALSH. Mr. Speaker, the last speech Mr. CRAIN made and the very last words he uttered in this House illustrate two traits in his character which it must please his friends to recall.

"The Speaker will take care of me" were his last spoken words on this floor, evidently in response to some suggestion of a fellow-member not recorded, and they evince that courteous respect for authority, coupled with that gentle manliness which was characteristic of him under all circumstances.

His last speech was for the charitable institutions of the District of Columbia. In it he begged us to remember those whose tender hands had cooled the fevered brows of our brave soldiers after the disasters of the battlefields, and who are now devoting their lives to comforting the afflicted, feeding the hungry, and harboring the homeless. He endeavored to inspire us with the gratitude that was burning so intensely in his heart and to impart to us a compassion for the unfortunate as deep as his own.

These qualities, with others his friends will well remember, bring him so near the great English thinker's estimate of a gentleman that I may be pardoned for quoting his words. It was Ruskin who said that "a gentleman's first characteristic is that of fineness of structure in the body which renders it capable of the most delicate sensation, and of structure in the mind which renders it capable of the most delicate sympathies—one may say fineness of nature. That is, of course, compatible with heroic bodily strength and mental firmness. In fact, heroic strength is not conceivable without such delicacy. Elephantine strength may drive its way through a forest and feel no touch of the boughs, but the white skin of Homer's Atrides would have felt a bent rose leaf yet subdue its feeling in glow of battle and behave itself like iron."

Who that saw his manly form and knew its sensitive nature; who that felt the generous warmth of his friendship, his uniform courtesy, the brilliance of his mental make-up and his tender sympathies can fail to appreciate in his memory the man and the gentleman.

I will leave to those who knew him longer—who are more familiar with his political career—the opportunity to dwell on the causes of his success. Yet it is proper to recall the fact that he pursued his college career in a college situated within the limits of the district which I have the honor to represent, and while there he lived in the neighborhood where I have spent my life.

When we heard of his nomination for Congress in far-away Texas—his home State—we felt as keen an interest in his success as might any of his constituents, for while with us in the years when he was budding into manhood, when he was developing his best qualities of mind and heart, he became endeared to us, and when he bade us farewell he left behind him a reputation for brightness of mind and cleanness of heart and generosity of soul which earned for him our ardent wishes for his future happiness and prosperity, and up to the very hour of his death we have been far from indifferent to his success.

We looked, in the nature of things, for a longer life, but the Almighty Providence, whose wisdom none will question, decreed the contrary.

For his friends in New York who were the companions of his early manhood I pay this last tribute of respect to his memory.

For myself I can only say that my association with him here was more than agreeable—and all too short. If there were any faults in his character they lie buried with his body beneath the "sacred grass and the saddened flowers."

His charming personality, his scholarly attainments, his noble soul, his generous impulses, his tender sympathies, and his brightness of mind will live in our memories as the characteristics which we honored and loved in him and which should endure.

May he rest in peace.

Mr. COOPER of Florida. Mr. Speaker, I shall not attempt any set speech or any formal eulogy of WILLIAM H. CRAIN. I wish merely to utter a few words, however inadequate, expressive of the esteem and the admiration which I feel for many of the qualities of the man. No one could come in contact with him without appreciating the fact that he was a cultivated gentleman. His manners were graceful, easy, simple, and unaffected. They came, as the best manners always do, from the heart within the man. One of his most notable characteristics was generosity. He was generous not merely in pecuniary matters, but generous of his time, generous of his information, generous of efforts for others, generous in all his intercourse with his associates and his fellowmen. Another admirable quality of the man was frankness. Whatever faults he had were apparent to all. He wore his heart upon his sleeve. There was naught of hypocrisy in his make-up. He possessed a fine mind, highly cultivated. He had as wide a fund of general information as most men in this House, and upon some special subjects he possessed as deep and as accurate information as any man on this floor, if not more. I did not know him as long as many here. My acquaintance with him began in the Fifty-third Congress, but I knew him long enough to appreciate many of his attractive, high, and noble qualities.

He was a man of sincere religious convictions, deeply attached to his church. Like most men who have mingled much with the world, its temptations, and its distractions, he may not always have reached his own ideal in a strict following of his own religious convictions, but his reverence for them was always deep and sincere. The last speech he made upon the floor of this House was in their defense, and among the last words he uttered was a deeply touching tribute to those pure and lovely devotees and ministrants of religion, the sisterhoods of the Catholic Church; and, indeed, it is a matter of sincere gratification to his friends to know that in his last hours he had the ministrations and the consolations of his religion. But words avail not; he is gone. May earth rest lightly and the grass grow green above him; for it is a noble heart that sleeps beneath.

Mr. COOPER of Texas. Mr. Speaker, it is not my purpose to detail the various incidents which collectively constitute the life history of the late member of this body whose memory we have met here to-day to honor. Of his biography others who have already spoken, or who may yet speak, are more competent to give account. Suffice it for me to say that, contrary to popular impression, the men who have made the most valuable contributions to the welfare of the human race, the men whose lives have most strongly influenced the current of contemporary history—the really great men of the world—were not always, perhaps not generally, those whose lives contained the most remarkable incident, the most sensational episode, the most wonderful vicissitude.

Our brother is gone. "The dull, cold ear of death" shall be his till it responds to the great roll call of the ages in the hour of the last judgment. Nothing that we may say or leave unsaid here to-day can or will be heard or recognized by him. Therefore we speak not to the dead but to the living.

The life of our departed friend and fellow-legislator offers us some useful lessons to be applied in the shaping out of our own personal life work.

Born a Texan, he spent his whole life among the people of his native State, and was at one time the only native-born Texan in her delegation in the National Congress. Though a part of his youth was spent in the commercial metropolis of America, surrounded by all the alluring attractions of the most advanced civilization of the Western World, yet he exhibited the sturdiness of his patriotism and love for his native State by returning to her borders at the close of his collegiate career and engaging in the arduous and exacting labors of his profession, which ultimately brought him distinction among his people. While he might have imitated the example of many others by yielding to the blandishments of life in the progressive East, and might have thus secured a high measure of success amid its gayer and richer environment, he preferred to cast his lot with his people in the lonely and sparsely settled plains of the Gulf Coast; and there he helped them to build the foundations of that great Commonwealth whose progress has awakened the admiration and yet excited the apprehension of the older States of the East, and whose wonderful growth has threatened their political supremacy.

As he made his home, by choice, with the poor and humble (though proud, brave, and adventurous) settlers in a new land, where ambition and self-interest could find little food for hope; so he was always a consistent exponent of that high chivalry that pleads for the helpless, champions the fallen, and gives its sympathy and effort to those who are needy rather than to those who are able to repay with interest. In him the poor found a friend, the destitute a benefactor, the oppressed a defender. These are the qualities that appeal most strongly to the hearts of the masses. Xerxes, panoplied in golden armor, attended by a congress of subservient and tributary kings, and surrounded by all the paraphernalia and proofs of earthly power, might well excite the wonder

or even the admiration of the world of warriors that gathered around him as he stood upon the shores of the Bosphorus in the long ago and claimed dominion over the two continents that its waters divided; but the picture of Stonewall Jackson, sleeping on a tattered blanket in a tentless field and rising at morn to share in the breakfast of corn bread and rye coffee that constituted the fare of his poorest soldiers—that submergence of self in the service of a great cause—reaches at once to the hearts of his followers on the fields of blood and his admirers throughout the world wherever men read history and admire unselfishness. Whatever else may be said of democracy, whatever other deductions may be made from its workings, we must concede that where it truly exists no man can long retain high public station unless he possess some of the great qualities that entitle men to success. Our deceased friend easily kept his place in this body and in the affections of his people, year after year, campaign after campaign, and the secret of his popularity was his brilliancy of thought, his eloquence of speech, his magnetic influence, and his chivalric character. In this day of greed and selfishness this is no mean tribute to the memory of any man when measured by the higher standards of human worth.

In addition to his nobler qualities of mind and heart, our friend had his weaknesses, as who of us—who, anywhere—has not? It is neither true to fact nor any particular honor to the dead to deny, after death, those frailties that the dead themselves did not and would not deny or extenuate while living. He who would teach us that our deceased friend had no weaknesses, felt no temptations, stumbled not in his march through the allurements of life, would lift him at once above the plane of mortal men and above that sympathy which the world is ever ready to accord to the noble, struggling, yielding, suffering weak. Of our departed friend, it might well be said:

Is it true, O Christ in heaven,
That the strongest suffer most?
That the noblest wander farthest,
And most hopelessly are lost?

But for him let it be said that it is a grander triumph for the man of warm and generous impulses to walk, even with uncertain and stumbling steps, than it is for the cold, cynical, unfeeling man to pursue the path of right without deviation, because his icy nature makes him incapable of temptation. It is one of the most beautiful, because one of the most comforting, thoughts connected with Christian theology that when all the individuals of the human race shall be convened in one mighty throng around the throne of God at the last judgment we shall all be judged by One who "took upon himself our weaknesses and bore our infirmities," One who trod in the footsteps of our erring life, and who, though He yielded not to temptation even when offered all the kingdoms of this world, yet knew from experience the power of the influences that entice men away from the right.

If, then, we hope to enjoy charity of judgment from the Son of Man when our life work shall be unrolled before the gaze of Omniscience, how much more meet is it that with none but loving hands and broad charity should we lift the veil that covers from the eyes of the world the frailties of our dead brother? Without seeking to deny or minimize his shortcomings, let us speak of them in tones of sympathy and regret, and with a felt, even if unspoken, prayer that we may profit by his errors and be saved from the inherited weaknesses of our own natures.

While our friend may not have attained international celebrity, let us not conclude that his life was not a success. The true measure of success is the work that we do for the generations to come, for posterity, for humanity. He has not lived in vain who has filled the full measure of his opportunity, who has justly exercised his means of serving his fellow-man, who has contributed something to the progress and happiness of humanity. In the laboriously framed fabric of national greatness, woven and interwoven with the threads of complicated purposes, conflicting interests, and mutual concession, no one man's work is easily separated from that of his fellows. Where so many have contributed to a nation's greatness and a nation's glory it is difficult to mete out to each actor his proportionate share of credit for what it is or blame for what it is not; but the statutes of this country and the personal observation of many members of this body show that our friend and fellow-legislator played no unimportant part in the accomplishment of much that was and is good. His eloquent voice was heard and his personal vote and general influence were cast for what he believed to be the greatest good of his people and his country. Along the stream of his life work lie no stupendous cataracts whose reverberations tell the world he lived; but the current of his influence moved quietly and steadily on toward the achievement of his aim—the ocean of his country's glory and greatness.

Let us honor our dead by imitating his fidelity to trust and his chivalry of soul. Let us utilize his life even in his death, by drawing from it lessons that may ennoble our own lives. Duty above selfishness, the use for the public good of the opportunities given us by the voice of the people—let these be our aims. And in the execution of these high aims may we find in our entire consecration to public duty the surest safeguard against the temptations that beset him and us, and as a result of this consecration may we secure the highest reward attainable for duty well performed—the approbation of conscience and the deserved applause of the people we are here to represent.

Mr. BELL of Texas. Mr. Speaker, we to-day pay tribute to the memory of one who has been called from among us in the full vigor of matured manhood, and who it might reasonably have been expected would have been spared to his family, his friends, and his country for many years. He had already accomplished much, but apparently he had barely reached the beginning of the broader career of usefulness and honor for which he seemed destined and for which he was so well fitted.

The beginning of my personal acquaintance with Mr. CRAIN was of recent date, but I had long known of him as one of the gifted sons of his native State, upon which he reflected so much credit, whom all delighted to honor, and in whose well-earned triumphs we took a just pride.

At an age at which most lawyers are regarded as mere tyros in the profession Mr. CRAIN became the prosecuting attorney of his district, and by his courteous demeanor, his fair and honorable conduct, and the vigorous and eminently successful manner in which he discharged the duties incumbent upon him he established himself in the confidence and esteem and gained a hold upon the affection of the people of his section of the State which was never impaired.

As a State senator he soon became widely known as a man of dauntless courage, of tireless energy, of unquestionable integrity, of excellent judgment, and as the most eloquent speaker and readiest debater among the young leaders who were then forging to the front; and it was not strange that the members of his political party, which had suffered defeat in his Congressional district at the previous election, should have turned instinctively to him as the one person whom they preferred to have bear their banner, and to whom they were willing to intrust the task of restoring their supremacy. He was nominated without opposition as the candidate of his party, and was triumphantly elected a member of the Forty-ninth and of each succeeding Congress.

Of his work here much has been and more might be said. The courtly manners and chivalrous courtesy which had characterized him in all the walks of life, the felicity with which he could express himself in debate, his pleasing address and happy faculty of forming acquaintances and making friends, soon caused Mr. CRAIN to become one of the best and most favorably known members of this body.

Why he should have been called away in the very prime of life we can not understand. We can only deplore his loss and extend to his bereaved wife and fatherless children our sympathy. While we realize that no words of ours can—

Soothe the cold ear of death—

it will be some consolation to them to know that others share with them their sorrow; that others who knew him far from home and kindred had learned to love him and that they cherish his memory.

To us, the comrades in his labors, his sudden and unexpected death should teach a solemn lesson. We are reminded that we, too, must respond to the summons to join the innumerable caravan, and that we should prepare for a higher, nobler, better, and eternal life.

Mr. EDDY. Mr. Speaker, "In the midst of life we are in death." The truth of the quotation just given was never more strikingly illustrated than in the fate of the man to whose memory we to-day do honor.

One day standing in his place on the floor of this House, in the full flush of vigorous manhood, his voice ringing forth like a clarion in proclamation of what he believed was right, justice, and for the best interests of humanity, the next report was inwafted upon the unwilling ears of his associates here that he was in the grasp of fell disease, and yet the next and the black, somber draping of his accustomed seat, surmounted by a white wreath of flowerets, symbolical of hope, proclaimed to us in language impressively eloquent by its very silence that the stalwart frame was cold in death, that the eloquent voice was for aye hushed, and that the immortal spirit of WILLIAM HENRY CRAIN had passed from the brief here into the never-ending hereafter, and that as a fellow-mortal in earthly avocation we should meet and greet him no more forever.

The story of his life's vicissitudes is eventful and interesting, but I leave its recital to those who were more intimately associated with him in his career than I.

He was a leader among men, but the task of describing his great qualities of leadership I leave to those who have followed where he led in the great battle of politics.

He was an orator bounteously endowed by nature with matchless powers of eloquence, ripened almost into perfection by years of training and experience in public life, but to those who have many times and often listened to his ringing sentences I leave the task of describing his wonderful abilities and powers as an orator.

The Hon. WILLIAM HENRY CRAIN was to me a stranger. In the brief time we were associates on the floor of this House I never had the honor of addressing to him a single word in conversation or of grasping his hand in an introductory clasp.

But scenes and pictures oftentimes appear upon the panorama of passing events that enable a stranger instantaneously to judge the character of a fellow-stranger in certain lines better, far better and more accurately, than a lifetime of intimate acquaintance would enable him to judge, and such an opportunity was afforded me to so judge him.

The only public utterance that I ever heard WILLIAM HENRY CRAIN make was when he stood up in his place and such a vivid word picture of battle painted that we could hear the rattle of the drums, the blare of the trumpet, the shrill notes of the bugle, and the scream of the fife cheering men on to carnage, and the deep resonant tones of commanding officers as they urged their men to stand firm.

So vivid was the picture that we could see long lines of infantry marching and countermarching; could see the smoke of their muskets and hear the whistle of bullets as they sped on their mission of death.

We could see batteries of artillery gallop into position with almost automatic precision, could hear the reverberating roar of the pieces as they belched forth their awful missiles of annihilation, hear the rattle of grape and canister, the crash of solid shot, and the wild shriek of the shell.

Spellbound by his magic eloquence we saw the charging squadrons of horsemen meet in battle shock, and could hear the very clash of steel as saber clanked against saber in the terrible music of death.

Then with the hand of a master he shifted the scenes, and we beheld with horror the awful ravages of war after deadly battle, where Americans had met Americans on the red field of conflict in fratricidal strife, and by the pale moonlight, so vivid was the description, could we see rows upon rows of dead warriors and thousands of shot-torn, saber-slashed, mangled, and wounded fellow-men lying on the carnage-swept field.

Then his voice sank into the pathos of inexpressible tenderness as he described, with such startling reality that before our eyes we could see them there, the black-robed sisters, ministering angels of the church he loved so well—flitting to and fro among the stricken ones, closing the eyes of the dead, moistening the lips of the dying and bandaging the torn and mangled with women's tender fingers—black-robed sisters, with vision keen as eagle's to discover suffering, but with eyes so stricken with the color-blindness of heavenly charity that they were utterly unable to discover whether the recipients of their kindly ministrations wore the gray of the Confederacy or the blue of the Union.

And when he closed with splendid peroration, the curtains of his secret soul were rolled away and a grand and noble trait of character stood revealed in WILLIAM HENRY CRAIN, the most godlike trait that mortal man can possess—a deep and abiding love for his fellow-man and a boundless sympathy for oppressed humanity.

And when the funeral train, bearing all that was mortal of the Congressman, speeding southward, reached the borders of his native State, evidences of his love and sympathy for his fellow-man multiplied, for love and sympathy always beget love and sympathy in return, and the uncovered crowds that watched the cortège pass by bore upon their faces that wan and disconsolate expression that one sees upon the faces of those who stand by the grave of a friend.

And when we reached the beautiful city of Cuero, his home for many years, the throng of people that so sadly awaited our arrival bore upon their faces that look of sad and desolate loneliness that one sees upon the face of one who has lost one dearer than a friend.

Loving hands bore him from the funeral train to his modest residence, and there in state he lay; and multitudes of people—white, black, rich, poor, of all conditions of life—old men and women tottering on staves, men and women in life's autumn time, husbands and wives in the full vigor of noontide existence, youths and maidens, little children led by the hand—came to look once more and for the last time upon the features of him they had loved and honored. No idle motive of curiosity prompted them thus to come. Grief—deep, all-pervading grief—was the impelling force that moved them to look again upon him they loved so well in life. Sorrow, heartfelt sorrow, was everywhere manifest, and the tears of those who knew him longest and knew him best that that day fell upon his casket constituted a eulogy more eloquent than mortal lips can utter.

And as I gazed upon the sorrow-stricken features of those who stood around his bier the beautiful poem of Leigh Hunt came to my mind:

Abou Ben Adhem (may his tribe increase!)
Awoke one night from a deep dream of peace,
And saw within the moonlight of his room,
Making it rich, and like a lily in bloom,
An angel writing in a book of gold.
Exceeding peace had made Ben Adhem bold,
And to the presence in the room he said:
"What writest thou?" The vision raised its head,
And, with a look made all of sweet accord,
Answered, "The names of those who love the Lord."
"And is mine one?" asked Abou. "Nay, not so,"
Replied the angel. Abou spoke more low,
But cheerily still, and said: "I pray thee, then,
Write me as one who loves his fellow-men."
The angel wrote and vanished. The next night
It came again with a great wakening light
And showed the names of those whom love of God had blest,
And lo! Ben Adhem's name led all the rest.

I would not have you think that WILLIAM HENRY CRAIN was a man perfect. No doubt he had failings many, for he was mortal. No doubt he had faults numerous, for he was, like us, human. But when I saw the fond remembrance in which he was held by friends and neighbors, I doubted not but that in God's great ledger, the only account books where mistakes are never made and where errors never creep in, over against the name of WILLIAM HENRY CRAIN, written in letters of brightest gold, were the words: "He loved his fellow-men."

After brief but impressive services in the church where, with wife and loved ones, he oft had worshiped, he was borne, sadly borne, to burial. Deep in the bosom of his much-loved State they laid him down to rest and to await the Archangel's summons. Peace, peace to his ashes.

No stately column need be raised to perpetuate his memory among the sons of Texas or their descendants.

In the hearts of Texans has he left a monument much more lasting than marble tomb or time-enduring granite shaft.

Mr. MCDEARMON. Mr. Speaker, it was not my privilege to enjoy an intimate social acquaintance with the distinguished gentleman whose life and character we are considering. I had the honor to serve with him in the Fifty-third Congress and until his death in this, but my personal associations with him did not extend beyond a passing acquaintance and a few casual conversations. I was, however, attracted by his courtly bearing, knightly courtesy, and distinguished mien upon my first entrance into this body as a member, and I soon discovered that he was one of the leading spirits of the exceptionally able body of men, as a whole, who composed the membership of this House in the Fifty-third Congress. His commanding appearance, melodious voice, polished manner, vigorous and impassioned but faultlessly classical language, his clear, logical, and forceful arguments always commanded the closest attention of the House, challenging the respect of his political opponents, the delight and pride of his friends, and the admiration and applause of all. Mr. CRAIN was, in the true sense of the word, an orator. He possessed a vivid and towering imagination. His mind had been well trained in his early youth, and when I first knew him it had become richly laden with varied and valuable information. He had drunk deep at the fountain of knowledge and was endowed with its rarest fruits. His ability to clothe the most commonplace thoughts in the choicest rhetoric was striking and remarkable. His long experience as a member of this body and his familiarity with public affairs, coupled with his general information, enabled him to bear a leading and honorable part in all of the great discussions which made the Fifty-third Congress memorable.

He never failed to illumine any subject which he debated or to instruct and enlighten his hearers with his incisive and lucid arguments or to entrance them with his matchless eloquence. While my social intercourse with him was limited, as I have stated, yet I recall several little incidents with which he was connected which gave me an insight into his character, which, together with what I have learned about him since his death, convinced me that he was a man of the most scrupulous integrity and chivalric honor; and that his lofty soul was incapable of a low thought or an ignoble act.

He impressed me as being a man of superb moral and physical courage; a high-spirited, cultured, dignified, and accomplished gentleman in every sense of that too-often abused term. When the proceedings of this House were interrupted last February by the solemn and startling announcement that WILLIAM H. CRAIN, who had so recently been an active and prominent participant in the discussion of the grave questions which then engaged our attention, was dead, that he had been suddenly cut down in the prime of his splendid manhood, had journeyed to that "undiscovered country from whose bourn no traveler returns," we had another and a deeply impressive reminder and admonition that we are all sojourners here, and that sooner or later we, too,

must lay down our life's work, whether finished or unfinished, perchance as abruptly and unexpectedly as did he.

I was unusually shocked by the announcement of Mr. CRAIN'S death, and was very soon thereafter designated as one of the committee appointed by the Chair to escort his remains to his far-off home in southern Texas.

Our long, sad journey on the funeral train, deeply draped in the gloomy habiliments of death, in its rapid flight through the great Commonwealths of Old Virginia, the two Carolinas, Georgia, Alabama, Louisiana, and Texas, ever and anon flitting past historic spots where in the not long ago great armies of Americans contended in bloody strife with brother Americans; the lamentations of the stricken widow and orphans; the sweetly solemn and peculiarly impressive ceremonies and sermon by the Catholic clergy in the church where he was accustomed to worship, and by the open grave on the hillside where we left our brother asleep, all conspired to awaken in my mind the deepest emotions of sympathy for those who wept, and to lead me to contemplate the life and character of him whose remains it became my sad duty to help to bury. The many noble traits of character and manly attributes which characterized our departed brother have been lovingly described and eloquently portrayed by his distinguished colleagues, whose good fortune it was to know him as a companion and to love him as a friend. His brilliant achievements as a statesman and valuable public services to his State and to the nation during his long and honorable career as a member of this House have been graphically and faithfully recounted by those who served with him from his advent into public life, and who witnessed his labors and rejoiced at his glorious triumphs.

But his votes and public utterances are transcribed in the imperishable archives of the several Congresses in whose proceedings he took part. They belong to his country and are a part of its heritage, and will be interwoven into its glorious history. In all of the important measures which have engaged the attention of Congress during the last twelve years, many of which have materially affected the welfare and destiny of our country, his influence has been felt and his voice has been heard in advocacy of the right and in condemnation of the wrong. I doubt whether the speeches of any other of the many able and eloquent statesmen whose footprints are interspersed through the volumes of the CONGRESSIONAL RECORD will, in beauty and purity of diction, rhetorical graces and polish, together with vigorous arguments and sound logic, surpass those of WILLIAM H. CRAIN. Generations that are to follow will take our places when we are gone and will pass impartial judgment upon his actions and ours by the transcript of our spoken words and registered votes as we leave them upon record.

Mr. CRAIN has had his entrance and his exit. His gentle spirit which made others happier by its charming influence came upon earth, dwelt among men for a brief season, and departed as mysteriously as it came.

The light of his genius dazzled and bewitched us during his sojourn, and when it was extinguished the world seemed darker for a time.

He was fondly loved by those who knew him intimately. Throngs of his constituents and friends from far and near, including the governor of the State and his staff, came on special trains to testify of their grief and to mourn at the grave of their friend and leader. The entire population of his home, the beautiful and picturesque city of Cuerro, paid affectionate tribute to his memory by attending en masse his funeral, while many tears and sobs testified that true hearts sincerely mourned the death of one they fondly loved. I feel, Mr. Speaker, that this House has lost a valuable and able member, the country a loyal and patriotic citizen, and the world a noble man by the death of WILLIAM H. CRAIN. I reverently offer this poor tribute to his memory.

Peace to his ashes.

Mr. MILNES. Mr. Speaker, it became my sad duty, by your appointment, to accompany the remains of the Hon. WILLIAM H. CRAIN to their last resting place, to his home in Texas, there to be given a Christian burial among his relatives and friends, and I have now been asked to submit a few remarks in respect to his memory. It was not my pleasure to be intimately acquainted with our deceased brother. In fact, I never had the pleasure of being formally introduced to him, and therefore can say but little of his personality, as can those who knew him well and were his associates in his long and honorable career in this body.

That he was a man of great learning and ability, ever ready to serve his constituents and fight manfully for their rights, is fully evidenced by the official records of this House.

That his services were duly appreciated by his constituents his return to Congress for so many consecutive terms fully testifies.

One of the best things that can be said of any man is that those who knew him best—those among whom he was born and grew up to manhood, those among whom and with whom he has spent his whole life—loved him, honored him, and believed him worthy of every confidence and trust. And this was emphatically the case with him whose memory we commemorate to-day.

The Hon. WILLIAM H. CRAIN was a native of the great State of Texas. He grew up on its mighty plains, in its genial climate, and among the liberty-loving and generous people of that great State, beloved and honored by all its people.

It was they who recognized his worth and ability; it was they who elected him district attorney while yet a very young man. It was his neighbors and friends who sent him to represent them in the senate of his native State at the age of 28 years.

It was those who knew him and appreciated his great learning and ability who sent him to represent them in this Hall during the Forty-ninth Congress and returned him at every Congressional election thereafter up to this Congress.

No man served his constituency more loyally than he. No man in either House of Congress was more beloved than he who has gone to his last resting place.

That he had his faults no one will attempt to deny, but who has not faults? That he had many virtues all who know him bear testimony.

During our long journey through the sunny Southland, and especially when we reached his native State and Congressional district, the people turned out in vast multitudes, regardless of party or sect, to view the funeral train, and to pay their respects to the remains of their Representative and friend. Thousands of people all along the route through Texas at every station stood with uncovered heads to pay their last sad respects to our departed friend and brother.

When the funeral train arrived at Cuero, the beautiful little city where for so many years he had resided with his interesting family, every business house was closed, and the people turned out en masse to receive the mortal remains of their neighbor and friend.

It was indeed a sad home coming. It was a great and sad bereavement to his stricken family. But the high respect and love borne for him by those who knew him best was shown on every hand.

His funeral was largely attended, not only by the people of his Congressional district, but by prominent men throughout the State. The governor of Texas, together with his staff, came to pay their last respects.

The Catholic bishop of the diocese and other clergy came to assist at his funeral and to give words of consolation and cheer to his bereaved family, and thousands of men and women, representing all classes of people, stood around the open grave and dropped a silent tear to his memory.

Nothing we can say or do here to-day will add to or take from the record he made for himself and his country during that long period in which he was in its service. We can only pay our last tribute to his memory.

He has gone to that home beyond the great river, and where, in the course of nature, we, too, will soon follow him.

Let us remember all that was good and true in his nature, and forget those frailties and shortcomings which universally afflict mankind, and from which none of us escape.

Farewell, our brother, sleep peacefully beneath thy native sod. Sleep on until that great day when all who sleep shall arise and be judged by a righteous judgment, by Him who knoweth our innermost motives and actions, and who rewardeth according to our merits. Again farewell!

Mr. CROWLEY. Mr. Speaker, the custom prevailing in the House of Representatives when death stalks in its midst and carries away any of its members, to memorialize the life, character, and doings of the dead is a beautiful one, notwithstanding the manifest disposition of many distinguished members of this body who are endeavoring to abolish memorial services. I still say it is a beautiful custom, and long may it last!

The man whose memory we honor to-day by this custom, WILLIAM HENRY CRAIN, was born in the city of Galveston, Tex., November 25, 1848. He was the first native son of the Lone Star State who had the distinction of representing this great State in Congress, and until this Congress the only one. His father dying in Galveston, in 1854 he was sent to relatives residing in New York City, who placed him at the Christian Brothers' School until he was 14, when he entered St. Francis Xavier's College, and graduated from that famous institution of learning July 1, 1867, being valedictorian of his class.

After an absence of twelve years in the North, young CRAIN returned to Texas. For two years he lived on a ranch, worked as a cowboy, rode wild horses and drove cattle, and performed all the duties pertaining to a cowboy on a ranch; but growing tired of that life, he moved to Indianola, then a thriving city in Texas, and there taught school. While teaching he studied law with Messrs. Stockdale & Proctor, and was admitted to the bar and licensed to practice in 1871.

In July, 1873, he married Miss Angelina G. Mitchell, daughter of Capt. I. N. Mitchell, of Indianola. The result of this union living to-day are six children, four boys and two girls, namely: Frank, Viva, William Henry, James Kerr, Newton Mitchell, and Mary, varying in ages from 7 to 21 years.

In 1872 he was elected district attorney of the Twenty-third judicial district and served until 1876. In this position he, by his brilliancy and versatility, soon attracted attention, making for himself in this office a splendid record. When he entered on the discharge of the duties of his office the country was overrun with malefactors of every description. When he retired from office nearly all the malefactors had left that section of the country, and law had taken the place of lawlessness. Owing to the arduous duties attendant upon this position and being somewhat shattered in health, he refused a reelection to the office of district attorney, but accepted a nomination as State senator from the Democratic party to represent the Seventh district, to which position he was elected practically without opposition. In that body he was an active worker, taking high rank for a young man, and at that time even was looked on as one of the coming men of the State. Owing to change of residence he resigned after a single session.

He then removed to Hallettsville and practiced his profession with Col. S. C. Patten for four years. Here he was successful, and soon built up a large and lucrative practice. While an active member of the Democratic party, and always useful and untiring in his efforts for his ambitious friends, he was not an aspirant for any office, but was prevailed upon, on account of his oratorical ability, to serve as an elector for the State at large on the Hancock ticket in 1880.

Prior to 1882 he removed to Cuero, Dewitt County, which, under the apportionment of 1881, was placed in the Seventh Congressional district. Here he formed a law partnership with the Hon. Rudolph Kleberg, who was recently elected to fill his unexpired term in this Congress. While this partnership was never dissolved, it was merely nominal after his election to Congress in 1884. He represented the Seventh Congressional district continuously until 1892, when a redistricting of the State placed him in the Eleventh. This last district he represented since its formation. He never attended but one convention at which he was a candidate, notwithstanding that at times there was a good deal of opposition. He was elected to the Forty-ninth, Fiftieth, Fifty-first, Fifty-second, Fifty-third, and Fifty-fourth Congresses. At the expiration of this Congress it was his purpose, had he lived, to decline further service in public life, and so announced to his constituency several months prior to his death. His most bitter enemies have always accorded to him honesty of purpose and the courage of his convictions.

He possessed the love and confidence of his constituents to a remarkable degree, and was a political power in his section of his State. He was an able lawyer, a forceful and eloquent speaker, and charmed all with his close reasoning and magnetism. He was open and candid and never hesitated to express his opinion.

On the 4th of February, just six days before his death, he made a beautiful impromptu speech, his last on the floor of this House, which was characteristic of the man, as it was an appeal for the charitable institutions of the District of Columbia. It is a literary gem equal to anything I have ever read, which I quote from the CONGRESSIONAL RECORD:

Mr. Chairman, going back thirty or thirty-five years, a war was waged for the dissolution of this Union. Soldiers innumerable on both sides of Mason and Dixon's line flocked to the standards of what they considered right. The reverberations of cannon echoed down the valleys of Virginia. Swords and muskets asserted their supremacy. Brother fought against brother; soldier on one side against soldier on the other. As the soldiers went down on the side of the Union, there came upon the battlefields the white-winged messengers of peace, robed in the raiments of mercy and charity, and many a parched tongue and parched throat accepted the ministrations of those pure, beautiful creatures, who, protected by soldiers and officers, as well as by the President of the United States, the great, grand, and lamented Lincoln, came and ministered to them. Was there any question then on the part of the gentleman from Nebraska as to granting those emissaries of mercy a commission to fulfill their errand to those soldiers? Did he then, or did those whom he now represents, rise in their might and protest against the charitable work of those angelic forms in human shape? No, Mr. Chairman, not one word of protest was uttered then. Yet the representatives of the descendants of the men who were assisted by those lovely women come here to-day and protest in the name of what? Infidelity against religion.

Mr. Chairman, in view of the fact that this committee has put on record its vote in favor of the appropriation for the National Association for the Relief of Destitute Colored Women and Children (for which I voted), in view of the fact that that is an assertion on our part that the institution is not private in its character and is nonsectarian, although according to the statement of the chairman of the Committee on Appropriations it is in no wise different from the one now before us for consideration, I fail to see how our Republican brethren can vote against the appropriation.

His interest in the future development of southwestern Texas is shown by the following excerpt from a speech delivered at Corpus Christi on Tuesday, March 24, 1891:

The people of the North and West want to find a more congenial climate than they now enjoy in their present homes. They are well aware that no such climate and soil can be found anywhere in the world as are found within the confines of the State of Texas. Deep water in itself would not build up and develop this country. We had a Northern invasion many years ago, and our fathers, sons, and brothers bared their breasts to repel the invaders. But that era has happily passed, and times have changed. We want another Northern invasion, and we will receive the invaders with open arms and shouts of joy. We want them to come with their wives, families, and kinfolk. We want them to come and stay with us—be one of us—and help develop the resources of the country.

The population of Texas has nearly doubled in the last decade, and it can go on and double for the next decade, and the next, and the next, and still there will be room for more industrious settlers in this grand empire. All these settlers will contribute to the wealth and upbuilding of the country, and will furnish export cargoes for the ships of the world that will enter your deep-water ports a few years hence. Without these settlers Texas would not derive any great benefit to the State at large from deep water. It is the back country after all that makes great cities, and it is the grand back country of the whole Union that has created and maintained the large commercial cities along the Atlantic Seaboard. Without the back country these cities could not have been created or maintained. We want the hardy young blood of the North and Northwest planted in the virgin soil of Texas, and we want lots of it. Give us half a million industrious farmers, mechanics, and artisans in the next few years and southwest Texas will leap forward with a bound that will astonish the world. They are surely coming, and you should welcome them and bid them join hands with you and lend nature a helping hand. Cut up your pastures into small tracts, sell them to the man with the hoe, and prosperity will follow in his tracks. He will have to exchange the products of the soil for merchandise brought hither by rail and water. He will raise a family, and every member will be both a partner and a consumer, and the wealth of the country will be increased proportionately.

Mr. CRAIN was a ripe scholar, and was shortly before his death paid a compliment by that eminent educationist and great scholar, Dr. William Everett, of Massachusetts, in reply to a communication from a gentleman in this city, who wrote to know if Dr. Everett had been correctly quoted in expressing his appreciation of the former's ability to handle his mother tongue. This was the reply:

QUINCY, MASS., *December 26, 1895.*

MY DEAR SIR: You were not misinformed. My seat was very near Mr. CRAIN'S, and I had constant opportunities to hear him, both in conversation and debate. His English was simply faultless, copious, correct, natural, without a trace of vulgarity, provincialism, or pedantry, the language of a cultivated gentleman, who respected his mother tongue as well as mastering it. I avoid comparisons, but it was a delight to me to hear anyone talk whose language would satisfy every community and every person whereof English is the native speech.

Yours, very truly,
WILLIAM EVERETT.

EDWARD SMITH, Esq.

The admiration which Mr. CRAIN had won in early life as an entertaining and amiable companion in private society increased with his years. Those who knew him not within the circle of friendship knew him only by halves. He was always what he appeared, the scholar and the gentleman, the entertaining and instructive companion; polite, yet friendly; social, yet respectful. In his friendships he was strong, firm, and unalterable. He had great benevolence, enlarged ideas of philanthropy, and no tongue or pen can do him more justice than his own kind deeds for men, women, and children, and those deeds are usually outdone by the doing.

He was at his post of duty when suddenly taken ill on Thursday afternoon, February 6, suffering severely from a cold contracted at the Southern Relief Society ball on the night of February 4, and died of pneumonia on the Monday following, in the meridian of a most useful life. His death was a shock to the House, to his constituency, and to me a personal bereavement.

Mr. CRAIN was not unmindful of his end, yet seemed not to dread it, but patiently and placidly waited the hour appointed to all living, and as the dawn was breaking he peacefully passed to eternal rest. Thus died the Hon. WILLIAM HENRY CRAIN, on Monday, February 10, 1896. On the same night the committee of the two Houses of Congress with the remains of the great Texas statesman started on the long sad journey to his far-distant home.

From Houston his venerable and sorrow-stricken mother, with delegations of his friends and constituents from the surrounding country, accompanied the body to his home and family. As the draped car passed through the towns of the district he loved so well, sorrow was plainly seen upon the faces of the people, for the voice of their eloquent and chivalrous Representative was now hushed forever.

He was buried in the cemetery at Cuero, his home. The sun shone bright and clear on that day, but it brought no delight to the eyes, no cheer to the hearts of his friends. Flags hung from every pole at half-mast, business was suspended, and the schools were closed to enable the children of his home to look for the last time upon his intellectual face and to witness the commitment to mother earth of the body of Texas's noble son. Tributes were offered and resolutions were adopted throughout the State expressive of the sorrow of the people. Courts were adjourned and respect was paid to his memory by bench, bar, and press.

Judge Robert B. Green, a distinguished jurist of San Antonio, Tex., said:

I unhesitatingly say that I believe he is the most brilliant man Texas ever sent to Washington. I know of no man upon whom nature bestowed more of her gifts, and in an intimate acquaintance with him I never knew him to exercise any of his great gifts except for the good of his fellow-men. He was very strong as an advocate, and particularly strong in legislative and parliamentary bodies. His personal magnetism, coupled with great abilities, made him a most useful member of Congress, and he was of especial value to our

section of the State. He accomplished and was instrumental in accomplishing many works that tend to the material progress of our State, and upon many of the future gigantic developments of our particular section the corner stones thereof should have inscribed the name of WILLIAM HENRY CRAIN.

I can not properly pen the estimate that should be placed upon him as a companion, citizen, public servant, and man. It would require one of his rare qualities and gifted powers to write a suitable eulogy to his memory. Suffice it to say that he used his magnificent endowment by nature for the good and honor of his State and district, and that he was eminently a useful man.

Judge Thomas M. Paschal, of Texas, a colleague of his in the last Congress, wrote thus:

To say that this gifted and useful son of Texas was without faults, faults that marred the harmonious whole and symmetry of his character, would be to say what he least of all would have had insincerely said of him, but it can be truthfully said that the one human being who could most seriously complain of them was WILLIAM HENRY CRAIN himself. Over none in Texas or Congress who have crossed the great river and now rest beneath the shade of the trees will the mantle of charity be more completely drawn than over him. At the foot of none will be laid more lasting or genuine tribute. And his friends will ever shed a tear as his name is spoken, or his words and deeds remembered.

The press of the State which had honored him, and which he had honored, laid tributes of grief and sorrow on his bier. I quote the following from the Laredo News:

To pay tribute to this man is the duty of every man who called him friend. To those from whom he differed, both in politics and religion, he accorded the greatest freedom, and expected nothing less than he gave, and even Pythias had nothing to teach him in friendship. Could it be possible that such a man could go to that that mind could not conceive without a requiem in moans? "Let the dead past bury its dead," and no man who admires all that goes to make up a noble manhood will deny the tribute. "This was a man." With all his faults, where shall we find his equal?

The El Paso Times said:

His bitterest enemies have always accorded to him honesty of purpose and the courage of his convictions. BILL CRAIN will live in the pale moonlight of memory, and his name will shine resplendent in the list of patriots who have crossed over the river to rest in the shade of the trees.

To his political promises he was constant as the polar star. By his friends, through calm and storm, he stood like the granite hills. He knew the people; the people knew him. Many times he was their standard bearer. He was never defeated and never surrendered until he bowed his head in death.

And now he sleeps in the breast of the mother State he loved and served so well. Farewell, friend CRAIN. Thy life's battle is over. May thy soul find sweet rest in the sleep of the dead, and when the morning light breaks on resurrection day may your soul ascend to that abode above where all is peace and all is love.

Mr. FITZGERALD. Mr. Speaker, it was not my privilege to enjoy a very intimate acquaintance with WILLIAM HENRY CRAIN, but the short acquaintance I had with him endeared him to me very strongly. I think I do not go beyond the bounds of reason and fairness when I say that he was truly one of God's noblemen. The gentlemen who have preceded me and who have uttered words of earnest eulogy were, most of them, much more intimately acquainted with him than I was. They have told you, in beautiful and expressive language, of his career at college, how his kindly nature and his broad and generous sympathies endeared him to every member of his class, and how at that early age he gave promise of future greatness. They have followed his course in the days of his early manhood in his native State. They have told you of his service as district attorney, an office which demands the exercise of the best judgment, and sometimes of the stern spirit of justice, and they have described how, in that capacity, he was first of all true to the Commonwealth, true to the people, and how, regardless of friend or foe, he always meted out exact justice. They have described his career as a leader in the senate of Texas, and told you how he then manifested the same abilities and qualities which afterwards made him eminent in this House.

He became a member of this body in the year 1884. By his ability, by his knowledge of public affairs, by his wisdom, his forethought, and his judgment he soon became a prominent factor in the House of Representatives. I remember when, by reason of ill health, I was absent from the deliberations of this body on the occasion of the first debate of the District appropriation bill, I read the sentiments spoken by Mr. CRAIN on this floor--words which have been quoted by the gentleman who has preceded me—and I remember how proud and happy I felt that there was in this Chamber a man holding the same religious views which I held, belonging to the same church to which I belonged, who was ready to stand up here to defend her principles and defend her sons and daughters when unjustly attacked. But that was to be expected from WILLIAM HENRY CRAIN. He was always loyal and devoted to his church, always loyal and devoted to her teachings. In all the debates in which he participated in this body he showed himself to be one of the keenest observers, one of the best informed members, one who had always the interests of the whole people in view, one who could at all times be depended upon to cast his vote in the interest of justice and of broad humanity.

The gentleman who has preceded me [Mr. CROWLEY] read to the House a few moments ago the graceful tribute paid by Dr. Everett to the beauty of the diction and the rhetoric of Mr. CRAIN. Nothing that I could say would add to that, and I will not attempt to make any addition to it other than to say that such a tribute from such a source, coming from a man in my own State whose abilities in that line are recognized to be among the most eminent in our Commonwealth, is highly honorable and must be very gratifying to those who hold the memory of Mr. CRAIN in admiring and affectionate remembrance.

Mr. Speaker, WILLIAM HENRY CRAIN is no more. He died in this beautiful city of Washington during the cold, bleak days of winter. His body lies entombed beneath the green fields of Texas. The flowers of spring now grow and blush above his grave, and we, the members of this House, gather here to-day to pay tribute to his noble qualities. In closing, let me say, Mr. Speaker, that it seems to me that Boyle O'Reilly typified such a man as Mr. CRAIN most eloquently when he wrote the beautiful lines which end:

Come, brothers; here was a teacher,
  And the lessons he taught were good;
There are no classes nor races,
  But one human brotherhood.

There are no creeds to be outlawed,
  No color of skin debarred;
Mankind is one in his rights and wrongs—
  One right, one hope, one guard.

Mr. MILLIKEN. Mr. Speaker, I was not apprised until a few moments before I entered the Hall that there were to be eulogies this afternoon upon our departed colleague, WILLIAM HENRY CRAIN, and therefore I have not prepared myself to say anything formally, but still I can not forego this opportunity of paying my tribute of respect to the memory of a man who, during more than ten years in this Congress, commanded my admiration and affection. My early acquaintance with Mr. CRAIN, upon his entering Congress, sprang from a very peculiar coincidence. Before he was born, and when I had been born but a little while, my father, William Milliken, of Montville, Me., went to Texas. He built a number of houses at Port Lavaca. During his first year there the Comanche Indians, who were then very strong and very hostile to the whites, raided the town, scalped the men, violated the women, and set the town on fire. Those who could do so took to boats and vessels to secure their safety.

On the same boat with my father was a very beautiful and accomplished girl. Eight years afterwards, having been married, there was born to her a boy; and in the Forty-ninth Congress, that boy, having grown to manhood, I met as a colleague in the Hall of the House of Representatives. It was WILLIAM H. CRAIN, our departed colleague and friend. His mother, a very charming lady, was in Washington several years ago, and recollected the Indian raid upon Port Lavaca and all its terrible details, which, of course, were most interesting history to me. The coincidence to which I have referred attracted me to Mr. CRAIN, gave me a personal interest in him, a feeling of warm friendship for him, and I became more intimate with him on that account than I should otherwise have been. It was an intimacy that was always most gratifying to myself, for I found him to be one of the most lovable characters that I had ever had the good fortune to know.

WILLIAM H. CRAIN was a brave, honest, earnest man. His handsome face, his fine physique, his manly bearing, his uniform courtesy and kindness, and his generous nature could not fail to make him attractive to every one who had a heart and a mind to admire that which is good and beautiful.

Even if I were ever so well prepared, I am sure, Mr. Speaker, that I could not say anything that would be satisfactory to myself on this occasion. There are times in human life when the feelings which well up in the heart can not find adequate expression in words. When the devout Christian stands by the altar and partakes of the bread and wine which to him, if to no one else, is the blood and body of the Saviour whom he worships, and in whose pure life and painful, tragic death he thinks he sees his only hope of a happy life beyond the grave, he does it in subdued tones or in silence. When the Mohammedan, at the setting of the sun, kneels down and makes his orisons, he does it in utterance inaudible; and when a man stands by the deathbed of a friend, or thinks of him as we do to-day of having gone over the dark and shadowy river, tears alone are his natural language. So, while I would gladly pay to our deceased and lamented colleague a tribute such as I feel and such as he deserves, it is not possible for me to do so.

He has gone to return to us no more upon the shores of time. We shall see his incomings and outgoings no longer. His eloquent voice has been hushed. The charm of his material presence we shall feel here not again. But I feel that the influence of his noble qualities of mind and heart will ever linger with us as lingers the perfume of a sweet flower even when we have long parted from it.

We will cherish his memory as a possession most dear to us. Let us hope and believe that his eyes have opened to the morning light of a never-ending day. Let us have faith that he dwells beneath the smile of that Divine Power who created life, not to be swallowed up in death, but to be renewed, purified, and enlarged in a realm of clearer light and broader vision, where the noblest aspirations and grandest dreams of our lives here shall become our assured and beautiful realities.

Mr. WILLIS. Mr. Speaker, I had not such an acquaintance with the gentleman whose memory we mourn to-day as would warrant me in any detailed remarks in the way of a funeral oration or eulogium upon his character. What I have heard others say concerning him certainly has been calculated to bring a sentiment of complacency to our minds in connection with him: In the first place, that he was a gallant man, and in the next, that he had faith; and if these were possessed by him he fulfilled and carried out the requirements of two of the great cardinal virtues taught in the Divine Word. We have been instructed to add to our faith, as the best of virtues which man can possess, manliness and courrage; and certainly there can be nothing more appropriate for a man who represents and loves the people than to exhibit the spirit, the sentiment, and the practice of bravery and manliness.

Mr. Speaker, I am always delighted whenever I see among public men that generous tone of bearing toward their associates, that unselfish attitude of action and opinion, which indicates to my mind the possession of true manliness.

As I said on a former occasion, greatness in human life is not to be measured alone by intellectual powers. It is a faculty that concerns the heart as well as the brain. A man must have a great soul to be a great man. He may have very many infirmities and many peccadillos, but if the soul is broad, full of humanity and unselfishness and of charity, he has in his heart some of the elements that make a great man. And then, if he has a broad intellect, with discriminating, comprehensive faculties of the mind and acumen to perceive circumstances, conditions, or situations and make them available to the interests of human nature, I think he needs no qualifications that go to make up a great man. And in so far as this was a manly man, a man of that character, he had at least the elements of greatness in his composition. So far as I had an opportunity in being acquainted with him I found him brave and intellectual.

I have been pleased, Mr. Speaker, on these funeral occasions, the with disposition of kindliness which has been manifested on the part of the members of this body to speak well of those who have left us. In voting and speaking upon a resolution in regard to a proposition to do away with the memorial services, such as those which Congress has been in the habit of practicing in the past, I took the ground and made remarks touching the point that if nothing else were to be gained than an opportunity to speak well of those who have left us it seems to me that the exercises would be well worth the trouble and the time.

I said that public men, and particularly men in deliberative bodies, were too likely to find out what was objectionable in, and to enlarge upon the shortcomings of, their confreres and fellows, but that these funeral occasions afforded especially favorable opportunities for magnifying what they had found, if they never had before acknowledged it, good and broad and great in their departed fellows. I was impressed with this idea during the services that were held the other day. These manly intellects, broad hearts, affectionate natures which we find in representative men, such as those that have passed away from these scenes and are sleeping the last long sleep of death—I say these broad intellects, ever seeking to know more and more of the mysterious and the mighty, and these enlarged affectional impulses of the human soul, to me are presumptive arguments in favor of another life.

I do not and can not believe that so much of good material, intellectual, affectional, spiritual, social, was ever intended to be interwrought into a human structure for the existence and the limitations of only three score years and ten. When an architect builds a magnificent temple he lays the foundation deep in the soil, constructs it of impregnable and lasting marble, spreads the architrave and extends the walls, so that it shall not be a thing of a season; but, with all its grandeur and costliness and splendor, the idea underlies the whole operation that it is to last for generations, and he would, if he could, like the ancient Egyptians, aim at immortality with material things. I can not believe that Almighty God, the skillful and eternal Creator who has constructed the strange architecture of the little pebble and the fine fiber and fabric of the wing of the tiny insect, which can keep its place in the pathway of the eagle through the storm—that that Divine hand, with all its skill, ever incorporated so much valuable material in a human life to let it cease utterly at the end of three score years and ten.

I wanted to say this here in this House, and that was the purpose I had in rising. I believe that death is not the end of all things; that it is not the destruction of the living power; that the fact that we live now is a presumption that we shall live hereafter, unless it can be shown that death is the destruction of the living power, and I think every presumption is against it. And though we may not be willing to go into the fine-spun philosophy of theology, I think this presumption lays itself at the door of the common sense of every man. There is too much in us to pass away with a season. These men who have left us will live again somewhere, in the undiscovered country to which we are hastening; and it is a good thing for us to remember that we are mortal and that we are immortal, and that our immortality carries with it a responsibility which is as becoming and as fitting and as effective in a legislator as in any other man in the community.

I have long since thought, before it was ever my honored privilege to appear in this august presence, that it ought to be considered a great functional privilege of a legislature such as this, a National Legislature, to hold up and have a very high standard of manhood. I think we ought to be above any small or meanly selfish thing; that we ought, indeed, to learn to ascend the elevation of human excellence which has been so beautifully marked out in those striking words in Scripture, adding to faith virtue, and to virtue knowledge, and to knowledge temperance, and to temperance patience, and to patience godliness, and to godliness brotherly kindness, and to brotherly kindness charity; that every man should make an earnest and honest daily attempt to ascend this sublime elevation, and when he gets at the summit he ought to find himself with his feet on the neck of his passions. In that lofty height to which he has attained he ought to feel that he is really himself a conqueror of the world through faith and virtue. And it is my honest desire that the American Congress shall have just as much of this grand principle as is possible under the circumstances and environments of public life.

Mr. PENDLETON. Mr. Speaker, I offer the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of our esteemed colleague and friend, W. H. CRAIN, late a Representative from the State of Texas.

Resolved, That the sympathies of the members of this House be extended to the family of Mr. CRAIN in their bereavement, and that the Clerk of the House transmit to them a copy of these resolutions.

Resolved, That as a further mark of respect to the deceased the House do now adjourn.

The resolutions were agreed to.

Accordingly (at 4 o'clock and 5 minutes p. m.) the House, in accordance with the special order, adjourned until 8 o'clock p. m.

SPECIAL EVENING SESSION.

The House was called to order at 8 o'clock p. m. by Mr. BROWNING, Chief Clerk, who read the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., April 25, 1896.

Mr. PAYNE of New York is appointed to act as Speaker pro tempore for the evening session.

T. B. REED, *Speaker*.

The CHIEF CLERK. The gentleman from New York will please take the Chair.

The SPEAKER pro tempore. The House will be in order.

Mr. PICKLER. Mr. Speaker, I ask unanimous consent that the bill H. R. 8271 be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from South Dakota asks unanimous consent that the bill H. R. 8271 be considered to-night in the House as in Committee of the Whole, for general debate. Is there objection? [After a pause.] The Chair hears none.

Mr. COX. Mr. Speaker, we are in the House considering this bill?

The SPEAKER pro tempore. The gentleman from Tennessee will be recognized for ten minutes.

Mr. COX. I do not want half that time. It is so evident to everybody that we are proceeding here to-night without anybody present in the consideration of this bill, that will probably involve from $3,000,000 to $5,000,000 of appropriation, that I think it proper for the House to adjourn, and I make that motion. There are not six members on the floor of the House.

The question was taken; and the Speaker pro tempore announced that the noes seemed to have it.

Mr. COX. Just for the sake of seeing how many there are here, I call for a division.

The House divided; and there were—ayes 1, noes 6.

So the motion to adjourn was rejected.

The SPEAKER pro tempore. The gentleman from Indiana is recognized.

Mr. HARDY. Mr. Speaker, for two days the bill now being considered has been under discussion, and during that time we have

been led to understand from our friends, the enemy, who occupy seats on the Democratic side of this House that the only true friend of the true Union soldier during all these years since the war has been the Democratic party and Democratic members of Congress. Now, Mr. Speaker, let us reason together for a few moments on this proposition. I find by a careful examination of the vote on every general pension bill from the Forty-sixth Congress to the present time that the vote of the majority of Democrats in Congress has been recorded against pension legislation. "The God's truth of the whole matter is" that the Democratic party as represented upon this floor, with a few exceptions, notably my distinguished friend from New York [Mr. CUMMINGS] and a few gallant gentlemen who fought with the South, have by their voices, their objections, and votes shown themselves absolutely opposed to any increase of the pension roll for Union soldiers, their widows, and their orphans. Yet, Mr. Speaker, the Northern Democracy as represented upon this floor would have the false representation go to the country that they are the special friends of the Union soldier. Why, sir, upon a careful examination of every vote that has been had upon the passage of pension bills since 1879 we find that all of the opposition has come from the Democratic party with the exception of one single Republican vote. The following has been the party vote on all important bills since 1879 as I find the vote recorded in the records of Congress:

Arrears act of January 25, 1879: In the Senate—Republicans voted for the bill, 28; against the bill, none. Democrats for the bill, 16; against the bill, 4. In the House—Republicans for the bill, 116; against the bill, none. Democrats for the bill, 48; against the bill, 62.

Arrears act of March 3, 1879: In the Senate—for the bill, 44; against the bill, 3 (all Democrats). In the House—for the bill, 183; against the bill, 67 (66 Democrats, 1 Republican).

Right to increase or reduce pensions, act of June 21, 1879: In the Senate—no yea-and-nay vote. In the House—for the bill, 187; against the bill, 22 (all Democrats).

Widows' increase act of March 19, 1886: In the Senate—no yea-and-nay vote. In the House—Republicans for the bill, 118; against the bill, none. Democrats for the bill, 80; against the bill, 66.

Dependent pension bill: In the Senate—no yea-and-nay vote. In the House—Republicans for the bill, 114; against the bill, none. Democrats for the bill, 66; against the bill, 76.

On motion to pass over veto: In the House—Republicans for the bill, 138; against the bill, none. Democrats for the bill, 37; against the bill, 125.

Amputation act of August 4, 1886: In the House—Republicans for the bill, 91; against the bill, none. Democrats for the bill, 75; against the bill, 51. In the Senate—no yea-and-nay vote.

Dependent pension bill, act of June 27, 1890, first vote: In the House—Democrats for the bill, 38; against the bill, 71. Republicans for the bill, 141; against the bill, none. In the Senate—Democrats for the bill, 10; against the bill, 12. Republicans for the bill, 32; against, none.

Dependent pension bill, conference vote: In the House—Democrats for the bill, 28; against the bill, 56. Republicans for the bill, 117; against the bill, none. In the Senate—Democrats for the bill, 3; against the bill, 18. Republicans for the bill, 31; against the bill, none.

Arrears act: Democrats for the bill, 48; Democrats against the bill, 61; Republicans for the bill 116. Republicans against the bill, none.

As this bill passed under suspension of the rules, it required two-thirds, or 150 yeas, of which 150 the Republicans furnished 116 and the Democrats the remainder.

This bill was taken up in the Senate on January 16, 1879, and after brief debate it was passed by a vote of 43 to 3.

The yeas were 27 Republicans and 16 Democrats, and the 3 nays were all Democrats.

The arrears act was not introduced by a Democrat, was not moved by a Democrat, was not passed by Democratic votes. A majority of Democrats in the House voted against it. Every vote cast against it in either House was by a Democrat.

On the votes on pension bills which I have cited I find that only one Republican vote is recorded as cast against any of the bills, and that the total Republican vote cast in the House of Representatives for the bills I have named was 1,421, and that 657 Democratic votes are recorded against these just and meritorious pension measures. The votes mentioned show, Mr. Speaker, that all opposition to pension legislation has come from the Democratic party.

Mr. Speaker, the Democrats of the North, as represented on the floor of this House to-day, are but the lickspittles of their Southern brethren, ready and willing to lick the hands of those Democrats of the South who, by unconstitutional abridgment of the suffrage, occupy seats in Congress, and who silently but effectively dictate to and shape the policy of the Northern Democratic Congressmen, who are too cowardly to claim their souls their own.

Now, Mr. Speaker, after carefully considering the bill that is now before the House, I have concluded that so far as I am individually concerned I am willing and ready to vote for every section of it. While it may be said that men may be placed upon the pension rolls by the passage of this bill who served in the Confederate army, yet at the same time I learn from history, through reading the facts as they exist, that thousands of men of Union sympathies were pressed into the Confederate service, and as soon as they had an opportunity they left the Confederate service and went under the flag that their fathers fought for in the war with Mexico and their grandfathers in the war of the Revolution. My friend the chairman of the Committee on Invalid Pensions has said that the Confederate soldier has been forgiven for every act he ever committed except that of entering the Army of the Union, and I believe the time has come when he should be forgiven that act.

I did not have an opportunity, or perhaps I might have had an opportunity and did not embrace it, of being a soldier in the Union Army; but in order to anticipate any remark that may be made by gentlemen on the other side of this House on account of the fact that I am of Canadian birth I want to say proudly that 40,000 Canadians left their homes and enlisted in the Union Army, while 10,000 gentlemen from the South and copperheads from the North went into Canada during the war of the rebellion and plotted treason against this Government, and sought by words and by deeds to spread disease and contagion among the people of the North and burn Northern cities. Although I was not one of those who bared their breasts to the heat of battle in our great national struggle for liberty and union, yet it is not necessary that I should be criticised by Northern copperheads on account of that fact, because I have endeavored by my vote in this House to show my friendship for the Union soldier. I do not yet believe that the time has come when the people of the North should turn their backs upon those who saved the nation and made this a land of liberty.

I find that our Southern brethren have not yet forgotten the unholy and treasonable cause for which they fought, in proof of which I find that in the city of Charleston, S. C., on the 22d of the present month the Confederates assembled in reunion and boasted of their treason, and in this connection, Mr. Speaker, I desire to include in my remarks a portion of the account of the Confederate reunion at Charleston as I find it recorded in the Charleston (S. C.) News and Courier of April 23, 1896, as follows:

LAST NIGHT'S GRAND RALLY.

It was a notable gathering, that which took place at German Artillery Hall last night. Under waving banners, representing the four years of the great struggle for State's rights, under the blaze of hundreds of lights, and in the presence of hundreds of Charleston's fairest ladies and bravest men, hundreds of South Carolina veterans were royally welcomed to the old City by the Sea.

The German Artillery Hall is a handsome place at all times, but never before has it presented such a scene as last evening. The entrance is through an arch formed by two immense palmetto trees, flanked by brass cannon and 15-inch shells. The entire truss work of the roof is hung with flags. The signal flags of half a dozen ships make a pleasing variety, but the prevailing theme is the "stars and bars" and the Southern cross. The south stage is draped with the flags of the Confederacy of 1861, and at various other points are the Confederate flags of 1862, 1863, and 1864, with the battle flags everywhere. The front of the south stage is trimmed in palmetto branches, moss, and laurel leaves. On the right, all wreathed in laurel, hangs a portrait of Gen. Robert E. Lee, on the left is Jackson, and in the center Jefferson Davis. Two large palmetto trees stand in the corner at the south end of the great hall. The north stage is a beautiful piece of decoration. Edged with palmetto, laurel, gray moss and laurel, the rail is surmounted by potted palms, Spanish bayonets, azaleas, and callas. Above this stage hang flags of various nations.

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OPENED WITH PRAYER.

When quiet was restored and the audience was in order Commander Brodie, of Camp Sumter, asked the members to unite in prayer. The Rev. Mr. Thompson was called upon to deliver the prayer, and he touched the hearts of the veterans. He said:

"Lord God Almighty, Jehovah of Hosts, in Thy kind providence we are met to-night as the representatives of vanished armies, of desperately fought battlefields, of the dear, dead Confederacy. Let Thy benediction rest upon our exchange of salutations upon our revival of martial comradeship.

"May we hold in eternal honor the glorious chieftains who led us and the soldiers who surrendered their lives to their conviction of duty.

"May the motives that governed us and the righteous principles for which the South went forth to battle be transmitted to the future by impartial and unprejudiced historians.

"May these survivors whose ranks are thinning and who must all soon be gone enlist under a greater than an earthly leader, and in a cause far grander than that which has passed away, and be gathered at last as the good soldiers of Jesus Christ—victors over the world and the flesh and the devil, into the everlasting Kingdom of our God.

"Hear us in the name of our Redeemer. Amen."

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THE MAYOR'S WELCOME.

Mayor Smyth as he arose was received with applause. He proceeded at once to extend a most cordial welcome to the visitors, saying:

"COMRADES: There needs no words of mine to emphasize the welcome Charleston offers to Confederate veterans. In spite of the years that have rolled by and the vicissitudes through which she has passed; in spite of the calamities and persecutions she has suffered and still suffers, the heart of this good old city beats as true to-night to the great principles for which you fought as in 1860, when the first ordinance of secession was passed within her walls, or in 1861, when the boom of the first cannon of the war reverberated across the blue waves of her beautiful harbor, to be echoed and reechoed a

thousand times over and over again during the four bloody years that followed.

"Were it conceivable that the authorities of Charleston could hesitate or be lukewarm in their welcome the very city gates would fly open wide of their own accord at the approaching tramp of 'the men who wore the gray,' and did her people fail to meet you with warm and loving hospitality the very stones in her streets would utter shouts of greeting and of welcome. Thank God, however, Charleston's loyalty can not be questioned. It has stood every test and has never wavered. There is no spot in all this broad and sunny Southland where the memories of the heroes who fought and bled and died for the Southern Confederacy are more tenderly cherished, or where the 'lost cause' and all it represents is held in deeper reverence than in this old City by the Sea—the city that Beauregard so gallantly defended and to whose sacred keeping with his dying breath he bequeathed that sword that had so often flashed forth defiance to her enemies and to his.

"Even amid those sad, dark days 'when the cruel war was o'er,' and the remnant of the many brave sons she had sent forth to battle had returned home, broken in heart, health, and in fortune, even then Charlestonians were not ashamed to be known as 'Confederates.' Soon after reaching home her sons gathered themselves together and formed a Confederate Survivors' Association, the first one in the South, an association which only a few days ago celebrated its thirtieth anniversary, with over 100 members present. This has now been merged into Camp Sumter, and to-day there are in Charleston two large camps of Confederate veterans, a flourishing chapter of the Daughters of the Confederacy, and an enthusiastic camp of the Sons of Veterans, who are here to-night to extend to you the right hand of comradeship and of welcome.

* * * * * * *

"Had you still any doubt of Charleston's devotion to the Confederate cause, and of her love for the Confederate veteran, could you have stood in her streets a few months ago, on Hampton's Day [applause], and witnessed the grand outpouring of the people to greet that gallant soldier, that noble hero, and listened to the shouts of welcome that rolled and swelled continuously as he rode by; had you seen the vast throng assembled to listen to his words of counsel and of wisdom rise to their feet, like one man, at his entrance, women joining the men in pouring forth enthusiastic cheers upon cheers; had you seen and heard that day, you would have been convinced beyond a question that there was 'life in the old land yet,' and that the great heart of Charleston thrilled and throbbed with the same old love and patriotic devotion of days gone by."

"The signal flags of a half dozen ships made a pleasing variety; but the prevailing theme is the 'stars and bars' and the Southern cross!" The "stage was draped with the flags of the Confederacy of 1861, and at various points are the Confederate flags of 1862, 1863, and 1864, with the battle flags everywhere," while the preacher prayed, "May the motives that governed us and the righteous principles for which the South went forth to battle be transmitted to the future by impartial and unprejudiced historians," and the mayor of Charleston said, "The heart of the good old city beats as true to-night to the great principles for which you fought as in 1860, when the first ordinance of secession was passed within her walls; and had you stood in the streets a few months ago, on Hampton's day, you would have been convinced beyond a question that there was 'life in the old land yet,' and that the great heart of Charleston thrilled and throbbed with the same old love and patriotic devotion of days gone by."

This, Mr. Speaker, explains the sentiment of South Carolina to-day. The words of the South Carolina editor, preacher, and mayor of Charleston speak for themselves; and, sir, as a sequel to the account of the recent Confederate reunion I will include in my remarks the following editorial on the reunion from the Charleston (S. C.) News and Courier of the same date, which paper I hold in my hand, and find on the editorial page an article which declares that the attempt to establish the Southern Confederacy was a "dream that was worth the dreaming. It has left us," says this South Carolina editor, "nothing to regret but its end." Is it possible that any man in this country regrets the end of that terrible strife? Is it possible that any editor in all this land of ours can regret that that strife has been ended?

Mr. PICKLER. What did the gentleman say was the date of that paper?

Mr. HARDY. Thursday morning, April 23, 1896.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HARDY. I would like fifteen minutes more, Mr. Speaker.

Mr. MILES. Mr. Speaker, I ask unanimous consent that the gentleman be allowed fifteen minutes additional.

There was no objection, and it was so ordered.

Mr. HARDY. This editorial, Mr. Speaker, is as follows:

THE REUNION AND A RETROSPECT.

What hosts of strange and stirring memories are recalled to the older generation in Charleston to-day as we look on the groups of veterans on the streets, or greet old acquaintances among them as we meet them passing about with bent forms or empty sleeves or on crutches, or still carrying themselves with the bearing of soldiers, but all showing warworn and time-worn faces, and heads touched with the frost of age, and appearing, as they go about marked with their varied badges of service under the rows of Confederate flags fluttering overhead, almost as ghosts come back to remind us of the hopes and fears, the days of alternating glory and of gloom they shared with us years and years ago "in the land when we were dreaming."

What a dream it was! Who would have missed sharing in it, with its soul-stirring visions and aspirations, even though it vanished into nothingness at the last, leaving us stunned and heartsore and all but discouraged at the sad and stern awakening. It is something to us that we dreamed it for four glorious years! That our hopes were so high and our hearts were so hot while it lasted. That our pulses were set to the throbbing of drums and our veins tingled with the fierce joy of battle in a cause to which all were alike devoted. That we feared no fate in life or death, and fought as men should fight who fight for all that men hold dear, in scorn of consequence to one or all. That we had faith in ourselves and faith in each other, and bore the brunt of unequal war without caring for the odds or counting the odds against us, content in the assurance that each would do his part and do it well and to the bitter end!

It was a dream that was worth the dreaming. It has left us nothing to regret but its end. We were free while we dreamed, and struggled to make the dream a glorious reality. The land we fought for was ours. The dear flag that floated over it was ours. It floated in the sunshine and under the stars over a united people, of one race, one blood, and having one purpose—the purpose to establish it among the flags of the nations and make it forever worthy of its glorious unfolding. A dream only though it was, it was a dream worth the dreaming, and whose every incident is worth recalling as often as its heroes come together around peaceful camp fires of their ever-thinning "reunions," or as often as they gather their children and children's children about their knees to hear the brave old story told again and again around the fires in their homes.

The memories of one day, one hour, of the glorious past are worth more to us than a decade of such dull years as these. They are memories to be cherished and loved and guarded and handed down from heroic father to son, and from equally heroic mother to daughter, as their chiefest treasures for all time to come. What is there to compare with them in the gross and grovveling present? Who of the new generation can taste the cup of passionate delights, of profound emotions, of exalted sentiments, of burning enthusiasms, of pride in victories hardly but grandly won, which was our portion in full measure, and which we drained even to the bitter dregs, with these "old soldiers" only a few years ago?

It is all over now. The dream has faded and gone. The dear flag is folded and is forgotten save by the faithful few. The flag it opposed floats over it, and we walk in its shadow as we go about the businesses that engage us in the latter and duller days. We are at one with those who fought us down and crushed our hope. Their monuments tower over the fields where we fought so vainly, if so well, while our dead sleep by thousands in unmarked graves. We are a conquered people and the marks of our conquest are on every hand. Some of us have already attained the last low level of subjugation, and bowing in humility to the feet of the victors, deny the faith their fathers fought for and profess satisfaction over their defeat. Happily for our pride and hope for the future, they are few. But we are a changed people since the war drums were silenced and the battle flags were folded a little more than three decades ago, and the change has been for the worse, as none can fail to see and understand.

The old days of our four years of true "liberty and independence," when we were our own masters and played the part of brave men on the world's stage, come back in memory with the coming among us of so many of the brave men who gave to us that blessed if brief experience. Hats off to them! A heart's welcome to them! All honor to them, every one! We owe to them all that we have of honor and fame in history. The story of the glory of the Southern Confederacy is the story of their deeds, and the record is closed forever. A few more years and they will have passed from our sight never to return. There are none to take their places. We shall miss them when they are gone.

All honor and service and blessing should be their portion while they are yet with us. It is "Confederate week" in Charleston, and the old heroes, all crowned with the "gray" we love so well, are our guests while it lasts. Let us not forget for a moment to honor and entertain them, every one, in such spirit and form as is due to the immortals.

That is an editorial in the leading paper of Charleston, the chief city of the great State of South Carolina. Mr. Speaker, that editorial does not preach good doctrine to the American people. That editorial teaches the children of the soldier of the South that the Southern cause was right in the great conflict of years gone by. That editorial is wrong. The Southern people should teach their children that they at the time thought they were right in the great struggle which they maintained against the flag and the country, but are now convinced of their error. They should teach the children that there is only one flag and room for only one flag in this nation, and that not the "Stars and Bars," but the "Stars and Stripes," the heaven-born banner of Washington, of Lincoln, of Grant, and the Union. [Applause.] So much, Mr. Speaker, for the present prevailing sentiment in South Carolina. The country can consider the matter and govern itself accordingly. The prayer of the preacher, the speech of the mayor, and the editorial of the editor will stand denounced and condemned by every loyal heart in all this broad land of ours as the rankest vaporings of the unreconstructed, disloyal element of the South Carolina Democracy, and can only find a responsive echo in the breasts of the cowardly, truckling Democrats of the North, who always stand ready to kiss the hand that smites them—

And crook the pregnant hinges of the knee,
Where thrift may follow fawning—

to their brethren of the South, who love them only to use them.

Now, sir, I want to say simply this, that those men and those boys who left wives, children, and sweethearts, who left the plow, who left the pulpit, who left the office, who left the shop, who left everything that was dear to them in life and went out from 1861 to 1865 to maintain the integrity and supremacy of this Government, were right, and I want to declare in this presence to-night that every man who opposed the flag, who fought against the Government, was everlastingly and will be everlastingly and eternally wrong. [Applause.] I know the holy principles and high motives which filled the hearts and actuated these men and boys of the North in the great struggle for human liberty and union. I know, sir, that in every nation and in every clime men have fought and died for liberty. I know that the Frenchman has stood behind his barricades in the streets of Paris and fought against the autocratic rule of kings and emperors. I know that the German has stood by his castles upon the Rhine and guarded them against those who sought to take away that which his fathers had gained and held. I know that the negroes under Toussaint l'Ouverture fought on their island for liberty, and patriots are fighting now in their island home of Cuba in order

that liberty may have another resting place in the Western Hemisphere and in the isles of the western ocean. I know that the Scots have fought upon the hills of Scotland and with Bruce at Bannockburn that they might stand on their native heath and claim their country free. [Applause.] I know that Ireland, poor, downtrodden, and oppressed, has ever stood for liberty, and the daily prayer of every Irishman is that his green isle may once again become one of the nations of the earth; and I know further that in years gone by, during the great famine in Ireland, when the slaveholders of the South raised a large sum of money and sent it to that grand Irishman, Daniel O'Connell, to relieve the struggling poor of Ireland, he sent it back to them in scorn, with this message:

Ireland is poor—God knows she is—but she is not so poor that she will accept money to relieve her starving people which was earned by the unrequited toil of the slave.

[Applause.]

Now, Mr. Speaker, I am honestly and candidly and heartily in favor of paying a pension to every man who served in the grand army of the Republic, if he needs it [applause]; and, furthermore, to every widow of every soldier and to every dependent orphan of every soldier who served in that Army.

Go out into the great States of the West, and you gentlemen who stand in this House as you do stand here, and who think that this country extends no further toward the setting sun than Oakland or Deer Park, in Maryland, go out into the West, where many of these soldiers live, and witness their sufferings, their trials, and their struggles, and you will come back here and grant them more liberal pensions. [Applause.]

Mr. Speaker, some of our friends in the House do not seem to realize the fact that in the great West there are men who fought from 1861 to 1865, and who to-day have their wives and their children about them, and the widows who were wives of soldiers during the war, many of whom are to-day suffering for the comforts of life. There are in the district I have the honor to humbly represent on this floor about seven or eight thousand of them. Some are provided for, but the great majority, who gave from one to five years of the best days of their lives in the service of their country, receive very small pensions and are to-day actually suffering for the very necessaries of life because this Pension Office—this office of circumlocution—has so surrounded the claimants with frivolous technicalities that they can not comply with the conditions required and are therefore denied pensions to which they are entitled.

I believe that the Commissioner of Pensions was a good soldier and that he wants to do everything that is necessary for the benefit of the soldiers of the Union and remove the snags that stand in the way of the progress of their pension claims. The bill that is now before this committee will have the same effect as sending a snagboat up the Ohio or Mississippi River; it will take out every snag and give a free channel and a straight road to every pensioner who has an honest claim before the Pension Department. Now, Mr. Speaker, I believe that every soldier, that every widow of a soldier, should have such pension as would purchase for them at least the necessaries of life. [Applause.] This army that went out from 1861 to 1865 was composed of 2,700,000 men. They were the flower of the Republic and were prompted in the mighty deeds they wrought during those four years of war by a spirit of patriotism, and their sacrifices and sufferings have made the nation they saved their eternal debtor. [Applause.]

While we can not pay the debt in full, we can acquit ourselves of the obligation in part by seeing that no soldier and no family of a dead soldier shall ever know want; that his widow, whether he died in line of duty or not, shall have more than a pittance doled out to her; that she shall not be confined to rules of proof at times impossible for her to comply with; that dependent parents shall not be shut off because thirty years ago they were not dependent. We can see that the disabled soldier is taken care of, whether disabled in line of duty or otherwise. We can see that the 15,000 surviving comrades in the poorhouses of the land are relieved. All these are wards of the nation. If the Republic demands love and loyalty she must care for those who suffered and for the widows and helpless orphans of those who sacrificed their lives for her. They died to preserve this nation and make men free. Their widows and orphans, and the surviving soldiers of the Republic must have thrown around them the fostering care of the Government they suffered and died to save, not in a niggardly, empty-handed manner, but in a full, heaping measure, and may God speed the day when the spirit of Lincoln, of Grant, of Garfield, and of Oliver P. Morton shall again prevail throughout the land, and the high places in the seats of National Government shall once more be filled by those who sought to save and not to destroy the nation's life.

The soldiers of the Union were comrades in the greatest army ever assembled upon earth since the beginning of modern warfare. In the four years of unceasing battle this Army participated in more than 2,000 actual engagements. The conflict from first to last armed nearly 3,000,000 men. The Army subsisted during the four years of war in the open field on a continuous advance over the fortified territory of a brave and powerful enemy. It was compelled to accept for its battlefield those places selected by the foe and carefully prepared to resist attack. Added to this, it kept up an almost unbroken line of battle more than 1,500 miles in length, presenting a spectacle of war of so great and wonderful magnitude that it stands without a parallel in history or tradition. Nearly a million lives were offered up as willing sacrifices on the altar of American liberty. The war for the Union was the completion of the work left unfinished to us by the Revolutionary fathers. They left us the blot of slavery on the escutcheon of American liberty. The South boasted of its wealth piled up by the unrequited toil of the slave. The plaintive wail of the bondman made discord in the harmony of the nation. Every starry banner that floated in the heavens had the slave pen and the whipping post for a background. We boasted of our freedom, and the civilized world pointed the finger of scorn at us and denounced us as a nation of liars. The day of national retribution was here. The prophecy of Lincoln was to be fulfilled: "Every drop of blood drawn by the lash was to be paid by one drawn by the sword, and every dollar accumulated by the unrequited toil of the slave was to be scattered like chaff to the four corners of the earth." The supreme moment had arrived. Popular government was to be tested in the crucible of civil war. God had called his servant Lincoln to become the herald of liberty, the savior of a nation, the emancipator of a race.

This nation could not endure half slave and half free. Freedom cried out for aid in the midnight of her despair, and 2,000,000 patriots sprang to her rescue. The clash of arms was heard throughout the world, and the host of liberty marched to victory through the red sea of war. The cause of the Union was the cause of mankind. The soldiers of the Union shot to death the monster of slavery and disunion. They drove treason from its fortified citadels and proclaimed a new doctrine of liberty to the world, and here I pour out my full measure of gratitude upon the altar of my adopted country to these men who suffered and who died that there might be erected on this earth one great nation, the foundation stone of which is the eternal liberty of the citizen and the equality of all men before the law; the only nation, sir, which grants to the citizen absolute liberty of conscience, of action, and of religion, to be exercised by all alike under wise and beneficent laws; the only Government, Mr. Speaker, "of the people, by the people, and for the people" that has had an abiding place in the universe since the Almighty hurled this earth ball into infinite space, and one which I believe will continue to exist and be a guiding hand and an inspiration of liberty to all the nations of the world until the stars shall sing together and time shall be no more. And, Mr. Speaker, all that stands for freedom, for liberty, for greatness, for unity in this mighty nation of ours to-day is largely owing to the deeds wrought by those defenders of the Republic who stood by Old Glory and battled for God, for home, and native land during that great epoch in our country's history—from 1861 to 1865—and nothing that a grateful Government can give is too good for those of that noble army of heroes who still remain and for the widows of those who have gone beyond; and he who in this time of peace, living in the full enjoyment of the blessings won by the sacrifices and shed blood of the Union soldier, grudges to him his meager pension is an enemy to his country, bereft of patriotism and dead to gratitude. [Applause.]

[Here the hammer fell.]

[Mr. GIBSON addressed the House. See Appendix.]

Mr. LEWIS. Mr. Speaker, I desire to give notice that I propose to offer the bill just referred to by the distinguished chairman of the Committee on Invalid Pensions, by way of two additional sections, to be numbered 18 and 19, but identical with the bill reported by Mr. CROWTHER, from the Committee on Invalid Pensions. I desire to give that notice now. The proposed new sections are as follows:

SEC. 18. That the provisions of existing pension laws are hereby extended to the officers and enlisted men, their widows, children, dependent mothers and fathers, of all militia raised in the several States during the years 1861 to 1865, inclusive, who performed military service in the Federal Army, or when serving with United States volunteers or regulars, or when serving as State militia under the orders or command of the War Department or any military officer of the United States, during a period of ninety days or longer, and that a certificate of discharge from such service from either State or United States authority shall be prima facie evidence of such service.

SEC. 19. That the following provisions of paragraph 3, section 4693, Revised Statutes of the United States, to wit: "But no claim of a militiaman or nonenlisted person on account of disability from wounds or injury received in battle with rebels or Indians while temporarily rendering service shall be valid unless prosecuted to a successful issue prior to the 4th day of July, 1874," be, and the same are hereby, repealed.

[Mr. WHEELER addressed the House. See Appendix.]

Mr. CURTIS of Kansas. Mr. Speaker, I have listened with great interest to the remarks of the gentleman from Alabama [Mr. WHEELER]. When he speaks about the friendship of the

Democratic party for the old soldiers and of the large appropriations made by that party of which he is a member to pay pensions, I would like to ask him what party wrote the laws upon the statute books which called for those large appropriations? Every one of them was written thereby the Republican party and not by the Democratic party, and he knows it. [Applause on the Republican side.] There has never been but one Republican vote cast against a general pension law since 1861, and that was cast by a Representative from Florida.

The gentleman talks about the large appropriations made by the Democratic party for pensions for the old soldiers. If the Democratic party did make those appropriations, I ask the gentleman whether the appropriations they made were not made to carry out the act of 1890, which was passed by the Republicans? And I remind him that after having appropriated ten millions less than the last Republican Congress his party, by failing to properly carry out that law, covered back into the Treasury $11,000,000 of that pension appropriation which should have been paid to the old soldiers. [Applause on the Republican side.] If your party is the friend of the old soldier, I ask you, General WHEELER, why it is that they have reduced the pension expenditure so that eighteen millions less was dispersed for the last year than for the year ended June 30, 1893, and why they paid out twenty-one millions less than the Republicans estimated would be required? [Applause.] in reply to a question by the gentleman from South Dakota, you challenged him to name a case where this Administration had done injustice to an old soldier. I give you the name of a man, B. H. Yonker, late Company D, Third Indiana, certificate 229749, who, according to reports of the medical examiners appointed by this Administration, is rated fifty-eighteenths, yet they decline to give him a pension under the new law. He drew $2 a month under the old law. He applied under the new law and was rated at fifty-eighteenths——

Mr. PICKLER. That means $50 a month.

Mr. CURTIS of Kansas. Yes; and they refused the pension which he is entitled to under the new law.

But that is not all. You say that there are no other cases, and that this Administration does justice to the old soldiers. I can give the name of another man, J. D. Muller, late Company L, Thirteenth Missouri, certificate 553895, who was drawing a pension of $12 a month by virtue of a bill passed by a Republican Congress and signed by a Republican President. [Applause on the Republican side.] The medical examiners rated him at twelve-eighteenths for one disability, twelve-eighteenths for another, and four-eighteenths for another; and yet your Administration, which you say is so friendly to the soldiers, reduced his pension from $12 to $8 a month, notwithstanding the fact that two reputable physicians testified that he was totally unable to perform manual labor. And yet you claim that justice is done to the old soldier!

But, more than that, Mr. Speaker; take the report of the Commissioner of Pensions within a period of one year and two months—that is to say, from March, 1893, to May, 1894—and you will find that they dropped, suspended, or reduced over 15,000 pensioners in that period, and yet of their own accord, compelled by public sentiment, they were forced to restore over 9,500 of these men to the rolls. [Applause.]

Another thing: Your President proclaimed in a message to the Fifty-third Congress "that thousands of neighborhoods have their well-known fraudulent pensioners," and yet do you know that in the report of 1895 your Commissioner of Pensions says that there have been only a little over 500 cases recommended for prosecution and only 294 convictions out of a total roll of 970,000? [Prolonged applause.] Think of that condition of affairs, General, and then if you can repeat the statement that this Administration is friendly to the old soldiers. You can not do it. [Applause.]

Mr. CROWTHER. And but thirty-nine of them were old soldiers.

Mr. CURTIS of Kansas. And as suggested by my friend from Missouri, only thirty-nine of that whole number were old soldiers.

But that is not all. That demonstrated what the Republicans have always claimed, that the pension roll of this country is a roll of honor. [Applause.] But when I read that infamous statement of the President of the United States, and then when I look at that record, I conclude that the statement was not only untrue and unjust, but it was unmanly, and came with bad grace from a man who was not brave enough to shoulder his musket in the defense of his country, but did his fighting by a substitute. [Applause.] General, do you want any more of the record of your party? [Laughter.] If you do, I can name for you case after case.

But, Mr. Speaker, I did not intend to talk upon this measure to-night. I did not intend to say anything, but having listened to the speeches made this afternoon, especially that by the gentleman from New York [Mr. BARTLETT], and I am sorry he is not here this evening. He criticised the bill, and said that there was not a provision of it that was good. He objected to that section of the bill particularly which provides that the widows of soldiers shall come under the new law where their income is less than $300 a year. He says, just think of giving a woman a pension of $8 a month who has already an income of $300 a year! Then I thought of the statement he made more than two years ago on this floor, when he told us what a great sacrifice he was making in coming to Congress when he had an income from his law practice of $25,000 a year. And I thought what a big heart that man must have who would begrudge the granting of a pension of $8 a month to a poor widow when he received more in one day from his income than she would receive in one long year.

Mr. SULLOWAY. If he did.

Mr. CURTIS of Kansas. Yes; if he did.

But I want to say to you, Mr. Speaker and gentlemen of the House, that the man who can listen without feeling to the appeal of the widows and the old soldiers of this country—the man who can listen without feeling to their appeals must have a heart that an X ray could not penetrate. [Applause.] He stated to the House this afternoon that the people "were against the enlargement of the pension laws"; that Congress had gone far enough. I want to call his attention to this fact: On the 22d day of May, 1865, the old soldiers marched down Pennsylvania avenue, and as they came to the Treasury building they saw on that building a canvas containing these words: "There is one debt the Government owes which it can never pay, and that is the debt it owes to soldiers and sailors who served the Union." [Applause.]

That was the sentiment of the country then, and, Mr. Speaker, that is the sentiment of this country to-day [applause], and it will always be the sentiment of the country. [Applause.]

Mr. Speaker, I do not like the way this bill is limited. I think the trouble with the bill is that it does not go far enough; and that is the sentiment in the section of country that I have the honor to represent on this floor. The old soldiers of this country, those who took part in that war which saved the Union, have waited a long and weary time, and have waited long enough. [Applause.] They are entitled to more than this bill gives them; and I want to call the attention of the gentleman from Alabama to the fact that as every general pension law ever written upon the statute books was written there by Republican votes in the House and Senate, so that party, when restored to power again, as it will be on the 4th of March, 1897 [applause on the Republican side], will do full justice to every old soldier, and to the widow of every old soldier, and to the orphan of every old soldier in this country. [Applause.] And one of its first acts will be to right the wrongs this Administration has done to the brave defenders of this country. [Prolonged applause.]

Mr. MAHANY. Mr. Speaker, I desire to pay my respects to the gentleman from New York who criticised this bill this afternoon.

Mr. PICKLER. To which gentleman do you refer?

Mr. MAHANY. I refer to the gentleman from New York, Mr. BARTLETT, and I will take for my text one criticism which he passed upon the rhetoric of my remarks delivered on Thursday last. This gentleman, whose legal ability has been exploited with such sarcasm in the speech of the gentleman who has just preceded me [Mr. CURTIS of Kansas], is unquestionably eminent in his profession. If you doubt it, you can be convinced, for he admits it. [Laughter.] In the course of my remarks I said that the men of this generation are the inheritors of the splendid and inspiring possibilities of this Republic, a heritage secured to us through the sacrifices of the heroes who gave their lives for the preservation of the Union. The gentleman from New York, whose acute legal mind nets him an income, according to his own confession, of $25,000 a year, ignores the greater question of justice to the nation's dead and living benefactors, in order to quibble on a point of rhetoric, a subject regarding which his knowledge seems to be as vague as his legal lore is supposed to be profound. He stakes his reputation, legal and rhetorical, on the statement that one can not inherit a possibility.

Well, Mr. Speaker, I think he is the most striking illustration of that fact, because he inherited at birth the possibility of making himself an irritating figure in the pension legislation of this country—a possibility which he has fully realized to the perception of everybody but himself. When he says that one can not inherit a possibility, he strikes down the noblest ideal of this Republic, because to a boy born in poverty and confronted by all the obstacles which that condition involves, there is only one precious thing which he does inherit, and that is the possibility of rising from that condition. In the beautiful language of Tennyson, he is—

The heir of all the ages, in the foremost files of time.

Why, Mr. Speaker, it is possibility, and possibility alone, that glorifies American citizenship. It is the gift which the fathers of the Revolution and the preservers of the Union gave as their legacy to posterity. I do not expect that the gentleman from New York, whose disposition leads him, unconsciously, perhaps, to harass helpless pensioners, will understand an inheritance of that

kind. Apparently he recognizes only such as have a rating in commercial agencies.

But in a broader sense the possibility of bettering our conditions, of having all the doors of honor swing wide to merit, is the best heritage conferred upon Americans by the worthies of an elder day. Compare, in this respect, our citizenship with that of other lands. Take the poor German peasant, and contrast his condition with that of the German Emperor, the most powerful monarch in the world. The peasant has no possibility of breaking down the obstacles that confront him in his hope of progress. Think of the German Emperor on the other hand, who, rising above the counts, the dukes, the princes, and the federated kings, towers into such a height of power and glory as almost to invest him with the attributes of a god. Yet that same German peasant, emigrating to the United States, may have born to him here a son who fifty years thereafter may become the President of the United States and deal on terms of absolute equality with the Sovereign of Germany. That is a possibility which Americans inherit from the statesmen who framed and the heroes who preserved the American Republic. I desire to call that fact to the attention of the gentleman from New York. [Applause.] His apparent inability to understand the genius and the instinct of this people is shown in the spirit that animated his criticism; and his failure to recognize the higher truths involved in this discussion proves how unsuited he is to pass upon the merits of a pension measure.

In these questions neither politics nor prejudice should have any part. I wish to say that, so far as I am personally concerned, I have the profoundest respect for every man who honestly and nobly fought in defense of his sincere convictions on the other side. But it is, indeed, a subject for astonishment in the latter days of the nineteenth century, when all the splendid and glorious accomplishments of humanity seem to conspire to realize the original dreams of paradise upon this earth, that in the forum of the foremost nation in the world, we should behold a man standing here, weighing with an apothecary's scale the sacrifices and the sufferings of those who made his own success possible. The genius and the inspiration of this people are unalterably against such petulant and captious opposition to the justice which is due to those whose heroic and hallowed service secured freedom to all mankind. [Applause.]

And then, on motion of Mr. PICKLER (at 10 o'clock and 4 minutes p. m.), the House adjourned.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 261) for the relief of Arthur P. Selby—to the Committee on Claims.

A bill (S. 308) for the relief of Daniel W. Perkins—to the Committee on Claims.

A bill (S. 2503) for the relief of Addison A. Hosmer—to the Committee on the Public Lands.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, replying to the House resolution of February 14, 1896, making inquiry as to the number of employees below a fair standard of efficiency—to the Committee on Reform in the Civil Service, and ordered to be printed.

A letter from the Assistant Secretary of War, transmitting, with a communication from the Chief of Ordnance, documents relating to payment for work done on Columbia Arsenal—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BROWN, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 7668) to establish a term of the district and circuit courts of the United States at Roanoke, Va., in the western district of Virginia, reported the same with amendment, accompanied by a report (No. 1490); which said bill and report were referred to the House Calendar.

Mr. FLYNN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 5169) granting post of Fort Supply (now abandoned) and certain lands to the Territory of Oklahoma, reported the same without amendment, accompanied by a report (No. 1491); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. POWERS, from the Committee on Pacific Railroads, to which was referred the bill of the House (H. R. 8189) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned, reported the same without amendment, accompanied by a report (No. 1497); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. COX, from the Committee on Claims:

The bill (S. 1365) entitled "An act for the relief of the National New Haven Bank of the State of Connecticut." (Report No. 1492.)

The bill (S. 250) entitled "An act for the relief of W. H. L. Pepperell." (Report No. 1493.)

By Mr. BAKER of Kansas, from the Committee on Pensions: The bill (S. 2578) entitled "An act granting a pension to Andrew M. Callaham." (Report No. 1494.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 7333) granting a pension to William Edwards, Company D, Tenth Regiment Vermont Volunteers. (Report No. 1495.)

By Mr. MILES, from the Committee on Invalid Pensions: The bill (H. R. 7969) to increase the pension of Joseph E. Vantine. (Report No. 1496.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. HOWARD (by request of James Seldon Cowdon, of Vienna, Fairfax County, Va.): A bill (H. R. 8464) to enact a general loan law—to the Committee on Ways and Means.

Also (by request of James Seldon Cowdon, of Vienna, Fairfax County, Va.): A bill (H. R. 8465) to pay the debts of the United States, and for other purposes—to the Committee on Ways and Means.

By Mr. TOWNE: A bill (H. R. 8466) to allow actual settlers upon the Mille Lacs Indian Reservation, in Minnesota, to perfect title to lands in said reservation under the general land laws of the United States—to the Committee on the Public Lands.

By Mr. SOUTHARD: A bill (H. R. 8467) donating four condemned cannon to Post No. 20, Grand Army of the Republic, Weston, Ohio—to the Committee on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 8468) making an appropriation for the purpose of constructing a sidewalk in front of the public building at Pensacola, Fla.—to the Committee on Public Buildings and Grounds.

By Mr. BABCOCK (by request): A bill (H. R. 8469) to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 8470) to amend an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," etc.—to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 8471) relating to the probate of wills in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 8472) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown—to the Committee on the District of Columbia.

By Mr. TALBERT: A bill (H. R. 8473) for the enlargement of the volume of currency and the distribution of the same—to the Committee on Banking and Currency.

By Mr. MAHANY: A bill (H. R. 8474) for the necessary and better protection of American labor and the enforcement of the law of domicile, and the restriction of immigration to such a degree as will serve that end—to the Committee on Immigration and Naturalization.

By Mr. PICKLER: A resolution (House Res. No. 278) to set apart Saturday, May 2, 1896, for the consideration of private pension bills—to the Committee on Rules.

By Mr. LINTON: A resolution (House Res. No. 279) that the House of Representatives consider on Monday, May 4, 1896, House bill No. 1, to reclassify railway postal clerks and prescribe their salaries—to the Committee on Rules.

By Mr. McCALL of Massachusetts: A memorial of the general court of the Commonwealth of Massachusetts, relative to the establishment of a national military park at Vicksburg—to the Committee on Military Affairs.

By Mr. GILLETT of Massachusetts: A memorial of the general court of the Commonwealth of Massachusetts, relative to the establishment of a national military park at Vicksburg—to the Committee on Military Affairs.

By Mr. FITZGERALD: A memorial of the general court of the Commonwealth of Massachusetts, favoring the passage of House bill No. 4339, to establish a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. SIMPKINS: A memorial of the general court of Massachusetts, favoring the establishment of a military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. DRAPER: A memorial of the general court of the Commonwealth of Massachusetts, in favor of House bill No. 4339 to establish a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

Papers to accompany the bill (H. R. 7984) for the relief of the widow of Bvt. Lieut. Col. P. W. Stanhope, deceased—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 8444) to grant a restoration of pension to Wallace G. Bone—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BINGHAM: A bill (H. R. 8475) for the relief of Charles French—to the Committee on Military Affairs.

By Mr. BERRY: A bill (H. R. 8476) granting a pension to Lucy B. Bryson—to the Committee on Invalid Pensions.

By Mr. JONES: A bill (H. R. 8477) for the relief of Joseph O. Smith—to the Committee on Claims.

By Mr. McCREARY of Kentucky: A bill (H. R. 8478) for the relief of John H. McBrayer—to the Committee on Claims.

By Mr. MEREDITH: A bill (H. R. 8479) for the relief of the personal representative of Powhatan Perkins, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8480) for the relief of Mrs. Lavinia Payne—to the Committee on War Claims.

Also, a bill (H. R. 8481) for the relief of the estate of John R. Bigelow—to the Committee on War Claims.

By Mr. MILLIKEN: A bill (H. R. 8482) to correct the military record of Thomas C. Jones, late of the United States Army—to the Committee on Military Affairs.

By Mr. MOODY: A bill (H. R. 8483) to increase the pension of Caroline S. Baker—to the Committee on Pensions.

By Mr. MOSES: A bill (H. R. 8484) granting a pension to Penny F. Stephens—to the Committee on Pensions.

By Mr. PHILLIPS: A bill (H. R. 8485) granting a pension to Regina O'Brien, daughter of Edward O'Brien, deceased, etc.—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Connecticut: A bill (H. R. 8486) granting a pension to Margaret Maria Hedge—to the Committee on Pensions.

Also, a bill (H. R. 8487) granting a pension to Esther Jackson—to the Committee on Pensions.

By Mr. SKINNER: A bill (H. R. 8488) granting a pension to Lucy Moore, widow of Amos Moore—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 8489) for the relief of L. W. Bon—to the Committee on Claims.

By Mr. SPARKMAN: A bill (H. R. 8490) granting a pension to Robert Gamble—to the Committee on Pensions.

By Mr. TRELOAR (by request): A bill (H. R. 8491) for the relief of Mrs. Alice G. London, widow of Capt. Robert London—to the Committee on Invalid Pensions.

By Mr. WALKER of Virginia: A bill (H. R. 8492) for the relief of John Powers—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Petition of citizens of Washington, urging the passage of House bill No. 5220, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and opposing the extension of the tracks of said company until its existing lines are modernly equipped and operated—to the Committee on the District of Columbia.

By Mr. BINGHAM: Petition of Louis P. Gegenheimer and other citizens of Philadelphia, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Charles French, of U. S. S. *Phlox*, to accompany House bill, for the amendment of his naval record—to the Committee on Naval Affairs.

Also, petition of citizens of Philadelphia, Pa., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter, and bill No. 838, to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. BREWSTER: Petition of James T. Alling, praying for favorable action of House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BRUMM: Petition of Patriotic Sons of America in Schuylkill County, Pa., embracing 59 camps with a membership of 6,000, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BULL: Resolutions of the Paint and Oil Club of New England, of Boston, Mass., in favor of Senate bill No. 2447, for a bureau of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD: Petition of the heirs of Charles A. Comer, deceased, late of Cherokee County, Ala., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Jane C. Vandiver, of Cherokee County, Ala., praying reference of her war claim to the Court of Claims—to the Committee on War Claims.

By Mr. LINTON: Remonstrances and petitions of citizens of Salkum, Wash., and Mountain Grove, Mo., respecting the Marquette statue—to the Committee on the Library.

By Mr. LITTLE: Petition and resolution of the town council of Miami, Ind. T., relating to the Indian appropriation bill—to the Committee on the Judiciary.

By Mr. LOUD: Petition of Harry Clark, of Little Rock, Ark.; also of C. M. Henderson & Co., asking favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of F. D. Clarke and others, of Flint, Mich.; also of Frank L. Grant and others, of Chicago, Ill., favoring the passage of House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Philadelphia Board of Trade, in favor of the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MEREDITH: Papers to accompany a bill for the relief of the personal representative of Powhatan Perkins—to the Committee on War Claims.

Also, petition of the heirs of Madison Grimes, of Loudoun County, Va., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MILLER of Kansas: Petition of A. R. Toms and others, of Junction City, Kans., against the acceptance of the statue of Père Marquette in Statuary Hall—to the Committee on the Library.

By Mr. POWERS: Petition of the president and faculty of Middlebury College, Vermont, favoring the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. RUSSELL of Connecticut: Papers relating to the pension case of Margaret Maria Hedge—to the Committee on Pensions.

By Mr. SHERMAN: Petition of citizens of Holland Patent, Oneida County, N. Y., for the passage of House bills Nos. 4566 and 838, amending the postal laws; also praying for legislation authorizing the Post-Office Department to prohibit the use of the mails in advertising frauds on the business public—to the Committee on the Post-Office and Post-Roads.

By Mr. SIMPKINS: Resolutions of the board of aldermen of the city of Cambridge, Mass., remonstrating against the passage of the so-called Pasco amendment to the Post-Office appropriation bill—to the Committee on the Post-Office and Post-Roads.

By Mr. TERRY: Petition of Harry Clark, of the Press Publishing Company, Little Rock, Ark., asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. UPDEGRAFF: Petition of G. A. Bethne and 32 others, of Luther College, Decorah, Iowa, in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. WALKER of Massachusetts: Remonstrance of the city council of Cambridge, Mass., against the so-called Pasco amendment to the Post-Office appropriation bill—to the Committee on the Post-Office and Post-Roads.

SENATE.

MONDAY, *April 27, 1896.*

Prayer by Rev. HUGH JOHNSTON, D. D., of the city of Washington.

The VICE-PRESIDENT. The Journal of the proceedings of Saturday last will be read.

Mr. CHANDLER. Mr. President, I regret to notice that there is not a quorum of the Senate present.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Faulkner,	McMillan,	Stewart,
Allison,	Gallinger,	Mills,	Teller,
Berry,	Gear,	Palmer,	Tillman,
Blackburn,	George,	Pasco,	Turpie,
Blanchard,	Hale,	Peffer,	Vest,
Burrows,	Hansbrough,	Perkins,	Walthall,
Caffery,	Harris,	Pettigrew,	Warren,
Call,	Hawley,	Platt,	White,
Carter,	Hill,	Pritchard,	Wilson.
Chandler,	Irby,	Pugh,	
Clark,	Jones, Ark.	Quay,	
Cockrell,	Lodge,	Squire,	

The VICE-PRESIDENT. Forty-five Senators have answered to their names. A quorum is present. The Journal will be read.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on motion of Mr. CALL, and by unanimous consent, the further reading was dispensed with.

PETITIONS AND MEMORIALS.

Mr. McMILLAN. I present a memorial of the Brightwood Citizens' Association of the District of Columbia, relative to the sewerage system in the District of Columbia. I move that the memorial be printed as a document and referred to the Committee on the District of Columbia.

Mr. LODGE presented resolutions adopted by the city council of Cambridge, Mass., directing the mayor of that city to remonstrate against the adoption of the so-called Pasco amendment to the Post-Office appropriation bill; which were referred to the Committee on Appropriations.

Mr. VEST presented a petition of the Wholesale Liquor Dealers' Association of St. Louis, Mo., praying for the passage of the joint resolution recently introduced in the House of Representatives, providing for an extension of the bonded period as to all spirits put in bond after July 1, 1896, and up to July 1, 1898, etc.; which was referred to the Committee on Finance.

Mr. BLACKBURN presented a memorial of sundry citizens of Kentucky, remonstrating against placing the statue of Père Marquette in Statuary Hall, or in any other public hall or repository in the country; which was referred to the Committee on the Library.

Mr. GALLINGER. I present a petition of the members of Mount Washington Lodge, No. 276, of the International Association of Machinists, of Concord, N. H., "begging that a committee of investigation may be appointed to inquire into and thoroughly investigate the treatment our fellow-members are subjected to and the conditions they labor under in United States navy-yards and arsenals, particularly at the Brooklyn Navy-Yard." The petitioners state further that "a board of naval officers have met in secret session and have reported on this matter, but their scope was limited and they did not give our brother craftsmen an opportunity of giving their side of the case." I am in doubt whether the petition should go to the Committee on Education and Labor or to the Committee on Naval Affairs.

The VICE-PRESIDENT. The Committee on Education and Labor, the Chair suggests.

Mr. GALLINGER. I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. GALLINGER presented a petition of the officers of the Merrimac Valley Association of Post-Office Clerks, of Lowell, Mass., praying for the passage of House bill No. 3273, providing for the reorganization of the postal service; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TELLER presented sundry memorials of citizens of Wray, Gillette, Bachelor, and Victor, all in the State of Colorado, remonstrating against placing the statue of Père Marquette in Statuary Hall; which were referred to the Committee on the Library.

He also presented a petition of the faculty of the State Agricultural College of Colorado, at Fort Collins, Colo., praying for the enactment of legislation to reduce the cost, increase the value, and simplify the methods of publication of the public documents furnished to designated depository libraries; which was referred to the Committee on Printing.

He also presented a petition of sundry citizens of Victor, Colo., praying for the passage of the so-called Linton bill, relative to immigration and naturalization; which was referred to the Committee on Immigration.

He also presented a petition of the Northern Mineral Mine Workers' Progressive Union, of Virginia, Minn.; a petition of Local Union, No. 257, Cigar Makers' International Union of America, of Lancaster, Pa., and a petition of the Carriage and Wagon Workers' Local Union, No. 2, Carriage and Wagon Workers' International Union, of Cleveland, Ohio, praying for the free coinage of silver; which were ordered to lie on the table.

Mr. BAKER presented a memorial of sundry citizens of Junction City, Kans., remonstrating against placing the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 2083) authorizing sale of the title of the United States in lot 5, square 1113, in the city of Washington, reported it with an amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 906) to amend the charter of the Brightwood Railway Company of the District of Columbia, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2807) to remit penalties and interest on arrears of taxes in the District of Columbia, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 4456) to authorize and direct the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to the cemetery association in the city of St. Paul, Minn., to be used at or near the foot of the soldiers' monument in said cemetery, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 7172) donating four condemned cannon and four pyramids of condemned cannon balls to the Soldiers' Monument Association of Allegan, Mich., reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 8012) donating condemned cannon and cannon balls, reported it with an amendment.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 497) to provide for a public building at Tampa, Fla., reported it with amendments.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 1830) providing for the construction of a military road from Fort Washakie, Wyo., to the mouth of the Buffalo Fork of the Snake River, near Jacksons Lake, in Uinta County, Wyo., reported it with amendment, and submitted a report thereon.

He also, from the Committee on Claims, reported an amendment intended to be proposed to the general deficiency appropriation bill, the amendment providing for the payment of claims adjudicated by the Court of Claims under the French spoliation act of January 20, 1885, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. FRYE. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, to report it with amendments, and to submit a written report thereon, which it is desirable should be printed as early as possible.

I give notice that I shall ask the Senate to proceed to the consideration of the bill, probably on Wednesday morning, if the naval appropriation bill shall be then completed.

The VICE-PRESIDENT. The report will be printed and the bill placed on the Calendar.

Mr. PLATT, from the Committee on the Judiciary, to whom was referred the bill (S. 2859) changing the time for holding circuit court of the United States at Hartford, in the district of Connecticut, reported it with an amendment.

Mr. SQUIRE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 162) for the erection of a monument and statue of Gen. Ulysses S. Grant on ground belonging to the United States Government, in the city of Washington, D. C., reported it without amendment.

Mr. HANSBROUGH, from the Committee on the District of Columbia, to whom was referred the bill (S. 1008) to remit the penalties on unpaid taxes in the District of Columbia, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the Committee on the Library, to whom was referred the resolution submitted by Mr. QUAY February 6, 1896, authorizing the compilation of the colonial charters and constitutions of each State of the United States, reported it without amendment, and moved that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate; which was agreed to.

Mr. PASCO. I am directed by the Committee on Claims to report an original bill, and I ask leave to present a written report within a few days. It is not yet ready. The bill is a substitute for Senate bill 172, which I report back and ask that it be indefinitely postponed. The original bill I ask may be read twice by its title and placed on the Calendar.

The bill (S. 2962) to confer jurisdiction on the Court of Claims in the case of the book agents of the Methodist Episcopal Church against the United States was read twice by its title.

The VICE-PRESIDENT. The bill (S. 172) for the relief of the book agents of the Methodist Episcopal Church South will be postponed indefinitely.

REPUBLICAN FORM OF GOVERNMENT IN ALABAMA.

Mr. CHANDLER. In behalf of the Committee on Privileges and Elections I submit, as I gave notice on Saturday I should do, a supplemental report to accompany Senate resolution 54. I ask that this supplemental report, together with the first report, No. 447, submitted March 10, 1896, may be printed together; that there be a reprint of the original report with the supplemental report.

The VICE-PRESIDENT. It will be so ordered.

Mr. ALLEN. I ask that the supplemental report be read at this time.

The VICE-PRESIDENT. The Senator from Nebraska calls for the reading of the supplemental report. The Secretary will read as requested.

Mr. CHANDLER. I suggest, instead of having the report read and delaying the morning business, that the Senator from Nebraska modify his request so as to have it printed in the RECORD.

Mr. ALLEN. That will be satisfactory.

Mr. COCKRELL. As well as a separate document.

The VICE-PRESIDENT. It will be so ordered.

The supplemental report is as follows:

The Committee on Privileges and Elections made a report in favor of the resolution of inquiry of March 10, 1896 (Senate Report No. 447), at which time notice was given that there would be a minority report opposing the resolution. That minority report is not forthcoming after a lapse of forty-eight days. The majority of the committee, therefore, add a supplemental statement, as follows:

At the State election in Alabama in August, 1894, as appears by the statements made in the majority report of March 10, William C. Oates, instead of being elected by 27,582 votes, was defeated and Reuben F. Kolb elected by about 7,000 majority, the apparent election being secured by an enormously fictitious vote, reaching 34,000 fraudulently returned from certain counties as having been cast for Mr. Oates.

The report of March 10 also states that the rejection of fraudulent returns would have given the supporters of Mr. Kolb a majority of the members of the legislature. But as the details of this claim were not given, its truth has been vigorously denied by the supporters of Mr. Oates, and it has been claimed that even if there was an actual majority for Mr. Kolb for governor, still there can be no plausible claim that Mr. Oates's supporters did not choose a lawful majority of the legislature which elected Senator Morgan. In refutation of this assertion, occasion is taken in this supplemental report to state the claim as to the legislature made by Mr. Kolb and his supporters.

First, we recapitulate the claim made by the petitioners for the inquiry as to the popular vote for governor. The speech of the Senator from Nebraska, Mr. ALLEN, made in the Senate, February 11, 1895, contained the following statement of the popular vote in the black-belt counties:

Black-belt counties.	State election, August, 1894.		
	Votes counted.	Vote (estimated) actually cast.	Estimated fraudulent vote.
Autauga	1,113	340	773
Barbour	4,064	1,243	2,821
Bullock	2,601	795	1,806
Clarke	2,959	905	2,054
Dallas	6,684	2,045	4,639
Greene	1,045	319	726
Hale	3,107	950	2,157
Lowndes	5,356	1,638	3,718
Monroe	2,074	634	1,440
Montgomery	5,210	1,594	3,616
Marengo	3,852	1,178	2,674
Perry	1,673	511	1,162
Russell	1,690	517	1,173
Sumter	2,251	688	1,563
Wilcox	6,401	1,958	4,443
Total	50,080	15,315	34,765
			15,315
			50,080

While Senator ALLEN in the above table estimates the fraudulent vote in the 15 counties at 34,765, he does not state the votes returned from those counties and counted for Oates and Kolb, respectively.

The following table does show the counted returns in those counties:

Counties.	Oates.	Kolb.
Autauga	776	337
Barbour	3,407	657
Bullock	2,309	292
Clarke	1,831	1,128
Dallas	6,517	167
Greene	846	199
Hale	2,725	382
Lowndes	4,995	361
Monroe	1,650	424
Montgomery	4,930	280
Marengo	2,808	1,044
Perry	1,184	489
Russell	1,271	419
Sumter	1,843	408
Wilcox	6,270	131
	43,362	6,718
		43,362
Total		50,080

There has been no pretense that any of the 6,718 votes for Mr. Kolb in these counties were fraudulent. Deduct, therefore, the fraudulent vote of 34,765 from the vote returned for Mr. Oates of 43,362, and Oates received only 8,597 actual votes, which, added to 6,718, the number cast for Mr. Kolb, make 15,315, being the number stated by Senator ALLEN as the vote actually cast.

The 34,765 fraudulent votes returned for Mr. Oates overcome the 27,582 majority by which he was declared elected and show the election of Mr. Kolb by about 7,000 majority.

We now proceed to show what was the actual lawful result as to the legislature.

A table of the 14 black-belt counties, with the number of Democratic senators and representatives who sat in the legislature, is as follows:

Counties.	Senators.	Representatives.
Autauga*		1
Barbour*	1	3
Bullock	1	2
Dallas	1	3
Greene		1
Hale		2
Lowndes*	1	2
Macon*		1
Marengo	1	1
Montgomery	1	4
Perry	1	1
Russell		1
Sumter		1
Wilcox	1	2
Total	8	25

There was false registration and ballot-box stuffing in the 14 counties and innumerable fraudulent returns, which might invalidate all the elections and reject all the members. At all events, it is beyond doubt that Populist or Republican members were actually elected in the 4 counties marked with a star, namely: Autauga, Barbour, Lowndes, and Macon, two senators and seven representatives.

A table showing the white counties, where the Populist or Republican candidates were chosen, but the Democratic candidates were fraudulently declared elected, is as follows:

Counties.	Senators.	Representatives.
Calhoun		2
Clarke		2
Colbert	1	3
Henry		2
Jefferson		5
Madison	1	2
Monroe		1
Morgan		2
Pickens		1
Pike		2
Talladega*	1	1
Tuscaloosa	1	2
Total	4	24

* And one Populist.

Now, to apply the foregoing facts.

The Alabama legislature as it actually assembled showed 45 Democratic majority, according to the following table:

Total membership:	
House	100
Senate	33
	133

	Republicans and Populists.	Democrats.	Total.
Senate	9	24	33
House	35	65	100

Or 45 Democratic majority.

A revision of the result, eliminating the frauds in the 12 white counties and the 4 black counties, in accordance with the above tables, gives a Populist and Republican majority of 29, as follows:

	Republicans and Populists.		Democrats.	
	Senate.	House.	Senate.	House.
Result changed by fraud in 12 white counties	9	35	24	65
	4	24	4	24
Result changed by fraud in 4 black counties	13	59	20	41
	2	7	2	7
Total	15	66	18	34

Total Republicans and Populists, 81; total Democrats, 52; total, 133. Populist and Republican majority, 29.

The foregoing claims of the petitioners for the investigation have been shown to the committee to be apparently correct. Whether or not they are in fact correct can only be determined by the inquiry which Mr. Oates and his supporters so persistently avoid.

There would seem to be little doubt of the correctness of the facts charged, in the light of the admissions made in an article in the Times of December 6, 1895, published by J. M. Anderson and J. J. Townsend, at Selma, Dallas County, Ala., which is the home of Senator MORGAN. The excuse which Messrs. Anderson and Townsend give for the crimes which they acknowledge were committed, namely, that they are necessary to prevent negro domination, is wholly refuted by the fact that both in 1892 and 1894 the Jones and Oates Democracy were overwhelmingly defeated in the white counties of the State. The "manufactured majorities," which, the Selma Times says, "the young men of the black belt are weary of going into the ballot boxes and bringing up," have not been manufactured in order to prevent negro domination, but in order to enable a minority faction of the white voters to hold in subjection the majority of the white voters. The article in the Selma Times is as follows:

[Selma Times, published at Selma, Dallas County, Ala.]

A CONSTITUTIONAL CONVENTION.

The Times believes that the time has arrived for the holding of a constitutional convention in Alabama in order to regulate the franchise. The white and black vote of Alabama is very nearly equally divided, and with a "free ballot and a fair count" there would be negro officers filling every office in one-third of the counties in Alabama, and that would necessitate a standing army to keep down riot and a war between the races. That we do not want.

The Times is one of those papers that does not believe it is any harm to rob or appropriate the vote of an illiterate negro. We do not believe they ought ever to have had the privilege of voting. This right was given or forced upon them and the white people by the bayonet, and the first law of nature, self-preservation, gives us the right to do anything to keep our race and civilization from being wiped off the face of the earth. It was, and still is, a cruelty to both races to arm the grossly ignorant with the ballot—the highest privilege of freemen. No man, after thirty years of taxation and effort to educate him, has a right to be too ignorant to vote intelligently. Right here we will state that we are in favor of keeping the white man on top—it matters not what means are resorted to—but it must be done. With Pet Caffee we believe that "if it is necessary to protect the women and children of Lowndes County and of Alabama, my county will continue to bring up 4,999 Democratic majority." He is our kind of a Democrat under the present order of things.

We hope, however, to see these things changed. The only way to do so is to adopt the Mississippi plan. The only way to reach that plan is through a constitutional convention. The young men of the black belt are weary of going into the ballot boxes and bringing up manufactured majorities in order to keep from being ruined by negroes, or what is worse, by unscrupulous white men leading the black hordes to the polls. We need a change—we must have a change.

A constitutional convention can do an intelligent man no harm in restricting the ballot. The unlettered white man and the ignorant negro will be on the same footing as to the ballot, but excluding both would be a powerful educational uplifting stimulant. If either would vote they must study. An educational qualification will fire their ambition, and as a consequence a better citizenship would result.

A constitutional convention to restrict suffrage is a necessity at this time. We are for it.

OYSTER BEDS IN RARITAN BAY.

Mr. PERKINS. I am directed by the Committee on Fisheries, to whom was referred the bill (S. 357) authorizing the Secretary of the Treasury to appoint commissioners to estimate damages done to planted oysters and oyster beds in Raritan Bay and adjoining waters in New York and New Jersey, and to make compensation therefor, to report a joint resolution. The joint resolution is short, and I ask to have it considered at this time.

The joint resolution (S. R. 139) directing the Secretary of War to cause an investigation to be made respecting the claims of certain citizens of New York and New Jersey that damages were done to their planted oysters and oyster beds in Raritan Bay by dredges and other vessels in the employ of the United States, and to report the circumstances relating thereto, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of War be, and he is hereby, directed to cause an investigation to be made respecting the claims of certain citizens of the States of New York and New Jersey that damages were done to their planted oysters and oyster beds in Raritan Bay and adjacent waters by dredges, scows, and other vessels in the employ of the United States Government from the 1st day of January, 1880, to the 1st day of January, 1892, and to report in full the circumstances relating thereto.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. Senate bill 357 will be postponed indefinitely.

QUIN NE MO SE.

Mr. WILSON. If the morning business has closed, I ask unanimous consent to call up the bill (S. 1704) for the relief of Quin ne mo se, an Indian.

Mr. HALE. Is the morning business over?

The VICE-PRESIDENT. The morning business is not yet concluded. The Senator from Washington asks unanimous consent that the Senate proceed to the consideration of the bill indicated by him.

Mr. HALE. I desire as soon as the routine morning business is completed to ask the Senate to proceed to the consideration of the naval appropriation bill. I shall not object to this bill if it gives rise to no debate, but after that I shall call for the regular order, and ask to be recognized at the completion of the routine business.

Mr. GEAR. I ask the Senator from Maine kindly to give way for a moment after the Senator from Washington gets his bill through. I have a little bill that will take no time.

Mr. HALE. I ask the Senator from Iowa to wait until I get the appropriation bill up, and then I will yield.

Mr. GEAR. Very well.

The VICE-PRESIDENT. The Senator from Washington calls up a bill which will be read for information.

The Secretary read the bill (S. 1704) for the relief of Quin ne mo se, an Indian, which had been reported from the Committee on Indian Affairs with amendments.

Mr. CHILTON. I have no objection to the consideration of the bill, but I have an amendment pending that I would like to have read.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HALE. If the bill gives rise to any debate I must object to it.

Mr. WILSON. If the Senator from Maine will allow me, I will state that the amendment offered by the Senator from Texas I propose to accept, and the bill will not lead to any debate, although the adoption of the amendment will cause the Interior Department to send a special agent to the State of Washington to examine the land. I shall accept the amendment, however.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CHILTON. Let my amendment be stated, and then I will explain it.

The VICE-PRESIDENT. The amendments of the Committee on Indian Affairs will first be stated.

The first amendment was, in section 1, line 16, after the word "removed," to insert:

And the fee simple to said above-described real estate is hereby vested in the said Quin ne mo se, his heirs and assigns, forever.

So as to make the section read:

That the restrictions imposed by the act of Congress approved January 18, 1881, upon homestead certificate No. 763, dated the 8th day of June, 1888, granting to Quin ne mo se, an Indian, the southeast quarter of the southeast quarter, and the lot numbered 4, of section 34; the southwest quarter of the southwest quarter of section 34, all in township 25 north; and the west half of lot numbered 5 and lot numbered 4, of section 3, in township 24, north of range 45 east of the Willamette meridian, in the State of Washington, containing 167.75 acres, be, and the same are hereby, removed, and the fee simple to said above-described real estate is hereby vested in the said Quin ne mo se, his heirs and assigns, forever.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

SEC. 2. That the said Quin ne mo se shall, with the consent of the Secretary of the Interior, have the right to alienate the title to said lands above mentioned: *Provided*, That whenever the said Quin ne mo se shall so alienate the title to said lands the same shall be subject to judgment, decree, and order of any court of competent jurisdiction and shall be subject to taxation; and that none of the provisions of the act of Congress approved January 18, 1881, shall apply to said lands after the alienation of the title thereof as hereinbefore provided.

The amendment was agreed so.

The VICE-PRESIDENT. The amendment submitted by the Senator from Texas [Mr. CHILTON] will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following proviso:

Provided, That said lands shall not be alienated by said Quin ne mo se or his heirs without the previous permission of the Secretary of the Interior.

Mr. WILSON. I accept that amendment.

Mr. CHILTON. The Senator from Washington has stated, I believe, that the adoption of the amendment will require the sending of a special agent to the State of Washington to determine upon the suggestion contained in the amendment. I will state that the amendment was prepared after communication with the Interior Department. I have here a letter from the Secretary of the Interior written some time ago to the Commissioner of Indian Affairs, but which contains his present views on the subject, in which he states his unwillingness to have this Indian resume his tribal relations, and under such circumstances it seems a wise

thing to subject the sale of the Indian's homestead to the approval of the Secretary of the Interior. I will read the letter. It is very short. The Secretary of the Interior says:

I have considered your communication of the 10th instant in the matter of the application of Quin ne mo se, an Indian, of De Smet, Idaho, requesting permission of Congress to sell and dispose of certain lands patented to him under the provisions of the act of March 3, 1875, by the removal of the "restrictive clause" contained therein.

The Indian states that in 1885 he made a final proof on his homestead entry and patent was issued to him in due course of time; that the settlement of that part of the country is so complete that his property is surrounded on all sides by white people; that he was unable to send his children to school and was therefore compelled to abandon his home and remove to the Cœur d'Alene Reservation in Idaho, and as his lands are some distance from that reservation, and as he is unable to give them proper attention, he petitions Congress for permission to sell and dispose of the same by removal of the "restrictive clause" in his patent.

That is the effect of the bill which the Senator from Washington has called up.

Your letter shows that Quin ne mo se homesteaded these lands under the provisions contained in the act of March 3, 1875—"That any Indian born in the United States who is the head of a family or who has arrived at the age of 21 years and who has abandoned or whomay hereafter abandon his tribal relations shall, on making satisfactory proof of such abandonment under rules to be prescribed by the Secretary of the Interior, be entitled to the benefits of the act entitled 'An act to secure homesteads to actual settlers on the public domain,' approved May 28, 1862, and the acts amendatory thereof, except that the provision of the eighth section of said act shall not be held to apply to entries made under this act"—and that patent was issued to him June 8, 1888, upon the express condition that the title thereby conveyed should not be subject to alienation or incumbrance, either by a voluntary conveyance or by judgment, decree or order of any court, or subject to taxation of any character, but should remain inalienable and not subject to taxation for a period of twenty years from the date thereof.

Legislation looking to the breaking up of tribal relations among Indians was recommended by the Secretary of the Interior in his annual report for 1874 (page 7).

The Secretary said: "A common ownership of property is the normal condition of the Indian race, and with it are found nomadic habits totally inconsistent with the idea of permanent habitations, individual ownership, and domestic industry. The work of civilization can never be completed until these habits are abandoned. Every proper inducement, therefore, ought to be offered the Indian which will prompt him to individual ownership of property and such habits of industry and economy as are incident to our civilization. * * * An extension to the Indians of the benefits of the homestead laws under the safeguards mentioned and such others as the wisdom of Congress may suggest will greatly facilitate the work of their civilization. It will break up tribal organizations and Indian communities; it will bring Indians into subjection to our laws, civil and criminal; it will induce them to abandon roving habits and teach them the benefits of industry and individual ownership, and then prove highly advantageous in promoting their prosperity"; and Congress, concurring in the views of the Department, passed the Indian homestead act of 1875.

Quin ne mo se—

Who is the individual Indian mentioned in the bill—

Quin ne mo se, in order to obtain this homestead, must have made satisfactory proof that he had abandoned his tribal relations and by this action became a citizen of the United States, entitled to all the rights, privileges, and immunities of such citizens without in any manner impairing or otherwise affecting his right to tribal or other property as provided by the act of February 8, 1878 (24 Stats., 388), and having become a citizen—

And now comes the point of this letter—

and having become a citizen I am unable to see how he can be reinstated as an Indian in tribal relations, except by a departure from the well-established policy of the Government as declared in the act of 1875, supra, and other acts of Congress providing for the allotting of lands to Indians with the view of making them citizens of the United States.

Quin ne mo se has no right on the Cœur d'Alene Reservation except as provided by the act of 1887; and having abandoned his tribal relations and taken his home on the public domain he has no right to remain on said reservation. He is a citizen of the United States, and his home is on the lands patented to him.

For this reason I must decline to recommend to Congress that he be allowed to sell his lands and to return to the Cœur d'Alene Reservation and become an Indian in tribal relations.

I read this letter merely to show that my amendment is in the line of precaution which the views of the Interior Department makes necessary. It will commit to that Department the matter of permitting this Indian to sell his lands. If he is permitted to return to the reservation I presume he will be allowed to dispose of his land. I have no objection whatever to the bill with that limitation, and the Senator from Washington having agreed to accept it, it can be passed without hindrance.

Mr. WILSON. Mr. President, a single word in reply to the letter just read by the Senator from Texas.

It makes no difference whether the Secretary of the Interior is unwilling that Quin ne mo se shall abandon his land or not, because Quin ne mo se abandoned the land five years ago. Whether the Secretary is unwilling or not, he can accomplish nothing by interposing his objection. The Indian was compelled and forced to abandon his land. He has gone back to the Cœur d'Alene Reservation. He is residing there among his people. He is a farmer. He tills the soil, and is trying to educate his children there. He can not live upon this land, and has not lived upon it for five years. It is not very valuable. It is probably worth five or six hundred dollars. He is old, and wishes to sell it and avail himself of the means that he will acquire thereby.

I accept the amendment offered by the Senator from Texas.

Mr. CHILTON. I do not wish to protract this discussion, because it is now purely a moot debate; yet I wish to call the attention of the Senate to one point. If this Indian has left his home and has gone on the Cœur d'Alene Reservation, he has done so without the consent of the Interior Department. It rests with the Department at any time to remove him from that reservation. It is entirely proper, therefore, that before he parts with his land he should have the consent of the Interior Department. That is all the amendment provides for. It is merely in the line of the universal policy which has prevailed in regard to lands allotted to individual Indians. It merely requires that this ward of the nation shall obtain executive consent before alienating his homestead, and thus be protected both in receiving a fair price and in regard to other surroundings of the trade. The old rule was that the President's consent was required. Since that time there has been a modification of the practice, so that the Secretary of the Interior is now usually entitled to consent. I am not aware of any case where Indians have been allowed to sell their land without some order of Executive consent. My amendment is merely in the line of safeguarding the matter.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. TIBBITS.

Mr. PETTIGREW. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 1597) for the relief of William H. Tibbits, to report it favorably with an amendment, and I ask unanimous consent for its immediate consideration.

Mr. HALE. I must object to its consideration.

The VICE-PRESIDENT. Objection is interposed.

Mr. PETTIGREW. Let the bill go on the Calendar.

BILLS INTRODUCED.

Mr. VEST introduced a bill (S. 2957) granting a pension to Mrs. Alice G. London; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 2958) restoring the name of Mrs. Penelope E. Russ to the pension roll; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2959) granting a pension to Mrs. Sarah Townsend; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 2960) restoring the pension of Alexander W. Browning; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 2961) granting a pension to Aaron Jernigan, jr.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PETTIGREW introduced a bill (S. 2963) to amend sections 18, 19, 20, and 21 of the act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. GRAY introduced a bill (S. 2964) to declare the members of the Five Civilized Tribes of Indians in the Indian Territory to be citizens of the United States and subject to the Constitution and laws thereof, to authorize them to revise their rolls of citizenship, to allot their lands in severalty, to provide for laying out towns therein, and for other purposes; which was read twice by its title, and referred to the Select Committee on the Five Civilized Tribes of Indians.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted two amendments intended to be proposed by him to the general deficiency appropriation bill; which, with the accompanying papers, were referred to the Committee on Appropriations, and ordered to be printed.

Mr. McMILLAN submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. BURROWS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. BAKER submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CARTER submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

RESTORATION OF PROTECTIVE DUTIES.

Mr. PRITCHARD submitted an amendment intended to be proposed by him to the bill (H. R. 886) to amend section 3255 of the Revised Statutes of the United States concerning the distilling of brandy from fruits; which was referred to the Committee on Finance, and ordered to be printed.

PURCHASE OF ANALOSTAN ISLAND.

Mr. GALLINGER. Saturday last the Senator from Vermont [Mr. PROCTOR] reported from the Committee on the District of Columbia an amendment providing for the purchase of Analostan Island, intended to be proposed to the District of Columbia appropriation bill, which was sent to the Committee on Appropriations. That report was made upon a misapprehension of facts, and with the concurrence of the chairman of the Committee on the District of Columbia, I move a reconsideration of the vote whereby the amendment was sent to the Committee on Appropriations, and that it be recommitted to the Committee on the District of Columbia.

The VICE-PRESIDENT. Without objection, it will be so ordered.

EULOGIES ON THE LATE REPRESENTATIVE CRAIN.

Mr. MILLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That on Saturday, May 16, the session of the Senate for the day shall, after 3.30 o'clock p. m., be devoted to eulogies on the late W. H. CRAIN, of Texas.

C. F. LYNCH.

Mr. FAULKNER. I offer a resolution which I desire to have referred to the Committee to Audit and Control the Contingent Expenses of the Senate. I wish to say in offering the resolution that it provides for a deplorable case, which now confronts us, and one as to which it is absolutely necessary something should be done. I will therefore ask the Committee on Contingent Expenses to consider it as soon as possible.

The resolution was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Sergeant-at-Arms of the Senate be, and he hereby is, authorized and directed to appoint C. F. Lynch a messenger, who shall be paid at the rate of $1,440 per annum from the contingent fund of the Senate, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate, until otherwise provided for.

CONDITION OF AFFAIRS IN INDIAN TERRITORY.

Mr. JONES of Arkansas submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate document room 500 copies of Senate Document No. 182, of the Fifty-fourth Congress, first session.

NAVAL APPROPRIATION BILL.

The VICE-PRESIDENT. The morning business has closed.

Mr. HALE. I move that the Senate proceed to the consideration of the naval appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with and that the amendments of the committee be considered as they are reached.

The VICE-PRESIDENT. It will be so ordered, without objection.

Mr. HALE. I yield to the Senator from Iowa [Mr. GEAR] for a moment.

CLARISSA E. HOBBS.

Mr. GEAR. I ask unanimous consent for the present consideration of the bill (S. 1611) granting a pension to Clarissa E. Hobbs. If it leads to any debate I will withdraw it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "twenty-five" and insert "twelve"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Clarissa E. Hobbs, of Louisville, Nebr., and pay her at the rate of $12 per month for services as nurse in the Twelfth Regiment Iowa Infantry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. TIBBITS.

Mr. PETTIGREW. I ask unanimous consent for the consideration of the bill which I just reported.

Mr. HALE. It will not give rise to any debate, I understand.

Mr. PETTIGREW. None.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill (S. 1597) for the relief of William H. Tibbits; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Public Lands was, in line 21, after the word "other," to insert the word "valid"; so as to read:

Provided, however, That said W. H. Tibbits shall not have made any other valid entry of land of the United States under the homestead laws.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC MARSH.

Mr. HALE. I yield to the Senator from Nebraska [Mr. ALLEN].

Mr. ALLEN. With the consent of the Senator from Maine, I ask leave to call up the bill (S. 2821) for the relief of Isaac Marsh.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, in line 10, after the word "spent," to strike out "upon the above-described tract of land, his entry on and claim of which were canceled by the decision of the Secretary of the Interior as aforesaid," and insert:

In improving land embraced in timber-culture entry No. 13732 in the North Platte land district in Nebraska: *Provided*, That in order to obtain the benefit of this act said Isaac Marsh shall show that he was not the owner in fee simple of 80 acres of land free of incumbrance at the date of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That Isaac Marsh, of Lincoln County, Nebr., be, and he is hereby, permitted and authorized to make a homestead entry of 160 acres on any of the public lands of the United States which are now or may hereafter become subject to homestead entry, without any fees or payments to the Government, excepting the local land office fees, and that in making proof thereof he shall be given credit for any time he may have spent in improving land embraced in timber-culture entry No. 13732 in the North Platte land district in Nebraska: *Provided*, That in order to obtain the benefit of this act said Isaac Marsh shall show that he was not the owner in fee simple of 80 acres of land free of incumbrance at the date of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ALLEN. I move that the preamble be stricken out.

The motion was agreed to.

NAVAL APPROPRIATION BILL.

Mr. HALE. Now let the naval appropriation bill be read for action on the committee amendments.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, on page 2, line 7, after the word "action," to strike out the following additional proviso:

Provided further, That all officers who have been or may be appointed to any corps of the Navy or to the Marine Corps after service in a different corps of the Navy or of the Marine Corps shall have all the benefits of their previous service in the same manner as if said appointments were a reentry into the Navy or into the Marine Corps.

The amendment was agreed to.

The next amendment was, on page 6, line 12, after the word "same," to strike out "eight thousand" and insert "including one draftsman, at $1,200, nine thousand two hundred"; so as to make the clause read:

Naval War College and Torpedo School on Coasters Harbor Island, Rhode Island: For maintenance of the Naval War College and Torpedo School on Coasters Harbor Island, and care of grounds for same, including one draftsman, at $1,200, $9,200.

The amendment was agreed to.

The next amendment was, on page 6, line 18, after the word "all," to strike out "ten thousand" and insert "eleven thousand two hundred"; so as to make the clause read:

For the proper preservation, cementing, and reenforcing cellar walls, repairing window casings, floors, and door casings; a water tank in attic for use in case of fire, and a rainwater cistern and pumps, $2,000; in all, $11,200.

The amendment was agreed to.

The next amendment was, on page 7, after line 10, to insert:

For testing methods of throwing high explosives from guns on board ship with the ordinary velocities, $50,000.

The amendment was agreed to.

The next amendment was, on page 7, line 14, to increase the appropriation for "Bureau of Ordnance and ordnance stores" from $792,000 to $842,000.

The amendment was agreed to.

The next amendment was, on page 7, line 21, after the word "dollars," to insert: "*Provided*, That the Secretary of the Navy may, in his discretion, purchase by contract all or any part of such guns"; so as to make the clause read:

Reserve guns for auxiliary cruisers: Toward the armament of modern guns for auxiliary cruisers mentioned in the act approved March 3, 1891, and in section 4 of the act approved May 10, 1892, $250,000: *Provided*, That the Secretary of the Navy may, in his discretion, purchase by contract all or any part of such guns.

Mr. QUAY. At that point I desire to amend the clause by striking out the words "two hundred and fifty" and inserting "five hundred"; so as to make the appropriation for the armament of modern guns for auxiliary cruisers, according to the estimates of the Department, a half million dollars.

Mr. HALE. The order of the Senate was to first consider committee amendments and take up other amendments afterwards. Will the Senator wait until we get through with the committee amendments to the bill?

Mr. QUAY. Certainly.

The VICE-PRESIDENT. The Chair will recognize the Senator from Pennsylvania after the committee amendments shall have been concluded. The question is on the amendment which has been read.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the clause making appropriations for "torpedo station, Newport, R. I.," on page 8, line 15, after the word "dollars," to strike out "Extending" and insert "extending."

The amendment was agreed to.

The next amendment was, on page 16, line 1, to increase the appropriations for "navy-yard, Brooklyn, N. Y.," from $15,341.50 to $16,541.50.

The amendment was agreed to.

The next amendment was, on page 17, line 21, to increase the appropriation for "civil establishment, Bureau of Yards and Docks," from $60,286.04 to $61,486,04.

The amendment was agreed to.

The next amendment was, on page 19, line 2, to reduce the appropriations for "Naval Home, Philadelphia, Pa.," from $79,730 to $79,725.

The amendment was agreed to.

The next amendment was, on page 20, line 20, after the word "dollars," to insert "purchase of land adjoining the naval station, $5,000"; and in line 22, before the word "thousand," to strike out "eighty" and insert "eighty-five"; so as to make the clause read:

Naval station, Port Royal, S. C.: For chemical fire engine, $650; lightning conductors, $532; artesian well, $15,000; dredging channel opposite station, $150,000; steel tower and tank, $4,000; storehouse, $10,000; purchase of land adjoining the naval station, $5,000; in all, $185,182.

The amendment was agreed to.

The next amendment was, on page 22, after line 2, to insert:

To pave Hanover street from Maryland avenue to Wagner street, Wagner street from Hanover street to King George street, and King George street from College avenue to College or Graveyard Creek, in the city of Annapolis, Md., $8,000, in addition to the sum of $13,000 made by the naval appropriation act approved July 26, 1894, which is hereby continued available for the same purpose; and the Secretary of the Navy is hereby authorized to convey to the city of Annapolis, Md., the title to the bed of King George street from College avenue to College or Graveyard Creek.

Mr. HALE. That amendment ought to be perfected by striking out all after the word "purpose," in line 10, as the deed for the property referred to has already been given. I make that motion.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The amendment will be stated.

The SECRETARY. It is proposed to amend the amendment, in line 10, after the word "purpose," by striking out—

And the Secretary of the Navy is hereby authorized to convey to the city of Annapolis, Md., the title to the bed of King George street from College avenue to College or Graveyard Creek.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 22, after line 14, to insert:

That the Board of Visitors of the Naval Academy, when visiting said Academy in 1896, shall fully examine into and report to the Secretary of the Navy and to Congress the availability and desirability of acquiring as an annex to the grounds of said Academy so much of the property adjoining thereto in the city of Annapolis as is situate between the north side of Hanover street, the east side of Governor street, the north side of King George street, and the west side of Holland street, and the probable cost thereof by purchase or by condemnation for public use.

The amendment was agreed to.

The next amendment was, on page 23, line 16, after the word "laboratory," to strike out "and department of instruction, museum of hygiene"; so as to make the clause read:

Medical department: For surgeons' necessaries for vessels in commission, navy-yards, naval stations, Marine Corps, and Coast Survey, and for the civil establishment at the several naval hospitals, navy-yards, naval laboratory, and Naval Academy, $65,000.

The amendment was agreed to.

The next amendment was, on page 32, line 2, before the word "repairs," to strike out "other" and insert "order"; so as to read:

Provided further, That nothing herein contained shall deprive the Secretary of the Navy of the authority to cause the necessary repairs and preservation of the U. S. S. *Hartford* or to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home.

The amendment was agreed to.

The next amendment was, on page 33, after line 2, to strike out:

For making plans, examining and preparing the ground and other preliminary work toward the construction of a model tank, with all buildings and appliances, to be built upon the grounds of the old Observatory, Washington, D. C., under the Bureau of Construction and Repair of the Navy Department, which shall conduct therein the work of investigating and determining the most suitable and desirable shapes and forms to be adopted for United States naval vessels, $7,500: *Provided*, That upon the authorization of the Secretary of the Navy experiments may be made at this establishment for private shipbuilders, who shall defray the cost of material and of labor of per diem employees for such experiments: *And provided further*, That the results of such private experiments shall be regarded as confidential and shall not be divulged without the consent of the shipbuilder for whom they may be made.

The amendment was agreed to.

The next amendment was, on page 42, line 3, in the items for contingent expenses, Naval Academy, after the word "dollars," to insert "for contingencies for the Superintendent of the Academy, $1,000," and in line 5, before the word "thousand," to increase the total of the appropriations from $45,400 to $46,400.

The amendment was agreed to.

The next amendment was, on page 43, after line 2, in the items for the Marine Corps, to strike out:

Pay of 10 sergeants, 40 corporals, 12 drummers, 12 fifers, and 426 privates, to be enlisted in accordance with the provisions of section 1596, Revised Statutes, $74,560, to be immediately available.

Mr. CHANDLER. I suggest to the Senator from Maine that he allow the provisions about the Marine Corps to go over until the reading of the bill is finished.

Mr. HALE. That is very acceptable to me, as there will be some controversy about it.

Mr. LODGE. To what provisions does the Senator refer?

Mr. HALE. All provisions relating to the increase of the Marine Corps. Let them all go over.

Mr. LODGE. There are only three of them.

Mr. HALE. There are three of them. They stand on all fours. If one goes out the others will go.

The PRESIDING OFFICER (Mr. BACON in the chair). Without objection, the provisions as to the Marine Corps will go over for the present.

The Secretary resumed the reading of the bill on page 44, line 3.

The PRESIDING OFFICER. Is it the pleasure of the Senate that these provisions which relate to the Marine Corps shall also be passed over?

Mr. HALE. The amendment on page 45, lines 19 to 23, should be passed over.

The PRESIDING OFFICER. The clause to which the Chair directs the attention of the Senate begins with line 3, page 45. It relates somewhat to the Marine Corps.

Mr. PLATT. That is the civil force.

The PRESIDING OFFICER. The Senate having passed over the preceding provisions relative to the Marine Corps, the Chair desires to know whether it is also the wish of the Senate to have this provision passed over?

Mr. HALE. There is no amendment at that point in my copy of the bill.

The PRESIDING OFFICER. There is no amendment. The Chair will suggest that there were no amendments on page 42, under the heading "Marine Corps," which was also passed over. The Chair understood that everything which relates to the Marine Corps was, under the order, to be passed over for the present.

Mr. CHANDLER. The amendment on page 43 was not included in the request.

Mr. HALE. There is no objection to the amendment on page 47 being disagreed to. If it is disagreed to it will leave the text of the bill as it came from the House remain.

Mr. GORMAN. To which amendment does the Senator from Maine refer?

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 43, line 20, after the word "dollars," the committee report an amendment to strike out:

And hereafter officers of the Marine Corps traveling under orders without troops shall be allowed the same mileage as is now allowed officers of the Navy traveling without troops.

Mr. CHANDLER. I understand the Senator in charge of the bill to say that there is no objection to having to pay the same in the two cases; that that is the correct rule of payment.

Mr. GORMAN. As I understand it, this is an increase of the traveling expenses of the Marine Corps. They now receive the same expenses that are allowed to army officers. This is an increase. I do not understand that the Senator in charge of the bill desires to have the amendment disagreed to.

Mr. HALE. No; I had in mind the amendment on page 47. This amendment may be agreed to and go into conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

Mr. CHANDLER. The amendment on pages 45 and 46 have been passed over?

Mr. HALE. They have been passed over.

The Secretary resumed the reading of the bill on page 46, line 8.

The next amendment of the Committee on Appropriations was, on page 47, line 7, after the word "dollars," to strike out:

Provided, That the provisions of the clause contained in the act of Congress approved March 3, 1879, authorizing the Secretary of the Treasury to make such entries upon the books of the Department as will carry to the credit of certain railroad companies named in said act amounts earned or to be earned by them during each fiscal year on account of transportation of the Army and transportation of the mails be, and the same are hereby, extended and made applicable to the transportation of the Navy and the Marine Corps;

So as to make the clause read:

Transportation and recruiting, Marine Corps: For transportation of troops, including ferriage, and the expense of recruiting service, $15,000.

Mr. GORMAN. I understand this is the amendment which is to be disagreed to.

Mr. HALE. I have no objection to the amendment being disagreed to on papers that have come in since the bill was reported.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 48, line 24, after the words "District of Columbia," to insert "and for the leader of the Marine Band"; so as to make the clause read:

Hire of quarters, Marine Corps: For hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them, $4,500; for hire of quarters for 7 enlisted men employed as clerks and messengers in commandant's, adjutant and inspector's, paymaster's, and quartermaster's offices, Washington, D. C., and for the leader of the Marine Band, and assistant quartermaster's offices, Philadelphia, Pa., at $21 per month each, $1,764; for hire of quarters for 3 enlisted men employed as above, at $10 each per month, $360; in all, $6,624.

The amendment was agreed to.

The next amendment was, on page 50, after line 9, in the items for contingent expenses, Marine Corps, to strike out:

For iron bedsteads, mattresses, mattress covers, pillows, clothing boxes, and other articles, for 500 noncommissioned officers, musicians, and privates, to be enlisted in accordance with the provisions of section 1596, Revised Statutes, $3,000, to be immediately available.

Mr. HALE. Let this amendment go over with the others. It should be passed over.

The PRESIDING OFFICER. The amendment will be passed over.

Mr. HALE. This brings us to the provision as to "Increase of the Navy." As there will be amendments offered to this clause, in order nominally to complete the reading of the bill, I suggest that we pass over the bill from line 16, on page 50, to line 9, on page 53, "armor and armament." I think there is nothing after that which need be passed over.

Mr. GORMAN. I suggest to the Senator that the clause as to armor and armament had better go over with the matter of the increase of the Navy, because it will be necessary to amend it if the Senate decides to reduce the number of ships to be authorized by the proposed act. There will not be required so much for armor for a less number of vessels.

Mr. HALE. Very well; it can go over with the other items.

The PRESIDING OFFICER. It will be passed over.

The reading of the bill was resumed at line 22, page 53. The next amendment of the Committee on Appropriations was, on page 53, after line 24, to insert:

The Secretary of the Navy is hereby authorized and directed to cause one of the six light-draft composite gunboats authorized by the act making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes, approved March 2, 1895, to be built and finished for a training ship for the use of the United States Naval Academy at Annapolis, Md.; and such changes in said vessel as may be necessary for its adaptation as such training ship shall be made thereto.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. HALE. As the nominal reading of the bill has been completed, I move an amendment. On page 2, line 7, after the word "enlist," I move to insert the words "at any time after the passage of this act"; so that the enlistment of those men can go on at the present time in order to meet the needs of the new ships.

The amendment was agreed to.

Mr. HALE. The Senator from Pennsylvania [Mr. QUAY] gave notice of an amendment.

Mr. QUAY. On page 7, line 20, before the word "thousand," I move to strike out "two hundred and fifty" and insert "four hundred"; so as to read:

Reserve guns for auxiliary cruisers: Toward the armament of modern guns for auxiliary cruisers mentioned in the act approved March 3, 1891, and in section 4 of the act approved May 10, 1892, $400,000.

That is still $100,000 less than the estimate of the Bureau of Ordnance.

Mr. GORMAN. Of course this is one of the items in the bill which the Senate ought to consider. It is a new estimate. There is contained in the bill as it comes from the other House for reserve supply of projectiles an appropriation of $200,000, which is new; for additional supply of torpedoes, $142,000, which is also new; an appropriation of $250,000 for reserve guns for the auxiliary cruisers, and we also have an appropriation in the same bill of $250,000 for the auxiliary supply of guns for ships of the Navy. That makes seven or eight hundred thousand dollars for the reserve guns. These provisions, taken together with the other provisions of the bill, which must be considered, for a large increase in the Navy, make it a very extraordinary bill indeed.

The total amount of the bill as it comes from the other House is $31,647,239.95; that is money actually appropriated. The contracts that are authorized, which will require appropriations, swell that amount some $16,000,000. While I am in favor and have always been in favor of proper increase in the Navy, I suggest that in the present condition of our finances, in the present condition of our wants, we ought not to proceed so rapidly as is proposed by the pending bill. Notwithstanding the Department claim that they have facilities at the Washington Navy-Yard to manufacture these guns within a reasonable time and in time to equip the ships that have heretofore been authorized and those that are to be authorized by this bill, I do not believe that it is wise to go to this extent at the present time.

This is all I desire to say upon the pending item. When we reach the other and more important matter I shall have more to say about it.

Mr. CHANDLER. I hope the Senator from Maryland will not object to this particular amendment, but will confine any efforts he may make to limit naval expenditures to other portions of the bill. The Senator will remember that more than a year ago the estimate of the amount needed for the armament for the auxiliary cruisers was $500,000, and there was quite an earnest debate at that time because no amount was appropriated for the armament for the additional cruisers.

Mr. President, it appears that we have the right to take at any moment the *New York*, the *Paris*, the *St. Louis*, and the *St. Paul*, the great passenger steamers constituting the American Line, two of them built abroad, two of them built in this country, and they are among the fleetest ships in the world. They are, I may say, taken together, perhaps the four best ships in the world belonging to any one steamship line. The United States can take them to-morrow, and if it has the armament ready to put upon them, it can send them out upon the ocean and they can move faster than any other ships in the world. They can destroy any other commercial ship that is afloat.

Here are ships representing perhaps ten millions of money, not one dollar of which has been expended by the United States and every dollar of which has been paid by private parties, by private enterprise. We can stop the voyages of those ships, take the vessels to-morrow, convert them into fleet naval vessels, and send them out upon the ocean, if we only have the guns to put upon the ships. We have not a gun to put upon the ships and we have not begun the work of making the guns to put upon them. By expending a half million dollars we can secure as an addition to our Navy $10,500,000 worth of naval material. It is like buying guns for men. The men cost nothing until you call them into the service. When you call them into the service in an emergency, if you have not guns they are of no use to you. In my judgment there is no expenditure to be made immediately by the United States so important as the expenditures to make these four great, fine, fleet, magnificent ships an actual part of the Navy of the United States, by providing the guns which could be put upon them at an hour's notice.

There are 29 ships of the auxiliary navy, which, as the Senator from Pennsylvania [Mr. QUAY] will state, we have the right to take at any moment; but I confine myself entirely to these four fleet ships, the armament for which I desire to see prepared as soon as possible. The British Government and other governments provide guns for their auxiliary navy, for the commercial vessels which they have the right to take at any time. They provide the guns and those guns are upon the docks or the wharves of those nations and can be made ready at a moment's notice to be placed upon the ships.

We can not excuse ourselves for neglecting longer to provide the guns for these vessels. The Senator from Maryland a year ago said that if it was necessary to use these great ships we could take other guns which the Navy Department was engaged in building. The answer to that was then, and the answer now is, that the Navy Department is authorized to build no guns whatever except when there is a ship which is ready, or ought to be ready, for the guns, and therefore no guns which the Navy Department is now engaged in building can be put upon the *New York*, the *Paris*, the *St. Louis*, or the *St. Paul* without holding those guns back from some naval vessel, the whole cost of which the people of the United States are paying.

In this view of the case, I ask the Senator from Maryland [Mr. GORMAN], if he wants to limit the total appropriation made by the bill, and with whom I am entirely willing to cooperate to some extent, to concede that for this expenditure of $400,000, which ought to be $500,000, we give to the Government in the shortest period of time the greatest possible naval defense which can be secured for that amount of money.

Mr. GORMAN. I recognize fully the force of the argument of the distinguished Senator from New Hampshire, who has given as much attention to the affairs of the Navy as any Senator in this body. I know his anxiety to build up the Navy. It has been so from his first connection with it. I share with him the general view that we must manufacture sufficient guns to equip the ships that we have or have the right to control.

The Senator states that in the last naval appropriation bill this item appeared and I opposed it. I opposed it then for the reason

that I believed the appropriations were as great without this provision as the condition of the Treasury would warrant. I opposed it for another reason. I did not believe that the capacity of the Washington yard was equal to the appropriations we had made, but if the capacity of that yard was equal to the appropriations made for the armament of the other ships, the manufacturers of steel for the tubes and the jackets of these guns were not able to furnish them if we had made the appropriation, and therefore the appropriation would have been useless. I believed then that that was true. I believe it now. I know theoretically the capacity of this yard is greater than the number of guns they have turned out completed, and I know that since the last appropriation act was passed the manufacturers of steel have claimed that their facilities are greatly increased and they are enabled to furnish a larger amount than a year ago.

During the last fiscal year before the 1st day of July they were compelled to suspend a large number of persons employed in the Washington Navy-Yard and reduce that force. It is true that it was given out from the headquarters of the Navy Department to the newspaper press that that suspension was because of the failure of Congress to make an appropriation for these very guns. We were then about entering upon this patriotic course; we were then about to stir up a war feeling in the country, and it grew to immense proportions. But the fact was that that suspension was not the fault of Congress or the want of an appropriation, but it grew out of the fact that the manufacturers of the steel tubes and steel jackets for these guns had failed to furnish, according to their contract, the number that had been ordered. I do not know of any case where the Executive branch of the Government were so greatly at fault and so much to be condemned as they were in that particular case in trying to hold Congress responsible for the delay.

The fact is, Mr. President, all the guns have not been delivered yet. They could not have been delivered. After it was thought that serious trouble might come because of other questions south of us, this yard and the other yards were placed upon a war footing; all the guns that could be manufactured by the machinery that they have have been manufactured. Then there was no proposition as has been now recommended by the Committee on Appropriations to duplicate the facilities for manufacturing guns. That is proposed in the pending bill. There is a provision inserted that the Secretary of the Navy may contract for any portion of the guns that he sees proper. Fortunately for the country if an emergency should arise we have the Bethlehem and other works that can construct these guns equally as well as at the navy-yard. So the objection I had last year to making an appropriation that would be useless because of the want of facilities has to a great extent passed away.

But, Mr. President, as to the necessity and as to all this great haste in preparing for war, I do not share that feeling. I agree that the most important feature of the increase of the Navy now is the manufacture of guns. They could be utilized not only upon our Government vessels, but the great steamers the Senator from New Hampshire referred to, the *New York*, the *Paris*, the *St. Louis*, and the others of that line, could be utilized, if we were at war, as commerce destroyers. But is the emergency so great that we must appropriate now half a million dollars for that purpose? There is an item in the bill immediately preceding the one under consideration appropriating $250,000 for reserve guns, which can be used for any purpose on any vessel that we can control, and with the $250,000 as we have reported for reserve guns for auxiliary cruisers will make $500,000.

The Senator from Pennsylvania [Mr. QUAY] proposes to increase this amount of $250,000 to $400,000, which would make $900,000 upon that account, and then millions are to be given for the ordinary construction of the larger guns to go upon the war vessels. If the Treasury were in a condition I would say, "Yes; make this increased appropriation," but I submit to the Senate that it is unwise at this time to appropriate an amount so large on this account and then follow it up with the twenty-odd million dollars for war vessels.

Mr. STEWART. Will the Senator from Maryland yield to me a moment?

Mr. GORMAN. With great pleasure.

Mr. STEWART. What is the condition of the Treasury to-day?

Mr. GORMAN. I trust to get to that a little later in the day, or to-morrow, when we reach the main item of the bill.

Mr. STEWART. We have a cash balance of $280,000,000, more than we have had for many years.

Mr. GORMAN. We have a large amount of silver also stored in the Treasury.

Mr. STEWART. Oh, no; we have too much cash balance. We are not talking about silver. We are talking about the cash balance in the Treasury, and if it is not gotten out the people will suffer, I think. I think the duty of the hour now is to make appropriations, if we have anything to appropriate for.

Mr. GORMAN. When we come to the main item of the bill I suppose the discussion will be more general, and I propose to submit some remarks then in reply to the suggestion made by my distinguished friend from Nevada; but in this matter I say to the Senator from Pennsylvania [Mr. QUAY] and the Senator from New Hampshire [Mr. CHANDLER] that it will be wiser to go on as we have gone on in the past and make fair provision for all these items, as we have done, without the amendment of the Senator from Pennsylvania, which would swell the appropriation for this item to $400,000. Two hundred and fifty thousand dollars ought to be sufficient for the current year. I trust the Senator will not press his amendment, and I trust that later on both the Senator from New Hampshire and the Senator from Pennsylvania will unite with me in reducing the aggregate amount proposed to be appropriated for the increase of the Navy.

Mr. HAWLEY. Mr. President, I think there is no appropriation in the bill that is worth so much in an increase of our force at sea as this simple provision here. It goes to procure the necessary guns for the *Paris*, the *New York*, and the other two new vessels of that class and hold the guns in store ready for use in an emergency. While we practically own those ships now, while we have a right to take them at any moment, while they are a part of our Navy, they are, of course, absolutely useless for fighting. The proposed armament for the *Paris* and the *New York* and the two sister ships is five 6-inch guns each. The 6-inch projectile weighs 100 pounds, so each vessel would be able to throw 500 pounds of steel at a discharge. One of those vessels would whip, I think, about the best naval vessel that existed before the war of the rebellion. That 100-pound steel projectile is a fearful missile when sent with the velocity given it now with the improved powder. Those guns should be kept in store conveniently near. They could be put on board in a single night. The vessels are adapted to them; the frames are strengthened; the decks are strengthened. The traverse plates for the gun carriages are to be seen on the deck by any passenger. An examination below would disclose the strengthened frames. Trundle the guns on board with the ammunition, and you would have on the four ships twenty 6-inch guns, throwing an aggregate weight of 2,000 pounds.

Mr. HALE. Right in the line of the Senator's remarks, the improvements in modern machinery, as the Senator knows, make the rapid fire now apply to the 6-inch gun.

Mr. HAWLEY. Yes.

Mr. HALE. Heretofore it has only been applied to the 4 inch, but the contractors now are able to furnish rapid-fire 6-inch guns, as they have heretofore by contract furnished 4-inch guns. That I may say, by the way, is the reason for the provision put on at the close of the paragraph authorizing the Secretary of the Navy to contract. They are an auxiliary gun. The 6-inch rapid-fire gun, as the Senator says, makes one of these cruisers one of the most destructive types in the whole naval construction in the world.

Mr. HAWLEY. The devices for rapid firing and the extraordinary improvement in powder make the 6-inch gun or 5 or 4 inch gun probably worth twice as much as it would have been worth five years ago.

Mr. GRAY. I ask the Senator from Connecticut if those guns are available for coast defenses.

Mr. HAWLEY. They could be placed in coast defenses.

Mr. GRAY. In earthworks?

Mr. HAWLEY. Certainly; they are just as capable on shore as on board ship. The same carriages would not be furnished if the guns were intended for work on shore, that is all.

Mr. GRAY. So I supposed.

Mr. HAWLEY. If these 20 guns were in the harbor of New York and it became necessary to trundle them down to Sandy Hook or Fort Hamilton, of course that could be done, and there they could be used just as well as anywhere else. I say there is no wiser expenditure in the whole bill for the money in it than this one.

Mr. QUAY. Mr. President, I do not know that I can add anything to what has been said by the Senator from Connecticut [Mr. HAWLEY] and the Senator from New Hampshire [Mr. CHANDLER] in reply to the Senator from Maryland [Mr. GORMAN]. Of course, the Senator from Maryland and every Senator will recognize the truth of the old adage, "In time of peace prepare for war." It is no argument that the Senator from Maryland should say that there seems to be no instant occasion for the use of these guns. There has been a time within a very few days, or a very few weeks at least, when there might have been imminent necessity for the employment of these cruisers, but under the policy of the Senator from Maryland in the last Congress they would have been found absolutely worthless. He made a mistake and his party made a mistake I thought then, and I trust that the Senate will not permit them to do it now.

There are in the Navy of the United States some 75 to 100 vessels which, if the armament is ready, can be made, in the event of war, almost immediately available. There are 29 larger vessels of which we have the right to take possession. Concerning them, in their report the Bureau of Ordnance say:

Five hundred thousand dollars will be required for the manufacture of seventy 4, 5, and 6 inch guns for arming in part the auxiliary cruisers.

Two hundred and fifty guns will be required to place them in absolute equipment; so that from $3,000,000 to $2,500,000 is absolutely required to place us in condition to utilize our means of troubling an enemy on the high seas.

The Government is now entirely without means of furnishing these ships with guns or ordnance equipped of any kind. Twenty-nine of these ships which have been selected as suitable for cruisers in time of war would form a most important adjunct to our naval force if they were properly equipped. Aside from these vessels, a considerable number of excellent steamers are to be found upon the Lakes, where they would, if properly equipped, constitute the best defense of these shores in time of need. It would be wise to keep the gun shops working to their full capacity for several years in order to provide guns for such purpose. The old smoothbore guns of which a large number have accumulated during many years, are now practically obsolete, and an ample supply of modern guns should be manufactured, in order that in a crisis we should not be compelled to use such inferior weapons as the old smoothbore guns.

The British Government appreciates the situation, Mr. President. Here is what they are doing, and here is what this Government should be doing. I quote from the Naval and Military Record, published at Portsmouth, in England, April 4, 1896. It says:

The admiralty will pay in subsidies this year to the Cunard, Peninsular, and Oriental, White Star Line, and Canadian Pacific Steamship companies the sum of £48,620, an increase of £3,137 on the amount paid during the last twelve months. The vessels, with the amount of subsidy for each, are as follows:

Cunard Company, *Campania* and *Lucania*, £7,500 each; White Star Line, *Teutonic*, £7,285, *Majestic*, £7,396; Peninsular and Oriental Company, *Himalaya* and *Australia*, £3,375 each, *Victoria* and *Arcadia*, £2,438 each; Canadian Pacific Company, *Empress of India*, *Empress of China*, and *Empress of Japan*, £2,437 each. In addition to this, the companies engage to hold the following steamships at the disposition of the admiralty without further subsidy: White Star Line, *Britannic*, *Germanic*, and *Adriatic*; Cunard Company, *Etruria*, *Umbria*, *Aurania*, and *Servia*; Peninsular and Oriental Company, *Britannia*, *Oceana*, *Peninsular*, *Oriental*, *Valetta*, *Masilia*, *Rome*, *Carthage*, *Ballarat* and *Parramatta*.

Now, Mr. President, I quote further, and invite the attention of the Senate to the quotation:

A reserve stock of breech-loading of the latter types of machine guns, with the necessary mountings and fittings, has recently been supplied in lieu of muzzle-loading guns for the ready armament of these vessels in the event of their being required. As a precaution against delay, a merchant cruiser reserve depot has been established on each station at which the vessels call, so that a merchant ship could be converted into a war vessel within a very short time; in fact, within a few hours if she happened to be at one of the naval depot ports.

My intention in offering the amendment is merely to put the Government in a way of beginning what the British Government has already accomplished with a view to meeting us on the seas.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Pennsylvania [Mr. QUAY].

The amendment was agreed to.

Mr. PERKINS. I desire to offer an amendment.

The VICE-PRESIDENT. The Senator from California will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be read by title.

The SECRETARY. A resolution, by Mr. PEFFER, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. CHANDLER. I ask unanimous consent that the unfinished business may be temporarily laid aside, without losing its place on the Calendar, until the present appropriation bill is disposed of.

The VICE-PRESIDENT. Is there objection? The Chair hears none. The amendment of the Senator from California [Mr. PERKINS] will be stated.

The SECRETARY. Amend by adding, on page 6, after line 8:

Naval training station on the island of Yerba Buena (or Goat Island), in the harbor of San Francisco, Cal., for apprentices: For the construction of buildings and other improvements, $100,000.

Mr. GORMAN. I do not see the Senator from Maine [Mr. HALE] present, but I shall be compelled to raise a point of order on the amendment.

Mr. PERKINS. On what grounds does the Senator from Maryland make a point of order?

Mr. GORMAN. It is new legislation, and is not estimated for.

Mr. PERKINS. Early in December I introduced a bill providing for this training station. It duly passed the Senate. It passed the House of Representatives, and on the 24th of April the President affixed his signature to the bill establishing the training station. Therefore we are simply proposing by the amendment to carry out the law and establish the station. I fail to see how the point of order can lie.

Mr. GORMAN. Does the Senator state that the act has passed both Houses and is a law?

Mr. PERKINS. It passed both Houses, and it was approved by the President April 24. I verified it in the office of the Secretary of the Senate a few minutes since.

Mr. GORMAN. What is the provision of the act? I have not had my attention called to it.

Mr. PERKINS. The Senator from Maryland voted for it. I will have it read if he desires. I will state that in substance it established a training station for apprentices upon Yerba Buena Island, in the harbor of San Francisco. Mr. President, I wish to state that the object of the act and of the pending amendment is to Americanize the Navy. On the Pacific Coast we have no place where an apprentice boy can be enlisted into the Navy.

We have at Newport a naval training station. We have two training ships to take the boys who are apprentices at that station upon cruises on the Atlantic, the Gulf of Mexico, and elsewhere, and we are training boys to become seamen and Americanize our Navy and man an American navy.

On the Pacific Coast, extending from Lower California to Alaska, with over 4,000 miles of coast, with more than 25,000 miles, following the indentation of the shore, we have no place where boys can be enlisted in the Navy. Five or six times during the past year, as a special concession from the Navy Department, I have had permission to have boys there, and they are doing well. We have hundreds and hundreds of American boys who are seeking to gain admission into the Navy.

The object of the amendment is to establish a station for that purpose. I do not mean to say, as the Senator from Maryland may say, that we are going to make sailors on land; but when you take a boy of 14 or 15 years of age, modest, ignorant of the ways of the world, without discipline, without drill, it requires time to fit him to go on a cruising ship at sea. Therefore he is to be sent to the station, where he is probably disciplined in morals, in cleanliness, and all that goes to make a proper boy, and after six months' or a year's time he is detailed on a sailing vessel and sent off to sea, and in due time he will become an American seaman.

We have no merchant service whereby we can recruit our seamen from that service, as was the case in the earlier history of our country. I was deeply impressed in reading the report a few days since of the course pursued by the English navy. No matter what we may think of them, they speak our language, in a measure they are our own people, and they frequently get lessons that we may profit by. One of these lessons especially is that their ships are manned by English subjects. I do not believe that outside of the culinary department of the English navy you will find one-quarter of 1 per cent who are not English subjects. The English seaman feels a pride in his country's navy and the ship that is his home. He is a patriot and ready to fight for St. George's cross. I was impressed with the plan they have adopted which gives them that English patriotism, which makes their ships and their sailors the pride of their country.

In the naval estimates for the year ending March 31, 1897, out of the total number of officers and men for Her Majesty's fleet of 65,757, of which 56,420 are petty officers and seamen, there are 4,495 boys, and out of a total for other services of 7,932 there were 5,300 boys under training, which gives their navy a total of 9,795 boys assigned to seagoing ships or at a training station. So about 16 per cent, I think, of their navy are boys.

We have 9,250 seamen, I think, under the present law, and 750 boys. So we have only about 8 per cent of boys, one-half the number allowed by England.

Allow me, Mr. President, to ask where are the Decaturs of 1781 to come from? Where are the Perrys to come from, who said in glowing language, "We have met the enemy and they are ours"? Where are those who fought in 1812 and shed luster and glory upon the glorious Stars and Stripes to come from in future if it is not the American boys to whom we shall look? I say it is short-minded policy on the part of Congress that they have not taken a greater interest in building up our Navy by encouraging American boys to enlist in the service of the Navy. We are proud of our new Navy. Our ships are built by American mechanics; they are the product of American workmen. Now, let us have it manned by Americans, and let every home be represented by some relative of that home in the Navy.

In looking over the report of the enlistment last year for the months of July, August, September, and October I find that a majority of all the seamen enlisted in our Navy were foreigners. Can we sit idly by and permit this to go on when by a mere pittance we can establish training stations where we will give our boys an elementary education, discipline them, drill them in good morals, in cleanliness, and teach them that the greatest gift that can be given to anyone is to be an American citizen? No one feels more patriotism, and there is no one who stands ready to hold up the dignity and honor of our flag and our country more than does the American seaman. We have not encouraged American seamen heretofore, but we have now commenced and the Department are in sympathy with us. I hope the amendment which I have offered will be adopted.

Mr. GORMAN. As to the suggestion of the Senator from California that a bill has recently been passed to establish a training school on the Pacific Coast, I have the act to which the Senator refers, which reads as follows:

That the Secretary of the Navy be, and he is hereby, authorized to establish a training station for naval apprentices on the island of Yerba Buena (or Goat Island), in the harbor of San Francisco, Cal.; and said Secretary is authorized to designate two officers of the Navy, and the Secretary of War is authorized to designate one officer of the Army, said three officers to constitute a board, who shall select and assign so much of said island as may be necessary for the purpose of establishing said naval training station; and the site so selected, when approved by the President, shall be, by virtue of this act, transferred to the Navy Department for the purposes of said naval training station.

SEC. 2. That all apprentices of the Navy, whether at a training station, or on board an apprentice training ship, shall be additional to the number of enlisted persons allowed by law for the Navy.

It is true that this act may have been recently approved by the President, and I take it for granted that it has been, but we have no official knowledge of that fact, and I make the point that no estimate has been made for an appropriation such as is contemplated by the amendment of the Senator from California and that his amendment is not in order on this bill.

Mr. PERKINS. With the permission of the Senator from Maryland, I ask to have read for his information a letter from the Chief of Bureau of Yards and Docks.

The VICE-PRESIDENT. The letter will be read, in the absence of objection.

The Secretary read as follows:

WASHINGTON, D. C., *January 20, 1896.*

MY DEAR SENATOR: After consultation with Admiral Ramsay, who has charge of the personnel, I would respectfully submit the following estimates for the necessary buildings to be erected on Yerba Buena Island to fit it for a naval apprentice station:

Building for apprentices	$67,000
Quarters for commandant	12,000
Quarters for two officers	12,000
Office and storehouse	3,000
Hospital building	5,000
Total	100,000

I believe there is a wharf already at the island.

I have the honor to remain, your obedient servant,

E. O. MATTHEWS,
Chief of Bureau Yards and Docks.

Hon. GEORGE C. PERKINS,
United States Senate.

Mr. GORMAN. The Senator will see that that is not an estimate. There is no estimate here for this appropriation, and the ink on the pen with which the bill which recently passed was signed, if it has been signed, is scarcely dry. No action whatever has been taken by the Navy Department looking to the establishment of such a training station, and, of course, no estimate can come in at the present time. What the Senator has presented is merely a letter from the chief of one of the Department-bureaus.

Mr. CHANDLER. I ask the Senator from Maryland would not the amendment be in order to carry out a law already passed? We passed a bill through both Houses, which has gone to the President, and which the Senator has read, which authorizes the establishment of a training station on the Pacific Coast. Now, is it not in order to move to give the Secretary of the Navy some sum of money to enable him to carry out the provisions of that act under the clause of our rules, with which the Senator is very familiar, that an amendment making an appropriation may be in order to carry out a previous order or decision of the Senate at the same session. This is not merely a decision of the Senate, but of Congress.

Mr. GORMAN. I think clearly not. The paper which the Senator from California has had read is a mere letter from the chief of one of the bureaus in the Navy Department, and I do not think it will cover the case.

Mr. CHANDLER. I should like to have the rule read.

The VICE-PRESIDENT. The Secretary will read the first clause of Rule XVI.

The Secretary read as follows:

1. All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce; and no amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate or proposed in pursuance of an estimate of the head of some one of the Departments.

Mr. PERKINS. I am willing to submit the amendment on that rule.

The VICE-PRESIDENT. The Chair overrules the point of order under the statement made by the Senator from California. The question is on the amendment. [Putting the question.] The ayes appear to have it.

Mr. GORMAN. Let us have the yeas and nays, Mr. President.

The yeas and nays were ordered.

Mr. GORMAN. Mr. President, I know the anxiety of the distinguished Senator from California and his colleagues from the Pacific Coast to secure for that section of the country liberal appropriations. I have myself always believed that we must give every possible encouragement to the people on the Pacific Coast to build their vessels and to create great manufacturing establishments which will be necessary in the future. I think their industry and their influence with this Congress and with past Congresses in securing appropriations will stand for all time as a monument to show what Senators may accomplish by persistent action.

We have provided for the Pacific Coast most liberally by this bill. I have been anxious to see the great navy-yard at Mare Island made one of the first shipbuilding yards in the country. It is established at a point which is absolutely necessary not only for war purposes, but with a view of building up a great commercial marine. For that navy-yard we have most liberally provided. Ships to be used by the Treasury Department in the enforcement of the revenue laws we have given the Pacific Coast without stint.

We make special provision to increase the cost of all these structures on the Pacific Coast because it seems to be necessary. We have given dry docks at San Francisco and upon Puget Sound. We are appealed to, Mr. President, and with justice, to increase the appropriations on account of those dry docks, so that we may have places for our great ships to enter and to be repaired. We have great pressure also coming from the Gulf, and we have it from the Atlantic Coast; but the Committee on Appropriations, which is most liberal—too liberal, in my judgment, considering the present condition of affairs—has been compelled to deny these requests from other sections of the country; but I say to the Senators from California, while I have been the consistent friend of the projects they have had on hand, because I believed they were necessary and in the best interests of the country, this amendment ought not to be now pressed.

The Chair has decided the amendment to be in order—I will not take an appeal from the decision of the Chair—simply because of a bill which is said to have passed both Houses and to have become a law, but of which, so far as I know, there is no official notice; and this amendment is pressed in this body without ever having been sent to the Committee on Appropriations and without an estimate from any head of a Department, making provision for buildings and for the maintenance of this institution when the ground has not been laid off and when no officer of the Government has yet ascertained what ought to be done.

Mr. FAULKNER. And there is no limitation upon the cost.

Mr. GORMAN. Yes, Mr. President, that is true, as the Senator from West Virginia suggests, and yet we are to be pressed here to appropriate sixty or seventy thousand dollars to begin an enterprise which, so far as we know officially, may cost a million or five million dollars in the end.

The Pacific Coast has been treated with more generosity than any other section of this country in appropriations as they are found in this bill, and if the Senators from that coast press the amendment, let the Senate determine it. I appeal to the Senator from California not to press the amendment, because from the beginning of my service here I have been more than liberal to every enterprise which has been projected upon that coast, but this is going beyond anything that has occurred in legislation of which I have knowledge. It is pressing a great matter without an estimate and without its having been referred to the proper committee for consideration.

The VICE-PRESIDENT. The decision of the Chair was based upon the legislation indicated by the Senator from California [Mr. PERKINS]. The Senate has been officially notified of the approval by the President of the act referred to, the Chair will state in justification of the decision which he has rendered.

Mr. PERKINS. Mr. President, I want, on behalf of the delegation from California, to say to the distinguished Senator from Maryland [Mr. GORMAN] that we fully appreciate his kindness in what he has done in years past in assisting us to bring before the country the great undeveloped interests of our State and of the Pacific Coast generally. That is a part of our great country, it is a part of the Senator's country, and he would be less a patriot, less an American citizen, than I know him to be if he had not assisted in fostering and building up for the good of our country the great shipbuilding yards on the Pacific Coast and assisting in the construction of the dry docks and improvements of the navy-yard in California, which do not belong to that State alone, but belong as much to Maryland, which the Senator represents with so much ability.

We have agreed on every proposition relating to the building up of the Navy. We admit what the Senator has done for California; but he seems to have come to the crossroads near the close of his remarks. He said he believed in building ships on the Pacific Coast. So do we; and we believe in manning them on the Pacific Coast—manning them with Americans. We wish to man them with Americans because we want to Americanize our Navy. But in order to do that we must take apprentices, and we must teach them the art of seamanship; we must teach them those intricate things connected with a man-of-war, with a vessel which plies upon the ocean, and which it is necessary for them to know if they are to become efficient in that profession, for it is a profession, a trade, which no one can acquire except by application and by experience. All we ask of you to do is to do that which the Secretary of the Navy has recommended, that the heads of the different bureaus of the Department have recommended; that is, to assist us in the construction and establishment on that great

Pacific empire of the West, the great Pacific coast of California, a station similar to that which you have at Newport.

When the Senator appeals to my colleague and myself, as he has done, asking us to withdraw this amendment, I fear if I did so I should be unjust to the thousands of boys on that coast who are waiting anxiously the time when they may be admitted as apprentices into the naval schools of our country. I would be unjust to those people who are writing me by every mail saying, "Press that bill. We have hundreds of boys here who are driven out of employment by reason of Japanese and Chinese competition, and we want to send them into the Navy and help Americanize it."

But I will, with the consent of my colleague, instead of $100,000, make the amendment $50,000, and we will raise the balance of the money among the liberal-minded people of California, if it be necessary, to complete the work.

Mr. PEFFER. Will the Senator allow me to ask him a question before he takes his seat?

Mr. PERKINS. Certainly.

Mr. PEFFER. I understood from the Senator's remarks that he is limiting admission to this naval school to the boys of California. Is that correct?

Mr. PERKINS. No, sir. No such provision is in the amendment. They may come from any State in the Union. We are not exclusive in California.

Mr. PEFFER. I thought not.

Mr. PERKINS. Any boys in Kansas whose friends will pay their passage we will admit to the school and make good sailors of.

Mr. LODGE. Mr. President, during my four years of service on the Naval Committee in the House of Representatives I had occasion to look into the results of the training school established at Newport, and I think anyone who has examined the workings of the apprentice system and its results must be satisfied that no measure has ever been passed by Congress which has been more beneficial to the character of the American Navy than that. At the time when this apprentice school was established the seamen on American ships of war had become very largely persons of foreign birth, and it was to get rid of that undoubted evil that the apprentice system was established and the training school with a training ship was formed.

I do not regard the proposition of the Senator from California as in the least a local matter; it is one which affects the character of the American Navy. As we have two great ocean coasts, where it is obviously necessary and will be necessary for us to maintain two independent fleets, it seems to me of the utmost importance that we should have a training school, not so large, perhaps, as the one at Newport, but of a similar character, to provide apprentices for the ships on the Pacific Coast. There have been times, as the matter now stands, when it has been found necessary to ship an entire crew across the continent in order to man the ships on that coast.

Mr. PERKINS. That is so now.

Mr. LODGE. If we establish a training school at San Francisco and furnish it, as it will be furnished, with a training ship, we shall be able in a very short time to largely supply vessels on the Pacific Coast with men drawn from the training school. It will increase, as the Newport school has increased, the percentage of native American seamen; it will improve the character of the service, and I think it can not fail to be a benefit to the whole Navy.

I hope, therefore, that the amendment as proposed by the Senator from California will be adopted, for it is simply designed to carry out the wise general policy which has been already established by Congress with the training school and training ship at Newport.

Mr. WILSON. I should like to have the amendment again read.

The VICE-PRESIDENT. The amendment submitted by the Senator from California as modified will be stated.

The SECRETARY. It is proposed to strike out the words "one hundred" where they appear in the amendment and insert "fifty"; so as to make the amendment read:

Naval training station on the island of Yerba Buena (or Goat Island), in the harbor of San Francisco, Cal. (for apprentices): For the construction of buildings and other improvements, $50,000.

Mr. PLATT. Where is that amendment to be inserted?

The VICE-PRESIDENT. After line 8, on page 6.

Mr. HALE. Mr. President, there ought to be some limitation to the building of houses or the erection of other buildings in connection with this or any other naval training school. The whole purpose originally of the training school was to put boys on shipboard, on training ships, and train them there. The tendency is to abandon the training ship and to go on shore and get quarters, thereby subverting the original intention of the training school. This is the tendency to-day at Newport; and the committee has all the time to stand in the way of propositions to abandon the original design of these schools. I should not vote for this amendment unless there were some limitation which would prevent this very thing happening, which destroys the purpose of any training school for the Navy.

Some years ago Congress dedicated the *Hartford* to the service of the training school whenever it should be established. Congress has appropriated most generously in that direction for fitting up that ship, and there ought not now to be any great project started which will result in a large expenditure for buildings on shore, and thereby take away the uses for which the *Hartford* was dedicated by Congress. Unless there is some limitation of that kind added to the amendment I certainly should not vote in favor of it.

Mr. PERKINS. Mr. President, I have no objection to the Senator making a limitation as to the amount which is to be expended on shore; but no one understands better than he does—for he is from the coast of Maine—that it is impossible, or at least it is inexpedient, to house, say, 500 boys on board of a small ship for twelve months in the year. Perhaps the Senator forgets when he was a boy and liked to play baseball. But boys should have the opportunity of going on shore at times, and there be disciplined in shore life as well as on shipboard. At Newport, I am informed, there are frequently 300 or 400 boys on shore. The Department, however, endeavors to so provide as not to have more than 200 at a time; to have relays, as it were. So it should be with us on the Pacific Coast. We expect to have 500 boys there attached to the training school, one-half of whom will be at sea all the time; and perhaps the *Adams* or some other wooden ship might be used for the purpose. I think the boys should be disciplined on a sailing ship to learn seamanship, for a large number of them will be at sea all the time on that coast.

I am willing to accept any reasonable amendment. I have no object in view, Mr. President, except as I have stated—that which Congress has evinced its willingness to attain by the law to which I have referred—the establishment of an apprentice school where boys may enter, not because they trace their genealogy to some Senator or some member of the House of Representatives who gets them an appointment at the Naval Academy, but where boys who are physically and mentally able to pass an examination may enter and receive a training which will make them the pride of our American Navy. Officers are all very well in their way, but it was Lord Nelson who won the great naval battle, who ran up at the masthead the inspiring words which have come down through time, "England expects every man to do his duty." We all know how well every man did his duty on that great naval occasion. So with us, we want our American boys to do their duty, but they can not do it unless we give them an opportunity of doing it.

To-day, as has been stated by the Senator from Massachusetts [Mr. LODGE], it is necessary to transport sailors from the Atlantic to the Pacific Ocean to man our ships. We are paying for the transportation of boys from the Atlantic to the Pacific when we have thousands of boys in the States of Washington, Oregon, and California who are waiting anxiously to enter the Government service. This amendment only provides an opportunity for them to do so; and for the life of me I can not understand how any patriotic American can object to so mild a measure as this. It is in the interest of our Navy; it is in the interest of American boys; it is in the interest of our country.

I have modified the amendment on the suggestion of the Senator from Maryland [Mr. GORMAN], and I hope it will now be adopted by a viva voce vote, and without objection.

Mr. FAULKNER. Mr. President, the sentiment of Congress has been fully expressed in favor of this project by the passage of the bill which has already been passed, and which the President has approved, but that bill looks forward to the transaction from that period being conducted in a businesslike way. The law provides that the Secretary of the Navy shall formulate plans for the establishment of that school, for the erection of the buildings necessary at that point, and to submit a report to Congress for its approval. By the adoption of the proposition of the Senator from California at this time, without any estimate whatever from the Department, without any plan laid out by the Department as to the extent of the buildings which it will be necessary to erect, it is proposed that we shall appropriate a lump sum of $50,000, and say, "Go ahead, lay out your plans; expend the $50,000, and subsequently make your report to Congress; and if it is not approved we will tear down the buildings, throw away the $50,000 and make a new appropriation."

Now, I submit to the honorable Senator from California that to go into this business the proper way would be to wait until suitable plans have been formulated by the Department. When those plans have been formulated, Congress is committed by the act which has already been passed to make appropriations for the erection of those buildings, if the plans are in accordance with the judgment of Congress as to that particular training school.

Mr. President, we can not even pass a bill for the erection of a court-house for use of the Government without a limitation upon

the Department in the expenditure of the money for that purpose; and yet here in this amendment there is no limitation whatever. The plan designed by the Department may involve thousands and thousands of dollars over and above what Congress would be willing to appropriate for this particular purpose, and the expenditure of $50,000 might be absolutely thrown away and wasted by Congress not approving of the designs which may be subsequently adopted.

For these reasons, and these alone, I shall feel compelled to vote against the amendment of the honorable Senator from California.

Mr. HALE. Mr. President, the Senator from California has asked me to formulate an amendment which would restrain the erection of unnecessary buildings in connection with this institution. I can not do that. The Secretary of the Navy is the man to do that.

The trouble is that the Senator from California is too fast in asking for an appropriation now. He has got his bill through providing for this training school, and the Secretary of the Navy will report a plan at the next session of Congress, and then we shall be able to act intelligently.

I may say—the Senator will recall it—when he first spoke to me about this proposed amendment I said, "You should be content with the passage of the act, and at the next session of Congress the Secretary will come in with his plans and make limitations, which Congress will consider." I can not make them now, because I do not know what the limitations should be. In the meantime, the distinctive work that is valuable for this coming training school, the building and the restoring of the *Hartford* and making her a training ship, is going on, but she can take no boys between now and next December, and there is no ship which can take one of these boys between now and next December.

I understand the Senator, who is very earnest and very able in his advocacy of the wants of his section of the country, would like to get this thing done now, but it seems to me I am justified in saying to him that he is premature in asking the Senate now to appropriate this money, when the whole scheme of the law which he has got through, and which we all helped him to get through, provides that it shall be considered by the Secretary of the Navy and a report made to Congress. If this amendment be adopted there will not be a single boy from the Senator's State who will get into the training school anywhere between now and next December. Therefore I hope the Senator will feel that he has accomplished his great work in getting Congress to establish this training school and leave the appropriation of money to come in subsequently, when an estimate has been made, a plan submitted, and the whole scheme laid before Congress. That is why I feel constrained to vote against the appropriation.

Mr. PERKINS. Mr. President, one word more and I am done. I seldom in a contest surrender until I am defeated, but when I see my associates on the committee so inconsistent as they have been in their declarations in this case, that there should be a limit upon every appropriation made, I must admit it is discouraging.

We have gone through this bill, and there is not an appropriation made under the Bureau of Navigation, under the Bureau of Ordnance, or under the Bureau of Equipment, which is limited, or in which there is a provision that a specific work shall cost no more than the amount named; and my short experience here has led me to believe that many deficiency bills have come in where there was a limit prescribed.

One word in answer to my friend from West Virginia [Mr. FAULKNER], that there has been no estimate for this appropriation. We have the same estimate that we have for other purposes. It has been read from the desk.

Mr. FAULKNER. I will state that it is not in law what we call an estimate. It is simply a statement of the head of a bureau in the Navy Department. Without examination we do not even know whether there is a dock there. He thinks there is.

Mr. PERKINS. By the advice and consent of the Secretary of the Navy the bill became a law on the 24th of the present month. This appropriation, if it passes, will not be available until after the 1st of next July. There is ample time to make the estimates, to appoint the commission, to select a site, and have the school in operation. The *Hartford* is a magnificent ship, a ship with a historic reputation, a credit to the Navy, and, while she will accommodate some of the young men, she is not suitable for a proper training ship. There should be a vessel like the *Adams* or some other smaller vessel. We have in this bill several propositions, one affecting especially the building of battle ships upon the Pacific Coast. As I stated before, my friend the Senator from Maryland has always been kind to us in California. He has made an appeal to me to withdraw the amendment. I propose to do so, with the permission of the Senate, and let the matter rest until next December.

The VICE-PRESIDENT. Without objection, the amendment is withdrawn.

Mr. CHANDLER. I offer an amendment by direction of the Committee on Naval Affairs.

The SECRETARY. On page 2, after line 23, it is proposed to insert:

And provided further, That no payment shall be made from the appropriations in this bill to any officer in the Navy or Marine Corps on the active or retired list while such officer is employed, after June 30, 1897, by any person or company furnishing naval supplies or war material to the Government; and such employment is hereby made unlawful after said date.

Mr. GORMAN. I should like to have some explanation of the amendment. Will the Senator from New Hampshire kindly give the Senate the reason for the amendment?

Mr. CHANDLER. The Committee on Naval Affairs have been investigating the subject of contracts for battle ships and armor, and their attention has been called to what they consider an unwise practice in connection with the naval service.

Naval officers upon the retired list draw ordinarily three-quarters of the full pay of a naval officer. They are not subject to be ordered to duty except in time of war. They have been in the habit, when their ailments or infirmities or disabilities which placed them upon the retired list have not wholly incapacitated them for duty, of entering into private employment. When that private employment is with business concerns that do not do business with the Government, no objection is perceived to such action. A retired naval officer—and he may be comparatively a young man—can draw his pay from the Government and also work for private individuals or corporations, and, as I say, there is no objection to it unless his employer is doing business with the United States.

The committee were of opinion that where this permission to a retired naval officer had been used by him to enter into the employment of large contractors with the Government, as, for instance, the contractors to furnish armor to the United States—contractors having large contracts running up into the millions of dollars—it is objectionable. It is objectionable, we think, to have a naval officer drawing a large sum annually from the United States, and also drawing compensation to a large amount from contractors who do business with the Government. To put it more in the concrete, it is objectionable to have retired officers of the Navy, drawing their salaries as retired officers, enter into the employment of contractors who are doing business on a large scale with the Navy Department.

Mr. HALE. Let me suggest to the Senator one point which he may have brought out, as my attention was diverted. The amendment does not interfere at all with the employment of a naval officer who is not needed for the uses of the Navy by any private concern that has nothing to do with the Government. It does not touch that at all.

Mr. CHANDLER. I had just reached that point, I will say to the Senator from Maine. I have stated the objection. Why is it objectionable? A retired officer of the Navy or Army is on the list. He comes to Washington. He is received with open arms at the War Department or at the Navy Department. He has facilities for learning what is going on in either of the two Departments. It is not desirable that he should be treated otherwise when he comes to the Department to which he belongs. But is it not a great mistake to allow that naval officer, with all the knowledge that he has, with all the facilities he has, with all the opportunities he has in connection with the Department, to enter into the service of these contractors who are thus doing business with the United States? He can enter into any private employment he pleases when the persons who employ him are not in the business of furnishing naval supplies or making contracts with the Government. Without imputing any censure as to any past transaction, the committee reached the conclusion that here is a practice which ought to end.

The Senator from Maryland [Mr. GORMAN] will notice that this employment is not prohibited until a year from the 30th of June next, so that any naval officers now so employed will have plenty of time in which to arrange to enter into other business, if it be necessary that they should enter into other business for their subsistence. I purposely avoid——

Mr. GRAY. At what point does the amendment come in? I have just entered the Chamber.

Mr. CHANDLER. It comes in at the close of the paragraph, under the heading "Pay of the Navy."

Mr. HALE. Let the amendment be again read. Some of us were not here when it was first read.

The VICE-PRESIDENT. The amendment will again be stated.

The SECRETARY. After line 23, page 2, it is proposed to insert:

And provided further, That no payment shall be made from the appropriations in this bill to any officer in the Navy or Marine Corps on the active or retired list while such officer is employed, after June 30, 1897, by any person or company furnishing naval supplies or war material to the Government; and such employment is hereby made unlawful after said date.

Mr. CHANDLER. I purposely refrained from citing any particular cases where I think an abuse has taken place, because these employments have been allowed by the Navy Department. I suppose they have been allowed by the War Department. But there are cases which do not reflect credit upon the naval service, and the committee think they ought to come to an end.

Mr. GRAY. May I ask the Senator from New Hampshire a question? I may ask him to repeat what he has said when I was out of the Chamber, and if so I shall be sorry. What is the real objection to a retired officer of the Navy, who has the requisite accomplishments, being employed by a concern that is making steel or guns for the Navy, if they can make his accomplishments and experience useful to themselves and to the Government?

Mr. CHANDLER. The objection is that that man is of our own household. He belongs to us. He has served us on the active list; he has gone upon the retired list; but still he is a naval officer.

Mr. GRAY. Very well.

Mr. CHANDLER. And his relations with the Navy Department are such that it is an impropriety. I think—I believe the committee were inclined to think so—while drawing a salary and remaining an officer of the Government to enter into the employment of a large corporation having great business transactions with the Navy Department.

Mr. GRAY. Take the case, if the Senator from New Hampshire will allow me—I do not know whether he has finished.

Mr. CHANDLER. I have finished.

Mr. GRAY. If I am not interrupting him, take the case of an officer of the Navy who has conceded skill in his profession, and more than ordinary accomplishment in the direction of construction and in the making of material for our guns or armor plate, and he is retired against his will, say, for color-blindness or something of that kind. Why should he be debarred, after being turned down by a board of superserviceable naval surgeons, from the profession of his life and of his choice and be put upon a pay that beggars him, and not be allowed to use the unquestioned ability and skill that he may have derived while in the service of the United States in the employment of a concern that is doing this great work for the Navy? What objection is there to it? What impropriety is there in it? He is not to be condemned to beggary because certain naval surgeons who want to exploit their own usefulness, perhaps, have discovered that he is not so efficient, physically, as they think he ought to be, whereas he is just as efficient as any officer who walks the deck of an American vessel, and have consigned him to beggary practically by putting him upon the furlough list along with drunkards and imbeciles and others who have the reproach of being retired for causes of that kind.

Mr. CHANDLER. I know the Senator from Delaware wants me to interrupt him at this point, because if he will reflect for a moment he will see that an officer retired for color-blindness does not go upon the furlough retired list.

Mr. GRAY. He does go upon that list. I beg the Senator's pardon. That is just where they have gone, to my knowledge.

Mr. HAWLEY. At $75 a month.

Mr. GRAY. At $75 a month.

Mr. CHANDLER. That, I suppose, is because his disability is treated as not having occurred in the naval service.

Mr. GRAY. Certainly it did not occur in the naval service, if there was such; and yet an officer of that kind might be as efficient to perform service at sea as any man who holds an active commission.

Mr. CHANDLER. The Senator from Delaware seems to want to discuss the conduct of a naval board in particular cases. Would the Senator be willing to keep on the active list and send to sea a man who can not tell a green light from a red light?

Mr. GRAY. When a man has been in the Navy twenty-five years and has passed every examination, professionally and otherwise, and has acquitted himself so as to make himself one of the very best types of the American citizen, I do not think color-blindness ought to drive him from the Navy.

Mr. CHANDLER. I ask the Senator the question.

Mr. GRAY. There is never a time when he is on the deck of a naval vessel to distinguish the light of another vessel that there are not others upon deck.

Mr. CHANDLER. I ask the Senator the specific question whether, if a man could not tell a red light from a green light, he would retain him in active service?

Mr. GRAY. I think the country ought not to be deprived of his services in a case of that kind. I think the naval surgeons have made too much of that. It magnifies their importance, perhaps.

Mr. CHANDLER. Whether the Senator would do that or not, it is not the superserviceable surgeons of whom he speaks——

Mr. GRAY. They make the regulations.

Mr. CHANDLER. Who declare that color-blindness shall prevent a naval officer from being promoted. It is the Secretary of the Navy; it is the Department.

Mr. GRAY. Oh, the Department does it under the advice of the surgeons.

Mr. CHANDLER. Still the head of a Department is responsible for what takes place.

Mr. GRAY. The Department does it under the advice of the surgeons.

Mr. CHANDLER. The Senator says the officers are reduced to beggary. Now, an officer is not——

Mr. GRAY. An officer 40 years of age, or thereabouts, when he can do nothing else, is reduced to beggary when he is put upon one-quarter of his pay.

Mr. CHANDLER. Let me suggest this case to the Senator. Such an officer goes into the employ of a contractor, a corporation having large contracts with the Government. There is a controversy; there are moot questions between the contractor and the Navy Department. That officer can be sent over here, he can be sent to the Navy Department, he can be sent to ascertain facts and do business. There certainly is an incongruity in having that officer draw a very handsome salary from the United States and also be in the employ of the contractor furnishing naval supplies to the Government.

Mr. GRAY. I think not. I think the Navy is exceedingly fortunate in having such a man. All of his prejudices and prepossessions and tendencies are in favor of the Navy. You can not say that such a man would be less faithful than a man who had no connection with the Government.

Mr. CHANDLER. He is certainly serving two masters—a Government contractor and the Government, too.

Mr. GRAY. The Government has no right to complain. The contractor may have a right to complain. What right has the Government to complain if the contractors have a naval officer in their employ. He is certainly as good as a civilian who has no prejudices or prepossessions in favor of the Navy.

Mr. CHANDLER. Such an officer draws $5,000 from the contractor for naval supplies and $2,500 from us.

Mr. GRAY. There is no such case.

Mr. CHANDLER. What is that?

Mr. GRAY. There are no such cases.

Mr. CHANDLER. I think there are.

Mr. GRAY. No; there are not.

Mr. CHANDLER. There are cases very much like that. There are cases in that proportion.

Mr. GRAY. The only men who are likely to seek such employment and receive it are the younger officers who have obtained the skill, who have studied and have made themselves proficient in their professions, who are turned down from some slight physical defect such as I have described, who have to seek a living elsewhere. They are retained upon the retired list at the very lowest possible pay, furlough pay, pay that is given to men who are retired for drunkenness or incapacity or something of that kind and have to seek a living for themselves.

Now, if the officers avail themselves of the skill and experience which they have obtained while in the Navy to get employment from the people who have contracts with the Navy, certainly the Government has no right to complain, for all their prepossessions and all their prejudices, if there are any, must be in favor of the Government, whereas a civilian employee employed by such a firm would be altogether, it seems to me, in the service and for the interest of his concern.

Mr. CHANDLER. The Senator from Delaware makes a mistake when he says that a naval officer is put on the retired list for drunkenness.

Mr. GRAY. I do not know whether there are any officers who have been retired for drunkenness, but there is a list, the retired list of the Navy——

Mr. CHANDLER. The whole retired list of the Navy is a roll of honor, and there is a very explicit law, which the Senator himself helped to frame, which provides that when a naval officer fails to secure his promotion on account of any fact arising from his own misconduct he shall not go upon the retired list. He goes out of the service.

Mr. GRAY. However that may be, I can not see where the interests of the Government are prejudiced in the slightest degree by having men whom these private concerns are anxious to employ, and whom they are anxious to employ only because they have the requisite skill and the requisite knowledge and accomplishment to accept such employment. I do not see why the Government should complain if those men are engaged by firms doing work for the Government.

Mr. CHANDLER. Because the Government is paying them a salary itself.

Mr. GRAY. It pays them a salary anyhow.

Mr. HALE. In addition to that they are in an employment that is literally antagonistic to the Government. The contractors from early morn until the end of the day are seeking constantly to get the advantage of the Government, to get enormous profits, and to deplete the Treasury of appropriations; and a naval officer commissioned by the Government, under pay, ought to be forbidden to enter into their employment at any and all times.

Mr. GRAY. Why?

Mr. HALE. It will make a scandal if he is not.

Mr. GRAY. Oh!

Mr. HALE. It is antagonistic. As the Senator from New

Hampshire says, he is trying to serve two masters, and the masters are antagonistic to each other. If I were Secretary of the Navy I should never permit a naval officer to take employment in a company or with an individual engaged in contracts with the Government. I would keep him out of such employ because it is antagonistic.

Mr. ALLEN. I should like to ask the Senator from New Hampshire a question or two. I did not exactly catch the name of the naval officer who is engaged in this kind of work.

Mr. CHANDLER. No names have been mentioned, I will say. I have purposely refrained from mentioning names because we think this question ought to be disposed of as a matter of principle.

Mr. ALLEN. I understood the Senator to say that the Naval Affairs Committee had made an investigation and had found that several retired naval officers had been engaged in this practice, and I think I heard the Senator from New Hampshire mention the name of one.

Mr. CHANDLER. The Senator is mistaken.

Mr. ALLEN. Has the result of the investigation been reduced to writing and reported to the Senate?

Mr. CHANDLER. The committee have not yet finished their investigation.

Mr. ALLEN. I should like to ask the Senator if it will be reduced to writing and presented to the Senate at any time.

Mr. CHANDLER. The testimony is fully printed.

Mr. HALE. The Senator will let me say that I do not think anything in the investigation disclosed any bad management or corruption on the part of those officers, but the committee was profoundly impressed with the unfortunate situation in which they found themselves, being officers of the Navy employed by a corporation that is all the time seeking for large appropriations from the Government. I think the Senator from New Hampshire will agree with me that nothing was found reflecting upon the personal character and integrity of those officers. It is their unfortunate situation.

Mr. ALLEN. No; I did not think there was anything involving moral turpitude found by the committee, but I was not certain whether or not it was the purpose of the Naval Affairs Committee to report the result of its investigation to the Senate before the adjournment of Congress. I ask the Senator from New Hampshire if that is the purpose of the committee?

Mr. CHANDLER. I will state that it is very doubtful whether the committee will make a report before the adjournment of the present session.

Mr. ALLEN. It is the purpose of the committee, however, to make a report?

Mr. CHANDLER. To make a report.

Mr. ALLEN. At some time?

Mr. CHANDLER. To make a report and to make public the testimony which has been taken.

Mr. ALLEN. Yes.

Mr. CHANDLER. The testimony, as the Senator from Maine says, makes no reflection upon any particular naval officer now in the employ of the armor contractors. But the testimony does disclose a system which the committee deem to be unwise. For instance, the committee wished to see the two representatives of the United States who are at the Carnegie works and the Bethlehem works, and word was sent that the committee would be glad to see them. The naval officers who were at the works were sent for. Two naval officers appeared. The committee supposed that they were there as the inspecting officers of the Government, but behold! they were two officers on the retired list in the employment of the Carnegie Company and the Bethlehem Iron Company.

Mr. GRAY. Whom the United States had disqualified from being there as agents of the Government.

Mr. CHANDLER. They were naval officers who had been retired, one of them upon his own application, I think, and the other for color-blindness. They appeared before us. We found that they were on the other side instead of on our side. Then we made a second request, and the two officers who represented the United States as inspecting officers at those great works appeared. I could go on and make several statements which——

Mr. ALLEN. I should like to ask the Senator from New Hampshire a question.

Mr. CHANDLER. In one moment. I could go on and make several statements which tend to show that an unwise system has grown up, but I refrain.

Mr. ALLEN. I should like to ask the Senator from New Hampshire whether one of those retired officers of whom he speaks was in the service of Carnegie & Co. prior to the recent trouble growing out of the defective armor plate furnished by that firm to the Government? The Senator will recall that a year or so ago the Government was said to have been defrauded in the quality of certain armor plate furnished by Carnegie & Co., for which, I think, the contractors were assessed in damages something like $150,000. Whether or not it has been paid I do not know.

Mr. CHANDLER. I am not certain whether the naval officer was then in the employ of Carnegie, Phipps & Co.

Mr. ALLEN. Was he there at or prior to that time?

Mr. CHANDLER. I am not certain.

Mr. ALLEN. The Senator says he is not certain.

I have only a few observations to make in reference to this matter. I presume that Nebraska is not particularly interested in naval vessels any more than any other State in the Union which pays its taxes and desires to see an efficient public service. But it occurs to me that the Committee on Naval Affairs ought to pursue this investigation assiduously and report all the facts as well as the names of naval officers who have so far forgotten their duty to the Government that while they are receiving pay from this Government they permit themselves to enter the service of a corporation whose principal business is to obtain money from the Government.

I can not agree with my friend the Senator from Delaware [Mr. GRAY], with whom it is always a pleasure to me to agree. It occurs to me that an ordinary sense of delicacy would dictate to a man who has almost been raised in the naval service of this country at the expense of the Government, and has enjoyed the salary and emoluments and honors that come to him in consequence of his position, the propriety of refraining from putting himself in an attitude, when placed upon the retired list, which could be construed into hostility to the Government to which he owes loyalty and obedience.

It is not claimed that these retired naval officers are employed in consequence of their great ability. The claim is not placed upon that ground. It must be placed upon the ground that their association with naval officers from boyhood has given to them peculiar influence in naval circles and peculiar knowledge of Government demands and Government requirements, and thus made them more efficient in the services of contractors for naval supplies than an ordinary civilian would be who does not possess such knowledge. It is true that no man can serve two masters whose interests are hostile and at the same time be loyal to both. He must serve one to the exclusion of the other. It occurs to me that a man whose sense of delicacy is so blunt that, after having been educated by the Government and paid by it for his services almost from childhood to mature manhood, would suffer himself, when he has been retired and put upon the retired list at the expense of the Government, to enter the services of a private contractor, to use the knowledge the Government has given him in taking money from the Government and turning it over to the contractor, ought not to be permitted to enter that service as long as he is upon the retired list, and that his sense of delicacy is entirely blunted. I think the amendment should be adopted.

Mr. GRAY. Now, having said so much, perhaps it is necessary that I should say a word more in reply to the Senator from Nebraska. All this talk about blunting of sensibility, I think, so far as I know anything about the facts of the case, is out of place and does not apply certainly to anyone that I know. There is no question about lack of sensibility, or lack of personal honor, or of any of those feelings which would permit a man to put himself in any questionable attitude whatever.

The Senator will see there is everything in the way of putting it. He speaks of the question whether an officer of the Navy should seek employment with a firm having contracts with the Government. That is not the question I put. It is a question of an officer of the Navy, retired against his will, confessedly an accomplished officer, confessedly a man who has done his duty in every situation in which he has been placed, retired by a board of surgeons for some physical defect or a supposed physical defect for which he was not responsible, put upon the lowest grade of the retired list, prevented from serving his country, prevented from enjoying his rank and pay, prevented from pursuing the career of which he was proud and in which he would have been glad to have continued, and obliged to seek other employment to support himself and his family, who seeks employment in the direction in which his own experience and his own abilities would suggest, and while he is in that employment there is a contract with the Government. Is he to throw it up because the Government has chosen to avail itself of the facilities of that particular firm or association of persons doing the work? Is there anything of risk to the Government because it has a retired officer among the active employees of this firm? Certainly you can not claim that the Government will be any better off if it had a civilian employed in that position. You do not claim that the man who happens to have had no connection with the Navy is any better able to consider the interests of the Government than one who has had some attachment for it and some prejudice in its favor.

So far as the interest of the Government goes, it is idle to talk about being jeopardized; and the whole question comes back as to your care for the honor and integrity and sense of propriety of a particular officer. Now, I am quite willing to leave that to the officers themselves. I do not think that there is any propriety in it. I do not think, apart from any specific charge of double

dealing, or of conduct unbecoming, as the phrase goes in courts-martial, an officer and a gentleman, that we have anything to do with it. When we turn these men out and put them upon one-quarter of their original pay, when they have nearly arrived at the meridian of life, with familes on their hands, I am willing to let them earn a living the best way that they can.

Mr. TILLMAN. Is it not three-quarters pay?

Mr. GRAY. Oh, no; it is not three-quarters pay. That is where they are retired for disability incurred in the service. I am speaking of a retirement not owing to a disability incurred in the service, but some physical defect.

Mr. ALLEN. Allow me to ask the Senator from Delaware, if the law is wrong in permitting these officers to be retired under such circumstances, why not repeal the law and enact one that will be just to them, and not put them in the attitude of being in the employ of private corporations?

Mr. GRAY. I would be very glad to aid in passing a law that would enable the Government to avail itself of the service of one or two, at least, of these men whom I know.

Mr. ALLEN. Why put them in the attitude of taking pay from a private company or advancing its interests against the Government and at the same time receiving pay from the Government as retired officers?

Mr. GRAY. Putting a man in the attitude of taking pay from a private company and advancing its interests against the Government, if the Senator will pardon me, I do not quite understand. I try to keep myself alive to questions of that kind and suggestions of that kind that concern personal honor. But what would prevent the Senator from Nebraska, a Senator of the United States, from performing his full duties to his Government if he happened to be the owner or manager of a concern that was doing work for the Government?

Mr. ALLEN. I would not undertake to represent the Government at all.

Mr. GRAY. Not to represent the Government, but would you undertake to represent your own concern?

Mr. ALLEN. No, I would not put myself in the attitude of being an officer of the Government and at the same time an employee or officer of a corporation that was undertaking to contract with the Government.

Mr. GRAY. Oh, I grant it——

Mr. ALLEN. The objection I make——

Mr. GRAY. Let me make my statement, and then I will not interrupt the Senator again. I grant you, of course, if one of these officers was in a position of responsibility or trust on behalf or on the part of the Government, and had to act for the Government in the slightest degree, then I would consent as quickly as the Senator could to the impropriety of his being employed by a concern that was dealing with the Government for which he had to act. But in the case we are dealing with the officer has no responsibility for the Government. He is not called upon to act for the Government in the slightest degree. He has been put aside and rendered incompetent to act for the Government. The only question is whether he may not, in earning his living honestly and lawfully and honorably, be employed by a concern that is doing work for the Government for which he once had the right perhaps to be assigned to duty.

Mr. ALLEN. The Senator does not understand my position, I am sorry to say, or I do not understand his. I understood the Senator from New Hampshire to put this case: That Carnegie & Co. are large contractors with the Government for naval supplies, and when a contract was to be drawn and the agreements and specifications were to be made two retired naval officers appeared to contract and conduct the negotiations for Carnegie & Co.

Mr. GRAY. Yes; but not on behalf of the Government.

Mr. ALLEN. No; not on behalf of the Government. They appeared there to conduct the affairs of Carnegie & Co., contractors with the Government, who draw hundreds of thousands of dollars from the Government under their contract. The Senator from New Hampshire said it was supposed by those who were representing the Government for a time that these naval officers were also representing the Government.

Mr. GRAY. But did they represent themselves as representing the Government?

Mr. ALLEN. However, before the contract was completed it was discovered that they did not represent the Government, but they were in the employ of Carnegie & Co., and other officers of the Government were brought in to represent the Government.

Mr. GRAY. Was that mistake on the part of the committee due to these officers at all?

Mr. ALLEN. It may have been due, and probably was due, if the committee were intelligent——

Mr. GRAY. I do not think the Senator from New Hampshire will say so.

Mr. ALLEN. They were no doubt asked, but certainly the negotiations were conducted by these two officers.

Mr. CHANDLER. What is the inquiry?

Mr. GRAY. I said to the Senator from Nebraska that I did not think the Senator from New Hampshire would say the mistake made by the committee for a little while that these two retired officers were the inspectors of the Government was due to anything the officers themselves said or did.

Mr. CHANDLER. But it was a revelation, I will say to my friend from South Carolina. I ask the attention of the Senator——

Mr. GRAY. Will not the Senator, in justice to these officers, answer my question?

Mr. ALLEN. Let me finish my statement and then I will yield the floor.

Mr. CHANDLER. It was a matter of astonishment to us that the fact was as it appeared.

Mr. ALLEN. That is what I understand. The Senator from New Hampshire said that these two retired officers appeared there to conduct the negotiation for Carnegie & Co., and the committee supposed for some time that they were representing the Government, and finally discovered that they were not. That is the way I understand the Senator from New Hampshire to put the fact.

Mr. GRAY. All I wanted to make plain was in justice to them. I do not know that that mistake was due to anything they did or said. I should be very sorry——

Mr. CHANDLER. By no means.

Mr. GRAY. By no means.

Mr. ALLEN. No; but I suppose if they had announced plainly that they were representing Carnegie & Co. it would not have taken the committee some hours to find out that they were not representing the Government. I suppose they did not disclose that fact until something they said or did disclosed it to the committee.

Mr. CHANDLER. Oh, yes; I will say that we ascertained immediately that they were in the employment of the company.

Mr. ALLEN. I understood the Senator from New Hampshire to say in that connection there that these officers were receiving a salary from the Government at the same time.

Mr. GRAY. As retired officers.

Mr. ALLEN. I do not care what you call them.

Mr. GRAY. I say as retired officers.

Mr. ALLEN. As retired officers, something like $75 a month each.

Mr. GRAY. Yes.

Mr. ALLEN. They were receiving pay from the Government at the precise moment they were receiving pay from Carnegie & Co. to make a contract with the Government by which the Government was to expend——

Mr. CALL (in his seat). Oh, no.

Mr. ALLEN. I have the floor. If the Senator desires to interrupt me, let him interrupt me publicly.

Mr. CALL. I did not intend to interrupt the Senator.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Chair will suggest to Senators that if interruptions are desired they will please address the Chair and receive permission. The Senator from Nebraska will proceed.

Mr. ALLEN. They were engaged in this kind of transaction at that time, receiving compensation from Carnegie & Co., as employees of a private corporation. It would be the same if it were a private individual. There is no difference in that respect. By their intelligence, and by their knowledge of the Government, and by their knowledge of the ramifications of the Navy Department, they enabled Carnegie & Co. to get a beneficial contract from the Government, because Carnegie & Co. would not have been paying them unless the contract was of some benefit to them, and at the same time they were drawing from this Government pay as retired officers. They had received their education at the hands of the Government. They perhaps would have been no more than the balance of us common creatures that walk the earth if the Government had not educated them at its own expense. They had received all the honors and emoluments due to their position and due to their promotion from time to time. Yet the honorable Senator from Delaware says he can see nothing in that fact or in the relation they sustained to Carnegie & Co. and the Government at that time that no delicate man should not undertake.

Mr. President, if the rule announcd by the Senator from Delaware is to be adopted in this country (and I am sorry to say that it has been adopted and has been the practice too long) and is to become the rule of the Government, then the beginning of the ending of this republican form of our Government is apparent. No man can honestly serve two men at the same time whose interests are diverse. These men are not employed in consequence of their extensive knowledge of machinery or anything of that kind. It is not pretended that they possess superior knowledge to a civilian in that respect. But all they have seen, the information they have acquired, and the knowledge they have obtained in the naval service of the Government, all the friendships which have extended through the years from boyhood to mature manhood, are

purchased by the private employer when he employs these retired officers.

I am not in favor of permitting the naval or military officers of the Government who are retired to be placed in this position. I believe them, as a rule, to be highly honorable gentlemen. If there is anything wrong in the methods of their retirement, in the law which retires them, let us begin at the proper place, at the foundation, and rectify that law. If they are being retired for mere excuses that there is nothing in, such as color-blindness—and if it was not for color-blindness it would be for something else, probably—it is a subterfuge to start with. If they are being retired in consequence of subterfuges that are created by the fertile imaginations of retiring boards or physicians, let us retire the retiring board; let us put some restrictions upon the surgeons and doctors in the naval service; let us define by proper legislation the causes for which a man shall be retired before he reaches a certain age and restrict those causes. Let us give these men the full benefit of the life they have chosen to lead and the education they have obtained to serve the Government, and not put them in the attitude of retiring upon inadequate pay and seeking employment from private corporations dealing with the Government and obtaining money out of the Government, when at the same time and in the same breath they are receiving pay from the Government with whom they contract. It is a delicate position to be placed in. It is, Mr. President, a position in which no man with a true sense of delicacy can afford to place himself.

Mr. BACON. Mr. President, as a member of the committee joining in this recommendation, I desire to say only a few words. The committee was unanimous in the opinion that the amendment should be presented and that the Senate should be asked to ingraft it upon the bill. The suggestion of its importance grew out of the practical manifestations before the committee of the evil of this system. The Senator from Nebraska has not stated with exact correctness the facts with reference to the appearance of these two officers before the committee.

Mr. ALLEN. I stated the facts just as I got them.

Mr. BACON. He stated the fact as he understood it, but it is natural that he should not have gathered it with particularity. The committee was endeavoring to ascertain whether the Government was paying too much for the armor which goes upon the battle ships. It was developed that the armor upon the battle ships costs the Government over $600 a ton, including the amounts for material furnished by the Government and the amounts paid by the Government to the Bethlehem works and the Carnegie works for the preparation of the plates. It was exceedingly difficult, of course, to get this information from outsiders. We therefore, knowing that there were officers detailed at those works for the purpose of inspecting the armor, asked that they be sent before the committee. We did not state with particularity that we desired the inspecting officers; we simply asked that the naval officers who were there should be sent; and the two who came were two comparatively young men—men, I suppose, about 40 years of age, under the age that we would ordinarily expect to find in the retired list.

Mr. GRAY. We call that age young now.

Mr. BACON. Yes; it looks so now to us. There was no deception about it whatever. There was no misapprehension on our minds as to their position. Before the examination began we knew the fact that these two officers who appeared before us were not the inspecting officers, but that they were retired officers of the Navy. One was employed at that time, and is also employed at this time, by the Carnegie works; the other was employed by the Bethlehem works. It was, as a matter of course, of some significance to us that two gentlemen, apparently in robust health and of an age fitted for active service in the Navy, should be upon the retired list, and therefore an examination as to the cause of these several retirements by the committee ensued, and it was developed that one of them was retired for color-blindness and the other for some slight physical defect which did not appear in his ordinary actions.

But here is the point to which I desire to call the attention of the Senate: Our great purpose was to ascertain the cost of the armor, what was the expense to these armor-plate manufacturers in the various processes by which they finally put out the armor plate in shape and condition to go upon the battle ships. We could not ascertain it from those two officers.

Mr. GRAY. Had you any right to expect that?

Mr. BACON. That is exactly the question that the Senator ought to have asked. We had no right to expect it of them. The Senator, by his question, has anticipated the very ground which I propose to take, that no naval officer ought to be in a position where he is not at the command and call of the Government for any information he may have.

Mr. TILLMAN. If he is receiving pay.

Mr. BACON. If he is receiving pay, he has no right to be in any employment where he can stand before a committee of the Senate or the House or any officer of the Government and either refuse to answer a question which may be asked him or occupy such a position that the one who proposes to ask it may feel that it is really a matter of delicacy to press it upon him.

Now, here was an officer occupying two confidential relations. Certainly it can not be denied that any officer of the Navy is in a confidential relation with the United States Government. He is in a confidential relation with the Navy Department. He is certainly in a confidential relation with his employer. Where the Government is engaged in a contract involving an immense amount of money, do you say that it shall not have the full benefit of any and all the knowledge which may be in the possession of a naval officer, and not simply that, but that the naval officer shall be in a position where he can represent his employer in making a contract with the Government and have the advantage of all the confidential relationship which he necessarily occupies with the Government in attempting to make a contract with it?

Mr. President, I go further than the rest of the committee. I think it is a very great evil that officers who are retired from the Navy from other causes than advanced years, and who are perfectly competent for the discharge of many of the duties that the Navy Department has need for, should be allowed to go upon a reduced pay, and only be in a position to be called into service in case of war. I do not think that a man who is retired from the naval service for any other cause than advanced years, unless it is for complete, total physical or mental disability, should be entirely relieved from the duty to perform service. I think there ought to be a radical change in the law in that particular. The two officers who were before the Naval Committee furnished all the argument that anyone would need in support of that position.

Now, there are at the Carnegie works two naval officers. One of them is on the active list, and he is detailed there as an inspector. The other is on the retired list and he is employed there at a salary. Yet there is no single duty performed by the officer on the active list, who is there as an inspector, which can not be perfectly performed by the officer on the retired list, who is there on a salary, under the employment of the works.

Mr. GRAY. I agree with you about that.

Mr. BACON. I am very glad that the Senator agrees with me. But what I say is a matter of my own individual opinion. It is not now before the Senate. The committee did not see proper to go to that extent; but the committee did think that an officer who is upon the retired list, who is still an officer of the Government, who is drawing pay from the Government, ought not to be allowed to take service with a corporation or an individual engaged in large contracts with the Government involving immense sums of money, running up into millions of dollars.

The argument of the distinguished Senator from Delaware is one addressed, of course, to the sympathy of Senators as to whether or not a retired officer who is robust and who may have a slight defect as to the ability to distinguish colors, who may be upon starvation wages, shall be condemned to live upon those wages.

I say that that argument is not sound for two reasons; that there are two reasons why that argument should not prevail; and that is the only argument which the Senator has been able to advance upon which it seems anyone could raise an objection to the recommendation of the committee as to this amendment.

In the first place, if such an officer is a man sound in body, he is not compelled to retain his position as a retired officer. At the same time, when the committee visited the Bethlehem works, when those two officers were there, there was another officer who had resigned because it was to his interest to resign and take private employment. If an officer is of the capacity which enables him to get a contract of employment with one of those great concerns, he certainly has the ability which will enable him to command a good salary, sufficient to support him outside of his retired half pay. Why should he retain this $50 or $75 a month if he can get employment at $5,000 a year? If the education which he has obtained from the Government at the Naval Academy or his experience as a naval officer has so capacitated him for this work that he can command a salary of thousands of dollars, where is the great hardship to him in saying, "If you prefer to avail yourself of the opportunity to command such a salary, then give up the pittance the Government is giving you and retire from the service"? As to a man who can command thousands of dollars by reason of the capacity he has thus acquired, is it any great hardship in putting upon him this alternative?

Again, these are not the only classes or kinds of enterprises in which retired naval officers may obtain employment. There are comparatively few of these concerns which are having contracts with the Government, very few of them, only two in the armor-plate business; whereas the whole country is filled with manufactures and enterprises of various kinds in which the services of these retired officers can be utilized; and there is no restriction sought to be placed by this law upon their employment in any of the thousands of other enterprises. It is simply intended to say to them this one single thing: "If you have such capacity that these great enterprises desire your services, you must elect whether

you will serve them or whether you will serve the Government; you can not serve both"; and I can not see how there can be any hardship in putting a man thus circumstanced upon such an election.

Mr. GRAY. Mr. President, I should be very sorry indeed to have an issue in moral casuistry with the distinguished Senator from Georgia [Mr. BACON], or the distinguished Senator from Nebraska [Mr. ALLEN]. I hope that there could be no difference between us on an issue of that kind. It all comes back to the matter of fact as to the attitude of these officers toward the Government. I am afraid that the Senator from Georgia has been looking upon one side of the shield while I have been looking upon the other. The truth is not on the side at which the Senator has been looking, I am very sure; and I think I shall be able to demonstrate that to the Senate.

Mr. BACON. If the Senator will pardon me, I desire to say that I am quite sure I know the particular case he has in mind.

Mr. GRAY. Very likely.

Mr. BACON. And I desire to say that the officer the Senator has in mind impressed me most favorably, and is one for whom I should be most pleased to do a kindness in any manner which might possibly be offered.

Mr. GRAY. I have no doubt of it.

Mr. BACON. And there is nothing except the simple naked question which is influential in the matter.

Mr. GRAY. Now, we differ as to the naked question, that is all; and we want to see which is right.

Mr. BACON. I thought I would state that.

Mr. GRAY. I am much obliged to the Senator, because he has done no more than justice to the gentleman whom we both have in mind.

The question is, to use the phrase of the Senator from Nebraska, if that be the proper phrase, what is the attitude toward the Government of these officers who have been heretofore retired? As I take it, it is this: The Government of the United States has said to them after due examination, "You are no longer up to the standard that we require for service in the Navy on the active list," and though they protest that they are, though they appeal to the proper authorities, they are still told by this board of navy surgeons, "You are not up to that test; and though physically and mentally you are still able in every convenient opportunity of civil life to avail yourselves to perform useful service, you can not do it for your Government; your career in the Navy is ended; you have arrived at the meridian of life; you are in the full possession, it is true, of your faculties, mental and physical, but this ideal standard of ours does not permit us longer to employ you, and you may no longer count yourselves active officers in the United States Navy, and you are put down upon this list of men who are still officers of the Navy in a sense, and may be called on in time of war, but you are absolutely precluded from taking any part in the glorious career to which you have devoted yourselves in building up the Navy or in officering its ships." They are helpless. It is against their will; but there they are. This is no money-making profession. They have not laid by a fortune, and are compelled to support themselves and their families, which I presume at this age they have gathered around them, upon the pittance of one-third or one-quarter of their former pay.

The Navy Department by its regulations did not assume so cruel a position as to say, "You are to remain in absolute idleness; you may have a prejudice in favor of your profession; you may desire to be continued upon the roll of the Navy; but if you do, you shall not lift your hands in order to earn an honest living for yourselves and your families; we will not permit you to represent us; we will not send you to Pittsburg to inspect armor on behalf of the Government"—which they would be glad to do if they were permitted—"we turn you out of every active, honorable employment on behalf of the Government; we educated you for this profession, that is true, in which you have served up to this time twenty or twenty-five years."

The naval profession, while it is an honorable profession and requires intellect and character to properly perform its duties, is not one which is exceedingly well adapted to fit a man for civil life. A man who has passed twenty-five years of life on the decks of a ship or in the profession of a naval officer does not acquire the aptitudes and the experience that permit him to go and stand abreast of his fellows of the same age and the same education and the same opportunities in the tremendous competition of civil life. Those officers who are not permitted to represent their Government, not permitted to act on its behalf at any one of these great concerns, have acquired, if they are intelligent and wide-awake men, some experience and skill in the matter of the construction of ships and of armor plate, if you please, and in other matters to which they have devoted their attention and which have been the subject-matter of their studies.

The Government does not say that they shall not avail themselves of this limited class of employment; and so they seek it and obtain it, as in the instance cited by the Senator from Georgia. But he says, and says, I think, without authority or without justification, that these men can seek other employment. Employment is not so easy to obtain. They have got to seek it where they have experience to bring and capacity to bring and aptitude to bring to the service of the employer who will give them compensation. Being refused employment by the Government, unable to represent it in any capacity, they are employed by these concerns. How is the United States hurt? How much worse off is the Government of the United States for having a contract with a concern which employs somewhere in some one of its branches a retired naval officer in either working or superintending work in the casting of armor plate and the creation of those great steel billets? I am curious to know. Certainly the Government is no worse off than it would be if we had some one who had no association with the Navy, no prejudice, if you please, in favor of it, no attachments to it. So, if there is anything in that employment, one way or the other—I doubt whether there is much—it would be in favor of the Government.

But the man is employed by the private concern now, says the Senator from Georgia; he is occupying two confidential relations. Well, we all know that a man can not do this, and ought not to be permitted to do it if he is willing to do it. How does he occupy confidential relations with the Government of the United States? He does not represent the Government of the United States; he is not allowed to represent the Government of the United States. They turn him out, so far as that is concerned; they forbid it. He is not making a contract with himself; he is not making a contract with the Government; he is not even inspecting on the part of the Government, but he is merely employed by another man who has a contract with the Government, and he does not represent the Government in any wise, and therefore is not occupying two confidential relations.

Mr. BACON. Will the Senator allow me to interrupt him?

Mr. GRAY. Certainly.

Mr. BACON. I want to suggest a case to the distinguished Senator. Suppose an officer upon the active list is employed in the construction department. He is in daily conference and confidential relationship with the Secretary of the Navy and with all the officers in that construction branch. He knows what their views are with reference to prices, how much they are willing to give, and what is the last limit to which they can be strained. He has acquired that information by reason of his confidential relationship, and the week after he retires and goes and takes employment with the Carnegie Company or the Bethlehem Company he is in a direct position to give them all the information which will enable them to drive the hardest bargain they can with the Government, and other information which they can not get from anybody else.

Mr. GRAY. In the first place, no such situation ever existed, and I will say never can exist.

Mr. BACON. I do not see why it could not.

Mr. GRAY. I shall try to show the Senator.

Mr. BACON. These are young men, as I say, comparatively, and they have been in active, confidential relationship with the Naval Department, and all the knowledge they possess, which was acquired when they were in active connection with the Government, is available to enable those companies which they now serve to make bargains with the Government.

Mr. GRAY. Mr. President, everything they acquired when in the service of the Government, on the other hand, is now available for the contractor who is doing work for that Government, and presumably the contractor has the benefit, and therefore the Government has the benefit, of the skill and the knowledge which he has brought to the special work for which he was trained.

Mr. BACON. Does the distinguished Senator mean to say that the Carnegie Company and the Bethlehem Company do not at the same time have the benefit of the knowledge those officers have as to what the Department thinks about prices? It is not simply the question of knowledge by which the work is to be done, but it is knowledge by which the bargain is to be made.

Mr. GRAY. Mr. President, the bargains probably are not made by the commissioned officers of the Navy; they may be made by civil employees of the Department or by the Secretary of the Navy.

Mr. BACON. The Navy Department is certainly in constant conference with these naval officers, and while a contract may be made on one side by the Secretary of the Navy, it is certainly made on the other side by those companies; and they are the ones to whom I refer who get their information from those officers, by which they are enabled to drive hard bargains with the Government, and it is my honest judgment that to-day the Government is paying to these armor-plate manufacturers a most enormous profit upon the material which they are furnishing for the battle ships.

Mr. GRAY. If they are making an enormous profit, I will venture to say, and stake my knowledge of human nature and affairs upon the assertion, that they are not making enormous or unjust

profits by reason of the employment of these gentlemen. They are not doing it, nor can they do it.

The Senator from Georgia seems to assume, in the first place, that in these contracts the Government of the United States, before they are made, is in a position of active hostility with the contractor. On the contrary, the Navy Department has in making these contracts attempted to aid and build up these very concerns in order that the United States may have within its own borders the capacity in time of war or in time of peace to build up its own Navy; and I do not believe that a contract once made by the Navy Department with any concern brings about a state of things in which all considerations of honor, all considerations of patriotism, all considerations of truth and justice and adherence to contracts and fidelity to duty are thrown to the winds—not at all.

Mr. BACON. I must decline to allow the distinguished Senator to put any such words in my month or any such construction upon any language I have used.

The purposes which the Senator says the Government had in view in the building up of these establishments are subjects upon which the Naval Committee has heard a good deal of testimony directly upon that line, and upon which there has been a good deal of conflict among the owners of these establishments themselves. It is not a question of honor or patriotism; it is simply a question that is always between all parties who are trading and contracting with each other. Conceding to both sides the utmost honor and honesty, the contracts which have been made are not the contracts which are to rule for the future. Contracts are about to be made now for two battle ships, and there is a House bill providing for a number of other battle ships.

If the Senator will pardon me for so lengthy an interruption——

Mr. GRAY. I am interrupting the Senator, I am afraid.

Mr. BACON. Not at all. I am interrupting you.

The point I make, or the point the committee makes, rather, because I do not speak for myself individually, is the same principle which is recognized everywhere, that human nature is fallible, and that the most honest and upright man who ever lived is not allowed to sit on the bench in a case in which he has an interest, not because he is dishonest, not because he is unpatriotic, but because his relationship warps his judgment and prevents him from being an impartial and upright judge, and we do submit to the Senate in all earnestness——

Mr. GRAY. That is the principle you rely on?

Mr. BACON. That is the principle. We submit to the Senate in all earnestness that an officer of the Government who, if not now, has been in confidential relationship with the Government, ought not to be permitted, while still drawing pay of the Government, to assume a confidential relationship with one with whom it is about to enter into contractual relations and to give information as to the views of officers of the Government which may affect the terms of contracts which are to be made.

Mr. GRAY. There we are again, Mr. President. We began with generalities, and when we come to analyze the position the facts do not warrant the moral position, if I may use that word, which the Senator seeks to put upon it. He says that a man ought not to be a judge in his own cause and ought not to be permitted to decide where his own interests are at stake. I say so, too; but, Mr. President, think of applying that to a case of this kind, where the Government of the United States is the party that we are interested in and are trying to protect, and we object, forsooth, to having one of our own officers on the other side. Is he, indeed, a judge in his own cause? If there is any prejudice or any prepossession, is it adverse to us?

Mr. BACON. I think so.

Mr. GRAY. Not at all.

Mr. ALLEN. Will the Senator permit me at this point?

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Nebraska?

Mr. GRAY. Oh, yes; I always yield.

Mr. ALLEN. When a man enters the service of a private employer—putting this as a legal proposition—does he not contract to give his highest skill, all his time, his best ability, and his greatest loyalty to promote the financial interests of the employer who pays him?

Mr. GRAY. I suppose so. I am ready to admit that.

Mr. ALLEN. I am speaking as a mere proposition of law.

Mr. GRAY. I am prepared to admit that.

Mr. ALLEN. If he does not do that, that will afford an excuse to his employer to discharge him.

Mr. GRAY. Very well.

Mr. ALLEN. How can the Senator, under those circumstances, say that a man who is drawing pay from the Government as a retired officer and enters the service of a private corporation or a private individual, and by that means agrees to give his entire time, his highest ability, and his greatest loyalty to promote the interests of that private employer, at the same time be just and honest to the interests of the Government, when the interest of the Government upon the one hand is to secure the best material for the least money and the interest of the private employer, upon the other hand, is to furnish the worst material for the highest price?

Mr. GRAY. I have wearied myself, Mr. President, and I know I have wearied the Senate, in trying to explain over and over again that though he does in a legal and in a moral sense give his best endeavor, his highest skill, and his most absolute fidelity to his employer, yet the Government of the United States, for whom we are acting, has no peril and no opening for any disadvantage in having a retired officer of its own in such employment by the very terms of the Senator's own proposition.

If it be true, as might have been inferred from something which has been said in this debate, that there are two hostile camps, one the Government and the other the contractor, it would certainly be no special detriment that we should have a friend of our own in the camp of the enemy, if we are to call him such. He could not hurt the Government. The contractor might object. He might say, "I do not know about trusting you in this matter with the Government; you are an officer of the Navy and we will keep you in the background in all these matters of work upon contracts." But surely it does not lie in the mouth of the Government as a party to object; and that is what I have been trying to insist upon all along, on the low plane of interest at least, as to a matter of honorable employment.

I have said that these men are not exercising, as the Senator from Georgia said they were, two confidential relations, for they are expressly forbidden to exercise any confidential relations, on the part of the United States. That is settled; that is proven absolutely. Therefore that position is not well taken, and no argument can be built upon it, for it is not so.

Mr. BACON. What the Senator asserts is not so, and I am very sorry I can not agree with him.

Mr. GRAY. It is not true that they occupy two confidential relations.

The Senator from Nebraska might as well say that a man drawing a pension had no right to work in one of these great foundries as to say that one of these retired officers, separated entirely from the active list of the Navy, is forbidden to occupy a position of trust or confidence in such an establishment and should be forbidden to seek employment there or was unable to honorably serve there.

Mr. ALLEN. Not at all, if the Senator will pardon me for interrupting him.

Mr. GRAY. The Senator is pardoned in advance.

Mr. ALLEN. Here is a man who entered the naval service of the United States, who had been educated by the Government and paid from the time he entered the Naval Academy, who is promoted from time to time in the service of the Government as a naval officer, and who is retired after a time for some reason, which may be just or may be unjust. I am inclined to accept the position of the Senator from Delaware and to say that they are unjustly retired. That man is drawing pay right along from the Government not for services that he has rendered and from which he has been finally discharged, but he is all the time an officer of the Government.

Mr. GRAY. There is no other ground upon which you can justify paying him, except for his services.

Mr. ALLEN. He is in the service all the while. It is just like the employment of a private individual who, after serving his master for a time, the master says to him, "You may take half your time for a month or two," or whatever time may be agreed upon, "and I will pay you right along for your services at a lower rate, of course"; and that individual, while sustaining that relation to his employer, goes into the service of another man whose interest is hostile to the interest of his original employer and gives his service and his intellect to make a contract in hostility to the interest of the first employer, just as in this case the naval officer owes allegiance to the Government, and, as the Senator says, may be called into active service at any time. He is retired upon pay which the Government judges sufficient to support him. He is still in the service of the Government, getting money out of it, and will be in its service until he dies, unless the law be changed. And now, under those circumstances, while he is in the service of the Government, he is employed by one of these corporations to give the knowledge which the Government purchased for him, to give all the strength of his ability and his intellect as a business man to enter into a contract where that Government through his instrumentality may be a sufferer in the contract.

Mr. GRAY. In the first place, all this argument has been predicated upon supposititious cases. There is no allegation here that any man on the retired list, in the employ of any concern, has made a contract with the Government or has represented his concern in making a contract with the Government. They were employees of the concerns, and were brought here not by the concerns, but were sent for, as it appears, by the chairman of the Naval Affairs Committee, and when they came there was no doubt about the

position they occupied. Senators have been arguing as if they were acting as inspectors for the Government, and were at the same time employed by the armor-plate concerns doing work for the Government.

Something was said by the Senator from Nebraska [Mr. ALLEN], in a question to the Senator from New Hampshire [Mr. CHANDLER], as to whether any of these officers were employed before or after a certain inquiry had been ordered in regard to armor plate or work for the Government for the Navy done by Carnegie & Co. The Senator from New Hampshire said he did not know. I do not know either, but it would not concern us here whether he had been employed before or after. The trouble about that investigation was not with reference to any retired officer, for no retired officer in the employment of that company had or could have had the slightest suspicion cast upon him as to any failure of duty to the Government. But suspicion was cast upon officers who were representing the United States Government, and it was they who should be investigated, and very properly investigated, if there was any ground for it. It was the Secretary of the Navy who was to be investigated to see whether he, by his request, had expedited the issuance of any of these patents in which the private parties were concerned. That did not touch this case at all or any case that can be supposed to apply to these officers.

All I wish to say in conclusion is that the matter has been presented, it seems to me, wrong end first, and we have got before the Senate the wrong conception of the attitude of these people. The argument has been made upon that wrong conception, I think. I have tried to correct it. I do not believe the Senate will, it certainly ought not, do injustice to these very meritorious men, who have been turned out of employment against their will and not with their consent, and who have to take employment in the only place where they can properly seek or obtain it.

Mr. TILLMAN. Mr. President, as a member of the Committee on Naval Affairs, I have taken a great deal of interest in the investigation which has been under discussion here, and I have listened with a great deal of pleasure, and I must say with some amusement, to this debate, which, it seems to me, is one of taste. Senators will remember the old adage that on questions of taste people must be allowed to disagree.

The committee, I think, had in view, and very rightly, in presenting the amendment the stopping of a scandal, to prevent a man from being accused of improper or dishonorable action or even suspected of it. In investigating the question of the cost of armor we very soon arrived at the conclusion that the armor-plate manufacturers and the Government were enemies. Their interests are directly opposed to each other. The Government wants to get the armor of the very best quality at as low a price as possible. The manufacturer wants to get the last dollar possible.

Now, we find in the employ of the manufacturers two of the ablest officers of the United States Navy that I have ever met. I have not met a great many of them. I hope we have a great many like them, but I doubt it. The Government has educated those men at its own expense. It has had them in its employ until the time has come under the law when they could be retired or when they were forcibly retired, and they go upon handsome pay. They go into retirement not as beggars, as the Senator from Delaware [Mr. GRAY] says, but their pay is such that they can live comfortably if they had nothing else.

Mr. GRAY. It is $75 a month.

Mr. TILLMAN. Is that all? I think the Senator is mistaken.

Mr. GRAY. They are not retired on the longevity plan.

Mr. TILLMAN. They are retired for disability?

Mr. GRAY. They are retired for disability.

Mr. TILLMAN. Of course I do not say that a man can live handsomely on $75 a month in this community. I have discovered the contrary. But here are men who now hold the right for the balance of their lives to draw on the Treasury for so much money. That is, they come and draw their pay on the retired list. They certainly owe the Government some obligation, and if they were not in a semicapacity at least in the employ of the Government, with the right of the Government to call on them, they would be under no moral obligation——

Mr. GRAY. That is right.

Mr. TILLMAN. The Senator acknowledges that they are under a moral obligation to the Government of some kind. Let us see to what extent it goes. They are now in the employ of enemies of the Government, men who, I said, are trying to get all they can out of the Government. They are using the skill which the Government has furnished them in educating them; they are using the technical knowledge in the management and construction of ships which they received from the Government in helping the enemies of the Government to cheat the Government or to rob it. If that is not a position in which no honorable man would like to be placed, I ask the Senator from Delaware just to tell me what sort of a position it is?

Mr. GRAY. As the Senator from South Carolina puts the question, I will agree with him entirely, and that is the trouble all through this debate. You put the question in such guise as suits your own argument. But that does not suit the facts. That is what I have been trying to show. I will agree with the Senator perfectly, that in the way he puts it he is right; but let me ask the Senator, if I am not trespassing on his patience——

Mr. TILLMAN. Certainly not.

Mr. GRAY. This is a matter of some importance, perhaps. He says that he has in the course of the performance of his duty as a member of the Committee on Naval Affairs discovered that the contractors and the Government are enemies.

Mr. TILLMAN. I have.

Mr. GRAY. Are they enemies after the contract is made in the same sense that they were before?

Mr. TILLMAN. Of course they are, for this reason——

Mr. GRAY. Not if they are honorable men.

Mr. TILLMAN. Wait a moment. We are trying to discuss what is an honorable man. Suppose the contractors discover that they have an armor plate which has cost them several thousand dollars to manufacture, the plates weighing 30 or 40 tons, in which there are some flaws and defects, and the officer of the Government, who is receiving Government pay, knows that the plate is not an honest one under the contract, could he come and tell us so? Would he not lose his employment with the company if he did?

Mr. HALE. Let me ask the Senator from South Carolina a question.

Mr. TILLMAN. Certainly.

Mr. HALE. Did the investigation by the committee disclose a single case where a naval officer in such employ had ever disclosed any defects to the Government?

Mr. TILLMAN. Does the Senator mean a retired officer?

Mr. HALE. A retired officer.

Mr. TILLMAN. We never have heard of one of them hinting that there was anything wrong with the manufacture of armor plate or that the Government had ever been cheated in the slightest particle. Let us put it in this way: Suppose, instead of saying that the manufacturers are enemies, which, of course, is a little stretch of the imagination——

Mr. GRAY. Say they are antagonists.

Mr. TILLMAN. Say they were British or Spanish people, against whom we just now have a kind of aversion.

Mr. GRAY. Say they are antagonists.

Mr. TILLMAN. Say these manufacturers were somebody else, an actual enemy, and that these naval officers were in their employ while receiving our pay, does the Senator think it would be right for the officers, while they are on our retired list, to go into the employment of the enemy?

Mr. GRAY. I agree with the Senator in that respect.

Mr. TILLMAN. I think we will get the Senator down to a point where he will withdraw his objection and let the committee amendment go through.

Mr. GRAY. Go on and let us see.

Mr. TILLMAN. The Senator said a little while ago that we were acting only for the Government. We are appropriating money for both sides.

Mr. GRAY. How?

Mr. TILLMAN. We are appropriating to pay the retired officers in the employ of our enemy.

Mr. GRAY. We pay them whether they are so employed or not.

Mr. TILLMAN. Very well. We want them to get out of that, as a matter of decency, as a matter of taste. We want them to get into an employ in which the Government has no interest, in which their talents can not be used to cheat the Government.

Mr. GRAY. How can their talents be used to cheat the Government?

Mr. TILLMAN. These officers are right here using their technical skill in drawing up contracts for the company, and they get every advantage they can in drawing specifications for the contractors.

Mr. GRAY. Do they make contracts for armor plate?

Mr. TILLMAN. They are here as representatives of the contractors to draw contracts between the Government and the factory.

Mr. GRAY. I have asked once or twice whether anybody knows that fact. I have not received any reply.

Mr. CHANDLER. The Secretary of the Navy now meditates making a contract with these two concerns, who are in combination and not competing with each other, for $3,000,000 worth of armor for the *Kentucky* and the *Kearsarge*, and of course these two retired naval officers are giving their employers their very best service in every direction to get the highest price for that armor.

Mr. GRAY. The question I asked was whether the officers were acting for their concerns in making contracts; whether they were the hand or mind that made the contract?

Mr. TILLMAN. We do not pretend to know who is coming forward as the putative bidder. We suppose the Bethlehem works

and the Carnegie Iron Works, the only two concerns in this country that can manufacture armor plate, will be the only bidders. We present the spectacle, I may say, as we are entering on the question of armor plate, although it is not the right time, because we have not got to that question, of putting our hands in the handcuffs of these two companies. They have formed a trust, and, to the best of my knowledge and belief, I am ready to take oath to it, they propose to rob this Government because you have on the statute books a law requiring us to use only American armor. Therefore we are in the position of giving to a monopoly the right to charge the United States $600 a ton for armor which they have sold to the Russian Government for $300.

Mr. GRAY. Why do you not repeal the law?

Mr. TILLMAN. Very well; I am ready to go with you to repeal it. I am willing to give preference to the American industry; I want to have armor plate for American vessels made in the United States, but I am unwilling to see monopolies grow rich by putting their hands into the pockets of the United States and taking out as much as they want.

Mr. GRAY. Let us get back to these officers.

Mr. TILLMAN. These officers are in an unfortunate position. Perhaps they do not realize it, and I am perhaps unfortunate that I can not see the matter as the Senator from Delaware does. He thinks it is honorable and in good taste for men who are in the employ of the Government to go into the employ of our enemies.

Mr. GRAY. I agree with the Senator about enemies.

Mr. TILLMAN. If the armor-plate manufacturers who have been trying to get the last dollar from the Government are not enemies, what are they?

Mr. GRAY. We ought not to have anything to do with them.

Mr. TILLMAN. How?

Mr. GRAY. By not making any contracts with them. If they are enemies in the sense in which the Senator from South Carolina asserts that they are, then I say that it is the duty of the Navy Department, it is the duty of Congress, to cut short all connection between us and them.

Mr. TILLMAN. That is begging the question. We must have armor made somewhere. We either have to repeal the law by which we are forced to buy American armor—and I have heard that all the armor-plate manufacturers of the world are now forming a trust to rob the governments of the world——

Mr. GRAY. Very likely.

Mr. TILLMAN. The only thing we can do would be to have an armor establishment of our own, and take these skilled people whom we have educated and put them there, and put the material there, and make our own armor.

Mr. GRAY. These gentlemen will be very glad if you will.

Mr. TILLMAN. Let it be clearly and distinctly understood that so far as this discussion and these individual gentlemen are concerned, I have no personal feeling in the world.

Mr. GRAY. I understand.

Mr. TILLMAN. I have no feeling about it.

Mr. GRAY. I understand.

Mr. TILLMAN. I never met them prior to the time when they came before the committee. I never heard anything about it until they came there. Then we discovered the position which they occupied toward the Government and toward the people who are furnishing the Government with armor.

It is a scandal, in my opinion. I may differ with the Senator from Delaware as to what is good taste and what is decent and what is honest, but still I believe we ought to require that no officer of this Government, either active or retired, shall receive its pay and then go into an employ and use the brains which he has had educated at the expense of the Government to the disadvantage of the Government.

Mr. GRAY. Before the Senator from South Carolina sits down, I should like to ask him a question, because this is the real point in the case, laying aside all speculation about the honesty of these men. Is it not to the interest of the United States Government, when it makes a contract with any one of these concerns, to get the best possible skill in the performance of the contract?

Mr. TILLMAN. Yes, sir.

Mr. GRAY. How is the Government injured, then, on the reasoning of the Senator if——

Mr. TILLMAN. Why——

Mr. GRAY. One moment. How is the Government injured if these officers possess superior skill and it is devoted to making the best possible product?

Mr. TILLMAN. We do not say the Government is injured at all. We are simply trying to prevent that feeling of wrong on the part of the taxpayers that here are men whom they have educated and trained using the skill and the education the Government has given them in aid of men who are not working for the Government's interest. We want the skill on our side and the honesty, too.

Mr. HALE. Mr. President, the committee has not gone very far in this matter. It might have gone a great deal further. It might have asked Congress to forbid the employment in any private enterprise of naval officers, active or retired, who are receiving salary from the Government upon the ground that the Government is entitled to their entire life and service. But the committee has not gone to that extent. The committee does not believe in that. I do not for one. I see no great objection, no pertinent objection, no conclusive objection, if an officer is not needed in the service of the Navy of the United States, to his taking employment in private concerns that develops his mind, broadens his understanding, makes him more competent, and makes him a better officer when restored to duty than if he laid off and rusted up. So the committee do not go to that extent.

The only object sought by the amendment reported from the Committee on Naval Affairs is that retired officers shall not be employed by private establishments who are manufacturing armor for the Government at enormous prices; that in those limited concerns, only two or three in all, leaving the whole domain of American business life and manufactures outside and untouched, naval officers shall not be employed by men who are in a sense the enemies of the Government; that is, very antagonistic. They are opposed. They seek one thing and the Government seeks another thing. The two are diametrically opposite, and in that sense they are inimical and enemies.

If the Senator from Delaware is right, there is no limit to which corporations or private contractors with the Government are to be held. An officer of the Navy at the head of the Ordnance Department or the Engineer Department or the Construction and Repair Department may, upon retirement, forced retirement, voluntary retirement, at once be translated into the employment of a company that is making contracts with the Government and seeking enormous prices for its wares, and it may receive the benefit of all he has done as the head of that Bureau. I agree with the Senator from South Carolina [Mr. TILLMAN] that that would be in its effect and upon its face a scandal. It could never fail to receive attention and public remark and public censure. Therein those most harmed, if anybody is harmed by this discussion, are the naval officers themselves, honorable men, educated honorably, with honorable lives, who never ought to be put into a condition where they can be the subjects of such discussion.

I go further. I would not have any officer in the Navy, however well grounded his integrity may be, however it may be his by inheritance or by long life, submitted, when he is acting for the Government with these contractors, to the possible thought that one year from that time his employment may be changed and that, instead of representing the Government, he may be in the employment of one of the concerns with which he is dealing at that time. I would have all of those things removed. Everything that is in the domain of temptation ought to be removed. A naval officer ought never to be in the situation which has been alluded to here, where, when a committee is seeking to investigate into the rights of the Government, it can not enforce a question upon him, because the natural delicacy of his situation in the employ of a rival, inimical concern forbids his answering. That is all the committee says.

I am free to say that I do not understand why it is, going no further than this, that objection is made. I can not appreciate and I can not enter into the condition and the reasoning of the Senator from Delaware. I can understand how in individual cases it might work a hardship, but as I have said, to exclude a naval officer from the employment of two or three contracting firms and leave him the whole vast field of American enterprise outside of that is not a great hardship. It is not a great hardship to the officers who are in the employment of these two concerns—if it is thought better to correct the condition that has been so well described by the Senator from Georgia [Mr. BACON] and the Senator from South Carolina [Mr. TILLMAN]—that that situation should be relieved when, as I say, all the rest of the mechanical world and the business world is left to these men to resort to. So it looks like a one-sided question.

Mr. LODGE. I desire merely to ask the Senator from Maine whether I am to understand the committee had before them the Government inspectors at the iron works and also the two naval officers employed by the iron works and asked them in regard to the profits made on armor plate.

Mr. HALE. That has been stated in debate and stated as the Senator indicates. I do not think I went into that question. That is the fact, explained, I think, by the Senator from New Hampshire [Mr. CHANDLER], that the committee sent for the naval officers, having in mind the Government inspectors, and instead of their coming these other officers appeared whom the committee did not expect, to wit, the representatives of the contracting firms. As has been stated by the Senator from Georgia [Mr. BACON], I think, when questions as to the cost and the profits of the concerns were put to the officers the committee was unable to gain any information from them in regard to it. The Senator from Delaware interposed to ask if the committee had any right to expect it.

Mr. LODGE. Very well. They testified, and so far as they did testify it was to the effect that the prices were not excessive.

Mr. HALE. I think the impression that the committee got from the examination was that the officers, under the circumstances and conditions, did not wish to be put to examination. I will say further that when the Government inspectors——

Mr. LODGE. I was going to ask how they testified.

Mr. HALE. They testified that the cost of armor, instead of being $450 or $500 a ton, was about $250 a ton. The committee found no sense of embarrassment as to them, because they had but one interest. They were there in the interest of the Government, to watch and to report. They had no concern whatever with the contracting parties, who are dealing with the Government, and the committee had no difficulty in eliciting information from them. I think, perhaps, the contrast between the two sets of officers was what brought the committee sharply to its conclusion that here was almost or quite a scandal and it ought to be stopped.

Mr. CHANDLER. If the Senator from Massachusetts [Mr. LODGE] will allow me, I did not think they ought to be asked. I realized that they had, with permission of the Navy Department, gone into the employ of these two concerns for large salaries, and I really thought we ought not to press them to make reply. There we were with those two naval officers, comparatively young men, and we were not at liberty, I thought, to ask them to state facts within their own knowledge.

Mr. BACON. If the Senator will pardon me, I think it is proper to add that not only did it not appear to the committee proper to press them, but they were not in fact pressed.

Mr. CHANDLER. They were not.

Mr. BACON. They were not pressed by the committee so soon as the embarrassment became apparent.

Mr. HALE. They certainly were not. As soon as the committee realized the condition which the officers evidently felt that they were in, the committee refrained from further pressure in that direction and went to the other officers, who represented the Government alone.

Mr. LODGE. I raised the question simply because it seems to me that that single fact shows the evil of the existing system. As I understand it, the amendment of the committee is not aimed at any individual, and no reflection is cast upon any of these officers; but it aims at a system, and it certainly seems to me that it is a very bad system, which makes such things possible, particularly the point made by the Senator from Maine at the end, that an officer at the head of a bureau knows that he may at any time get employment from one of these contractors. I think that is a situation in which no naval officers should be put. It seems to me only just to make it impossible for those conflicting interests ever to meet in the same hands.

Mr. GORMAN. Mr. President, the Senate passed a resolution in the early part of the present session which required the Committee on Naval Affairs to ascertain various things about these contracts made by the Government. The resolution was evidently intended especially to look into the matter of the contract with the Carnegie Company. The intimation at that time, and the suggestion of the resolution itself, was that the officers of the Government (and I do not mean these retired officers) had had some interest in that contract, or that they had not performed their full duty to the Government. The case attracted a great deal of attention. I assume to-day, and I should like to have the information in regard to it now, that the Naval Committee have examined very thoroughly into all the allegations made at that time. Those allegations were very broad, and the whole country was shocked to suppose that any high officer of the Government, acting for the Government, had been in collusion with the contractors, or that the Government had received, because of inattention to duty, armor and steel plates and steel tubes for guns that were not fit for service.

I should like to ask the Senator from New Hampshire if I am to understand, and if the Senate is to understand, because no report has been made by the Committee on Naval Affairs, that after their examination they find nothing more serious than the fact that two or three or four retired officers who were not charged with any duty by the Navy Department have been employed, and that is all there is in the investigation? Do I understand that to be the case?

Mr. CHANDLER. Does the Senator want a reply?

Mr. GORMAN. I ask the Senator from New Hampshire, who has introduced the pending amendment.

Mr. CHANDLER. I say, by no means has that been the whole subject-matter of the investigation. The Senator has not accurately stated the resolution. If the Senator will read it I shall be very glad to answer specifically; but I think that there was no implication, such as will be found in the Senator's remarks, in reference to high officers of the Government. There was, I think, a direction to inquire whether officers of the Government were interested in patents, and that question has been the subject of inquiry. The committee have not finished; they have made no report; they are not ready to make any report; but I suppose the different members of the committee, as the debate upon the naval appropriation bill proceeds, will be able to give to the Senator from Maryland all the information he may desire in reference to the various branches of the resolution. There was disclosed some connection of naval officers with patents used in work done for the Government and questions have been under consideration in reference to the propriety of the connection of naval officers with patents used by the Government. The largest question that has been under investigation has been the price of armor. The Senator will see that that is the first clause in the resolution. I should like the Senator to read the first clause in the resolution of inquiry, if the Senator has it.

Mr. GORMAN. I will read it:

Resolved, That the Committee on Naval Affairs be directed to inquire whether the prices paid, or agreed to be paid, for armor for vessels of the Navy have been fair and reasonable, and as low as the prices charged by the same manufacturers to foreign governments.

Mr. CHANDLER. That was left out of the resolution at the Senator's suggestion, the Senator will remember.

Mr. GORMAN. I have the resolutions as they were introduced.

Mr. CHANDLER. Yes. I will say to the Senator that subsequently, after the passage of the resolution, the senior Senator from New Jersey [Mr. SMITH] introduced a bill providing for a Government armor-plate manufactory, and the committee have investigated that subject in connection with the first clause of the resolution which the Senator has read. The Senator from New Jersey has introduced also an amendment to the pending bill, in which he provides that no contracts for armor shall be made under the pending bill at a cost of more than $300 a ton. The greater portion of the work of the committee has been the investigation of those two subjects.

Mr. GORMAN. The Senator from New Hampshire will remember, of course, the debate, and my surprise at the time the resolution was offered at the broad intimation of undue relation with this subject on the part of officers of the Government. I do not now refer to these retired officers and the contractors. So far as I know, and the Senate knows, the result of that deliberation is contained in the amendment offered by the Senator from New Hampshire, which simply prohibits these retired officers from being in the employ of any firm that is furnishing armor and armor plate to the Government and the further amendment, which I suppose will be offered in due course of time, to prohibit an officer of the Government from being connected with any patents——

Mr. HALE. Let me say to the gentleman from Maryland that these amendments are by no means the sum of the outcome of the investigation. They are only incidental and moved by the vote of the committee, because they naturally attach to provisions of the naval appropriation bill. It should not be said that the investigation is concluded by these amendments, or that they involve all the investigations and results that the committee reached, by any means.

Mr. GORMAN. I am very glad to have that information from the Senator, and that comes to the point I desire to make. If, as the Senator from New Hampshire says—and it is confirmed by the distinguished Senator in charge of the bill—the main investigation has been as to the cost of the armor, the amount that the Government is paying for it, whether excessive or not, that report and that information, which is more important than the mere prohibition of two officers who are on the retired list from serving in a subordinate capacity at Bethlehem and at Pittsburg, ought to be before the Senate before we appropriate the immense sums contained in the bill for future armor.

Mr. HALE. If the Senator draws that argument of course it can not be helped. I think any Senator will see the pertinency and the force of that, so far as it goes. It is a condition that we find ourselves in. Undoubtedly the investigation conducted by the committee, involving great time and labor (and which I may say here as a member of the committee, while I do not represent it in making a report, has not reflected upon the integrity of any naval officer), is a fair subject of consideration with reference to future appropriations, and the Senator must make the most of it. When we come to that portion of the bill which has been passed over, to wit, the construction of the ships and the large expense involved——

Mr. GORMAN. Mr. President, it has been brought into the discussion already upon this proposition. I find by the amendment itself, dropping for the moment the cost of the armor, that the committee propose to limit the prohibition to any officer on the retired list from acting in a private capacity where the Government has a contract with the party only to the appropriations of the bill, without attempting to make it a general law. If the rule is a good one, such employment should be made unlawful after a date fixed. If you desire to make it a permanent provision, let it be enacted that from the appropriations herein contained or hereafter made, which is the usual provision, such employment shall be unlawful. I ask the Senator from Georgia [Mr. BACON],

who is a lawyer, whether that will cover the case. It may. I do not think it would.

But, Mr. President, that provision alone is insignificant. The general rule, stated so well by the distinguished Senator from Maine, is correct. There ought to be, in my judgment, a general law upon this subject, not only for the naval officers and the Marine Corps, but for the retired officers of the Army. They are spread all over the country. It is not confined to the contractors for armor or the supplies for the Navy. It goes to every extent, to railroad companies who contract to carry the mails, and steamship companies. It has been the rule. It has been permitted, and heretofore it has never been considered against the interests of the Government. To condemn these officers in the broad terms in which the condemnation has gone forth to-day I think is unjust to these gentlemen. Personally I do not know them.

Mr. HALE. I think, if the Senator will allow me, the personal expression with regard to these officers has been very kindly.

Mr. GORMAN. Yes.

Mr. HALE. In fact, it has been disclaimed that there was anything reflecting upon them or their integrity.

Mr. GORMAN. No; except the statement that an honorable man could not have been in that position.

Mr. HALE. No.

Mr. GORMAN. That is a very broad statement.

Mr. HALE. I would not go so far as that by any means. When these officers accepted this employment, as the Senator says, it was a thing that was going on broad and large everywhere, and they are not to be blamed. Their situation at present is unfortunate. I would not go so far as to say that, remaining as they do, it stamps them with dishonorable motives. I think that the operation and outcome of this discussion will be that the thing will be ended hereafter, whether we put this into the form of concrete law or not. I do not believe that any Secretary hereafter will permit anything of this kind. But it is better, as the Senator suggests, to make it a provision of law, and I should agree with him that it ought to apply to officers of the Army as well as the Navy. However, I only rose for the purpose of disclaiming, so far as I know, and so far as I have listened to the debate, any reflection upon these officers personally.

Mr. TILLMAN. Will the Senator from Maryland permit me?

Mr. GORMAN. Certainly.

Mr. TILLMAN. As I perhaps went further than any other Senator, and with my usual frankness expressed my own honest convictions, I desire now with equal frankness to disclaim any assertion, insinuation, or anything else reflecting upon the honor and integrity of these gentlemen. I simply said that, in my judgment, I believe it is not a proper thing to do or to exist, and we are trying to stop it.

Mr. GORMAN. As to the proposition to stop it, that is a distinct proposition, and the one I am getting at. Senators have discussed it, and among others the Senator from South Carolina, who is frank and manly in his statement and general views, and I am in accord with him; but it ought not to go out to the country that there is anything to condemn these officers for when the facts are understood.

Now, what were the facts? In 1887 we were without the facility in the country to make a single ounce of armor that was fit to go on a ship. The then Secretary of the Navy, Mr. Whitney, sought these manufacturers. It was not a matter that they sought for; he sought them. He finally induced the Bethlehem Company to put up an establishment for the manufacture of armor and shafts and other paraphernalia necessary for the construction of war vessels. He did this after an examination as to the prices abroad. He, the Secretary of the Navy, acting for the Government, fixed the Government price which he would pay for so many thousand tons of armor. There was unquestionably an intimation—not a contract, but an intimation—that if they agreed to furnish armor at the price named by the Navy Department it would necessarily follow that the contracts made in the next two or three years thereafter would go to that firm, as no human being or no set of human beings would have undertaken to expend seven or eight million dollars to create that plant without such an understanding.

They went on and furnished the armor at $575 a ton, as the statement shows. As we progressed and Congress became more anxious about the construction of war vessels, moving along faster than the Department or this firm could furnish the material, Mr. Whitney's successor, the distinguished gentleman from New York, Mr. Tracy, sought the Carnegies. The Carnegies did not seek the Department. Mr. Tracy pressed them to put up a plant that would enable them to make armor and the other heavy steel pieces necessary in the construction of vessels. Mr. Tracy, without public notice, as Mr. Whitney, the former Secretary, had done, entered into a contract with them on the 20th of November, 1890, giving them precisely the same price as his predecessor, Secretary Whitney, had given the Bethlehem Company.

Now, those contracts were considered by everybody as low, as reasonable, and as much in the interest of the Government as ever contracts were made. Congress justified them.

Then came the discovery of the use of nickel in the manufacture of steel. It was an experiment not known to the world. It was doubtful as to its results. As the Senator from Maine will remember, the Senate, by a unanimous vote in the last hour of the consideration of the appropriation bill, gave to Mr. Tracy, then the Secretary of the Navy, power to spend a million dollars without question and without contract, so as to introduce it into the manufacture of the steel for these vessels, if not the guns. He changed the contract with the contractors furnishing the nickel.

The result was that the whole world was amazed at what American ingenuity had done. Up to that time, and up to this time, so far as I know, at least so far as the time when the resolution was introduced to investigate these officers, I never heard it questioned that any Secretary of the Navy or any officer at the head of the Ordnance Board, or any of the subordinates under him, ever had the slightest interest in the outcome of those contracts. They had no more to do with the prices than the Senator from Georgia and myself.

Mr. BACON. Will the Senator from Maryland permit an interruption?

Mr. GORMAN. Certainly.

Mr. BACON. I desire to say that all the matters about which the Senator is speaking have been testified to at length before the committee; and I want to ask the Senator from Maine [Mr. HALE], who is the senior member of the Committee on Naval Affairs in the absence of the chairman, whether he will take the responsibility of furnishing the Senate with the evidence, which up to this point has not been made public? I feel quite sure that the committee would justify him in so doing.

Mr. HALE. If the Senator from Maryland will permit me, I will answer that I do not see the least objection to making the testimony public. It has not been done up to this time, being kept only for the committee, as is customary with investigations of that kind; but I see no objection whatever to the testimony now being made public, so that the Senate in the further consideration of the bill may have the benefit of that investigation.

I wish to say further that there is nothing in the testimony that in any degree implicates any of the officials of the Navy Department as to any connection with these contracts. One thing the committee did find out, however, which the Senator will appreciate, that what Secretary Tracy had in his mind, a rival establishment to keep the bids down and protect the Government, had practically disappeared. The committee did not find that there is now any rivalry between these two companies. On the other hand, it is practically a conjoint monopoly instead of a rivalry.

Mr. GORMAN. I think if the Senator's inquiry will go a little further he will find that that is world-wide; that there is an understanding not only in this country, but in England as to the price of armor. When you talk about a combine and a monopoly, it is world-wide.

Mr. HALE. It may be unfortunate, may it not?

Mr. GORMAN. That is a question. That remains to be discussed when the facts are presented, that it is not confined to these two concerns in the United States.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Massachusetts?

Mr. GORMAN. Certainly.

Mr. LODGE. I desire simply to ask a question on the point which the Senator made about nickel steel. Nickel-steel plates were made in France before they were made here. The first plate was the compound English plate. The next plate was the Creusot plate, made in France, in which the nickel was added. It was after that that the purchase of nickel to which the Senator refers was made or the authority to purchase it was given. The great process that has been invented here is the Harvey process, I think, which combines the carbonizing of the nickel process.

Mr. GORMAN. I think the Senator is more accurate than I was in stating precisely how it was.

Mr. CHANDLER. Will the Senator from Maryland allow me a word?

Mr. GORMAN. Certainly.

Mr. CHANDLER. I understood the Senator to say that he thought the armor manufacturers of Europe were in a combine. Did he mean to say that our two armor manufacturers are in the same combine?

Mr. GORMAN. What I mean to say is that the price of armor is practically fixed all over the world. The English get it slightly cheaper than we do.

Mr. CHANDLER. That is because there is no competition anywhere.

Mr. GORMAN. There is not practically any competition. There are only a few great firms that the Governments could afford to deal with. The Bethlehem Company two years ago made a bid for armor for the Russian Government for two ships at

almost half the cost that they furnished it to their own Government. That question came up here and was thoroughly discussed, because a provision was attempted to be inserted to the effect that no contract should be made with any firm in this country for a greater amount per ton than they had contracted for with a foreign government. When it came to be examined into we found that this enterprising concern, with not enough to do, as they supposed, to keep their wheels going and their machinery in operation, had desired to introduce at a loss the American manufacture to the Russian Government. They had the contract, and the result was that the examination on the other side showed that it was so much superior to anything the Russian Government could get that they have ordered from this company further armor at about the same price the Government is now paying; and by that one single act they have been enabled to ship large quantities of armor and other products of their furnaces abroad until it looks, and for the first time in the history of the country, as if we would compete with England in sending our steel blooms from this country to London and to Liverpool.

Mr. TILLMAN. Will the Senator allow me?

Mr. GORMAN. With pleasure.

Mr. TILLMAN. You said it was found by the Senate two years ago when the amendment was offered prohibiting higher prices than those at which any firm had sold to a foreign government. Who found it? How did you find it? This committee has been investigating here for four months, getting all the experts of our own that we could, and everybody else. We have gone to the works and seen the process from the crude ore to the finished plate, and it was all a guess with us. We have never yet been able to find a man who can pretend to say what the cost is. The contractors will not tell us; and when they undertake to say that they have sold armor to the Russian Government at a loss in order to keep their hands employed, I do not believe it.

Further, it has come out—I do not know who announced it, but it dropped in committee from some responsible member thereof—that when the original contract was made with the Bethlehem works and the Government sought the Bethlehem people and asked them to go to extraordinary expense, and a promise was made that the Government would continue to use that plant to manufacture armor—which promise was afterwards broken by the employment of Carnegie—the statement was made that the original price contemplated that the Government would create these works at its own expense, give them to these people, and then let them go in the first cost of the first order. So we stand to-day in the condition apparently of having built those works at Bethlehem ourselves with Government money and given them to the Bethlehem Company, and when we ask them to come forward and have some regard to decency and patriotism and give us somewhere like a reasonable price, they say, "Oh, we can not do it." That is the situation.

When Senators talk about finding that armor has been sold to the Russian Government at a loss, I should like to know how they found it out and from whom they found it out?

Mr. GORMAN. Mr. President, I say we found it, and we found it as we find other facts. The committee who had charge of the bill had before them men of ability, men of technical knowledge, men who were engaged in these enterprises, and from information so obtained—not under oath, it is true, because we had no power to investigate as had the Senator's committee—we came to the conclusion that the statements of these honorable men were correct, that they knew more about it than we did; and now the result has unquestionably proved the wisdom of the course adopted.

If we had adopted such a proposition, that no contract should be made except at the price of $325 per ton, I think it was—I speak now from memory—then the contract for all the vessels that we had ordered by that bill would have been given to the Carnegie firm; and as the Carnegie concern were induced to manufacture this armor not because of the price alone, but because of the demand of the Government for armor to be delivered in greater quantities than the Bethlehem works could deliver it, we should have destroyed the very object the Government had in view when it contracted with Carnegie. The final result has been, at which I have no doubt the Senator from South Carolina will rejoice with me, that we can compete, and are now competing, with the English manufacturers and furnishing armor to the Russian and other governments, thereby extending our trade, giving employment to our people, and making thrift the order of the day if this shall continue for a year or two longer. That is the great object.

Have we paid for those establishments? I say to the Senator from South Carolina, of course the Government has paid for those establishments. We entered upon the enterprise because we wanted them.

Mr. TILLMAN. Why, then, do they belong to the other people and not to us?

Mr. GORMAN. Oh, Mr. President, the Government was not itself in a condition to build a great establishment of this sort.

Mr. TILLMAN. Why?

Mr. GORMAN. It was economy, it was wisdom, to let men of knowledge and ability undertake to do it. It would have cost us untold millions if we had taken our own officers and attempted to do it.

Mr. TILLMAN. One minute, if the Senator will allow me. Our investigation proved that Captain Jaques, an officer of the Navy, is the creator of the Bethlehem Iron Works. He planned the whole thing and built it; and therefore the skill has been furnished by the Government, the money has been furnished by the Government, and we have made a present of the plant to that corporation.

Mr. GORMAN. Mr. President——

Mr. HALE. I do not want to interrupt the Senator, but it is evident that the debate on the bill can not be closed to-night, and unless the Senator desires to go on to-night, I will move an adjournment.

Mr. GORMAN. Not at all. Any time will suit me.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 4992) authorizing and directing the Secretary of the Navy to donate four pieces of condemned cannon and four pyramids of condemned cannon balls to the city of Reedsburg, Wis.; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

A bill (H. R. 2265) to provide for reimbursement of the expense of constructing a sewer upon the permanent reservation at Hot Springs, Ark.;

A bill (H. R. 3852) to amend the record of William H. De Freest;

A bill (H. R. 4265) granting a pension to Eliza Wilson; and

A bill (S. 2557) granting a pension to Sarah A. Boyd.

HOUSE BILL REFERRED.

The bill (H. R. 4992) authorizing and directing the Secretary of the Navy to donate four pieces of condemned cannon and four pyramids of condemned cannon balls to the city of Reedsburg, Wis., was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 11 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 28, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 27, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Saturday last was read and approved.

CONTESTED-ELECTION CASE OF RINAKER AGAINST DOWNING.

Mr. MOODY. Mr. Speaker, I desire leave of the House for an extension of time for the filing of the views of the minority in the contested-election case of Rinaker against Downing. There is no objection on the part of the committee, and I ask that the time be extended until Wednesday of this week.

Mr. DINGLEY. How long was the extension to be?

Mr. MOODY. Two days.

There was no objection, and it was so ordered.

FREDERICK D. DAWSON, WIFE, AND DAUGHTER.

Mr. HAINER of Nebraska. Mr. Speaker, during the discussion of the deficiency bill on the 20th of April, speaking to an item therein contained to reimburse Frederick D. Dawson and family, I made a statement that the appropriation was recommended by the State authorities of Nebraska. I find, on reexamination, that the recommendation was made not by the State authorities, but by the Secretary of State. Among the papers submitted to the Committee on Appropriations, and which I examined, there was a summary of the evidence preceding the recommendations. Through inadvertence and, I think, by turning two pages instead of one, I charged the recommendation to the State authorities, while, as a matter of fact, I should have attributed it to the Federal Department of State. I make this suggestion with a great deal of regret, as I fear I influenced the gentleman from Illinois [Mr. HOPKINS], who was making a strong attack upon the amendment, to withdraw his opposition. As the matter has not yet been finally disposed of, I submit it to the House for such action as it may deem proper.

Mr. MERCER. Mr. Speaker, I desire to say in that regard that I have received a letter from the governor of Nebraska, and doubtless my colleague has received a similar letter, in which a copy of the communication addressed to the Secretary of State

shows that the Dawsons were negligent in the prosecution for the assault, if the McCartys were to blame in the matter; and from the information I have received from the governor I am inclined to the opinion that had we had that information at the time the matter was under consideration the item of $2,800 would have been stricken out of the appropriation bill, and I regret very much that the information has come too late. The only recourse, I judge, would be in the Senate.

Mr. HAINER of Nebraska. Allow me to say, in reference to the remarks of my colleague, that I have received no communication whatever from the governor. The appropriation was not $2,800; it was only $1,800. The recommendation or want of recommendation on the part of the governor of Nebraska entirely apart, I still insist the appropriation was wisely and properly made.

Mr. BARTLETT of New York. I should like the gentleman from Nebraska to state briefly the circumstances. What was the appropriation made for?

Mr. HAINER of Nebraska. The appropriation was $1,800, and was made to reimburse these persons for an assault made upon them, including damage to and destruction of their property.

Mr. KEM. Mr. Speaker, I ask for order. We can not hear what is going on.

The SPEAKER. The gentleman asks for order. The Chair thinks he is entitled to have it, and hopes he may get it. Gentlemen in the aisles will please take their seats and cease conversation.

Mr. HAINER of Nebraska. On page 4168 of the RECORD, under date of April 20, will be found by the gentleman from New York a statement of the facts, which are substantially correct. No question is made on that statement of the facts connected with the assault by the governor or anyone else. In my remarks at that time I called attention to the fact that the Dawsons failed to prosecute the McCartys for the assault which had been made upon them. As to the reasons for their failure to make the prosecution I have nothing to say now, and had nothing to say at that time. I simply suggested other considerations as reasons for the allowance of the claim. It seemed to me, while it was a case of conflicting evidence, yet the assault being conceded, its character conceded as unjustifiable and the circumstances disgraceful, and where, as here, it was strongly insisted by the British Government that the compensation should be made—where a settlement could be made on such easy terms—it seemed to me we were doing the right and sensible thing in making this small appropriation. I adhere to that opinion; but in justice to the State authorities, I improve the first opportunity to say that on a reexamination I find they simply submitted a statement relating to the case, and made no specific recommendation respecting the allowance or disallowance of any claim for damages.

Mr. BARTLETT of New York. I desire to ask the gentleman why the State authorities of Nebraska opposed the allowance of the claim?

Mr. HAINER of Nebraska. I do not know whether they are opposed or not. The letter which my colleague reports to have received from the governor leaves me much in doubt as to what he does think wise and proper. I construe it as conceding the case to the Dawsons, but suggesting that no large allowance be made. My only purpose, however, is to set myself straight in the matter, giving to the House the information upon which it may, if so advised, recall its action respecting the item.

Mr. BARTLETT of New York. I understand the gentleman to indicate that the governor of the State had opposed the payment.

Mr. HAINER of Nebraska. I make no further statement as to that. My colleague has a letter to which my attention had never been called until a few moments ago. The letter speaks for itself. I hope my colleague will make the letter a part of his remarks. It will then go into the RECORD, and members will have the data on which they may, if they so desire, revise or vacate their former action.

[Mr. MERCER addressed the House. See Appendix.]

Mr. MERCER. Mr. Speaker, I ask to have this letter, which is a copy of one addressed by the governor of Nebraska, Silas A. Holcomb, to Secretary of State Olney, inserted in the RECORD, as a statement of the governor's opinion in relation to this case.

Mr. BARTLETT of New York. I think we had better know something about it now, while we are discussing the bill.

Mr. MERCER. If the gentleman desires, I will ask to have the letter read now. It is not long.

Mr. BARTLETT of New York. I should like to hear it read.

There being no objection, the letter was read as folllows:

APRIL 23, 1896.

SIR: Referring further to the claim for indemnity by one Frederick B. Dawson, a British subject, and his family, for an alleged assault made by one Victor McCarthy and others in Sarpy County, Nebr., July 31, 1894, and the suggestions submitted by you in your communication of December 11, 1896, as to the advisability of criminally prosecuting the alleged assailants in the courts of this State, I have the honor to submit herewith for your consideration a report made to me by the county attorney of Sarpy County, the county in which the alleged offense was committed, together with the affidavits of certain citizens submitted to me at the same time, throwing some additional light upon this controversy.

I beg to submit, in addition to what is said by the county attorney in this communication, that after a consultation between the deputy attorney-general and the county attorney and myself respecting the advisability of prosecuting the alleged assailants in Sarpy County, I reached the conclusion that, owing to the present situation of all the parties connected with this transaction, it would be very difficult and with no reasonable hope of success to prosecute any of these parties at this time. I am of the opinion that this condition is largely the result of the action of the Dawsons, who claim to be the injured party. I feel warranted in saying that the courts of Sarpy County were accessible to them at the time the transaction occurred, and it was through their own action and a seeming reluctance to interest themselves in securing the arrest and punishment of these offenders that the matter has been allowed to lie dormant until the conditions are such that a criminal prosecution can not be had with any reasonable hope of conviction.

It is undoubtedly true that the McCarthys were disposed to be lawless and had frequently violated the law in different respects, and that their acts were severely condemned by all classes of citizens, and the people generally would have looked with great favor upon a prosecution in this or any other case where the evidence was obtainable, with the desire of having them brought to justice for any violation of the law.

It can not, in my judgment, be assumed, upon any reasonable hypothesis, that either the courts or the citizens generally were opposed to the prosecution of these men. On the other hand, I am quite confident that the prosecution for this as well as other violations of law of which they had been guilty would have been looked upon with great favor, but by the actions of the Dawsons in seemingly condoning this offense and neglecting to take any steps looking to their prosecution the impression became prevalent that the transaction was trivial in its character and the result of a drunken brawl.

Victor McCarthy, the principal offender—and the only one against whom it seems at all probable a conviction could be had—has since been convicted of a much more serious offense and sentenced to the penitentiary for a period of fifteen years, but has escaped from the officers of the law and is a fugitive from justice. The whereabouts of two of the other parties is unknown. The prosecuting attorney of the county is firmly of the opinion that a conviction could not be secured as against the fourth one, whose participation he looks upon as being more that of a person trying to settle the disturbance than an act of participation therein.

The injured parties in this transaction not only had the remedy for their wrongs by prosecuting their assailants in the courts of the county where the transaction occurred, but they also had the right to bring a civil action against them for damages sustained and recover for any injury, damage, or loss suffered by them by this transaction.

While I am of the opinion, from the evidence submitted, that the assault was unprovoked and that the parties should have and could have been successfully prosecuted at the time, and that a civil action would lie for whatever damage there was, I am inclined to the view that at this time, and because of the subsequent actions of the injured parties, a prosecution of this character would serve no good purpose. The injury resulting from the assault has, in my judgment, been greatly magnified, and the claims for indemnity presented are so unreasonably high as to throw discredit upon the merits of the entire claim. At most, in my judgment, it was only a case of aggravated assault, with little, if any, permanent personal injury resulting therefrom.

While I do not wish to be understood as saying there is no merit in the contention of the claimants in this matter, I am clearly of the opinion that there has been a studied effort made to greatly magnify the injury done, and that the claims made are deserving of a most thorough and critical scrutiny, and that, if any, only a very moderate sum should be allowed, which will adequately compensate these parties for the personal injury or loss of property sustained by them on this occasion.

I am, sir, very truly, yours,

SILAS A. HOLCOMB, *Governor.*

Hon. RICHARD OLNEY,
Secretary of State, Washington, D. C.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments a bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; in which the concurrence of the House was requested.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1656) for the relief of Stout, Hall & Bangs;

A bill (S. 1929) for the relief of William H. Crook;

A bill (S. 2594) granting an increase of pension to William A. Beckford;

A bill (S. 2928) in relation to an extension of the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company;

A bill (S. 2324) to relieve John McCarthy from the charge of desertion;

A bill (S. 1082) for the relief of Irwin Tucker, postmaster at Newport News, Va.; and

A bill (S. 229) for the relief of Robert McGee.

WILLIAM B. ELLIS.

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2259) for the relief of William B. Ellis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to so amend the military record of William B. Ellis, late captain of Company I, Seventy-ninth Indiana Volunteer Infantry, as to show him honorably discharged such service upon resignation on the 16th day of July, 1863, and that the said William B. Ellis be granted an honorable discharge as of such date.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BARTLETT of New York. Mr. Speaker, I reserve the right to object, and ask for an explanation of the bill.

Mr. OVERSTREET. Mr. Speaker, this is a measure a little out of the ordinary. This relief is not sought primarily by the party himself, but at the earnest solicitation of the living officers of the regiment in which he served as captain. An error was evidently made in the original charge which was preferred against this officer. He had resigned pending a charge which was to have been inquired into by a court-martial. Upon the indorsement of the resignation, under the acceptance, the colonel of the regiment had recorded that this officer's resignation was accepted for the good of the service and because he was a worthless officer, and it is to remove that stigma that this bill is introduced. The colonel himself, who is still living, has signed a petition addressed to Congress, joining with all the other living officers of the regiment, praying for the passage of this bill. In his statement, which is verified, the colonel says that Ellis was a courteous, efficient, and brave officer, but that he fell under influences that led him into dissipation for a time. He says that the circumstances surrounding the offense were quite aggravating, and that he made an indorsement upon the application, feeling at the time that it was deserved, but that this man was not to blame; that another officer, who was worthless, was the one who should have been held responsible. He says he has known Captain Ellis as a citizen and that his deportment has always been without reproach. He says that at the time he got into trouble the controlling influences were those of this associate officer, and that he thinks Captain Ellis has suffered intense mortification because of the unfortunate circumstances connected with his discharge from the Army. Then the colonel says:

I feel it is due to him and to myself, and I respectfully urge upon your honorable body that the record in the case of this officer be changed to an honorable discharge.

He is supported in this request by all the surviving officers of the regiment. It will be seen that the case is a little out of the ordinary, and this bill is intended simply to remove a stain which the colonel himself feels was inadvertently put upon Captain Ellis.

Mr. BARTLETT of New York. Will the gentleman accept an amendment providing that no pension shall be claimed by this man?

Mr. OVERSTREET. I should have no objection to that; but it is an unusual proposition. I have never known such an amendment to be offered in a case like this.

Mr. BARTLETT of New York. I shall object unless you accept that amendment.

Mr. OVERSTREET. I trust my friend will not insist upon it.

Mr. BARTLETT of New York. I must insist upon the amendment. If the gentleman accepts that I have no objection to his bill.

Mr. OVERSTREET. I will say to the gentleman from New York that, in reply to inquiry which I made directly of this officer, he stated to me that he had no thought of making any such application. It would look very much like a bargain, and that is why I object.

Mr. BARTLETT of New York. Mr. Speaker, I make no bargain. If the gentleman accepts my amendment I will not object to his bill, otherwise I must object.

Mr. OVERSTREET. Do you insist upon objecting unless that amendment is accepted?

Mr. BARTLETT of New York. I do.

Mr. OVERSTREET. Well, Mr. Speaker, I will accept the amendment.

Mr. BARTLETT of New York. I move to amend the amendment recommended by the committee by inserting in line 10, after the word "bounty," the word "pension."

The SPEAKER. The Chair understands the gentleman from Indiana [Mr. OVERSTREET] to consent that that is to be considered as a part of the proposition before the House. The question is on agreeing to the committee amendment as amended.

The amendment as amended was read, as follows:

Add, after the word "date," the following: "*Provided*, That no pay, bounty, pension, or other allowances shall become due or payable by reason of the passage of this act."

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. OVERSTREET, a motion to reconsider the vote by which the bill was passed was laid on the table.

NATIONAL NEW HAVEN BANK.

Mr. SPERRY. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill No. 1365. It is in relation to a certificate which has been issued by the Navy Department, which certificate is now in one of the banks of New Haven awaiting payment. There never has been sufficient money to pay the certificate, and the purpose of this bill is to authorize its payment.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay the National New Haven Bank of the State of Connecticut the sum of $3,519.15 out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. SPERRY. This bill was reported to the House by the gentleman from Tennessee [Mr. COX]. I ask the Clerk to read in connection with the bill the letter of the Auditor of the Treasury for the Navy Department which I send to the desk.

The letter was read, as follows:

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE NAVY DEPARTMENT,
Washington, D. C., April 14, 1896.

SIR: In reply to your verbal inquiry in the matter of claim of the National Bank of New Haven for the amount of an approved voucher uttered February 28, 1877, by the Bureau of Construction and Repair of the Navy Department, in favor of John W. Griffiths, amounting to $3,519.15, I have the honor to state that in an examination of the records I do not find that payment of the above sum was made by settlement in this office.

Respectfully, yours,

E. N. BOWMAN, *Acting Auditor.*

Hon. N. D. SPERRY, M. C.,
House of Representatives.

Mr. SPERRY. Now, Mr. Speaker, I ask to have read a letter from the Assistant Secretary of the Navy.

The letter was read, as follows:

NAVY DEPARTMENT, *Washington, April 16, 1896.*

SIR: Referring to your personal inquiry at the Department this morning concerning the status of the claim of the National New Haven Bank of Connecticut, on account of money due J. W. Griffiths for extra work on the U. S. S. *Enterprise* in the sum of $3,519.15, I have the honor to inform you that the reason why said claim was not paid when demand was made therefor by said bank is that there was no appropriation available from which the amount thereof could be taken, and that although the claim is considered to be just, there is no appropriation from which it can now be paid.

For your further information in this connection, I inclose herewith a copy of a letter addressed to Hon. W. M. STEWART, Senate Committee on Claims, by the Department, under date of March 15, 1892.

Very respectfully,

W. MCADOO, *Acting Secretary.*

Hon. N. D. SPERRY,
House of Representatives.

Mr. SPERRY. Now, I should like to have the gentleman from Tennessee who reported the bill to the House make a statement concerning it.

Mr. COX. Has the report been read, Mr. Speaker? If not, I should like to have it read.

The report (by Mr. COX) was read, as follows:

The Committee on Claims, to whom was referred the bill (S. 1365) for the relief of National New Haven Bank, submit the following report:

This bill is the same as H. R. 1903, now pending in the House and previously reported by this committee with a favorable recommendation.

Your committee therefore recommend that this bill be substituted for said House bill, and that said House bill lie on the table.

Mr. COX. I think the bill is perfectly correct and ought to pass.

Mr. BARTLETT of New York. Mr. Speaker, the gentleman from Connecticut [Mr. SPERRY] called upon the gentleman from Tennessee to explain this bill. The gentleman says he is satisfied with the bill, but that does not tell the House anything about it. I should like to hear an explanation.

Mr. COX. My attention was drawn to another matter and I supposed that the gentleman in charge of the bill had explained it.

Mr. SPERRY. Mr. Speaker, the explanation of the bill is this: A few years ago when the sloop *Enterprise* was built there was an adjustment of the account made by the Navy Department. After that adjustment a certificate was issued in triplicate by the Navy Department to Mr. Griffiths in final settlement of his claim. That settlement amounted to $3,519.15. A certificate was given for that sum, but when the certificate was presented at the proper Bureau for payment it was found that there was not sufficient money to meet it. The holder of the certificate then took it to one of the banks and made a note and lodged the certificate with the bank as collateral security. When the note became due it was not paid, and the bank has been carrying the certificate ever since. This bill has passed the Senate once or twice, but has failed to come up in the House, and now, inasmuch as that certificate, which has the indorsement of the Secretary of the Navy and of the Auditor of the Treasury Department for the Navy, is still unpaid, I ask that it may be met by the passage of this bill. That is all there is of this case. It is a plain, simple proposition, to meet an undisputed Government indebtedness.

Mr. DINGLEY. I did not hear the letters read, owing to the confusion in the Hall, but, as I understand, the letter of the Treasury official states that this amount is due to the owner of the certificate.

Mr. SPERRY. Yes.

Mr. DINGLEY. And this New Haven bank holds the certificate as collateral on a loan?

Mr. SPERRY. Yes, sir.

Mr. LOUD. Mr. Speaker, until the bill shall be put in such shape as to show what this money is to be paid for, I shall have to object. I will never allow a bill to go through this House, if I

can prevent it, directing the Secretary of the Treasury to pay an amount of money to a given party without specifying the object for which the money is to be paid.

Mr. SPERRY. It does specify.

Mr. LOUD. No. It simply directs the Secretary of the Treasury to pay so much money.

Mr. SPERRY. I think it specifies.

Mr. LOUD. Let us have the bill read again.

The bill was again read.

Mr. LOUD. Now, Mr. Speaker, until the bill is amended as I have indicated, I must object.

Mr. SPERRY. I have no objection to the bill being amended so as to show what the money is to be paid for.

The SPEAKER. The gentleman will have to present his amendment.

Mr. COX. Mr. Speaker, does not the report show the number of the certificate which the bank holds? The bill ought to be amended, I think, so as to show that the money is to be paid on that certificate.

The SPEAKER. Does the gentleman from Connecticut desire to amend his bill? The gentleman from California [Mr. LOUD] objects unless an amendment is made.

Mr. COX. Mr. Speaker, the number of that certificate is in the papers, and it probably ought to be inserted in the bill. I now ask unanimous consent, inasmuch as I know that this claim is absolutely right, that the bill go over until to-morrow morning.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that this bill go over until to-morrow after the reading of the Journal. There is already one special order of that sort pending.

Mr. KEM. I demand the regular order.

The SPEAKER. The regular order is demanded.

Mr. SPERRY. Mr. Speaker, is it understood that my bill goes over until to-morrow morning?

The SPEAKER. It is not.

Mr. SPERRY. Then I make that motion.

The SPEAKER. That motion is not in order. The regular order is called for by the gentleman from Nebraska.

Mr. SPERRY. I understood that the motion of the gentleman from Tennessee [Mr. COX] was that the bill should go over until to-morrow morning.

The SPEAKER. But the gentleman from Nebraska then called for the regular order.

REGULATION OF MARRIAGES IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, on the last District day——

Mr. KEM. Mr. Speaker, I withdraw the call for the regular order.

Mr. MAHON. I renew it.

The SPEAKER. The gentleman from Wisconsin.

Mr. BABCOCK. When the House adjourned two weeks ago to-day, there was pending Senate bill No. 1904, for the regulation of marriages in the District of Columbia, upon which the previous question had been demanded. There being no quorum present on that vote, the House adjourned. I now renew the demand for the previous question on that bill.

The SPEAKER. The Chair thinks that the Senate bill ought to be read again.

Mr. DOCKERY. That is correct.

The Clerk read as follows:

A bill (S. 1904) to regulate marriages in the District of Columbia.

The bill was read at length.

The SPEAKER. The Clerk will also report the amendments recommended by the Committee on the District of Columbia.

The amendments were read at length.

The SPEAKER. There were also other amendments presented by the gentleman from Ohio [Mr. HULICK].

Mr. BABCOCK. I understood the amendments were cut off by the demand for the previous question. I do not understand that there were any pending amendments except the committee amendments.

The SPEAKER. The Chair thinks that they are pending.

Mr. PICKLER. Will the gentleman yield to me for a moment?

Mr. BABCOCK. Certainly; I yield to the gentleman for a moment.

Mr. PICKLER. How much time does the gentleman desire during the day for the District business?

Mr. BABCOCK. In answer to the gentleman, I will say that it will take but a very short time unless there shall be unnecessary discussion. This bill has been thoroughly discussed already. The previous question has been demanded, and it can be disposed of in five minutes, I think.

Mr. PICKLER. I understood the gentleman to say a short time ago in conversation that an hour or an hour and a half, he thought, would be sufficient.

Mr. BABCOCK. I do not think we can occupy that much time.

Mr. PICKLER. I do not want to antagonize the District, but I think we have the right of way with the pension bill, and if at the expiration of two hours the business is not disposed of I shall feel compelled to ask the House to proceed with the consideration of that bill under the five-minute rule.

The SPEAKER. The gentleman gives notice.

Mr. MAHON. Does this committee not have the right of way for the further consideration of the pension bill without the vote of the House even?

The SPEAKER. The District of Columbia has the right of way to-day.

Mr. MAHON. Without a vote of the House?

The SPEAKER. Without a vote of the House.

Mr. GROSVENOR. But the House can vote down that right of way, if it so desires.

Mr. PICKLER. I give notice that I will ask the House to consider the pension bill after two hours, unless the Committee on the District of Columbia sooner disposes of this business.

The SPEAKER. The amendments proposed by the gentleman from Ohio [Mr. HULICK] will be read.

The amendments were read at length.

Mr. BABCOCK. Those are not committee amendments. The committee considered and refused to adopt them, and they ought to be defeated.

The previous question was ordered, under the operation of which the amendments reported from the committee were adopted.

Mr. WALSH. Mr. Speaker, I rise to a parliamentary inquiry. Is a motion to recommit now in order?

The SPEAKER. The Chair thinks not until after the bill has passed to its engrossment and third reading.

The question recurred on the amendments proposed by Mr. HULICK.

The amendments were rejected.

The bill was ordered to a third reading, and was read the third time.

Mr. BARTLETT of New York. Will a motion to recommit be in order now?

The SPEAKER. The gentleman from New York [Mr. WALSH] has indicated an intention of making that motion. The motion is now in order.

Mr. WALSH. I move to recommit this bill to the Committee on the District of Columbia. May I make a statement at this time?

The SPEAKER. It would not be in order.

Mr. WALSH. The matter is not now debatable?

The SPEAKER. It is not debatable, the previous question having been ordered.

The question being taken on the motion to recommit, there were (on a division demanded by Mr. WALSH)—ayes 5, noes 46.

So the motion was rejected.

The bill was passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

BANKRUPTCY.

Mr. HENDERSON. Mr. Speaker, I desire to say to the House that to-morrow, after the action upon the pension bill, I shall ask the authority of the House to bring up the general bankruptcy bill. Many gentlemen have asked the question, and I desire to give notice of that now.

CAPITAL RAILWAY COMPANY.

Mr. BABCOCK. Mr. Speaker, I call up for consideration the bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895.

The bill was read, as follows:

Be it enacted, etc., That the act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895, be, and the same is hereby, amended by striking out in the first section all after the words "for a common seal," to the end of the section, and inserting the following: "Said corporation is hereby authorized to construct and lay down and complete a single or double track street railway in the District of Columbia, and run cars thereon for carrying passengers by and along the following route: Beginning at a point on the District line near the Potomac River southeast of Shepherds Ferry, thence by such route as shall be approved by the Commissioners of the District of Columbia to the south side of the Eastern Branch or Anacostia River at the Navy-Yard Bridge; thence across said bridge to Eleventh street east; thence north on Eleventh street east to M street south; thence west on M street to a point to be located by the District Commissioners near Eighth street east, connecting with the lines of the Capital Traction Company, and returning over the same route to the point of beginning. Also, beginning at the eastern end of the Navy-Yard Bridge, easterly along Monroe and Harrison streets and Good Hope road, and from Good Hope road to the District line, over such route as the District Commissioners shall approve, and returning over the same route to the point of beginning: *Provided*, That within the city of Washington a double-track railway shall be constructed.

SEC. 2. That the motive power to be used on the lines in this act specified shall be the underground electric system within the city of Washington and the overhead trolley system outside the city of Washington. For crossing the Navy-Yard Bridge the said company may, in the discretion of the Commissioners of the District of Columbia, use either horse power or the underground electric system to propel its cars; and the said company shall have the privilege of carrying an electric current across the said Navy-Yard Bridge in such manner as the said Commissioners of the District of Columbia shall prescribe.

SEC. 3. That the Capital Railway Company and the Capital Traction Company are hereby required to issue free transfers at the point of intersection

of their respective lines, so that for the payment of one fare a passenger on either road shall have the privilege of riding over the lines of both.

SEC. 4. That the portion of the company's route from Congress or Pencote Heights to Shepherds Landing shall be completed within four years from the date of the passage of this act.

SEC. 5. That Congress reserves the right to alter, amend, or repeal this act.

Mr. BABCOCK. Mr. Speaker, there are certain committee amendments.

The Clerk read from the report of the Committee on the District of Columbia, as follows:

The committee think the Senate bill should be amended as follows:

After the word "Company," in line 21, section 1, page 2, of the bill, add the words "also continuing from said Eleventh and M streets, north of Eleventh street to the south building line of A street south."

The object of this amendment is to make the lines of the company connect with the Metropolitan Railway Company.

A further amendment should be made to the Senate bill as follows:

At the end of section 1 add the following words: "*Provided*, That the line of said railway company shall be commenced within three months and completed within two years from date of the passage of this act, with the exception mentioned in section 4 of this bill."

And a further amendment as follows:

"After the word "Company," in line 1, section 3, on page 3, add the words "the Metropolitan Railroad Company."

The SPEAKER. The question is on agreeing to the amendments.

Mr. HEPBURN. Mr. Speaker——

Mr. RICHARDSON. Mr. Speaker, I want to make a statement about this bill. I will yield to the gentleman from Iowa then.

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON] is recognized.

Mr. RICHARDSON. Mr. Speaker, this bill is designed to be an amendment to a charter which was granted to this railroad company by the Fifty-third Congress. The line will run about as follows: Beginning at Congress Heights, beyond the Eastern Branch, beyond the village of Anacostia, it then comes down through the village of Anacostia and crosses the Anacostia Bridge, comes up to the navy-yard, and there connects with the line of the Capital Traction Company—that is, the Washington and Georgetown Railroad Company. Then from Eleventh street, one or two blocks beyond the navy-yard, there is a branch to run up to Lincoln Park and there connect with the line of the Metropolitan Railroad Company.

The bill provides that there shall be a free transfer with both these roads at those points.

Now, Mr. Speaker, the line goes beyond Congress Heights to what is called Shepherds Landing, which is some 3 or 4 miles beyond the asylum, or beyond Congress Heights, which are just beyond the asylum, as I understand their location. It is also intended that from near Congress Heights a branch shall run up in the neighborhood of what is known as Overlook Inn. I presume some gentlemen, or all, know where that point is.

There is a great demand, Mr. Speaker, for this road, if we take the testimony of the citizens of Anacostia, who are now almost without railroad facilities and accommodations.

Mr. WILLIAM A. STONE. I desire to ask if this discretion which is vested in the Commissioners, on page 2, line 14—

Thence by such route as shall be approved by the Commissioners of the District of Columbia to the south side of the Eastern Branch or Anacostia River at the Navy-Yard Bridge—

relates to any portion of the line which is in the city proper?

Mr. RICHARDSON. None of it at all. It is outside of the city, as I understand it.

Mr. WILLIAM A. STONE. I will ask the same question with reference to the discretion lodged in the Commissioners, on page 2, in lines 24, 25, 26, 27, and 28:

Also beginning at the eastern end of the Navy-Yard Bridge, easterly along Monroe and Harrison streets and Good Hope road, and from Good Hope road to the District line, over such route as the District Commissioners shall approve, and returning over the same route to the point of beginning.

Is any portion of that route in the city?

Mr. RICHARDSON. No; that is all away beyond the Eastern Branch.

Mr. WILLIAM A. STONE. And the portions of the line that extend within the city are limited?

Mr. RICHARDSON. Yes.

Mr. WILLIAM A. STONE. And no discretion is given to the Commissioners as to that part?

Mr. RICHARDSON. None at all. The object is, as I was about to remark, to afford accommodations for the thriving village of Anacostia, which now contains five or six thousand people, who are almost without street-railroad facilities. My attention has also been called to the fact that there is a large settlement beyond Anacostia, known as Congress Heights, and there are some other villages beyond, which are utterly without railroad facilities. Also the Government lunatic asylum, St. Elizabeth's, on the edge of Anacostia, beyond the river, is without railroad facilities. I have been informed that there are twenty-six or twenty-seven hundred inmates, including patients and attendants.

Mr. WILLIAM A. STONE. Is this road all on the east side of the Capitol—in the eastern side of the city?

Mr. RICHARDSON. Yes. I will state that these people at the lunatic asylum have no railroad facilities into town. The little Anacostia road stops at the foot of the hill, something like a quarter of a mile or more this side of the asylum, so that there is no accommodation whatever to the people there and to the persons who have to visit that institution. The object is to afford more rapid transit to that neighborhood and to accommodate the people in that locality. The gentleman from Pennsylvania [Mr. WILLIAM A. STONE] asked me about the limits in this city. The terminus in this city will be the navy-yard, in one case, and Lincoln Park, on Eleventh street, in the other, so that the road does not come into the populous part of the city. But it is provided that where that road connects with the Washington and Georgetown, or the Capital Traction Company, as it is now called, and the Metropolitan road, at the navy-yard and at Lincoln Park, there shall be free transfers with both roads, so that passengers desiring to come in from Anacostia and to go thence may have the benefit of one fare only.

Now, I believe that is all. The road is demanded, Mr. Speaker, by hundreds of people. The room of the Committee on the District of Columbia has been flooded time and time again by people who came in person, and a large number sent petitions urging this accommodation. It is a Senate bill, which has already passed the Senate, and we simply amend it with the small amendments to which I have called attention.

Mr. HEPBURN. Mr. Speaker, the gentleman from Tennessee has omitted to say that which perhaps he might have said, that there is no Capital Railway Company having an existing charter now. It is attempted by an amendment to revive a forfeited charter.

Mr. RICHARDSON. No; the gentleman is mistaken in that.

Mr. HEPBURN. If the gentleman will refer to the act of March 2, 1895, which was an act to incorporate the Capital Railway Company, he will find that there are two conditions of forfeiture in that bill. One requires that the road shall be begun within one year. That year expired on the 2d day of last March. The other requires that there shall be a report made to Congress containing the various matters referred to in that section. Inquiry shows that up to this time, although that report was due on the 1st day of February last, no such report has been made; and the provision of the section declares a failure to be a forfeiture of the charter. So that it is safe to say that, without a legislative recognition of the present existence of this charter, it has no existence.

Now, I am not disposed to oppose the general purpose of this bill. I believe that that portion of the District named by the gentleman from Tennessee [Mr. RICHARDSON] ought to be accommodated; but there ought to be some guaranty, Mr. Speaker, that when we authorize this company to act as a corporation it will do something. They were required to begin their work within a year, and to complete it within two years. Now, I am perfectly willing, if it is amended, to allow it to pass, but they ought to be required to begin their work at once and to complete their work in the District within a year.

Mr. RICHARDSON. Will the gentleman yield to me for a moment? If he will notice, the House has provided an amendment to the Senate bill which requires them to begin work in three months.

Mr. HEPBURN. Yes, sir; and to complete it within two years?

Mr. RICHARDSON. Yes. They have two years now.

Mr. HEPBURN. They have not a minute. They have no charter, and without the passage of this act the gentleman knows they can not now move a wheel or put a spade in the ground.

Mr. RICHARDSON. The gentleman will pardon me a moment. They had three years in which to complete it, and that is what I meant by saying that they still have two years more.

Mr. HEPBURN. But they have no right to complete it unless they began within a year.

Mr. RICHARDSON. I do not know how much work they have done.

Mr. HEPBURN. Their charter is forfeited on both the grounds, as I claim.

Mr. RICHARDSON. I would suggest to the gentleman that, however that may be, technically considered, the great demand for the road ought to influence this House to grant them the charter.

Mr. HEPBURN. I am not going to combat that if the gentleman will submit to proper amendments.

Mr. RICHARDSON. What amendments does the gentleman suggest?

Mr. HEPBURN. I suggest two amendments. The first one is that the road, after reaching Eighth street, by way of M, should continue on Eighth street to East Capitol street. That gives connection with both roads, and does away with the necessity of it on Eleventh street.

Mr. RICHARDSON. You want it to run on Eighth street?

Mr. HEPBURN. Let it continue on Eighth street.

Mr. RICHARDSON. Instead of Eleventh?

Mr. HEPBURN. Instead of Eleventh.

Mr. RICHARDSON. Well?

Mr. HEPBURN. I am not as solicitous about that as I am about the time of completion. The experience of this committee as to the building of roads in this city shows that it is entirely practicable within six months instead of a year or two years; and if they are in good faith I think they will accept this amendment as to the time. The other I am not at all particular about.

Mr. RICHARDSON. One moment there. I think the traction company is on Eighth street, and they can not run two sets of tracks on that street.

Mr. HEPBURN. It is on Eighth street to Pennsylvania avenue.

Mr. RICHARDSON. They can not occupy the same street.

Mr. HEPBURN. Their charter provides for the use of the tracks of roads with which their line coincides.

Mr. RICHARDSON. The Capital Traction Company or the Washington and Georgetown road have their lines there.

Now, then, as to the other amendment, I want to say that, while I do not know myself, I am informed by a note which I have just received that work has begun on the road. They have been at work on the road. I do not know how much they have done. I want to say this in justice to the gentleman——

Mr. HEPBURN. Well, the gentleman knows very well that nothing practically has been done. They may have attempted in some surreptitious way to hold their charter, but they have not made the report they are required to make. A provision in the bill declares that a failure to make that report works a forfeiture, and that report has not been made.

Mr. RICHARDSON. I am informed by the gentleman from Mississippi [Mr. CATCHINGS] that they have made a report and that a deposit has been made.

Mr. HEPBURN. I got it from the Clerk only a moment ago. I made the inquiry whether that report to Congress had been made.

Mr. RICHARDSON. Well, the gentleman from Mississippi sitting near me has that information, but I do not know that it is reliable.

Mr. HEPBURN. Now, I am not going to be tenacious about this, if the gentleman will accept an amendment requiring the completion of the work in one year. I know, and the gentleman knows, that if the company are in good faith they can do it in that time.

Mr. RICHARDSON. I understand the gentleman's proposition to be that they be required to complete it in one year instead of in two years, as proposed by the committee?

Mr. HEPBURN. Yes.

Mr. RICHARDSON. Well, I do not object to that, because I have never known Congress to forfeit a charter where the company went to work in earnest, thus giving evidence of its intention in good faith to complete its road.

Mr. HEPBURN. I think Congress has shown that in the case of the Metropolitan Company. Congress began seven years ago to force them to do what they have not yet completed.

Mr. RICHARDSON. Their time has not yet expired. I do not object to the gentleman's amendment, Mr. Speaker.

Mr. HEPBURN. In the amendment recommended by the committee, in section 1, line 32, I move to strike out "two," before "years," and to insert "one;" and also to strike out the letter "s" in the word "years."

The amendment was agreed to.

Mr. HEPBURN. Now, in section 4 there is a limitation of four years. Certainly the gentleman does not want to give any railway company four years in which to complete its road. In view of the existing demand for rapid transit, I think the limitation ought to be made two years.

Mr. RICHARDSON. I do not know that I shall object to that amendment, but I want to say to the gentleman that that part of the line begins at Congress or Pencote Heights, which is something like a mile beyond Anacostia, and from that point on to the river at Shepherds Landing the route, as I understand, runs through the woods, or at least through an entirely unimproved region, so that there is no demand for the early completion of that part of the road.

Mr. HEPBURN. Well, suppose we strike out that section.

Mr. RICHARDSON. But the company desire the right to build that line. Shepherds Landing is an objective point on the river which they desire to reach, and which I think ought to be reached.

Mr. HEPBURN. Then, Mr. Speaker, in section 4, line 3, I move to strike out the word "four," before "years," and insert "two."

The amendment was agreed to.

The amendments recommended by the committee as amended were adopted.

The SPEAKER pro tempore. The attention of the Chair is called to the fact that in line 16, page 2, of the engrossed bill, the word "the" is repeated.

Mr. RICHARDSON. I ask unanimous consent that one "the" be stricken out.

There was no objection.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RICHARDSON moved to reconsider the vote by which the bill was passed, and also moved to lay that motion on the table.

The latter motion was agreed to.

Mr. BABCOCK. Mr. Speaker, I believe the Committee on the District of Columbia has no further business to bring before the House to-day.

REFERENCE OF A BILL.

Mr. EVANS. Mr. Speaker, I am instructed by the Committee on Ways and Means to ask that the bill H. R. 6659 be referred back to the committee.

There was no objection, and it was so ordered.

COL. PHILLIP KIRSCHNER.

Mr. CORLISS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk. It will take but a few minutes.

The SPEAKER pro tempore. If the gentleman from South Dakota [Mr. PICKLER] does not wish to be recognized, the Chair will recognize the gentleman from Michigan.

Mr. PICKLER (to Mr. CORLISS). Is this a private bill?

Mr. CORLISS. It is, but not one that ought to be considered at a Friday night session.

Mr. PICKLER. I will withhold the demand for the regular order for a few minutes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be authorized and directed to reimburse and pay to Col. Phillip Kirschner the sum of $388.52, with interest thereon from August 6, 1866, for money paid by him as a commissioned officer in the Army for the services of a band for the Sixteenth Regiment of Ohio Infantry Volunteers during the war, on proper proof of the payment of the said sum by said Kirschner duly submitted to and approved by the auditing or accounting officer of the Treasury, which sum is hereby appropriated for the purpose out of any money in the Treasury not otherwise appropriated.

An amendment recommended by the committee was read, as follows:

Strike out lines 5 and 6, and the words "and sixty-six," in line 7, and substitute therefor "$337.52." Strike out the letter "c" in "Kirschner."

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BARTLETT of New York. Mr. Speaker, I reserve the right to object, and ask for an explanation.

Mr. CORLISS. It will appear from the report in this case, which was made by unanimous consent, that under the proclamation by the President in April, 1861, commissioned officers were authorized to engage bands for the Army, and this commissioned officer engaged a band for the three months' service, in connection with other officers, and made a contract for that period. The band served during the three months. This commissioned officer remained in the service, but the band were mustered out. They did not, however, receive from the Government the full contract price.

Several years afterwards Colonel Kirschner was compelled to pay his part of the balance. There was an act of Congress passed at the time authorizing the engagement of bands by commissioned officers and another act directing the Treasury Department to pay the amount contracted for. That act was afterwards repealed and the engagement of the bands was authorized to be made in the regular way. This transaction occurred early in the war, in April, 1861. This commissioned officer served through the war and from a gunshot wound lost his sight. Three years after he was mustered out a judgment was claimed against him for this money by another commissioned officer who had been compelled to pay it under a judgment. Colonel Kirschner was compelled to pay his portion. At that time he was able to pay it, but later he became blind, and now he is blind and penniless except for the pension that he receives, and in his helpless condion, at 75 years of age, he asks to be repaid the money which he was compelled to pay for this purpose by the judgment of a court.

Mr. PICKLER. Mr. Speaker, I think I will be compelled to demand the regular order.

Mr. CORLISS. This bill ought to pass.

Mr. PICKLER. This bill will evidently consume considerable time——

Mr. CORLISS. I think not. There is no possible question about the bill.

The SPEAKER. The gentleman from South Dakota demands the regular order, which is equivalent to an objection.

ORDER OF BUSINESS.

Mr. PICKLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the further consideration of the pension bill.

Mr. HENDERSON. Pending that, I wish to submit a privileged report from the Committee on Rules.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Rules, having had under consideration Resolution No. 235, report back the accompanying resolution as a substitute, with the recommendation that the substitute be adopted:

Resolved, That on the passage of this resolution the consideration of the bill H. R. 8271, a bill relating to pensions, shall be resumed and considered under the five-minute rule for one hour and a half, when it, with any amendments that may be adopted, shall be reported favorably to the House, the previous question shall be considered as ordered upon the bill and said amendments to the passage of said bill, and on Tuesday, April 28, 1896, immediately after the reading of the Journal, the vote shall be taken on the passage of said bill.

Mr. HENDERSON. I reserve my remarks until I hear from any gentleman who may desire to oppose the resolution. If no one desires to take the floor, I shall ask the previous question on the report.

Mr. CRISP. That will allow debate afterwards.

Mr. MILES. Mr. Speaker, before the question is taken, I desire to submit an inquiry. I was unable to ascertain from the reading of this report exactly what it proposes. I would like to ask whether this rule will render it possible to offer any amendments to the bill?

The SPEAKER. The rule will be read again for the information of the House.

The rule proposed by the Committee on Rules was again reported.

The previous question was ordered.

Mr. CRISP. Does the gentleman desire to say anything about the rule—to make any explanation of it?

Mr. HENDERSON. I will reserve my remarks. I yield a few moments to my friend from Illinois [Mr. CANNON], who wishes to make a statement to the House.

Mr. CANNON. I do not wish to make any remarks upon the proposed rule, but I suppose that about 2 o'clock we will get a report from the Senate on the sundry civil bill. I would be glad when it comes over to have the committee rise, if we go into Committee of the Whole on the pension bill, and let me dispose of the sundry civil bill by sending the amendments of the Senate to conference. I ask this because I am compelled to be absent from the House to-morrow.

Mr. HENDERSON. Does the gentleman think it will involve any debate?

Mr. CANNON. I think not. If it does, however, it would not interfere with the hour and a half set apart by this rule, because under the order that time would be occupied anyhow. I suppose it would be in order to make that arrangement.

Mr. HENDERSON. I have no objection to it.

Mr. BARTLETT of New York. I would like to ask a question before the vote is taken on the proposed resolution. Why not have the vote this afternoon, instead of putting it off until to-morrow?

Mr. HENDERSON. Because there are a number of gentlemen, members of the House, who are compelled to be absent this afternoon and who wish to vote on this question. The vote was put off until to-morrow in order to accommodate them. This is General Grant's birthday, and a number of orators have been compelled to go abroad on this occasion. We are trying to accommodate them.

I reserve my time, Mr. Speaker.

Mr. CRISP. Mr. Speaker, if I can get the attention of the House for a moment, I would be glad that members should understand before they vote on this order exactly what it means.

There are occasions when a right is pretendedly given and yet substantially none is granted. This is one of those occasions. This order is remarkable for appearing to do one thing and, in fact, doing another.

Now, I take it for granted that there are numbers of gentlemen in this House who desire to offer amendments to the pending bill. There may be gentlemen in this House who fancy that upon the adoption of this order their right to offer amendments will be retained. They are mistaken. This order provides for one hour and a half to be devoted to the consideration of the bill under the five-minute rule. That means that amendments are in order. Now, under the rules of the House, when amendments are in order, four amendments may be pending at one time—an amendment to the text, an amendment to that amendment, a substitute, and an amendment to the substitute. When you adopt this order, therefore, all these amendments may be offered and recognized by the Chair as pending amendments. Now, then, you have got one and one-half hours under the five-minute rule for consideration of amendments and for debate. The first amendment probably would be to strike out the first section of the bill, which has been assailed on both sides of the House. An hour and a half is to be used in debate. It is very easy to use all of that time under the five-minute rule in debating the first section, and when the hour and a half expires the committee must rise and report to the House—what? Not the four amendments that are pending in Committee of the Whole, but report to the House only such amendments as have been adopted by the committee.

No amendment has been adopted by the committee, because the hour and a half was used in debating the first amendment; so that when you get in the House the question is, Shall the bill without amendment pass? That is all there is to it. Every order of this kind that has been drawn heretofore, I think—I can not be positive, but that is my recollection—provided that when the time for consideration expired the committee should rise, report the bill to the House, and the House should vote on pending amendments—amendments that were pending in the committee—so that there might in fact be some right to amend. But if you adopt this order then you practically say that no amendment shall be voted upon by the House.

If there are members here who desire to amend this bill, the choice is presented to them here and now. If you want to amend this bill, you must vote down this order. If you want to pass this bill without amendment, then you vote up this order.

So that the matter may be clearly understood, so that no man can go to his constituents and say, "I voted for this bill because I had no opportunity to offer an amendment; I wanted to amend it, but I could not," I call attention to the fact that if a majority of this House desire to amend the bill the way to do it is to vote down this rule and let the bill be considered in the ordinary course of business. There have been three days devoted to general debate upon the bill. Nearly every gentleman who has spoken has announced his dissatisfaction with the bill and his desire to improve it, and yet you are allowed one hour and a half to consider it under the five-minute rule, to consider it in such a way that practically you must take the bill without amendment. If the majority want to do that, of course they have the power to do it.

I reserve the remainder of my time.

Mr. HENDERSON. I yield to the gentleman from Maine [Mr. DINGLEY].

Mr. DINGLEY. Mr. Speaker, this rule seems to be almost a literal copy of the rule presented by the Committee on Rules when the gentleman from Georgia [Mr. CRISP] was Speaker of the House, on the passage of the Wilson tariff bill in the House. The time was a little longer, but as to the principle involved substantially the same.

Mr. CRISP. Will my friend be kind enough to turn to that order, and see if it does not provide for a vote on "pending amendments"?

Mr. DINGLEY. I have not the order before me, but I remember substantially what it was. The gentleman is very well aware that there could have been but one amendment pending.

Mr. CRISP. Four amendments.

Mr. DINGLEY. You can not have several amendments pendoaing the same time.

Mr. CRISP. Four amendments might be pending.

Mr. DINGLEY. It must be an amendment, or an amendment to the amendment, or a substitute, or an amendment to the substitute. It is practically but one amendment.

Mr. CRISP. Four. The gentleman is not candid about that.

Mr. DINGLEY. Then again, as a matter of fact, the limitation of debate is entirely within the control of the committee on each of these amendments. A motion may be made in the committee, at any moment, to close the debate on a pending amendment or on a pending section. There is no difficulty about that at all.

It seems to me that after we have spent ever since last Tuesday debating this bill, the amendments that have been suggested having been largely amendments of form and not of serious moment, an hour and a half will be sufficient time to consider the bill for amendment and reach a conclusion in this matter. It seems to me that we are now so near the close of this session, if we expect to get legislation in this matter in the Senate, that we ought to complete this bill to-day, and not drag it along further. I hope the rule will be adopted.

Mr. HENDERSON. Mr. Speaker, I want action upon this bill. We have had four and one-half days' general debate upon it. If gentlemen still desire to spend their time in talking, the hour and a half may be lost. For my part, I am willing to have a rule that would bring us to a vote at once upon the bill. I do not disguise that, and I will tell you why. This bill has had careful consideration and reconsideration in the committee appointed by the House for that purpose. It has been fully discussed, and as the gentleman from Maine [Mr. DINGLEY] has stated, nothing of a substantial or original character has been suggested in respect to it in general debate.

But I want another thing. I want a bill to pass this House that will pass through two other Houses, the Senate and the White House, and if the friends of the soldier mean business they ought to sustain the proposition now pending before the House.

We know perfectly well that there are other things that we should like to have in the way of pension legislation. But this bill as it stands carries out the declarations of General Lawler, the late commander in chief of the Grand Army of the Republic, and one of the truest friends of the old soldier. In his report to the

great Louisville gathering he said that the soldiers were not asking for new legislation, but they wanted an honest interpretation and genuine administration of the laws now upon the statute books. The great purpose of the pending bill is to give force and effect to the recommendations of General Lawler, which were seconded in the resolutions of the Grand Army of the Republic, as officially adopted.

Now, I make no disguise about the fact. The purpose of this rule is to bring us to a vote on this bill. If there is any necessary amendment, important amendment, that in the judgment of this House should be put upon the bill, the hour and a half will afford ample time to do it. After the scope the debate has taken, I am sure that any amendment that may be offered will be understood at once, and we can come to a vote at once. But I will say for my own part, while I have many additional thoughts that could be added to the bill, I prefer, for the safety of legislation, to have this go forward at once. Now, it is important in respect to the matter of time. We have an intimation made from the other end of the Capitol that adjournment may be had by the 18th of next month, and we are at the threshold of that month. In my anxiety for this legislation, I was willing that the bankruptcy bill should give way in order that it might be considered in time to secure its passage into law. We have other matters that are pressing on us for consideration—important bills from the Committee on Labor and bills from the Committee on Immigration—and if we want to reach these matters so that the Senate shall have time to attend to them, I think the time for talk has passed and the time for action has arrived. [Applause on the Republican side.] I reserve the balance of my time, Mr. Speaker.

Mr. CRISP. One word, Mr. Speaker. Gentlemen will observe, and my friend from Iowa does not deny it, that the purpose of this resolution is exactly what I have said—to destroy the right of amendment. It is now fifteen minutes to 2 o'clock. You do not propose in this order to have a vote this afternoon. Oh, no! You want a vote on it to-morrow. Why can we not have the three hours and fifteen minutes from now until the usual hour of adjournment for amendments? If there was any real desire to have the right of amendment, why not let this run until 5 o'clock? That would give us three hours and fifteen minutes. But I will tell you the reason why. The reason is, the leaders of this House have decided that this bill must pass, and nothing else.

Now, Mr. Speaker, the Committee on Invalid Pensions devoted days and days, as I am told, to the consideration of a pension bill. They brought in a bill which in their judgment was a proper bill to pass, but they were not allowed to pass it. Those gentlemen who dictate the business of this House, those gentlemen who manage the business of the House, those gentlemen who protect this majority of 150 against itself, got together and made this bill. This bill was not made by the Committee on Invalid Pensions. It was made by the gentlemen who manage the House out in the Speaker's room; and then the Committee on Invalid Pensions was informed, "You take this bill or you take nothing." That, at least, is what we understand on this side. Certainly this is not the bill that the Committee on Invalid Pensions reported. And now, in order to get it through—in order to protect the Republican majority of 150 against itself—the gentlemen who know better what you ought to do than you know yourselves furnish you a rule by which you must either do what they decide or you shall do nothing. If, under these circumstances, you want this rule, you are welcome to it. [Loud applause on the Democratic side.]

Mr. HENDERSON. How much time have I remaining?

The SPEAKER. The gentleman has fifteen minutes remaining.

Mr. HENDERSON. I want to say a word in reply to this voice that comes from the solemn Star Chamber of the past [laughter on the Republican side], the Star Chamber from whence rules clad in steel have driven bills through this House that never had opportunity for amendment in the Committee of the Whole. I have made no concealment. The gentleman appeals for an opportunity to perfect this bill. I take it in the interest of the old soldiers, and in the same interest I ask for action here and now. He makes it appear from his remarks, as some other gentlemen have done in the general debate, that this bill does not reflect the views of the Committee on Invalid Pensions. The gentleman says that other gentlemen in this House, whose hearts are touched with the inspiration that gathers around the interests of the old soldiers, have lent their earnest counsel in respect to this bill. I say thus far that is true. There is not a man on this side of the Chamber—and I hope there are several on that, who have felt an interest in the matter—but has given the benefit of his counsel to perfect a bill that could be put upon the statute books. Can the voice of that ancient Star Chamber say as much for his people in the Committees on Rules of which he was a member? [Loud applause on the Republican side.]

I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, as one of that 150 majority in the House, referred to by the gentleman from Georgia [Mr. CRISP] and as a member of the House, I am very heartily in favor of the adoption of this resolution, and briefly for the following reasons: I was in the Fifty-first Congress and voted for the act of 1890 that was construed by the then Administration. It wrote the names of 400,000 soldiers, their widows and orphans, upon the pension rolls or increased their pensions. The present Administration came in and at one stroke of the pen 20,000 pensioners under the act of 1890 were suspended and the remainder were put in fear—intimidated, as everybody knows, in relation to their just pensions and claims. The last Congress began and expired and gave no relief. The present Administration, touching the act of 1890, unsettled the construction of that law under which these men were pensioned—a construction ratified by three sessions of Congress.

Now, with Cleveland for President, under whose Administration this action was had, the present bill proposes to correct that faulty administration by legislation. Therefore I am for it. This bill goes as far as I believe the Senate and Grover Cleveland will go. I fear, perchance, that it goes further than they will go; and I will not refuse this meed of justice, which will place at rest the three hundred and odd thousand soldiers under the act of 1890 that are on the pension roll. I will not hesitate to go this far because I can not do complete justice. Therefore, as a member of this House, I am for the bill. As it stands it is the best we can do now. Later on, with full power, we will do better.

Mr. HENDERSON. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has eleven minutes.

Mr. HENDERSON. I reserve it.

Mr. CRISP. How much time remains on this side, Mr. Speaker?

The SPEAKER. The gentleman from Georgia also has eleven minutes.

Mr. CRISP. I yield five minutes to the gentleman from Iowa, Mr. HEPBURN.

Mr. HEPBURN. Mr. Speaker, I do not believe that this rule ought to be adopted. If there is any question in the world upon which a Republican House can be trusted it is the question of pensions [applause], and I believe the Republican majority here is able to take care of this matter without the interference of the Committee on Rules. I doubt the good faith of some gentlemen with regard to this bill. I do not believe that this rule is in the interest of the old soldier. I believe that there ought to be amendments upon this bill. I believe there ought to be enlargements—perhaps not of the pension roll or of the classes, but I believe there ought to be enlargements made so as to compel construction of the pension statutes in the interest of the old soldier. There is no guaranty that those amendments can be placed upon this bill if there is a limitation as to the time for consideration. There are several amendments which gentlemen desire to offer, amendments that will require more or less discussion in general debate.

We have already occupied three days upon this bill, but without one moment for amendment.

Now, let us have an opportunity to perfect the bill. The bugaboo which gentlemen introduce as to what the Senate will probably do and as to what the President will do ought not to deter us. Let us have such a bill leave this Chamber as will meet the approval of Republicans. [Applause.] That is our duty. Let us have such a bill as coincides with our ideas of the interpretation that should be given to the statutes and our views of what are the old soldiers' rights in the premises. If there are other people who can thwart that legislation, let the responsibility rest where it ought to rest. Let us not assume that responsibility because it is feared that those other people may thwart our legislation. I do not want to be a participant, either with the Executive or with the Senate, in legislation hostile to the old soldier or in refusing him that legislation which he ought to have, and I am a participant when, guided or influenced by unfounded fears or by real fears, I refuse to do the whole measure of my duty. A gentleman has said that our action should comport with the opinion of a distinguished citizen of the United States who said upon an occasion that no further pension legislation was necessary.

Mr. Speaker, when did it become necessary that the House of Representatives should abdicate its powers, or that the Republican majority here should abdicate its powers, because some private individual has expressed an opinion as to the limits to which we should go? We are not relieved of our responsibility because General Lawler or any other man has expressed an opinion on this subject. It is merely the opinion of one of the twelve or thirteen million voters in the United States. It does not relieve us from the responsibilities or the obligations of duty. I want to see this rule voted down. I want to see ample opportunity given to amend this bill intelligently and after proper discussion under the five-minute rule, and when it is amended to satisfy the Republican majority let us send it on its way, undeterred by fear as to what may be the action of other persons or of other bodies. [Applause.] I yield the remainder of my time.

Mr. HENDERSON. Does the gentleman from Georgia desire to use any further time?

Mr. CRISP. I think not.

Mr. HENDERSON. Mr. Speaker, I ask for a vote.

The question was taken; and there were—ayes 70, noes 66.

Mr. HEPBURN and Mr. CRISP called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 118, nays 89, not voting 147; as follows:

YEAS—118.

Acheson,	Evans,	Lewis,	Ray,
Allen, Utah	Fairchild,	Long,	Reyburn,
Andrews,	Faris,	Loud,	Royse,
Apsley,	Fischer,	Low,	Russell, Conn.
Arnold, Pa.	Foss,	Mahany,	Scranton,
Arnold, R. I.	Gamble,	Mahon,	Shannon,
Atwood,	Gibson,	Marsh,	Simpkins,
Baker, N. H.	Gillet, N. Y.	McCall, Mass.	Snover,
Barham,	Gillett, Mass.	McCleary, Minn.	Spalding,
Barney,	Griffin,	McLachlan,	Sperry,
Bennett,	Grow,	Mercer,	Stahle,
Boutelle,	Hainer, Nebr.	Miller, W. Va.	Steele,
Brewster,	Harmer,	Milliken,	Stephenson,
Broderick,	Heatwole,	Milnes,	Stewart, N. J.
Brown,	Hemenway,	Moody,	Stone, C. W.
Brunm,	Henderson,	Morse,	Stone, W. A.
Burrell,	Henry, Ind.	Newlands,	Strode, Nebr.
Cannon,	Hermann,	Noonan,	Tracey,
Chickering,	Hicks,	Odell,	Treloar,
Clark, Iowa	Hilborn,	Otjen,	Van Voorhis,
Clark, Mo.	Hill,	Overstreet,	Warner,
Coffin,	Hitt,	Parker,	Watson, Ind.
Corliss,	Hubbard,	Payne,	Watson, Ohio
Curtis, Iowa	Huff,	Pearson,	Willis,
Curtis, Kans.	Hunter,	Perkins,	Wilson, Ohio
Dayton,	Jenkins,	Phillips,	Wood,
Dingley,	Knox,	Pickler,	Woomer,
Doolittle,	Leighty,	Pitney,	Wright.
Draper,	Leisenring,	Poole,	
Ellis,	Leonard,	Pugh,	

NAYS—89.

Abbott,	De Witt,	Lockhart,	Strowd, N. C.
Allen, Miss.	Dinsmore,	McClellan,	Sulloway,
Bankhead,	Downing,	McClure,	Swanson,
Bartlett, N. Y.	Eddy,	McCreary, Ky.	Talbert,
Bell, Colo.	Elliott, S. C.	McCulloch,	Tate,
Bell, Tex.	Erdman,	McDearmon,	Tawney,
Berry,	Fenton,	McMillin,	Terry,
Black, Ga.	Fitzgerald,	McRae,	Towne,
Blue,	Graff,	Miles,	Tracewell,
Bowers,	Hager,	Miller, Kans.	Tucker,
Burton, Mo.	Hall,	Minor, Wis.	Turner, Ga.
Calderhead,	Hart,	Otey,	Updegraff,
Cobb,	Hartman,	Pendleton,	Van Horn,
Cockrell,	Hendrick,	Richardson,	Walsh,
Connolly,	Henry, Conn.	Russell, Ga.	Wanger,
Cook, Wis.	Hepburn,	Shuford,	Wheeler,
Cooper, Wis.	Johnson, Cal.	Smith, Ill.	Williams,
Crowley,	Kem,	Sorg,	Wilson, Idaho
Crowther,	Kirkpatrick,	Southard,	Woodard,
Culberson,	Kyle,	Sparkman,	Yoakum.
Cummings,	Latimer,	Stokes,	
Danford,	Layton,	Strait,	
De Armond,	Little,	Strong,	

NOT VOTING—147.

Adams,	Dalzell,	Joy,	Prince,
Aitken,	Daniels,	Kendall,	Quigg,
Aldrich, Ala.	Denny,	Kerr,	Raney,
Aldrich, Ill.	Dockery,	Kiefer,	Reeves,
Anderson,	Dolliver,	Kulp,	Robertson, La.
Avery,	Dovener,	Lacey,	Robinson, Pa.
Babcock,	Elliott, Va.	Lawson,	Rusk,
Bailey,	Fletcher,	Lefever,	Sauerhering,
Baker, Kans.	Foote,	Lester,	Sayers,
Baker, Md.	Fowler,	Linney,	Settle,
Barrett,	Gardner,	Linton,	Shafroth,
Bartholdt,	Goodwyn,	Livingston,	Shaw,
Bartlett, Ga.	Griswold,	Lorimer,	Sherman,
Beach,	Grosvenor,	Loudenslager,	Skinner,
Belknap,	Grout,	Maddox,	Smith, Mich.
Bingham,	Hadley,	Maguire,	Southwick,
Bishop,	Halterman,	McCall, Tenn.	Spencer,
Black, N. Y.	Hanly,	McCormick,	Stallings,
Bromwell,	Hardy,	McEwan,	Stewart, Wis.
Brosius,	Harris,	McKenney,	Sulzer,
Buck,	Harrison,	McLaurin,	Taft,
Bull,	Hatch,	Meiklejohn,	Tayler,
Burton, Ohio	Heiner, Pa.	Meredith,	Thomas,
Catchings,	Hooker,	Meyer,	Turner, Va.
Clardy,	Hopkins,	Miner, N. Y.	Tyler,
Clarke, Ala.	Howard,	Mondell,	Underwood,
Codding,	Howe,	Money,	Wadsworth,
Colson,	Howell,	Moses,	Walker, Mass.
Cooke, Ill.	Hulick,	Mozley,	Walker, Va.
Cooper, Fla.	Huling,	Murphy,	Washington,
Cooper, Tex.	Hull,	Neill,	Wellington,
Cousins,	Hurley,	Northway,	White,
Cowen,	Hutcheson,	Ogden,	Wilber,
Cox,	Hyde,	Owens,	Wilson, N. Y.
Crisp,	Johnson, Ind.	Patterson,	Wilson, S. C.
Crump,	Johnson, N. Dak.	Powers,	Woodman.
Curtis, N. Y.	Jones,	Price,	

So the resolution was adopted.

Mr. BARTLETT of Georgia. Mr. Speaker, I desire to know whether the gentleman from New Jersey, Mr. FOWLER, is recorded as voting, because it may determine my action in this matter.

The SPEAKER. The gentleman from New Jersey [Mr. FOWLER] is not recorded.

Mr. BARTLETT of Georgia. The gentleman from New Jersey and I agreed to pair upon this bill. For fear he may have understood that the pair applied to this motion, I withdraw my vote, which I have cast in the negative, and am willing that the pair be regarded as applying to this question.

Mr. COX. On this question I voted in the negative, but I withdraw my vote because I am paired with my colleague from Tennessee, Mr. MCCALL.

Mr. DINSMORE. Mr. Speaker, I was paired on all questions in regard to this bill with the gentleman from Iowa, Mr. COUSINS; but by an agreement with him I have transferred the pair to my colleague from Arkansas, Mr. NEILL. If Mr. COUSINS had been present, he would have voted "yea" and Mr. NEILL "nay."

Mr. SAYERS. Mr. Speaker, I should like to know whether I am recorded?

The SPEAKER. The gentleman is recorded in the negative.

Mr. SAYERS. I desire to withdraw my vote. I am paired with the gentleman from Ohio, Mr. GROSVENOR. If he were here, he would vote "yea" and I should vote "nay."

The following pairs were announced:

Until further notice:

Mr. HOPKINS with Mr. DOCKERY.

Mr. JOHNSON of North Dakota with Mr. LAWSON.

Mr. KULP with Mr. MADDOX.

Mr. BEACH with Mr. HARRISON.

Mr. BISHOP with Mr. WILSON of South Carolina.

Mr. SHERMAN with Mr. PATTERSON.

Mr. MEIKLEJOHN with Mr. ELLETT of Virginia.

Mr. HATCH with Mr. WASHINGTON.

Mr. HULL with Mr. MOSES.

Mr. MCCALL of Massachusetts with Mr. CLARKE of Alabama.

Mr. MOZLEY with Mr. MAGUIRE.

Mr. WHITE with Mr. RUSK.

Mr. JOHNSON of Indiana with Mr. ROBERTSON of Louisiana.

Mr. ALDRICH of Alabama with Mr. MCKENNEY.

Mr. SMITH of Michigan with Mr. BERRY.

Mr. FOWLER with Mr. BARTLETT of Georgia.

Mr. TAFT with Mr. OWENS.

Mr. COOKE of Illinois with Mr. TYLER.

Mr. ADAMS with Mr. MONEY.

Mr. HADLEY with Mr. PRICE.

Mr. LACEY with Mr. HUTCHESON.

Mr. PRINCE with Mr. BAILEY.

Mr. REEVES with Mr. CATCHINGS.

Mr. HOOKER with Mr. MINER of New York.

Mr. WOODMAN with Mr. LIVINGSTON.

Mr. COUSINS with Mr. NEILL.

Mr. RANEY with Mr. COWEN.

Mr. DALZELL with Mr. CRISP.

For this day:

Mr. LORIMER with Mr. MEREDITH.

Mr. HARMER with Mr. KENDALL.

Mr. GARDNER with Mr. JONES.

Mr. TAYLER with Mr. DENNY.

Mr. CRUMP with Mr. COOPER of Florida.

Mr. LINTON with Mr. BUCK.

Mr. DOVENER with Mr. MCLAURIN.

Mr. FLETCHER with Mr. OGDEN.

Mr. JOY with Mr. LESTER.

Mr. HULICK with Mr. SHAW.

Mr. LOUDENSLAGER with Mr. SULZER.

On this question:

Mr. KIEFER with Mr. LATIMER.

Mr. REEVES with Mr. CATCHINGS.

On this bill:

Mr. GROSVENOR with Mr. SAYERS.

The result of the vote was announced as above stated.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. I ask unanimous consent that the sundry civil appropriation bill, returned from the Senate with amendments, be taken from the Speaker's table, and that the House nonconcur in the amendments and ask a conference.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] asks unanimous consent to take up House bill 7664—the sundry civil appropriation bill—disagree to the amendments of the Senate, and ask for a conference. Is there objection? The Chair hears none, and it is so ordered. Without objection, the bill and amendments will be printed. The Chair appoints as conferees on the part of the House the gentleman from Illinois, Mr. CANNON, the gentleman from Nebraska, Mr. HAINER, and the gentleman from Texas, Mr. SAYERS.

PENSIONS.

The SPEAKER. In pursuance of the order just adopted, the House will now resolve itself into Committee of the Whole on the state of the Union upon House bill 8271, relating to pensions.

The House accordingly resolved itself into Committee of the

Whole (Mr. PAYNE in the chair), and resumed the consideration of House bill No. 8271.

The order of the House relative to the consideration of the bill in Committee of the Whole under the five-minute rule was read.

The first section of the bill was read, as follows:

Be it enacted, etc., That no person otherwise entitled to a pension by virtue of any law of the United States shall be disqualified from receiving the same by reason of any prior service in the Confederate army or navy during the war of the rebellion, nor shall the widow, children, or dependent relatives of such person be deprived of a right to pension by reason of such service; *Provided*, That no pension shall be granted by virtue of this section for disability contracted or incurred while aiding or abetting the late rebellion against the authority of the United States.

Mr. CONNOLLY. I offer, to the first section, the amendment which I send to the desk.

The Clerk read as follows:

Amend section 1, line 5, by inserting the word "involuntary" between the words "prior" and "service."

Also in line 8 by adding the word "involuntary" after the word "such."

Also by adding to said section the following:

"*Provided further*, That such involuntary service in the Confederate army or navy shall have terminated by May 1, 1864."

Mr. PICKLER. I make the point of order that the gentleman has sent up three amendments, and that only one amendment can be considered at one time.

The CHAIRMAN. The first amendment will be in order.

Mr. CONNOLLY. This is an amendment to the first section.

Mr. PICKLER. But the gentleman has offered three different amendments.

The CHAIRMAN. If the gentleman from South Dakota [Mr. PICKLER] insists on his point the Chair will hold that only the first amendment is now in order.

Mr. PICKLER. I ask that that be read again.

The Clerk read as follows:

Amend section 1, line 5, by inserting the word "involuntary" between the words "prior" and "service."

Mr. CONNOLLY. The effect of this amendment is to make this section apply to those whose service in the Confederate army was entirely involuntary, and it excludes those whose service was voluntary.

Mr. PICKLER. Mr. Chairman, I hope that this amendment will not prevail. A great deal has been said about this first section. This section, relating to Confederate soldiers, and one or two other sections; the section relating to widows and probably the one in regard to dishonorable discharges, are the only ones in the whole bill that seem to have provoked criticism.

In the first place, I want to say that there are only a very few men left to whom this section will apply. It applies possibly to five or six thousand Confederates who were in Northern prisons, and who while there were induced by our officers to enlist in the Union Army and to go out and fight the Indians. And as to any others who may have been in such service, there is no record, and the belief is such are already pensioned.

Mr. MILES. Will the gentleman yield for a question?

Mr. PICKLER. No; I can not yield in the short time I have.

Mr. Chairman, our officers promised these men everything that any Union soldier was promised to induce them to enlist in the Army. It was a time, you must remember, when we were needing men, and needing them badly. It was a time when the States were being compelled to resort to the draft in order to secure men. It was a time that every man was needed in the Army, wherever he might come from. There were between five and six thousand of these Confederate soldiers in the prisons at that time, and they were induced by our own officers to go into the service of the Union, under the promise of exactly the same emoluments, the same pay, and the same bounty as all of the Union soldiers were offered. They went in under precisely the same conditions. Now, after they have gone into the service and performed their duty under the promises made to them when they accepted the offer that was held out to them, is this Government to show bad faith toward them? There is but a handful of them left, and shall this Government now turn its back upon them in this matter of pensions?

If this amendment is adopted, if it be required that these men shall prove involuntary service, you make it absolutely impossible for any one of them to come in. It is impossible, of course, as a matter of fact, to prove involuntary service. Thirty years have passed since that service was rendered, and it seems to me that that is the very object of the amendment, that is what the gentleman from Illinois has in view, for he wants these men to say whether they went in voluntarily or otherwise into the Confederate service. It is impossible for them to prove it. That is all they need in the Pension Department now, just some such provision as that to keep them out. The Department would be very glad to be furnished with a requirement that they must establish by proof a fact which it is impossible to bring proof to establish. And so this amendment ought not to prevail. It is not right, it is contrary to the promises of the Government to these men. They are entitled to be put exactly upon the same footing as any Union soldier who enlisted at that time.

Mr. TAWNEY. The gentleman contends that they can not prove that the service was involuntary on their part.

Mr. PICKLER. No; of course not. It would be impossible.

Now, I would like to call the attention of the committee to this point: Under the general law that was passed several years ago a man who was wounded or incurred disability in the service was pensionable—I mean men of this class who went into our Army after serving in the Confederate army and are on the rolls now. Under the law of 1890 they were, under President Harrison's Administration, put on the roll. They have been there until the incoming of this Administration; then, as to the law of 1890, the widows of these men were dropped and their children and the men themselves were dropped from the rolls, those who were in the Confederate service, by this Administration; and the idea now of going into the question of voluntary or involuntary service in the Army, introducing an absolutely impossible requirement, should not have favorable consideration in this committee.

Do not be caught with the idea that this is a reflection on the honor of any Union soldier. Every soldier is known by his own individual record. This proposition is recommended by the legislative committee of the Grand Army, which came here for that purpose, and I hope the gentlemen on this committee will remember that fact; and it is only a very narrow-minded soldier who would, after forgiving the Confederate soldier for everything else, refuse to forgive him for going into the Union Army and doing his duty there as an honorable soldier.

Mr. BLUE. Will the gentleman permit a question?

Mr. PICKLER. I have no time to answer questions; my time is up.

[Here the hammer fell.]

Mr. PEARSON. Mr. Chairman, I have a letter which has been addressed to me by a constituent of mine, and the substance of it refers to the gentleman from Illinois [Mr. CONNOLLY], whose attention I hope I may claim.

The writer of this letter is the post commander of the Marion Roberts Post, in my district, and he gives this much of his biography: Speaking of the time he left North Carolina to go into the Union Army—and I will say to the gentleman from Illinois, who is somewhat acquainted with the geography down there, that it is a truth although it may startle him, and it will doubtless startle the Democrats on this floor, but it is the literal truth, that in my district, the county of Madison sent more soldiers into the Union Army than any county in any State in the whole Union in proportion to its population. This man comes from that county, and he says:

I can say to you that if there is a people in these United States who deserve a pension it is most of those who joined the Union Army first chance, and nearly 10,000 did so from the fall of 1862 to 1863. Some few, I know, joined later, but there is not 1 per cent who did not do nearly two years' service in the Union Army. The men of the Northern Army either volunteered at home without trouble or had to be conscripted, while in the South men had to fight their way for over a hundred miles in order to get a chance to join the Union Army.

I went as a lad, not then 16 years of age, to keep out of the Confederate States army; and I can say this truthfully, that out of 45 who went along with me, 151 miles to Cumberland Gap, Kentucky, 21 of our crowd are buried on the roadside, and their widows and dependent fathers or mothers never can get a cent because they were never enlisted. Shot down, you see, before they could reach the Union flag.

And he goes on to say further:

And we now (I say we because whatever affects my comrades affects me) must be stigmatized as cowards or as men hunting for rations—

He seems to have read the RECORD, using the precise language used by the gentleman from Illinois—

It is an accusation that is unjust, especially as coming from our friends (?). We could stand the Confederate bullets, but we can not stand the ingratitude of our own friends.

[Applause.]

Mr. MILES. Will the gentleman allow me a question?

Mr. PEARSON. If I had more than five minutes I would allow the gentleman from Maryland five questions, but I must come to the point. Mr. Chairman, this is simply a question of a construction of law. I call the attention especially of my friend from South Carolina to what I am about to read. The law of March 3, 1877, provides that—

The law prohibiting the payment of any money on account of pensions to any person, or to the widow, children, or heirs of any deceased person, who in any manner—

And I ask the gentleman from Illinois [Mr. CONNOLLY] to note this—

who in any manner engaged in or aided or abetted the late rebellion against the authority of the United States, shall not be construed to apply to such persons as afterwards voluntarily enlisted in the Army of the United States, and who, while in such service, incurred disability from a wound or injury received or disease contracted in the line of duty.

This was ratified March 3, 1877.

The question is of the voluntary enlistment of these men in the Army of the United States. As to that there can be no doubt.

I have here, Mr. Chairman, a letter which I shall ask to insert in the RECORD, because I have not time to read it. It is as follows:

[No. 53267. Stephen Johnson, Company D, Third Regiment North Carolina Mounted Infantry.]

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., April 18, 1896.

SIR: In response to your personal inquiry of recent date, I have the honor to advise you that claimant's name was dropped from the rolls under the act of June 27, 1890, on April 7, 1896, after due notice, on the ground that he rendered voluntary service in the Confederate States army. He is at liberty at any time to file a claim for restoration under said act, together with testimony showing that such service was not voluntary, but until then no further action can be taken in the claim.

Very respectfully, WM. LOCHREN, *Commissioner.*

Hon. RICHMOND PEARSON,
House of Representatives.

This is a sample of the letters that I get from the Pension Office. Here is a man who has been dropped from the rolls this month, after he had been there for six years. He is dropped on the ground of service in the Confederate army. Now, the awful alternative forced upon these men was this: They had to fight against their neighbors or against their convictions, and I am here to say in this presence that it is the severest test that can be placed on any man. It was this frightful dilemma to which they were reduced. They had to wade through a flame of fire to get to the Union Army, and this man whose letter I have quoted says that more than half of his comrades were shot down by the wayside before they enlisted. They feel, sir, the humiliation that comes from your stigma [to Mr. CONNOLLY] more than any other wounds that could be inflicted. [Applause.]

Mr. CONNOLLY. Mr. Chairman, let me say to the gentleman that I cast no stigma upon any gentleman who voluntarily enlisted in the Federal Army. I simply spoke of those who had voluntarily served in the Confederate army until about ninety days before the close of the war——

Mr. PICKLER. There is no such case here.

Mr. CONNOLLY (continuing). And then sneaked away to the other army.

Mr. PICKLER. There is no such case here. These men were imprisoned in the North——

Mr. CONNOLLY. I know that North Carolina, east Tennessee, and Kentucky had plenty of good men who came to our lines and fought with them as soon as they could get there. I do not interfere with those men. They are entitled to pensions as much as if they had lived in the North; but it is only those who were Confederates voluntarily and remained so until their cause failed. I do not want to pension those men now. I want the pension roll to be a roll of honor.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. PEARSON] has expired.

Mr. PEARSON. I am sure the committee will give me back the time which the gentleman from Illinois has taken. I ask for a minute and a half more.

The CHAIRMAN. The gentleman from North Carolina asks that his time be extended one minute and a half. Is there objection?

There was no objection.

Mr. PEARSON. In that minute and a half I close with the expression of the hope which I address to my friend from South Carolina [Mr. TALBERT], that he will feel as I do, remembering that his people and my people fired the bullets that made these wounds, that we may be the last to obstruct the pious friends of these soldiers in binding up their wounds and relieving, as far as they may, the suffering of those heroes. [Applause.] If an objection must be made, let it be made by the copperheads of the North [applause on the Republican side] who did not have the courage to go into that fight; and, lacking courage, they lack the first element of magnanimity, and of course they are now here to do what they can to increase the sufferings of those old soldiers and add to the humiliation of their children and dear ones.

Mr. MILES. Mr. Chairman, I regret to feel compelled to begin my remarks with the statement that the gentleman who has just taken his seat is evidently discussing this question without any knowledge of it. The wounded soldiers to whom he refers have already been pensioned by past liberal legislation on the part of this country.

Mr. PEARSON. I have a letter here stating the case of one who has a wound, and who has been dropped this month.

Mr. MILES. Very well, sir. That does not prove that there is no legislation to cover this class. It probably tends to show that he does not belong to the class. What I desire to have understood by my statement is this: That the act of March 3, 1877, grants pensions to this class for wounds or injuries received or disease contracted in the Union Army, and these are the wounds to which the gentleman so eloquently referred just now, which are already being taken care of by the legislation of 1877.

Now, Mr. Chairman, I desire to read an extract from a letter of Commissioner Lochren, addressed to the chairman of the Committee on Invalid Pensions, upon this subject. He says:

This section repeals section 4716 of the Revised Statutes of the United States and its amendments, and pensions ex-Confederates who had a later service in the Union Army as if they had never served in the Confederate army.

Then he quotes the act to which I have already referred:

The act of March 3, 1877, grants pensions to this class for wounds or injuries received or diseases contracted in the Union Army. Beyond this I think these galvanized rebels have no color of claim for pension.

Mr. PICKLER. That is a fine term to apply to these Union soldiers—"galvanized rebels."

Mr. MILES. And a very proper appellation to apply to them.

Mr. PICKLER. They were honorably discharged Union soldiers, too.

Mr. MILES. The gentleman has just stated, and he is a Union soldier, and as such ought to know better than one who was born during the war, and I do not set my statement against his, that there are only four or five thousand of these people, and that most of them were taken out of prison. I desire to say that my opinion is that there are not less than 10,000 of the mercenaries alone who deserted during the last year of the war, and who deserted after bounties of $1,800 and $2,000 were offered, and I base this estimate upon information received from reliable sources. I am sustained, too, in this by the opinion of many intelligent Union soldiers with whom I have conferred.

Mr. PICKLER. All you blame them for is because they deserted from the Confederacy.

Mr. MILES. No, sir; the gentleman does me injustice. If these men voluntarily left the Confederate army and entered it originally under any compulsion, or wanted to fight for the Union from the start, and at the earliest opportunity had gone in the Union Army to fight under the Union flag, I honor them, and would have them upon a pension roll that is so constituted as to make a roll of honor, and at as liberal a pension as any other soldier who fought in the late war. But the gentleman does not know all that is to be known about this question, although a soldier. A Union soldier who left an arm in the mountains of Virginia, and a member of this House, made a statement to me, and I am not at liberty to give his name without his consent, that these mercenaries came into his camp after the Confederate star had begun to sink twenty a night, and that they were recognized in that army as mercenaries who were fighting not specially for any flag.

Mr. PICKLER. There is no record of these men.

Mr. MILES. There were plenty of them. My authority is the Commissioner of Pensions, who was himself a Union soldier, and his word is worth something upon that subject. Besides that, Mr. Chairman, when these men had deserted, what service did they render? They were not kept where they could be subjected again to Confederate bullets, because it was well understood that if they were kept to fight against the Confederates and were captured they would be subject to the punishment that is meted out to all deserters, and would be shot, as they deserved to be. For this reason they were sent to the Western frontier, and never at any time after they were deserters did they render any service to the Government of the United States. In this statement I am also sustained by the Commissioner of Pensions.

Mr. PICKLER. That statement is not true, I do not care who makes it. I have the authority of Colonel Ainsworth that they did render service.

Mr. MILES. I believe it is true.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. MILES. I desire to be recognized for two minutes more. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that he may be allowed to proceed for two minutes more.

Several members objected.

Mr. LAYTON. Mr. Chairman, is an amendment to the amendment now or order?

The CHAIRMAN. It is.

Mr. LAYTON. I desire to submit an amendment to the amendment.

The Clerk read as follows:

Strike out all in the first section after the enacting clause and insert in lieu thereof the following:

"That on and after the passage of this bill all officers, commissioned and noncommissioned, and all soldiers and sailors who were enlisted between the 15th day of April, 1861, and the 1st day of July, 1865, inclusive, and who served in the military or naval service of the United States in the late war of the rebellion a period of three months or less, and who have been honorably discharged therefrom, shall be placed upon the pension roll of the United States and be entitled to receive for such service a pension of $8 per month.

"That all such officers, soldiers, and sailors who served more than three months and less than one year in the military or naval service of the United States in the late war of the rebellion, and who have been honorably discharged therefrom, shall be placed upon the pension roll of the United States at the rate of $8 per month.

"That all such officers, soldiers, and sailors who served for a period of more than one year and not exceeding two years in the military or naval service of the United States in the late war of the rebellion, and who have been honorably discharged therefrom, shall be placed on the pension roll of the United States and be entitled to receive for such services a pension of $10 per month.

"That all such officers, soldiers, and sailors who served for a period of more than two years and not exceeding three years in the military or naval service of the United States in the late war of the rebellion, and who have been honorably discharged therefrom, shall be placed on the pension roll of the United States and be entitled to receive for such services a pension of $12 per month.

"That all such officers, soldiers, and sailors who served in the military or naval service of the United States in the late war of the rebellion for a period longer than three years, and who have been honorably discharged therefrom, shall be placed upon the pension roll of the United States and be entitled to receive for such services a pension of $14 per month: *Provided*, That from and after the passage of this act any officer, commissioned or noncommissioned, or any soldier or sailor who at the date of the passage of this act is drawing a pension under existing law, may relinquish the same and accept the provisions of this act, but nothing herein contained shall be construed to authorize any officer, soldier, or sailor to receive any pension under existing laws and also under the provisions of this act at the same time: *Provided further*, That the provisions of this act shall in no wise interfere with any pension which may hereafter be granted to any officer, soldier, or sailor by any special act of Congress for any disability received while in the service of the United States during the late war of the rebellion."

Mr. PICKLER. Mr. Chairman, I make the point of order against that amendment.

Mr. LAYTON. Mr. Chairman, I desire to be heard upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PICKLER. I want to say, Mr. Chairman, in connection with my point of order, that I will put in the RECORD certain figures submitted from the War Department in regard to this service pension. It is an interesting question, and I hope when it is in order that my friend from Ohio will stand by the bill.

The communication referred to is as follows:

[One inclosure.]

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, April 14, 1896.

DEAR SIR: In compliance with your request of recent date I have the honor to transmit herewith a memorandum relative to the probable number and ages of the army and navy survivors of the war of the rebellion, and the possible number of beneficiaries under and possible cost of certain proposed pension laws.

Very respectfully, F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

Hon. J. A. PICKLER,
Chairman Committee on Invalid Pensions,
House of Representatives.

MEMORANDUM RELATIVE TO THE PROBABLE NUMBER AND AGES OF THE ARMY AND NAVY SURVIVORS OF THE WAR OF THE REBELLION AND THE POSSIBLE NUMBER OF BENEFICIARIES UNDER AND POSSIBLE COST OF CERTAIN PROPOSED PENSION LAWS.

The basis of all estimates as to the number of beneficiaries under and the cost of any proposed pension law must be the determination of or an estimate of the number of the survivors of the late war at the present time and of the number who will be surviving at various periods in the future until none shall remain. Such an estimate was prepared by this office in March, 1890, at the request of the chairman of the Committee on Invalid Pensions, House of Representatives, for use in the consideration of various proposed measures which culminated in the act approved June 27, 1890. That estimate was as follows:

ESTIMATE OF MARCH 31, 1890.

It should be stated in advance that any estimate of the number and ages of the surviving veterans of the war can not be more than approximately correct, for the reason that the data on which to base such an estimate are deficient in two very important particulars, viz: First, the actual number of individuals in service has never been officially determined, and, second, the numbers of men of different ages upon entry into service, or for any given period of the war, has never been ascertained; nor can the missing data be supplied without a laborious search of the many thousands of original rolls and other records filed in the War and Navy Departments, a work which would require years for its completion.

Moreover, if the exact number and ages of the survivors at the close of the war were known, the problem of determining the number now living and the probable duration of life for each group of ages would still be involved in difficulty, for no life table has ever been constructed which is applicable to such a class of lives as that furnished by the veterans of the late war. While it is the generally accepted opinion that the expectation of life of men of this class is less than that of men of the same ages who have never been exposed to the shock of battle and the hardships and privations of field, camp, and prison, on the other hand it has been very ingeniously urged that, by the operation of the law of the survival of the fittest, the reverse is actually the case, for the reason that the individuals of little endurance and tenacity of life, whose early death materially shortens the average of life among civilians, have long since been eliminated from the class to which the veterans belong, having succumbed either to the hardships and dangers of the war or their subsequent results. Thus, it is claimed, the survivors have become a selected class whose average duration of life is likely to be greater than that of an equal number of nonveterans of the same ages who have not been subjected to this weeding-out process.

It will be readily seen, then, that the problem presented is incapable of anything like an exact solution, and that the results obtained can be nothing more than approximations. But it is also evident that an approximation which is reached after a careful study of all the data available, meager though they are, is of much greater utility than the loose estimates and wild guesses which have heretofore passed current in discussions of this question. Moreover, it is believed that sufficient information is at hand to enable a calculation to be made which can not be very far from correct, and which may be safely used for all practical purposes.

In all the calculations embodied in this memorandum a recent life table (American male) has been used in determining the probable duration of life for each group of ages. The results obtained must be considered to be maximum figures if it is believed that the expectation of life of the veterans of the war is less than that of nonveterans of the same ages. If the reverse is held to be true, as suggested above, then the figures given must be accepted as minimum in all cases. As between these two opposite opinions, in support of each of which there is much to be said, it is perhaps not unreasonable to assume that the mean is more nearly correct than either, and that the probable average duration of life is about the same for the veterans as for nonveterans. If this be held, then the figures given must be considered to be nearly correct.

(This statement requires some modification. The life table which was used in the preparation of the estimate is based upon the experience of insurance companies with a class of lives that were selected, to a certain extent at least, and consequently it will not give absolutely correct results if used in estimating the duration of wholly unselected lives. But, for reasons that are more fully set forth below, it would seem that the expectation of life of the veterans of the war must be somewhat greater than that of nonveterans of the same ages, and, this being the case, that the life table which was used in the preparation of the estimate gave more accurate results than would have been obtained by the use of a table based upon wholly unselected lives.—April, 1896.)

Subject to the foregoing remarks, and to be considered only in connection with them, the following is submitted:

ARMY.

As shown by the latest official statement, the number of men furnished by the different States and Territories during the war, under calls from the President, was 2,778,304. Deducting from this the number of seamen and marines, 105,963, leaves a total of 2,672,341 credited to the Army.

(The strength of the Regular Army at the outbreak of the war was 16,422, but this number has not been taken into account in the calculation, because the majority of the men whom it represents, being professional soldiers, undoubtedly reenlisted or were commissioned in either the regular or volunteer service during the war, and are consequently included in the total number of credits. The strength of the Navy at the beginning of the war has been neglected in the calculation for the same reason.—April, 1896.)

No official compilation has ever been made of the total number of reenlistments in the Army, but various estimates have been made by different authorities, ranging from 370,000 to 716,787. The mean between these two numbers, 543,393, is believed to be a fair approximation of the actual number. Deducting this from the total credited to the Army leaves 2,128,948 as the number of individual soldiers serving in the war.

The number of deaths for the Army is 359,528, and the number of actual deserters at large at the close of the war (making due allowance for those incorrectly reported as deserters) has been estimated at 117,247. Deducting the deaths and deserters leaves 1,652,173 as the probable number of individual soldiers who were alive at termination of service and were not deserters.

NAVY.

The total number of men credited to the several States as having been furnished to the Navy and Marine Corps during the war was 105,963. This figure is taken as the basis of calculation and not the number of enlistments as reported by the Navy Department, which is believed to include a large number of transfers from the Army, and these have already been counted in the Army estimates.

No data are at hand from which to estimate the number of reenlistments, but assuming that their proportion was the same as in the Army, the total number of individuals in service was 84,417. No information has been obtained as to the actual number of desertions, but again assuming that the Army proportion is applicable, the number would be 4,649. The deaths, as reported by the Bureau of Medicine and Surgery, numbered 4,588. Deducting the deaths and desertions leaves 75,180 as the probable number of seamen and marines who were alive at termination of service and not deserters.

ARMY AND NAVY.

Combining the foregoing estimates, it appears that the total number of individuals in the military and naval service during the war was 2,213,305, and of these 1,727,353 were alive at termination of service (deserters excluded).

As in the case of reenlistments, no official compilation has been made of the ages of the men in service at any period of the war. From statistics of the ages at enlistment of about 1,000,000 soldiers, collected by the United States Sanitary Commission, Dr. B. A. Gould, actuary of the commission, formed estimates of the number of men in each year of age. In the absence of better information, and assuming that the age of soldiers, seamen, and marines were relatively the same, the tables published by Dr Gould have been taken as the basis for calculating the appended table (No. 1), which shows the probable total number of survivors (excluding deserters) on June 30 of each year from 1890 to 1909, inclusive, and at the close of each quinquennial period from 1910 until none shall remain.

Table No. 2 shows the probable number of men who will arrive at the age of 62 years or over June 30, 1890 and of the probable number that will attain the age of 62 in each succeeding year, until practically all shall have passed that age.

SUMMARY.

(1) Estimated total number of survivors (deserters excluded) June 30, 1890	1,285,471
(2) Total number of men furnished during the war (credits)	2,778,304
To Army	2,672,341
To Navy	105,963
(3) Estimated total number of reenlistments	564,939
In Army	543,393
In Navy	21,546
(4) Estimated total number of desertions	121,896
From Army	117,247
From Navy	4,649
(5) Total number of deaths	364,116
In Army	359,528
In Navy	4,588
(6) Estimated total number of individuals in service	2,213,305
In Army	2,128,948
In Navy	84,417
(7) Estimated total number of survivors at termination of service (deserters excluded)	1,727,353
In Army	1,652,173
In Navy	75,180

TABLE No. 1.—*Total survivors.*

[Showing the probable total number of survivors of the war of the rebellion (excluding deserters) on June 30 of each year from 1890 to 1909, inclusive, and at the close of each quinquennial period thereafter until none shall remain.]

Year.	Survivors.	Year.	Survivors.
1890	1,285,471	1904	858,002
1891	1,261,232	1905	820,687
1892	1,236,076	1906	782,722
1893	1,209,998	1907	744,196
1894	1,182,889	1908	705,197
1895	1,154,810	1909	665,832
1896	1,125,725	1910	626,231
1897	1,095,626	1915	429,727
1898	1,064,524	1920	251,737
1899	1,032,418	1925	116,073
1900	999,339	1930	37,033
1901	965,313	1935	6,296
1902	930,380	1940	340
1903	894,585	1945	0

TABLE No. 2.—*Survivors.*

[Showing the probable number June 30, 1890, of the survivors of the war of the rebellion (excluding deserters), the number who will be 62 years of age or over on that date; also, the number who will attain 62 years of age after 1890, with the year in which they will reach that age.]

Probable number of survivors in 1890	1,285,471
Probable number of survivors in 1890, 62 years of age or over	149,531

Will live to be 62 years old.		Will live to be 62 years old.	
In year—	Number of men.	In year—	Number of men.
1891	20,817	1901	62,414
1892	22,642	1902	70,799
1893	24,891	1903	80,234
1894	27,489	1904	90,733
1895	30,530	1905	106,043
1896	34,073	1906	97,896
1897	38,206	1907	44,747
1898	43,025	1908	5,672
1899	48,611	1909	820
1900	55,042		

In explanation of the foregoing estimate it may be stated here that the life table which was used in the calculations involved was that which is known as the "Thirty American offices" table (male). Since this table is based upon the experience of insurance companies with a selected class of lives, its rates of mortality are somewhat lower than those of other tables that are based upon unselected lives. But, as suggested in the memorandum of 1890, the veterans of the war may be considered to be a selected class, from among whom, by the operation of the law of the survival of the fittest, those individuals of little endurance and tenacity of life have been eliminated, either by the vicissitudes of the war or their subsequent results. In addition to this the lot of the average veteran is very much better than that of the nonveteran, in that the former enjoys the benefit of liberal pension laws, is given preferment in municipal, State, and Federal employment, and is cared for by relief associations and in Soldiers' Homes when he needs such care. All of these favorable conditions combined must certainly tend to prolong the life of the class which enjoys their benefit, and there seems to be good ground for the belief that the expectation of life of veterans of the war, in later years at least, is greater than that of nonveterans of the same ages. And for this reason it is believed that the table used in the preparation of the estimate for 1890 and subsequent years has given more accurate results than would have been obtained by the use of a table whose rate of mortality is higher.

It should be observed also that in applying the life table to the determination of the number of survivors at various dates each group of individuals of the same age was dealt with separately, and no attempt was made to use an average age in any calculation. The inaccuracy of the results obtained by the application of a life table to an average age is so well known to those who are at all familiar with statistical matters that it would not be necessary to mention the subject here were it not for the fact that since the publication of the estimate made by this office in 1890 several estimates have emanated from other sources, in which it has been erroneously assumed that the average age of the survivors as determined by this office for a given period could be used as a basis for accurate calculations covering future periods. It is only necessary to say in this connection that because of the greater rate of mortality among, and the resulting more rapid decrease in the number of, the survivors of the higher ages, the average age of the whole class does not increase as rapidly as the age of an individual member of it. For instance, as shown by the estimate of 1890 the average age of all survivors in 1895 was 58 years, whereas in 1895, thirty years later, the average age was only 57 years. The number of survivors on June 30, 1895, as obtained by separately applying the life table to each group of survivors of the same age, differs by more than 40,000 from the number obtained by using an average age in the calculation.

The estimate of 1890 has recently been carefully reconsidered, with the view to determine whether, in the light of data now obtainable, any change should be made in it, and as a result of this reconsideration the conclusion has been reached that there is no ground for the belief that a more accurate estimate than that of 1890 could have been made then or can be made now.

According to the estimate the survivors of the late war (deserters excluded) should have numbered 1,154,810 on June 30, 1895, and if this figure is correct it should be supported by data obtainable from the records of the Pension Bureau.

It has been ascertained from the Commissioner of Pensions that 735,338 survivors of the war were borne on the pension rolls on June 30, 1895; that 116,177 other survivors had claims pending, and that 150,209 "original invalid" claims were on the rejected or abandoned files of the Bureau. These figures include those who have been pensioned for service in the Regular Army and Navy since the war, those who have died with rejected or abandoned claims on file, and some duplications in that class of claims. It is impossible to determine exactly how much of an allowance should be made for these factors, but from the best data obtainable it is estimated by this office that a reduction of 57,540 in the foregoing figures should be made in order to make them represent individual survivors of the war of the rebellion. Making this reduction, it appears the records of the Pension Bureau account for 944,184 survivors on June 30, 1895.

It will be seen from the foregoing statement, then, that the number of survivors on June 30, 1895, as estimated by this office, is 210,626 in excess of the number that can be accounted for by the records of the Pension Bureau on that date, and, if the estimate is correct, this excess must represent the number of those who, up to June 30, 1895, had never made application for pension, and of whom consequently the Pension Bureau could have had no record on that date. This number is, and must always remain, an unknown quantity; but, being freed as it now is from other obscuring factors, it can be considered by itself, and each one interested in the problem can pass his own judgment upon it.

It is believed that the number of survivors of the war who have never made application for pension is considerably larger than those who have given the question but little thought are accustomed to estimate it to be. There are several different classes of veterans who have not applied for pension. The first and probably the largest of these is made up of those who are yet comparatively young men, who are still vigorous and able-bodied, and who are free from disabilities or ailments that disqualify them in any degree for the performance of manual labor or the discharge of their accustomed duties. The fact that this class is a very large one will be better appreciated when it is considered that, according to the estimates of this office, the average age of all survivors of the war on June 30, 1895, was only 57 years, and consequently (because of the preponderance of enlistments at the lower ages) at least half of them, or more than half a million in all, must have been younger than that, and many of them must have been considerably younger. In addition there must be considered those of all ages who have never applied for pension because of their prosperous circumstances, or for sentimental reasons, or because they are aware that they are suffering from disabilities that are not pensionable under any law. Of course there is no means of determining the total number of persons who are comprised in these four classes, but it needs but little reflection to convince anyone that the number must be a large one, and it would seem that it must equal, if it does not exceed, the 210,626 which must be added to the 944,184 considered to be accounted for by the records of the Pension Bureau on June 30, 1895, in order to make 1,154,810, which is the total number of survivors (deserters excluded) that is shown by the original estimate of this office for that date. This is in the proportion of 817.61 applicants for pension and 182.39 nonapplicants per thousand of all pensionable survivors.

It does not seem unfair to assume that in every thousand honorably discharged survivors of the late war there were, on June 30, 1895, 182 who for various reasons had never made application for pension, and that the estimate of this office as to the total number of survivors on that date is very nearly correct. And if the estimate is correct for the date in question it can be demonstrated to be equally correct for other dates covered by it.

But, as stated above, this question is one in the solution of which each inquirer can well exercise his own judgment. Those who believe that more than 818 in every thousand of the honorably discharged survivors of the war had, on June 30, 1895, made application for pension, must consider the estimate as to the total number of survivors on that date to be too large; whereas those who believe that less than 818 per thousand had applied for pension on that date must consider the estimate too small.

A special enumeration of survivors was made during the census of 1890, and in a recently published statement of the Commissioner of Labor in charge of the Eleventh Census (Senate Document No. 155, Fifty-fourth Congress, first session) the total number of survivors, as shown by the population schedules, is given as 1,034,073. But the census enumeration could not possibly have included all the survivors, because many of them were out of the country at the time, and many more must have failed to be enumerated as such for various reasons. It requires but a brief examination of the census figures to show that they fall far short of representing the total number of survivors in 1890, and that they can not be relied upon as the basis of any calculation for the future. If, as shown by the census report, there were 1,034,073 survivors of the war of the rebellion in 1890, of the ages ascertained by the enumerators, this number should have fallen, according to the life tables, to 919,964 on June 30, 1895. But this last number is only 80,917 in excess of the number of survivors who were either on the pension rolls or had claims pending at that date, excluding Regular Army and Navy pensioners and claimants who served since the war, and is 24,230 less than the number that, as previously pointed out in this paper, can be considered to have been accounted for by the records of the Pension Office on that date, to say nothing of the very large number of those who had never applied for pension, and of whom, consequently, the Pension Office could have had no record. It is confidently believed, therefore, that the figures shown by the estimate made by this office are much more reliable than those shown by the census of 1890 as the basis of any calculation for the future.

There has recently been made in this office a careful examination of the records of all organizations that are known to have been in the military service less than ninety days, and of all in which any considerable number of men are known to have served less than ninety days, and as a result of this examination it has been found that 42,323 officers and enlisted men served less than ninety days in these organizations. But it is well known that a large proportion of the short-term men had service under prior or subsequent enlistments. It is impossible to ascertain from the official records how many men served under two or more enlistments, because the records, as a rule, do not connect one enlistment with another and do not afford any means of determining whether similar or identical names borne on the rolls of two or more different organizations refer to one and the same man or to two or more different men. However, it is believed that fully three-fourths of the 42,323 members of the short-term organizations now under consideration, having been brought into service in other organizations, or in the same organizations at different periods, through patriotic motives, the operation of the draft, or the inducement of bounties, served a sufficient length of time to make their whole service exceed ninety days, and that the remaining one-fourth, or 10,581, fairly represents the number that rendered no service other than that of less than ninety days in these organizations.

It should be observed that in this connection no account is taken of the men who were discharged for disability or who deserted from both long and short term organizations and at various times throughout the whole war after a service of less than ninety days. It is evident that these should not be considered in estimating the number of beneficiaries under a per diem pension bill, because practically all of this class who were discharged for disability incurred in service may be presumed to have been pensioned already or to be pensionable under the general law at a rate higher than that to which their short service would entitle them under a per diem law, and that, consequently, they will not be applicants for pension under such a law; and those who would become beneficiaries under any other service-pension law must be so few that their number need not be considered in estimating the cost of that law. Deserters of course can not come within the provisions of any law whose benefits are restricted to those having honorable discharges from the military or naval service, and they have been excluded from all the calculations embodied in this paper.

Assuming the ages of the 10,581 short-term men referred to above to have been relatively the same as the ages of all other survivors at the termination of service, their number should have fallen, according to the life table, to 7,074 on June 30, 1895, and this figure must be excluded in estimating the cost of any law under which those who have served less than ninety days can not become beneficiaries.

There has also been made an examination of the records of all organizations that are known to have been in the military service more than ninety days but less than six months, and of all in which any considerable number of men are known to have served more than ninety days but less than six months, and as a result of this examination it has been found that 238,469 officers and enlisted men served more than ninety days and less than six months in these organizations. Adding to this number 42,323, to include those who served less than three months as explained above, it is found that 280,792 officers and enlisted men served less than six months in the organizations now under consideration, not taking into account those who were discharged for disability or who deserted at various times during the war, and from both long and short term organizations, after a service of less than six months. For the reason stated above, it is impossible to ascertain how many of these men served under two or more enlistments, but as the records show that 233,351 of them enlisted in organizations whose periods of service were one hundred days or less, it is believed that at least one-half of the total number, or 140,396, had prior or subsequent service sufficient to make their total service exceed six months.

Assuming the ages of these 140,396 men to have been relatively the same as the ages of all other survivors at the termination of service, their number should have fallen to 93,861 on June 30, 1895, and this figure must be excluded in calculating the cost of any law whose benefits are restricted to those who served six months or more.

Following is an estimate of (1) the number that will be pensionable under, and the possible cost of, an act granting a pension of $8 per month to all honorably discharged survivors of the late war who are 62 years of age and over and who are not now on the pension roll, and increasing to $8 per month the pensions of all those who are now pensioned at a rate less than that; (2) the number that will be affected by, and the possible cost of, a similar law whose benefits shall be restricted to survivors who are 62 years of age or over, and who served six months or more; (3) the number that will be pensionable under, and the possible cost of, a law pensioning at $12 per month all survivors who are not now on the pension roll, but who served ninety days or more during the war, and increasing to $12 per month the pensions of all survivors who are now on the pension roll at a rate less than that, but who served ninety days or more; (4) the number that will be pensionable under, and the possible cost of, an act granting to all survivors who are not now on the pension roll a pension of 1 cent per month for each day of their service during the war, and increasing to an amount equal to 1 cent per month for each day of service the pensions of all survivors who are now on the pension roll at a rate less than that; (5) the number that will be affected by, and the possible cost of, a similar law whose benefits shall be restricted to survivors who served ninety days or more.

It should be understood that these estimates are subject to the remarks made in connection with the estimate of 1890, and are to be considered only in connection therewith. It should also be understood that the term "survivors," as used in the estimates, excludes deserters in all cases.

I.

EIGHT DOLLARS PER MONTH. SIXTY-TWO YEARS.

Survivors at 62 years or over on June 30, 1896, excluding pensioners at $8 or over per month.

Assuming that a law has been enacted granting a pension of $8 per month to all honorably discharged survivors of 62 years of age and over who are not now on the pension roll, and increased to $8 per month the pensions of all survivors of 62 years of age and over who are now on the pension roll at a rate less than $8 per month, and assuming that the ages of all those who would come within the provisions of such a law are relatively the same as the ages of all survivors of the war, whether pensioned or not, the maximum possible number of beneficiaries under the law on June 30, 1896, would be 130,991, and the maximum possible addition during the year following that date to the annual expenditures for pensions under other laws would be $9,983,496. Following is a table showing for each year from 1896 to 1910, and for quinquennial periods thereafter, the total number of pensionable survivors of 62 years of age or over who are not now on the pension roll or who are pensioned at less than $8 per month, also the total amount required each year to pension all such survivors, and the increase or decrease of such total amount from year to year.

The figures given for the year 1896 and a few succeeding years are undoubtedly too large, because they have been based upon the assumption that the ages of those who would be affected by the proposed law, especially of those who are not now on the pension roll, are relatively the same as the ages of all survivors, whether now on the pension roll or not.

But it seems probable that the average age of those who are not on the pension roll is less than that of pensioners, because the class of nonpensioners must be very largely composed of the younger survivors who have not been able or who have not cared to obtain pensions under the act of June 27, 1890. This being the case, the figures for a few of the earlier years in the table must be too large, because those who have been counted as being 62 years of age in any particular one of these years, but are actually not so old, will become 62 in a later year. In addition to this, the only accessible figures showing the number on the pension roll are those given in the last annual report of the Commissioner of Pensions and represent the condition of that roll on June 30, 1895. Of course a considerable number of nonpensioners will have been pensioned under existing laws between that date and June 30, 1896. Although their number and the total amount of their pensions can not be foretold, the actual expenditure under the proposed law will be reduced thereby somewhat below the estimate in the table.

The table only represents what is believed to be the maximum annual expenditure that is possible in future under the proposed law. Of course, it is not at all probable that, if such a law should be enacted immediately, all those who now come within its provisions would be pensioned, or even would have filed application for pensions, as early as June 30, 1897, and for this reason also the estimate in the table of the expenditure for that year and the year following that date is too large. But this factor is not of so much importance in the calculation for later years, because the majority of those whose claims can not be adjudicated or are not filed within the first year of the existence of such a law will probably become pensioners under it within a short time afterwards.

In estimating the effect that the proposed law would produce upon the total expenditures of the Government for pension purposes in future it should be borne in mind that many of those who would be pensioned in the near future under such a law will without such a law be pensioned in the near future under the existing act of June 27, 1890, because they will shortly be brought within the operation of that act by reason of the infirmities of advancing age, if for no other reason. In addition to this, there should be taken into account the diminution in pension expenditures which will be caused in the future by the death of those who are now drawing pensions under existing laws.

EIGHT DOLLARS. SIXTY-TWO YEARS.

Table showing the number that will probably be pensionable under and the probable cost of an act granting a pension of $8 per month to all honorably discharged survivors of the late war who are 62 years of age and over, and who are not now on the pension roll, and increasing to $8 per month the pensions of all such survivors who are now pensioned at a rate less than that.

Year.	Beneficiaries.	Cost.	Increase from previous year.	Decrease from previous year.
1896	130,991	$9,983,496	.....	.....
1897	144,040	10,981,032	$997,536	.....
1898	158,541	12,083,256	1,102,224	.....
1899	175,200	13,357,440	1,274,184	.....
1900	194,396	14,815,992	1,458,552	.....
1901	216,328	16,487,520	1,671,528	.....
1902	241,466	18,403,464	1,915,944	.....
1903	270,197	20,593,128	2,189,664	.....
1904	302,927	23,087,640	2,494,512	.....
1905	341,946	26,061,480	2,973,840	.....
1906	374,915	28,574,256	2,512,776	.....
1907	378,879	28,876,320	302,064	.....
1908	361,855	27,578,976	.....	$1,297,344
1909	342,065	26,070,600	.....	1,508,376
1910	321,720	24,519,960	.....	1,550,640
1915	220,766	16,825,920	.....	*7,694,040
1920	129,322	9,856,320	.....	*6,969,600
1925	59,631	4,544,784	.....	*5,311,536
1930	19,025	1,449,984	.....	*3,094,800
1935	3,235	246,552	.....	*1,203,432
1940	175	13,344	.....	*233,208
1945	0	0	.....	*13,344

* Decrease in five years.

II.

EIGHT DOLLARS PER MONTH. SIXTY-TWO YEARS. SIX MONTHS' SERVICE.

Survivors at 62 years or over on June 30, 1896, who served six months or more, excluding pensioners at $8 or over per month.

A law pensioning at $8 per month all honorably discharged survivors who are not now on the pension roll, but who are 62 years of age or over and who served six months or more during the war, and increasing to $8 per month the pensions of all survivors who are now on the pension roll at a rate less than that, but who are 62 years of age or over and who served six months or more, would differ from the measure discussed in the foregoing section of this paper only in one particular, viz, that its benefits would be restricted to those who, in addition to being 62 years of age, rendered six months or more of military or naval service during the war. In attempting to make an estimate of the number of persons that can possibly be beneficiaries under, and the possible cost of, such a measure it is found that a new factor is introduced into the problem, and that in addition to the number and ages of the survivors, the length of service of those survivors must be taken into account.

As stated above, a recent examination of the records of volunteer organizations on file in this office has led to the conclusion that 140,396 officers and enlisted men, exclusive of those who were discharged for disability or who deserted, served less than six months, and that of this number 93,861 were living on June 30, 1895. It is presumed that the majority of those who were discharged for disability after a total service of less than six months have been pensioned already, or are pensionable, under the general law at a rate equal to or exceeding $8 per month, and that those who were so discharged and are now pensioned at less than that or are not pensioned at all, and who may consequently become beneficiaries under such a law as that now under consideration, are so few that their number can not perceptibly affect the cost of the law and need not enter into the estimate. And deserters have, for obvious reasons, been excluded from all the calculations embodied in this paper.

Following is a table showing for each year from 1896 to 1910, and for quinquennial periods thereafter until no survivors shall remain, the probable total number of pensionable survivors at 62 years of age or over, who served six months or more, and who are not now on the pension roll or who are pensioned at less than $8 per month, also the total amount required each year to pension all such survivors, and the increase or decrease of such total amount from year to year. All remarks made with regard to the figures in the table in the preceding section apply with equal force to the figures in the following table:

EIGHT DOLLARS. SIXTY-TWO YEARS. SIX MONTHS' SERVICE.

Table showing the number that will probably be pensionable under and the possible cost of an act granting a pension of $8 per month to all honorably discharged survivors of the late war who are 62 years of age and over, who served six months or more, and who are not now on the pension roll, and increasing to $8 per month the pensions of all such survivors who are now pensioned at a rate less than that.

Year.	Beneficiaries.	Cost.	Increase from previous year.	Decrease from previous year.
1896	120,345	$9,172,130	.....	.....
1897	132,333	10,085,796	$913,666	.....
1898	145,655	11,101,156	1,015,360	.....
1899	161,015	12,271,847	1,170,691	.....
1900	178,586	13,611,756	1,339,909	.....
1901	198,746	15,147,491	1,535,735	.....
1902	221,836	16,907,301	1,759,810	.....
1903	248,296	18,919,461	2,012,160	.....
1904	278,397	21,211,234	2,291,773	.....
1905	314,154	23,943,348	2,732,114	.....
1906	344,443	26,251,848	2,308,500	.....
1907	348,085	26,529,445	277,597	.....
1908	332,445	25,337,392	.....	$1,192,053
1909	314,263	23,951,657	.....	1,385,735
1910	295,572	22,475,301	.....	1,476,356
1915	202,825	15,458,349	.....	*7,016,952
1920	118,811	9,055,256	.....	*6,403,093
1925	54,785	4,175,488	.....	*4,879,768
1930	17,479	1,332,171	.....	*2,843,317
1935	2,972	226,483	.....	*1,105,688
1940	160	12,231	.....	*214,252
1945	0	0	.....	*12,231

* Decrease in five years.

III.

TWELVE DOLLARS. NINETY DAYS' SERVICE.

Survivors on June 30, 1896, who served ninety days or more, excluding pensioners at $12 or over per month.

Under a law providing a service pension of $12 per month for all those who are not now pensioned, but who served ninety days or more during the war and were honorably discharged, and increasing to $12 per month the pensions of all those who are now borne on the pension roll at a rate less than that, all honorably discharged survivors who are not now pensioned could become beneficiaries to the extent of $12 per month each provided they served ninety days or more; and all those now on the pension roll at a rate less than $12 per month would be entitled to have their pensions increased to that amount, if their service equaled or exceeded ninety days. Following is a table showing for each year, from 1896 to 1910, and for quinquennial periods thereafter until no survivors shall remain, the probable total number of survivors pensionable under such a law, the possible total expenditure under the law, and the decrease in that expenditure from year to year. It is to be understood that this table is to be considered only in connection with the explanatory remarks made in preceding sections of this paper:

TWELVE DOLLARS. NINETY DAYS' SERVICE.

Table showing the number that will probably be pensionable under and the possible cost of an act pensioning at $12 per month all honorably discharged survivors of the late war who served ninety days or more, and who are not now on the pension roll, and increasing to $12 per month the pensions of all such survivors who are now on the pension roll at a rate less than that:

Year.	Beneficiaries.	Cost.	Decrease from previous year.
1896	771,442	$79,393,291	.....
1897	750,817	77,183,053	$2,120,238
1898	729,542	74,991,914	2,191,139
1899	707,500	72,730,133	2,261,781
1900	684,842	70,399,840	2,330,293
1901	661,514	68,002,828	2,397,012
1902	637,575	65,541,940	2,460,888
1903	613,046	63,020,304	2,521,636
1904	587,976	60,443,167	2,577,137
1905	562,404	57,814,453	2,628,714
1906	536,388	55,139,960	2,674,493
1907	509,986	52,425,940	2,714,010
1908	483,291	49,678,598	2,747,342
1909	456,285	46,905,484	2,773,114
1910	429,147	44,115,735	2,789,749
1915	294,485	30,272,729	*13,843,006
1920	172,501	17,783,265	*12,489,464
1925	79,543	8,176,926	*9,556,339
1930	25,378	2,608,842	*5,568,084
1935	4,315	443,531	*2,165,311
1940	233	23,952	*419,579
1945	0	0	*23,952

*Decrease in five years.

IV.

ONE CENT PER DIEM.

Survivors on June 30, 1896, excluding those who are receiving pensions equal to or exceeding 1 cent per month for each day of service.

It is apparent that under a law pensioning, at the rate of 1 cent per month for each day of service, all those who are not now on the pension roll, and increasing to an amount equal to 1 cent per month for each day of service the pensions of those who are now on the pension roll at a rate less than that per month, all honorably discharged survivors who are not now pensioned could become beneficiaries, as well as those who are now pensioners but whose service was of such a length that the pensions they would receive under such a law would be greater than those which they are now receiving under existing law. The latter class includes a considerable number of pensioners who are now receiving more than the average pension that would be allowed under a per diem law, but whose length of service was such that they would be entitled to more under a per diem law than they are now receiving.

Such a measure would be a pension law from the benefits of which no honorably discharged veteran would be excluded, however short his service, and under which the amount of pension to be paid would depend entirely upon the length of service in each case. Subject to remarks made elsewhere in this paper, the following table is given as showing for each year from June 30, 1896, to June 30, 1910, and for each quinquennial period thereafter until no survivors shall remain, the possible number of pensioners under a law such as that now under consideration, the possible total expenditure under the law, and the decrease in that expenditure from year to year:

ONE CENT PER DIEM.

Table showing the number that will probably be pensionable under and the possible cost of an act granting to all honorably discharged survivors of the late war who are not now on the pension roll a pension of 1 cent per month for each day of their service during the war, and increasing to an amount equal to 1 cent per month for each day of service the pensions of all such survivors who are now on the pension roll at a rate less than that.

Year.	Beneficiaries.	Cost.	Decrease from previous year.
1896	605,525	$42,739,020	.....
1897	589,336	41,596,935	$1,142,035
1898	572,905	40,415,486	1,181,879
1899	555,335	39,196,556	1,218,930
1900	537,542	37,940,678	1,255,878
1901	519,240	36,648,856	1,291,822
1902	500,450	35,322,602	1,326,254
1903	481,195	33,963,617	1,358,985
1904	461,518	32,574,714	1,388,903
1905	441,446	31,158,014	1,416,700
1906	421,025	29,716,646	1,441,368
1907	400,301	28,253,980	1,462,666
1908	379,324	26,773,350	1,480,630
1909	358,150	25,278,831	1,494,519
1910	336,848	23,775,350	1,503,481

ONE CENT PER DIEM—continued.

Table showing the number that will probably be pensionable, etc.—Continued.

Year.	Beneficiaries.	Cost.	Decrease from previous year.
1915	231,149	$16,314,921	*$7,460,429
1920	135,463	9,557,011	*6,757,910
1925	62,435	4,406,802	*5,150,209
1930	19,920	1,405,987	*3,000,815
1935	3,387	239,033	*1,166,954
1940	183	12,908	*226,125
1945	0	0	*12,908

*Decrease in five years.

V.

ONE CENT PER DIEM. NINETY DAYS' SERVICE.

All survivors on June 30, 1896, who served ninety days or more, excluding those who are receiving pensions equal to or exceeding 1 cent per month for each day of service.

A law pensioning at the rate of 1 cent per month for each day of service all those who are not now on the pension roll, but who served ninety days or more, and increasing to an amount equal to 1 cent per month for each day of service the pensions of all those who are now on the pension roll at a rate less than that per month, and who served ninety days or more, would differ from the measure discussed in the last preceding section of this paper only in one particular, viz. that its benefits would be restricted to those who served not less than ninety days.

The following table shows for each year from June 30, 1896, to June 30, 1910, and for each quinquennial period thereafter until no survivors shall remain, the possible number of beneficiaries under such a law, the possible total expenditure under the law, and the decrease in that expenditure from year to year.

ONE CENT PER DIEM. NINETY DAYS' SERVICE.

Table showing the number that will probably be pensionable under and the possible cost of an act granting to all honorably discharged survivors of the late war who are not now on the pension roll, but who served ninety days or more, a pension of 1 cent per month for each day of their service during the war, and increasing to an amount equal to 1 cent per month for each day of their service the pensions of all such survivors who are now on the pension rolls at a rate less than that.

Year.	Beneficiaries.	Cost.	Decrease from previous year.
1896	598,629	$42,698,265	.....
1897	582,625	41,556,695	$1,141,570
1898	566,084	40,376,936	1,179,759
1899	549,011	39,159,162	1,217,774
1900	531,421	37,904,513	1,254,649
1901	513,327	36,613,899	1,290,614
1902	494,750	35,288,911	1,324,988
1903	475,715	33,931,219	1,357,692
1904	456,232	32,543,647	1,387,572
1905	436,419	31,128,300	1,415,347
1906	416,230	29,688,306	1,439,994
1907	395,743	28,227,032	1,461,274
1908	375,004	26,747,815	1,479,217
1909	354,071	25,254,721	1,493,094
1910	333,012	23,752,672	1,502,049
1915	228,517	16,299,359	*7,453,313
1920	133,861	9,547,898	*6,751,463
1925	61,724	4,402,599	*5,145,297
1930	19,636	1,404,646	*2,997,953
1935	3,348	238,805	*1,165,841
1940	181	12,896	*225,909
1945	0	0	*12,896

*Decrease in five years.

From the foregoing statement it will be seen that all of the measures discussed therein contemplate a service pension, although some of them differ widely as to the basis upon which the proposed pension shall be granted. The two $8 per month measures, which only propose to pension survivors at the age of 62 years or over, would involve a minimum expenditure at the beginning, but this expenditure would increase from year to year until 1907, when the maximum would be reached by reason of the fact that nearly all of the survivors will have become 62 years of age on that date, after which there would be a steady decrease in the annual expense. These two propositions differ from each other only in the fact that one of them contains a requirement of six months' service, which would permanently exclude all those who served less than six months, and would reduce the first annual outlay from $9,983,496 to $9,172,130, or a little over 8 per cent.

The $12 per month bill and both the "1 cent per diem" measures would each necessitate a maximum annual expenditure in the near future, which would steadily diminish thereafter. The maximum possible cost of the $12 bill, if enacted into a law, would be $79,393,291, as against $42,739,020 for a law providing a pension of 1 cent per month for each day of service, with no restriction as to the length of service, making a difference between the two of $36,564,271 in favor of the latter.

As has been pointed out elsewhere in this paper, the number of survivors who served less than ninety days during the war is very small, and the effect of a requirement of ninety days' service in a "one cent per diem" pension law would be simply to exclude from the benefits of the law a few men, no one of whom could receive, if pensioned under the law, more than 89 cents per month, while the average for all of them would be less than 50 cents per month. The estimated total expenditure that would be possible under such a law for the first year would be reduced $40,750 by debarring those who served less than 90 days.

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

RECORD AND PENSION OFFICE,
War Department, April 14, 1896.

Mr. LAYTON. I hope the Chair will hear me on the point of order.

The CHAIRMAN. The Chair has already ruled and sustained the point of order. The question is on the amendment offered by the gentleman from Illinois.

Mr. LAYTON. I would simply say this is a provision creating a service pension in a general bill relating to pensions.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois. The Chair has already ruled on the point of order.

Mr. LAYTON. I simply ask for two minutes.

The CHAIRMAN. That can only be granted by unanimous consent.

Mr. BARTLETT of New York. I rise to a parliamentary inquiry. After the Chair——

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that he may be heard for two minutes.

Several members objected.

Mr. LAYTON. I respectfully appeal from the decision of the Chair, and upon that I desire to be heard for two minutes.

The CHAIRMAN. The appeal comes rather late, but the Chair will indulge the gentleman.

Mr. LAYTON. Mr. Chairman, I call the attention of the House, and not only of the House, but of the country, to the fact that the pending bill is entitled "A bill relating to pensions," and its first section—I want to emphasize and accentuate this point—provides for a certain class of pensioners being placed upon the pension roll. Now, my amendment also provides for another class of pensioners being placed upon the roll, and I would like to ask any parliamentarian whether or not such an amendment is not germane to the bill?

Mr. PICKLER. Will the gentleman yield for a question?

Mr. LAYTON. I have only two minutes—I can not yield. I repeat, Mr. Chairman, the first section of the pending bill provides for a certain class of pensioners, to wit, men who served in the rebel army, being placed upon the roll. Instead of that I move to strike that out and to insert a provision that pensions shall be granted to men who served in the Union Army for a graded service pension; and hence, I repeat, can any gentleman who has any knowledge of parliamentary law honestly say that that amendment is not germane to the first section of the bill? My bill provides for a service pension of not less than $6 a month to every old soldier of the Union Army who served three months or less and who has an honorable discharge, $8 a month to those who served more than three months and less than one year, $10 a month to those who served more than one year and less than two years, and $14 a month to those who served more than three years.

Mr. TAWNEY. Why did not the Fifty-third Congress, when the Democrats had the power, pass that bill?

Mr. LAYTON. That is the character of the proposition I now present, and I appeal to this House to permit a vote to be taken upon this amendment, which is offered in good faith, providing pensions for "sure-enough" Union soldiers instead of for men who served in the Confederate army. It is for the purpose of getting action upon this proposition, which is offered by me in the utmost good faith, that I have most respectfully appealed from the decision of the Chair, for whom personally I have the highest regard.

Mr. PICKLER. Mr. Chairman, in this bill from the first section to the seventeenth, every section in it having been placed there by the Committee on Invalid Pensions and on their own suggestion, there is not one that adds a new class of pensioners to the roll; but the gentleman from Ohio proposes an amendment which does add an entirely new class. The ex-Confederate soldiers who are recognized under the first section of this bill were recognized as a pensionable class until lately. The gentleman's proposition is for a new class of pensioners to be granted a service pension, men who as a class have never been on the pension roll. Now, any amendment which proposes to place a new class of pensioners on the roll is not and can not be in order on this bill. We are all anxious for the passage of a service-pension bill; we have been considering it in the Committee on Invalid Pensions, and I trust that the gentleman from Ohio will stand by his guns when we get it where it can be considered, because this side of the House is for it solidly. [Applause on the Republican side.]

Mr. LAYTON. If this first section of the pending bill does not provide for a new class of pensioners, why have it in the bill at all?

Mr. PICKLER. Because we are trying to cure the present maladministration of the Pension Bureau. The bill as reported covers only such cases as were covered by the law and were getting pensions under the Harrison Administration. This bill does not create any new class at all, while it does prescribe rules and regulations to facilitate the allowance of pensions.

Mr. LAYTON. I submit, Mr. Chairman, that this is a specific, absolute provision, placing upon the pension roll certain persons who served in the Confederate army, and that it does not provide for any construction of any existing law.

Mr. PICKLER. Your substitute does not cut out these very Confederates that you are talking about; it includes them.

Mr. SMITH of Illinois. Mr. Chairman, I rise to a parliamentary inquiry. The amendment having been offered, the point of order having been made upon it, and the Chair having decided the point of order, shall we be compelled to sit and listen to a wrangle for half an hour, taking up time, when objection is made.?

The CHAIRMAN. The gentleman from Ohio [Mr. LAYTON] appealed from the decision of the Chair, and the discussion has been on the appeal.

Mr. LAYTON. Mr. Chairman, I am quite sure the chairman of our committee does not wish to misrepresent me.

Mr. PICKLER. No, sir.

Mr. LAYTON. If he will listen to the reading of my amendment——

Mr. PICKLER. I call for the reading of the substitute.

Mr. LAYTON. Mr. Chairman—— [Cries of "Vote!" "Vote!"] I desire, Mr. Chairman——

The CHAIRMAN. Objection is made to the gentleman proceeding.

Mr. LAYTON. I am talking on the appeal.

The CHAIRMAN. The Chair can not recognize the gentleman a second time on that question.

Mr. LAYTON. I should like to be heard for a moment only.

The CHAIRMAN. Does the gentleman from South Dakota yield?

Mr. PICKLER. Of course I do not.

Mr. BARTLETT of New York. Mr. Chairman, I rise to a parliamentary inquiry. Is this controversy between the gentleman from Ohio and the gentleman from South Dakota in order?

The CHAIRMAN. If the gentleman from South Dakota, having the floor, yields to the gentleman from Ohio——

Mr. BARTLETT of New York (interposing). How many times can the gentleman from South Dakota get the floor?

Mr. PICKLER. I have had it only once.

Mr. BARTLETT of New York. I thought you had had it three or four times.

The CHAIRMAN. Does the gentleman from South Dakota [Mr. PICKLER] yield to the gentleman from Ohio for a question?

Mr. PICKLER. Yes, sir, for a question.

Mr. LAYTON. The gentleman has stated, as I understand, that my amendment would permit the first section to remain in the bill——

Mr. PICKLER. I beg the gentleman's pardon.

Mr. LAYTON. I understood the gentleman to say that my amendment, if adopted, would permit the first section to remain in the bill?

Mr. PICKLER. No; I say that the gentleman's substitute would strike out the first section. But the substitute provides that every soldier who served ninety days in the United States service and was honorably discharged shall be entitled to this class of pension; and that would cover these very Confederates who rendered service in that way.

Mr. LAYTON. Yes, sir. But, mark you, the existing law excludes the class of men here provided for in the first section, viz, ex-Confederates.

Mr. PICKLER. I insist that the appeal from the ruling of the Chair should not be sustained by the Committee of the Whole. This amendment creates a new class of pensioners. It provides for a service pension; and it shows why some of our friends over there were so anxious to get an opportunity to offer amendments to this bill. Now, sir, they can not put this side of the House in a false position on the question of service pension. We are for such a pension; and I trust, sir, that the election this fall will so demonstrate the wishes of the people and have such an effect in placing revenue in the Treasury of the United States that at the closing session of this Fifty-fourth Congress we may ingraft on the statute books a service pension for every old soldier [applause]; and this is, I know, the desire of this side of the House.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the House?

The question being taken, it was decided in the affirmative.

So the decision of the Chair was sustained.

The CHAIRMAN. The question is now on the amendment of the gentleman from Illinois.

Mr. POOLE. Mr. Chairman and gentlemen of the committee, the first section of the bill now under consideration engaged the attention of the Committee on Invalid Pensions to as large an extent as all the rest of the bill, and we were substantially agreed upon that section as it now appears. The amendment of the gentleman from Illinois, while it seems to be an innocent proposition, is, in my opinion, a very dangerous one. It provides for inserting the word "involuntary" before the word "service," in line 5. Right there is where the danger arises. It is impossible for these men to prove that they entered the rebel service involuntarily.

There were thousands of men that entered the rebel army along the border States because they found it necessary to do so in order to save their lives. They knew well that to remain in that country and not take sides with the Confederacy meant certain death to them. Therefore thousands of them enlisted in the Confederate service, serving a shorter or a longer time, but at the very first opportunity they deserted to our lines and became Union soldiers. It is this class of men we want to protect. That has been the object of the committee in the preparation of the bill. We sought to give these men who thus served their country and their flag the same rights as Union soldiers from the North. I claim, Mr. Chairman, that these men took greater chances than even we of the North; for, sir, as everyone knows, if they had been captured in battle by their former comrades their lives would not have been worth a cent; they would have been shot for desertion. Hence I claim it is no more than fair that after they have served their flag and their country in the Union Army for ninety days they should receive the same generous treatment that we give to the Union soldiers who went from the Northern States.

One other thing. In this very Congress we have removed the ban which for thirty years remained upon those men who, having been educated at the expense of the United States at West Point or Annapolis and received commissions in our Army and Navy, afterwards deserted their flag and engaged in the service of the rebellion, remaining in it, in most cases, till the end of the war. Thirty years ago we said that those men should not again be permitted to receive commissions in the Army or Navy of the United States. But in the present Congress we have repealed this act and made it possible for them to hold commissions in the Army or Navy.

Now, why not be generous to these men, many of them of humble position, who were Union men at heart and who, when the opportunity came, did service for the Union? Why not extend to these men the same generosity that we have extended to those who fought us through the war, who deserted the flag of the United States in order to do so, and many of whom never repented. I voted freely for the bill restoring those men to their former rights. I thought it time that we should extend the olive branch to all the men of the South, giving them the opportunity to show themselves, as they claim to be, good Union men like ourselves. But I do not think it fair that these other men who did us good service during the war should be denied the little rights that we can extend to them under this bill.

Mr. PICKLER. Does not the gentleman know that the effect of this amendment is simply to put into the law what they have been holding at the Pension Office?

Mr. POOLE. I so understand.

Mr. PICKLER. And we should not sustain the Pension Office in a wrong ruling.

Mr. POOLE. Mr. Chairman, I want to say to the ex-Confederate soldiers on this floor that we concede that in this Congress they have been generous. I have never seen an ex-Confederate soldier oppose the pension bill of any Union soldier. I hope that we shall be as generous to the men of the South who were loyal in their hearts and as soon as the opportunity offered became Union men, as the men of the South in this Congress have been toward the Union soldier.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Illinois [Mr. CONNOLLY].

The amendment was rejected.

Mr. HEPBURN. Mr. Chairman, I offer the amendment I send to the desk as an addition to the first section.

The Clerk read as follows:

Insert in line 12, at the end of the section, as follows:
"*Provided further*, That in the administration of the Pension Bureau all laws shall be construed liberally in the interest of the claimant; and in no case shall the claimant be required to furnish a measure of proof that excludes all reasonable doubt, but he shall only be required to establish his claim by a fair preponderance of proof."

Mr. SMITH of Illinois. I wish to offer an amendment to the amendment.

Mr. HEPBURN. It has been suggested to me that this amendment be offered as an additional section, and I will do so and ask the Clerk to number it properly, allowing it to follow the first section.

I do not care to discuss it and hope we may have a vote upon it.

Mr. PICKLER. Let us understand this matter. How do you propose to get it into the bill? As an independent section?

Mr. PEARSON. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. PEARSON. If this is to be a separate section it is not in order now on the discussion of the first section.

Mr. HEPBURN. On reflection, I will renew my former motion to have it added as an additional paragraph to the first section.

Mr. ANDREWS. Mr. Chairman, a word only in regard to this matter as a member of the committee.

As this amendment relates distinctively to the administrative features of the law, I heartily favor the amendment, and hope it will be adopted by the committee.

Mr. SMITH of Illinois. Now, Mr. Chairman, I offer what I send to the desk as an amendment to the amendment.

The Clerk read as follows:

That hereafter, in the administration of the pension laws and determination of the rights of any claimant to a pension, or an increase of pension, the same shall be determined solely on the sworn testimony or affirmation of witnesses, taken under the provisions of law; and the unsworn statements of any person or persons relative to the credibility of witnesses, or as to supposed facts in connection with such claims, shall not be considered or accepted by the Pension Office officials to impeach or discredit the sworn statements or affirmations of a witness.

Mr. SMITH of Illinois. Mr. Chairman, I desire to say to the committee that in my judgment the amendment which has just been read to the amendment offered by the gentleman from Iowa [Mr. HEPBURN] not only covers the point of the amendment offered by him, but goes a little further, and in the right direction.

Here we have laws under which pensions are to be granted to relieve soldiers who can prove up their cases; and under the law they are required to prove their claims by certain statements. Under the practice of the office a system has grown up which has gone beyond anything in that line ever recognized in any civilized country on the face of the earth. A claimant for a pension is required to prove by the oath of witnesses—officers, comrades, and himself—that his disabilities were incurred in the service, if under the general law of 1861; and after all that is done and proven to the satisfacton of any court of record in any State in the Union, then the Pension Office holds up the pension claim and sends out a notice to a postmaster in the vicinity of where the claimant lives, or to some other private individual and asks that individual to say is the testimony, for instance of the gentleman from South Dakota, who has sworn to the incurrence of the disability—is the testimony reliable; is he a credible witness, and ought he to be believed on oath?

That private letter comes into the Pension Office after a while, and on it they may hold up or reject the claim—on a private or secret letter, giving to it more weight in the office than to all of the affidavits of the officers or privates of his company or regiment who have testified in favor of the claimant.

The only object of the amendment is to let every case stand upon the evidence or affirmation of witnesses and to prevent private letters from being received as a better class of proof than that. It prescribes that these letters shall never be taken to impeach the testimony of a sworn witness, or the testimony of the colonel or captain of the company in which the man served; but let them all be decided by the evidence furnished in the case, and if the applicant is not able to furnish the evidence required, then the claim will be rejected.

This is a matter of interest to every pension claimant in the United States, and I do not want the chairman of the Committee on Invalid Pensions to get up and retaliate on me that I was not in the Army and could not be a friend to the soldier, and that he was the man.

This amendment is intended to reach and remedy a serious trouble that has grown up in this country. It has grown up not only in the present, but in other Administrations, and there is not a man, woman, or child having a claim for pension on file in this country but would be glad to see the amendment adopted and an end put to a system that has prevailed so long and so injuriously to these claimants. It only seeks to secure justice. If a man is entitled to a pension and proves it by sworn testimony or the affirmation of witnesses under the law, let him have it, and do not take the private statements of secret spies, which go in as confidential communications to impeach the testimony of sworn witnesses.

I believe this will appeal to the justice and fairness and good sense of my Democratic friends who favor those things, and I know that of course no Republican can object to it if he is a friend of the soldier.

[Here the hammer fell.]

Mr. PICKLER. I should like, in my time, to hear the amendment of the gentleman reported.

The amendment was again read.

Mr. PICKLER. Now, Mr. Chairman, I admit the gentleman's interest in the old soldiers. I know he is loyal to them, and I want to say right here that no man in this House, on either side of it, has ever heard me impugn the motives of any man on any question. I do not do that. Now, if the gentleman's amendment should carry, not another person could get a pension.

Mr. SMITH of Illinois. Why?

Mr. PICKLER. I will tell you why. You cut out the statements of the physicians.

Mr. SMITH of Illinois. Oh, no.

Mr. PICKLER. You cut out the records of the War Department.

Mr. SMITH of Illinois. Not at all.

Mr. WATSON of Ohio. The official records.

Mr. PICKLER. Well, let us have the amendment read again; I so understood it.

The amendment was again reported.

Mr. PICKLER. There is no provision for the war records in that. Besides that, Mr. Chairman, we have here a section that says every claimant and his attorney can go and look over everything in the Pension Office. My friend knows very well that there will be no trouble about that hereafter. We provide that the claimant and his attorney shall have access to every paper that is filed, and that is protection enough to the soldier.

It very often happens, gentlemen, that unsworn statements come in which are very beneficial to the soldier. You cut those off by this amendment. I know the gentleman means well, but his proposition is too broad, and it would be impracticable. He is erecting a new system of evidence that ought not to come in.

Mr. FAIRCHILD. Mr. Chairman, I should like to ask the gentleman from South Dakota if it is not a fact that the amendment of the gentleman from Illinois is provided for in section 4, which states—

That hereafter, in the administration of the pension laws, all investigations into the merits of any pension previously allowed shall be by question and answer, under oath, in open session, after due notice to the person or persons who may be affected thereby to be present personally or by attorney.

Mr. PICKLER. I think the gentleman means to go further than that. He means to reach these letters that are written by postmasters.

Mr. SMITH of Illinois. Certainly; that is my intention.

Mr. PICKLER. I want to call attention further to the proviso in section 5:

Provided, That no claim shall be rejected because of claimant's inability to furnish, as to any material fact in the case, the testimony of more than one credible witness having knowledge of such fact.

Mr. VAN HORN. Mr. Chairman, there are other amendments which we want to reach. Let us have a vote on this.

Mr. PICKLER. I think the proposition which I have just read is open and fair. While I concede the earnestness of the gentleman from Illinois [Mr. SMITH], I do not think his amendment ought to prevail. It is erecting a new system of evidence that I think might be very detrimental to the allowance of claims.

Mr. SMITH of Illinois. It does not erect any system of evidence; it simply holds them down to a system of evidence.

The CHAIRMAN. The question is upon the amendment of the gentleman from Illinois [Mr. SMITH].

The question was taken; and on a division (demanded by Mr. SMITH of Illinois) there were—ayes 2, noes 52.

Accordingly the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. HEPBURN].

Mr. STEWART of New Jersey. Mr. Chairman, there is one expression in the pending amendment which is objectionable. It is the term "beyond a reasonable doubt." "Reasonable doubt" has its entire application to the criminal law. Its use would assume that all our old soldiers belong to the criminal class. I object to the use of the term.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. HEPBURN].

Mr. PICKLER. I want to say to the gentleman from Iowa [Mr. HEPBURN], and in behalf of the Committee on Invalid Pensions, that in the bill H. R. 5549, the former print of this bill, of which this is largely a part, we had a section providing that in the administration of the pension laws, in cases of doubt, the presumption shall be in favor of the claimant. I understand that is about what the gentleman intends.

Mr. HEPBURN. Will the gentleman tell us why that was stricken out?

Mr. PICKLER. I will tell you why it was stricken out, and I have no hesitancy in doing so. This is a very important measure, as we believe. It is so regarded by the Grand Army of the Republic all over the country. They sent their legislative committee here, and this bill has their approval. We went over it in detail. They approved of this bill in detail. There is not a section in it but what they approved. We had a section in regard to the presumption being in favor of the soldier; but upon further discussion with other friends of the soldiers it was concluded that it might perhaps be better to restrict this bill somewhat, so as to get a bill that would be sure to go through the Senate and sure to pass the White House.

I say I do not believe that anybody asked to keep anything out of this bill that was not done in the interest of the soldier. I have no objection to the amendment, individually. In leaving this section out of the bill the point which we had in our mind was whether we might not have an amendment adopted in this bill that might go further than was necessary, as this should be the construction of the Pension Office without a statute. I believe the presumption ought to be with the soldier. Individually I do not think there is any danger in it; and yet, gentlemen, we are seeking to pass a bill that will be approved by the Senate and by the President; and if this bill is adopted, if it shall become law—and that shows the necessity of the law—it will help soldiers more than any law that has been passed since the law of 1890; and in connection with and supplemental to laws, some of them passed at this term of Congress, it will put a large majority of the rejected and discontinued and delayed cases in the Pension Office in a condition to go on the rolls.

Mr. BARTLETT of New York. Will the gentleman allow me a question?

Mr. MILES. Will the gentleman allow me to ask him a question?

Mr. PICKLER. I yield first to the gentleman from New York, and then I will answer the gentleman from Maryland.

Mr. BARTLETT of New York. I would like to ask the chairman of the Committee on Invalid Pensions if the Grand Army disagrees with the amendment of the gentleman from Iowa, because it is very important that we should know how we are to vote as to this. [Laughter.]

Mr. PICKLER. I know what there is behind your point. Ah, my friend from New York, if you have not more patriotism than your speech the other day evinced I do not suppose the opinions of the Grand Army would have any effect on you. The patriotism of the gentleman's speeches on this bill is at a very low ebb.

Mr. BARTLETT of New York. Does the gentleman from South Dakota think that voting for this amendment, which would deny a pension to men who were base enough to fight under two flags——

Mr. PICKLER. They were under the wrong flag and came to the right one, under our promises to treat them as other Union soldiers, and it is cowardly for this Government to now refuse.

Mr. BARTLETT of New York (continuing). And men who were bounty jumpers, shows a lack of patriotism?

Mr. PICKLER. There is no bounty jumper provided for in this bill, the statement of the gentleman to the contrary notwithstanding. This is the section relating to deserters or those dishonorably discharged, and there are no bounty jumpers included or provided for in this bill.

This bill is to relieve the boy who went home to see a sick mother, or the poor husband who went home to see a dying wife, as was done in an instance that was given to me yesterday. A soldier heard that his wife was dying. He went to the colonel and asked for a furlough, and was told that he could not have it. He said to the boys that night, "I can not get this furlough." When the next day came he learned that his wife had died. He had one child that was 4 years old and another that was 2 years old; and he said, "Boys, I am going to place these children out in the hands of neighbors to take care of; but I will come back." He went, and he came back inside of thirty days, but was reported as a deserter. This will allow that class of men to be granted an honorable discharge. These are the men whose cases are cured by this bill. The bounty jumpers never went South. They were in New York City and cities of the North. [Applause and laughter.] These men never got South, and they never had an opportunity to desert.

Mr. BARTLETT of New York. Will the gentleman answer one question?

Mr. PICKLER. Yes, sir.

Mr. BARTLETT of New York. I do not care about having a stump speech or stump oratory in reply.

Mr. PICKLER. That is not a question.

Mr. BARTLETT of New York. Does the gentleman mean to assert that the thirteenth section of this bill does not apply to men who were bounty jumpers?

Mr. PICKLER. I do. Theoretically it might, but not practically. I do not believe that there is one man who is a bounty jumper in the whole country who claimed a pension that has not been able to get one. Such men after the war closed would get up their false evidence, and could get a pension then if it could be gotten at all. The purpose of this bill is to help those against whom the charge of desertion was made, and who found that it was made thirty years afterwards. These are the ones that this bill is designed to help. [Cries of "Vote!" "Vote!"]

Mr. LEWIS. Mr. Chairman, I want to ask the gentleman from New York a question. I have heard a great deal said about pensioning men who fought under two flags. Now, I want to know if I am not correct in saying that a great many soldiers of the Mexican war who fought all through the civil war in the Confederate army are not now drawing pensions as Mexican soldiers?

Mr. PICKLER. Yes; all of them are.

Mr. LEWIS. Now, I know some of them individually, and I want to ask the gentlemen who are so patriotic and who are so much troubled here about men who fought under two standards, if they would vote for a bill striking from the pension rolls the names of Mexican soldiers who fought in the Confederate army and who are now receiving pensions?

Mr. MILES. Will the gentleman permit an interruption?

Mr. LEWIS. Yes, sir.

Mr. MILES. Do you mean to say that those Mexican soldiers are to be classed with men who deserted their flag?

Mr. MAHON. They also deserted their flag at the beginning of the war.

Mr. MILES. Not at all; they deserted no flag.

Mr. LEWIS. I will answer the gentleman from Maryland. I say, as to men who fought under the Confederate flag and afterwards became loyal and fought under the flag of the Union, that one man of that class is as good as another [applause on the Republican side], and the man who fought in the Confederate army, possibly having got there under compulsion, as a great many did, and the man who conscientiously changed his views and became loyal and then fought for the flag of his country is as much entitled to consideration as a Mexican soldier who fought in the Confederate army, and as much entitled to the bounty of this Government. [Applause.] Now, Mr. Chairman, I have heard a good many times in this discussion the phrase "coffee cooler." I do not know what a coffee cooler is, and I would be glad if some of these patriotic gentlemen who use the term so freely would be good enough to define it, so that we may understand just what they mean by "coffee cooler." Who is the inventor of this expression "coffee cooler"?

Mr. MILNES. Grover Cleveland. [Laughter.]

Mr. LEWIS. Did it come from the same source as that other phrase, "innocuous desuetude"? [Laughter.] I want to say that the expressions "coffee cooler" and "bounty jumper" have, in my opinion, fallen into innocuous desuetude. We had no bounty jumpers or coffee coolers in Kentucky. The only sort of jumpers we had there were men who jumped over the enemy's works and jumped to the tops of the mountains and planted the Union flag there in triumph. [Applause.] The men who fought the battles of the civil war on the one side and the other were as brave and honorable as any in the country, and to my mind no such phrases can properly be applied to Union or Confederate soldiers. They are odious. And the time will soon come when the man who uses them as applied to the Union soldiers will be looked upon with the same contempt and scorn as one who would speak reproachfully or disrespectfully of the soldiers of the Revolutionary war, the war of 1812, or the Mexican war. The country cherishes its patriotic dead. The tumuli that cover their mortal remains are sacred spots to all good men and women. For their living comrades there should be no sentiment other than the broadest charity and warmest affection.

For them may springs in every desert flow,
All gentle spirits wait upon their words,
And every tree that o'er their path bends low
Have its bright flowers, its fruits, and singing birds.

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa.

Mr. TALBERT. Mr. Chairman, I did not intend to say any more upon this bill, and would not now but for the reason that I have been alluded to in person by several speakers in connection with the Southern soldier and my native State.

Mr. Chairman, while I am opposed to this bill and shall vote against every section of it, if the bill must pass I think the amendment offered by the gentleman from Iowa [Mr. HEPBURN] is a very good one. It puts all applicants for pension upon the common evidence that is received in all courts of justice. The whole bill is vicious and deceptive from beginning to end. And, Mr. Chairman, the discussion of this bill has taken a very wide scope, embracing all manner of partisanship as well as the merits and demerits of the Democratic and Republican parties, which is possibly somewhat of a legitimate range of argument; but, sir, when the subject of the reunions of Confederate veterans has been lugged into this debate by the gentleman from Indiana [Mr. HARDY], I think the proper limits of propriety have been transcended, as that is a matter entirely irrelevant and disconnected from this bill.

The gentleman alluded more particularly to a reunion lately held in Charleston, S. C., a gathering of as true, loyal, and brave men as ever assembled upon this or any other continent. The Southern soldiers, after following Lee and Jackson, Johnston and other leaders through four years of winter's snow and summer's heat, often half naked and hungry, after accomplishing all that human endurance and bravery could accomplish, after showing the world how half-naked and half-starved troops could put to flight an army better equipped and three times more in number, yielded to fate only when our flag went down upon the now historic field of Appomattox, they accepted the situation and surrendered when the immortal Lee said they should fight no more. The war with them was ended, they accepted their paroles, shook the hands of their comrades in silence as they looked for the last time over the hills of Virginia, dotted with the graves of the slain of both armies, and returned to their homes. But what did they find there?

In many parts of the sunny South they found their houses burned, their property gone, and all over the land was heard the cry like that of Rachel weeping for her children because they were not. Yet, amid all this destruction and devastation by the cruel hand of war, which had swept over the land with the crushing foot of a giant, they commenced life anew, and the fields that run red with blood in April were green with the harvest in June, and the horses that sniffed the battle in the spring under the saber (be it said to the honor of that grand and noble soldier, General Grant, for he magnanimously gave back to the boys their horses) were proudly walking before the plow in summer.

Then, as the years roll by, it is proper, it is natural, it is right, yea, it is more than right, that these old soldiers should meet together in their reunions to grasp each other again by the hand, to celebrate their trials, and live over again for the moment the life of the soldier. And it is unkind, it is unfortunate, it is improper and cowardly, to have their action adversely criticised here on the floor of the House in the discussion of a measure with which they have no connection except to pay their part of the burdens it may impose. Be this as it may, Mr. Chairman, I wish to say that while these men of the South are as true and as loyal to the flag to-day as those of the North, and as ready to fight for its defense, at the same time they will continue to have these reunions as long as time itself shall last. Yes, sir; as long as the sun shines by day and the moon gives her light by night, as long as the stars twinkle in the heavens, as long as the Potomac and the Shenandoah continue to flow, as long as the dewdrops fall upon the resting places of our dead and the Blue Ridge sentinels their graves, just so long will the men of the South meet together in reunions to commemorate the heroic deeds of her immortal soldiery in song and in story. [Applause.]

But let me say to this House that this is not done in any spirit of disloyalty to the Union of to-day. It is not done in any spirit of prejudice to the gallant and brave soldiers who fought on the other side, for I believe I voice the sentiment of every true Southern soldier when I say that with them the conflict of arms is over, the result accepted in good faith, and that now the soldiers of the South stand ready at all times to take by the hand the soldiers of the North, whom once they met in the red blaze of battle, now meeting over the chasm of sectionalism, ready and willing to bury forever the bloody spirit, and to plant upon its grave the white rose of peace, with the prayer that it may bloom perpetually, bringing forth fruit for the upbuilding and prosperity of this great nation of ours, with but one ambition, that we may forever remain a reunited, fraternal, and happy people. [Applause.]

Then it seems to me to be uncharitable in anyone to criticise the Confederate soldier for his love for the lost cause, for while he stood by the Southern cross, with more than filial affection, until it went down, he believed he was right, and that his quarrel was made upon a principle quarried from the mine of everlasting truth: and so he loves it still and will continue to love it till death. While the flag under which he fought is furled and put away forever, and while we are all reunited under the Star-spangled Banner, we feel that if we are to respect that flag and fight for it, which we are willing to do if necessary, its folds should wave gently over the graves of our dead and the forms of our living. That is Southern sentiment as I now understand it, and what is sentiment but patriotism itself? What is sentiment but principle refined? What is it to-day that controls the universe?

Sir, from the time that Joseph carried the embalmed body of his father back from Egypt to Canaan to bury it in a cave in the field of Machpelah sentiment has ruled the world. What was it but divine sentiment that led Joseph, the honorable counselor, to go to Pilate to beg the body of his Lord that he might wrap it in fine linen and bury it in his own tomb where never laid any other body—new, nice, and clean? It was sentiment.

What was it but a similar sentiment that led that devoted woman to break the alabaster box of ointment and anoint the head of her Lord? And when it was suggested by some one in the crowd of a mercenary turn of mind (possibly like the fellow who injected this subject into this debate) that it might have been sold and given to the poor, He said, "Let her alone; she has done what she could; and whenever and wherever in all lands and countries My gospel is preached, let this be told as a memorial of her."

What was it that led those devoted women to be last at the cross and first at the sepulcher? It was sentiment. Then do not impugn the motives of our people for their devotion to their own sunny South and their devotion still to the lost cause. What is it that fosters your fondest memories around the place of your birth? The old schoolhouse, the old oaken bucket, even, that hung in the well, and even the old garden gate. Sentiment makes us respect the living and leads us on in our pilgrimage, to give decent burial to the dead, to strew flowers upon their graves, and to mark their resting places with monuments as enduring as marble and as lasting as brass.

Now, Mr. Chairman, let me say, in conclusion, that no amount of diversion can divest this bill of its vicious tendencies or relieve

it from the appearance of humbuggery. It is a delusion and a snare, with no merit at all in it, and I hope it will be overwhelmingly voted down. [Applause on the Democratic side.]

Mr. MILLIKEN. Mr. Chairman, I have the highest respect for the gentleman from South Carolina [Mr. TALBERT]. He is opposed to the increase of pensions, and he has the courage to honestly state to this House his convictions. I have no criticism to make on account of his affection for his old comrades, for "blood is thicker than water," and I am glad to see every man feel an affection for those with whom he has labored and suffered. But how is it with our friends generally on the other side? I have seen pension bills considered in this House for a good many years. The same opposition comes each time. Our friends on the other side say they are in favor of doing everything for the old soldier; they stand up, as my friend from New York did the other day, and urge that the Democratic party is a better friend to the Union veterans than the Republican party; but one thing you will observe, Mr. Chairman, they always find some reason why the pending bill should not be enacted. Why, sir, my friend from New York offered a bill last week as a substitute for the pending bill. He knew his substitute could not pass this House. It was intended only as a club with which to knock in the head the bill that is pending.

Gentlemen on the other side of the House are ever ready to asseverate with great emphasis and much patriotic display that they very earnestly favor pensioning the "real soldier," the "brave soldier," the "soldier that did honest service." But when you come to reduce their propositions down to their real intent and meaning you will discover in every instance that they do not mean anybody that is included in the bill before the House, let that bill be of whatsoever character it may. The fact is that we meet with opposition from the other side on all important bills which are presented and considered here for increasing the pensions of the soldiers or to facilitate the allowance of pensions under existing law. Each man has his particular excuse for his opposition. It may be one thing with one man and another thing with another; but it always comes from the Democratic side of the House, and it always has to be met by the Republicans.

I repeat that I honor the gentleman from South Carolina for standing up here like a man and having the courage to say squarely that he is opposed to the increase of pensions, unlike most of our friends on the other side, who claim to be really aching in their hearts to increase the old soldiers' pensions and facilitate their allowance, but who can never bring their minds to support any measure for that purpose which is being considered and has the least chance of being enacted into law.

Why, sir, I have stood here many a time and heard the Union veterans called "coffee coolers," and "bummers," and all that class of pet names. But, Mr. Chairman, I am proud of one fact—and it is recognized by this country, too—that all these insults to the soldiers, these attacks upon their characters, these slanderous words, as unjust as they are infamous and indecent, have never come from the Republican side of this House. [Applause.]

Sir, I have been here for thirteen years; I have heard all the debates on this subject during that time; and when gentlemen stand up here and claim that the Democratic party, as represented on this floor, has been the friend of the soldier, they have the "gall" and the assurance to deny the absolutely established facts of history; history with which the people of this country are too familiar to allow themselves to be deceived by such false and absurd assertions.

I favor the passage of the bill before the House because I am satisfied that it will secure a more speedy adjustment of pension claims than can be reached under the present law. And this I regard as a consummation most devoutly to be wished.

A great majority of the veterans of the Union armies are becoming old men. In the ordinary course of nature we can hardly expect for them many more years of life. If we would have the Government confer upon them a just recognition of their services we must provide that it be done soon, or it will not be done in this world.

Thousands of them are now waiting, suffering, for the relief which their gallant services entitle them to, with very little prospect of receiving it in time to do them much good.

As their age advances their infirmities increase. Many of them who came out of the Army buoyed up by the vigor and elasticity of youth find themselves debilitated, decrepit, suffering, and unable by their labor to earn the comfortable livelihood which they, above all others, most richly deserve.

Each year and month finds them less able to support themselves and those depending upon them than the year and month before. Time, which finally depletes the powers of all men, is sapping the vitality of the veterans of the Union armies more than any others. It is developing the effects of the hardships and sufferings of war and the infirmities caused by life in the camp, on the march, and in battle.

Their wounds are, many of them, sorer to-day and their diseases incurred in their military service have grown worse than they were on the day of their discharge from the Army.

These men must very soon receive the Government's aid in granting them just and well-deserved pensions or become dependent upon charity for support, and I do not believe that any brave and worthy soldier should be driven to be a beggar or made to enter the portals of the poorhouse. [Applause.]

This great nation, cramped as it is in its resources by the wretched economic policy of the party in power, is still amply able to properly care for those who in the day of its danger saved it. They gave the vigor of their young manhood to its defense. With unsurpassed courage they clung to it and supported it. They came home not to make excuses for defeat. They accomplished their patriotic mission. They brought back the flag of their country vindicated, its cause triumphant, its integrity complete. The nation can not afford in the smallest measure to neglect them. It would be a shame and a stain upon its escutcheon which could never be eradicated.

I favor this bill, because it will confirm the soldier in his pension so that the law may not be so administered as to deprive him of it. I doubt not that there will be rulings and rulings in the Pension Office so long as that Bureau shall exist. But I would make the law so definite and conclusive, I would shut the legal door so tight, that no ruling not made in direct and clear violation of law should deprive any old soldier of fairness and justice.

He should not live in constant fear that the benefits righteously conferred upon him by the Government might at any moment be taken from him by some caviling pension inspector, perhaps once a member of the rebel army, who either in order to show himself to be earning his salary, or from hatred of the Union soldier, or from total depravity should report to the Pension Bureau against him.

He should hold his pension after submitting to all the examinations and furnishing all the testimony necessary to secure it by some stronger tenure than the whims, the caprice, the hostility, or the self-interest of anyone.

This is my position, and it is the policy of the Republican party.

The gentleman from South Carolina sought, a few days ago, to sustain his position against the further allowance of pensions by comparing the amount paid out each year by our Pension Bureau with the cost of maintaining the armies of some of the great nations of Europe. Did it never occur to him that the waste caused by taking the young men of France, Germany, and Russia from the fields of production and making them only destroyers and consumers is much greater than the expense of supporting them in the army? Would the gentleman have us adopt the European system of keeping great standing armies? Does he not think that this nation is much richer, as well as better, for retiring her armies at the end of her wars and pensioning the wounded and disabled than she would be under the military system of the Old World, where the young men who should be pursuing civil avocations and promoting their country's progress and greatness by the exercise of their genius and energy are drafted from their communities to become idlers or destroyers? I believe, Mr. Chairman, in the military system of my own country, as I believe in its economic system.

My friend asks if we shall turn the United States Treasury over to the old soldiers. No. They do not ask or want it. What they want and should have is that they and their immediate dependents shall not be allowed to suffer in their old age by the neglect of the country whose life they offered their own lives to save.

But if the Treasury were to be depleted I much prefer it should be done in paying pensions to the veterans of the Union armies to having its contents sent across the ocean to foreign lands, to purchase what our idle thousands would be glad to produce, as has been done by the free-trade policy of the party now in power.

There was no depletion of the Treasury, no failure to meet our expenditures with our revenues and have a large margin to pay our debts with while the party which stands by and sustains the soldiers held the reins of government. [Applause.]

The gentleman from South Carolina beseeches us not to forget God, turn our backs upon Him, go out after false gods, and thus bring calamity upon us.

We forgot God and brought calamity upon the nation when we established and maintained human slavery. The Confederacy still further forgot God and more severely suffered when it waged war upon the Union to continue and extend that institution of iniquity. Let us not again forget God by refusing to provide ample comforts for the veterans of that brave Army which, in achieving victory for our country, became the architects of the nation's greatness and prosperity, and thus invoke upon ourselves another and perhaps greater calamity.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DINGLEY. I move that all debate upon the pending section and all amendments thereto be limited to one minute.

The motion was agreed to.

The question being taken on the amendment of Mr. HEPBURN, it was agreed to.

Mr. PICKLER. I ask unanimous consent that the amendment of the gentleman from Iowa, which has been adopted, be made section 18 of the bill.

Mr. BARTLETT of New York, Mr. SCRANTON, and others objected.

Mr. PICKLER. I move that it be made the last section of the bill.

The CHAIRMAN. That motion is not now in order.

Mr. WHEELER. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

At the end of line 12, page 1, insert the following:

"*And provided further*, That the pension list may be a roll of honor for those brave soldiers who have borne the brunt of battle, there shall be kept a separate pension roll, to be designated the battle pension roll, upon which shall be inscribed the names of all soldiers who creditably served in battle, and the pension certificates given to such soldiers shall state the battles in which they engaged and the nature of the wounds which they received. And all soldiers now on the pension list who are entitled to the distinction shall be transferred to the battle pension roll and be given new certificates in conformity with the above recited provision.

"And a like certificate shall be given to the heirs of all deceased soldiers who, if living, would be entitled to such a certificate, and the names of said deceased soldiers shall be inscribed upon said battle roll."

Mr. PICKLER. Mr. Chairman, I will reserve the point of order upon that.

Mr. WHEELER. I will explain it in a moment.

The CHAIRMAN. It is not debatable.

Several MEMBERS. Make the point of order now.

Mr. PICKLER. Very well. Mr. Chairman, I make the point of order upon the amendment.

The CHAIRMAN. The Chair is ready to rule upon it.

Mr. WHEELER. The gentlemen who have spoken upon this bill have repeatedly asserted that it is a roll of honor. Certainly all true friends of real soldiers will approve my amendment. It is——

The CHAIRMAN. The gentleman from South Dakota makes the point of order, and the Chair is ready to rule upon it.

Mr. WHEELER. I ask unanimous consent to be permitted to proceed for five minutes.

Mr. PICKLER. Move to strike out the last word.

Mr. WHEELER. I move to strike out the last word.

The CHAIRMAN. By order of the committee debate upon this portion of the bill has been already concluded—upon the section and all amendments to it.

Mr. WHEELER. I ask unanimous consent to proceed.

Mr. SCRANTON and others. Regular order.

The CHAIRMAN. Objection is made.

Mr. FENTON. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Where a pensioner files a declaration alleging a new disability, and through ignorance or neglect fails to state that the disability for which he is already pensioned has increased in severity, and when the certificate of medical examination shows that such disability or disabilities have increased, the pension shall be increased accordingly, without reference to the medical report of the alleged new disability, and all such findings by medical boards of increased disabilities from pensioned cause shall be adjudicated for increase of pension.

Mr. PICKLER. I will reserve the point of order upon that. I would like to hear what the gentleman has to say about it.

Mr. STEELE. I make the point of order upon it.

Mr. FENTON. The reading of the amendment explains it——

The CHAIRMAN. The Chair will state that all debate has been closed upon this paragraph of the bill and all amendments to it.

The Chair sustains the point of order made by the gentleman from Indiana.

Mr. TRACEWELL. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Insert in line 4, page 1, after the word "States," as follows: "Who enlisted in the Union Army prior to the 1st day of January, 1865."

Mr. PICKLER. I make the point of order upon that. We have passed beyond that section, or all debate has been limited upon it, and amendments are not in order.

The CHAIRMAN. The Chair does not think that amendments are cut off.

Mr. PICKLER. I ask that the amendment be reported.

The amendment was again reported.

Mr. PICKLER. I make the point of order. We do not want that confusing date. None of these men did enlist after that date—January 1, 1865.

Mr. TRACEWELL. Eighteen hundred and sixty-four should be the date in the amendment.

Mr. PICKLER. The gentleman should have made it 1864. It was read 1865. Does the gentleman want to amend it?

Mr. TRACEWELL. I intended it for 1864.

Mr. PICKLER. Oh, well, nobody enlisted after January, 1865. These men had all been up there in prison and enlisted in the Army, as I understand, before that date.

The CHAIRMAN. The Chair will recognize the gentleman from Indiana to offer an amendment to his amendment, if he so desires.

Mr. TRACEWELL. Then I move to amend, if necessary, by inserting "1864" in place of "1865" in the amendment.

The amendment to the amendment was agreed to.

Mr. PICKLER. How about the question of order?

The CHAIRMAN. The Chair thinks the amendment is in order.

Mr. PICKLER. But the point is that there has been an amendment already adopted to that part of the bill, on motion of the gentleman from Iowa——

Mr. STEELE. The Chair has already decided the question, and I call for the regular order.

Mr. PICKLER. I have the floor now, if the gentleman from Indiana will just be patient for a little while.

The CHAIRMAN. The gentleman from South Dakota will state his point of order, if he desires to make one.

Mr. PICKLER. It is that it is too late now to offer an amendment to this part of the bill, as we have passed from this section. The debate was limited on the section and all pending amendments to it. The Clerk was about reading the next section of the bill.

The CHAIRMAN. The Chair overrules the point of order; and the question is on agreeing to the amendment offered by the gentleman from Indiana.

Mr. PICKLER. I desire to be heard upon it.

The CHAIRMAN. The Chair will state that debate has been exhausted on this question.

Mr. PICKLER. This is a new amendment.

The CHAIRMAN. On the section and all amendments.

Mr. PICKLER. I hope this will be voted down. It only confuses things.

Mr. WATSON of Ohio. What is the amendment? Let us have it read.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read.

Mr. PICKLER. I move to amend by making it "April."

The CHAIRMAN. The gentleman from South Dakota moves to amend by substituting the word "April" in place of the word "January."

The question was taken on the amendment to the amendment; and on a division (demanded by Mr. PICKLER) there were—ayes 2, noes 48.

Accordingly, the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana [Mr. TRACEWELL].

The question was taken; and on a division there were—ayes 40, noes 52.

The CHAIRMAN. The Clerk will report the next section of the bill.

The Clerk read as follows:

SEC. 2. That from and after the passage of this act no pension heretofore granted or which may hereafter be granted under the pension laws shall be reduced or discontinued except for fraud, clerical error, mistake of fact, or recovery from disability: *Provided, however*, That nothing herein contained shall be construed to entitle any person to more than one pension, or as allowing more than one pension for the same service, nor to affect or enlarge the pension rights of widows and others under sections 4702, 4708, and 4708 of the Revised Statutes of the United States and acts supplemental to and amendatory thereof.

Mr. GRAFF. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Insert in line 5, page 2, after the word "disability," the following:

"*Provided*, No pension shall be suspended or reduced until such fraud, mistake of fact, or recovery from disability is established."

Mr. GRAFF. I offer this amendment because this section does not prevent the Commissioner of Pensions from suspending a pension upon which a hearing is pending. That is contrary to all law in any court, where rights of person or property are under consideration. It is one of the points in which the soldiers of this country are interested. If the examination into a pensioner's case is prolonged he may die and not receive the benefits of the pension.

Mr. PICKLER. I will ask that the amendment be again reported.

The amendment was again read.

Mr. PICKLER. That is the law now.

The CHAIRMAN. The hour and thirty minutes having expired the committee will, under the order of the House, rise and report the bill to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8271) relating

to pensions, and had directed him to report the same back to the House with an amendment, and with the recommendation that as amended the bill do pass.

The amendment reported from the Committee of the Whole was agreed to.

Mr. PICKLER. I believe it is the desire of the House that we take a vote on the bill now instead of to-morrow, and I ask unanimous consent that we do so. All gentlemen can place themselves on record to-morrow if they are not here now.

Mr. TALBERT. I would ask if the boys have come back from the horse race? [Laughter.]

Mr. PAYNE. I hope the previous understanding will be carried out.

Mr. PICKLER. I withdraw the request.

The SPEAKER. The Chair thinks the interpretation of the rule would be that the question should be taken on the engrossment and third reading of the bill this afternoon, and the final vote on the passage be taken to-morrow; but he will listen to advice on the subject.

Mr. LEWIS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEWIS. I desire to ask if it is in order now to move an amendment by way of adding other sections to the bill?

The SPEAKER. It is not in order.

Mr. LEWIS. I misapprehended the rule. I gave notice on Saturday night that I would move an amendment. I understood that the bill would not be voted on until to-morrow.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken; and on a division (demanded by Mr. BARTLETT of New York) there were—ayes 113, noes 14.

The SPEAKER. The bill is ordered to be engrossed. Under the rule the vote on the final passage is postponed until to-morrow, after the reading of the Journal.

FREIGHT CHARGES ON VESSELS, ETC.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6836) to amend section 2981 of the Revised Statutes, as amended by the act of June 10, 1880.

The bill was read, as follows:

Be it enacted, etc., That section 2981 of the Revised Statutes be amended so as to read as follows:

"SEC. 2981. That whenever the collector of the port of entry of the vessel, or other proper officer of the customs, shall be duly notified in writing of the existence of a lien for freight, charges, or contribution in general average upon imported goods, wares, or merchandise in his custody, he shall, before delivering such goods, wares, or merchandise to the importer, owner, or consignee thereof for consumption, transportation, or exportation, give seasonable notice to the party or parties claiming the lien; and the possession by the officers of customs shall not affect the discharge of such lien, under such regulations as the Secretary of the Treasury may prescribe; and such officer shall refuse the delivery of such merchandise from any public or bonded warehouse or other place in which the same shall be deposited until proof to his satisfaction shall be produced that the freight, charges, or contribution in general average thereon has been paid or secured; but the rights of the United States shall not be prejudiced thereby, nor shall the United States or its officers be in any manner liable for losses consequent upon such refusal to deliver. If merchandise so subject to a lien, regarding which notice has been filed, shall be forfeited to the United States and sold, the freight, charges, or contribution in general average due thereon shall be paid from the proceeds of such sale in the same manner as other charges and expenses authorized by law to be paid therefrom are paid."

The Committee on Ways and Means recommended the adoption of the following amendment:

Insert in line 11, page 1, after the word "consumption," the following: "or to any vessel or vehicle for."

Mr. BARTLETT of New York. Mr. Speaker, I ask for an explanation of this bill. It seems to be important.

Mr. PAYNE. Mr. Speaker, the present law gives to steamship companies engaged in international trade a lien for freight even in the United States when in bond. The purpose of this bill is to extend that lien, not only to the freight of the transportation line, the ocean line, but also for advanced charges for freight for transportation from the other side, and also for losses on general average. That is all there is in the bill. The bill is reported unanimously from the Committee on Ways and Means, and also recommended by the Secretary of the Treasury in its present shape.

Mr. BARTLETT of New York. Is it for the benefit of the steamship companies?

Mr. PAYNE. It is for the benefit of the steamship companies, for the benefit of shippers, the benefit of those who advanced the freight, and also for the benefit of those whose goods are destroyed and are entitled to damage on general average.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the bill was passed was laid on the table.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and resolution were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 768) for the relief of James A. Moore—to the Committee on Claims.

A bill (S. 2637) granting a pension to Jane Christian Marye—to the Committee on Pensions.

A bill (S. 2143) for the relief of Richmond College, located at Richmond, Va.—to the Committee on War Claims.

A bill (S. 2749) to establish the official survey of fractional townships 31 and 32 north, of ranges 6, 7, and 8 west, of the sixth principal meridian, in the State of Nebraska, north and west of the Niobrara River, and quieting the title of settlers thereon, and for other purposes—to the Committee on the Public Lands.

A bill (S. 657) to provide for the erection of range lights at St. Josephs Bay, Florida, and at St. Andrews Bay, Florida—to the Committee on Interstate and Foreign Commerce.

A bill (S. 1902) granting a pension to Jennie E. Burch—to the Committee on Invalid Pensions.

A bill (S. 2501) for the relief of James Sims, of Marshall County, Miss.—to the Committee on War Claims.

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring), That the chairman of the Committee on the Library of the Senate and the chairman of the Committee on the Library of the House of Representatives and one other member of the Joint Committee on the Library, to be selected by the two chairmen aforesaid, be, and they are hereby, constituted a joint special committee, with authority to sit during the recess of Congress, for the purpose of inquiring into the condition of the Congressional Library and the Botanic Garden and to report upon the same at the next session of Congress with such recommendations as may be deemed advisable. Also to report a plan for the organization, custody, and management of the new Library building and the Congressional Library and the Botanic Garden. That the said joint special committee is also authorized to employ a stenographer whenever necessary during the course of the inquiry; that the necessary expenses of the sittings of the said joint special committee, including the pay of the stenographer, be taken equally from the contingent funds of the two Houses of Congress—

To the Committee on the Library.

A bill (S. 229) for the relief of Robert McGee—to the Committee on Indian Affairs.

A bill (S. 1082) for the relief of Irwin Tucker, postmaster at Newport News, Va.—to the Committee on Claims.

A bill (S. 1656) for the relief of Stout, Hall & Bangs—to the Committee on Claims.

A bill (S. 1929) for the relief of William H. Crook—to the Committee on Claims.

A bill (S. 2324) to relieve John McCarthy from the charge of desertion—to the Committee on Naval Affairs.

A bill (S. 2594) granting an increase of pension to William A. Beckford—to the Committee on Invalid Pensions.

A bill (S. 2928) to extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company of the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 3852) to amend the record of William H. De Freest;

A bill (H. R. 2265) to provide for reimbursement of expense of constructing a sewer upon the permanent reservation at Hot Springs, Ark.;

A bill (H. R. 4265) granting a pension to Eliza Wilson; and

A bill (S. 2557) granting a pension to Sarah A. Boyd.

NORTH GEORGIA AGRICULTURAL COLLEGE.

Mr. TATE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4921) to relieve the North Georgia Agricultural College from the payment of $450 for damaged gun.

The bill was read, as follows:

Be it enacted, etc., That the North Georgia Agricultural College, located at Dahlonega, in said State, be relieved from the payment to the United States of the sum of $450, for which sum said college has become liable on its bond by the destruction of a gun used in the military department of the same, it having been satisfactorily shown that the destruction of said gun by explosion was not the result of misuse or carelessness of any person connected with said college.

SEC. 2. That after the proper custodian of said bond shall have credited the same with the above sum of money, the Ordnance Department is hereby authorized and directed to issue to said college two pieces of artillery of modern make and necessary equipments for the use of said college, upon the return of the gun now in use, and such portions of the damaged gun or gun carriage now on hand, to such Government armory as the Ordnance Department may direct, without expense for freight to the United States Government.

The amendment recommended by the committee was read, as follows:

Strike out all of section 2.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DINGLEY. Mr. Speaker, I would ask the gentleman if there is a communication from the War Department?

Mr. TATE. No, sir. There is one from the commandant at the college. The War Department only states that they do not deal with this question; and I have a letter here asking the superintendent of the college to refer the matter to Congress. They make no recommendation whatever. The facts in the case——

Mr. DINGLEY. This is reported by a committee?

Mr. TATE. It is reported unanimously by the committee.

Mr. DINGLEY. Is it reported by the Committee on Military Affairs or by the Committee on Claims?

Mr. TATE. By the Committee on Military Affairs.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. TATE, a motion to reconsider the vote by which the bill passed was laid on the table.

FORT LEWIS RESERVATION, COLO.

Mr. BELL of Colorado. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5481) to restore the lands embraced in the Fort Lewis Military Reservation, in the State of Colorado, to the public domain.

The bill was read.

Mr. BARTLETT of New York. I reserve the right to object.

Mr. SCRANTON. I object.

GEORGE W. FREEMAN.

Mr. MILNES. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 5280) for the relief of George W. Freeman.

The bill was read.

Mr. BARTLETT of New York. I reserve the right to object.

The SPEAKER. Is objection made?

Mr. MILNES. I would like to explain this case.

The SPEAKER. When bills are presented subject to unanimous consent the House ought to pay attention quite as much as at any other time. The Chair hopes, if the House is to go on with business in this way, that there will be order, because the responsibility rests upon every gentleman present.

Mr. SCRANTON. Mr. Speaker, I object.

CONDEMNED CANNON.

Mr. STEPHENSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6256) authorizing and directing the Secretary of the Navy to furnish to George F. Fuller Post, Grand Army of the Republic, of Manistique, Mich., a condemned cannon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to furnish to George F. Fuller Post, No. 257, Department of Michigan, Grand Army of the Republic, of Manistique, Mich., a condemned cannon: *Provided*, That said post shall transport said cannon free of cost to the Government of the United States.

The amendment recommended by the committee was read, as follows:

In line 7 strike all out after the word "*Provided*," and insert the following: "That in the judgment of the Secretary of the Navy such article can be spared without detriment to the public interests: *And provided further*, That the United States shall not be subjected to any expense on account of such donation."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WILLIAM A. STONE. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAM A. STONE. Is a motion to amend that by adding cannon for another post admissible at this time?

The SPEAKER. It is not admissible if the point of order is made.

Mr. WILLIAM A. STONE. I move to amend that bill by adding to the bill two condemned cannon for Custer Post, Erie, and two for the James D. Clark Post.

The SPEAKER. The gentleman will send up his amendment.

Mr. RICHARDSON. Mr. Speaker, I object to the bill.

The SPEAKER. The amendment must be reported to the House first. Is there objection to the consideration of the bill?

Mr. RICHARDSON. I have objected to all of these cases. I think there ought not to be a coupling of two bills. Now, I have no objection to the original bill.

The SPEAKER. Is there objection to the present consideration of the original bill?

Mr. RICHARDSON. I have no objection to that.

There was no objection.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. STEPHENSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM GRAY.

Mr. CONNOLLY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 953) for the relief of William Gray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to issue to William Gray, late a private in Company D, First Regiment of New York (Lincoln) Cavalry, a warrant for the sum of $174.43, in full for his claim heretofore allowed by the Treasury Department, and for which claim the said Department issued to said William Gray Treasury pay warrant No. 260, dated September 20, 1865, which warrant was paid on a forged indorsement of the name of said claimant without his authority or knowledge, and for which he has never received any return or benefit, and said reissued warrant shall be paid out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BARTLETT of New York. I ask for the reading of the report.

Mr. CONNOLLY. I will say to the gentleman that this bill was up for consideration before, and he investigated it then. It was where a draft was paid on a forged indorsement.

Mr. BARTLETT of New York. I recollect the gentleman from Illinois spoke to me about such a bill.

Mr. CONNOLLY. The report was read at that time.

Mr. BARTLETT of New York. I have not investigated it.

Mr. CONNOLLY. The report was read at your request before, and all objections were withdrawn. Finally the gentleman from Tennessee [Mr. COX] objected, and that objection is withdrawn.

Mr. BARTLETT of New York. The amount is so small I shall not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. CONNOLLY, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONDEMNED CANNON.

Mr. GRAFF. I ask unanimous consent for the present consideration of the bill (H. R. 4324) authorizing the Secretary of the Navy to deliver one condemned cannon to the city of Elmwood, Peoria County, Ill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to the city of Elmwood, Peoria County, Ill., 1 piece of condemned cast-iron cannon and 20 cannon balls, for use of said city: *Provided*, That said delivery shall be made without expense to the United States Government: *And provided*, That said delivery of said cannon can be made without detriment to the said naval service.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. GRAFF, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN M'LAIN, ALIAS MICHAEL M'LAIN.

Mr. BURRELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8037) for the relief of John McLain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to remove the charge of desertion from the military record of John McLain, alias Michael McLain, late a member of Company D, Tenth Illinois Infantry, and Company I, Thirteenth Missouri Cavalry, and grant him an honorable discharge, as of date October 22, 1864, the date he suffered an amputation of his left arm by reason of gunshot wounds received while engaged with his command against the enemy, at the battle of Independence, Mo.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BARTLETT of New York. I reserve the right to object, and ask for the reading of the report.

The report (by Mr. GRIFFIN) was read in part, as follows;

The Committee on Military Affairs, to whom was referred the bill (H. R. 5579) for the relief of John McCain, having considered the same, report the annexed substitute therefor, and recommend the passage of said substitute.

The War Department report shows that it appears by the official record that John McClaine (also borne as John McLain) was enrolled on August 15, 1861, for three years, mustered in as a private of Company D, Tenth Illinois Volunteers, on September 16, 1861, and properly accounted for until April 30, 1862, when reported to have deserted at Cairo, Ill. His name is not borne on the rolls or returns of his company and regiment after that date; that in his sworn statement of January 9, 1884, subscribed by mark as John McLain, he states that when his regiment (the Tenth Illinois Volunteers) came up the river about April 30, 1862, and touched at Cairo, Ill., he procured a pass from his captain to go on shore to obtain tobacco; when he returned the boat had left and gone up the river, its destination to him unknown; that he then went to St. Louis, Mo., and there joined Company I, Fifth Missouri Cavalry, in which regiment his brother Hiram was serving; that after having at first stated and restated that he enlisted under the same name in this

regiment, a name which could not be found on the records thereof, he finally admitted that he changed his name to Michael, fearing that he might be punished for desertion.

The official record shows that Michael McLean was enrolled July 10, 1863, at St. Louis, Mo., for three years, as a private in Company I, Fifth Missouri State Militia Cavalry. He was transferred to Company I, Thirteenth Missouri Cavalry, reenlisted in that organization on August 16, 1864, and deserted March 16, 1865, from furlough granted him February 8, 1865.

With respect to his service in the latter regiment, the soldier alleges in his affidavit, presented to the War Department, that while in action with his company at Independence, Mo., on October 22, 1864, his left arm was shot through and amputated the same day by Dr. Cundiff, regimental surgeon (Dr. Cundiff was surgeon of that regiment), and that he was also wounded in the right wrist in the same battle; that he was sent to hospital at St. Louis, where he remained a few days, perhaps ten days, when, being anxious to see his family, he went home and never returned, because he thought he could never be of any further service to the Government in his maimed condition. Though this man's company was in action at Independence, Mo., on October 22, 1864, having one man (John W. Sullivan) severely wounded in bowels, this statement is wholly incompatible with the official record, which shows that on the muster of October 31, 1864, he was on detached service as a wagoner; present for duty on the muster of December 31, 1864, and up to February 8, 1865, when he received a furlough from which he never returned, as already set forth.

The application for removal of the charge of desertion standing on records of Company D, Tenth Illinois Volunteers, was denied on the ground that the case is not covered by the act of Congress approved May 17, 1886, as the absence between desertion and reenlistment exceeded three months; the enlistments in the Fifth and Thirteenth Missouri Cavalry having been made in violation of the twenty-second (now fiftieth) article of war, his services in these organizations not recognized by the War Department.

Applying for a certificate in lieu of lost discharge to the War Department, John M. McClain is stated to have declared May 12, 1892, that he served faithfully until about October, 1864, when he was wounded at Independence, Mo., where his arm was amputated; that he was sent to Hickory General Hospital, St. Louis, Mo., and there remained one night, when he went home and never returned, being no longer fit for military duty.

Under date of May 30, 1892, he testified that he served in Company D, Tenth Illinois Infantry, under the name Michael McClain, until he enlisted in the Thirteenth Missouri Cavalry; that while serving in the latter organization he lost his left arm and had his right hand crippled, unfitting him for manual labor of any kind, and rendering him unable to support his family.

The War Department reports that no record has been found that the soldier was wounded as alleged, or that he was at any time injured while serving in the Thirteenth Missouri Cavalry. On the contrary, it appears that he was present with his company up to the date on which he is reported as having deserted, viz, March 16, 1865.

The application for the removal of the charge of desertion has been repeatedly denied by the War Department, and now stands so denied, on the ground that the period embraced between the date of the soldier's desertion from the first organization and that of his enlistment in the second exceeded four months; that it has not been established that he was prevented from completing his term of enlistment in the second organization by reason of disability contracted in the line of duty, and because the case does not come within any of the other provisions of the act approved March 2, 1889.

A favorable report was made upon a similar bill by the Committee on Military Affairs, House of Representatives, at the first session of the Fiftieth Congress. With regard to the discrepancy in the name of McLain, your committee finds from the evidence submitted to it in this case, in addition to that reported by the War Department, that a brother of John McLain, by the name of Preston H. McLeane, sometimes known as Hiram McClain and Hiram P. McLain, also served in Company I, Fifth Missouri State Militia Cavalry, and who was also transferred to the Thirteenth Missouri Cavalry, from which he was discharged as Hiram P. McLean. This testimony further shows—in comparing upon the discrepancy presented by the War Department report, with reference to the engagement of the command in action at Independence, Mo., on October 22, 1864, in which it is claimed that John McLain's statement as to his being in the charge on that day is totally incompatible with the official record, stating that he was on detached service as a wagoner—that the two names have been confused, and that it was Hiram P. McLain who was detached as a wagoner at the time of the battle.

This contention is also supported by the affidavit of Dr. W. H. H. Cundiff, whom the War Department reports was the surgeon of the Thirteenth Missouri Veteran Volunteer Cavalry at the time of the charge made by that regiment at Independence, Mo., on the 22d day of October, 1864, which affidavit was made on the 8th day of September, 1883, in which he states that on or about the day of that charge he was called to see John McLain, who had just been wounded by a gunshot wound in right wrist and left arm above elbow joint; that the wounds were fresh and had, in his opinion, just been received while engaged in a charge upon the rebels, then commanded by Gen. Sterling Price; that the arm was badly shattered above the elbow, so much so that he deemed amputation positively necessary to the well-being of the soldier; that he had no personal acquaintance with the soldier prior to being called to dress his wounds; that he was then told by his officers that his name was John McLain, and that he was a member of Company I, Thirteenth Missouri Veteran Volunteer Cavalry; and that he left after the amputation was performed and the stump dressed; that he also dressed his right wrist, and that he left said soldier in a temporary hospital at Independence, Mo., on the 22d of October, 1864, and that as he was compelled to accompany the troops as brigade surgeon, he knew nothing of what became of the soldier since the amputation save through information received.

This statement is corroborated by one Perry Twitchell, in an affidavit made January 18, 1887, in which he states that he was well acquainted with Michael McLain, who was a private in Company I, Fifth Missouri Cavalry, Missouri State Militia; that he was orderly sergeant of that company; that he was appointed sergeant-major of the Thirteenth Missouri Volunteer Cavalry, and that said Michael McLain was a private in Company I of said regiment; that said Twitchell was afterward appointed second lieutenant of Company I, Thirteenth Missouri Cavalry, in which Michael McLain was a private. On October 22, 1864, between 2 and 4 o'clock in the afternoon, the Thirteenth Missouri Cavalry led a charge into the town of Independence, Mo., capturing a battery in the streets of the town; that Company I was among the advance, and that Michael McLain received a gunshot wound in the left arm, which was afterwards amputated by Dr. Cundiff, regimental surgeon, above the elbow, and he also received a severe wound in the right wrist; that it was while on duty in the said engagement that Michael McLain received the wounds above described, and that he was taken to a temporary hospital, and that affiant afterwards learned that he was taken to a hospital at St. Louis, Mo.; that he never returned to his regiment for duty, as he was entirely disabled and not able to do anything; that he had a vivid recollection of all the facts stated when the affidavit was made.

Notwithstanding the failure of the records of the War Department to show that this soldier was in the engagement of October 22, 1864, at Independence, Mo., your committee is satisfied that the evidence presented sufficiently establishes the fact. There has also been presented to your committee a photograph of the soldier, verified so as to establish his identity, which shows the left arm amputated near the shoulder, and the right hand and wrist in a disabled condition.

Upon a careful review of all the testimony your committee find that the identity of John McLain and Michael McLain has been fully established as one and the same person, and that John McLain is his proper name; that having obtained leave at Cairo, Ill., to leave the transport to visit the city, from his superior officer, and, upon returning, finding the transport gone, shows no intention to abandon his command or desert the service at that time; that his subsequent enlistment at St. Louis, and his continuous service until he was completely disabled for further service also negatives any deliberate or willful intention to desert; that the amputation of his left arm at Independence, Mo., on October 22, 1864, and the injury to his right hand and wrist from wounds received in the charge mentioned, so completely disabled him as to justify the belief on his part that he was no longer fit for service, and that he might as well remain at home as to return to his command.

Conceding that it was the soldier's duty, in the first instance of desertion, to have reported to the nearest provost-marshal for orders, yet in view of the fact that the evidence submitted shows that the soldier was not well informed in such matters, he being unable to write his name even at the present day, your committee believe that the services which he rendered his country thereafter, in the performance of which he became maimed and crippled for life, sufficiently justifies the granting of the relief now applied for.

Your committee therefore recommend the passage of the following substitute:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of War be, and he hereby is, authorized and directed to remove the charge of desertion from the military record of John McLain, alias Michael McLain, late a member of Company D, Tenth Illinois Infantry, and Company I, Thirteenth Missouri Cavalry, and grant him an honorable discharge as of date October 22, 1864, the date he suffered an amputation of his left arm by reason of gunshot wounds received while engaged with his command against the enemy at the battle of Independence, Mo."

Mr. BARTLETT of New York (during the reading). Mr. Speaker, I am satisfied——

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. LOUD. Mr. Speaker, as I have understood the reading of this report as far as it has been read, this man has two charges of desertion against him. He makes an allegation that he lost an arm at the battle of Independence, but the hospital records show that he was not engaged there, and there is no record of his being engaged there. He states that he lost his arm and went to the hospital and remained there one night, and then went home. From my understanding of the part of the report that has been read, I should not think that I was doing my duty if I should allow so palpable a case of desertion—double desertion—to pass through this House by my consent. Unless I can hear something more in justification of this bill, I must object.

Mr. BURRELL. I think I can satisfy the gentleman by the testimony of the surgeon of the regiment, Dr. Cundiff, and I send his affidavit to the Clerk's desk to be read.

Mr. VAN HORN. Mr. Speaker, I know nothing about the facts of this case, but the battle of Independence was fought in my county. I know that the battle took place, and I know Dr. Cundiff, the surgeon. I have known him for forty years. He is as reputable a man as there is in the State of Missouri, and there can be no doubt about the facts being as he states them.

The affidavit was read, as follows:

STATE OF MISSOURI, *County of Cass, ss:*

Personally appeared before me, the undersigned, a notary public for and in the State and county aforesaid, W. H. H. Cundiff, M. D., Æt., who, after being duly sworn by me, makes the following statement:

That I am 50 years of age and a practicing physician and surgeon in the town of Pleasant Hill, Cass County, Mo., and was surgeon of the Thirteenth Missouri Veteran Volunteer Cavalry on the 2d day of September, 1864, to the 4th day of September, 1865. And that while acting in that capacity on or about the 22d day of October, 1864, at Independence, Mo., I was called to see one John McLain, who had just been wounded by a gunshot wound in right wrist and left arm above elbow joint. The wounds were fresh and, in my opinion, had just been received while engaged in a charge upon the rebels, then commanded by Gen. Sterling Price. The arm was badly shattered above the elbow, so much so that I deemed amputation positively necessary to the well-being of the said soldier. I had no special acquaintance with said soldier prior to being called to dress his wounds. Then I was told by his officers that his name was John McLain, and that he was a member of Company I, Thirteenth Missouri Veteran Volunteer Cavalry. I left after the amputation was performed and the stump dressed; I also dressed his right wrist. I left said soldier in a temporary hospital at Independence, Mo., on the 23d day of October, 1864. As I was compelled to accompany the troops as brigade surgeon, I know nothing of what became of said soldier since the amputation, save through information received. I have no interest in the prosecution of this claim, nor am I related to said John McLain to my knowledge.

W. H. H. CUNDIFF, M. D., A. E.

Mr. LOUD. What is the date of that affidavit?

Mr. BURRELL. April 21, 1886.

Mr. LOUD. The records of the War Department showed that this man's regiment was not engaged in that battle at all.

Mr. BURRELL. Mr. Speaker, there is another affidavit that I should like to have read, the affidavit of Lieutenant Twichell.

The affidavit was read, as follows:

BRADFORD, ARK., *January 17, 1887.*

This is to certify that I was orderly sergeant in an independent company of cavalry known as the Schofield Hussars, and attached to the Fifth Missouri Cavalry, Missouri State Militia, as Company I. Michael McLain was a private in said company. We both reenlisted in the Thirteenth Missouri Cavalry, being together over two years up to that time. I was well acquainted with Michael McLain. I was appointed sergeant-major of the Thirteenth Missouri Veteran Cavalry, and Michael McLain was a private in

Company I of said regiment. I was afterwards appointed second lieutenant of Company I, Thirteenth Missouri Cavalry, in which Michael McLain was a private.

On October 22, 1864, between 3 and 4 o'clock in the afternoon, the Thirteenth Missouri Cavalry led a charge into the town of Independence, Mo., capturing a battery in the streets of the town. Company I, Thirteenth Missouri Cavalry, was among the extreme advance. Michael McLain received a gunshot wound in the left arm, which was afterwards amputated by Dr. Cundiff, our regimental surgeon. It was amputated above the elbow. He also received a severe wound in the right wrist. It was while on duty in this engagement that Michael McLain received the wounds above described. He was taken to a temporary hospital, and I afterwards learned he was taken to a hospital at St. Louis, Mo. Michael McLain never returned to his regiment for duty, as he was entirely disabled and not able to do anything. I have a vivid recollection of all the facts as here stated. I am 43 years of age and work on public works, mostly railroad bridges. I am not related in any way to the applicant.

PERRY TWICHELL.

Mr. LOUD. Now, Mr. Speaker, I want to call the attention of the House to the condition in which we find ourselves in this case. The records of the War Department, as cited in the report, show that this man's regiment could not have been engaged in that battle, and we are here putting the affidavits of two parties against the records of the War Department. Either the report of the committee is radically wrong, or else there is something radically wrong in this case—one or the other. This affidavit states that Dr. Cundiff amputated this man's arm. But Dr. Cundiff does not make any such statement.

Mr. BURRELL. Yes, sir; he does.

Mr. LOUD. He simply makes the statement that he was there.

Mr. BURRELL. And he certifies that he amputated the man's arm.

Mr. BRUMM. I should like to ask whether the committee has investigated this matter.

Mr. BURRELL. Yes, sir; and has made a favorable report.

Mr. BRUMM. Is it not probable that this man was on detached service—that he was acting with a detachment of these troops.

Mr. LOUD. Oh, this last man swears that the company was engaged.

Mr. BRUMM. It was a very common thing for men to be on detached duty.

Mr. VAN HORN. Very common.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BURRELL, a motion to reconsider the last vote was laid on the table.

Mr. BARTLETT of New York. I call for the regular order.

Mr. WILLIAM A. STONE. I move that the House adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was granted as follows:

To Mr. DRAPER, for ten days, on account of important business.

To Mr. BEACH, for five days, on account of important business.

To Mr. AVERY, for ten days, on account of important business.

The motion of Mr. WILLIAM A. STONE was then agreed to; and accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Robert Moss against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Henry H. Golight, administrator of Robert Rollins, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

REPORT OF COMMITTEE ON PUBLIC BILL.

Mr. HUBBARD, from the Committee on Pacific Railroads, submitted the views of the minority on the bill (H. R. 8189) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned. (Report No. 1497, part 2.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WILLIAMS: A bill (H. R. 8493) making appropriation to dredge a channel between Ship Island Harbor and the pier of the Gulf and Ship Island Railroad at Gulfport, Miss.—to the Committee on Rivers and Harbors.

By Mr. POOLE: A bill (H. R. 8494) to amend section 3 of the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents"—to the Committee on Invalid Pensions.

By Mr. PITNEY: A bill (H. R. 8495) granting to John Hill Post, No. 86, of Boonton, N. J., 4 condemned cannon and 20 cannon balls—to the Committee on Naval Affairs.

Also, a bill (H. R. 8496) granting to John G. Tolmie Post, No. 50, Grand Army of the Republic, of Phillipsburg, N. J., 4 condemned cannon and 20 cannon balls—to the Committee on Naval Affairs.

By Mr. SCRANTON: A bill (H. R. 8497) to incorporate the National Plant, Flower, and Fruit Guild—to the Committee on the Judiciary.

By Mr. RICHARDSON: A bill (H. R. 8498) to provide for construction of a building in Washington City, to be known as the Hall of Patriotism—to the Committee on Public Buildings and Grounds.

By Mr. BABCOCK: A bill (H. R. 8499) in relation to taxes and tax sales in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CURTIS of Iowa: A bill (H. R. 8500) to amend the laws of the District of Columbia as to married women, to make parents the natural guardians of their minor children, and for other purposes—to the Committee on the District of Columbia.

By Mr. BERRY: A bill (H. R. 8501) to require persons who make their residence on boats on the Mississippi and Ohio rivers to obtain license, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: A bill (H. R. 8502) to amend section 4488 of the Revised Statutes, relating to life-saving appliances on shipboard—to the Committee on the Merchant Marine and Fisheries.

By Mr. LEIGHTY: A bill (H. R. 8503) to donate 4 condemned cannon and 50 cannon shot to the Allen County Soldiers' Monumental Association, Fort Wayne, Ind.—to the Committee on Naval Affairs.

By Mr. WHEELER: A bill (H. R. 8504) authorizing the Court of Claims to adjudicate certain claims arising under the provisions of the act of March 12, 1863, entitled "An act to provide for the collection of abandoned property, and for the prevention of frauds in insurrectionary districts within the United States"—to the Committee on War Claims.

By Mr. BOUTELLE: A bill (H. R. 8505) to provide for the reestablishment of a military post and garrison at Eastport, Me.—to the Committee on Military Affairs.

By Mr. WILLIAMS: A memorial of the Mississippi legislature, asking the passage of a bill to construct a canal to connect Ship Island Harbor with the pier of said Gulf and Ship Island Railroad at Gulfport—to the Committee on Rivers and Harbors.

By Mr. WALKER of Massachusetts: A memorial of the general court of Massachusetts, relative to the establishment of a national military park at Vicksburg—to the Committee on Military Affairs.

By Mr. DENNY: A memorial of the legislature of Mississippi, relative to an appropriation of $500,000 for dredging channel to connect Ship Island Harbor with pier of Gulf and Ship Island Railroad at Gulfport, Miss.—to the Committee on Rivers and Harbors.

By Mr. SPARKMAN: A memorial of the legislature of Florida, asking the purchase of Appomattox for purposes of a national park, and the erection of a memorial monument therein—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BERRY: A bill (H. R. 8506) for the benefit of Francis M. Faront, of Bellevue, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8507) for the benefit of Theadore Miller—to the Committee on Invalid Pensions.

By Mr. BLUE: A bill (H. R. 8508) granting a pension to William T. Snyder, of Prescott, Kans.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8509) correcting the military record of, and granting an honorable discharge to, Jack H. Parker, Company E,

Eighty-third United States Colored Troops—to the Committee on Military Affairs.

Also, a bill (H. R. 8510) for the relief of Tazwell C. Merrill—to the Committee on War Claims.

By Mr. CURTIS of Iowa: A bill (H. R. 8511) granting a pension to Anna M. Tate—to the Committee on Invalid Pensions.

By Mr. FARIS: A bill (H. R. 8512) to pension Thompson F. Frisby—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 8513) for the relief of the Atlantic Works, of Boston, Mass.—to the Committee on War Claims.

By Mr. MARSH: A bill (H. R. 8514) to grant a pension to Charles C. Leach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8515) to grant a pension to William Flaig—to the Committee on Invalid Pensions.

By Mr. MEYER: A bill (H. R. 8516) for the relief of William H. Wilder, testamentary executor of the succession of Myra Clark Gaines, deceased, late of the parish of Orleans, La.—to the Committee on the Public Lands.

Also, a bill (H. R. 8517) for the relief of William H. Wilder, testamentary executor of the succession of Myra Clark Gaines, deceased, of the parish of Orleans, La.—to the Committee on the Public Lands.

By Mr. MILLER of West Virginia: A bill (H. R. 8518) for the relief of James Crosson—to the Committee on Invalid Pensions.

By Mr. PITNEY: A bill (H. R. 8519) granting a pension to Katharine Quick Pepper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8520) granting a pension to George Sutton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8521) granting a pension to Mary E. Peck—to the Committee on Invalid Pensions.

By Mr. PICKLER: A bill (H. R. 8522) granting a pension to Mark Wells—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Connecticut: A bill (H. R. 8523) granting a pension to Mrs. Lily E. Kingsley—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 8524) to pension William Rice, Company G, Tenth Ohio Cavalry, at an increased rate—to the Committee on Invalid Pensions.

By Mr. STAHLE: A bill (H. R. 8525) to increase the pension of Mrs. Annie Gibson Yates, widow of Capt. George W. Yates, Seventh United States Cavalry—to the Committee on Pensions.

By Mr. THOMAS: A bill (H. R. 8526) granting a pension to Mary J. Lovejoy—to the Committee on Invalid Pensions.

By Mr. VAN HORN: A bill (H. R. 8527) to correct the records of Cass County Regiment Missouri Home Guards, so as to place the name of the late Irwin Malley on grade as captain of scouts—to the Committee on Military Affairs.

By Mr. WALKER of Virginia: A bill (H. R. 8528) for the relief of Stephen Childress—to the Committee on War Claims.

By Mr. WANGER: A bill (H. R. 8529) granting a pension to Helen V. Rorer—to the Committee on Invalid Pensions.

By Mr. BERRY: A bill (H. R. 8530) for the relief of John Armstrong, jr.—to the Committee on War Claims.

By Mr. CROWLEY: A bill (H. R. 8531) for the relief of the heirs of Joseph E. Wilson, deceased—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Pennsylvania: Remonstrance and petition of citizens of Clearfield, Pa., protesting against the acceptance of the statue of Père Marquette in Statuary Hall—to the Committee on the Library.

Also, protest of citizens of Coburn and vicinity, State of Pennsylvania, against the appropriation of public moneys for sectarian undertakings, and for a constitutional amendment against making appropriations for ecclesiastical purposes—to the Committee on the Judiciary.

By Mr. BLUE: Petition of John L. Snyder and 924 others, praying for a change in the laws governing the National Soldiers' Homes, so as to permit outdoor relief—to the Committee on Military Affairs

Also, petition and remonstrance of R. H. Kepperling and 44 other citizens of Junction City, Kans., against the statue of Père Marquette remaining in Statuary Hall—to the Committee on the Library.

By Mr. BOUTELLE: Paper to accompany House bill No. 8505, for the reoccupation of Fort Garrison as a military post—to the Committee on Military Affairs.

By Mr. BOWERS: Petition of 650 citizens of San Diego, Cal., remonstrating against appropriations for sectarian purposes—to the Committee on the Judiciary.

By Mr. CROWTHER: Petition of citizens of Elmo, Mo., in favor of the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIS of Iowa: Petition of the adjutant-general of Iowa, in favor of Senate bill No. 2849, for the revision of the militia law—to the Committee on the Militia.

By Mr. DENNY: Petitions of Charles R. White, C. W. Montgomery, and others, of Natchez, Miss., asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIS: Petition of publishers of the Daily Astorian, Astoria, Oreg., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. GROSVENOR: Memorial of 110 Grand Army men of Ohio, in favor of a service pension—to the Committee on Invalid Pensions.

By Mr. HENDRICK: Petition of citizens of Kentucky, urging the passage of House bill No. 653, for the relief of the book agents of the Methodist Episcopal Church South—to the Committee on War Claims.

By Mr. HILBORN: Memorial of the board of supervisors of Alameda County, Cal., favoring certain improvements in San Francisco Harbor—to the Committee on Rivers and Harbors.

By Mr. HOWARD (by request): Papers to accompany House bill No. 8464, consisting of explanations—to the Committee on Ways and Means.

Also (by request): Paper to accompany House bill No. 8465, being an explanation of said bill—to the Committee on Ways and Means.

By Mr. McCLEARY of Minnesota: Letter of Hon. Warren Upham, secretary of the Minnesota Historical Society, favoring certain changes in the issuance of public documents—to the Committee on Printing.

By Mr. MILLER of West Virginia: Petition of James Crosson and others, in support of his bill for pension—to the Committee on Invalid Pensions.

By Mr. NEWLANDS: Petition of Dr. Eliza Cook and others, praying for arbitration in international disputes—to the Committee on Foreign Affairs.

Also, remonstrance and petition of citizens of Panaca, Genoa, and Deeth, of the State of Nevada, asking for the removal of the Marquette statue from Statuary Hall—to the Committee on the Library.

By Mr. OTJEN: Petition of citizens of Milwaukee, Wis., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter, and bill No. 838, to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. RUSSELL of Connecticut: Petition of citizens of Norwich, Conn., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. SULLOWAY: Petition of Mount Washington Lodge, No. 276, International Association of Machinists, praying for the appointment of a committee of investigation to inquire into the treatment of machinists in the United States navy-yards and arsenals, particularly the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. TRACEWELL: Petition of John C. Lawler and 19 others; also of Carl C. Wilson and 12 others, all of Salem, Ind., favoring the passage of House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

SENATE.

TUESDAY, *April 28, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

ENROLLED BILLS SIGNED.

The signature of the Vice-President was announced to the following bills; which had previously been signed by the Speaker of the House of Representatives:

A bill (H. R. 2265) to provide for reimbursement of the expense of constructing a sewer upon the permanent reservation at Hot Springs, Ark.;

A bill (H. R. 3852) to amend the record of William H. De Freest;

A bill (H. R. 4265) granting a pension to Eliza Wilson; and

A bill (S. 2557) granting a pension to Sarah A. Boyd.

PETITIONS AND MEMORIALS.

Mr. SEWELL presented a petition of the Home Mission Board of the Southern Baptist Convention of Atlanta, Ga., praying for the release of Rev. A. J. Diaz; which was referred to the Committee on Foreign Relations.

Mr. TURPIE presented memorials of the South Bend Medicine Company of South Bend, Ind.; of the A. Burdsal Company of

Indianapolis, Ind., and of the National Wholesale Druggists' Association of Philadelphia, Pa., relative to the rebate on alcohol; which were ordered to lie on the table.

Mr. HARRIS presented a memorial, in the form of resolutions adopted at a meeting of members of the Baptist church of Brownsville, Tenn., remonstrating against the arrest, in the Island of Cuba, of Rev. A. J. Diaz, a naturalized citizen of the United States; which was referred to the Committee on Foreign Relations.

Mr. KYLE presented a petition of Phil. H. Sheridan Post, No. 72, Grand Army of the Republic, Department of South Dakota, of Faulkton, S. Dak., praying for the enactment of a service-pension law; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Gregory County, S. Dak., praying that lands be granted free to settlers under the homestead law; which was referred to the Committee on Public Lands.

Mr. PRITCHARD presented a petition of sundry citizens of Newbern, N. C., praying that an appropriation be made to provide for the erection of a clock tower and clock with illuminated dial, to be placed upon the public building now being constructed in that city; which was referred to the Committee on Appropriations.

Mr. FRYE presented a petition of the Maine National Association of Stationary Engineers, No. 1, of Portland, Me., praying for the passage of Senate bill No. 735, to reorganize and increase the efficiency of the personnel of the Navy, etc.; which was referred to the Committee on Naval Affairs.

He also presented a petition of Shepley Camp, No. 4, Sons of Veterans, Division of Maine, of Portland, Me., praying for the enactment of legislation authorizing the members of their order to wear the distinctive badge adopted by them upon all occasions of ceremony, and also by officers and enlisted men in the Army and Navy who are members of that order; which was referred to the Committee on Military Affairs.

He also presented petitions of the Chamber of Commerce of Tacoma, Wash.; of the Board of Trade of Scranton, Pa.; of the Jewelers' Association of New York, and of the Duluth Jobbers' Union, of Duluth, Minn., praying for the establishment of a department of commerce and manufactures; which were referred to the Committee on Commerce.

Mr. PASCO presented a memorial of the legislature of the State of Florida, relative to the improvement of the Withlacoochee River; which was ordered to lie on the table, and to be printed in the RECORD, as follows:

A memorial to Congress of the United States asking an appropriation for the improvement of the Withlacoochee River.

Whereas the Withlacoochee River from Pembertons Ferry to the Gulf of Mexico, a distance of 77 miles, traverses a section of country rich in agricultural and mineral resources, which fact is evidenced by the report upon the temporary survey of the War Department in the month of December, 1894, which report shows that 16 phosphate companies located along the line of said river annually mine an output of over 200,000 tons of phosphate, which said phosphate companies are now forced to pay $2.91 freight and terminal charges to Fernandina; and that 2 of the several saw mills on said river have a capacity of nearly 200,000 feet of cypress lumber per day; and that 70 of the several thousand orange groves on said river have an annual yield of over 120,000 crates of oranges; and

Whereas the deepening and improvement of said river would prove of inestimable value to the thousands of people along its banks, and be of incalculable advantage to the Government: Therefore

Be it resolved by the legislature of the State of Florida, That our Representatives in Congress be, and the same are hereby, requested to use all honorable means to secure an adequate appropriation to thoroughly and effectually accomplish the objects herein named.

Resolved, That the secretary of state be, and he is hereby, directed to furnish to each of our Representatives and Senators in Congress a copy of these resolutions.

Approved June 1, 1895.

STATE OF FLORIDA, *Office of Secretary of State, ss:*

I, John L. Crawford, secretary of state of the State of Florida, do hereby certify that the foregoing is a true and correct copy of a memorial to Congress of the United States asking an appropriation for the improvement of the Withlacoochee River, as passed the regular session of the legislature of the State of Florida, 1895, and as filed in this office.

Given under my hand and the great seal of the State of Florida, at Tallahassee, the capital, this 24th day of April, A. D. 1896.

JNO. L. CRAWFORD,
Secretary of State.

Mr. PASCO presented a memorial of the legislature of the State of Florida, relative to the improvement of the entrance to Cumberland Sound; which was ordered to lie on the table, and to be printed in the RECORD, as follows:

Memorial to the Congress of the United States asking that the improvement of the entrance to Cumberland Sound be placed upon the list of continued appropriations.

Whereas the phosphate industry of Florida is now upon so extensive a scale of development that there is needed all the facilities of commerce for the increasing demand for export to foreign countries; and

Whereas the cost of export is largely dependent upon the depth of water which will enable vessels of the largest class to enter our ports; and

Whereas the bar entrance to the port of Fernandina, known as the entrance to Cumberland Sound, by the aid of appropriations by Congress, has already been greatly increased, and is now frequented by large vessels engaged in foreign commerce, and only needs to have the work of improvement more rapidly carried on, both for phosphate as well as lumber, naval stores, and other exports of great advantage to our people, as well as all parts of the United States:

Be it resolved by the legislature of the State of Florida, That our representatives in Congress be requested to urge upon the Congress of the United States to place the improvement of Cumberland Sound upon the list of continued appropriations, both as a measure of very great commercial importance to the interests of Florida and of the whole country, and more economical in every respect; and that the secretary of state be requested to send a copy of this preamble and resolution to each of our Senators and Representatives in Congress.

Approved May 22, 1895.

STATE OF FLORIDA, *Office Secretary of State, ss:*

I, John L. Crawford, secretary of state of the State of Florida, do hereby certify that the foregoing is a true and correct copy of a memorial to the Congress of the United States asking that the improvement of the entrance to Cumberland Sound be placed upon the list of continued appropriations, as passed the regular session of the legislature of Florida, 1895, and as filed and of record in this office.

Given under my hand and the great seal of the State of Florida, at Tallahassee, the capital, this 24th day of April, A. D. 1896.

JNO. L. CRAWFORD, *Secretary of State.*

Mr. NELSON presented a memorial of the Minneapolis (Minn.) Branch of the Journeymen Stonecutters' Association of North America, remonstrating against the employment of convict labor on public buildings or on material used in the construction of the same; which was referred to the Committee on Public Buildings and Grounds.

Mr. SHOUP presented a petition of Abraham Lincoln Council, No. 2, Junior Order of United American Mechanics, of Boise, Idaho, praying for the passage of the so-called Stone immigration bill; which was referred to the Committee on Immigration.

Mr. GALLINGER. Yesterday I presented a petition of the members of Mount Washington Lodge, No. 276, of the International Association of Machinists, Concord, N. H., asking for a committee of investigation to inquire into the treatment of machinists in the United States navy-yards. The petition was referred to the Committee on Education and Labor. I understand that there are numerous similar petitions before the Committee on Naval Affairs, and I ask that the petition be recalled from the Committee on Education and Labor and referred to the Committee on Naval Affairs.

The VICE-PRESIDENT. Without objection, it will be so ordered.

REPORTS OF COMMITTEES.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (H. R. 5853) granting a pension to Arminda Stucker, of Gallatin, Mo., reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom were referred the following bills, reported them each with an amendment:

A bill (S. 2943) to authorize the construction of a bridge across the Warrior River by the Mobile and Ohio Railroad Company; and

A bill (S. 2944) to authorize the construction of a bridge across the Cahaba River, in Bibb County, Ala., by the Mobile and Ohio Railroad Company.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 2945) to amend an act approved August 6, 1888, entitled "An act to authorize the construction of a bridge across the Alabama River," reported it with amendments.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 266) to provide for the purchase of a site and the erection of a public building thereon at Deadwood, in the State of South Dakota, reported it without amendment.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the amendment submitted by Mr. HARRIS on the 14th instant, intended to be proposed to the sundry civil appropriation bill, the amendment appropriating one-half of a year's salary each to the widows of M. F. Watkins, Charles Stone, and James Newsom, late members of the Capitol police, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BURROWS, from the Committee on Claims, to whom was referred the bill (S. 2676) for the relief of Capt. John T. Bruen, of the State of New York, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 7200) for the relief of A. T. Hensley, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2415) for the relief of B. J. Van Vleck, administrator of Henry Van Vleck, deceased, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2931) granting an increase of pension to Silas M. Stevens;

A bill (H. R. 4712) granting a pension to Margaret A. Luthy;

A bill (H. R. 2336) granting a pension to Thomas Holaday;

A bill (H. R. 4182) granting increase of pension to Georgianna C. Hall, dependent mother of Maj. John W. Williams, deceased, late surgeon, United States Army; and

A bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 1336) for the relief of John Mellifont and Ellen Riordon, reported it with amendments.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 3607) to increase the pension of Kate Grant, reported it without amendment, and submitted a report thereon.

Mr. WHITE, from the Committee on Territories, to whom was referred the bill (S. 2540) to provide compensation for a bridge and for buildings and other improvements constructed by certain persons upon public lands afterwards set apart and reserved as the Yellowstone National Park, reported it with amendments, and submitted a report thereon.

GREER COUNTY, OKLA.

Mr. TELLER. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 7905) to establish and provide for the government of Greer County, Okla., and for other purposes, to report it favorably.

Mr. HILL. I suggest to the Senator from Colorado that he put the bill on its passage.

Mr. TELLER. I was about to ask, as it is a House bill and those people are without any government, that the bill be taken up and passed now.

Mr. HALE. Not to give rise to any debate?

Mr. TELLER. No; I think not.

Mr. HALE. If it leads to any debate I shall have to call for the regular order.

Mr. TELLER. If it gives rise to any debate I will withdraw it.

Mr. HALE. After it is disposed of I shall ask for the regular order.

The Secretary read the bill by title.

Mr. BATE. As the bill affects the rights of Texas and I know of no agreement about it, I wish to state that neither of the Senators from Texas is present, and as it is a matter of importance they might desire to be here. That is all I suggest. I see neither of them in his seat. I know nothing about any objections to the bill.

Mr. TELLER. I do not hear what the Senator from Tennessee says.

Mr. BATE. I say the bill affects the rights of Texas more or less, in relation to its boundaries, and neither of the Senators from Texas is present.

Mr. TELLER. There is a bill of the same character, introduced by the junior Senator from Texas [Mr. CHILTON].

Mr. BATE. He ought to be present when this bill is considered.

Mr. TELLER. The Supreme Court has decided all the questions concerning Texas, and there is no controversy on the subject.

Mr. BATE. That may be true, but there may be a question as to the adjustment of the line or something of that kind. I see neither of the Senators from Texas here. That is the only point I make. It is a matter of courtesy to them.

Mr. TELLER. I will say to the Senator from Tennessee that if when the junior Senator from Texas comes in he has any objection to the bill we will reconsider the vote. I suggest that he let the bill pass now.

Mr. BATE. All right.

The Secretary read the bill; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The VICE-PRESIDENT. The bill is reported with an amendment, which will be stated.

The SECRETARY. In section 1, line 22, after the word "shall," strike out the words "as soon as appointed."

Mr. TELLER. I ask that that amendment may be disagreed to. It is immaterial.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHICKAMAUGA AND CHATTANOOGA NATIONAL PARK.

Mr. JONES of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Illinois [Mr. PALMER] on the 14th instant, to report it without amendment.

Mr. PALMER. I ask for the present consideration of the resolution.

The resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on the Dedication of the Chickamauga and Chattanooga National Park be, and it is hereby, authorized to expend the sum of $300 in the preparation of a map and illustrations for the full report of the dedication exercises, to be paid out of the contingent fund of the Senate.

MARGUERITE SHANKLAND.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. QUAY on the 16th ultimo, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, out of the appropriation for miscellaneous items of the contingent fund of the Senate, to Marguerite Shankland, daughter of Manning R. Shankland, deceased, late a clerk in the office of the Secretary of the Senate, a sum equal to six months' salary, at the rate allowed by law to said clerk, out of the "miscellaneous items" of the contingent fund of the Senate; said payment to be considered as in lieu of all funeral expenses or other allowances.

MRS. SARAH TAYLOR.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. ROACH February 5, 1896, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, out of the appropriation for miscellaneous items of the contingent fund of the Senate, to Mrs. Sarah Taylor, mother of James Taylor, deceased, late a Senate laborer, the sum of $300, being an amount equal to six months' salary as laborer aforesaid, the said sum to include all funeral or other allowances.

CLARA YEARGIN.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. IRBY on the 11th ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Clara Yeargin, widow of John W. Yeargin, deceased, late a laborer of the Senate of the United States, a sum equal to six months' salary at the rate allowed by law to said laborer, out of the "miscellaneous items" of the contingent fund of the Senate, said payment to be considered as in lieu of all funeral expenses or other allowances.

C. F. LYNCH.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. FAULKNER on the 27th instant, reported it without amendment:

Resolved, That the Sergeant-at-Arms of the Senate be, and he hereby is, authorized and directed to appoint C. F. Lynch a messenger, who shall be paid at the rate of $1,440 per annum from the contingent fund of the Senate, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate, until otherwise provided for.

Mr. FAULKNER. I merely wish to state to the Senate that this is the case of the employee of the Senate, a laborer, who was so seriously injured about three weeks ago by a fall while putting up the flag over the Senate wing of the Capitol. He has been lying at the point of death. It is very doubtful whether he will recover, but if he does it is anticipated that he will be paralyzed from his waist down. He has a large family and his expenses are exceedingly heavy upon him. I introduced the resolution to relieve him in some measure from the burdens that rest upon him by reason of this serious accident. I ask that the resolution be now put on its passage.

The resolution was considered by unanimous consent, and agreed to.

JOSEPHINE FOOTE FAIRFAX.

Mr. GALLINGER. Some time ago the Senate passed a bill, Senate bill 1784, granting a pension to Josephine Foote Fairfax, the widow of the late Rear-Admiral Fairfax, at the rate of $50 per month. It went to the House of Representatives, and they have returned a House bill in identically the same terms and granting the same rate of pension. I am directed by the Committee on Pensions to report back favorably the House bill, being the bill (H. R. 3112) granting a pension to Josephine Foote Fairfax, and as a similar bill has once passed the Senate and it will take but a moment for its consideration, I ask unanimous consent that it be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Josephine Foote Fairfax, widow of the late Rear-Admiral Donald MacNeill Fairfax, of the United States Navy, at the rate of $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. McMILLAN (by request) introduced a bill (S. 2965) to amend an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," etc.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. PETTIGREW introduced a bill (S. 2966) confirming the title of mixed-blood Indians to their lands and allowing the same to be alienated under certain circumstances; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. SEWELL introduced a bill (S. 2967) to amend an act entitled "An act to regulate commerce," approved February 4, 1887;

which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. QUAY introduced a bill (S. 2968) for the relief of A. C. Landis, late lieutenant of Company K, One hundred and seventh Pennsylvania Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2969) for the relief of Lieut. T. R. Kennedy, Company F, Ninth Pennsylvania Reserves; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BUTLER introduced a bill (S. 2970) to provide for the enlarging and improving the building of the United States court and post-office at Greensboro, N. C.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

Mr. WOLCOTT introduced a bill (S. 2971) granting a pension to Frederick D. Bailey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 2972) to authorize and direct the Auditor for the Post-Office Department to credit the account of John W. Ross, late postmaster at Washington, D. C., with certain amounts now charged against him in his account as such postmaster; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE introduced a joint resolution (S. R. 140) relating to the annual reports of the Chief of Engineers; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SHOUP submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CARTER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

LANDS IN CALIFORNIA.

Mr. MITCHELL of Oregon. I submit an amendment intended to be proposed to the bill (H. R. 5819) to provide for the examination and classification of certain lands in California. I ask to have it printed, and I express the hope that it may be printed so that it will be upon the desks of Senators to-morrow.

Mr. WHITE. We wish to call up the bill as soon as possible.

The VICE-PRESIDENT. Without objection, it will be so ordered.

THE RIVER AND HARBOR BILL.

On motion of Mr. FRYE, it was

Ordered, That 300 extra copies of H. R. 7977 and report thereon, No. 799, be printed for the use of the Senate.

MONONGAHELA RIVER BRIDGE.

Mr. HALE. Mr. President——

Mr. QUAY. Before the Senator from Maine asks the Senate to proceed to the consideration of the appropriation bill, which he has in charge, I should be glad, with his permission, to have the unanimous consent of the Senate to pass a bill I hold in my hand, being the bill (H. R. 4781) to amend an act entitled "An act to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River," approved February 18, 1893. It consists of only about eight or ten lines.

Mr. HALE. If it is not to give rise to debate, I will yield to the Senator from Pennsylvania.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. HAINER of Nebraska, and Mr. SAYERS managers at the conference on the part of the House.

The message also announced that the House had passed the following bills:

A bill (S. 67) for the relief of E. R. Shipley; and

A bill (S. 1176) to amend an act entitled "An act to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the State of Washington, and to establish it as a post-road."

The message further announced that the House had passed the following bills, each with amendments; in which it requested the concurrence of the Senate:

A bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895; and

A bill (S. 1904) to regulate marriages in the District of Columbia.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 953) for the relief of William Gray;

A bill (H. R. 2259) for the relief of William B. Ellis;

A bill (H. R. 4324) authorizing the Secretary of the Navy to deliver one condemned cannon to the city of Elmwood, Peoria County, Ill.;

A bill (H. R. 4921) to relieve the North Georgia Agricultural College from the payment of $450 for damaged gun;

A bill (H. R. 6256) authorizing and directing the Secretary of the Navy to furnish to George F. Fuller Post, Grand Army of the Republic, of Manistique, Mich., a condemned cannon;

A bill (H. R. 6836) to amend section 2981 of the Revised Statutes as amended by the act of June 10, 1880; and

A bill (H. R. 8037) for the relief of John McLain, alias Michael McLain.

NAVAL APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill, the pending question being on the amendment reported by Mr. CHANDLER, from the Committee on Naval Affairs, on page 2, after line 23, to insert:

And provided further, That no payment shall be made from the appropriations in this bill to any officer in the Navy or Marine Corps on the active or retired list while such officer is employed, after June 30, 1897, by any person or company furnishing naval supplies or war material to the Government; and such employment is hereby made unlawful after said date.

Mr. BACON. By direction of the Committee on Naval Affairs I desire to offer an amendment, not to the pending amendment, but to a different portion of the bill, to come in on page 52. The purpose in offering it now is, as it relates to a very important feature of the bill, that it may be printed, so that Senators may have an opportunity to examine it before it comes up for consideration.

Mr. HALE. Let the amendment be read.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. On page 52, after line 15, insert:

And provided further, That in case the Secretary of the Navy shall make separate contracts for the armor and armor plate for said battle ships, he shall not accept bids at a rate exceeding an average of $350 per ton of 2,240 pounds; and in case the said Secretary can not make contracts for said armor and armor plate within said limit, he shall delay action and report the offers made to the next session of Congress.

Mr. HALE. The Senator offering the amendment proposes that it shall be printed. I suggest that the clerks see to it that it be sent at once to the Public Printer, so that it may be here this afternoon.

The VICE-PRESIDENT. It will be so ordered.

Mr. HALE. I hope we may conclude the bill to-day.

Mr. GORMAN. It is a separate amendment.

Mr. HALE. It is a separate amendment, offered by the Senator from Georgia.

The VICE-PRESIDENT. The amendment will be printed as indicated.

Mr. PLATT and Mr. GORMAN. Let it be read once more.

The Secretary again read Mr. BACON's amendment.

The VICE-PRESIDENT. The pending question is on the amendment reported by the Senator from New Hampshire [Mr. CHANDLER] from the Committee on Naval Affairs.

Mr. GORMAN. I call the attention of the Senator from New Hampshire who offered the amendment to the fact that the amendment as it stands simply provides "that no payment shall be made from the appropriations in this bill to any officer in the Navy or Marine Corps on the active or retired list while such officer is employed, after January 1, 1897, by any person or company furnishing naval supplies or war material to the Government; and such employment is hereby made unlawful after said date." Of course it would compel any officer who desired to remain in the employment of one of these firms to resign from the Navy.

Mr. CHANDLER. The Senator will notice that the date is not right in the amendment as he reads it. He has the printed amendment. The time was changed by the direction of the committee to June 30, 1897, so that it gives officers who may be in employment of this kind a year from the 30th of June next to find other employment.

Mr. GORMAN. But the suggestion I made to the Senator yesterday was that the amendment confines its operations to the appropriations made in the pending bill. If the rule be a proper one to exclude the employment of retired officers by any firms

outside, it ought to be made a permanent provision and not be confined to the appropriations in this bill, which would expire one year from the 1st of July next.

Mr. CHANDLER. The committee do not wish to do anyone injustice. I think we have no objection to making it apply to cases arising hereafter, if that will gratify Senators; but the Senator will notice that we can not put general legislation upon an appropriation bill, and that the only way sometimes in which reforms can be initiated is by limiting the appropriations by offering amendments that are not subject to the point of order. If I were to change the amendment in pursuance of the suggestion of the Senator from Maryland and make it simply a general provision of law, as soon as that change was safely completed the Senator from Delaware [Mr. GRAY] would perhaps rise and say the whole amendment is out of order. It is the first requisite to an amendment to have it in order.

Mr. GRAY. If I may be allowed, I will state that the latter clause of the amendment, as I heard it read just now, would seem to settle the whole matter so far as these officers are concerned by rendering such employment unlawful. No officer could stay in the Navy and have such employment in the face of that amendment.

Mr. CHANDLER. After that date. That is the expression.

Mr. GORMAN. I submit to the Senator from New Hampshire that it is general legislation as it stands.

Mr. CHANDLER. It is not general legislation to say that we will not make payment from the annual appropriations for the Navy to officers of the Navy who are in private employment, engaged in the service of contractors with the Government. That is an amendment which is entirely within the scope and limit of the power of amendment.

Mr. HALE. I suppose the Senator from New Hampshire drew the amendment with that in his mind, to avoid the point of order that would be raised otherwise. Did he not?

Mr. CHANDLER. The purpose in drawing the amendment was to make it a limitation of the appropriations made in this bill, because I knew that if it was sought to put it in the form of general legislation upon the bill it would be objected to. I repeat, no reasonable limitation upon the expenditure of money in an appropriation bill is out of order, even if it changes an existing law. An appropriation made for a general purpose one year may be repeated in the next year's appropriation bill, and specific directions may be given how to spend that money. An amendment for that purpose is not out of order. If the Senator from Maryland will consent that that amendment may be passed over for the present I will examine the language of it; perhaps it can be put in a shape to satisfy him.

Mr. GORMAN. I have no objection to its being passed over.

Mr. HALE. We are right in the midst of the discussion upon this matter. Having the responsibility of the charge of the bill, I would rather that it would be followed up now, if there is to be any further discussion upon it, and that we should dispose of it, and then come to other matters which are perhaps of larger importance. The Senator from New Hampshire and the Senator from Maryland can come to an accord in this matter so far as they are concerned and fix the amendment while further discussion is going on. I object to its going over now and coming up again. Let the Senator put in the words "hereafter employed."

Mr. GORMAN. I move, then, to amend the amendment so as to read as follows:

That no payments shall be made from the appropriations by Congress to any officer in the Navy or Marine Corps on the active or retired list while such officer is employed, after June 30, 1898——

Mr. HAWLEY. That would be general legislation.

Mr. CHANDLER. June 30, 1897, is the date of my amendment.

Mr. GORMAN. I think the whole matter is general legislation. The last four words in line 8 are unquestionably general legislation:

And such employment is hereby made unlawful after said date.

That line is as much general legislation as the words "hereafter employed." If the point of order will hold at all, it will hold against the amendment as it now stands. The point I make is, if it is right, if the Naval Committee, after due deliberation, have come to the conclusion that we ought to exclude these officers on the retired list from this private employment, the rule ought to be general, and it ought to be made permanent, so that such officers may have notice of it.

Mr. HAWLEY. And immediately cut off those who have this employment?

Mr. GORMAN. That is the suggestion of the Committee on Naval Affairs; not mine at all.

Mr. HAWLEY. What would be the effect of the Senator's amendment to the amendment?

Mr. GORMAN. It would make the provision permanent. It would not only confine it to the present appropriation, but to all appropriations made by Congress.

Mr. HAWLEY. Do I understand that it would compel the discharge immediately of those two gentlemen?

Mr. GORMAN. After June 30, 1898—in two years.

Mr. HALE. June 30, 1897.

Mr. GORMAN. I understand that the Committee on Naval Affairs have concluded that the employment should not be cut off immediately, in view of the fact that it was perfectly lawful to engage in the employment, that it was done with the knowledge of the Department. Indeed, in many cases, I understand, while this whole matter was being developed, the Navy Department, instead of discouraging it, encouraged the naval officers who were on the retired list to go into the private employment of these firms for the purpose of learning the manufacture from the beginning, because there was scarcely a naval officer who understood anything about it. The Department encouraged it, and it being not only the desire of the Department, but of the officers themselves, those two officers on the retired list ought not to be cut off immediately, if cut off at all. But if the rule is a proper one to apply to the pending appropriation bill, it ought to apply to all. That is the point I make.

Mr. CHANDLER. I suggest the following language:

And provided further, That no payment shall be made from the appropriations in this bill to any officer in the Navy or Marine Corps, on the active or retired list, while such officer is employed, after June 30, 1897, by any person or company furnishing naval supplies or war material to the Government, and such employment of any officer not now in such employment is hereby made unlawful after said date.

Mr. GORMAN. That will cover it.

Mr. HALE. That would allow officers who are now in the Navy——

Mr. CHANDLER. To continue——

Mr. HALE. To be employed after July. The Senator wants to fix that.

Mr. CHANDLER. That is the effect of the provision.

Mr. CALL. Mr. President——

The VICE-PRESIDENT. The modification submitted by the Senator from New Hampshire will be stated, and then the Chair will recognize the Senator from Florida.

The SECRETARY. Insert after the word "employment," in line 7 of the amendment, "of any officer not now in such employment"; so as to read——

Mr. SEWELL. I have been listening in vain to hear some good reason offered——

The VICE-PRESIDENT. The Senator from Florida [Mr. CALL] has addressed the Chair. The modification proposed by the Senator from New Hampshire will be first stated.

The SECRETARY. It is proposed to insert after the word "employment," in line 7, the words "of any officer not now in such employment"; so as to read:

And such employment of any officer not now in such employment is hereby made unlawful after said date.

Mr. CALL. Mr. President, I think nothing illustrates more clearly the fact that there is no subject upon which there may not be great differences of opinion than the debate on the pending amendment. It seems that the company organized to furnish the steel armor for battle ships proposed a contract to the Government by which the Government should appoint a naval officer as an inspector for the purpose of determining the performance of a contract made with that company, and that the same company has further agreed, not with the Government, but in fact with another officer of the United States, a retired officer, that he shall have no kind of connection with the decision as to the performance of this contract by the company and no connection whatever with it; but that they will not only agree to take the inspector, the regular commissioned officer of the Navy, to decide on the fact of the contracts being satisfactorily performed, but will also employ in the execution of this contract another officer, who shall be subject to court-martial if he shall fail to perform his duty to the Government by concealing, while in the employment of the company, any defect in the completed armor.

Mr. HAWLEY. Let the Senator add, which officer is also absolutely idle under the law.

Mr. CALL. Well, that is true, but to this point it does not exactly relate. This company stipulates that the Government shall have, by a separate and distinct officer, an absolute protection in the preparation of the contract and in its execution, who shall inspect for the Government, subject in all respects to the discipline of the Navy, and that they will take another officer of the Government, a retired officer, having nothing to do with the Government in the performance of duty of any kind, receiving a pension only, but still bound by the discipline of the Navy, and subject to be court-martialed if he shall conceal any defect whatever in the armor when completed.

How is the Government of the United States injured by having a skilled officer, not in the employment of the Government, but subject to discipline and court-martial, if he shall conceal any defects? It seems a singular idea to me that objection should be made to this additional security for the performance of the contract, when the retired officer is not only bound by the esprit de corps of his profession, but he is bound by the penalty of a trial by court-martial for concealing or being guilty of any kind of

Oregon and the State of Washington, and to establish it as a post-road."

appropriations made in the pending bill. If the rule be a proper one to exclude the employment of retired officers by any firms

charge immediately of those two gentlemen?

by court-martial for concealing or being guilty of any fine or

collusion with the company in the performance of this contract. He has nothing to do with its examination, nothing to do with its acceptance by the Government, and it would be a high crime and a misdemeanor on the part of the superior officer of the Navy if he intrusted to anyone, to the regular commissioned officer, wholly removed from any connection with this Government, the approval of the contract. But the retired officer has nothing to do with it. The argument for this amendment is that the company are to stipulate by their agreement with the retired officer that his skill and his knowledge shall be utilized to deceive the Government, to give it incomplete armor, to give it armor in which there is a carefully prepared defect. This is not true; he is employed to see that the performance of the contract, so far as the company are concerned, shall be completely and fully in accordance with the stipulations made. That is the point of view in which the thing presents itself to me.

What is the argument? How can a retired officer affect injuriously the Government? It has been said by the Senator from Georgia [Mr. BACON] that he is familiar with the officers of the Navy. Admit it. Is that familiarity to cause the superior officers of the Navy to violate their duty to the Government? Is it to be assumed that because this officer is employed by a company to do what?—to exercise his skill and judgment in the performance of his contract according to stipulations—that therefore the officers of the Navy will receive, either from favor, from association, or from some corrupt motive, some inducement to betray their duty? I see no conclusion of that kind. I do not see that there is any antagonism as presented by the Senator from South Carolina [Mr. TILLMAN] between the company and the Government of the United States. Such antagonism can only result through fraud. The interest of the company is to see that the contract is performed according to its stipulation, and that is the interest of the United States; and if you assume that fraud is going to intervene by the employment of an officer, bound under severe penalties not to do the thing which it is assumed he will do, namely, betray the Government, that is another proposition which has no foundation.

I think there is another and a greater objection to the amendment, not only that it is utterly impossible that the officer can do any injury to the Government because of this employment, not only because the officer of the Navy who is charged with the inspection and approval is just as much subject to corrupt influence without the employment of the retired officer as with the employment, but also because the Government of the United States is interested in having its officers the most accomplished and skilled men who can be had anywhere. How is that to be attained? Is an officer of the Navy to be accomplished in the manufacture and inspection of steel armor by being withdrawn entirely from employments connected with that art? Is that the way a retired officer of the United States Navy, who may become useful, is to become an accomplished man, by being isolated and prevented from all association with the business pursuits of men? Unquestionably that is not true. You want these officers to know all about the manufacture of steel armor. You want them to be conversant with the progress of art of every kind. You want them in the workshops, you want them employed in private pursuits, and there are other and superior and more powerful safeguards against their influencing the Government corruptly which can be used than that of excluding them from private employment of every kind.

I do not think it even expedient to suspend the pay of these officers while they are employed by private companies, in business which can have no kind of connection in influencing the determination of the Government. But if that be so, suspend them temporarily and strike from the amendment the provision that hereafter such employment shall be unlawful. Let the amendment stand that while in the employment of such companies the officers shall not receive any salary from the Government, but do not exclude them from their place and from pension in the service because temporarily they have devoted themselves to something which educates them for a higher degree of usefulness in the Navy.

Mr. President, I do not think there is any foundation for the suggestion that the Government will suffer because of the temporary or permanent employment of a pensioned officer in something with which the Government has no connection whatever, except having identically the same interest that the company has, the preparation to the highest standard of efficiency of steel armor or any other material which the Navy is required to use. That is so in this case. The interest of the Government and the interest of the contractors are the same. The contractor is bound to perform his work according to certain specified stipulations, and the interest of the Government is that he shall do it. The interest of the contractor is that he shall do it. Now, the assumption is that fraud is to intervene by employing a skilled officer of the Government, in the pay of the Government, subject to court-martial for concealing any defects by which the Government is injured.

Mr. SEWELL. Mr. President, I have not heard all of the arguments made in this matter. I do not believe that the Congress of the United States should deprive a retired officer of the opportunity of earning compensation outside, nor do I think you can properly draw the line as to what shall be the compensation, whether it shall be from any one branch of his profession or another, or by whom paid, or whether the party paying it shall be a contractor with the Government. We are all proud of the officers who have been educated both in the Navy and the Army, and I have yet to know of a case where they have disgraced the Government or themselves. The amendment looks to me very much like a provision to prevent a fraud which is not at all likely to exist as to officers who have been educated under the flag.

Unfortunately some of these gentlemen have been retired earlier in life than contemplated by reason of some deficiencies, one particularly, who has been employed in one of the steel-making foundries, for defection of sight. Here is one of the brightest young men in the country thrown on his beam ends, as you might say, by a defection over which he has no control, which was not brought about by any indiscretion on his part. He is educated up to the highest standard, and it is wholly wrong from my point of view to say that that young man, who probably gets a salary from the Government of $1,500——

Mr. HAWLEY. Nine hundred dollars.

Mr. SEWELL. Nine hundred dollars—shall be deprived of the right to exercise his brains and his education in providing for his family simply because he is an officer of the Navy. I think it is stigmatizing them as a class and that it ought not to be done.

Mr. HAWLEY. Mr. President, when the proposition was first made to prevent this kind of employment hereafter I thought there was a show of wisdom in it. The more I have thought of it the more I am unwilling to assent to it in any form. It is an extraordinary case taken altogether. There are two officers whom the Senator from New Jersey [Mr. SEWELL] has referred to in appropriately high terms, men of great skill and high character, who happen to be now employed, one by the Bethlehem Iron Works and the other by the equally famous Carnegie works. Although they are getting but $900 each from the Government, and are excused by law from all naval duty whatever, and simply have the general allegiance of a naval officer, being subject to court-martial, it is proposed now to forbid them from doing any work whatever in a field for which they are specially qualified and a work that is of very great benefit to the Government. Is it supposed that they can live on $900 per annum apiece? Not at all. What shall they do? They are best qualified for this work, and in this case most eminently qualified. It is true there may be some great iron works in the country that might find use for them, but this is their natural home.

Now, singularly enough, it strikes these two men with the most severity. They are the men whom unmerciful disaster has followed fast and followed faster. One, who was retired because of a defect in his sight, went through the Academy and nobody discovered it. He served honorably for a great many years afterwards, and then a superserviceable doctor found that he had a little difficulty in distinguishing between red and green. That does disqualify him from being the officer on deck at night, but it does not take away his brains, nor is the sight defect, just now discovered, in any respect due to his vice or misbehavior of any sort. He is eminently a gentleman.

Now, there is the difficulty about it. In retiring him in this way, by some practice new to me, hitherto unknown so far as I have discovered, they found he was not to be retired honorably upon the full pay of his retiring rank, but on a half rate. If I am not mistaken, each of these gentlemen would be entitled, if retired in the ordinary way, to about $1,800 a year, upon which they could probably live with more or less comfort. A great many people live on less than that. But there seems to be some discredit attached to it. I am going to hunt up the records, and if I find them to be as I suppose, I shall present a bill for the correction of the gross injustice. Is an officer who is compelled to be retired by physical disability before the age of 62 therefore, in some respect on account of being disabled and retired before 62, to be set aside on half pay? If these gentlemen had fallen down and broken their legs, so far as I know they would have been entitled to be retired fairly upon the regular retiring rate which would come to them at the age of 62 if they were in perfect health.

Now, just think of this particular notion of cutting off these men—striking these two, the worst possible cases for its illustration. I do not want any such limitation. I have known something of this business and of many of these men. I have not only been interested from the beginning in the building of these great steel and iron works for making ordnance and material for building war ships, but the Senate some years ago did me the honor to make me chairman of a committee which investigated the whole subject. I went to some of the shops here and to many of the great establishments in Great Britain. So I have come to know about it, and I have in a manner fallen in love in the matter of the history of the thing. What I am about to say applies to some

other remarks made on this subject as well as to the special question now under consideration. We did not know whether anybody in the United States was ready to make the enormous blocks of steel armor or to give us the various other forms of iron and steel necessary to build ships. It would have cost the Government an enormous sum to complete a plant for making armor and great guns. The question was whether there were any great establishments in the country ready to contract with the Government, partly on "spec," if you choose to call it so, and partly from patriotism, and to undertake to make all the parts of the great steel guns, rough hewn, rough bored, and rough turned, and turn them over to a Government shop, which had cost a good deal, which would finally finish and assemble the parts; and also whether there was any private party who would agree to make such armor as was wanted. That was the question.

We found upon going about the country that there were several gentleman who would undertake it. I am bound to say it was not altogether a mere matter of dollars and cents; there was some patriotic pride in it. They said they would put down two, three, or four millions of dollars if necessary, $2,000,000 to begin with, for the plant. They wanted to be sure of contracts. They laid down perfectly honorable and fair terms in every respect, general conditions, which would form a part of a sound policy. The Government started upon that arrangement, getting the rough parts of the guns and the whole of the armor from private parties, and building some ships in Government yards and the rest of them largely in private yards.

I say the history of these concerns and of their improvement in the mechanic arts and of the beauty and skill with which they have improved upon everything of the kind abroad is a matter of American pride; just pride; and I am sorry when gentlemen seem to think that everything which they do has an odor of suspicious behavior about it and must be investigated and must be construed against their claim. I say they have done a grand work for us. The great iron and steel forgers and the great shipbuilders have made us proud of the American mechanic and proud of the naval officer who has been connected with them. What on earth can one of these comparatively young men—say 45 years of age; the Senate gets in the habit of thinking that is rather young—do in the way of corrupting the Government or defrauding it in any way? They are gentlemen of honor. They still are bound not only by the esprit de corps of the Army and the Navy, but by the severities of martial law. They are liable to be court-martialed, and Senators know how strict that is in the matter of the conduct of a soldier and a gentleman.

But these two particular officers, unjustly retired on half pay, after an honorable life of twenty or twenty-five years, are to be told to-day, now idle and not having enough to live on, "You shall not engage in the particular calling for which you are, above any in the United States, fitted." I am sorry the subject has been brought up in any shape, but if I can get nothing better to vote for than the suggestion of the Senator from Maryland [Mr. GORMAN] I shall vote for it, and then I shall vote against everything on the subject.

Mr. CHANDLER. Mr. President, it is very hard to pass any proposition through Congress which strikes at any individual or affects any individual. The individuals concerned make a rally; the friends of the individuals are appealed to, and they generally succeed in preventing the legislation which it is thought, by persons not specially interested in those individuals, advantageous for the Government.

This is not a question alone of these two young men—45 years of age—of whom the Senator from Connecticut [Mr. HAWLEY] speaks. It is a question of an important principle in connection with the administration of the Government in the Navy Department. These two men are officers of the Navy. There is no earthly difference between them and any other officer of the Navy, except that they can not be ordered to duty unless in time of war, and they are on the retired list receiving half pay instead of full pay. These two men are thus employed under a system which is believed by the committee to be a vicious system, and we feel that we have a right to have a vote of this body upon the question of principle uninfluenced by considerations personal to the two men. They are to have, under the amendment, a year from the 30th of June next to find other employment, and the question is whether after that date the custom which contractors with the Navy Department—men receiving millions of dollars from the Government through the Navy Department—have inaugurated, of employing officers upon the retired list to serve them, shall at the proper time come to an end.

I submit that the Senator from Connecticut [Mr. HAWLEY] overlooked entirely the fact that the whole world is open in which these men can seek employment other than employment under contractors with the Government. The Senator from Connecticut argued as though these two men would be obliged to remain idle all their lives if they were not allowed to go into the employment of contractors with the Government. Not at all, Mr. President.

Mr. HAWLEY. The Senator from New Hampshire will allow me to correct him. I did not quite say that. I did say that perhaps they could get employment in some of the other great steel and iron machine shops, but that this is the work for which they are more especially and finely fitted.

Mr. CHANDLER. Of course they can get employment elsewhere. These men were not educated as ordnance officers. They were not educated as constructors of steamships. They were not educated to fabricate guns or armor. The whole construction is recent in this country. They have had an education which fits them for almost any employment in private life, and it is not necessary, in order that they may spend the remainder of their lives usefully, that they shall be allowed to go into the employment of men who have contracts reaching into the millions of dollars with the Navy Department, and have the right to come here for those contractors and go through and through the Navy Department, to find out what is going on there, and what the views and purposes of the Government are, in order to serve their employers.

I certainly have refrained, and I know other members of the committee have refrained, from setting out the evil that is growing up in the language in which it might have been depicted. The aim of too many naval officers to-day is not to serve the Government faithfully, but to connect themselves for a little time with some of the new mechanical methods employed in furnishing war material for the Government to learn what they can, to learn enough to make themselves useful to outside contractors, and then to go out from the employment of the Government, either by leave of absence on the active list or by getting on the retired list, and make large sums of money which they do not see they can make as compensation for their services so long as they continue to serve the Government for their salaries. In view of the money that has been made by naval officers out of private employment, the service is being honeycombed by a desire to go out and do likewise, which is doing infinite mischief to the service.

Mr. GRAY. I will say to the Senator from New Hampshire, if he will permit me, that the cases with which we are dealing are cases where the officers were compelled to go out of the active service of the Navy and against their will to go on the retired list.

Mr. CHANDLER. That does not touch the principle, which is a sound principle and ought to be adopted by the Senate, that so long as they are officers of the Government, receiving salaries from the Government, they shall not go into the employment for high wages of contractors who are doing business by the millions of dollars with the Government. I will not say, as the Senator from South Carolina [Mr. TILLMAN] did, that those contractors are enemies of the Government. I will adopt the word suggested by the Senator from Delaware [Mr. GRAY]. They are antagonists of the Government. We think that armor for the battle ships which we are going to build ought to be purchased for $350 a ton. The manufacturers want to get $550 a ton. That is the contention. That is the very question which we are to debate in the Senate within a few hours, and the committee have been endeavoring to learn all they can learn about it.

I say that in the consideration and the decision of that question, and in the carrying out of contracts that are made for armor, we do not want to have in the employment of the contractors naval officers educated by the Government, to-day paid a salary by the Government, using all their knowledge, all their wit, all their skill, to get $550 a ton out of the Government of the United States when the United States ought to pay only $350 a ton. Mr. President, forsooth——

Mr. GORMAN. Will the Senator from New Hampshire please explain to me—for I confess I do not understand the proposition—what special knowledge any retired officer would have because of his education at Annapolis and his connection with the Navy which would enable him in the slightest degree to increase to the extent of a farthing the contract price for armor? I do not understand it, and I should like the Senator, who is familiar with the Navy Department, to explain how it can possibly be.

Mr. CHANDLER. I will only bring to the attention of the Senator from Maryland the case as presented by the Senator from Connecticut [Mr. HAWLEY]. He says we should take young naval officers, familiarize them with the manufacture of armor and guns and the construction of ships, educate them at our expense, employ them at the public expense until they are thoroughly expert in the business, and when they go upon the retired list we should allow them to go into the service of contractors with the Government for that kind of material. I say it is injurious to the Government to inculcate the idea that naval officers are to be on the lookout all the time for an opportunity, if by any possibility they can get upon the retired list or if they can find it more profitable to leave the Navy than to stay in it, to make fortunes by using the skill and knowledge and ability which have come to them while in the Government service in the employ of contractors who are engaged in doing business with the Government.

I know a naval officer who was examined for promotion and had a physical defect, but the naval surgeons found that the defect did not stand in the way of his promotion, and he was promoted to higher rank on the active list. He went abroad in an

Mr. SEWELL. Mr. President, I have not heard all of the ar-

the history of the thing. What I am about to say applies to some

Mr. HAWLEY. The Senator from New Hampshire will allow

moted to higher rank on the active list. He went abroad in an

important capacity for the United States. A little later he discovered that he could enter into private employment; that he could enter into the employment of one of the very firms who are engaged in supplying armor for the United States. Forthwith he applied to be put upon the retired list. The physical defect which was not sufficient to prevent him from obtaining his promotion upon the active list operated to put him upon the retired list, and he is now receiving a salary of $5,000 a year, I think, from one of these private concerns.

The principle that I advocate, and I do it without the slightest personal unkindness to the naval officers who have been alluded to, but not named, which I believe ought to be sustained and which I believe it will be a mistake not to sustain, which I believe it will be a mistake to have stricken down out of sympathy for these two excellent gentlemen, is the principle that when the Government is doing business with great contractors to whom it is paying millions and millions of dollars, the men that wear the uniform and draw the pay of the United States, if they are connected at all with those transactions shall be on the side of the Government, and shall not be allowed, while they continue to draw the pay and wear the uniform of the United States, to use the knowledge and the skill which they have acquired in the service of the Government to the detriment of the Government.

Mr. President, that is the whole of it. If this amendment is to be voted down because these two men will find it inconvenient a year from the 30th of June, 1897, to get employment somewhere else than in the offices of the contractors with the Government, let that be understood, and let it be understood also as a principle that we will encourage the men who are officers in the Army and the Navy of the United States when they get upon the retired lists to seek employment with firms, with contractors, with builders, who are making themselves rich, or seeking to make themselves rich, on enormous contracts with the Government. Let it be understood that things are to be mixed up in this way, so that when we see an officer of the Navy or call an officer of the Navy, or see an officer of the Army or call an officer of the Army, we shall not know whether he is the servant of the Government, paid to serve the Government and to protect the Government, or whether he is in the employment of a Government contractor, employed to serve that contractor against the interests of the Government.

Mr. HAWLEY. What date does the Senator from New Hampshire state the provision will take effect?

Mr. CHANDLER. On the 30th day of June next year—1897.

Mr. HAWLEY. And the amendment of the Senator from Maryland fixes 1898?

Mr. GORMAN. I suggested that.

Mr. HAWLEY. I thought the Senator offered an amendment?

Mr. GORMAN. I did, but I withdrew it.

Mr. HAWLEY. I do not hear the Senator.

Mr. GORMAN. I suggested to the Senator from New Hampshire to modify his amendment. I understood him to say 1898 would be agreeable to him. I only made the suggestion; I did not offer an amendment.

Mr. CHANDLER. I suggested the amendment without consulting my associates upon the committee, who I find dissent from my modification, and therefore I revert now to the original amendment, which provides that it shall be unlawful for officers of the Navy to accept such employment after the 30th day of June, 1897.

Mr. HAWLEY. Just one word more of comment upon what the Senator has said and I am done. I do not know whether he approves of certain naval officers who have shown their great skill in mechanics and capacity as executive officers resigning from the Navy; I do not know whether he approves of that, which has frequently occurred, of officers becoming entirely familiar with this business, exhibiting great mechanical skill and executive ability, resigning from the Navy and then going into these private establishments. He does not object to that, does he?

Mr. CHANDLER. I have never objected to it, but I do say that there is danger that a system will grow up which will be injurious to the Government.

Mr. HAWLEY. If a system grows up on account of the superior excellency of the young gentlemen we have employed in the Navy, such excellence that the great manufacturing concerns who know what they want, and get it, will come after them, I think that is creditable. The gentlemen who go out and accept such profitable employment are the men that will not be found lagging in case there shall be a great war. We may be sure they will give a good account of themselves and will be found among our future admirals.

Mr. CHANDLER. I should like to answer the Senator a little further. Of course we can not prevent an officer of the Navy resigning if he chooses to resign and go into private employment. If he were to resign after he has served the Government in connection with the business and the work of contractors and intended to go into their employment under circumstances that would be vicious and scandalous, the Secretary of the Navy might, of course, refuse to accept the resignation. That is a thing we can not help if officers of the Army and Navy choose to leave the service at the proper time and under proper conditions, but we can prevent men who continue to remain members of the military organization from entering into the service of Government contractors while they remain connected with the military or naval service.

Mr. HAWLEY. While they are on the active list the President or the Secretary of the Navy has absolute command over their actions, and they can not accept any such employment without specific permission. So that this prohibitory provision of the Senator will apply only to those men who are so unfortunate as to be retired while they still have the full possession of their intellectual and physical faculties.

Mr. CHANDLER. The committee intend to prevent the Secretary of the Navy from allowing officers on the active list taking such employment. Such employment has been allowed and the custom has been an injurious one; and the committee propose to prohibit it by law as to both active and retired officers.

Mr. TILLMAN. The assertion has been made here that these officers were retired contrary to their wishes and that it was a hardship for them to be so retired, was it not?

Mr. HAWLEY. I know it was in one case, for I have the personal assurance of the gentleman himself regarding it. As to the other particular case referred to I do not know, but his case was that of an unquestioned and somewhat serious disability, not affecting his intellect, but his eyesight.

Mr. TILLMAN. I have the Navy Register, and on page 78 is a list of the lieutenants of the Navy on the retired list. Running down the list I find the names of the two officers in question, and opposite their names the act of Congress under which they are retired. I have taken the trouble to get that act, and I will read it to show you how little truth there is in the claims which have been made. Section 23 of the act of August 30, 1861, under which these officers are retired, reads as follows:

> Whenever any officer, on being ordered to perform the duties appropriate to his commission, reports himself unable to comply with such order, or whenever, in the judgment of the President, an officer is incapacitated to perform the duties of his office, the President, at his discretion, may direct the Secretary of the Navy to refer the case of such officer to a board of not more than nine or less than five commissioned officers, two-fifths of whom shall be members of the Medical Corps of the Navy, etc.

The beginning of the act of retirement rests with the officer himself or with the President. It is not an obligatory retirement at all, and therefore we are compelled under these circumstances to at least suppose that these officers, finding that they can get very remunerative employment, desire to get on the retired list and to receive pay from the Government, while at the same time they are holding their rank and getting higher salaries from these private concerns than they are getting as officers of the Navy. There is no hardship in these officers being retired at all under that idea, because you can not conceive of the President having a prejudice in such a matter and coming forward and saying, "Here, you are color-blind; you must get out." How does the President know it? The man has been in the employ of the Government twenty-five years; he has been an exceptionally bright officer; he has won his way; and is it supposable we should ever have a President so mean as to tell that man he must get out of the Navy. Now, suppose an officer comes forward of his own accord and says, "I am color-blind, and would like to get retired pay;" then it is optional with him whether he retires from the Navy or not. There is no great hardship in that.

Mr. HAWLEY. Will the Senator allow me to make an explanation?

Mr. TILLMAN. Certainly.

Mr. HAWLEY. The officer referred to, who is partially disabled by reason of color-blindness, had himself a suspicion of it coming on, but it was officially ascertained by the board who examined him for promotion, and he was obliged to admit that he ought not to have command of a ship at times. So he could not feel like remaining in the Navy as half of a man, and only be allowed to perform certain shore duties or office duties. Therefore, much to his sorrow, he felt compelled to get out of the Navy. But how on earth they contrived to put him on a list which gives him only half of what the ordinary officer gets I can not understand.

Mr. CHANDLER. Mr. President——

Mr. TILLMAN. Excuse me a minute.

Mr. CHANDLER. Certainly.

Mr. TILLMAN. I happened to be present and was surprised when that gentleman was before the committee, and I took the trouble to inquire as to the causes of his retirement, why in the case of a man seemingly so fitted for command it should be considered necessary to retire him, and he expressed the belief that he was just as competent to command a vessel now and to do just as good service as he ever had done. You see, then, that while he might not have been promoted on account of color-blindness, he could not have been retired on account of it under this act.

We are contending here simply for a principle. I do not think anybody will charge any member of the committee, certainly I do not think anybody will charge me, with any personal bias or prejudice or desire to make a spectacle or example of these officers. I consider them as honorable men who have gone into this business, because it is the habit now to go into such things. We are now, however, trying to purify the service and to get back to a sound basis of morals, and I think the committee amendment ought to go through.

Mr. HAWLEY. One matter more, just as to this retired officer. He told me last evening—I did not know at the time who was the officer who went before the board, but last evening when I saw him I remembered that I had made his acquaintance very pleasantly before. He told me that it was not right for him to take command of a ship; that he could not fairly and honorably do so, because he found from experience toward the latter part of his active duty that it was necessary for him, and he made it his practice, to have a young officer, a veteran seaman, by his side when he was on deck to see the lights ahead, and he could not honorably continue in the service when he could not command a ship.

Mr. CHANDLER. I wish the Senator from Delaware [Mr. GRAY] to hear that statement, that the officer himself admitted that it would not be judicious for him to command a ship. The Senator from Delaware had something to say about superserviceable surgeons retiring an officer against his will.

Mr. HAWLEY. I can say something about it, in my opinion. I do not know that the retirement was unjust in other cases, for I have not inquired; but I say something very cruel and unjust was done in the case to which I have referred.

Mr. TILLMAN. I am ready to vote to restore that officer to rank on the active list of the Navy, and will vote for it, but I do think that if he is going to take the pay of the Government on the retired list, he ought not to take pay from the enemy. He should resign if he is going to serve that enemy. It is very easy to get out of the Navy if employment by the steel companies is more remunerative employment than the honor of belonging to the retired list of the Navy; his resignation can go in, and that settles the whole business, and we get rid of the odium attaching to the immorality, or the dishonor, or whatever you may call it, which now certainly is held by some of us to exist.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The question is on the amendment proposed by the Senator from New Hampshire [Mr. CHANDLER].

Mr. GORMAN. Do I understand the Senator has withdrawn his modification?

Mr. CHANDLER. I have withdrawn the modification I made to the amendment.

Mr. GORMAN. Then I move to amend the amendment by offering the suggestion of the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from Maryland moves an amendment to the amendment of the Senator from New Hampshire, which will be stated.

The SECRETARY. It is proposed to amend the amendment by inserting after the word "employment," in next to the last line, the words "of any officer not now in such employment"; so as to read:

> And such employment of any officer not now in such employment is hereby made unlawful after said date.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

Mr. GEORGE. Mr. President, I happen to be in the very impartial attitude of not knowing either of these gentlemen, not knowing even their names, and I am prepared to vote on this question upon the principle involved in it. It is a very plain and simple principle, one recognized in Holy Writ by the expression "No man can serve two masters," one deeply embedded in the jurisprudence of this country, which prohibits any man from serving two parties who have antagonistic interests. No man, under the law of the land, can be the agent of the buyer and at the same time the agent of the seller; no trustee is allowed to deal on his own account with a trust estate. It is not upon any idea that corruption and bad faith must necessarily flow from this inconsistent relation; it comes from a higher principle, that men who are engaged in doing work shall not occupy positions which might—that is the word—which might influence their conduct.

Now, here is an officer of the United States, recognized as an officer, drawing a salary as an officer, and owing obedience and duty to the United States as an officer. He goes and embarks in employment with a man who has a contract with the United States. So his duty as an officer of the United States leads him one way to protect the interests of the United States, and his duty as an employee of these contractors leads him in another direction.

This idea was very fully expressed by the Senator from Florida [Mr. CALL], who argued that it was a real advantage to the United States to have one of its own officers in one of these shops, upon the ground that he was obliged to disclose to the United States any defect in the armor it should make. Mr. President, that is nothing more than saying that he is a spy for the United States in the service of one of the contractors of the United States. We do not want any spies. The question is not whether the United States is to be benefited or whether it is to be injured by this relation. The question is whether it is not an immoral and inconsistent relation, forbidden not only by Holy Writ, but by the law of the land; and for that reason I think the amendment of the committee ought to be adopted, with this single exception, that there ought not to be any delay in the severance of this improper and immoral relation; it ought to commence now.

I confess with somewhat of astonishment and somewhat of amazement to having heard for the first time during this debate that any officers of the United States felt themselves at liberty to accept employment from a contractor with the United States and in relation to the matter about which the contract was made.

Mr. CALL. Mr. President, the question of immorality depends entirely upon the question whether there is any injury to the United States. I suppose it will hardly be denied that if the acceptance of this engagement on the part of this retired officer was a benefit to the United States, and has been done openly, there would be no immorality in it, whatever may be the law. I will not dispute with my friend from Mississippi in regard to the law, if there is any law by which a person in the employment of another person, with the consent of that person and of both of the parties, shall openly agree that his service shall be used for what? To see that one of the parties complies strictly with his agreement, and after he shall have devoted his skill to the performance of the contract in favor of the Government that another and a distinct person, not in the employment of this company, shall be the final judge and inspector.

If there be any disadvantage, any injury to the United States, or to any person in that position, it can not be discovered; it can not be pointed out. It has been said that a man so situated serves two masters. That is not true. In a certain form of words it is true, but pertinent to the subject, pertinent to the considerations which determine whether a man can serve two masters or not, it has no relation here, because the man is not a spy. A man is not a spy under such circumstances. When I say to another man, "I will agree to take your servant, who is in your confidence, who is bound to you, and use his skill, his loyalty, and his fidelity to you to see that this obligation of mine is performed, and then you may, after that is done, submit it to another inspection," it is but a form of words, with which the Scripture, of which my distinguished friend speaks, has nothing to do. There is no likeness between God and mammon in this case. In this case the company obligate themselves not to the United States, but to take this skilled servant of the United States and say, "You are subject to court-martial; you will be disgraced in the estimation of the fellows of your own corps; you will sacrifice your reputation and the honor of the profession to which you have been devoted, although now isolated from it, if you fail to have this work done in the manner stipulated, or if you conceal any defects." How is that going to be unfair, serving two masters, or attempting to conceal something? How is it that it is not an additional security to the Government of the United States that the contract shall be faithfully performed? It is impossible that it can be so.

Then, again, as I said before, there is the larger consideration which is involved in this amendment that the officers of the United States shall be isolated and separated from all the arts, all the progress, all the inventions, and the practical applications of science which are being made, and left with a small pittance to dawdle their lives away in idleness.

Mr. LODGE. Mr. President, I can understand very readily the differences of opinion as to the amendment offered by the committee, but I do not see how it is possible to sustain the amendment proposed by the Senator from Maryland [Mr. GORMAN] on any ground.

This is a question of principle. Either this double service now entered into by these officers is right or it is wrong. If it is right, none of them should be prevented from undertaking it; if it is wrong, none of them should be allowed to undertake it. As I understand the amendment of the Senator from Maryland, it is to prevent all officers in the future from accepting such employment, but allows those who are now in the employ of the contractors to remain there. That seems to me simply injustice. The provision ought to be made general, or it ought not to pass at all.

I would ask, Mr. President, if the question now pending is on the amendment to the amendment?

The PRESIDING OFFICER. That is the pending question.

Mr. GORMAN. Mr. President, the Senator from Massachusetts, I think, fails to remember this case. If it had not been for the fact that both the great Departments, the Navy and the War Departments, in the development of this industry had encouraged their officers to go out and take employment in these works and aid in their development—such a development as the world has never known in the same period of time—I could understand that

this provision ought not to apply, and that these gentlemen ought not to be exempted; but they were encouraged to go; they were permitted under the rules of the Departments to enter into this service; and the Departments did another thing that in the light of to-day would not be tolerated, and that was to give leaves of absence to important officers of the Government to enter into private enterprises and to receive compensation during the time of their leaves of absence.

At that time both the Secretaries of the Navy—Mr. Whitney and Mr. Tracy, two of the greatest Secretaries we have ever had—were only looking to the great result to be accomplished if the Government induced their officers to engage in such service. No man in Congress or out of Congress thought it was dishonorable on the part of these naval officers to accept such employment when their Government believed that they could render greater service by doing it. It was right, and it was encouraged; but we would not permit it to-day, and I would not permit it in the future, because the exigencies do not require it. There is much skill outside now to go on with the work. These great factories are accomplished results. They stand to-day as wonderful monuments to the genius of the American people. They are prepared to make all the armor and all the steel required by the Government, and, I am glad to say, it is better, or supposed to be better by all the experts, than any other which is now made in the world. Now, Congress should not reverse the action of the Department and overturn a system which we have all agreed to without exception, and deliberately deprive two or three young men, whom I do not know, and I have probably never seen but one of them, of their pensions, for that is practically what the pay of a retired officer is, and say to them, "The work you have done is wrong; what you have been encouraged to do by your Government is dishonorable, and this employment must cease from this time henceforth."

I submit to the Senator from Massachusetts that no man in private life could be guilty of such action and be sustained by the good judgment of the people who surround him. It is not a business transaction; it is not a fair transaction.

Mr. LODGE. Mr. President, no one has suggested—certainly I never suggested, and I have never heard anyone suggest—that it was dishonorable in these officers to take this employment, or that it was otherwise than an honorable employment. They took it, undoubtedly, with the approval of the Department, and as they had a right to do. Nobody desires to cast the slightest reflection upon them. But the system has proved to be a bad system, in my opinion; and I think it is obvious that it must be a bad system from the double service it involves.

My sole point is that if we are to make a general rule, as I think we should, that naval officers, whether on the active or retired list, are not in future to take employment with Government contractors, we should make it apply to all naval officers. The naval officers who are now in the employ of those contractors should be obliged either to give up their retired pay or their service with the contractors. They have had both for a number of years. They were undoubtedly led to do so by the approval of the Department, but if Congress decides that the policy and system are bad, I can not see that it is any hardship to them any more than to any other officers who may desire to enter into the same employment to be deprived of the opportunity of drawing two salaries. Besides, a year's grace is given under the amendment, as I understand, to enable them to make other arrangements. It is not proposed to force them out on twenty-four hours' notice. They are given a chance to remain where they are and resign from the Navy, or to seek employment elsewhere. The amendment really only cuts off those persons who are contracting with the Government from the sphere of this employment.

I have no feeling in regard to these officers. I do not have the pleasure of knowing any of them personally. I have been written to in regard to them. That is the only thing which I have heard about them. I have been urged to vote against this amendment because it affects one of those officers in this way. Beyond that I have no interest; but it seems to me the present system is a bad one, and I can not see how it can be regarded as otherwise than a bad and dangerous system, which may constantly give rise to suspicion and to insinuations. I do not see how it can possibly be right to put a naval officer in the position of serving a contractor who is engaged in dealing with the Government.

I hope, however, the Senator from Maryland will not suppose that I intended to reflect on anybody—not for a moment. I know they are as honorable men as there are.

Mr. GORMAN. I did not understand the Senator to reflect upon anybody, but I wanted to call his attention to what I believed to be the injustice of the proposition he presents. The Senator from Massachusetts and nearly all the Senators who take the view of the Committee on Naval Affairs present the case as if these men were serving two masters at the same time—serving the Government and serving the contractors. That can not be done. Nothing of that kind is involved in this proposition. A retired naval officer is never seen at the Navy Department, and has no interest in what is going on there. His services can be commanded in time of war hereafter, it is true, but so far as the transactions of the Navy Department are concerned after he is retired he is as free from connection with them as Mr. Carnegie or the president of the Bethlehem company. He has absolutely no interest in the Navy Department except to draw his pay at the end of the quarter. He is not connected with the business; he is not expected to serve the Government; his services are not required and not asked for; he goes out and receives employment elsewhere and the Government recognizes him as they would any other foreman or any other superintendent at one of these factories. The place he was educated or the fact that he draws a pension amounts to nothing.

Mr. HALE. Does not the Senator know that retired officers are at the call of the Government at any time?

Mr. GEORGE. We can not hear the Senator from Maine on this side.

Mr. HALE. I ask if the Senator from Maryland does not know that retired officers are at the call and beck of the Government?

Mr. GORMAN. Yes.

Mr. HALE. And that a retired officer may at any time be requested by the Navy Department to go on a board to investigate just such circumstances as we have now before us?

Mr. GORMAN. Yes.

Mr. HALE. And that it is not an infrequent thing that when important supervisory boards deal with charges of this kind and deal with cases of this kind competent retired officers are put on those boards? They are not separated from the Navy Department; they are separated from certain active duty on shipboard and in shipyards; but they may be requested to deal with just such subjects as we are now dealing with. That is an additional reason why they ought not to be in the employment of these companies.

Mr. GORMAN. In very rare cases I admit that is the case, but the rule is as I have stated. When they are retired, that is practically the end of them so far as the business of the office is concerned. They have no facilities to ascertain what is going on in the Navy Department any more than I have or you have.

But, Mr. President, when this examination began it was not upon this line at all. An abuse, I admit, had grown up in the Department, an abuse that ought to have been corrected and will be corrected, and that was granting leaves of absence to prominent officers in the Department who are in the regular service to go off and take employment from private establishments; and the resolution and the statements in the press all struck at a very high officer of the Government who was supposed to have had not only that sort of employment, but an interest in the process by which the steel was made. As a matter of course that ought to be corrected, and that, I understand, is to be corrected. It would not be tolerated at the Department any longer. But nobody supposed that there was any abuse in the retired officers going into private employment.

Mr. President, I do not desire to continue this discussion. Already too much time has been devoted to it. I merely wish to say that I believe great injustice is about to be done these two or three gentlemen, whom I do not know and in whom I have no interest whatever. If it were not for the fact that they had been encouraged to accept this employment and entered into it with the full belief, as we all believe, that it was to the interest of the Government to do it, then I could understand how they may be stricken down within one year and deprived of this employment. But having been encouraged to do it, and it being the desire of the Government that these officers should be so employed, I think it is unwise and unjust to these men now by an act to embrace them in the category of officers who have done wrong.

Mr. SQUIRE. I should like to ask the Senator from Maryland, before he takes his seat, if it is not true that one of the Secretaries of the Navy suggested or requested such an employment?

Mr. GORMAN. As I said a moment ago, my understanding is that the sole object of the two great Secretaries of the Navy, Mr. Whitney and Mr. Tracy, was to build up these great establishments and to make this armor plate perfect, and they encouraged all these officers to do it, and in the light they had at that time they not only encouraged the men upon the retired list, but absolutely gave leaves of absence to retired officers of the Government that they might go out and during the time of the leave accept this employment. It was the policy of the Government, and the officers are not at all at fault in it.

Mr. SQUIRE. I was informed yesterday by a gentleman in whom I have great confidence, and who is in a position to know, that Secretary Tracy did encourage the going of retired officers into the establishment for the purpose of engaging in this business, believing it to be for the benefit of the Government that they should engage in the business for that company. It seems to me it is a matter of great injustice, under these circumstances, for us to criticise those men. It seems to me there is an unfriendly spirit here; and I am sorry to see it manifested. For my part, whether

the amendment should prevail or not, I intend to vote against it. I think it is a piece of injustice and casts a reflection upon these worthy officers now retired from the Navy.

Mr. HALE. Mr. President, I desire to call the attention of the Senate again to the real situation. It is plainly an instance where a committee of the Senate, charged with grave responsibility on public matters, is seeking to prevent what it believes to be a grievance, and, as is not infrequently the case, the attempt at a kind of reformation runs across the private wishes and the private interests of individuals.

Now, it does not follow that those individuals are corrupt, that they are worthy of censure. They are not said here to be corrupt or worthy of censure. But it does follow that any attempt which is made seriously to better things and better conditions ought not to be allowed in the Senate to be thwarted because of the importunity of a few individuals whom that attempt runs across. I have no doubt that the Senate has been very considerably and pertinaciously lobbied in this respect by friends of the gentlemen and by themselves, it may be, because the amendment will interfere with them. Mr. President, if that is going to be the rule of the Senate, if it is impossible to pass an act that is for the benefit of the general public and the Government in the future because it runs across the interests of a few individuals and those individuals can turn the current of our action awry, we may as well attempt to act without committees here or to do anything that is in the nature of reforming governmental abuses and set up a good standard.

I wish to say a word as to why it is that this condition has come about. I agree with what the Senator from Connecticut [Mr. HAWLEY] has said, that in the beginning it was a very desirable thing that men should be enlisted in the work of building up great armor-plate establishments and establishments to manufacture ordnance for the two military branches of the Government, the Army and the Navy. We had none. We were at the mercy of the foreign manufacturer, and Congress embarked in it honestly and seriously and earnestly by liberal appropriations, understanding that we were to give what, in fact, was a great bonus to establishments that would come in and devote American wit and American ingenuity, and put us on a plane with other powers of the world in having private manufactories. I advocated that as much as any member on the floor of the Senate. I have always believed in it. Out of it came first the Bethlehem Iron Works, works that have expanded and enlarged and have become a pride to us and in which all American people have great pride. Later, when it was found that we were continuing to appropriate liberally for the Navy for armor plate and guns, and also ordnance for the Army, another establishment was called into being, and the great reason which was urged why we should encourage another establishment, and why the Secretary of the Navy determined to divide the contracts and give them not all to Bethlehem, but one to the Carnegie works, was that we needed competitors. So the Government embarked in that, in the meantime giving liberal appropriations. They went on and increased their plants and made them what to-day is a wonder in the eyes of the world. Very soon the system, or the expectation of a system, of competitive bids disappeared between the two, and now there is nothing of that kind.

But while these concerns have been developing a great plant Congress has been doing an immense thing for them. We have appropriated and paid to them about $11,000,000, and contracts, now perhaps just being closed, for two other ships at $3,000,000 more will make $15,000,000 paid to these concerns. It has now come about that the Committee on Naval Affairs believes from its investigation, not that these men are not meritorious in building up their plants, but that they have been largely paid for all that, and that the time has come when they can afford to furnish armor for the Government and make a reasonable and great profit at rates very much less than they have been getting heretofore. The Committee on Naval Affairs believes that for all their enterprise they have been amply compensated by the great appropriations of millions upon millions of dollars, and that the time has come when they ought to consider present conditions and reduce their bids. Therefore we are confronted with a condition of antagonism that has never existed until to-day.

Now, that being the condition and these two forces being antagonistic, being what the Senator from South Carolina calls enemies, being inimical, it is believed by the committee that in the new condition which now arises, where it is a contest between the Government and these concerns, they ought to reduce their bids and still have a fair and ample profit. We find connected with them and employed by them officers in the Navy of the United States. I do not care whether they are active or whether they are retired, the principle is the same. The moment that conflict looms upon the sky and the moment it is a battle drawn between the Government and these concerns as to reducing the price of armor and getting fair contracts there ought to be in the concerns no man who is an officer of the Government.

Mr. President, it does not stop here. If two officers can be employed by those two concerns, ten can be employed. If a retired officer who was retired because of certain physical causes for which he was not to blame can be employed, and the Senate declares that he may be employed, every man to-day in the Navy Department who is engaged in representing the Government, in furnishing it with facts and considerations which it can urge in favor of reduced appropriations and reduced prices, may all the time be haunted by the temptation that in one way or another to-morrow he may resign or be retired and go into the employment of the concerns, and give the wit and the knowledge and the influence that he still holds in the Navy Department to those establishments.

This is more wide reaching than the question relating to two men which has been urged here. It is very far, deep reaching, Mr. President. I can not see, and I do not believe that anybody can see, that unless there had been the happening of two or three officers molested to some extent there would have been a single objection to the provision reported by the Committee on Naval Affairs.

Mr. President, it will be a bad day for the Navy of the United States and for the status of the officers of the Navy of the United States when the Senate puts its seal of disapprobation on an amendment like this, which prevents the employment of naval officers in concerns that are competing with the Government and are trying to get extravagant rates of appropriation and when the Government is trying to reduce them. That very thing will react upon officers of the Navy. It is no kindness to the general personnel of the Navy, the officers broad and large, to contend against an amendment of this kind. You may depend upon it, sir, that the officers of the Navy who are engaged really in protecting the interests of the Government have no sympathy with a contest that is made against an amendment so wide reaching and so conclusive as this amendment, and which has nothing whatever to be said about it except that it does interfere for the moment with two or three officers.

I will not go over the proposition as to the indulgence of the Senate in being willing to postpone the operation of the provision until these men can get other employment, but it is absurd to say, if these men are so skillful and so needed at these works, that they can not get employment in the other great fields of American mechanical industry all over the country. If these two gentlemen are as competent and as honorable (and I believe them to be) as is stated here, they will not remain out of employment one day after June 30, 1897. They will go into other employments before that time, employments that are not connected and tangled up with concerns that have contracts with the Government.

Mr. SQUIRE. Mr. President, I do not desire to prolong the discussion. I have enjoyed listening to the interesting statement of the Senator from Maine, and I listened with great pleasure to what was said yesterday by other Senators on the floor. It seems to me we are making a great deal of fuss over a small matter, and that a few pertinent, plain points might be brought out which would decide the question in the mind of a reasonable man without any long discussion.

In the first place, what was this agitation about? In the beginning the committee were trying to ascertain what some armor plates cost. They had the experts of the Government at their command; they had the officers of the Navy; they had the whole Navy Department with its personnel at their command. I suppose these officers appeared before the committee, from statements made to the Senate yesterday. Then it appears that these two gentlemen, who were retired officers of the Navy, but who now hold a business relation to the companies in which they are serving, by permission of the Government, were called before the committee to give information, and that they were required on the part of the committee to expose business secrets they had ascertained while being employed by those companies. Now, it does not seem right——

Mr. BACON. If the Senator from Washington will permit me, the Senator misstates the fact, unintentionally. They were not so required. On the contrary——

Mr. SQUIRE. They were invited to appear before the committee.

Mr. BACON. On the contrary, as soon as it became apparent to the committee that they were in an embarrassing position the committee ceased to press the question upon them. They were not so required in any sense.

Mr. HALE. The committee did not even invite them.

Mr. BACON. No, sir.

Mr. HALE. They came of their own volition. The committee never invited them. The committee invited the men who are there as supervisors of the Government, and to the surprise of the committee these gentlemen appeared representing the companies. The committee never haled them before it, and never expected that they would be there, because it recognized the delicacy of their situation.

Mr. SQUIRE. I understand the committee did expect an answer

from them, or it would not have asked the question. Of course the committee asked the question, or it could not have known the fact. As I understand the matter, the whole point turns on whether these men should be compelled, from the fact that they were retired officers of the Navy, to testify or make a statement before a committee. I do not say that they were bulldozed or anything of that kind.

Mr. GRAY. Will the Senator from Washington allow me to call the attention of the Senator from Maine to the statement that I do not think he quite concluded. He said they came there as representing the Government. I suppose he did not mean that.

Mr. HALE. I said they did not come as representing the Government.

Mr. GRAY. I beg the Senator's pardon.

Mr. HALE. The committee sought the testimony of naval officers who had been detailed by the Government to inspect and supervise the works, and to the surprise of the committee when it met to receive the testimony of those officers these two gentlemen appeared, who did not represent the Government, but represented the Bethlehem and the Carnegie works. So it was a surprise to the committee. I was surprised and the Senator from New Hampshire [Mr. CHANDLER], who was the author of the resolution, was surprised at their appearance. But the gentlemen being here, the committee proceeded to ask them certain general questions. The committee did not press them, as the Senator from Washington has indicated, because, as was brought out in the debate yesterday, the committee realized the delicacy of their situation. These men were serving two masters, and as the Senator from Delaware suggested yesterday we had no right to expect these men in the employment of these private concerns to tell us what the armor cost. The committee did not press it.

Mr. SQUIRE. I ask the Senator from Maine if it is possible and can be true that the Senator from New Hampshire, the author of the resolution, did not know exactly who these men were and all about them.

Mr. HALE. I say he did not.

Mr. SQUIRE. I have been led to believe that he has known them for years and knows all about them.

Mr. HALE. That may be.

Mr. CHANDLER. I did not know they were in the employment of those companies until they came and told us.

Mr. SQUIRE. I supposed the Senator from New Hampshire knew, having met these gentlemen recently, and I was in the same party when visiting Bethlehem.

Mr. HALE. It was long before that time.

Mr. BACON. It was before that time.

Mr. SQUIRE. I know, it was just before that time.

Mr. CHANDLER. I never had the honor of visiting the Bethlehem works until very recently, in company with the Senator from Washington.

Mr. SQUIRE. I understood the Senator from New Hampshire was very familiar with the personnel of that establishment.

Mr. CHANDLER. If I had stopped to think I could have straightened the subject out. But it is a little confusing to all of us when we meet these naval officers and really do not know exactly whether they are employed for us or employed against us.

Mr. SQUIRE. It seems to me we are laying too much stress on this matter. I should like to have the Government receive bids at a reduced price for armor plate, and I believe the committee have every means at their disposal for ascertaining the truth about the cost, so far as the Government can ascertain the present status of the making of armor plates. I believe that information is all easily derivable from the Government experts. It was not necessary to examine these men. If they appeared before the committee, I suppose they appeared by somebody's invitation and for the purpose of giving such information as they could properly give with due regard to the interest that they were engaged to serve.

I am not in favor of punishing these men because they declined to expose the business secrets of the establishments they were serving. That is what it amounts to. It is simply persecution, no matter whether they were pressed or not. As I remarked before, I do not say that they were unduly pressed.

Mr. BACON. The Senator from Washington is entirely mistaken as to the whole point in the case. He is mistaken as to what was the motive in the committee in suggesting the amendment and as to the true question before the Senate. There was no demand upon these officers that they should disclose any secrets, nor was there any declination on their part.

Mr. SQUIRE. That was the burden of the debate yesterday.

Mr. BACON. Not at all. The whole point is simply as to the situation which was then presented of officers of the Navy being put in a position where they were occupying an antagonistic position——

Mr. SQUIRE. Where they could not give this information.

Mr. BACON. The interest of the Government suggested to us the impropriety of their occupying such a position; but, I repeat, there never was a demand upon them to disclose secrets, nor was there any declination on their part to disclose them.

Mr. SQUIRE. Then I do not see why we should press the question, because that was the point made yesterday in debate. One Senator, perhaps the Senator from Nebraska [Mr. ALLEN], made the remark. My recollection is that it was he.

Mr. ALLEN. I think I will stand sponsor for what nobody else will be responsible for.

Mr. CALL. Will the Senator from Washington allow me to interrupt him?

Mr. SQUIRE. Certainly.

Mr. CALL. I wish to state, in reply to the suggestion made by the Senator from Washington, that there is no evidence here nor is it true that these men are officers of the Navy. It is not true. It is a mere statement of words. They are disconnected from the Navy in every shape and form. They are pensioners, retired officers, and have no more connection with the Navy than I and the Senator from Washington have.

Mr. TILLMAN. Except——

Mr. CALL. One moment. Except that they are subject to a court-martial; that is all. They have no duties to perform. They have simply a liability—that is, if they violate the Rules and Articles of War, if they conduct themselves in any manner with duplicity, dishonesty, or dishonorably, they are subject still to a court-martial. That I understand to be the situation.

Mr. TILLMAN. Are they not liable to be called into the service of the Government in case of war?

Mr. CALL. As you and I.

Mr. TILLMAN. Oh, no; they go back as officers, with the same rank. They do not go as you and I, as men who would be picked up.

Mr. CALL. That does not make any difference at all. That is wholly foreign to the subject. It does not make any difference whether a man serves as an officer or a private. They are subject to be called into the service, and if they come back as officers what has that to do with it? No more than if they came back as privates. We are all liable to be called into the service of the Government. That has nothing to do with this question.

But I wish to say that there is one very plain point in this matter. If the committee did not inquire of these officers whether they had been guilty of or subject to suspicion of collusion in concealing anything from the Government, I think the committee ought to have inquired. If the officers have been guilty of any dishonesty, of any dishonorable conduct, either directly or indirectly, they ought to be dismissed from the service. But why should others be punished who have not been guilty? I understand there is no suspicion of that kind. I understand that these men are of unspotted character, and I make no suggestion to the contrary; but I say if they had been, the remedy is to court-martial them, prove the fact, and discharge them from the service. But what harm is it to the public service that other men have maintained the esprit de corps of the Navy, have performed their duties, have contributed their skill and received compensation for it elsewhere than the Government, and why should these men who have been innocent be punished? Let us know whether the practice has resulted disadvantageously to the Government or not. That is the question in this case.

Mr. SQUIRE. I did not intend to occupy the floor for any length of time, but the Senator from Florida has very kindly interjected remarks that are on the line of thought that I was about to express. I believe that these officers, after having served the Government honorably so many years, ought not to be required to resign in order to engage in employment. I believe that they understand more about this branch of business than about any other kind of business. They are peculiarly fitted for certain duties in connection with these great works. As I understand the matter, the works are not employed simply in making armor plate or in making guns. They are large manufactories making steel for all purposes, great mills making Bessemer steel and merchant steel, and doing an enormous business not only in this country, but all over the world. It seems to me puerile in us to demand that these retired officers of the Navy, after having served the Government for twenty-five, thirty, thirty-five, or forty years, simply holding positions as retired naval officers so as to maintain the rank and dignity they have earned by years of honorable service, should be compelled to resign the positions in which they receive a beggarly pittance of perhaps $900 a year for the purpose of accepting employment under these great companies in an honorable way, when they have been in a position in which they may be able to render service to the Government, as was believed by several Secretaries of the Navy, who suggested or encouraged their employment, thinking such service to be for the advantage of the Government.

Mr. President, it seems to me that we have discussed this question amply. We all understand it. I am ready to vote upon it, and I am going to vote against it.

The PRESIDING OFFICER. The question is on the adoption

of the amendment of the Senator from Maryland [Mr. GORMAN] to the amendment of the Senator from New Hampshire [Mr. CHANDLER].

Mr. PASCO. I should like to have the amendment stated.

The PRESIDING OFFICER. The amendment of the Senator from Maryland to the amendment of the Senator from New Hampshire will be stated.

The SECRETARY. After the word "employment," in line 7, insert the words "of any officer not now in such employment"; so that it will read:

And provided further, That no payment shall be made from the appropriations in this bill to any officer in the Navy or Marine Corps on the active or retired list while such officer is employed, after June 30, 1897, by any person or company furnishing naval supplies or war material to the Government; and such employment of any officer not now in such employment is hereby made unlawful after said date.

Mr. HALE. In other words, as the Senator from Ohio suggests, it gives a monopoly to the men who are now in the employment, and nobody else.

Mr. CALL. I think we ought to have a quorum present. I ask for a call of the Senate.

The PRESIDING OFFICER. The Senator from Florida suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Frye,	McBride,	Sewell,
Allison,	Gallinger,	McMillan,	Sherman,
Bacon,	Gear,	Martin,	Shoup,
Bate,	George,	Mills,	Squire,
Berry,	Gordon,	Mitchell, Oreg.	Stewart,
Brown,	Gorman,	Mitchell, Wis.	Teller,
Burrows,	Gray,	Nelson,	Tillman,
Butler,	Hale,	Pasco,	Vilas,
Call,	Harris,	Peffer,	Walthall,
Chandler,	Hawley,	Pettigrew,	White,
Chilton,	Hill,	Pritchard,	Wilson,
Clark,	Jones, Nev.	Pugh,	Wolcott.
Cockrell,	Kyle,	Quay,	
Faulkner,	Lodge,	Roach,	

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. A quorum of the Senate is present. The question is on agreeing to the amendment of the Senator from Maryland [Mr. GORMAN] to the amendment of the Senator from New Hampshire [Mr. CHANDLER].

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire.

Mr. QUAY. Let us have the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. PETTIGREW and Mr. LODGE. Let the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 23, on page 2, it is proposed to insert:

And provided further, That no payment shall be made from the appropriations in this bill to any officer in the Navy or Marine Corps on the active or retired list while such officer is employed, after June 30, 1897, by any person or company furnishing naval supplies or war material to the Government; and such employment is hereby made unlawful after said date.

Mr. GORMAN. With a view of making it a permanent law instead of applying only to the provisions of the pending bill, I move to amend the amendment as I have indicated on the copy which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment so as to read:

And provided further, That hereafter no payment shall be made from appropriations made by Congress to any officer in the Navy or Marine Corps on the active or retired list while such officer is employed, after June 30, 1897, by any person or company furnishing naval supplies or war material to the Government, and such employment is hereby made unlawful after said date.

Mr. GORMAN. The amendment offered by the Senator from New Hampshire would merely apply the rule to appropriations made in this bill, and the amendment as I propose to amend it will make it apply for all time until repealed by Congress.

Mr. CHANDLER. There is no objection to that.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire as amended, upon which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. GORMAN (when his name was called). I am paired on this particular vote with the Senator from Kentucky [Mr. BLACKBURN].

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR].

Mr. QUAY (when his name was called). I am paired with the senior Senator from Alabama [Mr. MORGAN]. If he were present I should vote "nay."

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Nebraska [Mr. THURSTON] on political subjects, but I do not think this is such a question, and I therefore vote. I vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON]. I transfer my pair to the junior Senator from Kentucky [Mr. LINDSAY], and will vote. I vote "yea."

Mr. WOLCOTT (when his name was called). I am paired with the Senator from Ohio [Mr. BRICE]. Not being aware how he would vote, I withhold my vote.

The roll call was concluded.

Mr. CARTER. I am paired with the junior Senator from Maryland [Mr. GIBSON]. Not knowing how he would vote, I withhold my vote.

Mr. BACON (after having voted in the affirmative). I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE]. Under our arrangement either of us has the right to vote at his discretion with respect to questions not strictly political. Therefore I will allow my vote to stand, although the junior Senator from Rhode Island is not present.

Mr. McMILLAN. I inquire if the senior Senator from Kentucky [Mr. BLACKBURN] has voted?

The PRESIDING OFFICER. The senior Senator from Kentucky has not voted.

Mr. McMILLAN. I am paired with the senior Senator from Kentucky.

The PRESIDING OFFICER. The Chair will state that the Senator from Maryland [Mr. GORMAN] announced a pair with the Senator from Kentucky [Mr. BLACKBURN] on this particular subject.

Mr. McMILLAN. Then I can vote. I vote "yea."

Mr. CALL (after having voted in the negative). I am paired with the Senator from Vermont [Mr. PROCTOR], but I will allow my vote to stand.

Mr. SQUIRE (after having voted in the negative). I am paired with the senior Senator from Virginia [Mr. DANIEL], but I think the vote is so overwhelmingly on the other side that I will allow my vote to stand. Under the arrangement I have with the Senator from Virginia [Mr. DANIEL] I can vote without infringing upon our agreement.

Mr. HANSBROUGH. I am paired with the junior Senator from Illinois [Mr. PALMER].

The result was announced—yeas 45, nays 11; as follows:

YEAS—45.

Allen,	Faulkner,	Mantle,	Pritchard,
Bacon,	Frye,	Martin,	Roach,
Baker,	Gallinger,	Mills,	Teller,
Bate,	Gear,	Mitchell, Oreg.	Tillman,
Berry,	George,	Mitchell, Wis.	Vest,
Blanchard,	Gordon,	Morrill,	Vilas,
Brown,	Hale,	Nelson,	Walthall,
Burrows,	Harris,	Pasco,	White,
Butler,	Kyle,	Peffer,	Wilson.
Caffery,	Lodge,	Perkins,	
Chandler,	McBride,	Pettigrew,	
Chilton,	McMillan,	Platt,	

NAYS—11.

Call,	Hawley,	Sewell,	Squire,
Clark,	Hill,	Sherman,	Stewart.
Gray,	Jones, Nev.	Shoup,	

NOT VOTING—33.

Aldrich,	Daniel,	Jones, Ark.	Thurston,
Allison,	Davis,	Lindsay,	Turpie,
Blackburn,	Dubois,	Morgan,	Voorhees,
Brice,	Elkins,	Murphy,	Warren,
Cameron,	Gibson,	Palmer,	Wetmore,
Cannon,	Gorman,	Proctor,	Wolcott.
Carter,	Hansbrough,	Pugh,	
Cockrell,	Hoar,	Quay,	
Cullom,	Irby,	Smith,	

So the amendment as amended was agreed to.

Mr. HALE. I ask now that the reserved clauses in the bill, beginning at line 16, on page 50, be taken up. Let the amendments be stated as they are reached.

Mr. GORMAN. Mr. President, I ask the Senator from Maine whether it would not be more convenient and better to consider amendments to the first clause of the provision, as to increase of the Navy, which really brings up the main question—I refer to the number of battle ships—before considering the amendments relating to torpedo boats, etc.

Mr. HALE. I think there is force in that suggestion. If the Senator has an amendment to move, I will let the other amendments stand until after it has been passed upon.

Mr. GORMAN. Then, in line 19, page 50, before the words "seagoing coast-line battle ships," I move to strike out "four" and insert "two."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 19, page 50, it is proposed to amend by striking out the word "four" and inserting "two"; so as to read:

INCREASE OF THE NAVY.

That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed by contract two seagoing coast-line battle ships designed to carry the heaviest armor and most powerful ordnance upon a displacement of about 11,000 tons, to have the highest practicable speed for vessels of their class, and to cost, exclusive of armament, not exceeding $3,750,000 each.

Mr. GORMAN. Mr. President——

Mr. QUAY. With the permission of the Senator from Maryland, I move to amend the amendment by striking out the word "two" and inserting "six."

The SECRETARY. It is proposed to amend the amendment by striking out the word "two" and inserting "six"; so as to read:

Six sea-going coast-line battle ships.

Mr. GORMAN. I do not suppose that the Senator from Pennsylvania wants to offer the amendment now.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania [Mr. QUAY] to the amendment of the Senator from Maryland [Mr. GORMAN].

Mr. HALE. I hope the Senate will preserve order, because this is an important matter, and I for one desire to hear the Senator from Maryland.

Mr. GORMAN. Mr. President, the pending bill as it comes to the Senate from the House of Representatives appropriates over $31,000,000 to be expended during the next fiscal year. It authorizes contracts for battle ships, armor, and armament amounting to $20,000,000, for which we will be compelled to make appropriations during the next two or three years. It is desirable, and I concur in that view, to build up our Navy, to make it formidable enough to meet all the wants of the country, and I have advocated such a policy from the day I was assigned to the Appropriations Committee until now. We have in the past six or eight years appropriated an immense amount of money on this account. We have kept pace with the requirements of the country until we have succeeded in making a Navy of which the whole country is proud. We have appropriated very liberally when we had the money. It will probably astonish many Senators to know how rapidly we have proceeded in this direction.

Sir, since 1887 to 1896, inclusive, we have appropriated $239,961,-169.73, being $95,000,000 more money than was appropriated from 1877 to 1886 on account of the Navy and its construction. We have to-day under construction quite a number of vessels said to be equal in design to any that float in any navy in the world. We have appropriated all the money that was necessary to construct those vessels up to this time. We have taxed the ingenuity of the men who manufacture armor and the tubes for the guns to the full capacity of their great establishments. Indeed, the delay in the construction of the vessels has grown out of the fact that the great steel works have not been able to furnish armor in time to meet the requirements of the shipbuilders. We have now under construction a list of vessels which for their class are as formidable as any that are being constructed in the world.

They are as follows:

Vessels under construction.

Name.	Type.	Displacement.	Probable date of completion.
		Tons.	
Iowa	Battle ship	11,400	Apr., 1897
Massachusetts	do	10,288	June, 1896
Oregon	do	10,288	Do.
Texas	do	6,315	Do.
Kearsarge	do	11,525	*Jan., 1899
Kentucky	do	11,525	Do.
Brooklyn	Armored cruiser	9,271	Nov., 1896
Puritan	Monitor	4,084	July, 1896
Terror	do	3,990	Apr., 1896
Helena	Gunboat	1,392	Dec., 1896
Nashville	do	1,371	Do.
Wilmington	do	1,392	Do.
Gunboat No. 10	do	1,000	*Feb., 1897
Gunboat No. 11	do	1,000	Do.
Gunboat No. 12	do	1,000	Do.
Gunboat No. 13	do	1,000	Do.
Gunboat No. 14	do	1,000	Do.
Gunboat No. 15	do	1,000	Do.
Torpedo boat No. 3	Torpedo boat	142	Nov., 1896
Torpedo boat No. 4	do	142	Do.
Torpedo boat No. 5	do	142	Do.
Torpedo boat No. 6	do	180	Do.
Torpedo boat No. 7	do	180	Do.
Torpedo boat No. 8	do	182	Feb., 1897
Submarine torpedo boat		168	†Jan., 1897
Tugboat No. 5	Tug	229	Dec., 1896

* Contract time just begun. † Experimental.

It is said that there is necessity for great haste in the construction of more vessels, that we are the fourth or fifth nation in the world in point of tonnage as to navy. It is true that the special message of the President in relation to the Venezuelan matter and the action of Congress in regard to the revolution in Cuba did greatly excite the country. There was a universal determination in and out of Congress to make every preparation to put the nation upon a war footing and to be fully prepared to take more active measures in the affairs of our neighbors on this continent. Happily, these conditions are greatly modified; war is no longer imminent. Therefore there is no necessity for undue haste.

Mr. President, when Congress assembled in December last we were communicated with by the Executive, and we were informed that the financial affairs of the country were such that they required the first consideration; that the condition of the Treasury was such that economy must be exercised in the expenditure of the people's money, or else one of two things must be done: Taxation must be increased by increasing the revenue laws or else more bonds be sold under authority of the act of 1875, the proceeds of which would be applied to the ordinary expenditures of the Government when necessary. In that condition, the Secretary of the Navy, in his annual report communicated to Congress, suggested that two battle ships were all that were necessary, in his opinion, or proper at that time to be constructed, with their armament, costing between seven and eight million dollars each. Vessels of this class cost, exclusive of armament, $3,700,000 each, and the armament costs about as much as the construction of the vessel, an immense amount of money. The Secretary of the Navy at that time said that his present programme was that two of such vessels would be sufficient. We ordered two at the last session of Congress. They are contracted for and under way at Newport News, in the great yard established there. We have at the Cramps and on the Pacific and in the other yards quite a number of vessels still under construction, which will not be completed for a year or two.

But when this great war scare took possession of Congress and the country, then more vessels were asked, larger appropriations were demanded, greater than ever before in the history of the country except in times of actual war: and the Secretary of the Navy, coming before the Appropriations Committees of Congress, reversed his recommendation in his annual report and suggested to Congress that he would be glad to have four or six of these vessels. Indeed, the tendency was, as conveyed by the suggestion of the Senator from Pennsylvania, to order six instead of four great battle ships. When the Secretary was asked, "Is the condition of the Treasury such as to warrant an outlay of this character?" his answer was, "Yes." I will give it to you in his own words. When he appeared before the Naval Committee of the House of Representatives, the chairman, Hon. C. A. BOUTELLE, asked him the following question:

Mr. Secretary, you will remember that after the issue of your report in December, 1893, in which you recommended the authorization of a number of new ships, the President, in his annual message, counseled Congress to consider the depleted condition of the Treasury before increasing naval expenditures. Will you kindly state your view as to how far the condition of the revenues has improved in regard to justifying a considerable authorization of new naval vessels at this session of Congress.

Secretary Herbert replied:

There seems to be no reason to be drawn from the condition and prospects of the Treasury against a liberal appropriation for new vessels. The Secretary of the Treasury estimated in his last annual report that there would be a deficit of about $17,000,000 at the end of the present fiscal year—June 30, 1896. He now thinks that the deficit will be less than he then estimated. He also estimated on the basis of existing laws the revenues of the Government for the fiscal year 1897. His conclusion was that there would be a surplus for next year of something over $6,000,000—in round numbers, $7,000,000. Outside of these revenues, to come in in the ordinary way, and which the Treasury Department has estimated as more than sufficient to meet expenditures, there will be in the Treasury on the 1st of July next, excluding the $100,000,000 which the Government attempts always to hold for redemption purposes, $170,000,000 over and above the amount required for matured obligations, so that, in my opinion, the condition of the Treasury justifies as liberal appropriations for new ships as I have asked for to-day.

With that statement before them, the committee with which this bill originated seriously considered the proposition of appropriating for six battle ships, and the six would have been appropriated for but for the fact that the naval constructor and the naval officers, who have intimate knowledge of the conditions and the facilities of the different factories, stated that to appropriate for six ships would not facilitate the construction of the vessels, because the armor could not be furnished for more than four. The fact is that it never has been, up to this date, furnished as rapidly as necessary for all the ships under construction. So the committee in the House of Representatives modified the suggestion for six and sent to us this bill providing for four ships. The statement I have read, coming from a high Cabinet officer, one at the head of this Department, has been considered by many as a justification of those who are advocating the construction of four battle ships and the appropriation of the great amount which is contained in this bill, $51,000,000, in time of peace, in the face of the fact that is known to every Senator and to every Member of the House of Representatives, that there is not revenue enough derived from the tariff, the internal-revenue law, and miscellaneous sources to pay the ordinary expenses of the Government, and

that there has been, that there is, and that there will be during this and the next year a deficit in the Treasury.

The distinguished Senator from Ohio [Mr. SHERMAN] and all who have spoken on that side of the Chamber have called attention sharply to the fact that our present revenue laws are not sufficient to meet the wants of the Government. It is true; every word of it is true. There has not been for four years a sufficient amount received into the Treasury from the revenue laws to meet the appropriations of Congress. One hundred and sixty million dollars more than the revenues have already been paid out for pensions, for the construction of ships, and for all the expenses of the Government. This money was the proceeds from the sale of bonds. The question presents itself to this Senate whether, in a time of peace, with no great emergency, it is wise to make these appropriations on the scale which they come to us when you know that the very votes you give for these appropriations mean the further sale of 4 or 4½ per cent Government bonds.

Sir, I take it there is no possibility of increasing the revenues of this Government by any legislation which is proposed by the other side. This Congress has met, will continue in session, and adjourn without having passed a single act to relieve the Treasury from any of the embarrassments under which it labors.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Ohio?

Mr. GORMAN. With pleasure.

Mr. SHERMAN. I am glad the Senator from Maryland now confesses the great sin of the Democratic party. The Republican party did supply rather a defective measure, I concede, but a measure that would have produced at least $50,000,000, and would have been amply sufficient to have carried on the operations of the Government. That bill was sent to the Senate and defeated at its very outset by the votes on the other side of the Chamber exclusively. So the only offer which has been made by the Republican party to furnish means to carry on the Government under a Democratic Administration was defeated early in the session by that party. Therefore it is not fair for the honorable Senator from Maryland to impute this fault, at least, to the Republican party.

Mr. GORMAN. Mr. President, I know how sensitive my distinguished friend from Ohio is upon this subject. I know that he is constantly—and has been during this entire session—constantly arraigning the Democratic party for its shortcomings in tariff legislation. In answer to a suggestion of the President of the United States, who thought that the only legislation which was absolutely necessary to protect the Treasury and prevent this drain upon its gold was that in relation to greenbacks, the Senator from Ohio took issue with the President. His party has taken issue with the President, and the only remedy which he offered was what? First, to authorize the sale of bonds at a lower rate of interest and running a shorter time than those authorized by the act of 1875; and second, a provision to increase the tariff rates on certain articles, a bill which could pass elsewhere under the rules which have been made, where consideration of any subject and intelligent discussion is impossible, and has been for years. That measure came here and found the distinguished Senator from Ohio and his party in control of this body. You assumed it; you took possession of every committee of the body and determined that you would have legislation as you wanted it. When you did it—speaking not only for myself, but for many of my associates on this side—I warned you that in the condition in which we were in this body you had not the power to relieve the country in all probability, and that you had better have come to us or permitted us to join you on some nonpartisan proposition. Our offer was rejected. You assumed the whole responsibility. You knew that your measures which came here could not pass. You knew that they were antagonistic to every Democratic idea. You knew that you had not the power on that side, unless you got all your forces together, to pass them. These propositions as they came to us, the whole matter as conducted, were intended for failure.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Ohio?

Mr. GORMAN. Certainly.

Mr. SHERMAN. I most emphatically deny that statement. It was intended by that bill to furnish additional revenue for the support of the Government, controlled by an Administration which is not in harmony at all with the Republican party. We knew as well as anyone that we had not the power of passing that bill unless it was sanctioned at least by a portion of the Democratic party. We reported the bill to the Senate and they had it in their power at any time to have taken the bill up and changed it if it did not conform to their ideas. They might have proposed any amendments they chose to offer, and any amendment which, in my judgment, or in the judgment of this side of the Chamber, would have furnished sufficient revenue and would have provided sufficient means to defray the expenses of the Government would have been freely adopted. It was not a partisan bill. It was a bill that I would not have supported if we had a majority in both Houses of Congress. It was a bill intended simply to supply revenue for the support of a common Government, which ought to be supported whether its President be a Democrat or a Republican. But the Democratic party refused unanimously even to consider the bill. The bill might have been taken as reported from the committee and changed perhaps to suit their ideas somewhat.

It has been the desire of our party to furnish revenue for the support of the Government, and I say it is a disgrace to the Congress of the United States, and especially to the Senate of the United States, that when they knew full well that the receipts of the Government would not be adequate to pay the necessary expenses for the support of the Government, they refused to act upon it, refused to propose any amendments to it, but at once defeated the bill, and there it stood. And, sir, during this whole Administration, in every day, in every hour, in every month, and in every year of its entire term the receipts of the Government have been insufficient to support the Government; and yet the Democratic party, having control of the executive branch of the Government, refused to aid us in passing the necessary provisions for raising more revenue. Therefore, when the honorable Senator gets up here and lectures this side of the Chamber, I say we have done all that can be done while we are in the minority in this Chamber in order to secure sufficient revenue to meet the ordinary expenses of the Government and to avoid that which is worse than all in every Government—to have expenditures exceed receipts.

Mr. GORMAN. Mr. President, the Senator from Ohio, with his long experience in both Houses of Congress, knows as well and better than any Senator on this floor that there has not been, and there could not be, a possibility of passing a revenue bill with the votes of your political opponents in this body, unless it should be a bill that was adjusted and agreed to before it reached the body, a pure and simple revenue bill on lines outside of the questions upon which parties divide.

The Senator from Ohio knew perfectly well from what had been said that we on this side of the Chamber never could agree to the proposition presented by the Committee on Finance raising rates of duty until the measure amounted to a prohibitory tariff. The Senator knew when that bill was presented in the Chamber that no Democrat in it, in view of the past, could afford to reverse the action upon the wool schedule, for instance. Hence, when the bill was brought in here it was brought in as a party measure; it was brought in with perfect knowledge that the Democrats could not support it; it was brought in with perfect knowledge that you had rejected my tender, made to you publicly when you organized the committees, that you should take into consideration those of us on this side of the Chamber who would have liked to have cooperated with you to relieve the Treasury—not on party lines. That was rejected, and in the place of it you brought a bill that your own party associates, as well as nearly all of the Democrats, believe would not have increased the revenue and would not have satisfied either Republicans or Democrats.

Mr. SHERMAN. The Senator says that the committee could do what it pleased upon this subject. It is one of the remarkable incidents of this Congress that the Republican party placed under the control of the Democratic party practically the only committee which can consider and control a bill for raising revenue. There are as many Democrats on that committee as there are Republicans. It is not a Republican committee; and when we were called upon to organize the committees, it was known perfectly that we had not a majority; and, as I have said, that committee, which alone could propose amendments to revenue bills coming from the House of Representatives, was composed of an equal number of Democrats and Republicans, with one or two Senators representing the middle party, if I may call them so, or the Populist party, or whatever they may call themselves. [Laughter.] Therefore the Republican party in the only committee where the question of politics could enter in regard to the question of revenue had no more strength numerically than the Democratic party. We acknowledged the fact that we had not a majority. We therefore organized the committee composed of an equal number of Republicans and Democrats, with one or two others, and we had reason to suppose that the Democratic party, now representing the executive branch of the Government, would do what was right and fair. If amendments had been proposed to that bill they could have been voted upon in committee; and if the bill sent to us from the House of Representatives was not satisfactory, it could have been changed. Four or five Democrats voting with us would have secured an all-sufficient revenue to provide for the expenses of the Government. The Democratic party therefore are responsible.

The Senator says that we seized upon the committees. We did

not. Never before in my service in the Senate Chamber were the committees so equally divided between the great political parties; never before was there so little partisanship shown in the organization of the committees. Look them over and you will find that, while we nominally have a majority of some of the committees, yet in the active, efficient committees, which control the very matters now complained of, the Democrats are practically equal to us, and they could have cooperated with us if they so desired.

Mr. STEWART. Before the Senator from Maryland proceeds, I want to inquire from him if he concedes in his argument that there is a necessity for more taxation, for more revenue? I understand that we have already too much revenue.

Mr. GORMAN. I hope to get to that later on.

Mr. STEWART. I hope so. I want to hear the Senator on that particular point.

Mr. GORMAN. Mr. President, I confess my amazement at the statement of the distinguished Senator from Ohio. A great party such as he represents and of which he is one of the most conspicuous members has deliberately taken charge of the entire business of this body. Knowing the conditions and knowing the opinions of every member of it, taking the organization of the committees of this body, which control and shape legislation, knowing all the conditions, and rejecting our offer to join them upon nonpartisan lines, they have assumed the responsibility.

Mr. HALE. What was that offer? Will the Senator tell the Senate what was that offer; what was the swap and dicker that was proposed by the Senator from Maryland to the Republicans touching any of the great financial or fiscal questions? It is brand new to me. I never heard of it before.

Mr. GORMAN. No, Mr. President, I offered no dicker. I suggested that when you were about to take possession and take the responsibilities of the organization of the Senate, with the division that existed, it was not wise; that the committees ought to be divided not on party lines, but so shaped that we might come together on the great measures that were necessary for the relief of the Treasury.

Mr. HALE. The Senator will allow me. I remember that the Senator, when we were considering the subject of taking control of the committees and who should nominally have them, did suggest that it would be better that what he called "the best thought of the Senate" should come together on a kind of compromise.

Mr. GORMAN. Yes.

Mr. HALE. But certainly I did not suppose, and I do not think any Senator supposed for a moment, that the Senator was proposing any arrangement by which the two sides could get together, or a majority of the two sides, on the great financial and currency questions. It was simply the matter of organization. I do not deem very important the possibility of having a nominal majority. It is a thing that the country cares nothing about. The question is, have you votes enough in the body to pass any bills? And we confess that we have not the votes here.

Mr. GORMAN. I am utterly amazed that my friend from Maine should come in and help plead the baby act.

Mr. CHANDLER. I suppose the Senator will allow me to be amazed also by asking him to tell a little more explicitly, so that it may come to my dull apprehension, when it was said openly on the floor of the Senate that Senators on the other side of the Chamber—I mean the Democratic Senators—were willing to cooperate by an arrangement with the Republican Senators upon this side of the Chamber in the organization of the Senate? I never heard any suggestion of that kind, except a little, short remark of the Senator one day, that he had hoped that the Senate would have been controlled or organized "by the best thought of the Senate." That was not sufficient notice to me of any such proposed arrangement [laughter], I beg leave to say to the Senator.

Mr. GORMAN. That might have excluded, perhaps, the Senator as well as myself.

Mr. CHANDLER. That was the only notice I ever had; and if there was any other proposition in open Senate, it must have been when I was not here.

Mr. GORMAN. I know it was very distasteful to the Senator from New Hampshire, but I pass that over, because I am dealing with a more serious matter.

Mr. SHERMAN. I will ask another question, so that the Senator may answer both at the same time.

Every Democratic member of the Committee on Finance has well known and often expressed opinions on the question of the free coinage of silver, and yet every Democratic member of that committee selected by their associates on the Democratic side—because the Democrats on the committee were all selected by the other side of the Chamber—was in favor of the free coinage of silver, and thus interposed that great obstacle against any action in favor of final legislation desired by the Administration.

It is understood that this Administration is opposed to the free coinage of silver, and yet gentlemen on that side of the Chamber, having the power to select their own committee members, selected only those who were in hostility to the Administration on the most important question involved in the present politics of our day—that is, the free coinage of silver.

Mr. GORMAN. If the Senator will pardon me, I am not going into the discussion of free silver. That is a question that will be determined later on by other bodies, it seems to me, when that question will come before the country.

I am dealing now with what the Senator's party is doing and has done in Congress. You know that you have the power to frame revenue measures. They have been framed on such lines that it was known when they were framed they never could pass this body as at present organized. They came here and went to the Finance Committee, of which the Senator from Ohio is a shining light, a committee the majority of which upon the tariff question agree with the Senator from Ohio, and they were elected as Republicans by the Republican legislatures of their respective States. The committee is absolutely controlled by a majority of Senators for whom the Republican party is responsible.

Mr. HALE. How does the Senator figure that out?

Mr. GORMAN. I will read the list.

Mr. SHERMAN. I do not like to mention the names of Senators, but the Senator from Maryland is not correct in that statement.

Mr. GORMAN. Let us see, Mr. President. Reading names in this body may be out of order, but there can be no question about the Senator from Vermont [Mr. MORRILL] having been elected as a Republican.

Mr. SHERMAN. We recognize him.

Mr. GORMAN. And according to all the accounts I have had from the time I can remember anything the Senator from Ohio [Mr. SHERMAN] has been a Republican; and the Senator from Nevada [Mr. JONES] was elected by a Republican legislature and sent here in the beginning as a Republican.

Mr. PLATT. Oh, no.

Mr. SHERMAN. But he has taken a different position, as is well known. I do not wish to mention names, but he represents what is called the Third Party, and not the Republican party.

Mr. GORMAN. The Senator from Nevada was placed on the Committee on Finance long before the silver question became as prominent as it is now. He came here by the action of the Republican party, and on the question of taxation, so far as his views have been known, they are those of a sound Republican. There is not a Democratic idea in his head, so far as I know, as to the modes of conducting and levying taxation. Run down the list, and you find the Senator from Rhode Island [Mr. ALDRICH], the Senator from Connecticut [Mr. PLATT], and the Senator from Colorado [Mr. WOLCOTT], all of whom are Republicans, were elected as Republicans, and were placed upon that committee as Republicans at this Congress.

There is the organization. Every Republican in the body voting for it, aided by the refusal to vote of my distinguished friend from Nebraska [Mr. ALLEN], the Senator from Kansas [Mr. PEFFER], and probably the Senator from North Carolina [Mr. BUTLER]—not a Democrat voting for it, but a solid Republican vote. You took the responsibility, and you knew that it is not possible to pass your measures unless you again brought all these gentlemen who cooperated with you in the organization of the body up to voting for your bills. You presented a bill distasteful in every line to every Democratic Senator.

I am not unduly arraigning the Senator from Ohio or the Senator from Maine or my good friend from New Hampshire, who was possibly more active in the matter of organization than either of the others. I have seen the time within two years upon this floor when the Senator from Ohio rose in his seat, when we were in trouble to get together upon the silver question, upon which the division is so sharp that there is no compromise at present, and on which your party is divided as our party is divided, when it was a question whether we would repeal the law known as the Sherman law, and when we did not know what to do except to appeal to you to aid us, a part of your votes upon the main proposition were always given; but when we were hesitating, when we were most anxious, what did the Senator from Ohio say to us? I will read it. In October, 1893, after that long struggle, and after chiding us for not getting together, he said:

> In times past, when they were in the minority and we were in the majority, we never shrank from responsibility. We were Republicans because we believed in Republican principles and Republican men and Republican measures, and whenever a question came into the Senate Chamber to be decided we never pleaded the baby act and said, "We could not agree." We met together in conclave, we measured each other's opinions, some giving away, and finally we came to an agreement. In this way we passed all the great laws which have marked the history of the last thirty years of our country, and it was not done by begging votes of the other side. We knew that by the usual and almost universal habit of the Democratic party they would oppose anything we should propose, even the Lord's Commandments or the Lord's Prayer.

Therefore the Senator from Ohio knew perfectly at the beginning of the present session that your partisan legislation, your

Republican legislation upon Republican lines, could not meet the support of a Democrat upon this side of the body. You knew that you had rejected the tender to join you to relieve the Treasury on nonpartisan lines. I say to the Senator from Ohio that no proposition has ever come from his party—none will be offered now—to relieve the condition of the Treasury by imposing a tax upon articles that are not in controversy between the two parties.

Mr. HALE. Let me ask the Senator from Maryland, because he has referred again——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Maine?

Mr. GORMAN. Certainly.

Mr. HALE. This time, in more definitive language than before, the Senator has referred to a proposition that came from the other side to join this side upon some measure which might relieve the Treasury. I wish the Senator would state the circumstance, the time, the occasion, and the proposition to that effect, from whom it came, if made, whom it represented, and how many votes it represented upon the other side of the Chamber. Because if the Senate is amazed at what is said here upon this side this morning, certainly many of us are amazed now at being told that an authoritative proposition came from the other side of the Chamber to join with this side upon some measure that should relieve the Treasury. I for one have never known of it or heard of it. With all the ability and with all the experience and the conceded sagacity and great capacity of leadership on the part of the Senator from Maryland, I doubt, Mr. President, whether he stands to-day with authority to propose for a majority or any more than a small minority of his party any proposition that involves the great currency and financial question; and I doubt whether from the beginning the Senator, with all the prestige that he carries, conceded in the country, has been in a position where he could make any proposition of that kind from his party.

Mr. GORMAN. Mr. President, it is a little difficult for me to remember all that has been said upon the other side, but I want to bring the Senator back (for a Senator in front of me has kindly looked up the RECORD) to the suggestion I made when you took possession of the committees of this body. In answer to the distinguished Senator from Iowa [Mr. ALLISON], as appears in the CONGRESSIONAL RECORD of December 30, 1895, page 427, I stated:

> Mr. President, I confess my amazement at the distinguished Senator from Iowa [Mr. ALLISON], who, with his party friends on the other side of the Chamber, has been most anxious to assume responsibility by taking charge of the main committees of this body, and yet, before the committees are organized, proclaims to the country that they have no power to carry out the decrees of their party.
>
> From this time henceforth Senators on the other side of the Chamber are responsible for the action of both branches of Congress. The Republicans came here knowing that they had not a clear majority in the Senate. By common consent provision was made at the last session of Congress for this very condition of affairs, knowing that it was absolutely necessary to make such concessions as had never before been made in the Senate, for such a condition, where a few gentlemen hold the balance of power, had existed but once before in the history of this body. In that condition, as I understood it and as I supposed the other side meant it, the resolution was adopted, in order that this great body might adjust its committees on more liberal lines as between the two parties, on a line which would have secured for the country the consideration of measures in committee by the best thought of both sides of the Chamber, without reference to the third party.

That statement was made in the open Senate.

Mr. HALE. I remember that distinctly, and there is no proposition whatever that would either bind the Senator or any of his associates upon that side as to any proposition touching these great measures. The Senator was talking, and all of us considered that he was talking, upon the organization of the Senate. He was indulging in reproaches such as have frequently come from the other side against this side of the Chamber for taking nominal possession of the committees. But everybody always understood that that possession was only nominal. Certainly I have the right now to make the inquiry of the Senator when he, at this stage of the proceedings, intimates that there was a proposition that any portion of his party could be got together with the Republican party to frame and pass any measure touching the great currency and financial questions. That was not ever considered or ever proposed by the Senator. What he has read bears out all that I have stated. He was dealing only with the little affair—the leather and prunella—of the organization of the committees of this body and not with the great questions that the country is interested in.

Mr. GORMAN. I confess my great surprise at the last statement of the distinguished Senator from Maine, that I was dealing with the small affair of the mere organization of the committees. That is as far from being the fact as it is possible for a statement to be. We cared nothing about the organization of the committees, as is shown in this very statement that I made, and it was done with the full consent, as I understand, of every Senator on this side of the Chamber. We were in the minority and we recognized it. We did not desire the committees, but we knew and stated to you publicly that you probably had not sufficient numbers in the body to control legislation, and therefore, in the interest of the great public questions, if you took possession in that condition, you must assume the responsibility. I said:

> But the desire for power, the anxiety to control committees and keep the legislation in their hands, have made the Republicans take a step which possibly will not give them the power of legislation, but they have taken the responsibility.

Mr. HALE. Now, Mr. President, that is precisely what the Senator did. He never made any proposition, but declared that the responsibility was with us. If the Senator is still of the same impression that he, for himself, or for his party, or some portion of it, did a little private wooing with the Republican party and invited them into some sort of compact or agreement, or arrangement, or nuptials, I should like to have him specify after that had been done and had been accepted what kind of a measure does he think would have been framed that could have passed this body, or what kind of measure does he think now could be framed and pass this body?

Mr. GORMAN. At that time I had great hopes of it, but I confess, after being here from December until now with the Republican party, I have absolutely none. I do not believe from what I have seen that there is any measure on the face of the earth that you would agree to that the Democrats could vote for.

Mr. HALE. Does the Senator believe that at that time he represented his party upon these great questions—I do not say the admitted leadership on the floor, but upon these great measures that touch, for instance, the coinage of free silver at a ratio of 16 to 1? I want him to state here in the Senate whom he represented at that time and what guarantee he had then that any arrangement could be made by which, upon that great subject, there could be any measure passed through this body; or, going further than that, will he outline now any measure that he believes would have got a majority in this body for the relief of the Treasury.

Mr. GORMAN. I have stated once before that upon the matter of the silver question the Senator from Maine and the Senate and the country know that this body by a clear and emphatic majority voted in favor of the increased use of silver, and the lines are not divided on the two sides of the Chamber.

Mr. HALE. No.

Mr. GORMAN. Your side is divided, and I eliminated the question of the coinage of silver. The Senator brings it in for the purpose, it appears to me, as if he might divert me from the line I am on of the other great question, that of the depletion of the Treasury.

Mr. HALE. No; I do not. But I will ask further, that being the case as he has stated, supposing the Senator from Maryland [Mr. GORMAN] and the Senator from Delaware [Mr. GRAY], the Senator from Wisconsin [Mr. VILAS] and any other Senators upon the other side, had met in friendly conference with the Senator from Vermont [Mr. MORRILL], the Senator from Ohio [Mr. SHERMAN], the Senator from Iowa [Mr. ALLISON], and other recognized financial lights upon this side, and had reported any measure for the relief of the Treasury, does the Senator believe that that bill could have been passed without the majority that he says exists in this body for free silver putting on it an amendment that provided for the free coinage of silver at the ratio of 16 to 1? I ask the Senator whether the fact he has stated here, that a majority of this body is in favor of the free coinage of silver, and not only in favor of it, but dominates all other issues to that, is not the paralysis that rests upon this body, that it is utterly unable to pass any act for the relief of the Treasury or a revenue measure that will not be loaded with a free-silver arrangement? Does the Senator believe that he could have reported any bill that would not have been so loaded? Does the Senator believe that if this advance that he says was made had been agreed to on this side and a bill had been reported it would not have been loaded with a free-silver amendment? What does the Senator think?

Mr. GORMAN. That is a mere matter of speculation. In the condition in which the Treasury is——

Mr. HALE. It has been demonstrated more than once.

Mr. GORMAN. On one proposition, but I do not know, with the views of Senators who are in favor of the coinage of silver at 16 to 1, whether they would antagonize a measure that was nonpartisan, that was intended only to get money into the Treasury to meet the wants of that Department. We have not made the effort, and that will be decided when we come to it.

Mr. HALE. That has been demonstrated more than once by a yea-and-nay vote of the body; and the ground of my adverting to it is the Senator's statement himself, as he looked over both sides of this Chamber, that a majority here was clearly for the free coinage of silver.

Mr. GORMAN. Supposed to be.

Mr. HALE. That is what we are resting under.

Mr. GORMAN. The votes have shown that.

Mr. HALE. The votes have shown that.

Mr. GORMAN. And right in the face of that proposition,

with that knowledge, here is what the Senator from New Hampshire [Mr. CHANDLER] said, speaking for his side in the same debate when you assumed the responsibility:

I rose for one thing—

Said the Senator from New Hampshire—

simply to say to those Senators who are so agonized and distressed at the responsibility which has been this day assumed by this side of the Chamber that the responsibility will be cheerfully undertaken. We shall take it with the incidental comforts and pleasures——

Mr. HALE. That is true.

Mr. GORMAN—

and benefits which go along with it, with an equanimity which will be astonishing to the Senator from Tennessee. The Republican party is not afraid of responsibility; it never has been afraid of responsibility in all its history.

Mr. HALE. Now, Mr. President, following that out as the Senator from Ohio has so clearly outlined, the party accepted a proposition that came from its representatives in the other House, a measure for the relief of the Treasury. It took the responsibility. It reported it to this body. It endeavored to pass it. There is no need of sticking further in the bark in this matter. We did not have votes enough to pass it. We had the solid Democratic vote arrayed against us. We had the Populist vote added to that. We had certain so-called silver Republicans who believed that the greatest and highest issue was silver and not the relief of the Treasury, and we were bound hand and foot. The Senator from New Hampshire did not misstate when he said we would undertake the responsibility. He did not state in those remarks that he believed we had a majority. All that we could do was to try and see if we could get a majority.

Mr. President, this is the whole outcome of the matter. There will never be any measure passed for the relief of the Treasury, for the protection of American industries, or for sound finances until one more appeal to the people gives to the Republican party a House of Representatives, as it has got now, a pure Republican majority in this body, which it has not got now, and a Republican seated in the White House. All the talk of reproach as to what is being done or what is not being done goes for nothing until that final appeal is made to the people next November. There will be nothing done until that is granted; and if the people do not grant that and the situation remains as it is now, we will go on in the same way, and it may be that we shall have to borrow money again, as we have been borrowing under the Democratic Administration. That is all there is in the question.

Mr. ALLEN. I think it is due to the Populist party, in reply to the Senator from Maine, to say that the Republican party in this Chamber since it has taken possession of it has always had the power to pass such reasonable revenue measure as it saw fit to present to the Senate. The Republican party was permitted to take possession of the organization of the Senate for the express purpose of casting the responsibility for legislation upon the Republican party in both branches of Congress. It was no matter of affection upon the part of the Populists for Republicans that the Republicans were suffered to take possession of the organization. It was repeatedly announced; it was announced at the time of the organization; it has been announced since by proper authority, that whenever the Republican party presents to this Chamber a measure for the relief of the country that is in keeping with the express declaration of its platform of 1892 they will receive Populist votes enough to make that measure a law.

Mr. HALE. I suppose the Senator is correct——

Mr. ALLEN. The Senator from Maine must remember that in the House of Representatives the Republican party has a majority of over 100.

Mr. HALE. Will the Senator allow me?

Mr. ALLEN. Yes.

Mr. HALE. I suppose the Senator is correct, that if the Republican party had framed a revenue bill which would suit the Senator from Nebraska and his associates in what is known and what is the Populist party, and if the Republican party had voted with those three Populists or five Populists, it would have passed undoubtedly. When the Senator says that they would have voted for any measure that in their judgment means a measure for the relief of the American people he means a Populist measure. The Republican party never has proposed that and I do not presume ever will. That is not possible. I might as well say that if the Senator from Nebraska, with his Populist associates, would vote with the Republicans for our bill we could pass it; but we were never able to get their votes and they will never be able to get our votes for their measure. So the Senate is hung in deadlock. That is all there is about it.

Mr. ALLEN. No; Mr. President, if the Senator from Maryland will permit me, in making the statement I did at the time of the reorganization of the Senate, I did not refer to Populist measures at all. We realized that the country was in a bad condition. I think we realize it and that we realized it then as fully as the Senator from Maine or any other Senator in this Chamber. I do remember, however, distinctly that at that time the Senator from Maine [Mr. HALE] and the Senator from Maryland [Mr. GORMAN] stated openly in this Chamber, each of them using the expression that it would be good policy to organize this Chamber upon the lines of the best thought on the subject of finance——

Mr. HALE. The Senator goes a little too far there.

Mr. ALLEN. Assuming, I suppose——

Mr. HALE. It was not said——

Mr. ALLEN. If the Senator will allow me to finish the sentence I will yield. Assuming, I suppose, in that discussion that a certain element of the Republican party and a certain element of the Democratic party had a monopoly of knowledge upon the subject of the best thought upon financial questions. Now I will yield to the Senator.

Mr. HALE. The Senator has put an addendum on that proposition which was not conveyed at the time. There was some talk about the best thought of the Senate combining in the organization, but there was never anything which went to show that that was intended to convey a proposition with regard to the finances and the currency. Undoubtedly, Mr. President, there was some question of division of sentiment among Republicans and Democrats as to the advisability of nominally taking possession of the committees. Some Republicans did not believe in that. It looked to me like an ignis fatuus, as if nothing would come of it. But the general sentiment was that as we were in a plurality it belonged to the Republicans if to anybody. However, nobody thought that that carried with it the power to pass measures. Senators need not spend any more time on the old question of taking possession of the committees. The real question was when measures were framed and presented to the Senate for deliberation and action did we have votes enough to pass them, and evidently we did not.

Mr. ALLEN. I call the attention of the Senator from Maine to the fact that within the last six weeks, at least within the last two months, the Populist party in this Chamber has distinctly announced to you that they would accept your revenue measure passed in the House of Representatives, known as the Dingley bill, word for word, without the elimination of a letter or a word, if you would fulfill your promise to the country made in 1892 in favor of the free coinage of silver, and you distinctly declined to do it.

Mr. HALE. There the Senator has told the whole story better than I can tell it. The pistol was put at our heads. We were told if we would consent to the free coinage of silver at 16 to 1 that such a measure could be passed. The majority of the Republicans rejected that proposition, and I am very glad they did, Mr. President.

Mr. CHANDLER. I should like to ask the Senator from Nebraska a question.

Mr. GORMAN. Now, Mr. President——

Mr. PALMER. May I interfere at this point with an interruption? I have witnessed on this floor the dickering between two powerful, corrupt, and greedy interests, the one for protection, for the tariff, and the other for protection to free silver, to an extent that I had never expected to see in the American Senate.

Mr. SHERMAN. Will the Senator from Maryland allow me to refer to the measure he has alluded to?

Mr. GORMAN. With pleasure.

Mr. SHERMAN. I should be gratified beyond expression if now, even at this late period of the session, the revenue bill as it came to us from the House of Representatives should be taken up by this body and changed so as to meet and command a majority of the body. I have here before me that bill. It is not a partisan bill; it simply advances the rates of certain schedules, naming them, some of them being advanced 15 per cent and some of them 10 per cent. It is in no sense a protective-tariff bill, but it is purely a revenue-tariff bill.

There is another thing to which I wish to call attention. The whole of that simple bill from the House of Representatives was stricken out by a vote of the Committee on Finance, and I feel justified in saying now, since the Senator has spoken of the methods of that committee, that every Democratic member of the Committee on Finance voted to strike out the whole provision and substitute in its place the free coinage of silver. We were only of equal number when my friend the Senator from Nevada [Mr. JONES] voted with them upon the subject. Although he is a strong tariff man, yet he is in favor of the free coinage of silver. So a measure for the free coinage of silver was presented to the Senate as a substitute for the tariff bill. What more could we do? What more could be done by our party? We had not a majority.

Mr. HAWLEY. Allow me to call the Senator's attention to the fact that after they had swapped the horse for the yellow dog they killed the yellow dog. They all joined to refuse to take up the bill.

Mr. SHERMAN. I have nothing to do with the yellow dog, if they have killed it.

Mr. GORMAN. Mr. President——

Mr. SHERMAN. I do not wish to interrupt my friend, the

Senator from Maryland, further. However, I will say that the Senate of the United States should rise above all these petty political questions of the day, take up the tariff bill, strike from it the provision for silver coinage, and make provisions for increased revenue. I do not care what it is, anything that would relieve us from the danger and dishonor of carrying on the Government of the country without sufficient revenue.

When in the Senate of the United States, a great deliberative body, there is a large majority of Senators who are in favor of furnishing sufficient revenue to carry on the Government, why do we not do it when we have the bill before us? We can not originate a bill of this kind.

Mr. GORMAN. I should like to ask the Senator from Ohio a question, for this is the first intimation, public or private, which I have ever heard that the Senator is of that frame of mind. Would he agree to strike out all after the enacting clause of the bill and to put a revenue duty upon tea and coffee sufficient to bring $30,000,000 into the Treasury?

Mr. SHERMAN. No; I would not, for I would not throw the whole burden of taxation upon those who consume tea and coffee.

Mr. GORMAN. Why?

Mr. SHERMAN. It would not be fair or just to do it. But I am willing to take up the bill and provide for raising the requisite taxation from foreign goods to carry on the operation of the Government and place us beyond the danger of a deficiency every year and the sale of bonds every six months.

Mr. SQUIRE. Mr. President——

Mr. GORMAN. I must be permitted to go on a little while. I would really like to get through this afternoon, if I can.

As a matter of course I assumed, and now I know, that it would not be possible for the distinguished Senator from Ohio [Mr. SHERMAN] or any other Republican Senator from Ohio or any Republican statesman from that section of the country, in view of their party hopes and anticipations, to abandon the McKinley rates. I knew perfectly well, and we all know, that the bill which the Senator holds in his hand not only restores the McKinley rates in most cases or in many cases, but goes beyond it. The entire legislation of the party which the distinguished Senator from Ohio represents is a forecast of what the country is to expect—great appropriations, greater than any revenue that you will have in the next few years; contracts provided for to an extent never heard of before in an American Congress; a depleted Treasury; all the proceeds of the bonds already sold will go if the appropriation bills are to pass in the shape in which they are presented. Then what will come when that Congress is to assemble which the Senator from Maine described—an overwhelming majority of Republicans in the House of Representatives, a clear Republican majority here that would follow the lead of the distinguished Senator from Ohio, a man in the executive branch of the Government who would sign a bill no matter how high the rates imposed, even to prohibition? That is the spectacle which will be presented to the country. It is the policy of your party. Your organization of this body and the other meant that from the beginning, and it means nothing else.

I am not surprised that the Senator from Ohio declines to agree to put a tax upon tea and coffee, notwithstanding the fact that it is a pure revenue duty, for he knows that when the tax was taken off coffee the price to the consumer was increased instead of diminished. The country from which it is shipped placed an initial duty on it. There is not a dealer in tea in the United States who does not know that we get nothing but the lowest grade of tea. There is not a dealer who does not know that you can put a duty of 3 cents a pound on tea without increasing the price to the consumer one-half penny in a thousand-dollar expenditure. It is a pure revenue matter. That is what I would agree to. Such a measure I believe you can pass through this body to meet the deficiency, unless you intend to force the sale of bonds or force your party to increase the McKinley rates when we meet in the next Congress.

The pressure to sell bonds comes not alone upon the Republican party, but, I regret to say, it came to our party. It was forced on us. The sale of our bonds never has and never can meet with my approbation. I have never believed that in time of peace any party which increases the public debt can live in the country. I have stood here always in favor of measures that would give revenue enough to prevent the sale of bonds, but it began not with the Democratic party. It began with the Republican party's legislation which created the necessity. It began with the bill known as the McKinley tariff act, which took effect November, 1890, and by June, 1891, the revenues fell off $10,000,000, and in the next year they fell off $52,000,000. The increase in the payments on account of pensions was from $106,000,000 to $118,000,000 in 1891, in 1892 $141,000,000, and in 1893 $158,000,000. In 1894 it was painfully evident that the tariff act of 1890 as a revenue measure was a failure.

We had entered, in addition, upon the construction of the Navy and the other great public works of the country. It left a deficit in the Treasury which enabled the men who were anxious to invest in Government bonds to force the Treasury to sell.

That, Mr. President, it seems to me, is what we are coming to now. Why is it, I ask the Senator from Ohio, that where his party has supreme control, in the other branch of Congress, where all revenue bills and appropriation bills originate, where they are supposed to be considered, where they know the condition of the Treasury, where they know that there is no balance on hand except the proceeds of the sale of the bonds to the syndicate, which you denounce so roundly—why is it that your party has framed bills that come here amounting in the appropriations—money that is to go out of the Treasury in the fiscal year ending June 30, 1897—to $505,778,070.43? In making up the appropriation bills they have appropriated for public works, for rivers and harbors, for only eight months in the year in order that that amount, great as it is, $505,000,000, might be reduced on the face of the papers. For the courts, jurors, and all the paraphernalia connected with the United States courts they have appropriated for only six months, when the rule always is to appropriate for a year. Why was that done? Simply because they were afraid of the effect upon the country if they exceeded these enormous figures of $505,000,000. They knew that this body would be forced to add to that sum, as the requirements of the Government would make it absolutely necessary, fifteen to twenty million dollars. That makes $60,000,000 more than your revenue. Why does your party do it? Is not the Senator from Ohio aware of the fact that the Secretary of the Treasury has said to Congress:

While the situation—

Speaking of the actual money in the Treasury—

does not require any legislation for raising additional revenue—

For he has the proceeds from the sale of bonds—

by taxation at this time, it is such as to require the strictest economy in appropriations and public expenditures.

And yet we have before us a bill authorizing the expenditure of $51,000,000 for the Navy, in time of absolute peace, prepared by the party on the other side.

At a time—

Says the Secretary—

When the people, upon whom the expense of sustaining the Government is imposed, are compelled to practice the closest economy in their business and domestic affairs in order to meet their obligations and reestablish their trade and industries, it is more than ever the duty of the public authorities to avoid waste and extravagance in the appropriation and disbursement of the revenues. Nearly every appropriation is in terms, or by necessary implication, a direction to the executive authorities to expend the money, and therefore the responsibility for an increase or reduction of expenditures rests primarily and mainly upon Congress. It is certain that if appropriations are not made the money will not be expended, and, for the reason just stated, it is almost equally certain that if appropriations are made the money must be expended. The power of the executive officials to reduce expenditures is limited to the comparatively few cases in which the disbursement is left to their discretion, and, however judiciously this discretion may be exercised, the effect upon the total outlay is scarcely appreciable.

In the face of that declaration your appropriations will amount to $520,000,000, with an estimated revenue of $464,000,000. That is not all you have done. To make it perfectly certain that taxes must be increased hereafter or more bonds sold, you have added other provisions to the bills that come to the Senate. In that branch you have a clear majority, not as in this body a doubtful majority. There you have a clear and unquestioned majority. You have added provisions authorizing contracts to be made by the Treasury Department, the War Department, and the Navy Department amounting to $84,638,486. There, for the first time, in one session is nearly $600,000,000 appropriated and contracted for.

I ask the Senator from Maine [Mr. HALE] in charge of the bill how he can defend a proposition to appropriate sixteen million, yes, twenty-three million, dollars for ships and armor not now needed, for which there is no pressing necessity, when you have not the money? The Secretary of the Treasury will, I think, be compelled to sell more bonds, and he who votes for these unnecessary appropriations, unnecessary in the sense of not being required for the safety of the Government or to carry it on, votes for more bonds. No Senator can escape his full share of responsibility on either side of the Chamber. The Department can not suspend them, says the Secretary of the Treasury, when you make the appropriations.

Mr. Herbert, the Secretary of the Navy, in his anxiety to be the greatest admiral of the greatest fleet there has ever been in this country and to rival that of other nations, says, "Give it to me, because there is money in the Treasury." Yes, it is the money of the people that is in the Treasury, money obtained by a mortgage on their industries.

Mr. VEST. Will the Senator from Maryland permit me to call his attention to the exact figures as to the river and harbor bill, to which he refers?

Mr. GORMAN. I shall be glad to have the Senator from Missouri read them.

Mr. WHITE. The bill has been reported to the Senate?

Mr. VEST. The bill was reported yesterday. Here is the amount contained in the bill as stated in the report of the chairman of the committee. The amount of actual cash appropriations in the bill is $12,614,550. The amount of continuing appropriations is $60,623,871.91.

Mr. GRAY. What is the amount of the cash appropriations?

Mr. VEST. Twelve million six hundred and fourteen thousand five hundred and fifty dollars direct immediate appropriations, and the amount of the continuing appropriations is $60,623,871.91. The addition, of course, can be made very easily.

Mr. GORMAN. With the figures just read by the distinguished Senator from Missouri, and I thank him for the interruption, the total amount of the appropriations and obligations that will be created by this Congress will be $600,000,000. That will make the greatest appropriation, including obligations authorized, which has ever passed through an American Congress.

It is said that the country is growing and the expenditures must increase. I agree to it. I agree that the country is growing and that so long as the pension legislation is on the statute books it is difficult to cut down the appropriations lower than they were during the past fiscal year. In some cases there must be increases. While the river and harbor bill may have its defects, it is more important to the people of the country than the naval bill. There you give an opportunity for commerce, for the people to send their wares hence and to receive whatever they want from abroad. It cheapens transportation; it breaks down monopoly; it is commerce; it is trade. A reasonable increase upon that item may be tolerated, will be tolerated.

But why, I ask Senators upon the other side, do you insist on spending $23,000,000 on the Navy for great battle ships when five years from now it is questionable whether the same types of ships will be built? How can you afford to do it with the condition of the Treasury? It is said we have $170,000,000 in the Treasury besides the reserve of $100,000,000 to redeem the greenbacks.

Mr. SQUIRE. May I ask the Senator from Maryland a question in regard to the revenue? I should like to ask him whether or not it is true that there is a deficiency in the revenue caused by the method of valuation of importations?

Mr. GORMAN. I have no doubt——

Mr. SQUIRE. Is it not necessary that there should be a correction of the evils existing. It has been stated to me by a Democrat, one of the prominent inspectors of customs, that there is a very large loss to the Government by reason of difficulty in administering the law because of the ad valorem duties instead of specific rates.

Mr. GORMAN. I do not intend to go into the matter of defects in the tariff bill. I will tell the Senator, because I happen to have the matter in my hand, what the trouble is; and I appeal to him now to aid me to correct it.

From 1891 to 1895 (this includes the last Administration as well as the present one) your revenues were only $2,109,304,756.78. Your appropriations by Congress were $2,508,277,860.66. In other words, Congress from 1891 to 1895, inclusive, appropriated $398,973,104.08 more than all your revenue. To meet those payments the Secretary of the Treasury (he was wise in doing it; it would have been criminal, in my judgment, had he not done it) took from the money which he received from the sale of bonds and has paid up to this date, by the statement I have, which is from the Treasury Department, $163,160,803.32. He has now in the Treasury $170,000,000. Everybody is trying to get it. There is not a single manufacturer of iron or steel who is content with moderate appropriations. There is not an interest which deals with the Government that does not look at the statement of the Secretary of the Navy, made to the House of Representatives, that we have plenty of money (a most unfortunate statement, in my judgment), that has not been after this supposed surplus. It does not exist, except on paper. There is $116,000,000 owing by this Government for all sorts of purposes, where the matters have been suspended and not paid. Suspended why? As the distinguished Senator from Ohio [Mr. SHERMAN] said from his side, and said properly, under that condition he would apply the heroic remedy and refuse to expend when Congress appropriated. If Mr. Carlisle had not pursued that policy the Treasury would have been unable to meet its debt without the sale of more bonds than have already been sold.

The Senator from Ohio says we are responsible, because we did not put enough revenue in the Treasury. I stood here for more revenue at some little disadvantage to my own personal affairs, with a good deal of misrepresentation, a good deal of misunderstanding all around among my party associates, because I knew, as I thought, and as the figures have since shown, that all the estimates that were then made were not correct; that we had not revenue enough. I voted to increase it forty, fifty, and sixty million dollars. I wish to state frankly that, notwithstanding the most extraordinary decision of the Supreme Court of the United States upon a tax which did not meet with my personal approval, if the tax had been declared constitutional I do not believe the tariff bill as we passed it would have furnished up to this time sufficient money to pay these most extraordinary appropriations. I know it would not have begun to pay the appropriations contained in the bills of this Congress. Therefore I say, without the slightest hesitation, that if a revenue measure were before this body to-day, and my party were in power, I should vote to put more revenue in the Treasury by $75,000,000 than is contained in that bill, for the reason that I believe there is only one rule for a successful man or a city or a corporation or a government to pursue, and that is to have revenue enough to pay your current expenses.

Mr. GRAY. Keep your expenses within your revenue.

Mr. GORMAN. Keep your expenses within your revenue. I agree to that; and that is what I am urging now, so far as we can. You can not accomplish it, but you can prevent the deficit from running up to $100,000,000. I am appealing to the Senate to cut off these appropriations. No man on this side of the Chamber, or on the other, has been more earnestly in favor of making liberal appropriations to create these great shipyards and steel plants than I have been. Ninety-five million dollars' increase for the Navy has gone to it. Where is the American, from Maine to California, who begrudges a penny of that money? You now have plants that make the best ships which float upon the ocean. The possibility of our commerce and the construction of vessels equal to those produced on the Clyde is not a dream. It was when John Roach urged it upon Congress. It is now a reality. The two great vessels that came from the Cramps' yards, the *St. Louis* and the *St. Paul*, were constructed at a cost not more than 15 per cent greater than vessels of like class would cost on the Clyde. They are manned by American officers.

There stand the great works at Bath, at New York, on the Delaware, in the town of my friend the Senator from Delaware [Mr. GRAY], and at Baltimore, and the equal of them all in equipment at Newport News; the splendid yard on the Pacific. Those yards and works are ready for any emergency, either for commerce or for war. No man, as I said a moment ago, who has an American thought, begrudges a dollar of the money that has gone to create these marvelous enterprises. The men who have made the steel at Bethlehem and near Pittsburg have the establishments. They are entitled to them. The people have paid for them generously. Why should they now come to Congress, taking advantage possibly of a war sentiment—for they have power through the press to create a war sentiment—and in the height of the excitement, with a depleted Treasury, come and demand $26,000,000 more than the ordinary appropriations? The Republican party, through patriotism, say give it to them, when they acknowledge that they are impotent to put another dollar into the Treasury, and yet you support this bill and the bills which are to follow it.

Mr. President, the responsibility is upon the other side of the Chamber. The Senator from New Hampshire [Mr. CHANDLER] was quite right when he said they were not afraid to take it. You take the responsibility, and these great interests will take all the money which the Treasury can furnish.

I have endeavored to ascertain what the real motive was and what the argument was of gentlemen who are asking these extraordinary increases. I knew there was a sentiment, a substantial one and a proper one, in the country that we had gone with the Navy away in advance of the land fortifications; that on our seacoasts and on the Lakes we had not many modern guns in place; that we were without fortifications anywhere upon our coasts, and our great cities were helpless so far as armament was concerned. I knew that following this naval bill was to come another measure for the construction of these great monsters of war, 6, 12, 14, and 16 inch cannon, already too long delayed. It is impossible with the present feeling and with the present needs to stay that, and ten to fifteen millions must be expended on that line. This will afford employment for the manufacturers of steel. That alone will keep their furnaces going for the next three years, coupled with two ships of the Navy, the usual number that we build. The builders, the constructors of the vessels, of course would not have quite so much to do, but I ask, in the name of reason, why the men who are in interest should press this undue appropriation?

One of the supporters of this naval bill says that—

> Our country must build up the Navy, keep it at a proper standard, and then there will be no occasion for thrilling the heart of our nation by a dynamite message. It is true that we are confronted with a depleted Treasury. But what has that to do with it? If the Administration is bankrupt, the country is not. There are loyal hearts and plenty of money among the 70,000,000 people living under the folds of our flag who will gladly and cheerfully indorse any outlay to build up the marine arm of our country's service and make it what it ought to be. I hope every Administration from now on will consider it a national duty, to wit, that the Army and Navy shall be the last two Departments to economize upon.

Mr. President, that may be patriotic; it certainly will find willing listeners among the men who furnish the materials for making these great instruments of war; but what will be said by the man who is struggling now to obtain a living, who finds the products of his land not bringing sufficient to pay his grocery bill? The American people patriotic! Mr. President, there is no question

about it. They want a Navy; they have a Navy; they want it increased, but they do not want extravagance in that increase. They want a gradual increase; they want it made as the revenues will justify it.

Mr. President, I have an old-fashioned Democratic idea that the Army and Navy ought to be kept in time of peace at the lowest possible point which the safety of the country will allow; that it is not wise to have a great standing army or a navy which will be a menace to other countries. We need a navy sufficient to protect our own interests, without attempting to rival any of the great powers who live, and can only live, by the protection of the guns of their navy and their army. Ours is a strong structure, built and to be maintained by the good will of the people, and without standing armies to protect them. Our people have been able for a hundred years to meet every emergency which came, no matter how great that emergency.

Mr. HAWLEY. Will the Senator permit me just one word there? I do not wish to interrupt him in his speech.

Mr. GORMAN. Let me finish this sentence.

Here, Mr. President, for the first time in a time of peace, comes a Secretary of the Navy, who comes into power because of the success of Democratic ideas as we supposed, anxious to command a large number of ships. We gave them to him, and a splendid lot they are; and in a time of peace, last year, he said, "The Navy must be increased in men; we want to have as many men on board of one of these war vessels as a British admiral has on his. We have the ships; now give me 2,000 more men. That is only a million dollars a year." Congress gave him a thousand men, a half million dollars, and at this Congress, early in the recent war scare, manufactured or real, as you please, he comes to Congress and recommends the increase of that force 2,500 men more, and a thousand more for the Marine Corps, all of which serve upon those vessels, requiring from a million to a million and a half dollars. This Senate absolutely passed a bill for a thousand men, and in this bill we have voted a thousand more and 500 marines. In time of peace, to keep these vessels going, an increase of 3,000 men is made within a year, greater than ever before in the history of the country.

But that is not all. In 1795 Congress passed an act authorizing the President to call out the militia in cases of invasion. No such provision was ever contemplated in the Navy. There Congress held the power in its hands, because, when the Navy is to be used, that means war with a foreign country, and Congress alone can declare war. This Administration asked for a provision to enlist additional men in the Navy—a most extraordinary one—and I only name it to show how the thing is going on and how we are increasing and how we are going as the French Government goes and as the German Government goes and as all the European Governments go—making this a great military and naval power, ready not only to take care of our own affairs, but to assume a sort of protectorate over all that portion of the world south of us, which would mean a speedy war.

So the bill provided—

> That whenever an exigency may exist which, in the judgment of the President, renders their services necessary, the Secretary of the Navy is further authorized—

Besides enlisting these 1,000 men—

> to enlist, for a period of two years, unless sooner discharged, such of the Naval Militia and other men as may be required for the purpose of manning vessels of the Navy not having full crews and such other ships as under laws now existing or under the authority conferred by section 4 of this act the President may decide to call into service.

Then there is a provision for the Secretary of the Navy to take any number of ships which he desires of the commercial marine. It is perfectly natural for these naval officers, restive and with no promotion, to want war. They want to test these ships. There is not one of them—and it is human nature—who is not ready and anxious to see how his ship will behave in action. Remember that this very bill which I have read passed this body and had the indorsement of the Secretary of the Navy, and he urged it upon Congress. Such power never was granted before, and never ought to be granted to any President, no matter who he may be—whether a Republican, a Democrat, or a member of the Third Party, if we should ever have one of that party.

The act of 1795 gave the President the power to call out the militia. Section 1642 of the Revised Statutes provides that—

> Whenever the United States are invaded, or are in imminent danger of invasion from any foreign nation or Indian tribe, or of rebellion against the authority of the Government of the United States, it shall be lawful for the President to call forth such number of the militia of the State or States, most convenient to the place of danger or scene of action, as he may deem necessary to repel such invasion or to suppress such rebellion, and to issue his orders for that purpose to such officers of the militia as he may think proper.

Even that authority was contested, I think, by Massachusetts as to the President's right to use the militia away from the borders of their own States; yet we are going here in this matter to give all the power which is necessary for the President of the United States to declare war himself without the consent of Congress.

Mr. President, it does seem to me that, without regard to party, we ought on both sides of the Chamber to pause. We all have responsibility to our constituents and to the whole people. We know that depression exists from one end of the land to the other. We know that depression exists not only in our own country, but abroad. The great question to be solved—and it will be solved, in my judgment, by the sturdy men in charge of the business enterprises of the world, and not by legislation—is how we can set the wheels again in motion, how we can restore prosperity? There is one thing we can do. We can limit in Congress the expenses within reasonable bounds. If we can not increase the revenue at this session, and it is still to be made a party football, we can at least eliminate from these bills all the appropriations which are not necessary. They are there by the hundreds. Here you can save on this bill alone, without injury to a single interest, without crippling the Navy, within the next three years, $15,000,000. The Secretary of the Treasury has told us, "You appropriate the money and I must spend it."

I repeat, Mr. President, that he who votes for these extravagant appropriations must do it with full knowledge that he takes his responsibility for the further issue of bonds or for the expenditure of every dollar which has come from those already sold.

A year ago the Committee on Appropriations, foreseeing that the then appropriations as compared with the revenue were such that there would be a deficit in the Treasury, reported to this body a proposition authorizing the Secretary of the Treasury to issue short-term certificates bearing 3 per cent interest, redeemable at any time after two or three years. That was antagonized. What was the result? Four per cent bonds running for a longer term of years were issued instead of those short-term certificates. I remember the Senator from Mississippi to my left [Mr. GEORGE], in the discussion of that matter, asked the question of the chairman of the Committee on Finance whether the report from the Treasury Department showed that they had money enough on hand and a surplus, and he was answered, "Yes." That was the estimate at the time, but it was short, and it will be short now. I say to the Senate that if the amendment I have offered is voted down, and if, by a majority vote, they increase or keep these appropriations as they are, then there is one thing that the other side ought to agree to do, put a permanent provision in this bill, as the Secretary of the Treasury has recommended, authorizing the issuance of $50,000,000 of these short-term certificates at a low rate of interest, to be issued and used by him to pay the current expenses of the Government rather than to issue more bonds. Before this bill shall have been concluded I propose to offer such an amendment, and I say to the Senate that, in my judgment, we must do that or else by your votes you must sustain the action which has been taken heretofore by the Executive in selling long-term bonds whenever he finds the Treasury depleted.

Mr. STEWART. Mr. President, the controversy here to-day with regard to the revenues of the Government does not appear to be sincere. There appears to be an assumption that we want more money in the Treasury, when the Treasury is already overflowing. It matters not how the surplus was acquired, there is a surplus in the Treasury, and a surplus has been regarded during the whole history of the Government as more dangerous than a deficiency.

There is now in the Treasury at least $270,000,000 of available cash—available to pay current expenses, available to pay interest, and available for the redemption of Treasury notes and greenbacks. There is certainly over $150,000,000 more in the Treasury than there ought to be. There has been withdrawn from circulation by the sale of bonds more than $270,000,000, and we ought at least to draw out from the Treasury as speedily as possible $150,000,000. The vast amount of money piled there is having a most disastrous effect upon the country.

The pretext that anybody has been compelled to sell bonds is also an assumption which I deny. There has been no necessity to sell bonds. There has been no right on the part of the Executive to sell bonds; there has been no law under which bonds could be legally disposed of to buy money. It was settled by a more than two-thirds vote of both Houses of Congress in 1878, after an exhaustive debate, that every obligation of the Government was payable in either gold or silver coin at the option of the United States, and that it was legal and proper to coin silver dollars for the payment of all the obligations of the Government.

The only pretext of authority to involve this country in debt is based upon the idea that the Government owes gold obligations. By the resumption act of 1875 it is provided that after the Secretary of the Treasury has exhausted the current revenues he may sell bonds of the descriptions named in the act of July 14, 1870, sufficient to obtain coin with which to redeem greenbacks which would be outstanding on the 1st day of January, 1879. To an extent necessary to redeem the greenbacks then outstanding he might sell bonds to buy coin; and it was held by both Houses of Congress that silver coin answered that description; and it never has been successfully questioned. The present Secretary of the

Treasury when in Congress voted for that resolution, and all the leading members of both Houses, including the most prominent candidate for the Presidency, Mr. McKinley, of Ohio, voted for that resolution, and it was presumed that the question was settled.

Then the Secretary of the Treasury was authorized to sell bonds to buy coin sufficient to redeem United States Treasury notes and for no other purpose. Is there authority for it elsewhere? There is none. By the act of 1890, commonly called the Sherman Act, it is provided that the Treasury notes issued under that act shall be redeemed in either gold or silver coin at the option of the Secretary of the Treasury; and it is further made mandatory upon the Secretary, by the third section of that act, to coin sufficient of the bullion purchased under the act to provide for the redemption of the notes. The act expressly provided for coining silver to redeem the Treasury notes issued under the act. If there was not sufficient coin in the Treasury for the purpose of such redemption, the provision of law providing for the coinage of silver for that purpose excluded, by implication, any other mode of obtaining coin for the redemption of the notes. That provision, making it mandatory upon the Secretary of the Treasury to coin silver to provide for the redemption of those notes, was equivalent to a positive law that he should not obtain money in any other way unless Congress provided it; that he should not invent any other mode, but should take the mode provided by law; and in selling bonds to buy gold to redeem the Treasury notes issued under the Sherman Act the Secretary of the Treasury violated the plainest principles of law.

The Administration is now, without a shadow of law, selling bonds to buy gold to pay the current expenses of the Government, for, view it as you will, that is the only pretext. The suggestion on his part that he sells the bonds to buy gold to maintain the gold standard is an admission of a usurpation, and there is no law authorizing it. There is no law authorizing him to sell bonds to buy gold for any purpose, and there never was. I defy any lawyer or any man in the United States to point to a shadow of law that authorizes the President of the United States or the Administration to sell bonds to buy gold for any purpose.

The Administration, in violation of the law, in violation of the express duties prescribed by the statute, has involved the country in two hundred and sixty-odd million dollars of debt, and has accumulated $270,000,000 of available cash balance in the Treasury.

The argument is that the current revenues are not sufficient. That makes no difference; the money is there. It is an injury to the country that it should be there. It contracts the currency and makes times worse. It is a temptation to make appropriations and to indulge in extravagance. It being there, I am opposed to putting money there by any other means.

The idea of parties on both sides of the Chamber in pretending that there is necessity for more taxation upon a people already taxed beyond endurance to accumulate a larger surplus in the Treasury is an absurdity. A few years ago, when there was less surplus than now, there was a general clamor throughout the country to reduce taxation to get rid of the surplus. Taxation was reduced, the surplus was disposed of, but the Executive has accumulated a surplus greater than the former by bald usurpation.

Do Senators ever reflect what raising revenue by the Executive without the authority of Congress means? If the Executive can raise money to carry on the Government without calling on Congress this is no longer a Republic. Do Senators remember the controversy that occurred some three hundred years ago, when Charles I undertook to raise revenue to carry on his Government without the consent of Parliament? He lost his head. The exercise of the power to raise revenue without authority of Parliament was the principal cause of the English revolution. The same exercise of power is going on here. Neither party will attempt to check it. It is impossible to get through a resolution against it. We have been struggling for years to stop this proceeding, but it can not be done. We can not even have a resolution to examine the transactions with regard to selling bonds that have already occurred. Both parties are in favor of selling bonds in some form. It has been proposed on both sides of the Chamber to continue to involve this country in more debt to buy gold for gold gamblers.

The reason why you have not revenue enough under existing law is because the country is doing no business. There is no money with which to do business. Business is stagnant; the country is languishing. You have by your gold standard and by your sale of bonds created a surplus revenue. You have by every means curtailed the circulating medium until business is at a standstill.

The wealth of this country consists in its power of production more than in the property already produced. The productive forces of this country reproduce all the wealth in a very short period. For the last three years there has not been 33 per cent of the power of production realized in this country for the want of a circulating medium. While you stifle production, while you have millions of tramps, while you have poverty everywhere, while you are filling your insane asylums, while you are multiplying your suicides, while you are flooding the country with bankrupts, while you strangle enterprise for want of money, you can not expect revenue under any bill. The more taxation you have the less revenue you will get under it.

If the revenue laws had been enforced; if all the laws had been obeyed by the Secretary of the Treasury; if the Secretary of the Treasury had coined silver and paid it out as required by law, we would not have lost our gold. If when Secretary Foster was asked after the passage of the Sherman Act whether he would obey the law and coin silver to redeem Treasury notes he had answered that he would, and that he would make no discrimination between gold and silver, do you suppose there would have been any run upon the Treasury? Do you suppose there would have been a word said? Do you suppose the combination to put Austria on a gold basis would have been made? Do you suppose that they would have attempted that combination or would have attempted to put Austria on a gold basis if it had not been for the assurances that they could get the gold here?

Do you remember that after the dinner at Delmonico's on the 17th of November, 1891, wherein Secretary Foster pledged this Government to pay gold, and said that he would not coin silver for the purpose of redeeming the Treasury notes issued under the Sherman Act, the President, in his annual message, declared that such assurance had done much to sustain the business interests? Do you recollect that in January following the Austrian cabinet met and agreed to the Rothschilds proposition to fund the debt of Austria? Do you recollect that they waited until both Presidential nominations were made, and immediately thereafter they took a million dollars of Treasury notes under the Sherman Act to the subtreasury at New York, demanded gold, got it, and they also obtained an interview with that officer declaring that that was the policy of the Government? Do you mark that immediately thereafter, in August, the legislative department of Austria met and sanctioned the proceeding to fund the debt? Do you recollect that they commenced then to sell Austrian gold bonds in Europe and elsewhere, and to get gold for the purchase of Austrian bonds they sold their American securities in this country for gold to accumulate $150,000,000 of gold as a basis of redemption for the Austrian debt? Do you recollect that before Harrison's Administration closed they had drawn the gold reserve down to the hundred-million-dollar limit? Do you recollect that Secretary Carlisle is reported ts have issued an order to pay in silver, and the next morning it was overruled by the President, and this Austrian combination had free access to our Treasury? Do you recollect the panic that followed the draining of the gold for gold gamblers?

Mr. GEORGE. I did not catch what the Senator said about Secretary Carlisle doing something and the next morning something else was done.

Mr. STEWART. It is reported that he issued an order to redeem the Treasury notes in silver. I know the President came out with a proclamation the next morning declaring that they would be paid in gold. I do not know whether it is denied or not. I think probably Secretary Carlisle did that.

Then what occurred? The Austrian debt was funded, and it was raised from a two-billion-four-hundred-million-dollar debt payable in silver to a two-billion-eight-hundred-million-dollar debt payable in gold. Two hundred million dollars of that may have been used for commissions and to buy $150,000,000 of gold, for the bonds were sold for from 92 to 96. Suppose it took $200,000,000 to pay commissions and buy their $150,000,000 of gold. Who got the other $200,000,000 of the $400,000,000? Where did it go? What officials were influenced by it?

One thing we do know, and that is, it took our gold and brought on the panic. It stopped business. That raid injured this country. It cost this country more than double the cost of the war. It destroyed thousands of millions of securities in this country. It threw millions of people out of employment. It paralyzed industry everywhere. Then, to add a climax to the miseries of the people, the President of the United States called an extra session of Congress and wiped from the statute books by the votes of the two Houses which the Executive controlled every law that recognized silver as money and reduced this country to the single gold standard.

Now we are told that the misery in this country comes from our protests against the gold standard. They tell us that we would have happiness but for the talk about free silver, that our talk is doing all the harm. You might as well say that the only thing that made the wolf eat the lamb was because the lamb struggled. The Treasury was robbed of millions of gold for gold gamblers and stockjobbers without law, and the country was deprived of a circulating medium, and universal distress was created, as an object lesson to show the power of the Executive and the power of money. We have felt it and we will continue to feel it. But the American people now begin to understand what the matter is. There is not a business man in this country who, if you ask him why he is in trouble, will not tell you, for want of money.

If you ask him why he does not get money, he will tell you that his property will not bring money.

Go where you please, you will find that the agriculturists of this country are living more economically and in fact are suffering more for the necessaries of life than they ever did at any time since the landing at Jamestown. Never before was every opportunity to young men to make headway in the world closed. Never before was the prospect for the youth of this land so dark. Never before was poverty staring the whole mass of the people in the face. Never before were willing hands denied the privilege of working in this country. The circulating medium is gone; the population is increasing and money is decreasing. There is $100,000,000 less money in the country to-day than there was a year ago, and still it is said that we want more contraction! We have the proposition now coming from Democrats and Republicans to retire the greenbacks, to get rid of the Treasury notes. What for? More contraction. What for? To give money more purchasing power. What for? To allow the few to enslave the many.

That is the situation, and when Senators talk about more taxation upon the people already groaning under taxation, when they talk about more revenue with a Treasury overloaded with surplus, they mock the American people. We need no more taxation. We need an opportunity to pay taxes. Just see how we are situated. It is estimated that the debts of the United States, public and private, amount to the vast sum of thirty thousand million dollars. How do we pay those debts? They are paid with the product of labor. Many of them were contracted when wheat was $1.25 a bushel and cotton 12 cents a pound. Now, see how the debts have increased. These are fixed charges. The interest on these obligations is a fixed charge. The salaries of officials remain the same; they are fixed charges. We have to pay $500,000,000 for the support of the General Government, and not less than $1,500,000,000 for State and local taxes to support schools and churches and to pay the local taxes of the country. It does not amount to less than $1,500,000,000. This, together with the other fixed charges, rest upon the people, and it takes twice as many bushels of wheat, twice as many pounds of cotton, twice as much of the products of labor to earn a dollar now as it did twenty years ago, and the amount required is daily increasing. Taxes are increasing. They have driven the farmers from their homes; they are driving the laborers from their homes; they are depriving them of the means of educating their children. For what? Talk about economy. The President tells us that they must remember that they buy as well as they sell. To what do their purchases amount? It is very little after they pay their fixed charges. They must sell, however, and they are left without the necessaries of life. That is the condition.

Give the people more money. Give them an opportunity to make a living and a liberal opportunity to pay taxes. Stop your forced sale of taxes and you will have revenue enough. But with the present depressed condition of the country, to extract more revenue by increased taxation is murder; it is outrage. I protest against the idea of an overflowing Treasury with a depressed people taxed beyond endurance and any discussion here of more taxation. I say give the people more money. Give them a chance to pay the taxes already levied. The increased business of the country will give you ample revenue. But in the present condition of the country, in its present stagnation, you may pile up taxation as you please; you are increasing the burdens every year without increasing the revenue.

Our fixed charges to Europe amount to at least $400,000,000 a year. A year ago we paid about $100,000,000 of that. Last year we did not pay a cent. I speak of our fixed charges to Europe, and I give them a most conservative estimate. That is the carrying trade, the travel abroad, the interest and dividends, which amount now to $400,000,000. Not one cent of it was paid last year. We are giving our public and private notes or bonds, and what for? To buy gold for gold gamblers. We are giving our notes to Great Britain for gold with which to buy her commodities and with which to pay her the interest which she demands of us.

Can this Government go on always increasing its obligations to Europe, selling its products below the cost of production to buy gold to pay this accumulating interest? It seems to me there should be some thought of relieving the people, and I protest, while distress is universal, against any discussion which leads to more bonds or more taxation. We have enough of those.

Mr. PALMER. Mr. President, at some time I expect to take a part in this discussion, but for the present I shall ask the Secretary to read the slip I send to the desk.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

CONTRACTION BY FREE SILVER.

The most effective plea the 16 to 1 free-silver men address to ignorance and poverty is that we have not money enough. They urge that for this reason the prices of products have fallen, until the farmer is embarrassed to get means with which to support his family. They urge free coinage as a means of giving the people "more money."

And yet there was never proposed so great or so disastrous a measure of currency contraction as free coinage would be. The facts are simple and easily understood.

There is no country in the world at this moment that uses both gold and silver or their paper representatives as money which does not maintain the gold standard and restrict the coinage of silver. There is no country in which free silver coinage exists that does not use silver to the exclusion of gold. In brief, it is a fact open to observation that free silver coinage at present ratios always and everywhere drives all money except silver and silver-bearing paper out of use.

Now, we have at present a total volume of money amounting to $2,197,000,000. Of this there are—

Gold coin	$568,106,930
Gold certificates	50,099,889
Greenbacks	345,702,504
National-bank notes	213,716,973
Total gold money	1,077,626,296

All this is gold or gold-bearing paper, the national-bank notes being so indirectly but effectively. Unlimited free silver coinage at 16 to 1 would immediately send all this currency out of circulation. It would contract the currency of the country by more than a billion dollars. Instead of giving us more money it would reduce the total stock by about one-half and depress prices accordingly.

Or if the paper currency were retained on a silver basis by a Treasury decision to redeem greenbacks in silver, there would still be a contraction of more than $600,000,000, or considerably more than one-fourth of the total currency supply.

If we are really suffering from an inadequate currency, the insanest thing we could do would seem to be to compel a further and enormous contraction by adopting free silver coinage.

Mr. STEWART. That has gone the rounds sufficiently without publishing it here. It shows the sublime confidence of the author in the ignorance of the American people. It says if we would add silver to gold it would contract the currency.

Mr. PEFFER. Will the Senator permit me before he proceeds?

Mr. STEWART. No; I want to say a word in reply.

Mr. PEFFER. I should like to inquire whether the printed matter which has just been read by the Secretary represents the views of the Senator from Illinois?

Mr. PALMER. I have no desire to interrupt the Senator from Nevada.

Mr. STEWART. I understand where it comes from. It comes from the Reform Club of New York; it is the "sound view" of all those people.

Mr. PEFFER. I merely wanted to know whether it represents the views of the Senator from Illinois.

Mr. STEWART. It comes from the holy of holies of the gold standard.

Mr. PALMER. If the Senator from Kansas will allow me, I will state that within a day or two I hope to have an opportunity to address the Senate on this subject at length, but I have no desire to interrupt the Senator from Nevada.

Mr. STEWART. I will be through in a moment.

In the first place, it says that doubling the coinage, doubling the base of the circulation, would decrease its volume.

Mr. PALMER. Mr. President——

Mr. STEWART. I hope the Senator will not interrupt me.

Mr. PALMER. I was going to ask whether that is the statement.

Mr. STEWART. That is the substance.

Mr. PALMER. The statement?

Mr. STEWART. Oh, yes; I will tell you what the statement is.

I state as an incontrovertible fact that the amount of standard money controls the volume. There must be some relation between the credit and circulation and the amount of standard money. We have no standard money in the country but gold. The Treasury has no gold except what it borrows from time to time. They exaggerate the amount of gold in the country. There is probably $350,000,000 of gold in the country, not over $400,000,000 at the outside, and if I had time I could go on and show why. That is all we have. All our circulation is based upon that, and consequently everybody knows that the foundation is insufficient. There can be no confidence. There is no confidence in the country. No credit can be extended, because there is no foundation for our credit. Gold can be taken out at any time. We are depending upon borrowing it and increasing the national debt. It is the only way we have to get gold. We have no other means of getting it except by increasing the debt. Our products which we sell abroad have become entirely inadequate to buy gold. We have no foundation for our currency, and to say that coining silver, giving a foundation for this credit, remonetizing the silver in the Treasury, would make less money is ridiculous. We have a large amount of silver in the Treasury. If it were money we would have some basis. But the Department says it is not money with which to pay debts. It is of no more use than so much pig iron. They will not pay it out for the obligations of the Government. It amounts to nothing so far as a basis of circulation is concerned.

The Department boldly say that silver itself must be redeemed in gold, and they keep it at a parity by their determination to redeem it in gold. The whole thing rests upon this narrow basis of gold. Except the small amount in circulation, besides the fractional silver, the balance is idle in the Treasury. It has to be bolstered up by borrowing gold. See how the currency stands with your greenbacks, your Treasury notes, your bank circulation, and all your silver depending upon redemption in gold as the Administration says. Then think of the little fleeting gold that you buy to maintain all that. That is what destroys confidence. That is what makes business men so anxious to borrow gold and issue bonds to get some money in the Treasury to bolster up what you have. There is no foundation for confidence. The remonetization of silver and the use of silver as money would give us a basis strong enough to maintain double the credit and double the circulation we have.

The gold men say it would drive gold out of the country. Was gold driven out of the country by the Bland Act or the Sherman Act? Did it not accumulate constantly while silver was used even under the limited commercial way of purchasing it and coining it? But let the Government of the United States say that silver is as good as gold and that it would just as soon have it as gold, and you would have something with which to buy gold. How does gold come into the country? Does it fly in? Does it come here by a kite? It is bought and brought here by our products. But the gold standard has reduced the value of our products below the cost of production, and with all we can export we can not pay for what other commodities we buy. Consequently we get no gold. Give us prosperity, set the wheels of industry in motion, and you can buy gold with your exports. But while silver is at the present price, while the Asiatics have a hundred per cent advantage in difference of exchange, they can furnish the wheat and cotton and take our markets from us.

Look at Russia. She is on a silver basis. She has grown rich in the last twenty years while we have grown poor. Twenty years ago our bonds were worth much more than Russia's bonds. Now her bonds are as good as ours, and she has some five or six hundred millions of gold which she does not use for circulation, because her ruble is the unit and she puts out paper enough to keep it on a par with the silver ruble. The consequence is she can produce wheat and drive us out of the market, as she has done.

The farmer of Russia takes his bushel of wheat to London. He sells it for the same price that we do. He goes back to his country and his money is doubled. He has fixed charges to pay the same as we do, but he can pay his fixed charges with half the labor and with half the products that we can. Our fixed charges have to be paid in gold. A bushel of wheat is taken to Liverpool. It is sold for 60 cents. It is 60 cents when it gets here. A bushel of wheat is taken from Russia to Liverpool. It is sold for 60 cents, and it is $1.20 when it gets home to pay fixed charges with. The burdens are thrown off the backs of the people and they prosper; they can produce more wheat and they have driven us out of the market. The same is true of the Asiatics. Our farmers are brought face to face with this ruinous competition. Of course we can not have gold here. It is our poverty that makes them take the gold from us, because we must sell at gold prices in competition with the Asiatics. We can not accumulate it unless we have something with which to buy gold. When a man says that the remonetization of silver would produce contraction, he thinks the people of the United States are very ignorant or he is ignorant or vicious.

When did the coinage of silver in this country drive out gold? The two metals have been side by side for a thousand years, and it was easier to get gold while silver and gold could both be used. But when we are confined to gold alone and nothing to buy it with, the gold hoarded in Europe for military purposes, or held in a pool by the Rothschilds, it is different. We are selling our products to the Rothschilds combination to buy their gold. They have a gold corner, and they say to us, "You shall come to us and borrow gold to pay your interest"; yet it is said more standard coin would be contraction. When they talk about $2,000,000,000 in circulation they duplicate the figures. There is no such amount in the country. They duplicate the figures to the extent of more than $500,000,000. For instance, silver certificates are counted and the silver in the Treasury is counted; the gold certificates are counted and the gold in the Treasury is counted, and so it goes through. The most fallacious statement ever uttered by man is uttered in the paper presented by the Senator from Illinois. All the genius of duplicity, all the essence of avarice, all the desire to humbug and to deceive are concentrated in those few words. It is a result of years of juggling of words by the conspirators who demonetized silver to double the value of their obligations and to enslave the people. The idea that the American people must be loaded down with these accumulated debts and have the money with which to pay them taken away is preposterous.

If my friend the Senator from Illinois will go to his State he will find the farmers there struggling to pay taxes, to pay interest, to school their children, and he will find that they sell wheat and what they raise at less than the cost of production. There is nothing left for them. If he does not know it, the country knows it. If he does not know that there is suffering in the country, the country does. The idea of trying to conceal from the people that there is universal distress! Where has it been produced? Nowhere but in the Halls of Congress. Why should there be universal distress after twenty years of abundant harvests and profound peace? What has occurred to make times worse than they ever were? What has occurred to take away from young men the opportunity to acquire wealth by industry? What has occurred to bring gloom to the country and sadness to every household? What has occurred to multiply suicides, to increase the millions of tramps? What has occurred to make hard times? Is there anything but the financial legislation of this country? What else can be pointed to?

You have tried all sorts of tariffs. You have tried a Republican tariff. You have tried the McKinley Act. After it was in force for two years you had the worst panic that has ever been witnessed in this country. The McKinley law remained in force a year after, and it did not cure the panic. It was a disease beyond the power of protection. It was a disease too deep to be cured by such a measure. I have advocated protection all my life, but it can not cure the currency disease. It is inadequate, it is impotent.

You have the Wilson Act. What has it done? It has not made a ripple. For the last three years, since Secretary Foster declared that he would not obey the law and coin silver to pay the obligations of the country, since it was determined that silver should be absolutely disgraced and not used as money, we have been on the downward course. Each succeeding year has been worse than the preceding, and now the only hope of the Republican party to get in power is that the Democratic party has made the condition intolerable. They think that the people have forgotten that the former Administration made it so intolerable that they elected Cleveland.

Look how this thing has gone on. In 1884 the Republican party was so intolerable that the people elected Cleveland. In 1888 the Democratic party was so intolerable that they elected Harrison. In 1892 the Republican party was so intolerable that they forgot the shortcomings of Cleveland and returned to him, and now it is supposed that a sufficient amount of political capital has been accumulated from the present Administration to make the people go on and step out of the frying pan into the fire. So they go, jumping from the frying pan into the fire, and then into the roaster. Each party runs on the misdoings of the other, and the "outs" have an unlimited capital in the misdeeds of the "ins." That is what the Republican party relies on. They rely on the short memory of the people. They think they have an unlimited capital in the infamy of the present Administration. In four years they will accumulate capital enough for another change. They think the people of the United States are sufficiently ignorant to be hoodooed and fooled right along. And what do we have to-day? A serious discussion about increasing the surplus in the Treasury when the country is already overloaded with taxation. Neither party intends to give relief. Both intend to deceive the people and augment the wealth and power of gold monopoly, which is the mother of all monopolies.

Mr. CALL. I offer two amendments to the pending bill which I ask may be printed.

The VICE-PRESIDENT. It will be so ordered.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 2259) for the relief of William B. Ellis;

A bill (H. R. 4921) to relieve the North Georgia Agricultural College from the payment of $450 for damaged gun; and

A bill (H. R. 8037) for the relief of John McLain, alias Michael McLain.

The following bills were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. 4324) authorizing the Secretary of the Navy to deliver one condemned cannon to the city of Elmwood, Peoria County, Ill.; and

A bill (H. R. 6256) authorizing and directing the Secretary of the Navy to furnish to George F. Fuller Post, Grand Army of the Republic, of Manistique, Mich., a condemned cannon.

The following bills were severally read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. 953) for the relief of William Gray; and

A bill (H. R. 6836) to amend section 2981 of the Revised Statutes as amended by the act of June 10, 1880.

MARRIAGES IN THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1904) to regulate marriages in the District of Columbia.

Mr. FAULKNER. I move that the Senate nonconcur in the amendments of the House of Representatives and request a conference with the House on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. FAULKNER, Mr. MCMILLAN, and Mr. GALLINGER were appointed.

CAPITAL RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895.

Mr. GALLINGER. I move that the Senate nonconcur in the amendments of the House of Representatives and ask a conference with the House on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. MCMILLAN, Mr. FAULKNER, and Mr. PROCTOR were appointed.

SUNDRY CIVIL APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. HALE, and Mr. GORMAN were appointed.

POTOMAC RIVER FLATS.

Mr. TELLER. I desire to have an order for reprinting Senate Document 151, being a report of the findings of the supreme court of the District of Columbia in the matter of the right, title, or interest of any person or corporation adverse to the complete and paramount right of the United States in the Potomac River Flats, with the accompanying papers. I wish to state that the document is to be printed for the use of the subcommittee of the Committee on Appropriations on the District appropriation bill. There are quite a number of maps, and I desire that the first copies shall be sent to the Senate without the maps, and that subsequently the maps be put in. I wish to have an order made to make the printing special.

The VICE-PRESIDENT. Without objection, it will be so ordered.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Pennsylvania [Mr. QUAY] to the amendment of the Senator from Maryland [Mr. GORMAN].

Mr. SQUIRE. If there are no Senators who desire to discuss the bill further to-night, I would ask the Senate to take up some unobjected bills on the Calendar.

Mr. HALE. The Senator from California, I think, desires to submit some remarks on the pending bill, and perhaps also the Senator from Connecticut. Neither of them, however, is ready or inclined to go on to-night, and if there are other matters upon the Calendar that Senators desire to have taken up between now and 6 o'clock——

Mr. GORMAN. Oh, no; let us adjourn.

Mr. HILL. I move that the Senate adjourn.

Mr. HALE. I hope the Senator from New York will withdraw his motion——

Mr. PLATT. Will the Senator from New York withdraw his motion for a moment?

Mr. HALE. Otherwise I would——

Mr. PLATT. I should like to make a statement to the Senate.

Mr. HILL. The motion is withdrawn for the purpose of the statement.

Mr. PLATT. The Senator from Vermont [Mr. PROCTOR], who is very much interested in the subject of coast defenses, and who has been obliged to leave the city, prepared a speech before leaving which, if here, he would deliver upon the amendment proposed by the Senator from Maryland [Mr. GORMAN], and in support of the amendment, as I understand it. He left it with me and requested me to ask the unanimous consent of the Senate that it might be printed in the RECORD, or, if that should be refused, to read it for him myself. If unanimous consent can not be granted, I will accommodate the Senator from Vermont by reading his speech.

Mr. HALE. Let the Senator from Connecticut submit the request now that the speech of the Senator from Vermont [Mr. PROCTOR] on the pending amendment be printed in to-morrow morning's RECORD.

The VICE-PRESIDENT. Is there objection?

Mr. BACON. I object.

Mr. HAWLEY. I should like to ask a question first. I think that is a very dangerous precedent.

Mr. PLATT. If there is objection I will withdraw the request.

Mr. HAWLEY. I want to suggest a way out of it. I think there would be no objection to having the Secretary read it.

Mr. GRAY. The Senator's colleague [Mr. PLATT] can read it.

Mr. HAWLEY. My colleague can begin it, and ask permission of the Senate for the Secretary to finish it.

Mr. HALE. Then I suggest that we go on and consume the time until 6 o'clock, and that the Secretary commence reading the speech of the Senator from Vermont, if the Senator from Connecticut has it in his hand and will send it to the desk.

Mr. BACON. I hope not.

The VICE-PRESIDENT. Is there objection to the request?

Mr. HILL. What is the request?

Mr. HALE. That the Secretary may be permitted to read the speech of the Senator from Vermont, who is necessarily absent, and who desires that his speech be incorporated into the debate on the pending amendment. The suggestion is now that the Secretary shall begin——

Mr. PLATT. I will go ahead now.

Mr. HALE. The Senator from Connecticut will go on himself.

Mr. HILL. The only question is whose speech it is.

Mr. HALE. It is the speech of the Senator from Vermont [Mr. PROCTOR].

Mr. HILL. Is that not establishing a bad precedent, even for the Senate?

Mr. HALE. The Senator from Connecticut can make it as his own speech.

Mr. HILL. He can do that. A Senator can always make a speech. He is competent to do that. But the question is whether we want to start the custom of a Senator making another Senator's speech here and having it printed in the RECORD. I do not think it is a good practice. I shall have to object, Mr. President.

Mr. FAULKNER. I understand the Senator from Connecticut has withdrawn that request, and he is now about to make the speech himself.

Mr. HALE and Mr. GRAY. And in his own time.

Mr. FAULKNER. The Senator from Connecticut has withdrawn the request he first made.

Mr. HALE. Both requests have been withdrawn—the request to print in the RECORD and the request to have the Secretary read the speech. I understand the Senator from Connecticut proposes to go on and read the speech in his own time.

Mr. HILL. I have no objection to the Senator from Connecticut making his speech, but I must object to his making the speech of somebody else, and having it appear in the RECORD that it is the speech of somebody else.

Several SENATORS. He has the right to do that.

Mr. HILL. No; he has not the right to do that. It is a practice that is abused in the other House, and it is unworthy of the Senate, and ought not to be made a precedent. With all due respect to the Senator from Vermont, who is absent, I think it is a precedent that ought not to be established, and I want to object right here. The Senator can make his own speech, and the RECORD will show that it is his speech. That is the right practice, and we must adhere to it.

Mr. FAULKNER. Let me suggest to the Senator from New York that if the Senator from Connecticut chooses to make a few preliminary remarks, and then proceeds to read the speech prepared by the Senator from Vermont, I do not know any ground in the world on which you can stop it, or any rule or custom of the Senate under which you could prevent it.

Mr. HILL. That is not the point.

Mr. FAULKNER. That is what the Senator from Connecticut proposes to do.

Mr. HILL. He can read the speech of Daniel Webster as part of his remarks, or read his own speech made years ago, or anybody else's speech; but that is not the point. That, however, is all he can do. Do not let us begin such a practice now out of courtesy to the absent Senator from Vermont. It strikes me it would be a bad precedent for the future. Let each Senator make his own speech, and let the whole of it be printed in the RECORD as his speech. That is what the Senate has always adhered to, and it is a good practice. If the Senator from Connecticut wants to go on now—it is rather a late hour for a speech from anybody, at half past 5 o'clock in the afternoon, after the able discussion by different Senators to which we have listened upon the bond question, and so on. [Laughter.]

Mr. SAYERS. I find that I am paired with the gentleman from

their planted oysters and oyster beds in Raritan Bay by dredges

If my friend the Senator from Illinois will go to his State he marriages in the District of Columbia.

might be printed in the RECORD, or, if that should be refused, to read it for him myself. If unanimous consent can not be granted, by different Senators to which we have listened upon the bond question, and so on. [Laughter.]

The VICE-PRESIDENT. The Chair understands that the request of the Senator from Maine [Mr. HALE] has been withdrawn. The pending question is on the amendment submitted by the Senator from Pennsylvania [Mr. QUAY] to the amendment of the Senator from Maryland [Mr. GORMAN].

Mr. PLATT. Mr. President——

Mr. HILL. I have the floor. I yielded to the Senator from Connecticut to make a statement. I move now that the Senate adjourn.

Mr. HALE. I hope we shall remain here until 6 o'clock.

Several SENATORS. No, no.

Mr. GORMAN. Let us adjourn.

The VICE-PRESIDENT. The question is on the motion of the Senator from New York that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 33 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 29, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 28, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

PENSIONS.

The SPEAKER. Under the rule adopted by the House, the first business this morning after the reading of the Journal is the vote upon the passage of House bill No. 8271, relating to pensions.

Mr. CROWTHER. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 189, nays 54, not voting 111; as follows:

YEAS—189.

Acheson,	De Witt,	Kem,	Russell, Conn.
Allen, Utah	Dingley,	Kerr,	Sauerhering,
Anderson,	Doolittle,	Kirkpatrick,	Scranton,
Andrews,	Downing,	Knox,	Shafroth,
Arnold, Pa.	Eddy,	Kulp,	Shannon,
Arnold, R. I.	Ellis,	Layton,	Sherman,
Atwood,	Evans,	Leighty,	Simpkins,
Babcock,	Faris,	Leisenring,	Smith, Ill.
Baker, Kans.	Fenton,	Leonard,	Snover,
Baker, Md.	Fischer,	Lewis,	Sorg,
Baker, N. H.	Fitzgerald,	Long,	Southard,
Barham,	Gamble,	Loudenslager,	Spalding,
Barney,	Gibson,	Low,	Sperry,
Bartholdt,	Gillet, N. Y.	Mahany,	Stahle,
Bell, Colo.	Gillett, Mass.	Mahon,	Steele,
Bennett,	Graff,	Marsh,	Stewart, N. J.
Bingham,	Griffin,	McCall, Mass.	Stewart, Wis.
Bishop,	Griswold,	McCall, Tenn.	Stone, C. W.
Blue,	Grow,	McClure,	Stone, W. A.
Bowers,	Hager,	McCormick,	Strode, Nebr.
Brewster,	Hainer, Nebr.	McLachlan,	Strong,
Broderick,	Halterman,	Meiklejohn,	Sulloway,
Bromwell,	Hardy,	Mercer,	Sulzer,
Brown,	Harmer,	Miller, Kans.	Tawney,
Brumm,	Harris,	Miller, W. Va.	Thomas,
Burrell,	Hartman,	Milliken,	Towne,
Burton, Mo.	Heatwole,	Minor, Wis.	Tracewell,
Burton, Ohio	Hemenway,	Mondell,	Tracey,
Calderhead,	Henderson,	Moody,	Treloar,
Chickering,	Henry, Conn.	Morse,	Updegraff,
Clark, Iowa	Henry, Ind.	Noonan,	Van Horn,
Clark, Mo.	Hepburn,	Northway,	Van Voorhis,
Codding,	Hermann,	Odell,	Walker, Va.
Coffin,	Hicks,	Otjen,	Walsh,
Colson,	Hilborn,	Overstreet,	Wanger,
Connolly,	Hill,	Parker,	Warner,
Cook, Wis.	Hitt,	Payne,	Watson, Ind.
Cooper, Wis.	Howe,	Pearson,	Watson, Ohio
Corliss,	Howell,	Perkins,	Wellington,
Cousins,	Hubbard,	Phillips,	Willis,
Crowther,	Huff,	Pickler,	Wilson, Idaho
Cummings,	Huling,	Pitney,	Wilson, Ohio
Curtis, Iowa	Hunter,	Poole,	Wood,
Curtis, Kans.	Hurley,	Pugh,	Woomer,
Curtis, N. Y.	Hyde,	Ray,	Wright.
Danford,	Jenkins,	Reyburn,	
Daniels,	Johnson, Cal.	Robinson, Pa.	
Dayton,	Joy,	Royse,	

NAYS—54.

Abbott,	Ellett, Va.	McDearmon,	Stokes,
Allen, Miss.	Elliott, S. C.	McRae,	Strait,
Bartlett, N. Y.	Hall,	Meredith,	Strowd, N. C.
Bell, Tex.	Hendrick,	Miles,	Talbert,
Black, Ga.	Jones,	Otey,	Terry,
Clardy,	Kyle,	Patterson,	Turner, Va.
Cobb,	Latimer,	Richardson,	Underwood,
Cooper, Fla.	Lester,	Russell, Ga.	Washington,
Cooper, Tex.	Little,	Settle,	Wheeler,
Cox,	Livingston,	Shuford,	Williams,
Culberson,	Lockhart,	Skinner,	Wilson, S. C.
De Armond,	McClellan,	Sparkman,	Yoakum.
Denny,	McCreary, Ky.	Spencer,	
Dinsmore,	McCulloch,	Stallings,	

NOT VOTING—111.

Adams,	Dockery,	Kendall,	Powers,
Aitken,	Dolliver,	Kiefer,	Price,
Aldrich, Ala.	Dovener,	Lacey,	Prince,
Aldrich, Ill.	Draper,	Lawson,	Quigg,
Apsley,	Erdman,	Lefever,	Raney,
Avery,	Fairchild,	Linney,	Reeves,
Bailey,	Fletcher,	Linton,	Robertson, La.
Bankhead,	Foote,	Lorimer,	Rusk,
Barrett,	Foss,	Loud,	Sayers,
Bartlett, Ga.	Fowler,	Maddox,	Shaw,
Beach,	Gardner,	Maguire,	Smith, Mich.
Belknap,	Goodwyn,	McCleary, Minn.	Southwick,
Berry,	Grosvenor,	McEwan,	Stephenson,
Black, N. Y.	Grout,	McKenney,	Swanson,
Boutelle,	Hadley,	McLaurin,	Taft,
Brosius,	Hanly,	McMillin,	Tate,
Buck,	Harrison,	Meyer,	Tayler,
Bull,	Hart,	Milnes,	Tucker,
Cannon,	Hatch,	Miner, N. Y.	Turner, Ga.
Catchings,	Heiner, Pa.	Money,	Tyler,
Clarke, Ala.	Hooker,	Moses,	Wadsworth,
Cockrell,	Hopkins,	Mozley,	Walker, Mass.
Cooke, Ill.	Howard,	Murphy,	White,
Cowen,	Hulick,	Neill,	Willer,
Crisp,	Hull,	Newlands,	Wilson, N. Y.
Crowley,	Hutcheson,	Ogden,	Woodard,
Crump,	Johnson, Ind.	Owens,	Woodman.
Dalzell,	Johnson, N. Dak.	Pendleton,	

So the bill was passed.

The following pairs were announced:

Until further notice:

Mr. QUIGG with Mr. CLARKE of Alabama.

Mr. DRAPER with Mr. TUCKER.

Mr. BOUTELLE with Mr. MCMILLIN.

Mr. STEPHENSON with Mr. MONEY.

Mr. ADAMS with Mr. ERDMAN.

Mr. BEACH with Mr. HARRISON.

Mr. SMITH of Michigan with Mr. BERRY.

Mr. COOKE of Illinois with Mr. TYLER.

Mr. FOWLER with Mr. BARTLETT of Georgia.

Mr. TAFT with Mr. OWENS.

Mr. HADLEY with Mr. PRICE.

Mr. LACEY with Mr. HUTCHESON.

Mr. PRINCE with Mr. BAILEY.

Mr. REEVES with Mr. CATCHINGS.

Mr. HOOKER with Mr. MINER of New York.

Mr. GROUT with Mr. NEILL.

Mr. BELKNAP with Mr. MADDOX.

Mr. HULL with Mr. MOSES.

Mr. RANEY with Mr. COWEN.

Mr. HOPKINS with Mr. DOCKERY.

Mr. JOHNSON of North Dakota with Mr. LAWSON.

Mr. WHITE with Mr. RUSK.

Mr. ALDRICH of Alabama with Mr. MCKENNEY.

Mr. MOZLEY with Mr. COCKRELL.

Mr. DALZELL with Mr. CRISP.

For this day:

Mr. HANLY with Mr. PENDLETON.

Mr. AVERY with Mr. HART.

Mr. LINTON with Mr. BUCK.

Mr. GARDNER with Mr. MEYER.

Mr. DOVENER with Mr. MCLAURIN.

Mr. HULICK with Mr. SHAW.

Mr. FLETCHER with Mr. OGDEN.

On this vote:

Mr. HEINER of Pennsylvania with Mr. WOODARD.

Mr. BULL with Mr. ROBERTSON of Louisiana.

Mr. FOSS with Mr. KENDALL.

Mr. MCCLEARY of Minnesota with Mr. BANKHEAD.

Mr. JOHNSON of Indiana with Mr. SWANSON.

Mr. WILBER with Mr. CLARDY.

Mr. CANNON with Mr. TURNER of Georgia.

Mr. CRUMP with Mr. CROWLEY.

On this bill:

Mr. GROSVENOR with Mr. SAYERS.

Mr. MOODY. Mr. Speaker, my colleague, Mr. BARRETT, is unavoidably detained from the House. If he were present, he would vote "aye."

Mr. REYBURN. My colleague, Mr. ADAMS, is detained at home by sickness.

Mr. TYLER. On this question I am paired with the gentleman from Illinois, Mr. COOKE. If he were present, I should vote "no."

Mr. TUCKER. I am paired on this question with the gentleman from Massachusetts, Mr. DRAPER. If he were present, I should vote "no."

Mr. MCMILLIN. I am announced as paired with the gentleman from Maine, Mr. BOUTELLE. I therefore withdraw my vote. I voted "no."

Mr. BARTLETT of Georgia. The gentleman from New Jersey, Mr. FOWLER, is absent, and I have agreed to pair with him on this vote. If he were present, he would vote "aye" and I should vote "no."

Mr. SAYERS. I find that I am paired with the gentleman from Ohio, Mr. GROSVENOR. If he were here, he would vote "aye" and I should vote "no." I withdraw my vote.

Mr. BAILEY (who had voted in the negative). I am paired with the gentleman from Illinois, Mr. PRINCE. I withdraw my vote.

Mr. OWENS. Mr. Speaker, when my name was called I voted "no," forgetting that I was paired with the gentleman from Ohio, Mr. TAFT. I desire to withdraw my vote.

Mr. TURNER of Georgia. Mr. Speaker, I have voted against this bill, but I find I am paired with the gentleman from Illinois, Mr. CANNON. I therefore withdraw my vote.

Mr. SHERMAN. My colleague, Mr. WILBER, has been unavoidably called out of town. If he were present, he would vote in the affirmative. He desired me to make this statement.

Mr. DOCKERY. I am paired with the gentleman from Illinois, Mr. HOPKINS. If he were present, I should vote "no."

Mr. POOLE. My colleague, Mr. FAIRCHILD, is unavoidably detained from the House this morning. Were he here, he would vote "aye."

The result of the vote was announced as above stated.

On motion of Mr. PICKLER, a motion to reconsider the vote just taken was laid on the table.

DONATION OF CONDEMNED CANNON.

Mr. WILLIAM A. STONE. Mr. Speaker. I ask unanimous consent for the present consideration of the bill (H. R. 8266) donating two condemned cannon to Custer Post, No. 38, Grand Army of the Republic, of Etna, Pa., and two condemned cannon to James G. Clark Post, No. 162, Grand Army of the Republic, of Allegheny, Pa.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized and directed to deliver to Custer Post, Grand Army of the Republic, of Etna, Allegheny County, Pa., two condemned cannon, and two condemned cannon to James G. Clark Post, No. 162, Grand Army of the Republic, of Allegheny, Pa., for monumental purposes: *Provided*, That said cannon can be spared from the public service.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. WILLIAM A. STONE, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 1704) for the relief of Quin ne mo se, an Indian;

Joint resolution (S. R. 139) directing the Secretary of War to cause an investigation to be made respecting the claims of certain citizens of New York and New Jersey that damages were done to their planted oysters and oyster beds in Raritan Bay by dredges and other vessels in the employ of the United States, and to report the circumstances relating thereto;

A bill (S. 1611) granting a pension to Clarissa E. Hobbs;

A bill (S. 1597) for the relief of William H. Tibbits; and

A bill (S. 2821) for the relief of Isaac Marsh.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 3112) granting a pension to Josephine Foote Fairfax;

A bill (H. R. 4781) to amend an act entitled "An act to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River," approved February 18, 1893; and

A bill (H. R. 7905) to establish and provide for the government of Greer County, Okla., and for other purposes.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and joint resolution were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 1597) for the relief of William H. Tibbits—to the Committee on the Public Lands.

A bill (S. 1611) granting a pension to Clarissa E. Hobbs—to the Committee on Invalid Pensions.

A bill (S. 1704) for the relief of Quin ne mo se, an Indian—to the Committee on the Public Lands.

A bill (S. 2821) for the relief of Isaac Marsh—to the Committee on the Public Lands.

Joint resolution (S. R. 139) directing the Secretary of War to cause an investigation to be made respecting the claims of certain citizens of New York and New Jersey that damages were done to their planted oysters and oyster beds in Raritan Bay by dredges and other vessels in the employ of the United States, and to report the circumstances relating thereto—to the Committee on Claims.

CHARLES K. JENREE.

Mr. WATSON of Ohio. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6298) to correct the military record of Charles K. Jenree, etc.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed to remove the charge of desertion from the military record of Charles K. Jenree, late of Company B, Twenty-seventh New York Volunteer Infantry, and to issue to the said Charles K. Jenree an honorable discharge: *Provided*, That no pay, bounty, or emoluments shall become due by virtue of the passage of this act.

Mr. BARTLETT of New York. Mr. Speaker, I ask for the reading of the report in that case, subject to the right of objection.

The report (by Mr. FENTON) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6298) for the relief of Charles K. Jenree, having had the same under consideration, report it back to the House with the recommendation that it do pass.

The facts in the case, as shown by the papers and documents submitted to the committee, are as follows:

Charles K. Jenree enlisted as a private in Company B, Twenty-seventh New York Volunteer Infantry, July 5, 1861, for a period of two years, and was honorably discharged by reason of expiration of term of enlistment May 31, 1863.

He reenlisted August 8, 1863, in Company D, First Veteran Volunteer New York Cavalry, for three years, and served faithfully up to February 1, 1865.

On the 17th of January, 1865, Jenree received a fifteen days' furlough, on account of sickness in his family, and on reaching home found his wife at the point of death with consumption, and he decided to remain with her until her death, which took place in July, 1865. Jenree says he thought the duty he owed to his sick and dying wife was paramount to every other consideration, and so he did not return to his command, and was marked as a deserter from the time of the expiration of his furlough. By this act he lost six months' pay as well as his bounty.

His record as a soldier was exceptionally good, and shows him to have been both brave and honorable and faithful and prompt in the discharge of every duty.

At the battle of Piedmont, Va., June 5, 1864, his colonel's horse was disabled, and Jenree promptly dismounted and gave Colonel Carter his own horse.

Col. John J. Carter, commanding Jenree's regiment, pays him a high compliment and gives him (Jenree) an excellent record as a soldier.

Jenree is now an old man, reduced to such extreme poverty and helplessness as necessitates his being an inmate of the poorhouse; his wife and children are dead, and he seems to have no one to care for him. It is a sad finale to an active career and an honorable life to have added to his other troubles the cloud that has hung over him during the last thirty years—that of being untrue to his country—which, from his standpoint, was rendered necessary by the higher duty he owed to his dying wife.

In view of all the circumstances the committee think that it would be a generous act to let a single ray of sunshine fall upon the closing hours of this old man's life, so full of startling vicissitudes, by the prompt passage of the pending bill.

There being no objection, the bill was considered, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

BRIDGE ACROSS THE COLUMBIA RIVER.

Mr. HERMANN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1176) to amend an act entitled "An act to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the State of Washington, and to establish it as a post-road."

The bill was read, as follows:

Be it enacted, etc., That "An act to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River, between the State of Oregon and the State of Washington, and to establish it as a post road," approved March 24, 1890, be, and the same is hereby, extended, revived, and declared to be in full force and effect from and after March 24, 1892. Section 12 of said act, which provides that said act shall be null and void if actual construction of the bridge therein authorized be not commenced within two years and completed within four years from the date of the approval thereof, shall be, and the same is hereby, so amended that the time within which said bridge is required to be commenced shall be within two years from June 24, 1895, and the time within which it is required that said bridge be completed shall be within four years from the 24th day of June, 1895.

There being no objection, the bill was considered, and ordered to a third reading; and being read the third time, it was passed.

FORT LEWIS MILITARY RESERVATION, COLO.

Mr. BELL of Colorado. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5481) to restore the lands embraced in the Fort Lewis Military Reservation, in the State of Colorado, to the public domain.

The bill was read, as follows:

Be it enacted, etc., That the lands included in the Fort Lewis Military Reservation, in Colorado, established by Executive order of date January 27, 1882, and located in townships 34 and 35 north, of ranges 10, 11, and 12 west of the New Mexico principal meridian, are hereby restored to the public domain.

SEC. 2. That said lands shall be subject to occupation, settlement, entry, purchase, and disposal under the public-land laws of the United States, except so much thereof as may be embraced in sections heretofore reserved for school purposes: *Provided*, That nothing in this act shall be so construed as to interfere with any rights which may have accrued previous to the withdrawal of said lands for the purposes of such reservation.

Mr. BARTLETT of New York. Reserving the right to object, I ask for some explanation of this bill.

Dinsmore, McCulloch, Stallings, vote "no."

citizens of New York and New Jersey that damages were done to | I ask for some explanation of this bill.

Mr. BELL of Colorado. Do you desire the report read or some explanation?

Mr. BARTLETT of New York. Has this the approval of the Secretary of War?

Mr. BELL of Colorado. It is approved by every official interested.

In the first place, let me say to the gentleman that it is unanimously reported from the Committee on the Public Lands.—There has been an effort to get this land opened up for two or three sessions of Congress by the Department, and there has been one mistake following another in reference to it. Now the Secretary of the Interior and everybody else interested approves the opening.

This is not a military reservation. It was taken out of the War Department and turned over to the Interior Department a number of years ago.

Mr. BARTLETT of New York. Does the gentleman state that there is a letter from the Secretary of the Interior approving this action?

Mr. BELL of Colorado. There is a letter stating that they have nothing to say about the manner of opening; but they extract from it the sections that are included in the amendments recommended by the Commissioner of the General Land Office; that is, the amendments propose to exclude certain land for an Indian industrial school and all general school sections. They want these sections for the purpose of an Indian industrial school.

Mr. BARTLETT of New York. Is this not a military reservation?

Mr. BELL of Colorado. Not now. It was ten or twelve years ago.

Mr. BARTLETT of New York. Is it not to-day?

Mr. BELL of Colorado. It was turned over by the Secretary of War to the Secretary of the Interior to be used as an industrial school; but there are about 30,000 acres of the land right among the peaks in the mountains. Miners are there now engaged in mining operations. This is right in the very heart of the coal and the gold section, and these men are trying to mine under difficult conditions. There is no objection from any source to the action proposed here.

Mr. BARTLETT of New York. I would like the letter of the Secretary of the Interior read and placed on record in connection with the matter.

Mr. SHAFROTH. If the gentleman will permit me, this matter was considered by the Public Lands Committee and unanimously reported. It was thoroughly investigated by the committee of which I am a member.

This land is situated about 8,000 or 9,000 feet above the level of the sea. It is not good for any purpose, except probably coal mining and mining of the precious metals, and when it is opened for private entry the Government will get out of it a much greater sum than if it were sold under the abandoned military reservation act. The abandoned military reservation acts require that the land may be advertised and sold at public auction. In that event there would be no appreciable amount received by the United States Government. But if it is opened to settlement then there will be a much greater amount received by the Government. The Secretary of the Interior has sent a letter to the gentleman from Iowa [Mr. LACEY], chairman of the Committee on the Public Lands, in which he says it is not his province to indicate in what manner the land shall be disposed of, but it ought to be disposed of in some manner.

Mr. BARTLETT of New York. Mr. Speaker, I should like to ask the gentleman whether this land is to be paid for?

Mr. BELL of Colorado. Oh, yes.

Mr. SHAFROTH. Why, certainly. It can not be had in any other way, except by homestead entry, and there is hardly any of it fit for agricultural purposes.

Mr. BARTLETT of New York. Then I should like an explanation of the following words in the letter of the Secretary of the Interior:

> The facts with reference to said reservation are fully set forth in the report of the Commissioner of the General Land Office, and, as stated by him, the policy of the Government has been, since 1871 to the present time, to require payment for lands in abandoned military reservations.
>
> The question as to whether or not this policy should now be reversed is one which is wholly within the discretion and subject to the determination of Congress.

Now, as I read that, it would imply that if we pass this bill it will be a reversal of the former policy. I want an explanation of that.

Mr. BELL of Colorado. That is explained in the report.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BARTLETT of New York. I ask to have the report read.

The report (by Mr. SHAFROTH) was read, as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 548) to restore the lands embraced in the Fort Lewis Military Reservation, in the State of Colorado, to the public domain, having duly considered the same, do report:

The Fort Lewis Military Reservation was established by Executive order January 27, 1882, embracing 47.4 square miles of the public domain.

On the 12th day of November, 1891, long after said premises had been abandoned for military purposes, the Secretary of War turned all of the buildings, improvements, and premises over to the Secretary of the Interior for industrial-school purposes for educating Indians, and all of the improvements and the lands upon which they are situated and the lands adjacent thereto are now used by the Government for an Indian industrial school, and all such premises and improvements are excluded herefrom, to wit, sections 33, 34, and 35 in township 35 north, range 11 west; sections 9, 10, 11, and 12 in township 34 north, of range 11 west, and what will be, when surveyed, sections Nos. 1, 2, 3, and 4 in township 34 north, of range 11 west.

The foregoing bill was submitted to the Commissioner of Indian Affairs, and he selected the foregoing premises and informed the committee that the same would be ample for this purpose.

This reservation is near the head waters of the La Plata River, in the mountainous mining district of Colorado, called the San Juan; it is not in an agricultural country, but in the mining region of Colorado, although a very little of this reservation can be tilled and will produce such crops as will mature in an elevation 8,000 feet above sea level. Such tillable land, however, is found in small patches, the most of said reservation being rough mountainous territory only fit for mining, if good for any purpose; that the value of these lands has not been accelerated by contiguous settlement, as is usual in level agricultural countries; that it can not be put up and sold to advantage by the Government; that it is desirable, however, that it be thrown open to settlement under existing laws, that it may be prospected and located by miners if desired; and such as can be cultivated, or that may be found more valuable for other purposes than mining, may be located for such purposes under general land laws.

Therefore the committee recommend that said bill be amended by inserting, after the word "purposes," in the fifth line of the second section, the following: "to wit, sections 33, 34, and 35 in township 35 north of range 11 west; also sections 9, 10, 11, and 12 in township 34 north of range 11 west, and also what will be sections 1, 2, 3, and 4 in township 34 north of range 11 west when surveyed." Also by inserting after the last word of said bill the following: "and excluding all general school sections."

And your committee recommend that the bill as so amended do pass.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. I should like to have the gentleman who has this bill in charge explain how this bill will change the general law as applicable to military reservations which have been turned over to the Interior Department. These are mineral lands, are they?

Mr. BELL of Colorado. Yes. It is just as the report says, that you can not sell these lands at public auction for anything. They are located right in the peaks of the mountains.

Mr. DINGLEY. But if they are valuable mineral lands—

Mr. BELL of Colorado. If they are located for coal mining, every man who buys a coal claim must pay $20 an acre. Every man who buys a lode claim pays $5 an acre; and the committee say that the Government will get more money out of it in this way than in any other.

Mr. DINGLEY. That is, the laws applicable to mineral lands will then be applicable to this military reservation?

Mr. BELL of Colorado. Yes; and the committee decided that the Government would get more money out of it in that way than in any other.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BELL of Colorado, a motion to reconsider the last vote was laid on the table.

PETER P. FERGUSON.

Mr. STEWART of Wisconsin. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 6431.

The bill was read, as follows:

A bill (H. R. 6431) to pay Peter P. Ferguson $1,765 and interest.

Be it enacted, etc., That the Treasurer of the United States pay to Peter P. Ferguson the sum of $1,765 and interest thereon from December 24, 1892.

The Committee on Claims recommended the adoption of an amendment striking out the words "and interest thereon from December 24, 1892."

Mr. STEWART of Wisconsin. Mr. Speaker, I wish to offer an amendment to the bill which will obviate the objection made the other day by the gentleman from California [Mr. LOUD].

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BARTLETT of New York. I reserve the right to object, after the bill has been explained.

Mr. LOUD. This bill was up for unanimous consent some time ago, and the report was read. It seems to be a perfectly just claim. I objected at that time to the consideration of the bill, because it was not in proper form, as it did not set forth for what purpose the money was to be paid. The gentleman proposes to offer an amendment which will put it in proper shape.

Mr. STEWART of Wisconsin. Mr. Speaker, I ask that my amendment be reported.

The amendment was read, as follows:

Amend by adding after the word "dollars," in line 5 of printed bill, the following:

"The same being the amount of a certain judgment recovered by the United States against said Ferguson on the 24th day of December, 1892, in the circuit

court for the western district of Wisconsin for $1,600, and also $165 expended for costs by said Ferguson in defending the action, and which judgment was paid in full by said Ferguson, it being for the value of timber cut from certain lands in section 5, township 45 north, of range 4 west, Ashland County, Wis., by said Ferguson, and claimed by the United States, and which lands were subsequently determined by the Supreme Court in the case of Wisconsin Central Railroad Company against Forsythe to be owned by the said railroad company, through whom said Ferguson obtained his title."

Amend the title of the bill by striking out the words "with interest."

The SPEAKER. Is there objection to the present consideration of the bill as proposed to be amended?

There was no objection.

The amendment recommended by the committee was agreed to.

The amendment offered by Mr. STEWART of Wisconsin was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. DOCKERY. Ought not the title of that bill to be amended?

Mr. GRIFFIN. Mr. Speaker, I ask that the title be amended by striking out the words "and interest."

The SPEAKER. Without objection the change will be made.

There was no objection.

On motion of Mr. STEWART of Wisconsin, a motion to reconsider the vote by which the bill was passed was laid on the table.

E. R. SHIPLEY.

Mr. TRACEY. I ask unanimous consent for the present consideration of the bill (S. 67) for the relief of E. R. Shipley.

The bill was read, as follows:

Be it enacted, etc., That the sum of $460 be, and the same hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the payment in full to E. R. Shipley for moneys paid, by direction of Post-Office Inspector Edgerton, to parties having money in registered packages stolen from the post-office in Springfield, Mo., on the 23d day of June, 1884.

Mr. BARTLETT of New York. I ask for the reading of the report.

The report (by Mr. DOWNING) was read, as follows:

The Committee on Claims, to whom was referred the bill (S. 67) for the relief of E. R. Shipley, submit the following report:

This bill is the same as House bill 608, now pending in the House and previously reported by this committee with a favorable recommendation.

Your committee therefore recommend that this bill be substituted for said House bill, and that said House bill lie on the table.

Mr. BARTLETT of New York. I ask for the reading of the full report—the report adopted by this committee. There must be a full report stating these facts.

Mr. TRACEY. There was originally a House report, for which this is a substitute. I desire to say, Mr. Speaker, that I can explain the bill so that every gentleman will thoroughly understand it. I explained it to the House when it was up before to the satisfaction of everybody. The facts are that the post-office was entered and a package of registered envelopes taken. The post-office inspector demanded that the money represented by this package of registered envelopes should be paid by the postmaster; and he did pay it, without investigation to see whether he was liable to pay it or not. He simply paid it on the demand of the post-office inspector. The full report gives the statement of the post-office inspector, as well as the statement of all other parties connected with the matter; and there can be no question whatever about the right of the postmaster to recover the money that he thus improperly paid.

Mr. LOUD. You ought to have the report read.

Mr. TRACEY. It was read before. This is a Senate bill reported back by the House committee. They have reported it favorably. The House committee have passed this bill. The full report has all these statements in it, and is an entire statement of the facts.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. I would like to have read some report, if there is a report, setting forth the facts in the case.

Mr. TRACEY. The House report was read when it was called up before.

The SPEAKER. The Clerk will read the report.

The report (by Mr. DOWNING) on the bill H. R. 608 was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 608) for the relief of E. R. Shipley, having had the same under consideration, beg leave to report the same with the recommendation that it pass.

The Senate report No. 269, Fifty-third Congress, second session, on this bill fully sets forth the facts, and your committee adopt the same and make it a part of this report.

[Senate Report No. 269, Fifty-third Congress, second session.]

The Committee on Post-Offices and Post-Roads have considered Senate bill No. 199 and report as follows:

The bill is for the relief of E. R. Shipley, who was postmaster at Springfield, Mo., in June, 1884. On the 23d of June two bundles of registered matter were lost, as it was claimed, in the Springfield office. One of his clerks was charged with stealing the packages and was brought before the United States Commissioner, and, after hearing, discharged. There is nothing to show any guilt or negligence on the part of the postmaster and no suspicion attaches to him, and in the judgment of the committee he is entitled to the relief he asks.

The committee refer to report 113, Fifty-second Congress, first session, made by Mr. Sawyer, chairman of the Committee on Post-Offices and Post-Roads, where all the facts connected with the matter are stated, and the same is made a part of this report, and recommend the passage of the bill.

[Senate Report No. 113, Fifty-second Congress, first session.]

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 9) for the relief of E. R. Shipley, have examined the same and report:

This bill appropriates $460 to reimburse E. R. Shipley, postmaster of Springfield, Mo., for moneys paid by him to parties whose money in registered packages was stolen. The circumstances are fully detailed in the report made by the House Committee on the Post-Office and Post-Roads, Forty-ninth Congress, first session, which is adopted, and is as follows:

"E. R. Shipley was postmaster of Springfield, Mo., in June, 1884, and for seven years previous to that time. His commission expired October 27, 1885, his successor taking charge of the office January 1, 1886; that during the discharge of the duties of the office of postmaster Mr. Shipley gave close personal attention to all the details and duties of the office. He was careful to select sober, industrious, and competent clerks therein, who observed the rules and regulations governing such offices; that on the 23d day of June, 1884, the postal clerk between Kansas City and Springfield, Mo., claimed to have thrown into his pouch for the Springfield office two bundles of registered matter; that when this pouch reached the Springfield office, on the evening of said day, it was opened by one of the sworn clerks in the office and its contents taken out in the usual and customary way; that one William A. Hoover, a clerk in the office, took charge of the registered matter; said Hoover, on his examination, under charge of stealing said parcel, swore before the United States commissioner that he placed said registered matter in the safe, locking said safe, about 8.45 p. m. on said 23d day of June; that no other person handled the registered matter except said Hoover; that no outsiders were permitted to or did enter the room during this time; that said Hoover, after a full examination was discharged. At 9.15 p. m. of said date Mr. Shipley, the postmaster, unlocked the safe and took out the registers to ascertain if they were in proper shape for dispatch. He then found all the registered matter coming from one train intact, but one bundle of registered matter claimed by the postal clerk on the Kansas City and Springfield road to have been delivered to the office could not be found.

"Mr. Shipley at once entered into a rigid investigation to ascertain by whom said registered package had been taken from the office, if by anyone, but was unable to discover by whom, if by anyone, said package was taken. The package of registers contained 30 packages, consisting of money orders, money, etc., to the amount of $450. But thereafter, on the 21 day of July, 1884, the inspector claimed that another package, containing $10, was lost in said office. Mr. Shipley, upon the demand of the post-office inspector, Gen. Warren P. Edgarton, paid to said inspector the amount of said losses, being in all $460, believing that it was his duty to pay the loss, although he never saw one of the lost parcels and was guilty of no negligence whatever in connection with their loss. Thereafter he made application to the Post-Office Department for reimbursement for the amount so paid; but it was not repaid him by the Department, for the reason that under the facts in this case neither the postmaster at Springfield nor this Government was liable for this loss.

"The committee is of the opinion that the postmaster, in such a case, being guilty of no negligence in the premises, should not have been required to pay said sum of $460, and that the sum should, in justice and equity, be refunded to him.

"The sworn statements of Mr. Shipley, as well as letters of J. J. Hanna, Gen. Warren P. Edgarton, post-office inspector, and Edwin E. Bryant, Assistant Attorney-General of the Post-Office Department, dated the first two May 9, 1885, and the latter January 28, 1886, and also a statement from McLain Jones, United States commissioner, are hereinafter set out in the appendix to this report."

APPENDIX.

Sworn statement of E. R. Shipley, late postmaster.

I, E. R. Shipley, late postmaster at Springfield, Mo., being duly sworn, depose and say that I was postmaster at Springfield, Mo., in June, 1884, and for seven years previous to that time; that my commission expired October 27, 1885, and that my successor took charge of the office January 1, 1886; that in all these eight years I gave close personal attention to all the details and business of the office, performing clerical as well as supervisory work; that my office was in that time inspected or examined by Inspectors Boyd, Baird, Anderson, and Thomas, and that their reports, I verily believe, were creditable to my administration of the office, showing that proper care and protection were given to all matter intrusted to the post-office; that on the 23d of June, 1884, there were employed in the office, as sworn clerks, F. G. Cowan, W. A. Hoover, S. H. Randolph, and F. S. Routt; that on the 23d day of June, 1884, the postal clerk between Kansas City and Springfield, Mo., claimed to have thrown into his pouch for the Springfield office two bundles of registered matter; that when this pouch reached the Springfield office it was opened by F. G. Cowan, a sworn clerk, and its registered contents, with other matter, thrown or emptied onto a mailing table, as was the usual custom, and that William M. Hoover, a sworn clerk in the office, gathered up the registered matter and carried it into the postmaster's room, laying it on the table, where the record is taken of such matter; that the said Hoover swore before the commissioner that he (Hoover) also took the registered matter from this table and locked it in the safe; that during the time it lay on the postmaster's table no other person handled the registered matter except Mr. Hoover, who only placed it there and removed it therefrom to the safe; that no one entered the room from the time the registers were laid on the table until they were locked in the safe; that from the time the registers were received until after they were locked in the safe there were present in the post-office all the time Messrs. Cowan, Hoover, and Randolph, and a part of the time the postmaster; that at about 8.45 p. m. the registers were locked in the safe (according to sworn statement of Hoover), and that at 9.15 the postmaster came to the office, unlocked the safe, and took out the registers to ascertain if they were in proper shape for dispatch; that he found all the registered matter coming from one train intact; that only one bundle of the registers claimed by postal clerk on Kansas City and Springfield Railroad to have been thrown to the office could be found, and that I (the postmaster) at once sent for Mr. Hoover (the clerk handling the registers), who could give no information as to whether there were more registers put in the safe than I found or not.

Mr. Simpson, the postal clerk, was at once sent for, and he declared that there were two bundles, one of which contained 30 registered packages. The latter could not be found. Hoover swore before the commissioner that he put on the table all he received from the pouch; that he put in the safe all he took from the table, and that he took from the table all that he put there. At no time were all the clerks in the office more than 10 feet away from the table while the registers lay thereon, nor were there any persons other than Hoover in the room where the registers were. The room described is simply a corner of the post-office partitioned off for a postmaster's room, and the door leading thereto is through the office proper and past the employees, so that no one could enter without being seen by employees. I further declare

under oath that the manner of handling registered matter is, in my judgment, safe, and that I do not believe anyone entered the office and took the registers therefrom. Further, I declare under oath that my belief has always been that Mr. Simpson, the postal clerk, was in error in claiming that the lost matter was put in the pouch which came into this office. No clerk ever positively saw the lost matter, although after Mr. Simpson positively and emphatically declared there were two bundles, then one of the clerks thought there were two bundles. But to offset this, Mr. Hoover positively swore that all the registers from the pouch were put on the table, and afterwards, so far as he could see, the entire lot were locked in the safe.

I further declare under oath that it was my belief that it was my duty to pay the loss, although I never saw one of the lost parcels; that I wrote to chief inspector that I hoped he would give me a little time to make good the loss, and that he, from time to time, sent me statement of the losses.

I further swear that I sent to General Edgarton, inspector, St. Louis, Mo., August 26, 1884, $100; September 13, 1884, $250; total, $450, to pay the losses above referred to. Also, July 2, 1884, $10, to pay for another letter claimed to have been lost in this office, the theory of the inspectors being that, as Hoover stole the 30 packages, he, having a chance, stole the other; and the case was thus closed by inspectors on this hypothesis. I further swear that it is my belief that not one of these letters was stolen in this office, and that I was not legally or honorably bound to pay the same, but did so on application of the inspectors, recognizing them as superior in authority. I further swear that the receipts of General Edgarton for the above $460 were sent to Hon. William H. Wade, M. C., and that I honestly believe the Government should reimburse me for the same, as suggested by the inspectors who investigated the loss.

I also swear that I have concealed no facts regarding this claim, and stand ready to furnish any additional evidence required.

E. R. SHIPLEY, *Late Postmaster.*

SPRINGFIELD, MO., *February 3, 1886.*

Subscribed and sworn to before me this 3d day of February, 1886.
[SEAL.] McLAIN JONES,
United States Commissioner.

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POST-OFFICE DEPARTMENT,
OFFICE OF POST-OFFICE INSPECTOR,
St. Louis, Mo., May 9, 1885.

DEAR SIR: Upon the request of E. R. Shipley, postmaster at Springfield, Mo., asking for a statement regarding the loss of 30 registers taken from his office in the latter part of June, 1884, I beg leave to submit the following:

I made a full and thorough examination of said loss, and as the result of my investigation arrested one William E. Hoover, a clerk in said office. Hoover was discharged by United States Commissioner Jones upon a preliminary hearing. Prior to my entering upon this investigation Inspector Schourte had fully investigated the case, and reported that Hoover was the guilty party. Notwithstanding the fact that Hoover was discharged by the United States commissioner, I am still fully satisfied that Hoover was one of the parties guilty of the robbery.

I am also well satisfied that E. R. Shipley, postmaster, was in no way responsible for the loss, as no carelessness or negligence was shown upon his part in the investigation.

Mr. Shipley was called upon to make good the loss resulting from said robbery, and has paid the same in full. In my judgment he should be reimbursed for the amount thus paid.

Very respectfully, J. J. HANNA.

Gen. WARREN P. EDGARTON,
Inspector in Charge, St. Louis, Mo.

POST-OFFICE DEPARTMENT, INSPECTOR'S OFFICE,
St. Louis, Mo., May 9, 1885.

SIR: I have the honor to forward you herewith a letter from Inspector Hanna, who investigated the loss of registered packages at your office by the theft of Hoover, and for which loss you paid $450. I considered it at that time a great hardship that you were compelled to make this loss good, and regretted that my duty called upon me to demand the money, but I have always worked upon the theory that, where the people intrust their money to the mail and it is lost while in the custody of employees of the Railway Mail Service, it should be made good.

You paid this money freely and without question upon my demand. I am of the opinion that you gave these registers the usual and ordinary care, and only lost them through the criminality of one of your clerks. If you can in any manner be reimbursed by the Government for the money paid on this account, I hope that you may accomplish this end.

Respectfully,
WARREN P. EDGARTON,
Inspector in Charge.

E. R. SHIPLEY, *P. M.*

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POST-OFFICE DEPARTMENT,
OFFICE OF ASSISTANT ATTORNEY-GENERAL,
Washington, D. C., June 28, 1886.

SIR: I have the honor to acknowledge the receipt of your communication of date the 27th instant, relating to the loss of a registered package containing a sum of money. You state that Mr. Shipley, the postmaster at Springfield, Mo., from or in whose office the package was stolen, has paid the amount of the loss to the persons who were the losers by the theft, and that he wishes the Post-Office Department to make good the amount to him.

This can not be done. Revised Statutes, section 3826, provides that "the Post-Office Department or its revenues shall not be liable for the loss of any mail matter on account of its being registered."

The liability of the postmaster to the loser in such a case is one depending upon facts. Where a postmaster is guilty of no negligence in the premises, and a sworn assistant, appointed by him, steals the package, the postmaster is held not to be liable.

In Keenan *vs.* Southworth (110 Massachusetts, 474) it is said by Judge Gray: "The law is well settled in England and America that the Postmaster-General, the deputy postmasters, and their assistants and clerks, appointed and sworn as required by law, are public officers, each of whom is responsible for his own negligence only, and not for that of any of the others, though selected by him and subject to his orders." (Lane *vs.* Cotton, 1 Ld. Raym., 641; S. C. Mod., 472; Whitfield *vs.* De Spencer, Cowp., 754; Dunlop *vs.* Munroe, 7 Cranch, 242; Schreyer *vs.* Lynch, 8 Watts, 453; Bishop *vs.* Williamson, 2 Fairf., 443; Hutchins *vs.* Brackett, 2 Foster, 256.)

In the case in 7 Cranch the United States Supreme Court recognizes this doctrine and says that the liability of the postmaster will, in case of moneys lost in the mails, only result from his own neglect in not properly superintending the discharge of duties, when it is intended to charge him for the negligence of his assistants.

In numerous other cases the same rule is laid down, and seems to be clear that a postmaster would not be responsible for moneys stolen by a sworn clerk or assistant if the postmaster were guilty of no negligence in superintending the duties of his office or in keeping the dishonest official in employment.

This question of liability of postmasters to individuals is one that the courts, not the Post-Office Department, authoritatively decide. The inspector in this case probably deemed the postmaster negligent, and advised the payment. It was a matter, however, that the postmaster should have determined for himself, as it appears to me. Having paid it, he has no remedy against the Department.

Very respectfully,
EDWIN E. BRYANT,
Assistant Attorney-General Post-Office Department.

Hon. WILLIAM H. WADE,
House of Representatives.

—

SPRINGFIELD, MO., *January 15, 1886.*

DEAR SIR: I examined the case of The United States *vs.* William Hoover, and although in my opinion the testimony of the witnesses that were examined in behalf of the United States was not strong enough as to facts to warrant his being held for trial, the circumstances pointed very strongly to him. In the examination of the case, which was very thorough and searching, and conducted by Hon. William Warner, who was one of the best prosecuting attorneys ever in this State, there were no facts disclosed to show any negligence or carelessness on the part of the postmaster, Mr. E. R. Shipley, and it was shown that Hoover handled this mail. There was no evidence to show that the registered matter had been handled in a careless way by the postmaster or his employees.

Respectfully,
McLAIN JONES,
United States Commissioner.

Hon. WILLIAM H. WADE.

The bill is reported favorably with a recommendation that it do pass.

Mr. LOUD (during the reading of the report). I withdraw the demand for the further reading of the report.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. COX. Mr. Speaker, I desire to make a statement in regard to this claim that comes from the Committee on Claims, so that the House may distinctly understand what is involved in it. This postmaster of Springfield, Mo., had in his employ a certain clerk that it is almost certain and conclusive stole the packages from the post-office. The postmaster, upon that statement of facts, paid the money to the Government, and now asks to be reimbursed for the theft of one of his deputies. Now, it is true that certain statements are in this report that tend to show that the postmaster was guilty of no negligence himself, but the question of negligence or freedom from negligence can not properly be decided by the Department; and you will find upon reading it over that one of the authorities there, the Assistant Attorney-General for the Post-Office Department, concludes this question in this way:

This question of liability of postmasters to individuals is one that the courts, not the Post-Office Department, authoritatively decide. The inspector in this case probably deemed the postmaster negligent, and advised the payment. It was a matter, however, that the postmaster should have determined for himself, as it appears to me. Having paid it, he has no remedy against the Department.

That is Edwin E. Bryant, Assistant Attorney-General for the Post-Office Department.

Now, I have serious objections to all these cases; but I have said to my friend here that it might come to a vote, and if the House desires to vote for it I will not raise the question of objection, but I am satisfied this claim ought not to pass the House.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN HAYS HAMMOND.

Mr. MAHANY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved by the House of Representatives, That whereas the cable report announces that John Hays Hammond, otherwise described as Eugene Hammond, an American citizen, has been condemned to death for treason in the Transvaal, the Secretary of State take immediate action to safeguard the interests of said Hammond and exert the friendly offices of that Department in his behalf, if the Secretary of State, in his judgment, deems such interposition advisable.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BARTLETT of New York. I should like to ask whether this resolution has been submitted to the Committee on Foreign Affairs, or the chairman of that committee?

Mr. MAHANY. I may respond to the gentleman that, owing to the fact that the cable reports do not announce when this sentence will be carried into execution, I deem it unnecessary that this resolution should be submitted to the Committee on Foreign Affairs. The Secretary of State is fully competent to deal with the situation, which is a matter of life and death, and hence requires immediate action.

Mr. BARTLETT of New York. I should like to ask if the Secretary of State is not competent to deal with this question without this resolution?

Mr. MAHANY. Possibly it might escape his immediate attention, but with the authority of the House of Representatives back of this request there can be no doubt that the interests of this American will be fully safeguarded. I wish to say further that,

as regards the English subjects condemned to death, the whole diplomacy and power of the British Government are certain to be exerted for the protection of their rights. It is quite likely that somebody will be made a scapegoat in the Transvaal affair, and I propose, not that any American who is guilty of wrong against a foreign Government shall escape the just consequences of his acts, but that an American citizen shall not be selected as a victim to be offered up on the altar of English conspiracy against the peace of the Boer Republic.

Mr. BARTLETT of New York. I will ask the gentleman if he is a member of the Committee on Foreign Affairs?

Mr. MAHANY. I am not; but I am a member of this House, and as such I have a right to stand here for the protection of an American citizen anywhere on the globe. [Applause.]

Mr. BARTLETT of New York. I will ask the gentleman from what source he has obtained the information that this American citizen is in danger?

Mr. MAHANY. From the published cable reports, which the gentleman must have seen if he has read his morning newspaper, and also through a dispatch from the Mail and Express, which reads:

NEW YORK, *April 28.*

Eugene Hammond, American, has been condemned to death for treason.

Mr. BARTLETT of New York. Eugene Hammond?

Mr. MAHANY. Yes. My resolution says "John Hays Hammond, otherwise described as Eugene Hammond." I hope the gentleman will not object to the immediate consideration of the resolution. This is a matter of urgent duty as well as a question of humanity. Nobody asks that this American shall escape the just consequences of his acts, but we do desire that immediate steps be taken to safeguard his interests and possibly his life.

Mr. McCREARY of Kentucky rose.

Mr. MAHANY. I have already yielded to the gentleman from Connecticut [Mr. HILL]. I will yield later to the gentleman from Kentucky.

Mr. HILL. Mr. Speaker, a few weeks ago I wrote to the Secretary of State in regard to Mr. Hammond at the request of one of my constituents. I received the truly American reply that the State Department had no knowledge on the subject except what had been acquired from the newspapers, but that its impression was that Mr. Hammond's interests were being guarded by the English Government. It seems to me that it is high time that the American Government protected its own citizens abroad, and I am heartily in favor of this resolution. [Applause.]

Mr. MAHANY. I yield now to the gentleman from Kentucky.

Mr. McCREARY of Kentucky. Mr. Speaker, I have no doubt that the Secretary of State will discharge his duty fully in this matter, and that all American citizens will be protected as far as we can protect them. This is an important resolution. We have a committee of this House authorized to consider such matters. No one will be endangered by this resolution going to the Committee on Foreign Affairs. That committee will take it up and act upon it promptly, and there is, in my opinion, no reason why it should not go to the committee instead of being rushed through here.

Mr. MAHANY. Before the gentleman objects, will he permit me to say that I am perfectly willing that this resolution shall go to the Committee on Foreign Affairs if the committee will hold an immediate session for its consideration? But the matter is urgent, because this American citizen may be executed to-morrow.

Mr. McCREARY of Kentucky. The time for the regular meeting of the committee is the day after to-morrow. I do not see the chairman of the committee present. However, the Secretary of State understands the situation, and I have no doubt that without this resolution he will do all that the resolution asks him to do. He will do what he can to protect this American abroad, and that is what the resolution asks him to do.

Mr. MAHANY. Let me say to the gentleman that this resolution is not in the slightest degree a criticism upon the zeal of the Secretary of State. I join with the gentleman from Kentucky in high appreciation of the ability and activity of that official, but I do ask that this matter be brought immediately to his attention. Having had some experience with the details of work in the State Department, I know that frequently matters, unless they are marked "urgent," are delayed until after the season of their utility is past.

Mr. McCREARY of Kentucky. I have no doubt that the resolution will be considered by the Committee on Foreign Affairs at the earliest practicable time, and I must object to its consideration at this time by the House.

Mr. MAHANY. I observe that the chairman of the Committee on Foreign Affairs [Mr. HITT] is in his place; and I will ask his opinion upon this subject.

Mr. BARTLETT of New York. Mr. Speaker, I raise the point of order that it is too late.

The SPEAKER. Objection is made.

ORDER OF BUSINESS.

Mr. HEPBURN. Mr. Speaker, I desire to call up the special order, House bill No. 6739, for the relief of John N. Quackenbush.

CONDEMNED CANNON.

The SPEAKER. The Chair has recognized the gentleman from New Jersey [Mr. HOWELL] to call up a bill.

Mr. HOWELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7143) granting to the Soldiers and Sailors' Monument Association of the county of Middlesex, in the State of New Jersey, 4 condemned cannon and 30 cannon balls.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to the Soldiers and Sailors' Monument Association of the county of Middlesex, in the State of New Jersey, 4 condemned cannon and 30 cannon balls for the decoration of the soldiers and sailors' monument in said county: *Provided*, That the same can be spared without detriment to the service, and that no expense is thereby incurred by the Government.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HOWELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN N. QUACKENBUSH.

Mr. HENDERSON. I desire to submit a privileged report.

Mr. HEPBURN. I wish to call up House bill No. 6739.

The SPEAKER. The bill which the gentleman from Iowa [Mr. HEPBURN] desires to call up was made a special order after the reading of the Journal to-day.

Mr. HENDERSON. I thought that bill had been disposed of. I beg my colleague's pardon. I withhold my report for the present.

The SPEAKER. The bill which is the special order will be read.

The bill (H. R. 6739) for the relief of John N. Quackenbush, late a commander in the Navy, was read, as follows:

Whereas John N. Quackenbush, late a commander in the United States Navy, was, during the month of February, in the year 1874, tried by a naval court-martial and sentenced to be dismissed from the service; and

Whereas said sentence of dismissal was, on the 9th day of June, 1874, by the President of the United States, Ulysses S. Grant, commuted to a suspension for six years on furlough pay, which sentence was fully served out until the date of the expiration thereof, to wit, on the 9th day of June, 1880, at which time the said John N. Quackenbush reported for duty to the proper authority at the Navy Department, and was by such proper authority placed upon waiting orders, and was, in all respects, recognized as and was in fact a commander in the United States Navy until August 1, 1883, having duly received his furlough pay until the expiration of his sentence of dismissal and his waiting orders pay until April 1, 1881, since which time and ever since his pay as such officer has been withheld; and

Whereas on the 10th day of June, 1874, the then President of the United States, Ulysses S. Grant, sent to the Senate of the United States the nomination of W. S. Schley to be a commander in the United States Navy, "vice Quackenbush, dismissed," which nomination was confirmed by the Senate on the 12th day of June, 1874, but it appearing to the then President of the United States and to the then Secretary of the United States Navy that the words "vice Quackenbush, dismissed," were inserted in said nominating paper by clerical inadvertence or mistake, and it not being the intention of said President to dismiss said John N. Quackenbush from the naval service, the vacancy created, shortly after said nomination of Schley, by the retirement of Commander Morris, was kept open for said Quackenbush, which said vacancy was duly filled by order of the Secretary of the Navy by the retention of said Quackenbush on the official naval list in the place of Morris, retired, until the 1st day of August, 1883, when the name of said John N. Quackenbush, in all respects and in fact a commander in the said service, was summarily dropped from said official naval list, and ordered not to be published again in the annually published register of the warrant and commissioned officers and others, by authority and direction of the then Secretary of said Navy, who, on December 13, 1883, recommended to the then President the nomination of Dennis W. Mullan, of Maryland, to be a commander in the United States Navy, "vice John N. Quackenbush, no longer in the service," which nomination was duly made by the President and confirmed by the Senate, said name of John N. Quackenbush being dropped as aforesaid by direction of said Secretary upon the authority of the decision of the Supreme Court of the United States in the case of Blake *vs.* The United States (103 U. S. Supreme Court Reports, page 227) to the effect that the President could dismiss any officer in the Army or Navy, in time of peace, by the appointment of another person in his place; and

Whereas the said John N. Quackenbush attained the age of 62 years on the 30th day of May, 1895, and would, if legally an officer of the Navy, be entitled to be placed upon the retired list, and it has become manifest that the only remedy for the relief, legally or equitably, of the said John N. Quackenbush, is by an act of the Congress of the United States: Therefore

Be it enacted etc., That the provisions of law regulating appointments in the Navy by promotion in the line, and limiting the number of commanders to be appointed in the United States naval service, are hereby suspended for the purpose of this act only, and only so far as they affect John N. Quackenbush; and the President of the United States is hereby authorized, in the exercise of his discretion and judgment, to nominate and, by and with the advice and consent of the Senate, to appoint said John N. Quackenbush, late a commander in the Navy of the United States, to the same grade and rank of commander in the United States Navy as of the date of August 1, 1883, and to place him on the retired list of the Navy as of the date of June 1, 1895, the same as if he had never been considered out of the service since his original entrance therein.

The amendments reported by the Committee on the Judiciary were read, as follows:

Strike out the preamble of the bill.

At the end of the bill strike out the words "the same as if he had never

been considered out of the service since his original entrance therein" and insert the following:

"*Provided*, That he shall receive no pay or emoluments except from the date of such reappointment."

to the U. S. S. *Vandalia*, where he remained until February 9, 1863, when he was detached and placed on waiting orders. On the 10th of March, 1863, his restoration to the Regular Navy, in the grade of lieutenant-commander, to rank from July 16, 1862, was confirmed by the Senate, and on the 21st of March of that year he was ordered to the U. S. S. *San Jacinto*, where he remained

appointment of the person so named to the office he once held, as commander in the United States Navy.

The bill, however, carefully omits to narrate certain facts important to be considered. It states that said Quackenbush, a commander in the Navy, was, on June 9, 1874, in pursuance and in mitigation of a court-martial, sus

The unconstitutionality of this bill should also, in my judgment, prevent its passage. Any act of Congress which in effect directs or requires the appointment of a particular person named, or an officer of the United States, is an encroachment upon the Presidential power of appointment, and is, therefore, unconstitutional and void, because, by section 2 of Article II of the Con-

been considered out of the service since his original entrance therein" and insert the following:

"*Provided*, That he shall receive no pay or emoluments except from the date of such reappointment."

Mr. DINGLEY. Should not this bill receive its first consideration in the Committee of the Whole? I do not know whether the fact of the bill having been up before and having been postponed until to-day would change the operation of the rule in this case; but obviously the bill is one which under the ordinary rule should receive its first consideration in the Committee of the Whole.

The SPEAKER. The Chair thinks perhaps the bill ought to be considered in Committee of the Whole, as it involves pay or emoluments to this officer.

Mr. DINGLEY. Certainly the bill involves an expenditure from the Treasury.

Mr. HEPBURN. I move, then, that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Iowa asks unanimous consent that this bill be considered in the House as in Committee of the Whole.

Mr. SAYERS. I object. I prefer that the bill should go to the Committee of the Whole.

Mr. HEPBURN. I think I can offer an amendment which will obviate the difficulty which gentlemen suggest.

The SPEAKER. The Chair now understands that on a former day unanimous consent was given for the consideration of this bill, and that thereupon it was postponed and made a special order for to-day.

Mr. HEPBURN. That is the fact.

The SPEAKER. And consent was given at that time for the consideration of the bill in the House?

Mr. HEPBURN. That is correct.

The SPEAKER. The Chair thinks that under the circumstances the bill will have to be considered in the House.

Mr. HEPBURN. I ask unanimous consent to amend the amendment reported by the committee by striking out in lines 15 and 16 the words "June 1, 1895," and inserting "approval of this act," and by striking out in line 19 the word "reappointment" and inserting the word "retirement."

Mr. SAYERS. I should like to know from the gentleman in charge of this bill whether it is the intention to allow to those opposed to the measure an opportunity for discussion.

Mr. HEPBURN. I have no objection to that in the world.

The SPEAKER. The gentleman from Iowa asks unanimous consent for an amendment before the discussion begins. The Clerk will report the proposed amendment.

The Clerk read as follows:

In lines 15 and 16, on page 4, strike out the words "June 1, 1895," and insert "the approval of this act."

In line 19, same page, strike out the word "reappointment" and insert "retirement."

The SPEAKER. Is there objection to this amendment? The Chair hears none; and the amendment will be considered as adopted.

Mr. HEPBURN. I now yield to the gentleman from Texas [Mr. SAYERS] so much time as he may desire.

Mr. SAYERS. Mr. Speaker, this bill proposes to restore to the Navy and place upon the retired list a man who has been dismissed from the Navy in accordance with a finding of a court-martial. I know it may appear somewhat ungracious for anyone to stand on this floor and oppose what this man's friends claim is simply the correction of an injustice done him by reason of the action of the Navy Department. I will content myself on this occasion with the reading of his record, so that members of the House may decide for themselves whether it is of such a character as to justify them in passing the bill.

I will first ask the Clerk to read an abstract (furnished by the Secretary of the Navy) of the man's record of service, and I trust that members will attend to the reading.

The Clerk read as follows:

Abstract of the record of service of John N. Quackenbush, late a commander in the United States Navy.

John N. Quackenbush was appointed a midshipman in the Navy September 24, 1847, and on the 15th day of October of that year he was ordered to the U. S. S. *Cumberland*. He was warranted a midshipman July 26, 1848, and in October following was detached from the *Cumberland* and ordered to the Naval Academy, where he remained until April 9, 1849, when he was detached and ordered to the U. S. S. *Falmouth*, from which vessel he was transferred to the U. S. S. *Raritan*. He was detached from the latter vessel January 27, 1853, and granted three months' leave of absence. On the 18th of May, 1853, he was ordered to the practice ship *Preble*, where he remained until the 7th of October following, when he was detached and ordered to the Naval Academy, and while there he was dismissed from the naval service for drunkenness January 3, 1854.

On the 13th of May, 1861, Mr. Quackenbush, who had then been out of the service seven years four months and ten days, was appointed an acting lieutenant in the Navy, and ordered to report to the commandant of the navy-yard, Boston, Mass., for duty. On the 23d of May, 1861, he was ordered to the Gulf Squadron, and served on board the U. S. S. *Colorado*. He was sent from that squadron, in charge of the prize bark *Macao*, to Philadelphia, Pa., and after delivering the vessel to the United States authorities at that place, October 4, 1861, he was ordered to Hampton Roads, Virginia, for duty in the squadron under the command of Flag Officer L. M. Goldsborough, and was assigned to the U. S. S. *Vandalia*, where he remained until February 9, 1863, when he was detached and placed on waiting orders. On the 10th of March, 1863, his restoration to the Regular Navy, in the grade of lieutenant-commander, to rank from July 16, 1862, was confirmed by the Senate, and on the 21st of March of this year he was ordered to the U. S. S. *San Jacinto*, where he remained until March 14, 1865, when he was detached and placed on waiting orders. He was ordered May 3, 1865, to the receiving ship at New York, and on the 11th of October following, he was detached from that duty and placed on waiting orders. On the 18th of December of that year he was ordered to the U. S. S. *Mackinaw*, to report for duty on the 5th of January following. He was detached from the command of that vessel April 23, 1867, and placed on waiting orders.

On the 5th of August, 1867, Lieutenant-Commander Quackenbush was ordered to command the U. S. S. *Wasp* on the South Atlantic Station, and he remained in command of that vessel until January 6, 1868, when he was detached and placed on waiting orders. He was ordered to examination for promotion April 3, 1868, and having appeared before the board, at Philadelphia, Pa., he was found not qualified for promotion. The finding of the board in his case is as follows:

"After maturely considering all the evidence, the undersigned, a majority of the board, are of the opinion that the mental, moral, and professional fitness of Lieut. Commander John N. Quackenbush to perform all his duties at sea in a higher grade is not satisfactorily established."

It appearing in this case that the board were not unanimous in their opinion, and that the depositions of witnesses had been taken whose testimony was material and who might, without inconvenience, have been present for oral examination, the President of the United States declined to approve the report of the board, and directed a reexamination of the case. A new board was therefore ordered to convene at the navy-yard, New York, July 7, 1868, for the purpose of inquiring into and reporting upon the case of Lieutenant-Commander Quackenbush. The board convened on the 8th of that month, and Lieutenant-Commander Quackenbush having appeared before the board, his case was reexamined, and the board reported their finding as follows:

"The board having examined all the testimony sent by the Department and witnesses called both by the Government and Lieutenant-Commander Quackenbush, and having maturely considered the same, have concluded that it can not recommend Lieutenant-Commander Quackenbush be promoted to a higher grade in the United States Navy."

On the 17th of July, 1868, Lieutenant-Commander Quackenbush, having failed to receive the recommendation of the examining board for promotion, was placed on the retired list of the Navy, in conformity with the fourth section of the act of April 21, 1864.

On the 23d of April, 1869, Lieutenant-Commander Quackenbush was ordered to duty at League Island, Pa., where he remained until October 1, 1870, when he was detached and placed on waiting orders.

By authority of a joint resolution of Congress approved February 6, 1871, Lieutenant-Commander Quackenbush was restored to the active list of the Navy May 4, 1871, to rank from September 26, 1868. On the 12th of May, 1871, he was ordered to examination for promotion. The board before which he appeared found him qualified for promotion, and he was accordingly promoted to the grade of commander May 25, 1871. The report of the board is as follows:

"The board, in accordance with the law, have examined Lieut. Commander John N. Quackenbush as to his moral, mental, physical, and professional fitness for promotion to the grade of commander. The records of the Department show that this officer has been twice examined for promotion, by two boards of officers. The findings in either case did not recommend him for promotion, and consequently he was placed on the retired list. Since then, by a law of Congress and the approval of the President, Lieutenant-Commander Quackenbush has been restored to the active list. The board does not therefore consider it its duty to go behind the action of the highest authority in this case, and this officer having passed a satisfactory examination before this board, he is accordingly recommended for promotion."

On the 9th of June, 1871, Commander Quackenbush was ordered to command the U. S. S. *Wasp* on the South Atlantic station. He remained in command of that vessel until February 17, 1873, when he was detached, ordered home, and placed on waiting orders.

In February, 1874, Commander Quackenbush was tried before a general court-martial for drunkenness, sentenced to dismissal, and the sentence was approved June 5, 1874, and he was dismissed June 9, 1874.

On the 10th of June, 1874, Lieut. Commander W. S. Schley was nominated for promotion to the grade of commander from that date, vice Commander John N. Quackenbush, dismissed; which nomination was confirmed by the Senate on the 12th of the same month.

It appears from the records of the Department that, under date of June 12, 1874, the Secretary of the Navy addressed a letter to Commander Quackenbush, requesting him to return the order dismissing him from the Navy; that the latter returned the order referred to in a letter dated June 15, 1874; that his name was thereupon omitted from the navy list in the Navy Register, which was published in July, 1874; that about six months later, December 8, 1874, the following letter was addressed to Commander Quackenbush by the Secretary of the Navy, informing him that the sentence of dismissal in his case was mitigated to suspension from rank and duty, on furlough pay:

"The naval general court-martial by which you were tried in February last found you guilty of the charges preferred against you and sentenced you to be dismissed from the naval service of the United States. This sentence was, on the 9th day of June, 1874, mitigated to suspension from rank and duty, on furlough pay, for six years, the suspension to date from that date."

Commander Quackenbush's name was restored to the navy list and appeared in the list of commanders in the Annual Navy Register issued in January, 1875.

Commander Quackenbush remained under suspension until the 9th of June, 1880, the date of the expiration of the mitigated sentence of the court, and his name was continued in the Navy Register until August 1, 1883, on which date, in view of the decision of the Supreme Court in the case of Charles M. Blake *vs.* The United States (13 Otto, 227), his name was dropped from the navy list.

Mr. SAYERS. I desire to submit also in this connection a copy of a letter addressed by the Secretary of the Navy (Hon. William E. Chandler) to Hon. EUGENE HALE on the 12th of February, 1885, when a bill for his restoration to the Navy was pending before Congress.

The Clerk read as follows:

[Copy.]

NAVY DEPARTMENT, *Washington, February 12, 1885.*

SIR: The receipt is acknowledged of your letter of the 5th instant, in which, by direction of your committee, information is desired, and also the views of the Department concerning the bill S. 2512, "touching the grade of commander in the Navy, and to correct an error in relation to an appointment thereto."

The bill names John N. Quackenbush five times in the preamble and twice in the body of the act, and was drawn solely with the view of effecting the

appointment of the person so named to the office he once held, as commander in the United States Navy.

The bill, however, carefully omits to narrate certain facts important to be considered. It states that said Quackenbush, a commander in the Navy, was, on June 9, 1874, in pursuance and in mitigation of a court-martial, suspended by the President for six years on furlough pay. It does not state for what offense he was tried nor what was his sentence. The report also made by your committee March 6, 1884 (Forty-eighth Congress, first session, Report No. 275), which appears to contain a full history of the case, says of the court-martial only that "he was tried by a naval court-martial in February, 1874, and sentenced to dismissal," but fails to state for what offense he was tried. The omitted facts are as follows:

On the 9th of June, 1871, Commander Quackenbush was ordered to command the U. S. S. *Wasp* on the South Atlantic Station. He remained in command of that vessel until February 17, 1873, when he was detached, ordered home, and placed on waiting orders. In February, 1874, he was tried before a general court-martial on the following charges and specifications:

Charge I.—Drunkenness. Specification 1. That on or about the 16th day of May, in the year 1872, the said Commander J. N. Quackenbush, then in command of the U. S. S. *Wasp*, was drunk on board the English mail steamer *Donro* at Montevideo.

Specification 2. In this, that on or about the 20th day of June, in the year 1872, the said Commander J. N. Quackenbush, then in command of the U. S. S. *Wasp*, was drunk on board the said vessel at Colonia, Uruguay.

Specification 3. In this, that on or about the 8th day of June, in the year 1872, the said Commander J. N. Quackenbush, then in command of the U. S. S. *Wasp*, was scandalously drunk at a ball given by the Club Libertad, at Montevideo, and deported himself in such a manner as to disgrace the uniform of an officer of the United States Navy.

Charge II.—Scandalous conduct tending to the destruction of good morals. Specification 1. In this, that during the months of April, May, and June, in the year 1872, the said Commander J. N. Quackenbush, being then in command of the U. S. S. *Wasp*, indulged to excess in the use of intoxicating liquor.

Specification 2. In this, that on or about the 3d day of June, in the year 1872, the said Commander J. N. Quackenbush, then in command of the U. S. S. *Wasp*, in consequence of excessive use of intoxicating liquor, was in such a condition as to require to be medically treated for alcoholism.

Commander Quackenbush was found guilty of all the specifications and both the charges, and was sentenced by the court "to be dismissed from the naval service of the United States." The sentence of dismissal was confirmed by the President on the 5th of June, 1874, and in a letter dated the 9th of the same month the Department informed Commander Quackenbush of the sentence of the court and the action of the President thereon, and that he would from that date cease to be an officer of the Navy. It further appears that Commander Quackenbush commenced his naval career with drunkenness. September 24, 1847, he became a midshipman and served on shipboard and at the Naval Academy, and January 3, 1854, he was dismissed by the following letter:

"NAVY DEPARTMENT, *Washington, January 3, 1854.*

"SIR: As you have again been reported to the Department for drunkenness, I have to inform you that you are dismissed from the service, and will, from this date, no longer be regarded as a midshipman in the Navy.

"I am, respectfully, etc.,

"J. C. DOBBIN, *Secretary of the Navy.*

"Midshipman JOHN QUACKENBUSH,
"*Naval Academy.*"

May 13, 1861, Mr. Quackenbush was appointed an acting lieutenant in the Navy. On two examinations as to his mental, moral, and professional fitness for promotion he was reported as disqualified, and thus, at last, forced on the retired list. Congress by special act restored him to the active list. The abstract of his record of service, herewith transmitted, shows how he managed to pass his examination for promotion. Three years afterwards he was, as above stated, tried for drunkenness and dismissed.

The fact from which it is argued that Mr. Quackenbush should be restored to the Navy is that six months after the President had, June 5, 1874, approved his sentence of dismissal and had, on June 9, 1874, actually dismissed him, the Secretary of the Navy, on the 8th of December, 1874, addressed to him a letter stating that his sentence had been, on the 9th of June, 1874, mitigated to suspension from rank and duty, on furlough pay, for six years. Letters are also produced from ex-President Grant, dated February 10, 1882, and from ex-Secretary Robeson, dated February 16, 1882, in which they say they are quite sure the sentence was mitigated June 9, 1874.

Without intending any reflection upon the distinguished signers of these letters, it is permissible to say that it will not be wise to base action upon the recollections of exofficers made eight years after official transactions have occurred, the effect of which, as recorded, they are besought to vary by their subsequent unofficial statements. The record shows a formal dismissal of Quackenbush on the 9th of June. On the 16th of June W. S. Schley was nominated to the Senate "vice Quackenbush, dismissed," and was confirmed June 12. No record whatever of the alleged mitigation has ever appeared, and no such record was in fact ever made, either on the 9th of June or at any time afterwards. Only on the 8th of December the Secretary wrote a letter stating that the sentence had been in fact mitigated June 9. Contemporaneous evidence of mitigation is entirely wanting.

June 12, 1874, the Secretary wrote Mr. Quackenbush, at Boston, to return the letter of dismissal, and on June 15 it was so returned. This may indicate an intention in the mind of the Secretary to consider an attempt to review the case and reverse the dismissal, but he, in fact, made no such attempt until December 8, and the very circumstance that he wrote the letter of June 12, and yet did nothing more till December, is strong evidence that no mitigation had been in fact made on June 9. If it had not been made on the latter date, it could not be made afterwards, and Quackenbush was irrevocably ejected from the Navy, according to the decision of the Supreme Court in Blake *vs.* The United States (13 Otto, 227).

The reason why an officer should not, on any pretext, be restored to the Navy who has been twice dismissed for drunkenness, once as a midshipman and once as a commander, is very evident. My views on this question have been expressed in a court-martial order, dated May 20, 1884, and a letter concerning the same, dated May 20, 1884, and also in a letter to the chairman of your committee, dated June 18, 1884. Copies of which are hereto annexed.

Consider for a moment the result of such a restoration. It places the officer on the active list. He then stands in order for sea duty. When his turn comes shall he, with his record, be sent to sea? What Secretary would dare to send him, perhaps to sink ships and seamen, as another drunken and dismissed commander, forced back into the Navy by act of Congress, did sink the *Ashuelot* and destroy eleven lives? If he is not to go to sea in his turn, why should he stand upon the active list, preventing the promotion of a faultless naval officer, and disgracing an honorable profession?

Such worthless officers distributed along the list bring the whole personnel into disrepute. With all the force which it can properly exert, and all the feeling I have any right to exhibit, I protest against the restoration of persons who are, or ever have been, drunkards to the active list of the Navy.

named in the acts this bill is obnoxious in the fullest degree. The attempted

order; and that on the 15th day of June, 1874, Quackenbush re-

The unconstitutionality of this bill should also, in my judgment, prevent its passage. Any act of Congress which in effect directs or requires the appointment of a particular person named, or an officer of the United States, is an encroachment upon the Presidential power of appointment, and is, therefore, unconstitutional and void, because, by section 2 of Article II of the Constitution, all officers of the United States (excepting certain special classes of appointees) are to be appointed by the President, with the advice and consent of the Senate; and the legislative branch of the Government, being the Congress, composed of the Senate and House, authorized to legislate concurrently, with the approval of the President, or without such approval, if by a two-thirds vote, can constitutionally take no part in the function of appointment.

The above propositions are not disputed by the advocates of such bills, but they are claimed to be inapplicable to the various statutes which have been enacted or are proposed.

I. It is argued that as the statutes only give authority to appoint, and do not contain mandatory words, the President still retains his discretion, and therefore there is no interference with his prerogative.

It may be replied that the effect of such statutes is compulsory. If the selection of the particular individuals to nominate and, with the consent of the Senate, to appoint to office is the sole prerogative of the President, he is entitled to exercise it absolutely free from even the appearance of pressure or interference from the Legislature. The word "may" is often construed as "shall," and the word "authorized" as "directed." The passage of an act of legislation creating an office to which a named individual, if anyone, must be appointed, or authorizing the appointment to a specified office of that individual, is a legislative device for placing that particular person in office, and in effect is a coercion by the legislature of the appointing power, which is not mitigated by merely using the words "may" and "authorize" instead of "shall" and "directed."

If the public interests require a new office to be created, the Legislature may create it. If these interests require that a particular person should fill it, it is to be presumed that the President will select him. But the privilege of directing him to do so does not exist in the Legislature, and introducing the particular person's name into the act in any connection savors of coercion. To say that it is inserted as mere advice is disingenuous. In every case there is a condition without compliance with which the legislation is inoperative, namely, the condition that the designated person and no other shall be appointed. This is not advice, but requirement. If advice merely is meant, the Executive is entitled to be treated to it in some other form than one which requires him to affix his signature of approval to the advice before he considers whether it will be wise to follow it. The essence of this whole vicious system of special legislation is practical coercion of the appointing power. Eliminate that element, and bills to reach special cases will rarely be desired.

II. Precedents for bills of this character are cited. It is admitted that there are such; enough to show that a dangerous and injurious practice has lately arisen, but they are too few and too recent to fix irrevocably an erroneous construction of the plain language of the Constitution. The first special statute that can be discovered in the naval records was that of Capt. Charles Stewart, on March 2, 1859. The first case in the Army appears to have been that of Maj. James Belger, on March 3, 1861. February 20, 1864, the grade of Lieutenant-General was revived, but no mention was made of the officer to be appointed. July 25, 1866, the grade of general was revived, but Congress carefully refrained from naming the appointee.

All earlier legislation of the Republic under our present Constitution creating offices avoided specifying the persons to be appointed. The Congress of the old Confederacy had the power of appointing all officers of the land forces in the service of the United States, excepting regimental officers, appointing all the officers of the naval force and commissioning all officers in the service of the United States. But from the adoption of the present Constitution in 1787, vesting the appointing power in the Executive, for about eighty years no discovery was made of the existence of the legislative power of appointment in the Congress of the United States, which is now set up. The occasion has arisen for returning to the correct construction of the Constitution and establishing the true line of separation between the legislative and executive branches of the Government. Gradual encroachments of one branch upon the other will not be infrequent in the working of our system. The opportunities which may occur for retreating from such encroachments should always be unhesitatingly and courageously seized. By a frequent recurrence to the fundamental principles of the Constitution will its vigor be best preserved.

III. The laws requring promotions in the Army and Navy to be made according to seniority of rank are mentioned. But general laws regulating the power of appointments are not usurpations of it. The right to regulate and even limit by law the power may be conceded, while the right to actually exercise it is denied and resisted. The line of distinction can easily be drawn between a law prescribing general rules and restrictions to govern the method of making appointments and a law naming a particular appointee. The one may be constitutional; the other is not.

IV. It is said that if such laws are unconstitutional no reparation can be made where an officer, by final sentence of a court-martial, has been dismissed from office, but it afterwards clearly appears that he was innocent and his punishment undeserved. The assertion is incorrect. Reparation in such case may be made, but it must be done constitutionally. To effect it the Legislature can neither annul a final judgment of a court, nor exercise the appointing power. If a judgment is for the payment of money, the Legislature can not destroy the sanctity of the judgment, but it may release or return the amount. Whatever reparation or restitution can be afforded by legislation alone, the Legislature may undoubtedly give. But where such can not be given without an appointment to office the Legislature must stop short. If the creation of a new office is necessary, the Legislature may create it, but can not say that it shall be filled by the appointment of the particular individual who has lost a similar office. Whether or not to make that portion of the reparation is the exclusive prerogative of the Executive, and while deciding the question he is entitled to be absolutely free from any apparent or actual coercion by the legislative branch of the Government.

V. If it is conceived that the law now proposed obviates the objections to the requirement of the appointment of a named person, an examination of the bill will dispel that opinion.

It is true that the enacting clause varies from the form heretofore used in such cases. Instead of saying that the President shall appoint Quackenbush a commander in the Navy, it says that he "shall nominate, and by and with the advice and consent of the Senate appoint a commander who shall take rank and position in the Navy as and of the time of the suspension of said Quackenbush * * * or such commander so appointed shall receive pay from the date when said suspension took place."

The act also declares that if the President shall "appoint said Quackenbush" he shall not be overpaid; and it also names Quackenbush five times in the preamble, reciting the facts in his case (except his conviction and dismissal for drunkenness), and it declares the purpose of the act to be to restore him to the same rank and position "as if said dismissal had not been made." If there is the least weight in the constitutional objection to acts of Congress for the appointment to offices of the United States of particular persons

named in the acts this bill is obnoxious in the fullest degree. The attempted evasions of the objection only make the intended coercion more apparent. It peremptorily commands the Executive, if he does not appoint Quackenbush, to appoint some other person, who shall be a commander with the rank and position which Quackenbush had when dismissed in June, 1874, and who shall receive pay from the date of that dismissal; that is, eleven years' pay as a commander, without being in office or serving the Government a single day during the whole period. Surely this is not merely the creation of an office, leaving it discretionary with the President to determine who shall fill it.

Very respectfully, WM. E. CHANDLER,
Secretary of the Navy.

Hon. EUGENE HALE,
United States Senate, Member Committee on Naval Affairs.

Mr. HEPBURN (before the reading was concluded). I call the attention of the gentleman from Texas to the fact that the portion of the letter which the Clerk is now reading is not pertinent to this bill.

Mr. SAYERS. The reading will be concluded in a few moments.

Mr. HEPBURN. This bill has none of the features that the letter of the Secretary of the Navy as now read comments upon.

Mr. SAYERS. The House will so understand. The reading will only take a few minutes longer.

Mr. HEPBURN. I thought perhaps the reading of those portions of the letter might be an unnecessary consumption of time, as this part of the document is not pertinent to this bill.

Mr. SAYERS. I would like to have the reading of the letter concluded.

The Clerk resumed and concluded the reading.

Mr. SAYERS. Mr. Speaker, I have nothing to add to the record of Mr. Quackenbush as read in the presence of the House. If members of the House with these facts before them can vote to restore him to the Navy and place him on the retired list, they will do so, it seems to me, in the face of a very bad record, and despite anything else that can be said against him.

Mr. STEELE. I have tried to listen carefully to the reading of this report. There was, as I understand, an order made by the President mitigating the sentence of the court-martial (which provided for dismissal from the service) to suspension for six years.

Mr. SAYERS. It is so stated.

Mr. STEELE. Now, as I understand from the reading, that order was made about six years after the dismissal.

Mr. SAYERS. No; it is claimed by the friends of the bill that the order of mitigation was made on June 9, 1874, though no record of such order is to be found at the Navy Department.

Mr. STEELE. And further, if the gentleman will permit me in that same line, I gather from the reading of the report that there was some doubt as to whether the President had written or ordered such a letter at all as that which emanated from the Secretary of the Navy without any authority.

Mr. SAYERS. The record shows that on the 9th day of June, 1874, Mr. Quackenbush was dismissed from the service. I will read from the record in verification of the date stated. The record shows that in February, 1874, Commander Quackenbush was tried before a general court-martial and sentenced to dismissal, and the sentence approved June 5, 1874, and he was dismissed June 9, 1874. On the 10th of June, 1874, Lieutenant-Commander Schley was nominated for promotion to the grade of commander from that date, vice Commander John N. Quackenbush, dismissed, which nomination was confirmed by the Senate on the 12th day of the same month.

Mr. STEELE. That would put Quackenbush out whether the court-martial proceedings had been held or not.

Mr. SAYERS (continuing). And here is the situation that appears with reference to this matter from the papers which are on file in the Department:

It appears from the records of the Department that under date of June 12, 1874, the Secretary of the Navy addressed a letter to Commander Quackenbush, requesting him to return the order dismissing him from the Navy.

Let it be noted, Mr. Speaker, that this was on June 12, 1874, three days after he was dismissed, and two days after Lieutenant-Commander Schley was nominated, and on the very same day that the Senate confirmed his nomination.

That Quackenbush returned the order referred to in a letter dated June 15, 1874; that his name was thereupon omitted from the Navy list in the Navy Register, which was published in July, 1874; and about six months later, December 8, 1874, a letter was addressed to Commander Quackenbush by the Secretary of the Navy, informing him that the sentence of dismissal in his case was mitigated to suspension from rank and duty on furlough pay.

Mr. STEELE. But I understood in the Chandler letter that there was no authority for the Secretary of the Navy to make such a statement or order, and that the President had not authorized him to do so.

Mr. SAYERS. He says there was no record of any such order.

Mr. STEELE. Yes.

Mr. SAYERS. He also says that the only record is the letter that was written by the Secretary of the Navy on the 12th of June, 1874, to Commander Quackenbush, requesting him to return the order; and that on the 15th day of June, 1874, Quackenbush returned the order. But it was not until December 8, 1874, that the letter was written by the Secretary of the Navy to Quackenbush, informing him that the sentence had been mitigated to suspension from rank and command. This is all I think necessary to say in connection with the matter.

Mr. STEELE. But there was no authority for this letter of the Secretary of the Navy, apparently.

Mr. SAYERS. Apparently, no.

Mr. HEPBURN. Mr. Speaker, the question presented by the pending bill is as to whether or not Congress will do an act of justice to a man who was once in its service. I have nothing to say, and it is not necessary for me to say anything, in connection with this discussion or to make any reply to what has been said in regard to the letter of the Secretary of the Navy or with reference to the charges which seem to have been substantiated against this officer in the trial before the court-martial. All of these matters were matters that were known to the Department and to the President at the time he mitigated the punishment, or rather the sentence, of the court-martial from dismissal to a suspension. And I might say here that all the testimony—and there is much of it—goes to show and does show that for years, ever since the action of the President in the case, the life of this officer has been without reproach. No charge of any kind is made against him or his decorous conduct, and there is much proof to show that he has been entirely free from this vice ever since.

This letter of the Secretary of the Navy, in which the statement is made so confidently that he ceases to be an officer of the United States on the 9th day of June, 1874, seems to be disproved by this fact, that his dismissal from the register did not occur until a late date, 1882, and for more than a year after the writer of that letter was Secretary of the Navy.

The name of Commander Quackenbush stood upon the register, he drew his pay during all this period, and that, it seems to me, ought to be a sufficient answer. But, further, it is intimated in the letter and stated by the gentleman on the floor in this discussion that a long time after the approval of the sentence this attempted or asserted mitigation of the sentence occurred. I want to call attention to a copy of a letter I have in my hand. General Grant writes, under date of February 10, 1882:

I remember of Commander Quackenbush, but not the details of my action. I have no doubt, however, but that the Hon. George M. Robeson, then Secretary of the Navy, knows and remembers all about it.

I do know, however, the intention was not to put him out of the service, and I now recommend his nomination to the vacancy which was kept open for him from the time of the first vacancy after the promotion of Schley.

The fact that Executive action was delayed so long in the case of Commander Quackenbush—

This refers to the fact that the court-martial occurred in the early part of 1874 and the action upon that report did not occur until June—

The fact that Executive action was delayed so long in the case of Commander Quackenbush, at the request of Mr. Samuel Howe, shows quite conclusively that the approval of the sentence and commutation were done at one and the same time. My decision was probably given verbally to the Secretary, and the mistake in the record has been made by a clerk.

Very truly, yours,
U. S. GRANT.

There is proof most conclusive that the act of clemency was not an afterthought, that it did not occur six months after, as suggested by the gentleman from Texas [Mr. SAYERS], but that it was concurrent with the other action. But again, here is a letter from the then Secretary of the Navy. I read only the part that is pertinent here:

The action of approval and mitigation was at one and the same time, whatever the records in the Department may appear to show. The direction to me being verbal, and a letter being sent by me at once to Commander Quackenbush, and afterwards, in December, the letter promulgating the finding and mitigation, I may have rested content with my action and neglected to order or to make full indorsement on the records.

Now, this clearly shows that the order of appointment of Schley "vice Quackenbush" was an error committed in some incomprehensible way by the Department.

But, Mr. Speaker, this matter has been inquired into by one of the courts of this District. An application for a writ of mandamus directed to the Hon. Hilary A. Herbert, Secretary of the Navy, commanding him to cause the name of the relator to be restored to the Official Register of the commissioned, warrant, and volunteer officers of the Navy of the United States, and to cause the same to be printed upon the list of commanders in the next lawfully authorized publication of that Register, was begun in this suit. As I am informed, there was a full investigation of all the facts in connection with the matter, all that the Government could say and all that the relator had to say. The court refused the writ, because it had no jurisdiction of that matter, but the court in its decision goes on to discuss the case and says:

The situation of the relator seems to be remediless save by Congressional action. He appears to have been effectually displaced from the service by inadvertence or by accident in 1874, and by purpose and design in 1883.

The court goes on to say:

The inadvertence or mistake in the nomination of Schley "vice Quackenbush, dismissed" is demonstrated by the fact of the commutation of his sentence by the President on June 9, 1874, to six years' suspension; by his retention on the list as commander, suspended from rank and duty on furlough pay until July 9, 1880; by his being then placed on waiting orders, and drawing the appropriate pay until April, 1881, and by the keeping for him unfilled during these years a vacant position of commander.

He was dropped in 1883 because of the decision in the Blake case, and his displacement was intentionally made effectual, and the lack of intention in the displacement of 1874 emphasized by the nomination to and confirmation by the Senate in December, 1883, of Mullan, "vice John N. Quackenbush, no longer in the service."

That was in 1883, mind you, gentlemen. All of these years the Navy Department recognized the fact that this man was not dismissed in 1874. All these years they recognized the fact that there was clemency shown to him, and that he was still in the Navy on retired pay. The court goes on further to say:

The correction of this error from which Commander Quackenbush has so long suffered would be a simple act of justice. It should be corrected not only as matter of righting a wrong to an injured and powerless citizen, but as a matter of honor on the part of a great and just Government. The remedy, however, is not in the courts, but in Congress.

Now, Mr. Speaker, I do not care to occupy more time. I believe this is a simple act of justice. This man has suffered the full punishment inflicted upon him by the court and approved by the President. His sentence expired in June, 1880. For nearly sixteen years he has been striving to secure remedy for this gross wrong. I believe the House ought to pass this bill. He will now go upon the retired list. He is an old man, not fit for active service, and placing him on the retired list is but inadequate and incomplete justice in his case.

The SPEAKER. The question is on the committee amendment.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question being taken on the passage of the bill, on a division (demanded by Mr. SAYERS) there were—ayes 59, noes 17.

Mr. SAYERS. Mr. Speaker, I am not willing that this bill should be passed by such a vote as this. If the gentleman will allow a yea-and-nay vote to be taken to-morrow morning, just after the reading of the Journal, that will be satisfactory.

Mr. HEPBURN. Let us take it now.

Mr. SAYERS. There is not a quorum here now.

Mr. HEPBURN. I think there is, or will be.

Mr. SAYERS. Very well, let us have the yeas and nays.

Mr. BAILEY. Before the announcement is made, of course, it is understood that my colleague does not lose the right to make the point of no quorum.

The SPEAKER. The gentleman asks unanimous consent that the vote be taken by yeas and nays. Is there objection?

Mr. FAIRCHILD. I object.

Mr. SAYERS. No quorum, Mr. Speaker.

The SPEAKER. The yeas and nays are demanded——

Mr. SAYERS. After conferring with the gentleman from Iowa, I understand that he has no objection to having an order entered directing that a yea-and-nay vote be taken to-morrow.

Mr. HEPBURN. I think upon reflection I should prefer to have the vote taken now. I think there is a quorum here.

The SPEAKER. Does the gentleman from Texas make the point of no quorum?

Mr. SAYERS. No quorum, Mr. Speaker.

The SPEAKER proceeded to count the House. Pending the count,

Mr. SAYERS said: Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman withdraws the point of no quorum and demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 162, nays 48, not voting 144; as follows:

YEAS—162.

Abbott,	Chickering,	Graff,	Johnson, Cal.
Acheson,	Clark, Iowa	Griffin,	Joy,
Allen, Utah	Clark, Mo.	Griswold,	Kerr,
Anderson,	Coffin,	Grow,	Kirkpatrick,
Apsley,	Colson,	Hainer, Nebr.	Knox,
Arnold, Pa.	Cook, Wis.	Hall,	Kulp,
Arnold, R. I.	Cooper, Wis.	Hardy,	Kyle,
Atwood,	Corliss,	Harmer,	Leighty,
Baker, Md.	Crowther,	Harris,	Leisenring,
Baker, N. H.	Culberson,	Hartman,	Leonard,
Barham,	Curtis, Kans.	Hemenway,	Lester,
Bartholdt,	Daniels,	Henderson,	Lewis,
Bartlett, Ga.	Dayton,	Henry, Ind.	Long,
Bennett,	De Witt,	Hepburn,	Low,
Berry,	Doolittle,	Hicks,	Mahany,
Black, Ga.	Eddy,	Hilborn,	Mahon,
Blue,	Evans,	Hill,	McCall, Mass.
Bowers,	Fairchild,	Howe,	McCall, Tenn.
Brewster,	Fischer,	Howell,	McCleary, Minn.
Broderick,	Gamble,	Hubbard,	McCormick,
Brown,	Gardner,	Huff,	McCreary, Ky.
Burton, Mo.	Gibson,	Hunter,	McLachlan,
Burton, Ohio	Gillet, N. Y.	Hurley,	Meiklejohn,
Calderhead,	Gillett, Mass.	Jenkins,	Mercer,
Miller, Kans.	Poole,	Sperry,	Underwood,
Milliken,	Pugh,	Stahle,	Updegraff,
Minor, Wis.	Ray,	Stallings,	Van Horn,
Moody,	Reyburn,	Stewart, N. J.	Van Voorhis,
Morse,	Robertson, La.	Stewart, Wis.	Walker, Va.
Newlands,	Royse,	Stokes,	Wanger,
Otey,	Russell, Conn.	Stone, C. W.	Warner,
Otjen,	Russell, Ga.	Stone, W. A.	Watson, Ind.
Overstreet,	Sauerhering,	Strode, Nebr.	Watson, Ohio
Parker,	Scranton,	Sulloway,	Wellington,
Patterson,	Settle,	Tawney,	Wilson, Idaho
Payne,	Shafroth,	Thomas,	Wilson, N. Y.
Pearson,	Sherman,	Towne,	Woodard,
Pendleton,	Simpkins,	Tracewell,	Woomer,
Perkins,	Smith, Ill.	Tracey,	Wright.
Phillips,	Southard,	Treloar,	
Pickler,	Spalding,	Turner, Va.	

NAYS—48.

Baker, Kans.	Dingley,	Loudenslager,	Steele,
Bartlett, N. Y.	Dinsmore,	McClellan,	Strait,
Beach,	Downing,	McCulloch,	Strowd, N. C.
Bell, Colo.	Ellett, Va.	McRae,	Talbert,
Bell, Tex.	Hendrick,	Miles,	Tate,
Bishop,	Henry, Conn.	Milnes,	Terry,
Burrell,	Jones,	Northway,	Turner, Ga.
Clardy,	Kem,	Pitney,	Washington,
Cobb,	Latimer,	Savers,	Williams,
Connolly,	Layton,	Shuford,	Wilson, Ohio.
Cooper, Tex.	Little,	Snover,	Wood,
De Armond,	Loud,	Spencer,	Yoakum.

NOT VOTING—144.

Adams,	Curtis, N. Y.	Huling,	Odell,
Aitken,	Dalzell,	Hull,	Ogden,
Aldrich, Ala.	Danford,	Hutcheson,	Owens,
Aldrich, Ill.	Denny,	Hyde,	Powers,
Allen, Miss.	Dockery,	Johnson, Ind.	Price,
Andrews,	Dolliver,	Johnson, N. Dak.	Prince,
Avery,	Dovener,	Kendall,	Quigg,
Babcock,	Draper,	Kiefer,	Raney,
Bailey,	Elliott, S. C.	Lacey,	Reeves,
Bankhead,	Ellis,	Lawson,	Richardson,
Barney,	Erdman,	Lefever,	Robinson, Pa.
Barrett,	Faris,	Linney,	Rusk,
Belknap,	Fenton,	Linton,	Shannon,
Bingham,	Fitzgerald,	Livingston,	Shaw,
Black, N. Y.	Fletcher,	Lockhart,	Skinner,
Boutelle,	Foote,	Lorimer,	Smith, Mich.
Bromwell,	Foss,	Maddox,	Sorg,
Brosius,	Fowler,	Maguire,	Southwick,
Brumm,	Goodwyn,	Marsh,	Sparkman,
Buck,	Grosvenor,	McClure,	Stephenson,
Bull,	Grout,	McDearmon,	Strong,
Cannon,	Hadley,	McEwan,	Sulzer,
Catchings,	Hager,	McKenney,	Swanson,
Clarke, Ala.	Halterman,	McLaurin,	Taft,
Cockrell,	Hanly,	McMillin,	Tayler,
Codding,	Harrison,	Meredith,	Tucker,
Cooke, Ill.	Hart,	Meyer,	Tyler,
Cooper, Fla.	Hatch,	Miller, W. Va.	Wadsworth,
Cousins,	Heatwole,	Miner, N. Y.	Walker, Mass.
Cowen,	Heiner, Pa.	Mondell,	Walsh,
Cox,	Hermann,	Money,	Wheeler,
Crisp,	Hitt,	Moses,	White,
Crowley,	Hooker,	Mozley,	Wilber,
Crump,	Hopkins,	Murphy,	Willis,
Cummings,	Howard,	Neill,	Wilson, S. C.
Curtis, Iowa	Hulick,	Noonan,	Woodman.

So the bill was passed.

Mr. STALLINGS. Mr. Speaker, I desire to know how I am recorded?

The SPEAKER. The gentleman is not recorded.

Mr. STALLINGS. I desire to vote.

The SPEAKER. Was the gentleman present when his name was called?

Mr. STALLINGS. I answered, but they did not get it down.

The name of Mr. STALLINGS was then called, and he voted "yea."

Mr. MCMILLIN. Mr. Speaker, I am paired with the gentleman from Maine, Mr. BOUTELLE.

The following additional pairs were announced:

On this question:

Mr. SOUTHWICK with Mr. ELLIOTT of South Carolina.

Mr. CANNON with Mr. BANKHEAD.

Mr. HULING with Mr. MEYER.

Mr. BABCOCK with Mr. RICHARDSON.

The result of the vote was then announced as above recorded.

On motion of Mr. HEPBURN, a motion to reconsider the vote by which the bill was passed was laid on the table.

COMMITTEE APPOINTMENT.

The SPEAKER announced the appointment of Mr. ELLETT of Virginia on the Committee on the Merchant Marine and Fisheries.

ORDER OF BUSINESS.

Mr. HENDERSON. Mr. Speaker, I present a privileged report.

The Clerk read as follows:

The Committee on Rules, having had under consideration resolution No. 274, report the same back to the House with the following substitute, the adoption of which is hereby recommended:

Resolved, The House shall, immediately upon the passage of this resolution, enter upon the consideration of House bill 8110, "A bill to establish a uniform law on the subject of bankruptcy throughout the United States"; that the remainder of this day and Wednesday, April 29, and Thursday, April 30, shall be devoted to general debate upon said bill; that Friday, May 1, and

Saturday, May 2, until 4 o'clock p. m., shall be devoted to the consideration of said bill under the five-minute rule; and at 4 o'clock p. m., May 2, the bill shall be reported, with any amendments that may have been adopted, to the House, and the previous questions shall be considered as ordered on said bill and amendments to its final passage.

Mr. HENDERSON. I move the previous question.

Mr. BAILEY. Mr. Speaker, as my friend from Iowa understands, there may be two substitutes offered, and possibly there will be, and probably under the rule we would only have an opportunity to offer one. I am willing to simply take his assurance, that if the friends of voluntary bankruptcy desire to submit two substitutes they shall have the right to do it.

Mr. HENDERSON. I have only heard of one, but of course it is nothing but fair to those who are in favor of voluntary bankruptcy that they should have an opportunity to offer a substitute.

Mr. BAILEY. I may say that there are those who desire that the estate shall be administered under the State laws and distributed according to the State laws, and there are others who desire a purely voluntary system, who desire that the administration of the estate should be regulated by the law in the Federal courts. It is possible we may get in one substitute, and it is possible two. I desire to offer a separate substitute. With that understanding, I am entirely satisfied.

The SPEAKER. The gentleman from Iowa demands the previous question.

The previous question was ordered, and under the operation thereof the resolution was agreed to.

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent of the House that general leave to print may be given for ten days from this time, as it will be impossible for all to get an opportunity to address the House.

Mr. McMILLIN. On the bankruptcy bill?

Mr. HENDERSON. On the bankruptcy bill alone. [After a pause.] At the request of gentlemen around me I will modify that request by making it ten days from the conclusion of the debate, as it will probably be more convenient then.

The SPEAKER. The gentleman from Iowa asks unanimous consent that leave to print on the subject of the resolution be given for ten days, commencing with the close of the debate. Is there objection? [After a pause.] The Chair hears none.

The resolution speaks of being reported with any amendments which may have been adopted.

Mr. McMILLIN. Mr. Speaker, I think it would probably be well, and I think the gentleman in charge of the resolution would have no objection, to have it apply also to the amendments pending. That will make it possible for two amendments to be voted on in addition to the substitutes to be voted on by the House.

Mr. HENDERSON. I would be willing, under the understanding, that it should apply to the substitute, but I do not want it to apply to all amendments.

Mr. McMILLIN. I would suggest to the gentleman that there can be only two amendments pending—one amendment and an amendment to the amendment, and an amendment to the substitute pending; so that he would have very little trouble.

Mr. HENDERSON. I would suggest to my colleague on the Committee on Rules if we permit a vote on two substitutes that will be enough to cover it. I call the attention of the gentleman in charge of the matter on the minority to this question, whether that would be satisfactory. I suppose it will be to have a vote on both substitutes in the House.

Mr. BAILEY. That was the understanding I strove to arrive at a moment ago.

The SPEAKER. Is it understood that this bill shall be considered in Committee of the Whole?

Mr. HENDERSON. I was going to move to go into Committee of the Whole.

The SPEAKER. That may be interpreted as the meaning of the rule. If there be no objection, that can be the understanding of the rule, though without an agreement that construction might be doubtful. The gentleman moves to go into the Committee of the Whole House on the state of the Union for the consideration of this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PAYNE in the chair.

BANKRUPTCY BILL.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the consideration of the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

Mr. HENDERSON. Mr. Chairman, I ask for the reading of the bill.

The Clerk read the bill in part.

Mr. HENDERSON (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the further reading of the bill.

There was no objection, and it was so ordered.

Mr. HENDERSON. Now, Mr. Chairman, I would like to reach an understanding with the gentlemen representing the other view of the case as to the division of the time for debate, and I suggest that one-half be controlled by the gentleman from Texas [Mr. BAILEY] and the other half by myself.

Mr. BAILEY. Mr. Chairman, I suggest to the gentleman that there are really three sides to this controversy, and I think an entirely fair division would be to divide the time into three equal parts, the gentleman from Iowa [Mr. HENDERSON] to control one-third, the gentleman from Kansas [Mr. BRODERICK] to control one-third, and I should be glad to control the remaining third.

Mr. HENDERSON. I had thought of asking for two-thirds of the time, because of the great majority here in favor of a bankruptcy bill that is a bankruptcy bill. [Laughter.]

Mr. BRODERICK. If there is such a majority, then you do not need the time for argument on your side.

Mr. HENDERSON. I know, but gentlemen want to be heard. I thought I had reached an understanding with the gentleman from Texas as to the division of time.

Mr. BAILEY. The gentleman did reach an understanding with me, Mr. Chairman, purely because I could not help myself [laughter]; but I admonished him that I should ask for a division into three parts. If that can not be had, I suggest that the gentleman modify his proposition so as to provide that the gentleman from Kansas [Mr. BRODERICK] shall control one-half of the time allotted to the opposition to this bill.

Mr. HENDERSON. That is satisfactory. Let the arrangement then be that the gentleman from Texas [Mr. BAILEY] shall control one-quarter of the time, the gentleman from Kansas [Mr. BRODERICK] another quarter of the time, and I the remaining half.

There was no objection, and it was so ordered.

Mr. HENDERSON. Mr. Chairman, it is true, as suggested by the gentleman from Texas [Mr. BAILEY], that there are three views in respect to bankruptcy legislation, still there are really but two sides. On one side are those who are in favor of a bankrupt law as contemplated by the Constitution, and on the other are those who are opposed to such legislation. There are, however, three lines of thought in respect to it. First come those who favor a law providing for both voluntary and involuntary bankruptcy. This view is represented by the bill which is now under consideration. There is another school who believe in a law which provides only for voluntary bankruptcy, cutting off all right on the part of the creditor to move in bankruptcy proceedings and giving that right only to the debtor. That school of thought is represented by the substitute, notice of which has been given by the gentleman from Texas [Mr. BAILEY]. There is still a third class, namely, those who are opposed to any bankruptcy law and are in favor of remitting all remedies of creditors against debtors to the State laws, cutting off entirely all proceedings in the Federal courts under a general bankruptcy law. These are the three schools.

VOLUNTARY AND INVOLUNTARY BANKRUPTCY.

I will consider first the merits of a voluntary and involuntary law, which is the bill reported by the majority of the Committee on the Judiciary. This is unquestionably the kind of a bankrupt law contemplated by the Constitution. In the debates at the great convention at Philadelphia which adopted the Constitution I can find, after careful examination, no objection from any quarter against clothing Congress with that power. I go a step further. In the course of my investigation I have been unable to find that in any State legislature objection was developed on this point when the ratification of the Constitution was made.

Now, I want to impress this point upon the minds of the committee: The Constitution clothed Congress with the power, and I take it that that puts an obligation upon us. It imposes a trust upon us to exercise that power. My theory of that part of the Constitution which gives Congress the power to pass the general bankruptcy law is that Congress is thereby obligated to act upon that power. It is a trust reposed in this body. No bankruptcy law containing only voluntary provisions has ever been placed upon the Federal statute books, showing that Congress thus far has interpreted the Constitution in accordance with my interpretation.

Now a few thoughts in respect to the voluntary and involuntary law. Why should the creditor be cut off from proceeding under the provisions of a bankrupt law? Why should the debtor only be permitted to move in the bankruptcy court for relief in a case where he is a bankrupt? Let us suppose that I am a merchant, and my friend from Kansas, Judge BRODERICK, sells to me $50,000 worth of goods, and I go to work with my industry and my energy to develop a business with that capital plus what I may have accumulated before. I work along for five, or six, or eight, or ten years. In the meantime I am living upon that business. Out of it my wife and my children are deriving their food and clothing. Finally things run on until I find that I can not sustain myself any longer and that my $50,000 worth of borrowed assets have been reduced to $25,000.

Now, at that point, who has the better right to deal with my remaining assets, Judge BRODERICK or Mr. HENDERSON? He is

the man who put that property into my possession. I have lived upon it, or upon the credit of it, all that time, but in the struggle of life—perhaps owing to hard times, possibly because I have not the genius to handle the business, but am better adapted to sawing wood—no matter what the reason may be, the fact is that I have but $25,000 worth of assets left. I have lived five or six years off the property which I bought from Judge BRODERICK, and now I have only $25,000 worth of it remaining. I trust that my friend from Kansas, in his time, will make it clear to this committee that I alone, the debtor, have the right to say what shall be done with respect to those remaining assets for the benefit of my creditor.

I contend, Mr. Chairman, that the man who put that property into my possession and who, in equity, owns every dollar of the $25,000 that is left in my possession has a more sacred right to enter proceedings in the bankruptcy court in the matter than I have. But this bill treats them exactly alike. This bill has the voluntary and the involuntary provision. If I find my load too heavy, if I have satisfied myself that I can not go forward and win, I can file my petition in bankruptcy and ask that the assets be distributed among my creditors and that I be allowed to start anew in the battle of life. But suppose I want to struggle on and on, living as long as I can on the assets remaining, allowing them to run down, perhaps, to $10,000, and suppose Judge BRODERICK sees where this thing is drifting, sees that $25,000 of the amount which he advanced to me is gone, and that I am still going down and down, that those assets which he in equity owns are being depleted still further—I would like to hear some good reason given to this committee why Judge BRODERICK, my creditor, should not be permitted to move in the matter to protect what is left of the property that he gave me credit for.

Now, it should be borne in mind that when he steps in and when other creditors step in, what is left of my assets is equitably distributed among them all, all being treated alike; and under this proposed law, I, the debtor, will have left all the exemptions that my State gives me out of what remains. And then, let it not be forgotten, if I am an honest man, the load is lifted and I can reenter the arena of life, relieved of every debt excepting the few specified as exceptions in this bill, such as taxes; and with the load thus lifted I am allowed to make a fresh start. It seems to me, Mr. Chairman, that no other view can be taken than that the creditor and the debtor should both have the right to treat of this remaining fund in the hands of the debtor. If either should alone have the right, the creditor has the better right.

VIEWS OF STATESMEN OF THE PAST AND PRESENT.

This view has been taken since the Constitution was adopted by many of the ablest men in this country. I know that this statement is not argument; but I have sometimes found, when I had not myself the time or possibly the ability to investigate complicated questions, it was easier for me to pass judgment if I knew how abler men had thought of the matter troubling me. In the first place, "the fathers"—and we are all accustomed to speak of "the fathers"—have pointed the way in the Constitution. In addition to that let me name a few, and only a very few, of the giants of the past who have contended in the House and the Senate and before the country in favor of a law with the voluntary and the involuntary provisions. Mr. Webster spoke with no uncertain sound in behalf of both provisions. Henry Clay made himself immortal as an American with his appeal for a bankruptcy law with both provisions. Madison, the great expounder of the Constitution, stood forth the fearless champion for a law with both these provisions. Thomas Benton was equally outspoken. The most eloquent appeal ever made under the American flag for a bankruptcy law, and with both provisions, came from Mr. Hayne; and the erudite Story, who is revered in every law office as one of the recognized expounders of constitutional law, advocated this kind of a law.

In our more modern times—and I have named but a few of the "fathers" and those who followed them—such a measure has been supported in this House by Judge Ezra B. Taylor, whom we all remember as chairman of the Judiciary Committee, the successor of Mr. Garfield; by Col. William C. Oates, now the governor of Alabama, who voted against the bill in the Fifty-first Congress but introduced and championed it in the Fifty-second and Fifty-third Congresses; by Mr. William L. Wilson, the present Postmaster-General; by General CATCHINGS, Mr. Outhwaite, Mr. McAdoo, Judge Hayes of Iowa, Judge Buchanan of New Jersey, ex-Senator Perkins, now gone; Mr. George E. Adams of Chicago, Mr. Frank of St. Louis, and by some of the strongest men of our own time, including Mr. REED and Governor DINGLEY. And I am glad to say that I have standing by my side to-day in advocacy of this measure one who ranks behind few men in point of intellectual ability—the distinguished gentleman from Texas, Judge CULBERSON.

In addition to that, four great national conventions—two held in this city (I had the honor of being a participant in the first one just about the time I was entering Congress some fourteen years ago), one held in St. Louis, and one in Minneapolis, made up of the representative men of the great commercial and industrial interests of the nation—have advocated a bankruptcy bill, made up of both voluntary and involuntary provisions. The great journals of this country, East and West, North and South, have advocated such a measure. The press of the country generally has advocated it, and I can say that so far as the people of this country have spoken they have, with wonderful unanimity, spoken for a law with both voluntary and involuntary provisions.

Now, another thought in passing. What is the real difference between a voluntary and an involuntary bill? The moment that the adjudication in bankruptcy is made all differences are at an end. If Mr. Smith files an involuntary petition or the creditors file a petition against Mr. Smith, the moment that the bankruptcy court makes the adjudication in bankruptcy that moment all differences cease. The privileges, the rights, and the duties of the debtor are exactly the same from that moment, whether he files the petition or his creditors file it. From that instant of time the rights, the obligations, the duties of the creditors are exactly the same, no matter who petitions. I want that thought kept in the mind of this committee, because with that fact so planted many of the questions that might disturb the views of members will vanish from the mind.

INVOLUNTARY BANKRUPTCY.

Now, a few thoughts as to involuntary bankruptcy. There is a feeling in certain quarters that there is something harsh and cruel about involuntary bankruptcy, and that voluntary bankruptcy is generous and kind. This bill provides for voluntary bankruptcy; but is there anything harsh, cruel, or severe in the involuntary provisions of this bill? I want to say here to the committee that during the life of the bankruptcy law in 1867, under which I practiced constantly until it was repealed, I frequently encountered matters that made me think that it had some provisions which were too severe. I have not forgotten my experience, and the view I sometime took with my partners, especially Judge Shiras, with whom I was associated during my entire practice, that the law had been made up too much from the Eastern standpoint.

Westward the star of empire takes its way—

And perhaps—I do not say that it is so—this bill may have stamped upon it a little too much of the Western idea.

And right here let me give a little history. Within a few years after the repeal of the act of 1867 agitation began for another general bankruptcy law; and Judge Lowell, a clean, able man and a patriot, drafted what was known as the Lowell bill. Many of us in the West thought it was too drastic, too severe, in some of its provisions.

About this time a young lawyer living in St. Louis who had distinguished himself for his ability and great learning touching the bankruptcy laws in this country took an interest in this question, and at once his marked ability was recognized and he was made chairman of three national conventions to consider the question. I refer to Judge Jay L. Torrey, then a resident of St. Louis. I corresponded with him, making some suggestions in reference to the matter, because when he began to take an interest in the inquiry he invited an expression of the sentiments of the people generally throughout the country and criticisms of the measure. My old law partner, Judge Shiras, wrote making many suggestions, and the correspondence and the discussion at the conventions finally resulted in producing several radical changes from the original Lowell bill, changes which met the approval of the best legal talent and judgment of this country from every point of the compass until that bill has had the indorsement of the great and small commercial, industrial, and professional bodies of the land, has been supported by the organ of the Farmers' Alliance, as I am assured, and has had the support on the floor of this House of men from every State in the Union, I am safe in saying.

At the Minneapolis convention, on motion of one of the delegates, the bill was named the "Torrey bill" in honor of this young man. He is now the speaker of the Wyoming legislature, a man of ability, modesty, and character.

But, Mr. Chairman, this bill that was named the Torrey bill has undergone very many changes in the Judiciary Committees of the two Houses. It has been reported here for action several times. It was considered by the Judiciary Committee of the House under Judge Taylor, of Ohio, and under Judge Culberson; and before it was reported from the House at this session of Congress a subcommittee of five of the members of the Judiciary Committee had been spending between four and five weeks upon it, meeting almost daily, and twelve days were spent upon it by the full Committee on the Judiciary, in which time many friendly changes were made. And while it is known as the "Torrey bill," that bill having been the foundation on which this is based, yet the pending bill has stamped upon it the judgment of several committees, and many changes have been made from the original Torrey bill. I can truthfully add that Judge Torrey himself has been swift to favor any needed improvements.

We have had three bankruptcy laws in the United States—the one of 1800, which I think was only on the statute books a year or

an understanding with the gentlemen representing the other view | remaining assets, Judge BRODERICK or Mr. HENDERSON? He is

two and was then repealed; then we had the act of 1841, which was only two or three years on the statute books, and was also repealed; and then came the third and last act, that of March 2, 1867, and, following the example previously set, that was repealed in 1878.

I have heard it contended that the brief life of these various bankruptcy laws should be a warning that there was something inherently wrong in such a system. There is no man so foolish as he who will not treat himself squarely. I have studied this question carefully and have endeavored to learn the reasons for their repeal.

Under the act of 1800, during the lifetime of that act, this country was practically a wilderness; we did not know hardly what a railroad was, and the Federal courts were regarded by the profession and the people as something far away and surrounded by great, dark, hidden mysteries. Transportation was limited, and that court was not easily accessible to the people; and in addition to that, as I find in one report made by Judge Wolverton on the Torrey bill, as it was then known, a few years ago, it is shown that the first act became a theme of partisan contention, and that the real merits of the question were lost sight of in partisan war, and consequently it was repealed. But I can well understand that in those days, when we had but little population and no railroad facilities, the masses of the people, and even the legal profession itself, or the great body of it, unfamiliar with the practice in the Federal courts, it could not hope to be a popular court because of the inconvenience to the people; and the same condition of affairs is applicable to and is true of the law of 1841. This condition is not to be lost sight of when we reach the consideration of the act of 1867. The United States courts and their divisions were even then few and remote from the masses of the people.

But another reason operated against the act of 1867. It was too expensive. The insolvent's assets went largely to officials instead of to the debtors, and by almost common consent it was repealed.

But how is it now? None know better than the members of the Judiciary Committee the growth of the Federal court system in this country. Almost every lawyer now knows something of its practice. It is, at every term of Congress, being brought nearer and nearer to the people of the country. Take it in my own State. I think we had but two places to hold the United States court in Iowa during the life of the act of 1867—perhaps three, Des Moines, Dubuque, my own town, and at Keokuk.

Now we have Keokuk, Mount Pleasant, Des Moines, and Council Bluffs, in the southern district, and in my district we have Dubuque, Cedar Rapids, Fort Dodge, and Sioux City. It has been brought nearer to all the people, is convenient to them, and if there is any one class of members of Congress that we become familiar with in the Judiciary Committee it is those gentlemen who are asking the establishment of new divisions in their States for holding United States courts. And now the tendency of legislation in Congress is to be liberal in that regard. I fought for four years to have my own State divided and provide greater conveniences to the people in that regard before I came to Congress, and I think that is where I got the "bee in my bonnet," for I thought possibly I could do the work better inside than on the outside. I finally succeeded in getting the division made, and that division has been a blessing to our State.

Here let me invite your attention to another fact: Under this bill each county is entitled to a referee district; so that the referees are found in each county under this bill. What does that mean? The referee has all the powers of the judge, except as to hearing the petition in contested cases, the confirmation of a composition, the setting of a confirmation aside, or the granting or revoking of a discharge. These matters must be tried before a judge. But if the judge is absent and no defense is made in an involuntary case either by the debtor or any of his creditors, it may be referred to the referee and he may dismiss the petition or make the adjudication in bankruptcy. He may also act on a voluntary petition when the judge is absent. So that this law lays the great bulk of its transaction at the door of everyone interested, and his local counsel, scattered through the State. It is not dumped into the hopper of a few leading lawyers in the cities and towns where these courts of bankruptcy are held; but under this bill, in addition to the advantages which we now have by the increase of the Federal courts and the new divisions, it gives a referee in each county, where the great bulk of the business under the bankruptcy law can be treated.

Now, passing from that let me say this: The involuntary features are kind, because, instead of having a large number of suits scattered around the country and a large number of counsel, you have it all brought into one suit. It is economy to the debtor and to the creditor who is interested in getting as large a dividend as possible. I want that kept in mind.

Another thing about the involuntary provision. Every creditor knows that with this law upon the statute book there is no use of his dashing in "where angels fear to tread" and attacking the debtor with the numberless State writs and proceedings; no use of his going in to get preferences and advantages over his fellow-creditors, because if he does the other creditors can move and bring it into a common suit and he be compelled to surrender up his preferences and take pro rata with the rest.

Do you observe now that it is kind? Why? If a man is struggling a creditor is not afraid that Tom, Dick, or Harry at some point will dash in ahead of him, or that a few great commercial bodies, organizations, or houses in this country, antagonizing this bill, bodies which have got their traps set in front of every country store, communication with their attorneys, and an attorney hired to stay in their stores to manage them, where they can tap a bell and the writ issues under State law, will be able to drag the man in and get preference—there is no danger of that. Therefore, creditors are willing to consult with a debtor, go over his books, and see whether the man can afford to go on, whether he is able to fight the battle to a successful issue, or whether he had better surrender. There is no temptation under this law for the severity of treatment of the debtor that is found under our present State systems.

The creditors do not need to be alarmed. They can take time. If I am a creditor merchant, John Jones, in that other town, can not get ahead of me, for if he tries it we will have it all into a common pot and his attempted preference will have to come in and be divided. Therefore there is no temptation for the harsh treatment of the debtor, no reason why such writs should be issued, attachment, replevin, and so on, or suits be brought. We can take our time, and under that many a man who under our State laws is sent to the wall might be saved and continue successfully the battle of life.

Now, while on this head I will invite the attention of the committee to section 2 of the bill, while discussing the involuntary features alone.

There are nine grounds upon which a debtor may be proceeded against in bankruptcy. Briefly I will allude to each of them for the benefit of those who are sensitive about involuntary proceedings and frequently rack their brains to find hard terms to apply to them when there is no good reason for doing so. I see no cause in this debate for anything but an earnest consideration of this question with a view to doing our whole duty and what is best.

These nine grounds are what must be attacked if the involuntary features of this bill should be surrendered and the right to proceed in bankruptcy is left wholly to the debtor.

Now, I caution you to watch one thing well while I discuss these nine grounds for involuntary proceedings, and that is either one of two conditions must exist before a creditor can move by involuntary proceedings. We have changed these grounds not a little from what they have ever been before when submitted to Congress. There must be either some wicked purpose in the debtor's heart or he must be insolvent in fact and have made protracted defaults in payments due or shown his inability to protect his estate from an inequitable division. Simply being insolvent will not justify proceedings. Making defaults alone will not authorize creditors to proceed. Now, keep those two thoughts in your mind.

The first ground is this:

Acts of bankruptcy by a person shall consist of his having (1) concealed himself, departed or remained away from his place of business, residence, or domicile, with intent to avoid the service of civil process and to defeat his creditors, and shall not have returned at least forty-eight hours before the filing of a petition in bankruptcy, and before the rights of creditors shall have been impaired, altered, or interfered with.

Now, right here let me call your attention to the dictionary in the first section, page 3, clause 12 of the bill, because the definition of the word "defeat" is there given.

"Defeat" shall include defraud or delay, evade, hinder, and impede with intent to defraud.

So that whenever you find in this bill the word "defeat" qualifying an act, it means that he shall try to defeat with a fraudulent purpose and intent. Therefore, keep the dictionary definition of "defeat" in your mind.

Mr. TAWNEY. Who, in the first instance, is to determine that fact for the creditor before he can file a petition in bankruptcy?

Mr. HENDERSON. He will have to look into that, certainly. That is one of the things he has got to determine.

Mr. DE WITT. He has got to allege that fact.

Mr. HENDERSON. Of course; and the burden of proof is on him, too.

Mr. MILES. That is to be proved like any other fact.

Mr. HENDERSON. Yes. Now watch the second ground:

Failed for thirty days and until a petition is filed while insolvent—

Mark the word "insolvent"—

to secure the release of any property levied upon under process of law for $500 or over, or if such property is to be sold within such time under such process then until three days before the time fixed for such sale.

You will find that all through this bill. We even give the sinner a chance to repent and come back into the domain of good people and to stay the proceedings that the creditors must and should institute for self-protection.

Now, you see a party must be insolvent. And I want you to watch the condition we made. Three days of grace are given.

The third is:

Made a transfer of any of his property with intent—

What?—

to defeat—

With a fraudulent purpose. Are gentleman going to stand up here and defend scoundrels who defraud their creditors? Gentlemen of the committee, trace this law, chapter by chapter, paragraph by paragraph, and line by line; and when you read it through you will find it is a bill to provide remedies and protection for honest men, but not for thieves and scoundrels. [Applause.] We make no pretense here to hold back the moving creditor to secure his rights against the scoundrel who is trying to defraud him. If anyone here does not agree with that, let him trace through the field of thought and find an argument to satisfy earnest men why you should step in in such a case.

Made a transfer of any of his property with intent to defeat his creditors, and has not regained the ownership and possession of such property—

Here we make an amendment in this bill. Right here I will tell you that one of the things that led me to acquiesce in this, going possibly a little too far, was the counsel of my honored friend who sits in front of me [Mr. DINGLEY] when I entered upon the consideration of this question. He asked me, so far as I could, to tone down these provisions; and when my able colleague, the gentleman from New York [Mr. RAY], offered these amendments I acquiesced in them—

and has not regained the ownership and possession of such property before the rights of creditors have been altered, impaired, or changed by reason of such transfer, and at least ten days before the commencement of a proceeding in bankruptcy.

Mercy again on guard, even for one acting with a bad motive.

Fourth—

Made an assignment for the benefit of his creditors or filed in court a written statement admitting his inability to pay his debts.

When a man says, "I surrender; I can not any longer keep up this fight," surely his creditor—not a cutthroat, or scoundrel, or harsh, or cruel—his creditor is justified in saying, "I want now to protect my rights and have a fair distribution between man and man." No one will question the wisdom of a law that provides for fair distribution when a debtor gives up the fight and surrenders his property to creditors.

Fifth—

Made while insolvent—

Mark that qualification—

a transfer of any of his property, or suffered any of it to be taken or levied upon by process of law or otherwise for the purpose of giving a preference.

The wicked element is lodged in this: If he is going to give some pet creditor or relative a preference and become bad, it is an act of bankruptcy, and the creditors have a right to step in and the right to act.

Mr. MILES. And that, too, while he is insolvent.

Mr. HENDERSON. And that, too, while he is insolvent. That is explicitly stated; and there, too, we give him time to repent. Observe what follows:

And has not regained the ownership of such property or released same from such levy before the rights of creditors shall have been altered, changed, or impaired by reason of such transfer, taking, or levy, and at least ten days before the commencement of a proceeding in bankruptcy.

The only thing that I feared in this debate was that some one would say, "You have bent too far over to protect a man who did this wicked act." But we concluded that if he repented of his bad purpose, if he desired to reenter the domain of good people, retrace his steps, and put himself and property back where he and it were, we would not allow the creditor to proceed against him.

Sixth—

Procured or suffered a judgment to be entered against him with intent to defeat—

I have explained "defeat" to you as containing the element of fraud. With an intent to defeat, to fraudulently defeat—

his creditors and suffered to remain unpaid until ten days before the filing of a petition in bankruptcy: *Provided*, That a payment or satisfaction of such judgment by a sale of any of the debtor's property or from the proceeds of such a sale shall not be deemed a payment of such judgment under the provisions of this section.

Seventh—

Secreted any of his property—

The bad element again—hiding, sneaking, retiring from the open field of honest business, defrauding.

Secreted any of his property to avoid its being levied upon under legal process against himself and to defeat his creditors, and has not surrendered such property to such legal process at least ten days before the filing of a bill in bankruptcy.

Eighth:

Suffered while insolvent an execution of $500 or over, or a number of executions aggregating such amount, against him to be returned no property found, unless the amount shown to be due by such execution shall be paid before a petition is filed.

There mercy again comes in.

Surely if the debtor's status is such that the sheriff can find no property and the debtor has given up the battle and permits judgment to be rendered against him, the creditors are wholly justfied in moving in bankruptcy, if they see anything in the situation to encourage them in so doing.

Ninth, and last—now watch this, for here is where the battle is often waged against a bankrupt law:

Suspended and not resumed for thirty days, and until a petition is filed, while insolvent, the payment of his commercial paper for or aggregating $500 or over.

Under the act of 1867 the suspension of one's commercial paper for a second of time, fraudulently, was an act of bankruptcy. The suspension of the payment of a man's commercial paper for fourteen days, without reference to fraud, was an act of bankruptcy under the act of 1867, and that without any qualification, without any reference to whether he was solvent or insolvent. The man might be worth a million dollars more than his liabilities, but if his commercial paper for any amount went unpaid for fourteen days he could be thrown into bankruptcy under the act of 1867.

Mr. MILES. Is not that so under many of the insolvent laws of the States?

Mr. HENDERSON. Undoubtedly. In this bill we make the time thirty days, the amount $500 or over, and in addition to that he must be in fact insolvent, and the creditor must prove these facts.

Mr. Chairman, if a man, and especially a merchant or trader—an active business man—fails for thirty days to meet his commercial paper for such an amount, and is unable to have the same renewed, and if he is in fact insolvent, we know by experience that his case is hopeless, and that all interests—his and his creditors'—will be best served by the surrender of his assets to his creditors.

Now, gentlemen, I have gone over the nine grounds for involuntary bankruptcy. If I have not thought, read, and studied this subject in vain and helped to put the bill in its present shape, I say to you you will need "the tongue of Greeks and Jews, and nobler speech than angels use," to satisfy the business men and the honest men of this country that these are harsh and unjust provisions. Under either of the conditions enumerated in these nine heads the creditor is permitted to do—what? To ask that the assets shall be put into a common fund and divided pro rata between creditors of equal rights. That there shall be no advantage to the swift, the cruel, the heartless creditor, but fair treatment to all; and then, if the man is honest and makes no false statements, the load of debt is to be lifted from him and he can start again. If I can not recommend those provisions as fair and just to my associates in this House, then I am incapable of analyzing what is fair play between man and man in the business transactions of life.

Now I call attention to another fact: The creditor can not move by involuntary proceedings unless the debtor owes a thousand dollars. No proposition that has ever heretofore come before Congress made the amount more than $500, and I believe it was $250 or $300 under the act of 1867. If I am wrong I shall be glad to be corrected. But in this bill we make it a thousand dollars, and then, under the voluntary provisions, all limitation is taken off, so that the poorest man in this country who is entitled to a discharge can secure one under the voluntary provision, without regard to how much or how little he owes. Not only that, but we take this step further. If he shows by affidavit that he is unable to pay the filing fees due to the receiver, the trustee, and the clerk, making in all $25, he will be exempt from that requirement, and can go in and secure his rights under the law.

There is one thing that I will answer for in the future if this bill shall become a law. No one can sustain the charge against me or my associates reporting this bill that we have reported a measure against the interests of the poor.

But, Mr. Chairman, I see from my notes—for I have been talking entirely from notes—that they would occupy me for hours, and I must change my line and treat of matters as they come to my mind.

Another point is that a man who is engaged chiefly in farming can not be proceeded against under this bill, and the wage earner is exempted from the involuntary provision. I offered this amendment myself in the committee. In this we may be drifting a little westward, but I have my own reasons and my own feelings about this point. In the first place, the debts which the farmer owes are usually secured by mortgage. He borrows money by mortgage, and finally pays it off and runs without it. The creditors, being secured, do not need to have the farmers covered by this bill, and if they were in it that feature would be made a pretext and a football for those who do not wish to treat this matter candidly—I hope we shall find none such in this Chamber—without being any real advantage.

In our dictionary here we define what "wage earner" is. A "wage earner" is one who does not earn to exceed $1,500 a year. In examining the existing definitions in the law books we found

his dashing in "where angels fear to tread" and attacking the

should institute for self-protection.

before a petition is filed.

In examining the existing definitions in the law books we found

that there might be some difficulty, and we did not wish to leave the matter in doubt, so we made this definition, and we make a wage earner who earns not to exceed $1,500 a year exempt from the involuntary provisions of the bill. Of course he may go into bankruptcy voluntarily, but he can not be thrown in by creditors. I am afraid that if we have committed any error we have leaned too much to the kindly side in this matter, but, Governor [addressing Mr. DINGLEY], you must bear a large part of the responsibility, for you put some of these things into our heads with your valuable and kind suggestions.

We also exempt national banks from the involuntary provision. Now, that looks like bending the supple hinges of the knee to the corporations, but it is not. We would hit them in an instant if it was thought best, but no law can be framed for the national banks better than the law which is now in existence, and inasmuch as these banks have relation to the money of the people and the Government is responsible to the people for the condition of the money, we felt that it was better to leave them to be dealt with by the existing national-bank law. But under this bill no corporation can voluntarily take the benefit of the bankrupt law. If creditors desires to proceed against a corporation in bankruptcy they may do so except in the case of a national bank, while, as I have said, no corporation can voluntarily take advantage of the law.

Mr. DINGLEY. As to the national banks, they are cared for by another law that is more drastic than this.

Mr. HENDERSON. Certainly; more drastic—more severe—than anything in this bill.

I have treated of voluntary and involuntary bankruptcy, and of involuntary bankruptcy alone, and now I want to say a word about

VOLUNTARY BANKRUPTCY ONLY.

My friend from Texas [Mr. BAILEY] has a substitute which he proposes to offer for this bill. I have in my discussion of the involuntary reached over somewhat into the domain of the voluntary, and, inasmuch as his substitute is to be discussed, we will leave the minute discussion of that phase of the question until we hear the argument which he has to offer. The onus probandi, I take it, is upon those who urge that as a substitute for this bill.

But I ask that the fact be kept in mind that the committee's bill provides generously for voluntary bankruptcy. We are as faithful in looking after the interests of the debtor as of the creditor, and, through both, of the public, for the public good is the foundation stone of this whole question.

THOSE OPPOSED TO ANY BANKRUPTCY LAW.

Now, there is a third class—those who are opposed to any bankruptcy law. I know that I have the reputation of being too kind. It has operated against me sometimes, I think; it has been assumed that I was not suitable for responsible position because I am "too good-natured." I am willing to confess that is one of the elements of my nature; and if the charge is true I would not exchange it for a heart of steel—not for a kingdom; because I enjoy life as I go along. But if I can not sustain some kind of a bankrupt law, I think I shall have to lay it to a defective judgment—not to an overabundant heart.

We are living in an age in which I think we are fortunate to live. I have sometimes felt as if we were in great good luck in having our lot cast in this century. While the world's embryotic state was full of interest and development, full of daring men and great chiefs, of courage, mental and physical, I sometimes feel as though in our age the guiding hand had opened the floodgates of light and let it come upon us like a great ocean. I can not counsel a retention of the influence of the Dark Ages. I bless my God that there was a Charles Dickens to wield the mighty pen that opened the doors of the jails of England to let the debtors free. I can not afford to give counsel that will send this country backward. In China the debtor involved to a certain amount is decapitated. I am not with China. I retain upon my library shelves the writings of Dickens, who, with his warm heart and burning genius, dissolved the iron gates that held the debtor a prisoner. The spirit of this age cries out to every lawmaker in favor of a class who are absolutely unfortunate.

Why, my fellow-legislators, this country has seen crash after crash, when the business giants went down before the storm of disaster. Sometimes there was one set of causes; sometimes there was another. It is not for us to discuss now the causes. Let us not turn partisan, and sink this debate below the great dignity that belongs to it. This is no partisan question; it is purely a business matter. In every debate on this question for years there have been found side by side Republicans and Democrats in favor of a bankrupt law, and side by side Republicans and Democrats against a bankrupt law. So let the battle continue—a battle of earnest thought—without belittling it with any partisan considerations. If this bill becomes a law and blesses our people, as I believe it will, it will be no Republican victory; the victory will belong to every man that steps forth to help to do this great good for his country.

In the terrible crash of 1893 and 1894 some of the best men in this country—best in all that is intellectual and moral—went down before the storm. No matter where the whirlwind came from or what hand set it in motion. When the debtor is down, are we going to gain anything as a country by keeping him there? Do we gain anything by holding in chains possible and known activity, vigor, and courage? I do not believe in the jail any further than necessary for the good of society; that is, to tie up the man whose hand would be at your throat or in your pocketbook, not to tie up and chain down honest men with their possible powers and great results locked up in their brains and hearts.

In order to judge intelligently whether a bankruptcy law is needed, let us look at a few facts, for you know Burns said that these were "chiels that wunna ding," and Burns, drunk or sober, used to get off some good things.

From the Bureau of Statistics I gather that the total failures in the United States from 1879 to 1895, both years included—a term of seventeen years, commencing, as will be observed, with the first year after the repeal of the last bankruptcy act, the act of 1867—the total failures in the United States during that period were 171,389. What an army to have followed Washington! The tea question would have been solved in lively fashion if he had had that body behind him promptly. The aggregate liabilities of these men were $2,611,521,704.

Then I compared the first three months of 1895 with the same three months of 1896.

I found that in three months of 1896 the failures were 4,031, and in the three months of 1895, 3,802. The increase of failures in the first three months of this year, as compared with the corresponding period of last year, was, as will be seen, 229, showing that, although the crisis occurred in 1893 and 1894, the conditions are still unfavorable. What do these liabilities amount to? For the first three months of 1896, $38,755,015; for the first three months of 1895, $34,160,952, the increase for the first three months of 1896, as compared with the corresponding period of 1895, being $4,594,063. So that a bankruptcy law is not alone needed for the crisis, but in a great country like ours there is a continuing condition that needs this remedy; and when I show you that in seventeen years $2,611,521,704 of liabilities have fallen upon an army of 171,389, is it not time for the lawmaker to ask whether it would not be well to lift this load and let such of these prisoners as are honest go free? If the creditor is willing to do it, we should be, and creditors and debtors urge this legislation.

Now, there is a fact here that must not be forgotten. To lift this load, to set this army of debtors free and let them come back among us as active workers and useful members of society, Congress alone has the power. The State can not do it. The State, I grant, is potential, excepting where limited by the Constitution. But the Constitution, Article I, section 10, provides that "no State shall pass any law impairing the obligations of contracts." Therefore the State can not invalidate the contract between the debtor and the creditor where they reside in different States; it can not open the prison doors; it can not put this great, stricken army once more into the field relieved from their parole, but Congress, having the power to pass a general bankruptcy law, containing the full power to annul contracts—for we have it specially granted—we alone have the power to relieve the burden which rests upon the individual. Mr. Chairman, that argument alone should bring us promptly forward to the support of a general bankruptcy bill.

But I find I am consuming a great deal more time with these details than I had expected, and I am running over the usual time.

Mr. CULBERSON. Mr. Chairman, I ask unanimous consent that the gentleman from Iowa have time to conclude his remarks.

Mr. HENDERSON. I thank the gentleman from Texas. I have the control of the time on this side, and that is the reason I do not want to trespass upon the indulgence of the House, because so many of our brethren want to talk. I shall endeavor to make my remarks as brief as possible.

Mr. NORTHWAY. You want to take sufficient time to explain the bill.

Mr. HENDERSON. Mr. Chairman, I ought to have called attention to the fact, in passing, that the average failures for the fifteen years I have referred to—and I will only give it in round numbers—is one hundred and fifty-three million for every year; and at the rate we are now going on in 1896 it will amount to more than that—to over $155,000,000 annually. I mention this because that condition appeals eloquently to the judgment of the lawmakers for the necessity of some law on the statute books in reference to this subject.

Now, Mr. Chairman, this suggestion or thought I call to the attention of the committee. I have discussed why all of the other bills were short lived, and I want to suggest here that now we have reached the period of great growth in this country, which may be understood by these figures: Taking the first period, for instance, in 1800, after the first act was passed, we had but 5,000,000 of population, while now we have 70,000,000; of telegraph

lines, in 1867, when the last bill was passed, we had but 46,000 miles, while in 1894, we had 190,000 miles. Telegrams sent in 1867, 5,000,000; in 1894, 58,000,000. Exports of merchandise in 1845, right after the first act of 1841, $106,000,000; in 1867, $294,000,000, when the last act was passed; and in 1894, $892,000,000. Of imports of merchandise in 1845 we had $113,000,000; in 1867, $395,000,000; and in 1895, $731,000,000. The revenues of the Post-Office Department in 1847 amounted to the sum of $3,000,000 in round numbers, and in 1895 they had reached $76,000,000; while our railroad mileage in this country (you remember I discussed the facilities of getting to the Federal courts in 1841), when the first law was passed, amounted to 3,535 miles; in 1867, to 39,250 miles; and in 1894 this had grown to 179,279 miles.

Mr. Chairman and gentlemen, the experience of a child will not do to test what is best for the full-grown man. The condition of affairs in this country which you are looking back to when this act was first tested—and that thought will even measure the conditions of 1867—showed this country to be but a mere stripling as compared with the great, throbbing commercial nation now, where on every hand the great engines of industry are plowing the way to future greatness and success. Who would look back at those times when we tried that law and declare that that should be the standard by which to measure our judgment upon it now?

England in 1542 first passed a general bankruptcy law. They have never taken that law from the statute book. But what have they done? They have passed over 200 enactments since that time amending the original bankruptcy law. So I appeal to you, gentlemen, to join in framing a bill where we have done our best, consulting the experiences of the past, to learn the objections to the practical operations of the old law, and frame it now in the best possible shape for present conditions; and then let our experience in the future enable us to amend and adjust it to our growing national necessities.

STATE LAWS.

Leaving it under the State law, with the obligations upon the debtor, what is the effect? Does it tend to develop a healthy growth of good, sound commercial relations? The man who is left with hopeless debt hanging over him, what does he do? He must put his property into other hands—in his wife's name or in the name of some relative or friend. I do not care what your State law is, that will be the result. The man who has God's imprint on his soul will do something to sustain his wife and child and save them from want. I believe I would steal a potato if such a condition of affairs were forced upon me, and if you keep this chain around the debtor's neck you drive him, in order to meet these duties of life, the affections that cling round his heart and his hearthstone—you force him into dishonorable courses. When the time has come, when he is forced to the wall, he can not get through. It is a great deal better for the commercial and industrial world, for the creditor, for the debtor, for the people at large, to provide for him a system of relief under our Constitution and under our laws, and divide what he has left among those to whom it belongs, give him the benefit of the exemption laws of his State, and let him start again; but let him start side by side with his fellow-man like a man, and not run from his creditor as the thief runs from the sheriff or the constable.

I tell you that that kind of legislation which brings out the manhood of the people, which offers a premium upon honesty and encourages the brave heart, you need never be afraid of. That kind of legislation which encourages the sneak, and the fellow who would cover up, and lie, and go through life like a craven, is a dangerous class to follow. Let us leave the Dark Ages behind. Let China decapitate if she will, but let us join in the march of those who are in sympathy with the civilization of this age and the enlightened tendencies of a true humanity!

I for one am in favor of taking off the load from this great army of unfortunate men. I speak only of the honest men, and they are the great mass. I pity the lawmaker or philosopher who treats mankind from the standpoint of believing that the majority are knaves. That is an unjust criticism upon the Creator, and my experience is that the generous impulse and the noble sentiment dominate mankind, and it is the small exception that belongs to the knavish, crawling, thievish class.

I say, lift the load and let the defeated get away from their Bull Run and fight like brave men for their Appomattox. It is a great deal better for all of us.

CHANGES IN THIS BILL FROM FORMER LAWS.

Now let me call your attention to some changes in this bill from former laws, because I want, as I go along, to have the bill understood. I am only naming some of the leading changes.

We have made many changes in almost every section from the original Torrey bill. I do not say we alone, but refer to the other committees that have treated it, and to ripe suggestions made by Judge Torrey himself.

For instance, operatives, clerks, and servants, under the act of 1867, were allowed a fifty-dollar exemption. Under this law we exempt $300.

Under the law of 1867 you might move to put a man into involuntary bankruptcy where he owed $300. I thought it was $250, but I find by referring to my notes that it was $300. Under this bill the debtor must be owing $1,000.

I have explained to you about the suspension of commercial paper, the difference between the act of 1867 and this bill. I treated of that before, because, as I saw the hands of the clock moving along, I took things as they occurred to me.

Under the act of 1867, in order that a voluntary bankruptcy bill might be filed, the party had to owe $300. Under this bill we make no limitations. Any man can move.

The costs and fees are cut to a minimum in this bill. My colleague, the gentleman from Missouri [Mr. BURTON], will go into this matter in detail, and when he does I promise you that he will demonstrate what I say in brief, that under the provisions of this bill the hideous, the expensive, features of the act of 1867, which more than anything else drove it from the statute books, because so much went into the pockets of officers—those features have been swept away, and under this bill everything is done at a minimum of expense. I make the general statement. My colleague from Missouri [Mr. BURTON] will demonstrate it. That is one of the leading differences between the two bills.

Under the act of 1867 the title to the property of a debtor passed to the assignee as of the date of the filing of the petition. Under that law it might be many months, or even over a year, before an adjudication could finally be had; and people dealing with the man attacked in bankruptcy did not know, if they bought anything, whether they were getting good title or not. I speak of people dealing in perfect good faith with the alleged bankrupt, the man against whom a petition had been filed. The purchaser bought at his own risk. That had a tendency to destroy the business which he was still conducting.

Now, we have aimed to radically change that in this bill; and I want those who distinctively represent, perhaps, the creditor class to follow this distinction.

Under this bill the title passes as of the date of the adjudication and not as of the date of the filing of the petition. So that the alleged bankrupt doing business in his store or wherever his business is can buy and sell and give perfect title under this bill up to the date that he is adjudicated a bankrupt, and the citizens at large can deal with him with confidence and safety.

Now, some of my friends may say, "That is a bad thing, Brother HENDERSON; you have gone too far. This fellow will let his stock run down. He will stick the proceeds into his pantaloons pocket, and by the time the adjudication is ordered this stock will be run down very badly."

Well, we are not quite as thoughtless as we seem to be under this promising statement, because we have another provision in the bill whereby, if the creditor sees that that condition of things is going on, and the debtor is taking advantage of the situation, the creditor can first file an affidavit alleging the commission of one or more acts of bankruptcy; second, give bond to indemnify the alleged bankrupt if the creditor's allegations do not turn out to be true, and then the court issues a warrant to the marshal, and he takes possession of the property. That stops the depletion of the stock.

But we do not stop there. We provide that even then, if the debtor, acting in good faith and as an honest man, knows he has not committed an act of bankruptcy and wants to keep on conducting business or promoting enterprises he can file a forthcoming bond, a delivery bond, in court and have the stock of goods returned into his possession, and he can go on with his business or enterprise. Then both debtor and creditor are safe. But we believe that he should not be treated as a bankrupt until it is proved that he is in fact a bankrupt. And we have so framed our bill that if he attempts to act the rogue we can stop his business, and in addition to that, if he acts dishonestly he can not get his discharge. This latter fact will tend to keep him in the straight and narrow way, the way of honest dealing.

So that we stand threatening him with taking the position—having first given bonds ourselves—that we will prevent him from getting rid of his debt by securing a discharge from the bankruptcy court. It seems to me this is a wise provision. It is a radical change, but intended to secure justice and fair play between man and man, and makes it absolutely safe for the public, acting in good faith, to deal with the alleged bankrupt.

Another change we have made which I have discussed. That was one about the referee. I have referred to the referees of the district being in each county, showing liberality in accommodation to the people.

Under the old law arbitration was provided for in addition to the bankruptcy proceedings. Under this bill we have what is called "composition." A majority in number of creditors and amount of claims in value may do what? Recommend a "composition" to the court. That does not effectuate a composition. Some of us at one time thought that we should make that absolute, so that the court would have nothing to say about it; but the view finally prevailed that we should only carry the composition before the judge, who might ratify or disapprove it. Why?

Because we did not feel that a majority, a bare majority—which might be a majority of one creditor or a majority of one dollar—should absolutely dictate the dismissal of the case because A or B might have been bought up or some secret work might have been indulged in. Besides, we want the alleged bankrupt first examined, so that his creditors might know his real status before voting on the proposed composition.

Mr. HOWE. Why not leave it to two-thirds?

Mr. HENDERSON. You might just as well say, "Why not leave it to seven-eighths or nine-tenths?" A majority seems to be the rule of life in such matters. The only intent of this was to get an absolute settlement.

Mr. HOWE. Why not make it two-thirds, so as to have a final settlement, as it would save a great deal of the expense, and there would be no danger about the size of the majority?

Mr. HENDERSON. Now, that is a very proper question, and one that occupied much thought and discussion; but if the whole transaction is honest the judge has but one motive, and that is to do what is for the best interests of the creditors. If the majority recommend a composition and the minority do not come in and prove that there has been some foul play, the composition will unquestionably be granted, and will result in a dismissal of the case. And we have further protection by providing that if within six months after the adjudication has been made it is shown that fraud was perpetrated, the composition can be reopened and the matter shall be passed upon by the court.

Mr. NORTHWAY. That is provided for in the act of 1867.

Mr. HENDERSON. It was arbitration and not composition that was provided for in the act of 1867.

Now, in addition to that, we have arbitration and we have compromises. We can arbitrate differences; and there is a provision whereby the trustee can appoint one arbitrator, the other party in the controversy one arbitrator, and these two the third; and if they can not agree on the third, the judge shall appoint the third, and thus settle many differences. So we have a compromise of the question in the court. The bill is framed to expedite the closing up of the estate at the earliest possible moment. The application can be filed for discharge in bankruptcy after the expiration of two months, and within the next four months, and conditionally within the next six months, but not afterwards, and a reasonable notice will be given to the creditors of the filing of such application. The court will fix the time when the application will be heard and the application refused or the discharge granted.

Now as to the fees. The clerk gets $10, and only that amount, for all his work until the case is settled and nothing more after settlement. That will effect expedition. The aim of this bill is that everyone who is interested in the matter is interested in the prompt closing of the estate. The clerk gets $10 at the beginning of the case, and if it stays in court for three years or ten years he does not get another cent. He is therefore interested in the settlement and hurries it up. In the case of the fees of the trustee and the referee, one gets $5 and the other $10 when the case is closed, and not until then; and when the final dividends are paid, each gets his commission, as will be explained by the gentleman from Missouri [Mr. BURTON]. All of it is to be done after it is closed, not keeping the estate open until the assets are eaten up, swallowing the dividends that belong to the creditors.

Under the act of 1867 as amended the discharge was not granted a debtor unless he paid 50 per cent, unless a majority consented in recommending it. Here no consent is needed. No per cent is required. If a man is honest, and has a clean record, he has no trouble. But, gentlemen, if he is crooked, if he is dishonest, if he has been doing a dishonest business, he will find no relief in this bill from one end of it to the other. I am going to be perfectly square with you about that. I will recommend no bill to this body that is made for the purpose of shielding and protecting scoundrels. I will join hands with all of you to lift the unfortunate and give him a chance to start again.

The last bankruptcy bill that we had—the act of 1867—reached back for six months. This bill only goes back four months. That is another distinction in favor of the debtor.

NO IMPRISONMENT FOR DEBT.

I saw it stated in a New York paper the other day—it was thought fully brought to my attention by some member—that the old law used to imprison for debt, and uneasiness was expressed as to whether this bill did so. It does not. Nowhere does it provide imprisonment for debt. The only parts of the bill that could even suggest such an idea are these: Under section 8, if a man is about to run away and a showing is made to the court by affidavit that his absence will defeat the operation of the law, the court may in such case do what any court may do and ought to do, it may issue a warrant for his arrest, just as if a man is going to jump bail or escape so that justice can not be carried out. A warrant may issue for his arrest, but he can not even then be put in jail under the bill; he can only be held until he gives bail. There is no imprisonment for debt.

Under section 17, paragraph 12, where parties refused to obey or to carry out the orders of the court in the operations of the bill fine and imprisonment may be inflicted. For instance, suppose the court orders the bankrupt in to be examined upon matters about which he may be properly examined and he refuses. In such a case he may be fined and imprisoned, not because he has not paid his debts, but because he has disobeyed the order of the court. The fine and imprisonment are in the nature of punishment for contempt. If you strip a court of the power to enforce its mandates when authorized by law to issue them, you destroy the power of that court. That is well understood. But nowhere in this bill, from one end to the other, can be found a single provision bearing out the suggestion that it authorizes imprisonment for debt.

A PLAIN AND CONCISE BILL.

Another thing; this bill is so simple that one who is not a lawyer can understand it. It is plain, condensed, concise. Why, we used to go almost crazy over the old act of 1867, trying to understand and apply its provisions, and the courts went more crazy than anybody else. [Laughter.] The men who have been connected with the framing of this bill, both in Congress and outside of it, have tried to profit by experience and to frame a bankruptcy bill so simple that no court or counsel or business man could fail to understand it. [Applause.]

TRIAL BY JURY.

We provide here for jury trial. Under the old law, if a jury was demanded in writing, the matter had to be set down for trial at the next term of the court, which might be six months or twelve months off; but under this bill we provide that a jury may be summoned at once.

Mr. KERR. I understand the gentleman to say that under the provisions of this bill creditors can force a corporation into involuntary bankruptcy.

Mr. HENDERSON. Yes, sir; except national banks.

Mr. KERR. What is the objection to giving to corporations the right to go into voluntary bankruptcy?

Mr. HENDERSON. The real objection is this: A corporation is made up of stockholders, and the corporation may fail, and it may be difficult to catch the stockholders and hold them for their individual liabilities. They may own stock in a corporation and may be rich and well able to handle the obligations of the corporation, and yet may escape themselves, while the institution takes advantage of the act.

Mr. RAY. If my colleague will permit me, there is another good reason for that provision in the bill. It is this: Corporations are always created and have life given to them by the laws of the several States, and the States almost without exception have provided very drastic laws to compel them to pay their debts. For that reason it was thought better to leave them to the operation of the laws of the States which created them.

Mr. KERR. But my question is, Why should they not be permitted to take the benefit of voluntary bankruptcy as well as an individual?

Mr. HENDERSON. I will say to the gentleman that there is another reason. We have given him the substantial reasons. There is another reason, which belongs somewhat to the domain of the demagogue; and we are all more or less tainted that way. [Laughter.] I do not know that it is necessary that I should explain further on that point. A bill that gave the benefit of the voluntary provisions to corporations would be assulted most vigorously on that ground, and as corporations have other remedies, we thought we would not make the bill open to attack in that direction. I will say frankly to the gentleman, further, that on broad legal grounds it is pretty hard to figure out a good substantial reason for the exception, but we decided that on the whole it was best not to give corporations the right to take advantage of the voluntary provisions of the bill. They may be proceeded against in involuntary bankruptcy by creditors in exactly the same way as individuals and firms may be proceeded against.

Mr. WATSON of Ohio. Section 19 provides for a jury trial. It says (division *b*):

b If a jury is not in attendance upon the court one may be specially summoned for the trial, or the case may be postponed; or, if the case is pending in one of the district courts within the jurisdiction of a circuit court of the United States, it may be certified for trial to the circuit court sitting at the same place.

I understand that the object of that is to get a speedy trial by jury.

Mr. HENDERSON. Yes.

Mr. WATSON of Ohio. Well, take my State. It is divided into two districts, and each of those districts is subdivided into two subdivisions. The judge of the northern district resides in the city of Cleveland, and the judge of the southern district resides in the city of Cincinnati. They hold courts in the cities of Toledo and Columbus twice a year. With the exception of the times when they are holding court in those subdivisions they are never in those subdivisions; they are holding court in the cities of Cleveland and Cincinnati. Now, if a man should desire a jury trial in either of those subdivisions he could not get it under this provision of the bill. Now, I want to know why you can not provide in your bill that the referee may preside at a jury trial?

Mr. HENDERSON. Well, we thought it best not to give that great power to the referee. There is a law now authorizing another judge to act when necessary.

Mr. WATSON of Ohio. But there may not be another judge.

Mr. HENDERSON. Then we shall have to give you another judicial division.

Mr. WATSON of Ohio. I wish you would. These referees are to be appointed by the United States district judges.

Mr. HENDERSON. Of course we can not meet every remote condition.

Mr. WATSON of Ohio. If the gentleman will think about it, he will recognize this as a serious matter. Parties desiring a jury trial under this law, but not residing in a district where a judge resides, might not get a jury trial in six months.

Mr. HENDERSON. This appeared to the committee the best that we could do. The parties would have a right to demand a jury trial, and the judge would have authority to go to that place.

Mr. WATSON of Ohio. But he might be busy at home and unable to leave.

Mr. HENDERSON. Then some other judge would have to be detailed. Under the existing law it often happens that one judge is detailed to hold court for another.

Mr. WILLIAM A. STONE. I should like to ask my friend from Iowa a question. I understood him to state that in the case of every act alleged against the debtor as an act of bankruptcy the bill secures the right to a trial by jury. Does the gentleman claim that the question of the discharge——

Mr. HENDERSON. I was speaking only of the adjudication touching acts of bankruptcy.

Mr. WILLIAM A. STONE. I understand that. But what I wish to know is this: Under this bill when an application is made for a discharge, and is traversed by the creditors on the ground of some act on the part of the debtor, can that traverse be tried before a jury?

Mr. HENDERSON. I think not; and it has not been under any bankrupt law, as I remember.

Mr. WILLIAM A. STONE. Then it would be tried before a judge.

Mr. HENDERSON. Yes, sir.

Mr. WILLIAM A. STONE. That is the way I understood it.

Mr. HENDERSON. This touches the matter of adjudication. The provision of the bill is:

A person against whom an involuntary petition has been filed shall be entitled to have a trial by jury in respect to any act of bankruptcy alleged in such petition to have been committed, upon filing a written application therefor before the expiration of the time within which an answer may be filed. If such application is not filed within such time a trial by jury shall be deemed to have been waived.

Mr. PARKER. Will the gentleman allow me this suggestion? One reason, as I understand, for omitting corporations from the operation of this bill is that the bill is intended to relieve persons who can not pay their debts, and who can not obtain relief under the State insolvency law. That reason fails to apply in the case of corporations, because when a corporation becomes insolvent it is practically dead, and somebody else succeeds to its assets. So that there could be no advantage in embracing corporations within the operations of the bill.

Mr. HENDERSON. There is something in the gentleman's suggestion. The bill provides that corporations may be proceeded against in involuntary bankruptcy like any other debtor. It would be unwise, I think, to make a distinction between debtors, except as explained.

We all know that originally bankruptcy under the old English law referred simply to traders, the word "bankrupt" meaning by its derivation "bank broken" or "bench broken."

Mr. PARKER. My suggestion was that full relief in the case of corporations is given by existing statutes, and no further relief for them is required in a bankruptcy law.

Mr. HENDERSON. Oh, yes; they have other methods of winding up their business.

Mr. STEWART of New Jersey. As I understand, this bill makes no provision for trial by jury in the case of voluntary bankruptcy. I suggest to the gentleman that in such cases there may be an issue raised by creditors which ought to be decided by a jury trial.

Mr. HENDERSON. In cases of voluntary bankruptcy, as we understand, the necessity for a jury trial does not arise because the debtor goes into bankruptcy of his own choice; but where his creditors sue him in bankruptcy he ought to have the right to a trial by jury.

Mr. STEWART of New Jersey. But where the debtor voluntarily goes into bankruptcy a creditor may desire to raise the issue of bankruptcy or no bankruptcy; and in that case should there not be a trial by jury?

Mr. HENDERSON. The case which the gentleman suggests is hardly likely to occur.

Mr. STEWART of New Jersey. I can imagine many cases of that kind.

Mr. HENDERSON. In very few cases where the debtor himself "throws up the sponge" and says, "I can not continue the fight any longer," will the creditor be found opposing the proceeding. They would rather adopt the view that the sooner they can have a dividend the better, and can have no motive for contesting his being adjudicated a bankrupt.

The filing of the petition would be an act of bankruptcy; if the petition was in due form it seems to me there would be no alternative for the court but to make the adjudication.

Mr. Chairman, I do not want to take up more time. I more than appreciate the kindness of this committee in giving me its attention on what is usually considered a dry theme. I wish only to say that we of the committee have worked conscientiously in this matter. The different members of the committee have worked side by side without any bickerings. There have been no politics in this measure—not a particle. Even those who did not agree with the majority of the committee with reference to the sort of a bill to be presented have shown the greatest thoughtfulness and consideration and have done nothing to impede, but everything to help and expedite, our labors. Whatever there may be in this bill of good, we have brought it in as your committee—as your servants. There is nothing in this bill for us that is not for each member of this House—nothing.

We hope to have your approval and support by the further discussion of the bill. We have the approval of our own judgment and consciences and would like, beyond that, to have your approval and that of the country.

I can say to you that the bill is not framed for the East or the West, for the South or the North, but for the benefit of the whole country. There is nothing sectional whatever in the bill, and I believe that its provisions are in full accord and full sympathy with the great heart beat, conscience, and intelligence of this wonderful century. [Applause.]

I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole House on the state of the Union, having had under consideration the bankruptcy bill, had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. PICKLER. I desire to offer a resolution, and ask immediate consideration of the same.

The SPEAKER. The resolution will be read, subject to the right of objection.

The Clerk read as follows:

Resolved, That Monday, the 4th day of May next, be set apart for the consideration of the same class of business that is now considered at the Friday evening sessions of the House, and that 100 members shall constitute a quorum in the Committee of the Whole in the consideration of such business at that time; and that hereafter, during the first session of the Fifty-fourth Congress, the House shall, at 5 o'clock p. m. on Fridays, take a recess until 7.30 o'clock p. m., and remain in session from 7.30 p. m. until 11 p. m., and that debate hereafter at the Friday evening sessions of the Fifty-fourth Congress and on said Monday, May 4, shall be limited to ten minutes on each bill, to be equally divided between those favoring and those opposing the same.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. LAYTON. Mr. Speaker, I shall have to object unless the gentleman will modify the resolution and make it ten minutes on a side.

Mr. PICKLER. That will be longer than necessary. The whole time of the committee is taken up now at these night sessions by debate, practically.

Mr. LAYTON. I will be compelled to object, unless that modification is made. You can not explain a bill under ten minutes.

Mr. WILLIAM A. STONE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAM A. STONE. If the resolution is adopted would it not interfere with the present order of business for the consideration of the bankruptcy bill, provided that is not disposed of by Saturday afternoon?

The SPEAKER. It would, if it is extended beyond that time, except under certain circumstances; where the previous question had been ordered, for instance, that would have to be taken instead of this order.

Mr. WILLIAM A. STONE. Everybody knows that Saturday afternoon at 4 o'clock it will be difficult to take a vote upon this bill. There are usually but few members here.

Mr. PICKLER. I think it was well understood that we were to have Saturday for the consideration of these private pension bills, and the bankruptcy bill now has displaced us.

Mr. BAILEY. Mr. Speaker, is this a request for unanimous consent?

The SPEAKER. It is.

Mr. BAILEY. I have attended, Mr. Speaker, every Friday night session since I have been a member of Congress, except in cases of sickness, when unavoidably absent, and I do not believe I want to multiply them, in view of the fact that less than one-third of the members are in the habit of attending such sessions.

The SPEAKER. The Chair understands the gentleman from Texas to object.

Mr. PICKLER. This bankruptcy bill crowded us out of the way. You had better give us this time——

Mr. BAILEY. We are taking no time belonging to your committee. As I understand it, you are asking unanimous consent now that the House shall give you additional time for the consideration of private pension bills.

Mr. PICKLER. The House well understood that we were to have one night or a day for the consideration of these bills when the bankruptcy bill interfered.

Mr. HENDERSON. We gave way, the gentleman should remember, three days last week; so that the gentleman ought not to throw accusations against our committee.

Mr. PICKLER. I am not throwing accusations against the committee, but I understood that we were to have a day, and I supposed we would have Saturday. Now I thought it proper, as we could not get Saturday, that we should have the next day thereafter.

Mr. WILLIAM A. STONE. Make it Tuesday next.

The SPEAKER. The Chair understands the gentleman from Texas to object.

Mr. HENDERSON. I move that the House do now adjourn.

Mr. PICKLER. I ask the reference of the resolution to the Committee on Rules.

The SPEAKER. It will be so referred.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was granted as follows:

To Mr. DANFORD, for eight days, on account of important business.

To Mr. HENRY of Indiana, indefinitely, on account of important business.

To Mr. STEPHENSON, for ten days, on account of sickness in his family.

The motion of Mr. HENDERSON was then agreed to; and accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GRIFFIN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3832) to amend section 1225 of the Revised Statutes so as to provide for the detail of officers of the Army and Navy to assist in military instruction in the State normal schools and in the public schools, reported the same without amendment, accompanied by a report (No. 1502); which said bill and report were referred to the House Calendar.

Mr. CURTIS of New York, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 666) entitled "An act to amend section 4829 of the United States Revised Statutes concerning surgeons, assistant surgeons, and other medical officers of the National Home for Disabled Volunteer Soldiers," reported the same without amendments, accompanied by a report (No. 1505); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 7973) to establish a railroad bridge across the Illinois River near Grafton, Ill., reported the same with amendments, accompanied by a report (No. 1506); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the joint resolution of the House (H. Res. 137) declaring a certain bridge across the Tallahatchie River, in Tallahatchie County, State of Mississippi, a lawful structure, reported the same with amendments, accompanied by a report (No. 1507); which said bill and report were referred to the House Calendar.

Mr. ANDERSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7539) to facilitate the payment of pensions, reported the same without amendment, accompanied by a report (No. 1513); which said bill and report were referred to the House Calendar.

Mr. TRACEY, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 295) entitled "An act making an appropriation for the improvement of the road to the national cemetery near Pensacola, Fla.," reported the same with amendment, accompanied by a report (No. 1525); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. COLSON, from the Committee on Pensions: The bill (H. R. 6037) granting a pension to Mrs. Amanda Woodcock. (Report No. 1498.)

By Mr. HARDY, from the Committee on Pensions:

The bill (H. R. 7192) granting an increase of pension to Row Brasie. (Report No. 1499.)

The bill (H. R. 7743) granting a pension to Emily J. Lyons, widow of Aaron D. Lyons, late a private in the Third Regiment United States Dragoons, Mexican war. (Report No. 1523.)

By Mr. HALTERMAN, from the Committee on Pensions: The bill (H. R. 7584) granting a pension to Phœbe A. Thurber, of Providence, R. I., dependent daughter of Samuel Short, a Revolutionary soldier. (Report No. 1500.)

By Mr. GRIFFIN, from the Committee on Military Affairs: The bill (H. R. 1122) to remove the charge of desertion from the military record of Edward T. Lewis. (Report No. 1501.)

By Mr. PARKER, from the Committee on Military Affairs: The bill (H. R. 4223) for the relief of Curtis P. Wise. (Report No. 1503.)

By Mr. CURTIS of New York, from the Committee on Military Affairs: The bill (H. R. 6427) for the relief of Capt. Charles G. Ayres, Tenth United States Cavalry. (Report No. 1504.)

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 622) granting an honorable discharge to Samuel Johnston. (Report No. 1508.)

By Mr. TRACEY, from the Committee on Military Affairs: The bill (H. R. 1738) for the relief of John Redden, late of Company D, Tenth Tennessee Cavalry Volunteers. (Report No. 1509.)

By Mr. ANDERSON, from the Committee on Invalid Pensions:

The bill (S. 1636) entitled "An act granting a pension to John G. B. Masters." (Report No. 1512.)

The bill (S. 2175) entitled "An act granting a pension to James Loyd Young, late of Company A, Sixth Regiment Kentucky Volunteers." (Report No. 1510.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 5846) granting an increase of pension to First-class Pilot Capt. James M. Herrington. (Report No. 1511.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 3798) to pension Laura E. Davenport. (Report No. 1515.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (S. 651) entitled "An act granting a pension to Jane L. Buckingham." (Report No. 1516.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 2353) entitled "An act granting a pension to Delia Gilman." (Report No. 1517.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 3165) granting a pension to Henry W. Schroder. (Report No. 1518.)

The bill (S. 2194) entitled "An act granting a pension to Mrs. Weltha Post Leggett." (Report No. 1514.)

By Mr. LOUDENSLAGER, from the Committee on Pensions. The bill (S. 2347) entitled "An act for the relief of Laura C. Dodge." (Report No. 1521.)

By Mr. WOOD, from the Committee on Invalid Pensions:

The bill (H. R. 1186) granting increase of pension to Jane Lister. (Report No. 1522.)

The bill (S. 1880) entitled "An act to increase the pension of Thomas J. Haughey." (Report No. 1519.)

By Mr. WOOMER, from the Committee on Military Affairs: The bill (H. R. 2891) granting an honorable discharge to George A. Daniels. (Report No. 1520.)

By Mr. STRODE of Nebraska, from the Committee on Pensions: The bill (H. R. 91) to pension William Russell for services in Oregon Indian wars. (Report No. 1524.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 8532) to establish certain harbor regulations for the District of Columbia—to the Committee on the District of Columbia.

By Mr. WANGER: A bill (H. R. 8533) amending section 3 of the pension act of June 27, 1890—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8534) amending section 2 of the pension act of June 27, 1890—to the Committee on Invalid Pensions.

By Mr. SKINNER: A bill (H. R. 8535) to secure international free coinage of silver at the ratio of 16 to 1; to maintain the gold reserve; to regulate the exportation and to protect the production and manufacturing of cotton within the United States—to the Committee on Ways and Means.

By Mr. SHERMAN: A bill (H. R. 8536) to amend an act entitled "An act to regulate commerce," approved February 4, 1887—to the Committee on Interstate and Foreign Commerce.

By Mr. MAHANY: A resolution (House Res. No. 282) to safeguard the interests of John Hays Hammond, an American citizen

condemned to death for treason in the Transvaal—to the Committee on Foreign Affairs.

By Mr. HEATWOLE: A resolution (House Res. No. 283) providing a hoisting machine for the use of the folding room of the House, for lifting books and other heavy material—to the Committee on Accounts.

By Mr. MORSE: A memorial of the Commonwealth of Massachusetts, recommending that the Government establish a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. BARRETT: A memorial of the Commonwealth of Massachusetts, relative to the establishment of a national military park at Vicksburg—to the Committee on Military Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 8155) for the relief of Amy McCormick—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 7961) for the relief of John Mellifont and Ellen Riordon—Committee on War Claims discharged, and referred to the Committee on Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BARRETT: A bill (H. R. 8537) granting a pension to Frank J. Carr—to the Committee on Invalid Pensions.

By Mr. BRODERICK: A bill (H. R. 8538) granting a pension to Uri S. Keith—to the Committee on Invalid Pensions.

By Mr. BURRELL: A bill (H. R. 8539) to increase the pension of Mrs. R. Corida Marshall—to the Committee on Invalid Pensions.

By Mr. HURLEY: A bill (H. R. 8540) to compensate Jesse Johnson for legal services rendered by direction of the Attorney-General—to the Committee on Claims.

By Mr. KYLE: A bill (H. R. 8541) to authorize and direct the Auditor for the Post-Office Department to credit the account of John W. Ross, late postmaster at Washington, D. C., with certain amounts now charged against him in his account as such postmaster—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUDENSLAGER: A bill (H. R. 8542) granting an increase of pension to Elisha M. Luckett—to the Committee on Pensions.

By Mr. MARSH: A bill (H. R. 8543) to grant a pension to Thomas Hickman, sr.—to the Committee on Invalid Pensions.

By Mr. McCLEARY of Minnesota: A bill (H. R. 8544) granting a pension to Charlotte M. Bryson, widow of Andrew Bryson, late rear-admiral in the United States Navy—to the Committee on Pensions.

By Mr. MILLER of West Virginia: A bill (H. R. 8545) for the relief of Benjamin Stribling—to the Committee on Invalid Pensions.

By Mr. TYLER: A bill (H. R. 8546) for the relief of the Methodist Episcopal Church South, of Fox Hill, Elizabeth City County, Va.—to the Committee on War Claims.

By Mr. WATSON of Ohio: A bill (H. R. 8547) granting a pension to Cornelius L. Leport—to the Committee on Invalid Pensions.

By Mr. REED (by request): A bill (H. R. 8548) granting a pension to Sarah T. Usher—to the Committee on Pensions.

By Mr. CUMMINGS: A bill (H. R. 8549) authorizing the Secretary of the Navy to grant unto Charles O'Neill, an enlisted man in the United States Marine Corps, the benefit of increased pay in his enlistment of October 17, 1893—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Pennsylvania: Remonstrance of the citizens of Osceola Mills, Pa., protesting against the statue of Marquette remaining in Statuary Hall—to the Committee on the Library.

Also, papers to accompany House bill No. 8241, for the relief of Albert J. Goble, late of Company H, Eighth Regiment Pennsylvania Reserve Volunteer Corps—to the Committee on Invalid Pensions.

By Mr. COOK of Wisconsin: Petition of the Wooden Ware Local Union, No. 72, of Menasha, Wis., favoring the passage of the bill to secure Government ownership and control of telegraph lines—to the Committee on Ways and Means.

By Mr. CURTIS of Iowa: Two petitions of citizens of Marengo, Iowa, praying for favorable action of House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. EDDY: Resolution of the St. Paul (Minn.) Chamber of Commerce, asking for the passage of a voluntary bankruptcy law—to the Committee on the Judiciary.

By Mr. FLETCHER: Petition of the Minneapolis Branch of Journeymen Stonecutters, for prohibition of convict labor on public buildings—to the Committee on Public Buildings and Grounds.

Also, petition of George McCormick, of Company B, One hundred and seventeenth New York Volunteers, for the bestowal of a medal on certain soldiers who formed a storming party before Port Hudson—to the Committee on Military Affairs.

By Mr. GAMBLE: Petition of J. W. Mauck and 17 others, of Vermillion, S. Dak., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, petition of P. E. Sparks and others, of Sturgis, S. Dak., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter, and bill No. 838, to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. GILLET of New York: Remonstrance and petition of James D. Pease and 288 citizens of Corning, N. Y., protesting against the continuance of the statue of Père Marquette in Statuary Hall—to the Committee on the Library.

By Mr. HILBORN: Memorial of the Union Veteran Legion of Vallejo, Cal., praying for the passage of the per diem pension bill (No. 3727)—to the Committee on Invalid Pensions.

By Mr. LOW: Petition of Theodore Von Bremsen, of the city of New York, late first lieutenant and adjutant of the One hundred and third Regiment New York Volunteers, for an act granting him an honorable discharge from the military service of the United States—to the Committee on Military Affairs.

By Mr. MAGUIRE: Memorial of Chamber of Commerce of San Francisco, Cal., in favor of Senate bill No. 1242, relating to the improvement of the naval reserve and marine engineer service—to the Committee on Naval Affairs.

By Mr. McCALL of Massachusetts: Petition of Hon. William Everett of Massachusetts, for payment of claim for Congressional services—to the Committee on Claims.

By Mr. MILLER of West Virginia (by request): Petition of Benjamin Stribling, with affidavits, to accompany House bill for pension—to the Committee on Invalid Pensions.

By Mr. MORSE: Petition of William C. Durkee and 9 other citizens of Massachusetts, in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. REED (by request): Papers to accompany House bill granting a pension to Sarah T. Usher, dependent and permanently helpless daughter of Robert Usher, soldier of the Revolutionary war—to the Committee on Pensions.

By Mr. SHERMAN: Petition of citizens of Dolgeville, N. Y., favoring the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. SMITH of Illinois: Petition of H. B. Madison and others of Kent, State of Washington, asking favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SORG: Petition of citizens of New Richmond, Ohio, in favor of the Torrey bankruptcy law—to the Committee on the Judiciary.

By Mr. STAHLE: Petition of 150 ex-soldiers and sailors, residing in York, Pa., praying for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. TYLER: Petition and affidavits of trustees, to accompany House bill relating to the destruction of the Methodist Episcopal Church South at Fox Hill, Elizabeth City County, Va.—to the Committee on War Claims.

By Mr. WHEELER: Petition of Jane C. Vandiver, of Cherokee County, Ala., praying that the war claim of J. C. Vandiver be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of the estate of Charles A. Comer, deceased, late of Cherokee County, Ala., praying that his claim be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of the heirs of William Bryant, deceased, late of Marshall County, Ala., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

Referred to the Committee of the Whole House, as follows:

By Mr. COLSON, from the Committee on Pensions: The bill

By Mr. MAHANY: A resolution (House Res. No. 282) to safeguard the interests of John Hays Hammond, an American citizen

SENATE.

WEDNESDAY, *April 29, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

PETITIONS AND MEMORIALS.

Mr. PEFFER. I present petitions of certain Kansas churches: of the Presbyterian Church at Burlingame, having a membership of 250; of the Second Methodist Episcopal Church at the same place, having a membership of 305, and of the First Methodist Episcopal Church at the same place, having a membership numbering 460, all praying for the enactment of legislation to create and enforce a Sunday-rest law for the District of Columbia. I move that the petitions be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. MITCHELL of Wisconsin presented a memorial of sundry citizens of Milwaukee, Wis., of Polish descent, remonstrating against the enactment of legislation restricting immigration; which was referred to the Committee on Immigration.

He also presented a petition of the officers of the Wisconsin National Guard, praying for the enactment of legislation to promote the efficiency of the militia; which was referred to the Committee on Military Affairs.

He also presented the petition of C. B. Willis, of Milwaukee, Wis., praying for the enactment of legislation to provide 1-cent letter postage per half ounce, and also to amend the postal laws relating to second-class and free mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Henry Smith and sundry other citizens of Milwaukee, Wis., remonstrating against the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of Veteran Post, No. 8, Grand Army of the Republic, Department of Wisconsin, of the National Home, Wisconsin, praying for the passage of House bill No. 7860, making an appropriation for the erection of a monument to commemorate the services and achievements of the private soldiers and sailors of the United States in the late war of the rebellion; which was referred to the Committee on the Library.

Mr. LODGE presented a petition of District Assembly No. 66, Order of Knights of Labor, of Washington, D. C., praying for the passage of Senate bill No. 2147, providing for the restriction of immigration; which was referred to the Committee on Immigration.

He also presented the petition of Henry W. Tyler and 20 other members of the instructing staff of the Massachusetts Institute of Technology, praying for the adoption of the metric system of weights and measures; which was referred to the Committee on Finance.

Mr. SHERMAN presented a petition of the Trades and Labor Assembly of Massillon, Ohio, praying for the passage of House bill No. 6119, authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which was referred to the Committee on Education and Labor.

Mr. GORDON presented a memorial of sundry wholesale grocers of Savannah, Ga., remonstrating against the passage of the so-called filled-cheese bill; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (S. 1091) granting a pension to Christiana C. Queen, widow of Walter W. Queen, formerly an admiral in the United States Navy, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2133) granting a pension to Mary E. Ely, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2954) to increase the pension of Margaret Custer Calhoun; and

A bill (H. R. 483) for the relief of Mary Jane Lynn, the daughter of John R. Lynn, a Revolutionary soldier.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 1946) granting a pension to Elijah N. Parkhurst, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER (for Mr. BRICE), from the Committee on Pensions, to whom was referred the bill (S. 759) granting a pension to Carrie A. Moody, reported it with an amendment, and submitted a report thereon.

Mr. LODGE, from the Committee on Foreign Relations, reported an amendment providing an appropriation for the survey of Portland Channel, Alaska, intended to be proposed to the river and harbor appropriation bill, and moved that it be referred to the Committee on Commerce and printed; which was agreed to.

Mr. SHERMAN, from the Committee on Foreign Relations, to whom was referred the amendment submitted by Mr. CARTER on the 28th instant, providing an appropriation for the removal of the refugee Canadian Cree Indians, intended to be proposed to the general deficiency appropriation bill, reported it favorably and submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the memorial of the American Anti-Semitic Association of Brooklyn, N. Y., remonstrating against the passage of the so-called McCall educational-test bill, and praying for the passage of the so-called Stone consular-certificate bill, asked that the committee be discharged from the further consideration of the memorial and that it be referred to the Committee on Immigration; which was agreed to.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (H. R. 145) for the relief of J. J. Lints, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Pensions, to whom was referred the bill (S. 2556) granting an increase of pension to Lewis D. Baker, reported it with an amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 1147) for the establishment of a bureau of animal industry for the inspection of meat products and live stock, suppression and extirpation of contagious and infectious diseases among cattle and live stock, to regulate the transportation of cattle and live stock, and prevent the exportation or importation of diseased horses, mules, cattle, sheep, hogs, or other animals, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. WOLCOTT. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 2522) creating a corporation known as the Alaska Transportation and Trading Company, and granting right of way for the construction and operation by that corporation of a turnpike and post-road from Taiya Inlet to Lake Bennett, in the Territory of Alaska, to report it with amendments.

Mr. QUAY. If there is no objection, I should be glad to have the bill put upon its passage. It is one in which some of my constituents are interested.

Several SENATORS. Let us go through with the morning business.

Mr. QUAY. I will wait until the conclusion of the routine business.

Mr. GRAY, from the Committee on Foreign Relations, to whom was referred the bill (S. 2116) for the relief of Wilber H. Graef & Co., reported it without amendment, and submitted a report thereon.

Mr. WHITE, from the Committee on Commerce, submitted the views of the minority of the committee on the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; which were ordered to be printed.

ESTATES OF HUGH M'DONALD AND ELIJAH MOSELEY.

Mr. PASCO. I am instructed by the Committee on Claims to report and ask for the passage of a resolution referring a bill to the Court of Claims under the fourteenth section of what is known as the Tucker Act. I ask unanimous consent for the consideration of the resolution at this time.

The resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the bill (S. 1104) entitled "A bill for the relief of the estates of Hugh McDonald, deceased, and Elijah Moseley, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of the fourteenth section of such act, and report to the Senate in accordance therewith.

Mr. PASCO. I submit a written report to accompany the bill, which I ask may be printed.

The VICE-PRESIDENT. The report will be printed under the rule.

BILLS INTRODUCED.

Mr. LODGE introduced a bill (S. 2973) to amend section 4488 of the Revised Statutes, relating to life-saving appliances on shipboard; which was read twice by its title, and referred to the Committee on Commerce.

Mr. QUAY. In behalf of my colleague [Mr. CAMERON], who is unavoidably absent from the Senate, I introduce two bills.

The bill (S. 2974) to authorize the President of the United States to appoint and confer the rank of lieutenant of the junior class upon the instructor of swordsmanship at the United States Naval Academy; was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

The bill (S. 2975) granting a pension to John Amrein was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 2976) granting a pension to Isaac Neer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TURPIE introduced a bill (S. 2977) to correct the military record of Lake B. Morrison; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HILL (for Mr. MURPHY) introduced a bill (S. 2978) to provide an American register for the steamer *Menemsha;* which was read twice by its title, and referred to the Committee on Commerce.

Mr. GORDON introduced a bill (S. 2979) for the relief of representatives of John W. Branham; which was read twice by its title, and referred to the Committee on Claims.

Mr. PERKINS introduced a bill (S. 2980) to provide a life-saving station at or near Point Bonita, at the Golden Gate, in the State of California; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FAULKNER introduced a bill (S. 2981) granting a pension to Mary Throckmorton; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2982) granting a pension to Caroline Vierheller; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CHANDLER introduced a bill (S. 2983) granting a pension to Ida Emmott, daughter of the late Thomas Emmott; which was read twice by its title, and referred to the Committee on Pensions.

HEARINGS ON WOMAN SUFFRAGE.

Mr. CALL. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That 5,000 copies of the hearings on woman's suffrage be printed for the use of the Senate, the cost not to exceed $300.

Mr. HARRIS. Does not the resolution have to go to the Committee on Printing?

Mr. CALL. A similar resolution, a concurrent resolution, has been reported from that committee and passed the Senate. The chairman of the Committee on Printing consents to the resolution.

Mr. HALE. A similar resolution has already passed the Senate.

The resolution was considered by unanimous consent, and agreed to.

GOVERNMENT PRINTING OFFICE INVESTIGATION.

On motion of Mr. PRITCHARD, it was

Ordered, That there be printed for the use of the Senate 1,000 copies of the evidence taken in the investigation of the charges preferred against the Public Printer before the Committee on Civil Service and Retrenchment, and that a like number of the reports of said investigation be printed.

LIENS UPON IMPORTED MERCHANDISE.

Mr. FRYE. Yesterday the bill (H. R. 6836) to amend section 2981 of the Revised Statutes as amended by the act of June 10, 1880, came from the other House and was referred to the Committee on Finance. A Senate bill, the same bill, word for word, has already been reported from the Committee on Commerce and is on the Calendar. I ask that the vote by which the House bill was referred to the Committee on Finance may be reconsidered, and that it be placed on the Calendar in the place of Order of Business 784, and that the Senate bill be indefinitely postponed.

The VICE-PRESIDENT. Without objection, the Committee on Finance will be discharged from the further consideration of House bill 6836, and it will be placed on the Calendar at the point indicated.

Mr. FRYE. And let the bill (S. 2391) to amend section 2981 of the Revised Statutes of the United States as amended by the act of June 10, 1880, be indefinitely postponed.

The VICE-PRESIDENT. Without objection, it will be so ordered.

ORDER OF BUSINESS.

Mr. QUAY. I ask unanimous consent for the consideration of Senate bill 2522, reported a few moments ago from the Committee on Post-Offices and Post-Roads.

Mr. HALE. Let me get up the appropriation bill first.

Mr. QUAY. Very well.

Mr. HALE. I move that the Senate proceed to the consideration of the naval appropriation bill.

Mr. VILAS. I call the attention of the Senator from Maine to the fact that I gave notice that this morning I should ask the Senate to receive the communication from the governor of Wisconsin presenting the statue of Marquette. I have no objection to calling up the appropriation bill if it is not to interfere with that order.

Mr. HALE. I desire to have the bill taken up, and then, under the arrangement which has been made for addresses upon the subject indicated, I shall not ask to go on with the bill until that is completed.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine, to proceed to the consideration of the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes.

The motion was agreed to.

Mr. HALE. Will the Senator from Wisconsin defer for a moment until I have yielded, as I agreed, to the Senator from Pennsylvania [Mr. QUAY]?

Mr. VILAS. Certainly.

Mr. QUAY. I have no desire to press the consideration of Senate bill 2522 if the Senator from Wisconsin desires to proceed now. But the bill was reported a few moments ago and I should be glad to have it passed to-day.

Mr. VILAS. I will ask the Senator from Pennsylvania if the consideration of the bill is likely to occupy any time?

Mr. QUAY. If it occasions any debate I will not press its consideration.

Mr. VILAS. Very well.

ALASKA TRANSPORTATION AND TRADING COMPANY.

Mr. QUAY. I ask the Senate to proceed to the consideration of the bill (S. 2522) creating a corporation known as the Alaska Transportation and Trading Company, and granting right of way for the construction and operation by that corporation of a turnpike and post-road from Taiya Inlet to Lake Bennett, in the Territory of Alaska.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill.

Mr. PERKINS. I ask what committee have reported upon that bill?

Mr. WOLCOTT. I will say, in answer to the inquiry, the Committee on Post-Offices and Post-Roads. The purpose is to build over an almost impassable mountain range, where now supplies are carried upon the backs of natives in the snow, a toll road for post-office and post-road purposes. The bill carries with it no sort of appropriation except a right of way and land at the termini. All the expenses of construction are to be borne by the company itself.

There is no way of incorporating a company to do business in Alaska except by Federal statute. Otherwise persons must apply under the laws of the different States and do business in the Territory of Alaska by the comity that exists between States and Territories. There have been some gold fields discovered in the section through which this road is intended to extend, and the building of the road will be of great service.

There is another consideration which makes it especially desirable at this time, and that is one I do not care to dwell upon. In view of differences that may arise as to the proper boundary line of Alaska, the construction and possession of this road may be a wise measure.

Mr. PERKINS. Mr. President——

Mr. PEFFER. I object to the further consideration of the bill.

Mr. PERKINS. The explanation, as far as it goes, is very satisfactory.

Mr. QUAY. Mr. President, I will not press the bill at this time.

Mr. PERKINS. I, however, have introduced one or two bills in Congress, the object in view being to acquire title to sites where people have erected mills and where they have expended hundreds of thousands of dollars in securing a location. Those bills were referred to the Committee on Public Lands, and that committee have been considering them for weeks and months, and they have decided that no recommendation should be made touching the lands of Alaska until after a commission has investigated the question fully under the direction of the governor or judge or some one familiar with that country.

Mr. PEFFER. Mr. President, I object to the further consideration of the bill.

The VICE-PRESIDENT. The Chair desires the attention of the Senator from California for a moment. The Senator from Kansas, the Chair understands, objects to the present consideration of the bill.

Mr. PEFFER. I do.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. HALE. Let us have the regular order.

Mr. GALLINGER (for Mr. BRICE), from the Committee on Pen-

Committee on Commerce.

XXVIII—285

STATUE OF JAMES MARQUETTE.

Mr. VILAS. Mr. President, I ask that the communication of the governor of Wisconsin which has been laid upon your table be presented to the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the communication from the governor of Wisconsin indicated by the Senator from Wisconsin. The communication will be read.

The Secretary read as follows:

EXECUTIVE CHAMBER, *Madison, Wis., March 19, 1896.*

SIR: It gives me pleasure to inform you, and through you the honorable body over which you preside, that the State of Wisconsin, in response to the invitation extended to the States of the Union under section 1814 of the Revised Statutes of the United States, and in accordance with the resolution passed at the first session of Congress in 1893, has placed in the old Hall of the House of Representatives at the Capitol of the United States a marble statue of Père Marquette. This statue was made in pursuance of an act of the legislature of this State passed at its biennial session in 1887, and is the work of the Italian sculptor, Mr. G. Trentanove, of Florence, Italy.

I have the honor, in behalf of the State of Wisconsin, of presenting this statue to the Congress of the United States.

I am, sir, very respectfully, yours,

W. H. UPHAM,
Governor of Wisconsin.

Hon. ADLAI E. STEVENSON,
Vice-President of the United States and President of the Senate, Washington, D. C.

Mr. PALMER. Mr. President, I present resolutions in connection with the same subject and ask for their immediate consideration.

The VICE-PRESIDENT. The resolutions submitted by the Senator from Illinois will be read.

The resolutions were read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the thanks of Congress be given to the people of Wisconsin for the statue of James Marquette, the renowned missionary, explorer, and discoverer of the Mississippi River.

Resolved, That the statue be accepted, to remain in the National Statuary Hall, and that a copy of these resolutions, signed by the presiding officers of the Senate and House of Representatives, be forwarded to his excellency the governor of the State of Wisconsin.

The VICE-PRESIDENT. The question is on agreeing to the resolutions.

Mr. MITCHELL of Wisconsin. Mr. President, the ancient city of Laon, in the north of France, not far from the Belgian border, was the birthplace of Jacques Marquette, the man whom Wisconsin has seen fit to honor. It sits upon a rocky eminence and dominates the vine-covered country of Champagne. Girt about by battlements, with a stately mediæval cathedral rising in its midst, it forms a citadel and sanctuary in one.

Born into such surroundings, growing up between war and worship, young Marquette was bound to become either a soldier or a priest. He inclined to the latter, but, a hero at the core, it mattered little whether he donned cassock or cuirass. Marquette came of a martial race. His forefathers distinguished themselves in the Continental wars. Three of their descendants fell in our own war for independence. At 17 Marquette joined the followers of Loyola. Among them he spent twelve years in diligent study and in teaching. St. Francis Xavier, "the apostle of the Indies," became his model. He burned with desire for work in pagan lands. Under the authority of his order he sailed for Canada, landing at Quebec on September 20, 1666, buoyant with health and high ambition.

In 1524 Verrazzano, a sailor of fortune (if the expression is permissible), flying the flag of France, skirted the coast of New England and Canada, thereby founding a territorial claim.

In 1535 the French navigator Cartier ascended the St. Lawrence River as far as Mont Royal, the Montreal of to-day.

In the beginning of the seventeenth century came the colonizer Pontgravé; after him the soldier Champlain, with his men at arms and their arquebuses. In a battle at the modern Ticonderoga he gained the questionable friendship of the Algonquins and the unrelenting hatred of the Iroquois. For over a century thereafter the Iroquois left a bloody trail in Canada. Then the French Government sent out to represent it De Tracy, Courcelles, and the vigilant Talon. About this time arrived the Recollects, the "Gray Gowns"; after them the Jesuits, the "Black Gowns."

Up to the time of Marquette's arrival French colonization in the populating sense had proved a failure. Some insignificant settlements along the St. Lawrence, a handful of priests, a few scattering fur traders and bushrangers made up the population. All Canada did not count to exceed 6,000 souls. Despite all these efforts at colonization, Canada still remained a wilderness hardly touched by the hand of civilization save in the matter of gunpowder and the equally destructive brandy. Into this domain of barbarism Marquette betook himself, having for sole protection the cross of Christ. He remained for a while at the mouth of the Saguenay River, ministering to the Montagnais Indians and perfecting himself in their language. Marquette was a gifted linguist, mastering later on six distinct Indian tongues.

In 1668 he was ordered to the Sault Ste. Marie. With a party of Nez Percés he moved up the Ottawa River, crossed Lake Nipissing to Georgian Bay, thence by Lake Huron to the "Sault." Throughout this perilous passage he stuck to his paddle like a galley slave to his oar, subject meanwhile to the taunts of his brutal companions. The party landed on what is now the American side of the St. Marys River, at a point frequented by the Chippewa Indians. Here he erected the first church in the present State of Michigan. Here he dug and planted the first garden in the Northwest.

In the autumn of 1669 he set out for La Pointe de St. Esprit, in the present State of Wisconsin. This was a mission founded a short time before at the entrance to Chaquamegon Bay and not far from the western extremity of Lake Superior. Here were gathered remnants of the Huron and Ottawa tribes of Indians, who had fled before the fury of the Iroquois.

Marquette writes interesting accounts of the Indians to Le Mercier, superior of the missions:

> I am obliged to render you an account of the mission at La Point de St. Esprit among the Ottawas, according to your orders, on my arrival here after a month's navigation on snow and through ice, which closed my way and kept me in constant peril of life.
>
> Divine Providence having destined me to continue this mission, I arrived and went to visit the Indians here, who are divided into five towns. The Hurons, to the number of about four or five hundred, still preserve some little Christianity. The nation of the Outouaks is far from the Kingdom of God, being above all other nations addicted to sacrifices and jugglerie. They ridicule prayer and will scarcely hear us speak of Christianity. The Kiskakons had resolved in the fall of 1668 to obey God. They were then in the fields harvesting their Indian corn. They listened with pleasure when I told them that I came to La Point for their sake and that of the Hurons, that they never should be abandoned, but be beloved above all other nations.

Winter closed in. For Marquette, what a disheartening sojourn alone on that desolate shore! For him no communion with civilized man, no caress of child, no soothing voice of woman. Even nature offered no consolation. Frost had withered the grass in the openings. The foliage of the trees had put on, by way of leave-taking, its coat of many colors, then dropped to the ground. Only the dormant pines retained their green. They slept like knights of old, with their armor on. Snow fall stilled the hum in the forest. Ice stopped the tinkle of the streams. No sound fell upon his ear save the guttural tones of savages and the swash of the angry waves of Chaquamegon.

From the west came trooping bands of warlike Dakotas, their long locks dangling, bunches of flint-headed arrows slung on their backs, and stone hatchets stuck in their belts. From the south, a thirty days' journey, bent on trade, came the more pacific Illinois.

All these brought stories of the "Great Water"—the Mississippi—flowing no one knew whither; where houses walked on the water and monster fishes swam. The exploration of this river, which he believed had its mouth in California, became a settled purpose in the mind of Marquette. He says:

> If the Indians who promise to make me a canoe do not fail to keep their word, we shall go into this river; we shall visit the nations which inhabit it, in order to open the way to so many of our fathers who have long awaited this happiness. This discovery will give us a complete knowledge of the southern or western sea.

Throughout the winter he ministered to his unruly flock, baptizing the infants and instructing the adults. In the pungent smoke of his cabin he pondered over his project of discovery, schooling himself in Indian lore.

The following year the Dakotas, incensed at the conduct of the Hurons and the Ottawas, declared war upon them, "first returning to the missionary the pious pictures which he had sent them as a present." It was resolved to abandon La Pointe. The Ottawas decamped first. Marquette remained with the Hurons to join in their wanderings and privations. They took to their canoes and, mindful of the good fishing at Michilimackinac, they made their way to that "pebbly strand." The Hurons, or Wyandots, came originally from Georgian Bay, whence they fled before the Iroquois. In years gone by, on their passage to Chaquamegon Bay, they had touched at Michilimackinac. On this storm-swept, inhospitable spot, Marquette's first care was the erection of a mission chapel, calling it St. Ignace. He writes to Father Dablon:

> The Hurons come regularly to prayers and have listened to the instructions I gave them, consenting to what I required to prevent their disorders and abominable customs. We must have patience with untutored minds, who know only the devil, who like their ancestors have been his slaves, and who often relapse into the sins in which they were nurtured. God alone can fix these fickle minds and place and keep them in His grace, and touch their hearts, while we stammer at their ears.

He ends his letter:

> This is all I give about this mission where minds are now more mild, tractable, and better disposed to receive instructions than in any other part. I am ready, however, to leave it in the hands of another missionary to go on your order to seek new nations toward the South Sea who are still unknown to us.

Colbert, in France, and Frontenac, then governor of Canada, were scheming to circumvent the English and "confine them to their weak and broken line along the coast of the Atlantic." Besides, they wanted a more southerly outlet than the St. Lawrence, icebound half the year. The acquisition of the region through which flowed the much talked of but unexplored Mississippi appeared to them important to these ends. For this expedition

Frontenac, on the advice of Talon, selected Marquette and Joliet. The latter was a young man, a Canadian by birth, and a trader and rover by inclination.

In December, 1672, Joliet joined Marquette at Michilimackinac. Of Joliet's coming and purpose Marquette writes:

> I was delighted at this good news, because I saw my plans about to be accomplished, and found myself in the happy necessity of exposing my life for the salvation of all these tribes, and especially of the Illinois, who, when I was at Point St. Esprit, had begged me very earnestly to bring the word of God among them.

The winter was passed in preparation for the trip. On May 17, 1673, the two Frenchmen and five Indian companions started upon their journey in two canoes, with a small provision of Indian corn and smoked beef—a sorry outfit, but gaily escorted by hope. At first they followed the northern shores of Lake Michigan and entered Grand Baye, or Green Bay. The Indians upon the banks of the Menominee River, where they put in, endeavored to dissuade them from proceeding farther. The banks of the Mississippi, they said, "were inhabited by ferocious tribes, who put every stranger to death, tomahawking all newcomers without cause or provocation." They added that "there was a demon in a certain part of the river whose roar could be heard at a great distance and who would engulf them in the abyss where he dwelt; that the waters were full of frightful monsters who would devour them and their canoes, and, finally, that the heat was so great that they would perish inevitably." Marquette did not take counsel of these fears. The party took the same course that Nicolet had followed some forty years before, up the lower Fox River, crossing Lake Winnebago, then ascending the upper Fox to a portage, and passing over to the Wisconsin River. Here they reached the limit of previous exploration. In this neighborhood they chanced upon a village of Muskoutens, Miamis, and Kickapoos, who directed them as to their course. Marquette gave to the river the name Mesconsin, which was changed to Onisconsin, and, finally, to Wisconsin.

Down the stream they sped, threading the currents and grating over the sand bars; by forests resplendent with verdure; past nature's fields rich with ungarnered harvests. On the 17th of June, just below the present city of Prairie du Chien, Wis., they shot out upon the virgin waters of the Mississippi. From the prows of their frail canoes came the first ripple in the rising tide of civilization which was to overspread the great West. Marquette surveyed the scene—one that no white man had ever before looked upon—"with a joy he could not find words to express," to use his own language. Southward they steered, landing to cook their food, at night anchoring in the stream for safety. They had journeyed for over a fortnight seeing no sign of human life, when they came across footprints in the mud at the water's edge. Following a path, not without trepidation, they came to a village of the Illinois. Here, when Marquette had addressed them in their own tongue, they were greeted with kindness. After a friendly smoke, Marquette was presented with the mysterious talisman of peace, a "calumet." It is claimed that Marquette in his written narrative introduced this word into civilized speech. A feast followed. A large dog, boiled, was the "pièce de résistance." This did not tempt the travelers and they were allowed to regale themselves on fat buffalo meat. Taking leave of their hosts, they drifted past the Illinois River. Later they reached the mouth of the Missouri, and their canoes were tumbled about in the turbid waters of the confluence. A little time and they espied on their left the Ohio—Iroquois for the "Beautiful River." Day after day passed on in solitude. Nearing the mouth of the Arkansas River, Indians on the banks became threatening and put out in their canoes to the attack. This would certainly have proved fatal to the party but for the calumet which Marquette had received from the Illinois. He held it aloft by way of flag of truce. The natives lowered their weapons and the travelers went on in peace. They landed at an Indian village opposite the mouth of the Arkansas. At this point they decided to turn back. A young warrior who spoke Illinois warned them of the dangers which awaited them lower down the river—death by disease or at the hands of the Indians, or capture by the Spaniards.

They had established the important point that the Mississippi did not flow into the Atlantic or Sea of Virginia, nor into the Gulf of California or Vermilion Sea, but into the Gulf of Mexico. If they proceeded farther the results of their discovery would be lost. They began their homeward voyage on the 17th of July. Paddling against the current all day under a midsummer sun, sleeping at night in a malarial atmosphere, subsisting on scant, unwholesome food, Marquette soon sickened. With him it was the beginning of the end. By toilsome stages they reached the Illinois River and ascended it, believing it an easier course to Lake Michigan than by way of the Wisconsin River. Under the guidance of a band of young Illinois warriors they reached the lake. They coasted its western shores and landed at Green Bay toward the end of September. They had been absent about four months, during which time they had paddled over 2,500 miles.

Of this memorable voyage Marquette kept a journal. Sparks says:

> The narrative itself is written in a terse, simple, and unpretentious style. The author relates what occurs and describes what he sees without embellishment or display. He writes as a scholar and as a man of careful observation and practical sense. There is no tendency to exaggeration, nor any attempt to magnify the difficulties he had to encounter or the importance of his discoveries. In every point of view this tract is one of the most interesting among those which illustrate the early history of America.

At Green Bay, in the hope of recovery, Marquette remained during the winter and summer. The following fall, feeling somewhat restored, he started to the country of the Illinois with two Frenchmen and a band of Pottawatomies. They passed over the portage at Sturgeon Bay and followed the western shore of Lake Michigan. Storms baffled them. It took them a month to reach the Chicago River. Here Marquette's malady, the dysentery, took hold on him anew. Too feeble to proceed, he spent the winter with his two companions near the present site of Chicago, a prey to hunger, cold, and disease. But he had promised the Indians at Kaskaskia, on the Illinois River, that he would return. He found strength enough in the spring to visit them, and was greeted by them "like an angel from heaven."

His life was fast ebbing. He decided to set out for St. Ignace, wishing to die among his brother missionaries. The party moved northward along the eastern shore of Lake Michigan. On the 18th of May, 1675, knowing that his end was approaching, he landed. He gave directions as to his burial, asked the forgiveness of his companions for the trouble which he had caused them, then peacefully passed away.

Two years after his death a party of Kiskakons, former disciples of his, hunting thereabouts, sought out his grave. They placed his bones in a birchen box. With a flotilla of 30 canoes they conveyed it reverently to St. Ignace. King Arthur's mortuary bark did not bear to the Island of Avalon the earthly remains of a more chivalric soul. Priests, Indians, and traders assembled on the shore to receive the funeral cortege. They carried the rustic casket to the chapel, where it was buried to the sound of the church-going bell and the harmonious accents of his mother tongue, "with tapers burning, like his zeal, and incense rising, like his aspirations, to heaven."

Gentleness, courage, self-sacrifice, were the characteristics of Marquette.

In fortitude he was the equal of his brother missionaries. In native refinement and in education he was their superior. He was a zealot, if you will. But I have no quarrel on that ground. Religion is the jewel in the toad's head; let each one carry his own.

> With him, the longings of a sensitive heart, divorced from earth, sought solace in the skies. A subtle element of romance was blended with the fervor of his worship and hung like an illumined cloud over the harsh and hard realities of his daily lot.

He was a Jesuit, it is true. Whatever faults the Jesuits of those days may have had were peculiar to their time. The Puritans, for instance, were every whit as bigoted as they. Their conduct in other countries is not in question here. In North America they stand the transcendent heroes in the advancing army of civilization. As explorers, they pushed into the cruel wilderness, unfalteringly, self-devotedly, far to the front, where others followed with calculating circumspection.

Bancroft writes of them:

> Defying the severity of climate, wading through water or through snows, without the comfort of fire; having no bread but pounded corn, and often no food but the unwholesome moss from the rocks; laboring incessantly; exposed to live, as it were, without nourishment, without a resting place; to travel far, and always incurring perils; to carry their lives in their hands, or, rather, daily and oftener than every day, to hold them up as targets, expecting captivity, death from the tomahawk, tortures, and fire.

But the qualities of priest and of Jesuit had no part in determining Wisconsin's choice of Marquette for the honors of Statuary Hall. His pure and saint-like life, his writings and his fame as the explorer of the Mississippi controlled the selection. He was the first white man to traverse our territory and write a description of it. He was the first to map out our confines. He gave a name to the river after which our State is called. On our soil he planned his voyage of discovery. From our borders he first caught sight of the waters of the Mississippi.

Marquette is the one great historic character identified with our State. Wisconsin has developed many notable men. They are the men of yesterday who may seem great to-day, but to-morrow their names will be lost in obscurity. Not so with Marquette. On the pages of history his name will shine the brighter as time goes on.

Mr. KYLE. Mr. President, on the shores of the upper St. Lawrence and the chain of lakes extending to the Superior are to be found the footprints of French explorers who more than two centuries ago were the first to penetrate that unknown wilderness. Ferdinand De Soto, a Spaniard, had, a century before this, reached Florida by the West Indies and had pushed his way to the Mississippi in 1541; but little was known of that vast region except extravagant tales told by wandering tribes of Indians. Prior to

De Soto's discovery, James Cartier, the distinguished navigator, had in 1535 discovered the St. Lawrence and taken formal possession of the country in the name of Francis I of France. The French thus having possessions, had from time to time sent explorers and missionaries to the frontier. Father Drenilettes had traversed the region from the St. Lawrence to the Kennebec and on to the sea. Father Allouez, who had founded the Ottawa mission and had labored among the Indians as far west as Green Bay, welcomed Marquette. Samuel De Champlain had founded Quebec in 1608, and had explored much of the territory from there to Lake Huron. The cities of St. Louis, St. Joseph, St. Charles, mark the path of French exploration along the Mississippi, and Joliet, Sault Ste. Marie, Marquette, and others along the Great Lakes. Many of these towns are the sites of early mission stations.

Prominent among these early explorers may be mentioned James Marquette. He was born in France of a family well known in civil and military life. His mother was a woman of rare culture and piety. From her Marquette inherited those traits of character which made him priest instead of soldier. From early childhood great pains had been taken with his education along secular and ecclesiastical lines, and he was doubtless moved with deeds of bravery, both on the field of battle and on the frontier, by missionaries of the Cross. His soul was fired by the enthusiasm of Ignatius Loyola, who, a century before, casting aside luxury and fortune, had founded the Society of Jesus and had, without purse or script, gone forth by the Cross alone to Christianize northern Europe. Deeds of war to his mind were transitory, a mere passing glory, while a life of sacrifice for his fellow-men would win laurels from the Prince of Peace.

At an early age Marquette entered the religious Society of Jesus, where he spent fourteen years in study and contemplation. He had dwelt on the lives of the early church missionaries who carried the gospel to Germany, Switzerland, France, and England in the early centuries of the Christian era and had built monasteries and convents in these heathen lands. Such pioneer work had the air of romance, and instead of settling in some staid parish of his native land he determined to cast his lot with the settlers of the New World and devote his life to Christianizing the savages of the frontier. He accordingly sailed for French Canada, landing at Quebec in 1666, a hundred years before this region was made historic by the French and Indian wars.

To us who now journey over the scene of his travels by means of the Grand Trunk Canadian lines, or make the tour of the lakes on palatial steamships, it is difficult to picture the hardships of pioneer exploration. History records that after spending a couple of years in studying the Huron and Algonquin languages, Marquette set out for his Lake Superior mission accompanied by a couple of guides. His course was by boat up the Ottawa River and Georgian Bay to Lake Huron, a distance of several hundred miles, thence to Sault Ste. Marie, where he founded a mission. Subsequently he moved his station to La Pointe, where he labored among the Hurons and Ottawas. In 1671 the Sioux Nation made war upon his tribes, and he was forced with them to Mackinaw, where he founded the mission of St. Ignatius.

While at La Pointe he had heard from roving bands of Indians of the mighty Mississippi and determined to push his way to it, but owing to warlike demonstrations among the tribes he was unable to make the journey till 1673, when Joliet reached Mackinaw with a commission from the governor of Canada to attempt the discovery of the Mississippi. Marquette, who had waited patiently and prayerfully, considered this a providential circumstance, and accordingly joined Joliet and his five men. This small company made the journey through great privations, their shelter at night being rudely constructed huts and their subsistence Indian meal and the game of the forests. Their course was through Lake Michigan and Green Bay, thence up the Fox River in Wisconsin to the Divide. Carrying their boats a short distance, they launched them in the Wisconsin River and continued their journey, reaching the Mississippi June 17, 1674.

Quoting from our worthy Chaplain, Dr. Milburn—

Streams with broader openings to the sea there are, with grander historic associations, with more romantic memories thronging their banks; but what one of all earth's water courses can vie with this majestic appeal to the imagination and hope of mankind? A great, silent joy was in Marquette's breast, and as grateful tears wet his eyes he offered a fervent thanksgiving that he had been permitted to look upon this wonder. The devout spirit thought of the greatest birth of time, and in commemoration of it he named the river "The Conception." For eight days they glided over the crystal pavement between shores widening to the distance of half a league, and then approaching in rocky bluffs, as if they were the towers and battlements of hostile cities, to within a few hundred yards. In vernal pasture lands they beheld the moose and the elk and the deer cropping the herbage, and lower down vast herds of buffalo grazed in the meadows, and the woods were filled with flocks of wild turkeys. For fifteen days they had not come in sight or trace of the habitation of human beings. At length they discerned a well-marked trail on the west bank of the river, and landed to seek the men whose feet had left it. With minds moved alternately by hopes and fears, Marquette and Joliet proceeded 6 miles, when they descried three Indian villages. Uttering a loud cry, they rapidly approached them. A company of old men came forth to meet them, and when asked by Marquette who they were replied, "We are Illinois." Great was the good father's joy. He explained who he and his companions were, whereupon they were joyfully welcomed with the peace pipe. Then followed six days of feasting. Heartily did the simple natives urge the Frenchmen to tarry with them. But their task was not half performed, and they must up and away. Taking an affectionate farewell of their kind hosts, they were escorted to their canoes and presented with a calumet magnificently adorned, than which no more valuable gift could have been made them.

It was thus Marquette first met his beloved "Illinois," and his life's aim thereafter was to settle among and preach the gospel to this tribe. For a month they paddled their boats with the current, making note of what they saw, and stopping only to greet or hold council with Indians on the banks, not knowing whether the waters would carry them to the Pacific or to the Southern Gulf.

Reaching a point near the Arkansas River, and being convinced that the river discharged its waters into the Gulf of Mexico, they began their return journey under great difficulties. Marquette was taken ill, and it was only with the greatest care that he survived to reach Lake Michigan. The return journey was made by way of the Illinois River, the company reaching Green Bay in September. Marquette subsequently rallied and determined to found on the Illinois his mission called the Immaculate Conception. This he undertook, and in December, 1674, reached the spot where Chicago now stands. He had the honor of erecting there the first cabin and church. A little later he visited the Kaskaskias, but failing health warned him to cease his labors. His desire was to reach Green Bay and spend his last hours among his Indian friends. For many days his companions plied the oar in Lake Michigan, inspiring their friend with hope. They were, however, compelled to take him ashore, where, on the soil of Michigan, he died and was buried. Subsequently some friendly Indians removed his remains to St. Ignatius Mission, at Mackinaw, where, beneath the church floor, they now rest.

Such is the story of Marquette's life—a short one. He was but 38 years of age, and had spent but six years in his chosen mission, and yet he carved a name for himself both as philanthropist and explorer. His mission was to carry the gospel to a heathen people; yet he rendered great service to our country as a pioneer of civilization.

To such men our nation rightfully does honor. Marquette stands for a great class of Christian missionaries who have led the vanguard of explorers into the unknown parts of the earth. From the time St. Boniface carried the gospel to Germany, in the eighth century, and Ansgar, the apostle of the north, to Scandinavia, until now, when missionaries of all denominations are penetrating the jungles of Africa, the church has been foremost in discovery and has rendered untold service to civilization. Eliot and Brainerd spent their lives on the frontiers of Massachusetts and Pennsylvania, and paved the way for later settlements. Dr. Stephen R. Riggs, born early in this century, is known and revered in Minnesota and the Dakotas for his labors among the Sioux Indians. In 1839, when white people thought it dangerous to cross beyond the Mississippi, Dr. Riggs established his mission at Lac Qui Parle. Soon after he crossed into the Dakotas and spent a long and useful life among the Sioux. Besides his schools and churches—the result of his religious work—he left nearly fifty volumes of literature relating to the Indians, among them being a grammar and dictionary of the Sioux languages. Not less valued are the services of Marcus Whitman, who, under the American Board, went as missionary physician to the Territory of Oregon in 1839. He, with his associate missionaries, blazed his way into the forests of Oregon to carry the gospel to the Indians, but noted the valleys of fertile land, with valuable forests and streams, and in 1842, when the Webster-Ashburton treaty was under consideration by the Senate, Whitman made the journey from Oregon to Washington on horseback with but one companion and a guide. This vast territory was represented by the British as worthless and inaccessible, and the land would have been given them but for the representations of Whitman, who arrived on the 3d of March, just before the ratification of the treaty. The State of Oregon and the United States owe this distinguished missionary a debt of gratitude that can not be paid. Four years after this trip he and his family were massacred by the Cayuse Indians and buried at Wallawalla. Time would not permit, Mr. President, the enumeration of the missionaries of the church, both Catholic and Protestant, who have laid the world under obligations for their valuable discoveries. It was David Livingstone who left his Scottish home to spend a life of hardship in the interior of Africa. His was a gospel mission to the benighted natives, but he ranks with the great explorers of his generation. Missionaries were among the first to visit the Hawaiian Islands, and certainly the first to demonstrate their commercial value to the world.

Thus, Mr. President, the church has added greatly to the geographic and scientific knowledge of the world. To this great class of discoverers belongs James Marquette. He was saintly in character, unselfish in his purposes, and untiring in his efforts to bring the message of gladness to darkest civilization. How striking the contrast between this man and De Soto and scores of explorers whose ambition was gold. As many of his predecessors

had done, Marquette gave his life for those he loved. Dr. Milburn well remarks, "When we hear of faith and love like theirs, can we say contemptuously, 'They were Jesuits,' and forget they were Christians sealing their testimony with their blood?"

Marquette had made a journey of 2,500 miles, touching the territory of four of our Northwest States. His mission was to the Indians. He had left to Joliet the part of reporting their journey to the governor of Canada. He was content to remain and die with those for whom he had labored. His life is beautiful in self-sacrifice. His discovery ranks among the foremost and most important on the continent; and it is to Marquette the explorer that we do honor at this time. Though a simple missionary of the cross and without a possession in the world, his name is written beside those of De Soto, Balboa, Cartier, Joliet, and others who are enrolled in the historical annals of our country.

Mr. PALMER. Mr. President, the State of Wisconsin has selected and presented to the United States to be placed in the "Hall of Heroes," the statue of James Marquette. It will, when accepted, take its place among the marble and bronze representations of the great men selected by the States as their ideals of lofty characteristics and noble deeds.

No State has chosen better than Wisconsin in selecting Père Marquette as the representative of courage, resolution, and devotion to the elevation of humanity.

Mr. President, mankind honors heroes, and the history of our race in all ages exhibits the universal disposition to honor names ennobled by the possession and the exhibition of great qualities. Eminent soldiers are oftenest the objects of popular regard and adulation, and it is to great commanders we are ready to attribute highest qualities.

The public grounds of this magnificent city afford abundant proof of the truth of these reflections, for in nearly all of them are to be found the statues of soldiers who have won distinction—Washington, Lafayette, Greene, Jackson, Scott, and leaders who distinguished themselves at later periods. Civil fame does not bear such rich and generous fruit, though the qualities which go to constitute greatness in military and civil life are much the same.

Washington and Jefferson, Jackson and Clay, Grant and Lincoln alike possessed great sagacity, exalted courage, and, what is more impressive if not more valuable than either, unfaltering, unflagging resolution. Sagacity, by which term I mean to include extraordinary wisdom, often perceives and exaggerates danger. Courage is sometimes intermittent, while resolution, when associated with the qualities I have mentioned, utilizes both, and gives them steadiness, persistent force, and success, when success is possible.

Lincoln never commanded an army in the field, but many of us know that his patient resolution, which checked the desperate purposes of the rash and extravagant and supported the faltering and the timid, equaled Grant, who would "fight it out on that line if it took all summer."

James Marquette, whose history is brief, was, we are informed, born in 1637, one hundred years before the birth of our Washington.

When about 17 years of age he joined the Jesuits, evidently from motives purely religious, and in 1666 he was sent to the mission of Canada. His talent as a linguist must have been great, for within a few years he learned to speak six Indian languages.

Parkman, whom I follow, says:

A subtle element of romance was blended with the fervor of his worship, and hung like an illumined cloud over the harsh and hard realities of his daily lot; kindled by the smile of his celestial mistress, his gentle and noble nature knew no fear. For her he burned to dare and to suffer, discover new lands, and conquer new realms to her sway.

In the journal of his voyage, after referring to a particular change made in his destination, he wrote:

I was the more delighted at this good news, because I saw my plans about to be accomplished and found myself in the happy necessity of exposing my life for the elevation of all these tribes, and especially of the Illinois, who, when I was at Pointe St. Esprit, had begged me to bring the Word of God among them.

He then made preparation for the expedition he was about to undertake. The outfit of the travelers was very simple. They provided themselves with two birch-bark canoes and a supply of smoked meat and Indian corn, embarked with five men, and began their voyage on the 17th day of May, 1673.

It is needless to describe the route of the adventurous voyagers. They reached the Wisconsin; they discovered and descended the Mississippi River, passing the mouths of the Illinois, the Missouri, the Ohio, and the Arkansas. Without weapons of offense or defense, they visited tribes of turbulent and ferocious savages, armed only with the sublime doctrine of "Peace on earth and good will to men." His efforts for the civilization of the savages he visited prove his boundless benevolence.

The story of his death and burial by the shore of Lake Michigan is full of pathos.

His comrades, knowing his death to be near, built a shed of bark for his protection. With perfect cheerfulness and composure he gave directions for his burial. * * * At night, seeing they were fatigued, he told them to take rest, saying he would call them when he felt his time approaching. Two or three hours after they heard a feeble voice, and hastening to his side found him at the point of death. He expired calmly, murmuring the names of Jesus and Mary, with his eyes fixed upon the crucifix which one of his followers held before him.

They dug a grave beside the hut, and there buried him according to the directions he had given.

Whether his remains rest where they were placed by the hands of his comrades or were removed to St. Ignace is perhaps uncertain; but whatever may be true in that respect, the gentle breezes of the lakes sing his requiem, and we may hope that a spirit so pure and gentle and yet so brave and resolute rests where peace aboundeth forever.

Mr. President, Father Marquette was a priest—I do not hesitate to speak of him by that respectful title—was an explorer, and an apostle to all the tribes and peoples he might discover. He combined the courage and resolution of Paul, and of Judson, and of Brainerd with the gentleness of John and the humanity and self-devotion of Damien, who gave his life to the service of the lepers. He had more of courage and resolution than a soldier, for without intending to resist the dangers he might encounter he met the threats of savages without fear, inspired with love for them and an eager desire to promote their temporal and eternal welfare.

Mr. President, the State of Wisconsin has selected this marble representation of this extraordinary man as its contribution to the Hall of Statuary. The selection is one worthy to be made, and the statue of Père Marquette will stand in that hall, surrounded by other statues representing men whose names will not die or be forgotten while respect and veneration for true manhood survives.

I hope it will not degrade or even lower the dignity of this occasion if I should say that I do not assent to Roman Catholic theories of ecclesiasticism, but I would despise myself if the garb of a priest of that church could hide from my view the noble, resolute, devout Christian hero within.

Mr. VILAS. Mr. President, when this lusty nation, outgrowing the habitations of its youth, built new council chambers for its legislators it was a happy thought that consecrated to the noble art of sculpture the old Hall of the House of Representatives, where patriotism will hear the echoes ring forever of glorious words there spoken for liberty and justice among men. Nor less felicitous was the plan which proposed to the sovereign associates in Federal Union the work of its embellishment as authors and sharers, in fraternal equality, of the national prizes of honor and fame to be there illustrated and preserved. So, naturally enough, came up the suggestion that was directed by Congress to go with the invitation which the President was empowered to give, desiring the States to select for this noble commemoration from among them who in life on earth had been their citizens "illustrious for historic renown or for distinguished civic or military services." It was the offspring, too, of a time when the country throbbed with patriotic fervor, and all hearts and minds were fixed on the mighty conflict then raging, the year 1864, when the world witnessed the soldiers of the Union clinched in a death grapple with the great revolt, and surely saw the last issue of war had been joined, and that with the coming triumph a glory unequaled in the annals of mankind would be won by the heroes of liberty.

This restriction of the invitation was, however, very differently applicable to the States of our Federation. The older, especially the original thirteen, had gained even then, as States, a historic past. Among their possessions "already secure" were the records of a time beyond the memory of living men; and if not yet dim or misty still we are able to see in perspective the creative and memorable deeds done in the course of their evolution, distinguishing the merit of achievement as contemporaries can never see it They may, therefore, justly lay peculiar claims to noble figures, radiant among the shades, whose story is the treasure of all Americans, and say, "These were our citizens."

But, sir, the conditions are necessarily somewhat different with the newer States like Wisconsin. For, although as part of colonial grants whose base was on the Atlantic coast, our territory shared with the earliest the boon of independence; it long lay an almost unknown land, the remote corner of the old Northwest of the Republic. During many ensuing years the eager crowd of home seekers pushed out upon a course southward of the Great Lakes, unconscious of the surpassing excellence, riches, and beauty with which nature had endowed her land of choice, and so left it the prize of a later but not less fortunate generation. Thus it happens that while Wisconsin takes date with the first in liberty and title, her entrance to the Union was preceded not only by ten States—all the States, in fact, until Virginia was divided in war—which were built upon the soil won from Great Britain but also by six erected upon later acquisitions, four of them even beyond the Mississippi. Her organization as a Territory, a Territory then stretching from Lake Michigan to the Missouri, is within the recollection of venerable Senators still in honored service in this

Chamber. So it was that but sixteen years had passed of statehood when this invitation was received to share the honor and duty of contribution to the nation's Hall of Statuary.

To accept it, therefore, in terms unqualified, demanded choice among contemporaries for the special commemoration; an invidious task, not congenial to human nature, inevitably to be shrunken from. There was no chance for a far retrospection through the aisles of time, with its softening lights, its soothing oblivion, its justice in relative measurements, its elimination of true desert. Many were the brave and generous spirits, the strong and helpful, among our pioneers and the builders of our State, whom the respect and affection of their fellows commend to the grateful remembrance of posterity; too many most cherished to be omitted by a particularization of some. And when the war time befell, and manhood heard throughout the land the call of Liberty to arms, the answering voice of Wisconsin came not from some daring few, in advanced leadership of thought and action; but from every home and hearthstone, through town and countryside, responding thousands poured forth to battle, knowing well their cause; near one-half of all her voting citizens bore her banner, floating beside the Stars and Stripes on every field of war in the Southern land, and her list of true heroes a Homer might worthily sing. Not yet do we dare the choice among them, all so cherished in honor and esteem.

And so it was that, from no lack of sensibility, no lethargy of appreciation, more than twenty years passed by while the national summons to participate in an undertaking so honorable remained, not unheeded, yet unanswered.

But, sir, although the sway of nature was there longer undisturbed by immigration and settlement, that goodly land made, in fact, its entrance to the page of American history at a far earlier date. Indeed, its discovery and visitation by the white man had much precedency in time over many of our sister States of prior establishment in the Union. A peculiar charm attaches to the story of those early days. It is augmented by the very length of the intervening period before the settlements of civilization came, during which the activity of development elsewhere increased the seeming quiet there. This has cast back into even deeper shade its historic dawn, and thrown upon the simple facts something like the twilight hues of an ancient story. But fourteen years after the *Mayflower* sowed her precious seed on "the wild New England shore," Jean Nicollet paddled his canoe through the rich natural rice fields of the Fox in the center of our present borders. Before any footstep but of red men had been imprinted on the western slopes of the Alleghanies, "the good tidings of great joy" sent down through the ages by a crucified Saviour were delivered to His barbaric children of the forest in the far interior Wisconsin land.

It was Nature's way of shaping the continent which thus lured the explorer to its very heart so soon after settlement was begun upon its borders. Once upon the magnificent waters of those great interior seas, the like of which the earth does not elsewhere show, a fascination irresistible pressed on to their fountain head. Side by side, often even hand in hand, cupidity and benevolence, with daring hardihood, urged the quest; and the trader's greedy courage found more than a match in the unfaltering hearts who challenged the horrors of the wilderness, bent on no selfish aim, but wholly to rescue the imperiled souls within its deep recesses. It so came to pass that without intermediate establishments of any sort, without even journey posts or resting stations, or a white man's abode along the entire route, Christianity had her missions domiciled in Wisconsin, on Lake Superior and Green Bay, while the advanced frontier of European movement, the nearest settlement or residence to the east, was a thousand miles away at Montreal.

The heavy forest stood, in primeval majesty, stretching to the prairies of the Mississippi from the mountains of the East, and not one of the coming race had ventured once within its awful solitudes. Through the vast woods westward from the Hudson and the Delaware roamed the merciless Iroquois in terrible dominion, the scourge and destroyer of the savage race, the Tartars of the wilderness, whose butcheries multiplied and deepened its solitudes and filled them with perils and horrors.

And there, sir, in the deep interior of the continent, on whose wild primeval surface no light of civilization cast a ray save the flickerings here and there begun to show along the ocean margin, there in that vast isolation, that "profundity obscure," the lamp of Christianity was kindled by the spark brought from Calvary, and its gleams burst forth above the forest gloom, a solitary beacon, presaging and beckoning to the oncoming column of humanity soon to march thitherward in triumphant splendor. And there, sir, slender and feeble as was that early flame, and though amid sometimes distressing vicissitudes and perils, there has it ever burned unquenched. There, in the first faint gray of morning, a Caucasian's home was builded and church and school were founded; and thus, with typical step, civilization, the civilization of highest evolution, made its advent to the continent's interior on the land of Wisconsin, and, in a sense, Wisconsin took also her beginning as one among civilization's grandest forms and agencies, a self-governed Commonwealth of intelligent, God-fearing freemen.

Among the shadowy forms that move on that far-off scene, touched by the light rosy ray that tells of a splendor coming in its time, among the brave who dared the peril of that morning hour, was one, the type and exemplar of a noble class, fixed in human honor by devotion, heroism, and sacrifice, in whose soul burned also the genius of the explorer, the glorious greed of knowledge. Short and swiftly sped was his path to the altar of self-sacrifice, so often the goal of his class, but his few hard years were enough for his renown; he departed for the world beyond rewarded by the fame of history here. He was a citizen of Wisconsin only in its embryonic age; no more; but otherwise it was of such as him that Congress spake when it marked for this special honor "persons illustrious for historic renown."

Wherefore, Mr. President, the legislature of Wisconsin, unwilling that a State which yields in public spirit and intelligence to none should stand no sharer in the national gallery of honor, and conceiving the true sense of the Congressional plan to comprehend whatever achievements upon our country's soil have brilliantly wrought toward its predestined usefulness to man, proposed to Congress that Wisconsin should be permitted, at once and together, to recognize and honor the men who daringly planted there the first abode of civilization; to distinguish and illustrate the noblest character in the vanguard of its march—the missionary of Christ; and to celebrate also a famous triumph of geographic exploration from within her borders, by raising here the marble effigy of that gentle, devoted, high-souled, fearless priest and teacher, James Marquette, the discoverer of the Mississippi.

Well knowing, of course, that the original invitation was, for the reason given, not literally a full authority therefor, the consent of Congress was explicitly sought. Twice the legislature of the State declared itself; by its act of 1887, and again, when its Senators, or one of them, hesitated in doubt of its true desire, by its joint resolution of 1893, "urgently requesting" those Senators to secure that assent of the Government. And Congress twice responded with the desired permission. At first, the concurrence of the Senate in a joint resolution of the House of Representatives was given on the last day of the Fifty-second Congress, too late for Executive consideration among the mass of crowding measures.

The next session, first of the Fifty-third Congress, supplied the failure, and by joint resolution approved on the 14th of October, 1893, the State of Wisconsin was "authorized and granted the privilege of placing in Statuary Hall at the Capitol the statue of Père Marquette, the faithful missionary, whose work among the Indians and explorations within the borders of said State in early days are recognized all over the civilized world."

In these terms the Congress testified, Mr. President, its intelligence and appreciation of the moving considerations which justly award to this missionary and explorer a commemoration among the historic characters of America. The choice of Wisconsin was ratified, and the free interpretation which carried back the theory of citizenship to the early movers on her soil found approval.

The privilege bestowed has been exercised as it should have been. By universal testimony a work of art unexcelled has been erected in our Hall. The representatives of the State feel no other need than to say, "Go, view the artist's work, gaze upon the noble figure discerned by genius in the Italian stone. There you shall find the ideal we would commemorate; a noble man, with a soul lifted up to God, a mind inflexibly bent to duty, a heart swelling with tenderness toward his fellow-creatures, so surely treading the pathway lighted to him by education and conscience that suffering, privation, danger, death, could cause no shadow of turning in it; yet still the gentle, enthusiastic, generous man, beloved among his fellows—the man to dare without flinching, to do without boasting, the deeds that heroes do, when heaven calls."

Perhaps so I might leave it, confident in the award of credit so justly due the good State I love for its worthy gift, and conscious that the eloquent remarks of my colleague and other Senators have left no addition needful by me.

But yet, sir, I would wish to contribute something, if I could, to distinguish with clarity the figure and career of Marquette from confusion with intermingling persons and events in the background of history, and give a plainer view of what he was and what he did by drawing to the eye the circumstances in which he stood and acted.

For the discovery of the Mississippi in 1673 the Muse of History has recorded his name to stand forever on her unfading scroll.

Yet there be some, perhaps many, who see in that achievement little more than a summer ride in a bark canoe adown the beautiful Wisconsin River, as if it were in the sunlight and sweet airs, the peace and security, which the student tourist of our day oft delights in as he traces again the famous water path of exploration. It is an indolent, thoughtless view. Far different has been—ever must be—the just measure of its character and merit. A strong, vivid imagination, capable of reproducing the facts collated from memorials of the time, a penetrating sympathy with

beliefs and modes of thought then entertained, must gain sway in any mind which will realize the conditions then and there environing and characterizing human effort.

It was the fruit of no sudden inspiration, fortuitously conceived and hastily executed. Already so far sunk in the immensity of forest wilds, with horrors on its trail and terrors in front, exploration had for a period halted on the shores of Superior and Michigan, or moved but little in adjacent territory. Eight years had passed since the first white man's house was built on the Bay of Chequamegon to give a home to the mission of the Holy Ghost, and all that undertaking a panic of terror had ruined, driving thence backward to the Straits of Mackinac the converts who had found a refuge there. For in the unknown Western country dwelt the Sioux, monsters of bloody deeds, the constant fear of all natives within reach of their excursions. Marquette, then beginning the labors to which he had consecrated his life, had wrought there with the tribes whose summer wanderings, like of modern tourists, carried them to the great Northern Sea. Among them the Illinois, who told him stories of the great river, long before then a misty rumor, a far-off unreality. It fired his imagination and stirred his heart with hope that craving souls in other lands might hear the Gospel's tidings from his lips. He reported to his superiors, opened the plan, and waited obediently. It required years before the answering orders followed. Then came Joliet, with five other Frenchmen. Seven men, no more, were thus to hazard the unknown regions, of which no native spake but in notes of warning. They heard on every hand foreboding tales of terror, of mysterious and dreadful dangers. Monsters would be found in the waters, the fiercest savages upon the lands.

It was an age of credulity, and the stoutest hearts quailed often before chimeras of the fancy springing from the dread unknown. Now every friendly tribe, with common voice, at the Green Bay, along the Fox, and at the village of the Mascoutins and Miamis, where they bid adieu to the last frontier of the known, to the last friendly face, all picture only coming peril, with supplication to change their purpose. Yet on they pushed their way; timorously at times we may well imagine; with straining eye, as their frail canoes swept the bending curves of the Wisconsin; with hearts that sometimes throbbed, but unfalteringly, resolute of purpose. At length, a full month gone since they started from the Green Bay—the traveler now needs hardly a day—and there it rolled before them, the Father of Waters; there, as for untold ages all unknown, the majestic servant of nature's mighty plan! They had found it! For nearly forty years the voyageurs had passed the tale, the mystery of Indian report, of the great water in the West; now they saw it with their eyes in veritable majesty!

Mr. President, perhaps no man without experience can bring to himself by any effort a full sympathy with the emotion which such an achievement must stir in the explorer's mind. The long dream of meditation, the ripening purpose, the fixed plan, the execution begun, the hard labors done, the menacing perils met, all at last compressed to perfect fruition in a single moment! Who can measure it by any gauge but experience, yet who but must feel it worth a life to win? The judgment of the world has given accordant honor, and brightly shines the name of the discoverer on the temple wall of Fame.

Sir, no balance can invidiously weigh in competition the variant elements of merit in the many who have lifted the veil of mystery over hidden lands. One star differeth from another star in glory. There can forever be but one Columbus; never another Magellan. But the pages will never want for readers on which are written the stories of the discovery of the Mississippi and of the sources of the Nile, nor fade the names of Livingstone and Marquette.

Yet this was not discovery complete. They knew well their duty, and, though plunging afresh into the depths of prophesied perils, on they fared, out upon its wide waters, fearlessly bent to know the bounds and course set to the mighty flood in the plan of the continent, to carry back to civilized men a broadened field of knowledge, a new map, re-forming the old terra incognita. A full month longer, oft in dangers great and real, they sturdily and bravely held their purpose down its turgid current, among strange lands and tribes, and marked its assured flowage to the Gulf of Mexico. Then, their mission fulfilled, to return with its fruits no longer jeoparded was the ensuing duty, second only in importance.

It should perhaps be noticed, sir, that in point of fact, as men now know, more than a century before the Mississippi had twice been seen by European eyes. Coasting on the Gulf in 1519, De Pineda turned through its mouth and sailed up this river, no one knows how far. Wandering over the continent in 1542, De Soto crossed it, near the Yazoo's mouth, ascended for a distance its western bank, died, and was buried in it. Neither event gave the river to the world. Where it was, what it was, whence it came, what the countries of its drainage—all were untold. Water only had been found, a fluvial mystery unsolved. Geography had gained nothing, nor, until Marquette had shown it, was the water known to be the Mississippi which these wanderers had seen. Only he who looks on past events without a perspective, like a Chinese drawing, confounds these transactions. Nor by one jot or tittle has it lessened the meed of honor measured to Marquette.

It is to this historic event, Mr. President, that the personal distinction of Marquette in the annals of America is to be ascribed. It was not conspicuously gained by service in his capacity of a missionary priest. Others shared with him the excellence, the labors, the sorrows of that character to a not inferior degree. But Fame, like the first beams of morning, gilds the heights of singular eminence, and men worship most the victories which increase dominion. And "Peace hath her victories not less renowned than war." It was his geographical conquest, the opening to man of a country unequaled in capacity for his enjoyment, the broad and splendid region of the Mississippi's drainage, which marked him for illustration by succeeding generations. Mainly this it was that affixed his name to the handsome city on the shore of Superior, to counties in the States that adjoin that wide water, and has led to the erection of the stately figure in marble now placed in the keeping of the nation.

But there mingles also, sir, a just respect for the heroic messenger of Christianity to God's children in the wilderness which has entered into its design and will share in the commemoration to endure in this monument—may it be for ages. The statue is itself an idealization, yet it is believed so natural, so true, that every detail is but genuine exposition of personality and character. If the artist has thrown into the beauty of the face the look and lineaments which tell the far sight, the fixed hope, the unbending courage of the successful explorer, they comport and mingle with features informed by submissive piety, benevolence, and zeal to do the will of God. Sir, the early missionary to the Indian the world will never cease to reverence, as heroism and goodness must be reverenced, however differently the light may fall in after times on beliefs and methods then entertained and pursued. Among them all, of whatever church or creed, Marquette deserves place with the foremost. Not that the effects he wrought were great, nor his experience of suffering unsurpassed. Others in that "noble army of martyrs" perhaps accomplished more and suffered more. It was the abundant power in him oft and fully manifested, the spirit that burned within, and his sad untimely loss, rather than shining achievements in his few years of labor, that give his prominence as a missionary among the mission pioneers.

Mr. President, you have heard in the appropriate and interesting remarks of our colleagues the story of his career pleasingly told. Who that listened can picture to himself the conditions which then beset the devoted wanderer in that far interior, and withhold admiration of the intrepid self-consecration that took him there on such an errand? I tried a few moments since to draw to the mind by some lines the superficial picture the continent then presented, the helplessness of these missionaries' remote isolation, their necessarily absoluts surrender to the fate of the wilderness. But how can one now depict to entire realization all the meaning of peril and horror that resignation then implied to them who ventured on in the very light, as it were, of the fires which had consumed their martyred predecessors?

For bitter, indeed, had been the missionaries' experiences on the very path they traveled. Once already, in the wilds between Huron and Ontario, the soldiers of the cross had performed labors and endured privations the tale of which must ever excite pity and admiration, and yet their catastrophe had been utter and horrible. Through sufferings and indignities that might have rather moved despair, love and faith had bred still a sustaining hope. Never was its light more awfully extinguished. Their unhappy converts first were decimated by smallpox, and then upon them fell the fiendish Iroquois. Horrible was the fate of all. Massacre, even to annihilation, swept the friendly tribes—men, mothers, babes—from the face of the earth; and death, death through torments inconceivable but to savage ingenuity, the slow exhaustion of vital force amid lingering flames while agonizing wounds lacerated the inflamed flesh, had been the portion dealt the messengers of divine love. The annals of heroic devotion have no tale more pitiful than the constancy in duty to their disgusting pupils, and for it the awful earthly recompense, of the faithful fathers, Brebeuf and Lallemant.

Such was the present example, such the impending menace—martyrdom through agony unspeakable for the missionary, butchery for his converts—that lay across the path of the young priest of 29 as he set forth upon his lonely way to La Pointe de St. Esprit, on the Bay of Chequamegon. And to what a task assigned! Not, like the voyageur or trader, to plunge licentiously into the wild Indian life, rejoicing in its freedom and adventure, reckless of results. The Christian missionary met those natives to challenge their habits of thought, to attack their traditions of life, to rebuke their morals. Yet his appeal was to a spiritual nature of which they knew nothing, to hearken to a tale beyond their understanding, to lift them beyond the only world they knew or were capable of knowing. At first, perhaps, he might win attention by the

charm of novelty, attractive always to the savage as even to animal nature. That sway was but momentary; his teaching necessarily carried reproof; and, gentle as he made it, few of those coarse, fierce spirits would tolerate it. Their frequent return and sometimes habitual usage were contumely, ridicule, indignity. Disgustful alike to his education, breeding, taste, was every close contact with them, and nature could but rebel against the duty religion enjoined. Dependent on them for the means of subsistence, his privations were often severe. Yet he toiled with unfailing perseverance, inventing new devices to win their trust and fix their minds on things eternal; always to encounter backsliding and relapse, and ever to see the momentous truths he taught fall like seed upon a stony ground. Whose heart must not melt in sympathy with those words my colleague read from that letter of the wearied Marquette to his superior after the ruin of the mission at St. Esprit:

God alone can fix these fickle minds and place and keep them in His grace and touch their hearts while we stammer in their ears.

Yet bethink you with admiration of the unflagging zeal that in so few years made him master of speech in half a dozen various native tongues, that he might better strive in that desperate work of salvation!

And who so base of spirit that would deny the guerdon of fidelity and goodness when, sick and broken with the malady that sent him to his grave, in the face of coming winter he set off again on the long, hard journey up Lake Michigan from Green Bay, to bring the healing truth to the heathen souls among the Illinois, who loved him? The event realized the gloomy presage with which the journey was begun. That testimony of the faith he gave as a dying man. With return of spring he tried his last chance for life. Borne by his red brethren to the shore near where Chicago teems with multitudes to-day, he was launched in a bark canoe with two friends to paddle the long way to Mackinac. The attempt was vain. One day, gliding along the eastern coast, he recognized his summons and bade them land. They sheltered him with a hut of bark, and he, beseeching forgiveness for all their pains, calmly ordered the particulars of his burial. Parkman, to whom we owe so much, paints with simple eloquence the final scene:

At night, seeing that they were fatigued, he told them to take rest, saying that he would call them when he felt his time approaching. Two or three hours after they heard a feeble voice, and hastening to his side found him at the point of death. He expired calmly, murmuring the names of Jesus and Mary, with his eyes fixed on the crucifix which one of his followers held before him. They dug a grave beside the hut, according to the directions which he had given them, then reembarking they made their way to Michillimackinac, to bear the tidings to the priests at the mission of St. Ignace.

Mr. President, let him who doubts the noble excellence of that good man's life contemplate the scene enacted on that coast in the next ensuing year! Then Nature bore her testimony unimpeachable to the wondrous impress of his goodness. A band of Ottawas, seven years before his pupils at La Pointe de St. Esprit, repaired at the bidding solely of their hearts to that lonely grave, with tender hands, after the fashion of their fathers—

Washed and dried the bones, and placed them carefully in a box of birch bark. Then in a procession of 30 canoes they bore it, singing their funeral songs, to St. Ignace of Michillimackinac. As they approached, priests, Indians, and traders all thronged to the shore. The relics of Marquette were received with solemn ceremony, and buried beneath the floor of the little chapel of the mission.

Sir, was ever tribute more genuine paid to king or conqueror? Could proof more ample be of the power of that noble spirit who had thus sent the beams of human kindness through the hearts of those rough savages in whom he saw the children of God? The cold marble in yonder hall, midst all its glorious company, can testify no more clearly to a character fit for remembrance than that wild procession which in the genuine reverence of nature moved slowly through many days adown the waters of Lake Michigan. God's eye was on it; His spirit ruled that scene.

Tell me not of creeds, of sects, or societies. There is a greater confraternity, the brotherhood of man, whose fellowship overrules and embraces all lesser societies and sects, all true men; and nowhere more than in this land of man's enfranchisement ought its triumphant power to break the fetters that narrow and degrade his soul. He who could so stamp his goodness on the hearts of those fickle barbarians, in whose ears he "stammered" the precepts of Christian faith, is worthy to-day and always the remembering honor of all true American manhood; and will surely have it.

But, Mr. President, the State of Wisconsin, now a Commonwealth of 2,000,000 freemen, rejoicing in prosperity and happiness on the soil he trod so long ago, in raising this stone in the nation's Hall of Statuary, does not merely celebrate a name "illustrious for historic renown," a character whose excellence is worthy of perpetual remembrance. It means still more, that it shall stand there as a testimony and monument to a principle of our social order of the utmost value to mankind—the principle of religious liberty! Sir, human intelligence and reason, all the history of the world, teach no more useful and impressive lesson than is embodied in that fundamental rule which draws an absolute and impassable line between the affairs of state and the affairs of religion, and denies to the social law all right or jurisdiction to transcend it. On one side is the citizen, a component of and subject to the state, charged with its duties, obedient to the laws within its sphere. Across it is the man, the creature of Almighty God, His worshiper, His subject, amenable there to His law and no other.

In that domain man is entitled to enjoy all the liberty of nature untrammeled, unchecked, unrestrained by his fellows in the state. There he stands lighted and led by his own conscience. Thither no human law can follow him. If the potentate of human creation pursues him there he may, he must resist, or be recreant to his nature and his God. Unflinching before any menace, undaunted by any power, true to his faith, like Luther in his greater majesty before the Emperor at Worms, he must declare, "Here I stand; I can not do otherwise. God help me. Amen." Sir, this is no rule, as sometimes miscalled, of toleration. I contemn the term. I deny all it implies. It is the right, absolute, uncontrollable, of utter, perfect liberty. It is an inalienable right. The coward, the willing slave, can not divest himself of it. It goes with him in his bondage however recreant he be to nature. And, sir, this right attends and belongs to man as perfectly, also, upon the social side of the great dividing line, though with a different effect. He does not lose it; he retains it there in full perfection. His rights, his duties, his privileges as a citizen in whatever his relations to the state and society comport with and are independent of it.

Sir, he is wrongfully despoiled, his right invaded, a grievous injury done, when to any man is denied any part or share of his social rights or privileges by reason of his religious faith. If property, if place, if honor be his rightful due among his fellows, he who strikes aught away of either because of religious opinion is an enemy to law, to humanity, and all its hopes. Hostis humani generis.

And therefore it is, sir, that this statue of James Marquette will stand as a monument and emblem of religious liberty. The noble right to honor and remembrance among men, which the elgislature of Wisconsin and the Congress of the United States have declared to be his, he is not denied. It is sacredly preserved. This statue is raised to him in no token of his religion, in ascription of no honor to his creed, his opinions. It invites no special countenance from the adherents of any church or any creed. Regardless of all these, neither with favor nor with disfavor to any, this statue—ideal reproduction of him as in life he was—stands to the honor of the discoverer and the man, the testimonial of a people who rejoice in the brotherhood of man, who love liberty, and who guide their conduct by its precepts without a shade of fear.

Sir, no State in all this Union can more worthily, more honorably support this attitude in the presence of the nation and mankind than the State of Wisconsin. There, sir, is a composite citizenship which mingles the blood of all the civilized peoples on the earth. Around their altars gather the faithful servants of God in many and various forms, of many diverse churches, sects, and creeds. Together they abide in fraternity, in liberty, enjoying each his rights, trampling not upon his neighbor. Nowhere is order better maintained, life, person, property more secure. Nowhere does benevolence show a more generous and kindly face in public or in private care of misfortune. Nowhere is education more lavishly supplied; and yet, in strict observance of the rule of liberty, every shade of sectarian instruction—removed from the public schools—is left in unfettered freedom to the schools maintained by conscience. There, too, home and fireside are the centers of the noblest, sweetest life, the sure and safe foundation of a free, intelligent, powerful State.

Mr. President, no people more intelligently understands, more devotedly maintains, the basic principle of freedom to which their testimony is thus borne. They believe that upon it rest their peace and happiness. They will defend it, if need be, at any hazard. They as freely accord it to all.

We speak for no single class; we represent no creed; we court no favor, when, sir, from and for all the body of our good people, irrespective of race or opinion, my colleague and myself thus declare the sentiment which actuates our State, and supplement the action of its worthy governor in presenting to Congress the beautiful statue of James Marquette, in commemoration of his just renown and in illustration of the light and strength of liberty among men.

The VICE-PRESIDENT. The question is upon agreeing to the resolutions.

The resolutions were agreed to.

PROPOSED INVESTIGATION OF BOND SALES.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A resolution submitted by Mr. PEFFER providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with

the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. PEFFER. I ask unanimous consent that the resolution may be laid aside informally.

The VICE-PRESIDENT. It will be so ordered, without objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House insisted upon its amendments to the bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. CURTIS of Iowa, and Mr. RICHARDSON managers at the conference on the part of the House.

The message also announced that the House insisted upon its amendments to the bill (S. 1904) relating to marriages in the District of Columbia; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CURTIS of Iowa, Mr. ODELL, and Mr. COBB managers at the conference on the part of the House.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5481) to restore the lands embraced in the Fort Lewis Military Reservation, in the State of Colorado, to the public domain;

A bill (H. R. 6298) to correct the military record of Charles K. Jenree, etc.;

A bill (H. R. 6431) to pay Peter P. Ferguson $1,765;

A bill (H. R. 6739) for the relief of John N. Quackenbush, late a commander in the United States Navy;

A bill (H. R. 7143) granting to the Soldiers and Sailors' Monument Association, of the county of Middlesex, in the State of New Jersey, 4 condemned cannon and 30 cannon balls;

A bill (H. R. 8266) donating two condemned cannon to Custer Post, No. 38, Grand Army of the Republic, of Etna, Pa., and two condemned cannon to James G. Clark Post, No. 162, Grand Army of the Republic, of Allegheny, Pa.; and

A bill (H. R. 8271) relating to pensions.

NAVAL APPROPRIATION BILL.

Mr. HALE. Now, let the appropriation bill be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, the pending question being on the amendment of Mr. QUAY to the amendment of Mr. GORMAN.

Mr. TELLER. Mr. President, I do not intend to enter into any general discussion of the financial question on the naval appropriation bill, but inasmuch as the question of our revenues was discussed on both sides of the Chamber yesterday, I feel at liberty as a member of the Committee on Appropriations and as such somewhat responsible for the character of the appropriations, to express some dissent from the utterances perhaps on both sides of the Chamber with reference to this question.

The Senator from Ohio [Mr. SHERMAN] during the whole of this session, whenever he has spoken upon this question at all, has insisted that the only trouble in this country is from a lack of revenue. He opened up the discussion early in the campaign by a declaration in a very able speech that all we needed at this time was more revenue; that if we had more revenue the country would be in a state of peace, order, and prosperity. Yesterday the Senator again reiterated his anxiety for more revenue, and complained that the Democratic minority in this Senate—for no political party has a majority here—had not come to the rescue of the Republican minority for the purpose of securing needed revenue. In all these discussions the Senator has sought to make the public believe that the most objectionable feature of this Administration, the issue of bonds in time of peace, has grown out of the necessity for more revenue. I find in the public press of the country a very general disposition to attribute the issue of these bonds, amounting to $262,000,000, to a lack of revenue. Particularly is this true of the party to which I am attached. All their public statements, and as a rule the statements of the Eastern press, have approved of the issue of bonds, and have excused it on the ground that it was necessary because there was not sufficient revenue; and, of course, they come back to the charge against the Democratic party, that it is responsible because the revenue is deficient.

Mr. President, before I go into the question whether these bonds have been issued because of a lack of revenue, I want to go back to 1890, when the Democratic party was not responsible for legislation and the Republican party was. We passed then what has been known as the McKinley law, a law which seems just now to be in great favor and very popular, although, I believe, it cost us the following election.

The McKinley law did not provide a sufficiency of revenue; everybody knows that it did not, and I think it but fair and honest to say that if there had been no change of Administration there would still have been a deficiency of revenue under that law. The condition of the country was such that it was impossible that there should not have been a deficiency. In each of the four months preceding the incoming Administration of Mr. Cleveland there was a deficiency in the Government receipts amounting on an average to over a million dollars a month, and we got through with that fiscal year, which ended in June, 1893, with a surplus of $2,300,000.

Then came what is known as the panic of 1893, in which the consumption and consequently the importation of foreign products fell off, which, of course, produced a falling off in the revenues. It must be borne in mind, which the Senator from Ohio never stated, I believe, until yesterday, that from the time that this Administration came into power, and before they had had an opportunity to do the damage that we on our side recognize that they did in the passage of the Wilson-Gorman law—there had been a failure of revenue in nearly every month after the Administration came in. If there was any month in which there was not a deficiency, it was in the first months in which the Administration took office.

Mr. President, that is a condition which ought not to exist. I do not think, however, that this Senate is properly subject to the castigation which the Senator from Ohio gives it when he says that it is a disgrace to the Senate that there is not more revenue. The question whether we need more revenue now—that is, a new levy, a new order of duties—will depend upon various things and circumstances. I am of opinion myself, and I believe it can be thoroughly demonstrated, that the present tariff law will produce as much revenue as will be needed whenever prosperity comes to this country.

No revenue law, no collection of imports, which is fairly levied, fairly laid, and fairly collected, will bring to this country a sufficient income until conditions change, and the people are ready to buy and consume. That is the first subject to which the statesmen of this country should direct their attention; that is the first thing which is absolutely essential and necessary. We must bring back to this country the prosperity which formerly existed and ought still to exist in this country.

I know, Mr. President, that as a Republican it may be considered to be my duty from a partisan standpoint to insist that the lack of prosperity is the result of a Democratic Administration. I do not so believe.

I do not approve of the Wilson-Gorman Act. I think it is an inartistic measure; but I think in many respects it carries as much duty upon articles of import as any law ever should carry. I said when that measure was pending in the Senate that there were duties levied by that bill so large that if it had been proposed by a Republican House or a Republican Senate I should myself, as a protectionist, have voted to reduce them. That law is an unfair one in many respects. It is unfair in this, that it does not equitably distribute the burdens and does not equitably distribute the advantages which arise under a tariff law. One of the great industries in the State which I represent, the wool industry, is entirely ignored by that law.

When we came here in December, Mr. President, we came with exactly the same knowledge we have to-day of the political situation. We knew that no party in this Chamber had a majority; we knew that the country was divided into three political organizations, and that each organization had a number of Senators here, and that neither of the old organizations of itself could control the action of the Senate. We knew more than that. We knew that it was utterly impossible to secure any legislation with reference to the tariff question upon Republican lines. We knew very well that if we could induce a majority in this Chamber to vote for a measure of Republican character it could not be enacted into law. The rules of the Senate forbid that I should go into any expression of certainty as to why we knew it, but I appeal now to the Senate whether there is any reason in the world to suppose that if the Dingley bill had received a majority of the votes of the Senate it would have become a law.

Mr. President, on a former occasion I stated that I should attempt to show some time before the Senate adjourned that it was not intended that the Dingley bill should become a law, and to that point I will address myself now for only a moment or two. I have stated the difficulty; I have stated what every intelligent man knew was the condition. Was there any reason why any sane man should have believed that a measure proposing increased duties upon the Wilson-Gorman tariff act could ever have become a law with the present condition in the executive department and in the legislative department of the Government? It has been said that there was a dicker made, and that there was some underhand trick or method by which the bill was to become a law; that in consideration of some concessions to be made somewhere and by somebody—and nobody has ever been willing to

state where or by whom—there could be such a friendly relation brought about between the two organizations in this Chamber that the bill might become a law. No man has yet been willing to father that statement. No man in this country has been willing to admit that the Senate of the United States or the Executive, or a branch or part of either, has been dickering with reference to the question of finance and revenue. There was no occasion for such a statement except by those who wanted to deceive the public as to the purpose and intention of the introduction of the bill in the House of Representatives. There was not a member who voted for that bill who did not know there were a hundred chances to one that it would never become a law. The majority of the men who voted for the bill either here or elsewhere did not desire that it should become a law.

If the Dingley bill should become a law to-day I should like to ask the friends of the measure what particular grounds they would have on which to make the coming campaign. They have endeavored, with a zeal and an intelligence which are, I suppose, to be commended—because zeal and intelligence are always said to be commendable, even though sometimes they are used for a bad purpose—to get rid of the great question, the financial question, and to bring and keep to the front before the public the question of tariff and tariff alone. The bill came to us from the House of Representatives after only two hours of discussion. It came into the Senate and went to a committee that was known to be, if not hostile, at least indifferent to it. It came to a Senate where to secure its passage it was necessary, if every Republican in the Chamber voted for it, that at least one member of the opposition should also vote for it. It came here with a certainty that no Democrat would vote for it. It came with practically a certainty that no Populist would vote for it. Yet we are told that it was expected that the bill would pass and would give to the people of the country the relief that they are demanding all over the land—that it would start up our paralyzed industries and bring prosperity.

I shall not expose any secrets of caucus or party arrangements, but I can say here without doing so that not a single Republican on this side of the Chamber who professes now to be so zealously for the bill ever attempted to secure by his solicitation or argument or persuasion any vote for the bill save those of the Republicans in this Chamber, which we all knew were impotent to pass it. The bill came here with the certain knowledge that it was objectionable as a tariff bill to a considerable portion of this side of the Chamber. The Senator from Ohio [Mr. SHERMAN] said yesterday that it is not such a bill as he would vote for except in a case of emergency. If the public press is to be believed, it is such a bill as the Senator from Ohio in a public speech last fall declared to the people of his State he never would support; for if the press can be relied on, the Senator said that he would never support a tariff bill which did not take proper care of the wool industry of this country. After the speeches made by the two Senators from Montana the Senator will not pretend that the bill proposes to take care of the wool industry either of his State or of mine; and there is not an intelligent woolgrower in the United States who does not know that he will be practically as well off without the bill as with it.

Mr. President, we were furthermore told—I need not say where—that it was our duty to vote for the bill as it came from the House. We were told it would be rank heresy to our party if we should attempt to amend it. Who has the right, who has the power, to determine my relation to my political organization because of my objection to a bill which the Senator from Ohio on two or three occasions has declared in this Chamber is not a Republican measure and is not a partisan measure; as he says, a bill that nobody is obliged to vote for because he is a Republican and because he is in favor of the protective system? No effort was made to amend it. It was known here that with a slight amendment, not including any provision for silver coinage, at least one member of the opposition, called the Populists, could have been induced to vote for the bill. It was known, too, to Senators who had the bill in charge, and who talk so much about the necessity of passing it, that that vote could be secured by certain concessions, and it was not known then that others would object if such concessions were made. Yet no effort was made to secure this vote. Nobody attempted to secure it. Nobody cared, I may say, whether the bill passed or not. It had been introduced for a purpose. It had been introduced to attract the attention of the people of the United States from the currency question and to attract it to the tariff question. I may say, without violating any secrecy or any faith, that it was practically publicly proclaimed that the bill was not expected to become a law, but that it was expected to make an issue for the coming campaign, to put the case before the people where they would see that the great controversy was on the question as to import duties and not as to finance.

The Senator from Ohio [Mr. SHERMAN], on the 25th of February, in a speech in this Chamber in which he said the necessity was for more revenue, and that it could only be secured by a tariff, announced his willingness to vote for a tax upon tea and coffee. So very strenuous was he then to secure more revenue that he was willing to vote for a tax upon tea and coffee, and he said the people of the United States would cheerfully pay such a duty. Yesterday, when the Senator from Ohio was asked by the Senator from Maryland [Mr. GORMAN] whether he would favor a tax on tea and coffee, he declared that he would not. That I may not be wrong in the matter, I will read what the Senator said on that subject on the 25th of February. He said:

Mr. President, as a member of the Committee on Finance I disclaim all partisan feeling in respect to the bill which the Senator from Vermont moves to bring before the Senate. That bill does not belong to any party; it is not the representative of any party. The only merit in the bill is that it proposes to furnish $40,000,000 of revenue for the support of the Government, enough to meet the current expenses of the Government. I do not think anyone can claim that that bill is a Republican measure, or that it is to be voted for by anyone on that ground, or that it has any merit whatever except the fact that it would relieve the Treasury from the deficiency now occurring and accruing and increasing every day. It is a bill prepared for an occasion not a political one. The gentleman who prepared that bill in the House of Representatives did it in order to secure revenue for the support of the Government. I say now, Mr. President, I shall vote for any tax whatever which may be proposed by anybody, whether Democrat, Populist, or Republican, which shall supply sufficient revenue for the support of the Government.

It is a disgrace to our civilization, it is a disgrace to the country itself, that we are now expending $30,000,000 a year more than the receipts of the Government, and that Congress, now in session, with both Houses fully armed with power to furnish the revenue, is idle and refuses to act.

I will vote for a tax on tea, on coffee, on anything, in order to meet this deficiency, and I say that if the present Congress does adjourn in the face of the declarations now made to us, of the official reports sent to us, of the statements made by the President of the United States and the Secretary of the Treasury, that we are now going on day by day like a careless spendthrift to involve the country in debt, selling bonds when it is the duty of Congress at once to supply the revenue—

I wish to call the attention of the Senate to that statement because the Senator from Ohio, whenever there has been debate on this question, upon every occasion, not only then, but yesterday, has spoken ex cathedra as if the whole question would be settled by increasing the revenue; that we would avoid the necessity of selling bonds if we had more revenue. He said practically the same thing yesterday. The Senator from Ohio has been Secretary of the Treasury; he has been connected with one of the most important transactions financially in this country, in the funding of the debt and the resumption of specie payments, and his words that go out, whether measured or unmeasured, whether correct or incorrect, go to thousands of people with convictions of their truth. There are plenty of people in the United States who are believing to-day that all our misfortunes, all our distress, all our depreciation, the lack of enterprise and progress, are simply the result of a failure to secure a sufficient amount of revenue, and that transactions of which we have spoken heretofore, which have not been creditable to the Government or to the nation, the selling of bonds in time of peace, were due to the one fact that we lacked revenue.

The Senator from Ohio further said on that occasion that "a tax on tea and coffee would be paid cheerfully by the people of the United States."

If the Senator from Ohio had desired a tax on tea and coffee he, as a member of the Committee on Finance when the bill was before it, could easily, I have no doubt, have secured a tax on those articles. He might not have found on this side of the Chamber so much support as he would have found on the other side, because a tax on tea and coffee is a pure revenue tax; but he ought to have found as much support as he would have found on this side for a measure to tax sugar, because tea and coffee are not anywhere near so necessary to the comfort and the health of the people as is sugar. And yet we maintained in the country for many years a tax of 2 cents a pound upon sugar; and if we were in extremity, if we were where we had to have more revenue from import duties, I do not suppose there is a patriotic man anywhere who would decline to put a tax upon tea, upon coffee, or upon sugar. But I have yet to learn that the Senator from Ohio, or anybody else who is as anxious as he is for the passage of the bill simply, as he says, to secure revenue and that only, has ever proposed any other system of obtaining revenue than by import duties.

How does the Senator from Ohio expect by increasing the duties upon imports, and thus keeping them out of the country, to increase the revenues of the country? The trouble is that not enough imports are coming in to keep up the revenues. The Senator from Ohio says the way to get more revenue is to put on additional taxes and have less imports come in. I agree with him as to the wisdom of fewer imports. I do not wish to see this country flooded with foreign imports. I should be glad myself to see the imports decrease. I should be glad myself to see some other method of raising revenue adopted. There are many ways in which we could get the revenue. We could get it by a tax upon beer. We could get it by a number of methods that would not have brought into this Chamber a conflict between the two parties, which are divided upon the question of protection and nonprotection. The Senator

can not say that we did not have the committee. We did have the committee practically. I will admit that only one-half of the committee consider themselves attached to the Republican party, but at least one member of the committee has always stood for the protective system in this Chamber, and because of his nonattachment to the Republican party just now there is no reason to suppose from any act of his, from any word that he has ever uttered, that he is not so much attached to the protective system as he ever has been. But if in the committee it had been suggested to the Democratic side of the committee that here was a necessity for more revenue, and that that revenue should be collected by a nonpartisan course, that that revenue should be collected because of the emergency, because of the necessity, in such way that both sides of the Chamber might get together, then it would have been time enough for him to berate the Senate when the proposition was rejected.

No such effort was made, for the simple reason, as I have stated, that nobody desired the passage of the bill at the time; and there are men in this Chamber, and outside of it particularly, who have been fearful that the bill might become a law. It might possibly, if it become a law, shatter the expectation of some Presidential candidate, and it would certainly take from the party to which I belong one of the great weapons with which it means to attack the Democracy during the coming campaign—the necessity for a change of the tariff—for two purposes; first, for protection; and secondly, for revenue.

The bill proposed to raise the duties on carpets of one class 2½ per cent above the McKinley Act; to raise the tariff 15 per cent on cottons, when it was said here on this floor, by the repr sentative of the cotton interest, that the cotton schedule of the Wilson-Gorman bill was the best schedule and the best tariff for cotton that had ever been made; to increase by 15 per cent the duties upon steel and iron, when the representatives of the steel and iron industries in this country declared that the Wilson-Gorman Act had given them all they desired, or all they wished. If the Dingley bill were a law, the Republican party would be without an issue, and could not attempt to make the fight on this issue. They would have to take some other issue to avoid meeting the one which the people desire they shall meet, and that is the financial question as distinguished from the revenue question. They still might have promised us a duty on wool, and tried thereby to hold us in the West in line. They would not have had much else to promise, except, perhaps, an increase on woolen goods.

The trouble with the duty on woolen goods is not that it is too high or too low, but that Europe is in a condition where she can manufacture and must manufacture cheap goods. She has large foreign markets. She has large markets other than ours, and when the conditions here invited her imports she put her goods at such low rates that no American manufacturer, paying American wages, could compete with her. The foreign manufacturers are putting their goods at a price which is less than profitable, if the statements made in Europe are true. They are sending us goods which they manufacture with their cheap labor and which are not required for the other markets. No tariff that you could put on goods would probably meet that condition.

There would be nothing, I repeat, for the Republican party to make a campaign on with the tariff issue out of the way. The party could not then probably avoid the financial question. But if it can make the tariff the question, as it has evidently been doing, if it can by repeated declarations through the public press and by its Senators on this floor, like the Senator from Ohio, who have largely the public ear, I will admit, make the people believe that after all the only question before the American people is one of proper import duties, then the sailing will be clear and plain. I think myself any nation that goes along and fails to provide for its expenditures and relies upon borrowing money for the purpose of keeping up its expenses is certainly unwise. But it might not be wise always to increase revenue. There may be circumstances such as would excuse a nation from attempting to increase its revenue. If the Secretary of the Treasury is correct when he says that when prosperity returns to the country and business revives the revenue will be equal to expenditures, it would not be wise to put an extra tax on the people, it would not be wise to tax tea or coffee or sugar, or put extra import duties on woolens or anything else, if it were only with a view of raising revenue.

I wish to say a word or two on the question of protection, for fear I may be misunderstood. I am a protectionist. I believe in protecting American labor and American industries. I do not believe in protecting them in a way that shall give to the manufacturer an opportunity to unduly charge. I would so regulate the duties as to equalize the labor prices in this country and in Europe, and when that is done nobody ought to find any fault. If that is done you will have as much revenue as you need ordinarily when times are good and consumption is at a normal rate.

Mr. President, do we need the additional revenue? On a former occasion, on the 25th of February, the Senator from Ohio made a speech from which I have read an extract, and he means now, as he meant then, that the public shall understand that the sale of bonds in this country was necessitated because of lack of revenue. He yesterday said the same thing in substance. I think I can turn to it. The Senator from Maryland [Mr. GORMAN] inquired of the Senator from Ohio whether he would vote for a duty on tea and coffee. I suppose the revenue question is not nearly so important as it was on the 25th day of February, or else the Senator has hopes of raising revenue by some other method which he did not then have, for he then said he would vote for a tariff upon anything, it did not make any difference what. He specifically declared his willingness to vote for a tax on tea and coffee. But yesterday he said:

No; I would not, for I would not throw the whole burden of taxation upon those who consume tea and coffee.

* * * * * * *

It would not be fair or just to do it. But I am willing to take up the bill and provide for raising the requisite taxation from foreign goods to carry on the operation of the Government and place us beyond the danger of a deficiency every year and the sale of bonds every six months.

There is nobody in this Chamber, there is nobody in this country who knows better than the Senator from Ohio that the sale of not a dollar of bonds was necessitated by lack of revenue. We have not sold bonds when anybody could pretend that we were in danger of not being able to meet our obligations. We have sold bonds with a full Treasury. We have sold bonds with more than any other nation in the world can show to its credit. There has been no time, so says the President, that it was necessary to sell bonds. I will read what the President of the United States has said upon this subject. In the President's annual message he said:

In the present stage of our difficulty it is not easy to understand how the amount of our revenue receipts directly affects it.

Speaking of the financial condition:

The important question is not the quantity of money received in revenue payments, but the kind of money we maintain and our ability to continue in sound financial condition. We are considering the Government's holdings of gold as related to the soundness of our money and as affecting our national credit and monetary strength.

I need not read it all. He says further on:

It can not, therefore, be safe to rely upon increased revenues as a cure for our present troubles.

It is possible that the suggestion of increased revenue as a remedy for the difficulties we are considering may have originated in an intimation or distinct allegation that the bonds which have been issued ostensibly to replenish our gold reserve were really issued to supply insufficient revenue. Nothing can be further from the truth.

Bonds were issued to obtain gold for the maintenance of our national credit. As has been shown, the gold thus obtained has been drawn again from the Treasury upon United States notes and Treasury notes.

Skipping—I need not read it all—

At no time when bonds have been issued has there been any consideration of the question of paying the expenses of Government with their proceeds.

Here is the declaration of the President of the United States that at no time when bonds have been issued have they been necessitated by the lack of money.

The Secretary of the Treasury comes with his report and makes the same statement. In February the Government of the United States issued $100,000,000 of bonds.

The cash balance in the Treasury on the 1st day of December, 1895, was $177,406,266.62, being $98,072,420.30 in excess of actual gold reserve on that day.

The Secretary says:

While the situation does not require any legislation for raising additional revenue by taxation at this time, it is such as to require the strictest economy in appropriations and public expenditures.

Mr. President, that is a condition that must always exist in this country. I think that is a condition that always has existed. That is an obligation that has rested upon every man connected with this body and the other—"strict economy in appropriations and public expenditures."

The Secretary proceeds:

With a complete return to the normal business conditions of the country, and a proper legislative and executive supervision over expenditures, the revenue laws now in force will, in my opinion, yield ample means for the support of the public service upon the basis now established, and upon the assumption, which seems to be justified, that the progress now being made toward the restoration of our usual state of prosperity will continue without serious interruption.

And so on.

I do not know what the deficiency is going to be this year, but I do know that the deficiencies on the 28th day of April for the year were $24,247,517.83. On that day we had $273,522,338 in the Treasury. I repeat, there is not a nation on the face of the earth that holds $273,000,000 in its Treasury for ordinary purposes. If there is such a nation at all it is Russia, that is stated to have accumulated a large amount, nobody knows how much, for war purposes—not to be used except in case of an emergency for war. There is more money in the Treasury than the people of the United States are willing should be put there and there tied up. Every dollar of money that is put into the Treasury comes out of the circulation that is necessary in this country to maintain even the

present bad conditions of commerce and trade. Inside of twenty-seven months you have put into the Treasury $200,000,000 that had been in circulation. You drew out of the circulation of this country $200,000,000 and put it where it is of no more value to commerce and trade than it would be if it were in the depths of the sea.

And yet, Mr. President, Senators rise here and wonder why it is that business does not revive, why it is that prosperity does not come to us. We have had contraction at the rate of $100,000,000 a year, contraction since the 1st of February this year of $100,000,000, apparently in ignorance of a well-known and well-settled principle of political economy, that when you decrease the circulation of the money you destroy prices and you discourage enterprise and retard all movements toward production.

Mr. President, if there ever was a nation in the world that seems to be governed by imbeciles and men without thought or men without reason, it is fair to say we are now in the hands of that class of people. The history of the world does not show such contraction as we have voluntarily and deliberately and willingly taken it upon ourselves to create for the simple purpose of maintaining the gold standard, and nothing else.

The Senator from Ohio [Mr. SHERMAN] knows, and every man in this Chamber knows, that the $262,000,000 is a debt put upon this country to maintain the gold standard. And he knows, as I know, that the $262,000,000 is but the beginning of a debt that is to be put upon us if the gold standard is to be maintained. It will not do for the Senator to tell me or anybody else in this Chamber that revenue is what you want. What you want, Mr. President, is some system of finance that shall bring confidence to the people who create and produce, that shall encourage them in the belief that when they manufacture an article they want to sell they can sell it for as much at least as it cost. The absolute certainty exists to-day in every productive circle in the United States, and pretty nearly in the world, that he who produces to-day must sell to-morrow at a loss.

Mr. President, the financial question is at the bottom of this trouble, not a lack of revenues. I do not intend myself to allow either the Senator from Ohio or anybody else to fool the people of this country with the idea that all you need is to pass the McKinley bill again, and that then prosperity will come. You will never see the McKinley bill reenacted, and if you did you would not see prosperity come from it. We have been promised all these years that if we would do this and if we would do the other thing prosperity would be at our door. Every promise made has failed.

I know that there is traversing the country and shouting a band of men who have labeled their candidate "the advance agent of prosperity." Mr. President, the people who look to him as the savior will find that they have been deluded and deceived. The agent of prosperity is not in sight, and he will not come into sight until this system of finance of ours is changed; until we return to the system which gave the people the agencies to do business with, so that we shall satisfy them that when they put their money in an enterprise and produce articles they may reap reward and advantage therefrom.

Mr. President, I said I would not enter into a general discussion of the silver question, and I do not intend to do so. I should not have made any remarks at all on the pending bill but for the statement made yesterday by the Senator from Ohio that I thought needed a challenge, and I have challenged it. Of course the Senator from Ohio may say that all you need is to pass the tariff bill and prosperity will come. I can only answer that, in my judgment, we are not suffering for want of more tariff. We are suffering for want of two things in this country. One is that the par of exchange between the silver-using countries and this country shall be reestablished; and the other, that the people may know that as business proceeds and grows the Government of the United States, either by an open mint or by some system of issuing paper money or some other method, will keep pace with the growth of commerce in its issue of currency.

Mr. President, there is one rule that has been observed in all commercial countries everywhere for all time, and that is that as the business of the country increases so the currency of the country must increase in proportion. Here we are with 70,000,000 people, the richest nation on the earth, with more natural advantages, with more intelligence, with more ambition, with more enterprise than any other nation without exception, and we are sitting here and watching the currency shrink and shrivel at the rate of $100,000,000 a year, while we witness the increase of population of the country at a rate of 10,000,000 at least in a decade, and no provision made by which the people can secure additional means of doing business unless the national banks shall, in their generosity, come to our relief and issue more paper money.

The national banks will not do it. The representatives of the national banks met in a bankers' convention at Baltimore two years ago. All the wisdom of the banking interests of this country was represented there, and they assume that they have all the financial wisdom there is. They appointed a committee, and their committee reported to the convention a system for the reorganization of national banks. I think I may say that the entire metropolitan press of the country approved of it because it came from a bankers' convention. I should say that the convention was held some time in the latter part of the summer, and in December we received a message from the President of the United States indorsing it. A month later we received another message from the President—I will not say it was exactly a month, but it was later—in which the President rather indicated that he had not perhaps thought as much about the system as he ought, and he believed, after all, it would not answer the purpose for which it was proposed. In the course of the next ninety days there was not a man anywhere so ignorant in this country as to defend that national banking system of the Baltimore convention. You could not find a banker who would do it, you could not find an authority upon banking who would do it. They absolutely abandoned it, and up to the present hour the bankers have had no system of reorganization whatever.

So we need not expect to look to the bankers to furnish us the money. They have $262,000,000 of bonds that they can bank on if they choose, and yet we see that no banking paper is being issued; that is, none in excess of what was heretofore issued. We are simply going along increasing our commerce, increasing our trade, because we must do so by virtue of increased population, and we are making no arrangements whatever to give the people a proper currency to keep pace with the growth of the population and business.

Mr. President, I have myself an idea that there is a method by which we can relieve the people of this country. I do not know that I am correct. I will not insist that I am infallible upon the question. I may be in error. In my anxiety that the people should have some opportunity of recovering their standing, restoring the industries, bringing back prices where they ought to be brought, it is possible that I have thought so much of it and have been so anxious about it that my judgment may not be good. But in my judgment there is no one who has proposed any system in this country that will save this people except that of the free coinage of silver.

The President of the United States said that he wanted to retire the greenbacks. The Senator from Ohio said on this floor that that would not do. The President of the United States wanted to meet the crisis in financial affairs by a further and a greater contraction of the currency. The Senator from Ohio was not willing to go to that extent and he said it ought not to be done. But yet the Senator said they ought to pile up the notes in the Treasury and keep them out of circulation. I believe the Senator from Ohio proposed in this Chamber that $100,000,000 of them should at all times be locked up in the Treasury and kept there—a permanent contraction.

That brings me down to the question of appropriations. The Senator from Maryland [Mr. GORMAN] complains that we have put in this bill too many battle ships, and he has an amendment pending to reduce the number from four to two. I think the number in the bill is ample, but not too many. For myself I have always voted for reasonable appropriations for the defense of the country. Living as I do in a part of the country where no hostile foot can ever tread, I have never failed to vote the most liberal appropriations for the defense of the coasts and the commerce of this land, and I shall continue to vote such appropriations until it shall appear that we are too poor to make them. And I believe as I stand here that the time will come, if we pursue the present financial system, when the people of this country will be too poor to make a gallant defense of their flag.

Mr. President, I hope that when that time comes I will not be here to look upon the flag. But it will come unless we reform our financial system. There is no system that touches the people like the monetary system—the system affecting the currency and the use of money. A distinguished French writer once said that "false political economy, false ideas on economic questions incorporated into the administration of public affairs have caused to the people of the world more suffering, more anguish than all the wars, than all the pestilence, than all the famine that ever afflicted the human race." He might have said with truth, and gone to history for his vindication, that false political economy has brought about nearly all the great wars of ancient and modern times.

People tell us you can not legislate prosperity. Mr. President, prosperity only comes by wise and prudent legislation. The currency question comes home to every man, and when we adopt a false system of finance, a system that will make the great masses poor and the few rich, we are entering upon an era when we shall not dare to stand before the world and defend our flag or our honor, because we shall be afraid of the consequences which may flow from it.

We saw, when the President of the United States sent here a message that awoke for a little while the patriotic impulses of the people of the United States, the fright that took possession of

the capitalists of the country, who put ahead of the honor and the dignity of the country the question of dollars and cents, and from the great commercial centers every one of us began to receive urgent messages "to not disturb the trade and the traffic of the country." You do not disturb the trade and traffic of the country by standing by your flag, by vindicating the honor and the credit of the United States. I do not care about pursuing that further. I might say with reference to those people who put dollars and cents above sentiment, as they term it, and above patriotism, things that might sound unkind and unjust, but I shall leave that now.

Mr. President, I am concerned, I freely admit, for the future of my country. I have stood in this Chamber and defended what I believe to be a correct monetary system, not because the people of my State produce silver, not because the people of my State are locally interested, but because I believe that the peace and prosperity, the morality and the religion of this country are dependent upon a sound and proper financial system. I do not believe you can have patriotism and love of country while the people are in distress. Empty stomachs do not make patriots; destitute homes do not make liberty-loving men. No nation can maintain its freedom and its independence if it does not have as the substratum for its people to stand on prosperity, not to a few, but to all. The system now in vogue is one calculated to make the rich richer and the poor poorer. I do not intend to go into details; I do not intend to cite, as I could, statistics to show that the great laboring mass, the twenty-odd millions of men who till the soil, are practically tilling it to-day without profit. They are farming, as was said of the English farmer by an Englishman not long since, for a bare subsistence.

The Senator from Ohio a short time since congratulated the Senate and the country that this heresy, as he called it, of silver was at an end; and he told us then that the Republican party would adopt a gold-standard platform, or words to that effect, and put itself on the gold-standard plan. Mr. President, I want to tell the Senator from Ohio that I can not say what the Republican party will do; but it does look to me as if the time had come when the Republican party, which has been closer to the masses than any political party which was ever organized, a political party which was organized in the interest of the human race, a party that grew up to defend human liberty and human rights, that went into its first great campaign inscribing on its banner "Free soil and free men"—it does look as if the time had come when the party had reached the point where it is about to drop its interest in the masses and follow the bidding and become the tool and agent of those who have no interest in the great body of mankind, whose sympathies never go out to the people, but are always with the dollars and cents.

Not long ago the Senator from Vermont [Mr. MORRILL] rather indicated that a few of us on this floor were not Republicans because of our votes on the tariff. I resented the insinuation then as I resent it now. I am a Republican in the truest and best sense. I am a Republican who believes in the old tenets, the old faith. Mr. President, I helped to create the Republican party. I was in it before the Senator from Vermont, and I did not go into it, as he did, out of a dying and decaying party. I left the strong, aggressive Democratic forces when I entered into the Republican party. And I say to the Senator that I came into that party voluntarily; he must allow me to go out of it in the way I came in. He can not fix my line of conduct any more than a Democratic or Republican convention can command my conscience and my judgment.

The times do not indicate prosperity; the times do not indicate peaceful conditions among the people; the times, I think, on the contrary, indicate a dissolution largely of present political organizations, and ultimately, I believe, a re-forming of political lines.

The Senator from Ohio says that the silver question is dead. A few days after that declaration was made he might have seen the British Parliament declaring by resolution that it was to the interest of the English people to bring back the rate of exchange and to restore the parity that no longer exists between the gold-standard and silver-standard countries. He might have seen a gathering a few days since, in one of the great capitals of Europe, of the very best thought of the world, without exception, in the interest of silver. I regret that I have not here a letter which I received the other day from the most distinguished writer of political economy in this country and whose reputation is world-wide. I meant to bring it here and read it to the Senate; I meant to put it against the Senator's declaration that the silver cause is dead, but I have forgotten to bring it. This writer of whom I speak is not a free-coinage man. He does not believe, as I believe, in the United States being able alone to solve this question, but he does believe, as I believe, that this question of bimetallism, as he puts it "of international bimetallism," is the cause of civilization; and I ask permission to insert the entire letter as an appendix to my speech.

The VICE-PRESIDENT. If there be no objection, it will be so ordered.

Mr. TELLER. Mr. President, in my judgment this question is the cause of civilization. I believe as firmly as I believe I am here that the welfare of mankind is bound up in a proper solution of this question. I believe that you are now facing the greatest danger which Christendom has ever faced. I believe we stand in the face of "the Asiatic peril," as it has been properly called, from the hordes of Asia with their cheap labor, with their ingenuity, with their ability to live upon food upon which we could not exist, who will become the active competitors with our laborers all over this country and those of Europe as well. No student of history can fail to see where we shall go. It is not a question of supposition; it is a question of certainty. We can not compete with them. Talk about tariffs! Talk about the paltry per cent that you have been able to put upon American manufactures keeping out from our competition the products of China and Japan and India! Mr. President, it can not be done. You are giving them now a bounty of nearly 100 per cent, and you can not start even until you restore the rates of exchange; and you can only do that by making silver and gold equal at some rate fixed by law.

I am not easily frightened. I have taken up this question with care, and I have studied it as becomes me and as it becomes you to study it. I can see the 400,000,000 of Chinamen—a great, stalwart people, with a civilization which we despise, but a civilization better fitted for production by a hundred per cent than ours, with a civilization of which the burdens are nothing compared with the burdens of our civilization; a people trained by thousands of years of industry and deprivation; a people who go to death with the same composure that they go to the table; a people who will live in huts and sleep in dungeons, and who practically despise the comforts that we must of necessity have—I can see them, I say, marching forward in their battle of industry to the astonishment and injury of the civilized world. It was said not long since by a writer that in this country and Europe we labor for the comforts of life; in those countries they labor for the necessities of life.

More than one-half of the whole population of the globe is being stimulated into industry and into activity by our baneful system of finance, and we shall build up in the Asiatic countries manufactures to such an extent that, when once they are created, they can not be destroyed. I see the Senator from Connecticut [Mr. PLATT] sitting in front of me. Recently from his State capital went to Japan to manufacture straw mats. Capital has gone from England to all the Chinese ports where Europeans are allowed to live, and the Chinamen themselves are building great manufacturing establishments to compete with American and European laborers. Do not let any man tell me that he is anxious to preserve to the American laborer that system of wages which will give him fair compensation, and then knowingly vote for a system that gives to his competitors a bounty of 100 per cent.

We are told that we who would not vote to take up this nondescript bill, which the Senator himself says is no Republican measure, are not protectionists. The protection system has its greatest enemy in the gold-standard party. I say you can not maintain in this country both the gold-standard and the protective system; and if you do maintain it you can not destroy the competition of which I have spoken, which is being built up in Asiatic countries to compete with American labor.

If I desired to consume the time of the Senate I could produce the most alarming statements with reference to the growth of manufactures in China, Japan, and India; but I need not do so. The reports of our consuls, the English consular reports, and the French consular reports all tell the same story; but though one should rise from the dead and proclaim the truth, I have not any idea that it would change the minds of the average gold-standard advocates. They have heard this again and again, and they have shut their ears to it. As to those who believe in the doctrine that trade should be free as air, I do not wonder, but as to those who profess that they are in favor of protecting American labor and American capital, I can not conceive how they can see the growth of manufactures in Japan and China and India and in the silver countries of South America and Mexico without some perturbation and fear.

Mr. President, when I took the floor I did not intend to speak at length on this subject. I simply meant to say, in response to the statement of the Senator from Ohio, that there was an abundance of money in the Treasury, that there was no necessity for any increased revenue, and that it was better for the country that we should spend the money we have in the Treasury than that we should leave it there locked up. It would be better to-day if that $270,000,000 were afloat in the circles of commerce and trade than to have it there.

If we could but disabuse our minds of this foolish notion that we ought to keep in the Treasury a great amount of gold, so that those who want to export gold can get it without cost except its face or money value, we should take an important step in the right direction. We know very well if they go to the banks for gold they must pay something besides its face value. If we can

but disabuse the authorities who hold the money of the idea that it is their duty to pay in gold, and if we compel them to pay in silver, which is a legal tender and which is as valuable as gold for every purpose in the world except that of export, then there would be an end of the necessity for gold in the Treasury, and if gold continues to be exported it will go from the banks and not from the United States Treasury.

Mr. President, I ask the indulgence of the Senate for having said so much. I have said it because I believed it was a duty on my part that I should. I believe that now is the time that every American citizen should take hold of this question, and if we are wrong let the fact be known. I believe that the American people as a people are decidedly in favor of the use of silver as money.

The Senator from Ohio, as I said, congratulated us on the death of silver. Since that time there have been great gatherings of the American people declaring for silver. True, they have been almost entirely composed of members of only one of the great political organizations, the Democratic party, which, with the exception of the New England States, has uniformly declared for the white metal.

When the lines are drawn during the coming summer, when the political organizations shall arrange themselves for battle, it may be that one of these great political parties which has been in existence for many years will be the champion of silver. If that should be the case, then every man will have an opportunity to put this silver question where he thinks it belongs. For myself, Mr. President, it belongs in the front of everything that we can desire. There is nothing which this nation can do, in my judgment, that would bring prosperity to the country so quickly and so surely as to open our mints to the free coinage of silver; there is nothing, in my judgment, that this great nation can do which will bring upon it such great disasters as to adhere to the gold standard.

I look with fear and trembling to see what that great political organization with which I have acted for forty years will do. Will it take the side of the masses? Will it take the side which I believe leads to prosperity? Will it take the side which will save to the thousands and tens of thousands of struggling men the homes they are bound to lose if we continue on the gold standard, or will it yield to this seductive, false, and lying idea of "sound money" and declare for the gold standard?

If the Republican party becomes the party of the gold-standard people, from the day that it so declares, in my judgment, its disintegration will begin.

I am often asked, Mr. President, what I will do if the political party with which I have been connected and to which I am attached and of whose record, on the whole, I am proud—what I will do if that party adopts the gold standard and puts itself in line with those who are demanding that gold, and gold alone, shall measure the values of the world. I have no hesitation in saying here, Mr. President, as I have said before, that whenever the political organization to which I belong ceases to represent my sentiments and my judgment on great and fundamental principles I shall cease to act with it. When the Democratic party, in which I had been brought up, in which I was educated, and to which I had an attachment growing out of the fact that my people had been members of it ever since it was organized, and because I had been taught to believe in its principles, became, as I believed, the party of oppression and wickedness, I got out of it and I went into the party which represented my views and my ideas, although it was then a weak and despised party.

Mr. President, I should despise myself, holding the views I do, if I should lift my hand to put in power any man who could from the Executive Chamber use the slightest influence to continue the existing system of finance. Holding, as I do, that the interest of the whole race is wrapped up in this question; that it is not only for our interest, but the interest of the world—for I believe all peoples are interested in it, and that if we do not restore the par of exchange between the gold-standard and the silver-using countries inside of a generation that we shall transform Christendom into Asiatic conditions and we shall put the laborers of Christendom under Asiatic pay as well as under Asiatic conditions—believing that, as I do, I should despise myself, as you ought to despise me, if I did not lift my voice against a system threatening such danger; and if I should lift my voice one way and vote another, you would have a right to accuse me of hypocrisy and deceit. As I speak, Mr. President, so shall I vote, in the interest, as I believe, of the great masses of men in this country; and in the interest, as I believe, of the great masses of men throughout Christendom. [Applause in the galleries.]

I present to the Senate two letters which I have received, which I should desire to go into the RECORD with my remarks but for the fact that both of them are, I think, a little too voluminous for that purpose. I should like, however, to have them published as a document. One of them is on the money question and is from a former member of Congress from the State of Ohio, well known to very many Senators here. It is an able letter, well written, temperate in tone and character. The other is a letter addressed to this ex-member of Congress by a very prominent business man in Ohio, a man, as I understand, of large wealth and high character. While there are some things in the letter to which I do not fully agree, yet the writer presents what he says is the condition of the country and what he thinks is the remedy, etc., and I think it is well worthy of perusal. I ask that the two letters may be printed together as a document.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Colorado? The Chair hears none, and it is so ordered.

APPENDIX.

BOSTON, *April 13, 1896.*

DEAR SENATOR TELLER: Your letter of the 11th instant is received.

I presume the words you quote from Mr. Moreton Frewen have reference to some extemporaneous remarks made by me in London in 1894, how closely reported I can not say. Perhaps if I were stating my views for publication I should put the matter differently, in order to avoid possible misconstruction and misconception; but if the words be taken as they were meant, I stand by them. By the "right settlement of the silver question" of course is meant the establishment of international bimetallism on a broad basis. I believe the benefits of such a system to the trade and industry of the world would be almost incalculable, so that hardly any cost or pains required to bring this result about should be considered too high a price. I believe that the nations have suffered to an enormous extent from the dislocation of international exchange—"the break of gauge"—which followed the monetary measures of 1873, and from the continuous appreciation of gold. I believe that these have been among the chief causes of the crises, panics, and hard times which have so strongly characterized the last twenty-three years. I am fully ready to repeat the statement that the cause of international bimetallism is the cause of civilization. The demonetization of silver was in the first instance a disastrous measure, and every step since taken in that direction has brought fresh evils. All intelligent monometallists now admit that universal gold monometallism is now impossible. The old bimetallic world is thus to be left permanently divided into two monometallic worlds, trade between which must be subject to incessant and often wide and violent fluctuations of exchange.

While holding these views, I believe that the United States have suffered far less from this cause and have a far smaller interest in the restoration of bimetallism than any country of Europe, and I am altogether opposed to any action of our Government alone.

Very truly, yours,

FRANCIS A. WALKER.

Mr. SHERMAN. Mr. President, I may be expected, probably, through courtesy to the Senator from Colorado [Mr. TELLER], to make some brief reply to the speech he has just made.

I know that the Senator from Colorado is an honest man; he has strong convictions, the strongest of all of which is that silver is the loadstone of prosperity. I always respect a man who stands up for his opinions, whether they be right or wrong. Most of the Senator's argument has been repeated to us before, and necessarily so, because the Senator has often spoken on this subject. He has said many things to which I should like to reply, but I do not care to do so except as to some few points.

The Senator believes that the free coinage of silver, which means a dollar worth 50 cents in gold, will be the salvation of the country. He says that at some time I boasted of the death of silver. I am not conscious of ever having made such a remark in my life. On the contrary, I claim that the policy which I have sought to pursue since the depreciation of silver has been to use more silver coin than was ever used before in our own country, and it is a significant fact that all the countries in the world in which gold is the standard—that is, all the countries of Europe, all of which are upon the same basis as we are, the gold standard—use more silver than ever before; but it is purchased at market price and coined at the old ratio and maintained at par with gold coin precisely as we do. Therefore, when it is attempted to prejudice the public mind and convey the impression that we who believe in the standard of gold and the use of silver to the largest extent possible are the enemies of silver it is a great mistake. That is a blind fad that ought not to be repeated, and it seems to me ought to be abandoned by my honorable friend.

The Senator said several things to which I wish very briefly to reply. He talked about the McKinley law as if all the Republicans on this side of the Chamber were committed to all the provisions of the McKinley law. There was a great deal of difference of opinion between the two Houses when that bill was pending. As it was framed in the House of Representatives and sent over here I believe it was a very good bill. After it was sent here it was greatly modified by the Senate. It might as well be called the McKinley-Allison-Aldrich bill as by any other name, for the Senator from Rhode Island [Mr. ALDRICH] probably had as active an influence and power in controlling the terms of that bill as anyone.

On the whole, the McKinley Act was a good measure. It was weakened, however, in my opinion, by the reciprocity clauses, but not, however, in the opinion generally of those who voted for it. I believe the reciprocity clauses which were added to the McKinley bill in the Senate tended to weaken it as a revenue measure, and that the results of all the treaties and agreements made for reciprocal exchange of products on special terms between the United States and other countries ended in a loss of revenue. Still, in spite of all, the McKinley law would undoubtedly have

furnished enough money to carry on the ordinary operations of the Government but for the election of Mr. Cleveland and the events that followed. As a matter of course, the McKinley law was attacked during the Presidential contest of 1892. The Carnegie strikes and financial stringency weakened the Republican party. The result was that Mr. Cleveland was elected President.

The very fact that the Democratic party came into power in the executive branch and in the two Houses of Congress was a threat against the McKinley law, a declaration that it would be changed, and therefore at once importations under the McKinley law largely fell off. But in spite of it all the McKinley law, which has been so much condemned, did furnish enough money to carry on the operations of the Government, with the aid of the internal-revenue laws. After the close of the Administration of General Harrison, at the end of the fiscal year on the 1st day of July, 1893, some five or six months after the incoming of the present Administration, when Mr. Cleveland was President, there was a surplus in the revenue of over $2,000,000.

Mr. TELLER. Will the Senator from Ohio allow me to ask him a question?

Mr. SHERMAN. Certainly.

Mr. TELLER. Is it not a fact that in each of the months of November, December, January, and February preceding Mr. Cleveland's inauguration there was a deficiency?

Mr. SHERMAN. That may have been so——

Mr. TELLER. Amounting to over $4,000,000?

Mr. SHERMAN. The defeat of the Republican party and the certainty of the repeal of the McKinley Act would have produced that result. I have no doubt whatever that if the Republican party had prevailed in 1892 the McKinley law would have furnished ample revenue. That is my opinion.

As soon as Mr. Cleveland was elected his first idea was the repeal of the law for the purchase of 4,500,000 ounces of silver per month, commonly called the Sherman Act, a misnomer, I think, because I was the last man to agree to it, and have regretted it every moment since, because I honestly believed it was not wise to continue the purchase of silver. But in order to prevent the passage of a measure for the free coinage of silver, I finally yielded and voted for the bill with the rest of my associates. That is the history of that act.

But at that very time, while this matter was being discussed in the Senate and the House, the committee on the part of the House was framing a new tariff bill. The Wilson bill was then being framed, and in the following session it was sent to us. If that bill had become a law in the form in which it passed the House the deficiency in revenue would have been fully $100,000,000 a year. The honorable Senator from Maryland who spoke yesterday said that he and his associates here in the Senate added to the income upon what is called the Wilson Act some fifty or sixty million dollars. That was his statement. Even with that addition, in every hour and every day and every year there has been a deficiency in the revenue less than expenditures of thirty millions a year. The present condition of affairs grows out of the repeal of the McKinley Act and the passage of the Wilson-Gorman Act.

This did not at all present the question of the free coinage of silver, about which I shall have something to say hereafter. There are several fatal defects in the Wilson Act. The first and chief one in practical administration, as now stated even by Democratic officials, is the ad valorem principle which was adopted in levying duties upon imported goods. The ad valorem system has been found to be faulty in every country in the world where duties are imposed upon importations. You can not rely upon the prices stated in the invoices under the ad valorem system.

Mr. MILLS. Will the Senator from Ohio tell me, if he please, why they adopted the ad valorem system in the woolen schedule of the McKinley Act?

Mr. SHERMAN. There are certain classes of goods as to which the ad valorem system must be adopted.

Mr. MILLS. Ah!

Mr. SHERMAN. But wherever an article can be assessed by a specific duty it ought to be done.

Mr. FRYE. You had both as to woolens.

Mr. SHERMAN. I know we had both in woolens. On wool the duty was specific, so much a pound. On woolens, on account of the value varying 100, 200, and perhaps 500 per cent, it was necessary to have a compound of those duties. But the principle adopted in what is called the Wilson Act is the ad valorem system, and now the officers of the Government, Democrats all, claim and admit that the ad valorem system has led to great undervaluation and therefore to a large loss of revenue.

Mr. MILLS. The Senator from Ohio must recollect that his party always, in imposing duties on woolen goods, have declared that the specific tax on the woolen goods was simply to compensate for the tax on wool. Is not that true?

Mr. SHERMAN. No, sir; I do not think it is true.

Mr. MILLS. Oh, unquestionably.

Mr. SHERMAN. There never was an ad valorem tax on wool that I know of.

Mr. MILLS. It never has been denied anywhere, and that the ad valorem tax is on the manufactured goods for the benefit of the manufacturer.

Mr. SHERMAN. Where the duty can be specific, as in the case of wool, where it is levied by the pound, I think it should be fixed by a specific rate, but in the case of manufactured goods it is impossible to fix a specific duty, because they are so different in value. A piece of broadcloth of the finest quality would weigh far less than a coarser product, and yet it would be many times as valuable. In such a case an ad valorem rate is unavoidable. The two rates must be combined. But the general principle of ad valorem rates adopted in the Wilson Act has undoubtedly added to the deficiency of revenue.

Now, there is another matter. I do not want to go over these points very fully. We are told that the Dingley bill would not have been supported in the Senate. We could easily have passed the Dingley bill but for the omnipresent and omniscient question, in the eyes of some Senators, the free coinage of silver. When the bill went to the Committee on Finance, what was done with it? Was it considered in detail? No; simply because a majority of the committee were not only opposed to the tariff bill, but were in favor of the free coinage of silver. Then the unusual, I might almost say illegal, method was adopted of offering as an amendment or substitute for the tariff bill the provision for the free coinage of silver. Thus this omniscient silver head was thrust into a controversy where it was conceded on all hands that there was necessity for the increase of the revenues of the Government. Who did that? I am not here to complain. The Senator from Colorado [Mr. TELLER] to whom I am replying voted with the rest, there being several on this side of the Chamber, with the Democrats also. What I have always claimed and what I now claim is that the Democratic Senators who believe with me that it is not wise to adopt the single standard of silver, to adopt the free coinage of silver, themselves voted or their friends, a majority at least, voted for the free coinage of silver and then made it impossible to pass any revenue law.

My honorable friend the Senator from Maryland [Mr. GORMAN] yesterday talked a good deal about the Dingley bill. It was slaughtered in the house of its friends by his vote as well as by the votes of all others who, while believing in the gold or fixed standard of value and the use of silver as contingent, voted to defeat the bill by the adoption of the free coinage of silver. That is the history of the bill.

Mr. GORMAN. The Senator from Ohio does not mean to say that I voted for that proposition.

Mr. SHERMAN. I can not say who did. I know that a majority of the Senate voted for it, and I think a majority of the Democrats did, but I am not sure. I will take the Senator's word for it, whatever it is.

Mr. GORMAN. There was, and there is, an element on both sides of the Chamber, possibly a majority, irreconcilably opposed to such action. I think a small majority of Democrats voted for the free-coinage amendment to the bill; a very large minority of them voted against it. A very large minority of the Senator's party on the other side of the Chamber voted for the free coinage of silver.

Mr. SHERMAN. A small minority of this side voted for free coinage, and a large majority on the other side did, as I remember. I do not recall the votes of particular Senators, nor do I care. It is not material. It is sufficient to know that the raw head and the bloody bones of silver killed any attempt to add to the revenues of the Government. It is not the fault of the Republican party or of the Democratic party. It is because this new question is thrust into every other matter that is presented to the Senate, and I trust that in the present campaign a bold and manly stand will be taken by both sides, every man acting according to his judgment, and that the question will be settled. If it is settled in favor of silver, then we will have dollars that will have the purchasing power of only half of the present dollar. If we stand by the present standard we will have a standard that is adopted in nearly all the principal civilized nations of the world.

Mr. PEFFER. Dollars twice as valuable.

Mr. SHERMAN. That is not the question I am debating now. I am perfectly willing to abide by the action of the people of the United States and also of future Congresses. That is all I care to say about the Dingley bill.

The honorable Senator from Colorado [Mr. TELLER] said I was inconsistent, in that in a speech I made in January last I said I would vote for any tax, for a tax on tea or coffee or sugar. So I say now. Rather than have this Congress adjourn with a growing deficiency, I would vote for almost any kind of a duty; but I do not propose to allow the other side of the Chamber to designate precisely what those duties shall be. I wish to be consulted about it. We Republicans have nearly a majority here, and while I

would vote very cheerfully, as a measure of temporary relief, for a tax on tea and coffee and sugar, a moderate tax to aid in support of the Government under its present circumstances, yet I would not make the whole burden of increased taxation fall upon the people who drink tea and coffee.

The Senator from Maryland asked me if I would be willing to take a tax on tea and coffee as a substitute for all other measures. I said no. But if tea and coffee and sugar and other articles of that kind should contribute their portion of the taxes, so as to distribute their burden among our people fairly, without making it fall upon those articles consumed largely by the poorer classes, then, as a matter of course, I would be willing to vote for a moderate tax on tea and coffee and sugar and many other articles that might be named. But the idea of levying $50,000,000 of taxation on tea and coffee never entered into the mind of anybody except my honorable friend the Senator from Maryland; and I do not believe he would vote for such a proposition.

Mr. GORMAN. Will the Senator from Ohio pardon me for interrupting him?

Mr. SHERMAN. Certainly.

Mr. GORMAN. I suggested to the Senator yesterday what every intelligent man in this country knows, that with the present divisions in this body it is utterly impossible to pass any revenue measure that trenches upon party lines and party ideas, and hence it was that I asked him if he would accept a proposition to impose a revenue duty of 25 per cent on tea and coffee——

Mr. SHERMAN. You propose to put on revenue duties only.

Mr. GORMAN. A less duty than is imposed on any other article on the list, when the Senator knows, as I know, that the imposition of such a tax would not increase by a farthing the cost of either tea or coffee to the consumers of the United States.

Mr. SHERMAN. The proposition made by the Senator was that we would drop out of all of that bill which he denounced——

Mr. GORMAN. Yes; strike out all after the enacting clause.

Mr. SHERMAN. And put a tax upon tea and coffee.

Mr. GORMAN. Yes, sir.

Mr. SHERMAN. That was the proposition. I do not believe the Senator would vote for it. There would be such a complaint made by the women of the land that he could not live here safely if such a tax were proposed. I do not think any sensible man would propose to levy $50,000,000 on tea and coffee, leaving sugar to go free, and allowing all the various articles of importation to come in free of duties except such as are levied by existing law.

Mr. GORMAN. The Senator misunderstands me, and I know he would like to have the fact stated accurately. I did not suggest that we should levy $60,000,000 on tea and coffee.

Mr. GRAY. Or leave sugar go free.

Mr. GORMAN. Or let sugar go free. I let the tariff stand precisely as it is now. That is a party measure for which the Democratic party is responsible. It has not produced revenue enough and there is an emergency. I suggested to the Senator that he take those two items, tea and coffee, and put a revenue duty of about 25 per cent on them, which would bring into the Treasury directly about $40,000,000, a sufficient amount to cover the deficit at least for this year.

Mr. SHERMAN. It is sufficient to say that every Republican would resent such a tax. We are in favor of taxing so that it will necessarily incidentally protect American industries. We think that those taxes ought mainly to be levied upon articles that are imported from Europe and compete with our own industries, so that to the extent of the incidental protection our own industries will be built up and fostered. That is the Republican idea.

Mr. GORMAN. Now, what——

Mr. SHERMAN. The Democratic idea—let me state it—as I understand it, is to be absolutely indifferent as to the effect on our own domestic productions of taxation by tariff upon goods imported into this country. It seeks to put a tax upon such articles as tea and coffee and sugar and the like, which enter into every family and homestead in the land, and to make those articles bear the burdens of this great Government of ours.

Mr. MILLS. Not all of the burdens.

Mr. GORMAN. The Senator from Ohio has stated the difference between the two parties. He knows the impossibility of our coming together on these lines in this body as it is now organized.

Mr. SHERMAN. With a Democratic President in the White House, a Republican House of Representatives, and a plurality of Republicans in the Senate Chamber, is it expected of us that we shall surrender to you everything——

Mr. GORMAN. No; I do not——

Mr. SHERMAN. And adopt your creed and your principles? On the contrary, we expect to overthrow you, if the good time should come. We are doing it in a friendly way. When we offered you the Dingley bill, if the Democratic party had proposed reasonable amendments to the bill, anything that would strengthen the revenue, which was just and fair, they would have been accepted with great pleasure. The Committee on Finance, as I said before, was evenly divided between the two great parties. We had no advantage whatever on the important question. The Senator from Nevada [Mr. JONES] has strong opinions, and he was in favor of the free coinage of silver. Every Democratic member of the committee voted with him, and thus created this very embarrassment. A single Democrat would have saved us. Had the Dingley bill been taken up in order, it could have been amended and changed so as to meet the judgment of the considerate men of the Senate of both political parties. It is far from being a Republican measure. Every Republican would scout it as a Republican measure. It is a measure designed to relieve a Democratic Administration upon the call of their President, and it is nothing else. We would have yielded largely to our Democratic friends upon a temporary tariff which was to last only until the time when we hoped to make a better tariff—that is, some time next year.

There is another thing. My honorable friend, the Senator from Colorado [Mr. TELLER], has spoken of the issue of bonds, why they were issued, the amount of money that has been collected and held in the Treasury in consequence of the issue of bonds. I say now to the Senate, with full knowledge that I am absolutely correct, that there is no law on the statute book by which the Government of the United States can issue any bond for the purpose of meeting deficiencies. There is at this moment no law in existence which authorizes the President to sell a bond of the United States to pay deficiencies created by lack of revenue. But the Secretary of the Treasury is authorized to sell bonds to provide for the resumption and maintenance of specie payments. The resumption act provides that he may sell bonds of a certain character and description in order to meet and maintain resumption, to pay the notes which are presented.

All the bonds which have been recently sold were sold for that purpose. The Administration has used the money to some extent, or did use it for a while, for the purpose of bolstering up and paying the deficiencies as they occurred. But it was soon found, when notes were presented and gold paid for them, that if the notes were immediately paid out they would again be presented, and thus the endless chain which the President of the United States described would go on. To put a stop to the endless chain they had to hold perforce the notes that were presented for redemption until there was demand for gold. That is necessarily true in cases of banks and all other institutions which issue paper money. When the time comes when notes are presented for payment they must pay them and hold them until they can issue them again at par with the standard money of the country. That operation is necessarily the result of fear created by want of revenue.

More than all else that now creates the disturbance in our country is the deficiency of revenue. If a man is deficient in his revenue at the end of the year he is miserable. If he has a little surplus over he is happy. So it is in the great affairs of a country. Any nation that is compelled to expend more money in time of peace than the revenues of the Government amount to is on the road to ruin, just as any man who spends more money than his income or than he earns is sure to go to the poorhouse in the end. That is the difficulty. The very fact that there has been a deficiency of revenue from the beginning of this Administration caused the doubt and now creates the uncertainty.

The President and the Secretary of the Treasury were perfectly justified in pursuing the course they have followed. They could not have done otherwise. Suppose they had refused payment of United States notes in gold. The result would have been that our money would have at once fallen below par and a disturbance in foreign and domestic trade would have occurred. They did right. Though I hold far different opinions from them on many questions, yet I stand here and say boldly and openly that in managing our financial affairs during the present condition of things I think the Secretary of the Treasury and the President have done their full duty, and I could say no more if there were a Republican President in office.

There are one or two things which were said yesterday by my friend, the Senator from Maryland [Mr. GORMAN], to which I wish to call attention. He talked a good deal about economy. He is opposed to large appropriations. He wants the Government to be kept within its means, and yet I am told he has been very liberal to Maryland; that after doing all that is proposed by the House of Representatives for their local interests, he secured an appropriation here in the river and harbor bill for $400,000 for the harbor at Baltimore. He is always careful of his own and the people of his State. He has not, so far as I know, voted against any of the propositions to add to the enormous sums that have been put upon the appropriation bills. I think he is about as liberal in the use of public money as anybody I know of, and yet he arraigns the Republican party for being extravagant.

I shall not confess the sins of my party, but if I had the power I would not appropriate one dollar in excess of what naturally would come into the Treasury under existing laws. If I were an executive officer, as Mr. Cleveland and Mr. Carlisle are, I would not pay out one dollar of any appropriation that was not required to pay

salaries and contracts. The ordinary contingent appropriations that run through all our appropriation acts are not mandatory upon the Secretary, and he can withhold the money. I believe and hope he will do it, because from his sagacious management heretofore I believe that he will not place himself in the position of spending money which he has no power to replace by the sale of bonds or by any provision authorized by this Congress.

I might be asked, why not propose bonds? We know such a measure can not be passed in the Senate. If it can be, let the Senator from Maryland try it. Let him provide some means of supplying a deficiency that may be created by the excess of appropriations over receipts. If he is opposed to these high appropriations in the bills, why does he not contest them and point them out, and I will vote with him to strike them out or reduce them. It seems to me the real difficulty that now stares us in the face is not the free coinage of silver, not the standard of value, but the deficiency in revenue of the Government to meet the requirements of the public service. That is the trouble. The silver question must be settled by the people of the United States. I do not care how soon.

My own opinions on the subject are perfectly known and I need not repeat them. I believe that it is wise for this country, as the richest and most powerful one in the world, to hold to that standard which is recognized by all the chief civilized nations of the world. I am in favor of gold as the standard of value, but I am in favor of the use of silver to the largest amount possible. I will go far, perhaps farther than anyone else here, in a negotiation with foreign nations to establish some ratio between the two metals, so that there will be no deception in money. The gold standard is better for every business man, for every man conducting business affairs, and it is better for every laboring man. Nowhere in the world does the laboring man get as many dollars of as high purchasing power as are paid to him for all kinds of labor in the United States of America. No one will suffer more severely than he by a lowering of the standard of value. Every laboring man can buy more under this system with his money than any other. It seems to me we ought not to disturb the parity of the two coins of silver and gold.

Let this question be decided by the people of the United States. Let the two great parties of the country state honestly their opinions, one way or the other, and then we will be able to settle the matter in the next Congress. Debate here, a controversy or conversation between the Senator from Colorado and myself, will not settle matters. He calls me, what is it?—a gold bug. [Laughter.] Well, sir, I am a gold bug.

Mr. TELLER. I think if the Senator from Ohio will look over my speeches he will find that I have never called him a gold bug.

Mr. SHERMAN. It is somebody else.

Mr. TELLER. I have never used the term.

Mr. SHERMAN. That is the common term applied to those who believe gold is the better standard of value. I can have no interest in a question of that kind. I am neither a miner nor an owner of gold or silver. I believe in that money which measures fairest and best the production and property of the people of the United States. I believe the United States would go a grade down in the family of nations if it undertook to establish as the standard of value a metal one-half in value of what is now considered the standard and upon which all the contracts for forty years have been made by the people of the United States. We honestly differ about that. There is no power to settle that difference except the people of the United States of America. I appeal in this case to them, not upon the arguments I have presented, but upon the broad lines of public policy—of faithfully and honestly performing all contracts and obligations. This is the issue now before the people. Let it be tried if possible without heat or passion and so as to promote the honor and prosperity of the United States.

Mr. TELLER. Mr. President, the Senator from Ohio repeats what the gold-standard people always state when they make a speech. There is not a speech made that does not have in it the statement that if you go to free coinage you will have a 50-cent dollar. The fact is you have a two-dollar dollar now, and that is what is the trouble with this country. The dollar of this country to-day measures twice what it used to measure; it commands twice the products. There are several countries in the world that have free coinage, notably Mexico and Japan, and neither of them has a 50-cent dollar. It is a notorious fact which no one will deny who is at all acquainted with the conditions (and if anyone doubts my statement he can take the consular reports from Mexico and Japan and find that I make a correct statement) that the purchasing power of the Mexican dollar and the Japanese yen, which is equivalent to a dollar practically, is as great now as it was thirty years ago. That is true of the Mexican dollar, which circulates all over Asia, in the Straits Settlements, in China, and to some extent, though not much, in India; it will buy as much as it ever bought. The India rupee, equivalent at its face value to about 2 shillings of English money, will buy just as much as it would ever buy. There has been no depreciation, or, in other words, there has been no rise of prices when measured by the three kinds of money that I have mentioned in the countries in which they circulate. The Japanese money, which is the standard there, is about the same as the Mexican dollar, and it buys just as much as it used to buy. When the Japanese pays his workmen he pays them just what he used to pay them in silver. When the Mexican pays his workmen he pays them just what he used to pay them in silver. If he wants to buy material for his manufacture, he pays the same price if it is home raised and home produced. The same may be said of India.

Now, why does the Senator from Ohio say there will be a 50-cent dollar? There has been no 50-cent dollar in the countries that have maintained free coinage. The theory of the Senator is that gold has advanced, and if we went to coining silver it would be worth half as much, or worth in its dollar state just as much as in its bullion state.

Mr. President, I do not intend to go into any discussion of that point, except to say that the moment you opened your mint and gave to the silver dollar the same power that you gave to the gold dollar for every purpose whatever in the domestic economy, at least of this country, it would be equivalent to gold. It is equivalent to gold to-day. While silver has not access to the mint, the American silver dollar will buy as much anywhere as the gold dollar. You can not use it, perhaps, as readily for exchange—that is, you can not send it abroad; and yet, if you take with you to Europe an American silver dollar there are a number of countries where it will bring a premium over its face. If you had a million American silver dollars in the city of London you could get credit for a million dollars; you would not get credit for $500,000, because while those dollars could not be converted into English money, or French money, or any other kind of money by melting, they will come back here and be used. So we have had no cheap money in this country, notwithstanding the assertion of the Senator to the contrary.

Mr. SHERMAN. Mr. President——

THE VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. TELLER. I yield to the Senator.

Mr. SHERMAN. Does the Senator believe that with free coinage the silver dollar would maintain its present purchasing power? I ask the Senator if all the world should have the privilege of entering our mints to coin their silver into dollars how much silver would be brought here?

Mr. TELLER. I do not care to weary the Senate again with repeating the argument. I have spent hours in the Senate to show that the American silver dollar, if we had free coinage, would be just as good as the gold dollar. I do not believe there would be any distinction whatever. All the talk about the English silver or the French silver coming here is nonsense, as I think we have demonstrated a dozen times.

The Senator from Ohio says in addition that we are using a large amount of silver. Mr. President, it does not make any difference about the amount of silver you are using; you are using it in subordination to gold; you make gold the standard. Gold is the measure of prices and not silver. So far as the influence of silver upon commerce and trade is concerned you might just as well have paper money, because it is in subordination. What we try to do is to put the two metals together and make one the equal of the other, so that they shall measure the values in this country and enhance the value of products. If the Senator from Ohio does not think that is valuable and necessary to the prosperity of the country he wants to oppose it, and I suppose that is what he does mean. He wants low prices. We want reasonable prices. He wants prices as they are now. We want prices that will give to the producer some margin for that which he has produced. We want prices that will give to the American farmer more than a fair living, prices that will enable him to pay his debts and to maintain himself in comfort, as he is entitled to be maintained. That is what the fight is for, Mr. President. It is not to secure low prices.

Then the Senator from Ohio appeals to the labor of the country. He means by that the men who work by the day. Who are the laborers? Not the men who take a dollar a day or 50 cents a day, but the men who till the soil—the 20,000,000 farmers and farm hands. They are the men who are interested; they are the men who are producing what they want to get a price for. The men who have their capital in enterprises and see their products selling at a market price below what it cost them to produce are the class of men who are interested.

Mr. President, I do not intend to go into this discussion now, but in the interest of history and truth and exactness I challenge the statement made by the Senator from Ohio that the Sherman bill was passed for the purpose of avoiding free coinage. Without meaning to be offensive to him, I say there is no foundation whatever for that statement. We had been here in the Senate

contending for free coinage. We had passed a bill and sent it to

as the Senator from Ohio himself and everyone else know. It

his gold-standard friends quiet. We had been very quiet for

come to this country in case of free coinage? I answer none

been accepted with great pleasure. The Committee on Finance, as I said before, was evenly divided between the two great par-

executive officer, as Mr. Cleveland and Mr. Carlisle are, I would not pay out one dollar of any appropriation that was not required to pay

The India rupee, equivalent at its face value to about 2 shillings | whatever for that statement. We had been here in the Senate.

contending for free coinage. We had passed a bill and sent it to the other House, and had been beaten by more than 30 votes. We had in the White House a President who had said to numerous members of this body that if the free-coinage bill came to him he would veto it. We had a Secretary of the Treasury who had declared again and again to Senators and Members that a free-coinage bill would be vetoed by the President. On the day the Sherman bill passed there was no more show of a free-coinage bill becoming a law than there was of the heavens falling.

I will, in the interest of history, state why the Sherman bill passed. If it is a party secret I will give it out, because the statement of the Senator from Ohio has been repeatedly made that he yielded to that measure. The Senator from Ohio believed when he had that bill passed that it would do two things. He believed, first, that it would secure the passage of a tariff bill; and secondly, he believed at that time (he so stated to the Senate at least) that it would help the finances of the country. If he thought about it afterwards and concluded it did not have that effect, he did not think so then. He was a good deal more in favor of the Sherman bill than I was, because I from this seat condemned it as being an illogical bill, and indefensible from a monetary standpoint, agreeing with some of my friends on the other side that it was a makeshift and a mistake.

As I said, there was no probability of a free-coinage bill passing and becoming a law. We had in this body a majority for free coinage, and we who were in favor of a tariff bill were in favor of a free-coinage bill if we could get it, and if we could not get it we wanted something that would come near to it. We did not believe that we could use the tariff bill to secure free coinage. We did not believe the Executive would sign a bill if it had a free-coinage measure attached, although it might be a tariff bill that suited him. We knew then that if we put the free-coinage bill upon the tariff bill the free-coinage bill and the tariff bill both alike would be lost. But we determined that we would put the free-coinage bill upon the tariff bill, which we knew we could do with the help of the Democrats, who, of course, would vote with us. That we said we would do, and that is why the Senator from Ohio yielded his judgment. That is why the Republicans on this side who had been opposed to the free coinage of silver yielded, not to free coinage, but to what they thought was a lesser evil, what they thought would answer the purpose of satisfying the silver Republicans and secure their votes.

Mr. President, that is the unvarnished fact, which more than one Senator on the floor knows as well as I do. We drove our associates in this Chamber who were opposed to free coinage into passing a relief bill, as they call it—a bill in which some of our friends on this side had a great deal more confidence than I had, and they believed it would do more good than I believed it would. It was a bill, I am willing to say, which, illogical as it was, unsound as it was, and indefensible as it was from a proper money standpoint, when the panic came in the fall following the failure of the Baring Bros., which disturbed business in Europe, maintained—and that bill alone maintained—quiet in this country. We had relieved from the Treasury $62,000,000 locked up there. We had put that into circulation at once. We had put into circulation $4,000,000 a month practically, for silver went up to 120 in the beginning, so that in a few months we had put $100,000,000 in circulation, and that tided us over and carried us over the disturbances which occurred in Europe and had its reflex influence upon us here.

Mr. President, that is the unvarnished history of that case. The Senator from Ohio and his compeers who believe with him secured our votes for that purpose; and now what do they tell us? I have heard the Senator say that there never was an hour after he had voted for that bill when he would not have voted to repeal it if he had had a chance. It was a sort of an arbitration or a compromise, and when they obtained the advantage of the compromise they proposed to leave us. I have never forgotten the alacrity, the haste, and the zeal with which the Senator from Ohio and his associates in this Chamber who believe with him came to the rescue of the Democratic Administration when it asked for the repeal of that law, and when they knew its repeal was to strike down the industries of the State that I in part represent on this floor. We got no more sympathy and no more support than if we had been aliens in an alien land.

I remembered then what we had done for them; that we had yielded our judgment and voted for a bill that many of us did not approve of. Upon my judgment I would never have voted for the McKinley bill. I agreed with a number of Senators on this side that the McKinley bill went far beyond what we ought to have done. It was defective in not producing enough revenue, for one thing. The Senator from Ohio says it would have produced enough revenue. It did not produce enough revenue. We barely got through the fiscal year 1893 with $2,000,000 of revenue over and above the expenditures, and then we did not pay out a large amount of appropriations that had been made, and if they had been paid there would have been an actual deficiency that year, as the Senator from Ohio himself and everyone else know. It would not do to say there would have been no deficiency under that bill. There would have been a deficiency under it.

Mr. President, I do not care to prolong this debate. I do not care to go into it further than to make the statement I have made, in the interest of history, in the interest of truth, in regard to the statement so often made here that we could have acquired free coinage in some way but that we were fooled out of it by the astuteness of somebody. If I had not known that free coinage could not have been secured I would never have voted for the Sherman bill, nor the McKinley bill either. I would have voted to attach to the McKin y bill a free-coinage measure, and then if the President had signed it we would have had both. But I knew, as everyone knows (it is nonsense to talk about the case being otherwise), that the President of the United States would not sign a tariff bill, no matter how acceptable, that had attached to it a free-coinage measure. Therefore we were compelled to accept what we believed would be some relief to the country and what turned out to be some relief, a bill that has been much derided and falsified ever since, a bill the repeal of which the Senator from Ohio prophesied would bring prosperity, as it was prophesied on the other side of the Chamber. I recollect very distinctly, and I think I could quote from a distinguished Democrat who sits pretty nearly in the front seat here, some statements he made about the prosperity that was to come if we repealed that law. The newspapers were full of it, and the people were driven into the support of those who were clamoring for its repeal, and finally the law was repealed.

Mr. President, every hour since that time business has grown worse in this country. I did not come here to make a long, detailed speech, but I can produce the evidence right here to show that everything human ingenuity in this country produces—that everything, whether it be the product of the skilled mechanic or the miner or the farmer, save and except gold, has been steadily falling since the repeal of the Sherman law. Farm products have gone down more than 20 per cent below what they were then. Manufactured products have gone down more than 12 per cent below what they were then. There have been more failures in the last year than there were in any other year in our history except the year 1893. There has been more distress among the laboring people of this country during the last year than there has ever been since I have known anything about affairs in this land. The Sherman law did not bring disaster, nor did its repeal bring prosperity.

Mr. MILLS. Mr. President, I wish to submit some observations on one feature of the discussion which has taken place to-day, but it is too late to begin this evening, it being now 5 o'clock, and I move that the Senate adjourn.

Mr. GORDON. I hope that we may have an executive session.

Mr. WHITE. Will the Senator from Texas withdraw his motion for the moment?

Mr. MILLS. Certainly.

Mr. WHITE. I desire to submit a minority report from the Committee on Commerce.

[The minority report submitted by Mr. WHITE appears under the heading "Reports of committees."]

Mr. HALE. Mr. President, there is a tradition, possibly a memory, in this body that the naval appropriation bill is before the Senate. I should be very glad, and thereby I think I am voicing the feelings of a large majority of this body on both sides of the Chamber, if occasionally some attention could be paid to that bill and we could, in the regular procession of business, advance its consideration, so that at some not too remote day the bill may be passed and an opportunity given for the other great appropriation bills which must be passed. But I find that at 5 o'clock, not a late hour in the day, but within a month from the time when everyone expects and desires that we shall adjourn, not one moment's time during the day has been consumed by the naval appropriation bill. Everything else has been discussed; and the Senator from Texas, expressing a wish to-morrow morning to prolong the debate upon the currency question, and not being ready to-night to go on, indicates a desire to adjourn.

Mr. GRAY. Let us go on to-night with the appropriation bill.

Mr. HALE. All I have to say, Mr. President, is that, representing the committee, and perhaps the desire of the Senate, as has been indicated, to put through the appropriation bills, I am powerless. If Senators insist and persist in lugging into the consideration of appropriation bills all the old questions and all the dreary prophecies and all the fulminations about the currency question, we never shall get the appropriation bills through, and we shall be hung up here and the session will be prolonged until the heated term commences, until the Presidential conventions have come and gone, and we shall be here until August or September.

Mr. STEWART. I wish to suggest to the Senator from Maine, if he will allow me, in all fairness, that if he wants to exclude the discussion of the silver question and keep it out, he ought to keep

his gold-standard friends quiet. We had been very quiet for many days until to-day. When the author of the misery of the country has taken the floor and occupied the time, do Senators suppose that we will not protest? Something will be said on this subject to-morrow and the next day. If the gold-standard advocates can afford it, we shall talk, too.

Mr. HALE. I am not in any way the sponsor or in any way accountable for the participation in the debate of the Senator from Ohio.

Mr. STEWART. It started on your side.

Mr. HALE. The Senator from Ohio has taken up very little time. The political discussion was started yesterday by the Senator from Maryland [Mr. GORMAN]. I do not think that the Senator from Maryland was disappointed in the discussion. He started out with a proposition relative to the appropriations in the naval appropriation bill, which was perfectly legitimate. He had his right under the rules to extend far beyond and to go into other issues. Thereby he provoked the Senator from Ohio and other Senators to brief replies and retorts; but all passed with a small consumption of time. I do not complain that the Senator from Maryland in any way fatigued the Senate; he never does that; he talked to the point; but unfortunately he started the political discussion. It has been followed to-day by the Senator from Colorado, whose opinions upon this subject are well known, and he entertained us with a long speech on his side of the question that had nothing to do with the naval appropriation bill whatever. Of course it brought out the Senator from Ohio in a brief rejoinder. The Senator from Ohio consumed but little time.

What I am complaining of now, if I complain at all, is that the Senate understands the situation, and if it is prepared to indefinitely postpone real business and embark on this vast sea of debate on the currency question, out of which no good can come, no conversions can be made, no procession of business, no advance in anything, then, as I have said, I am at the mercy of the Senate. I should like now, however, as a practical proposal, as a practical matter, to go on until 6 o'clock with the consideration of this almost forgotten measure, the naval appropriation bill.

Mr. MITCHELL of Oregon. I hope the Senator's time will be extended. [Laughter.]

Mr. HALE. No; I do not desire any extension. I am talking in favor of business and trying to bring the Senate to a realization of the situation. I should hope that to-morrow the Senator from Texas [Mr. MILLS] would curb his remarks in the further discussion of the silver question and allow the Senate to go on with the consideration of the appropriation bills. The Committee on Appropriations will do its duty; it will have another bill here ready for the consideration of the Senate the moment that one appropriation bill is considered and passed; it will not keep the Senate waiting one hour. The bills are ready for presentation here, and the committee will stand ready at all times to carry out what it believes is the desire of the body; but a few Senators can thwart all that.

Mr. MILLS. I will relieve the mind of the Senator from Maine, so that he can sleep soundly to-night, by telling him that I shall not have a word to say on the silver question. I want to speak on an entirely new question.

Mr. HALE. A new question will be the naval appropriation bill. [Laughter.]

Mr. MILLS. I will speak on that.

Mr. HALE. I should be very glad to hear any comments, and I know they will be in point, from the Senator from Texas on that subject.

Now, I ask that the President of the Senate will see that the pending amendment is stated. The Senator from California [Mr. WHITE] has indicated that he desires to speak upon the pending bill, and I know that he is in readiness, and has been all day.

The VICE-PRESIDENT. The Chair understood the Senator from Texas to move to adjourn.

Mr. MILLS. I will withdraw the motion to allow the Senator from California to move to go into executive session.

Mr. WHITE. Mr. President, when I took the floor it was yielded to me by the Senator from Texas, and I now yield to the Senator from Texas.

Mr. MILLS. Then I move that the Senate adjourn.

Mr. HALE. At this hour, no later than 5 o'clock, and no business having been done, I certainly shall call for the yeas and nays upon that proposition.

The VICE-PRESIDENT. The Chair submits to the Senate the motion of the Senator from Texas.

Mr. MILLS. I know the Senator from Nevada [Mr. STEWART] wishes to submit some remarks, and I yield to him.

Mr. STEWART. I wish to make a few remarks. I intend to speak before this question passes away.

Mr. HALE. Let the Senator from Nevada go on to-night.

Mr. MILLS. I yield to the Senator from Nevada.

Mr. STEWART. Mr. President, I desire to reply to the question of the Senator from Ohio. He asks, how much silver would come to this country in case of free coinage? I answer, none whatever by reason of free coinage. Silver with or without free coinage would be brought to this country for the purpose of sale or exchange for our commodities, and not otherwise. If silver would flood us in case of free coinage, why does it not flood Japan? Her mints are open. Why does it not flood Mexico and various countries of South America? Their mints are open. Why did it not flood India while her mints were open? The simple reason is that the price of silver and all other articles internationally dealt in are the same all over the world. There is no object in taking it to any country except in the course of trade; and no more silver is ever imported in any country than is required for use in that country.

France, for seventy years prior to 1873, maintained the equilibrium of exchange all over the world by keeping her mints open for the coinage of both gold and silver at the ratio of 15½ to 1. Nobody will sell silver in any part of the world for a less price than they could obtain in France, nor would they sell gold for a less price than the coin value in France. They did not for this reason take their gold or their silver to France unless they desired to buy the products of France? The fact that they could get a fixed price for either metal in France maintained the price of both metals throughout the world. It has been suggested that Japan, for example, would bring her silver here and pay duties on her products with the silver she would import, and thereby cheat the United States out of their revenue. This is a most absurd statement. Why should they bring silver here when it will bring the same in Japan? Besides, Japan is not a silver-producing country. The United States produces a very large amount of silver, and silver would be exported rather than imported in case of free coinage, the same as now.

The Senator from Ohio has often asserted that the idols of India would be brought here and coined into our dollars. What nonsense. Who would pay the expense of bringing the idols of India into this country, coining them into dollars, and re-forming them into idols? This imaginary trouble of a flood of silver is shown to be absurd from the fact that no silver-standard country has suffered any inconvenience on that account. If the people of any country desire our products and will bring their silver here and exchange it at the market price for what we have to sell, we will be benefited thereby and will have no cause to complain.

There is another point constantly made by the Senator from Ohio. He says that the opening of our mints to free coinage would produce a 50-cent dollar. He says at the same time that the silver miner would be greatly benefited by receiving a 50-cent dollar for 412½ grains of standard silver. Does not the Senator from Ohio know that the silver miner can receive to-day a little over 50 cents in gold for a sufficient amount of silver to be coined into a silver dollar? If he would receive only a 50-cent dollar by free coinage, how would he be benefited? He can receive that now. Either there would be no silver 50-cent dollar or the silver miner would receive no benefit, for he can only be benefited to the extent that the value of silver is appreciated by free coinage. He would not receive any benefit from the depreciation in value of gold by the increase of the volume of standard money. But the debtor, the producer, and the people at large would be benefited to the full extent of doubling the value of their labor, their products, and everything they had to sell. They would also be benefited fully a hundred per cent in being relieved from the burden of debts, taxes, and other fixed charges, because they could pay fixed charges with the same amount of money as they could have done before silver was demonetized, which would be one-half the amount of wheat, cotton, or other property which would be required now to pay a fixed amount of money.

Mr. MITCHELL of Oregon. Will the Senator allow me to interrupt him at that point?

Mr. STEWART. In a minute.

So the miner would not be benefited at all, except to the extent that it enhanced the value of silver.

Mr. MITCHELL of Oregon. Has the Senator from Nevada what might be considered definite information as to the amount of uncoined silver bullion there is in the world outside of the United States?

Mr. STEWART. I have labored hard to keep the run of this matter, and I will say to the Senator there are probably from eight to ten million dollars of uncoined silver bullion in the world.

Mr. PETTIGREW. Will the Senator state where it is?

Mr. STEWART. It is mostly in China. There is no accumulation, but in going from the mines to the place of consumption there would be probably from eight to ten million dollars.

Mr. PETTIGREW. I will state to the Senator that on the 1st of January there were only two and a half million ounces of silver bullion in London, and less than a half million ounces of silver bullion in New York.

Mr. STEWART. That is true. But there would be some in transit; and I allow for that. I do not suppose there is any place where there is $2,000,000 in the aggregate of silver bullion. The

silver is used for coinage or in the arts as fast as it is produced,

Lewis Military Reservation, in the State of Colorado, to the public

not know the precise figures; but the money is there, no matter

crease of the Navy with the growth of the country, and I believe

amount of appropriations that had been made, and if they had been paid there would have been an actual deficiency that year,

Mr. STEWART. I wish to suggest to the Senator from Maine, if he will allow me, in all fairness, that if he wants to exclude the discussion of the silver question and keep it out, he ought to keep

Mr. STEWART. Mr. President, I desire to reply to the question of the Senator from Ohio. He asks, how much silver would

transit; and I allow for that. I do not suppose there is any place where there is $2,000,000 in the aggregate of silver bullion. The

silver is used for coinage or in the arts as fast as it is produced, the same as gold is, and there is no accumulation of that.

But the most exasperating stock argument of the Senator from Ohio is that the silver miner would be the only person benefited by free coinage. He says that in case of free coinage the silver dollar would be worth only 50 cents. The silver miner can get more than 50 cents now for 412½ grains of standard silver, the amount required to make a silver dollar. Either the silver dollar would be worth more than 50 cents or the miner would receive no benefit whatever from free coinage. The real benefit which the miner would receive would be exactly the amount which silver would be advanced in price by reason of free coinage. He would get no benefit from the depreciation of gold in consequence of the addition which free coinage would make to standard money. The author of hard times, who has so long represented the State of Ohio in these Halls, speaks of the benefits of the gold standard. Every assertion he makes with regard to those benefits is refuted by the universal distress which his policy has inflicted upon the country.

The original act in 1873 was passed through strategy and fraud. The clause which demonetized silver was not read in the Senate during the discussion of the bill. It is a remarkable fact that no mention was made during the pendency of the mint act which demonetized silver that the silver dollar was omitted from the list of coinage. The Senator from Ohio had charge of the bill and never alluded to the fact that he was demonetizing silver or adopting the gold standard. If he had done so, his object would have been defeated. From that time till now he has contended for the gold standard and contraction, and the country is now suffering from his policy.

I should not have engaged in any discussion on the silver question at this session of Congress if the gold men had not taken the lead; but when the author of hard times and the agents of the conspirators who are robbing the country of a circulating medium see fit to open the discussion for political purposes, the silver men can not be silent. When the author of hard times pretends that his policy is in the interest of labor, it is difficult to be silent. He speaks of the 200-cent dollar which the Rothschilds combination has secured as beneficial to the laborer. It would be very good for the laborer if he could obtain it; but in view of the fact of the millions of tramps and of the many millions that are out of employment, it is difficult to see how the laborers are to be benefited by the Rothschilds dollar.

How are the taxpayers and the interest payers benefited by being required to surrender twice as much property or twice as much labor to pay a debt as would have been required to earn that amount of money at the time it was contracted? Thirty thousand millions of debts resting upon the people of the United States is no small matter. The interest on that vast sum is a fixed obligation. Five hundred millions to maintain the Government, fifteen hundred millions for State and local taxation are also fixed obligations, and it requires to-day twice as much of wheat, cotton, or other products to pay these fixed charges as it would if the 100-cent dollar were restored. The 200-cent dollar of the Rothschild-Sherman stamp has destroyed the prosperity of the country and closed every avenue to wealth and progress.

I desire to give notice to the gold-standard advocates that in case any one of them attempts to justify the criminal method by which silver was demonetized, or to argue that the gold standard is beneficial to the community, I will answer his arguments at length. All that is required to induce me to make a full and complete speech on the silver question, though it may take weeks, is an inauguration of debate by some gold-standard man in the Senate.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 67) for the relief of E. R. Shipley;

A bill (S. 1176) to amend an act entitled "An act to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River, between the State of Oregon and the State of Washington, and to establish it as a post-road;

A bill (H. R. 3112) granting a pension to Josephine Foote Fairfax;

A bill (H. R. 4781) to amend an act entitled "An act to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River," approved February 18, 1893; and

A bill (H. R. 7905) to establish and provide for the government of Greer County, Okla., and for other purposes.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 5481) to restore the lands embraced in the Fort Lewis Military Reservation, in the State of Colorado, to the public domain; and

A bill (H. R. 6298) to correct the military record of Charles K. Jenree, etc.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 6431) to pay Peter P. Ferguson $1,765; and

A bill (H. R. 6739) for the relief of John N. Quackenbush, late a commander in the United States Navy.

The following bills were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. 7143) granting to the Soldiers and Sailors' Monument Association, of the county of Middlesex, in the State of New Jersey, 4 condemned cannon and 30 cannon balls; and

A bill (H. R. 8266) donating two condemned cannon to Custer Post, No. 38, Grand Army of the Republic, of Etna, Pa., and two condemned cannon to James G. Clark Post, No. 162, Grand Army of the Republic, of Allegheny, Pa.

The bill (H. R. 8271) relating to pensions was read twice by its title, and referred to the Committee on Pensions.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes.

Mr. PLATT. Mr. President, a person who had been observing the proceedings of the Senate this afternoon would, I think, fail to recognize the fact that the naval appropriation bill is pending before the Senate and that the question is upon a motion made by the Senator from Maryland [Mr. GORMAN] to amend the bill by decreasing the number of battle ships recommended by the bill as it came from the House from four to two. I do not think that that amendment ought to prevail. I think that we may well appropriate for the four battle ships.

There are two matters which I think fully receive the approval of the country; one is the building up of a sufficient navy. I do not say a navy which shall equal in the number of ships and the weight of fighting equipment the great navy of Great Britain, or perhaps of France, or of other nations which have a great navy, but a sufficient navy.

The other thing the people desire and to which they have given their approval is the fortification of our cities and our coast, so that our nation shall be put in a state where it can defend itself against the attack of any foreign navy. I think Senators who suppose that the people will not justify the expenditure of large sums of money for both these objects are mistaken. I think that whatever may be the condition of our Treasury and our finances, it is the part of wisdom both to increase our Navy so that it shall be sufficient and to fortify our coasts so that they may be defended against any foreign attack. Defensive measures, protective measures, always cost money; and I do not use the word "protective" in the sense in which it has been used here this afternoon. But any nation, or any community, indeed, finds it necessary to adopt certain protective measures. The nation must have an army, the State must have a constabulary, the city must have a police force. Those are all necessary for the defense and protection of the property, of the life, and of the liberty of the citizen.

A nation should therefore adopt all necessary measures of defense. I do not think that the building up of a sufficient navy and the adoption of a comprehensive plan for coast defenses should depend upon the question whether our revenues are equal to our expenditures. They are necessities in this country, and the country is rich. The parallel does not hold between a government which, in a single year, does not have as much revenue as its expenditures amount to and an individual who, at the end of his year's business, finds that his expenditures have exceeded his receipts. The country is rich. It is not engaged in business as an individual is. It levies its contribution by way of taxes upon its people for what are supposed to be the necessary expenditures, and if it so happens that at this particular time there is a deficiency in our yearly receipts, as compared with our expenditures, it is no reason why we should neglect to put ourselves in a proper state of defense. I think we ought to adopt the provision for the four battle ships which is in the bill as it comes from the other House, and that at the present session of Congress we ought also to inaugurate a complete system for our coast defenses and to appropriate as much money this year as can profitably and properly be expended for the purpose of carrying the system into full effect. Of course we can not expend this year all the money which is required for coast defenses, but whatever may be properly expended ought to be appropriated.

Nor, Mr. President, do I think the argument that our expenditures exceed our receipts holds good upon another point. We have a large surplus in the Treasury, and it does not matter, for the purpose of expenditure, how it came there. We have over and above the gold reserve somewhere in the neighborhood of a hundred and sixty or a hundred and seventy million dollars. I do

not know the precise figures; but the money is there, no matter how it came there. It was unfortunate, perhaps, that we had to issue bonds; but we did issue bonds, and those bonds brought money into the Treasury. Now, for the building up of a sufficient Navy, for the adoption of a comprehensive system of coast defenses, why should we not use that money? Why should we insist upon keeping in the Treasury the one hundred and sixty or one hundred and seventy-five million dollars over and above the gold reserve because, forsooth, our annual receipts do not exceed our annual expenditures? What are we going to do with the money in the Treasury? Are we going to keep it there always? Are we going to keep it there until the bonds mature? There is no deficiency likely to occur which can by any means use up that surplus.

Now, for a system of coast defenses, I think it would have been entirely proper to issue the bonds of this country, if we needed to do so, for the purpose of providing the money to establish and carry on the system of fortifications and defenses of our country. The bonds were issued for another purpose, but the proceeds being in the Treasury, it is quite proper, as it seems to me, to appropriate the money. Therefore I do not agree with the Senator from Maryland [Mr. GORMAN], who thinks we ought to have but two battle ships this year. I think there is nothing more essential, whatever the condition of our finances may be, so far as receipts and expenditures are concerned, than that we should provide for our defense.

Mr. President, the events of the last six months, while perhaps not so alarming as some people have thought, have impressed upon the thoughtful minds the fact that we are not beyond the possibility of attack from foreign nations. We know also that we are lamentably deficient in any preparation to meet such an attack, and I insist that not only sentiments of patriotism but a proper regard for our own commercial interests require that we should put our country in a state of proper defense both by the Navy and by coast defenses.

The Senator from Vermont [Mr. PROCTOR], who has been called away from the Senate, desired to express his sentiments in favor of the amendment proposed by the Senator from Maryland [Mr. GORMAN], not because he did not believe that we should expend the money that is necessary for the four battle ships, but because he feared that if we did expend it for four battle ships we should not make a proper appropriation and expenditure for our coast defenses. I think we may do both. He felt that we should not do much for our coast defenses if we built four battle ships, and he has prepared a presentation of his views which very fully set forth the fear that if we appropriate for the four battle ships it will be taken off and away from the appropriations for coast defenses. His views are so intelligently presented in his preparation of them that I shall take the liberty of quoting from them at length.

The Senator from Vermont [Mr. PROCTOR] says:

"Mr. President, I wish it distinctly understood that anything I may say on this bill is in no spirit of hostility to the Navy. I wish to see it increase and prosper. It is an honor to the country and deserves encouragement at our hands, and any comparisons I may make are not in a spirit of detraction, for I am an earnest believer in the usefulness and importance of a sufficient navy. But I claim that the coast defenses are far behind in their proper relation to the Navy, and that as we are limited by the lack of revenue in the amount we may properly appropriate our first and greater duty is toward coast defense. This is taking care of what we have and a measure for safety and insurance from loss. It may not be wise for a man to borrow money to build a house, but it is certainly wise for him, no matter what his financial condition may be, to keep properly insured the house he has already built. We can well afford to borrow money to make our country safe by means of defense. How far we can afford to borrow to make it strong for offensive operations is quite another question. Ours, Mr. President, is the only country in the world which can make any pretension of strength that has not a good system of harbor defense, and ours is the country of all others which has most need of it. Our great sea line and the great number of our harbors makes it impossible to defend our country in any other way than by fortifying our harbors unless we build a navy strong enough to cross the seas and sweep the most powerful European navy off the face of the ocean.

"On the other hand, Mr. President, ours is the country of all others among the great powers that has the least need of a great navy. We have no colonies and desire none, and in case of war with a great power, we would never send a navy to attack them.

"This naval appropriation bill provides for more new ships than have been before provided for at any one time in the recent history of our Government, and it is but just that this provision should be considered in connection with the subject of harbor defense appropriations. Shall we make so large an appropriation for the increase of the Navy that nothing but the annual excuse can be given for coast defense, for our recent appropriations have been but excuses? I am in favor of a steady and reasonable increase of the Navy with the growth of the country, and I believe that this policy can be continued and still have the proper attention given to harbor defenses. But I insist that if the conditions of the revenue are such that we can have but one, the preference should be given to harbor defenses. This is our first duty to the whole country and to the Navy itself. I do not believe that this position can be controverted by sound argument.

"There has recently been much newspaper comment on the subject. The following is from the Scientific American, March, 1896:

THE PROPOSED INCREASE IN OUR NAVY.

It is announced from Washington that the House Naval Committee has recommended that an appropriation of over $30,000,000 be made for the addition to our Navy of 4 battle ships and 15 torpedo boats. This would double the amount of any previous naval appropriation.

The Scientific American has for many years realized that our national defenses, both on sea and land, were not keeping pace with our commercial growth. We have been favorable to such a reconstruction of both forts and Navy as should enable our country to present an impregnable line of defense against the attack of any enemy or possible combination of enemies.

We have always felt, moreover, that such efforts of reconstruction should be directed toward this one single object of defense, and that the sums of money appropriated for this purpose should be distributed between land and sea defenses in such proportion as to secure the most effective results.

In view of the fact that we are a republican and not an imperial people, whose interests are domestic and not colonial, we have always felt that the sphere of our naval and military operations lay, or should lie, within our own shore lines, and that, therefore, our coast fortifications should be regarded as being practically our first line of defense, and that our Navy should be considered as complementary to our land defenses and should be designed strictly with a view to cooperation with the forts in our various roadsteads and harbors.

We have noticed with regret and some measure of apprehension that, while naval appropriations have been forthcoming at a rate that has created a complete modern navy in a few years' time, the land fortifications, which, as we have seen, should be considered as our first line of defense, have been practically neglected. So antiquated are the old fortifications and so incomplete the new that for purposes of cooperation with the Navy they are of very limited value.

Now, in view of the foregoing considerations, we think the time has come for the Government to bend its whole energies to bringing our land fortifications up to their proper strength relative to the new Navy.

While fully appreciating all that has been done in the past, we can not help thinking that the Government has attacked the problem of national defense at the wrong end. If only a part of the money which has been expended upon the Navy had been devoted to constructing a system of land defenses this country would to-day have been impregnable against attack from the sea and would have possessed the nucleus of a very respectable navy besides.

The Endicott Board of 1885 devised a complete system of land defenses, which included every maritime city of importance. The total estimate for this scheme was about $100,000,000. We have spent upon the new Navy about $120,000,000 up to date. If the above scheme had been carried out there would now have been mounted at our various seaports no less than 1,576 guns of 8-inch caliber and upward, as against the present 126 guns in the Navy, and 360 rapid-fire guns against the Navy's 187.

Such a comparison as this calls for no comment further than to say that a gun mounted within the shelter of a fort is worth at least two mounted on the unstable and exposed platform of a ship's deck.

The arguments in favor of concentrating our energies upon our land defenses rather than upon our Navy are both practical and ethical—these latter being based upon the spirit of our Constitution and upon those broad principles which dominate our national life and give us our strong national individuality.

The practical arguments may be classified as follows:

First. That a proper system of land defenses will make our great cities safe from any naval attack.

Second. Such a system can be constructed for a sum many times less than the cost of a navy like the great navies of Europe, and for a sum that may reasonably be expended.

Third. Land fortifications are much more efficient for coast defense than a navy, and when once constructed are durable, cheaply maintained, and easily strengthened.

Fourth. The defense of our cities can not be left to the Navy alone, however large.

Fifth. A navy that would equal the great navies of Europe is unnecessary, and its cost makes such a navy impracticable.

Sixth. A navy quickly deteriorates and is expensive to maintain.

Seventh. The construction of land defenses should always precede the building of a navy.

The ethical argument can be briefly stated by saying that when we have adequately provided for home defense our duty in the matter of military and naval preparation is done. Our Navy should be of such proportions only as are necessary for successful cooperation with the land defenses. Our naval programme should be laid down with strict regard to a home as distinct from a foreign—a republican as distinct from an imperial policy.

Great Britain's navy, by way of example, has been called into existence by the exigencies of the defense of an Empire whose widely scattered colonies bring her into hourly danger of conflict with any one of a dozen different governments. The secret of the strength of our great Republic lies not merely in the political and geographical union of its many States beneath one flag and within a single boundary line, but also in the fact that it has been both able and willing to concern itself with its own internal development, and has in the past and we hope it will in the future carefully abstain from embarrassing entanglements with the affairs of other peoples and nations.

The building up of a navy of European proportions would be a distinct departure from the national traditions above mentioned, and would involve the entering upon a policy whose execution would be as exhausting to the National Treasury as its principles would be opposed to the spirit of our Constitution and subversive of the brightest hopes of its founders.

[From the Chicago Tribune of February 29, 1896.]

In the last thirteen years $110,317,710 have been spent for the increase of the Navy, and during the same time only $10,631,710 for coast defense, and yet with this apparently large expenditure our naval equipment is hopelessly behind all foreign powers, and especially behind Great Britain. Figures again explain our naval inefficiency and the hopelessness of trying to overtake Great Britain. While we have spent more than $110,000,000 in the last thirteen years, the English admiralty proposes to still further increase its already colossal naval establishment by spending more than half the above sum upon it in the next six months. * * *

We have been working all this time from the wrong end. Our immunity from attack is not to be secured by piecemeal additions to our Navy, but by

A bill (H. R. 5481) to restore the lands embraced in the Fort

been but excuses? I am in favor of a steady and reasonable in-

hundred and sixty or a hundred and seventy million dollars. I do

we have been working all this time from the wrong end. Our immunity from attack is not to be secured by piecemeal additions to our Navy, but by

strengthening our land fortifications. The sum spent upon the Navy, which still leaves it far behind those of foreign powers, if it had been spent in strengthening the defenses of our coasts, would have rendered them invincible against any assault from a foreign fleet. If our harbors were properly fortified, no foreign squadron would make the attempt to capture them, and our seacoast cities would be secure. * * *

How much longer will this Congress remain inactive? How much more testimony does it want from our highest authorities before it will give its consent to take measures for the national defense? How much longer does it propose to leave every seacoast city from Portland, Me., to Portland, Oreg., in an absolutely defenseless condition in case of war with a foreign power? This is a question not of party but of patriotism, and Congressmen should not forget it. If they neglect to provide for ample defense they will be guilty of treacherous and criminal negligence, which should cost every one of them all future political office.

COAST DEFENSE.

[From the New York Tribune of February 28, 1896.]

The report on coast defenses submitted to the Senate by Mr. SQUIRE on Tuesday * * * ought to produce practical results. No public man, so far as we know, pretends to think that this is an unimportant subject or denies the general proposition that an extensive work of fortification ought to be steadily carried to completion. But it would be quite in line with Congressional practice to defer the task or dawdle over it until a more convenient season. Such is the history of operations during the last ten years, since the plan devised by the Endicott board was adopted, and such may be the story of national neglect for years to come, unless advantage is taken of the patriotic sentiment which has lately been aroused and has not yet lost its force.

The report made by Senator SQUIRE substantially confirms the views and calculations of the Endicott board, which planned an expenditure of $68,000,000 during a period of years now about to end, of which in reality less than one-tenth has been expended. It is conceded that a sum considerably in excess of $100,000,000 is essential to an entirely adequate defense of the chief ports of the United States, but it is estimated that fairly satisfactory results could be obtained by an expenditure of $80,000,000, and the bill now under discussion proposes the appropriation of that amount, $10,000,000 being available for use during the rest of this and the next fiscal year, and $10,000,000 annually for seven years thereafter. The enactment of the bill in that form would provide a reasonable guaranty of systematic and steady progress toward a condition of national security. Experience has shown that reliance upon successive appropriations to carry on an imperative work is foolish. The money is never forthcoming when it is needed.

Not a few persons who are keenly sensible of the danger to which stupendous interests are exposed along our defenseless coasts have heretofore imagined that the new Navy would in the near future be able to provide the necessary protection; but that error has been abandoned. Land defenses are indispensable for the security of property on shore; and, more than that, the Navy itself is in a large measure dependent upon them for its safety as well as its efficiency. Every consideration of interest and honor demands the prompt adoption of a comprehensive scheme for the rapid and uninterrupted execution of a task which has been far too long neglected.

"Mr. President, were our Navy to be doubled, at a cost of more than another $100,000,000, instead of increased by four battle ships, it would still be less than one-third as strong as that of the British, provided the latter remained in statu quo; but the policy of England is to keep her navy equal to the combined navies of any two other powers. It is plain to be seen that our Navy, with the proposed additions, will still surely be 'captured or destroyed' in case of a conflict with England. This proposed appropriation for naval increase seems a large one, but in comparison with what will be necessary to render our harbors safe by means of a navy, if, indeed, that were possible, it is but a drop in the bucket. And in the meantime our harbors are without protection. By means of harbor defenses and for a sum many times less than what would be required to place us on naval equality with the great naval powers of Europe we can render our harbors impregnable. It seems unnecessary to recapitulate the many conclusive arguments in favor of harbor defense and its efficiency. It can be accomplished more cheaply and more securely than by a navy. It is a matter of history that no well-constructed land fortification was ever reduced and taken by ships unaided by land forces. It is conceded by army and navy experts that guns mounted on shore are from three to five times more effective than those mounted on ships. When once constructed, fortifications are maintained at a nominal cost, while the maintenance of our present Navy is a constant drain upon the Treasury, to say nothing of the additional expense that will be incurred if the Navy is increased.

"To show the cost of maintaining ships I give the following table of the expense of a three-years commission of the cruisers named:

Baltimore	$801,265.05	Philadelphia	$809,243.85
Newark	808,427.12	San Francisco	918,113.91
Charleston	762,118.78		

"If the expense of maintaining the proposed battle ships increases in proportion to their larger tonnage, the cost of keeping them in commission for three years would be more than two millions each; but as this may not be a fair basis of comparison, I will call it a million and a half, or one-half million per year each.

"Whatever I have said or may say of the expense of building a navy, or of maintaining it when once constructed, I do not say because I oppose these outlays in their proper order and season, but rather because I think it all-important that a navy which is so expensive should be made as effective as it possibly can be and rendered safe from capture and destruction, for it is surely not only for the safety of our harbors that land defenses are necessary, but for the safety of the Navy itself. The first step of every commander of an army or a navy in active service is to select some safe base of operations, a base for organization and equipment from which to draw supplies and to which to send such of his forces as may be disabled. Without one safe harbor on either coast as a base of operations, we are going on to build up a navy which, in case of war with such a power as England, will inevitably be 'captured or destroyed,' as stated by Admiral Walker. The only true way to make the Navy effective is to first fortify our harbors, so it may have a safe basis of operation and for refitting and repairs. In this way we will make our whole Navy available for offensive operations and to aid the land defenses, if needed, and for the protection of smaller ports. Our Navy in this way would be more increased in practical power and efficiency than if the entire amount required to fortify our harbors were expended directly to increase the Navy. It is offering a premium for defeat and disaster in case of a war with a great naval power to further increase our Navy before we fortify harbors that can safely protect it.

"Is it not our duty to defend our own coasts and possessions before we provide the means of attack on other nations? In round numbers, the cost of one battle ship and its armament would more than fortify Portland and the other principal ports of the State that the Senator reporting this bill so ably represents. Great Britain has the great fortified harbor of Halifax, a rendezvous for her fleets at our northern door, while the whole coast of Maine is defenseless. Which would be most for the safety and benefit of the people of that State, a complete system of defense for her harbors or one battle ship more or less? So the cost of a single ship would effectually protect Baltimore and Washington and leave a surplus of two and a half million dollars. Which is the more important, that the great commercial city of Maryland and the capital of the country, which has been burned once, should be defended or that we should have an extra battle ship? The cost of one ship would much more than fortify the Delaware River and protect the great cities of Philadelphia and Wilmington and the shipyards where our vessels are built, which now are at the mercy of any leading power that might be at war with us. The cost of a single ship would fortify Hampton Roads and defend our great navy-yards at Norfolk and the shipyards at Newport News. The cost of two would defend the ports of Boston and Portsmouth, N. H., and leave a surplus of more than a million dollars. The cost of four—the number carried by this bill—would completely protect the whole Pacific Coast—San Francisco, Portland, San Diego, and the great waterway, Puget Sound. The cost of one would defend Puget Sound. Great Britain is to-day making the harbor of Esquimault impregnable, while we leave our side of Puget Sound defenseless. What can be her principal purpose in this except to provide a base of operations against our Pacific Coast in case of war? What object can it be to her to fortify this harbor, 7,000 miles from her shores, compared with the importance to us of defending our great Pacific Coast? Japan is fast developing into a powerful nation, and one that has an excellent and ever-increasing navy. The development of what I may call this new nation has been so rapid that I will read some extracts taken from an editorial in a recent issue of the New York Tribune:

"A new Japanese battle ship just launched is 412 feet long and 73½ feet broad, with a displacement of 12,300 tons. She will carry four 12-inch guns, each with 12° arc of fire; ten 6-inch quick-firing guns, twenty-four 3-pounders, and four torpedo tubes. The armor is 18 inches thick, Harveyized. The horsepower and speed will be 10,000 and 16½ knots with natural draft, and 13,500 and 18½ knots with forced draft, and there will be room in the bunkers for 1,200 tons of coal. * * *

"We have mentioned the new navy of a hundred and twenty ships which she is building. But still more noteworthy is the extension of her mercantile marine. The Japan Mail Steamship Company is extending its regular service to the ports of America, Australia, and Europe, and its 40 or more ocean-going steamers form one of the largest and best fleets in the world. There are several other shipping firms with fine fleets, and the 65 shipyards of the Empire are increasing the tonnage under the Japanese flag at an astounding rate. Whereas in 1888 Japan had only 524 steamers, most of them very small, and at the end of 1893 only 680, at the end of 1894 she had 1,077, and that number has now been increased probably by at least a hundred more, the majority of them large steel and iron ships of several thousand tons burden each. * *

"The presence of this fleet on the western ocean, which we can not hope to match there for many years to come, and the fortifications being built at Esquimalt but add more to the many reasons why the Pacific Coast should be protected.

"The cost of one battle ship would nearly fortify the five harbors of Wilmington, N. C., Cumberland Sound, Georgia, Pensacola, Galveston, and Charleston, S. C., while one and a half would more than provide for the three harbors of Savannah, Mobile, and Key West. The cost of four—the number carried by this bill, would make the main harbor of New York impregnable and nearly provide for the fortification of the eastern entrance to Long Island Sound, and render the harbors of Connecticut safe from attack. Which is of the greatest importance to the country at large, that we should make safe the great port of New York, from which the bulk of our exports are shipped and where our imports are received and more than 65 per cent of our customs revenues collected, or that we should have four more battle-ships which will make nothing absolutely safe? The cost of one would much more than defend Narragansett Bay and protect our naval establishment at Newport. One-half the cost of one would nearly defend the lake ports. The cost of fourteen would carry out the whole programme

of coast defense and make our harbors impregnable, and yet with fourteen more battle ships we would not have one-third the number England would have. An annual appropriation for four years equal to the cost of three battle ships would nearly complete the entire system of land fortification. Secretary Lamont says, in his recent report to the Senate, that over $25,000,000 could be used advantageously prior to July 1, 1897. But the bill of the Committee on Coast Defenses only calls during the year ensuing for ten millions, which is less than the cost of two battle ships, with authority to contract for a like amount annually for the seven following years.

"I will read from some editorials that have recently appeared. First from the Brooklyn Eagle of February 28, 1896.

MORE FORTS.

It sounds worse than it is when this sum is put at over $80,000,000, because this amount is not to be expended in a lump. The building of forts and turrets and batteries is not to be a thing of a day, but will proceed safely, if not leisurely, at an annual cost of perhaps an eighth of the gross sum. The peace feeling, the habit of minding our own business and allowing other nations to mind each others', has tended to a false sense of security; and it was not until the event of possible war was suddenly forced upon us that we realized how weak in many ways we were. The strength of a nation is in its men; but it is folly beyond expression to turn men into targets for the armament of European powers, and there are occasions when it is impossible to avoid war, not merely with honor but to avoid it at all.

We have a passable Navy. Indeed, in the strength of our cruisers we are probably ahead of all other nations. But ships are not enough. With our immense length of coast, parts of it with harbors, other parts of it forming a continuous beach where a military force could be landed from a fleet, it would require a navy ten times as large as ours to be completely effective. Every ship spared from aggressive activity would weaken the sea force by just so much, and many such ships would have to be so spared in order to defend the cities. We may be as strong in our defenses as some of the optimists would have us believe; we may have mines and torpedo plants and concealed batteries and electrical appliances that the Army authorities have wisely kept secret from us, or we may not; but however we stand in equipment it is sure that we can not guard our cities too well. It is estimated that the property capable of destruction by a powerful fleet in the outer bay of New York is worth $4,000,000,000. Surely 1 or 2 per cent of this sum is not too much to spend in its defense.

There can be no doubt as to the ultimate efficiency of our Navy, when our coast-defense monitors are finished and the battle ships are in commission—and built. But the way of an enemy that could steal past a protective line of ships would be calamitous to too many of our harbors. There are many fortifications, mere relics and curiosities of military engineering, that would be worse than useless in case of a siege. The old batteries in the Narrows and on Governor's Island would be more dangerous than open ground at such a time, for the masonry would be splintered over the heads of the garrisons under the pounding of the heavy guns of an English fleet. The increase of range in modern artillery, too, enables a virtual economy to be observed in the new scheme of defense. For instance, Long Island Sound is bordered by towns of size and is a highway to New York and Brooklyn. A fleet sailing westward through the Sound would demolish places like Port Jefferson, College Point, Stamford, and Saybrook, if its admirals thought it worth while to waste ammunition on them, and the conquest of New London, New Haven, and Bridgeport would be almost as easy a matter. In older times each of these ports would have required its armament. But with long-range guns, strong forts erected at the east end of Long Island and the opposite side of the Sound, with a mortar battery on Fisher's Island or Block Island, or both, the Sound and all the villages, towns, and cities fronting on it would be protected. And similar conditions apply in the case of the ports on Puget Sound, the bays of Delaware and Chesapeake, and the lower Columbia.

It is penny wisdom and pound folly to leave all of our greater cities at the mercy of invasion. When war comes it comes quickly, and there is no nation so polite as to give us a few years to prepare ourselves in case war arose with us. It would strike quick and hard. With proper defenses its stroke would fall powerless. The spending of money for ships has been generally approved; but * * * it is an expenditure for which we get a comparatively small return. A war ship is a thing of relatively short life. Types of vessels change, too, so that the battle ship of one decade is obsolete in the next. Repairs are frequent and expensive, and the risks in sailing, even in years of peace, are large. With forts it is different. A solidly constructed work ought to endure for centuries, and it is always easy to repair and keep in order, or even to adapt to changes in guns and mortars that may be brought to bear on it. Again, a good deal of "jerry work" has been done on our ships. But the construction of our forts is different, because the medium which is wrought is different. There are few bolts or plates or such matters to be adjusted, and human muscle enters to a larger extent in the work of construction. In fifty years perhaps not one of our cruisers will be afloat, at least in our service; but the forts at our water passes will be as stout as ever, and will be a virtually permanent bar to the passage of a foreign fleet, which means the destruction of life and property, the pillage of our cities, the restraint of our liberties, and the loss of honor.

"The Post-Dispatch, St. Louis, Mo., of February 28, 1896, said:

THE RATIONAL DEFENSE POLICY.

If the $110,000,000 we have expended within three years on experimental floating batteries, which may be sunk or penned up in some harbor in the event of war, had been devoted to land fortifications and batteries, our principal harbors would now be effectively protected.

But not only are harbor fortifications effective for defense, there is a strong argument in their favor in the traditional policy of the United States. We want the means of defense, not aggression. A powerful Navy is a temptation to aggression and a constant menace to the peace of the country.

The policy * * * is the rational policy for Congress to pursue. It is cheaper, safer, and more effective than navy building.

"The Commercial, of Louisville, Ky., of February 29, 1896, said:

To create such a navy as that of Great Britain would demand an immense sum, and its maintenance would be an unbearable tax. Such a navy is clearly unnecessary. Our position is entirely different from that of Great Britain. Her insular position, her distant and depending colonies, and her widely-extended commerce demand the protection of a powerful navy. We have no dependent colonies; our Navy is already strong enough to protect our commerce, which is principally coastwise. What we need is to have all the cities and harbors of our extensive coasts upon the Atlantic and Pacific seaboard made safe from ocean attack by invulnerable defenses. This can be done at an expense much less, and in a manner more effective by land defenses than by a powerful navy. Besides, when completed, the cost of maintenance is trivial in comparison to the immense sums required to keep ships of war repaired, renewed, and afloat. Let us screw down our navy patriotism for a while, and let out the valve which will unloose another quality, quite as creditable and much more practical.

"The Examiner of San Francisco, Cal., of February 28, 1896, said:

If we had spent as much in the past ten years on our fortifications as we have on our Navy our ports would now have been impregnable. A battle ship is a floating gun platform, but it takes a four-million-dollar ship to carry $400,000 worth of guns. On land a gun can be mounted for little more than its own cost, and when it is in place it is equal to from two to six afloat. Two battle ships could be sunk by three vessels of their own kind, but the cost of two battle ships spent on land defenses would protect a port against a whole fleet. Moreover, every ship costs enough every year for maintenance to build a first-class battery on shore, while the fortifications call for almost nothing after their first cost.

We need a moderately strong navy, and can afford to pay for it, but it is not our policy to invest in a navy strong enough to defend us against that of England or France. For that work we must depend upon fortifications.

"The method of reference of the fortifications bill does not seem to me to give it an equal chance with the naval bill. In the House there is no committee on coast defense and the fortifications bill goes to the Committee on Appropriations and to the same committee in this body. The committees on Appropriations in the two bodies of course give the fortifications bill all the care and attention possible, but that bill is of such importance and it requires so much time to fully consider all the requirements of the situation that it should have in one body or the other the consideration of a committee upon that subject-matter. Its situation is peculiar as compared with the other appropriation bills, and especially as compared with the naval bill, in not having such a committee, nor any special, personal, or local interest to look after it. The naval bill in the House is made up by a committee on the subject-matter of the Navy, and one which of course makes a study of its requirements. In the Senate the naval bill goes to the Committee on Appropriations, but with three members of the Committee on Naval Affairs on the Committee on Appropriations and on the subcommittee on the naval bill, constituting a majority of that subcommittee, it is in the hands of its special friends in both bodies.

"As it comes to us it is not probable that it differs materially when reported by the Senator from Maine from the Committee on Appropriations from what it would be if reported by the same Senator from the Committee on Naval Affairs. Thus the naval bill practically receives the consideration of two committees charged with the duty of caring for the Navy, while the poor fortifications bill is left without a special friend, and has only the interest for the public welfare behind it. This accounts largely for the sad condition of decrepitude in which it reaches this body, if it ever reaches it. It has been the bill of all others upon which the individual, combined, and concentrated pangs of economy seem to have been satiated. Is it not, therefore, the duty of the whole body of the Senate to take up this matter earnestly and make amends for past neglect by making such appropriations as will put the work of harbor defense on the basis of progress which its pressing importance demands? What has happened to the fortifications bills is well shown by a comparison between the reduction from estimates that have been made in the naval bills and the reductions from estimates that have been made in the fortifications bills in the last fifteen years. They are as follows, and show that on an average the naval estimates have been cut in these fifteen years less than 15 per cent, while the estimates for fortifications have been cut 65 per cent. In the last three years the discrepancy has been still greater. The reduction from the naval bills averaged only 7½ per cent, while the reductions from the fortifications bills in the same years averaged over 70 per cent, or reductions nearly ten times as great as those from the naval bills. The result is that if continued at the present rate the appropriations for fortifications will put our harbors in a proper state of defense about the middle of the next century, as is shown by the last report of the Secretary of War:

Navy.

Year.	Estimates.	Appropriations.	Cut.
			Per cent.
1881	$14,509,147.95	$14,405,797.70	1/10
1882	15,022,331.01	14,566,087.55	3¼
1883	17,249,148.46	14,819,976.80	14
1884	23,461,025.54	15,891,494.23	32 4/10
1885	22,747,751.38	15,569,534.22	31
1886	30,654,010.50	15,070,837.95	50
1887	30,836,357.74	16,488,907.20	46 4/10
1888	29,746,756.86	25,767,348.19	*25
1889	22,003,024.12	19,942,835.35	13½
1890	26,767,277.74	21,092,510.27	19
1891	25,599,258.79	24,136,035.53	5 7/10
1892	33,331,580.11	31,541,654.78	5 7/10
1893	27,194,639.80	23,543,365.00	13 7/10
1894	24,471,498.21	22,104,061.38	9
1895	27,875,914.02	25,327,126.72	9
1896	30,952,066.96	29,416,245.31	5
1897	29,313,166.20	(†)	----------

Average cut, 14½ per cent.
* Increase.
† This bill carries $31,611,034.95, an increase of over estimate of $2,298,868.75.

Fortifications.

Year.	Estimates.	Appropriations.	Cut.
			Per cent.
1881	$1,000,000.00	$550,000.00	45
1882	1,267,600.00	575,000.00	58
1883	1,220,000.00	380,000.00	69
1884	1,000,000.00	670,000.00	33½
1885	1,000,000.00	700,000.00	30
1886	7,393,000.00	725,000.00	90
1887	3,396,000.00	.....	100
1888	5,436,000.00	.....	100
1889	8,239,000.00	3,972,000.00	51
1890	5,552,000.00	1,253,594.00	77
1891	8,488,988.00	4,232,935.00	50
1892	7,484,323.00	3,774,803.00	50
1893	9,286,607.00	2,734,276.00	70
1894	7,372,305.00	2,210,055.00	70
1895	7,438,413.00	2,427,004.00	67
1896	7,357,703.50	1,904,557.50	74
1897	7,414,683.00	.....	.....

Average cut, 64¼ per cent.

"The naval appropriations have more than doubled in fifteen years and have now reached thirty millions, and will soon reach fifty millions per year if the present rate of increase goes on. So great a naval authority as Admiral Walker, and one naturally and properly wedded to the interests of the Navy, considers that a proper distribution of $100,000,000 for the national defense would be to give sixty millions to land defense and forty millions to the Navy; and yet it is proposed by this bill to provide four battle ships, which will cost when armed and equipped probably more than $25,000,000 and at least two millions per year for maintenance when kept in commission, besides the constant repairs and rapid deterioration. I speak of these things at this time because I believe that whatever we may decide to do in regard to this naval appropriation we should do in reference to what we expect to appropriate for harbor defense, and that the whole Senate should take an especial interest in the matter.

"There is also a romantic side to the Navy, and I will read an editorial from the New York Press of March 3, 1896, which comments upon this phase of the subject:

WHY THE NAVY CAME FIRST.

Appropriation to Congress districts instead of appropriation to departments has been the prime cause both of our lack of shore defenses and our slow progress in sea defenses. The point of sea defenses, i. e., a navy, was the point of least resistance in this long line of local selfishnesses. A national spirit could be roused to pierce that line. It could be roused by the glorious traditions of the Navy, of which the heavy artillery, at least, of the Army has few. Local pride could be tickled, and was, by a system of naming the new ships after State capitals and big inland towns.

These in some instances acknowledged the compliment far more graciously than did their seaboard sisters. The system of distributing the building of ships among the States was pushed to the extreme of having a torpedo boat constructed in the middle of the continent—Dubuque, Iowa—which exhausted its usefulness in reaching its edge—New London—and has since been harmless enough to accord with a set of chamber of commerce resolutions. Vessels have been sent to take part in local festivities as far from their native brine as Memphis, Tenn. Squadrons have participated in three international parades—two at New York and one at Kiel. An ocean race against time has been made by one of the two crack cruisers, a brick battle ship was set up at the World's Fair, and, in short, we have had in the Navy a continual national circus, for which the people have been willing to pay. * * *

On the other hand, it has been possible to bring not one of these perhaps meretricious aids to the cause of coast defense. We have no doubt that the one courageous Congress which has essayed the subject—the Fiftieth, of glorious memory—would in its separate and individual heart of hearts have preferred to split the award for 100 guns up among a hundred Congress districts than to pour the whole of it into one Pennsylvania constituency. Moreover, whatever of poetry there was in shore defenses has gone with the usefulness of the frowning old stone fortresses, heavily symbolic of Federal might. There is nothing impressive in a modern "fort," a mere hole in the ground, a burrow for a disappearing gun carriage. There has not even been an excursionists' interest in the work at Sandy Hook, whereas who can forget the veritable hundreds and thousands of sightseers who have rushed to the North River front at the promise of a naval gala day!

Such are some of the reasons why naval betterment has preceded the more strictly necessary work of coast defense.

"Some may think this article attaches too great weight to the effect of poetic sentiment in securing large appropriations for the Navy, but there is much truth in it.

"As another influence that has aided appropriations for the Navy, it might be added there are also great contracting firms and corporations, represented by honorable gentlemen; but it is obvious that these contractors, expending vast sums of money and desiring to show the excellent character of their work, do create and stimulate public sentiment in favor of ships. On the other hand, as stated in the article just read, there is nothing about the modern fortifications to stir poetic sentiment, but there is the plain, practical fact, that they make us safe from attack, and are what we need first and most. Neither have they the interest of great contractors behind them; but the money for them will all be expended in this country and will be much more generally distributed and a much greater proportion of it be expended for labor.

"Whatever we may think of the advisability of harbor defense, there can be no doubt of the sentiment of the country at large upon the subject. There has recently been considerable newspaper comment upon it, and it is invariably favorable to fortifying our harbors.

"The following papers, and many others, have within the last six weeks declared themselves in favor of a modern system of coast defense: New York Tribune, New York Press, Brooklyn Eagle, Chicago Tribune, San Francisco Examiner, Boston Journal, Providence (R. I.) Telegram, Baltimore Herald, St. Louis Post-Dispatch, Louisville Commercial, Woonsocket (R. I.) Reporter, Newark (N. J.) News, Washington Evening Times, Pittsburg Commercial Gazette, Indianapolis Sentinel, Norwich (Conn.) Record, Tampa (Fla.) Times, Bay City (Mich.) Tribune, New York Sun, New York Herald, New York Commercial-Advertiser, New York Journal, New York Times, Binghamton (N. Y.) Republican, Philadelphia Press, Hartford (Conn.) Courant, New York Advertiser, Kansas City Star, Milwaukee Sentinel, Bethlehem (Pa.) Times.

"As I believe the newspapers so well reflect the public sentiment, I will read some more editorials:

THE NATIONAL DEFENSE.

[From the Commercial Gazette of Pittsburg, Pa., of March 2, 1896.]

The question of the rehabilitation of the Navy was one which excited a good deal of attention ten or a dozen years ago, and the results of the agitation are apparent in the vastly improved condition of that arm of the nation's defense. But we are still far behind Great Britain in the magnitude and effectiveness of our Navy, and there is a constant demand for additional expenditures in that direction. * * * No one in this country pretends that we should have a navy equal in prowess to that of Great Britain, but we should spend a great deal more money in seacoast defenses than we have been doing. * * * The United States does not need a great navy, able to cope with those of the leading maritime powers of Europe, mainly for the reason that this is not an aggressive nation and does not expect to engage in aggressive warfare. * * * There is no telling when the nation might be made to feel the consequences of this neglect. An attack from a foreign naval fleet is improbable, but not impossible. The Venezuelan affair and the Cuban insurrection furnish pointers as to what might happen very unexpectedly. There is little fear that in the end the United States would be able to hold its own as against all comers, but in doing so no little humiliation and loss would be endured. The best way to render such attacks impossible would be to be fully prepared to repel them.

ECONOMY OF COAST DEFENSES.

[From the Washington Evening Times of February 27, 1896.]

If the United States were to get into a war with Great Britain, or France, or Russia, or any other foreign power having a considerable navy, a fleet of hostile vessels could do damage enough by a day's bombardment of one of our great seaport cities to more than equal the total cost of a complete system of defenses on the Atlantic, Pacific, and lake coasts. It is the same foolish policy from which many inland towns have suffered that have shunned the expense of a well-equipped fire department and lost more money by one conflagration than the whole outfit would have cost.

A perfect system of coast defenses is notice to the world that the country possessing them fears no attack from hostile fleets and has its own navy free to operate wherever its services may be most valuable. Its first cost is the chief outlay; it has not to be added to, nor have any parts of it to be replaced; it is there for all time. On the other hand, vessels wear out; they have to be overhauled and repaired; it takes time to get them ready for active service after once they have been out of commission. A modern fortification, built upon the best models, is practically indestructible, for the guns that can be mounted on it are so far-reaching as to keep even battle ships at such a distance that their shells can not reach the city back of the defenses.

THE OLD WAY THE BETTER.

[From the Boston Journal of February 27, 1896.]

It is a matter for patriotic congratulation that the important bill of Senator SQUIRE providing for the systematic expenditure of $87,000,000 for coast defense has been favorably considered and reported to Congress.

It is a significant fact that the objection of a need of economy, which has been fatal this session to many deserving bills, has not been raised against this measure. Though it authorizes a heavy appropriation, the actual expenditure will be distributed over a series of years, and therefore can not overtax the national resources. Eighty-seven million dollars is a large sum, but it is only a little more than a dollar a head of our immense population—by no means an extravagant price to pay for an effective form of national insurance.

As a matter of fact, it is a far smaller sum than the Government in its days of comparative weakness expended to build and equip the really admirable system of coast defenses which we possessed prior to the war of the rebellion. Our fathers were poorer than we, but they created and maintained fortifications which commanded the respect of Europe and kept us for almost half a century free from serious menace by the great military powers of the Old World.

Our present relatively unprotected condition is a modern innovation—a departure from the traditional policy of the Republic—and the American people have given abundant proof that they want no more of such a rash experiment.

COAST DEFENSES.

[From the Woonsocket (R. I.) Reporter of February 29, 1896.]

England has at present 60 armed battle ships to our 8, and is going to build 10 more this year, while there are murmurs at the proposed addition of 6 battle ships to our Navy. It is necessary to provide strong land defenses under the protection of which our ships could take shelter when menaced by an overwhelming hostile force, or refit in case of necessity.

There is no doubt that the great majority of the people of the United States favor arbitration as the best method of adjusting international disputes, and the views of many good citizens are reflected in the opposition of a leading Boston paper to the appropriation of any money for coast defenses as wasteful and unnecessary. Such optimistic peace lovers have forgotten the immortal maxim of Washington, "In time of peace prepare for war," and need to remember that the continued absence of fire does not prove the folly of insurance. The example of China shows the helplessness of a great commercial nation with enormous population and unlimited resources, but without any efficient protection from hostile attack, when suddenly assaulted by an energetic foe, far inferior in size, but provided with a sting.

The expenditure of $87,000,000 in ten years would not add materially to the burden of the American people, and would build all the forts needed to protect our great seacoast cities. The appropriation of that sum by Congress for such a purpose would tend to perpetuate an honorable peace with all nations. Those who are opposed to taking any precautions against the dangers which but yesterday overwhelmed China should remember that, as Professor Hollis said in his admirable lecture in Boston this week, we are living in the nineteenth century, not the twenty-fifth.

THE DEFENSE OF OUR COASTS.

[From the New York Journal of February 29, 1896.]

If we leave our coasts unprotected we shall furnish an isolated example of a nation which believes itself above the need of land defenses of the modern pattern. The natural result will be that at some unexpected moment we shall receive an unpleasant lesson, the record of which it will not be agreeable to place in our archives.

We have entered upon an epoch of international questions. Each month brings its quota of foreign matters in which we are interested, and from which we can not hold aloof as we did of old. We need to speak our minds freely, and now and then to declare our policy imperatively. It must be clear to most thinking men that we shall not be listened to with absolute respect if by our negligence we invite successful attack. There was a time when England's "white sea wall" was inadequately defended, and when the Continental powers, just entering upon the period of monstrous armaments, pretended not to listen when she spoke. But when England girdled her island coast with steel and iron, and made it so that an enemy, were he as brave as William the Conqueror, could not land anywhere without receiving the converging fire of two gigantic forts, they were somewhat more attentive.

In arming our coasts we are not merely providing against the possibility of a national humiliation. We are strengthening our position on every international topic upon which we are obliged to declare ourselves. We want more guns, built in the Government foundries and in private establishments, also at a rate which will enable us to show satisfactory progress in defense. This powerful nation can afford the cost of a full equipment of every defensible point. It can not afford to neglect the matter another year. At this very hour questions are pending which might bring on hostilities with nations possessing powerful navies. This fact alone should plead eloquently for haste and thoroughness in arming the coasts.

OUR COAST DEFENSES.

[From the Sentinel, of Indianapolis, Ind., March 4, 1896.]

The question of expending money for a navy or expending it for coast defenses is one that is forcing itself more and more on the minds of men who are working on the problem of defense against foreign attack. Of course, both are needed to a certain degree, but there must be a limit somewhere to our Navy, and it may very properly be doubted that there is good policy in attempting to build up and maintain a navy equal to that of any of the great powers of Europe. At present our Navy rates not higher than sixth or seventh in the list of the navies of the world, although it has cost over a hundred millions of dollars, and it is very far surpassed by the best ones. At the same time it is conceded that it is not adequate for the defense of our coasts, and, indeed, not adequate for defense of any material portion of them. Practically, we can be attacked only on our coasts, but an immense amount of damage could be inflicted there by a strong naval force. * * *

It is hardly practicable to attempt to keep up in a race of this kind when we have comparatively little use for a large navy, and when these countries are adding to their navies as fast as we can. But we can protect our coasts against any naval force that can be brought against them. Such is the opinion of such men as General Abbot, Admiral Walker, and other military and naval experts. * * *

On every ground, therefore, reason would dictate that we turn our attention especially to coast defenses, at least until the country is put in condition in which there would be no occasion for fear of damage from foreign attack.

"I shall vote for the amendment proposed by the Senator from Maryland not because I feel any hostility to the Navy nor because I underrate its importance, but because the fortifications bill is so much more entitled to our consideration at this time as being the first provision in the logical development of our national defenses. I believe that it can but be apparent to the Senate that the fortifications bill is of more importance than the provisions for the increase of the Navy at this time, and that it should receive preference if we do not intend to pass both. It will meet the general approval of the country, regardless of the condition of our revenues, to establish and declare the policy that the protection of our own country is our first duty. If we have not the money in hand, we surely will have it. If we can afford to build four battle ships per year, for eight years, we can certainly afford to use one-half the money they will cost to make our harbors safe for them and to protect our cities. This amount, the cost of two battle ships, is not an extravagant or unreasonable appropriation for coast defenses.

"I would rather have no appropriation at all than to have the usual poor excuse for one. If we have none at all, the sentiment of the country will soon be so aroused as to compel a well-defined policy, while our annual apology might otherwise postpone such action for a time. Let us adhere to the traditional policy of the United States—we want the means of defense, not aggression."

I have quoted these very pertinent views of the Senator from Vermont [Mr. PROCTOR] as setting forth fully my ideas with regard to the necessity of coast defenses, but I do not agree with him that we may not appropriate for the four battle ships and at the same time make adequate appropriations for our coast defenses. I believe that the Senate and that both Houses of Congress are ready to do so, and that the people are ready to sustain them.

Mr. HALE. Mr. President——

Mr. CHANDLER. Will it be convenient for the Senator from Maine to allow me to offer an amendment to the bill at this time?

Mr. HALE. Certainly.

Mr. CHANDLER. I offer the amendment which I send to the desk.

The PRESIDING OFFICER (Mr. PEFFER in the chair). The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

That the Secretary of the Navy is hereby directed to examine, through a board composed of line and staff officers, into the merits of any system presented for the propulsion of vessels by direct action against the water without the use of screws, in comparison with the steam engine and the propeller, and into the relative efficiency of the two methods as to displacement, waste of fuel, liability to accidents, and speed endurance, and also into the applicability and special advantages of the direct system in connection with torpedo boats and coast-defense vessels.

Mr. TURPIE. I ask the Senate to proceed to the consideration of House bill 5853, a pension bill, which will not lead to any debate.

Mr. CHANDLER. Let my amendment be adopted first, if there be no objection. I move the amendment for adoption at this time.

Mr. PASCO. I suggest that the Senate is rather thin to adopt an amendment so important. There may be some experiments——

Mr. CHANDLER. There is no objection to the amendment going over at the suggestion of the Senator from Florida.

Mr. HALE. Let it go over, then.

Mr. PASCO. I wish to say before it goes over that I wish to bring up the amendment relating to the establishment of a tank, and perhaps the amendment the Senator from New Hampshire has offered may have some connection with that.

Mr. CHANDLER. No; it has no relation to the tank.

Mr. HALE. There is no necessity for any amendment to be offered in regard to the tank. The provision was placed in the bill by the other House.

Mr. PASCO. It was in the bill, but it has been stricken out, I understand.

Mr. HALE. No amendment is required, but simply a vote.

Mr. PASCO. I wish to have the vote reconsidered or the question brought up after the bill is reported to the Senate.

Mr. CHANDLER. The Senator can have the amendment striking out that provision reserved for a separate vote in the Senate.

ARMINDA STUCKER.

Mr. TURPIE. I ask the unanimous consent of the Senate to proceed to the consideration of the bill (H. R. 5853) granting a pension to Arminda Stucker, of Gallatin, Mo.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Mrs. Arminda Stucker, widow of John H. Stucker, late a soldier in Company B, Grundy County Battalion, Missouri State Militia, at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 57 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 30, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 29, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1904) to regulate marriages in the District of Columbia, asked a conference with the House on the bill and amendments, and had appointed Mr. FAULKNER, Mr. MCMILLAN, and Mr. GALLINGER as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895, asked a conference with the House on the bill and amendments, and had appointed Mr. MCMILLAN, Mr. FAULKNER, and Mr. PROCTOR as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, had agreed to the conference asked by the House of Representatives, and had appointed Mr. ALLISON, Mr. HALE, and Mr. GORMAN as the conferees on the part of the Senate.

GETTYSBURG NATIONAL PARK.

Mr. CURTIS of New York. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2490) to authorize the Secretary of War to improve and maintain the public roads within the limits of the national park at Gettysburg, Pa.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized in his discretion to improve and maintain the public roads within the limits of the

upon the subject. There has recently been considerable news-

energetic foe, far inferior in size, but provided with a sting.

amendment will be stated.

Be it enacted, etc., That the Secretary of War is hereby authorized in his discretion to improve and maintain the public roads within the limits of the

national park at Gettysburg, Pa., over which jurisdiction has been or may hereafter be ceded to the United States: *Provided*, That nothing contained in this act shall be deemed and held to prejudice the rights acquired by any State or by any military organization to the ground on which its monuments or markers are placed nor the right of way to the same.

Mr. CURTIS of New York. Mr. Speaker, I can state more briefly than the report the provisions of this bill. It simply authorizes the Secretary of War to construct and repair roads within the limits of the Gettysburg National Park. It carries no appropriation. The bill passed the Senate and is unanimously reported from the Committee on Military Affairs. The amendment to the Gettysburg Park act is stated in the following words:

That the Secretary of War is hereby authorized in his discretion to improve and maintain the public roads within the limits of the national park at Gettysburg, Pa., over which jurisdiction has been or may hereafter be ceded to the United States.

Mr. SAYERS. If this bill should become a law, would it interfere with the plans devised by the Department?

Mr. CURTIS of New York. Not at all.

Mr. SAYERS. You remember that in the last Congress we passed a bill making the battlefield of Gettysburg a national park. I believe that General Sickles reported the bill.

Mr. CURTIS of New York. It complies fully with the regulations heretofore adopted and the acts of Congress relating to this park, as provided in the map of General Sickles.

Mr. DINGLEY. Does not the Secretary of War have this authority now?

Mr. CURTIS of New York. No, sir.

Mr. McMILLIN. Has this bill been submitted to the Secretary of War?

Mr. CURTIS of New York. Yes.

Mr. McMILLIN. What is his report on it? Let us have the report read.

Mr. CURTIS of New York. I will read his letter. It is as follows:

WAR DEPARTMENT, *Washington, D. C., March 2, 1896.*

SIR: I have the honor to transmit herewith copy of letter from the Gettysburg National Park Commission, dated February 19, 1896, together with copy of proposed amendment to section 4 of the act entitled "An act to establish a national park at Gettysburg, Pa.," approved February 11, 1895, and to advise you that the proposed amendment meets with the concurrence of this Department.

Very respectfully, DANIEL S. LAMONT,
Secretary of War.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

There is no objection to this bill from any source whatever.

Mr. McMILLIN. I will ask for the rereading of the bill. There was confusion and I was unable to hear it.

The bill was again read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. I should like to ask the gentleman if he has any idea what is going to be the probable cost?

Mr. CURTIS of New York. I can not give you the information. There is no appropriation asked for in this bill.

Mr. LOUD. Oh, of course not.

Mr. CURTIS of New York. It comes out of the appropriation already made.

Mr. LOUD. Of course it will have to come out of the regular appropriations made annually for parks all over the country.

Mr. BINGHAM. There is an appropriation of $50,000 in the sundry civil appropriation bill.

Mr. LOUD. Oh, I know this will have to be met in the sundry civil bill. We are getting parks all over the country and we are piling up permanent expenses every year. There will have to be a halt somewhere, either on pensions or on roads, one or the other.

Mr. DOCKERY. I suggest to the gentleman from California that it is considered ungracious to propose a reduction of expenses here.

Mr. LOUD. Oh, perhaps so, but I can not help it.

Mr. McMILLIN. I will ask the gentleman from New York if the Government has complete jurisdiction over that park?

Mr. CURTIS of New York. It has.

Mr. McMILLIN. Has the land been bought by the Government, or ceded to it?

Mr. CURTIS of New York. Yes; this only relates to that which has been ceded, and is so specified in the bill.

Mr. BAILEY. Does the gentleman from New York mean to say that the Government of the United States has exclusive jurisdiction?

Mr. CURTIS of New York. Yes; the State of Pennsylvania has granted jurisdiction, in respect to this park, over the territory that the Government desires to occupy. The map has been made, the bill establishing the park was approved on the 11th of February, 1895, and the State of Pennsylvania has ceded jurisdiction.

Mr. McMILLIN. But the gentleman from Texas will observe that there are reserved rights over which, it seems, the Government has no control.

Mr. CURTIS of New York (reading):

Over which jurisdiction has been or may hereafter be ceded to the United States.

That is, for any extensions to the park that may be made in the future.

Mr. McMILLIN. But there seems to be a reservation of rights. I will ask the Clerk to read the proviso.

Mr. CURTIS of New York. I will read it:

Provided, That nothing contained in this act shall be deemed and held to prejudice the rights acquired by any State or by any military organization to the ground on which its monuments or markers are placed, nor the right of way to the same.

Now, you must understand that the land for the park has been ceded by the State of Pennsylvania, and has been accepted by the Government. The plans were drawn under the supervision of General Sickles. The State of Pennsylvania has granted, with the concurrence of Congress, the right to put up monuments on various parts of the field by organizations from different States that were engaged in the battle. This bill provides that these monuments shall not in any case be encroached on by these roads.

Mr. KEM. I would like to ask the gentleman a question. Who keeps up the public roads there now?

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KEM. I object.

EXTRA COPIES OF HOUSE BILL RELATING TO PACIFIC RAILROADS.

Mr. FARIS. Mr. Speaker, on behalf of the Committee on Pacific Railroads, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That there be printed for the use of the House 2,500 extra copies of House bill 8189, and a like number of the majority and minority reports of the Committee on Pacific Railroads thereon.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

CONTESTED-ELECTION CASE—THORP VS. M'KENNEY.

Mr. WALKER of Virginia. Mr. Speaker, I ask leave to present the report of the Committee on Elections No. 3 on the contested-election case of Thorp against McKenney from the Fourth Congressional district of Virginia; and I ask that it be printed.

Mr. DE ARMOND (some time subsequently). Mr. Speaker, in the case of Thorp against McKenney I, present the conclusions of certain members of the Committee on Elections No. 3, and ask that they be printed with the report presented by the gentleman from Virginia [Mr. WALKER] in the same case. It is really a concurrent report. There is no difference as to the result, but expresses the views of certain members of the committee.

The report, with the views of the minority, was ordered to be printed, and referred to the House Calendar.

CONTESTED-ELECTION CASE—PEARCE AGAINST BELL.

Mr. WALKER of Virginia. Mr. Speaker, I present the report of the Committee on Elections No. 3 in the case of Giles Otis Pearce *vs.* John C. Bell, from the Second Congressional district of the State of Colorado, and ask immediate action upon this report. As it is but a few lines, there is no need of asking that it be printed.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The Committee on Elections No. 3, to which was referred the contested election case of Giles Otis Pearce against John C. Bell, from the Second Congressional district of the State of Colorado, submits the following report:

In this case the contestant gave no notice of contest, as required by law, and has taken no evidence to sustain the allegations of fraud and intimidation claimed by him to have been committed.

The official returns show that the contestee received 47,703 votes; that Thomas M. Bowen received 42,369 votes; that W. A. Rice received 2,032 votes, and the contestant received 157 votes.

The committee therefore recommends the adoption of the following resolutions:

Resolved, That Giles Otis Pearce was not elected a Representative in the Fifty-fourth Congress from the Second Congressional district of the State of Colorado, and is not entitled to a seat therein.

Resolved, That John C. Bell was duly elected a Representative in the Fifty-fourth Congress from the Second Congressional district of the State of Colorado, and is entitled to a seat therein.

The SPEAKER. The question is on agreeing to the resolutions.

The resolutions were agreed to.

CONTESTED-ELECTION CASE—HOGE VS. OTEY.

Mr. DE ARMOND. Mr. Speaker, I present the report of the Committee on Elections No. 3 in the contested-election case of J. Hampton Hoge *vs.* Peter J. Otey, from the Sixth Congressional district of Virginia. I ask that it be printed and referred to the House Calendar.

The SPEAKER. The report will be ordered printed and the case referred to the House Calendar.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That the thanks of Congress be given to the people of Wisconsin for the statue of

James Marquette, the renowned missionary explorer and discoverer of the Mississippi River.

Resolved, That the statue be accepted, to remain in the National Statuary Hall, and that a copy of these resolutions, signed by the presiding officers of the Senate and House of Representatives, be forwarded to his excellency the governor of the State of Wisconsin.

UNITED STATES COURTS, ROANOKE, VA.

Mr. OTEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7668) to establish a term of the district and circuit courts of the United States at Roanoke, Va., in the western district of Virginia.

The bill was read, as follows:

Be it enacted, etc., That a term of the district and circuit courts of the United States shall be held in each year at Roanoke, in the western district of Virginia, on the Tuesday after the second Monday in February and August.

SEC. 2. That the counties of Roanoke, Botetourt, Giles, Craig, Franklin, Montgomery, Floyd, Pulaski, Tazewell, Bland, and Carroll, and city of Roanoke shall be attached to the division of the court established by the first section of this act, and all process running to said counties shall be returnable to said counties.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

Amendments recommended by the Committee on the Judiciary were adopted, as follows:

Section 2, line 3, strike out the words "city of Roanoke."
Section 2, line 6, strike out the word "counties" and insert "courts."

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. OTEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

LIGHT-HOUSE AT ORIENT POINT, LONG ISLAND, ETC.

Mr. McCORMICK. Mr. Speaker, I ask unanimous consent for the present consideration of House bill No. 853, providing for the erection of a light-house at Orient Point, Long Island, New York, and for the proper lighting of the entrances to Greenport and Sag Harbor, and the west shore of Shelter Island.

The bill was read, as follows:

Be it enacted, etc., That the Light-House Board is hereby authorized and directed to erect a light-house at the site of the beacon heretofore existing at Orient Point, or Oyster Pond Reef, on the west side of Plum Gut, at the entrance of Long Island Sound, in the State of New York, and the said Board shall also erect beacon lights or gas buoys at the following points in the county of Suffolk, N. Y.:

First. On Hay Beach Point, Shelter Island.
Second. At the end of the Greenport breakwater, Greenport.
Third. On Conklings Point, about 2 miles west of Greenport.
Fourth. On Rocky or Stearns Point, on Shelter Island.
Fifth. On Hallocks or Paradise Point, on Great Hog Neck, opposite Shelter Island.
Sixth. On Tyndalls Point or Clarks Point, north of Sag Harbor.
Seventh. On the shore south of West Neck Harbor, on Shelter Island.
Eighth. On the shoal about three-fourths of a mile north of the Sag Harbor wharf, Long Island.

SEC. 2. That the sum of $65,000, to be available immediately, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of constructing and placing the foregoing light-house, beacons, and buoys.

Mr. DINGLEY. Mr. Speaker, I observe that there is no limitation in the bill as to the expenditure.

Mr. DOCKERY. Mr. Speaker, I reserve the right to object. I do not know that I caught the reading of the bill accurately, but if I did it seems to be an omnibus bill.

Mr. McCORMICK. Oh, no. The other items in the bill in addition to the light-house are for small gas buoys.

Mr. DOCKERY. I should like to hear the report.

Mr. McCORMICK. I will ask the Clerk to read the report.

The report (by Mr. CORLISS) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 853) providing for the erection of a light-house at Orient Point, Long Island, New York, and for the proper lighting of the entrances to Greenport and Sag Harbor and the west shore of Shelter Island, report the same back with an amendment, and recommend that the bill thus amended do pass.

The correspondence from the Department herewith submitted shows the necessity for the proposed legislation.

The committee recommend to amend by striking out all of section 2.

TREASURY DEPARTMENT,
Washington, D. C., February 15, 1896.

SIR: The letter from your committee of January 6, 1896, inclosing House bill No. 853, providing for the erection of a light-house at Orient Point, Long Island, New York, and for the proper lighting of the entrance to Greenport and Sag Harbor and the west shore of Shelter Island, and asking suggestions touching the merits of the bill and the propriety of its passage has been received.

This matter was referred to the Light-House Board, which has replied that it recommends the establishment of a light-house and steam whistle at Orient Point or Oyster Pond Reef, at the entrance of Plum Gut, Long Island, and gas beacons on eight points or shoals on the course to Greenport Harbor, and thence to Sag Harbor.

Respectfully, yours, S. WIKE, *Acting Secretary.*

CHAIRMAN COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
House of Representatives.

Mr. DOCKERY. Mr. Speaker, if I am correctly advised, the Light-House Board classifies these light-houses under three heads: Indispensable, necessary, and desirable. I should be glad to have the gentleman in charge of this bill state in what class this proposed light-house comes.

Mr. McCORMICK. Indispensable, beyond question. This light-house is on the great route through Long Island Sound to New England, and is intended to take the place of a small light that was carried away a year or two ago.

Mr. SAYERS. Mr. Speaker, if the gentleman from Missouri will permit me, I will state that the Light-House Board takes up all of the light-houses, beacons, and fog signals that are authorized by Congress, and in its annual report classifies them under the heads of indispensable, necessary, and desirable; but I do not understand that the Committee on Commerce ever makes such classification.

Mr. DOCKERY. Has the gentleman from Texas any information as to the propriety or necessity of this expenditure?

Mr. SAYERS. None at all. I know nothing about it.

Mr. McCORMICK. There has not been a more meritorious bill before the House in this session. This proposed light-house is right on the highway of travel from New York to New England. It is at a point which thousands of passengers pass every week.

Mr. McMILLIN. What is the whole proposed cost?

Mr. McCORMICK. Sixty-five thousand is the estimated cost.

Mr. McMILLIN. What is to be the running cost when these appliances are under way?

Mr. McCORMICK. That I do not know.

Mr. McMILLIN. Well, if you want $65,500 for this light-house and these beacon lights or gas buoys, which, I think, are the most expensive kind of appliances, it strikes me that the cost of maintenance after construction will be very considerable. I do not know but this light-house may be necessary, but I call the attention of the House to the probable cost.

Mr. DOCKERY. Mr. Speaker, I desire to make a single statement to the House. For the fiscal year ending June 30, 1894, the revenues of the Government failed to meet current expenses by $69,803,260.58. During the last fiscal year the current income was inadequate to meet current liabilities by $42,805,223.18, and it is now estimated that the deficiency in current revenues for the present fiscal year will not be less than $25,000,000.

Mr. DINGLEY. And eleven millions more for Pacific Railroad bonds, making the estimated deficiency $36,000,000.

Mr. DOCKERY. My information is that the deficiency will be about twenty-five millions.

Mr. DINGLEY. But that does not include the Pacific Railroad bonds.

Mr. DOCKERY. If the gentleman from Maine is accurate in his statement it only emphasizes the fact I desire to press upon the attention of the House.

Mr. Speaker, our current revenues are unequal to the task of meeting the current expenses of the Government. [Applause on the Republican side.] I do not understand, Mr. Speaker, just why that statement should be applauded by my friends from Minnesota [Mr. TAWNEY] and from Pennsylvania [Mr. WILLIAM A. STONE].

Mr. WILLIAM A. STONE. We were expressing our gratification at the gentleman's statement with regard to the deficiency. This is the first time the fact has been admitted by a Democrat.

Mr. DOCKERY. I did not know that any intelligent Democrat had ever denied it.

Mr. WILLIAM A. STONE. There must be a great scarcity of intelligent Democrats, then.

Mr. DOCKERY. Mr. Speaker, I rose in a perfectly judicial frame of mind to state a few facts, but it is apparent that the gentlemen desire to provoke a partisan discussion. So far as I have heard, and I have been a regular attendant, no gentleman on this side of the House has denied—and I challenge the gentleman from Pennsylvania to produce the record to the contrary—that the current income of the Government during the period I have mentioned has been inadequate to meet current expenses. It is true we have a surplus of $273,873,417.72 in the Treasury, including the $100,000,000 gold reserve, but the gentleman and the country know how that surplus was created. It is the result of borrowing money by the issue of bonds.

Mr. DINGLEY. Exactly.

Mr. DOCKERY. Now, then, the Government is confronted with this unfortunate Treasury situation, and as business men, without regard to party affiliations, it seems to me that we should determine either to increase taxation, borrow money by the continued issue of Government bonds, or reduce expenditures. Of these methods, I prefer a reduction of expenditures.

Mr. MAHON. Let them pass the revenue bill over in the Senate.

Mr. DOCKERY. We do not desire to pass a prohibitory "revenue" bill.

Mr. McCORMICK. Let me ask the gentleman a question.

Mr. DOCKERY. Mr. Speaker, this is our situation in respect to revenue and expenditures. This Congress has met that condition by doing what? You have already authorized by the bills that have passed the House or pending in the Senate contracts

Over which jurisdiction has been or may hereafter be ceded to the United States.

Resolved by the Senate (the House of Representatives concurring), That the thanks of Congress be given to the people of Wisconsin for the statue of

amounting to $93,541,147.91. That is to say, the river and harbor bill as reported to the Senate carries an authorization of contracts, additional to the $12,609,550 of direct appropriations, of $60,623,871.91; the naval bill as passed by the House authorizes the construction of four battle ships and ten torpedo boats, which it is estimated will cost, additional to the amount appropriated, $27,375,000; the fortification bill as passed by the House authorizes contracts, additional to apropriations, of $5,542,276, making the total contracts authorized (and certainly the amount will not be decreased) $93,541,147.91. The appropriation bills as they left this body carried $505,079,410.88. So that, without taking into account the six and a half million dollars added by the Senate to the sundry civil bill, without reference to the certain increase of the deficiency bill and increases upon other bills, the specific appropriations of this Congress amount now to $505,079,410.88, and on contracts authorized $93,541,147.91, making a grand total of appropriations and liabilities of $598,620,558.79.

It can not be stated at this time with absolute accuracy what the increases of the Senate will be; but I assume that the bills when they become laws will carry not less than $7,000,000 (a very conservative estimate) additional to the $505,000,000 carried when they left the House. It is obvious, therefore, that as a net result of the action of this Congress the direct appropriations will aggregate not less than $512,000,000, and contracts not less than $93,000,000, making the enormous total of $605,000,000 of liabilities and appropriations for the session.

Now, then, Mr. Speaker, it seems to me that discarding partisanship—in view of inadequate revenues—in view of the liabilities already imposed by this Congress—the hour has come when the House and Senate should call a halt on appropriations unless they be absolutely indispensable for the proper conduct of the public service.

Mr. McCORMICK. I am sorry, Mr. Speaker, that the gentleman from Missouri [Mr. DOCKERY] has taken occasion to make a speech on national affairs, a political speech—a speech for the country at large—in connection with the proposition to pass a simple bill of which he evidently knows nothing—a bill, I may say, that involves no national or party issue, and that no man who examines it can reasonably object to. No matter what the financial obligations of the Government are, or may be, it can not afford—no Government could afford—to expose life and property in the manner they are now exposed in my district for the want of a single light-house. The light-house for which this bill provides is to be constructed on Long Island Sound, directly in the line of all water travel between New York and New England. It will be nearly opposite New London, on one of the most important points upon Long Island. The temporary light-house which was formerly at this point—Orient Point—a small and inadequate affair—was destroyed several years ago, and all the people have petitioned for a new and permanent light; and it is indispensable to safe navigation.

Beyond the through travel on Long Island Sound, which, as gentlemen know, is an enormous travel, thousands of passengers go to Shelter Island and other points at the east end of Long Island annually by steamboats, and need the use of this light. Its establishment has been urged by the officers of all the steamboats and all the navigation companies doing business on Long Island Sound. It also has the approval of all the Government authorities. It was approved by the Light-House Board before I introduced it, and has since been twice approved in communications to the Committee on Interstate and Foreign Commerce. The president of the Light-House Board has within a few days expressed to me the hope that this bill will be passed at this session. I may say that since I introduced the bill a wreck has occurrred for lack of the light.

The bill does not carry an appropriation. That must be put in a regular appropriation bill. I do not know that we shall get a dollar this year. At most only enough will be asked to start the work, which should not be delayed to another season, which it will be little less than criminal to delay.

I repeat, there is no more important bill of this class before this House, no more meritorious and unobjectionable bill, no bill that ought to receive more prompt consideration. Congress can not afford to neglect to pass a bill of this kind where the question of the protection of life and property on one of the most important maritime highways in the Northern States is involved.

Mr. LOUD. I should like to ask the gentleman one question in relation to this bill; and let me say that if my question to the gentleman inflamed my friend from Missouri [Mr. DOCKERY], I am willing to withdraw that question. [Laughter.] I should like to know why this bill carries a provision for buoys. It is unusual for Congress to provide in this way for the establishment of buoys. The Light-House Board has ample authority and ample funds to provide buoys wherever they may be needed.

Mr. McCORMICK. That provision has been inserted because around Shelter Island, as anyone familiar with that island knows, these buoys are necessary at every point.

Mr. LOUD. I do not doubt that; but why is special provision for them carried in this bill? It has never been customary for Congress to provide specifically for the establishment of buoys.

Mr. McCORMICK. The buoys are carried in the bill, let me say to the gentleman, with the knowledge and approval of the Light-House Board and the House committee.

Mr. LOUD. The Board can establish them where they think there is necessity for their establishment, and I do not see the propriety of making specific provision for them.

Mr. McCORMICK. Probably the Board has not money enough.

Mr. LOUD. This provision would not give them any more money.

Mr. McCORMICK. Well, then, it can do no harm to put the provision in the bill.

Mr. LOUD. Only to this extent, that it is an entire departure from the custom which has prevailed heretofore with reference to this matter. There are hundreds of places throughout the country that no doubt need this system of buoys just as much as the point the gentleman refers to, but this undertakes to direct the Light-House Board where to establish them. I do not think it ought to be in the bill for that reason.

Mr. McCORMICK. The Light-House Board has made no objection to the direction or designation made in the bill, and I do not feel at liberty to strike out all reference to the buoys; certainly not without further consultation with the Board.

Mr. DINGLEY. Mr. Speaker, I dislike very much to interrupt the consideration of this bill, but deem it necessary and proper at this time to make a single word of response to the remarks of my friend from Missouri [Mr. DOCKERY].

Mr. Speaker, no one feels more deeply than I do, or has felt during the entire session of Congress, the importance of exercising the most rigid economy in the appropriations for carrying on the Government. We all know that since the 1st day of July, 1893, the revenues of the Government have not been sufficient to meet the current expenditures of the Government. As the gentleman from Missouri [Mr. DOCKERY] has stated, up to the present time the deficiency of revenue to meet the current expenditures of the Government is nearly $138,000,000 since the date mentioned, July 1, 1893. In addition to this we have been called upon to pay maturing Pacific railway bonds to the extent of $11,000,000 more; so that we now have a deficiency arising from all sources to the extent of nearly $149,000,000, and with the absolute certainty that this deficiency is to continue. And this deficiency has been practically met by the sale of bonds, for it has been necessary to use greenbacks redeemed with the gold obtained by the sale of bonds to pay this deficiency, and thus these greenbacks have been put in a position to be again presented for redemption.

More than that, on the 1st day of January next, nine and three-quarter million dollars more of Pacific bonds will mature, and must be met, with no revenue in sight to meet them.

Now, it is well known that so far as we are concerned on this side of the House, we have recognized the fact that this Government, with the utmost economy, can not be run with the revenues we are now receiving under the present revenue laws and with the condition of business industries of the past three years. It is impossible, with the utmost economy, to run the Government with the revenue we are likely to have from that system of laws for some time to come.

We proposed to increase the revenues to the extent of $40,000,000 a year in order to meet this exigency, and passed a bill for that purpose; but we all understand that that bill has not yet become a law, and is not very likely to become a law at the present session of Congress.

With respect to appropriations already made, it is very true that, in form, including the so-called permanent and indefinite appropriations, the appropriations made by this session of Congress are likely to exceed a little the sum of $500,000,000. But it must be borne in mind, Mr. Speaker, that $50,000,000 of that sum, coming under the head of so-called permanent appropriations, is the estimated amount to be set aside for the purposes of the sinking fund, which is not of course an ordinary expenditure but an estimate for a reduction of the interest-bearing debt. The actual appropriations for current expenses of the Government, including postal expenses paid by postal revenue, and for interest on the public debt, therefore will slightly exceed $450,000,000 this session. The revenues, unless there shall be a considerable increase, under existing laws will not reach that sum in all probability. Including postal revenues, they are estimated for the next fiscal year at about four hundred and forty or fifty millions.

Mr. PITNEY. Will the gentleman yield to me for a question?

Mr. DINGLEY. Certainly.

Mr. PITNEY. On the point of the comparison between the appropriations made during the Fifty-third and Fifty-fourth Congresses, respectively——

Mr. DINGLEY. Oh, there has been no increase of appropriations.

Mr. PITNEY. Permit me to ask this question: When the appropriations come to be made up—that is, the total appropriations for the two Congresses—they include the permanent annual appropriations, and the sum total is made up in part of the interest on the public debt and in part of the sinking fund, which goes to diminish the principal of that debt——

Mr. DINGLEY. Precisely.

Mr. PITNEY (continuing). And is it not true that the recent bond issues, amounting to $262,000,000 during the present Administration, have increased the annual interest account of the Government by eleven and a half million dollars and the annual expenditures on account of the sinking fund by over two and a half millions?

Mr. DINGLEY. I was about to say that the interest on the public debt now will exceed by eleven and a half million dollars the amount it had reached two years ago, and simply because of the fact that during this Administration, in a time of peace, the bonded indebtedness of the Government has been increased over $262,000,000, thereby increasing the interest charge carried in the permanent appropriations to that extent. [Applause on the Republican side.]

Now, in view of this condition of things, it is important that we should be exceedingly careful with respect to appropriations; and I want to say, in general, so far as this House has acted, it has thus far been very careful. I may say again, with reference to the contracts that have been authorized in the river and harbor bill and in the naval appropriation bill and in connection with fortifications, they will amount, in the course of five years, to sixteen or eighteen millions a year. But bear in mind that these expenditures are to be stretched over the future, and will probably amount to about $18,000,000 a year. So far as that is concerned, of course we are appropriating during this session of Congress for some contracts made by past Congresses. The contract system has been thought to be economical, and hence contracts are authorized for the future, stretching over a number of years; but on the whole it is regarded as wiser than the simple appropriation from year to year. I think that perhaps some of the contracts which have been authorized have been larger than they should have been, but, nevertheless, in the end there is no doubt of the economy of that system. So, therefore, when it is said that at this session of Congress $90,000,000 of contracts have been authorized, it must be borne in mind that they are stretched over at least five years; that it will take five years to cover all these contracts, and that we are now appropriating money for contracts that have been made in the past; and the one fact offsets the other.

Mr. WILLIAM A. STONE. In nearly every instance, let me say, no new project has been begun under the contract system. They are all old projects.

Mr. DINGLEY. Very well, but I am not discussing that question at all.

Mr. SAYERS. I am sure the gentleman does not wish to give an erroneous impression to the House?

Mr. DINGLEY. Not at all.

Mr. SAYERS. When the gentleman seeks to draw a comparison between the present session of this Congress and either session of the last Congress in reference to contracts authorized, if the gentleman will examine the appropriations he will find that the last Congress at each session was required to make much larger appropriations in order to meet contracts which that Congress did not authorize than does the present Congress.

Mr. DINGLEY. That is so, I presume. The amount of actual appropriations by this Congress is substantially what the appropriations have been for several years. There is no increase of aggregate appropriations, as might be inferred from what has been said—certainly not outside of the increase of interest on the public debt. We are running along as carefully, on the whole, as we probably can, with the Government and its needs as they are. We need more revenue. There is no doubt about that at all; but it should be borne in mind that we have not appropriated $500,000,000 for current expenses. It is about $450,000,000, including the postal appropriation, which is paid by postal revenues. The amount of actual expenditure that must be paid by taxes outside of the postal revenue under the appropriations authorized by this Congress for the next fiscal year will be about $360,000,000, about a million dollars a day.

Mr. SAYERS. I wish to submit to the gentleman whether this discussion at the present stage, so far as the relative appropriations at either session of the last Congress and the present session of this Congress are concerned, is not premature?

Mr. DINGLEY. Oh, I admit that, but when the gentleman from Missouri [Mr. DOCKERY] made the statements he did I was not willing to have it go to the country in the precise form in which they were made without a suggestion in response. [Applause on the Republican side.]

Mr. DOCKERY. I want to say to the gentleman——

Mr. SAYERS. One other question. I am not taking any part in this discussion, except that the House may not have an erroneous impression. The gentleman from Maine spoke of an increased amount of permanent appropriations because of the interest due upon the bonds issued by the present Administration. That was something over $11,000,000.

Mr. DINGLEY. Eleven and a half million dollars increase in the interest that we have to appropriate for.

Mr. SAYERS. I do not question the gentleman's figures. Now, after deducting the $11,500,000 rendered necessary on account of the interest on bonds issued by the present Administration, the gentleman will find that the appropriations at this session of Congress are still in excess of those of either session of the last Congress.

Mr. DINGLEY. Do you mean the first session?

Mr. SAYERS. Either one of them.

Mr. DINGLEY. The appropriations at the first session of Congress are usually more than those of the second session.

Mr. SAYERS. Not in the Fifty-first Congress. The appropriations of the last session of the Fifty-first Congress were $40,000,000 or $50,000,000 more than the appropriations at its first session. In the last Congress the appropriations at the last session were smaller than those of the first session. That is to say, the appropriations were smaller after the election than before.

Mr. DINGLEY. That depends——

Mr. DOCKERY. The gentleman from Maine suggests that I made reference to comparative appropriations. I made no comparison with the appropriations of former Congresses, but will make that later on.

Mr. DINGLEY. It is true that the gentleman made no comparisons directly, but I was not willing for the inference to go to the country from his remarks that there had been larger appropriations made at this session of Congress than have been appropriated on an average for four or five sessions of Congress past.

Now, so far as that is concerned, when it is stated that we are a billion-dollar Congress, making appropriations of $500,000,000 for each session, bear in mind that these billion dollars include $100,000,000 of estimated payment of debt; $50,000,000 each year is put in what is called the permanent and indefinite appropriations.

Mr. SAYERS. The sinking fund was put in the sum total of permanent and indefinite appropriations for the last Congress.

Mr. DINGLEY. When we come down to the real matter of public expenditures there have been no larger appropriations at this Congress than at the several sessions of Congress that have preceded for four or five years. Yet we ought to be extremely careful as to appropriations, because of the fact we do not have revenue sufficient to meet the current expenditures of the Government. Notwithstanding this House has passed a bill to provide this additional revenue, yet another body refuses to take it up, even for consideration. The fact that we have not sufficient revenue and that we are in this situation is not because of any fault at this end of the Capitol.

Now, in reference to this particular bill, I am not prepared to say from the information before us whether it is "indispensable" that this light-house should be erected during the present year. If it is not, then there should be a postponement until we shall obtain more revenue. For it seems that we shall have to appeal to the people to obtain a President and a Senate before we can get more revenue. [Applause on the Republican side.]

Mr. McMILLIN. I would like to ask the gentleman from New York if he would consent to the introduction of a proviso that no work should be done on this until more revenue is obtained?

Mr. McCORMICK. I consider this is an "indispensable" work. A wreck or two have occurred at that place since I introduced the bill. It is opposite New London, a section which is traveled extensively. The bill has the approval of all the steamboat people, all the captains that go up and down the Sound. The owners of the large steamers engaged in the Newport, Stonington, and Fall River trade think it is indispensable. They think that an appropriation of $25,000 would be sufficient; but there is no appropriation in this bill.

Mr. SAYERS. I would suggest, before unanimous consent should be given, that there ought to be a proviso inserted to the effect that the cost of the work herein named shall not exceed in the aggregate the sum of $65,000.

Mr. McCORMICK. I will accept that proviso.

Mr. DINGLEY. Now, I would like to ask the gentleman a question. This communication from the Treasury Department does not say whether this is an "indispensable," "necessary," or "desirable" case. Has the gentleman information as to whether the Treasury Department consider this "indispensable"? It seems to me that we ought not to go further than the cases that are reported as "indispensable."

Mr. McCORMICK. I am assured by the Department that it is absolutely "indispensable," and that it ought to be done at once, and that there ought to be a small appropriation.

Mr. McMILLIN. I would like to ask the gentleman to include

in this bill a provision to appropriate the money necessary to build the light-house. If it ought to be built the money ought to be appropriated; and if it should not, we ought not to pass the bill.

Mr. DINGLEY. The gentleman from Tennessee is very well aware of the fact that for several years we have not put an appropriation in the bill authorizing the construction of a light-house, because only a small portion of the cost could be used in the fiscal year, and the appropriation is put in the sundry civil bill.

Mr. McMILLIN. I think my friend will find that the custom has been both ways.

Mr. DINGLEY. Not in recent years.

Mr. McMILLIN. Sometimes it is put in, and sometimes it is not put in.

Mr. McCORMICK. I would be glad to have this appropriation made, but I am told this is not the appropriate place for it.

Mr. DINGLEY. Any appropriation for a light-house goes into the sundry civil bill.

Mr. McCORMICK. So I understand. Only a small sum will be required for use this season.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. LOUD. Mr. Speaker, I hope the gentleman will withdraw this bill and present it again to the House in the regular form.

Mr. McCORMICK. I have had this bill on the Calendar for two months, and every day I have been receiving letters and telegrams urging its passage.

Mr. LOUD. Well, this is a departure from the usual custom, and I think I shall have to object on that ground.

The SPEAKER. Objection is made.

MARRIAGES IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up the bill (S. 1904) to regulate marriages in the District of Columbia.

The Clerk proceeded to read the bill.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with, as I think it is fairly understood.

There was no objection.

Mr. BABCOCK. The Senate has refused to concur in the House amendments. I move that the House insist and agree to a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. CURTIS of Iowa, Mr. ODELL, and Mr. COBB.

THE CAPITAL RAILWAY COMPANY.

Mr. BABCOCK. Mr. Speaker, I also call up the bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," etc.

The Clerk proceeded to read the bill.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with.

Mr. MAHON. I object.

The bill was read in full, with the amendments.

Mr. BABCOCK. I move that the House insist upon its amendments to the Senate bill and agree to a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. BABCOCK, Mr. CURTIS of Iowa, and Mr. RICHARDSON.

BANKRUPTCY BILL.

Mr. HENDERSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole on the state of the Union for further consideration of the bankruptcy bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. PAYNE in the chair.

The CHAIRMAN. The House is in Committee of the Whole for further consideration of the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcy throughout the United States.

Mr. BRODERICK. Mr. Chairman, I suppose the opposition is now entitled to occupy as much time as was occupied on yesterday by the gentleman in charge of the bill.

Mr. HENDERSON. Yes; go ahead.

Mr. WILLIAM A. STONE. Mr. Chairman, the consideration of this bill does not involve any question of party politics. It is a matter which simply calls for the best judgment and the best thought of the members of this House without any reference whatever to their party affiliations. Republicans and Democrats alike will favor the bill and oppose it. While I regret to take issue with so many members who, I believe, sincerely favor the passage of this bill, I do so only from a firm conviction that the passage of an involuntary bankrupt bill would be a great misfortune and disaster to this country. We borrow our common law from England, and underlying our codes of State law the principles of the common law as compiled by Sir William Blackstone are found. Naturally we look to England as a guide in the matter of a bankrupt law, and while it is admitted that England has a bankrupt law, yet it is a fact that it has been found almost an impossibility in that country to obtain a law that was satisfactory to the people and that worked good results to debtors and creditors alike.

They have had some sort of a bankrupt law in England ever since the time of Henry VIII. In 1825 they undertook to pass a general statute, and they have been amending that and passing new laws from time to time ever since. In 1825 the various existing acts of bankruptcy were consolidated and some amendments were made. Long before that they had various provisions of law pertaining to bankruptcy, but gentlemen will find on examination that those laws were not consolidated until 1825. That law of 1825 was amended in 1831, was changed in 1841, changed again in 1847, changed again in 1849, again in 1861, again in 1868 and in 1869, until they came down to the year 1883, when they enacted an entirely new bankrupt law. The history of bankruptcy legislation in England has not been satisfactory, but when we come to compare that country with this, when we realize the fact that the laws for all England are made in one legislative body and that the whole country, including Wales, is not so large as the States of Virginia and West Virginia—when we realize these facts and compare that country with our own, where 44 States are making laws, where the principal part of the laws relating to the subject of debts and credits are made by the States, and where there is a conflict between the States in reference to the insolvent and debtor laws, we can understand how much less the probability is that a uniform law can be enacted which will be satisfactory to the people in a country like ours. If this were the first attempt to pass a United States bankrupt law, if this were our first experiment, we might very properly enter upon the subject in an entirely different frame of mind from that in which we are compelled to be in the light of history.

We have had three United States bankrupt laws. The first was passed in 1800. It was intended to remain in force, and it provided that it should remain in force for five years. It was repealed at the end of three years. That law applied only to involuntary bankruptcy, and the acts for which a man could be put into bankruptcy were all acts of actual fraud, not of constructive fraud. Yet that law was so unpopular, so unfavorably regarded by the people, that Congress was quick to repeal it, being unwilling to wait even for the two years at the end of which it would have expired by limitation. Then we had the bankrupt law of 1841. That law lived about two years. So much hostility, so much objection, was manifested to it that Congress, bowing to the will of the people—the debtors and creditors alike—repealed it. That law was repealed under the same Administration under which it had been enacted. This brings us down to the act of 1867. Following the late civil war, we enacted a bankruptcy law in 1867. That law was in force eleven years.

It was constantly changed, and every amendment that was made was intended to make it more liberal and less harsh to debtors and creditors alike; yet finally it became so unpopular, so detestable to the people of this country, that it was repealed. Gentlemen will remember that that law was generally regarded by our people as a curse to the country, and they will also bear in mind that while that law was in full force and effect we had, in 1873, the most serious panic that has ever visited this country, and President Grant sent a special message to Congress pleading for the repeal of the law. A committee of this House, of which Mr. FRYE of Maine was a member, had tried with great care and diligence to make amendments to that law which would render it acceptable to the people; but they finally announced their inability to do so.

Mr. Chairman, I wish to send to the desk and have the Clerk read that portion of the message of President Grant in which he recommended the repeal of this law.

The Clerk read as follows:

Careful and prudent men very often become involved in debt in the transaction of their business, and though they may possess ample property, if it could be made available for the purpose to meet all their liabilities, yet on account of the extraordinary scarcity of money they may be unable to meet their pecuniary obligations as they become due, in consequence of which they are liable to be frustrated in their business by proceedings in bankruptcy at the instance of unrelenting creditors.

People now are so easily alarmed as to monetary matters that the mere filing of a petition in bankruptcy by an unfriendly creditor will necessarily embarrass and oftentimes accomplish the financial ruin of a responsible business man. Those who otherwise might make lawful and just arrangements to relieve themselves from difficulties produced by the present stringency in money are prevented by their constant exposures to attack and disappointment by proceedings against them in bankruptcy, and beside the law is made use of in many cases by obdurate creditors to frighten or force debtors into a compliance with their wishes and into acts of injustice to other creditors and to themselves.

Mr. WILLIAM A. STONE. Mr. Chairman, it is very common for those who favor a bankrupt law to call attention to the uniform bankruptcy laws of England and other foreign countries; but in such suggestions gentlemen forget that the conditions of this country are wholly dissimilar; that our circumstances and environments are altogether different, and that what might be a proper

law in any one of those countries would necessarily cause great trouble in its administration in this country. In the Congress which repealed the bankruptcy law of 1867 there were many men who were favorable to a bankruptcy law; yet, Mr. Chairman, the fact is that the vote in the House for its repeal was 205 to 40, and in the Senate 38 to 6. Senator Conkling, who represented the State of New York, favorable to a bankrupt law, anxious to have the old act of 1867 maintained, believing that it was possible to so amend it as to make it acceptable to the people of this country, expressed his views upon that subject; and I desire to have the Clerk read what he said in comparing this country with other countries where bankruptcy laws had been maintained.

The Clerk read as follows:

I do not know, Mr. President, perhaps I should not feel warranted in saying—but for a consideration which I will refer to in a moment, and which alone would restrain me—that the present bankrupt law, with changes which we might hope for, would be clearly a wise measure of legislation to remain; yet I am inclined to think that the most serious complaints grow out of conditions wholly unavoidable. For illustration, at least, I may say that our geographical difficulties are very great and that they can not be overcome. Men look at the administration of the bankruptcy system in Great Britain, and they compare it with ours, and they wonder with discontent that the comparison is against us. They forget that the bankruptcy system in Great Britain operates upon a limited area, amid a very dense population, with a very numerous and effectual judicial staff. England without the 12 counties of Wales has a little less than the area of the State of New York. Twenty-four million people inhabit it. Look to the taking of the census for illustration of what I am saying. The British census is taken in one night. It is taken between sun and sun and after sundown.

We take an enumeration here to count all the people scattered throughout all our borders, and weeks and months are exhausted and expenses are involved which would seem apocryphal, comparing them with the expenses of taking the British census and making no allowance for the disparity of conditions. So when you come to execute a bankrupt law in the thirty-eight States of the Union, sparsely populated and illy conditioned for transit from place to place, as many localities are, without a judicial staff so numerous as to carry justice to every man's door, you find great impediments, prolixity, postponement, expenses; and accordingly you find, as was stated, I think, in a petition presented by my colleague, perhaps to-day, a percentage of the outcome of assets, and a percentage of that which is swallowed by the proceedings, and of that which accrues at last to the creditor, and very naturally say that this is a failure. But if you look into the causes, I fear you will find that most of them are such that no art in drafting a bill, no reformation in administration, nothing which falls within the province of legislation can encompass and avoid them, and so it may very well be said the best considered argument would acquit the present bankrupt act of much of the guilt laid at its door, and attribute its evil consequences, as I have endeavored to show, to conditions beyond the purview of legislation.

Mr. WILLIAM A. STONE. Mr. Chairman, the single matter of exemptions will more directly call attention to the varying operation of such a law as this in the different States, and the difficulty of applying any bankruptcy law to all of them. Take, for instance, the State of Pennsylvania, where the exemption allowed to a debtor is $300; and he may select any property which he deems it most essential for him to save. In some other States the debtor may have a whole homestead exempted, to the value possibly of $5,000. The bill under consideration provides that the exemption allowed to bankrupts in any State shall be that allowed under the law of the particular State. So that this bill, if it should become a law, might compel a debtor in Pennsylvania to give up all his property except possibly his household property and some necessary articles for himself and family, while debtors in other States would be left with quite a larger exemption. In a country like ours, where there are forty-four or more States making laws all different, and where the laws of our Western States are so framed in the matter of exemptions as to encourage immigration from the Eastern States, I do not see how it is possible to adapt a bankrupt law to the varying conditions of the country.

Another objection, Mr. Chairman, is that the people, many of them, live so far away from the United States courts. Some of them reside 200, 300, or 400 miles from the place where court is held. The idea that you can substitute a referee and call him a court is simply ridiculous. The place where the orders are made which affect the property of the bankrupt is where the court sits.

Our people are very seldom in a United States court. Those courts are not looked upon with favor generally by the people; and the court is in many cases so far removed from them that it is a journey to visit it. They have so little to do with that tribunal that the idea of being cited to appear in a United States court strikes the average man living in a back county with something of a fright. It is impossible, in my judgment, to obtain anything like a general bankruptcy law that will reach the everyday acts of the people.

Again, Mr. Chairman, when we come to look at the operation of a bankrupt law it does not affect the secured creditor at all. I am speaking now of what is known as involuntary bankruptcy, where a creditor is forced to go into bankruptcy against his will. In that case the secured creditor is not affected, because he holds his security. After the secured creditor and the referee and the trustee and the clerk and the marshal and the attorneys are through with the estate, after it has paid the State taxes, the United States taxes, the county, city, borough, or township taxes, after all the mortgages and judgments are paid, after the property upon which there are liens has been sold or exchanged, then the unsecured creditor, the man who holds a note or due bill or bank account, has simply what is left. And, Mr. Chairman, there is scarcely anything left for him. Yet it is for the benefit of such creditors, and for their benefit alone, that this bill purports to be drawn. It can not affect the Government; it can not affect the State; it can not affect the county, the city, or the township; it can not affect the man who holds the mortgage, judgment, or lien. Who, then, will it benefit? If it benefits anybody, it will only benefit the general creditor.

Now, the statistics of insolvent estates in bankruptcy and out of bankruptcy in this country show that out of them all a very small percentage of the assets of such estates upon final settlement go into the hands of the general creditor. In the western district of Pennsylvania, composed of the largest number of counties in the State, under the act of 1867 there were 5,280 cases of bankruptcy. I had the clerk, who was formerly the clerk, during that period, of the court, a very competent, reliable, and trustworthy man, undertake to make an estimate of the average percentage paid to the general or unsecured creditor under the bankruptcy proceedings in the court, as he was in a position to know the results, and although he favored the bankrupt law, having resigned his office as clerk to become a lawyer, and was familiar with the practice in bankruptcy cases, yet he tells me that the average to the general creditor does not exceed 15 per cent of the estates, and that it never did average over that amount. What is, then, the benefit to the general creditor?

I believe, Mr. Chairman, that if this bill becomes a law it will create more hazards, more damage, and produce more trouble than it can possibly do good. It will benefit lawyers, of course, and benefit people who want to be referees, trustees, and assignees; it will increase the fees of clerks and marshals, but will hurt and harm very many people.

Mr. RAY. Will the gentleman permit me just there? May I ask whether the examination, to which you have referred, related both to voluntary and involuntary cases of bankruptcy, or was it confined exclusively to the involuntary cases?

Mr. WILLIAM A. STONE. It related to both—it covered all cases pending before the court.

Mr. RAY. Now, does not the gentleman see that such figures as he has stated would be very unfair as a basis of measuring the efficiency of a bankrupt law, because two-thirds or three-fourths of the cases examined into might have been voluntary cases of bankruptcy, where the parties had no property at all, but simply took the benefit of the bankrupt law for the purpose of obtaining a discharge from their liabilities? Does he not think, if he confined the examination solely to the cases of involuntary bankruptcy, persons with property, he might have found that the average paid to the creditor was very much larger?

Mr. WILLIAM A. STONE. I do not think so. My recollection of the act of 1867 is very fresh. I enjoyed my share of practice under it and am quite familiar with the practical workings of the system, and know something of the number of the estates that went through bankruptcy under it. I can scarcely recall an involuntary proceeding under that act where the assets arising from the estate ever surprised the unsecured creditors by making them think it worth while to put the party in bankruptcy. There were generally great disappointments growing out of the proceedings.

So, Mr. Chairman, I do not think it a good provision for the creditor, and I know it is bad for the debtor; and I can not see any good to anybody to be accomplished from the enactment of such a law. Let us take, for instance, as an illustration, a little country town. Suppose there are three or four merchants who are engaged in the dry goods business, and one of them is forced into bankruptcy, and the store must be sold for the benefit of the creditors. It is sold by the trustee—by the auctioneer. Immediately the goods in that store come into competition with the other three merchants in the same town. They are sold necessarily without regard to cost; they are sold at auction; and you will find, if this bill becomes a law, that in every country town and village throughout the land the men who are struggling to escape from the period of hard times that has been besetting us will have to come into competition with the assignee and the auctioneer, and either sell his goods at the same price that they are sold at public sale for, or else he must suffer the consequences. There is no legitimate merchant, who desires to sell his property at a profit, who can possibly compete with the auctioneer. But that is what will have to be done if this bill becomes a law. Hence I say it disturbs the channels of trade; it upsets the regular order of things, and brings trouble, confusion, and increased competition.

Many men have been forced into bankruptcy because those engaged in the same line of business with them had gone in, and they had either to sacrifice the stock of goods on hand or shut down, or wait until the bankrupt goods had been sold out and consumed. I recollect a case under the law, the last one in existence, where a lumber merchant having a large quantity of lumber of every variety had it brought to Pittsburg and piled up in a yard there, but was forced into bankruptcy, and that lumber yard

and his stock supplied the consumers of lumber there for more than six months, and forced two other dealers in lumber into bankruptcy who would not have gone in otherwise.

That is the natural result of the enforcement of such a law. One of the great arguments against the change in the tariff system is that it disturbs trade and unsettles things, and the same argument can be applied with equal force to a bankrupt law; it disturbs trade, unsettles things, diverts the channels of trade, and brings into it other elements not legitimately or naturally there, to wit, it authorizes the auctioneer to come in and the assignee.

Now, concede, for the sake of argument, that many men are anxious to have the law passed that they may go into bankruptcy, or that there are many creditors who wish to force others into bankruptcy. Why, gentlemen, in nearly every instance, if a man is an honest debtor and has any property to divide among his creditors, he will have no trouble in getting a compromise with his creditors without the aid of a bankruptcy law. I can cite you to men in my city who have been doing business for years, and who have failed time and again. Each time their creditors have got together, extended payment, reduced amounts, have even loaned them money and indorsed their paper to help them along. Intelligence, accompanied by experience, has visited the creditor as well as the debtor, and to-day there is nobody that wants to drive another to extremity if he is honest, if he is sincere, if his failure is an honest one. If his failure is dishonest, if he is a fraud, you might as well let him go first as last. You will get nothing out of him anyhow, no matter how much law you have.

The purpose of this law—I do not say it is the purpose in the minds of the gentlemen who have reported this bill, for I concede their absolute sincerity—the real purpose behind it is to enable the wholesale dealers in large cities to visit their customers in country towns and places and shake this bankruptcy law over their heads and threaten them until they compel their debtors to secure them and commit an act of bankruptcy. It is to be used as an aid and a spur and a whip to collect debts. Well, I do not wish to say that a man ought not to pay his debts, but I do wish to say that the very spirit and enterprise of trade in this country, that which has made poor boys rich men, is this credit, this hazard, this chance which enterprising men take. Let any young man sit down and scan over this bill, look at the impediments in it, look at the thin places in the ice, and then let him decide to borrow money and go into a hazardous business if he dare. It is an obstruction to trade; it is a clog upon the wheels of credit; it is a hindrance to enterprise and chance; it is an interference with the spirit of commercial and active business trade and life in this country, because it is a menace, it is a threat, it is a danger that does not exist there naturally.

The proposition is not to pass a voluntary bill, to enable men who are honestly in debt to unload their burdens and take their chances again for a brief period of three or five years. It is an attempt to fit to this country a uniform bankrupt law, which is an absolute impossibility. Pass it, if you will, but if you do, you or your successors will make haste to repeal it inside of five years.

I do not think that commercial bodies who now and then pass resolutions, and newspapers which say they favor a bankruptcy law, are the proper indexes and guides by which to judge the wants of the community in this respect. I know in my own State, where we have a chamber of commerce, and where they have annually indorsed the Torrey bill for the last fifteen years, at their session last fall one man who got up and explained the difficulties and hardships of the law, and made the chamber of commerce really understand it, succeeded in defeating a resolution similar to that which had annually passed unanimously for fifteen years.

Go to the judges of the State courts throughout this whole country. They are better judges of the wants of the community in respect to a bankruptcy law than boards of trade or newspapers; and I defy you to find very many men who have sat on the bench in different States, and who were there when the last law was in force, who will favor a bankruptcy law.

I send to the Clerk's desk and desire to have read some letters which were sent me by judges of courts when practically this same bill was before the Fifty-second Congress. I wrote to different judges in different States, knowing that they had been on the bench for years, knowing that they had sat constantly in determining controversies between the people in their sections; sent them copies of the bill and asked them to tell me what they thought of it. I ask the Clerk to read first a letter from the Hon. James T. Mitchell, of the supreme court of Pennsylvania.

The Clerk read as follows:

PITTSBURG, *October 16, 1893.*

MY DEAR SIR: Your letter of the 14th is just received, and I reply promptly. My experience in general is not favorable to a bankrupt law. Though the power to pass such a law was put in Congress by the Constitution, no exercise of it has ever been satisfactory to the country or has been more than temporary in duration. I had considerable experience in the working of the last act, and I believe it to have been intricate, cumbersome, expensive, and oppressive, and I do not believe any new act can be drawn which will be any better in those respects, because the difficulties are inherent. Only the hard cases will ever come under the operation of such a law. Those easy of adjustment will always be settled out of court—the commercial spirit will compel such settlement.

When cases come into court the fees and expenses must be heavy, or the business will be unprofitable, and inevitably fall into the hands of the less competent or lower-toned members of the profession, and become a source of oppression and scandal, as in fact the pension business so largely has, while if they are heavy the dividends for creditors will be small in proportion to expenses, which always produces dissatisfaction, as it perhaps justly ought. If we look beyond these practical objections to the subject in a broader aspect, there are two main objects which a bankrupt act may be intended to promote, the relief of debtors or the facilitating of creditors.

The former is now cared for by the State laws to the satisfaction of their own communities, in which the bulk of indebtedness is generally owed, and there does not appear at present to be any substantial reason or demand for the exertion of the paramount national authority on the subject. Perhaps in a short time there unfortunately may be. For the other, the putting of severer remedies in the hands of the creditors, the time appeared to me particularly inappropriate. If the present financial situation shall continue there will certainly in a year or two be a vast body of debtors unable, not by their fault, but by misfortune, to pay promptly or in full. To put in the creditors' hands now, in advance of such a contingency, any additional weapons of compulsion would, in my judgment, be oppressive and particularly ill-timed.

I have answered your query at more length than is desirable, but I have had no time to condense. While written hastily, these are my settled views, and you are quite at liberty to make such use of them as you desire.

Yours, very truly, JAMES T. MITCHELL.

To Hon. WILLIAM A. STONE,
Washington, D. C.

Mr. WILLIAM A. STONE. Mr. Chairman, I now desire the Clerk to read a letter from Justice Henry W. Williams, of the supreme court of Pennsylvania.

The Clerk read as follows:

MY DEAR SIR: Your favor relating to the subject of bankruptcy and the passage of a bankrupt law is before me. In reply I must say that it is my belief that the passage of such a law would not be wise for several reasons, among which are the following:

First. It would not facilitate the collection of debts. Except in rare cases, except in rare instances, no bankrupt law does. The real purpose and the direct result of such legislation is to enable an insolvent to shake off his debts—pay them by his certificate of discharge.

Second. It would naturally tend to increase existing distrust. It would be regarded as a Congressional declaration that bankruptcy and distress were before us, and that existing debts might be paid by a discharge in bankruptcy.

Third. In so far as such a law should place in the hands of creditors any additional means of constraint or coercion upon their debtors, such means would be so used by exacting conditions as to increase the difficulty in the way of every struggling business man, and make his ruin certain.

Fourth. Both the honest debtor and the humane creditor would suffer from the practical operation of such a law, while the estate would be consumed in fees and costs.

Fifth. The United States courts are removed from the people. There are so many of those subject to their jurisdiction remote and strange.

The right of appeal is beset by conditions, expenses, and delays that are exasperating to those who are in haste, and discouraging to men of moderate means. The State laws are known, the State courts are near and open at all times.

Sixth. I would have the whole subject to be settled under existing State laws, and by the parties. An enlightened selfishness—in other words, a consideration of what is best for all concerned—will lead to compromise when such relief is desired, and it will not open the doors for swindlers and unprincipled scoundrels to push their credit for the mere purpose of preparing to fail for a purpose.

With kind regards, I remain, very truly, yours,
HENRY W. WILLIAMS.

Hon. WILLIAM A. STONE.

Mr. WILLIAM A. STONE. I ask the Clerk to read a letter from Judge Dean, of the supreme court of Pennsylvania.

The Clerk read as follows:

DEAR SIR: Yours of the 14th, in reference to the bankrupt law, is before me. Such a law is of course intended to accomplish, first, protection to the creditor; second, relief of the debtor; third, material advantage to the State. Not much need be said as to the first and third, but as to the second, relief to the debtor, such a law passed now to take effect soon—and by soon is meant within two or three years—will operate with unnecessary hardship on the debtor class. This, as you are aware, is a time of serious business depression; fully 75 per cent of all men in business are heavy debtors. They have of real value ample assets in most cases.

These assets can not be turned into money at half their real value, and creditors will accept nothing but money. These debts have been incurred in view of existing laws; in great part they would have had no existence if such a law had been anticipated, and sudden change in the law will work financial disaster to many of them who, if not disturbed for a reasonable time, will squeeze through and have left considerable capital; if forced to a sale now their property will not bring half its worth, and after discharge they will start without capital. While a national bankruptcy law ought to be passed, it should not go into effect for at least two years. It is with some diffidence I give expression to this opinion. As you are aware, my judicial observation extends no farther than this State, but while limited as to territory, all imaginable kinds of business carried on in the State have been brought to my attention both on and off the bench.

Very truly, yours, JOHN DEAN.

Hon. WILLIAM A. STONE,
Washington, D. C.

Mr. WILLIAM A. STONE. I now desire the Clerk to read the letter from Judge Earl, of the court of appeals of the State of New York.

The Clerk read as follows:

DEAR SIR: In reply to your letter asking my views as to a bankruptcy law, I have to say I know of no good reason for passing such a law. I speak only of this State. Here the laws are just to both debtor and creditor, and no change is needed. They furnish ample facilities for the collection of debts, and an honest debtor, who has unfortunately become insolvent, can nearly always obtain a discharge from his debts by a surrender of his property.

Bankruptcy proceedings have always proven expensive, and, unless the bankrupt estate is large, the lawyers and officials always get more of it than the creditors.

Very truly, yours, R. EARL.

Hon. WILLIAM A. STONE.

Mr. WILLIAM A. STONE. Mr. Chairman, I will ask the Clerk to read a letter from Judge W. T. Spear, of the supreme court of Ohio.

The Clerk read as follows:

STATE OF OHIO, SUPREME COURT CONSULTATION ROOM,
Columbus, October 20, 1893.

DEAR SIR: Your valued favor of recent date is duly received.

In general, I favor a uniform bankrupt law, if framed so as to be fair to both creditor and debtor and the fees of court officers so limited as to admit of economical administration. Such a law would be, I think, more advantageous to all concerned than are the present inconsistent insolvent laws of the several States.

But I doubt very much the advisability of enacting such a law at this time. It seems to me that if made a law now the compulsory provisions would give inconsiderate creditors an undue advantage, and would result in driving many deserving debtors into bankruptcy, who, if not unduly crowded, would struggle through and finally avoid financial ruin, which result would certainly tend to further complicate the unfortunate financial disturbances which are now troubling the business world.

These suggestions are but first-blush impressions, and are not regarded by me as entitled to much weight, but I have no objection to reference being made to them.

Yours, very respectfully, W. T. SPEAR.

Hon. WM. A. STONE,
Washington, D. C.

Mr. WILLIAM A. STONE. Mr. Chairman, I do not so much object to a provision which has purely voluntary features, for a brief period, to enable those who have been struggling during the past few years of depression to get relief from their debts and start in life anew. But the involuntary features, especially, of this bill convince me that they would result in great hardship to everybody concerned.

Take the acts of bankruptcy under section 2 of the bill as proposed.

The first provision is this: If this person shall have—

Concealed himself, departed, or remained away from his place of business, residence, or domicile with the intent to avoid the service of civil process and to defeat his creditors, and shall not have returned at least forty-eight hours before the filing of a petition in bankruptcy, and before the rights of creditors shall have been impaired, altered, or interfered with.

In the first place, he may get back in forty-eight hours, and they have forty-eight hours to put him in bankruptcy. Under the old law, if he returned before the petition was filed against him, you could not put him into bankruptcy for that. It seems to me this is an unnecessary and harsh provision, and ought not to prevail.

Mr. RAY. If the gentleman will permit me.

Mr. WILLIAM A. STONE. Yes, sir.

Mr. RAY. I think the gentleman misapprehends the meaning of the section. That is when he runs away to avoid service of process and to defraud his debtors, he may repent and return; and if he gets back within forty-eight hours before they file a petition, why, then, you can not put him in bankruptcy.

Mr. WILLIAM A. STONE. Yes; but if he comes back you have got forty-eight hours to put him in.

Mr. RAY. Oh, no.

Mr. WILLIAM A. STONE. I have carefully considered the matter, and that is the conclusion I have arrived at concerning it.

Mr. DOLLIVER. Will my friend allow me to ask him a question?

Mr. WILLIAM A. STONE. Yes, sir.

Mr. DOLLIVER. The gentleman has spoken of the rapidity with which the old bankruptcy laws have been repealed. Have you examined to find out whether the popular objections to those laws were because of the harshness of the provisions, or did the objections lie to the principle of allowing the creditor to put his debtor into bankruptcy?

Mr. WILLIAM A. STONE. Well, I think all influenced somewhat the many who opposed it; but so well as I could gather from all sources in regard to the repeal of these bills it was the general unpopularity of a bankruptcy law, especially an involuntary bankruptcy. We have never had a law of pure voluntary bankruptcy in this country. It is absolutely impossible to apply a uniform bankruptcy law, voluntary or involuntary, in the various States under the various, different, conflicting laws of the States in reference to debtor and creditor. As I stated early in my remarks, the last bill was repealed by an overwhelming majority in the Senate and House on the message of General Grant.

Mr. COX. Will you allow me one question, though it may break into the line of your thought?

Mr. WILLIAM A. STONE. Yes.

Mr. COX. Has your mind been directed to the matter and have you made an examination in the case of involuntary bankruptcy to ascertain what proportion of the estate belonging to the bankrupt went to the creditor and what proportion to the officers and officials connected with the bankruptcy proceedings?

Mr. WILLIAM A. STONE. I have already stated that; but I will state further that in the report filed by the minority of the Committee on the Judiciary in 1892 they reached a conclusion in reference to the per cent paid to creditors, and it averaged about 15 per cent.

Mr. COX. And the rest went to expenses.

Mr. WILLIAM A. STONE. Well, it appears that after the secured creditors and officers were paid—on an average about half, in insolvent proceedings, under that law, as this committee reports. It is easy to obtain this report, which is numbered 1674, second session Fifty-second Congress, part 2. This report shows that the creditor has received twice as much under the insolvent laws of the States as they do in an involuntary proceeding under the act of bankruptcy.

Mr. COX. That is very satisfactory, with this little suggestion, if you please.

Mr. WILLIAM A. STONE. Yes.

Mr. COX. It is this: That in all involuntary bankruptcy proceedings the creditors receive about 15 per cent. Now, it must have been that the rest of the estate was exhausted in expenses and in going through the court.

Mr. WILLIAM A. STONE. Well, the gentleman presumes that there was an estate.

Mr. COX. Now, I am speaking about the Federal courts.

Mr. WILLIAM A. STONE. Well, I say you will find that in all cases of involuntary bankruptcy the insolvent debtor has his property pretty well put up as collateral. His secured creditors are not affected, and after the secured creditors are paid very little remains for those that are unsecured.

Mr. COX. That is the point I made.

Mr. WILLIAM A. STONE. It resulted in no good except to marshals, lawyers, referees, and people who were interested in the bankruptcy proceedings and got the benefit of it.

Now, Mr. Chairman, turning again to this bankruptcy law, I will state, with all due respect to the committee who have reported this bill, for I know they have done the best they could, that they have reported as good a bankruptcy bill as they could, with the assistance of Judge Torrey, who has haunted the halls of Congress for the last fifteen years in an effort to secure a bill of this character for the wholesale dealers of the large cities; and yet I think this bill is infinitely worse than the last bill passed, and which existed for eleven years, and which this country was so anxious to repeal; and I will try to prove what I say.

Take the third act of bankruptcy:

Made a transfer of any of his property with intent to defeat his creditors and has not regained the ownership and possession of such property before the rights of creditors have been altered, impaired, or changed by reason of such transfer and at least ten days before the commencement of a proceeding in bankruptcy.

He must have regained possession of his property at least ten days before the commencement of the proceedings in bankruptcy. I understand that to mean that he must have regained possession of his property and held it in his possession ten days before the beginning of the proceedings in bankruptcy, but if at any time before the period of ten days a petition is filed against him he may be thrown into bankruptcy.

Mr. RAY. No. That is where the gentleman falls into error. The original Torrey bill provided that if a man disposed of his property in the way there mentioned at any time within four months thereafter, even though he had regained possession of it, he might be thrown into bankruptcy. The committee have amended that by providing that if a man disposes of his property for the purpose of defrauding his creditors and it can be shown in case a petition is filed against him that he has regained possession of it at least ten days before the filing of the petition, then the petition must fail. So that even if a man has committed the acts mentioned and has repented and got his property back, he can not be thrown into bankruptcy if he can show that he got it back at least ten days before the commencement of the proceeding.

Mr. WILLIAM A. STONE. Suppose he got it back nine days before. What then?

Mr. RAY. Well, the committee had to make some limitation, and they made it ten days.

Mr. WILLIAM A. STONE. But the man goes into bankruptcy if he gets his property back nine days before the commencement of the proceedings, does he not?

Mr. RAY. There had to be some limitation fixed. The gentleman knows that.

Mr. WILLIAM A. STONE. Well, we will not quarrel about one day. The gentleman may be right about that.

Now take the fifth act:

Made, while insolvent, a transfer of any of his property or suffered any of it to be taken or levied upon by process of law or otherwise for the purpose of giving a preference, and has not regained the ownership of such property or released same from such levy before the rights of creditors shall have been altered, changed, or impaired by reason of such transfer, taking, or levy and at least ten days before the commencement of a proceeding in bankruptcy.

Made, while insolvent, a transfer of any of his property * * * for the purpose of giving a preference.

petition in bankruptcy and obtain a compromise with his creditors

ably good standing in the community, and yet where no wrong,

last act, and I believe it to have been intricate, cumbersome, expensive, and | always obtain a discharge from his debts by a surrender of his property.

Here is a man who is insolvent and who wants to borrow a thousand dollars. He has 50 shares of Pennsylvania Railroad stock, which is worth $2,500 in the market, and he puts it up as collateral on which to borrow that money. He is insolvent, and he has made a transfer of this property, and therefore you may throw him into bankruptcy.

Mr. MAHON. That is not transferring the property for the purpose of giving a preference; it is transferring it for the purpose of securing a loan.

Mr. WILLIAM A. STONE. Well, if you turn to the definition of "preference" you will see that there will be considerable difficulty in determining just what it does and does not cover, as there is in all these bankruptcy laws.

Mr. RAY. As a lawyer, will you say on the floor of this House that if a man were to borrow $10,000 and put up his property to secure it, and put that money into his business, the giving of that security would be a transfer of his property for the purpose of giving a preference within the meaning of this act?

Mr. WILLIAM A. STONE. I would say, as a lawyer, that it would not be. But I wish to call your attention to a fact which you should remember as a lawyer, that in the early days of the bankruptcy law of 1867 our judges all construed it differently. There was no uniformity whatever in their rulings. They even held that a man once in bankruptcy under involuntary proceedings had, by virtue of that adjudication, put a bar between himself and a discharge and could not get out at all; and it was not until the Supreme Court of the United States began to lay down the construction of that bankruptcy law that we had any uniformity of rulings among the judges. You will have the same experience under this bill if it becomes a law. You will have all kinds of decisions and constructions. You will have the judges of the district courts differing entirely with each other in their construction of the law. It would be far better to reenact the old bankruptcy law of 1867, with its modifications and with its constructions as determined on appeal to the higher courts, than to throw a new law before the ninety or the ninety-five judges of the district courts of the various districts in the United States, who will do as they did with the former law, making all sorts of different constructions of the act and its provisions. I started out with the proposition that this bill was worse than the act of 1867, which gentlemen all admit was bad. If I remember correctly, the gentleman from Iowa himself [Mr. HENDERSON], in his very able and learned discussion of this bill yesterday, did not pretend to justify the old bankrupt act of 1867, but argued that this bill was far better and more liberal in its provisions.

Mr. HENDERSON. Mr. Chairman, when the gentleman refers to me I want him to refer to me correctly. I pointed out distinctly the features of the old law that I complained of. The great difficulty with that law was that it was too expensive, and that is substantially the ground of objection to it set forth in the letters which the gentleman has had read here.

Mr. WILLIAM A. STONE. I did not yield for a speech.

Mr. HENDERSON. Well, I want to correct you when you misrepresent me.

Mr. WILLIAM A. STONE. You will have an opportunity to do that. If I misrepresent the gentleman I desire to be corrected, but I understood him to say that this bill was much more humane and better than the bankruptcy law of 1867.

Mr. HENDERSON. It is.

Mr. WILLIAM A. STONE. Very well; on that I take issue with the gentleman.

Mr. HENDERSON. But there were many good things in the old law, although there were certain defects which I pointed out.

Mr. WATSON of Ohio. Does not the gentleman think that on the whole the act of 1867 resulted in benefit to the commercial interests of the country?

Mr. WILLIAM A. STONE. I decidedly do not. I think it was a great injury and a curse to the commercial community. And so the whole country thought, so the President thought, so Congress thought, and they repealed it when they got at it.

Mr. WATSON of Ohio. How many years was it in force?

Mr. WILLIAM A. STONE. Eleven years.

Mr. WATSON of Ohio. Were they then quick to repeal it?

Mr. WILLIAM A. STONE. They were, as soon as they got to understand it; and they will repeal this law as soon as they come to understand it.

Mr. WATSON of Ohio. How many persons took the benefit of the bankruptcy law of 1867 and were relieved, as they could not have been otherwise?

Mr. WILLIAM A. STONE. A very small percentage of debtors or creditors really got any benefit from that law. The great benefits of it were realized by bankruptcy attorneys, by registers in bankruptcy, by assignees, etc., the various persons who held appointments under the law.

Mr. WATSON of Ohio. That was the abuse of the law.

Mr. WILLIAM A. STONE. Very well——

Mr. WATSON of Ohio. Such abuses are corrected by this bill.

Mr. WILLIAM A. STONE. I claim that this bill, if it should become a law, will be capable of being abused in the same way, and is liable to even worse abuse.

Mr. WATSON of Ohio. Why not amend the bill so as to make it good?

Mr. WILLIAM A. STONE. I say it is an impossibility so to amend it.

Mr. HENDERSON. The gentleman had better demonstrate that, I suggest.

Mr. WILLIAM A. STONE. I can not very well do it——

Mr. HENDERSON. No; you can not.

Mr. WILLIAM A. STONE. If gentlemen are interrupting me with questions all the while. I think I can better succeed, however, in demonstrating the abuses of this proposed law than some other gentlemen have succeeded in attempting to demonstrate its benefits.

I claim that this bill is more objectionable than the old bill. Take the composition which is authorized by creditors under the provisions of this bill:

b An application for the confirmation of a composition may be filed in the court of bankruptcy after, but not before, it has been accepted in writing by a majority in number of all creditors whose claims have been allowed, which number must represent a majority in amount of such claims.

In other words, a composition may be ratified by a majority in number and amount whose claims have been allowed at any time after the first meeting of creditors. Now, everybody knows that in most of the States months must elapse before all the creditors have proved their claims. Some of the creditors live at a great distance, and proceedings may run along for months. The provision I have just read will enable the bankrupt to obtain a meeting of a majority of his creditors, and as soon as they have had a meeting will enable him to present a petition for his discharge, and it will enable him to make a composition with those creditors who are merely a majority in number and in the value of their claims—although perhaps only one-third of the creditors have had their claims approved or allowed. Thus a bankrupt may be discharged before the real majority of the creditors know that he is in bankruptcy.

Mr. NORTHWAY. This bill provides for notice.

Mr. WILLIAM A. STONE. But how many times do these notices reach the creditors?

Mr. NORTHWAY. They do not fail in one case out of a hundred.

Mr. WILLIAM A. STONE. Let me call attention to the old law.

[Here the hammer fell.]

Mr. BLUE. I ask unanimous consent that the time of the gentleman from Pennsylvania be extended until he has completed his argument.

Mr. HENDERSON. The time is under control of the gentleman on the other side [Mr. BRODERICK].

Mr. BRODERICK. How much time does the gentleman from Pennsylvania want?

Mr. WILLIAM A. STONE. Twenty or twenty-five minutes.

Mr. BRODERICK. I yield to the gentleman twenty minutes further. I would be glad to yield more time, but a number of gentlemen are yet to speak.

Mr. WILLIAM A. STONE. Mr. Chairman, let us look at the former bankrupt law, which has been condemned by everybody; let us observe the provisions of that law, which all admit to have been unpopular and to have been a failure in its results. Let us compare the provision of that old law in reference to compositions with the provision I have just read from this bill. The former law provided—

And such resolution shall, to be operative, have been passed by a majority in number and three-fourths in value of the creditors of the debtor assembled at such meeting either in person or by proxy, and shall be confirmed by the signatures thereto of the debtor and two-thirds in number and one-half in value of all the creditors of the debtor.

That provision, it will be observed, applied whether the creditors proved their claims or not. Yet here you bring in a provision which allows a majority in number and value of the creditors whose claims have been allowed to ratify a composition. I call attention to the fact that in nearly all the cases where the estates of bankrupts were really of any great value there was under that old law a compromise. The estates which finally were sold paid generally only a very small and limited percentage to the unsecured creditors. I submit whether it is fair to allow a bankrupt to compromise his debts until he has obtained the consent of at least a majority in number and value of all his creditors, regardless of whether they have proved their claims or not.

Mr. NORTHWAY. This bill, then, is in favor of the debtor rather than the creditor?

Mr. WILLIAM A. STONE. This particular provision is in favor of the debtor.

Mr. NORTHWAY. That is the way it ought to be.

Mr. WILLIAM A. STONE. But this applies both to voluntary and involuntary bankruptcy, and it will enable a man to file a

petition in bankruptcy and obtain a compromise with his creditors without requiring the consent of a majority of all his creditors.

Mr. NORTHWAY. He can not do so without the concurrence of the court.

Mr. WILLIAM A. STONE. Well, the court—the concurrence of the court—this simply seems to allow latitude for correction——

Mr. HENDERSON. Will the gentleman permit me?

Mr. WILLIAM A. STONE. Certainly.

Mr. HENDERSON. This concurrence of the majority of the parties in interest is simply essential to carry out the provision, and the result is only dismissal, not discharge. If the gentleman will study the section he will see——

Mr. WILLIAM A. STONE. Well, I have studied it, and my only criticism on the gentleman's speech on yesterday was that he had not studied the bill very carefully himself. Let me call his attention to it:

SEC. 12. COMPOSITIONS, WHEN SET ASIDE.—*a* The judge may, upon the application of parties in interest filed at any time within six months after a composition has been confirmed, set the same aside and reinstate the case if it shall be made to appear upon a trial that fraud was practiced in the procuring of such composition, and that the knowledge thereof has come to the petitioners since the confirmation of such composition.

Evidently only for "fraud," where fraud is established, can the judge set aside the composition between the parties. Now, let us see what the old law does. Let us compare that with the provision of law formerly enforced:

If it shall at any time appear to the court, on notice, satisfactory evidence, and hearing, that a composition under this section can not, in consequence of legal difficulties, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, a court may refuse to accept and confirm such composition, or may set the same aside; and in either case the debtor shall be proceeded with as a bankrupt in conformity with the provisions of law, and proceedings may be had accordingly; and the time during which such composition shall have been in force shall not, in such case, be computed in calculating period of time prescribed by said act.

In this case the court is limited to cases of actual fraud, while under the old law the court could do it in any case that presented itself to his judgment and discretion.

Mr. RAY. Let me suggest to the gentleman in that connection this point: That was one of the greatest objections to the old law, because certain creditors could come in with objection to the composition, have it set aside, and thus keep the estate in court for an unlimited time and dissipate it altogether in fees, etc., wasting the entire assets in that manner. That is the object of this provision, to compel a confirmation of the composition when the creditors have agreed, and so end the matter.

Mr. WILLIAM A. STONE. There is not thrown about the provision in this bill the restriction and safeguard that the unsecured creditor ought to have.

Mr. NORTHWAY. Do you oppose voluntary bankruptcy?

Mr. WILLIAM A. STONE. No.

Mr. NORTHWAY. You have got to have compositions in that.

Mr. WILLIAM A. STONE. Not at all. It is at the instance of the bankrupt, not the creditor party. Composition is for the benefit of the man who has property and can not meet his obligations and desires to pay his debts as far as he is able to pay them——

Mr. NORTHWAY. And to help the creditor to get more out of the estate of the bankrupt.

Mr. WILLIAM A. STONE. But, Mr. Chairman, I must hurry on. What does the bill provide in reference to the discharge when granted? It may be granted, unless several things are done. Let me call your attention to the third provision. Unless the party has—

(3) Obtained property upon credit which has not been paid for or restored at the time the petition is filed against him upon a materially false statement in writing, made by him to any person for the purpose of obtaining credit or of being communicated to the trade or to the person from whom he obtained such property on credit.

Under that provision the person making a statement to R. G. Dun & Co. or to Bradstreet's contrary to the provisions of this law would fail in obtaining his discharge.

Mr. RAY. And so he ought.

Mr. WILLIAM A. STONE. Not at all.

Mr. RAY. Why, if I make as a merchant beginning business a statement of facts, communicating the same to the trade, and get the property or goods and do not discharge the obligation or return the goods, ought I to be discharged from the obligation of that indebtedness?

Mr. WILLIAM A. STONE. Well, after the creditors have got all there is of the man's estate I am opposed to any policy that keeps the bankrupt ever afterwards in bankruptcy.

If a man honestly gives up all the property remaining to him in the payment of his indebtedness he is entitled to his discharge; and yet under this provision he may make materially a false statement; he might make a statement materially false in reference to the estimated value of his property or estate. Many men when they are starting in business will not hesitate to tell a rosy story to R. G. Dun & Co. or to Bradstreet's, not with a view to obtain property under false pretenses or for the purpose of defrauding their creditors, but simply for the purpose of giving themselves a reasonably good standing in the community, and yet where no wrong, no injustice, has arisen from such a statement under this provision you make that a block to the discharge of the party, although he has given up all of his property in bankruptcy.

The fifth obstacle to the discharge is:

(5) With fraudulent intent and in contemplation of bankruptcy, destroyed or neglected to keep books of account or records from which his true condition might be ascertained.

Well, now, in the olden days, when the bankruptcy law was first launched on the country, the intent was always presumed to accompany the act, and if he was found guilty of keeping fictitious books, or of not keeping any books at all, the intent was presumed; and I say under this bill it will be years before we get a liberal and humane construction. I do not like the idea of withholding a discharge from a man simply because he has neglected to keep books of account. There are many men who get into bankruptcy who keep no books at all. Some of the best men in this country do not keep books. Their habits are not of that methodical character that they can do it; and while I will admit that that has been in all the bankruptcy laws, and was in the old bankruptcy law, yet I do not think it is a very wise or proper provision.

Now, coming back to this old bankruptcy law, if you will permit me, I am willing to admit that if you put men into bankruptcy for the acts stated and stipulated in this bill—and they have been in all the bills known as the Torrey bills—I am willing to admit that this bill is as well and humanely drawn and perhaps better than any of the previous Torrey bills that have been brought in here; but still I do not believe that it is wise to make any bankruptcy law at this time having an involuntary feature.

Mr. ALLEN of Utah. Before the gentleman starts on that point, I would inquire if he has taken up the question of the effect at this particular time of a bankruptcy bill being passed by Congress? I was not present when the gentleman began his speech.

Mr. TAWNEY. Does the gentleman mean a voluntary bill, or an involuntary bill?

Mr. ALLEN of Utah. Involuntary.

Mr. WILLIAM A. STONE. I do not know that I have alluded especially to the effect at this particular time, but I can see no occasion to pass an involuntary bankruptcy law at this particular time at all.

Mr. TAWNEY. There is great danger in it.

Mr. WILLIAM A. STONE. There is more danger in it than if the country was in a prosperous condition.

Mr. ALLEN of Utah. Upon that point I would call the attention of the gentleman to the fact that the failures in the first three months of 1896 have exceeded in number those of 1895, 1894, and 1893 by 18, 11, and 47 per cent, respectively, and in amount by 30, 27, and 60 per cent, respectively. Now, the question that I wish to ask is, under such conditions, would it not be very apt to bring a tide of bankruptcy upon the country which would carry everything before it?

Mr. WILLIAM A. STONE. Well, I certainly think so, and I stated when I began my remarks that it would put honest debtors into competition with the auctioneer all over the country.

Mr. HENDERSON. Do I understand you to mean that you want a physician when you are well, and no physician when you are sick?

Mr. NORTHWAY. That is, do you want a bankruptcy law when there are no bankrupts?

Mr. WILLIAM A. STONE. Well, we do not want a hair doctor, even when we are sick, or a doctor who will give us medicine that will do us no good.

Mr. HENDERSON. You do not want a doctor at all, except when you are entirely well. That seems to be the theory of your speech.

Mr. WILLIAM A. STONE. I want a doctor who will do me some good, and not one who will create a panic in the family and make me think I have got the smallpox when there is nothing serious the matter with me.

Mr. NORTHWAY. That is, you do not want a bankruptcy law when there are any bankrupts.

Mr. TAWNEY. This is a question whether the doctor is a good one, not whether we want one.

Mr. WILLIAM A. STONE. A man would not be exercising much prudence if he employed every man who came along pretending to be a doctor simply because he was sick.

Now, Mr. Chairman, referring to this bill again, it provides that any man who owes debts may go into bankruptcy. You will observe that it is peculiar in respect to the people who are privileged in this regard. Any person who owes debts, except a corporation, shall be entitled to the benefits of this act as a voluntary bankrupt.

Any person owing debts to the amount of $300 or over, if adjudged an involuntary bankrupt upon an impartial trial, shall be subject to the provisions of this act, except a national bank or a person engaged chiefly in farming, or the tillage of the soil, or a wage earner.

One great objection to the bankruptcy law before was the objection raised by the farmers. This bill carefully takes them out of the category of bankruptcy. They may voluntarily go into bankruptcy, but they can not be put into bankruptcy. Many merchants all over the country own farms as well as stores, and it is difficult sometimes to determine whether they are chiefly engaged in farming or chiefly engaged in keeping store. They are exempt if they own a farm, while they may voluntarily go into bankruptcy. It differs from the old law in reference to corporations. Under the old law any person residing within the jurisdiction of the United States and owing debts exceeding in amount $300 might voluntarily become a bankrupt. There is no limit on this at all.

If he owes anything he can go into bankruptcy. Perhaps this bill is not so objectionable as to the voluntary proceedings. It is the involuntary proceedings which are chiefly objectionable. Under this bill a person may be put into bankruptcy by one of three creditors. It is not necessary to have a majority in number or in value to petition to put him into bankruptcy. Under the old law it required at least five petitioners, and any petitioner whose debt did not amount to $250 could not petition. Under this bill one man alone may put another into bankruptcy if the creditors do not exceed twelve, and three can do it where they do exceed twelve, though their debts may not exceed in amount over $500.

Now, as to another provision of this bill. I understand that when a man goes into bankruptcy under this bill he has the right of jury trial as to the various acts of bankruptcy charged against him; but when he comes to his discharge, the right of trial by jury is taken away from him. The judge alone decides the question of fact. Anybody may file specifications against his discharge under the bill proposed, and the question may go to a trial before the judge. Every one of those specifications of objection to the discharge of the bankrupt must necessarily be questions of fact and not questions of law; and yet they are submitted to the judge and not to a jury. I do not see any good reason why a man who has been forced into bankruptcy, who has had his estate divided up among his creditors, and who applies for his discharge, should not have the facts involved in the issue tried before a jury as well as before the judge, and it would be much better. In other words, the bill takes away the right of trial by jury from those applying for discharge from bankruptcy.

The old law gave the bankrupt the right of trial by jury. He was entitled to it, and under the old law he could obtain his discharge on the petition of a certain number and proportion of his creditors in value and amount. Under this law he can not obtain a discharge unless the judge who passes on the case decides that he has not committed the acts of bankruptcy complained of. In many instances when you compare the acts of bankruptcy and the grounds for asking for a discharge as set forth in the bill you will find that they are closely allied, and that the man is adjudicated a bankrupt by the judge who afterwards tries the issue raised on his application for discharge.

Mr. NORTHWAY. He can not discharge him unless he is a bankrupt.

Mr. RAY. That grows out of the fact that we have carefully limited the cases in which a man can be forced into bankruptcy to those where he has committed actual fraud. There are only three exceptions to that rule; and of course if a man is forced into bankruptcy because he has committed an actual fraud upon his creditors he ought not to be discharged from his debt.

Mr. WILLIAM A. STONE. Let us see what you call this "actual fraud." Actual fraud in one case is suffering a judgment to be entered against him——

Mr. NORTHWAY. With the intent to prefer.

Mr. RAY. And with the intent to defraud. With three exceptions there is not a case of involuntary bankruptcy laid down in the bill where, under the State laws, you could not sue out an attachment and attach the property of the debtor.

Mr. WILLIAM A. STONE. You say here, "With intent to defeat his creditors."

Mr. RAY. "Defeat" includes fraud.

Mr. WILLIAM A. STONE. It includes so many other things.

Mr. RAY. It is all fraud.

Mr. WILLIAM A. STONE. "With intent to defeat his creditors."

Mr. RAY. Now turn back to the definition of "defeat."

Mr. WILLIAM A. STONE. I will read it:

Defeat shall include defraud or delay, evade, hinder, and impede with intent to defraud.

Now, I say that in all the constructions placed upon these old bankruptcy laws by distinguished judges this intent is running along in the same line. If a man suffers a judgment to be entered against him or borrows money on a judgment note, if he gives a judgment note with intent to defraud or with intent to delay, evade, hinder, or impede with intent to defraud, he comes under this act. He will require to have a pretty smart lawyer along with him all the time to keep him out of court as a bankrupt, and if once he gets in it will require the best lawyer in the neighborhood to get him out. [Laughter.]

Mr. MAHON. Will the gentleman allow me to make a suggestion?

Mr. WILLIAM A. STONE. Yes, sir.

Mr. MAHON. Under the law of 1867, if the bankrupt had complied with the statute he was entitled as a matter of right, without consulting his creditors, to his discharge.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. I ask that the gentleman may be allowed time to conclude his remarks.

Mr. BRODERICK. I would like to know what time the gentleman desires. There are several gentlemen who want to speak.

Mr. WILLIAM A. STONE. I can finish in ten minutes.

Mr. BRODERICK. I will yield ten minutes more to the gentleman.

Mr. WILLIAM A. STONE. Now, as to exemptions, in that respect the old law was much more liberal than this bill. Under the old law a bankrupt first had an exemption of $500, and then he had all the exemption allowed by the State. Under this bill he has only the exemption allowed by the State. I can see no material difference between the real purpose of this bill and the old law. The chief difference is that in this bill they call the registers "referees" and the assignees "trustees." The same general purpose runs through both the old law and this bill, and that purpose is to enable the creditor to collect his debt, to enable him to force the debtor into bankruptcy in all instances for acts committed, and I challenge a comparison of the acts of bankruptcy enumerated in this bill with those enumerated in the old law, and assert that in my judgment the old law is quite as liberal in that respect as this is.

Under the old law every act for which exceptions to the discharge of a bankrupt could be filed was subject to a trial by jury, but in this bill it is not so. The only instance where the creditors really have any action upon the bankrupt's estate under this bill is in determining the question of composition, and that, I say, is to the interest of the bankrupt, by enabling him to take advantage of the situation and obtain a composition, when perhaps the majority of his creditors are opposed to it. The original law of 1867 enumerated among the acts of bankruptcy the making of an assignment under the laws of the State—a perfectly legitimate transaction; but in 1874 Congress struck out that provision from the law and allowed a man to make an assignment under the laws of his State; yet this bill, brought in here when we are supposed to have profited by our experience under the old law, provides that a man who makes an assignment under the laws of his State commits an act of bankruptcy.

Now, Mr. Chairman, I have no objection to a voluntary bankruptcy provision, and I do not think the country would have much objection to a voluntary provision for a limited period to allow people who have been unfortunate to surrender their property and be discharged from their debts. But an involuntary bankruptcy law will make confusion, will interrupt the channels of trade, and will benefit nobody who really ought to be benefited under such a law.

I reserve the balance of my time.

Mr. HENDERSON. Mr. Chairman, how much of the last ten minutes allowed to the gentleman from Pennsylvania has he consumed?

The CHAIRMAN. There are five minutes remaining.

Mr. BAILEY. I yield twenty-five minutes to the gentleman from Nevada.

[Mr. NEWLANDS addressed the committee. See Appendix.]

Mr. HENDERSON (to Mr. BAILEY). Are you ready now to occupy further time?

Mr. BAILEY. No. There are one or two other gentlemen who desire to be heard, but not just now.

Mr. HENDERSON. Mr. Chairman, how much time was consumed by the gentleman from Nevada?

The CHAIRMAN. Thirty-three minutes.

Mr. HENDERSON. I yield now to the gentleman from Illinois [Mr. CONNOLLY] as much time as he desires.

Mr. CONNOLLY. Mr. Chairman, the gentleman from Nevada [Mr. NEWLANDS], who has just taken his seat, suggested that the New England States and the Eastern States were the sole beneficiaries of our tariff laws. I want to protest against that doctrine, because the State of Illinois, in which I live, great as it is as an agricultural State, is greater by multiplied millions of dollars in the value of its manufactured products. While Illinois is a great agricultural State, yet under the beneficent operation of the tariff laws of this country for the past thirty years its greatness as an agricultural State has been dwarfed by the greatness which she has acquired as a manufacturing State.

The gentleman from Nevada advises us that "gifted orators" in the coming campaign will succeed in convincing the people of

this country that their salvation depends upon the adoption of the free and unlimited coinage of silver at the ratio of 16 to 1. Mr. Chairman, three years ago the tongues of gifted orators convinced the people of this country that their only salvation lay in the adoption of the policy of free trade. They carried the people off to the top of a high mountain, like a compeer of theirs of old, and showed them all the world and said, "Bow down and worship us and our free-trade doctrine and we will give you this land flowing with milk and honey," and the people bowed down, and they have stayed bowed down ever since. [Laughter.]

Mr. TALBERT. Has not the gentleman made a mistake? He speaks as if the devil belonged to the Democratic party. I thought he was a member of the Republican party.

Mr. CONNOLLY. Many people rather think the Democratic party belongs to him. [Laughter.]

Mr. TALBERT. Well, I just thought there was some "belonging" somewhere.

Mr. CONNOLLY. Now, sir, if the people are not content where they have been led by the tongues of "gifted orators" three years ago, let them follow the gentleman from Nevada and his "gifted orators" into another quagmire, and then, I think, after a year or two of experience in floundering there, there will be no trouble in passing a bankruptcy law in this House by a unanimous vote.

Mr. Chairman, I apprehend that the discussion of this bill should turn upon its merits or demerits, without regard to these other questions that "gifted orators" desire to discuss so much. There was once a time in this country when there was no law for the protection of property or the collection of debts. The only law then was—

That they should take who have the power,
And they should keep who can.

But with the advancement of civilization, with the accumulation of property, it became necessary that there should be laws enacted for the preservation of that property. And when we became far enough civilized to credit each other, to accept each other's promises for the payment of money, then it soon became evident that laws were necessary for the enforcement of those promises. Hence there grew up with advancing civilization laws for the collection of debts, and as civilization continued to advance those laws became more and more severe, until to-day the laws on the statute books of all the States for the collection of debts are as severe, as inquisitorial, as harsh, as it is possible for human ingenuity to make them in the interest of the creditor class.

Gentlemen have spoken about this bankruptcy bill, or any bankruptcy bill, as a harsh measure. I ask those gentlemen and all others to reflect upon this question, Is any bankrupt law that ever was enacted in this or any other country as harsh upon the debtor as the laws that you have on the statute books of every one of your States to-day? Why, sir, there is not a State in the Union to-day but has laws under which the poor and honest debtor, the man who has been honest from the beginning of his business career, until the moment that his creditors fall upon him like harpies, may have stripped from him every cent of money, every cent's worth of property he has, except what may have been allowed him by the humane exemption laws that have been found necessary; because, gentlemen, there never was an exemption law passed by the consent of the creditor class. The creditor, like Shylock, demands every time what is "nominated in the bond." He wants "the pound of flesh"; and it was only because of the rapacity of the creditor that humanity entered into the hearts of the legislators of the several States so far as to make them say, "It will not do to permit creditors to thus impoverish debtors, to turn them out upon the world penniless, and, in addition, hold hovering over them for the rest of their lives the remainder of the debt that has not been paid."

My friend from Pennsylvania [Mr. WILLIAM A. STONE], a good lawyer, has argued against the involuntary features of a bankrupt law or against any bankrupt law at all. He has said that the tendency of such measures is to prevent any man who may embark in business from taking all the risks and chances of misfortune in that business, because of the inability which he may incur to pay his debt. If that is so, then how is the young man encouraged to embark in business with the certain knowledge that if by misfortune of any kind that business fails and his debts accumulate on him so that he can not pay, his creditors may then come in and sweep away everything that he has except what the exemption laws allow him—take it all and divide it among themselves, turning him out penniless upon the world, with still a load of debt hanging like a cloud over him, to paralyze his energies, destroy his hope, and absolutely deny him the ability to resume business?

There is where the enterprising man stands to-day if he has been so unfortunate as to become hopelessly involved in debt. He is at the mercy of attachments, writs of ne exeat, injunctions, executions, and all the debt-collecting machinery that creditors for centuries have been able to devise. All those rusty implements of the law are now treasured up in the statutes of every one of your States to harass and worry the life out of the unfortunate debtor; and when they have exhausted their power the debtor is turned out with what? With nothing left, and with that load of debt bearing him down and preventing him from getting one penny of credit anywhere else.

What is the difference between a bankruptcy law and your ordinary laws for the collection of debts? Your ordinary laws allow the creditor to take all that a man has, and, having absorbed that, to leave him with the balance of the debt unpaid, liable to have every penny that he may make during the rest of his life seized and applied to those old debts, with the interest that keeps at work accumulating while creditor and debtor alike are asleep. Under the debtor and creditor laws of your various States—without any bankrupt law—it is possible for a man to labor his whole life long and have the result of his life gathered up by a few rapacious creditors who in his early days encouraged him to embark in business by extending credit to him in a business that they should have known better than he could not be made a success.

Much is said about a bankruptcy law, as though it were something so entirely different from every other law for the collection of debts that it is a dangerous thing for any people to handle. Mr. Chairman, the distinguishing feature of the bankruptcy law from all other laws for the relief of the debtor is that it is forged with a degree of humanity, with a degree of consideration for the debtor that no other law ever was forged with. It provides that you can do under the bankrupt law just what you would do under any law on the State statute books; but it goes a great deal further than that in the spirit of humanity, in the spirit of consideration for the ineffectual efforts of a man who tries to pay his debts; for the poor debtor, to whom it says, "Here you have given honestly all that you have for the purpose of paying your debts; you have turned it all over; we will not hold you in perpetual bondage for the rest of the debt; we will provide by this humane law that when you have honestly given all that you have, when you turn it all over, that debt shall no longer remain a cloud on the sky of your life, forever darkening it, but you shall step out of the bankrupt court a free man to engage again in the struggle of life." And, as you all know, you can not do that now under the laws as they stand on the statute books of our States.

You all know that is true. You all know that there are debtors in your county and in your district in that precise condition to-day, men who can not absolve themselves from their obligation of indebtedness, although they may surrender all of their property. Their property is already swept away by their creditors—not enough to satisfy all of them—and the remainder of their debt rests upon them, and the obligation still remains to pay it. They dare not accumulate property, dare not bend their knowledge and energies to the accumulation of a new estate, because they know if they do it will be swept from them by their creditors who have been watching them from the banks of the stream that these men must labor in.

My friend from Pennsylvania [Mr. WILLIAM A. STONE], who speaks of the harshness of the bankrupt law, should not forget the harshness of the Pennsylvania statute for the collection of debts—as harsh as any statute I have ever known. It lets them take all the creditor has, my friend STONE, though he has a very small exemption, then kicks him out and compels him to live forever in a cloud of debt which he can not remove. And yet you object now that we shall not enact a law saying to that man, when he has given all that he had and honestly to his creditors, instead of relieving him of the burden of this remaining debt, you say, "Step out of the court in Pennsylvania, but you are not yet a free man; your debt is not discharged." We say step out of that court in future with a discharged debt, with a new lease of business life given to you. You can stand in the business community with your fellow-men and begin anew. But he does not want that; he does not want the debt to be absolved; he wants us to play the part of Shylock with the debtor. I say no. I say it is humane; I say it is in accordance with the spirit of the age in which we live, which has been for centuries tempering the wind to the poor debtor; that has been extending exemption in all of the States—in some more than in others—toward making a settlement of these matters and granting an exemption to the honest man, so that he may have a possibility of living again in the future.

So, Mr. Chairman, gentlemen who talk of involuntary bankruptcy and tell us that it is supposed to be in the interest of the creditor class alone will not be able to convince their hearers of the justice of that position. On the contrary, they are seriously mistaken. The creditor class have it in their own hands now to hold and oppress the debtor. With a bankrupt law they can not oppress the honest debtor, and I want to fix the machinery so that this inquisitorial power shall not remain longer in the hands of the people who have power to bear down and crush the business life out of those who have no property and can not have with their best efforts.

So, Mr. Chairman, I think with reference to all of the features

of this law, if it is properly appreciated and properly understood, the debtor class are the ones who reap the richest of benefits under it. Gentlemen tell us the same benefits might be reached under an involuntary bankruptcy law. That is true; they may be. A proud-spirited man, struggling under adverse circumstances in his business, keeps the star of hope in the sky above him as his guide; and no matter how dark the financial clouds around him may be, if he is honest he looks to that star just as an escaping slave once looked to the North Star for relief, and believes that by a proper struggle he may escape the disastrous results which seem to be threatening him in his business affairs. You say here, "You may release yourself by going to the bankrupt court and ask to be discharged from the indebtedness." "I don't want to do that; I don't want to allow that," the proud-spirited man says, "I don't want it. I don't want to back out and admit my defeat. I want to keep going, no matter what the struggle may be, if I can possibly do so."

Now, I say, give him a chance. Let him struggle on, not under the same adverse conditions. I am willing that he be given a chance, that he shall be relieved from his obligation. But the friends of the exclusively voluntary bankrupt laws say, "Oh, no; that will not do. You must pay in full or else you must acknowledge your defeat, plead guilty, go into a voluntary court, and have judgment passed upon your estate." The honest man does not want to do that, and I do not want to see any law passed by the United States Congress that will make that a condition, and the only condition, that will relieve the honest man from debts he can not pay.

The involuntary law is necessary to enable the creditors of a dishonest and fraudulent debtor to compel him to do as an honest debtor voluntarily does. So long as a man's creditors have confidence in him, they will not apply the involuntary bankruptcy law to him. They, too, will hope, if his hope and courage be strong. They will hope that he may succeed, and they will lend him a helping hand. But those who want a voluntary bankruptcy law alone say that man must get upon his knees, crawl into a bankruptcy court, and beg to be discharged from debts that he knows to be honest debts, and if you will let him alone he will pay them. This bill proposes to give both remedies. It proposes to put the machinery into the hands of the creditor. It takes out of the hands of the creditor the cruel and inquisitorial power that the State laws give to the creditor and puts into his hand weapons to enforce the payment of his claims so far as the debtor's property will go. But there the law steps in and says, as was said in Shylock's case, "Not one drop of blood. Take your pound of flesh; take your pro rata share of his estate, but nothing further." There are no chains to bind him and hold him down. You must let him up when you have got all he has.

These two features are here. They are humane. Take, for instance, the State law of Pennsylvania. The gentleman from Pennsylvania [Mr. WILLIAM A. STONE] complained of the causes for which a man may be placed in bankruptcy. Does the gentleman remember the causes under the Pennsylvania statute which authorize an attachment, a summary writ, to be issued merely upon the affidavit of one creditor, who may step in and in thirty minutes take hold of all the property a debtor has in his store, tie it up absolutely, shut up the factory or the store, stop the business, turn all the men out of employment, and sell the property? That may be done by attachment in Pennsylvania, in New York, and probably in all the other States. Let me compare the provisions of this law, which justify the placing of a man in bankruptcy involuntarily, and the provisions of the attachment law of the State of Illinois, which is about on a par with those of the other States.

Now, mark you, Judge DANIELS, you owe me a thousand dollars; I am your creditor. You have done some one of these things named in this attachment act. Without your knowledge—without the knowledge of anyone—I privately go to my lawyer. He writes out an affidavit. Nobody knows of it but himself and myself. That affidavit is taken to the clerk's office of the circuit court and privately filed. In ten minutes a writ is issued and in the hands of the sheriff. He goes to your store, your shop, your factory, or whatever it is, and says, "Judge DANIELS, I have an attachment to levy on your stock of goods." That is all the property you have, probably. Very good; there is nothing to be done but to submit. The door of the store is closed and a notice is put up on the outside, "This stock of goods is in the hands of the sheriff." The proceeding is had. You owe the debt; you can not deny that. A judgment is rendered; an order is made to sell your stock of goods; and that stock of goods must sell upon my attachment, and must be sold, as my friend from Pennsylvania [Mr. WILLIAM A. STONE] says, by an auctioneer. He thinks the auctioneer part of this bankruptcy law is something fearful, and yet every public sale in his State is by law conducted by an auctioneer.

Mr. BRODERICK. Under the laws of Illinois you have to give bond for all damages, do you not?

Mr. CONNOLLY. Oh, yes; any individual creditor must do that.

Mr. TAWNEY. Will the gentleman allow me to ask him a question?

Mr. CONNOLLY. Certainly.

Mr. TAWNEY. If you consider the State laws which have been enacted for the benefit of the creditor sufficient to protect his rights and interests, what is the necessity of a national bankruptcy law that will give him an additional right against a debtor, which may be used as an engine of oppression, just as these State laws which you complain of are used?

Mr. CONNOLLY. This does not give the creditor an additional right. This involuntary bankrupt law takes away from the creditor the right to oppress the debtor which he now has.

Mr. TAWNEY. What right does it take away from him?

Mr. CONNOLLY. It takes away the right to hold the residue of his unpaid judgment as a threat and a club over the debtor all the rest of his life.

Mr. TAWNEY. But, as far as his rights under the State law are concerned, he is not deprived of any of those rights.

Mr. CONNOLLY. Yes, he is; and I will show you how. Under this attachment law a man's property is attached, put up, and sold. It pays 50 per cent of the amount of the judgment. The other 50 per cent remains there as an unsatisfied judgment, and will remain there as long as debtor and creditor live, and if that debtor acquires any property afterwards by his industry another writ issues and that property is levied on. That is the state of things under your State law.

Mr. TAWNEY. One moment.

Mr. CONNOLLY. Now, under this bankruptcy law, after the creditor has got his portion of the debtor's property, that wipes out the debt, and he can not hold the remainder of his claim as a club over him any longer.

Mr. TAWNEY. That is a benefit to the debtor.

Mr. CONNOLLY. That is a benefit to the debtor.

Mr. TAWNEY. Would not the same benefit be given to the debtor under a voluntary law as under an involuntary law?

Mr. CONNOLLY. Yes, sir.

Mr. TAWNEY. Then what is the necessity for this?

Mr. CONNOLLY. Then you did not listen to what I said. By voluntary law alone you compel an honest man to humiliate himself by deliberately going into court and asking a discharge from his honest debts; and honest men do not want to do that.

Mr. MILLER of Kansas. Will the gentleman allow me to ask him a question?

Mr. CONNOLLY. Certainly.

Mr. MILLER of Kansas. Under the attachment laws it is not necessary. An attachment can be had on making certain allegations of fraud.

Mr. CONNOLLY. Undoubtedly; like those in the bankruptcy law.

Mr. MILLER of Kansas. Like those under the bankruptcy law. Under this bankruptcy law, if these same allegations are made, the man is thrown into bankruptcy and has to be discharged from these claims in the same way as in an attachment proceeding.

Mr. CONNOLLY. Oh, yes.

Mr. MILLER of Kansas. I say when you examine——

Mr. CONNOLLY. You asked a question; you can argue it at the proper time.

Now, here, for instance, is a series of causes for which attachment may issue in the State of Illinois, and it is not singular from other States.

That in any court of record having competent jurisdiction a creditor may have an attachment against the property of his debtor, or that of any one or more of several debtors, when the indebtedness exceeds $20, in any one of the following cases:

First. Where the debtor is not a resident of this State.

Second. When the debtor conceals himself or stands in defiance of an officer, so that process can not be served upon him.

Third. Where the debtor has departed from this State with the intention of having his effects removed from this State.

Fourth. Where the debtor is about to depart from this State with the intention of having his effects removed from this State.

Fifth. Where the debtor is about to remove his property from this State to the injury of such creditor.

Sixth. Where the debtor has, within two years preceding the filing of the affidavit required, fraudulently conveyed or assigned his effects, or a part thereof, so as to hinder or delay his creditors.

Seventh. Where the debtor has, within two years prior to the filing of such affidavit, fraudulently concealed or disposed of his property so as to hinder or delay his creditors.

Eighth. Where the debtor is about fraudulently to conceal, assign, or otherwise dispose of his property or effects so as to hinder or delay his creditors.

Ninth. Where the debt sued for was fraudulently contracted on the part of the debtor: *Provided*, The statements of the debtor, h s agent or attorney, which constitute the fraud shall have been reduced to writing and his signature attached thereto by himself, agent or attorney.

Now, in order to obtain that attachment in my State—and you will find that substantially in all the States—the creditor simply files his affidavit, alleging his belief that some one of these things is true. Thereupon writs of attachment issue that will cover every penny's worth of property that a debtor has, and that property is held there just as firmly by an officer under that writ as

the trustee holds the property of a bankrupt under this bankruptcy law.

Mr. MILLER of Kansas. Will the gentleman allow me another question?

Mr. CONNOLLY. Yes, sir; if it is only a question.

Mr. MILLER of Kansas. Is it not true that under this bill, by an affidavit attached to a petition, you may throw a man into bankruptcy?

Mr. CONNOLLY. Yes, sir.

Mr. MILLER of Kansas. And another question. Is there any protection to a debtor provided he is not adjudged a bankrupt and seeks to recover for the injury done him?

Mr. CONNOLLY. Yes, sir; he will find his relief, if fraudulently charged with bankruptcy, for all damages under the common law.

Mr. MILLER of Kansas. Is there any bond given in this case?

Mr. CONNOLLY. A bond does not make any difference. If he takes the property there is a bond. Immediately on filing the affidavit he does not give bond, but when the property is taken he does. Now, then, suppose in an attachment under any one of those nine causes in the Illinois statute, a suit is brought on that bond by the debtor for damages, all that the creditor has to do is to prove his honest belief that at the time what he averred was true, and then he is released.

Mr. MILLER of Kansas. That is not so in Kansas.

Mr. CONNOLLY. Then you must have a peculiar law there.

Mr. WOOD. Do I understand the gentleman to say that under the Illinois statute an affidavit based on information and belief is good?

Mr. CONNOLLY. Yes, sir.

Mr. WOOD. The gentleman is mistaken.

Mr. CONNOLLY. Mr. Chairman, the gentleman from Illinois [Mr. WOOD] is correct. I can not stop to discuss in detail all the questions that may be raised as to the statutes of all the States. I simply desire to mention these things in a general way for the purpose of showing the difference, and all the difference, that there is between the bankrupt law proposed here and the laws of the various States; and I repeat it, the laws of the various States are made in great part, almost exclusively, in the interest of the creditor. The only law made in the interest of the debtor is the exemption law.

Mr. BAILEY. Is it not true, however, that in almost every State in the Union no attachment can be levied except upon the ground of actual fraud or nonresidence——

Mr. CONNOLLY. I have just read the causes.

Mr. BAILEY. But I say that in almost every State in the Union an attachment is not permitted except upon the ground of actual fraud or nonresidence, and the ground of nonresidence is intended of course to obtain jurisdiction of the property of the defendant. And, as my friend from Minnesota [Mr. TAWNEY] very properly suggests, in that case the party must file a bond.

Mr. CONNOLLY. Now, please ask your question and let me go on.

Mr. BAILEY. Well, I will ask you this question: Is it not true that in almost every State no attachment can be levied except upon the grounds I have mentioned?

Mr. CONNOLLY. I say no; it is not. I have just read a State statute which differs radically from the gentleman's statement of the law.

Mr. BAILEY. The gentleman surely did not understand me to state that there was no State where the law was different, but I said in nearly every State.

Mr. CONNOLLY. I said all or nearly all. I do not know what the causes for an attachment are in Texas. I have not read the statutes of all the forty-five States on that point.

Mr. BAILEY. I undertake to say, Mr. Chairman, that there are not five States in the Union that permit an attachment except upon actual fraud or nonresidence.

Mr. CONNOLLY. Well, you undertake to say that, but you do not incur any responsibility or liability by that undertaking. You do not have to give any bond. [Laughter.] I accept that as your belief, but I think when you go to the statutes of the forty-five States of the Union you will find that in most of them the causes for an attachment are substantially as they are in Illinois.

Mr. BAILEY. You still imprison men for debt in Illinois.

Mr. CONNOLLY. Now, that remark shows that the gentleman is not so familiar with the statutes of the States as he thinks he is. We do not imprison men for debt in Illinois.

Mr. BAILEY. Is it not true that under the law of Illinois you can bring a debtor into court, the judge orders him to surrender his property, and he can be kept in jail until he does surrender?

Mr. CONNOLLY. Not for a debt.

Mr. BAILEY. For a tort?

Mr. CONNOLLY. For a tort, a personal injury or wrong—for a willful personal injury against the person or property of another.

Mr. BAILEY. Of course I would not assume to know the law of the gentleman's State better than he does, but I am positive that I have read such a law as that, under the process of the court, a debtor may be brought into court, may be ordered to deliver up his property to his creditors, and may be imprisoned until he has complied with the order of the court.

Mr. CONNOLLY. Undoubtedly, there were some old decisions to that effect before our new constitution.

Mr. BAILEY. Then I am right in my statement.

Mr. CONNOLLY. Not since our constitution of 1870, which is twenty-six years old. There used to be imprisonment for debt in all the States.

Mr. BAILEY. Yes; and I am sorry to say that Illinois was one of the last to abolish it.

Mr. CONNOLLY. One by one they have all abolished it, just as the policy has been to abolish all these harsh laws made in the interest of creditors. As I said a while ago, this legislation for debt collecting commenced in the interests of the creditors, and it went on for centuries in their interest, until finally among civilized people the debtors began to get a hearing and humanity made itself felt in their interest, and the States exempted property in various amounts for the benefit of the debtor's family. The gentleman's own State of Texas is a notable example of the extent to which humanitarianism has gone in depriving the creditors of the rights to collect their debts and exempting almost a fortune for the benefit of the debtor's family.

Mr. BAILEY. Permit me to say that Texas was the first State in the history of the world that exempted the homestead, and it is something in the history of our State that we would not willingly part with.

Mr. CONNOLLY. It is very creditable to Texas, and therefore I would expect to see every Texas gentleman here supporting a bankruptcy bill which would tend to still further protect the debtor from the unseemly rapacity of the creditor. [Laughter.] But, Mr. Chairman, of course this bill is not in the interest of the debtor class alone.

This bill goes to the extent of protecting the creditor class in this respect, that it gives all creditors a chance to be dealt with on precisely the same footing. It establishes a rule of uniformity, so that the creditor who lives close by the debtor gets no undue advantage over the creditor who lives a hundred or five hundred or a thousand miles away. It is framed on the principle that when a man is insolvent the law will take hold of his property and divide it equally among all his creditors pro rata. Is there any reason why it should not be so?

There are certain excepted debts, debts contracted in a fiduciary capacity—wages, taxes due to the State, the municipality, or the United States. Those are exempted; those must be paid. Of what remains the creditors will all get their pro rata share. What is wrong about that? This provision is based on a humanitarian principle toward the debtor. It says to him, "Give up all you have; call your creditors all in; do not give an undue advantage to any one of them, but let each man come up, prove his debt, and receive his pro rata upon the debt that he has proven. Then you can walk out to begin life anew." That is equity; that is simple justice as regards these men who hold the unfortunate position of creditors of an insolvent nian. This is a relief from the inquisitorial harshness of all the laws now existing for the enforcement of contracts and the payment of debts.

Mr. TALBERT. I am very much interested in the gentleman's remarks, and as I am seeking information, I would like to ask him a question. Will he kindly state why it is that this matter can not as well be left to the States, each State regulating the subject for itself?

Mr. CONNOLLY. There is a manifest reason why there should be a general law on the subject.

Mr. TALBERT. I should like to hear the gentleman on that point.

Mr. CONNOLLY. The States can not provide by law for an equal distribution of property among all the creditors.

Mr. HENDERSON. Nor can they annul contracts.

Mr. CONNOLLY. No; they can not annul contracts of course; and Congress has no power to do that, either, but Congress has power to relieve from debts growing out of contracts, and the States have not.

Mr. TALBERT. How is it that we have been getting along without this law?

Mr. CONNOLLY. This is the way we have been getting along: The creditor living nearest to the debtor, or the creditor who is most diligent, steps in quickly and gets his judgment. Two or three or four creditors, being more advantageously placed than others, get their judgments; they levy on the property and exhaust it. Creditors living in other States or in distant counties of the same State know nothing of the insolvency of the debtor until judgments are rendered for the benefit of the favored few; and these creditors who have not had similar advantages find the property all gone, so that they can not collect anything. The debtor's property is all swept away to pay a few of the most active and diligent creditors.

Now, the purpose of this bill is to protect creditors all over the United States. Business men do not limit their trade to State lines. Trade and commerce extend all over our country from the Atlantic to the Pacific. Commerce has abolished State lines. So far as trade and commerce are concerned, we are all one people. New York trades with San Francisco; New Orleans with Chicago; the people in the intermediate States are trading with each other, back and forth, all the time and extending credit all the time. The lumber that comes from Texas and Mississippi is shipped to the Northern States, and is scattered all over the prairies of my own State. Lumber dealers are buying it from Mississippi and Texas men on credit. Now, the effect of this law will be to let those lumber dealers in the various States come and share equally in the property of any failing debtor.

I have spoken of the general features of this bill. I want now to speak of some of the specific features that have been criticised by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE]. The gentleman has stated very properly that we have had three bankrupt laws in the United States. The one which was enacted in 1800 remained in force but a few years, when it was repealed; it was to continue in operation, at any rate, but five years. I have here a communication from President Monroe submitting to Congress a statement of the number of cases commenced under the bankruptcy law of 1800 in the States of Maryland, Virginia, Pennsylvania, New York, and the District of Columbia—491 cases in all. I do not know why the inquiry to the President was limited to those particular States. But by the statement of President Monroe it appears that in Virginia there were 45 commissions under that law; in Maryland, 58; in Pennsylvania, 208; in New York, 166, and in the District of Columbia, 14. I find that in every one of the 208 cases in Pennsylvania a final certificate of discharge was allowed to the bankrupt. In one case in the State of New York the bankrupt's estate paid 100 cents on the dollar with interest. In other cases the amount realized ran down as low as 4 per cent.

The law of 1800 was purely an involuntary bankrupt law; it had no voluntary feature at all. The law of 1841 had both features, voluntary and involuntary. That act, however, was repealed by the same Congress that enacted it. Then came the law of 1867, which I think, and always believed, was a most infamous law in that it allowed the estate of the debtor to be absolutely eaten up in costs and expenses. It was of no benefit to the creditor except in rare cases; it was of some benefit to the debtor, because under it he could get a discharge from his indebtedness. It was, I think, and always believed it to be, a most complete failure. There is no one familiar with the operation of that law who will read the provisions of this one and compare them with it and fail to see what a vast difference there is between the exhaustion of the estate in fees and charges under the provision of that law as compared with this one.

The amount that may be paid out is very small. The largest fee that anybody can possibly get is received by the trustee. The referee gets only $10, the trustee gets $5, and the clerk gets $10. Now, there is the sum total of all the fees that may come out of the estate, except that when the dividend is made and paid the trustee will receive 5 per cent on the amount of the dividend so paid. That is about the ordinary fee that is allowed by the laws of the different States for such service, and what is usually paid to the administrator of an estate for collecting and paying out the money. And that cost can not be paid to him, remember, until the dividend is made, thereby insuring him to give diligence and careful work in closing up the estate.

Now, one other great objection that existed to the old law of 1867 was this: That it forced all of the litigation and all of the proceedings, as a rule, to the place where the United States court for the district was held. Registers in bankruptcy were not numerous. This law provides that there shall be a referee in every county, and the vast amount of business is done before the referee. Under the old law one or two registers in a district only were provided for, and the reference of cases was made to these men and they got all of the fees. Some of them I know made fortunes out of the old bankruptcy law simply acting as registers.

This law obviates that difficulty by saying that there shall be a referee in each county. This is a minor court, taking testimony or proof of claims, and for all of the detail work. It provides that it shall be done in the county where the bankrupt lives and does not force him to go to a distant court for that purpose.

Mr. MILLER of Kansas. Is it not true that the question of whether a state of bankruptcy exists in regard to any man must be brought before the court before which the claim is pending?

Mr. CONNOLLY. No, sir; if the bankrupt denies the act of bankruptcy it is tried before the jury.

Mr. MILLER of Kansas. I am speaking now of where it is to be tried. Is it not true that the question of the discharge of the bankrupt must be tried after all before the judge of the court before which the case is pending? If that is true why make a distinction in the trial of the question of discharge between the court and the judge? In the case of the trial of the question as to whether a state of bankruptcy exists or not, you try that before the court, but when the question of discharge arises you want to send that before the judge.

Mr. CONNOLLY. Because they are not properly questions for a jury trial, but for a court to pass upon. The court has a record of all the proceedings, and can determine as to the question of the propriety of allowing a discharge.

Mr. MILLER of Kansas. But upon the question of discharge, is not the point as to whether preference has been given to any creditor a matter for legal determination?

Mr. CONNOLLY. Undoubtedly.

Mr. MILLER of Kansas. Is it not a question to be determined by evidence, as much as any other question that may be presented in the case?

Mr. CONNOLLY. Well, these are questions that the court can decide as well or better than a jury.

But, Mr. Chairman, continuing with the discussion of this particular part of the bill. In all suits brought by the trustee in connection with the estate and the debts due to it, they must be tried in the local State court; that is, they must be tried in the same court that the bankrupt would be himself compelled to bring his suit in if he were not a bankrupt. This localizes the proceedings in that regard. It brings the referee and the court just where the bankrupt lives and refuses to allow such proceedings to be tried in the Federal court except where the bankrupt himself is allowed to enter the Federal court with his suit. It withdraws all that is possible from the Federal court.

Now, as to the objections that have been made to this provision. The gentleman from Pennsylvania [Mr. WILLIAM A. STONE] insisted that this law would be a terror to any honest man going into business; that he would hesitate to take the risks involved in going into business if this law were enacted.

I maintain that this would not terrorize any honest man. It might be a terror to the rascal, but not to the honest man. Why do I say that? I turn to the second section of this bill, and I find in that section every cause laid down that will justify any creditor or any court to put a man into bankruptcy. Now, let us see, briefly, what these causes are. Nothing except one of these things will justify any creditor to attempt to put his debtor into bankruptcy.

Acts of bankruptcy by a person shall consist of his having (1) concealed himself, departed or remained away from his place of business, residence, or domicile with intent to avoid the service of civil process and to defeat his creditors, and shall not have returned at least forty-eight hours before the filing of a petition in bankruptcy, and before the rights of creditors shall have been impaired, altered, or interfered with.

Now, does that catch the honest man who is willing to pay his debts? This refers to a man who leaves his home, goes away to avoid the service of a summons in an action for debt against him, and who goes away with the purpose of defeating the creditor who may have that summons against him.

The second cause assigned is that a man shall have—

Failed for thirty days and until a petition is filed, while insolvent, to secure the release of any property levied upon under process of law for $500 or over, or if such property is to be sold within such time under such process then until three days before the time fixed for such sale.

Now, that man must be insolvent.

Mr. BAILEY. I do not want to interrupt the gentleman now, but I have the revised statutes of Illinois here on the question between us a moment ago.

Mr. CONNOLLY. You will have time to make a speech directly.

Mr. BAILEY. Whenever it suits your convenience, I want to call your attention to the statute.

Mr. CONNOLLY. Oh, well, I am unwilling to be educated now on the statutes of Illinois.

Mr. MILLER of Kansas. Referring to the section you have just read, would it not in every case, or nearly so, where an attachment was run throw a man into bankruptcy if anyone took advantage of it? Is there hardly any case where an attachment is run in which you can get relief in any court within thirty days?

Mr. CONNOLLY. A man must be insolvent first, and when he is insolvent and when a creditor comes and runs an attachment on his property and takes all he has, does not that leave all the rest of his debts hanging like a burden over him? Is it not better to have a law enacted that will divide that property between all his creditors and then give him a discharge, instead of having it pay only one debt and leaving all the rest hanging over him?

Mr. MILLER of Kansas. Suppose that to be an unjust claim without opportunity or time within which to defend it?

Mr. CONNOLLY. Well, the same thing is true about the attachment, if it is an unjust claim. The term of court is three months after. The injustice of that claim can not be determined until after a hearing in that term of court, three or more months away. In the meantime his business is closed up, his property is sold by the officers of the law, and the man is effectually bankrupted, because here come all his other creditors then.

Mr. MILLER of Kansas. But in this case, if it happens to be

an unjust claim, there is a bond filed, is there not, to protect him against that, and also to protect his creditors?

Mr. CONNOLLY. I never knew an attachment bond to protect anybody yet.

Mr. MILLER of Kansas. Well, I have.

Mr. CONNOLLY. I never knew one to protect anybody.

Mr. BRODERICK. I have.

Mr. MILLER of Kansas. So have I.

Mr. CONNOLLY. This provision can not apply to anybody except a man who is insolvent. He must be insolvent to justify putting him into bankruptcy.

Mr. MILLER of Kansas. Well, generally, when a petition in bankruptcy is filed, it is held to be good.

Mr. CONNOLLY. Oh, well, that goes upon the theory that the law means nothing. Courts generally construe the law as it is written, to carry out its purpose. The man must be insolvent, must be in a condition where his property will not pay his debts. Then, by coming in under the bankrupt law, his debts are all discharged; but leave it as you want to leave it now, one debt is paid and all the other debts remain. The third ground of bankruptcy is that a man has—

Made a transfer of any of his property with intent to defeat his creditors and has not regained the ownership and possession of such property before the rights of creditors have been altered, impaired, or changed by reason of such transfer and at least ten days before the commencement of a proceeding in bankruptcy.

Now, is that the case of an honest man? That is the case of a man who has made a transfer of some of his property for the specific purpose of defeating his creditors. Why should not that man be put into bankruptcy. The fourth ground is that he shall have—

Made an assignment for the benefit of his creditors or filed in court a written statement admitting his inability to pay his debts.

Now, if you leave him as he is now, the man files a written statement in court of his inability to pay his debts. His creditors come on him and sweep away what he has, but keep the balance of his debts to remain as a cloud to hang over him perpetually. This law lifts that cloud, and releases him from his debts.

The fifth ground is that a man shall have—

Made, while insolvent, a transfer of any of his property, or suffered any of it to be taken or levied upon by process of law or otherwise for the purpose of giving a preference, and has not regained the ownership of such property or released same from such levy before the rights of creditors shall have been altered, changed, or impaired by reason of such transfer, taking, or levy and at least ten days before the commencement of a proceeding in bankruptcy.

There is an attempt by the individual to cheat some of his creditors by paying others, taking the property of A to pay B.

Mr. MILLER of Kansas. But there is no provision there that he does it fraudulently.

Mr. CONNOLLY. He does it for the purpose of giving a preference. Is not that fraudulent?

Mr. MILLER of Kansas. Nearly every State in the Union provides that he may do that.

Mr. CONNOLLY. But every State in the Union, when he does that, and his property only pays a part of his debts, holds the rest of his debts over him as a club. This releases him.

Mr. MILLER of Kansas. If the gentleman will permit me——

Mr. CONNOLLY. I would rather the gentleman would not interrupt me so much, because I am taking too much time. I want to get through with this section. The sixth reason for bankruptcy is that a man shall have—

Procured or suffered a judgment to be entered against himself with intent to defeat his creditors, and suffered same to remain unpaid until ten days before the filing of a petition in bankruptcy, provided that a payment or satisfaction of such a judgment by a sale of any of the debtor's property or from the proceeds of such a sale shall not be deemed a payment of such judgment under the provisions of this section.

Now, is that the honest man that my friend from Pennsylvania [Mr. WILLIAM A. STONE] spoke of? The man who has gone and deliberately permitted a judgment to be entered against him so that thereby he may defraud his creditors? Certainly that man would not be held up as a model, honest business man. The seventh ground is that a man has—

Secreted any of his property to avoid its being levied upon under legal process against himself and to defeat his creditors, and has not surrendered such property to such legal process at least ten days before the filing of a petition in bankruptcy.

Do you want to protect that man? This seizes him if he attempts the secreting of his property. It brings it to light and applies that property to the payment of all his creditors equally.

Eighth. Suffered while insolvent an execution of $500 or over, or a number of executions aggregating such amounts, against him to be returned no property found, unless the amount shown to be due by such execution shall be paid before a petition is filed.

Now, that may happen, of course, to a man who is perfectly honest.

Mr. MILLER of Kansas. If a man has honestly given a preference under the State law, and he may do it, then he is thrown into bankruptcy on that account, and he is prohibited, although doing it honestly, from being discharged under the provisions of this bill. Under the second section——

Mr. CONNOLLY. I am not discussing that section.

Mr. MILLER of Kansas. Is it not true that you throw him into bankruptcy for doing what he believes to be honest, and prohibit his being discharged on the same ground?

Mr. CONNOLLY. No; it is not.

Mr. MILLER of Kansas. I call your attention to it right here——

Mr. HENDERSON. You may throw a man into bankruptcy for his wicked acts, and you do not discharge him on account of those acts.

Mr. MILLER of Kansas. You do not say that it shall be done.

Mr. HENDERSON. What the gentleman proposes is: You say that a man can not be discharged for a matter that we are moving on him for. We move on him for doing a wicked act, and under the act of 1867 we had three times the number of grounds on which discharge could be denied compared to what there are in this bill.

Mr. MILLER of Kansas. That may be.

Mr. CONNOLLY. You are speaking about something that is not in this section.

Mr. MILLER of Kansas. You are putting a man in bankruptcy.

Mr. CONNOLLY. It is the seventh paragraph to which I am addressing myself, where a man secretes his property to evade its being levied on by legal process and for the purpose of defeating his creditors. Now, you say that he has honestly done this.

Mr. MILLER of Kansas. No; that is not the one. I am speaking of section 5, on page 6.

Mr. CONNOLLY. You are talking about a different matter. The eighth paragraph is:

Suffered while insolvent an execution for $500 or over, or a number of executions aggregating such amount, against him to be returned no property found.

Now, I do not claim, I do not insist and say that an honest man may not find himself in that situation. Of course he may be unfortunate and may have one or more executions amounting to $500 or more returned no property found against him, and be where he can not help himself. Now, you do not want to give that man the benefit of a discharge from his debts. You want that under the law as it is now, held *in terrorem* over him for his life, while this bill, more humane, comes in and says that a man in that condition may be placed in involuntary bankruptcy, that his property, whatever is subject to execution, shall go to his creditors, and he shall be discharged. Now, there is the difference between the two things. We wish to discharge a man who honestly has become insolvent, who has used his property in accordance with law, and who has tried fairly to pay his debts and failed. We say in that kind of a case that he ought to be discharged from all of his debts. You say, "No." You want your "pound of flesh" and you want "the blood to follow." A man who has—

Suspended and not resumed for thirty days, and until a petition is filed while insolvent, the payment of his commercial paper for or aggregating $500 or over.

There is another instance where a man perfectly honest may be compelled to suspend. He can not, by force of misfortune that may overwhelm him, pay his paper. He is insolvent. His creditor, as the law stands now, can come in and by execution and attachment seize everything he has and hold it. They can put him on the rack, and by inquisitorial bills filed for discovery ascertain whether he has any other property, recover it all, and divide it out to the diligent creditors, and still leave the debtor with an unpaid balance on this judgment, leaving him to struggle all the rest of his life. The bankruptcy law comes in and says when his property is all given up he is released.

I have enumerated all the causes that lead to an adjudication of bankruptcy, every one of them. There are only three wherein an honest man can be thrown into bankruptcy. A man who is honest, an unfortunate merchant, may, in three of these instances, be placed in bankruptcy under this law, but even then he is in a better condition with this law than without it. If placed in bankruptcy under this law his property is taken and goes to his creditors and he is absolutely discharged. Without this law his property is taken and goes to his creditors and the balance of his debts remain hanging over him.

Now, Mr. Chairman, I do not mean to say that in every section and in every particular this bill is what I would approve. I think I see several places where amendments can be made that will not change its character, that will not change its features, and yet that will make it more in accord with the best and most advanced thought upon the subject of bankruptcy laws.

Now, a word as to the general question of a bankrupt law and its necessity. We are a great trading and commercial people. The people of all these States trade interchangeably with each other without reference to State lines, and yet when it comes to collecting debts the parties are all met by the State lines and by the State laws, and the purpose of this bill is to use the power which the Constitution gives to Congress to say that in the collection of debts these State lines shall disappear and the laws governing the matter shall be the same throughout the country, except that where the States in their humanity have provided an

exemption for the wife and children of the debtor those humane laws shall be respected. Differing as those State laws do, they are still to be respected and the debtor is to be given the benefit of them. [Loud applause.]

Mr. HENDERSON. How much time has the gentleman from Illinois consumed?

The CHAIRMAN. An hour and eight minutes.

Mr. HENDERSON. Now, will the other side proceed?

Mr. BAILEY. My friend from Kansas [Mr. BRODERICK] is going to proceed, but I have asked him to let me occupy a few minutes now to clear up a little controversy which I had a moment ago with the gentleman from Illinois [Mr. CONNOLLY] about the laws of his own State.

I declared that in Illinois they still allowed the imprisonment of men for debt, and my friend, contrary to his usual courtesy, accused me of being ignorant. If I am ignorant on that point, Mr. Chairman, it is because the revised statutes of Illinois have misled me.

Mr. CONNOLLY. The gentleman had better look at the constitution of 1870.

Mr. BAILEY. I have the constitution here also. In examining this question, Mr. Chairman, I had looked at the insolvent laws of the various States, and I did not think it possible that I had made a mistake as to the law of Illinois on this point. I read now from the revised statutes of Illinois, chapter 72, section 2:

When any person is arrested or imprisoned upon any process issued for the purpose of holding such person to bail upon any indebtedness, or in any civil action when malice is not the gist of the action, or when any debtor is surrendered or committed to custody by his bail in any such action, or is arrested or imprisoned upon execution in any such action, such person may be released from such arrest or imprisonment upon complying with the provisions of this act.

Now, if they do not suffer a debtor to be imprisoned in the State of Illinois for debt, I am unable to perceive the necessity for that provision.

Mr. CONNOLLY. That may be, but still they do not imprison men for debt in Illinois. They never have done so since the constitution of 1870.

Mr. BAILEY. The provision which I have just read explicitly provides for cases in which men are imprisoned for debt.

Mr. CONNOLLY. I would like to see the gentleman from Texas come up to Illinois and try to enforce that provision of the statute as he understands it.

Mr. BAILEY. Well, if I found judges who did not know any more about the law of Illinois than my friend seems to, I would succeed. [Laughter.]

Mr. CONNOLLY. You had better come and try it.

Mr. BAILEY. I ought not to have made that remark, Mr. Chairman, and I beg the gentleman's pardon, for I know that he is a very distinguished lawyer.

Mr. CONNOLLY. You are reading from an old statute.

Mr. BAILEY. This is Myers's authorized edition of the Revised Statutes of Illinois, published in 1895.

Mr. CONNOLLY. I understand that. It is Cothran's edition, a private edition.

Mr. BAILEY. It is Myers's edition, with Cothran's notes.

Mr. CONNOLLY. Look at the bottom of that second section and you will find the letters "R. S., 1845," meaning Revised Statutes of 1845.

Mr. BAILEY. Certainly. We have revised statutes that go back as far as 1823. Now, will my friend say that this statute is not in force in Illinois?

Mr. CONNOLLY. That statute is not operative in Illinois at all, so far as imprisonment for debt is concerned. There is one instance where a capias ad respondendum or a capias ad satisfaciendum may be issued for willful personal tort, but that is the only case.

Mr. BAILEY. Here I find this provision:

Jail fees. In all cases where any person is committed to the jail of any county upon any writ of capias ad respondendum or capias ad satisfaciendum——

Mr. CONNOLLY. That is what I told you.

Mr. BAILEY. Then they do permit a man to be committed to jail upon a capias to satisfy a debt?

Mr. CONNOLLY. No.

Mr. BAILEY. Then why does it provide for jail fees in such cases?

Mr. CONNOLLY. If the gentleman will come to me privately and take lessons, and not occupy the time of the House, I will talk with him.

Mr. BAILEY. The gentleman publicly said that I was ignorant, and I wanted to prove in the presence of the House that if I was so it was the fault of the revised statutes of Illinois.

Mr. CONNOLLY. Either that or the fault of the man who reads them and does not understand them.

Mr. BAILEY. That would be a very serious fault; but I have never yet been accused of being unable to understand the English language; and I am willing to submit to the candid judgment of every man who has heard this colloquy whether I was not justified in saying what I did upon that language; and the gentleman himself admits it by saying that the statute is no longer operative.

Mr. CONNOLLY. I will accept the gentleman's apology. [Laughter.]

Mr. BAILEY. Then, Mr. Chairman, I hope the House will accept the apology of my friend from Illinois. [Laughter.]

Mr. CONNOLLY. All right.

Mr. BAILEY. But, before we leave the question of the constitution of Illinois, I want to read from that instrument. Perhaps I had better take the precaution to examine the date of this constitution——

Mr. CONNOLLY. I think it would be well.

Mr. BAILEY. I presume, however, that they do not publish an obsolete constitution in the statutes of 1895.

Mr. CONNOLLY. Pretty nearly all our volumes of statutes publish all our constitutions.

Mr. BAILEY. This volume embraces only the one; so that I am certain to have the right one.

Mr. CONNOLLY. The gentleman had better look at the date, so as to be sure that he does not get a "back number."

Mr. BAILEY. I find that the constitution of Illinois, as here published, was "adopted in convention May 13, 1870; ratified by the people July 2, 1870; in force August 8, 1870." Is that the last?

Mr. CONNOLLY. That is good.

Mr. BAILEY. Now, I want to read section 12, which I find on page 3 of this volume:

No person shall be imprisoned for debt unless upon refusal to deliver up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

Mr. CONNOLLY. Yes; he is imprisoned for his refusal to deliver up his property—not for the debt.

Mr. BAILEY. That was exactly my statement—that when a debtor was ordered to deliver up his property, and did not do it, he could be put in prison until he did so.

Mr. CONNOLLY. Does the gentleman want a certificate from me that he understands the constitution of Illinois? If he does I will give it to him.

Mr. BAILEY. Unless the gentleman were understood to possess a better knowledge of the law of Illinois than he now exhibits, his certificate would not admit me to the bar of Illinois.

Mr. CONNOLLY. I admit that it would not; you would have to pass an examination there; and I would not guarantee your admission.

Mr. BAILEY. I beg pardon of my friend from Kansas [Mr. BRODERICK] for having thus interrupted him.

Mr. HENDERSON. How much time has the gentleman from Texas consumed?

The CHAIRMAN. Six minutes.

Mr. BRODERICK. Mr. Chairman, I will say in the outset that I believe this bill is superior to any law that has been enacted on this subject in this country. As was stated by the chairman of the committee in his opening discussion, the subcommittee who had this bill in charge gave it much consideration, and when it completed its work the bill was reported by the subcommittee to the full committee, and it held daily sessions for three or four weeks for the consideration of this measure. And I am frank to say that the committee endeavored to present to the House the best possible bill on this subject. As a member of the committee I regret to differ from the majority; yet I think this proposed measure contains some objectionable and dangerous features, and there are many other gentlemen here who take the same view, but it is not because of any fault of the committee. It is because, as I believe, of the inherent impossibility of preparing an involuntary bankruptcy law which will meet the objections that have been raised and urged against it, especially when it undertakes as much as the one before us. This bill embraces, nominally, nine grounds or acts of bankruptcy, and each of these grounds contains more than one act which would subject debtors to the penalties of the involuntary provisions.

I want to state first my objection to this feature of the bill. I am not going to attack the bankruptcy system generally. I am not opposed to all bankruptcy legislation; and this bill may be amended when reached for amendment (and I hope it will be) so that all of us who believe in such legislation may vote for it.

I know that there is some demand at this time, and has been for a few years, for some system of bankruptcy legislation. But I do not believe there is any general demand over the country for this particular measure or any stringent or harsh measure. I represent what I think is at least an average district—one of the older settled districts of the State in which I live, where there are more than forty banks and where there is a prosperous wholesale and retail business; and since this bill has been under consideration in the Judiciary Committee I have received only four letters from my district regarding it.

One of the men who wrote protested against any sort of bankruptcy legislation. Another gentleman said he was in favor of some sort of legislation on the subject, and the third man wanted

some position under the law in case of its enactment. [Laughter.] I received the fourth letter the other day, asking for information and for a copy of the bill. And so I have reached the conclusion that there is no such general demand throughout the country for the passage of this bill as some gentlemen would have us imagine.

While it is true, as has been stated here, that this country has been passing through a period of great financial depression and many business people are still feeling the effects of it, and while there have been many failures within these years of honest men who either have returned or hope to reenter business, and some of whom would like to be relieved of their burdens, yet I believe if we could understand all the circumstances we would find this class is comparatively small.

Under the insolvency act of Kansas, where an assignment is made for the benefit of creditors and they are satisfied that all the property of the debtor has been delivered to the assignee in good faith, there are rare instances where the creditors do not come together and agree to a final distribution, and give full releases. I have known many such cases, and if that is the observation of the lawyers here generally who have had experience under their State insolvency laws, then it would seem that there is no urgent necessity for the enactment of these harsh provisions.

But, Mr. Chairman, as I admit, there is a small class who would like to have a voluntary law enacted; there is another small class who would like to have a statute on this subject, with involuntary provisions to aid in the collection of debts. I do not believe this class is as large as some gentlemen here seem to think. The methods of doing business are entirely different now from what they were in years past. The wholesale merchants throughout this country do not take the business risks they did thirty or forty years ago. The retail men in the Mississippi Valley no longer go to New York or elsewhere to the wholesale men to make purchases of their supplies. The country dealer no longer makes his semi-annual visit to the wholesale houses. The wholesale merchant sends his agent through the country to men who deal with him, and these agents understand their business as thoroughly as any class of business men. They know what they are doing and what they are expected to do; and when they see a dealer for the purpose of making a sale to him they know exactly what they are after. They go out to sell goods, and they make sales where it is safe to do so. It is a part of their business to inquire whether it is safe or not, and they do it. They understand the responsibility of the purchaser before the sale is made. And, in addition to this, there is the system of commercial agencies which collect and give out information and place it within the reach of every wholesale dealer. By reason of these innovations, business is not transacted as it was a few years ago, and there is no necessity for wholesale men taking such risks as they formerly had to take. They understand who they are dealing with, and if they are not satisfied with a customer no sale is made. I do not believe that there is one failure out of twenty among retail men that is not now understood and anticipated for months before the failure occurs, so perfect is the system of obtaining information in reference to the financial and business standing of merchants throughout the country. So, when we consider these conditions, I think we will agree that there is a smaller class of wholesale men who demand this legislation than we have been led to believe from newspaper publications and from the contention which has been made on the floor of this House.

But, Mr. Chairman, I said this bill might be amended so that many gentlemen who are now opposed to it would be willing to support it. If section 2, which enumerates the acts of bankruptcy, could be modified so as to allow debtors to be adjudged bankrupts only in case of actual fraud, this would be a fair bill.

Mr. RAY. What are the changes you would make?

Mr. BRODERICK. I would make a transfer of property by an insolvent debtor with intent to defraud creditors and the concealing of the debtor for the purpose of avoiding the service of summons and defrauding creditors the only grounds. If I could have these changes incorporated in the bill, instead of the nine as now written, I would be willing to support it. But I am unwilling to do so with the nine specifications that now exist. These changes, if made, will improve the bill and remove much opposition. The letters read from the Clerk's desk this morning from distinguished judges who had experience under former bankruptcy laws show the opinion of those best qualified to judge of the merits of this sort of legislation.

These judges stated what is the common knowledge of every official, lawyer, or merchant who has had any actual experience as to the practical operation and effect of these laws. If you ask the man who was registrar under the old law for his opinion, unless he again wants the office he will say that under that law there were many cases of oppression. So generally was this understood that the President of the United States recommended its repeal, and the House twice passed a repealing act before the Senate would concur, and then the sentiment against the law became so strong throughout the country that both Houses acted, and the repeal of that obnoxious measure was accomplished.

The grounds for involuntary bankruptcy in the former law are not materially changed or modified by this bill. This is the vital part, and it contains as many objectionable grounds of bankruptcy as the law of 1867. We have here nine acts for involuntary bankruptcy, and some of them double-headers, embracing more than one ground. There are nominally nine stated in the bill, but there are, as a matter of fact, many more.

Mr. STEWART of New Jersey. Does not the crying demand for a national bankruptcy law inhere in the fact that under the insolvency laws of most of our States inequitable preferences are permitted?

Mr. BRODERICK. That is probably one reason for the demand, but preferences are not permitted under the laws of all the States. They are not permitted in the State in which I live; preferences are expressly prohibited by the law of my State.

Mr. STEWART of New Jersey. I will state a case that happened to a member on this floor, belonging to my delegation. A debtor in New York owed him $6,000. Preferences are permitted in the State of New York. He took advantage of that fact and made preferences.

Mr. KIRKPATRICK. Before making his assignment?

Mr. STEWART of New Jersey. Before making an assignment, before taking advantage of the insolvency laws of New York, he gave preferences to his mother, sister, etc. Then he took advantage of the insolvency laws and completely defrauded his New Jersey creditor out of $6,000.

Mr. BRODERICK. Your State ought not to allow preferences.

Mr. FAIRCHILD. I will ask the gentleman from New Jersey if his friend ever attempted to set aside that assignment?

Mr. STEWART of New Jersey. I do not know that he did.

Mr. FAIRCHILD. Then if he did not it is his own fault if he lost his debt.

Mr. STEWART of New Jersey. Does the gentleman mean to assert that no preferences are allowed in New York State?

Mr. FAIRCHILD. No; I mean no fraudulent preference can be made prior to an assignment to a man's mother, sisters, or members of his family.

Mr. STEWART of New Jersey. I understand from the gentleman from New York [Mr. RAY], a member of the Judiciary Committee, that preferences are allowed in that State.

Mr. RAY. To the extent of one-third of the assigned estate.

Mr. BRODERICK. If preferences are allowed in the State of New York, then the legislature of the State ought to remedy that condition of things.

Mr. STEWART of New Jersey. But it is our duty to enact an equitable bankruptcy law, and to do away with these iniquities.

Mr. BRODERICK. The Constitution has simply granted the power to Congress to enact bankruptcy legislation. It is not directory, but simply a grant of power which Congress may or may not exercise.

Mr. STEWART of New Jersey. But that implies a duty to do it when the occasion arises.

Mr. BRODERICK. Then Congress has been derelict in its duty nearly ever since the adoption of the Constitution, for the three bankruptcy laws that have been enacted in this country have only existed altogether about fourteen years.

Mr. BAILEY. Under the proposition coming from the Judiciary Committee, could any man obtain the benefit of a discharge after having given a preference to anybody?

Mr. STEWART of New Jersey. I understand he could not. I was talking about the insolvency laws of the State.

Mr. RAY. That is, if he had given any fraudulent preferences.

Mr. BAILEY. No; any preferences at all, as the proposition comes from the Judiciary Committee.

Mr. BRODERICK. That there is some demand in the country for the enactment of this legislation I have already admitted. So there has been a demand at other periods in the history of the country, and there have been laws enacted, and yet it is true that in each case as soon as the people understood the practical operation of the law there was a cry all over the country for its repeal. The last law existed longer than any other. That was on the statute book for about nine years, but within three years after that law went into operation there was a demand in nearly every State in the Union for its repeal, and this question of repeal in some localities was discussed from the rostrum by all political parties because of the demand from the business people for the repeal of that legislation. In no instance has a bankruptcy law in this country met the expectations of those who have advocated it. It has almost wholly failed of its purpose.

I have examined some of the reasons given for the repeal of former laws. There have been many objections raised, but the three principal objections to the last one were the excessive costs and expense attending the settlement of estates, the inaccessibility of the courts, and the abuses practiced under the law. It has been

contended here that the costs under this proposed law will be reasonable. But it must be remembered that the costs which go to the officers are but a small portion of the actual expense in settling a bankrupt estate. The expense and loss of time in being absent from business must be taken into account.

Mr. WATSON of Ohio. Is it not the purpose of this bill, by appointing a referee in each county in the district, to bring the administration of the law to the door of the litigant?

Mr. BRODERICK. The referees may settle some questions, but they can not settle all questions.

Mr. WATSON of Ohio. Is not that the purpose of the bill?

Mr. BRODERICK. That is the purpose of the bill.

Mr. WATSON of Ohio. They will settle all the questions of fact in the counties where the litigants reside and take the law questions to the court, which will be at a very slight expense.

Mr. BRODERICK. They will not settle contested questions. These will be sent to the court.

Mr. FAIRCHILD. Is it not a fact that you can not use a referee to decide a question of fact unless he is willing to withdraw from his privilege of jury trial?

Mr. BRODERICK. I understand that to be so. Where there is no jury demanded questions of fact may be settled by the referee; but questions of law and questions of fact, where a jury is required, must go to the court for adjudication.

Mr. Chairman, it was said by the distinguished chairman of the Judiciary Committee in his opening discussion that since the last bankruptcy legislation the Federal courts have been brought to the doors of all the people. This is doubtless true of his State, but all the States have not been so fortunate. In my State the Federal courts are held at four places—three in the eastern portion and one in the southern; and many of the people of that State, probably one-half, have to travel from 50 to 300 miles to reach the Federal courts. Gentlemen here know that many of the new States are large, and courts are held as yet at but few places.

There is another objection which I think is entitled to much weight. It is provided in one section of this bill that liens and judgments against the debtor, obtained within four months prior to the commencement of proceedings, shall be dissolved or abrogated upon filing the petition in bankruptcy. It is provided further that any lien taken for a debt without present consideration, any lien taken for an antecedent debt, is destroyed by this act, so that in case of failure these liabilities must be taken into the bankruptcy court and stand upon the same footing as unsecured debts. Now, I believe that in all small towns and villages of the country people have about the same business methods, where opportunities are substantially the same. The business people in these towns who have not sufficient money of their own borrow from the local banks to tide them over embarrassments, and in States where they can do so, some mortgage their goods and wares. In my State they may mortgage to secure preexisting debts, and in case of embarrassment they sometimes do so. This is no crime. Suppose I want to borrow money and go into business. I go to a home bank, secure a loan, and induce Mr. NORTHWAY to become my security. I borrow a thousand dollars. That bank carries me along for one, two, or three years, but Mr. NORTHWAY finally wants to change his business, or for some reason wants to be relieved from the responsibility, and I am willing to relieve him if I can get other security. I offer security on my stock of goods in order to relieve Mr. NORTHWAY. The bank cashier goes to the register of deeds, or whoever keeps the record of liens, and examines the record and finds nothing there against my property. The banker does not know my business in New York or Chicago, where I have been purchasing goods. He takes a mortgage on my goods and releases Mr. NORTHWAY from my obligation. Now, here is a mortgage for a preexisting debt. This banker had been helping to carry me for years; he not only helped me, but helped my creditors by enabling me to go on with my business. But after I have given this mortgage things turn against me, and I am forced into bankruptcy. Now, then, the banker, although he has used diligence in his business, and had no notice of any other liabilities against me, released the security he had and took other, a perfectly legitimate transaction, and without any intention to defraud, yet under the provisions of this bill he is to go into the bankruptcy court with his security destroyed and take his pro rata with the other creditors.

Now, I say that this provision is wrong. It is wrong to the country banks and merchants, and will embarrass the small dealers in every State in the Union. This local help that they get is what they depend upon to carry them through from year to year, and if this bill becomes a law the banks and people who have money to help along the business men in their respective localities will be unwilling to extend this help because of this law.

Mr. NORTHWAY. Do you say that a mortgage such as you have described is as good as a lien in the State of Kansas?

Mr. BRODERICK. Yes; a mortgage given any time before an assignment is good.

Mr. NORTHWAY. Upon a stock of goods?

Mr. BRODERICK. Yes; our courts have sustained such mortgages when given in good faith.

Mr. NORTHWAY. I do not know of a State where a chattel mortgage given with power to sell, retaining possession in the mortgagor, is good under such circumstances.

Mr. BRODERICK. It is good in our State, and it is good in Missouri.

Mr. NORTHWAY. Well, now, I know two States.

Mr. BRODERICK. Provided it is recorded.

Mr. NORTHWAY. In at least twenty-seven of the States such a transaction is held to be prima facie fraudulent.

Mr. BRODERICK. It has been held to be good in our State and in some others.

Now, Mr. Chairman, I have just called attention to section 67. I think that should be materially changed, and I hope that the gentleman will study it and see if it is not open to objection.

There are other objections to this bill. I have not time to enumerate them all, but I will indicate one more. Corporations are exempted from its operations. There has been of late a tendency in this country to do everything through corporations. The original purpose of the State in dividing its sovereignty with a corporation was good. That object was to bring together aggregations of capital to establish and carry on enterprises that individuals were not able or willing to undertake. But for the last few years there has been a marked tendency throughout this country to do everything by corporations, and this provision of the pending bill, if enacted into law, will certainly greatly aggravate and promote this growing evil.

Mr. RAY. Do I understand the gentleman to object to the provision in this bill which denies to corporations the right to go into voluntary insolvency?

Mr. BRODERICK. I think corporations, except municipal and national banks, which are now regulated by law, ought to be included in the provisions of the act or be entirely excluded.

Mr. RAY. I want to know whether I understood the gentleman correctly. I understood him to say that there was another objection to this bill and that that objection was that it denied to corporations the right to take the benefit of this act voluntarily.

Mr. BRODERICK. I think they should come in with others or not be in it at all.

Mr. RAY. Does not the gentleman remember that in the Fifty-third Congress we put that exemption into the bill upon his own suggestion and rather against the judgment of some of the other members of the committee?

Mr. BRODERICK. No; I think the gentleman is mistaken about that. I do not think I was present when that was considered.

Mr. RAY. Let me say to the gentleman that that was put in the bill not in accordance with my judgment, but out of deference to a sentiment which prevailed among some members of the committee that legislation generally was tending too much to the benefit of the corporations, and that, as they were created by State laws, they ought to be held responsible under the State laws.

Mr. BRODERICK. The gentleman is mistaken about this provision being put into the bill at my suggestion. I was not a member of the subcommittee that considered the bill, and I am sure that that was in the bill when it was reported to the full committee.

Mr. RAY. The gentleman disclaims it, and possibly I may be mistaken; but I do say that that provision was put in the bill in deference to the sentiment of which I have spoken, and I do not think the committee to-day would vote to retain it except in deference to that sentiment. I know of no reason why corporations should not be permitted to take the benefit of the act or should not be put into bankruptcy involuntarily except this, that in most of the States the laws creating corporations provide stringent laws for winding them up and appropriating their property to the payment of their creditors, and it was thought by the committee that the State laws could better deal with them.

Mr. BRODERICK. However that may be, I do not care especially whether corporations are in or out, but they ought to be one thing or the other.

Mr. STEWART of New Jersey. If the gentleman will permit me, was not the exemption of corporations from the operation of the act based upon the idea that corporations being incorporeal bodies, existing only in contemplation of law, it would be illogical to permit them to destroy themselves?

Mr. BRODERICK. That may have been one reason, and then there is the further reason that most of the States have satisfactory provisions for closing up the affairs of corporations.

Mr. BURTON of Missouri. Does my colleague understand that we can not put a corporation into involuntary bankruptcy?

Mr. BRODERICK. Yes; they can be forced in, but can not be discharged.

Mr. BURTON of Missouri. The law prohibits a corporation from voluntarily becoming a bankrupt upon the theory that the

total liability of a corporation is its capital stock subscribed and paid in; but a corporation may be put into bankruptcy by its creditors.

Mr. BRODERICK. Yes; and then it never gets out.

Mr. NOONAN. I should like to know whether the law in regard to receivers is not adequate to protect the creditors of a corporation, and to protect the company itself, without providing for either the voluntary or involuntary bankruptcy of a corporation?

Mr. BRODERICK. I believe most of the States have adequate provisions on this subject.

Mr. NORTHWAY. As the gentleman is a member of the committee that reported this bill, I will ask him whether the committee intended that the individuals composing a corporation might not file a petition in bankruptcy, and be discharged from their debts.

Mr. BRODERICK. I do not remember any discussion of that question.

Mr. NORTHWAY. They can be, I presume.

Mr. BRODERICK. I judge so. Mr. Chairman, there are two sides to this corporation question, and I have called attention to it, so that members of the House may examine and think upon it. I would like in some way to check this tendency toward doing all things through corporations, if there is any practical way of doing it.

Now, I have briefly stated my objections to the second section and to the sixty-seventh section of this bill. If these provisions are amended and improved I expect to vote for the bill, but I am unwilling to vote for a bill which declares so many acts not criminal within themselves grounds for forcing men into bankruptcy and wrecking their business. I am willing that there should be involuntary provisions to reach cases of actual fraud against creditors, but am not persuaded to go further.

I am convinced that the necessity for the proposed legislation is very much overestimated. State insolvency acts may be imperfect, but in my judgment there is less embarrassment and less litigation for business people under these State enactments than there would be under this bankruptcy bill should it become law, unless it should be materially amended. The old arguments against the law would be renewed, and in a short time there would be a universal demand for its repeal. It would relieve a few individuals; it would distress many. Unless the bill is amended, at the close of the debate I shall offer a substitute containing more moderate provisions, and if this substitute should be defeated I will vote against the bill.

Mr. BAILEY. The gentleman from Iowa [Mr. HENDERSON] is absent, momentarily, from the Hall. If it agrees with his arrangements, I will move that the committee rise.

Mr. BURTON of Missouri. The chairman of the committee, General HENDERSON, stated that he was going to withdraw, and he asked me to watch the proceedings on behalf of the committee.

Mr. BAILEY. Then I shall be glad if the gentleman will move that the committee rise.

Mr. BURTON of Missouri. Very well; I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole on the state of the Union had had under consideration the bankruptcy bill, and had come to no resolution thereon.

PENSIONS.

Mr. POOLE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8494) to amend section 3 of the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor and providing for pensions to widows, minor children, and dependent parents"; which, with the accompanying report, was ordered to be printed and recommitted.

REREPRINTING OF REPORTS, ETC.

Mr. SHERMAN. I ask unanimous consent for a reprint of the House document embracing the report of the board appointed by the President to report upon the Nicaragua Canal. The previous edition is exhausted.

The SPEAKER. In the absence of objection, that order will be made.

There was no objection.

Mr. MAGUIRE. I ask the present consideration of a resolution for reprinting Senate Executive Document No. 51, first session Fiftieth Congress. This document is the report of the Pacific Railway Commission. The Committee on the Pacific Railroads and the Committee on Printing agree that the document should be reprinted, as the previous edition is exhausted.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Resolved, That there be reprinted the usual number of Senate Executive Document No. 51 of first session of Fiftieth Congress.

There being no objection, the resolution was considered, and adopted.

On motion of Mr. MILLER of Kansas, by unanimous consent, it was

Ordered, That House bill No. 4176 be reprinted as amended, the previous print having been exhausted.

RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following resolution was taken from the Speaker's table and referred by the Speaker as follows:

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring). That the thanks of Congress be given to the people of Wisconsin for the statue of James Marquette, the renowned missionary, explorer, and discoverer of the Mississippi River.

Resolved. That the statue be accepted to remain in the National Statuary Hall, and that a copy of these resolutions, signed by the presiding officers of the Senate and House of Representatives, be forwarded to his excellency the governor of the State of Wisconsin—

To the Committee on the Library.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 67) for the relief of E. R. Shipley;

A bill (S. 1176) to amend an act entitled "An act to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the State of Washington, and to establish it as a post road";

A bill (H. R. 7905) to establish and provide for the government of Greer County, Okla., and for other purposes;

A bill (H. R. 4781) to amend an act entitled "An act to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River," approved February 18, 1893; and

A bill (H. R. 3112) granting a pension to Josephine Foote Fairfax.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MILES, for two days, on account of important business.

To Mr. WASHINGTON, for two weeks, on account of important business.

To Mr. BROSIUS, for four days, on account of sickness.

Mr. HENDERSON. I move that the House adjourn.

Mr. PICKLER. Pending that, I should like to offer a resolution.

The SPEAKER. A resolution can not be offered pending a motion to adjourn.

The motion of Mr. HENDERSON was agreed to; and accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. McRAE, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 8413) to confirm certain cash entries of public lands, reported the same without amendment, accompanied by a report (No. 1526); which said bill and report were referred to the House Calendar.

Mr. SHAFROTH, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 264) entitled "An act providing for the location and purchase of public lands for reservoir sites," reported the same without amendment, accompanied by a report (No. 1527); which said bill and report were referred to the House Calendar.

Mr. ELLIS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 4255) to provide for settlement of titles and disposition of public lands in the Arredondo grant, in Columbia County, Fla., reported the same without amendment, accompanied by a report (No. 1532); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. GRIFFIN, from the Committee on Military Affairs: The bill (H. R. 2691) to correct the military record and grant an honorable discharge to Michael F. Dearmitt. (Report No. 1528.)

language; and I am willing to submit to the candid judgment of

some sort of legislation on the subject, and the third man wanted

the Committee on the District of Columbia has reported or in-

Mr. BRODERICK. Yes; a mortgage given any time before an assignment is good.

Mr. BURTON of Missouri. I ask the gentleman from Kansas if it is not a fact that a man may be prevented from voluntarily becoming a bankrupt upon the theory that the

By Mr. COFFIN, from the Committee on Pensions: The bill (S. 2635) entitled "An act granting a pension to Caroline Watkins." (Report No. 1533.)

By Mr. BLACK of Georgia, from the Committee on Pensions: The bill (H. R. 6634) granting a pension to Sarah M. Spyker. (Report No. 1534.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. CURTIS of Iowa: A bill (H. R. 8550) imposing a license tax upon itinerant musicians and the proprietors of merry-go-rounds in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. HENDRICK: A bill (H. R. 8551) to establish railroad bridges across the Cumberland and Tennessee rivers, in Kentucky—to the Committee on Interstate and Foreign Commerce.

By Mr. LAYTON: A bill (H. R. 8552) granting a service pension to all honorably discharged officers, soldiers, and sailors in the military or naval service of the United States during the late war of the rebellion—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 8553) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," approved March 2, 1895—to the Committee on Public Buildings and Grounds.

By Mr. LOW: A bill (H. R. 8554) to provide for reorganization and improvement of the musical service of the Army and Navy and Marine Corps of the United States, and to regulate the employment of enlisted men in competition with civilians—to the Committee on Military Affairs.

By Mr. CLARK of Missouri (by request): A bill (H. R. 8555) granting a pension to soldiers, sailors, and marines—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8556) authorizing the Secretary of the Navy to deliver four condemned cannon to B. B. King Post, No. 70, at Canton, Mo.—to the Committee on Naval Affairs.

By Mr. LOW: A bill (H. R. 8557) to provide an American register for the steamer *Menemsha*—to the Committee on the Merchant Marine and Fisheries.

By Mr. CUMMINGS: A bill (H. R. 8558) to amend chapter 67, volume 23, of the Statutes at Large of the United States—to the Committee on Naval Affairs.

By Mr. DINGLEY (by request): A bill (H. R. 8559) to incorporate the Anti-Saloon League of the District of Columbia—to the Committee on the District of Columbia.

By Mr. WELLINGTON: A bill (H. R. 8560) to regulate the establishment of submarine telegraphs, cable lines, or systems in the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOMER: A bill (H. R. 8561) donating two condemned cannon to Coleman Post, No. 467, Grand Army of the Republic, of Annville, Pa.—to the Committee on Military Affairs.

By Mr. MURPHY of Arizona: A bill (H. R. 8562) granting to the Territory of Arizona a portion of the Camp Verde Military Reservation, in Arizona, and the buildings and improvements thereon for normal-school purposes—to the Committee on the Public Lands.

By Mr. SOUTHARD: A bill (H. R. 8563) donating one condemned cannon and one pyramid cannon balls to Grand Army of the Republic Post, No. 108, Fayette, Ohio—to the Committee on Military Affairs.

By Mr. PICKLER: A resolution (House Res. No. 288) asking for time to consider private pension bills—to the Committee on Rules.

By Mr. BULL: A memorial of the general assembly of Rhode Island, recommending the passage of the bill to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. ARNOLD of Rhode Island: A memorial of the general assembly of the State of Rhode Island, recommending the passage of a bill to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. APSLEY: A bill (H. R. 8564) for the relief of Susan Elizabeth Laughren—to the Committee on Invalid Pensions.

By Mr. BERRY: A bill (H. R. 8565) for the relief of John W. Ray, etc.—to the Committee on Military Affairs.

By Mr. BLUE: A bill (H. R. 8566) for the relief of S. R. Doolittle, late second lieutenant Company H, Seventh Regiment Kansas Cavalry Volunteers—to the Committee on Military Affairs.

By Mr. BURRELL: A bill (H. R. 8567) to increase pensions of Michael S. Brockett, George Williams, and Isaac Willhite—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8568) granting a pension to Florence Tate—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 8569) for the relief of Mahala Jones and Elizabeth Jones—to the Committee on Pensions.

Also, a bill (H. R. 8570) for the relief of Catherine Moore—to the Committee on Invalid Pensions.

By Mr. CLARKE of Alabama: A bill (H. R. 8571) to confer jurisdiction upon the Court of Claims to adjudicate the claim of Thomas W. McDonald, as administrator of the estates of James M. and Timothy Meaher, and to remove the bar of the statute of limitations therefrom—to the Committee on War Claims.

By Mr. ELLIOTT of South Carolina: A bill (H. R. 8572) for the relief of the Greenbrier Distillery Company—to the Committee on Ways and Means.

By Mr. FITZGERALD: A bill (H. R. 8573) for relief of the heirs of Philip C. Rowe—to the Committee on Claims.

By Mr. MILLER of West Virginia: A bill (H. R. 8574) for the relief of John H. Forbush—to the Committee on Military Affairs.

Also, a bill (H. R. 8575) for the relief of Andrew J. Riggs—to the Committee on Invalid Pensions.

By Mr. MOODY: A bill (H. R. 8576) granting a pension to John L. Holden—to the Committee on Invalid Pensions.

By Mr. TRELOAR: A bill (H. R. 8577) to remove the charge of desertion from the military record of John Ziegler—to the Committee on Military Affairs.

Also, a bill (H. R. 8578) for the relief of John Harper, Alexander Hammontree, and others, trustees of the Methodist Church at Warrenton, Mo.—to the Committee on War Claims.

By Mr. WALKER of Virginia: A bill (H. R. 8579) to correct the military record of Jefferson Hann—to the Committee on Military Affairs.

By Mr. WATSON of Ohio: A bill (H. R. 8580) to correct the military record of Frank D. Myers—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BULL: Paper to accompany House bill No. 8206, granting an increase of pension to Mrs. C. Abbot—to the Committee on Pensions.

By Mr. BURTON of Ohio: Memorial of Army and Navy Post, No. 187, of Cleveland, Ohio, on behalf of pension for Mrs. Weltha Leggett—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri (by request): Petition of citizens of Scotland County, Mo., praying for the passage of House bill No. 5729, relative to the protection of game, birds, and fish—to the Committee on Interstate and Foreign Commerce.

By Mr. DOOLITTLE: Petition of American citizens in Australia, for the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: Affidavits in relation to the bill in behalf of David N. Thompson for a pension—to the Committee on Invalid Pensions.

By Mr. HILBORN: Petition of many citizens of Alameda County, Cal., protesting against the continuance of the statue of Père Marquette in Statuary Hall—to the Committee on the Library.

By Mr. LOUD: Resolutions of the San Francisco Chamber of Commerce, in favor of Senate bill No. 2447, for a bureau of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the San Francisco Chamber of Commerce, favoring Senate bill No. 2410, for the encouragement of American shipping in foreign trade—to the Committee on Interstate and Foreign Commerce.

By Mr. ROYSE: Petition of numerous citizens of South Bend, Ind., recommending the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. STAHLE: Petition of 69 ex-soldiers and ex-sailors of the late war, citizens of Hanover, Pa., praying for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. TAFT: Petition of Thomas French, jr., and others, of Cincinnati, Ohio, in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. TRACEWELL: Petition of the Young Men's Christian Association of New Albany, Ind., praying for favorable action on House bills Nos. 838, 4566, and 5360, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, *April 30, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

PETITIONS AND MEMORIALS.

Mr. GALLINGER. I present a letter in the form of a memorial from the National Academy of Sciences in opposition to the enactment of legislation on the subject of vivisection.

I also present a memorial of the Medical Society of the District of Columbia in opposition to legislation on the same subject.

I present also a petition signed by several hundred citizens of the District of Columbia, at the head of which is the name of Rev. Randolph H. McKim, on the same subject, the petitioners favoring legislation that will restrict and regulate vivisection in the District of Columbia. The petitioners say, first, that animals used for painful scientific experiments should be rendered insensible by the use of anæsthetics; second, that such experiments should be performed only by licensed persons at registered places and subject to official inspection; and third, that no such experiments should be allowed before classes of children in the public schools.

I desire to call attention to the names on this petition, which is one of the most remarkable in point of influence and strength ever presented to the Congress of the United States:

Justices John M. Harlan, H. B. Brown, David J. Brewer, E. D. White, R. W. Peckham, and George Shiras, jr., of the Supreme Court of the United States; Justices Walter S. Cox, A. B. Hagner, and C. C. Cole, of the supreme court of the District of Columbia; Chief Justice W. A. Richardson and Justices C. C. Nott and Lawrence Weldon, of the United States Court of Claims; Bishop John J. Keane, rector of the Catholic University of America; Bishop Henry Y. Satterlee, Bishop John F. Hurst, Archdeacon Thomas S. Childs, Rev. Dr. Alexander Mackay-Smith, rector of St. Johns; Rev. Dr. Randolph H. McKim, rector of Epiphany; Rev. Dr. John H. Elliott, rector Church of the Ascension; Rev. Dr. J. A. Aspinwall, rector of St. Thomas Church; Rev. Dr. Teunis S. Hamlin, pastor Church of the Covenant; Rev. Byron Sunderland, pastor First Presbyterian Church; Rev. Thomas C. Easton, pastor Eastern Presbyterian Church; Rev. Dr. Frederick D. Power, pastor Vermont Avenue Christian Church; Rev. Dr. Oliver A. Brown, pastor Foundry Methodist Episcopal Church; Rev. Dr. Frank Sewall, pastor New Church; Rev. Dr. J. G. Butler, pastor Lutheran Memorial Church; Rev. Dr. Alexander Kent, pastor People's Church; Gen. and Mrs. Nelson A. Miles, Mrs. U. S. Grant, Mrs. George Hearst, Mrs. John Davis, Mrs. A. W. Greely, Mrs. L. Z. Leiter, Mrs. Madeleine Vinton Dahlgren, Mrs. W. M. Stewart, Mrs. S. Powhatan Carter, Mrs. Florence Murray, Mrs. Robert Anderson, Mrs. George Shiras, jr., Mrs. H. B. Brown, Mrs. Emma Morton, Mrs. Henry M. Teller, Miss Olive Risley Seward, Mr. and Mrs. A. L. Barber, Mr. and Mrs. Henry F. Blount, Mrs. Benaiah J. Whitman, Gen. and Mrs. Rufus Saxton, Gen. John G. Parke, Gen. D. S. Stanley, Gen. J. S. Fullerton, Gen. H. V. Boynton, Gen. James H. Watmough, ex-Senator Charles F. Manderson, ex-Senator John B. Henderson, Representative CHARLES L. HENRY, ex-Commissioner John W. Douglass, Mr. Crosby S. Noyes, Mr. Theodore W. Noyes, Mr. S. H. Kauffmann, Mr. John R. McLean, Mr. John Joy Edson, Mr. B. H. Warner, Mr. Charles J. Bell, Mr. Samuel M. Bryan, Mr. James E. Fitch, Mr. John B. Wight, Comptroller James H. Eckels, Mr. R. Ross Perry, Mr. Enoch Totten, Mr. W. D. Davidge, Mr. Jere M. Wilson, Mr. Mahlon Ashford, Mr. J. Hubley Ashton, Mr. Nathaniel Wilson, Mr. Anthony Pollok, Mr. Calderon Carlisle, Mr. Halbert E. Paine, Mr. Reginald Fendall, Mr. Benjamin Butterworth, Mr. Samuel Maddox, Mr. J. J. Darlington, Mr. A. G. Riddle, Mr. Henry E. Davis, Mr. Chapin Brown, Mr. H. Randall Webb, Mr. John Sidney Webb, Mr. William A. Gordon, Mr. J. Holdsworth Gordon, Mr. William Henry Dennis, Mr. Leigh Robinson, Mr. R. E. Lee, jr., Mr. Montgomery Blair, Mr. Frank T. Browning, Mr. William Stone Abert, Mr. William Redin Woodward, Mr. Story B. Ladd, Judge Thomas F. Miller, Mr. Crammond Kennedy, Mr. John Cassels, Mr. and Mrs. Charles M. Ffoulke, Mr. and Mrs. Horace S. Cummings, Mr. W. M. Poindexter, Mr. Maxwell Woodhull, Mr. and Mrs. Horace S. Cummings, Elliott Coues, A. M., M. D., etc., late professor of anatomy National Medical College; Dr. F. A. Gardner, Dr. S. S. Stearns, Dr. James A. Freer, Dr. Reginald Munson, Dr. L. E. Rauterberg, Dr. S. I. Groot, Dr. Leigh Yerkes Baker, Dr. Waterman F. Corey, Dr. Charles B. Gilbert, Mr. A. S. Pratt, Mr. William B. Cabell, Maj. R. H. Montgomery, U. S. A.; Maj. Robert Craig, U. S. A.; James A. Bates, U. S. A.; David A. Irwin, U. S. A.; Theodore Mosher, U. S. A., and Frank G. Smith, U. S. A.

Mr. CHANDLER. I should like to ask my colleague whether the Committee on the District of Columbia has reported or intends to report a bill prohibiting vivisection in the District of Columbia?

Mr. GALLINGER. The Committee on the District of Columbia, I will say to my colleague, will probably not report a bill absolutely prohibiting vivisection in the District of Columbia; and while I can not speak for the committee as to their action on this very important subject, I will venture to say that the committee have had under consideration a bill which proposes to limit and control vivisection in this District, which I think is being very favorably considered. In due time the committee will undoubtedly make a report, which I trust will be made before the present session of Congress expires.

I move that the memorials and the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. BURROWS presented a petition of the First Methodist Episcopal Church of Sturgis, Mich., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SHERMAN presented a petition, in the form of resolutions adopted by Union Lodge, No. 7, American Association of Iron and Steel Workers, of Cleveland, Ohio, praying for the Government ownership and control of telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the passage of Senate bill No. 2410, providing for the encouragement of American shipping in the foreign trade; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the passage of Senate bill No. 2447, establishing a department of commerce and manufactures, and remonstrating against the provision in the bill which provides for the partial transfer of the United States consular service to this department; which was referred to the Committee on Commerce.

Mr. PRITCHARD presented a petition of the Chamber of Commerce and Industry of Raleigh, N. C., praying that an increased appropriation be made for gauging the streams and determining the water supply of the United States; which was referred to the Committee on Appropriations.

Mr. QUAY presented memorials of 35 citizens of Philadelphia, Pa., of 43 citizens of Pennsylvania, and of 62 citizens of Allegheny County, Pa., remonstrating against placing the statue of Père Marquette in Statuary Hall; which were ordered to lie on the table.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the passage of the so-called Loud bill, relating to postage on second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Philadelphia Union, No. 8, United Brotherhood of Carpenters and Joiners, of Philadelphia, Pa., praying for the free coinage of silver at the ratio of 16 to 1; which was ordered to lie on the table.

Mr. MITCHELL of Oregon. I present a petition of the board of directors of the Merchants' Association of Boston, Mass., praying for the passage of the Torrey bankruptcy bill. I move that the petition lie on the table, the bankruptcy bill having already been reported, and that it be printed as a document.

The motion was agreed to.

Mr. ALDRICH presented a resolution of the general assembly of Rhode Island, favoring an increase of compensation to letter carriers; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed in the RECORD, as follows:

[State of Rhode Island, etc., in General Assembly, January session, A. D. 1896.]

Resolution recommending to Congress the passage of the bill now pending in the National House of Representatives to increase the pay of letter carriers.

Whereas there is now pending in Congress a bill H. R. 200, which has been favorably reported by the Committee on the Post-Office and Post-Roads of the House of Representatives, entitled "A bill to increase the pay of letter carriers," by the provisions of which the compensation would range from $900 for the first year of regular service, with $200 annually added, to a maximum of $1,000 a year in cities of a population of less than 75,000 and a maximum of $1,200 in larger cities; and

Whereas granting the proposed increase the free-delivery service of the Post-Office Department would still be not only self-supporting, but the source of a large revenue to the Government; and

Whereas the duties of a letter carrier are of an arduous, responsible character, requiring for their best discharge the services of faithful and capable men, permanently employed: Now, therefore, it is

Resolved, That in the judgment of the general assembly of the State of Rhode Island the bill aforesaid, to increase the pay of letter carriers, should be promptly passed by Congress; that the Senators and Representatives of this State at Washington be, and they are hereby, requested to urge the passage of said bill at the present session of Congress, and that the secretary of state of Rhode Island be, and he hereby is, instructed to send a copy of this resolution to each of our said Senators and Representatives in Congress, as well as to the Hon. THOMAS B. REED, Speaker of the National House of Representatives.

Ray, etc.—to the Committee on Military Affairs.

By Mr. BLUE: A bill (H. R. 8566) for the relief of S. R. Doolittle, late second lieutenant Company H, Seventh Regiment Kansas Cavalry Volunteers—to the Committee on Military Affairs.

postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

Smith, U. S. A.

Mr. CHANDLER. I should like to ask my colleague whether

resolution to each of our said Senators and Representatives in Congress, as well as to the Hon. THOMAS B. REED, Speaker of the National House of Representatives.

STATE OF RHODE ISLAND,
OFFICE OF THE SECRETARY OF STATE,
Providence, April 27, 1896.

I certify the foregoing to be a true copy of a resolution passed by the general assembly of said State on the 24th day of April, A. D. 1896.

In testimony whereof I have hereunto set my hand and affixed the seal of the State aforesaid the date and year first above written.

CHARLES P. BENNETT,
Secretary of State.

Mr. BRICE presented a petition of the Trades and Labor Assembly of Massillon, Ohio, praying for the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which was referred to the Committee on Education and Labor.

He also presented a petition of the ex-Prisoners of War Association of Hamilton County, Ohio, praying for the passage of House bill No. 306, granting pensions to soldiers and sailors confined in so-called Confederate prisons; which was referred to the Committee on Pensions.

He also presented the petition of Charles O. Heggem, superintendent of Russell & Co., manufacturers, of Massillon, Ohio, praying for the enactment of legislation reorganizing and increasing the Engineer Corps of the Navy; which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Cheney Medicine Company, of Toledo, Ohio, remonstrating against the enactment of legislation taking the jurisdiction of the courts away from alcohol claimants; which was ordered to lie on the table.

He also presented a memorial of John D. Park & Sons Company, chemists, of Cincinnati, Ohio, and a memorial of Schaber, Reinthal & Co., of Cleveland, Ohio, remonstrating against the enactment of legislation tending to repudiate claims for a rebate on alcohol; which were ordered to lie on the table.

SOUTHERN PACIFIC COMPANY.

Mr. ALLISON. I present a letter from the Secretary of the Treasury, transmitting a statement of all amounts allowed in the name of the Southern Pacific Company, its branches and leased lines, on account of nonbond-aided services, and which remain unpaid, amounting to $1,542,979.44. I move that the letter and accompanying statement be referred to the Committee on Appropriations, and printed.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Foreign Relations, reported an amendment providing for the payment of expenses incurred under the treaty between the United States and Great Britain, signed at Washington, February 8, 1896, and for the procurement and enforcement of testimony under Article III of that treaty, intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 2396) to authorize the construction of a bridge across the Niagara River, in the town of Lewiston, in the county of Niagara, State of New York, reported it with amendments.

Mr. PERKINS, from the Committee on Naval Affairs, to whom were referred the following bills and joint resolution, reported them severally without amendment:

A bill (H. R. 7140) granting to A. L. Robeson Post, No. 42, Grand Army of the Republic, of Bridgeton, N. J., 4 condemned cannon and 20 cannon balls;

A bill (H. R. 8013) donating one condemned cannon and cannon balls to Grand Army of the Republic, L. W. Cooper Post, Department of Missouri, No. 81, of Lathrop, Mo.;

A bill (H. R. 7671) authorizing and directing the Secretary of the Navy to donate one condemned cannon and condemned cannon balls to U. S. Grant Post, No. 72, Grand Army of the Republic, of Washington, Ind., Department of Indiana;

A bill (H. R. 8077) granting to Budlong Post, Grand Army of the Republic, of Westerly, R. I., two condemned mounted brass cannon;

A bill (H. R. 7100) to donate 8 condemned cannon and 100 cannon shot to the Grand Army of the Republic Cemetery Association of Colorado; and

A joint resolution (H. Res. 122) authorizing the Secretary of the Navy to deliver condemned cannon to Chamberlain Post, Grand Army of the Republic, to be posted by the soldiers' monument at St. Johnsbury, Vt.

Mr. ELKINS, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3046) for the relief of Frederick Van Guilder, reported it without amendment, and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1743) for the relief of the widow of Thomas L. Young, reported it without amendment.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 2906) for the establishment of a lighthouse at the pitch of Cape Fear River, near Wilmington, N. C., reported it without amendment, and submitted a report thereon.

Mr. McBRIDE, from the Committee on Commerce, to whom was referred the bill (S. 2628) to amend the act approved February 9, 1881, to grant the right of way for railroad purposes through certain lands of the United States in Richmond County, N. Y., reported it without amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 2058) to execute the findings of the Court of Claims in the matter of William B. Isaacs & Co., reported it without amendment, and submitted a report thereon.

Mr. CHILTON, from the Committee on Indian Affairs, to whom was referred the bill (S. 2488) to amend an act entitled "An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," reported it without amendment.

Mr. BATE. I am instructed by the Committee on Military Affairs, to whom were referred the bill (S. 1950) for the relief of Enoch Davis, and the bill (S.1986) for the relief of Enoch Davis, the former introduced by the Senator from Iowa [Mr. ALLISON] and the latter introduced by the Senator from Iowa [Mr. GEAR], neither of them knowing, I suppose, that the other had introduced such a bill, to report them adversely, and to substitute therefor a similar House bill, which I shall report favorably. I move that the two Senate bills be indefinitely postponed.

The motion was agreed to.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2735) for the relief of Enoch Davis, reported it without amendment.

Mr. PLATT, from the Committee on Indian Affairs, to whom was referred the amendment submitted by Mr. PERKINS on the 23d instant, providing for the payment of certain claims reported favorably by the Court of Claims and reported by the Secretary of the Treasury to Corgress in House Executive Document No. 151, Forty-fourth Congress, first session, page 27, intended to be proposed to the general deficiency appropriation bill, reported it favorably, with an amendment, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. HILL, from the Committee on the Judiciary, to whom the subject was referred, submitted a report, accompanied by a bill (S. 2984) in relation to contempts of court; which was read twice by its title.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1827) to increase and limit the appropriation for a public building at Portland, Oreg., and to designate its uses, reported it with an amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 1785) for the correction of muster of Adolph von Haake, late major Sixty-eighth Regiment Veteran Volunteer Infantry, reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, reported an amendment intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

JOHN FOX.

Mr. WALTHALL. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 506) to correct the military record of John Fox, of Albany, Oreg., to report it favorably, without amendment.

Mr. MITCHELL of Oregon. I hope to have the consent of the Senate to place the bill on its passage. It is a private bill.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to remove the charge of desertion now standing on the records of the War Department against John Fox, who was enrolled December 20, 1861, and mustered into the service March 5, 1862, as a private in Company G, Twenty-sixth Kentucky Infantry, to serve for three years.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 2985) to incorporate the Anti-Saloon League of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2986) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2987) to establish certain harbor regulations for the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. BLACKBURN introduced a bill (S. 2988) for the relief of W. J. Tapp & Co.; which was read twice by its title, and referred to the Committee on Claims.

Mr. LODGE introduced a bill (S. 2989) to increase the pension of Caroline S. Baker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLANCHARD introduced a bill (S. 2990) for the relief of Charles M. Wells; which was read twice by its title, and referred to the Committee on Claims.

Mr. BRICE introduced a bill (S. 2991) granting a pension to George G. Eakins; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2992) granting a pension to Ellen O'Hara; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2993) granting a pension to Rebecca Gilbert; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2994) granting a pension to William G. Alspach; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2995) granting a pension to James M. Dennison; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 2996) granting a pension to Laura Moore, the widow of a soldier of the Florida Seminole Indian war; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MARTIN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. HARRIS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims.

Mr. CARTER submitted two amendments intended to be proposed by him to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. BLANCHARD submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. ALDRICH submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. BATE submitted two amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

JOHN MELLIFONT AND ELLEN RIORDON.

Mr. MILLS. I ask unanimous consent for the present consideration of the bill (S. 1336) for the relief of John Mellifont and Ellen Riordon.

Mr. HALE. I hope the Senator from Texas will let me get up the appropriation bill first.

Mr. MILLS. Very well.

Mr. HALE. I move that the Senate proceed to the consideration of the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes.

The motion was agreed to.

Mr. MILLS. The Senator from Maine yields to me to call up the bill which I have indicated.

Mr. HALE. I yield to the Senator from Texas.

The VICE-PRESIDENT. The bill indicated by the Senator from Texas will be read.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Claims with amendments, in line 4 to strike out "determine" and insert "find the law and facts respecting," and at the end of the bill to add "and that the testimony and evidence now on file in the Senate may be used in said cause in the Court of Claims: *Provided*, That the bar of the statute of limitation is hereby removed"; so as to make the bill read:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims to hear and find the law and facts respecting the claims of John Mellifont and Ellen Riordon for damages sustained by them in consequence of the illegal acts of the officers and soldiers of the United States in taking and killing and ordering off the stock of the above-named parties, destroying their fences and buildings, and for other injuries committed by the said officers and soldiers on the farm of the above-named parties near Fort Clark, in the county of Kinney and State of Texas, between the years 1866 and 1870, both inclusive, and that the testimony and evidence now on file in the Senate may be used in said cause in the Court of Claims: *Provided*, That the bar of the statute of limitation is hereby removed.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the following bills, having been presented to the President on the 15th instant, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, have become laws without his approval:

An act (S. 100) for the relief of the estate of John R. Bigelow; and

An act (S. 1203) granting an increase of pension to Mary Doubleday, widow of Bvt. Brig. Gen. Abner Doubleday.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, the pending question being on the amendment of Mr. QUAY to the amendment of Mr. GORMAN.

Mr. HALE. I ask that the pending question be stated.

The VICE-PRESIDENT. The amendment and the amendment to the amendment will be read.

The SECRETARY. In line 19, page 50, after the word "contract," Mr. GORMAN proposes to amend the bill by striking out the word "four" and inserting "two"; so as to read:

That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed by contract two seagoing coast-line battle ships designed to carry the heaviest armor and most powerful ordnance upon a displacement of about 11,000 tons, to have the highest practicable speed for vessels of their class, and to cost, exclusive of armament, not exceeding $3,750,000 each.

Mr. QUAY moves to amend the amendment by striking out "two" and inserting "six"; so as to read:

Six seagoing coast-line battle ships.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Pennsylvania [Mr. QUAY] to the amendment of the Senator from Maryland [Mr. GORMAN].

Mr. HALE. I do not desire at present to submit any remarks upon the pending amendment. The Senator from California [Mr. WHITE] has indicated a disposition to submit some remarks on the bill, and I yield to him.

Mr. WHITE. Mr. President, I desire to make a few suggestions in reference to the further construction of a Navy and as to the desirability of coast defenses.

I concede the necessity for an adequate Navy ample to protect us in case of exigency, but when we are considering the question of appropriating money for naval purposes we ought not to forget the situation of the country with regard to the matter of coast defenses.

OUR DEFENSELESS CONDITION.

While it is universally admitted that the United States is not in a position for successful defense against any leading nation, I do not believe that the public appreciate the utter ineffectiveness of the means heretofore taken to guard our coasts and property. The situation can hardly be exaggerated. In the event of armed contest with such powers as England or France we could not make even a respectable showing. General Miles, in a statement given by him before the Committee on Coast Defenses during the present Congress, sums up the situation thus:

In my judgment, legislation is required to put the principal ports of the country in a proper condition of safety and in order to give them suitable protection.

Senator SQUIRE. Have you examined the condition of the fortifications that have been erected at any of the seaports?

General MILES. Yes, sir; I have made it a question of study for many years. My attention was first called to it when in command of the Department of the Columbia in the Northwest some fifteen years ago, and later when in command of the Division of the Pacific. In my reports eleven and six years ago I called attention to the subject and urged the importance of protecting the principal harbors of the Pacific coast, especially at the entrance of Puget Sound, thereby protecting Port Townsend, Seattle, Tacoma, Olympia, and other important places on Puget Sound; also the defense of the Columbia River, giving protection to Astoria and Portland, Oreg., and the entrance to the harbor at San Francisco and that of San Diego, Cal.

Senator SQUIRE. Would the guns now at these places be of any use; are they serviceable?

General MILES. While there are guns mounted at Fort Canby, at the mouth of the Columbia, and in the harbor of San Francisco, they are mostly obsolete guns mounted on old and rotten carriages, and as far as the guns are concerned I believe that they could not be sold for enough to pay the purchaser for taking them down and using them for old iron.

Thomas L. Young, reported it without amendment.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 2906) for the establishment of a light-

regulations for the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

make the bill read:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims to hear and find the law and facts respecting the claims of John Mellifont and Ellen Riordon for damages sustained by them in consequence

General Craighill, Chief of Engineers, in his statement to be found on page 1 of the hearings before the subcommittee of the Senate Committee on Coast Defenses, said:

I assume that nobody doubts the need of coast defenses. Our coasts are utterly unprotected and should be put in proper condition as soon as possible, and what we need now is money.

No one denies that New York, Boston, Philadelphia, San Francisco, and all our seacoast cities will, in the event of war, be destroyed unless some provision is made for their protection. Recently work has been done at San Francisco and at New York, but the defenses even of those places are yet inadequate. Admiral Walker, who takes a very broad view of the situation and does not consider that the Navy alone can do the work, made the following statement concerning the defense of San Francisco:

It is a very difficult place to fortify properly, because of its wide, easy entrance, deep water, and strong currents—

And continuing—

Very many places on our eastern shore where our channels are shoal are easy of defense. They could be defended. It is impracticable to fortify any but the most important places on our coasts, but we do not want an enemy to come and keep out of range of the defenses of Boston, New York, etc., and ravage all the coast, as they could do if we did not have a Navy to protect it.

The Senator from Vermont [Mr. PROCTOR] thereupon interrogated Admiral Walker as follows:

The British do not neglect their defenses, do they?

Admiral WALKER. No, sir.

Senator HAWLEY. How about their fortifications here on this continent?

Admiral WALKER. They hold Halifax, Esquimalt, and Bermuda as bases for operations against the United States; in the West Indies, Santa Lucia and Jamaica.

Senator HAWLEY. In Kingston there is a fortification of some importance, is there not?

Admiral WALKER. Yes, sir.

The committee took testimony with reference to the various means of defense now available. I quote from Admiral Walker:

Senator PROCTOR. Do you consider that on the whole the plan outlined in the report of the Endicott Board—you are somewhat familiar with it—is a good plan for the defense of our coasts?

Admiral WALKER. Yes; I consider it so.

Senator PROCTOR. The board was composed of very able men, who made a thorough study of the subject?

Senator SQUIRE. And two members of the Endicott Board were officers of the Navy?

Admiral WALKER. Yes. I have thought, however, for some years that the engineers of the Army gave too much importance to their mortars. I believe in direct-fire guns.

Senator PROCTOR. How much fire from a direct-fire gun could a vessel stand?

Admiral WALKER. A modern battle ship would stand a good many shots at a reasonable range, but would of course be injured to a greater or less extent.

Thereupon the Senator from North Carolina [Mr. BUTLER] inquired:

Would not a few torpedoes either cripple a ship or destroy her if placed at the entrance of the harbor?

Admiral WALKER. Ships would not attempt to come in without first destroying the torpedoes.

* * * * * * *

Senator SQUIRE. We want you to give us some idea of the importance of the land defenses, and the proper relation of the Navy to the land defenses.

Admiral WALKER. I think there is some confusion of terms with our people. What we want are harbor defenses. You can not protect the whole coast by fortifications, but you can fortify the cities and important strategic points, and they should be firmly held by means of fortifications, torpedo boats, mines, and battle ships. We ought to hold these points firmly, but it would not be important to fortify minor points. The important points should be held for many reasons. For instance, the capture of New York would cause enormous loss from a financial and moral point of view. Again, from a naval officer's point of view, our cities are necessary as points to which our ships, if injured or defeated in action can withdraw under cover of the fortifications, and dock, repair, and receive supplies and coal. They must serve as bases for naval operations.

The admiral thereupon continued, showing that while with ample protection and strong fortification and abundance of direct-fire guns it will be impossible for a hostile fleet to enter our harbors, nevertheless unless much more generous provision is made than is now contemplated by Congress it is unreasonable to claim that our country is even tolerably protected.

I will again cite Admiral Walker:

Admiral WALKER. The plan of the English is to keep their navy equal (in strength) to that of any other two nations.

Senator PROCTOR. What would be our fate if they sent their whole naval force against us?

Admiral WALKER. If they were at this time to send over such a naval force as they could spare from Europe they would have their own way upon our coast.

Senator HAWLEY. They could take Portland and Boston in twenty-four hours.

Admiral WALKER. Yes, sir; there is nothing that could stop them for any great length of time.

Senator GORDON. How many guns have they for the protection of New York?

Admiral WALKER. We now have at Sandy Hook, in position, 2 guns and 16 mortars.

Senator GORDON. Under the conditions existing now, what would be the effect if the English navy should engage ours?

Admiral WALKER. They would probably capture or destroy our whole Navy.

Senator PROCTOR. Would there not be some chance if we made a proper defense at Sandy Hook to successfully defend New York?

Admiral WALKER. By putting all our vessels behind Sandy Hook we could make them something of a fight for that place, but nothing would prevent them from raiding the whole coast.

Lieut. James A. Frye, of Massachusetts, treats this subject in a most interesting manner. He says:

It safely may be assumed that a large portion of our people would be found to hold the same sanguine views of the outcome of a foreign war. Further than that, newspapers and individuals are not lacking that brand as traitorous any words of warning, from whomsoever they may come, or with however much of earnestness they may be uttered. Yet if the simple, stern setting forth of unpalatable facts is to be considered a mark of disloyalty the Secretary of War, the Secretary of the Navy, the officers of both regular establishments, and the thinking men in civil life must come in together for censure from their country. "It is embarrassing for a military officer to acknowledge this condition of affairs and to record these facts," said the general who now commands our Army, after calling attention to our defenseless coast. Yet he would do less than his duty to his country did he not endeavor to bring the truth before the Government, in order that it should be fully apprised of the true condition of affairs.

The Secretary of War sums up the situation thus:

If future appropriations for the manufacture of guns, mortars, and carriages be no larger than the average authorized for the purpose since 1886, it will require twenty-two years more to supply the armament for the eighteen important ports for which complete projects are approved. If the appropriations for the engineer work are to continue at the rate of the annual appropriations since 1890, it will require *seventy years* to complete the emplacements and platforms for the ports referred to. * * * It rests with Congress to determine by its appropriations the period which shall elapse before our coasts shall be put in a satisfactory condition of defense. The amount required for the eighteen ports is about $82,000,000, and the entire work can be completed within ten years. The rate of progress will be slower in proportion as appropriations are kept below the amount which can be advantageously expended.

Mr. President, the sum and substance of the situation in this regard is as follows: If we continue to make appropriations as we have done for the purpose of fortifying our harbors, it will take seventy years to complete the scheme outlined by the Endicott Board, and since modified by the officers in charge. Manifestly, therefore, no appropriations whatever should be made or adequate appropriations should be made. It is absolute waste of money to enter upon a work which can not be utilized until the expiration of seventy years. But what will be thought of our coast defenses when completed seventy years hence? The improvements which the future has in store can not be foretold. Obviously a plan for fortifications, or, indeed, for anything else, which can not be realized for generations should not be countenanced by intelligent men.

Fortification work is not only in an unfinished state, but it has, as General Craighill says, barely been entered upon. We have but few guns of modern type. I have heard it remarked that the smoothbores now owned by the Government may be of avail. Admiral Walker tells us (Hearings, page 158) that these might be used as auxiliaries for the defense of small harbors. General Miles, however, states that in his opinion they are entirely useless, and might be sold for old iron.

The information furnished by General Flagler is interesting. The following is an extract from his examination before the Committee on Coast Defenses, page 31:

The change in our guns, carriages, projectiles, and powder within the last twenty-five years has been as wide and as great as that which took place from Napoleon's wars, or from 1815, to the period I mentioned, twenty-four or twenty-five years ago.

Senator SQUIRE. Up to 1870.

General FLAGLER. Consequently the whole coast defense which we have considered so far includes nothing that was found in our coast defense twenty-five years ago. It is all entirely new; and it must be new to be of any use against the modern armored vessels or for any modern ordnance, everything being entirely new.

The same statement holds good, and in some respects the changes are even more radical, in our field and siege material. All of the field and siege guns, ammunition, and material are entirely new. The Ordnance Department has been closely occupied on perfecting this material for many years. We had no money for manufactures and could accomplish little in the way of manufactures up to about six years ago; but investigations and experiments have been in progress for many years, and I feel authorized to state that our siege and field material at the present time is as good as or better than that of any other nation in the world.

All I wish to say, then, is that these field and siege guns and all material that goes with them are new, and we could not in any war against a foreign nation use any one of the guns or any of the material that was used during our civil war that is now on hand. New guns and new material must be provided throughout.

We have but a limited number of these guns with carriages and ammunition for them on hand. In any emergency this field and siege material would probably be as important and might be much more important than the seacoast defense, or might form a part of it.

Therefore, in reply to your request as to what appropriations, in addition to the estimates now before Congress, should be made for the next fiscal year, I feel it my duty, and it is very important, that there should be added to the estimates I "have given to you another estimate for this field and siege artillery."

If trouble comes it will be impossible to make even fair defensive preparations. The enemy will have everything his own way. We are prone to be overconfident. Many of our people think that they can prepare for war within a few months. That such ignorance should prevail to any extent is remarkable. Nevertheless we must treat facts as we find them. The 12-inch gun is our main reliance as far as fortifications are concerned. We have no 16-inch guns, and there is some controversy as to their effectiveness.

General Flagler says (Hearings, page 28) we have a contract with

the Bethlehem Company for guns under which they are delivered slowly. We can procure in addition to that number no guns which the Department is willing to put into fortifications except those we manufacture at the gun factory. You will see, then, that the gun manufactory measures the rate at which we can go on with coast defenses.

General Flagler made the following statement with reference to the length of time necessarily consumed in making a 12-inch gun, and his opinion is, of course, most valuable:

What length of time—

He was asked—

would be consumed in making one of the large guns, such as there are in the harbor at San Francisco, if you had everything just as you want it?

I will state that the gun named is a 12-inch gun.

General FLAGLER. After the date of the contract we would not have the forgings in less than eight months. We could then finish the gun in about six months.

Senator WHITE. It would take a little over a year to complete the gun?

General FLAGLER. Yes; it would be about that length of time from the date of the appropriation before the gun would be completed. For an 8-inch gun it would take about seven months and for a 10-inch gun about ten months.

The statement made by General Craighill, and also contained in the report of the Committee on Coast Defenses, with reference to the difficulty of rapid work and the impossibility of immediate accomplishment, is alike instructive and interesting.

General Flagler insists with much force that we should not be without some 16-inch guns. In that respect, as I have before remarked, there has been some controversy among our military men, but he declares that he is willing to assert that we can manufacture a successful 16-inch gun. He argues that there is necessity for such a weapon, because a 12-inch gun would not necessarily be certainly effective when brought to bear upon one of the largest vessels that might be sent against us, but that one shot well directed from a 16-inch gun will put any vessel in the world out of action; and he tells us that it would take about three years to make the first or type 16-inch gun. I quote from his report as Chief of Ordnance:

The Board on Fortifications or Other Defenses of 1886, appointed under the act of Congress of March 3, 1885, adopted forty-four 16-inch guns as a part of our coast defenses, and designated the harbors for the defense of which these guns were to be used. For carrying out the provisions of this report this Department has several times submitted to Congress an estimate for funds for the construction of a type 16-inch gun, but the necessary appropriation therefor has not yet been made. It is believed that this failure of Congress to make the necessary appropriation is partly due to opinions expressed by persons who are opposed to the adoption and use of the 16-inch gun, and who profess to believe that the 12-inch gun has sufficient power for our needs. I do not know what arguments have been used to enforce this opinion, and can not, therefore, combat such arguments. The refusal of the necessary appropriation does not, however, relieve this Department from responsibility in the matter, and I deem it a plain duty to submit here some of the more important reasons for urging immediate preparation for producing guns of this caliber.

The question of the comparative advantage of guns of the largest or of a smaller caliber for the coast defense has sometimes been confused with the same question applied to naval guns, and the opinion formed against them for naval use has been, without sufficient thought, improperly extended to coast-defense use. The cases are so totally different that arguments applicable to the one case are not applicable to the other. The Navy is limited by the weight which can be conveniently carried or economically provided for, by the length which is admissible, by convenient provision for handling and protecting, and by provision which can be conveniently or economically made for strains due to recoil. The defenses are not so limited in regard to any of these provisions. The naval gun is on a movable support, and can be placed in such proximity to the enemy for fighting purposes as the caliber of the gun and the circumstances of the case demand and will give the best results. The army gun is on a fixed platform, and must fight the enemy at such long ranges as the latter may select within the limits of water that will float his vessel. Many foreign governments carry the large caliber guns on their vessels, and could sometimes select positions and long ranges at which their large guns would be effective but at which our smaller guns would not be sufficiently effective.

The Army will, therefore, sometimes require the power of the larger gun, while there is not such necessity therefor for the Navy. The objections to the gun which are important to the Navy do not exist or are comparatively unimportant in its use by the Army.

The principal foreign powers have guns of 16-inch or larger caliber in their coast defenses, navies, or in both. The fact that they have them in their defenses shows their opinion on this subject. The fact that they have them in their navies shows that it is important that we be prepared to compete with their fire for the reason stated above.

This Department has never had any doubt of the necessity for the 16-inch gun, nor of the wisdom of its adoption by the Board on Fortifications or Other Defenses in 1886. Since the date of the report of that Board the history of Gun vs. Armor has steadily shown an increased necessity for a gun of as high power as that of the 16-inch caliber. Granting what was perhaps true nine years ago, that the 12-inch gun could, under favorable circumstances—that is, at close range and with the vessel's side normal to the trajectory—penetrate any armor then in existence, or, under less favorable circumstances and at longer ranges, destroy any vessel by continued hammering; later experience shows that this is not the case with modern armor now. Moreover, the enemy will not place his vessel exactly in the position desired, as we place a plate for experimental firing, and the problem in most cases is to destroy a vessel which is doing its best to run past our batteries. Only a small number of shots can be fired from any one gun at a passing vessel, and to accomplish the required amount of hammering a great many 12-inch guns would be required. Not more than one moderately fair hit would be required from the proposed 16-inch gun to destroy or stop any vessel known at the present time. There are sites for our fortifications where one 16-inch gun should be the equivalent of a dozen 12-inch guns, and as the question reduces itself to one of dollars and cents, the 16-inch gun is the more economic gun for the work in hand.

Some of the latest experiments indicate that even with continued hammering with the 12-inch gun we can not expect to penetrate the best modern armor, and could not destroy or stop certain vessels, except by a rare and exceptionally lucky hit in some weak spot. The report of the Chief of the Bureau of Ordnance of the Navy for this year will show that in some late experiments at Indian Head it was utterly impossible to penetrate modern heavy armor with a 12-inch projectile, fired under the most favorable circumstances at a range of only 150 yards and with the plate held normal to the trajectory. In some cases a 13-inch projectile barely got through the plate under the same favorable circumstances. In some later experiments with a modern plate the 13-inch projectile passed through, while the 12-inch produced little effect.

This Department again submits in its estimates for this year an item for the manufacture of a type 16-inch gun. After an appropriation is made it will require about three years to procure the forgings (forgings of a magnitude not heretofore made), to finish and assemble the gun, and to subject it to the tests required by law for a gun of new type. No 16-inch guns can be adopted and manufactured for service until the preparation and test of this type gun is completed. This action does not commit the Government to the adoption and manufacture of 16-inch guns for the service at the expiration of the three years if they are not then wanted. It is deemed certain that they will not only be wanted, but that they will become an imperative necessity. It would be an act of plain wisdom and forethought to advance by three years our condition of preparation for producing the guns, if wanted, by commencing, as soon as possible the manufacture of the single type gun required for this purpose.

It is not easy to regard with patience the conduct of Congress in making appropriations so meager as those heretofore provided for coast defenses. No business man would pursue such a course, and no prudent nation can afford to rest under such a menace.

Admiral Walker thus speaks of the necessity of coast as well as naval defenses:

If an enemy comes on our coast and we think we are strong enough to engage him we fight. But great injuries and many accidents occur to ships in action even if successful, and we must have a place of retreat where we have supplies and dry docks, and they must be protected by fortifications. We could not protect all the ports with the Navy, because it is impracticable to have a fleet for each seaport, or of sufficient size to cover our enormous seacoast, but it would be equally impracticable to protect our coast and large seaports without the assistance of the Navy. * * * In the present condition of our fortifications and Navy I would spend, say, $60,000,000 on coast defenses and $40,000,000 on the Navy, but as the total amount to be expended for the two purposes is increased, the percentage which should go to building up the Navy would be relatively less. If I could have my way I would spend for increase of the Navy during the next five or six years, say, $30,000,000, and for fortifying our cities and harbors all that may be found necessary, working upon the general line of the report of the Endicott Board.

Although we are thus helpless, we discuss the propriety of engaging in wars with almost all nations. We have not perhaps been as bellicose within the past two or three weeks as we were some months ago, but still we have been and are seemingly ready and anxious to fight. But we have made absolutely no preparation; we are not making any preparation; we are not in a condition for aggressiveness, and yet we talk as though we are confident of glorious results when called on to meet the world. I fear that our pleasant anticipations are fanciful.

Mr. President, it is universally conceded that a gun well located upon the shore is of much more value than the same weapon upon shipboard. The reason for this is obvious. The expert gentlemen who testified before the committee differed somewhat in their estimates of this comparative efficiency. Some thought that a gun upon shore was worth three upon the ship; others said five. But the apparent discrepancy was perhaps explained by the suggestion that the conditions of sea and weather affect the steadiness of the vessel. However, it is evident that it is possible for us to guard the principal harbors and cities of the United States so that those points at least will be free from serious danger.

Lieutenant Frye makes a computation of the property which will be subject to destruction on the seacoast as matters are now situated. He says that there are 75 cities on navigable waters of the Atlantic coast. I will read the exact language used by him:

Tracing the broken coast line of the Atlantic, it will be found that 75 cities are situated on navigable waters, whose population reaches the aggregate of 6,640,532 and whose wealth may be estimated at $6,899,512,748. In the region of the Gulf lie 8 cities, with 354,182 of population and $307,905,008 in wealth. On the Pacific coast 11 cities show a population of 527,223, with a wealth of $547,784,607. Along the shores of the Great Lakes are scattered 37 cities, with a population of 2,525,898 and $2,624,408,022 in property. It should be stated that these figures, enormous and almost beyond the powers of comprehension as they are, yet fall short of the actual conditions of to-day, since the six years that have passed since the taking of the census have been years of expansion and not of contraction. This may be shown by a single illustration. The population and wealth of Boston, New York, Brooklyn, Philadelphia, Baltimore, Washington, New Orleans, San Francisco, Milwaukee, Detroit, Chicago, Cleveland, and Buffalo, as included in the above aggregates, were, respectively, 7,050,163 and $7,325,119,357. By the latest obtainable estimates (January 1, 1896) the same cities should be credited with an aggregate population of 8,400,000 and with an aggregate wealth of $10,369,452,574.

He then proceeds to show, and, indeed, we all know the fact without any argument, that these cities and this extensive population and vast wealth are all endangered by the policy which we have pursued and are pursuing.

But it is said by some that the Navy affords adequate protection. Mr. President, if we construct a navy in accordance with the prevailing plan, it will be utterly impossible to meet any such exigency as will necessarily attend war. This very year Great Britain has appropriated sufficient money for the construction of war vessels superior in number and power to our entire Navy. Says the same authority from which I have already quoted, Mr. Frye:

The most elementary maxims warn us that if it be worth while to maintain a Navy at all we must also have a reserve supply of ordnance and ordnance

stores, and certainly we need not call on military science to tell us that our reserve of naval vessels is of no value without guns. Congress should give care-

space on board ship, where several may be silenced by a single lucky shot. In the fort a wide space can intervene between weapons, and if properly mounted each gun must be actually struck before it can be put out of ac-

The experiences of the past necessitate these conclusions. Take the case of Great Britain. It is but little more than a century since we separated from the mother country, not peaceably, but after the disbursement of a large amount of money and the sacri-

Mr. President, the amendment proposed by the Senator from Maryland [Mr. GORMAN] with reference to the battle-ship question has suggested to me the propriety of making these remarks, not because I am opposed to the navy idea, but because I wish to call the attention of the Senate and the country to the manifest

Navy.

Senator PROCTOR. Would there not be some chance if we made a proper defense at Sandy Hook to successfully defend New York?

ing with the 12-inch gun we can not expect to penetrate the best modern armor, and could not destroy or stop certain vessels, except by a rare and

The most elementary maxims warn us that if we are to have a Navy at all we must also have a reserve supply of ordnance and ordnance

stores, and certainly we need not call on military science to tell us that our reserve of naval vessels is of no value without guns. Congress should give careful attention to the ordnance requirements of vessels that are liable to be called into service as auxiliaries in time of war, in accordance with the acts of Congress approved March 3, 1891, and May 10, 1892, providing that steamers registered under the provisions of said acts can be used by the United States as transports and cruisers. To mention no others, the *Paris* and *New York* of the American Line are now receiving large sums of money annually on condition that they hold themselves in readiness to serve the Government whenever demanded. When they hauled down the English to hoist the American flag they were receiving pay from the British Government to hold themselves in readiness to serve that nation, and the English had guns and gun-mounts ready to be put upon them at a moment's notice. We now have been paying subsidies to these ships for months, and have not a gun to put upon them.

With a war upon us our naval authorities would indeed find the situation disagreeable. In order to avoid capture, in order to avoid our ships falling into the hands of the enemy—assuming our contention to be with one of the great powers—we would find it policy to beach our Navy. We possess no protected port to which they could resort. Flight would be impossible. We have no properly defended coaling stations. As already shown, it is admitted by those who are more partial perhaps to the Navy than to the coast-defense idea that in the event of a war with Great Britain our Navy would necessarily be utterly destroyed, whereas if our great ports—New York, Philadelphia, Boston, etc.—were properly fortified it would be possible to afford protection. No one denies, none of the officers who are connected with the Navy disputes that there is grave necessity for immediate and thorough work in the direction of fortifications.

Admiral Walker's statements are clear and to the point:

If an enemy comes on our coast and we think we are strong enough to engage him we would fight, but great injuries and many accidents occur to ships in action, even if successful, and we must have a place to repair where we have supplies and dry docks, and they must be protected by fortifications. We could not protect all ports with the Navy, because it is impracticable to have a fleet for each seaport or of sufficient size to cover our enormous seacoast; but it would be equally impracticable to protect our coast and large seaports without the assistance of the Navy.

This testimony of Admiral Walker is exceedingly interesting as showing, first, the weakness of our Navy, and, secondly, the comparative inefficiency of our so-called commerce destroyers. These vessels are not as swift as the Cunarders, White Star, and other liners. The latter can be armed with 5 and 6 inch rapid-fire guns and would then be altogether more useful as commerce destroyers than our cruisers. The cruisers can not engage a battle ship or a fort, and can not catch the more rapid liners of the enemy, and are, therefore, of less value than is commonly supposed.

Admiral Walker further says (page 58):

To put ourselves in a position to defend our seacoasts without fortifications we must expend two or three hundred millions of dollars.

In other words, it is his testimony that if we are to have a navy adequate to obviate coast defenses we must invest that enormous sum.

We have manufactured some fine guns and carriages and have partially fortified New York and San Francisco.

Congress is to blame. Our officers having the matter in charge have done everything that skill and patriotism could accomplish.

It is said by competent authority that the utmost emphasis of experience teaches that ports properly defended by powerful batteries, reenforced by suitable auxiliaries in the form of submarine mines, torpedo boats, etc., can not be successfully attacked by even the most formidable fleet. With this view all authorities, military and naval, are in thorough accord.

We have, I might say, indisputable proof that in case of a war with England, circumstanced as we are, it would be necessary for us, as I have before remarked, to destroy our own vessels.

I fully recognize the necessity of a strong navy. Fortifications are only of value for defense. It is necessary to have a navy, not only to guard unfortified points but likewise to enable us to attack our opponents. But it is clear that we ought not to proceed one step further without providing for coast defense. We might spend ten or twelve million dollars more on our Navy and yet we will be devoid of protection.

Lieutenant Frye, in the April number of The Bostonian, gives the following significant appropriations from 1889 to 1896; in other words, to date:

Pensions	$1,003,421,486
Navy	196,721,568
Army	192,980,990
Rivers and harbors	118,214,777
Fortifications*	22,489,225
Miscellaneous	759,371,134

I quote from Wilson on ironclads in action:

Artillery has progressed so much that cannon can be mounted on land which can pierce armor thicker than any ship can hope to carry. Considerations of weight and displacement limit the protection which can be given to the ship, while they have no such determining influence on the fort. The ironclad's armor and ordnance are limited; the fort's unlimited. How can the two fight on an equal footing? There are these further considerations, too, to be taken into account. The guns must be crowded into a limited space on board ship, where several may be silenced by a single lucky shot. In the fort a wide space can intervene between weapons, and if properly mounted each gun must be actually struck before it can be put out of action. Then, too, the fort's fire can be directed upon the ship's water line; hits here will be every whit as efficacious as upon her battery, and she can be driven off without a single one of her guns being struck. Thus, a close attack by ships upon forts has become almost impossible, though it is, beyond doubt, perfectly feasible for war vessels to run through an unobstructed channel commanded by forts, however numerous.

Mr. President, it has often been said that it is dangerous to provide fortifications and also to equip our Army properly because we may be tempted to engage in war. To this I do not assent. Says Admiral Walker:

In the interest of peace the best thing that could be done at this time by Congress would be to appropriate liberally for the defense of the important seaports and to make liberal appropriations for the Navy.

It is clear that self-respect, to say nothing of the demands of patriotism, requires that we shall be in a position to guard our honor and our families, our lives and our property. We wish to engage, I assume, in no unjustifiable struggle, but we do not care to be trampled under foot. Our cities must not be destroyed or placed under contribution. But if we continue the do-nothing programme of the present we must avoid all attempts to vindicate private or public right as against better equipped nations.

When General Miles was examined by the committee he was asked the following question:

Senator MILLS. But what would prevent a fleet from setting fire to and burning a city?

General MILES. They should be sunk before coming within reach of the city.

We all concur, I presume, in the wisdom of that remark.

Besides, I think it would be regarded as a violation of the rules of civilized warfare, if a fleet should get near enough to do so, to turn their batteries on a city when they were unable to silence the batteries defending it. (Hearings, page 50.)

The difficulty about this statement is twofold. In the first place, as General Miles correctly says:

A hostile fleet can not come within 24 miles of New York without coming under the guns at Sandy Hook, now Fort Hancock. When the fortifications are completed they could not enter Long Island Sound without encountering the land batteries. (Hearings, page 50.)

Therefore, if a hostile fleet were within the range of New York it is pretty certain that its proximity could be accounted for only because it had silenced or at least successfully passed the fortifications. It would, indeed, be a fearful exercise of power to destroy such a city as New York; but war is cruel, an irate enemy, determined upon conquest or vengeance, and panting for blood, might, notwithstanding the rules of civilized warfare, which are only binding in a moral sense, submit to the city of New York the alternative of the payment of an enormous ransom or obliteration and destruction. No nation can afford to rest in security upon the theory that the civilized rules of warfare inhibit the bombardment of a great metropolis. The desperate conflicts which have sullied the pages of history evidence the futility of such theoretical defenses. A war between the United States and either of the great European powers would mean ruin unexampled, and in such exigency our cities will be safe only if they are well guarded by not only skillful and brave men, who may be found easily and daily, but also by powerful guns, which can be built solely in expensive factories by complicated instrumentality slow of creation and easy of destruction. These great weapons can not be made by the best and most extensive mechanism save after months and even years of discipline and toil. To be safe our coast must be defended. To be defended we must provide weapons. To provide weapons we need years and money. At the present rate, according to the testimony of the Secretary of War, it will be necessary to wait for seventy years. This Congress should provide the means suggested by the War and Navy Departments, involving a decade of workmanship, for it must be recollected that if we adopt the plan submitted to us by our military authorities it will still take ten years to complete the armament. This is not very rapid work. It is slow enough, surely. If we decline to so legislate we should plainly announce that we do not intend to defend ourselves, and are seeking mercy, not demanding justice. Certainly, the present system is absurd. To appropriate a small sum which can eventuate in nothing, to postpone effective defense until the expiration of three-quarters of a century—approximates dementia. Long before our plan will have been completed the weapons created in inaugurating it will have become old-fashioned and useless. Our present system is burlesque and its continuance is a misappropriation of public funds.

IS THERE ANY DANGER OF WAR WITH A FORMIDABLE POWER?

While it is palpable that we can not justify our failure to provide adequate defenses if it be true that there is danger of serious complications with great powers, it must, nevertheless, be admitted that if such conflict is forever and certainly impossible then there is no necessity for any expenditure, and in that event we are not warranted in making any outlay whatever for our Navy or for coast defenses. While I do not think it at all probable that this country will be subject to the horrors incident to armed contests, nevertheless I see no impossibility of such an occurrence.

*Of this sum only $10,631,000, or four-tenths of 1 per cent of the grand aggregate, has been available for expenditure upon modern forts and guns.

The experiences of the past necessitate these conclusions. Take the case of Great Britain. It is but little more than a century since we separated from the mother country, not peaceably, but after the disbursement of a large amount of money and the sacrifice of many valuable lives. But a few years afterwards the war of 1812 challenged the utmost exertions of our people. Upon several occasions later on our relations were further strained. During our civil contest we were upon the verge of war with England, and had it not been for the good sense of Mr. Lincoln it is probable that she would have found occasion to engage us. The theory advanced in this Chamber that the warm fellowship existing between England and America assures peace is utterly negatived by familiar history. In the Venezuelan case the press and people of both countries manifested warlike symptoms. In this Chamber a demonstration the like of which has not been seen for many years greeted the somewhat belligerent phraseology of the Presidential message. The Cuban incident developed sentiments of an even more acrid character toward Spain, and while a contest with that nation would not be so serious, nevertheless other parties would likely intervene. Not very long ago, during Mr. Harrison's Administration, it was currently believed that a conflict with Chile was inevitable. The Nicaragua Canal project now pending before Congress will, if carried out, be followed by hostile protestations from Great Britain and probably from other powers.

In 1817 our Government and that of Great Britain entered into an agreement by which it was covenanted that on Lake Ontario neither Government should have any armed vessels except the following:

On Lake Ontario one vessel not exceeding 100 tons burden, armed with one 18-pound cannon. On the Upper Lakes two vessels not exceeding like burden, each armed with like force. On the waters of Lake Champlain one vessel not exceeding like burden and armed with like force. (Treaties, etc., page 414, 415.)

Of this agreement Secretary Herbert speaks in his late report. Thus both Great Britain and the United States concede the necessity of excluding all considerable armed force from the Great Lakes. In other words, we have mutually agreed not to carry deadly weapons, because of the apprehension that the same might be used with fatal effect. We can not trust ourselves in each other's company. We have conceded this fact by the solemn obligations above referred to. Moreover, there is in this country a warlike spirit. The men who were engaged in the civil war and who personally witnessed its horrors are not anxious for hostilities of any kind. That they are brave and patriotic passes without saying. They have been tried in a fiery and terrible ordeal. Another generation appears upon the scene. The national spirit has been properly cultivated, and there is much desire to whip somebody. Gentlemen who were well and old enough to fight during the civil war, but who did not fight, doubtless because they knew their country could get along without them, and gentlemen who think they would have fought had they been old enough, vie with each other in criticising and often insulting foreign nations. We are traveling around, figuratively speaking, with a chip on our shoulder. Some of us perhaps hope that no one will take us up. But we can not be certain as to this.

If we possessed proper coast defenses and reasonable naval strength, it is unlikely that any power would care to attack us; but if Great Britain or France, or even Germany, were to declare war against the United States to-day and at the same time draw upon Boston and New York for a few hundred millions, there would be nothing for those cities to do but to put up the money. If this were not done immediately the appearance of a fleet in the neighborhood would compel compliance. And if the enemy felt so disposed, our Navy, so called, would be either captured or sunk. This is not pleasant to contemplate. This condition makes one unduly conservative. However patriotic we may be, it is questionable whether under these conditions we are justified in trying to resent insults. Probably we should make an effort to resist. When a weak person of spirit is grossly insulted by one who is strong he may be expected to act, and if he is defeated he at least has the satisfaction of knowing that he was brave, though indiscreet. This makes him feel better while he is undergoing repairs.

We all observed that the New York newspapers did not take kindly to Mr. Cleveland's Venezuelan message. We can not wonder at this. Some of those newspapers possess very fine buildings. If the anticipated war with England had taken place many of these edifices might have been destroyed. The English admiral would have trained his guns by way of experiment upon these massive, elegant structures. The same journals have been, it is true, disposed to fight Spain, but that is because they feel safe as to Spain, having faith in our ability to better that nation on either land or sea. The circumstance that powerful governments have heretofore treated our bantering goodnaturedly or at least have declined to invite us to the field is no evidence of what may be done. A nation as well as a man may have, as Cervantes says, "a face like a benediction," and yet there may be savage preparation in progress. We can not give a good account of ourselves without modern arms, vessels, and fortifications.

Mr. President, the amendment proposed by the Senator from Maryland [Mr. GORMAN] with reference to the battle-ship question has suggested to me the propriety of making these remarks, not because I am opposed to the navy idea, but because I wish to call the attention of the Senate and the country to the manifest necessity for the adoption of a different policy in the matter of national defense.

I have referred to the circumstance that Great Britain, with her powerful naval force, does not ignore land defenses. She has taken pains at all times to provide adequate fortifications for the protection not only of her cities, but also for her navy and merchant marine. Her navy has been constantly increased and her land defenses augmented and multiplied.

She has not ignored her cities, harbors, and coaling stations. Nor has she in any respect followed the unreasonable plan adopted here. We declare our willingness to rely upon our Navy, and also assert that we are a brave people prepared at any moment to meet any exigency that may be thrust upon us. But we do not possess supernal power. Perhaps if we were compelled to face a foe in hand-to-hand combat as in the olden time, or if we could successfully use weapons of easy manufacture, the case would be different. But when we reflect that it takes months and even years to manufacture a single gun, when we remember that while the process is going on widespread destruction will have overtaken us, we begin to appreciate that our conduct is essentially unbusinesslike.

It appears to me that the committees having these matters in charge should either abandon all effort for coast defense or provide sufficient money to permit the adoption of a course suggested by common sense.

[Mr. ALLEN addressed the Senate. See Appendix.]

The PRESIDING OFFICER (Mr. PASCO in the chair). The question is on agreeing to the amendment of the Senator from Pennsylvania [Mr. QUAY] to the amendment offered by the Senator from Maryland [Mr. GORMAN].

Mr. GORMAN. Let the amendment be stated.

The SECRETARY. On page 50, line 19, after the word "contract," it is proposed to amend the amendment by striking out the word "two" and inserting "six"; so as to read:

That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed by contract six seagoing coast-line battle ships, etc.

Mr. GORMAN. I make the point of order that six battle ships are not estimated for, and therefore the amendment to the amendment is not in order.

The PRESIDING OFFICER. The Senator from Maryland makes the point of order that there is no estimate for the proposition embraced in the amendment to the amendment.

Mr. QUAY. Mr. President, of course I recognize the fact that if the Senator from Maryland and the Senate gag at four battle ships it is not likely they will swallow six. But believing, as I do, that the naval armament of the country will not be complete without these six battle ships, believing that the Republican party long before the fulfillment of the contract for their construction will be in possession of the Government and that there will be plenty of money to construct them and a surplus in the Treasury, I should like to have a vote directly upon the proposition. I trust the Senator from Maryland will withdraw the point of order.

The PRESIDING OFFICER. Is the point of order insisted on?

Mr. GORMAN. I shall have to insist upon the point of order.

The PRESIDING OFFICER. The Chair sustains the point of order. The question recurs on agreeing to the amendment offered by the Senator from Maryland [Mr. GORMAN].

Mr. GORMAN. The amendment had better be stated.

Mr. VEST. Let the amendment be stated.

The SECRETARY. In line 19, page 50, after the word "contract," it is proposed to strike out the word "four" and insert "two"; so as to read:

Two seagoing coast-line battle ships.

Mr. GORMAN. Of course the Senate understands perfectly, after the debate we have had, although the real point under consideration may have been lost sight of in the long discussion, that if the amendment which I have offered to strike out "four" and insert "two" prevails it will decrease the appropriation about $16,000,000.

Mr. WOLCOTT. Will the Senator from Maryland please state about what the cost of each battle ship will be?

Mr. GORMAN. The bill provides that the construction of each one of the vessels shall cost not to exceed $3,750,000. The armament and armor will cost about an equal amount; so each vessel will cost not quite $8,000,000—seven million and a half; and if the amendment which I have offered——

Mr. CHANDLER. The armor is included. It is only the armament which has to be provided in addition.

Mr. GORMAN. The armor is included.

* Of this sum only $10,631,000, or four-tenths of 1 per cent of the grand aggregate, has been available for expenditure upon modern forts and guns.

tests, nevertheless I see no impossibility of such an occurrence.

Mr. CHANDLER. The limit is $3,750,000 for each, and that includes armor. The armament is additional.

Mr. GORMAN. Yes; the armament is additional.

Mr. MILLS. The guns.

Mr. CHANDLER. The armament might cost half a million dollars.

Mr. GORMAN. If the amendment I have proposed is adopted it will give to the Navy two of these immense battle ships, which is the same number that we ordered two years ago. Those are only now being constructed at Newport News, and the armor for them has not yet been contracted for. Bids are in and are pending before the Navy Department. The armament as a matter of course has not yet been provided for. It will give a natural and a very large increase to the Navy if we make provision for two. I trust the amendment will be adopted. On that question I shall ask for the yeas and nays.

Mr. LODGE. I do not think the Senator from Maryland intended to leave the impression, but he certainly has left the impression, that these ships will cost complete between seven and eight million dollars.

Mr. GORMAN. Six or seven million dollars.

Mr. LODGE. They will cost complete between four and five million dollars each.

Mr. GORMAN. I have the exact amount.

Mr. HALE. The figures, if the Senator from Maryland will allow me, were given in the debate in the other House.

Mr. GORMAN. Yes.

Mr. HALE. The four ships complete, including their armament and everything, will cost between twenty-five and twenty-six million dollars.

Mr. SQUIRE. Including the armament?

Mr. HALE. Including everything. They will cost either between twenty-four and twenty-five million dollars or between twenty-five and twenty-six million dollars. I have the figures here.

Mr. CHANDLER. The Senator will notice that the cost of each ship is limited to $3,750,000.

Mr. PLATT. What does the armament cost?

Mr. CHANDLER. I do not know, but say half a million dollars.

Mr. HALE. Oh, more than that; much more than that sum.

Mr. CHANDLER. Add a million and a quarter, and it is only $5,000,000.

Mr. LODGE. These ships cost about $5,000,000 each.

Mr. WOLCOTT. I think the bill had better be recommitted to the committee or to somebody who can tell us within a few million dollars what the ships will cost.

Mr. HALE. We are not all possessed of the great information on every subject that the Senator from Colorado is.

Mr. WOLCOTT. I do not profess it; it is not my duty to be charged with it, and I go to the fountain head of information, where I went courteously and had a right to go. I asked the Senator from Maryland [Mr. GORMAN] and he gave me one figure; the Senator from Massachusetts [Mr. LODGE] and the Senator from New Hampshire [Mr. CHANDLER], who is upon the Naval Affairs Committee, gave another figure. The Senator from Maine [Mr. HALE] gives another figure, and I am asking for information in the utmost good faith.

Mr. HILL. The Senator from Colorado can take his choice.

Mr. WOLCOTT. Not claiming myself to have unusual information, I suggest that the bill ought to be recommitted or referred to somebody who can tell us within a few million dollars what the ships will cost.

Mr. HALE. I can tell the Senator within very much less than a few million dollars. When the matter was up in the other House the figures were given, and I have the debate here before me. I do not quite remember whether it is between twenty-four and twenty-five million or between twenty-five and twenty-six million dollars, but my recollection is that it is between twenty-four and twenty-five million dollars complete. I may be wrong about it. It may be a little less than that.

Mr. GORMAN. The Senator from Maine is right about it.

Mr. WOLCOTT. The Senator from New Hampshire [Mr. CHANDLER] says the armament will cost $500,000, I understand. The Senator from Maryland [Mr. GORMAN] says the cost is $3,750,000.

Mr. HALE. That is for all.

Mr. WOLCOTT. No, no. I beg the Senator's pardon.

Mr. MILLS. For each one.

Mr. WOLCOTT. Both Senators stated the cost of the armament for each vessel. The Senator from Maryland stated that it is about $3,750,000 and the Senator from New Hampshire—I hope I do not misquote him—said it is about $500,000. He is fresh from Bethlehem, having just returned from an investigation there.

Mr. CHANDLER. I am under pretty good discipline in one committee of this body, the Committee on Post-Offices and Post-Roads, where there is absolute accuracy of knowledge as to post-office and post-road subjects. I have been occupying so much of my time this session in trying to keep up with the Senator from Colorado, that I have not kept myself fully informed as to the figures in connection with the naval appropriations. The Senator will understand that I can not remember down to a dollar, and we do rely nevertheless upon the vote of the Senator from Colorado being in favor of an increase in the Navy, although we can not give him the figures precisely——

Mr. HALE. Mr. President——

Mr. CHANDLER. I presume the Senator from Maine now has a table which will enlighten the Senator from Colorado so that he will allow the consideration of the bill to proceed without moving to recommit it.

Mr. HALE. I do not suppose the Senator from Colorado is very serious about recommitting the bill. We are entirely content with his mild sally at the expense of the committee. The committee is not so very far wrong after all. The same question was asked in the House of Representatives, and the estimates of the cost of the four ships, upon different figures, ranged between twenty-three and twenty-four million dollars up to $26,000,000. Mr. DINGLEY said:

> That is the statement in the report; and that the cost of the armament exclusive of that sum, about $2,405,000 for each battle ship, which would be $9,600,000 for the four battle ships; and that added together carries the whole amount up to $26,275,000.

That is larger than I stated. It was afterwards stated that, reckoning the cheapness of material, the four ships could be builded for between twenty-four and twenty-five million dollars, or twenty-three and twenty-four million dollars.

Mr. MITCHELL of Oregon. Twenty-four million nine hundred and eighty thousand dollars is the amount, as I understand, according to the estimates which have been given.

Mr. HALE. I have no doubt that the four ships, fully completed and ready for service, with everything to make complete battle ships, will cost anywhere in the neighborhood of—not far either way—$25,000,000.

Mr. SQUIRE. May I ask the Senator from Maine a question?

Mr. HALE. Certainly.

Mr. SQUIRE. By referring to a table which I received from the Navy Department, I observe that the *Iowa* has a displacement of 11,410 tons, with an indicated horsepower of 11,000, and that the cost of the hull and machinery of the *Iowa* is exactly $3,010,000. The act authorizing the construction was passed July 19, 1892. This, we all know, is the most recently launched of the battle ships; in fact, the only one except the *Massachusetts*, the *Indiana*, and the *Oregon*.

As to the armament, I have been informed by those who are connected with the Department of the Navy that the cost of the armament and armor together will be about equal to the cost of the hull and machinery of one of these great battle ships. Of course, in that case the total cost of the hull and machinery and the armor and armament altogether would be a little over $6,000,000 for each battle ship.

The point to which I was about to call attention is this: I should like to know what is the reason that the proposed appropriation for battle ships is to be $3,750,000 for each, one to have a displacement of about 11,000 tons, when I see that the *Iowa*, which has just been launched, and having an equal displacement of 11,000 tons, cost for hull and machinery only $3,010,000. There seems to be a difference of $740,000; that is, $740,000 more to be paid for each of these ships, or not to exceed that. I do not know but that there may be a reason that can be alleged for this increase in the price of the limit. What is the reason for this increase? Is it necessary? If so, why? Is it owing to a proposed increase in speed?

Mr. WOLCOTT. May I ask the Senator a question?

Mr. SQUIRE. Certainly.

Mr. WOLCOTT. There is a good deal of noise in the Chamber and I do not know that I understood him. Do I understand the Senator from Washington to say that for a battle ship of the same size as the *Iowa* the Government is to be committed now to the building of a ship which is to cost for the hull and machinery $750,000 more?

Mr. SQUIRE. Seven hundred and forty thousand dollars.

Mr. WOLCOTT. Well, $740,000.

Mr. SQUIRE. Yes; that is the limit. I was about to ask the Senator in charge of the bill if there were some reasons for the increase of the price beyond the price named for the *Iowa*. There is about the same amount of displacement and the same indicated horsepower, so far as I am able to learn.

Mr. BACON. I take the liberty of suggesting to the Senator from Maine [Mr. HALE] the fact that the amendment which has been reported by me to the Senate from the Committee on Naval Affairs limiting the price of the armor for these battle ships will very materially reduce the cost of the ships if it shall be adopted. So that element must not be lost sight of in suggesting to the Senate what will be the probable cost of the battle ships.

The amendment which has been reported from the Committee on Naval Affairs would contemplate the reduction of about 25 per cent in the cost of the armor for these four battle ships. Of course that has not yet been adopted by the Senate, and may not be; but it is proper that it should be considered in this connection.

Mr. WOLCOTT. May I ask the Senator, while he is on his feet, if he can explain the discrepancy to which the Senator from Washington [Mr. SQUIRE] has called our attention, that the battle ships of a year ago cost for hull and machinery some $750,000 less than those proposed to be built by this bill?

Mr. BACON. I understand that the amount authorized to be paid is not an arbitrary amount which the ships are to cost, but that it is the outside limit which is specified.

Mr. HALE. There is no actual discrepancy, as indicated by the statement of the Senator from Washington. I have here the figures, so far as they can be got, of the two ships that are now being completed, the *Kearsarge* and the *Kentucky*, and it is thought that they will be completed at an expense of $5,297,000 each, or, in round numbers, $5,300,000 for each. That includes armor and armament. That would make the amount for the four ships about $21,000,000. I think they will cost more. Part of the discrepancy arises from the fact that in making the estimates they did not include the three classes of cost making up the total of the hull, the machinery, and the armament. They are all expensive, and they make a battle ship cost ranging from five to six million dollars; and the Senate should consider that those figures varying from five to six million dollars each, including everything, will be the cost. One ship will cost more than another. If they were built at a navy-yard, they would cost 30 per cent more than that. It is true, if the cost of the armor is cut down—but that is not reckoned in these estimates and the present prices are reckoned—it will reduce the cost somewhat.

Mr. CALL. Mr. President, I have had some hesitation in regard to the vote I shall give on the amendment. The considerations that seemed to me to be proper to influence the votes of Senators upon this subject are not altogether those which are related to the financial view of the situation, nor entirely to the condition of the public defense. If I had my way, I am inclined to think that, in the condition of the present depression of business, the vast number of unemployed people, according to the best statistics I have been enabled to obtain, the use of the public credit of the country in the most available form to give employment in useful and necessary public works is an object of public policy not to be disregarded. If I am right in my conviction, in no past period of the history of this country, nor indeed of Europe, has there been such vast numbers of unemployed people able and willing to work—men and women—but in vain seeking for that employment which is absolutely necessary for the preservation of life.

It is not my purpose here to discuss what would seem to me to be the causes of this condition, but unquestionably in our own country it is widespread. There is no sale for property; there is but little employment for the people; great discouragement exists in all agricultural pursuits. In that condition of things it seems to me that the credit of the Government, employed in the most harmless and least oppressive way, may be advantageously used for the purpose of starting the wheels of industry and giving employment and subsistence to the people in every path and pursuit of life. Connected with that, the public defense is certainly not to be disregarded. Nor do I see how it is that ships built in the proper degree of art, capable of defense and offense, would not be a protection against vessels of the same kind coming from a great distance and appearing upon our coasts. I do not perceive that this question of coast defenses can supply the place of naval armament; nor do I perceive that the question of the public dignity and the consideration which this country should have amongst the nations of the earth ought to be disregarded. In my judgment, like a man who does not preserve his character and the respect due to him, a great nation amongst the peoples of the earth which is indifferent to the questions of humanity, to the questions of great public policy affecting not only themselves but other nations, will fall in the scale of public appreciation.

For these reasons it seems to me that an appropriation, even if it be of the public credit, should be made. I do not favor the selling of bonds of the United States, because, in my judgment, that is not necessary. I believe that contractors will be glad to take these contracts, payable in gold or silver coin, or in the Treasury notes of the United States, made redeemable at the option of the Government. I have no fears upon that subject.

But, paramount to all these questions, considering this to be a useful public work, comes the consideration of giving work and employment and using the public credit of the country in such shape and form as will create work, employment, prosperity, business.

I do not see that the imposition of taxes and the hoarding of money in the Treasury will start any enterprises which will give employment. Those things must be combined; and therefore we can not regard this from a purely financial point of view, nor can we consider it as a question entirely foreign to the public defense of our coast, viewed in that aspect alone.

So it seems to me that, if this be not an excessive amount, considering the character of this country, its financial resources, and its future prosperity, conceding, as I do, the great oppression that comes from the form of public and private debts in this country and the manner in which they are being enforced, I am inclined to the opinion that it would not be wise in us to substitute in place of coast defenses, to a very considerable extent, a naval armament.

Having that judgment and that opinion, while it was my intention to have gone more elaborately into this view of the subject and have indicated by figures and the best statistics that could be obtained, the condition of paralysis of trade, of business, of the poverty and want which are to be found in almost every household of the great majority of the people of this country, and of the necessity of such public policies as would give employment the most widespread and universal—if it were in my power I would to-day engage in every public enterprise which was of utility or of necessity, even though it might be a little in the future, in order that prosperity might come to the great masses of the people and we should again have enterprise and activity and energy in all branches of private and public employment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland.

Mr. GORMAN. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. BACON. Mr. President, before the vote is taken I desire simply to say a word, without entering into any elaborate discussion.

Of course I am not indifferent to the appropriation of the large expenditures which would necessarily be involved in the construction of these battle ships. If the condition of the Treasury were in fact such as has been suggested here, and it would be necessary for the Government to go into debt for the purpose of constructing these ships, nothing but very urgent necessity for the ships would induce me to vote for these four; but the fact is that, however it happens, it is true that there is a very large surplus to-day in the Treasury which will be subject to expenditure for this very purpose. As the money is there, as it is represented by a bonded indebtedness which is bearing interest, and as that money is necessarily idle, it seems to me if these ships are needed—and upon that question there does not seem to be any dissent or difference of opinion—it is much better that we should use that money and put it again into circulation. I should not, of course, advocate that it should be put into circulation for a needless purpose; but if these ships are needed a double purpose will be subserved in the construction of needed ships, and, at the same time, in again putting into circulation money which I think has been very improperly locked up in the Treasury. For that reason I shall vote for the four battle ships.

Mr. GORMAN. Mr. President, it is true, as stated by the Senator from Georgia [Mr. BACON], that there is a very large amount of money in the Treasury.

Mr. HILL. Will the Senator allow me to ask is not that money now being anticipated in other appropriations also?

Mr. GORMAN. Certainly. I tried to show that the day before yesterday, when I discussed this particular question. Against the $150,000,000 now in the Treasury, not including fractional currency nor the $100,000,000 reserved for the redemption of greenbacks, there stands a charge of $116,000,000 which Congress has appropriated prior to this session which has not been disbursed. There was that much owing at the beginning of this fiscal year. Those appropriations are as follows:

For the civil establishment	$36,655,142.12
For the military establishment	39,208,700.22
On account of the Navy, which has been appropriated and not expended	9,123,145.89
On account of the Indians	5,311,618.29
On account of pensions	35,986,519.71
Total	116,285,126.23

Mr. BACON. Will the Senator from Maryland permit me to interrupt him a moment?

Mr. GORMAN. Certainly.

Mr. BACON. I wish to ask if in this statement transmitted from the Treasury Department which I hold in my hand, which is the same the Senator has, the amounts stated by him do not include the several amounts which are stated by the Treasurer in this report in these items:

Outstanding checks and drafts	$3,322,504.56
Disbursing officers' balances	22,706,807.21
Post-Office Department account	3,678,176.36

Are not those amounts to be subtracted from the $116,285,126.23 to which the Senator has alluded?

Mr. GORMAN. I do not recall the statement from which the Senator is reading.

Mr. BACON. I will hand it to the Senator.

Mr. GORMAN. The figures which I have given are from the books of the Treasury Department on the 1st day of July last, being the amount which has heretofore been appropriated and has not been paid out by the Department.

The present Secretary of the Treasury and his predecessor, Secretary Foster, under the Administration of President Harrison, were compelled to pursue the policy which the Senator from Ohio has said on this floor more than once any Secretary ought to pursue; that when Congress makes appropriations exceeding the revenues he should refuse to go on with the public work. The present Secretary of the Treasury has been compelled to do this. He has said, however, and I have read his statement in his annual report to Congress, that if you continue to make these appropriations he would continue to spend the money. He has absolutely suspended putting any amount to the sinking fund to pay for the debt which we have already created because he has not had the money to do it.

The Secretary of the Treasury informs Congress now at this session that he does not desire additional taxation, and that, with the proceeds of the bonds which he has been compelled to sell, he can manage to pay all the current expenses of the Government, provided Congress is economical. The answer which will go back to him after that declaration when this bill passes is what? That we have appropriated $51,000,000 for the Navy, when his estimate is $29,000,000. There is not a Senator or Member of either House of Congress who does not know, if he has examined these figures carefully, that it will take every dollar which is now in the Treasury to meet the current expenses and these extraordinary appropriations. Then will occur before December next, in my judgment, precisely what occurred this year. The moment that the Treasury has not enough money, has not a working balance, the money sharks, men who want to invest in United States bonds, they being the best securities on the face of the earth, will make another raid upon the Treasury gold, and it will be run down below the hundred-million limit. Then will follow the sale of bonds again.

It will not do for Senators to ignore the fact—for it is a fact—that whenever the Treasury has had a large balance in current funds it has been able to secure gold not by issuing bonds, but in exchange for the greenbacks and Treasury notes which are in the Treasury. A hundred million dollars and more of gold have been so obtained by Secretary Carlisle since he has occupied the position of Secretary of the Treasury at a time when he had a surplus and a working balance on hand; and Senators will remember that the moment the current report showed the fact that he had this large balance there was no raid upon the Treasury. But we are laying here, in my judgment, the foundation for another movement for the issue of more bonds.

Mr. President, who can doubt the unwisdom of the proposition to make appropriations which are desirable but not necessary for the conduct of the Government, when your revenues are confessedly short $40,000,000 a year—$50,000,000 a year as it stands on the face of the report, and probably nearer $60,000,000. The Treasury statement which is presented to Congress every day and every month shows that the expenditures have exceeded the receipts $25,000,000 a year, in round numbers—I have not the exact figures before me, but it is about $26,000,000. The Senator from Texas [Mr. MILLS] says about $24,000,000. The Senator from Texas, however, will observe that it fluctuates regularly; that the last four days of every month the payments are reduced, and of course the receipts, whatever they happen to be for the same time, and the balance against the Treasury is not so great, because they are closing up their accounts and do not pay out so much money during the last three or four days of a month. The first three days of every month the expenses begin to increase.

Mr. MILLS. They run up.

Mr. GORMAN. They run up. Twenty-five million dollars is about the amount as it stands to-day; but that does not represent all the charges against the Treasury. On the 1st day of July I have shown you that there was $116,000,000 that had not been paid out which had been appropriated for. From July up to this present date the exact amount I do not know, but it is safe to say it is fifty or sixty million dollars more.

I said a moment ago that my deliberate judgment is that we have appropriated enough; that there are charges against the Treasury to-day which would consume all of the $160,000,000 or $165,000,000 in the Treasury. That does not include $100,000,000 for the redemption of greenbacks.

Mr. BACON. Will the Senator from Maryland permit me to interrupt him?

Mr. GORMAN. Certainly.

Mr. BACON. The point to which I called the attention of the Senator from Maryland was that in the account of the Treasurer, which I handed to him, there was some $29,000,000 which was not accounted for as being to the credit of the Government, because there are charges against it. Certainly that $29,000,000 should be deducted from the $116,000,000 of unpaid accounts to which the Senator alludes.

Mr. GORMAN. Mr. President, I would say that a part of this amount has been appropriated by Congress in the last appropriation on account of pensions. There had been a great deal of anxiety, and very proper anxiety, on the part of the Secretary of the Treasury and all the heads of Departments to cut down and to prevent the final expenditure of a part of the money which has been appropriated for by Congress. There is scarcely a public building going on in the country where they have not refused to expend the amount necessary to complete it. There is not an improvement which has been made anywhere as to which they have not labored in the same way to prevent the money going out of the Treasury. Why? Because they do not desire to issue more bonds.

Mr. President, the Secretary of the Treasury, in his annual report, calls the attention of Congress, very properly, I think, to the fact that he will expend the money if you continue to appropriate it. I will read his exact language, so that there may be no mistake as to what he means. He says:

> While the situation does not require any legislation for raising additional revenue by taxation at this time, it is such as to require the strictest economy in appropriations and public expenditures. At a time when the people, upon whom the expense of sustaining the Government is imposed, are compelled to practice the closest economy in their business and domestic affairs in order to meet their obligations and reestablish their trade and industries, it is more than ever the duty of the public authorities to avoid waste and extravagance in the appropriation and disbursement of the revenues. Nearly every appropriation is in terms, or by necessary implication, a direction to the executive authorities to expend the money, and therefore the responsibility for an increase or reduction of expenditures rests primarily and mainly upon Congress. It is certain that if appropriations are not made the money will not be expended, and, for the reason just stated, it is almost equally certain that if appropriations are made the money must be expended.

In connection with that statement the Secretary of the Treasury furnishes an estimate of what the revenues will be during the year for which we are now appropriating, and here is his estimate—so far as he has gone he has overestimated the revenues: From customs, $190,000,000; from internal revenue, $170,000,000; from miscellaneous sources, $15,000,000, and from the postal service, $89,793,120.75, making the total receipts, as he estimates for the year ending 1897, $464,793,120.75. He estimates the appropriations that are likely to be made, exclusive of the sinking fund, at $457,884,193.92. For the Navy Department his estimate is about $29,000,000. By this bill it is proposed to appropriate $31,000,000 of direct appropriations, and there is a sufficient number of contracts to run up the amount to $52,000,000.

Mr. PLATT. But all the money to be expended during the year is $31,000,000 and a little over. Is not that true?

Mr. GORMAN. Yes; all the money to be expended during the year is $31,000,000; and that is a greater amount than the Secretary of the Navy has estimated for.

Mr. PLATT. Some $2,000,000.

Mr. GORMAN. A few million dollars greater. But taking the aggregate of the appropriations now being made, as the bill has come from the other House, as I showed a day or two since, with the additions in the Senate, it will swell the appropriations to the amount of forty or fifty million dollars.

Now, the question arises, where is this money to come from? There is but one answer, Mr. President. It is to come by issuing additional obligations of the Government. Hence it is that I said when I had the honor of occupying the floor upon this proposition, if you make these appropriations you do it with the full knowledge that it means more bonds of a long term or else the authority to issue certificates of indebtedness bearing a less rate of interest. But it means more for those of us on this side who happen to differ with our distinguished friends on the other side. It means fastening upon the country largely increased taxation when the next Congress assembles, and we shall be held responsible for it, just as the Fifty-first Congress was held responsible for the great appropriation of a billion dollars during that Congress, which made increased taxation absolutely necessary. The country held you responsible for those appropriations, and it was one of the main reasons why your party went out of power. Pass these bills as they came here and as they are proposed to be amended, and it is $520,000,000 for this year of money directly appropriated—$600,000,000, including the contracts which they contain.

Mr. BACON. Will the Senator from Maryland pardon an inquiry?

Mr. GORMAN. Certainly.

Mr. BACON. The Senator from Maryland speaks of the necessity for the issuance of bonds which these appropriations will necessarily entail. Does the Senator hold that there is any law now under which any bonds can be issued for the purpose indicated by him? Is there any law upon the statute book now which would authorize the issuance of any bonds to meet any deficiency of that kind? If so, what is it?

Mr. GORMAN. The Secretary of the Treasury is an exceedingly able man, who has had large and long experience in Congress, and who I believe, from my personal knowledge and from

his public declarations, was as honestly opposed to the issuing of bonds as any man in public life, not only while he occupied a seat upon this floor but after he had control of the great Department over which he now presides. He, I think at great risk as to his standing with those with whom he is associated, insisted, when the revenue bill was before the last Congress, that we should raise revenue enough to pay the current expenses of the Government. I do not know a more courageous act than that which he did when he wrote the letter to the distinguished Senator from Tennessee, insisting upon revenue enough to run the Government at a time when there was a widespread and terrific cyclone in Democratic quarters to cut the revenue down too close. I know from my personal knowledge that he never desired to use a dollar of the proceeds of the sale of bonds to pay the expenses of the Government, but he has acted precisely as all his predecessors have acted. He adopted the rule established by the distinguished Senator from Ohio [Mr. SHERMAN] when Secretary of the Treasury, that the moment a greenback or a Treasury note was redeemed in gold the note was immediately turned in to the general cash in the Treasury; and then, under the act of 1878, he was required to pay it out whenever the Government had a payment to make. The attention of Congress had been called to it; Congress had failed to act. Let me read what Secretary Carlisle says in his last annual report:

> The total excess of expenditures over receipts from July 1, 1893, to December 1, 1895, was $130,221,023; and of this sum $22,462,290.38 was paid out of the balance on hand at this date in excess of $100,000,000, and the remainder has been supplied by the use of United States notes and Treasury notes presented for redemption, and thus received into the Treasury in exchange for gold coin. The act of May 31, 1878, provided that when any United States note "may be redeemed or be received into the Treasury under any law, from any source whatever, and shall belong to the United States, they shall not be retired, canceled, or destroyed, but they shall be reissued and paid out again and kept in circulation," and the act of July 14, 1890, provided that the Treasury notes, when redeemed, may be reissued, but that "no greater or less amount of such notes shall be outstanding at any time than the cost of the silver bullion and the standard silver dollars coined therefrom then held in the Treasury purchased by such notes."
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> It is clear that when any of these notes have been redeemed they do not constitute a part of the reserve fund, but become a part of the general cash assets of the Treasury, to be used in the same manner as other money belonging to the Government. Whenever they could, by exchanges, be used to procure gold for the replenishment of the reserve, they have been so applied, but when this could not be done they have been treated as available funds in the Treasury and reissued in payment of public expenses. None of my predecessors in office have ever made any distinction between the notes received in payment of the ordinary revenue and notes presented by the holders and redeemed in coin, but such notes have been used indiscriminately as the exigencies of the public service required.
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> Secretary Sherman discussed this question in his annual report for 1877, before the passage of the act of May 31, 1878, and, among other things, he said: "A note redeemed with coin is in the Treasury and subject to the same law as if received for taxes, or as a bank note redeemed by the corporation issuing it. The authority to reissue it does not depend upon the mode in which it is returned to the Treasury." He was discussing the question whether the notes which might be redeemed after the 1st day of January, 1879, under the resumption act, could be lawfully reissued, and he held that they could; but he stated that this construction of the law was controverted, and insisted that the question should be settled by a distinct provision of law. The result was that Congress passed the act of May 31, 1878, making it mandatory upon the Secretary of the Treasury to reissue the notes. Since the passage of that act the right and duty of the Secretary of the Treasury to reissue the old legal-tender notes, no matter how received into the Treasury, provided they belong to the United States, has never been questioned in any quarter, and, as to the Treasury notes issued under the silver-purchasing act, they must be reissued when redeemed in gold, or if canceled standard silver dollars must be issued in their place; for if this were not done there would be a smaller amount of such notes outstanding than the cost of the silver bullion and the standard silver dollars coined therefrom and held in the Treasury, and this condition is expressly prohibited by the statute under which the notes were issued. Whether these notes are reissued or destroyed and standard silver dollars substituted for them, the practical result is the same, for in both cases the Secretary would be using notes redeemed in gold for the payment of the ordinary expenses of the Government; in one case, by paying out the notes themselves, and in the other by drawing silver from a reserve fund on account of their cancellation and then paying out the silver.

We had this question before the Senate over and over again. I think the authors of the acts of 1875 and 1878 never contemplated that the proceeds of the sale of the bonds should be used for any other purpose except for the redemption of the outstanding greenbacks at that time, but subsequent legislation required him to pay them out whenever they came in. It was held by the Department that they were required to do it, and under the act of 1878 these payments have been made openly, with the full knowledge by Congress that the payments would be so made, that the proceeds of the sales of the bonds would be used for this identical purpose. And when we vote for four great battle ships we vote with the perfect knowledge that we are taking the proceeds of the sale of the bonds. Now, the Senator from Georgia [Mr. BACON] and my good friend from Florida [Mr. CALL] seem to think that as this money is in the Treasury, no matter how it reached there, it is better to have it taken out and expended and put it in circulation.

Mr. BACON. Not unless it is for a necessary and an important purpose.

Mr. GORMAN. Yes; but there comes a matter of judgment. I do not think it is necessary to appropriate $20,000,000 for four great battle ships which will be of no earthly use in the next three or four years and which can not be built for three years.

Mr. WHITE. Will the Senator from Maryland permit me to make a suggestion?

Mr. GORMAN. Certainly.

Mr. WHITE. Can the Senator state with probable accuracy the annual expense of maintaining one of these great ships?

Mr. GORMAN. I can not, because it depends on the amount of service they give.

Mr. WHITE. In time of peace, I mean.

Mr. GORMAN. The object is to keep the ship in commission for a year, fully manned. Hence we are asked, as I said a day or two ago, not only to make provision for constructing the ships, but to give them both sailors and marines, and all the rest of the paraphernalia that is required to put a ship in commission fully armored, fully equipped, and fully manned in time of peace that it may have practice. That becomes necessary, and as a matter of course the expense of it is enormous. The expense is increasing more rapidly, and it will increase in the next three or four years more rapidly than any Senator can imagine, in my judgment.

Now, we are not only appropriating money for building ships, but the first of the ships that were constructed are now here with immense appropriations for new machinery. They are worn out. The ships that were constructed at the time when my friend from New Hampshire [Mr. CHANDLER] was Secretary of the Navy were grand ships, at the time they were models, and they are splendid ships now for certain purposes, but no one would build such a ship for the Navy now; they are obsolete.

Mr. SQUIRE. May I be permitted to ask a question?

Mr. GORMAN. In one moment. Nobody would think of constructing the same type of battle ships that we ordered four years ago. Take the ships that are now being constructed at Newport News. We have a most distinguished Naval Board to ascertain if those ships can not be improved over the ships ordered the year before, and vitally improve over them. So it will be with three battle ships. If you appropriate now for four battle ships there can not be any question that two years hence the navy officers, advancing as the science advances in the construction of ships all over the world, would improve upon these.

Mr. SQUIRE. I should like to ask the Senator from Maryland a question.

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Washington?

Mr. GORMAN. Certainly.

Mr. SQUIRE. I understand that the Senator is a member of the Committee on Appropriations and that he has been engaged in considering the various questions comprised in this bill and the amounts of money to be appropriated. I should like to call his attention to the same point concerning which I made an inquiry of the Senator from Maine, but which does not seem to have been answered as yet. Why is it that in the consideration of this question the amount specified to be appropriated for each of these great battle ships is so large?

It seems to me we might look at this as a business question. There must be some reason for that. Here we have had several great battle ships built and others authorized to be constructed. We have the *Indiana*, now launched and in commission, the only one thus far of the United States battle ships that has ever been put into commission. We have the *Massachusetts*, which was launched a few months ago, and has just been going on her trial trip. We have the *Iowa*, that was launched only a few weeks ago. Many of us were present to see that magnificent ship launched. We know what the displacement of those vessels is. We know that the *Iowa* has a displacement according to the record of about 11,410 tons. We know what the displacement of the *Massachusetts* is by the record, and what is stated to be the displacement of the *Indiana* and of the others.

Now, I ask, how can we consistently be asked to vote an appropriation for any of these vessels to the extent appropriated in this bill, $3,750,000 each, exclusive of armament, when it appears from the record of the Navy Department that the vessels to which I have referred, having the tonnage I mentioned, cost, for the *Indiana*, $3,020,000; for the *Iowa*, $3,010,000; for the *Massachusetts*, $3,020,000; and the *Oregon*, which has also recently been launched on the Pacific coast, where the cost of building a great battle ship is supposed to be much greater than on the Atlantic coast—the *Oregon* was built at a cost of $3,180,000?

If we take a ship of the heaviest displacement—the *Iowa*, 11,410 tons—and subtract its cost, $3,010,000, from $3,750,000, it leaves $740,000 in excess, and there is no indication of any reason for this increase. Multiply that by four and you have $2,770,000 more in this bill for the four ships than was paid for the ships already built, which I have named, and which were built at a time when the cost of building the ships certainly was not any less than at this day.

Mr. GORMAN. I think I understand the general idea of the Senator from Washington. I want to say to him that the amount appropriated—that is to say, the limit of cost, that it shall not exceed $3,750,000—cuts no very great figure in this appropriation.

The last contracts we made were for about $2,500,000, but it was thought best to give the opportunity to the Secretary of the Navy to make the very improvements that I speak of if they became necessary. We have now a splendid board of naval officers to ascertain whether they can change entirely the upper construction of the vessels. They have turrets on the decks of these great war vessels, and they have found by recent experience that they are so located, the one in the front of the ship and two more in the rear or on the sides, that the guns are at such an angle as almost to shatter the front turret. They are now trying to determine whether they can not have a double turret with a gun below and another turret above.

Mr. FRYE. When the Senator is talking about a ship I wish he would not say in front and rear, but that he would say in bow and stern.

Mr. GORMAN. I am trying to use such terms as all my constituents and all the people of the country will understand. I was not thinking of the technical Senator from Maine, who is a thorough shipman.

But, Mr. President, coming back, I want to reply to my friend from Georgia, who asked me a question about the reason and the right to use this money. The Secretary of the Treasury has said to Congress, as all Secretaries have said to Congress——

Mr. BACON. The Senator from Maryland misunderstood my question. I did not ask a question as to the right to use the funds in the Treasury, but the Senator was speaking of the necessity which would be entailed of the issuance of more bonds if this additional expense should be incurred. The question which I propounded to the Senator was not as to the right to use money now in the Treasury, but as to the right of any Department of the Government, under existing law, to issue any bonds on account of such expenditures.

Mr. GORMAN. Oh, no; there is no such right of the Secretary of the Treasury to issue bonds to meet directly the expenditures.

Mr. BACON. That is the point.

Mr. GORMAN. It is done by two steps. The point I make is that the history of the Treasury Department since the last year of President Harrison's Administration has been that if your appropriations exceed your revenues and the balance is run down to a very low limit, then the drain on the gold will begin. During the present Administration gold has absolutely been paid out for the current expenses of the Government; it has been paid to Senators and Members of Congress for their salaries.

Mr. TILLMAN. Will the Senator from Maryland permit me to ask him a question?

Mr. GORMAN. Certainly.

Mr. TILLMAN. Was that gold bought with bonds?

Mr. GORMAN. No.

Mr. TILLMAN. How does the Treasury get any gold except by the sale of bonds?

Mr. GORMAN. Oh, up to the time of the passage of the Sherman Act and for six months after gold came in from the customs. During the present Administration they exchanged for greenbacks and Treasury notes $115,000,000 of gold before the fright began throughout the country, and the business interests of the country supposed that Congress was appropriating more extravagantly than the revenues warranted. When they knew that the Treasury was safe and had a safe balance in it, $116,000,000 of gold poured into the Treasury. People were glad to get greenbacks and Treasury notes. Silver certificates have been taken for gold when this excitement did not exist and when the Treasury was full and had plenty; but the moment that it appeared at the short session of 1892-93, the last session in which President Harrison was President, that the revenues had fallen off and that the expenditures had increased, then a fright began throughout the country which has lasted until the present time. After selling $262,000,000 in gold bonds, or in bonds for which gold was received, and with a balance of over $100,000,000, in addition to the $100,000,000 of reserve, in the Treasury, there is no raid on the gold.

I say to the Senator from Georgia and to the Senator from Florida that the moment Congress adjourns with $600,000,000 appropriated and contracted for, and it becomes known that that charge on the Treasury will deplete the surplus, then you open the door to begin the endless chain referred to by my friend from South Carolina. You will find that the men who have steel and other supplies for the Navy to sell and who have other interests will unite in the general raid that is being made upon the Treasury and they will take out your gold, and the moment the gold is gone more bonds will be sold.

Mr. TILLMAN. What I am trying to get the Senator to answer me is as to the legality of paying out gold for which you sold bonds for current expenses. There is no law for it. But how can the President or anybody else pay out for current expenses gold that was bought with bonds and was put there to maintain the reserve? That is the point I wish to have someone answer as a legal proposition.

Mr. GORMAN. The Senator from South Carolina will understand just what is done. The bonds were sold and gold was received. The next day or the next week the man who bought the bonds or somebody else goes to the Treasury with a greenback or a Treasury note——

Mr. TILLMAN. I understand the Senator to say that gold has actually been paid out for current expenses.

Mr. GORMAN. Yes; I said it had been done to a small extent even during this Administration. That, however, was gold which was received from customs duties and it came in in the ordinary way. It was gold which was received before there was the sale of a single bond by this Administration. Do I make myself understood by the Senator from South Carolina?

Mr. TILLMAN. The Senator does not make the law understood. He makes himself understood, but I can not see the law for it.

Mr. ALLEN. Will the Senator from Maryland permit me?

Mr. GORMAN. Certainly.

Mr. ALLEN. I remember very distinctly that at one time, something like two years ago, all the employees here in the Departments were paid in gold. It was a fact noted at the time by everybody. I think it was after all the free money in the Treasury had been exhausted, and it was said that the Secretary of the Treasury had begun to trench upon the gold reserve. That is my recollection.

Mr. GORMAN. No; the gold that has been paid out of the Treasury on any account, except for the redemption of Treasury notes and greenbacks, was received from customs duties. It came in in the same way as any other money, and the Department unquestionably had the right to dispose of it. But it was only paid out because the receipts in greenbacks and in paper from customs and internal revenue were not sufficient to pay the current expenses.

Now, I want to avoid that condition again. There is only one way to avoid it, and that is by reducing the expenditures. If Congress, in its wisdom, should make the immense appropriations of $520,000,000 for the current year and authorize obligations for seventy or eighty million dollars for next year, Congress must take the responsibility for whatever comes to the Treasury. I have said on this floor, as I say now, that, while I shall never be satisfied with the action which made it necessary to sell bonds, if Congress refuses to give any other power than that to sell bonds, as has heretofore taken place, or if Congress makes it necessary by extravagant appropriations, there is not a man in the country who will go further than I will to sustain the Executive in maintaining the honor and integrity of the country. But we take the responsibility—we can not escape it—when we vote for these appropriations as they stand. If it does not mean an additional sale of bonds or securities or an immediate increase of taxation, I am more mistaken than I ever have been in my life.

Mr. ALLEN. Before the Senator from Maryland takes his seat, I should like to ask him a question. The Senator stated that the total appropriations in round numbers would amount to about $600,000,000.

Mr. GORMAN. The total appropriations and contracts involving future appropriations.

Mr. ALLEN. The total actual appropriations and the contracts. I find by referring to report No. 336, from the Committee on Coast Defenses, that they want something like $107,000,000 for coast defenses, sixty-odd million dollars of which they want the actual money for at this time, and the balance the ability to contract for. I want to ask the Senator if in estimating the $600,000,000 of appropriations for this year, with authority to make contracts which together amount to that sum, he included the recommendation of the Committee on Coast Defenses.

Mr. GORMAN. No, I did not; and for the benefit of the Senator I will read him exactly what the status of the appropriation bills was as they reached the Senate.

Mr. ALLEN. I suggest that the Senator put the table in the RECORD.

Mr. GORMAN. I shall be glad to have it go into the RECORD.

The regular annual appropriation bills for the support of the Government for the fiscal year 1897, including the river and harbor bill as passed by the House, appropriate in the aggregate	$374,613,449.19
The urgent deficiency act as approved February 26, 1896, appropriates	6,305,436.52
Permanent annual appropriations, which are fixed by law, as submitted in estimates for 1897	119,054,160.00
Miscellaneous acts approved to date	315,024.72
General deficiency estimates pending, for which bill has only recently passed the House, about	5,550,000.00
That makes an aggregate of	505,788,070.43

To that sum there must be added all the amendments to all the bills proposed in the Senate, the result of which will be an addition of not less than $15,000,000, which will make $520,000,000.

Now, in that sum only five or six millions is appropriated on

account of fortifications, and there is much more included in contracts to be made. Instead of a hundred million dollars for fortifications, the bill comes here carrying $11,000,000. What the Senate will do with it is a matter of conjecture. I know that the distinguished Committee on Coast Defenses want $100,000,000, or about that sum. Both the distinguished Senator from Washington [Mr. SQUIRE] and the distinguished Senator from Vermont [Mr. PROCTOR] are anxious to have the amount increased, I do not know how many millions. It is true that they say with great force the appropriations on account of the Navy have far outstripped those for coast defenses. I notice in the RECORD this morning that the speech made by my distinguished friend the Senator from Connecticut [Mr. PLATT], giving the view of the distinguished Senator from Vermont [Mr. PROCTOR], a former Secretary of War, holds the Committee on Appropriations responsible for the small appropriations made on that account. He talks of the neglect of the fortifications of the country, and seeks to charge the Committee on Appropriations with great neglect, implying, as the statement is published this morning, that the reason for it is that at another place the naval bill is considered by a committee specially charged with naval affairs and friendly to naval matters. It is pointed out that in the last ten or twelve years $95,000,000 more than was appropriated in the preceding corresponding period has been put into the Navy, and scarcely anything into fortifications. He attributes it to the fact that the naval bill, where it originates in the other House, is in the hands of its friends, while the fortifications bill, originating in the Committee on Appropriations elsewhere, and also considered by the Committee on Appropriations on this side, has been kept down to a very small figure. That is true to a certain extent.

The result is that $296,000,000 has gone to the Navy since 1867 and a mere bagatelle to fortifications. Senators come with great force and say that that is not right. The highest naval officers, as shown to-day by the distinguished Senator from California [Mr. WHITE], say we have gone too far with the Navy. They are not unfriendly to the Navy. The brightest man in the Navy, I think, Admiral Walker, says of these appropriations, looking to the proper defense of the country, looking to our own welfare, that the appropriations for the coast defenses now ought to be 60 per cent as against 40 per cent for the Navy, because the Navy has outstripped the land fortifications. Yet it is proposed in this bill not only to do what we have done in the last four or five years, but to go way beyond it, to double the amount. I say there is no reason for it.

When we reach the fortifications bill we shall be confronted by the very fact I have stated. It is not, however, accurate, as the Senator from Vermont [Mr. PROCTOR] has stated to the Senate, that it is, because of the action of the Appropriations Committee. I have had the honor for the last twelve years to serve upon the Committee on Appropriations, and nearly the whole time I have served on the subcommittees on the fortifications bill and the naval bill. I served upon that committee with a member of this body whose memory is dear to all of us and who in his day stood as high as any man in the Army, that great volunteer soldier, General Logan, whose whole heart was wrapped up in the proper defenses of this country, who believed that the real defense was by land. I labored with him, or under his direction, to help to create defenses for the country.

We appropriated money as rapidly as the condition of the Treasury would warrant, taking into consideration the knowledge of our officers and the wants of the country. It was a new field for them. The use of improved steel in the manufacture of guns of this class was scarcely known, and the army officers were slow in getting up provision for the defenses. They had not been able to assemble the machinery to make the guns. The Navy was in advance. They copied from people abroad and had better opportunities, and, I think, a little more knowledge and skill. It is only now, while I am talking, that for the first time, although we have given the Army the money, that the Army is in condition to make great guns. Only recently has there been completed the machinery, the immense lathes upon which you can place and turn a great 16-inch gun. But the time has arrived now when this branch of defense must be considered. Enlarged appropriations must be made, and my judgment is, as Admiral Walker says, that in the interest of the country the appropriations ought to be 60 per cent for coast defenses and 40 per cent for the Navy. But in the present condition of the Treasury it is utterly impossible to give both branches all they want, and it is for that reason that I am opposed to this appropriation.

Sir, I have stood here from the day I entered this Chamber perfectly convinced that the great leader of the Democratic party—I mean Samuel J. Tilden—was right when he advised his party associates and Congress not to be disturbed about the surplus in the Treasury, when we had from a hundred and fifty to two hundred million dollars, but to use it for defense and for aggression, and not to reduce the taxation to a point where we would be compelled to abandon proper defenses both by water and by land. Now, when we are borrowing money, when there is no possibility, as it would appear, of putting more money into the Treasury by taxation, I am utterly opposed to running the country into debt and selling 4 per cent or 4½ per cent bonds for this purpose.

I would not vote for four battle ships now even if we had a surplus in the Treasury, because I do not believe that more than two are needed. I think the country would be benefited by giving our officers an opportunity to build two now and two next year. They are already building two under last year's appropriation. Let them go on and develop and improve them. That will be fast enough for the needs of the country.

Mr. ALLEN. I wish to ask the Senator from Maryland one question before he sits down, because I regard it as somewhat important. If we add to the appropriations that have been mentioned—five hundred and twenty-odd millions—the amounts in the river and harbor bill as it is recommended, and the coast-defenses bill, we have in round numbers $700,000,000 of appropriations by this Congress.

Mr. GORMAN. Oh, no; I included all the bills.

Mr. ALLEN. The Senator did include all the bills?

Mr. GORMAN. Yes, sir.

Mr. ALLEN. Under the most favorable circumstances our revenues can not exceed $430,000,000. How are we going to meet the difference between $430,000,000 and $520,000,000?

Mr. GORMAN. The Senator knows it will be paid out of the money in the Treasury, and, as I stated a moment ago, I think it means the issuing of more bonds. I do not myself see any other way.

Mr. ALLEN. Our expenditures are that much greater than our income?

Mr. GORMAN. Yes, sir.

Mr. ALLEN. Can we meet it in any other way than by issuing bonds?

Mr. GORMAN. I think not.

Mr. HALE. I do not want to delay the Senate, as a vote is to be taken to-night, but I now have the figures on which I made my estimate about the cost of these ships. It is based upon what is believed to be the actual cost of the two ships now being constructed at Newport News, the *Kearsarge* and the *Kentucky*. They are being constructed under the provisions of the act of last year, which provides that they shall be of about 10,000 tons displacement. Under that act the authorities have believed that a variation of something like a thousand tons or less could be made so that each ship will be of about 10,800 tons. This year the limit as to size has been increased to 11,000 tons, and I suppose that the new ships, running in the direction of about 14,000 tons which the British build, will be near 12,000 tons. They might be under this provision.

The cost of the 10,000-tons ship, which is about 10,800 tons, is $5,297,000, including hull, armor, and armament. If the Secretary, under this added thousand-ton size, builds a ship of nearly 12,000 tons displacement, it will add about 10 per cent to the cost, and that will make each of the ships cost about $5,826,000, or the four together $23,295,000. So if under this increase of limit or suggestion as to size the ships are made of about 12,000 tons, say 11,800, the cost, reckoning 10 per cent for additional size, will be brought up to between twenty-three and twenty-four million dollars.

I regret that I did not at the time when the question was first asked have the figures at my fingers' ends so that I could give the reason for my statement.

Mr. SQUIRE. If the Senator from Maine will permit me, are we to understand that the reason for the proposed increase is because of the contemplated increase in tonnage, in displacement? Is it proposed to increase the number of tons displacement from 11,000, as proposed in the bill, to about 12,000?

Mr. HALE. I am quoting the two acts. Last year it said of about 10,000 tons. That was the provision of the act under which the two ships are being built, the *Kentucky* and the *Kearsarge*. This year the provision is for ships of about 11,000 tons. Any Secretary—I do not know what he will do—would be authorized under the extension of size of a thousand tons to add 10 per cent to the cost and make a ship of nearly 12,000 tons instead of 11,000 tons. Whether he will do that, of course, I do not know. But he clearly would be authorized to do it following the same rule that has been pursued before.

Mr. SQUIRE. I ask the Senator from Maine, as he has been so kind as to give this information, which certainly is very important, to state for the information of Senators who are not so well informed whether the proposed decrease in the price of armor plate is going to affect the cost of building the ships?

Mr. HALE. That is a matter of conjecture for the future. It is not reckoned in this estimate.

Mr. SQUIRE. The Senator is not calculating on that?

Mr. HALE. I am not calculating on that, because nothing has yet been done on that subject.

Mr. SQUIRE. It seems to me very strange that there should

be so much stress laid upon the fact that these officers should be prevented from remaining as officers in the Navy while acting in the employ of the Bethlehem Iron Company and the Carnegie Iron Company (the committee is trying to reduce the cost of the plates to the Government, and that is an incidental feature connected with their efforts to try to get a reduction in the price of the great armor plates), and yet at the same time when we come to look at this bill we find here an amount proposed to be appropriated so much larger than that which was used in paying for the great battle ships already constructed that have been built with a displacement of 11,400 tons.

Mr. HALE. The Senator is wrong in thinking the figures which have been given as to the *Iowa* represent anything like her cost. He is dealing with one class of work as compared with another. The expense of the *Iowa* altogether did not differ materially from the expense estimated for the *Kearsarge* and the *Kentucky*. The contract which was made for the hull itself and a portion of the armor would amount to the figures given by the Senator himself, but they do not represent in any way the entire cost of the ship.

Mr. SQUIRE. I am well aware that the armament is not included, but I understand precisely the same elements are included that are included in the present bill for the new ships; that is, the hull and machinery.

Mr. HALE. No.

Mr. SQUIRE. Am I wrong about that?

Mr. HALE. Yes. In keeping books in the Navy Department a portion of the armor, that along the belt connected with the ship itself, is reckoned as being included in the general limit as fixed without armament. That is a matter of bookkeeping.

Mr. SQUIRE. Does the Senator from Maine mean to be understood as saying that in the present bill the armor is included in the cost and that the armor is not included in the cost of the ships named in the table from which I quoted, relating to the cost; that there is a difference?

Mr. HALE. I do not know exactly what the Senator has got, because I have not seen his figures. In the case of the *Kentucky* and the *Kearsarge* there is a part of the armor, the belt part of the armor, not relating to the turrets, the decks, or anything of that kind. The turrets and all those things are reckoned by the Department as being within the limit, which was last year $4,000,000 and this year $3,700,000. So, if the Senator will get from the Department the entire figures on the cost of the *Iowa*—the hull, the machinery, the armor, and the armament in the aggregate—he will find it does not differ materially from the cost of the *Kentucky* and the *Kearsarge*. My impression is that the *Iowa* cost more than the *Kentucky* and the *Kearsarge*, because the bidding was so keen for the *Kentucky* and the *Kearsarge* that the Department got an advantage of several hundred thousand dollars over and above the old contracts for the other ships. I think the Senator will find that the *Iowa*, all ready for commission, cost more money than it will take to finish the *Kentucky* and the *Kearsarge*.

Mr. SQUIRE. Then, too, I observe that the *Kentucky* and the *Kearsarge* each has a displacement of 11,525 tons.

Mr. CHANDLER. Will the Senator from Washington allow me to ask a question of the Senator from Maryland?

Mr. SQUIRE. Certainly.

Mr. HALE. I will yield directly to the Senator from Washington [Mr. SQUIRE], and through him to the Senator from New Hampshire [Mr. CHANDLER], and through him to the Senator from Maryland [Mr. GORMAN].

The PRESIDING OFFICER. The Chair supposed that the Senator from Maine had concluded, and therefore recognized the Senator from New Hampshire.

Mr. HALE. No; I was only asking a question.

Mr. CHANDLER. I would not venture to interrupt the Senator from Maine, and when he took his seat I thought I might interrupt the Senator from Washington [Mr. SQUIRE], who is always courteous, and supposed I might ask a question of the Senator from Maryland, and at the proper time, when convenient to the Senator, I shall ask it.

Mr. HALE. I want to get through first with the Senator from Washington.

Mr. CHANDLER. What are the prospects in that direction? [Laughter.]

Mr. HALE. The Senator must ask the Senator from Washington, and not me.

Mr. SQUIRE. I do not quite understand the imputation of the Senator from New Hampshire.

Mr. WOLCOTT. I hope the Senator from Washington will continue his explanation.

Mr. SQUIRE. I am not making any explanation. I desire to ascertain why it is that, with all this effort to reduce the cost of four battle ships, they will cost so much more than those which have been already constructed during the time when labor and material cost more. If we are studying economy, why are we asked to appropriate so much money? Why appropriate nearly $3,000,000 more than the other four ships cost, having an equal displacement?

Mr. ALLISON. That is a pertinent question.

Mr. HALE. That is a pertinent question; and the only answer to it is that they do not cost more.

Mr. SQUIRE. That is a conflicting statement with the statement I have received from the Navy Department.

Mr. HALE. No; I beg the Senator's pardon. He has not all the figures. As I said, if he will get the entire cost under the bids for the armor and everything else of the *Iowa* or the *Indiana*, and I think of the *Massachusetts*, he will find, instead of their costing less than the *Kentucky* and the *Kearsarge*, that they will cost considerably more.

Mr. SQUIRE. I understand that.

Mr. HALE. I thought the Senator supposed differently.

Mr. SQUIRE. The *Kentucky* and the *Kearsarge* are still more to the point and illustrative of the fact, because they were contracted for at still less cost and their displacements are to be still greater than that of the *Iowa*.

Mr. HALE. Does not the Senator understand, or have I not made myself clear to him, that in making my figures the aggregate cost will be between twenty-three and twenty-four million dollars?

Mr. SQUIRE. I ask the Senator from Maine if he meant that the proposed cost of the construction of the ships contemplated in this bill would include the armor, and if I am to understand him to answer definitely that it would?

Mr. HALE. Everything is included.

Mr. SQUIRE. If that is a fact, it is all right. It may be that the armor was not included in the cost of the other ships in the figures I have quoted.

Mr. HALE. I say I do not know what figures the Senator has. I have not seen them. When you come to the *Iowa* and other ships I have no doubt the Senator will find they cost more.

Mr. SQUIRE. That is sufficient. Now I understand the Senator.

Mr. CHANDLER. I do not think I shall ask anything of the Senator from Maine just now.

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from New Hampshire?

Mr. HALE. I think I shall yield the floor generally, for I should like to get a vote, but I wish to hear from the Senator from New Hampshire first.

Mr. CHANDLER. I think I ought to speak, because what I wish to say is right to the point of the amendment. The question is as to four battle ships or two battle ships. I am free to say that if we could get an appropriation into this bill for a considerable number of torpedo gunboats, torpedo-boat destroyers, and torpedo boats I should be willing to see a delay in authorizing two of the battle ships. I should be glad, in other words, to see the amendment of the Senator from Maryland adopted. I do not think it is absolutely necessary to our progress in the construction of battle ships that we should authorize four at this time. There are already authorized the *Kentucky* and the *Kearsarge*, but the contracts for the armor are not yet made. The advertisements are out, the contracts will shortly be awarded, and the Bethlehem Company and Carnegie, Phipps & Co. will commence the construction of the armor for those two ships.

If each concern has a contract, it will have about a million and a half dollars' worth of armor to make. If we authorize two more battle ships, the Secretary of the Navy will be able in the next six or nine months to award contracts of about a million and a half dollars more to each establishment, and that work, I think, is about all that can be done within the next year or year and a half. So it is quite possible that we shall not expedite the construction of the four battle ships by authorizing them now. Possibly, if we authorize two now and two next year we shall get all four constructed quite as soon as if we authorize all four at this time.

Therefore I should like to substitute, if the sentiment of the Senate is in favor of only two battle ships, for the other two battle ships some torpedo boats. If we leave out the battle ships, we shall save from ten to twelve million dollars; that is, we shall omit that appropriation from this bill, and to that extent relieve the struggling mind of the Senator from Maryland. This reduction would give us an opportunity to build some torpedo boats, and in torpedo boats the United States is deficient. I do not mean small torpedo boats; I mean large torpedo gunboats.

Mr. HALE. Swift boats.

Mr. CHANDLER. Very swift and very large. We have only one, the *Cushing*, but in foreign navies it is deemed very essential to have a large number of torpedo boats for the purpose of destroying battle ships. Now, we have gone on fairly well in building battle ships and in authorizing battle ships, but we have not made sufficient progress in the construction of battle-ship destroyers; and Senators well understand that the principle of war is that we not only want to design ships to fight the enemy, but methods of destroying the great ships of the enemy. I should myself be very

willing, speaking personally—not for the committee, nor so far as I know for any other Senator—to substitute for the ten or twelve million dollars, which we shall save, the construction of 30 torpedo boats. I shall send to the desk an amendment, which I shall be glad to move—and I call the attention of the Senator from Maryland especially to it—if the rules of the Senate will allow me to do so, in case we are to now authorize but two battle ships in stead of four.

Mr. ALDRICH. Do I understand the Senator from New Hampshire to say we can not do both? Why not build the torpedo boats and also authorize the building of the battle ships?

Mr. CHANDLER. The Senate can do that if it pleases, but, assuming the Senate to be in an economical frame of mind and to have a proper desire to limit these appropriations, I should like in place of the $11,000,000 for two battle ships to substitute between three and four million dollars for torpedo-boat destroyers and torpedo gunboats. I ask that the amendment be read for information.

The PRESIDING OFFICER. The amendment will be read for information.

The SECRETARY. It is proposed to strike out, on page 50, line 25, and on page 51, lines 1 to middle of line 4, and insert the words:

Torpedo gunboats and torpedo-boat destroyers with a minimum speed of 30 knots and torpedo boats with a minimum speed of 26 knots, 30 in number, to cost in all, exclusive of armament, not exceeding $4,500,000.

Mr. HALE. Does the Senator make the total number 30?

Mr. CHANDLER. Thirty in all. I call the attention of the Senator and of all who are within hearing of my voice to the fact that the House provides that these torpedo boats shall have a maximum speed, that is, that they shall not go faster than 30 knots an hour. I suppose that really we ought to be willing to have them go as fast as they can go, and the limitation ought to be a minimum limitation—that a gunboat shall not have less than a certain amount of speed, and that it may go as much faster as the makers can make it go.

But this amendment is subject to a point of order. The inquiry I wished to make of the Senator from Maine and the Senator from Maryland was whether by unanimous consent or in any other way we can have a consideration of the question of authorizing now instead of 3 or 4 or 6 torpedo boats at least 30 of this class of vessels. I have in my hand a letter written to the Senator from Connecticut [Mr. HAWLEY] by Mr. W. H. Jaques, which I shall read, on this subject.

Mr. HALE. Will the Senator allow me a moment on that matter of limitation?

Mr. CHANDLER. Certainly.

Mr. HALE. The provision in the House bill was for five torpedo boats to have a maximum speed of not less than 26 knots, and the Committee on Appropriations, believing that these torpedo boats should be larger than that and should have a greater speed, raised the limit, if I may use the expression——

Mr. CHANDLER. Raised the maximum.

Mr. HALE. Raised the maximum to 30 knots. I should be in favor of making it even 32 knots, because the English are building, or attempting to build—in fact, I think they have already launched—some torpedo boats which make 32 knots. The Committee on Appropriations was endeavoring to get a better class of boats than is provided for in the bill as it came from the House.

In answer to the point of the Senator as to a maximum speed, I should not quite want to go to the extent of saying that if these torpedo boats did not have as much as 30 or 32 knots the Government should not take them, because I do not know whether that would be feasible.

Mr. CHANDLER. What does the term "maximum" mean as a matter of law in this bill?

Mr. HALE. It means that the Secretary of the Navy, in spending this money, shall seek to get that speed if it is possible.

Mr. CHANDLER. The legal construction is that he is to see to it that the vessels shall not go any faster than the rate of speed named.

Mr. HALE. There is no danger of that.

Mr. CHANDLER. That is the legal construction.

Mr. HALE. No; there is no danger but that the Secretary will get all the speed he can. I have no doubt that the House of Representatives felt that it was not safe to say that the boats should not be built if they do not attain 26 or 30 knots, but it is an indication to the Secretary that he should endeavor to get 30 or 32 knot torpedo boats.

Mr. CHANDLER. Of course it is open to the suggestion that "maximum" means "minimum," and frequently in statutes the courts give construction to language making it entirely the opposite of what the language says. But I have never been able to do that myself.

The Committee on Appropriations have gone in the right direction so far as they have gone, but they have not gone far enough. We ought to build more of these boats.

Now, I will read the letter to which I referred:

WASHINGTON, D. C., *April 8, 1896.*

SIR: Replying to your inquiries in connection with the provision of an adequate torpedo flotilla, if it is to be the policy of our Government to employ torpedo boats as one of the units of defense they should be provided by the hundred and simple efficient requirements demanded, leaving the details to private builders. By this method most excellent results will be obtained, as far as time, price, and efficiency are concerned. A contract for fifty or a hundred would give the country something more than a few unsatisfactory experiments, which more than describes our present torpedo-boat force.

The present combined torpedo flotilla of Great Britain, France, Russia, and Germany exceeds a thousand of the various types. Experiment and service in foreign countries have demonstrated the mistake of building these craft too small and of too low speed. England, particularly, has made a most radical departure, and there is every evidence that she will build no more torpedo boats of less than three or four hundred tons.

While these craft have received various names, such as torpedo gunboats, torpedo-boat destroyers, and torpedo boats of various classes, they are provided for the purpose of destroying ships with torpedoes, and the development in size and powers of offense and defense is a very natural one.

Great Britain has recently added to her navy 42 torpedo boats, distinguished by the name of torpedo-boat destroyers, of a tonnage of from 260 to 300, the majority of which have a speed of from 28 to 30 knots. These torpedo craft have a horsepower of from 3,000 to 4,000, and their average cost was about £38,000 (about $190,000), £15,000 of which is for hull, including mast and rigging, £22,000 for propelling auxiliary machinery, including air-compressing machinery, and £1,000 for their rapid-fire batteries.

The latest first-class torpedo boats built by Great Britain have a displacement of 130 tons, horsepower 2,000, and speed of 26 knots, and were built at an average cost of £15,000 (about $75,000).

For your further information I append an extract from the London Times, giving a description of the fastest torpedo boat in the world, the torpedo-boat destroyer *Sokol*, built by Yarrow, of England, for the Russian Government.

Yours, truly, W. H. JAQUES.

Hon. JOSEPH R. HAWLEY,
United States Senate.

We have not any of this class of vessels.

Mr. HILL. Mr. President, I think we have consumed the maximum time we ought to consume to-day, and if the Senator will allow me, I desire to submit a motion.

Mr. SQUIRE. I should like to make a suggestion to the Senator from New Hampshire.

Mr. HILL. That will lead to further debate.

Mr. SQUIRE. I should like to say to the Senator from New Hampshire that for the information of the Senate and for my own I should be glad to have him explain what these torpedo boats are to take the place of. Are we to have only two battle ships if the torpedo boats are to be constructed, according to the amendment of the Senator, or are we to have three? I do not quite understand him. I think his amendment ought to be printed for the information of the Senate, and then lie over until to-morrow.

Mr. HALE. Mr. President——

Mr. HILL. Do I understand the Senator from New Hampshire [Mr. CHANDLER] has yielded the floor?

Mr. HALE. Let me say to the Senator from New York that I propose in a few minutes to give way for a motion for an executive session. There are certain Senators who want an executive session, and I hope, therefore, the Senator will not move to adjourn.

Mr. HILL. It is a little late, and I move that the Senate adjourn.

Mr. HALE. I ask the Senator to withhold the motion for a moment.

Mr. HILL. Certainly.

Mr. HALE. I do not propose to ask the Senate to remain longer in session this evening upon this bill. All the amendments, as I understand, that have been submitted to it are to be printed, so that we shall know to-morrow what is before the Senate. I shall endeavor to-morrow, if sustained by the Senate, to get a vote at as early an hour as possible on the passage of the bill. I give notice now that unless the bill shall be concluded by 6 o'clock to-morrow evening, or at some time before that, I shall ask that the Senate have an evening session to-morrow in order to finish the bill. Of course I am in the hands of the Senate.

Let me say now to the Senator from New York—for that is a matter for him to decide—that the Senator from Wyoming [Mr. WARREN] desires an executive session instead of an adjournment. I leave that between the Senator from New York and the Senator from Wyoming.

Mr. WARREN. I hope the Senator from New York will withhold his motion to adjourn, so that we may have an executive session.

Mr. LODGE. I also ask for an executive session.

The PRESIDING OFFICER. Does the Senator from New York withdraw his motion for that purpose?

Mr. HILL. Yes, sir.

Mr. CHANDLER. I ask for an order to print my amendment.

The PRESIDING OFFICER. The amendment will be printed in the RECORD.

Mr. CHANDLER. In addition to being printed in the RECORD, I also desire it to be printed in regular form as a proposed amendment.

The PRESIDING OFFICER. That order will be made.

Mr. QUAY. Before the order is made, I desire to make a point

of order that the torpedo boats provided for in the amendment of the Senator from New Hampshire are not estimated for.

The PRESIDING OFFICER. The amendment has not yet been offered, but notice of the amendment has been given. The point of order, the Chair understands, is reserved by the Senator from Pennsylvania.

EXECUTIVE SESSION.

Mr. WARREN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 6 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 1, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 30, 1896.

ASSISTANT SURGEONS IN THE NAVY.

William M. Wheeler, a citizen of New York, and Robert S. Blakeman, a citizen of Connecticut, to be assistant surgeons in the Navy, to fill vacancies existing in that grade.

PROMOTIONS IN THE NAVY.

P. A. Engineer Albert B. Willits, to be a chief engineer in the Navy, from the 28th of March, 1896 (subject to the examinations required by law), vice Chief Engineer Albert W. Morley, retired.

Surg. William G. Farwell, to be a medical inspector in the Navy, from the 28th of February, 1896, vice Medical Inspector Thomas N. Penrose, promoted.

P. A. Surg. James D. Gatewood, to be a surgeon in the Navy, from the 28th of February, 1896, vice Surg. William G. Farwell, promoted.

Surg. John C. Wise, to be a medical inspector in the Navy, from the 20th of March, 1896, vice Medical Inspector Edward Kershner, dismissed.

P. A. Surg. Oliver Diehl, to be a surgeon in the Navy, from the 20th of March, 1896, vice Surg. John C. Wise, promoted.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Samuel A. W. Patterson, of Pennsylvania, to be a third lieutenant in the Revenue-Cutter Service of the United States.

POSTMASTER.

Patrick H. McGrath, to be postmaster at Ronceverte, in the county of Greenbrier and State of West Virginia, in the place of Robert C. Rodes, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 30, 1896.

CONSUL.

R. Hughs Long, of Alabama, to be consul of the United States at Nogales, Mexico.

APPOINTMENT IN THE ARMY.

Rev. Sewell N. Pilchard, of Delaware, to be post chaplain.

RECEIVER OF PUBLIC MONEYS.

Caleb P. Organ, of Cheyenne, Wyo., to be receiver of public moneys at Cheyenne, Wyo.

INDIAN AGENT.

Luke C. Hays, of Oacoma, S. Dak., to be agent for the Indians of the Fort Belknap Agency, in Montana.

POSTMASTERS.

John J. Whetton, to be postmaster at Highlandville, in the county of Norfolk and State of Massachusetts.

Martin F. Burns, to be postmaster at Wollaston, in the county of Norfolk and State of Massachusetts.

T. Fitz Hugh, to be postmaster at Kansas City, in the county of Wyandotte and State of Kansas.

Herman Schulmerich, to be postmaster at Hillsboro, in the county of Washington and State of Oregon.

Matthew F. Conroy, to be postmaster at Franklin, in the county of Norfolk and State of Massachusetts.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 30, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

CONTESTED-ELECTION CASE—RATLIFF VS. WILLIAMS.

Mr. McCALL of Massachusetts. Mr. Speaker, I desire to submit at this time a privileged report from the Committee on Elections No. 3.

The SPEAKER. The Clerk will read the report.

The report was read at length.

The SPEAKER. Does the gentleman desire immediate action?

Mr. McCALL of Massachusetts. I do, Mr. Speaker.

The SPEAKER. The Clerk will report the resolutions of the Committee on Elections.

The Clerk read as follows:

Resolved, That W. P. Ratliff was not elected a member of the Fifty-fourth Congress from the Fifth Congressional district of the State of Mississippi, and is not entitled to a seat therein.

Resolved, That J. S. Williams was duly elected a member of the Fifty-fourth Congress from the Fifth Congressional district of the State of Mississippi and is entitled to a seat therein.

The SPEAKER. The question is on the adoption of the resolutions.

The resolutions were agreed to.

CONTESTED ELECTION—NEWMAN VS. SPENCER.

Mr. McCALL of Massachusetts. I desire to submit another report from the Committee on Elections No. 3. It is similar to the preceding report.

I ask that the resolutions be read, as it is not necessary to have the report read in these cases.

The resolutions were read, as follows:

Resolved, That A. M. Newman was not elected a Representative in the Fifty-fourth Congress from the Seventh Congressional district of the State of Mississippi and is not entitled to a seat therein.

Resolved, That J. G. Spencer was duly elected a Representative in the Fifty-fourth Congress from the Seventh Congressional district of the State of Mississippi and is entitled to a seat therein.

The SPEAKER. The question is on the adoption of the resolutions.

The resolutions were agreed to.

CONTESTED ELECTION—BROWN VS. ALLEN.

Mr. McCALL of Massachusetts. There is another report, Mr. Speaker, from the Committee on Elections No. 3, on which I desire action, and I ask that the resolutions be read.

The Clerk read as follows:

Resolved, That John A. Brown was not elected a member of the Fifty-fourth Congress from the First Congressional district of the State of Mississippi, and is not entitled to a seat therein.

Resolved, That John M. Allen was duly elected a member of the Fifty fourth Congress from the First Congressional district of the State of Mississippi, and is entitled to a seat therein.

The SPEAKER. The question is on the adoption of the resolutions.

The resolutions were agreed to.

RECONSIDERATION.

Mr. McCALL of Massachusetts. Mr. Speaker, I desire to move to reconsider the several votes just taken; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM GROSE.

Mr. JOHNSON of Indiana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 515) granting a pension to William Grose.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Grose, of Newcastle, Henry County, Ind., late a brigadier-general of the United States Volunteers in the Union Army, at the rate of $100 per month, said pension to be in lieu of that which he now receives.

The Committee on Invalid Pensions recommend the adoption of the following amendment: In line 8, strike out the words "one hundred" and insert "seventy-five"; so that it will read "at the rate of $75 per month."

There being no objection, the bill was considered, the amendment recommended by the Committee on Invalid Pensions was agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. JOHNSON of Indiana, a motion to reconsider the last vote was laid on the table.

DIRECTORS DEAF AND DUMB ASYLUM.

The SPEAKER announced the appointment of Mr. PAYNE and Mr. SAYERS as House directors for the Columbian Institution for the Deaf and Dumb.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the bill (S. 296) for the relief of William H. Atkins, formerly commissary sergeant, United States Army, was taken from the Speaker's table and referred to the Committee on Claims.

BANKRUPTCY.

Mr. HENDERSON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House to further consider the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. PAYNE in the chair.

Mr. BAILEY. Before proceeding, Mr. Chairman, I would like to inquire how much time has been used by the respective sides?

Mr. HENDERSON. As I have kept the account of time, we have used one hundred and seventy-six minutes and the opposition has used one hundred and fifty-seven minutes. I have not compared notes with the Chair, but think that is about correct.

The CHAIRMAN. The Chair would suggest that on the theory that the debate should run five hours longer, the gentleman from Iowa would be entitled to two hours and twenty minutes, and the gentleman from Kansas [Mr. BRODERICK] to forty minutes, and the gentleman from Texas to one hour and fifty-nine minutes.

Mr. BAILEY. Mr. Chairman, I yield forty minutes to my friend from Missouri, Judge DE ARMOND.

Mr. DE ARMOND. Mr. Chairman, the question before the House is one of importance, and I regret that pressure of other affairs has prevented my giving that attention to the study of it which one ought to bestow before occupying the time of the House upon it. I know there are other gentlemen desiring to speak who, I have reason to believe, are better qualified than I to inform the House with regard to the merits and demerits of the pending measure. I shall, therefore, endeavor to hurry through what I have to say, and then give way to others.

I think, Mr. Chairman, that naturally the first inquiry is with reference to the real, legitimate purpose of a bankrupt law.

Without going into that question in detail, I will content myself with saying it is my conclusion, from such investigation as I have given the subject, that the only legitimate object of such legislation is the relief of insolvent debtors. About this central idea all just legislation upon this subject ought to cluster. There are enough laws for the collection of debts, every State in the Union having its own code. Common observation and common experience alike teach us that the creditor, so far as the laws go, is amply provided with remedies. The person who needs the benefit of a bankruptcy law, if there be occasion for it at all, is the person who is in the unfortunate condition of being so involved in debt that without the aid of such a law he can not get out and start again in the race of life upon something like equal footing with other persons engaged in the same pursuits in which he would engage.

Now, Mr. Chairman, without meaning at all to criticise the purpose of any gentleman who favors this bill or who has had a hand in drafting it, I believe that the bill did not spring into existence primarily on account of a desire to relieve insolvent debtors.

What is the history of this proposed legislation? The present bill is fashioned on the model of the Torrey bill, with some slight changes and modifications. How did the Torrey bill originate? Whence did it come? What brought it into being? What projected it into former Congresses, and what has brought it into this Congress?

The report itself states—for gentlemen are frank about these matters—that this bill was drawn in consequence of action taken by numerous commercial bodies and boards of trade throughout this country.

It might be stated further that the draftsman of the Torrey bill did not, as a humanitarian, looking after the good of human kind solely and exclusively, prepare that bill, or aid, so far as he aided in the make-up of the bill now under consideration. It is a fact, however, that the bill was prepared by that gentleman as an attorney prepares bills, contracts, and other papers for a client; and his clients were and are the wholesale men who are spoken of as having taken action in commercial congresses and boards of trade. Without going further on this line, it is enough to say that the bill was prepared by the agent of creditors, and naturally enough, without impeaching the motives of anybody, and using harsh language toward nobody—naturally enough, it was prepared to promote and conserve and advance the rights and interests of that particular class.

That this is true a very cursory examination of the bill itself will prove. It contains numerous provisions hedging in and guarding from the insolvent debtor the only boon that can possibly reach him—a discharge from the debts which he can not pay. It is difficult, very difficult, for the debtor to obtain his discharge if any creditor chooses to stand in his way. He goes in under suspicion. His every act, his every omission, his conduct clear through the proceeding and antecedent to it, all are subject to the closest examination, the most searching scrutiny, the most minute precautionary devices, to make it certain that by no chance or accident can he get the one thing, the only thing, which can be brought to him by this kind of legislation, unless he be clearly and undoubtedly entitled to it, namely, his discharge.

There is nothing thrown about the creditor in the way of restrictions and hamperings. A creditor animated by bad motives, maliciously inclined, bent upon the destruction of the unfortunate debtor, may move upon him without finding aught of terror in the law, without the dread of any loss or punishment, unless he violates what amount to ordinary criminal statutes.

The debtor is required to attend creditors' meetings and disclose everything within his information, for whose benefit? For the benefit of the creditor. If it be thought that he fraudulently conceals anything, fails in anything, is not vigilant about everything for the benefit of the creditor, he is denied a discharge; but if the creditor, animated by bad motives, seeking the ruin of the debtor, or needlessly or recklessly throws him into bankruptcy, pursues him relentlessly, causelessly, there is no penalty, no reparation provided. A man once started into bankruptcy upon a petition filed by his creditors, it is true, is given the form, the husks, of an inquiry into the question of whether or not he should be adjudged a bankrupt; but what is there left for him in that inquiry? A petition once filed against him, proceedings in bankruptcy begun against him, the bad news being spread abroad in his own neighborhood and as far as his name and his interests and acquaintance shall extend, there is nothing substantial left for him except the relief which may come from a discharge by a court of bankruptcy.

What real interest can he have in battling against Fate, without the common charity of a jury trial even, unless he is swift to demand and insist upon it? If he should defeat the petitioning creditors, will that rehabilitate his shattered credit; will that put him on his feet again? Will that give him his old position as a reputable trader, presumed to be able to pay his debts? By no means. The very act of saying, in the creditors' petition that he is insolvent, makes him insolvent. The charge makes fact that which is charged. If, animated by pride, the debtor successfully resists the effort to declare him a bankrupt, what does he get for the inevitable loss of credit, for a ruined business? Nothing. There is no responsibility resting upon any creditor who may have assailed him, no matter how wantonly or viciously.

There is no provision made in the bill for paying the debtor for making what he can for the creditor; not even witness fees are provided for him. Moreover, he is subject to arrest. But it is provided that he shall not be imprisoned. If it is charged by the creditor that the debtor is going from his present place of residence to some other, is going out of the district, no matter what his intentions or necessities, and that the effect of such removal may be to interfere with the getting out of the wreck all that might otherwise be realized, then the unfortunate debtor may be arrested, or "detained," as expressed in the bill. What is the meaning of all this? Probably that you shall not throw the victim into jail with common criminals, but that he is to be more decently deprived of his liberty. The heavy hand of the law shall be upon him, however; he can not go and come as other men go and come. He must languish under the control of an officer, under guard by an officer, merely because some omnipotent creditor concludes that by putting the screws on a little tighter and interfering with the helpless debtor's personal liberty, in addition to interfering with all his other rights, the creditor may fare a little better.

And then, after the discharge in bankruptcy, after a showing which the court thinks entitles the insolvent to an acquittance, after he has walked out of the bankruptcy court with his debts obliterated by judgment of the court and no longer a burden upon him, with some promise in life for him—even then for two years he is liable to be thrown back into the slough of despair by means of the vague affidavit of any creditor, his discharge set aside, and the whole thing reopened, so far as he is concerned.

Another thing. The definitions in this bill, as gentlemen will see who look at them, are something extraordinary. Ordinarily in definitions the usual meanings are given to words. But here extraordinary meanings are given to some of the words used. When you read one of these particular words in the body of the bill it does not impart to you the wonderful meanings actually crowded into it in the dictionary part of the bill. Turning to the dictionary section, you will find words perverted into meaning what they never meant before and will never again mean.

Take almost any one of these definitions, and you will find this to be the case.

Here is the word "transfer," for instance; an ordinary word, but an extraordinary meaning is given to it.

Transfer shall include the sale and every other and different mode of disposing of or parting with property, or the possession of property, absolutely or conditionally, as a payment, pledge, mortgage, gift, or security, and the creation of a lien on property by any means other than by compulsory process prosecuted in good faith.

"Transfer" means all that. Why give it so extraordinary a meaning? I do not even suggest that the committee in giving their sanction to these definitions have any thought or purpose of concealing the very broad meaning that is given to the words. But I say it is fair to infer that the man who drafted the bill originally, the man who acted for the wholesale dealers who desired the bill to be drawn up and now wish it to be passed, gave these words their sweeping scope and hidden power for a purpose. The purpose will be apparent to anyone who will analyze and consider them.

Mr. Chairman, if the object is to relieve the insolvent debtor, then the collection of debt is merely an incident. That kind of bankrupt legislation I favor. That kind I believe is embodied in

tectorate he must buy his goods from them. He dare not go

The SPEAKER. The Clerk will read the report.

The motion was agreed to.

the substitute offered by the gentleman from Texas [Mr. BAILEY]. If the object be the collection of debt, however—if that is the object of bankruptcy legislation—then the bill submitted by the committee will admirably meet the expectations of those who designed it. Why should the object and the design of the law be to aid persons in the collection of debt or to punish persons for fraudulent practices? All these things are provided for in existing laws.

The only just ground for any bankrupt bill is to be found in the sad state of honest but insolvent debtors. Such legislation should be designed to relieve persons who can not relieve themselves; not necessarily or primarily to distribute their estates, not to divide the property of the insolvents, but to give them relief. If that be the object, why is it at all necessary or proper that the estate of a person who desires to be relieved as a bankrupt shall be administered in the bankrupt court? Why would it not be ample, more simple, surer, and better if the law should provide that when the estate of the insolvent which is subject to the provisions of the law, the property of the insolvent not exempted to him by the laws of the State in which he lives, has been distributed, when he has no property left which the law can reach, then he shall be permitted to go into the bankrupt court and ask for the only thing of value to him that such a court ever can give him, a discharge in bankruptcy, relief from the burden of unpaid debts? If that be the proper object, the substitute offered by the gentleman from Texas will secure it. If that substitute, which provides for voluntary bankruptcy proceedings in the Federal courts, after distribution of the insolvent estate through the State conrts, and is to be in existence two years only—if that substitute be accepted, then all this machinery about the bankrupt court can be laid aside as totally unnecessary.

Take a man in any State—I do not care where—who is tired of struggling with the adversities of life and endeavoring to meet his obligations. When in the way provided in that State, whatever it may be—and if the laws of a State are good enough for the men who live in it, the people who live elsewhere have no very great reason to find fault with them—when in the way provided by the laws of his State he disposes of his property, then open the doors of your bankrupt court to him for a short though sufficient time. Let him present his petition asking for a discharge in bankruptcy, the only thing he seeks, the only thing that can be of value to him. Then comes up the whole question of the honesty of his transactions and of the facts of the case, special and general. The creditors would be notified, as the substitute provides. They would be heard, and before the insolvent could be discharged it would be incumbent upon him to show to the satisfaction of the court that he was in the condition of a man without property, yet having debts; an honest man burdened with debts and unable to pay them.

Upon showing satisfactorily that his transactions had been open and honest, that he was an honest but unfortunate man whose misfortunes were tying him down and destroying his usefulness in the community, he would be entitled to his discharge, and he would get it. If he did not show that, he would fail to get a discharge. Now, where does the creditor lose a solitary right under such a bankrupt law, under such a proceeding? The courts are open to him as before. All the laws that now exist in relation to the collection of debt are in full force and effect. Not a single law now existing in any part of the Union would be stayed or interfered with. Not a solitary right which the creditor had, either by law or by the contract with his debtor, would be in the slighest degree interfered with. The debtor would simply say: "I have nothing more with which to pay; I have acted honestly, and I now ask relief from the burden of these debts which still hang over me and shadow all my prospects in life."

On that proposition the creditor would be heard. Upon that proposition, upon every issue that could fairly and reasonably arise in order to determine the actual facts—the justice, the honesty, the equity of the entire proceeding—the creditor would be heard. What wrong would be done? If the debtor could not show that he had so conducted himself and that his property had been so administered, or so lost and dissipated, as to leave nothing with which to pay his debts, except what might be exempted by the law—if he could not show that he would not get a discharge from any obligation whatsoever. The creditor would have lost nothing. His debt would still remain unpaid; the debtor would still be under the ban of the law, would still be barred in large part from the enterprises that are open to men not weighed down by debt. On the other hand, if the debtor should show that he had acted honestly and that he had nothing more with which to pay, who could deny to him the discharge to which he would be entitled?

Another thing. This course of procedure would secure the distribution of the estates of insolvent debtors at their own homes, under the direction and supervision of officers elected by the people of the debtor's community. But it is said that under this bill the referee is carried to the home of the insolvent, that a referee is to be appointed for each county. But mark the qualifications of the referee. He is not bound to be a lawyer; he is not bound to have any special qualifications whatever. It is enough if he be acceptable to the judge who appoints him. The judge has the absolute and the complete right to appoint anybody referee, without regard to qualifications.

Now, I have been always opposed to this one-man power. I believe that every time we can take a step toward enabling the people in any particular locality, or generally, to select, by their own votes, those who are to administer the laws, we are traveling in the right direction, and that whenever, in place of requiring officers, great or small, to be elected by the people, we provide that they shall be appointed by some one man, or by any number of men, we are traveling in the wrong direction.

There is a contention here that this bill will relieve the insolvent debtor from the great danger and hardship of his present situation. It is said that now the avaricious creditor, having the courts open to him, may seize the debtor's property, may force him to ruin, and that there is no relief for the debtor, no discharge for him.

Mr. Chairman, the creditor who merely brings suit against the debtor does not hamper him in the conduct of his business beyond the legitimate, natural, ordinary effect of that suit. The creditor who resorts to the extraordinary process of attachment is compelled to give bond for the indemnity and protection of the debtor in case he should fail to make good his attachment.

It is said that under this bill the property may be retained by the debtor until he is actually adjudged a bankrupt. How speedily after the filing of the petition, with one referee in each county, that adjudication might be reached we can guess. But in the meantime it is in the power of the creditor to have the property taken out of the possession of the debtor, not on the ground exclusively that the debtor is doing anything dishonest or dishonorable, but on the ground that he is not giving to it that care and attention which the creditor thinks may prevent it from sinking in value or deteriorating. In other words, it practically amounts to this—that the creditor can have the property of the debtor taken from his possession the very day he files the petition.

But the creditor, it is said, gives bond to be approved by the court; gives this bond before the debtor's property is seized. Yes; but the conditions of that bond are blank. There is no provision for indemnifying the debtor against the loss he may suffer by having the property taken out of his hands, as in the case of an attachment. The damages which he might recover would be purely nominal, speculative, upon paper. "Creditor," too, according to the dictionary embraced in this bill, is made to mean not only the creditor himself, but also his agent, his attorney, anybody assuming to represent him. Therefore, when the bill speaks of affidavits to be made by the creditor, it necessarily includes affidavits which may be made upon information solely. A claim sent to an attorney (in a distant State probably) can afford the basis for this proceeding to throw a man into bankruptcy, by virtue of an affidavit by that attorney, based solely on information, which itself would not be evidence. Wherever in this bill you read "creditor" you are to understand the word as meaning the attorney of the creditor, the agent of the creditor, the representative of the creditor.

On every page of the bill will be found evidence that by this measure the thrifty creditor is endeavoring to secure satisfactory machinery for administering upon the estates of unfortunate debtors, not for the purpose of relieving them and putting them upon their feet again, but for the purpose of getting out of an estate more, if possible, than he could get out of it under the laws of the land, in view when the indebtedness accrued.

The debtor is hampered in his freedom of movement. He is compelled to attend when and where he may be directed to attend. Although he may have absolutely nothing at stake, may be absolutely faultless in everything, he must stand guard, without pay, for the benefit of the creditor.

Another thing is contended here—that preferences, of and in themselves, are essentially and inevitably wrong. I deny that. The common experience of every man, if he will simply consult his own experience, will convince him of the fact that there are many times in the lives of both the fortunate and the unfortunate when it is not only not wrong but is absolutely right to make discriminations and grant preferences. Take the case of a man who lends to the debtor in his hour of peril the money or supplies him with the property which tides him over a crisis or possibly many crises; sustains him in his business for weeks or months or even years. The friend thus advances his money or parts with his property either from lack of knowledge of the true situation of the debtor's affairs or, knowing the situation, from his willingness to run the hazard and depend upon the honesty of the debtor, in order to give him a chance to live.

Now, then, is the debtor necessarily to be denounced as guilty of wrong and thrown into bankruptcy because, yielding to every dictate of humanity, respecting every principle of honor, acting as every man should act, he endeavors when the crash is about to come, when the inevitable fall is at hand, to protect him who

was his friend in his extremity, to preserve from ruin so far as he can the man who undertook to stay the ruin that threatened himself, until staying it ceased to be possible? Yet the granting of a preference—for months back, even—is made a reason or excuse for forcing a man into bankruptcy.

Why should a man be thrown into bankruptcy unwillingly? What is the reason for it? It is a creditor's reason and no other. Then should the law be made to collect debts or to aid in the collection of debts? That is the question that arises upon every proposition for involuntary bankruptcy. Involuntary bankruptcy simply implies or means that the insolvent himself does not ask for relief; that the insolvent himself, with the burden of his debts upon him, animated by hope—knowing possibly better the probable outcome of his affairs than anyone who has given them less attention and has less knowledge of them—believes that he can get through, struggles against adverse circumstances, hoping that somehow relief may come. At all events, the man thrown into involuntary bankruptcy is the man who, of his own volition, does not ask, declines the aid or relief which may or may not come from such a proceeding; does not ask the boon of any bankruptcy law under the sun; who shuns as a stigma the stamp of "bankrupt."

That being true (and it must be true), it is further incontestably true that what a man will not ask for, will not take when it is offered to him, is that which he does not desire; and if he is forced to submit, he is an unwilling victim. So, then, the bankrupt law is not made for that class of people.

Mr. STEWART of New Jersey. Will the gentleman allow me to ask him this question: Does the gentleman think that the object of the bankrupt law is simply for the benefit of the debtor class?

Mr. DE ARMOND. I will answer that question with pleasure. I think the whole discussion of this matter might, and ought perhaps, justly to turn on this point. I think the principal, the sole just object of a bankrupt law should be the relief of the insolvent debtor, and that all other things in connection with it should be incidental, and subordinate to that one consideration.

Mr. STEWART of New Jersey. Does not the gentleman recognize the fact that the creditor is oftentimes as unfortunate as the debtor?

Mr. DE ARMOND. I do recognize that exceptional fact. But the gentleman should remember that this is not a proposition to enable the debtor to force bankruptcy upon the creditor. The creditors are not asking to be relieved from the burden of debt resting heavily upon them. They are not asking to be set abroad again in the world with bright skies above them and bright prospects before them. They are not asking that species of relief.

Recollect that the one good thing which a bankruptcy law alone can bring, and upon which alone it can be defended, is the relief of the insolvent from the burdens of obligations which he can not meet. Of course no wrong should be done to the creditor, and it is not asked by me that the debtor should escape any just obligations that he is able to meet. I repeat what I said before, that by a voluntary bankruptcy law, such as the Bailey substitute, no rights are taken from the creditor. The creditor loses nothing by such a law. But the involuntary feature of the law is solely for the benefit of the creditor, and the incident, not the purpose of it, is to grant a release to a man who does not ask it and does not want it; a man who prefers struggling with the present condition of things—prefers to endure the ills he has rather than fly to those he knows not of.

Mr. WATSON of Ohio. Will the gentleman from Missouri permit me to ask him a question in this connection?

Mr. DE ARMOND. Certainly.

Mr. WATSON of Ohio. Are you in favor of a voluntary bankrupt law?

Mr. DE ARMOND. I am, sir; as I have been stating. I believe, Mr. Chairman, that the condition of the country is such that a great many men whose misfortunes are not really of their own making, who are totally free from all taint of fraud in their transactions, are less useful to the community, to themselves, to their families, to the nation, than they would be if they could have a release from that from which they can not otherwise escape—the impeding, threatening, enduring blight of debt beyond their ability to meet, debts they can not pay.

But relief to those who ask it and merit it need not be coupled with the power to put a man unwillingly through a court of bankruptcy to make a bankrupt of him who can not pay at once what he may owe. There is a marked distinction between relieving insolvents and making bankrupts.

But, Mr. Chairman, another thing. I believe one effect of the legislation proposed will be this: The debtor, a tradesman, a retail dealer, wishing to escape bankruptcy, as many, indeed most, men do, will be compelled in order to escape that condition to put himself into the hands and under the protection of one or two wholesale men powerful enough in his judgment to carry him along and protect him and themselves. Being under their protectorate he must buy his goods from them. He dare not go elsewhere to buy. Carried by men having power at any moment to throw him into the bankrupt court, he dare not take his trade anywhere else for fear of provoking their wrath. The effect upon the community of such a condition can not be beneficial. The result is inevitable, but the extent of injury we can hardly contemplate or fairly measure. The trader thus situated will not only be compelled to confine his purchases to one or two houses but he will be compelled to buy at their own prices; the world of competition will be absolutely closed to him. Forced to buy from his guardians at their own prices, he will be also compelled to sell at corresponding prices, so that his misfortunes and their extortion will be visited upon the community at large.

Mr. WATSON of Ohio. Mr. Chairman, I should like to ask the gentleman from Missouri, does he not think that if a voluntary and involuntary bankruptcy law were in force there would be very few cases of involuntary bankruptcy?

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BAILEY. I yield to the gentleman sufficient time to answer the question.

Mr. DE ARMOND. I will answer the question of my friend from Ohio.

Mr. SKINNER. I should like to ask a question in connection with the question asked by the gentleman from Ohio. I want to ask if you do not believe that it would be more oppressive for the debtor class when a vigilant creditor, by attacking and assailing the debtor, obtains a first lien, than it would be to have an involuntary proceeding in bankruptcy, when the moving creditor would then only get an equitable proportion of the assets?

Mr. DE ARMOND. I think not. I have already discussed that question. I will answer the question of my friend from Ohio [Mr. WATSON]. I think, Mr. Chairman, that whether there would be many or few proceedings in involuntary bankruptcy, is not really the question before us; we can but guess whether the proceedings would be few or many. If they should happen to be few, still the law ought to be cleared of the harsh provisions for involuntary bankruptcy. For then they would be practically useless, and the best that could be said for such a law would be that it would do but little harm. Upon the other hand, if such proceedings should be many, the evil would be increased in proportion. [Applause.]

Mr. BAILEY. Mr. Chairman, I think that a mistake has been made in the computation of the time. I am informed that I had at the beginning of the speech of the gentleman from Missouri [Mr. DE ARMOND] one hour and thirty-eight minutes.

The CHAIRMAN. The gentleman had one hour and fifty-nine minutes.

Mr. BAILEY. I understood that to be the announcement of the Chair, but the memorandum sent to me from the timekeeper shows that I had only one hour and thirty-eight minutes.

The CHAIRMAN. One hour and fifty-nine minutes according to the memorandum of the Chair.

Mr. HENDERSON. Is not the gentleman from Texas ready to go ahead?

Mr. BAILEY. Do you mean, am I personally ready?

Mr. HENDERSON. Well, you and the gentleman from Kansas [Mr. BRODERICK], I want you to go ahead.

Mr. BAILEY. I had supposed my friend from Kansas desired to yield to somebody now.

Mr. HENDERSON. I want your side to get an hour ahead of us, because we are entitled to close the debate.

Mr. BRODERICK. Do you want us to take all of our time now?

Mr. HENDERSON. Some more of your time.

Mr. BAILEY. Do I understand the gentleman from Iowa that he desires to occupy a full hour at the conclusion?

Mr. HENDERSON. We want the last hour in the debate; yes.

Mr. BAILEY. I recognize that the gentleman from Iowa [Mr. HENDERSON] is entitled to conclude the debate, but I do not recognize that he is entitled to reserve an entire hour, and to divide that hour among three or four gentlemen.

Mr. HENDERSON. Oh, yes; I think we are entitled to the control of our time, and we have the close of the debate.

Mr. BAILEY. Not any more than I am entitled to the control of my part of the time. I perfectly agree with the gentleman that——

Mr. HENDERSON. You can do just what you please with your share of the time, of course.

Mr. BAILEY. That is what I am trying to do, unrestrained by being compelled to use it all and leave you an hour to be divided between three or four gentlemen at the close. I do not need to do more than to appeal to the gentleman's sense of fairness.

Mr. HENDERSON. The last hour will be used by one of our side.

Mr. BAILEY. Very well.

Mr. HENDERSON. Though I think we have a perfect right to divide it if we want to.

is to be appointed for each county. But mark the qualifications of the referee. He is not bound to be a lawyer; he is not bound | as every man should act, he endeavors when the time comes, when the inevitable fall is at hand, to protect him who

Mr. BAILEY. Well, if you do not intend to do it, I will not stop to discuss that.

Mr. HENDERSON. My intention is to have it used by one man.

Mr. BAILEY. I am perfectly content with that.

Mr. HENDERSON. We have been running ahead of you, and I have been perfectly frank both in the House and in the committee.

The CHAIRMAN. To whom does the gentleman yield?

Mr. BAILEY. I yield fifteen minutes to the gentleman from Colorado [Mr. BELL].

Mr. BELL of Colorado. Mr. Chairman, the pending question, bankruptcy, is, in my opinion, a very pertinent one at this time; but it does seem to me, however, as said by the gentleman from Nevada [Mr. NEWLANDS], that it is a sad commentary upon this House that we have spent five months of time while the people of every portion of this country were complaining, when labor was unemployed, when machinery stood still, when the currency of this great country was daily and hourly shrinking in proportion to the number of people, and that now, in these closing days, the best that can be offered by the first session of the Fifty-fourth Congress to the people of the United States is to help them into bankruptcy.

Our friend from Illinois [Mr. CONNOLLY], a very brilliant and eloquent gentleman, on yesterday spoke under the seeming impression that he lived in a great State, one that had flourished beyond the power of man to compute, under and by reason of a high protective tariff. Thinking of that last night, I ran over the figures at my command to see whether or not the people of the State of Illinois and in the other States were flourishing and whether or not this Congress, after going into paroxysms over every other question so far as they affected people of foreign countries, should now content itself without trying to aid the people of the United States to reestablish their industries by stopping and helping them into bankruptcy.

Now, what is the condition of the people, even in the great States of Illinois, Pennsylvania, New York, Massachusetts, and other protected States? Is this a mere question of allowing the idle and profligate to go into bankruptcy? The masses of the people of this country are not asking you for a method of going into bankruptcy. The people from one end of this country to the other are asking for some way by which they may become solvent or to avoid bankruptcy.

I know that our friends complain and say that the Democratic party or some other party is the cause of this deplorable condition; but now and then a man gets up in the Republican ranks and exposes the fallacy of the Republican leaders.

Only yesterday, in the other Chamber, Senator TELLER, a man equipped, probably, as no other man in this nation is, with facts and figures, rose and told the country what the cause of this depression is. He clearly showed it is not deficiency of revenue or a low tariff, but he said:

I do not know what the deficiency is going to be this year, but I do know that the deficiencies on the 28th day of April for the year were $24,247,517.83. On that day we had $273,522,238 in the Treasury. I repeat, there is not a nation on the face of the earth that holds $273,000,000 in its Treasury for ordinary purposes. If there is such a nation at all it is Russia, that is stated to have accumulated a large amount, nobody knows how much, for war purposes—not to be used except in an emergency for war. There is more money in the Treasury than the people of the United States are willing should be put there and tied up. Every dollar that is put into the Treasury comes out of the circulation that is necessary in this country to maintain even the present bad conditions of commerce and trade. Inside of twenty-seven months you have put into the Treasury $200,000,000 that had been in circulation. You drew out of the circulation of this country $200,000,000 and put it where it is of no more value to commerce and trade than it would be if it were in the depths of the sea.

And yet, Mr. President, Senators rise here and wonder why it is that business does not revive, why it is that prosperity does not come to us. We have had contraction at the rate of $100,000,000 a year; contraction since the 1st of February, this year, of $100,000,000 apparently in ignorance of a well-known and well-settled principle of political economy, that when you decrease the circulation of the money you destroy prices and you discourage enterprise and retard all movements toward production.

Mr. President, if there ever was a nation in the world that seems to be governed by imbeciles and men without thought or men without reason it is fair to say we are now in the hands of that class of people. The history of the world does not show such contraction as we have voluntarily and deliberately and willingly taken it upon ourselves to create for the simple purpose of maintaining the gold standard, and nothing else.

The Senator from Ohio [Mr. SHERMAN] knows, and every man in this Chamber knows, that the $262,000,000 is a debt put upon this country to maintain the gold standard. And he knows, as I know, that the $262,000,000 is but the beginning of a debt that is to be put upon us if the gold standard is to be maintained. It will not do for the Senator to tell me or anybody else in this Chamber that revenue is what you want. What you want, Mr. President, is some system of finance that shall bring confidence to the people who create and produce, that shall encourage them in the belief that when they manufacture an article they want to sell they can sell it for as much at least as it cost. The absolute certainty exists to-day in every productive circle in the United States, and pretty nearly in the world, that he who produces to-day must sell to-morrow at a loss.

Mr. President, the financial question is at the bottom of this trouble, not a lack of revenues. I do not intend myself to allow either the Senator from Ohio or anybody else to fool the people of this country with the idea that all you need is to pass the McKinley bill again, and that then prosperity will come. You will never see the McKinley bill reenacted, and if you did you would not see prosperity come from it. We have been promised all these years that if we would do this and if we would do the other thing prosperity would be at our door. Every promise made has failed.

I know that there is traversing the country and shouting a band of men who have labeled their candidate "the advance agent of prosperity." Mr. President, the people who look to him as the savior will find that they have been deluded and deceived. The agent of prosperity is not in sight, and he will not come into sight until this system of finance of ours is changed; until we return to the system which gave the people the agencies to do business with, so that we shall satisfy them that when they put their money in an enterprise and produce articles they may reap reward and advantage therefrom.

This is a movement against the retail dealer. It is a movement that the wholesalers have been working at for half a generation for the purpose of throwing every claim they have to collect into the United States courts. It is a scheme that they have been contending for for a quarter of a century almost, to get their claims in a place that they can not be taken advantage of by local creditors. This law is being written not for the purpose of the debtors—this is another law that is being written in the interest of the creditor, and the creditor alone.

Mr. SORG. Will the gentleman allow me to ask him a question?

Mr. BELL of Colorado. Yes, sir.

Mr. SORG. Is not the wholesaler a debtor, too?

Mr. BELL of Colorado. The wholesaler is a debtor, of course, in a particular sense; and probably every man is more or less a debtor.

Mr. WATSON of Ohio. Will the gentleman allow me to ask him a question?

Mr. BELL of Colorado. Yes, sir.

Mr. WATSON of Ohio. Have not the wholesalers all over the continent been making assignments?

Mr. BELL of Colorado. The wholesalers all over the continent, like everybody else, are making assignments, and have been demanding a bankrupt law for a number of years. The retailer never has demanded it.

Mr. LOW. Will the gentleman allow me to ask him a question?

Mr. BELL of Colorado. Certainly.

Mr. LOW. Is it not a fact that a great number of poor men, or comparativly poor men, are among the creditors?

Mr. BELL of Colorado. Every man is more or less, under our system, a creditor. The provisions of this act and the act itself has a tendency to make men more and more creditors and more and more debtors. If this act goes into effect every retailer in this country will also have a wholesale master. Every man in this country, I care not how you construct this bill—every retail merchant will have over his head a wholesale master, and the wholesalers are a class of men that are so few in number that they will combine when they take it into their heads to put a man into bankruptcy. Under this bill, I care not whether one of the nine causes is true or all false, they will make it so expensive for the debtor, they will so oppress him with their power to prosecute, they will make it so expensive for him through accumulating witnesses and in taking him to foreign courts, that it will result in bankruptcy whether the causes therefor in this bankruptcy bill are true or false.

Mr. WATSON of Ohio. Will the gentleman allow me to ask him another question?

Mr. BELL of Colorado. Certainly.

Mr. WATSON of Ohio. Are you in favor of a voluntary bankruptcy law?

Mr. BELL of Colorado. If we are to have any bankruptcy law, I would be in favor of a voluntary law. I am, in fact, in favor of a bankruptcy law that will permit such men as have made commercial mistakes, or have been overtaken by misfortunes from which they can never rise, to be relieved, but do not think it very important. My experience in such matters is that under the usual conditions, even in our present condition, debts are hardly permanent. There is not one case in a hundred in the United States where a failing merchant obtains a judgment against insolvent debtors that is not settled by the statute of limitations. They could but do not keep their judgments alive and allow them to expire in five, six, or ten years, as the statutes of limitations operate, and that puts the judgments at an end. I believe if we have a bankruptcy law at all that it should be a voluntary bankruptcy law, or that a bankruptcy law, as stated by our friend from Kansas [Mr. BRODERICK], where a man can not be forced into bankruptcy but for the commission of an actual fraud.

But I meant when I took the floor simply to answer some suggestions made by our friend from the State of Illinois [Mr. CONNOLLY] on yesterday as to the prosperity of that State, and to illustrate as best I could to this House that the difficulty with this country to-day is that we are giving all of our attention to the great property holders of the country and letting the individual go without protection. I wish to say to my friend from Illinois [Mr. CONNOLLY] that perhaps, well fed and well kept as he is, as well as all other Congressmen, he does not feel the great difficulties of the people even of his own State. Let us see what is the condition of the people of the State of Illinois—and I am speaking now in the interest of the individual, not for aggregated wealth.

Property has written every law upon the statute book since this session of Congress began. Property threatens to write this one, and it seems to me that it is high time that the individual was writing a few statutes in the interest of the individual. I have here an extract from the Chicago Record of December 1, 1895, which reads as follows:

County Agent Oleson says that there are many more worthy poor to be remembered this Thanksgiving than for many years and that the appropriation is altogether inadequate. In 1894 the county agent relieved 36,500 families, or about 219,000 persons. Thus far this year 40,000 families have been relieved, and by the end of the year the number is expected to reach 46,000. This month 375 cases have been sent to the poorhouse. Calls for physicians have averaged 10 a day. There are 30 visitors, 1 of whom is a woman; there will be 40 after December.

That, Mr. Chairman, was the condition in one county in the State of Illinois in the month of November last. Now, some of our friends say that this condition is caused by the Democratic or some other political organization, but in another paper of the same city at the same time I find another item which tells the condition of the Chemical National Bank of the city of New York, and this illustrates the general condition of this class of property. Let us see how these two classes are getting along side by side under this and under former Administrations:

It is said that the capital stock of the Chemical National Bank of New York, issued at a par value of $100 a share, is now worth more than $4,000—40 to 1—and that its dividends to stockholders are 150 per cent per year.

This illustrates fairly the condition of the debtors and creditors throughout the country.

Now, gentlemen, that illustrates the point I am trying to make, and I remind you that both these extracts are taken from the newspapers of Chicago of December last. They show one class of people going down day by day into poverty while the other is going up daily into wealth. This country has beheld in the last two decades its aggregate wealth multiply with unprecedented rapidity. It has observed at the same time the wealth of the individuals of this country depreciating at a ratio without precedent. I noticed the other day that ex-Governor Fishback had made some figures from the last census which ought to be burned into the mind of every representative in this House and at the other end of the Capitol. It is a statement which ought to cause you to think, gentlemen, and to look into the causes of the distress throughout this country; it ought to make you go out and think why it is that when a farmer from the other end of the Capitol goes through the country crowds follow him with the emblematical pitchfork and appeal to him to turn over the ruinous condition of things and the causes or authors of this ruin about the Capitol.

Ex-Governor Fishback says, among many other things, the following:

Mr. Carroll D. Wright's Census Bulletin No. 98 shows that, notwithstanding the immense increase in the wealth in Massachusetts of 82 per cent, upward of four-fifths of all the families residing in Boston have no homes. * * * More than three-fourths of the families residing in Philadelphia have no homes, though its increase in wealth is 77 per cent. In Providence, R. I., nearly four-fifths of the people have no homes, with an increase of wealth of 79 per cent. In the city of New York nine-tenths of the families have no homes, with a marvelous increase of wealth equal to 94 per cent.

But in answer especially to the gentleman from Illinois [Mr. CONNOLLY] I cite the following from the same letter:

Take, for illustration, Illinois. Before the war this was a farmers' paradise. Almost every acre of it is as fertile as the Valley of the Nile, and is in a high state of cultivation, giving indisputable evidence of unremitting toil and energy. Every county in it has from 1 to 20 railroads. Its cities have grown in wealth during the last decade about $300,000,000, yet the aggregate wealth of Illinois during this decade has decreased $59,000,000, and during the single year from 1893 to 1894 it decreased upward of $24,000,000.

Upon whom has this loss fallen? * * * Certainly not upon the cities, which have grown enormously. Not upon her manufacturing interests, for they have increased in the city of Chicago alone $297,000,000 during the last decade, while 71 per cent of the families who reside in Chicago have no homes.

Ex-Governor Fishback further states, in illustration of the effects of special tariff legislation in the interests of New England and the Middle States, the following:

Pennsylvania, one of the most barren States, during the first decade, from 1880 to 1890, grew in wealth $13,000,000 more than Kansas, Nebraska, Iowa, Illinois, Indiana, Kentucky, South Carolina, North Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana all combined.

Rhode Island, * * * not as large as the two smallest counties in Arkansas, with less than one-third of the people of that State, with its little patch of sand and stone and salt water, grew in wealth during the last decade $41,000,000 more than the four great States of Illinois, Indiana, South Carolina, and Mississippi all combined, and these States are 136 times as large and have 21 times as many people as Rhode Island—just as earnest, just as honest, just as industrious people, all toiling just as eagerly to make wealth.

Does not the reading of the report of the committee photograph a sad future for the people? Does it not invite some remedy more helpful to the people than a system to shuffle off some burdens of debt by giving up all their possessions without any feasible hope of replenishing their condition?

At page 3 of the report the committee says:

From the Bureau of Statistics we learn that the total number of failures in the United States from 1879 to 1895, both inclusive, amounts to 171,389, most of them active, aggressive, honest men who have met with misfortune in the struggle of life, and who, if relieved from the burden of debt, would renew the struggle with fresh hope and vigor and become active and useful members of society. From the same source we learn that the total liabilities from 1879 to 1895, inclusive, of the number who failed, as just stated, aggregate $2,611,821,704.

Is this not marvelous? Failures in four years for amounts equal to one-half of the gold coin in the world; and yet members on this floor speak of the abundance of our currency.

The committee has also ascertained from the Bureau of Statistics the failures and liabilities for the first three months of 1895 and for the first three months of 1896, showing that the total failures during the first three months of 1895 in the United States was 3,802; in 1896, the first three months, 4,031; liabilities during the first three months of 1895, $34,160,952; for the same period in 1896, $38,755,015, an increase in 1896 of failures, 229, and of liabilities, $4,594,063.

Dun's Review for September, 1895, says that prices are 8.8 per cent lower than a year ago, notwithstanding the marked rise in iron and a few other things.

The Manufacturer, of Philadelphia, of date December 14, 1895, has the following pertinent paragraph:

The amount of money in circulation decreased for the month of November. It fell off net $4,063,837, a net decrease of over $13,000,000, as shown in the Treasury statement, of changes in money and bullion for the month. The total amount of money in circulation on December 1 amounted to $1,594,193,479, which represents a decrease of about $43,000,000 as compared with the corresponding date of last year. While the circulation has been decreasing, says Bradstreet's, the population has been increasing, and the circulation per capita has been falling even in a greater ratio than the decrease in circulation.

The amount of money in circulation per capita on December 1, as estimated by Treasury experts on the basis of a population of 70,504,000, is $22.61, which represents a decrease of 11 cents per capita for the month and of $1.11 since the corresponding date last year.

These facts and indisputable figures have been staring the leaders of the legislative and executive departments of the Government in the face for years, and yet at every mention of the subject one side replies it is a want of revenue, and the other that it is occasioned by the defect in our paper money; and to relieve these defects the best they can offer is an involuntary bankruptcy law by which the creditors can further despoil the poor prospects of the debtors of the nation.

If every individual in this country earned his livelihood through the same means but few laws would be required, and what would benefit one would inure to the benefit of all others. However, many generations ago mankind learned that the human muscles were subject to the same environments as was the human brain, and adopted the economic principle of training the mind and muscles of men to the apt use of only one kind of tools, thereby dividing men into innumerable distinct avocations. This brought with it a clamor from every branch of industry for legislation favorably fixing its status among the phalanx of industries.

Wealth, where held in inordinate quantities, has combined and obtained control of all departments of the Government and has written every material statute for the past quarter of a century. Every man in this House truly represents his favorite piece of property; but who especially represents the individual? Property holds a mighty and dangerous despotism here that overawes any consideration of the individual. It does not answer the objects of this bill to point out the fact that some leniency is meted out to the downtrodden debtor. In this bill such a course is logically necessary. There can not be a permanent law or institution that is utterly bad. Every bad law must have enough highly commendable provisions to hide in a measure the grotesqueness of its bad features. This one, however, has not even the usual quantity of good features. It is but a poor argument, also, to insist that this bill is preferable to any of the previous bankrupt laws. The former ones were mere machines of oppression, so glaring and abusive in their enforcement that public opinion forced them off the statute books. All experience teaches that where a combination is possible a fair competition is impossible. None of the large cities has any great number of wholesalers in any one line of trade. Combination is not only possible but is certain to take place in the enforcement of this law, as it has taken place in the efforts to obtain it.

The retail merchants are scattered and are so numerous that combination for self-protection is impossible with them. No one can be misled by this bill. The objects of the foreign wholesalers are palpable, and embodying their objects in a small compass, we may say they are to throw all collections into the United States courts and make it impossible for any local financier to aid an oppressed debtor by taking the ordinary mortgage or trust-deed security, and to give the wholesale dealer the club of insolvency to hold over his retail customer as long as he owes him a dollar, and to destroy his right to trade with any other than the one to whom he is indebted, as long as he owes him a dollar.

Mr. HENDERSON. I yield to the gentleman from Missouri [Mr. BURTON].

Mr. BURTON of Missouri. Mr. Chairman and gentlemen of the committee, the chairman of the Committee on the Judiciary has requested me to discuss certain provisions of this bill, namely, those that relate to the taxation and payment of fees and costs. I admit at the outstart that it is not a very inviting theme. It is not a theme in the treatment of which one can indulge in any rhetorical pyrotechnics, and I apprehend that while upon this stretch I shall be unable, even if I desired, to mount the bicycle of wit and humor. [Laughter.]

Nevertheless, the question of fees and costs is an important one,

and deserves the earnest consideration of every man who would intelligently vote either for or against this bill.

Mr. Chairman, a proceeding in bankruptcy, like every other cause pending in a court or other tribunal of justice, must of necessity involve the taxation and payment of fees and costs. "He who works must eat." "The laborer is worthy of his hire." These are not only true Scriptural injunctions, but they underlie every principle of political economy, and, I might add, every system of moral philosophy. He who goes into a court and incurs costs, he who sets the machinery of the law in operation and invokes the services of the officers of the law, is primarily bound unto them for the services which they render unto him. He may be required to pay in the first instance, as a condition precedent to the rendering of the service, or it may be collected of him upon a fee bill. If he ultimately succeed, then, subject to certain rules of equity, he can recover over and against the unsuccessful party a judgment for the costs by him expended.

Mr. Chairman, the Committee on the Judiciary in drafting this bill has kept in mind the fundamental truths which I have just asserted. The crowning evils of the bankrupt act of 1867 were the delays incident to the prosecution of a proceeding in bankruptcy and the enormous costs which that proceeding permitted to be taxed, and in most cases ultimately to be paid out of the estate of the bankrupt. In this connection I may add that delays created additional costs, and therefore there was an inducement to those who were to receive such costs to create delays. This bill has well guarded against the evil of delay. It takes from every officer of the court, from every person who may be called upon to perform service in the prosecution of a proceeding in bankruptcy, any inducement to create delay, because by so doing he can not possibly add a farthing to the fee bill or to the bill of costs.

Who are the persons that may be required under this bill to render services either on behalf of the petitioner or of the defendant? The clerk of the United States court, the United States marshal, the referee, and in some instances a stenographer who may be employed by him; the trustee, the witnesses who may be summoned to testify either upon the one side or the other, the jurors who sit in the box to try and determine under the law and the evidence the issues joined between the parties, and I may add an attorney who represents the petitioner in a case of voluntary or involuntary bankruptcy.

Before I start out and specifically analyze the provisions of this bill as to the fees and costs to be paid to each one of these officers or persons, permit me to suggest that he or they who file a petition in a court of bankruptcy must in the very first instance deposit the sum of $25. There is one exception to that: In case a voluntary bankrupt shall with his petition file an affidavit that he is unable to pay, then he is relieved from the payment of the filing fees. Except in cases of that kind, a petitioner or petitioners, whether the debtor or creditor or creditors, must in the first instance deposit with the clerk the sum of $25. What is that $25 for? A clerk's fee of $10; a referee's fee of $10; a trustee's fee of $5.

This bill further provides that in case a debtor is declared a bankrupt, then the creditors who have paid this $25 shall recover it out of the estate of the bankrupt. And if you will turn to the section of this bill which treats of priorities, you will find that in the list of priorities (if I remember aright) the cost and expenses of preserving the estate after the defendant shall have been declared a bankrupt comes first in the list of priorities, and these filing fees come second.

Now, let us take up these respective officers and persons and see how much they are entitled to for the services which they may render under the provisions of this bill. The first officer is the clerk; and section 52 of this bill provides that the $10 paid as a filing fee shall constitute his entire compensation for any and all services that he may be called upon to render in that proceeding. If you will turn to page 18 of the report you will find, commencing at the bottom of that page and running halfway down page 19, a statement of the fees which it was possible for the clerk to tax and collect under the law of 1867. I will not take time to read and comment upon those fees one by one; but I invite the attention of members to them.

This bill simply provides that the clerk shall receive the sum of $10 and no more. And I say to this Committee of the Whole that it is the consensus of opinion of the 17 gentlemen constituting the Judiciary Committee that $10 is amply sufficient, and there are some of us who would have been willing to place this fee at $5.

In this connection I will say that my friend from Texas [Mr. CROWLEY] handed me yesterday a letter which I hold in my hand, written by the clerk of the United States district court for the eastern district of Texas. I do not care to read this letter at length, yet if there be no objection I may ask that it be incorporated in full in the RECORD. At this time I content myself with saying that this clerk writes to Mr. CROWLEY condemning the bill and insisting that under it the various clerks of the various courts of the United States should be permitted to charge fees practically in conformity to the law of 1867. Answering him, I reiterate that when you take into consideration that after the debtor has been declared a bankrupt substantially all the work from that time on must be done and performed by the referee and the trustee, the sum of $10 is ample compensation for any and all services which a clerk of a United States court may be called upon to render or perform.

Section 51 of the bill provides that these clerks shall respectively receive for copies of papers made for persons other than officers of the law the same compensation that they are now allowed for making copies. It will be observed that the compensation thus to be received can in no wise come out of the estate of the bankrupt.

The marshal of the United States under the provisions of this bill may be required to apprehend the person of the bankrupt. He will be required to serve all process, and in certain contingencies he will take possession of the property of the alleged bankrupt and hold it in his custody free from harm during the pendency of the original proceeding—that is to say, until the court shall have determined whether or not the alleged bankrupt be, as a matter of fact, an actual bankrupt. For his services in apprehending the alleged bankrupt, for his services in executing all process under this law, he receives the same fees and emoluments that he would receive for executing like process in civil proceedings pending in the same court.

But gentlemen will remember that under the salary bill recently passed by this House, and which is now in the hands of a conference committee, the fees and costs to be taxed in favor of the marshal are to be collected, accounted for, and by him paid over to the Treasury of the United States. For his services in taking possession and taking care of the property pending the adjudication of the question whether the alleged bankrupt be a bankrupt, the law provides that the court may allow the marshal a reasonable compensation, which in force and effect is the same provision that will be found upon the statute books of all the States of this Union providing for the compensation of sheriffs or constables when under a writ of attachment they go out and seize the property of some defendant in the writ which they may have been called upon to execute.

The referee receives this $10 filing fee; and that is all he does receive until the estate is administered. I will read the section:

Referees shall respectively receive as full compensation for their services, payable after they are rendered, a fee of $10 deposited with the clerk at the time the petition is filed in each case, except when a fee is not required from a voluntary bankrupt, and from estates which have been administered before them 1 per cent commissions on sums to be paid as dividends and commissions, or one-half of 1 per cent on the amount to be paid to creditors upon the confirmation of a composition.

Now, gentlemen, if you desire to do so (and the comparison would be interesting), I invite you to compare the fees provided under this bill for referees with those allowed a register in bankruptcy under the law of 1867. I have said heretofore that the crowning evil of the law of 1867 was the enormous fee bill which the register in bankruptcy and the assignee in bankruptcy were enabled to tax up against the estate of a bankrupt; but under this law the referee receives the ten-dollar filing fee and 1 per cent, and no more, on the amount paid out by way of commissions or dividends, not on the gross sum that comes into his hands, but only on the net sum that the estate shall have yielded for administration and after the actual expenses shall have been paid.

The law further provides that under certain circumstances the referee may employ a stenographer. You gentlemen all understand the necessity of that. The taking of testimony before a referee may be greatly expedited by the services of a stenographer, and this law confers on the referee under certain circumstances the power to employ a stenographer, but limits the compensation of the same to a sum not exceeding 15 cents a folio. Under most of the laws that now prevail in our States stenographers are allowed 25 cents per folio, but it was the judgment of the committee—and I believe it will be the judgment of the House—that 15 cents per folio, under the circumstances, will be ample compensation for a stenographer in this day of many stenographers and typewriters.

The trustee for his services in taking care of the bankrupt's property, making deeds to lands that may be conveyed, and for transfers of personal property receives the filing fee of $5 and a commission, respectively, of 5, 2, and 1 per cent subsequently, not on the gross amount that goes into his hands, but upon the net amount remaining after costs and expenses shall have been paid. After providing for the filing fee of $5, the law says he shall be allowed—

Such commissions on sums to be paid as dividends and commissions as may be allowed by the court, not to exceed 5 per cent on the first $5,000 or less, 2 per cent on the second $5,000 or part thereof, and 1 per cent on such sums in excess of $10,000.

Again I invite a comparison between the fees allowed to the trustee under this law and the fees that were allowed to the assignee

in bankruptcy in the old law of 1867, and I refer gentlemen who desire to investigate the matter to page 18 of the printed report of the committee on this bill.

The witnesses who may be summoned, either before the court or the referee, are entitled to the same fees, mileage, and per diem as they would be allowed in other cases. Jurors are not allowed anything under the bill, and for this reason: That all jurors in the United States courts are paid by the Government, and a jury fee is not taxed in a case or proceeding pending or disposed of therein. Hence there was no necessity for making provision in the bill for their payment.

Section 64, clause 3, paragraph 3, provides—

(3) The cost of administration, including the fees and mileage payable to witnesses as now or hereafter provided by the laws of the United States, and one reasonable attorney's fee for the professional services actually rendered, irrespective of the number of attorneys employed, to the petitioning creditors in involuntary cases, to the bankrupt in involuntary cases while performing the duties herein prescribed, and to the bankrupt in voluntary cases, as the court may allow.

In other words, the voluntary bankrupt may be allowed an attorney fee. I apprehend that in many cases it may be absolutely necessary for the insolvent debtor, in order to obtain the advantages of the bill, to have the services of an attorney; and being insolvent and without other means of payment, it is right, it is just and humane, that the court should be permitted to allow him the services of an attorney to be paid out of his own estate. On the other hand, when the creditor goes into court seeking to adjudge the insolvent debtor a bankrupt, and to administer upon and divide his estate, the services of an attorney are necessary. But the attorney of one may do and perform practically all that is necessary to protect the rights of all. We have an illustration in the several State courts in proceedings to partition real estate. The partition of the real estate is for the benefit of all who are interested therein, and therefore in nearly every State in the Union, perhaps in all of them, provision is made allowing the courts to grant to one attorney of the petitioners a fee to be paid out of the estate. And so here it matters not though there may be a dozen attorneys, yet upon the theory that one attorney is competent and qualified to represent, take care of, and protect the interests of all, one attorney's fees and one only, is allowed out of the estate; and that is just and right and proper.

Another provision of the bill requires that all costs and expenses shall be reported to the court under oath, and that they shall not be allowed until they shall be so reported and sworn to.

Another provision of the law is that the judgment may be rendered for all costs made out and expended, and in the judgment of the committee we embodied in the law the equitable rule, not the harsh rule, of the law, which says that in every instance the prevailing party shall have the judgment against the unsuccessful party, for there are some times when the prevailing party has necessarily incurred large and improper expenses; hence this bill gives to the United States judge the power to say when and under what circumstances even the prevailing creditor may be called upon to pay the costs which he has unwittingly or wrongfully occasioned to the estate.

Now, Mr. Chairman, briefly, and yet I hope plainly, I have gone over the various provisions of this law applicable to the taxation, collection, and payment of the costs and fees in bankruptcy cases. A few words upon other features of this bill. I am, as every other man ought to be, in favor of a bankruptcy law. I am astonished to find upon the floor of this House anyone unwilling to give to the honest debtor, upon his application, a discharge from the burden of his debts. It seems to me that each and every one of us ought to be in favor of the bill introduced by my friend from Texas [Mr. BAILEY], if forsooth we can not obtain either the bill which the gentleman from Kansas [Mr. BRODERICK] stands for or the bill which has been reported to this House by the majority of this committee.

Misfortune has come and will continue to come unto those who by the sweat of their brows are compelled to earn their bread. There is no panacea, for there is nothing that can ward off misfortune, distress, misery, and woe. All over this broad land are men who are borne down by the heavy burden of an indebtedness which they are not able to pay. This bill says unto such that they may go into a court of justice, holding out that property, both real and personal, which the laws of their respective States give unto them, either as homesteads or as exemptions for their families, and upon surrendering the surplus they shall be entitled to a discharge, to the end that they may go out into God's sunlight, and by their own efforts again win, if possible, a competency for themselves and those unto whom they are bounden.

All over this broad land, Mr. Chairman, there are many men who to-day are devoting their vital energies to maintain themselves within the limits of an exemption law or a homestead law, knowing that the moment they shall become possessed of an inch of land beyond the limits of the homestead or of a dollar beyond that which shall be protected by the exemption law some rapacious creditor may seize that surplus and despoil them thereof. We say to all of that large class, "Step forth; let us have the benefit of your brain and your brawn, your energy and your pluck, to the end that the waste places may be builded up and that the desert may again blossom as the rose."

There is a considerable difference of opinion, not only among the members of this House, but among the members of this committee, as to the details of a bankruptcy law. There are men who favor a voluntary bankruptcy law only. There are some who are in favor of an involuntary bankruptcy law, but they would apply it only in those cases where moral turpitude is involved. There are others who take the broad position that the creditors of an insolvent have a right at least equal with himself to say what disposition shall be made of his property. They are in favor of the bill as it is written and stands reported to this House.

Mr. Chairman, a few words concerning this bill. There are nine grounds of involuntary bankruptcy. In other words, there are nine causes set forth in this act for which, upon the petition of a creditor and upon proof that either one of those nine acts have been committed, a party may, without his own consent or volition, be declared a bankrupt, and his property, in excess of his homestead and exemption rights, be taken in charge by an officer of the court. I shall examine these clauses in a different order from that in which they are set forth in the bill. Four of them involve moral turpitude. In other words, four of them deal with those acts which constitute a fraud upon the part of the debtor against his creditors. Take the first one. If a debtor has—

Concealed himself, departed or remained away from his place of business, residence, or domicile with intent to avoid the service of civil process and to defeat his creditors, and shall not have returned at least forty-eight hours before the filing of a petition in bankruptcy, and before the rights of creditors shall have been impaired, altered, or interfered with—

That involves the doing of a wrong. That involves the concealment of a person or his removal for the purpose of defrauding his creditors, and I say to my friend from Missouri [Mr. DE ARMOND] there is no more harshness in this bill as applied to that man than is found in every attachment law in every State in this Union. Neither he nor I has any right, either in a court of justice or upon the floor of Congress, to constitute himself or myself the defender of such a man from a moral standpoint. We may justify such conduct when employed by those men as their attorneys in a proceeding in a court of justice, but stripped of the duty of counsel to client I say to the gentleman that neither honesty, fair dealing, nor good business demands that he or I or anybody else should set himself up as the champion of a debtor of that kind, and I say there is no reason, no argument, that can be produced that will justify any man in voting against this bill because, forsooth, that clause is contained therein.

Mr. BARTHOLDT. What gentleman from Missouri did you refer to?

Mr. BURTON of Missouri. Not the gentleman who is now addressing me.

The third cause, as set forth in the bill, is, if any person has—

Made a transfer of any of his property with intent to defeat his creditors, and has not regained the ownership and possession of such property before the rights of creditors have been altered, impaired, or changed by reason of such transfer, and at least ten days before the commencement of a proceeding in bankruptcy—

The very same reason prevails here. An intent upon the part of the debtor to deal dishonestly, to defraud and defeat his creditors in their rights under the law, is involved in that conduct.

Mr. BRODERICK. Will the gentleman allow me to ask him a question?

Mr. BURTON of Missouri. Certainly.

Mr. BRODERICK. Take the case of a man who has not disposed of his property, but has given a mortgage on his goods. Now, in our State, where they can give a mortgage on the goods and still retain possession, and go on and make the usual sales, would not the transfer, where a mortgage has been given, be considered as an intent to defraud, and would they not undertake to drive that man into bankruptcy for simply putting a mortgage on his goods, for doing a thing which he can do in my State and in your State?

Mr. BURTON of Missouri. I presume, Mr. Chairman, that there are creditors who would do that; and there have been creditors who have gone into his office and mine and insisted that a writ of attachment should issue against a man that has done the very thing he suggests when he may have done it innocently. But the provision in this bill is that he shall have done these things with an intent to defraud his creditors. That is a question of fact to be determined in a tribunal of justice which has jurisdiction in this matter. I simply say to my friend that if a debtor makes a mortgage, gives a bill of sale, or in any way transfers his property with the specific intent of defrauding any creditor, he is guilty of wrong, both in law and in morals, and ought to be adjudged a bankrupt.

Mr. GRAFF. I would like to ask the gentleman if he is talking about subdivision 5?

the bill and insisting that under it the various clerks of the vari-

tee under this law and the fees that were allowed to the assignee

rapacious creditor may seize that surplus and despoil them thereof.

about subdivision 5?

Mr. BURTON of Missouri. No, sir; I am talking about subdivision 3.

Mr. GRAFF. I will say in reference to subdivision 5 that it is not necessary that he shall make such transfer with intent to defraud anybody.

Mr. BURTON of Missouri. I will answer my friend by saying that I can not talk about five subdivisions all at once. I am talking about subdivision 3 now.

Mr. BRODERICK. The question that I meant to ask was whether this law would be strained in that particular, and would not it be set as a precedent?

Mr. BURTON of Missouri. I think, my friend, you are right. Human nature is the same, whether you find it under the coat of a wholesale or a retail man. Human nature is somewhat selfish and inclined to look after its own, and to misjudge the actions of others. I apprehend if you, an honest man, possessed of a limited amount of property, but indebted to a much greater amount, and even inspired by the very best motives, should give a mortgage on your property to secure the claims of one of your creditors, that the others would say in a court—in their own minds, at least—that you had been inspired with fraudulent intent. But that does not entitle the law to adjudge you a bankrupt. The question is whether you did it with that intent; and whether you did so or not is a question of fact to be determined by a jury in the box under instructions given to it by the court.

Mr. TAWNEY. But that is in a bankruptcy proceeding—the hearing of that question of fact—to throw a man into bankruptcy.

Mr. BURTON of Missouri. Exactly; that is where the question comes up.

Mr. TAWNEY. And it proceeds upon the allegation of a man who is throwing another man into bankruptcy.

Mr. BURTON of Missouri. Exactly; just as it proceeds now upon the affidavit of a man who seeks to obtain a writ of attachment.

Mr. CONNOLLY. In the preliminary hearing?

Mr. BURTON of Missouri. In the preliminary hearing. I will answer the question and will discuss it.

Under the attachment laws in the various States a party can file his affidavit. In some States they are required to make a positive charge, and in some other States merely "belief" in the statement or that he "has reason to believe" is required. I will say to my friend that I have known many a creditor who has insisted upon suing out a writ of attachment and levying it upon the property of an honest debtor, knowing that he had no ground for attachment, saying unto his attorney, "I do this for the purpose of making this man understand, and all others who buy goods of me, that he must promptly pay his debt, or I will run him to the ground." I have had creditors talk to me in that way in my office.

Mr. BRODERICK. That is the danger that I find in this bill.

Mr. BURTON of Missouri. But they say, "Ah, but you must give an attachment bond." I have said this to creditors. They replied, "Why, certainly; we will give an attachment bond. There will be no trouble about that. We will tie this man up and take every dollar he has, and he will not be able to fight." "But suppose he pursues the matter, and claims and obtains judgment?" "We will offset his judgment with our debt against him." I say to my friend that you can not create any machinery of law for the collection of debt that calls for an officer of the law to touch either the person or property of a so-called debtor but what may become machinery of wrong and injustice; and because it is true of necessity, because of human nature and its inherent selfishness, is no reason why we should refuse to enact a law either of attachment in the States or bankruptcy in the Federal courts.

The sixth is:

Procured or suffered a judgment to be entered against him with intent to defeat his creditors and suffered same to remain unpaid until ten days before the filing of a petition in bankruptcy, provided that a payment or satisfaction of such judgment by a sale of any of the debtor's property or from the proceeds of such a sale shall not be deemed a payment of such judgment under the provisions of this section.

The same argument applies here.

The seventh is:

Secreted any of his property to avoid its being levied upon under legal process against himself and to defeat his creditors, and has not surrendered such property to such legal process at least ten days before the filing of a petition in bankruptcy.

The same argument applies.

Now, I say that these four acts of bankruptcy involve moral turpitude on the part of the defendant debtor, and there can be no good reason why any man should be unwilling to permit such a debtor to be put into bankruptcy, and his property in excess of his homestead and exemption rights taken for the satisfaction of his debts and divided pro rata among his creditors.

Now we come to a class of causes upon which there may be a difference of opinion.

The fourth cause is:

Made an assignment for the benefit of his creditors or filed in court a written statement admitting his inability to pay his debts.

I can see no harm in permitting such a person to be thrown into bankruptcy, because, by his making an assignment for the benefit of his creditors, he has turned over all his property to be divided pro rata among his creditors, and the only difference between carrying out that assignment under the laws of the State and the enforcement of the bankruptcy law against him would be that in the first instance he would not obtain a discharge, while under the operation of the bankruptcy law he would obtain a discharge.

The ninth, the eighth, the second, and the fifth do not involve any moral turpitude on the part of the debtor. Now, we are carried into the discussion of a question upon which minds honestly differ. There are certain States in this Union which recognize a right of preference. There are certain States, I understand, which do not. My own State recognizes that right. If I am possessed of but $5,000 and owe each of four persons $5,000, I have the right under the law of my State to take that $5,000 and pay either one of the four, and no man can call me to account in any court in the State. It has been asserted here that that is wrong, that it is unjust. There are others upon the floor who have argued to the contrary—that it is right and just. Taking these clauses up in irregular order, the ninth says:

Suspended and not resumed for thirty days and until a petition is filed while insolvent, the payment of his commercial paper for or aggregating $500 or over.

The eighth provides that if he shall have—

Suffered while insolvent an execution for $500 or over, or a number of executions aggregating such amount, against himself to be returned no property found, unless the amount shown to be due by such executions shall be paid before a petition is filed.

The second provides as follows:

Failed for thirty days and until a petition is filed while insolvent to secure the release of any property levied upon under process of law for $500 or over, or if such property is to be sold within such time under such process, then until three days before the time fixed for such sale.

The fifth is that he has—

Made, while insolvent, a transfer of any of his property or suffered any of it to be taken or levied upon by process of law or otherwise for the purpose of giving a preference, and has not regained the ownership of such property or released same from such levy before the rights of creditors shall have been altered, changed, or impaired by reason of such transfer, taking, or levy, and at least ten days before the commencement of a proceeding in bankruptcy.

These are the acts of bankruptcy which do not involve moral turpitude. Reasons have been given by our friends on the other side why these acts should not, in their opinion, be made grounds of bankruptcy. On the other hand, reasons have been given on our side why they should be. But, Mr. Chairman, inasmuch as I intended when I rose to discuss only that portion of the bill which more particularly relates to costs and fees, and inasmuch as some of my colleagues have prepared themselves to meet the arguments upon these particular provisions of the bill, I shall conclude my address with thanking this committee for its kind attention. [Applause.]

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. HENDERSON having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that bills of the following titles had become laws without the approval of the President.

NOTE.—The following bills were presented to the President on April 14, 1896, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, have become laws without his approval:

An act (H. R. 5161) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1897;

An act (H. R. 5672) to grant to railroad companies in Indian Territory additional powers to secure depot grounds;

An act (H. R. 2234) granting a pension to Joseph A. Cooper;

An act (H. R. 2800) granting a pension to Martha Brooks; and

An act (H. R. 4606) to grant an increase of pension to Mary B. Houk.

BANKRUPTCY.

The committee again resumed its session, Mr. PAYNE in the chair.

Mr. BRODERICK. I yield twenty minutes to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Chairman, it is with the utmost reluctance that I find myself obliged to oppose the bill reported by the majority of the Committee on the Judiciary. This is especially so in view of my great respect for the chairman of that committee and his colleagues and for their preeminent abilities as lawyers. In opening this discussion the chairman of the committee informed us that this is not a political question nor is it a legal question. If it were either I should feel constrained to blindly follow his leadership. It is a question of practical common sense, one that must be determined largely by the experience of the past and from what we may reasonably expect in the future under the practical operation of the pending measure should it become a law.

Every member, therefore, is free to follow his own judgment and vote in accordance with his convictions.

Mr. Chairman, ever since the panic of 1893 there has been a great demand throughout the country for a bankrupt law of some kind. I regret that the Committee on the Judiciary did not report to this House a bill without the objectionable feature of involuntary bankruptcy. In the past this feature has always resulted in making our bankrupt laws obnoxious to the people, impracticable of execution, and has occasioned their speedy repeal. Were it not for the fact that this bill provides so many different grounds upon which the creditor may proceed to throw the honest debtor, the man who is struggling honestly and manfully to meet his obligations, into bankruptcy, and thereby destroy his business, and perhaps all his future business prospects, I should heartily support it. But containing as it does these objectionable features, it is impossible for me to do so.

The gentleman who opened the debate on this bill, when his attention was called to the experience of the past with regard to our bankrupt laws, attempted to show that their speedy repeal was due wholly to the fact that the Federal courts were inaccessible to the people, and that this objection no longer existed. Mr. Chairman, I was somewhat surprised that my distinguished friend from Iowa [Mr. HENDERSON] could not have found a more plausible reason for the speedy repeal of all previous involuntary bankrupt laws. It does not speak well for the intelligence of the men who enacted those laws to say that it was found necessary to repeal them in two or three years simply because the courts in which they were administered were discovered to be inaccessible to the people. The truth is, Mr. Chairman, that there was another and a far more vital cause for the prompt repeal of our bankrupt laws. Our experience in this respect and the causes which operated to make those laws unpopular and which demanded their repeal should appeal with great force to the members of this House in the consideration of any proposed involuntary bankrupt law.

I have examined the debate on the repeal of the act of 1867, and find that its repeal was due to the obnoxious feature of involuntary bankruptcy. This feature of that law was so outrageously abused by the avaricious and unscrupulous creditor that honest debtors all over the country were forced into bankruptcy and all their prospects for the immediate future ruined. Instead of being a law for the relief of the unfortunate debtor, it soon came to be used as an engine of oppression and extortion. It was that feature of the law that gave rise to the hostility, and which compelled the speedy repeal of the first bankrupt act of 1800 on August 19, 1803. After the repeal of the act of 1800 we were without a bankrupt law until 1841. That, too, was an involuntary bankrupt law. It followed the panic of 1837, and was passed to afford relief to those who were so unfortunate as to lose their all in that great financial crisis. But, like the law of 1800, the involuntary feature made it so objectionable that it was repealed on the 3d of March, 1843, by the same Congress that enacted it. The next attempt to enact a permanent involuntary bankrupt law was in 1867. Five years after this act was passed the House of Representatives passed a bill repealing it. In the succeeding Congress they again passed a bill repealing that act. But both bills died in the Senate; and in 1878 the Senate passed a bill repealing the act of 1867, and that bill passed the House by the overwhelming vote of 205 to 40.

Long before it was repealed its repeal was demanded by the legislature of almost every State in the Union. The Congress that repealed that act and previous Congresses were flooded with memorials from the State legislatures and with petitions from citizens praying for the repeal of that act. In the message of President Grant to Congress in 1873 we have the reasons why the people were so anxious for the repeal of that obnoxious measure. President Grant in that message said:

Careful and prudent men very often become involved in debt in the transaction of their business, and though they may possess ample property, if it could be made available for the purpose, to meet all their liabilities, yet on account of the extraordinary scarcity of money they may be unable to meet their pecuniary obligations as they become due, in consequence of which they are liable to be frustrated in their business by proceedings in bankruptcy at the instance of unrelenting creditors.

People now are so easily alarmed as to monetary matters that the mere filing of a petition in bankruptcy by an unfriendly creditor will necessarily embarrass and oftentimes accomplish the financial ruin of a responsible business man. Those who otherwise might make lawful and just arrangements to relieve themselves from difficulties produced by the present stringency in money are prevented by their constant exposures to attack and disappointment by proceedings against them in bankruptcy, and, besides, the law is made use of in many cases by obdurate creditors to frighten or force debtors into a compliance with their wishes and into acts of injustice to other creditors and to themselves.

He recommended the repeal of the act, and if that could not be done, a repeal of its most objectionable features. That message was delivered to Congress in 1873, six years after the act had become a law. The reasons and the conditions which President Grant cited in that message, showing the necessity for the repeal of the involuntary bankrupt law of 1867, are more powerful arguments against the enactment of a similar law at this time than anything I can say. In view of our present financial and industrial depression, in view of the scarcity of money, in view of the fact that thousands of honest men are struggling along in business in the hope of better times, and in view of the greed and rapacity of some creditors, we should take as a warning against the enactment of an involuntary bankrupt law the words uttered by General Grant in favor of the repeal of such a law.

In criticising the position taken by those who favor voluntary bankruptcy alone the chairman of the committee said:

Why should the creditor be cut off and the debtor alone be entitled to bankruptcy?

That, Mr. Chairman, is an incorrect statement of the position of those who are in favor of voluntary bankruptcy or who favor an involuntary bankruptcy law limited exclusively to the ground of fraud. We do not propose to cut off the creditor. It is not a question of depriving him of any right he now enjoys. The question is whether or not, if we give to the creditor an opportunity under voluntary bankruptcy to share equally in the distribution of the insolvent debtor's property when that debtor goes honestly into a court of bankruptcy for that purpose, in addition to the benefit of the State laws passed for his protection, he should have the additional right to go into a court of bankruptcy, and upon the mere allegation of himself, his attorney, or agent that the debtor has committed any of the nine acts specified in this bill, throw his debtor into bankruptcy and perhaps ruin him forever. Voluntary bankruptcy does not take from the creditor any right he to-day enjoys, but insures to him a just and equal distribution of the property of the honest debtor.

The purpose, and I take it the only purpose, of a bankrupt law is to secure the equal distribution of the debtor's property among his creditors and to release him from obligations from which he could never hope to be released if he could not do so through some procedure of this kind. Is involuntary bankruptcy essential to the accomplishment of either of these two purposes? I think not. By the provisions of a voluntary bankruptcy law the creditor, when the insolvent debtor avails himself of the benefit of that law, obtains his proportionate share of the assets or property of the debtor. He could do no more if he had the benefit of an involuntary bankrupt act. The only difference is that in the one case the debtor himself must take the initiative, while in the other the creditor may take the initiative without regard to the interests of anyone but himself. If his grounds for doing so are valid, his motive can not be questioned, nor will the consequence to the debtor and his family be considered. It gives him the right to demand his pound of flesh.

If the honest debtor is unable to meet his obligations as they mature, and is therefore insolvent, and his creditors are pressing for the payment of their claims, and if the debtor knows that under the law he can make an equal distribution of his property and obtain a complete release, and then take a new start in life, he will not hesitate to avail himself of the benefit of such a law. It is only, therefore, where the creditor is dealing with a fraudulent debtor that involuntary bankruptcy is of any benefit to him, unless he seeks to put the debtor into bankruptcy upon the mere allegation of fraud for the purpose of extorting preferences to himself or for the purpose of ruining the debtor.

I take it, Mr. Chairman, that this legislation is intended to proceed upon the theory that honesty in man is the rule and dishonesty the exception. We should, therefore, legislate with a view to protecting the honest creditor and the honest debtor; and if involuntary bankruptcy is not essential to the protection of either of these two classes, but is necessary to protect the honest creditor against the dishonest debtor, it should be limited in its operation and effect so as to accomplish that purpose and that alone.

Is there any necessity for a bankrupt law at this time? In answering this question I want to call the attention of the committee to a few facts which I have gathered from a record recently published by the Bradstreet Company, a commercial agency of national reputation. It shows the failures within the last four years and the causes of these failures. I take it, Mr. Chairman, that every man on this floor will agree with me when I say that the unfortunate debtor who has been overtaken by disaster or who has failed because of competition or the failure of others, or whose failure is due to credit given unwisely to his neighbors or to lack of experience or to lack of capital to carry on his business, is especially entitled to relief in bankruptcy. They are what are known in trade as honest failures.

How many men have failed from these causes during the last three years? I find on examining this record, to which I have already referred, that in 1892, 1893, 1894, and 1895 there were 36,145 men who failed from one or the other of the causes I have recited, and that the aggregate amount of their liabilities was $624,404,143, and that their estates did not equal more than 33⅓ per cent of their liabilities. It is fair, therefore, to assume that the great majority of these men are still laboring under the burdens of these enormous debts, and that they can only find relief in a court of bankruptcy. If this is not afforded them, the community in which they live will be deprived of their energy and

industry or they will have to practice dishonesty by concealing their property in the name of their friends or relatives.

In view of the great demand throughout the country for this legislation, and in view of the great number of citizens who are to-day weighed down with a load of debt, from which they can never hope to be released except by voluntary bankruptcy, the practical question for us to consider is, which of the three propositions now before us shall we pass? Will it afford any relief for us to pass the committee bill, a bill that we know will never become a law at this or any other session of Congress with the sentiment against involuntary bankruptcy it will encounter in the Senate?

I am in favor of the substitute which will be offered by the gentleman from Kansas [Mr. BRODERICK]. That substitute has been carefully considered by the Senate Judiciary Committee, and it has been reported by that committee to the Senate. That substitute provides merely for voluntary bankruptcy, except section 17, which authorizes involuntary bankruptcy in the case of actual fraud. I have not the time to discuss the details of the various sections of the substitute bill, but if the members of the House will send to the Senate document room and call for Senate bill No. 742 and examine it, they will ascertain how its various provisions compare with the bill now under consideration. I hope they will take the trouble to do so before we have a vote on the pending proposition.

The involuntary feature of the substitute is carefully guarded so as to protect the honest debtor and still afford the creditor an opportunity to proceed against the fraudulent debtor. If the debtor has made an assignment or other conveyance of his property, real or personal, or any part thereof, or has given or suffered any lien or any incumbrance on the same with the actual intent of defrauding his creditors, or any of them, the creditor can, in that case, force the debtor into bankruptcy, but under this provision before the creditor can proceed against the debtor in bankruptcy there must be a judicial determination of the question of whether or not the transfer was made with the intent to defraud. But mark the distinction between section 17 of the substitute and the bill now under consideration.

Section 17 provides that before you can put a man into bankruptcy you must adjudicate the question of fraud in court, before a jury if a jury is demanded. There must be a judicial ascertainment of the fact. You can not proceed by a petition alleging fraud, and on that ground force the debtor into bankruptcy. The creditor proceeds against the debtor first as a fraudulent debtor, not as a bankrupt, and the debtor has an opportunity to contest the allegation of fraud upon which he is to be adjudged a bankrupt. If the court finds the fact to be that he has transferred his property for the purpose and with the intent alleged, the debtor can then be adjudged a bankrupt, and not otherwise. There is, therefore, ample protection to the honest man who is charged with fraudulently conveying his property. He has the opportunity of disproving the allegation of fraud, and if he succeeds he is saved and his business is saved from the embarrassment incident to the filing of a petition in bankruptcy such as the committee bill authorizes.

Mr. Chairman, in view of our experience in the past with involuntary bankruptcy, let us drop that feature of the law except as it is authorized in the substitute of the gentleman from Kansas and enact into law only those features of previous laws which proved effective and which can not be abused by dishonest men. By doing so we will afford relief to thousands of men in this country who were ruined in the financial panic of 1893 and who are to-day weighed down with a load of debt they can never hope to pay. These men are bending, as it were, under a collar which for the balance of their lives will hold them in merciless bondage unless we give them the opportunity of passing through the court of bankruptcy and wipe out, as with a sponge, their past obligations and then go forth again as free men to work out for themselves a new fortune or go struggling down to their graves.

Mr. BRODERICK. I yield ten minutes to the gentleman from Illinois [Mr. GRAFF].

Mr. GRAFF. Mr. Chairman, I am sorry that, after careful reflection, I am unable to give my support to this bill. I hear no urgent demand from my own people for an involuntary or a voluntary bankrupt law.

The demand from the people, which is general, strong, and earnest even from the debtor class, is not that they be given an opportunity to repudiate their debts, but that they be given an opportunity to pay their debts. Yet I can see that cases arise where men are honestly involved in debt so hopelessly that some relief ought to be afforded to give them another chance in life. I should be willing to vote for a bill, reasonable in its provisions, which provided a way for a debtor to enter voluntarily into bankruptcy, provided that the period of the operation of that law was confined to a reasonable time, say one or two years. I am not one of those who believe that a liberal voluntary bankrupt law would either be calculated to increase commercial honesty or to make men prudent in business, or calculated to help either the debtor or the creditor; but I believe in being national in my ideas, and if the South or the East or the West or any other portion of this country is so peculiarly situated from past reversals as to need the benefit of a voluntary bankrupt law, I am willing to pass such a law with reasonable provisions, and give them a reasonable time in which to obtain the benefits of it.

I carefully listened to the speech of my colleague [Mr. CONNOLLY], thinking that I should surely find some good reason for joining with him in the support of this bill, but I was very much surprised to find as able a lawyer as he is entering upon a defense of the involuntary provisions of this bill on the ground that it would help the debtor class. And how? He describes a man who is too proud, forsooth, to take advantage of the voluntary provisions of the act, and he argues you should support the involuntary provisions of this bill, so that this proud-spirited man can have his creditors force him into bankruptcy! I read from page 4582 of the RECORD:

Gentlemen tell us the same benefits might be reached under an involuntary bankruptcy law. That is true; they may be. A proud-spirited man, struggling under adverse circumstances in his business, keeps the star of hope in the sky above him as his guide; and no matter how dark the financial clouds around him may be, if he is honest he looks to that star just as an escaping slave once looked to the North Star for relief, and believes that by a proper struggle he may escape the disastrous results which seem to be threatening him in his business affairs. You say here, "You may release yourself by going to the bankrupt court and ask to be discharged from the indebtedness." "I don't want to do that; I don't want to allow that," the proud-spirited man says. "I don't want it. I don't want to back out and admit my defeat. I want to keep going, no matter what the struggle may be, if I can possibly do so."

Now, I say, give him a chance. Let him struggle on, not under the same adverse conditions. I am willing that he be given a chance, that he shall be relieved from his obligation. But the friends of the exclusively voluntary bankrupt laws say, "Oh, no; that will not do. You must pay in full or else you must acknowledge your defeat, plead guilty, go into a voluntary court, and have judgment passed upon your estate."

I submit that his argument means nothing more or less than that the involuntary features of the bill provide a kindly way of a man getting into bankruptcy by the act of his creditors instead of himself, which would not humiliate the debtor as much as his taking the step himself. This is indeed a peculiar and, I make bold to say, an unreasonable view.

When the star of hope can only be seen in a firmament of bankruptcy legislation, God help the debtors of the country.

Then the gentleman, with further strange, and to me inexplicable, argument, proceeds to give another reason why we should have an involuntary bankrupt law, because, forsooth, of the harshness of the State laws. When cited to the instance of attachment suits in his own State he speaks of the creditor making an affidavit upon information and belief as the foundation of the writ of attachment. The creditor does not do anything of the kind. He is compelled to make his affidavit, to verify it with certainty, from personal knowledge and absolutely. It is a condition precedent that he file a bond before the attachment issues, and the conditions of that bond are not those which can be escaped, as my colleague [Mr. CONNOLLY] said yesterday, by his pleading, when he is sued upon the bond, that he thought that what he alleged in the affidavit was true. Not at all.

The conditions of that bond are that he prosecute his suit to a successful conclusion, and there is no escape from a recovery upon that bond when the fact of his failure to do so is proven, of which the record itself would be plenty of evidence that he had failed to perform the conditions of the bond, and then the only question would be the amount of the damages. It is well known to all lawyers practicing in State courts in the United States that attachment suits are not so readily resorted to. We all know that we have had claims in our offices when we knew that a poor merchant was probably insolvent, yet we believed him to be honest, and we knew no way by which we could commence an attachment suit and maintain it, because the debtor was guilty of no fraud. We have sat there and waited with those claims and permitted that man to honestly administer his own business, and perchance fortune favored him, business grew better, and he finally paid his debts and came out of his financial difficulties. I think it is much better to let the remedy be where it is, in the State courts, under the State laws, framed with peculiar reference to the conditions of that particular locality.

Furthermore, from the slight experience which I have had in my practice, the difficulty about the collection of debts is where the debtor fraudulently conceals his property, where he is guilty of fraud of some kind and conceals the property, or transfers it fraudulently, where it is difficult to reach. There is not any particular remedy which is furnished by this bankruptcy law which is superior to the State courts for the purpose of ferreting out the fraud. The courts of chancery in every State are the courts which have the peculiar power adapted to this purpose. There is quite a contrast between the attachment laws in the different States and the provisions of this bill. The condition precedent of the creditor in the commencement of an attachment suit is that he file his bond, and a good bond, to be approved by the clerk of the court. Under this bill a creditor goes into a court of bankruptcy and files his

petition without bond and he can speculate on the chances of his being able to adjudicate the defendant a bankrupt. Every man knows that at this particular time thousands and thousands of merchants have no money and no property except the unsold stock of merchandise upon their shelves and the uncollected accounts upon their books.

Of ten creditors of one of such merchants nine may be willing to wait for better times and give the merchant debtor an opportunity to slowly work out of debt by gradually paying each a portion of their debt, but the one remaining creditor is master of the situation by simply announcing his intention of filing a petition in bankruptcy. Such a creditor assumes no risk, for he can in case of failure be compelled to pay only the costs of the proceeding. For the damages which the honest and solvent debtor in such a case would incur no recovery can be had.

Who can measure the vast amount of injustice which may be done to the large number of business men with small capital who would pull through if unmolested by the unjust filing of a petition in bankruptcy by a creditor at this particular crisis?

Remember that the question of solvency may turn alone upon the value placed upon the stock of goods of the debtor by the court, a subject upon which an erroneous judgment might be easily reached.

For the man who can pay his debt and will not I have no sympathy. I am not concerning myself on the floor of this House to shape legislation for his protection. He deserves none. This includes all debtors who have committed fraud in incurring the debt or who afterwards fraudulently try to escape payment. If the involuntary provisions included in its list of acts constituting bankruptcy on the part of the debtor were those only involving actual fraud, I would be constrained to vote for this bill. It, however, in my judgment, is far too comprehensive, and its provisions are so drastic as to permit it to be used as an engine of oppression against worthy honest debtors who are struggling against adverse circumstances for which they are not responsible, and who, if unmolested, will "work out their own salvation." This should be our highest aim: To encourage men to rise above these difficulties and pay their debts, and not to encourage scaling down honest obligations on the one hand or the oppression of the debtor on the other. Creditors are not usually inclined to ruin the debtor. It has been truly said that self-interest would prompt the opposite course.

This is true, as a rule; but exceptions are not wanting to the contrary. Sufficiently numerous are the exceptions to warrant us in passing no law which shall not guarantee, so far as we may, exact justice to each. There is nothing in present conditions to cause me to look to a bankrupt law as legislation calculated to relieve the present general business depression. Its passage is a confession of distress, not a cure for it.

I shall vote for the Senate bankruptcy measure because I believe it gives all the relief which a creditor should ask. It confines acts of bankruptcy on the part of the debtor to actual fraud, and it provides for involuntary bankruptcy, and is less harsh in its provisions than the present House bill. I vote for it because, if a bankruptcy bill is to pass, I prefer it to the House bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRODERICK. I yield ten minutes to the gentleman from Nebraska [Mr. STRODE].

Mr. STRODE of Nebraska. Mr. Chairman, I regard the measure which is now under consideration by the Committee of the Whole House as one of great importance to the people in all parts of the country—of as great importance, perhaps, as any measure that has been before this House during the present session of Congress. By reason of the great panic of 1893 and the financial and business depression that has existed from that time to the present, thousands of men engaged in business have become insolvent, and have not only lost or surrendered all their property, or will be compelled to do so in the near future, but are hopelessly overwhelmed with debts which they can not pay. Thousands of our brightest, most energetic and enterprising business men in every section of this country are loaded down with debt which, through no fault of their own, they can not pay. Nothing is to be gained by holding judgments over such men. To do so tends to discourage effort, to paralyze industry, and encourage deception. If these men could be freed from their obligations they would, with their former energy, enterprise, and ability, struggle to start themselves in business again and become the most useful members of the business world, and many of them would in time be able to pay and would pay off obligations incurred prior to their failure. Without the aid of a bankruptcy law this will be impossible in many cases.

One correspondent, writing to me on this subject, aptly says:

If a man can not use his own name and build up a credit on that foundation he becomes a salaried clerk, with little hope of bettering his own condition or doing anything toward paying his creditors.

I represent in part upon the floor of this House one of the great, growing young States of the West. It has made amazing progress during the last twenty-five years or more in all that goes to make a State great. Her progress has resulted in a large degree from the energy, enterprise, and business ability of young men who had small means with which to begin business—men who left the Eastern and Middle States and sought the newer portions of the West. They established for themselves, by their energy, ability, and integrity, a business standing that enabled them to obtain extended credits in building up enterprises adapted to the development of the West. It is this class of men in that part of the West to which I belong who have suffered most from the unlooked-for depression in business and the enormous shrinkage of values that have occurred within the last three and a half years. Most of these men are yet in the prime of life. With an avalanche of debts hanging over them they can not hope to establish themselves in business again. If a proper bankruptcy law is enacted, so that they may make use of its provisions to free themselves, many of them will amass fortunes in the future and become the most useful and valuable members of society. Most of them are honest and will recognize their moral duty to pay their just obligations when they can, although they may be released therefrom by their taking advantage of the provisions of a voluntary bankrupt law.

Gentlemen have said to this committee during the debate on this bill that there was no demand for the enactment of a bankruptcy law; that their constituents are not demanding the passage of such a law; that they have received no letters or petitions from their constituents asking them to give their support to such a measure. I can not say that. During the short time I have been a member of this House I have received about fifty letters and several petitions from the people of my district urging upon me the necessity for the passage of a bankrupt law by this Congress. These letters and petitions came from men who do not intend to take advantage of such a law, as well as from those who will seek legal relinquishment from their obligations under such a law, if enacted, until they can establish themselves in business again. Some members of this House have said that they would oppose the enactment of a bankrupt law of any kind. I believe it to be my duty to vote for the passage of a proper bankruptcy bill. But I do not want to vote for the passage of a bill that will enable the unjust and unscrupulous creditor to oppress or destroy the unfortunate debtor. The collection laws of the several States give creditors abundant means for the collection of their debts. They do not need the additional assistance of a bankruptcy law for that purpose. It was the abuse of the involuntary provisions of the law of 1867 by this class of creditors that made it so obnoxious that its repeal was demanded by the people and recommended by President Grant in a message to Congress, as the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] showed to the committee in his speech yesterday.

I have the profoundest respect for and confidence in the gentlemen of the Judiciary Committee of this House who framed this bill and reported it, recommending its passage. I know the chairman of this committee, Mr. HENDERSON, stated in his speech day before yesterday that this bill is much more humane in its provisions than the original Torrey bill, and more humane than any bankruptcy law heretofore enacted by Congress. I know he is sincere when he says that he believes this bill will prove a blessing to the country if enacted into law. I have so much confidence in his judgment that I am disposed to follow where he leads in matters presented for consideration in this House. Yet I fear the involuntary features of this bill are too drastic. If it should become a law with all its involuntary features as reported by the committee, I fear it may prove dangerous and damaging to that large class of business men who are unable to meet all their obligations promptly as they fall due. Many men now in business would be found to be insolvent if required to pay all their debts at the present time. There are many men engaged in mercantile business, manufacturing, and other industries in the country who are insolvent, but who keep the interest on their debts paid and manage to get enough out of their business to support themselves. If the financial and industrial interests of the country should be restored to the condition they were in three and a half years ago, these men will not only be able to pay their debts, but will have their business left which they have struggled to establish. The good will of the business, the reputation a man has acquired, the confidence of the public acquired by long-continued honorable dealing, is sometimes worth more to a man than the value of all his property. The enactment of a bankrupt law with drastic involuntary provisions will place the power to destroy all this in the hands of hard-hearted and exacting creditors.

Mr. RAY. May I ask the gentleman a question?

Mr. STRODE of Nebraska. With pleasure.

Mr. RAY. You say that a large number of your merchants are practically insolvent to-day. Now, what keeps them on their feet?

Mr. STRODE of Nebraska. The simple fact that their creditors do not enforce collections, I presume.

Mr. RAY. It is the leniency of their creditors.

Mr. STRODE of Nebraska. I presume so.

Mr. RAY. Then because their creditors have faith in them, and their creditors, having the right to press them, are lenient under the State laws, do you not suppose that they would be just as lenient under the United States laws? Will not they have the same interest in maintaining their credit?

Mr. STRODE of Nebraska. They may have, and they may not. If an Eastern creditor becomes alarmed, believing that he may not be able to collect from his Western debtor, if he gives him an extension of time and the opportunity to become further involved in debt, he may imagine that it would be an easier and more certain way of collecting his claim to force the debtor into bankruptcy before he loses what property he now possesses, or becomes more deeply involved in debt.

Mr. RAY. But the Eastern creditor to-day, if he becomes alarmed, can hasten to your State, institute proceedings for the collection of his debt, and put the debtor into the hands of the sheriff in twenty days or thirty days or whatever time may be required to get a judgment.

Mr. STRODE of Nebraska. That may be done under the State law, but——

Mr. WALSH. The creditor does not violate the debtor's personal liberty, though, even if he does do that.

Mr. STRODE of Nebraska. No, sir.

Mr. RAY. This bill does not violate his personal liberty.

Mr. WALSH. It permits it to be violated.

Mr. STRODE of Nebraska. I was about to say when the gentleman from New York [Mr. WALSH] interrupted me that the Eastern creditor often refrains from forcing the collection of claims rather than to commence proceedings in the local courts, where the debtor can be served with legal process, when he would not so refrain if the Federal courts are given exclusive jurisdiction in bankruptcy proceedings and an involuntary bankrupt law is enacted. It was because creditors did make frequent and oppressive use of the Federal courts for the collection of their debts that former bankrupt laws became so obnoxious to the people.

Mr. Chairman, I can not in the short time allotted me enter into a discussion of the merits or demerits of this bill in detail. I do not like the involuntary provisions which it contains. I should be glad to give my support to a bill properly framed containing provisions for voluntary bankruptcy only. I do not believe a man ought to be forced into bankruptcy simply because he can not pay all his debts within a short time after they become due. I do not like the second, eighth, and ninth acts mentioned in this bill, for the commission of which bankruptcy proceedings may be maintained. I am willing to support a bill containing a provision for involuntary bankruptcy based upon fraud committed by the debtor, the commission of such fraud to be made an issue of fact, to be first determined by a jury before the debtor can be thrown into bankruptcy. I am informed one or two substitutes will be offered for the pending bill, one of which is intended to provide for a system of purely voluntary bankruptcy, the other containing a provision for involuntary bankruptcy based upon the commission of fraud by the debtor, all its other provisions being for voluntary bankruptcy. I shall vote in favor of one of these substitutes, and if it is voted down, then in favor of the other, if I have an opportunity to do so. If both of such substitutes are voted down I hope the bill under consideration may be amended so that I can see my way clear to vote for it. I listened with deep interest to the speech of the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] yesterday in opposition to this bill.

I said a while ago that I had received many letters and several petitions from the people of my district, asking me to support the passage of a bankruptcy law. Some of them say they have examined the Torrey bill and want it enacted into law. Others say, "Give us a voluntary law if you can, but if you can not do that, give us some kind of a bankrupt act that will enable the business men of the country who are overwhelmed with debts, and who still possess physical and mental vigor and are full of enterprise and energy, a chance to get from under the weight of debt that binds them down and renders them helpless." I have one letter here from a lawyer of extensive experience, who practiced under the bankruptcy act of 1867, and in whose judgment I have great confidence. He speaks of the bill under consideration in much the same language used by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] in his speech yesterday. This lawyer says he has examined the Torrey bill now pending in Congress. I presume he has examined the bill introduced in the House at this session by the gentleman from Vermont [Mr. POWERS].

Mr. RAY. Well, let me say right here that the provisions of that bill providing for involuntary bankruptcy have been very much modified by the committee.

Mr. STRODE of Nebraska. I sent several copies of the bill to persons living in my home city, in which city the writer of this letter resides, for examination. I will read his letter:

LINCOLN, NEBR., *March 25, 1896.*

DEAR SIR: I have been requested to write to you my opinion of the Torrey bankruptcy bill now pending in Congress. I can not too strongly condemn this proposed measure, and can only suppose that it has received the indorsement of Nebraska people because they are not familiar with its provisions and did not experience, or have forgotten, the operation of the act of 1867, which in many respects was less objectionable than this measure, but which was so oppressive in its operations as shortly after its enactment to arouse a popular demand for its repeal. A prudently drawn enactment providing for voluntary bankruptcy only would, I should think, be a wise and beneficial measure. But a law containing the involuntary clauses incorporated into this bill would, in my opinion, seriously cripple and impair if it did not substantially ruin the banking, jobbing, and manufacturing interests of this State. That the act of 1867, so long as it remained in force, was effective to this end is very vividly within my recollection, as it must be within that of other lawyers who had a considerable practice in the bankruptcy courts in Nebraska.

There are other respects, which I have not time nor space to mention, in which this bill is equally open to criticism. It is in many ways, in my opinion, the most vicious measure upon this subject which, so far as I know, has been offered in either House of Congress.

Respectfully,

JOHN H. AMES.

Hon. J. B. STRODE,
House of Representatives, Washington, D. C.

Mr. Chairman, while the gentleman whose letter I have just read appears to favor no bankruptcy law unless it be purely voluntary, yet, in all the letters in this large package which I hold in my hand, all of which have been on file in the room of the Judiciary Committee, there is but one other letter suggesting the passage of a purely voluntary bankrupt law. I have here one petition containing the names of about forty or fifty business men living in my Congressional district, praying for the passage of the Torrey bill, the heading to the petition stating that they had examined the same. I will call the attention of the committee to the language used by the writers in some of these letters that gentlemen may know what the people of the West are demanding.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GILLETT of Massachusetts. Mr. Chairman, the bankruptcy bill now before the House has been so thoroughly explained and defended by the other members of the committee that I will not occupy any time in considering its details. The discussion seems now to have narrowed down to the question of the comparative merits of a voluntary system and of a system which has both the voluntary and the involuntary features. That seems to have become the issue, and in the short time allowed me I will confine myself to that issue and to one argument which has not yet been suggested in favor of this bill.

The purely voluntary system of bankruptcy has been advocated upon the ground that it "gives the debtor a chance," that it allows the poor man relief, and thereby appeals to our feelings of humanity and sympathy and as well, perhaps, to our desire for popularity. But it seems to me that is not the true ground upon which even the voluntary system can rightfully be defended. We have no right to pass a law which shall simply benefit and relieve a certain class except for the reason that that law is for the good of the whole. That is the only reason we can properly pass even a voluntary bankruptcy law; not simply because it relieves the bankrupts themselves, but because, by relieving the bankrupts, it releases to the community their energy and activity which would otherwise be kept down under a load of debt.

Now, Mr. Chairman, the same principle must authorize the involuntary system, and the question for us is, Will an involuntary bankruptcy law be for the good of the whole community? I claim that it will.

It is said on the other side that a law which allows involuntary bankruptcy is unfavorable for the debtor class. That is true as to individuals, but I deny that it is true for the class. Unquestionably it is pleasanter for individuals who are insolvent to decide for themselves whether they will become bankrupt or not, and to incur no risk of being forced into bankruptcy. But we must remember that the individuals who fail are but 1 per cent of the whole trading class, and that the other 99 per cent, as well as the rest of the community depending upon them, are the people for whom we ought to legislate. And although this 1 per cent would doubtless prefer to make their own choice whether they should go in or not, it may be better for the whole class that the involuntary system should be allowed and creditors have some voice in the decision. I claim that it is better for this reason: An involuntary bankruptcy law would do more than any other law that we could pass to extend and secure credit in the United States.

Of all the developments of this age of development one of the greatest is the credit system. There is no question that our whole industrial life has been stimulated and promoted by it and to-day depends upon it. Anything which improves credit, which makes it stronger and safer, improves the business of the whole community and every class of the community, and quite as much the debtor class as any other. Any law which strengthens and broadens credit benefits and advances the whole country. If we pass this law allowing involuntary bankruptcy, it is going to vastly strengthen the credit system, not because creditors will use it to any great extent, not that this bill will be or can be used as an engine of oppression, but because under it creditors will have confidence that they are going to be treated upon an equality with all other creditors. That is what creditors want. What they fear is

either that debtors will prefer their friends or that other creditors by connivance or by superior shrewdness or harshness will obtain an undue advantage. If each creditor knows that his chance is just as good as that of every other, that he will come in on an equal footing with every other, that if there is insolvency, if there is fraud, if there is preference, he can come in and stand on the same level as all other creditors, he will feel content and he will extend his credit. That will give him a sense of security which nothing to-day does.

The losses which creditors rankle under are not losses from the honest insolvent; they are the losses from fraud, or from preferences, or from the superior unscrupulousness or adroitness of other creditors, where they feel that somebody else has obtained an undue advantage over them. When a creditor sees another creditor anticipate him and seize his share of the assets, then he feels animosity toward that creditor and toward the locality or State that allowed the inequality.

It has been said upon the other side that this law would allow one creditor, more harsh and suspicious and energetic than the rest, to collect his debt by threats of putting the debtor into bankruptcy, and thus the debtor would be oppressed and other creditors would be circumvented, but I maintain that the result of this law would be just the reverse. The trouble to-day is that inasmuch as there is no general insolvent law by which all creditors can come in and share alike, each is suspicious and alert to resort to the collection laws, and thus gain an advantage over the other creditors. The neighboring creditors, who see the danger of the debtor, and who are at hand to avail themselves of attachment laws, take advantage of distant creditors. The large creditors in the big cities, whose business is so extended that they have agents constantly in every locality, are watchful and alert and able to protect themselves, and gain advantages at the expense of the smaller and less informed creditors; and hence it is that this bill is opposed by many of the largest houses in our largest cities, because it will take from them the advantage which their organized system of collection gives them, and take from them their monopoly, and put them on the same footing with smaller houses who can not now afford to maintain such elaborate watchfulness.

Under this bill one creditor can not, except in very small cases, file a petition of bankruptcy. It requires the concurrence of three creditors; so that it absolutely prevents one trying to use the law as an engine to extort payment of his debt—three must combine for the purpose. Moreover, this bill takes away the creditor's main motive for commencing proceedings against his debtor, namely, fear that unless he does so proceed he will lose his fair share of the assets and they will go to others. This to my mind is the great benefit of the bill. While it is in existence all creditors will feel that in emergency they have it in their power to step in and prevent others from unfairly absorbing all the assets. For the creditor does not want his debtor to be a bankrupt; he is of all men most interested to keep him solvent. The attempt is constantly made to consider the creditors and debtors as if they were two distinct classes, necessarily and violently antagonistic. But as a rule their relations are quite the reverse, and are mutually profitable and friendly. Of course, when it comes to a legal contest they are foes; but the creditor dreads that as much as the debtor.

It is for the advantage of the creditor that the debtor should keep on with his business. No one is so selfishly concerned as the creditor in the debtor's success. If he is able to collect his debts as they mature, he wants new debts to be created. If he has loaned money and the contract is performed, he wants to loan it again. If he sells goods and they are paid for, he wants to sell more goods. He does not want the debtor to pay except to borrow or buy again. He is the last one who has an interest in having the debtor fail. Hence the creditor, above all others, will be slow to take advantage of a law of this kind. He, above all others, wishes the debtor to prosper. As long as he feels there is no danger of being taken advantage of, as long as he feels, if insolvency should finally come, his chance is just as good as that of any other creditor, so long he will be glad to allow his debtor to go on and work out his own salvation if he can. And it is that security which this law gives; and hence it will do much to improve the relations between creditors and debtors, to broaden laws, extend credit, reduce interest and profits, and benefit the whole community.

Now, sir, experience tells us better than anything else whether such a measure as this would be harsh or not. In my State we have a law with far more stringent involuntary features than this bill, a law which has been on our statute books for more than half a century. But I have never known of any petition for its repeal. I have never heard complaint that it worked hardship on the debtors. I believe that under our law to-day three-quarters, and I am not sure but nine-tenths, of the insolvencies occurring are voluntary. That law is not used for the injury of the debtor. It is used equitably. Anyone can see by considering the proportion of involuntary cases that it is not the creditors who mainly appeal to it. And its satisfactory operation is shown, too, by the fact that there has never been, so far as my knowledge extends, any movement to suspend or repeal it. It has not worked inequitably. Such a fact, it seems to me, proves more than any theoretical reasoning could that a bankruptcy law with an involuntary feature is not necessarily harsh in its operation upon the debtor. It is useful to the creditors not because they can use it as a threat or engine of oppression, or because they use it frequently, but because its mere existence is a preventive of fraud and gives them confidence and security that in case of stress they can be protected.

We have had what are called "debtor States," who claim that they have suffered at the hands of the "creditor States." Now, I believe that one thing which the "debtor States" want and which would really be for the good of such States is to let the "creditor States," as they call them, understand that in those "debtor States" one creditor should stand on the same footing as every other creditor. What creditors fear, if they are at a distance, is that perhaps local favoritism or friendliness or neighborhood feeling may operate to give them less than their fair share as compared with other creditors. A law of this kind operating over the whole country will create among creditors a feeling that they can in any event get their proportion in any distribution which may be made of a debtor's estate, and will much improve the credit of the debtor States.

There are some persons who will not consider this an advantage. One able member discussing this bill said that he believed all credit was injurious, and that it would be better for the country if there were no credit system. If he was speaking as a philosopher, this might be true. It is possible that a country purely agricultural, where each man is able to supply all his own simple wants and aspires to nothing more, may be the most prosperous and secure. A return to the shepherd life of Arcadia might be the best for the happiness of the world, but we certainly are not sent here to legislate on any such principles. We are sent here to promote as far as possible the great industrial life of the country, and as far as possible to make its results felt and enjoyed equally in every section of the country, and one great method of accomplishing that, and of giving to remote regions the advantages of the large centers, and in improving the mutual relations and commercial dealings of different sections is this bill, with the great strengthening of the credit system which it will accomplish by assuring creditors fair and equal treatment.

Mr. BRODERICK. I yield ten minutes to the gentleman from Missouri [Mr. TRACEY].

Mr. TRACEY. Mr. Chairman, the question before the committee is one of very grave importance, so grave, in fact, that I regret that more time has not been allotted to its discussion.

I am not opposed to all bankruptcy legislation, but I am opposed to the bill pending before the committee. I am opposed to it because I do not believe that it is in the interest of the great majority of the people. If the argument of the gentleman who has just taken his seat is well founded, then assuredly no legislation in this direction can be regarded as necessary. If creditors above all others will be slow to take advantage of a law of this character, then there is no occasion for its passage, because nobody else is asking for it. It is with unfeigned regret that I make this statement, because I would not willingly or lightly antagonize the recommendation of a committee for whose chairman and membership I have so high a regard as I have for the chairman and membership of the Committee on the Judiciary.

The bill is said to be in the interest of debtors. That has always been the pretense upon which bankrupt laws were founded. If it were true, if the experience of the past had demonstrated the truth of that pretense, then we might have as evidence of it at least one petition, or, if not a petition, a letter from some one debtor throughout the length and breadth of this great land of ours asking the enactment of a bankruptcy law. But there is no such petition. There is no such letter. There has never been any such letter or petition sent to any legislative body on earth, and never will be, in my opinion.

It may be that it is better for the business interests of the country to occasionally take a sponge and to a degree wipe out existing indebtedness. To that extent perhaps a bankruptcy law voluntary in its character is desirable. If an involuntary feature is added, it should in my opinion be confined to the commission of actual fraud by the debtor, the proving of which should be carefully guarded. Such a law, if not a good thing, might at least not be an unmixed evil.

We have been cited to the fact that since the repeal of the last bankruptcy law enacted in this country, in 1867, the failures in business have amounted to more than 171,000. We have had our attention directed to the fact that the liabilities of those 171,000 failures amounted to more than $2,600,000,000, and that therefore a law of this kind is a necessity.

Why, Mr. Chairman, it would be equally as fair and more logical to say, in response to that statement, that inasmuch as the growth and progress of this country since the repeal of the bankrupt law of 1867 has been unexampled in the history of nations,

therefore the absence of bankrupt laws from the statute books of the country has been among its greatest blessings.

Why, sir, as an offset to the twenty-six hundred millions of liabilities involved in the failures in the United States since 1878, I call your attention to the fact that there has been a growth in wealth during the same period of twenty-seven thousand millions of dollars.

Now, it is estimated that no more than an average of 25 per cent of the liabilities of the failures in the country is ever paid, leaving 75 per cent as a total loss. The statement of the proposition answers itself. The loss is very largely apparent, rather than real. If it is true that there had actually been abstracted from the channels of trade and commerce and from the industries of the country, through its business failures of the past eighteen years, the enormous aggregate of more than eighteen hundred millions of dollars, the growth of the country and the expansion of its trade, about which there is no question, would have been impossible. But the people who are constantly extending credit in the management of their business have learned by experience the per cent of loss likely to occur, and that per cent is largely, if not wholly, discounted by adding it to the credit extended.

To prove the soundness of these observations it needs only to be remembered that the withdrawal of twelve hundred millions from the sum paid the wage earners in 1892 produced the terrible panic of 1893.

Now, upon the question as to whether a bankrupt law is a necessity. I do not believe it is. The experience of the past eighteen years, and of nearly a century preceding that, seems to me to be conclusive upon that point. Still, I would not oppose the enactment of a voluntary system of bankruptcy; on the contrary, I would support it, and would even go further than that, and include an involuntary provision confined to the commission of fraud on the part of the debtor. I would support that sort of a bill, but the pending bill, with nine specific acts of bankruptcy, five of which may be committed without any act of dishonesty or fraud, ought not in my opinion to be enacted into law. The object of the law ought not to be lost sight of and swallowed up in a mad scramble for the collection of debts. Debts ought to be paid, but manifestly they can not all be paid in a day or a month, and laws intended to aid their collection ought to consider the welfare of the debtor as well as the creditor. Both are entitled to and should receive fair treatment.

The history of bankruptcy legislation is intensely interesting and deserves to be carefully studied. The administration of bankrupt laws is an almost unbroken history of misfortune in which the unfortunate debtor has been compelled by the remorseless arm of the law to drink the bitterest dregs of the cup of sorrow due to business reverses. But it is not so much the history of past laws or of their execution that we have to do with in the present instance. It is the scope and purpose of the present bill, and the past is valuable only to the extent that it may enable us to reach a correct conclusion.

I want to remark in passing that all of the bankruptcy legislation of the past, whether of our own or of other countries, was enacted for the purpose of aiding the creditor to collect his debts, and always under the pretense that it was meant to help the debtor by placing him again upon his feet. As a matter of fact, the debtor was not taken into account except as a source of supply.

The time has been when going in debt was regarded by both the makers and the executors of the law as close akin to the commission of crime. That feeling has not yet entirely disappeared from the earth, although it has been much modified by the wide dissemination of sound principles of both morals and business. Bankrupt laws had their origin in the sentiment that the man who owed and could not pay when the debt was due was of necessity a scoundrel and should be treated as such. In the estimation of the wise and virtuous founders of bankrupt courts an honest debtor was an absurd and incomprehensible being, to be found possibly in the pages of fiction, but never to be met with in practical life. That the most recent legislation upon that subject was the outgrowth of a sentiment somewhat modified from the original by the injection into it of the more humane teachings of the modern school may be conceded. The extraordinary diffusion of intelligence among the people in recent years has enabled man to know more of himself and, as a result, to be more lenient toward his fellows. There has, in consequence, been a general lifting up of humanity to a broader and better plane.

Bankrupt laws have been, in the main, if not wholly, extraordinary enactments for the collection of debts. They have been not inaptly termed thumbscrews, placed in the hands of the creditor to enable him to torture the unfortunate debtor into making his tale of bricks whether he had any straw or not. That the present bill is better than its predecessors is due to the influences I have mentioned and to the spirit of Christian kindness that pervades the excellent gentlemen who constitute the Judiciary Committee. But it is not yet in accord with the prevailing sentiment of the age, nor is there, so far as I know, any widespread demand among the people for the enactment of a law of this kind; and in its present shape I sincerely hope it will be defeated. I have not received a single letter from the district I have the honor to represent urging me to support this bill or any bill proposing to bring back again the paraphernalia and the oppression of bankrupt courts. And yet there are in that district a number of towns and cities of 5,000 to 30,000 people, and in no other district in the United States is there a higher grade of commercial intelligence or a more thorough knowledge of the wants of the business world. In the absence of any such request, I have a right to assume that there is not a burning desire existing there for the enactment of this bill, or, for that matter, of any bill upon this subject.

The people of Missouri are the equal in patriotism, integrity, and honor of any people on the earth, and it may be that they have an abiding faith in their ability to manage the matter of making and collecting debts in the State without the aid of any laws other than those provided by their own legislature. I am of opinion, however, that they would approve a law enacted by Congress under the authority granted in the Constitution, which was equally fair to the debtor as to the creditor, and under the operation of which an honest man could not be forced into bankruptcy for the commission of a legitimate and honest act. A law of that sort would afford all the relief that ought to flow from a bankruptcy law without permitting the acts of oppression which would be easily possible under the drastic provisions of the bill under consideration.

I have heard it said here that the reason the bankruptcy law of 1800 was repealed within less than four years after its passage and that of 1841 within less than two years was chiefly the undeveloped condition of the country and the consequent great inconvenience to which debtors were put on account of the long distances they were compelled to travel to the Federal courts and the very slow and imperfect means of transportation.

That may have been the reason on the surface, but beneath the surface there was another reason of more potency.

The cause for the enactment of 1800 was in the fact that the war of the Revolution had left the country impoverished and almost everybody deeply in debt. Owing to the undeveloped condition of the country the process of recuperation was very slow and taxed the patience of creditors to the point of breaking. The law was enacted to meet the demand of creditors, and the debtors were lulled to sleep by the promise that the law would prove a blessing to them by lifting the burden of debt from their shoulders and placing them again upon their feet. It took less than four years of its practical working to dispel the illusions that had been woven around it, and it was repealed in obedience to the almost univeral demand of the people. It neither collected debts nor restored debtors. What it did do was to fasten the opprobrious name of bankrupt to a number of the patriot fathers, who through no fault of their own had been unable to keep out of the machinery of the bankrupt court. The practical working of the law produced a storm of indignation among the people, and it was repealed to allay the storm.

What was true of the law of 1800 was also true of the law of 1841, which was enacted while the country was yet struggling with the terrible effects of the panic of 1837. It was repealed in less than two years for reasons similar to those which secured the repeal of the law of 1800.

The law of 1867 was enacted to meet conditions then new to the business world of the United States, and which conditions were either produced by or were the source of an almost universal mania for speculation. Money, always conservative, felt its safety endangered amid the rapid changes taking place in business circles. And these changes were not confined to speculators. Merchants and bankers who had established reputations for cool, calculating, and conservative judgment had grown wild under the operation of the influences at war with successful business. Farseeing and sagacious men doubtless saw the culmination of the mad scramble for fortunes born on the cast of a card, and hoped to stem the evil tide by the bankrupt enactment of 1867. It is impossible to say what the result would have been had the law followed the panic of 1873 instead of preceding it, but my opinion is that if it had been enacted in 1877 instead of 1867 it would not have remained a law any longer than did the enactment of 1841. The panic of 1873 diverted the attention of the people from the bankrupt law and the bankrupt courts, and undoubtedly added a number of years to its life.

Certainly the country was not in an embryotic or undeveloped condition in 1878, which has been alleged as a reason for the repeal of the law which had then been in operation eleven years. It is true that there are a greater number of Federal courts now than then, and they are nearer to the people and the people are more familiar with them. But it will not be contended that that fact of itself furnishes a sufficient reason for repealing the law. Some additional reason must be found, and I do not think it is difficult to find. My recollection of the experience I had as a practicing lawyer while that law was in force, part of the time as a register

in bankruptcy, and the experience of the people among whom I lived warrant me in saying that as the wounds made by the panic began to heal and business began to resume its accustomed channels there remained little or nothing to divert the attention of the people from the iniquitous operations of the bankrupt law, and they began to clamor for its repeal. The more they learned of its operations the more indignant they became, until the demand for its repeal was almost universal. I believe the only exceptions to that demand were the court officers and such practicing attorneys as had a large share of the business growing out of the operations of the law.

It became apparent that it was but a collecting machine and was extremely imperfect and defective in that respect. While it was used without remorse by creditors to compel debtors to find and pay over money whether they had it or not, the expenses of administration of such estates as were found consumed so large a per cent of the assets that even the creditors finally joined the ranks of the enemies of the law and became as earnest as the rest of mankind in their demand for its repeal. During the eleven years of its existence Congress had in it a number of very able men, and effort after effort was made to amend it so that its operation might at least seem to be consistent with the theory of its construction. I have a right to assume that these efforts to amend were earnest and made with a sincere desire to find a common ground in the law upon which debtor and creditor could meet as friends; a point where the rights of the debtor to his business and his property ceased and the rights of the creditor began as a matter of moral as well as legal right, and that this point could be arrived at in the law without injury to the debtor or to his business, and with full consideration for the rights of the creditor. The effort was in vain; it could not be done. At least it was not done. On the contrary, positive injury was inflicted upon both creditor and debtor by the dissipation of estates through the absorbing power of cost. Estates that I believe could have been made to pay from 40 to 75 per cent on their liabilities under the assignment laws of Missouri were absorbed by the fee-bill sponge until they did not pay 10 per cent of the liabilities of the bankrupt.

Many an honest man went down beneath the heavy hand of the law of 1867 to rise, if at all, only after the best years of his life had been wasted in fruitless effort. With rare exceptions, to rise in business again the bankrupt was compelled to seek a new field and a new atmosphere, where the taint of the bankrupt court was not upon his trail and where the brand was not visible to the people with whom he associated. Struggle against it as you may, declaim against it as unworthy of the age if you will, the fact remains that the term bankrupt is not a title of respect, and it is not at all likely that it ever will be. The argument in favor of a bankrupt law, therefore, which attempts to strengthen itself by the promise of restoring the discharged bankrupt to the commercial and business circles of the country must first invent a means by which the sting of the opprobrious epithet may be at least softened, if not eliminated.

If the law of 1867 had any good points or produced any good fruits they were never placed on exhibition. Whether purposely or not, they were concealed, while the evil results were visible on every hand.

A large number, perhaps a majority, of the business men of to-day have a personal recollection of the operation of the bankrupt law of 1867. Perhaps their memory supplies them with as complete a knowledge as they care to have of the bankruptcy legislation of the past, and that instead of history they would like to have as much information as possible of the bill under consideration, what it proposes to do and how it proposes to do it, so far as that may be reasonably determined in advance of the practical administration of the law.

The professed purpose of every bankrupt law ever enacted was to benefit the debtor. Now, while I have the highest respect and esteem for the wisdom and the sincerity of my friends who are supporting this bill, I may be allowed to say that, in my humble opinion, all the benefits that will ever come to the debtor under the practical workings of a law with the provisions of this bill could be stuck in the corner of his eye without extending it or in any way interfering with his vision.

But I said a moment ago that the country was no longer in an undeveloped condition in 1878, and that such condition, therefore, can not fairly be offered as a reason for the repeal of the law, since it did not exist. At that time the nation had a population of nearly 50,000,000 people and about forty-three thousand millions of wealth. There were over 8,000,000 dwellings; 4,000,000 farms, with 284,000,000 acres improved; with farm values amounting to more than eleven thousand millions, and farm products equal in value to twenty-two hundred millions; with two thousand seven hundred millions invested in manufactures, employing 2,700,000 operatives and turning out over five thousand millions' worth of products in a year. With these elements of growth and progress, of industrial and commercial activity, the occasion for the repeal of the law of 1867 must be sought for in some other direction. Whenever the cause is sought with an earnest desire to find it, I do not doubt that it will be found in the maledictions of the people and their imperious demand for its removal.

There was a time in the history of the world when the debtor who failed to pay his obligation promptly when due was regarded as a sort of moral monster, fit only to be caught by the machinery of the law and ground to powder. For the good of the world, to enhance its progress and lift up its people, that period has passed away forever, and the debtor of to-day, if there is no other charge against him, can hold up his head and stand side by side with his creditor, demanding and receiving equal consideration and respect. This change of sentiment is of modern growth, and under its operation trade and commerce have expanded and grown to a magnitude undreamed of while the illiberal and cruel laws and policies of the past prevailed.

The world has broadened in its views in proportion as it has acquired information. Curiously enough when the poor debtor was on the rack, men were burned at the stake and otherwise tortured for opinion's sake. It was a crime, in those days to believe that the earth revolved on its axis, and it is to be regretted that an occasional remnant of the old philosophy yet exists. Truth is mighty and will prevail, but it takes time. Its forces are often deficient in discipline and difficult to manage, while the cohorts of falsehood are always in martial array and ready to be hurled at a moment's notice in any direction and against any invading truth.

As the years have marched along in stately procession it has been discovered that the progress of the world, whether in commerce, in the mechanic acts, or in the industries, was very largely due to the world's debtors. This mighty truth was not discovered in a day, but it was so forcibly presented year after year, in the world's transactions that recognition of it could not be avoided. Every movement the result of which has been to give the world an impetus forward had behind it an army of aspiring and ambitious young men, who were not satisfied with things as they found them, whose intellectual energies grasped a scheme or schemes of improvement, whose nerve backed up their judgment as to results, and who to obtain results boldly enlisted in the army of debtors and gave to their country and to the world the imperishable benefits which all enjoy, and which ought to consign their names to a halo of glory instead of the pillory of a bankrupt court.

Illustrations of this truth are so numerous and striking that it would be an idle waste of time to stop and cite them. No man can draw a truthful picture of the world's progress and leave out of it the great toiling army of the world's debtors. Capital is a useful implement, absolutely essential in every field of human effort, but, as a rule, in the hands of those who own it it "toils not, neither does it spin." To be of value to the world it needs transplanting; but, like many another thing of value, in order to gain in possibilities it must take on an element to which in the old field it was a stranger—the element of hazard. In the old field, while accomplishing nothing, it was secure. In the new field, where the possibilities of achievement are immeasurable, it is constantly liable to assault, very often from forces against whose approach no care can guard and in the breath of whose presence fortunes take instant wing. Yet without this element of hazard, as the world is constituted, progress would be impossible. Bankrupt laws are enacted to reduce the degree of loss, and therefore the risk, not to the men who incur the liability and who have staked their all, but to the men who furnish the money and who seldom if ever stake all in a single enterprise.

But having said this much on the subject generally, I desire now to address myself to the pending bill, which I am assured by its friends is in the interest of the debtor—provided he is honest—but in the interest of the creditor if he is dishonest.

In section 2 of the proposed law there are eight specific acts of bankruptcy, one having been struck out by the committee. In most of them insolvency is a condition precedent, apparently without regard to whether the condition does or does not exist. It is contended that the debtor is protected against an improper or false charge of insolvency by the definition of the term in the first section. Let us see: A owes B; the debt is not paid when due. B waits what he regards as a reasonable time and files a petition alleging the second specific act of bankruptcy, to commit which the debtor must be insolvent. Suppose it is discovered upon a trial of the issue that, notwithstanding his failure to secure the release of property levied upon, his assets exceed his liabilities and that he is therefore solvent. Your law has in the meantime dragged him into court, perhaps at a distance from his place of business, has compelled him to be at considerable expense, and has injured his character and standing and partially or wholly prostrated his business.

The question of insolvency becomes a case in court and carries with it the features of litigation usual in all cases and which are seldom pleasant to suitors or jurors, and, in addition, it would have inquisitorial features of the most virulent character. For the

purpose of determining the matter of insolvency every act of the unfortunate debtor, real or imaginary, would become the subject of inquiry and subsequent criticism. Whether relating to the matter in hand or not, it would be tortured into a bearing upon it, and acts concerning the acquisition or disposal of property, entirely innocent of any taint of fraud, would be made to do service in some way, to the serious injury of the debtor. After all this, after his private affairs have been made public, after he has passed through days of torture, after his character has been blackened by innuendo, after his business has been impaired, the evidence is found to be insufficient to establish insolvency, and he is discharged and permitted to gather up the débris of the wreck that has been strewn about the court and return to his home, from which he would never have been taken but for a law like this. And this, we are assured, is for the benefit of the debtor.

How considerate the law which provides a way by which a creditor may involve his debtor in months of trouble and large expense for no better reason than to show the falsity of the allegation of insolvency, and how delightful must be the Christian charity of a law which assures an unfortunate debtor after he has been harried by the kind and considerate proceedings to which it has given rise, after his good name has been blackened, after his business has been seriously impaired, that it was enacted for his good! The inventor of the guillotine always contended that his machine was for the good of society, but the poor devil whose neck was bared to its descending knife was allowed the very poor consolation of differing, in the peace and quiet of the grave, with the opinion of the inventor. Possibly the poor debtor, after he has paid the penalty of exciting the wrath of some merciless creditor, may be permitted to contemplate in a respectful sort of way the beauties of the system of which he is the much-vaunted beneficiary.

This spirit of kindness toward the debtor runs through the bill. Another strong evidence of it is in the provision which makes the transfer of property by a debtor while he is insolvent an act of bankruptcy. He may at the time, in his opinion, have property enough to pay all of his indebtedness, but, in the tenderness of this bill for his welfare, that would count for nothing. One creditor out of ten makes up his mind that he knows what the debtor's liabilities are and what his assets are worth, and that the value of the latter is not equal to the amount of the former; and knowing of the sale and transfer by him of a horse, or a cow, or a hog, or a sheep, or some other piece of property, files his petition, alleging the transfer, and of course the condition precedent, insolvency, which makes it an act of bankruptcy. The trial might disclose that at the time of the transfer a fair valuation of the debtor's property would establish his solvency, but the provisions of this bill are so kind to the debtor that four months are allowed to the creditor within which to file his petition alleging the transfer, and the proof must relate to the date of filing the petition. Some misfortune might have swept away a large portion of the debtor's property between the time of making the transfer and the date of filing the petition, which would make the transfer—an entirely legitimate and innocent transaction at the time it was made—an act of bankruptcy at the date of filing the petition. But it is alleged that the transfer must be made for the purpose of giving a preference. If the man to whom the transfer was made was a creditor at the time, although the indebtedness was but the balance due on an open account, it would be practically impossible for the debtor to rebut the presumption that he intended to give a preference.

Let us take an actual case for the purpose of illustrating this point. A man is engaged in the retail grocery business. On the 1st day of May he owes $5,000 and has assets worth $6,000. He is then solvent within the meaning of the bill. A part of his indebtedness is due to farmers and gardeners, with whom he keeps an open account, selling them goods and buying produce from them, settling whenever it suits the convenience of himself and his customers. On the 1st day of May he sells one of his farmer creditors, to whom he owes $100 for produce, $50 worth of goods. Three months and a half afterwards a wholesale grocer to whom he owes $500 learns of the sale to the farmer and immediately files his petition alleging insolvency, and that the sale was made for the purpose of giving a preference. The debtor might, between the date of making the transfer and the date of filing the petition, have met with losses that impaired his solvency, or his property might be unfairly appraised. In either case he would be forced into bankruptcy, not because he had violated any law, either of God or man, but because he had been making an honest effort to do a legitimate and successful business.

Under the second subdivision of section 2 an attachment is levied upon a debtor's property. If it is not released within thirty days it becomes malignant and grows into an act of bankruptcy. To avoid the perdition of a bankrupt court he transfers to the attaching creditor to pay the debt and release the writ, or to some other person to whom he is indebted, but who has faith enough in his integrity to let him have the money, a piece of property. The writ is released, but under the operation of the machinery of this bill the poor dupe of a debtor would but have pulled himself off of one horn of the dilemma to be impaled upon another. He would have escaped from the second subdivision to be caught in the meshes of the fifth. He would have torn himself away from Scylla to be dashed to pieces against Charybdis.

But the teeth of this bill have not yet all been exposed. A debtor is sued. He has no defense against the note or account and suffers a judgment to be entered against him because he can not prevent it. Having allowed the judgment to be entered against him, he learns that he has committed an act of bankruptcy. He casts about him for the means of satisfaction. He has property that he could dispose of without impairing his solvency, but the same law that injected the poison of fraud into an innocent act prohibits him from satisfying the judgment by a sale of any of his property or from the proceeds of such sale. The "intent to defeat his creditors," intended as a protection to the debtor as against unjust and utterly unfounded petitions, would be found of little practical value. It will be noticed that insolvency is not an essential element in an assignment in bankruptcy under the sixth subdivision of the section. A debtor might have property worth three or four times the amount of his liabilities without having the money to prevent a suit and the recovery and entry of a judgment against him. The judgment having been entered, it needs only to be alleged that he suffered it for the purpose of defeating his creditors in order to lift it to the dignity or reduce it to the malignancy of a full-fledged act of bankruptcy? Perhaps he might be acquitted upon a trial, but from what source would he be compensated for the actual losses sustained? The language of the subdivision referred to is as follows:

(6) Procured or suffered a judgment to be entered against himself with intent to defeat his creditors, and suffered same to remain unpaid until ten days before the filing of a petition in bankruptcy: *Provided*, That a payment or satisfaction of such a judgment by a sale of any of the debtor's property, or from the proceeds of such a sale, shall not be deemed a payment of such judgment under the provisions of such section.

The language of the paragraph speaks for itself, and is fairly descriptive of an ancient engine of torture, in the toils of which every movement of the victim served but to increase his pain.

But there is yet another subdivision to which I desire to call the attention of the committee. The eighth subdivision of the section under consideration reads:

(8) Suffered while insolvent an execution for $500 or over, or a number of executions aggregating such amount, against himself to be returned no property found, unless the amount shown to be due by such execution shall be paid before a petition is filed.

In construing the first paragraph of section 2 the second paragraph must be kept in mind, which permits the creditor to file his petition alleging any of the acts of bankruptcy specified so far as they relate to the transfer of property or its seizure upon legal process, or the rendition of judgment against the debtor at any time within four months after the commission of the act alleged, or after having suffered it to be done. It should be remembered also that insolvency is always a condition to be proven to the satisfaction of a jury, and necessarily involves time, trouble, and expense, to say nothing of damaged business standing and character, for which there is no compensation. The paragraph, therefore, should read: "If while suspected of insolvency the debtor suffers an execution against himself for $500 or over to be returned no property found he shall be deemed to have committed an act of bankruptcy, unless the execution shall be paid before the petition is filed." The paragraph should read that way, for the reason that the condition of insolvency is, as has been stated, always a question to be inquired into and determined after the petition is filed. Now, an execution may be issued against a solvent as well as an insolvent debtor. It has been done a great many times under State laws and would, I think, be possible under a national law, the difference being that under State laws the consequences would be a great deal less serious. Besides, a perfectly solvent debtor may have less than $500 worth of personal property. He may have a large amount of real estate, and it may be necessary to return the execution no property found in order to reach the real estate. Under the provision I am considering it would be equally an act of bankruptcy. Suppose it is suggested that the debtor might himself dispose of a portion of his real estate and pay off the execution, and thus relieve himself of the danger of being forced into bankruptcy. It is only necessary to call attention to the fifth subdivision of the section to show that while avoiding one danger he would be but courting another.

I do not believe that this collection machine was cunningly devised so that the cogs would fit into each other in this cold-blooded way. I can not believe that. It is impossible that men endowed with humane hearts and inspired with the sentiments of the good Samaritan—as I know them to be—rather than with the sentiments of the mercenary people who looked at the prostrate and bleeding form of the poor fellow who fell among thieves and then passed by on the other side, could deliberately plan a collection machine, however desirable such a machine may be, that would compel a large majority of the business men of the country to pass through

a bankrupt court whether they wanted to or not; that would transform legitimate and honest acts, done in the line of business, into knocks on the door of bankruptcy and invitations to be shoved in. The bill has many good features, if a system of involuntary bankruptcy can be regarded as having good features, and the bad features to which I have called attention are no doubt the result of a constant and too close watchfulness to prevent a debtor who has started downhill from checking his speed and getting a breathing spell and possibly starting back toward the top of the hill again by using some of his own property for that purpose. It was argued doubtless that if judgment was entered against a debtor and he was permitted to pay it off that in that way he might succeed in giving some creditor a preference. The ghost of preference must have been a constant attendant at the table of the committee, and will have to bear the responsibility for the harsh and cruel features of section 2 and for some other portions of the bill which had to be written in harmony.

It is believed, in the matter of expenses connected with the administration of bankrupt estates, that the bill under consideration is an improvement upon the law of 1867, and yet a careful examination of its provisions reveals possibilities in that direction which, should the bill become a law, might in a short time rob it of much of its supposed virtue in that regard.

It should be noted, Mr. Chairman, that the liabilities of the failures of 1895 are but little in excess of 1894 and less than half those of 1893. It must be apparent, therefore, that the country has started in the right direction without the aid of a bankrupt law, and out of sheer inability with its vital forces to remain at the bottom. It should be noted also that in a number of the States the liabilities of the failures of 1879, the year following the repeal of the last bankrupt law, amounted to a larger sum than did the liabilities of the same States for the year 1895. In quite a number of other States the amount of the liabilities for 1895 is about the same proportion greater than in 1879 as the volume of business is greater. It would seem, therefore, to be a reasonable conclusion that 1879 was not benefited in its business channels by the bankrupt law which had just been repealed, and that 1895 was not injured by the absence for eighteen years of any such law.

A great deal of eloquence has been given to the consideration of this theme during the progress and growth of the Republic. Much stress has been laid upon the responsibility and duty of Congress growing out of the constitutional provision, in spite of the fact that the provision may easily be accounted for without regarding it as an effort to give vitality to the great Declaration of Independence touching the inalienability of life, liberty, and the pursuit of happiness. If the beatitudes of a bankrupt law will open up such a vista of happiness to the otherwise bedeviled debtor as it is pretended they will, why is he so utterly blind to the fact? If he is "stripped of all motives to human exertion, with the incubus of an immovable mass of debt upon him, surrounded by a family sharing, without being able to alleviate, his sorrows and sufferings," and if an involuntary bankrupt law can lift that "immovable mass of debt" that is crushing him, why in the name of all those eloquent gentlemen does he not get up and say so? Why does he remain as dumb as an oyster in the presence of proffered blessings of such rare excellence and great magnitude? Is he wedded to his misery, or is he incapable of perceiving the happiness offered him and which he has only to reach out his hand to take? May it not be possible that he is wiser than are his eloquent friends, and that, sugar-coated as the scheme may be, he feels a natural and justifiable repugnance to placing himself and his business under the constant surveillance of a law that allows an honest business transaction to be transformed into an act of bankruptcy?

If the object and purpose of the law is to benefit the debtor, and through his restoration to a condition of financial soundness benefit the country, a voluntary bankruptcy law would accomplish the desired result. If, however, it is proposed to enact an extraordinary remedy for the collection of debts, in the operation of which the unfortunate debtor is to be assigned the rôle of helpless victim, it should be frankly so stated. The objections urged against a voluntary bankruptcy law can not be well founded, for they assume that the shrewdness of a scoundrel would enable him to use its provisions to obtain credit and then to escape from the liability; in other words, to play a succession of successful bunco games upon the innocent and unsuspecting creditor.

That class of creditors disappeared from the earth some years ago, and if the meshes of the law can not be so arranged that they will hold a debtor who voluntarily puts himself within them until his exact status can be determined, until it is known whether he is entitled to a certificate as an honest man or a ticket of leave as a rogue, it is a confession of weakness that is well calculated to place the entire scheme under the ban of suspicion.

Take the pending bill and strike out its involuntary features and then set it in motion. The instant a debtor begins practicing dishonesty and fraud he renders the law powerless to aid him. Should he prepare for bankruptcy, as it is alleged he would do, he could not avoid making an index that would lead to his detection and prevent his discharge. If this reasoning is not sound the bill in its entirety would prove a failure, for the reason that the same scoundrel could, with the same ease and the same success, prepare for and file his petition to be adjudged a voluntary bankrupt, and secure his discharge with equal facility under the provisions of this bill whether section 2 is left or struck out. A system of voluntary bankruptcy will have all the benefits and all the evils of such system, whether operated alone or in conjunction with involuntary bankruptcy, as in the pending bill. If the object and purpose of the proposed legislation is to lift from commerce and the industries a burden of indebtedness that has become too heavy to carry; if its purpose is to restore confidence through a restoration of credit, and in that way rebuild the foundation upon which alone prosperity can be secured and retained, it would seem that the welfare of debtors should receive the first consideration.

But is the time opportune for the enactment of any system of bankruptcy, and more especially for the enactment of an involuntary system? Under the provisions of this bill it is the duty of the trustees to reduce the assets of the bankrupt to money as speedily as possible. At present there is no sort of property that will sell at a forced sale except at a ruinous sacrifice. Assets fairly worth enough to pay 100 cents on the dollar of the liabilities would be contracted by the forced methods of reduction until they would not pay 50 cents on the dollar. Besides, legitimate business would be seriously retarded and crippled by loading the market with immense quantities of goods at a price impossible to compete with. In the sale of goods a merchant has never been able to compete with the marshal, the sheriff, or the constable. The business of the former will not thrive unless the goods are sold at a profit, while the business of the latter thrives most when the loss is greatest. Evidently the desire for the return of business prosperity is incompatible with a desire for the passage of the pending bill. When men want water to flow, they do not build a dam across its pathway. Forced sales of property are always inopportune when money is scarce, and a law which would promote them, instead of aiding the country toward a return of prosperity, would but plunge it into deeper depths of commercial and industrial disaster.

It is but natural to conclude, as we look out upon the people struggling under a load of indebtedness they are unable to pay, that the load ought to be lifted and the people relieved. That conclusion is irresistible and nearly unanimous. The differences arise when an effort is made to provide methods and measures of relief. No one would deliberately add to the distress, and yet it is impossible to see how that result could be avoided under the operation of an involuntary bankrupt law enacted and set in motion under monetary conditions such as prevail to-day. It is not unreasonable to say that one of the chief virtues of the committee's bill—the diminution of expenses—would be speedily transformed into a grievous fault. The officers having no further use for an estate when once safely landed in court, their several fees having already been determined, would at once begin looking around for other victims, their income depending solely upon the number of estates.

Now, Mr. Chairman, in conclusion, I stand here to appeal for the people. It is a mistake to suppose that prosperity can be restored by firing the debtors of the country from the catapult of a bankrupt court. Individual indebtedness is less in amount now than it was two years ago or one year ago. Confidence is returning gradually. The croakers are retiring into the shadow as the dawn of a better day, already gilding the hilltops, descends into the valleys as the sun of prosperity rises toward the zenith. Do not impede the coming of the day by filling the land with bankrupt officers, bankrupt courts, bankrupt sales, and bankrupts.

Mr. DANIELS. Mr. Chairman, from the discussion that has already taken place concerning the provisions of the pending bill it is entirely clear that the gentlemen who have addressed the House are all in favor of the voluntary feature of it. It is not, therefore, necessary to enter into any considerable examination of these features, which are provided for the purpose of enabling the debtor who is loaded with debts to apply to the courts for relief upon his own motion. So far the bill seems to be free from any substantial exception. It is only concerning the involuntary system that the objections have been brought to the consideration of the House.

Now, let us see how the debtor stands who may be liable to be proceeded against under the bill, if it shall become a law, in view of the provisions of the State laws authorizing creditors to take proceedings for the collection of their debts. Whenever he fails to meet his obligations he may be sued by his creditor; and if one of his creditors sues him, the others are sure to follow as rapidly as they may be able to serve the processes; and in this manner, if the individual is insolvent, he is not only liable but sure to be broken up in his business, and sooner than by any possibility he

could be under the provisions of the enforcement of such an act as this. But we may go further. Suppose he is attempting to assign his property or place it beyond the reach of his creditors when they recover a judgment or judgments against him and the executions are returned unsatisfied, the process they then can pursue is a creditor's bill, or a proceeding supplementary to their executions, upon which search is made for the property of the debtor; and this, when found, is brought before the courts for distribution, and the proceeds divided among the creditors.

When this is all done, and all the property is in this manner found that may be capable of being found belonging to the debtor, the balance of his debts still remain against him, to be held over him for all time, if such is the disposition of the creditor. He is placed in a position, therefore, where he can not engage in business pursuits or substantially help himself by any exertions for the purpose of securing relief. Now, suppose the debtor is guilty, or is chargeable with one or more of the acts of bankruptcy that are mentioned in this bill. Then what is the course that the creditor is entitled to take against him under the State laws in these circumstances? It is not simply to bring a suit against him for the purpose of recovering a judgment before he can seize his property upon execution, but to issue an attachment, because the laws of nearly if not all the States of this Union provide for attachments under those circumstances, and when the creditor makes his affidavit maintaining one or more of these grounds and files his bond as the law requires, he may obtain an attachment without the knowledge of the debtor and seize every item of property not exempt from execution that is within the reach of this process in the hands of the sheriff.

The proceedings which are provided for by these statutes are substantially based on the acts contained in this bill relating to the disposition of his property, or to the absence of the debtor for the purpose of avoiding the service of process upon him, or the concealment of his property, or the confession or allowance of the recovery of judgment against him collusively, for the purpose of seizing and disposing of his property to a friendly purchaser. The State law allows all that to be done by proceedings harshly taken against him under the provisions of the State laws, and he has no remedy whatever.

But even under these circumstances, where his property is seized and sold owing to the fact that he has rendered himself obnoxious to attachment proceedings, his debts are not satisfied unless the proceeds of his property are sufficient to satisfy them, but the balance will still remain against him and hang over him through his life unless it be liquidated in some other manner or compromised through the voluntary action or generosity of his creditors.

This is the position in which a man stands who is a debtor under the laws of the different States, and in the State of Massachusetts the creditor may go still further without assigning any one of these causes; but upon the mere circumstance that a man is in debt and has failed to pay his indebtedness an attachment may issue in the first instance and his property be seized. Now, how does he stand in the bill as it is now before the House?

It is objected to this bill, or to the involuntary part of the bill, that it is cruelly harsh so far as the debtor is concerned. But if you will look at the provisions of the bill you will see that there is no harshness that is in comparison in any degree or in its consequences with the proceedings that may be taken against the debtor under the attachment laws of the different States.

Mr. FAIRCHILD. Will the gentleman from New York allow me to ask him a question?

Mr. DANIELS. Yes, if you will be brief. My time is short.

Mr. FAIRCHILD. Is the failure to pay a promissory note for thirty days a ground for attachment under the laws of these States.

Mr. DANIELS. No, sir.

Mr. FAIRCHILD. It is one of the grounds for involuntary bankruptcy.

Mr. HENDERSON. But there must be the element of insolvency also.

Mr. FAIRCHILD. That is one of the questions to be adjudicated.

Mr. DANIELS. Under the laws of the State of Massachusetts it would be a sufficient ground; but suppose it is not. You may sue a man under such circumstances, and recover a judgment against him, and levy an execution and take every cent's worth of property not exempt from execution that he has, and where one creditor sues the others are sure to follow, and the man is no better off in the end; certainly not as well off as he would be under the involuntary proceedings of this bill.

Now, let us see what this bill has provided, because I must proceed rapidly in the consideration of these proceedings. It does not provide for seizing the property of the debtor, as it may be seized under the attachment laws of the different States, or for the arrest of his person, because he may have disposed of his property under a charge that it was designed to defraud his creditor.

Mr. FAIRCHILD. I do not want to interrupt the gentleman, but is it not a fact that in order to secure an attachment under the laws of a State a creditor must give an adequate bond?

Mr. DANIELS. I have already stated that. Now, if this bill is matured into law, let us see what the proceeding then will be which can be taken against the insolvent debtor. It is not, as I said before, a harsh or cruel proceeding by any means. A petition is presented to the court or to the referee, if the court refers it to a referee, or the clerk, in the absence of the judge, does so. The debtor then has ten days, under the provisions of this bill, in which to file an answer to that petition, and when he files that answer to the petition he may deny the existence of any or all of these facts or circumstances which are designated in the law as acts of bankruptcy. He can not do that when an attachment is proposed to be issued against him. He has no opportunity to appear in court and question the validity of the proceedings or the right of the creditor to this process; but if the creditor prima facie complies with the laws of the State, he has his writ of attachment as a matter of course, and the debtor's property is seized.

But when the petition is filed, under the provisions of this bill the debtor is in a position to dispute the commission of either or all of these acts of bankruptcy which may be alleged as the ground of proceeding under the petition. He has ten days, by the direct language of this law, to file his answer and deny the existence of the cause or causes upon which it is claimed that involuntary bankruptcy shall be instituted and maintained against him.

So that here, instead of being proceeded against ex parte, without notice to him, and his property actually seized, nothing can be done, no step can be taken which may appear adverse to him in any respect whatever without ample opportunity for resistance. This petition must be served, and he has after that ten days to answer whether there is any ground for the proceedings to be taken against him to put him into involuntary bankruptcy.

Now, if he is guilty of the act or acts charged, then, of course, he has no ground of resistance to the proceeding. If he is guilty, if he has disposed of his property with intent to defraud his creditors; if he has concealed it; if he has absented himself to avoid service of civil process, or done either of these things, why, then, of course, he is obnoxious to the proceeding which the bill provides may be taken against him. But if he is not; if he is in a situation in which he can deny the charge made against him in the petition, and does deny it, then what is the consequence? Why, he not only arrests the proceedings there, but in addition to that he is entitled to a trial of the issue that is made in this manner with his creditors. You can not otherwise proceed. Is there anything like that in the proceedings of a State court if a man is liable to arrest or his property to seizure under attachment? You will find it nowhere in any one of the statutes of the States.

Then you go further, and by section 19 of this bill he is not only entitled to a trial for the purpose of ascertaining whether he is liable to these proceedings or not, but he is at liberty to have a trial by jury; and the gentleman from Nebraska [Mr. STRODE] in addressing the House to-day stated that in case there was an opportunity to try these matters before a jury that then, as I understood him, he saw no objection whatever to the enactment of this bill into law.

The section is this:

> A person against whom an involuntary petition has been filed shall be entitled to have a trial by jury, in respect to any act of bankruptcy alleged in such petition to have been committed, upon filing a written application therefor before the expiration of the time in which an answer may be filed.

So that he not only has by virtue of this bill, if it should be enacted, ten days to file an answer and to put the allegations of the petition in issue, but he may also file a written application to the court asking that the issue which is made up in this manner by the petition and answer shall be tried by a jury, and that is another advantage that is not secured to the debtor in attachment proceedings under any of the statutes in the different States of this Union.

In point of fact, every possible precaution seems to have been taken in the bill to prevent these proceedings from being maintained wherever there is not a substantial ground for them. Wherever they may operate harshly upon the debtor he has ample means to go before the court and insist upon a trial, and there, if he chooses, have the matter investigated and determined by a jury.

Now, is it to be supposed that when the man goes before a jury of his neighborhood or of the district that he will be less likely to be protected in his rights than in the State courts? Is that the experience of the members of this House who are lawyers? Is it not true always that juries leniently regard, as far as they can, the rights of the debtor, and protect him against harshness in legal proceedings where the evidence will permit that to be done? It is the experience of every man that has ever had experience in cases of this character that the debtor is not sacrificed, and will not be sacrificed, either by the court or the jury, unless a case is made out against him which authorizes such proceedings as this

bill has provided may be instituted and maintained where the debtor is proved to have been guilty of either one of these acts of bankruptcy.

Mr. TERRY. Does the gentleman contend that under this bill they will have the right of jury trial by their neighbors?

Mr. DANIELS. Yes, sir.

Mr. TERRY. It is a jury in the bankruptcy court.

Mr. DANIELS. It is in his neighborhood, in his district.

Mr. TERRY. That bankruptcy court may be 400 miles away from his home.

Mr. DANIELS. They are to have trial by jury in the district wherever the charge may be made, because in the United States courts the case must be tried in the district in which the cause of complaint arises; and where a jury is brought before a court, under circumstances of this character, for the purpose of trying such charges, we can see at once that the inclination, the generosity, of the jurors will be in favor of the debtor who is proceeded against rather than in favor of the creditor.

There is this distinction also: Suppose the right to put the man into involuntary bankruptcy is established; then when his property is taken and distributed among his creditors, no matter what the percentage may be, whether it is large or small, he is discharged entirely from every debt that he owes, except those which have been contracted fraudulently or others of an extremely exceptional character; while under the laws of the State, whenever the proceedings are taken and whenever they are consummated, if there is a balance left against him that his property does not pay, that balance must hang over the debtor from the time when the proceedings are ended until his life is ended, unless he finds some other means of satisfying his creditors. These objections urged against this bill must therefore be seen to be wholly unfounded. The proceedings will be a source of relief and liberation to unfortunate men overtaken by financial disaster and rendered unable to pay their debts.

Mr. HENDERSON. Mr. Chairman, this brings our side to within seven minutes of the time that has been used on the other side. I will ask the gentleman from Texas to occupy some of his time now, as we shall have but one more speech on this side.

Mr. BAILEY. Mr. Chairman, I yield twenty minutes to the gentleman from Arkansas [Mr. TERRY].

Mr. TERRY. Mr. Chairman, the Constitution of the United States authorizes Congress to enact a uniform law of bankruptcy, but when you come to the practical matter of framing a law that will be uniform and equitable you encounter very grave obstacles, and it is very difficult indeed to enact a bankruptcy law that will not be used as an engine of oppression or as machinery whereby dishonest men may escape payment of their just debts. Such has been the experience of the people of the United States in the past.

In 1800 we enacted a bankrupt law, but so unpopular did it become when its workings were understood that within three years after its enactment an overwhelming public opinion demanded its repeal. After that we had no bankrupt laws for nearly half a century. The people of the United States had had enough of them. In 1841 we again essayed the experiment of the enactment of a bankrupt law. That was at a time when there had been great distress throughout the land, and it was thought that such a law might be acceptable and useful, but as soon as it was put to work so gross were its inequalities, so great were the frauds and the oppressions practiced under it, that in less than two years it was hastily repealed under the same Administration under which it had been enacted. Then we rested for more than a quarter of a century before we sought to enact another bankrupt law.

After the civil war it was again thought that a bankrupt law would be acceptable to the people of the United States. So in 1867 we passed such a law; but so great were the oppressions and the hardships that resulted from its operation that year after year there came up from all over this broad land a clamor from the American people to repeal that law. Its repeal was resisted from time to time by certain of the mercantile classes, but finally so great had become its iniquities that the great soldier-President of the United States, Ulysses S. Grant, sent a message to Congress recommending its repeal, and it was repealed.

Why, then, sir, at a time like this, again attempt to enact a measure of this kind? It is no time, Mr. Chairman, to be passing bankrupt laws. It is no time to be flying kites when there is lightning in the air. It is no time for passing measures to put the American people virtually in the hands of receivers. This bill, carefully analyzed and looking at what there is back of it, is but another evidence of the grasping greed of the creditor classes of the North and the East, reaching out to gather in and devour the substance of the debtors of the West and the South. For nearly fifteen years, sir, the wholesale dealers in the great centers of trade have been pushing for a measure of this kind, and every session of Congress we behold the familiar features and form of the affable gentleman who, if he has not given a "local habitation," has at least given a name to the "Torrey" bankruptcy bill.

The boards of trade and the chambers of commerce, those same gentlemen who so recently assured us with so much complacency that if we would but repeal the purchasing clause of the Sherman Act prosperity would instantly resume its place in this stricken land—those same gentlemen have again been busy with their set resolutions telling us that what we need now is "confidence," and that the enactment of the Torrey bill, or of some similar measure, will restore us to that very elusive element called "confidence." That, they tell us, is what we need, and inasmuch as the repeal of the purchasing clause of the Sherman Act did not restore it, this is now the great panacea for all the ills that afflict the people of the United States. And straightway, as soon as these boards of trade and chambers of commerce have sent out their resolutions, they were adopted by other similar boards and echoed and reechoed throughout the land, and hence it is that the gentleman from Nebraska [Mr. STRODE] has been receiving the requests which he speaks of from people in his State in favor of some sort of a bankrupt bill.

I venture to say, Mr. Chairman, that the gentleman who sent him that request, like the gentlemen who have written similar requests to me to favor a bankrupt bill, have, many of them, no idea of what this bill really is, and if I were to surrender my own judgment in the matter and vote for the bill many of them, when they saw its workings in the community, might probably be among the first to condemn me for having favored its passage.

Now, Mr. Chairman, I undertake to make certain statements in regard to this bill——

Mr. CULBERSON. Do I understand the gentleman to say that he is opposed to a voluntary bankruptcy bill?

Mr. TERRY. No, sir; I would cheerfully vote for a proper voluntary bankrupt bill, enabling struggling debtors to wipe out and commence anew.

Now, as to this bill. In the first place, Mr. Chairman, this bill will increase the financial distress and distrust that already prevail. Persons already struggling with a load of debt will be driven to the wall and crushed remorselessly. Seventy-five per cent of the people of the United States engaged in business to-day are heavily in debt. There is a market of falling prices—such a market that when they purchase they have no assurance that they can begin to realize the cost, with freight and carriage, of what they buy. The same cause that diminishes their profits upon the goods purchased is also diminishing the value of whatever property they have out of which they expect to pay. Under such a condition and with the pitfalls of this bill before their feet, and the open doors of a bankruptcy court before their eyes, where will you find the prudent business man who will want to embark in business with such perils before him? Therefore, instead of relieving financial distress and restoring confidence, you strike down confidence and paralyze business enterprise.

Again, sir, what is it that is to-day enabling this 75 per cent of the business men of the country to keep their feet standing upon the slippery slopes of a market of declining prices? Nothing enables them to keep their feet but the backing of their friends at home—men who know them and have sympathy with them and are trying to extend them help. Pass this bill, and you write upon the sign of every one of these men, "Your local friends dare not credit you"; they dare not give you extensions and take a mortgage for any indebtedness already due them; if they dare to do that, they are liable to lose every dollar so secured. You may be hurled into a bankruptcy court; 40 per cent of your property may be consumed in costs and charges, and your credit ruined without having even the poor recourse of a suit against the man who has ruined you.

Why, sir, this bill, more drastic than any attachment law that was ever framed, will permit your creditor not only to exercise his right of attachment, as before, but to strip you of all your property except your homestead exemptions, to ruin your business, to write the brand of "Bankrupt" across the escutcheon of your commercial honor. And then, although you may have committed no real act of bankruptcy, and the court may finally so hold, you are utterly without redress. Your creditor, who would have to give a bond if he attached your property in the United States court, can by this measure get a more drastic process than the attachment without giving any bond or incurring any liability whatever.

Is this a time for passing such bills as this? I say to you, gentlemen, in all seriousness, that while you have had men clamoring for the passage of this bill under the instigations of boards of trade and chambers of commerce, yet if you enact this kind of a measure and put it into practical operation, denying your citizens the right of trial by a jury of their neighbors, dragging them off anywhere from 25 to 400 miles to appear before a bankruptcy court—if you enact a measure of this kind you will find that the indignation of an outraged people will be visited upon your heads. Do not make any mistake about this matter.

Some men, for whose opinions I have the most profound respect

and regard, have written to me in favor of the passage of this bill; but when I contemplate what has been the history of bankruptcy bills heretofore I can not bring my judgment or my conscience to support such a bankruptcy bill at a time like this. It may be a time for the enactment of a voluntary bankrupt law. In the olden time, under the Jewish dispensation, there was, at the expiration of a certain number of years, a period of jubilee, when the debtor was forgiven his debt upon certain terms. So in the history of nations there may come times when you should open the doors of the courts in order that honest debtors may be relieved of the burdens that are pressing them down, in order that their energies may be restored to their country, instead of being crippled and fettered with debt. This is a time for a voluntary bankruptcy law; but it is no time for placing the American people in the hands of receivers.

Mr. LINNEY. May I ask the gentleman a question?

Mr. TERRY. Certainly.

Mr. LINNEY. I observe that under the provisions of this bill the liens of judgment creditors, of mortgage creditors, and in fact all liens, will be preserved in the bankruptcy court, and the assets of the debtor will be distributed pro rata according to the merit or dignity of the different classes of creditors. Now, I wish to ask the gentleman what objection he would have to this bill if the involuntary features should be stricken out?

Mr. TERRY. I have already stated, as the gentleman might have heard if he had listened to my feeble remarks, that I favor a system of voluntary bankruptcy.

Mr. LINNEY. I did not catch that remark.

Mr. TERRY. Now, sir, this bill contains not only those features to which I have hastily referred, but others equally obnoxious. Not only can you take the debtor's property away from him without any bond to compensate for any wrong you may do him, but you may actually take his body and hold it in charge of a marshal for an indefinite time. Turn to section 8, page 12, of the bill, and you will see that this is the fact. Though the bill says that the debtor shall not be put in jail, yet he can be kept in the custody of a marshal, going back and forth at the dictation of one of these petty jumped-up referees. They are to sit in judgment upon the solemn rights of the American citizen—these little referees all over the land who are so anxious for a bill of this kind—these persons who, to use the language of another, are the yelping pack that "bark in the kennels of justice." They want a bill of this kind passed. The men whose grasping greed, already overgrown with wealth, is reaching out for all the earth, would like to have a bill by which they may force their debtors into bankruptcy and gather in the little remnant of their property. They favor a bill that would deprive their debtors of local assistance and the support of their neighbors, and leave them to the tender mercies of their Eastern creditors.

The CHAIRMAN. The time of the gentleman from Arkansas [Mr. TERRY] has expired.

Mr. TERRY. I would like a few moments more—two minutes, I think, will suffice.

Mr. BAILEY. I yield the gentleman two minutes more.

Mr. TERRY. Mr. Chairman, I say these parties are anxious for a bankruptcy bill. Under the present law, when they run an attachment upon one of their debtors if they falsely sue out a writ they are liable upon a bond. Under a bankruptcy law like this they are liable for nothing. They can use this bill as a cudgel over the heads of their debtors to force from them remorseless exactions. They can, as I have said, deprive them of the assistance of their local friends.

As the gentleman from Missouri [Mr. TRACEY] has asked, "Why all this clamor in behalf of those wholesale dealers in the crowded centers?" Have they been victimized by anybody? Have they sold their goods without figuring on a margin of loss? And not only that, but, Mr. Chairman, they have sent their agents around to the little towns and villages and country places throughout the land and painted to the merchants in those places extravagant pictures of the profit to be realized from certain classes of goods, and have actually inveigled them into the purchase of goods that these men would never have thought of purchasing otherwise, giving notice to them that they would extend their obligations; and yet, when the bill, if you enact it into law, goes into effect, if that note given in payment of these goods remains unpaid for thirty days after it is due, they can have all of their property snatched from their custody and placed in the bankrupt court. There are other provisions equally harsh for times like these, but, Mr. Chairman, I have said about all I can say in the limited time allotted to me. The bill is one that ought not to pass in its present shape; it is a bill that should be carefully scrutinized, and I hope every gentleman will consider well before committing himself in favor of its passage.

Mr. BAILEY. Mr. Chairman, I had intended to speak at some length in advocacy of a substitute which, at the proper time, I shall offer for the pending bill; but I find myself under the treatment of a physician for a throat affection, which renders it imprudent, and perhaps impossible, for me to attempt anything like an extended speech, and I shall be compelled to content myself with a brief and simple statement of the reasons which have induced me to believe that the substitute which I shall offer would be a wiser law than the bill which the committee have reported.

It is well understood that my substitute establishes a system of purely voluntary bankruptcy, while the committee bill establishes a system of both voluntary and involuntary bankruptcy. Therefore, apart from some details, the choice between the two propositions depends upon the merits or the demerits of involuntary bankruptcy.

If my time and my condition permitted, I think I could advance convincing reasons for my contention that no involuntary bankruptcy law can ever be satisfactory to the people of this country. And yet, sir, it is probably true that if both my time and strength were unlimited, I could not by any argument make that clearer than it has been made by the experience of this country. If my mind were a blank on this question; if in the discharge of my duty I had never been called upon to give it any thought or investigation, the fact that three times in our history a similar law has been tried and each time has proven a failure would be sufficient to deter me from the support of such a measure.

In the early days of the Republic, Congress passed an involuntary bankruptcy law. That law, by its terms and in its concluding section, limited its duration to five years. And yet, with that limitation of five years in the body of the statute, the law became so odious to the people that it was repealed within three years. The country then passed through many reverses, as a new and rapidly developing country always must, and again, in 1840, the Whigs signalized their return to power by passing the bankruptcy act of 1841.

The wise men of the country then admonished that party against the folly of repeating an experiment that had proven a failure before; but it was said then, just as our friends on the other side of the House say now, that the new law was free from the obnoxious features of the old law. And yet, with the benefit of an experience covering forty years, and though the House and Senate then embraced the greatest men of that or any other age, they were unable to devise a wholesome measure, and the law grew so odious that the very Congress that enacted it repealed it. From the repeal of that act the country was never again tempted to experiment with such a law until after the civil war had swept over the land, desolating its homes and wrecking its fortunes. After that dreadful time had come and gone, Congress responded to the popular demand for relief and passed the act of 1867. Within six years—yes, indeed, within four years—after that act had been written upon the statute book the people began to demand its repeal. The House repealed it twice before the Senate could be induced to act; but finally the slower-moving Senate was compelled to answer the popular demand, and for a third time the House passed a law repealing the act of 1867.

Mr. DOLLIVER. Will the gentleman yield for an inquiry just there?

Mr. BAILEY. With pleasure.

Mr. DOLLIVER. Has my friend examined the debates in connection with the matter to find out whether the unpopularity of the bankrupt laws of which he speaks arose from the machinery of their administration or from the principle of involuntary bankruptcy which was carried in them?

Mr. BAILEY. I have examined them; and I will say to my friend from Iowa that the general opinion was expressed by Senator Conkling, who declared that in a country like this it is impossible to successfully administer an involuntary bankruptcy law. Almost everybody agreed that its involuntary provisions had been abused by unjust creditors. And how anxious they were to repeal it is well attested by the fact that the repealing act passed this House by a vote of 201 to 40.

Now, gentlemen of the majority, I appeal to you. Your party passed the law of 1867 at a time when the country stood more sorely in need of it than ever before, and that law was admitted to be as perfect as the wise men of that day could make it, yet it wrought injustice and disaster; and are you willing, within twenty years of the time when it was repealed, to put back upon the statute books a law more drastic in many of its features than it was? No man can point out the particulars in which this bill is an improvement upon that bill.

Mr. TAWNEY. Mr. Chairman, if my friend from Texas will permit me, in response to the question asked by the gentleman from Iowa [Mr. DOLLIVER], I will say that within the last twenty-four hours I have examined the debate on the repeal of the act of 1867, and it appears conclusively that it was the abuse of the involuntary feature of that act by the unscrupulous creditor that made it so obnoxious that the public demanded its repeal.

Mr. BAILEY. There can be no doubt about that. That was the ground upon which General Grant recommended the repeal of it.

It is frequently insisted that as a bankruptcy law operates suc-

cessfully in Great Britain it can be made to do so in this country. The difference between the conditions of the two is essentially different. The bankrupt law of Great Britain is practically their attachment law. Besides, England is a small, compact commercial country, and there are many differences between that people and this people, which necessarily makes the operation of the system there and here different. We have in every State in this Union an excellent system of collecting debts, and I believe there is no State in this Union in which a fraudulent debtor may not be brought by a summary process into court under a writ of attachment.

I feel now, as I have felt all the while, that while a purely voluntary system would be the best, yet I would have been willing to agree that the Federal bankruptcy law should embrace the same provisions which are comprehended within the State attachment laws; and if our friends are sincere in saying that they seek the benefit of the debtor as well as of the creditor, tell me, in the name of common sense and justice, why it is that they ask the American Congress to go further in a bankruptcy law than any of the States have gone or will go in an attachment law.

There is no State in this Union—or if there be one it will be found to be that exception which proves the rule—where a man can be dragged into court by the extraordinary process of attachment unless he has committed a fraud or unless that attachment is necessary to give the court jurisdiction.

Now, Mr. Chairman, though I do not believe that any involuntary system of bankruptcy can be successfully administered in this country, and although I believe that as often as the system is tried it will become unpopular and be repealed, yet I would be willing to try a law that limited acts of bankruptcy purely and only to those acts that justify attachments.

I have no fondness for fraudulent debtors. I am perfectly certain that fraudulent debtors do not deserve the favor of the law; but the vice of this bill is that in uncovering the fraudulent debtor it gives the merciless and vindictive creditor the opportunity to harass and destroy the honest debtor.

Our friends have proceeded throughout this entire debate upon the theory that those of us who advocate a voluntary bankruptcy law have lost sight entirely of the interest of the creditor. It is a strange oversight that leads any man to this conclusion. I am free to say that a voluntary system, like the substitute which I have prepared, proceeds upon the theory that when an honest man who is unable to pay all his debts has surrendered his property for pro rata distribution among his creditors, he ought to be permitted to begin life over again with a clean sheet; and that is also the theory of the committee bill. Every gentleman who has defended that bill affirms that it is right to permit an honest but unfortunate debtor to surrender his property and begin the race of life over again, unburdened by those debts which it is impossible for him to pay. We insist that in giving an additional remedy to the creditor against a dishonest debtor, or even against an insolvent debtor, there is great danger that it will be abused, for the experience of three laws and nearly a hundred years proves that it has been abused. We refuse to believe that human nature has changed, and we feel sure that what happened under the old law will happen under this law with its equal opportunities for oppression.

I believe that the consummation of wisdom in framing a bankruptcy law is to devise one under which an honest debtor can surrender his property and procure his discharge, but of which a dishonest debtor could not obtain the advantage, and I believe that very few men will dissent from that opinion. I also believe that any fair and impartial man who will examine this substitute without prejudice will agree with me that no dishonest debtor can procure his discharge under it.

Mr. RAY. I would like to ask the gentleman what his substitute is? Is it the bill 742?

Mr. BAILEY. No, sir; the substitute is numbered 8234. The bill to which the gentleman refers will be offered as a substitute.

My substitute provides that any man who has assigned all he has above his exemptions for the equal benefit of all his creditors is entitled to a discharge. It further provides that any man who has given a preference, either directly or indirectly, or has done any act tending to defeat—I do not even make it a matter of intention—but who has done any act "tending to defeat" the fair distribution of his assets among his creditors, or who has suffered an attachment to be levied upon his property, shall not be entitled to the benefit of this law.

The attachment clause was not free from difficulty. If a man whose property had been attached was permitted to get a discharge it opened the door for fraud, because his relatives and favorite creditors would attach him immediately upon the passage of the bill, and they would take all the property to pay their debts, leaving the other creditors to be paid with a certificate of the bankrupt court. To avoid that, the substitute denies him a discharge if an attachment has been levied upon his property within a given time. But we could not safely stop there, for if we did, any vindictive creditor could have prevented his debtor from obtaining the benefit of the law by instituting attachment proceedings; and so we provided that if upon the levy of an attachment the insolvent debtor would make an assignment as specified in the bill, the effect of that assignment should be to vacate the attachment, and his estate should then be administered and divided among all his creditors. We thereby put it beyond the debtor's power to allow a favored creditor to attach him and thus obtain a preference, and we also put it beyond the power of a vindictive creditor to attach him and prevent him from obtaining the benefit of the law.

Mr. BURTON of Missouri. If he complies with the conditions there.

Mr. BAILEY. If he comes into the court and brings all his assets, then he is entitled to the benefit of the law, and I believe no man will say that he ought not to have it.

Mr. DOLLIVER. If the gentleman will permit me, what does your bill do with the old-time failures?

Mr. BAILEY. Every insolvent debtor can come in under it without reference to the date of his failure.

Mr. DOLLIVER. Suppose this case of preference or preferred attachment, originated at the time of the failure of a merchant, was ten or twenty years ago?

Mr. BAILEY. The bill does not undertake to go so far back. It provides that the prohibited acts shall not have been done within three months of the passage of the bill. That limitation was incorporated in the bill to prevent the rush of fraudulent debtors, who could give their property to their favorite creditors before the passage of the bill.

Now, Mr. Chairman, I am not one of those who dream that any legislation can make a rascal an honest man. I know perfectly well that no power short of that Divine power which gave sight to the blind and which healed the sick can make a rascal honest; but I do believe that it is within the reach of practical statesmanship to make a rascal act honestly by making it to his interest for him to do so. We attempt to do that by offering to every insolvent debtor his financial emancipation if he will place his property in the hands of an assignee for the benefit of his creditors. When he does that, it has passed out of his control and becomes the property of his creditors. We make him surrender his property before we permit him to ask for a discharge. He can come into court only by alleging that he has surrendered his property for the benefit of his creditors. Any creditor has a right to contest the debtor's application for discharge, and can defeat the discharge by proving that the debtor has done any of these prohibited acts.

Now, put it to yourselves, gentlemen. Suppose a dishonest debtor, in failing circumstances, desires to prefer some relative or favored creditor, he can do it, of course, in any State which permits a preference (though many of the States do not permit it), but if he does he can get no benefit under this bill. So he stands there with a relative or creditor on the one side, asking for a preference, and on the other side is the bankrupt law, warning him that if he does give a preference he shall not be discharged from his debts. What would a dishonest man do under the circumstances? He is looking always to his own advantage, and in such a case he will say to himself, "If I prefer any creditor and then assign the balance of my property my property will be gone, and if it is found that I have given a preference I shall get no discharge." The certain result will be that rather than take the chance of giving a preference and being denied the benefit of the bankruptcy law he will assign all his property so that he may get a discharge, because insolvents always, whether honest or dishonest, believe that if they can only be relieved from their present obligations they can repair their fortunes.

Mr. STEWART of New Jersey. I should like to call the gentleman's attention to one point. At the top of page 2 of his substitute I find this provision:

> The property so assigned or surrendered shall be administered and distributed among creditors according to the laws of the State where the property is situated.

Mr. BAILEY. It also says "subject to the provisions of this act."

Mr. STEWART of New Jersey. Now, the constitutional provision is that we shall have power to make uniform laws on the subject of bankruptcy; but how can a law be uniform if every State executes it according to its own special legislation on the subject?

Mr. BAILEY. The State does not execute this law. The law itself is uniform. The substitute says that when a certain state of facts exists the Federal courts may grant a discharge in bankruptcy. The fact upon which a debtor obtains the discharge is not that the property has been administered in a certain way, but that it has been surrendered. Now, I submit to my friend, and he knows perfectly well, that the exemptions are in no wise uniform throughout the several States of the Union; but the old law, which allowed these various and conflicting exemptions, was sustained by the courts.

Mr. STEWART of New Jersey. But this provision in the gentleman's substitute strikes at the substantive part of the law, not at the exemptions. It provides that it shall be administered according to the laws of the State.

Mr. BAILEY. That the estate shall be so administered; not the law. If my friend will read the substitute more closely he will find that the qualifying words, "subject to the provisions of this act," control practically all the preceding part of that provision.

Mr. STEWART of New Jersey. But my insistment is that this is a delegation of power to the States whose laws are discrepant and different, and therefore that its enactment would not execute our constitutional obligation to pass uniform laws on the subject of bankruptcy.

Mr. BAILEY. If that is my friend's only trouble, I will give him a bond to keep his conscience clear if he will support this bill. There is no difficulty on that point.

[Here the hammer fell.]

Mr. HENDERSON. Mr. Chairman, the fifty-eight minutes remaining on this side I yield to the gentleman from New York [Mr. RAY].

Mr. CULBERSON. Mr. Chairman, how much time has the gentleman remaining?

Mr. HENDERSON. We have fifty-eight minutes remaining. Does my friend from Texas desire to make some observations at this time?

Mr. CULBERSON. I wish to say a few words.

Mr. HENDERSON. I yield the gentleman five minutes.

Mr. CULBERSON. Mr. Chairman, I do not, of course, expect in five minutes to make any argument upon this bill or to discuss its details in any way.

I want to state, however, I am very anxious a bankruptcy bill should be passed at this session of Congress, for the reason that there are hundreds and thousands of good men all over the country who are unable to extricate themselves from debt. These men for the most part, in my State, are the very best part of the population; they are the most enterprising, the most energetic men we have among us; and we need their enterprise; we need their energy to help build up the interests of the country, which have been so greatly depressed.

Heretofore I have stoutly resisted the passage of any law containing an involuntary provision of bankruptcy; I have heretofore believed that such a system could not be well executed in this country. But I have arrived at the conclusion that it is impossible to pass a bankruptcy law containing only voluntary provisions; and I believe, Mr. Chairman, that the reason for this is that when you call upon the creditor class to allow voluntary bankrupts to be discharged from their debts they will demand, as they have heretofore demanded, some consideration in respect to their own interests. It is well known that throughout this country, within the last few years, the creditor class has been greatly imposed upon by the assignment laws of the States, by the privilege granted and exercised under State laws to make deeds of trust or assignments and by the preferences which have been given, by fraudulent attachments, by fraudulent judgments. Throughout the entire country the creditor class has been greatly and seriously imposed upon; and if we expect now to pass a uniform system of bankruptcy for this country it seems to me that we must give as well as take.

The bill now before the House, called the Henderson bill, is, I believe, the very best bill on this subject that has ever been offered in Congress.

Mr. BAILEY. Will my colleague permit me to ask him a question?

Mr. CULBERSON. Certainly, but I have only five minutes.

Mr. BAILEY. We will secure you more time. Do you believe that if the House should pass this bill it can pass the Senate?

Mr. CULBERSON. I am just coming to that. I ought to say in advance that the measure offered by my colleague [Mr. BAILEY] has in some of its features been offered heretofore both in the House and in the Senate. But the measure as heretofore introduced has been very greatly improved and enlarged by him, so that it is a far better measure than it was when it was offered in the Senate years ago and in the House of Representatives during the Fifty-first Congress; and if it could become a law I should vote for it with the greatest alacrity. I have an idea that I will vote for it at any rate as a substitute for the present bill, merely to maintain my record. [Laughter.] But I hardly think it can become a law. If it could, I think the country would be greatly benefited by it.

Now, as I was saying, the measure reported by the gentleman from Iowa [Mr. HENDERSON], the chairman of the Judiciary Committee, is the very best bill I have ever read, combining both the involuntary and the voluntary provisions. With the highest respect for the judgment of some of my colleagues on the committee who have opposed this bill, I think they have greatly exaggerated the hardships that will flow from the passage of this bill, because it is a very different measure from the law of 1867. It is widely apart from the bill known as the Torrey bill.

[Here the hammer fell.]

Mr. BAILEY. I ask unanimous consent, with the approval of the gentleman from Iowa——

Mr. HENDERSON. I hope that my colleague on the committee will be permitted to proceed.

Mr. CULBERSON. I am unwilling to trespass——

Mr. HENDERSON. And I ask that the general time be extended so as to accommodate him.

The CHAIRMAN. The Chair hears no objection.

Mr. CULBERSON. Then I will take a few minutes more.

I say that this bill is widely different and apart from the Torrey bill. There are some things in this bill that ought to be stricken out. The fourth cause for involuntary bankruptcy ought, in my opinion, to be removed from the bill. But, Mr. Chairman, if you will consider this bill in all its details you will find that under it no man can be put into involuntary bankruptcy unless he is an insolvent. Now, under the old Torrey bill the word "insolvent" had a legal meaning affixed to it. Under that bill if a debtor failed to pay a debt for thirty days or forty days the presumption was that he was an insolvent.

A MEMBER. That is in this bill, too.

Mr. CULBERSON. A gentleman over here suggests that the same provision is in this bill, but I beg him to understand that this bill defines an insolvent as one whose property or assets shall not be sufficient to pay his debts; and that question, if he demands it, is to be submitted to a jury. I do not think you will find such a humane provision in any bankruptcy law in this country or in any other. All these provisions in relation to this matter of involuntary bankruptcy proceed upon the idea that the debtor is insolvent.

There is another matter which has been referred to here and which I beg to notice for but a moment. It has been objected that under this bill you can arrest a debtor for debt, that you can take him into custody—not put him in jail, but hold him in custody by a marshal. Now, I would, if I could, strike that from this bill. I did vote to strike it out in committee. But gentlemen ought to understand that this provision itself is more humane than any of the laws of the different States of this country regulating the attachment of witnesses. Under the laws of the different States you can attach a witness, and if he does not give security or bond for his appearance he may be placed in jail. Under this bill, when the creditors assert that the debtor has made some disposition of his property which defrauds them and about which they desire to have him examined, and they ask for a writ to arrest him and bring him before the court to testify, he may be brought there. The distinguished chairman of our committee thought that it would not do to put the debtor in jail, and therefore this bill provides that he shall have the privilege of going around with the marshal until he gives his testimony in court. Is there any injustice in that, anything inhuman, anything cruel, when in every court of the country a harsher power is exercised? I do not think so.

Mr. Chairman, I did not expect to say this much. I should like to see the bill of my colleague [Mr. BAILEY] pass the House. I believe I shall vote for it. I have a great fondness for it. But I do not believe it can become a law, and will, if necessary, vote for the Henderson bill. I believe that the bill of the committee will become a law. I believe that the pressure upon Congress now from all parts of the country will induce the Congress of the United States—the Senate as well as the House—to give us a bankruptcy law that will roll the load of debt off the shoulders of the insolvent. [Loud applause.]

Mr. RAY. Mr. Chairman, I shall not attempt at this late hour in the day to make the extended remarks in regard to this bill that I intended. The gentlemen who are opposed to this bill ought to be convinced by the argument of the distinguished gentleman from Texas [Mr. CULBERSON], who has just addressed the committee, that this is a proper bill to be enacted into a law.

I have had the honor to serve on the Judiciary Committee of this House with that gentleman for now six years, and I know him to be a good lawyer and conscientious, high-minded gentleman. During four of those years he was the chairman of that committee. We have had the bankruptcy bill before our committee in each of the last three Congresses, and it has commanded the best attention the committee was able to give to it.

This bill which is now reported from the Judiciary Committee is not the Torrey bill. The gentlemen who have served with me for four years upon that committee preceding this Congress, and the distinguished gentleman from Texas to whom I have already referred, who has just taken his seat, will not hesitate to assert that I have opposed with all the power that in me lay the bills as presented heretofore. I stood side by side with the gentleman from Texas [Mr. CULBERSON], and his agreement and my agreement to the bill now reported bear the same date. I am proud of my company, because there is no better lawyer in the

Congress of the United States than that gentleman. While I come from the great manufacturing counties and States of the East and North, he comes from the agricultural districts of the South, and understands the wants of the people he represents. We now agree on this bill as adequate and just.

The other gentleman from Texas [Mr. BAILEY] is possessed of a very peculiar mind. It must be undergoing a stage of transition, or transformation, for within the last few months he has presented either to the House or to the Judiciary Committee—or will have presented, if he fulfills his promises, before this subject is disposed of—four different measures which embody essential features radically different from each other.

Mr. BAILEY. Since the gentleman from New York has seen proper to refer to me, I will simply tell him that that is not the truth.

Mr. RAY. I say it is, and I have the proposed bills before me at this moment, and have been examining them.

Mr. BAILEY. You have not got them, and you can not find any such bills as that.

Mr. RAY. I will refer to them in the RECORD, and put in extracts from them.

Mr. BAILEY. Let me say to the gentleman—and I am sure he does not want to misrepresent me——

Mr. RAY. Certainly not.

Mr. BAILEY. I was one of the members of a subcommittee instructed by the full Committee on the Judiciary of the House to draft a bankrupt law containing both the voluntary and the involuntary features. In accordance with that instruction I submitted as my minority report from the subcommittee a report, which was printed. That report is exactly the bill which I shall offer to the House as a substitute for the pending bill, with the involuntary feature cut out. And the member from New York knows perfectly well that I stated to the committee that I had ingrafted the involuntary feature on the bill in accordance with and in obedience to the directions of the committee.

Mr. RAY. I have this only to say, that I desire to ask the gentleman from Texas a few questions, with his consent, and I ask for responses to them. Did you introduce a bankruptcy bill in the last Congress and secure its passage through the House?

Mr. BAILEY. I did, and you know it.

Mr. RAY. Of course I know it. Is that the same bill that you propose to offer as a substitute to-morrow for the pending bill?

Mr. BAILEY. It is not.

Mr. RAY. Very good——

Mr. BAILEY. And let me say here——

Mr. RAY. Now, do not take up my time. I refer to your bills H. R. 4609, Fifty-third Congress; H. R. 259, H. R. 8234, and H. R. no number, all in the Fifty-fourth Congress.

Mr. BAILEY. You have asked me a question; let me conclude my answer to it. The bill I propose to offer as a substitute for the pending bill to-morrow is that bill as I introduced it and as it passed the House and was amended by the Judiciary Committee of the Senate; and I introduced it in that form for the purpose of trying to get the two Houses as near together as possible on the subject.

Mr. RAY. Now, I trust the gentleman will not misunderstand me or the remarks I was about to make. The remarks I make are no reflection whatever upon his ability as a lawyer, or upon his intelligence, or his integrity as a man. They only show that the gentleman himself is in a condition of mind where he differs with himself as the weeks and the months go by. And I submit to the House that when a gentleman's mind is in that condition he is not a safe guide to follow in so important a matter as the construction or framing of a law upon the subject of bankruptcy.

Mr. BAILEY. If the member from New York will permit me, I wish to say that in all I have done since I have been here I have been striving to secure the passage of a bill through the House that could pass both Houses of Congress and become a law; and to-morrow, when the question comes, I expect to vote for a substitute that was not introduced by myself as the best thing that can be done.

Mr. RAY. Very good, and I trust the gentleman will not take offense. I did not question the gentleman's honesty of purpose or his desire to secure a good law. I simply referred to this as showing that the gentleman himself has gone from the support of one bill to another with incredible rapidity when we consider its importance.

Mr. WILLIAM A. STONE. Will the gentleman allow me to suggest that in the opening of his remarks he puts himself in the same attitude.

Mr. BAILEY. That is the reason why I do not want to be put in the same attitude myself.

Mr. RAY. I desire to say to the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] that I do not put myself in any such attitude.

Mr. WILLIAM A. STONE. You admit a conversion.

Mr. RAY. The bill that was known as the Torrey bill was before this House and before the Committee on the Judiciary when the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] and myself sat side by side in that committee, and the gentleman from Pennsylvania and I came upon the floor of this House and opposed that bill as then reported—he upon certain grounds and I upon others. Now, the distinguished chairman of the committee in the last two Congresses [Mr. CULBERSON] will bear me witness that when the new bill, known as the Powers bill, came before the Judiciary Committee in this Congress I opposed it in the form in which it then stood. I insisted that I would not support it unless the drastic, harsh features were eliminated from it, and the result of our labor has been to eliminate from the bill now before the House every harsh, every drastic feature, every provision that an honest man can object to. This bill has passed and been subjected to the criticism of three sessions of Congress, and has grown better and better until no just criticism can be urged.

Now, Mr. Chairman, before my time is entirely exhausted, I desire to call attention for a few minutes to the unwise provisions of the substitute that will be offered by the gentleman from Texas [Mr. BAILEY].

Mr. BAILEY. Will the gentleman from New York permit me? He stated a while ago that he had been opposing this bill all the time. I have here the record of the vote of the Fifty-third Congress, page 7598 of the CONGRESSIONAL RECORD, and it shows that the gentleman from New York [Mr. RAY] voted against the motion to strike out the enacting clause of this bill voted with all the friends of the bill.

Mr. RAY. Why, certainly I voted against striking out the enacting clause. But can not the gentleman understand that I might refuse to vote to strike out the enacting clause and yet stand upon the floor of this House and advocate amendments to the bill so as to perfect it and make it a bill that I would support; and if I failed in making it a bill that I could support, then vote against the bill itself?

Mr. BAILEY. The gentleman from New York [Mr. RAY] was one of the tellers in the fight against the bill, and on the side of the bill.

Mr. RAY. I was one of the tellers in the fight against the Bailey bill in the last Congress?

Mr. BAILEY. No; this is the Torrey bill. I know that you also opposed my bill.

Mr. RAY. I did oppose striking out the enacting clause; but I made a speech upon the bill that tired all the members of this House, in opposition to it. [Laughter.] And now I trust the gentleman from Texas [Mr. BAILEY] will permit me to make a few remarks in regard to his substitute, giving a few reasons, which will be amplified, why it should not become a law, why it can not become an effective law. Before I do that, I desire to read from Story on the Constitution, just a short extract, showing what a bankruptcy bill is or ought to be. Judge Story, who wrote this book, has always been considered an authority upon constitutional questions. He says:

> Without stopping at present to consider what is the precise meaning of each of these terms as contradistinguished from the other, it may be stated that the general object of all bankruptcy and insolvency laws is, on the one hand, to secure to creditors an appropriation of the property of their debtors *pro tanto* to the discharge of their debts, whenever the latter are unable to discharge the whole amount, and on the other hand to relieve unfortunate and honest debtors from perpetual bondage to their creditors.

That is the purpose and object. Then, again, he says:

> Perhaps as satisfactory a description of a bankruptcy law as can be framed is that it is a law for the benefit and relief of creditors and their debtors in cases in which the latter are unable or unwilling to pay their debts; and a law on the subject of bankruptcies, in the sense of the Constitution, is a law making provision for cases of persons failing to pay their debts.

Now, in the first place, the gentleman from Texas [Mr. BAILEY] goes upon the theory that the only object of our fathers in establishing this provision of the Constitution was to provide a way and manner in which failing debtors might escape from their debts; that this was the beginning and the end, the whole scope of this power. Such a law as he has designed and presented to this House has never been enacted in this or any other country on the face of the globe, excepting that at one time England, as a supplementary act to her bankruptcy law, did pass an act known as "An act for the benefit of poor English gentlemen," designed simply to enable them to escape from their pecuniary obligations.

Now, directing attention again to this bill, this proposed substitute of the gentleman from Texas, I will call attention to the first provision of it. I want gentlemen to understand and appreciate how pernicious it would be if permitted to become a law, and the results it would inevitably lead to.

Section 1 reads:

> That if an insolvent debtor, not a corporation, shall execute an assignment or cession of his property, valid by the laws of the State, Territory, or District of Columbia in which he may reside, or if he have property in any other jurisdiction, then as to such property valid according to the laws thereof, and also in accordance with the provisions of this act, it shall have the effect hereinafter provided for.

Now, what is the meaning and effect of that? I ask lawyers and business men to give their attention to the practical effect of

gerated the hardships that will flow from the passage of this bill, | proud of my company, because there is no better lawyer in the

Mr. RAY. The bill that was known as the Torrey bill was before | and business men to give their attention to the practical effect of

such a law as that. I reside in the State of New York, in the city of New York; I have property in that city. I am close to the borders of New Jersey and Connecticut. I own property in New Jersey and I own property in the State of Connecticut. In order that I may have the benefit of the law proposed by my colleague from Texas [Mr. BAILEY] what must I do? I must have an assignment filed valid according to the law of the State of New York; then it must be valid according to the law of the State of Connecticut; and then it must be valid according to the law of the State of New Jersey. But that is not all. It does not stop there. It must be valid also according to the law of the United States of America.

Now, if the law of New Jersey differs from the law of New York, I must make my assignment conflict with itself. If it differs from the law of the State of Connecticut, then it must differ and conflict in two particulars; and if the laws of the three States shall happen to conflict with the laws of the United States, then you have an assignment in conflict with itself in four different respects.

Mr. BAILEY. Will the gentleman from New York permit me to say this? He has stated that the gentleman from Texas [Mr. CULBERSON] is one of the best lawyers in the Union. That section is taken word for word, except the corporation provision, from the bill of the gentleman from Texas [Mr. CULBERSON].

Mr. RAY. The gentleman from Texas [Mr. CULBERSON] has seen the error of his ways. He has repented, and upon the floor of this House has told you he is in favor of the bill now reported by the Committee on the Judiciary.

Now, let us go a little further, and see what the effect will be if you enact into law any such measure. I read from a Senate bill (four bills were introduced by Mr. BAILEY of Texas), and the Senate bill that has been reported over there is known as 742, and contains the same provisions. All are alike in the particular mentioned.

Now, let us go a little further, and see what the gentleman's proposition is. The property in each State must be administered and distributed according to the laws of the State in which it is situated; but the bankrupt himself, when he applies for a discharge, which he may do within three months, must apply in the United States courts. So let us examine the condition of the poor bankrupt who has made an assignment. He has got one that conflicts with itself in four different respects. He has a proceeding running in the State courts of the State of Connecticut; he has another running in the State courts of the State of New York; he has another running in the State courts of the State of New Jersey, and he has still another suit, proceedings relating to the same property and the same man, running in the United States court. Four suits, four proceedings relating to his property, four sets of lawyers, four different courts to construe this law and to construe the laws of the different States.

Now, if the State courts differ in the construction of the State laws, which court is to be the final arbiter? Is it to be the United States court? If so, then if the State court does not decide as some gentlemen think the United States court would decide, it gives an appeal to the United States Supreme Court. From New Jersey comes another appeal, from New York comes another appeal, so that you will have proceedings pending and appeals pending; three sets of lawyers in three different State courts; and then you would have lawyers in the United States courts, all pecking away at the same estate. And that is the possible effect of this wise law of my amiable and learned colleague, Mr. BAILEY, if he will pardon me for mentioning his name.

Now, that is not all. Here you are providing a conflict of jurisdiction and decisions, not for one court, where the estate may be speedily administered, where it may be justly and cheaply distributed, but you are providing for troubles and litigations that would not end in the lifetime of the poor debtor. What a fruitful field for litigation is opened up. How gleefully the shylocks, the greedy shylocks of the profession, would grin as they scan the measure proposed by the gentleman from Texas; and how eagerly would the shysters of the profession hang upon the borders of the estate of every man anywhere near insolvency, saying "the moment he gets in we will pluck his estate to the utter exclusion of his creditors."

Now, without amplifying upon that provision of this bill further, I desire to call attention very briefly to one or two other propositions in connection with it; but before I do, that let me call the attention of my friends upon this side of the House who have criticised the bill reported by the Judiciary Committee, and who have favored the enactment into law of Senate bill No. 742, to a provision that is found in both bills. Several gentlemen have criticised House bill 8110 because it permits the bankrupt to be arrested and held during the proceedings.

Now, those same gentlemen, after making that criticism, after having upon that ground condemned the bill reported to this House by the Judiciary Committee, have announced that they should vote for Senate bill 742. The gentlemen have not read that bill, because it, too, provides for the arrest and detention of the debtor during the pendency of the proceedings.

Mr. Chairman, time has been so consumed that I can not give particular attention to the several features of this bill, but must content myself with commenting upon some of them under the five-minute rule.

I ask gentlemen to remember that one of the strongest objections urged against the last bankruptcy bill that we had upon the statute book was that the estate of the insolvent was swallowed up in fees and costs and attorneys' fees. I want to impress upon your minds the fact that under the Senate bill which is to be offered as a substitute, and under the substitute to be offered by the gentleman from Texas [Mr. BAILEY], it is very evident that the estate will have to be enormously large or else it will be consumed in payment of attorneys' fees. While the estate is being administered in the State court according to the laws of the State, a proceeding will be pending in the United States court, and the debtor, and the creditor also, if they would prevent a discharge, would have to be traveling back and forth, vibrating between the two courts. Then suppose the two courts should differ in their construction of those State laws, what will be the inevitable result? Appeals and still further costs and delays and troubles.

The Senate bill, as well as the House bill, provides—and that feature has been criticised—that all preferences given within a certain time shall become void. Do you suppose that the proposed substitute of the gentleman from Texas can pass the Senate when that body has already spoken upon this point, when it has already condemned the proposition with reference to preferences?

One other objection, Mr. Chairman, and a serious one, is to be considered—the constitutional objection. I hold in my hand and I shall insert in my remarks some portions of an argument presented to the House of Representatives in the form of a report upon the proposition which is embodied in the bill of the gentleman from Texas. This argument will be found in Report No. 206, "Views of the minority," submitted by Mr. Wolverton, a Democratic member of this House in the Fifty-third Congress.

He is an able lawyer, who gave great thought to this subject and who condemns the substitute of the gentleman from Texas as unconstitutional; treats it without gloves, and shows it up in all its enormity and in all its deformities. I ask the lawyers of this House, as a legal proposition purely, how can you hold for a moment that a law enacted under the provisions of the Constitution, which says that the Congress may enact or establish uniform laws on the subject of bankruptcy throughout the United States, is constitutional which in the very send-off, instead of enacting or establishing a uniform law of bankruptcy, proposes to establish, or rather to adopt, the nonuniform laws of the different States of the Union? We all know that no two States have written upon their statute books the same assignment or insolvent laws; they all differ. Therefore when the Congress of the United States attempts to pass a law which either adopts the State laws or enacts them in any form as the law of the United States in relation to bankruptcy it is adopting or establishing nonuniform laws on that subject, and no court in Christendom would say or hold that such a law is constitutional.

Again, the Constitution contemplates and says that when we exercise this power of establishing laws upon the subject of bankruptcy throughout the United States those laws shall be uniform, so that all debtors and all creditors throughout the country coming within the provisions of the laws shall have equal protection and benefit from them. Suppose, now, that you enact this proposed substitute into a law, and suppose that the State of New York at once repeals its assignment law. It will then be impossible for a man to make an assignment valid under the laws of the State of New York and under the laws of the United States. He can make no assignment at all, and no citizen of the State of New York can have the benefit of the bankruptcy law if this proposed substitute is adopted.

Mr. STEWART of New Jersey. Will the gentleman permit a question?

Mr. RAY. Yes, sir.

Mr. STEWART of New Jersey. Is it the opinion of the gentleman that the enactment of a law providing for voluntary bankruptcy only would be an exercise of the constitutional power of Congress to enact a bankruptcy law?

Mr. RAY. My opinion is that such a law might be unconstitutional unless it took hold of the estate of the debtor, because from the very definition of a constitutional bankrupt law which I have read to you as laid down by Judge Story and from the decisions of the courts it is evident that the passage of such a partial law would not be an exercise of the power conferred upon Congress by the Constitution. It would not relate to bankruptcies, but simply the discharge of insolvent debtors.

Mr. HENDERSON. If my colleague will permit me to interrupt him for a moment, I wish to make a suggestion. It is now somewhat after 5 o'clock, and I ask unanimous consent that the

remaining portion of the gentleman's fifty-eight minutes be allowed to him when we meet again in Committee of the Whole for further consideration of this bill.

Mr. BAILEY. I object.

Mr. WILLIAM A. STONE. I wish to ask the gentleman from New York a question. If a bankrupt bill having a voluntary provision only would be unconstitutional, would not a bankrupt bill having an involuntary provision only be unconstitutional for the same reason?

Mr. RAY. I think there might be danger that it would be held unconstitutional. Still it would be saved because it takes the property. I believe that the provision of the Constitution providing for uniform laws on the subject of bankruptcy contemplates provisions in the case of insolvent debtors which shall take hold not only of the person but of the estate, administer the estate, and discharge the bankrupt in case he has not been guilty of any of the offenses defined and prohibited by the law. It must deal with both the estate of the debtor and his person.

I wish to say further that I would oppose on the floor of this House or elsewhere any bill which should propose to enact a purely involuntary law, as I would oppose here and elsewhere any bill proposing to enact into law something that was purely voluntary. I think the two should go together; that discharges are incidental to the administration of bankrupt estates.

Mr. WILLIAM A. STONE. Now, I should like to ask the gentleman this other question: Does he not know that the act of 1800 was an involuntary measure only, and that the courts held it to be constitutional?

Mr. RAY. The courts in those times did; but that gives no certainty that the courts to-day would so hold. Neither does it bind my conscience or judgment because incidentally the courts back in those times so held. But that law of 1800 dealt with the estate as well as the person.

Mr. WILLIAM A. STONE. Let me suggest that courts do not change their views upon bankruptcy laws as some gentlemen in this House are admitted to have done.

Mr. RAY. Well, I do not know whether the courts would change their views upon bankruptcy laws or not. It would depend altogether on the make-up of the court.

Mr. WILLIAM A. STONE. And something on the precedents.

Mr. RAY. The gentleman from Pennsylvania knows that.

Mr. TERRY. I understand the gentleman from New York [Mr. RAY] to criticise the substitute of the gentleman from Texas [Mr. BAILEY] as being unconstitutional, upon the ground that it adopts as part of its provisions the laws of the various States on the subject of insolvency, assignments, etc.

Mr. RAY. It attempts to adopt them as part of the bankruptcy law, and provides as a prerequisite to a discharge that the estate shall be administered according to the laws of the various States, and also, mind you, in accordance with the provisions of this bill.

Mr. TERRY. I understand the gentleman. Now, if that is a just criticism upon the substitute of the gentleman from Texas, will it not apply to the bill of the committee which the gentleman is advocating, because this bill adopts the exemption laws of the various States, which may be repealed from time to time in the same way as the insolvent laws of the several States?

Mr. RAY. We do not adopt those exemption laws.

Mr. TERRY. You say that the bankrupt shall be entitled to the exemptions allowed him under the law of his State.

Mr. RAY. That is so; the exemptions would be different in different cases; but we do not adopt those laws or undertake to enact them as a part of this bill.

Mr. FAIRCHILD. Would not such a provision be held to be unconstitutional?

Mr. RAY. Certainly not.

Mr. FAIRCHILD. There would be "nonuniformity."

Mr. RAY. It is immaterial whether there is uniformity as to the exemptions or not. I do not think such a provision would make the bill unconstitutional, although in my view it would be far better in the establishment of "uniform laws on the subject of bankruptcy throughout the United States" to have the exemptions uniform throughout the various States of the Union. It might be a close question, if raised, whether such a provision is constitutional, although I will say that under the last bankruptcy law that question went to the Supreme Court of the United States and the provision was expressly held constitutional.

Mr. FAIRCHILD. Then my colleague really has doubts as to the constitutionality of his own bill?

Mr. RAY. None at all.

Mr. FAIRCHILD. I so understood you just now.

Mr. RAY. None at all.

Mr. FAIRCHILD. You said it would be "a close question."

Mr. RAY. Oh, I meant the possibility that there might be a question——

Mr. FAIRCHILD. You said it was "a close question."

Mr. RAY. I said it might be a close question—or I intended to say that.

Mr. STEWART of New Jersey. Was the constitutionality of the act of 1800 ever decided affirmatively by the Supreme Court of the United States?

Mr. RAY. Oh, the question came up there, but as I understand the decision it did not come up squarely.

Mr. STEWART of New Jersey. Did the Supreme Court of the United States ever decide directly that the bankrupt law of 1800 was constitutional?

Mr. RAY. As I stated before in answer to the gentleman from Pennsylvania [Mr. WILLIAM A. STONE], it was incidentally so held.

Mr. STEWART of New Jersey. But that was obiter dictum simply.

Mr. RAY. Yes, sir; and of course when a decision is rendered in that way you do not know what the court might do if the question should come up squarely, and especially when that law was a different law and was passed upon a hundred years ago. We do not know what the courts to-day would say about it. But I do not see how any good lawyer can assert that it is a constitutional exercise of our power when we undertake to adopt the various laws of the various States, which are nonuniform, as to the taking hold of and the administration and distribution of the estates of these insolvent debtors.

Mr. MILLER of Kansas. Will the gentleman allow me a question as a matter of information?

Mr. RAY. Certainly.

Mr. MILLER of Kansas. As I understand, the gentleman claims that the provisions of this bill are just. Now, I ask him whether it is just that any person should be placed in bankruptcy and after his property is taken be prevented absolutely from obtaining a discharge where there has been no dishonesty on his part?

Mr. RAY. Certainly not, and this bill most emphatically declares that whenever the debtor has been honest in his conduct prior to and during the proceedings he shall be discharged from all of his debts except those which grow out of actual judgments rendered for personal injury or intentional wrong against property.

Mr. MILLER of Kansas. A very large portion of the business of this country is done by corporations which may be thrown in bankruptcy, and I desire to ask my friend with reference to that particularly. As I understand the provisions of the bill, the corporation may be thrown into involuntary bankruptcy. Am I right in that?

Mr. RAY. Certainly.

Mr. MILLER of Kansas. Now, there is a provision that the corporation may be thrown into involuntary bankruptcy under the terms of this bill, but there is no provision anywhere in the bill, after that is accomplished, for their discharge. If the gentleman will turn to the section of the bill providing for the discharge of bankrupts he will find that in no event can they be discharged from any debt.

Mr. RAY. Now, the gentleman says "turn to the section of the bill," as though I had not studied the bill from the beginning to the end, and had not studied and wrestled with the question as to corporations with my colleagues for months.

Why, my dear sir, I have had occasion to take that question under consideration, and most prayerful consideration, too, for the last six years. I have considered it in all of its bearings. That provision was placed in the bill in obedience to a sentiment, which I have already stated before during this debate, that we were much too liberal in dealing with corporations, and that if we permitted a corporation to go into bankruptcy voluntarily, the United States laws superseding and taking the place of the State laws, that it would relieve the corporation from many of the obligations and drastic features of the State laws connected with corporations and enacted for the purpose of making them honest and dealing honestly. We finally placed this provision in the bill for that and other reasons.

Mr. MILLER of Kansas. But I am speaking now of this point, not that you do not permit them to go into voluntary bankruptcy, but you put them into involuntary bankruptcy—that is, your bill makes provision for that—and yet you do not permit them to get out or be discharged from any of the obligations that they may owe.

Mr. RAY. Oh, certainly.

Mr. MILLER of Kansas. It does not so appear in the bill.

Mr. HENDERSON. If my friend from New York will allow me. If my friend from Kansas will read the second clause of section 13 in connection with section 60, I think it is, he will discover who are proper creditors and will see that the element of intent to give a wrong preference enters into it.

Mr. MILLER of Kansas. If my friend from Iowa will permit me, I am not speaking of that point. It was another question.

Mr. HENDERSON. I beg pardon; I thought that was the point you had in view.

Mr. RAY. No; he undertakes to criticise the bill on the ground that it does not provide for the discharge of a corporation from its indebtedness in case it is forced into bankruptcy.

Now, if you read the dictionary clause of the bill, in connection with the bill, if the corporation has been forced into bankruptcy, it stands on the same footing as an individual.

Mr. WILLIAM A. STONE. Now, let us examine that a little. I hope the gentleman will explain that more fully, for it is a very important feature.

Mr. MILLER of Kansas. Your bill provides that—

A person, not a corporation, may, after the expiration of two months, and within the next four months subsequently to being adjudged a bankrupt, file an application for a discharge, etc.

That is to say, you exclude the corporation from filing such a petition. And again, you will find in another part of the bill—

A discharge in bankruptcy shall release the bankrupt, not a corporation, from all of his provable debts, etc.

That excludes the corporation in every case.

Mr. CONNOLLY. The corporation that is insolvent and without any property is dead.

Mr. WILLIAM A. STONE. Oh, no; not in all cases.

Mr. CONNOLLY. It does not live if it is dead.

Mr. MILLER of Kansas. But this is not a dead corporation. It is a case in which you have simply taken its property and administered it. Now, you provide no method by which it may be released from the bankruptcy proceedings and get a discharge.

Mr. RAY. But every member of that corporation, every individual, if it is insolvent, may take the benefit of the law and apply his property to the payment of his just debts; and they are all discharged, just as all other individuals are. The corporation itself, if it made an assignment, ceases to exist, and becomes dead by operation of law.

Mr. FAIRCHILD. Oh, not at all. I do not agree with my colleague there. It may have a franchise which might become very valuable in the future.

Mr. RAY. But do you not see that if the affairs of a corporation are administered in the bankrupt court, and if they have a franchise that is worth anything, it will be sold and transferred for all that it will bring. It will be in the hands of somebody else.

Mr. FAIRCHILD. That would depend. While that may be done, it would not necessarily follow.

Mr. RAY. It would, if the corporation needed a discharge from its debts.

Mr. MILLER of Kansas. Does the gentleman from New York claim, as a lawyer, that the franchise of a corporation created by a State or city is a part of the assets of the corporation?

Mr. RAY. Well, I do not say it exactly in that sense.

Mr. MILLER of Kansas (continuing). And if not, it can not be administered on by the bankrupt court.

Mr. RAY. I think my friend is mistaken in that. The franchise of a corporation is held to be a thing of value—property in New York, and I think in nearly every State. I had occasion to examine the question. It was up in our court of appeals and was passed upon there. Of course, in the strict sense of that word, the franchise is not a part of the assets of the company, but it is a thing of value, which you can not take away from it without compensation when it is once granted, unless a power to do so is embodied in the constitution of the State, the organic law, as one of its enumerated powers, or reserved in the charter.

Mr. MILLER of Kansas. Nearly all franchises to corporations are such that they can not be sold at all, and the corporation will still exist after you have disposed of all of its other assets.

Mr. RAY. The gentleman does not claim that.

Mr. CONNOLLY. It is a part of the property of the company.

Mr. WILLIAM A. STONE. How are you going to get it out of bankruptcy? Suppose it is dead? Suppose you want to change its burying place?

Mr. RAY. When a corporation is once dead and buried, I do not believe in changing its burial place. Usually among the common people of this country corporations are offensive enough in life—give enough offense without disturbing their remains. I think you will find no trouble on that question when you come to examine the bill.

Mr. STEWART of New Jersey. Will the gentleman from New York allow me one question?

Mr. RAY. Yes, although you are spoiling my speech utterly by these questions—breaking it all up.

Mr. STEWART of New Jersey. I wish to suggest, in response to what has been said by some gentleman here, that under the common law, as under most of our statutes, bankruptcy works ipso facto a dissolution of the corporation, and it becomes dead in fact and in law.

Mr. RAY. I have asserted that three or four times, but the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] and other gentlemen seem disposed to disagree with me.

Mr. WILLIAM A. STONE. I could demonstrate that you are entirely mistaken, but I do not want to take up your time.

Mr. RAY. I suppose it would depend upon the law of the State creating the corporation. I know it would in the State of New York. As I understand the law, and always have understood it, a corporation is a creature of the statute. It lives by virtue of the statute. It may be wiped out of existence in any of the modes prescribed by the statute creating it, and there may be common-law rules also applying.

Mr. FAIRCHILD. And not otherwise.

Mr. MILLER of Kansas. Do you claim this bankrupt bill has any provision in it for wiping out a corporation? Certain proceedings have to be had in every State in the Union to dissolve a corporation and to wind it up, so that it no longer exists as a legal entity, and there is no such provision in this bill.

Mr. RAY. I have stated two or three times, and there is no necessity for my repeating it, that as I understand this bill, when the affairs of a corporation are administered, the property will go to its creditors and the corporation will be dead and gone, and I know of no way by which it could be resurrected. If the gentleman from Kansas [Mr. MILLER] or my colleague from New York [Mr. FAIRCHILD] can point out a way by which it could be revived and brought to life again I should like to know it. It would be a more miraculous raising from the dead than any that we read of in the Scriptures.

Mr. FAIRCHILD. I do not rise to discuss that question. I only want to ask my colleague from New York whether he would have any objection to striking out that exception as to corporations securing discharges; and if so, why?

Mr. RAY. So far as I am concerned, I desire to say that I have no objection to striking that out, and would consent to that amendment. I do not know what my colleagues on the committee may think; but I want to give here again a reason, which I have stated several times upon the floor, why I think the provision of the bill a wise one. A corporation being the creature of the State, having its life given to it by the State, being answerable to the laws of the State, and the State laws having provided the way and manner under which it can be wound up and its property distributed properly and equitably and honestly among its creditors, I think it would be better to leave that matter to the State courts creating the corporation.

Mr. FAIRCHILD. But we do not propose to wind it up. We propose to let it be discharged, so that it may continue in business.

Mr. DANIELS. All State laws provide for the division of the assets of a corporation among creditors, without a preference.

Mr. RAY. Yes; and that is very much better.

Mr. BURTON of Missouri. In some of the States the stockholders of a corporation are under a double liability. That liability is predicated upon a debt due by the corporation. Now, if you discharge the corporation, the debt is dead and the stockholders are relieved from their liability.

Mr. FAIRCHILD. You can easily include that proviso.

Mr. RAY. You might do so.

Mr. MILLER of Kansas. If you admit that the corporation is dead, how are you going to proceed to enforce the double liability?

Mr. CONNOLLY. Because the State laws provide that you can do it.

Mr. MILLER of Kansas. If your corporation is dead you can not do that.

Mr. CONNOLLY. The State law reserves that right against individual stockholders.

Mr. RAY. I do not concede for a single minute that if a corporation dies or is extinguished in any legal manner the individual liability of a stockholder dies with it. That liability, when it is incurred and fixed, remains, even if the corporation does die. That is my judgment as a lawyer.

Mr. MILLER of Kansas. If the gentleman will permit me, is it not true that before you can enforce the double liability you have got to sue the corporation and get a judgment and issue an execution?

Mr. RAY. Why, certainly, when the statute so prescribes.

Mr. MILLER of Kansas. If your corporation is out of existence how are you going to get judgment?

Mr. RAY. My entire remarks are predicated upon the proposition that your proceedings in bankruptcy are had before the corporation is dead. You have proceeded against it, established the debt, and distributed its property, and then it becomes dead. In the meantime, having established that liability against the corporation, you have done everything necessary to be done, and then you can proceed against the stockholders individually upon their individual liability.

Now, of course, I do not know what some court in Kansas or away down in Texas would hold. That is the law in the State of New York and all through the North in all the courts of which I have any knowledge; but I do not know that the laws of the several States are uniform. I suggest in that connection that all this argument but demonstrates the folly of enacting into law any such proposition as that contained in the proposed substitute of the

gentleman from Texas, who proposes to make a part of the uniform system of bankruptcy law all the diverse and conflicting laws of the forty-five States of the United States of America.

Now, Mr. Chairman, I ask the attention of this House to the various propositions upon which I have consented to reporting the bankruptcy bill, and the various grounds which I believe demand the enactment of this bankruptcy bill, and some reasons why the substitutes should not be enacted.

Uniform laws on the subject of bankruptcies throughout the United States should be established by the Congress of the United States for five good and substantial reasons:

1. Such laws will promote and strengthen the financial, industrial, and agricultural interests of the whole country.

2. They will strengthen the credit of individuals, give confidence to the creditors, and work no harm to the debtors.

3. They will greatly aid and encourage the debtors who are involved to such an extent that they own no property and can not do business in their own name, place them on their feet as men among men, and add to the wealth-producing power of our people.

4. They will make harmless the distrust of State laws relating to the administration and distribution of the estates of insolvent debtors by establishing a uniform system, giving uniform and reciprocal rights and remedies between debtors and creditors in all parts of the country. The merchant and manufacturer and investor will extend credit as willingly to customers in Kansas and Nebraska as to those in New York and Massachusetts, for they will have confidence in the law and will know that their rights and remedies in enforcing obligations are precisely the same in all the States.

5. Such laws will uphold and strengthen our national credit at home and abroad, for when you strengthen the credit of the individuals of a nation you strengthen the credit of the nation itself. A nation of bankrupts can not have national credit, and a nation of honest, rich, or well-to-do men can not but have good credit as a nation. Confidence in the individuals composing a nation gives confidence in the nation itself if it has a good system of enforced laws.

I can not regard the fact that we have had three bankrupt laws, and that all have been repealed, as any argument against the wisdom and propriety of establishing a wise and conservative law at the present time.

We have had at least four protective tariff laws at different stages of our national existence and all have been repealed, but if I mistake not we are to have another at no distant day and one containing both voluntary and involuntary features; one that will protect the free trader and protectionist alike.

It will protect a man whether he desires to be protected or not. It will aid the finances and business interests of this country. It will set in motion the wheels of the now silent mills and factories of this great nation.

Will any man argue that we ought not to have a protective tariff in the future because the Congress of the United States has blundered in repealing those we did have? Will the gentleman from Pennsylvania [Mr. WILLIAM A. STONE], who represents one of the great manufacturing districts of the great State of Pennsylvania, urge to-day or at any future time that we ought not to enact a protective tariff law because those we have had were repealed?

It seems to me that gentlemen on the floor of this House must be hard pressed for arguments in opposition to this bill when they can find none better than the fact that prior bankrupt laws have been repealed.

The gentleman from Pennsylvania [Mr. WILLIAM A. STONE] has referred to the bankruptcy laws of the Kingdom of Great Britain and has stated without giving authority for the assertion that the laws of that Kingdom have been unsatisfactory. Mr. Chairman, I challenge the statement. Bankruptcy laws have been maintained upon the statute books of England for centuries, and she has one to-day, and England is the greatest and most prosperous commercial nation on the face of the globe. Her credit is good wherever the name England is known. No citizen of the United States would refuse credit to a citizen of England because of any distrust of the adequacy of her laws upon the subject of the administration of bankrupt estates. It is no argument against the propriety of a bankrupt law that England has amended hers. Conditions are constantly changing. Experience ripens the judgment of men. Practice under a law points to its defects. When defects appear or conditions change, as they are constantly changing in all civilized nations, it shows good sense to amend the laws and adapt them to the changed conditions. Such amendments and changes do not afford reason for the existence and maintenance of the law itself.

The gentleman seems to forget that the condition of things in the United States of America is far different from what it was when our former statutes on this subject were enacted. We have grown from three to seventy millions of people. Railroad lines span the continent and reach out in every direction, affording speedy and easy communication with all parts of our country. Telephone and telegraph lines reach every hamlet in the land, and the forty-five States, instead of being separate and independent from a commercial and business point of view, are all one, for there is, must, and ever will be a constant interchange of the products and manufactures of one section for those of another. Credit must be extended, if we would prosper, by the citizens of one State to the citizens of every other State; and it follows that if this credit is to rest upon a sound and permanent and beneficial basis we must have a uniform system of laws relating to the administration and distribution of the estates of insolvent debtors. And these laws must not only protect the interests of creditors, but the interests of debtors.

It is a mistake to talk about the debtor class and the creditor class and to make so much distinction between them.

In this country of ours we have three classes: Those so very poor that they can not receive and never think of asking credit. This class is made up mainly of the Weary Waggles who tramp the country, and the thieves, bummers, and leg-pullers who infest the great cities. Then we have the very rich, who do nothing except live upon the interest of their money. This class is exceedingly limited, and includes most of the dude element and but very few of the active, brainy men of our country. The great mass, ninety-nine one-hundredths of our people, is composed of a class of active, energetic, laboring people, who are engaged in business of some sort, all of whom are both debtors and creditors. They ask and receive credit. They are asked for and grant credit. They are equally interested in having their interests protected by law both as creditors and as debtors. The Constitution of the United States wisely vests in the Congress the power to establish uniform laws on the subject of bankruptcies throughout the United States.

The power conferred is wisely guarded and limited. It is not a power to establish "a uniform system of bankruptcy" as proposed by the substitute bill of the gentleman from Texas [Mr. BAILEY], but a power to establish "uniform laws on the subject of bankruptcies" throughout the United States. In order to comply with the Constitution, not only must the "system" be uniform, but the laws enacted or adopted must be uniform; the same as applied to every bankrupt in every State of the Union. Anything short of this does not comply with the Constitution. "A uniform system of bankruptcy" is quite different from "uniform laws on the subject of bankruptcies." It may well be said that a "system" is uniform which provides that the estates of bankrupts may be administered according to the laws of the several States, but it is self-evident that in such case uniform laws would not be established. The laws would be nonuniform, depending on the will of the legislature in each State, and we should have as many laws as States.

The bill proposed by the gentleman from Texas violates the Constitution of the United States in the very "send-off." His substitute provides, sections 1 and 2:

That if any insolvent debtor shall execute an assignment or cession of his property, valid by the laws of the State, Territory, or District of Columbia in which he may reside, or if he have property in any other jurisdiction, then as to such property valid according to the laws thereof, and also in accordance with the provisions of this act, it shall have the effect hereinafter provided for.

SEC. 2. That such assignment shall convey, subject to all valid liens, all of the estate of the debtor, except such as is exempt by the law of his domicile from execution or seizure for his debts, and shall be for the equal benefit of all his creditors, except with the preferences hereinafter allowed. The property so assigned or surrendered shall be administered and distributed among creditors according to the laws of the State where the property is situated, subject to the provisions of this act.

From the reading of these sections we discover, first, that the bankrupt must make an assignment valid according to the laws of the State in which he resides and has property; and second, that if he has property in two or more States, then valid according to the laws of each of such States, so that a man residing in New York City and having property in New York, New Jersey, and Connecticut, as is frequently the case, in order to become a bankrupt and obtain the benefit of the proposed act, must make one assignment valid according to and complying with the different laws of three different States, or else make three different assignments in the three States. In such case there would be three different assignees residing in three differing jurisdictions.

As I construe the proposed substitute, however, only one assignment is permitted, and as this must be valid according to the laws of three different States, if those laws are in conflict then the instrument of assignment must conflict with itself and be in part valid and in part invalid in each State. In any event the assigned property would pass in part to different assignees and would be administered and distributed according to the laws of three different States, and so there would be three different proceedings in three different jurisdictions and three different bills of costs running up at the same time. Creditors residing in New York would have to prove up claims in three different jurisdictions in three different ways, and before the court in one State could make distribution it would have to await action in two other

States in order to ascertain the balances on which to make division. No sane man can successfully contend for an instant that such a proposition is one "establishing uniform laws on the subject of bankruptcies throughout the United States."

But the proposed substitute goes much further than this in providing the form of the assignment. Every assignment must be valid, not only according to the laws of the State where the bankrupt resides and possibly those of several other States, but valid under and in "accordance with the provisions of this act," that is, the act of Congress.

Should "this act," the law of Congress, differ from and be in conflict with the law of the State, then it would be impossible for the debtor to make a legal assignment, and so he would be deprived of the benefit of the law.

It follows, inasmuch as Congress can not coerce a State into making laws, that any State could absolutely nullify the proposed substitute of the gentleman from Texas, if enacted into law, by passing State laws so inconsistent with the United States law that it would be absolutely impossible to make an assignment valid under both. So the citizens of a State having no assignment laws could not avail themselves of the act.

The proposed substitute does not undertake to prescribe the form in which assignments shall be made, except in one or two particulars, and so provide a uniform mode of making assignments, but says in terms that same must be valid according to the laws of the State in which the assignment is made and also according to the act of Congress. Therefore the act, so far as it provides for assignments, the first step to be taken in order to secure the benefits of the law, instead of establishing uniform laws, establishes nonuniform laws, conflicting laws, contradictory laws.

But the gentleman claims that the State law is uniform as to all the residents of the State and all persons having property therein subject to its jurisdiction.

The Constitution of the United States contemplates nothing of this kind. Congress is empowered "To establish uniform laws on the subject of bankruptcies throughout the United States." The words "uniform laws" must apply to all the States and to the citizens of all the States within their purview, and the citizen of Oregon and his estate must be taken hold of and the property administered the same as in the State of Georgia or any other State of the Union. The Constitution is speaking of the Union and not of the States in severalty.

Congress is to establish the laws, and these laws, when established, must apply and be uniform "throughout the United States." The proposed substitute is a mere meddlesome measure; that is, it seeks to interfere with the administration of State laws and give an effect to an instrument executed under a State law entirely different, it may be, from that given to it by the law of the State authorizing the execution of the instrument. The proposed substitute says:

> That if any insolvent debtor shall execute an assignment or cession of his property, valid by the laws of the State, Territory, or District of Columbia, in which he may reside, * * * it shall have the effect hereinafter provided for.

This is shooting in the air. No one knows what laws the different States, Territories, and the District of Columbia may enact on the subject of assignments; neither does anyone know what effect the laws of the several States will give such assignments. This proposed substitute undertakes to say that all assignments shall have an effect prescribed by the Congress of the United States, even though the instrument itself and the law authorizing it in express terms state that it shall have a different effect. The proposed substitute says that the assignment shall convey, subject to valid liens, all of the estate of the debtor, except such as is exempt, and that the assignment shall be for the equal benefit of all creditors of the assignor, except with the preferences hereinafter allowed. Then certain preferences are prescribed. The preferences allowed by a State, Territory, or by the District of Columbia may be entirely different from those permitted by the act of Congress. And what shall prevail—the instrument itself and the laws of the State or the act of Congress? If the laws of the United States are to prevail, then the assignment would not be valid under the laws of the State, and if valid under the laws of the State and to be enforced in accordance therewith, then it might not be valid and probably would not be valid under the laws of the United States. This is not a bankruptcy bill at all, but a bill extending or limiting, as the case may be, the meaning and effect of assignments and deeds of trust in the various States and Territories and the District of Columbia for the benefit of creditors. The proposed substitute constitutes a plain interference by the Federal Government with the assignment laws of the various States and Territories of the United States and the District of Columbia. It is crude, inartificial, and plainly unconstitutional.

Under this proposed substitute if a debtor should undertake to avail himself of the benefits of the act he would be compelled to study, understand, and conform his assignment to the laws of every State and Territory in which he had property and also to the District of Columbia, in case he had property there, and also to the terms of the act itself, and not one lawyer in five hundred would be able to draw an assignment in accordance with law. Mr. BAILEY's bill, H. R. 259, section 2, provides—

> That such assignment shall convey, subject to all valid liens, all of the estate of the debtor, * * * and shall be for the equal benefit of his creditors.

Section 7 provides (page 5 line 22)—

> *Provided, however*, That if within sixty days after the levy of an attachment the debtor shall execute an assignment or cession of his property and file a petition for discharge as herein provided for, the execution of such assignment and the filing of such petition shall vacate the levy of such attachment, and such debtor shall be then entitled to the benefit of the provisions of this act.

This attachment provision is not abandoned in Mr. BAILEY's bill H. R. 8234. Let us suppose that in one State the execution of an assignment does not operate to vacate the levy of an attachment made within sixty days prior to the assignment; would any State court surrender jurisdiction in the matter and yield to the act of Congress attempting to provide that all such attachments should be vacated by such an assignment? By what right or authority can the Congress of the United States vacate attachments granted by State courts prior to the execution of an assignment for the benefit of creditors made under and pursuant to the laws of the State and declared by the act of Congress to be valid under the laws of the State?

It is respectfully submitted that there is now enough of conflict between State and Federal jurisdiction without our deliberately framing a law that must of necessity result in innumerable conflicts—conflicts between the State and the United States and conflicts between the States themselves. How can a law valid according to the law of New York be valid according to the law of Florida unless the laws of the two States are identical; and how can an assignment that might be valid according to the laws of both those States be valid under the laws of a third State should the laws of that State happen to differ from the laws of the first two named? Would the several States enact laws to conform to the act of Congress? If a State desired the United States law to be made effective and to be enforced it might pass such laws, but if not in accord with the law of the United States the State would certainly throw as many obstructions in the way of a valid assignment as possible. In such case the citizens of that State would be deprived of all benefit of a bankrupt law. Is this establishing uniform laws on the subject of bankruptcies throughout the United States? It seems to me that it is a deliberate attempt to induce the Congress of the United States to enact into law a bill seeking to establish nonuniform laws and as many conflicting laws on the subject of bankruptcies throughout the United States as possible.

If the State passes a law authorizing an assignment for the benefit of creditors it must have the right to define the terms and conditions of the assignment and to prescribe the mode of administering and distributing the estate. Has the Congress of the United States any power to step in and give to such an act any broader or more limited effect? Has the United States any right to prescribe the mode and manner in which that assigned estate shall be administered? Has any power on earth the right to enact a law that the State shall not enforce the assignment in its own way and irrespective of the Federal Government? It is true that Congress may pass a general law on the subject of bankruptcies and provide for administering the estates of insolvent and fraudulent debtors which will, at the election of the debtor or of his creditor, supersede the State assignment or insolvent laws, but Congress can not add to or subtract from a State law administered by the State courts or prescribe its construction or effect, or dictate to the courts of the State its execution.

It will be noted that an assignment can not be made under the act of Congress alone, but must be valid according to the laws of the State in which the assignor resides or in which he has property, or possibly both, and also the assignment must be made in accordance with the provisions of this act, and then Congress attempts to say what effect that assignment shall have. It matters not what effect the laws of the State say it shall have. The State and its legislature are of no consequence. Its laws are not to be observed, but the Congress of the United States is the arbiter. Enact this proposed substitute into a law, and do you suppose any State in the Union would retain for a moment assignment laws upon its statute book?

The gentleman from Texas has always been a most strenuous and determined defender of the doctrine of State rights. He has always resented any interference by the General Government in the management of persons or property in any of the States of the Union except when the authority is expressly conferred by Congress. But to-day we find him advocating a bill that proposes to submit the laws of the various States relating to assignments of property for the benefit of creditors to the jurisdiction and adjudication of the Federal courts. I am quite willing that the Congress shall pass laws when jurisdiction is conferred by the Constitution that shall bind the citizens of the entire Union and control

their property and property rights, but I am not willing to deliberately legislate as though I had never read the Constitution of the United States or had suspicion that such an instrument exists.

Under the provisions of section 8 of House bill No. 8234 (Mr. BAILEY's proposed substitute), where, when, and in what manner is it to be adjudicated whether or not the person making an assignment is an insolvent debtor? Is the State court to determine that fact? Is it to be determined by the courts of the United States? On this subject the proposed substitute is as silent as pigs in thunder. Is the debtor to determine that question for himself, and shall the courts assume that a debtor is insolvent because he executes an assignment? Assuming that the State court is to exercise jurisdiction in that matter, and determines that the assignor was not insolvent at the time of making the assignment, may the United States court, when the debtor files his petition under section 5 asking a discharge from his debts, adjudicate and determine that he was insolvent at the time of making the assignment? Suppose, again, that a creditor of the assignor impeaches the assignment for fraud and seeks to set it aside in a State court, may or may not the action be prosecuted, and if the judgment is against the assignment, then what effect shall that adjudication have in the courts of the United States? May the question be retried, and if the United States court should decide the other way, which adjudication shall prevail in the State?

Section 5 of H. R. 8234, H. R. 259, and H. R. ——, but all Bailey bills, provides that any such debtor, to wit, one who has made an assignment, within the period of four months from the date of the execution of the assignment may file his petition in the district court of the United States for the district or division thereof in which he resides alleging his insolvency and asking for a discharge from his debts. Thus far the debtor is to file his petition in the district in which he then resides, and he can not file it elsewhere unless he reside in a Territory or the District of Columbia, in which case he is to file his petition in the supreme court of the District or in the district court of the Territory where he resides. The section then says:

> But the petition shall not be filed in any court unless the debtor has resided in said district or division [in which he resides at the time he files his petition] at least six calendar months immediately preceding the making of the assignment.

Therefore, if after making his assignment a debtor shall move to another State or jurisdiction, he is absolutely precluded by section 5 from filing a petition for a discharge in any court. If he has gained a new residence, seeking to obtain an honest livelihood, he must file his petition, if he files it at all, in the district or division where he resides; but if he did not reside in that district at least six calendar months immediately preceding the making of the assignment, then by the very terms of the bill he can not file his petition in any court. I can not understand the policy of a law that would seek to preclude the honest debtor from leaving the scene of his financial failures and attempting to start life anew in another State at the peril of losing his right to file a petition and ask a discharge from all his debts. The author of this proposed substitute, in attempting to avoid the rock upon which he was wrecked in the Fifty-third Congress, to wit, a provision that the debtor might file his petition in any district court in the district in which he resided at the time of filing it and obtain his discharge, and thus drag his creditors from Portland to San Francisco to oppose his discharge, has grounded upon a more dangerous rock, which prohibits the removal of the debtor from one jurisdiction to another unless he surrenders all hope of ever seeking or obtaining a discharge from his debts.

In my judgment it would be much more sensible to say that any debtor who has made an assignment for the benefit of all his creditors, and whose estate has been administered and distributed according to the laws of the State in which the assignment was made, may file his petition in the district court of the United States in the district where he then resides, and upon complying with the law be discharged from all his debts. It is quite true that this would be open to the objection just suggested, that the debtor by removing from one State to another would thus be enabled to drag the creditors who would oppose discharge from their homes to States, it might be 3,000 miles distant, and thus preclude just objections being made to the discharge of dishonest debtors. This objection could be avoided by permitting the filing of the application in the State where the assignment was made and the estate administered regardless of the then residence of the debtor.

It is a self-evident fact that should this proposed substitute become a law the citizens of some of the States would have a law on the subject of bankruptcy while others would not. All might have, all might not have, depending entirely not on the decree of the Congress of the United States, but on the decree of the States themselves. To illustrate, the assignment must be valid according to the laws of the State and of the United States or else it is not an assignment at all. Therefore a State having no law providing for assignments would not be within the provisions of the act at all, nor would its citizens. Thus, States having assignment laws would be within its provisions. However, should all the States enact assignment laws, then all would be within the act, and the citizens of all the States would be entitled to such benefits as might be secured under it.

Is this establishing uniform laws on the subject of bankruptcies throughout the United States? Or is it establishing laws, or rather adopting laws, that may or may not be uniform throughout the United States? There can be but one answer to the question, and that is conclusive against the constitutionality of the proposed substitute.

Section 2 of all of Mr. BAILEY's bills and substitutes provides that the assigned property shall be administered and distributed among creditors according to the laws of the State where the property is situated, subject to the provisions of this act. This clearly contemplates an administering and distribution of the property under the laws of the State and in accordance therewith.

Section 4 provides that the original assignment, accompanied by a list of creditors, giving names and residences and a statement of the debt due each, with a schedule of property, exempt and unexempt, and a statement of all liens and incumbrances, shall, within sixty days from the date of the execution of the assignment, be filed in the court in which the petition of the debtor is herein required to be filed. Section 5 then provides for the filing of that petition in the circuit court of the district or division of his residence. Now, as the debtor's property is to be administered by the State court, it must have a statement and inventory, with schedules, made and executed in accordance with the laws of the State, filed with it, so that we have a provision for the filing of at least two of these expensive schedules and lists in at least two different places and with two courts. If not so, then a State court must proceed without the information necessary for the proper settlement and distribution of the estate. This brings us to the consideration of another question, and that is the enormous cost and expense that would be entailed in the execution of the proposed substitute. Two schedules, two inventories, two lists of debts, a proceeding in the State courts of each State where the debtor has property, and then when the debtor seeks his discharge he goes into another court in another jurisdiction and must commence a new proceeding in that court to obtain his discharge. How much better would it be to have one proceeding in one court in one jurisdiction to take hold of the estate and distribute the property and grant or refuse a discharge to the debtor.

One of the most serious objections urged against our last law on the subject of bankruptcies was the fact that as a rule the estates were swallowed up or dissipated in the payment of costs and fees. The proposed substitute is as much more extravagant in its provision for fees and costs as can well be imagined.

The practical effect of section 5 would be to prevent the filing of an assignment by a person who had not resided six months in a given district or division of the United States. If a person doing business in one district or division should move across the line into another, continuing his business at the same place, and should file and make an assignment by reason of insolvency, he could not have the benefit of this so-called "uniform system of bankruptcy"; that is, he could not have or even file a petition for a discharge from his debts.

"The debtor must have resided in said district or division at least six calendar months immediately preceding the making of the assignment." Otherwise he can not file a petition for a discharge.

This proposed substitute makes no provision whatever for the control of the assignee. It does not prescribe his duties nor fix his bond nor direct when or how payments are to be made. All that is left to the State courts. If the laws of a State are lax and insufficient and the estate is wasted by the assignee the creditors have no remedy whatever. The courts of the United States have no jurisdiction over those matters.

By section 7, if upon the hearing of the petition for a discharge it shall appear that the debtor made an assignment and that the same contained a full and complete conveyance of all his unexempt property, and that within three months before the passage of this act no creditor of such debtor had been preferred except as authorized, and that certain other acts had been done, then "the court shall order and adjudge that said debtor be forever discharged from the payment of the debts mentioned and set forth in the list accompanying his petition, and such order and adjudication shall be a full, complete, and final discharge of said debtor from the payment of said debts."

It will be observed that so far as this proposed substitute is concerned it is entirely immaterial whether or not the estate of the assignor has been administered or not. The debtor, at any time within four months from the date of the execution of the assignment, may file his petition. On filing the petition the debtor is to be forthwith adjudged a bankrupt. It seems that at least four weeks' notice is to be given, and then the court is to proceed to discharge the debtor from his debts. In the meantime the first steps are being taken in the State court for the administration of

the debtor's property and the distribution thereof among creditors. No provision whatever is made to punish or prevent a fraudulent concealment of property by the debtor or the commission of other frauds upon the creditors, and the United States court may proceed to discharge the debtor from all the debts mentioned in the schedules filed by him before it has been possible to ascertain whether or not the conduct of the debtor has been just and honest or fraudulent and corrupt.

Section 16 of the substitute bill (section 13 of H.R. 259) expressly provides—

> That this act shall not be construed to annul or suspend the laws of any State now in force or hereafter passed for the relief of insolvent debtors, or the distribution of their estates, except so far as the same may be in conflict with the provisions hereof.

Is it to be inferred that the substitute bill, if enacted into law, will annul or suspend the laws of a State now in force or hereafter passed for the relief of insolvent debtors or the distribution of their estates when in conflict therewith? If so, and that is the plain construction of the proposed law, then the State courts will be called upon to determine whether there is a conflict between the law of the State and the law of the United States, and if the State court shall determine that there is a conflict, then it must determine whether it will adopt and follow the laws of its own State or the laws of the United States. If it determines that there is a conflict, appeals may be taken from that decision, and if the State court determines that there is no conflict and proceeds with the administration of the estate, then appeals may be taken from that determination, and so the State court may determine that the debtor has beeen guilty of the wrongful acts mentioned in section 7, but such adjudication and determination may not be reached or the facts discovered until long after the United States court, proceeding under a petition for a discharge, shall have adjudicated that none of these acts have been committed, and shall have discharged the debtor. In the meantime the creditors of the debtor are struggling and contending in two different courts; in the one to discover the property of the debtor and compel its proper application, and in the other to prevent a discharge of the debtor from the debts they are seeking to collect. These courts may be running at the same time, demanding the presence of both debtor and creditors in two different tribunals at points far distant from each other. The same questions might be up for determination in both courts, and upon precisely the same evidence the State court might arrive at one conclusion, while the United States court would arrive at one directly the contrary. There is no provision giving to the United States court exclusive jurisdiction of any of these questions, except whether it shall grant a discharge.

With these proceedings running in two, and possibly ten, different courts (depending upon the number of States in which the debtor had property) the debtor and his creditors would be harassed and harried until life would become a burden, and both would be taken from Dan to Beersheba and back again over and over again at enormous expense, while the estate would be the legitimate prey of the attorneys prosecuting or defending suits relating thereto in the State courts.

The substitute bill of the gentleman from Texas is a crude experiment. It follows no precedent and contains no defined principle of administration. While adopting many children, to wit, the assignment laws of all the 45 States, it makes no provision for quarrels between them, but leaves all differences to be settled first by the State courts, and eventually by the Supreme Court of the United States, for all these proceedings must be valid according to the laws of the States and also in accordance herewith; that is, with the act of Congress.

What a fruitful field of litigation is here opened up for litigious men and greedy attorneys! With what glee will the shylocks of the profession whet their professional wits if this substitute should be enacted into law! The speculators of the profession would camp for the next six months on the borders of every suspected insolvent and plunge his estate into the boiling caldron of conflicting decisions immediately the law went into effect.

The proposed substitute bill provides for the appointment of auditors, but inasmuch as the estates are to be administered and distributed in accordance with the assignment or insolvent laws of the several States, it is difficult to see what these newly created officers will have to audit unless it be the number of conflicting decisions made by the several courts.

It is not the discharge of the debtor that is important to the creditors, but the speedy and honest administration and distribution of his estate. The author of the proposed substitute seems to think that uniform laws on the subject of bankruptcies only relate to the discharge of insolvent debtors. In this he errs, as we shall see. The speedy and honest cession of property for the payment of creditors is, and should be, the prerequisite of every discharge. Honest conduct should precede and accompany the assignment at every step of its execution, and only when this is finally completed should the debtor be permitted to institute a proceeding for a discharge. If there has been dishonesty at any stage, then a discharge should be refused. Where can it be best known whether or not the debtor has been honest? Certainly in the court where the property has been administered, for there the whole conduct of the debtor will be necessarily inquired into; there the light of day will be let in upon all his transactions.

But this substitute bill permits the debtor to apply for and obtain a discharge before the administration of his estate has fairly commenced. And this proceeding is to be taken and conducted in another court.

I can conceive no more complex and cumbersome mode of dealing with this important subject. The mind of man never devised an easier way of escape for the dishonest debtor. Why remove him from the court in which his property has been administered and his financial transactions and conduct inquired into and made known to another jurisdiction at a distant point, where perchance his fleeced and impoverished creditors might not be able to follow, when he comes to apply for a discharge? Why not confer jurisdiction upon the State courts to at least recommend the granting or refusal of a discharge? If we are to adopt the State courts in one stage of the proceeding why not in all others?

How different the bill reported from the committee. We have here a complete and perfected system, fair and just to both debtors and creditors, simple and plain, easily and cheaply administered, calculated to speedily convert the estate into money and distribute the same fairly, and finally place the honest debtor on his feet again, a man among men.

The conditions mentioned by President U. S. Grant when he recommended the repeal of our former law do not now exist. No man can be forced into bankruptcy unless guilty of fraud or actually insolvent and in a condition when he has become unable to pay and has ceased to pay his debts.

The gentleman from Minnesota [Mr. TAWNEY] concedes a great demand for a bankrupt law; others make the same admission. Then why not act?

SHALL THE LAW CONTAIN VOLUNTARY AND INVOLUNTARY PROVISIONS, OR ONLY VOLUNTARY PROVISIONS?

It must be conceded that great difference of opinion exists on this proposition.

There seems to be objections to involuntary provisions, growing out of the fear that bankruptcy proceedings will be quite generally resorted to as a means of collecting debts, and that the law of Congress will supersede the laws of the various States within their respective jurisdictions as a collecting agency.

I am opposed to the enactment of laws intended simply as collection laws, for the reason that I do not think the Constitution confers any such power. Should we pass laws providing simply for the enforcement and collecting of debts, I think they would be unconstitutional. It would be convenient to have uniform laws throughout the United States for the collection of debts. But this is not the purpose of this bill, nor does it tend in that direction.

This bill is aimed at actual insolvency, and while all insolvents may have its benefits, the involuntary features are most carefully guarded, and great care has been taken to keep far within the powers conferred by the Constitution.

Two things must concur in all except three cases to render a person subject to the involuntary provisions of the bill.

First. In all cases there must be a condition of actual insolvency or fraud must have been committed.

Second. In all cases except three the person proceeded against must have been guilty of fraudulent acts affecting the rights and remedies of his creditors.

Third. In the other three cases a condition of things must have arisen rendering it highly proper and expedient for the law to take hold of and administer the property of the debtor for the benefit of all his creditors: (1) The debtor must have failed for thirty days, and while actually insolvent, to secure the release of property levied upon under process of law for $500 or over; (2) The debtor must have made an assignment for the benefit of his creditors or filed a written statement admitting his inability to pay his debts; and (3) suspended and not resumed for thirty days, and until a petition is filed and while actually insolvent, the payment of his commercial paper aggregating $500 or over.

It must be conceded by all just-minded men that in each of these cases the creditors should have the right to take hold of by some process the property of the debtor and apply the same equitably to the payment of his debts; and secondly, if the debtor is honest, that when this is done he shall have a full discharge from his debts and an opportunity to commence life anew. It is no answer to say that in such cases the most active creditor should have the full benefit of his zeal and diligence. We must remember that all creditors having equal equities—equal rights to recognition and payment of their claims—do not have equal opportunity to ascertain and know the debtor's financial condition.

Again, if those "who first come are to be first served" from the debtor's estate, the debtor may communicate his actual condition to a few of his creditors of long standing and enable them to obtain judgments in advance of more recent creditors who perchance

have recently filled the counters or storehouses of the debtor with their goods on credit, and these goods are in this way taken to pay old debts, and recent creditors are used to pay the more ancient ones. Again, the debtor would be enabled by way of suggestion to prefer a certain few of his creditors to the absolute exclusion of all others.

When a debtor descends to the commission of actual fraud upon his creditors it is certainly time that they be permitted to take the property of the debtor and apply the same equitably to the discharge of his debts.

Therefore, it seems to me, nothing can be said against the fairness and justness of this bill, if involuntary provisions are to be permitted at all.

It excludes from these involuntary provisions wage earners whose income is less than $1,500 per annum and all persons engaged chiefly in farming or the tillage of the soil.

This leaves the involuntary features of the bill applicable only to merchants and manufacturers and bankers, giving some degree of protection to our great mercantile and manufacturing interests.

OBJECTIONS TO A PURELY VOLUNTARY BILL.

In the first place, any just and constitutional exercise of the power conferred on the Congress of the United States to establish uniform laws on the subject of bankruptcies throughout the United States demands that the law contain both voluntary and involuntary provisions.

Any other exercise of this power would be one-sided, be incomplete, and radically defective. There is nothing in the Constitution to indicate that it was the purpose of the framers of the Constitution to limit or restrict this power to the enactment of laws for the release of insolvent debtors from the burden of their debts. On the other hand, the language of the Constitution indicates that it was the purpose of our fathers to invest Congress with full power to enact complete and comprehensive laws on this subject.

The power to pass laws on the subject of bankruptcies was not included in the original draft of the Constitution of the United States. The author of The Federalist treated the subject with great brevity, and we find the following the only commentary on that clause in the Constitution:

> The power of establishing uniform laws of bankruptcy is so intimately connected with the regulation of commerce and will prevent so many frauds where the parties or their property may lie or be removed into different States that the expediency of it seems not likely to be drawn in question.—*The Federalist*, No. 42.

Here is a clear indication in express language that the exercise of the power was intended to prevent frauds by debtors. How can frauds be prevented by the enactment of a law containing purely voluntary features? The enactment of a voluntary bankrupt law, instead of preventing, would aid and encourage frauds of the most gross character. The enactment of such a law would encourage men to rush into debt, buy property on credit, and use the same extravagantly or perchance conceal the same from honest creditors, trusting to the law to relieve them from their obligations at a future day. Any bill containing only voluntary features might justly be entitled "An act to encourage frauds."

Honest men, of course, will decline to run largely in debt unless they can see a clear way to pay their debts. On the other hand, a dishonest man will incur all the indebtedness he can, provided he thinks he can make way with the property, secure the benefit of it, and eventually obtain a discharge from his obligation to pay.

The very definition of a constitutional law on the subject of bankruptcies throughout the United States requires both voluntary and involuntary features.

In Story on the Constitution, volume 2, fourth edition, page 50, note 2, it is said:

> Perhaps as satisfactory a description of a bankrupt law as can be framed is that it is a law for the benefit and relief of creditors and their debtors in cases in which the latter are unable or unwilling to pay their debts. And a law on the subject of bankruptcies, in the sense of the Constitution, is a law making provisions for cases of persons failing to pay their debts.

It will be noted that the law is for the benefit and relief of creditors and also their debtors in cases in which the latter are either unable or unwilling to pay their debts. A law having for its object the discharge of debtors from their obligations is simply one for the benefit and relief of debtors, and does not take into account the creditor at all, except as he may be prevented from ever enforcing his just and legal claim against the debtor, it may be, without any compensation at all. Again, a law making provisions for cases of persons failing to pay their debts does not contemplate one simply for the discharge of the person failing to pay his debts from the obligation to pay, but clearly contemplates laws providing, first, for a surrender by the debtor of all his property to his creditors, which is a provision in their interest, and then a provision that when this is done the debtor shall be discharged. This last provision is in the interest of and for the benefit of the debtor.

To meet with favor, any law upon the subject of bankruptcies must work harmoniously and equitably in the interest of both the debtor and creditor classes; it must protect all interests, and this can be done only by providing that when the debtor becomes insolvent and unable to pay his debts his property may be taken by his creditors and equitably distributed, and by providing that when the debtor becomes dishonest and insolvent and shows his dishonesty by overt acts, that then the creditors may take the property before it shall have been wasted and apply it equitably to the payment of creditors. Such a law can not be used as an instrument of oppression. No honest debtor will be or can be injured by it. Only rogues need be afraid of such a law. The creditor class is not only willing but anxious to encourage traders and manufacturers of every class and condition, so long as they remain honest and evince a disposition to meet their obligations. It always has been and always will be to the interest of the creditor class to sustain and keep their debtors out of bankruptcy. So long as debtors are honest and proceed honestly in their business and pay their debts when they can, the creditors are helped in their business, for the debtor is their most efficient ally in obtaining and commanding a market. It is not pay for the goods sold to-day that the dealer is aiming for, but a constant and well-sustained market for the product or products he deals in, and the creditor with this end in view, and aiming to have the profits of money transactions, always has and always will sustain the honest debtor so long as he, on his part, makes a determined and well-directed effort to succeed in business.

To establish a law on the subject of bankruptcies providing simply for voluntary bankruptcy would ruin credit. Such a law would create distrust in the business world the moment written upon the statute books. The merchant would suspect that men were seeking credit for the purpose of incurring as large an indebtedness as possible with the view of ultimately hiding or concealing their property and taking the chances of obtaining a discharge from their debts at a future day. Such a law would destroy all confidence between the debtor and creditor class. Within the last four years commerce and business of all kinds have suffered a paralysis, and what we need is a law that will speedily restore confidence in the business world, especially between the debtor and creditor classes.

It is written in history and is a common-sense proposition that men having money to employ in business will not employ it and give credit unless they have reasonable safeguards protecting them in so doing. When reasonably protected capital always greedily seeks investment, to encourage business, to encourage enterprising men of little or no capital in business. Capital is not lazy, but active, enterprising, ambitious. The men who are content to invest their money at simple interest are quite rare comparatively. Men of large capital are usually those who have amassed it in business, and they usually dislike to see it idle or engaged only in drawing moderate interest. Moneyed men delight to see their money engaged in a business that sets the wheels of great manufacturing industries in motion. Such men delight to know that their capital is making things hum.

When confidence is established and sustained between the capitalist and the honest, industrious, enterprising, poor man, the poor man finds no difficulty whatever in obtaining the aid and assistance of the capital of the rich, but the moment that confidence is destroyed capital hides itself, and the poor man, however industrious, active, or enterprising, finds himself without the ability to command means to engage in business. Hence it is that the Congress of the United States should not put its seal of approval upon any law that has a tendency to destroy the little confidence now remaining in the business world.

The great mass of active business men in the United States and in the civilized world are both debtors and creditors. They belong to both classes. They buy upon credit, and owe numerous and large debts. They sell upon credit, and have large amounts due them and a large number of creditors scattered over every State, and it may be the world.

These men do not want a bankrupt law that is purely voluntary or purely involuntary. In their own interest, to cover all the exigencies of life and of trade, they desire the law to be just first to themselves, and secondly, just to the persons with whom they deal. They can see no equity in a law that would permit their debtors to refuse to pay and then escape their obligations through a voluntary bankruptcy law. If their debtors are to escape the load of debt in certain exigencies and under certain circumstances, they want reserved to themselves the power to take the property of these debtors and apply it to the payment of their debts before it shall have been dishonestly or improvidently scattered and wasted. And the same rule and the same law they would apply to others they are willing to have applied to themselves. A just law is equity, and equity is a just law; and law and equity should go hand in hand, and so the debtor and creditor classes must, if they would prosper, go hand in hand and have laws upon the statute book that are reciprocal in their nature, giving relief and protection to both.

Both labor and capital are interested in the enlargement and

extension of the debtor class. Labor wants employment and capital seeks investment. Whenever capital is invested in business it gives employment to labor, and this combination of labor and capital produces something, and this something when produced goes into the markets of the world, is found in the channels of trade, and is continually asking men, who are honest, to buy upon credit, use or sell again, and pay by and by, and so keep the machinery of the business world well oiled and in constant motion. "Never run in debt" is a remark often made, but a principle rarely followed.

Young men of integrity, ability, and ambition, willing to work and determined to succeed, can do but little without credit, and capital would be largely useless unless credit should claim its assistance and cooperation. Intelligent labor is constantly seeking broader fields of usefulness. Inventive genius constantly seeks credit. Capital universally seeks to increase itself. He who would place impediments in the way of either is an enemy to mankind.

Failures sometimes occur. It is taught in Holy Writ that the attempt to create mankind was to a degree a failure. Adam was taken on credit, and he failed to hew to the line. After a few thousand years God sent great floods to wipe mankind from the face of the earth, and only a few were reserved to start business afresh, but God took these on trust, gave them credit, and has allowed the world to go on ever since. I do not think this earth should be blotted from the universe because its inhabitants have not been a perfect success. Nor do I think the credit system should be abolished or condemned because now and then men fail to pay their debts. Nor would I abolish capital because it grows at times intolerant. Those who cry out against combinations of capital and seek to undermine it are their own worst enemies. They degrade and belittle the communities in which they live. Poverty is not a disgrace, nor is it a magnificent blessing. Labor is the grand master, building up nations more surely than the proudest kings, and on the surest foundation. But labor must have its reward, and this is first a good living and then an accumulated capital upon which it may draw when old age has palsied its hand. That is the best nation which contains the most earnest, intelligent labor, the most active industries, the broadest education, the greatest active capital. Riches are the reward of labor and its best friend.

All this being true, the two must work in harmony, be mutually helpful, and our lawmaking powers must be considerate of both. Both have rights entitled to our respect and protection. Therefore, when we deal with the credit system at all, let us deal with and care for all interests, those who extend as well as those who receive credit. To ignore the one while we foster the other is legislative dishonesty, repudiation of duty. When we undertake to enact laws in the interest and for the protection of the debtor class we should see to it that the creditor class have their rights proportionately guarded and protected.

Judge Story, in his most excellent work on the Constitution, says, section 1106:

Without stopping at present to consider what is the precise meaning of each of these terms as contradistinguished from the other, it may be stated that the general objects of all bankrupt and insolvent laws are, on the one hand, to secure to creditors an appropriation of the property of their debtors pro tanto to the discharge of their debts whenever the latter are unable to discharge the whole amount; and, on the other hand, to relieve unfortunate and honest debtors from perpetual bondage to their creditors, either in the shape of unlimited imprisonment to coerce payment of their debts, or of an absolute right to appropriate and monopolize all their future earnings.

Again he says:

One of the first duties of legislation, while it provides amply for the sacred obligation of contracts and the remedies to enforce them, certainly is pari passu to relieve the unfortunate and meritorious debtor from a slavery of mind and body which cuts him off from a fair enjoyment of the common benefits of society and robs his family of the fruits of his labor and the benefits of his paternal superintendence. A national government which did not possess this power of legislation would be little worthy of the exalted functions of guarding the happiness and supporting the rights of a free people. It might guard against political oppressions only to render private oppressions more intolerable and more glaring.

It is evident from these quotations that the views of this great jurist were that the duty of Congress in the exercise of this constitutional power is first to secure to creditors an appropriation of the property of their debtors, who are either unwilling or unable to pay; and secondly, to guarantee to honest debtors a discharge from their pecuniary obligations. Anything short of this is not a bankrupt law. Anything short of this violates the just principles that should guide us in dealing with the subject. To secure these results a law must contain both voluntary and involuntary provisions.

It always has been and always will be impossible to enact or put into operation perfect laws on this or any other subject. Any system of laws born of the brain of mortal man will be incomplete, found to contain imperfections, but bringing to our aid the experience of mankind, taking into consideration the wants or needs of the human race, we can legislate with some degree of wisdom, and this we do when we regard all our citizens, all our interests, and have a care to foster and protect everything conducive to the general good of our country and its institutions.

No State pride or jealousy should stand in the way of the enactment of just, comprehensive, and complete laws on the subject of bankruptcies throughout the United States. State laws are necessarily incomplete and inefficient. Each State can pass laws affecting its own citizens and discharging them from the obligations of contracts entered into subsequently to their enactment. But as no State can pass laws impairing the obligation of a contract it is utterly unable to pass insolvent laws that shall affect debts incurred before their enactment or between citizens of different States.

Says Story, section 1107:

But there are peculiar reasons independent of these general considerations why the Government of the United States should be intrusted with this power. They result from the importance of preserving harmony, promoting justice, and securing rights and remedies among the citizens of all the States. * * * There can be no other adequate remedy than giving a power to the General Government to introduce and perpetuate a uniform system.

Again, the author says:

In the next place, it is clear that no State can introduce any system which shall extend beyond its own territorial limits and the persons who are subject to its jurisdiction. Creditors residing in other States can not be bound by its laws, and debts contracted in other States are beyond the reach of its legislation. It can neither discharge the obligation of such contracts nor touch the remedies which relate to them in any other jurisdiction. So that the most meritorious insolvent debtor will be harassed by new suits and new litigations as often as he moves out of the State boundaries. His whole property may be absorbed by his creditors residing in a single State, and he may be left to the severe retributions of judicial process in every other State in the Union. Among a people whose general and commercial intercourse must be so great and so constantly increasing as in the United States, this alone would be a most enormous evil and bear with peculiar severity upon all the commercial States. Very few persons engaged in active business will be without debtors or creditors in many States in the Union. The evil is incapable of being redressed by the States. It can be adequately redressed only by the power of the Union. One of the most pressing grievances bearing upon commercial, manufacturing, and agricultural interests at the present moment is the total want of a general system of bankruptcy. It is well known that the power has lain dormant, except for a short period, ever since the Constitution was adopted; and the excellent system then put into operation was repealed before it had any fair trial upon grounds generally believed to be wholly beside its merits, and from causes more easily understood than deliberately vindicated.

These considerations so ably and cogently presented ought to impress every member of the Fifty-fourth Congress with the necessity of immediate and wise action.

The present financial distress and depression impresses everyone and invites our attention to the wisdom and necessity of providing relief to the victims of business failures not in their power to avert. Thousands of our best and most energetic business men are now hopelessly involved and bowed down beneath a load of debt which they are powerless to lift. We owe it to these men, to society, to our country, to enact a law that shall bring a springtime of hope to these men and encourage them to a renewal of their old-time business vigor and activity. At the same time we must be reasonably certain that we do not throw open avenues that invite the dishonest to a career of fraud and peculation, the reckless to a life of extravagance and dissipation. Enough run easily and heedlessly into debt and then resort to questionable methods to secrete the remnants of their property without having an invitation extended and a promise deliberately made by the lawmaking power that however heedless, reckless, and extravagant their conduct may be the door to escape is wide open and the way plain and easy.

In point of fact, these views would seem to have commended themselves to the better judgment of the gentleman from Texas [Mr. BAILEY], for, having introduced House bill 259, to which I have made reference and from which I have made quotations and which is a purely voluntary bill, that gentleman submitted to the subcommittee having this bill in charge another proposition, headed as follows:

H. R. (no number). In the House of Representatives.

Mr. BAILEY submits as his report from the subcommittee the following bill:

A bill to establish a uniform system of bankruptcy.

Then follow eight sections substantially word for word like bill H. R. 259. In section 9 of his report from the subcommittee that gentleman takes a new departure and inserts a provision providing for involuntary bankruptcy, as follows:

That any three or more creditors of any debtor entitled to take the benefit of the provisions of this act may file their petition in a court having jurisdiction over such debtor, alleging that said debtor is a merchant, broker, banker, trader, manufacturer, or miner, and that he owes them debts amounting in the aggregate to the sum of $500 or more, and that he has within four months of the filing of said petition, and since the passage of this act, committed either of the following acts, namely: First, concealed himself, departed or remained away from his place of business, residence, or domicile with intent, actual on his part, to avoid the service of civil process and to defraud his creditors; second, made a transfer of any of his property with actual intent on his part to defraud his creditors; third, made, while insolvent, a transfer of any of his property, or suffered any of it to be taken or levied upon, by process of law or otherwise, for the purpose of giving a preference; fourth, procured or suffered a judgment to be entered against himself with intent to defraud his creditors; fifth, secreted any of his property to avoid its being levied upon under legal process against himself and to defeat his creditors.

The court shall cause its due notice to be given to the debtor on such petition, and if, upon hearing, the allegations thereof are found to be true, such debtor shall be adjudged bankrupt, and proceedings shall be had as provided in this act for the distribution of the estate of a debtor among his creditors, except that the assignment provided herein to be made by the debtor shall be made by a decree of the court to such assignee as the court shall appoint upon the nomination of a majority in number and value of the creditors, or, in the absence of such nomination, in the discretion of the court, and thereupon like proceedings shall be had as are provided in this act for a case of voluntary bankruptcy.

It will be observed that this provision is much more radical and drastic in many respects than the bill reported by the full committee and now under consideration.

The provisions of this bill reported to the full committee by Mr. BAILEY, who was a member of the subcommittee, shows that the work of the subcommittee was not without result, and that the gentleman from Texas had been, in part at least, converted to the idea that a just and true bankruptcy law should contain both voluntary and involuntary features. Whether this conversion was genuine and permanent or not, it demonstrates that the gentleman from Texas is quite at sea regarding the true basis upon which a bankrupt law should be constructed. In the Fifty-third Congress he wrote and secured the passage through the House, by a very narrow majority, his bill providing for voluntary bankruptcy. At the very beginning of this Congress, and on the 6th day of December, 1895, he introduced H. R. 259, providing simply for voluntary bankruptcy, but he prepared and had printed as his report from the subcommittee the bill above referred to. This action on his part demonstrates one of three things; that the gentleman's mind is vacillating, that he really believes that a bankrupt law should contain both voluntary and involuntary provisions, or that he would prevent, if possible, by confusing the mind of this House, the enactment of a just and complete law on the subject of bankruptcy containing both voluntary and involuntary provisions.

Both bills suggested by the gentleman from Texas, and to which I have referred, provide that the act shall continue in force two years and no longer, except as to proceedings commenced within that time. He now proposes H. R. 8234.

If a law on the subject of bankruptcies throughout the United States should be enacted at all, the measure should be a permanent one and not merely temporary, a mere makeshift. If parties who are in debt to-day and unable to discharge their pecuniary obligations are entitled to a discharge from their debts, then those who are in the same predicament three and four and five years hence ought to have the same privileges extended to them. There is no good reason why a bankruptcy law should be temporary. It concerns the great debtor and creditor classes; it affects trade, commerce, and credit, and should be permanent and afford security to the creditor class and immunity to the honest debtor class when its provisions have been honestly complied with. Stability in law and in policy makes a country respectable and respected. Instability makes any government weak.

It may be that the unwise tariff legislation enacted by the Fifty-third Congress will give place to wise and efficient legislation on that subject enacted by the Fifty-fifth Congress. It may be that the financial distress and ruin brought upon the people of the United States by the unwise and incompetent Democratic Administration that has controlled affairs for the past three years have made all the bankrupts they will, and that if we pass a temporary bill designed to clear the deck and cure, so far as possible, the evils of improper legislation, we shall have done a good work and been of some use to the American people. But the Fifty-fourth Congress should not act simply as a physician. It is not here to cure diseases only. This Congress should legislate not only to cure existing ills, but to avert, if possible, distress and wrongs in the future. This Congress should aim to enact permanent laws that will build up and strengthen business, trade, commerce, agriculture; that will strengthen the hands of persons engaged in these pursuits. This Congress should aim to strengthen our financial condition and give confidence to all classes of our citizens.

NATIONAL AND STATE CONDITIONS DEMAND THE ESTABLISHMENT OF UNIFORM LAWS ON THE SUBJECT OF BANKRUPTCIES.

We should do all we can to extend and strengthen our national credit, and to do this we must maintain individual credit. A nation of bankrupts can not maintain national credit. The character and strength of a nation is measured largely by the integrity, intelligence, and ability of the people composing it. The day has gone by when physical power determines the standing of a nation among the governments of the earth. Fleets and standing armies will always command a certain degree of respect by operating on the fears of mankind, but even these can not be maintained without a firm national credit behind them. The United States of America would have gone down in defeat and suffered dissolution had not its credit at home and abroad commanded the respect, first, of her own people, and secondly, the respect and confidence of foreign nations and their people. The independence of the Southern Confederacy would have been recognized by some foreign nations and the attempt made by them to establish it had not our people exhibited the ability and willingness to maintain our national credit, sustain armies and navies, and maintain and defend the integrity of the nation, the Union of the States.

Wise uniform laws on the subject of bankruptcies throughout the United States will do much to maintain our credit both at home and abroad. The more we foster, protect, and sustain our own industries, manufactures, and business men the more we add to our individual and consequently our national wealth. Couple this with honesty, and we have the indestructible basis of national prosperity. To-day we are dealing largely with the citizens of foreign nations, and we are seeking to extend these commercial relations. Credit is asked and received and must be maintained. We measure foreign nations by the wisdom of their laws, their ability and willingness to protect persons and property and property rights. We are weighed in the same manner and by the same rules. Let it be understood that the strong arm of the National Government is ready to extend itself and secure the honest administration and distribution of insolvent debtors' estates among their creditors, and the citizens of all civilized nations will have confidence in entering into commercial transactions with and extending credit to citizens of the United States regardless of the State in which they live.

Distrust of States and State laws will disappear or cease to be a factor in commercial transactions not only between citizens of the different States, but between citizens of the United States and of foreign nations. It is common knowledge that the laws of many of the States are extremely lax or inefficient in providing means for the just and equitable application of the property of an insolvent debtor to the payment of his just debts. As a result, it is many times difficult and sometimes impossible for residents of some of the States to obtain credit, and so trade and commerce even among citizens of the several States is limited and crippled.

In my judgment, no wiser action can be taken by this House, especially under existing conditions, than to provide uniform laws on this subject. Some of the States complain of the poverty of their people. The great West and South want credit with the East. The complaint has come from the West that the East has quite largely withdrawn investments, and she has felt this action and feels it to-day. This withdrawal of capital and credit has resulted in a depreciation of values and general business stagnation. Whatever other causes have contributed to this condition, one cause has been the distrust pervading moneyed men in the East of the efficiency and adequacy of State insolvent laws in the South and West.

So long as States permit debtors to prefer creditors without restriction or substantial limitation, making it possible, and even probable, that the debtor, when overtaken by insolvency, will devote all his property to the payment of his home creditors, friends, and relatives near by, whether it be honestly or fraudulently, merchants, manufacturers, and business men residing without their boundaries will be exceedingly shy of extending credit to citizens of those States. Usually they will not do this at all without exacting security that the would-be debtor is either unable or unwilling to give—security that he can not give without inviting attention to his weak financial condition, and thus impairing and usually destroying his credit at home.

A fair and impartial consideration of these conditions must be conclusive of the wisdom of the enactment of this bill into law. We must remember that our population, wealth, manufacturing industries, and interstate commerce are rapidly increasing.

The rapid growth and development of our means of intercommunication; the spread and extension of railroad lines, making transportation easy, rapid, and cheap; the growth of telegraph lines and the invention of the telephone, making it possible for the merchant in New York City to converse with the customer in Cleveland, Cincinnati, Chicago, and other western cities, and the growth and improvement of our mail service, together with the rapid growth of industries and manufactures in certain sections unknown to others, but the products of which are necessary for the use of almost every citizen in every home in the land, makes an interchange of our manufactures and products absolutely necessary to our prosperity. With this interchange trade and interstate commerce, credit must go hand in hand. Credit will be demanded when the agricultural States purchase the implements and supplies manufactured in others. They will pay when crops are marketed. Credit is asked when the great food products of the South and West are put on the market. The manufacturer purchases cotton on credit. If credit is not given, then these crops are sold to speculators for ready cash at less than their real value, and so the rich are made richer and poor producers, usually the planter and farmer, are made poorer, deprived of the just fruits of their toil. So illustrations may be multiplied at will. It all tends to illustrate the necessity of maintaining and making reasonably safe the credit system, a system as old as man and absolutely necessary to the growth and prosperity of any people.

To this end, as stated, a wise and moderate yet efficient system of uniform laws on the subject of bankruptcies is necessary.

The fathers who framed our Constitution foresaw the wisdom and necessity of conferring upon Congress this power. Present conditions demand its exercise. The great army of 175,000 persons who have met with financial disaster and are virtually debarred from actively engaging in business in a legitimate manner and other thousands who would profit by their release from their financial burdens, and more than 500,000 business men engaged in commercial pursuits demand a wise and efficient law on this subject.

The Fifty-fourth Congress will not have lived in vain if it does its duty in this regard and does what it can to dispel the financial glooom enshrouding so many of our most enterprising citizens.

If we do this, and act wisely in the doing, we shall gladden many a home, carry good news to many a despairing debtor, give new life and vigor to thousands of our best and most enterprising, though unfortunate, business men, gratify the creditor classes, strengthen our credit at home and abroad, extend our trade and commerce, and do much to set in motion the wheels of workshops and factories long idle and useless.

I trust this House will speak with no uncertain or wavering voice, for the Republican party is not only the friend of progress and of liberty, but of the oppressed and unfortunate. Let us not hesitate to exercise our constitutional powers when by so doing we add to the strength, wealth, wealth-producing power, and security of the Republic.

Mr. Chairman, I add as a part of my remarks some of the comments of Mr. Wolverton, an able Democrat from Pennsylvania, made by him on the Bailey bill H. R. 4609, in the Fifty-third Congress. (See Report 206, part 3.) That bill was virtually the same as the Bailey bill H. R. 259, the Bailey bill H. R. 8234, and the Bailey bill (no number) all of the Fifty-fourth Congress.

The minority of the Committee on the Judiciary respectfully dissent from the report of the committee, and submit herewith their principal reasons therefor, as follows:

DIFFERENCES BETWEEN THE TORREY BANKRUPTCY BILL AND THE BAILEY BILL.

The Bailey bill (H. R. 4609) is an incomplete measure, which contains imperfect provisions for voluntary bankruptcy; the Torrey bankruptcy bill (H. R. 4617) is a complete measure, which contains comprehensive provisions for voluntary as well as involuntary bankruptcy.

The incomplete bill (the Bailey bill) may not be, but the complete bill (the Torrey bankruptcy bill) is, constitutional.

The incomplete bill would be an experiment in bankruptcy legislation in this country; the complete bill embodies the wisdom and avoids the errors of past legislation in this and other countries.

The incomplete bill may not prove to be, but the complete bill is, unquestionably, a bankruptcy bill.

The incomplete bill may not apply to the whole country; it might be, in effect, repealed and reenacted from time to time by State and Territorial legislative acts or decisions by their courts; the complete bill applies to the whole country and can not be affected, except by an act of Congress.

The incomplete bill does not grant any relief to debtors who owe less than $200; the complete bill grants relief to debtors without invidious distinctions as to amounts owed.

The incomplete bill leaves it discretionary with debtors to provide for the payment in full of the wages of servants and laborers in the States where they are not provided for by the insolvent laws; the complete bill makes absolute provision for the payment of the wages of employees of every grade for a reasonable time prior to bankruptcy, and for a liberal amount, and will apply alike in all of the States, Territories, and the District of Columbia.

The incomplete bill requires an assignment to be made by the debtor according to the laws of the State where he lives, and also according to its provisions, although they may be in conflict; it also requires that the trust shall be accepted by the trustee before an application for a discharge can be made; the complete bill permits the bankrupt to make his application to the Federal court for a discharge, irrespective of conflicts between State laws and the Federal laws, and without reference to the acts of the trustee.

The incomplete bill permits applications for discharges to be made without limit of time or number after the expiration of four months after the date of the assignment while it is in force; the complete bill permits the application to be made after the expiration of two, and within the next four months, or conditionally within the next six months, but not afterwards.

The incomplete bill makes it possible for discharges to be improperly granted or withheld without reason; the complete bill embodies such safeguards as are calculated to enable all honest insolvent debtors to receive discharges and to prevent all dishonest debtors receiving them.

The incomplete bill permits corporations, including national banks, to be discharged; the complete bill does not seek to interfere with the rights of creditors to pursue their remedies against the stockholders of corporations, and hence withholds the right of discharge.

The incomplete bill will permit the discharge of dishonest debtors, except those who make an assignment within three months before its passage; the complete bill provides for the discharge of only such debtors as are honest and ought to receive this great consideration under the law without reference to the time they become bankrupt.

The incomplete as well as the complete bill forbids the discharge of a person from any debt created by a defalcation while acting as a public officer, an executor, guardian, or trustee, or in any fiduciary capacity; but the incomplete bill permits the discharge of a corporation, although it may have plundered the estate of which it was executor or administrator, robbed a child of which it was guardian, misappropriated the funds received as a trustee or in some other fiduciary capacity.

The incomplete bill neither leaves the administration of the estates of unfortunates to be wholly dealt with by the State insolvent laws in their diverse ways nor to a national bankruptcy law in a comprehensive way; the complete bill is a national law and vests jurisdiction to administer it for the benefit of debtors and creditors in the Federal courts.

The incomplete bill requires proceedings to be had, first, under a State law, and, second, under a Federal law; the complete bill provides for proceedings only under a Federal law.

The incomplete bill provides that property shall be assigned and administered by a State law, subject to the provisions of this Federal law; it also provides that where property in different States is assigned it shall be according to the laws of the State where the debtor resides; the complete bill leaves no room for unfortunate conflicts between State and Federal laws and the laws of different States, to be fought out at the expense of our citizens who may honestly endeavor to exercise a constitutional right.

The incomplete bill requires that the costs of two courts shall be incurred; the complete bill provides for economical proceedings in only one court.

The incomplete bill will expire in two years; the complete bill will protect the rights of debtors and creditors without limit of time.

The incomplete bill extends the benefits of voluntary bankruptcy, in the States and Territories where it applies, to corporations, including national banks; the complete bill does not permit corporations to become voluntary bankrupts, but extends to them, except national banks, the benefits of involuntary bankruptcy.

The incomplete bill is an imperfect reproduction of the law of the "Poor English gentleman"; the complete bill embodies all that is wise and conservative in the English bankruptcy act of to-day.

The incomplete bill is alleged to be in the interest of debtors; the complete bill recognizes the fact that all debtors are not poor, nor all creditors rich, and therefore protects the interests of both classes alike, without reference to their poverty or their wealth.

The incomplete bill is calculated to destroy credit and thereby require a great majority of those who buy property or borrow money, especially in a small way, to give good security in the form of collateral, indorsements, or mortgages, for their indebtedness; the complete bill will extend credit by securing an equitable enforcement of the rights of both the debtors and creditors, and will have a tendency to enable would-be debtors to buy property and borrow money without security, since under it preferences will not be given and the equitable rights of creditors will be secured.

The incomplete bill is not, but the complete bill is, demanded in the best interests of honest debtors.

The incomplete bill might, but the complete bill would not, advance the interests of dishonest debtors.

The incomplete bill is not, but the complete bill is, demanded in the best interests of both debtors and creditors.

The incomplete bill, or a purely involuntary bankruptcy bill, would not, but the complete bill would, protect the best interests alike of poor and rich creditors.

The incomplete bill would not, but the complete bill would, protect and promote the interests of consumers.

The incomplete bill is not demanded by any organization or by any man outside of Congress, so far as we know or have heard; its enactment is not advocated by any newspaper, so far as we have been advised; the complete bill has been demanded by organizations of all sorts, petitioners of every class, and very generally by the press in all parts of the country.

The incomplete bill is not, but the complete bill is, advocated in the best interests of all classes of people.

The incomplete bill is not, but the complete bill is, supported by the members of Congress who are in favor of securing to all of the people every right guaranteed by the Constitution.

The incomplete bill was voted down in the Fifty-first Congress in the House; the complete bill was passed at the same time by a large nonpolitical, nonsectional majority.

The incomplete bill was adversely reported by this committee in the Fifty-second Congress; the complete bill, at the same time, was reported by this committee as a comprehensive embodiment of the legislation anticipated by the Constitution.

When the debate on the Torrey bankruptcy bill reported by the Committee on the Judiciary began, the reading of the bill by the Clerk to the members was postponed upon the suggestion of a member from Texas until it should be considered under the five-minute rule; before that time came a member from Missouri, Mr. Bland, moved to strike out the enacting clause, and the motion prevailed. In the debate upon that motion it was stated, and not contradicted, that two-thirds of the members had not read the bill. We therefore respectfully submit that this subject has not been considered by the members of the House.

The complete bill is the one, the enacting clause of which was stricken out, with a few amendments suggested in the course of the general debate as calculated to improve it.

The fact that the incomplete bill was reintroduced by the leader of the opposition, Mr. BAILEY, and its prompt report to the House secured by those who have heretofore been classed as opponents to bankruptcy legislation, immediately after Mr. Bland's motion was made and carried, at an unexpected time to its friends, is an admission that bankruptcy legislation is demanded by the people. Since this demand is to be answered, the only question is, Will Congress pass the incomplete or the complete bill? When the members of the House shall have considered the subject fully we have no doubt but that their conclusion will be a wise one, and that the complete bill will be adopted as a substitute and then passed.

IS THE BAILEY BILL CONSTITUTIONAL?

Out of deference to the views of the members of the committee who have reported the Bailey bill to the House, we will not express an opinion as to whether it is or is not constitutional. We will, however, submit some questions which each member may answer for himself. If the answer to any of these questions, or any one of others equally pertinent, shall be adverse to the bill, such answer will show it to be unconstitutional. The fact that these questions are pertinent certainly shows that the bill is impractical and ought not to be passed in preference to one which is free from these objections.

By the first section of the Bailey bill it is provided:

"That if any debtor * * * shall execute an assignment or cession of his property, valid by the laws of the State, Territory, or District of Columbia, in which he may reside or be domiciled, or if he have property in any other jurisdiction, then as to such property, valid according to the laws thereof, and also in accordance with the requirements of this act, it shall have the effect hereinafter provided for."

By the second section it is provided:

"That such assignment shall be made in accordance with the laws of the State where the debtor resides."

Does this bill, by its above provisions, undertake to say how assignments under State laws shall be made? If so, it provides for a condition of things which may be illustrated thus: Mr. BAILEY resides in Texas. If he has property there and also in Mississippi and should wish to make an assignment under the first section of his bill, the one in Texas would have to conform to the laws of that State, and also "with the requirements of this act"; the one in Mississippi would have to conform to the laws of that State and also "with the requirements of this act." If he should wish to make an assignment under the second section of his bill, the assignment in Mississippi would have to be "made in accordance with the laws of the State where the debtor resides," i. e., in accordance to the laws of Texas. Would a national law which required an assignment to be made of property in any given State, Territory, or District of Columbia, in accordance with State or Territorial laws other than its own, be constitutional?

If it should be claimed that the above provisions are not for the purpose of overriding State, Territorial, or District of Columbia laws, but that they simply state conditions which must be complied with by a debtor before he can get a discharge, then our question is: Can a debtor having property in

more than one State, or Territory, or the District of Columbia and a State or Territory, get a discharge under this bill? If not, is it not unconstitutional for want of uniformity?

By the second section it is also provided:

"The property so assigned or surrendered shall be administered and distributed among creditors according to the laws of the State where the debtor resides, subject to the provisions of this act."

Take again the example of Mr. BAILEY; let us waive the question, as it is a difficult one, as to how he is to assign his property in Mississippi, and consider the question of its administration, both in that and his own State. Does this provision require the State of Texas to administer estates assigned under its laws "subject to the provisions of this act"? We have always thought that when a State legislature, while in the exercise of its constitutional authority, passed a law, that the courts of that State might enforce it without reference to the "provisions of an act" of any other legislative body on earth! Does the above provision require the assigned estate, in the example given, to be administered by the courts of Mississippi "according to the laws of the State" of Texas and "subject to the provisions of this act"? The language used is, "shall be administered," etc. If such are its requirements, is it constitutional? It can not be said that it constitutes simply a condition precedent to a discharge, because, upon a hearing under a petition for a discharge, it is not required that any showing should be made as to the administration of the estate.

By the second section it is also provided:

"That such assignment * * * shall convey all of the estate of the debtor, except, etc., * * * and shall be for the equal benefit of all his creditors, subject, etc. * * * It shall contain a list, etc., * * * a schedule, etc., * * * a statement of liens, etc., * * * all of which shall be verified, etc." * * *

This bill does not purport to provide for any proceedings in a United States court in which the question of bankruptcy shall be determined, by which the rights of creditors shall be adjudged, or by which the assets shall be marshaled and distributed. Can these provisions, therefore, have any force which relates simply to the effect and provisions of the assignment under State laws? It would be competent for such a law to embrace a comprehensive bankruptcy system, i. e., to provide, first, for the determination of the jurisdictional fact as to whether a given debtor was or was not a bankrupt; second, for the administration of the estates of bankrupts (not simply of debtors); third, the discharge of the bankrupt (not for the discharge of a debtor who might or might not be a bankrupt); fourth, the adjudication of the rights of creditors; and, fifth, the punishment of those who have committed frauds. In the event of such a law, embracing such a system, it might properly provide for an injunction against proceedings in the State courts which were in conflict with it. But since it does not so provide, will any restrictions which it may apply, first, as to what the State courts shall do, and, second, as to how they shall do it, have any binding force upon such courts? Is it not, therefore, unconstitutional for this reason?

Section 5 contains a provision with reference to what debtors the court may discharge, as follows:

"That the debtor did make an assignment * * * and that no attachment has been levied upon the property of such debtor within three months before the passage of this bill: *Provided, however*, That if, within four months after the levy of an attachment, the debtor shall execute an assignment or cession and file a petition for a discharge as herein provided for, the execution of such assignment and the filing of such petition shall vacate the levy of such attachment, and such debtor shall be then entitled to the benefit of the provisions of this act."

The primary purpose of this bill is to provide for the granting of discharges; and yet it is here provided how a debtor may "vacate the levy of" a State attachment otherwise than by paying the demand or giving bond. Would a State court which had issued an attachment, and a State officer who had executed it, pay any attention to such a provision in a United States law? Ought they to do so?

We will consider for a moment, only for a moment, that this bill may properly provide that an attempt of the defendant to assign the title to the property which has been attached and the filing of an application for a discharge in the United States court will vacate the levy of a State attachment. We take this view simply to enable us to consider an additional defect in this provision. Suppose that within the time provided the debtor makes the assignment or cession, but the property shall have been already sold under an attachment prior to his making such application, or prior to his making such assignment or cession, and the proceeds of such a sale shall have been paid over to satisfy the demands of the attaching creditors. The effect, in such an event, could not be to "vacate the levy of such attachment." Could the creditors who had not attached enforce this provision? Would the debtor be entitled to file his application for a discharge? Suppose that his attempt to assign the property herein provided should be ignored by the State court issuing the attachment and its officer levying it, could the debtor then file his petition for a discharge? Is there anyone who will claim that such a provision is constitutional?

In brief, is not this bill unconstitutional because of what it contains and what it does not contain?

As between a bill concerning which, if enacted, there would be at least a reasonable doubt as to its constitutionality and one concerning which no such doubt exists we are in favor of the latter.

IS THE BAILEY BILL A BANKRUPTCY BILL?

Does the measure of Mr. BAILEY constitute more than an attempt to meddle with the State courts in their endeavor, under imperfect insolvency laws, to exercise the jurisdiction which was reserved to Congress by the Constitution? Is it anything more than an endeavor to pay, by the judgment of a court, the debts of debtors who never have been adjudged, and may not be, bankrupts?

Can a law under which there can not be any bankrupts be said to be a bankrupt law?

This bill does not purport, by its terms, "to establish * * * uniform laws on the subject of bankruptcies throughout the United States," as provided by the Constitution. Its language is as follows:

"A bill to establish a uniform system of bankruptcy."

Even if the title conformed to the language of the Constitution, it would not make it a bankruptcy bill. You can not make a signboard into a house by posting a notice upon it. "This is a house."

"Laws on the subject of bankruptcies" had well-defined characteristics when that provision was inserted in the Constitution. It follows that any bill which it is proposed to enact, under the power given to Congress by the Constitution, must have those characteristics or else there is no power to enact it. Those characteristics were that there should be an adjudication in bankruptcy; an identification of the creditors and an adjudication of their rights; the discharge of, or refusal to discharge, the bankrupt if he filed a petition therefor; an administration of the estate; and the punishment of those who had committed frauds.

The first step is to give the debtor a status which will vest the court with jurisdiction of him and of his estate. Suppose that in an involuntary proceeding in bankruptcy, under a bankrupt law, it should be found that an act of bankruptcy had not been committed; the result would be that the court would not have jurisdiction and the case would be dismissed. If upon a hearing for the discharge of a voluntary bankrupt under a bankrupt law it should appear that he had never filed a petition in bankruptcy, it would follow that he had never become a bankrupt, and therefore the court never had jurisdiction of him, and his application for a discharge would have to be dismissed. In other words, a bankruptcy court can never have jurisdiction of anyone except a bankrupt. When such jurisdiction is acquired, it extends to the rights of the creditors, the rights of the bankrupt, the administration of the estate, and the protection of the creditors, the bankrupt, and the estate, by the punishment of those who have committed frauds.

Under the Bailey bill the debtor is required only to make an assignment, secure its acceptance by the trustee therein named, and apply for a discharge. It is not necessary that the assignment shall have been filed or that his status shall have been fixed by the decree of any court. It can not, therefore, be said that he is a bankrupt. As the debtor does not become a bankrupt, the bill can not be a bankrupt bill.

Mr. BAILEY, in his report, makes an admission as to the character of his bill, as follows:

"This bill not only differs from all previous enactments in being purely voluntary, but another and material difference is that under it the property is administered according to State laws."

Can a law which "differs from all previous enactments" be established under the Constitution?

We hasten to explain, in view of the failure of the bill reported to have any of the characteristics of a bankruptcy law, that it was reported in the absence of three members of the committee on the day after it was introduced, and that there was a feeling that the House would decide the question, and that it was desirable to get the subject up again for consideration without delay.

In view of the characteristics of the bankruptcy law provided for in the Constitution, formulated and unanimously adopted by George Washington and his associates, what is the bill by Mr. BAILEY and his associates? It is unknown to the Constitution; it has no parallel in past legislation; it is a stranger to us, and we can not, therefore, give it a name. We advocate a bill which, when read to or by the members, will be found to contain each one of those characteristics, expressed in plain and simple language. We therefore think that it ought to be adopted as a substitute and then passed.

WILL THE BAILEY BILL APPLY TO THE DEBTORS OF THE WHOLE COUNTRY?

The language of the Constitution which confers upon Congress the power to pass such a bill as the one in question is as follows:

"To establish * * * uniform laws on the subject of bankruptcies throughout the United States."

We are in favor of carrying into effect this provision of the Constitution by the enactment of a perfectly fair and impartial law, as understood by our constitutional fathers.

The first section of the Bailey bill provides as follows:

"That if any debtor * * * shall execute an assignment or cession of his property, valid by the laws of the State, etc., * * * it shall have the effect hereinafter provided for."

The legislature of Montana never has passed an assignment law. It has relied upon Congress to pass a bankruptcy law. Will the effect of the measure proposed be, if enacted, to deny any relief to the debtors of that State? Why should we pass such a law when we may as well pass one which is comprehensive of the rights of both debtors and creditors "throughout the United States," as provided by the Constitution?

We have not had time to examine the statutes of all of the States; there may be others which have no laws upon the subject. If so, their citizens may, under this proposed law, be denied their constitutional rights.

This law will result where it applies, if enacted, in a diverse administration of the estates of bankrupts in the States and Territories and the District of Columbia. Can it, therefore, be said to be "uniform throughout the United States"?

The citizens of all of the States which now have such laws may be denied their constitutional rights, as citizens of the United States, by their supreme court deciding that such laws were for some reason void, or by the repealing of such laws by their legislature. This proposed law may be, in effect, enacted or repealed again and again by legislative action thereon and without any action by Congress.

This proposed law does not of and within itself confer any right upon a citizen; the right which it purports to confer is wholly dependent upon the action heretofore or hereafter of a State or Territorial legislature or by Congress with reference to the District of Columbia.

Why should our constitutional rights as citizens of the United States be thus denied us, or be jeopardized by the possible action of our courts or legislatures, since they act wholly as to our rights as citizens of the State?

Would the passage of this bill indicate that we were a national body, composed of representatives from the whole country? We think not.

The first section provides as follows:

"That if any debtor * * * shall execute an assignment or cession of his property, valid by the laws of the State, etc., * * * in which he may reside or be domiciled, or if he have property in any other jurisdiction, then as to such property, valid according to the laws thereof, and also in accordance with the requirements of this act."

The above provision is contradicted by one from the second section, as follows:

"That such assignment shall be made in accordance with the laws of the State where the debtor resides."

The second section also provides as follows:

"The property so assigned or surrendered shall be administered and distributed among creditors according to the laws of the State where the debtor resides, subject to the provisions of this act."

The debtor having property in two States can never make an assignment according to both of the above provisions and therefore can not, as it seems to us, have the benefits of the act.

The debtor having property in two States can never secure the administration of that part of it which is situated in a State other than that of his domicile according to any laws other than those of the States in which the property is situated; the provisions of this act, therefore, can never be complied with in that respect. In view of these provisions, what must be said concerning the uniformity of this bill "throughout the United States"? Possibly the explanation is to be found in the title to the bill. It is not by its terms to establish uniform laws "throughout the United States," as required by the Constitution, but only "to establish a uniform system of bankruptcy."

Upon a consideration of the whole subject it seems to us that we must reach the conclusion that the enactment of such a law would not be a full exercise of the power conferred upon Congress by the Constitution to legislate upon this subject.

Such are the provisions of the bill reported favorably, the next day after being introduced, by a committee of lawyers of which we are members!

SMALL DEBTORS MUST, BUT LARGE ONES NEED NOT, PAY.

Section 1 of the Bailey bill provides that it shall apply only to persons who owe $200 or more. Why should this financial limitation be put upon voluntary bankruptcy? The man who owes less than this sum may be as effectually borne down by it as the man who owes a greater sum. The probabilities are that he will be less able to pay it than the man who has succeeded

in owing a larger amount. Why should a rule be established that a debtor who owes amounts up to $200 must pay or continue to owe them, but the debtor who owes a larger sum may secure a discharge without the payment of any sum? We contend that all citizens should be equal before the law.

Can it be possible that the members of the Committee on the Judiciary wish to recommend to the House that it shall draw this kind of a distinction between citizens who have large financial obligations and those who have small ones?

Would the passage of this bill indicate that we earnestly wish to legislate wisely for the equal benefit of all classes of the people? We think not.

The complete bill extends the benefits of voluntary bankruptcy to all debtors, except corporations, without invidious distinctions as to amounts owed. It provides that creditors holding unsecured claims for $500 or over against a common debtor may commence proceedings for themselves and such other creditors as may wish to join them. This provision was made as to involuntary bankruptcy, because it was thought that a substantial benefit would not accrue to creditors by permitting them to proceed in cases where the indebtedness was less than that sum.

We do not want in this country any distinction between citizens under the laws because of their occupation, or because they are rich or because they are poor. We want it possible for an honest man, irrespective of the amount he owes, to make a voluntary surrender of his property, except his exemptions, and, if honest, secure a discharge; but we do not want it to be possible for a rich man to hide away his property and then go into bankruptcy and secure a discharge from his debts which he could and ought to pay. We do not want it possible for poor men to become rich by such means.

If a debtor has become insolvent and can not meet his obligations and protect his property we think his creditors ought to be entitled to proceed, under very careful restrictions, to secure the payment of at least a percentage of their claims, since it is the same to them in dollars and cents whether the loss they suffer grows out of dishonesty, incompetency, or the misfortune of their debtor. We want it to be possible for the creditors of a debtor who has swindled his creditors, or is preparing to swindle them, to be able to interfere by involuntary proceedings and secure their equitable rights.

The bill we offer as a substitute for the Bailey bill will apply, approximately, to the affairs of only one in a hundred of those who do business or conduct agricultural, mineral, or other industries in whole or in part on credit; it will affect the affairs of those to whom it does imply with impartiality, and therefore ought to be passed.

THE PROTECTION OF SERVANTS AND LABORERS INCOMPLETE.

The third section of the Bailey bill provides that there may be preferences for—

"Debts due the United States or any State in which any of the property of the debtor is situated, or to the servants or laborers of the debtor."

This provision leaves it discretionary to the debtor as to whether he will or will not provide for his servants or laborers, unless there is such a provision in the State law. We think that any bill on this subject should provide that servants and laborers should have a preferred claim for their wages. Eight of the States, as shown by a published table, do not make any provision under their assignment laws for the protection of servants and laborers. Such States and Territories as have enacted such laws might repeal them.

Would the passage of this bill indicate what we know of the daily necessities of laborers and of the wise public policy which justifies the payment to them when their employer fails of their wages for a limited time before such failure and in a reasonable amount? We think not.

The bill which we submit as a substitute makes provision for the payment of the wages of servants and laborers earned within a reasonable time, before the date of the failure of the employer, and for a liberal amount, without reference to whether the States have or have not done so. It thereby not only secures the rights of those in the States where they would be neglected under the provisions of the Bailey bill, and in all of the other States where they might be so neglected by the repeal of present laws, but it establishes a uniform rule under which the rights of servants and laborers of the whole country will be protected.

The wages of employees should be paid, because it will promote alike the best interests of debtors and other creditors. The great body of laborers live from day to day on their daily earnings. If they were compelled, in the event of the failure of their employer, to take a percentage of their wages in common with other creditors, as they might have to in eight of the States under the Bailey bill, it would result in untold hardships to them and their families. The possibilities of having such calamities befall them would result in their having always to be on the alert with reference to the financial standing and moral worth of their employers. Whenever it happened that they knew that their employers were about to fail, or thought there was danger, or heard a rumor, or became frightened, with or without cause, they, or many of them at least, would be compelled in financial self-defense to quit their employment. Such a result might possibly be secured by the circulation of a malicious rumor as to the solvency or fraudulent acts of an employer. The abandonment by employees of their employment at a critical time might ruin financially a solvent, honest employer. Such an abandonment might result in irreparable damage to the property of an employer who had become insolvent, and thereby result in great injury to the property interests of the creditors.

The bill we offer as a substitute is not liable to these objections, and hence ought to be passed in the best interest of employees, as well as other creditors, and of debtors.

IMPERFECT AS TO DISCHARGES.

The fourth section of the Bailey bill provides that—

"Such debtor, after the expiration of four months from the date of the execution of the deed of assignment and the acceptance of the trust by the trustees, may file his petition * * * asking for a discharge from said debts."

Suppose the trustee should not accept the trust. In that event the debtor might not be able to file his application for a discharge; at any rate he might be denied what ought to be his right, or hampered and delayed in securing it, by the whim or caprice of a trustee. There is no pertinent relationship between the right to file an application for a discharge and the acceptance by the trustee, and the bill ought not to make the one dependent upon the other.

This bill provides how property shall be assigned, surrendered, and administered. There are now in the country many hundreds of thousands of honest debtors who ought to be discharged under any law which may be passed, but who have no property to assign, surrender, or to have administed. Will this bill apply to this army of men? If it will, why should they be put to the trouble of making an assignment under a State law only to go with a copy of it to a United States court and begin another proceeding?

This bill provides that a debtor can not apply for a discharge in a United States court until after making an assignment under a State law. Great numbers of unfortunate men have been compelled to make assignments under the imperfect State insolvency laws during the many years that Congress has refused to pass a wise bankruptcy law; their estates have been administered and they are now penniless. Many of the States have passed insolvency laws under which creditors may cause the estates of their debtors to be liquidated. Many, many men have seen their estates thus disposed of and are now waiting for relief under a national law. Will this bill apply to these different classes of unfortunate men? If so, why should it not permit them to apply directly to a United States court? Why require first the making of a needless assignment of nothing in a State court?

The creditors of many dishonest debtors have sued them for their debts, litigated with each other for preferences, and paid the costs and expenses. Sometimes they have recovered some part of their claims, sometimes they have lost everything in addition to their costs and expenses, and frequently debtors have escaped with the goods and money.

It is proposed by this bill that such creditors shall lose the residue of their claims against their debtors unless they go to the further expense of, first, contending with the personal representative (the assignee) of the debtor in a State court; and, second, defending in a Federal court an application for a discharge, which must be granted even to dishonest applicants, unless it happens that their assignment was made within three months before the passage of the bill.

Debtors and creditors have always found that diverse laws and complicated proceedings aid rascals, cause needless and exorbitant costs, and hamper and disgust honest men.

Would the passage of this bill indicate that we were familar with past legislation upon this subject? We think not.

The complete bill will be found, when it shall have been read to or by the members, to contain plain and simple provisions by which every deserving bankrupt may, in an inexpensive way, secure a discharge. It will be found to contain safeguards to prevent rascals from securing from a court of justice a certificate of discharge, which will constitute a fraud against small and large creditors. We therefore recommend it as a substitute.

NO LIMITATION OF TIME AS TO APPLICATIONS FOR DISCHARGES.

Section 4 of the Bailey bill provides:

"That any such debtor, after the expiration of four months from the date of the execution of the deed of assignment, * * * may file his petition in the district court of the United States for the district in which he resides * * * asking for a discharge from said debts."

The fraudulent debtor—an individual or corporation—who ought not to be discharged by any law enacted by honest men for honest people, may, under this bill, file his or its application at any time while the law is in force subsequent to the expiration of four months. Thus he or it may abide his or its time and then proceed with perjured testimony to exact from a court of justice, in the absence of the dead and indifferent creditors, a certificate which will constitute a fraud upon his or its creditors and enable him or it thereafter to enjoy the same benefits as those bankrupts who have become such through no fault of their own and who have been given a discharge upon the merits of their cases.

It is not required that the application shall be made in the United States district court having the same territorial jurisdiction, or partly so, as the court in which the assignment was made; the provision simply is that it shall be made "in the district court of the United States in which he resides."

If, for example, the assignment was made in Mr. BAILEY's district and the conduct of the debtor has been so reprehensible as to prevent the probability of his securing a discharge in the United States court of that district, he may move to California or to any other district within the country and there again apply for a discharge. If the discharge should not be granted the action will be dismissed and will, of course, not constitute any bar to a removal to Maine or some other district and the renewal of the petition, until in the end a certificate of discharge shall have been exacted from a court of justice.

The bill we advocate provides that the application shall not be made within two months after the adjudication, that it may be made to the court in which the proceedings are pending within the next four months, or, if it can not be made within that time, the judge may permit it to be made within the next six months; but it shall not be made thereafter. The purpose of this provision is to have the matter disposed of within a reasonable time, to the end that all parties in interest shall have an opportunity to be heard and that justice may be done.

The discharge of honest insolvents who have failed, through no avoidable fault of their own, is justified by a wise public policy. They can not, while resting under the burden of their debts, either pay them, discharge their full obligations to their dependents, or fulfill the greatest possibilities as citizens in the communities in which they live. It was intended by the founders of the Government that these men should be discharged. We are ready to make good such intention by the passage of a law pursuant to which they may be discharged under such careful restrictions as will prevent bad men slipping through at the same time; we therefore urge the passage of the complete bill.

A DISCHARGE MAY BE IMPROPERLY GRANTED OR WITHHELD.

Section 5 of the Bailey bill provides, among a lot of other things, that—

"Upon hearing of the petition, if it shall appear that the debtor did make an assignment as authorized by this act." * * *

There is no limitation as to the number of assignments which he may have made. If, therefore, the first assignment does not conform to the provisions of the bill, it seems to us that he may subsequently, at his convenience and under circumstances which are thought to be entirely compatible with his interest, proceed to make another assignment and then force through his discharge.

There are certain limitations as to acts which might prevent the granting of a discharge if consummated "within three months before the passage of this act," but there is no limitation or inhibition against the same class of fraudulent acts if they shall have been committed prior to such three months or if they shall be committed after the act has gone into effect.

It is provided by section 5, among other things which a petitioner must show upon a hearing for his discharge, as follows:

"That no attachment has been levied upon the property of such debtor within three months before the passage of this bill: *Provided, however*, That if, within four months after the levy of an attachment, the debtor shall execute an assignment or cession and file a petition for discharge as herein provided for, the execution of such assignment and the filing of such petition shall vacate the levy of such attachment, and such debtor shall be then entitled to the benefit of the provisions of this act." * * *

We do not comprehend why the simple fact of an attachment having been levied against a debtor "within three months before the passage of this bill" should, of itself, bar him from the right of receiving a discharge; the language is that the attachment has been "levied." Many innocent men have their property wrongfully levied upon, and in the end the attachment is quashed. Why should the men who have been thus unfortunately attached, within three months before the passage of this bill, have any different rights from the same class of men who may happen to have been attached either before or subsequent to that period? The making of an assignment and applying for a discharge will not enable such a debtor to receive a discharge. The reason that it will not do so is that "the execution of such assignment and the filing of such petition" will not "vacate the levy of such attachment." The time never will come, therefore, when "such debtor shall be then entitled to the benefit of the provisions of this act."

This bill proposes to divide all time into three periods: First, the three months before its passage; second, the infinity of time before such three months; and third, the two years during which it is to be in force. It provides that the rights of those who may apply for a discharge shall be determined, not with reference strictly and only to whether such acts as they have committed were right or wrong, but especially with reference to whether they were committed within a particular one of these three periods. We do not know any reason why any such distinction as this should be made. The bill we advocate does not make any such distinction.

The method proposed of making proof under an application of a bankrupt for a discharge is an unheard of departure from the ordinary proceedings in courts of justice in this, that it not only requires the applicant to prove that he has done certain things, but that he has not done others, i. e., he must prove himself innocent. A bankruptcy bill should provide, in our judgment, with reference to a discharge so far as the applicant is concerned, that he has become a bankrupt by a decree of court, that he has filed his application within the time limited by the act, and conclude with a prayer for his discharge. It should then be the right of those who are in interest to oppose the discharge to show, as an affirmative proposition, that he has done any one or more of the acts the doing of which, according to the terms of the bill, would prevent his receiving that great privilege. Such are the provisions of the bill we advocate as a substitute for this one.

CERTAIN DEBTORS OUGHT NOT TO BE, BUT WILL BE, DISCHARGED.

The fifth section of the Bailey bill provides that a discharge shall be granted if, upon a hearing of the petition, it shall appear as follows:

"That the debtor did make an assignment as authorized by this act * * * and that within three months before the passage of this act no creditor of such debtor has been preferred in any manner except as authorized by this act, and during said time no other act was done or suffered to be done by such debtor respecting his business or estate to prevent an equal distribution of his estate among his creditors, or to give one creditor an advantage over another, or to defraud his creditors, and that no attachment has been levied. * * * *Provided*, That no person shall be discharged from any debt or obligation which shall have been created * * * in any other fiduciary capacity."

Persons will not be discharged as to debts which may have been incurred in a fiduciary capacity, but there is no limitation as to the discharge of corporations; they may deliberately prepare for and make an assignment in certain parts of the country, except within three months before the passage of this bill, and afterwards secure their discharge without let or hindrance. Do the members of this committee, not joining herein, wish to maintain that position in the House?

There are now in the country large numbers of trust companies which become executors and administrators of the estates of the dead, guardians of the estates of children, and trustees of sacred funds of all sorts, and otherwise act in fiduciary capacities; there is no prohibition in this bill against their securing a discharge from debts created by their embezzling such funds; it prohibits a person from securing a discharge under exactly the same conditions. Why this distinction between corporations and persons?

There is no a national law for the government of national banks, which is more rigid and under which they can be better managed than under any bankruptcy law. Do the members of this committee, who join in recommitting the Bailey bill to the House, wish to be understood as desiring to have national banks discharged in bankruptcy and go on in business?

All debtors, except such as shall have made an assignment within three months before the passage of the bill, are to be discharged; not simply the honest debtors who have surrendered their property over and above their exemptions, but also the fraudulent debtors of every degree of vileness and degradation; the insolvent railroads, the bursted banks, the rotten insurance companies, and everybody else—all are to be discharged; not only those who can not pay, but those who can but will not pay, are to have their debts, in effect, paid by the judgment of a court of equity! There is an exception to the above statement. It is that persons who become indebted as the result of misappropriating money or property in a fiduciary capacity can not be discharged; but this prohibition does not apply to corporations—they may plunder estates in their charge, rob children of whose estates they are curators, and embezzle funds received as trustees, and still be discharged under the incomplete bill.

The fact that honest men want a good law established throughout the United States which shall grant relief to honest insolvent debtors and protect honest creditors in their rights is made a pretext for considering a bill under which the dishonest, except those making an assignment within a particular three months, may be discharged and the rascals who profit by fraud may go unwhipped of justice. Why encourage fraud and dishonesty by the passage of this bill, when by the passage of a complete law we can diminish it?

It may be all right, in the estimation of some persons, for parties residing in obscure places to secure discharges from their debts, due to people who are supposed to be rich; we do not believe that the honest people of any part of the country want such an opportunity. How will it be to have live stock and agricultural products sent to market, and have those who are intrusted with their sale secure the proceeds and then make an assignment, and subsequently secure a discharge as provided by this bill? Will the gentlemen who advocate this bill undertake to maintain that it would be right to pass a measure under which such wrongs, or kindred ones, might be perpetrated?

We are in favor of the discharge of voluntary and involuntary bankrupts under such careful restrictions as will prevent dishonest men taking advantage of the law.

Would the passage of the Bailey bill indicate an earnest endeavor on our part to protect the weak and the honest against the strong and the dishonest and enforce the rule of "Do unto others as you would that others should do unto you"? We think not.

The enactment of a voluntary law will subject the people to the greatest dangers incident to such legislation and secure for them only the minimum of good; the enactment of a voluntary and involuntary law would subject them only to the minimum of danger and secure for them the maximum of good. We are, therefore, in favor of defeating the incomplete and passing the complete bill.

JURISDICTION TO BE EXERCISED BY BOTH STATE AND FEDERAL COURTS.

The Federal Constitution not only reserved to Congress the power to establish "uniform laws on the subject of bankruptcies throughout the United States," but prohibited the States from impairing the obligations of contracts. The result is that Congress can, and the States can not, enact a comprehensive bankrupt law.

The Constitution did not give the right to Congress to require the State courts to enforce its laws, but it did provide for Federal courts, and gave Congress the power to so perfect them as to make ample provisions for the administration of the Federal laws. We could not, if we would, compel the State courts to administer our laws; we ought not to do so if we could. It is the right of the people to have a wise and complete law enacted upon the subject of bankruptcy. It is their right to have it enforced in the courts upon which we can confer jurisdiction and from which appeals will lie to the Supreme Court, to the end that a uniformity of construction and practice may be secured. It would not be right, even if it were possible, as it is not, for us to require the States to pay judges and maintain courts to enforce national laws.

Why require an assignment in a State court as a condition precedent to applying for a discharge in a United States court when the prospective bankrupt has no property to assign?

Why require parties in interest to pay the expenses of proceedings in two courts when by a complete law we can provide for the costs of only one of them?

Congress has been legislating ever since it was first organized, but has never yet passed a law making it necessary for a United States citizen, in order to secure his constitutional rights under a United States law in a United States court, to first begin proceedings under a State law; we do not believe Congress will make any such departure by passing this bill.

Would the passage of this bill indicate that we know that the State governments are different from the Federal Government, and why it is so? That each has its own trial courts to administer its own laws and pays the expenses of maintaining them, and why it is so? That each has a single appellate court to correct the errors of such trial courts, and why it is so? We think not.

We advocate two things: First, the passage of a law contemplated by the Constitution and founded upon precedent rather than one which will constitute an experiment—possibly a disastrous one; and, second, the postponement of the Bailey bill until its friends submit a constitutional amendment and secure its passage and ratification, if they can, giving a joint jurisdiction to State and Federal courts of laws passed by Congress, so that there will be no question as to our power to pass this kind of a State-National law.

Can it be said that this proposed law will tend to "promote the general welfare and secure the blessings of liberty," for which the Constitution was ordained and established? If not, let us pass one which will do so.

A CONFLICT BETWEEN STATE AND FEDERAL LAWS AND LAWS OF DIFFERENT STATES.

The second section of the Bailey bill provides as follows:

"Such assignment shall be made in accordance with the laws of the State where the debtor resides. * * * The property so assigned or surrendered shall be administered and distributed among creditors according to the laws of the State where the debtor resides, subject to the provisions of this act."

Suppose that the laws of the State where the debtor resides and the proposed law shall be in conflict; which will prevail? It is really of no importance to the debtor which will prevail, since the conflict will defeat the objects of the bill; i. e., such conflicts will, without his fault, prevent his securing a discharge.

Suppose that a debtor has property in several States—which is true of a large percentage of all of the debtors in the country—how can the assignments in the different States all be in accord with the laws of the States where he resides, in view of the fact that the laws of all of the States and Territories are diverse?

The report on the bill of Mr. BAILEY, in referring to the administration of estates under present State insolvency laws, says:

"The fraudulent practices so injurious and demoralizing in their effect upon all communities will, in a measure, cease, and many traders whose transactions are now a false pretense will resume their business in an open and honorable way."

There can not be any good reason, so far as we can see, for compelling debtors and creditors to continue to seek, as at present, their rights under such State laws as are here described.

We think it a mighty poor compliment to Congress to suggest that it can not pass a wise and comprehensive law, under which the rights of both debtors and creditors will be secure.

Would the passage of this bill indicate that we had ever read the Federal Constitution? We think not.

If we were to join the author of this bill in formulating a new government we might consider the advisability of giving a joint jurisdiction over this subject to State and Federal courts; we might also try to overcome the possibility of each one of such courts deciding a different way and thereby bringing about a serious conflict between the States and the Federal Government, to be fought out at the expense of the unfortunate bankrupts who might try to exercise their constitutional rights under it. But since the State and Federal Governments have been organized on the basis of each being separate, and each having courts to interpret and enforce its laws, we feel ourselves trained to accept this situation as we find it and advocate a law to be administered in the Federal courts in a plain, simple, and economical way.

There never has been such a law enacted as is here proposed in this or any other country. Why should we make such a departure now, when we can instead enact a plain law which will be administered in the courts which administer our other laws, and thus avoid a possibility of unfortunate conflicts between the State and Federal courts and between the courts of the several States?

When the bill we submit shall have been read it will be found that it can be promptly enforced for the impartial benefit of all parties who attempt to conduct transactions on credit but meet with misfortune.

NEEDLESS AND ENORMOUS COSTS.

Section 5 of the Bailey bill provides:

"That the creditors of the debtor shall be made parties defendant, and shall have thirty days' notice of the filing of the same, notice to be given as in suits in the courts of the United States, and shall have thirty days thereafter in which to answer said petition."

The cost of securing service on the creditors, which an ordinary debtor has, as above provided, would be enormous; it is very doubtful if the insolvent with many creditors could raise the money with which to pay them. In the case of a debtor not owing a very large amount in the aggregate, but owing small sums to a large number of creditors, the costs of securing service of the creditors might amount to more than the indebtedness. Clearly this bill will not be available for a vast army of painstaking, economical, and worthy men, who have become debtors in a small way; it can be of service only to those who have operated on a scale of magnificent proportions. Under the bill we advocate the creditors would be notified at a trifling expense.

If the petition should be dismissed the costs of course would fall upon the petitioner; if the prayer of the petition is granted in the proceedings in which they shall have been "made parties defendant," and of which they have been given "thirty days' notice," and in which they shall have thirty days "in which to answer said petition," would they not be mulcted in the costs?

Why should we require the payment of the costs of two courts by a poor debtor so whom we are professedly trying to assist in a financial way, when the costs of one would suffice? The costs of the assignment might be paid out of the estate, if there was one, but if not, the debtor would have to pay them. As the debtor is required to first make an assignment of all of his unexempt property before he can apply for a discharge, it follows that, if he has done

so in good faith, he will have only his exempt property with which to meet this outlay, which, if his creditors are numerous, will be enormous.

There is a very large class of honest men now in the country to whom the benefits of a bankruptcy law should be immediately available; they have no property either exempt or unexempt; they could not pay the enormous costs provided by this bill, and hence it would not be of any benefit to them. If a debtor shall file an affidavit with his petition, under the law we advocate, that he is without money and can not raise a sufficient sum to pay the costs in his case, he will be permitted to receive all of its benefits without the payment of any sum.

The chief purpose of all laws is to prevent the strong imposing on the weak; to keep the dishonest from robbing the honest; and to enforce the Golden Rule in the affairs of life. We do not want a bankruptcy law which we may enact to be an exception to the rule. It, therefore, must be a measure which can be cheaply administered so as to be available to all classes.

The complete bill requires strict economy on the part of all officers and others who assist in its administration. It will not apply to the affairs of honest, solvent people, but to the affairs of approximately 1 in 100 each year of those who do business or conduct enterprises, in whole or in part, on credit, i. e., 1 in 100 is about the percentage of those who fail in the course of a year. It is not in any sense a law which will serve as a guide for commencing or conducting business or enterprises, or as a guide in the affairs of everyday life, but is only for the compromise or settlement of the affairs of the unfortunate, or the administration of the estates of dishonest persons, and of unfortunates where a compromise can not be effected.

The bill we advocate will protect the debtor from the avarice of a "shylock" creditor; it will give him an opportunity to secure a fair compromise, notwithstanding it might be opposed by a minority of creditors who are moved by malice or greed, and who, under present laws, may pursue him to the final sale under the sheriff's red flag; it will secure him his State exemptions, and will, if he is honest, give him a discharge. It will protect the creditor from the fraud of the debtor; it will secure him a pro rata share with other creditors of the same class of the debtor's estate promptly and at small cost.

In brief, in the event bankruptcy intervenes at any time from the inception of the transaction by which one party voluntarily becomes a debtor and the other a voluntary creditor, and during the entire time until the debt is satisfied, the rights of both of the parties will be more perfectly preserved and be more readily and cheaply enforced than under the Bailey bill or pursuant to the present State insolvency laws.

Ought we not to pass the bill which will in the best sense and at the smallest cost serve the interests of the whole people?

IT OUGHT NOT BE LIMITED TO TWO YEARS.

Section 6 of the Bailey bill provides that the—

"Act shall continue in force two years and no longer." * * *

Debtors have failed from day to day since the repeal of the last bankruptcy law, but have been unable to secure a discharge. This bill proposes to accommodate some of them, but as soon as two years shall have expired, proposes that thereafter none of those who fail shall be entitled to a like benefit under the law.

We do not see any reason why a distinction should be made between the rights of the debtor who has failed, or who shall fail prior to the expiration of the proposed law, and the one who shall fail after it has ceased to be in force.

The provision of the Constitution is not that we shall enact for a short time a law for the benefit of those who may happen to be unfortunate during such period, but it is "to establish" such a law "throughout the United States."

We maintain that it is the right of every citizen to have the benefit of such a law, and that it ought to be permanently upon the statute books and at all times available to both honest debtors and honest creditors. Such are the provisions of the bill we advocate.

This bill should remain permanently upon the statute books, if it is the embodiment of what was contemplated by the Constitution; if it is not such a law, it ought not to be passed.

Why not make a bankruptcy law as permanent as any other law? What would be thought of us as legislators if we provided only at intervals for the exercise of the other constitutional rights of the people?

Would the passage of this bill indicate that we know that to "establish" the Federal Constitution meant that we were to enjoy the rights secured by it for all time and not for a short period from time to time; or that we know that the word "establish," as used in the preamble, is the same word "establish" which is used in conferring on Congress the power which it is here sought to exercise only for two years? We think not.

Honest men do not fail in classes or only at given periods, nor are they proceeded against by their creditors only in certain years, but from day to day, year in and year out. Rascals do not commit frauds to order, but have done so every night for past ages, and will continue to do so during the ages to come.

We ought, therefore, without further delay, first, to read and then patiently, wisely, and without prejudice to consider the subject, pass the complete bill, and trust to our successors to amend it from time to time, if occasion shall require, so that honest debtors and honest creditors shall at all times find relief and protection under it.

VOLUNTARY AND INVOLUNTARY BANKRUPTCY.

The terms voluntary and involuntary, as used in bankruptcy legislation, apply, or at least ought to apply, solely to the proceedings prior to the rendition of the judgment by which the debtor is declared a bankrupt, i. e., a voluntary bankrupt is one who has filed his own petition, and an involuntary bankrupt is one against whom a petition has been filed by his creditors; after the judgment is rendered the rights and duties of the bankrupt or his creditors do not and should not differ in any respect.

Debtors who may be adjudged bankrupts should be considered under four headings, as follows: First, insolvent honest voluntary bankrupts; second, fraudulent voluntary bankrupts; third, insolvent honest involuntary bankrupts; and, fourth, fraudulent involuntary bankrupts.

The first class embraces honest insolvents who have petitioned voluntarily for the benefits of the law. There is no disagreement, either in the committee or the House, among the members who are willing to exercise the powers conferred upon Congress by the Constitution, as to the wisdom of providing, without further delay, for the members of this class.

Those who may be placed in the second class, i. e., fraudulent voluntary bankrupts, are those who have obtained or retained property fraudulently, placed it beyond the reach of their creditors, and voluntarily petitioned for the benefits of the law. The only object which a member of this class would have in going into bankruptcy would be to get a discharge and be thereby the better enabled to enjoy his ill-gotten gains. We do not believe that there is a disposition on the part of the members of this committee to favor this class of men, and yet we know that they, in large numbers at least, could obtain undeserved discharges under the Bailey bill.

The third class, i. e., insolvent honest involuntary bankrupts, is composed of persons who have become insolvent, are unable to pay their debts or protect their property from being inequitably distributed among their creditors, and have therefore, pursuant to proceedings by their creditors, had their property, over and above their State exemptions, turned over to a trustee to be ratably distributed; they will be entitled to a discharge. There is a disagreement among the members of the committee as to this class.

Our opponents say, in effect, that no relief under the provisions of involuntary bankruptcy should be granted to debtors so situated or to their creditors; that a debtor should be left at the mercy of his individual creditors without an opportunity to deal with them as a class; that it is right and desirable that his estate should be taken by those who seize it first, or be kept by those to whom the debtor may deliver it, and that creditors who have extended credit to a common debtor on equal terms shall not necessarily share in his estate on equal terms or grant him favors on the same basis, but that those who first bring a suit against him shall be paid in full and those who are most considerate to him shall get nothing.

We contend that a debtor who is insolvent and can not pay his debts or protect his estate from an unequal division should have the protection of the complete bill, which will permit him to retain his exemptions, procure a discharge, and enable each of his creditors of the same class to receive their pro rata of his estate. Our opponents say that the possibility of there being such a class will give the cruel creditor an undue advantage over the honest debtor. We show that such is not the case; that the cruel creditor may now pursue, in the ordinary course, his debtor to a final sacrifice sale under the scarlet emblem of the executioner; that such a pursuit may not only be to the financial disadvantage of the debtor but of the other creditors as well. We also show that under the bill we advocate the bankrupt will not be at the mercy of the individual creditor, as at present; that the favors which the bankrupt may receive in the form of an extension of time or a reduction of his indebtedness, or both, will be from his creditors as a class and by the decree of a court of equity; that these favors will not be extended or withheld according to the whim of the creditors, and as a charity, as at present, but will be available for the benefit of the debtor and his creditors alike, and may be enforced as provided by the Constitution.

The fact that debtors may have the protection as above will make men more willing than at present to conduct and extend business, conceive enterprises, and borrow money to promote them, thereby becoming debtors. The fact that creditors will thus be placed upon an equal footing with other creditors of the same class will make them more willing to sell property for which they have or have not paid, and to loan money which they have accumulated or borrowed.

It follows, therefore, that the omission of this class, i. e., insolvent honest involuntary bankrupts, would render the system of bankruptcy legislation incomplete and injure debtors and creditors by omitting these provisions for their protection.

There ought not to be, as it seems to us, but there are, differences of opinion among the members about the fourth class, i. e., fraudulent involuntary bankrupts. Their property should be distributed to the extent of the payment of their debts; they should be refused a discharge and punished for their wrongdoing. This should be done not only because deserved in the individual case, but as an example to deter those who are morally weak from essaying the same role.

The Bailey bill does not make any provision for the protection of the people from the machinations of fraudulent involuntary bankrupts; they will be protected under the bill we advocate. This omission from the Bailey bill should be a sufficient reason, even if there were not numerous others, why the complete bill should be substituted for it.

Those who say that there is a demand for any law which is short of a complete and just one have never felt the pulses of the sturdy men whose predecessors framed the Constitution, and whose brains conceive, integrity plumbs, and industry carries on, from day to day, the industrial and commercial transactions of the country.

THE LAW OF THE "POOR ENGLISH GENTLEMEN."

In England in very early times there was no such thing as a voluntary bankruptcy law, but all laws upon that subject were involuntary and applied only to traders. Later there was a voluntary scheme for "poor English gentlemen," and under it they might avoid imprisonment for debt; but if guilty of fraud they were subject to onerous punishments.

A purely voluntary system of bankruptcy, applicable to all classes, has never been in force in this or any other country.

In the evolution of thought upon this subject it was discovered that voluntary bankruptcy might be extended to debtors who were traders, since, if they became insolvent and could not protect their property from an equitable division, or were guilty of fraud, the rights of their creditors could be protected under the provisions of the law of involuntary bankruptcy. As a result the voluntary feature was added to the involuntary law in Great Britain by 6 George IV, chapter 16, and since then the two systems have been one. Prior to 1861 the involuntary system applied only to traders. In that year the complete system, i. e., voluntary and involuntary bankruptcy, was extended in England so as to apply, and still applies, alike to all classes.

It does not seem possible that the House of Representatives of the United States wants to go back to the abandoned law of the "poor English gentlemen" as a precedent for legislative action.

The part of a bankruptcy law most difficult to draft is its voluntary provisions; they must not only provide relief for the honest bankrupt, but they must refuse relief or encouragement to the dishonest bankrupt. It would be quite easy to write a bill saying that the court should grant applications for discharges; the passage of such a law would result in good, honest poor men getting discharges, and in so far it would be a good law, but it would also enable a lot of rascals to escape the payment of just debts, and in that respect it would be a bad law. The fact that all debtors might get a discharge, without the possibility of the interference of their creditors, would curtail credits and do untold harm to all of the members of that great class who conduct their various transactions on credit, and in that respect also would be a bad law. All of the scandals under the old law grew out of proceedings under its provisions for voluntary bankruptcy.

The only ways yet discovered to keep the frauds under a voluntary law down to the minimum are to make it possible for parties in interest to interfere, by commencing involuntary proceedings, before the fraudulent plans have been consummated and the property secreted or wasted, to provide adequate punishment for fraudulent acts, and to refuse a discharge to dishonest bankrupts.

The measure in question is an imperfect voluntary bill. It is not provided with effective safeguards for the protection of the rights of honest debtors or honest creditors, but is calculated to encourage every wrong which is known to rascals.

We think that a bankruptcy law ought to apply to all classes of our citizens, as well as be uniform throughout the country.

The "poor English gentleman" law answered a purpose in its time, but it is not adapted to a country where there is no imprisonment for debt; it does not meet the needs of the majority of American citizens, who are all rich—not always in money, but always in integrity, in energy, and in opportunities to promote their own happiness. We of the United States want a fair and complete law, which shall be comprehensive of the subject and under which the rights of all classes will be secure.

ALL DEBTORS ARE NOT POOR NOR ALL CREDITORS RICH.

It seems to us that the most tenable theory upon which a purely voluntary law may be advocated in opposition to a complete law is that all debtors are poor and hence ought to be favored, and all creditors are rich and for that reason ought not to be protected by bankruptcy legislation. It goes without saying that this theory is not true. Most men engaging in either small or large transactions occupy the dual position of both debtor and creditor. One of the largest classes of creditors in the country is the day laborers. The largest class of debtors in the country is the railroads. They owe more than six times the amount of the national debt. The next largest class is the banks.

Let us consider some of the conditions to which it is proposed by our opponents to apply a voluntary law, and to which we propose to apply both the voluntary and involuntary or complete law. Suppose we take cotton and trace it from the raw material on the plantation until it returns as a cloth to be used by the planter, and, for the purpose of illustration, say that it is handled on the entire circuit on credit and at the same price. When the cotton is sold to the factor, the planter thereby becomes a creditor and the factor becomes a debtor. The manufacturer buys it and becomes a debtor and transforms the factor into a creditor. The manufacturer makes it into cloth and then sells it to the wholesaler; he in turn changes from a debtor to a creditor, and the wholesaler becomes the debtor. The wholesaler becomes a creditor by selling it to the retailer, who thereby becomes a debtor. The planter when he buys the cloth becomes a debtor and the retailer a creditor. Each person named has in turn been a voluntary debtor and a voluntary creditor. The debit and credit side of every transaction has been exactly equal and the totals are of course equal.

Why should the planter, the factor, the manufacturer, the wholesaler, and the retailer, who have all in turn become voluntary debtors, have any advantages as such debtors, pursuant to national legislation, without at the same time having reciprocal advantages as voluntary creditors with reference to the same transactions and property? Every article of raw material the product of which is used by the producer may be traced in like manner. The example holds good and the reasoning is unanswerable, irrespective of whether the contracts of exchange from the producer through middlemen to the consumer relate to the same article in its different stages or to different articles which may be voluntarily exchanged for the convenience or profit of the people.

Roughly speaking, the planter and farmer must pay for the products of the mills and looms with the products of the fields; the laborer must pay for the comforts of life with the products of labor; the business man must pay his expenses with the profits on his merchandise; and the man of wealth must pay for his luxuries with the income from his fortune. The same is true of everyone of every class, i. e., everyone must pay for everything bought with something produced or acquired. Why, therefore, should anyone who buys or sells on credit be favored by national legislation to the detriment of the other party to the same transaction?

It therefore follows that there is no reasonable theory upon which a bankruptcy law should be passed in the interest of any one class. Such a law, like all other laws, ought to be in the best interests of the whole people. Any class law ought not to be passed.

THE BAILEY BILL WOULD DESTROY CREDIT.

Business and commerce have suffered a paralytic stroke; agriculture and the industries have been seized with the palsy. Even if they shall now recover they will be liable to a recurrence under the present diverse State laws. The votaries of each need a restoration of confidence between themselves, and between them and the possessors of accumulated wealth, to enable them to secure credit and money with which to pursue their callings for securing profit and enjoying happiness. Can this result be accomplished by the passage of a law such as the Bailey bill, under which the poor debtor and the rich debtor may alike secure a discharge, except that individuals can not secure a discharge from fiduciary debts, irrespective of whether they are honest or dishonest, if they make an assignment more than three months before the passage of this bill, or after its passage and before it expires by limitation? We say no. We do say that such confidence can be restored and such results achieved under the bill we advocate, since under it the rights of both debtors and creditors will be more secure than under the present State laws.

The principle of the voluntary bill has been condemned by the people and the press; not only the principle of voluntary and involuntary bankruptcy, but the terms of the bill we advocate have been approved throughout the length and breadth of the country by all classes of honest people.

The fact that wrongs may be perpetrated in the industrial and commercial world makes it necessary to erect and maintain expensive safeguards; just in proportion as the laws are complete and wise these expensive safeguards are not necessary; just in proportion as the laws are imperfect and permissive of wrongdoing these safeguards must be fortified. These expenses are not paid by the rascals who occasion them, but by the honest consumers who support the toilers of the industrial and commercial world.

There has occasionally been before the House a bill which, if enacted, would ruin, in a financial sense, a single class of men; but there never has been one before it, to our knowledge, so far-reaching in its destructive qualities as this one, or so well calculated to destroy the credit of all classes, by preventing honest men buying goods and borrowing money, except upon prime security or mortgage. Never before have we had before us such a bill as this one, under which all debtors, except persons who have become such in a fiduciary capacity, might be discharged only to find that they could not buy goods or borrow money, because it would be possible under the law that they might, upon receiving such goods or money, make away with them and again get a discharge, and thereby rob their beneficiaries and bring distrust and bad repute upon all honest debtors.

Would the passage of this bill indicate that we know that the affairs of everyday life, including business and enterprises, can not be extensively and successfully carried on without credit; that credit is founded upon confidence, and that confidence can not exist, in a general sense, except under good and impartial laws? We think not.

Why curtail credit by the passage of this bill when we can, by the enactment of a complete one, extend it?

By reading the bill we recommend it will be seen that it is comprehensive of the best interests of all parties. It will therefore beget confidence in both debtors and creditors, and result in an extension of credit and the increase of the industries and commerce. For these reasons, as well as others, it ought to be passed.

HONEST DEBTORS DO NOT WANT AND THE DISHONEST SHOULD NOT HAVE A PURELY VOLUNTARY LAW.

There are many hundreds of thousands of present helpless, honest, insolvent men in the country who, while pursuing their chosen avocations, have had their property swept away in legal warfare between their creditors. This vast number of men are either out of employment or are serving in menial places at small compensation, unable to make headway against the ever-increasing interest upon their indebtedness or to accumulate property upon which to pay taxes and with the income of which to support their families and educate their children. These men have not been able to secure discharges, because the States can not grant them, since, under the Federal Constitution, States can not impair the obligations of contracts; the State may give them relief from that part of their debts due to creditors of their own State, but not from creditors living in another State. So many of this class of men as become insolvents without fraud ought to be relieved under a wise bankruptcy law.

Honest debtors not engaged in any enterprise or business do not want such a law, because it would destroy or greatly impair credit, and hence after obtaining a discharge under it they would not be able to buy property on credit and borrow money with which to endeavor to repair their fortunes. The enactment of a complete law would enable them to secure a discharge, and would so strengthen credit as to enable them to buy property and borrow money and enter upon and prosecute their chosen callings for their own advancement and in the best interests of the communities in which they live.

The leading characteristic of a bankruptcy law is that it enables a debtor to secure a discharge from his debts—to have his debts paid in effect by the judgment of a court of equity, not a judgment that he has a defense to the claim of his creditor or has paid his debts, but that because of a wise public policy he is excused from paying them. Honest men would, if possible, pay their debts instead of asking for the protection of such a law.

No dishonest man would pay a debt if he could by fraud and perjury get a discharge, and herein lies the one great danger to honest men—the poor and rich alike—of having a bankruptcy law passed. The only excuse for incurring this danger is the great benefit that such a law will be to honest debtors and honest creditors. This danger ought to be reduced to the minimum; it can not be done under a purely voluntary law, not even a plain and simple one; it can only be done by adding to the voluntary law the provisions of the involuntary law, i. e., by putting the debtor and his creditors upon the same basis and giving them reciprocal rights.

It would be bad enough if a voluntary law simply gave to the rich rascal a right to swindle the poor and rich creditors who trusted him, but that is not the half of the wrong done; the success of one rich rascal would beget others; the existence of a class of rich rascals, created and fostered by a national law, would so destroy confidence between men who buy and sell property and borrow and loan money that their transactions would be curtailed, and the price of commodities would be increased to consumers, and the interest on money would be advanced to borrowers.

This class of unfortunates, the members of which arrived at their present state through fraud or dishonesty, ought not to be relieved by a discharge, but ought to continue to be liable financially to their outraged creditors. A purely voluntary law might enable them to secure an unmerited discharge, and hence ought not to be enacted.

It is an axiom in equity jurisprudence that those who invoke the rules of equity must do equity; we might with equal reason establish a rule in bankruptcy legislation that those who would be discharged from their honest obligations must be honest men.

PERSONS WHO ARE BOTH DEBTORS AND CREDITORS DO NOT WANT A PURELY VOLUNTARY LAW.

There are very few men engaged in business, in tilling the fields, in working the mines, in manufacturing, or in any of the other industries or enterprises but who are debtors to a greater or less extent and at the same time are creditors.

As a matter of fact very few of all the transactions had in conducting the entire business and promoting all of the resources of the country are for cash. The greater part of all of them are conducted on credit.

It is of the utmost importance that every one of these men who voluntarily becomes a debtor should have the protection of a law under which it shall not be possible for a single creditor to break him up in business, as is possible under the present laws; that is to say, it is usual for a debtor to have many creditors; they are frequently residents of different States and strangers to each other. Any one of these creditors may hear a rumor, either founded or unfounded, as to the solvency of a common debtor; and if so, he must in financial self-defense, under present conditions, act promptly and in a way to prevent other creditors from obtaining a priority. The result is that great numbers of honest, competent men, who, on a fair showing, are solvent and with a little time could pull through, are needlessly driven into liquidation.

Persons who are both debtors and creditors, in so far as they are creditors, are interested in preventing the commission of fraud and the giving of preferences by their debtors. They are themselves debtors, and as such must pay the amounts which they owe in that capacity, and in order to do so they must be able to collect the amounts which are due them in their capacity as creditors. They must avoid, if possible, suffering a total loss of any of the claims which they have against other debtors. Since only about one in a hundred of those who owe them becomes a bankrupt in the course of a year, they would be practically out of danger if the law we advocate were in force, so that they might be secured against total losses.

The foregoing class of debtors do not want a purely voluntary law, because it would destroy or impair the credit which now enables them to buy property and borrow money, and would hence prove of untold injury to them; a complete voluntary and involuntary law would not harm them in any way, but would help them in every way. The opportunities of this class to enjoy prosperity ought not to be sacrificed because a voluntary law might prove beneficial to dishonest debtors, who would use it to swindle alike their poor and their rich creditors.

Those who are thus always members of both classes do not want, in their capacity as debtors, any rights, without having at the same time, in their capacity as creditors, reciprocal or corresponding rights. The bill we advocate conforms to their wants, and hence should be passed in their best interests.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENDERSON. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DINGLEY having assumed the chair as Speaker pro tempore, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8110, and had come to no resolution thereon.

MOTION TO RECONSIDER.

Mr. PAYNE. Mr. Speaker, I wish to enter a motion to reconsider the vote by which the resolution was passed last evening ordering that there be reprinted the usual number of Senate Executive Document No. 51, first session, Fiftieth Congress. I wish now to enter the motion, and will call it up afterwards.

The SPEAKER pro tempore. The motion to reconsider will be entered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1336) for the relief of John Mellifont and Ellen Riordon; and

A bill (S. 506) to correct the military record of John Fox, of Albany, Oreg.

The message also announced that the Senate had passed without amendment the bill (H. R. 5853) granting a pension to Arminda Stucker, of Gallatin, Mo.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 1336) for the relief of John Mellifont and Ellen Riordon—to the Committee on Claims.

A bill (S. 506) to correct the military record of John Fox, of Albany, Oreg.—to the Committee on Military Affairs.

PÈRE MARQUETTE STATUE.

The SPEAKER pro tempore laid before the House the following communications; which were read, referred to the Committee on the Library, and ordered to be printed:

UNITED STATES SENATE, *Washington, D. C., April 29, 1896.*

SIR: I have the honor to transmit a communication of the governor of Wisconsin, at his desire, and to advise you that a similar communication to the President of the Senate was this day laid before the Senate.

Very respectfully,

WM. F. VILAS.

The Hon. THOMAS B. REED,
Speaker of the House of Representatives.

EXECUTIVE CHAMBER, *Madison, Wis., March 19, 1896.*

SIR: It gives me pleasure to inform you, and through you the honorable body over which you preside, that the State of Wisconsin, in response to the invitation extended to the States of the Union under section 1814 of the Revised Statutes of the United States, and in accordance with the resolution passed at the first session of Congress in 1893, has placed in old Hall of the House of Representatives, at the Capitol of the United States, a marble statue of Père Marquette. This statue was made in pursuance of an act of the legislature of this State passed at its biennial session in 1887, and is the work of the Italian sculptor, Mr. G. Trentanove, of Florence, Italy.

I have the honor, in behalf of the State of Wisconsin, of presenting this statue to the Congress of the United States.

I am, sir, very respectfully, yours,

W. H. UPHAM,
Governor of Wisconsin.

Hon. THOMAS B. REED,
Speaker of the House of Representatives, Washington, D. C.

MRS. FLORENCE E. MAYBRICK.

The SPEAKER pro tempore laid before the House the following message of the President of the United States; which was read, and, with accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit herewith, in response to the resolution of the House of Representatives of the 9th instant, addressed to the Secretary of State, a report of that officer, accompanied by copies of the correspondence in regard to the imprisonment of Mrs. Florence E. Maybrick.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, April 30, 1896.

CONTESTED ELECTION CASE—RINAKER VS. DOWNING.

At the request of Mr. MOODY, for the Committee on Elections No. 1, a reprint was ordered of the views of the minority in the contested-election case of Rinaker *vs.* Downing.

Mr. HENDERSON. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 42 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. L. Cochran, administrator of William Brooks, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of W. P. Mason, administrator of Henry Gorman, against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CURTIS of Iowa, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 7469) for the removal of snow and ice from the sidewalks, crosswalks, and gutters in the District of Columbia, and for other purposes, reported the same without amendment, accompanied by a report (No. 1539); which said bill and report were referred to the House Calendar.

Mr. MEIKLEJOHN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 7138), to amend an act entitled "An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, reported the same without amendment, accompanied by a report (No. 1540); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LATIMER, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 7248) to grant land to the State of Florida for the use of the normal college for white pupils at De Funiak Springs, and for the use of the normal college at Tallahassee for colored pupils, reported the same with amendment, accompanied by a report (No. 1541); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GARDNER, from the Committee on Labor, to which was referred the bill of the House (H. R. 6116) to protect free labor and the industries in which it is employed from the injurious effect of convict competition by confining the sale of goods, wares, and merchandise manufactured by convict labor to the State or Territory in which they are produced, reported the same with amendment, accompanied by a report (No. 1542); which said bill and report were referred to the House Calendar.

Mr. BAILEY, from the Committee on the Judiciary, to which was referred the joint resolution of the House (H. Res. 174) granting permission to the circuit and county courts in Rockingham County, Va., to occupy the Federal court room in Harrisonburg, Va., reported the same with amendment, accompanied by a report (No. 1543); which said bill and report were referred to the House Calendar.

Mr. McCALL of Tennessee, from the Committee on Appropriations, to which was referred the bill of the House (H. R. 8193) to aid and encourage the holding of the Tennessee centennial exposition at Nashville, Tenn., in the year 1897, and making an appropriation therefor, reported the same without amendment, accompanied by a report (No. 1544); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 8415) to authorize the purchase of a steam launch for use in the customs collection district of New London, Conn., reported the same without amendment, accompanied by a report (No. 1545); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 8167) to authorize the construction of a bridge across the Red River of the North, reported the same without amendment, accompanied by a report (No. 1547); which said bill and report were referred to the House Calendar.

Mr. SHAFROTH, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 2032) entitled "An act to grant right of way over the public domain for pipe lines in the States of Colorado and Wyoming," reported the same with amendment, accompanied by a report (No. 1563); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions:

The bill (H. R. 1874) to place the name of Robert Smalls on the pension rolls. (Report No. 1546.)

The bill (H. R. 6844) granting a pension to Paul Kempter. (Report No. 1551.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions: The bill (H. R. 4500) to increase the pension of Strother Brock. (Report No. 1548.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 3187) to pension Frances Jones, widow of Lieut. Col. Toland Jones, of One hundred and thirteenth Regiment Ohio Volunteer Infantry. (Report No. 1549.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 6973) granting a pension to Mrs. Sarah A. Lyon. (Report No. 1550.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 6829) granting a pension to William Callaway. (Report No. 1552.)

By Mr. LOUDENSLAGER, from the Committee on Pensions:

The bill (S. 2223) entitled "An act granting a pension to Riley W. Pierce." (Report No. 1553.)

The bill (S. 298) entitled "An act granting an increase of pension to William W. Tumblin, of Bradford County, Fla." (Report No. 1554.)

The bill (S. 1602) entitled "An act granting an increase of pension to Mrs. Jane L. Fagg, widow of Col. John A. Fagg." (Report No. 1555.)

The bill (S. 2216) entitled "An act granting an increase of pension to Elizabeth M. Stevenson, of San Francisco, Cal." (Report No. 1556.)

The bill (S. 2637) entitled "An act granting a pension to Jane Christian Marye." (Report No. 1557.)

The bill (S. 511) entitled "An act granting a pension to P. F. Castleman, of Oregon." (Report No. 1558.)

The bill (S. 823) entitled "An act granting an increase of pension to John B. Meigs." (Report No. 1564.)

The bill (S. 2068) entitled "An act to grant a pension to Emeline C. Sewell, widow of Chief Engineer George Sewell, United States Navy." (Report No. 1565.)

By Mr. PARKER, from the Committee on Military Affairs: The bill (H. R. 8103) to correct the military record of Edward P. Jennings. (Report No. 1559.)

By Mr. GRAFF, from the Committee on Claims: The bill (H. R. 4114) for the relief of W. E. Judkins, executor of Lewis McKenzie. (Report No. 1560.)

By Mr. DOWNING, from the Committee on Claims: The bill (H. R. 3991) authorizing the payment of the amount due Stella J. Coolbroth. (Report No. 1561.)

By Mr. DENNY, from the Committee on Claims: The bill (S. 261) entitled "An act for the relief of Arthur P. Selby." (Report No. 1562.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MILNES: A bill (H. R. 8581) donating 1 cannon and 25 cannon balls to E. W. Hollingsworth Post, No. 210, Albion, Mich.—to the Committee on Naval Affairs.

By Mr. EVANS: A bill (H. R. 8582) to allow the bottling of distilled spirits in bond—to the Committee on Ways and Means.

By Mr. GAMBLE: A bill (H. R. 8583) making an appropriation to enlarge the military post of Fort Meade, near the city of Sturgis, in the State of South Dakota, and establishing the same as a permanent post—to the Committee on Military Affairs.

Also, a bill (H. R. 8584) confirming the title of mixed-blood Indians to their lands and allowing the same to be alienated under certain circumstances—to the Committee on Indian Affairs.

By Mr. CROWTHER: A bill (H. R. 8585) for the relief of certain State militia—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: A bill (H. R. 8586) authorizing and directing the Secretary of War to furnish to the Thomas H. Marshall Post of the Grand Army of the Republic, at Belfast, Me., a cannon at Castine, Me.—to the Committee on Military Affairs.

By Mr. HICKS: A bill (H. R. 8587) granting pensions to officers and enlisted men who served ninety days during the war of the rebellion, from March 4, 1861, to July 1, 1865—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 8588) directing the Secretary of War to take the necessary steps for the removal of the remains of the late Benjamin Franklin Hancock, Second United States Infantry, from the State of Washington to Arlington Cemetery, Virginia, for interment—to the Committee on Military Affairs.

By Mr. LEWIS: A bill (H. R. 8589) to provide for the purchase of the birthplace of Abraham Lincoln, late President of the United States, and the erection thereon of a national soldiers' home as a monument to his memory, to be known as the Lincoln National Soldiers' Home—to the Committee on Military Affairs.

By Mr. SHAFROTH: A bill (H. R. 8590) granting to the Denver, Cripple Creek and Southwestern Railroad Company a right of way for a railroad through the South Platte and Plum Creek forest reserves, in the State of Colorado—to the Committee on the Public Lands.

By Mr. SHUFORD: A bill (H. R. 8611) to secure the debt of the United States against the several Pacific railroads, and provide a fair and full test in Government ownership of railroads, etc.—to the Committee on Pacific Railroads.

By Mr. CHARLES W. STONE: A joint resolution (H. Res. 178) authorizing the distribution of certain documents by the Department of Agriculture under the Department frank—to the Committee on the Post-Office and Post-Roads.

By Mr. BULL: A concurrent resolution (House Con. Res. No. 44) to print 5,000 copies of the report of the Chief of the Bureau of Statistics made to the Secretary of the Treasury August 7, 1880, entitled "The proposed American interoceanic canal in its commercial aspects"—to the Committee on Printing.

By Mr. CURTIS of Kansas: A resolution (House Res. No. 295) requesting the President to communicate to the House of Representatives what, if anything, has been done by the State Department to carry out certain provisions of the act making appropriations for the Department of Agriculture for the year 1896, approved March 2, 1895—to the Committee on Agriculture.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BURRELL: A bill (H. R. 8591) to increase the pension of E. J. Conger—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 8592) to remove the charge of desertion from the military record of George Herrman—to the Committee on Military Affairs.

By Mr. FARIS: A bill (H. R. 8593) granting a pension to Lydia A. Jewell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8594) to pension Matilda H. Galey—to the Committee on Pensions.

By Mr. GARDNER: A bill (H. R. 8595) granting an increase of pension to David A. Maple—to the Committee on Invalid Pensions.

By Mr. HAGER: A bill (H. R. 8596) granting a pension to William Washburn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8597) granting a pension to Gotlieb Ruge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8598) granting a pension to John D. McGeehan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8599) granting a pension to W. W. Morton—to the Committee on Invalid Pensions.

By Mr. KULP: A bill (H. R. 8600) for the relief of William D. Campbell—to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 8601) for the relief of E. M. Smothers—to the Committee on Military Affairs.

By Mr. McCALL of Tennessee: A bill (H. R. 8602) for the relief of William Christenberry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8603) for the relief of Randolph Wesson—to the Committee on War Claims.

By Mr. MILNES: A bill (H. R. 8604) for the relief of William A. Buck, alias Andrew Buck—to the Committee on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 8605) granting an honorable discharge to James Brown, of Company A, First Florida Volunteers—to the Committee on Military Affairs.

By Mr. SWANSON: A bill (H. R. 8606) for the relief of Patrick County—to the Committee on War Claims.

Also, a bill (H. R. 8607) for the relief of Abram Staples—to the Committee on War Claims.

By Mr. TAYLER: A bill (H. R. 8608) to extend the term of patent No. 227024, dated April 27, 1880, granted to Daniel T. Lawson—to the Committee on Patents.

By Mr. WILSON of Ohio: A bill (H. R. 8609) to remove the charge of desertion against Patrick Welsh—to the Committee on Military Affairs.

Also, a bill (H. R. 8610) to remove the charge of desertion from the record of Elias Guisinger—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Pennsylvania: Petition of Washington Camp, No. 434, Patriotic Order Sons of America, of Curllsville, Pa., indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BROMWELL: Memorial of the Associated Banks of Cincinnati, Ohio, in favor of House bill No. 849, to increase bank circulation to the par value of bonds deposited—to the Committee on Banking and Currency.

By Mr. CHICKERING: Petition of citizens of Hannibal, N. Y., favoring the passage of House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIS of Kansas: Resolution of Goodspeed Post, No. 295, Grand Army of the Republic, of Reading, Kans., in behalf of a service pension—to the Committee on Invalid Pensions.

By Mr. DOVENER: Resolutions of Encampment No. 119, Union Veteran League, Department of West Virginia, in support of House bill No. 3727 and Senate bill No. 1305, relating to the per diem pension bill, and urging the passage thereof—to the Committee on Invalid Pensions.

Also (by request), petition of E. T. W. Hall and 30 others, of Freemansburg, W. Va., respecting the Marquette statue—to the Committee on the Library.

By Mr. FARIS: Petitions of H. P. Townley, H. Hulman, W. C. Duncan, and others, of Indiana, praying for favorable action on bills to amend postal laws and to reduce letter postage—to the Committee on the Post-Office and Post-Roads.

Also, petition of James L. Wilson and others, regarding the Marquette statue—to the Committee on the Library.

Also, petition of C. L. Mees, president Rose Polytechnic Institute, Indiana, and others, favoring the passage of House bill No. 7251, in favor of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. HICKS: Petition of the Patton Publishing Company, of Patton, Pa., praying for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Joseph Boley, W. A. Beaver, Simon Tomlinson, and 15 other citizens of Lorette, Pa., asking for the passage of House bill No. 2626, in favor of equitable protection—to the Committee on Ways and Means.

Also, petition of Adam B. Heckman, of Bedford, Pa., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. LEISENRING: Petition of the Board of Trade, postmaster, judges, and officers of both city and county, officials of banks and corporations, and 1,000 citizens of Wilkesbarre City and county of Luzerne, Pa., praying for the passage of House bill No. 4793, for the purchase of ground and erection of a pub ic building at Wilkesbarre, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. LEONARD: Petitions of citizens of Mansfield, Pa., asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LEWIS: Petition of Lincoln Post, No. 56, Grand Army of the Republic, of Hodgensville, Ky.; also petition of council of administration of the Grand Army of the Republic, favoring the purchase of the Lincoln farm as a soldiers' home—to the Committee on Military Affairs.

By Mr. LOUDENSLAGER: Petition of C. W. Shoemaker, of Bridgeton, N. J., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter, and bill No. 838, to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. McCREARY of Kentucky: Papers to accompany House bill No. 6037, granting a pension to Amanda Woodcock—to the Committee on Pensions.

By Mr. McEWAN: Petition of citizens of Jersey City, N. J., protesting against the continuance of the statue of Père Marquette in Statuary Hall—to the Committee on the Library.

By Mr. RAY: Petition of Chenango County Grange, of the State of New York, for laws against fraudulent food products—to the Committee on Ways and Means.

By Mr. CHARLES W. STONE: Petition of the faculty of the Teachers' College of New York City, asking for adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. TAFT: Petition of Ex-Prisoners of War Association of Cincinnati, Ohio, asking for the passage of House bill No. 306, granting a pension to sailors and soldiers who were confined in so-called Confederate prisons—to the Committee on Invalid Pensions.

Also, memorial of the Associated Banks of Cincinnati, Ohio, in favor of House bill No. 849, to increase bank circulation to the par value of bonds deposited—to the Committee on Banking and Currency.

Also, papers to accompany House bill No. 7566 granting a pension to Della Burrows—to the Committee on Invalid Pensions.

By Mr. TAYLER: Petition of citizens of Mahoning County, Ohio, praying for the establishment of a system of rural free delivery—to the Committee on the Post-Office and Post-Roads.

By Mr. TRACEWELL (by request): Remonstrance and petition of John C. Warner and 29 other citizens of Jeffersonville, Ind., asking for the removal of the Marquette statue from Statuary Hall—to the Committee on the Library.

SENATE.

FRIDAY, *May 1, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Vice-President being absent, the President pro tempore took the chair.

On motion of Mr. HILL, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, without objection.

NIAGARA RIVER BRIDGE.

Mr. HILL. While we are waiting for Senators to gather, and before taking up the appropriation bill, I ask unanimous consent to call up Senate bill 2936, a bridge bill, reported yesterday from the Committee on Commerce. It is desirable that it shall be passed immediately. It will take but a few moments.

The PRESIDENT pro tempore. The bill will be read for information.

The Secretary read the bill (S. 2936) to authorize the construction of a bridge across the Niagara River in the town of Lewiston, in the county of Niagara, State of New York; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 8, after the word "thereto," to strike out the words "on the east bank of" and insert "across"; so as to read:

That the Lewiston Connecting Bridge Company, a corporation created by the laws of the State of New York, being chapter 340 of the laws of the year 1896, is hereby authorized to construct, maintain, and operate a bridge, and the necessary approaches thereto, across the Niagara River at or from some point in the town of Lewiston, in the county of Niagara, State of New York, etc.

The amendment was agreed to.

The next amendment was, in section 2, line 17, after the word "War," to insert the following proviso:

Provided, That any bridge constructed under the authority of this act shall be so kept and managed as to offer reasonable and proper means for the passage of vessels and other crafts; and if said bridge be constructed as a drawbridge, the draw shall be opened promptly, upon reasonable signal, for the passage of boats; and whatever kind of bridge is built, the owners thereof shall maintain thereon, at their own expense, from sunset to sunrise, such lights and other signals as the Light-House Board shall prescribe.

The amendment was agreed to.

The next amendment was, in section 4, line 5, after the words "New York," to insert the following proviso:

Provided, That nothing in this act shall be so construed as to repeal or modify any of the provisions of the law now existing in reference to the protection of the navigation of rivers or to exempt this bridge from the operations of the same.

The amendment was agreed to.

The next amendment was to insert at the beginning of section 6 the following:

That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto upon payment of reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War, upon a hearing of the allegations and proofs of the parties: *Provided*.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ERIE (PA.) HARBOR IMPROVEMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the requirements of a joint resolution approved April 24, 1896, a letter from the Chief of Engineers, United States Army, together with a report from Maj. Thomas W. Symons, Corps of Engineers, relative to the improvement of the harbor of Erie, Pa.; which, with the accompanying papers, was referred to the Committee on Commerce.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Manufacturers' Association of Kings and Queens counties, New York, praying for the adoption of a single gold standard; which was referred to the Committee on Finance.

He also presented a petition of the Massachusetts Library Club, of Cambridge, Mass., praying for the enactment of legislation providing for the better publication of the public documents of the United States; which was referred to the Committee on Printing.

Mr. PEFFER presented the petition of W. J. McBane and 175 other citizens of Thornton, Ind., praying for the passage of Senate bill No. 239, to prohibit the collection of special liquor taxes from

persons other than those who are duly authorized by State laws to traffic in intoxicating liquors; which was referred to the Committee on Finance.

Mr. ALLEN presented a petition of the faculty of the University of Nebraska, at Lincoln, Nebr., praying for the establishment of a permanent board of arbitration between Great Britain and the United States; which was referred to the Committee on Foreign Relations.

Mr. HILL presented resolutions adopted by the assembly of the State of New York, relative to the claim of the Ogden Land Company to the lands of the Seneca and Tuscarora Indians; which were referred to the Committee on Indian Affairs, and ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK, IN ASSEMBLY, *Albany, April 23, 1896.*

On motion of Mr. Matteson:

Whereas by resolution of the assembly, dated March 21, a committee was appointed and "charged with the duty of investigating and ascertaining the social, moral, and industrial condition of the several tribes of Indians in the State; with ascertaining the amount of land, cultivated and uncultivated, on their respective reservations; with the investigation of their several tribal organizations and the manner in which they assume to allot their lands among the several members of their tribes; with the investigation of the title to their lands on their several reservations; with the investigation of the claims of the Ogden Land Company to said lands and the claims of any other companies or organizations or individuals; with the investigation of all treaties made with the State of New York and the Indians therein, and of all the treaties made with the United States and said Indians, and with the investigation of such other matters relating to said Indians as will afford valuable aid to the legislature upon which to base future action;" and

Whereas said committee made a very thorough and exhaustive examination of the matters committed to its charge, and submitted its report thereon February 1, 1889, as will more fully appear by reference to assembly document No. 51; and

Whereas said committee for various and cogent reasons set forth in its report recommended:

"1. That the compulsory-attendance school law be enacted.

"2. That the legislature request the General Government to take action to extinguish the claim of the Ogden Company to the lands of the Senecas and that portion of the Tuscaroras covered by it.

"3. That the lands of the several reservations be allotted in severalty among the several members of the tribe, with suitable restrictions as to the alienation to whites and protection from judgments and other debts; but such division not to go into effect as to lands affected by the Ogden Company's claim until the claim be removed. This allotment in severalty ought not to be limited to a division of the possession of the land, but should comprise a radical uprooting of the whole tribal system, giving to each individual absolute ownership of his share of the land in fee.

"4. The repeal of all existing laws relating to the Indians of the State, excepting those prohibiting the sale of liquors to them and intrusion upon their lands, the extension of the laws of the State over them, and their absorption into citizenship;" and

Whereas it is believed that the best interests of the Indians and their future prosperity and welfare demand that the title of the Ogden Land Company, so called, to the lands occupied by them be extinguished and the lands allotted in severalty to said Indians, and that they be made citizens and absorbed in the body politic: Therefore

Be it resolved by the assembly, That the Government of the United States be, and hereby is, requested to extinguish the title of the Ogden Land Company, so called, to the lands occupied by the Indians within this State, so far as such lands are affected by said title, and to then allot the said lands in severalty to the Indians, and confer upon them all the rights, privileges, immunities, and responsibilities of citizenship.

Be it further resolved, That a copy of these resolutions be furnished to each of the United States Senators and Representatives in Congress from this State, and they are hereby requested to use every effort and endeavor to bring about the extinguishment of the title of said company to the lands in question and the allotment thereof in severalty to the Indians as hereinbefore set forth.

Be it further resolved, That a copy of these resolutions be furnished to the President of the United States and the Secretary of the Interior.

By order of the assembly.

A. E. BAXTER, *Clerk.*

Mr. HILL presented a petition of Gouverneur Grange, No. 808, Patrons of Husbandry, of Gouverneur, N. Y., praying for the passage of House bill No. 8008, defining cheese and imposing a tax upon and regulating the manufacture, sale, importation, and exportation of filled cheese; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Monroe County, N. Y., praying for the enactment of legislation to amend the postal laws relating to second-class mail matter, and also to reduce letter postage to 1 cent per half ounce; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT presented the memorial of Rev. E. A. Kinmouth and 28 other citizens of Ledyard, Conn., remonstrating against the introduction of military training in the public schools of the country; which was referred to the Committee on Military Affairs.

Mr. NELSON presented a memorial of sundry citizens of Winona, Minn., of Polish descent, remonstrating against the passage of the so-called Johnson immigration bill; which was referred to the Committee on Immigration.

Mr. MORRILL presented the memorial of S. J. Somerville, John N. Gale, and sundry other citizens of St. Johnsbury, Vt., remonstrating against placing the statue of Père Marquette in Statuary Hall; which was ordered to lie on the table.

Mr. GALLINGER. I present the petition of Andrew Wylie, ex-justice of the supreme court of the District of Columbia, and various other citizens of the District, praying that Senate bill 1552, relating to the subject of vivisection, may be enacted into law.

In the same connection I present a memorial, which has been sent to me, of the Medical Association of the District of Columbia, addressed to the American Medical Association, on the same subject. I regret to observe that the officers of the Medical Association of the District of Columbia state that the enactment of that bill into law will prohibit vivisection or animal experimentation in the District of Columbia and effectively close the biological laboratories connected with the Surgeon-General's Department of the United States Army, the Bureau of Animal Industry of the Department of Agriculture, and the Marine-Hospital Service, and prohibit all illustrative experimentation on living animals in the medical colleges of this District.

I will state that either the officers of the Medical Association of the District of Columbia are entirely ignorant of the provisions of the bill that is now before the Committee on the District of Columbia, which purposes simply to regulate and supervise vivisection in the District, or else they have misstated the provisions of the bill.

The PRESIDENT pro tempore. The petition and memorial will be referred to the Committee on the District of Columbia.

Mr. MITCHELL of Oregon presented a petition of sundry citizens of the Lake View land district, of Oregon, praying that investigation be made into the administration of the land office in that district; which was referred to the Committee on Public Lands.

Mr. COCKRELL. I present a petition of the St. Louis Reed, Rattan, and Willow Workers' Union, No. 6454, American Federation of Labor, in which the petitioners state that "We, the undersigned officers, by direction of the above-named organization and its members and as a constituent body of the American Federation of Labor, do hereby most respectfully request that the United States Senate pass a law giving to the people of the United States free and unlimited coinage of silver at the ratio of 16 to 1, without waiting for the aid or consent of any other nation. We are of the opinion that to do so would relieve the present monetary stringency and contribute toward bringing to us a return of national prosperity."

I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. COCKRELL presented a petition of the Hoffman Crusade Union of the Woman's Christian Temperance Union of Kansas City, Mo., praying for the enactment of a law raising the age of consent in the District of Columbia from 16 to 18 years; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Commercial Club of St. Joseph, Mo., praying for national recognition of the transmississippi exposition to be held at Omaha, Nebr., in 1898; which was ordered to lie on the table.

He also presented a petition of the Wholesale Liquor Dealers' Association of St. Louis, Mo., and a petition of Meyer Bros. Drug Company of St. Louis, Mo., praying for the enactment of legislation relative to a rebate on alcohol; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SHOUP, from the Committee on Education and Labor, to whom was referred the memorial of the committee for philanthropic labor of the Ohio Yearly Meeting of Friends, remonstrating against the passage of the bill for the introduction of military drill into the public schools, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

He also, from the same committee, to whom was referred the resolution of the annual convention of the Missouri Roads Improvement Association, favoring the passage of the bill (H. R. 6452) to establish engineering experiment stations in connection with the colleges established in the several States under act of July 2, 1862, asked to be discharged from its further consideration, and that it be referred to the Committee on Naval Affairs; which was agreed to.

Mr. BURROWS, from the Committee on Claims, to whom was referred the amendment submitted by Mr. HARRIS on the 30th ultimo, providing for the payment of certain claims reported favorably by the Court of Claims under the provisions of the Bowman Act, intended to be proposed to the general deficiency appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. COCKRELL April 30, 1896, intended to be proposed to the general deficiency appropriation bill, the amendment proposing to pay to Charles B. Choteau, survivor of Choteau, Harrison & Valle, of St. Louis, Mo., the sum of $174,045.75, reported it without amendment, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. GALLINGER, from the Committee on the District of Columbia, reported an amendment intended to be proposed to the District of Columbia appropriation bill, the amendment providing for the purchase of Analostan Island, in the Potomac River, and

moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. MITCHELL of Oregon, from the Committee on Claims, to whom was referred the bill (S. 1170) for the relief of Morgan Everts, asked to be discharged from its further consideration, and moved that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself April 27, 1896, intended to be proposed to the District of Columbia appropriation bill, the amendment providing for an extension of highways in the District of Columbia, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 3544) empowering and directing the Secretary of the Navy to furnish not more than four pieces of condemned cannon to the village of New Rochelle, N. Y., reported it without amendment.

Mr. GEAR. I submit the report of the majority of the Committee on Pacific Railroads on the bill (S. 2894) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; and also to amend an act approved July 2, 1864; and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned heretofore reported to the Senate. I wish to notify the Senate that the Senator from Colorado [Mr. WOLCOTT] reserves the right, if he wishes to do so, to make a minority report as to the Union Pacific.

BERING SEA FISHERIES ARBITRATION.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations to report a bill to provide for the fulfillment of the stipulations of the treaty between the United States and Great Britain signed at Washington on the 8th day of February, 1896. As this is a matter of urgent importance, I am requested on behalf of the Secretary of State and the executive authorities that immediate action be taken upon the bill, and I am instructed by the Committee on Foreign Relations to ask unanimous consent that the bill be put upon its passage. I make that request.

The bill (S. 2997) to provide for the fulfillment of the stipulations of the treaty between the United States and Great Britain, signed at Washington on the 8th day of February, 1896, was read the first time by its title and the second time at length, as follows:

Be it enacted by the Senate and House of Representatives, etc., That the sum of $75,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of State, with the approval of the President of the United States, in fulfilling the stipulations of the treaty between the United States and Great Britain, signed at Washington on the 8th day of February, 1896. And the commission constituted by said treaty, when sitting at San Francisco, shall have power to compel the attendance and testimony of witnesses, by application to the circuit court of the United States for the ninth circuit, which said court is empowered and directed to make all orders and issue all processes necessary and appropriate to that end.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HALE. I shall not object if it does not give rise to debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 2998) for the relief of Joel A. King; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. ALLEN introduced a bill (S. 2999) granting a pension to William L. Grigsby, of Belvidere, in the county of Thayer, Nebr.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3000) granting a pension to Thomas C. Kelsey, of Omaha, in the State of Nebraska; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3001) granting a pension to Alfred Bigelow, of Norfolk, in the State of Nebraska; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FAULKNER introduced a bill (S. 3002) granting a pension to S. H. Pierce; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BAKER (by request) introduced a bill (S. 3003) for the relief of John S. Friend, of Eldorado, Kans.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3004) granting a pension to Jacob Saladin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CHANDLER introduced a bill (S. 3005) to protect American producers, manufacturers, and shippers from unjust discrimination in transportation charges in favor of foreign producers, manufacturers, and dealers, and to prohibit preferences to foreign merchandise over American commerce; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. McBRIDE introduced a bill (S. 3006) to provide for the examination and classification of certain lands in the State of Oregon; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. McMILLAN introduced a bill (S. 3008) authorizing the employment of day labor in the construction of certain municipal buildings and works in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3009) to increase the pension of Mrs. Annie Gibson Yates, widow of Capt. George W. Yates, Seventh United States Cavalry; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ELKINS introduced a bill (S. 3010) relating to the landing of any new submarine telegraph cable line or system in this country; which was read twice by its title, and referred to the Committee on Commerce.

FOREIGN AND DOMESTIC COINS A LEGAL TENDER.

Mr. BUTLER. I introduce a bill, and ask that it be read in full for information.

Mr. HALE. How long a bill is it?

Mr. BUTLER. A paragraph.

Mr. HALE. Let it be read.

The bill (S. 3007) making certain foreign and domestic coins full legal tender, and for other purposes, was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That the Mexican silver dollar, containing not less than 371¼ grains of pure silver; the Japanese yen, containing not less than 371¼ grains of pure silver, and the trade dollar shall be each equal in value to the standard dollar of the United States, and shall each be a full legal tender to any amount for all debts and demands, public or private.

Mr. BUTLER. Mr. President, a word in explanation of the bill before asking its reference.

Under the Constitution of the United States we have frequently passed laws making foreign coins a legal tender. The act of February 9, 1793, over one hundred years ago, made the Spanish milled dollar and certain other foreign coins a legal tender. Since that time we have passed numerous other acts to make foreign coins a legal tender in this country, including the Mexican dollar. For over half a century the bulk of the silver coin in circulation among our people was foreign coins which had been made a full legal tender by acts of Congress. Our people were more prosperous then than they are now. Now we neither coin silver nor do we make foreign coins a legal tender. Our people are in distress on account of the scarcity of those dollars.

This bill, it will be observed, provides for making three coins a legal tender. The first is the Mexican dollar. The Mexican dollar contains 377.17 grains of pure silver, or 419.08 grains of standard silver, and is therefore heavier than our standard silver dollar.

The Japanese yen, the next coin proposed to be made a legal tender, contains 374.40 grains of pure silver, or 416 grains of standard silver, it also being heavier than our standard silver dollar of 412½ grains.

The next coin that it is proposed to make a legal tender is the trade dollar of the United States. The trade dollar, as we all know, contains 420 grains of standard silver of the same fineness (900 parts fine) as our standard silver dollar.

All of these coins are heavier by from 4 to 7½ grains than our standard silver dollar, and therefore there can be no objection on the part of those who hold to the intrinsic-theory fallacy of the goldites to coining these dollars, which contain more pure silver than our standard full legal-tender silver dollar.

Of the trade dollars there are now outstanding, according to a report of the Director of the Mint which I hold in my hand, 27,330,131. There were coined in all 35,965,924 of them. Of this amount 7,689,036 were redeemed under act of March 3, 1887. There have been deposited and purchased as bullion at the mints 944,757, making the total number redeemed and purchased as bullion 8,633,793. Therefore leaving outstanding over 27,000,000 of them, as I have stated above.

I wish to call attention in this connection to an extract from a speech made on this floor by the Senator from Colorado [Mr. TELLER] day before yesterday, in which he said, in replying to what the Senator from Ohio [Mr. SHERMAN] said the same day about "50-cent dollars":

The fact is you have a two-dollar dollar now, and that is what is the trouble with this country. The dollar of this country to-day measures twice what it used to measure; it commands twice the products. There are several countries in the world that have free coinage, notably Mexico and Japan, and neither of them has a 50-cent dollar. It is a notorious fact, which no one will

deny who is at all acquainted with the conditions (and if anyone doubts my statement he can take the consular reports from Mexico and Japan and find that I make a correct statement), that the purchasing power of the Mexican dollar and the Japanese yen, which is equivalent to a dollar practically, is as great now as it was thirty years ago.

It will be seen that this bill provides for making a legal tender the Mexican dollar and the Japanese yen, which have the same purchasing power now that they had thirty years ago, and both of which are heavier than our standard silver dollar. Continuing, the Senator from Colorado said:

That is true of the Mexican dollar, which circulates all over Asia, in the Straits Settlements, in China, and to some extent, though not much, in India; it will buy as much as it ever bought. The India rupee, equivalent at its face value to about 2 shillings of English money, will buy just as much as it would ever buy. There has been no depreciation, or, in other words, there has been no rise of prices when measured by the three kinds of money that I have mentioned in the countries in which they circulate. The Japanese money, which is the standard there, is about the same as the Mexican dollar, and it buys just as much as it used to buy. When the Japanese pays his workmen he pays them just what he used to pay them in silver. When the Mexican pays his workmen he pays them just what he used to pay them in silver. If he wants to buy material for his manufacture, he pays the same price if it is home raised and home produced. The same may be said of India.

Mr. President, this bill provides for making a legal tender of three coins which are to-day 100-cent dollars. They are 100-cent dollars, and more than that, as measured in the products of the country, and as measured in the muscle, bone, sinew, and blood of humanity. These dollars can only be called 50-cent dollars when measured by the dishonest yardstick of Shylock and the goldites. They are only 50-cent dollars when measured by the blighting, congesting, and paralyzing 200-cent gold dollar. They are only 50-cent dollars when measured by the cruel measure which makes cotton 5 cents a pound and doubles every debt and all taxes, both State and national.

About one month ago, in fact, on April 1, exactly one month ago, I introduced a bill to prohibit gold notes and mortgages in this country; that bill has not yet been reported. If Congress will not pass a bill making these coins a legal tender; if Congress will not pass the bill which I introduced on April 1 to prohibit gold notes and gold mortgages, which discriminate against a part of our own money and make gold dearer and debts harder to pay, then I call the attention of the country to the fact that the States have the right to do this under the Constitution. The States have as much right to prohibit gold mortgages as the States have to regulate interest that shall be paid on a note or a mortgage. It is also clear that the States can make gold and silver coins a legal tender.

I quote from Article I, section 10, subsection 1, of the Constitution of the United States:

No State shall * * * make anything but gold and silver coin a legal tender in payment of debts.

What does that mean? It means that the States can make gold and silver coin a legal tender in payment of debts. If it does not mean that it means nothing. It is clear that the States have the right to make these foreign coins a legal tender. If the Constitution did not mean that, why was this clause put in it? I do not think the framers of our Constitution meant when they framed this section that the States would ever make United States coin a legal tender, for who could have ever supposed that the United States would coin money and then demonetize it? But since the United States has done so, I believe the language of this clause of the Constitution applies legally, by every fair construction, with as much force to the trade dollar as it does to foreign coin; and no man will question that that clause of the Constitution gives to the States the right to make these foreign coins a full legal tender when they contain more silver of the same standard fineness than our standard dollar.

If Congress, which has the delegated power to coin money and regulate the value thereof, will not make its own coin which it has coined a legal tender, if it will not make these foreign coins according to this bill a legal tender which are heavier than our own dollar, then I say the States have that right, and I hope the States of this Union will proceed on this line if Congress will not give them this relief. In my opinion it is unconstitutional for Congress to refuse to coin silver. The States delegated to Congress the great and important function and duty to coin both gold and silver. Congress violates this trust when it refuses to coin silver. But the States did reserve the right to make gold and silver coins a legal tender, and certainly it seems that the hour has come when the States should proceed to exercise this reserved power in the interest of stagnated business and a suffering people.

But the surest way for the people to get relief and restore good government is for them to drive the gold gamblers from power next November.

I move that the bill be referred to the Committee on Finance.

The motion was agreed to.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BLACKBURN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL of Oregon submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL of Wisconsin submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. WHITE submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. DANIEL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on the District of Columbia.

THE RIVER AND HARBOR BILL.

Mr. WHITE. I ask for the adoption of the following order:

Ordered, That 300 extra copies of the views of the minority on House bill 7977 be printed for the use of the Senate.

I will state that the same number was ordered printed with reference to the majority report.

The order was agreed to.

EMPLOYEES ON THE MALTBY ROLL.

Mr. HANSBROUGH submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay any employees of the Senate now or hereafter borne on the Maltby roll at the salaries now assigned to the places on said roll until otherwise ordered.

NAVAL APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes.

The motion was agreed to.

Mr. QUAY. If the Senator from Maine will indulge me for a moment, I should be glad to have put upon its passage Senate bill 2522, which I called up Tuesday morning, to incorporate the Alaska Transportation and Trading Company. It was read at length; it need not be read again, and its passage will occupy but a moment. It was objected to then, but I believe that now upon examination there is no objection to the bill.

Mr. HALE. I will not object if it does not give rise to debate.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent for the consideration of a bill, which will be stated.

The SECRETARY. A bill (S. 2522) creating a corporation known as the Alaska Transportation and Trading Company, and granting right of way for the construction and operation by that corporation of a turnpike and post road from Taiya Inlet to Lake Bennett, in the Territory of Alaska.

Mr. QUAY. The bill was read at length the other day.

Mr. HALE. If the bill does not give rise to debate I do not object.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

Mr. WILSON. The bill, it seems, will provoke considerable debate.

Mr. HALE. Then I must object, of course.

The PRESIDENT pro tempore. Objection is made.

Mr. QUAY. I did not hear the remark of the Senator from Washington.

Mr. HALE. He says the bill will give rise to debate.

Mr. QUAY. I did not so understand it. I did not know there was to be any debate upon the bill. Of course, I withdraw the suggestion.

A. T. HENSLEY.

Mr. BURROWS. I ask for the consideration of a bill of only seven lines, which will occasion no debate. It involves but four hundred and some odd dollars.

Mr. HALE. If it gives rise to debate, the Senator will withdraw it?

Mr. BURROWS. I will. I ask the Senate to proceed to the consideration of the bill (H. R. 7200) for the relief of A. T. Hensley.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay $432 to A. T. Hensley, late of Lavaca, Tex., in full compensation for dressed flooring and rough boards furnished to the United States in August, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. J. LINTS.

Mr. TELLER. I ask the Senator from Maine who has the appropriation bill in charge if he will permit me to call up the bill (H. R. 145) for the relief of J. J. Lints. It is for the relief of a very old man and it has been pending many years. If it occasions any debate, I will, of course, withdraw it.

Mr. HALE. I will yield to the Senator from Colorado.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to J. J. Lints, of Syracuse, N. Y., $1,289.33, in full for his services as custodian of the public property at Erie, Pa., from the 8th day of April, 1857, to the 10th day of September, 1859, inclusive.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS IN VALVERDE COUNTY, TEX.

Mr. CHILTON. I ask unanimous consent to call up a little bill to which there will be no objection, I feel sure. If any debate should develop, I will withdraw it.

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Texas?

Mr. HALE. I yield to a matter not giving rise to any debate.

Mr. CHILTON. Yes, sir. I ask the Senate to proceed to the consideration of the bill (H. R. 7395) to authorize the Secretary of the Treasury of the United States to reconvey to the former owners a certain tract of land in Valverde County, Tex. The bill has already been passed by the other House, and it was reported here from the Committee on Public Lands.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. WILSON. I desire to offer an amendment to the bill. It has occurred to me that if this property is to be reconveyed, as it is now used for military purposes and was conveyed for that purpose, the conveyance ought to be made subject to the approval of the Secretary of War. Will the Senator from Texas consent to that amendment?

Mr. CHILTON. Certainly, sir. I should be glad to have the Senator prepare the amendment.

Mr WILSON. After the word "authorized," in line 4, I move to insert "subject to the approval of the Secretary of War"; so as to read:

That the Secretary of the Treasury of the United States of America is hereby authorized, subject to the approval of the Secretary of War, by proper deed, to reconvey by quitclaim deed all aforesaid land to said aforesaid company.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The preamble was agreed to.

JOHN STULL.

Mr. SEWELL. Will the Senator from Maine allow me to call up the bill (S. 1288) for the relief of John Stull? It will take but a minute to pass the bill.

Mr. HALE. I will yield, and after that I shall ask that the appropriation bill be proceeded with.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to revoke and set aside Special Orders No. 144, paragraph 1, of the War Department, dated April 11, 1864, dismissing from the service John Stull, late captain of Company M, Third Regiment New Jersey Cavalry Volunteers, and to grant him an honorable discharge as of date April 11, 1864.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M. GUYTON.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. HALE. I do.

Mr. TILLMAN. I ask unanimous consent to call up the bill (S. 1860) for the relief of John M. Guyton, late postmaster at Blacksburg, S. C. If it excites any debate I will withdraw it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay $484.79 to John M. Guyton, former postmaster at Blacksburg, S. C., being the amount deposited by him to cover a deficiency arising in his office in the year 1890, which deposit was made to meet a loss by the embezzlement of a clerk on or about the 30th day of January, 1890, without blame or fault on the part of Guyton.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

J. E. GILLINGWATERS.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (S. 65) for the relief of J. E. Gillingwaters. A similar bill has been favorably reported heretofore and passed by the Senate in a former Congress. The bill was reported favorably at the present session from the Committee on Military Affairs.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that notwithstanding the records of the proceedings and sentence of the court-martial in the case of Private James E. Gillingwaters, late of Company H, Twelfth Missouri Cavalry Volunteers, the Secretary of War is directed to issue to Gillingwaters an honorable discharge of the date of his release from military control.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN OKLAHOMA TERRITORY.

Mr. TURPIE. I ask unanimous consent to call up the bill (H. R. 1191) to provide for the disposal of public reservations in vacated town sites or additions to town sites in the Territory of Oklahoma. I will state that I have the consent of the Senator who reported the bill to call up the bill and it has the unanimous report of the Committee on Territories.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment.

Mr. CARTER. I desire to ask what committee reported that bill?

Mr. TURPIE. The Committee on Territories.

Mr. CARTER. I have no objection to the bill.

The bill was ordered to a third reading, read the third time, and passed.

HEIRS OF JACOB R. DAVIS.

Mr. ALLEN. Mr. President——

Mr. HALE. After the Senator from Nebraska has disposed of the bill he desires to call up, I give notice that I must insist upon going on with the naval appropriation bill.

Mr. ALLEN. I ask unanimous consent for the present consideration of the bill (S. 1367) for the relief of the heirs of Jacob R. Davis.

Mr. HALE. Not to give rise to any debate?

Mr. ALLEN. Not to give rise to any debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates $1,500, to be paid to the heirs of Jacob R. Davis, as full compensation for services rendered by him as agent and judge of the Freedman's Bureau at Augusta, in the State of Georgia, from June 1, 1866, to June 1, 1867, inclusive.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 515) granting a pension to William Grose; and

A bill (H. R. 7668) to establish a term of the district and circuit courts of the United States at Roanoke, Va., in the western district of Virginia.

NAVAL APPROPRIATION BILL.

Mr. HALE. Now let the appropriation bill be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes.

Mr. HALE. I ask that the pending amendment be stated.

The PRESIDENT pro tempore. The pending amendment, submitted by the Senator from Maryland [Mr. GORMAN], will be stated.

The SECRETARY. On page 50, line 19, before the word "seagoing," it is proposed to strike out "four" and insert "two"; so as to read:

That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed by contract two seagoing coast-line battle ships designed to carry the heaviest armor and most powerful ordnance upon a displacement of about 11,000 tons, to have the highest practicable speed for vessels of their class, and to cost, exclusive of armament, not exceeding $3,750,000 each.

The PRESIDENT pro tempore. The yeas and nays have been ordered on the amendment. The Secretary will call the roll.

Mr. PERKINS. Is this the question upon the four or six battle ships?

The PRESIDENT pro tempore. It is upon the four or two.

Mr. MITCHELL of Oregon. It is to strike out "four" and insert "two," so as to provide for two battle ships.

The Secretary proceeded to call the roll.

Mr. CHANDLER (when his name was called). I am paired on this question with the junior Senator from New York [Mr. MURPHY].

Mr. HALE (when his name was called). The Senator from Tennessee [Mr. HARRIS] was called from the Chamber a few moments ago, and asked me to announce a pair with him. If he were here, he would vote "yea" and I should vote "nay."

Mr. PALMER (when his name was called). I inquire if the Senator from North Dakota [Mr. HANSBROUGH] has voted?

The PRESIDENT pro tempore. The Senator from North Dakota has not voted.

Mr. PALMER. I am paired with that Senator and withhold my vote. I should vote "yea," if he were present.

Mr. PUGH (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR], but I will transfer my pair with him to the Senator from Ohio [Mr. BRICE] and vote "yea."

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Nebraska [Mr. THURSTON], but with the consent of the Senator from Florida [Mr. PASCO], who has the pairs on this side in charge, I transfer my pair to the Senator from Delaware [Mr. GRAY] and vote "yea."

Mr. WALTHALL (when his name was called). I transfer the general pair I have with the senior Senator from Pennsylvania [Mr. CAMERON] to the junior Senator from Kentucky [Mr. LINDSAY] and vote "yea."

The roll call was concluded.

Mr. TILLMAN (after having voted in the affirmative). I am just informed by the Senator from Florida [Mr. PASCO] that the Senator from Delaware [Mr. GRAY], to whom I transferred my pair a moment ago, is paired with the Senator from Illinois [Mr. CULLOM], but as the Senator from Louisiana [Mr. BLANCHARD] is absent and not paired on this vote, I transfer my pair to him.

Mr. BLANCHARD entered the Chamber.

Mr. TILLMAN. I see the Senator from Louisiana has come into the Chamber, and therefore I withdraw my vote.

Mr. MARTIN. On this question I am paired with the senior Senator from Georgia [Mr. GORDON]. If he were present, I should vote "yea" and he would vote "nay."

Mr. DUBOIS. I am paired with the senior Senator from New Jersey [Mr. SMITH].

Mr. BLANCHARD. I inquire if the Senator from North Carolina [Mr. PRITCHARD] has voted?

The PRESIDENT pro tempore. He has voted.

Mr. BLANCHARD. Then I vote "yea."

Mr. CALL. I am paired with the Senator from Vermont [Mr. PROCTOR]. I do not know whether it be correct or not, but I am told by the Senator in charge of the bill that the Senator from Vermont would vote "nay" upon this question, if he were present. If that be so, I shall vote "nay."

Mr. DUBOIS. I suggest to the Senator from Florida that he transfer his pair to the Senator from New Jersey [Mr. SMITH], which will allow each of us to vote.

Mr. CALL. I will make that transfer and vote "nay."

Mr. DUBOIS. I vote "nay."

Mr. GORMAN. I fear that is not exactly accurate. The Senator from Vermont, I think, would vote for the amendment for two battle ships, at least his speech clearly indicated that, and I understood that to be his position from personal statements.

Mr. HALE. I have no doubt the Senator from Vermont, from what I have heard, would vote "yea," if present.

Mr. GORMAN. He would vote "yea," and therefore, if this transfer be made, he would lose his vote.

Mr. BERRY. And so also would the Senator from New Jersey [Mr. SMITH].

Mr. CALL. Then I withdraw my vote, and announce that if the Senator from Vermont were present, I should vote "nay."

Mr. DUBOIS. I withdraw my vote.

Mr. COCKRELL (after having voted in the affirmative). I have a general pair with the Senator from Iowa [Mr. ALLISON], who is necessarily out of the Senate Chamber for a few moments. If he were present, he would vote "nay" and I should vote "yea." I withdraw the vote I have already cast.

Mr. BATE. I wish to state that my colleague [Mr. HARRIS] is temporarily absent, but was in the Chamber a short time ago. He is paired with the Senator from Maine [Mr. HALE].

Mr. BACON (after having voted in the negative). I have a general pair on political questions with the junior Senator from Rhode Island [Mr. WETMORE]. This not being a political question, under our arrangement I feel authorized to vote, and therefore, although he has not voted, I will allow my vote to stand.

Mr. BURROWS (after having voted in the negative). Has the senior Senator from Louisiana [Mr. CAFFERY] voted?

The PRESIDENT pro tempore. He has not.

Mr. BURROWS. Then I am obliged to withdraw my vote and announce my pair with him.

The result was announced—yeas 31, nays 27; as follows:

YEAS—31.

Allen,	George,	Pasco,	Vest,
Baker,	Gorman,	Peffer,	Vilas,
Bate,	Hill,	Pettigrew,	Walthall,
Berry,	Jones, Ark.	Pritchard,	Warren,
Blanchard,	Kyle,	Pugh,	White,
Butler,	Mills,	Roach,	Wilson,
Chilton,	Mitchell, Wis.	Sherman,	Wolcott.
Gallinger,	Nelson,	Turple,	

NAYS—27.

Bacon,	Davis,	Lodge,	Quay,
Blackburn,	Faulkner,	McBride,	Sewell,
Brown,	Frye,	McMillan,	Shoup,
Cannon,	Gear,	Mantle,	Squire,
Carter,	Gibson,	Mitchell, Oreg.	Stewart,
Clark,	Hawley,	Perkins,	Teller.
Daniel,	Irby,	Platt,	

NOT VOTING—31.

Aldrich,	Cockrell,	Harris,	Palmer,
Allison,	Cullom,	Hoar,	Proctor,
Brice,	Dubois,	Jones, Nev.	Smith,
Burrows,	Elkins,	Lindsay,	Thurston,
Caffery,	Gordon,	Martin,	Tillman,
Call,	Gray,	Morgan,	Voorhees,
Cameron,	Hale,	Morrill,	Wetmore.
Chandler,	Hansbrough,	Murphy,	

So the amendment was agreed to.

Mr. ALLEN. If in order, I now move to strike out the entire paragraph authorizing the construction of battle ships.

The PRESIDENT pro tempore. The Senator from Nebraska offers an amendment, which will be stated:

The SECRETARY. After line 16, on page 50, it is proposed to strike out the paragraph as amended, down to and including the word "and," in line 24, as follows:

That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed by contract two seagoing coast-line battle ships, designed to carry the heaviest armor and most powerful ordnance upon a displacement of about 11,000 tons, to have the highest practicable speed for vessels of their class, and to cost, exclusive of armament, not exceeding $3,750,000 each; and.

Mr. GORMAN. The Senator from Nebraska does not wish to strike out the first three lines. He wants simply to strike out all after the word "contract," in line 19, down to and including the word "and," in line 24. The words "that for the purpose of increasing the naval establishment," and so on, the Senator does not wish to strike out, for after that follows the provision for torpedo boats.

Mr. ALLEN. The Senator from Maryland, I think, is correct. I have not the bill before me, and therefore can not indicate the precise words. The purpose of my amendment, however, is to strike out everything which pertains to an appropriation or a contract for the construction of battle ships, and permit the remainder of the paragraph to stand.

The PRESIDENT pro tempore. The Chair requests the Senator from Nebraska to reduce his amendment to writing.

Mr. ALLEN. I will do so, Mr. President.

Mr. HALE. I suppose the Senator wishes to strike out all after the word "contract," in line 19.

Mr. GORMAN. That is it.

Mr. LODGE. Does the amendment propose to strike out all of that?

Mr. HALE. The Senate has stricken out the provision for four battle ships and left the provision providing for two. Now the Senator from Nebraska proposes to strike those out.

Mr. ALLEN. Let the amendment begin after the word "contract," in line 19, striking out down to and including the word "and," in line 24.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Nebraska will be stated.

The SECRETARY. It is proposed to strike out all after the word "contract," in line 19, down to and including the word "and," in line 24, as follows:

Two seagoing coast-line battle ships designed to carry the heaviest armor and most powerful ordnance upon a displacement of about 11,000 tons, to have the highest practicable speed for vessels of their class, and to cost, exclusive of armament, not exceeding $3,750,000 each; and.

Mr. HALE. That strikes out the battle ships. I suppose that is the object the Senator from Nebraska has in view.

Mr. ALLEN. Yes, sir.

Mr. HALE. I hope we may have a vote.

The PRESIDENT pro tempore. The question is on the amendment. [Putting the question.] The ayes appear to have it.

Mr. ALLEN. I should like to have a yea-and-nay vote upon that amendment.

The yeas and nays were ordered.

Mr. WHITE. I desire that the question may be stated.

Mr. HALE. It is simply on the motion of the Senator from Nebraska to strike out the provision for the two battle ships.

The Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "nay."

Mr. DUBOIS (when his name was called). I announce my pair with the senior Senator from New Jersey [Mr. SMITH].

Mr. HALE (when his name was called). I transfer my pair with the Senator from Tennessee [Mr. HARRIS] to the Senator from Vermont [Mr. MORRILL] and vote "nay."

Mr. PALMER (when his name was called). I again announce my pair with the Senator from North Dakota [Mr. HANSBROUGH], and withhold my vote.

Mr. PUGH (when his name was called). I am paired with the

senior Senator from Massachusetts [Mr. HOAR]. If he were present, I should vote "yea."

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. THURSTON]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. BURROWS. I am paired with the Senator from Louisiana [Mr. CAFFERY]. If he were present, I should vote "nay."

Mr. DUBOIS. I am informed that the senior Senator from New Jersey [Mr. SMITH], with whom I am paired, if present, would vote "nay." Therefore I vote "nay."

Mr. WALTHALL. I desire to announce that the junior Senator from Kentucky [Mr. LINDSAY] is paired with the senior Senator from Pennsylvania [Mr. CAMERON] upon this question. I ask that this announcement may apply to all the yea-and-nay votes taken during the day.

Mr. BURROWS. I will transfer my pair with the Senator from Louisiana [Mr. CAFFERY] to the Senator from West Virginia [Mr. ELKINS] and vote "nay."

Mr. COCKRELL (after having voted in the affirmative). I am paired generally with the Senator from Iowa [Mr. ALLISON]. I supposed he would probably be able to return to the Chamber before the result of this vote was announced, but, as I see he is not here, and knowing he would vote differently from the way I do, I withdraw my vote. The Senator from Iowa, if present, would vote "nay" and I should vote "yea."

The result was announced—yeas 13, nays 44; as follows:

YEAS—13.

Allen,	Jones, Ark.	Pettigrew,	Walthall.
Berry,	Kyle,	Roach,	
Chilton,	Pasco,	Vest,	
George,	Peffer,	Vilas,	

NAYS—44.

Baker,	Davis,	Irby,	Pritchard,
Bacon,	Dubois,	Lodge,	Quay,
Bate,	Faulkner,	McBride,	Sewell,
Blackburn,	Frye,	McMillan,	Sherman,
Blanchard,	Gallinger,	Martin,	Squire,
Burrows,	Gear,	Mills,	Teller,
Cannon,	Gorman,	Mitchell, Oreg.	Turpie,
Carter,	Hale,	Mitchell, Wis.	Warren,
Chandler,	Hansbrough,	Nelson,	White,
Clark,	Hawley,	Perkins,	Wilson,
Daniel,	Hill,	Platt,	Wolcott.

NOT VOTING—32.

Aldrich,	Cockrell,	Jones, Nev.	Pugh,
Allison,	Cullom,	Lindsay,	Shoup,
Brice,	Elkins,	Mantle,	Smith,
Brown,	Gibson,	Morgan,	Stewart,
Butler,	Gordon,	Morrill,	Thurston,
Caffery,	Gray,	Murphy,	Tillman,
Call,	Harris,	Palmer,	Voorhees,
Cameron,	Hoar,	Proctor,	Wetmore.

So the amendment was rejected.

Mr. CHANDLER. I offer the amendment which I send to the desk.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The amendment will be stated.

The SECRETARY. It is proposed to amend the amendment reported by the Committee on Appropriations by striking out all after the word "each," in line 24, page 50, down to and including the word "dollars," in line 4, on page 51, as follows:

And 3 torpedo boats, to have a maximum speed of not less than 30 knots, to cost in all not exceeding $800,000; and not to exceed 10 torpedo boats, to cost in all not exceeding $500,000.

And insert:

Torpedo gunboats and torpedo-boat destroyers with a minimum speed of 30 knots and torpedo boats with a minimum speed of 28 knots, 30 in number, to cost in all, exclusive of armament, not exceeding $4,500,000.

Mr. HALE. It will be utterly impossible to build so many boats for the amount of money indicated in the amendment of the Senator from New Hampshire, and I suggest that we strike out "thirty" and substitute the word "twenty."

Mr. CHANDLER. I will not object to that modification, but I think that the Senator from Maine is mistaken. The highest boat costing $200,000 and the lowest $75,000, I think you could get the 30 for an average of $150,000 each.

Mr. HALE. You can not get a 32-knot gunboat for less than $350,000.

Mr. COCKRELL. I should like to hear the amendment to the amendment again read. I want to reserve the point of order on it. I do not think it is in order.

Mr. CHANDLER. I hope the Senator from Missouri will not make the point of order. We have stricken $10,000,000 from the bill this morning.

Mr. COCKRELL. How many millions does the amendment ask for? If it is only four or five millions I may not object. [Laughter.]

Mr. CHANDLER. If the number of boats is reduced from 30 to 20——

Mr. HALE. I do not think you can get a 32-knot gunboat for less than $350,000.

Mr. CHANDLER. Possibly not. The English estimate includes armament, and this excludes armament. I do not object to the modification suggested by the Senator from Maine. I hope the Senator from Missouri, when the European powers have a thousand of these boats and we have only one, will not make an objection to providing for 20 at least at this time.

Mr. COCKRELL. If the Senator from New Hampshire desires to explain his amendment I will withdraw the point of order for that purpose.

The PRESIDING OFFICER. The Chair understands the Senator from New Hampshire [Mr. CHANDLER] to accept the modification suggested by the Senator from Maine [Mr. HALE].

Mr. SQUIRE. Mr. President, I will be pleased to say a few words about the torpedo boats. Now that two battle ships are supposed to be all that the Senate wants, and probably that amendment will be concurred in by the other House, I think we ought to have more torpedo boats and that we ought to give the right kind. I have given some little attention to this matter in the past six or eight months. It so happens that torpedo boat No. 8 is now being built in the town in which I reside. That is the last contract made by the Government, and I believe it will afford the best torpedo boat yet constructed by the Government.

Mr. WOLCOTT. The Senator from Washington spoke of torpedo boat No. 8 being constructed.

Mr. SQUIRE. Yes, sir.

Mr. WOLCOTT. The Senator from New Hampshire [Mr. CHANDLER] says we have but one.

Mr. SQUIRE. I am very glad the Senator from Colorado has raised that question.

Mr. LODGE. The Senator from New Hampshire meant one in commission.

Mr. WOLCOTT. Others are being built?

Mr. LODGE. Yes, sir.

Mr. SQUIRE. There is now in commission only one such boat, the *Cushing*. She is a torpedo boat having a displacement of 105 tons, a speed of 22.5 miles, with indicated horsepower of 1,720. She was authorized on the 31 day of August, 1886, at a cost of $82,750. The next torpedo boat which was authorized is the *Ericsson*, of 120 tons displacement, 24 miles speed, and 1,800 indicated horsepower. She was authorized on the 30th of June, 1890.

Since that time there have been authorized torpedo boats Nos. 3, 4, and 5, at a cost of $97,500 each. They were authorized on the 26th of July, 1894. None of the last three has been built. They are being constructed at Baltimore by the Columbia Iron Works. The *Ericsson*, which I mentioned just prior to speaking of the last three boats, has never yet been put into commission, although it has been many years since she was authorized. There have been some difficulties, I do not know of what character, whether of a mechanical nature or of a financial nature, and it happens to be a fact that up to the present time there is only one torpedo boat in commission, that is the *Cushing*, and she has been built a great many years.

The last Congress authorized the construction of torpedo boats Nos. 6, 7, and 8. Nos. 6 and 7 are being built by the Herreshoff Company. The contractors have large liberty, I understand. They do not adopt the specifications of the Navy Department. They are allowed to have a free hand in their plans.

The construction of torpedo boats is something of an experiment. It seems that there are but few firms in the world that are able to be successful constructors of this class of vessels. There is the firm known as the Thornycroft firm, in England, which is very famous, and the firm alluded to in the letter quoted by the Senator from New Hampshire [Mr. CHANDLER] yesterday, that built the *Sokal*—Yarrow, of England. The Yarrow firm and the Thornycroft firm are the great firms of England in this line of business. It seems to require a special kind of ability to build vessels of this class, and I am very glad that we have shipbuilders in America who are willing to undertake the construction of these vessels, which are of superior power and speed. Of course their adaptation is peculiar for the purpose. It requires time to develop the ability to build well vessels of this class.

It seems to me that if we are going to engage in the business of building torpedo boats we ought to build the best. I have here a little memorandum which I have prepared from notes given me by officers of the United States Navy, which I will be pleased to state to the Senate.

The number of torpedo boats of and above 115 feet in length, belonging to foreign governments, is as follows:

Great Britain	131
France	108
Germany	116
Italy	106
Russia	78
Spain	36

Of the British boats, 62 are torpedo destroyers, with a speed of from 27 to 30 knots; 1 of the French, a speed of 30 knots; 1 of the Russian, 30 knots. The remainder are boats of from 20 to 26 knots.

Five or six years ago almost all foreign governments built what

were termed first-class torpedo boats, varying in size from 125 to 150 feet, and in speed from 22 to 26 knots, but during the past two years they have been abandoning this practice and going to boats of larger size. This is the result of experience gained with the smaller boats. The English contracts provide now for boats of about 300 tons, 200 feet long, and a speed of 30 knots. We read not long ago of a trial of one of these boats which developed a speed of over 31 knots.

It seems to me if we are going to enter upon the business of constructing torpedo boats that we do not want to commence where the other nations have left off. We want to build first-class torpedo boats and build enough of them so as to regard them as an efficient adjunct to our Navy. I am very well satisfied from inquiries made by me at the Navy Department that it will be impossible to build anything like 30 torpedo boats of the proper character for the amount indicated in the amendment of the Senator from New Hampshire. I do not believe it is possible to build those vessels for the figure named. I do not believe the amendment in the form presented will do any good. If it should pass I believe we would have an instance such as we had a few years ago, which I desire to mention to the Senate. The law provided that a torpedo cruiser or gunboat of 750 tons displacement, with 23 knots speed, should be built for $350,000. That was the act approved June 30, 1890. The bids received were in excess of the appropriation, and the vessel has not yet been let by contract because nobody will build it for the appropriation. Even for a boat with so low a speed as 23 knots, when $350,000 is authorized by law, we have not been able to find anybody, the Navy Department can not find anybody, to undertake the construction at the price named in the law. Therefore I think it useless to undertake to construct 30 torpedo vessels of the best kinds for the sum of $4,500,000. Let us see what these other vessels will cost. The torpedo boats I have referred to—torpedo boats Nos. 3, 4, and 5, I believe—cost $97,500 each. Torpedo boats Nos. 6 and 7, which the Herreshoff firm are to construct, are each to cost $144,000. I have a copy of the contract in my pocket. All latitude is allowed to the Herreshoff Manufacturing Company. This firm is a free lance, and there is no one undertaking to control it. An officer of the Navy—I believe a lieutenant—stays there looking at the work. But the Chief Naval Constructor tells me he does not know anything about what those people are doing; and so does the Chief of Engineers of the Navy. They know very little about it. Here is a copy of the contract [exhibiting].

Now, what is the price in that case? One hundred and forty-four thousand dollars for each of these two boats. But in the case of the Moran Brothers Company, of Seattle, the specifications were prepared by the Navy Department. Torpedo boat No. 8 is to have a displacement of 182 tons, a speed of 26 knots, and indicated horsepower of 3,200. What is the cost? One hundred and sixty thousand dollars. I personally know this firm very well. I took a great interest in their obtaining the contract. I know they have taken the work at a price that will leave them no profit. I am satisfied they will not be able to make much, if anything, on the contract. They took it more for the sake of prestige. The Morans are able, noble men, who are doing great work for the Government. I am proud of them and of their ability to take such work at such a low price. I do not believe it is possible to build a good 26-knot torpedo boat of such a kind as the Navy Department will present the plans and specifications for a less sum than $160,000. Let us see. Suppose every one of the 30 boats that the Senator from New Hampshire mentions in his amendment to the amendment was to cost $160,000. That would be $4,800,000. So you can see readily that it would be impossible to build any of the great torpedo-boat destroyers or torpedo gunboats for any such money; that is, if 30 vessels are to be built for the money. Four million five hundred thousand dollars will scarcely build 30 boats of the 26-knot class. Then how can any of the torpedo-boat destroyers be built unless the total number is decreased? I suggest that the total number be reduced to 20.

Mr. WOLCOTT. I should like to ask the Senator from Washington how many torpedo boats are now being constructed?

Mr. SQUIRE. I have gone over the list.

Mr. WOLCOTT. I did not understand it.

Mr. SQUIRE. Very well.

Mr. WOLCOTT. Will the Senator state the number for my information?

Mr. SQUIRE. The number of torpedo boats now being constructed is eight altogether, including one submarine boat.

Mr. WOLCOTT. So if nothing is appropriated at this time we still have coming into use, now being built in our different yards in the country, eight new torpedo boats. Is that the fact?

Mr. SQUIRE. It is a fact. One of them is a submarine boat, which I believe all naval authorities agree is an experimental vessel.

Mr. GORMAN. The Secretary of the Navy in his report shows that we have two torpedo boats already in commission and seven under construction. In addition to that there is under construction a very remarkable boat, if it succeeds, known as the Holland boat, that will make ten all told.

Mr. SQUIRE. That is the submarine boat to which I referred.

Mr. WOLCOTT. How many are estimated for in the report of the Secretary of the Navy, if the Senator from Maryland remembers?

Mr. GORMAN. I think ten or twelve. I can give the number to the Senator.

Mr. WOLCOTT. Ten new boats in addition to the seven now being constructed?

Mr. GORMAN. That is my recollection. I can give the exact number to the Senator in a moment.

Mr. SQUIRE. I think, if the Senator from Maryland will pardon me, that there is an error in regard to there being more than one torpedo boat in commission.

Mr. GORMAN. There are two.

Mr. SQUIRE. I understand the *Ericsson* never yet has been in commission.

Mr. GORMAN. On page 26 of the Report of the Secretary of the Navy the Senator will find a statement giving the total number of torpedo boats constructed by all countries, and the Secretary puts down two as completed by the United States and seven under construction.

Mr. SQUIRE. I think the Secretary must have looked forward with expectancy to the early coming into commission of the *Ericsson*. I do not think she has yet been put into commission. As a matter of fact, I understand from personal conversation with officers of the Navy Department that the *Cushing* is the only one actually in commission.

The point I wish to make is simply that if we are to enter upon the construction of torpedo boats and torpedo-boat destroyers we ought to have the best. Does anybody doubt that? If we are to have the best, let us appropriate enough money to get the best. If we can not get so many, let us have a less number, but let them be of the best.

Mr. CHANDLER. If the Senator from Washington, who has given to the Senate his views—with which I agree—will allow me, I will put the number of boats at 20 and propose to appropriate $4,000,000 for that purpose.

Mr. SQUIRE. I hope the Senator will keep the sum $4,500,000, as it is.

Mr. CHANDLER. Two hundred thousand dollars for each boat on the average.

Mr. SQUIRE. I beg to say to the Senator that I have just come from the Bureau of Construction of the Navy Depar ment. I visited the chief of that Bureau and the Chief of the Bureau of Steam Engineering, and they tell me that it will be impossible for this class of torpedo-boat destroyers to be built for less than two hundred and fifty to three hundred thousand dollars apiece, and that the torpedo boats, so called in the amendment of the Senator, to have a speed of 26 knots, will probably each cost at least $160,000.

Mr. WOLCOTT. How much does the Senator from Washington figure it altogether?

Mr. SQUIRE. If we build 10 torpedo-boat destroyers at an average of $275,000 each, and 10 26 or 27½ knot torpedo boats at $160,000 each, it comes to a little less than the amount named by the Senator from New Hampshire, $4,500,000. In fact, it comes to exactly $4,350,000.

Mr. CHANDLER. I will modify the amendment by reducing the number to 20 and the amount to $4,000,000.

Mr. SQUIRE. That is much better; though I would prefer to keep the figure at $4,500,000 as an outside limit. You allow considerable leeway when you fix the outside limit of the cost of battle ships. Why not allow a reasonable margin in the case of the torpedo boats and torpedo-boat destroyers, so that the Department need not be crowded into impracticable or impossible conditions, such as I have referred to as already existing in reference to the torpedo cruiser or gunboat authorized in 1890, for which the Government could not get a bid at the price authorized by law? It is true that a few of the smaller and poorer torpedo boats can be built for less money. Do we want any more of that class? I doubt it. My wish is to have the very best modern vessels of the respective classes.

The character of the English torpedo destroyers is of an exceedingly high class. If we are to have ship destroyers let us have those that are equal to the best English vessels of this class. They are very elaborate in their construction and as delicate in their mechanism as a watch. I have before me a copy of the Naval and Military Record, published in London, April 2, 1896, in which I observe, under the heading of "The Royal Dock-Yards," the prominent headline "Vagaries of the Destroyers," as illustrating the delicate and complicated character of these vessels. I will quote one or two sentences, as follows:

One destroyer is cured of distemper and two more take her place, and so the world wags. At present we have the *Daring*, *Sturgeon*, *Handy*, *Surly*, and *Havock* all in hand, each having kicked over the traces in some unaccountable fashion. The *Daring* was run into at Dover; the *Sturgeon* carried away her stanchions and behaved in a more or less erratic fashion; the *Handy* was deceived by her water-gauge, and her boilers suffered in consequence; the *Surly*, after some ugly defects had been made good, has made several attempts

Mr. CHANDLER. If the number of boats is reduced from 30 to 20——

Mr. HALE. I do not think you can get a 32-knot gunboat for less than $350,000.

Mr. CHANDLER. Possibly not. The English estimate in-

Of the British boats, 62 are torpedo destroyers, with a speed of from 27 to 30 knots; 1 of the French, a speed of 30 knots; 1 of the Russian, 30 knots. The remainder are boats of from 20 to 26 knots.

Five or six years ago almost all foreign governments built what

Mr. GORMAN. The Secretary of the Navy in his report shows that we have two torpedo boats already in commission and seven under construction. In addition to that there is under construction a very remarkable boat, if it succeeds, known as the Holland boat, that will make ten all told.

One destroyer is cured of distemper and two more take her place, and so the world wags. At present we have the *Daring*, *Sturgeon*, *Handy*, *Surly*, and *Havock* all in hand, each having kicked over the traces in some unaccountable fashion. The *Daring* was run into at Dover; the *Sturgeon* carried away her stanchions and behaved in a more or less erratic fashion; the *Handy* was deceived by her water-gauge, and her boilers suffered in consequence; the *Surly*, after some ugly defects had been made good, has made several attempts

to achieve the prescribed 27 knots, but without avail; the *Havock*, having had a smashup through the bolt of the crank-head breaking, shipped the starboard engine of the *Hornet*, but at her basin trial after the refit was not a success, owing to the overheating of the boilers. Officers who have had considerable experience with these vessels tell me that to lay up for one week in seven is not enough, as, if these crafts are to be relied upon for hard steaming and sudden spurts, it is necessary that the machinery should be overhauled and tightened up at least one week in four, otherwise these delicate vessels will be worn out long before their time.

I have quoted this to illustrate the character of the vessel that it is proposed we shall construct if we would emulate the English navy. Such vessels can not be built for a song. I doubt if we can build vessels to compete with the English counterparts for less than $300,000 each, and we have yet to learn the trade of building this class of vessels.

The PRESIDING OFFICER. The amendment as modified will be stated.

The SECRETARY. Strike out the word "thirty" and insert "twenty," and strike out the words "five hundred"; so as to read:

Torpedo gunboats and torpedo-boat destroyers with a minimum speed of 30 knots, and torpedo boats with a minimum speed of 26 knots, 20 in number, to cost in all, exclusive of armament, not exceeding $4,000,000.

Mr. PERKINS. I desire to offer a substitute for the amendment proposed by the Senator from New Hampshire [Mr. CHANDLER].

The PRESIDING OFFICER. The amendment of the Senator from California [Mr. PERKINS] to the amendment will be stated.

The SECRETARY. On page 50, line 19, after the word "contract," it is proposed to strike out the word "two" and insert in lieu thereof the word "three"; so as to read:

Three seagoing coast-line battle ships.

Mr. PERKINS. The amendment will leave the bill as it now stands, merely substituting three battle ships for the two which have been voted for by the Senate. I offer what I have sent to the desk as a substitute for the amendment proposed by the Senator from New Hampshire [Mr. CHANDLER].

Mr. CHANDLER. The Senator from California will wait a moment. That is not a substitute.

The PRESIDING OFFICER. The Chair will state that the amendment of the Senator from California is not in order as in Committee of the Whole.

Mr. HALE. That is true.

The PRESIDING OFFICER. The question as to battle ships has been passed upon by the Senate as in Committee of the Whole.

Mr. PERKINS. Then I will speak to the amendment proposed by the Senator from New Hampshire.

The bill, as proposed to be amended by the committee, provides for 13 torpedo boats, 3 of which are to have a maximum speed of not less than 30 knots per hour. Ten of them are not to cost exceeding $500,000, without any limit as to their maximum or minimum speed. A subsequent clause provides for the building of the Holland submarine torpedo boats, one of which is now under construction in Baltimore.

The question of torpedo boats is one of great importance to any government for its coast defenses. Marked improvements have been made in such boats within the past few years. The world was startled a year or two since by the achievement of a torpedo boat built for the Russian Government, called the *Sokol*, I think. She attained a speed of 30 knots an hour. Only last year Her Majesty's torpedo boat, the *Desperate*, attained the marvelous speed of 31 knots per hour, or equal to 36 statute miles. They have been making this wonderful progress in speed and great power which is entirely at the sacrifice of space. The power necessary to propel at such speed a vessel of 300 tons, which I think is the displacement of the *Desperate*, can not be less than 7,000 horsepower. It seems to me that in this age of improvement the authorization we propose to give for the construction of 13 new torpedo boats is amply sufficient.

If the experiment as to the Holland torpedo boat is a success, it matters not whether the boats go 6 or 8 miles an hour. Nothing can compete with them, for they are submerged and can attack the most formidable battle ship without any possible way for the latter to resist.

Not only is the Holland boat now in process of construction, but I noticed by the press only yesterday that a company has been formed in San Francisco, the president of which is a retired engineer officer of the United States Army, for the purpose of constructing torpedo submarine boats. More than that, scientists tell us that aerial navigation is not improbable, and perhaps when you have built a boat that will go 35 or 36 miles an hour we will have a balloon which will sail over and drop dynamite on board a battle ship, and the submarine boat will not be heard of further. It is the part of wisdom for our Government to profit by the experience of other nations. Let us go on and build the boats we have provided for in the bill, and then at the next session of Congress we can make additional improvements.

I am sorry that the Senate has stricken out four battle ships and substituted two therefor. I yesterday listened to the speech of the distinguished Senator from Maryland [Mr. GORMAN], as I always do, with much interest, and gained some instruction. That we have not sufficient revenue to-day, perhaps, to build all these battle ships is as much due to a bill for which he is responsible as to any other cause. But the building of these ships can not be done in a day. The building of a great line-of-battle ships means two and a half to three and a half years' labor. The bill provides that after it becomes a law the contract for the construction of these ships can not be let for four months. It will be a year and a half before they are in frame, and it will be three years and a half before they are completed and ready for service.

It seems to me that the wise policy is for us to authorize the building of these ships. We would not send our money to Europe to pay for luxuries, for silks, for wines. We would distribute the money among our own people, giving them employment. Every dollar that goes into the construction of a great battle ship represents labor. The iron ore that comes from the mine, which is run into pig iron, and pig iron into ingot steel, and ingot steel rolled into plates, and there planed and fashioned into the frames and siding of the ship and into her machinery, all represent the result of labor. The money is kept here among our own people and distributed among them. We do not use the money this year or next year or the following year, but spread it over a period whereby we are all benefited.

It is wise policy, too, for us to do this, because battle ships are a bond for peace. Recently there assembled in this city a convention of representative American citizens, leading divines, leading philanthropists, able citizens of the country, who have no object in view but their country's good. They met in convention and petitioned our Government and European governments to submit differences, when they arose, to international arbitration for adjudication. That is a wise policy, but the strongest auxiliary, the most able assistant of arbitration, is for us, the Congress of the United States, to provide battle ships and armored cruisers to show that if they will not arbitrate we have the power to protect our rights. I was deeply impressed a few weeks since when I received by mail an illustrated paper from London, and I presume other Senators received the same paper. It was perhaps 36 inches square. It was headed "England's first line of defense; her great royal navy." There was on that sheet a lithograph of perhaps 250 of the most beautiful vessels that ever floated upon the water. It was an object lesson from which I think we may all derive profit. It was at the time we were having our differences, and the paper was simply sent to us as a friendly message: "See what we have; why should we arbitrate?"

England, with a formidable navy, has appropriated this year $110,000,000 to build new ships, and yet she has already afloat 87 first, second, and third class battle ships and armored cruisers, the average displacement of which is 9,950 tons, while we hesitate here about building three battle ships which it will require more than three years for us to complete.

I think, Mr. President, it is an unwise policy on our part; I think it is narrow-minded for us to be niggardly in this respect. If we must economize let us economize in some other directions. Each one of these battle ships is a fortification in itself. It is a floating fort that is almost impregnable. It can be taken from Boston to New York, from New York to Philadelphia, and from Philadelphia to Baltimore, and so on to any port where defense is required.

The way to have peace, the way to avoid war, is to be prepared to meet war if it comes. There is no respect like the respect of fear, or if not fear the knowledge that your antagonist is your equal. I remember an incident that occurred in my own business a few months since which perhaps illustrates it more forcibly than anything else I could say. The engineer of one of our ships, a very capable, skilled mechanic, but of a pugilistic temperament, was continually at fault with one of the deck officers and on one or two occasions had assaulted him. Both officers were excellent men. We sent for them to come to the office, and after catechising this man and that man, "Why did you do this?" the pugilistic one said, "I really could not resist it; it was an uncontrollable desire to strike the first officer." We did not care to dispense with their services, and we transferred the officer who had been assaulted to another vessel, and in his place we placed one physically superior to the officer who remained. No trouble followed, and a month or two later we sent for him. "How do things progress with you in your department?" "Oh, very pleasantly; we have no trouble whatever." "But are you not now seized with that irresistible desire to strike the deck officer?" "Well," he said, "I have learned to control myself." It was well for him that he did. It was because there stood arrayed against him one physically his superior. So it is with governments as well as individuals. If you have not the power to defend yourself upon land and sea, if you have not the courage to stand up and maintain your position if it is right, you will be assailed to your disadvantage.

I believe, as I have said before, that the construction of these 13 torpedo boats is all that it is wise for us to do at this time. I hope, however, most earnestly that when the bill is taken out of the Committee of the Whole into the Senate, the Senate will do that which I am sure the conference committee will do if we do

not, and we will sooner or later consent to it—order the construction of three ships instead of the two that we have already decided upon. This, then, will give employment to hundreds of American mechanics. It will keep our machine shops teeming; it will find a market for the farmers' products, and general prosperity where the vessels are being constructed will ensue, for the laborer will find remunerative employment.

I believe it the part of wisdom in Congress when times are hard, when business is depressed, and when people are discouraged, to foster great internal improvements, to build up our Navy, to construct public buildings. I think we have made a mistake at the present Congress in not making appropriations for the erection of public buildings in the different States. The Committee on Commerce have reported a bill here, enormous in extent so far as dollars and cents are concerned, and I am not prepared to say at this time but that they are wise recommendations. Certainly they have distributed the appropriations generally throughout the different States of the Union. It is wise policy for us to do this, and if we have not the funds now, after the 4th of next March we propose to take some of the profits at present being made by the great sugar trust of this country that go into their treasury and place them in the Treasury of the United States. We propose to take some of the business that is now being done in foreign countries, transporting to this country the products of their factories and looms upon vessels flying the foreign flag, and transport it to this country in vessels that fly the Stars and Stripes at their peak.

I believe, Mr. President, this is wise policy. I believe it an American policy, and it should find a responsive echo in the heart of everyone who believes America to be, as it is, the first nation and the first people in the world.

Mr. LODGE. Mr. President, in regard to the amendment concerning torpedo boats, I desire to say that I hope the Senate will agree to put it in the bill. There is no branch of the Navy in which we are so completely unprovided as in this important matter of torpedo boats. France leads in the possession of torpedo boats, with 218 in service and 54 building. Great Britain has 189 in service and 62 under construction. Spain is doubling her torpedo-boat force, and Japan, taking a lesson from her experience in the late war, and having already (with those captured from the Chinese) a total of 40 in service, is building 17 more.

These figures will show that while the 15 other countries mentioned have altogether 1,206 torpedo boats in service (Argentina, with the smallest number, showing 21), the United States has only 2. In the navy list which I have here before me we find the *Cushing* and the *Stiletto*, and those two only, as torpedo boats in commission. The *Cushing* is a fast boat according to the standard of speed of some years ago. The *Stiletto* is little more than a launch. We have really only one torpedo boat in commission, and that is the *Cushing*.

Now, torpedo boats, as I have said, are an exceedingly important branch of naval defense. They are particularly useful for harbor defense. They do not require a great addition to the enlisted force of the Navy. England keeps but few torpedo boats in commission, I think not more than half a dozen, although I have not the figures here. They are laid up and kept at the different yards. It is easy to keep them in condition. They are taken out and the machinery moved at different times in the year, but they do not involve the great running expense which battle ships and cruisers demand. In case of war, they can be all put in commission at once and are all useful.

Of late years, also, they have developed the torpedo boat into the torpedo destroyer; that is, the boat that carries a torpedo is fitted with an armament in order to be able to fight other boats of the same class. We have practically none of either kind. They are the most advantageous boats that can be built for harbor defense and for the fleet likewise, and yet it is with us an entirely neglected branch.

The Senator from California [Mr. PERKINS] speaks about submarine boats. Inventors have been trying to solve the problem of a submarine boat ever since our war. It has never yet been solved; it still remains in the experimental stage. There is no reason to suppose that the last device is any better than the first. They may invent a successful submarine boat any day, but it has not yet been done. In the meantime we are without this important branch of naval defense.

Mr. SQUIRE. Is there a successful submarine boat anywhere?

Mr. LODGE. There is no successful submarine boat in existence and there never has been, or a successfully controlled submarine torpedo. They may come. There is no possibility of saying what the limit of invention is, but it is certain that they have not been reached yet.

The amendment of the Senator from New Hampshire for twenty torpedo boats, instead of being excessive, is extremely moderate. We ought to have at least a hundred torpedo boats, and I am especially anxious that this amendment will be added, as the Senate has seen fit to strike down two of those battle ships.

I do not understand, Mr. President, from my point of view, this system of economy in national defense.

Mr. HILL. Will the Senator from Massachusetts allow me a moment?

Mr. LODGE. Certainly.

Mr. HILL. Are these torpedo boats recommended by the Department?

Mr. LODGE. The Department recommends twelve. I do not understand, as I was saying, this theory of economizing in national defense. If there is a deficit in the revenue, it is not owing to extravagant appropriations. The last Congresses, Republican and Democratic, have met the growing needs of the country and no more. We have a deficit because we have insufficient revenue, and insufficient because we have a bad tariff. It is a matter of very little interest to the country how we distribute responsibility for this insufficiency here. We may get up and argue back and forth who is to blame; the fact is there; and the people of this country will lay the blame for it where it belongs next November. But all that does not in the least concern our duty in making appropriations for national defense. The question of national defense stands apart and alone from all other issues. If we must economize, let it be on public buildings and rivers and harbors; let it be on something that can wait if it is necessary. I do not see any reason for making any proper appropriation wait, but to take the provisions for national defense and make those the subject of economy seems to me utterly wrong and unpatriotic. Whether we have sufficient current revenue or not, we ought to provide for coast defense and for the naval armament, which is part of it. If we have not the money in the Treasury, there is nothing more suitable to borrow money for. But now we are met with the cry of economy, and all the evils pictured by the Senator from Maryland [Mr. GORMAN] are to be met by striking down two of the battle ships. That is, we should begin to economize, and economize only at the very point where money should never be considered, because it concerns national safety and defense.

Mr. President, if we can not get four battle ships, I hope the amendment of the Senator from California will be adopted and that we shall get at least three. It is of very little consequence whether we have a deficit or a surplus in the Treasury if we are going to leave our coasts undefended and our country in a position where we may be put to expense by foreign invasion and attack compared to which all that can be expended for an efficient Navy and for proper coast defenses would be but a drop in the bucket.

I hope, Mr. President, that the Senate will at least make the battle ships three, and that they will also add the necessary number of torpedo boats, as proposed by the Senator from New Hampshire.

Mr. TILLMAN. Mr. President, as a member of the Naval Committee I have attended all of its sessions when in the city and endeavored to inform myself so as to act intelligently. I have not had the opportunity to get the full knowledge of the condition of the Navy that I ought to have, and it may be that I have been led into error in some opinions which I have formed; but let those opinions be just or unjust, true or untrue, I feel that I shall at least be excused if I give the Senate and the country the benefit of some "remarks," to use the ordinary phrase in use here, on this important question.

There are some very strange and anomalous things existing in regard to the Navy and the Navy Department, and all the other Departments here, for that matter, and I will try to point out some of them. As far as I have been able to judge the condition which exists, I will say that the Navy of the United States is suffering more from red-tape, from bureaucracy, so to speak, from official dry rot, than anything else. We find that in certain years there is great clamor for great navy-yards, for great preparations and equipments for the Government to be able to build its own ships, and we have the Bureau of Construction, the Bureau of Steam Engineering, the Bureau of Ordnance, and all that kind of thing—eight bureaus in all. From the little association I have had with some of those officers I think most of them are thoroughly competent and are creditable representatives of the United States Government. But I find that in the construction of vessels, after the different bureaus have taken charge and seesawed with one another and corresponded, and they have had the thing up and down, twisted and turned, they have nothing to do with them except to furnish the plans and superintend construction.

Complaints are coming in from mechanics who have been in the Government navy-yards and those who have been employed there that the ships are being let out to private contract, that bread is being taken out of their mouths, and that they can not get work; that they must move out and move off from their homes to hunt work in the yards of the private contractors.

The Chief Constructor, who is a very accomplished engineer and a very practical man, has advised and urged upon the Government the necessity of a change in the method of constructing our naval vessels. He pointed out very forcibly before the committee

I am sorry that the Senate has stricken out four battle ships and substituted two therefor. I yesterday listened to the speech of the distinguished Senator from Maryland [Mr. GORMAN], as I always do, with much interest, and gained some instruction. 13 torpedo boats is all that it is wise for us to do at this time. I hope, however, most earnestly that when the bill is taken out of the Committee of the Whole into the Senate, the Senate will do that which I am sure the conference committee will do if we do cially anxious that this amendment will be added, as the Senate has seen fit to strike down two of those battle ships.

ment the necessity of a change in the method of constructing our naval vessels. He pointed out very forcibly before the committee

the division of responsibility which now exists, and, if possible, the creeping in through this division of responsibility of abuses, and urged that a vessel when contracted for should be contracted for like you do for a coat; that you let the whole garment be completed by one man, all the buttons sewed on, all the lining in, the collar and everything, and turned over to you complete. But instead of that we find that one bureau designs and supervises the construction of the hull, another bureau designs and superintends the building of the machinery, another regulates the quality of the armor, and each works at times independently of the other. I have arrived at the conclusion that the whole scheme, summed up in a few words, is to get as much money out of the taxpayers as possible, and thus make the vessels very costly.

On the other hand, when you come to catechise them to find when they have built these navy-yards at such enormous expense and equipped them with all the costly machinery why they do not let the Government build its own ships, they say, "Well, we tried to build one and it is a monumental failure. It has cost more than you could buy them for by a private contract." Why has that been the case? Simply because business and politics have been brought together and the cries of certain men have been heeded, who think there ought to be reduced hours of labor. It is the eight-hour labor system and military routine prevailing in the Government industrial establishments, and one thing and another, with incompetence in the managers and overseers, that produce this undesirable condition.

The cry on this floor is: Labor must be given employment. We must give our people work. We must become a stepmother and feed them by giving them work.

Ah, Mr. President, there is a certain kind of labor that has a very strong pull, to use a colloquialism, but there are millions of other laborers who are considered as nothing more than hirelings, as hewers of wood and drawers of water, too ignorant or of too little concern, rather too debased, too far apart, to have any consideration in this Chamber.

Now, I come back to the question under discussion, for I shall wander from it in imitation of the bad example of other Senators, and shall, before I get through, discuss the general conditions and the diseases at work in this country. It seems to me that we are in this position, if we want to act as intelligent legislators and patriots: Our seaport cities, with their vast accumulations of wealth, are practically, so we are told by the army officers, defenseless; a hostile navy could come in and bombard them, burn them, or lay tribute, and there would be no means of defense. Well, Washington told us, "In time of peace prepare for war"; but I think any country in Christendom will think once, twice, and thrice before it goes to war with this country, unless we, just out of pure cussedness, so to speak, and aggression, which is un-American, shall go forth to force other people to fight for their rights.

But suppose we are defenseless, with the record or catalogue just read to us by the Senator from California [Mr. PERKINS] as to the strength of European navies, I ask you in all candor, is it the purpose of this country to try to emulate those old countries in getting up a navy that will cost us four or five hundred million dollars? Have we any need for such a navy? I think every statesman will agree with me that we need enough ships to have our flag respected wherever it may go and to have the nations of the earth consider us as being one of the powers that will let everybody else alone if they will let us alone, but that will be ready when the time comes to defend its honor and to enforce its will. How many vessels would that take? It is mere guesswork.

I believe we ought to have a respectable Navy, but with the rapid advance in the art of naval architecture, with the changes, lightning-like, going on from year to year, old guns and old systems of warfare becoming almost obsolete, it is a question which should be considered very carefully whether it is wise and proper for us to spend untold millions in the equipment of vessels that in a few years may become useless.

Without having any figures, I am prepared to say that since the time of the battle between the *Merrimac* and the *Monitor* in Hampton Roads, which revolutionized naval warfare, there have been billions of dollars spent by the governments of Europe and this country, most of which has been practically wasted. The history of this development has been that the engineers and the experts and the scientists have gone on making armor that was impenetrable, and then turning around and making a steel cannon that would penetrate it. They have perhaps reached the verge of extreme possibilities in that direction. But the mechanism of handling the enormous steel cannon and the other ingenious and mechanical contrivances which are necessary even to load the guns, all that kind of thing is being improved on every day, and we find that, as I said a moment ago, what was up to date ten years ago is now absolutely out of use.

Let us look at the record of the great battle ships that the world has spent so many millions on. According to my remembrance, the Japanese and Chinese and the Chileans and the Peruvians are the only nations that have ever made battle with the great ships. Even during the Franco-German war, when both navies could have gone to sea and gone to fighting, what did they do? They remained in their own harbors. The only exploit of the English navy, which has cost, perhaps, nearly as much as all the others put together, that I can recollect is that they did bombard the defenseless city of Alexandria and burned it.

A hostile fleet might bombard New York. I dare say they would in case of war. Therefore if we are to attempt to protect New York the question presents itself as a practical one whether it is best to undertake to defend it with battle ships, or defend it with torpedo boats, or defend it with land batteries on the coast at the mouth of the harbor. With submarine torpedoes buried under the channel so as to be touched off by electricity I do not doubt if war were declared to-morrow between this country and any foreign nation, in a very brief while the engineers of the United States Army would have every one of our seacoast cities that can not be reached from outside in the open ocean, as a few may, defended by such mines of torpedoes as would prevent any destruction or injury to property.

The aspect of the question which presents itself to me (I have thrown out these general observations for what they may be worth) is the one as to where the ships are to come from. The Senator from Maryland [Mr. GORMAN] tells us more ships mean more bonds. If more ships mean more bonds, then, Mr. President, I am opposed to any ships. The Navy of the United States, which at the close of the war was the equal or the superior of any navy of the world, was built with greenbacks. If you bring in a proposition to build and equip a Navy to defend this country by issuing more greenbacks, or provide a proper system of coast defenses by issuing greenbacks, I will vote for it. But, sir, in the impoverished condition of our people, with millions out of employment, with the products of the farmers so low that there is nothing left with which to pay taxes and get a bare living, with the knowledge, which is brought home to me with more telling force than to any other man in this Chamber, that agriculture is languishing and dying, I can not vote for any such measures, and I can not stand here and remain silent while the proposition is made to continue in this hellish progress toward bankruptcy and universal ruin.

Therefore, while I am discussing in some degree the question of the Navy and its enlargement and the defense of the country and so on, I will follow, as I said, the bad example of others who have injected into their speeches a discussion of finance. What I shall say will be in answer to various speeches made by various men at various times and places, some Senators and some not.

I shall not undertake to go into the matter of the legality of the issue of bonds. I have denied, and I still deny, the right of the President of the United States to issue bonds to carry on the Government. I do not believe any lawyer here will dispute the proposition. All agree that there is no law which gives the President the right to issue bonds for current expenses. Is there any law which gives the right to the President to accomplish by indirection what he can not accomplish by direction? Is there any law which gives the President the right by hocus-pocus and legal legerdemain to get money out of the Treasury which it is unlawful for him to take otherwise? Some Senators say there is. They talk about the endless chain by which greenbacks are redeemed in gold, the greenbacks then going into the general fund and becoming subject to draft for general expenses, and in that way they have been used.

The Senator from New York [Mr. HILL], who I see is not in his seat, in a speech made on the 17th of April had this to say in regard to the interests of the Democratic party:

> I wish to protect the best interests of that party. It would have been better had extreme counsels not prevailed then. It would be better for our party if extreme counsels did not prevail now. Therefore, I say it does not lie in the mouths of the friends of the Wilson Act to object because bonds have been issued for legitimate purposes, namely, the redemption of greenbacks, and because, incidentally, those bonds have furnished sufficient money to support the Government. How else would the Government have been supported? What chaos would have resulted without it! What a spectacle would have been presented to the country and its opponents! What a weapon we would have put into their hands if this Government had ceased operations because without enough money to support it! This very power, exercised under the act of 1875, properly, regularly, duly exercised, has been the means by which the Administration has floated the Government along. Any other course would make the failure of the Wilson Act more apparent and emphatic. We had to have some revenue. The House and Senate were deadlocked. How else was it to be procured to supply deficiencies? Not that anyone had proposed to issue bonds to meet the ordinary expenses of the Government; but as we had to have the gold with which to redeem the greenbacks, incidentally that very situation furnished us the revenue to meet the deficiency occasioned by the Wilson Act.

The tyrant's plea of necessity, Mr. President. With the representatives of the people in session, with the duty imposed upon them by law and by the Constitution to supply the ways and means to carry on the Government, a President overrides all decency, overrides the will of his own party, and accomplishes by indirection what he had no authority to do otherwise.

We are told further by the Senator from New York that this demand for the investigation of the bond sale, to which I shall not address myself, is a Populist measure, and he went on to catalogue me as being one of a coterie of four farmers, so to speak,

who denied the legality of this action, and as being the only ones who denied it, and with biting sarcasm he alluded to the Senator from Kansas [Mr. PEFFER], who claimed that the people desired this investigation, sneeringly alluding to us as "we, the people," "we, the tailors of Tooley street," are alone angry at the issue of bonds in time of peace. I deny the right of the Senator from New York to pass upon or give a nomenclature to my politics.

Mr. HILL. Will the Senator allow me to interrupt him?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from South Carolina yield to the Senator from New York?

Mr. TILLMAN. Certainly.

Mr. HILL. Does the Senator understand that in the remarks I made the other day I classed him as a Populist?

Mr. TILLMAN. I come along in the catalogue of Messrs. PEFFER, STEWART, ALLEN, and TILLMAN. I am one of the coterie of four.

Mr. HILL. I was referring to those who claimed that the President had no right and the Secretary of the Treasury had no right to issue bonds; and as the Senator had previously taken that position, and the Senator from Nebraska had taken that same position, and the Senator from Kansas had taken that position, it was that coterie to which I referred. I have not referred to the Senator from South Carolina as a Populist in any remarks which I have had the honor of presenting to the Senate. The Senator has a right to define himself, and with that definition I shall be entirely content.

Mr. TILLMAN. I do not wish to do the Senator from New York any wrong.

Mr. HILL. The Senator has before him my remarks.

Mr. TILLMAN. I have the Senator's remarks before me, and I shall read them and leave it to those who hear them as to their proper interpretation. The Senator from New York said:

> The Senator from Kansas said further:
>
> "Senators denounced the proceeding as unlawful."
>
> Who? The Senator from South Carolina [Mr. TILLMAN], the Senator from Kansas [Mr. PEFFER], and the Senator from Nebraska [Mr. ALLEN], to whom has been added the distinguished Senator from Nevada [Mr. STEWART]. This coterie of Senators denounced it as unlawful.

He does not make any exception, leaving me out; he simply goes right on, and after mentioning three others, with me at the head, he says:

> This coterie of Senators—

Well, I think I was in very good company. I certainly feel I was in better company than I am with some Democrats who go around on this side labeled "Democrats," and are nothing but Republicans in disguise. [Laughter.] I shall prove that they are Republicans before I get through. The Senator from New York further says:

> The people! These Senators always speak in the name of the people, as if the Populist party represented the people. Mr. President, I am tired of hearing these fiden talk in behalf of the people. They represent but a small fragment of the people.

I do not know how much or how many we represent. I know I represent a State, and I represent it so thoroughly and so fully that I can stand here and claim to give its voice and say where its vote is going. You can not do it. [Laughter.]

Mr. HILL. Does the Senator mean to say further that he can take the Democratic State of South Carolina over into the hands of the Populists? Does he mean that?

Mr. TILLMAN. I will tell you what I propose to do with the Democratic State of South Carolina, or rather what the Democratic State of South Carolina proposes to do with itself.

Mr. HILL. I understood the Senator to say that he was proceeding to state what he would do with the State of South Carolina.

Mr. TILLMAN. If I recollect what I said—I know what I meant—it was that I could speak as to what the State would do, and you can not state what your State will do. But whether I represent the people of South Carolina or not, I want to show whom the Senator from New York represents, and whom he claims to represent. In this same speech of his on the 17th of April the Senator from New York went on to say:

> I looked to see how the bonds were subscribed for. The total subscriptions to the recent loan were $551,039,550, of which New York subscribed the modest sum of $450,888,850. I thus speak of New York and its interests here as one of the reasons why I manifest interest in this question. I do not propose to have the bonds which my constituents purchased discredited by any such bogus, trumped-up resolution as this if I can prevent it. Massachusetts alone subscribed $42,891,650; Pennsylvania, $11,660,200; Ohio, $9,398,950; Illinois, $5,154,100; Maryland, $3,729,500; New Jersey, $3,305,200. Then Maine, New Hampshire, Vermont, Rhode Island, and Connecticut in all subscribed $6,850,250.
>
> Now, listen. Here I want you gentlemen who represent these States, you Senators, to consider, because you are making of this thing a sectional issue, and you know what sectionalism produced in this country once—
>
> Then come Texas, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, North Carolina, South Carolina, Georgia, Florida, Delaware, District of Columbia, Virginia, and West Virginia, all together, $5,300,650. Then comes another group of States, Nebraska, Missouri, Arkansas, Minnesota, North Dakota, South Dakota, Kansas, Indiana, Iowa, Michigan, and Wisconsin, $5,570,850. Then comes another group of States which were going to take all the bonds before they were issued at 2½ or 3 per cent—

A slur at the silver representatives of the Republican party—

> Arizona, California, Indian Territory, Montana, Nevada, Idaho, Colorado, New Mexico, Oklahoma, Oregon, Utah, Washington, Wyoming, and all others, $6,239,330.

Out of the $551,000,000 New York subscribed for $450,000,000; New England and the States east of Ohio ran it up to $500,000,000, and the rest of the pauper States of this country subscribed for the other fifty millions.

You represent the "people." Yes, you represent the bondholders, the bankers of New York City, and nobody else on this floor. There are no more men, or very few more people, on Manhattan Island than there are in South Carolina. Of course it goes without a reason that the great metropolis of this country, which is its depot for the entry of imports and its principal port of export, that there the money will be. I have no objection to that. What I do object to is that after having by unjust legislation legislated all the millions of this country into your pockets, legislated all the railroads into your pockets, legislated all the bonds into your pockets, you say to the rest of us, "You have got to pay the interest on this in gold, and if you impoverish yourselves and have to go to the poorhouse to do it, you must do it." That is what I object to, and that is the fight.

Mr. HILL. Is the fight to pay the interest, or are you going to repudiate the interest?

Mr. TILLMAN. If you go on with your policy and drive the people to desperation and bloodshed, it will be repudiation of bonds and interest both, I fear.

Mr. HILL. If you can not do that, you will have bloodshed, I suppose?

Mr. TILLMAN. If you force the people to bloodshed, let the blood be on your hands, not on mine. I stand here as one mouthpiece of the agricultural interests of this country, and I tell you we are desperate.

Mr. HILL. That is very evident. [Laughter.]

Mr. TILLMAN. Yes, and before we starve we will make somebody else desperate, my friend. I have been in the West. Do not consider that this is a fire eater from South Carolina, who has lost his head. I know whereof I speak. There is to-day more hatred and anger in the hearts of the people west of the Mississippi for New York and Wall street and the bondholding, bloodsucking East than ever they had for the South.

Mr. HILL. I supposed my friend a few moments ago was trying to avoid sectionalism.

Mr. TILLMAN. I said that the people who were forcing this gold issue are producing sectionalism; and I take occasion now to reproduce, or rather to paraphrase, the words of Charles Sumner, that gold monometallism is sectional, and bimetallism, or free silver, is national.

We heard the argument—and everyone will acknowledge that it was a very luminous and able argument—of the Senator from New York as to the legality of the bond issue. He dwelt with great unction and emphasis upon the old laws of 1875 and 1878, the one to issue bonds to redeem greenbacks, and the other prohibiting the retirement of the greenbacks when redeemed. He says they must be construed together. That is all right. Why do you not go to the Stanley Matthews resolution, which is also an old law, and which should have some weight in your judgment as to how this paper shall be redeemed? That is rubbish, I suppose, and has been superseded by the parity clause of the act of 1890. You make laws to suit yourselves; you construe laws to suit yourselves, and you are oblivious of any act you choose to leave out of your mind. You plead as a special pleader for the interpretation of laws to suit yourselves, and when people come to you for relief you say it is unconstitutional.

Mr. HILL. Do I understand the Senator to speak of the Stanley Matthews resolution as a law of Congress?

Mr. TILLMAN. It is an expression of the idea, of the interpretation by Congress, of what the law is. It was passed by a two-thirds vote of both parties in both Houses, and it ought at least to have as much weight as the Sherman law, which was repealed by a combination of the gold bugs of both parties.

Mr. HILL. I desire to call the Senator's attention to the fact that it was simply a concurrent resolution of Congress.

Mr. TILLMAN. Well, forgive me if I am ignorant of the technical meaning and legal effect of a concurrent, a joint resolution, and all that sort of thing. [Laughter.] At all events, it got the necessary votes, which just as easily could have made it an act instead of a resolution, and it should have some weight in morals, if not in law. We could have had a similar resolution or act passed here by a heavy majority if it had not been that this bamboozling process has gone on on this floor by the representatives of monopolies and railroads and banks, and if you had permitted it; but you talked it to death and put it upon the Calendar. [Laughter.]

I have been governor of a State, and I know something about the feeling of official responsibility and as to the weight which

more bonds. Who are going to pay the taxes? Who are the ulti-

companies, building associations, and other institutions, for debts due to

of the great parties of the country, when parties were forming, or to his

I have been governor of a State, and I know something about the feeling of official responsibility and as to the weight which presses on the executive head of a government who has imposed upon him the execution of law. I have been accused of even overriding some laws of South Carolina in connection with our dispensary or whisky law, but I can not go aside now to make any explanation of that. I have left that to be determined by my own people, who have passed on my record there twice as governor and once as Senator in sending me here. People may criticise the provisions of that law and my actions as governor as much as they please, but I leave it to my own people to answer that by their votes. I say this, however, that no Executive with a due regard for his oath of office would, in the face of Congress in session, do that by indirection which he could not do by direction, and had no authority at all to do.

We had in the past an illustration of a conflict between the Executive and Congress in the time of Jackson. When he vetoed the recharter of the banks, he gave his reasons, and to me they always seemed cogent; at least he appealed to the people and they reelected him by an overwhelming majority. The only vetoes which this President of ours has given are the vetoes of some pitiful little pension bills for some poor devil of a Union soldier, maybe a tramp or a deserter—I do not know—but anyhow it was a pitiful and contemptible exertion of that great power of the veto to keep a pension out of the hands of some poor devil and then turn around and with the other hand give $10,000,000 to one syndicate of bankers. [Laughter.]

The difference between the two men and the difference between the Democracy of the two men is, that Jackson stood as the champion and defender of the masses of the people, while Cleveland stands as the exemplar and tool of the classes—one representing the blood, bone, brawn, and industry, and the other representing money—the almighty dollar. [Laughter.]

The point, however, which I wish to emphasize here, though it has already been in effect brought out by the Senator from New York, is that Grover Cleveland is the tool and instrument of Republican policies. He has had no policy as President except that of the distinguished Senator from Ohio [Mr. SHERMAN] in dealing with our finances.

The people turned the Republican party out of office in 1892 because it had grown intolerable; they turned the Democratic party out in the House of Representatives and mighty near got it turned out here because the Democracy had grown more intolerable. Now the Republicans come forward and say: "Here, these Democrats have shown themselves incapable of governing this country; they have closed your mills; they have stopped all the factories; they have put laborers out in the road and made tramps of them; now put us back in power."

Well, it so happens that the apostle of Republican finance, the man who has persistently day by day and night by night for a quarter of a century schemed and worked and plotted and planned and compromised, fooled the Senators from the West in that act of 1890, as stated by the Senator from Colorado [Mr. TELLER] the day before yesterday, and as soon as he got things in shape joined the so-called Democrats to undo it, leaving them in the ditch. That Senator can be called as a witness. Here is the testimony of the Senator from Ohio as to Mr. Cleveland and his policy:

> The President and the Secretary of the Treasury were perfectly justified in pursuing the course they have followed. They could not have done otherwise. Suppose they had refused payment of United States notes in gold. The result would have been that our money would have at once fallen below par and a disturbance in foreign and domestic trade would have occurred. They did right. Though I hold far different opinions from them on many questions, yet I stand here and say boldly and openly that in managing our financial affairs during the present condition of things I think the Secretary of the Treasury and the President have done their full duty, and I could say no more if there were a Republican President in office.

"Praise from Sir Hubert is praise indeed;" and when Grover Cleveland, if he ever dare go before the people again asking the indorsement of the Democracy, of the true Democrats, he can bear on his brow the certificate of the Senator from Ohio that he has simply done his full duty, and that a so-called Democratic President has carried out that policy which a Republican would have done had he been in the Presidential chair. You are linked together, gentlemen. Grover Cleveland and JOHN SHERMAN and John G. Carlisle are a trinity of public enemies, and you can not separate them. [Laughter.]

The Senator from Ohio the day before yesterday said to the Senator from Maryland [Mr. GORMAN], who helped him to repeal the Sherman law, "We intend to put you out." Indeed they do. You Democrats get no credit and no thanks for having carried out his policy. They stand ready to come forward, and if they can fool the people again to trust in them they intend to take the entire control of the Senate and the House, as well as the Presidency. It is simply a question with them as to whether the people will ever be so damnably foolish as to trust them again.

And what do they propose to do when they get in? They are already laying the wires here now, forcing these enormous appropriations. They are to have either a heavy increase of taxes or more bonds. Who are going to pay the taxes? Who are the ultimate payers of taxes? The laborers of the United States, because those who sit in their offices and clip coupons, who manipulate Congress and State conventions, do not labor. They produce nothing. It is the toiling farmer who plows with horses and the sweating laborer in the machine shop and the factories of this country who produce its wealth, and they will be the ones who must either pay your bonds, if you issue them, or pay the taxes which you propose to levy.

In 1893, on the 30th of August, the Senator from Ohio [Mr. SHERMAN], in urging the repeal of the purchasing clause of the Sherman law and the total destruction of silver as a money metal, used this language:

> Let us not deceive our people as to the reasons for this repeal; for when the purchasing clause is repealed you will still have to deal with the real causes of the prevailing stringency and distrust. I do not vote for this repeal with any expectation that it will in any considerable degree relieve us from the industrial stagnation that has fallen upon all kinds of business and production, and that has thrown out of employment hundreds of thousands of laboring men and women. They care little about the kind of money that is paid them, provided that it is equal in purchasing power to any other money, and is backed by the United States. They do not study the question of ratio, or the difference between silver and gold, and, if left to choose, prefer the notes of the United States to either coin.
>
> What they want is employment, fair wages for home industry, reasonable protection against undue competition with foreign laborers miserably paid, fed, lodged, and treated. Give them these, and you may make your standards of value as you choose.

Why do you not give them the greenbacks if they prefer them? They were good enough during the war, according to your own testimony, and made this country prosperous. Why are you unwilling to loosen your grasp from the throat of industry and give our people the opportunity, by having some circulating medium that will transact the business of this country, to renew their employment? How can the factories start up when their products can not be sold because of the poverty of the farmer? One-half of our population are farmers or dependent upon farmers. They are one-half of the consumers. How can they consume the products of your factories if you bankrupt them by your financial policy of restriction and contraction and the maintenance of the gold standard?

In the same speech the Senator from Ohio further said:

> We ought to encourage in every way possible the exportations of our products. I do not precisely see how this can be done. If any measure whatever can be devised to facilitate transportation, even if possible by the use of American vessels, in various ways, it ought to be done. We ought to pour the wealth of our country into the lap of all Europe and sell them our products in order to avoid any difficulty. I do not say precisely how we could aid the Treasury, but the people of the United States are an ingenious people; they will devise ways and means of meeting any demand that is made upon our resources by the people of Europe or any other country.

He testified over here first as to the ignorance of the people and to their indifference and carelessness with respect to what kind of money they have so that the Government is behind it. Then he turns around and says we ought to pour the products of our country into Europe. In other words, knowing that two-thirds or three-fourths of our exports are raised on the farm, he says we must compete with other nations by selling lower than they do, so as to send our products to England and fatten and feed the British and let them grow wealthy. At whose expense and for whose benefit? Talk about the Tories whom we were supposed to have driven out of this country in 1776! They are here in full possession of the Government to-day, and our financial policy and the conduct of this Government are as much English as though we were a part of the Dominion of Canada, or more so.

Pour our products abroad; send them away; give them away. Then, when the farmer wants some reciprocity, wants the right, if he must sell in the cheapest market, to buy in the cheapest market, the Senator says, "Oh, no; we must protect American industries; we must protect American labor." Mind you, now, whenever I say Carlisle I mean SHERMAN. They are interchangeable as political entities, except that one has been honest and consistent and the other has proved treacherous.

Here is the famous speech which the Secretary of the Treasury delivered in Chicago a couple of weeks ago to a so-called laborers' meeting I have seen it stated, I have letters from there so stating, and I have the best kind of information to the effect that he was not invited there by any of the actual laborers of Chicago at all, but that it was a bogus crowd that got in the hall, and that when some of the actual laborers went in and tried to catechise him and ask him some questions, so as to elucidate some of his points, he had them hustled out by the police. [Laughter.] We have it out of the mouths of JOHN SHERMAN and John Carlisle, for they are both alike. Here is what he said:

> The naked proposition is that the United States shall coin, at the public expense, for the exclusive benefit of the individuals and corporations owning the bullion, all the silver that may be presented at the mints into dollars containing 371¼ grains of pure silver, or 412½ grains of standard silver, worth intrinsically about 51 or 52 cents, deliver the coins to the depositors of the bullion, and compel all the other people in the country to receive these coins at a valuation of 100 cents each in the payment of debts due them for property sold, for labor and service of all kinds, for pensions to soldiers and sailors and their widows and children, for losses sustained under policies issued by life and other insurance companies, for deposits in saving banks, trust

companies, building associations, and other institutions, for debts due to widows and orphans by guardians, executors, and administrators of decedents' estates and other trustees, for salaries of all civil, military, and naval officials, and the compensation of private soldiers and seamen, and, in short for every kind of obligation recognized by the laws of the land, except only in cases where the prudent capitalist has taken the precaution in advance to contract for payment of debts due to him in gold or its equivalent.

Now, here is SHERMAN:

> Nowhere in the world does the laboring man get as many dollars of as high purchasing power as are paid to him for all kinds of labor in the United States of America. No one will suffer more severely than he by a lowering of the standard of value. Every laboring man can buy more under this system with his money than any other. It seems to me we ought not to disturb the parity of the two coins of silver and gold.

I ask the Senator from Ohio to tell me, if the wage earners to whom he was addressing himself and to whom Carlisle was addressing himself get their rations and bread and meat cheaper than they ever got them before, from whom do they buy them? Will the Senator be kind enough to answer? If he knows anybody in this country who makes bread and meat except the man who plows with a mule or horse, I am unacquainted with him. They take cognizance of every class of society—Carlisle cataloguing them, SHERMAN appealing to them; both ignoring that great agricultural interest which pays your foreign exchanges with its hard earnings. There is no farmer in it. He is not worthy of consideration. He has been sold bodily, as much as slaves were sold in the South, to English syndicates, to the bondholders and bankers and corporations of this country. He is a slave. They depend upon his ignorance, to which they have certified. They hope to bamboozle the laborers in the cities into voting the Republican ticket while depending on the ignorance of the farmers in the country to vote the Republican ticket, and thus hope to restore themselves and their people to power. Perhaps the people will do it. The fools are not all dead yet. But they are getting awful restless. You have burned them mighty hot. Take care you do not burn them so hard and so hot that when you count your votes in November you will not find enough to put you back. Every interest, however, is catalogued by Carlisle, as I said, in maintaining this iniquitous gold-bug policy of giving 2 pounds of cotton or 2 bushels of wheat for what ought to be bought with 1.

The Senator from New York [Mr. HILL] has served notice upon the country and the Senate that it is about time for the Democrats and the Republicans to join forces against this poor little coterie of three Populists in here. [Laughter.] Having destroyed utterly all hope of the Democratic party as now organized regaining its prestige or having anything to do with the Government for the next quarter of a century, having done it to death—for it is dead unless it can purify itself of the corruption and rottenness that now hangs around its neck like Sinbad's old man—he says, "Join with us; it is time to join. We must not have any investigation of bond sales, or it might throw a cloud on the title of my New York constituents, who are 'the people.'"

But here comes another "offensive partisan." Way back yonder, when we were blessed with a surplus rather than a deficit and the first Democratic President we had had for many years was laboring to convince the people that civil service reform was a dear thing to his heart, he used the words that he would not permit offensive partisanship in any office of the Government. What a spectacle has his Cabinet presented during the last year or more to all of us who disagree with them, who cling to the principles of Jefferson and Jackson and who swear by hard money, who are called "silver cranks," "lunatics," "wild-eyed people from the West." Do you blame us for being wild-eyed when they are trying to make us farmers especially contribute to support the whole business? Is it not time to get wild-eyed?

Mr. Herbert has a speech in this morning's paper which was delivered in Cleveland to some commercial gentlemen, some bondholders and coupon clippers. He comes from an agricultural State, with a few iron mines and a little coal. Carlisle comes from an agricultural State. Here is what Mr. Herbert has to say about the horny-handed sons of toil:

> Against all such tendencies, against every contention between classes that might disturb the internal peace of our country, against every scheme that should tend in the remotest degree to affect the rights of property, against any interference by government with the principles of absolute justice between man and man, it was once supposed that the American farmer, in defense of his own home, would forever stand as an immovable bulwark; but a change has come over the spirit of many of our farmers. They have heard so much of industries built up and fortunes amassed by legislation, so much of wages said to have been increased by law, that they are naturally asking why something can not be done for their benefit by the Government at Washington. There is no other way in which to account for the change of sentiment among them. Many schemes have in recent years found favor in their eyes that would not for a moment have been entertained in the earlier days of the Republic.

Then he goes on and tells us what fools we are and why:

THE FREE-COINAGE CRAZE.

> First the demand was for the issue of unlimited greenbacks, then it was for the issue of subtreasury notes upon a deposit of farm products, making the Government every man's banker, and now comes the demand, participated in by a very large number of farmers and others, for the unlimited coinage of silver at the ratio of 16 to 1, when the ratio of the values of gold and silver is as 31 to 1. It never occurred to Alexander Hamilton, who represented one

of the great parties of the country, when parties were forming, or to his great rival, Thomas Jefferson, who represented the other, that Congress had the authority or the power to make 50 cents' worth of silver equal to a dollar. Hamilton and Jefferson both understood that the bullion in a silver dollar and the bullion in a gold dollar should equal each other in value as tested by the markets of the world. When Jefferson was President he stopped the coinage of the silver dollar because a difference of 3 or 4 cents between the value of our silver dollar and the value of the cheaper foreign coin, then in circulation, was driving our silver dollar out of circulation. Later, when in the days of Jackson it was seen that there had come to be 3 cents difference in the bullion value of the two dollars, the ratio was readjusted to meet that difference. In those days the idea that Congress could legislate out of existence a difference of 50 cents in the value of the two dollars would have been deemed chimerical; but now that we are accustomed to look to the Government for material help in so many directions in our daily business—

Especially in building ships—

> those who make these demands are claiming that Congress has already done things for special classes quite as beneficent and quite as marvelous as the keeping of gold and silver together at 16 to 1.

He says it never occurred to Hamilton or Jefferson that this Government could by law make 50 cents' worth of silver equal to a dollar. In other words, having by legislation, which debarred silver from the mints, hammered it from 103 down to 51 or 52, they take advantage of their own wrong and undertake to parade before the people of the United States the claim that silver is low because it is so in the markets of the world. It is so by law and nothing else. There is no man who dares to deny it. More; we hear talk of "fiat" money. Oh, the gold-bug papers have howled, and howled, and howled for years on the matter of fiat money. What is fiat money? Every dollar of this Government is fiat money. No man here dares to dispute it. How do I prove it? Fiat, of course, as every man knows, means be it enacted or so be it. There is no dollar in circulation that is not a dollar simply because it is a dollar by act of Congress.

We are told that we have bimetallism now because there is more silver in circulation than ever before. It is not a question of how much silver circulates. It is a question of the standard of value. Every man here knows that the silver would not circulate as a dollar under the law discriminating against it at the mints if it were not redeemable in gold. They say, "Law does not affect value. Law has nothing to do with it. You can not legislate on this matter. You can not do anything by law." Let me illustrate. Let us take three dollars—one in gold, one in silver, and one in greenbacks. They are interchangeable, and everybody prefers the paper dollar. It is a dollar, however, because it is redeemable in coin. It is a promise, a note. The silver dollar used to be a dollar because it was worth a dollar. It is now a dollar because it is redeemable in gold. Otherwise it is nothing more than 50 or 52 cents. Let us burn these three dollars, if you please. The paper goes up in smoke; the other two melt. Being indestructible, they become bullion. What a moment ago was a dollar in silver is now a commodity. It can be sold in the markets for what it will bring, like wheat or corn. Why is the gold still a dollar? Because the nations of the earth receive it as a dollar? No. Because it has the right of way to the mints by enactment and can come and get itself a new frock and be coined back into its old dress. If silver were allowed also to go and get a new frock it would be worth a hundred cents in a very few years, as soon as we get back into a condition of equilibrium between the two metals which has been destroyed by legislation.

Yet these wise men try to bamboozle the people by saying, "The law has nothing to do with it. It is a matter of interchange between the nations of the earth. It is fixed by commerce." I am bound to acknowledge that if we had free coinage of silver at 16 to 1 possibly our gold would disappear. Suppose it does. Being a coward and a thief, it always leaves when there is anything to do for the people. I have been out West, and I took some hand primaries to see how many there were who had seen any gold in a year. The result showed about 1 in 16. Talk about $620,000,000 in gold in circulation now which will disappear and create a vacuum and a panic! Where is it going? Who is going to give it away? If silver coinage were instituted by Congress I dare say there would be a rush and an effort made by the shylocks to foreclose their mortgages and reap the fruits of their roguery before the country could get on its legs again. They are swallowing us by degrees now, and if we have to go it at one dash or go it in four or five years I prefer to take it right straight and have it over. I prefer to go inside the whale all at once, like Jonah did, than be slowly swallowed with the accompaniment of crocodile tears.

No man here who is honest will deny the proposition that with the recognition of silver as money, with the right to mintage like gold, silver will bound away up yonder somewhere approximately on a par with gold. I do not know whether the ratio would be 20 to 1 or 16 to 1 or 17 to 1, or what it would be, but silver would just as inevitably rise and get to a par with gold in a year or two as air rises when you uncork a bottle where you have had it confined. You can not keep it down, and you know it. You talk about law having nothing to do with it. You take the fool farmers for such idiots that you think you can stuff it down them, and that you can continue to make them sell their products cheaply to Europe and to pay the bonds and the difference in exchange.

What is the matter with gold that it has been going away? It went to Europe simply because our exports were so low in price that they did not equal the imports and interest on our foreign debt. That sent gold to Europe to meet the foreign balance. There are those who undertake to say that you can rehabilitate this country and restore it to prosperity by increasing the taxes upon people, by levying more taxes, by building all these enormous vessels, by making a deficit, by issuing bonds. If that is your Carlisle-Cleveland-Sherman policy, and if the people take it, I say let them fry; they deserve to fry. If they have not sense enough, if they do not realize their duty as citizens to investigate, if they follow false leaders who sell them out here, let them suffer; it is their lookout. But where is it going to end?

Let us look down the vista and see where it is going to end. I shall not portray it. I once gave a picture here of what I consider is coming. I can see it. I may be one of those Cassandras who can see things that nobody else can see and who grieves over them. But it has been the history of the world that those who were pressing the people—pressing, pressing, and oppressing—never did see anything. Belshazzar saw nothing. None of them ever took any warning. They go relentlessly and blindly forward to their doom. The only thing I have as a consolation is that I hope and believe there is a God in heaven who has some regard for this country, who has some care of it, who for wise purposes is bringing about this condition of unrest and panicky desperate feeling, so as to bring some relief other than the simple financial one. We need other things besides the rectification of finances. We need a purification in official life. We need an uplifting and upbuilding of American patriotism. We need a constitutional convention to adopt new guarantees for the liberties of the people, to tie the hands of the tyrants and the thieves who now govern them. You dam up water and you dam it up until you get a full head on, and then, in the words of old Jere Black when he was talking before the Electoral Commission and was lamenting the degradation to which his country had come:

> Wait until there is a full head on; go on with your tyranny and your robbery, your cheating of the people; overthrow the foundations of republican liberty here; wait until there is a full head on and the flood gates open, and you will see some fine grinding done.

So I say you people are going to see some fine grinding done in 1896 or within the next four years.

Here is my friend the Senator from New York [Mr. HILL], whom I dearly love. [Laughter.] You know his slogan. His brag when he gets before an audience is, "I am a Democrat!" Whenever I am labeled as a Populist, as newspapers have done and as the Congressional Directory even did, though fixed up by a Democratic clerk, I say that Populism, which, of course, is derived from the Latin word signifying the people, ought to be good enough for anybody. In other words, the People's Party—having reference to those grand Democratic principles of the greatest good for the greatest number, the rule of the majority, local self-government, and the other cardinal principles which Jefferson and Jackson taught us—ought to be a party we all could join. I say to the Senator from New York, I am a Democrat after the manner of Jefferson and Jackson. He has departed from the faith. He prates sound money; I cry hard money. He stands here as an exponent of the proposition that the national banks shall take the paper money and issue it all; I stand here as an exponent of the proposition that the National Government should issue all the money and nobody else have anything to do with it. If we must have some paper to supplement gold and silver, well and good, but let us have gold and silver first.

As I said, there is a trinity of financiers who dominate and control, and who propose to control, our financial policy, no matter which party wins, Republican or Democratic. Nobody, however, has the slightest idea that the Democrats will win. This trinity is composed of Cleveland, Carlisle, and SHERMAN on the one hand, and in opposition I place Jefferson, Jackson, and Lincoln on the other. There they are. If the people can not see and will not see it; if the farmers of this country, after the plain, open, palpable statements by these three gentlemen, can be longer fooled into voting that ticket, they deserve it.

The Senator from New York asked me a while ago what I was going to do with South Carolina. I will say to him that I expect to go to Chicago as a delegate to the national convention. I expect to do my level best as a Democrat to call my party back out of the woods of Republicanism and get it to throw up and slough off all the corruption and rottenness it has had in the last four years. If we have to bid good-bye to New York, the State that has stood by us so long, and tell Tammany's chieftain adieu, I expect I will shed a few tears. But if they succeed in buying some more delegations, as they did in Michigan day before yesterday, as I am told; if the money from the New York boodlers can secure enough delegates at Chicago to say we must have what they call "sound money" and indorse Grover Cleveland's Administration and put that in the platform, then I will take my hat and bid the Senator from New York and all the Democrats like him a long farewell.

As to where I will go I do not know. I can not go to Populism, for Populism is simply an explosion of wrath and anger on the part of disgusted Democrats and disgusted Republicans at the rottenness and corruption and cowardice and treachery of both parties. They have had a bad chance. They threw out a platform that did not appeal to the business interests of the country, did not appeal to American common sense, and did not catch anything much except to carry a few States.

The Populists see their errors now. They are recognizing that they tried too much and simply spattered themselves on the wall. The Southern Democrats, those of us who have not been debauched or who do not allow our greed to control our principles, will line up somewhere, but we will not be at Chicago under a gold standard. If there are any traitors in the South who go there and profess to represent the Southern people and undertake to indorse Grover Cleveland I say they are liars before they start, for their States will not indorse them and they will not get any votes. If we do not get a recognition of silver and return to genuine Democracy at Chicago, then the Democratic party is dead and gone forever. A new party will spring into existence. I am prophesying now. The Senator from Nebraska [Mr. ALLEN] shall not monopolize the business of making the prophecies. A new party will spring into existence and it will in a short time be able to beat you and your machine. A great army disorganized, without generals, can not marshal itself like a compact and organized and skilled body. But so help me God, if we can not beat you this time we will serve notice on you that under some banner that will have on it America for Americans, and to hell with Britain and her Tories—we will serve notice on you if we do not beat you in 1896 that we will interest you in 1900.

Mr. HILL. Mr. President, I do not know that the remarkable performance which we have just witnessed calls for any special notice or reply upon my part. Had the Senator from South Carolina [Mr. TILLMAN] not gone out of his way to speak of some suggestions which I had the honor of making the other day, I would not have deemed that anything he has said here to-day called for any particular reply. Possibly it would be wiser for those who differ with him to have given the Senate and the country the spectacle which we witnessed the last time he edified the Senate of no Senator of either party thereafter alluding to anything he had said.

Possibly, sir, I err to-day in noticing some of the suggestions which he has made. His remarks have not been wholly addressed to the naval appropriation bill. He has discussed the question of parties, the question of finances, the bond issue, the bond investigation, not yet before the Senate. He prophesied about the future, and wound up finally by forming a new party all by himself in South Carolina. With much that he has said I have no concern. To much of his criticism of the present Administration I do not propose to reply.

I have, sir, as the Senate knows and the country knows, little in common with the present Administration, at least so far as being consulted in its policies or shaping its actions is concerned. I have not been the recipient of its patronage or its favors. I am under no obligations to it. I have many times been under its displeasure. I therefore do not propose to notice except very briefly some of the gratuitous, uncalled-for, undignified remarks pertaining to that Administration of my friend from South Carolina, who says he "loves" me.

The other day when the bond resolution was properly before the Senate I addressed the Senate upon the legal question which had been raised as to the power of the Secretary of the Treasury to issue bonds for the purpose of procuring gold with which to replenish what is called the gold reserve. It was an old question, it is true. The power was undoubted. It has been scarcely denied in all the old debates we have had in this Chamber for the last ten or fifteen years. Yet it has been denied in recent debates by a few Senators whom I facetiously term "farmers" because they saw fit to call themselves such. The Senator from Kansas [Mr. PEFFER] said he was a farmer; the Senator from Nebraska [Mr. ALLEN] abdicated his position as a lawyer and said he was a farmer, and then came last but not least the distinguished Senator from South Carolina [Mr. TILLMAN], and he said he was a farmer, and all of them united in giving their combined wisdom, legal wisdom, upon the question, concurring and concluding that Secretary Carlisle had no authority to issue bonds. It was against that contention that I spoke. I did not call the Senator from South Carolina a Populist. He has not accurately quoted from my remarks or properly construed them. I wonder a little, however, at his virtuous indignation, because if what he said to-day does not carry him right on the straight road that leads to Populism it must be to some worse place.

The Senator seems to feel indignant that I should have placed him in the honorable company of the few Populists who are in this Chamber; and honorable men they are, from whom I differ in opinion upon many public questions of the day, but who are, nevertheless, honorable men, serving their party as their judgment seems best. After the expressions of the Senator from

South Carolina, to-day I was not very far out of the way, even if I had gone to the extent that he says I did, in putting him in the Populist list, because he himself says that while he may not land with the Populists after the Chicago convention, he has no idea where he is going to land.

Mr. President, it is not necessary that I should defend the Populists from the indirect, covert, insidious attack of the Senator from South Carolina, who does not want to be placed in that category. They have views which even he can not stand. He used a figure of speech that they have "bespattered" the walls with something; I do not know what; he did not tell; but he said that they "bespattered" the walls with something, and he looked right straight at the Populists. I do not know what he meant exactly. But he says he can not join them. Even he rebels against alliance with them. He did not say he would join the cohorts of the abominable Wall street. No; he does not say that; but in one part of his speech he served notice upon us distinctly that he was not going to the Populists.

Now, I will hold my good friend from South Carolina to that promise. I am not going to prophesy in these troublesome political times what may occur in the next six months. Sir, no one can tell; things are changing rapidly day by day. The present political campaign is unprecedented in both parties. There are some Senators on the other side of the Chamber who recognize that fact as well as I do.

Mr. President, there has been a cyclone sweeping through the country in the Republican circles that all their leading statesmen pretty nearly combined have been unable to check. A nomination is likely to occur, strengthened by the events of the last few days, which six months ago no one could foretell. Changes are likely to occur rapidly. Events are likely to occur in the Democratic party which may change the present situation. I therefore decline to make predictions. But, sir, I say to the Senator from South Carolina if he has that love for Jefferson and for Jackson that he professes, and if he really and in fact still represents his people, I think and I hope that he will have no occasion to leave the old party which he has served so well in the past.

Mr. President, I do not propose at this time to discuss the bond question, because I hope at some time in the future—in the "sweet by and by"—we shall have the bond resolution up, and then I can express my views fully upon the great question involved, the tremendous question, the momentous question, as to whether we shall have a Senatorial investigation of the issue of the bonds of the Government during the present Administration. There are Senators around this circle, including the Senator from South Carolina, who are looking to that great hour when it shall arrive. That is the thing they are hoping for, praying for. The present Administration is then to be condemned, to be damned. The Senator from Kansas [Mr. PEFFER] the other day, it is true, withdrew and amended his resolution, taking out of it the only reasons that had really been alleged for the investigation, namely, that there were some charges of irregularity and misconduct, and so on. But he withdrew all those, and thus deprived the resolution of any vigor or any force. But nevertheless, Mr. President, when we reach that resolution and Senators see fit to express themselves on the resolution rather than on the pending naval appropriation bill, I shall then continue my few brief remarks upon that subject and express myself again upon the points involved.

The Senator from South Carolina has alluded to me as one who had represented New York, but he doubted whether I could speak for it to-day. There is considerable truth in that statement, I regret to say. New York continued for eight or nine years in the Democratic column. I do not propose at this time to speak of what took it out. Sir, the regular Democracy of New York can not wholly be charged with the responsibility of that.

I recollect that in 1892, and I will be pardoned for speaking of it now, State after State in the South instructed their delegates for free silver and Grover Cleveland. They have not gotten free silver, but they got Mr. Cleveland. [Laughter.] They nominated Mr. Cleveland over the heads of the regular Democracy of New York, who protested against it. After the nomination was made, loyal Democrats as they are, they went back and supported the ticket, and I joined them in giving New York again to the Democratic cause.

Sir, no matter what may be in store for us in the next campaign, come victory or defeat, come sunshine or shadow, come weal or woe, there is where I will be found again in behalf of whoever may be the Democratic candidate and whatever may be the national Democratic platform in the campaign. I do not expect to have my Democracy strained in so doing. I have confidence in the wisdom of the Democratic masses and the Democratic party.

Mr. TILLMAN. Will the Senator allow me?

Mr. HILL. Certainly.

Mr. TILLMAN. The reason (if the reason should exist at the time the convention meets) why there will be a split in the party such as occurred in 1860 will be because States which can not give us an electoral vote, which are as hopelessly Republican, as Pennsylvania, seek to come to us and give us poison under the name of Democracy. They have changed the tenets of the party, they have changed its principles, they have deserted all those grand principles which Jefferson and Jackson gave us. They give us Cleveland and his rottenness, and we will not have such Democracy.

Mr. HILL. Mr. President, I will come to Jefferson and Jackson pretty soon. I was speaking of what took place in 1892. I was forecasting a little what might possibly occur in 1896.

Mr. TILLMAN. Will the Senator just recall to his memory that South Carolina and New York were the leaders in the fight to try to keep Mr. Cleveland from being nominated, and we went back home and gave him the largest vote of any State in the South?

Mr. HILL. I have not reflected upon the Democracy of South Carolina. I owe that State much. When under much misrepresentation and other influences other States yielded and forced upon New York a candidate against which its regular Democracy protested. I acknowledged the fact, and shall always feel grateful that South Carolina joined with the regular Democracy of New York and maintained its rights and dignity and prerogatives.

But, Mr. President, having stood together before, there is no occasion for any departure or division now. Neither shall I be led into any attack upon the Democracy of those States which, perchance, can not give an electoral vote for the Democratic candidate. While Pennsylvania can not give probably a single Democratic electoral vote, she may not in that respect be unlike some of the other States in this coming campaign, but nevertheless there are in that State several hundred thousand loyal, true Democrats who have maintained the cause of tariff reform against great obstacles, against powerful influences, corporate and otherwise, and are still ready to fight for the old Democratic cause upon that and other issues. I say, sir, for one, that while I have not had and did not have anything in common with that State in 1892 and have little in common now with its organized Democracy, I recognize their right to come to the national convention and express their choice and declare their principles. What folly it would be for our Republican friends to read out of the party States like Virginia, Alabama, Texas, and other Southern States where probably, with but few exceptions, they can not get a single Republican electoral vote.

Sir, our party, as I have already said, is, or ought to be, a national party. It must have representatives from each and every State; and those States, wherein there live as true Democrats as live anywhere, States which are less fortunate in condition and situation than others where the Democratic vote is larger, are not to be repelled; they are not to be cast aside; their views are to be consulted as well as the views of those States which can cast their electoral votes for the Democratic candidates. I protest against the effort to make the Democratic party a sectional party, composed only of States where victories are absolutely certain.

As I said a few moments ago, I do not wish to discuss the bond question proper, nor the silver question at this time. I was rather amused, though, to hear the Senator from South Carolina seek to place certain leading Democrats of this country in a position of entire harmony with the views of the distinguished gentleman who in part represents Ohio upon this floor. Mr. President, I heard the words of praise from the lips of the Senator from Ohio the other day. Because a man who has been a Republican all his life, who has given honor and credit to the party that has honored him, who has been its chief financial adviser through perilous times in our history, and to his great and everlasting credit and renown, when he chooses to say that he thinks a Democratic President and a Democratic Secretary of the Treasury have performed their full duty with regard to this whole question of finance so far as bond issues are concerned, I am not to be frightened away from the Administration or from the Democratic party on account of it. I welcome such terms of approval from distinguished Republicans. If our policy has been right in that respect, I am willing they should commend it.

I do not propose to repeat what I said the other day, and what I think I established, that under laws which the President and the Secretary of the Treasury inherited, laws for which they were not responsible, they have endeavored to administer the affairs of this Government during the present financial crisis fairly and for the best interests of the country. There were grave difficulties to encounter.

The mere fact that upon certain features of the financial question there may be harmony of views between two of the great parties is nothing to the discredit of either of them. Both the political parties are in favor of the rights of this country as against foreign aggression. Are we to run because every Republican vote in this House and in the other House was given in favor of the measure recommended by President Cleveland for the maintenance of the honor of this country on the Venezuelan question? Shall we run simply because it is said that the two parties are agreed upon the great questions of foreign affairs? I differ from many of

the views expressed by the Senator from Ohio, as he well knows; but when he said that in the emergency which has existed during the past year or so the President and the Secretary of the Treasury had performed their duty honestly and faithfully, I say he was right. There was no middle ground; there was no other course to take. On the other side there was repudiation, it is true; there was discrediting the currency of our country, it is true; there was what the Senator from South Carolina calls "desperation," but the course which the President and the Secretary of the Treasury marked out was the true, the correct, and the right path so far as the simple question of the issue of the bonds was concerned.

Mr. TILLMAN. Will the Senator allow me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from South Carolina?

Mr. HILL. Yes, sir.

Mr. TILLMAN. With Congress in session and the duty imposed upon it under the Constitution to provide the ways and means for running the Government, do you think it the duty of the Executive to take the law into his own hands, to ignore the representatives of the people because they will not let him have his own way, and just go forward anyhow to provide ways and means of his own?

Mr. HILL. Mr. President, I do not live in a State which has ever approved of taking the law into its own hands. The President of the United States sent a message to Congress in which he detailed the whole financial situation. He asked for legislation to relieve the condition of the country. Congress refused to act. Did the Senator from South Carolina expect that we were to provide additional revenue when the Senate was deadlocked and the two Houses could not agree? Senators may rise in their places and say majestically and lottily that when Congress is in session the President ought not to take the law into his own hands; that it is the duty of Congress to provide some ways and means to support the Government; but if Congress refused to do it, and when under a law passed in 1878 it was provided that the greenbacks must be reissued, and there was in existence the law of 1875, which provides that when they are presented they shall be redeemed, the President and the Secretary of the Treasury properly proceeded to discharge that duty.

Mr. STEWART. May I ask the Senator a question right there?

Mr. HILL. I draw the line on the Senator from Nevada. [Laughter.]

Mr. STEWART. You may draw the line on me, but I ask the question, if the failure of Congress to make provision for revenue authorizes the Executive to raise revenue?

Mr. HILL. I expect to discuss this subject with my good friend from Nevada when we reach the bond question. Do not get impatient.

Mr. STEWART. You dare not enter the discussion with me on the proposition that the failure of Congress to provide revenue transfers the power to the President, as you intimated in your argument.

Mr. HILL. Nobody has said any such thing.

Mr. STEWART. Does the Senator withdraw that remark? Did the Senator not say that if the President called upon Congress to provide revenue and Congress had not done it, the President did right in going ahead and selling bonds?

Mr. HILL. Not for the purpose of supplying revenue.

Mr. STEWART. Ah!

Mr. HILL. I said the other day, and I repeat now, that for the purpose of supplying gold with which to redeem the greenbacks, the President had a perfect right to sell bonds, and then, when the greenbacks were thus redeemed and placed in the Treasury, he had a right to use the greenbacks. There are not two sides to the question.

Mr. TILLMAN. Will the Senator allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from South Carolina?

Mr. HILL. Certainly.

Mr. TILLMAN. Were not the funds for which the bonds were sold somewhat in the nature of a trust? Would you not think if a banker had your money put into his bank as a friend, or who held it in a fiduciary capacity and misused it, that he had stolen it? And when the President takes a fund, which has been replenished by the issue of bonds, and when the law says no bonds shall be issued except to redeem the greenbacks, and when he takes that fund and spends it, and has spent $150,000,000 of it, or something like that, does the Senator still say he was justified? Ah, you lawyers can split hairs, but you can not get that into the head of a farmer. [Laughter.]

Mr. HILL. I should despair, after the exhibition of my friend here, of getting anything of that nature into his head. [Laughter.]

Mr. TILLMAN. Another thing, if you will allow me.

Mr. HILL. Yes.

Mr. TILLMAN. I want to read you what the President himself said. This is from Grover Cleveland's message of December 4, 1893:

> I desire also to earnestly suggest the wisdom of amending the existing statutes in regard to the issuance of Government bonds. The authority now vested in the Secretary of the Treasury to issue bonds is not as clear as it should be.

There he acknowledges that there is grave doubt in his mind as to whether or not he had a right to issue bonds; yet when he wanted to bolster up his friends and get a chance to issue more bonds, of course he took it.

Mr. HILL. The act of 1875 is clear enough. It might be clearer. It is not exactly clear that my friend from South Carolina is going to land in the Populist party, but still it may be clear enough, not wholly clear.

Mr. TILLMAN. Before I land in the Populist party you will land in the Republican party if you keep on. You are going that way as fast as you can. [Laughter.]

Mr. HILL. I tell my friend that if he does not go to the Populist party until I go to the Republican party he will never get there. [Laughter.] Mr. President, if the Senate is to take the protestation of both my friend from South Carolina and myself, you could not kick either of us out of the Democratic party. But he seems to take delight in assailing the Senator from Ohio; and simply because some one may be disposed to agree with some of the views of that Senator he therefore says that there is a departure from Democratic principles.

Mr. TILLMAN. Will the Senator from New York allow the Senator from Ohio to defend himself and not give him a certificate of Democracy?

Mr. HILL. The Senator from Ohio is entirely competent to defend himself, but he need not defend himself, for I do not give him a certificate of Democracy.

My friend from South Carolina said a few moments ago that he wanted, in addition to gold and silver, a paper currency; that he was opposed to the retirement of the greenbacks.

Mr. TILLMAN. I am. I want about a billion of them.

Mr. HILL. About a billion? What is the use of making it so small a sum as that? Why not make it several billions while you are about it?

Mr. TILLMAN. Just wait a minute.

Mr. HILL. Give me a little chance. [Laughter.] I want to demonstrate how you and JOHN SHERMAN stand exactly on the same platform on the greenback question. I read from the speech to which you refer, the speech of January 3, 1896, of the distinguished Senator from Ohio, when he spoke about the revenues, finances, etc. He then referred to the greenback currency. He is just as strong an admirer of that blood-stained greenback as you are. He may not want over $1,000,000 of them, but still he stands upon the greenback question just the same as you do. What does he say? As one of the reasons why he protests against the retirement of the greenback currency, and a retirement which Mr. Cleveland urges, a retirement which Mr. Secretary Carlisle urges, what does he say?

> Another reason, founded upon belief—
>
> He is stating why the greenbacks should not be retired—
>
> is that the national banking system could not long endure if the United States notes were withdrawn.

Mr. TILLMAN. That is just the difference between the Senator from Ohio and myself. I want the national-bank system destroyed utterly. I wish to pull it up root and branch.

Mr. HILL. Yet you join hands, and you said a few moments ago you prided yourself upon the fact that you are a hard-money Democrat, you prided yourself that you want the greenbacks kept in circulation, and the Senator from Ohio says the principal reason they should be kept in circulation is because, if you destroy them or retire them, you destroy the national-bank system. Now, my friend, you can fight it out with the Senator from Ohio as to which of you is the better Democrat or which is the better Republican.

Mr. TILLMAN. There is no fight in it at all. We are just as far apart as the poles on the question of the greenbacks. The policy of the Senator from Ohio is to keep the greenbacks in the Treasury in case there is a raid, to keep from issuing bonds; in other words, he would contract the currency for the purpose of keeping the greenbacks there; and Mr. Cleveland wants to pay them off and burn them and issue bonds instead. Therefore, the Senator from Ohio is a better Democrat than Mr. Cleveland, and, I believe, a better Democrat than you are. [Laughter.]

Mr. HILL. My friend from South Carolina is now defending, as I understand him, the Democracy of the Senator from Ohio?

Mr. TILLMAN. I am, as against you.

Mr. HILL. There is where I wanted to get you. [Laughter.]

Mr. President, I say the Democratic party never was a greenback party. Go back to the record when the greenbacks were issued, and you will find that they were issued against nearly the whole Democratic vote.

Mr. TILLMAN. You go back to Jackson's veto message and you will find that he said the Government should retain the function of making money in its own hands, that nobody should make

its notes; that if anybody made them, let the Government make them; and that is what I want.

Mr. HILL. Jackson never recommended in any public paper of his or in any document or speech the issuing of notes of this character—never.

The PRESIDENT pro tempore. The Senator from New York will please suspend for one moment. It is an opportune time for the Chair to call the attention of Senators to Rule XIX:

> No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the presiding officer.

Good order and decorum in the Senate absolutely require a strict observance of that rule.

Mr. TILLMAN. Mr. President, I apologize for having overstepped the rule. I have seen it done here a thousand times since I have been in the body; but, however, as you call it on me, I will try to obey it.

The PRESIDENT pro tempore. The Chair was not undertaking to call attention particularly to the Senator from South Carolina, but to-day scores of times other Senators as well have without any authority interrupted the speaker when he was debating.

Mr. HILL. Mr. President, the President of the United States and the Secretary of the Treasury in recommending the retirement of greenbacks were acting strictly in accordance with Democratic principles, and Democrats who antagonize that policy are antagonizing Democratic principles. A man can not be a paper-money man and a hard-money man at the same time.

Mr. TILLMAN. How can he be a sound-money man and a national-bank man at the same time? [Laughter.]

Mr. HILL. No Democrat has proposed the continuance of national banks. The Democratic party, sir, has never placed itself upon any such distinct ground. Such banks have been tolerated or accepted only until something better could be provided as a currency. Besides, national-bank notes are not legal tender—are not money. But the ground upon which greenbacks are kept in circulation is for the very purpose of keeping up the national-bank system, as Mr. SHERMAN claims, and my friend from South Carolina and those who act with him are playing into the hands of those who desire the continuance of the national banks. It is useless for my friend to attempt to escape the responsibility of the admission which he has made. What is the admission? That he favors a scheme for more greenbacks. This is the grand, momentous, gigantic scheme of finance that he is proposing—issuing a billion or perhaps several billions of greenbacks.

Mr. TILLMAN. I am satisfied with one.

Mr. HILL. Very likely. I do not want any. The Senator ought to be able to see, and those who follow him in his extreme views upon this question ought to be able to see, that they are playing right into the hands of the national banks. The retirement of the greenbacks, as recommended by Secretary Carlisle and the President, would create a necessity for more hard money. The Senator seems to have forgotten that the President in his last message made the suggestion that if the greenbacks could thus be retired there would arise, probably, the necessity to supply the vacuum thus created by the issuing of more silver money; and yet, Mr. President, the Senator from South Carolina, and those who agree with him, stand stubbornlike upon the position, not for hard money, but stand upon the position of more money, paper money. And these so-called, misnamed hard-money Democrats, who pride themselves on the principles of Jefferson and Jackson, stand here and ask for a billion more of paper currency. Out upon such Democracy! That is not true South Carolina Democracy; it is not New York Democracy.

I am not going to enter into any argument in favor of cheap products; I am not going to harrow up the feelings of those who listen to me because of the fact that our laboring men are enabled to get the food upon which they live cheaply at the expense of the agriculturists. Of course, Mr. President, the interests of the farmer and of the mechanic are somewhat diverse—more or less so—but the law of supply and demand must regulate this matter. We should not legislate upon the financial question either to put prices up or to put prices down. We should legislate according to certain fixed principles of finance, irrespective of the question whether it puts the prices of the products of the farmer up or down.

Mr. President, considerable has been said by the Senator from South Carolina upon the principles of Jefferson, Jackson, and Lincoln. One of the principles enunciated by Mr. Jefferson in his first inaugural address was that the will of the majority should be observed. Jackson followed that same precept. In the approaching Democratic convention, which the Senator from South Carolina has announced in advance that he is to attend—and he does not even say by the leave of the Democracy of South Carolina, but he is going to attend it anyhow—when he goes there I suppose he will enter that convention with the true spirit of a South Carolina Democrat and agree to abide by the will of the majority of that convention both in its declaration of principles and in its nomination of candidates. If he goes there, Mr. President, with any other idea he ought not to be admitted, and he will not expect to be admitted.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Will the Senator from New York yield to the Senator from South Carolina?

Mr. HILL. Certainly.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. TILLMAN. Mr. President, I just want to call the Senator's attention to this fact, that parties are voluntary associations of men who think alike, or who think that they think alike, and who come together for the purpose of enacting into law, by getting control of the Government, the principles and policies which they advocate. The Democratic party has split once before on questions of policy and principle, and it seems inevitable to me that it is bound to split again, because the rule of the majority has not governed in the past. Take the House of Representatives here in 1893. A majority did not govern there because the minority of gold bugs from the Northeastern States, oblivious of the platform upon which they had been elected, refused to go into caucus and be bound by the will of the majority. Take the Kentucky legislature. The men who were elected there as Democrats have refused to ratify the action of the caucus and to vote for the caucus nominee, thereby refusing to obey the majority rule. And now you ask us to take your gold-bug policy and call it Democracy because you say a majority will give it to us. I say we will not have it, and that the Southern Democrats and the Western Democrats are going there with one idea and with one policy; and if we can not get it, then we will bid you good-by, or tell you to get out yourselves if we are in the majority. [Laughter.]

Mr. HILL. Mr. President, neither the Democracy of any Northern State nor the Democracy of the South are going to the convention with simply one idea. I recall the words of the distinguished Senator from Tennessee [Mr. HARRIS] in a speech delivered here in December last. When he was taunted about the fact that some flippant man had said he was untrue to silver, the old veteran Democrat from Tennessee said, "Sir, I belong to a party that has more than one idea." So, sir, the Democrats of the South and of the West will go to that convention with more than one idea; they will go to that convention to compare views; they will go to consult and to reason together; they will go there with a determination to avoid the foolishness which characterized our party in 1860, when I do not think the party split upon any very great principle. That was unwise action, and it would be unwise now for that party, which has done so much in the history of this country in the past, to quarrel, to split, to divide, over the details of financial legislation.

There is more, sir, in the Democratic party than simply the silver question. There is the great question which overshadows all others, the great question of paternalism; there is the great question of the centralization of power, against which we of the North and of the South have stood together and protested during all the history of this Republic; there is the great question of the fundamental principle upon which taxation shall be imposed, namely, for public rather than for private purposes; there is the great question of the personal liberty of the citizen, which the Democratic party has always maintained. No, sir; I resent the insinuation that either the South or the North—— I observe that my friend from Nevada [Mr. STEWART] is whispering some Democratic ideas, I suppose, to my good friend from South Carolina [Mr. TILLMAN], and I tell him not to get his Democratic principles from the Republican-Populist of Nevada.

Mr. STEWART. Will you allow me?

Mr. HILL. Not now.

Mr. STEWART. Will you not allow me to tell you what I was saying?

Mr. HILL. Later. I object to the combination, Mr. President. [Laughter.]

Mr. TILLMAN. I think the Senator from New York owes it to the Senator from Nevada to hear him.

Mr. HILL. I do not owe him anything.

Mr. TILLMAN. You owe it to me, then.

The PRESIDENT pro tempore. The Chair calls the attention of Senators to the rule which requires them first to address the Chair.

Mr. HILL. The Senator can explain afterwards, when we come to the bond question. [Laughter.] I want to hear him on that question.

The PRESIDENT pro tempore. The Senator from New York declines to yield.

Mr. HILL. Yes; for the present.

Mr. STEWART. It is well for the Senator that he does. [Laughter.]

Mr. HILL. I will hear the Senator if he wishes.

Mr. STEWART. The Senator will?

Mr. HILL. Yes.

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Nevada?

Mr. HILL. With great pleasure.

Mr. STEWART. I said, and I repeat it——

Mr. HILL. Do not repeat it.

Mr. STEWART. I said that the argument of the Senator from New York, when he speaks of the Democracy being opposed to the concentration of power, seems a little out of place when we have the object lesson of the Executive of the nation concentrating in himself the entire power of legislation, of controlling both Houses of Congress, of disposing of the entire patronage of the Government to rule Congress. Never since this Government began has there been so much danger of concentration of power as is exercised this day and this hour by the Executive. Furthermore, the reason why it comes with bad grace from the Senator from New York to make such a statement is that on every occasion, in season and out of season, he stands by every usurpation of power that emanates from the White House. Nothing can be done there but what he will indorse, even to the extent of raising revenue without authority of law—raising revenue without consulting the two Houses of Congress. Raising revenue is the very act for which Charles I lost his head. [Laughter.] There is concentration of power. He says, "We raise this revenue for another purpose." The Administration did it for another purpose. That is, they call it for some other purpose, but they raise revenue by selling bonds without authority of law when the Government to-day has a surplus in the Treasury——

Mr. HILL. Allow me.

Mr. STEWART. When the Government has a surplus in the Treasury of $273,000,000 by the exercise of arbitrary power——

Mr. ALLEN. Without any power.

Mr. STEWART. Without any power. And then the Senator speaks of being opposed to the concentration of the Government in the hands of the Executive and to consolidation. Charles the First consolidated the English Government and lost his head. Grover Cleveland consolidated the American Government and receives the eulogy of the Democracy.

Mr. HILL. Does the Senator from Nevada want us to understand that he whispered all that to the Senator from South Carolina? [Laughter.]

Mr. STEWART. I want the Senator to understand I whispered the substance when I said "speak of consolidated power," when the Senator was defending every act of usurpation whereby the President is raising revenue without authority of law and in violation of the Constitution.

Mr. TILLMAN. Let me say just one word.

Mr. HILL. I wish to answer the Senator from Nevada.

Mr. TILLMAN. I want to have the Senator answer both of us at the same time.

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from South Carolina?

Mr. HILL. Certainly.

Mr. TILLMAN. I wish to impress upon the Senator the very sorrowful acknowledgment, if he will make it truthfully, that so far as the concentration of power is concerned this President of ours is the Democratic party, and that the Senator himself has no more voice and never had in New York in distributing patronage or doing any other thing that a Senator usually does since this man has been in office than some bootblack on the street.

Mr. HILL. Neither, sir, is our party a party of a single idea. Neither is all of Democracy the distribution of patronage. I did not intend to speak of that question. If the Senator thinks I have any grievance of which I publicly complain of the President of the United States or this Administration he is mistaken.

Mr. TILLMAN. I did not say the Senator had.

Mr. HILL. I do not say that the President or the Administration in all respects have treated my distinguished colleague or myself as Democratic Senators possibly ought to have been treated, but I make no public complaint of it. I care nothing about it. I think possibly that so far as we personally are concerned it is better that we have not had to do with the matter of patronage. I care nothing about it. If all there is of Democracy is the distribution of petty patronage that falls from the Administration, then, sir, I care nothing about being a Democrat. We kept up the Democratic party in New York during the whole four years of Mr. Harrison's Administration, and we had nothing whatever of patronage. In the previous Administration of Mr. Cleveland we kept up the Democratic party during our State administration with little or no aid. Patronage does not make a party; it is usually the curse of a party.

Mr. President, having said that, I was about to proceed to speak of the feat that the Democratic party of every State in the Union would send their representatives to Chicago in the usual way when I was interrupted by my friend the Senator from South Carolina. We will not imitate the unwise example of our fathers, who quarreled over immaterial things and split the party, brought on a war, and kept our party out of power for nearly thirty years. No, sir; those of you who are expecting such a feast will be disappointed. We appeal from you in such a view to the masses of the party, who care little for leaders, but who think more of the party and its principles and its policies. There must be conciliation; there must be mutual agreements. Men can differ upon the details of policies of the Democratic party, and such of you as think that the party will die this year are mistaken.

I do not pretend to be a prophet or the son of a prophet. I am unable to say upon what exact lines our platform will be based as to the financial question. It is not for me to say. You have a right in your State conventions to frame your platforms without help from the outside. In 1892, if you will permit me to allude to a personal matter, New York had its candidate. Its convention met early, only a week or two or three weeks earlier than usual, but it was said that we were attempting to influence the Democracy of other States. A clamor was raised in regard to it. It is true that primaries had been held in Pennsylvania and adjoining States at that time, but a great furore and a great clamor were raised, and much criticism of the Democracy of New York was indulged in because it was said that the New York Democracy was attempting improperly to influence the Democracy of the rest of the country. Although it is said that the Democracy of New York desire to impress their financial views upon the Democracy of the rest of the country, I call attention to the fact that the same loyal organization which controlled the party in 1892 controls it now. It will be one of the last States to hold its State convention.

We are not seeking to impress our views upon our brother Democrats of other States improperly or prematurely. Probably, and I do not speak authoritatively, it will be one of the last conventions held. You are holding your conventions in the South and West in your own good time. You are passing your platforms and declaring your principles, as you have a right to do, but you have no right to say, when you come with your platform to the national convention, that the national convention shall not cross a "t" or dot an "i"; that it shall not be changed in any essential particular. What kind of a party can you keep up with that discipline which forbids and prevents conciliation and mutual concessions? What kind of an organization can you have with that spirit being fomented throughout the country by good loyal Democrats, or those who have been such in the past? Our party—and I am speaking now altogether to this side of the circle—should arouse themselves. There is, and we might as well admit it, an honest difference of opinion upon the currency question. Speaking for myself, personally, I have never assailed a man who has differed with me upon that question. I have used no improper words. I have indulged in no words of abuse. I have avoided every offensive epithet possible in speaking on the question.

The financial question is a great one, about which honest men, Republicans and Democrats, may well differ. Sir, it is, however, like all other great questions, one as to which there should be a harmonization of views. It is not for anyone to fix the precise lines upon which it shall be done. I have confidence in that party in which I was born. I inherited my Democracy from my father and my grandfather, and I am willing to live in that party still. I am willing to trust its great advisers when they shall meet in council, and I am willing to abide by the result. All other Democrats should do the same. We will express our views, which may differ with yours. You represent yours. We come to the great council at Chicago, and there, if wise counsels shall prevail, we will adopt a platform, and the moment the convention adjourns every loyal Democrat will swing into line. I hope that my friend the Senator from South Carolina and I will not part company at the doors of the convention. I do not even know that I shall be there as a delegate to represent in part the Democracy of my State. I can not speak as affirmatively upon that question as the Senator from South Carolina speaks of his State. I may be so honored and I may not be; but I will go there with no threat; I will go there with no menace; I will go there expecting to have my say, to speak my sentiments, and to abide by the result of the convention when it shall be ended.

I am not going to say that the great State of South Carolina will pursue a different course. I do not believe that the party which so loyally followed Jefferson and Jackson and Calhoun will now take itself out of the Democratic column. Of course the world is wide. Men have a right to change their political relations if they desire to do so. But I think no true Democrat will go to that convention uttering the sentiments of my friend, the Senator from South Carolina, with a sort of threat that their particular views are to be sustained or else they will part company with their political associates.

The Senator has alluded to some party affairs. When we are washing the Democratic linen we may as well have it out. The Senator from Nevada [Mr. STEWART] alluded to my defense of the Administration and its policies, as he said, I think, upon any and every question. The Senator drew upon his imagination. I have said but little upon the policies of the present Administration. Upon the financial policy, so far as the Administration was attacked for the issue of bonds, I believed it my duty to defend

the Administration, regardless of patronage, regardless of the fact that I have no special relations with the Administration and have had no consultation with any of its members. I have endeavored so far as I could to mark out a policy which would strengthen and not divide the party. That is all. I am not pledged either to the head of the Administration or to any member of it who may be a candidate for public position.

The Secretary of the Treasury is concededly an able man; I believe he is a thoroughly honest and competent man. He is a man of great ability, who has been in public life a great many years, one of the men who have reflected honor upon the section of the country they have represented, and while in reference to his financial policy I have seen fit to sustain him, in part, I will say this much, and I say it freely, that in reference to the contest before the Kentucky legislature, I think the Secretary of the Treasury made a mistake. A Senator near me says it was a grievous mistake. I say so. I said so to my brother Senators around the Senate. I did not take occasion to proclaim it publicly. While I differ with the Senator from Kentucky [Mr. BLACKBURN] upon the financial question, yet he was the nominee of his party caucus, fairly, duly, and regularly nominated, and whatever his views were upon the details of financial legislation, he had served the party during a long career of nearly thirty years at home, in the other House, and in this body. He had been true to Democratic principles in the main. When he went back to his people, an old and faithful public servant, and asked that he should receive again the nomination of his party, submitted to the majority of the Democrats of the legislature, and was fairly and duly nominated, I say he deserved the support of Secretary Carlisle and of every follower of the present Administration.

I say this because that is the only way to keep up a party, to support the regular nominee. While I differ with the distinguished Senator from Kentucky upon this financial question, there is more in Democracy than the mere question of finance. No true, faithful Democrat, no matter in what State of this Union he may be, is to be proscribed because of his financial views, especially upon details.

Mr. ALLEN. They are being proscribed.

Mr. HILL. My friend the Senator from Nebraska [Mr. ALLEN] need not become the guardian of the Democratic party. We can take care of our own troubles and our own squabbles. Sir, what did your Populists in the legislature of Kentucky do? They took a position first upon one side in the Kentucky legislature and then on the other side, just as you do here, trying to stir up strife, peddling your votes upon one side or the other for a little mess of patronage. You have no right to take any hand in a suggestion that the Democracy did wrong to the Senator from Kentucky [Mr. BLACKBURN] in the contest in Kentucky. If your men had been so favorable to free silver as you pretend to be, at one juncture they could have elected Mr. BLACKBURN as Senator from Kentucky. I do not blame my friend the Senator from Nebraska, however. He is the prospective candidate of the Populist party for President, unless the Senator from South Carolina [Mr. TILLMAN] gets over pretty soon and crowds him off his platform. Of course the Senator from Nebraska wants to stir up all the trouble he can. He has more sympathy——

Mr. ALLEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Nebraska?

Mr. HILL. With great pleasure. I knew the Senator would be in the fight before we got through.

Mr. ALLEN. I desire to correct the Senator from New York, and I hope that before he concludes his remarks he will modify the statement, because I know he does not mean it. While the two Populists in the Kentucky legislature were under no greater obligation to the Senator from Kentucky [Mr. BLACKBURN] than they were to the member of any party to which they did not belong, they, in consequence of being silver men, gave him their votes at a time when, if he had received the full Democratic strength, he would have been elected.

Let me correct the Senator also as to another matter, because I know he does not mean what he said. I call his attention to it and give him an opportunity to correct himself. The Senator from New York certainly does not mean that the Populists in this Chamber have peddled their votes to anybody.

Mr. HILL. As my friend——

Mr. ALLEN. Does the Senator mean that?

Mr. HILL. As my friend said once, when he stated that a Senator on the other side lied, metaphorically speaking——

Mr. ALLEN. Oh!

Mr. HILL. So I say, metaphorically speaking.

Mr. ALLEN. If the Senator will permit me to say a word, I will subside. It has got to be a funny thing, a common thing, a smart thing for some one who is ignorant of the facts, because he wants to say something at the expense of a person or a party that he thinks is incapable of caring for his or its rights, to lay all the isms and things of that kind to a particular party or person. It has become so in the galleries in reference to a Senator who has spoken. It certainly is a disgraceful thing. But it has become popular in this Chamber to speak of the Populist party peddling its votes and dickering between the two old parties.

I wish to say to the Senator from New York, to the Senate, and to the country that there have never been any negotiations, directly or indirectly, between the Populist party in this Chamber and the Republican or the Democratic party upon the subject of the reorganization of the Senate or upon the subject of patronage—not a particle more than there has been between the Populists and the Czar of Russia. I feel confident that when the Senator from New York understands this he will not think it is very witty or wise or a thing to be laughed at or a charge to be made with impunity that the Populist party has dickered and peddled its votes.

Mr. HILL. That depends upon which way you look at it. I recollect—my recollection is fairly good in regard to political matters—that all at once the Democracy was surprised that our Republican friends, although they had not, as they said, a majority in this body, were going to take possession of the committees and, in plain words, run the Senate. It came to us as a matter of some surprise. We supposed they would think it wiser to wait until they were exactly certain that they had the requisite number of ironclad Republicans. We called the roll, and our friends on the other side, the Populist Senators, remained silent in their seats and allowed the Republicans to take the responsibility of organizing all the committees of the Senate, thereby enabling them largely to shape and control legislation. That may have merely happened so.

Mr. ALLEN. Will the Senator from New York permit me to interrupt him at this point?

Mr. HILL. Let me get through.

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Nebraska?

Mr. HILL. Certainly.

Mr. ALLEN. Then I think he will be satisfied.

Let it be understood, and let the Senator from New York understand, if he never has understood before, that the Populist party in this Chamber is not under the slightest obligation to the Democratic party or to the Republican party. There is no kinship existing between the Populist party and either party. We are here to accomplish what we desire to accomplish. I stated at the time and I repeat that it was the deliberate judgment of our caucus—there are not many of us, but we have a caucus occasionally—that the Republican party being in power in the House should be in power here and be held responsible for the legislation of this Congress, the Democratic party having failed to do anything. I call upon the senior Senator from Maryland [Mr. GORMAN] now to bear testimony to the fact that a week or more before the reorganization I voluntarily said to him, as the leader of his party, that we would not vote and would not help the Democratic party retain the organization. Is not that true?

Mr. GORMAN. That is unquestionably true. I will make it broader than that and state that I have never known at any time since the Senator from Nebraska has been a member of this body that he has sought to make any arrangement or has had any arrangement suggested to him in relation to this matter.

Mr. ALLEN. Then, Mr. President, one more thing, and I will yield to the Senator from New York and not interrupt him any more. That was true. We called attention to the fact, and I call the attention of the Senator from New York and the country to it, that if the Democratic party had pursued the same policy we pursued, namely, not to have voted, to have refrained from voting on that occasion, they had it in their power to defeat the reorganization, because the Republican party did not have a majority, and therefore did not have a quorum. But they saw fit to vote, and they lost the organization.

Mr. HILL. I do not think, Mr. President, that the last statement is borne out by the facts. I do not see how the Democrats could have defeated the Republicans from organizing the Senate, I mean taking the committees, if our friends on the other side had remained quiet.

Mr. ALLEN. If the Democrats had remained quiet——

Mr. HILL. That is because we were paired.

Mr. ALLEN. If the Senator will permit me, if the Democrats had remained in their seats and not voted, as the Populists remained in their seats and refused to vote, then the Republicans did not have a quorum in the Senate and they could not have disturbed you in the committeeships. The responsibility is with your party, not with mine.

Mr. HILL. The difference is this simply: You were not paired with anybody.

Mr. ALLEN. And we would not be.

Mr. HILL. No Democrat who was not paired declined to vote, and the mere fact that on that one vote there would not have been a quorum, simply on account of pairs, amounts to nothing.

Mr. ALLEN. Oh, no, if the Senator will permit me; not that.

Mr. HILL. What is the point, then?

Mr. ALLEN. Although every Republican had voted, it takes 45 to constitute a quorum here. The Republicans have 44. It requires a majority to constitute a quorum in the Senate. If every Republican had voted, and if the Democrats had joined the Populists and remained silent, that fact alone would have defeated reorganization.

Mr. HILL. There are various ways of defeating measures as well as a reorganization. You can leave the Chamber and not come in. That is a breach of the rules. You can come in and remain quiet and not say anything when your name is called. That is another breach of the rules. You are obliged to vote; and Democrats, in accordance with the rules, voted. Our Populist friends remained silent and allowed the Republicans to take control. They knew the responsibility incurred. That is all I care to say in regard to that question.

Mr. ALLEN. That part is true.

Mr. HILL. That part of it is true. So is the other statement. I referred to the fact the other day, and I heard my friend from Nebraska say his party was founded upon principle. It complains of the rottenness, the corruption, the misdeeds of the Democratic party and of the Republican party. The other day I heard my friend from Nebraska get up and offer to vote for the Republican tariff bill which had been denounced in this Chamber, provided a provision in reference to silver should be placed thereon. He offered to vote to put a tariff upon wool that the Senator had voted before to take off. He offered to vote against every principle involved in the Wilson bill. I speak of the word "peddle" because he stood right here in his place and said: "I now tender"—tender—"the votes of the Populists in this Chamber; we will vote for your tariff bill"——

Mr. ALLEN. I hope the Senator from New York does not intend to misrepresent me or misquote me.

Mr. HILL. I do not intend to do so.

Mr. ALLEN. I am perfectly willing to be put in as small a light as it is possible for the Senator from New York to put a man, and I know his great capacity in that direction.

Mr. HILL. Wherein do I misrepresent you, pray?

Mr. ALLEN. Let me state it. I did stand in this Chamber, and I stand here now for the third time and repeat it, and I will be very brief—I did stand in this Chamber and say to the Republican party, and I repeat it right at this moment, that whenever they see fit to take up their tariff bill, which they call the Dingley bill (I do not know why it is called that, but it is called that and known to the country as the Dingley bill), and put it upon its passage here, with the free and unlimited coinage of silver at the ratio of 16 to 1 attached to it as a part of it, they will get 6 Populist votes here to assist in the passage of that bill. I never have said anything to them privately about it. All my statements have been made in the open; they are made in the open now. There is not a Senator on the other side who can say that I have ever talked with him privately upon the subject or communicated with him or with their caucus.

Why did I say it, Mr. President? Not because there is any dicker, for we have no occasion to dicker with the Republican party or the Democratic party. We are the hinge upon which the door swings, and we are conscious of it.

Mr. DUBOIS. Will the Senator allow me to interrupt him?

Mr. ALLEN. Certainly, if the Senator from New York will yield.

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Idaho?

Mr. HILL. With great pleasure.

Mr. DUBOIS. I will say to the Senator from Nebraska that as far as I represent this side of the Chamber and as far as I am concerned I am entirely willing to accept the proposition.

Mr. ALLEN. I know there are some loyal men on that side of the Chamber, some good men on that side of the Chamber, as there are on this. I said that for two purposes. I said it not because I am committed to the policy of the Dingley bill, not because I am a believer in the principles that underlie it, if it has any principles, which I very much doubt, but because I believe that the free and unlimited coinage of silver in this country would overshadow and wipe out every evil that could spring from the tariff feature of that bill, and that benefit would come to the country and come to the people whom I represent in part in this Chamber.

I did it, Mr. President, for another reason, and I will be entirely frank with you, Mr. President, because you can read my thoughts whether I express them to you or not on this subject. I did it for the purpose of proving to the country, as I think I have conclusively proven, or we have proven, that when the Republican party claims to be a party in favor of bimetallism it is guilty of fraud and false pretenses; and you do not dare to-day to introduce that bill with silver upon it, for you know very well if it gets your own votes it will become a law. Your platform of 1892 was a fraud, a snare, and a delusion. You are not bimetallists; you are not in favor of free silver. Those are the reasons.

Mr. HILL. The Senator has stated the reasons very well, but that does not change the facts. The facts, as I understand them, are substantially as I stated them. As I understand it, he agrees with the Senator from South Carolina that there is but one principle mainly involved now in this campaign. In other words, there is but one idea which must predominate all other political ideas at this time; and therefore he and his friends will vote for a tariff bill or they will vote against a tariff bill; they will vote for free wool or they will vote against free wool; they will vote up or down a tariff schedule anyway to effect the one single question, although he himself knows from reading the platform of his party that they have a large number of other principles involved. Therefore I think I was substantially right when I said that they peddled them all off for one single principle and tendered those votes to the Republicans, and they to their credit or to their discredit, as you may think, declined the proposition to dicker.

Mr. ALLEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Nebraska?

Mr. HILL. Certainly.

Mr. ALLEN. I certainly did not intend to get into any controversy here with the Senator from New York. I supposed that when I corrected him, or called his attention to the mistake, there would be no backing and filling here.

Mr. HILL. What was the mistake?

Mr. ALLEN. The Senator is attempting to put the party of which I am a member in an incorrect light.

Mr. HILL. I did not intend to misrepresent you.

Mr. ALLEN. The Senator says now that there was an offer here on the part of the Populists, or upon my part, to abandon in favor of free silver everything that was in the Populist platform. That is not true. There is no truth in that statement, Mr. President: it is a mistake.

There are a great many gentlemen in this Chamber and outside of it who have been giving out in interviews and letters and speeches their views of Populists and Populism. A great many of these gentlemen have spoken of the socialistic features and the paternalistic features of the Populist party and of Populism. I challenge any Senator in this Chamber, or any man outside of it, I care not who he may be, if he be a gentleman and a truthful man, to point out in any authentic document issued by the Populist party a solitary thing that is paternalistic or socialistic in its faith.

I accompany that statement with my solemn conviction that nine men out of ten of that class, not excluding from my statement the members of this Chamber, have never read the Populist platform. If the truth were known, there are not seven Senators out of ten in this Chamber who have read it or know a word it contains outside of the silver plank.

Mr. HILL. Mr. President, I do not know whom the Senator is aiming to hit. I have expressed no views in regard to the Populist party outside of this Chamber; but I hold in my hand a letter written by a distinguished gentleman upon the other side of the Chamber, in which he says:

The Populist party—

I quote—

favors free coinage, but only as a means to secure more currency, and as a stepping stone to unlimited paper money; and it unites with its free-coinage advocacy socialistic and paternalistic doctrines which are dangerous in tendency, and which would be, if adopted, destructive of free institutions.

Mr. ALLEN. Will the Senator from New York permit me?

Mr. HILL. Yes, sir.

Mr. ALLEN. Is the author of that letter a Populist?

Mr. HILL. No, sir. I said it was written by a distinguished Republican on the other side of the Chamber.

Mr. ALLEN. Oh, but not a Populist?

Mr. HILL. No, sir.

Mr. ALLEN. We do not accept his interpretation of the Populist platform.

Mr. HILL. He is not only a distinguished Republican, but a distinguished free-silver man, an earnest, sincere, free-silver man, who expresses those views.

Mr. ALLEN. It is gratifying to learn that he is right on one point—that of free silver.

Mr. HILL. I notice that his views as thus expressed seem to agree entirely with the views of my friend from South Carolina, who, however, favors unlimited paper money.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from South Carolina?

Mr. HILL. Certainly.

Mr. TILLMAN. Did I say unlimited? Did I not stop at a billion? Just about half, mark you; just what we issued during the war, when there were less than one-half the number of people in this country that there are now. I was willing to stop at one billion in paper. You see we have about a billion dollars in silver and gold, or would have if you let us coin the trash you

have in the Treasury, and we certainly could maintain $1 in paper with $1 in coin.

Mr. HILL. The trash in the Treasury of which you speak——

Mr. TILLMAN. Of which you speak. I do not call it trash. It is good enough for me, as it is good enough for my people.

Mr. HILL. I have never called it trash. I have no doubt that they take it in South Carolina.

Mr. TILLMAN. We would be glad to get it.

Mr. HILL. I never have spoken of silver as trash as the Senator has. I use his own expression.

Mr. TILLMAN. Will the Senator tell us just where he stands on silver?

Mr. HILL. Yes; when I speak on the bond question I will. It would be a little premature now. I want to wait until we come to that. The "trash" in the Treasury which you speak of could be coined with entire safety if such Democrats as my friend who combine with such Populists as my friend in front of me did not want to have unlimited paper money, and yet claiming all the while to be hard-money Democrats. That is the difficulty. The President in his message marked out a line. I have it here and I ask my friend to read it. He points out that if the greenbacks were retired, the trash, as you call it, the bullion as he calls it, which is in the Treasury could be safely coined.

Mr. ALLEN. No; he says it would be replaced by national-bank currency.

Mr. HILL. Only a part, he says—in part to be supplied that way, and the rest to be coined.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator yield to the Senator from South Carolina?

Mr. HILL. Mr. President, I am not to be diverted into a discussion of the gold and silver question at this hour of the day. I simply speak of this now for the purpose of showing that my friend, who says that he is a Democrat, is wrong upon one of the fundamental, elementary principles of Jefferson and Jackson. He quoted a few moments ago something from Jackson and Jefferson from which he was willing to claim that Jackson was a paper-money man. It would make old Jackson, who had a sort of affection for the people of South Carolina—you know on one occasion especially——

Mr. TILLMAN. He was born there. Having been born there, he had an affection for his birthplace.

Mr. HILL. And of course he was a good Democrat. But my friend quotes him as though he was in favor of the unlimited issue of paper money.

Mr. President, the Democratic party is not a paper-money party. Greenbacks were regarded when they were issued as a temporary matter. What there was of the Democratic party left in those days voted against them. But when the war was over and the Republicans saw that it was necessary to restrict and contract the currency and do away to some extent with the greenback currency the Democrats flopped over and became greenbackers. There has always been an element——

Mr. ALLEN. Will the Senator——

Mr. HILL. I am talking about Democrats, not about the Populists. You are not obliged to defend the Democrats.

Mr. ALLEN. May I ask the Senator a question?

Mr. HILL. Certainly.

Mr. ALLEN. The Senator has repeated here what I have heard fifty times in this Chamber during my incumbency of this seat, the stale statement that the Populist party is in favor of a limitless volume of irredeemable paper money. I have taken occasion frequently to deny that. I now take great pleasure in giving the Senator the national platform of the Populist party of 1892, and I ask him to read it.

Mr. HILL. I have read it.

Mr. ALLEN. If the Senator has read that platform——

Mr. HILL. Over and over again.

Mr. ALLEN. Over and over again, as he says; then there is no earthly excuse for his making the statement he has made.

Mr. HILL. Are you in favor of greenbacks? What is your limit? Is it a little trifle like a billion, like the Senator from South Carolina, or several billion?

Mr. ALLEN. I knew the Senator from New York had never read the Populist platform.

Mr. HILL. I have read it.

Mr. ALLEN. He talks like a man who has never read it. What does it say, Mr. President? If the Senator would not regard it as an offense, I would read the entire platform.

Mr. HILL. I would not want to speak of that as my friend did about the silver in the Treasury, as trash.

Mr. ALLEN. No; but here is a magnificent opportunity to educate a lot of ignorant people upon this platform, and the opportunity ought to be embraced. I hope the Senator will let me read it.

Mr. HILL. I think you had better not read it.

Mr. ALLEN. You do not want education on this subject.

Mr. HILL. Because, my friend, you may change your platform at the next convention, like your votes here change, first to one side and then to the other, and we can not keep track of it.

Mr. ALLEN. No; Mr. President——

Mr. TILLMAN. Will the Senator allow me?

Mr. ALLEN. Let me say to the Senator from New York that if it had not been for the Populist party in this Chamber and the Populist party in the other Chamber there are a great many measures which have become laws that never would have been enacted. But let me return to this question——

Mr. HILL. I do not yield to the Senator. I am willing to yield that he may ask a question; but I can not yield to the Senator that he may read the Populist platform.

Mr. ALLEN. If the Senator from New York, like his party, declines knowledge when the opportunity is open to him, then I will take occasion when he is done to put this platform in the CONGRESSIONAL RECORD.

Mr. HILL. The idea of expecting to get any light about public questions of the day from the Populist platform! Among all the things said here to-day that is the worst.

Mr. President, my friend from South Carolina, who expressed his affection for me, was repeatedly speaking——

Mr. ALLEN. Who loves you.

Mr. HILL. Yes; he said he did. He spoke of the people of the two old parties, to one of which he belongs now, but he is going to rebel pretty soon because of the corruption, and he wanted something new; he wanted some change to induce him to go with the Populist party. I do not know what they want. The free coinage of silver will not give to any man who has no money, and has not anything with which to procure money, more money than he has. Money must be earned, whether it is gold, whether it is silver, or whether it is paper. There have been hard times in this country in the past and there will be hard times again. Hard times will produce all sorts of financial heresies, all sorts of financial schemes. I am not here to say that the free coinage of silver is a financial heresy; I do not say that. I say it is advocated by men of intelligence, some able students and able financiers, as I have said before. I treat it with respect and always have, and it is a question about which men may well differ. But, sir, I protest against Democrats who profess to be Democrats offensively arraigning members of their own party because they do not pursue a public policy exactly in accordance with their views.

Mr. TILLMAN. What about the platform, Mr. President?

Mr. HILL. The platform of 1892 stands. Would my friend be content with the platform of 1892 if it should be readopted by the next national Democratic convention?

Mr. ALLEN. As interpreted by Cleveland?

Mr. HILL. I pause for a reply.

Mr. TILLMAN. No, I want "16 to 1 or bust." [Laughter.]

Mr. HILL. My friend will "bust," then. [Laughter.] That reminds me of the fellow who started for Pikes Peak. On his way one of the horses ran away and the other got sick and died, and he himself was injured and much disfigured, while his wagon was all broken to pieces, and he had a sign up: "To Pikes Peak or Bust." We have here reiterated again "16 to 1," the same single idea all the time. You are going to found a great national party upon a single idea; that is all.

Mr. TILLMAN. Will the Senator allow me?

Mr. HILL. Yes, sir.

Mr. TILLMAN. What founded the Republican party, which has governed this country since 1860 with the exception of eight years? The one single dominant idea of freeing the slaves, and nothing else. Great parties are not founded on more than one idea.

Mr. HILL. Very soon after the Republican party was organized they adopted their policy in regard to free homesteads; they adopted their policy in regard to protection. Of course the war soon came on, which rendered the tariff question somewhat obscure, necessarily so, because there had to be a large tariff.

Sir, I do not believe it is possible for a party to succeed very long upon a single idea. The Prohibitionist party, a small dwindling party, only containing a small number of votes, does not grow, because it is based upon one idea. Sir, I do not believe the Democrats of South Carolina will follow my friend. I do not believe they will follow him from other States. I am not going to reiterate what I said before upon the point of there being other questions involved. My friend wanted me to read the platform of the Populist party, and as I am addressing the Senator from South Carolina and the Senator from Nebraska, and about half the time they are so mixed up in their views, he will pardon me——

Mr. TILLMAN. Not so badly as you and Mr. SHERMAN are mixed.

Mr. HILL. Mr. SHERMAN and myself are not mixed at all. Mr. SHERMAN and my friend agree upon the one great vital question of the retention of the whole five hundred million of greenback currency, and you want to increase it a billion more. The matter of a billion does not amount to anything with men of one idea when discussing great financial questions.

Mr. TILLMAN. Will the Senator allow me?

Mr. HILL. Not now.

Mr. TILLMAN. I simply want to drop a little side remark. [Laughter.]

Mr. HILL. I can not yield just yet. I will yield in a few minutes. My good friend from Kansas [Mr. PEFFER] introduced at the beginning of this session a joint resolution proposing an amendment to the Constitution of the United States. Here is section 2.

Mr. ALLEN. Read the entire joint resolution.

Mr. HILL. The first section is a mere matter of form, but the second section is as follows:

SEC. 2. No law to change or alter the established policy of the United States in any great matter of administration, and especially respecting our foreign relations, the public lands, taxation, and our monetary system, shall take effect until it has been approved by the people at an election held for that purpose.

Mr. ALLEN. That is right.

Mr. HILL. The people, Mr. President!

Mr. TILLMAN. Will the Senator allow me there?

The PRESIDENT pro tempore. Does the Senator from New York yield?

Mr. HILL. In a moment. I suppose the Senator will defend this last Populist plank, which must be orthodox, because it was presented by the Senator from Kansas.

Mr. TILLMAN. I am not dealing with the referendum now. I am dealing with that billion dollars on paper. You people in New York, or your people in New York, sell and buy twenty, thirty billions of agricultural products based upon nothing. I do not know how many billions of Southern products, and wheat and corn, dealing in futures; you speculate in air——

Mr. ALLEN. They gamble.

Mr. TILLMAN. Yes, they gamble; that is it. They gamble in the products of labor in this country, based on nothing, and when the laborers and farmers of the country come to Congress and ask to have this stopped by law the attorneys of corporations, the bondholders, the bankers, and the money sharks of New York have more influence here than 35,000,000 of us.

You said in your speech the other day that you subscribed $450,000,000 to this loan.

Mr. HILL. I did not subscribe.

Mr. TILLMAN. That is a mere bagatelle. Why should you grumble if we and all of the rest of the people of the country want a billion of greenbacks to do our business, when you have gobbled up all the money of the country, when you have a tollgate on it, and when you have contracted it, so that you can handle and hoard it, and hammer our products down and prevent the blood from circulating through the body? And you sneer because we want a billion. Yes; we do want it, and we are going to have it, so help us God!

Mr. HILL. I should like to have my friend explain, if to-morrow this Government should all at once issue a mere trifle, like a billion, of greenbacks, how it is going to help you people down South.

Mr. TILLMAN. Will you let me tell you?

Mr. HILL. Yes.

Mr. TILLMAN. We will pay for these battle ships; we will fortify our entire coast from one end of it to the other; we will put every wheel in the United States into motion; we will put every tramp at work, and we will give every farmer money, so as to be able to buy clothes and shoes for his wife and children. That is what we will do.

Mr. HILL. And the millennium will then come!

Mr. ALLEN. No.

Mr. HILL. Here is this Jeffersonian-Jacksonian Democrat going into extravagant appropriations of money, into great systems of public improvements, and all sorts of expensive navies and an army, and going to do everything at governmental expense, I suppose.

Mr. TILLMAN. Oh, no.

Mr. HILL. Would the Democracy of South Carolina sanction that?

Mr. TILLMAN. What are we seeing here? The Senator from Maryland [Mr. GORMAN] told us yesterday that this Congress has appropriated or promises to appropriate $600,000,000 in one year. What are you going to do with it? Spend it on everything? Very well; let us spend it so as to keep the people at work. That is the doctrine which has been preached here to-day. I say let us have it, but do not let us have any more bonds to buy it with, which bear interest and which are mortgages upon the labor of the country; but let us have the greenbacks.

Mr. HILL. The greenbacks would be a debt; the greenbacks would have to be paid at some time or other.

Mr. ALLEN and Mr. TILLMAN. But they no not bear interest.

Mr. HILL. Oh, it is a question simply of interest, then, is it?

Mr. ALLEN. A question of interest.

Mr. HILL. You do not know what you are going to do. Are you going to issue bonds or are you going to issue greenbacks? I tell my friend that money is only the representative of wealth or labor. This, then, is the programme: Issue the greenbacks; let the Government issue them; issue them for public improvements. They do not propose to issue them even under the McKinley régime to manufacturers, do they? I do not suppose they intend to do that right directly from the Treasury, but suppose they are going to do it indirectly, as my friend from New Hampshire [Mr. CHANDLER] knows all about. I do not see how they are going to give a man a dollar unless he has earned it. I do not see how a professional man would get another dollar if the Treasury were full of gold or full of silver unless he earned it.

Mr. President, it is this false doctrine that the people are to get rich by public legislation against which I protest. I protest against this new-fangled doctrine—call it South Carolina Democracy, or Populist Democracy, or what you please to call it—that the people are to get rich simply by the Government issuing more money. It is a false idea, I tell my friend, and when he goes to the people upon that idea and tells that to the plain farmer or the mechanic or the intelligent people of this country, "so help me God" he will be deceived.

Mr. TILLMAN. The Senator will allow me?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from South Carolina?

Mr. HILL. Yes, sir.

Mr. TILLMAN. Mr. President, no man expects, least of all do I expect, that when this money is issued it is to be given to anybody; but if you put in circulation in this country money enough, that can not be contracted and expanded at the will of the banks so as to raise or lower prices at the will of the speculators, when you get money that they can not dam up, when you decentralize the money by a new banking system, so that the people of the whole country can go to the banks and get money instead of paying toll to New York, your great millionaires in New York will become poor and the happy prosperous farmers of this country will be more numerous.

Mr. HILL. There is nothing to prevent the millionaires or the farmers or the mechanics or the laborers of South Carolina from establishing a bank to-day if they have the money with which to do it. They can not pledge old worn-out lands to get money on. The people must labor and produce something that produces wealth. There is no more exclusive monopoly in national banks than in any other kind of banks. Any man who has got the capital may establish one. It may do for a while, like my friend here, to preach this sort of doctrine to the people; it may do in hard times, you will then find listeners, but you can not fool the people, in my judgment, in this way. This constantly calling people "gold bugs," this constantly calling everybody who lives in New York "a millionaire" will not do. We have, Mr. President, our poor people in New York and we have our rich people.

Mr. TILLMAN. Will the Senator allow me to interrupt him?

Mr. HILL. Yes, sir.

Mr. TILLMAN. I did not say all you New Yorkers were millionaires, because you have more white slaves in sight of the Statue of Liberty, or within 10 miles of it, than are to be found in any other area on the American continent.

Mr. HILL. That is an old story with my friend, which he has repeatedly told on the stump. The State of New York is no different from any other State. We have got just and equal laws, made by the people of our State. Our people are industrious. What money they have they have acquired by hard labor upon their farms, in their manufactories, and they are, in the main, a contented and happy people. There will be in times like these some distress; there will be times when labor will be scarce; there will be times when labor will be plentiful; there will be times of high prices, and there will be times of low prices. What I say is that it is the height of demagogism to attempt to preach to the people that all of this condition of affairs which has occurred in all the periods of the world can be cured by legislation. It can not be done. Legislation may aid us in the great battle of life; it may do us some good, as good laws may help and bad laws may injure some; but, in the main, the doctrine which I teach and the doctrine which I learned from my father, and which I think should be taught to future generations, is that, in the main, every man in this free country of ours is the architect of his own fortune. Each man has the same right to become a millionaire as the sons of men in New York who have accumulated their millions, and honestly.

Sir, it is not necessary that I should to any extent defend what are called the millionaires of Wall street. They are like everyone else, they are endeavoring to get rich. The farmers are trying to better their condition, trying to educate their children; the laborers are trying to build their humble homes; all are trying to better their condition in life. They can not be much aided by legislation.

Mr. TILLMAN. Will the Senator from New York allow me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from South Carolina?

Mr. HILL. I do.

Mr. TILLMAN. Why do you resist, then, the repeal of legislation which we have tried to get undone here? Why do you prevent us from restoring the money which we had from 1787 up to 1873? Why do you legislate against the people by cutting the standard in half, and thereby reducing the value of everything in this country one-half except debts, and reducing the productions of labor one-half, and then say legislation has nothing to do with it? You can not deny the proposition that by bad laws this country has been brought to a condition of bankruptcy; and it will only be by having good laws and a change of the system inaugurated which will restore any decent degree of prosperity.

Mr. HILL. Mr. President, physical facts have a great deal to do with the prosperity of a country. In nearly every twenty-five years of the history of this country, even when our fathers before us were governing the country, we had bad times; we had periods of excitement, we had periods of depression, when prices were low, when men were suffering for money and for the necessaries of life. It will be so during all the future history of this country.

The solution of the silver question, sir, will not cure all the evils. It may help some, according to my friend from South Carolina, if he solves it, and it may not. I am not now going to discuss the silver question. Let us reserve that for some other day. I am simply now going to call the attention of my friend to this fact. It is evident from his views that while he does not profess Populism he is making steady strides toward that party. He agrees with that party in the main on some of its essential features. I ask him to remain with the true men from the South and the West in the endeavor to have party reforms within party lines.

What will be the effect of the action which he unwisely suggests? The effect of the action which he suggests will be a split at Chicago, and our Republican friends will be intrenched in power for another quarter of a century, with all the evils which are likely to occur.

If Democracy means the teaching of the people that they can get rich simply by legislation, I will have none of it. That is not the Democracy of Jefferson and Jackson; it is not, as I think, true South Carolina Democracy. If Democracy means the issue of paper money as the future money of this country, I will have none of it. I have never believed, and do not believe, that the Democratic party think that this Government has the real constitutional power to make paper currency a legal tender. We opposed it when it was done and we criticised the decision of the Supreme Court on that subject. The Democratic party is to-day thoroughly in favor of hard money and opposed to a paper currency. The position of the Democratic party is that this country can not be made rich simply by legislation. Now, my friend and I have thus discussed our respective positions. My friend does not wish to do me injustice.

Sir, I do not speak for Wall street, and he knows it. In no campaign of mine, from the first I made in the Empire State, have I ever had the support of any considerable number of the men who do business upon Wall street. I have antagonized their views. I have endeavored, so far as I could, to keep the Democracy of New York with the Democracy of the rest of the country, upon the financial as well as upon other questions; yet the Senator from South Carolina, in the heat of argument, in the excitement of debate, when he says he is becoming desperate, or the people are becoming desperate, stigmatizes me as the representative of Wall street.

Mr. President, the very men who are engaged in selling bonds are largely Republicans. The Democratic party in New York in the main is composed of the masses of the people, some bankers and business men, the farmers, mechanics, and the men of average means. Those are the men who stood by the Senator's State in the days when it needed friends; they are the men who stood up for Democratic principles, who have resisted the bills which were intended to harass and annoy your people. They are the men to whom the Democracy of every State have never appealed in vain to do what they could to aid the Democratic cause. We were the followers not of Wall street; we were the followers of Horatio Seymour; we were the followers of Samuel J. Tilden; we were the followers of the men who in this body and in other bodies were trying to do all they could for the Democratic party when extreme counsels prevailed elsewhere, so that we were handicapped in all our efforts. Our friends who have only the one idea of silver forget all this. They think they are strong enough to branch out for themselves. Be not deceived. The man from the South or the West who tries to take the Democratic party masses away from the old party upon the single idea of silver will find himself mistaken. Disaster will come, and the whole country be lost to the Democratic party if any such effort succeeds.

Let us discuss this question of financial differences in a manly, in a fair, in an honest, and sincere way. I can discuss it without making any unkind remarks as to those who differ with me. What good does it do for Democrats to arraign the Administration which they helped to put in power because upon a few things we differ with it? The President and the Secretary of the Treasury have stood up against paternalism. The President has stood up against legislation which has been forced upon him. I am not here to defend any pension vetoes. I know nothing in regard to the merits of them one way or the other. There have been a few pension vetoes. Such is the venom, such the malice, such the indiscretion, such the judgment of my friend, that he thinks it is necessary to go out of his way to stir up some prejudice against the Democratic President of the United States because he may have vetoed some bill for some deserter or tramp or somebody or other of that kind. Oh, no; Mr. President——

Mr. ALLEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator yield to the Senator from Nebraska?

Mr. HILL. Not now, Mr. President.

The PRESIDENT pro tempore. The Senator declines to yield.

Mr. HILL. I want the Democratic party protected, if it can be, from such extreme utterances. The President is in power; he was placed there by Democratic votes. I differ from many things in his Administration. It is not necessary that I should publish or proclaim them. He, in my humble judgment, is not a candidate for reelection. Why trouble ourselves in regard to him or those who surround him? Let us prepare for the conflict against our common enemies and not quarrel here among ourselves. For one, I say to you, I protest against a few men, whether in the South or in the West, taking that position on a single idea. I deny that my friend speaks for the South. I deny that those speak for the West who assume to say that this party is to be wrecked, divided, and split upon this one question of the details of financial legislation.

Mr. President, it will be a sad day for the country when that occurs. The Democratic party has done much for the country in the past, and it is capable of doing much for it in the future. What I suggest is that we should pursue this policy: "In essentials, unity; in nonessentials, liberty; in all things, charity."

Mr. HALE. Mr. President, I gave notice last night, not fully apprehending how dreary a day it would be, but feeling that there might be trouble, that unless the pending bill was finished I would ask for a night session. Now, in view of the fact that the entire week has been consumed with this one appropriation bill, nominally, four-fifths of the time having been taken up by discussions entirely outside of the bill, I appeal to Senators to stand by in some endeavor or some plan for disposing of the bill. Otherwise to-morrow morning we shall be in precisely the same situation as we were this morning, and the day will go and nothing will be done. I am entirely willing either to stay now until 7 or 8 o'clock, until we finish the bill, or to have a night session. I ask unanimous consent that the Senate take a recess until 8 o'clock.

Mr. ALLEN. I object to the request.

Mr. HALE. Then I ask unanimous consent that we stay here to-night until the bill is finished.

Mr. ALLEN. I object to that, Mr. President.

Mr. HALE. Mr. President, I do not know what I can now do, instead of making the motion which I shall do later, unless I can get another agreement, and ask the sense of the Senate on a night session. I will, however, make another proposition, that the bill be taken up to-morrow morning——

Mr. HAWLEY. At 11 o'clock.

Mr. HALE. At 11 o'clock, taking a recess until that hour; that the consideration of the bill proceed until 2 o'clock; that after that time it be considered under the five-minute rule until 4 o'clock, when the final vote shall be taken upon the bill and amendments.

Mr. President, it seems to me that in making that proposition we avoid the inconvenience of a night session, although we frequently have night sessions in the last month of each session of Congress, and may have to have them hereafter. I gave notice last night to that effect, so that there should be no surprise; but to avoid either staying here now or coming here to-night I restate the proposition, that we take a recess until 11 o'clock to-morrow morning, that the bill be then at once taken up and continued until 2 o'clock—that is three hours—that then it be considered under the five-minute rule until 4 o'clock, when the vote shall be taken upon the bill and the pending amendments. If that be agreed to, I shall not ask the Senate to vote upon a proposition for a night session. Otherwise, I must take the sense of the Senate as to some method of disposing of the bill.

Mr. GORMAN. I understand the anxiety of the Senator from Maine to dispose of the bill at an early date, and there is no disposition on my part to prolong its consideration unduly. I do not think the bill has been delayed unduly, except possibly to-day, when we entered into the discussion of matters which have no special relation to this particular measure. I suggest to the Senator that while, of course, in the last month of the session we usually hold night sessions, because we are pressed for time, that

observation does not apply in this case. No time has yet been fixed for Congress to adjourn, and it can not at present be said that this is the last month of the session.

At the same time I suggest to the Senator that he agree that the Senate shall meet to-morrow at the usual time (to-morrow being Saturday, it will be almost impossible to get Senators here earlier than that hour) and proceed with the bill immediately after the ordinary morning business is concluded, which will consume some ten or fifteen minutes. Then let the general discussion go on until half past 2 o'clock, and after that under a ten-minute rule, with the distinct understanding that we shall remain here and finish the bill to-morrow night. The reason why I do not want to agree to fixing an exact time for a vote is because it might exclude some amendments, as we know has been the case heretofore under such agreements; but we can continue under the ten-minute rule after half past 2 o'clock, or I have no objection to the five-minute rule, provided the amendment that is pending from the Committee on Naval Affairs in regard to the price of armor is disposed of before half past 2. That amendment I do not believe can be disposed of under the five-minute rule.

Mr. HALE. I will accept——

Mr. GORMAN. We will agree to vote on the bill before we adjourn to-morrow evening.

Mr. HALE. I accept that proposition. I wish to be entirely reasonable in every respect.

Mr. GALLINGER. Before I can consent to any agreement, I wish to make a statement. I have been in my seat for three consecutive days waiting to offer an amendment on which I desire to be heard briefly, a little longer than five minutes, possibly fifteen minutes, and I think it is due to my constituents that I should have that privilege. I have neglected other business and have been here at my personal inconvenience listening to speeches to which I did not care to listen, not knowing when they might be completed, and while I am very desirous to have the bill finished, I shall rather insist on my right to offer the amendment and to be heard upon it for about fifteen minutes.

Mr. HALE. I will agree, so far as I can, as the manager of the bill, that after disposing of the present amendment the Senator's amendment shall come up next, so that he shall have the opportunity he desires.

Mr. GALLINGER. All right.

Mr. HALE. I accept the suggestion of the Senator from Maryland [Mr. GORMAN].

The PRESIDENT pro tempore. The Senator from Maine [Mr. HALE] asks unanimous consent that the pending bill may be taken up for consideration immediately after the routine business to-morrow morning; that its consideration shall be continued until 2 o'clock under the ordinary rule, but after 2 o'clock the debate shall proceed under the five-minute rule, and that the bill and all amendments shall be disposed of before adjournment to-morrow night. Is there objection?

Mr. SQUIRE. I wish to say that I have one or two amendments which I wish to present.

Mr. HALE. The Senator from Washington shall have an opportunity to get in his amendments.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Maine? The Chair hears none, and it is so ordered.

Mr. CHANDLER. I am authorized to move the pending amendment by direction of the Committee on Naval Affairs; and in order that it may be within the rule, I ask that it may be referred to the Committee on Appropriations.

The PRESIDENT pro tempore. The amendment will be referred to the Committee on Appropriations.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 2, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 1, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

RAMSAY CROOKS.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (S. 115) for the relief of the estate of Ramsay Crooks.

Whereas Ramsay Crooks, late of the State of New York, was, during the years 1842 to 1847, inclusive, a duly authorized and licensed trader, doing business with the Indians of Lake Superior, during which period he furnished said Indians a large amount of supplies necessary for their subsistence, and to enable them to carry on the chase; that in the year 1848 he was succeeded by others as traders for said Indians, whereby of necessity he left an outstanding indebtedness due to him from certain bands of said Indians, which has never been paid to said Crooks, nor to his legal representatives; and

Whereas the said Ramsay Crooks, in his lifetime, filed said claims in the office of the Commissioner of Indian Affairs, showing that there was due to him from the Pillager and Lake Winnebagoshish band the sum of $6,410.80, and from a certain other band, known as the Chippewa Indians of the Mississippi, the sum of $3,308.82, making a total amount of such indebtedness of $9,719.62: Therefore

Be it enacted, etc., That there be, and there hereby is, appropriated, out of the Treasury of the United States, from any money not otherwise appropriated, the sum of $9,719.62, to enable the Secretary of the Interior to examine said claims against the Pillager and Lake Winnebagoshish band of Indians in the sum of $6,410.80 and the Chippewa Indians of the Minnesota band in the sum of $3,308.82, and pay said amount, or so much thereof as he shall find to be due, to the administrator of the estate of said Ramsay Crooks from the respective bands, and charge the same to any annuities or other moneys due, or to become due, from the United States to the said Indians, in such proportions as shall be found to be due therefrom.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DOCKERY. I think the report should be read.

Mr. TAWNEY. The report is somewhat lengthy, and if it will satisfy the gentleman I can make a short statement of the facts and of the purpose of the bill. This bill is for the payment of a claim against the Chippewa and Winnebagoshish Indians of Minnesota. The bill has already passed the Senate, and has been favorably reported by the House Committee on Indian Affairs. The claim is for supplies furnished to these two bands or tribes of Indians by Mr. Crooks in his lifetime, and the only object of the bill is to authorize the Secretary of the Interior to inquire into and ascertain the exact amount due to the heirs of Mr. Crooks for the supplies furnished, and to pay the same and charge it to the account of these Indians, who have at this time large annuities to their credit in the Treasury. The claim was considered in and passed the Fifty-first Congress, and was reported favorably in the Fifty-second Congress.

Mr. DOCKERY. Do I understand the gentleman to say that these Indians have a large sum to their credit now?

Mr. TAWNEY. Yes, sir.

Mr. DOCKERY. The question arose in my mind, on hearing the bill read, whether or not it was specific and clear enough. In other words, whether by implication it did not require the Government to make payment of this amount, and then, if any funds should be placed to the credit of these Indians hereafter, to charge it up against them.

Mr. TAWNEY. I am informed that these Indians have a large amount of money to their credit at the present time.

Mr. DOCKERY. Has this bill been referred to the Commissioner of Indian Affairs or the Secretary of the Interior?

Mr. TAWNEY. It has been before the Department. It will be observed that this bill simply authorizes the Secretary to ascertain the amount actually due, and provides that the amount so ascertained shall be paid and charged to the account of these Indians.

Mr. DOCKERY. Does the report contain a letter from the Commissioner of Indian Affairs or from the Secretary of the Interior approving this bill?

Mr. TAWNEY. It does not contain anything from the present Secretary of the Interior, but the claim has been approved by the Department in past Administrations. One of the members of the Committee on Indian Affairs, the gentleman from New York [Mr. FISCHER], informs me that the present Secretary has approved this bill.

Mr. FISCHER. My recollection is that this bill has the approval of the Secretary of the Interior. I will state that that recollection is founded upon the fact that the committee has recommended no bills at this session that have not had the approval of the Department. I am satisfied, therefore, that this has gone to the Department for approval.

Mr. DOCKERY. But the committee have no communication in writing from the Secretary of the Interior approving the bill?

Mr. FISCHER. All approvals from the Department are in writing, and possibly I can find this one in the committee room. The Department does not send us any merely oral approvals.

Mr. DOCKERY. Several gentlemen around me suggest a query which I will propound to the gentleman in charge of this bill for their information: Why has not this claim been paid heretofore?

Mr. TAWNEY. In reply to that I can only say that after the supplies were furnished, Mr. Crooks went to the West Indies, remained there for some time, and died there. After his death his estate was administered, and the heirs, who were at that time scattered all over the country, could not and did not take immediate action to recover this claim, but as soon as they could they did take such action, and since that time they have been proceeding diligently in the prosecution of their claim before Congress in order to secure its adjustment by giving the Secretary of the Interior authority to ascertain the amount and to pay the same out of the annuities due these Indians.

Mr. DINGLEY. When were these supplies furnished?

Mr. TAWNEY. In 1845, I think. The date is set forth in the report.

Mr. LOUDENSLAGER. Who was Mr. Crooks?

Mr. TAWNEY. He was a licensed trader with the Indians, and these supplies were furnished to these tribes. In fact, the amount claimed by the estate is larger than the amount in the bill.

Mr. CANNON. Let me read this to the gentleman from this claimant's own statement:

For the balance due and remaining unpaid for the merchandise furnished them in the course of the trade carried on with them by the agents of the American Fur Company from the year 1817 to 1841, inclusive, when myself and associates assumed the business and carried it on with these Indians to the same extent as for the preceding twenty-five years, say $206.80 per annum for twenty-five years, amounting in all to $5,170, and from the year 1842 to 1848, when the trade passed from mine to the hands of Charles W. Borup and Charles H. Oakes, six years, at $206.80, $1,240.80, making together $6,410.80.

And so on, and so on. This man seems to have been the assignee of the American Fur Company, and this claim goes back into ancient history. I must object, Mr. Speaker.

The SPEAKER. Objection is made.

WILSON VS. M'LAURIN.

Mr. CODDING. Mr. Speaker, I desire to present a report from the Committee on Elections No. 3, in the case of Joshua E. Wilson *vs.* John McLaurin. The resolutions in the report represent the unanimous sense of the committee, and I ask for immediate action.

The SPEAKER. The Clerk will read the resolutions.

The Clerk read as follows:

Resolved, That Joshua E. Wilson was not elected a Representative in the Fifty-fourth Congress from the Sixth Congressional district of South Carolina, and is not entitled to the seat.

Resolved, That John McLaurin was elected a Representative in the Fifth-fourth Congress from the Sixth district of South Carolina, and is entitled to the seat.

The question being taken on agreeing to the resolutions, they were agreed to.

ELECTION CONTEST—MURRAY VS. ELLIOTT.

Mr. OVERSTREET. I desire to submit a privileged report. The Committee on Elections No. 3 have directed me to submit their report on the contested election case of Murray *vs.* Elliott, from the First Congressional district of South Carolina. I ask that the report be printed and that consent be given to the minority of the committee to submit their views at any time before this case is called up for consideration.

The resolutions appended to the report of the committee are as follows:

Resolved, That William Elliott was not elected and is not entitled to a seat in the Fifty-fourth Congress from the First Congressional district of South Carolina.

Resolved, That George W. Murray was elected and is entitled to a seat in the Fifty-fourth Congress from the First Congressional district of South Carolina.

The SPEAKER. The report of the committee will be ordered to be printed and referred to the House Calendar. If there be no objection, the minority of the committee will have leave to file their views at any time before the case is called up.

There was no objection.

CHANGE OF REFERENCE.

On motion of Mr. HALL, by unanimous consent, the Committee on the Post-Office and Post-Roads was discharged from the further consideration of the bill (H. R. 6307) to amend section 4 of the act approved March 2, 1895, being an act amendatory of an act with reference to the postal service; and the same was referred to the Committee on the Judiciary.

BRIDGE ACROSS TALLAHATCHIE RIVER, MISSISSIPPI.

Mr. KYLE. I ask unanimous consent for the present consideration of the joint resolution (H. Res. 137) declaring a certain bridge across the Tallahatchie River, in Tallahatchie County, State of Mississippi, a lawful structure.

The joint resolution, with the substitute reported by the Committee on Interstate and Foreign Commerce, was read.

There being no objection, the House proceeded to the consideration of the joint resolution.

The substitute was agreed to.

The joint resolution as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. KYLE, a motion to reconsider the last vote was laid on the table.

DELEGATE FROM ALASKA.

Mr. SCRANTON. I ask unanimous consent for the present consideration of the bill (H. R. 3826) providing for the election of a Delegate from the District of Alaska to the House of Representatives of the United States.

The bill was read, as follows:

Be it enacted, etc., That a Delegate to the House of Representatives of the United States from the District of Alaska shall be chosen by the people thereof, who shall be a citizen of the United States and shall discharge like duties and be entitled to the same rights, privileges, and emoluments as are discharged, exercised, and enjoyed by Delegates from the several Territories of the United States in the House of Representatives.

SEC. 2. That the first Delegate shall be chosen for the remainder of the term of the Fifty-fourth Congress and for the full term of the Fifty-fifth Congress at the same election, and each succeeding Delegate shall be chosen for the full term of the Congress next succeeding his election.

SEC. 3. That the first election of such Delegate shall be held on the 1st day of October, in the year 1896, and thereafterwards such elections shall be held on the first Tuesday of September in each year when the members of the House of Representatives are chosen.

SEC. 4. That the governor, United States district judge, clerk of the district court, and United States marshal of the district, immediately after the passage of this act, shall establish polling places, located as conveniently as may be, for the general accommodation of the voters, the whole number of such polling places not to exceed 100 for the first election, and shall prescribe regulations for ascertaining the qualifications of voters and for holding the elections, which shall be binding upon the officers conducting the same. They shall also appoint an election board for each polling place, composed of a judge, two inspectors, and two clerks, not more than three of whom shall belong to the same political party, so far as it shall be found practicable to obtain suitable persons of different political parties.

The governor shall, by proclamation, give sixty days' notice of the time when and of the polling places where the election shall be held, and shall also issue the necessary instructions to the election boards in conformity to the regulations aforesaid.

SEC. 5. That all male citizens of the United States who shall have attained the age of 21 years, and who shall have been actual residents of said District for four months last prior to the election, shall be entitled to vote by ballot at one polling place and no more, at each election, for a Delegate to represent said District of Alaska in the House of Representatives of the United States.

SEC. 6. That the election boards shall make return forthwith by mail and such other convenient method of transmission as they may deem trustworthy, of the results of the election at their several polling places, to the clerk of the United States district court of said District, who shall compile the same and report to the governor the number of ballots cast for each candidate; and the person having the greatest number of votes cast by the electors qualified as herein provided, returns of which shall have been received on or before the second Tuesday of November next following the election, shall be declared elected by the governor, who shall issue his certificate accordingly.

SEC. 7. That the expenses incurred in carrying the foregoing provisions into effect, not exceeding $25 at any one polling place, including posting of notices and making and transmitting the returns of election therein, nor $3,000 in the aggregate for the election in the entire District, shall be audited and paid out of the Treasury of the United States.

SEC. 8. That this act shall take effect on its passage.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PERKINS. I do not propose to object to the consideration of the bill; but if it be considered I shall ask a little time to present my views with reference to it.

Mr. HENDERSON. Unless there is some agreement as to the time to be occupied (and it must be a brief time) it will be my duty to object, because of the special order.

Mr. SCRANTON. How much time does the gentleman suggest?

Mr. HENDERSON. If the bill can be disposed of in thirty or forty minutes—say thirty minutes—I shall be willing to let it go forward; otherwise, in justice to the special order and to those interested in amendments, I shall feel it my duty to object.

Mr. SCRANTON. If we can have forty minutes, I think that time will be sufficient.

The SPEAKER. The gentleman from Pennsylvania [Mr. SCRANTON] asks unanimous consent for the present consideration of the bill just read and that a vote be taken on it in forty minutes. Is there objection? The Chair hears none.

The House proceeded to the consideration of the bill.

Mr. SCRANTON. Mr. Speaker, the Committee on the Territories, during a series of well-attended meetings within the past three months, has given patient and thorough attention to the condition of Alaska. Of the many measures of remedial legislation proposed for her people the committee has selected the bill now presented for consideration of this House, and, with but a single dissenting voice, has indorsed a request for favorable action. It has seemed to us that the time had come when something should be done for Alaska, and that the best way to help her was to enable her citizens to help themselves by admitting their duly elected representative to the privileges of a Delegate in Congress. Since this was first attempted fourteen years ago, in the Forty-seventh Congress, when M. D. Ball appeared in Washington as the duly elected and accredited representative of Alaska, and unsuccessfully knocked at the door of this House during that entire Congress, the country has witnessed the marvelous development of Alaska's mines and fisheries. Her white population, despite the most adverse civil conditions, has also increased during that period to twice as many thousands as there were hundreds in 1880. The conditions now seem to justify the recognition desired, as is more fully set forth in the committee's report, which I ask to have read.

The Clerk proceeded to read the report, as follows:

The Committee on the Territories, to whom was referred the bill (H. R. 3826) entitled "A bill providing for the election of a Delegate from the District of Alaska to the House of Representatives of the United States," have had it under consideration, and respectfully report the same with the recommendation that it do pass.

A similar bill was unanimously reported by the Committee on the Territories of the House of Representatives near the close of the Fifty-third Congress, but too late for further action, in support of which that committee said:

"The isolated condition of the Territory of Alaska and the great distance from the seat of Government renders it impracticable for Congress to know the condition of the Territory. It has received but small attention from Congress since the passage of the act organizing a district government in 1884. The development of the country, the increase of population, and the investment of capital demand a more perfect government and more legislation by Congress, which can only be formulated by those who are acquainted with the environment and needs of the Territory."

In submitting a like unanimous report in favor of the passage of this bill

your committee deem it proper to enlarge somewhat upon the views thus briefly and forcibly stated by the committee of the Fifty-third Congress.

The District of Alaska has a surface area of 577,000 square miles, or one-sixth that of the whole United States and Territories, and by its location is of commanding importance to our future commercial and political relations. Independent of its internal resources, it is essentially an outlying dependency, the very last part of our domain which we can afford to neglect or leave to the control of its sparse population. This peculiar circumstance of itself renders the presence of a well-informed Delegate indispensable upon this floor.

The resources of Alaska in gold, iron, and coal are already known to be very great, if not inexhaustible. She has now the largest stamp mill in existence, and well-informed authorities believe that she will soon produce $10,000,000 in gold annually, and ultimately become one of the greatest gold-producing regions known.

More than 100 species of food fish swarm in her waters. Her salmon, cod, and halibut will feed the world. The annual product of salmon is now over $3,000,000. Her fur-bearing animals now constitute one of the chief sources of supply, and such is the nature of the country that they are not likely ever to become less important.

Some idea of her maritime extent may be derived from the fact that her coast line, including islands, is 26,364 miles in length, while that of all the rest of our country is 7,543 miles.

The population of Alaska was by the census of 1890: White, 4,298; mixed, 1,823; Indian, 23,531; Mongolian, 2,268; all others, 112; total, 32,032.

Governor Sheakley, in his report for the year 1895, estimates the white population at 8,000, of whom 1,500 are in the Yukon Valley. The white immigration is believed now to be more than 10,000, four-fifths of which is located in southeastern Alaska, the city of Juneau alone having upward of 2,000, and there is every indication of its great and continued increase, for the resources of this vast region must continue to attract capital and labor for all time.

The mixed population, generally the offspring of Russian inhabitants who did not elect to return to their natural allegiance after the treaty of cession, and of Indian women, which was 1,823 by the census of 1890, is by the census officials reported to be rapidly diminishing in numbers, and the Indians generally to be not increasing much, if at all. We have, then, a population of at least 10,000 white Americans, nearly all of them citizens of the United States, and by reason of the absence of families an unusual proportion of them entitled to vote, with a prospective increase to which no limits can be placed, inhabiting and developing a region comprising one-sixth the area of the United States, stretching along and commanding the Pacific Ocean and its principal lines of commerce for all time, yet so situated that by reason of her vast extent and great difficulties of intercommunication, her lack of agricultural capabilities, which are the foundation of States, the diverse elements of her population largely such as are at present inadmissible to American citizenship, they can probably never become a State in the Union, or even be benefited by a Territorial form of government—certainly not for many years to come—a population of necessity now and hereafter to be almost wholly dependent upon Congress for legislation, without any voice or representation emanating from the people themselves in framing the laws by which they are governed.

They have not even the power to protest on the floor of Congress against gross neglect to enact important laws imperatively required by their peculiar situation.

Some idea may be obtained of the pressing need that Alaska has of representation on this floor by comparing the business now before Congress from Alaska, much of it of a fundamental nature, relating to titles, taxation, and the preservation of property and good order and the very existence of civilized communities, with the old States and Territories.

Take New York, for instance, with 2 Senators and 34 Representatives. The CONGRESSIONAL RECORD of this session thus far indicates the pendency of 15 bills, memorials, and resolutions of a local nature from that State.

Oklahoma, with her complicated affairs, has 32 pending local matters, while Alaska has 35, including not less than 15 important bills and some that have been pending Congress after Congress because there was no responsible Delegate to give reliable information upon which to base intelligent legislation. As an instance of the actual conditions in Alaska, Governor Sheakley mentions "the city of Juneau, a mining town of 2,000 inhabitants, without any organized or local government whatever." (See report, page 20.)

The unfortunate state of Alaska is owing less to the willful neglect of Congress than to the lack of reliable sources of information and active representation.

In confirmation of this view we incorporate an extract from a letter of Judge Dulaney, a resident of the Territory for several years, and lately appointed judge of the United States district court of Alaska, who declares in effect that, much as it is needed, there should be no further legislation for the District until she is properly represented on the floor of the House:

"ON BOARD CITY OF TOPEKA, *December 7, 1895.*

"Concerning legislation for this Territory, I think the energies of all who feel like helping this country should be first directed to securing a Delegate. After that other things will come.

"Truly, yours, A. K. DULANEY."

We insert a table showing the white and total population of twelve of the States and of the Territory of Arizona at the census nearest the date of their organization as Territories. It will be observed that in many of them the enumeration was made several years after representation by Delegate was accorded, and it is well known that the influx of population was very rapid immediately after their organization. It is not probable that the average white population in these cases at the time of their becoming Territories, with local governments and Delegates in Congress, was over 3,000, while Alaska already has over 10,000 whites.

	Date of organization.	Population by census nearest date of organization.		
		Census.	White.	Total.
Arizona	Feb. 24, 1863	1870	9,581	9,658
Dakota, North and South	Mar. 2, 1861	1860	2,576	4,837
Idaho	Mar. 3, 1863	1870	10,618	14,999
Illinois	Feb. 3, 1809	1810	11,501	12,282
Indiana	May 7, 1800	1800	2,402	2,517
Michigan	Jan. 11, 1805	1810	4,618	4,762
Minnesota	Mar. 2, 1849	1850	6,038	6,077
Mississippi	Apr. 7, 1798	1800	4,446	7,600
Montana	May 26, 1864	1870	18,306	20,595
Nevada	Mar. 2, 1861	1860	6,812	6,857
Utah	Sept. 9, 1850	1850	11,330	11,380
Washington	Mar. 2, 1853	1860	11,138	11,594
Wyoming	July 25, 1868	1870	8,726	9,118
Alaska		1890	4,298	32,032
		*1896	10,000	37,000

* Estimated.

The people of the District of Columbia, a less important community to the country at large than Alaska, have two great committees of Congress constantly at their service and are in close contact with all departments of the Government.

Thus it appears that this great and increasing body of isolated American citizens, holding a position and possessing and representing interests not inferior to those of many of the States, loyal and to the nation at large, present and prospective, and who now require representation more than any other, is the only portion of our countrymen who, like aliens and wild Indians, are absolutely disfranchised in every sense.

One other feature of the condition of our fellow-citizens in Alaska has impressed itself upon us with great force. Most of their relations are direct with the General Government and the people are in constant need of a Delegate of their own choice responsible to them for the attention which their innumerable affairs require at the several Executive Departments in Washington: and not less necessary is it for the Departments that they should be in communication with some one whose duty it is to be correctly informed upon the various subjects which arise.

Accordingly, we find the passage of this bill earnestly supported by the Treasury Department, with which the larger part of the business of Alaska is transacted.

In fact, the honorable Assistant Secretary Hamlin appeared before the committee and very earnestly and conclusively demonstrated the importance of representation being allowed to Alaska on account of her extensive business with that Department, he personally having often found great difficulty in determining the proper line of action for want of some reliable informant upon whom to fix responsibility.

It only remains to explain the working provisions of the bill—a matter attended with some difficulty on account of the vast extent of territory and the widely scattered population.

It may first be observed that the object being to give the people an opportunity to secure a capable and honest Delegate, who will, however, have no voting power, it is not necessary to raise all the delicate questions which might arise in State and national elections.

Whatever is done at the election, all the returns will be in the hands of the House, with power to seat or reject the candidate, as shall be deemed for the best interest of the whole people of Alaska; nor will the provisions of this bill necessarily be operative beyond the first election. Experience will be likely to suggest improvements.

It has been thought best to limit the right to vote in the first election to male citizens of the United State 21 years of age and upward. This rule is simple and safe. To authorize any but citizens to vote is to deprive citizens of their power. This rule will not permit the raising of doubtful questions as to the rights of women and Indians (which may well be considered later on) to perplex the officials at the several voting places, who will be performing their duties for the first time.

The census shows that practically the voters will be white American citizens, native or naturalized.

No question can arise unless in regard to those classed as "mixed Indians," not exceeding 300 or 400 voters, that whole population being 1,823 in the year 1890 and rapidly diminishing. (See Census Report, "Alaska," page xi.)

If they are living as civilized men they may be American citizens under the terms of the treaty with Russia dated March 30, 1867, which provides:

"ART. III. The inhabitants of the ceded territory, according to their choice reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of the uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may from time to time adopt in regard to aboriginal tribes of that country."

Whether these three or four hundred men (at most) shall vote or not, provided that they are not connected with the uncivilized tribes, can not materially affect the result, as there are probably five or six thousand white American citizens entitled to vote.

The governor, the judge of the district court, the clerk, and the marshal of the district, who are familiar with the treaty, the laws, the status of the inhabitants, and the whole situation are by the bill charged with the establishment of the polling places, the appointment of election boards, and the issuing of all necessary instructions for the conduct of the election.

Mr. Miner W. Bruce, who took the census of southeastern Alaska in 1890, and who is familiar with the whole coast to Point Barrow, in the Arctic Ocean, estimates the whole number of voters at points north of Unalaska at 50 and that not more than 4 polling places for them would be necessary.

Unalaska, the most important port of the Northern Pacific Ocean, and probably to be a great naval station, is 1,250 miles westerly of Sitka, the capital, which is in southeastern Alaska.

The Aleutian Islands stretch 1,000 miles beyond Unalaska toward Asia.

Mr. Bruce is of the opinion that, including Unalaska, 5 polling places only will be required between Unalaska and Sitka to accommodate, as estimated, an aggregate of 199 votes. Southeastern Alaska, including Sitka and Juneau, estimated to contain about 3,000 voters, can be accommodated at 10, while the Yukon Valley, practically including all the rest, will require but 3 or 4 polling places. Thus probably nine-tenths of the voters of the whole District will need but 22 stations.

It would be impossible, making every conceivable allowance for increase of population (since that increase must go mainly to points already occupied), that more than 40 places can be required at the proposed election next October. The bill, however, permits the establishment of not exceeding 100, and limits the cost to $25 each, and the total cost, in any event, to $3,000, including the establishment of stations, fees of election boards, collection of returns, etc., all to be audited by the Treasury Department before payment. It is not probable that the entire expense to the Government can exceed $3,000.

Any further expense must be borne by the people themselves, and as they have no laws for the levy and collection of taxes, it is but right that the United States should provide for the first election. The vast mass of pending legislation concerning Alaska, as well as the great international boundary question (all making a Delegate on this floor so necessary), is morally sure to go over to the short session next winter, when it may be hoped that it will receive consideration.

The bill therefore provides for an election of a Delegate to the short session of this as well as to the Fifty-fifth Congress, and the time is fixed for the election this year in October, although, but for the preliminary work (which will be less hereafter), September would be the better month on account of the shortness of the season.

A mail steamer leaves Unalaska for Sitka October 15, and other conveyance is such from points still more remote that all the returns can be placed in the hands of the governor early in November, which will give opportunity for the Delegate to reach Washington promptly at the opening of the next session, during which, from the postponement of legislation, his services will be of practically the same value as for a full term.

On several occasions Congress has been urged by the people of Alaska to give them representation by a Delegate on the floor of this House. Public meetings, memorials, and the general expression of her representative men,

and of many others who know the situation, have prayed for her this privilege—if, indeed, it be not an inherent right—a privilege the exercise of which is as important to the country at large as to herself.

They are the only body of American citizens who have no voice whatever in the making of the laws by which they are governed, and, in view of all the preceding considerations, your committee urge the immediate passage of this bill in order that the necessary preparations may be made for an election next October.

Mr. SCRANTON. Mr. Speaker, I ask that the remainder of the report be printed in the RECORD without reading, as I find that it will take up more time than I have to spare.

The SPEAKER. The gentleman is at liberty to dispense with the reading of the report——

Mr. McMILLIN. Mr. Speaker, I would like, before proceeding with this any further, to ask the gentleman from Pennsylvania a question. I see that there is a provision in the bill for the election of a Delegate to represent that part of the Territory at the remainder of this session of Congress as well as in the next Congress. Now, does the gentleman think it would be desirable to put in operation the machinery of an election to supply a Delegate from that Territory for the remainder of this Congress? And does he think it advisable, especially in view of the fact that it will be necessary to change the date of the election from that on which the election is usually held? Does he not think it better to provide a Delegate to be elected to take his seat at the beginning of the regular session of the next Congress, instead of going through the form and putting in operation the machinery of an election to provide one for the ninety days of this Congress?

Mr. SCRANTON. I will reply by asking the gentleman another question. Do you not think that it would be a good business operation to get a large share of work out of a Delegate, at proportionate cost, at this term of Congress—work that is necessary to be performed for the benefit of that Territory—rather than to wait for the regular session of the next Congress?

Mr. McMILLIN. Well, Mr. Speaker, my observation has led me to conclude, and my experience has shown me in connection with such matters in this House, that men coming to Congress for the first time, and occupying their seats for the ninety days of the short session—the closing days of the Congress—when they are not familiar with the work of Congress are not very likely to accomplish anything of importance. I do not believe it can be done. I have never seen it done yet, and do not think it worth while to try the experiment now.

Furthermore, I would suggest that the gentleman does not seem to take into consideration the remoteness of this Territory, the difficulty of getting here, the time that will necessarily transpire before an election can be held, the machinery put in operation, and the Delegate arrive. It seems to me if we pass this bill at all that it should be prospective in character and apply not to this Congress, but to the coming Congress.

Mr. McCREARY of Kentucky. What has become of the reading of the report, which was commenced?

The SPEAKER. The gentleman from Pennsylvania has withdrawn the request for the further reading of the report.

Mr. McCREARY of Kentucky. I listened to this report as far as it was read, was quite interested in it, and would like to hear the rest of it.

The SPEAKER. The gentleman from Pennsylvania is, of course, entitled to present his views in such manner as he sees fit. If he has presented to the House all of the report that he saw proper to present, he has the right to withdraw the remainder of it.

Mr. McCREARY of Kentucky. If I can have time to read the rest of the report, before I am called upon to vote, I would not probably object to the bill. And I insist upon the reading of it unless by unanimous consent it has been dispensed with.

The SPEAKER. The Chair thinks that the reading of the report does not require that kind of proceeding.

Mr. McCREARY of Kentucky. Then I will take the floor and have it read in my own time.

The SPEAKER. But the gentleman can not take the gentleman from Pennsylvania off the floor.

Mr. McCREARY of Kentucky. Will the gentleman from Pennsylvania yield me the floor for a short time?

Mr. SCRANTON. I have but forty minutes altogether——

Mr. PERKINS. Mr. Speaker, it appears that the gentleman from Pennsylvania has control of the forty minutes allowed by the House for the consideration of the bill. I hope the gentleman will bear in mind that I would like a few minutes myself.

Mr. SCRANTON. Certainly. How much time—fifteen minutes?

Mr. PERKINS. It would not be unreasonable, I think, to ask fifteen minutes.

Mr. SCRANTON. I yield to the gentleman from Iowa fifteen minutes, and reserve the balance of the time.

Mr. DOCKERY. I would like to be allowed, before that is done, with the consent of the gentleman from Pennsylvania, to suggest an amendment to be added at the close of the bill.

The SPEAKER. The Clerk will report the amendment, after which the Chair will ask consent.

The Clerk read as follows:

On page 4 of the bill insert, in line 6, after the word "audited," the words "by the proper accounting officers upon the approval of the governor."

The SPEAKER. Is there objection to the offering of the amendment?

There was no objection.

The SPEAKER. Is there objection to the amendment?

Mr. McCREARY of Kentucky. I object.

Mr. DOCKERY. Oh, I hope the gentleman will not object to this amendment.

Mr. McCREARY of Kentucky. What is the purport of the amendment?

Mr. DOCKERY. Simply to direct the governor to approve the vouchers of the election expenses.

Mr. McCREARY of Kentucky. Very well; I will not object to that.

The SPEAKER. Is there further objection to the amendment?

There being no objection, the amendment was agreed to.

Mr. PERKINS. Mr. Speaker, this is a bill of such general importance that it seems to me it would have been quite proper to have given more time for its consideration. As a member of the Committee on Territories, in the consideration of this bill I could not bring myself to believe that it was prudent or wise action for this House to make the provision recommended here for a Delegate from the Territory of Alaska. I think that the report, a portion of which has been read, itself establishes the incompetency of Alaska for Territorial relations. I read, Mr. Speaker, from the report:

We have, then, a population of at least 10,000 white Americans—

So far as that is concerned, that is an estimate. The alleged census in Alaska in 1890 gave 4,298. The governor, in his report in 1895, estimates the white population at 8,000. It is assumed that it has increased since that time by reason of some immigration to the Yukon Valley. But never mind—

nearly all of them citizens of the United States, and by reason of the absence of their families—

They are there temporarily, a migratory people—

an unusual number—

The report continues—

are entitled to vote, with a prospective increase to which no limit can be placed.

Now mark you—

inhabiting and developing a region comprising one-sixth the area of the United States, stretching along and commanding the Pacific Ocean and its principal lines of commerce for all time, yet so situated that by reason of her vast extent and great difficulties of intercommunication, her lack of agricultural capabilities, which are the foundation of states, the diverse elements of her population, largely such as are at present inadmissible to American citizenship, they can probably never become a State in the Union, or even be benefited by a Territorial form of government—certainly not for many years to come.

Therefore we have an admission in this report, supported by all the evidence produced by the most ardent friends of this measure, that Alaska can never be granted a Territorial form of government.

Now, whom will this Territorial Delegate represent? There is now practically no civil government in Alaska. There are, as we understand it, no citizens in Alaska. There are no homes there. There are no titles to property. There is no system of taxation. But so anomalous is this condition of things, that it is provided that we shall place the elective system in the hands of a commission consisting of the governor, the judge of the supreme court, the clerk of the court, and the marshal, who shall make regulations for this election—an election in a Territory one-sixth of the area of the entire United States, with no communication in the interior, and communication practically impossible. They shall establish polling places, and the returns shall be made to these gentlemen; and it is provided that the election shall be in September. The gentleman from Tennessee [Mr. McMILLIN] inquired as to why it should not be held in November. It would be utterly impossible. There is no communication there. You might just as well provide in this bill that Alaska should be represented by a Delegate on this floor as the result of a town meeting in Sitka or Juneau as by an election in the manner provided here.

Alaska now belongs to the United States. It is the property of the United States, and if we have a representative from Alaska he ought to be a representative of the United States Government. Therefore I think this great Territory in its present condition should remain under the control of the Government of the United States. It should be represented here by the great departments of the Government, and not by a selected agent of the Alaskan companies. There may be some advantage to the gentlemen who have gone there for speculative purposes, but no Delegate from Alaska can represent a fixed population as we understand it in the United States, can represent in this Congress the interests of the United States, because they will come in conflict with those companies

now seeking to enrich themselves in the mines and in the salmon fisheries. It is represented that these companies engaged in the fisheries there are denuding the streams and leaving the people of that Territory, the real settlers there, to starvation; and so we have representations here from the Treasury Department, asking this Congress to make provision for the protection of those salmon fisheries against the raids of these companies.

Mr. McCREARY of Kentucky. Mr. Speaker, I should like to ask the gentleman a question.

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Kentucky?

Mr. PERKINS. I will yield.

Mr. McCREARY of Kentucky. Have there been any petitions sent here from Alaska asking for this legislation?

Mr. PERKINS. I am glad that the gentleman asked that question. To my knowledge not a petition that could be said to emanate from Alaska has been presented here. The gentlemen who are interested in the industries of Alaska have been here. I hold in my hand three reports of the governor of Alaska, and not in one of those reports is there a suggestion of a Delegate from the Territory of Alaska. The reports which I have are for 1893, 1894, and 1895.

Mr. SCRANTON. Will the gentleman yield?

Mr. PERKINS. I have not the time. I will tell you what they ask. They ask for the appointment of a commission to formulate some sort of civil government for the Territory of Alaska. Here is the recommendation of the governor:

Therefore I would recommend that Congress, either by joint resolution or by bill, empower the governor of the Territory to appoint a commission of five members, who shall be residents of Alaska, and whose duty it shall be to formulate amendments to the organic act of May 17, 1884, and also to prepare a code of laws, both civic and criminal, for the government of the Territory; which amendments and code of laws shall be submitted to Congress for their approval, and unless approved by act of Congress, said amendments and laws shall be null and void.

Mr. HENDERSON. Whose recommendation is that?

Mr. PERKINS. That is the recommendation of the governor of the Territory.

Mr. HERMANN. Will the gentleman permit an inquiry?

Mr. PERKINS. Yes, sir.

Mr. HERMANN. I will say to the gentleman that perhaps seven-eighths of the capital invested in the Territory of Alaska is from the people on the Pacific Coast, and perhaps seven-eighths——

Mr. PERKINS. I do not know about that. I can not yield to the gentleman for a statement.

Mr. HERMANN. And perhaps seven-eighths of the population of Alaska is from the Pacific Coast. I will ask the gentleman whether any petitions or memorials are here before his committee from any of these people who are interested in that Territory?

Mr. PERKINS. None whatever.

Mr. COOPER of Texas. I would suggest to the gentleman that possibly these corporations do not want representation. May it not be the miners who are there? Are there not 20,000 miners in Alaska who want representation?

Mr. PERKINS. The gentleman is a member of the Committee on Territories and knows very well from what source the pressure has come for this representation.

Mr. DOCKERY. Can not the gentleman tell us who it is?

Mr. KNOX. Let the House understand where it is from?

Mr. PERKINS. The gentleman is a member of the committee and I do not need to explain to him.

Mr. KNOX. Why should you not? You have the whole time.

Mr. PERKINS. I know this—that no representation from the Territory of Alaska, except as brought here by those living in the East and representing mining industries out there, has come before our committee. Nothing like a petition of citizens.

Mr. KNOX. I will ask the gentleman, Do you not know that this bill has the approval of the Secretary of the Treasury?

Mr. PERKINS. I know nothing of the kind.

Mr. KNOX (continuing). And the Assistant Secretary of the Treasury (Mr. Hamlin), who went to Alaska, and who asks for the appointment of this Delegate? Why do you not tell the House that?

Mr. PERKINS. I am willing to say that Assistant Secretary Hamlin was before the committee.

Mr. KNOX. Very well; why do you not tell this House that this bill meets with the approval of those who have any experience in looking after the interests of the Government there?

Mr. PERKINS. I say, Mr. Speaker, that it is practically impossible to hold anything like a popular election in that Territory. Everyone who knows anything about that Territory will appreciate and realize that fact. If we are to have a Delegate here, let us have him in an honest way. Let the governor appoint him, or the Secretary of the Treasury appoint him, or the people in Juneau or Sitka designate who he shall be, but such a thing as a popular election in the Territory of Alaska is out of the question. I do not believe that it is to the advantage of this Congress or this country to appoint a Delegate or to permit the agents of these companies to have access to this floor and to our committees for the purpose of advancing their interest against the interest of the United States in that Territory.

The SPEAKER. The time of the gentleman has expired.

Mr. McCORMICK. I would like to ask the gentleman a question before he takes his seat.

Mr. PERKINS. My time has expired.

Mr. McCORMICK. Let me ask the gentleman from Iowa if the first election in each of our Territories has not been attended with difficulties of many kinds?

Mr. PERKINS. Not equal to those to be encountered in Alaska.

Mr. SCRANTON. Mr. Speaker, this detached territory of so great proportions, with its immense coast line, purchased of Russia for $7,200,000 by Secretary Seward in 1867 and named by Charles Sumner Alaska, is a valuable possession. It has repaid us richly for the investment and is entitled to our protection and fostering care. Congress has legislated for its native Indians, its Russian half-breeds, its salmon, seal, and reindeer, but beyond granting an incomplete and inadequate form of civil government in 1884 nothing has been done for its white citizens. Since the rich gold development in southeastern Alaska thousands have been attracted to its mining camps and towns and to-day its white population is estimated at 10,000.

The residents of Alaska have repeatedly memorialized Congress for rights and privileges to which they are entitled as American citizens. These memorials have been expressions of the people of Alaska, without regard to party affiliation, in Territorial convention assembled. These conventions have each time chosen a Delegate to come to Washington as their representative. The first instance I have alluded to was in 1882; the last was at Juneau, November 5, 1894. In every instance their first and paramount request has been for representation in Congress by a Delegate to be elected by the people.

Mr. TRACEY. I would like to ask the gentlemen a question, with his permission.

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Missouri?

Mr. TRACEY. I would like to ask the gentleman a question for information.

Mr. SCRANTON. I have not much time to spare.

Mr. TRACEY. Who are the people of Alaska, and about how many of them would likely participate in an election held to elect a Delegate to Congress?

Mr. SCRANTON. I think I will answer that later in the course of my remarks. I hold in my hand a certified copy of the proceedings of the convention at Juneau, at which they elected Colonel Nowell, a mining operator, to represent them in Washington.

They need a new code of laws, extending to Alaska the laws of Oregon, amending jurisdiction of United States commissioners' courts, securing appeals in civil cases from United States commissioners' courts to United States district courts. They want a land office, mail facilities, high liquor license, and the right of acquiring a homestead to actual settlers on unoccupied lands, and much else. But above all they ask for representation in Congress. In their opinion that is their proper starting point, and after gaining it other needed aid will follow.

It is argued against them that it will not do to trust these 10,000 American voters with the ballot, lest they should be corrupted by corporate influence and elect as Delegate some capitalist whose wealth is employed in developing the gold mines of Alaska, and in thus contributing to support the people and to attract others thither. Suppose they should elect some such representative of the money power which has peopled Alaska with white American citizens, and suppose further that their chosen Delegate was a nonresident of Alaska during the severe winter months. Does it follow that such a person would not ably, creditably, and acceptably serve his constituency? Are not their interests identical, although the one may be rich and the many poor? Or would the blatant demagogue be preferable, whose self-appointed guardianship over the people is always mischievous and disappointing. The hardy miners, fishermen, and traders of Alaska can be as safely trusted with the ballot as can the voters of any section of our country. The people can be depended upon to attend to the personnel of their representative in Congress, and no argument to the contrary can be made which will not apply to districts all over the United States.

This cheap statesmanship would not be tolerated in any country but ours. When Russia owned Alaska her soldiers garrisoned its gateways, the Czar's edict none dared question in her waters, there was no piracy of seals from Russia. Ten years after we acquired Alaska our troops were withdrawn; it has had no military post since; it has no telegraphic communication with the rest of the world and only one light-house on its whole coast. Had not President Polk receded from his pledge to establish our northern boundary at "Fifty-four forty or fight," there would to-day have been

no British Columbia and the United States would have had continuous frontage on the Pacific Ocean from the southern line of California to Bering Strait. Had the map been constructed as any nation but ours would have compelled it to have been, we would have had no piratical destruction of our rich seal fisheries and no Bering Sea question for arbitration. There would have been no Canadian Pacific Railway to divert American traffic and no Canadian Pacific steamship lines to share our coast and ocean trade. As it is, Great Britain has 600 miles of coast between Washington and Alaska, and since the gold development in southeastern Alaska, she has trumped up a dispute over the boundary line and would crowd us into the Pacific Ocean and rob us of most of our Alaskan gold.

Let us look after our own; this is natural, it is right; nay, rather, it is our duty. Let us give this great Northwest Territory a voice to represent it on this floor. We have lost too much already by a penny-wise and pound-foolish policy to suffer its continuance. The expense of the proposed election is well guarded in the bill, being limited to $3,000, and probably will not exceed $2,000. This cost is a small item in comparison with accruing benefits. If Alaska is worth having, it certainly is worth caring for and fostering. What is Alaska's value to the United States?

First, let us consider the great importance of Alaska, by reason of its geographical location and characteristics, to the commercial prosperity and common defense of the whole country. San Francisco is situated easterly of the center of our possessions and Alaska flanks the great line of Pacific travel between America and Asia. The Aleutian Islands extend within less than 1,000 miles of the Asiatic ports, and the naval and coaling stations, really important to us in the control of the commerce and dominion of the Pacific Ocean, must be located upon Alaskan soil. Alaska is the Gibraltar of the Pacific Ocean; and if we properly appreciate and utilize her natural advantages it matters little to us who controls Hawaii or any other of the Pacific possessions. Pearl Harbor, in the Sandwich Islands, is 2,000 miles south of the great northern route of Pacific travel. The superb harbor of Unalaska is within 100 miles of the same route and is 1,000 miles nearer to Asia. Unalaska is one of the great harbors of the world, and there is likely to be the actual location of the "sea power" of the Pacific Ocean hereafter. Coal is found in various parts of Alaska, and it is most likely not only that she will supply her own coaling stations, but also those of the Pacific Ocean generally.

Again, despite the fact that in Alaska land can neither be bought nor preempted (thus virtually prohibiting immigration), that its lumber can not be exported, and that mining and fishing are the only industries permitted, yet Alaska stands alone among our "bloodless acquisitions" in having yielded a revenue from the beginning. The lease of the tiny seal islands has yielded 4 per cent interest on the sum originally paid for the whole Territory, which, in the end, has returned an equal amount—seven millions—to the Treasury. For more than ten years the gold mines have been producing an average of $1,000,000 a year; and for the past ten years the salmon and other fisheries have yielded an annual product valued at $2,000,000.

Since the United States purchased Alaska, that almost unknown region, extending "westward to the far East," has contributed from ninety to one hundred million dollars to the wealth of the world. In the last census report the value of the products of Alaska from 1868 to 1890 is given as follows:

Furs	$48,518,929
Canned salmon	9,008,497
Salted salmon	693,548
Codfish	1,246,650
Ivory	147,047
Gold and silver	4,631,840
Whale oil	2,853,351
Whalebone	8,204,067
Aggregate	75,213,929

Since 1890 its mines and fisheries have yielded $5,000,000 annually, which brings its total output since we have owned it to a round billion dollars.

Mr. Speaker, shall not Congress pay some heed to the petitions of the citizens of such a country as Alaska? Shall we longer slight our valuable Northwestern possessions, while England is steadily lavishing money on British Columbia by constructing wagon roads, extending the telegraph and mail service, and subsidizing Canadian Pacific steamships? Can we not learn much by observing the zealous care for every inch of its possessions exercised by the British Empire, upon which the sun never sets?

I have briefly noticed the salient points in Alaska's resources and natural advantages, and have endeavored to show by recorded facts her wonderful wealth. If her chrysalis civil condition and hitherto retarded development have produced such results as we have seen, what may we not expect of her future? The two great political parties have given Alaska the only recognition thus far received by according her representatives seats in their national conventions at Minneapolis and Chicago in 1892. Alaska has a voice upon our national committees and will be again accorded a place in our national conventions of this year. Does not this precedent commit both Republicans and Democrats to the policy of giving her a voice in this House and to the passage of this bill? In order that the Government may grasp and make available to capital and industry the resources that are within easy reach in that Territory it is of great importance that Congress should take immediate steps to accord her a Delegate who can give information as to what can be done and should be done in Alaska's interest.

Mr. Speaker, Alaska will produce more gold this year alone than the price paid for it. Last year her gold output was between four and five millions, and this year it will exceed $7,000,000. She has eight corporations mining gold, all of them representing American capital excepting the Treadwell, one-half of which is owned in Europe. They employ 2,000 men, have 540 stamps, and are producing now $3,000,000 of gold a year. The placer miners greatly outnumber the quartz miners, and represent 7,000 men at work on their own account. These 7,000 placer miners average $1,000 profit each per year above their living and other expenses, thus giving to the world seven millions more annually of gold. Alaska's contribution of gold during 1896 may reach $10,000,000. Her fish and furs will yield five million more. The prospects of Alaska's future are wonderful; her recent development is marvelous; her people are of the best class of hardy pioneers, necessarily, because of the cost and difficulty of getting there. They are thorough Americans, who will fight if need be for our rights as a nation. They look to Congress for the privileges guaranteed to American citizens. Let their appeal be no longer in vain.

Mr. McCREARY of Kentucky. Mr. Speaker, I would like to ask the gentleman from Pennsylvania a question.

Mr. SCRANTON. I hope the gentleman will be brief.

Mr. McCREARY of Kentucky. What necessity is there for the election of a Delegate in October? Why not amend the bill so as to provide for the election of a Delegate at the next Congressional election?

Mr. SCRANTON. The election is to be held at the next election.

Mr. McCREARY of Kentucky (continuing). He would only be here three months, and then it would cost, as I understand, some $5,000 or $6,000 for him to come here.

Mr. SCRANTON. That is not a material point.

Mr. McCREARY of Kentucky. Before you take your seat I hope you will accept an amendment of that kind.

Mr. SCRANTON. If an amendment of that kind is offered I will accept it.

The SPEAKER. It will be necessary, if the gentleman accepts the amendment, to have it presented at once.

Mr. McCREARY of Kentucky. I have an amendment I want to offer to the second section, providing for the election of a Delegate at the next regular election, and to dispense with the election in October.

Mr. PERKINS. I will say, if the gentleman will allow me, that the climatic conditions are such in that Territory that they can not possibly hold an election in November. The bill provides for an election in September.

Mr. McCREARY of Kentucky. The bill provides to elect at the October election, but it also reads that the election shall be held on the first Tuesday in September in each year. Therefore, I will make my amendment so as to read the first Tuesday in September in each year.

Mr. SCRANTON. I accept that amendment.

Mr. DOCKERY. I have prepared an amendment to the same effect, but as the gentleman from Kentucky has offered one, I will not offer mine.

Mr. DINGLEY. I suggest to the gentleman in charge of the bill that unless there is an amendment made to that provision this Delegate, if he be elected for three months, will draw $10,000.

Mr. SCRANTON. There is a provision in the bill already to prevent that.

Mr. DOCKERY. I was about to propose an amendment, but if the gentleman from Kentucky desires to offer it, I will yield to him.

Mr. McCREARY of Kentucky. Mr. Speaker, I will, at the proper time, move to strike out these words:

That the first Delegate shall be chosen for the remainder of the term of the Fifty-fourth Congress and for the full term of the Fifty-fifth Congress at the same election; and each succeeding Delegate shall be chosen for the full term of the Congress next succeeding his election.

There will remain section 3, which provides—

That the first election of such Delegate shall be held on the 1st day of October, in the year 1896, and thereafterwards such elections shall be held on the first Tuesday of September in each year when the members of the House of Representatives are chosen.

The SPEAKER. The amendment will be considered as pending. [A pause.] The time for debate has expired, and the gentleman from Kentucky will present his amendment.

Mr. SCRANTON. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

There was no objection.

Mr. McCREARY of Kentucky. Mr. Speaker, the gentleman from Missouri [Mr. DOCKERY] has prepared an amendment which covers the same ground as the one I was about to offer.

Mr. DOCKERY. Mr. Speaker, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Strike out, in lines 1 and 2, section 2, after the word "chosen," the following: "For the remainder of the term of the Fifty-fourth Congress and"; also, section 2, line 3, strike out the words "at the same election"; also strike out all after the word "held" in line 2, section 3, down to and including the word "held," in line 3, section 3; also strike out the words "in each year," in line 4 of section 3, and insert "in the year 1896."

Mr. DOCKERY. I will read this part of the bill as it will stand if the amendment is adopted:

SEC. 2. That the first Delegate shall be chosen for the full term of the Fifty-fifth Congress, and each succeeding Delegate shall be chosen for the full term of the Congress next succeeding his election.

SEC. 3. That the first election of such Delegate shall be held on the first Tuesday of September in the year 1896, when the members of the House of Representatives are chosen.

Mr. McCREARY of Kentucky. That is acceptable to me.

The amendment was agreed to.

Mr. OWENS. Mr. Speaker, I desire to offer an amendment.

Mr. LOUDENSLAGER. I desire to offer an amendment.

The SPEAKER. It is too late to offer amendments unless by unanimous consent, the vote having been ordered.

The question was taken on the engrossment and third reading of the bill; and the Speaker declared that he was in doubt.

A division was called for.

Mr. OWENS. Mr. Speaker, I ask unanimous consent to offer the amendment which I send to the desk.

Mr. BARRETT. Amendments are not in order now, I believe.

The SPEAKER. Only by unanimous consent.

Mr. OWENS. I ask consent to offer this amendment:

Provided, however, That the mileage allowed said Delegate shall in no case exceed $1,500.

The SPEAKER. Is there objection to the consideration of this amendment?

Mr. McCORMICK. I object.

The question being taken on ordering the bill to a third reading, the Speaker declared that the noes seemed to have it.

On a division there were—ayes 44, noes 60.

So the House declined to order the bill to a third reading.

FOREIGN EXHIBITS AT TENNESSEE CENTENNIAL EXPOSITION.

Mr. McMILLIN. Mr. Speaker, I present a privileged report from the Committee on Ways and Means, and ask for its immediate consideration.

The report was read, as follows:

The Committee on Ways and Means, to whom was referred the joint resolution H. Res. 167, having fully considered the same, report it back with the recommendation that it do pass.

The purpose of the resolution is to allow foreign exhibitors at the Tennessee Centennial Exposition to exhibit their goods without payment of import duties, and to allow custodians and artisans in charge of said exhibits to come to and remain in this country, by employment, while making the exhibits.

The resolution is similar to the one for a like purpose passed by Congress in connection with the World's Columbian Exposition held at Chicago, and others. It is thoroughly guarded by the usual provision for payment of duties in case of sale, etc., and should pass.

The joint resolution is as follows:

Joint resolution (H. Res. 167) authorizing foreign exhibitors at the Tennessee Centennial Exposition, to be held in Nashville, Tenn., in 1897, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits, and allowing articles imported from foreign countries for the sole purpose of exhibition at said exposition to be imported free of duty, under regulations prescribed by the Secretary of the Treasury.

Whereas the Tennessee Centennial Exposition Company of Nashville, Tenn., have extended invitations which have been accepted by the several nations, and space for installing foreign exhibits has been applied for and duly apportioned, and concessions and privileges granted by the exposition management to the citizens and subjects of foreign nations; and

Whereas for the purpose of securing the production upon the exposition grounds of scenes illustrative of the architecture, dress, habits, and modes of life, occupation, industries, means of locomotion and transportation, amusements, entertainments, etc., of the natives of foreign countries, it has been necessary for the Tennessee Centennial Exposition Company to grant concessions and privileges to certain firms and corporations conceding the right to make such productions: Therefore

Resolved by the Senate and House of Representatives, etc., That the act of Congress approved February 26, 1885, prohibiting the importation of foreigners under contract to perform labor, and the acts of Congress prohibiting the coming of Chinese persons into the United States, and the acts amendatory of these acts, shall not be so construed, nor shall anything therein operate to prevent, hinder, or in anywise restrict any foreign exhibitor, representative, or citizen of a foreign nation, or the holder, who is a citizen of a foreign nation, of any concession or privilege from the Tennessee Centennial Exposition Company, of Nashville, Tenn., from bringing into the United States, under contract, such mechanics, artisans, agents, or other employees, natives of their respective foreign countries, as they, or any of them, may deem necessary for the purpose of making preparations for installing or conducting their exhibits or of preparing for installing or conducting any business authorized or permitted under or by virtue of or pertaining to any concession or privilege which may have been granted by the Tennessee Centennial Exposition Company, of Nashville, Tenn., in connection with such exposition: *Provided, however*, That no alien shall by virtue of this act enter the United States under contract to perform labor except by express permission, naming such alien, of the Secretary of the Treasury; and any such alien who may remain in the United States for more than one year after the close of said exposition shall thereafter be subject to all the processes and penalties applicable to aliens coming in violation of the alien-contract-labor law aforesaid.

SEC. 2. That all articles which shall be imported from foreign countries for the sole purpose of exhibition at said exposition, upon which there shall be a tariff or customs duty, shall be admitted free of payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exhibition to sell, for delivery at the close of the exposition, any goods or property imported for and actually on exhibition in the exposition buildings or on its grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when sold or withdrawn for consumption in the United States, shall be subject to the duty, if any, imposed upon such article by the revenue laws in force at the date of importation, and all penalties prescribed by law shall be applied and enforced against such articles and against the persons who may be guilty of any illegal sale or withdrawal.

Mr. McMILLIN. Mr. Speaker, I ask for the adoption of the resolution, and will state that it varies in no material particular from the bill introduced for a similar purpose for the International Exposition at Chicago and the Exposition at Baltimore. It is sufficiently guarded in all respects. It meets the approval of the Treasury officials, and it is the unanimous report of the Ways and Means Committee.

Mr. DINGLEY. It is the ordinary bill in these cases.

Mr. McMILLIN. As stated by the chairman of the committee, it is the ordinary bill for the purpose of allowing foreign exhibitors to bring their exhibits here and place them on exhibition.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. McMILLIN, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

BANKRUPTCY.

Mr. HENDERSON. I move that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. PAYNE in the chair), and resumed the consideration of the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

The CHAIRMAN. General debate having been closed by order of the House, the bill will now be read by paragraphs for amendment.

The Clerk read as follows:

SECTION 1. MEANING OF WORDS AND PHRASES.—*a* The words and phrases used in this act and in proceedings pursuant hereto shall, unless the same be inconsistent with the context, be construed as follows: (1) "A person against whom a petition has been filed" shall include a person who has filed a voluntary petition; (2) "adjudication" shall mean the date of the entry of a decree that the defendant, in a bankruptcy proceeding, is a bankrupt, or if such decree is appealed from, then the date when such decree is finally confirmed; (3) "appellate courts" shall include the circuit courts of appeals of the United States, the supreme courts of the Territories, and the Supreme Court of the United States; (4) "bankrupt" shall include a person against whom an involuntary petition or an application to set a composition aside or to revoke a discharge has been filed, or who has filed a voluntary petition, or who has been adjudged a bankrupt; (5) "clerk" shall mean the clerk of a court of bankruptcy; (6) "corporations" shall mean all bodies having any of the powers and privileges of private corporations not possessed by individuals or partnerships; (7) "court" shall mean the court of bankruptcy in which the proceedings are pending and may include the referee; (8) "courts of bankruptcy" shall include the district courts of the United States and of the Territories, the supreme court of the District of Columbia, and the United States court of the Indian Territory; (9) "creditor" shall include any one who owns a demand or claim provable in bankruptcy and his duly authorized agent, attorney, or proxy; (10) "date of bankruptcy," or "time of bankruptcy," or "commencement of proceedings," or "bankruptcy" with reference to time, shall mean the date when the petition was filed; (11) "debt" shall include any debt, demand, or claim provable in bankruptcy; (12) "defeat" shall include defraud or delay, evade, hinder, and impede with intent to defraud; (13) "discharge" shall mean the release of a bankrupt from all of his debts which are provable in bankruptcy except such as are excepted by this act; (14) "document" shall include book, deed, and instrument in writing; (15) "holiday" shall include Christmas, the Fourth of July, the 22d of February, and any day appointed by the President of the United States as a holiday or as a day of public fasting or thanksgiving; (16) "insolvent," as applied to a person, shall mean that his property is not sufficient in amount, at a fair valuation, to pay his debts, and when insolvency is to be inquired into with reference to an act of bankruptcy it shall be determined as of the date of the filing of the petition; (17) "judge" shall mean a judge of a court of bankruptcy, not including the referee; (18) "oath" shall include affirmation; (19) "officer" shall include clerk, marshal, receiver, referee, and trustee, and the imposing of a duty upon or the forbidding of an act by any officer shall include his successor and any person authorized by law to perform the duties of such officer; (20) "person" shall include corporations, officers, partnerships, and women, and when used with reference to the commission of acts which are herein forbidden shall include persons who are particeps criminis in the forbidden acts, and the agents, officers, and members of the board of directors or trustees, or other similar controlling bodies of corporations; (21) "petition" shall mean a paper filed in a court of bankruptcy or with a clerk or deputy clerk by a debtor praying for the benefits of this act, or by creditors alleging the commission of an act of bankruptcy by a debtor therein named; (22) "referee" shall mean the referee who has jurisdiction of the case or to whom the case has been referred, or any one acting in his stead; (23) "secrete" shall include conceal, falsify, mutilate, remove, and suppress; (24) "secured creditor" shall include a creditor who has security for his debt upon the property of the bankrupt of a nature to be assignable under this act, or who owns such a debt for which some indorser, surety, or other person secondarily liable for the bankrupt has such security upon the bankrupt's assets; (25) "States" shall include the Territories, the Indian Territory, and the District of Columbia; (26) "transfer" shall include the sale and every other and different mode of disposing of or parting with property, or the possession of

property, absolutely or conditionally, as a payment, pledge, mortgage, gift, or security and the creation of a lien on property by any means other than by compulsory process prosecuted in good faith; (27) "trustee" shall include all of the trustees of an estate; (28) "wage earner" shall mean an individual who works for wages, salary, or hire, at a rate of compensation not exceeding $1,500 per year; (29) words importing the masculine gender may be applied to and include corporations, partnerships, and women; (30) words importing the plural number may be applied to and mean only a single person or thing; (31) words importing the singular number may be applied to and mean several persons or things, and (32) words which are given a meaning or made to include other words herein, when used in one tense, shall have a corresponding meaning when used in any other tense.

Mr. MILLER of Kansas. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 54, on page 3, after the word "include," strike out the word "corporations."

Also strike out lines 58 and 59, on page 4.

Mr. MILLER of Kansas. Mr. Chairman, I offer this amendment for two reasons. In the first place, there is no necessity for including corporations in this bankruptcy act, because all the States of the Union, with perhaps one or two exceptions, provide for the appointment of receivers of corporations in all cases where the corporation is insolvent. But the principal reason that I urge for the adoption of this amendment is that by the terms of this bill anyone can petition a corporation into bankruptcy; and yet, under the bill, it can receive no relief from any debt that it owes. By the terms of the bill, a corporation is precluded from filing a petition for discharge, and it is expressly provided that a corporation shall not be discharged from any debt that it may owe. Now, I submit whether it is a proper thing for a corporation to be forced into bankruptcy under the provisions of this bill when no relief whatever can be given it? I call attention to the provision in regard to discharge on page 15:

A person not a corporation may after the expiration of two months and within the next four months subsequent to being adjudged a bankrupt file an application for his discharge.

That provision denies to every corporation the right to file a petition for discharge. Section 16, on page 17, provides that—

A discharge in bankruptcy shall release a bankrupt not a corporation from all of his provable debts, except, etc.

Now, I submit that the laws of all the States provide ample means for taking charge of the property of an insolvent corporation, for placing it in the hands of a receiver, and distributing it equitably among the creditors. There is no reason why under this bill a corporation should be forced into bankruptcy when no relief can be given it according to the terms of the very law under which it is placed in bankruptcy. All the private banks in this country are subject to the provisions of this law. National banks are excluded; but there are numerous banks in every State and Territory that may be forced into bankruptcy under the bill. Railroad corporations, all sorts of business corporations, may be placed in bankruptcy and stripped of their property without any relief whatever—left with all their debts standing against them as they were before they were petitioned into bankruptcy. I say it is right and fair, inasmuch as these matters are covered by State law, that the provisions to which I have referred should not be retained in this bill.

It has been suggested that corporations may be relieved from their indebtedness under such circumstances by amendments further on. But there is this difficulty in regard to that suggestion, most of the States provide for a double liability upon stock. Nearly all banking corporations are subject to such a provision. This is a security that goes to the creditor, and the assignee in bankruptcy could not collect that, because it is not an asset of the bank. Therefore the difficulty in relieving a corporation from indebtedness will be insurmountable. The only fair and just way, it seems to me, is to strike out the word "corporation" in this bill, and let such matters be taken care of under the State law. I submit it is not a proper thing to force corporations into bankruptcy, and then after stripping them of their property give them no relief.

Mr. HENDERSON. Mr. Chairman, the purpose of this first section is to provide a definition or dictionary of terms used throughout the bill, so as to save frequent repetition. By this single section we save the use of many hundreds of words. The definition here in clause 20, page 3, which the amendment of the gentleman from Kansas aims at, provides that—

Persons shall include corporations.

The gentleman proposes to strike out that provision, and also to strike out in lines 58 and 59, on page 4 (the gentleman will correct me if I have misunderstood him), the words—

And the agents, officers, and members of the board of directors or trustees or other similar controlling bodies of corporations.

The purpose of those two lines, as will be seen from reading the context, is to bring within the provisions of the definition the only parties that can represent corporations—the agents, officers, and members of the board of directors or trustees. This is clearly right.

Now, wherever the word "person" is used it should, as it seems to me, apply clearly to corporations. Where an exception is intended as to corporations, the words of the bill expressly state the exception. I can see no harm to come from this proposition unless section 13 is to be amended; and even then it can do no harm, because the exceptions treat of the matter specifically. But the gentleman's real aim is to affect section 13, on page 15, which I ask members of the committee to turn to.

His objection is that the word "corporation" should be stricken out of the bill, because, while we give power to throw them into bankruptcy, yet we do not, under the operation of the law, provide that they may be discharged. Now, the objection I have to his amendment is, as I understand it, that the corporation, while it may not voluntarily go into bankruptcy and invoke the powers of the bill in its own behalf, may be thrown in under certain circumstances. Why? Because its assets can be thus placed within reach of the court for the benefit of the creditor. Then the question arises, when they are thrown into a state of bankruptcy, why you can not discharge them after the property has been disposed of.

Mr. Chairman, the answer to that question involves a consideration of the State laws. These corporations are all organized under the laws of their several respective States. The bill aims to get at their assets, just as it reaches the assets of the individual, but leaves them in their defunct, dead capacity, to be wound up according to the laws of the respective States under which they have received their charters. And it was thought when this bill was framed that it was not a wise provision to go beyond the mere act of reaching for their property and providing for the distribution of it among their creditors, as a protection to the public, and then leave the State to wind up the concern, if it so desired, according to its laws.

But why should we grant them a discharge in bankruptcy? What is to be gained by it? The liability of the shareholders is fixed by the laws of the several States by which the corporations are organized. There is a certain point with reference to that beyond which you can not go. All that we seek is to protect the rights of the creditor; to prevent fraud in the disposition of the property; and the rights of the companies themselves can be fixed afterwards by the laws of the States from which they have their being.

Mr. MILLER of Kansas. Let me ask the gentleman this question: Is it not true that the laws of all the States provide, in regard to the winding up of these companies, for the appointment of receivers in all cases where a corporation becomes insolvent, and the estate of the corporation is distributed in that way for the benefit of the creditors?

Mr. HENDERSON. That may be true, and that would be the process, of course, if we had not in operation such a law as this. But having a bankrupt law, we want to reach, by a general provision, the assets of all debtors, and we did not think that a corporation, being a debtor, ought to be allowed to escape.

Mr. MILLER of Kansas. But do you not want to be fair to all debtors and give them equal relief under the operations of the bill?

Mr. HENDERSON. Ah, but the corporation is peculiar in this: It is a person created by the law, a sort of fictitious person. No harm can come to them by the operation of this provision of the bill, for they still owe their being and existence to State laws. They invoke from the State this form of creating an artificial person for the purpose of transacting business within the States. They are put on the same footing by this bill as the citizen is, simply that it seeks to bring all of the estates of all bodies into a court having a uniform system for distribution amongst the creditors.

Now, the corporation, as I have already said, owes its life to the laws of the State. They can not complain. They can change the name of the corporation if it becomes insolvent, and if they can acquire means to do so may go on with their business if they so desire. We only do, by the operation of this law, by this particular provision, what we are doing for all others—that is, we get possession of the assets and distribute them amongst the creditors.

It seems to me, Mr. Chairman, that the amendment is not a wise one and should not be adopted.

Mr. HEPBURN. I would like to ask my colleague this question: Does not this place the corporation at a great disadvantage, to put them in a state of bankruptcy, but give them none of the benefits of the act?

Mr. MILLER of Kansas. That is exactly the point.

Mr. HEPBURN. The general benefit to be derived—that is, a discharge by the bankruptcy proceedings—is withheld from the corporation.

Mr. HENDERSON. We do not discharge them, and we can not afford to discharge them. The bill does not seek to do that.

Mr. HEPBURN. No; that is just the point.

Now, suppose that under the law of the State the corporation is in the hands of a receiver; it must have committed, therefore, some one of the bankrupt acts defined in this bill. Being in the hands of the receiver, in your judgment is it still liable to be proceeded against under the operation of the bankrupt law?

Mr. HENDERSON. Certainly. It would be exactly as in a similar case pending against an individual. If it be for the best interest of the estate, the court can direct the trustee to appear, and the proceedings of the trustee may be stayed until the case can be disposed of by the court, or the question is determined as to what is the best interest of the estate.

Mr. HEPBURN. But it is impracticable at times to stay the proceedings of a receivership.

Mr. HENDERSON. That would be entirely in the discretion of the court. It might direct the trustee to appear and represent the interest of the estate.

Mr. HEPBURN. But is there not liability to a conflict of jurisdiction in the court which obtained control of the estate and had the appointment of the receiver and the one which seeks jurisdiction by bankruptcy?

Mr. HENDERSON. There can be none possible. Congress clearly has the power, under the Constitution, to establish this system, which takes precedence of all others. It is not like a conflict between State courts, where the rule applies that the first court that gets possession has control and custody. It is simply regulated by the general law, which the Constitution gives us the power to enact.

Mr. BURTON of Missouri. Mr. Chairman, I think there are two objections to this amendment. The first is that this section merely defines the meaning of certain terms. The evil of which my friend complains would be reached by amending the provisions of this bill further along; but it seems to me that in the discussion of this matter our friends lose sight of the nature and character of a corporation. The corporations that could and would be put into bankruptcy are corporations that have been created for business purposes. When the shareholders of a corporation have paid up the total amount of the stock which they have respectively subscribed, that is the end of any and all liability on their part. The assets of the corporation consist of its property and the unpaid stock which has been subscribed.

When a corporation has been placed in bankruptcy, and a trustee has been appointed, he can not only take into his possession the tangible property of the corporation, but he can sue and recover any unpaid portion of the stock which has been subscribed by the respective individual shareholders. When the assets of the corporation are all in the hands of the trustee, it is perfectly immaterial whether that corporation have a discharge or not, because when you have deprived a business corporation of all of its property there is nothing remaining with which it can do business in the future. It can not levy an assessment upon its shareholders, because each and every one of them has paid up the full amount of stock that he has subscribed, and that ends any appeal to that source. Consequently, when a corporation becomes insolvent, and its property has been taken by a trustee and paid out to its creditors, the corporation is no longer in any condition to do business. It is, for all practical purposes, dead, and it is immaterial whether it has a discharge or not. If the same persons who compose the corporation desire to form another corporation, they can do it and can again subscribe to the capital stock, but that will be a separate and distinct entity. There would be no way by which the persons composing the practically defunct corporation could obtain any property with which to further carry on their business except by common consent.

It seems to me, then, first, because this section is merely a dictionary of terms, that the amendment ought not to prevail, and second, that the object and purpose contemplated by an amendment to that section which provides that a corporation may be placed in bankruptcy, and an amendment to that other section which says that a corporation shall not be discharged, granting a discharge would have no practical effect.

Mr. FAIRCHILD. Let me ask my friend from Missouri one question. Is it not a fact that a creditor, wishing to have the assets of a corporation equitably distributed, can do so just as well through the State courts, in winding up that corporation, as through the bankruptcy law, and even better, to this extent: that in the State courts, in a proceeding against a corporation, with a receiver appointed, he could secure possibly the additional asset consisting of any value that might attach to the franchise, which could not be secured in this bankruptcy proceeding?

Mr. BURTON of Missouri. I think not; and further, in answer to the gentleman's question, let me suggest that the assets of a corporation may have been transferred by the board of directors to some one who is not a resident of the territory over which the State court has jurisdiction; and your receiver has no power or authority outside of the jurisdiction of the court that appoints him. In that case your receiver under your State law is in no condition to follow the assets that have been improperly transferred to some one residing in some other State.

Mr. FAIRCHILD. Would not that create a personal liability on the part of the directors who would do such an act as that?

Mr. BURTON of Missouri. Certainly.

Mr. FAIRCHILD. A liability which would bring them both within the laws of the State courts and also into the bankruptcy proceedings personally?

Mr. BURTON of Missouri. Exactly; it might create a personal liability, but that is no argument. The liability might be there, and the directors individually might be absolutely insolvent, and that would do you no good.

Mr. MILLER of Kansas. Does the gentleman from Missouri claim here as a lawyer that the receiver of a State court has no power to enter other States to sue and recover the assets of a bankrupt corporation?

Mr. BURTON of Missouri. Except by the comity of a State into which he may go. For instance, I say to my friend that a receiver appointed by the district court of Kansas in his district has no jurisdiction in the State of Missouri as a matter of right.

[Here the hammer fell.]

Mr. MILLER of Kansas. Mr. Chairman, in answer to the last proposition made, I will say that it has been my fortune within the last few months to be interested in a case in Kansas City, Mo., where a receiver of a Kansas City (Kans.) company went into Missouri and sued there an officer of the bank for fraudulently concealing and disposing of the property of the bank; and it is well-settled law now—although in times past it may have been claimed that it could not be done—that a receiver appointed by the court under the law of a State has the right to go into any State in the Union and sue and recover the assets of the bankrupt.

Mr. KNOX. Does not the gentleman know that a corporation established under United States law, when it is being operated by a receiver in the jurisdiction of one State, has no standing in the courts of another State except by comity?

Mr. MILLER of Kansas. Mr. Chairman, I believe I have the floor. I will answer the argument that my friend from Missouri makes, that this is simply a dictionary term and cuts no figure in this case. I have always found that when you come to definitions of terms, it becomes very important in a law of this kind, a provision that we seek to amend, as to whether a person would include a corporation. Now, then, we turn to a petition in bankruptcy, and we see that a petition may be filed against a person who commits an act of bankruptcy, and under the definition this gives the right to file a petition against a corporation as a bankrupt, and without that definition it is very doubtful whether it could be done or not. Therefore this amendment is proper and ought to be sustained.

Mr. HAINER of Nebraska. I move to strike out the last word of the amendment, for the purpose of asking a question. I desire to ask the gentleman in charge of this bill what would be the effect of leaving in the definition which has just been assailed? I direct his special attention to railroad corporations which are now in the hands of receivers. Would not the effect of this bill be ipso facto to take all the authority out of the hands of those receivers, the property from their hands, and vest the management of the railroad corporation now in the hands of the receiver appointed by the bankrupt court? It seems to me that it is opening up a very wide question, and one which can hardly be disposed of in this desultory way.

Mr. BLUE. I move to strike out the last word.

Mr. HAINER of Nebraska. Mr. Chairman, I trust I may have an answer to my question.

Mr. HENDERSON. Mr. Chairman, the Constitution of the United States in relation to Congress vests it in the fundamental law, with the power to adopt a general law to reach the estate of debtors. A corporation under this bill may be reached through an involuntary proceeding; and the same thought advanced by my friend from Nebraska was included in the question of my colleague from Iowa.

Mr. RAY. Will my colleague allow me?

Mr. MILLER of Kansas. Let him answer the question.

Mr. RAY. Ah! You have had your attention called to it.

Mr. HENDERSON. Yes; I know the point that my colleagues are making. We have this in the last clause of the bill, on page 63:

> This act shall go into effect upon its passage as to the promulgation of rules, forms, and orders and the appointment of referees, and the designation of the districts in which they shall respectively have jurisdiction; and the expiration of six months after its passage as to all its other provisions, except that no cognizance shall be taken pursuant to its provisions of the act of persons so far as they constitute acts of bankruptcy or offenses as herein defined prior to the date when the act shall go into full force and effect.

That answers one feature of the question. It will not operate on those which are in existence now or prior to the time limited before going into effect. This point I take it is true—that in the event of a receiver being appointed for a railroad or any other corporation included in this definition, if they are in that condition, a proceeding in bankruptcy being commenced against it, if an act of bankruptcy has been committed, of course it is a fact which must be established first. I do not see why it would not be reached the same as any other individual, or why it should not be. I do not see why an exception should be made. Now, that does not affect the question of the gentleman from Kansas.

Mr. HAINER of Nebraska. Let me ask my friend another

question at this point. Is there any provision for the continuation of the business of a bankrupt?

Mr. MILLER of Kansas. That is the point exactly.

Mr. HENDERSON. No.

Mr. HAINER of Nebraska. In your bill, as you have drafted it, if it includes these railroad corporations which are now in the hands of a receiver, if either the railroad company or its receiver should commit acts which are specified as acts of bankruptcy in this bill, the receiver could not continue to operate the railroad at all after filing a petition in bankruptcy, and this could be filed by any one creditor.

Mr. HENDERSON. It is to be filed by three creditors.

Mr. HAINER of Nebraska. It could be three or a half a dozen. I suppose they could file a petition in bankruptcy, and establish that his acts were acts of bankruptcy. It would be a matter of record in the courts. There are no adequate provisions for carrying on the business of bankrupt corporations through the agents of the bankruptcy court. It would necessarily follow that every railroad which is now in the hands of a receiver would have to suspend business entirely, and could not carry on the business of transportation at all.

Mr. TAWNEY. How would it be with railroads that are not in the hands of receivers? Would it not be the same?

Mr. HAINER of Nebraska. It might be. Any railroad which committed an act of bankruptcy would be prevented from transacting any of its business thereafter, and it seems to me that the very statement of the proposition is a conclusive argument in favor of the amendment of the gentleman from Kansas.

Mr. RAY. It seems to me that the gentleman is entirely mistaken in his conclusions. It should be remembered——

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

[Mr. BLUE addressed the committee. See Appendix.]

Mr. RAY. Mr. Chairman, I do not desire to occupy any considerable time, but simply to say a word or two in answer to some of the objections that have been raised. Of course I am considerably surprised to see the gentleman from Kansas [Mr. BLUE] taking up the cudgel here in favor of corporations. I know of no good reason why corporations should not be subjected to the provisions of this bill so far as its involuntary features are concerned.

Mr. TAWNEY. Would you include railroad corporations as well as others?

Mr. RAY. I think no exception is made in the bill, and I do not see any reason for excepting railroad corporations.

Mr. TAWNEY. Then do you not encounter this difficulty, that where you force a railroad corporation into bankruptcy in one jurisdiction the same may be done in another jurisdiction, or in five or six separate jurisdictions, through which the railroad may pass, so that you may have five or six different receivers operating the same road?

Mr. KNOX. No; there is only one jurisdiction.

Mr. TAWNEY. You may have the same railroad company in different bankrupt courts, and you will have a conflict of jurisdiction between the several receivers, just as we have at the present time in the case of the Northern Pacific Railroad Company.

Mr. RAY. No; there is no such difficulty as that which is suggested by the gentleman from Minnesota. This bill provides that United States courts shall take jurisdiction in these cases, and in the county where the individual lives or in the district most convenient. The United States court in one jurisdiction or one district having taken jurisdiction, of course no other United States court will take hold of the case or attempt to.

Mr. TAWNEY. Why not?

Mr. RAY. Because the United States courts possess some sense, and the judges in one district, when an assignment has been made, or proceedings have been taken against the corporation and a trustee appointed under the laws of the United States, with full power to operate the road, will say that is enough, and will not attempt to take jurisdiction or to entertain proceedings in another district, even though the railroad does run through that district. The jurisdiction in the one district would be exclusive of all the others.

Mr. TAWNEY. You do not make it so in your bill.

Mr. RAY. It has been universally so held in the State courts, and also in the United States courts.

Mr. TAWNEY. Now, Mr. Chairman, in reference to that proposition, I call attention to the situation with regard to the Northern Pacific Railroad Company. A receiver was appointed by Judge Jenkins at Milwaukee, another by the circuit court at St. Paul, another was appointed in Montana, and still another in Washington. So that while the Federal courts do, as the gentleman says, have some sense, nevertheless, when they are called upon to exercise their jurisdiction within their territorial limits, they must do it, and it is but natural that these courts should be somewhat jealous of their respective jurisdictions.

Mr. RAY. Now, I have suggested the answer to all that, which is that the bill itself provides that if the individual or corporation is in a particular county, jurisdiction shall be taken and exercised by the court in that county; but otherwise it must be exercised in the locality most convenient for the administration of the affairs of the bankrupt.

Mr. TAWNEY. Does this bill give the assignee or receiver who is first appointed exclusive jurisdiction over all the property of the debtor without respect to the county or State in which that property may be situated?

Mr. RAY. I so understand. I make that assertion.

Mr. TAWNEY. I have not found such a provision in the bill.

Mr. RAY. There can be no question about that. It is provided that all the property of the bankrupt, regardless of its situation or location, shall pass to the hands of the trustee. Now let me make another suggestion in connection with that. When these bankruptcy proceedings have been taken and a trustee appointed, the property of the corporation (a part of the property being its franchises and rights—not simply the assets, as some gentlemen would define them) passes to and vests in the hands of the trustee in bankruptcy; and that being the fact the court has jurisdiction, and there can be no conflict whatever. The trustee can operate a railroad and preserve it.

[Here the hammer fell.]

Mr. HENDERSON. I ask unanimous consent that twenty minutes, or so much thereof as may be needed, be allowed for the further discussion of this amendment.

There was no objection.

Mr. HAINER of Nebraska. At the suggestion of several gentlemen, I ask that the amendment be again read.

The amendment of Mr. MILLER of Kansas was again read.

Mr. HAINER of Nebraska. Mr. Chairman, it seems to me that a very slight consideration of the duties and obligations of corporations engaged in the business of transportation should convince members of this House that they certainly should not be included within the provisions of this bill. It is contrary to great public interests that those corporations engaged in the work of transportation should be prohibited from carrying on their business, no matter what the pecuniary reverses to which they may be subjected.

Mr. RAY. Allow me to suggest that they would not be prohibited from carrying on their business, because the property, the rights, and the franchises of the railroad company would pass into the hands of an officer of the court in the same way as they do now, and, being within the power and jurisdiction of the court, the business of the corporation would go right on. It would be the duty of the trustee (I have spoken of him once or twice as an assignee) to carry on the business and preserve the estate until it was sold.

Mr. HAINER of Nebraska. Mr. Chairman, I think the gentleman is hardly well advised in making that suggestion. Certainly no bankruptcy law can be framed whose provisions would even contemplate the continuation of the business of the bankrupt. When a person is thrown into bankruptcy, it is the duty of the court to wind up that business, to sell the property. Until the sale of the property of a railroad corporation is had there is absolutely no provision—and from the necessity of the case there can not be any provision—for carrying on the business of that railroad company.

Mr. RAY. Let me ask the gentleman right there this question: Does he deny the power of the United States court to direct the trustee to go on with the business of the railroad corporation, for the purpose of preserving it and maintaining its value, until it is actually sold by the trustee or under a decree of the court?

Mr. HAINER of Nebraska. Certainly, I think that under the provisions of this bill there can be no room for the intelligent discussion of such a proposition.

Mr. HENDERSON. Allow me to call the attention of gentlemen to section 17, clause 3, of this bill, on page 18. It is there provided, under the title "Jurisdiction of courts of bankruptcy," that authority be given to the court, among other things, to "appoint receivers or the marshals, upon the application of parties in interest, to take charge of the property of bankrupts after the filing of the petition, and until it is dismissed or the trustee is qualified."

So the power to appoint receivers is especially conferred by the terms of this bill.

Mr. MOODY. I call attention also to the fifth clause of section 17. It is there provided that the court of bankruptcy may "authorize the business of bankrupts to be conducted for limited periods by receivers, the marshals, or trustees, if necessary in the best interests of the estates."

Mr. BLACK of Georgia. Does not the language read by the gentleman from Iowa [Mr. HENDERSON] mean simply that the court may appoint a receiver immediately upon the filing of the petition and before there is an adjudication? As I understand, the point made by the gentleman from Nebraska [Mr. HAINER] is that after there has been an adjudication and the corporation has

been declared bankrupt there is no machinery provided by this bill to continue the business of the corporation.

Mr. MOODY. I refer the gentleman to clause 5 of section 17, which provides the machinery.

Mr. TAWNEY. I would like the gentleman from New York [Mr. RAY] to answer a question.

The CHAIRMAN. The gentleman from Nebraska [Mr. HAINER] is entitled to the floor. Does he yield for the question?

Mr. HAINER of Nebraska. Yes, sir.

Mr. TAWNEY. I wish to ask the gentleman from New York what is the territorial jurisdiction of the bankrupt courts under the provisions of this bill.

Mr. RAY. As I understand it, without limitation, throughout the entire United States; in the District of Columbia and throughout all the States and Territories.

Mr. TAWNEY. Take the circuit court of the United States in the eighth judicial circuit, and a petition in bankruptcy is filed in St. Paul, for instance, against a railroad company, and the line of the road extends beyond the territorial jurisdiction of that circuit, would the receiver appointed by the bankrupt court in Minnesota exercise jurisdiction in the ninth judicial circuit or on the Pacific Coast?

Mr. RAY. I do not see how there could be any question.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. HAINER of Nebraska. Mr. Chairman, my time was taken up by other gentlemen, and I move to strike out the last word for the purpose of making a remark.

My attention has been called to section 17 of the pending bill, the fifth provision of which authorizes—

The business of bankrupts to be conducted for limited periods by receivers, the marshals, or trustees, if necessary in the best interests of the estates.

I call your attention to the preceding part of the same section, which provides as follows:

Courts of bankruptcy are hereby invested, within their respective territorial limits as now established, or as they may be hereafter changed, with such jurisdiction at law and in equity as will enable them to exercise original jurisdiction in bankruptcy proceedings, etc.

Now, then, conceding that the court may authorize the business of the bankrupt to be carried on for a limited period as provided by paragraph 5 of this section, it may be done only for a limited period within their territorial jurisdiction under the first paragraph of the section which I have just read. It would appear, therefore, giving the bill the widest latitude of construction and scope, there would be receivers appointed in the territorial jurisdiction of each court under the operation of this bill through which the railroad happens to run.

Here, too, is necessarily involved a serious conflict of authority. The railroads are now in the hands of receivers, and they are doing and performing acts which are considered as acts of bankruptcy. Every court through whose territorial jurisdiction such road passes would have the right to appoint a receiver, and these in turn are to take possession of the property of the road and operate its business. Now, I submit that it is entirely against the best interests of the country that the great companies now operated by receivers should be put into numerous, changing, and too often rival hands by the operation of this bill, and thus apportion out between the several courts through whose territorial jurisdiction they happen to pass control of these great properties. The transportation business of this country should not be made the football of bankrupt courts.

Mr. WATSON of Ohio. That is done every day.

Mr. HAINER of Nebraska. Well, it ought not to be done, if it is. It makes confusion worse confounded. We have enough of that trouble now without increasing it, and it seems to me that we ought not to place the great railroads of the country in the hands of more receivers than at present.

It seems to me, therefore, that as we can not, within the time limits afforded by this bill, pass upon all the questions crowding upon us, the safest method possible, in order to avoid confusion in this regard, is to strike the word "corporation" entirely from the bill, in accordance with the amendment of the gentleman from Kansas, and leave corporations to be treated by the laws now in force in the various States. This would give them no benefits under this bill nor impose upon them any burdens. What concerns me most, however, is that the interests of the country be carefully guarded.

Mr. WATSON of Ohio. That is a sound proposition, and that is what ought to be done.

Mr. LEWIS. Mr. Chairman, with reference to the argument of the gentleman from Nebraska [Mr. HAINER] who has just taken his seat and his criticism of the pending bill, permit me to say it would have force if there was anything in the bill for it to apply to. The bill we have been considering, and the provision immediately under discussion, is not amenable to the criticism at all. It leaves these matters, with reference to the great corporations of the country, just in the same condition that they are in now. It leaves them in statu quo, and all judicial proceedings, and all laws, and all steps relating to the appointment of receivers that have already been made will be just as effective if this bill shall be enacted into a law as they are now.

It occurs to me that the proposition is so plain and so simple as to be grasped at once by any legal mind, or in fact by the mind of any man trained as a lawyer. The bill does not interfere with the appointment of receivers to take charge of the insolvent corporations. Such a construction of the bill is a false construction.

Does the gentleman mean to say that a court could undertake to appoint a receiver for a corporation when a receiver has been already appointed by a court of competent jurisdiction within the State and has charge of that corporation? I think not. If such an idea were good, we would have nothing in this country except confusion and conflicts of jurisdiction.

The Constitution of the United States—the supreme law of the land—has a provision that regulates that beyond question. In the provision to which I refer it declares that due faith and credit shall be given by all of the States to the judicial acts and proceedings of the courts of the other States. I do not undertake to quote the words of the Constitution literally, but that is substantially the language of the provision in question, and carries out the idea in view. If a court of any State, or a Federal court, for that matter, of competent jurisdiction, places such property in the hands of receivers, it is a valid transaction anywhere, before any court, in any State, and must be respected. So that there is nothing in the hypercritical argument raised by the gentleman from Nebraska in favor of the amendment now pending to this section of the bill.

Mr. WATSON of Ohio. Mr. Chairman, as I understand the amendment of the gentleman from Kansas [Mr. MILLER], it is to strike out the word "corporations," in the next to the last line, on page 3?

Mr. MILLER of Kansas. That is my amendment.

Mr. WATSON of Ohio. I hope, Mr. Chairman and gentlemen of the House, that this amendment will prevail. There are thousands of corporations all over the United States that are struggling for their financial lives. This bill later on provides that any three creditors of any corporation can force it into involuntary bankruptcy. And yet when you have forced a corporation into bankruptcy there is no way of getting it out. That is a wrong and a distinction against corporations. It is a very important matter, and if gentlemen have not given it full consideration I hope that they will, if they have the time, and will vote to sustain the motion.

The CHAIRMAN. The question is on the amendment of the gentleman from Kansas [Mr. MILLER].

Mr. HENDERSON. Mr. Chairman, it will be remembered by those who were present during the general debate, when the question of corporations was referred to, that I said in substance that I thought it was influenced more by the idea of avoiding the treatment of corporations as we did other people. In other words, I think it was more, perhaps, a bending of the knee as a demagogue would bend than otherwise. I am not referring to the pending amendment when I say that, but that is the way the bill has been urged and brought in here for a good many years. I want to say, too, with perfect frankness to the committee, that so far as I am individually concerned I have no pride or feeling about this particular feature of the bill. I can see some reason why it might be better to leave corporations like railroad companies and telegraph lines to be under the operation of the State laws.

My colleague, the gentleman from Illinois [Mr. CONNOLLY], has drafted a substitute for the amendment of the gentleman from Kansas [Mr. MILLER] which I shall be glad to have him submit, if he has it ready. It may meet with some objections on the other side; and I want to say now to the committee that this was probably one of the most troublesome questions that we had to deal with; that is, the treatment of corporations. Take, for instance, the Pacific railroads. I can see reasons why the treatment of those roads should be left to the United States statutes, in which special provision is made with reference to them, and I invite that perfect freedom in this committee in regard to all these matters which should obtain in a family of men interested in perfecting a bill for the good of the country. That is the way in which we all ought to feel, and I stand here representing no pride of personal opinion in this matter. I want the best that is obtainable out of this fountain of patriotic desire to benefit the people. Now, I would like to hear the amendment of my colleague [Mr. CONNOLLY] read.

Mr. CONNOLLY. Mr. Chairman, I send my amendment to the Clerk's desk and ask that it be read.

The amendment of Mr. CONNOLLY was read, as follows:

Amend in section 1, line 21, after the word "bodies," by inserting "other than transportation and telegraph companies."

Mr. CONNOLLY. Mr. Chairman, if gentlemen who have the bill before them will turn to page 2, line 21, they will find that it is the dictionary section. The bill defines what the word "corporations" means in this law. As it reads now it includes every

possible corporation that we can have in this country, railroads and telegraph companies, banks, and all that. I propose by this amendment to eliminate from this bill all objection that has been made by gentlemen with reference to the effect this bill would have upon railroad corporations and upon the business of the country in putting them within the terms of a bankrupt law. If this amendment is adopted the bill will then read:

Corporations shall mean all bodies other than transportation and telegraph companies having any of the powers and privileges of private corporations not possessed by individuals or partnerships.

If you strike out the word "corporations" it is well known to every gentleman here that dry goods, boots and shoes, groceries, drugs, hardware, queen's ware, every character of merchandise sold in this country is sold by mercantile corporations.

Mr. MOODY. Many of us have copies of this bill in which the lines are not numbered. I should like to ask the gentleman where this amendment comes in?

Mr. CONNOLLY. This is in the dictionary clause, the first section.

Mr. WATSON of Ohio. Do you think it just to a corporation dealing in merchandise that it may be forced into bankruptcy by three creditors, and then, having put it into bankruptcy, refuse any means of letting it get out? There is the iniquity of this thing.

Mr. CONNOLLY. Is that the gentleman's question?

Mr. WATSON of Ohio. Why, certainly.

Mr. CONNOLLY. Well, I certainly do think that if it is just to the human being, to the natural being, to the man or the woman who has risked all in a mercantile business, if it is just for him to be placed in the position of a bankrupt, it is certainly just to place an artificial being, that has no feeling, in the same position.

Mr. WATSON of Ohio. That is begging the question.

Mr. CONNOLLY. Not by any means. I answer that I think it is equally as just to place the artificial being in that attitude as it is to place a human being in that attitude.

Mr. WATSON of Ohio. Now, one question. You define an artificial being for the purposes of this act just as a real being, and yet you provide that the real being shall be discharged in bankruptcy and that the artificial being shall not. That is the language of this bill, and it is wrong.

Mr. CONNOLLY. You are referring to that. We have not reached that section yet. We are on the first section. We are on the question here, shall a corporation be included at all? Now, the gentleman is going from that section, away beyond there. If this amendment be made, others will be made necessary to conform the other sections of the bill to this amendment that is proposed now. If you strike out the word "corporation" entirely from this section, then it must be stricken out in all succeeding sections where it occurs. If you limit that word "corporation," then it must be in like manner limited in all succeeding cases. Now, the question is presented to the House whether a corporation shall be included at all. If so, this amendment offered to strike out the word "corporations" must necessarily fail.

Mr. MILLER of Kansas. Will the gentleman permit me one question?

Mr. CONNOLLY. Excuse me; I have only five minutes.

The CHAIRMAN. The time of the gentleman has expired. The time allowed for debate on this amendment has also expired, and the question is on the amendment offered by the gentleman from Illinois.

The question was taken; and the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. MILLER of Kansas. Division.

The committee divided; and there were—ayes 32, noes 39.

So the amendment was rejected.

The Clerk read as follows:

SEC. 2. ACTS OF BANKRUPTCY.—*a* Acts of bankruptcy by a person shall consist of his having (1) concealed himself, departed or remained away from his place of business, residence, or domicile with intent to avoid the service of civil process and to defeat his creditors, and shall not have returned at least forty-eight hours before the filing of a petition in bankruptcy, and before the rights of creditors shall have been impaired, altered, or interfered with; (2) failed for thirty days and until a petition is filed while insolvent to secure the release of any property levied upon under process of law for $500 or over, or if such property is to be sold within such time under such process then until three days before the time fixed for such sale; (3) made a transfer of any of his property with intent to defeat his creditors and has not regained the ownership and possession of such property before the rights of creditors have been altered, impaired, or changed by reason of such transfer and at least ten days before the commencement of a proceeding in bankruptcy; (4) made an assignment for the benefit of his creditors or filed in court a written statement admitting his inability to pay his debts; (5) made, while insolvent, a transfer of any of his property or suffered any of it to be taken or levied upon by process of law or otherwise for the purpose of giving a preference, and has not regained the ownership of such property or released same from such levy before the rights of creditors shall have been altered, changed, or impaired by reason of such transfer, taking, or levy, and at least ten days before the commencement of a proceeding in bankruptcy; (6) procured or suffered a judgment to be entered against himself with intent to defeat his creditors, and suffered same to remain unpaid until ten days before the filing of a petition in bankruptcy: *Provided*, That a payment or satisfaction of such a judgment by a sale of any of the debtor's property or from the proceeds of such a sale shall not be deemed a payment of such judgment under the provisions of this section; (7) secreted any of his property to avoid its being levied upon under legal process against himself and to defeat his creditors, and has not surrendered such property to such legal process at least ten days before the filing of a petition in bankruptcy; (8) suffered while insolvent an execution for $500 or over, or a number of executions aggregating such amount, against himself to be returned no property found, unless the amount shown to be due by such executions shall be paid before a petition is filed; or (9) suspended and not resumed for thirty days and until a petition is filed, while insolvent, the payment of his commercial paper for or aggregating $500 or over.

b A petition may be filed against a person who has committed an act of bankruptcy within four months after the commission of such act. Such time shall not expire until four months after (1) the date of the recording or registering of the transfer or assignment when the act consists in having made a transfer of any of his property with intent to defeat his creditors or for the purpose of giving a preference as hereinbefore provided, or an assignment for the benefit of his creditors, if by law such recording or registering is required or permitted, or, if it is not, from the date when the beneficiary takes notorious, exclusive, or continuous possession of the property unless the petitioning creditors have received actual notice of such transfer or assignment; or (2) the date of the return of legal process when the act consists in having secreted any of his property to avoid its being levied upon under legal process against himself and to defeat his creditors, as hereinbefore provided.

Mr. WILLIAM A. STONE. Mr. Chairman, I offer the following amendment.

Mr. HENDERSON. Before any amendments are offered, I would like to submit a request to the committee. This is the section of the bill in which so much interest is felt and has been expressed throughout the general debate; and upon consultation with the gentleman from Texas [Mr. BAILEY] and the gentleman from Kansas [Mr. BRODERICK], I request that two hours' debate be given to this section, subject, of course, to the five-minute rule. I mean the whole section.

The CHAIRMAN. The Chair understands the gentleman from Iowa asks that debate on this section be limited to two hours.

Mr. BRODERICK. I simply want to make an inquiry. There are a number of amendments that will be offered. Suppose the first amendment, which will probably be to strike out the section, should take half or nearly all of this time. If it fail, there will be other amendments to strike out portions of the section. Will time be given for votes on all the amendments that gentlemen desire to offer?

Mr. HENDERSON. Of course my friend understands that amendments to perfect the section will be in order before any amendment to strike out the section.

Mr. McMILLIN. Will my friend from Iowa permit a suggestion?

Mr. HENDERSON. Certainly.

Mr. McMILLIN. It is only two hours and twenty-seven minutes until the time for taking a recess, and if the debate be continued for two hours the House will probably be slim by that time, when the vote should be taken. Does not the gentleman think it would be well to allow the amendments to be printed in the RECORD as notice, and let the vote commence in the morning? I would suggest that. It would seem to be a loss of thirty minutes, but probably will be no loss at all, because at that time the House is very slim.

Mr. HENDERSON. I want to do exactly what the committee would like to do in this matter. In the first place, I want a fair opportunity to discuss this section, and then to have a vote on it.

Mr. McMILLIN. That will give but twenty-five minutes for votes on the amendments, if it be agreed as the gentleman suggested, and the probability is we may be hung upon the first amendment if we are to take a vote on it this evening. I have no feeling whatever in the matter.

Mr. HENDERSON. I know. I am very glad to have the gentleman's suggestion.

Mr. BAILEY. I desire to suggest to the gentleman from Iowa and the gentleman from Pennsylvania that the amendment to strike out this whole first paragraph of section 2, which the gentleman from Pennsylvania has submitted, goes to the essence of the matter. If that amendment can not be adopted, then no amendment can be adopted, and no other substitute. It is absolutely certain that when the question comes on this amendment it would be the same with this as with all; they all either go out or they all stay in. Both in the committee and in the House, every time the question has been up I believe that has been the history of the matter, and the attempt to adopt the amendment to strike out will serve just as good a purpose as any other.

Mr. HENDERSON. I think I will want an opportunity to offer amendments to perfect the bill.

Mr. WILLIAM A. STONE. Let me suggest, instead of making two hours for that section, that a request be made for a reasonable time for discussing this amendment, and then there will be other amendments, if my amendment does not prevail, to that section.

Mr. BAILEY. Why not have two hours to offer amendments before the vote?

Mr. WILLIAM A. STONE. How much of that two hours are you going to give to the consideration of this amendment?

Mr. HENDERSON. Until it is disposed of. I am not considering any particular amendment in making the request.

Mr. BRODERICK. Mr. Chairman, I rise to a parliamentary inquiry. If an amendment is offered to strike out the entire section and is voted down, will it then be in order to move to strike out a portion of the section in order to perfect it?

The CHAIRMAN. The Chair thinks so.

Mr. BAILEY. I think not.

Mr. HENDERSON. The first thing in order is to perfect the section.

The CHAIRMAN. There is some question about that.

Mr. HENDERSON. It seems to me eminently proper that gentlemen should have an opportunity to perfect the section to their satisfaction before they are brought face to face with the question of striking it out entirely.

Mr. WILLIAM A. STONE. The gentleman can meet that difficulty by moving to close debate on this or any other amendment at any time.

Mr. BAILEY. We might have an understanding, by unanimous consent, that the defeat of the pending amendment shall not preclude the right to offer amendments to particular subdivisions of the section.

Mr. HENDERSON. I want the section perfected first, and I think that is the general feeling of the committee. I think that the suggestion of the gentleman from Tennessee [Mr. MCMILLIN] will obviate the difficulty.

Mr. WILLIAM A. STONE. What is that?

Mr. HENDERSON. That we introduce amendments now and discuss them this afternoon—we have to take a recess under the rule at 5 o'clock—and that we vote upon them in committee the first thing to morrow.

Mr. WILLIAM A. STONE. Then you ask unanimous consent that the balance of the day be given to the consideration of this section?

Mr. HENDERSON. Yes; and that the proposed amendments be printed in the RECORD and be considered as pending.

Mr. WILLIAM A. STONE. With that understanding there would be no vote upon any amendment to-day.

Mr. HENDERSON. No; not until to-morrow.

Mr. WATSON of Ohio. Mr. Chairman, I hope the suggestion will not prevail. There are 63 pages of this bill. There are other amendments just as important as, and, in the judgment of good lawyers on this floor, a great deal more important, than the amendments to be presented to this section, and, now it is proposed to give to this one section two and a half hours out of the four hours remaining.

The CHAIRMAN. Does the gentleman object to the proposition?

Mr. WATSON of Ohio. I do.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Pennsylvania.

The amendment was read, as follows:

Strike out all of paragraph 8, section 2, beginning with "section 2," on page 5, and ending with line 47, page 7.

Mr. DANIELS. Mr. Chairman, I desire to propose an amendment to subdivision 8.

Mr. BRODERICK. Mr. Chairman, I desire to offer an amendment.

Mr. WILLIAM A. STONE. I yield to the gentleman from Kansas for that purpose, but I do not yield the floor.

Mr. BRODERICK. I offer an amendment to the amendment, which I send to the desk.

The amendment of Mr. BRODERICK was read, as follows:

Strike out, beginning with and including the first line of section 2, down to and including the word "over," in line 47, and insert in lieu thereof as follows: "SEC. 2. Acts of bankruptcy: Acts of bankruptcy by a person shall consist (1) of his having fraudulently contracted a debt or debts of creditors who seek to avail themselves of the provisions of this act; (2) sold or transferred his property, or some part thereof, with intent to defeat his creditors, or (3) concealed himself, departed or remained away from his place of business, residence, or domicile with intent to avoid the service of civil process and to defeat his creditors, and shall not have returned before the filing of a petition in bankruptcy."

Mr. WILLIAM A. STONE. Mr. Chairman, I have offered my amendment believing that it is absolutely impossible to pass an efficient, practical bankrupt law containing an involuntary provision. Congress after Congress has wrestled with this problem. It is not a new one. We have never been able since the repeal of the last law to pass any new bankrupt law at all. I am quite familiar with the fact that all over this country there is a general demand for a voluntary bankrupt law, a law that will permit people who have been unfortunate in trade, who have encumbered their property, who have gotten into debt, to surrender what property they have remaining and be discharged from their debts and start anew in the race of life. There is, I know, a demand for that kind of a bankrupt law; but I undertake to say, with all due respect to the committee which has brought in this bill, that there is no demand of a general character, no demand for an involuntary bankrupt law outside of a few wholesale localities which sell goods to people who sell at retail.

An involuntary bankrupt law is nothing more nor less than a piece of machinery for the collection of debts. It benefits nobody; it can bring no good to anybody. I can scarcely imagine a case where an involuntary bankruptcy law would benefit either the debtor or the creditor; because, in the first place, a man who is tottering on the brink of bankruptcy has his property in all probability pretty well put up as collateral; there are mortgages and judgments against him, and the owners of such claims are protected. But the unsecured creditor, the general creditor, will benefit very little from the estate of any involuntary bankrupt. The expenses of distributing the assets and winding up the business consume money which would otherwise go to the general creditor.

The bill is like all the rest; there is no use in saying that it is different or better. There is no use in saying that it is anything more or less than the old Torrey bill, which has haunted these halls for years. It is folly to undertake to say you can put a man in bankruptcy without doing him any harm. It is idle to attempt to sugar coat this bill. You can not do so if you leave in it the provision defining the acts which shall put a man into bankruptcy against his will. I admit that among the nine different classes of acts which are specified as making a man a bankrupt there are some which involve fraud, but I deny that you can pass an involuntary bankruptcy bill which will leave to the creditor and to the debtor the status that before existed, and which would benefit the creditor or anybody else.

Therefore this fight might as well come first as last. We might just as well vote on the vital question here as to fight the matter piecemeal. We may as well have it settled now whether we want an involuntary provision in this bill at all. If the Committee of the Whole should decide that they do, we can then consider whether the bill can be so amended as to suit the majority of the House.

Mr. PICKLER. The gentleman's amendment simply strikes out the involuntary portion of the bill?

Mr. WILLIAM A. STONE. That is all. It strikes from the bill the nine specified acts for which a man may be put into bankruptcy. With this provision struck out the voluntary part of the bill will remain. Under the bill as thus amended a man may petition to be declared a bankrupt, and on the surrender of his estate may have it adjudicated in bankruptcy.

Mr. RAY. I should like to interrogate the gentleman from Pennsylvania.

Mr. WILLIAM A. STONE. Very well.

Mr. RAY. You are from the State of Pennsylvania?

Mr. WILLIAM A. STONE. I am. [Laughter.]

Mr. RAY. You have there a system of what are called "judgment notes"?

Mr. WILLIAM A. STONE. Yes, sir.

Mr. RAY. And a man can not get any credit there unless he gives judgment notes?

Mr. WILLIAM A. STONE. Oh, I do not admit that.

Mr. RAY. Are not those notes the prevailing style of notes in your State?

Mr. WILLIAM A. STONE. No, sir.

[Here the hammer fell.]

Mr. RAY. I move to amend by striking out the last word. Now, I say those are the prevailing notes given in the State of Pennsylvania.

Mr. WILLIAM A. STONE. I will not admit that. Of course they are given. We have judgment notes.

Mr. RAY. I know from personal professional experience that those are the prevailing form of notes.

Mr. WILLIAM A. STONE. I will admit that up along the line of the State of New York they deal in that sort of obligations, but not down our way.

Mr. RAY. They deal in them all through the State of Pennsylvania to my personal knowledge. Those judgment notes prevail everywhere. When credit is given, the creditor wants that kind of a note. When such a note is given, the creditor goes immediately to the clerk's office and enters up judgment against the debtor. When that note is due and unpaid, the creditor can go to the sheriff, obtain execution, and gobble up all the property that the debtor has. Now, I ask the gentleman, are not the laws of the State of Pennsylvania under that system not only tenfold but a hundredfold more severe than any provision that you can spell out of this bill?

Mr. WILLIAM A. STONE. In reply to the gentleman I will say that the laws of the State of Pennsylvania are entirely satisfactory to the people of Pennsylvania. They are not asking a bankruptcy law.

Mr. RAY. Have I not stated the reason why you, coming from the State of Pennsylvania, are opposed to this bill and its provisions——

Mr. WILLIAM A. STONE. No.

Mr. RAY. Because you do not want anything that shall be more liberal and more in the interest of the debtor than what you now have.

Mr. WILLIAM A. STONE. Let me answer the gentleman. I will state my reasons for opposing this bill. Under the old bankruptcy law I had my share of the practice; I was brought face to face every day with its hardships as well as its benefits. The knowledge I obtained from my practice and experience under that law leads me, as a representative of the people who sent me here and in the discharge of my duty as I understand it, to oppose these provisions, and I am going to do so. If I were speaking for the benefit——

Mr. RAY. I have the floor.

Mr. WILLIAM A. STONE. Oh, no; you have not.

The CHAIRMAN. The gentleman from New York has the floor.

Mr. WILLIAM A. STONE. Well, I wanted to answer the question which the gentleman asked me.

The CHAIRMAN. The gentleman from New York has the floor.

Mr. RAY. Nearly all the other Representatives of the State of Pennsylvania are in favor of a bankruptcy bill; they are in favor of this bill, as I understand it, and have been heretofore; but it does seem to me (and that is the reason I propounded my interrogatory to the gentleman) that he has got this judgment-note business into his head; it is a bee in his bonnet; and he does not want to surrender the advantage that creditors obtain under that system.

Mr. WILLIAM A. STONE. I have answered——

Mr. RAY. I do not believe for a single moment that the gentleman from Pennsylvania is really opposed in his heart to these involuntary features on the ground that they are harsh. They can not be regarded as harsh. Under this bill a man can be forced into bankruptcy when he is absolutely insolvent—in a condition where he has stopped paying and is unable to pay—and also where he has committed a fraud. In addition to those two cases there is only one that can be made the ground of objection, and that is where for thirty days a man has ceased to honor his commercial paper. It is commercial paper and commercial paper only, mind you.

Now, if he can not pay his debts, if he is insolvent, if for thirty days he has been unable to renew the note, he may be forced into bankruptcy, and why? In order to prevent his going out to a few of his intimate associates and friends and saying, "Here, I have got to give up; I can not continue business any longer. You sue me, put your claims in the shape of a judgment, and then come and levy on my property." We try to prevent that, which would be a detriment and an injury to the rights of all the other creditors. Such action if permitted would result in unjust preferences under forms of law and work great hardship and injustice.

[Here the hammer fell.]

Mr. BAILEY. Mr. Chairman, I ask unanimous consent to be permitted to proceed for ten minutes, if that much time is necessary to conclude what I desire to say.

Mr. HENDERSON. I hope that will be done.

There was no objection.

Mr. BAILEY. Mr. Chairman, I perfectly understand that a member of this House is engaged in a very small business when he is calling attention to the inadvertent misstatements of a fellow-member. But it sometimes happens that it is due to truth that we shall point out an error; and we always owe it to ourselves to correct such a misrepresentation as the gentleman from New York [Mr. RAY] made of me in the speech which he delivered yesterday.

In the very beginning of that speech he congratulated himself and my distinguished friend from Texas [Mr. CULBERSON] that they had changed their minds on this question, and then straightway proceeded to complain at me because he seemed to think that I had been undergoing the same mental operation. In order that there may be no mistake as to what was said I read the exact language of the gentleman from New York. He said:

The other gentleman from Texas [Mr. BAILEY] is possessed of a very peculiar mind. It must be undergoing a stage of transition or transformation, for within the last three months he has presented either to the House or to the Judiciary Committee, or will present before this subject is dropped, five different measures embodying essential features radically differing from each other.

I interposed with the statement:

Since the gentleman from New York has seen proper to refer to me, I will simply tell him that that is not the truth.

He rejoined:

I say it is, and I have the bills before me at this moment, and have been examining them.

The gentleman from New York has admitted that he misrepresented me, because I find in this morning's RECORD his printed speech changing the words "five different measures" to "four different measures," and changing the words "three months" to "a few months."

Mr. Chairman, even with these changes, and admitting that the bill, the report, and the substitute are all as different as he says they are, he is still 25 per cent short of the truth, because they will constitute only three, while he said I had presented five, and printed that I had presented four. Those who know the gentleman from New York will regard it as a remarkable approach to accuracy that he should come within 25 per cent of the fact.

But, Mr. Chairman, he has given his own testimony against his statement. After having declared in the very beginning of his speech that these measures were radically different from each other, he concludes the speech with this statement:

Mr. Chairman, I add as a part of my remarks some of the comments of Mr. Wolverton, an able Democrat from Pennsylvania, made by him on the Bailey bill H. R. 4600, in the Fifty-third Congress. (See Report 206, part 3.) That bill was virtually the same as the Bailey bill H. R. 259, the Bailey bill H. R. 8234, and the Bailey bill (no number), all of the Fifty-fourth Congress.

In one part of his speech he says that these measures are radically different from each other, and in another part of the same speech he affirms that they are "virtually the same" as the bill which was passed in the Fifty-third Congress.

Therefore I refute the gentleman's first assertion by invoking the old mathematical axiom, that things which are equal to the same things must be equal to each other. If these three measures are virtually the same as the bill introduced by me and passed in the last House, then necessarily they must be virtually the same as each other.

But I have a better refutation of the gentleman's assertion than that. I have here the three propositions to which reference is made. The first is the bill introduced early in this session and referred to the Judiciary Committee. That bill with other bills on the same general subject were referred to a subcommittee with special and positive instructions that it should report back a measure providing for both voluntary and involuntary bankruptcy. As a member of the subcommittee, I could not agree to the pending bill when it was to be reported, and therefore framed and submitted to the full committee a minority report.

The minority report is practically the bill which I had originally introduced, with an involuntary provision, and that involuntary provision was ingrafted upon it in conformity with the instructions of the committee. The gentleman from New York [Mr. RAY] knows, or if he does not know every other member of the Judiciary Committee does know, that when I submitted that report I distinctly stated to the committee that I had incorporated the provision for involuntary bankruptcy purely and only because I was instructed to do so, and that it did not meet with my approval. But when that minority report was voted down, I was perfectly free to prepare such substitute as my judgment might approve, and I have here the substitute, numbered 8234, which is identical, line for line, word for word, and letter for letter, with the report that I made as a member of the subcommittee to the full committee, save and except that I have eliminated the involuntary feature, which was incorporated under an instruction.

Thus, Mr. Chairman, I refute the charge of personal inconsistency. Why it was made I leave the House to judge, but as it had no pertinency to the argument, I concluded that it was intended as a criticism personally against me, and I felt that I was justified in answering it.

Mr. RAY. Mr. Chairman, the gentleman from Texas [Mr. BAILEY] seems to bear me personal ill will. I have nothing against him. I forgive him. I can remember what a fight we had in the last Congress over his bill, which I referred to in the RECORD of this morning and my remarks yesterday. I do not think he was very angry yesterday; but when he sees in the RECORD of this morning the unmerciful criticism and castigation of his bill introduced in the Fifty-third Congress, made and administered by Judge Wolverton, of the State of Pennsylvania, his wrath is stirred from the very foundation; and as that excellent and able Democrat is not now here where the gentleman from Texas can pour upon him his vials of wrath, he turns mightily and grandiloquently upon the young and inexperienced and innocent gentleman from New York. [Laughter.] I trust gentlemen of this House will examine the RECORD; that they will read the criticisms of the Bailey bill contained in the report of ex-Judge Wolverton, one of the ablest lawyers in the United States. He denounced the Bailey bill as unconstitutional, incomplete, and imperfect; an experiment productive of litigation and needless costs; one that will destroy credit, etc. My argument adopted the facts and ran in the same line.

Gentlemen of this House will remember that on yesterday, when I adverted to Mr. BAILEY's numerous bills simply for the purpose of making the argument that the gentleman from Texas [Mr. BAILEY] is not a safe guide in an important matter like this, for the reason he had introduced so many different, conflicting bills, showing a changing, unsettled mind, I asked him if the bill introduced by him into this Congress, or the substitute, was the same as his bill introduced into and put through the last House, and he answered "No." Therefore, between the last Congress and this he has changed his mind. So much is admitted. Now I call the attention of gentlemen in this House to his bill No. 259.

Mr. BAILEY introduced the following bill—

Read it.

I ask your attention to the bill (H. R. 8234) introduced by Mr. BAILEY, or proposed by him as a substitute. Read that.

I call the attention of members of the House to the report, unnumbered:

Mr. BAILEY submits as his report from the subcommittee the following bill—

Read that.

Read the three, and then read the Bailey bill of the Fifty-third Congress and compare the batch: then judge whether the gentleman has changed his mind on the subject of bankruptcy laws; then determine whether or not he has adhered to a settled policy and line of legislation; then determine whether or not I did him injustice yesterday. He has claimed that he acted under instructions.

He never was instructed by the subcommittee of the Committee on the Judiciary to submit any report. It never gave him any directions. We permitted him to act his own sweet will. We permitted him to submit such views as he had, or desired to submit, or might obtain. He was placed upon the subcommittee of the Judiciary Committee in order that he might be heard. He stated in the very beginning that he did not desire to participate in our deliberations or be a party to our transactions, and he did not; but at a later date he stated that he submitted his views on the subject. We did not instruct him. The full committee never instructed him. Neither did the full subcommittee ever instruct him. And when he came in with that proposition, which is in print and to which I have referred, he said:

Mr. BAILEY submits as his report—

What does he mean by "his report"? I ask the gentleman from Texas, if it was not your report why did you entitle it—

Mr. BAILEY submits as his report from the subcommittee—

So and so, printing it in full? Why not say—

Mr. BAILEY submits as the views of the minority of the subcommittee the following?

But the gentleman from Texas entitled it "his views," a proposition emanating from himself, because of the title, and I acted in perfect good faith in referring to it yesterday as "his views." Of course, I had before me yesterday afternoon, when I made my remarks, five different bills. One of them was from the Senate. I had supposed, and been informed, that Mr. BAILEY was the author of that, and only when he disaffirmed it did I understand the contrary. Of course, when I found myself in error in that regard, I was very willing to be corrected and to reduce my statement from five to four. I so corrected my remarks, as I had a perfect right to do. It matters little whether the gentleman has changed his mind four times or five times in "three months," or a "few months." He does not deny, and can not successfully deny, that he has presented these four differing bills within a year—three since the convening of this Congress. I do not know but there are "more to follow" of "his views."

Having called your attention to these various propositions of the gentleman from Texas, I repeat my assertion that no two of them are alike in all their essential features. I call attention to the further fact that all of them are alike in one essential feature, the main feature, the leading feature, which feature I took occasion yesterday to criticise, and which Judge Wolverton, in the last Congress, took occasion to criticise. I repeat again that notwithstanding all the remarks made by the gentleman in his charge of inaccuracy—and perhaps he would have it understood that I was willfully misrepresenting him, although I expressly stated that I had no such desire—I harbor no harsh feeling. I beg the gentleman's pardon most abjectly and humbly if I have offended him; but I take occasion to reassert, and to repeat, that to be a safe guide in matters of legislation as important as this a gentleman of this House should have a plan and a policy of legislation and should adhere to it. I have not varied from the line, plan, and policy that I had in my mind when, in the Fifty-second Congress, we considered the bills then presented. I followed in the same line in the Fifty-third Congress; I stand there now.

Mr. BAILEY. Mr. Chairman, there is one question between the gentleman from New York and myself, and I desire to ask the gentleman from Iowa if it is not true that when the subcommittee was appointed the full committee instructed them to prepare a measure for voluntary bankruptcy and one for involuntary bankruptcy?

Mr. HENDERSON. The instruction of the full committee to the subcommittee was to prepare a bill with provisions for both voluntary and involuntary bankruptcy, and not one for voluntary bankruptcy. I can answer that question very promptly.

Mr. BRODERICK. Mr. Chairman, I want to say a few words in reference to the amendment I have submitted. I think it is clear from the discussion that has been had upon this bill that a majority of the members want some bankruptcy legislation. I think it is also clear that there are many of them who are in favor only of a voluntary bankruptcy law, but who would be willing, rather than have a law fail, to vote for a bill containing some involuntary provisions. Now, it was said during the argument here that this bill that was presented to the House is stripped of the severity of the old law and that it is much more liberal. That is true in reference to some of its provisions. I concede that it is true in reference to many of the provisions of this bill; but it is not true, as I understand—and I have made an examination of the matter—with reference to the so-called acts of bankruptcy.

The great objection to the old law was that it was abused—that under its provisions men were forced into bankruptcy, when, if they had been permitted to go on with their business and struggle along, they would have succeeded and recovered from their embarrassments. That was one of the chief objections; and on comparing the old law with this bill I find that the acts of bankruptcy are very nearly the same. There are slight changes in the phraseology, but they cover substantially the same ground. Now, what we desire, if this bill is to be made the law of the land and be accepted by the people as a settlement of this question, is to strip it of the severity of the old law. There are in this bill nine acts of bankruptcy, and some of them contain more than one cause; they are so phrased that they can be construed to embrace many more grounds. I apprehend that it will be found that some merchants who are embarrassed would hardly know how to keep out of bankruptcy if this bill should become law.

Now, I am willing that bill should embrace acts of fraud—purely fraudulent transactions. I am willing that actual fraud should be cause for involuntary bankruptcy, and the amendment I have submitted provides a remedy for this class of cases. First, fraudulent purchase of the property by an insolvent, and that will embrace all the purchases under misrepresentation as to ability to pay. Second, fraudulent transfer of the property; and that would, by the dictionary in this bill, embrace every sort of lien or mortgage and every sort of fraudulent action had to defeat creditors. The third is the debtor concealing himself to defeat the service of a summons upon him and thus defrauding his creditors.

Mr. MOODY. If the gentleman will pardon me, I would like a little further explanation of the second reason—the fraudulent transfer of property.

Mr. BRODERICK. If the gentleman will refer to the dictionary in this bill—I do not know whether it is in the copy you have, but it is in the large bill——

Mr. MOODY. I have it here before me.

Mr. BRODERICK. You will see that transfer means sale, mortgage, and every sort of lien given to defeat or defraud creditors.

Mr. MOODY. Mr. Chairman, the question is, What is a fraudulent transfer? Now, I assume the preference of one creditor over another is not fraudulent, except it be so stated in a bankruptcy law. A debtor has the right under the common law to include a preferred creditor. Does this include the preferred creditor, or does the gentleman exclude him?

Mr. BRODERICK. I intend to include every fraudulent act which it is necessary to prohibit in a bankruptcy act, and I believe that the three grounds set out in my amendment embrace every sort of fraudulent purchase or fraudulent conveyance of property that should be specified.

Mr. MILLER of Kansas. Either by way of preference or otherwise?

Mr. BRODERICK. Yes.

Mr. MOODY. Let me suggest to the gentleman that his amendment does not do that, whatever his purpose may be.

Mr. BRODERICK. That is a difference of opinion. I think it does. It goes as far as I think the law should.

The CHAIRMAN. The gentleman's time has expired.

Mr. TRACEY. Mr. Chairman, I think I can see in the provisions of this bill as they now stand, should it become a law, an almost if not an absolutely endless continuance of vexatious proceedings against men who are unfortunate but not dishonest. A number of the acts of bankruptcy that are specified in section 2 involve as a matter of course insolvency as a condition precedent to an assignment in bankruptcy. That condition is in itself a fact to be inquired into and determined by a jury.

Now, suppose that under the second paragraph of the bill an allegation should be made against a debtor living in a Western town involving the question of bankruptcy, citing him, for the purpose of determining whether or not he was insolvent, to appear at the next term of the district court of the United States to be held in the district of which the debtor was a resident. The public notoriety of the proceeding against him would in itself become vexatious, and then when the question came to be tried before the court the inquisitorial character of the proceedings, involving, as it necessarily would, an inquiry into every act he had done, into every sale he had made, into every purchase he had made, for months preceding the filing of the petition, in order to determine whether or not he was insolvent, in order to determine whether or not he had assets sufficient to meet his liabilities, because that is what settles the question of insolvency—all this would subject him

to great annoyance and injury. All these things would be inquired into, and I undertake to say that, without the commission of any dishonest act on his part, a condition of affairs would be brought about under the operation of this bill which would bring down upon it the righteous indignation of four-fifths of the people of this country and would compel Congress to wipe it from the pages of the statute book. I do not think there is any question about that. Hence I believe that if we have any bankruptcy legislation at all beyond a voluntary bankrupt law, if anything is to be added to its voluntary features, the provisions that are added should apply only to cases of actual fraud on the part of the debtor. That of course would stamp him as a dishonest man and put him outside the pale of consideration in the enactment of law. I hope the amendment of the gentleman from Kansas will be adopted.

Mr. MAHON. Mr. Chairman, I offer a substitute for the amendment and for the amendment to the amendment.

The substitute was read, as follows:

Add to the end of section 2 the following:

"*Provided*, If said involuntary petition be dismissed by the court, or withdrawn by the petitioner or petitioners with leave of the court, the respondent or respondents to said petition shall be allowed by the court all reasonable expenses and counsel fees incurred by respondent or respondents in defending against said petition, and the petitioner or petitioners shall pay all expenses and counsel fees as allowed by the court as well as the cost of said proceedings. *And provided further*, That within five days from the time an involuntary petition is filed in court the petitioner or petitioners shall file a bond in the same court where the petition has been presented, with at least two good and sufficient sureties, to be approved by the said court, in such sum as the court may direct, conditioned for the payment to the respondent or respondents, their heirs, administrators, executors, or assigns, of all expenses, costs, and counsel fees allowed by the court. No action shall be taken on the petition until after a bond has been filed and approved by the court.

The CHAIRMAN. The Chair will state to the gentleman that the paragraph to which this proposed substitute applies has not yet been read.

Mr. MAHON. Well, leave it pending and I will offer it at the proper time.

Mr. MILLER of Kansas. Would not the gentleman accept an amendment inserting the word "damages" in connection with costs and expenses?

Mr. MAHON. I think that if they pay him all reasonable expenses and costs that is sufficient. Now, Mr. Chairman, the only hard feature about the involuntary provision of the bill will be obviated if that amendment is adopted, because creditors will be very careful before they undertake to put a man in bankruptcy. This ought to be like any other proceeding in court; if the party who institutes the proceeding fails he ought to make the defendant whole. I think that with that proviso in the bill no man can make a reasonable objection to it.

Now, as to my State and my district; the great State of Pennsylvania does a very large amount of business, and in answer to my colleague [Mr. WILLIAM A. STONE] I want to say that the business men of Pennsylvania are in favor of this bill. I have not received a solitary protest against it, and I do not believe a protest has come here from the great Commonwealth of Pennsylvania against the passage of this bill.

Mr. WILLIAM A. STONE. Has my colleague received any letters or petitions in favor of the bill, or asking for its passage?

Mr. MAHON. Yes; I have received letter after letter from merchants, the very men who would be affected by this bill, asking me to support it. I understand, too, that the gentleman who represents the great city of Pittsburg is in favor of this bill, and, Mr. Chairman, I want to make the prediction that when the yea-and-nay vote is taken upon this bill my colleague [Mr. WILLIAM A. STONE] will find seven-eighths of the Pennsylvania delegation lined up in favor of it.

Mr. WILLIAM A. STONE. Let me say at this point, Mr. Chairman, that I have never received a petition, a postal card, or any other communication from anybody in my district asking me to support this bill. I did receive a letter from one man, who wanted to be appointed a referee under the bill.

Mr. MAHON. Mr. Chairman, I will not vote for this bill with the involuntary provision struck out, for this reason: It is a very nice thing to pass a law here to allow a man to go into voluntary bankruptcy. After a man has gone into the market and purchased goods running up into thousands of dollars and has got possession of those goods, has got all his matters arranged, and has in some manner made away with the goods to his kindred or to some other person, it is a very nice thing to let him then come in and take the benefit of a voluntary bankrupt law and get a discharge, and so swindle his creditors. There are scoundrels in the United States who go into the market and buy goods upon their own credit, and they would be the men to take advantage of such a law. They show that they have so many farms, or so much real estate, or so much personal property, and on that basis they get credit for goods to the extent of thousands of dollars, which they carry out of the State; and it is my experience as a lawyer that this class of persons, after they have purchased goods in that way—many of them with the intention to defraud their creditors—acknowledge judgment to a wife, or a brother, or a daughter, or some personal friend; execution is issued upon that judgment, the property of the debtor is swept away by execution, and when the merchants in the large cities from whom the goods were bought seek payment, they find that the man's property has all been swept away and that they have no redress.

Mr. Chairman, these are the men we ought to catch. I say that when a man is in fact a bankrupt it does not matter whether he goes into bankruptcy voluntarily or involuntarily; the bankruptcy court is the place for him. I am in favor of involuntary provisions in a bankrupt law, because under them debtors will be prohibited from giving preferences; or if they do, they can be forced into bankruptcy and the preferences set aside.

I venture the assertion—and my colleague from Pennsylvania [Mr. WILLIAM A. STONE] knows it to be true—that merchants of Philadelphia, New York, and other large cities are robbed in our State to the extent of millions of dollars by men who go to the great commercial centers, purchase goods with which they stock their stores, and then confess judgment or give preferences, have executions issued by creditors with whom they are in collusion, and thus defraud the great mass of their creditors. If you will read the records of the mercantile business of our great cities you will find that this country is full of such scoundrels; I am willing to say it is teeming with them.

If the provision for involuntary bankruptcy be accompanied with provisions for giving a bond such as my amendment proposes—a bond under which a creditor engages to indemnify the debtor, if he does not sustain the proceeding which he institutes—there can be no objection to a measure of this kind. Under my amendment, if a man against whom bankruptcy proceedings are begun is in fact not a bankrupt, if he has committed no act of bankruptcy, if he has not undertaken to defraud his creditors, then he will be indemnified and made whole. If, on the other hand, after hearing and examination by the court, it is found that he has undertaken to defraud his creditors, or has been guilty of other acts of bankruptcy, then the bankruptcy court is just where he ought to be.

Sir, I would not give a baubee for a bankrupt law containing only provisions for voluntary bankruptcy, because such a law simply allows all the scoundrels who are robbing the merchants of our great cities to go free; it simply opens the way for them, after they have everything arranged, to step into the United States court with a voluntary petition for bankruptcy, to obtain a discharge, and thereby swindle their creditors.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAHON. I would like three minutes more.

Mr. WILLIAM A. STONE. I hope my colleague's time will be extended.

There was no objection.

Mr. MAHON. Mr. Chairman, under the bankrupt law of 1867 I was a register for seven years, and my practice as such covered a large part of the State of Pennsylvania. From my experience under that law I am willing to say that no injustice was done to the people of our State—nobody who was honest suffered under that law. Under its administration by the judge of the district court at Pittsburg and by Judge Cadwalader in Philadelphia the estates of bankrupts were settled promptly. Let my colleague [Mr. WILLIAM A. STONE] point out, if he can, any instances in which estates of bankrupts in Pennsylvania were squandered under the act of 1867. Sir, there was no demand from our State for the repeal of that law.

Mr. WILLIAM A. STONE. Why, my dear sir, one-half of the estates which were thrown into bankruptcy have never yet been closed up.

Mr. MAHON. Then that is the fault of the registers.

Mr. FAIRCHILD. If no injustice was done under that law, why was there such a pressure to wipe it from the statute book?

Mr. MAHON. I do not think there was any such pressure. The law had served its purpose.

Mr. TRACEY. I wish to ask the gentleman this question: If section 2 of this bill, providing for involuntary bankruptcy, should be stricken out and the bill be enacted into law without those provisions, how would a dishonest debtor under its provisions get his discharge?

Mr. MAHON. If you pass such a law, I could in my State go into debt for $25,000, and, if I were a business man, I could in the course of a year fix up my affairs so that I could go into bankruptcy and get my discharge in spite of anyone.

Mr. TRACEY. I do not see how you could do it.

Mr. MAHON. I would show you how I could do it. [Laughter.]

Mr. POWERS. It seems to me, Mr. Chairman, that section 2 of this bill, which I understand is now under consideration, is the very section of all others that ought to commend itself to the best judgment of this House. A bill framed solely for the benefit of the voluntary bankrupt threatens more fraud, threatens more danger tenfold over, so far as my experience under the old law goes, than a bill that embodies both features, as this bill does. Under the law of 1867, which was repealed because it bore heavily

upon bankrupt estates, the only instances of fraud that came under my observation—and I had quite an extended experience under the law—were frauds which were practiced, not by creditors, but by the bankrupt himself. Knowing the relief that was afforded him under the bill, by taking this step, as suggested by my friend from Pennsylvania [Mr. MAHON], he was enabled to smuggle away his property and defeat the creditor and yet get his discharge.

Now, as a practical fact in business, Mr. Chairman, I think this proposition is a sound one: That the creditors of the poor debtor are interested, and will follow that interest to protect the creditor. Just so long as the debtor can struggle along and hold out to his creditors any hope of future payment they are interested in having his property and his business well conducted and taken care of; and they are interested to protect him and let him alone and let him preserve the property and make it as valuable as possible, giving him abundant opportunity to work out his own salvation, and in the working out of his salvation to save them from certain loss. There is no danger as a practical fact of any oppression on the part of the creditor toward the poor debtor as a general rule.

Men, Mr. Chairman, act as a general thing from motives of self-interest. The creditors could have no possible interest in oppressing the debtor and destroying his property. Their interest is directly the reverse. They are interested in protecting his property to keep him along until he can work out and pay off even a small fraction of the claims to which they are entitled.

Before I come to this section of the bill, however, I wish to answer a question that is propounded by the gentleman from New York [Mr. FAIRCHILD], who asked if the act of 1867 was not oppressive upon the poor debtor, why it was repealed? I can answer the question. It was repealed because of the excessive fees that were taken by the clerk, the marshal, and other officials called upon to execute the law. This act is guarded in that the fees are limited. The clerk of the court can only get $10, no matter how long the litigation is pending. The other officials charged with the administration of the law get small fees. The bulk of the estate is therefore available for the benefit of the creditors, and of course to the same extent available for the debtor, for he wants to be able to pay as much on his accounts as he can.

Mr. BRODERICK. Mr. Chairman, I would like to ask the gentleman a question, with his consent.

Mr. POWERS. Certainly.

Mr. BRODERICK. The gentleman says he understands that the law of 1867 was repealed because the officials charged with its execution had been in the habit of extorting exorbitant fees. I ask if he has examined the debate in the two Houses upon that question for the purpose of discovering what were the real objections to the law?

Mr. POWERS. I have not examined the debate, I will say in answer to my friend from Kansas. I came into this discussion but a few moments ago, and have not had an opportunity to determine what the debates show. I only speak from the standpoint of my own experience and the complaints that have originated in my own locality. I know that clerks of the United States court made very comfortable fortunes out of the business, and that the other officials got well off out of the administration of the law. I assume that these officials in every State, having the same opportunities, probably availed themselves of it and made good pay out of the law while it was in existence.

Mr. BRODERICK. If the gentleman will permit me, I will suggest that if he examines the debates he will ascertain that there were other objections.

Mr. MILLER of Kansas. And more pertinent ones.

Mr. BRODERICK. For instance, Senator Conkling, of New York, who was himself in favor of a bankrupt law, said that there were serious objections to the law because of the oppression sometimes practiced upon the debtor under its operation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAY. I ask unanimous consent that the gentleman from Vermont be permitted to have five minutes' extension.

There was no objection.

Mr. POWERS. As I was saying, Mr. Chairman, this section 2 is the section, of all others, that commends the bill to my mind. It has been said by gentlemen who favor a voluntary bankrupt law that they are willing to incorporate in it cases of fraud. I wish to call attention to this fact, that you in substance provide for that in this section 2, and if gentlemen will give me their attention for a little while they will see that such is the case.

Mr. WATSON of Ohio. Will the gentleman yield to me? Have you examined the list of grounds in the second section upon which a state of bankruptcy may be declared?

Mr. POWERS. I will call attention to them in order. I have examined them, and gentlemen will please excuse me, as I have but a very limited time.

The first act of bankruptcy committed by a person is the concealing of himself, departing, or remaining away from his place of business, and so on, with intent to avoid the service of civil process and to defeat his creditors. Now, that is a fraud. All will agree to that. Being a fraud, it becomes an act of bankruptcy. The second is a failure for thirty days, and until a petition is filed while insolvent, to secure the release of any property levied upon for $500 or over. Now, then, that does not necessarily establish or imply a fraud, unless it be argued that his failure to release the property is done on purpose to put it through the mill and grind it up. The third cause is the making of a transfer of any of his property with intent to defeat his creditors. Is that not a fraud? Fourth, the making of an assignment for the benefit of his creditors, or having filed in court a written statement admitting his inability to pay his debts. Now, that is sometimes, and doubtless would be ordinarily, an honest procedure. Fifth, having made, while insolvent, a transfer of his property, or suffered any of it to be taken or levied upon by process of law or otherwise, for the purpose of giving a preference. Is that not a fraud? The policy of the law is to provide for an equal distribution of the property among all of the creditors; and if a man gives a preference to one creditor, does he not commit a fraud against all the rest of them?

(6) Procured or suffered a judgment to be entered against himself with intent to defeat his creditors and suffered same to remain unpaid until ten days before the filing of a petition in bankruptcy, provided that a payment or satisfaction of such a judgment by a sale of any of the debtor's property or from the proceeds of such a sale shall not be deemed a payment of such judgment under the provisions of this section—

Another rank fraud, on purpose to defraud the creditor—

(7) Secreted any of his property to avoid its being levied upon under legal process against himself and to defeat his creditors, and has not surrendered such property to such legal process at least ten days before the filing of a petition in bankruptcy—

Another instance of rank fraud.

That might be an honest transaction—

(8) Suffered while insolvent an execution for $500 or over, or a number of executions aggregating such amount, against himself to be returned no property found, unless the amount shown to be due by such executions shall be paid before a petition is filed.

Now, that might or might not be fraudulent; but every one of these propositions, with possibly one or two exceptions, goes upon the ground, it will be noticed, of a legal or moral fraud, and, whether it be legal or moral, it is just as disastrous to the creditor.

Mr. WATSON of Ohio. Will the gentleman allow me to ask him a question?

Mr. POWERS. Yes.

Mr. WATSON of Ohio. Turn to clause 4—

(4) Made an assignment for the benefit of his creditors.

I want to ask the gentleman if this should become a law does not the existence of a general bankrupt law suspend the operations of the assignment laws of the States?

Mr. POWERS. Of course.

Mr. WATSON of Ohio. Then how can a man make an assignment if the State assignment laws are suspended?

Mr. KNOX. There might be a common-law assignment.

Mr. POWERS. A man might make a common-law assignment to his creditors. An assignment to his creditors may or may not be a fraud. It may be an honest transaction. The debtor may say, "I will assign my property to a trustee for the benefit of my creditors," and that may be honestly done, or, as I have already said, it may be done for a fraudulent purpose; and judging by my own observation of the old law of 1867——

Mr. WATSON of Ohio. How can you make an assignment if this law suspends the assignment statute?

Mr. POWERS. It suspends our State assignment statutes, but the act can be done. A man has the right to make an assignment at common law without any statute, and he might make an assignment in that way. But without stopping to cover these points, because my time is so limited, I will say that we have in a large proportion of our States an insolvency law which has been upon the statute books for a good many years. I think every one of the New England States has such a law. They have it in New Hampshire, in Vermont, and so forth. Under the operations of that law the property of debtors is distributed more fairly, more equitably, and more satisfactorily to the whole community, both to debtors and creditors, than it was administered before we had any of those laws. Of course the passage of a national bankruptcy law will supersede the operation of these State insolvency acts; but here is the trouble with a State law: It is limited to State lines.

The CHAIRMAN. The time of the gentleman from Vermont has expired.

Mr. POWERS. I will ask for three minutes more.

The CHAIRMAN. The gentleman from Vermont [Mr. POWERS] asks for three minutes more. Is there objection?

Mr. WILSON of Ohio. Mr. Chairman, I object.

Mr. POWERS. We will have that delegation go against you. [Laughter.]

Mr. WILSON of Ohio. While I feel very friendly toward Vermont just at this time, I do not want her to take all the time. I object simply because I think gentlemen who desire to discuss the

merits of this bill should have availed themselves of the time we have had heretofore.

The gentleman from Vermont [Mr. POWERS] has undertaken to say that this bill is substantially the bill proposed by the gentleman from Kansas. If the friends of the bill will strike out of it those provisions of the bill which will leave it as the amendment of the gentleman from Kansas proposes to make it, I shall very heartily support this bill. But if it is intended that every man who is in debt, and against whom a judgment for $500 has been rendered, and who is unable to pay it for thirty days, shall become a bankrupt I am not in favor of that proposition.

I am not in favor of the proposition that the man who owes $500 and can not pay it for thirty days shall be thrown into bankruptcy by his creditors. But every man who commits a fraud, every dishonest man, such as the gentleman from Pennsylvania speaks of, should be subjected to the very closest scrutiny through a bankruptcy court, and every dollar of his estate subjected to the payment of his debts ought to be handed over entirely to his creditors.

Further than this there ought to be no involuntary bankruptcy. Hold the line to fraud and fraudulent conveyances. Protect the oppressed debtor against these unjust prosecutions and save the people who are suffering on account of the hard times; save the people from being thrown into bankruptcy and let all honest men try to pay their debts in the usual way. I hope the amendment offered by the gentleman from Kansas will be adopted and that then this bill will become a law.

Mr. MOODY. Mr. Chairman, I wish to say a few words with reference to the amendment which the gentleman from Kansas has been kind enough to hand to me for the purpose of examination.

But before I do that I want to say that I indorse every word of the statement made by the gentleman from Pennsylvania [Mr. MAHON] who last spoke upon this subject. It seems to me that however much this country wants a bankruptcy bill, it is not simply a voluntary bankruptcy bill which is sought. However much I desire to vote for a bankruptcy bill at this session of Congress, I believe I can do no greater harm to the great commercial interests of this country than by voting for a bankruptcy bill which contains the voluntary feature alone. It is nothing but an encouragement to fraud. I would no quicker vote for such a bill than I would vote for a bill which provided for involuntary bankruptcy alone. Justice requires that the interests of both debtor and creditor should be cared for.

Under the present existing system of State insolvency laws, which will be suspended by the passage of a voluntary bankruptcy act, there is something which stands in the way of a man entering upon the course of conduct which has been described by the gentleman from Pennsylvania. Pass this law, which will strike down the provisions of the State law and eliminate its involuntary features, and you encourage every dishonest man to incur debt fraudulently, to prefer one creditor above all others, and to delay his settlement with his creditors until the time shall have passed when his transactions can be inquired into. Then he will go into bankruptcy and take the benefit of the law.

I am opposed to that, Mr. Chairman. I believe the people of my State who want a bankruptcy law, and want it badly, are opposed to the enactment of a bankruptcy law that shall include only voluntary bankruptcy. They desire a national law which will operate for the benefit of both debtors and creditors. They do not want to strike down their own law, which has worked so satisfactorily now for about half a century, until something better is provided in its stead.

Now, Mr. Chairman, the gentleman from Kansas has offered us an amendment, and I desire to ask the careful attention of the committee to his amendment. He proposes to provide that an act of bankruptcy shall be, in the first place, the act of one who has fraudulently contracted a debt. Now, that ought not to be an act of bankruptcy—that alone. Where a man has fraudulently contracted a debt and is amply able to pay it, it ought not to be in the power of any one man to put him into bankruptcy to the detriment of the rest of his creditors. And if that shall be made an act of bankruptcy, I most respectfully suggest to the gentleman from Kansas that it should read in this way: "Being insolvent, has fraudulently contracted a debt," which is the subject of proof in a bankruptcy proceeding. It would be worse than any provision now in this bill if a single creditor holding a claim that he alleges has been contracted fraudulently could put a debtor into bankruptcy, destroy his property, and injure the interests of every other creditor.

The second provision of the amendment is that it shall be considered an act of bankruptcy if a person has sold or transferred his property or some part thereof with intent to defeat his creditors. Certainly, I differ entirely with the construction of the learned gentleman from Kansas. This language can not possibly include a preference. It is not fraudulent for a debtor to prefer one creditor over another. He has a right to do it, unless forbidden by statute. He can not be said to transfer his property "with intent to defeat his creditors" if he simply prefers one to another. The words of this amendment refer only to a common-law fraud, the transfer from the debtor of his property to some third persons, to hold it upon some secret trust for him. That is an old fraudulent transfer which has been known ever since the statute of Elizabeth. Under this amendment a preference would not be an act of bankruptcy.

A transfer of property by a man who is in debt to one of his creditors in preference to all others is not such a transfer as is described by the language of the amendment of the gentleman from Kansas. His amendment would leave all the evils described by the gentleman from Pennsylvania in full force and effect. It would allow a man to contract debts to any amount whatever, then to suffer judgment upon the debt, and allow his property to be swept away and his honest creditors left without anything to pay their claims. I want to ask the gentleman from Pennsylvania, if after a judgment of that kind had been had and execution proceedings had been taken and the property taken away from the debtor whether there is any provision in the law of Pennsylvania by which honest creditors can find out whether the judgment is upon a genuine debt or not?

Mr. MAHON. Not unless it has become a matter of record. Then they have a right to inquire into it.

Now, Mr. Chairman, I am opposed to any proceedings of that kind.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

On motion of Mr. KNOX, by unanimous consent, the time of Mr. MOODY was extended for three minutes.

Mr. MOODY. There is only one other thought that I wanted to present to the committee, and it is this: I have been in and out here for several days and have heard a good deal about the poor debtor class, but I have not heard much about the poor creditor class. I for one have something to say for the creditor class. I was surprised when the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] got up here and condemned this bill because, as he said, it was simply "for the purpose of facilitating the collection of debts." In the name of God, gentlemen, why should you not facilitate the collection of debts? Is there anything wrong about that? Is it any objection to this bill that it will facilitate the collection of debts? Who are the people who own the debts?

Why, Mr. Chairman, there is not any creditor class. Every man who is a creditor, who is in business and whose business affairs this bill will touch, is a debtor as well. Who are the creditor class that are asking for this legislation? They are the great commercial bodies throughout this country, who are composed of men who are creditors and debtors at the same time. The gentleman from Pennsylvania says there is no demand for the enactment of this bill. Where has he been during this session of Congress that he has not heard the demand that is coming up from all parts of the country, from those who are engaged in commercial transactions, for the passage of a bankruptcy bill like this, and in opposition to the passage of a bill containing the voluntary provision alone? I have heard nothing on this subject except petitions for the passage of this bill.

In whose interest are those petitions? In whose interest is the passage of this bill asked? It is asked in the interest of the manufacturers, not the great capitalists, but the men who make the goods that are distributed throughout this country, the shoes, the cotton and woolen goods, the manufactured products of all kinds that our people buy and use. They ask for this bill, and all they ask is that when a man arrives at a position where he can not pay his debts in full, they, as creditors, shall be allowed to share equally with every other creditor. They ask nothing more than that. Is not that just? Who else is asking for this bill? The banks of the country. I am speaking to practical men. What interest have the banks of the country in this measure? There is no man who has been a director of a bank who has not had the experience of going into the directors' room upon every directors' day and negotiating the discount of pieces of commercial paper coming from all parts of this country.

At the very last meeting I attended I remember discounting two or three large pieces of paper from concerns in the State of the gentleman from Minnesota who sits before me. Any bank, at least any bank in the Eastern sections of the country, has in its drawer at any given time pieces of commercial paper that have been issued in almost every State in the Union. The banks are getting upon those loans less than 6 per cent on the average. They are lending that money to our friends in the West. Why? Because they can lend it cheaper than local capitalists there can lend it. Are gentleman not willing to pay them? Are they not willing, when they are lending them money at less than 6 per cent, to pay them? Are they not willing to give these banks, which have taken the capital from where it is plentiful and distributed it in those portions of the country where it is needed, the right to share equally in the assets of the debtor when misfortune overtakes him—willing (to use the expression of the gentleman from Pennsylvania) to help the banks to collect their debts?

Mr. TAWNEY. Speaking for Minnesota, I say that we are.

Mr. MOODY. I am glad to say that we have never had experience of any other kind with Minnesota. Now, Mr. Chairman, all I want to add is that this bill ought to be defeated or else it ought to be passed with the involuntary provision in it. If it is to be made a mere voluntary bankrupt law it is worse than nothing, and I hope, if it comes to that, that the bill will be rejected.

Mr. MILLER of Kansas. Mr. Chairman, it gives me the utmost gratification to see at last that the advocates of this bill have come out of the brush and have announced its true purpose. The gentleman from Massachusetts [Mr. MOODY], whose people own, perhaps, more claims against poor debtors than the people of any State in this Union——

Mr. MOODY. I have not been in "the brush," so the gentleman will please not talk about my coming out of it. [Laughter.]

Mr. MILLER of Kansas. The gentleman comes from a State where more of these claims perhaps are owned than in any other State in this Union, and he has now, for the first time, announced that this is a bill for the purpose of collecting debts, and that is the reason and the sole reason he advocates it.

Now, Mr. Chairman, on the day when this discussion first opened the gentleman from Iowa [Mr. HENDERSON], with trembling voice and with tears in his eyes, said that this bill was for the purpose of letting those poor men who had been unfortunate escape from the burden of their debts. And that was followed up by the gentleman from Illinois [Mr. CONNOLLY], whose only ground for advocating the bill was that by the laws of various States there is placed in the hands of a single creditor the means of issuing an attachment against a debtor and taking all his property. Those were the two grounds on which this bill was advocated. Yet we find now that the true secret of the bill is that it is a bill for the collection of debts.

In this bill there are provisions under which every merchant in Kansas City (in which I reside) can be placed in bankruptcy. There are provisions in this bill by which a man having any amount of property may be placed in bankruptcy because subsequently to the time of the commission of the acts named or within six months accident may happen to him so that at the time of the filing of the petition he may not have sufficient property to pay his debts.

Mr. MOODY. Let me ask the gentleman what provision of the bill does that? What provision puts a man into bankruptcy under such circumstances?

Mr. MILLER of Kansas. Section 2—the very provision we are now discussing.

Mr. MOODY. Let me point out to the gentleman that he is mistaken. That section provides that a man shall be put into bankruptcy only when he is insolvent; and then if the gentleman will turn to the definition of an insolvent in this bill—the most liberal definition that has ever been embraced in any bill—he will find that if upon a fair valuation of his property the debtor can pay all he owes he is not to be regarded as insolvent.

Mr. MILLER of Kansas. Yes; but that matter is determined at the time when the petition is filed; and if at any time within six months previous he has permitted an attachment to remain on his property, however unjustly it may have been issued, however iniquitous the claim may be on which it is founded—if that attachment is allowed to remain upon his property for thirty days without his obtaining a release he is regarded as having committed an act of bankruptcy and may be thrown into the bankruptcy court. I say that under that kind of a provision the most iniquitous claim on earth may be used to throw a man into bankruptcy, because there is not one case in a million where an attachment could be released within the thirty days. In this way, then, a man may under such a provision be thrown into bankruptcy and unjustly oppressed.

But what is the situation in regard to a man's property so far as the determination of the question of his insolvency is concerned? When the petition is filed, an assessment is made of the value of the debtor's property, based upon its value upon a forced sale under bankruptcy proceedings, and though the man's property fairly valued might be three times what would be required to pay his debts, yet when you estimate it upon the basis of a forced sale, that property might be adjudged insufficient to meet the indebtedness, although under ordinary circumstances and with ordinary business management it might be more than three times enough to pay the man's indebtedness. I say, then, that under the provisions of this bill any man, however honest, may be thrown into bankruptcy by an accident, because forsooth his paper is not paid within thirty days after it matures. If a man's note, by accident or otherwise, happens to remain unpaid for thirty days he may be thrown into bankruptcy, and that, too, not by the man whose paper is unpaid, but by any creditor, even though that creditor's claim may be but $10. Such a creditor, because of the debtor's default upon another man's paper, may throw him into bankruptcy. The great majority of the man's creditor's may not wish him to go into bankruptcy. But here comes along a Jew clothing merchant from the city of New York or Boston——

[Here the hammer fell.]

Mr. BRODERICK. I ask that my colleague be allowed five minutes more.

There was no objection.

Mr. MOODY. Will the gentleman from Kansas allow me a single suggestion?

Mr. MILLER of Kansas. Yes, sir.

Mr. MOODY. The gentleman has just stated that an accidental failure to pay a promissory note may be a cause of bankruptcy.

Mr. MILLER of Kansas. Yes, sir.

Mr. MOODY. Now, let me call the gentleman's attention to this language of section 2, which defines acts of bankruptcy:

Suspended and not resumed for thirty days and until a petition is filed, while insolvent, the payment of his commercial paper.

Mr. MILLER of Kansas. But I say that, in the administration of this bill, if a man's property, when the petition in bankruptcy is filed, is not three times enough to pay his debts he will be regarded as insolvent, because the value of his property is estimated at what it would bring at a forced sale by order of a bankruptcy court.

Now, I say, there may come along a man whose claim amounts to but $10; other creditors, whose claims may amount to a hundred thousand dollars, may be anxious that a debtor shall continue in business; but that man whose claim amounts to but $10 may, under this bill, put the debtor into bankruptcy.

Mr. GILLETT of Massachusetts. Oh, no; it requires three creditors, and the indebtedness must amount to $500.

Mr. MILLER of Kansas. Where is there any such provision in the bill? I ask the gentleman to look it up.

Mr. GILLETT of Massachusetts. I can turn to it in a moment.

Mr. WATSON of Ohio. One man can do it. Let gentlemen turn to section 12.

Mr. RAY. I ask the attention of the gentleman from Kansas to this provision of the bill:

SEC. 59. WHO MAY FILE AND DISMISS PETITIONS.—*a* Any qualified person may file a petition to be adjudged a voluntary bankrupt.

b Three or more creditors who have provable claims against any person which amount in the aggregate, in excess of the value of securities held by them, if any, to $500 or over—

Now, let the gentleman withdraw his statement about a creditor with a claim of only $10.

Mr. MILLER of Kansas. I will admit that in stating the sum of $10 I was not quite accurate.

Mr. RAY (continuing to read)—

or if all of the creditors of such person are less than twelve in number, then one of such creditors whose claim equals such amount may file a petition to have him adjudged a bankrupt.

Mr. MILLER of Kansas. So far as my statement is concerned that a creditor to the amount of $10 might put a man in bankruptcy it is wrong; but so far as it relates to the five-hundred-dollar man it is correct in every particular. No one can dispute that fact.

Mr. GILLETT of Massachusetts. If there are less than twelve creditors.

Mr. MILLER of Kansas. Now, if the desire of the people framing this bill is, as stated, just to relieve the embarrassed, honest debtor, and second, to protect the creditors from having the property of the debtor taken away by attachment, why are they not willing to strike out from the bill the drastic provisions to which I have referred and leave only those provisions in it which are supposed to be capable of accomplishing the object they have in view—the provisions under which an attachment can be issued in a State court; that is, in cases of fraud? If what you claim is true, that the groundwork of the bill is to provide that one creditor shall not step in and by attachment absorb all of the estate to the exclusion of all others, why not leave the voluntary provision in the bill and restrict the involuntary provision to acts of fraud, on which the attachment might issue, just as it would issue in a State court? That would, in effect, meet every provision that the gentleman from Iowa in charge of the bill, the gentleman from Illinois, and others claim the bill was intended to accomplish.

Mr. HENDERSON. Oh, we recognize that it might help some manufacturer in Massachusetts with that out. You would not be willing to consent to anything of that kind.

Mr. MILLER of Kansas. Mr. Chairman, I wish to say to the gentleman from Iowa that I was born in Maine; my people lived in Maine; they are New England people, and I have no prejudices against Massachusetts, such as he seems to think in his assertion. I have no prejudice against Massachusetts as a State, or against any other State or any other part of New England; but I do say that no bill should be passed here by this House which is an instrument of oppression and an engine in the hands of the creditors of this country in addition to those already given by the States to oppress the people of the Western country, who, forsooth, happen to be in debt.

The people of the West are as honorable, as upright, and as correct in their business transactions as any other people in the United States or in the world. But unfortunately they have become involved in debt to some extent, and it is not right that under those conditions which exist among them an additional burden of oppression or an engine of oppression shall be given into the hands of the creditor class of the country to harass and oppress our people in the future.

I say that this bill, in all of its features, is a bill for the purpose, and that alone, that was announced here by the gentleman from Massachusetts a few moments ago; and if the House passes it it will never become a law; but even if it should pass and it ever becomes a law, it will be one of the most unpopular acts that ever emanated from a Republican House, and for that I shall be exceedingly sorry.

Mr. Chairman, I am in favor of a bankruptcy bill, both voluntary and involuntary, but I want the bill to be just in its terms. I want the involuntary sections declaring acts of bankruptcy to be limited to acts of fraud, such as might be grounds for attachment. By the terms of this bill as it now stands innocent men, who in the ordinary course of business might pay every dollar of their debts, may be thrown into bankruptcy and irretrievably ruined; and worse than all, under its provisions, although a man may have acted honestly, notably in the matter of preferences, after he has been ruined and his property taken he can not be discharged from his debts under the provisions, of this bill unless the bill is materially amended. I can not in justice to my people support it, and I sincerely hope it will not pass in its present form.

Mr. KNOX. Mr. Chairman, I am quite sure that it was not the purpose of my colleague from Massachusetts, who addressed the committee a few moments ago, to convey the impression that the only purpose of this bill was the collection of debts. It was, I am quite sure, his purpose to say that it should not operate against this bill, in effect, that under it the honest creditor might be able to collect his debts which otherwise would be lost to him. The honest man who owns the debt has the same right before the courts, and should have before all courts, as the honest debtor that owes the debt.

This law has but a single interest in view, and that is that the honest debtor who shall honestly surrender his property to be divided among his creditors shall be discharged from the obligations of indebtedness, and that the honest creditor who has the debt shall receive his due and fair proportion of the estate, and take, with all others, exactly his proportion on a fair division of the estate.

There is in this bill, contrary to the assertion of the gentleman from Kansas, no question affecting the North, East, South, or West, but it is a bill of equal beneficence throughout the whole borders of the country. It deals equally with all men. And let me say to the gentleman from Kansas, or anyone else from that locality who attacks the bill on the ground that it may be oppressive to them, that when this bill is passed the capital of the great East will again flow to the West, to be loaned there, to be invested there, to build up industries there, and start men in business, to build houses, found banks, and organize new industries just as it did in the past. There can be no greater benefit, no bill passed that would add so materially to the best interests of the country, or that will aid so thoroughly the debtor people of the West as this very bill, which will assure those who have money to invest that if they make their investment they shall share equally with all others in the property of a debtor who fails to comply with his obligations, and that there is a law to protect them from the operation of fraud.

Now, I beg of the committee and the House to consider what would be the effect of passing a purely voluntary bill. All the laws in Massachusetts, the laws in nearly all the great Commonwealths of this country, which provide against fraudulent preferences on the part of debtors, which provide against the transfer of property for the purpose of hindering, delaying, or defrauding creditors, are contained in the insolvent laws of the various States. And the moment you pass a bill here, even if it provides that nothing but voluntary bankruptcy shall be the rule, when it goes into operation it supersedes the insolvent laws of the States, and we should in these great commercial States be deprived of any law which operates against commercial frauds. And I agree fully with my colleague that it is far better no law should be passed, that the laws should remain as they are, rather than that a purely voluntary bill should pass.

Now, as to the oppression which may prevail under this bill. The law of 1867 went into operation at about the time I came to the bar. I was familiar with the practice under it. I never knew of a case where a creditor employed the provisions of the law of 1867 to oppress an honest debtor, and I never heard of one in my locality or anywhere else.

Mr. TAWNEY. Will you permit a question?

Mr. KNOX. Certainly.

Mr. TAWNEY. Are you aware of the fact that President Grant, in his message recommending the repeal of the act of 1867, put it upon the ground that it was used for the purpose of oppression?

Mr. KNOX. I will answer that I heard read from the desk what I supposed to be a portion of the annual message of President Grant. President Grant was a great general, the greatest that the country ever saw. We all worship him; but he was not a lawyer, and presumably had no experience under the bankruptcy act of 1867. I am simply stating what my experience and my knowledge were, and I was about to say that I never heard of a dozen cases tried by a jury where the issue of insolvency set up by the creditors was denied. There were no such trials. They were the rarest, which showed conclusively, Mr. Chairman, that creditors were not using the provisions of that law for the purpose of oppressing their debtors. If a man can pay his debts, he should pay them. If he can not pay them, his property should be divided among his creditors equally. If he surrenders his property to be divided, he should be discharged. The right of the creditors to have the property equally divided is no less sacred and important than that of the debtor to be discharged; and to deny that must amount to a denial of justice, and nothing else.

[Here the hammer fell.]

Mr. WOOD. Mr. Chairman, I have no doubt that the gentleman who has just taken his seat [Mr. KNOX] is well qualified to speak for his own State. I have some doubts as to whether he is as well qualified to speak for the West as are some gentlemen who reside there. Perhaps none of us are so well qualified as those who will be affected by this bill. I have just received a telegram from some gentlemen representing very heavy business interests in the State of Indiana. I send it to the Clerk's desk and ask that it be read at the conclusion of my remarks.

The Clerk read as follows:

TERRE HAUTE, IND., *May 1, 1896.*

Hon. BENSON WOOD, *House of Representatives:*

We believe the Torrey bankrupt law a good thing for fifty-thousand-dollar failures and up, but it means confiscation of a large part of the estates under $5,000. Out of a total number of failures in the United States and Canada (1895) of 14,874, 12,986 employed a capital of less than $5,000 each. We respectfully urge you to vote and work against its passage in the interest of all the West.

HAVENS & GEDDES COMPANY.
TERRE HAUTE SHOE COMPANY.
E. H. BINDLEY & CO.
BEMENT, REA & CO.
HULMAN & CO.

Mr. MARSH. Mr. Chairman, on the 4th day of March, 1893, the Democratic party came into power in this country. Since that time the failures and the shrinkages of value in wages and property in this country have been greater in number and larger in amount than in any other like period in the history of this country or any other country. In view of the thousands and tens of thousands of men who have been broken up and reduced to poverty during that time, I should be glad to-day to vote for a voluntary bankruptcy bill, with proper restrictions, limited in its operation to one or two years. The existing business interests of the country that have not been utterly destroyed by the accession to power of this old Democratic party are standing now tottering upon their weakened legs, and now you are here proposing an involuntary bankruptcy bill to complete the work that the united Democratic party so far have been unable to accomplish. [Laughter and applause.]

I should favor a voluntary bankruptcy bill, in order that the thousands and tens of thousands of good, straight, honest men in this country who have gone down under this political cyclone that has struck the country—I would favor a voluntary bankruptcy bill that would enable them to wipe out past scores and start anew in the battle of life, but I would not put it in the power of the great, the powerful, and the strong to wreck the remaining business interests of the country that are struggling with all their might and main to keep their heads above water until the glorious day, which is not far hence, when the friends of the American working men and women and the friends of American industries will resume possession of the country again. [Applause on the Republican side.]

Mr. Chairman, I yield the balance of my time to whoever may desire it. [Laughter.]

Mr. WATSON of Ohio. Mr. Chairman, I move to strike out the last word.

Upon the whole, Mr. Chairman, I am in favor of this bill; but that the involuntary features of it are subject to very great objection can not, in my mind, be doubted. Let me call the attention of the House again to section 59 and give you two or three illustrations under that section. It provides that—

Three or more creditors who have provable claims against any person which amount in the aggregate, in excess of the value of securities held by them, if any, to $500 or over—

may force a debtor into bankruptcy. Now, I ask the calm and deliberate judgment of this House with regard to this provision. What are we about to do? It makes no difference how much money a man owes, it makes no difference how many people a man owes, it makes no difference what the great majority of his

amendment of the gentleman from Pennsylvania forget all the while

The amendment offered by my friend from Kansas [Mr. BROD-

ruptcy. The great majority of the man's creditor's may not wish | happen to be in debt.

Mr. KNOX. Certainly.

Mr. TAWNEY. Are you aware of the fact that President Grant,

man owes, it makes no difference what the great majority of his

creditors desire, if three of his creditors only, representing $500, wish it, they can force him into bankruptcy, against the desire and consent of every other creditor. I appeal to the common, fair sense of this House if that is plain, straightforward, average American justice.

To go on: The real tyranny and iniquity of this section comes now, if I may use such language in reference to it. The section continues:

If all the creditors of such person are less than twelve in number, then one of such creditors whose claim equals $500 may force him into bankruptcy.

To illustrate: I owe 11 men. I owe 10 of them $1,000 each They are satisfied that I can pay them in time. They have no desire to oppress me. They are not asking for their money. They tell me to go on and work out this indebtedness. They have confidence in my ability to do so, and confidence in my integrity, but one man, to whom I owe the pitiful sum of $500, forces me into bankruptcy, against my will, and against the will of the 10 creditors to whom I owe $1,000 each.

Mr. RAY. May I make a suggestion there?

Mr. WATSON of Ohio. Yes, sir.

Mr. RAY. Suppose you do not permit him? Suppose he is not permitted to force a man into bankruptcy? What will be the result?

Mr. WATSON of Ohio. I do not know what you mean.

Mr. RAY. He can bring a suit and obtain his judgment in twenty days in my State, and I suppose that is about the time in nearly all the States. He would obtain his judgment, issue his execution, levy upon and sell the property of this man, and ruin him in his business. Well, stop all of this business. Now, there can be no question about the fact that he has the right under the State laws to enforce the obligation of the contract.

Mr. WATSON of Ohio. Yes; if it is due.

Mr. RAY. Why not permit one in this case that you mention and three in the other cases mentioned here to put him into bankruptcy when he gets where he can not pay, does not pay, and is unable to pay?

Mr. WATSON of Ohio. Well, I do not want all of this to come out of my time.

Mr. RAY. I will ask that you have further time, because this is not a matter that is to be rushed. A fair discussion should be given, and I am delighted, so far as I am concerned, to hear an expression of opinion. Now, I want right there to say that in a case of that kind, where there is only one, and they want to give this man further time, if they desire him to go on and pursue his business, let them raise the money. [Laughter.] Let them buy up this claim, and that will prevent forcing the man into bankruptcy.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. RAY. I ask unanimous consent that the gentleman have five minutes further time.

There was no objection.

Mr FAIRCHILD and Mr. RAY rose.

The CHAIRMAN. To whom does the gentleman from Ohio yield?

Mr. WATSON of Ohio. I yield to the gentleman from New York [Mr. FAIRCHILD] to ask a question.

Mr. FAIRCHILD. I want to ask my colleague from New York what would be done in the case if the defendant had a defense to the piece of paper? Would it not compel such a defendant to fight out that defense in bankruptcy proceedings, when otherwise he could fight it out under the ordinary statutes?

Mr. RAY. What is the difference, whether you fight out your defense in the State court——

Mr. WATSON of Ohio. I do not want a controversy between the gentlemen in my time.

Mr. RAY (continuing). Or whether you fight out your defense in the United States courts under this provision?

Mr. FAIRCHILD. I think the difference is very clear.

Mr. WATSON of Ohio. I must decline to yield further. I will undertake to answer the gentleman's question, as I now recollect it. He asks what evil effect would result when a party is thrown into bankruptcy. I want to call his attention to the fact that in the commercial world the moment a charge of bankruptcy is made against a debtor he is gone. If his paper is worth 75 cents on the dollar to-day, and you charge him by petition as being a bankrupt, to-morrow it is not worth 40 cents on the dollar, notwithstanding the fact that he may prove in court that your charge against him is not true, and that he be restored as far as possible to his position before the charge was made. The shadow that will follow him and ultimately drive him to poverty is the result of the first step you took. And this great and cruel power you propose to place in one creditor to whom the debtor owes the pitiful sum of $500, when the rest of his creditors are not seeking to accomplish such a purpose.

Mr. RAY. Is it not true in practice that when a man is in failing circumstances and unable to pay his debts, if one creditor sues the news goes out and everybody sues, and the man has to go down?

Mr. WATSON of Ohio. That may be so in any given case, but it is not necessarily so, or generally so.

Mr. RAY. Now, then, is there any greater injury or hardship by reason of having a petition filed against a man in bankruptcy than there is, under like circumstances, in having a suit brought against him in the State court and judgment rendered?

Mr. WATSON of Ohio. There is. If a suit is brought and judgment rendered, he may pay the judgment; but if you file your petition throwing him into bankruptcy, you cast a cloud upon him which hangs over him forever.

Now, Mr. Chairman and gentlemen of the committee, I want to say that under the old act of 1867 I had considerable practice in bankruptcy, and I believe that many beneficent results follow such a law, and I believe that this country demands, for its commercial interests, a universal bankrupt law. I am not especially opposed to an involuntary bankrupt law, but I am opposed to an involuntary bankrupt law, that gives such power, such cruel power, to one creditor as this bill does.

Again, turn to page 6 of the bill. The fourth ground for throwing a man into bankruptcy is that he has made an assignment. Think about that a moment. Here is Mr. A. He says: "I can not pay my debts; my assets are $15,000; I can not pay all that I owe; I will make an assignment for the benefit of my creditors." He makes an assignment. There is no preference about it; there is no fraud about it. He says: "I want every creditor I have to get 15 cents or 20 cents or 60 cents on the dollar." Now, the very moment that man makes an assignment under the State law, you come in by this law and adjudge him a bankrupt. Is that just? He is doing the very best he can for his creditors; he has put all his property into the hands of an assignee for their benefit, for the purpose of paying his debts. Yet the moment he does that, along comes your act of Congress and says that he has committed an act of bankruptcy.

Mr. NORTHWAY. The case the gentleman supposes would be after the passage of this law, so that there would be two laws between which to choose, this law and the State law. Now, to which would the gentleman give the preference? Under the assignment the man's property would be taken and distributed among his creditors, and under this bankruptcy law also his property would be taken and distributed among his creditors; but the difference is that when the distribution was made under the bankrupt law he would get a discharge, while under the State law he would not.

Mr. WATSON of Ohio. But suppose he prefers the other course. Suppose he prefers to make an assignment under the State law and pay 50 cents on the dollar, or whatever his estate can pay, to every creditor, and have the estate administered upon by some man that he chooses to administer it. The very moment that he says: "I will be honest; I will make an assignment of all my estate for the benefit of my creditors; I choose my neighbor, whom I have known all my life and in whom I have perfect confidence, to administer the estate so that it may pay 50 cents on the dollar, or the highest amount it will pay;" the moment he says that, this act of Congress comes along and tells him: "You have committed an act of bankruptcy in trying to be honest."

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment.

Mr. BRODERICK. Mr. Chairman, after listening to the criticisms that have been made upon my amendment by the gentleman from Massachusetts and others, and on further reflection, I will ask consent to modify the amendment by inserting in the fifth line, after the word "having," the words "while insolvent"; and also by changing the word "of" to "in."

There was no objection, and the amendment was so modified.

A MEMBER. Let the Clerk read the amendment as it will stand in its modified form.

The amendment of Mr. BRODERICK, as printed above, was read with these modifications.

Mr. HENDERSON. Mr. Chairman, I rise to oppose the amendment offered by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE]. The effect of that amendment is easily understood. It is to strike out the involuntary features of this bill. That is the sole and only purpose of the amendment.

Now, I want to say to my friend from Kansas that I live in the West, and I lived there, I guess, a long time before his feet touched Western soil. I went there when a child, and I expect to be buried in the West—and not buried by my efforts in behalf of a bankruptcy bill either. The people in the West are honest, and they want an honest, complete law. I think that, although a Western man, I am big enough to see this whole country and not to be influenced by any petty demagogism (and I am not referring to the gentleman) that may be thrust into this debate. I do not intend that any arguments for this bill shall be good in Massachusetts which are not good in Iowa and in Kansas and Louisiana.

The gentlemen entering into this debate to-day in support of the

amendment of the gentleman from Pennsylvania forget all the while what can be done and is done under State law. The only gentleman who has struck the keynote of thought on this question is the gentleman in front of me, my friend from Massachusetts [Mr. KNOX], who has said truthfully, as I believe, that the passage of this bill with the involuntary provisions will let Eastern money flow into the West and give us credit there. Sir, I favor this bill because it will bring peace and confidence throughout the entire country to business and industrial circles. When the men selling goods and lending money know that there is a method for reaching what belongs to them, based on high equitable grounds—that the grabber shall not get ahead—that the man "on the spot" shall not get ahead, but that all shall share equitably, whether the creditor lives at the Golden Gate or in the Pine State of Maine, then the debtor will have peace and there will be no rushing and grabbing among creditors.

Ah, gentlemen, there are men like those signing the telegram read to-day, presented by my friend from Illinois [Mr. WOOD], who have got, as I said in my opening remarks, their line of arrangements made through attorneys at every town; they have got a trap set by which, if possible, they shall first the victim catch; there are large jobbing houses in the cities who are opposed to this bill because they think they can get under present State laws an advantage over their fellow-men; and there are in some little towns and county seats lawyers who think they can do better without a bankrupt law because they may slip in ahead with some State writ and take care of their creditor clients. But, my fellow-countrymen, that is not a consideration on which to rest a question of this kind.

Pertinent to what came from Indiana, I hold in my hand a letter from a distinguished citizen of that State, received by me this morning. I will read the closing paragraph:

I think the impression of some of our Western boards of trade upon the bankruptcy question was that by reason of the nearness of our merchants to their customers they had an advantage with a failing debtor over the distant creditor, and that this would be surrendered under a bankrupt bill. It seems to me to be a short-sighted view of the question.

That letter is written by a no less distinguished man than Benjamin Harrison [applause], who in a Presidential message recommended a comprehensive bankruptcy bill, and who, whether President or private citizen, stands for every part of this country and all its great interests.

Some of our friends here favor bankruptcy proceedings which shall recognize only the debtor class. It is my judgment that such a bill would do irreparable damage to all debtors who wish to obtain credit. I am in favor of fully protecting the rights of that class. Its interests are perfectly cared for in this bill. Not with a "tear in my eye," as sneeringly remarked by the gentleman from Kansas—as far from a tear when I opened this debate as I am now——

Mr. BRODERICK. To what "gentleman from Kansas" does my friend refer?

Mr. HENDERSON. Not you; no sneer ever came from your lip to me.

Mr. MILLER of Kansas. There is no gentleman in this House whom I desire to treat with more consideration than the gentleman from Iowa.

Mr. HENDERSON. That is all right. Just drop the "tear" when you are striking at this bill.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HENDERSON. I should like to occupy five minutes more.

The CHAIRMAN. In the absence of objection, the gentleman will proceed.

There was no objection.

Mr. HENDERSON. I want to impress upon the minds of gentlemen here what I said in the opening of the debate, and what several of you were not here to listen to—that I do not think it is proper to pass such a law as will say that when a man is in failing circumstances, and there is a citizen from whom he has borrowed money or received goods on credit, the debtor should be allowed to have the whole say-so in respect to his estate. If any man lends me $10,000 worth of assets, which go into my business and which I allow to run down to $5,000, am I, the debtor, the only one who should say what should be done with what remains? Shall the creditor who trusted me with that property upon which I have been living for years, upon which I have been feeding myself, my wife and children, be debarred from coming in and having something to say as to when and how the assets should be distributed?

Gentlemen, there is an old Scotch proverb, "Fair play at the teetotum"; and this idea of fair play runs entirely through this general bankruptcy bill. I do not want partisan speeches here; I do not want sectionalism here. I want broad Americanism, upon which we can all stand. I do not want any bankruptcy bill which is not for the interest alike of the East and the West and the North and the South, and I shall be disappointed if the final vote shows that this House does not occupy the same position.

The amendment offered by my friend from Kansas [Mr. BRODERICK] is infinitely better than the one-sided, jug-handled proposition of the gentleman from Pennsylvania, which I thank God does not come from the "wild and woolly West." I am, for good reasons, opposed to them both. The amendment of my colleague on the committee from Kansas [Mr. BRODERICK] has the merit of giving both sides something to say about these things. He limits it to three reasons or grounds.

This bill, as you well know, has nine grounds. Now, his first ground is new and is not in the bill under consideration. The second proposition of the gentleman from Kansas is substantially the same as clause 3 of section 2 of our bill. That ground is in most respects the same as ours. The third is in hæc verba the first section of our bill. The first ground that was in the bill has been adopted verbatim et literatim by my friend from Kansas; so we have two of our grounds, one of them absolutely and the other nearly so, embodied in his amendment, and one new one. But he leaves out six.

Now, let us pause for a moment and examine these six and see what they are. No. 1 of the bill is in the Broderick amendment, if he will allow me to so designate it. No. 2, which we would include as an act of bankruptcy—let us examine it and see what it is:

If he (the debtor) fails for thirty days, and until a petition is filed, while insolvent, to secure the release of any property levied upon under process of law for $500 or over, or if such property is to be sold within such time under such process, then until three days before the time fixed for such sale.

If a man has reached that condition where his property is levied on by process of law, which property is held in the court for the benefit of some of his creditors under the said law who are going to ride roughshod over the rights of the other creditors and secure a preference for particular claims, I ask if it is not time that the law should step in and say, "Unloose your hands; let us all divide ratably"? I say that it is an essential element of a sound bill.

The third ground has been adopted, as I have already said, by my friend from Kansas in his amendment. The fourth ground he leaves out. What is it?

Made an assignment for the benefit of his creditors, or filed in court a written statement admitting his inability to pay his debts.

Gentlemen, when a debtor voluntarily lays aside the robes of business, when he locks the store door and says, "I quit; I throw up the sponge; I can not fight the battle any longer," and goes voluntarily and makes an assignment for the benefit of his creditors, are we not justified in stepping into the court of bankruptcy and saying: "We take you at your word, but your own picked assignee, let us inform you, shall not have the whole say-so in regard to the matter." We say, "We will tear up your assignment giving preference to anyone or putting the property into the hands of some member of your family to be distributed according to your own judgment and discretion, so that all of your creditors shall have the benefit of their proportionate share of your property."

Mr. NORTHWAY. Right there, if the gentleman from Iowa will permit me, in response to the gentleman from Ohio [Mr. WATSON] let me say that in the State of Ohio, as soon as an assignment is made, the creditors can get together and take the property out of the hands of the assignee and put it in the hand of one of their own number or a person of their own selection, for distribution.

Mr. HENDERSON. And a wise provision of law.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. BAILEY. Mr. Chairman, I ask unanimous consent that the gentleman from Iowa may be permitted to conclude his remarks.

There was no objection.

Mr. GROSVENOR. If the gentleman from Iowa will permit me, I would like to say that under the law of Ohio, which the gentleman from Iowa compliments, the first proposition that follows the assignment is the selection usually of some friend of the debtor, perhaps his wife or some near relative, to administer the estate; but the creditors come together, and by a vote of the majority take the property out of the hands of the assignee and place it in possession of a trustee for distribution.

Mr. WATSON of Ohio. Then that must be the case only in your district.

Mr. GROSVENOR. Oh, no; that is the law of the State.

Mr. WATSON of Ohio. I have never known it done.

Mr. GROSVENOR. That makes no difference. That is the law of Ohio.

Mr. WATSON of Ohio. That is not the operation of the law generally in the State.

Mr. HENDERSON. Well, Mr. Chairman, I shall resume the floor, with the consent of these gentlemen, for a few moments. I would like very much to hear these distinguished doctors fight out the argument on their own ground, because it is a very interesting question, if I had the time; but it is very limited.

complish such a purpose.

Mr. RAY. Is it not true in practice that when a man is in failing circumstances and unable to pay his debts, if one creditor

setts which are not good in Iowa and in Kansas and Louisiana.

The gentlemen entering into this debate to-day in support of the

shows that this House does not occupy the same position.

Now, the fifth ground of bankruptcy in the bill is that the debtor has—

Made, while insolvent, a transfer of any of his property or suffered any of it to be taken or levied upon by process of law or otherwise for the purpose of giving a preference, and has not regained the ownership of such property or released same from such levy before the rights of creditors shall have been altered, changed, or impaired by reason of such transfer, taking, or levy, and at least ten days before the commencement of a proceeding in bankruptcy.

Now, a man, when he is insolvent, who permits or makes a transfer of his property, and gives a preference to A, B, or C as against the rights and claims of D, E, or F, do you think it an unjust law that steps in and says, "No; we will have fair play. There must be a ratable distribution; a fair divide."

Mr. HEPBURN. If my colleague will permit me a moment, I would like to ask him a question.

In this section of the bill, section 2, the act of bankruptcy in the second provision is in the following words:

Failed for thirty days and until a petition is filed while insolvent, to secure the release of any property levied upon under process of law for $500 or over, or if such property is to be sold within such time, under such process, then until three days before the time fixed for such sale.

And the fifth is:

Having made, while insolvent, a transfer of any of his property, or suffered any of it to be taken or levied upon by process of law or otherwise for the purpose of giving a preference, etc.

Now, suppose an attachment runs against the property of an individual, and he releases it by a transfer of a portion of his property. He avoids the second ground of bankruptcy, but does he not come within the provisions of the fifth by that very act of attempting to save the estate?

Mr. HENDERSON. I think he would be ripped up in both, and ought to be. That would be my interpretation of that. Now I come to the sixth ground of bankruptcy:

Procured or suffered a judgment to be entered against himself—

How?

with intent to defraud his creditors.

And under section 1 of the dictionary which we have passed that includes the element of fraud; so that this must be interpreted to mean "who fraudulently intending to defeat his creditors" has done this.

Oh, gentlemen, are you defending that sort of a proceeding? Are you attacking a law that will bring a man up into court for fair treatment who fraudulently is seeking to defeat his creditors by these operations?

I pass to the seventh ground:

Secreted—

The sneak, the thief, from honest creditors—

Secreted any of his property to avoid its being levied upon under legal process against himself, and to defeat his creditors, to commit a fraud upon them.

I implore my technical brethren of the law who are influenced by memories of old laws to see how we have guarded this, so that only those who should be proceeded against are brought within the scope of the guns of this bill. Now let me pass to the eighth ground:

Suffered while insolvent an execution for $500 or over, or a number of executions aggregating such amount, against himself to be returned no property found, unless the amount shown to be due by such executions shall be paid before a petition is filed.

Creditors are not very apt to move hastily, even in bankruptcy, where an execution is returned "no property found." If the sheriff under the wide and fine-tooth-comb proceedings of the State law, and with all the whips and spurs that creditors put into the hands of the sheriff, is compelled to return a writ "no property found," I think it will be well to see if a trustee can not find some property. Now I come to the ninth and last ground of bankruptcy:

Suspended and not resumed for thirty days and until a petition is filed, while insolvent, the payment of his commercial paper for or aggregating $500 or over.

Mr. GRAFF. I should like to ask the gentleman from Iowa whether he thinks that the simple fact that an execution is returned "no property found" indicates that a man has no real estate?

Mr. HENDERSON. I will ask the gentleman from Illinois if that is not prima facie evidence of it?

Mr. GRAFF. Not at all.

Mr. HENDERSON. I do not agree with the gentleman.

Mr. GRAFF. Under the State law of Illinois one of the ways of preserving a judgment lien upon real estate is to have an execution taken out and returned "no property found."

Mr. HENDERSON. If that is so, the only way to set aside those liens is under a general bankruptcy law.

Mr. GRAFF. I do not agree with the gentleman. A man may have thousands of acres of real estate, and an execution may be returned "no property found" for the very purpose of preserving a lien of a judgment which the judgment creditor may not wish to immediately enforce.

Mr. HENDERSON. Then it only increases the weight of the argument; because here is the only remedy that will set aside such a lien.

Now let me come to the ninth and last ground of bankruptcy, the one which disturbs some of our friends, I think, more than anything else and which disturbs me the least. One gentleman said yesterday that he regarded this as "perfidious," and that if the ninth ground should be left in, he could not vote for the bill; but I notice that he has been obstructing the bill at every stage of the proceeding, so I think he has other objections to the bill outside of this one ground. Now let me ask these gentlemen in all candor, if a merchant or a man giving commercial paper lets it go unpaid for thirty days and does not renew it—which will save him—I want to know if his condition is much worse than it will be after proceedings are commenced in a bankruptcy court?

Why, my fellow-citizens and countrymen and legislators, there is nothing so dear to the heart of the man in the commercial world as the meeting of his commercial paper. Let his commercial paper go to protest for an hour, and the fine edge of his ambition is gone. Every lawyer and every intelligent citizen of this country knows that. Do you tell me that it is worse to bring him into a court where equity can be done to all than to have some creditor go to work and bring suit on the unpaid paper, which he can readily do? And he can do so at once. No; thirty days of grace is given him under State law.

Now, I want to call the attention of the gentleman from Ohio [Mr. WATSON] to the fact that in the case of a man whose note goes unpaid from one to thirty days the man to whom the note is due can go ahead and sue on it "without consulting anybody," to use his own words.

Mr. WATSON of Ohio. May I interrupt the gentleman?

Mr. HENDERSON. I can not yield now. I am calling the gentleman's attention to the fact that "one" fellow whose note is past due from one to thirty days and unpaid, and when the debtor is not able to pay it—the creditor can go ahead under State laws and bring suit on that single note. Now, what is there in a bankruptcy proceeding that makes it worse? Bankruptcy is simply insolvency or wicked rascality. That is all. It is simply a suit for the benefit of all instead of a suit for the benefit of one. Then you gentlemen who are fighting for a voluntary bankruptcy bill—my eloquent and delightful friend from Illinois [Mr. MARSH], whose voice always thrills me with pleasure and joy, pleaded for a voluntary bill; and my friend from Ohio [Mr. WATSON] complains because involuntary bankruptcy will write disgrace on a man, and yet he pleads for voluntary bankruptcy.

Is it any more disgrace for the creditors to put it on him than for himself to do so? In fact, it seems to me a little worse where a fellow goes into the courts of his country and says, "I am a bankrupt." That is what he says. Ah, gentlemen, these are differences with which it is unworthy to disturb our minds if a man is insolvent—and that is what he must be—if he has commercial paper going for thirty days that he can not meet—and remember, too, that he must be insolvent. Gentlemen forget, I fear, what I pointed out in the opening discussion, that under the act of 1867 the fraudulent suspension for a single moment gives right of action. Suspension of commercial paper for fourteen days, whether a man was solvent or insolvent, under the act of 1867, gave the right of action. This we have changed. We have extended the fourteen days to thirty days, and in addition to that there must in fact be insolvency, and the amount of the default must be at least $500. No such limitation as to amount was in the act of 1867.

Now is that terribly harsh? Anyone who can shuffle around among his friends, if he has any recuperative powers in himself or standing in the business world, will have that paper paid or renewed. But if in thirty days he is not able to renew or pay that paper, the very best possible course, not only in his interest but in that of his creditors, is to bring him where there can be a fair distribution or amicable settlement, and let him start de novo.

Mr. GROSVENOR. I want to ask the gentleman a question, and under that leave I want to print in the RECORD section 6338 of the revised statutes of Ohio, providing the means for the removal of any trustee previously appointed in the case of an insolvent and the appointment of another by a board of commissioners, who hold an election for that purpose. That statute has been in force in one form or another in the State of Ohio for more than twenty years.

Mr. WATSON of Ohio. Does anybody deny it?

Mr. GROSVENOR. And the judge can determine who are creditors and the amount of their claims, but that has no effect as to the validity of their claims except for the purpose of the election.

The section is as follows:

Whenever a petition shall be filed with the court, signed by creditors of the assignor who own not less than $1,000 of debts against the assignor, and the validity of such debts is shown by the schedule of debts on file in the court or otherwise established to the satisfaction of the court, praying for permission to elect a trustee or trustees, the court shall, by its order, fix a time for such election, and cause notices to be sent by mail or otherwise to each of the creditors of the assignor, specifying the time when the creditors shall meet at the court room for the election of a trustee or trustees; and at

the time named, in such order, if creditors representing 50 per cent or more of the debts of the assignor are present in person or by attorney, they may proceed to the election of a trustee or trustees, a majority in value of all the debts so represented at such meeting being necessary to choice, and the proceedings of the meeting showing what creditors were present as aforesaid, and the amount of the debts held by them respectively, and who cast their several votes, shall be made out and signed by the president and secretary of the meeting and filed with the court; and if the court approve the choice and the trustee or trustees so elected appear with ten days thereafter and give bond, the court shall appoint him or them as such trustee or trustees, and remove the preceding assignee or trustee: *Provided*, That the summary determination of the court as to who are creditors and the amount of their claims in this section provided shall have no effect as to the validity of such claims except for the purpose of such election.

Mr. HENDERSON. The only other amendment is that of my friend from Pennsylvania [Mr. MAHON]. In expressing my opposition to it I desire to call his attention to the fact that this bill has what has never been in any bankruptcy bill. He will find on page 19, clause 17, the powers conferred upon the bankrupt court to—

Tax costs and render judgments therefor against the unsuccessful party, or the successful party for cause, or in part against each of the parties, and against the estates, in proceedings in bankruptcy.

Mr. MAHON. Then, if he will read my amendment, it says that they shall pay, if they are defeated, reasonable counsel fees, and the officers' fees; and they ought to pay if they fail.

Mr. HENDERSON. I say we have provided for taxing the costs against the losing party; but we also provide that the title shall not pass to the trustee until after the adjudication. And it is just the same in respect to ordinary suits under State law. The party keeps possession of the property until the final adjudication. So that if any damages or attorney fees are to be taxed, as suggested, against the plaintiff in the bankruptcy proceeding, then it should also be done in suits in the State courts. It would be equally just to do that under the State law. There is no practical distinction. I do not think it should be done in either case.

I wanted to touch upon these three pending amendments. I have covered the ground as well as I could in this hasty talk, and as I talked for two hours at the opening I feel like apologizing for having taken this much time now, and I want to express my sincere appreciation to the committee for having given time to me so generously at this time.

Mr. DINGLEY. I desire to ask my friend——

Mr. WALKER of Virginia. Will the gentleman allow me to ask him a question?

Mr. HENDERSON. Certainly.

Mr. WALKER of Virginia. Clause 9, section 2, of the acts of bankruptcy provides that in the event of failure to meet commercial paper in thirty days that is an act of bankruptcy. Will that apply to the indorser also?

Mr. HENDERSON. Certainly; if the maker fails to meet it, then the sureties are liable, provided that they too are insolvent and the amount is $500 or over.

Mr. WALKER of Virginia. The maker's liability is fixed. Now, will the time run as to the indorser just the same as it does to the debtor? He is not always prepared to meet an obligation on which he is surety.

Mr. HENDERSON. If the maker defaults, the surety can pay and save all trouble. If this bill becomes a law, persons becoming sureties must understand all responsibilities that they assume. Remember, also, that under State law the surety must respond at once.

Mr. WALKER of Virginia. But the indorser is not always prepared on an emergency to make a payment of that kind under those circumstances.

Mr. HENDERSON. Every surety must consider that when he signs as such. But remember that under bankruptcy and State laws creditors are not interested in rushing in, and prefer to secure their money without litigation. Now I yield to the gentleman from Maine.

Mr. DINGLEY. Instead of detaining the committee, I will confer with the gentleman.

Mr. HENDERSON. I thank the committee.

Mr. WILLIAM A. STONE. Mr. Chairman, I move to strike out the last word.

Mr. HENDERSON. It is almost the time to take a recess under the rule, and I was about to move that the committee rise.

Mr. WILLIAM A. STONE. I yield for that purpose.

Mr. HENDERSON. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, from the Committee of the Whole, reported that they had had under consideration the bankruptcy bill (H. R. 8110) and had come to no resolution thereon.

PASSENGER RATES IN INDIAN TERRITORY.

On motion of Mr. SHERMAN, by unanimous consent, the bill (H. R. 4585) to regulate passenger rates on railroads in the Indian Territory was recommitted to the Committee on Indian Affairs.

RECESS.

Mr. PICKLER. Mr. Speaker, I ask unanimous consent that the recess be taken until half past 7 o'clock, and that the time for the evening session be continued until 11 p. m.

Mr. ERDMAN and Mr. TALBERT objected.

LEAVE OF ABSENCE.

Mr. BRUMM, by unanimous consent, obtained leave of absence on account of important business.

REPRINT OF A BILL.

Mr. PICKLER, by unanimous consent, obtained an order for the reprint of the bill (H. R. 8271) relating to pensions as the same passed the House.

The hour of 5 o'clock having arrived, the Speaker declared the House in recess until 8 p. m., and announced that at the evening session Mr. PAYNE would preside as Speaker pro tempore.

EVENING SESSION.

The recess having expired, the House reassembled at 8 p. m., Mr. PAYNE in the chair as Speaker pro tempore, who directed the reading of the special order, which was read by the Clerk, as follows:

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5532) to increase the pension of Josephine Glover.

Mr. CROWTHER. I object.

Mr. WOOD. I hope the gentleman will withdraw his objection. This is a highly meritorious bill, and ought to be considered.

Mr. CROWTHER. I withdraw the objection, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Objection was made.

Mr. PICKLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of bills on the Private Calendar under the special order.

The question being taken on the motion of Mr. PICKLER, the Speaker pro tempore declared that the ayes seemed to have it.

Mr. TATE. I ask for a division.

The House divided; and the ayes were 57, noes none.

So the motion was agreed to; and the House accordingly resolved itself into Committee of the Whole, Mr. HEPBURN in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of bills on the Private Calendar under the special order. The Clerk will read the first bill.

MRS. ANNIS H. ENOCHS.

The first business on the Private Calendar was the bill (H. R. 4275) to increase the pension of Mrs. Annis H. Enochs, widow of Gen. William H. Enochs, from $20 to $50 per month.

The bill was read, as follows:

Be it enacted, etc., That the pension of Annis H. Enochs, widow of Gen. William H. Enochs, late lieutenant-colonel of the Fifth Regiment of West Virginia Volunteer Infantry and brevet brigadier-general, United States Volunteers, be, and the same is hereby, increased from $20 per month to $50 per month, and the Secretary of the Interior be, and is hereby, authorized and directed to place her name on the pension roll at the rate of $50 per month, subject to the provisions and limitations of the pension laws.

Mr. TALBERT. Mr. Speaker, I believe that we had this bill under discussion when the House adjourned on last Friday evening. It is a proposition to increase the pension of the widow of a general, and I desire to move an amendment, which I hope will be sustained by this committee. I move to strike out "fifty" and insert in lieu thereof "forty"; so as to make this pension $40 a month. I do this, Mr. Chairman, for the purpose of attempting to arrive at some common grade or standard for the pensions to be paid to officers and their widows.

The CHAIRMAN. The Clerk will report the amendment.

The amendment was read, as follows:

In line 7, strike out "fifty" and insert in lieu thereof "forty."

Mr. TALBERT. Now, Mr. Chairman, as bearing on this subject I will send to the Clerk's desk and have read a letter which I received some days ago from an old soldier—the second letter that I have received from the same gentleman, Captain Cochennour—to whom I reported the effect of publishing his previous letter, which resulted in giving him a pension of $50 a month. I ask to have the letter read in my time.

The letter was read, as follows:

OLNEY, ILL., *April 19, 1896.*

DEAR SIR: In answer to yours of recent date, allow me to thank you for your effort in my behalf. I am frank to admit that I did not expect favorable results so soon, but it seems that your plan was successful. I would much rather have seen a general bill passed that would reach all one-legged soldiers than a private bill. I have received quite a number of letters thanking me for stirring this Congress up on the subject of giving officers'

wives big pensions. I notice that the committee in making up their report make no account of my three months' service in Company I of the Eighth Illinois Infantry. It is a great wonder some one did not criticise my letter on account of this seeming discrepancy of statement, but I suppose it is on account of the kindly feeling that the Congressmen have for the old soldier. I notice also that some gentleman spoke something about a lunatic asylum. I have noticed recently that Eastern men talk quite often about "lunatics" in speaking of people out here in the West who differ with them on the financial question.

Now, I have one thing to say emphatically to these gentlemen. If they think they can put a Cleveland gold collar on the Republicans of Illinois they are making a mistake—

[Laughter.]

Neither can they build up a pensioned aristocracy of generals' widows. We are perfectly willing that a general's widow shall have all she can get when it goes as charity, but when it comes to a question of pensions, that is different. Pensions are just as much a legal obligation against this Government as the payment of bonds and interest on the debt that was contracted to put down the late rebellion. The Government paid us our poor stipend of $13 per month in depreciated currency, but the bondholders must have gold. We are going to pay them their bonds in coin as the contract says, if we can get you fellows to throw away your free-trade foolishness—

[Applause on the Republican side.]

quit following after Cleveland and Carlisle and help us elect CAMERON and VEST on a protective tariff and free-silver platform—

[Laughter.]

Any tariff that will furnish funds enough will have to be protective, so you had just as well give up old Grover's free-trade and gold-standard ideas and help us get clear of Eastern domination. Thanking you again for your kindness, I am

Truly, yours, JOHN S. COCHENNOUR.

Hon. JASPER W. TALBERT, *Washington, D. C.*

Mr. TALBERT. I have no comment to make upon that letter. It speaks for itself. I will merely remark that the writer is one of Mr. GIBSON's "lunatics." [Laughter.]

Now, Mr. Chairman, I want to call attention to the bill of fare that you have before you on this Private Calendar. I have hurriedly gone over it, and I wish to call attention to at least 19 or 20 bills to pension generals and their widows at amounts ranging from $50 up to $100 a month. None of the 19 cases that I have examined is below $50 per month.

We begin with the one that has just been read, a bill to increase the pension of Mrs. Annis H. Enochs. I notice that the majority of these officers whose widows are seeking pensions were only brevet generals, showing that they never really served as generals. Most of them were only majors and colonels, and would only be entitled to the rank of general if opportunity should be offered. The first of these bills, as I have said, is a bill to increase the pension of Mrs. Annis H. Enochs to $50 a month. The second is a bill to pension Harriet C. Gregg, widow of a major-general. The third is to give an increased pension to Gen. James C. Parrott. The fourth is a bill granting a pension to Elizabeth Watts Kearny, daughter of the late Philip Kearny, major-general, United States Army.

Now, it seems to me that that is an entirely new departure, giving a pension to the daughter of an officer, however distinguished. That is a new element in the bill of fare to which you are invited on this Private Calendar. The fifth is an act granting a pension to Matilda Gresham, widow, I believe, of the late Walter Q. Gresham, at the rate of $100 per month. The sixth is a bill granting a pension to Mrs. Mary Gould Carr, widow of the late Bvt. Brig. Gen. Joseph B. Carr. He was not a general; he never acted in that capacity; he was a general only by brevet. The next is a bill granting a pension to Ellen Ewing, widow of Bvt. Maj. Gen. Thomas Ewing, at the rate of $75 a month. The next is a bill granting a pension to Carrie L. Greig, widow of a brevet major of volunteers. The next is a bill granting a pension to Minnie Parker, widow of Bvt. Brig. Gen. Ely S. Parker, late of the United States Army, at the rate of $75 a month, I think.

Tenth. A bill granting a pension to the widow of Gen. John Newton.

Eleventh. An act granting an increase of pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton.

Twelfth. An act granting a pension to Joseph R. West, brigadier and brevet major-general, United States Army Volunteers.

Most of these bills propose to grant pensions of $75 to $100 a month.

Thirteenth. A bill to grant a pension to Charlotte O. Van Cleve, widow of Gen. Horatio P. Van Cleve.

Fourteenth. An act granting an increase of pension to Marion McKibben.

Fifteenth. A bill to increase the pension of Maj. Gen. Julius H. Stahel.

Sixteenth. An act granting a pension to Mrs. Julia Jones Duncan, widow of Bvt. Maj. Gen. Samuel A. Duncan.

This is another brevet general.

Seventeenth. A bill granting a pension to Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman.

Eighteenth. A bill to pension Mary Elizabeth Hieskell, widow of the late Pay Director H. M. Hieskell, on the pension rolls.

Nineteenth. An act entitled "An act granting a pension to Mrs. Clifford Neff Fyffe."

I could go on with this recital; there are numbers of other bills of the same kind, but those I have named are the most prominent. My object to-night in calling attention to this matter is to see whether we can not agree upon some common grade upon which to place the pensions of these distinguished officers and their widows so as to do away with this everlasting harangue here on Friday nights about the discrimination between the wives of common soldiers and the wives of officers. I offer this amendment in good faith. I hope it will be adopted, and may be a precedent, so that when we come to these other bills we may in every case fix the pension at $40 a month, and do away with the wrangling over this matter.

I am sorry I do not see on the front benches here to-night some of the new converts to the doctrine of reducing the pensions of officers and their widows. As a general thing, when a man is converted he comes forward and sits upon the front bench. I see that some of these gentlemen have to-night taken back seats. I hope they have not backslidden, but will come to my assistance to-night and will help me to establish a common grade for these pensions by the adoption of this amendment. I trust the amendment will be adopted unanimously, and that in doing so we may establish a precedent which shall govern us hereafter.

Mr. GROSVENOR. Mr. Chairman, I trust that before I proceed we may have order.

The CHAIRMAN. The committee will be in order.

Mr. GROSVENOR. It is not very often I have to ask for order. There are reasons why this Committee of the Whole endeavors at times not to hear what is going on; and I sympathize with the committee in that respect.

General Enochs was brevetted; that is true; but the gentleman from South Carolina [Mr. TALBERT] I think has not quite gotten at the facts in regard to the service of this officer when he says that the fact of his having been a brevet brigadier-general shows that he never served as a brigadier-general. Now, it is within my knowledge that General Enochs commanded troops beyond his grade during nearly the whole of the latter half of the war.

Mr. TALBERT. What I said was that the word "brevet" seemed to signify that, while these officers may have deserved to serve in a higher rank when opportunity should offer, they possibly never had done so.

Mr. GROSVENOR. "Possibly never had done so!" I presume that 99 out of 100 who were brevetted as brigadier-generals served beyond their actual rank. They were given their brevet for that very purpose. But I do not want to speak further upon that subject. I have some modesty in regard to that question. [Laughter.]

Mr. TALBERT. I suppose the gentleman was brevetted himself.

Mr. GROSVENOR. I had two brevets before I was colonel, and I commanded a brigade for a long time while my actual rank was that of lieutenant-colonel.

Now, General Enochs was a distinguished, a specially distinguished soldier. He suffered for years from a wound or injury that he received during the war. For thirty-odd years while he was struggling to make a living he carried with him the seeds of death, received in the Army. He told me many a time that from this cause his death would some time come suddenly—instantaneously. And so the fact turned out. He went to bed one night in apparently good health and in the morning was found dead, having died doubtless by reason of the very injury which he had received in the line of duty while in actual service in the Army. Since his death his wife has been struggling to make a living. She has taken up the study of the law, and has been admitted to practice——

Mr. TALBERT. The gentleman will allow me to say that my remarks were not intended to have any personal application to this officer. I do not wish to be understood as having intended any attack on General Enochs. My remarks were made generally in regard to this class of officers.

Mr. GROSVENOR. I hope that this amendment will be defeated, and that this House will not be afraid to testify its appreciation of a man who was a splendid soldier and a good citizen, and of the worthy family that he has left behind him.

Sir, I have no sympathy for these hypocritical croakings. I do not believe they are in good faith. And when I examine the votes that are being taken here in this House of Representatives I have no fear that that sort of talk will make any impression on the intelligent soldiers of the country. The people of this country are willing that the widow of this distinguished officer should be pensioned a little above the rate that is allowed to the grade of a private soldier. There is nothing in it but the same stock in trade of the arrant demagogue. That and nothing more. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from South Carolina to strike out "fifty" and insert "forty."

The question was taken; and on a division (demanded by Mr. TALBERT) there were—ayes 14, noes 75.

Mr. TALBERT. No quorum.

The CHAIRMAN. The point is raised that no quorum has voted. The Chair will count the committee.

One hundred and eleven members are present in their seats. A quorum is present, and the amendment is rejected.

The bill was laid aside to be reported to the House with a favorable recommendation.

BYRON COTTON.

The next business on the Private Calendar was the bill (H. R. 1022) to increase the pension of Byron Cotton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is directed and empowered to place upon the pension roll the name of Byron Cotton, late of Company A, Twenty-fourth Iowa Infantry Volunteers, at the rate of $72 a month, in lieu of the pension he is now receiving.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1022) to increase the pension of Byron Cotton, late of Company A, Twenty-fourth Iowa Infantry Volunteers, to $72 per month, having carefully considered all the facts and circumstances in evidence, recommend that the bill be amended by striking out the words "seventy-two," in the sixth line, and inserting the word "thirty" in lieu thereof, and as amended recommend the passage of the bill.

The bill was favorably reported by the committee in the Fifty-third Congress, but the bill died on the Calendar.

Your committee adopt the report made by Mr. LACEY on February 19, 1895, as follows:

"Byron Cotton, of Company A, Twenty-fourth Iowa Infantry, enlisted on the 8th day of August, 1862, and served until the 27th day of May, 1865. He applied for a pension under the general laws and was placed upon the rolls at $4, which was afterwards increased to $12, for gunshot wound of left leg and injury to face and right eye, and resulting disease of eyes and impaired hearing of both ears.

"He is now drawing a pension of $12 a month under the general law for those disabilities.

"The soldier is totally blind, and has been for several years.

"The evidence on file in the claims (certificate No. 82771) in the Pension Bureau shows that the soldier's eyes were injured in the service, and the evidence also tends strongly to show that his present blindness is the result of his army service. The evidence upon this question is not sufficient to satisfy the Pension Bureau that the blindness is the result of his army service. Mr. Hayes, of Iowa, appeared before the committee, explaining the helpless condition of the soldier and the esteem in which he was held while living in Clinton, and Mr. Long, of Iowa, making like statements as to the said soldier while living at Ottumwa.

"The evidence as to the origin of the blindness is very voluminous, and we therefore do not set it out fully herein, but the evidence is quite strong, tending to show that the blindness was due to his army service and was a result of his pensionable disease of the eyes. The Pension Bureau, on grounds satisfactory to the medical officers, do not accept the blindness as the result of army service, but there is no evidence tending to show that the blindness is due to any vice or fault of the soldier.

"The soldier is poor and is supported by his wife, who keeps a boarding house. He is totally and permanently blind, and if the evidence of army origin of his blindness had been accepted he would be entitled to $72 a month under the general laws. But inasmuch as he has not made his title clear to the full rate of pension due to total blindness, and in view of the fact that the evidence does strongly show that his blindness is due to army service, we think that it would be a proper case for Congress to grant some assistance to this blind and helpless veteran."

Mr. TALBERT. Mr. Chairman, now I want to say a word or two just here on this question.

As far as the insinuation of the distinguished gentleman from Ohio [Mr. GROSVENOR] in regard to hypocrites with reference to pension cases is concerned, I do not care anything. He may have alluded to me and he may not have done so. I have too much respect for the distinguished-looking gentleman from Ohio to retort anything unkind against him. I admire him too much for that, and I admire him especially in view of the fact that the children have a great deal of respect for him because he looks so much like old Santa Claus, and so I will let it go along.

But if you want a sample of hypocrisy, if you want a sample of inconsistency, if you want a sample of discrimination against the good soldier, the old soldier, you need not go any further than the consideration of the present bill. You will find it right here. Here is a soldier against whom nothing can be brought, true and brave and loyal. He received a disability in the Army from which he is still suffering, and from the result of which he lost his eyesight. He is totally blind and helpless, and with a helpless wife on his hands to support, and yet gentlemen stand up here to advocate $50 a month for the widow of a general officer, and have not a word to say when this poor soldier's claim is reduced from $72 dollars a month that the law would give him and is cut down to $30 a month.

I call the attention of the House to this unadulterated specimen of hypocrisy on the part of gentlemen who prate of their love for the old soldiers on every Friday night here, the old soldiers who stood by the flag. This same spirit of hypocrisy which has been manifested on so many occasions heretofore will go right straight along; and this bill, like others, will be reduced to the minimum amount, while the widows of the general officers and the officers of high grade in the Army will receive the bounty of Congress.

Mr. Chairman, why are there none to raise their voices here to carry this old soldier up to $72 or even $50 a month, where he properly belongs? Why are they willing to leave it at the sum of $30, and make this discrimination in favor of men who happened to hold a little higher rank? I leave the matter to the distinguished line of hypocrites on the other side.

Mr. MILNES. Mr. Chairman, I move to amend the bill by striking out "thirty," and inserting "fifty."

Mr. TALBERT. Thank God for one sinner saved. [Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

Mr. ERDMAN. Mr. Chairman, one moment, if you please. If this applicant is entitled to anything, he is entitled to $72 a month. Thirty dollars is a wobble and a straddle. Fifty dollars is the same; and $72 is what he is entitled to, if anything is due to him.

Mr. MILNES. Does the gentleman desire to move an amendment to the amendment by inserting "seventy-two"?

Mr. ERDMAN. I have not examined the bill. I only wished to say that if he was entitled to anything he was entitled to $72, and that the proposition here is a mere straddle.

Mr. BAKER of Kansas. Mr. Chairman, I had the honor to report the bill in question, and we endeavored to get at all the facts, as far as it was possible to reach them.

That this man's eyes were affected while he was in the Army I think there can be no question. That he has gradually grown worse until he has lost his sight entirely is undoubtedly true. Under the old law he would be entitled to $30 a month for total disability. There is no positive evidence, however, on file that I could get possession of to show that the disability was absolutely the direct result of army service. But there is a strong presumption that it was due to his army service. Had it been traced clearly to army service he would receive $72 a month; but it was not. To-day he is in a condition of total disability. There is no question about that, and there is no question about this other fact, that his total disability had its commencement in the army service.

I want the committee to distinctly understand that while I have not been voting for the pensions of $50 and $75 and $100 a month, I stand ready not only to vote, but by voice and influence to favor a pension for every man who faithfully served his country in the hour of its peril and is to-day totally disabled, to give him not less than $30 a month. In view of that sentiment in my own breast, and in view of the evidence before the committee, I have no hesitation in recommending $30 a month in this case.

Mr. PICKLER. If my colleague will allow me, this man is only entitled to $12 a month under the general law, and this raises it from $12 to $30.

Mr. KEM. Mr. Chairman, I desire to ask the chairman of the Committee on Invalid Pensions if he does not think that this soldier is as much entitled to $50 a month as the widow of a general, whose pension has just been allowed?

Mr. PICKLER. Well, the gentleman remembers that the President of the United States vetoed a bill the other day because he said the soldier did not acquire his disability in the service.

Now, General Enochs, whose widow we pensioned, was wounded, as has already been said, in the service and died from that wound. In this case there is nothing to show that this disease was contracted in the service. Now, we have increased the pension of this soldier from $12 per month, the amount to which he is entitled under the general law, to two and one-half times that amount. We have put it at $30, and that is more advance than ever was given to a general's widow since I have been here in Congress. [Cries of "Vote!" "Vote!"]

Mr. BAKER of Kansas. I beg your pardon——

Mr. KEM. The answer of the gentleman from South Dakota is no answer at all. It is plain that if this man is entitled to any pension at all under the law he is entitled to $72 a month.

Mr. PICKLER. No; that is not true, and whoever says that is ignorant of the law.

Mr. KEM. If he is not entitled to a pension at all he ought not to have a pension. The plea of the gentleman that his pension has been increased at a greater ratio than that of the widow of any officer falls to the ground upon that proposition. [Cries of "Vote!" "Vote!"]

Mr. ERDMAN. Does the gentleman from South Dakota say that if he is totally disabled from a wound received, or from disability incurred in the service, if he is now blind, that he is not entitled to $72 a month?

Mr. PICKLER. Not unless it was incurred in the service.

Mr. ERDMAN. Does the gentleman say it was not incurred in the service?

Mr. PICKLER. This report does not say that it was.

Mr. ERDMAN. Does not the gentleman from Kansas [Mr. BAKER] who reported the bill, and who has just spoken on the bill, say that it was thus incurred?

Mr. PICKLER. He says that that is his impression. It is not clearly proven. Now, the gentleman from Pennsylvania [Mr. ERDMAN] knows just as much about this case as any man here does.

The amendment to the amendment was agreed to.

The amendment of the committee as amended was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

I could go on with this recital; there are numbers of other voted. The Chair will count the committee.

SOPHRONIA S. STOWELL.

The next business on the Private Calendar was the bill (H. R. 5996) for the relief of Sophronia S. Stowell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Sophronia S. Stowell on the pension roll as the surviving widow of Maj. David P. Stowell, late of First Maine Cavalry.

Mr. ERDMAN. Let us have the report.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5996) for the relief of Sophronia S. Stowell, submit the following report:

David P. Stowell was mustered in as major of First Maine Cavalry October 31, 1861. He was granted leave of absence October 13, 1862, for thirty days on surgeon's certificate of disability, on account of inflammation of liver and kidneys. On November 25, 1862, his leave was extended for thirty days on another medical certificate, which showed that he was still suffering from inflammation of liver and kidneys. He was discharged to date December 4, 1862, before his leave expired, but the records, which are incomplete, furnish no further evidence of disability. He filed a claim on June 30, 1880, for disease of kidneys and injury of head which caused deafness in right ear. He was pensioned at $6.25 per month for disease of kidneys from date of discharge until September 15, 1881, when it was made to end on the ground that the disability therefrom had ceased.

Major Stowell died July 26, 1884, and his widow, the beneficiary of this bill, filed a claim February 25, 1885, which has been rejected by the Pension Office and the rejection affirmed on appeal by the Secretary of the Interior on the ground that soldier's death resulted from chronic gastritis, not due to cause which has been legally accepted. Origin and continuance of disease of kidneys have been legally admitted. As has been stated, the records show that the soldier had disease of kidneys in the service and also disease of the liver, which is closely connected with the stomach. The testimony of Capt. Isaac G. Virgin shows that soldier had disease of stomach in service, as well as disease of liver and kidneys. There is other evidence of disease of stomach in service. Dr. Charles A. Coolidge, in an affidavit filed March 7, 1887, testified as follows:

"Soon after discharge, within a month, I think, I was called to treat Major Stowell and found him suffering from stomach trouble, with much inflammation of stomach, indigestion, etc., and continued to treat him year by year, and in his last sickness. His stomach trouble did not yield to treatment, but gradually grew worse and was the main cause of his death. In my opinion the kidney trouble aggravated the trouble with the stomach and contributed more or less to his death. His death, in my judgment, was caused by gastritis. I have no doubt but that the exposure in the Army, together with the climate and water, was the first and real cause of the difficulties that finally caused his death."

Dr. Coolidge testified in an affidavit filed March 13, 1884, that "his chronic kidney troubles have borne upon him with great severity for the past year, and he is now in a critical situation." Dr. A. L. Stanwood testifies that he knows soldier's death was caused by kidney disease, accompanied by gastritis. Dr. C. B. Bridgham testifies that soldier first came under his treatment in 1869, suffering with nephritis and dyspepsia, prescribed for him every year until his death; for two years prior to his death was his attending physician; that disease of stomach and kidneys increased, resulting in Bright's disease, which caused death.

The only really adverse testimony in the claim is that of Dr. Coolidge, who has tried to create the impression that soldier's death was due to intemperance, in which he succeeded to such an extent that the widow's claim was once rejected on that ground, but it was proved on special examination beyond the shadow of a doubt, by the testimony of the best people in the town where he lived, that the soldier was not an intemperate man.

Dr Coolidge subsequently swore that he did not intend to create such an impression. He is shown by the report of a special examiner to be so biased against the claim that he can not and will not lay aside his bias and testify fairly. However the doctors may disagree on other points, they agree that soldier's death was due to causes arising in the service.

Abundant unimpeached and unimpeachable testimony shows that soldier contracted disease of stomach, liver, and kidneys in line of duty in the service; that he suffered continuously with disease of stomach and kidneys until his death occurred as a result of one or the other or of both combined.

Your committee therefore recommend that the bill be amended by adding, after the word "Cavalry," the words "and pay her a pension of $25 per month," and that the bill as so amended do pass.

The amendment recommended by the committee, set forth in the report, was agreed to.

Mr. ERDMAN. Mr. Chairman, I think this bill ought to be considered more carefully than we are considering it. Here is a soldier who was pensioned at the magnificent sum of $6.25 a month by a Republican administration. In 1881, under a Republican Administration, even that was cut off. It was not only reduced but cut off, and I am surprised that in this report there is no reflection against the Administration of that day on account of that fact. The sum of $6.25 per month is what the soldier got. The gentleman making this report says that the soldier suffered continuously with a disease of the stomach and kidneys until his death, from disease contracted in the line of duty in the service; but the Republican Administrators of the Pension Bureau in 1881 said no, that the disabilities disappeared, and, having refused to pension this man for more than $6.25 per month, they then took that away entirely. Now these gentlemen come in and pension the widow at $25 per month on that sort of testimony. [Cries of "Vote!" "Vote!"]

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JULIA H. H. CROSBY.

The next business on the Private Calendar was the bill (H. R. 446) to place the name of Julia H. H. Crosby, widow of Freeman E. Crosby, late lieutenant, United States Navy, on the pension roll at the rate of $50 per month, and her two children each at the rate of $5 per month.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia H. H. Crosby, widow of Freeman E. Crosby, deceased, late a lieutenant in the United States Navy, commanding the U. S. S. *McArthur*, at the rate of $50 per month, and $5 per month for each of her two children, in lieu of the pension which she is now receiving.

The amendments recommended by the committee were read, as follows:

Change the title so as to read: "A bill to increase the pension of Julia H. H. Crosby"; strike out the initial "E." occurring in the deceased officer's name, and substitute therefor the initial "H."; strike out the word "fifty," in line 9, and insert in lieu thereof the word "thirty-five"; strike out all after the word "month," in line 9, to and including the word "children," in line 10.

The CHAIRMAN. The question is on agreeing to the amendments recommended by the committee.

Mr. TALBERT. Mr. Chairman, I would like to hear the report read.

The report (by Mr. STRODE of Nebraska) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 446) increasing the pension of Julia H. H. Crosby, widow of Freeman E. Crosby, late lieutenant, United States Navy, have considered the same, and report:

Mrs. Crosby is the widow of Freeman H. Crosby, late lieutenant United States Navy, who was drowned in the active service in the line of his duty off the west coast of Washington on August 18, 1894.

While attached to the U. S. S. *McArthur* Lieutenant Crosby, in charge of the whaleboat, attempted to land through the surf about 17 miles north of Grays Harbor, State of Washington, to build a hydrographic signal, and while in the surf the boat was capsized and he was drowned.

Lieutenant Crosby was appointed midshipman in the Navy July 27, 1866, and was promoted through the different grades to the rank of lieutenant, which he attained on August 30, 1881. He performed arduous and distinguished services, and was one of officers who volunteered to go to the Arctic regions with Capt. W. S. Schley, in 1884, aboard the U. S. S. *Bear*. Commander Schley commends in the highest terms the conduct of the deceased officer on that voyage, and states that the loss to his country and to the naval service was very great when Lieutenant Crosby met so terrible a fate in the breakers of the Pacific.

The claimant is now in receipt of a pension of $25 per month, granted under the general laws, with $2 additional per month each for her two little children, one of whom is but 6 years old and the other 8.

Lieutenant Crosby at his death left nothing for the support of his widow and children aside from about $4,000 life insurance, and the whole of this amount she has recently lost through the failure of a banking firm of Binghamton, N. Y.

Many prominent business men of Binghamton certify to this fact, and give it as their opinion that little or nothing will ever be saved from the wreck.

The papers before your committee show the claimant to be a most estimable and deserving woman, and that she has absolutely nothing now aside from her pension with which to maintain herself and support and educate her children.

There are several precedents for the allowance of an increased pension in cases of this character, and in the light of the facts presented above your committee recommend the passage of the bill with the following amendments:

Change the title so as to read: "A bill to increase the pension of Julia H. H. Crosby"; strike out the initial "E." occurring in the deceased officer's name and substitute therefor the initial "H."; strike out the word "fifty," in line 9, and insert in lieu thereof the word "thirty-five"; strike out all after the word "month," in line 9, to and including the word "children," in line 10.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ARMSTEAD M. RAWLINGS.

The next business on the Private Calendar was the bill (H. R. 1062) to grant a pension to Armstead M. Rawlings, of Arkansas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $8 per month, the name of Armstead M. Rawlings, who served as a private from September 30, 1836, to March 30, 1837, in Captain Bateman's company of Mounted Arkansas Volunteers, in the Sabine war.

Mr. ERDMAN. Let the report be read.

Mr. PAYNE. Mr. Chairman, I hope the report will be read. I would like to understand about that Sabine war.

The report (by Mr. STALLINGS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1062) granting a pension to Armstead M. Rawlings, have considered the same, and report:

The claimant was a private in Captain Bateman's company of Mounted Arkansas Volunteers (subsequently Company B, First Battalion, Second Regiment Arkansas Mounted Gunmen), Sabine Indian war, and served therein from September 30, 1836, until March 30, 1837, when honorably mustered out.

The service is of record at the War Department, and it is also shown in the soldier's bounty-land papers on file at the Pension Office.

Mr. Rawlings is now over 76 years old and in dependent circumstances. His identity with the soldier who rendered the service is shown by the testimony of C. M. Ball and Warren G. Ball, old residents of Independence County, Ark., where claimant resides, and his financial condition is certified to by the gentleman who introduced the bill in the House, he having known the applicant for many years.

The Sabine Indian disturbances were inadvertently omitted from the list of Indian wars named in the Indian war pension act of July 27, 1892, and hence those who participated in the Sabine war are obliged to depend for relief upon special acts of Congress.

This case seems to fully justify favorable action, and the passage of the bill is respectfully recommended.

Mr. ERDMAN. Mr. Chairman, is this bill within the jurisdiction of the committee?

The CHAIRMAN. It is reported by the Committee on Pensions.

The bill was ordered to be laid aside with a favorable recommendation.

MISS JULIETTE BETTS.

The next business on the Private Calendar was the bill (H. R. 4395) for the relief of Miss Juliette Betts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place upon the pension roll of the United States, subject to the provisions of the pension laws, the name of Juliette Betts, the daughter of Hezekiah Betts, a Revolutionary soldier, said woman being now 91 years old and dependent.

Mr. TALBERT. I would like to have the report read. I have not a copy of the report on my desk.

The report (by Mr. HALTERMAN) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4395) granting a pension to Juliette Betts, have considered the same and report:

The claimant is the daughter of Hezekiah Betts, a Revolutionary soldier, whose service is shown in the following statement from the Pension Bureau:

"DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
"*Washington, D. C., February 1, 1896.*

"SIR: In response to your request of the 29th ultimo, herewith returned, for a report of the service of Hezekiah Betts, Capt. Stephen Betts's company, Connecticut Volunteers, war of the Revolution, I have to report that the papers in the claim of his widow, Grace Betts, No. 17277, show that he enlisted July 11, 1779, and served three years, and that he served under Colonels Butler and Webb.

Very respectfully,
WM. LOCHREN, *Commissioner.*

"Hon. H. C. LOUDENSLAGER,
"*Chairman Committee on Pensions, House of Representatives.*"

From the sworn statement of Miss Betts it appears that she is 91 years old, unmarried, and the only surviving child of the soldier, who died in 1837, leaving a wife, who died in 1840. It further appears from her statement that both the soldier and his widow were pensioners and that she is in feeble health and entirely dependent upon the charity of friends for support.

A communication signed by all of the officers of the Norwalk (Conn.) Chapter of the Daughters of the American Revolution fully corroborates the claimant's statements as to her relationship to the soldier, her age, and her dependence, and her allegations are also corroborated by the certificate of the pastor and deacons of the First Congregational Church of Norwalk.

There are several precedents for the proposed legislation, and in view of the long service of the soldier and the great age and destitution of the claimant the passage of the bill is recommended, amended, however, by striking out the words "subject to the provisions of the pension laws," in line 5, and substituting therefor the words "at the rate of $12 per month."

[Cries of "Vote!" "Vote!"]

The amendment recommended by the committee was read, as follows:

Strike out the words "subject to the provisions of the pension laws," in line 5, and substitute therefor the words "at the rate of $12 per month."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY CRAY.

The next business on the Private Calendar was the bill (H. R. 4598) granting a pension to Mary Cray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Cray, the wife of Michael Cray, late private in Company G, One hundred and fifth New York Volunteer Infantry, and Company G, Ninety-fourth New York Volunteer Infantry, and that he pay her a pension of $12 per month from and after the passage of this act.

Mr. ERDMAN. Let us have the report read.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4598) granting a pension to Mary Cray, submit the following report:

Mary Cray is the widow of Michael Cray, private of Company G, One hundred and fifth New York, and Company G, Ninety-fourth New York Infantry, who enlisted November 9, 1861, and was discharged July 18, 1865, and who died December 6, 1874, of cancer of the neck. The evidence shows that the soldier received a gunshot wound in the neck at the battle of Antietam, Md., on the 17th of September, 1862. The ball entered the right shoulder near the top and passed through, making its exit through the shoulder blade.

Dr. James M. Casy, assistant surgeon One hundred and fifth New York Infantry, testifies that he dressed the wound at the time of the battle, and describes the wound as above. Comrades of Cray who were with him when he received the wound corroborate the condition of the wound, and both testify to Cray's complaining of pain in the shoulder from the wound until the time of his death. Dr. Charles Buckley, a well-known physician, of Rochester, N. Y., testifies that he was well acquainted with the soldier, and in 1873 prescribed for him for a swelling on the right side of neck below the ear, and behind the carotid artery. After a careful examination by Dr. Buckley and two other surgeons, it was decided to attempt to remove it. After proceeding with the operation it was found to be a growth of a malignant character, situated on the vertebral column and impossible to remove.

The disease was fatal in its character, and produced death in 1874. Dr. Buckley further testifies that it may be considered probable that the cancer was caused from the effects of the gunshot wound received in service. Three citizens of Rochester, N. Y., testify that they were neighbors of Cray, and knew him intimately from the time of his return from the Army, in 1865, up to the time of his death, in 1874, and that they often heard him complain of the wound in his neck that he suffered from until his death. Cray never applied for a pension. His widow applied for a pension under the general law in 1879, and was rejected June 30, 1882, on the ground that gunshot wound of shoulder was not the cause of cancer of the neck, from which soldier died. The claim was appealed in 1886, but rejection was affirmed January 4, 1886.

The medical referee of the Pension Bureau refuses to accept cancer as result of the wound. The claimant received a pension under act of June, 1890, on October 31, 1891, at $8 per month. The question involved is whether the opinion of Dr. Richards, who treated soldier from discharge to his death, and that of Dr. Buckley and the other physicians who examined and attempted an operation on soldier in 1873 for the malignant growth, and the testimony of neighbors as to cause of death as the result of wound received in battle should be set aside by the medical referee, who never saw the soldier, but who formed his opinion only on a theory, while the doctors who examined him formed their opinions on a condition which they found upon examination.

The committee are of the opinion that the evidence is very conclusive and satisfactory on this point, and therefore recommend the passage of this bill with an amendment, striking out all after the word "month," in last line, and adding "in lieu of all other pension."

[Cries of "Vote!" "Vote!"]

The amendment recommended by the committee was read, as follows:

Strike out all after the word "month," in last line, and add "in lieu of all other pension."

The CHAIRMAN. The question is on the amendment proposed by the committee.

Mr. ERDMAN. Mr. Chairman, I want to call the attention of the House to this remarkable change or perversion in the human anatomy in order that it might appear that this soldier died from the effects of a wound received in battle. The evidence shows that the ball entered the right shoulder and passed through the shoulder blade. The gentleman drawing the report says the soldier received a gunshot wound in the neck. Now, it was, of course, within 3 or 4, or perhaps 4 or 5, inches of the neck; but that the wound was in the neck nowhere appears. And then that cancer followed from the wound in the shoulder. This aggregation of statesmen is to set itself up as a medical congress and declare and determine that cancer behind the ear follows from a wound down in the arm or shoulder.

Mr. PICKLER. Where do you want him to have the cancer located in order to get a pension?

Mr. ERDMAN. If the gentleman desires to address me, I wish he would rise in his place and address me in a tone of voice that I can hear.

Mr. SULLOWAY. Where would you have it located for the convenience of your argument? [Laughter.]

Mr. ERDMAN. Well, the convenience of gentlemen is not considered in locating wounds. I am not disposed to treat this matter as lightly as some gentlemen are. I do not want to stand here and have it said that I, without objection, consent to have it said of a body of which I am a member that we declared and determined such a foolish thing as that. If you want to determine it and assume the responsibility for blazing to the world in all these cases the ridiculous things upon which you pass bills granting pensions, say it out so that the world may see it, and then I am content. Put it in the report, spread it on the record, and I will say nothing more about it. [Cries of "Vote!" "Vote!"]

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID MOSTEN.

The next business on the Private Calendar was the bill (H. R. 1936) to remove the charge of desertion standing against David Mosten.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against the name of David Mosten, who enlisted under the name of David Mosten as a private in Company A, Nineteenth Regiment United States Infantry; was discharged, and reenlisted in the same company and regiment; was absent without leave from said Company A, Nineteenth United States Infantry, after December 27, 1881, and while so absent again enlisted under the name of Frank Blaw, in Battery H, Third United States Artillery, on August 1, 1882, and served until March 20, 1885; was then arrested and tried for desertion from his original Company A, Nineteenth United States Infantry, and sentenced; before the expiration of his term of imprisonment was pardoned by the President of the United States, with permission granted to reenlist, and is now of Battery I, Second United States Artillery, having served eleven years of faithful service since his absence without leave under his original enlistment.

Mr. TALBERT. Mr. Chairman, I ask the gentleman in charge of this bill to allow it to be passed over for the present and let us go on with the consideration of other measures. Here is a bill for the relief of a deserter, and I do not think we ought to take it up in view of the fact that there are cases of merit on the Calendar which ought to be considered ahead of such a bill as this. I ask the gentleman to let it be laid aside, in order that we may save time and proceed with the consideration of more meritorious bills.

Mr. TYLER. Mr. Chairman, in reply to the gentleman's request, I beg to say to him that if he would let this bill come immediately before this committee for consideration he would save more time than by seeking to delay it. I shall press for the passage of the bill. The simple reading of the report shows that this is a meritorious case. It is not a pension case. It is a bill for the purpose of removing a disgraceful ban which rests upon a soldier who is now serving in the Army of the United States. As the report shows, this soldier has already been in service of the United States for nearly twenty-two years. Some twelve years ago he committed the fault for which he asks the pardon of the Congress of the United States. He is now in the service. He is a member of Battery I, and is stationed at Fortress Monroe. He is a man of excellent character. He has already reached the grade of corporal since he was permitted by the Secretary of War to reenlist.

After his punishment for desertion, or rather for changing from one company to another, he was allowed to enlist again in the Army of the United States, and it would be a disgrace to that Army to allow a soldier to remain in its ranks with this ban upon him. [Cries of "Vote!" "Vote!"]

Mr. TALBERT. Mr. Chairman, I hope this bill will not receive a favorable report from this committee. I am astonished to hear gentlemen crying "Vote!" "Vote!" on a bill like this——

Mr. PICKLER. Mr. Chairman, I make the point of order that the gentleman from South Carolina is not entitled to the floor, having spoken once on this bill.

The CHAIRMAN. The point of order is well taken.

Mr. TALBERT. What is the point of order?

The CHAIRMAN. The point of is that the gentleman has once addressed the House on this bill and therefore is not entitled to be heard a second time.

Mr. TALBERT. I have not addressed the House upon this bill. I have only made a few remarks. [Laughter.] And I submit to the Chairman that the point of order is not well taken.

The CHAIRMAN. The Chair has ruled that the point of order is well taken.

Mr. TALBERT. Then do I understand the Chair to say that a gentleman has no right to address the committee?

The CHAIRMAN. The Chair simply holds that the rule provides that a member shall not speak more than once upon the same question if objection is made.

Mr. TALBERT. That is, if somebody else wants to speak. If anybody else wants to speak on this bill I will yield to him and wait until he gets through.

The CHAIRMAN. The gentleman from South Carolina is not in order.

Mr. ERDMAN. Mr. Chairman, I think the rule is different from what the Chairman holds. The rule, as I understand it, is that if no other member desires to speak, a gentleman may address the committee more than once on the same subject. However, I yield to the gentleman from South Carolina.

Mr. TALBERT. Now, Mr. Chairman, I desire——

Mr. PICKLER. Mr. Chairman, I make the point of order that the gentleman from Pennsylvania has no time to yield.

Mr. TALBERT. I would be glad if the gentleman [Mr. PICKLER] would take a quart if a pint will not do him. I want to say to the gentleman that I will talk, and he can not prevent me. [Laughter.] You may try to apply the gag rule, but you can not stop my mouth.

The CHAIRMAN. The gentleman from South Carolina is not in order, and he will take his seat.

Mr. TALBERT. The Chair can rule to suit himself.

The CHAIRMAN. The gentleman can not violate the rules of the House in that way.

Mr. TALBERT. All right. I will come again. [Laughter.]

The bill was laid aside to be reported to the House with the recommendation that it do pass.

NANCY GENTRY.

The next business on the Private Calendar was the bill (H. R. 5175) granting a pension to Nancy Gentry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy Gentry, widow of John A. Gentry, at the rate of $8 per month.

Mr. ERDMAN. Let us hear the report, Mr. Chairman.

The report (by Mr. COLSON) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5175) granting a pension to Nancy Gentry, have considered the same, and report:

Nancy Gentry is the widow of John A. Gentry, who served as a private in Captain Jetton's company of Tennessee Mounted Volunteers from May 19, 1838, to June 16, 1838, Cherokee Indian war. This service, which covered a period of twenty-nine days, is a matter of record at the War and Treasury Departments.

It is also alleged that he served from June 26, 1836, to December 25, 1836, in Captain Fletcher's company of cavalry, but no record of this service can be found.

In her application to the Pension Bureau under the Indian war service-pension act of July 27, 1892, the claimant has shown that she married the soldier in 1845 and remained his wife up to his disappearance from home in 1857; that he has not since been seen or heard from, and that she has never remarried.

The claim was rejected on the ground that the service of the soldier, so far as it is shown by the records, was one day short of the time required to give title under the law.

The claimant is about 71 years old, a great sufferer from rheumatism, and with no means of support except a small mountain farm worth not more than $200. She is now unable to do any work and is obliged to rely upon the assistance of others. These facts are shown by the sworn statements of L. C. Farmer and W. J. Kerley, residents of Bledsoe County, Tenn.

The passage of the bill is respectfully recommended.

Mr. TALBERT. Mr. Chairman, as a good deal has been said upon this floor about my position in regard to deserters, coffee coolers, camp followers, and bummers, I want to say that the word "coffee cooler," as I understand, is a word that was coined by one of the most distinguished Union generals in the Federal Army, General Bragg, of Wisconsin, who commanded what was known as the Iron Brigade, and who performed distinguished service throughout the war, and I want to have read, in my own time, an extract from a speech made by that distinguished Union general in the Forty-ninth Congress on the subject of pensions. It was made, I believe, when the pauper pension bill was under discussion after it had been vetoed by the President.

I ask that this portion of the speech of General Bragg be read, as it will throw some light upon this question of bummers and deserters, coffee coolers and camp followers. I hope gentlemen will listen to the reading of a part of the speech of as distinguished a man as belonged to the Federal Army. Especially do I ask for it the attention of the distinguished chairman of this committee, who is so anxious for "order." I ask him to listen to this.

The Clerk read as follows:

Mr. BRAGG. No, sir; not now. There were 140 regiments and a number of battalions, in all, of colored troops raised during the war. A large portion of these troops were engaged in guarding railway stations in the rear; and a few regiments, three or four, were regiments of heavy artillery. This pension clause opens the door for a pension to every one of the soldiers of the seven regiments that were organized into battalions for the purpose of culling for them, men picked out as being physically unable to do soldier's duty. It opens the opportunity to place upon the roll, out of the whole 130 regiments, every single man and regiment that was not engaged in active service in the presence of the enemy. It permits a pension for every hundred-day man who came out to have a pleasant and jaunty excursion when he thought that if the "rebs" only heard that he was coming they would run away from Bull Run.

It places or gives an opportunity to place upon the pension roll the hundred-day men who closed the war with a blaze of glory in April, May, and June, 1865. It permits an opportunity to go upon the roll 262,000 men, 11,000 of whom afterwards were deserters—262,000 men that were organized under the call of the President in December, 1864. Only three months before the war was terminated in fact a call came, and under that call during the months of January and February there were organized, in response to it, troops consisting of 262,000. Some 13,000 of these were discharged, even at the original camp of rendezvous, because there was no occasion to demand the assignment of them to any regiment. Now, who were these men?

I say to gentlemen who talk about soldiers, who were these men? Do not stand here in your place and talk about the devotion of the country to its defenders, to the men who heard the shriek of the bullet and shot and shell and battle, and covered with blood and carnage carried the flag to victory. Who were the majority of those men that found themselves in the service of the United States from December, 1864, to February, 1865, that Congress should sit up nights to pass pensions to provide for them? They were the scum of the earth. They were men who would not enlist and were not drafted. They were men who stayed until those who did not want to go to the front raised money by vote and taxation upon the property in the municipalities and counties had funds placed in their hands to hire and buy things to go that could fill the quota and enable them to escape the draft. They were, I said, the scum; yes, and the dregs. They stood in their holes until they were bought—bought by substitute brokers, bought by men who were speculating in blood, paid from $100 to $800 apiece, feeling assured that they were physically so defective that all they had to do was to go to a hospital and there was no danger to their precious carcasses, so that they could pocket their $100 and go without fear of any injury befalling them.

There are gentlemen on the other side of the House who I trust are with me on this question, and who know just as well as I do that the prisons were emptied, that the poorhouses were emptied, that the slums were all emptied by the proffer of $300 at the door to bring out the inmates that they might be put as a paper credit on the army roll of the United States, and the men who brought this about pocketed the difference made in the trade. I have seen them coming down with ambulances in the rear by scores trying to get people of that class, called soldiers, to march from the shores of the Potomac to the banks of the Rappahannock, and the attempt to get them to the front was a failure.

There is another class. And I might say in that connection when you talk about poorhouses the men you find there as a rule are the men who came from the poorhouses to go to the Army, and when they came back they lapsed into their natural condition. No genuine soldier in any patriotic community that I have ever seen ever needed to go to the poorhouse to be provided with all that was necessary to care for him. We know, Mr. Speaker, that it is not in that way that the patriotic people of the North treat their soldiers. These men that go to the poorhouse go because they are native there; they are drones; they have lived from hand to mouth. They have got no enterprise; they have got no self-respect; they have got no character. They lie down and open their mouths for a teat to suck, and it does not make much matter what animal has the teat so long as they can suck anything from it.

Mr. STEWART of New Jersey (before the reading was concluded). I ask unanimous consent that the further reading of this be dispensed with. [Laughter.]

Mr. TALBERT. I ask that the clerk read on. I have the floor, and this is being read in my time. I hope gentlemen will not get uneasy.

The Clerk resumed and concluded the reading.

Mr. TALBERT. Now, Mr. Chairman, that speaks for itself. I only want to put on record what that distinguished soldier thought of these "camp followers," "coffee coolers," and "bummers."

Mr. PICKLER. Let it be understood that it was a member on that side of the House who made that speech.

The question being put, the bill was ordered to be laid aside to be favorably reported to the House.

ELIZABETH T. BEALL.

The next business on the Private Calendar was the bill (H. R. 3033) to increase the pension of Elizabeth T. Beall, widow of Benjamin L. Beall, late colonel First United States Cavalry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Elizabeth T. Beall, widow of Benjamin L. Beall, late colonel of the First United States Cavalry, who is now on the rolls, to $100 per month.

The amendment reported by the committee was read, as follows:

Strike out the words "one hundred" and insert "fifty"; so as to make the pension $50 a month.

Mr. TALBERT. I ask for the reading of the report.

The report (by Mr. STRODE of Nebraska) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3033) granting an increase of pension to Elizabeth T. Beall, have considered the same, and report as follows:

It is shown by a report of the adjutant-general, United States Army, that the deceased soldier, Benjamin L. Beall, entered the service of the United States June 8, 1836, as captain of the Second Dragoons; was subsequently promoted to be colonel, and retired from active service February 15, 1862, for incapacity resulting from long and faithful service. He died in the city of Baltimore August 16, 1863.

Mrs. Beall is now pensioned at $30 per month under the general law, and her petition for an increase of the same is as follows:

"BALTIMORE, *February 27, 1894.*

"To the Senate and United States House of Representatives.

"GENTLEMEN: I beg leave most respectfully to petition to you for an increase of my pension. I have arrived at that age (now in my ninety-third year) where I require such care and attention that my present pension of $30 per month is wholly inadequate to supply.

"I am the widow of the late Col. Benjamin L. Beall, of the First United States Cavalry, who, during a long life, rendered distinguished services to his country.

"Through the influence of Hon. Lewis Cass and Daniel Webster he was appointed captain in the Second Regiment of Dragoons, United States Army, by President Andrew Jackson, in 1836, and was ordered to Florida, where he rendered such valuable service that Gen. W. J. Worth recommended him for promotion for his successful contests with the Indians.

"In said recommendation General Worth says: 'Capt. B. L. Beall has met the enemy in this contest oftener, perhaps, than any other officer; is brave and generous. Would therefore recommend him for promotion.'

"Was promoted to the brevet rank of major for gallantry and successful services in the war against the Florida Indians March 15, 1837.

"Ordered to the Indian Territory after the Florida war to select a site for a fort. Established Fort Washita; and stationed there until the war with Mexico, where he served with distinction. After said war he was ordered to New Mexico; there served as civil and military governor. From there ordered to California and commanded Fort Tejon until the death of General Clark. Then commanded the Department of the Pacific from 1860 to 1861. For a time was conspicuously associated with the history of the Pacific Coast. From there was ordered East, placed on the retired list of the Army, and died at the city of Baltimore in the month of August, 1863.

"Hoping this will meet with your earliest consideration and approbation,

"I have the honor to be, most respectfully, your obedient servant,

"ELIZABETH T. BEALL."

The claimant's allegations as to her age and dependence are borne out by the testimony of Dr. Y. S. Marriott, Dr. H. M. Wilson, and other reputable residents of the city of Baltimore; and it is further shown that by reason of failing eyesight and other ailments incident to her great age she has for a long time past needed the services of an attendant.

It appears further that she has had dependent upon her an invalid granddaughter, and this, together with the requirements of her own condition, have long since exhausted all her means except the pension referred to above. She was married to the soldier in 1824.

There are several precedents for the allowance of $50 per month to the widows of soldiers who attained the rank held by the claimant's husband, and in view of her extreme age and the necessities of her condition your committee believe that she should be allowed such a sum as will provide her necessary attendance and care during the remaining days of her life, which must of necessity be very few.

The bill is therefore returned with the recommendation that it be amended by striking out the words "one hundred," in line 6, and substituting therefor the word "fifty"; so as to allow a pension of $50 per month, and that as so amended the bill do pass.

Mr. TALBERT. Mr. Chairman, I rise to a question of privilege.

The CHAIRMAN. The gentleman will state his question of privilege.

Mr. TALBERT. Mr. Chairman, when the bill before that last disposed of was under discussion I made a few remarks upon it, and after I sat down another gentleman made some remarks upon the same bill. When he took his seat I got up to make other remarks. The gentleman from South Dakota made the point that I had spoken once, and had no right to speak again. I desired to speak, provided no one else wished to speak. And I submit, sir, that the rule would have permitted me to speak, as no one else wanted the floor. But I was denied the privilege of expressing my views, and I think, sir, that I have been wrongly treated by the Chair. I believe the Chair has misconstrued the rule. Upon the top of that the gentleman from Pennsylvania [Mr. ERDMAN] took the floor and yielded to me, but notwithstanding all this I was denied the privilege of expressing myself before the Committee of the Whole. I think, sir, that I have been unjustly treated by the Chair. I call attention to the rule.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. PAYNE. Mr. Chairman, I dislike to occupy any of the time of the Committee of the Whole; but the gentleman from South Carolina [Mr. TALBERT], in asking for the reading of a speech made by General Bragg in the Forty-ninth Congress, has recalled to my mind a scene which will never be effaced from it. The question then before the House was whether a pension bill which had been vetoed by a gentleman who was then and is now the President of the United States should pass notwithstanding his objections. It was about the close of that Congress, when several eminent gentlemen were about to retire. Among them was General Bragg, of Wisconsin, who had stood here during all that Congress as the special sponsor for the soldier.

When that veto came in there was a change of front; and the speech which has just been read to the committee at the instance of the gentleman from South Carolina was made by General Bragg. There followed him, upon this side of the Chamber, a gentleman who is this evening the chairman of this Committee of the Whole. It will take but a moment to read, as part of the history of that occasion, the remarks then made by the gentleman from Iowa, which the Clerk now has before him. I ask that they be read.

The Clerk read as follows:

Mr. HEPBURN. Of all the gentlemen that have spoken in opposition to the passage of this bill every one save one voted for it. There is some reason for change of front, Mr. Speaker. A number of those gentlemen like myself terminate their official life on the 4th of next March. And a large number of them, unlike myself, are now mendicants about the White House—

"Crooking the pregnant hinges of the knee
That thrift may follow fawning." [Applause.]

Mr. Speaker, I deny the right of the gentleman from Ohio [Mr. WARNER] or the gentleman from Wisconsin [Mr. BRAGG] to speak for the Grand Army of the Republic of this country. I tell you, sir, that while those gentlemen did occupy honored places in the great army, and were everywhere esteemed, yet they are looked upon by the Grand Army to-day, when they rise in their places here to denounce their old comrades as vagabonds and scamps and perjurers and the scum of humanity, as Benedict Arnold was after his treason by his old comrades in arms. [Applause.]

Mr. Speaker, there was a time when Benedict Arnold rode along the lines with flashing eye and gleaming saber, and when he met with the acclaims of a brave soldiery, who welcomed him with long huzzas as a leader without blemish or reproach.

Yet there was another period in his life when he held an interview with an American on English soil, he not daring to come on American soil. He asked that old comrade what he thought those who had worn the uniforms of the Continentals in the days of the Revolution thought of him—what would they do with him should they meet him? The reply was: "They would cut off your leg that was wounded at Saratoga and bury it with the honors of war, and the rest of your carcass they would hang upon a gibbet."

[Applause.]

It would be with such an answer as this that the old soldiers, the membership of the Grand Army of the Republic, would repudiate the claim of the gentleman to speak for them in support of the President's cruel veto.

Mr. Speaker, your table is now weighed down with petitions from the old soldiers calling for the passage of this bill.

Mr. PAYNE. Mr. Chairman, I desire only to add that very shortly after that speech was made the name of the distinguished gentleman from Wisconsin, General Bragg, was sent to the Senate by the President for confirmation as minister to Mexico. [Laughter and applause on the Republican side.] And the name of another distinguished soldier, whom I will not mention here to-night, who also changed front in view of the Presidential veto, was speedily sent to the Senate for confirmation to an office at a salary of $7,500 a year.

The CHAIRMAN. The question is on agreeing to the amendment reported by the committee.

Mr. KEM. Mr. Chairman, I see that the bill now under consideration has been reported by the committee with an amendment reducing the proposed pension from $100 a month to $50 a month. I am glad to see that. It seems that the opposition which has been made in this House to this unjust discrimination in favor of officers and the widows of officers as against private soldiers and their widows is having some effect. And in hope that there may be additional good along this line, and that gentlemen on the other side of the House may be brought to see more fully the error of their way, I desire to send to the desk and ask to have read in my time a letter——

Mr. HARDY. You say "gentlemen on the other side." What side?

Mr. KEM. That side [referring to the Republican side].

I ask to have read a letter which I have just received from the adjutant of U. S. Grant Post, No. 12, Department of the Potomac, Grand Army of the Republic, Washington, D. C.

The Clerk read as follows:

WASHINGTON, D. C., *April 29, 1896.*

SIR: I have the pleasure of inclosing herewith copy of resolution unanimously adopted by this post, heartily indorsing the sentiment expressed and action taken by you upon the nonpensioning of officers or their widows at a rate greater than that of the private soldier, whose valor or patriotism was equal, if not greater, than those who wore the shoulder straps.

Very respectfully,

HORACE H. BROWER, *Adjutant.*

Hon. OMER M. KEM,
House of Representatives.

Mr. KEM. In addition to that, I ask to have read the resolutions passed by that post in connection with this matter.

The resolutions were read by the Clerk, as follows:

At a regular meeting of U. S. Grant Post, No. 12, Grand Army of the Republic, Department of the Potomac, held on the 14th day of April, 1896, the following resolutions were unanimously adopted:

"Whereas the members of this post have with sorrow observed that the present Congress has, with a lavish hand, increased the pensions of the widows of certain officers of high rank far beyond the rates allowed by the general law; and

"Whereas, this Congress has not, down to this time, enacted any general law to benefit the widow of the officer or enlisted man, who receives but $8 per month, or to remedy the ruling of the Pension Bureau which denies to thousands of them even this small pittance if they have an income of $8 or more per month; and

"Whereas, the granting of large increases of pension by special acts to the widows of officers of high rank, while the widows of men of humbler rank, who were none the less brave, and whose lives were none the less precious, are ignored, is a great injustice, against which every patriot should protest; and

"Whereas recently certain honorable members of the House of Representatives have earnestly protested against this unjust discrimination and declared their determined opposition to such legislation: Therefore

"*Be it resolved*, That the members of this post hereby express their gratitude to the Hon. HENRY M. BAKER, the Hon. JAMES A. HEMENWAY, the Hon. OMER M. KEM, and the Hon. JOHN E. MCCALL for the words spoken and the attitude assumed by them on that occasion, and for which the veterans of U. S. Grant Post, No. 12, will ever hold them in tender remembrance; and

"*Be it further resolved*, That these resolutions be made a part of the records of this post, and that a copy thereof be forwarded to each of the said members of the House of Representatives."

A true copy.

CHAS. S. HERRON,
Commander U. S. Grant Post, No. 12.

Attest:

HORACE H. BROWER, *Adjutant.*

Mr. TALBERT. Mr. Chairman, I move to amend the amendment of the committee by striking out "fifty" and making it "forty."

Mr. GROSVENOR. I move to amend the amendment by adding to that communication which has just been read the name of the gentleman from South Carolina, as he seems to have been omitted by the writers of it for some reason. [Laughter.]

Mr. TALBERT. I hope they will not put me in, but simply put in the name of Santa Claus. That will do as well.

Mr. PICKLER. I would like to ask who signs that letter which has just been read?

Mr. KEM. It is from the U. S. Grant Post, No. 12, of the Department of the Potomac.

Mr. PICKLER. It seems to me that the Grand Army posts of Washington are not likely to know more of our constituents and their needs than we ourselves do; and that they are hardly in a position to be able to instruct the representatives of the people as to their duty.

Mr. KEM. I presume that the Grand Army post in Washington is as capable of judging whether the action of Congress is just or unjust as anybody else in the country.

Mr. PICKLER. And I think they show very bad taste in making such comments.

Mr. KEM. They are men who as fully understand this question as anybody else.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment proposed by the gentleman from South Carolina.

The question was taken; and on a division (demanded by Mr. TALBERT) there were—ayes 5, noes 78.

Mr. TALBERT. No quorum.

Mr. PICKLER. Who makes the point of no quorum against this old widow of the Mexican war, 93 or 94 years old?

The CHAIRMAN. The point of order is made by the gentleman from South Carolina.

Mr. TALBERT. I want to state to the gentleman from South Dakota that I made it and am entirely responsible for it, and I did not do it in a whisper, either. It was not made against this widow, but some of the deserters and bummers who are to come after her on this Calendar. I have to make a fight all along the line.

The CHAIRMAN (having counted the committee). One hundred and nine members are in the Hall—a quorum.

So the amendment to the amendment was rejected.

The amendment recommended by the committee was agreed to; and the bill as amended was laid aside to be reported to the House with a favorable recommendation.

THERESA PEEBLES.

The next business on the Private Calendar was the bill (H. R. 4355) to increase the pension of Theresa Peebles, of Jefferson County, Ga.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Theresa Peebles, of Jefferson County, Ga., a widow of a soldier of the war of 1812, from $12 to $30 per month.

Mr. ERDMAN. Let us have the report.

The report (by Mr. BLACK of Georgia) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4355) granting an increase of pension to Theresa Peebles, have considered the same and report:

The claimant is the widow of Henry Peebles, who served as a private in Capt. John P. Harvey's Company of Georgia Volunteers from August 24, 1813, to March 12, 1814, in the war of 1812.

The soldier died September 21, 1880, and his widow (the claimant) has since been granted the pension of $12 per month allowed by the general pension laws to the widows of soldiers of the war of 1812.

Mrs. Peebles married the soldier in 1864, and she is now about 66 years old.

The above facts are shown by the papers on file at the Pension Bureau, and it appears from an affidavit signed by Joshua F. Denton, J. T. Glover, James Stapleton, and E. N. Stapleton that the claimant is very feeble and afflicted, and that she has but little means aside from her pension. She has been living alone until recently, her condition becoming such that she has been obliged to hire a woman to live with her.

There are several precedents for the proposed legislation, and in view of the facts above set forth your committee respectfully recommend the passage of the bill with an amendment fixing the rate of pension at $18 per month.

Mr. BAKER of New Hampshire. Mr. Chairman, if I understood the reading of that report correctly, this lady is to be pensioned because she is the widow of a soldier of the war of 1812, and the report shows that she was married to him in 1864. If that is a correct statement of the facts, I would like the gentleman who introduced the bill to explain to the House exactly what loss this lady ever incurred because of his service in the war of 1812, and consequently what pensionable disability is in the case at all.

Mr. BLACK of Georgia. I introduced the bill, I will state to the gentleman from New Hampshire, and the facts are stated in the report of the committee. The report and the bill are in the line of precedents heretofore established by the House. The beneficiary of this bill is old and feeble. Her physical condition requires the attendance of a nurse. She has practically no means except the pension she is now receiving, $12 a month, and this bill increases it to $18.

Mr. BAKER of New Hampshire. Does the gentleman propose that every person who does not have property enough to support her, no matter what time she was married to an old soldier, shall be supported by the Government of the United States?

Mr. BLACK of Georgia. No; the gentleman does not.

Mr. BAKER of New Hampshire. Then, under what rule does he support this bill?

Mr. BLACK of Georgia. I support it because of her helpless, dependent condition, because she is the widow of an old soldier, and because it is in the line of a precedent already established. I will state to the gentleman very frankly that if this was an original question, I think there might be more merit in his objection; but inasmuch as it seems to be the policy of the Government to grant pensions to this class of persons, I see no reason why others should be pensioned and this applicant denied.

Mr. BAKER of New Hampshire. But I presume the gentleman does not intend to say that a bad precedent makes a right bill; and if there is any reason for this pension, it is because the lady is now old, and, as the gentleman says, penniless; but she is not old because of the service of her husband some forty years prior to the time of her marriage to him, and she is not penniless because of that service. Now, if the gentleman can tell why she should be pensioned, except on the ground of a bad precedent, I should like to know the particular reason.

Mr. BLACK of Georgia. This old lady is already pensioned, and this is an application to increase her pension from $12 to $18 per month on account of her helpless physical condition. It is a small sum, smaller than has been reported in other bills which have passed the committee and the House.

Mr. BAKER of New Hampshire. Then receiving a pension under a law which does not debar her on account of her late marriage to the soldier is in the gentleman's mind a justification for our pensioning her at a greater rate over eighty years after the soldier rendered his service, she having married him about fifty years after the war?

Mr. BLACK of Georgia. I am willing to let the committee pass upon that question.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

ADA J. SCHWATKA.

The next business on the Private Calendar was the bill (S. 710) granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll the name of Ada J. Schwatka, widow of the late Frederick Schwatka, late first lieutenant, Third Cavalry, United States Army, at the rate of $30 per month.

The Committee on Pensions recommended an amendment striking out "thirty" and inserting "seventeen."

Mr. ERDMAN. Let us have the report.

The report (by Mr. COLSON) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 710) granting a pension to Ada J. Schwatka, widow of Frederick Schwatka, late first lieutenant, Third Cavalry, United States Army, have considered the same, and respectfully report:

Said bill is accompanied by Senate Report No. 55, this session, and the same, fully setting forth the facts, is adopted by your committee as their report, and the bill is returned with the recommendation that it be amended so as to fix the rate of pension at $17 per month, in accordance with the rank held by the deceased officer, and that as so amended the bill do pass.

[Senate Report No. 55, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 710) granting a pension to Ada J. Schwatka, have examined the same, and report:

A similar bill was introduced in the Fifty-third Congress, referred to the Committee on Pensions, reported favorably, and passed the Senate.

The military record of Lieutenant Schwatka is fully set forth in the following communication from the War Department:

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
"*Washington, June 16, 1894.*

"*Statement of the military service of Frederick Schwatka, late of the United States Army, compiled from the records of this office.*

"He was graduated from the United States Military Academy, and appointed second lieutenant, Third Cavalry, June 12, 1871; promoted first lieutenant, Third Cavalry, March 20, 1879; resigned January 31, 1885.

"He joined his regiment November 28, 1871, and served with it in Arizona and Nebraska to August 13, 1874; on duty with the Big Horn and Yellowstone expedition to October 2, 1874; with regiment in Nebraska and Wyoming to May 18, 1876; in the field on Big Horn and Yellowstone expedition to October 27, 1876; on duty at Camp Sheridan, Wyo., to November 25, 1877, and at Spotted Tail Agency, Dak., to March 6, 1878.

"He left his post in Dakota on the latter date, on leave of absence granted

him for the purpose of taking command of the expedition to Lady Franklin Bay to search for the papers of Sir John Franklin's expedition, etc., and was absent on this expedition until September 29, 1880. He was on special duty in New York City from that date until January, 1881; was absent on account of sickness and subsequently on leave of absence until October 21, 1881; served as aid-de-camp to General Miles until May 8, 1884, and in the meantime, while on General Miles's staff, was in command of an exploring expedition in Alaska from May 20 to October 12, 1883. He rejoined his regiment in Arizona in May, 1884, and was on leave from September 6, 1884, until his resignation took effect, January 31, 1885.

"During his service he was on leave of absence for the following periods in addition to these above specified:

"From September 24, 1875, to March 24, 1876, and from February 28 to September 24, 1882.

"J. C. GILMORE,
"*Assistant Adjutant-General.*"

It will be remembered that in addition to his military services Lieutenant Schwatka rendered the Government valuable service as chief of the expedition in search of the relics of the Sir John Franklin party. In Appleton's Cyclopedia of American Biography, Volume V, page 433, the following appears:

"Schwatka, Frederick, explorer, born in Galena, Ill., September 29, 1849. After graduation at the United States Military Academy in 1871 he was appointed second lieutenant in the Third Cavalry, and served on garrison and frontier duty until 1877. He also studied law and medicine, and was admitted to the bar of Nebraska in 1875, and received his medical degree at Bellevue Hospital Medical College, New York, in 1876.

"On hearing the story of Capt. Thomas F. Barry, who while on a whaling expedition in Repulse Bay, in 1871-1873, was visited by Eskimos who described strangers that had traveled through that region several years before and who had buried papers in a cavern, where silver spoons and other relics had been found, Lieutenant Schwatka determined to search for traces of Sir John Franklin's party, and, obtaining leave of absence, fitted out an expedition on the 19th of June, 1878, and, accompanied by William H. Gilder as second lieutenant in command, he sailed in the *Eothen* for King Williams Land.

"The party returned on the 22d of September, 1880, having discovered and buried many of the skeletons of Sir John Franklin's party, and removed much of the mystery of his fate. Lieutenant Schwatka found the grave of Lieut. John Irving, third officer of the *Terror*, and, in addition to many interesting relics, a paper, which was a copy of the Crozier record that was found in 1859 by Lieut. William R. Hobson, of Sir Leopold McClintock's expedition, and which contained two records, the latter, under date of 25th of April, 1848, stating the death of Sir John Franklin on the 7th of June, 1847.

"The expedition was also marked by the longest sledge journey on record—3,251 statute miles—during which a branch of Backs River was discovered, which Lieutenant Schwatka named for President Hayes. Afterwards he explored the course of the Yukon River in Alaska, and rejoined his regiment in July, 1884. In August of that year he resigned the commission of first lieutenant, Third Cavalry, to which he had been appointed in March, 1879.

"He commanded the New York Times Alaskan exploring expedition in 1886.

"Lieutenant Schwatka has received the Roquette Arctic medal from the Geographical Society of Paris, and a medal from the Imperial Geographical Society of Russia, and is an honorary member of the geographical societies of Bremen, Geneva, and Rome. He is the author of Along Alaska's Great River (New York, 1885); Nimrod in the North (1885), and The Children of the Cold (1886). See Schwatka's Search, by Col. William H. Gilder (New York, 1881); The Franklin Search under Lieutenant Schwatka (Edinburgh and London, 1881) and Als Eskimo unter den Eskimo, by Henry Klutschak (Leipsic, 1881)."

Lieutenant Schwatka died about three years ago at Portland, Oreg., leaving the claimant (his widow) and one child wholly dependent on Mrs. Schwatka's father for support. Since then her father has deceased, and she is left without any means whatever for the support of herself and child. This fully appears by affidavits on file with your committee.

In view of all the circumstances, your committee report back the bill, recommending its passage.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOSEPH S. BUNKER.

Mr. TERRY. I ask unanimous consent to call up a bill which was left in rather an indefinite condition in the House the other day. It is the case of an old man 80 years of age. The bill is No. 649, granting a pension to Joseph S. Bunker. It is away down on the Calendar, and I ask for the present consideration of the bill.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent for the present consideration of a bill out of its order. Is there objection?

Mr. MAHON and Mr. BROMWELL objected.

JACOB TAYLOR.

The next business on the Private Calendar was the bill (H. R. 713) for the relief of Jacob Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, directed to recognize Jacob Taylor as a member of Company K, First Regiment of Missouri Cavalry, and grant him an honorable discharge as of date February 27, 1894.

Mr. MAHON. Mr. Chairman, that bill does not come under the rule. It is not a desertion case; it is to correct a record.

Mr. ERDMAN. Let us have the report.

Mr. PICKLER. This bill is not in order to-night.

Mr. WOOD. I think it is in order.

Mr. PICKLER. It is a bill to restore the applicant to some rank.

The CHAIRMAN. The Chair thinks this is not a case of desertion, and that the bill is not in order under the rule under which the House is now proceeding.

JAMES M'GOWAN.

The next business on the Private Calendar was the bill (H. R. 3524) for the relief of James McGowan from the charge of desertion.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War or other proper official be, and is hereby, authorized and directed to remove the charge of desertion standing against James McGowan, late of Company F, Eighty-second Ohio Infantry Volunteers, and that the records be so amended as to show the said James McGowan to have been honorably discharged from the military service of the United States.

Mr. ERDMAN. Let us have the report.

The report (by Mr. TRACEY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3524) for the relief of James McGowan, beg leave to report:

It is shown by the records that James McGowan, aged 19 years, was enrolled February 21 and mustered into service February 24, 1865, to serve one year. He was forwarded March 2, 1865, to the Sixty-first New York Volunteers, but his name was not taken up on the rolls of either company of that regiment. He was transferred upon some date, not shown on the record, to Company F, Eighty-second Ohio Infantry. It appears that he served faithfully with said company until July 6, 1865. On this latter date he is reported as a deserter.

In application to the War Department for the removal of the charge of desertion he stated that the command was encamped at Louisville, Ky., at the time, and was ordered to Cincinnati, Ohio, to be mustered out; that in going to Cincinnati they would pass by his home at Madison, Ind., and that he, being sick at the time from a severe attack of diarrhea, went home to recuperate, with the intention of rejoining the regiment to be mustered out. Upon arrival at home he was compelled to go to bed and was unable to leave the same until long after the regiment had been mustered out. In going home he only had in view the obtaining relief which he could not obtain had he remained with the command.

Your committee also makes note of the historic fact that at the time the soldier is charged with desertion the war had ended and hostilities had ceased, which is an additional and very strong testimony corroborating the soldier's statement.

He is further corroborated by the statement of his sister, Anna McGowan, who testified, on the 28th day of November, 1892, that upon his return home her brother James was suffering from bowel troubles, and that two physicians (both of them since dead) were called to attend him; that he was confined to his bed, and was at no time able to rejoin his regiment until after July 24, 1865.

His brother, Thomas McGowan, testified to the same effect November 29, 1892.

J. B. Baldwin, a sergeant in the soldier's company, testified that he knew that he was sick in May or June, 1865.

Maggie Dixon, a neighbor, testified, March 13, 1893, that she had known the soldier for thirty years and knew that he was sick when he arrived home, and was prevented from rejoining his regiment by reason of such sickness.

A. J. Grayson, who was first lieutenant of Company D, Sixth Indiana Infantry, testified, February 4, 1895, that he had known McGowan since he was a child, and that he had never been in good health since he came home from the Army. That he and his sister live near him and have done so for twenty-five years, and that he knows from personal knowledge that he has not been a well man during that time. That he had been and was at that time a mere shadow, looking so weak and bad that he had been repeatedly refused work because it was apparent that he could not do it.

His enfeebled condition is further testified to by other witnesses, and your committee believe, from the evidence presented, that the soldier did not intend to desert his company and regiment at the time he left them and went home; that he went home to obtain relief, and was prevented by sickness from rejoining his command to be mustered out.

Because of these facts, which appear to your committee to be sufficiently proven, and the additional fact that hostilities had ceased before the 6th day of July, the day upon which the soldier is charged with desertion, your committee recommend that the accompanying bill do pass.

Mr. TALBERT. Mr. Chairman, I should like to hear from the gentleman in charge of this bill more particularly some information in regard to the result of the application by this petitioner to the War Department to have the charge of desertion removed, why it was not, and the particulars in the case.

Mr. TRACEY. The application to the War Department was refused on the ground that the testimony was not sufficiently clear as to the inability of the soldier to return to his command in time to be mustered out.

[Cries of "Vote!" "Vote!"]

Mr. TALBERT. Now, Mr. Chairman——

Mr. PICKLER. I make the point of order that the gentleman from South Carolina has spoken once on this bill.

Mr. TALBERT. Mr. Chairman——

The CHAIRMAN. The Chair thinks he only rose for the purpose of asking a question.

Mr. PICKLER. He said he wanted to ask the gentleman a question, and on that he got the floor and spoke on this bill. I make the point of order that he has spoken on this bill.

The CHAIRMAN. The Chair overrules the point of order. The Chair thinks the gentleman proposed to do no more than simply ask a question.

Mr. TRACEY. If the gentleman wants to make any further inquiry I shall be pleased to answer him.

Mr. TALBERT. Mr. Chairman, I just wanted to state that it seems to me that this is going a little too far for this committee to take in charge the business of the War Department, where they have, or ought to have, all the official records of the soldier, and where the record of every soldier, if he has any record at all, can be looked up.

I submit, Mr. Chairman, that it is going too far if this applicant can not go to the War Department and find sufficient evidence to remove the suspicion or charge of desertion as a soldier. [Cries of "Vote!" "Vote!"] He is claiming here that he deserted after the war had closed. It seems to me that the whole report of the committee is contradictory, and it also seems to me that the Committee on Invalid Pensions are very careful here not to bring in one scintilla of testimony that would seem in the least to militate against the granting of pension to a petitioner. [Cries of "Vote!" "Vote!"]

Mr. PICKLER. Mr. Chairman, I think the gentleman had better strike that out of the record. This bill does not come from the Committee on Invalid Pensions, but comes from the Committee on Military Affairs.

Mr. TALBERT. My remarks are in a general way.

Mr. PICKLER. I should say they are.

Mr. TALBERT. And if they happen to hit such a bird as the gentlemen from South Dakota and he flutters I can not help it. The gentleman seems to anticipate that something was going to be said about his attempting to smother evidence and not bring it before this House as chairman of the committee. [Cries of "Vote!" "Vote!"]

It does not make any difference, Mr. Chairman, where this report comes from; there is nothing in this report that will lead me to vote for the removal of the charge of desertion from this soldier, if soldier he was, coming as he does under the head of a number of those mentioned by the distinguished gentleman from Wisconsin (Mr. Bragg) thirty-one years after the war ended—to come up and hunt for a pension, and I am astonished at the rapidity with which gentlemen want to hurry up here voting pensions to such a class of citizens as this. [Cries of "Vote!" "Vote!"] I want to say again that I propose to enter my protest against the passage of any such measure as this, and if they will pass them, why, the responsibility must rest where it properly belongs. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. TALBERT. Mr. Chairman, I demand a division.

The committee divided; and there were—ayes 102, noes 3.

So the bill was ordered to be laid aside with a favorable recommendation.

EDWARD H. MUNSON.

The next business on the Private Calendar was the bill (H. R. 4199) to correct the military record of Edward H. Munson, late a private in Company H, Thirty-second New York Regiment Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to remove the charge of desertion now standing against the military record of Edward H. Munson, late a private in Company H, Thirty-second New York Regiment of Infantry, and grant him an honorable discharge.

The Clerk proceeded to read the report. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The Clerk will read the report.

Mr. ARNOLD of Pennsylvania. No one has demanded the reading of the report.

Mr. HENRY of Connecticut. I can explain this bill.

Mr. TALBERT. Mr. Chairman, I ask for the reading of the report.

The CHAIRMAN. The Clerk will read the report.

The report (by Mr. TRACEY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 4199) for the relief of Edward H. Munson, beg leave to report:

There appear to be some discrepancies between the records of the War Department and the testimony submitted, as follows: The records of the War Department show that Edward H. Munson was aged 20 years at the date he was enrolled as a private of Company H, Thirty-second New York Infantry, while the soldier claims he was but 16 years of age, and this is corroborated by the testimony of Thomas Ash, who knew him at the time of his enlistment, and who says he was a mere schoolboy about 16 years of age; that he enlisted without the knowledge and consent of his parents, and came home one day in the uniform of his regiment and told his people that he had enlisted for nine months; by Jane Ryder, who lived a neighbor and knew the family intimately, and who says that at the time of his enlistment he was about 16 years of age and a mere schoolboy, and by a photograph taken about the time of his enlistment and which gives him a very youthful appearance.

It is shown by the record that Munson rendered faithful service as a soldier from the time of his enlistment until the 28th of May, 1863, when the term of service of the Thirty-second New York Infantry expired and the regiment was mustered out, and the remnant, apparently consisting of the recruits, was consolidated with the One hundred and twenty-first New York Infantry and Munson was assigned to Company D of said regiment. Against this assignment Munson vigorously protested at the time, claiming that he had been enlisted only for the unexpired term of service of the Thirty-second New York Infantry, a period of nine months.

The report of his desertion is shown by the records on June 5, 28, and 29, 1863, but it is held by the War Department that the true date is May 28, the date of his transfer to the One hundred and twenty-first New York Infantry.

Munson testifies that he accompanied his command on the march to Gettysburg, but became separated therefrom and fell in with a Vermont regiment and participated in the battle, but of this there is no other proof.

The facts which appear to be fairly well established by the testimony presented are:

1. That Patrick Stanley, first lieutenant of Company K, Thirty-second New York Infantry, and William Evans, second sergeant of Company H, Thirty-second New York Infantry, were detailed by Colonel Matterson and given a furlough to go home as recruiting officers to enlist men to fill up the regiment. This is testified to by Alfred Lawrence, who was first lieutenant of Company H, Thirty-second New York Infantry, the company to which Munson belonged.

2. That these recruiting officers represented that they were enlisting men for the unexpired term of the regiment, which was a two years' organization, and at the time of Munson's enlistment had about nine months to serve.

3. That the boy Munson signed all the papers presented to him and as directed by the recruiting officers without reading them.

4. That Munson immediately after his enlistment declared to his parents and to a number of others that he had enlisted for nine months.

5. That he was a good and faithful soldier from the time of his enlistment until the expiration of term of service of the Thirty-second New York Infantry.

The father of the boy makes a statement which, although not sworn to, is strongly corroborated, that his boy enlisted for the unexpired term of the regiment, and that he was so told by the recruiting officer, Patrick Stanley, on the day of the enlistment.

Aletha A. Munson testifies to the same facts.

Edward O. Jones testified to his acquaintance with the boy, to his enlistment, and says he verily believes that Edward H. Munson was deceived by the enlisting officer as to his term of enlistment. The affiant was captain of Company H, Thirty-second New York Infantry, to which company Munson belonged, and Alfred Lawrence, first lieutenant of same company, testified to his personal knowledge of the truth of the captain's statements. Both testify to the faithful and reliable service of the soldier during his service with the Thirty-second, and that he earnestly protested against being transferred to the One hundred and twenty-first New York Infantry on the ground that his term of enlistment had expired.

Lieutenant Lawrence further testifies that in conversation with General Sedgwick the general said that Munson and others should be discharged with the regiment, as they had been deceived and would not make good soldiers; that the said Edward H. Munson was a good and faithful soldier during the time he was a member of Company H, Thirty-second New York Infantry; that he served until about the 1st of June, 1863, when he was transferred to the One hundred and twenty-first New York Infantry, and that on the 13th day of June Company H and the whole Thirty-second Regiment was mustered out of service in the city of New York.

It is extremely probable that the boy gave his age to the recruiting officer as 20 in order that he might be accepted, as a large number of boys of extreme youth are known to have done.

A careful consideration of all the testimony leads to the conclusion that the boy was deceived as to his term of enlistment, and fully believed that he had enlisted for the unexpired term of nine months of the Thirty-second Regiment New York Infantry.

In view of all the facts, his faithful service during the term for which he believed he had enlisted, and his extreme youth at the time, your committee report favorably and recommend that the bill do pass.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. TALBERT. Division.

Mr. PICKLER. A parliamentary inquiry. Was there any negative vote? If there was no negative vote, a vote can not now be taken.

The CHAIRMAN. The Chair thinks it can.

The committee divided; and there were—ayes 92, noes 2.

Mr. TALBERT. No quorum, Mr. Chairman.

The CHAIRMAN. The point of no quorum is made. [After a count.] One hundred and thirteen members are in the House. On this question the ayes are 92, the noes 2; and the bill is ordered to be laid aside with a favorable recommendation.

MRS. ELIZABETH M. WILLIAMS.

The next business on the Private Calendar was the bill (H. R. 5225) for the relief of Mrs. Elizabeth M. Williams, of Monroe County, Tenn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll at the rate of $8 per month the name of Mrs. Elizabeth M. Williams, widow of William Williams, late a private in Captain Weir's Company, Tennessee Volunteers, Florida war of 1836.

Mr. TALBERT. Let us have the report read.

The report (by Mr. COLSON) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5225) granting a pension to Elizabeth M. Williams, have considered the same and respectfully report as follows:

The claimant is the widow of William Williams, who served as a private in Captain Wear's Company of Tennessee Volunteers in the Florida Indian war of 1836. The records show that he was paid for twenty-five and one-half days' service, and it also appears that he was a pensioner during his lifetime at $4 per month under certificate No. 7477, on account of a gunshot wound of left leg received in said service. After the soldier's death, which occurred November 10, 1876, his widow, the claimant, made an application for pension under the general law, alleging that his death was due to causes originating in the service, but owing to the long time which had elapsed since the war she was unable to furnish the necessary proof in support of her claim.

On September 3, 1892, she filed a claim under the Indian war service pension act of July 27, 1892, but the same was rejected by the Pension Bureau on the ground that the service, as shown by the records, lacked four and one-half days of the period required by the said act to give title.

It appears from the papers on file at the Pension Bureau that the claimant married the soldier in 1845, and it is shown by the affidavits of S. Y. Minnis and J. H. Kelso, sr., residents of Monroe County, Tenn., that she is about 75 years old, in very feeble health, and dependent upon her children for support.

It may be added that the records of the Treasury Department show that the soldier's enrollment took place June 30, 1836, and his discharge July 31, 1836, a period of thirty-two days; but as other records show payment for twenty-five and one-half days only, it was held that the claim did not come within the scope of the service act.

The passage of the bill is respectfully recommended, with an amendment changing the spelling of the captain's name, in line 7, to "Ware."

The amendment recommended in the last paragraph of the report was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

HANNAH YAZELL.

The next business on the Private Calendar was the bill (H. R. 1171) to pension Hannah Yazell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension rolls, subject to the provisions and limitations of the general pension laws, the name of Hannah Yazell, of

Hardin County, Ohio, as the widow of James Yazell, deceased, late of Company G, Eighty-second Ohio Volunteer Infantry.

Mr. ERDMAN. Let the report be read.

The report (by Mr. LAYTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1171) to pension Hannah Yazell, having carefully examined all the evidence in the case, report as follows:

James Yazell, who was the husband of this claimant, served from October 31, 1861, to July 21, 1865. He died October 26, 1893, from disease of heart, for which he was pensioned. Mrs. Yazell filed claims in the Pension Office under both old and new laws, but she is informed that her claim can not be admitted there without proof of the divorce of the soldier from his first wife, and on this point she is unable to furnish evidence which is satisfactory to the officials of the Pension Office.

She was married to the soldier April 8, 1873, with the understanding that he had been divorced from his former wife, and lived with him as his wife and bore him six children. She is unable to find any record of the divorce, but the evidence shows that after the divorce both the soldier and his former wife remarried, the soldier having procured a license, which he could not have done where all the parties were known without satisfactory evidence of the dissolution of the prior marriage bonds.

The soldier and this claimant, as well as his former wife and her husband, appear to have lived in the same community, respected by all.

Your committee are satisfied from the evidence that the soldier was divorced from his former wife, and that his marriage to the claimant was legal. The former wife of soldier died five or six years ago, so there is no possibility of her filing a claim as widow.

The bill, in the opinion of the committee, is a meritorious one and should pass, and the committee so recommend.

Mr. ERDMAN. Mr. Chairman, I should like to have the gentleman in charge of this bill give us some further explanation of it. The report is so brief that it is impossible to gather from it anything satisfactory as to the merits of the bill. If these parties, as the report says, "lived in the same community and were respected by all" their neighbors, the fact of their divorce ought not to be an obscure fact, but ought to be easily ascertained. If we do not have that fact established, or do not have some explanation or the case, we are simply voting another pension without knowing why we are doing it.

The question was taken on laying the bill aside with a favorable recommendation, and the Chairman declared that the ayes seemed to have it.

Mr. ERDMAN. I ask for a division.

The committee divided; and there were—ayes 101, noes none.

So the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM W. FRENCH.

The next business on the Private Calendar was the bill (S. 137) granting an increase of pension to William W. French.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. French, late of Company B, Sixth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month, in lieu of that he is now receiving.

Mr. ERDMAN. Let us have the report read.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 137) granting an increase of pension to William W. French, quote from the report of the Senate Committee on Pensions the following, which they adopt as their own:

"Claimant enlisted in the Sixth Regiment New Hampshire Volunteer Infantry on the 13th day of October, 1861, to serve three years. He was engaged in the battle at Camden, N. C., April 19, 1862; Chantilly, Md., September 1, 1862; South Mountain, Maryland, September 13, 1862; Antietam, Md., September 17, 1862, and was wounded in the thigh at the battle of Fredericksburg, Va., December 13, 1862. He was discharged on the 24 day of September, 1863, for total disability, the surgeon certifying (almost a year after the wound was received) that soldier had not the slightest use of his limb, from which the ball has never been extracted. From the day he received the wound until the present soldier has been a great sufferer, and is now a complete physical and mental wreck. He was first pensioned at $6 per month, which was increased to $8, $15, $18, $24, $30, and $36, the pension being granted for gunshot wound of left thigh, causing nervous prostration.

"Soldier has been confined to his bed for over five years, requiring the constant attendance of another person. He has been examined by many physicians and medical boards, and has almost uniformly been rated at $72 per month. At three different times the medical board at White River Junction, Vt., found him suffering from gunshot wound and resulting nervous prostration and insanity. The only medical testimony that throws the least doubt upon the case is that of a single member of this same board, who examined the soldier at his home, and ventured the suggestion that the nervous prostration was possibly not due to the wound. As the soldier was pensioned for nervous prostration, and this same physician had signed certificates with his associates on the board recognizing nervous prostration as a result of the wound, the value of his adverse testimony can easily be estimated.

"Dr. James A. Davis, of Lebanon, N. H., a skillful and experienced physician, certifies that the nervous prostration was constantly increasing, and that it undoubtedly arose from the gunshot wound.

"Dr. James A. Leeb, of Canaan, N. H., gave an affidavit in the case, in which he said:

"I have practiced medicine for more than eleven years, and have been attending physician to the applicant since August, 1888. He was at that time suffering from nervous prostration, which was so severe as to produce mania in a mild form, and has been a constant sufferer ever since I first saw him. At times the pain is intense. In consequence of this nervous prostration he has been confined to his bed more than four years, and has not been dressed since May 16, 1891, and therefore requires the constant aid and attendance of another person, and has for more than five years. This condition of helplessness I believe to be wholly due to the nervous prostration caused by gunshot wound in left thigh, received at the battle of Fredericksburg, as stated in my previous affidavits, and for which applicant is now pensioned. This affidavit is written by me from my own personal examination, and was not prepared or dictated by any other person.'

"In April, 1895, soldier applied for increase, asking that the examination be made at his home, but notwithstanding the history of the case and the conclusive opinions of physicians and medical boards who had examined this man, a medical examiner of the Pension Bureau disposed of the case in these words:

"The evidence mentioned does not warrant another medical examination looking to increase from $36 to $50 or $72 per month for gunshot wound of left thigh, causing nervous prostration, for the reason that it does not show that claimant's helplessness is due entirely to said wound. He is shown by said testimony and medical certificates in the case to be suffering from mental impairment, which can not be accepted as a result of pensioned wound and results. Any nervous prostration arising from the wound appears to have disappeared.'

"As a result of this opinion an examination was denied by the Bureau, under date of September 13, 1895.

"Comment is unnecessary on the medical statement upon which the action of the Bureau was based. It is well known to medical men of experience that mania frequently results from protracted nervous prostration, and there is not in the entire case a word or a sentence which justifies the statement that "any nervous prostration arising from the wound appears to have disappeared." On the contrary, it is conclusively shown that the nervous condition has steadily progressed, and is now more severe than ever before.

"Your committee are of the opinion that this case belongs to the class which, under the general laws, are entitled to $72 per month. This bill asks that the pension be increased from $36 to $50, and we therefore report the bill back favorably, with a recommendation that it pass."

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with a favorable recommendation?

Mr. TALBERT. Mr. Chairman, I want to say just a word. I want this bill to pass. It is very strange to me, considering the condition of this old soldier, a private, perfectly helpless, with a helpless family around him, that these gentlemen come in and cut him down $22 below what the law would allow him. I can not understand these things, but this simply shows again the hypocrisy of gentlemen on the other side.

Mr. PICKLER. We are not doing that. The gentleman states what is not true. [Cries of "Vote!" "Vote!"]

The bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS M. SCOTT.

The next business on the Private Calendar was the bill (H. R. 6132) granting an increase of pension to Thomas M. Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas M. Scott, late Company H, Seventy-eighth Illinois Volunteer Infantry, and to pay him a pension of $20 per month in lieu of the pension which he is now receiving.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6132) granting an increase of pension to Thomas M. Scott, late Company H, Seventy-eighth Illinois Volunteer Infantry, having carefully examined the evidence relating thereto, respectfully submit the following report:

Said soldier served from September 1, 1862, to June 17, 1865, and was honorably discharged. He was virtually in command of his company as captain from September 20, 1863, to February 15, 1865, but could not muster for want of men.

The prisoner-of-war records show that he was captured February 15, 1865, at Seneca, S. C.; that he was paroled March 1, 1865, and reported at College Green Barracks, Md., March 7, 1865; that he was sent to Benton Barracks, Mo., March 8, 1865, and reported there March 14, 1865.

Under the provisions of the act of Congress approved June 3, 1884, and the acts amendatory thereof, he is considered by the War Department as commissioned to the grade of captain to take effect from March 20, 1865. He drew pay as captain from that date to June 17, 1865.

Both feet and ankles were seriously injured while he was a paroled prisoner, but a few days before he was mustered as captain, as per dates indicated above. He is now pensioned for those injuries at $8 per month, but would have received $20 per month if he had been mustered as captain.

Your committee believe that his service, the nature of his injuries, and his present physical and financial condition justly entitle him to an increase from $8 to $20 per month, and therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. PICKLER. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. PAYNE having resumed the chair as Speaker pro tempore, Mr. HEPBURN, from the Committee of the Whole, reported that they had had under consideration sundry bills upon the Private Calendar and had directed him to report the same with various recommendations.

The hour of 10.30 p. m. having arrived, the Speaker pro tempore declared the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting, with recommendations in regard thereto, the draft of an act to amend the act excluding Chinese from this country, was taken from the Speaker's table and referred to the Committee on Immigration and Naturalization, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 8532) to

establish certain harbor regulations for the District of Columbia, reported the same without amendment, accompanied by a report (No. 1578); which said bill and report were referred to the House Calendar.

Mr. FLYNN, from the Committee on the Public Lands, to which was referred House bill No. 4074, reported in lieu thereof a bill (H. R. 8616) for the relief of settlers on certain lands in Oklahoma, accompanied by a report (No. 1581); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 2816) granting land to the Nashville Presbyterian Church, of Nashville, S. Dak., reported the same with amendment, accompanied by a report (No. 1586); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WOOD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6891) to amend section 1 of an act entitled "An act granting pensions to army nurses," approved August 5, 1892, reported the same with amendment, accompanied by a report (No. 1585); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MAHANY, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 8474) for the necessary and better protection of American labor and the enforcement of the law of domicile and the restriction of immigration to such a degree as will serve that end, reported the same with amendments, accompanied by a report (No. 1589); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BROWN, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 2708) to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court, reported the same with amendment, accompanied by a report (No. 1590); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. TRACEY, from the Committee on Military Affairs:

The bill (H. R. 935) for the relief of J. E. Gillingwaters. (Report No. 1568.)

The bill (H. R. 3325) to remove the charge of desertion from the service record of Alexander Warren. (Report No. 1569.)

The bill (H. R. 710) to remove charge of desertion against James A. Crouch. (Report No. 1570.)

The bill (H. R. 4742) removing the charge of desertion from the military record of James Murphy. (Report No. 1571.)

The bill (H. R. 936) for the relief of Henry Korzendorfer. (Report No. 1572.)

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 6009) to remove the charge of desertion from the military record of John D. Anderson. (Report No. 1573.)

By Mr. PARKER, from the Committee on Military Affairs: The bill (H. R. 3717) to remove the charge of desertion from the record of Peter Guia. (Report No. 1574.)

By Mr. GRIFFIN, from the Committee on Military Affairs:

The bill (H. R. 6385) to remove the charge of desertion against Carl F. W. Stolle, of Iron Ridge, Wis. (Report No. 1575.)

The bill (H. R. 4943) to remove the charge of desertion standing against the name of Patrick Dougherty, Company A, Thirteenth New York Volunteer Infantry. (Report No. 1576.)

The bill (H. R. 1628) for the relief of Dewitt Eastman. (Report No. 1577.)

By Mr. WILSON of New York, from the Committee on Naval Affairs: The bill (H. R. 589) to remove the charge of desertion from the military record of Joseph G. March, of U. S. S. *Galena*. (Report No. 1579.)

By Mr. BISHOP, from the Committee on Military Affairs: The bill (H. R. 4379) for the relief of John H. Willis. (Report No. 1582.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (S. 2045) entitled "An act granting a pension to Harriet R. Matlack." (Report No. 1583.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 836) entitled "An act for the relief of William J. Murray." (Report No. 1584.)

By Mr. HOWE, from the Committee on Pensions: The bill (H. R. 3898) granting a pension to Herbert W. Leach. (Report No. 1587.)

By Mr. BLACK of Georgia, from the Committee on Pensions: The bill (H. R. 8248) to increase the pension of Mrs. Emily E. Cash. (Report No. 1588.)

By Mr. LOUDENSLAGER, from the Committee on Pensions: The bill (H. R. 1793) for the relief of Michael Bassett. (Report No. 1591.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. MADDOX, from the Committee on Indian Affairs, reported adversely (Report No. 1580) the bill (H. R. 5) to pay to holders of Kaw or Kansas Indian scrip the balance due upon said scrip; which said bill and report were laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. WELLINGTON: A bill (H. R. 8612) to authorize the President of the United States to appoint and confer the rank of lieutenant, junior class, upon the instructor in swordsmanship at the United States Naval Academy—to the Committee on Naval Affairs.

By Mr. BINGHAM: A bill (H. R. 8613) to amend chapter 67 of volume 23 of the Statutes at Large of the United States—to the Committee on Naval Affairs.

By Mr. PICKLER: A bill (H. R. 8614) donating condemned cannon and balls to the Department of the Grand Army of the Republic of South Dakota—to the Committee on Naval Affairs.

By Mr. CATRON: A bill (H. R. 8615) to amend an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," etc., approved March 3, 1887—to the Committee on the Territories.

By Mr. BANKHEAD: A bill (H. R. 8617) to authorize the construction of a bridge across the Warrior River by the Mobile and Ohio Railroad Company—to the Committee on Interstate and Foreign Commerce.

By Mr. BAKER of Kansas (by request): A bill (H. R. 8618) for raising additional revenue; for reestablishing, in the distribution of the burdens and benefits of government among the people, a condition of equity in its complex relation to the citizens and their prosperity; for creating a fund for the payment of pensions, and for setting our army of idle laborers at work on extensive public improvements; for removing the strongest incentive to crime among the poor and to vice among the rich; for protecting the American from the influx of undue alien competition, and for other purposes—to the Committee on Ways and Means.

By Mr. SHAW: A bill (H. R. 8619) for the establishment of a soldiers' home at Southern Pines, N. C.—to the Committee on Military Affairs.

Also, a bill (H. R. 8620) for the reestablishment of the United States Arsenal at Fayetteville, N. C.—to the Committee on Military Affairs.

By Mr. WHEELER: A bill (H. R. 8622) to authorize the construction of a bridge across the Alabama River by the Mobile and Ohio Railroad Company—to the Committee on Interstate and Foreign Commerce.

By Mr. BAKER of New Hampshire: A concurrent resolution (House Con. Res. No. 45) providing for an investigation of the late purchase of seeds by the Department of Agriculture and of certain alleged statements of the Secretary and Assistant Secretary of that Department in regard to the conduct of Senators and Representatives in Congress—to the Committee on Agriculture.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ARNOLD of Pennsylvania: A bill (H. R. 8623) granting an increase of pension to Martin Funk, late of Company C, One hundred and forty-eighth Pennsylvania Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8624) to remove the charge of desertion against the name of James Eagan, late of Company A, Fifty-ninth Regiment New York Volunteer Infantry—to the Committee on Military Affairs.

By Mr. BEACH: A bill (H. R. 8625) to relieve Samuel Schmitz from the charge of desertion—to the Committee on Military Affairs.

Also, a bill (H. R. 8626) to increase the pension of Col. H. N. Whitbeck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8627) for increase of pension to Mrs. Esta Snyder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8628) to relieve William H. Taylor from the charge of desertion—to the Committee on Military Affairs.

By Mr. BROMWELL: A bill (H. R. 8629) to remove the charge of desertion against of John De Witt, late of Company D, Fifty-second Indiana Volunteer Infantry, and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. CLARDY: A bill (H. R. 8630) to correct the military record of Nathaniel L. Lightfoot—to the Committee on Military Affairs.

By Mr. COLSON: A bill (H. R. 8631) for the benefit of George W. Jolly—to the Committee on Claims.

Also, a bill (H. R. 8632) granting restoration of pension to George J. Polston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8633) granting a pension to Nancy Roberts, of Manchester, Clay County, Ky.—to the Committee on Invalid Pensions.

By Mr. HAGER: A bill (H. R. 8634) granting a pension to Mary Jane Crane—to the Committee on Pensions.

By Mr. HALTERMAN: A bill (H. R. 8635) granting a pension of $20 per month to Eleanor M. Laise—to the Committee on Pensions.

By Mr. MEREDITH: A bill (H. R. 8636) for the relief of Alphonso M. Potvin, late of Colon, Republic of Colombia—to the Committee on Claims.

By Mr. MOODY: A bill (H. R. 8637) granting a pension to Elizabeth B. Manning—to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 8638) for the relief of Patrick G. Meath—to the Committee on War Claims.

By Mr. PICKLER: A bill (H. R. 8639) granting a pension to Matilda A. Higgins—to the Committee on Invalid Pensions.

By Mr. QUIGG: A bill (H. R. 8640) to increase the pension of Mrs. Rebecca S. Foster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8641) to pension Michael McAndrew—to the Committee on Invalid Pensions.

By Mr. SHAW: A bill (H. R. 8642) for the relief of H. R. Bryan, of Craven County, N. C.—to the Committee on War Claims.

By Mr. STAHLE: A bill (H. R. 8643) to increase the pension of Capt. Hiram S. McNair, Third Maryland Cavalry—to the Committee on Invalid Pensions.

By Mr. WALKER of Virginia: A bill (H. R. 8644) for the relief of Waller R. Staples, jr.—to the Committee on Claims.

By Mr. WHEELER: A bill (H. R. 8645) to refer the claim of Kennon H. Steger to the Court of Claims—to the Committee on War Claims.

Also, a bill (H. R. 8646) for the relief of the heirs of Dr. Andrew Moore—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Pennsylvania: Petition of citizens of Lock Haven, Pa., to accompany House bill No. 7935, for the relief of Capt. C. Wilson Walker—to the Committee on Military Affairs.

By Mr. BABCOCK: Petition of H. P. Proctor and 20 others, of Viroqua, Wis., praying for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BAKER of Kansas: Petition of Percy Daniels, of Crawfordsville, Ind., to accompany House bill for raising additional revenue, for reestablishing the distribution of the burdens and benefits of government, and other purposes—to the Committee on Ways and Means.

By Mr. BULL: Petition of citizens of Providence, R. I., in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, paper to accompany House concurrent resolution No. 44, to print 5,000 copies of the report on "The proposed American interoceanic canal in its commercial aspects"—to the Committee on Printing.

By Mr. COOPER of Wisconsin: Petition and remonstrance of citizens of Kenosha County, Wis., against the statue of Père Marquette remaining in Statuary Hall—to the Committee on the Library.

By Mr. GROSVENOR: Petition of Rev. John W. Young and others, of the State of Ohio, for the passage of House bill No. 6851, appropriating unclaimed pension and bounty money due the estates of deceased colored soldiers to military and educational purposes for the colored people—to the Committee on War Claims.

By Mr. HULICK: Petition of G. W. McMurch, J. & H. Glascens, and other citizens of New Richmond, Ohio, asking for the passage of the pending bankruptcy bill—to the Committee on the Judiciary.

Also, petition of citizens of Lebanon, Ohio, in favor of the passage of House bill No. 4566, relating to second-class mail matter and bill No. 838, to reduce letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. JOHNSON of North Dakota: Petition of 3,049 citizens of the State of North Dakota, in favor of the Denny bill or some similar measure forbidding the issuance of Federal licenses in prohibition States—to the Committee on Ways and Means.

By Mr. MADDOX: Petition of citizens of Cartersville, Ga., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter, and bill No. 838, to reduce letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. OTJEN: Remonstrances and petitions of Charles Ploetz and 15 other citizens of Milwaukee, Wis., regarding the Marquette statue—to the Committee on the Library.

By Mr. QUIGG: Petition of Abraham Lincoln Council, No. 6, Union Veteran Protective Association, of New York; also petition of John E. Land and others, of New York City, praying for the passage of a law giving $8 per month to every soldier who served ninety days in the war of the rebellion—to the Committee on Invalid Pensions.

Also, petition of Michael McAndrew, late of the United States Navy on board of the *Wamsutta*, *Mercedita*, *Chenango*, and *Banshee*, for pension by special act, to accompany House bill—to the Committee on Invalid Pensions.

Also, papers to accompany House bill to increase the pension of Mrs. Rebecca S. Foster—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: Petition of L. Franc & Co. and several other business firms of Toledo, Ohio, asking for the passage of a joint resolution of Hon. J. H. BROMWELL, relative to shortening the bonded period on distilled spirits—to the Committee on Ways and Means.

By Mr. TURNER of Georgia: Preamble and resolutions of a town meeting at Dublin, Ga., of which W. S. Ramsey was chairman and F. C. Black secretary, relating to the case of A. J. Diaz, of Habana—to the Committee on Foreign Affairs.

SENATE.

SATURDAY, *May 2, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The VICE-PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. HALE. I ask that the further reading of the Journal be dispensed with.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine?

Mr. HALE. I will take this occasion to state that in view of the agreement which was made yesterday that to-day should be devoted to finishing the naval appropriation bill, and as there are several Senators who desire to submit amendments and make remarks upon them, I shall be obliged to resist any request for unanimous consent to take up other measures, and immediately after the routine morning business is disposed of I shall ask the Senate to proceed with the naval appropriation bill.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine?

Mr. PEFFER. What is the request of the Senator from Maine?

The VICE-PRESIDENT. To dispense with the further reading of the Journal. The Chair hears no objection, and the further reading is dispensed with.

EMPLOYEES OF THE GOVERNMENT PRINTING OFFICE.

The VICE-PRESIDENT laid before the Senate a communication from the Public Printer, transmitting, in response to a resolution of April 20, 1896, a statement of the amount of leave money claimed to be due to employees of the Government Printing Office for the fiscal year 1892 and 1893; which was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

HOUSE BILLS REFERRED.

The bill (H. R. 515) granting a pension to William Grose was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. 7668) to establish a term of the district and circuit courts of the United States at Roanoke, Va., in the western district of Virginia, was read twice by its title, and referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS.

Mr. McMILLAN presented the petition of John A. Wineberger and 12 other citizens of the District of Columbia, praying that an appropriation be made for grading and regulating Illinois avenue, in the District of Columbia; which was referred to the Committee on Appropriations.

Mr. GALLINGER presented a petition of J. H. Danseur Post, No. 104, Department of Indiana, Grand Army of the Republic, of Lagrange, Ind., signed by J. J. Cookingham, commander, E. M. Hutchinson, adjutant, and H. M. Kromer, senior vice-commander, praying for the enactment of a service-pension law; which was ordered to lie on the table.

Mr. SHERMAN presented a petition of Local Union, No. 2, United Brotherhood of Carpenters and Joiners, of Cincinnati, Ohio, praying for the free coinage of silver; which was ordered to lie on the table.

Mr. FRYE presented a petition of the Manufacturers and Producers' Association of California, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

Mr. HANSBROUGH presented a petition of the members of the Turtle Mountain band of Chippewa Indians of North Dakota, praying for a speedy ratification of the agreement entered into October 22, 1892, between them and the commissioners appointed under the Indian appropriation act of July 13, 1892; which was referred to the Committee on Indian Affairs, and ordered to be printed as a document.

Mr. CALL. I present a paper addressed to me in the nature of a petition by the Fort Brook Cooperative Association of Tampa, Fla., relative to their claims as settlers upon the abandoned Fort Brook Military Reservation. I ask that the substance of the petition and the names attached to it may be inserted in the RECORD, and that the paper may be referred to the Committee on Public Lands.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). Is there objection to the request of the Senator from Florida?

Mr. HAWLEY. I object temporarily.

The PRESIDING OFFICER. Objection is made by the Senator from Connecticut.

Mr. HAWLEY. Will the Senator from Florida state how long the paper is?

Mr. CALL. It is very short. It refers to a question of the right of certain settlers upon what were public lands immediately adjacent to the town of Tampa.

Mr. HAWLEY. I do not see why on earth that should pad the RECORD, which is already so big that it takes a pair of oxen to carry away the bound volumes at the end of a Congress.

Mr. CALL. I will not occupy time further than to state that a large number of very poor people are greatly concerned in this matter, and they would be very much gratified if the facts in the case could be made known to Senators by having them appear in the RECORD. That is all there is about it.

Mr. HAWLEY. It will be cheaper to print 500 copies of the paper as a document than to print it in the RECORD.

The PRESIDING OFFICER. The Chair understands objection is made to the request of the Senator from Florida by the Senator from Connecticut.

Mr. HAWLEY. I do not object to printing the paper as a document for distribution.

Mr. CALL. Then I ask that it be printed as a miscellaneous document.

The PRESIDING OFFICER. It will be so ordered, in the absence of objection. The petition will be referred to the Committee on Public Lands.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 2997) to provide for the fulfillment of the stipulations of the treaty between the United States and Great Britain, signed at Washington on the 8th day of February, 1896.

The message also announced that the House had passed the following joint resolutions; in which it requested the concurrence of the Senate:

A joint resolution (H. Res. 137) declaring a certain bridge across the Tallahatchie River, in Tallahatchie County, State of Mississippi, a lawful structure; and

A joint resolution (H. Res. 167) authorizing foreign exhibitors at the Tennessee Centennial Exposition, to be held in Nashville, Tenn., in 1897, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits, and allowing articles imported from foreign countries for the sole purpose of exhibition at said exposition to be imported free of duty, under regulations prescribed by the Secretary of the Treasury.

REPORTS OF COMMITTEES.

Mr. BAKER, from the Committee on the District of Columbia, to whom was referred the bill (S. 2870) to permit Rene C. Baughman to lay pipes in a certain street in the city of Washington, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2778) to grant permits for the laying of pipe lines for commercial purposes in the District of Columbia, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, submitted a report, accompanied by a bill (S. 3011) for the relief of Nicolai Bros.; which was read twice by its title.

Mr. McMILLAN, from the Committee on the District of Columbia, reported an amendment, authorizing the Commissioners of the District of Columbia to permit the erection of telephone poles in the public streets, etc., in the District of Columbia, outside of the city of Washington, intended to be proposed to the District of Columbia appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 2626) to amend the laws relating to American seamen, reported it with amendments, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 2898) to authorize the construction of a bridge over the Monongahela River from the city of McKeesport to the township of Mifflin, Allegheny County, Pa., reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county, reported it with amendments, and submitted a report thereon.

BILLS INTRODUCED.

Mr. McMILLAN introduced a bill (S. 3012) conferring jurisdiction upon the supreme court of the District of Columbia, or any court in said District having general equity jurisdiction, to decree a sale of real estate in said District, belonging to insane persons, for purpose of reinvestment, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BLACKBURN introduced a bill (S. 3013) to change the pay and rating of machinists in the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PRITCHARD introduced a bill (S. 3014) for the establishment of a soldiers' home at Southern Pines, N. C.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. QUAY introduced a bill (S. 3015) for the relief of Henry F. Miller; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. MITCHELL of Oregon introduced a bill (S. 3016) for the relief of Col. George H. Mendell, Corps of Engineers, United States Army, retired; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CALL introduced a bill (S. 3017) granting a pension to Rebecca Waldron; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3018) for the relief of Benjamin F. Smoot; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3019) to remove the charge of desertion from the name of George W. Adams; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. LODGE introduced a bill (S. 3020) granting a pension to W. L. Faxon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WOLCOTT introduced a bill (S. 3021) granting a pension to Henry Walters; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3022) granting a pension to Philander Samples; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3023) granting an increase of pension to Isaac E. Boothe; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3024) granting an increase of pension to John Wood; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3025) granting an increase of pension to John C. Mitchel; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3026) granting an increase of pension to Marshall H. Blodgett; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3027) granting an increase of pension to Dudley Ashton; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3028) granting an increase of pension to Henry J. Huston; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3029) granting an increase of pension to Erastus C. Evans; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3030) granting an increase of pension to Erastus F. Phelps; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3031) granting an increase of pension to Gerhard Shoemaker; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. BLANCHARD submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

WAR IN CUBA.

Mr. MILLS. I move that the joint resolution (S. R. 109) directing the President of the United States to request the Government of Spain to grant to the people of Cuba the power of local self-government, and in case the Government of Spain shall refuse, to take possession of the Island of Cuba and hold it until its inhabitants can institute such government as they may wish, and organize and arm such forces as may be necessary to support it, introduced by me March 23, 1896, be taken from the Calendar and referred to the Committee on Foreign Relations.

The motion was agreed to.

PRICES OF ARMOR FOR NAVAL VESSELS.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Committee on Naval Affairs 100 copies of the testimony taken by that committee in relation to prices paid for armor for vessels of the Navy.

HOUSE BILLS REFERRED.

The joint resolution (H. Res. 137) declaring a certain bridge across the Tallahatchie River, in Tallahatchie County, State of Mississippi, a lawful structure, was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. Res. 167) authorizing foreign exhibitors at the Tennessee Centennial Exposition to be held in Nashville, Tenn., in 1897, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits, and allowing articles imported from foreign countries for the sole purpose of exhibition at said exposition to be imported free of duty, under regulations prescribed by the Secretary of the Treasury, was read twice by its title, and referred to the Select Committee on International Expositions.

NAVAL APPROPRIATION BILL.

Mr. GORDON. Mr. President, I have no morning business to present, but if the morning business is over I ask the Senate ——

Mr. HALE. Let me say to the Senator from Georgia and to other Senators that yesterday by unanimous consent it was agreed that immediately after the routine business was concluded this morning the naval appropriation bill should be taken up.

Mr. GORDON. I beg pardon, I was not aware of it.

Mr. HALE. I have not any right to yield. I ask that the naval appropriation bill be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes.

Mr. CHANDLER. I ask the Senator from Maine, as I may be called away from the Senate, if there is any objection to allowing the amendment to be voted on which I offered the other day about the examination of a system of propulsion?

Mr. HALE. Not in the least.

Mr. CHANDLER. I have one other amendment that perhaps may be best disposed of at this time.

The VICE-PRESIDENT. The amendment of the Senator from New Hampshire will be stated.

The SECRETARY. It is proposed to add at the end of the bill, as an additional section:

SEC. —. That the Secretary of the Navy is hereby directed to examine, through a board composed of line and staff officers, into the merits of any system presented for the propulsion of vessels by direct action against the water without the use of screws, in comparison with the steam engine and the propeller, and into the relative efficiency of the two methods as to displacement, waste of fuel, liability to accidents, and speed endurance, and also into the applicability and special advantages of the direct system in connection with torpedo boats and coast-defense vessels.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from New Hampshire.

Mr. HAWLEY. That is not a new idea. Actual experiments have been made and deliberate conclusions published. I should like to know from the Senator from New Hampshire whether there is any new light, any invention that promises any improvement in that process.

Mr. CHANDLER. Such has been called to my attention, otherwise I would not have offered the amendment. The dream, I suppose, of marine architects is to have some method of propulsion without engines and propellers. This is a plan for exploding combustible material in cylinders located lengthwise on the ship directly against the water. Very remarkable results have been produced by various methods of applying that principle. One that was called to my attention certainly gives great promise of success. I can hardly conceive that there can be any objection to calling the attention of the Secretary specially to the matter.

Mr. HAWLEY. It is not, then, the old scheme of projecting steam directly against the water?

Mr. CHANDLER. Not with steam, but the process is more like the use of a gas engine.

Mr. HAWLEY. Throwing the gas against the water?

Mr. CHANDLER. By the explosion of gas at the end of cylinders against the water in the stern of the ship, and sending the ship ahead in that way.

Mr. HAWLEY. It is not worth while to say nowadays that anything can not be done. It can do no hurt.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment was agreed to.

Mr. CHANDLER. In behalf of the Senator from Michigan [Mr. McMILLAN] and the Committee on Naval Affairs, I offer the clause I send to the desk as a substitute for the present provision in the bill as to the Naval Militia.

The VICE-PRESIDENT. The amendment will be stated.

Mr. GORMAN. What has become of the amendment already pending?

Mr. CHANDLER. The Senator from Maine is allowing me to offer these amendments while we are waiting.

Mr. HALE. The Senator from New Hampshire stated that he wanted action on the amendment which has just been adopted. I did not know he had more than one amendment.

Mr. CHANDLER. Let the amendment I now propose be read, if the Senator has no objection.

Mr. GORMAN. Under the general agreement debate closes at 2 or half past 2; I see it is 2 by the RECORD, and there are at least two important amendments to be acted upon, on which there will be debate.

Mr. HALE. I think there is great force in what the Senator from Maryland says. There will be an opportunity for putting in amendments under the five-minute rule, and I do not think that Senators ought to consume the time before 2 o'clock upon matters of that sort. The Senator from New Hampshire will be back in time, I understand.

Mr. CHANDLER. I would not have asked it if I had supposed that any one was ready to speak. I withdraw the amendment for the present.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. HALE. I think we can now dispose of the torpedo amendment, and then the Senator from New Hampshire [Mr. GALLINGER] will have an opportunity to address the Senate.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from New Hampshire [Mr. CHANDLER], which was pending at the time of adjournment yesterday.

Mr. HALE. Let it be read.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. On page 50, after line 24, strike out all of the bill down to and including the word "dollars," in line 4, on page 51, and insert:

Torpedo gunboats and torpedo-boat destroyers with a minimum speed of 30 knots, and torpedo boats with a minimum speed of 26 knots, 20 in number, to cost in all, exclusive of armament, not exceeding $4,000,000.

Mr. GORMAN. Mr. President, I trust this amendment will not be agreed to. The bill as it came from the other House provided for 5 torpedo boats, the speed not to be less than 26 knots, for which there was appropriated $875,000, and 10 torpedo boats, not to exceed in all $800,000. The Senate committee proposed to strike out the 5 torpedo boats of 26 knots, and insert 3 torpedo boats of not less than 30 knots, and 10 torpedo boats the cost in all not to exceed $500,000. In addition to that there is a provision for 2 submarine torpedo boats known as the Holland type, proposed by the Committee on Appropriations, the cost not to exceed $175,000 each. This would make in the aggregate about $1,500,000 for torpedo boats, as the Committee on Appropriations reported the bill, giving the Navy vessels of faster speed and larger than those proposed in the bill as it came from the other House. I think under the present condition of affairs this is ample. Six months ago nobody in this country would have proposed constructing one of these torpedo boats to run 30 knots an hour, and it is only a suggestion now, or an offer by the builders that possibly they can accomplish it. As to the boats of 25 or 26 knots, they may be of use, and probably will be useful, but at the same time if we can construct them at 30 and 32 knots hereafter, the 25 or 26 knot boats will be of comparatively little use.

The amount involved in this appropriation, $4,000,000, as is proposed by the Senator from New Hampshire, if the Department sees proper to do so, would be expended within one year and a half, for probably it would not require longer than eighteen months to construct these torpedo boats. So the direct charge on the Treasury by the amendment proposed by the distinguished Senator from New Hampshire would be greater than if we appropriated $4,000,000 for another battle ship.

In addition to that, these boats can be used practically, as the Secretary of the Navy says, only for harbor defense and near the

harbor. They can not go to sea. On the other side they have tried the experiment, and found that men could not live very well on board of them when they were out. I think we have made an ample provision, probably greater than the requirements of the service. In fact, the Secretary of the Navy only estimated for 10 or 12. By the bill as reported from the Committee on Appropriations it is proposed to give all in number that the Secretary has himself suggested.

Besides, the boat that is being constructed of the Holland type, of which we have provided that he may contract for two more at $175,000 if the one that is now being built is a success, and only on that condition, will in all probability revolutionize the whole construction of these boats not only here, but all over the world. As the Secretary and other officers of the Department stated to the committee, it is a boat that goes under the water. They believe that they have about perfected an arrangement by which, while they are down under the water 10 or 12 feet, by two small instruments run up from the boat, they can not only ascertain their bearings, but actually see whatever war vessel is in front of them. It is in the experimental stage yet, but they have confidence in producing that result, and if they do, then there is an entire revolution in the whole construction of these vessels, and the type that is now talked about would be obsolete and of no use.

I think we have given the Department a sufficient amount of money for this purpose. As I said before on the main amendment, I do not believe that the condition of the Treasury is such as to warrant this expenditure. I think it is all wrong to place so much money in the hands of any officer of the Government when we are in this experimental stage.

It is a fact stated by the Secretary that no torpedo boat yet has ever sunk a great war ship except when she was at anchor. I have no doubt of the utility and the necessity of having some torpedo boats, but I suggest to the Senate that we are going too rapidly in this matter, more rapidly than the service demands or than prudence demands.

I therefore trust that the amendment will not be adopted. I shall call for the yeas and nays upon agreeing to it.

Mr. CHANDLER. Mr. President, I regret that the distinguished Senator from Maryland, who has never shown any unwillingness to make reasonable progress in the construction of the new Navy, should oppose the provision for additional torpedo boats, made advisable, as I think, because the provision for two of the battle ships has been stricken out. There has been saved, by striking out the two battle ships, $10,600,000. The bill as it came from the Committee on Appropriations provided for 5 torpedo boats at $875,000, and 10 torpedo boats at $800,000, at a total cost for torpedo boats of $1,675,000. Those provisions are stricken out by my amendment and 20 torpedo boats substituted. There is a saving by striking out the 2 battle ships and the 15 torpedo boats of $12,275,000, and there is substituted 20 torpedo boats of the two classes, at $4,000,000, making a net saving of $8,275,000. I submit to the Senator from Maryland that he ought to be satisfied with that. I suppose the Senator from Maryland has not overlooked the fact that my amendment only increases the number of torpedo boats over that provided by the House from 15 to 20. It increases the number only 5. But it does increase, and here is the point, the discretion in the Secretary of the Navy to build larger boats, by giving him an appropriation of $4,000,000.

Mr. President, I am not in favor of limiting the head of the Navy Department (acting presumably in questions of this great moment by the advice of the President) too much in matters of detail. I think we have been in the habit of too strictly defining what the Navy and Army expenditures shall be. I for one have been at all times ready to appropriate $10,000,000 a year for improving the fortifications of the country in accordance with the recommendation of the Endicott Board, and I have been willing to appropriate money by the millions, not exceeding eight or ten million dollars a year, for new constructions, to be expended largely in the discretion of the executive officers of the Government, for the increase of the Navy. I believe that is the practice in England. When additional navy appropriations are called for a credit is asked for the navy. Undoubtedly the law indicates in a general way what the expenditures are to be for, but a very much larger discretion is given to the executive officers engaged in the construction of the vessels of foreign countries than we have been in the habit of giving here.

I do not sympathize with the feeling of the Senator from Maryland that too much discretion is about to be given by this bill to the present Secretary of the Navy. He is not the Secretary of my party; I have had no relations with him other than those of a formal character; but I am prepared to bear testimony in a general way to his ability, fidelity, zeal, and discretion as Secretary of the Navy during the last three years. I have very little criticism to make of his conduct of the Navy Department. I am glad to say that with one or two exceptions there has been nonpartisanship manifested during the last twelve years in the reconstruction of the Navy.

I do not even consider the Senator from Maryland to blame for the introduction of so much political-financial discussion as has been introduced in the debate upon this bill at the present session, but I think that, dealing generally with this subject, we ought to give the Secretary of the Navy $4,000,000 with which to build torpedo gunboats, torpedo-boat destroyers, and torpedo boats. I think, instead of the House provision, we had better say to him, "Take $4,000,000 and build 20 torpedo gunboats, torpedo-boat destroyers, and torpedo boats, and so apportion the price as to get 20 boats for that money; but in all cases get vessels of the larger size that are capable of 30 knots' speed, and vessels of the smaller size that are capable of 26 knots' speed."

If the amendment is not properly drawn, if it needs to be altered in any way, the alteration can be made in the committee of conference, which of necessity must revise the language of all the various amendments that are made in the Senate in connection with the text of the bill as it passed the other House.

Mr. BACON. Before the Senator from New Hampshire takes his seat I desire to make an inquiry of him for the information of myself and of the Senate. On page 52 there is provision made for the construction of certain submarine torpedo boats of the Holland type, if the one now being constructed in Baltimore shall prove to be a success. The question that I desire to ask the Senator from New Hampshire is, whether, in case the submarine boat of the Holland type shall prove to be a success, it will supersede the torpedo boats of the type of the 20 which are included in his amendment, or whether it is true that, even if the submarine torpedo boat of the Holland type shall prove to be a success, there will still be need for both the type of boats provided for in his amendment and also for boats of the Holland type?

I make the inquiry because it is a matter upon which I myself am not informed, and I think, in view of the suggestion of the Senator from Maryland, it is a point on which the Senate should be definitely informed. If it is true that the success of the torpedo boat of the Holland type will cause the torpedo boat of the present type to be superseded, to be obsolete, to be of no value, then I think the point made by the Senator from Maryland is well taken. But if, on the contrary, there is still an office for each to perform, we might go forward, I think, without fear of overdoing the matter.

Mr. CHANDLER. The Senator from Georgia was present in the room of the Committee on Naval Affairs when the parties interested in and familiar with the Holland boat were before the committee. He knows all about it that I know. The nations of the world are trying to devise a submarine boat, a torpedo boat that can dive under water and approach the great battle ships of an enemy and destroy them. The whole business is experimental, as the Senator knows very well, and it is a matter of very great doubt whether a submarine torpedo boat can be made a success. If it could be made a success and be put into use within a certain sphere it does not by any means follow that it will supersede the torpedo boats, especially the larger-sized torpedo boats. If the Senator asks for my opinion I should say that even if we are to have the three torpedo boats of the Holland type we still ought to have the 20 torpedo gunboats, torpedo-boat destroyers, and torpedo boats not of the submarine type, proposed by my amendment, and even more of them. That is my judgment.

Senators will notice that the two additional boats are not to be built unless the Holland boat now under construction proves an unqualified success. I very much doubt whether those two boats will be built, but I do not think that from the authorization given for them any argument is to be derived against the construction of the regular torpedo boats to move above water, such as are now being constructed by all the nations of the world.

Mr. BACON. I was, as the Senator has suggested, present when the plan of the Holland torpedo boat was explained to the committee. I believe I am correct in the recollection that there was no claim for it that it was possible to secure for that boat any such speed as is provided shall be one of the features of these proposed torpedo boats.

Mr. CHANDLER. I thank the Senator from Georgia for calling that fact to my attention. But the Senator will remember the point was also developed that if you can get a torpedo boat which can go down under water and move without the enemy discovering it, it is not material whether when under water it moves 8 or 10 knots an hour or 20 knots an hour, it will move stealthily and it will reach the battle ship without being discovered, while if it is above water it is liable to be discovered, and therefore it should be so fleet that not even a battle ship should be able to escape from it.

Mr. President, I do not intend to speak on this subject at great length, but I do intend to call the attention of Senators to the fact that a battle ship costs $5,300,000 according to the present estimates, and we can build 20 torpedo boats for less than the cost of one battle ship. One of the battle ships involves a vast amount of money. When she goes to sea she carries four or five hundred lives on her, and by striking a rock or by coming in contact with a torpedo of the enemy she is liable to wholly disappear and be

lost to the Government, whereas for this sum of money we can put four or five torpedo boats into each one of the principal harbors of the country; we can do it within a year and a half or two years, and then, I say, we shall have secured better harbor defense, harbor defense more to be feared, for a smaller sum of money than we can possibly obtain in any other way.

Mr. FRYE. I wish to ask the Senator a question before he sits down, if he pleases. If these boats are provided for in the bill I suppose the building of them must be let to the lowest bidder?

Mr. CHANDLER. That is the intention.

Mr. FRYE. Suppose they should all be contracted for on the Atlantic Coast, then there would be no torpedo boats for the Pacific Coast at all, and the Pacific Coast certainly needs some as much as the Atlantic Coast.

Mr. HALE. If the Senator from New Hampshire will permit me, I will state that it is proposed, if this provision goes through, that other amendments will be put in afterwards covering that point.

Mr. FRYE. So that a portion shall be built on the Pacific Coast?

Mr. HALE. Yes.

Mr. CHANDLER. There is such an amendment now pending (I do not know whether it has been agreed to or not), providing that a certain portion shall be built on the Pacific Coast. It is to come in on page 51.

Mr. FRYE. That is all right, then. That is what I wanted to know.

Mr. HAWLEY. The idea of propelling offensive boats under water and out of sight is by no means new. A young graduate of Yale College, Connecticut, during the Revolution, Mr. Bushnell, committed his own life to one on one occasion. The boat was used, and in one case it hit not the ship aimed at but destroyed a transport somewhere in the rear. Other experiments were afterwards made abroad and here, and it has been a dream of inventors from that time to this day. Perhaps we have found it now; I do not know. I have my serious doubts as to the speed and efficacy of that class of boats. The Senator from New Hampshire will perhaps correct me, for he may have looked at the facts more recently, but I think the Holland boat does not entirely disappear. I observe in the drawings of it a smokestack standing at some distance above the water. That can not be a picture of the boat when it is supposed to be submerged.

Mr. CHANDLER. It can be completely submerged. The tube of which the Senator speaks remains above water for a time, but it can be submerged and the boat, supplied with air for a certain time, can move entirely under water.

Mr. HAWLEY. But how is the escape of gas or air or steam to be kept from the sight of the enemy as it bubbles up? It would be a small volcano.

Mr. CHANDLER. When the boat takes a complete dive and disappears the fires are all put out; it is propelled by compressed air, and the crew breathe from air reservoirs.

Mr. HAWLEY. But the fires can not well be put out without making very serious trouble on board the boat.

Mr. CHANDLER. If the Senator had seen the diagram and heard the explanation he would have found that all the points he is anxious about are carefully covered and with success, as the builders of the boat contend. They are so far solved that we are already paying for the construction of the Holland boat.

Mr. HAWLEY. I make no objection. I hope the thing will succeed. But the other kinds undoubtedly can be built. There is probably no method by which an equal quantity of offensive and defensive force can be so speedily supplied as by the building of these torpedo boats. I think the Senator's amendment is a perfectly wise one, especially after the immense reduction of $12,000,000 by reducing the number of battle ships.

The example of Great Britain in building a navy is not referred to with the idea of commending it entirely to us, for Great Britain's problem is very different from ours. She has an unceasing and eternal policy of aggression, and is also under the necessity of immense expenditures to defend what she has already seized in all quarters of the globe. An enormous fleet, such as she is now struggling to maintain and to create in addition, are a life necessity for her. We are aiming only at a reasonable policy of self-defense, for we do not contemplate aggression upon warlike neighbors or upon peaceful countries for the purpose of possession.

It is instructive as to what the opinion of the wisest men in this matter is as shown by Great Britain. She has 189 torpedo boats in service and is building 62 more. This shows that the nation whose absolute existence depends upon naval power thinks it wise to supply a very large number of these boats. I am willing to vote for at least 20 or 30 now, and for more next year.

Mr. WOLCOTT. Mr. President, I have ceased to be surprised at the scope and character of the amendments which have been made respecting this bill and the suggestions which have been made in connection with it. I therefore failed to be somewhat astounded, as I ordinarily would be, at the indorsement which the Senator from New Hampshire [Mr. CHANDLER] gives to the present Secretary of the Navy. It follows very close upon the indorsement by the Senator from Ohio [Mr. SHERMAN] of the Secretary of the Treasury, and it looks as if we were about to have the spectacle presented of an indorsement by this side of the Chamber of the members of the existing Cabinet and their repudiation by the Senators on the other side.

Mr. HAWLEY. If the Senator will pardon me one remark, in indorsing the policy of the present Secretary of the Navy it is an indorsement of the Republican policy. It was begun years ago under Republican administration.

Mr. WOLCOTT. The amendment suggested by the Senator from New Hampshire certainly seems to me rather curiously prepared. I do not wish to suggest that it has been prepared in undue haste, but it certainly does not seem to me to present an intelligent problem to the Senate. We have a Secretary of the Navy who estimated and recommended 13 additional torpedo boats, 3 to have a maximum speed of 30 miles, 10 without a maximum speed designated, and 2 submarine torpedo boats, if submarine torpedo boats should be a success. The Secretary estimated that the 3 torpedo boats which should have the maximum speed of 30 miles, or practically beyond which, I take it, we can not hope to go as present inventions stand, were to cost $175,000 each. The 10 torpedo boats to be constructed in such manner as to the Department should seem wise were to cost $80,000 each. The 2 additional submarine torpedo boats, if submarine torpedo boats should be a success, were to cost $175,000 each. That makes $1,675,000 for 15 torpedo boats.

Now, the Senator from New Hampshire comes in and yesterday morning he had an amendment to appropriate four and a half million dollars for 30 boats in all, which would add 15. He changed it in the twinkling of an eye yesterday to $4,000,000 for 20 boats altogether, so that, without an estimate, without a careful investigation by any committee here, we are asked to appropriate $2,325,000 for 5 torpedo boats, provided the estimate of the Secretary of the Navy was intelligently made. He wanted 10 boats, to cost $80,000 apiece, to have such speed as he should think best. He wanted 3 torpedo boats that would cost $175,000 each, to have a maximum speed of 30 knots.

Mr. CHANDLER. Will the Senator from Colorado allow me to interrupt him?

Mr. WOLCOTT. Yes.

Mr. CHANDLER. The Senator's mistake is here. The original bill provided for a speed of only 26 knots for the 3 boats. Thirty knots is the proposition proposed to be inserted by the committee.

Mr. WOLCOTT. Very well.

Mr. CHANDLER. The Senator does not wish to do me an injustice——

Mr. WOLCOTT. Oh, certainly not.

Mr. CHANDLER. The point is that the original boats were not sufficiently large and had not sufficient speed, and the additional money is necessary to cover the increase in those respects.

Mr. WOLCOTT. The Senator from New Hampshire knows very well that I do not wish for a moment to misquote him, but he must assume that the Secretary of the Navy knew what he was about; and he wanted 10 boats to cost $80,000 apiece, and he wanted 3 boats to cost $175,000 each; he wanted 2 submarine boats to cost $175,000 each.

Now comes the Senator from New Hampshire, and he says, "We know a great deal better than the Secretary of the Navy what he wants. This is not what he wants at all. What he wants is 20 boats, to build them as he likes." And although the Secretary of the Navy has put himself on record as wanting these boats at this speed, now the Senator from New Hampshire proposes to pour into his lap during this financial condition of our country an additional $2,325,000 with which he is authorized to build 5 additional torpedo boats. I do not wish to stand in the way—there is no Senator on this floor who does—of any legitimate and necessary appropriation. I was very much impressed by the argument of the Senator from Maryland [Mr. GORMAN], who showed us yesterday and the day before that this country is gradually drifting into a condition of insolvency. I was impressed by the warning words on this side of the Chamber that every instinct of patriotism should prompt us to limit the expenses of the Government to its absolute necessities until we have revenue enough to pay its running expenses.

The Senator from New Hampshire says to the Senator from Maryland, "It is true you have made a great saving; you have saved us $10,000,000." We are already spending lavishly. We are building two battle ships, which the Senator from New Hampshire tells us are liable to be run into and sunk any day by torpedo boats. Nevertheless, we are building two, and now we are asked, in the face of our present financial condition, to appropriate $4,000,000 for additional torpedo boats, with seven torpedo

boats now on the stocks and not yet launched. And the Senator from New Hampshire says to the Senator from Maryland, "You have saved us $10,000,000." Now, we will just take out $2,000,000, $4,000,000 in all for torpedo boats; and then the delightful spectacle is presented to the country of the Senator from Maryland having saved us $8,000,000.

If it be a fact that the Government during the present Administration has issued $262,000,000 of its obligations; if it is true, and no Senator on this floor has presumed to deny it, that the Government has run behind in its expenditures over its receipts during this Administration $139,000,000; if it be true, and no Senator has ventured to dispute it, that this country is marching on to the issue of additional bonds and that no power under heaven can stop it, then I ask what spirit of patriotism can animate us if we put upon the necks of the people interest-bearing securities that we may build 20 additional torpedo boats to cruise around our harbors?

Mr. President, if bonds are to be issued year after year what need have we of torpedo boats? Our country will present no glittering attractions to other countries. We will have enough to do to sustain the people, overtaxed and overburdened, who live within our own boundaries. No, Mr. President, our love of display and the spirit of competition will not justify this expenditure, for which the people must pay in added burdens year after year. If any Senator will tell me that every dollar we put into new ships does not mean the absolute certainty of additional bonds saddled on the people of the United States, I shall be glad to sink my individual judgment and to vote for additional boats. But if that be a fact, Mr. President, then I say that every instinct of patriotism as well as every duty of statesmanship requires us to forego something of our national vanity and to let our ships, already creditable, stand as a sufficient Navy until the Government is put back upon a paying basis where its receipts equal its expenditures.

Mr. President, this country is reasonably safe. We have been indulging in great hopes of conquest and, it inevitably follows, the construction of an enormous Navy. It was the theory of this Government that we were strong in peace; that we were a united and a happy and a prosperous people; that we interfered not in the affairs of our neighbors; that we proposed to protect our own integrity and our own autonomy at all hazards and under all circumstances, but that we would not interfere in the concerns of our neighbors. Our ships were to be used for purposes of discovery and for the spread of peaceful commerce. That was the theory upon which our Navy was constructed. Every additional warship, every additional cruiser, every additional battle ship but inspires the natural and inevitable love of competition in the minds of a free and progressive people, and is sure to instill the desire that we engage in some war of conquest or aggression in order that we may show that our ships are as strong and as able and our seamen as brave as those of any other nation whose ships sail the sea.

The unfortunate incident as to Venezuela seems for the moment to promise peaceful solution. The wise policy which the Administration appears to have pursued up to this time has apparently avoided the danger of any immediate collision with Spain. The Maybrick incident revived by a resolution solemnly offered in this Senate calling for her release seems to have passed without threatening danger of war, and under these circumstances it occurs to me that with 2 battle ships appropriated for, 7 torpedo boats on the stocks that have not yet been launched, and a bill reported by the committee containing provision for 15 additional torpedo boats, we can get along without 5 additional torpedo boats which are to require the issuance of Government bonds to the extent of $4,000,000 to pay for them.

Mr. HAWLEY. Mr. President, I think there is no danger that this nation will embark on a policy of aggression and conquest. I do not recall a single person entitled to be called a statesman or ambitious to be a statesman who supposes it to be possible to lead our people into such a course of action. There is no country which we desire to seize and annex. A large part of what we have annexed from foreign countries during our history has been paid for in hard cash, even though we had first whipped the enemy.

But it is absolutely ludicrous to talk about our undertaking a war of aggression against naval powers, either with the Navy we have now or with one that is proposed by anybody. It is because we wish to make a reasonable attempt to guard our own shores, and to be able to repel, to delay, attack by hostile fleets that we desire a Navy, for the Navy is the outer guard that can delay the advance of transports and other ships coming to us until the various forts can be put in the best possible condition of defense.

Just now I say we are shamefully deficient in that which belongs to a nation of our power and with our enormous seacoast. I hear again and again the idea advanced that we are under no necessity whatever of providing ourselves with additional defenses, or that "an expenditure of five or ten or fifteen million dollars is foolishly extravagant." It is said that "nobody wants to attack us. Nobody will make war on us. We are safe. Our defense is in the hearts of the people," as if the heart were not an organ particularly susceptible to injury. The good will, the valor of a million unarmed, untrained men without great guns on the coasts and without fleets are nothing. I repeat, as I have quoted heretofore, what Wellington said, that such a people are only food for cannon. The Senator says are we going on for a series of years with a deficient revenue and continually running in debt and issuing bonds. He seems to contemplate a continuance of Democratic Administration.

Mr. WOLCOTT. No. Let me tell the Senator what I do fear, a continuance of gold monometallism, which is even more disastrous to the country. I should like to ask the Senator while he is on his feet if he knows how many millions this bill appropriates, and if in his opinion additional torpedo boats will not require the issuance and sale of Government bonds to pay for them?

Mr. HAWLEY. I do not know just how soon they may be built or when the Secretary of the Navy may think it wise to avail himself of the power to make the contracts and payments. But if he will make the day of payment some eighteen months hence I have strong hopes that we will have laws that will soon provide a surplus and a reduction of the debts we have already incurred.

The pretense that we are in no danger is provoking and aggravating. You gentlemen know that eighty-four years ago to-day a British admiral and a British general took seats in the House of Representatives and put to a vote before a mob of British soldiers the question whether this harbor of Yankee democracy should not be burned, and the Capitol was burned and many other buildings—indeed, all the prominent offices of the Government. The dockyard was burned to save it from the enemy. The navy-yard was burned, the War Office was burned, the Treasury was burned, the White House was burned, the ropewalk was burned, and various buildings that might be supposed to be useful and many private houses were burned. The "hearts" of the people that were to defend the country ran through this town, as ordered by the general commanding—before firing a shot in the suburbs of the city—and retreated through Washington and Georgetown; and the best that General Winder, in command of the forces, could do was to suggest that they should fill the windows of the Capitol with riflemen, and the others should stand out and shoot a while. But he got scared before the firing and ordered a retreat.

Just where the President of the United States spent that day history does not tell us; but at night his wife, who almost alone of all the people in Washington gained real glory on that day, met him on the shore of the river, where a boat was ready, and it took them over to Virginia. They found a refuge in some country hotel. They abandoned that and hid in the woods. Is it possible for imagination to conceive of deeper national degradation than all that? And yet three or four or five days before the troops were here members of the Cabinet said there was no danger, that Cockburn and his officers were not after Washington, which was a mere provincial village, and that Baltimore was the object of attack.

I do not dwell upon the details. A half hour might profitably be spent in showing the gentlemen who think we are always ready to repulse any enemy how wretchedly and ignominiously we failed then. Four thousand regular troops would have prevented that calamity. We had 6,000 troops here, of whom 2,300 were Maryland militia, and Maryland militia have been capable, after training, of performing some of the most brilliant deeds of valor in the Revolution and afterwards. But the President or the Secretary of War forbade calling them into service before they should appear.

The whole chapter exhibits idiotic management. We shall not repeat it; at least I hope not. We had only 300 regular troops and several hundred of Barney's sailors and marines, who made a gallant defense at one time against the approach of the enemy. Four thousand regular troops, I say, would have saved us that chapter. There were 4,000 against us, many of whom were veterans of Wellington's command.

I forbear to dwell upon it, but I say that the supreme duty of an American Congress is to put the nation in a reasonable condition of defense. By improving the fortifications and enlarging the fleet I know—I say I know it as much as any man can know such a thing—that this Congress will touch the hearts of the American people. They are American all over, in their pride, in their desire that our honor shall be maintained under all circumstances, and the persons who evade our duty—I make no specific charges—but the people who show timidity, who refuse to come up to this popular sentiment, will find that the people of the country are chilled toward them.

Mr. LODGE. Mr. President, I know that the Senator from Colorado [Mr. WOLCOTT], who always desires accurate information, did not mean to mislead the Senate in regard to what he said about the torpedo boats. There are no estimates from the Secretary of the Navy with regard to torpedo boats. Estimates, I think, are never given for propositions of authorization. The Secretary

recommends what he thinks ought to be authorized; but when he requests authorization he does not furnish an estimate. I have his recommendation before me; and, as Senators well know, it is for 2 battle ships and 12 torpedo boats. In the hearing before the House committee the Secretary may have made a statement as to the cost of torpedo boats, but he furnished no estimate. Since the Secretary made that statement—since his report, certainly—the English torpedo boat *Desperate* has reached the high speed of over 30 knots; and it becomes necessary for us to attain with our boats the same high speed. That necessarily increases the expense.

Mr. President, I called attention yesterday to the sudden explosion of economy directed against the Navy. We have passed a good many appropriation bills here. There are millions in the Indian bill for land, and in other bills millions to build public buildings. We have a river and harbor bill here with millions more, not for national defense, but for national improvement and comfort. The river and harbor bill as reported by the Senate committee has been raised a couple of million dollars, I think. I notice an increase of $400,000 for the harbor of Baltimore alone. But the explosion of economy was against the Navy, against the defense of the country, and not against these other less imperative expenditures. We are told that we must not have ships because we shall be obliged to borrow money.

Mr. President, when we were engaged in defending the country in its great struggle for existence we borrowed every dollar for ships and men. National defense has never been placed on the same level with other expenditures; and yet here it is made the one and only subject for economy. Millions after millions go through, and we have to wait until we come to the ships of the American Navy to learn that we must not spend so much money. This great deficit is to be met, how? It is to be met by cutting off 2 battle ships. A deficit of $130,000,000, or whatever it is, as the Senator from Maryland stated it, is to be met by cutting off 5 torpedo boats and 2 battle ships.

As I said yesterday, it seems to me this is the one place where we should never consider economy. All that we need consider, all that the American Congress should regard in dealing with the question of national defense, is what is required for the proper defense of the nation, both by land and by sea. We do not require a great navy for aggression. No one proposes that this country should enter on a career of aggression or of conquest, but we do need a navy and we do need national coast defenses that shall act as a sure guaranty of peace. When the difficulty as to Venezuela was at a crisis in this country some people were crying out that we should not stand up for the rights of the United States because we were not in a position to resist aggression, because New York was not fortified, because we had not ships enough in case England made war upon us; and now the very same people who used that argument against our taking proper American ground in regard to Venezuela come forward and oppose anything looking to a suitable national defense. It is an argument that can not work both ways. But it is used because these people wish us to be defenseless before foreign nations. That is not the way to maintain peace. Proper national defense is the greatest assurance and guaranty of peace that can be made.

But, Mr. President, as the debate has gone on we have got through the apparent economical opposition and come to the real resistance behind it. The economical opposition is not serious. Every Senator realizes, I know, that this is not a point at which to begin to save money. Behind the economical opposition comes the real opposition, resting on the general policy of not allowing the United States to be placed in a position to take the part that she ought to take in all foreign questions affecting her interests. We are going to settle the Venezuelan question, but surely the lesson which that situation taught us should not be lost. We are also told now that there is no danger of war with Spain. I hope and trust not; but let me say that the Cuban question will not down because gentlemen dislike to speak of it. Everyone reads day after day in the newspapers the hideous atrocities going on in that island. They pile up and pile up from disinterested witnesses, and we sit here with folded hands, while having ample strength to put a stop to it, and yet do nothing.

There are many questions outside the borders of the United States affecting us nearly. There are questions of national defense, like the Isthmian Canal, where we must have a naval force to secure the interests of the United States. If we desire, as I believe we all do, that the United States should take a position becoming a great people in international affairs which concern us closely, and should be able to maintain peace in the Western Hemisphere, which I regard as one great duty of this Republic, I think that the best guardian of peace, the greatest assurance of peace, lies in our being sufficiently defended and protected. With our coast properly defended, with a suitable navy, we need never have a war, and we can control the policy of the two Americas with regard to other nations. It is because a strong navy and suitable coast defenses guarantee the peace of the United States that I favor these appropriations.

Mr. President, after voting millions of appropriations in the other bills, here we are disputing over a couple of million dollars to be devoted to the defense of the country. Let me say that however much the people may deplore a deficit caused by the existing revenue laws, however much they may criticise some of the expenditures made by Congress, the American people, with hardly an exception, will never criticise proper appropriations to defend their cities and to build their fleets.

Mr. GORMAN. Mr. President, I have before in the course of my life heard practically the same speeches as those which have been made by the distinguished Senator from Massachusetts [Mr. LODGE] and the distinguished Senator from Connecticut [Mr. HAWLEY]. I have seen the flag waved all around the Capitol and flying over all the works of industry in the country; and the demands for these appropriations as a matter of course constituted the substantial thing behind the flag on all those occasions.

The Senator from Massachusetts is the foremost statesman in this line. By speech at least he is in favor of the most aggressive policy for the United States. He has announced to-day that he wants a navy and an army so strong that we may become the guardian of all the Republics south of us. He complains that we have attempted to enforce economy upon the naval bill, on an appropriation where he seems to think the honor and the interest and the protection of the country are at stake, and he intimates that those of us on this side of the Chamber who are appealing for economy have permitted large appropriations on other bills to pass without a word.

Mr. President, the Senator from Massachusetts is not accurate. He is so absorbed in what is termed the jingo policy that he has failed to look at the Treasury or the condition of the appropriation bills. There has not been an appropriation bill that has passed the Senate so far where the appropriations are not necessary to pay the current expenses of the Government under existing law, with the possible exception of the Indian bill. There is not an item in any of them so far as I know that has passed the Senate that is not absolutely necessary for the support of the Government under present laws. Here is the first opportunity for the exercise of economy, where an expenditure is proposed that is not necessary for the support of the Government. Here is the first proposition to go out of the usual line and to increase the appropriations, to make them greater than they have been made at any time since we began the construction of the Navy. Here is a bill containing $51,000,000 as it came to us to support and maintain the Navy, greater by millions than the amount which we appropriated during President Cleveland's first term, when we had no navy and were about to construct one. At that time it was necessary to be liberal in order to enable the Bethlehem Works to establish their great plant and Mr. Carnegie to establish his near Pittsburg. Then we had not a built-up gun of steel in the United States. We could not make a tube for a 6-inch gun or a shaft for a vessel. We were compelled to go abroad to buy all those necessary things. Yet, in building up that magnificent structure, which we created under Harrison's Administration and under Cleveland's Administration, no Secretary of the Navy, no President of the United States, and no man who felt his responsibility to the taxpayers of the Union ever suggested such an appropriation as is contained in the pending bill.

The Senator from Massachusetts complains that we begin to exercise economy here. Here is the first great extravagance that has occurred in this Congress. Here is the first great useless appropriation which has been attempted to be made, running far in advance of the requirements of the country.

The Senator from New Hampshire [Mr. CHANDLER] twits us on this side with the fact, or rather intimates, that there is a Secretary of the Navy who is not of his party whom we criticise, and that we want to limit him as to what he should do with the $4,000,000. I know how sensitive the Secretary of the Navy is upon this point. I know he feels as if he has been too carefully dealt with. I know personally that he has resented the same course which I pursued a year ago as to the limitation of his power in the amount of money to be expended by him. Weak men, Mr. President, always want power; weak men always want to have both money and men at their command and to deal with them as in their opinion may seem proper. I have dealt, so far as I am concerned, I want to say to the Senator from New Hampshire, with this Secretary of the Navy precisely as I dealt with Mr. Whitney when he was Secretary of the Navy and with Mr. Tracy when he was the Republican Secretary of the Navy. There never was an item of appropriation as to which Congress did not determine how much money he should spend for a cruiser or a battle ship. We limited the amount, as we ought to limit it, as to all these items. We limited the amount he was to expend for armor and for guns; we limited the number of men he was to command and to have in service. I have applied this same rule to the present Secretary of the Navy, observing his opposition to that policy with regret, with great regret; for personally I have a high regard for him, he having served upon the Appropriations Committee when he was in

the other House. As to his integrity and honesty of purpose I never have had a doubt; but I recognize that when placed in that high position because of the success of the Democratic party, under the rule which has governed that party in its councils in Congress, and in its action as to the Executive branch, there must be some limitation, always a strict limitation, upon the amount of money placed in the hands of any public officer for expenditure.

Mr. GEORGE. Will the Senator allow me to ask him a question?

Mr. GORMAN. With great pleasure.

Mr. GEORGE. I want to know if the Secretary of the Navy has complained that a greater restraint has been placed on him than has been placed upon other Secretaries of the Navy heretofore?

Mr. GORMAN. Yes; to an extent that is true. He has in a statement before the Committee on Appropriations on this very item asked Congress to give him a lump appropriation to do as he pleased with, without regard to the types of torpedo boats to be constructed. I say to my distinguished friend from Mississippi that one year ago, when I stood in this Chamber trying to limit the appropriations on account of the Navy, and when we had succeeded in doing it, in striking off one battle ship, and limiting the other appropriations for the construction of guns in the navy-yards, I had every reason to believe that the Secretary himself, or his assistant, by means of the newspapers, denounced me personally for it. It may have been because some of the officers of the Administration at that time were supposed to be trying to affect the elections in Maryland, that that was the motive for doing it; but the fact remains that no such criticism, to my knowledge, of the action of Senators in attempting to limit appropriations and reduce expenditures has ever occurred under any previous Administration.

Now, we find the spectacle of our friends on the other side of this Chamber, the distinguished Senator from Connecticut [Mr. HAWLEY] and the distinguished Senators from Massachusetts [Mr. LODGE] and from New Hampshire [Mr. CHANDLER], coming here to pour out the public treasure and put in the hands of the Secretary of the Navy the amount of $4,000,000, without a limit as to what he shall expend on either one of the boats. I should oppose it whether he were a Democratic or a Republican Secretary of the Navy.

The only time an act of the sort has been done of which I know since I have had the honor of a seat on this floor was when Secretary Tracy came in the last hours of a session and said to the committees, "It is necessary to give me $1,000,000 to enable me to use nickel in the manufacture of steel." There were circumstances connected with that transaction which did not confine his negotiations to our own country; and, as in the case where an appropriation is made for the State Department for foreign purposes, no question was then raised regarding it; but Congress afterwards required and had from the Secretary of the Navy an account of what he did with that million dollars. Otherwise we have limited every Secretary in his expenditures, providing that this vessel should cost so much, or not more than so much, and the other vessel so much, and that the types of boats should be such and such.

What is the reason for it, Mr. President? It is because the naval board of the Navy Department and the great naval officers—for they are great—deserve the thanks of the people of the Union for the skill and enterprise and honesty with which they have conducted that Department. There is a contest between the branches of this service now as to the types of these vessels, and while I am talking a naval board is considering what changes should be made in the plans for the construction of the vessels provided for by this bill. It was only at the last session of Congress that the distinguished Senator from Maine [Mr. HALE], in charge of a similar bill, myself, and others in the Senate had inserted a clause, without the recommendation of the Secretary of the Navy and that of the skillful constructors of the Navy, to substitute for these great vessels six composite boats, with sail and with steam, and whilst there was opposition to it by the head of the Navy and whilst some of the bureaus disagreed to it, I venture to say that the action of the National Congress in that matter will save the Government millions of dollars. There is no controversy now as to the wisdom of that action. That was a limitation against the opinion of the head of the Department and against that of the constructors and the great naval officers who sail these ships. The result is that these vessels can be sent to all the coasts south of us, wherever you please, to look after our commerce. They are not vessels of war in the sense of great battle ships, but they can be sailed cheaply and will enable the young men from Annapolis to go on board of them and learn the art of running a vessel under sail without steam power, so that if we capture in time of war a vessel of commerce with sail they can understand the matter of navigation. They were cheap in construction, they are cheap in the cost of maintenance, and will protect our commerce and carry our flag wherever we desire.

The Senator from New Hampshire, when he intimates that there is a desire on my part or, so far as I know, on the part of anybody on this side of the Chamber, to unduly hamper this Secretary of the Navy, or if he thinks so, it is not true. We have placed the same limitations upon his predecessors. Congress has been more liberal with this Secretary of the Navy than with any of his predecessors. He has had the opportunity to make greater contracts and build more ships. Whether he has in all these cases acted wisely remains to be seen. I hope he has. I believe he has been as honest as any of his predecessors.

Mr. SQUIRE. I wish to suggest to the Senator from Maryland that the first question is as to whether this Government desires to have torpedo boats and torpedo destroyers built on a scale compatible with the pretensions of our Government as to its present and prospective naval organization. If that is to be done, then we should exercise proper discretion in doing it.

It appears that the new conditions which exist in great foreign navies, such as the English navy, are now so clear in respect to the character of torpedo-boat destroyers and of the superior class of torpedo boats that we have to meet them, and it is not clear yet at what prices torpedo-boat destroyers having a speed of 30 knots can be constructed in this country. We all saw the statement made by Mr. Jaques in his letter to the Senator from Connecticut [Mr. HAWLEY], which was quoted by the Senator from New Hampshire [Mr. CHANDLER], as to the cost of these new torpedo-boat destroyers and the new torpedo boats in England. We all realize that we can not construct vessels in the United States so cheaply as they can be constructed in England, where the trade of building this class of vessels has been learned, where the Thornycrofts and that class of people are engaged and have been engaged for many years in constructing a superior class of vessels of the torpedo order.

It appears to me that this Congress should allow the Secretary of the Navy some latitude, some discretion. You do that in regard to your battle ships. As was explained the other day, the amount proposed to be appropriated, $3,750,000, was not necessarily all to be used, but it was to be the extreme limit of cost. Perhaps there might be saved $200,000 or $300,000 of that amount, as was the case with the ships contracted to be built at Newport News, and it may be the same as regards these torpedo boats. But in the present condition of the art of constructing torpedo boats, there never having been a single one of the torpedo-boat destroyers constructed or contracted for in this country; there never having been a boat built for torpedo purposes having a record speed of over 24 knots; there never having been one contracted for by the Navy Department upon the plans and specifications of the Department requiring a speed of over 26 knots, and even in the case of the Herreshoff contract, in which that firm has such a large liberty as to drawings and plans, there being a guaranty of only 27½ knots—I say under these circumstances it is right and proper to give to the Secretary of the Navy some discretionary authority, so that if needful to pay $300,000 for a 30-knot torpedo-boat destroyer he can do so under the law.

Mr. GORMAN. Mr. President, I agree, of course, that whenever the torpedo boats are ordered that is the effect. The amendment of the Committee on Appropriations limits the amount; but we say to the Secretary of the Navy, "You may construct three of a certain class and the cost per boat shall not exceed a given sum;" and the sum given is more than the Secretary himself estimates. So it is with every other appropriation for every class of vessels contained in this bill.

I am not going to detain the Senate but for a moment. The Senator from Connecticut says we shall have money enough later on; that a year from now we shall probably have another law providing revenue sufficient to support the Government. Mr. President, we have never had a law from the date of the passage of the McKinley bill until now which has given the Government enough money to pay its current expenses and to meet the extraordinary appropriations which have been made by Congress.

I said a few days ago that the Republican party, in control of the other branch of Congress and of the machinery, so far as the committees are concerned, of this body, have permitted these appropriation bills to stand as they came to us, and increased them by inserting items in addition to what we were bound to place upon them for the current expenses of the Government, thereby laying the foundation for and making further increased taxation absolutely necessary, not to meet the deficit of $30,000,000 caused by the decision of the Supreme Court in striking from the last tariff act the tax on incomes, but an increased levy of from sixty to one hundred million dollars a year necessary on account of these extravagant appropriations. When I made the statement as to the amount going out of the Government, which is a charge against the $170,000,000 which is in the Treasury, it was questioned, and it was supposed that possibly I had gone too far. So as to be perfectly accurate about it I have gone to the fountain head to ascertain just what that balance is, and I am certain it will astonish every Senator here when it is stated. On the 1st day of January of this year, just past, without taking into

account the $100,000,000 which is due the sinking fund, if it had been kept up from Harrison's time down to now at the rate of forty-nine to fifty million dollars—leaving that matter as not necessary to be accounted for—I will read the balances that have been appropriated for, which are charges upon the Government and which will come against it at some time. I stated a portion of it may lapse into the Treasury, but only a comparatively small amount. Here is the statement:

Statement of balances of appropriations and expenditures (not including the sinking fund) on January 1, 1896.

Civil establishment	$55,598,491
Military establishment	39,594,500
Naval establishment	20,692,236
Indian service	38,676,361
Pensions	105,108,738
Grand total	258,450,326

Mr. GEORGE. On the 1st day of January?

Mr. GORMAN. On the 1st day of January, 1896.

Mr. GEORGE. What was the balance in the Treasury then?

Mr. GORMAN. About $160,000,000, as I recall it. I have not the figures before me, but it was, I think, less than $150,000,000 at that time. It is between $160,000,000 and $170,000,000 now.

Mr. President, part of that money will never be paid out. Part of it is the Indian trust fund, which will be held and the interest paid upon it, and a portion of it on account of pensions will probably never be paid out; but I say, beyond peradventure, $160,000,000 of it must sooner or later go out of the Treasury, whatever may be its condition. Add to that the appropriations we are making here of $520,000,000, with only an estimated revenue of $450,000,000, and then $84,000,000 of contracts, and I leave it to Senators to determine whether or not it is wise to make this appropriation at this time. If you do make it, I can predict that the statement of the Senator from Connecticut will be more than verified, that one year from now you must tax the people of this country $100,000,000 a year in addition to that which they are now paying or issue more Government bonds.

Mr. CALL. Mr. President——

Mr. CHANDLER. Will the Senator from Florida allow me to make a suggestion before he goes on?

Mr. CALL. Certainly.

Mr. CHANDLER. It has been agreed that at 2 o'clock we should proceed under the five-minute rule. Fifteen minutes have been accorded to my colleague [Mr. GALLINGER] to speak upon a special subject, and it has also been agreed that we should close this bill to-day. Mr. President, I hope that Senators will confine themselves hereafter, as far as possible, to the discussion of the particular amendments which may be pending to the bill; otherwise we shall find ourselves lacking in time and heavily burdened at the close of the day.

Mr. HALE. Let me suggest, as the Senator from New Hampshire [Mr. GALLINGER] has a special interest in his amendment, that the pending amendment be laid aside temporarily, and then the Senator can introduce his amendment and make his fifteen-minute speech upon it. Then, if we can get a vote upon his amendment, we will get it or debate will go on under the five-minute rule after that. That will enable the Senator from New Hampshire, who last night waived his objection to the unanimous agreement, to get the fifteen minutes he desires, as I said to him that I would try to get him the opportunity to speak before 2 o'clock. That will give any Senator the opportunity afterwards of speaking under the five-minute rule.

The PRESIDING OFFICER (Mr. HILL in the chair). Is that agreeable to the Senator from Florida?

Mr. CALL. I have but very few words to say, and then I will yield to the Senator from New Hampshire. What I have to say will not cause him any serious delay, probably not more than five minutes.

The PRESIDING OFFICER. The Senator from Florida [Mr. CALL] has the floor.

Mr. HALE. Of course I can not take the Senator from the floor.

Mr. CHANDLER. I suggest to the Senator from Maine that my colleague go on after the Senator from Florida finishes.

Mr. CALL. If the Senator from Maine thinks it is very important to have his fifteen minutes I will accord it to him.

Mr. HALE. It is not I. I do not want it. It is the Senator from New Hampshire.

Mr. CALL. Or the Senator from New Hampshire.

Mr. HALE. I would like the Senator from New Hampshire to have an opportunity of making his remarks, as I promised it last night.

Mr. CALL. I will yield to the Senator from New Hampshire for fifteen minutes. It is understood that I shall have the floor again, is it not?

The PRESIDING OFFICER. The Chair so understands.

Mr. GALLINGER. I submit the amendment which I send to the desk, and ask to have it read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 19, on page 21, it is proposed to insert:

Dry dock, Portsmouth, N. H.: For construction of a dry dock at the Portsmouth Navy-Yard of such size, design, and material as may be determined by the Secretary of the Navy, $600,000, $100,000 of which shall be immediately available.

Mr. GALLINGER. Mr. President, the amendment that I have offered is in these words:

For construction of a dry dock at the Portsmouth Navy-Yard, of such size, design, and material as may be determined by the Secretary of the Navy, $600,000, of which $100,000 shall be immediately available.

To that amendment I desire to speak briefly.

Mr. President, I have listened attentively to the discussion concerning the building of battle ships, and while I have always cheerfully voted for liberal appropriations for increasing the Navy I am strongly of the opinion that it is of far greater consequence that we have additional dry docks than additional battle ships. The bill we are considering, as it came from the House of Representatives, provides for four new battle ships, the cost of which will be about $25,000,000. The Senate has voted to reduce the number to two; but he would be a rash man indeed who flattered himself that the amendment will be adhered to in conference. These large appropriations are being made for battle ships in face of the fact that there are only three dry docks in the entire country in which our largest vessels can be accommodated. The simple statement of that fact ought to be sufficient to turn the attention of Congress in the direction of making liberal appropriations for the immediate construction of one or more modern docks of sufficient capacity to meet the requirements of the largest vessels of our Navy. Believing this, I propose to make a brief appeal for the construction of a dock at the Portsmouth Navy-Yard, the most northerly naval station on the Atlantic coast. Such a dock will cost only about one-tenth that of a modern battle ship, and yet in this bill it is proposed to appropriate money for four huge battle ships, while no provision is made for the building of a dry dock in any part of the country.

Mr. President, twice or three times since I have been a member of this body an amendment providing for the construction of a dry dock at the Portsmouth Navy-Yard has been added by the Senate to a similar bill to the one now under consideration only to meet a *coup de grâce* at the hands of the conference committee, and now it is suggested that the amendment which I have just offered will be ruled out on a point of order. It is quite as well that it should be disposed of in that way as to be killed by the Senate conferees tamely agreeing to drop it from the bill in conference; so that it really matters little to me how it is disposed of if, as I understand, the Committee on Naval Affairs and the Committee on Appropriations have determined that no appropriations for new dry docks shall be made this year.

This determination I greatly regret, believing, as I do, that every consideration of wise public policy demands that a modern dry dock be immediately constructed at the Portsmouth Navy-Yard. It strikes me that there is no excuse for longer delaying this work; the only reason for which that I have heard advanced, except that the Treasury is practically bankrupt, being that as certain other points are clamoring for appropriations for the same purpose, there must be an adjustment of the rival claims before anything can be done for any one of them. This argument if persisted in will inevitably result in the abandonment of Portsmouth as a naval station, as it is quite improbable that an agreement outside of Congress will ever be reached as to where dry docks shall be located. For instance, our neighboring State of Massachusetts not only asks and will receive a million and a quarter of dollars or thereabouts to improve the harbor of Boston, but she also insists that the Portsmouth Navy-Yard shall be neglected until a large sum of money shall be expended on the dry dock at Charlestown. New Hampshire approves of and will aid to secure the appropriation for Boston Harbor, but New Hampshire will never agree that the Charlestown Navy-Yard shall be built up by appropriations from the public Treasury at the expense of the Portsmouth Yard.

Mr. President, on the 21st day of January, 1892, I spoke at considerable length on the subject of a dry dock at Portsmouth, dwelling especially on the fact that the old floating dry dock at that station, which was built in 1851, was going to decay, and that it ought to be replaced by a modern dock. To-day I will briefly give the reasons why this much-needed improvement should be provided for at once, and be built at the earliest possible day. Well did the Portsmouth Daily Evening Post of March 24, 1892, editorially say, and I commend the utterance to my associates here to-day:

There is here no natural obstacle to the fulfillment of every requirement of a first-class yard, while there are scores of reasons why it should rank, in extent and quality of equipment, with the best in the land. It is landlocked, and approached through a capacious harbor of refuge. It has an inshore depth of water at all points, and at all tides and seasons, wherein any ship in the world may ride at will. Its waters have never frozen and are freer from destructive effect upon wood or metal than any other maritime waters in the world.

It is the northermost naval station on the Atlantic Coast; its climate has restored to health the most pronounced invalid and crushed out infection from fever-laden ships from southern stations times without number. Its mechanics are among the first in the land, and their handiwork has challenged and does challenge that of the civilized world.

It stands to-day a monumental interrogation point before the honorable Senators and Representatives in Congress assembled, demanding a recognition of its unparalleled advantages.

Mr. President, the question of providing sufficient docking facilities for the ships of our new Navy is one which has not received anything like the attention and consideration which would seem necessary when its vital importance is fully understood. We have built during the last twelve years, or have in process of construction, counting all classes, large and small, excepting tugboats, 61 vessels, and only six docks have been built to provide for their necessary repair and preservation, and the four docks (not counting the old floating dock at Portsmouth) which we possessed previous to that time are only available for the smaller classes of our modern ships. All of these ships, except the six small gunboats recently contracted for, have unsheathed steel bottoms, and it is absolutely necessary for their preservation that they shall be docked for cleaning and painting at stated intervals, besides which it frequently becomes necessary to make repairs to the under-water portions of ships, thus occupying the docks for considerable periods of time to the exclusion of other ships which may need cleaning and painting only.

All maritime nations in modern times have recognized this necessity. England and France, with their limited coast line, possess, respectively, 43 and 34 dry docks, and both nations are constantly adding to the number. There are now completed at the Portsmouth (England) dock yard 18 docks, and several more are in process of construction or projected. They range from 200 to 650 feet in length, and some of them are capable of accommodating ships drawing 40 feet of water—a contingency which may easily arise in the case of ships damaged in action. Only two of our naval stations are provided with more than one dock—Norfolk having two and New York three, one of which is still uncompleted. One of our important naval stations has no docking facilities at all worthy of the name, for the antiquated wooden-balance dock at Portsmouth is long past its usefulness, and, while it was large enough for the majority of the ships of its day, it would accommodate very few of our modern ships, even if it were serviceable. Considering the natural advantages which this station possesses for the construction of basin docks, it seems strange indeed that the construction of one at least has yet to be authorized. An old waterway exists between the two portions of the yard, which is too shallow to float any ships in its present condition and has to be bridged over for communication. This could be closed and the entire length of it occupied by basin docks. The existing channel would largely reduce the amount and cost of excavation necessary, and there would be ample depth of water at the entrance to accommodate the largest ships.

The Portsmouth Yard is the oldest of our building naval stations. Its natural advantages for this purpose attracted attention almost with the first settlement of the country, and as early as 1690 the frigate *Falkland*, of 54 guns, was built here for the British navy. The sloop of war *Bedford* followed in 1697, and the frigate *America* in 1749. At the breaking out of the Revolutionary war the site of the present navy-yard was tendered to the Continental Congress by its owner for naval purposes, and as early as March, 1776, the construction was commenced of the frigate *Raleigh*, of 32 guns. So rapidly was the work carried on that she was launched on the 21st of May, in just sixty days from the time her keel was laid. She was built under the act of Congress of December 13, 1775, authorizing the building of "13 sail of cruisers," and she rendered distinguished and brilliant service during the naval operations of the Revolutionary war. The next ship built here was the sloop of war *Ranger*, which was probably the first ship which bore the new national ensign to Europe. The next ship to be built here was the 74-gun ship *America*, which was, in her time, the heaviest ship yet laid down on the continent after which she was named. She was presented to the French Government before she was launched as a token of gratitude, to replace the French 74-gun ship *Magnifique*, which was lost by an accident in Boston Harbor.

The site of the navy-yard was purchased by the Government for naval purposes October 1, 1800, and work was at once commenced on its development. The first commandant was Capt. Isaac Hull, who took command of the navy-yard April 3, 1813. In March, 1814, the keel of the 74-gun ship *Washington* was laid here, the port being closely blockaded by the British at the time. She was launched in July, 1815, shortly after the conclusion of peace. From this time until the 14th of June, 1839, when the sloop of war *Preble* was launched from the new ship house, little of any importance was done in the way of shipbuilding, but preparations in the way of facilities for future shipbuilding were actively under way and began to show a result. The *Preble*, which did good service until she was burned by the Confederates at Pensacola, was followed immediately by the frigate *Congress*, the keel of which ship was laid August 16, 1841. This was a fine ship of 1,867 tons; 190 feet long by 50 feet beam; a very large ship for her day. She had a fine record, having made six long cruises in most of the waters of the world between 1842 and 1859. Her career was ended in Hampton Roads March 8, 1862, when she was burned in action with the Confederate ironclad *Merrimac*. The sloop of war *Portsmouth*, a fine ship, which was in service until very recently, was built and launched here in 1843. The first steam vessel built at the yard was the side-wheel steamer *Saranac*, the keel of which ship was laid in May, 1847. She was in active service throughout the civil war, and was finally sunk June 1, 1875, by striking a sunken rock near Vancouvers Island. The keel of the steam frigate *Franklin* was laid in 1855, and the old *Mohican* was launched in February of the same year. In 1861 the *Kearsarge* and *Ossipee* were built here, the former being launched October 5, 1861. She sailed from the yard on her first cruise February 5, 1862, having been fitted out to search for and destroy the Confederate cruiser *Alabama*, which duty she finally performed more than two years later.

During the war the yard was very active, and the list of ships built and fitted out there is a long one. In the years following the war little was done, as at other places. The nation was resting. On the 14th of August, 1870, Admiral Farragut, who was visiting the commandant of the yard, died there. In 1873 work was resumed by the construction of the *Enterprise* and *Essex*, but the long building record of the yard closed with them, for no ship has been launched there since, though many have been repaired and refitted. Why the superb facilities of this station have been neglected is a question hard to solve. With a harbor among the best, having water enough for the deepest ships and being never closed by ice, a climate favorable to work at all times of the year, surrounded by a population famed for mechanical ability of the highest order, and with a past shipbuilding record second to none, it would seem as though all the elements existed for the establishment of a great naval station, and it is to be hoped that the nation's opportunity in this regard will not much longer be neglected. But whether shipbuilding is resumed there or not, ship repairing is carried on there, and a suitable dry dock is urgently needed. The old dock has served its purpose and repaid its cost. It was suited to its day, but its day is past.

It should be borne in mind that when the emergency comes the nation will need dry docks and that badly. The lack of them in an emergency will cost us more than the construction of a hundred docks, and in no place can a dock do better service and be more economically constructed than in the time-honored Portsmouth Navy-Yard, for it must be remembered that in event of war the larger portion of our fleet would be concentrated on the coast from Virginia to Maine, the territory embracing all the larger cities, which would become the objective point of the enemy. Dry docks are therefore necessary in the vicinity in order that vessels can be immediately repaired.

In this connection I wish to refer to the opinion of Chief Constructor Philip Hichborn, United States Navy, as contained in his report for the year 1895. He says:

From past experience it is fully realized that steel ships must be frequently docked in order that their bottom plating may be preserved from deterioration, and that the rapid fouling of the bottom may not entail a wasteful expenditure of coal to maintain a moderate rate of speed. But on account of docks being occupied for a long time by vessels under repair, it is sometimes impracticable to dock our cruising vessels as promptly as experience has shown to be advisable.

If such a condition confronts a Department in time of peace, it is easily realized how serious a defect it would prove in time of war, when the casualties of battle and necessity for keeping the bottoms of vessels in such condition that they might develop their highest speed would largely increase the demands on our docking facilities.

The navy-yard at Portsmouth, N. H., is especially lacking in docking facilities, and at the present time is the only Government shipbuilding or repair establishment which is not provided with a properly equipped dry dock. In the opinion of this Bureau this is a serious deficiency and should be rectified at an early date. The balanced floating dock at this station has been in service for nearly half a century, and is now not only obsolete, but in such a condition as to make it inadvisable to use it in docking a vessel of even moderate displacement.

There are unusual natural advantages of location at this yard which would greatly reduce the cost of construction of a dock, and the machinery plant in the construction and repair department has been enlarged and modernized, so that all ordinary repairs of steel vessels can now be satisfactorily executed.

The climatic advantages of this station deserve serious consideration in fitting out or repairing vessels which have had a long tour of duty in southern or tropical waters and constitute another argument for the proper equipment of this yard for making all ordinary repairs due to the wear and tear and casualties.

For the above reasons the attention of the Department is respectfully invited to the necessity of providing adequate docking facilities at the Portsmouth (N. H.) Navy-Yard.

Although all the other Government shipbuilding and repair yards are provided with at least one dry dock, they are hardly equal to the present necessities of the service, and must surely prove inadequate to meet the rapidly increasing demands of the fleet—taking account of the vessels in reserve as well as those in active service.

The Bureau is much impressed with the needs of the service in this most important element in the efficiency of our Navy, and begs to urge upon the Department the necessity for immediate action.

That opinion of Constructor Hichborn, admittedly one of the ablest naval officers of the Government, is in the same line of the

recommendation of Commodore N. H. Farquhar, Chief of the Bureau of Yards and Docks, in his report to the Secretary of the Navy, October 14, 1891, in which he spoke of the dock at the Portsmouth yard as follows:

The balance dry dock at this station requires extensive repairs. It is of wood and has been in constant use for forty years, but as its capacity is not beyond 3,500 tons it is useless for the larger vessels, and therefore I do not recommend that a large sum be expended upon its repairs. If this yard is to be maintained a new dry dock is required. It is believed that by taking advantage of the channel the bottom and sides of which are between the two islands which compose this yard, closing one end and putting a gate at the other, with the necessary pumping machinery, a stone dock capable of docking the largest ships will be obtained at a comparatively small outlay. As this yard with its fine climate is a sanitarium for ships to go after a cruise in the tropics to refit, it is recommended that steps be taken to construct this dock by appropriating $100,000 to commence.

UNITED STATES NAVY YARD, PORTSMOUTH, N. H.

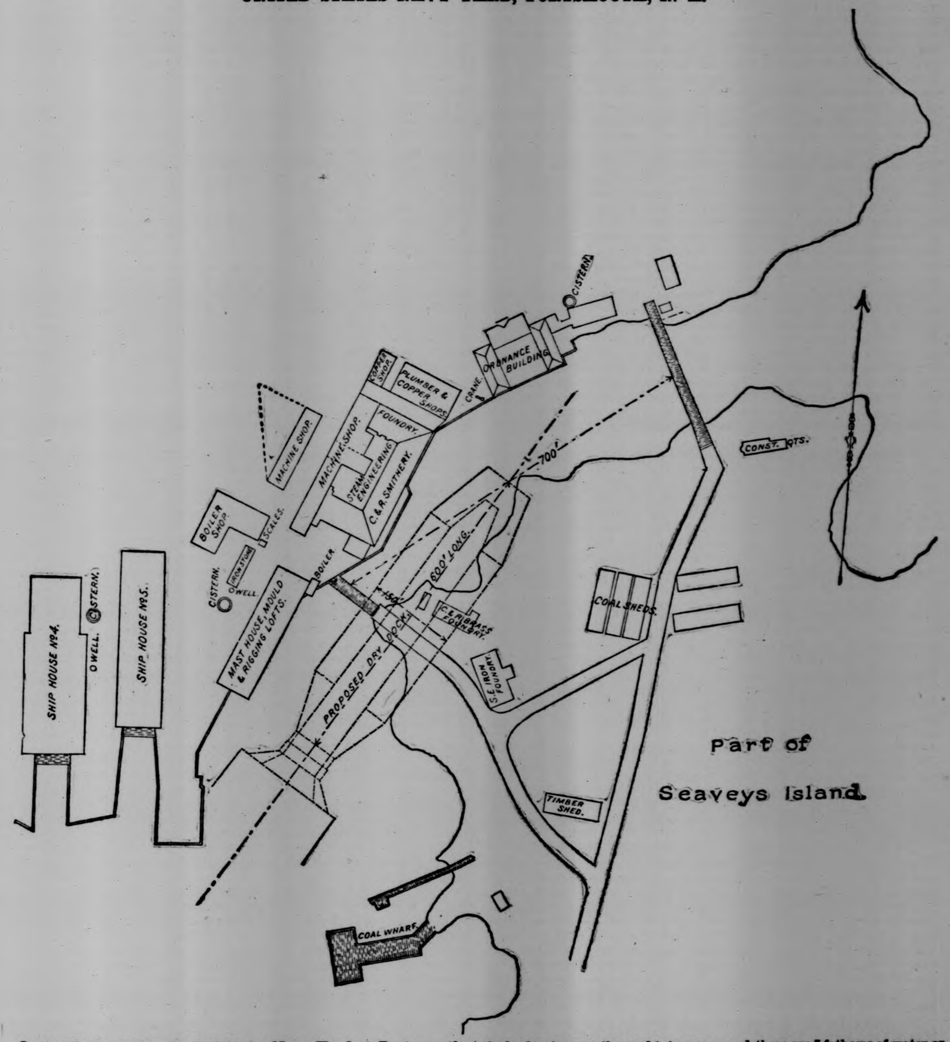

In the History of the United States Navy-Yard at Portsmouth, N. H., by Rear-Admiral George Henry Preble, it is related that in 1782, toward the close of the war of the Revolution, the Marquis of Chastellux, who was then visiting Portsmouth, noted in his journal the following:

There is every appearance of its [i. e., Portsmouth] becoming to New England what the other Portsmouth is to the old; that is to say, that this place will be made choice of as the depot of the Continental marine. The access to the harbor is easy; the road is immense, and there are 7 fathoms of water as far up as 2 miles above the town; add to this that, notwithstanding its northern situation, the harbor of Portsmouth is never frozen, an advantage arising from the rapidity of its current.

One hundred and fourteen years have come and gone since that was written, and note the sequel. Portsmouth in Old England has 18 dry docks, with more in process of construction, while Portsmouth in New England is begging for an appropriation for

a single dock, which is persistently, if not contemptuously, denied to her!

Mr. President, I need not say much more. Congress has heretofore been deaf to the pleas that have been made in behalf of Portsmouth, and the indications are that Congress will be equally deaf to-day. It may be that there will be an awakened interest some time in this historic old town, and that its advantages as a naval station will again attract the attention of our legislators. If any word that I have ever uttered will contribute to that result I will be content, as I am still hopeful that I may live to see the time when New Hampshire's only seaport will again receive the fostering care of the Government, to the end that her mechanics may be employed and the unsurpassed facilities of her navy-yard be utilized in the great and necessarily increasing work of ship repairing and shipbuilding. In my judgment we can not afford to do otherwise than build up this important station, the first requisite of which is a first-class modern dry dock.

In conclusion, let me recapitulate, even at the risk of repetition:

1. The largest and deepest dry dock on the eastern coast of the United States ought to be at Portsmouth, for the depth of water at the entrance to the dock would be no less than 5½ fathoms (33 feet) at low water, and at any other place in its approaches not less than 6½ fathoms, with an average rise of tide of about 8 feet; and there is no bar to delay the entrance of a deep-draft ship at any time. This might be of vital importance in time of war, for a difference of five or six hours might prevent the sinking of one of our battle ships when wounded, if it could be placed in dock immediately.

2. This yard is the only Government shipbuilding and repair establishment which is not provided with a properly equipped dry dock. This is a serious deficiency, and should be rectified at once. The floating dock at this station is nearly fifty years old, and is only safe for a vessel of about 1,200 tons displacement, and it would be of no use for any of our large new vessels.

3. From its geographical situation it would be an important point in a defensive war with another nation possessing a stronger fleet than our own, and every means for quick repairs should be provided there, as well as means of defense to make it a harbor of refuge.

4. There are natural advantages of location there which would reduce the cost of construction. The excavation for the dock is partly made, and the débris excavated could be utilized in filling up the rest of the channel near the dock to make the necessary roadways, instead of carting it away to a distance.

5. The foundation is rock and would never be subjected to the danger of sinking from insecure foundations.

6. The machinery plant in the construction and repair department has been enlarged and modernized, so that all ordinary repairs to steel vessels can be properly executed.

7. The climatic advantages of this station deserve consideration in fitting out or repairing vessels which have had tours of duty in tropical waters or which might unfortunately be stricken with yellow fever. An epidemic could much more easily be managed at Portsmouth than in one of our large cities like Boston, New York, Philadelphia, or Norfolk.

8. One of our largest vessels if chased by an enemy's fleet could enter the lower harbor at any time, while at New York or Boston it might be delayed at the entrance of the harbor by lack of water, and while so waiting be captured.

9. Portsmouth can be entered at all seasons of the year, while all of the other navy-yards, down to and including Norfolk, may be closed by ice, but Portsmouth never is so closed.

10. At all the other navy-yards it is necessary to dock large vessels at about the point of high water; at Portsmouth a dock could be constructed to dock vessels at half tide or with less water even than that.

Mr. President, New Hampshire gets practically nothing out of the vast sums distributed throughout the country by the river and harbor bill. The ten millions directly appropriated and the sixty millions prospectively appropriated in the river and harbor bill of this Congress will go elsewhere than to New Hampshire. Of this we do not complain. We have few streams to improve, but we have a harbor—one of the best in the world—for which we plead, and for which we have pleaded in vain for many long years. Can it be that a plant that has cost $4,000,000 will be permitted to go to decay for want of an appropriation smaller than is frequently made for a public building in some city of the country?

My colleague and I recently made a visit to the Portsmouth Navy-Yard and carefully inspected the plant, taking especial pains to examine the site for the proposed dry dock. As a result of our examination, and believing that it will be valuable for future reference, we have had a diagram made of Portsmouth Harbor, showing the location of the contemplated dock and its surroundings, which, in the absence of objection, I will have inserted in the RECORD in connection with my remarks.

Mr. President, I trust that the point of order will not be made against the amendment, but that it will be allowed to become a part of the bill, and that the Senate conferees may see their way clear to insist that it shall remain, to the end that this long-delayed and much-needed improvement may be speedily undertaken. Let us give Portsmouth a dry dock this year, and in the near future Charlestown and Algiers can be provided for. This is a plain business proposition which ought to commend itself to every member of this honorable body.

Mr. CHANDLER. Mr. President——

Mr. COCKRELL. I wish to raise a question of order upon the amendment unless the Senator from New Hampshire desires to discuss it.

Mr. CHANDLER. I wish to say a word on the pending amendment.

Mr. COCKRELL. I reserve the right to make a point of order on the amendment.

Mr. CHANDLER. I desire to say that I concur fully in all that has been said by my colleague [Mr. GALLINGER] in behalf of an appropriation for a dry dock at Portsmouth, N. H. I thank my colleague for having so carefully investigated the question and for the full and complete and, as I think, conclusive exposition which he has made.

I regret, Mr. President, that a controversy between localities as to the erection at those localities of additional dry docks and an assumed necessity growing out of the condition of the Treasury are likely to prevent an appropriation for a dock at the Portsmouth yard at the present session. I hope that at no very distant period an appropriation may be made and the Portsmouth yard may be given a dock which will make that yard one of the finest and best yards in the world.

I ask that there may be inserted in my remarks the joint resolution of the city councils of the city of Portsmouth, passed on the 26th day of March, 1896, setting out the desire of Portsmouth for the construction of a dock and the advantages to the public to be gained by such construction.

The PRESIDING OFFICER (Mr. PASCO in the chair). In the absence of objection, the paper will be inserted in the RECORD.

The paper referred to is as follows:

In the year 1896. Joint resolution of the city councils of the city of Portsmouth.

Whereas Portsmouth Harbor and the Piscataqua River seem to have been designed and created by nature for the purpose of commerce, navigation, and as a birthplace for a mighty navy; and

Whereas, by the entire freedom, even in the severest winters, from ice which the Piscataqua River and Portsmouth Harbor enjoy, free ingress to and egress from said harbor and river are to be had at all seasons of the year; and

Whereas said river and harbor are broad, deep, safely navigable, and afford ample shelter for a large fleet of battle ships, where the anchorage and holding grounds are perfect; and

Whereas the water in the harbor and in the river to the United States navy-yard at Kittery, and for miles in the river above the navy-yard, is deep enough, at every stage of the tide and at all seasons of the year, to float the largest ships ever constructed: It is therefore

Resolved by the city councils of the city of Portsmouth, That the Senators and Representatives representing the State of New Hampshire in the national Congress be, and hereby are, invited and requested to use their utmost influence to secure the passage of the bill now pending appropriating a sum of money for the construction, by the Government of the United States, of a dry dock at the Portsmouth Navy-Yard.

Resolved, That a copy of these resolutions be transmitted by the city clerk to each Senator and Representative from New Hampshire.

Passed the common council March 26, 1896.

JOHN K. BATES, *President*.

Passed the board of mayor and aldermen March 26, 1896.

WILLIAM O. JUNKINS, *Mayor*.

Mr. COCKRELL. I make the point of order that the proposed appropriation is not estimated for by any Department and not recommended by any committee. It would place the Committee on Appropriations of the Senate in conference in a very bad position. It would be impossible to hold an amendment so placed upon the bill against the objections of the members of the conference on the part of the other House. I hope the point of order will be sustained.

Mr. GALLINGER. Before the Chair rules upon the point of order, I desire simply to state that in two previous Congresses the Committee on Naval Affairs have reported an amendment recommending an appropriation for a dry dock at Portsmouth. It is true that in the present Congress the amendment, which was submitted to the Committee on Naval Affairs, has not been reported back, and I do not contend that the amendment is in order under the rules of the Senate. I had, however, hoped that the point of order would not be made against it.

Mr. COCKRELL. We are forced to do it simply because there are a number of other applications for dry docks, and we could not possibly discriminate, as the Committee on Naval Affairs had made no recommendation in regard to any of them, and we simply excluded them all.

The PRESIDING OFFICER. The ground upon which the point of order is made being admitted, the Chair sustains it.

Mr. DANIEL. Mr. President, if I may be permitted a moment,

I will state that I had contemplated offering an amendment to the bill requiring one of the battle ships to be built at Portsmouth, Va., where there is not only a dry dock, but where there are most ample facilities for constructing almost any work that the Government might desire. I doubt very much the policy which predominates in the pending bill of giving out those vessels to private contracts. In fact, I think it would be better if a portion of them at least were built at the navy-yards which the Government has constructed at such great expense. But I have not thought it advisable to attempt to put an amendment upon the bill, because I have been advised by those who have it in charge of the objections which would be urged to it, and I did not wish to consume the time of the Senate in what seemed to me to be a vain and useless endeavor.

Mr. BLANCHARD. Mr. President, I wish to make the same statement as has just been made by the Senator from Virginia in respect to the dry dock at Algiers, in the State of Louisiana. Several commissions of naval officers have heretofore reported in favor of Algiers as the proper place for the erection of a dry dock for the convenience of the Gulf coast; but having understood that it was the policy of those in charge of the appropriation bills in the Senate that none of the propositions for dry docks would be permitted to go upon the naval appropriation bill, my colleague [Mr. CAFFERY] and myself have not thought proper to make the vain attempt of having an amendment to that effect adopted on the pending bill. However, we wish now to give notice that at the next session we intend to press the appropriation for the construction of a dry dock at Algiers, in Louisiana.

Mr. CHANDLER. Mr. President, reverting now to the amendment proposing $4,000,000 for 20 torpedo gunboats, torpedo-boat destroyers, and torpedo boats——

The VICE-PRESIDENT (at 2 o'clock p. m.). The Chair will state, before the Senator from New Hampshire proceeds, that by agreement yesterday the bill will now be open to amendment under the five-minute rule.

Mr. CHANDLER. I understand that from this time on the debate is to proceed under the five-minute rule.

The VICE-PRESIDENT. That is correct.

Mr. VILAS. Will the Senator from New Hampshire oblige me by stating how long it requires to build one of these torpedo boats? Within what time under a fair exigency could one be constructed?

Mr. CHANDLER. Mr. President——

Mr. SQUIRE. I can answer the Senator from Wisconsin.

Mr. PEFFER. I rise to a question of order. I ask that the unfinished business may be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A resolution by Mr. PEFFER, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. PEFFER. I ask that the unfinished business be temporarily laid aside in order that we may proceed with the consideration of the naval appropriation bill.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. HALE. I ask the Chair, 2 o'clock having arrived, to enforce the rule which was established by the agreement yesterday.

The VICE-PRESIDENT. The Chair has announced that the debate will now proceed in accordance with the agreement of yesterday, and the Chair has recognized the Senator from New Hampshire [Mr. CHANDLER] under the five-minute rule.

Mr. CHANDLER. I dislike to undertake to answer technical questions of the kind asked me by the Senator from Wisconsin [Mr. VILAS], because I may be much out of the way. My impression is that any one of these largest gunboats might be built by contract in a year or a year and a half. Some of the smaller boats might be built in less than a year. I suppose there are half a dozen or perhaps ten establishments in the United States that can compete in public competition for the construction of these 20 boats. The more establishments there are to compete and to build the more rapidly I assume the torpedo boats could be constructed.

I would not be unwilling to be put in the attitude of voting to intrust more discretion to the Secretary of the Navy in the building of torpedo boats than the Senator from Maryland is. It would be perhaps a singular sight to see the Senator from Maryland, a distinguished leader of the political party which has placed the Secretary of the Navy in his present position, showing distrust of that officer. It might be equally surprising to see a radical Republican Senator willing to give him more discretion. How that comes about I will not undertake to say; but I say in reply to the Senator from Maryland that I do not think he will conceive that too much discretion is given to the Secretary. Under the bill as it comes from the House of Representatives there are to be 5 boats at a speed of 26 knots, to cost in all not exceeding $800,000, and 10 other boats to have the highest practicable speed for vessels of their class, to cost not exceeding $500,000. There is the limit as to the 15 boats that we find in the bill as it was passed by the other House.

The limitation which I put in my amendment is simply that the Secretary of the Navy shall take $4,000,000; that with that $4,000,000 he shall construct 20 torpedo boats or torpedo gunboats—that is to say, at an average price of $200,000; and that the larger boats shall attain a speed of 30 knots and the smaller boats attain a speed of 26 knots. It seems to me that here are sufficient limitations. Here are all the limitations which ought to be imposed. Senators ought to be willing to intrust that much discretion to the Secretary of the Navy. If there was no provision as to the number of ships and no condition as to the speed of the torpedo boats there might be objection. It would not do, I admit, to say to the Secretary of the Navy, "Take $4,000,000 and build as many torpedo boats as you choose, and build them with just such speed, high or low, as you choose." But here is a safe, proper, judicious, and effective limitation, and I can not conceive that any Senator who is willing to vote to increase the authority to build torpedo boats will be unwilling to vote for the amendment as thus limited.

In reply to the Senator from Colorado [Mr. WOLCOTT], who said certain estimates had been made by the Secretary of the Navy which were not being conformed to by the committee, the Senator from Massachusetts [Mr. LODGE] has shown that no estimates have been submitted by the Secretary of the Navy. The Secretary of the Navy simply recommended the construction of 2 battle ships and at least 12 torpedo boats. The House of Representatives concluded to appropriate for 4 battle ships and 15 torpedo boats. The Senate has stricken out 2 battle ships, bringing the appropriation down to the number recommended by the Secretary of the Navy, and it is now proposed by this amendment to construct, instead of 15 torpedo boats, 20 torpedo boats. But, Mr. President——

The VICE-PRESIDENT. The Senator's time has expired.

Mr. CHANDLER. One word, by unanimous consent. The appropriation is increased in order that we may get larger and better torpedo boats.

Mr. CALL. Mr. President, I desire to say a few words upon the pending amendment.

The arguments of the Senator from Maryland [Mr. GORMAN] and the Senator from Colorado [Mr. WOLCOTT] demand that we shall reduce all the appropriations, stop the public buildings, cut off the salaries, stop everything. If this country is bankrupt, if it is in serious financial distress, the proposition to cut off two or four million dollars upon the arguments made is insignificant, and is a conclusion that does not result.

Again, the proposition that there is no form of the public credit that can be properly used except bonds with interest payable in gold is another untenable proposition. Are we to stop the employment of labor? Is the public credit, which is the most important factor in the whole world in all financial enterprises, to be used only in the form of gold-interest bonds? I heard the other day that in the New York World recently there was a statement that the Rothschilds—less than 40 men—had accumulated within the last few years over $20,000,000,000. Did they have it? We know that was a myth. We know it was the public credit of the nations of the world and the pledged taxpaying power in bonds drawing interest.

Mr. President, if we need any measures for the public interest, if we need public buildings, if we need a navy, if we need an army—if these are objects of public utility the proposition that this country is bankrupt is entirely untenable. It is the richest country in the world, whether in accumulated wealth or in the wealth that belongs to the people generally.

If the Senator from Maryland and the Senator from Colorado desire to lessen the burden of oppressive taxation, let them stop taxation by corporate powers, by trusts and syndicates, which, where there is one dollar collected by the Government, collect ten from the people.

That is the point of view in which the policy of taxation should be attacked, not that which looks to the preservation of the Govment and the public defense. This country is the richest country in the world, and if the Senator from Maryland is right he should be here demanding that Congress shall prolong its session that revenue may be supplied. Where is the trouble with a tax on beer, a tax on spirits, a tax on tobacco, a tax on luxuries, on accumulated wealth? The resources of the United States are unlimited, and if there are errors of public policy, it is the business of Congress to correct them. If there are errors in the existing law, it is the business of the Senator from Maryland and the Senator from Colorado to propose to correct them, not to speak of financial embarrassments which are the result of our own negligence and our own fault.

Mr. President, if I had it in my power I would issue the public credit of the United States in the form of Treasury notes or silver coin, and I am confident that every appropriation in the pending bill would be gladly accepted in the form of the public credit of

the United States in the shape of circulating notes payable at the will of the Government. Why should it not be so? Why, sir, the credit of this country is the most valuable property in the world. It is the most secure Government in the world. The proposition of the Senator from Colorado is that the people of the United States are to take no part in the great measures of public policies that look to the advancement of the people, the comfort of the great masses of the people, the employment of the unemployed, the general distribution of comfort and prosperity, but that we are to be confined to the mere question whether some Administration has administered the finances of the Government in the wisest manner, and whether it is subject to the severest censure and condemnation. This is not a question for the Senate, but it is a subject which imperatively demands our attention, not only that we shall supply adequate volume, but also that we shall not stifle and embarrass and hinder the enterprise and energy and thrift of the people, and also that we shall not fail to use the public credit in such method as will least injure and benefit most largely the people.

The VICE-PRESIDENT. The time of the Senator from Florida has expired.

Mr. PEFFER. Mr. President, the little I have to say, perhaps, can be better said at this point than at another during the discussion of the bill.

I am opposed to the increase of our Navy beyond what is provided for under existing laws. I think that the true policy of the United States is to maintain peaceful relations with all its neighbors beyond the sea as well as with those immediately adjoining us. I do not believe that we are in danger of collision with any nation in any part of the world either now or in time to come, and that the only danger with which we are threatened is in our own midst, if there be any danger.

I am willing to make large appropriations for the improvement of our harbors and our rivers and the opening up of our public lands, the building of highways, railroads, reservoirs for storing water, canals and aqueducts for the transportation of water, and the division of public lands into small geographical areas in order to make homes for the people; in other words, to develop our latent resources, to get the people at work at home, to build schoolhouses and churches and railways, and in all other respects develop the resources with which a bountiful Providence has blessed us.

In addition to that, I do not believe that the millennium has quite reached us, or that it has even approached within sight. The war spirit among nations has not entirely subsided. There may possibly be danger in the future; we do not know what will arise. I would have no objection to the construction of coast defenses and the manning and equipping of them for the purpose of defending our interior.

The interests of the American Republic are all bound up in the little word "peace"; peace with all the world, peace among ourselves. With our Northern neighbors, our Canadian friends, we shall some day be united in eternal wedlock. Our railways now pass across both of the countries; their people are becoming assimilated. Some of ours are going beyond the border and some of theirs are coming to this side in order to help one another. Our railways are now piercing the Mexican Republic, and it will not be many years until Canada and Mexico and the United States of America will be one great nation, if we will only pursue a peaceful policy among ourselves.

Mr. CHANDLER. Will the Senator from Kansas allow me to suggest to him that the exception he makes in connection with the proper defense of the country ought to induce him to vote for the 20 torpedo boats, for they are purely defensive?

Mr. PEFFER. Oh, Mr. President, torpedo boats are made for the purpose of running out into the waters on the outside and destroying the commerce of the enemy, if we should happen to have any——

Mr. CHANDLER. They are for defense.

Mr. PEFFER. Or the battle ships of the enemy. It is in the line of war spirit.

Mr. CHANDLER. It is purely defensive.

Mr. SHERMAN. Mr. President, I am influenced in the vote I shall give on this question not by any want of confidence in the Secretary of the Navy, but solely by the fact that we are in no condition to build any greater number of vessels than are actually demanded by the exigencies of the country. I do not anticipate any war, and I am decidedly in favor of a strong, comparatively small increase of the Navy. The proposition now made by the Senator from New Hampshire [Mr. CHANDLER], it seems to me, ought not to be supported at this time. The House of Representatives have provided in the bill for the increase of the Navy to the extent of 5 torpedo boats, 4 seagoing coast-line battle ships, and 10 torpedo boats, the 10 torpedo boats to cost $500,000.

It seems to me we ought to go no further. There is no occasion for entering upon the enlargement of the Navy to any undue extent. There is nothing in the signs of the times, there is nothing in the condition of our foreign and domestic relations, that demands any haste. There is no danger of a war with any country at present; and although the increase of the Navy might be conducted properly and efficiently, so as to have a navy strong enough to defend our coasts, I would not now enter upon that course further than is absolutely necessary.

Since the Committee on Appropriations have provided for a reduction of the number of torpedo boats (and the Senate has already determined upon building only two seagoing coast-line battle ships) I think we ought to stand by the Committee on Appropriations. I shall therefore vote for no increase whatever that is proposed in respect to the Navy beyond the limits fixed in the bill. I think the Committee on Appropriations were very wise in reducing the number of torpedo boats. They can be easily and quickly built in case of exigency. They can be built within a year, according to the statement of the Senator from New Hampshire [Mr. CHANDLER]. There is, therefore, no pressing necessity for entering upon their construction now. I am always reminded that we have an insufficient revenue to carry on the Government. It has been shown by the vote already taken in the Senate that this body is opposed to any additional taxes. It is opposed to an increase of public revenue in that way, while it is conceded on all hands, by the Secretary of the Treasury as well as others who took a more hopeful view of it a while ago, that there will be a deficiency in the revenues this year of about $31,000,000. In that condition of affairs it is not right, it is not just, for the Senate of the United States to provide for greater increase in the Navy. This is a merely permissive authority. It says, "The President is hereby authorized to have constructed by contract," etc. It is not mandatory, and in my judgment, if the President acts wisely, he will not exercise the power already given here to build boats unless the signs of the times are more favorable to an increase of revenue.

I think the next Administration to be elected this fall had better be intrusted with any measures that are necessary to enlarge the Navy, and it will also be prepared, no doubt, whatever party may prevail in this country, to provide additional revenue. Until that is done I think all works of any kind or any description whatever, all the appropriations contained in the river and harbor bill, all the appropriations that depend upon the discretion of the Executive authority ought to be limited, and that we ought not in any case to extend the amount of the appropriations beyond the amount of current revenue. I shall therefore vote against any proposition to increase the number of vessels of any kind whatever to be built. I voted yesterday for the reduction of the number of seagoing coast-line battle ships to 2. I did it entirely for that reason. I should like to see the 4 built, but this is not the time to do it. We should wait until our revenues are sufficient to justify the expenditure.

Mr. HALE. Mr. President, I propose to take very little of the time of the Committee of the Whole, as there are many amendments to be offered; and I have not, by the way, although the bill has been before the Senate for a full week, taken in all of the time of the committee over twenty minutes.

The other House sends to us a provision for two classes of these boats, in number 15, at a cost of $1,675,000. There are no limitations except as provided in the clause. The last appropriation of $800,000 under the bill as it comes from the House is to be devoted to 10 torpedo boats. That would authorize what I believe would be practically the squandering of this money. It would build little torpedo boats that are obsolete and good for nothing. No other powers build them. In that regard the amendment of the Senator from New Hampshire [Mr. CHANDLER] is much better, and it increases the appropriation, not in the large sum that has been stated, but, to be exact, $2,325,000 over the House appropriations, the $4,000,000 being that much more than the House provision.

The amendment sets out each class, into the type of torpedo boats that are now being built by the great nations of the world, with a minimum of 26 or of 30 knots. I doubt whether the 20 boats can be obtained for the $4,000,000, but they can pretty nearly. I do not see any objection if any Senator proposes to say that no one of these boats shall cost more than $375,000. I give that figure because a singularly competent man who has been engaged in the building of naval ships and has had the run lately of the French and English yards informs me that it is these large torpedo boats alone that are being built now. The others are considered creations of the past. I should hope, as the amendment increases the appropriation above the House provision for this class of vessels only $2,325,000, that with some limitation of that kind the amendment would pass. But I do not propose to take any more of the time of the Committee of the Whole, being very desirous that a vote shall be taken, and as other important amendments, in the discussion of which Senators desire to participate, are coming up.

Mr. VILAS. Mr. President, I should like to make a few remarks in respect to this matter. My theory of the true course for the Government to pursue in respect to the Navy is to build such ships as it would require a long time to build, to make such

provision as it might in the case of exigency be impossible to make within a limited time, and to leave to the arising of the exigency such action in regard to other matters useful to the Navy as can be thus properly left. What is the object of our now expending millions on smaller vessels like these torpedo boats that can be built in a short time? Before they are built there will be something better devised, and they will be useless. The Government never built a ship which has not become somewhat obsolete. As was stated by the Senator from Maryland [Mr. GORMAN] the other day, not a vessel which has been constructed in our new Navy is now up to date except the very last ones. It seems to me that the course of wisdom is to provide those things for the Navy which can not be done in a hurry and to leave those things which can be done quickly to the occurring of the exigency for them.

The Senator from Washington [Mr. SQUIRE] informs me that under one contract for constructing a torpedo boat only ten months are required to build it. I have no doubt such boats could be built, if the occasion required, in four months. If that be true, why build a large number of vessels which may become entirely useless when the occasion arises for them? This is the only suggestion I desire to make. I do not understand that the American people are striving to build a navy to go a-jingoing with, as the Senator from Massachusetts [Mr. LODGE] substantially put it this morning—to equip ourselves with a whinger, in order to become a national swashbuckler in the world.

Mr. GORMAN. I offer an amendment to the amendment of the Senator from New Hampshire [Mr. CHANDLER].

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add at the end of the amendment the following proviso:

Provided, That not more than $375,000 shall be expended in the construction of any one of said torpedo boats.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Maryland [Mr. GORMAN] to the amendment of the Senator from New Hampshire [Mr. CHANDLER].

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from New Hampshire [Mr. CHANDLER] as amended.

Mr. GORMAN. On that I ask for the yeas and nays.

Mr. PLATT. Let the amendment be read once more.

Mr. CHANDLER. I suggest the absence of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Cockrell,	Hill,	Quay,
Allison,	Daniel,	Kyle,	Roach,
Bacon,	Davis,	Lodge,	Sherman,
Baker,	Dubois,	McMillan,	Shoup,
Bate,	Elkins,	Martin,	Squire,
Berry,	Frye,	Mitchell, Oreg.	Stewart,
Blanchard,	Gallinger,	Mitchell, Wis.	Teller,
Brown,	Gear,	Morrill,	Tillman,
Burrows,	George,	Nelson,	Turpie,
Butler,	Gibson,	Pasco,	Vilas,
Caffery,	Gordon,	Peffer,	Walthall,
Call,	Gorman,	Perkins,	Warren,
Cannon,	Hale,	Pettigrew,	White,
Carter,	Hansbrough,	Platt,	Wolcott.
Chandler,	Harris,	Pritchard,	
Clark,	Hawley,	Proctor,	

The VICE-PRESIDENT. Sixty-two Senators have answered to their names. A quorum of the Senate is present. The question recurs on agreeing to the amendment submitted by the Senator from New Hampshire, as amended, upon which the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. ALLEN. Let the amendment be stated.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to strike out all after the word "each," in line 24, page 50, down to and including the word "dollars," in line 4, page 51, and insert:

Torpedo gunboats and torpedo-boat destroyers with a minimum speed of 30 knots, and torpedo boats with a minimum speed of 26 knots, 29 in number, to cost in all, exclusive of armament, not to exceed $4,000,000: *Provided*, That not more than $375,000 shall be expended in the construction of any one of said torpedo boats.

The VICE-PRESIDENT. The question is on agreeing to the amendment as amended, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CAFFERY (when his name was called). I have a general pair with the Senator from Michigan [Mr. BURROWS]. Not knowing how he would vote on this question, I withhold my vote.

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL]. I am informed that he would vote "nay," if present, and I will therefore vote. I vote "nay."

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR]. I transfer my pair to the junior senator from Ohio [Mr. BRICE] and vote "nay."

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN]. If he were present, I should vote "yea."

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. THURSTON]. As he is not present, I withhold my vote.

The roll call was concluded.

Mr. WALTHALL. I desire to announce that the senior Senator from Pennsylvania [Mr. CAMERON] is paired on this question with the junior Senator from Kentucky [Mr. LINDSAY]. I ask that this announcement may apply to all yea-and-nay votes taken during the day.

Mr. CAFFERY. I transfer my pair with the Senator from Michigan [Mr. BURROWS] to the Senator from Texas [Mr. CHILTON] and will vote. I vote "nay."

Mr. BACON. I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE]. Under our agreement either of us is authorized to vote on a question nonpolitical, and I will therefore cast my vote on this question. I vote "yea."

Mr. DUBOIS. I ask the Senator from Georgia to transfer his pair to the Senator from New Jersey [Mr. SMITH]. The Senator from Georgia [Mr. BACON] has voted anyhow, and it will make no difference.

Mr. BACON. I transfer my pair to the Senator from New Jersey [Mr. SMITH].

Mr. PASCO (after having voted in the negative). I notice that the Senator from Washington [Mr. WILSON], with whom I am generally paired, has not voted. I propose a transfer of pairs with the Senator from New Hampshire [Mr. GALLINGER], so that the Senator from Washington [Mr. WILSON] and the Senator from Texas [Mr. MILLS] will stand paired, and in that way I will let my vote stand. That arrangement will leave the Senator from New Hampshire [Mr. GALLINGER] free to vote.

Mr. GALLINGER (after having voted in the affirmative). That will permit my vote to stand. I have already voted.

Mr. GEORGE. I am paired with the Senator from Oregon [Mr. MCBRIDE]. If he were present, I should vote "nay."

The result was announced—yeas 23, nays 39; as follows:

YEAS—23.

Bacon,	Davis,	Hale,	Morrill,
Brown,	Dubois,	Hawley,	Perkins,
Call,	Frye,	Lodge,	Platt,
Cannon,	Gallinger,	McMillan,	Proctor,
Carter,	Gibson,	Mantle,	Squire.
Chandler,	Gordon,	Mitchell, Oreg.	

NAYS—39.

Allen,	Cockrell,	Nelson,	Stewart,
Allison,	Daniel,	Palmer,	Teller,
Baker,	Gear,	Pasco,	Turpie,
Bate,	Gorman,	Peffer,	Vest,
Berry,	Hansbrough,	Pettigrew,	Vilas,
Blackburn,	Harris,	Pritchard,	Walthall,
Blanchard,	Hill,	Pugh,	Warren,
Butler,	Kyle,	Roach,	White,
Caffery,	Martin,	Sherman,	Wolcott.
Clark,	Mitchell, Wis.	Shoup,	

NOT VOTING—27.

Aldrich,	Faulkner,	Lindsay,	Smith,
Brice,	George,	McBride,	Thurston,
Burrows,	Gray,	Mills,	Tillman,
Cameron,	Hoar,	Morgan,	Voorhees,
Chilton,	Irby,	Murphy,	Wetmore,
Cullom,	Jones, Ark.	Quay,	Wilson.
Elkins,	Jones, Nev.	Sewell,	

So the amendment as amended was rejected.

Mr. GEORGE. I offer the amendment which I send to the desk.

The SECRETARY. After line 13, page 7, it is proposed to insert:

The Secretary of the Navy is hereby authorized and required to pay, immediately, to the patentee the $25,000 appropriated in the act making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes, approved March 2, 1895. Said act providing "for the exclusive rights to and for ordnance appliances now in use on naval vessels and protected and covered by patent No. 533171, said patent being embraced in a contract dated January 28, 1893, and signed by the Secretary of the Navy and the patentee."

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Mississippi [Mr. GEORGE].

Mr. LODGE. I should like to ask who the patentee is and what the payment is for. We are to be economical.

Mr. SHERMAN. What is the amount, and for what is it to be paid?

The VICE-PRESIDENT. The amendment will again be read.

The Secretary again read the amendment.

Mr. TELLER. I would say that the Committee on Appropriations examined that matter, but not in time to put it on the bill before it was reported. It was submitted to the Senator from Maine and myself, and we decided to let it go on.

Mr. HALE. It is to carry out a contract.

Mr. TELLER. It is to carry out a contract made with the Government, and to carry out a law of last year.

Mr. HALE. This was a provision made in last year's appropriation act, which has not been paid. The Senator from Colorado and I looked the matter over, and made up our minds that, under the circumstances, the man was entitled to his pay. Let the Secretary read the provision in the last naval appropriation act.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

To enable the Secretary of the Navy to pay, should he consider such payment desirable, for the exclusive rights to and for ordnance appliances now in use on naval vessels and protected and covered by patent No. 553171, said patent being embraced in a contract dated January 28, 1896, and signed by the Secretary of the Navy and the patentee and authorized in the act making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes, $25,000, or so much thereof as may be necessary, to be immediately available.

Mr. TELLER. I would say that the patentee is a young man of the name of H. B. Hurst, who is a resident of the State of Mississippi when he is at home.

Mr. SHERMAN. It seems to me that a provision of this kind ought to be reported from the Committee on Claims or some committee which has immediate charge of such subjects. It seems this was appropriated for last year and that the Secretary of the Navy did not hold it to be binding upon the Government; at least that is the inference. I think, under the circumstances, we ought not to put a claim of this kind upon an appropriation bill. It is a private claim and could be objected to upon that ground, without putting it upon the broad ground that the money had not been paid by the executive authority, they deciding it not to be a just claim, or at least not paying it. I think we ought not to put it on here. Let it stand like any other private claim, to be referred to the proper committee, reported by them, and then acted upon by the Senate.

Mr. HALE. I do not think it is a private claim. It was on the appropriation bill of last year, and the Secretary, acting in his discretion, did not pay it. The ground taken by the Department, I understand, is that it was discovered, as claimed by the Department, that certain inventions covering the same principle had been made by officers of the Navy Department, and that therefore this was not needed, and was superfluous. The Senator from Colorado and myself did not believe that that was sufficient ground, but the Department thought it sufficient to prevent this man who got the appropriation last year from being paid the money. The whole consideration now about it being a private claim ended last year when Congress adopted it, and we have recommended that it be paid now in accordance with the action of last year. The Senate, of course, will do as it pleases about it.

Mr. GALLINGER. I notice the phraseology of the statute of last year reads:

To enable the Secretary to pay, should he consider such payment desirable.

It seems he did not consider such payment desirable; at least he did not pay it. There are thousands of meritorious claims against the Government. New Hampshire has several, but I do not expect to live to see the time when they will be appropriated for on a naval appropriation bill or any other bill. It does seem to me, when this claimant has a right before Congress to ask that his claim shall be adjudicated and the Court of Claims is open to him, that we ought not, certainly without a very full consideration of this matter, to cause the Government to pay $25,000 for a claim which, I take it, is in controversy. I think there are very grave reasons why this amendment should not go upon the present bill.

Mr. TELLER. The Government of the United States made a contract with this young man for these patented articles. They have had the use of them and they are using them now. The question is whether they shall pay for them. That is the whole matter. It was considered by the committee last year, and has been reconsidered by the committee at this session, and we believe he ought to be paid. There is not any time under the five-minute rule to go into any very extended explanation of the case, and it would be quite impossible to make the proper statement of it in that time, but it has been twice before the Committee on Appropriations, twice thoroughly considered, and it is to carry out a contract contained in the law of last year.

Mr. LODGE. I have no doubt the claim is a very good one, but there are a great many good claims against the United States to carry out contracts which are not paid, and which are delayed year after year. This bill, as I understand, is for the support of the Navy, and it seems to me the proper place for a claim of this kind is not on the naval bill, but on the general deficiency bill, where payments of that sort are made. It is rather unusual to pay a private claim on a naval appropriation bill, and it seems to me when the deficiency bill is up, and we shall not be under the five-minute rule, there will be an opportunity to understand the claim. I have no desire to oppose an honest claim unreasonably, but all we know about this is that the Secretary of the Navy, on its being left to him, did not think it a good claim and refused to pay it. That is really all we know about it. It seems to me that it would be better to allow it to come up on the general deficiency bill. Then it can be explained, and I have no doubt, if it be a proper claim, as I suppose it is, it will be passed.

Mr. ALLEN. I am not concerned whether this amendment goes on this bill or not. I do not see why it can not be paid on this bill, if it ought to be paid at all, just as well as to be paid on any other bill; but I rose for the purpose of inquiring from some person who knows, presumably the Senator having this bill in charge, as to what it is proposed we shall pay for? The amendment itself does not disclose anything. We are paying for some patented articles, and the amendment does not disclose what. The act read a moment ago gives us to understand that we are paying for some patented articles; but we are not told what those articles are, nor what title we are obtaining to them.

I rose, in the second place, to ask the attention of the Senator from Maine to a statement that he made a moment ago, that naval officers are engaged in patenting certain articles which are used by the Navy. I should like to know if that be true.

Mr. HALE. It appears every now and then that officers in the Navy and the Army get out patents.

Mr. ALLEN. Does the Senator from Maine mean to say that officers who are in the service of this Government and who have been educated by the Government are taking advantage of their education and their experience as naval officers by patenting articles and selling them to the Government?

Mr. HALE. That raises another question about selling them to the Government. They generally give them to the Government.

Mr. ALLEN. Still they get money out of the Government for them?

Mr. HALE. They do not get any money generally.

Mr. ALLEN. I am not speaking generally. Are there patents in existence of that kind?

Mr. HALE. I do not think, unless there has been a special provision authorized by Congress, that there is any case on record where army or navy officers getting out patents have received money for them. Sometimes I have known of cases so remarkable, so meritorious, that Congress has authorized some recognition of such patents by giving some small sum to the patentee.

Mr. ALLEN. We are talking about a patent. What is this patent? What does it consist of?

Mr. TELLER. I will tell the Senator.

Mr. HALE. The officers do not get royalties.

Mr. TELLER. Mr. Hurst patented certain improvements in cartridges and breech-loading guns.

Mr. SHERMAN. Is this gentleman an officer of the Army?

Mr. TELLER. No; he is a private citizen. His patents also cover the use of a practice rifle inside of a large gun. It is taking a large gun and putting inside of it another gun, taking out the breech lock and using it for practice purposes, for training men, etc., and there is a recoil to prevent the smaller gun from injuring the larger gun. He has invented various kinds of machinery of that sort, which are complicated and difficult to understand. Having made these patents, he went to the Navy Department and made a contract with Mr. Tracy, who was then Secretary of the Navy. Thereupon inquiries were made—and I have a letter here showing that they inquired of the Navy Department—to know if he could get these patents and whether they were interfering with anything else, and also as to whether he made any assignment. Then he entered into a contract with the Government that it might use these appliances, and the Government has used them. Afterwards the Department said that somebody else had made the discovery simultaneously with him, although nobody else had got a patent, and no patent had been taken out for such appliances. Thereupon they declined to pay him. The committee, after investigating, believed that Mr. Hurst was the original inventor, and as the Government had had the use of his inventions, and is now using them, they could see no reason why the contract should not be carried out and why the money which was appropriated last year should not be paid.

I can say to the Senator that we have given some attention to this matter, and I have had some knowledge myself regarding it, because when the contracts were made by this young man I went with him and introduced him to the Secretary of the Navy, so that he might be able to make the contracts. He has made them. I believe his appliances are valuable, and after examining the subject last year and examining it again we think this amount ought to be paid him. It would take an hour or two to read the documents which the young man has left with me or with the Senator from Mississippi to be presented to the Senate. That can not be done under the five-minute rule.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. ALLEN. I hope the Senator's remarks will not be taken out of my time.

Mr. TELLER. I ask the Senator to pardon me. I did not suppose that my remarks would come out of his time.

Mr. ALLEN. I will make this inquiry. I want information. The Senator from Colorado has not yet disclosed what we have bought from this man or what we are to get from him.

Mr. TELLER. We have the right to use this patent. If the Senator wants to go into a careful statement of it I have the document here, but it would take some time for him to understand the matter, and unless he is a better machinist than the average Senator he would not be able to understand it.

Mr. ALLEN. Do we get the exclusive right to the invention, or the right to use it?

Mr. TELLER. We get the exclusive and absolute right. It is good for nobody except the Government of the United States.

Mr. ALLEN. Then we are the assignees of the patentee?

Mr. TELLER. We are, if we pay the money.

Mr. ALLEN. Do we have anything to pay after this payment?

Mr. TELLER. We have nothing to pay, no royalty. The Government is going to use it, and will use it whether it is paid for or not.

Mr. SHERMAN. I make the point of order that it is a private claim and not in order on an appropriation bill.

The VICE-PRESIDENT. The amendment will be again stated.

Mr. HALE. All there is in parliamentary law on that subject is found in clause 4 of Rule XVI. Undoubtedly no private claim can be put upon a general appropriation bill unless it is under the conditions which are prescribed in clause 4.

Mr. VEST. Read the rule.

The VICE-PRESIDENT. The Secretary will first read the amendment.

The Secretary read the amendment proposed by Mr. GEORGE, as follows:

The Secretary of the Navy is hereby authorized and required to pay, immediately, to the patentee the $25,000 appropriated in the act making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes, approved March 2, 1895. Said act providing "for the exclusive rights to and for ordnance appliances now in use on naval vessels and protected and covered by patent No. 553171, said patent being embraced in a contract dated January 28, 1896, and signed by the Secretary of the Navy and the patentee."

The VICE-PRESIDENT. The Secretary will read the fourth clause of Rule XVI.

The Secretary read clause 4 of Rule XVI, as follows:

No amendment the object of which is to provide for a private claim shall be received to any general appropriation bill unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

Mr. LODGE. On that point the existing law does not correspond with this amendment. The existing law is that the Secretary shall pay the amount at his discretion.

The VICE-PRESIDENT. The point of order is made against the proposed amendment by the Senator from Ohio [Mr. SHERMAN]. The Chair has caused to be read the rule, which is familiar to the Senate, and the Chair is of the opinion that the amendment does not carry out existing law, as it is not mandatory, but is discretionary with the Secretary of the Navy. For that reason the Chair will sustain the point of order.

Mr. HALE. I hope, Mr. President, we shall now proceed with the reserved items. I ask the Secretary to read the first amendment which has not been acted upon, at the bottom of page 50, line 25.

The VICE-PRESIDENT. The reserved amendments of the Committee on Appropriations will be stated.

The SECRETARY. In line 25, on page 50, before the word "torpedo," it is proposed to strike out "five" and insert "three"; so as to read:

And three torpedo boats, to have a maximum speed of not less than, etc.

Mr. HALE. This is a committee amendment.

The amendment was agreed to.

The next reserved amendment was, on page 51, line 1, before the word "knots," to strike out "26" and insert "30"; in line 2, before the word "thousand," to strike out "and seventy-five"; in the same line, after the word "and," to strike out "not to exceed"; in line 3, after the word "ten," to strike out "or more"; and in the same line, after the word "exceeding," to strike out "eight" and insert "five"; so as to read:

And three torpedo boats, to have a maximum speed of not less than 30 knots, to cost in all not exceeding $800,000; and not to exceed ten torpedo boats to cost in all not exceeding $500,000, and to have the highest practicable speed for vessels of their class.

The amendment was agreed to.

The next reserved amendment of the Committee on Appropriations was, on page 51, line 5, after the word "class," to insert:

And not more than two of said battle ships and not more than three of said torpedo boats shall be built in one yard or by one contracting party, and in each case the contract shall be awarded by the Secretary of the Navy to the lowest best responsible bidder.

The amendment was agreed to.

The next reserved amendment was, on page 51, line 21, after the words "battle ship," to strike out "and one of said torpedo boats"; so as to read:

And, subject to the provisions hereinafter made, one seagoing battle ship shall be built on or near the coast of the Pacific Ocean or in the waters connecting therewith, etc.

The VICE-PRESIDENT. The amendment will be regarded as agreed to, if there be no objection.

Mr. MITCHELL of Oregon. We want to have something to say about that.

Mr. HALE. Very well.

Mr. SQUIRE. I propose to substitute the word "three" for the word "one"; so as to have it read:

And three of said torpedo boats shall be built on or near the coast of the Pacific Ocean, or in the waters connecting therewith, provided that said battle ship and torpedo boats can be constructed at an additional cost not exceeding 5 per cent, etc.

Mr. MITCHELL of Oregon. In other words, the Senator from Washington proposes to amend the amendment of the committee.

The VICE-PRESIDENT. The amendment submitted by the Senator from Washington will be stated from the desk.

Mr. HALE. That goes back to the amendment on lines 21 and 22.

Mr. SQUIRE. Yes.

The VICE-PRESIDENT. The Chair so understands.

Mr. SQUIRE. In that connection I have dispatches from the Navy Department which I wish to submit to the Senate.

Mr. HALE. I will agree to the Senator's amendment rather than have them read.

Mr. SQUIRE. I ask that these dispatches be printed in the RECORD as part of my remarks.

The dispatches referred to are as follows:

NAVY DEPARTMENT, *April 28, 1896.*

Hon. WATSON C. SQUIRE:

In the naval appropriation bill, as now before the Senate, providing for 10 torpedo boats not to cost over $500,000, and to have the highest practicable speed, the Department, while adhering to its original view, that it should be given the largest possible discretion in letting these boats so as to get the best results for the Government, has no objection, if the Congress so desires, to it being provided that one or more of these boats shall be built on the Pacific Coast, with a proviso regarding cost similar to that with reference to the battle ship.

W. MCADOO, *Acting Secretary.*

NAVY DEPARTMENT, *April 29, 1896.*

Hon. WATSON C. SQUIRE:

In reply to your written inquiry of this date, I have to say that if all conditions as to price and the capacity of the builders be fair, the Department would consider it good policy to encourage shipbuilding, including torpedo boats for the Navy, on the Pacific Coast.

W. MCADOO, *Acting Secretary.*

NAVY DEPARTMENT, *May 1, 1896.*

Hon. W. C. SQUIRE:

Replying to telegram of April 29, the estimated cost for sending a torpedo boat similar to the *Cushing* from New York to San Francisco, most economical rate of speed, for coal, oil, and engineer's stores, would be $4,000.

F. M. RAMSAY, *Acting Secretary.*

The VICE-PRESIDENT. Will the Senator from Washington indicate his amendment?

Mr. SQUIRE. After the word "battle ship," in line 21——

Mr. WOLCOTT. How is the RECORD going to appear? There were no remarks made, as I understand, by the Senator from Washington. A suggestion was made that some remarks would be submitted, whereupon the Senator from Maine [Mr. HALE] said that rather than have the remarks he would accept the amendment. Now, the Senator from Washington proposes to print some telegrams in regard to remarks which were not made.

Mr. MITCHELL of Oregon. The Senator from Washington desires to have them printed as part of his remarks.

Mr. WOLCOTT. I did not so understand. I should be glad to have the dispatches printed in connection with the speeches of both the Senator from Washington and the Senator from Oregon.

Mr. SQUIRE. I thought I had the floor at the time.

The VICE-PRESIDENT. The Chair will ask the Senator from Washington to restate his amendment.

Mr. SQUIRE. On page 51, line 21, after the words "battle ship," I move to insert "and three of said torpedo boats."

Mr. HALE. The Senator does not need to do that. The amendment of the committee proposes to strike out the words "and one of said torpedo boats." Before the vote is taken on that, the Senator can move, as he has a right to do, to strike out "one" and insert "three." That is all that he needs to do, and then the vote will be taken upon the amendment of the committee as amended.

Mr. SQUIRE. I accept that suggestion and will move the amendment in that way.

Mr. HALE. I accept it.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to amend the amendment of the committee, in line 25, on page 51, by striking out the word "one" and inserting "three"; so as to read:

And three of said torpedo boats shall be built on or near the coast of the Pacific Ocean, or in the waters connecting therewith.

Mr. GORMAN. Do I understand the Senator from Maine to accept that amendment?

Mr. HALE. I do. So far as I am concerned I agree to it.

Mr. GORMAN. I do not.

Mr. HALE. If the Senator objects, of course the vote must be taken.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Washington. The Chair recognizes the Senator from Maryland.

Mr. GORMAN. The amendment does not increase the number to be built, but it does provide that 3 of the 10 torpedo boats shall be constructed in the waters of the Pacific.

Mr. HALE. Three out of 13.

Mr. GORMAN. Yes; 3 out of 13.

Mr. MITCHELL of Oregon. It ought to be 5.

Mr. SQUIRE. Certainly it ought to be 5.

Mr. HALE. I thought it better not to increase from 3 to 5. I thought the Senators were getting along pretty well with 3.

Mr. GORMAN. I always wish to deal, and have always dealt, very liberally with the Pacific Coast. They have the great navy-yard at San Francisco provided for in this bill, and one of the battle ships is to be constructed there at $500,000, or whatever it may cost. As to torpedo boats, you can not compete for them on the Pacific Coast, considering, as the Secretary has a right to do, the Cost of transportation of such a boat from this side over there. You have in that matter absolutely open competition with the balance of the United States, and there is no good and sound reason, in my judgment, why such a provision should be placed in this bill. I know we have been in the habit of encouraging enterprise of this kind, providing that one shall be constructed on the Gulf and one on the Pacific Coast, but I think our friends on the Pacific Coast ought to be satisfied with this bill.

Mr. SQUIRE. I wish to say a word if the Senator from Maryland is through.

Mr. GORMAN. I am through.

Mr. SQUIRE. Last November the Government entered into a contract for the construction of one torpedo boat on the Pacific Coast, in the waters of Puget Sound, at a cost of $160,000, to be completed in fifteen months from the time the contract was let.

Mr. MITCHELL of Oregon. And there was sharp competition for that boat in three or four different places.

Mr. SQUIRE. Very sharp competition.

Mr. GORMAN. But the Senator will observe that he proposes that three of them are to be built there.

Mr. SQUIRE. Yes; at various places, if suitable bids are made.

Mr. GORMAN. There is no discretion at all left in the Department.

Mr. SQUIRE. That is only 3 out of 13, and discretion is left to the Department. I wish to state further to the Senator from Maryland and the Senate that it is the policy of the Government, as shown in the dispatches I sent to the desk, to encourage the construction of some of these torpedo boats on the Pacific Coast. There is now a torpedo boat yard there already established, that is, I mean in the hands of a private company, quite equal, if not superior, to any yard of that kind that exists on this side. There is only one great battle-ship building concern on the Pacific Coast. I mean, as everybody knows, the Union Iron Works, of San Francisco. There never has been a torpedo boat built on the Pacific Coast. One has been contracted for, and is to be built on the waters of Puget Sound for $160,000. As the Senator from Oregon [Mr. MITCHELL] just remarked, the bid was accepted by the Government after very severe competition and at a very low price. The law at that time authorized the construction of a boat to cost $175,000, and the Department, in the exercise of its discretion, deducted a small amount covering the cost of the armament, and I believe that the Government deducted more than was necessary for the cost of the armament, and the Department concluded to make this contract $160,000, which was $15,000 less than the amount authorized by law.

Mr. WOLCOTT. Will the Senator from Washington allow me to interrupt him?

Mr. SQUIRE. I would prefer to complete my statement, if the Senator from Colorado will allow me.

It is the policy of the Government to continue the existence of the shipbuilding concerns on the Pacific Coast; and when the company at Seattle gets through with building the one boat contracted for they ought to have a chance to build another. They can not very well compete with the yards on the Atlantic Coast. It costs more for wages. They have to get every pound of their steel from the Atlantic Coast. Every pound of steel used in the construction of the battle ships at San Francisco and all the armor plates come from Pittsburg. I am informed that it will be the same in regard to the torpedo boats.

I want to mention one fact before I leave this point. I have here a dispatch from the Secretary of the Navy stating that the cost of transferring one of the smallest torpedo boats from the Atlantic Coast to the Pacific Coast—the *Ericsson*, for instance, or the *Cushing*—would be $4,000 just for the expense of the coal and the oil and the necessary expenses, without including anything for the wages of the officers or crew or any estimate for the cost of pilotage or any reference to the question of risk to be encountered in going around Cape Horn.

Mr. HALE. Will the Senator allow me right there?

Mr. SQUIRE. In a moment.

Four thousand dollars is about 5 per cent on the cost of the *Cushing*, which was $82,750. So you can see you must have some of your torpedo boats on the Pacific Coast, and it is absurd to spend the money to send them around the Horn when you can have them built there, and so distribute the money in part upon the Pacific Coast in payment for these vessels; besides encouraging the building up of another important shipyard for the benefit of the Government.

Mr. CALL. I ask the Senator from Washington if he has any objection to having the Gulf of Mexico inserted as one of those places?

Mr. SQUIRE. That is already included.

Mr. WILSON. The Gulf of Mexico is already included.

Mr. WOLCOTT. I desire to ask the Senator from Washington and the Committee on Appropriations if this would not be a fair proposition all around, that in the bill there should be some limitation of the percentage of cost over which the Pacific Coast should not go? That is to say, in the battle ships, one of them is to be built on the Pacific Coast, provided it can be built at the price mentioned. That is right; that is reasonable. Now, the Senator states, which is probably true, that 5 per cent would not be enough perhaps to make up the difference of cost in the torpedo boats; but if you are to build 3 on the Pacific Slope the United States ought to have some sort of a percentage on which it can protect itself; because if you have three yards on the Pacific Coast capable of building these torpedo boats, the Government will find those three yards pooled, and the 3 boats compelled to be built on the Pacific Slope will cost the full amount appropriated. If the Government is required to build the whole 3 boats on the Pacific Coast, I suggest that there should be some measurable limitation, that the cost of the torpedo boats should not be more than 5 per cent over the cost of building elsewhere.

Mr. HALE. If the 3 are put in, the clause should read: "*Provided*, That said battle ship and torpedo boats can be constructed at an additional cost not exceeding 5 per cent of the lowest accepted bid," etc.

Let me say here that one reason which led me, so far as I was concerned, to accept the proposition of 3 out of the 13 was that in last year's bill we provided for 3 torpedo boats, and provided that 1 of the boats should be built on the Pacific Coast. The percentage is not nearly so large this year as it was last, and we considered the expense of transporting these boats around the Horn. We have to take into consideration the fact that if we can build torpedo boats there that was not an unreasonable number, although I was besought to agree to 5. For that reason I shall vote for the 3, and I shall move to insert after the word "battle ship," to which the 5 per cent applies, the words "and torpedo boats"; so that the provision will cover the two.

Mr. MITCHELL of Oregon. There will have to be another amendment made.

Mr. HALE. I will move it.

Mr. BACON. I call the attention of the Senator from Colorado to the proviso on the fifty-second page, which will affect torpedo boats as well as battle ships. That puts it in the discretion of the President to have these vessels constructed elsewhere if, after the bids are opened, it is found that they can not be economically constructed on the Pacific Coast.

Mr. HALE. That is cured by the limitation in line 11, which says:

> Subject to the limitations as to cost hereinbefore provided.

That was put in in order that the Secretary can not overrule the 5 per cent. The committee has been very careful about this clause, and I think it is very well guarded.

Mr. CALL. My object was to make it imperative that one of these boats should be constructed upon the Gulf of Mexico, and I think that ought to be done. I think the laboring people and others in that portion of the country ought to have the advantage of whatever accrues from the disbursement of this money. Under the language of the bill, which I understood to be remedied by the amendment of the Senator from Washington, it would not be imperative, but under that amendment it is imperative that they shall be constructed there.

Mr. SQUIRE. I will state to the Senator from Florida that the provisions which have been suggested or prescribed by the Senator from Maine are very clear. On page 52 it is provided "that if it shall appear to the complete satisfaction of the President of the United States, from the biddings for such contracts, * * * that said vessels can not be constructed at a fair cost," etc. That is all very well expressed in the next page.

Mr. CALL. "At a fair cost," the Senator will observe.

Mr. GORMAN. I wish to call the attention of the Senator from Florida to the fact that the bill as it is now proposed to be amended would provide that three of these boats shall be built on the Pacific Coast, provided, as I understand, that provision is also to be put in that the cost does not exceed 5 per cent of those constructed elsewhere. Then follows the provision for one torpedo boat on the Mississippi River and one torpedo boat on the Gulf of Mexico, but there is no 5 per cent limit as to them.

Mr. CALL. That is what I understood. It is to be left entirely in the discretion of the Secretary of the Navy.

Mr. CHANDLER. Of course, when we provide that any of these torpedo boats shall be constructed in a particular place, we limit the field of competition, and we run a risk of having to pay a larger sum than we would pay with full and complete competition. On this proposition I am willing to provide that one of these boats shall be built on the Pacific Coast, whatever the cost may be, within the limit, but if three are to be built there, I should like to be informed how many establishments there are on the coast that can bid and what the probabilities are as to competition.

Mr. MITCHELL of Oregon. There are three separate and distinct establishments in the city in which I live, the city of Portland, Oreg.

Mr. CHANDLER. The Senator from Washington has, I know, full information concerning the Pacific Coast. Will he tell us how many establishments there are on that coast which can build one of these torpedo boats?

Mr. SQUIRE. I think we have as many as six or eight. We have at Seattle, Moran Bros. Company, and there is at Port Townsend another firm—Heffernan—which has now a contract with the Government for the construction of steam launches. We have other concerns at Portland, whose names I do not now recall, and at San Francisco there are several concerns.

Mr. MITCHELL of Oregon. The Willamette Iron Works and Zwicker Bros.

Mr. CHANDLER. Does the junior Senator from Washington [Mr. WILSON] confirm this statement?

Mr. WILSON. I do not think "the junior Senator from Washington" can inform the senior Senator from New Hampshire upon any subject.

Mr. HALE. I am afraid these inquiries will extend to the number being increased to 5 or 6. I should like to have a vote on 3.

Mr. MITCHELL of Oregon. Let us have a vote.

Mr. HALE. Yes; let us vote.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Washington [Mr. SQUIRE], to amend the clause proposed to be stricken out by the committee.

Mr. ALLEN. Mr. President, I did not intend to delay the vote upon the pending measure, but I have thought, in view of the fact that the Naval Committee has been very generous in distributing the torpedo boats or locating the places where they shall be constructed, that it would not be improper for me to ask the honorable Senator from Maine who has the bill in charge to permit one of these boats to be constructed on the Missouri River. One of them is to be constructed on the Upper Mississippi River, I understand, which is not as large nor as important a stream at the location of the proposed construction as the Missouri River.

Mr. WOLCOTT. May I suggest to the Senator from Nebraska, as I hope he will not forget, that the South Fork of the Platte also runs through his State?

Mr. ALLEN. I was coming to that, and I hope the five-minute rule will not be called upon me in exact time. I was going to mention the fact that the Missouri River from its mouth to its source is something like 2,700 miles long 2,200 miles of which are navigable not only for boots but for boats. It is one of the great streams of the United States. One of these vessels is to be constructed on the Upper Mississippi River. I am glad to know that it is to be constructed there and to be constructed at a city where my honorable friend the senior Senator from Iowa [Mr. ALLISON] resides, a city of some 35,000 inhabitants. Nebraska has a city of 200,000 inhabitants on the navigable waters of the Missouri River; and why should not we, who have been drought-stricken there for years and have encountered all the hardships of pioneer life, have the profits as well as the honors to be derived from the construction of one of these torpedo boats?

The Senator from Washington wants two or three of these boats to patrol the creeks and the ditches and the obscure estuaries of the Pacific Slope. We are citizens of the United States, Mr. President, and taxpayers. We are citizens to the manner born. Why should we not have a torpedo boat to patrol the Missouri River, to patrol the meanderings of the Platte, the meanderings of the Republican, the meanderings of the North and South Loup, and the many magnificent streams that flow through our State? Why should not North and South Dakota have a torpedo boat constructed upon the Upper Missouri so that it might patrol and guard the commerce of the Jim River, which intersects, or bisects, as my friend from Illinois would say, both of those great States?

Mr. KYLE. I should like to know if the Senator refers to the rivers that cross my State?

Mr. ALLEN. I refer to the Jim River, which for some four or five hundred miles is one of the great and important streams of the West. Do you not want a boat constructed on that river and kept there to patrol it?

Mr. KYLE. We do; and when we come to the river and harbor bill we shall propose——

Mr. ALLEN. I know the Senator from South Dakota to be a candid man, and I put the question squarely to him: Do you not need a torpedo boat to patrol the waters of the Jim River?

Mr. KYLE. Indeed we do.

Mr. ALLEN. On page 52, after the amendment of the Senator from Washington, I will attach the language to the amendment of the Senator from Washington, in addition to what he proposes—I move to so amend the bill that one of the torpedo boats shall be constructed upon the Missouri River and shall be used to patrol the waters of that river.

Mr. HALE. The best place is in line 9, page 52.

Mr. ALLEN. I will accept the Senator's suggestion. I presume it is just as well there as any other place.

Mr. HALE. It would come in more properly there.

Mr. ALLEN. Yes, it would come in more properly there; and if the Senator from South Dakota wants one I am perfectly willing that he shall amend my amendment. I hope the amendment will be voted upon, and that the same reasoning which carries through the project of the Senator from Washington will take these two propositions through.

Mr. HAWLEY. Mr. President, the first question is as to whether it is worth anything at all for this nation to try to defend itself anyhow against anybody under any circumstances. If adding to our force would make us too aggressive, the only way to keep us peaceable is to make us utterly defenseless. But I take it for granted that is not the wish of Congress and the people. We must have something.

Now, torpedo boats are thought to be worth having by all the world except the Senator from Nebraska [Mr. ALLEN]. It is a wise and proper thing, as the Navy Department says, and as we all know they have said and all of us have said before, to encourage the building up of yards on the Pacific Coast, in which can be built something for national defense, and we have sent some there to be built. It is desirable there should be torpedo boats there if we have any anywhere, and we must either build them there or take them around the Horn, at a cost of about $4,000 each. If we build them over there, we get the advantage of building up an industry that is valuable to us, as valuable to us as if we owned the shipbuilding establishments there, precisely, because we can always avail ourselves of them. I think it is entirely a sensible thing to let them build two or three over there, that they may have shops which can help us hereafter, under the limitation that the cost shall not go above 5 per cent over what they can be built for on this coast. A dispatch that the Senator did not read, from the Navy Department, says:

> If all conditions as to price and the capacity of the builders be fair, the Department would consider it good policy to encourage shipbuilding, including torpedo boats for the Navy, on the Pacific Coast.

And another dispatch speaks favorably of the limitation of 5 per cent. I think it ought to go through.

Mr. GORMAN. Who signs the dispatch?

Mr. HAWLEY. Mr. McAdoo.

Mr. ALLEN. I wish to suggest to the Senate in all seriousness that we have just as great capacity at Omaha, Nebr., for the construction of one of these vessels as can be found at any interior city in the United States. We have the means of transportation. We have, I was going to say, a dozen great transcontinental lines of road centering there. We have just as good means upon the Missouri River for the construction of one of these boats as they have upon the Mississippi River. There is no reason why we should not encourage the construction, if we are to start upon the process of encouraging the development of industries, and build up great works upon the Missouri River, which is the important river of the United States, and more important than the Upper Mississippi. There is no more reason why we should not encourage the development of one of these great industries by the construction of a torpedo boat at Omaha, or Kansas City, or some other important city along the Missouri River, than that one of the boats should be constructed upon the Mississippi River. We pay our taxes according to our population, and we pay them promptly. We are citizens of the United States. Why should ten of these boats be constructed here upon the Atlantic Coast, where everything is pooled, and where there is practically no competition? And why should the Senator from Washington be permitted to take the other three over upon the Pacific Slope, with the single one that has slipped up the waters of the Mississippi River?

Atlantic Coast to the Pacific Coast—the *Ericsson*, for instance, or upon the Upper Missouri so that it might patrol and guard the one that has slipped up the waters of the Mississippi River.

is all very well expressed in the next page.

Mr. SQUIRE. Will the Senator from Nebraska permit an interruption?

Mr. ALLEN. Certainly.

Mr. SQUIRE. I wish to occupy just one moment on that point. I will state to the Senator from Nebraska that I would not be opposed to the construction of one or more of those vessels on the Missouri River, or on any other practically navigable river in the West. I would not be opposed to it at all. Therefore it is useless, in my judgment, in discussing the amendment that I propose, to offset anything that was said by me or by other Senators in favor of my proposed amendment by the suggestion of the Senator from Nebraska, because we may be able to vote as he wishes when we come to that question.

Mr. ALLEN. I understand the Senator from Washington, then, to accept my amendment as a part of his amendment.

Mr. SQUIRE. I do not understand that the Senator's amendment is to come in at this place. I understood him to accept the suggestion of the Senator from Maine that his amendment should come in on page 52, line 9, after the words "Gulf of Mexico." That is the proper place for it to come in, and I understood the Senator from Nebraska to consent that it should come in there.

Mr. ALLEN. Very well; let it come in there. I do not care where it comes in.

Mr. VILAS. I should like to ask the Senator from Nebraska also if he does not begin to feel out there in Omaha some shiver of fear from that attack which is to be delivered upon us when the cordon is complete from Halifax, by way of Jamaica, entirely around the United States, and the Hawaiian Islands brought into the circle?

Mr. ALLEN. No; I do not feel any fear of that attack, for the simple reason that I am satisfied the gentlemen who would make the attack, if they had the opportunity, would be lost upon the great plains of Nebraska, and they would not be furnished with any guides to assist them to penetrate our section of country. We are a people who have acquired some experience——

The VICE-PRESIDENT. The time of the Senator from Nebraska has expired. The question is on the amendment of the Senator from Washington [Mr. SQUIRE].

Mr. PALMER. I ask that the amendment be read.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Amend line 21, page 51, by striking out the word "one" and inserting the word "three"; so as to read:

And three of said torpedo boats shall be built on or near the coast of the Pacific Ocean.

The amendment was agreed to.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment of the committee to strike out the clause as amended.

Mr. HALE. That is only a formal vote. The expression of the Senate already is that there shall be three built on the Pacific Coast; but a formal vote should be taken on striking it out. The committee report in favor of striking it out.

The VICE-PRESIDENT. The question is on the amendment of the committee striking out the provision as amended.

The question being put, there were, on division—yeas 19, nays 29.

Mr. VEST. On that I call for the yeas and nays.

Mr. SHERMAN. I should like to have the question stated. What is now the question before the Senate?

The VICE-PRESIDENT. The Secretary will read the amendment.

The SECRETARY. The committee amendment, in lines 21 and 22, page 51, is to strike out the words—

And three of said torpedo boats.

The VICE-PRESIDENT. The clause has been amended by striking out "one" and inserting "three." The question now is on agreeing to the committee amendment, striking out the clause as amended.

Mr. MITCHELL of Oregon. The text was amended by changing one to three.

Mr. HALE. That has been passed upon. The committee amendment was to strike out one torpedo boat. The Senate has put in three, and the question is, will the Senate now strike those three out. Those in favor of retaining three will vote "nay." Of course those in favor of striking it out will vote "yea."

The Secretary proceeded to call the roll.

Mr. MITCHELL of Oregon (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL]. I understand that he would vote "nay" upon this question, and I will vote. I vote "nay."

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN].

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. THURSTON]. If he were present, I should vote "nay."

Mr. WARREN (when his name was called). On this question I am paired with the junior Senator from Texas [Mr. CHILTON]. If he were here, I should vote "nay" and he would vote "yea."

The roll call was concluded.

Mr. DUBOIS. With the consent of the Senator from Georgia [Mr. BACON], I will announce the pair of the Senator from Rhode Island [Mr. WETMORE] with the Senator from New Jersey [Mr. SMITH] and vote. I vote "nay."

Mr. BACON. I will transfer my pair with the junior Senator from Rhode Island [Mr. WETMORE] to the junior Senator from New York [Mr. MURPHY]. I vote "nay."

The result was announced—yeas 22; nays 41, as follows:

YEAS—22.

Allen,	Daniel,	Mills,	Turpie,
Bate,	George,	Palmer,	Vest,
Berry,	Gorman,	Pasco,	Vilas,
Blackburn,	Hill,	Peffer,	Walthall.
Butler,	Kyle,	Pugh,	
Caffery,	Martin,	Roach,	

NAYS—41.

Allison,	Davis,	Lodge,	Proctor,
Bacon,	Dubois,	McBride,	Sherman,
Baker,	Elkins,	McMillan,	Shoup,
Blanchard,	Frye,	Mantle,	Squire,
Brown,	Gallinger,	Mitchell, Oreg.	Stewart,
Burrows,	Gear,	Mitchell, Wis.	Teller,
Call,	Gibson,	Nelson,	White,
Cannon,	Gordon,	Perkins,	Wilson.
Carter,	Hale,	Pettigrew,	
Chandler,	Hansbrough,	Platt,	
Clark,	Hawley,	Pritchard,	

NOT VOTING—26.

Aldrich,	Gray,	Morgan,	Tillman,
Brice,	Harris,	Morrill,	Voorhees,
Cameron,	Hoar,	Murphy,	Warren,
Chilton,	Irby,	Quay,	Wetmore,
Cockrell,	Jones, Ark.	Sewell,	Wolcott.
Cullom,	Jones, Nev.	Smith,	
Faulkner,	Lindsay,	Thurston,	

So the amendment was rejected.

Mr. HALE. Now, in line 24——

Mr. ALLEN. I hope——

Mr. HALE. I am only having this clause perfected before we come to the Senator's amendment.

Mr. ALLEN. Very well.

Mr. HALE. After the words "battle ship," in line 24, page 51, I move to insert "or torpedo boats"; and on the next page, after the word "ships," I move to insert the same words.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the words "battle ship," in line 24, page 51, it is proposed to insert "or torpedo boats," and after the word "ships," in line 1, page 52, it is proposed to insert "or torpedo boats"; so as to read:

Provided, That said battle ship or torpedo boats can be constructed at an additional cost not exceeding 5 per cent of the lowest accepted bid for the other battle ships or torpedo boats provided for in this act.

The amendment was agreed to.

Mr. HALE. Before going to the lower part of the bill, there is an amendment of the Senator from Nebraska to be considered, coming in after the words "Gulf of Mexico," in line 3, page 52.

Mr. ALLEN. I have the amendment in form here. I move to strike out the word "and," in line 2, page 52; after the word "Mexico," in line 3, to insert "and one torpedo boat on the Missouri River," and after the word "Mississippi," in line 8, to insert "or Missouri."

Mr. HALE. All those changes perfect the clause.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "river," in line 2, page 52, it is proposed to strike out the word "and"; after the word "Mexico," in line 3, to insert the words "and one torpedo boat on the Missouri River," and after the word "Mississippi," in line 8, to insert the words "or Missouri"; so as to read:

And one torpedo boat on the Mississippi River, one torpedo boat on the coast of the Gulf of Mexico, and one torpedo boat on the Missouri River: *Provided*, That if it shall appear to the satisfaction of the President of the United States from the biddings for such contracts when the same are opened and examined by him that said vessels can not be constructed at a fair cost on or near the coast of the Pacific Ocean, or on the Mississippi or Missouri River, or the Gulf of Mexico, he shall authorize the construction of said vessels, or either of them, elsewhere in the United States, subject to the limitations as to cost hereinbefore provided.

Mr. CHANDLER. I did not hear the remarks of the Senator from Nebraska [Mr. ALLEN]. I merely wish to inquire whether there is any establishment on the Missouri River capable of building a torpedo boat.

Mr. ALLEN. I have no doubt about it. There is on that river Kansas City, Mo., where there are large iron works; there is the city of Omaha, Nebr.; the city of Council Bluffs, in Iowa, across the river; Sioux City, Iowa, and several important cities. Two of the important capitals of the nation are on the upper Missouri River, Pierre and Bismarck. I have not the slightest doubt that there is as much capacity at those cities to construct one of these torpedo boats as there is at any city on the Mississippi River. We

are an industrious people in that section. We can very soon get ready to build one of these boats if there is anything lacking. I do seriously hope, in view of the fact that these boats are being sent around to the different parts of the Union for construction, one being sent to the important river, the Mississippi, which I heartily approve, that the other one will be located on the Missouri River, to be let to some contractor for construction on that river.

Mr. CHANDLER. I congratulate the Senator from Nebraska upon having made one of his shortest speeches and having gained one vote.

Mr. ALLEN. I thank the Senator from New Hampshire.

Mr. WHITE. There is one feature of the amendment proposed by the Senator from Nebraska which appeals to me very strongly, and that is that the torpedo boat when built at Omaha will at least be safe. Admiral Walker in the hearing before the Committee on Coast Defenses was asked by the Senator from Georgia [Mr. GORDON]:

Under the conditions existing now, what would be the effect if the English navy should engage ours?

Admiral WALKER. They would probably capture or destroy our whole Navy.

So the element of safety which surrounds this case, as I have already stated, appeals to me with much force. I would prefer for the same reason that the boat should be built in the Grand Canyon of the Colorado. That I can not get, and I will accept Omaha.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Nebraska [Mr. ALLEN].

The amendment was agreed to.

Mr. CALL. On page 52, after the word "Mexico," in the third line, I ask the Senator from Maine to insert the same provision that is to be found on page 51:

Provided, That said battle ship can be constructed at an additional cost not exceeding 5 per cent of the lowest accepted bid for the other battle ships provided for in this act.

Mr. HALE. I could not, of course, agree to do that. The exception was made in the case of the Pacific Coast on account of added cost of transportation of materials there and added prices and cost generally. But I could not by any means agree to apply it, because there would be no end to it. It would want to be applied to the Mississippi River and everywhere else, and there is no expense especially in taking materials to those places or in taking a ship from them. The reasons that apply to California and the Pacific Coast do not apply to these other places. It never before has been asked for by any other place. I hope the Senator from Florida will not urge the amendment.

Mr. CALL. The reasons apply in part to the extent of the difference in the distance; that is all. The principal object of the clause is to give the people in this portion of the country where the ships can be constructed the opportunity to do so. This is an absolute discretion in the President and the Secretary. They can do as they please about it. There is no use to put a clause in the bill providing that one vessel shall be constructed on the Gulf of Mexico and say if the Secretary or the President choose to do it. That is all I have to say about it.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Florida [Mr. CALL].

The amendment was rejected.

Mr. GEORGE. There is a very meritorious claim, a just claim against the Government, which has been ruled out on the point of order.

Mr. HALE. Will the Senator from Mississippi allow me to complete this clause?

Mr. GEORGE. I merely want to offer an amendment. Let me dispose of it right now.

Mr. HALE. All right.

Mr. GEORGE. I offered the amendment, which was ruled out of order by the advice of some of the most experienced parliamentarians in the Senate. I have now been advised to offer the amendment which I hold in my hand, which I presume will not be objected to. It may be, upon the ground of order; I do not know about that. The object of the amendment now offered is to submit to the Court of Claims the question of the right of this party against the Government. Certainly there can be no objection to that. It has been shown here already by the Senator from Colorado [Mr. TELLER] that the Government made a contract and purchased this man's patent and is now using his device. The question of payment having been ruled out of order, I hope at least that Senators will allow this amendment to go into the bill and let the claim be referred to the proper tribunal to decide whether or not the Government owes anything—whether or not it has taken his patent.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 13, on page 7, it is proposed to insert:

The Secretary of the Navy is hereby authorized and required immediately to pay to the patentee of the patent No. 533171, out of the $25,000 appropriated for certain rights under patent No. 533171 in the act making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes, the sum of $976.22, being the total amount expended by the patentee at the Washington Navy-Yard in cartridge and small-bore small-arm experiments made at said navy-yard. The balance of said $25,000 the Secretary of the Navy shall hold subject to the order of the Court of Claims, said court being hereby directed and required to advance and adjudicate this claim under said act providing for payment "for ordnance appliances now in use on naval vessels and covered and protected by patent No. 533171." The Court of Claims to determine, first, whether the Government has infringed any one or more of the claims of patent No. 533171; second, whether said patent was covered by the contract signed by the patentee and the late Secretary of the Navy and authorized in the act making appropriations for the fiscal year ending June 30, 1893, and for other purposes; and third, the amount of compensation, including reasonable damages and costs, that the patentee is entitled to receive under said contract. The Court of Claims to admit as evidence all the correspondence and documentary proof in this case.

Upon judgment for the patentee by said court the Secretary of the Navy shall use the balance of the $25,000 appropriated for patent No. 533171 to satisfy such judgment in full or in part, and pay the same to the patentee.

And the said Court of Claims may render a separate judgment, including reasonable damages and costs, should infringement be proven by the Government of either of the other inventions covered by said contract, applications filed March 28, 1892, serial No. 426839, and July 28, 1892, serial No. 441433.

Mr. SHERMAN. This proposition is subject to the same objection that I made heretofore. Besides, this man can sue in the Court of Claims. The Court of Claims has jurisdiction of all cases of private citizens against the United States, and there is no reason why we should give this particular litigant any particular favor. I make the point of order against the amendment. It is the shortest way to do it. He can sue in the Court of Claims any day he chooses.

The VICE-PRESIDENT. The point of order is made against the amendment submitted by the Senator from Mississippi [Mr. GEORGE]. The Chair is compelled to sustain the point of order under the rule.

Mr. HALE. The next committee amendment is on page 53, line 14. Let it be stated.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 52, line 14, before the word "days," it is proposed to strike out the word "ninety" and insert "one hundred and twenty"; so as to read:

Provided further, That the contracts for the construction of the vessels herein provided for shall be made within one hundred and twenty days from the passage of this act.

The amendment was agreed to.

Mr. HALE. Now let the next committee amendment be stated.

The SECRETARY. On page 52, after line 15, it is proposed to insert:

The Secretary of the Navy is hereby authorized to contract for the building of two submarine torpedo boats of the Holland type, at a cost not exceeding $175,000 each, said boats to be constructed and delivered to the Navy Department within four months from the date of contract: *Provided*, That the Holland boat now being built for the Department shall be accepted by the Department as fulfilling all the requirements of the contract, and as being satisfactory to the Secretary of the Navy; but no action shall be taken therein until said Holland boat now being built for the Department shall have been fully tested to the satisfaction of the Secretary of the Navy, and thereupon accepted.

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment reported by the Committee on Appropriations will be stated.

The SECRETARY. On page 53, line 7, before the word "hundred," it is proposed to strike out "six" and insert "three"; so as to read:

Construction and machinery: On account of the hulls and outfits of vessels and steam machinery of vessels heretofore authorized, and of the vessels authorized under this act, $7,350,679.

Mr. HALE. I move to amend the amendment by striking out the word "seven," before the word "million," in line 7, and inserting "six"; so as to conform to the action of the Senate in regard to battle ships.

The SECRETARY. In line 7 it is proposed to strike out "seven" and insert "six"; so as to read "$6,370,679."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HALE. Now let the next clause be read.

The Secretary read the bill, beginning with line 9, on page 53, to the end of line 21, on the same page.

Mr. HALE. In line 20, on page 53, I move to strike out the word "eight" and insert in lieu thereof the word "three."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 20, page 53, it is proposed to strike out the word "eight" and insert in lieu thereof "three"; so as to make the clause read:

Armor and armament: Toward the armament and armor of domestic manufacture for the vessels authorized by the act of August 3, 1886; of those authorized by the act of June 30, 1890; of those authorized by the act of July 19, 1892; and of the vessels authorized by the act of March 3, 1893; of the three torpedo boats, act of July 26, 1894; of the vessels authorized under the act of March 2, 1895, and of the vessels authorized under this act, $4,371,454.

Mr. GORMAN. I ask the Senator from Maine whether that sum can not be further reduced?

Mr. HALE. No; I am afraid I have proposed to reduce it a little too much. There will be very little armor contracted for this year, and if a certain amendment——

Mr. GORMAN. All right.

Mr. HALE. I think that is far enough.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Maine [Mr. HALE].

The amendment was agreed to.

Mr. SQUIRE. I wish to offer an amendment.

Mr. HALE. To come in at what point?

Mr. SQUIRE. I should like to offer an amendment on page 21.

Mr. HALE. Will the Senator wait until I can get through with the committee amendments?

Mr. SQUIRE. Very well.

Mr. CALL. I should like to know of the Senator from Maine whether there was an agreement made to vote on the bill at a specific hour?

Mr. HALE. There was not; but it was agreed that we should stay to-night until the bill was finished and passed. I now wish the committee would go back to the reserved amendments, as I want to have them taken up first.

Mr. GORMAN. Will the Senator permit one amendment from the committee on page 2, as to surgeons of the Navy?

Mr. HALE. I would rather take up the reserved clauses before taking up other amendments.

Mr. GORMAN. Very well.

Mr. ALLEN. I have an amendment to offer, if it is in order.

Mr. CHANDLER. Let me make an inquiry of the Senator from Maine. Does he intend to proceed with the committee amendments and dispose of them first?

Mr. HALE. I propose first to take up the reserved amendments which have been passed over.

Mr. CHANDLER. The committee amendments?

Mr. HALE. They are committee amendments. Then any amendments will be in order. The natural order is to take up those which have been reserved and passed over. Then the Senator, of course——

Mr. ALLEN. I have no objection to that. I do not wish to be shut out, however.

Mr. HALE. Of course the Senator will not be shut out. I ask the Secretary to go back and read the committee amendment on page 43.

The SECRETARY. On page 43, after line 2, it is proposed to strike out:

Pay of 10 sergeants, 40 corporals, 12 drummers, 12 fifers, and 426 privates, to be enlisted in accordance with the provisions of section 1596, Revised Statutes, $74,560, to be immediately available.

Mr. HALE. These amendments, the amendment on page 45, lines 19 to 23, the amendment on page 46, lines 3 to 7, inclusive, and the amendment on page 50, lines 10 to 15, inclusive, are all one amendment substantially; that is, they apply to the Marine Corps. One amendment is for pay; another is for articles of furniture; another is for provisions, and they all go together. The committee, I will simply say, believing that this could wait and is not so imperative as the increase of the force of the Navy, the enlisted men, struck it out, thereby saving some three or four hundred thousand dollars, and it is for the Senate to determine. I should like consent to be given that the amendments may be considered all together, because one goes with the other. I do not wish to take up any more time.

Mr. HAWLEY. Mr. President, I wish the Senator from Maine would set forth a little more in detail the reasons why the Marine Corps should not be enlarged. I suppose there will be some large vessels going into commission before long with large crews. In short, the conditions that require a marine corps are going to be very much enlarged.

Nobody thinks of dispensing with such a corps. It has been found in the best of navies and in our own from the beginning of the Government to be essential to the wise and safe government of a ship, and a very valuable instrument in case the necessity is imposed upon a naval vessel to enter a foreign harbor and protect American property and the lives of American citizens. In such cases a marine corps, a well-drilled, faithful body of men, is always ready to be thrown ashore to protect a consulate or a legation, and our Marine Corps has made very honorable records during all this time. It has nineteen times been thanked by votes of Congress, and I think the wisest and most experienced naval officers consider that a certain body guard, a certain reserve of purely military force, or nearly so, is essential to the wise conduct of the Navy.

Mr. HALE. The committee did not think the burden was upon it to show why the Marine Corps should not be increased. The burden is on the advocates of the increase. The committee did not think that under present conditions 500 men, including the lower grades of officers, were imperatively needed now by the Marine Corps. They did not believe they were so much needed as the thousand men for the enlisted part of the Navy given last year or the thousand men given in the bill for this year. It was thought, comparing the two together, that this matter could wait. The impression, I think, was general in the committee in reporting the bill, that the reasons for the increased expense were not sufficient to justify us in putting it on.

Mr. CHANDLER. One presumption in favor of the amendment is that it has already been adopted by the House of Representatives.

Mr. HAWLEY. Not the amendment.

Mr. HALE. Not the amendment.

Mr. HAWLEY. The original proposition.

Mr. HALE. Not the amendment; the original clause.

Mr. HAWLEY. The provision for the increase comes from the other House.

Mr. CHANDLER. The proposition to increase the noncommissioned officers and privates in the Marine Corps met the favor of the House of Representatives. The Senate committee proposes to strike out the increase. The necessity for the increase is proved by the increase in the number of our ships. The Marine Corps are the soldiers of the Navy, and it is important that we should have in every naval station a good strong company of marines. It is important that we should have upon every vessel of the Navy a strong, well-filled company of marines. These marines are wanted for the battle ships, the large cruisers we have built which are going upon the ocean, to be a credit to the country in every way, and just as much as we want the increase in seamen so we want the increase of 500 marines. The other House and its committee have studied this subject carefully, and they believe that considering the growth of the Navy this increase in the Marine Corps ought to be acceded to.

No additional officers are provided for. There is no increase of captains and lieutenants, but only of noncommissioned officers and privates. The increase of the ships of the Navy is such that if we are to man the various vessels which we propose to send out to the world to our national credit as they ought to be manned, we should have the additional 500 marines. They are just as much a necessity as the increase of the number of seamen of the Navy.

Mr. LODGE. I understand that the Secretary of the Navy informed the House committee that this is an absolutely essential addition; that it is impossible for the present force to do the work required of the Marine Corps.

Mr. HALE. He did not make that statement to the Senate committee.

Mr. LODGE. I am informed that the statement was made in writing to the House committee.

Mr. HALE. The committee of the Senate asked the Secretary which he considered the more essential or the essential thing in the force of the Navy, and he said the enlisted men in the line of the Navy rather than the Marine Corps. I do not mean by that that he was not in favor of an increase of the Marine Corps, but, taking the two together, he stated that the essential thing was the other and not this.

Mr. LODGE. I do not mean to say that the Secretary did not consider the seamen more essential than the Marine Corps, but if the Marine Corps is to be maintained, and in his report he argues very strongly in favor of maintaining it—I understand he formally wrote to the House committee that it was absolutely essential to have this addition.

The Marine Corps is the police of the Navy, both on the ships and at the yards. The increase of the Navy necessarily requires a larger force of marines. There has been no addition to the force since this large increase in the Navy has been made, and they are really becoming every day more and more unable to perform the necessary work. That is, the Department either have to send ships to sea without the marines or they have to leave the Government property, the yards, unprotected. If the Marine Corps is to be kept up at all, and I suppose it is, because all the best judges concede it to be a very important branch of the Navy, it seems to me we ought certainly to make it able to perform the duties which it is called upon to perform.

It may also be said in regard to the Marine Corps that under the conditions on the new ships the marines are able to perform many duties which they were unable to do upon the old ships. The privates and officers of the Marine Corps can be trained to handle and work the guns, so that a sufficient force of marines on board ships not only supplies the Marine Corps and takes care of police duties, but it is also to a certain extent able to perform duties of seamen and in that way prevent a further increase in that direction. It seems to me that if the Corps is to be kept up at all we should follow the provision of the House, made after careful deliberation and full hearing of the Secretary and the commandant of the Marine Corps, and give the increase asked for, which is not an excessive one.

Mr. MILLS. Why would it not be a good idea to divide up the increase between the seamen and the marines, giving 500 to each?

Mr. LODGE. We have already given the increase as to seamen.

Mr. BACON. If I am not mistaken in my recollection—and if I am the Senator from Maine [Mr. HALE] and other members of the committee will correct me—the Secretary of the Navy communicated to the Naval Affairs Committee what were the wants

of the Navy with reference to the increase of seamen. The numbers and the reasons were stated by him, and if I recollect correctly there was no statement made by the Secretary of the Navy, either then or at any other time, to the Naval Affairs Committee to the effect that an additional number of marines was desired for the service of the Navy. The Senator from Maine [Mr. HALE], or the Senator from New Hampshire [Mr. CHANDLER], or the Senator from California [Mr. PERKINS], all of whom were present at the time, will correct me if I am in error about the matter.

Mr. HALE. I beg the Senator's pardon. I did not hear his statement.

Mr. BACON. I stated to the Senator that the Secretary of the Navy had communicated with the Naval Committee upon the subject of what increased number of seamen were needed, and that while he stated the number of seamen that were needed, he did not state that any increased number of marines were required.

Mr. HALE. The communication the Senator refers to was, as I understand, limited to an increase of the enlisted men of the Navy, and did not refer to this.

Mr. BACON. Yes, sir.

Mr. LODGE. Mr. President, I have here a communication sent to the House committee by the Secretary of the Navy, in which he says:

SIR: I have the honor to forward herewith copy of a letter from the Colonel Commandant of the United States Marine Corps, calling attention to his statements, and to request, for the reasons therein mentioned, that an appropriation be made to provide for 500 additional men in the Marine Corps. The law already authorizes the enlistment of these men, so that only an appropriation is necessary.

Very respectfully, H. A. HERBERT, *Secretary*.

Hon. C. A. BOUTELLE,
Chairman Committee on Naval Affairs,
House of Representatives, Washington, D. C.

He indorses the report of the commandant, which I have here, and this report is at some length. He states, as I have said, that it is absolutely essential to have this additional increase of marines, and he asks also that some of them be immediately available, as the pressure is so great. He gives extracts from some of his published reports, in which he says, among other things:

The increased demand for sea service has rendered it necessary to so reduce the number of men on shore as to make it impossible to furnish sufficient men for guard duty at the different navy-yards without a severe strain upon the enlisted men.

Mr. HALE. From what is the Senator reading?

Mr. LODGE. I am reading from the printed report of the commandant of the marines, indorsed by the Secretary of the Navy—

In fact this strain has been so great as to cause considerable dissatisfaction and discontent in the ranks, and has resulted in the corps losing many of its old soldiers, and to deter others from joining it. It is not an unusual occurrence for the enlisted men to be forty-eight hours on guard consecutively, with but twenty-four hours off, thus allowing them only one night in three to "sleep in." At no army post in this country is such severe guard duty performed.

These men are engaged directly in the protection of Government property at every navy-yard in the country and at every naval station. They are the only police to guard that property, and when an order comes for them to go on board ship, they have to be taken from the yards, and the property of the Government is exposed, as there is no other police to protect it. They have not got enough to meet the quotas which are required for the new ships which are coming into commission every day. Unless the Senate is prepared to enter upon the policy of abolishing the Marine Corps, which would be a very violent step, which, I think, nobody recommends—if we are going to have the Government property properly guarded, we certainly ought to have the addition for which the commandant asks, and which the Secretary of the Navy has formally indorsed.

The VICE-PRESIDENT. The question is on the amendment submitted by the committee.

Mr. LODGE. I will merely say in addition that the Secretary says—and I call attention to the fact—the law authorizes now 3,100 men, and all that is needed is the appropriation. It is not to authorize an enlistment of new men, but it is simply to carry out existing law.

Mr. GORMAN. Mr. President, the Secretary of the Navy stated to us at the last session that he wanted an increase of a thousand sailors, which would cost half a million dollars a year. In this bill there is provision for an increase of 1,000 sailors in addition to those of last year, making the increase of sailors 2,000, and there is also an increase of 500 marines. I understand the Department prefers the increase of the number of sailors rather than of the Marine Corps, if they can not have both; but it is due to the Secretary to say that he would like to have 2,000 sailors and 500 marines, so as to have our Navy on a war footing in a time of peace.

I understand there is very great division of sentiment among the officers of the Navy as to the propriety of increasing the sailors and marines, some holding that the marines on these great ships are of more use than the sailors. They are certainly cheaper. The Committee on Appropriations has not agreed with that recommendation, and thought it unwise at this time to give 1,500 additional men to the Navy. Therefore I trust that the amendment will be adopted.

Mr. CHANDLER. There may be some difference of opinion among naval officers as to the propriety of standing by the Marine Corps, but there seems to be no hesitancy on the part of the present Secretary of the Navy, who at this time is in some disfavor with the Senator from Maryland——

Mr. GORMAN. Not at all.

Mr. CHANDLER. As to the wisdom of keeping up the Marine Corps. The Secretary devotes a page of his report to the Marine Corps, and I will quote only one sentence:

There has always been more or less objection on the part of some officers of the Navy to marines on board ship, but as marines have constituted a part of our naval establishment both on shore and at sea from its infancy, it may fairly be presumed that experience has, in the opinion of those who control, demonstrated the wisdom of maintaining this branch of the service.

Then the Secretary proceeds to argue at length, and says in conclusion:

For these and other reasons the Department decided to put 60 marines and 2 marine officers on board the *Indiana*, and it will put marines on the other battle ships as they are severally commissioned.

This country is not reduced, Mr. President, to such a petty strait, even under the present Administration of the Government, which it seems necessary for the Republicans all the time to defend from Democratic attacks, that it can not, in connection with the increase of its Navy, authorize the 500 marines who are now needed.

Mr. President, two-thirds of this country thirty years ago expended $6,000,000,000 and ran into debt $2,700,000,000, and it did not distress it half so much as the Senator from Maryland seems to be distressed to-day on the question of whether we shall expend $1,000,000 or $2,000,000 more or less now because we have not money in the Treasury to pay the bills. The country expects that Congress will provide for the national defense here and now, not extravagantly, not recklessly, but judiciously and appropriately; and when appropriations are made, somehow or other—either by President Cleveland or Secretary Carlisle or in some other way—the money will be provided, and all this discussion about the condition of the Treasury which has been indulged in in connection with this bill seems to me to be out of place. I repeat, it is pitiful to think that we are to be told that we can not give 500 additional marines, if they are needed to complete the corps, because there is not money enough in the Treasury to do it, when the Senator from Maryland is going back to his Republican State to tell the people there that he did succeed in saving two battle ships—$10,000,000.

Mr. BACON. I simply wish to suggest to the Senator from New Hampshire that we had a very different system of finance at the time to which he refers.

Mr. ALLEN. Mr. President, I should like to ask the Senator from New Hampshire, so that we may know about this matter, if there is any pressing necessity to increase the Marine Corps until the battle ships are constructed? It will take, as I understand, some two or three years to construct them and to put them in a condition where they will be fit to be armed and manned. Why start at this time, three years in advance, to increase the Marine Corps?

I want to observe in connection with this question, so that the RECORD may contain it and it may appear as part of the proceedings here, that it occurs to me that this is part of the old scheme by which the people of this country have been bunceed for the last twenty-five or thirty years, of making lavish appropriations and lavish contracts for the Army and the Navy, and for other Departments of the Government, with the ulterior purpose, and possibly with the sole purpose, of laying the foundation to increase the burdens of taxation upon the people to meet those obligations.

I believe there is no necessity for any increase of these marines, and I do not think there is the slightest necessity for an increase of the Navy at this time—the naval force.

The amendment was rejected.

Mr. HALE. Let that apply also to the amendment on page 45.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. The next reserved amendment reported from the Committee on Appropriations was, on page 45, after line 18, to strike out down to and including line 23, as follows:

For 500 noncommissioned officers, musicians, and privates, to be enlisted in accordance with the provisions of section 1596, Revised Statutes, $90,642.75, to be immediately available.

The amendment was rejected.

Mr. HALE. I ask that the amendment after line 2, on page 46, be rejected.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 46, after line 2, it is proposed to strike out from line 3 to line 7, as follows:

For 500 noncommissioned officers, musicians, and privates, to be enlisted in accordance with the provisions of section 1596, Revised Statutes, $17,255, be immediately available.

The amendment was rejected.

Mr. HALE. Now let the amendment on page 50, from line 10 to line 15, be rejected.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 50, after line 9, it is proposed to strike out as follows:

For iron bedsteads, mattresses, mattress covers, pillows, clothing boxes, and other articles for 500 noncommissioned officers, musicians, and privates, to be enlisted in accordance with the provisions of section 1536, Revised Statutes, $3,000, to be immediately available.

The amendment was rejected.

Mr. HALE. I believe the Senator from Maryland has a committee amendment to offer.

Mr. GORMAN. I offer an amendment from the Committee on Appropriations, to come in at the end of line 17, on page 2.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, after the word "action," in line 17, it is proposed to insert:

Provided further, That such surgeons in the Navy not in line of promotion as may have been appointed to that position in accordance with a special act of Congress for meritorious services during yellow-fever epidemics shall have all the benefits of their previous service in the same manner as if said appointments were a reentry into the Navy.

The amendment was agreed to.

Mr. CALL. I offer, by request, the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment submitted by the Senator from Florida will be stated.

The SECRETARY. On page 50, after line 19, it is proposed to insert:

The Secretary of the Navy and the Secretary of War shall first cause to be tested the improved battle-ship armor and method of working the guns of W. W. Hubbell, together with his dynamite shells and armor-piercing shot in the high-power guns, which, it appears, he first invented and proposed in 1883 and 1884 to the Senate Select Committee on Heavy Ordnance, reported by them and now adopted in the Navy and Army, the armor to be used in place of the armor now being made when it proves superior in resistance or less in weight of equal resistance; and appoint a board of officers and report to Congress what is a just compensation to said Hubbell for his invention and proposal of said high-power steel guns now used, said armor for battle ships, method of working the guns, and said shells and shot, or either of them, for the secret or the public service of the United States Navy and Army.

The amendment was rejected.

Mr. SQUIRE. I desire to offer an amendment, which I send to the desk, to come in on line 13, page 21, after the words "sixty thousand dollars."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "dollars," in line 13, on page 21, it is proposed to insert—

Machinery for said shops, $25,000.

Mr. SQUIRE. Mr. President, I desire to make a statement very briefly on this matter. I suppose a point of order can be raised on the amendment. I do not find in the report of the Secretary of the Navy that there is a specific recommendation of an appropriation for this amount; but I think it is right and proper that the statement should be made to the Senate, and I hope the committee will allow the amendment to come in without raising the point of order. I have here a very brief dispatch from the Secretary of the Navy, as follows:

NAVY DEPARTMENT, *April 29, 1896.*

Hon. WATSON C. SQUIRE:

In reply to your inquiry asking how much it will cost for machinery for the new shop provided for in the pending naval appropriation bill at the naval station, Port Orchard, Puget Sound, and also if the Department had the money, could it equip this shop during the coming fiscal year with such machinery, I have to say that it would cost $25,000 to furnish the shop with proper machinery, and that the same could be put in there by Department during the coming fiscal year.

W. MCADOO, *Acting Secretary.*

I would also, in this connection, by permission of the Senator having charge of this bill, present a letter from the Navy Department, dated May 1, 1896, which, with the permission of the Senate, I will read:

NAVY DEPARTMENT, *Washington, May 1, 1896.*

SIR: In reply to inquiries of Hon. WATSON C. SQUIRE, United States Senator from Washington, the Department telegraphed to him that if $25,000 was appropriated in the present bill for the purpose of equipping the new machine shop at Port Orchard, Puget Sound, the machinery would be placed in there during the coming fiscal year. If the appropriation for the shop now in the bill carries work will be immediately commenced on it after the 1st of July, and it will be very speedily completed. If the bill also carried an appropriation for machinery the Department would have the same ready for the shop when it was completed.

An estimate in detail for ship fitters and machine-shop tools, amounting to $31,628, is inclosed herewith. As will be seen, the estimate is made by the Chief Constructor, the shop in question being for the use of the Bureau of Construction and Repair. The dock at Port Orchard, now completed, is one of the largest and most efficient in possession of the Government.

Very respectfully,

W. MCADOO, *Acting Secretary.*

Hon. EUGENE HALE,
Committee on Naval Affairs, United States Senate.

Here is a list, which I do not suppose it is necessary to read, prepared with great care, signed by Philip Hichborn, Chief Constructor, United States Navy, which amounts in the total to $31,628; which I shall insert in my remarks:

NAVY DEPARTMENT,
BUREAU OF CONSTRUCTION AND REPAIR, *May 1, 1896.*

PRELIMINARY SCHEDULE OF TOOLS FOR PUGET SOUND STATION.

Ship fitters and machine-shop tools.

1 drill, 4-inch spindle, No. 3 socket, Morse taper	$375.00
2 upright drills, No. 1, Morse taper socket	195.00
1 radial drill, 72-inch swing	1,125.00
2 sensitive drills, 15-inch swing	116.00
1 No. 5 plain milling machine, complete	923.00
1 hand lathe, 12-inch, 4-foot bed	123.00
1 planer, 36 by 36 inches, to plane 10 feet, with vertical slide rest on both uprights, and extra slide rest on crosshead	2,000.00
1 No. 5 emery tool grinder	280.00
1 buffing lathe	60.00
1 large power pipe-cutting machine, 2½ inches to 8 inches, No. 4, right-handed	618.00
1 pipe-cutting machine, No. 1, ¼ inch to 2 inches	95.00
1 No. 3 bolt cutter, ¼ inch to 1½ inches	380.00
1 10-inch slotting machine	835.00
2 double No. 2 punching and shearing machines, 25-inch throat	3,000.00
1 open-side planer, size F, 48 by 48 inches by 16 feet	4,000.00
1 self-acting slide lathe, 36 inches, 22 foot 6½ inch bed, complete	2,610.00
1 No. 3 screw-cutting machine, with 1 set of box tools, collets, etc.	800.00
2 16-inch engine lathes, 8-foot bed	590.00
1 20-inch brass lathe	870.00
1 self-acting slide lathe, 20-inch, 14 foot 1½ inch bed	865.00
1 37-inch boring and turning mill, with 2 heads	1,525.00
1 16-inch traveling head-shaping machine	990.00
1 Corliss engine to run shop	1,680.00
Line shafting and hangers	250.00
Total	24,305.00

Smithery tools and appliances.

1 350-pound single-frame steam hammer	575.00
1 800-pound single-frame steam hammer	785.00
1 Sturtevant blower	175.00
8 anvils	250.00
Total	1,785.00

Wood-working machinery and small tools.

1 No. 2½ 7-inch molding machine to work 4 sides	$365.00
1 No. 4 band resawing machine to resaw material up to 20 inches wide and 6 inches thick	565.00
1 No. 4½ improved smoothing planer to plane 26 inches wide and up to 6½ inches thick	500.00
1 improved wood-frame Daniels planing machine to plane 30 inches wide and 36 feet long	778.00
1 No. 5 automatic hollow chisel mortiser	440.00
1 improved double revolving circular sawing machine	313.00
1 No. 3 cabinet tenoning machine	352.00
1 No. 5 20-inch pattern-maker's lathe	327.00
1 No. 1 upright drill	195.00
1 large-size patent automatic knife grinder capable of grinding knives up to and including 36 inches in length	212.00
1 band-saw setting and filing machine	60.00
1 No. 2 solid-frame variety wood worker, complete	563.00
1 No. 1 patent friezing and edge-molding machine	232.00
1 No. 6 patent column fret scroll saw	242.00
1 No. 2 Universal trimmer	84.00
1 46-inch grindstone, 4-inch face	55.00
1 No. 3 self-feed saw table	345.00
Total	5,538.00
Grand total	31,628.00

The above does not include plumbers' and coppersmiths' appliances, hand tools, dry dock, and general outside outfit, etc., these being more in the nature of stores or supplies which would be provided out of the current annual appropriation.

PHILIP HICHBORN,
Chief Constructor, United States Navy.

I have here a newspaper, the Post-Intelligencer, printed in Seattle April 23, giving an account of the successful testing of the great dry dock at Puget Sound, illustrating this great dry dock, and showing the dock as it appears with a vessel after it enters the dock. I do not desire to do more than simply call attention to the fact that this great dock, which has been the subject of appropriations during the past three Congresses, has just been completed. I have taken the greatest interest in securing the appropriations for this dry dock from first to last. At last the efforts put forth have been crowned with success, and I have a right to be proud of it. It is the greatest naval dry dock in the United States, and one of the two or three greatest in the world. At this juncture that dock has been accepted, and it is found to be all right, and yet it is without any machinery for its shops. It is provided in the present bill——

Mr. WOLCOTT. Mr. President——

Mr. SQUIRE. Let me finish this sentence, if the Senator please.

Mr. ALLEN. I make the suggestion of the propriety of the Senator sending his documents to the Secretary's desk and having them read. I should like to hear them.

Mr. SQUIRE. I do not desire to inflict details of that kind on the Senate.

The VICE PRESIDENT. The time of the Senator from Washington has expired.

Mr. SQUIRE. I ask unanimous consent to say a word or two more.

Mr. WOLCOTT. I will withhold unanimous consent unless the Senator allows me to ask him a question, and if he consents I shall

interpose no objection to his going on as many five minutes as he likes.

Mr. SQUIRE. Very well.

Mr. WOLCOTT. I ask the Senator from Washington this question: He says at this juncture it is found that this magnificent dock has no machinery. I see by this bill the Senator gets $101,000 for the State of Washington. Is the Senator not willing to chop off $25,000 of the $101,000 he has got, and put that into machinery, so that the aggregate appropriation will still be $101,000, and yet he will still get $25,000 for machinery? Is not that possible?

Mr. SQUIRE. I thank the Senator from Colorado for his suggestion.

Mr. WOLCOTT. I am in hearty sympathy with what the Senator desires.

Mr. SQUIRE. We wish to have the machinery, but I doubt whether it would be wise to diminish the appropriations for other purposes named in the bill. With reference to the naval station at Puget Sound, let me call attention to what the Senator from Colorado refers. The bill states:

Dry dock, Puget Sound Naval Station, Wash.: For construction and repair shops at dry dock, $60,000; storehouse, $20,000; two steel tanks, $11,980; water main, and purchase of land adjoining station containing a spring for water supply, $4,000; clearing the grounds about the station, $5,250; in all, $101,230.

I do not believe it is wise to undertake to change any of the figures as they are already in the bill, and it seems very evident to me that it is unwise to go without proper machinery for the shops. The committee have passed upon that part of the bill which calls for the construction of shops to cost $60,000, and yet this great shop erected there is not to have any machinery. It seems very strange to me, and I do not understand for what purpose it is necessary to build shops and not put machinery in them.

I asked of the Chief Naval Constructor what they could do with this shop, and they said they could store paint there. What can they do with this dry dock which is without any machinery for repairing vessels? What can they do with it except simply to scrape the bottoms of ships and paint them? The *Monterey* has just been docked. It is in the dock at present, to remain a few days to be painted, and yet nothing can be done without the assistance of a private concern if there happens to be anything out of order about her machinery, the steering apparatus, or what not. It appears to me that this matter of an appropriation for machinery has been unintentionally omitted in the regular estimates of the Secretary of the Navy, and I think the estimate now made by the Department of $25,000 is so small that I shall ask the Senator in charge of the bill not to make the point of order, but to admit the amendment.

Mr. HALE. We could get at it in a way which would be entirely satisfactory to the Senator if he did not exceed his five minutes, though we are always glad to listen to him, no matter how long.

Mr. SQUIRE. Thank you.

Mr. HALE. We could take this amount out of the buildings provided for.

Mr. SQUIRE. If you want to have machinery, you require the buildings; otherwise you can not have a place wherein to put your machinery.

Mr. FRYE. There is another way, from the success which the Senator has had on the river and harbor bill, which I suggest to him, which is that he offer his amendment to that bill. He can get it in there without the slightest difficulty.

Mr. HALE. How much has the Senator from Washington got in that bill?

Mr. FRYE. Only two or three million dollars.

Mr. HALE. For his State?

Mr. FRYE. Yes; that is all.

Mr. SQUIRE. I think the Senator from Maine [Mr. FRYE], the chairman of the Committee on Commerce, does too great honor to my humble efforts by his statement in connection with the public works in my State; but I think he speaks in a very sportive mood when he talks about my having secured so much, because no such amount has been secured by me in that bill, although it is true that two important contracts are provided for, besides only about $355,000 in all actually appropriated in the bill ($100,000 of this amount is conditioned on the right of way being obtained free of cost to the United States); and this for a State that has many important rivers and harbors; and, having only recently come into the Union, it has never hitherto had any large appropriations for river and harbor improvements, and only about $497,350 in all hitherto for that purpose from the beginning of time. Of course this does not include the amounts to be counted under the head of "Oregon and Washington."

I fail to see how anyone can express any jealousy on that point; and the little that has been obtained for rivers and harbors ought not to affect the question of furnishing machinery for the completed dry dock.

Mr. HALE. Let us have a vote, and dispose of the matter.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Washington [Mr. SQUIRE].

The amendment was rejected.

Mr. CALL. I offer an amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment submitted by the Senator from Florida will be stated.

The SECRETARY. After line 15, on page 50, it is proposed to insert:

Provided, That the contracts for the construction of said ships shall be payable in silver coin of the standard prescribed in the laws or in United States Treasury notes of full legal tender, redeemable at the option of the Government in gold or silver coin of the standard now prescribed by law.

Mr. CALL. Mr. President, a great deal was said here yesterday by the Senator from New York [Mr. HILL] about the necessity of issuing bonds. I have voted for every provision of this bill for the increase of the Navy. We have nothing provided for the South, not even the building of one ship, for which there is an imperative necessity. We are very unanimously of opinion in all that section of the country that it is not necessary to issue bonds of the United States bearing interest, but that the silver coin of the United States and the Treasury notes should be accepted for all contracts which may be required by law. I should like to have a vote on that proposition.

Mr. HALE. I raise the point of order, of course, that the amendment is not in order.

Mr. CALL. What is the point of order?

Mr. HALE. It is absolutely new, and very general legislation. [Laughter.]

Mr. CALL. When a proposition is made that contracts shall be paid for in lawful money of the United States, it is very singular to say that is new legislation. That is the law now. It is no change of the law.

The VICE-PRESIDENT. The Senator from Maine makes the point of order against the amendment submitted by the Senator from Florida that it is new legislation. The Chair sustains the point of order.

Mr. BACON. There is an amendment which was offered by me several days ago by direction of the Committee on Naval Affairs, to come in on page 52, at the end of line 15, which I ask may be now considered.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of line 15, on page 52, it is proposed to insert:

And provided further, That in case the Secretary of the Navy shall make separate contracts for the armor and armor plate for said battle ships, he shall not accept bids at a rate exceeding an average of $550 per ton of 2,240 pounds; and in case the said Secretary can not make contracts for said armor and armor plate within said limit he shall delay action and report the offers made to the next session of Congress

Mr. HALE. There is no objection to that amendment.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Georgia.

The amendment was agreed to.

Mr. LODGE. I desire, with the assent of the Senator in charge of the bill, to offer an amendment, to come in on page 37, after line 2.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert, after line 2, on page 37, the following:

The Secretary of the Navy is hereby authorized to transfer to the *Enterprise* one of the two boilers of the *Galena*, now at the navy-yard at Portsmouth, N. H.: *Provided*, That all expenses incurred in the installation of such boiler in the *Enterprise* shall be borne by the State of Massachusetts.

Mr. GALLINGER. I should like to ask an explanation of that amendment. I am unfamiliar with its provisions.

Mr. LODGE. I can state it very easily. The *Enterprise* is a Government ship, lent to the State of Massachusetts for a nautical training school by the Government. She is a very old ship, and her boilers are entirely worn out. At Portsmouth there are lying two old boilers belonging to the *Galena* or to one of the vessels of the *Galena* class. They can not be used in any other ship; they are entirely useless to the Government; and all I ask is for the Secretary of the Navy to have authority to put this Government boiler in a Government ship at no expense to the Government whatever.

Mr. GALLINGER. I was a little suspicious about the amendment, for the reason that Massachusetts a little while ago undertook to take the *Constitution* from us. I think they ought to have these boilers, but we are going to keep the *Constitution* so long as we can.

The amendment was agreed to.

Mr. ALLEN. I offer the amendment which I send to the desk, to be inserted on page 2, after the amendment submitted by the Senator from Massachusetts [Mr. LODGE] a day or two ago.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the amendment already adopted on page 2, it is proposed to insert:

But no officer is to be paid from these nor subsequent appropriations, as on the retired list, after the disability for which he was placed there has ceased; whereupon, under his existing commission, he shall resume duty on the active list when the next vacancy occurs in his grade: *Provided*, That his recovery be verified by a board's examination, and also that he be found to have no other disability.

Mr. CHANDLER. I call the attention of the Senator from Nebraska to the fact that here is a very violent change of existing law. After a naval officer gets upon the retired list by the various processes through which naval officers are retired, he stays there so long as he lives, and can not get back upon the active list except by a special act of Congress.

While the point the Senator presents is worthy of consideration, whether some of these retired officers ought to be there, whether they may not have recovered from their disabilities, whether they might not under proper conditions be restored to the active list, yet it is a very radical and, as I have said, a very violent change of existing law, and I wish the Senator would withhold his amendment until it can be taken up as a separate measure.

Mr. ALLEN. Mr. President, I hope the Senate will indulge me just a moment to make a brief statement about this matter. The amendment, in my judgment, is one of very great merit and I hope it will not be disposed of upon a mere question of parliamentary law, as the great question of the free coinage of silver was disposed of a moment ago. I have had occasion to talk with some of these retired naval officers, and if the statements which have been made to me are true—and I have no doubt that many of them are true—they show a singular condition in our naval affairs at this time.

I was talking but a day or two ago with an officer who was retired as lieutenant-commander, if that is the title, in consequence of exhaustion produced by disease before he had fully recovered from the disease, and he is now entirely recovered and as strong as he ever was. He is a strong, robust man, and yet, in consequence of that retirement through the action of a retiring board, he is unable to get back upon the active list, although he is a vigorous and competent man evidently from his appearance and from his apparent education and experience.

Now, what should be the policy of the Government in reference to this class of officers? I assume that it is the true policy of the Government, if it is to be honestly administered, to keep these men in active service as long as they are competent to discharge the duties which are imposed upon them by virtue of their official positions, and when a man has been retired by a retiring board in consequence of some temporary accident or temporary sickness and recovers his health, or recovers from that accident, it should not be the policy of Congress or the executive department to keep that man upon the retired list.

Mr. CHANDLER. Will the Senator allow me?

Mr. ALLEN. Certainly.

Mr. CHANDLER. I wish to say that an officer can not be retired for temporary sickness, for an acute sickness. He can only be retired for a permanent physical disability, a disability adjudged to be permanent by the naval surgeons. To be sure, he may recover; but there are not many such cases as the Senator describes, if there are any.

Mr. ALLEN. Mr. President, I observe wherever there is a desire to do a thing you can always find a way to do it. There is no doubt about that. The proposed amendment provides that an officer who has been retired by the action of a retiring board, whoever he may be—I know nothing about these officers—shall be entitled to resume his duties upon the active list when the next vacancy occurs in his grade after he has been reexamined and passed muster before the retiring board, and only when they pass upon the fact and find that he is physically and mentally fit and competent to resume his duties.

Now, let me make the statement about this matter a little more complete. These men are met by a certain class of officers called juniors, as I am informed, young men who have come into the naval service since their retirement, and in consequence of their retirement from active duty by the retiring board the juniors have been promoted in their places. That class of men are fighting and antagonizing the reinstatement of the retired officers, so as to prevent them from resuming their places in the naval service of the Government of the United States. That influence is to be felt here. I was warned of that when I introduced the proposed amendment. I knew it would be antagonized. I knew this junior influence, as it is called, would make its appearance in this Chamber and antagonize the amendment upon a point of order or in some other form.

The VICE-PRESIDENT. The Chair will state to the Senator that his time has expired.

Mr. ALLEN. I ask unanimous consent to finish my statement.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Senator from Nebraska will proceed.

Mr. ALLEN. Let me make an additional statement of information that has come to my attention within the last few days in reference to this matter, and which I think the country ought to know; at least I want the people out in the interior of the country to understand it. Many of these junior officers, as they are called, who are forcing their superior officers out of the Navy, have accepted leaves of absence and are to-day drawing pay from the Government and holding their positions in the naval service of the country, and are at the same time in the employment of great corporations in the country and receiving pay superior to their pay as naval officers. They have obtained leaves of absence from headquarters, wherever that may be, for an indefinite period of time for the express purpose of going into the employment of private corporations and receiving salaries from them, drawing the full pay of a naval officer from the Government of the United States and drawing the full pay of an employee of a private corporation at the same time, and these men, to hold their positions, are keeping retired officers who are competent to reenter the active service out of the naval service.

Mr. President, this is wrong. I do not care who practices it, it is wrong. It is not only wrong, but it is absolute and downright dishonesty in any Department that will permit it with a full knowledge of its ramifications and its existence. This is all I desire to say.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Nebraska [Mr. ALLEN].

Mr. LODGE. It seems to me this is very general legislation and of very sweeping character to put in an amendment without more discussion, affecting a whole class of officers. I make the point of order that the amendment is out of order, that it is new legislation, and that it changes existing law.

The VICE-PRESIDENT. The amendment submitted by the Senator from Nebraska will be stated.

The SECRETARY. Insert after the amendment adopted, to follow line 23, page 2:

But no officer is to be paid from these nor subsequent appropriations, as on the retired list, after the disability for which he was placed there has ceased; whereupon, under his existing commission, he shall resume duty on the active list when the next vacancy occurs in his grade: *Provided*, That his recovery be verified by a board's examination, and also that he be found to have no other disability.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. HALE. Mr. President, I wish to give a notice. The hour is late, and I have been requested by several Senators to insist upon the five-minute rule. I shall be obliged to hereafter object to any extension of time.

Mr. HILL. On page 38 I offer an amendment which I ask the Secretary to read.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Insert on page 38, line 10, after the word "physics":

And one of English studies, history, and law, after thirty years' service.

Mr. WOLCOTT. I ask that the amendment be again read.

The SECRETARY. Insert in line 10, after the word "physics," page 38:

And one of English studies, history, and law, after thirty years' service.

So as to read:

Pay of professors and others, Naval Academy: For one professor of mathematics, one of chemistry, and one of physics, and one of English studies, history, and law, after thirty years' service, at $2,500 each.

The VICE-PRESIDENT. The question is on the amendment of the Senator from New York.

Mr. ALLEN. What is the effect of the amendment?

Mr. HILL. It simply raises $500 the salary of the professor in English studies, history, and law, after thirty years' service. It is a very proper and just amendment, in my judgment, and I have investigated the question.

The amendment was agreed to.

The VICE-PRESIDENT. The Senator from New York has sent to the desk other amendments, which will be stated in order.

Mr. HILL. The other amendments are simply to correct the number; that is all.

The SECRETARY. In line 11, strike out "six" and insert "five"; so as to read "five professors."

The amendment was agreed to.

The SECRETARY. In line 12, before the words "of English studies," strike out "two" and insert "one"; so as to read:

For one professor of mathematics, one of chemistry, and one of physics, and one of English studies, history, and law after thirty years' service, at $2,500; five professors, namely, one of French and Spanish, one of English studies, history, and law, two of French, and one of drawing, at $2,200 each.

The amendment was agreed to.

Mr. HILL. At the end of the bill I think is a proper place for the amendment which I now offer.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of the bill it is proposed to insert as an additional section:

SEC. —. That in order to provide for the safety of passengers on excursion steamers, and for the safety of yachtsmen and oarsmen taking part in regattas, amateur or professional, that may hereafter be held on navigable waters, the Secretary of the Treasury be, and he is hereby, authorized and empowered in his discretion to detail revenue cutters to enforce such rules and regulations as may be adopted to insure the safety of passengers on said excursion steamers and the oarsmen and yachtsmen taking part in such regattas.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from New York [Mr. HILL].

The amendment was agreed to.

Mr. CHANDLER. I now move the amendment reported by the Senator from Michigan [Mr. McMILLAN], which I submitted a day or two ago, and I also move it in behalf of the Committee on Naval Affairs. It comes in after the words "arming and equipping Naval Militia," in line 22.

The SECRETARY. Strike out all after the word "militia," in line 22, page 8, down to and including line 2, page 9, and insert:

For arms, accouterments, signal outfits, boats and their equipments, the printing of the necessary books of instruction for the Naval Militia of the various States, and for one clerk, at $1,200 per annum, under such regulations as the Secretary of the Navy may prescribe, $50,000.

Mr. HALE. I ask the Senator to strike out the provision for a clerk, and then I will not object to the amendment.

Mr. CHANDLER. Senators will notice that the appropriation is now $50,000. There is no change in that. The clause is only changed in the language, and gives the authority to the Secretary of the Navy which he desires. I ask to have printed in the RECORD, without reading, two letters from Acting Secretary McAdoo, one dated March 30, 1896, and the other April 10, 1896, with reference to the clerk.

The letters are as follows:

MARCH 30, 1896.

SIR: The Department begs leave to call attention to the item on page 8, line 14, of H. R. 7542, which has been reported to the Senate. As originally proposed by the Department, the paragraph was to read:

"Arming and equipping Naval Militia: For arms, accouterments, signal outfits, pulling boats and their equipments, the printing of the necessary books of instruction for the Naval Militia of the various States, and for one clerk at $1,200 per annum, under such regulations as the Secretary of the Navy may prescribe, $50,000."

The necessity for the wording of the appropriation as above is most pressing. The sum of money is that asked for by the Department.

Under the law only such boats, ships, their apparel and their equipments can be loaned as "are not suitable or required for general service." As a matter of fact, a boat which is not suitable for general service is really not fit to be issued to the Naval Militia. The value of the Naval Militia as a body depends upon utilizing them in work along shore and in the auxiliaries in time of war. They can only become familiar with the coast by service in pulling boats. It is an absolute necessity that they should become familiar with the signal code and signal methods used in both the Army and Navy. As the paragraph now stands in H. R. 7542, the available appropriation is so limited in its scope as to prevent the Department from getting the full value from the Naval Militia in return for all that the Government does for them.

The value of property in possession of the Naval Militia, loaned by the General Government, is now so large, and the correspondence with the States is so great, that a clerk is now an absolute necessity in this office to keep the records straight. The duties of the naval officer attached to this office require his absence in inspecting and cooperating with the Naval Militia organizations during a considerable portion of his time, and it is essential for the efficiency of the administration of the business of the Department with the Naval Militia that a clerk be set aside for the specific purpose.

Very respectfully,

WM. McADOO, *Assistant Secretary.*

CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

NAVY DEPARTMENT, *Washington, April 10, 1896.*

SIR: The Department has the honor to acknowledge the receipt of the committee's communication of the 9th instant, inclosing a copy of an amendment intended to be proposed by Mr. McMILLAN to the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, and requesting its views in regard to said amendment.

In reply I have to inform you that the proposed amendment fully accords with the views of the Department in regard to the matter of providing for the Naval Militia, and experience has demonstrated the fact that the services of a clerk are necessary to the proper administration by the Department of its duties in connection with the Naval Militia.

In this connection the attention of the committee is invited to the Annual Report of the Operations of the Naval Militia for the year 1895, pages 6 and 7, marked copy inclosed herewith.

Very respectfully,

W. McADOO, *Acting Secretary.*

The CHAIRMAN OF THE COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

Mr. CHANDLER. I wish the Senators who are upon the Appropriations Committee would consent to allow the provision for an additional clerk to go in. I think it ought to go in, because a special clerk for this work is desirable. If the business is assigned to some clerk who now has other duties it will not be done as well and as wisely as by a special clerk appointed for this purpose.

Mr. HALE. I do not think we ought to create an additional clerk. I move to strike out that part of the amendment which refers to an additional clerk.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine to amend the amendment of the Senator from New Hampshire.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GORMAN. I move to strike out, on page 2, lines 8 and 9, the words "one thousand" and insert "five hundred."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, lines 8 and 9, strike out "one thousand" and insert "five hundred"; so as to read:

And the Secretary of the Navy is hereby authorized to enlist as many additional men as in his discretion he may deem necessary, not to exceed 500.

Mr. LODGE. That, I understand, is to cut down the seamen, which we have been told by the Senator in charge of the bill is the most important and essential provision the Secretary of the Navy has asked.

Mr. GORMAN. My reason for doing so is because we have by the votes of the Senate this afternoon increased the number of marines four or five hundred, and as the marines practically perform the same duties as the seamen, I move to reduce the number to 500, so as to make the total increase of the Navy 1,000. I trust even the Senator from New Hampshire will agree to this amendment.

Mr. HALE. Let us have a vote.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Maryland [Mr. GORMAN].

Mr. GORMAN. We might as well have the yeas and nays upon it.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN].

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. THURSTON]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. MILLS. My colleague [Mr. CHILTON] is paired with the Senator from Wyoming [Mr. WARREN]. I do not know how either Senator would vote.

Mr. PALMER (after having voted in the affirmative). I observe that the Senator from North Dakota [Mr. HANSBROUGH], with whom I have a general pair, did not vote. I withdraw my vote.

Mr. CALL. I am paired with the Senator from Vermont [Mr. PROCTOR]. I do not know how he would vote on this question.

Mr. BURROWS (after having voted in the negative). I am paired with the senior Senator from Louisiana [Mr. CAFFERY], and I withdraw my vote.

Mr. MARTIN (after having voted in the affirmative). I notice the Senator from Montana [Mr. MANTLE] has not voted. I desire to withdraw my vote.

Mr. PASCO. I suggest to the Senator from Michigan [Mr. BURROWS] that he exchange pairs with the Senator from Illinois [Mr. PALMER], so that the Senator from Louisiana [Mr. CAFFERY] will stand paired with the Senator from North Dakota [Mr. HANSBROUGH]. That will be satisfactory to both Senators.

Mr. BURROWS. Very well; if that transfer is made my vote will stand, and the Senator from Illinois [Mr. PALMER] is at liberty to vote.

Mr. PALMER. I vote "yea."

Mr. MARTIN. I will transfer my pair with the Senator from Montana [Mr. MANTLE] to the Senator from Arkansas [Mr. JONES] and vote. I vote "yea."

The result was announced—yeas 23, nays 27; as follows:

YEAS—23.

Allen,	Butler,	Martin,	Pugh,
Bacon,	Daniel,	Mills,	Roach,
Baker,	George,	Palmer,	Vest,
Bate,	Gorman,	Pasco,	Vilas,
Berry,	Hill,	Peffer,	Walthall.
Blackburn,	Kyle,	Pettigrew,	

NAYS—27.

Allison,	Clark,	Lodge,	Pritchard,
Blanchard,	Dubois,	McBride,	Shoup,
Brown,	Frye,	McMillan,	Squire,
Burrows,	Gear,	Mitchell, Oreg.	Teller,
Cannon,	Gibson,	Nelson,	White,
Carter,	Hale,	Perkins,	Wilson.
Chandler,	Hawley,	Platt,	

NOT VOTING—39.

Aldrich,	Faulkner,	Lindsay,	Smith,
Brice,	Gallinger,	Mantle,	Stewart,
Caffery,	Gordon,	Mitchell, Wis.	Thurston,
Call,	Gray,	Morgan,	Tillman,
Cameron,	Hansbrough,	Morrill,	Turpie,
Chilton,	Harris,	Murphy,	Voorhees.
Cockrell,	Hoar,	Proctor,	Warren,
Cullom,	Irby,	Quay,	Wetmore,
Davis,	Jones, Ark.	Sewell,	Wolcott.
Elkins,	Jones, Nev.	Sherman,	

So the amendment was rejected.

The bill was reported to the Senate as amended.

The VICE-PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. CHANDLER. I desire to reserve the amendments on page 22 for separate votes in the Senate.

Mr. FRYE. I desire to reserve the amendment on page 2, submitted by the Senator from New Hampshire [Mr. CHANDLER].

Mr. PASCO. I was not in the Senate Chamber when the amendment on page 33 was voted on, and I ask for a separate vote on the amendment in the Senate. It is in reference to an experimental tank.

Mr. HALE. If the Senator from Florida will let that go, it can be fixed in conference.

Mr. PASCO. I would rather have it fixed on the floor of the Senate.

Mr. HALE. If it is fixed wrong here we shall be bound by it.

Mr. ALLEN. I wish to reserve the right to offer the amendment heretofore offered by me, on page 2, with reference to retired naval officers.

The VICE-PRESIDENT. Without objection, the amendments made as in Committee of the Whole, other than those reserved, will be concurred in. They are concurred in. The question now is on concurring in the amendments on page 22, reserved by the Senator from New Hampshire.

Mr. CHANDLER. I desire the attention of the Senator from Maryland [Mr. GORMAN] to the amendments on page 22. The first amendment is an appropriation of $8,000 to pave certain streets in Annapolis on Graveyard Creek, and the second directs the Board of Visitors to the Naval Academy to inquire into the expediency of purchasing certain land adjoining the Naval Academy grounds. I am not certain that the United States ought not to pave those streets in Annapolis, and I am not sure that some provision as to the land, the expediency of acquiring which the Board of Visitors are to ascertain, ought not to be made by the Senate. But I should like to have some explanation of the Senator from Maryland.

The Naval Academy at Annapolis has been maintained at great expense to the United States. There has recently been connected with the Naval Academy grounds by the purchase of an intervening piece of ground the Naval Hospital grounds, covering 100 acres, more or less. I have been warmly in favor of these improvements as to the Naval Academy. I was earnestly in favor of acquiring the land that connected the Naval Hospital grounds, with the Naval Academy grounds. I am proud of the Naval Academy. I am not in favor of removing it to any other point in the United States. I should oppose its removal if it were ever attempted. During a short period in the war it was removed to Rhode Island, but it has been relocated at Annapolis; it is a credit to the nation, and I am opposed to removing it.

The Senator from Maryland also knows that I have been in favor of liberal appropriations for the Academy, but here is a proposition to pave certain streets in Annapolis which I infer are outside of the Naval Academy grounds. Here is also a direction to the Board of Visitors to report as to the expediency of acquiring a certain tract of land that is outside the present precincts of the Naval Academy. I hold in reserve the question, whatever may be the recommendation of the Board of Visitors, whether or not the Government ought to go outside of the present inclosure of the Naval Academy and buy this tract of land in the heart of the city of Annapolis, and I withhold my opinion upon that subject because I do not think Annapolis has done enough for the Naval Academy. Annapolis is not only the seat of the Naval Academy, but it is the capital of the State of Maryland, and it is not a capital for which the State of Maryland has done enough. It is not a capital for which its own citizens have done enough. The streets are all unpaved, and there are not sufficient streets for the capital of any State. There is also no hotel in Annapolis that is suitable either, I may say, for the accommodation of the citizens of the State of Maryland who go there when the legislature is in session or for the accommodation of visitors from all over the United States who go there to visit the Naval Academy. Here is a city not sufficiently paved, a city without a suitable hotel, and year after year we are called upon to make additional expenditures of the public money to benefit the city of Annapolis by increasing and beautifying the grounds and the buildings of the Naval Academy.

Now, at this hour, when the Senator from Maryland has proclaimed to us that of all the hours since the Republic was established we should worship at the shrine of economy, we are called upon to pave the streets of Annapolis and to buy a lot of ground outside of the walls of the Naval Academy and add it to the grounds of the Naval Academy, in order that we may beautify the city of Annapolis, which has never done enough for her own welfare, which has never had proper attention given to it by the great and prosperous and proud State of Maryland.

I shall not vote against concurring in these two amendments, although it is a singular proposition that we should pave the streets of Annapolis outside the walls of the Naval Academy. I shall not vote against the inquiry as to whether we need this piece of land, but I do say in all sincerity to the Senator from Maryland that hard as times are, short as we are of money in nation and in State, short as we are to remain of money in State and in nation until the Republican party is firmly seated in power both in the United States and in the State of Maryland, we ought not to make these appropriations unless there are some reasons for it submitted by the Senator from Maryland which have not been adduced. If the Senator can give good reasons for these clauses I shall vote for them. Otherwise I would prefer not to see them in the bill.

Mr. GORMAN. Mr. President, of course the Senate will understand that the Senator from New Hampshire has raised the question merely for the purpose of giving me a lecture.

Mr. CHANDLER. Not the Senator.

Mr. GORMAN. I understand and appreciate it thoroughly. It has given him an opportunity to call attention to a very small matter and to make a very big speech. The appropriation contained in this item, six or seven thousand dollars, whatever it may be, for paving a street adjoining the Naval Academy at Annapolis, grows out of a contract between the Secretary of the Navy and the city of Annapolis, by which that grand old city, a city established before the Revolution, around which cluster so many memories, in its poverty generously donated to the United States a part of the land embraced in this street and which is included in the Naval Academy. The Government of the United States, in consideration of this gift, contracted to pave the street and to make it a public highway leading from the Naval Academy proper to the Government property outside, known as the hospital. It is, therefore, the Government's property under a contract made without my knowledge, but it was a very generous affair on the part of the city of Annapolis.

As to the second proposition, to authorize the Board of Visitors to ascertain whether a certain piece of ground in front of the present Naval Academy should be acquired, I will state that it is the recommendation of the Department. It happens, as is the case with many harbors on the coast, that there have been some accretions in front of the Naval Academy, supposed to interfere somewhat with health, and the space is utilized by small fishing boats. The Government desires to acquire it so that the yard can be beautified and utilized to some extent. It is merely an inquiry.

I think the Senator from New Hampshire is aware of the fact that citizens of that town, though poor as compared with the great cities of the North, have been indeed generous to this Government. The first Capitol that you had in Washington was constructed by the money of the citizens of Maryland and of Virginia; and it has never been reimbursed, notwithstanding the wealth of this great Government. The modesty of the people of Annapolis and of Maryland is proverbial. We are not here to ask large appropriations on any account. While I have no doubt that the Senator from New Hampshire is in favor of maintaining the Naval Academy at Annapolis, I will state that the Academy has had no appropriations compared with West Point. It has been sadly neglected, and instead of complaining of a small appropriation of this sort, if the Academy is to be maintained anywhere in the country larger appropriations should be made, and it should be improved in every respect.

The Senator from New Hampshire twits me with representing a State that is now under Republican rule. It is so temporarily, Mr. President, by an accident; and I wish to state to the Senator that I can understand perfectly his vote for an increase of the Marine Corps, a part of which is located at Annapolis, for a large number of that force, I think, will be required to keep the Republican party in Maryland in order in the near future.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). The question is on concurring in the amendments made as in Committee of the Whole on page 22, which have been reserved.

The amendments were concurred in.

Mr. QUAY. I desire on behalf of my colleague [Mr. CAMERON] to offer an amendment, to come in on page 38, after line 6. It is an amendment which carries no appropriation, and on which I trust the Senator from Maine will not make a point of order.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 38, after line 6, it is proposed to insert:

The Secretary of the Navy is hereby authorized and directed to audit and adjust the claim of the William Cramp & Sons Ship and Engine Building Company, of Philadelphia, Pa., against the Government of the United States for damages and losses sustained by the said company in the execution of the contract to construct and deliver the hull, engines, and machinery required for the United States battle ship *Indiana*, and for placing the armor, turrets, and other ordnance work on said battle ship; the said damages and losses being caused by the delays of the Government and changes of plans of the Government in the construction of the hull, engines, machinery, and placing of the armor and armament of the said battle ship *Indiana*, and to report to Congress at its next session what amount may be due to the said company.

Mr. HALE. The amendment is subject to a point of order, but instead of making a point of order I offer as a substitute for it a general provision. There is not only this claim, but four or five others which stand with it, and if this amendment is offered and goes on the others will insist on being treated in the same way. By direction of the committee I have prepared a general clause, which I move as a substitute for the amendment offered by the Senator from Pennsylvania [Mr. QUAY]. I presume there will be no objection to it.

The PRESIDING OFFICER. The substitute will be read.

The SECRETARY. In lieu of the amendment of the Senator from Pennsylvania it is proposed to insert:

The Secretary of the Navy is hereby authorized and directed to examine claims against the Government which may be presented to him by contractors for the building of the hulls or machinery of naval vessels under contracts made for the same since January 1, 1891, where it is alleged that such contractors have been subjected to loss and damage through delays in the work under said contracts which were not the fault of said contractors but were the fault of the Government, and to report at the next session of Congress the result of said investigation, and whether said claims are, in his opinion, subjects for the jurisdiction of the Court of Claims or for the action of Congress upon the same.

Mr. QUAY. I have no objection to the substitute.

Mr. HAWLEY. I make no objection to the substitute except that I would change the phraseology in one place. It says changes which are not the fault of the contractors, but the fault of the Government. I would suggest the words "due to the action of the Government." The Government may have been right.

Mr. HALE. I have no objection to that change. Let it read, "due to the action of the Government."

The PRESIDING OFFICER. The substitute will be modified as indicated by the Senator from Connecticut.

Mr. ALLEN. I wish to call the attention of the Senator from Maine to the fact that less than an hour ago a point of order was made upon a similar amendment offered by the senior Senator from Mississippi [Mr. GEORGE], and it was ruled out. I refer to the claim of Mr. Hurst.

Mr. HALE. I did not make the point of order. I voted for the claim. But these are very different from that one. I do not think these have as much merit. I was in favor of that claim and voted for it. I did not make any point of order on it. In this case we are simply giving the discretion or authority to the Secretary of the Navy to report on these claims, that they may come in afterwards to Congress.

Mr. ALLEN. So that they may be sent to the Court of Claims for examination?

Mr. HALE. It is in the alternative, either to the Court of Claims or to Congress.

Mr. ALLEN. I simply want to ask the Senator from Maine why a point of order is made upon similar claims and claims that are admitted to be equally, if not more meritorious——

Mr. HALE. Of course I can not tell why another Senator makes a point of order. I did not make it.

Mr. ALLEN. Will the Senator hear me through? And why at the same time should the committee refuse to make a point of order upon these claims?

Mr. HALE. I think this is a better way to dispose of all of these matters than simply to strike out one of them on a point of order. I think it is better to let them all be brought into one hopper.

Mr. ALLEN. This is general legislation upon an appropriation bill and vulnerable to Rule XVI. It has not received the sanction of any committee, either. It is equally objectionable on that ground.

Mr. HALE. The Senator can make the point of order against the amendment if he chooses.

Mr. FRYE. Does the Senator from Nebraska want to make the point of order?

Mr. ALLEN. I will not make the point of order. If I can not defeat a man without making a point of order on him I will not defeat him at all. That is a good deal like a man going into court and making a special appearance and dodging and undertaking to avoid litigation. I simply wish to emphasize the fact that the bill has been loaded down—and if it does not smell, it will before a great while—by amendment after amendment by favoritism. I do not, however, charge the committee with anything of that kind. I credit the committee with higher motives. But the bill reeks with favoritism and with jobbery from top to bottom and in the center, from cuticle to core and from core to cuticle. Whenever a meritorious claim has been presented, such as the Senator from Mississippi [Mr. GEORGE] presented here, some Senator who is seeking to have some advantage on the bill rises gravely and calls the attention of the Presiding Officer to the fact that it is in violation of Rule XVI, and announces in sepulchral tones that he makes the point of order. But whenever a proposed amendment comes from some other source that has some interest to subserve, the point of order is deftly avoided. Neither the committee nor any member of the committee makes it. No Senator who seems to be protecting the bill undertakes to make it. The bill is permitted to be loaded down by favorite amendments.

Mr. QUAY. Will the Senator from Nebraska allow me to interrupt him?

Mr. ALLEN. Certainly.

Mr. QUAY. My understanding is that the substitute proposed by the Senator from Maine comes from the committee.

Mr. HALE. The substitute was drawn at the suggestion and by direction of the committee——

Mr. QUAY. Yes.

Mr. HALE. To be submitted provided these claims were offered. We wanted to bring them to a head.

Mr. QUAY. So the substitute of the Senator from Maine is not subject to the point of order.

Mr. ALLEN. It has never been passed upon.

The PRESIDING OFFICER. The Chair does not understand that the point of order has been raised either against the amendment offered by the Senator from Pennsylvania [Mr. QUAY] or the substitute proposed by the Senator from Maine [Mr. HALE].

Mr. HALE. No; that is my understanding.

Mr. ALLEN. I am simply protesting against the adoption of the amendment.

The PRESIDING OFFICER. So the Chair understands.

Mr. ALLEN. I do not raise any point of order. I announced that I would not raise the point of order. I think it is absolutely cowardly to raise the point of order. It is the part of cowardice. A man never raises a point of order unless he is afraid to meet the merits of an amendment or a bill. It is a species of crawfishing so as to get away from something that is meritorious. No really brave man ever raised a point of order upon a meritorious measure. No generous lawyer or litigant ever came into court and said, "The process has not been properly served upon me, and therefore I appear here for the purpose of saying I do not appear." It is a species of pettifogging that I do not propose myself to indulge in. I want to emphasize the fact that this point of order is continually used at times to pare out obnoxious amendments and at other times it is not made.

The PRESIDING OFFICER. The question is on agreeing to the substitute offered by the Senator from Maine [Mr. HALE] for the amendment submitted by the Senator from Pennsylvania [Mr. QUAY].

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. FRYE. Mr. President, I reserved an amendment on page 2, but for reasons which are sufficient for me, while I am very greatly opposed to the amendment, I will not insist upon a separate vote.

The PRESIDING OFFICER. The amendment then will be concurred in without objection.

Mr. ALLEN. I reserved an amendment on page 2, which I send to the desk, and ask that it be again read.

The PRESIDING OFFICER. The Secretary will state the amendment submitted by the Senator from Nebraska.

The SECRETARY. After the amendment adopted on page 2, after line 23, it is proposed to insert:

But no officer is to be paid from these nor subsequent appropriations, as on the retired list, after the disability for which he was placed there has ceased; whereupon, under his existing commission, he shall resume duty on the active list when the next vacancy occurs in his grade: *Provided*, That his recovery be verified by a board's examination and also that he be found to have no other disability.

Mr. CHANDLER. That amendment may have been reserved, but it was only reserved by the Senator from Nebraska himself. It was ruled out on a point of order.

Mr. ALLEN. How is that, Mr. President?

Mr. CHANDLER. I understand the Senator's amendment was ruled out of order when moved as in Committee of the Whole on a point of order.

Mr. ALLEN. But I have the right to offer it here.

Mr. CHANDLER. Certainly; but not as a reserved amendment.

Mr. ALLEN. If the Senator from New Hampshire makes the point of order on it, I will admit the point of order is well taken.

Mr. CHANDLER. It does require a good deal of courage to make a point of order after the Senator's disquisition here upon that subject. He said it is cowardly to make a point of order. I respectfully differ with the Senator. The rules are made to be observed upon the suggestion of any Senator——

Mr. ALLEN. And are constantly violated.

Mr. CHANDLER. And when any Senator in this body appeals to the rules, and asks that they may be observed, it is his privilege to do so, and it is not cowardly and ought not to be the subject of comment at any time or under any circumstances. I resent the idea that any Senator should be criticised when he appeals for the observance of the rules of this body and refuses unanimous consent to have them dispensed with. Therefore, having the fear of the Senator's censure somewhat, but not overwhelmingly, in mind, I make the point of order on this amendment.

The PRESIDING OFFICER. The Chair is informed by the clerks at the desk that the point of order was made against this amendment when offered as in Committee of the Whole, and that that point of order was sustained.

Mr. ALLEN. Does the present occupant of the chair feel bound by the ruling of his predecessor?

The PRESIDING OFFICER. The present occupant of the chair does not, but the present occupant of the chair desires to say that the clerks at the desk inform him that the point of order was made against the amendment of the Senator from Nebraska as in Committee of the Whole and was sustained. The Senator from Nebraska now renews the amendment in the Senate, and the Senator from New Hampshire renews the point of order made against it as in Committee of the Whole. The Chair sustains the point of order made by the Senator from New Hampshire.

Mr. PASCO. Mr. President, in the bill as it came from the House of Representatives there was a provision on page 33 for a model tank for the use of the Bureau of Construction and Repair

of the Navy Department. I ask that the paragraph on page 33 covering this matter may be read. By an amendment reported by the Committee on Appropriations it was stricken out, and I wish the matter to be voted upon again in the Senate. After it shall have been read, I wish to present a few reasons why I think the clause which the Secretary will read should be retained in the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. The Senate, as in Committee of the Whole, struck out the following clause, beginning with line 3, on page 33:

For making plans, examining and preparing the ground, and other preliminary work toward the construction of a model tank, with all buildings and appliances, to be built upon the grounds of the old Observatory, Washington, D. C., under the Bureau of Construction and Repair of the Navy Department, which shall conduct therein the work of investigating and determining the most suitable and desirable shapes and forms to be adopted for United States naval vessels, $7,500: *Provided*, That upon the authorization of the Secretary of the Navy experiments may be made at this establishment for private shipbuilders, who shall defray the cost of material and of labor of per diem employees for such experiments: *And provided further*, That the results of such private experiments shall be regarded as confidential and shall not be divulged without the consent of the shipbuilder for whom they may be made.

Mr. GORMAN. I suggest to the Senator that he had better move to amend the amendment by striking out that it shall be built upon the grounds of the old Observatory and inserting "at the Washington Navy-Yard." If an amendment of that character can be adopted, I should have no objection to the clause remaining in the bill. It is designed to appropriate the old Naval Observatory for a specific purpose; and I suggest that the Senator move, or, if he does not, I will move to strike out of the amendment the words providing that it shall be built at the old Naval Observatory and insert "at the navy-yard at Washington."

Mr. PASCO. Of course, Mr. President, it is proper that the text should be perfected before the motion to strike out is made. I make no objection to the suggestion of the Senator from Maryland, as I do not undertake to determine the best location for the tank, but if the amendment be adopted the question of location can be settled in conference. I make no objection to the amendment.

The PRESIDING OFFICER. The Senator from Florida accepts the modification of the amendment suggested by the Senator from Maryland.

Mr. PASCO. I have no authority to accept the amendment, but I do not object to it.

The PRESIDING OFFICER. What is the motion of the Senator from Florida?

Mr. PASCO. The bill came here containing the paragraph which stands on page 33, which has been read. It was stricken out in Committee of the Whole. I desire to restore this paragraph from line 3 to line 19. The Senator from Maryland, before that motion is put, moves to amend in lines 5 and 6. That amendment is in order, and I will give way that it may be voted upon.

Mr. CALL. I should like to understand what the matter pending is. Let the Secretary state what is the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 33 it is proposed to amend the amendment of the committee, in line 6, by striking out the words "old Observatory" and inserting in lieu thereof the words "navy-yard at"; so as to read:

To be built upon the grounds of the navy-yard at Washington, D. C.

Mr. CALL. What is to be built?

The PRESIDING OFFICER. The Secretary will read the entire amendment.

The SECRETARY. It is proposed to amend so as to make the clause read:

For making plans, examining and preparing the ground and other preliminary work toward the construction of a model tank, with all buildings and appliances, to be built upon the grounds of the navy-yard at Washington, D. C., under the Bureau of Construction and Repair of the Navy Department, which shall conduct therein the work of investigating and determining the most suitable and desirable shapes and forms to be adopted for United States naval vessels, $7,500: *Provided*, That upon the authorization of the Secretary of the Navy experiments may be made at this establishment for private shipbuilders, who shall defray the cost of material and of labor of per diem employees for such experiments: *And provided further*, That the results of such private experiments shall be regarded as confidential and shall not be divulged without the consent of the shipbuilder for whom they may be made.

Mr. CALL. Is it proposed to strike that out?

The PRESIDING OFFICER. The question is first upon the amendment offered by the Senator from Maryland.

Mr. CALL. To strike that clause out?

The PRESIDING OFFICER. The committee amendment is to strike out all of those lines which have been read by the Secretary. The Senator from Maryland offers an amendment to the amendment offered by the committee.

Mr. PASCO. An amendment to the original text of the bill.

The PRESIDING OFFICER. An amendment to the original text of the bill to locate the tank at the navy-yard instead of at the old Observatory. The question is on the amendment of the Senator from Maryland.

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment offered by the Senator from Florida [Mr. PASCO].

Mr. PASCO. No, Mr. President; the question recurs on the motion offered by the committee, to strike out.

The PRESIDING OFFICER. The question is upon concurring in the amendment made as in Committee of the Whole, to strike out the entire clause.

Mr. HALE. The amendment which has been agreed to as in Committee of the Whole should be nonconcurred in.

The PRESIDING OFFICER. The question is on the amendment.

Mr. HALE. To strike out the entire clause.

The PRESIDING OFFICER. To strike out the entire clause.

Mr. HALE. There is no necessity for reading it again.

Mr. PASCO. If the amendment is to be rejected I shall have nothing further to say, but if it is to be insisted upon I wish to occupy the attention of the Senate for a few minutes.

Mr. HALE. I suggest, as an amendment has been made in accordance with the suggestion of the Senator from Maryland [Mr. GORMAN], that the Senate disagree to the amendment striking out the clause, which will leave it in the bill as amended on motion of the Senator from Maryland.

Mr. PASCO. That will be satisfactory to me.

The PRESIDING OFFICER. The Senator from Maine moves——

Mr. HALE. I do not need to move. The question is simply upon disagreeing to the amendment to strike out the clause.

The PRESIDING OFFICER. The question is, Will the Senate concur in the amendment made as in Committee of the Whole to strike out the clause as modified by the amendment of the Senator from Maryland?

Mr. PASCO. The motion of the committee is to strike out; and the question is whether or not the paragraph containing the provision for the model tank shall be stricken out.

The PRESIDING OFFICER. The Chair begs leave to repeat that the question before the Senate is as to concurring in the committee amendment to strike out.

Mr. HALE. If we disagree to the amendment that leaves the clause in the bill as it is now amended.

The PRESIDING OFFICER. If the Senate shall disagree, the language will remain in the bill; otherwise it will be stricken out.

Mr. CALL. I should like the Senator to give us some reason for striking out the clause.

Mr. HALE. Nobody is asking to have it stricken out.

Mr. PASCO. We propose to vote down the motion to strike out.

Mr. HALE. I suggest that the Senate disagree to the amendment.

Mr. CALL. That would keep the provision for the tank in the bill?

Mr. HALE. Yes.

Mr. CALL. I should like to hear some reason why we should keep the tank in. I do not understand it, Mr. President, and I do not know where this idea comes from, or why it is necessary to build a tank to exhibit a little model of a ship. It seems to me that this is a very ill-advised idea. What possible use can there be for building a great tank to exhibit the models of ships when navy-yards all around the country have the ships themselves and models. There is something to be exhibited in the navy-yards, and there is nothing of any value to be exhibited in such a tank.

Mr. HALE. Let us have a vote.

Mr. PASCO. I will read the concluding sentence of a very interesting statement which I have from the chief of the Bureau, giving the advantages to result from the construction of this tank. I will ask that the whole statement be inserted in the RECORD, but I will only read the concluding paragraph. It is as follows:

Many advantages are realized from the results of these experiments. The most suitable form for a certain speed may be determined and the proper adjustment of power to form arranged. On the other hand, a ship having a given form, the most suitable speed can be selected at which it can be most economically propelled. The form and position of the waves created by the passage of a ship through the water at any speed may be determined. The settling or subsidence of the ship while running may be measured, this being an important feature in light-draft or low free-board vessels. The speed at which models may be run being relatively great, the performance of ships at higher speeds than have been realized may be predicted, and the possibilities of further advancement, so far as form is concerned, determined. Much power is frequently wasted in driving unsuitable forms at a high rate of speed, and waste of power involves both heavier machinery and boilers and increased coal consumption over what would be necessary with the proper form.

Mr. President, this tank has been recommended twice by the Chief of the Bureau of Construction and has been recommended by the Secretary of the Navy. If the experiments are carried on with its aid it will enable the Chief of the Bureau of Construction and those working with him to calculate with far greater accuracy the speed and performance of the large war vessels which we are now preparing to construct, and to make changes in the models when the experiments indicate that the speed and power of the

vessels can be increased. I hope that the committee amendment striking the item out of the bill will not be concurred in.

I now ask leave that the paper from which I have read may be inserted in the RECORD in full.

The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

The paper referred to is as follows:

EXPERIMENTAL TANKS.

Experiments to determine the resistance of ships in advance of construction by towing models of the proposed ships were commenced by the late Dr. William Froude in 1872 in a tank built by him at Torquay. This tank was 280 feet long, 36 feet wide, and 10 feet deep, and in it experiments were carried on for the Admiralty, and in connection with the towing experiments with the *Greyhound* certain laws and deductions were established beyond question. Since the death of Dr. Froude in 1879 the work has been carried on by his son, Mr. R. E. Froude, and many useful and valuable results have been obtained, the designs of many proposed ships having been altered after model trials, notably in the case of the *Polyphemus* and the *Medway* class of gunboats, the deductions being afterwards verified by the performance of the vessels. In 1882 a tank of about the same dimensions and with practically identical appliances was constructed by Denny Bros., of Dunbarton, in which many thousands of experiments have been conducted with both engineering and commercial success, the tank having enabled them, as a case in point, to successfully construct a high-speed vessel for the Belgian Government under conditions so rigid that under ordinary circumstances surety of fulfilling them would have been impossible.

Mr. William Denny, one of the most progressive and well-informed Scotch shipbuilders, in a letter written in 1887 relative to the importance of the assistance that an experimental tank may render to the naval designer, expresses himself as follows:

"The truth is that of all the problems about a steamship the only one at the present moment incapable of being solved by a priori methods in extreme cases is that of the speed and power. No ability and no training will enable even the most skillful naval architect to overcome the want of an experimental tank in coping with these questions. My partners are so thoroughly convinced of the value of the tank that every one of them regards the large amount of money sunk in it in the form of a capital, and the large amount still to be sunk in it, as one of our best investments, and have met without grudging the annual outlay required for its administration."

The establishment of an experimental tank would not only benefit the naval service, but would greatly promote the shipbuilding interests of the country at large, by furnishing reliable information as to the future performance of new types of commercial vessels that would aid American shipbuilders to compete on more equal terms with foreign yards, in which similar information is already available.

The British Admiralty considered the results obtained so valuable that in 1885 a new tank was constructed at Haslar, near Portsmouth, and the apparatus at Torquay was removed to that place and installed there, with many improvements and additions, under the charge of Mr. R. E. Froude. The new tank is 400 feet long, 29 feet wide, and 9 feet deep, and commodious offices are attached with a view of entering extensively upon the work of experimental investigation. In 1889 an apparatus was constructed by the Italian Government at Spezzia which is practically a duplicate of the British plant at Haslar, except that the tank is 510 feet long and 22 feet wide.

The latest apparatus constructed is that installed by the Russian Government at St. Petersburg in 1892. To duplicate such a plant, including cost of all apparatus and the necessary buildings, but exclusive of ground, would cost $85,000. The primary object is to obtain the actual resistance of the model at a speed corresponding to the proposed speed of the full-sized ship. The speed at which the model is to be towed is ascertained by Froude's "Law of comparison," which is "for similar forms, corresponding speeds are as the square root of the length and resistance at corresponding speeds is as the cube of the length." As an illustration, supposing it is desired to ascertain the effective horsepower necessary to propel a certain proposed ship at a speed of 20 knots an hour. If a model is constructed one-twenty-fifth the size of the ship, then the speed at which it should be towed will be $\sqrt{\frac{20}{25}}=4$ knots an hour. Supposing the resistance at this speed is found to be 10 pounds, then the resistance of the ship will be $10\times25^3=156{,}250$ pounds. To ascertain the effective horsepower required it is only necessary to divide the expression for the work due to this resistance, given in foot pounds by 33,000; thus, 20 knots $=2{,}026$ feet per minute, and $\frac{2{,}026\times156{,}250}{33{,}000}=9{,}593$ effective horsepower required. This result, after being corrected for density of water, surface friction of ship's skin, friction of engines, and efficiency of propellers, gives the actual indicated horsepower necessary to develop the required speed in the proposed ship. The experiments may develop the fact that the intended lines produce an abnormally high resistance, or are in some other way unsuitable, in which case the model is easily altered or a new one made, and the ship saved from probable failure.

In conducting the experiments absolute nicety of observation and measurement are required. The model is carefully ballasted to the exact draft and trim to correspond with the proposed displacement. These factors are observed by inserting needles at intervals around the proposed water line projecting horizontally, and the model is adjusted so that all the needles just break the water. In this condition the weight of the model plus the ballast should agree with the calculated displacement. In towing, the change of trim is carefully observed and automatically registered by the machine, and exact observation of the currents, caused by drafts of air and by the movement of the model, are made, and the general deductions corrected therefrom. The models are made of paraffine wax, a material which seems well adapted for the purpose, in that it does not absorb water to change its weight, is easy to finish and make changes in it if necessary, and when the experiments with a given ship are finished, the material is remelted and used for others. They are cast in a clay model made to cross sections of the proposed lines, allowing about a quarter of an inch all around for finishing. They are cored to allow a finished thickness of about 1 inch. The core is formed of a wooden framework covered with cloth and coated with a solution of clay to make it impervious to the melted paraffine, and is filled with water to prevent it being floated on the liquid wax, which is cast at a temperature of about 160°. After cooling, the model is placed in a specially devised machine, by which the lines of the half-breadth plan of the proposed ship are automatically copied on both sides of the model at their respective heights above the keel.

The model is rigidly held in a frame capable of vertical adjustment, and after being carefully set to the proper height for the line to be cut the attendant simply passes a tracer around the line on the drawing, which is placed on an attached drawing board. The cutting is accomplished by two rotary cutters, which are run at a high rate of speed and connected by a pantograph gear with the tracing arm. In this way the successive lines are cut, and the model is then taken from the machine, the material between the lines is removed and the model faired and smoothed by hand. It is then fitted with suitable interior strengthening and carefully weighed and ballasted, and is then ready to be placed in the dynamometric towing machine. This machine is placed on a truck which moves freely on rails located on the top of the side walls of the tank, the under side of the machine being about 18 inches above the water.

The model is so connected that while rigidly held against lateral deviation it is free to oscillate vertically and horizontally. The resistance is received on the short arm of a bell-crank lever and automatically traced to an enlarged scale on a sheet of cross-section paper wrapped on the surface of a cylinder. The same cylinder also records the time and distance run. The time pen records half seconds, and the distance pen records intervals of 10 feet, both being actuated by electric contacts. There are also cylinders at each end of the model for recording the change of trim by means of rods free to move vertically, their lower ends resting on the model. A secondary speed-recording register is also provided as a check, and a carriage is mounted in the rear of that containing the model dynamometric machine, fitted with another machine on similar principles, for testing the efficiency of model screw propellers, and also their efficiency in different positions relative to the hull of the ship. The truck is attached to an endless wire rope, moving over drums at each end of the tank, to which motion is given by a "Tower spherical engine," having a specially devised governor, capable of very delicate adjustment to any desired speed, from 50 to 1,000 feet per minute. The models are tested at varying speeds of small interval between certain fixed limits, and also at varying drafts of water and conditions of trim. The results, after being corrected, are platted and curves drawn, giving in advance full data of just what the completed ship will do in all conditions with smooth water.

Many advantages are realized from the results of these experiments. The most suitable form for a certain speed may be determined and the proper adjustment of power to form arranged. On the other hand, a ship having a given form, the most suitable speed can be selected at which it can be most economically propelled. The form and position of the waves created by the passage of a ship through the water at any speed may be determined. The settling or subsidence of the ship while running may be measured, this being an important feature in light-draft or low free-board vessels. The speed at which models may be run being relatively great, the performance of ships at higher speeds than have been realized may be predicted and the possibilities of further advancement, so far as form is concerned, determined. Much power is frequently wasted in driving unsuitable forms at a high rate of speed, and waste of power involves both heavier machinery and boilers and increased coal consumption over what would be necessary with the proper form. Displacement is often sacrificed to attain a certain speed when the same speed might have been realized with largely increased carrying capacity. Many other minor advantages might be specified. The time necessary to prepare a model from a given set of lines and make a complete record of resistances at varying speeds has been found to be about two days.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was nonconcurred in.

Mr. HALE. Now, Mr. President, I hope the bill may be passed.

Mr. KYLE. I offer an amendment which was reserved in Committee of the Whole, at the end of line 13, on page 7.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 13, on page 7, it is proposed to insert:

The Secretary of the Navy is hereby authorized and required to pay, immediately, to the patentee the $25,000 appropriated in the act making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes, approved March 2, 1895, said act providing "for the exclusive rights to and for ordnance appliances now in use on naval vessels, and protected and covered by patent No. 533171, said patent being embraced in a contract dated January 28, 1893, and signed by the Secretary of the Navy and the patentee."

Mr. HALE. This is not a reserved amendment.

Mr. KYLE. I wish to state that this is an amendment heretofore offered by the Senator from Mississippi [Mr. GEORGE], and I do think it was misunderstood by the Senate at that time. It was ruled out under Rule XVI. Clause 4 of that rule is as follows:

No amendment the object of which is to provide for a private claim shall be received to any general appropriation bill unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

"The provisions of an existing law." The amendment states upon its face explicitly that this appropriation was provided for by the act of March 2, 1895. It is further stated, I believe, upon the face of the amendment that the patent embraces a contract made by the Secretary of the Navy January 28, 1893. Therefore the appropriation of $25,000 under this amendment is nothing more nor less than the carrying out of the contract to which I have just referred. It seems to me that the point of order does not lie against the amendment as being a private claim.

Mr. LODGE. Mr. President, we discussed this amendment while we were acting as in Committee of the Whole. The existing law is that the claim is to be paid at the discretion of the Secretary of the Navy, and this amendment proposes to make him pay it without discretion. The point of order was made by the Senator from Ohio [Mr. SHERMAN], who is not here now, and in his absence I make the point of order again.

The PRESIDING OFFICER. The Senator from Massachusetts makes the point of order against the amendment submitted by the Senator from South Dakota, and the Chair sustains the point of order.

Mr. HALE. Now, I ask that the bill be put on its passage.

Mr. GORMAN. I gave notice two or three days since, during the discussion of this bill, that before its conclusion I should offer an amendment authorizing the Secretary of the Treasury to issue certificates of indebtedness in denominations of 50s, 100s, and 1,000s, bearing 3 per cent interest, stating that I believed that the appropriations made it absolutely necessary for Congress to authorize the Secretary of the Treasury to issue that class of certificates, which would probably prevent the issuing of any more

bonds to pay current expenses. I fully intended to offer the amendment; but after the agreement which was made yesterday, that debate should be limited to five minutes on the part of each Senator after 2 o'clock to-day, it would be impossible under that limitation to properly discuss the proposition; and, therefore, I shall reserve it until the fortifications appropriations bill is considered by the Senate, when I expect to present it.

The PRESIDING OFFICER. The bill is in the Senate and still open to amendment. If there be no further amendments the question is upon the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

CONDEMNED CANNON FOR NEW ROCHELLE, N. Y.

Mr. HILL. I ask the indulgence of the Senate for a moment to pass a little bill to donate condemned cannon to a village in my State. There is to be a celebration at the place next week, where the cannon are desired, and to be of any avail the bill should be passed at once. It is House bill No. 3544, and I think will take but a moment.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent for the consideration of a bill, which will be read for information.

The Secretary read the bill (H. R. 3544) empowering and directing the Secretary of the Navy to furnish not more than four pieces of condemned cannon to the village of New Rochelle, N. Y.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. PEFFER. I do not object, provided the bill does not displace the unfinished business.

The PRESIDING OFFICER. The Chair hears no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSIDERATION OF THE RIVER AND HARBOR BILL.

Mr. FRYE. I wish to give notice that I shall ask the Senate immediately after the conclusion of the routine business on Monday morning to proceed to the consideration of what is known as the river and harbor bill.

Mr. QUAY. I should be glad to have Senate bill No. 2522, in relation to the Alaska Transportation and Trading Company, taken up and passed, if there be no objection. It has been heretofore read at length.

Mr. DUBOIS. I think the bill ought to be referred to the Committee on Public Lands. We have had a similar bill before the committee. It is quite an important matter, and members of the committee have asked me——

Mr. QUAY. I withdraw the request.

Mr. VILAS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate adjourned until Monday, May 4, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 2, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

BANKRUPTCY.

Mr. HENDERSON. I call for the regular order, and move that the House resolve itself into Committee of the Whole on the state of the Union to consider the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. PAYNE in the chair), and resumed the consideration of the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

Mr. SPALDING. I desire to move an amendment, if it be in order.

Mr. HENDERSON. I believe there are three amendments now pending.

Mr. SPALDING. At any rate, I would like to get this amendment before the Chair. I wish to move, as an amendment to the substitute now pending, to strike out clause 9 of the first paragraph of the pending section, in these words:

"Or suspended and not resumed for thirty days and until a petition is filed, while insolvent, the payment of his commercial paper for or aggregating $500 or over.

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from Michigan [Mr. SPALDING] to the substitute of the gentleman from Pennsylvania [Mr. MAHON].

The Clerk read as follows:

On page 7, strike out, in lines 45, 46, and 47, the words "or suspended and not resumed for thirty days and until a petition is filed, while insolvent, the payment of his commercial paper for or aggregating $500 or over."

Mr. SPALDING. Mr. Chairman, it is not an unusual thing for men engaged in business pursuits to have an aggregate of $500 of past-due paper. The filing of a petition to put such a person into insolvency, if he was not in fact insolvent, would tend to bring him into disrepute and to ruin his credit. It seems to me that in the hands of a creditor disposed to be oppressive such provision might do great injury not only to the debtor but to other creditors, because under such circumstances a single creditor could file a petition in bankruptcy, provided there were not more than twelve creditors. For this reason I believe that the provision which my amendment proposes to strike out weakens the bill, which in many essential particulars is calculated to operate beneficially alike to creditor and debtor. I trust my amendment will be adopted. Without occupying further time, I am willing to submit it to the vote of the House.

The question being taken on the amendment of Mr. SPALDING, it was agreed to.

Mr. HENDERSON. I think, Mr. Chairman, we had better have the debate limited on this paragraph. As there are other amendments which gentlemen desire to offer, why should we not take a vote now on the pending amendments?

Mr. WILLIAM A. STONE. I should like to occupy about five minutes.

Mr. HENDERSON. Very well.

Mr. WILLIAM A. STONE. Mr. Chairman, when the committee rose last evening the gentleman from Iowa [Mr. HENDERSON], the chairman of the Judiciary Committee, had entertained the Committee of the Whole, as he always does, not only in a logical, practical way, but with his usual eloquence. He appealed to the patriotism of the House. He seems to find some sentiment in a bankruptcy bill. Why, Mr. Chairman, there is no more sentiment in a bankruptcy bill than there is in an undertaker's bill. This question addresses itself to the legal judgment of the House.

I call the attention of members to the fact that although we have been discussing this bill all this week, scarcely a paragraph concerning it has appeared in the newspapers of the day. The country is not demanding a bankruptcy bill. Members, if they will refer to their own experience, will be unable to say that the people in their districts are writing letters or petitioning for the passage of such a bill as this. Whatever demand exists for a bankruptcy bill to-day is confined to the voluntary features of the measure.

Among the acts for which, under this bill, a man may be put into bankruptcy is the making of an assignment under the laws of his State. Now, let me briefly refer to the history of that provision. Such a provision was in the bankruptcy law of 1867. After several years of experience with that provision, Congress, in 1874, struck it out of the law. It was found unpopular and ill fitted to the wants of the country. Yet after the trial we had of such a provision under the law of 1867—a trial which induced Congress to amend the law and strike out that provision—we are now told that it is wise to readopt it.

Why, Mr. Chairman, the features of the old bankruptcy law of 1867, which became so unpopular in the country because they harassed the poor debtor, were the features defining what are known as acts of bankruptcy; in other words, the provisions for involuntary bankruptcy. Yet with the light of our experience under the last bankruptcy law and with the country not demanding any such law with involuntary features, some gentlemen here seem willing to inflict upon the country the same evils with which it was afflicted under the former law. I beg members to pause before they vote against the amendment I have offered and to recall the experience of the country under the old law.

Mr. COOPER of Wisconsin. I see that the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] has made a profound study of this bill, and I should like to put to him a question suggested to me by a conversation I have had with another member of the House, the gentleman from New Hampshire [Mr. SULLOWAY].

Mr. WILLIAM A. STONE. I yield for the question.

Mr. COOPER of Wisconsin. Suppose that one man should borrow of another $10,000 for the ostensible purpose of entering into a legitimate business with the money, not expressly so stating, but that being the understanding. Then suppose that the borrower should lose that money by gambling with cards. Could he under such circumstances file a petition in voluntary bankruptcy and secure his discharge under this bill, if it were to become a law?

Mr. WILLIAM A. STONE. I understand that anybody can file a petition in voluntary bankruptcy.

Mr. COOPER of Wisconsin. Ought such a man to be allowed to receive his discharge?

Mr. WILLIAM A. STONE. As to whether he would get his discharge or not, that is another thing; but the gentleman's question was whether such a man could file a petition. I understand

that under this bill anybody can file a petition, no matter what may be his indebtedness or how it may have arisen.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. WILLIAM A. STONE. I should like five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed five minutes more. Is there objection? The Chair hears none.

Mr. COOPER of Wisconsin. I will say to the gentleman from Pennsylvania that I have been informed that under the provisions of the former bankrupt law it would have been impossible for such a man to secure his discharge in bankruptcy; that is to say, if it could be established as a fact that he had lost his money in gambling.

Mr. WILLIAM A. STONE. I do not say that he could be discharged under this bill. I understood that the question of the gentleman was whether anything in the bill would exclude him from applying. Whether he could be discharged is another question.

Mr. COOPER of Wisconsin. If the gentleman will permit me, I will call his attention to the fact that in section 13 of this bill there are five explicit acts mentioned, the commission of any one of which by the bankrupt is a ground for denying him a discharge. Now, if the mention of one thing is to be taken as the exclusion of all other things, then the only ground for refusing to allow such a man a discharge would be proof of one of the things embraced in this section. And the loss of his property through gambling not being specified as one of the grounds on which a discharge is to be refused, he would still be able to secure a discharge even though the borrowed money had been lost in gambling with cards.

Mr. WILLIAM A. STONE. Well, that may be an argument against the bill, and I am glad that the gentleman finds additional reasons for objecting to its passage.

Mr. RAY. Will the gentleman permit me a moment now, since he has an extension of time?

Mr. WILLIAM A. STONE. Yes.

Mr. RAY. Under the provisions of the bill I do not think such a man as that mentioned by the gentleman from Wisconsin could possibly obtain a discharge. But, however that may be, if it should be made a ground of refusal for granting a discharge, it is easy to insert it in the bill.

Mr. WILLIAM A. STONE. Well, we are discussing the provisions now that apply to the discharge of the bankrupt. We are considering the amendment which proposes to strike from the bill the first paragraph of section 2, which, if adopted, strikes out the nine acts of bankruptcy; and I undertake to say that if you are to pass a bill at all, a simple bill that permits a man to go into bankruptcy is all that you should undertake to pass. You ought not at this time, when the country is already disturbed very much over public questions, to throw a new element of disturbance into the commerce and trade of the country, and in my judgment it would be a very great and a very serious mistake not only for this Congress, but a great mistake for the party that is behind this Congress and responsible for its actions, to undertake to put a bankrupt law, especially such a bankrupt law as this, on the country now. Such a law is not popular at any time. Who wants engraved on his tombstone, when he has ended his labors here and elsewhere, that he is the father of a bankrupt law as a monument? It never was and never will be a popular measure, and you can not make it so in this country. You can not humbug the people of this country with a measure of this character any more; they have had experience. You can no more make such a proposition suit the people of this country than you can make a suit of clothes for a man 5 feet high to fit me. The country has grown too large for such a thing; it is not adjusted to such a provision; it is too diversified in all of its interests. There are 45 States in the Union now passing laws each conflicting with each other; and when all of these things are considered it is evident that this country is not in a condition to adopt a general law upon this subject by which a man shall be forced into bankruptcy against his will. You are simply putting on the statute books something that will come back to plague us in the future, a proposition that will stay the era of prosperity which the country so much demands, and which it should have, and which we all hope will soon make its appearance.

It is a great and a grave mistake to pass such a bill. No man ought to vote for such a bill until he has carefully studied the history of the country under the operation of the old bankrupt laws; and no man who will do that will ever give a vote, after impartial consideration, for such a measure as this. Any man who will give it a fair and impartial consideration will at least hesitate before voting for any bill, especially one that embraces eight or nine acts of bankruptcy, whereby a man can be forced against his will into the bankrupt court, many of which provisions were stricken down by Congress in the old bill, many of which were changed and altered, as it was found necessary to change and alter them, because of the demand of the people, who were disgusted with their operation.

It is, Mr. Chairman, the old story. It comes up at every Congress to plague us. Notwithstanding the fact that there are various other matters of greater importance that ought to receive the attention of the House, matters which the whole country is demanding as loudly as it can, measures that ought to be considered and passed by Congress, measures, for instance, that will prevent the coming of the hordes of people that are pouring into this country from other lands, people that we do not want, and yet, notwithstanding these demands, here in the expiring hours of this session of Congress you are wrestling with a bankruptcy bill, trying to establish in this country a system that the people do not want, and one that if you do pass you will be forced to repeal within a very short time after its enactment.

[Here the hammer fell.]

Mr. BARTLETT of New York. Mr. Chairman and gentlemen of the committee, I have listened with some surprise to the remarks of the distinguished gentleman from Pennsylvania [Mr. WILLIAM A. STONE] who has just taken his seat. I am surprised that a Representative of so great a State as Pennsylvania, a State so vitally interested in this question of bankruptcy, voluntary and involuntary, should tell this committee that there is no public interest in that State and in this country on this question.

Now, I can say in behalf of my own State—in behalf of the great State of New York—that the citizens of that State, the business men of that State, are vitally interested in the measure now pending before this committee; and that the feeling in our State, so far as I have been able to sound it, is in favor of the enactment of just such a bill as that now under consideration.

The gentleman from Pennsylvania tells us that the country is too large, too diversified in its interests, to have a uniform bankrupt law. I suppose that by and by we shall be told that it is too large to have any uniform legislation. If there be any force in that argument, then the Congress of the United States should be abolished, and all legislation should be referred to the legislatures of the several States.

I believe, sir, that the fathers of the Federal Constitution knew what they were about. I believe that when they gave us power to enact a general law on the subject of bankruptcy, they looked away ahead into the future of this country, and knew that the time must come, as it has come in the past, as it comes more imperatively to us to-day, when the enactment of a general bankrupt law would be a matter of actual public necessity.

Now, I have read the report of the Committee on the Judiciary upon this bill. I have read the bill with great care, have given many hours to its examination, have consulted many lawyers, and many business men as to its provisions, and have examined it crucially in connection with the former general bankrupt act of 1867. I believe that there never has been a general bankrupt law framed with greater wisdom and more justice in its scope and plan. I congratulate the distinguished chairman of the Committee on the Judiciary for this work which he has now presented to our consideration. In fact, I believe that it can not be justly criticised. I believe that it should be passed unanimously by this committee. The feeling in New York is this: If you propose to give us only a voluntary bankrupt law, give us none. If we can not have a law which provides both for voluntary and involuntary bankruptcy, we wish no legislation whatsoever. That is the feeling of our lawyers; that is the feeling of our business men in every special avocation. The State of New York, gentlemen, is somewhat interested in this legislation. I call your attention to Schedule A, which shows that the greatest number of failures occurred in the State of New York during the whole period from 1879 to 1895. I will call your attention briefly to these figures. In New York the liabilities from 1879 to 1895 were $643,910,228. The total failures were 21,938, and the failures in 1895 were 1,940 as compared to 1,304 in 1879. That demonstrates, gentlemen, that in our State we have a practical interest in this proposed legislation, and I call the attention of the committee also to the fact that for the first three months of the year 1896 there have been 229 more failures than in the preceding period last year, and that the aggregate of liabilities amounted to $4,594,000 additional; that is, as compared with the same period in the year 1895.

Now, I agree with the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] that business is in the main paralyzed throughout the United States; but if you enact a simple voluntary bankruptcy act you will not restore confidence. Confidence restored to the debtor alone will not benefit the country.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WILLIAM A. STONE. I ask that the gentleman's time be extended five minutes.

There was no objection.

Mr. BARTLETT of New York. All the business interests of the country are made up of the interests of the creditor on the one hand and of the debtor on the other. A measure for the benefit of the debtor alone will not benefit the country. It must also be passed with some regard to the interests of the creditor. And, as is well pointed out in the very able report which accompanies this

bill, a man is sometimes a creditor, or always a creditor, and at the same time a debtor, the twofold relation, the reciprocal relation, being sustained by every business man, because while he is a debtor to some parties he is also a creditor with debts due him from other parties.

Now, what should be the object of this legislation? It should be such legislation as would restore confidence to the business men of the country. It should be fair and just, and not unduly strict to the honest debtor. On the other hand, on behalf of the creditor, it should punish fraud and perjury and attempts to defeat the ends of justice. The gentleman complains of the acts which constitute involuntary bankruptcy, complains of the provisions of this section by which a man can be forced into bankruptcy. Well, now, Mr. Chairman, I have examined each and every one of these provisions with great care, and it seems to me that if any err in any way they are too lenient. Can it be wrong to punish a man for fraud? If a man conceals his property or transfers his property, or does any act whatsoever with the purpose and view of defrauding his creditor, is it hard to put him into bankruptcy? Is it not common fairness and justice to the business men of this country?

The gentleman from Pennsylvania [Mr. WILLIAM A. STONE] says that the people take no interest in it. It is true, Mr. Chairman, that it is not a matter of sentiment, but it is a matter of business and of common honesty; and I call the attention of the members of the committee to a few extracts from the letters of business men which I will now read. Before reading the extracts from the letters of business men I shall read the expert opinion of one of the leaders of our bar, a man most familiar with the practical workings and operations of the bankruptcy act of 1867. He says:

NEW YORK, *April 30, 1896.*

Hon. FRANKLIN BARTLETT.

MY DEAR SIR: I have read with care the admirable report of the House Judiciary Committee on the subject of a uniform law of bankruptcy accompanying House bill 8110, and am thoroughly in favor of the provisions of the bill. A uniform system of bankruptcy seems to me most important, and I find but few suggestions which I can offer in reference to the bill presented—

I had asked the distinguished member of the bar to pick out some flaw. With his special knowledge and experience, I wanted him to place his hand upon some vulnerable point, and, Mr. Chairman, the result of his examination was that he could find nothing to criticise in this most admirable bill—

No bankruptcy act ought to be passed which does not provide for involuntary as well as voluntary bankruptcy. The latter without the former seems to me an anomalous condition of affairs. Both debtors and creditors should be protected by legislation, and it seems to me that this bill does this with great care.

Mr. COX. Mr. Chairman, I should like to ask the gentleman from New York a question.

The CHAIRMAN. Does the gentleman yield?

Mr. BARTLETT of New York. Certainly.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BARTLETT of New York. Mr. Chairman, I ask five minutes more.

The CHAIRMAN. The gentleman from New York asks that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. COX. Now let me give you this question, and make the point as clear as you can. I am not going to take your time except to make the question plain. Suppose a country merchant gives his paper, payable in thirty days, and John Smith indorses that paper.

Mr. BARTLETT of New York. Yes.

Mr. COX. And at the maturity of the paper he fails to meet it. Now, what position does the indorser occupy in regard to this bill? Is he a bankrupt, too?

Mr. BARTLETT of New York. That is all regulated by the provisions of the bill. Anyone who becomes a surety or guarantor for a debt remains still liable although the debtor may be discharged.

Mr. COX endeavored to propound another question.

Mr. BARTLETT of New York. I decline to yield further, with great respect to the distinguished gentleman from Tennessee. I must decline to yield, because he is only endeavoring to discover some problem which will interrupt the thread of my discourse. [Laughter.]

Now, the gentleman from Pennsylvania [Mr. WILLIAM A. STONE], Mr. Chairman, said that the bankruptcy bill would not be popular. Well, a bankruptcy bill will never be popular—that is, any bill that provides for men paying their debts—with a certain class in the community; but I claim that this bill with its provisions is for the benefit of the debtor in allowing those business men who are hampered with debt to secure discharges and resume business; and it will be popular with a great class of debtors now burdened and with business men at large throughout the country, because it will bring about a renewal of credit and an extension of business.

With a general bankruptcy law men will not be afraid, as they are to-day, of embarking in business relations with certain parties in other States. We all know, Mr. Chairman, that the unfortunate differences in the system of bankruptcy laws in the various States operate to unsettle business relations. The only way to secure relief is to pass the bill now under consideration, and there is a strong voice—I may say to gentlemen a general sentiment—throughout the State of New York in favor of the passage of this very bill. I call your attention to one or two letters:

Our business experience of forty years leads us to believe that the best interests of the country demand a uniform bankruptcy law, one which shall supersede or be a substitute for the conflicting laws of various States. Such a law should be both "voluntary" and "involuntary." Proceedings in bankruptcy cases should be in United States instead of State courts. "Preferences" should be absolutely prohibited. Honest debtors should be discharged, and the assets divided among bona fide creditors without delay and at the minimum of cost. Dishonest debtors should be refused a discharge, and fraudulent ones severely punished.

This letter is but a sample of many which I have received. But it seems to me, Mr. Chairman, that it states the case conclusively in terse and forcible language, which is better than most argument.

Mr. STROWD of North Carolina. What business is the party engaged in who writes that letter?

Mr. BARTLETT of New York. They are manufacturers of liquid paint, asbestus roofing, asbestus sheathing, asbestus cements, asbestus coverings, and several other branches of the same business. But it is a very large and well-known firm in New York.

Mr. MILNES. May I ask the gentleman a question?

Mr. BARTLETT of New York. And I may say that these letters come to me from firms not only in business in my own State of New York, but engaged in business in Massachusetts, Pennsylvania, and many other States. One firm calls my attention to the fact that the merchants of all the large cities throughout the Union are in favor of this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEPBURN. Mr. Chairman, ever since I have had a seat in this House I have tried to be consistent in my opposition to all movements toward securing a bankruptcy law. I do not believe that there is any demand upon the part of the country for such an enactment; and I believe it would be most unwise for the Republican party at this time to enact that kind of legislation. I do not wonder at the distinguished gentleman from New York [Mr. BARTLETT], a leader of his party upon that side of the House, trying to place the Republican party in the disadvantageous position of being sponsors for this bill.

I have, Mr. Chairman, attempted to know something of the history of the three bankruptcy laws that we have had and their effect upon the party responsible for their enactment. In April, 1800, the Federalist party, then intrenched in power, supposed to be invincible, enacted a bankruptcy law. In the campaign that followed three charges were made against them. Their responsibility for the sedition law, for the alien law, and for the bankruptcy law; and under the assaults that were made that party ceased to exist as a powerful factor in the Government of the United States.

In 1841 the Whig party, which had just come into power strong and apparently invincible, with a majority such as never had been known before, enacted a bankrupt law. They saw their error very soon, and the same deliberative body and the same Executive that had enacted and approved the law repealed it. But the party was tainted by that legislation and lost power. The House of Representatives that enacted the last bankrupt law had 49 Democrats and 143 Republicans in it, yet it was but a little while until that majority was well-nigh reversed and the Democracy had control of this House; and I undertake to say, Mr. Chairman, that no one factor was more important in turning over the control of Congress to the Democratic party than the responsibility that attached to our side for that bankruptcy enactment of 1867. In every instance the party that has assumed responsibility for such legislation has gone to the wall. The reprobation of the people has been upon it, and I do not wonder that the leader of the Democracy [Mr. BARTLETT of New York] now seeks to encourage the Republican party in this great mistake. But the gentleman has another motive, which he, as well as the gentleman from Massachusetts [Mr. MOODY], who addressed the committee yesterday, has disclosed. The committee reporting this bill has told us, and its advocates on this floor up to 3 o'clock on yesterday had uniformly insisted, that the underlying reason for this legislation was to give a boon to men who had been unfortunate in business, so that men who had gone down under the weight of misfortune and who were burdened with debt could find relief under the provisions of this enactment. It was all done, they said, in the interest of the indigent, unfortunate debtor. In their report the committee say:

It seems clear to the committee that a bankruptcy law is needed to relieve the country of the hopeless debts now resting upon active men—

That is, men who have been unfortunate, men who have been unskillful, men to whom disaster has come, honest men who are thus burdened, cramped, and trammeled are the people to be benefited, and this beneficent enactment is designed to give such men another chance in the race of life, so that they may regain the plane of solvent manhood.

[Here the hammer fell.]

On motion of Mr. WATSON of Ohio, the time of Mr. HEPBURN was extended for ten minutes.

Mr. HEPBURN. That is the ground on which the committee put this bill in their report, and that is the ground upon which it has been generally advocated upon this floor, but the gentleman from Massachusetts [Mr. MOODY] yesterday and the gentleman from New York [Mr. BARTLETT] this morning have told us another story. The demand for this bill, they tell us, is for the purpose of securing another method for the collection of debts. They want another means to secure the creditors of the country. Not satisfied with the collection laws of the States, not satisfied with the access to the courts which they have had all along and now have, the creditors of the country insist that something more shall be done whereby they shall be enabled to secure their debts.

Mr. Chairman, I do not think that any legislation of this kind is necessary. Everywhere in all of the forty-five States and in the Territories there are ample provisions of law for the collection of debts. Every debt that now exists has been contracted in view of the existing facilities for collection. No creditor has been deceived. When he made his investment or allowed another to become his debtor he knew what the facilities and possibilities were with regard to collection. But not content with that knowledge, not content with the facilities that they now have for the collection of debts, the creditors come here, by their Representatives, demanding that they shall have other means, that they shall have other ways, by which to secure their pound of flesh.

Are we doing any harm to the creditor when we refuse to give him that? The courts are open. The collection laws of the States are in full force. There is no proposition to limit their scope in any way or to embarrass their operation. The creditor has now every means that he had when he extended credit to his debtor. Why should he have other means? Why does he come here demanding this additional means for collection of his debts? It is unfair and unjust, and the man who urges it is not, in my belief, friendly to the masses of this country. The gentleman from New York [Mr. BARTLETT] tells us that if this measure is enacted into law there will roll over this country an unprecedented wave of prosperity, that if the debtor class is put absolutely into the power of the creditor class then the creditor class will consent that their money, which they tell us is now withdrawn from the Western region, will flow out, and we shall all bask in the sunlight of a new prosperity. Ah, Mr. Chairman, the men who loan money from the East to the West will not be affected by this bankrupt law. Their loans are already secured upon the real estate of the West. They are secured by mortgages upon the property of the West. Those mortgages will be as complete then as they are now, and I do not think that any new conditions of prosperity will come to us because of this enactment.

Now, Mr. Chairman, I have some objections to this particular bill. I called the attention of my colleague [Mr. HENDERSON] on yesterday to the incongruity presented, in my opinion, by the fifth and the second acts of bankruptcy as here defined. I thought then, and I still think, that while trying to escape from the second act of bankruptcy as defined in this bill the debtor must fall into the fifth. If this committee will give me its attention for a moment I will try to establish this point. The second act of bankruptcy, as set forth in the bill, is in part:

Failed for thirty days, until a petition is filed, while insolvent, to secure the release of any property levied upon under process of law—

Here is an attachment against a debtor's property. If he allows that attachment to run for the period described, it is an act of bankruptcy. In order to relieve himself from this he must release that property. How is he to do it? Only by payment or by giving security. Yet the fifth "act of bankruptcy" declares that either of those is an act of bankruptcy. Therefore, if the debtor tries to escape from the second he must necessarily force himself into the fifth. When I asked my colleague if there was not some incongruity between these two provisions, his answer, as I recollect it, was, "Yes; it is intended that both shall rip him up the back." And both do. Either does. In escaping from the one he necessarily gets into the other.

Mr. HENDERSON. Will my colleague allow me to interrupt him, not to correct his improvement upon my language at all, but to call his attention to section 60.

Mr. HEPBURN. I will try to quote my colleague exactly.

Mr. HENDERSON. Oh, that is not material. Give your fancy the fullest play.

Mr. HEPBURN. There is no need of displays of fancy condemning this measure.

Mr. HENDERSON. That seems to be your mood this morning. Now, I ask the gentleman to read section 60 in connection with clause 5, section 2. Section 60 provides that—

A person shall be deemed to have given a preference if, being insolvent or in contemplation of insolvency or bankruptcy, he has procured or suffered a judgment to be entered against himself in favor of any person, or made a transfer of any of his property with intent to (1) defeat the operation of this act.

The word "defeat," as used in this bill, has coupled with it the intention to defraud. As I said yesterday, if the debtor violates either of the provisions he is liable to be thrown into bankruptcy; but the gentleman can not hinge the two provisions together in the manner he is now attempting.

Mr. FAIRCHILD. But I call the attention of my friend from Iowa to the second clause of the paragraph of section 60, to which he has just referred. It is in these words:

Or (2) enable any one of his creditors to obtain a greater percentage of his debt than any other of such creditors of the same class.

Mr. HENDERSON. That is another matter; and it is not presented even by the gentleman from Iowa. My restless friend from New York [Mr. FAIRCHILD], who is always hunting for some objection to this bill, can not find any this time.

Mr. HEPBURN. The word "defeat" means much more under the definition given in this bill than the gentleman has suggested. It does not mean simply "defraud," as he has suggested. The language is:

Defeat shall include defraud or delay—

Mr. HENDERSON. Delay with attempt to defraud.

Mr. HEPBURN. "Defeat shall include defraud or delay, evade, hinder, and impede."

Mr. HENDERSON. "With intent to defraud." The gentleman must not fail to put that in.

Mr. HEPBURN. My friend has made no answer to this criticism. None can be made. It was not intended by this bill, in my judgment, that there should be any escape for the man who has allowed an execution to run against him. This fifth clause most cunningly closes every possible door. If he should escape the second clause, he finds himself enmeshed in all the conditions of the fifth.

Mr. MORSE. Will the gentleman allow me to ask a question?

Mr. HEPBURN. I prefer not to yield for a question now; I have only a little time. Here is the answer which my colleague [Mr. HENDERSON] made to me yesterday:

I think he would be ripped up in both, and ought to be.

I said "up the back." I want to withdraw that phrase, so that the ripping may be general—all over his anatomy. [Laughter.] Mr. Chairman, this act is a fraud upon its face; it is a fraud in its title.

[Here the hammer fell.]

Mr. WILLIAM A. STONE. I ask unanimous consent that the gentleman from Iowa may have time to conclude his remarks.

There was no objection.

Mr. MORSE. As the gentleman now has unlimited time, will he yield to me for a question?

Mr. HEPBURN. I will.

Mr. MORSE. I understood the gentleman to say that the same conditions exist now in regard to the collection of debts and mortgages that existed when the loans were made in the Western country by Eastern investors. Now, does not my friend know that the Populists when in control in Kansas passed stay laws which prevent the foreclosure of a mortgage or the beginning of proceedings for its collection for a year and a half after it becomes due? If the gentleman from Iowa does not know the fact, I happen to know it to my sorrow.

Mr. HEPBURN. There is some Populist here perhaps who can attend to the gentleman from Massachusetts. [Laughter.]

Mr. GROSVENOR. I should like to ask the gentleman from Iowa a question relating to the criticism he is making on this bill.

Mr. HEPBURN. I yield to the gentleman.

Mr. GROSVENOR. I understand the gentleman to criticise the language "hinder or impede with intent to defraud." Now, I ask him whether that is not the language used in the codes of all the code States in regard to acts which are analogous to acts of bankruptcy?

Mr. HEPBURN. I have no doubt about that. I was not criticising it in any other sense than this: My colleague had defined the word "defeat" to mean defraud. I simply wanted to show—and that was my whole object in referring to the language of the bill—that according to this definition defeat meant much more than defraud.

Mr. HENDERSON. That does not apply to the question you raise.

Mr. HEPBURN. I think it does.

Mr. GROSVENOR. The language of the bill is, "delay, hinder, and impede with intent to defraud." Now, is it not a fact that, according to the construction of the courts, an act committed with the purpose of hindering or delaying the collection of a just debt is a fraudulent act?

Mr. HEPBURN. This is a bill which purports to establish a "uniform law on the subject of bankruptcies."

Now, Mr. Chairman, let us see how "uniform" it is. It exempts from the operation of the law, and from the necessity of distribution to the creditors, all that property that is exempt to the debtor under the laws of the various States. How can you, then, have a uniform system of bankruptcy if you base it on exemption law that exist in such great diversity in the statutes of the various States?

Why, a gentleman the other day stated that in the State of Pennsylvania there were no exemption laws; that the coat that a man might lay off from his back while engaged in his daily labor

might be seized by the officers on an execution. I do not know whether that is true or not. I simply refer to the statement made. In the State in which I live, on the contrary, there was an adjudication where a bankrupt was permitted to retain his homestead valued at $93,000. Is that uniformity? Does that secure a uniform system of bankruptcy, where in one State a man may be stripped of everything under the operation of this law, and in another where he may have almost unlimited wealth, if it is confined to his homestead, for that is secured to him?

Mr. MAHON. Will the gentleman permit an interruption to make a correction there?

Mr. HEPBURN. Certainly.

Mr. MAHON. In the State of Pennsylvania there is an exemption law which allows the debtor to retain $300 worth of property, unless he waives the right. It is true that they generally give him about a thousand, but that is the law.

Mr. HEPBURN. That does not change the argument that I make. It shows the impossibility of the enactment of a law framed in this manner, based on the State statutes, differing as they do widely from each other. It shows the utter impossibility of meeting the requirements of the Constitution and the pretended purpose of the bill in its title, "a uniform system of bankruptcy."

But, Mr. Chairman, I am opposed to the bill because of the sources of its demand. If there is a demand for it, it comes from the associations of wholesale merchants in the United States, who want to have another means of securing control over their trade. How will it operate? I undertake to say——

Mr. RAY. Before the gentleman leaves that point, having made that statement, to wit, that there is no demand for it, I desire to call his attention just there to this——

Mr. HEPBURN. I do not yield to the gentleman from New York for a speech. He has occupied hours of the time of the committee in the discussion of this matter. If he has a question to ask, I will be very glad to answer it if I can.

Mr. RAY. I beg the gentleman's pardon. I have occupied but very little of the time of the committee.

Mr. HEPBURN. Ask your question.

Mr. RAY. If you will permit me; you have been courteously accorded all the time you want——

Mr. HEPBURN. Not by the gentleman from New York.

Mr. HENDERSON. By every member of the committee.

Mr. RAY. The "gentleman from New York" is a member of the committee, and no objection was made to the extension of time asked by the gentleman from Iowa.

Mr. HEPBURN. Will the gentleman ask his question, if he desires to do so? If he has no question to ask, I decline to be interrupted further.

Mr. RAY. I did not desire to call attention to this document [referring to pamphlet in his hand] without permission of the gentleman——

Mr. HEPBURN. Mr. Chairman, I must ask to be protected from the gentleman from New York. I have yielded to the gentleman for a question only, if he has one to ask.

The CHAIRMAN. The gentleman from Iowa is entitled to the floor and declines to be interrupted. The gentleman from New York will be in order.

Mr. RAY. I ask the gentleman from Iowa——

The CHAIRMAN. Does the gentleman from Iowa yield?

Mr. HEPBURN. The "gentleman from Iowa" will yield to the gentleman from New York for a question only.

Mr. RAY. I want to make this statement——

Mr. HEPBURN. I do not yield to the gentleman for a statement.

Mr. RAY. I want to ask the gentleman a question.

Mr. HEPBURN. Very well; ask it.

Mr. RAY. Will the gentleman, in connection with his statement that there is no demand for this bill——

Mr. HEPBURN. I did not say that.

Mr. RAY. Well, in connection with his statement as to the sources of the demand—I believe that was his statement—allow me to call his attention and the attention of the committee, not by a speech, but simply to a document which I hold in my hand and which is on file, showing, as I think, that his statement is inaccurate?

Mr. HEPBURN. What is it?

Mr. RAY. Well, if I answer that question it will be to state the very thing to which the gentleman has been objecting.

Mr. HEPBURN. Let me see it.

Mr. RAY. I would not name it without the consent of the gentleman from Iowa.

Mr. COX. Is that a speech of the gentleman from New York? [Laughter.]

Mr. RAY. The "gentleman from New York" had nothing to do with it.

Mr. HEPBURN (reading)—

Addresses, memorials, indorsements, petitions, and resolutions demanding the enactment of the Torrey bankrupt bill, by the Associated Wholesale Grocers, St. Louis; Columbus (Ga.) Board of Trade; Chamber of Commerce of New York; Omaha (Nebr.) Board of Trade—

And so on. Why, Mr. Chairman, it is just what I said. [Laughter.]

Mr. RAY. Read it all.

Mr. HEPBURN (continuing). That is what I said. Every one of these fellows who wants a new hold, a new grip upon his customers, is clamoring for it of course, and the gentleman from New York, their ready servitor, is anxious to give them all they want.

Mr. RAY. Will you allow——

Mr. HEPBURN. I will not allow further interruption.

Mr. RAY. I would not misrepresent were I in your place.

The CHAIRMAN. The gentleman declines to yield.

Mr. HEPBURN. I do not desire to misrepresent. I simply read from the document that the gentleman gave me.

Mr. RAY. Why not read the entire title of it?

Mr. HEPBURN. You might as well insist on my reading one of your speeches. [Laughter.]

Mr. RAY. It would do you good if you would.

Mr. HEPBURN. It might help me, but I have some consideration for other gentlemen here. [Laughter.]

Mr. Chairman, I undertake to say that a very large percentage of the business men in the West are, under the definitions given in this bill, bankrupts. They can not meet the requirements of this bill in their effort to avoid bankruptcy under it. And yet they are able to conduct their business. They are not usually engaged extensively in business, but it is the small merchants, the merchants whose property perhaps would not pay their debts, who have to postpone from time to time the payment of their paper. Technically they are bankrupts, technically they are insolvent; and yet they are able to conduct their business, to keep their heads above water, and to make a support for their families. A man so situated, dealing with the creditor who would use this bill, is compelled to submit to whatever exaction in the way of increased profits to that wholesale merchant that the wholesale merchant elects to put upon him. He has no way of escaping it. If he proposes to change the house with which he deals, conscious that he is in the power of this man, he has to go on dealing in the same line, submitting to the same exactions, paying the same exorbitant rates, and in turn imposing them upon his customers.

Mr. BREWSTER. Will the gentleman yield for a question?

Mr. HEPBURN. For a question, yes.

Mr. BREWSTER. Do you think the passage of this bill, or the failure to pass this bill, will have any effect on the relation of the retailers to the wholesaler? When the retailer is in the grip of the wholesaler, will the failure to pass this bill make the thing any better?

Mr. HEPBURN. I think it will, because under the collection laws of the State, with the time that is given, with which the creditor is familiar and which he expected, the debtor can have an opportunity to turn himself, to do something. He could have an opportunity for payment if nothing else. Yet under this bill if he were to take that time or were to pay one of his creditors he would become a bankrupt. Does not that place him in a worse position? It seems to me so.

Mr. BREWSTER. Is it not for the benefit of the wholesaler to keep the man going? Is he liable to shut a man up so long as he is solvent?

Mr. TAWNEY. That depends upon the character of the wholesaler.

Mr. HEPBURN. I accept the answer of the gentleman from Minnesota [Mr. TAWNEY]. Mr. Chairman, I should like to say——

Mr. COX. Will my friend yield to me for one question?

Mr. HEPBURN. Yes; for a question.

Mr. COX. That is all I want. I want to understand your construction of this idea. A country merchant gives his paper, payable in ninety days, to the wholesale merchant, and somebody goes his security upon that paper as indorser. He fails to meet it. What becomes of the indorser? Is he a bankrupt, too?

Mr. HEPBURN. It seems to me that he is equally liable.

Mr. TAWNEY. He is an original maker.

Mr. HEPBURN. He is practically an original maker. I do not see why the failure to pay, if the other conditions are present in the case, would not be an act of bankruptcy.

Mr. HENDERSON. The committee has stricken that clause out of the bill, so there is no use in wasting any time about it. In the committee this morning the ninth clause was entirely stricken from the bill.

Mr. COX. Then, as I understand, the indorser or security is not subject to the provisions of the bill?

Mr. HENDERSON. The ninth clause, with reference to commercial paper, has been stricken out of the bill. That was done in the committee this morning.

Mr. CONNOLLY. The indorser on commercial paper is not liable until after the principal has failed to pay, anyhow.

Mr. COX. Suppose he is a joint maker.

Mr. CONNOLLY. If he is a principal, that is a different thing, but not as an indorser.

Mr. HEPBURN. Mr. Chairman, I have just received a memorandum showing that it is the smaller dealer who suffers from

bankruptcy laws. In Indiana, out of 14,000 bankrupts under the old law, the assets of 12,000 were less than $5,000 each, showing that it is the class of men of whom I have been speaking who are the victims under a bankruptcy law. I was going to ask some gentleman from the West who is in favor of this bill to show who else in the West is in favor of it.

There are a few gentlemen who favor the voluntary bankruptcy feature; there are a very few wholesale dealers that favor the involuntary features of it. I undertake to say that of all the Representatives from the State of Iowa upon this floor not one communication has come to them asking, on the part of their constituents, for the enactment of this law. I have received but a solitary communication on the subject, and that from a gentleman living outside of my State, and he opposing this bill. Not one letter have I had, not one comment in the newspapers have I seen, advocating this bill. I do not believe it is a want of the country. I do not believe that it is right in itself. I do not believe that the bill conforms to the requirements of the Constitution as to its uniformity; and I do believe that it will be most harmful in its effect upon the party majority of this House. We will be held responsible for it, and some of our friends on the other side, who perhaps now are urging us to make this mistake, will be among those orators who this fall will declaim against us and charge us with responsibility, point to the distress of the country, and say that instead of bringing about relief we have passed this unfair, injudicious, one-sided legislation. [Applause.]

Mr. GROSVENOR. Mr. Chairman, I ask that my time may be extended to the limit of fifteen minutes at this time. It is not worth while to begin with five minutes' time.

The CHAIRMAN. The gentleman from Ohio asks that he may have fifteen minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GROSVENOR. I assert, in the first place, Mr. Chairman, that much the most essential thing to the welfare of the business interests of the country of America to-day is the reestablishment of credit. It is necessary that we shall reestablish the credit of the National Government, and it is necessary that we shall reestablish the credit of all component factors in the National Government, and prominent and conspicuous among those factors are the individual creditors, the business men of the United States. I deny that there can be good credit in one section of the Union and bad credit in the other section. I deny that the business men of the West can flourish when the business men of the East fail to flourish. And I deny that any proper argument can be based here by introducing into this subject the question of the West against the East.

The money of the East is being handled by the genius and enterprise of the West; and the credit of the one is the interest of the other, and the success of the one is a necessary incident to the success of the other. So that I think the gentleman who in this debate attempts to make it appear that a system that makes a sound business man in the West can by any possibility better the man in the East to a greater degree than is conferred upon a man in the West is not correct in his judgment. How shall we establish business credit? I want to say right here, in reply to the distinguished gentleman from Iowa [Mr. HEPBURN], that as I had something to do in ten or twelve States of the Union with the campaign of 1892; as I had, too, not to so large an extent, with that of 1890, and to a much larger extent of the campaign of 1894, when the Republican party in the one case went out of power in the legislative branch of the Government and in the other came back into power; and I never heard and never read one word of discussion on the subject of a bankruptcy bill. I have tried to recall all the charges of the Democratic party in 1890 and in 1892, and I never heard that thing mentioned until I heard it here this morning. Now, I do not say that it never happened, for I did not hear all that was said.

Mr. HEPBURN. Will the gentleman permit a suggestion?

Mr. GROSVENOR. Certainly.

Mr. HEPBURN. The gentleman is speaking now of a period twelve or fourteen years after the repeal of the act.

Mr. GROSVENOR. Then you are talking of the bankruptcy act of 1867. I never heard that mentioned as a matter of politics. I never heard any condemnation of it. It is said that that act was repealed after a while. It was repealed in due time. It was not the purpose of the legislation of the country, never has been, that there shall be a permanent system of bankruptcy. It is not necessary. Periods, cycles of business depression, sweep over the country. I might say, if I wanted to, though I am indisposed to go into that subject, that these cycles are generally an incident to the introduction into power of the Democratic party in this country; and it has been said by one of the wisest financiers of this country that it was necessary, indispensably necessary, to the success of the business of the country that, following every Democratic Administration, there should be a system of bankruptcy. [Laughter.]

Mr. MAGUIRE. The gentleman certainly knows that these cycles swept over the country in 1866, another in 1877, and another in 1884. Will the gentleman explain if these happened after Democratic ascendency?

Mr. GROSVENOR. There is no such thing. In 1866, going back to that, as it is the first fixed on by the gentleman, unfortunately for his recollection of history we emerged from the greater depression of 1857, when the property of this country went down 80 per cent in value all through the West. We emerged from that to enter a war. At the end of that war we had not reestablished our credit, and the transition from irredeemable paper money and the battle that we had to fight with the Democratic party to restore specie payments did bring upon us the trouble of 1877. What was the trouble of 1875–1877? Does the gentleman know? It was the existence of that upas tree, bad credit, in this country. In 1874 the Democratic party carried State after State in favor of practical repudiation of the obligations of the Government, and undertook to demand that the bonds of the Government should be paid in greenbacks and that the greenbacks should not be redeemed; and until we turned aside and fought the Democratic party to its death for the time being, we could not have any credit in this country. That was the trouble, and that was all the trouble there was; and when the time had come, and victory had perched upon the banner of the Republican party, and a Republican Administration came into power in 1877, and the resumption act was passed in the teeth of the opposition of the Democratic party, and the 1st day of January, 1879, came, and, under a Republican Administration, every dollar of our promises to pay came up to the level of every dollar in gold—then it was that prosperity came as the victory of honest money and the overthrow of the Democratic party. [Applause on the Republican side.] But, Mr. Chairman, I did not intend to make any such speech as this——

Mr. MAGUIRE. Will the gentleman permit another suggestion?

Mr. GROSVENOR. Yes, sir.

Mr. MAGUIRE. I wish to say to the gentleman that all of those depressions are recorded by the Hon. Carroll D. Wright, Commissioner of Labor, in his Report on the Industrial Depression of 1886, and he says that they all extended to the seven leading nations of the world.

Mr. GROSVENOR. Well, Mr. Chairman, if the gentleman wants to take his politics from Carroll D. Wright I bid him Godspeed, but I do not want him to bother me with them. [Laughter.] I will take some political ideas from a Democrat, I will take a great many from a Republican; but from a Mugwump, God forbid! [Laughter and applause.] A man who has to trim his politics, to pare his common sense, and to engineer his figures so that he can retain office under Administration after Administration shall not be a professor in the political school which I attend. [Laughter and applause.]

Now, how shall we restore public confidence? There are several ways. I did not intend thus to trench upon the proprieties of this occasion by any political or partisan references. I simply wanted to come to this particular bill. The first step, in my opinion, to the restoration of public confidence is to restore to the column of active workers the greatest possible number of competent business men of the country. Go along the pathway where the wrecks are deposited and gather up the competent men and give them another chance. I speak for the business men of my section of Ohio, and I say that not one, not ten, not one hundred, but more than one hundred such men have appealed to me to support this bill. They are the men who, during the progress of this cyclone of financial disaster, have fallen by the wayside and——

Mr. HEPBURN. Will the gentleman permit an inquiry?

Mr. GROSVENOR. The gentleman ought not to have broken into that sentence, which was going to be a very pretty one, but I yield. [Laughter.]

Mr. HEPBURN. We all recognize its merit. This class of men that the gentleman speaks of would be affected as they desire to be affected by the part of this bill, or by one of the bills, providing for voluntary bankruptcy alone, would they not?

Mr. GROSVENOR. I admit that. That is probably so. But, Mr. Chairman, there has got to be something more than the restoration to activity of those men who have fallen, and that point I am coming to. They are the men who, without fault of their own, many of them young, active, and prosperous at one time, have suddenly found themselves ingulfed and hopelessly insolvent. Their property is gone under the State laws, and yet there stands against them the burden of their indebtedness. Shall those men be restored to activity? I trust that they may. In my section of the country there are business men without a stain upon their character, with no reasonable ground to say that they were inefficient or ineffective, who have encountered the storms of adversity and trouble and have been temporarily drifted to the shore. I want to see those men allowed to emerge from under this load of adversity and disaster, for which they were not responsible. I want them set free to join again the great army of activity, the great army of productive industry in this country. Now, how are men of this class to again stand upon their feet, even by the operation of this bill? There must be a restoration of credit throughout the country. And just here I want to answer

one argument that has been made against this bill. It has appeared as though somebody here had got the impression that in this bill there was a new engine by which the creditor could become more exacting, more unreasonable, more oppressive than he is now. Mr. Chairman, if I were to-day to criticise the common procedure of the business men of my country from Boston to Omaha, I would say that, so far from there being any purpose or any action on their part as a class to crush the business men who are their debtors, to crush the dealers, to crush the retailers, to crush the debtor class generally, they have for years been too indulgent.

Mr. HENRY of Connecticut. That is so.

Mr. GROSVENOR. Of course it has been to their interest at times to be so; but how often—I appeal now to the lawyers here who know something about the collection business of the country—how often in the last twenty years have the business men of the great cities, the wholesale men, the manufacturers, been found coming to the relief of debtors in trouble, by extension of time, by renewal of credit, placing them upon their feet and pushing them forward as well as it was possible to do? In many cases they have compromised by the reduction of debts.

Mr. MARSH. I hope the gentleman will not forget to tell us how the involuntary features of this bill will restore credit to the people of this country.

Mr. GROSVENOR. I can not say everything at one time. I propose to occupy only a very few minutes.

How often, I ask, have creditors come forward in this way and done the best they could for their debtors? How often have they taken partial payments and extended the time for the balance? In this way the wholesale merchant, the Eastern manufacturer, or the Western manufacturer—for the East is not doing so large a percentage of the manufacturing as it did some years ago—has in this way sustained and built up the credit of many a man who was likely to fall by the wayside.

Now, let us see about the involuntary feature of this bill. I am not going to urge that so strongly as I do the other. But there seems to be a consensus of the wise opinion in this House on this subject. And right here I wish to say that I am going to take the details of this bill largely from the hands of this committee without criticism. I have looked into the bill just enough to know that there are no hardships in its provisions as compared with former laws on this subject. I have looked into it enough to know that there seems to have been a very wise conservatism in the drafting of the bill; and as to all the minor and unimportant details I would rather trust the committee than trust myself in the hurry of the progress of the measure through this House.

Now, then, how does the involuntary feature of this bill go to sustain credit? Credit can not be built up all on one side. You can not build up the credit of the retailer without some protection to the interests of the wholesale dealer. You can not protect the debtor without giving the creditor some protection. Now, when anybody shows me in this bill any provision creating an act of bankruptcy which is not already so recognized upon the statute books of every intelligent State of this Union, then I will argue with him upon that subject.

[Here the hammer fell.]

Mr. RAY. I ask that the time of the gentleman from Ohio be extended for five minutes.

Mr. WILLIAM A. STONE. I ask that the gentleman be allowed so much time as he may need to conclude his remarks.

The CHAIRMAN. Is there objection to the request that the time of the gentleman from Ohio be extended until he concludes his remarks?

Mr. GROSVENOR. I shall not occupy more than ten minutes.

The CHAIRMAN. The Chair hears no objection.

Mr. GROSVENOR. Now, Mr. Chairman, we have created no new act of bankruptcy. There is proposed here no new liability. A man whose paper has gone to protest in the bank where he has made it payable is an insolvent debtor in the eyes of the business men of the country of all grades and sizes. He is insolvent. The act of insolvency is the failure to pay, and it is not worth while to talk about terms or expressions. There is the fact. This bill undertakes to say that the debtor shall not fail to pay for the purpose of fraud. By the language of the statute of Ohio—borrowed from the code of New York, loaned again to the State of Indiana, and then transferred to Kansas and Iowa—it is provided that it shall be an act of bankruptcy if any person makes any movement with his property, hides it or hides himself or allows judgment against himself "with intent to hinder, delay, or defraud his creditors." That is the language in common use throughout all the code States of the Union. Now, what says this bill. In defining the word "defeat," it says:

Defeat shall include defraud, or delay, evade, hinder, and impede—

With what purpose? I understood the gentleman from Iowa [Mr. HEPBURN] to say that mere delay would be treated as an act of bankruptcy. That is not the meaning of this expression, and it would not have been so construed if the committee had seen fit to leave out of the statute the qualifying clause which follows; but they have put it in. Any one of these acts or all of them, in order to be acts of bankruptcy under this provision, must have been done "with intent to defraud." Now, if we are standing here to create legislation for the protection of men who acquire the property or money of others and then conspire to defraud them out of it, the criticism of the gentleman from Iowa lies against this bill, not otherwise.

I do not care to occupy further time except to say this: These two great classes—debtors and creditors—must be brought into just and equal relations with each other.

Mr. MARSH. I hope the gentleman will answer the question I put to him.

Mr. GROSVENOR. I can not be responsible for the gentleman's understanding. I have been arguing for quite a length of time that you can not build up the credit of the debtor class without putting protection into the hands of the creditor class. You can not make a law that will permit the debtor to do as he pleases with the property acquired from the creditor without giving to the creditor a chance to get at least a fair dividend out of the property of the debtor.

Mr. MARSH. We had very good credit in this country from 1879 to 1893——

Mr. GROSVENOR. I can tell the gentleman how we had it——

Mr. MARSH. And we had no involuntary system of bankruptcy.

Mr. GROSVENOR. We had an involuntary system of bankruptcy just back of that time; and one of the very last acts done under it of which I have knowledge was to relieve one of the heaviest debtor classes in my section of the State of Ohio by a bill filed, I think, as late as 1878. I do not remember the date of the repeal of the former bankruptcy law.

Mr. MARSH. It was repealed during the Forty-fifth Congress.

Mr. GROSVENOR. Very well. We cleared the decks; we restored confidence; we brought into the activities of business life thousands and tens of thousands of men who had been stranded before that.

Now, I do not want to talk politics with my distinguished friend from Illinois.

Mr. MARSH. Oh, you never will have to do that.

Mr. GROSVENOR. I know what aided to bring prosperity in 1879. It was the triumph of the Republican party on the 1st of January of that year over the combined forces of Democracy and the Repudiationists.

Mr. MARSH. And the mistake my friend is making now is that he is attributing it to the bankrupt law of 1867.

Mr. GROSVENOR. Oh, no; not at all; I am not attributing it to that. But when my friend from Illinois points out an era of prosperity and calls attention to it, I have only undertaken to show from whence it resulted, and incidentally to say that we had just passed from under the operation of that law.

Mr. WATSON of Ohio. Will my colleague, my distinguished and able colleague, allow me a question? [Laughter.]

Mr. GROSVENOR. Well, now, after that of course I can not refuse my colleague, and will yield to him all day for questions if he desires it. [Laughter.]

Mr. WATSON of Ohio. I wish to ask my colleague this: Was the case to which you have just referred, and in which you played, as I am sure you did, such an important part as an attorney, a case of voluntary or involuntary bankruptcy?

Mr. GROSVENOR. Well, it was both.

Mr. WATSON of Ohio. Which side preponderated?

Mr. GROSVENOR. The original petition was a voluntary petition in bankruptcy, but a cross petition for involuntary bankruptcy was afterwards filed as an outgrowth of the case.

Mr. WATSON of Ohio. No one is objecting to a voluntary provision.

Mr. GROSVENOR. Well, I have been trying to make it appear that you have got to make a bill so that both sides will be satisfied with it.

Now let us see what my friend's proposition is.

Mr. WATSON of Ohio. I have none.

Mr. GROSVENOR. A gentleman from my Congressional district, we will say, not his, for his district is a high-character district financially, but a gentleman from my Congressional district goes to New York, buys a great stock of goods or merchandise on credit, and at once it is discovered that he has done it fraudulently, that he has made false representations. A great number of creditors are interested in the case. The true policy of every law enacted by every State legislature in the Union where there is any credit or any provision for the collection of debts is that when a man is in failing circumstances his assets shall be divided between all of his creditors pro rata, and that they shall not be given to the man who can or may possibly, by collusion with the debtor, become a preferred creditor. There has been more loss of commercial and personal credit by the application of the preference system to the settlement of the estates of debtors than from almost all other causes combined.

Mr. MAHON. Systematic stealing.

Mr. GROSVENOR. Yes; systematic stealing.

Now, my friend having got possession of the property and having made away with it according to his own will, without any process by which he can be made to go into the bankrupt court, or the property being in his possession, and having reached the exact time when he is ready for the operation, he goes into voluntary bankruptcy and selects his own assignee. He tells the creditors in New York and Philadelphia and Omaha, Chicago, and Cincinnati, "I have my friend," as my friend said last night—"I have my friend to administer on the assets of my estate; but he will not ask me about anything I have disposed of heretofore. The fact that my wife is a preferred creditor, the fact that my son is a preferred creditor, that my brothers-in-law are preferred creditors, will not be inquired into, because he is my friend." And so the swindle is perfected; and instead of giving the creditor power to come forward and say, "You are placing the property beyond our reach; we will seize it, and then call all the creditors in and divide it;" that is what actually occurs. It is not a fancy picture.

But, Mr. Chairman, such a proceeding is not in consonance with what is or what ought to be the law of this country. We have even decided in our courts that the title to property disposed of under such circumstances does not pass if the attempt is made by the seller to transfer it at the place where the fraudulent purchaser lives. The title is in the man who is defrauded of his right.

Now, in view of these facts, is it a wrong against public honesty to give to the creditor an opportunity to press the debtor? For the whole involuntary provision of the bill is based on the first consideration, which is that a wrong, or fraud, or an actual attempt at wrong or to commit a fraud, has been conceived by the debtor and he is trying to carry the wrong or the fraud into effect.

So in my judgment the passage of a wise and conservative bankrupt law (and I believe this to be one) will restore to the field of activity thousands of men who are unable now to participate in business affairs. It will add to the growth and greatness of the country, and will restore to all sections a degree of confidence in the conduct of business men and the protection of their interests that could not otherwise exist under the conflicting decisions and legislation of the several independent States of the Union. These States bordering upon each other have attempted to bring their legislation into consistency the one with the other, and they have always failed. Attachment laws in one State are defective in another State. Rights which grow up in one State are valueless in another State. To illustrate, we have undertaken to enforce in Ohio a law that prohibits a man who sells goods to the laborer upon a railroad from going outside of the State to attach the credits of a debtor in another State. And so we have had conflicting legislation and court decisions upon both sides of the Ohio River.

Here, for the purpose of uniformity, which is a great desideratum, is the proposition of a law which shall operate with uniformity from Calais to Galveston and from New York to San Francisco, so that the restored credit of the country shall operate uniformly from the West to the East. It is a very proper time to have this bankruptcy bill go into effect, just at the time when we are hoping and praying and believing that better days have come or are coming, when the star of hope begins to shine again in the horizon and seems to be traveling upward to span the heavens. Why should not we do the act that to my mind would be the greatest boon and benefit to the entire business interests of my whole and glorious country? [Applause.]

Mr. WHEELER. Mr. Chairman, the gentleman from Ohio [Mr. GROSVENOR] who has just taken his seat made a most earnest and eloquent speech in favor of every feature of the bill, both voluntary and involuntary bankruptcy. He then with great emphasis asks, how shall we restore prosperity and confidence? I say to him, not by a bankruptcy law, not by gold-standard laws, not by McKinley high-tariff laws. It is to such measures as those that the country owes to-day the thraldom under which it is passing. Did any gentleman on this floor, when he was in his canvass last year, tell his constituents that if elected to Congress he would vote to pass an involuntary bankruptcy law? If anybody in that vast Republican majority from the great and growing West made any such promise to his constituents, let him rise and proclaim it. [After a pause.] None! Then none should vote for it. It is a proposition to give one more element of power to the unscrupulous, overpowerful creditor class of the East, additional power of oppression, and yet the gentleman who has just taken his seat said that is the way to bring prosperity!

Mr. Chairman, every time that the moneyed classes have asked for an additional power, the reason given is that they want to add to the prosperity of those who labor and produce; that it is not for themselves, but for the poor laboring people that they ask the legislation. That was the cry two years ago, when the wealth of the country demanded and got the unconditional repeal of the purchasing clause of the Sherman Act—a piece of legislation which has brought disaster and distress upon the producers of our country. The bankers and money-changers promised that the repeal bill would restore confidence, that it would restore prosperity; but from that moment, notwithstanding the great industry, the great power, the great endurance, and the great inventive genius of the American people—elements which would make any country great under proper laws—notwithstanding all that, we have gone deeper and deeper and deeper into the depths of despondency and misfortune.

Who, Mr. Chairman, are the debtor class that are sought by this legislation to be placed under the creditor class of the East? The debtor class of this country are those men who have brought us all the prosperity and all the progress that has made this country the pride and admiration of the world. They have built up the West, they have transformed those barren plains into prosperous communities, and they have built up great and prosperous, progressive, and populous States.

Now, after having placed the country upon the gold standard, after having made it almost impossible for the people to pay their debts, after having at least made delays in paying them inevitable, you say to the creditor class, "We now place in your hands the power to go into any Federal court, which extends its hands over thousands of miles of territory, not only over one State but over two States and sometimes over three States, and sends its marshals a thousand miles to seize upon the property of an industrious, thriving citizen." I am opposed to the bill and shall vote against it. I am opposed to any bill which enables a creditor to oppress his debtor.

[Here the hammer fell.]

Mr. WATSON of Ohio. Mr. Chairman——

The CHAIRMAN. The gentleman from Ohio [Mr. WATSON] is recognized.

Mr. TERRY. Mr. Chairman, I have an amendment which I should like to offer to section 2, and to have it read from the Clerk's desk.

The CHAIRMAN. The gentleman from Ohio [Mr. WATSON] is recognized.

Mr. WATSON of Ohio. Mr. Chairman, during the debate on this bill yesterday my colleague [Mr. NORTHWAY] made this interruption:

Mr. NORTHWAY. Right there, if the gentleman from Iowa will permit me, in response to the gentleman from Ohio [Mr. WATSON], let me say that in the State of Ohio as soon as an assignment is made the creditors can get together and take the property out of the hands of the assignee and put it in the hand of one of their own number, or a person of their own selection, for distribution.

A little later than that my other colleague [Mr. GROSVENOR] made this observation, substantially as Mr. NORTHWAY had:

Mr. GROSVENOR. If the gentleman from Iowa will permit me, I would like to say that under the law of Ohio, which the gentleman from Iowa compliments, the first proposition that follows the assignment is the selection, usually, of some friend of the debtor, perhaps his wife or some near relative, to administer the estate.

But with these additional words:

But the creditors come together, and by a vote of the majority take the property out of the hands of the assignee and place it in possession of a trustee for distribution.

To that I replied:

Then that must be the case only in your district.

Mr. GROSVENOR. Oh, no; that is the law of the State.

Mr. WATSON of Ohio. I have never known it done.

Mr. GROSVENOR. That makes no difference. That is the law of Ohio.

Later on, when the gentleman from Iowa [Mr. HENDERSON] had the floor, my colleague [Mr. GROSVENOR] interrupted him for a question, as follows:

Mr. GROSVENOR. I want to ask the gentleman a question, and under that leave I want to print in the RECORD section 6338 of the revised statutes of Ohio, providing the means for the removal of any trustee previously appointed in the case of an insolvent and the appointment of another by a board of commissioners, who hold an election for that purpose. That statute has been in force in one form or another in the State of Ohio for more than twenty years.

I wish now to call the attention of the House, and especially of my two distinguished colleagues, to the fact that section 6338 of the revised statutes of Ohio in that form has long since been repealed, and that there is no provision and has not been for years in the revised statutes of Ohio authorizing, permitting, or justifying any such proceeding on the part of the creditors of an assignor as they referred to. On the contrary, these gentlemen have entirely misconceived and misquoted the statute of my State. I now read the law which is in force.

Mr. GROSVENOR. When was it passed?

Mr. WATSON of Ohio. I will tell you in a moment. I read as much of the law now in force as will be necessary to give the House a correct understanding of what the law now is, unless it has been repealed within the last year. It is as follows:

SEC. 6338. Whenever any creditor or creditors of the assignor shall file a complaint, alleging that the assignee or assignees named in the deed of assignment, or the trustee or trustees appointed by the court under the provisions of the next two preceding sections—

Now comes the part which has been put in since the act was in force which my colleagues have referred to—

are not suitable persons to administer the trust, or that their administration thereof will not be for the best interests of the creditors of the assignor, and such assignor—

Now, two facts must be made to appear in the petition, viz, that the administration of the estate will not be for the interests of the

creditors, and that the administration of the estate by the assignee will not be for the interests of the assignee, assignor, or the creditors. The section which General GROSVENOR had incorporated in the RECORD, and which appears in the RECORD this morning as the law of Ohio, has not been the law of Ohio for years.

Now, Mr. Chairman, these steps must have been taken at the request of 50 per cent at least in value of the creditors of the assignor before they can remove the person selected by him as his assignee. That shows what the legislature of Ohio thought upon a subject similar to the one we are discussing now. If a man owes $10,000, at least $5,000 must be represented by the creditors before the assignee can be changed; but under the provisions of clause 9 of this bill you propose that one creditor, with only a five-hundred-dollar claim, may throw a party into bankruptcy.

Mr. RAY. Be fair; not where there is only a single creditor.

Mr. WATSON of Ohio. Where there are twelve. Mr. Chairman, I am not opposed to this bill, but I am in favor of these amendments that we have been talking about, and will vote for them. If they are voted down, then I wish to vote in favor of the passage of the bill as reported by the committee, with the hope that later on we may get one or two amendments which I regard as exceedingly important to this bill. I believe with my distinguished colleague from Ohio [Mr. GROSVENOR] and my personal friend, that a bankruptcy bill is a great necessity to the commercial interests of the United States. I believe it is the duty of this Congress to pass such a bill. I believe the Republican party, I believe that the people of this country, irrespective of party, expect us to pass such a bill. But I want it to be a wise bill. I want it to be a just bill. I do not want it to be a bill with tyranny blazing on every page of it, and giving the power to one single creditor, who simply has a debt of $500, to throw a man, regardless of the interests and wishes of the rest of his creditors, into bankruptcy.

Mr. Chairman, I shall ask leave to incorporate in my remarks section 6338 of the revised statutes of Ohio as now in force.

There was no objection.

The statute is as follows:

SECTION 1. *Be it enacted by the general assembly of the State of Ohio*, That section 6338, as amended April 23, 1891 (O. L., volume 88, page 351), be amended so as to read as follows:

"Whenever any creditor or creditors of the assignor shall file a complaint alleging that the assignee or assignees named in the deed of assignment, or the trustee or trustees appointed by the court under the provisions of the next two preceding sections, are not suitable persons to administer the trust, or that their administration thereof will not be for the best interests of the creditors of the assignor and such assignor, the court shall thereupon issue a citation to such assignee or assignees or trustee or trustees and to the assignor, if resident within the State, to appear before such court at a time to be named therein. And if, on the hearing of such complaint, it be made to appear to the satisfaction of the court that such complaint is true, and a petition is filed with the court signed by creditors of the assignor, who own not less than $1,000 of debts against the assignor, and the validity of such debts is shown by the schedule of debts on file in the court, or otherwise established to the satisfaction of the court, praying for permission to elect a trustee or trustees, the court shall, by its order, fix a time for such election and cause notices to be sent by mail or otherwise to each of the creditors of the assignor, specifying a time when the creditors shall meet at the court room for the election of a trustee or trustees; and at the time named in such order, if creditors representing 50 per cent or more of the debts of the assignor are present or represented by attorney, they proceed to the election of a trustee or trustees, a majority in value of all the debts so represented at such meeting being necessary to a choice; and the proceedings of the meeting showing what creditors were present as aforesaid, and the amount of debts held by them, respectively, and who cast their several votes, shall be made out and signed by the president and secretary of the meeting and filed with the court; and if the court approves the choice, and if the trustee or trustees so elected appear within ten days thereafter and give bond, the court shall appoint him or them as such trustee or trustees, and remove the preceding assignee or trustee: *Provided*, That the summary determination of the court as to who are creditors and the amount of their claims in this section provided shall have no effect as to the validity of such claims, except for the purposes of such election."

SEC. 2. That said section 6338 be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Passed February 7, 1894.

Mr. HENDERSON. Mr. Chairman——

Mr. GROSVENOR. I hope the gentleman will permit me a moment to occupy the floor in regard to this controversy that my colleague has imposed upon me.

Mr. WATSON of Ohio. I hope the gentleman from Iowa will yield.

Mr. GROSVENOR. I want to say, Mr. Chairman, that the dispute under consideration was this: My colleague was inveighing against the arbitrary power of a court to appoint an assignee in bankruptcy, and was pointing to the benign influences under which a failing debtor could make his own appointment. I was pointing out the statute of the State of Ohio, in keeping with the statutes of other States, did not allow that thing to be done and provided for the removal of an assignee. Now, then, that is a provision of a section of the code which, I confess very frankly, I had not heard had been modified. But the modification does not change the principle of the law.

Mr. WATSON of Ohio. But, General, that is where you are mistaken.

Mr. GROSVENOR. It does not change the law in principle, and my friend has been careful not to state the year when that law was passed.

Mr. WATSON of Ohio. I think that law was passed in 1894.

Mr. GROSVENOR. I have not kept the run of the statutes that have been passed a little over a year ago. But the law in principle has not been changed, the principle being that the court upon a vote of the creditors will revise the appointment that was made before. That is what I claimed to be the law, and it turns out that this is the same law I cited, except that the court must find affirmatively that the action of the creditors is right. That is the only difference. "If it appear not to be for the interest of the estate," says the amendatory statute. That is a very broad and sweeping affirmation of the proposition that I made, and which my colleague himself, being more familiar with the statute than I was, asserted as strongly at the time as I did.

Mr. WATSON of Ohio. One word, Mr. Chairman. Under the section of the statute as read by my distinguished colleague nothing was necessary but a petition of the creditors representing $1,000 and a vote of 50 per cent of the creditors to remove the assignee, and that was the gist of my colleague's argument yesterday. Under the statute as it exists to-day, and as it has existed for more than two years (it was passed in February, 1894), the creditors must not only vote, but they must prove to the satisfaction of the court the existence of two facts which are omitted from the section which my colleague read, and the omission of which changes the entire meaning of the section.

Mr. GROSVENOR. I told the gentleman last night where the statute was.

Mr. WATSON of Ohio. You did not. I found it, but you did not tell me where it was.

Mr. GROSVENOR. I told you there was such a statute in existence. I discovered my error last evening, and told you of this amendatory statute.

Mr. WATSON of Ohio. Well, if the gentleman told me there was such a statute in existence, and if he knew it at the time he made his speech, why did he not send for the correct statute and have it incorporated in the RECORD?

Mr. GROSVENOR. I have confessed that I did not know it at the time; but you did not know anything about it. [Laughter.]

Mr. PARKER. Mr. Chairman, I rise to speak upon this amendment, because it goes to the essence of the bill. A bankruptcy law with the involuntary feature left out is like the play of Hamlet with Hamlet left out, because the interests of the honest and righteous creditors of any debtor are the same as the interests of the debtor himself.

Mr. WILLIAM A. STONE. I think it is true that the tragedy is left out of the case when you leave out the involuntary feature. [Laughter.]

Mr. PARKER. The gentleman is simply following out a comparison upon all fours. I propose to come to the practical case. We want to protect the honest man who is struggling with his debts, who owes more than he can pay, and who has so told his creditors, so that they, as a whole, say to him: "Go on; do what you can. We believe that your energy, your earnestness, your business ability are worth more to us than the few dollars that you have in cash, or the few acres that you have in land, or the few dollars' worth of stock in your store." That, Mr. Chairman, is the case. Now, that debtor has among his hundred creditors one man who is a fool, or another man who is a shark, or another man who is timid, and one of those exceptional creditors comes to him and says: "Give me a preference." Or he does more. He attaches the debtor's goods. He brings suit. He says: "This will be pressed unless you settle with me first."

This is the case to be met. Is it any answer to say that the debtor under a voluntary bankruptcy bill can defeat such a creditor and can say to him, "I will go into bankruptcy if you force this upon me"? Bankruptcy is what the debtor most fears. It is death to his business. It is death to his good will. It is death to his good name. It is the one thing he wants to avoid. It is the thing he is struggling against with all his might. You do not protect that man by saying to him that he shall have the choice between death by attachment or death by bankruptcy. If you want to protect him, you must give him the right to say, "I can't," not "I won't." You must give him the right to say to that creditor that if he does this his other creditors will immediately throw him into bankruptcy, and that no benefit will come from any attachment or from any attempted preference.

Now, Mr. Chairman, the condition of business all over the Union is much that case. Business is going on by the good will and by the help of the good, the kind, and the sensible creditors. They, as well as the debtor, ask that the single creditor who is sharp, who is keen, who is timid, or who is a fool, shall not be able to defeat the other creditors and to break up the business by insisting upon a fraudulent preference.

Mr. Chairman, no bill which is to protect the debtor can be successful if it does not contain a feature by which the creditor also can protect himself against preferences by insolvents. We may

not approve all of the particular provisions of this bill; I do not say that they are all necessary; but some law that will give protection to the honest, straightforward business men of the country, both debtors and creditors (for they have the same interests), is demanded by the people of this country. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DINGLEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 7200) for the relief of A. T. Hensley;

A bill (H. R. 145) for the relief of J. J. Lints; and

A bill (H. R. 1191) to provide for the disposal of public reservations in vacated town sites or additions to town sites in the Territory of Oklahoma.

The message also announced that the Senate had passed with amendment the bill (H. R. 7395) to authorize the Secretary of the Treasury of the United States to reconvey to the former owners a certain tract of land in Valverde County, Tex.; in which the concurrence of the House was requested.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1288) for the relief of John Stull;

A bill (S. 1860) for the relief of John M. Guyton, late postmaster at Blacksburg, S. C.;

A bill (S. 65) for the relief of J. E. Gillingwaters;

A bill (S. 1367) for the relief of the heirs of Jacob R. Davis; and

A bill (S. 2997) to provide for the fulfillment of the stipulations of the treaty between the United States and Great Britain signed at Washington on the 8th day of February, 1896.

TREATY STIPULATIONS WITH GREAT BRITAIN.

Mr. HITT. Before the House again resolves itself into Committee of the Whole, I ask consent that we take up for immediate consideration by the House the last bill embraced in the message just received from the Senate, as it is a matter of urgent importance, and the immediate passage of the bill is desired by the Secretary of State, by whom it was drafted. It has received the approval of both the members of the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations.

Mr. HENDERSON. I wish to ask the gentleman from Illinois [Mr. HITT] and the gentleman from Kentucky [Mr. MCCREARY] whether this bill is going to involve any debate.

Mr. HITT. We are all agreed upon it. Every member of the committee in the House has examined the matter. It was sent by the Secretary to the House Committee on Foreign Affairs.

Mr. MCCREARY of Kentucky. If the gentleman from Iowa referred to me when he spoke of "the gentleman from Kentucky," I simply wish to say that I do not know that it will be necessary to have any debate upon this bill. There will be none unless its passage is objected to.

The SPEAKER pro tempore (Mr. DINGLEY). The bill will be read.

The Clerk read as follows:

A bill (S. 2997) to provide for the fulfillment of the stipulations of the treaty between the United States and Great Britain signed at Washington on the 8th day of February, 1896.

Be it enacted, etc., That the sum of $75,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of State, with the approval of the President of the United States, in fulfilling the stipulations of the treaty between the United States and Great Britain signed at Washington on the 8th day of February, 1896. And the commission constituted by said treaty, when sitting at San Francisco, shall have power to compel the attendance and testimony of witnesses by application to the circuit court of the United States for the ninth circuit, which said court is empowered and directed to make all orders and issue all processes necessary and appropriate to that end.

There being no objection, the House proceeded to the consideration of the bill; which was read three times, and passed.

On motion of Mr. HITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BAKER of New Hampshire. Mr. Speaker, I rose a few moments ago, while the bill just passed was pending, to make a parliamentary inquiry. I wished to inquire whether, as the bill made an appropriation, it should not under our rules receive its first consideration in Committee of the Whole.

The SPEAKER pro tempore. That point would have been good if the House had not given unanimous consent for the immediate consideration of the bill in the House.

Mr. HITT. That was the request I made.

Mr. BAKER of New Hampshire. I did not hear it.

The SPEAKER pro tempore. The Committee of the Whole will resume its session.

BANKRUPTCY.

The Committee of the Whole House on the state of the Union resumed its session.

The CHAIRMAN. The gentleman from North Carolina [Mr. LINNEY] has two minutes remaining.

Mr. LINNEY. Mr. Chairman, the objection that I have to this and to all other bankruptcy laws is this: They proceed upon the assumption, as has been well said—or at any rate the leading idea of the advocates of them is—that a bankruptcy law is the best possible agency by which frauds may be suppressed; whereas the experience of the past, not only in America but in England, proves beyond question that the bankrupt system itself is the greatest possible agency of fraud, More frauds have been perpetrated in proceedings under bankrupt laws than anywhere else in connection with business. Now, sir, I do not rely merely upon my own weak, flickering intellectual lamp to establish that proposition. I will read for the benefit of this committee the opinion of Lord Eldon. It is reported in Kent's Commentaries, Volume II, page 392. That writer says:

With respect to the infirmities of the English bankrupt system, which has been the growth of upward of two centuries and has been constantly upon the review of Parliament and matured by the talents and experience of a succession of distinguished men in chancery, we may refer to the observations of Lord Eldon. When he succeeded to the great seal in 1801 he took the earliest opportunity to express his strong indignation at the frauds committed under cover of this system. He remarked that the abuse of the bankrupt laws was a disgrace to the country, and that it would be better at once to repeal all the statutes than to suffer them to be applied to such purposes There was no mercy to the estate. Nothing was less thought of than the object of the commissions. As they were frequently conducted in the country they were little more than stock in trade for the commissioners, the assignees, and the solicitors.

Now, Mr. Chairman, I respectfully submit that the effect of the passage of this bill, containing, as it does, eight separate, distinct causes of involuntary bankruptcy, will be to transfer the greater portion of the insolvency business of this country from the State courts, from the neighborhood of the parties interested, to the Federal courts. It will not only do that, but it will involve a great amount of expense necessarily incident to such proceedings, by reason of the appointment of the vast number of agencies necessary to operate a system of bankrupt law. It will take probably three assignees or three trustees, as I believe they are called under this act (though never hitherto called such), in every county in these United States.

Mr. Chairman, let me proceed with the idea which I find sustained by Chancellor Kent, that the first great disadvantage necessarily connected with the operation of a bankruptcy system is the large number of agencies required to operate it. Why, sir, if we estimate the number of all the counties of the United States, and multiply that number by three, I should not be surprised if we should find a larger body of men who are to be engaged in the administration of this bill than were engaged on the Federal side in the battle of Bull Run. In the first place, this bill creates a perfect army of agents, every one of whom is to be fed out of the estates of the parties who are engaged in the litigation. Let us see how oppressively the bill would operate. Suppose a man has a dozen debts, each one of which we will suppose is a debt secured by mortgage or a judgment lien. No bankruptcy law that we can pass can affect such liens. They must be enforced by the sale of the property, and the debts paid, not by any agencies selected by the mortgagor or, in case of involuntary bankruptcy, by the mortgagee, but by the assignee or trustee appointed by the Federal court. Every particle of the property must be sold, if there is an outside creditor to institute the proceeding, and the cost must come out of the estate. Who, then, is the loser? Surely the creditor does not gain anything. So far as the costs are concerned, they go to this new swarm of officials that this bankruptcy bill will necessarily create.

But, Mr. Chairman, the most oppressive feature of this bill to my mind is this: The bill specifies eight causes of involuntary bankruptcy. As the bill now stands, the ninth provision having been stricken out, the unfortunate debtor—a mere child of misfortune—may have a petition in bankruptcy filed against him, alleging any one of the eight separate causes in this bill, and that petition is returned to a Federal court, and unless the party against whom the petition is filed answers the petition within fifteen days he is adjudged a bankrupt. Now, in many parts of the country the Federal court in which the petition is filed is remote from the home of the unfortunate debtor. Before the debtor against whom the petition is filed can escape the effects of being forced into bankruptcy he must appear and answer, and at the expiration of fifteen days all the perfidy and dishonor of involuntary bankruptcy are fixed upon him. Under this bill the judge may pass on the questions named by his answer, and in this way all the dishonor of involuntary bankruptcy is forced upon him without a jury trial. There are many other objectionable features of this bill.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. LINNEY. Mr. Chairman, I ask unanimous consent to continue for five minutes longer.

Mr. WILSON of Ohio. Mr. Chairman, I am compelled to object.

Mr. HENDERSON. Mr. Chairman, I move to limit the debate on this paragraph of section 2 and all amendments to it to twenty minutes.

The motion was agreed to.

Mr. TRACEY. Mr. Chairman, I want to say that I would most sincerely like to support this bill. My respect and esteem for the membership of the committee that brought in the bill, my esteem of their wisdom and patriotism, creates in me a desire to support it. But I do not see how it is possible for me to give my support to the bill in its present shape. As I have stated once before during the debate upon the bill, my duty is first of all to the people I have the honor to represent, not one of whom, by petition or letter, has asked me to support or vote for any sort of a bankrupt law.

I am willing to concede, Mr. Chairman, that although the condition that has prevailed in this country since the repeal of the bankrupt law enacted in 1867 has been one of the greatest growth and greatest expansion of both our commercial and industrial interests that the history of the United States has ever witnessed or any other country can show, so that it would seem we had been getting along very well under the operation of the statutes of the various States for the collection of debts—I am willing, however, to concede that the volume of indebtedness has been growing during these years of progress and prosperity, and the time may have come when the enactment of a general law by which the indebtedness of the country can be settled up and thousands of men who are to-day laboring and struggling under a load of indebtedness impossible to remove may be restored to the country and to its business interests. But in order to reach that end, no matter how desirable it may be, I contend that it can not be necessary to include in the involuntary features of the bankrupt law any provision that excludes from consideration acts of actual—not constructive—fraud.

No man ought to be forced into bankruptcy for an act in itself entirely honest. Now, if you will strike out of the second section of the bill—and I sincerely trust in the interest of what is so earnestly demanded here that the gentlemen supporting the bill on the floor of the House will do so—the second subdivision, the fifth subdivision, and the eighth subdivision, the ninth having been already stricken out, then you will leave in the bill, it seems to me, everything that can be demanded in the interest of the creditor as against the debtor anywhere in the land if you want to proceed along the lines of honesty, justice, and fairness. You leave in the first subdivision—that is to say:

Concealed himself, departed, or remained away from his place of business, residence, or domicile with intent to avoid the service of civil process and to defeat his creditors, and shall not have returned within at least forty-eight hours before the filing of a petition in bankruptcy, and before the rights of creditors shall have been impaired or interfered with.

That remains in. You leave in also the third subdivision, in the following words:

Made a transfer of his property with intent to defeat his creditors, etc.

You leave in also the fourth:

Made an assignment for the benefit of his creditors or filed in court a written statement admitting his inability to pay his debts.

You also leave in the seventh:

Secreted any of his property to avoid its being levied upon under legal process against himself and to defeat his creditors, etc.

Now, I ask, in the name of all that is just and right between the creditor and the debtor, what else ought to be demanded? What else ought the creditor to ask for in order to assist him in the collection of his just debts? Certainly if the bill is to become an equitable adjustment of the law as between the creditor and the debtor, the amendment I have suggested ought to be adopted. If the subdivisions of section 2 which I have mentioned are struck out, I feel justified in saying that the bill will receive a number of votes, my own included, which must otherwise be recorded against it.

[Here the hammer fell.]

Mr. STEWART of New Jersey. Mr. Chairman, the incomparable simile of the mysterious Junius reads:

Private credit is wealth; public honor is security. The feather that adorns the royal bird supports his flight. Strip him of his plumage and you fix him to the earth.

This simile is applicable to the subject we are now considering. It contains a large truth, forcibly and beautifully expressed.

It is amazing and somewhat surprising that so many gentlemen, in discussing the question now pending, seem to have in view the idea that the exclusive scheme of a bankruptcy bill is for the benefit of the poor debtor. My insistence is that the scheme of a uniform bankruptcy law should be the protection of the creditor class. Protect the creditor, and you therefore necessarily extend the credit of the country, and directly and indirectly, too, you protect the debtor.

Why, it is amusing, I do not say that it is demagogical, on the part of members who insist that a bankruptcy scheme should look for the protection simply of the debtor class, but the best judicial minds in this country, I think, are agreed that a bankrupt law that does not contain an involuntary feature would be unconstitutional, would not be carrying out the provision of our Constitution in regard to the enactment of a bankruptcy bill. Therefore, while I have not the time nor the opportunity to discuss this matter fully, if gentlemen on this floor will only think for a moment they will come to the necessary conclusion that any bankruptcy scheme must necessarily have for its objective point the protection of the credit of the country rather than the debtor. The creditor has no interest in crushing the debtor; his selfish interest is rather to nurse and protect the debtor, save a customer, and get his whole debt rather than a portion. His selfish interest suggests the maintenance of the honest debtor as an active factor in our commercial energies.

Mr. RAY. Mr. Chairman, when the gentleman from Iowa [Mr. HEPBURN] had the floor this morning, I tried unavailingly to get before that gentleman and the House a document (Senate Document 48) showing that his statement that there is no general demand for a bankruptcy bill was inaccurate and a mistaken statement. I shall not print the document, but I call the attention of gentlemen to it. We have not seen fit to embody it in our report, but only to call attention to it. It is a document of 245 pages, containing the names and the short petitions of thousands upon thousands of business men of all classes and organizations of business men of all classes from all parts of this Union, every State and every part of every State, asking for the enactment into law of the original Torrey bill; and this bill is much more for the benefit of the debtor class than that bill ever purported to be. This shows a general demand for a bankrupt bill.

Mr. WILLIAM A. STONE. May I ask the gentleman the date of these petitions?

Mr. RAY. Do not interrupt.

Mr. WILLIAM A. STONE. When were they filed?

Mr. HENDERSON. The same date as those you read in your speech the other day.

Mr. WILLIAM A. STONE. That was in 1893.

Mr. HENDERSON. In 1892 and 1893; along there.

Mr. RAY. The gentleman from Iowa [Mr. HEPBURN] started in to read a statement of the contents of this document. He read just two lines, and then stopped and threw it down, thereby representing to the members of this House that it was a document emanating from the wholesale grocers of St. Louis. Now, I know that the gentleman from Iowa [Mr. HEPBURN] intends ordinarily to be fair and candid. He is a man of great ability; he is a man of integrity; but when he gets stirred in debate, when he is undertaking to defeat a measure, as he was undertaking to do to-day, he sometimes forgets to be fair and candid. I insert, under the general leave to print, the entire description of the contents of this document in the RECORD, as follows;

IN THE SENATE OF THE UNITED STATES.

January 19, 1892.—Referred to the Committee on the Judiciary, and ordered to be printed.

See Bird's-Eye Index, page 181; Contents, page 3, and Index, page 205.

Mr. PERKINS presented the following:

"Addresses, memorials, indorsements, petitions, and resolutions advocating the enactment of the Torrey bankrupt bill of the Associated Wholesale Grocers of St. Louis; Columbus (Ga.) Board of Trade; Chamber of Commerce of the State of New York; Omaha (Nebr.) Board of Trade; Richmond (Va.) Chamber of Commerce; Missouri Bar Association; Board of Trade of Portland, Oreg.; National Wholesale Druggists' Association; Sundance (Wyo.) Board of Trade; Chamber of Commerce and Industry of Louisiana, at New Orleans; National Paint, Oil, and Varnish Association; Photographers' Association of America; first Western States Commercial Congress held at Kansas City; Contractors and Builders' Board of Trade of St. Paul; Trans-mississippi Commercial Congress, held at Denver; Los Angeles (Cal.) Board of Trade; clippings from the press concerning national bankruptcy legislation; tables showing how commercial failures in the United States and bankruptcies in England are affected by legislation upon that subject; report of the Committee on the Judiciary of the House of Representatives; summary of the House of Representatives bill No. 2800 and Senate bill No. 1694 (the Torrey bill); list of the commercial, industrial, and professional bodies which have indorsed that measure, and the officers and committeemen of the National Bankruptcy Organization."

I desire to call the attention of the gentleman from Iowa to the fact that here are many individuals, many associations from his own State and one or more from his own district, demanding the enactment of that measure into law. They are as follows:

IOWA.

Blue Grass League of Southwestern Iowa, Creston.
Board of Trade of Burlington.
Business Men's Association, Davenport.
Business Men's Association, Keokuk.
Citizens of Algona (petition).
Citizens of Council Bluffs (petition).
Citizens of Davenport (petition).
Citizens of Dubuque (two petitions).
Citizens of Keokuk (petition).
Citizens of Monticello (petition).
Citizens of Sioux City (petition).
Iowa Bankers' Association, Dubuque.
State Business Men's Association, Des Moines.
State Business Men's Association, Marshalltown.
William L. Allen, Davenport.
John Blaul, Burlington.
John H. Branch, Marengo.
Arthur S. Burnell, Marshalltown.
Jonas M. Cleland, Sioux City.
Philip M. Crapo, Burlington.
James B. Harsh, Creston.
Frank Le Bron, Keokuk.
Daniel B. Nash, Davenport.
Lucius Wells, Council Bluffs.

And I want to say further, that this emanates not only from grocers, from dealers generally, but it comes from the commercial, the industrial, the professional bodies of men all over this country.

Now, the gentleman made another charge to which I desire to call attention. I think he only did it in the heat of debate. He said that I was the active agent or the willing tool of these associations of grocers or wholesale houses. He ought not to have made that charge. If he knew the history of this legislation, if he knew the history of my relations to this bankruptcy bill, he would know that upon the floor of this House and in the Judiciary Committee in the Fifty-second Congress and in the Fifty-third Congress I opposed to the best of my ability what was known as the Torrey bill. The chairman of this committee knows, all the members of the Judiciary Committee know, that in the Judiciary Committee in this Congress I fought this bill, with its harsh measures, as I considered them; that I insisted upon striking out many of them. They were stricken out. I insisted upon qualifying almost every one of the involuntary features remaining in the bill, and they were qualified. I have labored in the same line as has the gentleman from Iowa [Mr. HEPBURN] to a considerable degree, and he ought not to have made the charge he made.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAY. I should like two or three minutes.

The CHAIRMAN. The gentleman asks that his time be extended two minutes. Is there objection?

There was no objection.

Mr. RAY. I want to call the attention of the House to another argument that he suggested here and the fallacy of it. He went back a hundred years, and said that a bankruptcy bill was passed, and that after that the party which passed it was driven from power. Then he came down along the years and used that same argument.

Why, gentlemen of the committee, that is simply an appeal to your fears, trying to convey to the Republicans of this House the impression that should we enact this bill into law the people would turn upon us this fall and defeat us in the Presidential election. Now, that is not argument. That is not an appeal to your common sense or to your intelligence. After we had enacted the protective-tariff law in 1890 we were defeated at the polls. We had financial and industrial ruin and desolation, I believe, as the consequence, but when we come into power a year hence we shall have power to do what we think is right and just and proper, and place a law upon the statute books that will serve the interests of this people; and we shall have the courage and patriotism to return to the law of those days without fear and without asking favor. But I shall expect the gentleman from Iowa to rise in his place and say, "No, gentlemen; it will not do. In 1890 we passed a law changing the tariff, and were beaten at the polls thereafter. If we pass another, we will be again hurled from power." I simply call attention to this for the purpose of showing that the gentleman appeals to passion, to fear, and to prejudice, and not to the candid judgment of the members of this committee and House.

Mr. DINGLEY. Mr. Chairman, this is purely a matter of business, with no element of partisan bias entering into it. It appears to be conceded that there ought to be a uniform national bankrupt law. There has been no dispute of that proposition during the whole course of this debate. The whole issue, so far as the discussion has gone, is as to whether this proposed uniform bankrupt law shall be purely voluntary in its features, as provided by the amendment offered by the gentleman from Texas, or whether it shall be both voluntary and involuntary, within the limits of the eight conditions proposed in this bill. This, then, is the sole practical question before us.

It seems to me the sole inquiry ought to be, what will be the public interest in this matter? It is not simply, what is the interest of debtors? it is not simply, what is the interest of creditors? but it is, what is the interest of both debtors and creditors, who compose the whole people of this country—for there is not a citizen of this country that is not at some time or other a debtor or a creditor, and usually both. We have no exclusively debtor class and no exclusively creditor class in this country. Therefore, the question is one as to the public interest; that and nothing more.

Now, is it for the public interest, in enacting a uniform bankrupt law, which the framers of the Constitution intended Congress should do, that this law should simply put it into the hands of a debtor alone to determine the distribution of an insolvent estate?—for it really comes down to that practically. The objection that has been urged here to the involuntary feature—that is, to the feature which allows the creditors under some circumstances to initiate these proceedings—is that the debtor will be severely dealt with and will suffer. Now, if this be true; if the introduction of an involuntary feature in a proposed national bankrupt law will, as a matter of fact, bring new and additional hardships upon the debtors of this country—if that be true, then it ought not to be incorporated in this bill, and no national bankrupt act should be passed. But is that true?

All the objections that have been raised to the involuntary features of this bill, it seems to me, have omitted to take note of the fact that there are existing laws in every State of this Union under which the creditor may proceed against the debtor more harshly than is provided in any of the provisions of this act; and it seems to me that right there lies what will prove to be the alleviating provision of this bill as respects the interests of the debtor. Here is a debtor, now, in any State of this Union, liable to be proceeded against by any single creditor he may have, and to have his property attached, with the knowledge on the part of the creditor that if he first gets in his attachment he will be first served; that acting as an ever-present inducement upon the individual creditors to fall upon the debtor at an earlier moment than they ever would fall upon him if they knew that that estate must in the last event be distributed proportionately among the creditors.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BAILEY. I ask that the gentleman may be allowed to proceed——

Mr. DINGLEY. Five minutes will answer my purpose.

Mr. BAILEY (continuing). Five minutes further, as the gentleman says that will answer his purpose.

There was no objection.

Mr. DINGLEY. I have observed not only in my own State, but in other States of the Union, that whenever a debtor is brought under any circumstances of suspicion, from any cause whatever, oftentimes without foundation, some creditor, knowing that if he attaches the property of such creditor first he will come in ahead and obtain his whole debt, instantly pounces upon his debtor, which he would not think of doing if he knew that under a general bankrupt law to proceed with a suit and attach the debtor's property would give him no advantage.

In my judgment the debtors of this country are suffering as they never would otherwise suffer because of the fact that selfish creditors have the knowledge that he that comes in first and attaches will obtain all his debt, so that we find a constant tendency to attach the property of creditors and drag them down; whereas if the creditors knew that they could obtain no advantage by such proceedings, but that, under a uniform bankruptcy law, if the debtor became insolvent and the estate was settled in bankruptcy each creditor would get only his appropriate share, the effect would be that all would keep their hands off, and the honest debtor would go along and finally would be able to lift his head above the troubles that had surrounded him.

And, Mr. Chairman, in this condition lies one of the difficulties in the way of the restoration of credit in this country. We must bear in mind that 90 per cent of the business of this country is done on credit. It is confidence, credit, that sets the wheels of business in motion, and a law which will restore credit and confidence will go far to set the wheels of industry in motion; is one which will establish the fact that every debtor and every creditor may proceed with a knowledge on the part of all that if the worse comes to the worst the assets of the debtor will be distributed proportionately.

Hence I say to you, Mr. Chairman, that, in my judgment, in insisting upon a merely voluntary system of bankruptcy, as some of you do—no doubt with the honest conviction that it is for the interest of the debtors of the country—you are making a great mistake. You are doing the debtor harm instead of good, and when it shall be recognized throughout this whole broad country that creditors must all be served proportionately, and that no one can obtain an advantage by pressing upon the debtor, then there will be not only improved credit and confidence, but greater prosperity everywhere. I have no more doubt of this fact than that I stand here. Hence I deprecate any attempt to introduce into this discussion class considerations. They have no place here. We have no such distinct classes as debtors and creditors in this country: and it is for the interest of every section of the country, North or South, East or West, to inspire that confidence which will come from a restoration of credit when it is believed and known that everywhere throughout this country every honest debtor may go forward with his business and every creditor may feel that the debtor will simply do for him what he does for every other creditor. Hence I hope, in the interest of the debtor, in the interest of the creditor, in the public interest everywhere, that the motion which has been made to strike out the involuntary provision in this bill will not prevail. [Applause.]

The CHAIRMAN. Debate on this paragraph and the amendments is exhausted under the order of the committee. The question is on the amendment of the gentleman from Pennsylvania [Mr. MAHON] to the amendment of his colleague [Mr. WILLIAM A. STONE].

Mr. MAHON. Mr. Chairman, I would like consent to withhold that amendment so that I may offer it at the end of the section.

The CHAIRMAN. The gentleman from Pennsylvania [Mr.

MAHON] asks consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. WILLIAM A. STONE. Mr. Chairman, I ask that the amendment and the amendment to the amendment be read.

Mr. BRODERICK. Mr. Chairman, I ask to substitute for the amendment I offered yesterday the one which I send to the desk. It is precisely what I offered yesterday except that two words are transposed in this.

The CHAIRMAN. The gentleman from Kansas [Mr. BRODERICK] desires to modify his amendment. Without objection, that will be done.

There was no objection, and it was so ordered.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Kansas, as modified.

Mr. MAHON. Mr. Chairman, I rise to a parliamentary inquiry. The Chair evidently misunderstood me. I did not wish to withdraw my amendment. I asked consent to withhold it so that I could offer it at the end of the section.

Mr. HENDERSON. Mr. Chairman, we can consider only one of those propositions at a time. The first is the withdrawal of the amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MAHON] states that he did not desire to withdraw his amendment. The question, then, is on that amendment, which the Clerk will report.

The Clerk read as follows:

Add to the end of section 2 the following:

"*Provided*, If said involuntary petition be dismissed by the court, or withdrawn by the petitioner or petitioners with leave of the court, the respondent or respondents to said petition shall be allowed by the court all reasonable expenses and counsel fees incurred by respondent or respondents in defending against said petition, and the petitioner or petitioners shall pay all expenses and counsel fees as allowed by the courts as well as the costs of said proceedings: *And provided further*, That within five days from the time an involuntary petition is filed in court the petitioner or petitioners shall file a bond in the same court where the petition has been presented, with at least two good and sufficient sureties, to be approved by the said court, in such sum as the court may direct, conditioned for the payment to the respondent or respondents, their heirs, administrators, executors, or assigns, of all expenses, costs, and counsel fees allowed by the court. No action shall be taken on the petition until after a bond has been filed and approved by the court."

Mr. HEPBURN. I desire to amend the amendment of the gentleman from Pennsylvania by inserting the word "damages" between the word "expenses" and the word "costs."

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa to the amendment of the gentleman from Pennsylvania.

Mr. MILLER of Kansas. A parliamentary inquiry, Mr. Chairman. Is this proposition of the gentleman from Pennsylvania [Mr. MAHON] an amendment or a substitute?

The CHAIRMAN. It is in the nature of a substitute.

Mr. MILLER of Kansas. If the substitute were adopted, would that take away the opportunity to vote upon the amendment itself?

The CHAIRMAN. It would not. The question is on the amendment of the gentleman from Iowa [Mr. HEPBURN] to the amendment of the gentleman from Pennsylvania [Mr. MAHON].

The amendment to the amendment was adopted.

The CHAIRMAN. The question now is on the amendment of the gentleman from Pennsylvania as amended.

The question being taken, the Chairman declared that the noes seemed to have it.

On a division there were—ayes 88, noes 49.

So the amendment was adopted. [Applause.]

Mr. WILLIAM A. STONE. Mr. Chairman, I ask that the amendment offered by me and the amendment to my amendment offered by the gentleman from Kansas be reported before the vote is taken.

The amendment of Mr. WILLIAM A. STONE was read, as follows:

Strike out all of paragraph "a," section 2, beginning with "section 2," on page 5, and ending with line 47, page 7.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Kansas [Mr. BRODERICK] to the amendment of the gentleman from Pennsylvania [Mr. WILLIAM A. STONE].

Mr. WILLIAM A. STONE. Before this amendment is read I ask that the portion of the bill which my amendment proposes to strike out be also read.

Mr. WILSON of Ohio. Your amendment simply strikes out the provisions for involuntary bankruptcy?

Mr. WILLIAM A. STONE. Yes, sir.

Mr. WILSON of Ohio. Then what is the use of reading it? I object.

The amendment of Mr. BRODERICK was read, as follows:

Strike out, beginning with and including the first line of section 2 and down to and including the word "over," in line 47, and insert in lieu thereof the following:

"SEC. 2. ACTS OF BANKRUPTCY.—Acts of bankruptcy by a person shall consist while insolvent (1) in his having fraudulently contracted the debt or debts of creditors who seek to avail themselves of the provisions of this act; (2) sold or transferred his property, or some part thereof, with intent to defeat his creditors; or (3) concealed himself, departed or remained away from his place of business, residence, or domicile, with intent to avoid the service of civil process and to defeat his creditors, and shall not have returned before the filing of a petition in bankruptcy."

Mr. DINGLEY. That will allow a portion of the creditors to bring suit and get preferences.

Mr. NORTHWAY. I should like to put a question to the author of this amendment.

The CHAIRMAN. Debate is not in order.

Mr. NORTHWAY. I ask unanimous consent to have an answer to one question.

Several members objected.

Mr. BAILEY. I desire to submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BAILEY. My understanding is that the friends of the bill are entitled to perfect this section, if it can be perfected, and that therefore the vote should first be taken on the amendment of the gentleman from Kansas [Mr. BRODERICK] to the text of the bill, and then, even if that amendment should be adopted, the motion of my friend from Pennsylvania [Mr. WILLIAM A. STONE] would still be in order.

The CHAIRMAN. The amendment of the gentleman from Kansas [Mr. BRODERICK] was offered as an amendment to the amendment of the gentleman from Pennsylvania.

Mr. BAILEY. But the motion to strike out and insert, I take it, would take precedence of a motion merely to strike out, because the motion to strike out and insert is designed to perfect the text of the bill. I have no special interest in the matter one way or the other, but that seems to me the orderly method of proceeding.

The CHAIRMAN. The question is on the amendment of the gentleman from Kansas [Mr. BRODERICK] to that of the gentleman from Pennsylvania.

The question being taken, there were on a division (called for by Mr. BRODERICK)—ayes 73, noes 92.

Mr. BRODERICK. I call for tellers.

Tellers were ordered, 21 voting in favor thereof.

The CHAIRMAN. The gentleman from Kansas [Mr. BRODERICK] and the gentleman from Iowa [Mr. HENDERSON] will act as tellers.

Mr. TUCKER. I desire to state that I am paired generally with the gentleman from Massachusetts [Mr. DRAPER]. If not paired, I should have voted in the affirmative on this amendment.

Mr. BRODERICK. I withdraw the call for tellers.

The CHAIRMAN. The call for tellers being withdrawn, the amendment of the gentleman from Kansas [Mr. BRODERICK] is rejected. The question is now on the amendment of the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] to strike out the paragraph.

The question being taken, the amendment was rejected; there being—ayes 72, noes 102.

Mr. TRACEY. Is a further amendment to the pending section in order?

The CHAIRMAN. It is.

Mr. TRACEY. I move to amend by striking out the second, fifth, and eighth subdivisions of the first paragraph of section 2.

Mr. HENDERSON. I demand that each of these three different propositions be voted on separately.

Mr. TRACEY. Then I will move in the first place to strike out the second subdivision.

The CHAIRMAN. The gentleman from Missouri [Mr. TRACEY] moves to strike out the second subdivision of the first paragraph of the pending section. The language proposed to be struck out will be read.

The Clerk read as follows:

(2) Failed for thirty days and until a petition is filed while insolvent to secure the release of any property levied upon under process of law for $500 or over, or if such property is to be sold within such time under such process, then until three days before the time fixed for such sale.

The question being taken on the motion of Mr. TRACEY, it was rejected; there being—ayes 77, noes 82.

Mr. TRACEY. I move to amend by striking out the fifth subdivision.

The CHAIRMAN. The Clerk will read the language which the gentleman from Missouri proposes to strike out.

The Clerk read as follows:

(5) Made, while insolvent, a transfer of any of his property or suffered any of it to be taken or levied upon by process of law or otherwise for the purpose of giving a preference, and has not regained the ownership of such property or released same from such levy before the rights of creditors shall have been altered, changed, or impaired by reason of such transfer, taking, or levy, and at least ten days before the commencement of a proceeding in bankruptcy.

The question being taken, the amendment was rejected; there being—ayes 19, noes 96.

Mr. WILLIAM A. STONE. I move to amend by striking out the fourth subdivision.

The CHAIRMAN. The language which the gentleman from

Pennsylvania [Mr. WILLIAM A. STONE] proposes to strike out will be read.

The Clerk read as follows.

(4) Made an assignment for the benefit of his creditors or filed in court a written statement admitting his inability to pay his debts.

The amendment was rejected.

Mr. TRACEY. I now renew my motion to strike out the eighth subdivision.

The CHAIRMAN. The words which the amendment of the gentleman from Missouri [Mr. TRACEY] proposes to strike out will be read.

The Clerk read as follows:

(8) Suffered while insolvent an execution for $500 or over, or a number of executions aggregating such amount, against himself to be returned no property found, unless the amount shown to be due by such executions shall be paid before a petition is filed.

The question being taken on agreeing to the amendment, there were—ayes 71, noes 80.

Mr. TRACEY. I call for tellers.

Tellers were ordered, 29 voting in favor thereof; and Mr. TRACEY and Mr. HENDERSON were appointed.

The committee again divided; and the tellers reported that there were—ayes 78, noes 94.

So the amendment was rejected.

Mr. BAILEY. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Insert as paragraph 9:

"(9) Made while insolvent a contract personally or by agent for the purchase or sale of a commodity with intent not to receive or deliver the same, but merely to receive or pay a difference between the contract and the market price thereof at a time subsequent to the making of such contract."

The amendment was rejected.

The CHAIRMAN. The Clerk will read the next paragraph of the section.

The Clerk read as follows:

b A petition may be filed against a person who has committed an act of bankruptcy within four months after the commission of such act. Such time shall not expire until four months after (1) the date of the recording or registering of the transfer or assignment when the act consists in having made a transfer of any of his property with intent to defeat his creditors or for the purpose of giving a preference as hereinbefore provided, or an assignment for the benefit of his creditors, if by law such recording or registering is required or permitted, or, if it is not, from the date when the beneficiary takes notorious, exclusive, or continuous possession of the property, unless the petitioning creditors have received actual notice of such transfer or assignment; or (2) the date of the return of legal process when the act consists in having secreted any of his property to avoid its being levied upon under legal process against himself and to defeat his creditors, as hereinbefore provided.

Mr. BAILEY. Mr. Chairman, I move to strike out the paragraph, merely to say that it has been represented throughout this debate that the pending bill is a vast improvement on the bill which was defeated in the House during the last Congress.

I desire to say to the House and desire to put into the RECORD that there is absolutely no change in that vital part of the bill that specifies the acts of bankruptcy—or at least that there is none except unimportant verbal changes—with the single simple exception that this bill omits the amendment which I offered a moment ago, and which has just been rejected by the committee. Every act which constituted an act of bankruptcy under the bill we defeated last year constitutes an act of bankruptcy under this bill, save and except only the act of dealing in futures.

I submit to the judgment of the Judiciary Committee and the judgment of this House that the only theory upon which you can proceed to take from an insolvent debtor his estate is that his estate properly belongs to the creditors. And, if that theory be well founded and the commission of any act will entitle the bankrupt creditors to take possession of his estate and administer it, the fact that he is gambling with it would seem to be a proper ground for such action. I proposed to amend the act in good faith, not merely as a species of antioption legislation, but in consonance and in harmony with the spirit and principles of the bill, which is that an insolvent debtor is not entitled to administer his estate. If that theory is well founded it must follow, as naturally as night follows the day, that whenever he undertakes to gamble with it he forfeits his right to control it.

I withdraw the pro forma amendment.

Mr. ABBOTT. Mr. Chairman, I offer the amendment I send to the desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 7, at the end of line 64, add:

"*Provided*, That the person against whom a petition is filed shall have a right of action in any court of competent jurisdiction, Federal or State, to recover the actual damages by him sustained by reason of the filing of such petition, if the same be wrongfully filed; and if the person or persons filing such petition acted maliciously and without probable cause, the person against whom the petition is filed shall have a right of action for vindictive or exemplary damages as well as for actual damages."

Mr. ABBOTT. Mr. Chairman, I call the attention of the committee to the fact that there are no provisions in the bill whereby an honest debtor can be protected from an exacting creditor.

We all know, especially those who are lawyers and have had any connection with the practice of the courts in this country in this respect, that a debtor, when a writ of attachment has been levied on his property, if the writ of attachment is wrongfully sued out, is entitled to the actual damages by him sustained. If the writ is sued out maliciously and without probable cause, he is entitled to exemplary or punitory damages as a punishment to the creditor who seeks to oppress him. That is a principle that is recognized by all of the State courts and the laws of the various States in the Union.

Now, why should there be a distinction between involuntary bankruptcy and an attachment proceeding under the laws of the State? Suppose the case of an honest debtor who is embarrassed by an obligation that he can not immediately meet. The crops of the country may have failed to some extent; calamities may have come upon the community where he is doing business; he may be honest, and may make an honest effort to meet his obligations and pay his debts to the wholesale merchant, but circumstances beyond his control prevent him from meeting his obligations at the time they mature.

Now, if that man be honest—and it is a question of fact that can always be established by his neighbors and friends whether he is honest and whether he is dealing honestly and fairly or not—if an exacting creditor comes upon him under these circumstances and places him in the bankruptcy court, what relief has he under this bill? None whatever. You can take what he possesses and destroy the opportunities that he might have had if these unlawful and improper proceedings had not been begun against him. Therefore I say that the debtor ought to have the same rights which he would have in case an attachment had been sued out maliciously or without probable cause. Those are terms which the courts of every State have heretofore defined. There can be no mistake as to the wrongful or malicious suing out of an attachment without probable cause. In these cases I say that the debtor ought to be protected, and I will say furthermore that it will add very much, in my judgment, to the strength of this bill, so far as it relates to the involuntary clause, if you adopt this amendment. Creditors are not likely to go into the courts wrongfully and maliciously and place a man into bankruptcy if these creditors know that their debtor has a remedy against them for their wrongful acts; they will be cautious about placing debtors in the bankruptcy court. Therefore it will add strength to the bill in so far as the involuntary clause is concerned.

I believe, Mr. Chairman, these are all the remarks I desire to make on the subject.

The amendment of Mr. ABBOTT was rejected.

Mr. MAHON. I move to strike out the last word.

Mr. Chairman, the gentleman from Iowa [Mr. HEPBURN] made a statement here which he held up to the committee as a sort of bogy man to frighten the Republicans not to vote for this bill. He went back into politics to the day of the Federalists, to 1841, and 1867, stating that the party which favored and passed a bankruptcy bill met with defeat at the following election or shortly afterwards. Now, the act of 1867 was passed by a Republican House and Senate——

Mr. TAWNEY. And its repeal was advocated by a Republican President.

Mr. MAHON. In 1868 the Republican party elected Gen. Ulysses S. Grant President of this country after the act of 1867 was passed. In 1872 that act was still on the statute books, and Grant was again elected. In 1876 we elected Hayes President of this country, and the law was repealed in 1878. In 1880 we elected Garfield. Then Providence, having something against the American people, permitted the election of Cleveland in 1884. We elected Harrison in 1888. Cleveland was elected again in 1892——

Mr. BROMWELL. And McKinley in 1896. [Laughter.]

Mr. MAHON. And just as sure as the sun sets this evening we shall elect a Republican President in 1896. [Applause on the Republican side.]

Several MEMBERS. Name him!

Mr. MAHON. QUAY. [Laughter.]

Mr. WATSON of Ohio. I move to strike out "QUAY" and insert "McKinley." [Laughter.]

Mr. MAHON. Now, Mr. Chairman, I want to say that the act of 1867 did not frighten the Republicans of this country nor the people who were attached to that political faith, but after the law had been in force for years and years they continued to elect Republican Presidents and Republican Congresses.

Mr. WATSON of Ohio. Will the gentleman from Pennsylvania yield?

Mr. MAHON. Yes.

Mr. WATSON of Ohio. I move to strike out the word "QUAY" and insert the word "McKinley."

Mr. MAHON. If you do you will be defeated. You had better withdraw your amendment. [Laughter.]

Mr. HEPBURN. Mr. Chairman, the gentleman from Pennsylvania [Mr. MAHON] was undoubtedly sleeping while I made

the remark to which he has attempted to reply. I said to him and to the committee that the House of Representatives which enacted the bankruptcy law of 1867 contained 49 Democrats and 143 Republicans. I said that it was but a few years until that majority was reversed, and that the Democracy were in charge of this House, and trying, so far as they could, at least, to prevent beneficial legislation.

Mr. MAHON. Will the gentleman permit me to interrupt him?

Mr. HEPBURN. That statement is true; and the gentleman has not gainsaid it.

Mr. MAHON. Mr. Chairman, I want to call the gentleman's attention to the fact that that law was in force eleven years, in which period the Republican party was in power in this country.

Mr. HEPBURN. Were they in power? A Democrat from Indiana was elected Speaker of the House, and a Democrat from Pennsylvania was also elected Speaker of the House.

The CHAIRMAN. The Clerk will report the next clause.

Mr. TALBERT. Mr. Chairman, I move to strike out the last word. I do this in order that I may submit a few remarks upon the pending bill as expressive of my views in relation thereto. I have listened with a great deal of pleasure to the discussion on this subject for the last three or four days, as I always do on these occasions, that I may obtain knowledge and gain information. Distinguished lawyers upon one side have advocated the passage of the bill with the involuntary feature in it, and distinguished lawyers upon the other side have advocated the passage of a voluntary bankrupt bill, and I have been listening attentively, for I love to hear wise men talk, until I have gotten considerably tangled up in the premises, and I hardly know what to do. [Laughter.] So I have concluded that in order to be upon the safe side, and to relieve the doubt, I shall throw my vote and influence against the passage of the whole bill; and in doing that I think I will be right. [Applause.] This is a measure from the Judiciary Committee, composed, of course, entirely of lawyers, and they are divided on it. It is an old saying that "when rogues fall out honest men get their dues." In saying that I do not mean any reflection upon the lawyers [laughter], for some of the best men that ever lived were lawyers, and some of the best living to-day are lawyers; hence no affront from me.

It seems to me that this bill, with the involuntary and voluntary features in it, or either with one or the other by itself, is alone intended to be in the interest of a certain class, and a very small class at that in comparison with the whole country—the great wholesale dealers and the money power of this country—and against the interest of the great masses of the people. I am reminded, sir, by the lawyers, from the way they have talked and changed front on this question, of a discussion I once heard, and an explanation was given of the question, "Why a lawyer was like a restless man upon a bed." Can you tell me why? It is said that it is "because he lies first on one side and then turns and lies on the other." [Laughter.] Now, those conflicting opinions have, as I said, turned me around mightily. And in this dilemma in which I find myself I shall be compelled to vote against the passage of either the voluntary or involuntary feature of the bill in order to finally extricate myself from the difficulty. I wholly indorse the remarks made by the distinguished gentleman from North Carolina [Mr. LINNEY]; and I desire here to submit as a portion of my remarks a table which I have prepared, giving the years from 1857 down to 1895, which shows the number of failures in each year and the amount of the failures, amounting in all to $5,086,000,000, which will speak for itself, and shows very plainly that the cause of these failures must rest somewhere as a result of unfriendly legislation at the hands of the lawmakers.

THE REIGN OF BANKRUPTCY.

Year.	Number of failures.	Amount of failures.
1857	4,932	$291,000,000
1858	4,225	95,000,000
1859	3,913	64,000,000
1860	3,676	80,000,000
1861	6,993	207,000,000
1862	1,652	23,000,000
1863	495	7,000,000
1864	520	9,000,000
1865	530	17,000,000
1866	1,505	54,000,000
1867	2,780	96,000,000
1868	2,608	63,000,000
1869	2,799	75,000,000
1870	3,551	88,000,000
1871	2,915	85,000,000
1872	4,069	121,000,000
1873	5,183	228,000,000
1874	5,830	155,000,000
1875	7,740	201,000,000
1876	9,092	191,000,000
1877	8,872	190,000,000
1878	10,478	234,000,000
1879	6,658	98,000,000
1880	4,735	65,000,000
1881	5,582	81,000,000
1882	6,738	$101,000,000
1883	9,184	172,000,000
1884	10,968	226,000,000
1885	10,637	124,000,000
1886	9,834	114,000,000
1887	9,634	167,000,000
1888	10,679	123,000,000
1889	10,882	148,000,000
1890	10,907	189,000,000
1891	12,273	189,000,000
1892	10,344	114,000,000
1893	15,242	346,000,000
1894	13,885	172,000,000
1895	13,197	173,000,000
Total	265,774	5,086,000,000

This table shows a distressing state of affairs, and following it is the fact that the great common people are all bankrupt in a measure. And then again, Mr. Chairman, I am opposed to the passage of any bankruptcy bill, because I do not see the necessity for it at this time or the circumstances existing which calls for such enactment. Nobody has asked for it except the boards of trade, chambers of commerce, money kings, and such like. I think that the best way to judge of the future is by the past; and from an examination of past legislation we find that in 1800 a general bankruptcy bill was passed. How long did it live? In less than three years it was repealed, on account of its obnoxious features, on account of its vicious tendency and its outrageous effects upon the people of the country. In 1841 another bankrupt bill was passed, and in less than three years again, on account of the like vicious tendency and the same obnoxious features of that bill, it was repealed, because the people again moaned under its oppression and weight. Then again, in 1867, another bankrupt bill was passed. It lasted, I believe, a little longer than the others, about fifteen years, and then it was repealed, after it proved an engine of destruction and oppression.

Then, Mr. Chairman, I see no reason under the existing circumstances, with the uncertainty and difference of opinion among these distinguished gentlemen here who are lawyers and of whom there is a great majority in this Congress, as in many other Congresses, late and otherwise, and of whom there has been a great majority since we had a Congress in the United States, for the passage of such a bill. Just think of the condition of this country to-day, the greatest upon the face of the earth, and the concentration of wealth in the hands of a few and the continued efforts to further concentrate the same. The conviction must be riveted upon any intelligent man's mind that to-day, when he sits down and contemplates the present condition of our Government with its amazing class legislation and enormous grants of power, that a despotism of corporate wealth has subverted our free democratic institutions and we have a Government of the classes against the masses; and who are responsible for it?

I do not charge the Democratic party with being responsible for this condition; I do not charge the Republican party as being solely responsible for it; but I do say that the lawyers of this country are responsible for the present deplorable condition of this country, more particularly the lawyers who belong to the Republican party, because they have been instrumental mostly in fixing laws since the war, before there were many Democrats in Congress, especially from the South. But speaking of lawyers generally, they have controlled legislation for the last one hundred years, and I say they are entitled to all the credit that they can claim for putting the country in the condition in which it is found to-day; and I think the time has come when we should refuse to follow the lead of the lawyers entirely, as we have been doing, and go back to the people and to their interest, and try to do that which will inure to their benefit and try to do something in their interest. For these reasons and many others, which I have not time to enumerate in a five-minute speech, I am not in favor of the passage of any bankruptcy bill at present, but will vote against it; and I hope it will be overwhelmingly defeated. [Applause.] In conclusion, I desire to say that I do not mean to make war upon our lawyers in what I have said, but only to call attention to the fact that they are responsible for the most part for legislation, as they have for a long time controlled and are now controlling Congress, and to call upon them to come closer to the already impoverished yeomanry of the country who have put them in office. [Applause.]

Mr. HOWE. Mr. Chairman, I will occupy but a few moments of the valuable time of this committee in the discussion of this bill. Such a monstrosity in a business sense as attains in this country to-day is without a parallel in the commercial world outside of the United States. All civilized nations have enacted adequate laws for the protection of both creditors and debtors. In this country there are as many laws as there are States, each State being a law unto itself and each being antagonistic to the others.

We boast of our civilization; we boast of our internal resources and the grandeur and glory of the Republic, and yet we neglect to enact a law that will facilitate the general development of the country and the enlargement of its business. Our present and future commercial and industrial possibilities are dwarfed because of the lack of proper protection for the transaction of business. Thousands of honest men who have failed in business walk as slaves because, having failed, and that through no fault of their own, they find no relief from the bondage of debt because of the failure of Congress to enact a bankrupt law for their relief. This condition should not be.

This bill provides for the expediting of a settlement of the estates of men who have become insolvent. It provides for the proper distribution of the effects of an estate in the interests of the creditors, and at the same time releases the debtor and allows him to start anew. It releases him from the darkness of Egyptian night and places him in the sunlight of hope. Mr. Chairman, there is a universal demand for a bankruptcy law, to be without which is to be wrong in theory, wrong in principle, and wrong in practice. The Constitution says: "Congress shall have power to establish uniform laws on the subject of bankruptcy throughout the United States." The enactment of this bill would be in accordance with its direction; its provisions have been carefully weighed and considered by the Judiciary Committee. It is the product of wise and sagacious men, and has behind it the indorsement of the business men of the country. In fact, the business interests of the nation cry aloud for its enactment into law. Not one protest has come from any of the great business concerns of the country against it.

Mr. Chairman, it is our privilege under the Constitution to enact this law, and the business interests of the country demand that we perform our full duty. No single State can establish such a law, for each is a law unto itself. A State may enact a bankrupt law, but it will only apply to its own citizens, and here is the present difficulty. What is law in one State is of no effect in another, so that the solution of the matter is only to be found in a uniform national bankruptcy law. The provisions of this bill are as much in the interests of the debtor as of the creditor, and at the same time are a standing menace to those who would be dishonest and grow rich by fraud. The enactment of this law will cause business to be conducted on a safe and sound basis. It will cause business men to see to it that their capital is kept intact. They will scan their credits as well as their liabilities, keeping them within the bounds of safety. It will stimulate wise business sagacity and promote integrity, which are essential to successful business enterprise. With these requisites trade and commerce will move on from conquest to conquest. Mr. Chairman, I but voice the sentiments of the commercial and industrial interests of the country when I plead for the passage of this bill.

Mr. FAIRCHILD. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Add after the word "act," in line 50, page 7, the following:
"*Provided, however*, That in no case can a petition be filed signed by less than three creditors with provable claims against the person who has committed an act of bankruptcy which amount in the aggregate, in excess of the value of securities held by them, if any, to $500 or over."

Mr. FAIRCHILD. Now, Mr. Chairman, that amendment is offered in the interest of those who wish to support this bill if it is possible to do so. This morning one amendment was carried which struck from the bill the ninth clause, providing that any man who had failed to pay a promissory note for thirty days could be forced into bankruptcy. There still remains in the bill another clause equally pernicious with that, and that is the clause that allows any one creditor to force into bankruptcy any man, whether the other eleven creditors may wish it or not.

Now, it has been said here in the arguments in favor of this bill that involuntary bankruptcy is in favor of all the creditors in order to prevent a preference. It is my experience as a lawyer, and I am sure it is the experience of every lawyer in this House, that the most pernicious preference that has ever been obtained by any creditor is that preference which is obtained by the "shyster" lawyer, who comes in when all the other creditors desire to arrange with the debtor and by holding out secures the whole of his claim with interest and fees for the lawyer himself.

Mr. NORTHWAY rose.

Mr. FAIRCHILD. I do not care to be interrupted now. My colleague [Mr. RAY] admitted yesterday, when the question was asked him, that the way one shyster lawyer creditor could be gotten rid of would be by the other creditors paying off his claim, so that they might be free to arrange with the debtor. Now, Mr. Chairman, that is one of the most pernicious points in this bill, and if that is stricken out I am sure the bill will receive many votes of gentlemen who desire to vote for it if they are permitted to do so.

Mr. HENDERSON. I wish to call the gentleman's attention to a point in connection with that amendment. On page 51 the bill provides that "three or more creditors who have provable claims against any person which amount in the aggregate, in excess of the value of securities held by them, if any, to $500 or over" may file a petition. There the number is limited to three, and unless that part of the bill should be reached there will be a conflict between it and the gentleman's amendment if it is adopted.

Mr. FAIRCHILD. It is there permitted to 3 creditors, unless there are 12, in which case if 11 of them desire to give the man an opportunity to get relief this 1 creditor, by holding out, can compel the other 11 to pay his claim in full. This amendment must come in at some place. We may not be able to insert it on page 51, because we may not have time to reach that part of the bill, and it is equally appropriate in this place, following the words "a petition may be filed against a person who has committed an act of bankruptcy within four months after the commission of such act."

Mr. WATSON of Ohio. What is the amount in the gentleman's amendment?

Mr. FAIRCHILD. Not less than $500; the same as on page 51.

Mr. WATSON of Ohio. Why not make it a thousand dollars?

Mr. FAIRCHILD. No; I wish to have it accord with the provision on page 51, to prevent greater conflict in the two provisions.

Mr. MILES. Do you mean $500 each or $500 in the aggregate?

Mr. FAIRCHILD. Five hundred dollars each. I repeat, Mr. Chairman, that the most pernicious preference that is ever obtained in such cases is that which is obtained by the shyster lawyer, and this amendment will obviate that.

Mr. NORTHWAY. Suppose there are but three creditors and two stand out: can the other one force the man into bankruptcy?

Mr. FAIRCHILD. You can draw upon your imagination if you please, but I think you can hardly suppose that in actual business a man in this situation will have only three creditors——

Mr. NORTHWAY. Suppose there are twelve creditors and only two of them have claims amounting to $500?

Mr. FAIRCHILD. If a man should be forced into bankruptcy it will be easy to get three out of twelve creditors to act.

Mr. WATSON of Ohio. Are you not mistaken when you say that on page 51 the amount is limited to $500 each? Is it not $500 in the aggregate?

Mr. MILES. If the gentleman will make it $500 in the aggregate he will get some votes for his amendment that he would not otherwise get.

Mr. FAIRCHILD. The suggestion is made to me by the chairman of the Committee on the Judiciary that we put this amendment to a vote as it is, and if there is any conflict it can be arranged afterwards in conference.

Mr. HENDERSON. That is, if the gentleman's amendment prevails. Of course I have no authority to make any arrangement about it.

The CHAIRMAN. The time of the gentleman from New York has expired.

On motion of Mr. MILES, by unanimous consent, the time of Mr. FAIRCHILD was extended five minutes.

Mr. FAIRCHILD. Mr. Chairman, I have said all that it is necessary to say on this point. I am a good deal in the position of the lawyer who came into court to have his client excused from being punished for contempt for nonappearance. He said, "May it please the court, there are one hundred reasons why my client should not be punished for contempt of court. The first is that he is dead. The second is——" "Hold on," said the court; "that reason is sufficient. You need not give the other ninety-nine." [Laughter.] I think after we have heard the eloquent words of the chairman of the Committee on the Judiciary in regard to the evil effects of securing preferences to one creditor over another—and we all agree about that—gentlemen here can readily recognize, especially lawyers who have had experience in this business, that the most pernicious of all preferences is that which is given to a shyster lawyer who seeks to gain a selfish advantage.

Mr. WATSON of Ohio. The gentleman would better make his amendment read, "$500 in the aggregate."

Mr. FAIRCHILD. Mr. Chairman, I ask unanimous consent to modify my amendment so as to provide that the claims shall be not less than $500 in the aggregate.

There was no objection.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from New York as modified.

The Clerk read as follows:

Add after the word "act," line 50, page 7, the following:
"*Provided, however*, That in no case can a petition be filed signed by less than three creditors with provable claims against a person who has committed an act of bankruptcy, which amount in the aggregate, in excess of the value of securities held by them, if any, to $500 or over."

The amendment was agreed to.

Mr. ABBOTT. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

The amendment was read, as follows:

Amend by adding to section 2, line 64, the following:

"That this bill shall apply to debts existing at the time of the passage of this act, but not to debts thereafter contracted."

The question being taken on the amendment of Mr. ABBOTT, it was rejected.

Mr. BAILEY. I desire to make a statement, to which I ask the attention of the gentleman from Iowa [Mr. HENDERSON]. In about twenty-two minutes from now, under the operation of the special order, this bill, with the amendments, must be reported to the House. I have examined the order, and, except for the understanding which I had with the gentleman from Iowa, it would not be possible to obtain a vote on the substitutes which it is desired to offer.

Mr. HENDERSON. That understanding is sacred.

Mr. BAILEY. I am perfectly sure of that. In view of that understanding, and in view of the further fact that no other amendment could be offered and discussed, I ask unanimous consent at this time to offer the substitute which I desire to offer, and the friends of another substitute shall offer that.

Mr. HENDERSON. Which substitute do you propose to offer—the one you had pending?

Mr. BAILEY. The one I had prepared.

Mr. HENDERSON. You want to offer that now?

Mr. BAILEY. And then my friend from Kansas [Mr. BRODERICK] desires to offer another substitute.

Mr. HENDERSON. The gentleman from Kansas has surely had his "day in court."

Mr. BRODERICK. The rule provides that there may be two substitutes. The substitute I offered heretofore was simply a substitute for one section. I want to offer a substitute for the entire bill.

Mr. HENDERSON. Does the gentleman propose to offer the Senate bill?

Mr. BRODERICK. The Senate bill with some amendments. I will send it to the desk.

Mr. HENDERSON. Wait a moment. The gentleman from Texas [Mr. BAILEY] has the first right under the arrangement.

Mr. BAILEY. I ask that the gentleman from Kansas be permitted to offer his substitute.

Mr. HENDERSON. That you yield to the gentleman from Kansas?

Mr. BAILEY. Yes; I yield to the gentleman from Kansas that he may offer his substitute.

Mr. BRODERICK. I offer the substitute which I send to the desk.

Mr. TAWNEY. If the substitute is offered in Committee of the Whole, is it the understanding that under the agreement between the gentleman from Iowa and the gentleman from Texas the substitute may also be offered in the House? I understood the agreement was that the substitute might be offered after the committee rose and the bill had been reported.

Mr. BRODERICK. The rule provides that the substitute be reported to the House so that it shall be considered in the House.

Mr. TAWNEY. Then, by offering it in committee, the friends of the substitute do not waive the right to have it offered in the House.

Mr. HENDERSON. If it is offered in Committee of the Whole it will be reported to the House.

The CHAIRMAN. The Chair can hardly undertake to say what will be done in the House. But as the Chair understands the special rule, the Committee of the Whole is to consider the bill under the five-minute rule until 4 o'clock, when the committee will rise and report the bill, with the amendments adopted, to the House. Of course it would be competent for the committee by unanimous consent to allow this substitute to be offered in the committee at the present time, but that would not control the action of the House.

Mr. BRODERICK. The rule provides that two substitutes may be offered.

Mr. HENDERSON. The rule does not provide that; but we agreed to that.

Mr. BRODERICK. That was agreed to, at any rate. The rule provides that the substitutes shall be disposed of in the House. Now, I simply want to have this substitute pending, and I understand there is no objection to that.

The CHAIRMAN. The gentleman from Kansas [Mr. BRODERICK] asks unanimous consent to offer a substitute and have it pending at this time.

Mr. KERR. I object.

Mr. BAILEY. Then I shall make a pro forma amendment for the purpose of saying what I desire to say.

Mr. BRODERICK. I think we are entitled as a matter of right to have this substitute offered. It was assented to by the House, as I understand, that there might be two substitutes voted upon, and they are to be reported to the House. Now, the inference is that they may be introduced and pending here, so that when the Committee of the Whole shall rise they may be reported to the House and acted on.

The CHAIRMAN. The Chair has examined the special rule and also what was said in the House at the time of its adoption. It is the opinion of the Chair that without the subsequent agreement on the part of the House itself the bill would have been considered in the House and not in the Committee of the Whole. The whole proceeding contemplated seemed to be a proceeding in the House. Subsequently, by unanimous consent, as gentlemen will remember, an understanding was had that the bill be considered in Committee of the Whole. The special rule speaks of no substitute, but it does say that at 4 o'clock the bill shall be reported, with the amendments adopted, to the House. The subsequent agreement, made after the adoption of this rule, was that these two substitutes might be offered. The Chair construes that to mean offered in the House, not in the Committee of the Whole.

Mr. HENDERSON. I think that was assented to by unanimous consent; I believe it was so understood and agreed to by the entire House.

The CHAIRMAN. The Chair so understands.

Mr. HENDERSON. I think it would be bad faith if the substitute were not permitted to be offered in the House.

Mr. BAILEY. That is sufficient.

The CHAIRMAN. Does the gentleman from Texas [Mr. BAILEY] offer a pro forma amendment?

Mr. BAILEY. Mr. Chairman, I am confirmed in the opinion which I have expressed on more than one occasion in this House, that a voluntary system of bankruptcy is the only one which will ever be satisfactory in this country, and it ought to be a temporary measure of relief.

I do not believe it can be fairly charged against the friends of a voluntary system that we look only to the interest of debtors and overlook the interest of creditors. We know that in every State in the Union the State courts, as well as the United States courts, stand open to creditors for enforcement of their honest claims against their debtors. But we know also that there is nowhere in all of this broad land of ours a forum where an honest and unfortunate debtor can surrender his property and procure a discharge from his obligations. Recognizing, therefore, that the creditors now have their ample protection, and that the debtors are without any adequate relief, we have proposed a simple measure, leaving the right of the creditors absolutely undisturbed, but giving to the debtors a right which they do not now enjoy. We have safeguarded it to answer the only objection which has been made and which can be made against it. We have provided that no debtor can obtain his release unless he surrenders all of his property for the equal benefit of all his creditors.

Neither my friend from Iowa [Mr. HENDERSON] nor my friend from Maine [Mr. DINGLEY] disputes that it is just, wise, and humane to emancipate an honest debtor; but my friend from Maine says that under the present law the creditor who first attaches absorbs the entire estate and leaves the other creditors without protection. Mr. Chairman, without stopping to insist that diligence is a virtue and that a watchful creditor deserves some advantage over one who sleeps upon his rights, I desire to make another answer to the suggestion of the gentleman. In our substitute it is provided that if any creditor attaches the property of a debtor, the debtor may file an assignment and vacate the attachment, thereby subjecting his property to a pro rata distribution among his creditors. Thus we secure what the gentleman from Maine declares to be the primary good of the pending bill—an equal distribution of the debtor's assets among his various creditors. We insure this result by appealing to the debtor's selfishness and resentment, which are the two most powerful motives that influence the conduct of men. It is certain that every insolvent will desire a discharge from his debts, and this can only be attained by vacating the attachment; it is also certain that the debtor will resent the conduct of an attaching creditor, and these two motives, operating in the same direction, are certain to produce the result at which we aim.

I fully subscribe to the doctrine that a debtor should not be permitted to pay some of his creditors with his property or money and to pay others with the certificate of a bankrupt court; but I do not subscribe to the doctrine that all debts are of equal obligation. All ought to be paid; but if all can not be paid, then it may frequently happen that some have higher claims upon the debtor's conscience than others, and in such cases it would be dishonorable not to pay these debts first. The fact that the debtor must treat all creditors alike in order to procure his discharge will be sufficient to induce him to do so, except in those rare cases where he is bound by some high sense of honor to give a preference. Legislators can not ignore the fact that there are debts in which an element of moral obligation enters which the honest man ought to and will respect, and which a wise law will permit him to respect. There is no man here who does not believe that rather than satisfy the greed of a rapacious creditor he should return to the widow the money which he borrowed of her, nor

is there one who will deny that a debt contracted to a creditor who desired only to accommodate the debtor ought to be paid before a debt due to a man who dealt with the debtor solely for the profit of the transaction.

Sir, all preferences are not dishonest, nor are they necessarily unfair. Many of them proceed from the very highest attributes of human nature—a desire to redeem a moral as well as a financial obligation—and this assault upon all preferences bears the taint of a commercial spirit, which, if permitted to have its way in this country, will eliminate from American life the element of good-fellowship, the spirit of neighborly accommodation, and place all debts, however contracted, for whatever purpose contracted, or to whomsoever due, on precisely the same footing. It is bad morals to teach us that the poor widow has no higher claim on our justice than a rich and powerful creditor; and I am one of those who do not believe that bad morals can be good law. [Applause.]

Mr. RAY. Mr. Chairman, as I understand it—and if I am mistaken I desire to be corrected—it is not the purpose of the gentleman from Texas [Mr. BAILEY] to offer his substitute, but it is the purpose of the gentleman from Kansas [Mr. BRODERICK] to offer the bill S. 742, with certain amendments, as a substitute. Now, am I correct in that?

Mr. BAILEY. I will say to the gentleman from New York that that matter is under consideration. I am inclined to believe that the proposition of my friend from Kansas [Mr. BRODERICK] is stronger than my own proposition, and if we reach that conclusion, why, we will try to unite on that. Otherwise, we shall offer both.

Mr. RAY. Then, of course, I am as yet uncertain as to how that will be; but however it may be, the objections to the one bill are equally as great to both. I desire to call the attention of those who favor a just, equitable, enforceable, and operative bankrupt law to the provisions of the proposed substitute and my objections. The proposed substitute reads as follows in section 1——

Mr. MARSH. Whose substitute?

Mr. RAY. I am reading from the substitute that is to be offered by the gentleman from Kansas [Mr. BRODERICK]. The proposed substitute of the gentleman from Texas [Mr. BAILEY] reads precisely the same, so far as this section is concerned.

Mr. DINGLEY. It is the George bill?

Mr. RAY. It is the George bill:

That if any debtor owing $200 or more who is unable to pay his debts shall execute an assignment or cession of his property——

Mr. TAWNEY. The wording of the proposed amendment is:

Insolvent and unable to pay his debts.

Mr. RAY (reading):

That if any debtor owing $200 or more who is unable to pay his debts shall execute an assignment or cession of his property, valid by the laws of the State, Territory, or District of Columbia, in which he may reside, or if he have property in any other jurisdiction, then as to such property, valid according to the laws thereof, and also in accordance with the requirements of this act, it shall have the effect hereinafter provided for.

Now, what does this proposition do? In order for any debtor to obtain the benefit of the proposed substitute, if enacted into law, he must make an assignment valid, first, according to the law of the State in which he resides; second, it must be valid according to the law of any other State in which he has property; and third, it must be valid under the laws of the United States of America.

A MEMBER. That is all right.

Mr. RAY. The gentleman says it is all right. No lawyer would ever say that. Any lawyer knows, and the ordinary lay mind knows, that the assignment laws of the different States vary. They are not in harmony. Therefore, if you undertake to get the benefit of this law you would have to make an assignment valid under the laws of several different States. It might be two, three, or ten different States. Your assignment would conflict with itself. Then it would have to be valid under the law of the United States. It must be valid under two or more conflicting laws. There is not a lawyer in the United States of America who could draw up such an assignment and make it valid under the laws of two or more States and also under the laws of the United States.

Then the next section proceeds to declare that—

The property so assigned or surrendered shall be administered and distributed among creditors according to the laws of the State where the property is situated.

Therefore, if a man has property in two or more States, the property in one State must be administered according to the law of that State——

Mr. TAWNEY. There is no provision of that kind in the Senate substitute.

Mr. RAY. If the debtor has any property in another State, then it must be administered in that State under the law of that State; so that you have the estate of the bankrupt being administered by the State courts of two or more States; and if you would apply for a discharge, then you must apply in the United States court.

Mr. TAWNEY. The gentleman's argument might be applicable to the substitute proposed by the gentleman from Texas [Mr. BAILEY], but it is not applicable to the Senate substitute, because there is no provision of that kind in it.

Mr. RAY. It is applicable to the Senate substitute, because I have the Senate substitute before me at this moment.

Mr. TAWNEY. Read that part of it.

Mr. RAY. It requires that the property shall be administered in that way.

Mr. TAWNEY. In what part of it?

Mr. RAY. I have only five minutes, and my time is going.

Mr. TAWNEY. You can not find it in the Senate substitute.

Mr. RAY. There is no question about it. It reads in that way. Now, if you should undertake to proceed in that way, the estate of any ordinary debtor would be eaten up in litigation, first, in the various State courts; secondly, in the United States court. The alleged bankrupt would have to travel from one court to another. The creditors of the bankrupt would be traveling to the State courts, it might be, in two or three or more States, and also to the United States court. That condition would be especially applicable to debtors in the city of Chicago, the city of Cincinnati, the cities of New York and Boston, and other great cities. The proposed substitute has been declared unconstitutional by many great lawyers. There are other objections I can not refer to, but the same were set forth by me in my remarks closing general debate on this bill.

Mr. HENDERSON. Mr. Chairman, after having said as much as I have at different times during this debate, trying to say as little as possible consistent with my duty to the committee, I want to say briefly that the propositions which will be submitted under the arrangement that was made have practically been adjudicated in the committee. I do not want any of us, when we get into the House, to misunderstand the situation. With some trifling changes, we shall be facing again the battle which has been fought this morning, and the attempt will be made, by the introduction of a whole bill, to accomplish what failed of accomplishment when we voted down the Stone amendment and the Broderick amendment this morning.

Now, that is all I want to say about that. I think we have pretty clearly expressed the judgment of the committee as to how they feel in respect to this matter. We have yielded at several important points in the effort to get the real judgment of this committee in respect to a bankruptcy bill, and I want to thank the committee for the good spirit that has prevailed on both sides of this question and on both sides of this Chamber.

There has been no crimination; personal abuse has been avoided and the whole discussion for five days carried on in the domain where manhood should always be found, instead of being degraded to the low level of abuse. I want to express another thought, as I see I have the time. Of the committee that has reported this bill, 17 in number, 6 of them are from the West, 8 from the South, and only 3 from the East. It is not sectional; and, as has been developed in the debate, 4 only are against the bill with the voluntary and involuntary provisions we are about to report back to the House. Of the number opposed, 3 of them were from the South and 1 from the West. So you will see that there is no sectionalism at all in the element that brought the bill before this House committee, but it represents in its report every section of the country, and it has been my highest ambition to bring this bill far away from any sectional or partisan standpoint.

Mr. Chairman, the hour having arrived, under the order of the House the committee will rise.

The CHAIRMAN. The hour fixed under the order of the House having arrived, the committee will now rise and report the bill to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcy throughout the United States, and, under the order of the House, he reported the same back to the House with sundry amendments, with the recommendation that the amendments be adopted and the bill as amended be passed.

The SPEAKER. The question is on the amendments.

Mr. BRODERICK. Mr. Speaker——

Mr. HENDERSON. Let us dispose of the other amendments.

Mr. BRODERICK. If we can have the understanding that the two substitutes may be offered. I desire to offer a substitute.

The SPEAKER. The Chair will suggest that the amendments recommended by the committee have not been agreed to.

Mr. HENDERSON. I ask that the amendments be agreed to first before we take up the substitute.

Mr. BAILEY and Mr. BRODERICK. That is agreeable.

The SPEAKER. The substitute can be read and be pending, and then the vote will be taken on the amendments first. The Clerk will report the substitute.

Mr. BAILEY. Mr. Speaker, if the gentleman from Kansas will permit me, I desire to say——

The SPEAKER. The amendments have not been agreed to in the House.

Mr. HENDERSON. I thought that they were agreed to by unanimous consent.

The SPEAKER. That has not been done. But that course can be pursued, if there is no objection.

Mr. HENDERSON. I ask unanimous consent that the amendments agreed to by the committee be agreed to.

The SPEAKER. Without objection, they will be considered as agreed to.

Mr. FAIRCHILD. Mr. Speaker, one of those amendments, added on page 7, provided that not less than three creditors should sign a petition. There is on page 51 a clause "then one of such creditors" can sign. Now, I ask unanimous consent that the words "or if all of the creditors of such person are less than 12 in number, then one of such creditors" be stricken out, in order to conform it to the amendment which has been carried.

Mr. HENDERSON. What page is that?

The SPEAKER. The gentleman will please reduce his amendment to writing.

Mr. FAIRCHILD. It is to change "one" to "three," in line 8.

Mr. HENDERSON. There is no objection to that. I think it ought to be done, in view of the other amendment agreed to in committee.

There was no objection, and it was so ordered.

There being no objection, the other amendments were agreed to.

The SPEAKER. The question is now on the substitute offered by the gentleman from Kansas.

Mr. BAILEY. Mr. Speaker, if the gentleman from Kansas will permit, I desire a vote of the House on my substitute first, and I desire to vote for his substitute if mine should be voted down. I therefore desire to offer this substitute first and take a vote on it.

The SPEAKER. That is the understanding. A vote will be taken first on the substitute offered by the gentleman from Texas.

Mr. HENDERSON. Mr. Speaker, I did not understand what the gentleman from Texas said, and I would like for him to repeat his statement.

The SPEAKER. The gentleman from Texas said that his substitute should be voted on first.

Mr. HENDERSON. You have not abandoned that?

Mr. BAILEY. No.

Mr. HENDERSON. All right.

The SPEAKER. Then the Chair will carry out the understanding.

Mr. WILLIAM A. STONE. A parliamentary inquiry, Mr. Speaker. I desire to make a motion to recommit this bill. Will I have that opportunity after the third reading?

The SPEAKER. That will come up after the third reading.

Mr. HENDERSON. On the final passage of the bill.

Mr. BAILEY. I ask unanimous consent to dispense with the reading of the substitute.

Mr. DINGLEY. It has been printed.

Mr. HENDERSON. I hope that leave will be granted.

Mr. BAILEY. The bill has been printed, and I take it that if any gentleman is willing to vote for a voluntary bankruptcy bill he will be willing to vote for this.

The SPEAKER. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none.

The substitute offered by Mr. BAILEY is as follows:

A bill (H. R. 8234) to establish a uniform system of bankruptcy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any insolvent debtor, not a corporation, shall execute an assignment or cession of his property, valid by the laws of the State, Territory, or District of Columbia in which he may reside, or if he have property in any other jurisdiction, then as to such property valid according to the laws thereof, and also in accordance with the provisions of this act, it shall have the effect hereinafter provided for.

SEC. 2. That such assignment shall convey, subject to all valid liens, all of the estate of the debtor, except such as is exempt by the law of his domicile from execution or seizure for his debts, and shall be for the equal benefit of all his creditors, except with the preferences hereinafter allowed. The property so assigned or surrendered shall be administered and distributed among creditors according to the laws of the State where the property is situated, subject to the provisions of this act.

SEC. 3. That such assignment may contain the following preferences, namely: Debts due to the United States, or to any State or Territory, or the District of Columbia, in which any of the property of the debtor is situated, and debts due to the servants or laborers of the debtor for labor performed or services rendered within six months next preceding the execution thereof.

SEC. 4. That said assignment or cession shall be duly filed or recorded in the manner and in the offices where mortgages and deeds in trust on said property are by law required to be filed or recorded, and the original or a copy thereof, accompanied by a list of the names and residences of all his creditors, and the amount due each, together with a schedule of his property, exempt and unexempt, and a statement of all liens or other incumbrances thereon, all of which shall be verified by the oath of the debtor to be correct, shall, within sixty days from the date of its execution, be filed in the court in which the petition of the debtor is hereinafter required to be filed.

SEC. 5. That any such debtor, within the period of four calendar months from the date of the execution of the assignment, may file his petition in the district court of the United States for the district or the division thereof in which he resides; or, if he be a resident of the District of Columbia, then in the supreme court of the said District; or, if he be a resident of a Territory, then in the district court of such Territory for the district or the division thereof in which he resides, alleging his insolvency and asking for a discharge from his debts. But the petition shall not be filed in any court unless the debtor has been a bona fide resident of said district or division at least six calendar months immediately preceding the making of the assignment, and the petitioner shall deposit with the clerk of the court upon filing his petition $20 for costs.

SEC. 6. That the creditors of the petitioner shall be made parties defendant, and the judge shall, upon the filing of the petition, or as soon thereafter as practicable, make an order declaring the petitioner a bankrupt, and fixing a time and place for the hearing thereof, which time shall be not less than ninety days nor more than six calendar months subsequent to the date of the order; and a copy of such order shall be duly served on each of the creditors named in the list of creditors in the manner following: The service of notice of said order shall be made by mailing a copy of the order to each creditor, directed to the post-office nearest to his residence or place of business or to the post-office at which he is accustomed to receive his letters. The notice shall be mailed within thirty days from the date of the order, by the clerk of the court, and the petitioner shall pay to the clerk for mailing the notice 25 cents for each notice. The said order shall also be published once a week for four consecutive weeks in one or more newspapers to be designated by the court, due regard being had to the general circulation of the same in that portion of the district in which the bankrupt and his creditors reside. The first publication shall be within thirty days from the date of said order, and if the publication of notice shall appear to be irregular the court may order a new publication for such time as the court may decide and appoint another day for the hearing. But publication in a newspaper shall be dispensed with unless it can be made for such cost as the court shall decide to be reasonable.

SEC. 7. That the creditors or any of them may appear and answer said petition on the day named in the order of publication; and if no answer be filed on that day the petitioner shall have a right to an order of discharge from his debts; or, if an answer is filed and upon the hearing it shall appear that the debtor did make an assignment as authorized by this act, and that the same contained a full and complete conveyance of all his unexempt property, and that within three months before the passage of this act no creditor of such debtor had been preferred in any manner except as authorized by this act, and during said time no other act was done or suffered to be done by such debtor respecting his business or estate to prevent pro rata distribution of his estate among his creditors or to give one creditor an advantage over another, or to defraud his creditors, and that no attachment has been levied upon the property of such debtor within three months before the passage of this bill, the court shall order and adjudge that such debtor be forever discharged from the payment of the debts mentioned and set forth in the list accompanying his petition; and such order and adjudication shall be a full, complete, and final discharge of such debtor from the payment of said debts: *Provided, however*, That if within sixty days after the levy of an attachment the debtor shall execute an assignment or cession of his property and file a petition for discharge as herein provided for, the execution of such assignment and the filing of such petition shall vacate the levy of such attachment, and such debtor shall be then entitled to the benefit of the provisions of this act: *And provided further*, That the discharge of a debtor from his debts shall not include any debt or obligation which shall have been created in consequence of his defalcation as a public officer, as an executor, administrator, guardian, or trustee, or while acting in any other fiduciary capacity; nor any debt or obligation created by the obtaining of money or property under false pretenses. But this exclusion of said debts from the discharge shall take place only when said debts shall be ascertained in the decree of discharge and by the court directed to be so excluded. If the petitioner shall be discharged, property acquired by him, after the filing of the assignment or a copy thereof in the clerk's office of the court of bankruptcy, shall not be liable for his debts created before that time, nor shall any debt created by him after such filing be barred by such discharge.

SEC. 8. That any insolvent debtor who has no property besides what is exempt by law from execution and liability for his debts, may, without making any assignment as provided for in this act, file his petition in the court for the district or division thereof of which he has been a bona fide resident for six months immediately preceding the filing of his petition, alleging his insolvency and that he has no property except his exemptions, and asking for a discharge from his debts as herein provided for, accompanying the same with a list of his creditors; and thereupon the court shall take such proceedings as are provided for in this act for cases where there is an assignment, so far as the same may be applicable. In this case the filing of the petition shall have the operation provided for in the last clause of section 7 as to discharge from debts and the acquisition of property.

SEC. 9. That partners may jointly make an assignment as provided for in this act for separate and single debtors, but in such case the assignment shall contain a separate list and schedule of the partnership, and separate creditors and property; and the preferences allowed by this act shall be for partnership creditors out of the partnership property, and for separate creditors out of the separate assets of the partner giving the preference; and the separate and partnership debts shall be provided for in the assignment in the same way. The petition shall be filed in the district or the division thereof in which the partnership business was carried on up to a period of six calendar months prior to the assignment. If the business has not been so carried on within said period, then in the district or division thereof where all the partners reside, one of whom at least having resided there for six months prior to the assignment; and if they do not all reside in that district or division, then in the district or division in which a majority of them shall reside; or if a greater number do not reside in the same district or division, then in the district or division in which any one of them resides; but in all cases the residence required must be for six calendar months preceding the making of the assignment. If one or more of the partners be deceased, then the survivor or survivors may proceed as in this section provided, but in that case the legal representatives of the deceased shall have such notice as the court may direct.

SEC. 10. That if some of the partners are unwilling to join in such assignment and petition for discharge, then any of them may separately make an assignment of his separate property and file his petition as is hereinbefore provided for; and in the assignment shall include in general terms, with his separate property, his interest in the partnership property after the partnership debts are paid, and the names and residences of his other partners, specifying those in whose possession and control the assets of the partnership or any part of them may be, and such partners shall have such notice of filing the petition as the court may direct. He shall file with his assignment also a list of the partnership creditors and the amount due each, all of whom

shall have notice as in other cases of proceedings under this act. The separate property assigned shall first be applied to the separate debts, and the remainder, if any, to the partnership debts.

SEC. 11. That the court, on the hearing of the petition, or as soon afterwards as practicable, shall ascertain whether the partnership property is sufficient to pay the partnership debts. If it be found sufficient, the court shall so adjudge and order the separate property of the debtor to be distributed among his separate creditors; and if found more than sufficient, the court may direct a sale, on such terms as the court may prescribe, of the debtor's interest in the said partnership, and order the distribution of the funds arising from such sale among his separate creditors. But in both these cases the court shall make no further order interfering with said partnership estate. If the partnership property be found insufficient to pay the partnership debts, the court shall make such orders as may be deemed equitable and just to convert said property into money and to wind up the affairs of said partnership and distribute the assets among the partnership creditors. The court shall direct said winding up to be done by one or more of the partners not petitioning for a discharge and designated by the court for that purpose, and shall hold said partner or partners so designated accountable to the court as a receiver, giving to him or them all the powers of collecting and distributing said partnership estate as is necessary therefor, and as might be properly vested in a receiver. But if the court shall deem all of said nonpetitioning partners for any cause unfit for designation for such purpose, or if all of them deemed by the court fit to discharge that duty shall refuse to accept it, then the court shall appoint a receiver with full powers to take charge of said partnership estate and wind it up. And the court shall, in case of insolvency of the partnership estate, make all necessary orders and decrees, not inconsistent with the provisions of this act, as may be consonant to the rules of equity, in reference to said estate, as in cases of a dissolution of said partnership and a distribution of the assets by decree of a court of equity.

SEC. 12. That the district courts of the United States in the several States, the supreme court of the District of Columbia, and the district courts of the several Territories are hereby made courts of bankruptcy, with full jurisdiction, both at common law and in equity, to carry out this act and to try and determine all suits and controversies necessary to a full execution thereof. The said courts, for the exercise of the jurisdiction conferred by this act, shall be considered as always open, and the judges of the several courts may exercise in chambers any jurisdiction conferred on the said courts by this act, and the said courts of bankruptcy shall have power to make all proper rules not inconsistent with this act for the exercise of the jurisdiction vested in them by this act.

SEC. 13. That the court shall have power to appoint a sufficient number of auditors to transact such business as may be committed to them under this act. The auditors shall have power to administer oaths, state accounts, and, under orders of the court, examine witnesses, and perform such other duties not of a judicial character as may be prescribed by the rules of the court. The fees of the auditor shall be fixed by the court, but in no case shall any fee exceed the sum fixed by the laws of the State in which he holds his office for similar services rendered by State officials.

SEC. 14. That all oaths required to be administered in any proceeding under this act may be taken before and certified by any officer of the State in which they are taken authorized by the laws thereof to administer oaths.

SEC. 15. That there shall be kept at each place at which said courts of bankruptcy may be held, by the clerk thereof, a docket, in which shall be entered the filing of each petition and schedule and list and other papers, and a short statement of every order or decree of the court and of the auditors in that case, and a copy of the decree of the court granting or refusing a discharge; and such entries on the docket, together with the papers filed, shall constitute the record in such case. The cost of such docket shall be paid for as other record books and dockets of the district courts are paid for. The fees of the clerk, when not otherwise specified in this act, shall be fixed by the court, but shall not exceed the sum of $5 for service in any case of bankruptcy.

SEC. 16. That this act shall not be construed to annul or suspend the laws of any State now in force or hereafter passed for the relief of insolvent debtors or the distribution of their estates, except so far as the same may be in conflict with the provisions hereof; and that all proceedings under the insolvent laws of any State actually commenced and pending at the date of the passage of this act may proceed to final determination in the State courts. And involuntary proceedings against a debtor under the insolvent laws of any State, which may be commenced after the passage of this act and before the filing of the petition of such debtor under this act to be declared a bankrupt, may also be prosecuted to final determination in the State courts, and the assets of the debtor shall be distributed by said State court. But where such insolvent proceedings shall be pending when this act is passed, or properly commenced afterwards, the debtor may, upon proper proceedings in the proper court of the United States, be discharged from his debts if he would be entitled to such discharge in case he had proceeded properly under this act before any such proceedings had been commenced against him. And the courts of bankruptcy shall make rules for the conduct of such proceedings whereby the insolvent shall proceed to secure a discharge if entitled to it.

SEC. 17. That this act shall continue in force two years and no longer, except as to all proceedings commenced under it within that time, and as to them shall continue in full force and effect until they are finally disposed of.

The SPEAKER. The question will first be taken on agreeing to the substitute offered by the gentleman from Texas.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. BAILEY. Division, Mr. Speaker.

The House divided; and there were—ayes 88, noes 120.

Mr. BAILEY. Mr. Speaker, I demand the yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER. Forty gentlemen have arisen in support of the demand for the yeas and nays; not a sufficient number, and the yeas and nays are refused. On this question the ayes are 88, the noes are 120; and the substitute is rejected. The next question is on the substitute offered by the gentleman from Kansas, which the Clerk will report.

The Clerk proceeded to read the substitute.

Mr. BRODERICK (during the reading). Mr. Speaker, it seems to be generally understood that this is the bill which has been examined and reported by the Senate committee, and I suggest——

Mr. HENDERSON. That must not be done. The Senate committee is not for this bill. I do not want that statement to go out.

Mr. BRODERICK. The bill was reported from that committee.

Mr. HENDERSON. Make your request, but make no argument.

Mr. BRODERICK. I simply wanted to say, Mr. Speaker, that this is the bill which was examined and reported by the Senate committee, with some amendments made here in the House, and as the bill is well understood by members generally, I am willing to waive the reading of it with the understanding that it shall be printed in full in the RECORD.

Mr. TAWNEY. In view of the fact that it is generally understood that this is a purely voluntary bankruptcy act, I suggest that the gentleman ask that sections 17 and 18, relating to involuntary bankruptcy, be read.

Mr. BRODERICK. Very well. They are the two last sections.

The SPEAKER. The Chair would suggest that no request has yet been made to dispense with the reading of the bill.

Mr. BRODERICK. I ask unanimous consent to dispense with the reading of the bill, except sections 17 and 18, and that the whole bill be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

Mr. RAY. I will not object to that, Mr. Speaker, provided I can make the simple statement that——

Mr. BRODERICK. I do not care whether the gentleman assents or not. If he wants to object, let him object. I make the request.

Mr. RAY. Will the gentleman listen?

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

Mr. RAY. I will not object.

The SPEAKER (after a pause). The Chair hears no objection. The Clerk will read sections 17 and 18 of the proposed substitute.

The Clerk read the sections indicated, as embodied in the bill which is here printed in full.

That if any debtor owing $300 or more who is unable to pay his debts shall execute an assignment or cession of his property, valid by the laws of the State, Territory, or District of Columbia, in which he may reside, or if he have property in any other jurisdiction, then as to such property, valid according to the laws thereof, and also in accordance with the requirements of this act, it shall have the effect hereinafter provided for. Said assignment or cession shall be duly filed or recorded in the manner and in the offices wherein mortgages and deeds in trust on said property are by law required to be filed or recorded; and the original or a copy thereof shall, within thirty days from the date of its execution, be filed in the office of the court in which the petition of the debtor is hereinafter required to be filed.

SEC. 2. That such assignment shall convey all of the estate of the debtor, except such as is exempt by the law of his domicile from execution and liability for his debts, and shall be for the equal benefit of all his creditors, subject to all valid liens, except with the preference hereinafter allowed. It shall contain a list of the names and residences of all his creditors, and a schedule of his property exempt and unexempt from execution or seizure for his debts, and the amount due to each creditor, and a statement of the liens or other incumbrances upon his property, all of which shall be verified by the oath of the debtor to be correct, as near as he can make them.

Said assignment shall also contain a provision conveying all his unexempt property, though not specified in said schedule, and shall provide for all his creditors, whether named in the list or not; and the omission of any property or creditor from said list or schedule, or any misstatement as to liens and incumbrances, shall have no effect against the debtor's rights under this act, unless the same be fraudulent; but a creditor whose name has not been returned to the court prior to the decree of discharge of the debtor shall not be bound by such discharge. The property so assigned or surrendered shall be administered and distributed among creditors according to the laws of the State where the property is situated, subject to the provisions of this act.

SEC. 3. That such assignment shall contain the following preferences, namely: Debts due to the United States, or to any State or Territory, and the District of Columbia, in which any of the property of the debtor is situated, and debts due to the servants or laborers of the debtor for labor performed or services rendered within one year. Also, if the debtor be the head of a family, he may prefer a debt which is a lien or incumbrance on his homestead; but no more than $1,000 shall be used for that purpose.

SEC. 4. That the fees to be allowed by said assignment to the trustee or trustees, or the person managing the estate, shall not exceed in any case the amount allowed by the laws of the State in which the debtor is domiciled to executors or administrators for the settling of the decedent's estate in their charge; and should any trustee or other person named in said assignment or by a competent court as manager of the said estate be removed or resign so that it shall be necessary to appoint another person in his stead, then the fees and allowances shall be divided between them, so that not more than the maximum allowable to one shall be allowed to all: *Provided*, That the fees, including the fees of the assignee, receiver, or trustee authorized by this act, and all other expenses necessarily incurred in the administration of the estate of the debtor and approved by the court, shall be first paid out of the proceeds of the property of said debtor.

SEC. 5. That any such debtor, within the period of thirty days from the date of the execution of the assignment, may file his petition in the district court of the United States for the district or the division thereof in which he resides; or if he be a resident of the District of Columbia, then in the supreme court of the said District; or if he be a resident of a Territory, then in the district court of such Territory of the district in which he resides, asking for a discharge from his debts; but the petition shall not be filed in any court unless the debtor has resided in said district or division at least six calendar months immediately preceding the making of the assignment. The petition shall state the debtor's inability to pay his debts and contain a prayer for a discharge from the debts of the petitioner and an averment that the list and schedule filed in the court are correct as therein amended, and shall be verified by the oath of the petitioner. It shall also contain a schedule and list of any other property or creditors which he may have since the

making of the assignment discovered or remembered; and said petitioner may, from time to time, prior to his discharge, amend and correct said list and schedule of property and creditors, so that the same shall conform to the facts. And he shall deposit with his petition for costs such sum as the court may direct, not exceeding $20.

SEC. 6. That the creditors of the petitioner shall be made parties defendant, and the judge shall, on filing the petition, or as soon thereafter as practicable, make an order declaring the petitioner a bankrupt, and fixing a time and place for the hearing thereof, and directing notice to be given, which time shall not be less than ninety days nor more than six calendar months subsequent to the date of the order, and a copy of such order shall be duly served on each of the creditors named in the list of creditors or otherwise made known to the court, in the manner following: The service of notice of said order shall be made by mailing a copy of the order to each creditor, directed to the post-office nearest to his residence or place of business or to the post-office at which he is accustomed to receive his letters. The notice shall be mailed within thirty days from the date of the order by the clerk of the court, and the petitioner shall pay to the clerk for mailing the notice such reasonable sum as the court may allow, not exceeding 25 cents for each notice. The said order shall also be published once a week for four consecutive weeks in one or more newspapers to be designated by the court, due regard being had to the general circulation of the same in that portion of the district in which the bankrupt and his creditors reside. The first publication shall be within thirty days from the date of said order. If the publication of notice shall appear to be irregular the court may order a new publication for such time as the court may decide and appoint another day for the hearing. But publication in a newspaper shall be dispensed with unless it can be made for such cost as the court shall decide to be reasonable.

SEC. 7. That the creditors, or any of them, may appear and answer said petition on the day named in the order of publication, and if no answer be filed on that day the petitioner shall have a right to an order of discharge from his debts. The answer may contest the petitioner's right to a discharge on the following grounds, and no other:

First. That the debtor has intentionally concealed some of his property by omitting the same from his schedule or assignment, and has also intentionally failed to correct said omission as hereinbefore provided for, or has intentionally refused to give information which may aid and assist in recovering any property which ought to be subject to the payment of his debts.

Second. That he has, since the date of three calendar months prior to the passage of this act, conveyed or assigned or concealed his property, or some part of it, or given or suffered a lien or incumbrance thereon, which assignment, conveyance, concealment, lien, or incumbrance was contrived and devised with the actual intent and purpose to defraud his creditors, in which intent the debtor participated.

Third. That the debtor, being a banker, broker, merchant, trader, manufacturer, or miner, in addition to the foregoing grounds, shall be refused a discharge if, since said date, he, being at the time insolvent, has given any preference to creditors other than such as are allowed to be preferred in the assignment as provided in section 3 of this act, or since said date has, with intent to give such prohibited preference, created or suffered any lien on his property by attachment, judgment, or otherwise. Should a discharge be refused, the same proceedings shall be had in the administration and distribution of the bankrupt's estate as if he were discharged.

SEC. 8. That all preferences by any merchant, broker, banker, trader, manufacturer, or miner given or suffered after the passage of this act and within four months prior to the assignment by the petitioner, he being then insolvent, other than such preferences to creditors as are herein allowed, are hereby made illegal and void as against the creditors of any debtor who shall make an assignment and file his petition under the provisions of this act; and all the money or other property which may have been given or transferred in such prohibited preferences shall be and remain a part of the assets of the said petitioner and shall pass under the general clause conveying all the debtor's unexempt property by this act required to be inserted in said assignment; and all conveyances or transfers of property made at any time by any petitioner, which by the laws of the State or Territory in which the property is situated are illegal and void or voidable by creditors, or if the transfer be of money, then void or voidable by the law of the State or Territory in which the debtor resides, and all liens or other interest in said property which are prohibited by the laws of a State or Territory wherein it is situated shall be held for all the purposes of this act to be void or voidable by creditors and the property to have passed under said assignment; and it shall be distributed as other property conveyed in the same; and full recovery may be had of the said property so assigned or encumbered within the period allowed by the laws of the State or Territory in which it is situated, or if the property be money, then within the time allowed by the laws of the State or Territory where the receiver resides, and suits in behalf of the creditors for such recovery may be brought by the trustee or other manager of the assignment.

SEC. 9. That if on the hearing of the petition it shall appear that the assignment provided for in the first and second sections of this act has been duly made and filed and recorded as herein provided for, and no valid objection has been presented against a discharge, or, being presented, the same is not sustained by proof, then it shall be the duty of the court to grant to the petitioner a discharge from all his debts to the persons mentioned in his petition, or afterwards disclosed to the court, except the debts excluded by section 10 of this act. But said discharge shall not have the effect in any court to prevent a recovery, by proper proceedings against the property and the persons claiming and possessing the same, of any property which had been prior to the discharge fraudulently or illegally assigned or concealed or encumbered by such debtor, or omitted from his schedule, within such limitation as to time for bringing such suits as is fixed by the laws of the State in which the property is situated. The declaration of the petitioner as a bankrupt shall have the effect, in all courts in which proceedings may be had to subject such property to the payment of the bankrupt's debts, of dispensing with a judgment against the bankrupt as a prerequisite to such proceedings.

SEC. 10. That the discharge of the debtor from his debts shall not include any debt or obligation which shall have been created in consequence of his defalcation as a public officer, or as an executor, administrator, guardian, or trustee, or while acting in any other fiduciary capacity; nor any debt or obligation to any surety of the debtor who has paid or may pay any such fiduciary debt or any part of it; nor any debt or obligation created by the obtaining of money or property under false pretenses. But this exclusion of said debts from the discharge shall take place only when said debts shall be ascertained in the decree of discharge and by the court directed to be so excluded. If the petitioner shall be discharged, property acquired by him after the filing of the assignment or a copy thereof in the clerk's office of the court of bankruptcy, shall not be liable for his debts created before that time, nor shall any debt created by him after such filing be barred by such discharge.

SEC. 11. That the district courts of the United States in the several States, the supreme court of the District of Columbia, and the district courts of the several Territories are hereby made courts of bankruptcy, with full jurisdiction, both at common law and in equity, to carry out this act and to try and determine all suits and controversies necessary to a full execution thereof; and said courts shall have also full power to cause said petitioner or bankrupt, his wife, or either of them, to be examined under oath touching any charge of concealment or illegal transfer of any property of said bankrupt and to issue a writ of ne exeat against the bankrupt to continue in force so long as it may be necessary to have such examination. The said courts, for the exercise of every jurisdiction conferred by this act, shall be considered as always open, and the judges of the said several courts may exercise in chambers any jurisdiction conferred on said courts by this act. But the said courts shall not interfere with, in any manner, the administration of the bankrupt's estate by the trustee or trustees or other manager mentioned in the assignment or appointed according to law unless it shall be made to appear to the said court that said trustee or trustees or manager is mismanaging the said estate or the said trustee or manager shall by petition ask the court for directions as to such management. The court shall also have full jurisdiction to enjoin or otherwise manage or control all suits or actions pending against the bankrupt at the time of filing his assignment in the clerk's office of the court of bankruptcy, as hereinbefore required, and to manage and control all suits or actions pending at that time in his favor, and to cause the same to be prosecuted or defended by the trustee or manager of said assignment, and to make all necessary orders and decrees to secure a proper distribution of the assets according to law.

SEC. 12. That partners may jointly make an assignment as provided for in this act for separate and single debtors, but in such case the assignment shall contain a separate list and schedule of the partnership, and separate creditors and property; and the preferences allowed by this act shall be for partnership creditors out of the partnership property, and for separate creditors out of the separate assets of the partner giving the preference; and the separate and partnership debts shall be provided for in the assignment in the same way. The petition shall be filed in the district or division thereof in which the partnership business was carried on, up to a period of six calendar months prior to the assignment. If the business has not been so carried on within said period, then in the district or division thereof where all the partners reside, one of whom at least having resided there for six months prior to the assignment; and if they do not all reside in the same district or division, then in the district or division in which a majority of them shall reside, or if a greater number do not reside in the same district or division, then in the district or division in which any one of them resides; but in all cases the residence required must be for six calendar months preceding the making of the assignment. If one or more of the partners be deceased, then the survivor or survivors may proceed as in this section provided, but in that case the legal representatives of the deceased shall have such notice as the court may direct.

SEC. 13. That if some of the partners are unwilling to join in such assignment and petition for discharge, then any of them may separately make an assignment of his separate property and file his petition as is hereinbefore provided for; and in the assignment shall include in general terms, with his separate property, his interest in the partnership property after the partnership debts are paid, and the names and residences of his other partners, specifying those in whose possession and control the assets of the partnership or any part of them may be, and such partners shall have such notice of filing the petition as the court may direct. He shall file with his assignment also a list of the partnership creditors and the amount due each, all of whom shall have notice as in other cases of proceedings under this act. The separate property assigned shall first be applied to the separate debts and the remainder, if any, to the partnership debts.

SEC. 14. That the court, on the hearing of the petition, or as soon afterwards as practicable, shall ascertain whether the partnership property is sufficient to pay the partnership debts. If it be found sufficient, the court shall so adjudge and order the separate property of the debtor to be distributed among his separate creditors; and if found more than sufficient, the court may direct a sale, on such terms as the court may prescribe, of the debtor's interest in the said partnership, and order distribution of the funds arising from such sale among his separate creditors. But in both these cases the court shall make no further order interfering with said partnership estate. If the partnership property be found insufficient to pay the partnership debts, the court shall make such orders as may be deemed equitable and just to convert said property into money and to wind up the affairs of said partnership and distribute the assets among the partnership creditors. The court shall direct said winding up to be done by one or more of the partners not petitioning for a discharge and designated by the court for that purpose, and shall hold said partner or partners so designated accountable to the court as a receiver, giving to him or them all the powers of collecting and distributing said partnership estate as is necessary therefor and as might be properly vested in a receiver. But if the court shall deem all of said nonpetitioning partners for any cause unfit for designation for such purpose, or if all of them deemed by the court fit to discharge that duty shall refuse to accept it, then the court shall appoint a receiver with full powers to take charge of said partnership estate and wind it up. And the court shall, in case of insolvency of the partnership estate, make all necessary orders and decrees, not inconsistent with the provisions of this act, as may be consonant to the rules of equity, in reference to said estate, as in cases of a dissolution of said partnership and a distribution of the assets by decree of a court of equity.

SEC. 15. That the said courts of bankruptcy shall have power to make all proper rules not inconsistent with this act for the exercise of the jurisdiction vested in them by this act.

SEC. 16. That any person who is unable to pay his debts and owes $200 or more and who has no property besides what is exempt by law from execution and liability for his debts may, without making any assignment as provided for in this act, file his petition in the court for the district or division thereof in which he has resided for six months previously for a discharge from his debts as herein provided for, accompanying the same with a list of creditors, and thereupon the court shall take such proceedings as are provided for in this act for cases where there is an assignment, so far as the same may be applicable. In this case the filing of the petition shall have the operation provided for in the last clause of section 10 as to discharge from debts and the acquisition of property.

SEC. 17. That where any debtor, who, being a banker, broker, merchant, trader, or manufacturer, owing $500, and who is unable to pay his debts, shall make any assignment, transfer, or conveyance of his property, real or personal, or any part thereof, or give or suffer any lien or incumbrance on the same, contrived or devised with the actual intent on his part to make a preference or to defraud his creditors, or any of them, such act when found and ascertained as hereinafter provided shall be deemed an act of bankruptcy; and a creditor or creditors having debts against said bankrupt to the amount of $500 may file a petition against said fraudulent debtor in the court of bankruptcy of the district in which said debtor may reside, alleging such fraudulent acts of bankruptcy. The debtor shall have such reasonable notice of the filing of said petition as the court shall prescribe; and on the day fixed by the court, if the debtor shall answer, denying the facts alleged in the petition, the said court shall hear the parties and the evidence, and if it shall be proven to the satisfaction of the court that such actual fraud was committed with the fraudulent intent and purpose aforesaid, and that the said debtor

was at the time of committing said act without sufficient property to pay his debts, or if the debtor shall fail to answer, the said court shall adjudge him to be a bankrupt; and if not so satisfied the court shall dismiss said petition at the costs to the defendant.

Either party may demand that said issues shall be tried by a jury under the direction of the court as in other cases at common law.

If the debtor shall be adjudged a bankrupt as aforesaid, then the court shall take such other proceedings by the appointment of an assignee or receiver, and by such other and further orders as may be necessary to recover said property and all other property so found to be fraudulently transferred or conveyed, together with all other property belonging to said bankrupt, not exempt by law from seizure to pay his debts, and to distribute the same among his creditors, excluding from any participation therein the person or persons for whose benefit said conveyance, assignment, lien, or incumbrance was made or suffered, if such person had actual notice of the fraud of the debtor aforesaid.

Said petition shall not be filed unless within four months next after the commission of said act of bankruptcy.

All the other provisions of this act so far as the same may be applicable shall apply to proceedings under this section.

SEC. 18. That this act shall not be construed to repeal, annul, or suspend the laws of any State or Territory now in force, or which may hereafter be enacted for the compulsory distribution of an insolvent's estate among his creditors; nor to interfere with proceedings under said laws for that purpose which shall have been commenced prior to the filing of the petition as hereinbefore provided; and said petitioner shall not be permitted to dismiss his petition after filing the same without the consent of the court; but the jurisdiction of the court shall continue and remain after such filing for the purpose of recovering all property liable to the petitioner's debts and distributing the same among creditors, until full and complete distribution shall be had: *Provided*, The court may, if it shall deem the ends of justice will be subserved thereby, with consent of two-thirds of the creditors in amount and number, authorize a dismissal of said proceedings.

SEC. 19. That the court shall have power to appoint a sufficient number of auditors to transact such business as may be committed to them under this act. The auditors shall have power to administer oaths, state accounts, and under orders of the court examine witnesses, and perform such other duties, not of a judicial character, as may be prescribed by the rules of the court. The auditors shall also have power to make the necessary orders declaring the petitioner a bankrupt, and for serving notice of filing the petition of bankruptcy and for fixing the day at which a hearing on the petition shall be had. The fees of the auditor shall be fixed by the court, but in no case shall any fee exceed the sum fixed by the laws of the State in which he holds his office for similar services rendered by State officials.

SEC. 20. That all oaths required to be administered in any proceeding under this act may be taken before and certified by any officer of the State in which they are taken, authorized by the laws thereof to administer oaths.

SEC. 21. That there shall be kept at each place at which said courts of bankruptcy may be held, by the clerk thereof, a docket, in which shall be entered the filing of each petition and schedule and list and other papers, and a short statement of every order or decree of the court and of the auditors in that case, and copy of the decree granting or refusing a discharge; and such entries on the docket, together with the papers filed, shall constitute the record in such case. The cost of such docket shall be paid for as other record books and dockets of the district courts are paid for. The fees of the clerk, when not otherwise specified in this act, shall be fixed by the court, but shall not exceed the sum of $1 for service in any case of bankruptcy.

SEC. 22. That this act shall continue in force three years and no longer, except as to all proceedings commenced under it within that time, and as to them shall continue in full force and effect until they are finally disposed of.

The question being taken on agreeing to the substitute, the Speaker declared that the noes seemed to have it.

Mr. BRODERICK. I ask for the yeas and nays.

The yeas and nays were ordered, 53 members voting in favor thereof.

The question was taken; and there were—yeas 113, nays 129, not voting 113; as follows:

YEAS—112.

Abbott,	Curtis, Kans.	Lester,	Smith, Ill.
Allen, Miss.	Dearmond,	Little,	Spencer,
Anderson,	Dinsmore,	Lockhart,	Stallings,
Andrews,	Dockery,	Maguire,	Steele,
Baker, Kans.	Dolliver,	Marsh,	Stokes,
Bartlett, Ga.	Doolittle,	McCleary, Minn.	Stone, W. A.
Bell, Colo.	Dovener,	McClure,	Strait,
Bell, Tex.	Downing,	McCreary, Ky.	Strode, Nebr.
Black, Ga.	Eddy,	McDearmon,	Strowd, N. C.
Blue,	Ellis,	McRae,	Sulloway,
Bowers,	Faris,	Meiklejohn,	Tawney,
Broderick,	Gamble,	Mercer,	Terry,
Buck,	Gardner,	Meyer,	Towne,
Burrell,	Graff,	Miller, Kans.	Tracewell,
Calderhead,	Hager,	Miller, W. Va.	Tracey,
Cannon,	Hainer, Nebr.	Milnes,	Treloar,
Catchings,	Hall,	Ogden,	Turner, Ga.
Clardy,	Hartman,	Otey,	Tyler,
Clarke, Ala.	Hepburn,	Owens,	Underwood,
Cockrell,	Hermann,	Patterson,	Updegraff,
Colson,	Hilborn,	Pendleton,	Walker, Va.
Cooper, Fla.	Hitt,	Pickler,	Watson, Ind.
Cooper, Tex.	Hubbard,	Pitney,	Wheeler,
Cooper, Wis.	Jones,	Richardson,	Williams,
Cousins,	Kem,	Russell, Ga.	Wilson, Idaho
Cox,	Kendall,	Sayers,	Wilson, Ohio
Crowley,	Kyle,	Shafroth,	Wood,
Crowther,	Latimer,	Shuford,	Yoakum.

NAYS—129.

Adams,	Brewster,	Connolly,	Erdman,
Apsley,	Bromwell,	Cook, Wis.	Evans,
Arnold, Pa.	Brown,	Corliss,	Fairchild,
Arnold, R. I.	Bull,	Culberson,	Fenton,
Atwood,	Burton, Mo.	Cummings,	Fischer,
Baker, N. H.	Burton, Ohio	Curtis, Iowa	Fitzgerald,
Barham,	Chickering,	Curtis, N. Y.	Fowler,
Barney,	Clark, Iowa	Daniels,	Gibson,
Bartholdt,	Clark, Mo.	Dayton,	Gillet, N. Y.
Bartlett, N. Y.	Cobb,	De Witt,	Gillett, Mass.
Bingham,	Codding,	Dingley,	Griffin,
Bishop,	Coffin,	Elliott, S. C.	Griswold,
Grosvenor,	Kulp,	Odell,	Southard,
Halterman,	Leisenring,	Otjen,	Spalding,
Hardy,	Leonard,	Overstreet,	Sperry,
Hemenway,	Lewis,	Parker,	Stahle,
Harris,	Linney,	Payne,	Stewart, N. J.
Hart,	Long,	Perkins,	Stewart, Wis.
Henderson,	Low,	Phillips,	Strong,
Henry, Conn.	Mahon,	Poole,	Taft,
Hicks,	McCall, Mass.	Powers,	Talbert,
Hill,	McCall, Tenn.	Pugh,	Tate,
Hooker,	McClellan,	Quigg,	Tayler,
Howe,	McCormick,	Ray,	Van Horn,
Howell,	McCulloch,	Reyburn,	Van Voorhis,
Hulick,	McEwan,	Rusk,	Walsh,
Hunter,	McLachlan,	Russell, Conn.	Warner,
Jenkins	Miles,	Sauerhering,	Watson, Ohio
Johnson, Cal.	Minor, Wis.	Scranton,	Wellington,
Joy,	Moody,	Shannon,	Wright.
Kerr,	Morse,	Sherman,	
Kirkpatrick,	Noonan,	Snover,	
Knox,	Northway,	Sorg,	

NOT VOTING—113.

Acheson,	Foote,	Leighty,	Settle,
Aitken,	Foss,	Linton,	Shaw,
Aldrich, Ala.	Goodwyn,	Livingston,	Simpkins,
Aldrich, Ill.	Grout,	Lorimer,	Skinner,
Allen, Utah	Grow,	Loud,	Smith, Mich.
Avery,	Hadley,	Loudenslager,	Southwick,
Babcock,	Hanly,	Maddox,	Sparkman,
Bailey,	Harrison,	Mahany,	Stephenson,
Baker, Md.	Hatch,	McKenney,	Stone, C. W.
Bankhead,	Heatwole,	McLaurin,	Sulzer,
Barrett,	Heiner, Pa.	McMillin,	Swanson,
Beach,	Hemenway,	Meredith,	Thomas,
Belknap,	Hendrick,	Milliken,	Tucker,
Bennett,	Henry, Ind.	Miner, N. Y.	Turner, Va.
Berry,	Hopkins,	Mondell,	Wadsworth,
Black, N. Y.	Howard,	Money,	Walker, Mass.
Boutelle,	Huff,	Moses,	Wanger,
Brosius,	Huling,	Mozley,	Washington,
Brumm,	Hull,	Murphy,	White,
Cooke, Ill.	Hurley,	Neill,	Wilber,
Cowen,	Hutcheson,	Newlands,	Willis,
Crisp,	Hyde,	Pearson,	Wilson, N. Y.
Crump,	Johnson, Ind.	Price,	Wilson, S. C.
Dalzell,	Johnson, N. Dak.	Prince,	Woodard,
Danford,	Kiefer,	Raney,	Woodman,
Denny,	Lacey,	Reeves,	Woomer.
Draper,	Lawson,	Robertson, La.	
Ellett, Va.	Layton,	Robinson, Pa.	
Fletcher,	Lefever,	Royse,	

So the substitute was rejected.

Mr. ROBERTSON of Louisiana. Mr. Speaker, I find that I am paired with the gentleman from Indiana, Mr. HEMENWAY, and I withdraw my vote.

Mr. TUCKER. I am paired with the gentleman from Massachusetts, Mr. DRAPER. If he were present, I would vote "yea."

The following-named members were announced as pairs until further notice:

Mr. DALZELL with Mr. CRISP.
Mr. BOUTELLE with Mr. MCMILLIN.
Mr. PRINCE with Mr. BAILEY.
Mr. HEMENWAY with Mr. ROBERTSON of Louisiana.
Mr. RANEY with Mr. COWEN.
Mr. LACEY with Mr. HUTCHESON.
Mr. STEPHENSON with Mr. MONEY.
Mr. GROUT with Mr. NEILL.
Mr. REEVES with Mr. CATCHINGS.
Mr. BEACH with Mr. HARRISON.
Mr. HULL with Mr. MOSES.
Mr. DRAPER with Mr. TUCKER.
Mr. WANGER with Mr. SWANSON.
Mr. HADLEY with Mr. PRICE.
Mr. JOHNSON of North Dakota with Mr. LAWSON.
Mr. MOZLEY with Mr. MCLAURIN.
Mr. ALDRICH of Alabama with Mr. MCKENNEY.
Mr. HUFF with Mr. MINER of New York.
Mr. BELKNAP with Mr. LIVINGSTON.
Mr. SMITH of Michigan with Mr. BERRY.

The following for this day:

Mr. HOPKINS with Mr. LAYTON.
Mr. BROSIUS with Mr. ELLETT of Virginia.
Mr. SIMPKINS with Mr. MEREDITH.
Mr. LOUDENSLAGER with Mr. SULZER.
Mr. SPARKMAN with Mr. HENRY of Indiana.

The following on this question:

Mr. MILLIKEN with Mr. BANKHEAD.
Mr. WALKER of Massachusetts with Mr. WILSON of South Carolina.
Mr. ROYCE with Mr. TURNER of Virginia.
Mr. BAKER of Maryland with Mr. SHAW.
Mr. BARRETT with Mr. MADDOX.
Mr. MAHANY with Mr. HENDRICK.

Mr. HEATWOLE with Mr. WASHINGTON.
Mr. WOODARD with Mr. ALLEN of Utah.

Mr. CRISP. Mr. Speaker, I voted, but I withdraw my vote, being paired with the gentleman from Pennsylvania, Mr. DALZELL.

McCulloch,	Pearson,	Stallings,	Terry,
McDearmon,	Pickler,	Steele,	Tracey,
McRae,	Pitney,	Stokes,	Turner, Ga.
Miller, Kans.	Richardson,	Stone, W. A.	Underwood,
Minor, Wis.	Russell, Ga.	Strait,	Walker, Va.
Newlands,	Sayers,	Strong,	Wheeler,
Ogden,	Shafroth,	Strowd, N. C.	Williams,

Mr. MAGUIRE. Now, Mr. Speaker, I offer the following substitute.

The Clerk read as follows:

Resolved, That there be reprinted the usual number of Senate Executive Document No. 51, Fiftieth Congress, first session, being the majority and minority reports of the Committee on Foreign Relations, upon the Bering Sea controversy, and that there be printed 5,000 copies for the use of the Senate and 10,000 copies for the use of the House of Representatives.

Mr. MAGUIRE. I move the previous question on the substitute.

The previous question was ordered.

The question was taken on the substitute; and there were—ayes 113, nays 129, not voting 113; as follows:

AYES—113.

Abbott,	Curtis, Kans.	Lester,	Smith, Ill.
Allen, Miss.	Dearmond,	Little,	Spencer,
Anderson,	Dinsmore,	Lockhart,	Stallings,
Andrews,	Dockery,	Maguire,	Steele,
Baker, Kans.	Dolliver,	Marsh,	Stokes,
Bartlett, Ga.	Doolittle,	McCleary, Minn.	Stone, W. A.
Bell, Colo.	Dovener,	McClure,	Strait,
Bell, Tex.	Downing,	McCreary, Ky.	Strode, Nebr.
Black, Ga.	Eddy,	McDearmon,	Strowd, N. C.
Blue,	Ellis,	McRae,	Sulloway,
Bowers,	Faris,	Meiklejohn,	Tawney,
Broderick,	Gamble,	Mercer,	Terry,
Buck,	Gardner,	Meyer,	Towne,
Burrell,	Graff,	Miller, Kans.	Tracewell,
Calderhead,	Hager,	Miller, W. Va.	Tracey,
Cannon,	Hainer, Nebr.	Milnes,	Treloar,
Catchings,	Hall,	Ogden,	Turner, Ga.
Clardy,	Hartman,	Otey,	Tyler,
Clarke, Ala.	Hepburn,	Owens,	Underwood,
Cockrell,	Hermann,	Patterson,	Updegraff,
Colson,	Hilborn,	Pendleton,	Walker, Va.
Cooper, Fla.	Hitt,	Pickler,	Watson, Ind.
Cooper, Tex.	Hubbard,	Pitney,	Wheeler,
Cooper, Wis.	Jones,	Richardson,	Williams,
Cousins,	Kem,	Russell, Ga.	Wilson, Idaho
Cox,	Kendall,	Sayers,	Wilson, Ohio
Crowley,	Kyle,	Shafroth,	Wood,
Crowther,	Latimer,	Shuford,	Yoakum.

NAYS—129.

Adams,	Brewster,	Connolly,	Erdman,
Apsley,	Bromwell,	Cook, Wis.	Evans,
Arnold, Pa.	Brown,	Corliss,	Fairchild,
Arnold, R. I.	Bull,	Culberson,	Fenton,
Atwood,	Burton, Mo.	Cummings,	Fischer,
Baker, N. H.	Burton, Ohio	Curtis, Iowa	Fitzgerald,
Barham,	Chickering,	Curtis, N. Y.	Fowler,
Barney,	Clark, Iowa	Daniels,	Gibson,
Bartholdt,	Clark, Mo.	Dayton,	Gillet, N. Y.
Bartlett, N. Y.	Cobb,	De Witt,	Gillett, Mass.
Bingham,	Codding,	Dingley,	Griffin,
Bishop,	Coffin,	Elliott, S. C.	Griswold,
Grosvenor,	Kulp,	Odell,	Southard,
Halterman,	Leisenring,	Otjen,	Spalding,
Hardy,	Leonard,	Overstreet,	Sperry,
Hemenway,	Lewis,	Parker,	Stahle,
Harris,	Linney,	Payne,	Stewart, N. J.
Hart,	Long,	Perkins,	Stewart, Wis.
Henderson,	Low,	Phillips,	Strong,
Henry, Conn.	Mahon,	Poole,	Taft,
Hicks,	McCall, Mass.	Powers,	Talbert,
Hill,	McCall, Tenn.	Pugh,	Tate,
Hooker,	McClellan,	Quigg,	Tayler,
Howe,	McCormick,	Ray,	Van Horn,
Howell,	McCulloch,	Reyburn,	Van Voorhis,
Hulick,	McEwan,	Rusk,	Walsh,
Hunter,	McLachlan,	Russell, Conn.	Warner,
Jenkins	Miles,	Sauerhering,	Watson, Ohio
Johnson, Cal.	Minor, Wis.	Scranton,	Wellington,
Joy,	Moody,	Shannon,	Wright.
Kerr,	Morse,	Sherman,	
Kirkpatrick,	Noonan,	Snover,	
Knox,	Northway,	Sorg,	

NOT VOTING—113.

Acheson,	Foote,	Leighty,	Settle,
Aitken,	Foss,	Linton,	Shaw,
Aldrich, Ala.	Goodwyn,	Livingston,	Simpkins,
Aldrich, Ill.	Grout,	Lorimer,	Skinner,
Allen, Utah	Grow,	Loud,	Smith, Mich.
Avery,	Hadley,	Loudenslager,	Southwick,
Babcock,	Hanly,	Maddox,	Sparkman,
Bailey,	Harrison,	Mahany,	Stephenson,
Baker, Md.	Hatch,	McKenney,	Stone, C. W.
Bankhead,	Heatwole,	McLaurin,	Sulzer,
Barrett,	Heiner, Pa.	McMillin,	Swanson,
Beach,	Hemenway,	Meredith,	Thomas,
Belknap,	Hendrick,	Milliken,	Tucker,
Bennett,	Henry, Ind.	Miner, N. Y.	Turner, Va.
Berry,	Hopkins,	Mondell,	Wadsworth,
Black, N. Y.	Howard,	Money,	Walker, Mass.
Boutelle,	Huff,	Moses,	Wanger,
Brosius,	Huling,	Mozley,	Washington,
Brumm,	Hull,	Murphy,	White,
Cooke, Ill.	Hurley,	Neill,	Wilber,
Cowen,	Hutcheson,	Newlands,	Willis,
Crisp,	Hyde,	Pearson,	Wilson, N. Y.
Crump,	Johnson, Ind.	Price,	Wilson, S. C.
Dalzell,	Johnson, N. Dak.	Prince,	Woodard,
Danford,	Kiefer,	Raney,	Woodman,
Denny,	Lacey,	Reeves,	Woomer.
Draper,	Lawson,	Robertson, La.	
Ellett, Va.	Layton,	Robinson, Pa.	
Fletcher,	Lefever,	Royse,	

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Mr. GROUT with Mr. NEILL.
Mr. REEVES with Mr. CATCHINGS.
Mr. BEACH with Mr. HARRISON.
Mr. HULL with Mr. MOSES.
Mr. DRAPER with Mr. TUCKER.
Mr. WANGER with Mr. SWANSON.
Mr. HADLEY with Mr. PRICE.
Mr. JOHNSON of North Dakota with Mr. LAWSON.
Mr. MOZLEY with Mr. MCLAURIN.
Mr. ALDRICH of Alabama with Mr. MCKENNEY.
Mr. HUFF with Mr. MINER of New York.
Mr. BELKNAP with Mr. LIVINGSTON.
Mr. SMITH of Michigan with Mr. BERRY.

The following for this day:

Mr. HOPKINS with Mr. LAYTON.
Mr. BROSIUS with Mr. ELLETT of Virginia.
Mr. SIMPKINS with Mr. MEREDITH.
Mr. LOUDENSLAGER with Mr. SULZER.
Mr. SPARKMAN with Mr. HENRY of Indiana.

The following on this question:

Mr. MILLIKEN with Mr. BANKHEAD.
Mr. WALKER of Massachusetts with Mr. WILSON of South Carolina.
Mr. ROYCE with Mr. TURNER of Virginia.
Mr. BAKER of Maryland with Mr. SHAW.
Mr. BARRETT with Mr. MADDOX.
Mr. MAHANY with Mr. HENDRICK.

The following-named members were announced as pairs until further notice:

Mr. DALZELL with Mr. CRISP.
Mr. BOUTELLE with Mr. MCMILLIN.
Mr. PRINCE with Mr. BAILEY.
Mr. HEMENWAY with Mr. ROBERTSON of Louisiana.
Mr. RANEY with Mr. COWEN.
Mr. LACEY with Mr. HUTCHESON.
Mr. STEPHENSON with Mr. MONEY.
Mr. GROUT with Mr. NEILL.
Mr. REEVES with Mr. CATCHINGS.
Mr. BEACH with Mr. HARRISON.
Mr. HULL with Mr. MOSES.
Mr. DRAPER with Mr. TUCKER.
Mr. WANGER with Mr. SWANSON.
Mr. HADLEY with Mr. PRICE.
Mr. JOHNSON of North Dakota with Mr. LAWSON.
Mr. MOZLEY with Mr. MCLAURIN.
Mr. ALDRICH of Alabama with Mr. MCKENNEY.
Mr. HUFF with Mr. MINER of New York.
Mr. BELKNAP with Mr. LIVINGSTON.
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The following for this day:

Mr. HOPKINS with Mr. LAYTON.
Mr. BROSIUS with Mr. ELLETT of Virginia.
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Mr. LOUDENSLAGER with Mr. SULZER.
Mr. SPARKMAN with Mr. HENRY of Indiana.

The following on this question:

Mr. MILLIKEN with Mr. BANKHEAD.
Mr. WALKER of Massachusetts with Mr. WILSON of South Carolina.
Mr. ROYCE with Mr. TURNER of Virginia.
Mr. BAKER of Maryland with Mr. SHAW.
Mr. BARRETT with Mr. MADDOX.
Mr. MAHANY with Mr. HENDRICK.

Mr. TUCKER. I am paired with the gentleman from Massachusetts, Mr. DRAPER. If he were present, I would vote "yea."

Mr. ROBERTSON of Louisiana. Mr. Speaker, I find that I am paired with the gentleman from Indiana, Mr. HEMENWAY, and I withdraw my vote.

Mr. CRISP. Mr. Speaker, I voted, but I withdraw my vote, being paired with the gentleman from Pennsylvania, Mr. DALZELL.

Mr. MAGUIRE. Now, Mr. Speaker, I offer the following substitute.

The Clerk read as follows:

Resolved, That there be reprinted the usual number of Senate Executive Document No. 51, Fiftieth Congress, first session, being the majority and minority reports of the Committee on Foreign Relations, upon the Bering Sea controversy, and that there be printed 5,000 copies for the use of the Senate and 10,000 copies for the use of the House of Representatives.

Mr. MAGUIRE. I move the previous question on the substitute.

The previous question was ordered.

The question was taken on the substitute; and there were—ayes 113, nays 129, not voting 113; as follows:

public forest reservations, reported the same with amendment, accompanied by a report (No. 1593); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. EVANS, from the Committee on Ways and Means, to which

Mr. HEATWOLE with Mr. WASHINGTON.

Mr. WOODARD with Mr. ALLEN of Utah.

Mr. CRISP. Mr. Speaker, I voted, but I withdraw my vote, being paired with the gentleman from Pennsylvania, Mr. DALZELL.

Mr. BAILEY. Mr. Speaker, I am paired with the gentleman from Illinois, Mr. PRINCE, and I therefore withdraw my vote.

Mr. HENDRICK. Mr. Speaker, I am paired with the gentleman from New York, Mr. MAHANY, and I withdraw my vote.

Mr. McMILLIN. Mr. Speaker, I voted in the affirmative, but as I am paired with the gentleman from Maine, Mr. BOUTELLE, I withdraw my vote.

Mr. FAIRCHILD. Mr. Speaker, my name was read as paired with my colleague from New York, Mr. HURLEY. That pair was made under the arrangement that I should have the right to vote on all amendments, and I wish to have that statement appear in the RECORD. I wish to state further that at the time this pair was made with my colleague I expected to vote against the bill, but because of the amendments which have been made to it I now intend to vote for it. My colleague is also in favor of the bill, and would so vote, if he were present.

The result of the vote was announced as above stated.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. WILLIAM A. STONE. I move to recommit the pending bill to the Committee on the Judiciary, with instructions to report the same back to the House so amended that the provisions for involuntary bankruptcy, if any, shall apply to none but cases of actual fraud.

The question being taken on the motion of Mr. WILLIAM A. STONE, there were—ayes 88, noes 116.

Mr. WILLIAM A. STONE. I call for the yeas and nays.

Many MEMBERS. Oh, no.

The yeas and nays were not ordered, only 37 voting in favor thereof.

So the motion of Mr. WILLIAM A. STONE was rejected.

The SPEAKER. The question is now on the passage of the bill.

Mr. BAILEY. On that I call for the yeas and nays.

Mr. HENDERSON. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 157, nays 80, not voting 117, as follows:

YEAS—157.

Abbott,	Curtis, Kans.	Hyde,	Poole,
Adams,	Curtis, N. Y.	Jenkins,	Powers,
Andrews,	Daniels,	Johnson, Cal.	Pugh,
Apsley,	Dayton,	Joy,	Quigg,
Arnold, Pa.	Dingley,	Kendall,	Ray,
Arnold, R. I.	Doolittle,	Kerr,	Reyburn,
Atwood,	Dovener,	Knox,	Rusk,
Baker, N. H.	Eddy,	Kulp,	Russell, Conn.
Barham,	Elliott, S. C.	Leisenring,	Sauerhering,
Barney,	Ellis,	Leonard,	Scranton,
Bartholdt,	Erdman,	Lewis,	Shannon,
Bartlett, Ga.	Evans,	Lockhart,	Sherman,
Bartlett, N. Y.	Fairchild,	Long,	Snover,
Bell, Tex.	Fenton,	Loud,	Sorg,
Bingham,	Fischer,	Low,	Southard,
Bishop,	Fitzgerald,	Mahon,	Spalding,
Brewster,	Fowler,	McCall, Mass.	Sperry,
Bromwell,	Gibson,	McCleary, Minn.	Stahle,
Brown,	Gillet, N. Y.	McClellan,	Stewart, N. J.
Buck,	Gillett, Mass.	McCormick,	Stewart, Wis.
Bull,	Griffin,	McEwan,	Strode, Nebr.
Burton, Mo.	Griswold,	McLachlan,	Taft,
Burton, Ohio	Grosvenor,	Melklejohn,	Tawney,
Catchings,	Hainer, Nebr.	Mercer,	Tayler,
Chickering,	Hall,	Meyer,	Towne,
Clark, Iowa	Halterman,	Miles,	Tracewell,
Clarke, Ala.	Harmer,	Miller, W. Va.	Tyler,
Cobb,	Harris,	Milnes,	Updegraff,
Cockrell,	Hart,	Moody,	Van Horn,
Codding,	Henderson,	Morse,	Van Voorhis,
Coffin,	Henry, Conn.	Noonan,	Walsh,
Connolly,	Hicks,	Northway,	Warner,
Cooper, Tex.	Hill,	Odell,	Watson, Ind.
Corliss,	Hitt,	Otjen,	Watson, Ohio
Crisp,	Hooker,	Overstreet,	Wellington,
Crowley,	Howe,	Parker,	Wilson, Ohio
Crowther,	Howell,	Payne,	Wright.
Culberson,	Hubbard,	Pendleton,	
Cummings,	Hulick,	Perkins,	
Curtis, Iowa	Hunter,	Phillips,	

NAYS—80.

Allen, Miss.	Clark, Mo.	Downing,	Kirkpatrick,
Anderson,	Colson,	Faris,	Kyle,
Baker, Kans.	Cooper, Fla.	Gamble,	Latimer,
Bell, Colo.	Cooper, Wis.	Gardner,	Lester,
Black, Ga.	Cousins,	Graff,	Linney,
Blue,	Cox,	Hager,	Little,
Broderick,	De Armond,	Hardy,	Maguire,
Burrell,	De Witt,	Hepburn,	Marsh,
Calderhead,	Dinsmore,	Hilborn,	McCall, Tenn.
Cannon,	Dockery,	Jones,	McClure,
Clardy,	Dolliver,	Kem,	McCreary, Ky.
McCulloch,	Pearson,	Stallings,	Terry,
McDearmon,	Pickler,	Steele,	Tracey,
McRae,	Pitney,	Stokes,	Turner, Ga.
Miller, Kans.	Richardson,	Stone, W. A.	Underwood,
Minor, Wis.	Russell, Ga.	Strait,	Walker, Va.
Newlands,	Sayers,	Strong,	Wheeler,
Ogden,	Shafroth,	Strowd, N. C.	Williams,
Owens,	Shuford,	Talbert,	Wilson, Idaho
Patterson,	Smith, Ill.	Tate,	Wood.

NOT VOTING—117.

Acheson,	Foote,	Leighty,	Skinner,
Aitken,	Foss,	Linton,	Smith, Mich.
Aldrich, Ala.	Goodwyn,	Livingston,	Southwick,
Aldrich, Ill.	Grout,	Lorimer,	Sparkman,
Allen, Utah.	Grow,	Loudenslager,	Spencer,
Avery,	Hadley,	Maddox,	Stephenson,
Babcock,	Hanly,	Mahany,	Stone, C. W.
Bailey,	Harrison,	McKenney,	Sulloway,
Baker, Md.	Hartman,	McLaurin,	Sulzer,
Bankhead,	Hatch,	McMillin,	Swanson,
Barrett,	Heatwole,	Meredith,	Thomas,
Beach,	Heiner, Pa.	Milliken,	Treloar,
Belknap,	Hemenway,	Miner, N. Y.	Tucker,
Bennett,	Hendrick,	Mondell,	Turner, Va.
Berry,	Henry, Ind.	Money,	Wadsworth,
Black, N. Y.	Hermann,	Moses,	Walker, Mass.
Boutelle,	Hopkins,	Mozley,	Wanger,
Bowers,	Howard,	Murphy,	Washington,
Brosius,	Huff,	Neill,	White,
Brumm,	Huling,	Otey,	Wilber,
Cook, Wis.	Hull,	Price,	Willis,
Cooke, Ill.	Hurley,	Prince,	Wilson, N. Y.
Cowen,	Hutcheson,	Raney,	Wilson, S. C.
Crump,	Johnson, Ind.	Reeves,	Woodard,
Dalzell,	Johnson, N. Dak.	Robertson, La.	Woodman,
Danford,	Kiefer,	Robinson, Pa.	Woomer,
Denny,	Lacey,	Royse,	Yoakum.
Draper,	Lawson,	Settle,	
Ellett, Va.	Layton,	Shaw,	
Fletcher,	Lefever,	Simpkins,	

So the bill was passed.

The following additional pairs were announced:

On this question:

Mr. HERMANN with Mr. YOAKUM.

Mr. HURLEY with Mr. TRELOAR.

Mr. WILSON of New York with Mr. OTEY.

Mr. McMILLIN. I have voted in the negative on this question; but I wish to withdraw my vote, as I am paired with the gentleman from Maine, Mr. BOUTELLE.

Mr. BRODERICK. The gentleman from Utah, Mr. ALLEN, who is absent, requested me to state that if he were here he would vote against this bill.

Mr. WILLIAM A. STONE. My colleague, Mr. HUFF, desired to be excused from attendance this afternoon.

The result of the vote was announced as above stated. [Applause.]

On motion of Mr. HENDERSON, a motion to reconsider the last vote was laid on the table.

ELECTION CONTEST—THORP VS. M'KENNEY.

Mr. WALKER of Virginia. I rise to a privileged question, and call up the report of the Committee on Elections No. 3 on the case of Thorp *vs.* McKenney, from the Fourth district of Virginia.

The resolutions reported by the committee were read, as follows:

Resolved, That W. R. McKenney was not elected a Representative to the Fifty-fourth Congress from the Fourth district of Virginia, and is not entitled to his seat.

Resolved, That R. T. Thorp was duly elected as a Representative from the Fourth Congressional district of Virginia to the Fifty-fourth Congress, and is entitled to the seat.

Mr. WALKER of Virginia. I presume it is not necessary to have the report read.

Mr. BAILEY. Is it intended to dispose of this matter now?

Mr. WALKER of Virginia. Oh, yes; there is no opposition.

Mr. McCALL of Massachusetts. The report of the committee is unanimous.

The SPEAKER. If no one asks to have the report read the Chair will put the question on agreeing to the resolutions.

The resolutions were adopted.

Mr. R. T. Thorp presented himself and was duly qualified by taking the oath prescribed by law.

PRINTING PACIFIC RAILROAD REPORTS.

Mr. PAYNE. I call up the motion to reconsider that I entered a day or two ago with reference to a resolution providing for the printing of the reports of the Committee on Pacific Railroads in the Fiftieth Congress. The gentleman from California agrees to this.

Mr. MAGUIRE. Yes. There was some question as to the scope of the resolution; and I am willing that the matter shall be reconsidered by the House and a different form of resolution adopted.

The SPEAKER. Without objection, the motion by which the resolution was adopted will be reconsidered.

There was no objection.

Mr. MAGUIRE. Now, Mr. Speaker, I offer the following substitute.

The Clerk read as follows:

Resolved, That there be reprinted the usual number of Senate Executive Document No. 51, Fiftieth Congress, first session, being the majority and minority reports of the Pacific Railway Commission, and the message of the President of the United States transmitting the same to Congress, but not including the testimony accompanying said report.

Mr. ARNOLD of Pennsylvania. I object.

The SPEAKER. The question is on agreeing to the substitute for the original resolution.

The substitute was agreed to.

The resolution as amended was agreed to.

RECONSIDERATION.

Mr. KNOX. Mr. Speaker, I desire to enter a motion to reconsider the vote by which the House refused the engrossment and third reading of House bill No. 3826 on yesterday.

Mr. DINGLEY. This is simply a motion entered to reconsider, without any action now?

Mr. KNOX. That is all.

The SPEAKER. The motion to reconsider will be entered.

ORDER OF BUSINESS.

Mr. CRISP. Mr. Speaker, I call for the regular order.

The SPEAKER. The Chair will lay before the House the following House bill with Senate amendments.

The Clerk read the title of the bill, as follows:

A bill (H. R. 7395) to authorize the Secretary of the Treasury of the United States to reconvey to the former owners a certain tract of land in Valverde County, Tex.

The Clerk proceeded to read the bill.

Mr. CRISP. Mr. Speaker, I have called for the regular order. That can not be the regular order.

The SPEAKER. The Chair thinks the regular order is the consideration of House bills with Senate amendments.

Mr. DINGLEY. Mr. Speaker, I move that the House do now adjourn.

Mr. CRISP. Certainly, if the Chair holds that they come immediately after the reading of the Journal——

The SPEAKER. Unless a special order intervenes. But when the special order is executed, then this business is in order.

But the gentleman from Maine moves that the House do now adjourn.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 2936) to authorize the construction of a bridge across the Niagara River, in the town of Lewiston, in the county of Niagara, State of New York—to the Committee on Interstate and Foreign Commerce.

A bill (S. 1860) for the relief of John M. Guyton, late postmaster at Blacksburg, S. C.—to the Committee on Claims.

A bill (S. 1288) for the relief of John Stull—to the Committee on Military Affairs.

A bill (S. 65) for the relief of J. E. Gillingwaters—to the Committee on Military Affairs.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 3853) granting a pension to Arminda Stucker, of Gallatin, Mo.; when the Speaker signed the same.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was granted as follows:

To Mr. STEELE, for one week, on account of business.

To Mr. WATSON of Indiana, for ten days, on account of important business.

To Mr. OVERSTREET, for ten days, on account of important business.

To Mr. MADDOX, indefinitely, on account of sickness.

The motion of Mr. DINGLEY was then agreed to; and accordingly (at 5 o'clock and 17 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. McRAE, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 119) to protect public forest reservations, reported the same with amendment, accompanied by a report (No. 1593); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. EVANS, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 8582) to allow the bottling of distilled spirits in bond, reported the same with amendment, accompanied by a report (No. 1595); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PARKER, from the Committee on Military Affairs: The bill (H. R. 6763) to remove the charge of desertion from the military record of Horace J. Rowell. (Report No. 1592.)

By Mr. TRACEY, from the Committee on Military Affairs: The bill (H. R. 5811) to correct the service record of James Marley. (Report No. 1594.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WARNER: A bill (H. R. 8621) donating a condemned cannon to Franklin Post, No. 256, Department of Illinois, Grand Army of the Republic, of Monticello, Ill.—to the Committee on Naval Affairs.

By Mr. MILLER of Kansas: A bill (H. R. 8647) for the relief of the Kickapoo tribe of Indians in Oklahoma Territory—to the Committee on Indian Affairs.

By Mr. BAKER of New Hampshire: A bill (H. R. 8648) to incorporate the Mutual Assessment Company of the District of Columbia—to the Committee on the District of Columbia.

By Mr. KULP: A bill (H. R. 8649) donating four condemned cannon and four pyramids of condemned cannon balls to Henry Wilson Post, No. 229, Grand Army of the Republic, of Milton, Pa.—to the Committee on Naval Affairs.

By Mr. OTJEN: A bill (H. R. 8650) providing for a naval training station on Lake Michigan, at the city of Milwaukee, in the State of Wisconsin—to the Committee on Naval Affairs.

By Mr. McCLEARY of Minnesota: A bill (H. R. 8651) donating a condemned cannon and some shells to Stoddard Post, No. 34, Grand Army of the Republic, Department of Minnesota, of Worthington, Minn.—to the Committee on Military Affairs.

By Mr. JONES: A bill (H. R. 8652) giving to any State or city having a claim for expenses incurred in the defense of the United States the right to have the same adjudicated by the Court of Claims—to the Committee on the Judiciary.

By Mr. SPARKMAN: A bill (H. R. 8665) to furnish the reports of the United States circuit courts of appeals to the various district and circuit courts, and circuit courts of appeals of the United States—to the Committee on the Judiciary.

By Mr. HYDE: A joint resolution (H. Res. 179) declaring that a state of public war exists in the Island of Cuba—to the Committee on Foreign Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 4026) to remove the charge of dismissal standing against William H. Harlin, and the same was referred to the Committee on Naval Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BANKHEAD: A bill (H. R. 8653) for the relief of the estate of William G. Cochrane, deceased, late of Tuscaloosa County, Ala.—to the Committee on War Claims.

By Mr. CURTIS of Kansas: A bill (H. R. 8654) granting an increase of pension to George C. James—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8655) to pension Mrs. John W. Holt—to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 8656) to increase the pension of Harriet B. Kitching—to the Committee on Invalid Pensions.

By Mr. HOOKER: A bill (H. R. 8657) granting a pension to Ellen Springer, widow of Horatio S. Springer—to the Committee on Invalid Pensions.

By Mr. HULICK: A bill (H. R. 8658) to remove charge of desertion from military record of Julius Shelley—to the Committee on Military Affairs.

Also, a bill (H. R. 8659) to remove the charge of desertion from military record of Levi Wright—to the Committee on Military Affairs.

Also, a bill (H. R. 8660) granting an increase of pension to Edward Crawford—to the Committee on Invalid Pensions.

By Mr. MILES: A bill (H. R. 8661) to restore Charles C. Kleckner, of Maryland, to the position of passed assistant engineer in the United States Navy—to the Committee on Military Affairs.

By Mr. RUSK: A bill (H. R. 8662) to remove the charge of desertion from record of Jacob Hahn—to the Committee on Naval Affairs.

By Mr. SHERMAN (by request): A bill (H. R. 8663) for the relief of Willis Pinner, of the District of Columbia—to the Committee on Claims.

By Mr. WALKER of Virginia: A bill (H. R. 8664) for the relief of Leander J. Keller—to the Committee on War Claims.

By Mr. BARTLETT of New York: A bill (H. R. 8666) granting an honorable discharge to Newell Graham, of the United States bark *Houghton* and the United States ship *Cactus*—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL of Colorado: Petition and remonstrance of Crested Butte Council, No. 58; also of Cripple Creek Council, No. 27; also of Durango Council, No. 57; also of Victor Council, No. 51; also of Grand Junction Council, No. 15; also of numerous citizens of Victor, all of the State of Colorado, against the statue of Père Marquette remaining in Statuary Hall—to the Committee on the Library.

Also, petition of J. C. Huntington, of Pueblo, Colo., in favor of the passage of House bill No. 4566, relating to second-class mail matter, and bill No. 838, to reduce letter postage—to the Committee on the Post-Office and Post-Roads.

Also, petition of P. Byrnes, publisher, of Pueblo, Colo.; also of James Flannigen, protesting against the passage of bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Colorado, favoring the passage of joint resolution No. 11, and remonstrating against appropriations for sectarian purposes—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Colorado, praying for arbitration in international disputes—to the Committee on Foreign Affairs.

Also, petition of J. R. Reinold and others, of Colorado, favoring a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Lafayette Council, No. 45, American Protective Association, for the restriction of immigration and to regulate naturalization, etc.—to the Committee on Immigration and Naturalization.

By Mr. BULL: Petition of William W. Estes and other citizens of Providence, R. I., in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Massachusetts Library Club, favoring the passage of a bill for the better publication of public documents—to the Committee on Printing.

By Mr. CANNON: Petition of citizens of Mayview, Ill., favoring the enactment of the Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. CURTIS of Kansas: Petition of Journeymen Stone Cutters' Association of North America, Cottonwood Falls, Kans., asking for the passage of a bill to prohibit the use of convict labor in the construction of buildings erected by the Government—to the Committee on Ways and Means.

By Mr. FENTON: Petition of Robert Leach and other ex-soldiers of West Union, Ohio, asking for the amendment of the act of June 27, 1890, placing on a pensionable footing honorably discharged soldiers who served less than ninety days—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: Petition of Collins Council, No. 17; also of Patquioque Council, No. 9, Order United American Mechanics, in behalf of the Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HILBORN: Letter of Edwin A. Sherman, Joseph Stewart, and W. C. Burnett, committee of arrangements of the Associated Veterans of the Mexican War of Oakland, Cal., addressed to the Speaker and members of the House of Representatives, inviting them to the fiftieth anniversary of the taking possession of California and raising the American flag at Monterey on July 7, 1846, which celebration will be at Monterey on July 7, 1896; also favoring the passage of Senate bill No. 1609—to the Committee on the Library.

By Mr, HULICK: Petition of H. C. Dean, M. J. Flannery, M. A. Paxson, and 20 other citizens of Jamestown, Ohio, protesting against military education in public schools—to the Committee on Education.

By Mr. KENDALL: Petition and papers relating to the claim of A. C. Stokeley, for a pension—to the Committee on Invalid Pensions.

By Mr. LINNEY: Petition of the heirs of Edward Beckham, deceased, late of Alexander County, N. C., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. LIVINGSTON: Petition of the heirs of Frederick Reed, deceased, late of Clayton County, Ga., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MERCER: Petition of citizens of Omaha, Nebr., for the passage of House bills Nos. 4566 and 838, amending the postal laws; also praying for legislation authorizing the Post-Office Department to prohibit the use of the mails in advertising frauds on the business public—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Commercial Club of St. Joseph, Mo.; also resolutions of a Democratic State convention which assembled in the Funke Opera House, Lincoln, Nebr., April 22, 1896, in favor of the transmississippi exposition at Omaha, Nebr.—to the Committee on Ways and Means.

By Mr. MEREDITH: Petition of the heirs of S. K. Proctor, deceased, of Fauquier County, Va., praying for the reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the heirs of Sallie Prim, of Fauquier County, Va., praying for the reference of her war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MORSE: Petition of the American Anti-Saloon League, praying for the passage of the bill (H. R. 1888) for the further restriction of the sale of alcoholic liquor in the District of Columbia—to the Committee on the District of Columbia.

By Mr. RUSK: Additional evidence in the matter of the claim of Elvira Hahn, relating to removing the mark of desertion from the record of Jacob Hahn, of the United States Navy—to the Committee on Naval Affairs.

By Mr. SOUTHARD: Petition of F. W. Camper and others, of the State of Ohio, praying for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. TAWNEY: Protest of several hundred Polish-American citizens of the First Congressional district of Minnesota; also resolutions adopted by a mass meeting of Polish-American citizens of Winona, Minn., against the passage of a bill introduced by Hon. G. L. JOHNSON, designed to restrict Polish immigration—to the Committee on Immigration and Naturalization.

By Mr. TOWNE: Petition of citizens of Duluth, Sandstone, and Central Duluth, Minn., praying for the prohibition of the manufacture of intoxicating liquors within the District of Columbia—to the Committee on the District of Columbia.

By Mr. WILLIAMS: Petition of Rev. H. Patton and others, against the appropriation of public moneys for sectarian undertakings and for a constitutional amendment against making appropriations for ecclesiastical purposes—to the Committee on the Judiciary.

SENATE.

MONDAY, *May 4, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on motion of Mr. MITCHELL of Wisconsin, and by unanimous consent, the further reading was dispensed with.

JAMES DUKE.

Mr. MITCHELL of Wisconsin. I ask unanimous consent to call up the bill (H. R. 572) for the relief of James Duke. It is a House bill, with a favorable report from the Committee on Naval Affairs.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the naval record of James Duke, who enlisted in the United States Navy February 21, 1862, and served as a first-class fireman on board the *Baron de Kalb* and *Maria Denning* up to July 6, 1863, by removing the charge of desertion from the record and granting him an honorable discharge.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MUSCOGEE, OKLAHOMA AND WESTERN RAILROAD.

Mr. JONES of Arkansas. I ask unanimous consent to call up the bill (S. 1741) to authorize the Muscogee, Oklahoma and Western Railroad Company to construct and operate a line of railway through Oklahoma and Indian Territory, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Territories with amendments.

The first amendment was, in section 2, page 3, line 2, before the word "hundred," to strike out "two" and insert "one," and in line 7, before the word "feet," to strike out "one hundred" and insert "fifty"; so as to read:

That said corporation is authorized to take and use for all purposes of a railway, telegraph, and telephone line, and for no other purpose, a right of way 100 feet in width through said allotted lands and through said Indian Territory, both for its main line and branches thereof, and to take and use a strip of land 100 feet in width, with a length of 2,000 feet in addition to the right of way, for stations for every 10 miles of said railroad, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding 50 feet in width, along said right of way, or as much thereof as may be included in said cuts or fills.

The amendment was agreed to.

The next amendment was, in section 4, page 6, line 7, before the word "company," to strike out the words "or said."

The amendment was agreed to.

The next amendment was, in section 5, page 6, line 24, before the word "dollars," to strike out "five hundred" and insert "seven hundred and fifty"; so as to read:

That said railroad company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said railway may be located, the sum of $75, in addition to compensation provided in this act, for property taken and damages done to individual occupants by reason of the construction of the railway, for each mile of railway that it may construct in the Indian Territory, said payments to be made in installments of $750 as each 10 miles of road is graded.

The amendment was agreed to.

The next amendment was to add at the end of section 8 the following proviso:

Provided further, That this act shall not be so construed as to give or grant said company any right, title, or interest in or to the wagon-road approaches to the nearest public highways which it is authorized to construct from the ends of the bridge, or to charge or collect toll fees for traveling over said wagon-road approaches.

The amendment was agreed to.

Mr. CALL. I ask the Senator from Arkansas if the bill contains the usual clause reserving the right of Congress to repeal, alter, or amend?

Mr. JONES of Arkansas. It is in the usual form. The last section of the bill provides "that Congress may at any time amend, add to, alter, or repeal this act."

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE NAVAL OBSERVATORY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of April 17, 1896, a list of the number of astronomical observers engaged in making observations with the principal instruments of the Naval Observatory, the object of the work being done with each instrument, etc., and also the total annual expense of administering the Naval Observatory, including the pay of naval officers on duty there, etc.; which was referred to the Committee on Appropriations, and ordered to be printed.

ANNUAL REPORT OF THE COMMISSIONER OF PATENTS.

The VICE-PRESIDENT presented the annual report of the Commissioner of Patents for the year ended December 31, 1895; which was referred to the Committee on Patents, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the board of managers of the Florida Society of the Sons of the Revolution, praying for the publication of the official records of the Continental Congress; which was referred to the Committee on the Library.

He also presented a petition of the Southern and Southwestern Railway Club of Atlanta, Ga., praying for the enactment of legislation providing for investigations and tests of American timber; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Credit Men's Association of New Orleans, La., praying for the passage of the so-called Torrey bankruptcy bill as amended; which was ordered to lie on the table.

Mr. SHERMAN presented a petition of the Board of Trade of Canton, Ohio, praying for the enactment of legislation advancing the rate of postage on second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented a petition of the Massachusetts Library Club, of Cambridge, Mass., praying for the enactment of legislation providing for the better publication of the public documents of the United States; which was referred to the Committee on Printing.

Mr. TELLER presented a memorial of sundry citizens of Ward, Colo., and a memorial of sundry citizens of Colorado, remonstrating against placing the statue of Père Marquette in Statuary Hall; which were ordered to lie on the table.

He also presented petitions of the Trades and Labor Assembly of Denver, Colo.; of the Reed, Rattan, and Willow Workers' Union of St. Louis, Mo.; of Lumbermen's Union, No. 6555, of Iron River, Wis.; of Union No. 8, United Brotherhood of Carpenters and Joiners of America, of Philadelphia, Pa., and of Boot and Shoe Workers' Union, No. 10, of Marlboro, Mass., praying for the free coinage of silver; which were ordered to lie on the table.

Mr. PROCTOR presented the petition of P. H. Peck and sundry other post-office clerks of Rutland, Vt., praying for the passage of House bill No. 3273, providing for the classification of post-office clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CAFFERY presented a petition of the Credit Men's Association of New Orleans, La., praying for the passage of the so-called Torrey bankruptcy bill as amended; which was ordered to lie on the table.

Mr. COCKRELL presented a memorial of the Evans-Gallagher Drug Company, of Kansas City, Mo., and a memorial of the Donnell Manufacturing Company, of St. Louis, Mo., relative to a rebate on alcohol; which were referred to the Committee on Finance.

He also presented a petition of the Commercial Club of Kansas City, Mo., praying for the enactment of legislation providing 1-cent letter postage for each half ounce, and also to correct abuses in connection with second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's American Protective Association, of Kansas City, Mo., heartily commending the action of the House of Representatives in adopting the amendment to the Indian appropriation bill striking out appropriations of public funds for sectarian purposes; which was referred to the Committee on Appropriations.

He also presented a petition of the St. Louis (Mo.) Furniture Board of Trade, and a petition of the Simmons Hardware Company, of St. Louis, Mo., praying for the passage of the so-called Torrey bankruptcy bill; which were referred to the Committee on the Judiciary.

Mr. HARRIS presented a petition of the Home Mission Board of the Southern Baptist Convention of Atlanta, Ga., praying for the release of Rev. A. J. Diaz; which was ordered to lie on the table.

He also presented a petition of the Merchants' Exchange, of Memphis, Tenn., praying for the enactment of legislation securing unrestricted interchange of traffic between common carriers, in order to promote trade in the free distribution of commodities; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Baptist Church of Milan, Tenn., praying the Government to sustain the Rev. A. J. Diaz in his work as a missionary in the Island of Cuba; which was referred to the Committee on Foreign Relations.

Mr. ALLEN presented the memorial of F. E. Dwight, James Smalley, and O. B. Benge, of Niobrara, Nebr., relative to the bill (S. 2749) to establish the official survey of fractional townships 31 and 32 north, of ranges 6, 7, and 8 west, of the sixth principal meridian, in the State of Nebraska, north and west of the Niobrara River, and quieting the title of settlers thereon, and for other purposes; which was referred to the Committee on Indian Affairs.

Mr. BROWN presented a memorial of the Chamber of Commerce of Salt Lake City, Utah, remonstrating against the passage of the bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Salt Lake City, Utah, praying for the establishment of an assay office at that city; which was referred to the Committee on Mines and Mining.

Mr. QUAY presented a petition of Kensington Lodge, No. 217, International Association of Machinists, of Philadelphia, Pa., and a petition of Central Labor Union of Scranton, Pa., praying for the Government ownership of telegraph lines; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BATE presented a petition of the Baptist Church of Milan, Tenn., praying that the Government of the United States sustain Rev. A. J. Diaz in his work as a missionary in the Island of Cuba; which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented sundry papers to accompany the

bill (S. 2518) removing the charge of desertion from the name of Myrick R. Burgess; which were referred to the Committee on Military Affairs.

JOHN TAYLOR WOOD.

Mr. DANIEL. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 2746) to remove the political disabilities of John Taylor Wood, to report it with an amendment. I ask unanimous consent that the bill may be put upon its passage. I can not conceive that there can be any objection to it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on the Judiciary was, in line 7, to strike out the words "of Washington, D. C."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

REPORTS OF COMMITTEES.

Mr. MITCHELL of Oregon, from the Committee on the Judiciary, to whom was referred the bill (S. 715) for the relief of B. F. Dowell, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6739) for the relief of John N. Quackenbush, late a commander in the United States Navy, reported it without amendment, and submitted a report thereon.

Mr. WILSON, from the Committee on Public Lands, to whom was referred the bill (H. R. 8221) for the relief of Mrs. Emma D. Larsh and Charles M. Larsh, reported it without amendment, and submitted a report thereon.

Mr. McBRIDE, from the Committee on Public Lands, to whom was referred the bill (S. 3006) to provide for the examination and classification of certain lands in the State of Oregon, reported it without amendment.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 337) to refer the claim of the owners of the brig *Tally-Ho* to the Court of Claims, reported it without amendment, and submitted a report thereon.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 1659) to amend the laws of the District of Columbia as to married women, to make parents the natural guardians of their minor children, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. TELLER, from the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (S. 2118) to protect public forest reservations, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2232) to vacate Sugar Loaf reservoir site in Colorado and to restore the lands contained in the same to entry, reported it with amendments.

Mr. TELLER. I am directed by the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (H. R. 3018) to amend the act approved March 3, 1891, granting the right of way upon the public lands for reservoir and canal purposes, to report it without amendment. As this is a bill that I think there will be no controversy over, I ask that it may be put on its passage.

Mr. VEST. Will the Senator allow us to get through with the morning business?

Mr. TELLER. Very well. I will call the bill up after the morning business is concluded.

Mr. VEST, from the Committee on Commerce, to whom was referred the joint resolution (H. Res. 137) declaring a certain bridge across the Tallahatchie River, in Tallahatchie County, State of Mississippi, a lawful structure, reported it with amendments.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 3018) for the relief of Benjamin F. Smoot, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

Mr. HILL. I am directed by the Committee on the Judiciary, to whom were referred the bill (S. 2794) concerning the trial and punishment of contempts in the United States courts herein mentioned, and the bill (S. 2040) giving power to impose oaths and punish contempts and resistance to United States officers, to report them adversely, the subject-matter having been previously reported in another bill. I move that the bills be postponed indefinitely.

The motion was agreed to.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (H. R. 515) granting a pension to William Grose, reported it without amendment, and submitted a report thereon.

Mr. SQUIRE, from the Committee on Coast Defenses, reported an amendment, providing for fortifications and other seacoast defenses, intended to be proposed to the fortifications appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

SETTLERS ON INDEMNITY LANDS.

Mr. CARTER. By direction of the Committee on Public Lands I move that the Senate disagree to the amendment of the House to the bill (S. 2221) for the relief of settlers on the Northern Pacific Railroad indemnity lands, and ask for a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. CARTER, Mr. DUBOIS, and Mr. BERRY were appointed.

BILLS INTRODUCED.

Mr. CAFFERY (by request) introduced a bill (S. 3032) for the relief of William H. Wilder, testamentary executor of the succession of Myra Clark Gaines, deceased, late of the parish of Orleans, in the State of Louisiana; which was read twice by its title, and referred to the Committee on the Judiciary.

He also (by request) introduced a bill (S. 3033) for the relief of William H. Wilder, testamentary executor of the succession of Myra Clark Gaines, deceased, late of the parish of Orleans, in the State of Louisiana; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. GEAR introduced a bill (S. 3034) restoring the pension of Martha E. Miller; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3035) granting pension to Mrs. Elizabeth Gnash; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3036) granting pension to Elijah Herring; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McBRIDE introduced a bill (S. 3037) granting an increase of pension to James A. Ray; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 3038) granting a pension to Mrs. C. E. Whiton Stone; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3039) granting a pension to Edward C. Spofford; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 3040) to protect commerce, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DAVIS introduced a bill (S. 3041) granting a pension to Mary J. Hill; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ROACH introduced a bill (S. 3042) granting a pension to Surg. B. H. Peterson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BROWN introduced a bill (S. 3043) to establish an assay office and branch mint of the United States at Salt Lake City, in the State of Utah; which was read twice by its title, and referred to the Committee on Mines and Mining.

Mr. WHITE introduced a bill (S. 3044) for the relief of Charles A. Nazro; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PALMER introduced a bill (S. 3045) for the relief of William W. Jackson, of Washington, D. C.; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 3046) granting an increase of pension to Fordyce M. Keith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3047) granting to the Denver, Cripple Creek and Southwestern Railroad Company a right of way for a railroad through the South Platte and Plum Creek forest reserves, in the State of Colorado; which was read twice by its title, and referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BLACKBURN introduced a bill (S. 3048) to allow the bottling of distilled spirits in bond; which was read twice by its title, and referred to the Committee on Finance.

Mr. HANSBROUGH introduced a bill (S. 3049) to incorporate the Maritime Canal of North America, and for other purposes; which was read twice by its title.

Mr. HANSBROUGH. This is a redraft of the original bill, which the Committee on Commerce is now considering. I move that it be referred to that committee.

The motion was agreed to.

Mr. BUTLER introduced a joint resolution (S. R. 141) to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Gens. Francis Nash and William Davidson, of North Carolina; which was read twice by its title, and referred to the Committee on Revolutionary Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MITCHELL of Oregon submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Coast Defenses, and ordered to be printed.

Mr. BLACKBURN submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ELECTIONS IN ALABAMA.

On motion of Mr. CHANDLER, it was

Ordered, That 2,000 copies of Report No. 447, parts 1 and 2, of the present session, be printed for the use of the Committee on Privileges and Elections.

MEMORIAL OF NATIONAL WOOL GROWERS' ASSOCIATION.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate 1,000 additional copies of Document No. 17, Fifty-fourth Congress, first session, being the memorial of the National Wool Growers' Association and others, with accompanying papers.

EMPLOYMENT OF STENOGRAPHER.

Mr. PROCTOR submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed to report the hearing before the Committee on Agriculture and Forestry, February 19, 1896, upon the memorial of the National Live Stock Exchange in relation to restrictions by foreign governments upon American live stock and meat food products, and the hearing before the same committee, March 4, 1896, on the proposed creation of the office of director in chief of the scientific bureaus of the Department of Agriculture, be paid from the contingent fund of the Senate.

REGULATION OF MARRIAGES IN THE DISTRICT OF COLUMBIA.

Mr. FAULKNER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1904) to regulate marriages in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same.

CHARLES J. FAULKNER,
JAMES McMILLAN,
Managers on the part of the Senate.
GEORGE M. CURTIS,
B. B. ODELL, JR.,
S. W. COBB,
Managers on the part of the House.

The report was concurred in.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 1st instant approved and signed the act (S. 1835) to execute the findings of the Court of Claims in the matter of the claim of John J. Shipman against the United States.

The message also announced that the President of the United States had on the 4th instant approved and signed the following acts:

An act (S. 1353) to revive and reenact the act entitled "An act to authorize the building of a railroad bridge at Little Rock, Ark.," approved March 2, 1891; and

An act (S. 1176) to amend an act entitled "An act to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the State of Washington, and to establish it as a post-road.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 101, 131, 133, 134, 136, 225, 226, 227, 228, 229, 230, 231, 232, 234, 237, 238, 239, 240, 241, 242, 245, 247, 248, 249, 250, 251, 252, 253, 254, 255, 257, 259, 261, 262, 264, 265, 266, 267, 269, 272, 273, 277, 278, 279, 280, 281, and 283.

That the House recede from its disagreement to the amendments of the Senate numbered 88, 98, 132, 135, 156, 157, 158, 219, 220, 221, 222, 224, 256, 285, 286, 287, 289, 292, 300, and 302, and agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,500"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,000"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For printing, binding, and wrapping 1,000 additional copies of series 1, volumes 1, 2, 3, and 4, for supplying officers of the Navy who have not received the work, $2,400."

And the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert:

"For 10 examiners of surveys, to constitute a board of examiners of surveys, under the direction of the surveying division of the General Land Office, the members of said board to be certified by the Civil Service Commission, at $2,000 each, $20,000: *Provided*, That this amount shall be paid from the appropriation for the examination of public surveys, and that no addition to the said appropriation, nor any increase of the employees of the General Land Office, shall be caused by the creation of this board: *Provided further*, That if any of the clerks of said office be transferred or promoted to this board, a corresponding number of clerks for whom appropriation is made in this act shall be dropped and their places shall not be filled."

And the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,500"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,500"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,500"; and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,500"; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,000"; and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,000"; and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,300"; and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,300"; and the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four"; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$164,010"; and the Senate agree to the same.

Amendment numbered 155: That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In lieu of the number proposed insert "six"; and the Senate agree to the same.

Amendment numbered 159: That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Eleven and thirteen"; and the Senate agree to the same.

Amendments numbered 160 to 217: That the House recede from its disagreement to the amendments of the Senate numbered 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, and 217, and agree to the same with an amendment as follows: In lieu of the amended section insert the following:

"SEC. 7. That the United States district attorney for each of the following judicial districts of the United States shall be paid, in lieu of the salaries, fees, per centums, and other compensations now allowed by law, an annual salary, as follows: For the northern and middle districts of the State of Alabama, each $4,000; for the southern district of the State of Alabama, $3,000; for the Territory of Arizona, $4,000; for the eastern district of Arkansas, $4,000; for the western district of Arkansas, $5,000; for the northern district of California, $4,500; for the southern district of California, $3,500; for the district of Colorado, $4,000; for the district of Connecticut, $2,500; for the district of Delaware, $2,000; for the northern district of Florida, $3,500; for the southern district of Florida, $3,500; for the northern district of Georgia, $5,000; for the southern district of Georgia, $3,500; for the district of Idaho, $3,000; for the northern district of Illinois, $5,000; for the southern district of Illinois, $5,000; for the district of Indiana, $5,000; for the northern and southern districts of Iowa, each $4,500; for the district of Kansas, $4,500; for the district of Kentucky, $5,000; for the eastern district of Louisiana, $3,500; for the western district of Louisiana, $2,500; for the district of Maine, $3,000; for the district of Maryland, $4,000; for the district of Massachusetts, $5,000; for the eastern district of Michigan, $4,000; for the western district of Michigan, $3,500; for the district of Minnesota, $4,000; for the northern and southern districts

of Mississippi, each $3,500; for the eastern district of Missouri, $4,500; for the western district of Missouri, $4,500; for the district of Montana, $4,000; for the district of Nebraska, $4,000; for the district of Nevada, $3,000; for the district of New Hampshire, $2,000; for the district of New Jersey, $3,000; for the district of New Mexico, $4,000; for the northern district of New York, $4,500; for the eastern district of New York, $4,500; for the eastern district of North Carolina, $4,000; for the western district of North Carolina, $4,500; for the district of North Dakota, $4,000; for the northern and southern districts of Ohio, each $4,500; for the district of Oklahoma, $5,000; for the district of Oregon, $4,500; for the eastern district of Pennsylvania, $4,500; for the western district of Pennsylvania, $4,500; for the district of Rhode Island, $2,500; for the eastern and western divisions of the district of South Carolina, $4,500; for the district of South Dakota, $4,000; for the eastern, middle, and western districts of Tennessee, each $4,500; for the northern district of Texas; $3,500; for the eastern district of Texas, $5,000; for the western district of Texas, $4,000; for the district of Utah, $4,000; for the district of Vermont, $3,000; for the eastern district of Virginia, $4,000; for the western district of Virginia, $4,500; for the district of Washington, $4,500; for the district of West Virginia, $4,500; for the eastern district of Wisconsin, $4,000; for the western district of Wisconsin, $4,000; for the district of Wyoming, $4,000."

And the Senate agree to the same.

Amendment numbered 218: That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eight"; and the Senate agree to the same.

Amendment numbered 223: That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: In lieu of the number proposed insert "nine"; and the Senate agree to the same.

Amendment numbered 235: That the House recede from its disagreement to the amendment of the Senate numbered 235, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,500"; and the Senate agree to the same.

Amendment numbered 236: That the House recede from its disagreement to the amendment of the Senate numbered 236, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000"; and the Senate agree to the same.

Amendment numbered 243: That the House recede from its disagreement to the amendment of the Senate numbered 243, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000"; and the Senate agree to the same.

Amendment numbered 244: That the House recede from its disagreement to the amendment of the Senate numbered 244, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500"; and the Senate agree to the same.

Amendment numbered 246: That the House recede from its disagreement to the amendment of the Senate numbered 246, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,500"; and the Senate agree to the same.

Amendment numbered 256: That the House recede from its disagreement to the amendment of the Senate numbered 256, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500"; and the Senate agree to the same.

Amendment numbered 260: That the House recede from its disagreement to the amendment of the Senate numbered 260, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000"; and the Senate agree to the same.

Amendment numbered 263: That the House recede from its disagreement to the amendment of the Senate numbered 263, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000"; and the Senate agree to the same.

Amendment numbered 268: That the House recede from its disagreement to the amendment of the Senate numbered 268, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000"; and the Senate agree to the same.

Amendment numbered 270: That the House recede from its disagreement to the amendment of the Senate numbered 270, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the eastern and western divisions of the district of South Carolina, $4,500"; and the Senate agree to the same.

Amendment numbered 271: That the House recede from its disagreement to the amendment of the Senate numbered 271, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000"; and the Senate agree to the same.

Amendment numbered 274: That the House recede from its disagreement to the amendment of the Senate numbered 274, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000"; and the Senate agree to the same.

Amendment numbered 275: That the House recede from its disagreement to the amendment of the Senate numbered 275, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,500"; and the Senate agree to the same.

Amendment numbered 276: That the House recede from its disagreement to the amendment of the Senate numbered 276, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500"; and the Senate agree to the same.

Amendment numbered 282: That the House recede from its disagreement to the amendment of the Senate numbered 282, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000"; and the Senate agree to the same.

Amendment numbered 283: That the House recede from its disagreement to the amendment of the Senate numbered 283, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,500"; and the Senate agree to the same.

Amendment numbered 284: That the House recede from its disagreement to the amendment of the Senate numbered 284, and agree to the same with an amendment as follows: In lieu of the number proposed insert "ten"; and the Senate agree to the same.

Amendment numbered 290: That the House recede from its disagreement to the amendment of the Senate numbered 290, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment insert the following:

"SEC. 11. That at any time when, in the opinion of the marshal of any district, the public interest will thereby be promoted, he may appoint one or more deputy marshals for such districts, who shall be known as field deputies, and who, unless sooner removed by the district court, as now provided by law, shall hold office during the pleasure of the marshal, except as hereinafter provided, and who shall each, as his compensation, receive three-fourths of the gross fees, including mileage, as provided by law, earned by him, not to exceed $1,500 per fiscal year, or at that rate for any part of a fiscal year; and in addition shall be allowed his actual necessary expenses, not exceeding $2 a day, while endeavoring to arrest, under process, a person charged with or convicted of crime: *Provided*, That a field deputy may elect to receive actual expenses on any trip in lieu of mileage: *Provided*, That in special cases, where in his judgment justice requires, the Attorney-General may make an additional allowance, not, however, in any case to make the aggregate annual compensation of any field deputy in excess of $2,500 nor more than three-fourths of the gross fees earned by such field deputy. The marshal immediately after making any appointment or appointments under this section shall report the same to the Attorney-General, stating the facts as distinguished from conclusions constituting the reason for such appointment, and the Attorney-General may at any time cancel any such appointment as the public interest may require. The field deputies herein provided for of the districts of California, Colorado, Washington, Montana, North Dakota, South Dakota, Nevada, Oregon, Wyoming, and Idaho shall, for the services they may perform during the fiscal year 1897, receive double the fees allowed by law to like officers in other States for performing similar duties, but neither of them shall be allowed to receive of such fees any sum exceeding the aggregate compensation of such officer as provided herein."

And the Senate agree to the same.

Amendment numbered 291: That the House recede from its disagreement to the amendment of the Senate numbered 291, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twelve"; and the Senate agree to the same.

Amendment numbered 293: That the House recede from its disagreement to the amendment of the Senate numbered 293, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirteen"; and the Senate agree to the same.

Amendment numbered 294: That the House recede from its disagreement to the amendment of the Senate numbered 294, and agree to the same with an amendment as follows: In line 6 of the matter inserted by said amendment strike out the words "represent or"; and the Senate agree to the same.

Amendment numbered 295: That the House recede from its disagreement to the amendment of the Senate numbered 295, and agree to the same with an amendment as follows: In lieu of the number proposed insert "fourteen"; and the Senate agree to the same.

Amendment numbered 296: That the House recede from its disagreement to the amendment of the Senate numbered 296, and agree to the same with an amendment as follows: In lieu of the number proposed insert "fifteen"; and the Senate agree to the same.

Amendment numbered 297: That the House recede from its disagreement to the amendment of the Senate numbered 297, and agree to the same with an amendment as follows: In lieu of the number proposed insert "sixteen"; and the Senate agree to the same.

Amendment numbered 298: That the House recede from its disagreement to the amendment of the Senate numbered 298, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Sections 6 to 15, inclusive, of"; and the Senate agree to the same.

Amendment numbered 299: That the House recede from its disagreement to the amendment of the Senate numbered 299, and agree to the same with an amendment as follows: In lieu of the number proposed insert "seventeen"; and the Senate agree to the same.

Amendment numbered 301: That the House recede from its disagreement to the amendment of the Senate numbered 301, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "6 to 15, inclusive"; and the Senate agree to the same.

Amendment numbered 303: That the House recede from its disagreement to the amendment of the Senate numbered 303, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eighteen"; and the Senate agree to the same.

Amendment numbered 304: That the House recede from its disagreement to the amendment of the Senate numbered 304, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Sections 6 to 15, inclusive, of"; and the Senate agree to the same.

Amendment numbered 311: That the House recede from its disagreement to the amendment of the Senate numbered 311, and agree to the same with amendments as follows: In lieu of the matter inserted by said amendment insert the following: "6 to 23"; and on page 127 of the bill, in line 10, strike out the words "June 30" and insert in lieu thereof the words "the 1st day of July"; and the Senate agree to the same.

Amendment numbered 312: That the House recede from its disagreement to the amendment of the Senate numbered 312, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "6, 8, or 15"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 11, 12, 13, 14, 16, 19, 22, 25, 36, 37, 38, 83, 108, 109, 142, 144, 253, 305, 306, 307, 308, 309, 310, 313, and 314.

S. M. CULLOM,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.
HENRY H. BINGHAM,
JNO. E. McCALL,
ALEX. M. DOCKERY,
Managers on the part of the House.

Mr. CULLOM. This bill has been once before in conference. This is the second conference report. It will be observed that the conferees on the part of the two Houses have agreed to a number of amendments and disagreed to others. There is one item of agreement as to which the conferees on the part of the Senate have, since agreeing, come to the conclusion that is not correct. I therefore ask the Senate that the conference report be disagreed to, so that we may correct that item and make a further report, perhaps during the day.

I should take time now to explain the items to which we have heretofore agreed; but as the conference report will probably come back directly, I shall not do so at present, but simply ask that the report may be disagreed to, so that the item to which I refer may be corrected.

The VICE-PRESIDENT. Without objection, it will be so ordered.

Mr. CULLOM. I now ask that the Senate insist upon its amendments and agree to a further conference.

The VICE-PRESIDENT. Without objection, it will be so ordered.

By unanimous consent, the Vice-President was authorized to

appoint the conferees on the part of the Senate at the further conference, and Mr. CULLOM, Mr. TELLER, and Mr. COCKRELL were appointed.

CORPORATE INFLUENCE IN POLITICAL AFFAIRS.

Mr. ALLEN. I ask the unanimous consent of the Senate to take up the bill (S. 581) for the relief of the legal representatives of Hiram Somerville, a small bill that will not lead to debate.

Mr. CALL. I hope the Senator from Nebraska will postpone the request for a little while. I have had a resolution lying upon the table for a long while, and which I have unanimous consent to call up at any time for consideration.

The VICE-PRESIDENT. There is objection to the request of the Senator from Nebraska. Will the Senator from Florida indicate the resolution to which he refers?

Mr. CALL. It is a resolution relating to the influence of corporations on elections in Florida and providing for the appointment of a select committee.

The VICE-PRESIDENT. The resolution indicated by the Senator from Florida has gone to the Calendar, the Chair is advised.

Mr. CALL. It was by unanimous consent laid on the table, and the privilege was given to me to call it up at any time.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution indicated by the Senator from Florida.

The Secretary read the resolution submitted by Mr. CALL December 17, 1895, as follows:

Resolved, That a special committee of five Senators be appointed by the President of the Senate, who shall be charged with the duty of investigating the subject of organized efforts of corporations, or of the president and directors thereof, to control the election of members of Congress, or to influence the legislation of Congress; also to investigate and report to the Senate whether corrupt means, bribery, or free transportation have been or are being used to influence such elections; also to inquire and report to the Senate whether the use of such influences or means is consistent with the preservation of the Republic of the United States and the rights and liberties of the people, and to report a bill for the punishment or suppression of such practices.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. SHERMAN. Let it be read again.

Mr. FAULKNER. I understand that the first question is on taking up the resolution.

Mr. CALL. It was agreed by unanimous consent that I might call it up at any time. It has been lying on the table for some time.

Mr. FAULKNER. I do not remember any agreement of that sort. I do not think the Senate has any power——

Mr. CALL. The Senator from Tennessee [Mr. HARRIS] made the suggestion, and it was agreed to. It has been lying on the table. As it appears from the RECORD, instead of calling it up every morning it was suggested that I should have the privilege of calling it up at any time, and that was agreed to by unanimous consent.

Mr. FAULKNER. If there was a unanimous agreement that the resolution should be laid before the Senate when called for, I have nothing further to say, but I opposed the resolution, for I did not think the Senate had the power to authorize the investigation provided for.

The VICE-PRESIDENT. The reading of the resolution is again called for. The resolution will be read.

The Secretary again read the resolution.

The VICE-PRESIDENT. The Chair understands that there is an amendment pending, which will be stated.

The SECRETARY. In line 1 strike out the words "a special," before the word "committee," and after the word "committee" strike out "of five Senators be appointed by the President of the Senate, who" and insert in lieu "on Privileges and Elections"; so as to read:

Resolved, That the Committee on Privileges and Elections shall be charged with the duty of investigating, etc.

Mr. CALL. The Secretary has read the wrong resolution. I introduced a resolution subsequently which proposes a select committee of five Senators.

The VICE-PRESIDENT. Will the Senator kindly indicate the resolution to which he refers?

Mr. CALL. It is a subsequent resolution, and it is on the table.

Mr. BERRY. My recollection is that the amendment substituting the Committee on Privileges and Elections was adopted and the resolution was then passed and afterwards reconsidered with that amendment in it.

Mr. CALL. And a new resolution offered.

Mr. BERRY. I do not know anything about a new resolution, but I have stated my recollection of the matter.

Mr. CALL. There is a new resolution lying on the table, which I ask be read.

The VICE-PRESIDENT. The resolution indicated by the Senator from Florida will be read.

The Secretary read the resolution submitted by Mr. CALL December 24, 1895, as follows:

Resolved, That a select committee of five Senators be appointed by the President of the Senate, who shall be charged with the duty of investigating the subject of the efforts of corporations in the State of Florida, or of the president and directors thereof, to control the election of members of Congress from the State of Florida, or to influence the legislation of Congress; also to investigate and report to the Senate whether corrupt means, bribery, or free transportation have been or are being used to influence such elections in the State of Florida; also to inquire and report to the Senate whether the use of such influences or means is consistent with the preservation of the Republic of the United States and the rights and liberties of the people, and to report a bill for the prevention of such practices.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. SEWELL. I move that the resolution be laid on the table.

The VICE-PRESIDENT. The question is on the motion of the Senator from New Jersey, to lay the resolution upon the table.

Mr. CHANDLER. Upon that question I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH].

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "nay."

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR].

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. THURSTON]. If he were present, I should vote "nay."

Mr. TURPIE (when his name was called). I ask if the senior Senator from Minnesota [Mr. DAVIS] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. TURPIE. I withhold my vote, being paired with that Senator.

Mr. WALTHALL (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. CAMERON], which I transfer to the senior Senator from Indiana [Mr. VOORHEES]. I vote "yea."

Mr. WHITE (when his name was called). I desire to inquire whether the Senator from Idaho [Mr. SHOUP] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. WHITE. If the Senator from Idaho, with whom I am paired, were present, I should vote "nay."

The roll call was concluded.

Mr. GEAR. I am paired with the Senator from Georgia [Mr. GORDON] and withhold my vote.

Mr. CLARK. I have a general pair with the junior Senator from Maryland [Mr. GIBSON]. If he were present, I should vote "nay."

Mr. ALLISON. I am paired with the Senator from Missouri [Mr. COCKRELL]. He has not voted, and I therefore refrain from voting.

The result was announced—yeas 21, nays 29; as follows:

YEAS—21.

Baker,	Cannon,	McMillan,	Vilas,
Bate,	Daniel,	Mills,	Walthall,
Blackburn,	Faulkner,	Platt,	Wetmore.
Brown,	Gray,	Quay,	
Burrows,	Jones, Ark.	Sewell,	
Caffery,	Lodge,	Vest,	

NAYS—29.

Allen,	Frye,	McBride,	Roach,
Berry,	Gallinger,	Mitchell, Oreg.	Sherman,
Brice,	George,	Morrill,	Squire,
Butler,	Hansbrough,	Nelson,	Teller,
Call,	Harris,	Palmer,	Warren.
Chandler,	Irby,	Peffer,	
Chilton,	Kyle,	Perkins,	
Cullom,	Lindsay,	Pettigrew,	

NOT VOTING—39.

Aldrich,	Elkins,	Mantle,	Smith,
Allison,	Gear,	Martin,	Stewart,
Bacon,	Gibson,	Mitchell, Wis.	Thurston,
Blanchard,	Gordon,	Morgan,	Tillman,
Cameron,	Gorman,	Murphy,	Turpie,
Carter,	Hale,	Pasco,	Voorhees,
Clark,	Hawley,	Pritchard,	White,
Cockrell,	Hill,	Proctor,	Wilson,
Davis,	Hoar,	Pugh,	Wolcott.
Dubois,	Jones, Nev.	Shoup,	

So the Senate refused to lay the resolution on the table.

The VICE-PRESIDENT. The question recurs on agreeing to the resolution.

Mr. HARRIS. I move to refer the resolution to the Committee on Privileges and Elections.

The VICE-PRESIDENT. The question is on the motion of the Senator from Tennessee, to refer the pending resolution to the Committee on Privileges and Elections.

Mr. CALL. Mr. President, this resolution has been by a small vote once referred to the Committee on Privileges and Elections and reconsidered, and the chairman of that committee informs me that the committee do not desire to have this reference made.

Mr. GRAY. That will not do. That is for the Senate to decide.

Mr. CALL. It will occupy more time than that committee can give it, and I hope the motion will not be agreed to.

The VICE-PRESIDENT. The question is on the motion of the Senator from Tennessee.

Mr. CALL. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON]. If he were present, I should vote "yea."

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Nebraska [Mr. THURSTON]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. DUBOIS. I am paired with the senior Senator from New Jersey [Mr. SMITH].

Mr. McBRIDE. I inquire whether the Senator from Mississippi [Mr. GEORGE] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. McBRIDE. I am paired with that Senator and therefore withhold my vote. If he were present, I should vote "nay."

Mr. ALLISON. I am paired with the Senator from Missouri [Mr. COCKRELL].

Mr. WALTHALL. I desire to announce a pair between the Senator from Pennsylvania [Mr. CAMERON] and the Senator from Indiana [Mr. VOORHEES]. I ask that this announcement may apply to all the yea-and-nay votes taken during the day.

Mr. MARTIN. I am paired with the Senator from Montana [Mr. MANTLE]. If he were present, I should vote "yea."

The result was announced—yeas 35, nays 22; as follows:

YEAS—35.

Bacon,	Cannon,	Irby,	Platt,
Baker,	Daniel,	Jones, Ark.	Quay,
Bate,	Faulkner,	Lindsay,	Sewell,
Berry,	Gear,	Lodge,	Shoup,
Blackburn,	Gordon,	McMillan,	Vest,
Brice,	Gorman,	Mills,	Vilas,
Brown,	Gray,	Morgan,	Walthall,
Burrows,	Harris,	Morrill,	Wetmore.
Caffery,	Hill,	Palmer,	

NAYS—22.

Allen,	Frye,	Nelson,	Squire,
Butler,	Gallinger,	Peffer,	Teller,
Call,	Hansbrough,	Perkins,	Warren,
Chandler,	Kyle,	Pettigrew,	White.
Chilton,	Mitchell, Oreg.	Roach,	
Cullom,	Mitchell, Wis.	Sherman,	

NOT VOTING—32.

Aldrich,	Dubois,	McBride,	Smith,
Allison,	Elkins,	Mantle,	Stewart,
Blanchard,	George,	Martin,	Thurston,
Cameron,	Gibson,	Murphy,	Tillman,
Carter,	Hale,	Pasco,	Turpie,
Clark,	Hawley,	Pritchard,	Voorhees,
Cockrell,	Hoar,	Proctor,	Wilson,
Davis,	Jones, Nev.	Pugh,	Wolcott.

So the resolution was referred to the Committee on Privileges and Elections.

SENATOR FROM DELAWARE.

Mr. TURPIE. I move that the Senate take up the resolutions with respect to the title of Henry A. Du Pont, esq., to a seat in the Senate from the State of Delaware; and upon the motion I call for the yeas and nays.

Mr. MITCHELL of Oregon. Mr. President, I am a little surprised at the motion of the Senator from Indiana.

Mr. GORMAN. I raise the point of order that this question is not debatable.

The VICE-PRESIDENT. The Chair will state that the motion of the Senator from Indiana is not debatable. It can be debated only by unanimous consent.

Mr. MITCHELL of Oregon. I ask unanimous consent.

Mr. GORMAN. I object to debate.

Mr. MITCHELL of Oregon. I ask unanimous consent, as chairman of the committee having the matter in charge, to make a statement in opposition to the motion.

Mr. GORMAN. If we are to enter into a debate——

Mr. MITCHELL of Oregon. No debate. I wish to make a statement, not to exceed two minutes.

Mr. GORMAN. I withdraw my objection for that purpose.

Mr. MITCHELL of Oregon. Mr. President, I reported the resolution as chairman of the committee of which I happen to be a member. I have charge of the case. There has been no disposition on my part, as chairman of the committee, and I think no disposition on the part of any Senator on this side of the Chamber, to delay a vote on that resolution. It was my intention, as soon as the river and harbor bill could be disposed of and two or three speeches made on the proposition, to press the matter to a vote; and why it should be taken out of my hands in this way at this time, when there has been no indication, so far as I know, on this side to delay a vote, I am at a loss to understand.

I can assure the Senator from Indiana, and I can assure every Senator on that side of the Chamber, that I shall move to proceed to the consideration of the resolution, and intended to do so as soon as the river and harbor bill was out of the way. I did not wish to interfere with that bill, but so soon as that is disposed of I shall seek the first opportunity, if permitted, to call up the Du Pont case, and shall insist that we proceed with it to final disposition.

Mr. TURPIE. The honorable Senator from Oregon, I think, has made too much of an assumption. He speaks of being in charge of the resolution. I did not move to take up the resolution of the honorable Senator from Oregon or the resolution at all for present consideration. I moved to take up the resolutions upon that subject for consideration, one of which, and the first of which to be considered, is the one offered by myself in the negative, and being in charge of that resolution first to be considered, without any interference at all with the duty of the honorable Senator from Oregon, the chairman of the committee, and I may say without the slightest consultation with him, I have made this motion this morning.

Mr. MITCHELL of Oregon. Mr. President, one word in reply. The Senator understands that he does not represent the committee. He represents the minority of the committee. I represent the committee, and the resolution referred to by the Senator from Indiana is a resolution reported by the minority, which the Senator now seeks to take up in advance of the resolution reported by the committee.

If there had been any disposition to delay this matter, Mr. President—and there has not been from the first, I think, the Senator will agree—then I should have nothing to say; but in view of the statement I have made, in view of the fact that there has been no intention upon our part to delay or postpone a final vote, it does seem to me that it is rather out of the ordinary for the Senator to move to take up the minority report at this time.

Mr. TURPIE. I wish to say to the honorable Senator from Oregon that he has furnished me a useless piece of information in saying that he is the chairman of the committee. I think that is known, and that he is in charge of the resolution reported by the committee. I, or the minority of the committee here, have charge of the resolution reported by the minority, which is first to be considered. Both resolutions are questions of the highest privilege and are entitled to preference over everything else unless the Senate shall otherwise order.

In order to test the sentiment of the Senate with respect to the immediate consideration of this question, I make the motion, and call for the yeas and nays upon it.

Mr. GORMAN. Mr. President, I should like to make an inquiry of the distinguished Senator from Oregon in connection with the matter suggested by the Senator from Indiana. Will the Senator from Oregon agree that this case shall be taken up one week from to-day, immediately after the routine morning business, and voted on the next day by 4 o'clock—to-morrow week?

Mr. MITCHELL of Oregon. I will agree substantially to that. I will agree to this, that immediately on the conclusion of the river and harbor bill by the Senate——

Mr. GORMAN. No.

Mr. MITCHELL of Oregon. That may be this week.

Mr. GORMAN. Let us have a specific day. Will the Senator agree to that?

Mr. MITCHELL of Oregon. I will state that there are one or two speeches to be made on the Du Pont case when taken up, and for that reason I do not wish to interfere with the river and harbor bill.

Mr. GORMAN. This will be a week from to-day, which will give ample time for all speeches, that we proceed to the consideration of Order of Business 333——

Mr. MITCHELL of Oregon. When does the Senator suggest?

Mr. GORMAN. Immediately after the conclusion of the routine business on Monday morning next that the resolution be taken up, and that at 4 o'clock on Tuesday, to-morrow week, the final vote shall be taken.

Mr. MITCHELL of Oregon. I am perfectly willing to hasten a vote, and have been from the first to have an early vote. Senators on the other side are no more anxious for a vote than I am.

Mr. TURPIE. This is the first time the honorable Senator has intimated that wish.

Mr. GORMAN. Will it be agreeable to the honorable Senator from Indiana [Mr. TURPIE] if I make that request?

Mr. TURPIE. Yes, sir; perfectly.

Mr. GORMAN. Then I make the request that the resolution in relation to the right of Mr. Du Pont to a seat in the Senate, being Order of Business 333, shall be taken up immediately after the conclusion of the routine morning business on Monday next, and shall be voted upon and finally disposed of at 4 o'clock on the following day, Tuesday—to-morrow week.

Mr. VILAS. I suggest that the request include the resolution of which the Senator from Indiana speaks—the minority resolution.

Mr. GORMAN. As a matter of course, the whole subject.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Maryland.

Mr. PEFFER. Mr. President, I beg leave to submit to the Senate that there is already a resolution on the Calendar which is the unfinished business, and it will come up properly, before taking up anything else, until it is disposed of. I mean, we can not properly take up anything else by unanimous consent that will interfere with the proper disposition of the bond resolution.

Mr. GORMAN. I will suggest to the Senator that that does not interfere with his resolution. By unanimous consent we are to take up the resolution at 2 o'clock, and we will dispose of it, if not to-day, to-morrow.

Mr. PEFFER. I so understand.

Mr. COCKRELL. This does not interfere with it at all.

Mr. PEFFER. In case the bond resolution should not be disposed of at the time to which unanimous consent would carry the Senate, it would place the bond resolution in a precarious position.

Mr. GORMAN. It can not possibly interfere with the Senator's resolution, which comes up at 2 o'clock, and I hope will be disposed of to-day or to-morrow.

Mr. PEFFER. I am willing to take the risk of it.

Mr. FRYE. Does the Senator from Maryland understand that the bond resolution has a unanimous consent to be called up at 2 o'clock any day?

Mr. GORMAN. It has the unanimous consent of the Senate to be taken up as unfinished business at 2 o'clock, and the Senator from Kansas gave way for its consideration until after the disposition of the naval appropriation bill, with the distinct understanding that it was to be proceeded with to-day at 2 o'clock; and, as a matter of course, if the Senate desires, it can be taken up and disposed of immediately.

Mr. FRYE. Then the river and harbor bill is put back an indefinite length of time.

Mr. PEFFER. I have given way three times.

Mr. FRYE. It is exceedingly important that the river and harbor bill should be acted on.

Mr. HILL. Mr. President, I do not quite agree with the statement in its whole breadth of the Senator from Maryland. There was no understanding, as stated, that the bond resolution was to be taken up to-day at 2 o'clock. The bond resolution is the unfinished business, and comes up as a matter of course every day at 2 o'clock.

Mr. GORMAN. It does not lose its place.

Mr. HILL. Oh, no; it does not lose its place, but there is a general understanding, which the RECORD shows from time to time, that the bond resolution would not be taken up until the appropriation bills were disposed of, and the Senator from Kansas has very courteously each day so expressed himself. There is a general understanding that it shall not lose its place as unfinished business, but not be taken up to-day at 2 o'clock any more than at any other time.

Mr. FRYE. I should like to understand what that unanimous consent was, the nature of which precludes me at 2 o'clock from moving to proceed to the consideration of the river and harbor bill?

Mr. HILL. Not the slightest, I will say, if the Senator addresses me. It was well stated by the Senator from Tennessee [Mr. HARRIS] the other day, when he said unanimous consent simply made the bond resolution the unfinished business. The Senator from Maine can, if he sees proper, and the public business so requires, move to take up the river and harbor bill, which undoubtedly I suppose will be necessary because of the general understanding that the resolution is not to be brought up and lead to a political debate until after the appropriation bills are disposed of. Undoubtedly the Senator from Kansas would yield, as I suppose we all understood and expect him to yield, to this appropriation bill.

Mr. GORMAN. Now I renew my request, and I trust there will be no objection to it.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Maryland. Is there objection?

Mr. MITCHELL of Oregon. What is the request?

Mr. SHERMAN. I should like to have the Chair inform us of his own opinion as to the understanding in regard to this matter. What was the agreement?

Mr. PEFFER. It is in the RECORD.

Mr. SHERMAN. I should like to have the opinion of the Chair, and he can, if he chooses, consult the RECORD, which shows the exact status.

The VICE-PRESIDENT. The Chair will examine the RECORD, so as to state it accurately. Is there objection to the request of the Senator from Maryland?

Mr. ALLISON. I ask that it be again stated.

Mr. GORMAN. I will again state it. It is that immediately after the disposition of the routine morning business on next Monday, one week from to-day, the Du Pont case shall be taken up for consideration, and the final vote upon the resolution shall be taken at 4 o'clock on Tuesday, the next day.

Mr. MITCHELL of Oregon. I object to that, and I submit as a counter proposition this: That at the conclusion of the river and harbor bill in the Senate I shall move to proceed to the consideration of the Du Pont case, or I will ask unanimous consent now that we proceed at that time to its consideration and stick to it until it is concluded; until a final vote is taken. Otherwise we shall have the vote right now.

Mr. GORMAN. If the Senator objects, I will withdraw my request and let the vote be taken.

Mr. TURPIE. I call for the yeas and nays.

The VICE-PRESIDENT. The question is on the motion of the Senator from Indiana, to proceed to the consideration of the Du Pont case, on which the yeas and nays are demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR].

Mr. CHANDLER (when his name was called). On this question I am paired with the junior Senator from New York [Mr. MURPHY]. If he were present, I should vote "nay."

Mr. CLARK (when his name was called). On this question I am paired with the junior Senator from Maryland [Mr. GIBSON]. If he were present, I should vote "nay."

Mr. FAULKNER (when his name was called). I am paired with my colleague from West Virginia [Mr. ELKINS]. If he were present, I should vote "yea."

Mr. MARTIN (when his name was called). I am paired with the Senator from Montana [Mr. MANTLE]. If he were present, I should vote "yea."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were here, I should vote "nay."

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR]. If he were present, I should vote "yea."

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. THURSTON]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. FAULKNER. I transfer the pair I have with the Senator from West Virginia [Mr. ELKINS] to the Senator from New Jersey [Mr. SMITH], so as to enable the Senator from Idaho [Mr. DUBOIS] and myself to vote. I vote "yea."

Mr. DUBOIS. Under that arrangement I am at liberty to vote, and vote "nay."

Mr. BRICE (after having voted in the affirmative). I have a general pair with the Senator from Colorado [Mr. WOLCOTT]. I understand he has not voted and I withdraw my vote, as I am uncertain how he would vote on this question.

Mr. CHANDLER. I transfer my pair from the junior Senator from New York [Mr. MURPHY] to the senior Senator from Rhode Island [Mr. ALDRICH] and ask that my name be called.

The VICE-PRESIDENT. The name of the Senator from New Hampshire will be called.

The name of Mr. CHANDLER was called, and he voted "nay."

Mr. JONES of Arkansas (after having voted in the affirmative). I have a general pair with the Senator from Maine [Mr. HALE], and as he is not present, I withdraw my vote. I should vote "yea," if he were present.

Mr. McBRIDE. Has the Senator from Mississippi [Mr. GEORGE] voted?

The VICE-PRESIDENT. The Senator from Mississippi has voted.

Mr. McBRIDE. Then I vote "nay."

Mr. PRITCHARD. I desire to transfer my pair with the Senator from Louisiana [Mr. BLANCHARD] to the Senator from Connecticut [Mr. HAWLEY], and I vote "nay."

The result was announced—yeas 32, nays 31; as follows:

YEAS—32.

Allen,	Cockrell,	Hill,	Pasco,
Bacon,	Daniel,	Irby,	Peffer,
Bate,	Faulkner,	Kyle,	Roach,
Berry,	George,	Lindsay,	Turpie,
Blackburn,	Gordon,	Mills,	Vest,
Butler,	Gorman,	Mitchell, Wis.	Vilas,
Caffery,	Gray,	Morgan,	Walthall,
Chilton,	Harris,	Palmer,	White.

NAYS—31.

Allison,	Dubois,	Mitchell, Oreg.	Sewell,
Baker,	Frye,	Morrill,	Sherman,
Brown,	Gallinger,	Nelson,	Shoup,
Burrows,	Gear,	Perkins,	Squire,
Cannon,	Hansbrough,	Pettigrew,	Teller,
Chandler,	Lodge,	Platt,	Wetmore,
Cullom,	McBride,	Pritchard,	Wilson.
Davis,	McMillan,	Quay,	

NOT VOTING—28.

Aldrich,	Elkins,	Mantle,	Thurston,
Blanchard,	Gibson,	Martin,	Tillman,
Brice,	Hale,	Murphy,	Voorhees,
Call,	Hawley,	Proctor,	Warren,
Cameron,	Hoar,	Pugh,	Wolcott.
Carter,	Jones, Ark.	Smith,	
Clark,	Jones, Nev.	Stewart,	

So the motion was agreed to.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution, which will be read.

The Secretary read the resolution reported by Mr. MITCHELL of Oregon, from the Committee on Privileges and Elections, February 18, 1896, as follows:

Resolved, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

Mr. GEORGE. Mr. President, when I left the Chamber a few moments ago I supposed the matter of taking up the Du Pont case was about settled by agreement. However, I was informed when in the cloakroom that it had failed.

I desire to state, before going further into the matter, that the Senator from Oregon [Mr. MITCHELL], in charge of the measure so far as the committee is concerned, has been so liberal to me and, I think, to all others on this side of the Chamber with reference to the discussion of this subject that I am disposed to extend a like courtesy and a like liberality to him. Of course I desire that this case shall be disposed of at the present session of the Senate, and not be passed over; but I think it would be well and it would suit me if some arrangement could be made for the taking up of the case which would be agreeable to the Senator from Oregon and at the same time would not amount to a postponement of the final decision of the matter to the next session. That is all I desire to say.

Mr. MITCHELL of Oregon. In the seventeen years I have been in the Senate I think I have never seen such an unwarranted procedure as we have just witnessed. If there had been any disposition manifested on behalf of the majority of the committee reporting the case to postpone unreasonably a final vote, then there might have been some reason for proceeding in this summary manner upon the part of the minority of the committee. But even then it does seem to me that at least some intimation should have been given, some consultation should have been had, out of common courtesy, and because of the comity that exists between minorities and majorities and between Senators individually, for the purpose of ascertaining whether there was any disposition upon our part to bring this matter to an early conclusion. But no. With several Senators on this side of the Chamber absent and unpaired, without any intimation whatever of a desire upon the part of the minority of the committee (although it may be a majority of the Senate for anything I know; that will be determined by the final vote), a motion is made by those representing the minority of the committee to proceed to the consideration of the case.

I can look upon it in no other light than a discourtesy to the majority. Had those representing the minority of the committee come to me or to any member representing the majority of the committee, they could have been advised and would have been advised at any time within the last two weeks that so far from there being any disposition on the part of the Republicans to postpone action, we were ready and willing and anxious, so far as that is concerned, to take the matter up at some convenient and proper time, when it would not interfere with pressing appropriation bills, and bring the matter to a final vote. It has been understood on both sides of the Chamber that there were at least two further speeches to be made, one by the Senator from Illinois [Mr. PALMER], who announced on several occasions that he desires to be heard, and the other by the Senator from Connecticut [Mr. PLATT], who wishes also to submit some remarks. It was our intention, as I said before, as soon as the river and harbor bill was out of the way to move the consideration of this case, and to continue it until all speeches were concluded and then to take a vote.

There has been no other disposition, no other intention, upon this side of the Chamber, no other intimation so far as I know, and therefore it is, in view of all these circumstances, that I can not look upon the proceeding of this morning, emanating as it did from the distinguished Senator from Indiana [Mr. TURPIE], for whom I have the highest respect, except as an act of discourtesy to the majority of the committee, and toward this side of the Chamber moreover. From the fact that this is an important matter, a matter upon which every Senator, I have no doubt, whatever may be his views, would have been glad to have been present and to have submitted his vote in accordance with his convictions, I suggested this morning, when the Senator from Indiana submitted his motion, that as soon as the river and harbor bill was out of the way, I would move to proceed to the consideration of this case with the understanding that we should proceed until all the speeches were made and a final vote was reached. But that did not suit the distinguished Senator from Maryland [Mr. GORMAN], who insisted that we must fix a day, we must fix an hour, something unreasonable in view of the status of the case and all the circumstances.

Mr. GEORGE Will the Senator from Oregon allow me?

Mr. MITCHELL of Oregon. I yield to the Senator from Mississippi.

Mr. GEORGE. Of course I am not going to indulge, for I do not have any such feeling, in criticism against anybody for his action in this matter. I speak only for myself as one of the humblest members of this body, one who never assumes to have any control over the procedure of the body. However, I can not help feeling under some obligations to the Senator from Oregon for what I regard as the very unusual courtesy extended to me in the debate. I remember that after my distinguished friend, the Senator from Indiana [Mr. TURPIE], had made on this subject one of the ablest law arguments I ever listened to in this body, or anywhere else, so far as that is concerned, it was expected on my side of the Chamber that very soon thereafter I should occupy the floor on the same side of the question. I was in a condition in which I could not comply with that expectation. I went to the Senator from Oregon and told him the situation and asked him for delay. I believe he gave me all the delay I asked him for. After a while, getting the delay I did ask for from the Senator from Oregon, I was enabled to make my speech.

I wish to state now that up to this point the debate in the Senate on this very important question has been conducted in a spirit and on a plane which are very gratifying to me. We have had several elaborate speeches on both sides, and leaving out all consideration of anything I may have said, speaking alone of the remainder of the speeches, I must say that the debate has been characterized by an ability very unusual, by fairness, by deference to the wishes of others, and, I almost might say, with an absolute refraining from anything like partisan expression. So I began to hope, and it is a hope I shall not willingly surrender, that when this judicial question, a very important one, in my humble judgment, involving not only the constitution of Delaware, but the construction of the Federal Constitution, came up finally to be decided we should have the judicial judgment of this body upon those important questions.

Now, in view of all this I wish to say to my friends on this side of the Chamber that I think we ought to credit the statement of the Senator from Oregon [Mr. MITCHELL] that there is no disposition on his part or on the part of his side of the Chamber unduly to delay the decision of this question, and allow him and the other side the same liberality which was extended at least to me. I hope now that some agreement will be made. I understand the Senator from Oregon to say that he is perfectly willing to agree that the case shall be taken up on the final disposition of the river and harbor bill, and that is the next appropriation bill to be taken up by the Senate, leaving several others unfinished; and I hope my friends on this side of the Chamber will agree to that suggestion, so that this case may in its ending, as it has been heretofore, be characterized by liberality upon both sides, by putting the great question involved in the report of the committee upon that high plane of nonpartisanship which I think ought to characterize the proceedings of the Senate upon a question of this sort.

Mr. ALLISON. I wish to appeal to the Senator from Oregon and to the other Senators having the Du Pont matter in charge to allow the regular appropriation bills to proceed in their order and be passed before taking up the election case.

Mr. GRAY. No, no.

Mr. ALLISON. I understand it is the wish on both sides of the Chamber that the Du Pont case shall be disposed of during the present session. If that can be the understanding, I hope a time will be fixed for its consideration after the appropriation bills—three of which are still in committee—shall have been considered in the Senate. I hope, also, that when the time is fixed for the consideration of the Du Pont case, at the same time an hour and a day will be fixed for a vote, because if it is the intention of both sides of the Chamber to have a vote on the case, it can be arranged

for at the same moment, giving ample time for all of those who wish to speak on the subject to do so.

I hope, therefore, that the Senator from Oregon will suggest the postponement of the consideration of this case until the appropriation bills have passed the Senate.

Mr. GEORGE. All of them?

Mr. ALLISON. All of them. It will then take two weeks, probably, to dispose of the appropriation bills in conference. I observe the intimation of the Senator from Mississippi that if all of the appropriation bills are disposed of it will also dispose of the Du Pont case at this session. But I understand it is the wish and purpose on both sides that the Du Pont case shall be voted on at the present session. Therefore any agreement that is made upon the subject can involve that understanding also.

Mr. GEORGE. Will the Senator from Iowa allow me for a moment?

Mr. ALLISON. Certainly.

Mr. GEORGE. There is no bill among the appropriation bills, unless it be the deficiency bill, which can have any operation before the 1st day of July, the beginning of the next fiscal year, and therefore I hope my distinguished friend, the Senator from Iowa, will not insist on disposing of all of the appropriation bills first, because there is really no necessity for disposing of everything before the 1st day of July. The suggestion is made by my distinguished and liberal friend, the Senator from Oregon—I am bound to say that—that when we get through with the river and harbor bill, and that to be the next bill, we shall proceed to dispose of the Du Pont case. I ask as a personal favor, to enable me to repay in part a debt which I owe to the Senator from Oregon for his courtesy to me in this matter, that no member on this side of the Chamber will object to that proposition.

Mr. MITCHELL of Oregon. I appreciate very much what the Senator from Mississippi [Mr. GEORGE] has just said, and thank him for his consideration. I still hope that my friend, the chairman of the Committee on Appropriations, will consent that my original proposition may stand.

Mr. COCKRELL. What is the original proposition—the one that the Senator agreed to and he then backed out of and substituted another for?

Mr. MITCHELL of Oregon. The one I agreed to?

Mr. COCKRELL. Yes, sir.

Mr. MITCHELL of Oregon. I beg pardon. The Senator from Missouri wholly misunderstood me if he thought for a moment that I agreed to any proposition except the one to take up the Du Pont case at the conclusion of the river and harbor bill and then proceed with it to a finish.

Mr. COCKRELL. I understood the Senator distinctly to say, and I think every other Senator on this side of the Chamber so understood him, that he would gladly accept that proposition.

Mr. GRAY. We so understood it.

Mr. COCKRELL. Every Senator on this side understood that.

Mr. MITCHELL of Oregon. We were trying to come to an agreement. The distinct proposition I made was that we should take up this case at the conclusion of the river and harbor bill. There will then be still three or four appropriation bills to pass, and there will be no danger of breaking a quorum if Senators are afraid of that. We will all be here; we will all have notice and all have a chance to vote. I therefore suggest again, so far as I am concerned (I am only one Senator and one member of the committee), that I will be willing to take this case up immediately after the river and harbor bill is disposed of, and I am also willing to fix a time for voting at a certain time beyond that.

Mr. CHANDLER. The peculiarity of the present situation, about which it is not best to get excited, is that the motion of the Senator from Indiana [Mr. TURPIE] came upon this side of the Chamber with two Republican Senators absent and unpaired. When the Senate adjourned on Saturday it was with the expectation that the river and harbor bill would be taken up and proceeded with to-day. The motion of the Senator from Indiana was one entirely unexpected on this side of the Chamber, and if there is any such thing as Senatorial courtesy operating between the two sides of the Chamber the resolution ought not to be proceeded with at the present time.

I find no fault with the minority of the committee for raising the question whether or not this case is to be disposed of by vote before the Senate adjourns. I have never myself had any expectation that it would not be so voted upon. For some reason or other the idea seems to have prevailed on the other side of the Chamber that there was to be no vote upon this case. I see by the newspapers that they resolved in caucus that there should be a vote before the Senate adjourns. The only answer that I have made to a suggestion of that kind was that there was no intention on this side of the Chamber to avoid a vote before the end of the session. There never has been certainly so far as I am concerned.

Mr. President, while the minority, if they had that feeling of distrust of the majority, had a perfect right to make the motion to proceed to the consideration of this case, it was fairly required of them that they should give us notice that they intended to take a test vote upon the question. The test motion was made without the least idea on this side of the Chamber that it was to be made, without any expectation that there would be any division of the Senate upon a partisan question or any question approaching partisanship until after the appropriation bills were disposed of, certainly not until after the river and harbor bill was disposed of. Therefore, I recognize the suggestion of the Senator from Mississippi [Mr. GEORGE] as entirely in accord with the general spirit that pervades in this Chamber. I do not mean to say by any means that the Senator from Indiana intended to precipitate this question prematurely or unfairly. He had a right to make the motion. It did not occur to him perhaps that we ought to have had the notice, either public or private, which I think should be given at all times and under all circumstances when a vote of this kind is to be brought up.

Mr. GORMAN. I regret that the Senator from Oregon took exception to the proceedings here this morning. I do not think on reflection that he will have the slightest right to complain. The resolution was first reported by the distinguished Senator from Oregon on the 18th day of February, and he gave notice to the Senate that he should press the resolution to a speedy conclusion. However, delays did occur and the matter has dragged along, having been discussed from time to time.

On the 15th day of April, after the matter had been considered and debated for quite a length of time, as the appropriation bills were pressing, I took the liberty to suggest to the chairman of the committee, the distinguished Senator from Oregon, that he then agree to a time when the case could be disposed of, and I suggested a week or ten days. But then as now the Senator from Oregon objected. The Senator from Maine [Mr. HALE] suggested that the naval appropriation bill was about ready for consideration and the matter went over until that bill was disposed of. The general understanding from the tenor of remarks, although the Senator then as now refused to fix any time positively, was that when the naval appropriation bill was out of the way the matter was to come up and be disposed of. I had that impression, but there was no agreement. So this morning when the distinguished Senator from Indiana moved to take up the resolution, the naval appropriation bill having passed this body and no appropriation bill pressing except the one from the Committee on Commerce, I suggested again to the Senator as a matter of fairness that we fix one week from Tuesday, that we take up the matter and discuss it on Monday of next week, and on Tuesday until 4 o'clock, so that notice could be had by everyone that at that time we would have a vote upon the resolution, which is the great privileged question before the body.

Now comes my distinguished friend from Iowa, and he presses all the appropriation bills before we shall have an agreement in this case. Mr. President, that is perfectly well understood. It is a way by which you can postpone a matter for all time, for when we pass the appropriation bills nothing upon the face of the earth will hold Congress here.

Mr. ALLISON. Will the Senator from Maryland allow me to interrupt him?

Mr. GORMAN. Certainly.

Mr. ALLISON. I coupled with that proposition the suggestion that there should be a final vote upon this question before the adjournment of Congress at the present session.

Mr. GORMAN. I understand the Senator from Iowa; but we all know it will be almost impossible to hold Congress here after the appropriation bills are out of the way.

Coming back, now, to the main proposition, for I do not want anything but an opportunity to vote on the question with a full Senate, will the Senator from Oregon agree that this case shall be taken up immediately after the passage of the river and harbor bill; that two days shall be devoted to its discussion, and that on the second day after the passage of the river and harbor bill, at 4 o'clock, the final vote shall be taken upon this question?

Mr. MITCHELL of Oregon. Will the Senator make it the third day and fix an hour?

Mr. GORMAN. Yes; I will make it the third day.

Mr. MITCHELL of Oregon. At 4 o'clock; not later than 4?

Mr. GORMAN. Certainly, I will.

Mr. MITCHELL of Oregon. At 4 o'clock, so that there may be two full days' debate, and on the third day at 4 o'clock, not later than 4, the vote shall be taken.

Mr. ALLISON. I wish to make a suggestion as respects the hour fixed for a vote. Unless the Senators know it is the desire of Senators to speak upon the question, I hope three days will not be occupied in its consideration.

Mr. GRAY. It need not be.

Mr. MITCHELL of Oregon. I do not think it need be. I know of only two Senators who desire to speak.

Mr. GORMAN. Then let us make it the second day, giving one day's full debate.

Mr. MITCHELL of Oregon. That is, giving two full days, and voting at 3 or 4 o'clock on the third day.

Mr. GRAY. That will be understood.

Mr. CHANDLER. I should like to say, if the Senator will allow me, that we know of only one or two speeches to be made on each side.

Mr. GORMAN. I think not more.

Mr. CHANDLER. It is known that the Senator from Illinois [Mr. PALMER] desires to speak. He gave notice of that desire. It is known that the Senator from Connecticut [Mr. PLATT] desires to speak. I do not think there will be any considerable debate upon the question.

Mr. GRAY. Will the Senator from Maryland allow me?

Mr. GORMAN. Certainly.

Mr. GRAY. I understand that under an agreement of such a kind the matter is to be taken up immediately upon the conclusion of the river and harbor bill, and that then, upon the third day thereafter, at a certain hour, a vote is to be taken——

Mr. MITCHELL of Oregon. Not later than 4 o'clock.

Mr. GRAY. I understand that such an agreement does not compel the whole time to be occupied with this case, if no one is ready to speak on it or cares to speak.

Mr. MITCHELL of Oregon. Certainly not.

Mr. GRAY. But two days ought to be given, so that Senators may have notice that at a certain hour the vote is to be taken.

Mr. MITCHELL of Oregon. Yes; so that Senators can be here.

Mr. ALLISON. It can be just as well understood that the hour for the vote shall be at 5 o'clock on the second day as at 5 o'clock on the third day.

Mr. GORMAN. Certainly.

Mr. ALLISON. I understand it to be the consensus of both sides of the Chamber that we are to have a vote upon the Du Pont case.

Mr. MITCHELL of Oregon. Make it 5 o'clock on the second day.

Mr. GORMAN. Very well; I suggest 5 o'clock on the second day.

Mr. MITCHELL of Oregon. All right.

Mr. GRAY. Let us understand what the "second day" means. If the matter is taken up at the conclusion of the river and harbor bill on Monday, for instance, does that mean that Tuesday or Wednesday will be the second day?

Mr. CULLOM. Tuesday.

Mr. GRAY. But is it the second day?

Mr. MITCHELL of Oregon. What does the Senator say?

Mr. GRAY. I say Tuesday; but let us have no misunderstanding about it.

Mr. GORMAN. What I mean is that when the river and harbor bill shall have been disposed of, immediately thereafter we shall proceed to the consideration of the resolution and debate it that day and the next day until 5 o'clock.

Mr. MITCHELL of Oregon. Suppose, however, that the river and harbor bill is concluded at 5 o'clock in the evening and then this resolution is taken up?

Mr. GRAY. We can adjourn immediately, if we choose.

Mr. GORMAN. Yes; we can adjourn.

Mr. ALLISON. It is my experience, as respects appropriation bills, that they are always finished about the last thing in the evening. I am perfectly willing for one that two full days of debate shall be given to the Du Pont case.

Mr. GORMAN. If anyone wants to debate it.

Mr. ALLISON. Therefore I suggest that at the conclusion of the river and harbor bill it be understood that the next day——

Mr. GORMAN. Very good.

Mr. ALLISON. Immediately after the routine business the Du Pont case shall be taken up.

Mr. MITCHELL of Oregon. That is better.

Mr. ALLISON. And when it is taken up, that on the second day at 5 o'clock or sooner we shall take the final vote.

Mr. GORMAN. That is perfectly agreeable.

Mr. CULLOM. Suppose nobody wants to speak?

Mr. ALLISON. We can then go right on and vote.

Mr. CULLOM. I make the suggestion simply because Senators who desire to vote may understand that at any time after the resolution is taken up debate may cease and we will come to a vote.

Mr. MITCHELL of Oregon. They must be here.

Mr. BLACKBURN. Very well. Leave it that way.

Mr. GORMAN. I then make that request of the Senate.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maryland?

Mr. CHANDLER. Let it be stated.

The VICE-PRESIDENT. The Senator from Maryland will restate his request.

Mr. GORMAN. It is, that upon the passage of the river and harbor appropriation bill, the next morning, immediately after the routine business, the resolution proposing to seat Mr. Du Pont shall be taken up and continued under consideration, and that the vote shall be taken not later than 5 o'clock on the second day.

The VICE-PRESIDENT. Is there objection?

Mr. GRAY. I would suggest that the unanimous request be modified so as to read that the vote be taken at 5 o'clock on the second day, that everyone may be advised of the precise hour he should be here to vote.

Mr. MITCHELL of Oregon. Yes; Senators may have other business.

Mr. GORMAN. Very well; at 5 o'clock on the second day.

Mr. PEFFER rose.

Mr. GORMAN. This is not to interfere with the bond resolution, of course.

Mr. PEFFER. I am perfectly willing to give my consent with the understanding that this unanimous-consent proceeding shall not in any wise interfere with the bond resolution.

Mr. GORMAN. Certainly not.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maryland? The Chair hears none, and it is so ordered.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. FRYE. I move that the Senate proceed to the consideration of House bill No. 7977, being the river and harbor appropriation bill.

Mr. PEFFER. Before the vote is taken on the motion, I suggest to the Senator from Maine that when the hour of 2 o'clock arrives I shall insist upon proceeding with the regular order, the unfinished business.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; which had been reported from the Committee on Commerce with amendments.

Mr. FRYE. I ask unanimous consent that the formal reading of the bill be dispensed with, and that as it is read the committee amendments shall be acted upon.

The VICE-PRESIDENT. Is there objection? The Chair hears none. The reading of the bill will proceed.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Commerce was, in section 1, on page 2, line 15, after the word "April," to insert "seventeenth"; so as to make the clause read:

Improving Portland Harbor, Me., according to the report of the Chief of Engineers dated April 17, 1896, and continuing improvement of Back Cove, according to existing project, $20,000.

The amendment was agreed to.

The next amendment was, on page 3, line 6, after the word "Maine," to strike out "$10,000"; and in line 7, after the word "submitted," to strike out "by the Chief of Engineers" and insert "February 6, 1895, $10,000"; so as to make the clause read:

Improving Carvers Harbor, at Vinal Haven, Me., in accordance with plans submitted February 6, 1895, $10,000.

The amendment was agreed to.

The next amendment was, on page 3, line 16, after the word "sum," to strike out "shall" and insert "may, in the discretion of the Secretary of War"; and in line 19, after the word "sum," to strike out "shall" and insert "may, in the discretion of the Secretary of War"; so as to read:

Improving harbor at Boston, Mass.: Continuing improvement, $70,000: *Provided*, That this sum may, in the discretion of the Secretary of War, be used in the preservation and improvement of said harbor other than the project for improving the main ship channel, and that $7,000 of this sum may, in the discretion of the Secretary of War, be used in improving Chelsea Creek.

Mr. LODGE. I ask the Senator in charge of the bill if he would have any objection to striking out, in line 18, the words "other than" and inserting "including"; so as to read:

Including the project for improving the main ship channel.

Mr. FRYE. None at all.

Mr. LODGE. I move that amendment to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 3, line 21, after the words "Chelsea Creek," to insert:

And so much thereof as the Secretary of War, in his discretion, shall direct to be expended for the protection of Great Head, Winthrop, to prevent the further washing away by the action of the sea.

The amendment was agreed to.

The next amendment was, in the appropriation for continuing improvement of Boston Harbor, on page 4, line 2, after the word "out," to strike out "such improvement, submitted" and insert "the revised project of"; so as to make the proviso read:

Provided, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry out the revised project of August 11, 1892, such contracts to provide that said ship channel shall be widened to a minimum width of 1,000 feet and a minimum depth of 27 feet, to be paid for as appropriations may from time to time be made by law, in the aggregate not to exceed $1,145,000, exclusive of amount herein and heretofore appropriated.

The amendment was agreed to.

The reading of the bill was continued to line 9, on page 4.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the concurrent resolution of the Senate providing for a joint special committee to inquire into the condition of the Congressional Library, with an amendment; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills:

A bill (S. 129) for the relief of Capt. George H. Perkins;

A bill (S. 661) to amend section 2880 of the Revised Statutes of the United States, fixing time for vessels to unlade;

A bill (S. 1846) authorizing and directing the Secretary of the Navy to donate condemned cannon to Custer Post, Grand Army of the Republic, at Leavenworth, Kans., and Mathies Post, Grand Army of the Republic, at Burlington, Iowa; and

A bill (S. 1872) authorizing the Secretary of the Treasury to exchange in behalf of the United States the tract of land at Choctaw Point, Mobile County, Ala., now belonging to the United States and held for light-house purposes, with the Mobile, Jackson and Kansas City Railroad Company for any other tract or parcel of land in said county equally well or better adapted to use for light-house purposes.

The message further announced that the House further insisted upon its disagreement to certain amendments of the Senate to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BINGHAM, Mr. MCCALL of Tennessee, and Mr. DOCKERY managers at the further conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

A bill (S. 2997) to provide for the fulfillment of the stipulations of the treaty between the United States and Great Britain, signed at Washington on the 8th day of February, 1896;

A bill (H. R. 145) for the relief of J. J. Lints;

A bill (H. R. 1191) to provide for the disposal of public reservations in vacated town sites or additions to town sites in the Territory of Oklahoma;

A bill (H. R. 5853) granting a pension to Arminda Stucker, of Gallatin, Mo.; and

A bill (H. R. 7200) for the relief of A. T. Hensley.

PROPOSED INVESTIGATION OF BOND SALES.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A resolution submitted by Mr. PEFFER, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. FRYE. I should like to know what the unanimous agreement was in relation to this matter, whether it was anything more than that the resolution should be the unfinished business. I would not violate for any bill in my charge a unanimous-consent agreement made by the Senate, but I desire to ask, first, unanimous consent to lay the resolution temporarily aside, and if unanimous consent is not given, I desire to move that the Senate proceed to the consideration of the river and harbor bill, notwithstanding the unfinished business. I shall not do that if it is in violation of an agreement of the Senate.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Maine. Is there objection?

Mr. PEFFER. I insist upon proceeding with the unfinished business.

The VICE-PRESIDENT. Does the Senator from Kansas object to the request of the Senator from Maine?

Mr. PEFFER. I object.

The VICE-PRESIDENT. Objection is interposed.

Mr. FRYE. Then I should like to know what the agreement was?

The VICE-PRESIDENT. The Chair will hear the Senator from Kansas on that point.

Mr. FRYE. I desire to have the agreement read, because I wish to know positively whether I am in honor bound by the agreement to refrain from submitting a motion to proceed to the consideration of the river and harbor bill.

Mr. PEFFER. I was going to request that the RECORD be produced. I am satisfied the Senator will find from it that when the Indian appropriation bill was about to be taken up, or was under consideration, the hour of 2 o'clock arriving, I insisted upon proceeding with the bond resolution; and by unanimous consent it was agreed that the bond resolution should be temporarily laid aside and that the Indian appropriation bill should be proceeded with, the understanding being that at the conclusion of the consideration of the Indian appropriation bill the Senate should then proceed to the consideration of the bond resolution. At the conclusion of the Indian appropriation bill——

Mr. BACON. Mr. President, we are unable to hear the Senator from Kansas on this side of the Chamber.

The VICE-PRESIDENT. The Senator from Kansas will suspend for a moment. There is complaint that Senators are unable to hear the remarks of the Senator from Kansas.

Mr. GORDON. Will the Senator from Kansas allow me to suggest that the reading of the RECORD of the understanding would settle this matter?

Mr. PEFFER. If the RECORD is ready to be produced let it be proceeded with.

The VICE-PRESIDENT. The Chair has requested the clerks at the desk to find the RECORD.

Mr. PEFFER. I have forgotten the date. In the meantime I will proceed; and for the information of those Senators who did not hear the beginning of my explanation, I will restate that when the Indian appropriation bill was about to be taken up, or was under consideration, the Senator having the bill in charge asked unanimous consent that the bond resolution be temporarily laid aside in order that the consideration of the Indian appropriation bill might be proceeded with, and consent was granted. When that bill was disposed of, the next bill (I have forgotten now what it was; it was an appropriation bill) was brought before the Senate, and a like unanimous consent was given, and for a like purpose, that the bond resolution should be temporarily laid aside in order that the consideration of that appropriation bill might be proceeded with. Then at the conclusion of the consideration of that bill came the naval appropriation bill, which I believe was the last one, and a like consent was granted in that case.

Having given way for three different appropriation bills, I insist that the Senate ought now to proceed to execute the order granted by unanimous consent.

The VICE-PRESIDENT. The Chair would like to have a statement from the Senator specifically as to what he understood the agreement to be.

Mr. PEFFER. My understanding was that at the conclusion, first, of the Indian appropriation bill we should proceed to the consideration of the bond resolution. When that time was reached, unanimous consent was again asked that the next appropriation bill, whatever it was—I forget now what it was—should be proceeded with, and that the bond resolution should be temporarily laid aside for that purpose. It was so agreed. Then came the naval appropriation bill, and a like unanimous consent was asked for the same purpose. My understanding has been all along that at the conclusion of the then pending appropriation bill the bond resolution would be in order to be proceeded with. Consent was only asked, from time to time, for the disposition of the particular appropriation bill then in hand; not for all of them, but for one.

Mr. FRYE. The Senator from Kansas insists upon his unfinished business at the most inopportune time that is possible. It would have been a great deal better to have insisted as against the naval appropriation bill or any of the regular appropriation bills. The river and harbor bill may be obliged to lie practically unfinished for ten days after it passes both Houses, and it is important to have it pass the two Houses as soon as it possibly can be done. I wish the Senator would consent that the unfinished business might be laid aside until the river and harbor bill is finished.

Mr. PEFFER. I think that something is due to the Senate——

Mr. GORDON. Will the Senator from Maine allow me to suggest that the statement of the Senator from Kansas does not make a case of unanimous consent to take up the bond resolution? It simply means that we have given unanimous consent to lay it aside and leave it as the unfinished business. As I understand the Senator from Kansas, there is no unanimous-consent agreement whatever to take up the bond resolution.

Mr. PEFFER. The unanimous-consent agreement applied from time to time to the pending appropriation bill only, and the effect

and the understanding of the unanimous agreement was each time that, upon the conclusion of the appropriation bill then pending, the Senate would proceed to the consideration of the bond resolution.

Now, I have yielded three different times, and although it may not seem so important in the mind of the Senator from Maine and some other Senators, yet, Mr. President, this resolution proposes an investigation of one of the most important transactions that have ever occurred in the history of the American Republic, a subject that all Senators agree and that all citizens agree is one of surpassing importance. It is now urged with great vigor upon the part of a great many persons here and elsewhere, and if the resolution is agreed to and a special committee is appointed it will be necessary for a great deal of preliminary work to be performed before the committee could go into active work. A great many active plans will have to be advised, a great many different subjects will have to be examined, so that the investigation may proceed orderly and decently and ably, so as not to bring scandal upon the committee. In addition to all that, if the resolution is adopted it will have to be referred to the Committee on Contingent Expenses, in order that the necessary machinery for carrying on the work of the committee may be provided by the Senate.

Taking all these things into view, I frankly say I am of the opinion that the resolution at this particular time is more important than the river and harbor bill, because as soon as it is disposed of (it surely will not occupy more than a day or two; it ought not) the river and harbor bill can be taken up. As I said, if the resolution is agreed to, it will take some little time for the Presiding Officer to consider the subject of the appointment of the committee, and after the committee has been apppointed there must be consultations and time again in order to lay out a plan of appropriate procedure.

So, Mr. President, I insist upon proceeding with the resolution.

Mr. HARRIS. I should like to inquire of the Senator from Kansas if the original unanimous consent asked by him and agreed to by the Senate went any further than to make his resolution the unfinished business?

Mr. PEFFER. Yes, Mr. President; it did.

Mr. HARRIS. That is the exact point about which I wanted information. If it went beyond that let it be shown exactly what the agreement meant, and I take it for granted that no Senator will violate it.

Mr. ALLEN. If the Senator from Kansas will permit me, I will read from the RECORD, to which I have turned, on this subject.

Mr. PEFFER. Let it be read, so that it can be heard.

Mr. ALLEN. On page 3719, April 8, 1896—there may be something since then—the RECORD shows the following:

Mr. PEFFER. Before the motion to adjourn is put I desire to state that the Senator from New York [Mr. HILL] and myself had a conversation this afternoon with respect to the resolution proposing to investigate the bond issue, of which I have been talking to the Senate several times lately. The Senator from New York is obliged to leave the city to-morrow and is not going to return until probably next Tuesday. I ask unanimous consent for an agreement that next Tuesday, at fifteen minutes past 2 o'clock, the Senate will proceed to the consideration of the bond resolution.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kansas?

Mr. CALL. At what hour? Fifteen minutes past 1?

Mr. ALLEN. No; fifteen minutes past 2.

Mr. CALL. Why not take it up after the routine business?

Mr. HILL. Then it would be cut off by 2 o'clock.

Mr. CALL. All right.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Then the RECORD shows that the Senate adjourned.

Mr. PEFFER. That, however, was the first. It does not relate to the unanimous consent that was given for making the resolution the unfinished business after that time. I think I can find that in a little while. I will look for it. We can trace it if the clerks will get the time when the Indian appropriation bill was under consideration. My copy of the RECORD that contained it, I think, has been taken over to the Maltby Building.

Mr. HILL. While the Indian appropriation bill was before the Senate, with a prospect of several days' continuance, I was obliged to leave the city, and I made a suggestion to the Senator from Kansas that I hoped the resolution would not be called up in my absence. The Senator said he would have it set down for some later date, fixing it for the next Tuesday at 2 o'clock and 15 minutes. If I had not been obliged to go away the Senator, of course, could not have very well taken up his resolution during the pendency of an appropriation bill. When afterwards some question was made in regard to it I raised none, and was entirely willing to proceed with the resolution. We did proceed. We took it up and proceeded with it. Subsequently appropriation bills were brought forward.

I think it was the naval appropriation bill which was under consideration when the question arose as to which measure should have the right of way. I had spoken. The resolution had been considered; the unanimous agreement had been carried out, and debate had been had upon it. Then the Senator from Iowa [Mr. ALLISON]—I do not find the precise words—made a statement in the Senate, when he asked to displace the resolution. The question then arose as to what had previously occurred in making an agreement. Then the Senator from Kansas distinctly stated that the resolution was the unfinished business without prejudice to the appropriation bills. The Senator from Iowa expressly stated: "I want it understood that it shall not be to the prejudice of taking up the appropriation bills." That was the precise language he used. Then we proceeded with the appropriation bills. Then from time to time the resolution has simply been laid aside by unanimous consent for the taking up of various appropriation bills.

One day the Senator from Kansas, when an appropriation bill had been taken up, wanted a new agreement. I objected to any new agreement, to any new unanimous consent, because we were standing upon the old arrangement, such as it was, which was the right to make the resolution, as the Senator expressly said, the unfinished business. It is the unfinished business to-day. It has no priority over anything else, with the distinct understanding that it must give way, as was stated by the Senator from Iowa, to appropriation bills. The language of the Senator from Kansas was that it was always rulable. I can not find the precise date. He says that it had been formally ruled, and with that understanding we have proceeded. All there is about it is that the resolution is the unfinished business. There is no solemnity in the matter, nothing about it that concerns the question of unanimous consent. The Senate has a perfect right to take up any appropriation bill that it wants to. It can do it with the consent of the Senator from Kansas or without his consent.

So far as I am concerned, it is immaterial to me what disposition shall be made of the bond resolution. I propose to submit some remarks, and others propose to submit remarks upon it. If it comes up there will be an extensive debate. The wisest course for the Senate to pursue, it strikes me, is to proceed, especially in view of the last agreement made, to take up the river and harbor bill. That will expedite the business of the session. There is nothing about the bond resolution which is urgent. It is a political, financial, semipartisan matter which can wait. The committee to be appointed, if one ever is appointed, can not dispose of this business before the session is over. The Senator from Kansas says he wants it considered immediately. It can not be done. Senators are all engaged in the transaction of public business and they have got to be here. If this investigation means anything at all, it means that the committee is to send for persons and papers and go to New York; it means to take expert testimony, and it will be a long investigation.

I am not going to discuss the bond resolution or to anticipate it. I quote from the RECORD of April 20, 1896, as to what heretofore occurred on this subject:

Mr. HILL. The resolution is temporarily laid aside, is it not? There is no other understanding or agreement on the part of the Senate?

The PRESIDING OFFICER. The Chair will state the proposition. The Senator from South Dakota asks that the unfinished business be temporarily laid aside. Is there objection?

Mr. HILL. To that I do not make any objection.

The PRESIDING OFFICER. The Chair hears no objection.

As is suggested by the Senator from Georgia, it was unanimous consent in relation to temporarily laying aside the unfinished business; that was all.

I also read from the RECORD of April 20 what the Senator from Iowa [Mr. ALLISON] said:

Mr. ALLISON. I can say without hesitation to the Senator from Colorado that the resolution of the Senator from Kansas must be the unfinished business until laid aside by a majority vote of the Senate for the consideration of other business. I hope that we shall not be put to the hazard of a contest, and I trust the Senator from Kansas will not enter into a contest whereby the resolution shall go on indefinitely in debate, as we see around us evidence that it is likely to do, to the exclusion of appropriation bills. The Senator has now absolute control of the Senate as respects his resolution, appropriations bills only intervening.

"Appropriations bills only intervening." That was the precise arrangement; and this bond resolution was to be kept as unfinished business until the conclusion of the appropriation bills, when we were to take up and proceed with the bond debate to whatever extent the Senate might desire to have it debated.

Mr. SHERMAN. I have always felt that whenever an understanding has been had by the Senate it should always be observed without regard to consequences. It is only in that way we can dispatch the public business. I have a very clear opinion that the Senate agreed to take up the bond measure and dispose of it, it holding its place always as against everything else except appropriation bills. The appropriation bills could only be taken up by a vote of the Senate or by a unanimous agreement. Under the circumstances, I think we ought to proceed to dispose of the bond resolution, because a question of this kind is always in the nature of a privileged question. When the Senate proposes to examine the conduct of an Executive Department of the Government by inquiring into the sale of bonds, or anything of that kind, such an agreement ought to be always strictly observed. Such a resolution as this, proposing to appoint a committee to examine into the circumstances of the sale of Government bonds, is one which

ought to be always favored and acted upon promptly, so that the Senate may get the necessary information in regard to the subject.

I do not think the Secretary of the Treasury or any other executive officer would object to such an investigation. Indeed, the natural feeling of an executive officer, if he were the one at whom such a resolution was aimed, would be that the matter should be at once examined into. It seems to me that this proposition for a committee to examine into the circumstances connected with the bonds which were recently sold ought to be at once acted upon. It ought not to take twenty-four hours to act upon it; it ought not to take us more than a single day's session.

I do not see anything in the resolution itself but what is respectful in character. It simply seeks information as to the policy and propriety of the issue of bonds at a particular time, and I think it ought to be disposed of and not take any time, because whenever an inquiry is demanded by a Senator into the conduct of an executive officer it is in the nature of a privileged question, and ought to be promptly acted upon. I hope, therefore, the resolution may be taken up and disposed of to-day. If that is not done, then the resolution will be constantly in the way of all other business except appropriation bills.

Mr. FRYE. I call the attention of the Senator from Ohio to the fact that every time he mentions it he excepts appropriation bills. Where is the authority for not recognizing the river and harbor bill as an appropriation bill, and one of the most important?

Mr. HILL. And a pretty big one.

Mr. SHERMAN. The agreement was not to take up appropriation bills, but that they were liable at any time to be moved to be taken up. I think, though, that as the bond matter is now before us, we had better dispose of it immediately, and I hope that the Senator from Kansas will ask that a time be fixed, a reasonable time, a short time, when the vote may be taken upon the adoption of the resolution. That will clear the way for appropriation bills and for other business which is very important.

Mr. JONES of Arkansas. I wish to call the attention of the Senate to the words of the Senator from Iowa [Mr. ALLISON] at the time this agreement to postpone the consideration of this resolution and to take up the appropriation bill was made. The language of the Senator from Iowa, of which I will only quote a paragraph, is this:

Of course, by securing unanimous consent, and the Senator has secured it, impliedly he may have a claim upon the Senate, but surely it can not last a great while to the exclusion of appropriation bills.

The Senator from Iowa seemed to recognize the fact that at that time the Senator from Kansas might, if he insisted on it, rely on the unanimous consent of the Senate which had been theretofore given for the consideration of his resolution, and he was appealed to at that time to yield to an appropriation bill, which was then pending; but he gave up nothing of the rights he had before. It seems to me that it can not be used now to set aside the consideration of the resolution except by the unanimous consent of the Senate.

Mr. PEFFER. Mr. President, I wish to call the attention of the Senate to the language of the Senator from Iowa, found on page 4158 of the RECORD, about halfway down the page, which is as follows:

Mr. ALLISON. Allow me to make a suggestion to the Senate and the Senator from Kansas. I understand that the bond resolution is here not by vote of the Senate, but by the unanimous consent of the Senate. I understood at the time that consent was given that it was not to displace appropriation bills when they were ready, but I agree that the phraseology used by the Senator from Kansas would perhaps not imply thoroughly that he was willing, or that consent was given, to allow the resolution to be laid aside temporarily for the consideration of appropriation bills.

Then he proceeded to make an appeal in the polite and persuasive manner for which that Senator is famous.

Mr. HILL. I desire to call attention to the discussion had on page 4158, in which the Senator from Colorado [Mr. WOLCOTT] made a statement, in which he said:

If the appropriation bills can then be got through, the Senator from Nevada must see that all the moral support of the Committee on Appropriations, to which we have cheerfully yielded, must come to our aid in assisting us in securing the final consideration of the bond resolution.

Here is the last utterance upon the matter by the chairman of the Committee on Appropriations:

Mr. ALLISON. Besides that, the bond resolution has the exclusive right of way except for appropriation bills.

Mr. JONES of Arkansas. Will the Senator from New York allow me to interrupt him one moment?

Mr. HILL. Yes, sir.

Mr. JONES of Arkansas. It seems to me there was a debate between the Senator from Kansas [Mr. PEFFER] and the Senator from Iowa [Mr. ALLISON] as to whether the unanimous consent was to proceed absolutely to the consideration of the bond resolution, or whether it was to proceed to the consideration of the resolution subject to appropriation bills, the Senator from Kansas contending that there was no agreement that the resolution should be considered subject to the prior rights of appropriation bills, but should have absolutely the right of way. An appeal was then made to the Senator from Kansas to consent to agree to a unanimous consent of the Senate that the rights he had for the consideration of his resolution under the unanimous consent of the Senate should not be pressed to the prejudice of the appropriation bill which was then proposed to be considered. That was the point of difference between the two.

Mr. HILL. As to whether it should not only yield to that particular appropriation bill, but should yield to the other appropriation bills. Every word that has been stated refers to appropriation bills, and not to a particular appropriation bill. It was stated that there were other appropriation bills coming and that it was not wise to take up the bond resolution; and the Senator from Iowa so understood it, for he said:

Besides that, the bond resolution has the exclusive right of way except for appropriation bills.

I have stated the circumstances under which the resolution was originally taken up. We did then proceed at the time named to take it up. We discussed it on two different days. Then it was displaced, under the circumstances stated, by the appropriation bills. There was then an understanding reached that it should remain the unfinished business.

Mr. President, the Senate, of course, is competent to take either course it sees fit. No unanimous consent is violated by simply taking up another matter after there has been a debate for two days. That does not even state the case so broadly as it is claimed by the other side, that originally there was unanimous consent to take up the resolution. The resolution has been taken up; it was discussed for two days; and then it was set aside by an appropriation bill. If there had been unanimous consent to take up and proceed to vote upon the resolution that would have been an entirely different thing. Ordinarily, when we give unanimous consent, we expressly reserve the point that the subject is not only to be taken up for consideration, but that we shall proceed to a vote upon it. There has been no such reservation made in this case.

It has therefore been stated that the agreement related to only one appropriation bill, and that the Senate, of course, could not refuse to take up the resolution after having once consented to do so by unanimous consent without a violation of the agreement. But after the resolution was taken up and laid before the Senate and debated on two different days, the Senate had a perfect right to take up any other order of business, for that would be held to be a simple taking up, as, for instance, where a Senator offers a resolution in the morning hour and asks unanimous consent to take up the resolution. Does that mean that it must be proceeded with to a vote on that day and that it can not be supplanted by another resolution? Does it mean that it can not go over? It is within the power of the Senate. The unanimous consent referred to is to the taking up of the subject at that time. That unanimous consent has been carried out in its full spirit and effect and we have had two days' debate on the resolution. So when it came up again the Senator could not hold the resolution over the Senate.

I listened particularly to the agreement that was made when the Senator stated that there should be excepted appropriation bills, not the particular bill then pending. Then the Senator had his resolution made the unfinished business, subject only to the right to take up appropriation bills. Therefore I think the Senator from Maine has a perfect right to insist that the river and harbor bill has the right of way, irrespective of a vote. That is the way it has been done, and there has been no objection to it until now. I do not know what has occurred that leads Senators to refuse further unanimous consent to lay the bond resolution aside.

Mr. PEFFER. Does not the Senator from New York remember very well that, upon the close of the consideration of every one of the appropriation bills since this unanimous-consent agreement has been talked about, I have asked to have the unfinished business, the bond resolution, laid before the Senate?

Mr. HILL. Yes.

Mr. PEFFER. And that, upon the request of the Senator in charge of the appropriation bill that the resolution might be temporarily laid aside in order that the bill might be proceeded with, I agreed to it?

Mr. HILL. That does not change the question.

Mr. LODGE. I rise to a question of order.

The VICE-PRESIDENT. The Senator from Massachusetts will state his question of order.

Mr. LODGE. I ask the Chair what is now before the Senate?

The VICE-PRESIDENT. The Chair will state that at the hour of 2 o'clock the Chair laid before the Senate the unfinished business, being the bond-sale resolution, and the Senator from Maine [Mr. FRYE] requested that it should be laid aside temporarily to proceed with the consideration of the river and harbor bill. The Chair submitted the question to the Senate, and the Chair understands the Senator from Kansas to object. That is the status of the case at present.

Mr. LODGE. Then, as I understand it, the bond-investigation resolution is now before the Senate?

The VICE-PRESIDENT. It is now before the Senate.

Mr. LODGE. And we are passing our time in discussing a unanimous-consent agreement to see what we agreed to—the usual method?

The VICE-PRESIDENT. The Chair has laid the unfinished business before the Senate.

Mr. LODGE. The actual business before the Senate is the bond resolution. Until that is disposed of there is nothing else, is there?

Mr. HILL. The discussion arose because the Senator from Maine [Mr. FRYE] desired to know the precise status of the resolution. He asked for information, and it has been read; the Senator from Kansas read it; and we have been discussing that question because the Senator from Maine said he felt reluctant to move to set it aside if there had been any unanimous agreement which precluded any such motion. That is all there is of it. I ask the Senator from Kansas if, in answer to one of the questions put to him by the Senator from Iowa as to whether he would yield for appropriation bills, he did not say, "Yes, that is rulable," and upon that we went on?

Mr. PEFFER. I ask that the question as to agreeing to the resolution may be put to the Senate. The resolution, I understand, is now before the Senate, and I ask that it may be put to a vote.

Mr. HILL. To have a final vote upon it, does the Senator mean?

Mr. PEFFER. Yes, sir.

Mr. HILL. Not quite yet.

Mr. MILLS. What is the decision upon the question?

The VICE-PRESIDENT. No question has arisen for the determination of the Chair.

Mr. FRYE. I have been reading what has occurred and have listened to the statement. The unanimous agreement was nothing more nor less than this, that the bond question should be regarded as the unfinished business, and the statement generally made when the appropriation bills have been up was that it should be the unfinished business as against everything but appropriation bills. The river and harbor bill is an appropriation bill. A unanimous consent that any measure may be made unfinished business is not unanimous consent that the question of consideration shall not be raised against it; that is entirely clear, else we might stay here in the Senate without doing anything for months under a general discussion of such a measure. I wanted to know whether the unanimous consent precluded me from making a motion to consider the river and harbor bill. In my judgment it does not. Of course it is immaterial to me very largely whether the river and harbor bill is proceeded with or not. If the Senate think it is better not to have any river and harbor bill, I am content; if they think it is better to postpone it for a week, I am content; but in order to settle this question and not waste any more time about it, and not caring at all myself, although in charge of the bill, what the vote of the Senate may be, I ask a vote of the Senate upon a motion to proceed to the consideration of the river and harbor bill.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine to proceed to the consideration of the river and harbor bill.

Mr. WOLCOTT. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GORMAN. I ask unanimous consent, although I know it is not debatable, just to make one statement in regard to this matter. I am very anxious to have the river and harbor bill considered; but believing, while I am opposed to the resolution of the Senator from Kansas, that the general understanding, at least my understanding, was that he should have a day in court for his resolution after the conclusion of the then pending appropriation bill, I can not now vote to take up the river and harbor bill.

The Secretary proceeded to call the roll.

Mr. CLARK (when his name was called). I desire to announce my pair with the junior Senator from Maryland [Mr. GIBSON].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. I do not see him in the Chamber and withhold my vote.

The roll call was concluded.

Mr. PUGH. I have a general pair with the Senator from Massachusetts [Mr. HOAR], but I feel satisfied that upon this motion we are agreed, and I vote "nay."

Mr. DUBOIS. I transfer my pair with the Senator from New Jersey [Mr. SMITH] to the Senator from Nevada [Mr. JONES] and vote "nay."

The result was announced—yeas 28, nays 39; as follows:

YEAS—28.

Burrows,	Hansbrough,	Morrill,	Sewell,
Caffery,	Hill,	Nelson,	Shoup,
Cullom,	Lindsay,	Palmer,	Squire,
Davis,	McBride,	Pasco,	Thurston,
Elkins,	McMillan,	Platt,	Vilas,
Faulkner,	Mills,	Proctor,	Wetmore,
Gallinger,	Mitchell, Oreg.	Quay,	Wilson.

NAYS—39.

Allen,	Carter,	Kyle,	Stewart,
Bacon,	Chilton,	Lodge,	Teller,
Bate,	Cockrell,	Mitchell, Wis.	Tillman,
Berry,	Daniel,	Morgan,	Turpie,
Blackburn,	Dubois,	Peffer,	Vest,
Brice,	George,	Perkins,	Walthall,
Brown,	Gorman,	Pettigrew,	Warren,
Butler,	Harris,	Pugh,	White,
Call,	Irby,	Roach,	Wolcott.
Cannon,	Jones, Ark.	Sherman,	

NOT VOTING—22.

Aldrich,	Clark,	Hale,	Murphy,
Allison,	Frye,	Hawley,	Pritchard,
Baker,	Gear,	Hoar,	Smith,
Blanchard,	Gibson,	Jones, Nev.	Voorhees.
Cannon,	Gordon,	Mantle,	
Chandler,	Gray,	Martin,	

So the motion was not agreed to.

Mr. FRYE. I did not vote because I stated the exact fact when I said that it was indifferent to me what was done, and I prefer to be instructed by the Senate as to my duty. I now understand myself to be instructed to make no more attempts to take up the river and harbor bill for consideration until the bond resolution is disposed of.

Mr. WOLCOTT. I suggest that the country would breathe very much more freely if the Senator from Maine would fail to present his bill, with these millions and millions of dollars for rivers and harbors, until the country understands something as to how many bonds are to be issued from time to time, and how frequently, imposing additional burdens upon the people of the United States.

Mr. HILL. And all the information the Senator from Colorado will get from the investigation will not relieve his mind at all.

Mr. WOLCOTT. Mr. President——

Mr. HILL. Wait a moment.

Mr. WOLCOTT. Will the Senator from New York permit me to interrupt him?

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Colorado?

Mr. HILL. Not now.

The VICE-PRESIDENT. The Senator from New York declines to yield.

Mr. HILL. Mr. President, the Senate has seen fit in its wisdom to virtually displace a bill containing appropriations for rivers and harbors in the United States in order to take up a senseless, uncalled-for, and mischievous resolution. The idea or argument that a Senator is to get any information from the resolution of investigation as to how much money he ought to vote for in the river and harbor bill will scarcely stand scrutiny. It is a new claim only just now put forth that Senators want light on the subject of the circumstances under which bonds have been issued by the present Administration in order to vote for appropriations for rivers and harbors. I think the river and harbor bill, when it comes to be read in the Senate, will indicate that Senators have been very vigorous and diligent in their efforts to obtain appropriations for their respective localities, without much regard to the information which they are going to receive from the proposed investigation.

Does the Senator from Colorado expect to withhold this river and harbor appropriation bill until, perchance, the committee of investigation has reported? Is he so much in need of enlightenment that he requires this investigation report to be prepared and presented before he is ready to vote? I think, if I may venture a little prophecy, he will be ready to cast his vote upon one side or the other of these appropriations without waiting for the report of the investigation committee.

It answers, of course, for the time being—for the exigencies of the occasion—to say that Senators need time in order to prepare themselves to vote properly on the appropriations. That argument, however, will not impress the country very much. The appropriation bill is unquestionably to be taken up at the conclusion of the arguments on this subject. Senators who ask for the investigation will vote upon one side or the other of the question. The hearing before the committee, if it is to be substantially ex parte or summarily had, will carry no weight. The hearing, if it is to be completed hastily, will be without influence and without effect. Those who seem to expect that a result upon the hearing is to be completed this session will be disappointed. It will require much time, and must inevitably be postponed to a later date to reach a conclusion.

No, Mr. President, this proposed investigation is part of an effort made for political effect. It is a scheme upon the part of some persons proposing it to throw mud upon their political adversaries. It is the part of a scheme by others, who expect it is going to aid in some way in the solution of the silver question. Never will men be more completely fooled. The investigation will throw no light upon the silver question proper. It will add no argument to one side or the other. This investigation, so far as throwing

light upon the great financial subject, will be useless. It will amount to nothing.

The last suggestion made is that the investigation is wanted for the honest, bona fide purpose of ascertaining where we are going to get the money to meet our extraordinary appropriations. Can not Senators read for themselves? Have they not read the reports of the Secretary of the Treasury? Do they not get a report as to the condition of the Treasury every single day? Does not each Senator here know every morning the precise condition of the Treasury? Does he not read the monthly reports? Has he not read the President's message giving all the circumstances under which the bonds were issued? Have not Senators read the annual report of the Secretary of the Treasury? Are they ignorant of the financial situation of the Treasury? Do they really want information to aid them as to how much money they ought to vote for in the river and harbor bill, and for other appropriations?

That claim is simply ridiculous, utterly unworthy of distinguished Senators, whom I am compelled to believe know better. There may be, perchance, good reasons for the adoption of the resolution; but the last reason stated—the lack of information—is not one of them. There may be some other reasons existing which have not been developed in the argument. I have not heard them. But the last reason stated is as thin and transparent as the cause it represents.

Having had no debate upon this question for some time, undoubtedly the Senate was very anxious to proceed to take up something more interesting than an appropriation bill. I will resume the discussion where it was left off a week ago last Friday, when the Senate had vindicated its honor by taking up and discussing the resolution under an alleged unanimous-consent agreement. I commence now where it was left by the distinguished Senator from Massachusetts [Mr. HOAR], who, I regret to say, is not present. I stated at the time that I intended to comment upon the remarks which he made on the afternoon of the last day of the debate.

I understood the distinguished Senator from Massachusetts, while not committing himself to the details of the particular resolution, to express the general purpose of supporting some resolution providing for an investigation. I am going to analyze just what he said, because, with all due deference to the Senator, there was more misinformation supplied, more untenable arguments presented in that fifteen minutes' speech than I have heard in the Senate in many a day. First, he said substantially that the resolution ought to be passed as a matter of courtesy to the Senator from Kansas [Mr. PEFFER] because—I quote him now—"It is the ordinary case of a proposal by a Senator;" and he said it never had been denied. He said it is an inquiry which "never was refused in any previous Congress to any Senator who had asked it, and I do not think it ought to be refused to the Senator from Kansas."

In others words, he desires to place the opponents of the resolution among those who are unreasonably refusing a courtesy to the Senator from Kansas. If I should offer a resolution to-morrow to investigate any Department of the Government it would be discourteous to me to refuse the investigation. That is the claim presented. I suppose he would be willing to carry out his argument to its legitimate conclusion, namely, that the investigation when proposed should be had either by a special committee or by a standing committee, as I might prefer.

The ground of courtesy to a Senator is a new ground upon which to ask for an investigation. Whenever a Senator offers a resolution for an investigation it must be granted to him no matter what the expense, no matter how mischievous, no matter how troublesome, no matter how unnecessary. It must be granted to him because he asks it. Are there good reasons for it? No matter whether there are or not. Are there any good grounds for it? No matter whether there are or not, he must have it. That is a new-born theory upon which it is sought to here to pass the present resolutions. The Senator from Massachusetts [Mr. HOAR] in his new-born zeal for Senatorial courtesy confuses a request for information from the Departments with resolutions for investigations of Departments. There is a clear and well-defined distinction. No question of courtesy is involved. It is merely a question of propriety, the creation of a good or a bad precedent.

The Senator from Massachusetts [Mr. HOAR] has not always had the high regard for Senatorial courtesy which he now manifests. On August 23, 1893, the Senator from Kansas [Mr. PEFFER], always alive, as his friends say, to the public interests, introduced a resolution calling for information from the Secretary of the Treasury in reference to what some banks in Boston, New York, and Philadelphia were doing in violation of law. I want to read the resolution to the Senate:

Resolved, That the Secretary of the Treasury be directed to inform the Senate—

First. Whether, and in what respect, the national banks, or any of them, in the cities of Boston, New York, and Philadelphia are being now conducted in violation of law.

Second. Whether said banks are paying depositors' checks promptly in lawful money.

Third. Whether said banks, or any of them, are demanding rates of interest higher than those provided by law for the loan of money or in discounting notes and bills.

The Senator from Massachusetts, who now says that the pending resolution should pass as a matter of courtesy, that such requests are never refused, on that day immediately upon the introduction, not of a resolution of investigation, but simply a resolution of inquiry from a Department, said:

Mr. HOAR. Let the resolution go over. I object to its consideration at this time.

The next day, August 24, the resolution was called up and debated until 2 o'clock pending the motion to refer to the Finance Committee, the extremely courteous Senator from Massachusetts moving to refer it. That little resolution, simply asking the Secretary of the Treasury if he had any information in his possession as to whether banks in New York City, Boston, and Philadelphia were violating the law, could not be considered at once, could not be passed, but must be referred, whereas the pending resolution, which is introduced for the investigation of great transactions of the Government, involving its credit and honor, must not be referred for consideration, but must be summarily passed.

I want to call the attention of the Senate and the country to the fact that the Senator from Massachusetts at that time said he thought the bank resolution untimely; that he thought it was unwise to hold our national banks to the strict letter of the law in a great crisis like the panic of 1893. In other words, he thought it was unwise to prod the banks, to make them strictly comply with the law during that critical period. It had not occurred to him then that the Senator from Kansas was entitled to have the resolution passed as a matter of courtesy. It had not occurred to him, when the national banks were involved, that a common and simple resolution of inquiry could be passed without injury to anybody. Then, as now, the Senator from Massachusetts [Mr. HOAR] was aided by the senior Senator from Maryland [Mr. GORMAN], at least so far as taking up the present resolution for consideration is concerned. Both seemed to think that it would be very injurious to have this information given to the public at that time. Both of them opposed the resolution. Both advocated the reference of the resolution to the Committee on Finance.

Mr. GEORGE. What became of the resolution to which the Senator refers?

Mr. HILL. I am going to trace it. Without speaking of myself any more than is necessary, I desire to say that I antagonized the Massachusetts and Maryland combination at that time as I antagonize it now. Both of the Senators opposed the resolution. I took the position then, sir, that the national-bank resolution was an ordinary, simple resolution calling for information, and that the Senate ought to pass it. On August 31 the resolution was taken up and not passed, as it should have been, but referred to the Committee on Finance. I refer to page 1102 of the RECORD, where it will be seen that the vote on the motion to refer was 35 yeas to 21 nays. It was not discourteous to the Kansas Senator then to refer the resolution to the Committee on Finance. It was regarded as the proper thing to do. I simply cite that resolution for the purpose of showing the inconsistency of the position of the Senator from Massachusetts.

The Senator from Mississippi [Mr. GEORGE] asks me what became of the resolution. No report was made. On September 8, 1893, the Senator from Kansas [Mr. PEFFER] introduced the same resolution more elaborated. On the next day, September 9, the same was taken up and considered until 2 o'clock. Nothing was done with it. It went to the Calendar. The Committee on Finance never reported the original resolution referred to it. It has remained in the Committee on Finance from that day to this.

At the next regular session, no report having been made by this committee in the meantime, the Senator from Kansas [Mr. PEFFER] reintroduced the same resolution on December 21, 1893, at the second session of the Fifty-third Congress, and asked that it be referred to the Finance Committee. No report has ever been made. That resolution or resolutions were resolutions simply of inquiry. They were proper in every respect. They were resolutions upon which the claim of courtesy might avail something; they were entirely different from the pending resolution, and yet they were opposed by the Senator from Maryland and the Senator from Massachusetts and other Senators in this body. The Finance Committee never has made any report. How discourteous to the distinguished Senator from Kansas!

Therefore I dispose of the first point made by the Senator from Massachusetts, that the alleged ground upon which the resolution should be passed is that of courtesy. It does not exist; it has been denied before upon simple, ordinary resolutions asking information from a Department, and denied at the instance of the Senator from Massachusetts. I am not one of those who invoke courtesy

when it is in my favor and refuse to recognize it when it is invoked by others against me.

The Senator from Massachusetts then proceeded in his argument to give a reason why the present investigation should be had. He says in the last bond sale the bonds should have been advertised for sale at a fixed price, and that they were not. Of all the preposterous claims set up by the advocates of the pending resolution this is one of the worst. Suppose the Secretary of the Treasury had advertised the bonds for sale and had said: "I will accept a fixed price for them." A clamor then would have been raised all over the country and it would have been said: "Why does he not put up the bonds to the highest bidder? Why fix an arbitrary sum at which to accept bids?" It would have been said: "He has sought improperly to limit the price at a particular figure." It would have been said he was acting in the interests of certain sets of bidders. It would have been said that the proper way was to expose the bonds to the highest bidder in the market; that that was the regular and legitimate way to do business.

The truth is that there has been a disposition manifested to criticise Mr. Carlisle in reference to this transaction, not because there was anything wrong with it, not because there is anything irregular about it, but simply because gentlemen, upon principle, are opposed to the sale of any bonds whatever. That is another question. You do not need any investigation to determine a question of principle. Concede, if you please, that the gold theory, so called—the maintenance of the gold standard—requires incidentally the issue of bonds. That is one question. The mere fact that Senators do not believe in the gold standard, and the mere fact that Senators think that bonds ought not to be issued because the Government should have pursued a silver policy, furnishes no occasion or demand for an investigation. What do you expect the committee to report? An elaborate argument in favor of the free coinage of silver? Is that what the report is to contain? The bonds have been issued. They can not be recalled or repudiated. Do you expect to have a written treatise on the questions of law involved? Is that what is asked for or what is really expected?

Before proceeding to discuss the third ground I wish to say that if a certain price had been fixed for the bonds it would have led to a clamor of which we would not have heard the last for many months. What better could the Secretary of the Treasury do than to put up the bonds to the highest bidder and ask for bids? That was the wisest course. It was the best course; it was the honest course. Men who claim to the contrary want to criticise because they dislike Mr. Carlisle and dislike the gold standard. That is all there is of it. They may conceal their motives under other pretenses, but that is all there is of the matter.

The next thing the Senator from Massachusetts [Mr. HOAR] says is that $500,000,000 of gold was unnecessarily locked up pending the offer of these bids. All during the thirty days, he says, $500,000,000 of gold was unnecessarily locked up. A man need not necessarily lock up his gold simply because he made a bid. Of course if a man wants to make a bid for bonds, and has not the gold, he must be able to borrow the gold or get it from some source. Suppose the terms of the sale had been that every man upon making his bid should deposit a certain sum of gold for the purpose of showing his good faith. Then it might have been claimed that it unnecessarily locked up a large amount of gold. It would have been said, "Why should a man, in making a bid for Government bonds, be compelled to place on deposit a certain portion of the gold as security for his bid?" I am one of those who think that possibly some security should have been required of men who bid, but if there was any error committed at all, it was an error in the interest of all bidders—in the interest of increased competition. The poorest bidder who had not a dollar of gold with which to buy a bond, the merest adventurer in any part of the country who wanted to take his chances in getting bonds, had a right to put in his bid. The bidding was open to all the world and to all upon an equality. Morgan & Co., with their millions, were obliged to compete with the humble clerk who had not a dollar actually to invest.

Possibly it would have been wiser to have compelled men to show their good faith by giving bond. Yet if the Secretary had done that you would have heard this Chamber ring with charges that such a course was in the interest of the rich, in the interest of the millionaires of Wall street, in the interest of men who had gold, and not in the interest of the people. Sir, when the Secretary issued that call, which I have here and which said that the Treasury Department would accept bids for a period of thirty days and that the bonds would be sold to the highest bidder, any citizen of this Republic or any other country had a right to bid, and I say he faithfully discharged his duty in the premises, and any criticism of his conduct is simply captious. You want to investigate his conduct. What is there to investigate about it? If he had pursued the contrary course, if he had required gold to be deposited in advance as security, if he had required bonds to be given of every man who wanted to bid, then it would have been claimed that the proposal was for the benefit of the rich and of syndicates and of Wall street and of the bad men who live in New York. No, no, Mr. President, the trouble with these critics is that they act upon the principle of "damned if you do and damned if you don't." Nothing suits them. It is one grand tirade all the time against the finances of the country. You can not satisfy them with anything that is done. You can not expect to deprive them of their grievances, as that would be the greatest calamity that could befall them.

The next is the third ground. Before I quote parts of that I wish to read the popular loan call, beginning with the words "Treasury Department," which I will ask the Secretary to read. It shows just what the terms were, showing that they were open and free to everybody from Colorado to Florida, from Florida to Maine, from Maine to California. Any citizen, whether he had a dollar or expected to have, had a right to bid for the bonds—to bid any price he pleased for that purpose.

The PRESIDING OFFICER (Mr. PASCO in the chair). At the request of the Senator from New York, the paper will be read by the Secretary in the absence of objection.

The Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, January 6, 1896.

Notice is hereby given that sealed proposals will be received at the office of the Secretary of the Treasury, at Washington, D. C., until 12 o'clock m. on Wednesday, the 5th day of February, 1896, for the purchase of $100,000,000 of United States 4 per cent or registered coupon bonds, in denominations of $50 and multiples of that sum, as may be desired by bidders. The right to reject any or all bids is reserved.

The bonds will be dated on the 1st day of February, 1895, and be payable in coin thirty years after that date, and will bear interest at 4 per cent per annum, payable quarterly in coin, but all coupons maturing on and before the 1st day of February, 1896, will be detached, and purchasers will be required to pay in United States gold coin or gold certificates for the bonds awarded to them and all interest accrued thereon after the 1st day of February, 1896, up to the time of application for delivery.

Payments for the bonds must be made at the Treasury of the United States at Washington, D. C., or at the United States subtreasuries at New York, Boston, Philadelphia, Baltimore, Cincinnati, Chicago, St. Louis, or New Orleans, or they may be made at San Francisco, with exchange on New York, and all bids must state what denominations of bonds are desired, and whether coupon or registered, and at what place they will be paid for.

Payments may be made by installments, as follows: Twenty per cent upon receipt of notice of acceptance of bids, and 20 per cent at the end of each ten days thereafter; but all accepted bidders may pay the whole amount at the date of the first installment, and those who have paid all installments previously maturing may pay the whole amount of their bids at any time, not later than the maturity of the last installment.

The bonds will be ready for delivery on or before the 15th day of February, 1896.

Notice is further hereby given that if the issue and sale of an additional or different form of bond for the maintenance of the gold reserve shall be authorized by law before the 5th day of February, 1896, sealed proposals for the purchase of such bonds will also be received at the same time and place, and up to the same date and upon the same terms and conditions herein set forth, and such bids will be considered as well as the bids for the 4 per cent bonds herein mentioned.

J. G. CARLISLE,
Secretary of the Treasury.

Mr. HILL. Mr. President, the statement just read shows the care with which the Secretary of the Treasury hedged around the proposals in order that the bonds might bring the largest sum possible. I have no patience, sir, with the self-constituted financiers and critics who attempt to pick out here and there a flaw in some proposals for the purchase of $100,000,000 of bonds. Of course they would have done it differently. Men who never made a loan of $5,000 in their lives are perfectly confident of their ability to dictate the precise terms in which a great Government proposal should be made. I have heard men say that the Secretary of the Treasury should do this and the Secretary of the Treasury should do that. These men would solve the great financial problem without any trouble, without any difficulty, without any experience.

Mr. President, the proposal which has been read here was fair; it was in accordance with the statute; it was in the interest of public bidders; it was in the interest of the great public; it was in the interest of every man, no matter how poor or humble, who imagined that he had some money that he wanted to invest in bonds.

The next question to which I want to call the attention of the Senate is that the Senator from Massachusetts says that the resolution ought to be passed, so that we may know what has been done with the proceeds of bond sales.

In the few remarks I made the other day in answer to the Senator from Massachusetts I stated then, and I repeat it, if you really want such information read the reports of the Secretary of the Treasury, read the daily financial statements made. I am tempted to say that a Senator who does not know what has been done with the proceeds of the bonds is almost unworthy or incompetent to sit in the Senate. There are some men who are credulous enough to suppose the Secretary of the Treasury could take and dispose of a few million dollars and pocket them, and that nobody would discover it; that all this could be done under our Treasury system and no one would be the wiser. The reports of the Secretary of the Treasury show what has become of the avails of the bond sales.

Then, next, the same Senator doubts as to whether the Secretary has the right to use the proceeds for the current expenses. I am not going to thrash that old question over again. I have said before, and I repeat, the act of 1875, taken in connection with the act of 1878, requires the moneys in the Treasury to be paid out: it requires the greenbacks to be reissued; it requires them to be kept in circulation, and they can not be kept in circulation except by paying them out for the legitimate expenses of the Government. The Secretary of the Treasury can not keep greenbacks in circulation by hoarding them in the Treasury, nor can he legally place them in bushel baskets and give to every man what he wants. The theory of the act of 1878 is that the greenbacks are to be kept in circulation by using them for money in payment of legitimate expenses.

Mr. VILAS. Will the Senator from New York allow me to call his attention to a point that I do not think has been considered sufficiently in this part of the debate?

Mr. HILL. Yes, sir.

Mr. VILAS. Whenever Congress makes an appropriation it enacts a law, and whenever Congress enacts a law directing the Secretary of the Treasury to pay money out of the Treasury that law, as a later one, overrules the prior laws in respect to the manner in which the money is obtained. It is then a new and subsequent and, so far as is necessary, a repealing direction to him to pay out the money which may then be in the Treasury; and thereafter, whatever argument might be made upon those original laws, if limited to them alone in respect to the use of the money, is entirely changed when Congress enacts new laws directing the Secretary of the Treasury to pay out money for particular ends, which money he has in the Treasury.

Mr. MILLS. Not otherwise appropriated.

Mr. VILAS. Not otherwise appropriated.

Mr. HILL. The position stated by the Senator from Wisconsin is the correct one. All he stated is undoubtedly true. But now, for the information of those who may read my remarks in the RECORD, and for the benefit of the country at large, I want to incorporate in my remarks a communication from the Secretary of the Treasury of date January 11, 1896, in response to a resolution of the Senate, showing the exact legal status of what is known as the gold reserve, which I will ask the Secretary to read. It is a document of the Senate, but Senators rise in their places and in debates make statements as though they had never heard of the very facts which have been put before them in official records time and time again. None are so blind as those who will not see; none so deaf as those who will not hear.

The PRESIDING OFFICER. In the absence of objection, the paper will be read.

The Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., January 11, 1896.

SIR: I have the honor to acknowledge the receipt of Senate resolution, dated the 3d instant, as follows:

"*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate if the sum of $100,000,000, or any part thereof, has at any time since the establishment of the so-called gold reserve been actually segregated or set apart from the other currency or money in the Treasury Department, in gold coin, or gold coin and gold certificates, or either, for the redemption of the legal-tender notes and different forms of paper money of the Government; and when and by what act of Congress, giving the title of the act and the date of its approval, said so-called gold reserve was established, and if not established by act of Congress, state by what authority, if any, it was established."

In reply thereto, the Senate is respectfully informed that at no time since the establishment of the so-called gold reserve has the sum of $100,000,000, or any other sum, been segregated or set apart from the general cash in the Treasury for the redemption of the legal-tender notes of the United States, or for the redemption of any other form of paper money for which the United States is liable. There is no provision of law requiring a separate fund or separate account to be kept, and all moneys received into the Treasury, from whatever source, are deposited in the general cash. The fund for the redemption of United States notes was accumulated under authority of the act of January 14, 1875, which directed the Secretary of the Treasury to prepare and provide for such redemption on the 1st day of January, 1879. No specific sum was prescribed, but the Secretary of the Treasury was authorized to use the surplus revenues from time to time and to sell certain descriptions of bonds to an extent necessary to carry the act into full effect.

In the exercise of the discretion thus conferred upon him, the Secretary sold for resumption purposes, in 1877 and 1878, United States 4 per cent and 4½ per cent bonds to the amount of $ 5,500,000, and deposited the proceeds, $95,000,000 in gold, in the general cash in the Treasury. This, with other gold, which had been received as surplus revenues, constituted the fund prepared and provided by the Secretary of the Treasury for the redemption directed in the act of January 14, 1875.

The existence of the reserve fund was generally recognized from the time of its establishment, as above stated, and one of the measures adopted by the Secretary of the Treasury to prevent its unnecessary depletion was the discontinuance of the issue of the gold certificates authorized by the act of March 3, 1863. This act authorized, but did not direct, such issue.

Some inconvenience resulted from this discontinuance, and by section 12 of the bank act of July 12, 1882, the Secretary was authorized and directed to receive deposits of gold coin and bullion and to issue certificates therefor; but it was provided "that the Secretary of the Treasury shall suspend the issue of such gold certificates whenever the amount of gold coin and gold bullion in the Treasury reserved for the redemption of United States notes falls below $100,000,000."

No other reference to the reserve fund is contained in the laws of the United States.

Very respectfully, yours, J. G. CARLISLE, *Secretary.*

The PRESIDENT OF THE SENATE.

Mr. HILL. Mr. President, that communication of the Secretary of the Treasury correctly states the condition of what is known as the gold reserve fund; it correctly states the law applicable to it, and the circumstances surrounding it. I need not reiterate the statement that no one has claimed any authority on the part of the Secretary of the Treasury to sell bonds for the purpose of realizing moneys to pay current expenses. Under the act of 1875 the Secretary of the Treasury has a right to issue bonds for the purpose of obtaining gold. The gold is placed in the Treasury. When greenbacks are presented, they are presented for redemption. The gold is paid out in redemption, and the greenbacks are thereby placed in the Treasury, and when Congress makes an appropriation of moneys the Secretary pays out whatever moneys there are in the Treasury and meets the appropriation. There is no other course left to him. No Senator has marked out any other practicable course.

The next ground stated by the Senator from Massachusetts is: Sixth, "We want to see what legislation may be necessary." Yet the resolution does not say anything about inquiring about legislation. There is no suggestion in the resolution to the end that a report by bill or otherwise shall be made. No one has suggested any legislation here. None is contemplated. It is an afterthought. According to the views of some Senators it is proposed to have this investigation over within ten days. No, Mr. President, no Senator can justify his conscience in voting for this resolution upon any theory that he wants information for the purpose of leading to additional legislation.

Seventh, he doubts "whether there has been any necessity for the issuing of bonds to support the gold reserve." He says that in his remarks to be found on page 4470 of the RECORD. He says sufficient revenue would have prevented any necessity for the issuing of gold bonds, but the difficulty with the situation is that there was not adequate revenue; there was not revenue sufficient to prevent distrust and the presentation of greenbacks and their redemption in gold.

Those who criticise the Secretary of the Treasury for issuing bonds have nothing to suggest as a practical remedy. Some venture to say that the Secretary should have redeemed in silver, and that involves the whole great question of the propriety of maintaining the parity of gold and silver. I am not going to waste words with those who criticise the Secretary of the Treasury because they think he ought to have paid out silver instead of gold.

Mr. President, the greenback dollar for ordinary purposes is kept as good as the gold dollar. I think that is so mainly because by the system of our present Administration its officials readily exchange the greenbacks for the gold dollar. They have kept by this system a parity between the currency. I do not know but such parity might have obtained if another course had been pursued. That is only a matter of speculation. I know of no other practical way to maintain the parity of currency except to be always ready to redeem your paper money issued with your standard money, or else your standard is repudiated.

In these remarks I am not to be led into a discussion of the whole course pursued by the Secretary of the Treasury during the present Administration. I can simply point to the fact that under previous Administrations, without regard to party, the parity of the currency has been maintained by always paying gold upon the presentation of paper. It may well be contended that the way to keep your currency with a standard is always to be ready to pay in standard money. If you are always ready to pay, people may not always want the standard; but the proper way to maintain the parity, in my judgment, seems always to be ready to pay in the standard money.

Mr. GRAY. What other way is there?

Mr. HILL. I do not know of any other way; perhaps some sort of legerdemain; perhaps pay in some inferior currency.

Mr. President, Senators forget what took place before 1879, before the resumption act went into effect. What made the difference in value in the markets between the old greenback currency and the gold dollar prior to 1879? The gold dollar was worth a large percentage more than the greenback dollar, or the greenback dollar was worth so much less, whichever way you put it. The way to make resumption a success was by the payment of your standard money in the place of your paper money.

Mr. MORGAN. Would the Senator from New York object if I should ask him what is the standard money of the contract as shown in our bonds and in all our public obligations? Is it the standard money of the law of the United States, or is it the standard money of the contract?

Mr. HILL. Standard money is fixed by law. You can make a contract, however, to pay in any other kind of money you please.

Mr. MORGAN. I am speaking of the contract as we made it, to pay in coin of the United States as it was of value on a certain date. Is that the standard money in which the payment is to be made, or is it some other standard?

Mr. HILL. That presents a mixed question of law and policy. The payment of bonds according to the strict letter of the contract is one thing, while the redemption of our paper currency is

another. I hope to discuss that question more fully before I finish my remarks. I propose to show just what was the currency when our bonds were signed and what it was understood that those bonds would be paid in. The payment of bonds is one thing and the redemption of currency is another. I want now to discuss further the remarks of the Senator from Massachusetts, and do not wish to be diverted from that point.

Mr. President, I do not have to convince the Senator from Massachusetts that under the act of 1875 the Secretary of the Treasury has authority to issue bonds. The Senator says the Secretary of the Treasury unquestionably had the power to issue bonds under the act of 1875, and then he goes further and claims that he had the same right to issue bonds under the law of 1890 to secure gold to redeem the Treasury notes issued thereunder; and he says—now I quote what the Senator from Massachusetts said:

> I voted for the statute of 1890 on that ground, and on that ground alone, and should not have voted for what was known as the Sherman Act except that it gave that great and additional security, as I understood it, to the credit of the Government.

I have heard a great many reasons given why Republican Senators voted for the Sherman law of 1890. Some of them voted for it to prevent the passage of a worse statute; some of them voted for it for the purpose of preventing the free coinage of silver; some have given one reason and some have given another; but it remained for the Senator from Massachusetts to say that he voted for it because under the statute of 1890 the Secretary of the Treasury had the right to issue bonds for the purpose of procuring gold with which to maintain the parity of our money. There is considerable doubt about that, in my judgment. There is no express authority for it under that act; and if the Secretary of the Treasury has the right to issue bonds under the act of 1890 it must be done under the general authority to maintain the parity of the currency, and upon no other provision.

Mr. President, I am not intending at this moment to especially antagonize that position, but I am simply going to cite the remarks of the Senator from Massachusetts for the purpose of showing how he was driven into this position in order to support the present resolution. There is considerable doubt, and I concede it, whether, under the statute of 1890, the Secretary of the Treasury has the right to issue bonds for the purpose of the redemption of the notes authorized under that statute. There is no express authority, and, if it can be done at all, it must be done under general authority, and yet the Senator from Massachusetts says it was because of that great additional authority under that act that he voted for the Sherman law of 1890. So much for that.

The Secretary of the Treasury has not issued any bonds under the act of 1890, and has not claimed to have the power to do so under that act, and he does not assert, as I understand, a general authority to issue bonds for the purpose only of maintaining the parity of the currency. I am not prepared to argue that he can go to that length. The Senator from Massachusetts says, however, that he can, and claims that that was the very ground upon which he voted for that act. It is an abstract question, it is true, and I note it simply for the purpose of showing that in his advocacy of this resolution he goes further than any man who has defended the bond issues has yet gone. When the Secretary of the Treasury has proceeded to issue bonds under the act of 1890 for the purpose of maintaining the parity of the currency, and that alone, then, sir, it will be time enough to discuss that question; it is now, however, premature and unnecessary.

Finally, the Senator from Massachusetts is going to vote for some such resolution as that of the Senator from Kansas because of the assurance of the Senator from Kansas that he intends no reflection upon the Secretary of the Treasury. When the distinguished Senator from Kansas first addressed the Senate he said he presented grave allegations of wrong, and his resolution insinuated that some of the officials of the Government had been doing something unlawful. If that were so, it presented some ground for action; but the other day during the discussion the Senator from Kansas assured the Senator from Massachusetts that he cast no reflection upon the Secretary of the Treasury and no reflection upon the President of the United States, and he struck out of the resolution those insinuations which really constituted the principal ground upon which the resolution for investigation was based. So now, Mr. President, having stricken out those offensive provisions, the investigation is to be had without any ground whatever for it, with no allegation of misconduct, and we are going to have an investigation simply for the purpose of an investigation, and that is all.

I commented the other day upon how ingeniously the Senator had worded the resolution so as to inquire as to whether any officer of the Government had received any commissions upon the bond sales, had received any moneys, or had any interest in the bond sales, and all that sort of thing. If any Senator here will rise in his place and give us some tangible charge, supported by some evidence against the Secretary of the Treasury, I shall then vote for the investigation. While I have a reasonable share of confidence in my brother Senators, I am not willing to establish the pernicious precedent, especially when a resolution comes from an antagonist of an existing Administration, of voting for whatever investigation may be suggested by any Senator. It is a precedent which will surely return to plague us.

Mr. GRAY. May I ask the Senator a question?

Mr. HILL. Yes, sir.

Mr. GRAY. I have just listened to the assertion of the Senator that everything had been removed from the resolution of the Senator from Kansas that contained an aspersion upon the character of the officers of the Administration concerned in this matter of the bond sale.

Mr. HILL. How does it stand now?

Mr. GRAY. What does this language mean, beginning on line 21 of the second page of the resolution:

> Whether any officer of the Government, or any person or persons for such officer, and on his behalf, and in his personal interest, and with his knowledge or consent, entered into any contract, agreement, or arrangement, directly or indirectly, with any person or persons, partnership, corporation, company, or syndicate, for the purpose of affecting the price offered or to be offered for said bonds, or any of them, with the intent and expectation to receive commission or personal reward by reason of such contract, agreement or arrangement; whether such contract or agreement had any and what effect on the prices offered for the bonds, what the effect was, and who, if any person, profited by it, and to what extent.

That seems to me a very grave aspersion, by indirection, on somebody; and, if it be so, clearly there is an impropriety in the Senate instituting an investigation which may lead to an impeachment, and ought to lead to an impeachment if the charges are sustained.

Mr. HILL. I will come to that in time.

The PRESIDING OFFICER. The Chair will state to the Senator from Delaware that that language is not in the pending resolution.

Mr. GRAY. I asked for information. I asked the Senator whether that was so or not.

Mr. HILL. Will the Secretary please read the words which have been stricken out, so that we may understand precisely what we are discussing? I think the Senator from Kansas has stricken out the only ground upon which it was possible to predicate an investigation. If he does not charge anything to reflect upon anybody, what do we want an investigation for?

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. The following language has been stricken from the resolution:

> And the profits made or to be made by such syndicate or any person or persons connected with such syndicate, directly or indirectly, whether any officer of the Government, or any person or persons for such officer, and on his behalf, and in his personal interest, and with his knowledge or consent, entered into any contract, agreement, or arrangement, directly or indirectly, with any person or persons, partnership, corporation, company, or syndicate, for the purpose of affecting the price offered or to be offered for said bonds, or any of them, with the intent and expectation to receive commission or personal reward by reason of such contract, agreement, or arrangement.

Mr. HILL. In other words, Mr. President, the Senator from Kansas has stricken out of his resolution all the direct and indirect allegations of misconduct, and has eliminated from it the very insinuations which made it possible to desire or require an investigation, at least an intelligent investigation.

Mr. SHERMAN. I should like to ask the Senator a question. I have read the resolution, and I did not know that that latter part had been stricken out.

Mr. HILL. I knew some change had been made in the resolution, and was not exactly certain of the precise words which had been stricken out.

Mr. SHERMAN. I have now the recent copy. To what clause in the resolution as it stands does the Senator from New York object?

Mr. HILL. The offensive part of the resolution has been eliminated during this debate.

Mr. SHERMAN. Then what is the objection to asking for this information?

Mr. HILL. The Senator was not here before when I proceeded in detail to discuss these offensive insinuations, as I claim they were, against officers of the Government. They have now been stricken out. I beg to inform the Senator from Ohio that this proceeding is not a mere "asking for information," but a proposition for a formal investigation.

Mr. SHERMAN. I do not see, then, what objection the Senator can make to the resolution. I do not want to pass a resolution that is offensive to the Secretary of the Treasury or that charges him with any wrongdoing, because I do not believe he has committed any, except, perhaps, in the manner of doing business. But I do not see any objection that anybody can have to an examination of the kind stated now, with the offensive provisions eliminated.

Mr. HILL. Then, Mr. President, I will simply congratulate the Senate and the country that this debate has led to the elimination of the objectionable features contained in the resolution. It looked at one time as though the Senate was anxious to throw mud; it looked at one time as though the Senate did not seem to care what this resolution contained, provided it was only an attack

upon the Secretary of the Treasury. Therefore I say it is the debate, and nothing else, which has caused these words to be stricken out; no one has attempted to defend them. The Senator from Kansas himself made a few remarks at the outset, and other Senators also, when they discussed the resolution as it originally stood indulged in all sorts of loose and general charges; and the Senator from Kansas has eliminated those offensive provisions during this discussion.

I have no objection, so far as I am personally concerned, to having my personal conduct in this Senate investigated, and the Senator from Ohio would have no personal objection if some Senator should rise and ask to have his conduct investigated. I have no particular objection to my private letters and papers being examined by anybody, so far as having any fear of any reflection being cast upon me; but, sir, I am not going to permit my private letters and papers to be examined at the instance of every man who comes along who wants to know about them. What is true about one's private affairs is also true about public affairs. Investigation should not be instituted for the mere asking.

I do not concede that it is the duty of this Senate to make this investigation; and before I get through I am going to show that the Senate should treat John G. Carlisle as a Democratic Congress treated JOHN SHERMAN of Ohio. When information was wanted about bond sales they courteously invited him to appear before them. He accepted their invitation and went before them; he explained the matter properly and fully. I am coming to all that before I get through.

Mr. SHERMAN. I desire to say that a resolution did impugn the conduct of the then Secretary of the Treasury, myself, at that time. I deemed it my duty not only to meet the charge or imputation made in the resolution, but demanded that the proper committee should investigate it, and I went before that committee. The Senator probably is not aware that the Secretary of the Treasury, by a law which has existed from the time of Alexander Hamilton, can be summoned before either House of Congress and may be brought here into our presence and examined orally, and he is required to appear in case he is so summoned, as he has been over and over again summoned before committees of Congress.

Mr. HILL. I am aware of that custom; I am aware of that power, substantially as stated by the Senator from Ohio.

Mr. SHERMAN. That law is still standing.

Mr. HILL. And I am going to argue before I get through that that is the course the Finance Committee of this Senate should have pursued. It is proposed here to usurp that function which properly belongs to the Committee on Finance, who have charge of the finances of the Government, and also to ignore the Ways and Means Committee of the House of Representatives, who have charge of such questions there, and where a proper investigation could be made more appropriately than here under our Constitution; and it is proposed to dignify this investigation with a special committee appointed by the Senate.

We have witnessed the principle of evolution since this debate began. What was the first resolution introduced? The Senator from Ohio has not forgotten it. It provided for a special committee of five members appointed, two from each of the great parties, and a Populist member was to be recognized as one—that was all—a committee to be divided, two and two, and one Populist, the opposition to the Democratic party having the majority. That was the theory of this resolution. That has now been eliminated, leaving the investigation to be made by a committee of Senators to be appointed by the Vice-President.

I do not know whether the Senate proposes to pass the resolution in this form or not. I heard the distinguished Senator from Tennessee [Mr. HARRIS], when the resolution was first discussed, say, substantially, "I shall oppose every investigation here which seeks to have this matter investigated by a special committee." Then the Senator from Ohio [Mr. SHERMAN] moved to refer the resolution to the Committee on Finance, and that motion is now pending.

Now, Mr. President, I again assert—and I might as well speak of this question right here as at any other time—that if the Finance Committee of this body wants any information in regard to the affairs of the Treasury, let them send a respectful summons to the Secretary of the Treasury, and he will appear before them. If the Ways and Means Committee of the House of Representatives desire any information on the subject, let that committee send a courteous note to the Secretary of the Treasury and ask him to appear.

Mr. SHERMAN. If I do not disturb the Senator, I will read the very significant language of the act of Congress, approved September 2, 1789, on this subject.

Mr. HILL. I will ask the Senator to read it, so that it may go into the RECORD.

Mr. SHERMAN. That act provides that the Secretary of the Treasury is—

> to make report and give information to either branch of the legislature, in person or in writing (as he may be required), respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office; and generally to perform all such services relative to the finances as he shall be directed to perform.

It was one of the peculiar features of the organization of the Treasury Department that it was to be subject to the two Houses of Congress, and that the Secretary of the Treasury might be summoned before the committees and summoned before either the Senate or the House of Representatives and be examined orally or in writing, and be required to give information pertaining to the affairs of his Department. I believe the Treasury Department is the only Department of the Government that is thus placed under the surveillance of both Houses of Congress.

Mr. HILL. Absolutely, and that is the very reason I intended to argue before I completed my remarks why this proceeding was an unusual and an extraordinary one, because ample power exists in the very method pointed out in the statute, namely, by asking for the information desired from this Department of the Government, an entirely different thing from formally authorizing a special committee to prosecute an investigation into the conduct of the Secretary of the Treasury, where he is to be examined on oath with Tom, Dick, and Harry on the questions involved.

Mr. GRAY. That is what I was going to remark, if the Senator will allow me.

Mr. HILL. Certainly.

Mr. GRAY. The law read by the Senator from Ohio does contemplate the closest and most intimate relations between the Secretary of the Treasury and the committees of both Houses of Congress, and that he may be called upon at all times for information in regard to the financial condition of the country; but the existence of that very law emphasizes the impropriety, the gross impropriety, of such a resolution as this. That law assumes in advance that a Secretary of the Treasury would be of such character as would make a communication from him to a committee, where a respectful request has been communicated, always sufficient to inform either House of Congress as to the exact point inquired about. This resolution passes by that law while it stands upon the statute book and assumes, and has to assume, that such an inquiry and such a request would be disregarded or would not bring a frank and honest answer, and therefore it is proposed to do what? To investigate; not to ask a question. "Investigate" is a term which carries with it a reproach in such a resolution as this.

Mr. HILL. They propose to investigate——

Mr. GORDON. Will the Senator allow me to make an additional suggestion?

Mr. HILL. Certainly.

Mr. GORDON. This law contemplates not only that the Secretary of the Treasury may be called upon to make written communications, but he may be called in person. Surely it is ample enough in all of its provisions and in all of its bearings to meet every possible case that can arise.

Mr. HILL. I agree with the distinguished Senators who have just submitted remarks. But that was not the programme laid out for us here. We can not forget or overlook the features of this investigation as first proposed. It was a partisan scheme. There was to be just an equilibrium with each party, and the Populists were to have the additional odd man. The Democrats were to be in the minority.

As I was proceeding to remark, I have ordinarily no objection to a man's private or official business affairs being disclosed; but, sir, I would resent any attempt to compel a disclosure offensively. In the Senate, I know, Mr. President, there are Senators who argue to the contrary; I know there are Senators who say that everything should be investigated which anyone regards as suspicious; that it is cowardly not to do so. I repeat, on the other hand, it is moral cowardice when the Senate dares not stand up and say that there is no necessity for these senseless and unmeritorious inquiries.

If, I repeat, any Senator will rise in his place and make some definite, tangible charge about anything upon which the Senate needs information, then let us have the investigation; but having originally opposed this resolution in its first form, I do not propose, if I can help it, to have the authors of this resolution at the conclusion of this investigation say: "Well, we did not charge anything; we did not expect it to amount to anything; we did not say that the President had done wrong; we did not say that the Secretary of the Treasury had done wrong; we simply wanted an investigation, and that was all there was of it." I do not believe in that way of conducting official business. I believe that this Senate should not dignify the idle, loose talk that we hear in the Senate and on the streets and read in the newspapers by passing resolutions for investigations of such unfounded matters.

Secretary Carlisle believes in the gold standard. So do the majority on the other side of the Chamber. I need not say that the majority of the people are of the same view, but the Representatives, fresh from the people, in the other House of Congress, recently expressed their sentiments upon this subject and refused to vote for the free and unlimited coinage of silver under existing conditions. But because there are others who differ from Mr. Carlisle, and honestly differ, I concede, is it necessary to join in a crusade against him? Is he to be picked out as a subject of investigation in this offensive manner? We can imagine how this

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tract is one thing, while the redemption of our paper currency is

proposed investigation, if ordered, will be heralded in the headlines of the newspapers. I am not here to especially antagonize the newspapers; I am not here especially to condemn or criticise them, but they naturally like sensations.

What will the average reader understand when you pass this resolution? He will believe that the Senate thought there was something wrong in the issuance of those bonds, some fraud, some irregularity, some wrongdoing, something that has been sought to be covered up, something by which millions of dollars have been squandered, millions of dollars have been stolen, millions of dollars have disappeared, and that somebody has improperly made a great fortune out of the transaction.

Mr. President, it is against the imputations which such a proceeding inevitably implies that I protest. The proposed action is unworthy of the Senate.

As I said before, and I need not repeat it, I do not take this position because of any special relations I have with Secretary Carlisle. I have none. Those who know me in this Senate know I would take the same position if a Republican Secretary of the Treasury were involved. I favored the ordinary resolution of inquiry in regard to the national banks which the Senator from Kansas offered in 1893. The Senator from Massachusetts and other Senators opposed it. That was an ordinary, simple, courteous resolution which it was proper to pass, but which never has been passed, a resolution simply asking for information. I have always favored such resolutions and always will. That is one thing; but I do not believe in dignifying by an investigation a proceeding of this kind.

What is the idea associated in the public mind with an investigation? The idea is that there is something wrong, something suspicious, something irregular, something unlawful.

Mr. President, has it not been the custom of the Senate to refuse to authorize special committees? I so affirm. I have no doubt the President of the Senate would appoint a fair committee. I have no question about it. But that is not the point. You have the Finance Committee, which has charge of and is familiar with financial subjects. The statute already read by the Senator from Ohio shows that the Finance Committee has ample power to summon the Secretary of the Treasury before it in the usual and ordinary way provided by the statute. If you want any information the Secretary of the Treasury will cheerfully furnish it.

Speaking in reference to Mr. Carlisle, I simply say it ought not to be necessary to urge our Democratic party friends to treat a Democratic Secretary of the Treasury as we would treat a Republican Secretary of the Treasury. Disagree with him as we may about the financial question, that is another thing. But it is unwise, it is foolish, from a party standpoint, to pass the resolution.

It is seriously proposed to examine all the bond sales. The first two bond sales are to be investigated. What is the objection to the first two bond sales? They were substantially popular loans; the people were authorized to bid. Subscriptions were asked. The people bid. Syndicates were formed, as they had a right to be formed. A portion of the bonds went to what are called the people proper and a portion to the syndicate, so called. They were both virtually popular loans. There was no difficulty about them. Nobody makes any complaints against them. Yet they are to be investigated.

I do not see why, simply because some fault has been found with what is called the syndicate bond sale, there should be any attempt to investigate the two preceding bond sales. Why is this Administration singled out for investigation of all its bond sales? Why is not the proposal of Mr. Secretary Foster to sell bonds to be investigated? Why are not previous bond sales in the history of the Government to be investigated? If there is any yearning desire to know all about the transactions of the Treasury, let us go back to the bonds issued at the close of the war. Let previous Administrations be investigated. Let not the Senate proceed simply to investigate the present Administration as though bonds had never been issued before, as though the issue of bonds is a new thing, unprecedented in the history of the Government.

Therefore I say if you are going to investigate the two first bond sales of $50,000,000 each you will have to do it just because you want to do it, and not because anyone makes an allegation of irregularity. Nobody questioned them at the time. Some thought they were unnecessary. Some thought the Administration ought to have proceeded in a different way. They thought it was an effort for the maintenance of the gold standard, and that it was an impolitic thing to do. That is all right. No investigation is needed in regard to matters of that kind.

Next, we take the syndicate loan. There was nothing done secretly. The gold reserve was rapidly diminishing, and a crisis was at hand. Time was important. Concede, if you please, that the terms were harsh. What were the facts—the true intention? The President had sent in a special message informing Congress of the emergency, and Congress did nothing. That message is familiar to the people. The President concealed nothing from the country. He told the people that in his judgment the gold reserve should be replenished. He told them that the only way to do it effectually was by the issue of bonds. He told Congress that if it did not want bonds issued it should pass some legislation. But Congress did nothing. What was the President to do? In the absence of special legislation by Congress, in the absence of any direction upon the part of the lawmaking power, the President must proceed to execute existing law. I wish before I get through to read the special message, but I shall not stop now to do it.

The President not only sent a special message to Congress, calling its attention to the crisis that then confronted the country; but in his subsequent annual message he stated the whole financial situation. He accepted the full responsibility. He shirked nothing. He did his duty as he understood it. He may be wrong from the silver standpoint. That is a different question. But, under the responsibility of his oath of office, understanding his duty as he saw it, believing that the best interests of this country, as well as existing law, required the maintenance of the gold standard and its policy, he saw fit to have the bonds issued. We may differ with him as to the mere question of propriety. That does not present a question to be investigated. All the bonds could then have been floated at 3 per cent if Congress had so willed it. Congress seemed to be afraid of gold, although gold, whether rightfully or wrongfully, was conceded to be the only legal standard of value.

Whether the gold policy is wise or unwise is not the question. The fact of the legal existence of the single gold standard confronts us, and it will remain such until it shall be changed. Senators who differ with the President have a right to introduce bills to change that standard. Senators have a right to argue that it ought to be changed. Senators have a right to go to the national conventions and endeavor to induce their party friends to change it as the policy of the party; but until it is changed a duty confronts the officials of the Government, and that duty they must proceed to discharge. It is unwise, it is inexpedient upon our part to indulge in senseless criticism of their conduct simply because we happen to differ with them, as some Senators may, upon the vital question of the gold policy or the silver policy.

I need not read now the syndicate contract that was made with Morgan and others of New York. The syndicate contract was specially valuable to the Government, because under its terms one-half of all the gold was to be procured from abroad. What do the facts show? They show that under the first two loans the gold that was used for the purchase of bonds was drawn out of the Treasury on the presentation of greenbacks only a few days before. Therefore, when the bond sales were fully completed there was very little more gold in the Treasury than when they were started, because a large portion of the gold was drawn out of the Treasury with which to pay for the bonds. But the syndicate contract of February, 1895, was valuable to the Government because one-half of all the gold was to be procured from abroad. I need not argue how it benefits the country to have the gold come in from abroad instead of taking it from our own Treasury. It is desirable as far as possible to sell our securities abroad in order that more money may come into the country.

I know it is said that gold bonds ought not to have been issued. Yet, sir, we expect to pay in gold if gold is demanded, especially if any difference in value exists. As I understand it, the true friends of silver have never asked that the obligations of the Government or the creditors of the Government should be paid in depreciated currency. They expect—and that is their argument—that whenever the free coinage of silver shall be decreed, in the very near future there will be a parity in fact as well as in law. That is the true theory of the silver men. But until that shall occur there can be no objection to the Government issuing its bonds, and there can be no objection to the Government insisting upon it that while the present standard of value remains the greenbacks shall be redeemed in gold.

The syndicate bond sale took place in February, 1895. No investigation was then suggested. None was proposed. The country was then familiar with the syndicate transaction. Some speeches were made against it, but no Senator rose in his place and asked for an investigation. Nearly a year and a half has elapsed since the syndicate sale of 1895, and then all at once there is a zeal manifested for the passage of a resolution of investigation. If the bond sale of 1895 was so irregular, if there was anything improper about it, if there was anything wrong about it, why did not some Senator then propose an investigation when it was fresh in the minds of the people? No, Mr. President; it is an afterthought. It is an outcome for use in the approaching political campaign. It is an effort of a combination here in the Senate of Senators who want to throw mud upon this Administration.

Mr. NELSON. Will the Senator from New York yield to me for a moment or two?

Mr. HILL. Certainly.

Mr. NELSON. I have a little local bill which I should like to have considered. It will take but a moment.

Mr. PEFFER. I guess we had better proceed with the regular order.

Mr. NELSON. It is a little bill which the soldiers of St. Paul wish to have passed for Memorial Day.

Mr. PEFFER. I think it would be better to proceed with the regular order.

The PRESIDING OFFICER. The Senator from Kansas objects.

Mr. NELSON. I wish the Senator from Kansas would withdraw his objection.

Mr. PEFFER. I would then have to yield to some other Senator, and it would lead to confusion.

The PRESIDING OFFICER. The Senator from Kansas objects to the consideration of the bill asked for by the Senator from Minnesota. The Senator from New York is entitled to the floor.

Mr. HILL. Mr. President, of course the public interests would be greatly injured and delayed by the passage of the little bill of our friend the Senator from Minnesota. Everything now revolves about the bond investigation. It is going to save the country. It is going to vindicate those who are urging it. The appropriation bills must give way. Private bills must give way. Everything must give way in the Senate for the urgency of the passage of this extraordinary resolution of investigation. Senators are so confident that the officials of the Government are to be ruined and injured that they can not wait even for a few minutes to have a private bill passed. The result of it will be a disappointment to those who are urging it.

Third. Then came the recent loan, which has been called a popular loan. I do not know what real and substantive criticism can possibly be made in regard to that loan. I have answered some of the trivial criticisms. I have read the notice of the Secretary of the Treasury showing the terms under which the loan was authorized. We have not forgotten the debate that took place on the Thursday preceding the issuing of the call for the popular loan. All that Senators then wanted was a popular loan. It was said the people were ready and eager to invest. It was represented over and over again that the bonds of the Government could be sold at a rate which would be equivalent to 2, 2½, or 3 per cent. I recently read the list of the bids to show how disappointed were the expectations of those who made such predictions. Now, there are to be investigated not only the syndicate loan but the recent one.

I have already answered the proposition that the bonds should have been sold at a fixed price. I have already commented upon the fact that if the Secretary of the Treasury had authorized the bonds to be sold at a fixed price there would have been a clamor that the Secretary of the Treasury had attempted to prevent bonds being sold to the highest bidder, to the injury of the Government. I have already commented upon the fact that if he had insisted upon gold being deposited as security for the bid, or some other security given, it would have been said he was injuring the poor man; that the poor man had a right to bid for bonds; that he ought not to be required to give any security. He could borrow the gold and get the bonds if he were so disposed.

Suppose the bond proposal or the call had provided that gold should not be procured from the Treasury. I am inclined to think, from one point of view, it would have been wise enough, and that bids should not have been accepted from any bidder where the gold could have been traced and shown to have come recently from the Treasury. Suppose he had put in such a clause. I think it would have been a benefit to the Government and saved it from the endless-chain operation. But if the Secretary of the Treasury had placed in the call for the bonds such a clause, what then would have been the charge? "Oh, it is unfair discrimination. A man who has his greenbacks placed away in his trunk locked up, or in his stocking, or in his safe has the right to take the greenbacks to the Treasury of the country and to get gold, and if he wants thereafter to buy bonds he has a right to do it." It would have been said that it was an unfair discrimination against the poor man; that the poor man had nothing but greenbacks; that those who had money stored away had only greenbacks, and greenbacks would enable them to get gold by going to the Treasury. It strikes me that upon the whole the Secretary of the Treasury pursued the wise course. He left it open for everybody, whether he had gold, whether he had silver, or whether he had to get his greenbacks, go to the Treasury, draw out the gold, and obtain the bonds.

Need I comment further upon the fact that everyone had a chance at the bonds? Those who predicted that the bonds would be sold at a rate equal to 2½ or 3 per cent interest were disappointed. The sum total of these bonds were sold at only a trifle less interest than the syndicate bonds, and under the syndicate contract one-half of the gold was to be procured out of the country.

Among other bids was the bid called the Graves bid. The newspapers were filled with charges about the Graves bid. It was a bid for $4,500,000 of bonds. It seems he did not have any money. He was an adventurer. But he made his bid. He made it under this "free-for-all" entry, under the call that let in any man, sane, insane, poor, blind, halt, Tom, Dick, or Harry. Everybody could come in, whether he had a dollar or not. That was fair, because it prevented criticism. Mr. Graves bid. He did not have a dollar of gold. He bid, and his bid was accepted. The Treasury notified him that on such a day, in accordance with the terms of the proposal, he was to produce his first installment of gold; I think it was 20 per cent. He did not fulfill. He did not respond. He was peddling his bonds, as the newspapers stated, all over Wall street. He was trying to get somebody to let him have the gold. But there happened to be a flurry in Wall street that day on account of the war scare, and down went the market value of the bonds and he could not get anybody to let him have enough money, and he forfeited.

Then what did he do? Messrs. Morgan & Co. had given a blanket bid to cover the whole amount. They were entitled, under the strict terms of that bid, to any bonds where the bidder failed. That is the legal, proper, and just construction of the Morgan bid. What took place? This man Graves made a fuss about it. He went into the newspapers, issued his charges that he was improperly shut out; that his bonds were irregularly given to the great syndicate formed by Morgan & Co.

I do not propose to unnecessarily drag into this matter any question of politics if I can avoid it. In the previous debate had here two months ago I explained to the country and to the Senate who Mr. Morgan is. There is not a member of his firm who is known to be a Democrat. They are strong Republicans and they aided the Republican cause in previous campaigns. They are business men. They are bankers; that is all. They deal in Government securities. They reorganize great railroads. They take railroads anywhere in this country—North, South, East, or West—and reorganize them. They are men who have accumulated their millions, and, so far as I know, they have accumulated them honestly and fairly. They are men of high standing. The charge or insinuation is that in some way or other there is an undue intimacy between the officers of the Government and this banking concern. I have alluded to the fact in the previous debates had two months ago that Morgan & Co. are of the same firm that helped to float our bonds during the time of the war. There is nothing new about them. Neither the President of the United States nor Mr. Carlisle has any peculiar relations with those bankers any more than with any other banker throughout the country.

Under the terms of the blanket bid, which covered all bids where there was a failure to take the bonds, Morgan & Co. obtained the $4,500,000 of Graves's bonds. Here is something tangible. If the Senator from Kansas [Mr. PEFFER] had put into the resolution a clause for the investigation of that particular transaction, saying it has been charged so and so, there would have been something definite to act upon. Here was the $4,500,000 bid, and the bonds were given to Morgan & Co. The answer is plain enough. The other man failed to produce the gold, and they gave it to the next bidder who, in formal terms, was entitled to it. That is the answer to it. But the charge is enough, if it is made specifically and definitely, to warrant somebody examining it.

What did the House of Representatives do? On February 21, 1896, in the House, which I submit to the Senate is properly the body to investigate the subject, if an investigation is to be had, the resolution was offered which I ask the Secretary to read.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

Whereas it has been charged by William Graves, in a statement made by him and given to the public press, that Hon. John G. Carlisle, the Secretary of the Treasury of the United States, has refused to deliver to said William Graves $4,500,000 in bonds of the United States at 115.3301 after having accepted the bid of the said William Graves therefor at said figure, although the said William Graves has tendered the Secretary of the Treasury the amount of said bid for said bonds in gold at the subtreasury in the city of New York, and that the Secretary of the Treasury has awarded said bonds to J. P. Morgan & Co. at a sum $200,000 less than the amount bid and tendered by the said William Graves: Therefore

Resolved, That a committee of five members of this House be appointed by the Speaker of this House to investigate said charge and report to this House, in writing, the result of the investigation.

The committee is given power to send for persons and papers, to administer oaths, and such other powers as may be necessary in the course of the investigation hereby authorized.

That there be, and hereby is, appropriated, out of any money in the contingent fund of the House, the sum of $10,000, or so much thereof as may be necessary, to pay the expense of making the investigation hereby authorized.

Mr. HILL. Mr. President, that resolution is legitimate and proper in form. It charges something; it alleges something distinct; it specifies the precise ground that Mr. Carlisle refused to let Graves have the bonds. Although it says he has tendered gold to the Treasury, it does not say when he tendered it. The resolution has never been acted upon in the other House. It stands there ready to be acted upon. If Mr. Carlisle has refused, arbitrarily, willfully, improperly, to let a bidder have $4,500,000 of bonds, there is sufficient in that matter, of course, to justify the House of Representatives acting and taking cognizance of the matter.

Mr. VEST. Will the Senator from New York permit me to ask him a question for information?

Mr. HILL. Certainly.

Mr. VEST. I take no special interest in these charges as to the integrity of the Secretary of the Treasury, nor have I paid any attention to them. I do not believe them. But there is a part of

this transaction about which I have never been entirely satisfied. I mean as to the correct business relations between the parties, whether the Secretary of the Treasury construed the law correctly or not. As I understand the facts—possibly I am wrong—the firm of J. Pierpont Morgan & Co., or this syndicate, made a bid for the whole $100,000,000?

Mr. HILL. Yes, sir.

Mr. VEST. That bid was not accepted, I understand?

Mr. HILL. It was not accepted as a whole in the first instance, because there were other bids to the amount of about $60,000,000 which were more favorable to the Government—higher bids.

Mr. VEST. I understand the facts to be that a number of other bids were made which the Secretary of the Treasury found to be more favorable to the Treasury than the bid of J. Pierpont Morgan & Co.?

Mr. HILL. Yes; to the extent I have stated.

Mr. VEST. He then awarded these bids, and it turned out the parties were unable to furnish the gold for different reasons. Then the Secretary of the Treasury, under what is called by the Senator from New York this blanket bid, turned over all the unfulfilled bids to J. Pierpont Morgan & Co. Now, that seemed an extraordinary proceeding to me, unless there was a specific provision that all the bids not taken for any reason should be given to J. Pierpont Morgan & Co. I have always understood in regard to these Government biddings, and I think that obtains in all the Departments, that, when a bidder declines to comply with the terms of the bidding, it is then an option with the Government whether it shall award to the next bidder or, if the market has made it more advantageous to the Government, then to put up the same bid for other action by other bidders. I understand it is the fact that after these parties, for one reason and another, refused to take these bids the bonds went up. I have no personal knowledge on the subject, of course; I do not know any of the parties who bid; but I have understood that young men and women who did not have a dollar put in bids, and then either sold them or got other parties to put in the gold and divide the profits. But there were a large number of parties who could not furnish the gold, and in the meantime the market went up. Was it not the duty of the Secretary of the Treasury, as the trustee of an express trust, an official under the Government, to take advantage of his right to put up the bonds to a better bid than that of J. Pierpont Morgan & Co.?

Mr. HILL. What would have been the situation if the other bids were only half the amount of the hundred-million-dollar bid?

Mr. VEST. He could then have gone on and put them up again until he sold the balance, unquestionably. If the Senator will permit me, I will make just one suggestion, because I am actuated by no feeling against the Administration nor the Secretary of the Treasury, as much as I differ with them in a great many respects. What would have been the result of the construction the Secretary of the Treasury has put upon this transaction? Suppose a man of immense means, like J. Pierpont Morgan & Co. or Vanderbilt, undertook to corner, you might say, $50,000,000 or $100,000,000 of bonds put up to the highest bidder by the Government? All that would be necessary would be to put in a blanket bid at a low figure, and then send a number of impecunious men to make bids at larger figures, knowing that they could not put up the gold, and then, when they had failed to do so, come in and say: "Here is my blanket bid; that covers it at a lower figure, and I want those bonds."

I do not say that was the case here by any means. I am speaking as a lawyer and as a legislator, not as an individual. If any practice could be guilty of such abuse as that it is a most dangerous one. I have always thought that the Secretary of the Treasury ought, when he found thirty-five or forty million dollars of bonds—I will not be accurate as to the exact amount—was not taken by the parties who had made bids that were accepted, he ought then to have availed himself of the rise in the market and obtained a larger price for those bonds; and that was the duty of any trustee, whether he was a private trustee or a public one.

Mr. HILL. I hope before this debate is over to put in the RECORD precisely the bid of J. Pierpont Morgan & Co.

Mr. VEST. Yes; I should like to see that.

Mr. HILL. From that it will appear that the bid was in the from usual in business transactions of that character whereby they bid for the whole hundred millions, which, of course, included any part thereof, and any bids not taken by other bidders.

Mr. VEST. If the Senator will permit me, allow me to ask him a question right there, for that is the gist of this whole matter. Suppose when J. Pierpont Morgan & Co. put in those bids the bonds were worth 115. Suppose that $50,000,000 of them were not taken by the parties who had bid, for one reason and another, and in five days afterwards those bonds had gone up to 130. Does the Senator think that the Secretary of the Treasury was authorized to make a donation of the 15 per cent to J. Pierpont Morgan & Co. because they had chosen to incorporate in their bids an offer to take all bids that were not taken? Now, that is the whole of this question.

Mr. HILL. The bid of J. Pierpont Morgan & Co. was in the form usual in such transactions. I am not called upon to answer the hypothetical case of the Senator from Missouri. I will state further that of course the rejection of any and all bids is always reserved, and it was reserved here.

Mr. VEST. Do I understand the Senator from New York to state that that is the usual offer, to take all the bids that are not complied with?

Mr. HILL. Such bids are very frequent in large transactions. I do not say that Morgan's bid contained an express clause agreeing to take all bids not complied with. That, however, was its legal effect. It was the next highest bid, and the Government was in duty bound to give the forfeited bonds to the next highest bidder.

Mr. VEST. And the Secretary of the Treasury holds that bid open until he sees how many other bids are not filled, and then gives that bidder the advantage of the rise in the market?

Mr. HILL. No; he gives to each bidder just what he is entitled to in the first instance, and upon any forfeiture he then gives the next highest bidder the benefit of such forfeiture. That was legal as well as fair to everybody.

Mr. VEST. What I stated is just what was done in this case.

Mr. HILL. No; it is not what was done in this case.

Mr. VEST. The market had gone up.

Mr. HILL. The market had gone up on some days and was down on others. On the very day when the Graves bid was to be fulfilled by the payment of the gold the bonds in the market price were below what he bid for them.

Mr. VEST. They immediately went up the next day and continued to go up.

Mr. HILL. That is very true, of course. The stock market varies from day to day.

Mr. VEST. They of course went right up. It was only a temporary depression.

Mr. HILL. The stock market, of course, in New York is like a stock market elsewhere; it can be manipulated; the men who have large quantities of gold or bonds can manipulate it. The fact conceded by all those who have investigated the transaction, conceded by the newspapers at the time, which detailed it accurately, was that the day before Graves had to pay his money on his bid his bonds were being peddled around New York. On that day the market went below, so that those bonds in the market were selling for less than the Graves bid.

They might have kept going down. Of course the Secretary of the Treasury could have accepted the J. Pierpont Morgan & Co. bid, which was very near this amount, or he could have resold the bonds again at public sale. But in what a situation would the Secretary have been placed if he had refused the Morgan bid and then had readvertised and resold the bonds, and they had brought less than the Morgan bid in the market.

Mr. VEST. Graves's bid was not the only bid——

Mr. HILL. Graves's bid was not the only bid, of course. There was little or no complaint of any other bid.

Mr. VEST. I beg pardon, but can the Senator tell the amount of bids not filled that J. Pierpont Morgan & Co. took under this blanket bid?

Mr. HILL. Not very many. I will furnish the exact list tomorrow.

Mr. VEST. I have seen it stated that there was a much larger amount than $4,500,000.

Mr. HILL. Morgan & Co. had about $37,000,000 in round numbers awarded to them in the first instance, and then they obtained $4,500,000 (the Graves bid) and about $237,000 more; that was all. I have read the resolution of the House of Representatives for the purpose of showing that the real branch of the Government whose duty it is to investigate these matters, if there is any duty at all, proceeded with it. A resolution was introduced for this investigation. It never has been considered worthy of consideration. It never has been brought up. It never has been discussed. It never has passed the body that has the power to act on the question with more propriety than we have.

Now, Mr. President, what is the situation? Do we want to aid a lawsuit? A short time since Mr. Graves brought suit against the Secretary of the Treasury in this District. Mr. Carlisle appeared, put in his answer, put in his affidavit, and detailed this whole transaction. Not expecting this debate to be resumed this afternoon, I was in hopes of getting a copy of the affidavit and that answer. The answer was put in and verified. The attorneys for Mr. Graves have been investigating the subject, and I am informed that this afternoon they withdrew the suit. It was wholly unfounded; they could not maintain it anywhere.

Mr. MILLS. I move that the Senate adjourn.

Mr. CHANDLER. I suggest a call of the Senate. I suggest that there is no quorum present.

The PRESIDING OFFICER (Mr. PASCO in the chair). The motion does not require a quorum, the Chair will state.

Mr. MILLS. A motion to adjourn has preference.

Mr. LODGE. Then I ask for the yeas and nays.

Mr. CHANDLER. I call for a division.

The PRESIDING OFFICER. Is the demand for the yeas and nays seconded? [A pause.] A sufficient number have not seconded the demand.

Mr. CHANDLER. I ask for a division.

The PRESIDING OFFICER. The Senator from New Hampshire calls for a division on the motion to adjourn.

The question being put, there were, on a division—ayes 13, noes 12.

The PRESIDING OFFICER. The ayes have it, and the Senate stands adjourned until to-morrow at 12 o'clock.

Mr. LODGE. I make the point of order that no quorum has voted.

Mr. MILLS. It does not require a quorum.

The PRESIDING OFFICER. A quorum is not required to adjourn. The Chair has declared the motion agreed to.

Mr. FRYE. I call for the yeas and nays.

Mr. MILLS. That has been refused.

The PRESIDING OFFICER. The yeas and nays were not ordered, one-fifth of the Senators present not having seconded the call. The vote has been taken by a division and carried, and it has been declared by the Chair that the Senate stands adjourned until 12 o'clock to-morrow.

The Senate thereupon (at 4 o'clock and 55 minutes p. m.) adjourned until to-morrow, Tuesday, May 5, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 4, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Saturday was read, corrected, and approved.

CAPITAL RAILWAY COMPANY, DISTRICT OF COLUMBIA.

Mr. CURTIS of Iowa. Mr. Speaker, I desire to present a privileged report. I submit the conference report on Senate bill No. 888.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the Senate bill No. 888, an act to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895, having met, after full and free conference agree to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In section 1, line 7, strike out the word "for" and insert "have"; so that the phrase shall read "have a common seal"; and that the House agree to the same.

That the Senate recede from its disagreement to the second and fourth amendments of the House and agree to the same.

That the Senate recede from its disagreement to the third amendment of the House, and agree to the same with the addition of the following proviso:

"*Provided further*, That neither the Capital Railway Company nor any other street railroad company in the District of Columbia shall be permitted to run cars over any underground electric or cable road by a route or routes not specified in the charters of the respective roads and the amendments thereto except by authority of Congress hereafter to be granted."

And that the House agree to the same.

That the Senate recede from its disagreement to the fifth amendment of the House, and agree to the same with an amendment, so that section 4 shall read as follows:

"That the portions of the company's routes from Congress or Pencote Heights to Shepherds Landing, and from Good Hope to the District line, shall be completed within two years from the passage of this act: *Provided*, That failure to complete the portions of the routes mentioned in this section, and also failure to complete the extension on Eleventh street east, shall operate to repeal the authority to build said portions and shall not repeal the charter of said company."

GEO. M. CURTIS,
JAS. D. RICHARDSON,
Managers on the part of the House.

JAS. McMILLAN,
CHAS. J. FAULKNER,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

STATEMENT.

The amendment to the first amendment merely corrects a verbal error.

The Senate recedes from its disagreement to the second and fourth amendments.

The Senate recedes from its disagreement to the third amendment, and it is further provided that all street railroads be kept to routes authorized by their individual charters.

The fifth amendment is agreed to with the proviso that if the minor extensions are not completed within two years then the routes of such extensions, but not the entire franchise, shall be forfeited.

Mr. HEPBURN. Mr. Speaker, I desire to ask the gentleman in charge of this matter a question.

Mr. CURTIS of Iowa. Certainly.

Mr. HEPBURN. I wish to ask whether the amendment proposed in the conference report whereby these roads are limited to the use of the routes laid down in their own charters does not change very materially the legislation heretofore passed upon that subject? There is a provision of law that where these roads coincide as to a part of their route, in order to avoid the multiplicity of tracks in the streets, such of them as coincide shall be required to use the tracks already constructed. Under this amendment I think this very wise provision will be repealed. Is that so?

Mr. RICHARDSON. It will be modified in this way, as I understand: This is an amendment to the House amendment. The Metropolitan Company have put down an underground electric motive power, as required by Congress, and at very heavy expense. They claim that their connections are very delicate, being made of porcelain, and that the running of cars of other roads over their tracks, or any very heavy cars, would break the connection, and their engineer certifies in writing that it would be impossible to permit that without very serious injury. Therefore it is proposed that they must ask Congress for that authority if it is to be given. That is as I understand it.

Mr. HEPBURN. Mr. Speaker, the legislation that is sought to be repealed in this peculiar way was secured only after a very earnest contest with the railway companies of this city. It was regarded at the time by the House as a matter of very great importance.

Mr. RICHARDSON. That is already arranged for. It does not interfere with prior arrangements where they have that right already.

Mr. HEPBURN. It repeals that section.

Mr. RICHARDSON. Not where they have that right, as I understand it.

Mr. HEPBURN. If the gentleman will have that provision read again, I think he will find that my statement is correct.

Mr. RICHARDSON. It does not interfere with them where they have it in their charter.

Mr. HEPBURN. No; but there is a general provision enacted by the last Congress giving a road that coincides with another road the right to use the tracks of that road, instead of duplicating the tracks in the streets of the city.

Mr. RICHARDSON. This amendment provides that they may still do it if Congress consents to it.

Mr. HEPBURN. In every instance it makes it necessary to come to Congress, instead of using the legislation which we have now.

Mr. RICHARDSON. I remember the legislation to which the gentleman refers, and I do not object to it, but I will say to him that some of the roads are equipping themselves, or proposing to equip themselves, with a very heavy motor, known as the compressed-air motor. The Eckington Company, for instance, are doing this. I mention that as one company which has already given notice that its purpose is to use that motive power. It was thought that that company ought to submit the right to do that to Congress before it could run upon these tracks, and Congress simply reserves the right in this amendment to give them the permission hereafter or to withhold it.

Mr. HEPBURN. Then the gentleman does understand that this is in effect a repeal of the existing legislation?

Mr. RICHARDSON. I think it would provide that they must come to Congress for the authority.

Mr. HEPBURN. Then it does repeal present legislation?

Mr. RICHARDSON. I say it is a modification of it.

Mr. HEPBURN. It is a repeal, is it not? If they have to get legislation hereafter, when they do not have to get it under present legislation, it certainly is a repeal of existing statutes.

Mr. RICHARDSON. I do not understand that it repeals it totally, but modifies it. It does not interfere with them where they have that right already, but hereafter if they want that right they must get it through Congress. That is the idea.

Mr. HEPBURN. That is not the language of this amendment.

Mr. RICHARDSON. I think you will find that it is.

Mr. HEPBURN. I hope the House will not adopt this portion of the conference report. It is wrong. These companies fought very vigorously against this legislation, under the leadership of the gentleman, in the last House.

Mr. DOCKERY. I ask to have the amendment again reported.

Mr. HEPBURN. Mr. Speaker, I ask that that portion of the amendment be again read.

The SPEAKER. The Clerk will again read the report.

The Clerk read as follows:

That the Senate recede from its disagreement to the second and fourth amendments of the House and agree to the same.

That the Senate recede from its disagreement to the third amendment of the House and agree to the same with the addition of the following proviso:

"*Provided further*, That neither the Capital Railway Company nor any other street-railroad company in the District of Columbia shall be permitted to run cars over any underground electric or cable road by a route or routes not specified in the charters of the respective roads and the amendments thereto, except by authority of Congress hereafter to be granted."

And that the House agree to the same.

Mr. HEPBURN. That is the provision that I refer to.

Mr. DINGLEY. I desire to call attention to the fact that the conference committee have evidently exceeded their jurisdiction in undertaking, upon an act relating to a single railroad, to annex legislation in conference relating to all the railroads in the District. They have clearly exceeded their jurisdiction.

Mr. RICHARDSON. This amendment provides that the Capital Railway Company, the company we are chartering, and other companies shall not use the roads or shall not run their cars over the roads already chartered, the idea being of protecting the Metropolitan road because of the delicate machinery by which it operates its system.

Mr. HEPBURN. The gentleman has reference to one particular road.

Mr. RICHARDSON. Was not this a charter in reference to one particular road?

Mr. RICHARDSON. No; not exactly. It provides that this road shall connect with the Metropolitan and also with the Capital Traction Company, which is the old Washington and Georgetown Company, and that there shall be a free system of transfers between them, but that they shall not run their cars on either of the other roads.

Mr. HEPBURN. Will the gentleman allow me to correct him there? There is no provision for "connection" with either one of those railroads.

Mr. RICHARDSON. No, sir.

Mr. HEPBURN (continuing). And connection is not contemplated. They are to approach each other, and at the points of approach there is a free-transfer system, but there is no connection. There is no authorization in this bill for the Capital Company whereby its cars may be used upon either of these other roads. This provision is absolutely gratuitous. It has no connection whatever with the subject-matter of the bill, and it is an attempt in this insidious way to repeal useful legislation that this House struggled over for days during the last Congress.

Mr. DINGLEY. Mr. Speaker, I desire to raise a point of order which will lie against this report. The committee of conference, in a bill having relation to the charter of one railroad has included legislation affecting all the other railroads. I do not know whether that was done by the conference committee or in an amendment of the Senate.

Mr. RICHARDSON. That is by a Senate amendment.

Mr. DINGLEY. Not done by the committee of conference?

Mr. RICHARDSON. It is done on an amendment to a House amendment in conference.

Mr. DINGLEY. The question is, is this amendment, whereby legislation is undertaken to apply to all the railroads in this District, an amendment put on by the Senate or proposed to be included by the committee of conference?

Mr. RICHARDSON. It was put on in the conference as an amendment to a House amendment.

Mr. DINGLEY. In the conference?

Mr. RICHARDSON. In the conference.

Now, I do not think the point of order is well taken, if the gentleman will pardon me. This road, when built, connects with these other roads. I do not agree with my friend from Iowa as to the effect of the bill. These roads do not coincide—that is, they do not run on each others' lines; but they connect, all three of them, with the Capital Railway Company—that is, the Capital Traction Company, which is the old Georgetown and Washington, and the Metropolitan Company are mentioned as connecting with that road; and the object primarily was to keep that road and all others off the Metropolitan road on account of the delicate apparatus by which it is operated.

Now, I do not understand that it interferes with the charter rights of the companies, but provides that hereafter the authority must be given by Congress. It does not interfere with those roads now, but it simply provides that hereafter the running of heavy cars over this delicate machinery shall not be granted on those roads without special authorization of Congress. I think that is right, Mr. Speaker, and the gentleman from Iowa will pardon me—I think it is right because under the legislation which the gentleman refers to this company has been required to expend $2,550,000 to put in this underground electric system, which is a very delicate system, as it is explained to us.

Mr. TERRY. Will the gentleman allow me to ask him a question right there?

Mr. RICHARDSON. In a moment. The motive power is the underground electric current, and the connection that is made, as the engineer explains it to me, is by porcelain. It is a connection which is brittle and may be easily broken by the shock of these heavy cars, such as would be necessary for transporting the compressed air batteries; and it was thought that they ought to be protected in the use of this service by Congress.

Mr. Speaker, the gentleman from Iowa referred to the legislation of the last Congress. I remember it very well. I was on the committee, and it passed unanimously. If I remember the matter correctly, an amendment was reported which was put on in conference. That amendment provided for this reciprocal trackage arrangement; and it is not the intention that this shall break that down where we already have it. I have the report here of the engineer. I do not know these matters of my own knowledge, but I think I will quote it correctly. However, we provide that hereafter Congress shall pass upon the matter and decide whether it is right and proper that the road being chartered should run over the Metropolitan road, with the heavy motive power they will have, heavy enough to crush this porcelain connection, which is a delicate apparatus that they have put in there.

Mr. BAKER of New Hampshire. Will the gentleman allow me to ask him a question?

Mr. RICHARDSON. I promised to yield to the gentleman from Arkansas [Mr. TERRY] for a question.

Mr. TERRY. In view of the fact that Congress had expressly provided that when one of these railroads laid its tracks in the streets it would be liable to have other companies run over those tracks, what right had the Metropolitan Company to construct its roads with such delicate machinery as to make that law of Congress practically of no effect?

Mr. RICHARDSON. I will answer the gentleman by saying that it was the express requirement of Congress that the Metropolitan Company should equip its road with underground electric power, and that company has done so, and has expended $2,500,000 in doing it, under the direction of the very best experts.

Mr. TERRY. But I understand you to say that in doing it they have used a kind of porcelain or some material so delicate that other cars can not run over the track.

Mr. RICHARDSON. Mr. Speaker, the gentleman from Arkansas and I would not differ about the method of constructing the road, because neither of us would know how to do it, but this company has expended this money, and the gentleman will understand that their object was not to do what he says, nullify an act of Congress. Their object was to get the very best apparatus and equipment for the purpose, and that is what they have provided. I want to call attention also to the fact that it is a thing of joy to ride on the cars propelled by this new system, and it seems to me we ought to protect this company as far as we can after having required them to make this large expenditure.

Mr. BAKER of New Hampshire. If I understand the act in question, it simply permits the cars of the Capital Railway Company to come up to a point where transfers are issued from that road to the Metropolitan and to the Capital Traction roads. The cars of this company are not proposed to be run over the tracks of either of those lines, and if that be so, what is the necessity for the provision that is creating this discussion?

Mr. RICHARDSON. Because they may get an amendment and obtain the right to run on this track.

Mr. BAKER of New Hampshire. But they have not got it now, and it is not proposed by this bill that they shall have it.

Mr. DOCKERY. Do I understand the gentleman from New Hampshire to say that this particular company does not propose to avail itself of the benefits of that provision of the statute?

Mr. BAKER of New Hampshire. It has no right under this charter to proceed one foot on the tracks of either of these other companies, and consequently this provision that has been injected here is not germane to this bill.

Mr. RICHARDSON. In reply to the gentleman, I will say that there are two roads to occupy the new line to be constructed. The Capital Railway is the name of the new one, and the other is the old Anacostia line, which now occupies the track and runs its cars now over the Metropolitan track not only at this point of connection, but clear on down to Ninth street, up Ninth to G street, around G street, and back down on the Metropolitan track. Now, the Anacostia road may change its motive power; it hopes to do so, and the line is to be used by that company in common with the company that is chartered under this bill, the Capital Railway Company, and therefore they will connect and run their cars on this track, and this provision is designed to prevent the abuse of the tracks of this new line.

Mr. BAKER of New Hampshire. Does the gentleman claim that the present company will have any right, by virtue of this bill, if it shall become a law, to run on the tracks of either the Metropolitan or the Capital Traction Company?

Mr. RICHARDSON. Not at present; but they may get it by some arrangement with the Anacostia Company, which connects with it.

Mr. BAKER of New Hampshire. But they can not do it under this bill, so there is no need for dealing with that question now.

Mr. HEPBURN. Mr. Speaker, on this point of order allow me to read the amendment of the House to the Senate bill. This is the amendment over which there was disagreement:

Provided further, That the line of said railway company shall be commenced within three months and completed within one year from the date of the passage of this act, with the exception mentioned in section 4 of this act.

That was all the matter of disagreement between the two Houses. Now two amendments have been introduced not by the Senate, but by the conference committee——

Mr. RICHARDSON. Is not the gentleman mistaken about that? Is not this amendment added to the one which provides where connection is to be made with the Capital Traction Company and with the Metropolitan Company?

Mr. HEPBURN. No, sir; here is the conference committee's amendment:

Provided further, That neither the Capital Railway Company nor any other street-railroad company in the District of Columbia shall be permitted to run cars over any underground electric or cable road, by a route or routes not specified in the charters of the respective roads and the amendments thereto, except by authority of Congress hereafter to be granted.

Mr. WILLIAM A. STONE. Where do you get that? That is not in the bill.

Mr. HEPBURN. This is the amendment that the conference committee have added to the amendment of the House to the Senate bill. Here was a private charter. The subject-matter of the bill that was before the House was confined to this one road. There was no authority in the bill to use the tracks of either of these other roads. They do not in fact connect, any further than that they come together; in one case they do not even do that.

Mr. WILLIAM A. STONE. Will not the gentleman state again that amendment of the conference committee?

Mr. HEPBURN (reading)—

Provided further, That neither the Capital Railway Company nor any other street-railroad company in the District of Columbia shall be permitted to run cars over any underground electric or cable road by a route or routes not specified in the charters of the respective roads and the amendments thereto, except by authority of Congress hereafter to be granted.

Mr. CANNON. Will the gentleman allow me a word at this point, for the purpose of making this matter plain as I understand it? The House amendment which was in conference contained, I believe, this provision (referring to the Capital Traction Company)—

Provided further, That the line of said railway company shall be commenced within three months and completed within two years from the date the of passage of this act, with the exception mentioned in section 4 of this act.

Now, that amendment of the House having been disagreed to by the Senate and having gone to conference, the Senate, by the conference report, recedes from its disagreement to that amendment. Then the conferees take up, as the gentleman says, an entirely new subject and report the matter which the gentleman has read, which was not in conference.

Mr. HEPBURN. I thank the gentleman for his explanation. Now, Mr. Speaker, it seems to me that if this conference committee were authorized to do what they have done, then there is no limitation whatever upon the power of such a committee.

Mr. WILLIAM A. STONE. Will the gentleman allow me a question? As I understand, the various charters or acts of Congress heretofore passed authorizing the occupation of the streets by street railways have all provided that the companies should permit other street-railway companies to occupy their tracks.

Mr. HEPBURN. Yes, sir.

Mr. WILLIAM A. STONE. And if this amendment which the conference committee has embodied in this bill should become a law, it will have the effect of repealing that provision in the various charters, so that hereafter no street-railway company may occupy the tracks of any other street-railway company, if it be either a cable or an electric underground road, without an act of Congress.

Mr. HEPBURN. Yes, sir. Now, Mr. Chairman, the unwisdom of this proceeding must be apparent to everyone.

Mr. CANNON. Before the gentleman proceeds further, let us get at the facts. I want to see whether I understand them. As I understand from the gentleman's statement, the conferees appointed by the House and the Senate to meet and adjust the differences between the two Houses met and adjusted the difference by an agreement that the Senate recede from its disagreement to the House amendment. Then the conference committees of the two bodies took up an entirely new matter, one which had never been considered by the House and never considered by the Senate, and proceeded to write into the bill legislation with reference to a matter about which there had been no difference between the two Houses. Is that the gentleman's contention?

Mr. HEPBURN. The gentleman is absolutely correct in that statement.

Mr. DINGLEY. It is understood that I made the point of order that the conferees have exceeded their jurisdiction in this matter, and that therefore the conference report can not be received.

Mr. RICHARDSON. Mr. Chairman, the amendments, in the way in which they are numbered, are misleading. The point at which the amendment excepted to by the gentleman from Iowa [Mr. HEPBURN] and other gentlemen should come in is where it is proposed that the Capital Railway Company (the new company now being chartered) shall issue free transfers with the Capital Traction Company (that is, the old Washington and Georgetown Company) and the Metropolitan Company. Here, then, is a charter dealing with the Metropolitan Company, with the Capital Traction Company (or the old Washington and Georgetown Company), and this new Capital Railway Company, which is being chartered.

Now, the bill goes into conference in that condition. As it goes into conference it requires that the three companies, the two old ones I have named and the new one which we are now chartering, shall issue free transfers at their points of connection. Then this amendment comes in. The action taken in this matter is coupled with the knowledge that the Anacostia road, the old road now in existence, which connects with the Washington Traction Company and also with the Metropolitan Company, and is to-day running its cars along its line, the old line of that road, which is to be the new line of this new road, the two lines coinciding——

A MEMBER. Oh, no.

Mr. RICHARDSON. Indeed they do, from half a mile beyond the Anacostia Bridge which crosses the Eastern Branch. They are to run their cars upon that line. And to-day the Anacostia road is running its cars a mile or more over the Metropolitan tracks, up as far as G street on Ninth, and, as the gentleman knows, around on Ninth and back over the Metropolitan road, and out to Anacostia.

Mr. HEPBURN. Is the Anacostia road mentioned in this bill?

Mr. RICHARDSON. No, sir.

Mr. HEPBURN. Then why are you mentioning it?

Mr. RICHARDSON. Because the tracks of that road coincide with the new tracks of this new road for nearly half a mile; and that company is already running its cars over the Metropolitan road.

Now, Mr. Speaker, the conferees on the part of the House thought, and I still think, dealing with the three roads at the connecting point where they are required to make their transfers, in view of the fact that the line to be used in common, namely, the Anacostia road, coincided with the tracks of the proposed new road, that we had the right to provide that before they could run over or cross the tracks of that road, the Metropolitan, or any other, that Congress should be called upon to pass on this question.

Now, if I have been able to make myself understood, I have stated clearly the position that I take in regard to the matter.

The SPEAKER. The Chair would like to ask the gentleman from Tennessee what that has to do with the matter in dispute between the two Houses?

Mr. RICHARDSON. Nothing, Mr. Speaker, except that the question in dispute—one of the matters in dispute between the two Houses—was the amendment put upon the Senate bill by the House.

There was, the Chair will remember, no provision when the bill came here from the Senate for this connection with the Metropolitan road, and the House itself, in considering the Senate bill, put on the amendment which carried the new company from Eleventh street east up to Lincoln Park, where it connected with the line of the Metropolitan Street Railroad Company, and says so in so many words. That was the way of it; that was the way the matter originated; and the Senate having agreed to it with an amendment, that amendment was submitted by the House conferees as a part of the report, being the only matter in controversy. The Senate, in other words, agreed to the House amendment with an amendment of their own. They agreed to the amendment of the House making the road connect with the other lines by adding the provisions which the gentleman objects to.

Now, it seems to me to be strictly in order.

Mr. HEPBURN. The gentleman from Tennessee is in error in this matter. Now, in order to make the proposition germane he attaches it to another part of the bill——

Mr. RICHARDSON. I said that there might be some mistake of the numbers which would mislead the House.

Mr. HEPBURN. But section 3—there was no disagreement there. The only amendment by the House was to insert the words "Metropolitan Railway Company," and the Senate did not disagree to that. So that section was not a subject of difference between the Houses, and was not therefore a matter for conference. It was not even before the committee.

Mr. RICHARDSON. Oh, the gentleman is mistaken.

Mr. HEPBURN. I think not. The Senate agreed to that amendment of the House, as I understand it, and there was, it seems to me, no possible ground upon which the action of the conference committee could have been taken. The gentleman from Tennessee does not improve his case, therefore, by the statement he made.

Mr. RICHARDSON. The gentleman is entirely mistaken in supposing that section 3 was not in controversy.

Mr. HEPBURN. It was amended by the House, but there was no disagreement, as I understand it.

Mr. RICHARDSON. Oh, yes; the Senate nonconcurred in all of the House amendments. It disagreed with that particular amendment with the others; and they were all in conference.

Mr. HEPBURN. Did it disagree to the insertion of the words "Metropolitan Railroad Company"?

Mr. RICHARDSON. Certainly. Every one of the amendments were disagreed to and went to conference.

Mr. BAKER of New Hampshire. But suppose that to be true, did the words inserted in section 3 by the House, "Metropolitan Railway Company," even if attached to the section, make this germane to the bill?

Mr. DINGLEY. Not at all; this matter is not germane.

Mr. RICHARDSON. I think it is germane; and if the gentleman from Maine will give me his attention a moment I think I can convince him. This matter is germane because we required this connection to be made. It is made by the House amendment

adding the words "Metropolitan Railway Company," the Senate having already made the connection with the Capital Traction Company.

Mr. WILLIAM A. STONE. But does not that relate to transfers only?

Mr. CANNON. That is all.

Mr. WILLIAM A. STONE. There seems to be no question that that is the only point, merely the exchange of transfer tickets. It does not mean that they are to run over the same tracks. Where is there anything in the bill that was put on in the Senate or has any relation to the provision that no other company shall run on the tracks except by a right of way granted by Congress?

Mr. HEPBURN. The gentleman from Tennessee is in error in regard to the insertion of the provision relating to the connection of these three roads. There is no connection in fact between them. In reference to the line on Eleventh street the provision is as follows:

Also continuing from said Eleventh and M streets north on Eleventh street to the south building line of A street south.

That comes within a half a block, and a half a block only, from the line of the Metropolitan Railway track.

Mr. RICHARDSON. No——

Mr. HEPBURN. There is still a space there of a full half block. I am confident that the gentleman is in error. They do not coincide. They do not approach nearer than a half block. And again, with regard to the other connection——

Mr. RICHARDSON. I think the gentleman is mistaken.

Mr. HEPBURN (reading)—

Thence west on M street to a point to be located by the District Commissioners near Eighth street east, connecting with the lines of the Capital Traction Company.

But there the authority to build ends. They can not go a foot farther than that. The Capital Traction Company tracks are on Eighth street, and the Capital Railway Company only reaches Eighth, and does not traverse it a foot. So, again, as to the provision for transfers. These two points preclude the idea that it was the purpose of the bill that the two companies should jointly use the same tracks. Why should there be transfers if the journey was not to be interrupted at that point? The gentleman is in error in every one of these propositions, and this is new legislation, repealing that which was secured last year. I submit, Mr. Speaker, that it ought not to be tolerated. Members do not scrutinize reports of this kind. They do not expect this kind of action. They do not expect committees to attempt new legislation in matters of this character.

My attention had been called to this report. I had opposed some of the amendments of the Senate, and I was told as to certain matters of agreement, with which I was perfectly content, but this was not one of them. This was entirely new to me, and it was only through an accident that I heard this part of it read. I supposed that the report would be upon matters that had been agreed upon and not this method of securing the coveted legislation.

Mr. DINGLEY. Mr. Speaker, I desire to say, on the point of order, that while I have no interest in the particular matter that is now in dispute, I do have an interest, as a member of the House, in the jurisdiction of conference committees. It is exceedingly important that conference committees should not overstep their jurisdiction. That jurisdiction is confined, under the rules, to matters in dispute between the two Houses that have been committed to the conference, and in reconciling those disputes. They have no business to go outside and legislate on any matters that do not refer to the particular matter in dispute.

In this case the particular matter that was in dispute related to the time of the construction of this particular road. Now, any amendment that related to the matter in dispute between the two Houses as to that particular railroad, as a proviso, would have been in order, but when it is proposed to add to that a proviso legislating generally as to all railroads in the District, the conference committee exceed their jurisdiction. Therefore they ought not to do that as a matter of precedent for other cases. Conference committees, as has been frequently decided by the House, must confine themselves to the matters that are in dispute, and not undertake to legislate outside of those matters. Otherwise you will have conference committees bringing in all kinds of legislation on minor matters of dispute.

It will be remembered that in the Fifty-second Congress this matter was carefully debated in the House, and the Speaker, in a case precisely like this, ruled out the report of a conference committee, holding that the conferees must confine themselves to the matter or matters in dispute, and that no amendment not germane to that particular matter in dispute can be included in the report of a conference committee.

Mr. RICHARDSON. I concur quite fully with the gentleman from Maine in his statement about introducing foreign matter into a conference report. I know that can not be done; but the point with me was, while the margin I can see is narrow and close, it occurred to me that, dealing with the three lines, providing this method of connection, providing that there should be free transfers between the three lines, providing that the connection should be made between the lines of the two old companies and the line of this company, that it would be in order to provide these terms upon which the union might be made.

Mr. DINGLEY. But it will be noticed that the only point in dispute to which you attach this proviso, as the report says, is the third amendment.

Mr. RICHARDSON. The amendment may be wrongly numbered, I will suggest to the gentleman, because there is a typographical error in which one word is changed, and it may be that in making that change the numbers may be inadvertently placed.

Mr. DINGLEY. Now, the gentleman's case is much worse if it is confined to the third section. Notice all there was in dispute between the two Houses. The original bill read:

That the Capital Railway Company and the Capital Traction Company are hereby required to issue free transfers at the point of intersection of their respective lines.

Now, that was amended by inserting the words "the Metropolitan Railroad Company." That is the only point in dispute, whether or not the Metropolitan Railroad Company shall be added to the Capital Railway Company and the Capital Traction Company for the purpose of issuing free transfers. To that you attach an amendment providing general legislation for all the railways in the District. Obviously that is not germane.

Mr. RICHARDSON. I do not want to interrupt the gentleman, but I know he intends to be entirely fair——

The SPEAKER. The Chair would like to know what connection that has with the amendment—

The Metropolitan Railroad Company?

Mr. RICHARDSON. I was just coming to the point. The gentleman from Maine [Mr. DINGLEY] has well said that that is the only amendment in the third section, but that amendment in the third section was made necessary because of a previous amendment that the House put on the Senate bill. The provisions of the amendment related to the Metropolitan Railroad, and provided that cars should be run by this new company over Eleventh street east to the Metropolitan road and to the south boundary of Ninth street, where, I understand, the Metropolitan tracks are already laid, and upon which the railroad runs its cars; and inasmuch as these two amendments related to this road this amendment would apply to that road.

Mr. DINGLEY. I can not see the distinction. I submit the point of order to the Chair.

Mr. RICHARDSON. The point I desire to submit to the gentleman is that it was desirable legislation.

Mr. DINGLEY. It may be desirable legislation, but it was not included in the point of difference which was referred to the committee of conference.

Mr. RICHARDSON. If the Chair is of the opinion that it should not be there, I can withdraw it, if it is desired. I will confer with the gentleman who presented the report. [After a pause.] If the Chair is of the opinion that the amendment would not be germane, I will ask leave to withdraw the report.

The SPEAKER. The gentleman asks leave to withdraw the report.

There was no objection.

BRIDGE ACROSS ILLINOIS RIVER, NEAR GRAFTON, ILL.

Mr. JOY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7973) to establish a railroad bridge across the Illinois River, near Grafton, Ill.

The bill was read, as follows:

Be it enacted, etc., That the St. Louis, Perry and Chicago Railroad, a corporation organized under the laws of the State of Illinois, its successors and assigns, are hereby authorized and empowered to erect, construct, establish, and maintain a railway bridge, and approaches thereto, across the Illinois River, in the State of Illinois, between a point to be selected by said railroad, or its successors or assigns, within 5 miles from and above the upper limits of Grafton, in the county of Jersey, in said State, and a point in Calhoun County, in said State, to be selected by said railroad, or its successors or assigns, opposite or nearly opposite the point so selected as aforesaid in said Jersey County, which said bridge shall not interfere with the free navigation of said river, and in case of any litigation arising from any obstruction or alleged obstruction to free navigation of said river, the proceeding shall be instituted in and determined by the district court of the United States for the southern district of the State of Illinois.

SEC. 2. That the bridge authorized by and constructed under this act shall be a pivot drawbridge, the drawspan on the Jersey side to commence at the abutment of the approach on that side of the river, which abutment on the Jersey side shall be within the low-water mark, and the bridge shall have a draw over the main channel of the river at an accessible and navigable point, with spans of not less than 175 feet in length on each side of the center of the pivot pier of the draw, and the span next the drawspan on the Calhoun side of the river shall not be less than 200 feet in length, and the remaining span of such length as shall be necessary to reach the approach on that side of the river, which will be beyond low water on the Calhoun side. All spans to have a clear headroom of 10 feet above high water; and the piers of said bridge shall be parallel with the current of the river when said bridge shall be erected.

SEC. 3. That any bridge constructed under this act and according to its limitations shall be a lawful structure, and shall be known and recognized as a post route, and the same is hereby declared to be a post route, and it shall enjoy the same rights and privileges as other post-roads in the United States upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for their transportation over the railroads leading to said bridge; and the United States shall have the right of way for a postal telegraph across said bridge.

over the Metropolitan road, with the heavy motive power they will

Provided further, That neither the Capital Railway Company nor any other street-railroad company in the District of Columbia shall be permitted to

now in existence, which connects with the Washington Traction

this connection to be made. It is made by the House amendment

SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railroad trains over the same and the approaches thereto, and in the use of the machinery and fixtures thereof, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the railroad companies, or any of them, desiring such use shall fail to agree upon the sum or sums to be paid as such compensation, and upon rules and conditions to which each shall conform in using said bridge, or either of said matters, then all matters in dispute or at issue between them or any of them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

SEC. 5. That the structure herein authorized shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War for his examination and approval a design and drawings of said bridge and a map of the location, giving, for the space of 1 mile above and 1 mile below the proposed location, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the current at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built, and should any change be made in the plan of said bridge during the process of construction, such change shall be subject to the approval of the Secretary of War; and the said construction shall be at all times so managed and kept as to offer reasonable and proper means for the passage of vessels through or under said structure; and to secure the safe passage of vessels at night there shall be displayed on said bridge, from the hour of sunset to that of sunrise, such lights as may be prescribed by the Light-House Board; and the said structure shall be changed, at the cost and expense of the owners thereof, from time to time, as the Secretary of War may direct, so as to preserve the free and convenient navigation of said river.

SEC. 6. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within five years from the date hereof.

SEC. 7. That Congress shall have power at any time to alter, amend, or repeal this act so as to prevent or remove all hurtful obstructions to the navigation of said river by the construction of said bridge and its accessory works: *Provided*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt the bridge from the operation of the same.

SEC. 8. That this act shall take effect and be in force from and after its passage.

The amendments recommended by the committee were read, as follows:

Strike out all of section 1, after the word "county," in line 14, and insert in lieu thereof the following:

"*Provided*, That the location selected shall be suitable to the interests of navigation."

After the word "with," in line 7 of section 2, insert "two equal draw."

And after the word "spans," in the same line, insert "one on each side of the central or pivot pier, each giving a clear width of waterway."

In line 8 strike out "seventy-five" and insert in lieu thereof "sixty."

Strike out all of line 8 after the word "feet," and all of line 9 to the word "and."

In line 20, section 5, strike out the word "construction" and insert in lieu thereof "bridge."

In line 24 strike out the word "displayed" and insert in lieu thereof "maintained." Insert after the word "bridge," in said line, "at the expense of the owners thereof."

Insert after line 22, section 5, "and such aids to the passage of the draw in the form of pile or crib guides as the Secretary of War may deem necessary shall be constructed by the said company."

In section 6, line 3, strike out "two years" and insert in lieu thereof "one year," and strike out "five" and insert "three."

Strike out all of section 7 and insert in lieu thereof the following:

"That the right to alter, amend, or repeal this act is hereby expressly reserved."

Strike out section 8.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. JOY, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONTESTED ELECTION—KEARBY VS. ABBOTT.

Mr. BELL of Texas. Mr. Speaker, I present a privileged report. I am directed by the Committee on Elections No. 3 to present the report in the case of Kearby *vs.* Abbott, and I ask that the report be printed.

The SPEAKER. Does the gentleman desire immediate action?

Mr. BELL of Texas. I ask first that an order be made that the report be printed, and then I will ask for action.

The SPEAKER. Without objection, the report will be ordered printed, and the Clerk will report the resolutions on which the gentleman asks for action.

The Clerk read as follows:

Resolved, That J. C. Kearby was not elected a Representative in the Fifty-fourth Congress from the Sixth Congressional district of Texas, and is not entitled to the seat as such Representative.

Resolved, That Jo Abbott was elected a Representative in the Fifty-fourth Congress from the Sixth Congressional district of Texas, and is entitled to retain his seat as such Representative.

The resolutions were agreed to.

On motion of Mr. BELL of Texas, a motion to reconsider the vote by which the resolutions were agreed to was laid on the table.

TERMS OF COURT AT BEAUMONT, TEX.

Mr. COOPER of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2708) to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court.

The bill was read, as follows:

Be it enacted, etc., That the counties of Jefferson, Orange, Newton, Jasper, Hardin, Liberty, Tyler, Angelina, San Augustine, Sabine, Polk, and San Jacinto shall constitute a division of the eastern judicial district of Texas.

SEC. 2. That terms of the circuit and district courts of the United States for the said eastern district of the State of Texas shall be held twice in each year at the city of Beaumont on the first Mondays in June and December.

SEC. 3. That all civil process issued against persons resident in the said counties of Jefferson, Orange, Newton, Jasper, Hardin, Liberty, Tyler, Angelina, San Augustine, Sabine, Polk, and San Jacinto, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Beaumont; and all prosecutions for offenses committed in either of said counties shall be tried in the appropriate United States court at the city of Beaumont: *Provided*, That no process issued or prosecution commenced or suit instituted before the passage of this act shall be in any way affected by the provisions hereof.

SEC. 4. That the judge of the eastern judicial district of the State of Texas shall appoint a clerk of said court, who shall reside at the city of Beaumont, in the county of Jefferson, State of Texas.

SEC. 5. That so much of all acts or parts of acts as are in conflict herewith shall be repealed.

The amendment recommended by the committee was read, as follows:

Strike out all of section 4 and insert in lieu thereof the following:

"SEC. 4. That the clerks of the circuit and district courts for said district shall maintain an office in charge of themselves or a deputy at said city of Beaumont, which shall be kept open at all times for the transaction of the business of said division."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. COOPER of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE W. FREEMAN.

Mr. MILNES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I forward to the Clerk's desk.

The bill was read, as follows:

A bill (H. R. 5280) for the relief of George W. Freeman.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the military record of George W. Freeman for the removal therefrom of the charge of desertion, and that he issue to the said George W. Freeman an honorable certificate of discharge from the military service of the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BARTLETT of New York. I reserve the right to object, pending the reading of the report, which I ask for.

The SPEAKER. The Clerk, then, will read the report.

The report (by Mr. BISHOP) was read, as follows:

The Committee on Military Affairs, having had under consideration the bill (H. R. 5280) for the relief of George W. Freeman, respectfully report the same back to the House, with the recommendation that such bill do pass.

The facts upon which this soldier relies for the relief sought by this legislation are as follows:

The soldier enlisted December 20, 1861, in Company H, Thirteenth Michigan Infantry; served faithfully until December 31, 1861, when he was captured at the battle of Stone River, Tennessee; was exchanged and returned to duty; reenlisted as a veteran January 18, 1864; was severely wounded in right hip at Bentonville, N. C., March 19, 1865, and was honorably discharged July 15, 1865, by reason of wound of right hip received in line of duty.

He was at once pensioned for his wound, but in 1867 he again enlisted in Company C, Forty-third United States Infantry, and thereby surrendered his pension. Subsequently he deserted.

Your committee, therefore, are of the opinion that the meritorious service of such soldier, and his severe wound received in line of duty, should condone his subsequent lapse from loyalty in time of peace.

Your committee further recommend that the bill be amended by adding as follows: "To date July 12, 1869, no back pay, bounty, or other emoluments to become due and payable by virtue of the passage of this act."

The military record of this soldier is as follows:

"RECORD AND PENSION OFFICE, WAR DEPARTMENT,
"Washington City, March 7, 1896.

"SIR: Referring to your letter of yesterday, received to-day, in which you request a statement of the military record of George W. Freeman, late of Company C, Thirteenth Michigan Volunteer Infantry, I am directed by the Secretary of War to inform you that the name mentioned has not been found on the rolls on file in this office of Company C, Thirteenth Michigan Infantry Volunteers.

"It appears from the records, however, that one George W. Freeman was enrolled December 20, 1861, at Portage, Mich., and mustered into service January, 17, 1862, at Kalamazoo, Mich., as a private in Company H of that regiment, to serve three years; that he was captured by the enemy in the battle of Stone River December 31, 1862; that he was paroled at Murfreesboro January 3, 1863; that he reported at Detroit Barracks May 13, 1863, and was sent to Camp Chase, Ohio, May 14, 1863; that he reported at Camp Chase, Ohio, during the week ending May 16, 1863; that he was again sent from Detroit Barracks to Camp Chase, Ohio, June 24, 1863; that he reported at Camp Chase June 26, 1863; that he was arrested September 17, 1863, at Hilliard Station, by the provost guard, while absent from Camp Chase, Ohio; that he was sent to his regiment between October 20 and October 31, 1863; that he reenlisted as a veteran volunteer January 18, 1864; that he was promoted corporal in January or February, 1865; that he was wounded at Bentonville, N. C., March 19, 1865, and that he was discharged the service July 15, 1865, at Harper United States Army General Hospital, Detroit, Mich., because of a gunshot wound of the right hip, received while in the line of duty.

"He is reported on the bimonthly muster rolls of his company as follows: March and April, 1862, and May and June, 1862, absent, sick at Savannah,

Tenn., April 7, 1862: July and August, 1862, present; September and October, 1862, absent, left sick at Liberty, Ky., October 29, 1862; November and December, 1862, present; January and February, 1863, missing in action at the battle of Stone River, December 31, 1862; from May and June, 1863, to September and October, 1863, absent, officially reported missing in action; from March and April, 1864, to January and February, 1865, present; March and April, 1865, and May and June, 1865, absent, wounded at Bentonville, N. C.

"Very respectfully,

"F. C. AINSWORTH,

"*Colonel United States Army, Chief Record and Pension Office.*"

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,

"*Washington, March 10, 1896.*

"Respectfully returned to Hon. A. MILNES, House of Representatives.

"The records of this office show that Private George W. Freeman, Company H, Forty-third United States Infantry, enlisted November 28, 1867, for three years, deserted July 12, 1868, and never returned to his command.

"At his own request he was, on August 23, 1893, furnished a deserter's release under General Orders, No. 55, Adjutant-General's Office, 1890; copy inclosed. This protects him from arrest and trial by court-martial, but does not remove the record of desertion. The Department has no power to remove the record of desertion.

"J. B. BABCOCK,

"*Assistant Adjutant-General.*"

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended by the Committee was read, as follows:

Add to the end of the bill the following words: "To date July 12, 1868. No back pay, bounty, or other emoluments shall become due and payable by virtue of the passage of this act."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MILNES, a motion to reconsider the vote by which the bill was passed was laid on the table.

IRA POWERS.

Mr. McCALL of Tennessee. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5061) to pension Ira Powers, of Henderson County, Tenn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Ira Powers, late of Company A, Seventh Tennessee Cavalry, of Henderson County, Tenn., on the pension roll of the United States, to receive $12 per month, from September 1, 1890.

The amendment recommended by the committee was read, as follows:

In lines 7 and 8 strike out the following words: "To receive $12 per month, from September 1, 1890," and insert in lieu thereof the following: "And pay him a pension of $12 per month."

Mr. BARTLETT of New York. Mr. Speaker, I reserve the right to object, pending the reading of the report.

The SPEAKER. The Clerk will read the report.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5061) granting a pension to Ira Powers, late private Company A, Second Tennessee Cavalry, and Companies A and C, Seventh Tennessee Cavalry Volunteers, having examined and carefully considered the facts and circumstances presented, respectfully report as follows:

Ira Powers enlisted August 14, 1862, and was honorably discharged, after faithful service, August 7, 1865. He filed a claim for pension under the act of June 27, 1890, on August 18, 1890, alleging hernia, nervous debility, and spinal affection. His claim was rejected December 5, 1891, on the ground of "no pensionable disability under act of June 27, 1890."

He filed affidavit March 21, 1893, which alleges existence of hernia (right side), spinal affection, general debility, disease of eyes, and piles; and in affidavit of March 28, 1893, in addition to above, alleged disease of heart.

In support of his claim he filed, March 25, 1893, the affidavit of M. M. Grimsley, to the effect that he had been a neighbor for four years, and claimant had not been able to do a whole day's work in five years.

Also, affidavit of Dr. P. W. Austin that claimant has spinal affection, sore near hip, headache, does not see well, subject to piles, and has had hernia. Disability from spinal affection, one-half; from eyes, one-fourth; from piles, one-sixteenth.

Also, affidavit of W. B. Ruton that he is suffering from spinal affection—disabled one-half; seriously affected with heart disease, from which disabled one-fourth; also hernia, piles, premature old age, and loss of sight, one-fourth.

Soldier has a hospital record in service of diarrhea, catarrh, and variola, and was twice in hospital with catarrh and diarrhea. He was almost constantly in hospital from March 3 to July 3, 1865, with catarrh, fever, variola, and diarrhea.

The board of examining surgeons at Savannah, Tenn., rated him, May 6, 1891, at six-eighteenths for incomplete hernia and four-eighteenths for rheumatism. The board at same place, April 11, 1894, reported "No disability," and the claim was again rejected June 11, 1894, on the ground of "no ratable disability found under act June 27, 1890."

Dr. R. A. Dickson files with the committee an affidavit dated February 24, 1896, saying he—

"Finds on examination that claimant is suffering with chronic inflammation of the left kidney, irregular valvular action of heart, unable to rest on left side; also find a hernia of right side. I have known Mr. Powers and been his family physician since 1871 up to this date, and here testify his total disability for physical labor of any kind."

Rev. T. Rogers and John H. Rogers testify they served in same company with Ira Powers, and believe him entitled to the full benefits of the act of June 27, 1890 ($12 per month), from the date of filing his claim.

A petition signed by 108 neighbors certify to personal acquaintance with Ira Powers for over five years, and believe him entitled to $12 per month since date of filing his claim.

Your committee believe this soldier justly entitled to the maximum pension under act of June 27, 1890, and therefore recommend that the bill be amended by striking out all after the word "States," in line 7, and insert in lieu thereof "and pay him a pension of $12 per month," and as amended that the bill do pass.

Mr. BARTLETT of New York. Mr. Speaker, as I understand, the gentleman from Tennessee asks this special legislation to override a ruling of the Commissioner of Pensions.

Mr. McCALL of Tennessee. No, sir; I think not.

Mr. BARTLETT of New York. Then why was the claim rejected under the act of June 27, 1890?

Mr. McCALL of Tennessee. It seems that his claim was rejected when he was rated by the board of examining surgeons at twelve-eighteenths disability. The case was reopened, and the same board rated him as no disability and the case was again rejected. The physicians that rated him at twelve-eighteenths disability also rated him at no disability and the Commissioner in both cases disallowed his claim. I know this gentleman and know his condition.

Mr. BARTLETT of New York. Did he serve in the war at all?

Mr. McCALL of Tennessee. For three long years.

Mr. BARTLETT of New York. Was he ever in battle?

Mr. McCALL of Tennessee. He was.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. ERDMAN. I object, Mr. Speaker.

Mr. McCALL of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill.

The SPEAKER. The Chair can not recognize the gentleman for that purpose at present.

CHOCTAW POINT, MOBILE BAY.

Mr. CLARKE of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1872) authorizing the Secretary of the Treasury to exchange in behalf of the United States the tract of land at Choctaw Point, Mobile County, Ala., now belonging to the United States and held for light-house purposes, with the Mobile, Jackson and Kansas City Railroad Company for any other tract or parcel of land in said county equally well or better adapted to use for light-house purposes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to exchange in behalf of the United States the tract of land at Choctaw Point, Mobile County, Ala., belonging to the United States and held for light-house purposes, with the Mobile, Jackson and Kansas City Railroad Company for any other tract or parcel of land in said county which it may offer in exchange therefor and which shall be approved of by the Light-House Board as equally well or better adapted to use for light-house purposes and of equal value. And, upon making such exchange, the Secretary of the Treasury shall execute and deliver to said company a quitclaim deed for said Choctaw Point tract, and shall take from it a proper conveyance vesting in the United States title to the tract or parcel of land to be taken in exchange, together with delivery of possession of such tract, such title to be passed upon by the Attorney-General of the United States in the usual manner. And said tract or parcel of land so taken in exchange shall be held and used for light-house purposes: *Provided*, That the exchange herein provided for shall be without expense to the United States.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DINGLEY. Mr. Speaker, I take it for granted that this has been recommended by the Light-House Board.

Mr. CLARKE of Alabama. It has.

Mr. LOUD. Mr. Speaker, I suggest to the gentleman from Alabama that it would be well to put the report into the RECORD in explanation of this bill.

Mr. CLARKE of Alabama. I will do so.

The report (by Mr. CORLISS) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred House bill 5384, beg leave to report, and recommend that Senate bill 1872 be substituted therefor and do pass.

The report upon the Senate bill contains the facts with reference to this measure, to which report reference is made.

The Senate report (by Mr. MCMILLAN) is as follows:

The Committee on Commerce, to whom was referred the bill (S. 1872) authorizing the Secretary of the Treasury to exchange in behalf of the United States the tract of land at Choctaw Point, Mobile County, Ala., now belonging to the United States and held for light-house purposes, with the Mobile, Jackson and Kansas City Railroad Company for any other tract or parcel of land in said county equally well or better adapted to use for light-house purposes, make a favorable report thereon.

The reasons for seeking the exchange are set forth in the following letter:

"HOUSE OF REPRESENTATIVES,

"*Washington, D. C., February 1, 1896.*

"DEAR SENATOR: I inclose a bill with the request that you will at once introduce it and have it referred to the proper committee, and then facilitate its passage as quickly as possible. The facts are that the Light-House Board is about to erect wharves, bridges, buildings, and other portions of a plant necessary for the lighting of the channel of Mobile Bay upon a tract of land at Choctaw Point which belongs to the Government and is devoted to use for light-house purposes. It is really not well adapted for use in this particular project, as the water is very shallow in its front and the wharf to be built will be a very long one and very much exposed. It is surrounded by property belonging to the Mobile, Jackson and Kansas City Rai road Company, which is just commencing to construct its road from Mobile by way of Jackson, Miss., to Kansas City.

"The road is very anxious to secure this particular tract for use, in connection with its other property, as a terminal, and has been for some little time in communication with the Light-House Board, offering to secure and convey to the Government in exchange for the Choctaw Point site a tract of land which will be acceptable to the Light-House Board as better adapted for the purposes of the project than the site now owned. While the Board has not yet passed upon any site offered as being preferable to the one now held, I have no question that one can be agreed on which it will wish to take in exchange. It will not have authority to accept it without a special act in the

nature of the accompanying bill. It is my desire to secure the passage of the bill upon two grounds, first, that it will result in securing to the Government a site for the necessary plant for lighting the channel upon which the cost of construction and that of maintenance will be less than that upon the present site; and secondly, because I regard the construction of the railroad as of great public importance, as it will certainly largely increase the commerce of our port, and therefore I wish to see it secure this tract, which is a necessary part of its terminal facilities, provided it can do so without the Government being in any way injured thereby.

"You will observe that the bill does not require an exchange, but simply authorizes one approved of by the Board. Of course the bill will first be referred to the Board, and it will doubtless make a report in accordance with the facts as I have stated them.

"Asking your assistance in the matter, I am,

"Yours, very truly, R. H. CLARKE.

"Hon. JAMES L. PUGH,

"*United States Senate, Washington, D. C.*"

The bill having been referred to the Secretary of the Treasury, was reported on as follows:

"TREASURY DEPARTMENT, *Washington, D. C., February 6, 1896.*

"SIR: The letter from your committee, dated February 5, 1896, inclosing Senate bill 1872, authorizing an exchange of the light-house land at Choctaw Point, Mobile County, Ala., for another parcel in said county for light-house purposes, has been received.

"In reply I have to inform you that the matter was referred to the Light-House Board, which reports that it knows of no objection to the passage of the bill.

"Respectfully, yours, S. WIKE, *Acting Secretary.*

"The CHAIRMAN OF THE COMMITTEE ON COMMERCE,

"*United States Senate.*"

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THE CONGRESSIONAL LIBRARY.

Mr. QUIGG. Mr. Speaker, I desire to present a report from the Committee on the Library.

The report was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the chairman of the Committee on the Library of the Senate and the chairman of the Committee on the Library of the House of Representatives and one other member of the Joint Committee on the Library, to be selected by the two chairmen aforesaid, be, and they are hereby, constituted a joint special committee with authority to sit in Washington, D. C., during the recess of Congress, for the purpose of inquiring into the condition of the Congressional Library and to report upon the same at the next session of Congress, with such recommendations as may be deemed advisable; also to report a plan for the organization, custody, and management of the new Library building and the Congressional Library; that the said joint special committee is also authorized to employ a stenographer whenever necessary during the course of the inquiry, and that the necessary expenses of the sittings of the joint special committee, including the pay of the stenographer, be taken equally from the contingent funds of the two Houses of Congress.

Strike out all after the enacting clause and insert as follows:

"That the Joint Committee on the Library of the House of Representatives and of the Senate be authorized to sit in Washington, D. C., during the recess of Congress, for the purpose of inquiring into the condition of the Library of Congress, and to report upon the same at the next session of Congress with such recommendations as may be deemed advisable; also to report a plan for the organization, custody, and management of the new Library building and the Library of Congress.

"The said joint committee is also authorized to employ a stenographer whenever necessary during the course of the inquiry. The necessary expenses of the sittings of the said joint committee, including the pay of the stenographer, are to be paid out of the contingent fund of the House of Representatives and Senate, on vouchers approved by the chairmen of said joint committee."

Mr. BARTLETT of New York. Mr. Speaker, I should like to have an explanation of this.

Mr. QUIGG. This is a resolution that has passed the Senate unanimously, the purpose of which is completely stated in the resolution itself. The amendment that is proposed by the House Library Committee differs from the Senate resolution in that it provides that the commission shall consist of the two Library Committees for the purpose of providing for minority representation on the commission, and also for the purpose of preserving the equilibrium between the two Houses. The amendment provides also for the audit of the expenses of the committee, and puts the resolution in the form of other concurrent resolutions of the same kind.

Mr. BARTLETT of New York. I should like to ask the gentleman why, in reference to every subject of legislation, we should not have the various committees of the House sitting during the recess of Congress, employing stenographers and taking testimony? Why is an exception made in this case? If the Library Committee, in their wisdom, or the Joint Library Committee, have conceived some new plan of legislation, why not bring in a bill and let us dispose of it here? Why is this special inquiry needed?

Mr. QUIGG. For the reason that the Library building is about to be completed and it is proposed very shortly to remove the Congressional Library into that new building, and it was thought that before Congress takes action upon that matter it would be well to inquire into the custody and management of the new building, the space that the library will need to occupy, and the other matters that are related to the removal of so great a public institution into so great a building. It was thought that an investigation of that matter before Congress is called upon to act would be a very suitable thing. I may say to the gentleman, further, that before submitting this matter to the House I have consulted with various members of the Committee on Appropriations, including its chairman, the gentleman from Texas [Mr. SAYERS], and the gentleman from Missouri [Mr. DOCKERY], and with other members of the House, with regard to the form of the resolution as well as with regard to its subject-matter, and I think I may say they agree with me that the resolution is a very necessary one. I have not proposed it of my own motion.

Mr. BARTLETT of New York. I should like to ask my colleague [Mr. QUIGG] this question: In the event of the nonpassage of this resolution, what will happen? Will the new Library building be untenanted?

Mr. QUIGG. Either the library will not be removed to the new building when it is completed or action will have to be taken by the next Congress looking to such removal without the information which we conceive to be necessary.

Mr. BARTLETT of New York. Does the gentleman mean to say that there will be no power to make the removal from the present building to the new Library building without special legislation?

Mr. QUIGG. I think not.

Mr. BARTLETT of New York. Then the new building will remain for all time untenanted unless we pass such an act as this?

Mr. QUIGG. I think some act of this kind will be necessary.

Mr. BINGHAM. Will the gentleman from New York allow an interruption? When the legislative bill was under consideration by the subcommittee of the Committee on Appropriations, Mr. Spofford submitted to the subcommittee an outline of his suggestions as to the transfer—the necessary additional force and all the details pertaining to the transfer of the library to the new building. General Casey, when he came before the committee, also went into considerable detail; and he stated that it was his purpose that the transfer be accomplished about the middle of February of next year. The whole subject having been gone over, the subcommittee reached a conclusion that the subject-matter should be taken up at the next session of this Congress and that any action on the subject should form a part, so far as appropriations might be necessary, of the next legislative appropriation bill. But as I now understand upon consultation with the gentleman from New York [Mr. QUIGG], the Committee on the Library, before submitting this concurrent resolution, went into an investigation of the details of this subject, so as to be prepared to submit to the Committee on Appropriations an outline as to what should be our procedure in appropriating in the next bill for the transfer of the library, as well as for its personnel.

Mr. BARTLETT of New York. Does the distinguished gentleman from Pennsylvania [Mr. BINGHAM] mean to assert that the Committee on Appropriations were not qualified to make such an inquiry, but deemed it necessary to have authority delegated to the Committee on the Library?

Mr. BINGHAM. I do not doubt about the Committee on Appropriations being fully qualified, for the reason that we have the recommendations of Mr. Spofford and General Casey; but there certainly can be no objection to a committee of this House, the Committee on the Library, passing judgment on the administration of this matter in the future and making recommendations in connection therewith.

Mr. BARTLETT of New York. I wish to inquire whether the subject of copyrights is affected by this inquiry?

Mr. QUIGG. It is not.

Mr. BINGHAM. Not at all.

Mr. COX. Does this inquiry involve the question of the conduct of the Librarian?

Mr. QUIGG. It does not.

Mr. BINGHAM. Not in any way.

There being no objection, the House proceeded to the consideration of the resolution.

Mr. DOCKERY. I suggest that the resolution be amended by adding these words: "that the expenses incurred under this concurrent resolution be reported to the second session of this Congress."

Mr. QUIGG. I accept that amendment.

The question being taken, the amendment was agreed to.

The resolution as amended was adopted.

SPECULATION IN CLAIMS AGAINST THE UNITED STATES.

Mr. HENDRICK. I ask unanimous consent for the present consideration of a bill which I send to the Clerk's desk, together with the favorable report of the Committee on the Judiciary.

The bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers was read.

Mr. BARTLETT of New York. I reserve the right to object, but I will not make objection if the provision with reference to ousting persons from office be struck out. I refer to the final clause of section 2, following the words "five thousand dollars."

Mr. HOPKINS. This bill can be presented under a suspension of the rules. I call for the regular order.

Mr. HENDRICK. I am willing to accept the amendment suggested by the gentleman from New York [Mr. BARTLETT].

Mr. HOPKINS. I withdraw the call for the regular order, but I object to the bill.

Mr. HENDRICK. I hope the gentleman will not object.

Mr. HOPKINS. I think this matter ought to be looked into.

Mr. HENDRICK. It has been looked into by the Committee on the Judiciary.

Mr. BINGHAM obtained the floor.

Mr. HENDRICK. I move to suspend the rules, and pass the bill I have sent to the desk.

The SPEAKER. The gentleman from Pennsylvania [Mr. BINGHAM] has been recognized.

JOSEPH R. WEST.

Mr. BINGHAM. I ask unanimous consent for the present consideration of the bill (S. 673) granting a pension to Joseph R. West, brigadier and brevet major general, United States Army Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph R. West, brigadier and brevet major general, United States Volunteers, at the rate of $100 per month, in lieu of the pension he is now receiving.

The amendment reported by the Committee on Invalid Pensions was read, as follows:

In line 7, strike out the words "one hundred" and insert in lieu thereof the word "fifty"; so as to make the rate of pension $50 per month.

There being no objection, the House proceeded to the consideration of the bill.

The amendment was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. BINGHAM, a motion to reconsider the last vote was laid on the table.

CHARLES HENTZ.

Mr. PATTERSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1345) to amend the military record of Charles Hentz, late private of Company C, Eleventh Regiment Connecticut Infantry Volunteers.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing on the records of the War Department against Charles Hentz, late private of Company C, Eleventh Regiment Connecticut Infantry Volunteers, and to issue him an honorable discharge.

Mr. BARTLETT of New York. Let us have the report read in that case.

The report (by Mr. WOOMER) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 1345) to amend the military record of Charles Hentz, having examined and considered the same, report the bill back to the House with the recommendation that it do pass.

John Shields, a comrade, testifies that Hentz was captured by the Confederates in December, 1864, while on picket.

Wesley and Martha Vanover and Bettie Phipps, residents of Clintwood, Dickenson County, Va., testify that in February, 1865, Hentz came to the house of Dr. Cornelius Vanover, exhausted and worn out with disease and wounds, and was treated for erysipelas in the head.

Mr. BARTLETT of New York. Is that all of the report?

Mr. PATTERSON. That is all.

Mr. BARTLETT of New York. Does it not recommend anything?

Mr. PATTERSON. It recommends the passage of the bill, the gentleman will observe.

The SPEAKER. The Clerk informs the Chair that the entire report has been read.

Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. PATTERSON, a motion to reconsider the last vote was laid on the table.

CAPT. GEORGE H. PERKINS.

Mr. BAKER of New Hampshire. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 139) for the relief of Capt. George H. Perkins.

The bill was read, as follows:

Be it enacted, etc., That Capt. George H. Perkins, who was retired as captain after forty years' faithful service upon the active list of the United States Navy, as provided by section 1443, Revised Statutes, and who had honorable service in the late civil war, shall be placed on the retired list with the rank of commodore, without the corresponding increased pay, but receiving only the retired pay of captain of the Navy.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BAILEY. Mr. Speaker, there seems to be a special stipulation that this shall not increase the pay of this officer. May I inquire, then, what the purpose of the bill is, except merely to increase the rank?

Mr. BAKER of New Hampshire. The purpose is to increase the rank. This gentleman, I will state, is so fortunately situated that he does not care for the additional pay. His friends ask this as an appropriate recognition of his services.

Mr. BAILEY. If it costs the Government nothing I have no objection.

There being no objection, the bill was considered, and ordered to a third reading; and being read the third time, it was passed.

On motion of Mr. BAKER of New Hampshire, a motion to reconsider the last vote was laid on the table.

NEW HAVEN NATIONAL BANK, CONNECTICUT.

Mr. SPERRY. Mr. Speaker, I wish to call up now the bill (S. 1365) for the relief of the National Union Bank of the State of Connecticut, which was considered the other morning and laid aside for the purpose of preparing an amendment. That amendment has been prepared and accepted by the gentleman on the other side who made the objection. I ask the present consideration of the bill.

The SPEAKER. The bill and the amendment will be reported.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay the National New Haven Bank of the State of Connecticut the sum of $3,519.15 out of any money in the Treasury not otherwise appropriated.

The SPEAKER. The Clerk will now report the proposed amendment to the Senate bill.

The Clerk read as follows:

Add to the Senate bill as follows: "Being the amount found to be due John W. Griffiths, as appears from a report dated February 27, 1877, made by a board of constructors appointed by the Bureau of Construction and Repair of the Navy Department, which report is on file in said Bureau."

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, the amendment proposed by Mr. SPERRY was agreed to, and the bill as amended was ordered to a third reading; and being read the third time, it was passed.

On motion of Mr. SPERRY, a motion to reconsider the last vote was laid on the table.

MRS. AMANDA WOODCOCK.

Mr. McCREARY of Kentucky. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6037) granting a pension to Mrs. Amanda Woodcock.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension roll the name of Amanda Woodcock, of Richmond, Ky., widow of Robert Woodcock, deceased, late a private in the Fourth United States Volunteer Infantry in the Mexican war.

Mr. MILES. Mr. Speaker, is there any report accompanying the bill? If so I would like to have it read.

Mr. McCREARY of Kentucky. There is a report. I ask that it be read.

The report (by Mr. COLSON) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 6037) entitled "A bill granting a pension to Mrs. Amanda Woodcock," beg leave to submit the following report, and recommend that said bill do pass with an amendment:

The claimant herein is the widow of Robert Woodcock, who served from October 28, 1847, to July 5, 1848, in the Mexican war. He was pensioned at $8 per month under the act of January 29, 1887, and this was subsequently increased to $12 per month under the act of January 5, 1893, upon his proving his indigent circumstances and his inability to earn a support by manual labor.

The soldier died September 6, 1894, and his widow, the beneficiary, filed an application for pension, but notwithstanding the fact that the soldier's claim for pension and bounty land had been allowed, her claim was rejected on the ground of no service in Mexico, the soldier having been prostrated by typhoid fever, for months, at Louisville, Ky., while en route to Mexico after his enlistment.

There is, however, no question of the service having been rendered, the soldier's discharge certificate and other papers on file establishing the same beyond question.

Mrs. Woodcock is 70 years old and in dependent circumstances, being dependent on her son-in-law for support. These facts are fully substantiated by the gentleman who introduced this bill in the House and who has known her (the beneficiary) personally for many years, and also by her written statement regularly signed and filed with the committee.

The committee recommend the passage of the bill with the following amendment:

Strike out, in lines 4 and 5, the words "subject to the limitations of the pension laws," and insert in lieu thereof the words "at the rate of $12 per month."

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, the amendment recommended by the Committee on Pensions was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. McCREARY of Kentucky, a motion to reconsider the last vote was laid on the table.

SAMUEL M'KEE.

Mr. EVANS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 467) for the relief of Samuel McKee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Samuel McKee the sum of $1,718, for expenses incurred by him in a contest for his seat in the Fortieth Congress.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PITNEY. Reserving the right to object, I should like to hear the report or some statement concerning the bill.

Mr. COX. Let the report be read.

The SPEAKER. The Clerk will read the report.

The report (by Mr. COLSON) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 467) to pay to Hon. Samuel McKee the sum of $1,718 for expenses incurred by him in a contest for his seat in the Fortieth Congress, from the Ninth Congressional district of the State of Kentucky, have had the same under consideration and submit the following report:

Your committee find that said McKee's right to a seat in the Fortieth Congress was contested by Hon. J. D. Young; that issues were joined, evidence was taken, and a hearing was had before the Elections Committee of the House, and that the seat was awarded to said McKee.

The committee further find from the proofs in the case that the said McKee in his said contest incurred, necessarily, expenses amounting to the sum of $1,718, as appears from the itemized account of the said McKee duly verified.

It further appears that no part of said sum has ever been paid.

The committee also find that Hon. John D. Young has been paid the sum of $2,500 for his expenses incurred in said contest.

This claim was before the Committee on Elections of the House in the Forty-eighth Congress, and was favorably acted upon by said committee, but no action was had by the House.

Your committee would therefore report back the bill and recommend that it do pass.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BAILEY. Mr. Speaker, I desire to reserve the right to object.

Mr. EVANS. I should like to explain the bill, because I want everybody to know what it is. I think there will be no objection when the bill is understood.

In the Fortieth Congress the Hon. John D. Young held a certificate of election as a member of this House from the Ninth district of Kentucky, but was never sworn in. McKee contested his right to the seat and was given the place. He presented at the time no account for expenses of contest. Mr. Young was, by resolution of the House, on the 11th of May, 1869, directed to be paid $2,500 for expenses of contest. The Committee on Accounts paid him $1,500. June 24, 1874, an act was passed giving him $1,000, the difference between $2,500 and the $1,500 paid by the Committee on Accounts. Again, on March 3, 1880, by action of that date, he was paid $6,865, his salary as a member of the House up to the date McKee was awarded the seat, although he (Young) had never served. He was never admitted to the Fortieth Congress at all, and on the contest it was held that McKee had a majority of the votes legally cast.

In 1881, Mr. McKee's attention being called to the fact that Mr. Young had been paid the salary and $2,500 for expenses of the election contest, he made out his account and presented it, and it was referred to the Committee on Elections. It was thought that it ought to go to a different committee, and at the next session it was presented to the Committee on Claims. From that date to this, in several Congresses, committees of one House or the other have reported this claim favorably, always recognizing the justice of it.

Mr. SAYERS. Will the gentleman inform the House how it was that Young was not awarded his seat, and yet afterwards received pay as a member? What was the ground of his rejection?

Mr. EVANS. Young was not awarded the seat originally because he did not take the test oath and could not take it. On the subsequent contest McKee was held to have received a majority of the votes.

Mr. MILES. Why could not Mr. Young take the oath?

Mr. EVANS. Because he had given aid and comfort to the rebellion. It was shortly after the war. He was therefore not admitted on the prima facie certificate, and when the contest was subsequently determined it was decided that he was not elected.

Mr. PITNEY. What was the date of this election?

Mr. EVANS. To the Fortieth Congress. It was shortly after the war.

Mr. PITNEY. That would be thirty years ago, now?

Mr. EVANS. But this bill has never been paid.

Mr. PITNEY. And he never presented any claim until 1881?

Mr. EVANS. He has been presenting this claim ever since the Forty-seventh Congress.

Mr. PITNEY. I think it is too stale, and I shall have to object.

Mr. EVANS. I hope the gentleman will not do that. It is a perfectly just claim. I know this man well. He lives in my town, and he needs the money.

Mr. PITNEY. He made no statement of the claim at the time?

Mr. EVANS. He presented his claim as soon as he knew the other man had been paid, who was not entitled to the seat at all.

Mr. PITNEY. Because a previous Congress has passed a wrong bill that is no reason why we should.

Mr. EVANS. This is the only case where the expenses of a contestant have not been paid. I sincerely hope that my friend will withdraw his objection, because this is clearly a perfectly just and proper claim against the Government. The fact that it has not been paid for a long time by no manner of means diminishes the force of the claim.

Mr. MILES. What is the amount of the claim?

Mr. EVANS. About $1,700. I speak with assurance when I say this gentleman is entitled to this money and needs it, and I do sincerely hope no member of this House will object.

Mr. PITNEY. I shall have to object. I do not think the statement is satisfactory.

Mr. BAILEY. I assume from the fact that the committee recommend this bill that the claimant filed properly certified vouchers showing that he incurred this expense.

Mr. EVANS. Perfectly satisfactory to the committee, and the claim has been established satisfactorily to committees of one or the other of the two Houses ever since the Forty-seventh Congress.

Mr. PITNEY. But he never presented his claim until fifteen years after the election. How could he present properly certified vouchers?

Mr. EVANS. It was perfectly satisfactory to those who investigated it.

Mr. PITNEY. Does the gentleman know that he has filed certified vouchers?

Mr. COX. Mr. Speaker, I will answer that. Mr. Speaker, this claim comes from the Committee on Claims. Under the law as it exists now, no party contesting an election is entitled to more than $2,000. It requires that the itemized expenses shall be filed with the committee. The trouble in this claim grows out of the delay, and that is all. But that this man incurred these expenses there is no question about that.

Mr. MILES. He filed his vouchers?

Mr. COX. He has filed a statement of his expenses. Of course he can not file the vouchers—that is, vouchers in the proper shape—but he filed his claim with an itemized statement of the expenses that he incurred, and it passed the Committee on Claims upon that idea entirely.

Mr. TERRY. I would like to ask the gentleman if this gentleman drew $6,000, and that the same amount was also paid to John Young Brown?

Mr. EVANS. He was paid the salary like any other member.

Mr. TERRY. There was a time during which he did not occupy his seat here, and neither one of them occupied the seat. Now, when this man came in did he draw the money for all that time?

Mr. COX. While in the seat he drew the money.

Mr. TERRY. He drew it for a period when neither one was in the seat.

Mr. EVANS. Like every other contestant, he got his pay back to the time when Congress began.

Mr. TERRY. Now, I have had a case of that kind before Congress for several years, and they never paid the man a dollar.

Mr. PITNEY. That is the trouble with such claims as this. We ought not to pay one of them, because it would establish a precedent for the payment of others.

Mr. COX. Now, hold on one minute and let us get it straight. When a man has a contest for his seat and it is decided in his favor that he is entitled to his seat, would it not be right to pay him the salary?

Mr. TERRY. I say it would. I have no objection to that, but the point I am making is this: That here is a man who did not have a seat more than a few months and drew pay for the whole time; and I have one here who occupied the seat half of the time, and is not allowed any pay and has been knocking at the doors of Congress for years.

Mr. EVANS. I am not objecting to his being paid.

Mr. PITNEY. Now, the gentleman from Kentucky [Mr. EVANS] may have an opportunity to move to suspend the rules and pass this bill, but I am not willing to give consent to its consideration. It is too stale.

Mr. EVANS. If I am in order I will move to suspend the rules.

The SPEAKER. The Chair must follow the order of business that has been proceeding.

Mr. EVANS. Do I understand the gentleman to insist on his objection?

Mr. PITNEY. Yes, sir; I am constrained to object.

FRANCES E. WICKWARE.

Mr. DOLLIVER. I ask unanimous consent for the present consideration of the bill (H. R. 7983) to pension Frances E. Wickware.

The bill was read, as follows:

That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll of the United States the name of Frances E. Wickware, widow of Lieut. Charles Wickware, late of Company I, Sixth Regiment Vermont Volunteer Infantry, at the rate of $17 a month.

Mr. BARTLETT of New York. I ask for the reading of the report and reserve the right to object.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7863) granting a pension to Frances E. Wickware, widow of Lieut. Charles Wickware, late of Company I, Sixth Vermont Volunteer Infantry, having fully examined and considered the facts in support thereof, respectfully report:

Charles Wickware enlisted as private in Company I, Sixth Vermont Volunteer Infantry, and served faithfully in said company as private and corporal until discharged on surgeon's certificate of disability February 6, 1865. He reenlisted as second lieutenant of Company B, Forty-third United States Colored Infantry, and served until mustered out October 20, 1865, and was honorably discharged at Philadelphia, Pa., November 30, 1865.

Charles Wickware was wounded at the battle of Savage Station, Va., June 29, 1862, the ball entering the left side and passing through the body in the lumbar region, just above the kidneys, made exit on the left side. He was left for dead upon the battlefield, taken prisoner, and sent to Libby Prison, where his wound was illy treated. He was exchanged, and after several months' treatment, returned to duty, and at the battle of the Wilderness, Virginia, May 5, 1864, he received another severe gunshot wound of left arm, which was amputated near the shoulder joint in field hospital, and for which he was discharged in February following.

He was pensioned from discharge—at various sums, between $8 and $36, for loss of left arm, which he was receiving at time of his death—May 4, 1893. His death cause was certified from public records as due to "inflammation of the bowels; duration of disease, four days."

Dr. C. I. Eberle, the attending physician, testified April 11, 1895:

"I attended Charles Wickware during his last illness, and his death was caused by paralysis of the bowels, superinduced by a gunshot wound through the lumbar region, or immediately above the kidneys. The plastic exudation, formed by cicatricial tissue in the region of the bowels, caused a constant inflammation or irritation of the nerves of the bowels, causing paralysis of the same. No other cause existed that would have resulted fatally. Paralysis existed from the time he was first taken sick; being complete, caused death."

Claimant was married to soldier September 29, 1868, and four children, Elsie L., born May 31, 1879; Hattie B., born July 17, 1881; Katie B., born April 10, 1884, and Milton D., born November 3, 1888, were the fruits of the marriage.

The testimony presented shows that claimant is in feeble and delicate health, being a sufferer from rheumatism and disease of the heart, and has been confined to her bed for several months from said diseases, and her family physician certifies "she is not likely to live until the time her pension is allowed, if taken up in regular order."

Her claim for pension was rejected February 3, 1896, on the ground that "death resulted from disease of bowels, not due to cause which has been legally accepted"; although the record shows that the chief of the special examination division and the legal reviewers accepted the gunshot wound of back as the death cause. The special examiner who investigated the case and the history of soldier's life and ailments since discharge says:

"I can not help but believe that the wound of back contributed, perhaps largely, to the death cause, and I believe the claim to be meritorious."

In view of all the facts presented your committee recommend the passage of the bill with amendments, striking out the word "seventeen," in line 7, and inserting in lieu thereof the word "fifteen," and also by adding after the word "month," in line 8, "and $2 per month for each minor child until they severally arrive at the age of 16 years."

Mr. LOUD. I would like to ask the gentleman from Iowa to give some explanation of this bill.

Mr. DOLLIVER. The beneficiary is sick in bed, and her doctor testifies that she is likely to die. For that reason I have asked the consideration of the bill; and I do not care to discuss the matter further.

Mr. LOUD. Of course the gentleman knows that, having died thirty-one years after having received this wound, it is doubtful whether his death was the result of the wound. I notice, further, that this woman married the soldier many years after the war, and was probably quite familiar with the fact that he was a sufferer, and why. I would like to ask the gentleman, could not every other woman for the same reason now come to Congress and ask for an increase of pension.

Mr. DOLLIVER. I will say to my friend that this is a widow of a soldier who lost his arm at the shoulder. In addition, he was shot through and through, and was nursed by this woman for nearly twenty-five years. He died, as this testimony shows, and as I think there can be no doubt, by reason of the effect of the gunshot wounds received in action. She is sick in bed, with four or five minor children dependent upon her, and without means of support. Therefore I confidently submit her claim to the good will of the House.

Mr. LOUD. I will ask the gentleman if he thinks we ought to extend our charity to all the women in the country who are widows of soldiers in this way?

Mr. DOLLIVER. I do not bring this case before the House as a matter of charity.

Mr. LOUD. That seems to be the strongest claim in the case.

Mr. DOLLIVER. The Pension Department have found that it was not shown beyond a doubt that the soldier's death was caused by his wound. I am informed by those who attended him that he died of inflammation of the bowels, and it is shown by the physician who attended him and admitted by the experts of the Pension Office that there can be little doubt that his death was due to that disability, but it is not demonstrated; but it is so fully proven that it is a fair and proper case for the interposition of a special act of Congress.

Mr. LOUD. Is there not the testimony of some medical experts that he did not die as the result of wounds received in the service?

Mr. DOLLIVER. Not at all.

Mr. LOUD. Then, in God's name, if all the testimony, medical and lay, goes to show that this man died as the result of his service in the Army, why has not the Pension Office granted him a pension?

Mr. DOLLIVER. The examination made by the Pension Office was a special examination, and no medical testimony was taken except that of the physician who attended the soldier, and while that physician gives it as his opinion that death resulted from the wound, the testimony, in the opinion of the Pension Office, is not entirely conclusive. In my judgment it is. At all events, that was the only testimony of a medical character that the office took; but the testimony of the man's wife and of his nurses and of the neighbors all agrees that he died as the result of the wound. I have known him for ten years, and I know that he was unable to perform his duties as clerk of the court except standing upon his feet. If he did his work sitting he suffered from pain and difficulty as the result of this wound, and it is on account of my personal knowledge of the case that I have felt constrained to bring this bill here. The Pension Office, finding it impossible to say with absolute certainty that he died of that wound, have felt bound to reject his claim.

Mr. LOUD. Why did the committee reduce the pension from $17 to $15?

Mr. DOLLIVER. When I introduced the bill I thought he had been a lieutenant. The committee found that he was a second lieutenant, and they have recommended the amount named in their amendment to correspond with the rate allowed by the general law.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, with amendments in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 3544) empowering and directing the Secretary of the Navy to furnish not more than four pieces of condemned cannon to the village of New Rochelle, N. Y.; and

A bill (H. R. 572) for the relief of James Duke.

The message also announced that the Senate had further insisted upon its amendments to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, asked a further conference with the House on the bill and amendments, and had appointed Mr. CULLOM, Mr. TELLER, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1904) to regulate marriages in the District of Columbia.

The message also announced that the President of the United States had notified the Senate that he did, on the following dates, approve and sign acts and joint resolutions of the following titles, to wit:

On January 21, 1896:

An act (S. 30) to amend an act entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893.

On January 22, 1896:

An act (S. 628) to provide an American register for the steamer *Miami*.

On January 23, 1896:

An act (S. 43) to amend an act entitled "An act to amend an act entitled 'An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes,' approved September 29, 1890, and the several acts amendatory thereof."

On January 28, 1896:

Joint resolution (S. R. 50) authorizing the employment of a skilled architect to assist the Supervising Architect of the Treasury Department in preparing designs, plans, specifications, and other drawings for the public building at Chicago, Ill.

On February 5, 1896:

An act (S. 1450) to reconvene the delegates of the United States to the International Marine Conference of 1889.

On February 7, 1896:

An act (S. 650) to incorporate the Post Graduate School of Medicine of the District of Columbia; and

An act (S. 285) for the relief of the Independence National Bank of Philadelphia, Pa.

On February 7, 1896:

Joint resolution (S. R. 23) authorizing the Secretary of the Navy

to use a portion of the appropriation for new iron roof for foundry at navy-yard, Washington, D. C., in the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes," for repairs to the walls of said foundry.

On February 8, 1896:

An act (S. 1547) to extend the jurisdiction of the United States circuit court of appeals, Eighth circuit, over certain suits now pending therein on appeal and writ of error from the United States court in the Indian Territory.

On February 12, 1896:

An act (S. 708) to amend section 4 of an act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes.

On February 13, 1896:

An act (S. 1046) to amend an act entitled "An act to authorize the Kansas City, Pittsburg and Gulf Railroad Company to construct and operate a railroad, telegraph, and telephone line through the Indian Territory, and for other purposes," approved February 27, 1893.

On February 20, 1896:

An act (S. 1591) to extend the mineral-land laws of the United States to lands embraced in the north half of the Colville Indian Reservation; and

Joint resolution (S. R. 39) making an appropriation to defray the joint expense of locating the boundary line between the Territory of Alaska and the British North American Territory.

On February 26, 1896:

Joint resolution (S. R. 17) providing for certain surveys in the State of Florida; and

Joint resolution (S. R. 59) extending the provision of section 79 of "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895, so as to include monographs, bulletins, and reports of the Geological Survey published in 1894 and succeeding years.

On March 2, 1896:

An act (S. 1740) to amend section 5294 of the Revised Statutes of the United States relative to the power of the Secretary of the Treasury to remit or mitigate fines, penalties, and forfeitures, and for other purposes.

On March 4, 1896:

An act (S. 103) relating to final proof in timber-culture entries; and

An act (S. 879) to amend an act entitled "An act to grant to the Gainesville, McAlester and St. Louis Railroad Company a right of way through the Indian Territory."

On March 6, 1896:

An act (S. 259) granting to the Columbia and Red Mountain Railway Company a right of way through the Colville Indian Reservation, in the State of Washington, and for other purposes; and

An act (S. 141) granting a pension to Julia A. Hill.

On March 13, 1896:

An act (S. 636) to authorize the construction of a bridge across the Missouri River at or near Chamberlain, S. Dak.;

An act (S. 477) to repeal section 553 of the Revised Statutes of the United States, requiring the district judge for the southern district of Florida to reside at Key West;

Joint resolution (S. R. 65) to print the annual report of the General Superintendent of the Life-Saving Service;

Joint resolution (S. R. 85) granting the county of Cole, Mo., permission to use certain rooms in the United States building at Jefferson City, Mo.; and

Joint resolution (S. R. 78) authorizing the Secretary of the Treasury to distribute the medals and diplomas awarded by the World's Columbian Commission to the exhibitors entitled thereto.

On March 16, 1896:

An act (S. 1825) to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington;

Joint resolution (S. R. 54) authorizing the National Dredging Company to proceed with the work of dredging the channel of Mobile Harbor, under the direction of the Secretary of War; and

Joint resolution (S. R. 24) for the return to the State of New Hampshire of the flag of the Eleventh Regiment of New Hampshire Volunteer Infantry.

On March 19, 1896:

An act (S. 227) to authorize the Auditor for the War Department to audit certain quartermaster's vouchers alleged to belong to John Finn, of St. Louis, Mo.;

Joint resolution (S. R. 47) relating to the Federal Census; and

Joint resolution (S. R. 72) directing the Public Printer to supply the Senate and House libraries each with 10 additional copies of the CONGRESSIONAL RECORD.

On March 20, 1896:

An act (S. 1230) to extend the limits of the port of entry of New Orleans; and

An act (S. 1804) to authorize the First National Bank of Sprague, Wash., to change its location and name.

On March 23, 1896:

An act (S. 818) for the relief of Halvor K. Omlie, of Homen, N. Dak.; and

An act (S. 1716) for the relief of W. H. Ferguson, administrator of the estate of Thomas H. Millsaps.

On March 24, 1896:

Joint resolution (S. R. 79) directing the Secretary of War to furnish an estimate for deepening the channel from Hampton Roads to the navy-yard at Norfolk, Va., and also for improving the Western Branch of the Elizabeth River.

On March 28, 1896:

An act (S. 990) to amend section 9 of an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes";

An act (S. 789) for the relief of Kate Winter;

An act (S. 2251) to authorize the construction of a bridge across the Calumet River;

An act (S. 732) to regulate the issue and recording of the commissions of officers in several of the Departments; and

Joint resolution (S. R. 75) providing for the disposition of certain property now in the hands of the receiver of the Church of Jesus Christ of Latter-Day Saints.

On March 31, 1896:

An act (S. 1179) to repeal section 1218 of the Revised Statutes of the United States, as amended by chapter 46 of the laws of 1884, relating to appointment of officers in the Army or Navy of the United States.

On April 1, 1896:

Joint resolution (S. R. 111) to authorize Benjamin Harrison to accept certain medals presented to him while President of the United States; and

Joint resolution (S. R. 114) authorizing and directing Bernard R. Green to exercise the duties and powers heretofore conferred upon the late Gen. Thomas L. Casey, in relation to the construction and completion of the Library of Congress.

On April 6, 1896:

An act (S. 494) constituting Stamford, Conn., a subport of entry;

Joint resolution (S. R. 99) authorizing the immediate use of a portion of the unexpended balance of appropriations made for construction of canal and locks at the Cascades of the Columbia River in construction of protecting walls necessary to the opening of said canal and locks to navigation; and

Joint resolution (S. R. 103) directing the Secretary of War to submit estimates of cost of further improvement of Providence River and Narragansett Bay, Rhode Island.

On April 14, 1896:

An act (S. 2132) for the relief of settlers upon lands within the indemnity limits of the grant to the New Orleans Pacific Railway Company.

On April 18, 1896:

An act (S. 344) granting a pension to Mary A. Hall;

An act (S. 345) granting a pension to Catherine R. Jardine, widow of Brig. Gen. Edward Jardine;

An act (S. 1271) granting a pension to Elizabeth Moore English;

An act (S. 640) to increase the pension of Joseph W. Fisher;

An act (S. 507) to pension Mollie Crandall;

An act (S. 626) providing for disposal of lands on abandoned portions of the Fort Assinniboine Military Reservation, in Montana, and for the relief of certain settlers thereon;

Joint resolution (S. R. 104) directing the Secretary of War to transmit to Congress a report on survey of the waterway connecting the waters of Puget Sound at Salmon Bay with Lakes Union and Washington, and to submit an estimate of the cost of constructing said waterway; and

Joint resolution (S. R. 123) directing the Secretary of War to submit a plan and estimate for the improvement of the Nebraska side of the Missouri River, opposite Sioux City, Iowa.

On April 20, 1896:

Joint resolution (S. R. 116) authorizing the Public Printer to print the Annual Report of the Superintendent of the United States Coast and Geodetic Survey in quarto form and to bind it in one volume.

On April 24, 1896:

An act (S. 2141) to amend an act approved August 24, 1894, entitled "An act to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation, and to confer upon the same all the powers, privileges, and franchises vested in that company";

An act (S. 69) to authorize the Secretary of the Interior to settle the claims of the legal representatives of S. W. Marston, late United States Indian agent at Union Agency, Ind. T., for services and expenses;

An act (S. 1317) to grant certain lands to the city of Colorado Springs, Colo.;

An act (S. 744) providing for a naval training station on the Island of Yerba Buena (or Goat Island), in the harbor of San Francisco, Cal., and for other purposes; and

Joint resolution (S. R. 131) relative to the improvement of the harbor of Erie, Pa.

The message also announced that the President of the United States had notified the Senate that bills and joint resolutions of the following titles, having been presented to him on the several dates as follows, and not having been returned by him to the House of Congress in which they severally originated within the ten days prescribed by the Constitution, had become laws without his approval, to wit:

On January 28, 1896:

An act (S. 1) granting a pension to Mrs. Eva Davis Cogswell, widow of Brig. Gen. William Cogswell:

An act (S. 138) granting an increase of pension to James H. Osgood; and

An act (S. 142) granting a pension to Annie M. Greene.

On March 3, 1896:

A joint resolution (S. R. 43) authorizing and directing the Secretary of Agriculture to purchase and distribute seeds, bulbs, etc., as has been done in preceding years.

On March 26, 1896:

An act (S. 2419) to authorize the leasing of lands for educational purposes in Arizona.

On April 9, 1896:

An act (S. 136) granting an increase of pension to Horace Townsend.

On April 15, 1896:

An act (S. 100) for the relief of the estate of John R. Bigelow; and

An act (S. 1203) granting an increase of pension to Mary Doubleday, widow of Bvt. Brig. Gen. Abner Doubleday.

FORT SULLY MILITARY RESERVATION.

Mr. GAMBLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation, in said State, as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the lands situated in the Fort Sully Military Reservation, in the State of South Dakota, may be selected at any time within one year after the passage of this act, or the approval of the survey of said reservation by the Secretary of the Interior, by the State of South Dakota as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands; and when said lands are selected as herein provided the Secretary of the Interior shall cause patents to be issued therefor to the State of South Dakota.

The report (by Mr. BOWERS) was read, as follows:

The Committee on the Public Lands have had under consideration the bill (H. R. 7324) entitled "A bill to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation in said State as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes," and report as follows:

Amend said bill by adding thereto the following:

"*Provided*, That the State of South Dakota shall have a preference right over any person or corporation to select said lands, subject to entry by said State, granted thereto by the act of Congress approved February 22, 1889, for a period of sixty days after the foregoing lands have been surveyed and duly declared to be subject to selection and entry under the general land laws of the United States: *Provided further*, That such preference right shall not accrue against bona fide homestead or preemption settlers on any of said lands at the date of filing of the plat of survey of any township in any local land office of said State."

Under the act of July 5, 1884, it is provided that whenever in the opinion of the President the lands or any portion of a military reservation have become useless, he may by order so declare and place the same under the control of the Secretary of the Interior. Under this act the reservation in question was placed under the control of the Interior Department by Executive order of date November 5, 1894.

The reservation is unsurveyed and contains about 28,000 acres, as shown by letter dated March 24, 1896, from the Assistant Commissioner of the General Land Office, which is made a part of this report. The State of South Dakota has so far been unable to make selections of lands to the full amount donated to the State for the purposes designated under the enabling act admitting the State into the Union.

The provisions of this bill are substantially the same as the act passed by the Fifty-second Congress (U. S. Stat. L., volume 27, page 593), permitting the State to make selections of land from the Fort Randall Military Reservation, located in said State, for the same purposes.

Your committee see no objections whatever to the passage of the bill, and believe the State should be permitted to make the selections sufficient to satisfy the amount of lands donated by the Government to it, and therefore recommend the passage of the bill, with the foregoing amendment.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 24, 1896.

SIR: I am in receipt of your letter dated March 18, 1896, stating that on the 17th instant you introduced a bill in Congress to allow the State of South Dakota to select the Fort Sully Military Reservation for school indemnity lands, and for the purpose designated in the act admitting the State in the Union, and you ask to be informed as to the extent of the reservation, whether it is surveyed, and whether it is now in charge of the War Department, or has been turned over to the Interior Department.

In reply I have the honor to state that the former Fort Sully Military Reservation in South Dakota is unsurveyed. It was placed under the control of the Secretary of the Interior for disposal under the act of July 5, 1884, by President's order dated November 5, 1894.

The estimated area of the abandoned reservation, as given in the report of this office for 1895, is 28,800 acres.

Very respectfully,
E. F. BEST,
Assistant Commissioner.

Hon. ROBERT J. GAMBLE,
House of Representatives.

Mr. LOUD. Let me ask the gentleman why these lands should not be open to settlement the same as other public lands?

Mr. GAMBLE. For the reason that the State of South Dakota so far has been unable to select sufficient lands to cover the amount donated to it under the enabling act.

Mr. LOUD. Is not that the condition of every State?

Mr. GAMBLE. I think not.

Mr. LOUD. My own State is from sixty to ninety thousand acres short.

Mr. GAMBLE. The gentleman is aware that in South Dakota we have a large area of Indian reservations, something like 8,000,000 acres, and the State has been unable so far to select sufficient lands to supply the amount donated under the enabling act. This bill only allows a preference right to the State for sixty days, and that is allowed under the general law.

Mr. LOUD. Of course the gentleman understands how this lieu land law throws the lands into the hands of speculators and corporations. If you are working for the interest of your State, why not seek to throw these lands open to bona fide settlers?

Mr. GAMBLE. In answer to that I will say to the gentleman that we are anxious to have our full quota of land that was donated to the State for educational purposes. The land will be certified to the State and then it will be opened to actual settlers by the State.

Mr. LOUD. Of course the gentleman understands the working of the new law. If I were one of those land sharks and knew that this bill was going to pass, I would cover that land in an hour.

Mr. SAYERS. How?

Mr. LOUD. Why, I would cover it through the State, by making an application. There is not one of these land agents who has not applications on hand.

Mr. PICKLER. Under our constitution this land can not be sold at less than $10 an acre.

Mr. SAYERS. I understand that this bill passes the land to the State for educational purposes.

Mr. GAMBLE. Yes.

Mr. SAYERS. And I suppose that the State has already passed laws looking to the protection of the lands given to it for that purpose?

Mr. GAMBLE. Yes, sir; they are protected in every way; so that it would not be possible for "land sharks" or anybody else to get them, as suggested by the gentleman from California.

Mr. LOUD. How many acres are there in this body?

Mr. GAMBLE. Twenty-eight thousand.

Mr. LOUD. Will that exceed the amount given to the State?

Mr. GAMBLE. No, sir; we are short eighty or ninety thousand acres.

Mr. PICKLER. I will say further that under our constitution this land can not be sold to anyone until it brings $10 an acre for the benefit of the State.

Mr. LOUD. Does the gentleman mean 80,000 acres after this?

Mr. GAMBLE. Without this.

The SPEAKER. Is there objection to the present consideration of this bill.

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. GAMBLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

UNLADING OF VESSELS.

Mr. BARTLETT of New York. I ask unanimous consent for the present consideration of the bill (S. 661) to amend section 2880 fixing time for vessels to unlade.

The bill was read, as follows:

Be it enacted, etc., That section 2880 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 2880. Whenever any merchandise shall be imported into any port of the United States from any foreign port, in any vessel, at the expiration of ten working days if the vessel is less than 500 tons register, and within fifteen working days if it is of 500 tons register and less than 1,000, and within twenty working days if it is of 1,000 tons register and less than 1,500, and within twenty-five working days if it is of 1,500 tons register and upward, not including legal holidays and days when the condition of the weather prevents the unlading of the vessel with safety to its cargo, after the time within which the report of the master of any vessel is required to be made to the collector of the district, if there is found any merchandise other than has been reported for some other district or some foreign port, the collector shall take possession thereof; but with the consent of the owner or consignee of any merchandise, or with the consent of the owner or master of the vessel in which the same may be imported, the merchandise may be taken possession of by the collector after one day's notice to the collector of the district. All merchandise so taken shall be delivered pursuant to the order of the collector of the district, for which a certificate or receipt shall be granted."

Mr. BARTLETT of New York. The report of Senator FRYE on this bill is at the desk, if any gentleman desires to hear it.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DINGLEY. The bill is all right.

Mr. BARTLETT of New York. This bill has been submitted to the leader of the majority. [Laughter.] It is a public bill, and it has received the approval of the Secretary of the Treasury and the Commissioner of Navigation.

Mr. PICKLER. I reserve the right to object until we hear the report.

The Clerk proceeded to read the following report of the Senate Committee on Commerce:

The Committee on Commerce, to which was referred Senate bill No. 661, report as follows:

The object of this bill is to provide sufficient time for vessels from foreign ports, especially sailing vessels, to discharge their cargoes.

Its enactment has become necessary on account of the increase in the tonnage of vessels since the passage of the present law.

The present statute was enacted in 1799, when vessels of 800 tons—the maximum named in the law—were of extreme size. Since then, however, vessels have more than trebled in tonnage. Ships of 2,500 tons are common, and many exceed 3,000 net register. For such vessels the fifteen days allowed by law for the discharge of their cargoes is entirely inadequate. This bill provides the needed remedy.

This bill is moreover an improvement upon the present law, in that it substitutes for the word "burden" the term "register" to donate the official tonnage, which is fixed when the vessel is built, and is not only stated in her papers but indelibly carved upon her main beam, as required by law.

The bill moreover remedies the indefinite language "working days" in the present law, substituting therefor the more precise expression "excepting legal holidays and days so cold or stormy that they absolutely prevent the unlading of the vessel with safety to the cargo." The law of 1799, now in force, excepts only "Sundays and the Fourth of July," the only holidays then authorized. Treasury regulations have since excepted "rainy days and holidays," but it would manifestly be better to avail ourselves of the present opportunity and have them covered by Congressional enactment.

The provision as to weather is necessary, as certain cargoes can not be safely exposed while the temperature is below the freezing point.

The enactment of the bill is needed particularly for large sailing vessels loaded with coarse, bulky cargoes, which can not be discharged within the time now allowed by law, such as nitrates, etc., which are usually discharged at the rate of about 100 tons per day.

Its enactment into law, therefore, will be for the benefit of the commerce of the country at large, without detriment to the interests of the United States. The committee recommend an amendment, and as amended that it pass.

Mr. PICKLER (before the reading was concluded). I do not ask for the further reading of the report.

There being no objection, the House proceeded to the consideration of the bill; which was read a third time, and passed.

On motion of Mr. BARTLETT of New York, a motion to reconsider the last vote was laid on the table.

Mr. BARTLETT of New York. I ask unanimous consent that House bill No. 3538, corresponding with the Senate bill just passed, be laid on the table.

There being no objection, it was ordered accordingly.

DONATION OF CONDEMNED CANNON.

Mr. TRACEY. I ask unanimous consent for the present consideration of the bill (H. R. 2) disposing of two condemned cannon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and hereby is, authorized and directed to supply the First Regiment of Infantry of the Illinois National Guard with two condemned cannon, to be placed at the entrance to their armory at Michigan boulevard and Sixteenth street, Chicago, Ill.

The amendment reported by the Committee on Military Affairs to strike out in lines 5 and 6, the words "mounted on wheels," was read.

There being no objection, the House proceeded to the consideration of the bill.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. HAGER. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (S. 1846) authorizing and directing the Secretary of the Navy to donate condemned cannon to Custer Post, Grand Army of the Republic, at Leavenworth, Kans., and Mathies Post, Grand Army of the Republic, at Burlington, Iowa.

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to donate two condemned cannon to Custer Post, Grand Army of the Republic, at Leavenworth, Kans.; and that two condemned cannon be donated to Mathies Post, Grand Army of the Republic, at Burlington, Iowa: *Provided*, That the condemned cannon herein mentioned are available for the purposes stated and can, in the opinion of the Secretary of the Navy, be spared without detriment to the public interests: *And provided further*, That the Government shall not incur any expense in handling or transporting said cannon.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

KATHERINE S. M'CARTNEY.

Mr. GROW. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 4528) granting a pension to Katherine S. McCartney, widow of William H. McCartney.

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Katherine S. McCartney, widow of William H. McCartney, late captain First Massachusetts Artillery, and pay her a pension at the rate of $50 per month.

The amendment reported by the Committee on Invalid Pensions was read, as follows:

In the last line of the bill strike out "fifty" and insert "twenty."

Mr. BARTLETT of New York. I ask for the reading of the report in this case.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4528) granting a pension to Katherine S. McCartney, beg leave to submit the following report, and to recommend that the bill do pass, with an amendment striking out the word "fifty," in line 8, and inserting in lieu thereof the word "twenty."

The soldier enlisted April 19, 1861, and was honorably discharged October 19, 1864, as captain Battery A, First Massachusetts Light Artillery. The proof shows that he was in the artillery brigade hospital of the Sixth Army Corps from June 14 to June 23, 1864, with acute rheumatism. One of his comrades in the service states he suffered with rheumatic attacks after that time during his service, and after his return home. His associates in business and acquaintances testify to his having frequent attacks from 1880 to 1893 of severe rheumatic pains in his limbs and in the region of his heart, and the physicians that attended him in his last illness in May, 1894, testify that he was suffering from indigestion complicated with rheumatic gout and valvular trouble of the heart, which was the direct cause of his death.

Appended is a statement as to his service.

Military record of William H. McCartney, captain Battery A, First Massachusetts Light Artillery, late of Wilkesbarre, Pa.

When the rebellion came he was a Boston lawyer and lieutenant of the Boston Light Artillery, a volunteer battery which had been in existence many years. It went into the three months' service, at one hour's notice, April 19, 1861, and reenlisted for three years, and was honorably discharged October 19, 1864.

Captain McCartney served in Franklin's Division and in the Sixth Corps in the battles of West Point, Mechanicsville, Gaines Mill, Charley City Cross Roads, Malvern Hill, Second Bull Run, Cramptons Gap, Antietam, Fredericksburg (December, 1862, and May, 1863), Marys Station, Mine Run, Saunders House, the Wilderness, Spottsylvania, Cold Harbor, Petersburg, Weldon Railroad, Winchester, Fishers Creek. He was frequently commended in general orders for gallantry.

WASHINGTON, D. C., *April 23, 1866.*

It gives me great pleasure to state that I have known Captain McCartney's military history personally since the fall of 1861, and that I have served in the Sixth Army Corps with him three years. During our service in the Sixth Corps I have seen Captain McCartney's battery engaged in every battle of the Army of the Potomac. The intelligence, skill, and bravery with which it was served by him elicited the admiration of all his superior officers and rendered the battery a favorite one in the corps. At the battle of Salem Heights Captain McCartney was under my command and was assigned to the most exposed part of the line. The coolness and skill of Captain McCartney that day saved our line from being broken, when to break any portion of it was sure defeat to the entire corps.

On the occasion he won and received the warmest praise from the division commander, General Brooks, and from the lamented General Sedgwick. On all occasions his battery could be relied upon as being always ready for action or review. I believe Captain McCartney to be worthy of any reward for his services during the war that the Government can bestow on him.

JOS. J. BARTLETT,
Late Brevet Major-General U. S. V.

WASHINGTON, D. C., *April 18, 1866.*

It affords me pleasure to bear testimony to the services of Capt. W. H. McCartney, formerly of the First Massachusetts Battery of Light Artillery, who was attached to the Sixth Corps, Army of the Potomac, during the eventful campaign of 1864, from the Wilderness to Petersburg. Being frequently detailed to act with my division (Third, of the Sixth Corps), I had ample means of witnessing his ability as an officer, which was such as to render his battery one of the most efficient, while his gallantry secured him the confidence and approval of his superior officers. It was while acting with my division at Spottsylvania Court-House, May 9, 1864, Major-General Sedgwick was killed in his battery, and Brig. Gen. W. H. Morris, commanding First Brigade, was wounded. I would also add my high personal regard for Captain McCartney, with my best wishes as a brother soldier.

JAMES B. RICKETTS,
Major First Artillery, Brevet Major-General of Volunteers.

HEADQUARTERS FIRST DIVISION, SIXTH CORPS,
Winchester, Va., September 20, 1864.

GENERAL: I take peculiar pleasure in commending to your favor Capt. W. H. McCartney, Battery A, First Massachusetts Artillery, whose conspicuous gallantry and meritorious services in every battle in which the Sixth Corps has been engaged since 1861 has earned for him the highest respect from his commanders. His eminent services at the battle of Winchester, September 14, 1864, where he gallantly fought and disabled a battery that, by a galling flank fire, seriously impeded the advance of this command, are specially deserving commendation.

During the campaign of 1864, commencing with the battle of the Wilderness, Captain McCartney's services were most marked and meritorious, and by the lamented Generals Sedgwick and Russell, who were both killed at his battery, were always referred to in terms of the highest praise. I consider that the valuable and continuous services of Captain McCartney entitle him to prompt promotion and reward. I have the honor to be,

Very respectfully, your obedient servant,
FRANK WHEATON,
Brevet Major-General, United States Volunteers,
Major Second United States Cavalry.

The ADJUTANT-GENERAL, ARMY OF THE UNITED STATES.

Mr. BARTLETT of New York. I trust the distinguished gentleman from Pennsylvania [Mr. GROW] will give us some

In reply I have the honor to state that the former Fort Sully Military Res- lector of the district, for which a certificate or receipt shall be granted.

explanation in regard to this bill. What special reasons are there for its passage?

Mr. GROW. This soldier left his widow barely property enough to pay his debts, and she needs this pension in order to save what little remnant of property she can from sale. As the report shows, this man was a gallant soldier.

Mr. BARTLETT of New York. Would not the widow be entitled to anything under the general law?

Mr. GROW. This bill proposes to grant her the pension to which she would be entitled under the general law by reason of the rank of her husband. Her claim was rejected at the Pension Office on the ground that the evidence did not show conclusively that the soldier had not rheumatism before entering the service. Yet he served gallantly for three years, was in every battle of the Potomac, and was honorably discharged. In 1862, while in the service, he was in hospital five days with an acute attack of rheumatism; and his death, according to the testimony of the surgeon, was caused by rheumatism of the heart.

Mr. BARTLETT of New York. When did he die?

Mr. GROW. Two years ago.

Mr. BARTLETT of New York. Twenty-nine years after the war he died of the disease which confined him to the hospital five days during the war?

Mr. GROW. He died of rheumatic disease of the heart.

Mr. LOUD. I wish to inquire whether this woman is now receiving any pension?

Mr. GROW. No, sir.

Mr. LOUD. Why not?

Mr. GROW. Her application for pension was rejected at the Pension Office on the ground that the testimony was not conclusive that the soldier was not subject to rheumatism when he entered the service.

Mr. LOUD. Was not this claim rejected at the Pension Office because the woman had too much property to entitle her to receive a pension?

Mr. GROW. She did not apply under the act of 1890, but under the general law, for the pension to which she would be entitled in accordance with the rank of her husband.

Mr. LOUD. Why did she not apply under the act of 1890?

Mr. GROW. Because under that act she could only receive a pension of $8 a month.

Mr. LOUD. And are there not four or five hundred thousand widows in the country who can get only that?

Mr. GROW. As her husband died of disease contracted in the service she was not obliged to apply under the act of 1890.

Mr. LOUD. But she could not prove that her husband's death was the result of disease contracted in the service?

Mr. GROW. I have already stated that this man, according to the testimony of the physician who attended him, died of rheumatic trouble of the heart; and two of his comrades testify that he was troubled with rheumatism at the time of the battle of Fredericksburg and was in the hospital for five days in 1862 with an acute attack of rheumatism. Allow me to repeat, that he served during three years of the war, and was in every battle of the Potomac.

Mr. LOUD. Permit me to say to the gentleman that I was in the hospital for four weeks during the war with an attack of rheumatism, and if there is a doctor on the face of this earth, if I were to die to-morrow, who would undertake to say that my death was the result of that army service then he ought to be incarcerated in an insane asylum.

Mr. GROW. But if the doctor found that the cause of the gentleman's death was from injury to his vital powers resulting from that service he would have no ground for complaint.

Mr. LOUD. This very assumption, thirty years after the service was rendered, that every soldier who dies at this late day dies from the results of disease contracted in the Army or from his army service is a simple absurdity.

Mr. GROW. In this case the gentleman should remember that his own companions, the associates of this officer, testified that he was suffering with this disease; that he had an attack of it frequently every few years apart, but they were gradually growing worse and worse on each occasion. The result was that finally he died of that trouble; and it is traced back through his own companions, by their testimony, to his service in the Army.

Mr. LOUD. I shall not object to the consideration of the case. It has probably as much merit as hundreds of others that have been passed in this House. But it is a bill that ought not to be passed.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. TALBERT. Mr. Speaker, I desire to submit a few remarks on this bill.

The SPEAKER. Does the gentleman object to the consideration of the bill?

Mr. TALBERT. No; I do not object, but simply desire to discuss it briefly.

As I understand it, this is another claim for pension to an officer not of the rank of brigadier-general or general, but as low down as a captain. It seems that legislation will after a while reach the privates, if any are left. I would just like to know if there are any privates left in the Union Army at all. Is it a fact that every private who ever served in the Union Army has been brevetted as an officer? It certainly seems so from the cases that are brought before this House. We might fairly judge that to be a fact from the records that were made here. But few have descended so low yet as to ask unanimous consent for the consideration of a bill to raise the pension of a private soldier or the widow of a private soldier. All of the efforts seem to be for the officers and their widows; and I am very much surprised that the gentleman from Pennsylvania has got so low in the scale as captain. I wonder that he, too, did not make the application in behalf of some more distinguished officer; for instance, a colonel or general.

But, Mr. Speaker, I wish to call the attention of the House to some legislation that was passed here during this session in reference to this very subject. No longer ago than last week, I believe it was, a bill was brought up here and considered to place on the retired list a lieutenant of the Navy, named Quackenbush, and I would like to call your attention, and the attention of the House, to the record which has been presented and made a part of the official records of this House as a reason for placing him on the retired list. I am not surprised, in view of the reasons that have been submitted in this case, that enormous pensions should be asked for officers and widows on equally flimsy grounds. As to the bill under consideration, I have no particular objection; at the same time, it may not be entirely deserving or meritorious.

Mr. GROW. Will the gentleman allow me a moment? Do I understand the gentleman to make objection to the consideration of the bill?

Mr. TALBERT. No; I have made no objection to the consideration as yet, but only wished to call attention to a specimen of Republican legislation.

But, Mr. Speaker, I started to cite some of the reasons why this lieutenant was placed upon the retired list as I gather them from the records in the case. In the first place, we find right at the very threshold of it that he was dismissed from the Naval Academy for drunkenness. That is one reason, I suppose, why he should be placed on the retired list. That is, at least, given as one of the reasons in the report, or at least it appears in the RECORD.

In the second place, he was appointed a lieutenant in the Navy at the outbreak of the war. That of course might be a good reason to put him on the retired list. In the third place, including many other different orders, eight in all, as shown by the record, he was put on waiting orders at eight different times during the war. That is, he was found to be incapable, or utterly worthless, or something of that sort, and he was put on waiting orders until something was found that he was capable of doing. Now, what do sensible men think of such recommendations?

The fourth reason for putting him on the retired list was that there was no evidence before the committee that he was ever in a battle or received honorable mention during the war, or at least this appears as a part of his record and should have prevented it. Yet that is a strong reason for putting him on the retired list! There is not a word of evidence that he ever smelt powder or heard a gun fired in battle or ever saw the smoke of battle. And yet by an overwhelming vote he was put on the retired list. If you regard that as a good reason you are welcome to it, and welcome to the responsibility for such action.

In the fifth place, upon an examination for promotion, he failed to pass before two successive and independent examining boards. It seems that he had great merit because he failed to pass two successive examinations for promotion. That is another reason why you seem to have retired him, I suppose. In the sixth place, under the general law he was finally put on the retired list. Then comes a seventh reason for putting him on—Congress intervenes and had him restored to the active list.

Congress had to come along and exercise its power to put him on duty. In the eighth place, he was again dismissed for drunkenness. That is another good reason, apparently, why the claim is brought up here and, under whip and spur, the application is granted to put him on the retired list. In the ninth place, Congress again restored him to the active list, and then put him on the retired list. I only call your attention to these facts—that you are moving like greyhounds to pass such claims as this while you are neglecting the claims of the honest soldiers and the widows and orphans of the old soldiers. You are neglecting that great mass of claims existing against the United States that come from your War Claims Committee, claims that are costing the Government twenty or thirty thousand dollars a year, but they are never brought forward. There is no relief for such claimants.

Now, I do not know but what the claim that the distinguished

gentleman from Pennsylvania [Mr. GROW] has brought forward here is a meritorious one. I do not propose to even vote against it, because I do not think he has ever stood up here in advocacy of a claim unless it possessed some merit. But I just want to call the attention of the House again to the fact that it seems to be the paramount object of the sitting of this Congress to grant pensions to bummers, deserters, and coffee coolers, if the gentleman from Kentucky will allow me that remark, and to pass by meritorious claims. I just wanted to show the spirit which actuated you, it seems, in putting this Lieutenant Quackenbush upon the retired list. Here is the bill of fare. It is in the RECORD. You can look at it. He has never been in a battle. He has several times been dismissed for drunkenness. He has never passed an examination for promotion; was put under waiting orders eight times, and yet you come here with great big crocodile tears in your eyes and ask that this great, grand man be put on the retired list. If you can stand it, I can. That is only a sample of Republican legislation.

Mr. DINGLEY. I will ask the gentleman why he was not here to make that speech against the the Quackenbush bill when it came up, instead of making it after the bill passed?

Mr. TALBERT. I was here, but as usual the gag law was applied, and the previous question was ordered, just as you Republicans do things to keep men from expressing their views. That is the reason why I did not do it, and that is the reason why I rose in my seat to-day to say what I have said. It is a bitter dose. You would not swallow it the other day, and you have got to swallow it now, however nauseating it may be, and I hope it will so purge you as to beget some fairness and justice into you.

Mr. GROW. There has been no gag law on this bill. The gentleman has not opposed this bill, and I am very much obliged to him. I ask for a vote.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. GROW, a motion to reconsider the last vote was laid on the table.

JOHN CASTER.

Mr. TALBERT. Now, Mr. Speaker, I should like to suggest that we commence on privates. We have come down as low as a captain.

Mr. DOCKERY. Mr. Speaker, I have a bill pensioning a private. I ask unanimous consent for the present consideration of the bill (H. R. 5854) granting a pension to John Caster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Caster, late a private in Company A, Thirty-third Missouri Enrolled Militia Cavalry.

Mr. DOCKERY. I ask for the reading of the report.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5854) granting a pension to John Caster, having carefully examined and considered the facts presented, respectfully report as follows:

John Caster enlisted July 25, 1861, as a private in Company A, Thirty-third Missouri Enrolled Militia Cavalry, and served with such organization until November 25, 1864, when discharged.

He filed a claim for pension July 18, 1874, alleging gunshot wound of left thigh received in battle near Camden Point, Platte County, Mo., July 3, 1864.

The War Department records fail to show that the organization to which claimant belonged was ever mustered into the United States service, and the claim for pension was rejected on that ground and on the ground that the evidence in the case, completing it, was not on file before July 4, 1874, the claim having been completed November 10, 1874, as shown on the brief of the claim.

The adjutant-general of Missouri says the muster-in roll shows John Caster, private, Company A, Thirty-third Enrolled Missouri Militia, mustered in at Breckenridge, Mo., July 26, 1862. The Third Auditor reports that John Caster, jr., is borne upon the rolls of Company A, Thirty-third Enrolled Missouri Militia, as enrolled July 26, 1862, ordered into service September 26, 1864, and returned from duty November 24, 1864.

Maj. S. P. Cox, of same regiment, testified (filed September 5, 1890) that he was present when John Caster received wound, and saw the wound soon after he was shot, July 3, 1864, in left hip, in a battle with bushwhackers under Thraikill and Thornton.

Capt. Daniel Lebo filed affidavit December 7, 1874, that he was in command of Company A, Thirty-third Enrolled Missouri Militia, at the time, and John Caster received a gunshot wound in left hip. John V. Johnston and Levi M. Mullins, comrades, also testify to the incurrence of the wound as alleged.

Dr. William H. Folmsbee, Gallatin, Mo., filed affidavit November 10, 1874, that he treated John Caster for gunshot wound of left hip, received while a member of Company A, Thirty-third Missouri Enrolled Militia.

Dr. McDonald testified March 21, 1896:

"I have known John Caster about fourteen years and treated him for catarrh and heart affection. The heart's action very weak and irregular; slight exercise produces dyspnœa. He suffers from nasal catarrh, which has affected and changed his voice. He has had gunshot wound of left hip at junction of sacrum and ilium. The ball passed downward in an oblique direction and out at a point 10 inches from point of entrance, causing adhesion at both points and limitation of motion of leg as result of injury to glutæl and femoral muscles. The disabilities have been permanent since I have known him and totally disable him for performing manual labor of any kind.

The committee therefore recommend the passage of the bill with an amendment, adding, after the word "Cavalry," in line 7, the words "and pay him a pension of $12 per month"; also amend by spelling the name "Caster" instead of "Castor," in line 6, and also amend title of bill by spelling the name "Caster" instead of "Castor."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendments recommended by the committee, set forth in the report, were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DOCKERY, the title of the bill was amended, so as to read: "A bill granting a pension to John Caster."

On motion of Mr. DOCKERY, a motion to reconsider the vote by which the bill passed was laid on the table.

NAVAL APPROPRIATION BILL.

Mr. BOUTELLE. Mr. Speaker, I move to take up the naval appropriation bill as reported from the Senate, with the Senate amendments, and that the House disagree to the Senate amendments entire and request a conference; and that the bill, with the Senate amendments, be printed.

Before asking for a vote on that I desire to make a few observations to the House in connection with this bill. I will not state in detail the character of the amendments, which are quite numerous, but I desire to call the attention of the House particularly, in my request for a disagreement with the Senate, to the action of that body in reducing the provision for battle ships from four to two. The members of the House will remember very well the circumstances, and the condition of the public mind, and the conditions prevailing in the Senate and House of Representatives at the time when the naval appropriation bill was brought into the House, where provision was made for the construction of 4 first-class battle ships and 15 torpedo boats. I desire to emphasize at this time the very remarkable change of attitude on the part of our coordinate legislative branch, which has resulted in the cutting down of one-half the provision for the strengthening of the Navy made in the bill as it passed the House.

At the time the four battle ships were ordered, were voted for by the House, we found ourselves in a situation in which the public mind had been very greatly inflamed and excited by the discussion of "wars and rumors of wars" in various directions; and it is only fair to say that the Senate of the United States by action and speeches had probably contributed as much as any element that affected public sentiment or excited the public mind in regard to the strained character of our relations with several of the great nations of the earth.

It is within easy recollection of the members of this body that great excitement was produced by a message of the President of the United States in regard to Venezuela, which contained some very remarkable expressions as affecting our possible future relations with the greatest maritime power on the globe. The action of this House will be remembered in support of that message, and also the fact that the Senate of the United States, after some deliberation, followed the action of the House in what seemed to be a very strong indorsement of the most emphatic expressions of the President's message in the line of aggressive assertion of the duty and disposition of the United States to exercise its power in regard to the disposition of matters on this hemisphere outside of our own territory.

So strong was that disposition, so strong seemed to be the purpose of Congress, that our country should take a more prominent and aggressive attitude in the disposition of the great international affairs of the world that, one after another, remarkable propositions were introduced in either branch of Congress, all of them looking toward a more strenuous declaration of our military position among the nations of the earth than had ever before been assumed; and, as I say, in that direction the Senate of the United States took a very conspicuous part. I found in looking over the RECORD and public documents of this session a number of extraordinarily warlike measures brought before that body, seeming to show the earnest desire of the Senate that we should put ourselves in a position to maintain the unwontedly aggressive attitude to which it seemed the desire of so many people to commit our Government. Among them, on December 18, 1895, the Senator from New Hampshire [Mr. CHANDLER] introduced a bill (S. 1043), which was read twice and referred to the committee, providing—

That the President be, and he is hereby, authorized and directed to strengthen the military armament by adding thereto, equipped for use, 1,000,000 infantry rifles, 1,000 guns for field artillery, and not exceeding 5,000 heavy gun for fortifications; to be procured by manufacture in the arsenals, or by contract for manufacture, or by direct purchase in this country or elsewhere, according to the discretion of the President, who shall conform, when practicable, without unwise delay, to the methods prescribed for making contracts and purchases by existing laws.

SEC. 2. That the sum of *$100,000,000* is hereby appropriated to carry into effect the provisions of this act.

And so exigent was the matter apparently regarded by the framer of this bill that the President was authorized to procure this war material—$100,000,000 worth of war material—either in this country or "elsewhere," if we could not produce it fast enough by domestic manufacture to meet what seemed to be regarded as the exigency of the situation of this country at that time.

On the 8th of January, 1896, the Senator from Maine [Mr. HALE] introduced a bill (S. 1404) which came with a recommendation from the Navy Department, which was read a first and second time by unanimous consent, providing that the President of the United States should be authorized, whenever in his judgment an exigency should arise that warranted it, to enlist an unlimited number of men in the Navy of the United States for the term of two years and to appoint an unlimited number of officers not above the grade of lieutenant, who should be found necessary to command the men thus brought into the service. It provided further that the President should authorize the Secretary of the Navy to call into requisition the Naval Militia, and to charter "any private vessel or vessels which may be required for the transportation of troops or other purposes, at such rates of compensation and upon such terms and conditions as may be deemed proper for the protection of the public interest."

On the same day the public records show that the Naval Committee of the Senate addressed a communication to the Secretary of the Navy, asking him if he thought that "six battle ships" should be authorized at the present session. It was in this form:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to inform the Senate whether, in his opinion, it would be advantageous to the naval service to now contract for six battle ships instead of for the two at present authorized, on the basis of the bids now before the Navy Department, modified as might be, in the opinion of the Department, to the public interest.

In pursuance of the Secretary's affirmative reply, Mr. HALE, on the 19th of December, introduced a bill (S. 1058) providing for constructing "by contract 6 seagoing coast line battle ships" of about 11,000 tons each, and 25 torpedo boats.

On the 29th of January Senator MORGAN, from the Committee on Foreign Relations, submitted an elaborate report in regard to our relation to the conditions existing in the Island of Cuba, accompanying which was a concurrent resolution, No. 19, providing as follows:

Resolved by the Senate (the House of Representatives concurring), That the present deplorable war in the Island of Cuba has reached a magnitude that concerns all civilized nations to the extent that it should be conducted, if unhappily it is longer to continue, on those principles and laws of warfare that are acknowledged to be obligatory upon civilized nations when engaged in open hostilities, including the treatment of captives who are enlisted in either army, due respect to cartels for exchange of prisoners and for other military purposes, truces and flags of truce, the provision of proper hospitals and hospital supplies, and services to the sick and wounded of either army.

Resolved further, That this representation of the views and opinions of Congress be sent to the President; and if he concurs therein that he will, in a friendly spirit, use the good offices of this Government to the end that Spain shall be requested to accord to the armies with which it is engaged in war the rights of belligerents, as the same are recognized under the laws of nations.

On the 20th of February Senator CALL submitted an amendment in the nature of a substitute:

That the United States recognize the independence of the Republic of Cuba, proclaimed at Jimaguaya under the Presidency of Cisneros, and under the provincial constitution and form of government proclaimed at Jimaguaya in May, 1895.

Senator WHITE submitted another amendment, as follows:

That the Senate contemplates with solicitude and profound regret the sufferings and destruction accompanying the civil conflict now in progress in Cuba. While the United States have not interfered and will not, unless their vital interests so demand, interfere with existing colonies and dependencies of any European Government on this hemisphere, nevertheless our people have never disguised and do not now conceal their sympathy for all those who struggle patriotically, as do the Cubans now in revolt, to exercise, maintain, and preserve the right of self-government. Nor can we ignore our exceptional and close relations to Cuba by reason of geographical proximity and our consequent grave interest in all questions affecting the control or well-being of that island. We trust that the executive department, to whose investigation and care our diplomatic relations have been committed, will, at as early a date as the facts will warrant, recognize the belligerency of those who are maintaining themselves in Cuba in armed opposition to Spain, and that the influence and offices of the United States may be prudently, peacefully, and effectively exerted to the end that Cuba may be enabled to establish a permanent government of her own choice.

On March 2, 1896, resolutions were reported by the committee in lieu of these, which provided as follows:

Resolved by the House of Representatives (the Senate concurring), That, in the opinion of Congress, a state of public war exists in Cuba, the parties to which are entitled to belligerent rights, and the United States should observe a strict neutrality between the belligerents.

Resolved, That Congress deplores the destruction of life and property caused by the war now waging in that island, and believing that the only permanent solution of the contest, equally in the interest of Spain, the people of Cuba, and other nations, would be in the establishment of a government by the choice of the people of Cuba, it is the sense of Congress that the Government of the United States should use its good offices and friendly influence to that end.

Resolved, That the United States has not intervened in struggles between any European governments and their colonies on this continent; but from the very close relations between the people of the United States and those of Cuba, in consequence of its proximity and the extent of the commerce between the two peoples, the present war is entailing such losses upon the people of the United States that Congress is of opinion that the Government of the United States should be prepared to protect the legitimate interests of our citizens by intervention, if necessary.

During the discussion of these various propositions the expressions called out in the Senate were also of a remarkably aggressive character. I find that on the 27th of February the Senator from Missouri [Mr. VEST], in an argument as to the duty of the United States in regard to the insurrection in the Island of Cuba, used language which was reported by the newspapers to have caused great excitement throughout Spain, where it was said to have been interpreted by the press and in Government circles as indicating serious hostility on the part of the legislative branches of the Government of the United States toward a nation with whom we were and still are holding amicable relations. He said, as reported in the RECORD:

Of all those vast dominions won by blood, won through torture and fire, there remains to-day to this toothless old wolf—

Meaning Spain—

the single Island of Cuba. And Spain to-day, like Giant Despair in that wonderful picture of Bunyan, almost helpless, sits at the door of the dark cave of despotism and grins with impotent rage at the procession of splendid Republics that march on in the progress toward civilization and liberty.

A little later, in the same debate, he is reported as saying:

We, Mr. President, are confronted now with one overwhelming, overruling, absolute, and determinate question in this debate. Shall we, the great exemplar of republican institutions throughout the world, declare that in our opinion the people of Cuba are able to maintain their independence and have achieved it? Are we to wait until that island is desolated by fire and sword? Are we, a Christian and God-fearing people, to stand silent and dumb while the Spanish governor, called a general, declares that he intends to pen up the people of Cuba and butcher them into subjection to the Spanish throne? Sir, if we do it, God will curse us. If we do this thing and stand here until a desert has been made of that splendid island, you may be certain that the time will come when there will be retribution upon us as a people, because we have not been true to the task assigned us by Providence, because we have not cherished the legacy of self-government as bequeathed to us by our fathers. [Applause in the galleries.]

Perhaps if it were parliamentary, Mr. Speaker, I might say that the RECORD shows that following this remarkable declaration the Senator from whom I have just made this quotation voted to strike out half of the provision made by the House bill for strengthening the Navy of the United States to help to maintain that dignified attitude of our Government which he seemed to be so desirous of asserting.

Senator ALLEN of Nebraska offered a resolution providing—

That the President of the United States be, and he is hereby, authorized and requested to issue a proclamation recognizing the Republic of Cuba as it exists under the constitution and form of government proclaimed at Jimaguaya, under President Cisneros, in the month of May, A. D. 1895, as a free and independent nation, and according the envoy extraordinary and minister plenipotentiary of ssid Republic all the rights and privileges accorded to the envoy extraordinary and minister plenipotentiary of the Government of Spain.

In advocating it he went on to say:

Mr. President, I would go further than these resolutions propose to go. I would not only recognize the belligerent rights of Cuba, but I would establish her as one of the republics of this earth. If need be, I would muster every man in the United States and every war vessel necessary to the accomplishment of the task, and I would erect on the ashes and ruins of Spain's control of that island a republic modeled after the institutions of our own. Sir, I would not only do that, but if I had it in my power I would admit the minister of the Republic of Cuba, feeble as it may be, unimportant in the eyes of the world as it may be, to the diplomatic circles at this capital upon terms of equality with the minister from Spain.

Mr. President, one word more. It is said that the action proposed is liable to involve us in war. We can not shirk responsibility because war may follow as a consequence of the discharge of our duties. The rule of Spain over Cuba has not been actuated from motives of humanity to those people, but simply for lust and gain. When Spain becomes convinced that republican institutions upon this continent mean more than mere empty declarations; that it means the United States of America will unfold its flag broad enough to cover the aspirations of the people of Cuba and adjoining countries, then the question of the independence of that people will be settled, and we shall have nothing to do but to adjust the financial results.

And, Mr. Speaker, after quoting that utterance, if it were parliamentary I might go on to say that in the line of "mustering every man and every war vessel of the United States" that Senator is reported to have voted to strike out all the provisions for battle ships in the House naval appropriation bill. [Laughter.]

On the 28th of February Senator SHERMAN of Ohio, the chairman of the Committee on Foreign Affairs, one of the most distinguished and venerated statesmen of the Republic and a Nestor in the halls of legislation, in a speech in favor of the resolutions declaring the duty of our Government in regard to insurrectionary disturbances within the dominion of a foreign power, namely, Spain, among other seemingly aggressive suggestions, used the following language:

Mr. SHERMAN. Mr. President, I would not engage in this debate but that I, as a member of the Committee on Foreign Relations, wish to share in the responsibility of the members of that committee for the consequences that may come from the adoption of the resolution which I hope is about to pass. I do not disguise the dangers, the possibilities of hostile movements into which our Government may be drawn. I know that the people of Spain are a sensitive, a proud, a gallant people, and will not submit to what they consider to be an injustice without resentment and resistance. At the same time my convictions are strong, made stronger every day, that the condition of affairs in Cuba is such that the intervention of the United States must sooner or later be given to put an end to crimes that are almost beyond description.

Mr. President, we have seen that this actual tragedy has already commenced. I read in a morning paper—it is open to all—the account of about the first battle which has been fought there since the arrival of this general, and the murder of unoffending prisoners. I wish to say upon my own responsibility that if this line of conduct is pursued by Spain in Cuba, and the people of the United States are informed of its conditions as they are narrated daily in the public papers, there is no earthly power that will prevent the people of the United States from going over to that island, running all over its length and breadth, and driving out from the little Island of Cuba

these barbarous robbers and imitators of the worst men who ever lived in the world. [Applause in the galleries.]

Sir, whatever may be the result of the adoption of this measure, I desire to take my share of responsibility in connection with it, and with a confidence in the judgment of the Almighty Ruler of the Universe, I believe it will be wise if we can assist, and all the other nations of America concur, in securing to the people of Cuba the same liberties we now enjoy. [Applause in the galleries.]

Mr. Speaker, if it were strictly parliamentary, I would say that the RECORD shows that the Senator voted to strike out two of the battle ships from the provision made by the House to enable the United States to maintain an aggressive attitude, if it should be necessary to do so, in the affairs of the world.

On the 23d of March, 1896, the Senator from Texas, Mr. MILLS, introduced a joint resolution in these words:

That the President of the United States is hereby directed to request the Government of Spain to authorize the people of Cuba, subject to the sovereignty of Spain, to institute such local government as they may wish, and invest it with such powers as they may think necessary to secure to the people of Cuba the right to life, liberty, and the pursuit of happiness.

SEC. 2. That in case Spain shall refuse to grant to the inhabitants of Cuba the rightful power of local self-government, then the President of the United States is hereby directed to take possession of the Island of Cuba with the military and naval forces of the United States, and hold the same until the people of Cuba can organize a government deriving its just powers from the consent of the governed, and arm and equip such military force as may be necessary to protect them from invasion.

Mr. QUIGG. Mr. Speaker, I rise to a point of order. I make the point that the debate in which the gentleman is indulging is obnoxious to the rule.

Mr. BOUTELLE. What is the rule?

Mr. QUIGG. The rule which provides that the members of one House of Congress shall not criticise the proceedings of another.

Mr. BOUTELLE. When the gentleman from New York shall have served here somewhat longer than he has, he will have learned that in order to escape all possible strictures under that rule it is only necessary for me to say that "if" such a thing as I was about to present to the House had transpired somewhere, and "if" it should prove that in the Senate of the United States or in any other legislative body of that high character on a certain occasion some Senator from a State, even from Texas, had introduced a measure of this kind, then I could state to the House that the measure read somewhat in this form—proceeding to read the resolution.

The SPEAKER. The gentleman from New York has made the point of order. Has the gentleman from Maine anything to say with regard to it?

Mr. BOUTELLE. I desire to state that it is a very familiar point of order, one which is very frequently made here, but almost always made by very new members. [Laughter.] And I desire to say to the Speaker——

The SPEAKER. The Chair has the impression that the point of order is well taken. [Applause.]

Mr. BOUTELLE. Very well. Then I will suggest to the Chair that all that it is necessary for me to do, as has been the practice ever since Congress was first organized, is to state a hypothetical case, which I will proceed to do.

The SPEAKER. The Chair thinks that the reason of the rule——

Mr. BOUTELLE (interposing). I ask a ruling as to whether I am not entitled to read from the RECORD anything that has transpired in either branch of Congress.

The SPEAKER. The Chair thinks not; but he will hear the gentleman from Maine on that point.

Mr. BOUTELLE. Does the Speaker rule that a member of this House, in debate, has not a right to read from the printed record of the debates in the Senate what has been stated in that body? I would like to have a ruling, and I wait for the Speaker to decide.

Mr. GROSVENOR. Mr. Speaker, I hope there will not be a ruling for a moment or two.

The SPEAKER. The Chair will hear the gentleman from Ohio on the point of order.

Mr. BOUTELLE. If the matter is to be debated I want to say a word myself.

Mr. GROSVENOR. Mr. Speaker, I take the ground that so far the gentleman from Maine has not transgressed the rule of the House. I can not put my hand on the rule at this instant, but my recollection of it is that the criticism of another legislative branch of the Government, or of a coordinate branch of the Government, which the rule contemplates, does not consist, and can not be construed to consist, in merely reading the action of the other body and quoting the utterances of the members of that body. I understand that the criticism must be something that would provoke personal reply, something that is in the nature of a criticism, either of the whole body or of the individual members of the body.

Now, I do not like to have it ruled, unless it is right, that we may not say on this floor that the Senate has defeated some bill of the House or that the Senate has put some amendments upon some bill of the House. As I understand the logic of the argument of the gentleman from Maine—and certainly he made it very clear—he was pointing out that the Senate at one time seemed to concur in a certain line of opinion in regard to the necessities of the military arm of the Government, and at another time had receded from that position. I hope that that may not be held to be an improper line of criticism.

Mr. MILLIKEN. But, Mr. Speaker, was not the gentleman personally criticising certain members of the Senate?

Mr. GROSVENOR. I did not think so.

Mr. MILLIKEN. I did.

The SPEAKER. This is a matter of considerable importance and one which should be very carefully presented.

Mr. BOUTELLE. It is a matter that has been presented a great many times. The idea that a bill can be passed by this House, sent to the Senate, acted upon in the Senate and amended there, sent back to the House, and that we in discussing that bill are estopped from citing the record of the votes in the Senate and the recorded expressions of Senators in debating the measure, is so monstrous a proposition that I will not dignify it by discussing it. I simply say that in any debate in which I hold the floor I have a right under the rules as a member of the House to read from the records of any legislative body on the face of this earth, and peculiarly the right to read from the records of the legislative body which is coordinate with this; and that no possible point of order can be made except upon such an assault on the motives or the integrity of a member of the coordinate branch as would involve, under well-understood parliamentary usage, the liability of provoking personal animosities or recriminations. The rule is perfectly plain.

Why, Mr. Speaker, this infantile point of order would preclude me from quoting from a President's message or from a decision of the Supreme Court. I am amazed that such a proposition should occupy the attention of the House for a moment.

Mr. GROW. Mr. Speaker, if I am correct in my view, the members of one House can not refer to proceedings pending between the two Houses in the way of comment. Proceedings, however, of either House as printed in the RECORD become history; and any member may refer to them as history, but without commenting upon them or discussing the reasons why a member of the other body uttered certain sentiments at one time and certain other sentiments at another. The record is history and may be referred to; but comments upon it are, I think, excluded by parliamentary law.

The SPEAKER. The principle involved in the matter now brought to the attention of the House is contained in a statement of Jefferson's Manual which will be found on page 132 of the Digest of the second session of the Fifty-third Congress:

Where the complaint is of words disrespectfully spoken by a member of another House it is difficult to obtain punishment, because of the rules supposed necessary to be observed (as to the immediate noting down of words) for the security of members. Therefore it is the duty of the House, and more particularly of the Speaker, to interfere immediately, and not to permit expressions to go unnoticed which may give a ground of complaint to the other House and introduce proceedings and mutual accusations between the two Houses which can hardly be terminated without difficulty and disorder.

If the Chair understood the remarks of the gentleman from Maine, they were, in addition to the reading of matters in the RECORD, criticisms with regard to the personal action of members of the other House and in regard to their votes.

Mr. BOUTELLE. I desire to state that the Chair is entirely in error on that point; and I think perhaps he may have been misled by the fact that he was paying more attention apparently to somebody else than he was to the speaker.

The SPEAKER. The gentleman from Maine is right. When the gentleman commenced to read, the Chair was paying attention to some other business of the House.

Mr. BOUTELLE. Then if the Speaker——

The SPEAKER. The impression of the Chair was that an expression was used with regard to the vote of a Senator, comparing his vote on a portion of this bill with utterances in which he had indulged in the Senate.

Mr. BOUTELLE. If the Chair will be kind enough to refer to the language used, he will find that "the gentleman from Maine" very carefully, very specifically, and very parliamentarily stated that "if it were parliamentary," he might call attention, "if the fact were so and so," to the fact that the gentleman had voted "so and so."

The SPEAKER. The Chair thinks that is precisely the same thing.

Mr. BOUTELLE. That is for the Chair to decide. I believe I was strictly within the rules. If the Chair does so decide, it is entirely a different ruling from any other decision that I have ever known to be made upon the question.

The SPEAKER. That is the opinion of the Chair, and the thing to be kept in mind by the House and by gentlemen in addressing this body, not for our own sakes particularly, but for the sake of orderly proceedings in public bodies, is that principle which is laid down in this Manual—the principle that there should be in such bodies no such criticism or reference to the members of

another and a coordinate body as would be liable to lead to recriminations or disputes.

The reason for this is simple and plain, on reflection. It is that all legislation, in order to become law, must receive the sanction of both Houses. Anything, therefore, which means misunderstanding between the two Houses, like criticism of the person or manner by the members of either branch of those of the other, would be likely to create friction and have a very bad effect upon public legislation. At least that is the theory on which the rule and the construction of the rule to which attention is called is based. And I think everybody will see the soundness and wisdom of it.

The Chair has the impression that the rule certainly goes as far as stated by the gentleman from Pennsylvania, a former Speaker of this House [Mr. GROW], and possibly it goes even further under the usages of the House. So far as my personal recollection is concerned, my impression is that allusion to the acts, and especially to the motives, of members, or the criticism of members of the other House, is not permissible here, nor is a criticism of us permitted over there, and the purpose of it is that we may avoid unnecessary ill feeling between the two bodies in the interest of the country and the advancement of legislation. Because where criticism is made of a man where he can not reply it is more irritating than criticism of a man where he can reply. And so the motive for establishing a proper rule to govern our relations with the other body is even stronger than it is for establishing proper relations among ourselves. Now, I have no doubt that the gentleman from Maine will proceed in order. But I think that the remark which came to the attention of the Chair was not strictly in order.

Mr. BOUTELLE. Will the Speaker be kind enough to indicate the remark to which he refers?

The SPEAKER. The remark in which the gentleman had undertaken to quote language used in debate in another body and had referred to certain actions of its members.

Mr. BOUTELLE. What?

The SPEAKER. Where the gentleman quoted language used in debate in the Senate and proceeded to compare the language used with the action of a member of that body to show a conflict between them.

Mr. BOUTELLE. What I said was that if it was permissible to do so I should say so and so.

The SPEAKER. The gentleman said that if it were parliamentary he would characterize it as so and so.

Mr. BOUTELLE. That if it were parliamentary, I would state how he voted.

The SPEAKER. The Chair thinks that the general rule is plain, and the gentleman will see that that language comes within the spirit of the rule.

Mr. GROW. Mr. Speaker, I move that the gentleman from Maine be permitted to proceed in order.

Mr. BOUTELLE. Mr. Speaker, I thank the gentleman from Pennsylvania very much, but I do not wish any such privilege to be extended to me. If I can not proceed in a manner that I believe to be strictly in order I do not desire to proceed at all.

Mr. GROW. If the House does not give you permission to proceed you can not proceed anyhow. [Laughter.]

Mr. BOUTELLE. I have no desire to proceed unless I can proceed in what I recognize to be my right under the rule.

If it is ruled by the Chair—and while I recognize all of the fluency and skill of the admonition the Chair administered to me, I do not yet quite catch the idea the Chair had in mind—but if the Chair rules that I am estopped from proceeding, that I have made any infraction of the rules of the House by simply reading from the CONGRESSIONAL RECORD a public report of the proceedings of the Senate, then I have no desire to address the House further.

Mr. TERRY. Mr. Speaker, it seems to be a question of what the gentleman from Maine really did say. I ask if it would not be in order to have the stenographer's report read, in order to set the matter clear before the House. Let us have the report of what he did say, and not undertake to argue this question on probabilities, but let us take the facts.

The SPEAKER. The Chair thinks it is too late now to have the words taken down.

Mr. QUIGG. The Speaker has ruled on the point of order, and I call for the regular order.

The SPEAKER. The regular order——

Mr. BOUTELLE. I asked the Speaker to inform me, as a matter of parliamentary inquiry, if the Chair holds that I am forbidden here on the floor of the House to read the language of a joint resolution introduced in the Senate and made a part of the public records of that body?

The SPEAKER. The Chair thinks that the gentleman is entitled to read it.

Mr. BOUTELLE. Well, that is what I was doing, Mr. Speaker. That is exactly what I was doing, and all that I was doing. Now, I want to have this understood, if the Chair please——

[Laughter.]

The SPEAKER. The Chair would suggest to the gentleman——

Mr. BOUTELLE. This may be a very laughable matter to some of you gentlemen, but there are some serious aspects of the case which involve the rights of a member on the floor, and I ask the Chair if I may be heard on this question of order?

The SPEAKER. The Chair has already passed upon the question of order, and the Chair desires to say to the gentleman from Maine that all these matters can proceed without difficulty, provided the gentleman bears in mind, as the Chair has no doubt he will, the principles which have been invoked here, and which have been quoted from Jefferson's Manual; and the Chair hopes that the gentleman will proceed in order, under that, as he understands it.

Mr. BOUTELLE. I want to ask the Speaker if any man can properly rise under the rules of this House and call a member to order for anything except that which he is saying at the time?

The SPEAKER. The Chair thinks that in a case like this, where a matter has been going on in a particular direction, or such criticism as has already been alluded to, and it seems to be going on still further in that direction, if a member rises and asks the judgment of the Chair upon the general topic, that it is the business of the Chair to give it, and the Chair has done so.

Mr. BOUTELLE. Then the Chair holds, as I understand——

The SPEAKER. The Chair has made its ruling.

Mr. BOUTELLE. Well, I desire to find out what I may——

Mr. QUIGG. I call for the regular order, Mr. Speaker.

The SPEAKER. The regular order is the motion of the gentleman from Pennsylvania [Mr. GROW], that the gentleman from Maine [Mr. BOUTELLE] be allowed to proceed in order.

Mr. BOUTELLE. Mr. Speaker, I decline to accept that. I rise to a question of personal privilege, and I desire to ask the Chair if he holds that I am not in order in continuing to read from the bill or joint resolution, from which I was reading verbatim when called to order by the gentleman from New York [Mr. QUIGG]?

The SPEAKER. The Chair does not hold that the gentleman was out of order in doing that.

Mr. BOUTELLE. Then I will proceed to read the rest of the resolution.

The SPEAKER. The gentleman may proceed in order, provided the House so votes on the motion of the gentleman from Pennsylvania [Mr. GROW].

Mr. BOUTELLE. The Chair stated that I was in order. I was reading from this joint resolution when the gentleman from New York [Mr. QUIGG] called me to order. Now, if the Chair says that I have no right to read it I will refrain from reading it.

The SPEAKER. The Chair has made his ruling, and the gentleman from Pennsylvania [Mr. GROW] moves that the gentleman from Maine be allowed to proceed in order.

Mr. BOUTELLE (interrupting). I ask the Speaker if I have a right to read——

The SPEAKER. Those in favor of the motion of the gentleman from Pennsylvania will say aye; those opposed, no. The ayes seem to have it; the ayes have it, and the gentleman will proceed in order. [Applause and laughter.]

Mr. BOUTELLE. Now, will the Chair be kind enough to inform me——

The SPEAKER. The Chair sincerely hopes that gentlemen will conduct themselves with regard to this matter in such manner as may conduce to a proper understanding between the two bodies and a proper understanding among ourselves.

Mr. BOUTELLE. I hope the Chair will not admonish the members on my account at all, for I am entirely content with the record made. I want to ask the Speaker now, in order that I may escape the superserviceable zeal of some member on one side of the House or the other, who may think he can distinguish himself by bobbing up in the record of my speech—I want to ask the Speaker (and the Speaker is fully advised upon this matter, because he has ruled on portions of it) whether I am entitled to read the remainder of this concurrent resolution offered in the Senate of the United States?

The SPEAKER. The gentleman has liberty to proceed in order.

Mr. MILLIKEN. Mr. Speaker, I rise to a parliamentary inquiry. I wish to ask the question of the Speaker whether, if I state to the House that I would say a thing——

Mr. BOUTELLE. Mr. Speaker, was it voted that I should proceed in order?

The SPEAKER. It was.

Mr. BOUTELLE. If so, I desire to retain the floor. I do not yield to the distinguished gentleman from Maine.

Mr. MILLIKEN. I rise to a parliamentary inquiry.

Mr. BOUTELLE. I retain the floor, Mr. Speaker. I decline to be interrupted.

The SPEAKER. The gentleman from Maine [Mr. BOUTELLE] has the floor.

Mr. BOUTELLE. I hope the Speaker will be as capable——

The SPEAKER. The Chair will endeavor to do his duty if he may be permitted to do it.

Mr. BOUTELLE (continuing). As capable of administering the rules with reference to one member as another of the "unruly" delegation from Maine.

Mr. MILLIKEN. Do not extend that beyond yourself.

Mr. BOUTELLE. Mr. Speaker, I will continue the reading of the concurrent resolution introduced in the Senate on the 23d of March, 1896, which proceeded as follows:

That the President of the United States is hereby directed to take possession of the Island of Cuba with the military and naval forces of the United States, and hold the same until the people of Cuba can organize a government deriving its just powers from the consent of the governed, and arm and equip such military forces as may be necessary to protect them from invasion.

Now, Mr. Speaker, I am entirely desirous, in perfect good faith, of adhering to the rules of this House, not only as I understand them but as they may be expounded by the present Speaker of the House; and I ask if there is anything in the rules or in the Speaker's recent holding that precludes or renders it improper for me to read from the CONGRESSIONAL RECORD language used in the Senate of the United States, which I now purpose to read unless precluded?

The SPEAKER. The gentleman will proceed in order.

Mr. BOUTELLE. On the 30th of March, 1896, the RECORD reports Senator MILLS of Texas as using the following language:

I say again that wherever there are rights there are corresponding duties, and I say the people of the United States owe it to the oppressed and downtrodden people of Cuba to say to Spain: "The time has come when you must take your heel off the necks of the people of Cuba. We are responsible for their slavery; we are responsible for the despotism in that island; we are responsible for every drop of blood that you shed; we are responsible for every dollar's worth of property that your mercenaries have stolen; our consciences and our character as a people are involved in this crime. Cuba has a right to appeal to us, and we intend that you shall give her just government."

* * * * * * *

Having the responsibility which even an equitable right would give, we should demand of Spain that just government should be given to Cuba. If necessary we should enforce the demand with the whole military strength of the nation.

* * * * * * *

I would say to Spain: "You can give her local self-government, you can keep your paramount sovereignty over her, but you must protect her people and give them the power to control their domestic affairs. If you do not do it, then I will take possession of the island, and with the armed forces of the United States I will see that they have the opportunity to organize a government and arm themselves for its security, and I will hold it until they are able to stand alone." If Cuba says: "I can not stand alone. I want to go with you. All these powers are ready to spring upon me. Spain will invade me. Perhaps a combination of European powers will combine and assail me. I do not want to stay alone. I want your help—if she says—

"Entreat me not to leave thee, or to return from following after thee; for whither thou goest, I will go; and where thou lodgest, I will lodge; thy people shall be my people, and thy God my God; where thou diest, will I die, and there will I be buried; the Lord do so to me, and more also, if aught but death part thee and me."

Then, sir, I would say to her in the language of that sweet Irish poet:

"Come, rest in this bosom, my own stricken deer,
Though the herd have fled from thee, thy home is still here;
Here still is the smile that no cloud can o'ercast,
And the heart and the hand all thy own to the last.

"Thou hast called me thy angel in moments of bliss,
And thy angel I'll be 'mid the horrors of this—
Through the furnace, unshrinking, thy steps to pursue,
And shield thee, and save thee, or—perish there too."

Now, Mr. Speaker, I would like to ask, with every deference to the ruling of the Speaker of the House and to my sensitive friends here, whether it would be in order for me to state that the CONGRESSIONAL RECORD shows that the Senator from Texas voted to strike out the two battle ships? [Laughter.]

The SPEAKER. Perhaps the answer will be found in paragraph 1710 of Cushing's Law and Practice of Legislative Assemblies:

It is irregular also to refer to or introduce the proceedings or debates of the other House, though there is no question pending at the time, for the purpose of making them the subject of comment, whether in the way of answer, explanation, commendation, discussion, or animadversion, and whenever any such allusion is made in any form in which it can be brought within the control of the House as disorderly, it is immediately checked by the Speaker, though, perhaps, the matter itself might with strict regularity be introduced into the debate, were it not for the impropriety of referring for it to the other House.

Mr. BOUTELLE. Then, Mr. Speaker, if there be a possibility of doubt, while I have none in my own mind, I will refrain from reading from the RECORD the vote of Senator MILLS as stated in my hypothetical question.

Now, Mr. Speaker, I desire to move that the House disagree to the Senate amendments entirely and refer them to a committee of conference, with an opportunity hereafter, of course, for the House to act on the results of that conference; and I ask also that a conference with the Senate may be requested.

Mr. CANNON. Mr. Speaker, the bill with Senate amendments I believe has not been ordered to be printed, with the Senate amendments numbered.

Mr. BOUTELLE. I will ask that my request may be modified so that the Senate amendments may be numbered and the bill printed, the amendments disagreed to, and a conference requested.

Mr. CANNON. I have no desire to interfere in any way with the management of the bill as may seem best to the chairman of the Committee on Naval Affairs; but there are one or more amendments, one especially, in the bill, that at some stage of the proceedings I think the House ought to have a chance to vote upon, and I suppose, from what little I know of the way these matters are managed, as to one of the amendments that I have in mind, later on I hope we will have a chance to take some action. I refer to the amendment of the Senate striking out two of the battle ships. I hope the House will have an opportunity to express its opinion upon that Senate amendment, as to whether it shall insist on or shall recede from its disagreement to the amendment.

Mr. BOUTELLE. I suppose, Mr. Speaker, it is entirely within the power of the House to determine that question for itself. I do not know how the conferees can keep it from coming up here. I will state very freely and frankly that, so far as I am concerned, as chairman of the committee, and so far as I can speak for the committee, I know of no possible reason why any amendment will not be submitted to the separate action of the House if desired.

Mr. CANNON. I suppose that would come afterwards, as it is not convenient to do it now, because the bill has not yet been in conference, and really the time for action will come after it has been in conference. Then I hope an opportunity to test the sense of the House will be given as to certain of the amendments. I have no desire to interfere with the management of the bill, and could not if I would, on the part of the gentleman from Maine; and I only made the remark for the purpose of saying that I hope an opportunity will be given to the House later on to pass upon this amendment.

Mr. BOUTELLE. Mr. Speaker, I entirely agree with the gentleman from Illinois. My judgment is that members are not present in very large numbers to-day, and all of the members are entitled to act upon a question of this kind; and I think it is desirable that the information and the debates to which I have called attention to-day, as well as the bill, shall be printed for the perusal of the House, to enable members to form better judgment after reading what I have said this afternoon, and reflecting upon what I probably intended and desired to say that they may be able to deal in the most judicious manner with this subject when it comes up. I am the more convinced it should take this course because I have observed the latent remnant of that excitable and bellicose disposition which manifested itself so violently at the early stage of the session, that I think perhaps it would be well to have the bill printed and have these extracts from the public records of the Government printed, and let members have the whole matter before them and try to recognize in so far as they can the desirability (which I am glad to be able to say I recognized from the earliest days of the session, in which I had very little sympathy on this side) of looking at this question deliberately and calmly.

I think that when gentlemen read the record of some measures that have been introduced in this Congress, and which I had the temerity, not being aware of the presence of my vigilant friend friend New York [Mr. QUIGG], to quote, I think there are members who will recognize that probably no such excitable or extravagant propositions as some of those would be likely to be introduced to-day. I think the public mind is in a calmer state, and that we have reached a greater degree of equilibrium, and therefore I move that the amendments of the Senate be nonconcurred in and that a conference be requested.

Mr. SAYERS. Mr. Speaker, as stated by the gentleman from Illinois [Mr. CANNON] for himself, I do not wish to interfere with the progress of this bill, but I do wish to have from the gentleman from Maine [Mr. BOUTELLE]—who will probably be at the head of the conference committee, as he is entitled to be—the assurance that the House shall have an opportunity to vote upon the Senate amendment reducing the number of battle ships from four to two separately and independently from other propositions contained in the bill. If the gentleman will give the House that assurance, I shall not object to his motion.

Mr. BOUTELLE. I do not know how I can accede to any request made prior to the conference, as I do not know what the conferees will agree to.

Mr. CANNON. I will say to the gentleman that the suggestion of the gentleman from Texas is along the line of precedents. Where amendments are nonconcurred in by wholesale, as upon a general appropriation bill, it is not unusual for a request to be made similar to the request of the gentleman from Texas, and, so far as I recollect, such requests have always been conceded. The method would be when you go into conference that whatever may be done by way of agreement as to other amendments, this amendment will be reported back to the House by way of disagreement, so that the House, or any member of the House, will have an opportunity to test the sense of the House on a motion to concur with the Senate or on a motion to instruct the conferees.

Mr. BOUTELLE. Mr. Speaker, that amendment is the most important matter for which the conference is desired. I do not see how I can agree to exclude from conference the most important matter involved.

Mr. CUMMINGS. Suppose the Senate recedes from its disagreement, what then?

Mr. CANNON. It makes no difference whether it recedes or does not recede.

Mr. CUMMINGS. If it recedes there is nothing before the House. That settles it.

Mr. CANNON. You could still report the disagreement.

Mr. CUMMINGS. There would be no disagreement.

Mr. BOUTELLE. You could not report what was not true.

Mr. CANNON. It is to be presumed, primarily, that the Senate will not recede.

Mr. BOUTELLE. In other words, does the gentleman from Illinois propose to exclude that particular amendment from the conference?

Mr. CANNON. Not at all.

Mr. BOUTELLE. Then we must confer upon it.

Mr. SAYERS. Mr. Speaker, would it be in order now to move to concur in the amendment of the Senate which reduces the number of battle ships from four to two?

The SPEAKER. It would be in order.

Mr. SAYERS. Then I move that the House concur in the amendment of the Senate which reduces the number of battle ships from four to two.

Mr. DINGLEY. Mr. Speaker, while that motion would, of course, be in order at this stage, would it not be better to have the bill go into conference with an understanding that the paragraph fixing the number of battle ships shall be reserved for the House to act upon under any motion that may be made here?

Mr. SAYERS. That was my proposition to the gentleman from Maine [Mr. BOUTELLE]; my idea being that the House ought to have an opportunity to vote upon a motion to concur in the amendment of the Senate reducing the number from four to two.

Mr. BOUTELLE. The House will have an opportunity to vote upon the conclusion reached by the committee of conference on that question.

Mr. DINGLEY. If my colleague will pardon me, suppose the conference——

Mr. BOUTELLE. The only possible object of this must be a desire on the part of this House—and if so it may just as well be expressed at one time as another—that its conferees shall not endeavor to enforce the action of the House in this matter.

Mr. DINGLEY. Oh, no.

Mr. BOUTELLE. The Senate has cut down our House appropriation by one-half. We ask that the House disagree to that amendment. If the House want to agree to the amendment, that settles it. They will vote down their own bill and accept the amendment of the Senate. If the House propose to stand by their own action, they will send the bill to conference and instruct their conferees to get the best agreement they can.

Now, if the House is negative rather than affirmative in this matter, that alters the case entirely. All of my remarks have been predicated upon the idea that the conferees on the part of the House would be intrusted with the duty of upholding the contention of the House. The House voted upon the question whether there should be six battle ships or four, and they voted by a majority to authorize four. There was a very large disposition on the part of this body to authorize six, but they did authorize the smaller number, four.

Now, I have had no intimation from anybody until this moment that the House desired to retreat from that action. If they do, of course it is perfectly competent for them to so declare; but to send the bill to a conference with the understanding that the House conferees are not to confer upon the most important provision in the bill seems to me extraordinary.

Mr. SAYERS. Mr. Speaker, it is evident that we can not reach any definite understanding on this question; and I now move that the House concur in the Senate amendment reducing the number of battle ships from four to two; and upon that motion I demand the previous question.

Several MEMBERS. Oh, no.

Mr. SAYERS. Well, I will withdraw the demand for the previous question.

The SPEAKER. If there is no other separate vote demanded, the question will be first taken on nonconcurring in the other amendments of the Senate.

The question being taken, the amendments were nonconcurred in.

The SPEAKER. The question now before the House is on the motion of the gentleman from Texas [Mr. SAYERS] to concur in the amendment of the Senate relating to a reduction in the number of battle ships.

Mr. BOUTELLE. Is not that question debatable?

The SPEAKER. Certainly.

Mr. SAYERS. I believe I have the floor on the motion and control the time. Do I not, Mr. Speaker, under the rule?

Mr. BOUTELLE. How can the gentleman control the time as against the chairman of the committee having control of the bill?

Mr. SAYERS. It is a parliamentary question presented to the Chair.

The SPEAKER. The Chair is not quite sure about it.

Mr. BOUTELLE. The idea of the gentleman controlling the time on both sides of the question! [Laughter.]

The SPEAKER. As the Chair understands, the gentleman from Maine [Mr. BOUTELLE], being in charge of the bill, moved to nonconcur in all the amendments of the Senate. Thereupon the gentleman from Texas [Mr. SAYERS] moved to concur in a particular amendment. That is a privileged motion as compared with the other, and supersedes it; but it does not change the control of the matter. The Chair thinks that the gentleman——

Mr. SAYERS. Just one moment, if the Chair pleases. Does the Chair rule——

The SPEAKER. The Chair was stating his impression. Perhaps the gentleman from Texas can give the Chair some light on the subject.

Mr. SAYERS. I do not know that I can give the Chair any light. What I mean to say is that, according to my recollection, upon a motion to concur made by any member of the House the member making the motion is entitled to one hour, and that at the end of the hour or before the lapse of the hour he can, if he chooses, move the previous question. If the motion for the previous question be voted down, then of course anyone opposed to the motion to concur is entitled to an hour; but up to the expiration of one hour, if the gentleman making the motion does not yield, he has control of that hour, and at the end of the hour or before it he can move the previous question.

Mr. DINGLEY. Pardon me a moment. I should like the attention of the gentleman from Texas on another matter. This is individual suspension day, and there are several matters which members desire to bring up. The pending question has come up unexpectedly, and if the gentleman from Texas and the gentleman in charge of the bill will agree, I will ask unanimous consent that the further consideration of this matter be postponed until to-morrow morning, immediately after the reading of the Journal.

Mr. SAYERS. And the question occupying its present status.

Mr. BOUTELLE. No; I can not consent to that. I can not consent to have this matter go over with the understanding that the gentleman from Texas can get up here and move to concur in an amendment and occupy all the time himself—allow no one else to be heard except such members as he sees fit to select.

The SPEAKER. As the Chair understands, the proposition is that the matter go over subject to a decision to-morrow morning——

Mr. SAYERS. Whatever rights or privileges the rules of the House and parliamentary law, under the decision of the Speaker, give to me I shall be certain to assert.

Mr. BOUTELLE. That is very lucid and graphic.

Mr. SAYERS. All right; I hope the gentleman understands it.

The SPEAKER. If the Chair can have the attention of the gentleman from Maine a moment——

Mr. BOUTELLE. I should like to know whether the Chair has ruled upon the extraordinary point of order.

The SPEAKER. If the gentleman from Maine will give the Chair his attention one moment——

Mr. BOUTELLE. I will say to the Chair that I was listening to gentlemen around me who, as I understood, were trying to adopt some arrangement——

Mr. MILES. We can not hear what the Chair is saying.

The SPEAKER. The proposition is that this matter shall be resumed, just where it is now, to-morrow morning, after the reading of the Journal.

Mr. BOUTELLE. And the pending status is a motion to concur in the Senate amendment regarding the battle ships?

The SPEAKER. That is the motion. And the Chair, to-morrow morning, will decide the question of the right to the floor on the motion.

Mr. BOUTELLE. Well, Mr. Speaker, in deference to what seems to be a general desire all around me, I have no wish to press the matter this evening; and if we can let the matter go over until to-morrow morning, I shall not object.

Mr. SAYERS. If the gentleman from Maine will permit me a moment.

Mr. BOUTELLE. Oh, well, I am not so anxious that it shall go over that it would require very much of an objection to stop it.

Mr. SAYERS. I am not objecting. The only question is this: Should unanimous consent be given, at the proper time to-morrow will I be recognized with my motion to concur? I submit the inquiry to the Chair.

The SPEAKER. The gentleman's motion to concur is now pending.

Mr. SAYERS. The motion to concur is pending? Then, will I be recognized as having possession of the floor?

The SPEAKER. That the Chair will determine hereafter.

Mr. BOUTELLE. I would like to know what that "possession of the floor" may include. [Laughter.] The gentleman from Texas has indicated that the possession of the floor includes the right to control all debate.

The SPEAKER. The Chair will submit the request. Is there

objection that this matter shall go over until to-morrow morning, the status to remain as now?

There was no objection.

Mr. CANNON. A single moment, Mr. Speaker.

Mr. HENDERSON. I demand the regular order.

Mr. CANNON. Before that I ask unanimous consent—and I think it will be given if gentlemen will wait a moment—that an order be made that the amendments of the Senate be numbered and printed with the bill, so that we may have the bill on our desks in the morning.

Mr. BOUTELLE. That is proper, and I hope it will be done.

The SPEAKER. Without objection, that order will be made.

There was no objection.

LEGISLATIVE APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, before the regular order is proceeded with, I desire to state that the Senate has sent back to the House the conference report on the legislative bill, nonconcurring in the action of the House, and asking another conference. I move that the House further insist on its disagreement to amendments of the Senate on that bill, and agree to the conference asked by the Senate.

The motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills and joint resolutions of the following titles:

On April 30, 1896:

Joint resolution (H. Res. 170) to provide for the proper distribution of the publication entitled Messages and Papers of the Presidents.

On May 1, 1896:

An act (H. R. 2265) to provide for reimbursement of the expense of constructing a sewer upon the permanent reservation at Hot Springs, Ark.

On May 2, 1896:

An act (H. R. 2224) granting an increase of pension to Lewis C. Schilling; and

Joint resolution (H. Res. 85) relative to the medal of honor authorized by the acts of July 12, 1862, and March 3, 1863.

On May 4, 1896:

An act (H. R. 951) to amend the military record of Dan S. Place, first lieutenant, Eighteenth Indiana Volunteers;

An act (H. R. 3549) authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings Ship Channel, in Aransas County, Tex.

An act (H. R. 5488) to provide for the incorporation and regulation of medical and dental colleges in the District of Columbia;

An act (H. R. 4265) granting a pension to Eliza Wilson;

An act (H. R. 3112) granting a pension to Josephine Foote Fairfax;

An act (H. R. 7905) to establish and provide for the government of Greer County, Okla., and for other purposes; and

An act (H. R. 4781) to amend an act entitled "An act to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River," approved February 18, 1883.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 145) for the relief of J. J. Lints;

A bill (H. R. 1191) to provide for the disposal of public reservations in vacated town sites or additions to town sites in the Territory of Oklahoma;

A bill (S. 2997) to provide for the fulfillment of the stipulations of the treaty between the United States and Great Britain signed at Washington on the 8th day of February, 1896; and

A bill (H. R. 7200) for the relief of A. T. Hensley.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The SPEAKER announced the appointment of Mr. BINGHAM, Mr. MCCALL of Tennessee, and Mr. DOCKERY as conferees on the part of the House upon the disagreeing votes of the two Houses on the legislative, executive, and judicial appropriation bill.

PROTECTION OF AMERICAN YACHT OWNERS.

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and pass the bill I send to the desk.

The Clerk read as follows:

A bill (H. R. 8038) for the protection of yacht owners and shipbuilders of the United States.

Be it enacted, etc., That section 4216 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4216. Yachts belonging to a regularly organized yacht club of any foreign nation which shall extend like privileges to the yachts of the United States shall have the privilege of entering or leaving any port of the United States without entering or clearing at the custom-house thereof or paying tonnage tax: *Provided*, That the privilges of this section shall not extend to any yacht built outside of the United States and owned, chartered, or used by a citizen of the United States, unless such ownership or charter was acquired prior to the passage of this act."

SEC. 2. That section 11 of an act entitled "An act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes," approved June 19, 1886, so far as the same exempts any yacht built outside of the United States and owned, chartered, and used by a citizen of the United States from the payment of tonnage taxes, is hereby repealed.

Mr. BARTLETT of New York. I demand a second on the motion of the gentleman from New York.

Mr. PAYNE. I ask unanimous consent that a second be considered as ordered.

Mr. BARTLETT of New York. Mr. Speaker, I object.

The SPEAKER appointed Mr. BARTLETT of New York and Mr. PAYNE as tellers.

The tellers reported, on a division of the House—ayes 85, noes 2.

So a second was ordered.

The SPEAKER. The Chair will recognize the gentleman from New York, Mr. PAYNE, and the gentleman from New York, Mr. BARTLETT, to control the time, respectively, on the bill.

Mr. PAYNE. Mr. Speaker, under the present law an American citizen, contrary to the well-understood purpose of the registry law for American vessels, a law which was passed for the protection of American shipbuilders, can join a foreign yacht club and have a yacht built on the Clyde or wherever he chooses, pay for it with American money, employ British laborers and British builders and use British materials in its construction, and bring the yacht to America and have it registered, with all the privileges that he would have if he had employed American shipbuilders, American workmen, and used American materials.

Under this provision of the law there have been built some 26 of these yachts, varying in tonnage from 500 to 3,000 tons. There are now under contract, building on the Clyde, 4 other yachts to cost somewhere about one and one-half millions of dollars.

Now, what we propose in this bill is to subject all yachts that are contracted for and built under these circumstances to the same tonnage taxes and the same dues for clearances and entrances at the custom-houses that every other vessel belonging to an American citizen having the like privileges, even to floating the American flag, has to pay. In other words, we propose to end this discrimination in favor of yachts which are steam yachts, used exclusively for pleasure purposes, as against vessels which are engaged in tonnage trade, and answering some useful purpose besides the pleasure of the owner, and to compel these people who desire to use these pleasure yachts to come into the American shipyards and have them built there.

I believe that under the interpretation which must be put upon it they will also be required to pay a tariff duty upon such yachts. I know that proposition is disputed in some quarters, and I believe that will be the result of this bill. It will result in carrying out our policy of requiring American ships and American vessels, all of them, to be built within American yards. There is no reason why this should not be done. We have the best shipyards in the world. Our American liners are as good as any that cross the ocean. Our men-of-war are as good as those produced in any other country, and ever since the memory of any of us the English have been trying to take away from us a certain cup for the best sailing yacht that can be produced.

That is all there is of the bill, and I hope it will pass.

Mr. BARTLETT of New York. Mr. Speaker, I am opposed to the passage of this bill, for two reasons. In the first place, I believe it will be detrimental to the interests of American labor, and in the second place, I believe that it will be destructive of all true sportsmanship, that is, of the true yachting spirit, as now shown by the investment in large steam yachts.

I think it is rather objectionable, in the closing hours of this session, to attempt to rush through without consideration an amendment to the Revised Statutes, to a provision of law which was enacted some twenty-six years ago and has remained in force ever since, in all the tariff agitations through which we have passed. I call the attention of the House to the provisions of the act of 1870, which will be found in section 4216 of the Revised Statutes. That provision does what? It extends a privilege to foreign-built yachts. It gives certain privileges to the gentlemen who invest their money or have invested large sums of money in steam yachts built abroad. It is as follows:

SEC. 4216. Yachts, belonging to a regularly organized yacht club of any foreign nation which shall extend like privileges to the yachts of the United States, shall have the privilege of entering or leaving any port of the United States—

Without doing what?—

without entering or clearing at the custom-house thereof, or paying tonnage tax.

This proposed bill is special legislation of a most objectionable kind, because, although it comes before us in the guise of an attempt to benefit American shipbuilders or yacht builders, it really strikes a blow at some eight or ten or twenty gentlemen in the

United States who have invested hundreds of thousands of dollars in the purchase of their yachts under the guaranty of existing law.

Now, as to the first question, the interest of American labor, you must bear in mind that the cost of running a yacht is far more than the initial cost. The man who gives a hundred thousand dollars for his yacht abroad and brings it into our waters keeps it here season after season, spends hundreds of thousands of dollars on repairs to the yacht, on the equipment of the yacht, and on the cost of the manning and continuous running of the vessel. So I say that if you pass this bill you will have no plausible excuse, no specious excuse even, before your constituents. You will tell them, "We have stopped the building of these yachts abroad"; but you can not say to them that these yachts will be built here. The reason is that the yards abroad are especially equipped for the construction of these steam yachts to-day.

I have no doubt that within a few years the time will come when we shall build them just as well here, just as satisfactorily to the owners, and at an equal cost—that is, not at the excessive cost that would be imposed upon the yacht owner to-day. But in the meantime I tell you that it can not be done, that the men whose ownership of these yachts built abroad you stop, and whom you force to give up the purchase of yachts abroad, will not go into your yards in Maine or elsewhere and buy a yacht, because the cost is too great, because the delay is too great, and they will virtually be compelled to give up their whole interest in steam yachting. So I say to you that this will be a mistake even from that standpoint, and I believe as much as any man in the United States in the due protection of the interests of American labor. I do not think I have ever cast a vote which has not been in favor of American labor or the interest of the American mechanic.

Now, let us see what will be the effect on the interest in yachting, on steam yachting in the United States, if you pass this measure. You will strike a serious blow at that interest, because the interest in steam yachting, as in every kind of yachting, as in every sport which commends itself to the American people and to manhood throughout the world, depends largely upon emulation and competition. It is a noble thing to have these yachts, built in foreign yards, come into our waters and stimulate our American builders. If no English yacht had ever crossed the Atlantic, if no English yacht had ever entered the port of New York, you would have no yacht races to-day, you would have no general widespread interest in the spirit of yachting. So it has been with the introduction of steam yachts built abroad. They have stimulated the interest in steam yachting; and had those yachts not been permitted to enter our ports without the imposition of onerous and destructive charges I tell you that there would not be one-half or one-quarter or one-tenth of the number of steam yachts in this country to-day.

I should like to have a portion of this article read, or I shall read it, because it presents the view of a true American who is interested in these steam yachts much more forcibly than I can:

That such a bill would in the end result in any benefit to American designers and builders is a matter of serious doubt, and as applied to steam yachting it would work decided detriment to the sport for a long time to come.

The yachtsman who contemplates the investment of several hundred thousand dollars in a steam yacht has only to look into the matter superficially to make sure of some very important facts. On the one hand, by going abroad he can secure in a comparatively short time a steam yacht of the highest possible class, designed, for instance, by Mr. Watson, whose long list of successful boats—*Maria*, *May*, *Rona*, *Sapphire*, and others larger and finer—is a most satisfactory guaranty of the performance of a new vessel. The yacht will be built in a yard where such work is a specialty and by workmen familiar with all its details, and a thorough carrying out of all guaranties as to time of delivery and quality of work may be confidently looked for.

If, on the other hand, the order be placed at home with the recognized builders of steam yachts, there is no guaranty as to who will design the vessel, when she will be completed, or that she will be other than a flat failure when nominally ready for delivery. If anyone is inclined to dispute this, there is ample evidence of its truth in two of the largest and most expensive of the recently built American yachts; one a failure in appearance, speed, accommodation, and all the qualities that a steam yacht should have; the other even a worse example, and only accepted by her owner after a long litigation.

The passage of this bill will make a square issue for American yachtsmen to consider, either to have no steam yacht or to pay an excessive price for one that is practically useless.

There are reasons which need not be quoted now for the unfortunate condition of steam-yacht building in America to-day, a condition closely identical with that of the building of sailing yachts in 1880. That these latter conditions were so altered as to lead in a few years to the design and construction of such American yachts as *Puritan*, *Mayflower*, *Volunteer*, *Gloriana*, *Defender*, and *Niagara* is due almost entirely to the introduction into America of a few English yachts—*Madge*, *Maggie*, *Stranger*, and *Clara*—and the visits of *Genesta*, *Galatea*, and *Thistle*.

And now I submit, gentlemen, that for these reasons you ought not, without due and careful consideration, to pass any such measure as this. I believe that a fair spirit of emulation and competition is best subserved by allowing a few of these English steam yachts to come in. There is no great danger. It does not affect the people at large to exempt these yachts. This bill will not bring in any revenue to us. Its purpose is not to bring revenue. Its purpose is to force an American who wants to invest $100,000 in a yacht to have it built in an American yard, at a maximum cost, and at the greatest possible risk. Now, whether you be in favor of protection, free trade, or tariff for revenue only, it seems to me that this sort of legislation is unwise, that it is unsportmanlike, and that it should not receive the approbation of the dominant majority.

Mr. LOW. Will the gentleman explain what he means by "risks" of being built in an American yard?

Mr. BARTLETT of New York. I mean this: That any man who invests $100,000 in a yacht wants to be at liberty to buy wheresoever and whensoever he pleases. In the first place, the risk that is taken in having it built in an American yard in the matter of design; in the second place, in the cost, and third, in the matter of celerity of delivery of the yacht.

I claim that we ought not to legislate in this small way. If you want to pass a measure and apply it to all vessels of every kind of construction in this country, go on and do it; you have the power; but do not amend a provision of the Revised Statutes which was conceived in a somewhat large and liberal spirit, and which has worked admirably for a quarter of a century; do not amend it in the closing days of a session without due consideration and without some argument in its favor and support.

I reserve the balance of my time.

The SPEAKER. To whom does the gentleman from New York [Mr. PAYNE] yield?

Mr. PAYNE. I yield five minutes to the gentleman from New Jersey [Mr. FOWLER].

Mr. FOWLER. Mr. Speaker, I just want to say a few words in answer to the gentleman from New York [Mr. BARTLETT]. In the first place, the proposition which the gentleman has laid down is entirely untenable, for the reason that these vessels are exclusively for pleasure purposes, and everyone knows that whenever a man enters the field of luxury it is only a question of whether he wants the article, not whether he is going to pay $100,000 or $125,000 for it. Therefore, whenever a man comes to the conclusion that he wants a pleasure yacht he is going to have it, whether it costs him $100,000, $125,000, or even $150,000, and every penny of it should be paid out to American labor, and not to foreign mechanics.

Now, I desire to answer the gentleman as to whether these yachts can be built in this country. He says the work will be done at a great risk here. Does the gentleman mean to state that Mr. Nixon, who has designed a large number of the ships composing the White Squadron, is incapable of designing a pleasure yacht? Everyone at all familiar with the shipbuilding of the world knows that Mr. Nixon now stands at the very head of designers, and fast becoming one of the first builders as well. Within the past six months he has taken a contract to construct the finest pleasure yacht in the world. Therefore there is absolutely nothing in what the gentleman has said on this point.

The gentleman further argues that it would be in behalf of American labor to build these ships abroad, because the sailors would not be employed unless the boats are built abroad, as otherwise they will not be built at all. The gentleman must know, as does everyone at all familiar with the subject, that practically all the men employed aboard these boats are foreigners and not Americans; therefore his solicitude for American labor is a mere pretense.

In conclusion, I desire to say—

First. That whenever a man wants to buy a pleasure yacht, the difference in cost due to the increased wages paid to American labor will not stand in the way.

Second. That Mr. Nixon, in my own district, at the Crescent Yards, as in all other large yards in this country, is prepared to build as fine yachts as can be built anywhere in the world.

Third. That if there is any class of labor that should be protected, it is that employed in the manufacture of luxuries which are used and consumed by the rich in our own country. I sincerely hope this bill will pass, and that hereafter every pleasure yacht sailing under our flag will come from our own shipyards, and represent so much money paid to American labor.

Mr. PAYNE. Mr. Speaker, I have only a word to say. No other class of vessels receive this exemption, and there is no reason under heaven why a millionaire should receive your favor rather than the man who earns his living by trying to transport a cargo of goods in a little vessel. I do not think any man in this House will oppose this bill, unless it be my colleague from New York, and I scarcely think he will.

Mr. CANNON. Let me see if I understand the gentleman. Do I understand him to say that under the law as it now is, if a man buys a vessel for service, say, between Fall River and New York, that there is one rule as to that vessel as to where it shall be built and as to the dues it shall pay, and another rule as to a yacht which an individual may purchase for his pleasure?

Mr. PAYNE. That is correct. An American citizen who wants an American register for a vessel to ply between Fall River and New York is obliged to have that vessel built in American shipyards, but a man who wants a yacht to sail where he pleases throughout the world can by an evasion—for it is nothing more nor less than an evasion of the law, as the courts have decided—

that man, under a rule which extends certain courtesies to yacht clubs abroad, can join a foreign yacht club, get into English society, and sail with the Prince of Wales or some other royal personage, and at the same time can employ a shipyard on the Clyde to build his yacht under the auspices of the foreign club, and though he may be the full owner and controller of that yacht she can enter the port of New York and even fly the American flag without his paying anything to the Government of the United States.

Mr. CANNON. Well, if that is so and this bill will cure that state of things I am quite sure that the gentleman's colleague from New York [Mr. BARTLETT] does not understand it or he would not object to the bill. [Laughter.]

Mr. PAYNE. I do not know about that. My colleague did understand it last Saturday. He had another objection to the bill as printed; he did not think it should be retroactive and apply to vessels already built. I did not agree with him, but some other gentlemen did, and I have now amended the bill so that it is not retroactive in its operation. I understood my colleague to say that with amendment he would favor the bill, or at least would have no objection to it; but, for some reason or other, I do not know what—he may have heard from swelldom [laughter]; he may have heard from these poor men in New York, like the Vanderbilts, who go to the other side of the ocean and get a yacht built at a cost of half a million dollars or more, but who are not willing to be subjected to the operation of a bill which would place them on a par with our merchant marine, and require them to pay these tonnage dues; he may have interviewed those gentlemen, I do not know—but, whatever the reason may be, a change has come o'er the spirit of my colleague, and he stands here to-day, he says, in the interest of American labor to oppose the passage of this bill. He says that the people who get their yachts on the other side of the ocean come over here and spend a few dollars for supplies.

Now, I want to say to my colleague that they never buy a dollar's worth of supplies here if they are going to the other side, because they can get them there; and if their yachts were built here and they were cruising in our waters, certainly they would buy as much supplies here as if the yachts were built abroad. Let me say further to my colleague that I have heard from the yacht owners and the yacht builders of this country in regard to this matter, and I want to assure him that there have been built recently in our shipyards steam yachts for some of the people who are willing to spend the money that they have made in this country among the workmen of this country—yachts built in American shipyards at least equal to any that are foreign built, although they are not "English, don't you know." [Laughter.]

Mr. BARTLETT of New York. Mr. Speaker, it was somewhat refreshing to me to hear a few moments ago from a gentleman from New Jersey, I believe, that there was nothing in my argument. It is so delightful, after having been in the House for several years, to be assured that there is nothing in your arguments, and, of course, as the gentleman has said it, that settles it.

Now, in answer to the gentleman from New York, my colleague [Mr. PAYNE], I will frankly state that I know of two or three steam yachts built in this country, each of which, I believe, is the equal of any steam yacht abroad. But what protection do you want? Everything that enters into the construction of a steam yacht now comes in free of duty.

Now, let us look at this matter with reference to the interest of American labor. These boats come in here and, in so far as the purchase of goods and supplies is concerned, all the supplies are purchased here, because the yachts are run throughout the season, summer after summer, in our waters. The crews of the vessels, too, are made up of American labor, men from Connecticut, Maine, and the other seaboard States. So that nearly all the money expended upon these yachts, either in the way of supplies, equipment, or the manning of the vessels, is spent in the interest of American labor.

Mr. McCORMICK. Does the gentleman know that statement to be true that these yachts are manned entirely by American labor? I have been told that most of these English yachts have English crews, who are brought over and retained in this country from year to year. I do not contradict the gentleman, but I would like to know whether he knows of his own knowledge that the fact is as he states?

Mr. BARTLETT of New York. Of course I can not answer for all of these boats, but I can answer for a number of them; and I am informed by men who are owners of yachts and who are familiar with the subject that on almost all of these yachts the crews are American.

Mr. McCORMICK. I have heard just the opposite statement.

Mr. BARTLETT of New York. Well, of course I can not enter into the question of the manning of every boat of this kind.

Mr. FOWLER. Let me ask the gentleman whether he has ever noticed when he has been aboard these yachts of what nationality the men were who manned them?

Mr. BARTLETT of New York. Yes; I have noticed.

Mr. FOWLER. Of what nationality have they been almost invariably?

Mr. BARTLETT of New York. I have noticed a great many Americans among them.

Mr. FOWLER. A great many? Would the gentleman think there was a majority of Americans?

Mr. BARTLETT of New York. A majority on the yachts I have been aboard. I have not been on all or many of them.

Now, let me add a word. Because a man who owns a yacht is rich, that is nothing in favor of a proposition of this kind. I have become a little tired of this talk against men because they are rich. A man who is poor to-day may, under our system of government, become rich next year. Is it anything against a man that he has amassed a fortune by industry and thrift? And is such a man to be persecuted by legislation in a petty spirit? Even if a man be a millionaire, is that fact anything against him? Is it a crime? All our millionaires are, in a large sense, simply trustees for the people, because the proportion of their wealth which they can spend upon themselves is very small. Almost the whole income of our men of wealth is distributed through thousands of channels and goes to the benefit of the people throughout the country.

Now, I ask my colleague [Mr. PAYNE] whether he will not accept this amendment in place of his——

Mr. DINGLEY. Under a motion to suspend the rules, no amendment is in order.

Mr. BARTLETT of New York. This is the amendment which I should like my colleague to accept:

Provided, This law shall go into effect on January 1, 1897: And *Provided further*, That it shall not apply to any yacht owned on January 1, 1897, by an American citizen exclusively, and which, on said date, is enrolled in the list of yachts of any reputable yacht club of the United States.

Mr. PAYNE. I can not accept that amendment for two reasons. One is, that my motion is a motion to suspend the rules and pass the bill; the other is, that in making my motion I have amended the printed bill so as to accomplish the object which the gentleman desires in a much better way than his amendment would do.

The question being taken on the motion of Mr. PAYNE to suspend the rules and pass the bill, it was agreed to, two-thirds voting in favor thereof.

PENSION BILLS.

Mr. PICKLER. I move to suspend the rules and adopt the resolution which I ask the Clerk to read.

The Clerk read as follows:

Resolved, That on Wednesday, May 6, 1896, and Wednesday, May 13, 1896, immediately after the reading of the Journal on each day, the House shall resolve itself into Committee of the Whole House for the consideration of such bills as are in order on the sessions of Friday evenings; and that in the consideration of such bills under this resolution ten minutes' debate shall be allowed on each bill, with the amendments thereto, such time to be divided equally between those favoring and those opposing the bill.

The SPEAKER. Is a second demanded on the motion to suspend the rules?

Mr. ERDMAN. I demand a second.

Mr. PICKLER. I ask unanimous consent that a second be considered as ordered.

Mr. ERDMAN. I object.

The SPEAKER. The Chair appoints as tellers, on seconding the motion, the gentleman from South Dakota [Mr. PICKLER] and the gentleman from Pennsylvania [Mr. ERDMAN].

The House divided; and the tellers reported—ayes 86, noes 16.

So the motion to suspend the rules was seconded.

The question being then taken on the motion to suspend the rules and adopt the resolution, there were on a division (called for by Mr. ERDMAN)—ayes 81, noes 21.

Mr. ERDMAN. No quorum.

Mr. PICKLER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 113, nays 44, not voting 198; as follows:

YEAS—112.

Aldrich, Ala.	Connolly,	Howe,	Pitney,
Allen, Utah	Cooper, Wis.	Hubbard,	Poole,
Anderson,	Corliss,	Hull,	Pugh,
Arnold, Pa.	Cousins,	Hunter,	Reeves,
Arnold, R. I.	Crump,	Hyde,	Reyburn,
Atwood,	Cummings,	Jenkins,	Russell, Conn.
Baker, N. H.	Dalzell,	Kem,	Shafroth,
Barney,	Daniels,	Kirkpatrick,	Sherman,
Belknap,	De Witt,	Lacey,	Smith, Ill.
Bell, Colo.	Dingley,	Layton,	Smith, Mich.
Bennett,	Doolittle,	Leisenring,	Southard,
Bishop,	Dovener,	Leonard,	Spalding,
Black, N. Y.	Ellis,	Linton,	Sperry,
Blue,	Evans,	Long,	Stallings,
Boutelle,	Fairchild,	Low,	Stewart, N. J.
Brewster,	Faris,	Mahon,	Stewart, Wis.
Broderick,	Fischer,	Marsh,	Stone, W. A.
Brown,	Fowler,	McCleary, Minn.	Strong,
Brumm,	Gibson,	Minor, Wis.	Sulzer,
Bull,	Graff,	Moody,	Taft,
Burrell,	Griswold,	Noonan,	Tawney,
Burton, Mo.	Grow,	Northway,	Thorp,
Burton, Ohio	Hager,	Odell,	Tracey,
Calderhead,	Henderson,	Otjen,	Updegraff,
Cannon,	Hepburn,	Payne,	Van Horn,
Chickering,	Hilborn,	Perkins,	Willis,
Clardy,	Hooker,	Phillips,	Wilson, Idaho
Clark, Mo.	Hopkins,	Pickler,	Wood.

NAYS—44.

Abbott.	Culberson,	Little,	Sayers,
Bankhead,	De Armond,	Loud.	Shuford,
Bartlett, Ga.	Dinsmore,	McClellan,	Skinner.
Bartlett, N. Y.	Ellett, Va.	McCulloch,	Spencer,
Bell, Tex.	Elliott, S. C.	McDearmon,	Stokes.
Catchings,	Erdman,	McRae,	Talbert,
Clarke, Ala.	Hendrick,	Money,	Tate,
Cooper, Fla.	Jones,	Otey,	Terry.
Cooper, Tex.	Kyle,	Owens,	Turner, Ga.
Cox,	Latimer,	Pendleton,	Underwood.
Crisp,	Lester,	Russell, Ga.	Williams,

NOT VOTING—198.

Acheson,	Gamble,	Livingston,	Scranton,
Adams.	Gardner,	Lockhart,	Settle,
Aitken,	Gillet, N. Y.	Lorimer,	Shannon,
Aldrich, Ill.	Gillett, Mass.	Loudenslager,	Shaw,
Allen, Miss.	Goodwyn,	Maddox,	Simpkins,
Andrews,	Griffin,	Maguire,	Snover,
Apsley,	Grosvenor,	Makany,	Sorg,
Avery,	Grout,	McCall, Mass.	Southwick,
Babcock,	Hadley,	McCall, Tenn.	Sparkman,
Bailey,	Haines, Nebr.	McClure.	Stahle,
Baker, Kans.	Hall,	McCormick,	Steele,
Baker, Md.	Halterman,	McCreary, Ky.	Stephenson,
Barham,	Hanly,	McEwan,	Stone, C. W.
Barrett,	Hardy,	McLachlan,	Strait,
Bartholdt,	Harmer,	McLaurin,	Strode, Nebr.
Beach,	Harris,	McMillin,	Strowd, N. C.
Berry,	Harrison,	Meiklejohn,	Sulloway,
Bingham,	Hart.	Mercer,	Swanson,
Black, Ga.	Hartman,	Meredith,	Tayler,
Bowers,	Hatch,	Meyer,	Thomas,
Bromwell,	Heatwole,	Miles,	Towne,
Brosius,	Heiner, Pa.	Miller, Kans.	Tracewell,
Buck,	Hemenway,	Miller, W. Va.	Treloar,
Clark, Iowa	Henry, Conn.	Milliken,	Tucker,
Cobb,	Henry, Ind.	Milnes,	Turner, Va.
Cockrell,	Hermann,	Miner, N. Y.	Tyler,
Codding,	Hicks,	Mondell,	Van Voorhis,
Coffin,	Hill,	Morse,	Wadsworth.
Colson,	Hitt,	Moses,	Walker, Mass.
Cook, Wis.	Howard,	Mozley,	Walker, Va.
Cooke, Ill.	Howell,	Murphy,	Walsh,
Cowen,	Huff,	Neill,	Wanger,
Crowley,	Hulick,	Newlands,	Warner,
Crowther,	Huling,	Ogden,	Washington,
Curtis, Iowa	Hurley,	Overstreet,	Watson, Ind.
Curtis, Kans.	Hutcheson,	Parker,	Watson, Ohio
Curtis, N. Y.	Johnson, Cal.	Patterson,	Wellington,
Danford,	Johnson, Ind.	Pearson,	Wheeler,
Dayton,	Johnson, N. Dak.	Powers,	White,
Denny,	Joy,	Price,	Wilber,
Dockery,	Kendall,	Prince,	Wilson, N. Y.
Dolliver,	Kerr,	Quigg,	Wilson, Ohio
Downing,	Kiefer,	Raney,	Wilson, S. C.
Draper,	Knox,	Ray,	Woodard,
Eddy,	Kulp,	Richardson,	Woodman,
Fenton,	Lawson,	Robertson, La.	Woomer,
Fitzgerald,	Lefever,	Robinson, Pa.	Wright,
Fletcher,	Leighty,	Royse,	Yoakum.
Foote,	Lewis,	Rusk,	
Foss,	Linney,	Sauerhering,	

No quorum voting.

The following pairs were announced until further notice:

Mr. BROMWELL with Mr. MOSES.
Mr. SPARKMAN with Mr. HENRY of Indiana.
Mr. SMITH of Michigan with Mr. BERRY.
Mr. HUFF with Mr. MINER of New York.
Mr. HEMENWAY with Mr. ROBERTSON of Louisiana.
Mr. HULICK with Mr. TYLER.
Mr. MOZLEY with Mr. MCLAURIN.
Mr. JOHNSON of North Dakota with Mr. LAWSON.
Mr. HADLEY with Mr. PRICE.
Mr. RANEY with Mr. COWEN.
Mr. GROSVENOR with Mr. MCMILLIN.
Mr. CURTIS of Iowa with Mr. RICHARDSON.
Mr. PRINCE with Mr. BAILEY.
Mr. LACEY with Mr. HUTCHESON.
Mr. GROUT with Mr. NEILL.
Mr. REEVES with Mr. CATCHINGS.
Mr. BEACH with Mr. HARRISON.
Mr. DRAPER with Mr. TUCKER.
Mr. WANGER with Mr. SWANSON.
Mr. HARDY with Mr. HART.
Mr. JOHNSON of Indiana with Mr. BLACK of Georgia.

The following pairs were announced on this vote:

Mr. CLARK of Iowa with Mr. TYLER.
Mr. BARTHOLDT with Mr. STRAIT.
Mr. STEELE with Mr. DOCKERY.
Mr. THOMAS with Mr. MEREDITH.
Mr. LOUDENSLAGER with Mr. SORG.
Mr. CODDING with Mr. SULZER.
Mr. OVERSTREET with Mr. STOKES.
Mr. CHARLES W. STONE with Mr. WALSH.
Mr. WARNER with Mr. WHEELER.
Mr. WOOMER with Mr. YOAKUM.
Mr. TRELOAR with Mr. ALLEN of Mississippi.
Mr. AITKEN with Mr. CROWLEY.
Mr. FOSS with Mr. DOWNING.
Mr. GARDNER with Mr. HALL.
Mr. KULP with Mr. SPERRY.

The result of the vote was then announced as above recorded.

The SPEAKER. A quorum has not voted.

Mr. DINGLEY. I move that the House do now adjourn.

The motion was agreed to: and accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the report of the Commissioner of Patents for the year ended December 31, 1895, was taken from the Speaker's table and referred to the Committee on Patents.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BARNEY, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 7415) for the protection of American labor and to establish additional regulations concerning immigration to the United States, reported the same with amendments, accompanied by a report (No. 1597); which said bill and report were referred to the House Calendar.

Mr. JOHNSON of California, from the Committee on Pacific Railroads, to which was referred the bill of the House (H. R. 6398) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, reported the same with amendment, accompanied by a report (No. 1598); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 7868) authorizing the construction of a bridge across the Missouri River at or near the city of Boonville, Mo., reported the same with amendments, accompanied by a report (No. 1599); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PICKLER, from the Committee on Invalid Pensions:

The bill (H. R. 8427) granting an increase of pension to John Doebler. (Report No. 1600.)

The bill (S. 140) entitled "An act granting a pension to Mary A. Wise." (Report No. 1601.)

The bill (S. 1902) entitled "An act granting a pension to Jennie E. Burch." (Report No. 1602.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 6091) granting an increase of pension to Joseph S. Dixon, and for other purposes. (Report No. 1603.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 1295) to pension Sophronia Bailey. (Report No. 1604.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 4184) granting a pension to Nancy Hollenbank, formerly Nancy Boaz, formerly Nancy Yeley, a hospital nurse during the war of the rebellion. (Report No. 1605.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 7421) increasing the pension of James B. Skinner. (Report No. 1606.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions: The bill (S. 1139) entitled "An act granting an increase of pension to A. S. Loudermilk." (Report No. 1607.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 6830) to pension William F. Davisson. (Report No. 1608.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LEWIS: A bill (H. R. 8667) providing for the erection of a public building at the city of Elizabethtown, in the State of Kentucky—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8668) to provide for the further improvement of Green River, in the State of Kentucky—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 8669) to provide for the improvement of Salt River, in the State of Kentucky—to the Committee on Rivers and Harbors.

By Mr. DANIELS: A bill (H. R. 8670) in relation to marriage between white men and Indian women—to the Committee on Indian Affairs.

By Mr. WADSWORTH: A bill (H. R. 8671) to authorize the construction of a bridge across the Niagara River, in the town of

Lewiston, in the county of Niagara, State of New York—to the Committee on Interstate and Foreign Commerce.

By Mr. EVANS: A bill (H. R. 8672) conferring jurisdiction upon the supreme court of the District of Columbia, or any court in said District having general equity jurisdiction, to decree a sale of real estate in said District belonging to insane persons for purpose of reinvestment, and for other purposes—to the Committee on the District of Columbia.

By Mr. BREWSTER: A bill (H. R. 8673) to incorporate the National Society of Colonial Dames of America—to the Committee on the Library.

By Mr. JENKINS: A bill (H. R. 8674) relating to pensions—to the Committee on Invalid Pensions.

By Mr. BENNETT (by request): A bill (H. R. 8675) to prevent repeated redemptions in gold of United States notes and Treasury notes, and for other purposes—to the Committee on Ways and Means.

By Mr. MURPHY of Arizona: A bill (H. R. 8676) to enable the town of Flagstaff, in the Territory of Arizona, to issue bonds to construct a water system—to the Committee on the Territories.

By Mr. MILLIKEN: A bill (H. R. 8677) donating four condemned cannon and four pyramids cannon balls to Grand Army of the Republic post, Bar Harbor, Me.—to the Committee on Military Affairs.

By Mr. WOODMAN: A bill (H. R. 8678) granting an equipment of old arms to the Illinois Naval Veteran Association—to the Committee on Naval Affairs.

By Mr. BARRETT: A bill (H. R. 8679) to prevent the adulteration of candy in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LOW: A bill (H. R. 8680) to relieve certain appointed or enlisted men of the Navy and Marine Corps from charge of desertion—to the Committee on Naval Affairs.

By Mr. WOODMAN: Resolution (House Res. No. 299) requesting the President to make immediate proclamation to the effect that a condition of war in Cuba is recognized, etc.—to the Committee on Foreign Affairs.

By Mr. RICHARDSON: Resolution (House Res. No. 300) to print 1,000 copies of Messages and Papers of the Presidents, Richardson's compilation, for sale, etc.—to the Committee on Printing.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 6624) granting a pension to Cornelia A. Thompson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 8457) to increase the pension of Mrs. Margaret Custer Calhoun—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ARNOLD of Rhode Island: A bill (H. R. 8681) granting a pension to Emma Weir Casey—to the Committee on Pensions.

By Mr. BURRELL: A bill (H. R. 8682) to increase pension of William P. Aydlott—to the Committee on Invalid Pensions.

By Mr. DOCKERY: A bill (H. R. 8683) granting a pension to Frederick Lierman—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 8684) for the relief of Mary A. Flynn—to the Committee on Claims.

By Mr. VAN HORN: A bill (H. R. 8685) for the relief of Theresa E. Snyder—to the Committee on Invalid Pensions.

By Mr. LOW: A bill (H. R. 8686) granting a pension to George W. Farnum—to the Committee on Invalid Pensions.

By Mr. KNOX: A bill (H. R. 8687) granting a pension to Phœbe Elizabeth Holt—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 8688) granting a pension to Andrew R. Jones—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 8689) granting a pension to Hannah Dawd Vanderford—to the Committee on Pensions.

By Mr. HOOKER: A bill (H. R. 8690) granting a pension to Louisa A. Brigham, widow of the late George W. Bailey, of Company G, One hundred and fifty-fourth Regiment New York Volunteers—to the Committee on Pensions.

By Mr. LOW: A bill (H. R. 8691) for the relief of the 198 survivors of the Twentieth New York Volunteers—to the Committee on Military Affairs.

By Mr. GROSVENOR: A bill (H. R. 8692) increasing the pension of Socrates Drummond—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH of Alabama: Petition of citizens of Birmingham, Ala., for the passage of House bills Nos. 4566 and 838, amending the postal laws; also praying for legislation authorizing the Post-Office Department to prohibit the use of the mails in advertising frauds on the business public—to the Committee on the Post-Office and Post-Roads.

By Mr. ARNOLD of Rhode Island: Memorial of the Massachusetts Library Club, of Massachusetts and Rhode Island, urging the passage of a bill to regulate the printing and distribution of public documents—to the Committee on Printing.

By Mr. BARHAM: Resolution of Pomona Grange, Patrons of Husbandry, of Two Rock, Sonoma County, Cal., against the passage of the "funding bill," or any bill extending time of payment by railroad companies—to the Committee on Pacific Railroads.

By Mr. BLUE: Resolution adopted by the Business Men's Club of Fort Scott, Kans., recommending the passage of House bill No. 8110, to establish a uniform law on the subject of bankruptcy throughout the United States—to the Committee on the Judiciary.

By Mr. BROSIUS: Petition of Presbyterian and Methodist Episcopal churches of Strasburg, Pa., favoring the enactment of the Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. BROWN: Petition of the heirs of Joseph W. Trigg, deceased, late of Franklin County, Tenn., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. BURRELL: Petition of citizens of the Twentieth Congressional district of Illinois to accompany bill for the relief of William H. Blades, of Shawneetown, Ill.—to the Committee on Claims.

By Mr. COFFIN (by request): Petition of William K. Tubman, of Maryland, relating to official acts of certain judges of the United States courts for the district of Rhode Island—to the Committee on the Judiciary.

By Mr. DALZELL: Resolution of the Florida Society of the Sons of the Revolution, favoring the publication of certain records and papers of the Continental Congress—to the Committee on Printing.

Also, petition of W. C. McKee, secretary of South Side Young Men's Christian Association, Pittsburg, Pa., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter, and bill No. 838, to reduce letter postage—to the Committee on the Post-Office and Post-Roads.

Also, petition of the National Association of Post-Office Clerks, Branch 17, of Kansas City, Mo.; also resolutions of superintendents and clerks connected with the Philadelphia post-office; also petition of the Detroit Board of Trade, favoring the passage of House bill No. 3273, relating to the reclassification of postal clerks—to the Committee on the Post-Office and Post-Roads.

Also, protest of Encampment No. 1 of the Union Veteran Legion, Pittsburg, Pa., against conferring the rank of Lieutenant-General on Major-General Howard—to the Committee on Military Affairs.

By Mr. GROSVENOR: Papers to accompany House bill increasing the pension of Socrates Drummond—to the Committee on Pensions.

Also, papers to accompany House bill granting a pension to Hannah Dowd Vanderford—to the Committee on Pensions.

By Mr. HENDERSON: Petitions of Hon. Matt Parrott, Hon. F. C. Platt, W. W. Miller, and Elizabeth Ballow, all of Waterloo, Iowa; also of C. D. Kellogg and 84 others, of Kansas City, Mo., in favor of the passage of House bill No. 3273, for the classification of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. KERR: Petition of Theo. Sterling and others; also of C. H. Churchill and others, of Oberlin, Ohio, in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. LINTON: Remonstrances and petitions of citizens of Chickalah, Ark.; also citizens of Larned, Kans.; also citizens of East Conemaugh, Pa.; also citizens of Oneida, Pa., regarding the Marquette statue—to the Committee on the Library.

By Mr. LOUD: Petition of J. F. Culp and J. B. Waterman, of Athens, Mich., praying for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. McCALL of Massachusetts: Petition of the Massachusetts Library Club, favoring the passage of a bill to regulate the printing and distribution of public documents—to the Committee on Printing.

By Mr. MERCER: Resolutions of the city council of Beatrice, Nebr., in favor of the transmississippi exposition at Omaha, Nebr.—to the Committee on Ways and Means.

Also, resolutions of Journeymen Stone Cutters' Association of Omaha, Nebr., asking for the passage of a bill to prohibit the use of convict labor in the construction of buildings erected by the Government—to the Committee on Ways and Means.

Also, remonstrance and petition of citizens of Omaha, Nebr.,

against the statue of Père Marquette remaining in Statuary Hall—to the Committee on the Library.

By Mr. SPERRY: Resolution of the Wesleyan University, of Middletown, Conn., in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, resolution of Jefferson Lodge, No. 49, Order United American Mechanics, of Centerbrook, Conn., asking for the passage of the Sperry or Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. STRODE of Nebraska (by request): Resolutions by the faculty of the University of the State of Nebraska, praying for arbitration in international disputes—to the Committee on Foreign Affairs.

By Mr. THORP: Petition of John, Richard, Philip, and Simon Mayer, of Dinwiddie County, Va., praying reference of their war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the heirs of Reuben Tinney, deceased, late of Prince George County, Va., praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of the heirs of William E. Richardson, deceased, late of Prince George County, Va., praying reference of his war claim to the Court of Claims—to the Committee on War Claims:

Also, petition of Cornelius Munford, of Dinwiddie County, Va., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. WILSON of Idaho: Petition of Abraham Lincoln Council, No. 2, Junior Order United American Mechanics, of Boise, Idaho, in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

SENATE.

TUESDAY, *May 5, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. ALLEN, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

ENROLLED BILLS SIGNED.

The signature of the Vice-President was announced to the following enrolled bills; which had previously been signed by the Speaker of the House of Representatives:

A bill (S. 2997) to provide for the fulfillment of the stipulations of the treaty between the United States and Great Britain, signed at Washington on the 8th day of February, 1896;

A bill (H. R. 145) for the relief of J. J. Lints;

A bill (H. R. 1191) to provide for the disposal of public reservations in vacated town sites or additions to town sites in the Territory of Oklahoma;

A bill (H. R. 5853) granting a pension to Arminda Stucker, of Gallatin, Mo.; and

A bill (H. R. 7200) for the relief of A. T. Hensley.

LEGAL REPRESENTATIVES OF HIRAM SOMERVILLE.

Mr. ALLEN. I ask the unanimous consent of the Senate to take up and consider at this time the bill (S. 581) for the relief of the legal representatives of Hiram Somerville. It is a small bill, and will not lead to any debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay $505 to the legal representatives of Hiram Somerville, deceased, late of Marion County, Ill., for supplies furnished by him to the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DONATION OF CONDEMNED CANNON.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (H. R. 4456) to authorize and direct the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to the cemetery association in the city of St. Paul, Minn., to be used at or near the foot of the soldiers' monument in said cemetery.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETITIONS AND MEMORIALS.

Mr. KYLE. I present a resolution adopted by the South Dakota Immigration Association, favoring the application of a reading and writing test for all immigrants between the ages of 14 and 60 years, and stating that illiterate immigrants are not desired as colonists in that State. Inasmuch as a bill on this subject has been reported from the Committee on Immigration, I move that the resolution lie on the table.

The motion was agreed to.

Mr. KYLE presented a petition of the board of managers of the Florida Society of Sons of the Revolution, praying for the publication of the records and papers of the Continental Congress; which was referred to the Committee on the Library.

Mr. BATE presented a petition of the Baptist Church of Brownsville, Tenn., praying that Rev. A. J. Diaz be given a speedy and fair trial and granted the recognition of his rights as a citizen of the United States engaged in missionary work in the Island of Cuba; which was referred to the Committee on Foreign Relations.

Mr. NELSON presented the petition of Peter Engel and 19 other citizens of Collegeville, Minn., praying for the adoption of the metric system of weights and measures; which was referred to the Committee on Finance.

Mr. HILL presented a petition of the Woman's Christian Temperance Union of Newark Valley, N. Y., praying that the age of consent be raised to 18 years in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. PASCO presented a resolution of the legislature of the State of Florida, praying that an appropriation of $25,000 be made for improving the navigation of Orange Creek; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

House resolution.

Whereas Orange Creek, one of the beautiful tributaries of the Caloosahatchee River, situated in the county of Lee, State of Florida, passes through and enters into one of the richest and most fertile districts of the State; and

Whereas said district is now settled and occupied by a class of enterprising and progressive farmers, vegetable and fruit growers, and said district is rapidly increasing in population and wealth, and justly deserves the fostering hand of the General Government; and

Whereas said Orange Creek is of ample depth of water and width to admit floatage for transports to pass up and down said stream; and

Whereas the said stream is seriously obstructed by snags, sunken logs, overhanging trees, etc.: Therefore

Be it resolved by the house of representatives of the State of Florida, That our Senators and Representatives in the Congress of the United States be requested to secure an appropriation of $25,000 for the purpose of improving the navigation of Orange Creek, by removing the above-mentioned obstructions to navigation.

Approved May 30, 1895.

STATE OF FLORIDA, *Office of Secretary of State, ss:*

I, John L. Crawford, secretary of state of the State of Florida, do hereby certify that the foregoing is a correct copy of a house resolution asking the Congress of the United States for an appropriation for improving Orange Creek, as passed the house of representatives at the regular session of the legislature of the State of Florida, 1895, and as filed and of record in this office.

Given under my hand and the great seal of the State of Florida, at Tallahassee, the capital, this 2d day of May, A. D. 1896.

JNO. L. CRAWFORD,
Secretary of State.

Mr. PASCO presented a concurrent resolution of the legislature of the State of Florida, relating to an appropriation for the improvement of the mouth of Peace River and Charlotte Harbor; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

A senate concurrent resolution relating to an appropriation by Congress for the improvement of the mouth of Peace River and Charlotte Harbor.

Be it resolved by the senate of the State of Florida (the house of representatives concurring), The Senators and Representatives in the Congress of the United States from the State of Florida are hereby requested to urge upon Congress the necessity of appropriating $50,000 for the purpose of deepening and improving the mouth of Peace River and Charlotte Harbor as may be deemed best.

Congress has already appropriated $30,000 during the year 1894 for such purpose. This amount is too small to accomplish much good. Through these waters there were shipped in 1892 about 50,000 tons of phosphate; in 1893 about 80,000; in 1894 over 100,000 tons. The commerce through this harbor is rapidly increasing, approximating in 1894 $1,500,000 to $2,000,000 in value.

The secretary of state is requested to forward a copy of this resolution to each of the Senators and Representatives in the Congress of the United States from this State.

Approved June 1, 1895.

STATE OF FLORIDA, *Office of Secretary of State, ss:*

I, John L. Crawford, secretary of state of the State of Florida, do hereby certify that the foregoing is a true and correct copy of a Senate concurrent resolution relating to an appropriation by Congress for the improvement of the mouth of the Peace River and Charlotte Harbor, as passed the regular session of the legislature of Florida, 1895, and as filed and of record in this office.

Given under my hand and the great seal of the State of Florida, at Tallahassee, the capital, this the 2d day of May, A. D. 1896.

JNO. L. CRAWFORD,
Secretary of State.

Mr. PASCO presented a petition of the legislature of the State of Florida, praying that an appropriation be made for improving Santa Lucia, or Prospect Inlet, east coast of Florida; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Memorial to Congress asking an appropriation for improving Santa Lucia or Prospect Inlet, east coast of Florida.

Whereas great necessity exists for the improvement of Santa Lucia or Prospect Inlet, east coast of Florida, which is the regular outlet of the St Lucia River, and to that extent so that vessels drawing 10 feet of water may pass over the bar; and

Whereas the commercial prosperity of this part of Florida is greatly impeded for want of proper bar improvements at the entrance of this inlet to utilize the value of navigation on the St. Lucia River: Therefore

Be it resolved by the senate and house of representatives of the State of Florida, That our Representatives and Senators in Congress are hereby requested to take proper steps toward securing the passage of a bill providing for a sufficient appropriation by Congress to deepen the bar of the St. Lucia River

outlet so that vessels drawing from 10 to 16 feet of water may enter said river in safety; and

Be it further resolved, That the secretary of state is hereby requested to furnish each of the Senators and Representatives in Congress from this State with a copy of this memorial.

Approved May 14, 1895.

STATE OF FLORIDA, *Office of Secretary of State, ss:*

I, John L. Crawford, secretary of state of the State of Florida, do hereby certify that the foregoing is a true and correct copy of a memorial to Congress asking an appropriation for improving Santa Lucia or Prospect Inlet, east coast of Florida, as passed the regular session of the legislature of Florida, 1895, and as filed and of record in this office.

Given under my hand and the great seal of the State of Florida, at Tallahassee, the capital, this the 2d day of May, A. D. 1896.

JNO. L. CRAWFORD,
Secretary of State.

Mr. PASCO presented a memorial of the legislature of the State of Florida, praying that an appropriation of $50,000 be made for deepening the channel at the mouth of Carrabelle River, up to the town of Carrabelle, and for the improvement of Carrabelle Harbor; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

A memorial to the Congress of the United States, asking an appropriation of $50,000 for the deepening of the channel at the mouth of Carrabelle River, up to the town of Carrabelle, and for the improvement of Carrabelle Harbor.

Whereas the town of Carrabelle, being at the mouth of Carrabelle River, one of the tributaries of the Gulf of Mexico, with a population of some 1,500 and rapidly increasing, depending largely upon the timber, lumber, and naval stores trade, the supply of which comes from the forests of Florida, Georgia, and Alabama, and which timber, lumber, and naval stores find a market in both foreign and domestic lands. To carry this large and increasing trade requires many vessels of large tonnage and deep draft of water. The Government of the United States by a small appropriation will materially aid in the transportation of the timber, lumber, and naval stores shipped from and passing through the Carrabelle Harbor and channel of Carrabelle River, where vessels of deep draft of water can load from the wharves, thus concentrating all the carrying trade of the territory above mentioned at Carrabelle, one of the best harbors on the Gulf of Mexico:

Be it resolved by the legislature of the State of Florida, That our Senators and Representatives in Congress be requested to use their utmost endeavors to secure the passage of a bill appropriating $50,000 for the purpose of improving and deepening the channel of Carrabelle River up to the town of Carrabelle, and to improve the harbor of Carrabelle.

Resolved, That the secretary of state be directed to supply each of our Senators and Representatives in Congress with a copy of this memorial, under the great seal of the State of Florida.

Approved May 25, 1895.

STATE OF FLORIDA, *Office of Secretary of State, ss:*

I, John L. Crawford, secretary of state of the State of Florida, do hereby certify that the foregoing is a true and correct copy of a memorial to the Congress of the United States asking an appropriation of $50,000 for the deepening of the channel of the mouth of Carrabelle River up to the town of Carrabelle, and for the improvement of Carrabelle Harbor, as passed at the regular session of the legislature of the State of Florida, 1895, and as filed and of record in this office.

Given under my hand and the great seal of the State of Florida, at Tallahassee, the capital, this 2d day of May, A. D. 1896.

JNO. L. CRAWFORD,
Secretary of State.

Mr. PASCO presented a petition in the form of resolutions adopted by the board of managers of the Florida Society of Sons of the Revolution, praying for the publication by the Government of the records and papers of the Continental Congress, which comprise the official documents of the Revolutionary period, in the custody of the Secretary of State; which was referred to the Committee on the Library.

Mr. TURPIE presented a petition of Local Union, No. 215, United Brotherhood of Carpenters and Joiners of America, of Lafayette, Ind., praying for the enactment of legislation to secure Government ownership and control of the telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BLANCHARD presented a petition of the First Baptist Church of New Orleans, La., praying for the release of Rev. A. J. Diaz; which was ordered to lie on the table.

He also presented a petition of the New Orleans Credit Men's Association, of New Orleans, La., praying for the passage of the so-called Torrey bankruptcy bill as amended; which was ordered to lie on the table.

He also presented a petition of district council, Carpenters and Joiners' Union of America, of New Orleans, La., praying for the free and unlimited coinage of silver; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Pineville, La., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the New Orleans Board of Trade, Limited, of New Orleans, La., remonstrating against the passage of House bill No. 7250, to amend "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890; which was referred to the Committee on Finance.

Mr. DANIEL presented a petition of the Great Bridge Chapter of the Daughters of the American Revolution, of Norfolk, Va., praying for the publication of the records and papers of the Continental Congress; which was referred to the Committee on the Library.

REPORTS OF COMMITTEES.

Mr. WOLCOTT. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the resolution concerning the levying of fines against the pay of employees of the Post-Office Department for mistakes, errors, etc., submitted by the Senator from Kansas [Mr. PEFFER] December 16, 1895, to report it adversely. In the absence of the Senator from Kansas the resolution may go upon the Calendar.

The VICE-PRESIDENT. The resolution will be placed upon the Calendar with the adverse report of the committee.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 2857) granting a pension to Elizabeth Watts Kearny, daughter of the late Philip Kearny, major-general, United States Army, reported it with an amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 202) to increase the pension of Lucretia C. Waring, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3689) increasing the pension of Jefferson Fueston, of Company M, Tenth Ohio Volunteer Cavalry, reported it without amendment, and submitted a report thereon.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (H. R. 4526) granting a pension to Jonathan Scott, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL of Oregon, from the Committee on Claims, to whom was referred the bill (S. 2653) for the relief of M. S. Hellman, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by Mr. BURROWS on the 27th ultimo, providing for payment to the Portland Company for the construction of the United States double-ender gunboats *Agawam* and *Pontoosuc*, intended to be proposed to the deficiency appropriation bill, reported it favorably, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 4th instant, providing for payment to George Baber, of Kentucky, as reported to Congress in House Executive Document No. 234, Fifty-third Congress, third session, intended to be proposed to the deficiency appropriation bill, reported it favorably, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 2844) granting a pension to Nancy Piper, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2983) granting a pension to Ida Emmott, daughter of the late Thomas Emmott, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3922) granting a pension to Mrs. Elizabeth Richardson, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2312) granting a pension to William T. Hill, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4122) granting an increase of pension to James H. Jones, reported it without amendment, and submitted a report thereon.

Mr. BURROWS, from the Committee on Claims, to whom was referred the bill (S. 694) for the relief of James R. D. Morrison and William H. Morrison, executor of William M. Morrison and administrator of Charles J. Morrison, deceased, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2740) to carry into effect a finding of the Court of Claims in favor of the estate of George Case, late of Independence County, Ark., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2633) for the relief of Nimrod D. Keneaster, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 2633) entitled "A bill for the relief of Nimrod D. Keneaster," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate the facts in the case in accordance with section 14 of said act.

Mr. VILAS, from the Committee on Pensions, to whom was referred the bill (S. 2877) granting a pension to Hiram Santas, reported it with an amendment, and submitted a report thereon.

Mr. KYLE, from the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (S. 2708) authorizing the purchase by the United States and the making free of the toll roads passing over the Yosemite National Park, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, submitted a report, accompanied by a bill (S. 3064) authorizing the purchase by the United States and the making free of the toll roads passing over the Yosemite National Park, and for other purposes; which was read twice by its title.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 1572) for the relief of W. L. Hall, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Indian Affairs, to whom was referred the bill (S. 1035) authorizing the Sioux City and Omaha Railway Company to construct and operate a railway through the Omaha and Winnebago Reservation in Thurston County, Nebr., and for other purposes, reported it with amendments.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (S. 2913) granting a pension to Nettie A. Cheeks, reported it with amendments, and submitted a report thereon.

Mr. CANNON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2439) granting a pension to Jackson Lucus;
A bill (S. 2880) granting a pension to Charles E. Mann;
A bill (S. 2879) granting a pension to Charles A. Hutchings; and
A bill (S. 2433) granting a pension to William F. Gowdy.

Mr. CANNON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 2648) granting a pension to George F. Burrage;
A bill (S. 922) to increase the pension of Graham McClosson;
A bill (S. 2651) granting a pension to William Herriott;
A bill (S. 2647) granting a pension to Robert J. Miller;
A bill (S. 919) granting a pension to Christian White; and
A bill (S. 2831) granting an increase of pension to John Fletcher.

Mr. PASCO submitted a report to accompany the bill (S. 2962) to confer jurisdiction on the Court of Claims, in the case of the book agents of the Methodist Episcopal Church South against the United States, heretofore reported by him; which was ordered to be printed.

Mr. McBRIDE, from the Committee on Public Lands, to whom was referred the bill (S. 525) for the relief of Thomas Guinean, of Oregon, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. LODGE (for Mr. HOAR) introduced a bill (S. 3050) to validate the appointments, acts, and services of certain deputy United States marshals in the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. KYLE introduced a bill (S. 3051) defining the rights and privileges of mixed-blood Indians under the treaties and statutes of the United States, confirming the title of said Indians to their lands, allowing the same to be alienated under certain circumstances, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. WETMORE introduced a bill (S. 3052) to correct the military record of and grant an honorable discharge to Peter Rourke, late of Company C, Seventh Regiment of Rhode Island Infantry Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3053) granting a pension to Mary R. Dean, widow of Amos G. Thomas, late captain in the Eleventh Regiment of Rhode Island Volunteers; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3054) granting a pension to Margaret McTighe, mother of Michael McTighe, alias John Smith, late boatswain's mate on the U. S. S. *C. P. Williams*; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3055) granting a pension to Dr. Charles G. McKnight, late lieutenant and assistant surgeon from Rhode Island in the war of the rebellion; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3056) to correct the naval record of and grant an honorable discharge to Thomas H. Holden, of Pawtucket, R. I.; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. GEAR introduced a bill (S. 3057) granting a pension to Adolph Schrei; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MITCHELL of Oregon introduced a bill (S. 3058) to increase the pay of letter carriers; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. VILAS introduced a bill (S. 3059) granting a pension to William Soden; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3060) to furnish old equipments to the Illinois Naval Veterans' Association of Chicago, Ill.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. LINDSAY introduced a bill (S. 3061) to amend an act entitled "An act to correct the enrollment of an act approved March 3, 1887, entitled 'An act to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from the State courts, and for other purposes,' approved March 3, 1875," approved August 13, 1888; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BACON introduced a bill (S. 3062) for securing costs accrued in State courts when suits are removed to the courts of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BUTLER introduced a bill (S. 3063) for the purchase of a site and the construction of a suitable school building for a school for the Croatan Indians in Robeson County, N. C.; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. McBRIDE introduced a bill (S. 3065) granting an increase of pension to Joseph Hayburn; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DANIEL (by request) introduced a bill (S. 3066) for the relief of Adel Virginia Spangler, of Frederick County, Va.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3067) for the relief of the Methodist Episcopal Church South, of Fox Hill, Elizabeth City County, Va.; which was read twice by its title, and referred to the Committee on Claims.

Mr. LODGE introduced a joint resolution (S. R. 142) to authorize the Commissioners of the District of Columbia to dispose of the Force School property on Massachusetts avenue and to obtain another site for that school; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. DANIEL submitted two amendments intended to be proposed to the general deficiency appropriation bill; which were referred to the Committee on Claims, and ordered to be printed.

REPORT UPON NICARAGUA CANAL.

Mr. COCKRELL submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed 10,000 copies of the report made by Messrs. Ludlow, Endicott, and Noble, of date October 31, 1895, upon the Nicaragua Canal, together with all the appendixes, maps, plans, and profiles accompanying the same, as submitted by them; 6,000 of which shall be for the use of the House of Representatives and 4,000 for the use of the Senate.

CAPTURE OF SCHOONER COMPETITOR.

Mr. CALL. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the President of the United States be, and he is hereby, requested to protest against the execution of the citizens of the United States captured on board the schooner *Competitor* by a Spanish cruiser, and to request and demand of the Government of Spain that they shall not be subjected to cruel treatment, but be held only as prisoners of war, unless it shall be established that they were engaged only in carrying merchandise which was contraband and for which they were subjected to no punishment other than the confiscation of the property.

Mr. CALL. I hope there will be no objection to the resolution.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none, and the resolution will be agreed to, without objection.

Mr. WOLCOTT. What has been done with the resolution?

The VICE-PRESIDENT. The Chair submitted whether there was objection. Is there objection to the present consideration of the resolution?

Mr. WOLCOTT. I understand that this is a question about which the United States is asked to protest against the action of some country, I do not know what. I think I would rather see the resolution in print.

The VICE-PRESIDENT. Objection being made, the resolution will go over.

Mr. CALL. I hope the Senator from Colorado will not object to the resolution. I trust there will be no objection to it. The United States should ask that citizens of this country captured on board a vessel carrying contraband of war should not be summarily executed under trial by court-martial. We are informed by the newspapers that this is threatened, and the relatives of these people are in a state of extreme anxiety.

I submit to the Senate that there is no reason either in the law of nations or in the customs of civilized war why the resolution should not be promptly passed. These people were on a vessel of the United States that had a right to go to Cuba under our treaty

relations. In England similar questions have arisen. The premier of Great Britain, Lord Palmerston, said on one occasion when protest was made against allowing vessels carrying contraband of war, "Your only remedy is to capture them, if you can capture them; they are not subject to any other punishment than the loss of property."

Our citizens have a right to take munitions of war and goods of any description into the Island of Cuba, and when in Spanish waters they are subject to capture, and capture alone, or the confiscation of the property, and the men on board the vessels are not subject to punishment. I hope the Senator from Colorado will not object to the resolution.

The VICE-PRESIDENT. The Chair submits to the Senate, Is there objection to the present consideration of the resolution?

Mr. WOLCOTT. I am entirely unfamiliar with the subject-matter of the resolution except as explained by the Senator from Florida. As I understand the explanation of the Senator, it is the manifest duty of the President of the United States to interfere in this case, under the statement made by the Senator from Florida. If that be so, I think we should consider the phraseology of a resolution to be passed by this body requesting the President to do his duty. I think the resolution should go over for a day at least, that we may see how it looks in print.

Mr. CALL. If the objection is insisted upon, of course the resolution must go over.

The VICE-PRESIDENT. The resolution will go over under objection.

SUGGESTION OF ABSENCE OF A QUORUM.

Mr. CHANDLER. The Senate adjourned yesterday afternoon pending a suggestion by me of the absence of a quorum. The Presiding Officer, the Senator from Florida [Mr. PASCO] then being in the chair, decided that a motion to adjourn "does not require a quorum, the Chair will state." I will only detain the Senate now by offering a resolution, which may go over until tomorrow. I shall then ask to have it taken up and acted upon.

The resolution was read, as follows:

Resolved, That the suggestion of the absence of a quorum, requiring a call of the Senate, may be made pending a motion to adjourn.

The VICE-PRESIDENT. The resolution will go over under the rule.

ELECTIONS IN FLORIDA.

Mr. CALL submitted the following resolution; which was ordered to lie over and to be printed:

Resolved, That a select committee of five Senators shall be appointed, who shall be charged with the duty of investigating and reporting to the Senate whether there are any influences affecting the elections of members of Congress in the State of Florida which are properly the subject of action by Congress, and without interfering in any way with the exclusive right and power of the States to regulate the same, except as to time and place.

ORDER OF BUSINESS.

Mr. GEAR. I ask the Senate to proceed to the consideration of the bill (H. R. 2735) for the relief of Enoch Davis.

Mr. FRYE. I move that the Senate——

The VICE-PRESIDENT. The Senator from Iowa has asked unanimous consent to proceed to the consideration of a bill.

Mr. FRYE. I will yield to the Senator from Iowa after the river and harbor bill is taken up. I move that the Senate proceed to the consideration of the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. WOLCOTT. I suggest the absence of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Cockrell,	Martin,	Sherman,
Bacon,	Cullom,	Mills,	Shoup,
Baker,	Daniel,	Mitchell, Oreg.	Stewart,
Bate,	Dubois,	Morrill,	Teller,
Berry,	Frye,	Nelson,	Thurston,
Blackburn,	Gallinger,	Palmer,	Tillman,
Blanchard,	Gear,	Pasco,	Turpie,
Brown,	Gordon,	Peffer,	Vest,
Burrows,	Gorman,	Perkins,	Vilas,
Butler,	Harris,	Pettigrew,	Walthall,
Call,	Hill,	Pritchard,	Wetmore,
Cannon,	Kyle,	Quay,	White,
Carter,	Lindsay,	Roach,	Wilson,
Chandler,	Lodge,	Sewell,	Wolcott.

Mr. FRYE. While the clerks are making up the record I simply desire to state that I regard myself as instructed by the vote of yesterday and that I have no intention of moving again at 2 o'clock to proceed with this bill until after the bond resolution is finally disposed of. I merely want to improve the time there is between now and 2 o'clock.

The VICE-PRESIDENT. Fifty-six Senators have answered to their names. A quorum is present. The question is upon the motion of the Senator from Maine to proceed to the consideration of the river and harbor appropriation bill.

The motion was agreed to.

Mr. FRYE. Several Senators desire to call up some bills for present consideration, and as I do not wish to be invidious in the matter of objecting, I will allow the river and harbor bill to be suspended until a quarter of 1, and I shall object to anything after that time.

Mr. TELLER. I ask leave to call up House bill 3018, which is a short bill.

Mr. GEAR. I beg to remind the Chair that I have already been recognized to call up a bill.

The VICE-PRESIDENT. The Chair will state to the Senator from Colorado that the Senator from Iowa had been recognized.

Mr. TELLER. I beg the Senator's pardon.

Mr. COCKRELL. Let me suggest that we take up by unanimous consent unobjected House bills and dispose of them as a class. We can run through them. There is quite a number of Senators who want to have those bills passed, and such a course will save any trouble. That can be done inside of the time. If the Senate will agree to this course we will dispose of all the unobjected House cases. I ask that that may be done, and I hope the Senator from Iowa will consent to it.

Mr. GEAR. I will consent. The bill I wish to call up being the first in order, of course I will not object.

The VICE-PRESIDENT. Will the Senator from Missouri restate his request?

Mr. COCKRELL. It is that the Senate consider the unobjected House bills that are upon the Calendar which have been reported favorably.

Mr. ALLISON. After my colleague gets through.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Missouri?

Mr. SHERMAN. The Senator from Iowa [Mr. GEAR] ought to have an opportunity to call up his bill.

Mr. GEAR. It is a House bill, and I make no objection.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Missouri? The Chair hears none. The first House bill on the Calendar will be stated.

ENOCH DAVIS.

The bill (H. R. 2735) for the relief of Enoch Davis was announced as the first House bill on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the proper accounting officers of the Government to liquidate and settle the claim of Enoch Davis, late a member of Company G of the Sixth Regiment of Iowa Volunteer Infantry, for pay and bounty, and appropriates $300 for the payment of the amount that may be awarded to him on account of the claim.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. TELLER. Mr. President——

Mr. COCKRELL. Let the bills be called in their order.

The VICE-PRESIDENT. The bills will be called in their order. That is the unanimous agreement.

REGULATIONS CONCERNING BILLIARD TABLES, ETC.

The bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The VICE-PRESIDENT. The bill has been heretofore read. The pending question is on the amendment reported by the Committee on the District of Columbia, which will be stated.

The SECRETARY. In line 5, section 4, after the word "Columbia," strike out:

To sell or to allow to be sold in the same room or a room connected with and opening out of or adjacent to such room spirituous, vinous, or malt liquors.

And insert:

To allow any person under the age of 21 years to play at any game of billiards, pool, shuffleboard, or any game that may be played on such tables or boards, or play at bowls on said alleys, or permit such person to come into or remain in their pool or billiard rooms, saloons, or bowling alleys, where spirituous, vinous, or malt liquors are sold.

So as to make the section read:

SEC. 4. That it shall not be lawful for the proprietors of billiard tables, pool tables, bagatelle tables, jenny lind tables, or other tables of the kind mentioned in the first section of this act, shuffleboards, and bowling alleys, kept for public hire and gain in the District of Columbia, to allow any person under the age of 21 years to play at any game of billiards, pool, shuffleboard, or any game that may be played on such tables or boards, or play at bowls on said alleys, or permit such person to come into or remain in their pool or billiard rooms, saloons, or bowling alleys, where spirituous, vinous, or malt liquors are sold; and all such places shall be closed during the entire twenty-four hours of each and every Sunday, and also during the hours that barrooms are required to be closed.

Any person violating the provisions of this section shall, on conviction, be punished by a fine of not less than five nor more than forty dollars, and shall in addition forfeit his or her license, in the discretion of the Commissioners of the District of Columbia.

The amendment was agreed to.

Mr. SHERMAN. Has the bill been read at all?

The VICE-PRESIDENT. The bill has been read, the Chair will state to the Senator.

Mr. COCKRELL. It was read on a former occasion.

Mr. SHERMAN. All right, then.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PORT OF SYRACUSE, N. Y.

The bill (H. R. 6) constituting Syracuse, N. Y., a port of delivery was announced as the next House bill in order on the Calendar.

Mr. LODGE. Let that bill go over.

The VICE-PRESIDENT. The bill will go over, objection being made.

MERCHANT MARINE ENGINEER SERVICE.

The bill (H. R. 3013) to amend section 4131 of the Revised Statutes of the United States, to improve the merchant marine engineer service, and thereby also to increase the efficiency of the Naval Reserve, was considered as in Committee of the Whole.

Mr. FRYE. That does not require reading. It has been read once. The amendment of the Committee on Commerce, which is a substitute for the bill, has been adopted, and the question is simply on ordering it to be engrossed and the bill to be read a third time.

Mr. PETTIGREW. I should like to hear the amendment read.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. Strike out all after the enacting clause and insert:

That section 4131 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 4131. Vessels registered pursuant to law, and no others, except such as shall be duly qualified according to law for carrying on the coasting or fishing trade, shall be deemed vessels of the United States, and entitled to the benefits and privileges appertaining to such vessels; but no such vessel shall enjoy such benefits and privileges longer than it shall continue to be wholly owned by a citizen or citizens of the United States or a corporation created under the laws of any of the States thereof, and be commanded by a citizen of the United States. And all the officers of vessels of the United States who shall have charge of a watch, including pilots, shall in all cases be citizens of the United States. The word 'officers' shall include the chief engineer and each assistant engineer in charge of a watch on vessels propelled wholly or in part by steam; and after the 1st day of January, 1897, no person shall be qualified to hold a license as a commander or watch officer of a merchant vessel of the United States who is not a native-born citizen or whose naturalization as a citizen shall not have been fully completed."

SEC. 2. That all licenses issued to such officers shall be for a term of three years, but the holder of a license may have the same renewed for another three years at any time before its expiration: *Provided, however*, That any officer holding a license, and who is engaged in a service which necessitates his continuous absence from the United States, may make application in writing for one renewal and transmit the same to the board of local inspectors with a statement of the applicant verified before a consul, or other officer of the United States authorized to administer an oath, setting forth the reasons for not appearing in person; and upon receiving the same the board of local inspectors that originally issued such license shall renew the same for one additional term of such license, and shall notify the applicant of such renewal.

No master, mate, pilot, or engineer of steam vessels licensed under Title LII of the Revised Statutes shall be liable to draft in time of war, except for the performance of duties such as required by his license; and while performing such duties in the service of the United States every such master, mate, pilot, or engineer shall be entitled to the highest rate of wages paid in the merchant marine of the United States for similar services; and if killed or wounded while performing such duties under the United States they, or their heirs, or their legal representatives shall be entitled to all the privileges accorded to soldiers and sailors serving in the Army and Navy under the pension laws of the United States.

SEC. 3. That all laws or parts of laws in conflict with this act are hereby repealed. But this shall not be construed to modify or repeal that provision of the act of June 26, 1884, which reads as follows: "In cases where on a foreign voyage, or on a voyage from an Atlantic to a Pacific port of the United States, any such vessel is for any reason deprived of the services of an officer below the grade of master, his place, or a vacancy caused by the promotion of another officer to such place, may be supplied by a person not a citizen of the United States until the first return of such vessel to its home port; and such vessel shall not be liable to any penalty or penal tax for such employment of an alien officer."

The VICE-PRESIDENT. The amendment was agreed to when the bill was formerly under consideration.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to amend section 4131 of the Revised Statutes of the United States, to improve the merchant-marine engineer service and thereby also to increase the efficiency of the Naval Reserve, and for other purposes."

Mr. FRYE. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. FRYE, Mr. SQUIRE, and Mr. GORMAN were appointed.

PRACTICE OF MEDICINE AND SURGERY.

The bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia was announced as next in order on the Calendar.

Mr. GALLINGER. I desire to make a brief statement concerning the bill.

Mr. ALLEN. I should like to have the bill go over.

Mr. GALLINGER. I think when I make the statement it will satisfy the Senator from Nebraska.

The bill was once up for consideration and was objected to by the Senator from Florida [Mr. CALL]. The Senator from Florida informs me that he will not object if I ask unanimous consent at some future time for the consideration of the bill, except that he desires to be heard on the bill, and as it will consume some time, I ask that it may go over without prejudice, retaining its place. I desire to state that at the earliest possible opportunity, as I regard this as being a very important bill, I shall ask consent for its consideration.

The VICE-PRESIDENT. Without objection, the bill will go over without prejudice. The next House bill on the Calendar will be announced.

ALASKA FUR-BEARING ANIMALS.

The bill (H. R. 3206) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," and for other purposes, was announced as next in order.

Mr. FRYE. That bill may as well be passed over, because it will provoke discussion.

The VICE-PRESIDENT. The bill will go over without prejudice. The next House bill on the Calendar will be announced.

F. L. TAYLOR.

The bill (H. R. 1889) granting an honorable discharge to F. L. Taylor from December 2, 1864, was considered as in Committee of the Whole. It proposes to correct the military record of Capt. F. L. Taylor, late of the Thirty-fourth New Jersey Volunteers, and to issue to him a certificate of honorable discharge as of December 2, 1864.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE STORAGE BUSINESS.

The bill (H. R. 3462) to regulate the business of storage in the District of Columbia was announced as next in order.

Mr. ALLEN. Let the bill go over.

The VICE-PRESIDENT. The bill will go over under objection.

LANDS IN CALIFORNIA.

The bill (H. R. 5819) to provide for the examination and classification of certain lands in the State of California was announced as the next House bill in order.

Mr. COCKRELL. Let the bill be passed over without losing its place. It will probably lead to discussion.

The VICE-PRESIDENT. It is so ordered.

ARKANSAS RIVER BRIDGE.

The bill (H. R. 6505) to revive and reenact an act to authorize the construction of a free bridge across Arkansas River, connecting Little Rock and Argenta, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. FRYE (at 12 o'clock and 45 minutes p. m.). Mr. President, the quarter of an hour has expired.

Mr. COCKRELL. Will not the Senator from Maine extend the time a little, so as to get rid of bills Senators are calling up every morning?

Mr. FRYE. I wish to get rid of the important river and harbor bill.

Mr. COCKRELL. Give us a quarter of an hour more.

Mr. GORDON. I hope we will go forward with the river and harbor bill.

Mr. FRYE. I guess I shall have to ask the Senate to take up the river and harbor bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The Secretary resumed the reading of the bill on page 4, line 10. The next amendment of the Committee on Commerce was, on page 4, line 11, before the word "thousand," to strike out "thirty" and insert "twenty"; so as to make the clause read:

Improving harbor at Lynn, Mass.: Continuing improvement, $20,000.

Mr. LODGE. I ask the Senator from Maine to have the kindness to explain to me why the reduction is proposed.

Mr. FRYE. The committee on investigation found that $20,000 would practically complete all of the works as laid out by the Engineer Department up to the present time, and therefore they

propose to reduce the appropriation from $30,000 to $20,000, and placed in the bill a provision for the survey of another project.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 4, after line 21, to insert:

Improving Stage Harbor at Chatham, Mass.: Completing improvement, $5,000.

The amendment was agreed to.

The next amendment was, on page 5, line 16, after the word "Massachusetts," to strike out "$20,000"; in line 17, after the word "project," to strike out "approved by Chief of Engineers" and insert "submitted in the Annual Report of the Chief of Engineers for 1895, $20,000"; so as to make the clause read:

Improving Woods Hole Channel, Massachusetts, in accordance with project submitted in the Annual Report of the Chief of Engineers for 1895, $20,000.

The amendment was agreed to.

The next amendment was, on page 5, line 23, after the word "to," to strike out "make a resurvey of Manchester Harbor" and insert "cause a survey and estimate of cost of improvement to be made"; in line 25, after the word "between," to strike out "its" and insert "the"; and in the same line, after the word "mouth," to insert "of Manchester Harbor"; so as to make the clause read:

Manchester Harbor, Massachusetts: The Secretary of War is directed, out of the appropriation on hand, to cause a survey and estimate of cost of improvement to be made with a view of straightening the channel between the mouth of Manchester Harbor and Proctors Point, removing obstructions at the mouth of the channel and at the point of rocks, dredging the channel for its entire length between its mouth and the town wharf to a width of from 200 feet narrowing to 150 feet and a depth of 8 feet, and providing turning basins and anchorage for boats by the dredging of the flats for that purpose.

The amendment was agreed to.

The next amendment was, on page 6, line 11, after the word "submitted," to strike out "by Maj. D. W. Lockwood, in House Document No. 59, Fifty-fourth Congress, first session," and insert "November 29, 1895"; so as to make the clause read:

Improving New Bedford Harbor, Massachusetts: Continuing improvement, with a view of securing an increased area for anchorage in the upper harbor in accordance with report submitted November 29, 1895, $10,000.

The amendment was agreed to.

The next amendment was, on page 6, line 16, after the words "Rhode Island," to strike out "$10,000"; in the same line, after the words "report of," to strike out "Chief of Engineers"; and in line 18, after the word "ninety-five," to insert "$40,000"; so as to make the clause read:

Improving harbor, Great Salt Pond, Block Island, R. I., in accordance with the report of November 29, 1895, $40,000.

The amendment was agreed to.

The next amendment was, on page 6, line 20, before the word "thousand," to strike out "fifteen" and insert "ten"; so as to make the clause read:

Improving harbor at Newport, R. I.: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, on page 6, line 21, after the words "Rhode Island," to strike out "$6,300"; in line 22, after the word "project," to strike out "of September 4" and insert "submitted in the Annual Report of the Chief of Engineers for"; and in line 24, after the word "ninety-five," to insert "$6,300"; so as to make the clause read:

Improving harbor at Wickford, R. I., in accordance with project submitted in the Annual Report of the Chief of Engineers for 1895, $6,300, which said sum the Secretary of War is authorized and directed to expend from the balance on hand heretofore appropriated for entrance to Point Judith Pond.

The amendment was agreed to.

The next amendment was, on page 7, after line 2, to insert:

Improving harbor at Block Island, R. I., $5,000, in accordance with the approved modified project of December 14, 1895.

The amendment was agreed to.

The next amendment was, on page 7, line 8, after the word "improvement," to strike out "$18,000"; and in line 9, after the word "project," to strike out "for the improvement thereof" and insert:

$28,000, $10,000 of which shall be expended upon Yellow Mill Pond for constructing a channel 12 feet deep and 200 feet wide from the main channel to the causeway, conditioned upon the city of Bridgeport constructing a drawbridge at the causeway.

So as to make the clause read:

Improving harbor at Bridgeport, Conn.: Continuing improvement in accordance with the modified project, $28,000, $10,000 of which shall be expended upon Yellow Mill Pond for constructing a channel 12 feet deep and 200 feet wide from the main channel to the causeway, conditioned upon the city of Bridgeport constructing a drawbridge at the causeway.

The amendment was agreed to.

The next amendment was, on page 8, line 9, after the word "improvement," to strike out "$8,000"; in line 10, after the word "modified," to strike out "and approved," and in the same line, after the word "project," to insert "$8,000"; so as to make the clause read:

Improving harbor at Coscob and Miamus River, Connecticut: Continuing improvement in accordance with the modified project, $5,000.

The amendment was agreed to.

The next amendment was, on page 8, line 12, after the word "Connecticut," to strike out "$10,000"; in line 13, before the word "modified," to strike out "approved," and in the same line, after the word "project," to strike out "for the improvement thereof" and insert "$10,000"; so as to make the clause read:

Improving harbor at Norwalk, Conn., in accordance with the modified project, $10,000.

The amendment was agreed to.

The next amendment was, on page 8, line 16, after the word "with," to strike out "approved project for the improvement thereof. The" and insert "project submitted November 29, 1895, $3,000, which said sum the"; in line 19, after the word "expend," to strike out "the sum of $3,000 out of the balance unexpended" and insert "from the balance on hand heretofore appropriated"; and in line 22, after the words "Rhode Island," to strike out "for the improvement of said harbor at Westport, Conn."; so as to make the clause read:

Improving harbor at Westport, Conn., in accordance with project submitted November 29, 1895, $3,000, which said sum the Secretary of War is hereby authorized and directed to expend from the balance on hand heretofore appropriated for entrance to Point Judith Pond, R. I.

Mr. FRYE. In line 18, all after the word "dollars" may be stricken out.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After the word "dollars," in line 18, page 8, it is proposed to strike out all of the remainder of the paragraph down to and including line 23.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 8, after line 23, to insert:

Improving Greenwich Harbor, Connecticut, according to the plan submitted by the Chief of Engineers in House Executive Document No. 25, Fifty-third Congress, third session, $6,000.

The amendment was agreed to.

The next amendment was, on page 9, line 12, after the word "line," to strike out:

At a cost not exceeding $35,000, and that the northerly section of said extension to Stony Point and the sand-catch pier extension shall first be constructed.

And in line 17, after the word "dollars," to insert:

And provided further, That the unexpended balance of former appropriations is hereby made available for this work and the care of existing harbor structures in addition to the amounts herein named: *And provided further*, That the rough stone and gravel required in the building of the breakwater may be brought from Canadian waters and shores free of duty.

So as to make the clause read:

Improving harbor at Buffalo, N. Y.: Improvement by extending the breakwater southerly to Stony Point: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry out such extension and the plan of such improvement as modified in the report of the Chief of Engineers for the improvement of that harbor for 1895, such contracts to provide that the sand-catch pier be extended to the bulkhead line, to be paid for as appropriations may from time to time be made by law, in the aggregate not to exceed $2,200,000: *And provided further*, That the unexpended balance of former appropriations is hereby made available for this work and the care of existing harbor structures in addition to the amounts herein named: *And provided further*, That the rough stone and gravel required in the building of the breakwater may be brought from Canadian waters and shores free of duty.

The amendment was agreed to.

The next amendment was, on page 10, line 2, before the word "thousand," to strike out "ten" and insert "two"; so as to make the clause read:

Improving harbor at Canarsie Bay, New York: Continuing improvement, $2,000.

The amendment was agreed to.

The next amendment was, on page 10, line 6, after the word "dollars," to insert "to be immediately available"; so as to make the clause read:

Improving harbor at Wilson, N. Y.: For dredging and maintenance, $5,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 10, line 22, after the words "Bay Ridge," to strike out "Gowanus Creek, Red Hook, and Buttermilk channels, and removing triangular area between Red Hook and Bay Ridge channels" and insert "channel, the triangular area between Bay Ridge and Red Hook channels and Red Hook and Buttermilk channels"; on page 11, line 2, before the word "thousand," to strike out "sixty" and insert "two hundred"; in line 5, after the word "others," to strike out "northerly, until completed" and insert "in the order named, until each, as the work advances northerly, is completed in turn"; in line 13, after the word "whole," to strike out "or any part"; in line 16, before the word "hundred," to strike out "seven" and insert "six," and in the same line, before the word "thousand," to strike out "seventy-seven" and insert "thirty-seven"; so as to make the clause read:

Improving Bay Ridge Channel, the triangular area between Bay Ridge and Red Hook channels, and Red Hook and Buttermilk channels, in the harbor of New York, N. Y.: Continuing improvement, $200,000: *Provided*, That the work

shall be begun at the southerly end of Bay Ridge Channel and continue through it and the others, in the order named, until each, as the work advances northerly, is completed in turn, so that each shall have a uniform mean low-water depth of 26 feet and width as recommended for each: *And provided further*, That out of said sum $5,000 shall be expended in dredging Gowanus Canal from Percival street to Hamilton Avenue Bridge: *And provided further*, That contracts may be entered into by the Secretary of War, for the completion of the whole of said work, to be paid for as appropriations may be made from time to time by law, not exceeding in the aggregate $657,300, exclusive of the amount herein and heretofore appropriated.

The amendment was agreed to.

The reading of the bill was continued to the end of line 4, on page 12.

Mr. HILL. There is a statute of New York which limits the distance between pier bulkhead lines to about 70 feet, I am informed. I have some papers in regard to it at my house. I did not suppose the bill was coming up this morning. I would therefore suggest to the Senator from Maine that this item be passed over for the present.

Mr. FRYE. It need not be passed over, but the Senator from New York, after the committee amendments are attended to, can investigate the matter and see whether or not anything should be done. My judgment is that the law of Congress is preeminently powerful in arranging the matter of piers.

Mr. HILL. I may desire to offer an amendment to the effect that nothing herein shall conflict with the statute of New York.

The VICE-PRESIDENT. The Chair will recognize the Senator from New York to offer the amendment hereafter.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 12, after line 4, to strike out:

For the purpose of straightening the channel of Gowanus Bay, the harbor line of the northerly shore of Gowanus Bay, instead of extending from a point on the easterly side of Court street (as said Court street existed and was laid out May 20, 1875), distant 500 feet southerly from the intersection of the said easterly side of Court street with the southerly side of Bryant street (as said Bryant street existed and was laid out May 20, 1875), running thence westerly parallel with said Bryant street and 500 feet therefrom, 380 feet, and thence southerly and at right angles to the last-mentioned line and parallel with Clinton street 393 feet, to the exterior sea wall as at present established, shall extend from the point first above described in a straight line in a southwesterly direction to said point where the above-described line parallel with Clinton street and 393 feet in length intersects the above-mentioned exterior sea-wall line.

The amendment was agreed to.

The next amendment was, on page 13, line 1, after the word "submitted," to strike out "in report of Maj. H. M. Adams, Corps of Engineers, United States Army, dated March 24," and insert "March 25"; so as to make the clause read:

Improving Newtown Creek, part of the harbor at New York: Continuing improvement in accordance with modified project submitted March 25, 1896, $30,000.

The amendment was agreed to.

The next amendment was, on page 13, line 19, after the word "improvement," to insert "and $15,000 thereof may, in the discretion of the Secretary of War, be used in the repair of the breakwater"; so as to make the clause read:

Improving harbor at Oswego, N. Y.: Continuing improvement, $60,000, in accordance with the modified project for its improvement, and $15,000 thereof may, in the discretion of the Secretary of War, be used for the repair of the breakwater.

The amendment was agreed to.

The next amendment was, on page 14, line 10, before the word "thousand," to strike out "thirteen" and insert "ten," and in the same line, after the word "dollars," to strike out "out of which sum $5,000 shall be used in dredging Lemon Creek, on Staten Island"; so as to make the clause read:

Improving channel between Staten Island and the New Jersey shore, New York and New Jersey: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 14, to strike out:

Improving harbor at Larchmont, N. Y.: Continuing improvement, $5,000.

The amendment was agreed to.

The next amendment was, on page 14, line 22, after the word "submitted," to strike out "by Col. G. L. Gillespie, Corps of Engineers, November 26" and insert "December 1"; so as to make the clause read:

Improving harbor at Peekskill, N. Y., in accordance with report submitted December 1, 1894, $10,000.

The amendment was agreed to.

The next amendment was, on page 15, line 1, after the word "the," to strike out "approved project for the improvement thereof" and insert "project submitted in the Annual Report of the Chief of Engineers for 1891"; so as to make the clause read:

Improving harbor at Mattituck, N. Y., according to the project submitted in the Annual Report of the Chief of Engineers for 1891, $10,000.

The amendment was agreed to.

The next amendment was, on page 15, line 5, after the word "the," to strike out "approved project for the improvement thereof," and insert "project submitted in the Annual Report of the Chief of Engineers for 1889"; so as to make the clause read:

Improving harbor at Cape Vincent, N. Y., according to the project submitted in the Annual Report of the Chief of Engineers for 1889, $25,000.

The amendment was agreed to.

The next amendment was, on page 15, line 11, before the word "thousand," to strike out "fifty" and insert "seventy-five"; and in the same line, after the word "dollars," to insert:

Provided, That two-thirds of said amount shall be expended between South Amboy and Great Beds light, in accordance with report in House Executive Document No. 298, Fifty-third Congress, third session.

So as to make the clause read:

Improving harbor at Raritan Bay, New Jersey: Continuing improvement in accordance with modified project, $75,000: *Provided*, That two-thirds of said amount shall be expended between South Amboy and Great Beds light, in accordance with report in House Executive Document No. 298, Fifty-third Congress, third session.

The amendment was agreed to.

The next amendment was, on page 15, line 19, before the word "to," to strike out "resurvey" and insert "survey"; in line 20, after the word "Pennsylvania," to strike out "out of" and insert "and the cost of improvement to be estimated, the expenses of the same to be paid from"; and in line 22, after the word "unexpended," to strike out "money" and insert "balance of funds"; so as to make the clause read:

Improving harbor at Erie, Pa.: The Secretary of War is hereby directed to cause a survey to be made of the harbor at Erie, Pa., and the cost of improvement to be estimated, the expenses of the same to be paid from the unexpended balance of funds heretofore appropriated for the improvement of said harbor.

Mr. QUAY. In relation to the amendment made in the item with reference to the improvement at Erie, I do not desire, of course, to contest the amendment of the committee, but to mention the fact that the amendment I offered to the bill some two or three weeks ago at the suggestion of the Board of Trade of the city of Erie has been abandoned in deference to what seems to have been a preliminary report of the Engineer Department, and with the expectation that after the resurvey is made the appropriation asked for will be granted.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 16, line 10, after the word "appropriated," to insert:

Provided further, That in making such contracts the Secretary of War shall not obligate the Government to pay in any one fiscal year, beginning July 1, 1897, more than 25 per cent of the whole amount authorized to be expended.

So as to make the clause read:

Constructing harbor of refuge, Delaware Bay, Delaware, in accordance with plans submitted by the Chief of Engineers, January 29, 1892, $5,000: *Provided*, That contracts may be entered into by the Secretary of War for such material and work as may be necessary to complete said harbor of refuge, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $4,660,000, exclusive of the amount herein appropriated: *Provided further*, That in making such contracts the Secretary of War shall not obligate the Government to pay in any one fiscal year, beginning July 1, 1897, more than 25 per cent of the whole amount authorized to be expended.

The amendment was agreed to.

The next amendment was, on page 16, line 16, after the word "improvement," to strike out "$20,000"; and in line 17, after the word "project," to strike out "for the improvement of the same" and insert "$20,000"; so as to make the clause read:

Improving harbor at Wilmington, and Christiana River, Delaware: Continuing improvement, in accordance with the modified project, $20,000.

The amendment was agreed to.

The next amendment was, on page 17, line 2, after the word "Delaware," to strike out ": Continuing improvement"; so as to make the clause read:

For maintenance and repairs of iron pier, Delaware Bay, near Lewes, Del., $7,660.

The amendment was agreed to.

The next amendment was, on page 17, after line 3, to insert:

Improving deep channel in Baltimore Harbor, Maryland, in accordance with the project submitted December 1, 1894, $400,000: *Provided*, That this sum may be used in the discretion of the Secretary of War, under the direction of the Chief of Engineers, for deepening the present channel to a depth of 30 feet.

The amendment was agreed to.

The next amendment was, on page 17, line 13, after the word "Craighill," to strike out "in House Executive Document No. 200, Fifty-third Congress, third session," and insert "Corps of Engineers, January 7, 1895"; so as to make the clause read:

Improving Rock Hall Harbor, Maryland: Completing improvement, in accordance with report submitted by Gen. William P. Craighill, Corps of Engineers, January 7, 1895, $9,600.

The amendment was agreed to.

The next amendment was, on page 17, after line 16, to insert:

Improving inner harbor at Rock Hall, Md., in accordance with report submitted by Chief of Engineers in House Executive Document No. 200, third session, Fifty-third Congress, $7,000.

The amendment was agreed to.

The next amendment was, on page 17, after line 20, to strike out:

Improving Queenstown Harbor, Maryland: Continuing improvement, $5,000.

The amendment was agreed to.

The next amendment was, on page 17, line 24, after the word "report," to strike out "of Col. Peter C. Hains, dated" and insert "submitted"; so as to make the clause read:

Improving harbor of Southwest Baltimore (Spring Garden), Md., in accordance with report submitted March 7, 1896, for constructing channel 100 feet wide on the bottom, $5,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 3, to strike out:

The proviso relating to the appropriation of $10,000 for continuing the improvement of harbor at Cape Charles City, Va., and its approaches, as contained in the act of July 13, 1892, be, and the same is hereby, repealed.

The amendment was agreed to.

The next amendment was, on page 18, line 15, before the word "thousand," to strike out "one hundred and ten" and insert "seventy-five"; and in the same line, after the word "dollars," to insert:

Provided, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,996,250, exclusive of the amount herein appropriated.

So as to make the clause read:

Improving harbor at Winyaw Bay, South Carolina: Continuing improvement, $75,000: *Provided*, That contracts may be entered into by the Secretary of War, etc.

The amendment was agreed to.

The next amendment was, on page 18, after line 21, to strike out:

Harbor of Savannah, Ga.: Continuing improvement, $5,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project of further improvement recommended by Capt. O. M. Carter in his reports of December 7, 1894, and July 1, 1895, and to complete the project for the steamboat channel between Beaufort, S. C., and Savannah, Ga., recommended by Capt. O. M. Carter in his report of December 4, 1895, and mentioned in that report as route 2, to be paid for as appropriations may from time to time be made by law, not to exceed the amounts recommended in said reports, the aggregate of which for both projects is $1,093,950, exclusive of amount herein or heretofore appropriated.

Mr. GORDON. After conference with my colleague [Mr. BACON], not now in the Chamber, I ask that this item may be passed over for the present, and a little later in the progress of the bill we will ask the Senate to restore the House provision.

Mr. FRYE. It may be passed over for the present.

The VICE-PRESIDENT. It will be passed over as indicated by the Senator from Georgia.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 20, line 2, after the word "made," to insert "personally under the supervision of the Secretary of War," and in line 4, after the words "Secretary of War," to insert:

And that when said C. P. Goodyear, his heirs and assigns, have procured a 200-foot channel of a minimum depth of 23 feet at mean high tide, $30,000 shall be paid therefor; and when he has secured a channel 300 feet wide, of 23 feet depth at mean high tide, an additional $30,000 shall be paid therefor; and when he has secured a channel 200 feet wide, 24 feet deep at mean high tide, an additional $40,000 shall be paid therefor; and when he has procured a channel 300 feet wide, 24 feet deep at mean high tide, an additional $40,000 shall be paid therefor; and when he has procured a channel 200 feet wide, 25 feet deep at mean high tide, an additional $50,000 shall be paid therefor; and when he has procured a channel 300 feet wide, 25 feet deep at mean high tide, an additional $50,000 shall be paid therefor. And that the words "and not otherwise" be stricken from the twenty-fifth line of the fifth page of the river and harbor act of 1894, in the item providing for deepening the outer bar of Brunswick, Ga., and that the words "and removing material therefrom" be added after the word "bar," in the twenty-sixth line of said item of said act; and that all of said deepening of said bar shall be completed within four years from the date of the passage of this act: *Provided*, That no payments shall be made to said Goodyear or his legal representatives except upon a certificate of the Secretary of War, made after personal survey by an experienced officer of the Coast and Geodetic Survey selected by him for that purpose, that such depths and widths have severally been obtained by him or them;

So as to make the clause read:

Improving the outer bar of Brunswick, Ga.: C. P. Goodyear, the contractor with the Government of the United States to deepen the outer bar of Brunswick, Ga., under the river and harbor act of 1894, shall be paid the sum of $30,000 for a 23-foot depth when he shall receive a certificate that a 24-foot depth has been obtained under said act, together with the $40,000 to which he will be entitled for such 24-foot depth, out of moneys heretofore appropriated by said river and harbor act of 1894. The survey provided for in said act shall be made personally, under the supervision of the Secretary of War, by an experienced official of the Coast and Geodetic Survey, to be designated by the Secretary of War. And that when said C. P. Goodyear, etc.

The amendment was agreed to.

The next amendment was, on page 21, line 17, to increase the appropriation for improving Cumberland Sound, Georgia, from $1,641,500 to $2,345,000.

The amendment was agreed to.

The next amendment was, on page 22, to increase the appropriation for improving the harbor at Pensacola, Fla., from $100,000 to $200,000.

The amendment was agreed to.

The next amendment was, on page 22, line 8, to increase the appropriation for improving the entrance to the harbor at Key West, Fla., from $80,000 to $100,000.

The amendment was agreed to.

The next amendment was, on page 22, line 10, to increase the appropriation for improving Charlotte Harbor and Pease Creek, Florida, from $16,000 to $20,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 14, to insert:

Improving Mobile Harbor, Alabama: For maintenance of the channel by dredging, $60,000, $10,000 of which may, in the discretion of the Secretary of War, be used for engineering and contingent expenses connected with the superintendence and inspection of the work of dredging carried on under the provisions of the joint resolution of Congress approved March 16, 1896.

The amendment was agreed to.

The next amendment was, on page 22, line 24, before the word "thousand," to strike out "ten" and insert "twenty"; and on page 23, line 5, before the word "thousand," to strike out "twenty-five" and insert "fifteen"; so as to make the clause read:

Improving mouth and passes of Calcasieu River, Louisiana: Continuing improvement, $20,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $315,000, exclusive of the amount herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 23, after line 9, to insert:

For dredging the bar at Galveston, Tex., $5,000.

Mr. MILLS. I suggest to the Senator from Maine that there is a mistake there. The word "five" ought to be "fifty." It says, "For dredging bar at Galveston, Tex., $5,000." Fifty thousand dollars is what the committee allowed.

Mr. VEST. That is right. It should be $50,000 instead of $5,000.

Mr. MILLS. It is printed wrong.

Mr. FRYE. This is the outside bar at Galveston.

Mr. MILLS. It says, "For dredging the bar." I suppose it is.

Mr. VEST. Yes; it is.

Mr. FRYE. Here is a clause, "For improving and maintaining ship channel in Galveston Bay, $50,000." Was it also $50,000 for Galveston?

Mr. VEST. For dredging the bar.

Mr. MILLS. It was.

Mr. FRYE. I am inclined to think the Senator from Texas is right.

Mr. VEST. I know he is.

Mr. MILLS. Let the change be made.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the committee amendment by striking out "five" and inserting "fifty"; so as to read:

For dredging the bar at Galveston, Tex., $50,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 23, after line 14, to insert:

For the purpose of ascertaining the character and value of the improvements made at the mouth of the Brazos River, Texas, by the Brazos River Channel and Dock Company, a board of engineers, one of whom shall be a civil engineer, to be appointed by the President, one a member of the Corps of Engineers of the United States Army, to be selected by the Secretary of War, and one a member of the Coast and Geodetic Survey, to be selected by the Superintendent of the Survey, shall personally make examination of the work done by said company for the purpose of deepening the channel and removing the bar at or near the mouth of said river. It shall be the duty of the board so constituted to report the depth of water upon the bar at the time of their examination, the character of the work done and the cost of the same, together with the value of said work to the Government of the United States, and such other information as they may deem essential. Said board shall report the result of their investigation to the Secretary of War on or before the first day of the next session, and the Secretary shall immediately transmit the report to Congress, and $5,000, or so much thereof as may be necessary, is hereby appropriated to pay the expenses of the said board and for the services of the said engineer, the amount of such compensation for said services to be fixed by the Secretary of War.

Mr. VEST. I move to strike out the words "the first day of the next session" and insert "the first Monday in December next." The paragraph as it stands is susceptible of the interpretation that the report shall be made by the first day of an extra session, if one should intervene. It says "the first day of the next session." To make it certain I move to strike out those words and to insert "the first Monday in December next."

Mr. FRYE. That is all right.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In line 7, page 24, it is proposed to amend the committee amendment by striking out "the first day of the next session" and insert "the first Monday in December next."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. FRYE. Does the Senator from Texas [Mr. MILLS] propose to discuss the next item, relative to the improvement of the harbor at Sabine Pass, Tex.?

Mr. MILLS. Yes; a little.

Mr. FRYE. Then I guess we had better pass it over for the present.

Mr. MILLS. Why can we not settle it now? I am going to

The SECRETARY. On page 24, line 15, before the words "fifty

was understood to be perfectly silent in regard to what we

work as may be necessary to complete the project of further improvement recommended by Capt. O. M. Carter in his reports of December 7, 1894, and

Improving harbor at Cape Vincent, N. Y., according to the project submitted in the Annual Report of the Chief of Engineers for 1896, $25,000.

The amendment was agreed to.

Improving Queenstown Harbor, Maryland: Continuing improvement, $5,000.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 22, line 10, to increase the present.

Mr. MILLS. Why can we not settle it now? I am going to take but a few minutes. In fact, I think the chairman of the committee ought to withdraw the amendment proposed by the committee.

Mr. FRYE. The chairman of the committee has not authority from the committee to withdraw the amendment.

Mr. MILLS. We may as well determine it right now. It will not take long.

Mr. FRYE. I am entirely willing.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 24, line 15, before the word "fifty," to insert "one hundred and," and in the same line, after the word "dollars," to strike out:

Provided, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,403,856, exclusive of the amount herein and heretofore appropriated.

So as to make the clause read:

Improving harbor at Sabine Pass, Tex.: Continuing improvement, $150,000.

Mr. MILLS. Mr. President, I ask that the question be first put on agreeing to the amendment increasing the amount of the appropriations from $50,000 to $150,000. I have no objection, of course, to that.

The VICE-PRESIDENT. The Secretary will state the amendment referred to.

The SECRETARY. On page 24, line 15, before the words "fifty thousand," it is proposed to insert "one hundred and"; so as to read:

Improving harbor at Sabine Pass, Tex.: Continuing improvement, $150,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has been read.

Mr. QUAY. If the clause from line 15 to line 22, which the committee reported to strike out, is to be reinstated, then I think the amendment of the committee, in line 15, increasing the amount of the appropriation, ought to be voted down, because the increase of $100,000 there was based upon the supposition that this work was to be put under a continuing contract.

Mr. FRYE. The amendment which the committee reported should not be agreed to at present.

Mr. MILLS. Then I propose as a compromise that we let the bill stand as it came from the other House, and let the sum appropriated stand at $50,000 and the proviso stand for the continuing contract.

Mr. FRYE. The motion of the Senator is that the second amendment of the committee be disagreed to.

The VICE-PRESIDENT. Without objection, the amendment of the committee will be disagreed to.

Mr. MILLS. Let the whole of it be disagreed to.

Mr. WHITE. I desire to understand the matter. As I understand, the effect of the suggestion of the Senator from Texas, if adopted, will be to leave the item as it stood in the bill as it came from the House. If the $150,000 is appropriated it would not be desirable to provide for a continuing contract.

Mr. QUAY. The entire amendment, then, Mr. President, in this clause should be voted down, including the insertion of the words "one hundred and," in line 15, and the amendment striking out the remainder of the clause after the word "dollars," at the end of line 15, down to and including line 22. Is that the understanding?

The VICE-PRESIDENT. That is correct.

Mr. FRYE. Is it understood that that is agreed to?

Mr. MILLS. I propose to let the bill stand as it came from the other House.

Mr. FRYE. I understand exactly what the Senator wants.

Mr. MITCHELL of Oregon. The Senator wants the Senate to vote down the amendment.

Mr. FRYE. What I want to know is whether the Senate agrees to the proposition of the Senator from Texas?

The VICE-PRESIDENT. Is there objection?

Mr. BROWN. Let the question be again stated.

Mr. FRYE. If the Chair will allow me, I will state it. The House appropriated for Sabine Pass $50,000 and placed it under the continuing contract clause. The Senate committee struck out the continuing contract clause and increased the appropriation from $50,000 to $150,000. The Senator from Texas [Mr. MILLS] desires the Senate to disagree to both of those amendments, so that it will stand $50,000 and with the continuing contract clause.

Mr. BROWN. I should like to have the question on these amendments separated. I ask the Senator, first, as to whether the committee consent to the appropriation of $50,000 or $150,000?

Mr. FRYE. The Senator has a right to demand a separate vote.

The VICE-PRESIDENT. The Chair, according to the suggestion of the Senator from Utah [Mr. BROWN], will submit to the Senate the question of agreeing to the first amendment, which will be stated.

The SECRETARY. On page 24, line 15, before the words "fifty thousand," it is proposed to insert "one hundred and"; so as to read:

Improving harbor at Sabine Pass, Tex.: Continuing improvement, $150,000.

Mr. GRAY. I would ask the Senator from Texas are not both of those amendments so connected that they are not divisible?

Mr. MILLS. That was the understanding of the committee. If we are to give up the $100,000 additional, we want to be sure that we shall have our work under the continuing contract system.

Mr. TELLER. There is so much noise in the Chamber that I do not hear a word the Senator from Texas is saying, and we are over here absolutely without any knowledge as to what the Senate has done.

Mr. MILLS. I should like to hear the Senator.

Mr. TELLER. I was saying that in this part of the Chamber we do not know what is going on and can not hear a word the Senator from Texas says; and it is not the fault of the Senator, either.

The VICE-PRESIDENT. The Chair requests Senators to be seated and to refrain from conversation.

Mr. MILLS. I simply state that it is but fair, if we are going to disagree to one part of the amendment, that we should disagree to the whole of it. Of course we should be glad to have the $100,000 additional appropriation, but I say that is a part of the amendment striking out the continuing contract system from the bill, and if we are to have the benefit of one of them taken away we ought to have the advantage of the other. Therefore I ask the Senate to disagree to both of the amendments of the Senate committee and to let the bill stand as it came from the House of Representatives.

Mr. TELLER. I only want to say a word about the harbor at Sabine Pass. It is undoubtedly the best place on the whole coast for a good harbor, and it can be made so with very much less expense than can a harbor be made at Galveston. It is the natural outlet for the Northwest, the section of country which I in part represent, and it is about the only thing in this bill in which we have the slightest possible interest, except, of course, as we have a general interest in the whole country. It seems to me that if any port ought to have the benefit of the continuing contract system this is one of the places that ought to have it.

Mr. BLANCHARD. The improvement of Sabine Pass has been going on now for the last twelve or fifteen years, and it is time that it should be brought to a conclusion. It is the nearest deep-water port, as the Senator from Colorado [Mr. TELLER] says, not only to his State, but to Kansas and those States north of Kansas and the States immediately west of Kansas. It presents the best conditions on the Texas coast for a deep-water harbor. It is the dividing line between Texas and Louisiana, though Texas has always claimed the improvement.

In addition to that, Mr. President, there is a railroad called the Kansas City, Pittsburg and Gulf Railroad, which has started from Kansas City, Mo., and has been constructed to Shreveport, La., where I live, and has 1,500 men at work now between Shreveport and Sabine Pass. It will reach Sabine Pass in the course of the next twelve months. This railroad company has already purchased and laid off a town in the Sabine Pass, which is to be a city in the near future, and this improvement ought to be speedily constructed and finished by the Government. So far as it has gone, the results have been very satisfactory. It is one of those projects which ought to go under the continuous contract system.

As the Senator from Colorado has said, I know from long experience in the other Chamber, in reference to this improvement, that the people of the Northwest, particularly north of Sabine Pass, have taken more interest in the development of that harbor and that of Galveston than in any other harbor upon the South Atlantic or Gulf Coast. Those States up there do not ask for anything themselves outside of an appropriation for the Missouri River, but they are interested in a deep-water port both at Galveston and at the mouth of Sabine River, and they ought to have it.

I think this amendment, taking this improvement from the contract system, should be voted down, and this project thereby restored to the continuous work or contract system, and, as the Senator from Texas has said, let the amount stand at $50,000 as the House has placed it.

Mr. FRYE. I very freely admit the importance of this improvement at Sabine Pass, and the committee have been exceedingly friendly to the improvement ever since I have been on it. We have appropriated annually from one hundred and fifty to two hundred and fifty thousand dollars. I have no doubt it has been well expended, but this bill came here from the House of Representatives with some thirty continuing contract clauses. The Senate was desirous of putting on some others, and our committee examined with great care to see where it could economize to a certain extent by striking out some of the clauses which the House had put in. We had executive sessions, and the committee

was understood to be perfectly silent in regard to what we had done, but the moment we touched a little House appropriation or a continuing clause in less than an hour from that time there was a procession from somewhere else marching into the committee room, earnestly opposing any change whatever, and when arriving there not only opposing any change to cut off appropriations, but immediately proposing changes to increase. When the improvement of Sabine Pass was struck out, I said to the committee myself that must not be known, because we shall be overwhelmed; and yet in less than an hour from that time a telegram was received from Mr. Kountz, who is away up in Colorado somewhere, informing us that that had been stricken out, that it was an outrage, and that it ought to be retained. The birds of the air carried everywhere every proposition that we made for the slightest reduction in the bill, and we have been compelled to put back item after item until, my recollection is, that of the continuing clauses only three are now left, one at Sabine Pass, one at Yazoo, and one at Savannah, and the distinguished Senators from Georgia are going to make a furious onslaught on the Senate of the United States to have Savannah restored, and I have no doubt they will succeed.

Mr. BACON. On the contrary, we are going to throw ourselves on the sense of justice of the committee and ask them to consent to it.

Mr. FRYE. You will fail in that utterly. You will have to appeal to the Senate.

I do not suppose that the committee is concerned particularly about this amendment. I do not suppose they care particularly whether they are overruled or not. This is a good improvement, and the committee all so understand it, but the Senate must understand if this is done the others will be restored, and in conference there will be nothing left to confer about, except Senatorial amendments.

Mr. MILLS. Mr. President, I do not see any reason why this should not be restored as the others have been. The Senator from Maine has given a very strong argument in favor of that, when he says that so soon as the committee struck out Sabine Pass he was telegraphed to from the great Northwest in opposition to it. Mr. President, that whole population has been looking for years to going through Texas to the sea. Their railway systems are pointing toward the coast of Texas. We all want all the open ports we can get on the Gulf in order to stimulate competition and reduce freights. The thing which is eating up the produce of the Northwestern people is the enormous freights they have to pay to get to the seaboard, and Texas is, I suppose, a thousand miles nearer to Colorado than the city of New York. I therefore ask in all earnestness that the Senate will not agree to the amendment proposed to the House bill striking out this continuing contract system for Sabine Pass.

Mr. GORDON. I want to say to the Senator from Texas, although not living in Texas, and with a constituency which has no interest in Sabine Pass whatever, that I have been applied to from as far west as Nebraska to help Sabine Pass. I trust, therefore, the motion of the Senator from Texas will prevail.

The VICE-PRESIDENT. The question is on the first amendment proposed by the committee.

The amendment was rejected.

The VICE-PRESIDENT. The question is on the second amendment proposed by the committee, which will be stated.

The SECRETARY. On page 24, after the word "dollars," in line 15, it is proposed to strike out:

Provided, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,403,856, exclusive of the amount herein and heretofore appropriated.

The VICE-PRESIDENT. The question is on the amendment proposed by the Committee on Commerce, which has just been stated.

The amendment was rejected.

Mr. GORDON. Mr. President, at my suggestion the chairman of the committee kindly consented to pass temporarily the amendment of the committee in reference to the harbor of Savannah. I now ask the Senate to disagree to the committee's amendment on page 18, beginning at line 22.

I think it hardly necessary to detain the Senate on this matter. The report of the engineers demonstrates that this additional improvement at Savannah will save to the Government in maintenance not less than $200,000 per annum, which is the interest upon a very large sum of money. This amendment of the Senate committee strikes out all of the appropriation made for that great port, which I think now has some $150,000,000 of commerce and which is rapidly increasing. I trust the Senate will disagree to the amendment of the Senate committee striking out this item.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. The Committee on Commerce reported to strike out, on page 18, beginning at line 22, as follows:

Harbor of Savannah, Ga.: Continuing improvement, $5,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project of further improvement recommended by Capt. O. M. Carter in his reports of December 7, 1894, and July 1, 1895, and to complete the project for the steamboat channel between Beaufort, S. C., and Savannah, Ga., recommended by Capt. O. M. Carter in his report of December 4, 1885, and mentioned in that report as route 2; to be paid for as appropriations may from time to time be made by law, not to exceed the amounts recommended in said reports, the aggregate of which for both projects is $1,093,950, exclusive of amount herein or heretofore appropriated.

Mr. BACON. Mr. President, I do not design that there shall be any such onslaught made upon the Senate as was suggested or anticipated by the distinguished Senator from Maine [Mr. FRYE]. I do think, however, that proper and careful consideration of this matter would induce the committee itself to consent to restore the provision as it came from the other House. We are not here asking any amendment to be put upon the House appropriation. We are simply asking that the Senate will agree to that which the other House has already adjudged to be the proper appropriation in this matter, and not an appropriation, either, as I will suggest a little further on.

I want to call the attention of the Senate, Mr. President, to the fact that this is not a local matter in its broadest sense. Savannah is a port from which are shipped the products of a very large section of country. While this matter was under investigation by the Senate committee, or rather after the Senate committee had acted, there was in session in Charleston what was known as the South and West Grain and Trade Congress, composed of delegates from almost all the Southern and Western States, and during the session of that congress I received a telegram which I ask the Secretary to read from the desk.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

CHARLESTON, S. C., *April 30, 1896.*

Senator A. O. BACON, *Washington, D. C.:*

The South and West Grain and Trade Congress now assembled in third annual session at Charleston, S. C., composed of delegates from the Southern and Western States, and especially engaged in formulating and maturing plans for the active utilization of the ports of the Gulf and South Atlantic for the direct foreign shipment of the grain and other products of these sections, have learned with profound disappointment that your Committee on Commerce recommend that the appropriation in the House river and harbor bill for completing and making permanent the improvement of the Savannah River and Harbor be stricken out, and therefore the South and West Grain and Trade Congress do most earnestly appeal to the Senate of the United States in the interest of international trade and commerce to restore to the House bill the appropriation for Savannah River and Harbor which your Committee on Commerce recommend be stricken out from said House bill.

H. S. POTTER, *President.*
JNO. A. SMITH, *Secretary.*

Mr. DUBOIS. May I ask the Senator from Georgia a question?

Mr. BACON. Yes, sir.

Mr. DUBOIS. I have not a copy of the bill before me, but do I understand the Senate committee propose to strike out the House provision, and that the Senator desires to have the bill amended so that it will be the same as it came from the House of Representatives?

Mr. BACON. That, and that only; and the main feature of the provision is not an appropriation at this time, but simply the authorization of a contract to be appropriated for in the future. I trust that the Senate will restore the bill to the condition it was in when it came from the other House.

Mr. FRYE. I supposed the Senator would ask that all of this provision might be restored, except that which relates to the completion of a project for a steamboat channel between Beaufort, S. C., and Savannah, Ga.

Mr. GORDON. Mr. President, in answer to the chairman of the committee, I would say that we greatly prefer to have the provision retained in the bill as it came from the House of Representatives. But if it is a matter of great moment to the committee, and if it will prevent the consumption of time in debate, I would rather agree to the portion being left out to which the Senator has just referred.

Mr. FRYE. I should be more vigorous and aggressive in my defense of the action of the Rivers and Harbors Committee of the other House if that provision was to remain in the bill. The idea of putting a 7-foot channel between Beaufort, S. C., and Savannah into a continuing contract clause, which is going to cost about $120,000, is utterly absurd. It has been simply smuggled into the bill elsewhere, and never ought to have been placed there at all. I never heard of such a case before. I suggested to the junior Senator from Georgia [Mr. BACON] that if he was going to make a proposition of this kind and he did not expect to meet with a pretty vigorous defense of the action of the Senate committee, he should not ask that on page 19 the words between line 3 and line 9 should be retained.

Mr. BACON. Mr. President, the Senator from Maine was kind enough to make that suggestion to me in the interest of what possibly might conduce to an understanding on the part of the Senate favorable to the Savannah project. I have had some telegraphic correspondence with the people of Savannah since upon that subject. They say, of course, that if the Senate of the United States is unwilling that the channel shall be opened they must necessarily

The next amendment was, on page 30, line 8, to increase the

submit, but that they are extremely anxious that this change shall not be made.

In that connection, I desire to say that the work already done by the Government in the opening of the Savannah River has obstructed the very channel which it is now sought to reopen; that is, the channel between the town of Beaufort, in South Carolina, and the city of Savannah. I am not prepared to say to the Senate exactly how this has been done; but a very large portion of this appropriation, if made, will be devoted to removing the obstruction that the Government itself has put in that channel. In other words, in the work of opening the Savannah River the Government has obstructed this other channel. Of course I do not pretend that all of this money is for that purpose.

Mr. GORDON. If my colleague will permit, he refers to the money appropriated for that particular channel.

Mr. BACON. For that particular channel only.

Mr. GORDON. And not for the whole improvement.

Mr. BACON. It amounts to $105,000. This is a separate enterprise, although these provisions are put in the bill together, but the two works are entirely separate. The work, so far as it concerns the Savannah River, is confined in this bill to a provision for a contract, and not for an appropriation, except to the amount of $5,000. The work that is to be done on the channel between Beaufort and Savannah is independent of that, and embraces, if I am correctly informed, about $105,000 of this total amount.

Mr. President, it does look like a matter of simple justice. It is not only the people of Savannah who are interested in this work, but also the people of South Carolina; and the Government in the prosecution of a great work, a very important work, in opening the harbor of Savannah, has obstructed another channel, and should remove that obstruction. If in the removal of that obstruction it is found necessary to go still further in order to open the channel, it would be the part of economy to do the whole thing at once, rather than do a little piece now and undertake the rest in the future.

The distinguished Senator from Maine speaks of this feature of this appropriation as having been smuggled into the bill. Of course the Senate will understand that the Senator has no reference to anything that has occurred in the Senate, because that feature of the bill, as well as the other features of it, came from the House of Representatives in that shape, and has not been in any manner modified by the Senate or by the Senate committee, except to strike the whole thing out. I do not know to what the Senator refers when he speaks of the provision being smuggled in.

Mr. FRYE. This Senator is not at liberty to say.

Mr. BACON. I understand that the Senator from Maine is not at liberty to say; but the Senator from Georgia is at liberty to say that it has no reference to anything which has occurred in the Senate, because it came from the other House in that shape.

Mr. FRYE. If it had occurred in the Senate I should not have mentioned it.

Mr. BACON. Probably it is not necessary for me, then, to press that point, but take it for granted. I thought it due, however, in view of the statement of the Senator from Maine, to make this explanation as to the character of these two branches of this great work. It is not an extravagant appropriation for this particular feature to which the distinguished Senator from Maine, the chairman of the committee, now objects. While it is a comparatively small matter in amount, it is really an important matter, in that it is the great water highway between two of the principal cities in the South. I trust the distinguished Senator may not oppose any part of it, and that not only the Savannah River scheme but the Beaufort channel project improvement also be allowed to go through. It is certainly modest compared with a great many other appropriations in this bill.

Mr. FRYE. There is no more reason why that channel should be put under the continuing contract clause than there is why every river and channel in the United States should be put under the continuing contract clause. No reason can be given. Every river in the South where the improvement is not going to cost over $100,000 with the same propriety could go under the continuing contract clause, and every river in the North and Northwest. I certainly shall not consent to the restoration of the clause with that proposition remaining there.

Mr. GORDON. I doubt whether the Senator from Maine is informed of the fact that this river, which that small appropriation is designed to open, carries a very large amount of local trade. I say "local," because it is trade between the ports of South Carolina and Georgia.

Mr. FRYE. Only $600,000 worth in a year. That is not a very large amount to go under the continuing contract clause.

Mr. GORDON. It is an inside channel.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the committee.

Mr. FRYE. I ask if the Georgia Senators still insist upon keeping that channel in the bill?

Mr. GORDON. I will ask the Senator from Maine if we consent to that coming out, will he, as chairman of the committee, consent to the other portion of the clause being restored?

Mr. FRYE. I have no right to do so.

Mr. VEST. Mr. President, let me say this: I feel exceedingly kind toward this improvement at Savannah. I think I understand it. It has been before the Commerce Committee frequently while I have been a member of that committee, and I must say to my friends from Georgia that if this precedent is adopted of interjecting into this great improvement this little side improvement from Beaufort down to Savannah, as the chairman of the committee has properly said, we must apply the continuing contract system to every other improvement in the bill. The remainder of us can not stand here and see this thing done in justice to our constituents without demanding that the same legislation shall apply all along the line; and instead of having a bill of $70,000,000 upon the continuing contract system you will have a bill of $170,000,000 or $270,000,000. I think those Senators ought to be satisfied, for I believe I can assure them, if they take out this inside arrangement from Beaufort to Savannah there will be no trouble about the continuing clause.

Mr. GORDON. Then we assent to that portion of it coming out; and I move to amend by striking out lines 4, 5, 6, 7, 8, and 9, and including the words "said reports," in line 10.

Mr. ALLISON. Let us see what is stricken out.

Mr. FRYE. From line 3.

The VICE-PRESIDENT. The words stricken out will be read.

The SECRETARY. After the words "eighteen hundred and ninety-five," in line 3, strike out all of the paragraph down to and including the word "reports," in line 10.

Mr. VEST. That is right.

Mr. GORDON. The words "both projects," in line 10, are also stricken out.

Mr. FRYE. Strike out the word "both" and change the word "projects" so as to make it singular, and change the aggregate.

Mr. BACON. I suggest to my colleague that I have the paragraph marked as it would be amended, and I have handed it to the chairman of the committee. He will indicate to the clerks the words to be stricken out.

Mr. GORDON. That is all right.

The paragraph as proposed to be amended was read by the Secretary, as follows:

Harbor of Savannah, Georgia: Continuing improvement, $5,000: *Provided*, That a contract may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project of further improvement recommended by Capt. O. M. Carter in his reports of December 7, 1894, to be paid for as appropriations may from time to time be made by law, not to exceed the amount of $987,250 recommended in said report, exclusive of amount herein or heretofore appropriated.

The amendment was agreed to.

The VICE-PRESIDENT. The paragraph having been perfected, the question recurs on the amendment of the committee to strike it out.

The amendment was rejected.

The reading of the bill was resumed at line 23, page 24.

The next amendment of the Committee on Commerce was, on page 25, line 1, after the words "according to a," to strike out "survey and recommendation approved in 1894" and insert "project submitted in the Annual Report of the Chief of Engineers for 1895"; so as to make the clause read:

Improving harbor at Ashtabula, Ohio: Continuing improvements, $50,000, of which amount not less than $40,000 shall be applied toward the construction of breakwaters according to a project submitted in the Annual Report of the Chief of Engineers for 1895.

The amendment was agreed to.

The next amendment was, on page 25, line 7, before the word "thousand," to strike out "twenty" and insert "thirty"; in line 9, after the word "made," to insert "and the cost of improvement to be estimated"; and in line 10, after the word "to," to strike out "recommending such improvements as may be necessary to provide" and insert "providing"; so as to make the clause read:

Improving harbor at Black River (Lorain), Ohio: Continuing improvements, including necessary dredging between piers, $30,000; and the Secretary of War is authorized and directed to cause a survey of said harbor to be made and the cost of improvement to be estimated, with a view to providing better access to said harbor and the safety of boats therein.

The amendment was agreed to.

The next amendment was, on page 25, line 15, after the word "also," to strike out "in accordance with the recent report and recommendation of the local engineer, Col. Jared A. Smith"; in line 21, after the word "depth," to insert "in accordance with report submitted March 25, 1896"; in line 23, after the word "That," to strike out "the Secretary of War is hereby authorized and directed to enter into" and insert "contracts may be entered into by the Secretary of War"; so as to make the clause read:

Improving harbor at Cleveland, Ohio: Continuing improvements, $80,000 to be used for extension of breakwater, according to plans heretofore adopted; also, for repair and rebuilding, as well as relocation, when desirable, of the piers and breakwater already constructed, and for widening and extending the channel between the piers and in the outer harbor and maintaining the

necessary depth in accordance with report submitted March 25, 1896: *Provided*, That contracts may be entered into by the Secretary of War for the completion of the above projects, to be paid for as appropriations may from time to time be made by law, the cost not to exceed in the aggregate $1,354,000: *And provided also*, That the Secretary of War be directed to cause a survey to be made of the said breakwater as heretofore planned, with a view of determining the advisability of changing the plan thereof so as to abandon the proposed construction of the eastern shore arm, and in lieu thereof extending the said breakwater eastwardly in a general direction parallel with the shore; and the sums hereby appropriated, or authorized to be expended, may be expended in such manner as the Secretary of War may deem best for the improvement of said harbor.

The amendment was agreed to.

The next amendment was, on page 26, line 18, after the word "the," to strike out "approved project for the improvement thereof" and insert "project submitted April 3, 1896"; so as to make the clause read:

Improving harbor at Fairport, Ohio: Continuing improvement, $30,000, of which amount not less than $20,000 shall be applied toward the construction of a breakwater according to the project submitted April 3, 1896.

The amendment was agreed to.

The next amendment was, on page 27, line 4, after the word "harbor," to insert "and the cost of improvement to be estimated," and in line 5, after the word "to," to strike out "recommending such means as shall secure and maintain" and insert "securing and maintaining"; so as to make the clause read:

Improving harbor at Sandusky, Ohio: Continuing improvement, $40,000; and the Secretary of War is directed to cause a survey to be made of the bar at the mouth of the harbor and the cost of improvement to be estimated, with a view to securing and maintaining a permanent navigable channel of sufficient depth next to Cedar Point.

The amendment was agreed to.

The next amendment was, on page 27, line 16, before the word "thousand," to strike out "four" and insert "two"; so as to make the clause read:

Improving harbor at Vermillion, Ohio: Continuing improvement, $2,000.

The amendment was agreed to.

The next amendment was, on page 27, line 20, after the word "the," to strike out "latest approved project recommended for the improvement thereof," and insert "project submitted March 24, 1896"; so as to make the clause read:

Improving harbor at Conneaut, Ohio: For improvements under existing plans, $40,000, of which amount not less than $20,000 shall be applied toward the construction of a breakwater according to the project submitted March 24, 1896.

The amendment was agreed to.

The next amendment was, on page 28, after line 2, to strike out:

Improving outlet to Wolf Lake, Indiana, in accordance with the approved project for the improvement thereof, $8,000.

The amendment was agreed to.

The next amendment was, on page 28, line 7, after the word "project," to strike out "proposed by Maj. W. L. Marshall, of the Corps of Engineers of the United States Army, under date of June 30," and insert "submitted in the Annual Report of the Chief of Engineers for"; so as to make the clause read:

Improving Calumet Harbor, at Chicago, Ill.: Continuing improvement, including the amended project submitted in the Annual Report of the Chief of Engineers for 1895, $75,000.

The amendment was agreed to.

The next amendment was, on page 28, line 18, after the word "repairs," to insert "and providing a navigable depth of 18 feet"; so as to make the clause read:

Improving harbor at Frankfort, Mich.: Continuing improvement and repairs, and providing a navigable depth of 18 feet, $15,000.

The amendment was agreed to.

The next amendment was, on page 28, line 25, after the word "and," to strike out "for repairs, twelve" and insert "dredging interior channel, fifteen"; on page 29, line 1, after the word "dollars," to strike out "*Provided*, That" and insert "and"; in line 2, after the word "appropriated," to insert "for said improvement"; in the same line, after the word "now," to strike out "on hand"; and in line 3, after the word "may," to strike out "also be used in the same project" and insert "be used for dredging such interior channel, in the discretion of the Chief of Engineers, United States Army: *Provided*, That the former requirements have been complied with"; so as to make the clause read:

Improving harbor at Manistee, Mich.: Continuing improvements and dredging interior channel, $15,000; and all money heretofore appropriated for said improvement and now unexpended may be used for dredging such interior channel, in the discretion of the Chief of Engineers, United States Army: *Provided*, That the former requirements have been complied with.

The amendment was agreed to.

The next amendment was, on page 29, line 8, to increase the appropriation for improving the harbor at Holland (Black Lake), Mich., from $8,000 to $10,000.

The amendment was agreed to.

The next amendment was, on page 30, line 6, to increase the appropriation for improving the harbor at Marquette, Mich., from $24,000 to $29,000.

The amendment was agreed to.

The next amendment was, on page 30, line 8, to increase the appropriation for improving the harbor at Ludington, Mich., from $20,000 to $25,000.

The amendment was agreed to.

The next amendment was, on page 30, line 15, after the word "dollars," to insert "for maintenance of channel and pier"; so as to make the clause read:

Improving harbor at Menominee, Michigan and Wisconsin: Continuing improvements, $7,150, for maintenance of channel and pier.

The amendment was agreed to.

The next amendment was, on page 30, line 21, after the word "report," to strike out "of Chief of Engineers under date of" and insert "submitted," and in line 23, after the word "ninety-six," to strike out "in House Document No. 318, of Fifty-fourth Congress, first session"; so as to make the clause read:

Constructing harbor of refuge at Presque Isle Point, Marquette Bay, Michigan, in accordance with report submitted March 21, 1896, $30,000.

The amendment was agreed to.

Mr. FRYE. According to the agreement, I will not ask the further consideration of the pending bill at the present time.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the third committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, further insisted on its disagreement to the amendments of the Senate to the bill numbered 11, 12, 13, 14, 16, 19, 22, 23, 36, 37, 38, 83, 108, 109, 142, 144, 233, 305, 306, 307, 308, 309, 310, 313, and 314, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BINGHAM, Mr. MCCALL of Tennessee, and Mr. DOCKERY managers at the further conference on the part of the House.

The message also announced that the House had passed the following bills, each with an amendment; in which it requested the concurrence of the Senate:

A bill (S. 673) granting to Joseph R. West, brigadier and brevet major-general, United States Army Volunteers; and

A bill (S. 1365) for the relief of the National New Haven Bank of the State of Connecticut.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2) disposing of condemned cannon;

A bill (H. R. 1345) to amend the military record of Charles Hentz, late private of Company C, Eleventh Regiment Connecticut Infantry Volunteers;

A bill (H. R. 2708) to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court;

A bill (H. R. 4528) granting a pension to Katherine S. McCartney, widow of William H. McCartney;

A bill (H. R. 5280) for the relief of George W. Freeman;

A bill (H. R. 5854) granting a pension to John Caster;

A bill (H. R. 6037) granting a pension to Mrs. Amanda Woodcock;

A bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation in said State as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes;

A bill (H. R. 7973) to establish a railroad bridge across the Illinois River near Grafton, Ill.;

A bill (H. R. 7983) to pension Frances E. Wickware;

A bill (H. R. 8038) for the protection of yacht owners and shipbuilders of the United States; and

A bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

JOINT SPECIAL COMMITTEE ON CONGRESSIONAL LIBRARY, ETC.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the resolution passed by the Senate April 24, 1896.

The amendment of the House of Representatives was to strike out all after the resolving clause and insert:

That the Joint Committee on the Library of the House of Representatives and of the Senate be authorized to sit in Washington, D. C., during the recess of Congress, for the purpose of inquiring into the condition of the Library of Congress, and to report upon the same at the next session of Congress with such recommendations as may be deemed advisable; also to report a plan for the organization, custody, and management of the new Library building and the Library of Congress.

The said joint committee is also authorized to employ a stenographer whenever necessary during the course of the inquiry. The necessary expenses of the sittings of the said joint committee, including the pay of the

stenographer, are to be paid out of the contingent fund of the House of Rep-

Mr. CHANDLER. Let the amendment of the House be read.

The secretary again read the amendment.

Committee to Audit and Control the Contingent Expenses of the Senate before it can become operative. I will call the attention

bonds were sold. That presents a question of law. Read the statutes of your country if you want to know. If you can not comprehend them, then resign your seats. "What contracts or

Mr. FRYE. I ask if the Georgia Senators still insist upon keeping that channel in the bill?

Mr. GORDON. I will ask the Senator from Maine if we con-

The amendment was agreed to.

also, for repair and rebuilding, as well as relocation, when desirable, of the piers and breakwater already constructed, and for widening and extending the channel between the piers and in the outer harbor and maintaining the

whenever necessary during the course of the inquiry. The necessary expenses of the sittings of the said joint committee, including the pay of the

stenographer, are to be paid out of the contingent fund of the House of Representatives and Senate, on vouchers approved by the chairman of said joint committee: *Provided*, That the expenses incurred under this concurrent resolution be reported to the second session of this Congress.

Mr. HANSBROUGH. I move that the Senate agree to the amendment of the House of Representatives.

Mr. VEST. Is that a conference report?

Mr. HANSBROUGH. It is not.

Mr. VEST. What is it?

Mr. HANSBROUGH. It is a substitute for a resolution passed by the Senate some weeks ago, which is accepted by the Committee on the Library.

Mr. VEST. I should like to inquire what is the necessity for having a standing committee here upon the Library, which will not be finished, I understand, for a year. The committee is directed to assemble here, as I caught the resolution, in the vacation of Congress and to pass upon vouchers and make arrangements for the Library. It is an extraordinary proceeding, it seems to me. I want to be as good-natured and courteous as anybody on the floor, but it seems to me that this is rather stretching parliamentary precedent.

Mr. HANSBROUGH. I will state to the Senator from Missouri that the special committee now in existence pertaining to the Library was simply to look after the Library during the course of the construction of that building, and that the purpose of the work to be performed by the Joint Committee on the Library, in accordance with the resolution, pertains to the Library building after it is completed and accepted by the Government.

Mr. VEST. Will the Senator be kind enough to tell us what his information is as to the time of completion of the building?

Mr. HANSBROUGH. The resolution has nothing whatever to do with the building prior to its completion and acceptance.

Mr. VEST. But I understand the resolution provides that the committee shall sit here during the coming vacation?

Mr. HANSBROUGH. To formulate a plan for the future management of the Library of Congress when it occupies the new building, after the building is completed and accepted.

Mr. VEST. Do I understand the Senator to claim that the committee ought to be in session here to formulate that plan? It strikes me that it is rather singular that they can not formulate a plan for the government of the Library outside of Washington City as well as in it. It is an extraordinary proposition.

Mr. HANSBROUGH. The resolution does not provide that the committee shall sit outside of Washington. It provides that it shall sit in Washington during the recess and examine——

Mr. VEST. That is the very point. I ask, why is it necessary to meet here in the recess to formulate a plan for the government of the Library? I am informed (I have no information about it except from the present Librarian) that the building will not be ready for occupation for a year at least; and that the committee shall be here during the summer months in advance of the completion of the building in order to formulate rules for its government is a little extraordinary.

Mr. HANSBROUGH. I understand that the Library building will be ready for occupancy next February. It is not proposed that the committee shall sit during the entire recess of Congress. The understanding is that perhaps two or three weeks during the month of November will be occupied in formulating a plan for the future management and custody of the Library building and the Library of Congress.

Mr. VEST. That is almost a year from now. There is a difference of two months in the time. Is the resolution just introduced?

Mr. HANSBROUGH. The resolution passed the Senate originally and the House amended it. The Committee on the Library accepts the amendment, and my motion is that the substitute sent here by the House be agreed to by the Senate.

The VICE-PRESIDENT. The Chair laid before the Senate the amendment of the House. The question is upon the motion of the Senator from North Dakota, that the Senate agree to the amendment.

Mr. CHANDLER. When the Senate resolution was under consideration I asked that the words "in Washington" might be inserted so that by no possibility should we authorize a committee to make trips. The suggestion was at once accepted by the Senator from North Dakota. As I read the House provisions this morning they are very brief and simply authorize the joint committee to sit here in Washington during the recess and prepare such recommendations as may seem wise to them in reference to the transfer of the existing Library to the new building and any other recommendations that it would be proper for them to make. While I am opposed to any such extraordinary resolution as the Senator from Ohio [Mr. SHERMAN] introduced the other day to banish to Alaska not an inconsiderable portion of the Senate during the recess, I regard this particular resolution as entirely conservative and in every way beneficial to the public service.

Mr. HANSBROUGH. I should like to have the resolution read again for the information of Senators. I think the Senator from Missouri misunderstood the resolution.

Mr. CHANDLER. Let the amendment of the House be read.

The Secretary again read the amendment.

The VICE-PRESIDENT. The question is on the motion of the Senator from North Dakota, to agree to the amendment.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 2) disposing of condemned cannon;

A bill (H. R. 1345) to amend the military record of Charles Hentz, late private of Company C, Eleventh Regiment Connecticut Infantry Volunteers; and

A bill (H. R. 5280) for the relief of George W. Freeman.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 4528) granting a pension to Katherine S. McCartney, widow of William H. McCartney;

A bill (H. R. 5854) granting a pension to John Caster;

A bill (H. R. 6037) granting a pension to Mrs. Amanda Woodcock; and

A bill (H. R. 7983) to pension Frances E. Wickware.

The following bills were several read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 7973) to establish a railroad bridge across the Illinois River near Grafton, Ill.; and

A bill (H. R. 8038) for the protection of yacht owners and shipbuilders of the United States.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 2708) to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court; and

A bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

The bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation in said State as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

PROPOSED INVESTIGATION OF BOND SALES.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A resolution submitted by Mr. PEFFER, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. PEFFER. Mr. President, I shall ask the Senate to remain in session to-day until the resolution is disposed of.

Mr. HILL. Mr. President, have I not the floor? I believe I have the floor on the resolution.

The VICE-PRESIDENT. The Chair will state that the Senator from New York is entitled to the floor. The Chair did not know for what purpose the Senator from Kansas had risen.

Mr. PEFFER. I think it was a very proper purpose. I simply want to ask the Senate to remain in session until the resolution is disposed of.

Mr. HILL. I would have been entirely willing to yield the floor if the Senator from Kansas had asked me, but I do not wish to have the floor taken from me arbitrarily to make any sort of announcement.

Mr. GORDON. Will the Senator from New York yield to me one moment in order that I may offer an amendment to the pending resolution?

Mr. HILL. Yes, sir.

Mr. GORDON. I will state that the amendment simply proposes to change the words "a committee of five Senators" to "the Committee on Finance." I ask that the amendment lie on the table for the present. I shall call it up at the proper time.

The VICE-PRESIDENT. The amendment will lie on the table as requested.

Mr. HILL. Mr. President, during the debate of yesterday I was asked the question what objection I had to the passage of the present resolution, now that some of its especially offensive provisions have been eliminated. I said I would answer that question before this debate terminated. I might as well devote a few moments to that question now.

I am opposed to the resolution because I consider it wholly unnecessary and uncalled for, unprecedented in its character, and as establishing a most pernicious and unwise precedent. It is a sufficient objection to the passage of the resolution that it is unnecessary. The resolution, sir, must go, if it should pass, to the

Committee to Audit and Control the Contingent Expenses of the Senate before it can become operative. I will call the attention of the Senator from Colorado [Mr. WOLCOTT] to the fact that that will involve still further delay, and will not permit us to secure that information deemed so necessary by some to enable us to vote on the river and harbor bill, which was the argument urged yesterday for the consideration of this resolution at this time.

Every single fact sought to be investigated by the resolution, with the exception of three, is before the Senate either in documents presented by the Secretary of the Treasury or in the form of other information now pending before us. I am opposed to the resolution because I want to protect the Senate from making itself ridiculous. It does that often enough without having any additional provocation or inducement.

I propose to analyze the resolution for a few moments. What facts are to be investigated? What is the information sought? To what points are the minds of the committee to be directed?

First. "To investigate and report specially what amount of available funds, classified, was in the United States Treasury and on deposit in other places, subject to the order of the Secretary of the Treasury at the time the bonds were sold or offered for sale."

Second. "Whether there was or was not coin enough on hand to meet all coin obligations of the Government due at the time said bonds were sold or when they were offered for sale."

Third. "What obligations were due at that time and the amount of each, stated separately."

Fourth. "Who purchased the bonds, in what amounts, and where, whether in the United States or in foreign countries, and in what proportions, and from what persons or classes of persons."

Fifth. "What was the market price of our Government bonds at the time."

Sixth. "To investigate and report as to the manner of disposing of said bonds; by what authority."

Seventh. "What contracts, advertisements, or proposals were made by the Secretary of the Treasury in relation thereto."

Eighth. "What agreements or contracts, and whether oral or in writing, were entered into by the Secretary of the Treasury with respect to the sale and purchase of the bonds."

Every one of these eight subdivisions of information has been fully explained by documents on file before the Senate, and I object to Senators rising here and attempting to justify their votes for the resolution upon the plea of ignorance upon these points. If Senators need information upon those eight distinct points let them read their own files. Let them read the reports of the Secretary of the Treasury. Let them read the very elaborate information which is subject to their disposal before they set up the plea that they want information. The suggestion that they want or need further information is uncomplimentary to themselves as well as to the Senate. I do not think that Senators can well vote upon the great public questions involved affecting the finances when they rise and say that they want information upon these eight distinct questions. No Senator has a right, in my humble judgment, to give his vote in regard to the great and important questions relating to our finances when he steps forward and says, "I want information upon eight distinct propositions," where the information is already at his disposal.

The amount of classified funds appears in every monthly statement of the Secretary of the Treasury. The amount of coin on hand and available appears in every daily statement of the Treasury. What obligations are due from the Government at any time can be seen in every report made by the Secretary of the Treasury. "Who purchased the bonds, in what amounts?"—that, it seems, is what they want to know; and where the purchasers live is also to be inquired into. Here in my hand and available to everyone is a special report of the Secretary of the Treasury, containing the names of the purchasers, the amounts of the bids, and where the purchasers reside. What more is wanted?

Mr. GRAY. Does anybody suggest that those reports are erroneous or mistaken?

Mr. HILL. No one has suggested it. They have not even read the reports. They admit they have not. The passage of the resolution is a complete confession of ignorance. I would not vote for such a resolution because it would stigmatize me as an ignoramus unworthy of a seat in this body, and, in my humble judgment, it is an admission on the part of every Senator who votes for it that he desires to be considered an ignoramus.

"Who purchased the bonds?" Read the reports, I answer. "In what amounts?" Here it is, clearly stated in Carlisle's special report. "Where do they reside?" Here it is, all set forth. Read it. This appears to be and is a foolish, a contemptible, an absurd resolution. There is no law against its passage, of course. You can pass the resolution if you have the power—if the majority desire it. There is no law against the Senate making a fool of itself if it is so disposed. "In what proportions and from what persons or classes," is one of the facts desired. All that appears in the report. "What did the bonds sell for?" That appears. The committee is to investigate and report "by what authority" the bonds were sold. That presents a question of law. Read the statutes of your country if you want to know. If you can not comprehend them, then resign your seats. "What contracts or agreements were entered into for the purchase of bonds?" They are all stated in the recent report, which I hold in my hand, and which every Senator has in his possession.

Mr. President, I have stated concisely the eight distinct facts about which the resolution purports to want information. What are the subjects which do not appear in any report upon which information is desired? "What was the reason for any unusual withdrawal of coin from the Treasury shortly before bonds were sold or offered for sale?" is one of these points. Who knows? If the committee is appointed, it may sit here until its members are gray-headed, and it will never obtain that information. Why does a person present greenbacks and ask gold for them? That is what the abettors of this resolution want to know. A man has a greenback and wants to get gold for it. He presents it at the Treasury. This inquisitive resolution wants to know why he presented it to the Treasury? Why? Because Congress way back in 1875 passed a law which says that the paper obligations of your Government, such as greenbacks, shall be redeemed in coin. When any person has one of these greenbacks he has a right under the law of the land to present it and ask gold or coin for it. But there are some Senators who want to know why he presents it. The inquiry is absurd and ridiculous upon its face. That is one of the facts, of course, about which the Secretary of the Treasury can not know anything. It is a fact that nobody can know anything about, except the person who presents the greenback for redemption. What their private motives were, what their private purposes were are immaterial for purposes of legislation. They are immaterial to any matter upon which we as Senators are called upon to act.

Now here is the second item. The information sought does not appear in any report and it can not of necessity appear in any report. What is it? We are to inquire—

What effect the bond sales had on the credit and business of the people of the United States.

That is a great problem. It involves no specific information to be readily ascertained. It involves more than a mere question of fact. It involves the whole gold and silver question. Is it seriously proposed that we are to have a special committee to investigate what effect the bond sales had on the credit and business of the people of the United States? Are not Senators competent to argue upon either side of that question without any more information? It is a question about which men will readily and continuously differ. The silver men will assert it had a bad effect on the credit of the United States, and the gold men will contend that it had a good effect. The great mass of the people will say it was absolutely necessary, because there was no other way to protect the honor and the credit of the Government. But you are simply investigating an abstract question. You are simply investigating what might be termed a hypothetical question. You are simply making an experimental investigation. "What effect have the bond sales had?" No one can definitely determine. I realize that this is a Presidential year, a campaign year, when every opportunity is sought to make political capital, but I do think it is unwise to appoint a special committee to investigate the general subject of the effect of bond sales on the credit and business of the people of the United States.

What is the next point? The authors of the resolution want to know the profits made—"made or to be made"—by the syndicate that purchased the bonds. "Profits made or to be made!" Who knows what prices the Government bonds are going to be to-morrow? Who can forecast the future? If I, as a member of the syndicate, purchased Government bonds, how can I know or any committee know what I am going to get for those bonds next week? What profits are to be made in the future by the syndicate? Who can tell? The other day a distinguished Senator rose in his place and objected to any law that allowed dealing in futures. He said it was gambling. Here is a proposition on the part of the Senate of the United States seriously to engage in the transaction of investigating what profits are "to be made" in the future sale of bonds. Of course the Secretary of the Treasury can not tell that. Nobody can tell precisely what the syndicate made or is going to make except by asking the syndicate itself.

The questions which I have mentioned, of course, are three questions which can not be determined by the printed record. They must be determined by outside investigation, if at all. I submit to the good sense of the Senate that these three items of information which are proposed to be obtained outside of the actual reports upon our desks are unworthy of inquiry. It is a speculative inquiry. It is a gambling inquiry. It is semipolitical, in its character, involving in one respect the whole question between the gold side and the silver side; and a report is seriously expected to be made upon the matter. How are you going to examine the syndicate? Will some Senator rise in his place and

tell me how it is to be done under the resolution? I say you can

the acceptance of this subscription to deposit the amount thereof in gold coin

The Secretary read as follows:

United States gold coin or gold certificates for the bonds awarded to them and the interest accrued thereon after the 1st day of February, 1896, up to

tell me how it is to be done under the resolution? I say you can not subpœna a single witness under the resolution as it now stands. I say you have no constitutional power under the resolution to compel a single member of the syndicate to answer any question relating to what he received for his bonds when he sold them to Tom, Dick, or Harry. I suppose the friends of the resolution will say, "We will determine that afterwards." Yes; run up against the Constitution. It will not be the first time they have done it. They propose to antagonize the laws. You have no power, you have no authority in the resolution for summoning witnesses; no power to subpœna witnesses, no power to compel answers to questions about the private transactions of syndicates or of men who buy bonds. I assert as a proposition of law that if I put in a bid for the purchase of bonds and receive an allotment of them, and I should voluntarily go before the committee, I could refuse to answer to whom I sold the bonds or what profits I made by such sale. The resolution is not based upon any allegation that the information is desired for future legislation. It is not based upon an allegation of misconduct against any member of the Senate. It involves no question of high privilege. Therefore it does not come within any of the decisions of the courts in which it is held that you can inquire into private transactions of individuals.

Mr. GRAY. We can not investigate as ground of impeachment.

Mr. HILL. And, sir, we can not investigate for grounds of impeachment. The Constitution settles that question. But we ought to have an investigating committee to determine what the Constitution is, because some Senators do not seem to understand it. They are going to investigate by what authority the bonds were issued; a legal question. Why not investigate what the Constitution is?

Need I remind the Senate that under the Constitution of the United States the House has the sole power of impeachment? As a matter of propriety, if nothing else, it would be better that the Senate should wait. Let the House, fresh from the people, present its articles of impeachment against the Secretary of the Treasury, because if there is anything at all to investigate here it is simply a question which might or might not constitute a matter of impeachment, which the House should originate. Therefore I have answered the question put to me yesterday as to what objection I have now to the resolution in its amended form. It still retains the provision for a special committee, objectionable to all the traditions of this body. There is contained in it a proposed inquiry as to facts not needed or really demanded, and if any Senator here wants this information for any honest purpose, for the purpose of aiding him in casting his vote upon any public question involved here, he has only to read the records on file now before him.

When I was discussing this question yesterday just prior to the adjournment of the Senate, I was considering in detail the alleged grounds for the investigation so far as the last public sale of bonds is concerned. A great deal has been said in the public press and elsewhere in regard to what is called the Graves bid. I thought it undignified that the Senate should proceed to investigate what was the occasion or subject-matter of a lawsuit against the Secretary of the Treasury. I pointed out the fact that Mr. Graves had gone into court. I pointed to the fact that Mr. Graves had made serious allegations against the Secretary of the Treasury. I pointed to the further fact that in the litigation the Secretary of the Treasury had replied. I pointed to the fact that the plaintiff had abandoned the litigation. Is that not enough for the Senate? Do you want to invite Mr. Graves to go ahead? Are you not satisfied with his withdrawal of the litigation? Do you want to aid litigation against the officers of your Treasury by stirring up resolutions of inquiry? Are we retained to aid this litigation? No, no, Mr. President, it is unworthy of dignified Senators. Let the lawsuit stand upon its own merits. Let the lawyers of Mr. Graves fight the question in the courts, where both sides can be heard, where Mr. Carlisle can have his day in court. But, notwithstanding the withdrawal of the litigation, notwithstanding the abandonment of it, the resolution is pressed to take the place of great appropriation bills, pressed because it is seemingly of tremendous importance, pressed as though the whole fate of the present Administration was to hang in the balance, dependent on the determination of this investigation.

I put in evidence yesterday the proposal for bids by the Secretary of the Treasury. I answered some of the criticisms which had been made against the proposal. I have investigated the details of this Graves matter a little more thoroughly than I had theretofore. I am now prepared to say that I am perfectly satisfied that the Secretary of the Treasury, so far as Mr. Graves's bid was concerned, absolutely discharged his duty.

The Morgan bid was a full bid for the $100,000,000 of bonds. I will read it:

FEBRUARY 3, 1896.

We hereby propose, under the terms of your circular of January 6, 1896, to purchase United States 4 per cent thirty-year bonds described in said circular of the face value of $100,000,000, and agree to pay therefor at the rate of 110.6877 and accrued interest per $100. We further agree upon due notice of the acceptance of this subscription to deposit the amount thereof in gold coin or gold certificates with the United States assistant treasurer at New York or other cities mentioned in the circular, to be approved by the Secretary of the Treasury in accordance with the terms of said circular.

We desire (registered or coupon) bonds in denominations as stated below, and we wish them to be delivered to us at such places as may be designated after receipt of notice that this proposal has been accepted.

J. P. MORGAN & CO.
THE NATIONAL CITY BANK OF NEW YORK,
By JAS. STILLMAN, *President.*
DEUTSCHE BANK OF BERLIN,
By EDWARD D. ADAMS, *Attorney in fact.*
HARVEY FISK & SONS.

To the SECRETARY OF THE TREASURY.

Coupon.	Registered.
$50	$50
100	100
500	500
1,000	1,000
	5,000
	10,000

It will be observed that this bid was for the full amount of the $100,000,000 of bonds. It being for the full amount, and the greater including the less, it was for every part of the $100,000,000 of bonds. There was no provision, any more than there was in any other bid, that if the full amount of the bid should not be obtained the parties did not want to take a part. The bid, therefore, was for the full $100,000,000 of bonds or, in legal effect, any part of the $100,000,000.

There were 4,641 distinct bona fide bids. The highest accepted bid was 130.8749 for $50 only. In other words, the highest bid was 130 and a fraction for $50 only. The lowest accepted bid was that of Morgan & Co., at 110.6877. It is the lowest accepted bid so far as the Government is concerned. The bid was for the full sum of $100,000,000, and there was first awarded to Morgan & Co. what was left of the bonds after all previous higher bids had been accepted, to wit, $37,915,850. The next highest bid to Morgan's was that of Kidder, Peabody & Co., of Boston, 110.69 for $2,000,000. There were 830 accepted bids, of which 829 were higher than that of the Morgan bid, leaving 3,811 bids lower than that of Morgan & Co.

The Graves bid was for $4,500,000 at 115.3391, which made the rate of interest $3\frac{3}{16}$. When Mr. Graves failed to produce his gold on the day specified in the proposal there were two courses to pursue: Frst, to advertise and sell the bonds again or not advertise and sell them, or else to accept the next highest bid, which was that of Morgan & Co. I did not state that fact yesterday because I had not then examined fully the report recently presented here, not expecting that the debate would be resumed yesterday. It is a fact, not heretofore fully stated to the public, that Morgan & Co.'s bid was the next highest bid for the benefit of the Government, and therefore when Mr. Graves's bid failed, collapsed, forfeited, because he did not produce the gold, the Secretary of the Treasury said he would accept the next highest bid, which was that of Morgan & Co.

There is but one possible criticism to make, and that is that he should have put the bonds up and sold them again. What then would have been the criticism? If the bonds on the resale had not brought as much as Morgan & Co. had bid for them, then it would have been said that Morgan & Co. had bid a hundred million dollars and the Secretary of the Treasury had a right to hold them to it; that he ought to have made them take the bonds at that figure, because their bid was higher than 3,811 other bids. Therefore I am prepared to say that in my humble judgment the Secretary of the Treasury acted wisely, acted discreetly, acted as a business man, acted legally, and that there is no sort of criticism which can be made in regard to his conduct.

When grave Senators propose here to pass a resolution asking for the names of the bidders, as the resolution does, asking information as to the amounts of the bids, asking what the bonds were sold for, I am inclined to ask the Secretary to read, as a part of my remarks, the report which I hold in my hand. If you are going to pass the resolution saying you want that information, you might as well have it now as at any other time. Strike that portion of the resolution out. You do not need it. Here is the information in the book. You can read it. I will reserve, however, that question for the future.

How many bids were there which were forfeited? My friend the Senator from Missouri [Mr. VEST] last evening asked me in regard to that matter, and I was unable to furnish him the exact information. There were only ten forfeited bids, of which Graves's bid was one. The Graves bid, as I have said, was for $4,500,000. The nine other forfeited bids amounted to only $237,000. Those were given to Morgan & Co., because Morgan & Co. were the next highest bidders. I wish to ask the Secretary to read the names of the forfeited bidders with the amounts, because I want the facts to go into my remarks.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Without objection, the Secretary will read as indicated.

The Secretary read as follows:

No.	Subscriber.	Residence.	Amount of bonds.	Price.
19	John L. Farwell, jr	Claremont, N. H	$100	120
25	W. F. Decker	913 Guaranty Loan building, Minneapolis, Minn.	500	114.286
499	Ralph Wise	Otsego, Mich	750	115.67
581	John M. Gallaway	Madison, N. C	300	114
601	George F. Pepper	Philadelphia, Pa	300	120
1795	Rufus R. Humphrey	Churubusco, N. Y	10,000	119.3229
2773	Wm. Graves and associates.	Mills Building, New York	4,500,000	115.3391
3359	C. L. Riker	Newburg, N. Y	50	117.02
3576	Charles Overall	Room 29, Portland block, Chicago, Ill.	110,000	112
3611	Peter Schmidt	Care of Chas. P. Willard & Co., 197 South Canal street, Chicago, Ill.	115,000	111.50
	Total		4,737,000	

Mr. HILL. So, Mr. President, aside from the Graves bid, which was $4,500,000 of itself, instead of there being millions of other forfeited bids, there were only bids to the amount of $237,000—ten in all—and those bids, I say, were properly and legitimately given to the next highest bidders, which were Morgan & Co. There were a few bids thrown out, of which there has been no criticism anywhere. I stated yesterday that I knew of a certain gentleman in my own State who had bid for a large amount of the bonds, and whose bid was thrown out for good and valid reasons. I find that the A. P. A. Daughters, whatever they may be, of Moores Hill, Ind., subscribed for the whole sum of $100,000,000.

The newspapers gave the reasons why these bids were thrown out; and there was also one from Vernon, Tex. Nobody has made any criticism of such action of the Secretary of the Treasury or pretended but what those bids were absolutely fictitious. One of the bidders was insane, and had made a bid when he had not a dollar in the world and was confined in an asylum. Nobody has made any criticism, and there is not any point in regard to such bids; so I will not put them in the RECORD, because it is not necessary to refer to them further. Therefore, resuming my argument on the Graves bid, I say the Graves bid was properly thrown out and the Morgan bid was properly accepted. It will not do for the Secretary of the Treasury to advertise $100,000,000 of bonds and let capitalists make their figures accordingly—Morgan & Co.'s bid being higher for the Government than some 3,000 others—and then, when certain people forfeited their right to secure bonds, to assert that Morgan & Co. should be ignored, or that the bonds should be put up for sale again. We wanted no mock-auction business in regard to this affair. When the Government puts up its bonds, let them be sold to the highest bidders, and such bidders obtained them here. The situation, legal and otherwise, was exactly as though the Graves bid had never been made, and if it had never been made Morgan & Co., being the next highest bidder, would have received the bonds in the first instance.

Now, Mr. President, it may do for the press, which sometimes wants sensational matter—and I do not blame them for it—to talk about the Graves suit. I do not know that I ought to follow this matter up; I do not know that that is necessary, but I want to put in evidence here the affidavit of Secretary Carlisle himself in this litigation, which has now been withdrawn, which details just what sort of a fraud Mr. Graves was. I have already commented on the fact that on the day before he was to fulfill his bond contract he was peddling these bonds around the city of New York, and he could not obtain the amount of his bid for them. On that day the market price of the bonds was considerably less, and he could not get in that great city anybody to take his bid off his hands, and that is the reason he failed; and I have here the affidavit of Mr. Carlisle in this litigation. If we are going to make ourselves a tender to litigation in the District of Columbia; if we are not going to be satisfied with the matter when the complainant is beaten in court and when he withdraws his suit, abandons it, but if we are still going to continue this investigation which is nothing more nor less than persecution, getting up a scandal and throwing mud—if the record which we are making here to-day is to go down to history, let us accompany it with the affidavit of the Secretary of the Treasury in the litigation, which I ask the Secretary to read, so that we may have the whole truth for this fall's campaign.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

[In the Supreme Court of the District of Columbia. No. 39805 at law. The United States, ex relatione William Graves, *vs.* John G. Carlisle, Secretary of the Treasury of the United States.]

AFFIDAVIT OF JOHN G. CARLISLE.

UNITED STATES OF AMERICA, *District of Columbia:*

John G. Carlisle, having been first duly sworn, deposes and says:

On January 6, 1896, a circular was issued by me, as Secretary of the Treasury of the United States, inviting sealed proposals for the purchase of United States bonds. It was stated that "purchasers will be required to pay in United States gold coin or gold certificates for the bonds awarded to them and the interest accrued thereon after the 1st day of February, 1896, up to the time of payment for the bonds." Payments for the bonds were required to be made at the various subtreasuries of the United States by installments as follows: Twenty per cent and accrued interest upon receipt of notice of acceptance of bids and 20 per cent and accrued interest at the end of each ten days thereafter; that all accepted bidders were given the privilege of paying the whole amount at the date of the first installment, and those who had paid all installments previously maturing were allowed to pay the whole amount of their bids at any time not later than the maturity of the last installment.

On January 6, 1896, a circular was issued by me which contained the following:

"The subscriber should state plainly the amount of bonds desired, the price which he proposes to pay, and the place where the bonds should be delivered, which may be at the subscriber's home, or any other convenient place."

Among the proposals received was one from "William Graves and associates."

Said Graves was wholly unknown to the Department, and the facts that he failed to give his street or office address, that the names of his associates were not disclosed, and that the price he proposed to pay for the bonds was considerably higher than responsible and bona fide bidders were offering were sufficient, in affiant's opinion, to justify an inquiry concerning his financial character and standing before disposing of his proposal. Affiant accordingly caused inquiries to be made at once in the city of New York, but no definite or satisfactory information concerning his business or financial standing was obtained, and on the 7th day of February, 1896, affiant caused a telegram to be sent to the assistant treasurer of the United States at San Francisco, inquiring as to the financial standing and responsibility of said Graves, and received on the same day in reply a telegram to the effect that Graves was known very slightly as a promoter or financial agent, but not as a capitalist.

Although the information thus secured was not considered sufficient to show to affiant's satisfaction the ability of the bidder to pay for such a large amount of bonds, yet as he appeared to have been known as a financial agent, and as he professed to have others associated with him in making his bid, it was deemed better not to reject his offer without first giving him an opportunity to comply with the terms of the circular and his bid. Out of abundant caution, therefore, and in order to avoid a possible mistake in a matter of such importance to the bidder and to the Government, a notice of acceptance was mailed. The proposal of Graves and associates was dated "New York City, N. Y." No other address was given. The body of the bid contained the following:

"We desire (registered or coupon) bonds in denominations as stated below, and we wish them to be delivered to us at I. B. Newcomb's, Mills Building, New York City, or Bank of California, San Francisco, Cal."

This was understood to refer alone to the delivery of the bonds at one or both of the places named, as the bidder might decide, if successful, and was not understood to have any reference to the address to which the acceptance of the bid should be sent. There was no "designated office," as stated in paragragh 7 of the petition, to which communications were to be directed.

On the evening of February 9, 1896, being the same day on which the other notices to accepted bidders were mailed, a notice of acceptance was mailed to "William Graves and associates, New York, N. Y.," which was in accordance with the address given in his bid of February 4, 1896.

This letter was received at the post-office in New York on the morning of February 10.

All notices to other bidders were mailed according to the address given in the bid.

The acceptance of this bid was on the printed form used in notifying all other bidders, the only variation being in the filling of blanks in each case according to the bids.

The acceptance contained the following:

"You are therefore requested to deposit with the United States assistant treasurer at New York on or before the 15th day of February, 1896, the sum of $1,038,051.90, which is 20 per cent of the amount of your subscription at the price above named."

And also the following:

"The bonds will be issued only upon receipt by the Secretary of the original certificate of deposit of the assistant treasurer receiving the payments."

A list of the accepted bidders, which included William Graves and associates, was published in the principal newspapers of New York City and of the country generally on the morning of February 9.

Graves knew on Monday, February 10, all the facts which it was necessary for him to know, and which he would have known if he had that morning received the formal acceptance of his bid.

He knew through the newspapers of the acceptance of his bid, as is shown by Exhibit *J* to his petition, in which he says: "Even though the newspapers quoted the accepted bidders, the bank absolutely refused to continue until my notice from you was in hand."

On February 10 he sent to affiant a telegram as follows:

"Bank of California received their bond allotment. Has ours been forwarded? Wire."

To the above telegram an immediate reply was sent, stating that his notification had been forwarded.

On the 11th day of February, which was four days before he was required to make any payment, he received a duplicate of the original letter of notification of allotment.

The statement in the ninth paragraph of the petition that petitioner "immediately upon the receipt of this duplicate notice applied to the Secretary of the Treasury, requesting an allowance of the time lost to him by the negligent act of the Department in misdirecting the original notice of allotment, but that said allowance was declined by said Department through a telegram received by your petitioner on the 15th day of February, 1896," is false.

The first application for an extension was made February 13, at 12 m., through Mr. Nailor, of Washington.

At the same time Mr. Nailor presented a letter which was written to him by William Graves from New York on the 12th day of February, 1896, which is as follows:

"WALL STREET, MILLS BUILDING, NEW YORK.

"MY DEAR MR. NAILOR: I am among the fortunate bidders for $4,500,000 Government fours, and I am going to carry my negotiations to an issue, and of course every day counts, and I want this favor from some one to Secretary Carlisle:

"First. Because all bids were supposed to have been forwarded on Saturday last or Sunday and due here Monday. My notice I did not receive, and on Monday I wired, but got no answer until the following day (Tuesday). Gold advanced, the bonds sold for less, and my notification of acceptance marked 'duplicate' came wrongly addressed, and it found me yesterday p. m., but only after my advising the letter carrier, whom I know, to hunt it for me; and I have the envelope to prove its clerical error. In view of this fact I am behind nearly two days, and quotations prove my loss to be at this writing over $30,000.

"I am, however, prepared to carry the loss and pay my deposit of, say, one million and over on Saturday.

"But I want all this explained to Hon. J. G. Carlisle by you in person if you will do so, and ask him to wire or write this extension until Wednesday, 11 a. m., for me to make my 20 per cent payment if I desire the privilege; but I am, however, prepared to meet any bid as required under circular of January 15, 1896.

"Kind regards to you and yours.

"Most sincerely, WILLIAM GRAVES."

It appears from this letter, first, that petitioner was asking a favor; second, that he was a mere speculator and did not have the gold to carry out his contract, but was dependent upon hawking his bid about on the market; third, that he did not apply immediately upon receipt of the duplicate notice for an extension, as stated in paragraph 9 of his petition, but waited until the next day, and then wrote to Mr. Nailor and made his application through him; fourth, that, according to his own assertions, he had not suffered by not receiving the notice so far as impairing his ability to carry out his contract was concerned, but only as a speculator, for he distinctly says that, notwithstanding what had happened, "I am, however, prepared to carry the loss and pay my deposit of, say, $1,000,000 and over on Saturday." * * * "I am, however, prepared to meet my bid as required under circular of January 15, 1896."

No extension was promised or granted.

On February 13, 1896, said Graves wrote to affiant stating that he had heard from Mr. Nailor; that he had gone to the subtreasury that day preparatory to depositing the 20 per cent in accordance with his bid, and asking that the bonds be delivered to the subtreasury to be given to him upon anticipated payments being made, including the first 20 per cent payment.

Thus, after failing to get an extension of time, petitioner next sought to have the contract so modified that the bonds should be delivered in New York before any payment had been made.

To this letter, which was received February 14, 1896, an immediate answer was sent as follows:

"Letter received. Bonds are issued only upon receipt at this office of the original certificate representing payment therefor."

During the morning of the day the first installment of 20 per cent was due, February 15, 1896, Mr. Graves made another application, by telephonic message, for an extension of the time. To this request a reply by telegram was sent immediately as follows:

"Application for extension is declined by Department."

Said Graves sent to affiant a telegram, which was received at 11.50 a. m. February 15, 1896, which is as follows:

"Under your circulars of February 6, 9, and 15 you say 20 per cent may be deposited for the first payment by subscribers to the new bonds. Reserving this privilege as you do without demanding this payment, we tender you this proposition, agreeing to deposit 20 per cent toward a subscription to any and all bonds which may be considered by you a default on this date, our bid being $1.13¾, giving you satisfactory financial indorsements by Wednesday, February 19, 1896, of our ability to fulfill this agreement.

"WILLIAM GRAVES AND ASSOCIATES."

This telegram is withheld and not mentioned in the petition.

As appears above, Graves had been fully advised that his bid would have no effect if he failed to pay the first installment on or before February 15. He knew that all bids on bonds not thus consummated would be regarded as in default. With knowledge of these facts he, in the above telegram, made a new bid on all the bonds which affiant might consider in default, which included his own, and he thus bid a premium of 13¾ per cent upon bonds which had been awarded to him at a premium of 15.3391 per cent.

Graves did not make any deposit on this new bid, but asked until Wednesday, February 19, to give satisfactory financial indorsements.

No notice was taken by the Department of this second bid, and subsequent communications by Graves in regard to it, for the reason that according to the terms of the circular under which the bonds were offered to the public the time for receiving bids had expired on February 5, 1896, at 12 o'clock m., and no bids made or received after that time had been or could be properly considered. Bids had been made in good faith by responsible parties within the designated time, and in accordance with the terms of the circular, for the whole of the proposed loan, and the Department had in every case declined to consider any bid which was not so made.

After making his second bid, Graves, on February 15, wrote a letter to affiant, a copy of which is Exhibit H to the petition. Having failed to get the time for payment extended, having failed to procure the bonds to be sent to New York before he deposited the gold, he, in the letter last referred to, undertook to predicate a right under his original bid upon alleged clerical errors and delays in the Treasury Department, and to reenforce his claim by insinuations and threats.

In paragraph 11 of the petition it is stated that the telegram of February 14 above set out, a copy of which is made Exhibit I to the petition, was in reply to the petitioner's letter of the following day, February 15. The letter was written February 15, and was not received in Washington until February 16, whereas the telegram referred to was sent and was received by Graves on February 14, and was in reply to his letter of February 13, asking that the bonds be sent in advance of the deposit of the gold.

In paragraph 12 of the petition it is said that on February 15, 1896, petitioner notified the Department by letter that he did not want or desire an extension of the time within which to comply with his bid, informing the Department that the gold had been provided by him on the Saturday preceding with which to meet and pay the installment on his allotment. What purports to be a copy of this letter is attached to the bill, marked Exhibit J. In addition to suppressing and falsifying material portions of the history of this transaction, as above set forth, said Graves in his petition imposes upon the court a garbled letter. His letter of February 15 as it appears in Exhibit J and his letter as it really was are here set out in parallel columns.

EXHIBIT J.	ORIGINAL LETTER.
My subscription to $4,500,000 of the new Government bonds was made in good faith, and I am prepared to live up to the letter of the transaction.	My subscription to the sum of $4,500,000 bonds was made in good faith, and I am prepared to live up to the letter of my bid.
Deliver me the bonds and I will pay for them as agreed. I received a telegram to-day as follows, sent from Washington at 11.14 a. m.: "Application for extension is declined by Department." "(Signed) W. E. CURTIS, *"Assistant Secretary."*	Deliver me the bonds and I will pay for them as agreed. I inclose to Mr. Nailor the sealed letter from you that you may see it, because of this delay, caused by a clerical error, I could not get my gold from the Bank of California, to whom I refer you, until I produced the letter of acceptance from you; then the bonds went down and I could not collateral them at the price, and I was on the market as a borrower. To-day I received a telegram signed W. E. Curtis, Assistant Secretary, as follows, sent at 11.14 a. m.: "Application for extension is declined by Department."
Now, I do not want an extension, neither do I ask for it; but I think it due by law and equity that one person be given equal chances with another, and that I be made good financially and because of the forfeit of my good name in not taking my bonds, because of a clerical error on your part in not properly addressing my letter.	Now, I do not want an extension; I simply want the time made good to me which was lost by this error, and in law and equity I am entitled to it, and I know you will not want the Government to lose $239,000, which is the sum of money I pay in excess of other bids, unless you sell them in open market. I refer you to the Bank of California of this city, to Seligman & Co., Von Hoffman & Co., Ladenburg, Taalman & Co., and others, as an evidence of my ability to carry this transaction to an issue, and the Bank of California refused to continue on Monday until I presented my letter from you.
	Now, my honorable Secretary, do not allow the Government to lose this just sum; do not allow me to lose my good name because of my failure to meet conditions over which I had no control—namely, the drop in values after your notice came to hand, but on the other hand give me what you are in a position to, in justice, allow and believe me, Very truly, yours.

It appears from his genuine letter that he could not get the gold in the Bank of California until he produced a letter of acceptance from affiant; that at the time he received the letter the bonds had gone down so that he could not use them as collateral at the price he had bid; that he was on the market as a borrower, and that what prevented him from complying with his bid was "the drop in values after your (my) notice came to hand."

In the thirteenth paragraph petitioner states that on the 17th day of February he learned of a move by the Treasury Department to deprive him of his allotment of bonds, and that he sent a written protest against it, a copy of which is set out as Exhibit K. The last sentence of this protest is as follows:

"I protest against any such action, if contemplated, and I demand the right to have the offer made by Graves and associates considered favorably if the bid is above others at hand."

The above statement that this protest applied to the original allotment of bonds to petitioner is palpably false. The closing sentence of the protest above quoted shows that Graves referred to his bid of $1.13¾, made by telegram of February 15, for all bonds upon which there had been a default.

This further appears from a letter sent to affiant by Graves, as follows:

"NEW YORK, *February 17, 1896.*

"I forwarded your Department a telegraphic offer on Saturday morning, which I now verify by mail, with the correction by substitution of January, the error being that we mentioned February, in speaking of circulars, the 6th, 9th, and 15th, 1896. We shall be pleased to have this proposition entertained by your Department that we may enter into further negotiations should it meet with favor."

This letter also was suppressed by petitioner in his statement of facts. It shows that on February 17 petitioner was insisting on his second bid on the bonds upon which he had defaulted on his first bid.

To this letter affiant made no reply. Petitioner then, on February 18, and not on February 17, as is falsely set out in paragraph 13 and Exhibit L of the petition, sent a telegram to affiant, as follows:

"Will you accept payment for the bonds allotted to me? Kindly wire answer."

On the same date, February 18, he wrote to affiant a letter, as follows:

"Mr. Thalman, of Ladenburg, Thalman & Co., of at your Treasury Department in this city on Saturday a. m., the 15th, to deposit the gold for payment of 20 p. c., in full for allotment of bonds due under your acceptance of our bid for $4,500,000. I wired you this day, which I now confirm, 'Will you accept payment for bonds allotted to me? Wire answer.'"

In the fifteenth paragraph of the petition it is stated that on February 18, 1896, petitioner sent a telegram to affiant, saying that Ladenburg, Thalman & Co. had offered to deposit gold in the subtreasury at New York City in accordance with the terms of petitioner's bid, and that such offer had been refused. The telegram referred to was sent on February 19, and not on February 18; but said Graves carefully refrains from averring in his petition that any such offer to deposit gold was in fact made, as is falsely stated in said telegram. Affiant is informed and believes that the said parties did not offer the subtreasury any gold on account of the Graves allotment, but proposed as a condition to their depositing any sum whatever on his account that the assistant treasurer at New York should accept from Graves a power of attorney for them to indorse Graves's name on the certificates of deposit. This would have been in effect a transfer of the entire bid, which was contrary to the regulations of the Department and to its practice in all cases, and the proposal was therefore properly declined.

In the said paragraph 15 petitioner says that on the same day he wrote to affiant in relation to said bid, referring to his original bid and the delivery of the gold to be paid for the bonds. This averment is untrue, for the letter written by him on February 18 has reference to his bid by telegram for bonds upon which there had been a default, and not to the bid upon which he said he offered to make the deposit and upon which all of his alleged rights are predicated.

Affiant is informed and believes that the statement made in paragraph 17 of the petition, that petitioner on March 31, 1896, made a tender to the subtreasury at New York, is absolutely false. He may have said that he would pay the gold upon the production of the bonds, but affiant is informed and believes that he made no tender at any time.

Affiant further states that the averment made in paragraph 18 of the petition that petitioner was at all times after he was notified of his allotment of bonds ready, willing, and able to pay for said bonds according to the terms and conditions of his said bid under the circular letters of the Treasury Department is not true, and that it is not true that he had the gold ready to pay into the subtreasury in accordance with the terms of his bid; that it is not true that he at any time made a tender in payment of any installments due under his bid.

Affiant says it is untrue that the action of the Treasury Department in any of the matters relating to the transaction with petitioner was for the purpose of hindering or preventing petitioner from carrying out his bid, and says that the only thing that prevented petitioner from getting his bonds was that he did not comply with his contract.

According to the terms of the circular under which his bid was made, the first installment of 20 per cent and accrued interest was required to be paid "upon receipt of notice of acceptance of bids," and if his bid was in fact made in good faith he of course expected to comply with that requirement. By the terms of the notice of acceptance sent to him, however, the time of payment was extended until and including the 15th of February, 1896,

notwithstanding which he failed to make any deposit whatever on account of his bid.

Affiant further says that the statement in paragraph 19 that the requirement that petitioner deposit gold in the subtreasury at New York, and transmit the original certificate of such deposit to the Treasury Department at Washington was and is a requirement not exacted of other bidders, is untrue.

Affiant further states that the averment in paragraph 20 of the petition that certain allotments of said bonds were sent to New York, and that in this certain bidders were favored, is untrue. It is not true that any bonds were sent to the subtreasury in New York and were there delivered as the gold was deposited.

The statement in paragraph 21, that the Treasury Department accepted assignments of bids and powers of attorney in case of other successful bidders, is untrue.

The statement in paragraph 22, that the Secretary of the Treasury could not impose reasonable conditions for the forfeiture of bids on account of noncompliance with them within a stipulated time, ignores the whole purpose for which the loan was undertaken. It was necessary that the loan should be successfully carried through. This could not be done unless a time was fixed for payment, with a condition that the rights of accepted bidders should be forfeited by noncompliance. It was necessary that the loan should be carried through in such a way as to prevent gold already in the Treasury from being drawn out of it. It was desirable that the loan should be as widely distributed as possible and among bona fide bidders. None of these ends could have been accomplished if persons had been permitted to bid with no limitations as to time for making payments, thus being enabled to keep the Government from realizing on the loan except at their pleasure and turning the whole scheme into a mere speculation.

The statement in paragraph 24, that there are still in the Treasury Department, of the said issue of bonds undelivered and undisposed of, an amount of bonds exceeding $5,000,000, is untrue. All the bonds of said one hundred-million-dollar issue have been sold to bona fide purchasers, in accordance with the terms of the circulars offering the bonds to the public and the bids made thereunder. Some bonds have not been delivered to the purchasers, but all of them were disposed of before this petition was filed and became the property of bona fide purchasers who have the right to demand their delivery upon paying installments not yet due.

JOHN G. CARLISLE.

Sworn to before me and subscribed in my presence this 24th day of April, 1896. ———, *Notary Public.*

Mr. HILL. Mr. President, no Senator around this circle need hereafter complain that he wants any further information in regard to the details of the Graves bid and the litigation which followed. The affidavit of the distinguished Secretary of the Treasury explains the whole case and leaves not a single particle of ground upon which to predicate the suit. I do not know that Senators who favor the resolution will still be satisfied. I suppose they are disappointed that Mr. Graves has not continued that litigation. I suppose that the next thing in order will be a resolution requesting Mr. Graves to institute his suit again for the benefit of the Senate and the country.

Mr. President, it is a miserable, contemptible proposition here to propose to have an investigation involving a recently pending litigation with the Secretary of the Treasury. There is nothing of the Graves business, there never has been; there is nothing of this whole bond business, there never has been, that is not as clear as the sunlight of heaven. Senators may differ with the Secretary about the silver question. That is another matter. But so far as the bond transaction was concerned there never was the slightest ground for an investigation, except to gratify curiosity, to gratify venom, to gratify spite, because the Secretary of the Treasury was what was called a "gold bug."

Now, Mr. President, I am not alone in this view of the case. I want to read from the Philadelphia Inquirer, a leading Republican paper of Philadelphia, and the organ of the distinguished Senator from Pennsylvania [Mr. QUAY], a recent candidate for the Republican nomination for the Presidency. [Laughter.]

IS THE LOAN A FAILURE?—WHERE THE RESPONSIBILITY RESTS.

It is evident that the bond question is going to be thoroughly ventilated in Congress. Mr. TILLMAN's effort to secure an investigation—

The editor has got Mr. TILLMAN mixed with Mr. PEFFER. In the light of recent developments I do not wonder at it.

Mr. TILLMAN's effort—

It should be, of course, Mr. PEFFER's effort—

to secure an investigation of the various issues has been followed by a somewhat similar resolution offered by—

I strike out the offensive term and will not read it—

Mr. LODGE of Massachusetts. The fact that the Administration has handed over to the Morgan syndicate almost $5,000,000 in bonds bid for by other parties has given an impetus to the inquiry. The other parties failed to come to time. True, an investment company of New York has offered to take these bonds at a better rate than the Morgan syndicate, but Secretary Carlisle would not have been justified in accepting that offer. A certain day was fixed for bids. The bids were offered and the awards were made. The Government, if it is to keep faith, can not go outside of those bids. Therefore it is not to be criticised for handing over the $4,700,000 to the Morgan people.

There may be a field for investigation in the fact that the Administration entered into a secret negotiation with the syndicate for the disposal of the last fifty-million-dollar issue, but what is of much more to the point now is whether the one-hundred-million-dollar loan is going to prove a failure. Gold is being withdrawn from the Treasury at an average rate of something like $1,000,000 a day. This proves conclusively that the bonds are being paid for by gold being taken out of the Treasury. Of course the Administration can not be held responsible for that. What it is responsible for is its advocacy of a low-tariff measure, which has reduced the revenue of the Government to such an extent that it is more than exhausted by the expenditures. Having arrived at a point where the Government can not pay its bills without borrowing, these bond issues became necessary. The President in this latest issue certainly has conformed to the law, but the party of which he is the leader will be responsible if this loan is a dire failure.

That is, in my judgment, the public estimation of the bond transaction. The Graves bid can not hereafter cut any serious figure in the discussion of the question.

I have already commented upon the fact that investigations should not be inconsiderately ordered or ordered upon light or trivial reasons. I have given some samples which have been sent to me. I have stated that the tendency of the times is toward the investigation of every conceivable thing; that if the Senate is to investigate every subject upon the bare suggestion of a Senator there is no telling what would soon be investigated. I will read a letter showing that when the Senator from Kansas is encouraged to offer resolutions of investigation other people are encouraged to ask them also, and when the Senate proposes to treat such resolutions seriously it will be overwhelmed with similar applications of all kinds:

[Woman's Christian Temperance Union of the State of New York.]

OFFICE OF THE PRESIDENT,
217 WEST ONE HUNDRED AND THIRTY-FOURTH STREET,
New York, April 6, 1896.

DEAR SIR: My attention has been drawn to the removal of Governor Hughes, of Arizona. Governor Hughes, I am informed, has always stood for the best interests of temperance and morality, and I respectfully ask that you will urge a thorough investigation into the causes of his removal.

With respect, I am, very truly, yours,

MARY T. BURT,
President W. C. T. U. of the State of New York.

Hon. DAVID B. HILL,
Senate Chamber, Washington, D. C.

Mr. President, the precedent will be set here that every time an important public and official transaction occurs it must be investigated by a committee, no matter whether there is any ground for it or not, no matter whether there is any good reason for it or not. Everything which we do is to be subject to investigation at the caprice, the whim, the desire of a Senator.

I have some other resolutions which have been forwarded to me, disapproving of the present action which I am taking, and it is in justice to those people, as well as my sense of fairness, that I think they ought to go upon the record of the Senate:

BROOKLYN, *February 29, 1896.*

SIR: The inclosed resolutions were adopted at a meeting of Anti-Trust Legion of America, held last night at headquarters, 503 Fifth avenue.

Yours, truly,

H. V. MONAHAN,
President Anti-Trust Legion.

Senator D. B. HILL,
Senate Chamber, Washington, D. C.

That comes from a suspicious place—"Fifth avenue," Brooklyn, as headquarters of the Anti-Trust Legion of America. The elaborate and high-sounding name reminds me of a church up in my own part of the country; it is that of the African-American Methodist Episcopal Zion Church of the United States of North America and elsewhere. [Laughter.] I will ask the Secretary to read these resolutions to see the difficulties, the labors, which the Anti-Trust Legion of America are involved in, the difficulties which confront the American people, the things that ought to be investigated, and the concluding trifling matter of censure of myself.

The PRESIDING OFFICER. Without objection, the Secretary will read as indicated.

The Secretary read as follows:

Whereas an attempt has been made to give up a portion of our public streets (known as the Bridge plaza) for the use of a favorite railroad corporation, the cost of the same to the people being about $1,000,000, we desire to know by what authority our worthy mayor has given away our property, and by what authority Messrs. Howell and Keeney, bridge trustees, should present to Messrs. Howell and Keeney (the same gentlemen), stockholders in the Brooklyn Heights Traction Company, the plaza, the property of the people.

Whereas Mr. Uhlmann, president of the Brooklyn Union Elevated Railroad Company, the deepest watered stock corporation in this city (so heavily watered it can not or will not pay its lawful taxes), sold to our officials a certain charter known as the East River bridge charter, given him by our legislators to build a bridge, which he made no attempt to build, and he now has another charter ready to sell the city, presumably, for $300,000 more of the people's money, will Mr. Uhlmann permit the inquiry, How many charters has he got from our politicians, and if this new industry is likely to be operated by all the watered stock and political gentlemen in our city, the object being to increase their personal bank account by emptying the people's treasury?

Whereas the whole system of trusts are devouring the substance of the people, especially the Morgan bond trust, Morgan coal trust, railroad trusts, sugar trust, beef trust, Standard Oil trust, and the dozens of other trusts, it is absolutely necessary the people, their ministers of all denominations, and the independent press combine in self-defense against the trusts.

Whereas it is plainly evident Wall street has a more than friendly interest in the White House; their relations should be rigidly investigated, and the attempt of Senator D. B. HILL to cover up the tracks of the bond trust we strongly condemn, and, as his constituents, call on him to support the motion to investigate the bond scandal or resign his seat in the United States Senate, because he misrepresents the people of this State.

Resolved, That not one foot of our streets be given to any railroad company. A lease of twenty-one years at a reasonable rental should be given until the people are prepared for municipal ownership of railroads.

Resolved, That under no consideration should our city establish the principle of giving Mr. Uhlmann and his partner politicians who championed his bill a charter this year, the object being to buy it back next year for $200,000.

Resolved, That the whole system of trusts is dishonest, immoral, and un-American, and must give way before the advancing tide of popular disapproval, to the end that the whole people be no longer beasts of burden for a very few favored gentlemen.

Resolved, That the persistent attempts to loot our depleted treasury before consolidation by Brooklyn's present officials should receive the condemnation of the people. Mayor Wurster, will you kindly say what is the amount of burglaries committed in Brooklyn in one year? It seems to us they must be considerably less than $500,000, while the plaza job and bridge franchise job amount to $1,200,000, and the other watered-stock jobs in Brooklyn to a few millions more yearly. We employ about 1,700 policemen in the attempt to save the $500,000. Why not employ policemen to save the $1,200,000? They could be placed at the doors of all the watered-stock gentlemen and their political allies to warn the people against the nature of their business, as is done with other places of questionable character.

Resolved, That copies of these resolutions be furnished President Cleveland, Senator HILL, Mayor Wurster, and the independent press.

We simply ask the people to investigate these resolutions for themselves as to whether they are true or untrue.

Mr. HILL. There is a most delightful mixture of investigation of Brooklyn bridges, Brooklyn bonds, Brooklyn burglaries, trusts of all kinds in the United States, including a censure upon myself. There is a great field for this Anti-Trust Legion of America, but it is that sort of a feeling and sentiment that the United States is truckling to. It is the Populist sentiment which is being encouraged—a sentiment which is clamoring against capital, whether capital is acquired properly or improperly. It is an effort to antagonize men of wealth; it is an effort to denounce men who have accumulated property or men who have obtained public position. We are simply fooling with fire here when we attempt to set this example, clamoring against your Secretaries of the Treasury and other public officials when there is no reason for it and when there is no ground for it.

I have introduced the last two communications in order to show whither we are drifting, what precedents we are setting here, and how ridiculous is the attempt to make serious allegations out of this bond matter that could not stand investigation a single hour in any court. Do you want another spectacle of the utter failure and collapse of your investigation like the sugar investigation, which simply cast discredit over the Senate in the estimation of the people and disclosed little or nothing? Do you want to have an investigation as was proposed by the Senator from Nevada [Mr. STEWART] a short time ago, to investigate every Senator who owned national-bank stock? And that was deemed worthy of discussion and worthy of consideration for a day or so here in the Senate of the United States! The next thing you will want will be to investigate those who own mining stock.

Mr. President, how ridiculous this whole performance is and how unworthy of men who are competent to be Senators of the United States. If there is any matter presented that in good faith requires investigation I am the last one to oppose it. We can always find enough trumped-up charges lying around loose without seeking to investigate matters in which there is really nothing.

Mr. President, there is nothing new in these accusations in regard to bond issues. Similar accusations occurred during all the resumption and refunding periods of the past. Senators have forgotten the fact; the public press seems to have forgotten it; the people seem to have forgotten it. There were syndicates in those days as there are syndicates now, and necessarily or inevitably so. There is nothing about a syndicate that requires any special explanation. A syndicate is simply a number of men having moneys to invest making an agreement to make a common bid or to take a common action. It is the same thing as a number of laboring men organizing a trades union and operating together for the common benefit; that is all. A syndicate of capitalists is nothing more nor less than a syndicate of workingmen who put their labor in common with each other. If labor has a right to combine—and I say it has—capital has a right to combine, too. I believe in the personal liberty of a citizen. I believe in the right of men to organize and act together as one man, legitimately, properly, within reasonable bounds; and when you attempt to stifle the spirit of liberty you aim a blow at your free institutions.

But you would think from the remarks of Senators that there never had been a syndicate in the United States until a syndicate was organized under the Cleveland Administration. Such is the ignorance displayed that men now ask what is this syndicate? Who are Morgan & Co.? Some people have forgotten about the syndicates that we had during the period of resumption and refunding. Some people imagine, and some Senators imagine, that syndicates are something new, an invention of the present Administration; something that has come into life and prospered under the present Democratic National Administration. It is not so. There were syndicates for the purchase of Government bonds during the war. There were syndicates organized in the resumption period and the refunding period of our history. There always have been. Sir, but for these organizations of capitalists I do not know what this Government would have done during its war period.

Mr. President, for the purpose of showing to the country at large that syndicates are not new, that they are not something that Mr. Cleveland has invented, that they are not something that Mr. Carlisle has invented, to aid the gold policy, but that they are something which existed heretofore, that they occurred after the war, I wish to put in evidence a few contracts made years ago. I am going to ask the Secretary to spell me a little while, and I will put in an early contract, dated August 24, 1876, which I wish the Secretary to read.

The PRESIDING OFFICER. Without objection, the Secretary will read as indicated.

Mr. PEFFER. I object to the reading of the contract.

The PRESIDING OFFICER. Objection being made, the question will be submitted to the Senate.

Mr. PEFFER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Cockrell,	Martin,	Sherman,
Allison,	Cullom,	Mitchell, Oreg.	Shoup,
Bacon,	Daniel,	Mitchell, Wis.	Squire,
Baker,	Dubois,	Morgan,	Stewart,
Bate,	Gallinger,	Nelson,	Teller,
Berry,	George,	Pasco,	Tillman,
Blackburn,	Gorman,	Peffer,	Turpie,
Blanchard,	Gray,	Perkins,	Vest,
Brice,	Hill,	Pettigrew,	Vilas,
Butler,	Jones, Ark.	Pritchard,	Walthall,
Caffery,	Jones, Nev.	Pugh,	Wetmore,
Call,	Kyle,	Quay,	White,
Cannon,	Lodge,	Sewell,	Wolcott.

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. A quorum of the Senate is present. The Chair will state for the information of the Senate that the Senator from New York requested the reading of a paper, to which the Senator from Kansas [Mr. PEFFER] objected. The Chair will have the rule in relation to the matter read.

The Secretary read Rule XI, as follows:

When the reading of a paper is called for, and objected to, it shall be determined by a vote of the Senate without debate.

The PRESIDING OFFICER. The question is, Shall the paper be read?

Mr. TELLER. What is it? We would like to know what the paper is.

The PRESIDING OFFICER. The Senator from New York will state what the paper is.

Mr. HILL. I will explain it, if the Senator from Colorado desires. I was commenting upon the fact, in the course of my discussion, that charges and accusations made against syndicates were nothing new; that syndicates had occurred before in the history of the country; that they had existed all during the refunding period and the resumption period. In proof of that statement I produced one of the first contracts, which was made with Morgan & Co. and others, of London, by the Secretary of the Treasury, and asked the Secretary to read the contract. Objection was interposed. The Senator from Kansas [Mr. PEFFER] asked for a call of the Senate. That is the question before the Senate. I will not trouble the Secretary to read the contract. I will read it myself.

Mr. GRAY. Let the Secretary read it.

Mr. HILL. I will read it.

Mr. GRAY. Question!

Mr. HILL. Senators suggest that I let the question be voted upon. I will do so.

The PRESIDING OFFICER. The question is, Shall the paper be read by the Secretary?

The question having been decided in the affirmative, the Secretary read as follows:

CONTRACT DATED AUGUST 24, 1876, BETWEEN THE SECRETARY OF THE TREASURY (HON. LOT M. MORRILL) AND MESSRS. N. M. ROTHSCHILD & SONS ET AL.

[NOTE.—This contract was in force at the beginning of Secretary Sherman's administration of the Treasury Department.]

No. 1.

This agreement, entered into this 24th day of August, in the year of our Lord 1876, between the Secretary of the Treasury of the United States of America, of the first part, and Messrs. August Belmont & Co., of New York, in behalf of Messrs. N. M. Rothschild & Sons, of London, England, and associates, and Messrs. J. & W. Seligman & Co., of New York, for themselves and associates, and Messrs. Drexel, Morgan & Co., on behalf of Messrs. J. S. Morgan & Co., of London, England, and Messrs. Morton, Bliss & Co., of New York, representing the First National Bank of the City of New York, the American Exchange National Bank of New York, the Merchants' National Bank of New York, the Third National Bank of New York, Messrs. Kuhn, Loeb & Co., of New York, the Bank of New York National Banking Association, and Messrs. Morton, Rose & Co., of London, and themselves, of the second part:

Witnesseth: That the said Messrs. August Belmont [& Co.], of New York, on behalf of Messrs. N. M. Rothschild & Sons and associates, hereby agree to purchase from the Secretary of the Treasury $16,500,000 of the United States bonds known as the 4½ per cent funded loan of 1891, issued under the acts of July 14, 1870, and January 20, 1871; and that Messrs. J. & W. Seligman & Co., for themselves and their associates, hereby agree to purchase from the Secretary of the Treasury $6,750,000 of the bonds hereinbefore described; and that Messrs. Drexel, Morgan & Co., on behalf of Messrs. J. S. Morgan & Co., of London, England, hereby agree to purchase from the Secretary of the Treasury $6,750,000 of the bonds hereinbefore described; and that Messrs. Morton, Bliss & Co., of New York, representing the First National Bank of the City of New York to the extent of $4,000,000, the American Exchange National Bank of New York to the extent of $1,050,000, the Merchants' National Bank of New York to the extent of $600,000, the Third National Bank of the City of New York to the extent of $750,000, Messrs. Kuhn, Loeb & Co., of New York, to the extent of $1,050,000, the Bank of New York National Banking Association to the extent of $300,000, Messrs. Morton, Rose & Co., of London, to the extent of $1,125,000, and Messrs. Morton, Bliss & Co., of New York, to the extent of $1,125,000, hereby agree to the extent severally for each as above stated, to purchase from the Secretary of the Treasury $10,000,000 in the aggregate, of the bonds hereinbefore described, making a total aggregate of $40,000,000, upon the terms and conditions following, to wit:

First. Of the said aggregate amount not less than $10,000,000 are hereby subscribed for, the subscription to take effect on the 1st day of September, 1876, and the remaining amount, namely, $30,000,000, may be divided at the pleasure of the parties of the second part into several successive subscriptions of not less than $5,000,000 each, to be made prior to the 4th day of March, 1877.

Second. The parties of the second part shall have the exclusive right to subscribe, in the same proportion to each of the subscribers, for the remainder, namely, $260,000,000, or any portion of said loan authorized to be issued by the acts of Congress aforesaid, by giving notice thereof to the Secretary of the Treasury on or before the 30th day of June, 1877; but the party of the first part reserves the right to terminate this contract at any time after March 4, 1877, by giving ten days' notice thereof to the parties of the second part.

Third. That the Secretary of the Treasury shall, when subscriptions are made by the said parties of the second part, issue calls with even date with said subscriptions, for the redemption of an equivalent amount of 6 per cent 5-20 bonds of the United States, as provided by said act of July 14, 1870.

Fourth. The parties of the second part agree to pay for said 4½ per cent bonds par and interest accrued to the date of application for delivery of said bonds in gold coin, matured United States gold-coin coupons, or any of the 6 per cent 5-20 bonds called for redemption, or in United States gold certificates of deposit issued under the act of March 3, 1863, with the understanding that payment to the extent of the amount of any call shall be made within the time during which such call shall mature: *Provided*, That if the parties of the second part shall elect so to do, they may have the privilege of making any of said subscriptions payable specifically in uncalled 6 per cent 5-20 bonds of the United States, in which case the Secretary of the Treasury may, to the extent of such payments, omit the calls mentioned in condition No. 3.

Fifth. The parties of the second part shall receive in coin a commission of one-half of 1 per cent on all bonds taken by them, as allowed by the act of July 14, 1870, and shall assume and defray all expenses which may be incurred in sending bonds to London upon their request or by transmitting bonds, coupons, or coin from there to the Treasury Department at Washington, including all cost of making exchange of bonds, and shall also be charged with the preparation and issuing of the bonds.

Sixth. No bonds shall be delivered to the parties of the second part, or either of them, until payment shall have been made in full therefor in accordance with the terms of this contract.

Seventh. During the continuance of this contract any sales of bonds ordered by the Secretary of the Treasury, by authority of law, except those that it may become necessary to sell to pay judgment of the Court of Commissioners of Alabama Claims, shall be made to the parties of the second part, who shall be allowed thereon a commission of 1 per cent in gold coin. And it is provided that the amount of bonds so ordered shall not exceed in the aggregate $25,000,000, unless by mutual agreement of the parties.

LOT M. MORRILL,
Secretary of the Treasury.
AUG. BELMONT & CO.,
On behalf of N. M. Rothschild & Son, London.
J. & W. SELIGMAN & CO.,
On behalf of Seligman Bros.
DREXEL, MORGAN & CO.,
On behalf of Messrs. J. S. Morgan & Co., of London.
MORTON, BLISS & CO.,
For Themselves and Associates, as named above.

Mr. SHERMAN. I do not know whether the Secretary so read it or whether it is stated that that contract was made by me. It was not made by me. It was made by my predecessor, Lot M. Morrill.

Mr. HILL. It was made by Mr. Morrill.

Mr. SHERMAN. It was substantially renewed in the same terms, I think, the year following for a short time. It only lasted during the period of that season.

Mr. HILL. That is correct. I now ask the Secretary to turn to page 61 and to read the contract to be found there.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

CONTRACT OF JUNE 9, 1877.

This agreement, entered into this 9th day of June, 1877, between the Secretary of the Treasury of the United States of the first part, and Messrs. August Belmont & Co., of New York, on behalf of Messrs. N. M. Rothschild & Sons, of London, England, and associates and themselves; Messrs. Drexel, Morgan & Co., of New York, on behalf of Messrs. J. S. Morgan & Co., of London, and themselves; Messrs. J. & W. Seligman & Co., of New York, on behalf of Messrs. Seligman Bros., of London, and themselves; Messrs. Morton, Bliss & Co., of New York, on behalf of Messrs. Morton, Rose & Co., of London, and themselves, and the First National Bank of the City of New York—

Witnesseth: That the said Messrs. August Belmont & Co., on behalf of Messrs. N. M. Rothschild & Sons and associates and themselves, hereby agree to purchase from the Secretary of the Treasury $10,312,500 of the bonds known as the 4 per cent consols of the United States, issued under the acts of July 14, 1870, January 20, 1871, and January 14, 1875; and that Messrs. Drexel, Morgan & Co., on behalf of Messrs. J. S. Morgan & Co. and themselves, agree to purchase $4,062,500 of said bonds; and that Messrs. J. & W. Seligman & Co., on behalf of Messrs. Seligman Bros. and themselves, agree to purchase $4,062,500 of said bonds; and that Messrs. Morton, Bliss & Co., on behalf of Messrs. Morton, Rose & Co. and themselves, agree to purchase $4,062,500 of said bonds; and that the First National Bank of the City of New York agree to purchase $2,500,000 of said bonds, making a total aggregate of $25,000,000 of said bonds, on the terms and conditions following:

First. Of the said aggregate amount not more than $5,000,000 shall be sold for resumption purposes, the remaining $20,000,000 to be sold for funding purposes and subscribed for by the parties of the second part during the months of July and August, 1877.

Second. The parties of the second part shall have the exclusive right to subscribe in the same proportion to each of the subscribers for the remainder of the 4 per cent consols of the United States, or any portion of said consols, authorized to be issued by the acts of Congress aforesaid, by giving notice thereof to the Secretary of the Treasury on or before the 30th day of June, 1878; but the party of the first part reserves the right to terminate this contract at any time after the 31st day of December, 1877, by giving ten days' notice thereof to the parties of the second part.

Third. That the Secretary of the Treasury shall not sell for resumption purposes exceeding five millions per month during the continuance of this contract, except by mutual agreement of the parties hereto. When subscriptions are made for other than resumption purposes by the parties of the second part the party of the first part shall issue calls of even date with said subscriptions for the redemption of an equal amount of 6 per cent 5-20 bonds of the United States, as provided for in said act of July 14, 1870.

Fourth. The parties of the second part agree to pay for said 4 per cent bonds par and interest accrued to the date of application for delivery of said bonds in gold coin, matured United States gold-coin coupons, or any of the 6 per cent 5-20 bonds called for redemption, or in United States gold certificates of deposit, issued under the act of March 3, 1863, with the understanding that payment to the extent of the amount of any call shall be made within the time during which such call shall mature: *Provided*, That if the parties of the second part shall elect so to do, they may have the privilege of making any of said subscriptions payable specifically in uncalled 6 per cent 5-20 bonds of the United States, in which case the Secretary of the Treasury, may, to the extent of such payments, omit the calls mentioned in condition No. 3.

Fifth. The parties of the second part shall receive in coin a commission of one half of 1 per cent on all bonds taken by them as allowed by the act of July 14, 1870, and shall assume and defray all expenses which may be incurred in sending bonds to London or elsewhere upon their request or by transmitting bonds, coupons, or coin to the Treasury Department at Washington, including all costs of making the exchange of bonds, and shall also be charged with the cost of the preparation and issuing of the bonds.

Sixth. No bonds shall be delivered to the parties of the second part or either of them until payment shall have been made in full therefor, in accordance with the terms of this contract.

Seventh. During the continuance of this contract any sales of bonds ordered by the Secretary of the Treasury by authority of law shall be made through the parties of the second part, who shall be allowed thereon a commission similar in amount and subject to the same deductions as prescribed in the fifth clause of this contract.

Eighth. It is also agreed that the parties of the second part shall offer to the people of the United States at par and accrued interest in coin the 4 per cent registered consols and 4 per cent coupon consols of the denominations of $50 and $100 embraced in this contract for a period of thirty days from the public notice of such subscriptions and in such cities and upon such notice as the Secretary of the Treasury may prescribe prior to the opening of the lists, and, further, to offer to the subscribers the option of paying in installments extending through three months.

JOHN SHERMAN,
Secretary of the Treasury.
AUGUST BELMONT & CO.,
On behalf of N. M. Rothschild & Sons, of London, and Associates and Themselves.
DREXEL, MORGAN & CO.,
On behalf of J. S. Morgan & Co., of London, and Themselves.
J. & W. SELIGMAN & CO.,
On behalf of Seligman Bros. and Themselves.
MORTON, BLISS & CO.,
On behalf of Morton, Rose & Co., of London, and Themselves.
THE FIRST NATIONAL BANK OF THE CITY OF NEW YORK,
By H. C. FAHNESTOCK.

Witnesses as to all:
R. C. MCCORMICK.
E. J. BABCOCK.

Mr. HILL. I find that under that contract there had been received to July 16, 1877, subscriptions as follows:

August Belmont & Co.	$39,726,900
First National Bank of New York	30,500,000
National banks and other financial institutions together	2,011,350
Popular subscriptions	4,104,900
Total	76,343,150

That was a popular loan, which was authorized in the contract itself, but at its conclusion it was found that the popular subscriptions only amounted to $4,104,900. A few small institutions and national banks bid for $2,011,350, and August Belmont and associates and the First National Bank of the City of New York bid for over $70,000,000.

There was a clamor a short time ago for a popular loan, and it was said in the argument had along in January that if the bonds were only submitted to a popular loan, as they had been formerly, they would all be taken by the people. I then stated that it was my recollection that under many contracts where the syndicate was given the contract and required to allow the people to subscribe within certain periods the popular-loan feature was a failure; that after all the syndicates got the bonds. The figures which I have given are those taken under the very contract which has just been read, and the total amount received up to July 16, 1877, under this very contract is stated. So it seems that Mr. Carlisle is not the only Secretary of the Treasury under whom syndicates have taken bonds or under whom subscriptions by popular loans have been very few. Sometimes popular loans can be a success, but not always. Sometimes you have to fall back upon capitalists and syndicates who are willing to take the bonds. It depends upon the time; it depends upon whether or not money is scarce; it depends upon numerous conditions.

I merely procured these figures from the books in order to show that while under some of the contracts popular subscriptions were provided for in the first instance, in the end then as now the syndicate usually got the bonds. You can not change things. Nothing has been done differently under this Administration than was done under previous Administrations. The purchase of bonds is open to the world as a rule. Men of money subscribe. Men who have not money can not subscribe. The men who pay the most get the bonds. That is all there is of it, and there is no use, especially on the part of Democrats, to attempt to throw mud at our own

Administration, when in the past, and in the very near past, similar transactions have been had by Republican Secretaries of the Treasury.

All I ask is fair play, and that we do not play into the hands of this coterie of Populists who want us to join them in throwing mud on a Democratic Administration. Let me say to Democrats, that you can not keep up your party that way. You will drag it down.

I do not blame the Populists. I do not blame those Republicans who favor the resolution. I think they already have about enough political capital for their purposes—enough to be satisfied with, if we are to believe their professions. I do not blame them if they want to support this resolution without regard to the merits of the question; if they do not wish to consider the merits of the case; if they do not wish to consider the unfairness of it, the unusual character of this proceeding. If they want to throw all such conditions aside and to enter upon a questionable proceeding in the effort to make party capital I do not blame them. My object here is not that I care anything about the political future of Mr. Carlisle or of this Administration, but that in this fall's campaign we can put side by side with Carlisle's syndicate contract the Republican contracts made after the war. We will comment upon them on the stump, and we will see which side gets the best of the argument. The Populists and Republicans are seeking to make political capital. That is their programme. That is all there is of it. There is a coterie of Populists holding the balance of power in the Senate, and we must bow to them, we must be polite to them, we must take off our hats to them, because they hold the balance of power. I am through with that, so far as I am concerned. I will vote the way which I think is right. I will sustain any investigation that has merit to it. I am through with trumped-up investigations just to keep our Populist friends good-natured or merely to gratify them.

On page 295 of the volume is another of these Republican contracts, and I ask the Secretary to read it. It is the contract dated April 11, 1878. I wish to state right here before it is read that it was made with Drexel, Morgan & Co. and J. P. Morgan & Co. Who is another? Morton, Bliss & Co. These are Republicans. The same Mr. Morgan whom we have been talking about now, the same Morgan for whom you seem to hold President Cleveland responsible. It is the same Morgan and the same London crowd. Here are the names of Drexel, Morgan & Co. and J. S. Morgan & Co. All the Morgans are here; Republicans, all of them.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

CONTRACT OF APRIL 11, 1878.

This agreement, entered into this 11th day of April, 1878, between the Secretary of the Treasury of the United States, of the first part, and Messrs. August Belmont & Co., of New York, on behalf of Messrs. N. M. Rothschild & Sons, of London, England, and associates, and themselves; Messrs. Drexel, Morgan & Co., of New York, on behalf of Messrs. J. S. Morgan & Co., of London, and themselves; Messrs. J. & W. Seligman & Co., of New York, on behalf of Messrs. Seligman Bros, of London, and themselves; Messrs. Morton, Bliss & Co., of New York, on behalf of Messrs. Morton, Rose & Co., of London, and themselves; and the First National Bank of the City of New York—

Witnesseth: That the said Messrs. August Belmont & Co., on behalf of Messrs. N. M. Rothschild & Sons and associates and themselves, hereby agree to purchase from the Secretary of the Treasury $4,125,000 of the 4½ per cent bonds of the United States, issued under the acts of July 14, 1870, January 20, 1871, and January 14, 1875; and that Messrs Drexel, Morgan & Co., on behalf of Messrs. J. S. Morgan & Co. and themselves, agree to purchase $1,625,000 of said bonds; and that Messrs. J. & W. Seligman & Co., on behalf of Messrs. Seligman Bros. and themselves, agree to purchase $1,625,000 of said bonds; and that Messrs. Morton, Bliss & Co., on behalf of Messrs. Morton, Rose & Co. and themselves, agree to purchase $1,625,000 of said bonds; and that the First National Bank of the City of New York agree to purchase $1,000,000 of said bonds, making a total aggregate of $10,000,000 of said bonds, on the terms and conditions following:

First. The bonds covered by this contract shall be sold for resumption purposes.

Second. The parties of the second part shall have the exclusive right to subscribe in the same proportion to each of the subscribers for the remainder of the $50,000,000 4½ per cent bonds of the United States authorized to be issued by the acts of Congress aforesaid; but the amount to be so subscribed shall not be less than $5,000,000 for each and every month after the present month of April.

Third. That the Secretary of the Treasury shall not sell during the continuance of this contract any bonds other than such as by act of Congress may be provided to be sold for the payment of the Halifax or Geneva awards, and the 4 per cent consols of the United States, and those only for refunding purposes, except by mutual agreement of the parties hereto.

Fourth. The parties of the second part agree to pay for said 4½ per cent bonds par and 1¼ per cent premium and interest accrued to the date of application for delivery of said bonds in gold coin or matured United States gold-coin coupons, or any of the 6 per cent 5-20 bonds heretofore called for redemption, or in the United States gold certificates of deposit issued under the act of March 3, 1863, or in gold coin certificates of deposit of authorized designated depositaries that have complied with the law.

Fifth. The parties of the second part shall receive in gold coin a commission of one-half of 1 per cent on all bonds taken by them under this contract as allowed by the act of July 14, 1870, and shall assume and defray all expenses which may be incurred in sending bonds to London or elsewhere upon their request, or by transmitting bonds, coupons, or coin to the Treasury Department at Washington, including all cost of making the exchange of bonds, and shall also be charged with the cost of the preparation and issuing of the bonds.

Sixth. No bonds shall be delivered to the parties of the second part, or either of them, until payment shall have been made in full therefor in accordance with the terms of this contract.

JOHN SHERMAN,
Secretary of the Treasury.
AUG. BELMONT & CO.,
On behalf of N. M. Rothschild & Sons, and Associates and Themselves.
DREXEL, MORGAN & CO.,
On behalf of J. S. Morgan & Co., of London, and Themselves.
J. & W. SELIGMAN & CO.,
On behalf of Seligman Bros., of London, and Themselves.
MORTON, BLISS & CO.,
On behalf of Morton, Rose & Co., of London, and Themselves.
THE FIRST NATIONAL BANK OF THE CITY OF NEW YORK,
By GEO. F. BAKER, *President.*

Witnesses as to all:
THOS. HILLHOUSE,
Assistant Treasurer of the United States.
E. J. BABCOCK.

Mr. HILL. There was subsequently a modification of that contract, but I do not care about putting it in evidence. I ask the Secretary to now turn to page 482, and read what is there marked. That is the last of these contracts which I care about putting in evidence.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

CONTRACT OF JANUARY 21, 1879.

This agreement entered into this 21st day of January, 1879, between the Secretary of the Treasury of the United States of the first part, and Messrs. August Belmont & Co., of New York, on behalf on Messrs. N. M. Rothschild & Sons, of London, England, and associates and themselves; Messrs. Drexel, Morgan & Co., of New York, on behalf of Messrs. J. S. Morgan & Co., London, and themselves; Messrs. J. & W. Seligman & Co., of New York, on behalf of Messrs. Seligman Bros., of London, and themselves; and Messrs. Morton, Bliss & Co., of New York, on behalf of Messrs. Morton, Rose & Co., of London, and themselves—

Witnesseth: That the parties of the second part hereby severally subscribe as of this date for $10,000,000 of the bonds known as the 4 per cent consols of the United States, issued under the acts of July 14, 1870, and January 20, 1871, and acts amendatory thereto, in the following proportions, to wit, one-fourth part by each of the said several parties; and it is agreed that if the parties of the second part shall not subscribe for $5,000,000 of said bonds each month, the party of the first part is authorized to forthwith terminate this contract; but the next subscription need not be made before April 1, 1879, and all of said subscriptions shall be made on the terms and conditions following:

First. The proceeds of said bonds shall be applied, in compliance with said acts, to the refunding of the public debt. The party of the first part will, on receiving a subscription under this contract for not less than $5,000,000, issue a call for the redemption of United States 6 per cent 5-20 bonds equal to or exceeding said sum.

Second. The parties of the second part agree to pay to the party of the first part, at the Treasury Department, in Washington, within the running of such call, the amount of 4 per cent bonds subscribed for under this contract, at par and accrued interest to the date of subscription, in United States gold coin, United States matured coin coupons, coin certificates of deposit issued under the act of March 3, 1863, or United States 6 per cent 5-20 bonds called for redemption not later than the date of the subscription to which the payment applies.

Third. The parties of the second part shall receive a commission of one-fourth of 1 per cent on all bonds taken by them under this contract, and for such sums in excess of $10,000,000 subscribed for and taken by said parties they shall receive an additional commission of one-tenth of 1 per cent on the amount in excess.

Fourth. The Secretary of the Treasury shall transmit to London, England, at the risk and expense of the United States, the bonds subscribed for, and will receive in London, for transportation to the Treasury Department at Washington, any of the coupons or called bonds receivable under this contract, the amount thereof to be credited upon verification by the Treasurer of the United States; and he further agrees to maintain an agency in London, at the expense of the United States, for the convenience of making deliveries to said parties of the second part of said 4 per cent bonds, provided that no bonds shall be delivered to the parties of the second part until payment shall have been made in full therefor in accordance with the terms of this contract: *And provided further*, That the said parties of the second part shall provide for said agency, without expense to the United States, a suitable office room or rooms, with vault accommodation for the safe-keeping of its securities.

Fifth. It is agreed between the parties that this contract shall remain in force unless previously terminated, as above provided, until the 30th day of June, 1879, and that during its continuance and full performance by the parties of the second part the Secretary of the Treasury shall not sell and deliver in Europe to other parties any of the said 4 per cent bonds, but this shall not be held to preclude the delivery by the Secretary of the Treasury in Europe of $3,600,000 of said 4 per cent bonds already subscribed for by other parties, and said sum shall be considered as a part of the first subscription made under this contract, but no commission on said sum shall be allowed to the parties hereto.

JOHN SHERMAN, *Secretary.*
AUGUST BELMONT & CO.,
On behalf of Messrs. N. M. Rothschild & Sons, and Associates and Themselves.
DREXEL, MORGAN & CO.,
On behalf of Messrs. J. S. Morgan & Co., of London, and Themselves.
J. & W. SELIGMAN & CO.,
On behalf of Messrs. Seligman & Bros., London, and Themselves.
MORTON, BLISS & CO.,
On behalf of Messrs. Morton, Rose & Co., of London, and Themselves.

Mr. PETTIGREW. Will the Senator from New York yield to me, as I wish to make some remarks upon the pending bond resolution?

Mr. HILL. I yield to the Senator from South Dakota.

Mr. PETTIGREW. Mr. President, I simply wish to give a history, so that it may appear in the RECORD, of the numerous bond sales made by the present Administration.

It has been the policy of the present Administration to destroy the use of silver as a money metal, and to manipulate the credit of the United States in such a manner as to enrich its favorites, while piling up a load of debt to oppress the whole people. The

first step was the extra session of Congress, called for the purpose of repealing the purchasing clause of the Sherman Act. The call for the extra session was a direct attack upon the credit of the United States, and it was preceded by a concerted movement of the banks of New York, inspired from Washington, to curtail mercantile credits and bring about the panic of 1893 as an object lesson to Congress. The panic started by the banks soon passed beyond their control, and involved the country in disasters from which it has not yet recovered.

Then came the enactment of the Wilson tariff for a deficit, a measure framed upon sectional lines, and intended to protect all Southern industries and those of districts represented by Democrats, while the industries of Republican States and Congressional districts were intended to be left defenseless against foreign competition. Fortunately for the country, the rules of the Senate of the United States afforded an opportunity for debate and for careful consideration of the provisions of the tariff as it came to us, and it was amended so as to be a little less obnoxious, in fact quite satisfactory, to the iron, cotton, and most Eastern industries before it became a law without the President's signature.

As soon as the Democratic Administration came into power the revenues began to decrease, because the expectation that the tariff would be reduced checked the importation of all foreign goods, and thereby diminished the receipts from customs.

The act repealing the purchasing clause of the act of July 14, 1890, known as the Sherman law, was signed by the President November 1, 1893, it having passed the House August 28 and the Senate October 31; but though it had been promised that this would restore confidence, it failed to do so, but rather increased the distress and misery by further contracting the volume of money, driving prices to a still lower level, closing mills and factories, and causing a steady increase in the number of bankruptcies in all producing industries to the present time.

On December 27, 1894, the cash balance of the Treasury was reduced to $88,914,096, the lowest on record. The Secretary of the Treasury then applied to Congress for relief, suggesting an issue of 3 per cent five-year bonds for the purpose of augmenting the gold reserve and meeting deficiencies. January 15, 1894, Mr. Carlisle, in a communication to the chairman of the Senate Finance Committee, stated that unless new legislation could be obtained he would feel compelled to resort to the resumption act of 1875, and issue bonds for the purpose of replenishing the gold reserve.

The chairman, the senior Senator from Indiana [Mr. VOORHEES], replied to Mr. Carlisle that he could not give an assurance of prompt action upon any new financial measure, and therefore Secretary Carlisle decided to issue $50,000,000 5 per cent ten-year bonds, and arrangements were accordingly made.

The price fixed for the issue was 117.223, which would net about 3 per cent interest. The large premium would reduce the interest which the Government would have to pay to 3 per cent.

The question was raised that no portion of the proceeds of those bonds could be used for any other purpose than for the redemption of United States notes, and this brought out a statement by Mr. Carlisle that the gold reserve was and always had been held as a part of the Treasury cash, and not as a separate fund.

The raising of this question had somewhat of a deterring effect upon intending subscribers, and Mr. Carlisle went on to New York and had a conversation with some of the bankers.

One result was the formation of a syndicate, arranged by Mr. John A. Stewart, of the United States Trust Company, through whose influence subscriptions amounting to $58,002,250 were obtained at from 117.223 to 120.829, and the award was made January 30, on which day the net gold in the Treasury was reported at $65,598,871, and the general cash, including this sum, $82,975,908. Payment for the bonds resulted in an increase in the net gold in the Treasury to $106,539,703 at the end of February, 1894.

But the expenditures of the Government were running ahead of the receipts. Gold was wanted in Europe to carry out the Rothschilds' contract with Austria by which that country was placed upon a gold basis.

Consequently exchange advanced, and on March 2, 1894, $1,250,000 gold was taken for shipment to Europe, followed by a similar amount during the next week, making $2,500,000 for the month. In April $8,874,000 was shipped, and in May $18,150,000; and the net gold in the Treasury at the end of that month was $80,692,962.

In June the continued drain of gold from the Treasury caused some apprehension, and a few of the New York banks agreed to supply the demand for export, but only a little was so furnished; and on the 22d of June the net gold was down to $61,903,746, and the total movement to Europe that month was $21,150,000.

In July shipments were $10,700,000, and the net gold was reduced to $45,516,212.

The Wilson tariff bill was passed on August 14 and it became a law August 27; but the mischief had been done; trade and manufacturing had been so far depressed by the contraction of our currency by the repeal of the Sherman law and the export of gold that prices continued to decline; trade and manufactures had been so far depressed that recovery was impossible without a reform of our financial system. The deficiency in the revenue continued to increase, and in September there was some talk about a new issue of bonds.

November 14 the Secretary of the Treasury issued a call for $50,000,000 5 per cent ten-year bonds under the resumption act. The conditions prevailing at the time this issue was made were peculiar.

The bonds sold in January had been absorbed at home and none had been taken abroad. The Stewart syndicate had been treated fairly by the Government, and there was a disposition on the part of these bankers freely to subscribe for the new issue.

Mr. Stewart and Mr. J. P. Morgan visited Washington in the interest of the syndicate, and it is represented and generally believed that Mr. Stewart, at least, had a distinct understanding with the President and with Mr. Carlisle that nothing would be done by the Administration in any way whatever to interfere with the marketing of the bonds.

These bankers went back to New York and forwarded a bid for the round amount of the bonds at 117.077.

The total subscriptions were $178,341,550. The award was made to the Stewart syndicate on the understanding that the gold to be paid for the bonds would not be taken from the Treasury, and payment was prompt, $29,021,518 having been turned into the subtreasury by the end of November.

The syndicate immediately arranged to sell the bonds they had bought, and offered a lot of $5,000,000 at 119. It is believed that this amount was sold at the price named, but before they had an opportunity to dispose of many more the President's message and the report of the Secretary of the Treasury recommending changes in the currency effectually stopped the marketing of any more of the bonds.

The particular section of Mr. Carlisle's bill which did the business for the Stewart syndicate was section 1:

Be it enacted, That all acts which require or authorize the deposit of United States bonds to secure circulating notes issued by national banking associations be and the same are hereby repealed, and such notes hereafter prepared shall not contain the statement that they are so secured.

Now, Mr. President, let it be borne in mind that Messrs. Stewart and Morgan visited Washington in relation to the bond issue on or about November 24; that in all probability had it not been for the assurance given by Mr. Carlisle and the President that nothing would be done by the Administration to interfere with the marketing of the bonds, these bankers, and particularly Mr. Stewart, would not have bid for them at all, much less have bid a high price for the whole or none; that the formulation of a bill so important as that prepared by Mr. Carlisle must have been under consideration for some time prior to its presentation to Congress at the beginning of the session, and the President must have known the views of his Secretary long before their publication in the annual reports, or had inspired them; and there is the explanation of the statement made by Mr. Stewart early in December that his syndicate would dissolve December 27, 1894. It was also then stated that not more than $10,500,000 of the bonds bought by the Stewart syndicate of the Government had been sold, and only $5,000,000 at 119.

It is my opinion that this bad faith on the part of the Administration was planned in advance and for the purpose of depressing the price of the bonds and ruin the credit of the Government, so as to compel Congress to enact such financial legislation as the President might demand, and afterwards turned to account in enriching the favorites of the President, if not the President himself.

The net gold proceeds of the fifty-million-dollar bond sale in January, amounting to $58,000,000, went to Europe during the summer of 1894, and there was no reason to expect that the proceeds of the $50,000,000 sold in November, 1894, amounting to $53,472,319, would long remain in the Treasury.

Europeans were laughing at us, and sneeringly alluded to the financial methods pursued for rehabilitating our gold reserve. American bankers were coolly calculating upon the time when a new issue of bonds would have to be made and wondering who would buy them.

On the 8th of December, 1894, gold again began to flow out of the Treasury to Europe, and even then redemptions of legal tenders for the purpose of hoarding gold were well under way, having really begun toward the close of November, for concurrently with the settlement by the syndicate for the bonds bought by them there was a withdrawal of large sums of gold with which to pay for the bonds.

By the end of December the net gold in the Treasury had been reduced to $86,244,445, against $111,142,020 December 6, and $9,680,000 gold was shipped to Europe during the month. Withdrawals thus exceeding shipments by over $15,000,000.

In January, 1895, the withdrawals of gold for shipment were large, and considerable amounts were taken for hoarding by individuals and by banks. Confidence was unsettled, and the situation

was regarded by Treasury officials at Washington as grave, but none recalled the blundering of the Administration which had precipitated it by discrediting the bonds bought by the Stewart syndicate.

January 30, Subtreasurer Jordan, at New York, reported that he thought he could hold out until February 2 with the gold coin in the New York subtreasury, but the next day might decide the situation.

The single day of January 25 had seen $6,902,081 in gold withdrawn from the New York subtreasury, and the evening of February 2 arrived with only $9,700,000 in gold coin available for the redemption of United States notes in New York. A day and a half like the 25th of January might have seen the United States compelled to refuse the redemption of its notes in gold at the subtreasury in New York, the only place at which they are by law redeemable.

Gold was hurried from Philadelphia and every available point, even at the risk of reducing below the point of safety the gold fund at other subtreasuries for the redemption of coin notes, with the result that on Monday, February 3, 1895, the available gold fund had been increased about $1,000,000. Assistant Secretary Curtis, who was then in New York, telegraphed to Secretary Carlisle for authority to sell bullion to exporters at a reduced rate in order to prevent the absolute exhaustion of gold coin. The Treasury had already violated the law requiring gold coin to be held against gold certificates, and had practically borrowed from the trust fund of the certificate holders several millions of dollars.

There was gold bullion still left in the Treasury to cover the certificates, which would have been adequate if it had not been feared that the certificates would be presented in large quantities for redemption.

The gold coin available for all purposes at New York on February 2 was $20,465,334, but it was absolutely known that $10,765,000 in gold certificates were in New York in the hands of a few holders, which were liable to be presented at any moment.

The further sum of $37,069,869 was outstanding in gold certificates, without exact information at the subtreasury as to where it was held, but with the probability that the bulk of it was also held in New York and was liable to be presented at any moment for redemption.

If only half of the certificate holders had decided that their gold coin was safer in their own custody than in that of the Treasury, there would have been scarcely a dollar left for the redemption of legal-tender paper, and the suspension of specie payments would have been decreed by Assistant Treasurer Jordan. The remainder of the gold held by the United States, outside of insignificant sums of coin at other subtreasuries, was in the form of uncoined bullion, of which there was $22,446,828 in the mint at Philadelphia and $18,301,470 in the assay office at New York.

The mints had been ordered to work full time in the coinage of gold, but rolled ingots and machinery were not in readiness, and the net daily product was but a drop in the bucket to the payments on account of redemptions. The demonstration that the crisis was too acute to be longer trifled with, and that gold was being withdrawn by the million for hoarding, was afforded, in the opinion of the Treasury officials, by the awful gap between the withdrawals from the subtreasuries and the exports.

The total withdrawals of gold from the subtreasuries from December 1, 1894, to February 13, 1895, were $80,786,302.

The exports during the same period are computed by the Treasury at $36,852,389, leaving a difference of $44,000,000 to be otherwise accounted for.

The New York bank reserve in the meantime had declined from $96,000,000 in gold to $82,000,000 in gold, indicating that another $14,000,000 had swelled to $58,000,000 the fund which had disappeared from circulation and from official knowledge. That hoarding was really going on, under the belief that the Treasury of the United States would be forced to suspend gold payments, was proved to the satisfaction of the Treasury officials by reports made to them by New York bankers who were withdrawing gold at the request of customers. One New York bank reported that on the single day of January 30 it received requests from over 150 different sources for gold coin. Before the repeal of the Sherman law of 1890 there was practically no difference between the withdrawals and shipments of gold.

These facts, Mr. President, constitute the evidence of a deliberate plot or conspiracy upon the part of the Administration to break down the credit of the United States and to discourage American bankers from investing in the bonds of the United States by threatening to discontinue the use of the bonds as security for bank circulation, for the purpose of enabling certain favored persons to realize enormous profits at the expense of the people of the United States or of compelling Congress to enact certain legislation at the demand of the President.

While this drain of gold was going on the Administration was actively negotiating with Messrs. Belmont and Morgan regarding measures of relief for the critical condition of the Treasury caused by the deliberate action or the criminal blunders of the Administration itself.

For reasons just stated nothing could be expected from American bankers, and Mr. Morgan, as one of the Stewart syndicate, well knew how that combination had been treated, and why it had been so treated. Negotiations were transferred to New York, and Assistant Secretary Curtis took charge there.

Messrs. Belmont and Morgan well understood the situation and the necessities of the Government, which they and the President had helped to create, and they refused to make the desired loan at the maximum of 3½ per cent. They pointed out that the price of the former 5 per cent bond issues had fluctuated from 119, at which they were taken immediately after their issue, down to 114, more than 3 per cent below the price received by the Government.

The representatives of the foreign houses declared that they could not take the risk of this fluctuation and the cost of maintaining a favorable rate of exchange without getting a higher interest than Mr. Curtis, under Mr. Carlisle's instructions, was willing to yield.

One of the elements in placing the bonds abroad was the tax of 1½ per cent imposed by the British Government upon the face value of foreign securities. The syndicate, it was represented, would not only have to consider that fact in placing bonds in Great Britain, but the cost of transporting foreign coin and bullion as well as controlling the exchanges. The differences in price between a 3½ per cent rate and the rate at which the bargain was made—a little under 3¾ per cent—was 4¾ per cent on the selling price of the securities, amounting to about $3,000,000 on the entire amount. The negotiations were finally completed and the contract was made on February 8, and these bonds were bargained to this combination at 104½ as against 117.077 which the Stewart syndicate had paid for the last issue and $8,325,000 less than the market price for similar bonds on that day for the total issue of a little over sixty-two million of bonds. This was a secret contract, from which the public was excluded, participated in by the President's former law partner. I will not comment on this transaction. I leave it to the American people to pass upon and for the judgment of history. This much may be said, however: If a similar negotiation had been conducted by the governor of any American State or the mayor of any city instead of the President of the United States, impeachment or criminal prosecution would have followed at once.

The contract of February 8, 1895, is as follows:

THE BELMONT-MORGAN CONTRACT.

The agreement is as follows:

This agreement, entered into this 8th day of February, 1895, between the Secretary of the Treasury of the United States, of the first part, and Messrs. August Belmont & Co., of New York, on behalf of Messrs. N. M. Rothschild & Sons, of London, England, and themselves, and Messrs. J. P. Morgan & Co., of New York, on behalf of Messrs. J. S. Morgan & Co., of London, and themselves, parties of the second part—

Witnesseth: Whereas it is provided by the Revised Statutes of the United States (section 3700) that the Secretary of the Treasury may purchase coin with any of the bonds or notes of the United States authorized by law at such rates and upon such terms as he may deem most advantageous to the public interests; and the Secretary of the Treasury now deems that an emergency exists in which the public interests require that, as hereinafter provided, coin shall be purchased with the bonds of the United States of the description hereinafter mentioned, authorized to be issued under the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, being bonds of the United States described in an act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt"; Now, therefore, do the said parties of the second part hereby agree to sell and deliver to the United States 3,500,000 ounces of standard gold coin of the United States at the rate of $17.80441 per ounce, payable in United States 4 per cent thirty-year coupon or registered bonds, said bonds to be dated February 1, 1895, and payable at the pleasure of the United States after thirty years from date, issued under the acts of Congress of July 14, 1870, January 20, 1871, and January 14, 1875, bearing interest at the rate of 4 per cent per annum, payable quarterly.

First. Such purchase and sale of gold coin being made on the following conditions:

1. At least one-half of all coin delivered hereinunder shall be obtained in and shipped from Europe, but the shipments shall not be required to exceed 300,000 ounces per month, unless the parties to the second part shall consent thereto.

2. All deliveries shall be made at any of the subtreasuries, or at any other legal depository of the United States.

3. All gold coins delivered shall be received on the basis of 25.8 grains of standard gold per dollar, if within the limit of tolerance.

4. Bonds delivered under this contract are to be delivered free of accrued interest, which is to be assumed and paid by the parties of the second part at the time of their delivery to them.

Second. Should the Secretary of the Treasury desire to offer or sell any bonds of the United States on or before October 1, 1895, he shall first offer the same to the parties of the second part; but thereafter he shall be free from every such obligation to the parties of the second part.

Third. The Secretary of the Treasury hereby reserves the right within ten days from the date hereof, in case he shall receive authority from Congress therefor, to substitute any bonds of the United States bearing 3 per cent interest, of which the principal and interest shall be specifically payable in the United States gold coin of the present weight and fineness for the bonds herein alluded to, such 3 per cent bonds to be accepted by the parties of the second part at par, i.e., at $18.60465 per ounce of standard gold.

Fourth. No bonds shall be delivered to the parties of the second part, or either of them, except in payment for coin from time to time received hereunder; whereupon the Secretary of the Treasury of the United States shall

and will deliver the bonds as herein provided, at such places as shall be designated by the parties of the second part.

Any expense of delivery out of the United States shall be assumed and paid by the parties of the second part.

Fifth. In consideration of the purchase of such coin the parties of the second part and their associates hereunder assume and will bear all the expense and inevitable loss of bringing gold from Europe hereunder; and, as far as lies in their power, will exert all financial influence and will make all legitimate efforts to protect the Treasury of the United States against the withdrawals of gold pending the complete performance of this contract.

In witness whereof the parties hereto have hereunto set their hands in five parts this 8th day of February, 1895.

J. G. CARLISLE,
Secretary of the Treasury.
AUGUST BELMONT & CO.,
On behalf of Messrs. N. M. Rothschild & Sons, London, and Themselves.
J. P. MORGAN & CO.,
On behalf of J. S. Morgan & Co., London, and Themselves.

Attest:
W. R. CURTIS—

Representing the Treasury in the negotiation at New York.

FRANCIS LYNDE STETSON—

The law partner of Grover Cleveland at the time he was last elected President.

After the contract was signed the right was reserved to the Treasury Department, under the third section of the compact, to substitute any bonds of the United States bearing 3 per cent interest, payable in gold.

The President at once communicated to Congress the terms of the contract, at the same time asking for the passage of a law authorizing the issue of 3 per cent gold bonds, but the authority was not given, and the contract went into full effect February 18. Two days thereafter it was announced, with great circumstantiality, that the syndicate had then paid into the Treasury $32,558,137.50 gold for the American half of the bonds.

Immediately upon the signing of the contract there was an earnest desire on the part of American bankers and capitalists to get in. Application was made to the syndicate, and the applicants were let in; but under this stipulation: All who were admitted were required to unite in a practical underwriting of the entire issue of bonds. That is to say, as one-half of the bonds were reserved for Americans, these subscribers were required to deposit with the syndicate gold coin, not obtained from the Treasury, to double the amount of their subscriptions, which gold was to be placed under the absolute control of Messrs. Morgan and Belmont, to be used by them as they saw proper. The subscriptions came from every quarter, and it was stated by the syndicate that they were so large that not more than 50 per cent could be awarded.

The bonds were offered in New York at 112¼ and in London at £227 per $1,000 bond, equal, with exchange at $4.90, to 111.23.

The subscribers agreed to the stipulation of the syndicate, and therefore these bankers were enabled promptly to make full payment for the bonds immediately after the closing of the books.

But, Mr. President, the gold so paid did not go into the Treasury, though it was credited in the Treasury accounts, for as late as June 21, 1895, $6,856,752 gold was transferred to the Treasury from one or more of the banks selected by the syndicate as depositories of their money.

Immediately upon the signing of the contract it was announced that £1,685,000 gold had been bought in London for the syndicate, and on the 21st of February they paid over to the Treasury 143,102 ounces of gold on foreign account.

Not all the American bankers who subscribed for the bonds paid in full their quota of gold until some time in May, and then the full amount due from them was collected, and there was turned over to the Treasury on June 8 $10,449,462, and credited on the foreign bond account.

As at that time $14,545,972 had been imported, there remained to be paid $7,562,702. The *Campania* arrived on Saturday, June 22, 1895, with about $880,000 gold for the syndicate, leaving $6,680,621.79 due, and this amount was announced at the Treasury as having been paid on Tuesday, June 25, 1895, thus closing the contract.

But the terms of the agreement were not literally complied with by this payment, and it is evident that either the President or the Secretary of the Treasury waived that provision of the contract which required that one-half of the gold should be imported from Europe.

The amount of gold to be imported under the original contract was $32,558,137. The amount actually imported was a little over $15,000,000, the balance having been made up from the contributions of the banks which were interested in the syndicate operations in the manner just stated; that is, every banker was required to deposit twice as much gold as he received in bonds.

Now, Mr. President, why was this syndicate permitted to close its contract without having imported from Europe nearly $17,000,000 of the gold which they had agreed to bring hither?

I propose to read an extract from a New York paper of that date, as it so clearly details not only what had happened, but what would happen. It is as follows:

WASHINGTON, D. C., *March 8.*

The Administration contract with the bond syndicate was more infamous than at first appeared.

There was a secret verbal contract with the syndicate of bankers to whom the Administration intrusted the negotiation of the last batch of bonds.

This contract was not reduced to writing for a very simple reason. The Treasury Department has no authority of law to enter into such an agreement with any person or combination of bankers.

The written contract submitted to Congress was quite objectionable on account of the enormous profit which it permitted the bankers to make, but the verbal contract constituted the syndicate the financial agents of the United States, in return for which the bankers who took the bonds were to protect the Treasury against any further raid upon the gold therein.

This they are to do by keeping the price of sterling exchange in New York below the point at which gold can profitably be exported.

In this way the gains of the firms who used to export gold whenever there was a clear profit, however small, from the operation have been destroyed. But the syndicate is making much more, because the Administration permits the bankers to hold in London the gold received from foreign sales of bonds, so that they can sell exchange in New York on London cheaper than anyone else can afford to. They can do this because the gold upon which exchange is drawn is already in London.

In this way there is at present no demand upon the Treasury for gold for export, for no one could export gold except at a loss. The fact that the syndicate is now operating under this verbal contract explains the slowness with which gold is coming into the Treasury. It also explains the cheerfulness with which the Administration contemplates the situation. In fact, the Administration flatters itself that the endless chain is broken.

But is the endless chain really broken? If there is a demand for gold from this country, can the syndicate stop the endless chain from working any longer than their gold receipts from the sale of bonds in Europe hold out? Have not the bankers, who have been constituted the fiscal agents of this country by a verbal contract not authorized by law, always earned the reputation of taking the best possible care of themselves in every transaction in which they have been engaged?

Was not the clause in the written contract giving to them the option upon all other issues of bonds until October drawn to meet this very case? Did not the members of the syndicate know that they could not continue to sell exchange low enough to prevent gold exportations during all of the next six months without sacrificing some of their profits unless more bonds were given to them to sell in Europe?

These questions need only to be stated, the replies suggest themselves. From them can be seen what the Administration has really done.

It has not broken the endless chain, it has simply substituted for gold, temporarily, an export of thirty-year 4 per cent bonds. As soon as the proceeds of these bonds have been exhausted by exchange drafts and the gold received in New York for the sale of exchange has been deposited in the Treasury, the endless chain will begin to work again. As soon as greenbacks and Treasury notes begin again to be presented for redemption more bonds will be issued to the syndicate and more profits will accrue to these patriotic bankers.

While the endless chain was in operation the people knew what the sale of bonds to buy gold to replenish the Treasury was going to cost them in the way of interest. They had public notice of the time when bids for bonds would be received and opened, and that awards would be made to the best bidders. They knew also that the bonds were to be paid for at once and the gold deposited in the Treasury in plain sight of people of the United States, to whom it belonged.

Now, they knew that the men who undertook to negotiate the last bonds were not only presented by the Administration with an enormous gratuity of from $90,000 to $100,000 at least upon every million under the written contract, but by the secret verbal contract were and are permitted to retain in their own hands in London the gold received from the sale of bonds in Europe until they can make an additional profit by selling this gold to merchants and bankers in New York in the form of exchange upon London.

And all this without the expenditure of one cent by the members of the syndicate, except traveling expenses to Washington, for these patriotic bankers did not buy the bonds themselves; they merely contracted to sell them at a certain price, when they knew they could get a great deal more for them.

And yet the Administration actually takes great credit to itself for this transaction. But the syndicate takes the cash and lets the credit go.

In the face of these facts it seems to me there is something to investigate; that it is exceedingly proper to go to the bottom of this transaction and ascertain all there is in connection with the secret bond contract. I presume it is not to prevent the disclosures which must come from laying bare this secret transaction that the Senator from New York is making such frantic efforts to prevent the proposed investigation. I think the American people demand it, and the Senate should probe this transaction to the bottom.

So this transaction was closed and the American people paid a premium of over eight millions of money for sixty-three millions of gold which did not maintain the gold reserve seven months, or from February 8 until September, 1895; for long before Congress assembled in 1895 it was apparent to everyone that another bond sale must be resorted to, and in November the gold reserve had been reduced to less than eighty millions. Early in December members of the Morgan syndicate visited Washington to negotiate for the delivery to them of one hundred millions of bonds at 104¾ and the transaction was about completed by the 20th, but the President hesitated, and on the 21st of December the members of the Morgan-Belmont syndicate and others joining, sent the Secretary or the President a telegram that they would furnish one hundred millions of American gold if their offer of 104¾ was accepted at once; that the credit of the United States was so bad that not a dollar of gold could be secured from Europe, and that if the Government delayed accepting their offer this chance would be lost and the Government would find it impossible to obtain gold at all. This telegram was supposed to produce the desired effect, and I am of the opinion that this contract was closed.

It was generally understood that the contract was closed and reported that enough bankers had been taken into the syndicate at an advance price over what Morgan-Belmont were to pay to afford them several millions of profit, and that these bankers controlled all the available gold in the United States, except what was in the Treasury.

Resolutions were introduced in this body condemning the private sale of bonds, and the New York World began an exposure of this transaction that startled the country. I quote from the New York World of January 1,1895:

MORGAN ET AL.'S PROFITS FOR 1895.

If this new loan is negotiated the account of J. Pierpont Morgan and his associated gold brokers with the Government of the United States will show the following handsome book profits for the year 1895:

HOW THE ACCOUNTS STAND—FIRST TRANSACTION—LOAN OF FEBRUARY 18 LAST.

Face of loan	$62,315,000
Morgan-Belmont paid 104.49 as premium	2,797,943
United States got	65,112,943
Morgan-Belmont got from bankers' syndicate at 112¾	69,948,587
Morgan-Belmont syndicate's first profit	4,835,644
Bankers' syndicate got from public, at 118	73,531,700
Bankers' syndicate's second profit	3,583,113
United States lost by transaction and the bond syndicate made an apparent clear profit of	8,418,757

The United States, therefore, lost by this transaction the difference between the price they took and the market price the sum of $8,418,757.

SECOND TRANSACTION (PROPOSED)—DECEMBER 31.

Face of loan (with $100,000,000 more in prospect)	$100,000,000
Morgan, as syndicate manager, pays about 104¼ premium	4,750,000
United States will get	104,750,000
Morgan syndicate will get from public a premium of 117½ (yesterday's market price)	117,500,000
Morgan and other bankers' profit	12,750,000
Morgan and other bankers' profit in February	8,418,757
Total for 1895 if new contract is accepted	21,168,757

This is an appalling sum, $21,000,000; a sum greater than the average savings of 400,000 laborers for a year donated to men who never produced one element of wealth, but who have spent their lives in gathering together that which others have produced.

In the face of these facts and the attitude of the Senate on this subject, the Administration did not dare to carry out its contract, and so in January advertised for bids. No price was stated, and the officers of the Treasury did not expect the popular loan to be successful. They looked and hoped for failure. It was well known that the syndicate had most of the gold in this country cornered. The people did not bid, as they were afraid they could not get the gold to pay for the bonds.

At this juncture some of the banks that had been members of the syndicate put in independent bids, and Morgan & Co., fearing that they would be shut out of participation in any profit in the transaction, bid 110.6877, or a fraction less than 110.7, for the whole one hundred million or any part thereof. Sixty-seven millions of the bonds went for a higher price. Thirty-three million dollars was awarded to the Morgan syndicate at their bid of 110.7 or 6 per cent more on the dollar than their private contract with the Secretary called for, thus saving to the people between six and seven millions on this transaction. These bonds would have sold at 117½ on the day the bids were opened, if this had been an honest effort on the part of the Treasury Department to offer them to the public and a price or range of prices been published, showing the term of the bonds and the rate of interest they would draw at the various prices and payment accepted in lawful money, and thus over six millions more would have been saved to the people. It is no excuse to say that this sale was for the purpose of obtaining gold, for, if the bonds had been sold for lawful money, for a fraction of a cent on the dollar, lawful money could have been exchanged for gold.

But other favors were to be showered upon Morgan & Co. W. R. Graves, of New York, had bid 115.31 for $4,500,000 of the bonds and was unable to secure the gold to pay for them. Reliable parties thereupon bid 114.5 for these bonds, but the Secretary sold them to the syndicate for 110.7. The Secretary should, in law and equity, have sold all bonds not taken by bidders at the best obtainable price and looked to the defaulting bidders for the difference. This would have been done by any private individual, but the Secretary chose to turn the bonds over to this syndicate for their bid price, or at $190,000 less than the bid made by responsible parties. I will now read the bid which the Secretary received on the 15th of February and refused to accept:

WASHINGTON, D. C., *February 15, 1896.*

SIR: The Investment Corporation of New York hereby bids 114.50 for any or all bonds allotted to parties who did not comply with the terms of their bids by the payment of 20 per cent or more of the amount awarded them by noon Saturday, the 15th instant, in accordance with the terms of the circular issued by you. We offer 114.50, with the understanding and condition that none of the gold to be paid for the bonds shall be drawn from the United States Treasury. We are prepared to deposit the gold on the receipt of advice from you that this bid will be entertained. The Investment Corporation insists that the bid of J. P. Morgan & Co. is not entitled to any further allotment of bonds, and we beg to hand you herewith our memorandum brief upon that proposition.

Very respectfully,

INVESTMENT CORPORATION OF NEW YORK,
By H. L. McDONALD, *President.*

Post-office and office address, Room 4, ninth floor, Mills Building, 15 Broad street, New York.

To the HONORABLE SECRETARY OF THE TREASURY,
Washington, D. C.

This company had already bid for $5,000,000 of bonds and had been awarded $2,000,000 of bonds at a higher price than the bid of Morgan & Co., and had paid for the bonds and received them. They were entirely responsible and able to carry out the bid which they had made, and yet the Secretary of the Treasury chose to refuse a bid of 114½ cents on the dollar for this four and a half million of bonds and turned them over to the Morgan syndicate for 110.7, thus apparently openly, intentionally taking out of the pockets of the people $190,000 to turn over to this syndicate of bankers already enormously enriched at the expense of the people.

Mr. HILL. Will the Senator allow me? What would the Senator have had the Secretary of the Treasury do after the forfeiture of Graves's bid?

Mr. PETTIGREW. What was the question? I did not hear the question of the Senator from New York.

Mr. HILL. The Senator from Nebraska [Mr. ALLEN] corrects me. I thought you were speaking of the Graves bid.

Mr. PETTIGREW. I did speak of the Graves bid. I said that Graves forfeited, and after he forfeited the Investment Corporation of New York bid 114.50 for those bonds; that their bid was refused; that no attention was paid to it, and the bonds were turned over to the syndicate.

Mr. HILL. I ask what would you have had the Secretary of the Treasury do then?

Mr. PETTIGREW. I would have had him do what any individual would have done.

Mr. HILL. What is that?

Mr. PETTIGREW. I would have sold them at the highest attainable price.

Mr. HILL. Would you have advertised them, or would you have accepted a private bid?

Mr. PETTIGREW. He should properly advertise them, and if he did not advertise them he should have accepted the best bid which he could get.

Mr. HILL. And not accept any of the bids already in?

Mr. PETTIGREW. No, sir; he should have done exactly what an individual would have done, and he would have protected the Treasury thereby.

Mr. HILL. The Senator, then, would not have accepted the next highest bid?

Mr. PETTIGREW. No, sir.

Mr. HILL. The Senator knows the fact, does he not, that the bid of Morgan & Co. was the next highest bid?

Mr. PETTIGREW. I think likely the bid of Morgan & Co. was the next highest bid.

Mr. HILL. Is there any doubt about it in the Senator's mind?

Mr. STEWART. Will the Senator allow me?

Mr. PETTIGREW. I have this to say in regard to that point: If their bid was the next highest bid, the Secretary of the Treasury was not bound to give the bonds to them, nor would they have accepted the bonds if the price in the market that day had been below 110.7. They would have laughed at the Secretary of the Treasury if he had offered the bonds to them if the market price on that day had been lower than their bid. But with a profit of $190,000 in the transaction, of course Morgan & Co. took the bonds.

Mr. HILL. What would the Senator have said as to this state of facts, which might or might not have occurred, depending on the market: If, after the forfeiture of Graves's bid, the bonds had gone down and the Government had refused to accept the bid of Morgan & Co. and had placed the bonds on the market again and the bonds had not realized the amount of the Morgan bid? Where, then, would the Secretary of the Treasury have been placed?

Mr. STEWART. Will the Senator from South Dakota allow me in this connection?

Mr. PETTIGREW. I will yield to the Senator from Nevada in a moment.

Mr. STEWART. He reserved the right——

Mr. PETTIGREW. I wish to answer the question of the Senator from New York.

Mr. STEWART. All right.

Mr. PETTIGREW. If the bonds had gone below 110.7 in the market the Morgan syndicate would have refused to accept them, and would have said that their contract was closed when they received the $33,000,000 of bonds. The Senator knows that very well.

Mr. HILL. How——

Mr. PETTIGREW. If the market price of the bonds had gone below Morgan's bid on the date when Graves defaulted, and Morgan

was still anxious to take them at his price, of course it would have been the duty of the Secretary to have accepted it, for that would be carrying out what I believe proper—that the Secretary should have obtained the best possible price for the bonds in order to protect the interests of the people of the United States, whose servant he was.

Mr. STEWART. Will the Senator allow me now?

Mr. PETTIGREW. I yield to the Senator from Nevada.

Mr. HILL. I am not through yet.

Mr. STEWART. In the proposal the Secretary reserved the right to reject any and all bids, and he had a perfect right to sell the bonds as he pleased under that reservation. He was not bound when he was offered 114 to take 110 or 111. Certainly not, because he had the absolute power reserved to himself.

Mr. PETTIGREW. This seems to have been a transaction where there was a partnership as to profit between the Secretary and a syndicate of bankers, and the interest of the people of the United States was entirely left out of the reckoning. That seems to have been the sum and substance and gist of the whole transaction, rotten and dishonest and corrupt to the core. It seems to me it is entirely proper and timely for the Senate of the United States thoroughly to investigate the transaction.

Here is a telegram from the Morgan syndicate sent on the 21st day of December to the President and Secretary of the Treasury, telling the Government officials that the gold can not be procured in Europe because the credit of the United States is so bad, and that if their bid of 104¾ is not accepted at once they will withdraw the bid and refuse to furnish the gold in the United States, knowing as they did, and as the Secretary knew, that all the gold not already in the Treasury had been thoroughly cornered by Morgan and the banks associated with him.

The Secretary of the Treasury could not have been ignorant of what Morgan was doing, because Morgan came to Washington—he says on the invitation of the President, which the President denies, but admits the interview when the negotiation with the syndicate took place. Morgan immediately after that interview formed his syndicate, described the bonds as running twenty-nine years, and assumed that the price would be 104¾. The arrangements that Morgan was making with the syndicate were public, and it was understood at the time that the gold in the country had been pooled or cornered for the purpose of purchasing the $100,000,000 of bonds by the syndicate. Under these circumstances the threat that they would deprive the Government of the means of obtaining gold was most significant.

Mr. HILL. Will the Senator from South Dakota allow me?

Mr. PETTIGREW. I yield to the Senator from New York.

Mr. HILL. I understood the Senator to speak of what Morgan & Co. would have done if the bonds had diminished in market value. I understood the Senator to say that they would not then have insisted upon them taking the bonds under their bid. Is that correct?

Mr. PETTIGREW. The Senator can go on with his statement, whatever it is.

Mr. HILL. Of course I am not authorized to speak for Morgan & Co., and I assume the Senator from South Dakota is not authorized to speak for them. Therefore I ask him whether his argument comes down to this, that whether the Secretary of the Treasury should have given the Graves bonds to the next highest bidder depends upon the fact as to what the market value of the bonds was. In other words, if the market value the next day was away below the bid, then he should have insisted upon Morgan & Co. taking the bonds, but if it was higher, then he should not have let them have the bonds. That is what I complain of.

Mr. PETTIGREW. The Senator from New York seems determined—I do not know that he is trying to misrepresent me—not to understand what I say. I simply say the Secretary of the Treasury was bound to get the best price he could get for the bonds after they were not taken by the original bidders, and that Morgan & Co. were not bound in law to take them. Their transaction was closed. They had taken the bonds that were not awarded to other people.

Mr. HILL. Then let me see if I understand the Senator, for I am endeavoring to do so in good faith.

Mr. PETTIGREW. I think so. I have no doubt of it.

Mr. HILL. In case the bonds decreased in value, the Senator says that the Secretary of the Treasury was not bound in law, and of course, then, he was not bound in fact, to compel Morgan & Co. to take the bonds. Now, what would he have done in case the bonds went up in value?

Mr. PETTIGREW. I said I would have sold the bonds at the highest obtainable price. It is possible——

Mr. HILL. Then, in either event, no matter whether the bonds went below the Morgan bid or beyond and higher than the Morgan bid, the Senator would have sold them to the highest bidder. He would have made a new advertisement.

Mr. PETTIGREW. I will say further, in reply to the Senator from New York, that the Secretary reserved the right to reject any and all bids.

Mr. STEWART. That is it.

Mr. HILL. That is a different question.

Mr. PETTIGREW. And inasmuch as at the time Graves failed to take the bonds the market price was very much higher, the Government could have made $190,000 or more than that if the Secretary of the Treasury had put the bonds upon the market, and it was his duty to protect the people and the Treasury by doing so.

Mr. HILL. Does not the Senator know that on the very day before the gold was to be paid by the bidder on the Graves bid the market value of the bonds was below the price bid?

Mr. PETTIGREW. No; I do not know that fact.

Mr. HILL. It is the fact.

Mr. PETTIGREW. But I do know that the Secretary on the day Graves defaulted on his payment was offered 114.50 for those identical bonds and for all bonds not taken.

It is impossible for the Senator from New York to so obscure the question as to deceive the public. The Secretary reserved the right to reject any and all bids. He was under no legal obligation to accept the Morgan bid for any part of the loan. When he accepted the Morgan bid at 110.7 for $33,000,000 the transaction with Morgan was closed. He had no other bid and had no other claim upon the Secretary. When the Graves bid failed it was as if no bid had been made. The Secretary then was at liberty to advertise for new bids or to sell to whomsoever he pleased, for if he had any power at all to sell, the mode of sale was entirely discretionary with him, provided he acted honestly. He did dispose of the Graves bid at private sale. He was offered by another responsible bidder nearly $200,000 more. It is true the bid was not made in pursuance of an advertisement, nor was the bid of Morgan made in pursuance of advertisement. They were both private bids. The simple fact is that the Secretary of the Treasury sold $5,000,000 of bonds to his friend on a private bid for nearly $200,000 less than another responsible bidder offered. Is that honest?

Mr. HILL. What right had the Secretary of the Treasury to take an outside and a private bid which had not competed with any of the others?

Mr. PETTIGREW. It would have been better to have taken an outside bid, a private bid, which would have saved the Treasury of the United States $190,000, than to have sold the bonds to an outside or an inside private bid which lost to the Treasury $190,000.

Mr. President, I ask to have incorporated as a part of my speech a brief statement by these people who offered 14½ cents premium for the bonds.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. HILL. What is it that the Senator asks shall be incorporated in the RECORD?

Mr. PETTIGREW. Does the Senator from New York object?

Mr. HILL. I want to know what it is. I have not the slightest idea.

Mr. PETTIGREW. It is simply a statement by the Investment Company of New York as to the reasons why those bonds should not have been awarded to the Morgan syndicate.

Mr. HILL. When was it prepared and where did the Senator get it, may I ask him? [A pause.] He may decline to answer if he wants to.

Mr. PETTIGREW. The Senator can secure a copy by calling upon the Treasury Department for it by resolution.

Mr. HILL. I should like a little more definite description of what the Senator proposes to put into the RECORD. Whereabouts did the firm make this statement?

Mr. PETTIGREW. If the Senator desires, I will have the statement read by the Secretary.

Mr. HILL. I do not care to take up the time to do that, for I am anxious to progress in this matter. But I should like to have a little more definite idea of what the Senator is going to put in.

Mr. PETTIGREW. It is a statement——

Mr. HILL. A statement prepared by whom and when? Where does it come from?

Mr. PETTIGREW. It was prepared on the 15th of February last. It is addressed to the Secretary of the Treasury, and is signed by the Investment Corporation, per H. M. McDonald, its president. It gives the reasons why the bonds should have been assigned to them instead of to Morgan & Co.

Mr. HILL. Assigned to them, although they were not bidders?

Mr. PETTIGREW. Assigned to them upon their bid which they put in at the same time.

Mr. HILL. Upon their subsequent bid, after the failure of Graves?

Mr. PETTIGREW. Yes.

Mr. HILL. Is that it?

Mr. PETTIGREW. Exactly. I am very glad the Senator understands it. The Secretary refused to deliver the bonds on this

subsequent bid of 114.50, but delivered them to Morgan & Co., on their subsequent bid for $190,000 less money.

Mr. HILL. If the Senator thinks they can explain that transaction and their right to have those bonds, although they bid for them in a subsequent bid, the Senator is welcome to all the argument he can make from the statement.

Mr. PETTIGREW. I will leave to the public and to the Senate to determine whether or not the syndicate the Senator from New York champions——

Mr. HILL. I do not object.

Mr. PETTIGREW. Had a better right to those bonds at $190,000 less than the Investment Corporation bid for them.

The statement referred to is as follows:

WASHINGTON, D. C., *February 15, 1896.*

DEAR SIR: We respectfully submit the following statement:

FACTS.

The Secretary of the Treasury, under circular of January 5, 1896, and circulars amendatory thereto, invited proposals for $100,000,000 United States 4 per cent bonds maturing February 1, 1925.

Such proposals were received up to 12 m. February 6, 1896.

These proposals aggregated many times the amount of the offered loan.

Among other proposals was one made by Messrs. J. P. Morgan & Co., of New York, and associates for $100,000,000 of the loan or any portion thereof at 110.6877.

Under the terms of this proposal something over $33,000,000 of the sum was allotted Messrs. Morgan & Co. and associates.

This allotment was definite in amount, precise in terms, and unaccompanied by any condition or intimation that an increased amount of the bonds might thereafter be given Messrs. Morgan & Co. under their proposal of February 6.

Among the bidders for the loan was W. R. Graves, of New York, who proposed to purchase $4,500,000 of the bonds at 115.31.

The above amount of bonds was awarded Mr. Graves and associates.

Mr. Graves has not paid for the bonds allotted him, as required by the terms of the honorable Secretary's circulars.

Other allottees for comparatively small amounts may also have defaulted in their payments.

The Investment Corporation of New York offers, by the terms of its accompanying proposal, to purchase the bonds awarded Mr. Graves and all other bonds upon which the first installment has not been met, paying therefor 114.50 and interest.

ARGUMENT.

The Investment Corporation urges, to the honorable Secretary of the Treasury, that Mr. Graves put in his bid in good faith; is an actual person; the bonds were allotted to him in the regular routine of the Department, and he became entitled to the bonds on the payment of his gold.

Mr. Graves's bid was about $250,000 better than the bid of Messrs. J. P. Morgan & Co. and associates.

Undoubtedly Mr. Graves depended on arranging with banks to carry out his bid. The high price he offered and the manipulation of the Government bond market at the great money center by those who bid much less for their bonds compelled Mr. Graves to default.

Messrs. Morgan & Co. bid for any or all of the $100,000,000 issue. By the terms of their bid they were only entitled to "any" left to them after bids at higher prices were filled. When Messrs. Morgan & Co. were allotted their bonds they received all to which they were entitled. Their rights were fixed. No further moral or legal obligation remained in abeyance to spring up on a future contingency; they had what they asked for, to wit, "any" of the bonds at their price.

No question of good faith or moral obligation on the part of the Government toward Messrs. Morgan & Co. can arise. The transaction was ended so far as award of bonds was concerned.

With the default of Mr. Graves, Messrs. Morgan & Co. have no concern; they have now no interest in Mr. Graves's bid or in the relation of the Government to him.

If the Government has any legal rights to enforce under the contract with Mr. Graves, there can be no legal or moral equity in favor of Messrs. Morgan & Co.

If the Government saw fit, they could bring either of several forms of action against Mr. Graves, as specific performance for damages, for difference in price, etc., as it might elect. We think this undoubted.

Or, if the Government were a bank, they could put up the bonds for sale and charge Mr. Graves for the loss, if any.

With the legal rights thus fixed, it is impossible to conceive of the existence of any obligation in favor of any third party as residuary legatee of all defaulted awards or contracts.

Furthermore, Graves's bid was in round numbers a quarter million of dollars more than the Morgan bid upon the amount involved.

The transaction contemplated by Mr. Graves was legal and precisely such as was, with a wider margin, carried out by most of the larger bidders, including Messrs. Morgan & Co.

The market price of Government bonds is fixed by the Wall street trading in these bonds.

Recently the strongest factor in fixing the Wall street prices has been the dealings in this issue of bonds by Messrs. Morgan & Co. (Read the financial reports in all the New York papers.)

What moral equity can Messrs. Morgan & Co. have when it has been by the manipulation of their firm that the market for Government bonds has been depressed to the extent that Graves has been "shaken out" and thus prevented from complying with the terms of his bid by the very parties who now seek to claim a moral obligation to receive the bonds allotted Mr. Graves on their bid at a loss to the Government of $250,000 and to their advantage to a very much greater amount?

But suppose a condition. If the market price of Government bonds to-day was 109, what would become of the moral obligation in favor of Messrs. Morgan & Co. to receive these bonds at their bid of 110.6877? It is a poor rule that will not work both ways.

We feel assured that the moral obligation of the Government is not to recognize Messrs. Morgan & Co.'s bid as entitled to any defaulted award, and for this cogent reason: It is the desire of the Government to obtain the very highest price possible for its bonds; no prudent responsible bidder will hereafter dare venture to bid close to the range of market quotation if a far lower bidder can manipulate the market and make it impossible for him to carry out his contract in the light of an established precedent that the lower bidder shall thereupon receive the bonds, with the serious loss which would follow to the Government.

The recognition of the bid of Messrs. Morgan & Co. in this instance would put a premium upon market manipulation to warn off all bidding close to the average market price, to the very serious loss to the Government in all future bidding under existing laws.

As a matter of good morals the Government can not afford to adopt any such course.

As a matter of law the bid of Messrs. Morgan & Co. has no present standing.

The proposition is denied by all the law books.

The bonds should be again sold at the best private sale possible or new bids invited.

Either course is warranted by the statute, at the Secretary's discretion.

CONCLUSION.

One of two courses, as already indicated, are open for dealing with the Graves and other unpaid-for bonds, viz: Either readvertise these bonds and sell them to the highest bidder or sell them by private contract upon the most advantageous terms readily attainable by the honorable Secretary.

The first-mentioned course involves considerable expense and the operation of extensive governmental machinery of detail in comparison with the amount involved.

It is also open to the objection that some bidders to whom bonds shall be awarded may not fulfill their contracts, thus necessitating another resale of bonds.

On the other hand, a sale by private contract is expeditious and entirely free from complications.

The Investment Corporation, therefore, respectfully requests the acceptance of its offer herewith made.

The price named, viz, $114.50 and interest, is fair, being only slightly below the present market value of the bonds.

The price is also advantageous to the Government, as it is an increase of more than 3 per cent over the average price at which the recent loan was allotted, or in amount at least $150,000.

THE INVESTMENT CORPORATION,
By H. M. McDONALD, *President.*
W. B. BURNET, *Counsel.*

Hon. JOHN G. CARLISLE,
Secretary of the Treasury.

Mr. PETTIGREW. But the most remarkable of all is that while the Senator from New York is so anxious that this transaction shall not be investigated by a committee of this body, the senior Senator from Ohio [Mr. SHERMAN] should come in and indorse the whole transaction, for on the 29th of April the Senator from Ohio, referring to this issue of bonds, said:

They did right. Though I hold far different opinions from them on many questions, yet I stand here and say boldly and openly that in managing our financial affairs during the present condition of things I think the Secretary of the Treasury and the President have done their full duty, and I could say no more if there were a Republican President in office. (April 29, 1896. RECORD, page 4590.)

Mr. HILL. Will the Senator from South Dakota allow me? Who is more competent to speak upon that subject than the distinguished Senator from Ohio, who for so many years had charge of the great finances of the country?

Mr. PETTIGREW. My answer to that question would be a matter of opinion, and therefore I will not burden the Senate with it. I do not doubt that the Senator from New York and the Morgan syndicate will forever proclaim that the Senator from Ohio is the best authority who can possibly be found so long as his opinions indorse the plunder of the people and the robbery of the Treasury.

Mr. President, the plain statement of the facts connected with the several bond issues by the present Administration constitutes an arraignment which no eloquence could make stronger. First, there was the attack upon the credit of the United States by the inspired object lesson from the banks of New York; then the extra session of the Fifty-third Congress; then the passage of the Wilson tariff for a deficit; the further depreciation of the national credit by the demonstration that the revenues were not equal to the necessary expenditures of the Government; then the endless chain, the first bond issue of $50,000,000 of 5 per cent ten-year bonds at a fixed price of 117.233; then the second issue of similar bonds at an accepted bid of 117.077; the depreciation of the market value of these bonds by the recommendation to Congress that a bill be passed discontinuing the use of them as a basis of bank-note circulation; then the secret contract with the Belmont-Morgan syndicate for the sale of $62,000,000 of thirty-year 4 per cent bonds at 104½, which bonds were quoted last December at 121; finally the attempt to give to the Morgan syndicate the last loan of $100,000,000 at the same figures, and the actual award to them at their bid of 110.6877 of about $5,000,000 upon which default was made in payment, for which other parties offered 116, and which were quoted in open market at a higher price.

Upon this record, Mr. President, the Administration and the Democratic party must go before the people next November, and the verdict of the people will be even more emphatic in condemnation than it was in 1894 and in 1895.

Mr. HILL. Will the Senator from South Dakota allow me to ask whether the Democratic party can not quote with great effect the remarks the Senator has quoted from the Senator from Ohio [Mr. SHERMAN], a distinguished leader of the Republican party, showing that the bond transaction was all right? Can not the Democratic party stand pretty well on that statement?

Mr. PETTIGREW. They undoubtedly will quote it; but that will not justify the iniquity of this whole transaction.

JOSEPH R. WEST.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 673) granting a

pension to Joseph R. West, brigadier and brevet major general, United States Army Volunteers.

Mr. GALLINGER. I move that the Senate nonconcur in the amendment of the House of Representatives and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. SHOUP, and Mr. ROACH were appointed.

FRANCIS WALSH.

Mr. ALLEN. I ask unanimous consent to call up a bill on the Calendar.

Mr. HILL. Will the Senator from Nebraska assure me that it will not lead to any debate?

Mr. ALLEN. It will not lead to any debate.

The VICE-PRESIDENT. Does the Senator from New York object?

Mr. HILL. I do not, under the circumstances.

Mr. ALLEN. I ask the Senate to proceed to the consideration of the bill (H. R. 491) granting an increase of pension to Francis Walsh, of Stockham, Nebr.

Mr. PEFFER. Will the Senator from Nebraska allow me for a moment? If the Senator from New York does not wish to proceed further to-night with his discussion of the bond resolution, I see no reason why we might not devote a half hour to private bills, by unanimous consent. I should have no objection.

Mr. COCKRELL. Let us continue the order of this morning for the consideration of unobjected House bills.

Mr. ALLEN. Let this bill be first disposed of.

Mr. COCKRELL. Very well.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill indicated by the Senator from Nebraska [Mr. ALLEN]?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "fifty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis Walsh, late a member of Company B, Third Regiment Wisconsin Infantry Volunteers, at the rate of $50 per month, in lieu of the pension which he is now receiving.

Mr. ALLEN. I hope the committee will not insist upon the amendment, but will let the bill stand as it passed the other House. This party is totally disabled, as the report shows, and unable to be without an attendant at any time. It is a very meritorious case, and one in which I think the claimant is entitled to $72.

Mr. GALLINGER. I feel sure I speak for the committee when I say that in view of all the facts in the case it will not insist upon its amendment and is quite willing that the amendment shall be disagreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Pensions.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. PEFFER. I ask unanimous consent that the bond resolution may be temporarily laid aside so that Senators may be permitted to call up private bills.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kansas? The Chair hears none.

Mr. GALLINGER. I suggest to the Senator from Missouri [Mr. COCKRELL] that, as a great many Senators have requested that I should get speedy action on pension bills which are on the Calendar, we might devote a little time to the consideration of those bills.

Mr. COCKRELL. I wish to facilitate the passage of unobjected bills without having Senators getting up and asking unanimous consent for their consideration.

Mr. GALLINGER. Precisely.

Mr. CULLOM. Let us go on with the unobjected pension cases.

The VICE-PRESIDENT. What is the request of the Senator from Missouri?

Mr. COCKRELL. To go on, under the order of this morning, with the consideration of unobjected House bills on the Calendar.

Mr. GALLINGER. The Senator will agree to modify his request as I suggest?

Mr. COCKRELL. I accept the suggestion of the Senator from New Hampshire to take up pension bills.

Mr. WHITE. I have no objection to that course, but I would prefer very much that Senators should have an opportunity to call up other bills in which they are interested. However, I do not wish to oppose the suggestion of the Senator from New Hampshire.

Mr. ALLISON. I should like to ask the Senator from Kansas [Mr. PEFFER], who has in charge the resolution which has been laid aside, when he expects to secure a vote on the resolution?

Mr. PEFFER. I will say to the Senator from Iowa that I think we will surely be able to reach a vote some time to-morrow.

Mr. ALLISON. Very well. Then might we not have a unanimous-consent agreement to vote on the resolution at a certain hour?

Mr. PEFFER. I should be very glad to have such an arrangement, if it can be made with the Senator from New York.

Mr. HILL. What is the request?

Mr. PEFFER. To arrange a time for taking a vote on the bond resolution.

Mr. ALLISON. I would ask if it is not possible to agree to an hour for taking a vote on the resolution?

Mr. HILL. The Senator from Iowa has not been listening to the debate.

Mr. ALLISON. I am sorry I have not been able to do so, but I understand the debate has progressed very satisfactorily during the day and that the resolution has been discussed with great ability by the Senator from New York.

Mr. HILL. I was going to suggest to the Senator from Iowa that out of extreme courtesy to the Senator from South Dakota [Mr. PETTIGREW] I yielded for an hour and over, and he has been taking the time of the Senate. Therefore it is impossible now to fix an hour for a vote on the resolution.

Mr. ALLISON. I merely desired to express the wish that we might some time agree to take a vote.

Mr. MITCHELL of Oregon. Why not go on with the bond resolution this evening?

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from New Hampshire.

Mr. BACON. I will first ask what the request is?

The VICE-PRESIDENT. To take up unobjected pension bills. Is there objection? The Chair hears none.

TESTIMONY IN LAND CONTESTS.

Mr. DUBOIS. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 4804) to amend subdivision 10 of section 2238 and to repeal subdivision 12 of section 2238 of the Revised Statutes of the United States, to report it favorably with an amendment. I ask the Senator from New Hampshire [Mr. GALLINGER] to yield to me to put the bill upon its passage. It will not take two minutes. There is no objection to it.

Mr. GALLINGER. I have no objection, if there will be no debate.

Mr. DUBOIS. There will be no debate.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Public Lands was to strike out section 2, in the following words:

SEC. 2. That subdivision 12 of section 2238 of the Revised Statutes of the United States is hereby repealed.

So as to make the bill read:

Be it enacted, etc., That subdivision 10 of section 2238 of the Revised Statutes of the United States is hereby amended so as to read as follows:

"Tenth. Registers and receivers are allowed, jointly, at a rate not exceeding 10 cents per hundred words for testimony reduced by them to writing for claimants in all cases, and in all cases where they can secure a competent person to reduce the testimony to writing for a sum less per folio than the sum herein prescribed it shall be their duty to do so."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to amend subdivision 10 of section 2238 of the Revised Statutes of the United States."

JERUSHA STURGIS.

The VICE-PRESIDENT. The first bill on the Calendar under the order just made will be announced.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 122) granting a pension to Jerusha Sturgis, widow of Brig. Gen. Samuel D. Sturgis, which had been reported from the Committee on Pensions with amendments, in line 7, before the word "dollars," to strike out "one hundred" and insert "seventy-five"; and in line 8 to insert "in lieu of the pension she is now receiving"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jerusha Sturgis, widow of Brig. Gen. Samuel Davis Sturgis, and pay her a pension of $75 per month from and after the passage of this act, in lieu of the pension she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Jerusha Sturgis, widow of Brig. Gen. Samuel D. Sturgis."

SAMUEL E. LISCOM.

The bill (S. 2828) granting an increase of pension to Samuel E. Liscom was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel E. Liscom, late of Company A, Fourteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PLUMY E. MARDEN.

The bill (S. 2829) granting a pension to Plumy E. Marden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Plumy E. Marden, daughter of Benjamin Chote, late a soldier in Colonel Poor's regiment and afterwards in Capt. Edward Burbank's company in the war of the Revolution, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SIMPSON EVERETT STILWELL.

The bill (S. 2787) granting a pension to Simpson Everett Stilwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Simpson Everett Stilwell, late scout and guide in the United States Army, at $20 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY ANN TRACY.

The bill (H. R. 152) granting a pension to Mary Ann Tracy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Ann Tracy, as daughter of David Tracy, late lieutenant in the Thirty-seventh Regiment United States Volunteers in the war of 1812, and to allow her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOPHRONIA S. STOWELL.

The bill (S. 2790) for the relief of Sophronia S. Stowell was considered as in Committee of the Whole. It proposes to place the name of Sophronia S. Stowell on the pension roll as the surviving widow of Maj. David P. Stowell, late of First Maine Cavalry, and to pay her a pension of $25 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LYDIA A. TAFT.

The bill (H. R. 577) granting a pension to Lydia A. Taft was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Lydia A. Taft as the widow of Lowell Taft, late a private in Company G, Eighteenth Regiment Connecticut Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EBENEZER G. HOWELL.

The bill (H. R. 5254) granting an increase of pension to Ebenezer G. Howell, late a private of Company F, One hundred and sixtieth New York Volunteers, was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Ebenezer G. Howell, late a private in Company F, One hundred and sixtieth New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of all other pensions.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE D. MOWATT.

The bill (H. R. 1139) granting a pension to Caroline D. Mowatt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caroline D. Mowatt, as widow of Alfred B. Soule, late major of the Twenty-third Regiment Maine Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIGHT OF WAY ON PUBLIC LANDS FOR ELECTRIC POWER.

Mr. TELLER. I ask the Senator from New Hampshire if he will allow me to call up a bill of some local importance. There is some necessity for its immediate passage. It is a House bill and will not take up any time. If there is any discussion over it I will withdraw it.

Mr. GALLINGER. I yield for that purpose.

Mr. TELLER. I ask unanimous consent for the present consideration of the bill (H. R. 3018) to amend the act approved March 3, 1891, granting the right of way upon the public lands for reservoir and canal purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the act entitled "An act to permit the use of the right of way through the public lands for tramroads, canals, and reservoirs, and for other purposes," approved January 21, 1895, by adding thereto the following:

SEC. 2. That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of right of way to the extent of 25 feet, together with the use of necessary ground, not exceeding 40 acres, upon the public lands and forest reservations of the United States, by any citizen or association of citizens of the United States, for the purposes of generating, manufacturing, or distributing electric power.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EUGENIA R. SWEENY.

The bill (H. R. 3426) granting an increase of pension to Eugenia R. Sweeney, widow of Brig. Gen. Thomas W. Sweeney, deceased, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in lines 6 and 7, to strike out the name "Sweeney" where it occurs and insert "Sweeny"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eugenia R. Sweeny, widow of Thomas W. Sweeny, deceased, late a brigadier-general, United States Army, and pay her a pension at the rate of $50 per month in lieu of the pension she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Eugenia R. Sweeny, widow of Brig. Gen. Thomas F. Sweeny, deceased."

CHARLOTTE O. VAN CLEVE.

The bill (S. 1883) to grant a pension to Charlotte O. Van Cleve, widow of Gen. Horatio P. Van Cleve, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "one hundred" and insert "fifty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Mrs. Charlotte O. Van Cleve, widow of the late Brig. and Bvt. Maj. Gen. Horatio P. Van Cleve, at the rate of $50 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STEPHEN MAINES.

The bill (S. 2542) granting a pension to Stephen Maines was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen Maines, late a private in Company K, Ninety-seventh Indiana Volunteer Infantry, and pay him a pension of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMANTHA BARNES.

The bill (S. 536) granting an increase of pension to Samantha Barnes was considered as in Committee of the Whole. It proposes to place upon the pension roll, at $20 per month, the name of Samantha Barnes, of Denver, Colo., widow of Newcomb M. Barnes, late captain of Company I, One hundred and first Regiment of Ohio Volunteer Infantry, in lieu of the pension of $8 per month she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET C. M'KAY.

Mr. MITCHELL of Oregon. Will the Senator from New Hampshire yield to me for a moment, as I am compelled to leave the

Senate, to ask to take up a bill a little farther along on the Calendar? It is a case in which I take some interest, Senate bill 527.

Mr. GALLINGER. I yield for that purpose.

The PRESIDING OFFICER (Mr. PASCO in the chair). The Senator from Oregon asks unanimous consent for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (S. 527) for the relief of Margaret C. McKay, widow of the late Dr. William C. McKay, of Oregon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 7, to fill the blank before the word "dollars" by inserting the word "twenty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll, subject to the provisions of the pension laws, the name of Margaret C. McKay, widow of the late Dr. William C. McKay, of Oregon, at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES W. WHITNEY.

The bill (S. 2430) granting a pension to James W. Whitney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Whitney, late private, Company D, First Ohio Light Artillery Volunteers, at $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JACOB P. FLETCHER.

The bill (S. 2428) granting an increase of pension to Jacob P. Fletcher was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "Fletcher," to strike out "late captain Company A, Nineteenth Regiment Ohio Volunteer Infantry, at the rate of $24 per month from the passage of this act, in lieu of that he is now receiving," and insert, "late a lieutenant, Company A, One hundred and ninety-fifth Ohio Volunteer Infantry, at the rate of $17 per month, in lieu of the pension he now receives"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob P. Fletcher, late a lieutenant, Company A, One hundred and ninety-fifth Ohio Volunteer Infantry, at the rate of $17 per month, in lieu of the pension he now receives.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE E. TUTTLE.

The bill (S. 2341) granting a pension to George E. Tuttle was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "twelve" and insert "eight"; and after the word "months," in the same line, to strike out "from the passage of this act"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George E. Tuttle, late of Company G, Two hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $8 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMBROSE B. CARLTON.

Mr. TURPIE. I ask permission of the honorable Senator from New Hampshire to allow me to request the immediate consideration of Senate bill 2601, granting an increase of pension to Ambrose B. Carlton.

Mr. COCKRELL. We shall soon reach it.

Mr. GALLINGER. I believe it is a pension bill.

Mr. COCKRELL. It is a pension bill, and we shall soon reach it.

Mr. GALLINGER. I have no objection to its present consideration. It is just as well to consider it now.

Mr. COCKRELL. If we are going to have a rule we should observe it. There are many other Senators who are interested in bills. We can pass them all in a few moments, and I do not think it is right to make exceptions.

Mr. CULLOM. I do not think so either.

Mr. GALLINGER. Let the regular order proceed.

The PRESIDING OFFICER. The next pension bill in order will be proceeded with.

ABRAHAM RHODES.

The bill (S. 2158) granting a pension to Abraham Rhodes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "sixteen"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham Rhodes, late private in Company I, Sixth Kentucky Cavalry, and pay him a pension at the rate of $16 per month from the passage of this act, in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Abraham Rhodes."

GEORGE D. NOBLE.

The bill (S. 2441) granting a pension to George D. Noble was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, after the word "regiment," in line 7, to insert "Wisconsin"; and in the same line, before the word "dollars," to strike out "twelve" and insert "eight"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George D. Noble, late private Company E, Forty-sixth Regiment Wisconsin Volunteer Infantry, at the rate of $8 per month from the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD T. SELTZER.

The bill (S. 2077) granting a pension to Richard T. Seltzer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard T. Seltzer, late private Company F, Fortieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $8 per month from the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIJAH A. GILBERT.

The bill (S. 1465) granting an increase of pension to Elijah A. Gilbert was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five," and insert "twenty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elijah A. Gilbert, late of Company E, One hundred and second Regiment Illinois Infantry, and pay him a pension of $20 per month, in lieu of the pension he now receives.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THEODORE V. PURDY.

The bill (S. 2822) to increase the pension of Theodore V. Purdy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Theodore V. Purdy, late private Company F, First Michigan Sharpshooters, and to pay him a pension of $50 a month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATHAN MITCHELL.

The bill (S. 1857) granting a pension to Nathan Mitchell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathan Mitchell, a soldier in the Mexican war, at $8 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EMMA WEIR CASEY.

The bill (S. 2729) granting a pension to Emma Weir Casey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an

amendment, in line 8, before the word "dollars," to strike out "one hundred" and insert "seventy-five"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Emma Weir Casey, widow of the late Brig. Gen. Thomas Lincoln Casey, Chief of Engineers, United States Army, at the rate of $75 a month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH G. IVES.

The bill (H. R. 4887) granting a pension to Sarah G. Ives was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah G. Ives, widow of Joseph C. Ives, late of Company A, Iowa Volunteer Infantry, in the war with Mexico, at $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HELEN A. JACKMAN.

The bill (H. R. 4968) granting a pension to Helen A. Jackman, dependent daughter of Lieut. William Jackman, late of Company I, Fourteenth Regiment of Maine Volunteers, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Helen A. Jackman, dependent daughter of Lieut. William Jackman, late of Company I, Fourteenth Regiment of Maine Volunteers, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMBROSE B. CARLTON.

The bill (S. 2601) granting a pension to Ambrose B. Carlton was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "fifty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ambrose B. Carlton, of Terre Haute, Vigo County, Ind., late a private in the Mexican war, and that he be paid a pension of $50 per month in lieu of that he is now receiving.

Mr. TURPIE. I move to amend the amendment by inserting "sixty" in place of "fifty." I am authorized by the chairman of the committee to move that amendment. The pensioner is already drawing $50 per month.

Mr. GALLINGER. I think that amendment ought to be made. I am satisfied the committee intended to report the rate at $60, inasmuch as the soldier is now drawing $50.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment by striking out "fifty" and inserting "sixty."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. TURPIE. The pensioner is described in the bill as a private, when he was a corporal, and he was also described as a corporal in a previous bill. I ask to have that corrected.

Mr. COCKRELL. That can be reached by simply striking out the word "private" and inserting "corporal."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 7, after the words "late a," it is proposed to amend by striking out "private" and inserting "corporal."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN CALIFORNIA AND OREGON.

Mr. WHITE. I ask unanimous consent for the present consideration of House bill 5819. It is a matter of great importance to California and Oregon and affects no other State.

Mr. CULLOM. Is it a pension bill?

Mr. WHITE. No. The Senators from both the States of Oregon and California are very much interested in the bill, and we should like to have an opportunity to get it passed this evening.

Mr. PALMER. We shall be able to get to it directly.

Mr. MITCHELL of Oregon. I hope the bill may be taken up and disposed of at this time.

Mr. GALLINGER. I yield for that purpose.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. CULLOM. I have no objection if it leads to no debate.

Mr. WHITE. Oh, no. It is exactly the same as the law which is now applicable to Idaho and Montana, except that this is less expensive.

Mr. GALLINGER. Let the bill be read.

Mr. WHITE. I suggest that the bill has been once read, and the amendments may now be stated. They are printed with the bill.

Mr. HILL. What bill is that?

Mr. WHITE. A bill to provide for the examination and classification of certain lands in the State of California. It is the same as the law now in force in Idaho and Montana.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5819) to provide for the examination and classification of certain lands in the State of California.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, page 3, line 7, after the word "lands," to insert the following proviso:

Provided, That where large bodies of land within the limits of said grants are commonly and generally known to be nonmineral the Commissioner of the General Land Office shall direct said commissioners to take evidence with relation thereto, and if it be found that such bodies of land are nonmineral they shall classify the same accordingly in a body without actual inspection by legal subdivision.

The amendment was agreed to.

The next amendment was, in section 2, page 4, line 9, after the word "compensation," to strike out the words "their actual necessary expenses incurred while in the performance of their official duties, and in addition thereto the further sum of"; so as to read:

The oath of office of said commissioners shall be filed by them in the office of the Commissioner of the General Land Office. Said commissioners shall receive for their compensation $10 for each day they may be actually engaged in the performance of their duties; and their accounts shall be audited by the Secretary of the Interior and paid monthly.

The amendment was agreed to.

The next amendment was, in section 2, page 4, after the word "act," in line 23, to insert "and shall fully complete said classification within the term of four years from date of this act"; so as to read:

And they shall, immediately upon their appointment, proceed to examine and classify the lands herein mentioned, within their respective land districts, as provided in this act, and shall fully complete said classification within the term of four years from date of this act.

The amendment was agreed to.

The next amendment was, in section 8, page 10, line 11, before the word "thousand," to strike out "twenty" and insert "forty"; so as to read:

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $40,000, or so much thereof as may be necessary, to be expended to carry into effect the provisions of this act, the same to be paid out upon the order of the Secretary of the Interior.

The amendment was agreed to.

Mr. MITCHELL of Oregon. I submit the amendment which I send to the desk and ask for its adoption.

The PRESIDING OFFICER. The amendment proposed by the Senator from Oregon will be read.

The SECRETARY. After section 7 of the bill add the following as additional sections:

SEC. 8. That the Secretary of the Interior be, and he is hereby, authorized and directed, as speedily as practicable, to cause all unpatented lands within the Roseburg and Oregon City land districts in the State of Oregon within the land-grant and indemnity land-grant limits of what is known as the Oregon and California Railroad Company grant, being lands in the State of Oregon granted by an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad in California to Portland, in Oregon," approved July 25, 1866, and acts supplemental thereto and amendatory thereof, to be examined and classified by commissioners to be appointed as hereinafter provided, with special reference to the mineral or nonmineral character of such lands, and to reject, cancel, and disallow any and all claims or filings heretofore made, or which may hereafter be made by or on behalf of the said railroad company, or on any unpatented lands in said State of Oregon which upon examination shall be classified, as provided in this act, as mineral lands: *Provided*, That where large bodies of land within the limits of said grants are commonly and generally known to be nonmineral, the Commissioner of the General Land Office shall direct said commissioners to take evidence with relation thereto, and if it be found that such bodies of land are nonmineral, they shall classify the same accordingly in a body without actual inspection by legal subdivision.

"SEC. 9. That for the purpose of making the examination herein provided for, three commissioners shall be appointed by the President of the United States as soon as practicable after the passage of this act; that at least one of the three commissioners shall be a practical miner and a resident of the said State of Oregon. Before entering upon their duties each of said commissioners shall take an oath to faithfully perform the duties of his office. The oath of office of said commissioners shall be filed by them in the office of the Commissioner of the General Land Office. Said commissioners shall receive for their compensation $10 for each day they may be actually engaged in the performance of their duties, and their accounts shall be audited by the Secretary of the Interior and paid monthly. Said commissioners shall make examination of the lands herein mentioned within their respective land districts, and may also take the testimony of witnesses as to the mineral or nonmineral character of any of said lands and receive any other evidence relating to said matter, and shall have power to summon witnesses to appear before them, and to administer oaths; and they shall, immediately upon their appointment, proceed to examine and classify the lands herein mentioned, within their respective land districts, as provided in this act, and shall fully complete said classification within the term of four years from the date of

this act. All testimony taken by said commissioners shall be reduced to writing, subscribed by the witnesses, and filed with the report of the commissioners hereinafter required. The action or decision of a majority of any one of said boards of commissioners shall control in all matters herein provided for within the jurisdiction of such board.

"SEC. 10. That all said lands shall be classified as mineral which by reason of valuable mineral deposits are open to exploration, occupation, and purchase under the provisions of the United States mining laws, and the commissioners in making the classification hereinafter provided for shall take into consideration the mineral discovered or developed on or adjacent to such land, and the geological formation of all lands to be examined and classified, or the lands adjacent thereto, and the reasonable probabilities of such land containing valuable mineral deposits because of its said formation, location, or character. The classification herein provided for shall be by each legal subdivision where the lands have been surveyed. If the lands examined are not surveyed, classification shall be made by tracts of such extent and designated by such natural or artificial boundaries to identify them as the commissioners may determine. Where patents have issued for mining ground in any section of land this shall be taken as prima facie evidence that the 40-acre subdivision within which it is located is mineral land: *Provided*, That the word 'mineral,' where it occurs in this act, shall not be held to include iron or coal: *And provided further*, That the examination and classification of lands hereby authorized shall be made without reference or regard to any previous examination or report or classification thereof.

"SEC. 11. That such of the lands herein mentioned as have been surveyed prior to the passage of this act shall be first examined and classified as herein provided, and afterwards, and as speedily as practicable, the lands herein mentioned which have not been surveyed, until all the lands herein mentioned have been examined and classified as herein provided.

"SEC. 12. That said commissioners shall, on or before the 5th day of each month, file in the office of the register and receiver of the land office of the land district in which the land examined and classified is situated a full report, in duplicate, in such form as the Secretary of the Interior may prescribe, showing all lands examined by them during the preceding month, and specifying clearly by legal subdivisions, where the land is surveyed, or otherwise by natural objects or permanent monuments to identify the same, the lands classified by them as mineral lands and those classified as nonmineral; and with said report shall be filed all testimony taken and written communications received by said commissioners relating to the lands embraced in the report. The register and receiver shall file one duplicate of said report in their office, together with all accompanying testimony and papers, and the other duplicate shall be by them forwarded direct to the Secretary of the Interior, and said commissioners shall furnish to the Secretary of the Interior at any time such further or additional report or information as he may require concerning any matters relating to their duties or the performance of the same. Upon receipt of such report the register of the land office shall, at the expense of the United States, cause to be published in a newspaper of general circulation in each county in which the land so classified is located, at least once a week for four consecutive weeks, notice of the classification of lands as shown by said report; and any person, corporation, or company feeling aggrieved by such classification may, at any time within sixty days after the first publication of said notice, file with the register and receiver of the land office a verified protest against the acceptance of said classification, which protest shall set forth in concise language the grounds of objection to the classification as to the particular land in said protest described, whereupon a hearing shall be ordered by and conducted before the said register and receiver, under rules and regulations as nearly as practicable in conformity with the rules and practice of such land office in contests involving the mineral or nonmineral character of land in other cases, and an appeal from the decision of the register and receiver shall be allowed to the Commissioner of the General Land Office and to the Secretary of the Interior, under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That at such hearings the United States district attorney or his assistants for the judicial district in which the land is situated shall appear and defend the interests of the United States, and for such services he shall receive compensation not exceeding $10 per day for each day's actual service before the register and receiver, to be paid out of the fund provided for the examination and classification of said mineral lands.

"SEC. 13. That as to the lands against the classification whereof no protest shall have been filed as hereinbefore provided, the classification, when approved by the Secretary of the Interior, shall be considered final, except in case of fraud, and all plats and records of the local and general land offices shall be made to conform to such classification; and as to the lands against the classification whereof protests may be filed, the final ruling made after the day set for hearing shall determine the proper classification, and all records of the local and general land offices shall be made to conform to the classification as determined by such final ruling, and all costs of such hearings shall be paid by the unsuccessful party, under such rules as the Secretary of the Interior may prescribe; and the Secretary of the Interior is hereby authorized to establish such rules and regulations as may be necessary to carry into effect the true intent and provisions of this act as speedily as practicable.

"SEC. 14. That no patent or other evidence of title shall be issued or delivered to said Oregon and California Railroad Company for any land in said State, or to any assignee company, until the examination and classification provided for in this act shall have been made, and such patent or other evidence of title shall only issue then to such land, if any, in said State as said company may be, by law and compliance therewith, and by the said classification, entitled to; and any patent, certificate, or record of selection, or other evidence of title or right to possession of any land in said State, issued, entered, or delivered to said railroad company in violation of the provisions of this act shall be void: *Provided*, That nothing contained in this act shall be taken or construed as recognizing or confirming any grant of land or the right to any land in the said railroad company, or as waiving or in any wise affecting any right on the part of the United States against the said railroad company to claim a forfeiture of any land grant heretofore made to said company."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. MITCHELL of Oregon the title was amended so as to read: "A bill to provide for the examination and classification of certain lands in the States of California and Oregon."

Mr. DUBOIS. I move that the Senate request a conference with the House of Representatives upon the bill and amendments.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. DUBOIS, Mr. PETTIGREW, and Mr. PASCO were appointed.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 3 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 6, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 5, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

EXPLANATION OF A VOTE.

Mr. LACEY. Mr. Speaker, I wish to call attention to the RECORD of last evening. I voted upon the resolution offered by the gentleman from South Dakota [Mr. PICKLER], the understanding being that my pair with Mr. HUTCHESON of Texas had been canceled by striking out my name and inserting Mr. BROMWELL's instead. I find that was a mistake, and consequently my vote was cast through a misapprehension.

CONSIDERATION OF PRIVATE PENSION BILLS, ETC.

Mr. HENDERSON. Mr. Speaker, I desire to submit a privileged report from the Committee on Rules.

The SPEAKER. The report and accompanying resolution will be read.

The Clerk read as follows:

The Committee on Rules, to whom was referred House resolution No. 238, having had the same under consideration, ask leave to report the following substitute therefor:

"*Resolved*, That on Wednesday, May 6, 1896, and Wednesday, May 13, 1896, immediately after the reading of the Journal on each day, the House shall resolve itself into Committee of the Whole House for the consideration of such bills as are in order on the sessions of Friday evenings; and that in the consideration of such bills under this resolution ten minutes' debate shall be allowed on each bill, with the amendments thereto, such time to be divided equally between those favoring and those opposing the bill: *Provided, however*, That nothing in this resolution shall be construed as interfering with general appropriation bills and conference reports thereon."

Mr. HENDERSON. I ask the previous question on the adoption of the resolution.

The previous question was ordered.

Mr. CRISP. Mr. Speaker——

Mr. HENDERSON. Does the gentleman from Georgia desire to occupy time?

Mr. CRISP. When the gentleman gets through I shall occupy the floor for a few moments.

Mr. HENDERSON. I will make a brief explanation first and then hear what my colleague on the committee has to say.

Mr. CRISP. Very well.

Mr. HENDERSON. This resolution, Mr. Speaker, is the same as the one which the House voted upon last night, with the single exception that we have added thereto an exception in behalf of appropriation bills, so that conference reports on appropriation bills may be taken up and considered at any time during the two days set apart by this resolution.

The effect of the rule is to allow Wednesday of this week and Wednesday of next week for the consideration of such bills, and such bills only, as are in order for consideration under the rule on Friday nights. And I wish to call the attention of the House to the fact that the Calendar of May 4 shows that there are 387 private pension bills pending on the Calendar, reported from the Committee on Invalid Pensions and from the Committee on Pensions, and that there are 18 bills which have already passed the Committee of the Whole and are still pending, undisposed of by the House—bills reported from the same committees—making a total of 405 private pension bills undisposed of. It is because of this condition of the Calendar and the great need for the consideration of these bills that this rule is presented for the consideration of the House.

For reasons which I will not now discuss, no great progress has been made at the Friday night sessions, and it has been thought wise to allow the House one day of this week and one day of next week to be devoted to the consideration of these bills exclusively.

Mr. HULL. Will my colleague yield for a question?

Mr. HENDERSON. Certainly.

Mr. HULL. I take it from your statement that the special rule is to be devoted only to private pensions. There are a large number of desertion cases upon the Calendar; and if you propose to limit it to pension cases alone it will be necessary to amend the resolution.

Mr. DALZELL. If they are in order on Friday night, they are included in this rule.

Mr. HENDERSON. I will say to my colleague that I did not count up the desertion cases, for I was not familiar with that class. But they are in order for consideration under this special rule because they are in order at the Friday night sessions.

Mr. HOPKINS. The point is, as I understand the gentleman from Iowa [Mr. HULL], that the two days should be limited to pension cases only, and not desertion cases.

Mr. HENDERSON. That was not the intention of the Committee on Invalid Pensions, whose wishes we considered in regard to the matter.

I reserve the remainder of my time.

Mr. CRISP. Mr. Speaker, I am not one of those that oppose reasonable and equitable pension bills, but I want to say a word or two before the House adopts this order. Of course I know well the majority are going to adopt it, that nothing I might say would affect it, and yet I want to say a word to justify my own vote against this proposition.

In the first place, all men must admit that our general pension laws are very liberal. I suppose no man, no matter how anxious he may be to appear as a special friend and champion of the soldier, will deny that our general laws are very liberal in relation to the granting of pensions to soldiers of the late war. Of course there are exceptional cases that arise, cases which the general law does not cover, which it is proper should be considered by Congress on their merits. Now, the first criticism I make of the practice here is that the Committee on Pensions does not confine itself to the consideration of cases which equitably come within the spirit of existing law, and yet by its strict terms are not included; but the Committee on Invalid Pensions report in favor of distinct classes of pensioners who, under the general law, are not included. I have always thought, and I now maintain, that it never was intended that the Committee on Invalid Pensions should report pension bills in favor of distinct classes of people who, under the general law, are not entitled to pensions, but it was intended rather to be like a court of equity, which might afford relief in certain cases where the general law, by reason of its universality, was deficient—some cases where specific proof could not be made, or something of that sort; but the Committee on Invalid Pensions does not limit itself in that way.

Now, in spite of the liberal law to which I have referred, I am told that there are more than 3,000 applications for pensions which have been introduced during this Congress.

Mr. LOUD. They are still coming.

Mr. CRISP. Now, a great number have been reported. A great number have been considered under the rules of the House, to which I make no objection.

This proposition is to change the rules of the House and to provide for the consideration of these bills during two days of this month, and that no more than ten minutes' debate or consideration shall be given to any one bill.

Now, think of that for a moment. If the report is read, it must come out of the ten minutes' time. I venture to say there are cases in which the report can not be read in five minutes. We can not even understand the ground upon which the committee recommend the pension, and yet we are told that this is equitable and just.

Now, Mr. Speaker, if the House felt bound to accept the verdict or judgment of any of its committees absolutely, then, of course, there would be no occasion for any debate; but if the House reserves to itself the right to consider a bill reported by a committee, then I submit, Mr. Speaker, that ten minutes is too little time in which to permit the House intelligently to pass upon an application for a pension. Now, why should this be done? Why should the rules be changed in this way? Surely this House wants to pass intelligently upon these cases, and surely no gentleman upon that side will insist that you can do that in ten minutes. I undertake to produce—at least I am informed that I can produce—reports from the Committee on Pensions that can not be read in five minutes, and that is all the time allowed in favor of the proposition. Therefore by this rule you deprive the House of hearing even a report from the Committee on Invalid Pensions, and I submit, Mr. Speaker, no matter how anxious gentlemen may be to consider these bills, this is not the proper way in which to consider them.

Again, the House of Representatives for some days has been through with all the general appropriation bills. Why can not the House, under its rules, proceed from day to day to consider pension bills, if that is the purpose or the desire of its majority? If these bills are regarded as so important that the rules of the House must be changed, so important that they must be considered without the House even knowing the reason why the committee report them, let me ask why it is that you can not proceed from day to day to consider them under the rules? Five days last week you gave to the consideration of the bankruptcy bill. Five days or more you gave the week before to general debate on the pension bill, a mere opportunity to permit gentlemen to make speeches to send home for campaign purposes. Why now, if it is so important that these bills should be considered—and I agree that they ought to be considered—why not proceed to consider them in the same manner that you consider other business? Why not give a reasonable time in which to discuss them? Is it true that gentlemen have reported bills when they are afraid that the country shall see and hear the reasons they allege for their passage? Is it true that gentlemen on that side of the House desire to pass bills which they are ashamed to have discussed in the open hearing of the House? It seems to me, sir, that this is not only unusual, but that it is unjust, and can only be defended by those who believe that every man who served in the war on the Union side is entitled to a pension irrespective of existing law.

For these reasons, Mr. Speaker, I shall oppose this resolution. I shall vote against it, and in doing so I shall feel that I am doing my duty as a Representative to vote against any rule which provides that I shall be forced to pass upon a question when you do not afford me sufficient opportunity even to hear the report read.

I yield five minutes to the gentleman from California [Mr. LOUD].

Mr. LOUD. Mr. Speaker, I shall vote against this rule; and no man recognizes better than I the imaginary idea prevailing upon our side of the Chamber of the delicate ground upon which I tread; but I do not believe that even the claim of an old soldier is so sacred that the people of this country desire to pass his case without due consideration. I have repeatedly heard it uttered here on Friday nights, "Why, the committee have investigated this case and we will follow the committee." I have heard it stated that there have been 400 cases reported. Permit me to say that there are no committees in this House that can carefully consider 400 cases in the length of time they have devoted to those cases.

I assume, Mr. Speaker, in cases where a great deal more care and thought is given to the consideration of matters by a whole committee than is given to these pension cases, this House in many instances has overturned the deliberations of the committee. In many instances, Mr. Speaker, the committee has carefully considered bills for weeks and weeks and yet the sober judgment of this House has overturned the conclusions of the committee. I do not believe, Mr. Speaker, that there is any bill so sacred that it should be denied the light of day. Now, then, if the cases that have passed this House could bear that close investigation that they ought there might be some excuse for passing this rule. But I have been brought to contemplate, when we look at the cases that have been passed here on Friday nights, whether there were any private soldiers left at the close of the late rebellion! Mr. Speaker, 50 per cent of the cases that have passed have been to place upon the pension rolls, at a high rate, widows of officers; 25 per cent of the cases that you have passed have been to remove the charge of desertion from what I believe to be bona fide deserters.

Now, then, let me to say to you, gentlemen, that I think you mistake the temper of the people of this country when you propose to pass through this House, or any legislative body, cases under the rule that you have presented here. I know what I say to-day will fall upon deaf ears; no one recognizes that better than I do. But there is no man on this floor, Mr. Speaker, who will not recognize that one of the principal arguments used for the passage of the act of 1890 was that it would do away with the vicious pension legislation that had confronted Congress for many and many a session.

The gentleman from Georgia [Mr. CRISP] says 3,000 cases have already been presented, and I said in an undertone to the gentleman that they were still coming. Look at your RECORD from day to day and see if what I say is not a fact, and the party with which I am associated are, under the guise of this rule, to force through this House cases that have had, permit me to say, no consideration whatever. Cases of pensioners and private claims, Mr. Speaker, do not receive deliberate consideration in committee. I know whereof I speak. These cases are referred to one individual member of the committee, and as the result of his deliberation this House is called upon to act. Yesterday I believe I was the only Republican who voted against this resolution, and I shall do so to-day, perfectly satisfied, Mr. Speaker, that I am doing what is right and just and what the Republican party ought to do.

Mr. HULICK. Will the gentleman allow me to ask him a question?

Mr. LOUD. If I have time.

Mr. HULICK. I would like to ask what your remedy is, and how would you dispose of these several thousand private bills? Should they remain for consideration on Friday nights and meet with the opposition we all know, or shall we pass this rule?

Mr. LOUD. Ninety-eight per cent of your cases have no merit whatever, and investigation will show it. If you will present meritorious cases to this House there will be an abundance of time to pass them.

Mr. CRISP. I reserve the remainder of my time.

The SPEAKER. The gentleman has six minutes.

Mr. HENDERSON. How much time has that side remaining?

The SPEAKER. Six minutes,

Mr. CRISP. I reserve that. Of course if the gentleman wants to close, I will give him an opportunity.

Mr. HENDERSON. What time have I remaining?

The SPEAKER. The gentleman has sixteen minutes.

Mr. HENDERSON. Mr. Speaker, it is true, as the gentleman from Georgia says, that the pension laws, the general pension laws, are liberal; and no thanks to that side of the House for that fact. The Republican party alone, with a few assistants from the North, and one or two, as I remember it, from the South, have made them so. Under a friendly administration of the pension laws it has been found necessary in the past to pass special pension bills; and now, with a mailed hand protruding from every Executive Department of this Government, when the interests of the old soldier are brought forward it needs some special legislation to take care of the unfortunate ones who have difficulty in getting their proofs. [Applause on the Republican side.] Every man who has served a single term in this body knows that there are special difficulties surrounding the old soldier in getting his proofs. The Angel of Death is swift among the ranks of that class, carrying away witnesses, and it is difficult, after the lapse of thirty years, to procure the necessary evidence in these cases; and the Congress of the people has been called upon, is called upon, and will be called upon, to provide for such defects.

The gentleman from Georgia complains of the ten minutes. Mr. Speaker, if you had ten hours on a pension bill Democratic tongues would be found on that side charged with bitterness and gall to consume that time in order to defeat the passage of all such bills. [Applause on the Republican side.] The first time that I ever crossed swords with the gentleman from Georgia, when we were both commencing our term in Congress, was on account of his opposition to a private pension bill for the widow of a poor soldier. The gentleman soon saw that he was not in the proper field. His greater abilities called him to a higher plane, and he turned over to the petty little Gatling guns of his party this petty warfare on the honored and maimed veterans of the Union. [Applause on the Republican side.] I congratulate him on his promotion. I leave those who took his place to make up a conscience fund, from their own standpoint, to settle with their Maker. [Laughter; applause on the Republican side.] Ten minutes is ample. Why? There are no new principles involved in these cases. They are settled on rules and principles well known to this House and to the country; the reading of the report, which on an average consumes about two minutes, will state each case, and five minutes will be left for the ancient, oft-repeated, abusive attacks coming from the Democratic side.

One gentleman on that side says that the Republican party has a "soldiers' trust" that we depend upon. I concede to most of you gentlemen on the Democratic side that in that matter and in that alone you are conscientious antitrusters. [Laughter; applause on the Republican side.] These pension bills are considered carefully in subcommittee and they are again considered and voted upon in full committee. They come here based on simple principles, and this rule is brought in because it is absolutely needed; for on Friday nights the mass of you gentlemen on that side are found, as you were found yesterday when we asked for this order under a suspension of the rules, obstructing the way and trying to defeat this pension legislation.

The gentleman from Georgia said something about our doing this for campaign purposes. When I presented this report, Mr. Speaker, I used no partisan word; I presented the report as a business proposition, representing the committee of which the gentleman and I are both members; but when the leader of the Democratic party in this House hurls that venomous imputation against the members on this side, most of whom have served side by side with the poor fellows who are sending us their petitions for this legislation, I hurl it back in his teeth, and assert that under this dome men can act for their constituents conscientiously in behalf of the old soldiers of the Union as well as for filled-cheese insolvents and other classes of unfortunates. [Laughter; applause on the Republican side.] And when you talk about campaign purposes possibly the thought is in the minds of some of you who blossom here perennially on Friday nights and on every other occasion that you have campaigns at home in which you can make your boasts of having been obstructionists and strong assailants of the old Union soldier. Take that comfort home into your campaigns; but I assert that if the Democratic leaders on the floor of this House would lay aside this partisan abuse, if they would treat these old Union soldiers as their defenders as well as ours, we would reach reconciliation and that union of hearts for which I love to labor as a member of this House and for which I long without a reservation. You gentlemen are the ones—some of you, I will not say it of you all—you gentlemen, the big and the little of you in the main, are the ones who keep tearing open afresh the wounds of war and preparing your campaign material on lines which God and your own consciences both ought to disapprove. [Loud applause on the Republican side.] We reserve the balance of our time on this side until we hear again from the gentleman from Georgia.

Mr. CRISP. Mr. Speaker, just a word. My friend from Iowa [Mr. HENDERSON], pursuing his usual custom, with which those of us who have served long here are very familiar, proceeds to set up a man of straw and then to knock him down. And he does that in a loud tone of voice, and he does it as though he felt and wanted the whole country to feel that the interest of the old soldier depended at this moment upon the action of the gentleman from Iowa. [Laughter.]

Now, Mr. Speaker, I said no word about this proposition being made for campaign purposes. I said that for five days you had debated a general pension bill which was for campaign purposes, and that if you thought as much of the gentlemen who are now asking pensions as you profess to think you might have used that time in considering private pension bills rather than making speeches on the general subject of pensions to send home for campaign purposes. That is what I said.

Mr. HENDERSON. That is worse than I thought it was. [Laughter.]

Mr. CRISP. I made no criticism like that which my friend from Iowa has attributed to me. I defy you, Mr. Speaker, or any man in this House to make an argument against any proposition that is presented by the gentleman from Iowa without his working himself into a great passion and claiming that he stands here preeminently in the interest of the people and that those who oppose him are the enemies of the public weal.

That is an old cry. It does not mean anything. The gentleman himself does not mean anything. It is simply a habit he has fallen into. [Laughter.] Of course, if it affords him any pleasure it does us no harm.

Mr. Speaker, I think I will leave the matter there.

Mr. HENDERSON. Mr. Speaker, this is the statesmanlike reply we have heard from the gentleman from Georgia! He attacks my voice. I do not brag of my voice. I came honestly by it driving breaking teams. [Laughter.] It is the best voice I have.

I opened this debate without bringing in any politics. The gentleman from Georgia seems incapable of discussing such questions on a high plane. Even now, as I understand him, he claims that in the passage of the bankruptcy bill we were using it for partisan purposes. He seems to treat me as though I thought—indeed he charges it—that the interests of the old soldier rest on my shoulders. Did I make any reference to myself, I would like to ask the gentleman from Georgia? I devoted most of my time to complimenting that side of the House on its devotion to the determination to fight the Union soldier. I said nothing of myself. No man ever heard me, on the stump or elsewhere, allude to the part that I played during the war—a very simple part. God knows there is work enough here for us all in holding you fellows in check, with your rapiers for the old soldier, without speaking of ourselves. I know that I have the habit, as the gentleman says, of voting in the interest of the old soldiers. I can not retort that charge upon the gentleman from Georgia. It is a habit that he never has acquired. His associations are such that it would be very difficult for him to acquire it; and I presume he never will. If that is a bad habit, I have it. I wish my other bad habits were no more hurtful than that. I will waste no more time on the gentleman from Georgia. He has sunk into a petty personal response which really answered itself. [Applause.]

I yield now to my colleague on the committee, the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. Mr. Speaker, the proposition embodied in this rule is to give one whole day this week and one whole day next week to the consideration of legislation of a particular kind. I think this rule can be justified as a plain business proposition. The reasons for it are, first, the character of the legislation; and second, the impossibility, under the rules of the House, of having this business considered in any other way. There are, as my colleague has said, some three or four hundred bills of this character on the Private Calendar. These bills are of a pressing nature. The very fact that they have been before this committee and are reported here for action testifies to the necessity for their immediate consideration.

Now, the gentleman from Georgia says, why not consider them from day to day under the rules of the House? The answer is a simple one—that these bills can only be considered in one of two ways, either by unanimous consent, which experience shows it is absolutely impossible to have, or under an order of business reported from the Committee on Rules. There are only these two methods of securing the consideration of this class of business outside of the ordinary Friday evening sessions. Now, why is it that Friday evening sessions do not answer the purpose of a fair consideration of these measures? No gentleman who comes here on Friday evening, or, failing to come, reads the RECORD, is ignorant of the fact that week after week, night after night, gentlemen get up on the floor of this House and consume the time of the

Committee of the Whole by long debate—possibly not, as my friend from Georgia suggested, for campaign purposes, but, for whatever purpose, with the result that these bills go unconsidered, unpassed upon, and remain on the Calendar, blocking the business of the House.

There are, then, I suggest, two reasons why this rule should pass, from a purely business point of view—first, the character and number of the bills; second, the impossibility of their consideration in any other way than under such a rule as this. Now, what are the objections urged against the passage of this rule?

My friend from Georgia says that the Committee on Invalid Pensions has increased the classes of pensioners. I deny it. I deny that any bill has been passed or, so far as I have been able to ascertain, is now on the Calendar which deals with any other than persons equitably entitled to pensions under existing law. And I deny that the committee has abused its power or discretion in the number of bills that it has reported. According to the gentleman from Georgia, there have been referred to that committee at least 3,000 bills; yet it has reported only about 10 per cent of them; so that the reasons alleged against the passage of this rule fall to the ground for lack of truth. Without entering, therefore, into partisan discussion or any consideration as to whether pensions ought to be granted or ought to be refused, I submit that these bills are entitled to the consideration of the House, and that they can receive such consideration in no other way than by the adoption of this rule.

Mr. WILLIAM A. STONE. Is it not a fact that most of these bills are bills that were on the Calendar of the last two Congresses—bills which have accumulated during those previous Congresses and can not now be considered——

Mr. DALZELL. A great many of them are in that situation.

Mr. WILLIAM A. STONE. A majority of them.

Mr. DALZELL. And if previous Houses had acted as we propose now to act our Calendar would not be loaded with these bills. Whether they are worthy or unworthy bills, whether the gentleman from California [Mr. LOUD] is right or wrong in the exaggerated statement he makes that 98 per cent of them are unworthy bills, they can in any event be trusted to the judgment, the discretion, the good sense of a Republican House of Representatives.

Mr. LOUD. I would like to ask the gentleman from Pennsylvania one question. How many cases of private pensions have been defeated in this Congress?

Mr. DALZELL. I can not answer the gentleman from California. I have not the figures. I understand the gentleman from California, however, has done his best to defeat a good many of them. [Applause on the Republican side.]

Mr. LOUD. Well, the gentleman is making a statement of which he knows nothing personally. Permit me to say it is only hearsay testimony.

The SPEAKER. The question is on the adoption of the resolution.

The question was taken; and the Speaker announced that the resolution was agreed to.

Mr. TALBERT. I demand a division.

Before the count by division was announced,

Mr. HENDERSON. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 172, nays 56, not voting 126; as follows:

YEAS—172.

Adams,	Cousins,	Harris,	Linton,
Aldrich, Ala.	Crowther,	Hartman,	Long,
Anderson,	Crump,	Heatwole,	Low,
Andrews,	Cummings,	Henderson,	Mahon,
Arnold, R. I.	Curtis, Kans.	Henry, Conn.	Marsh,
Baker, Kans.	Curtis, N. Y.	Hepburn,	McCall, Mass.
Baker, Md.	Dalzell,	Hermann,	McCleary, Minn.
Baker, N. H.	Daniels,	Hicks,	McCormick,
Barham,	De Witt,	Hilborn,	McLachlan,
Barney,	Dingley,	Hill,	Meiklejohn,
Bell, Colo.	Dolliver,	Hitt,	Mercer,
Bennett,	Doolittle,	Hooker,	Miller, Kans.
Bingham,	Dovener,	Hopkins,	Miller, W. Va.
Bishop,	Downing,	Howe,	Milnes,
Black, N. Y.	Eddy,	Howell,	Minor, Wis.
Blue,	Ellis,	Hubbard,	Mondell,
Boutelle,	Evans,	Hulick,	Moody,
Brewster,	Fairchild,	Huling,	Morse,
Broderick,	Faris,	Hull,	Noonan,
Bromwell,	Fenton,	Hunter,	Northway,
Brosius,	Fischer,	Hurley,	Odell,
Brown,	Fowler,	Hyde,	Otjen,
Brumm,	Gardner,	Jenkins,	Parker,
Bull,	Gibson,	Johnson, Cal.	Payne,
Burrell,	Gillet, N. Y.	Joy,	Perkins,
Burton, Mo.	Gillett, Mass.	Kem,	Phillips,
Burton, Ohio	Graff,	Kerr,	Pickler,
Cannon,	Griffin,	Kirkpatrick,	Pitney,
Chickering,	Griswold,	Knox,	Poole,
Clark, Mo.	Grow,	Lacey,	Powers,
Coffin,	Hadley,	Layton,	Pugh,
Colson,	Hager,	Lefever,	Quigg,
Connolly,	Hainer, Nebr.	Leighty,	Reeves,
Cook, Wis.	Halterman,	Leisenring,	Reyburn,
Corliss,	Harmer,	Leonard,	Robinson, Pa.
Royse,	Southard,	Taft,	Van Voorhis,
Sauerhering,	Spalding,	Tawney,	Watson, Ohio
Scranton,	Sperry,	Tayler,	Willis,
Shafroth,	Stewart, Wis.	Towne,	Wilson, Idaho
Sherman,	Stone, W. A.	Tracewell,	Wilson, N. Y.
Simpkins,	Strong,	Tracey,	Wilson, Ohio
Snover,	Sulloway,	Updegraff,	Wood,
Sorg,	Sulzer,	Van Horn,	Woodman.

NAYS—56.

Abbott,	Culberson,	Loud,	Russell, Ga.
Allen, Miss.	De Armond,	McClellan,	Sayers,
Bankhead,	Denny,	McCulloch,	Settle,
Bartlett, Ga.	Dinsmore,	McDearmon,	Spencer,
Bartlett, N. Y.	Ellett, Va.	McLaurin,	Stokes,
Bell, Tex.	Elliott, S. C.	McRae,	Strait,
Buck,	Erdman,	Meredith,	Strowd, N. C.
Catchings,	Hail,	Miles,	Talbert,
Clardy,	Harrison,	Money,	Tate,
Cockrell,	Hendrick,	Ogden,	Terry,
Cooper, Fla.	Jones,	Otey,	Turner, Ga.
Cooper, Tex.	Lester,	Owens,	Turner, Va.
Cox,	Linney,	Patterson,	Williams,
Crisp,	Little,	Pendleton,	Yoakum.

NOT VOTING—126.

Acheson,	Fletcher,	Mahany,	Stahle,
Aitken,	Foote,	McCall, Tenn.	Stallings,
Aldrich, Ill.	Foss,	McClure,	Steele,
Allen, Utah	Gamble,	McCreary, Ky.	Stephenson,
Apsley,	Goodwyn,	McEwan,	Stewart, N. J.
Arnold, Pa.	Grosvenor,	McMillin,	Stone, C. W.
Atwood,	Grout,	Meyer,	Strode, Nebr.
Avery,	Hanly,	Milliken,	Swanson,
Babcock,	Hardy,	Miner, N. Y.	Thomas,
Bailey,	Hart,	Moses,	Thorpe,
Barrett,	Hatch,	Mozley,	Treloar,
Bartholdt,	Heiner, Pa.	Murphy,	Tucker,
Beach,	Hemenway,	Neill,	Tyler,
Belknap,	Henry, Ind.	Newlands,	Underwood,
Berry,	Howard,	Overstreet,	Wadsworth,
Black, Ga.	Huff,	Pearson,	Walker, Mass.
Bowers,	Hutcheson,	Price,	Walker, Va.
Caldierhead,	Johnson, Ind.	Prince,	Walsh,
Clark, Iowa	Johnson, N. Dak.	Raney,	Wanger,
Clarke, Ala.	Kendall,	Ray,	Warner,
Cobb,	Kiefer,	Richardson,	Washington,
Codding,	Kulp,	Robertson, La.	Watson, Ind.
Cooke, Ill.	Kyle,	Rusk,	Wellington,
Cooper, Wis.	Latimer,	Russell, Conn.	Wheeler,
Cowen,	Lawson,	Shannon,	White,
Crowley,	Lewis,	Shaw,	Wilber,
Curtis, Iowa	Livingston,	Shuford,	Wilson, S. C.
Danford,	Lockhart,	Skinner,	Woodard,
Dayton,	Lorimer,	Smith, Ill.	Woomer,
Dockery,	Loudenslager,	Smith, Mich.	Wright.
Draper,	Maddox,	Southwick,	
Fitzgerald,	Maguire,	Sparkman,	

So the resolution was adopted.

The following pairs were announced:

Until further notice:

Mr. RANEY with Mr. COWEN.

Mr. GROSVENOR with Mr. MCMILLIN.

Mr. JOHNSON of North Dakota with Mr. LAWSON.

Mr. CURTIS of Iowa with Mr. RICHARDSON.

Mr. PRINCE with Mr. BAILEY.

Mr. GROUT with Mr. NEILL.

Mr. DRAPER with Mr. TUCKER.

Mr. WANGER with Mr. SWANSON.

Mr. HARDY with Mr. HART.

Mr. JOHNSON of Indiana with Mr. BLACK of Georgia.

Mr. HEMENWAY with Mr. ROBERTSON of Louisiana.

Mr. HUFF with Mr. MINER of New York.

Mr. HENRY of Indiana with Mr. SPARKMAN.

Mr. SMITH of Michigan with Mr. BERRY.

Mr. MOZLEY with Mr. MOSES.

Mr. CALDERHEAD with Mr. DOCKERY.

For this day:

Mr. STRODE of Nebraska with Mr. HUTCHESON.

Mr. BEACH with Mr. FITZGERALD.

Mr. CODDING with Mr. MAGUIRE.

Mr. HATCH with Mr. CLARKE of Alabama.

Mr. BARTHOLDT with Mr. WASHINGTON.

Mr. CHARLES W. STONE with Mr. WALSH.

Mr. STEELE with Mr. UNDERWOOD.

Mr. WILBER with Mr. WHEELER.

Mr. RUSSELL of Connecticut with Mr. MCCREARY of Kentucky.

Mr. TRELOAR with Mr. MEYER.

Mr. WHITE with Mr. KENDALL.

Mr. LOUDENSLAGER with Mr. PRICE.

Mr. KULP with Mr. SHAW.

Mr. HERMANN with Mr. LATIMER.

Mr. GOODWYN with Mr. LIVINGSTON.

On this question:

Mr. CLARK of Iowa with Mr. TYLER.

Mr. AITKEN with Mr. CROWLEY.

Mr. ALLEN of Utah. Mr. Speaker, I would like to have my name recorded if I can have it done.

The SPEAKER pro tempore (Mr. BENNETT in the chair). Was the gentleman in the Hall at the time and failed to hear his name?

Mr. ALLEN of Utah. I was present, though not on the floor. I was in the gallery for a moment when my name was called. I would like to vote in the affirmative.

The SPEAKER pro tempore. Under the rule the Chair can not entertain the gentleman's request.

Mr. JOHNSON of North Dakota. I desire to withdraw my vote, being paired with the gentleman from Georgia, Mr. LAWSON.

Mr. CURTIS of Iowa. I am paired with the gentleman from Tennessee, Mr. RICHARDSON, and not knowing how he would vote on this question, I desire to withhold my vote. I should vote in the affirmative if he were present.

Mr. PRINCE. Mr. Speaker, I have been paired with the gentleman from Texas, Mr. BAILEY, for some time. I do not know whether he is aware of the fact that I have returned or not. I voted in the affirmative on this question, but under the circumstances, as he is not present, will withdraw my vote.

Mr. GAMBLE. Mr. Speaker, I was unavoidably absent when the roll was called. If I had been present, I should have voted in the affirmative. I expected to have returned in time to cast my vote for the resolution.

The result of the vote was then announced as above recorded.

REGULATION OF MARRIAGES IN THE DISTRICT OF COLUMBIA.

Mr. CURTIS of Iowa. Mr. Speaker, I desire to submit a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1904), an act to regulate marriages in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same.

GEO. M. CURTIS,
B. B. ODELL,
S. W. COBB,
Managers on the part of the House.

CHAS. J. FAULKNER,
JAS. MCMILLAN,
Managers on the part of the Senate.

Mr. DOCKERY. Is there a statement accompanying the report?

Mr. CURTIS of Iowa. No; it is unnecessary. The Senate recedes from its disagreement.

The SPEAKER. Has this been acted upon by the Senate?

Mr. CURTIS of Iowa. It has been.

I will say for the information of the House that the conference report recommends that the Senate recede from the disagreement to the amendment of the House; or it was agreed in conference that that would be the report of the Senate conferees. This report simply sets forth the fact.

Mr. DINGLEY. If the Senate, as I understand it, has receded from its action and has concurred in the House amendments, it is not necessary to take any further action here.

Mr. CURTIS of Iowa. I think none is necessary except that I am simply submitting a report under instructions from the conference committee to show what was done.

The SPEAKER. The Chair thinks it needs no action.

Mr. DINGLEY. The two Houses are brought together?

Mr. CURTIS of Iowa. The two Houses are brought precisely together.

The SPEAKER. If there be no objection, the report will be considered as accepted.

There was no objection.

ORDER OF BUSINESS.

Mr. BINGHAM. Mr. Speaker, I have a conference report.

Mr. DANIELS. Mr. Speaker, I desire to have the gentleman from Texas, Mr. Kleberg, sworn in.

Mr. BOUTELLE. I ask for the regular order.

Mr. HOOKER. I hope the resolution which I hold in my hand may be considered. It will take only a moment.

Mr. BOUTELLE. The matter presented by the gentleman is no more a privileged matter than the one I am calling up.

The SPEAKER. The gentleman from Maine [Mr. BOUTELLE] calls for the regular order.

Mr. BINGHAM. I have a conference report.

Mr. DANIELS. I ask leave, before the regular order is taken up, that this gentleman be sworn in.

The SPEAKER. The regular order has been called.

Mr. CANNON. I suppose the swearing in of a member is a question of the highest privilege.

The SPEAKER. But this is a case which requires unanimous consent of the House to have the member sworn in. It can not be done except by unanimous consent in this case.

Mr. HOOKER. I understood the gentleman from Maine that he would give way to permit me to offer a resolution, which I send to the Clerk's desk.

Mr. BOUTELLE. I understood the gentleman from Pennsylvania was on the floor and that the matter which he desired to present was the regular order; that it was a conference report, and hence I gave way.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I present a conference report on the legislative, executive, and judicial appropriation bill. I ask to dispense with the reading of the report, and I will make a brief statement, which will, I think, dispose of the matter.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to dispense with the reading of the conference report. Is there objection?

There was no objection.

Mr. BINGHAM. Mr. Speaker, I will state for the information of the House that the conference report now to be acted upon was duly considered and agreed to by the House on the 25th of April last, in all of its details save two paragraphs. The Senate nonconcurred in the action of the House, for the reason that after the report had been made to the respective bodies it was discovered with reference to the judicial district of the State of South Carolina that the committee had reached a conclusion not warranted by the law, in so far as they had failed to use the words of the existing statute with reference to the disposition of the marshal as well as the district attorney for the district of South Carolina. It was simply the using of the word "division" where the word "district" should be used, so that the amendment would read:

For the eastern and western districts of the district—

We used the word "division"—

of the district of South Carolina, $4,500, $2,500 of which shall be for the performance of the duties of the district attorney for the western district.

It was simply a change in that one word, and the framing of the sentence so as to be consistent with the statute. That also runs with reference to the marshal.

The other paragraph of change is in reference to amendment 99, for 10 examiners, to constitute a board of examiners of surveys, at $2,000 each, the appointment to be certified to the Civil Service Commission, $20,000. That was a Senate amendment. The Senate recedes from the amendment in this agreement, for the reason that after examination it is found to be a subject covering so much ground that it was deemed wise to postpone it for future examination and legislative action. If there are no inquiries, Mr. Speaker——

Mr. HENDERSON. I should like to ask the gentleman from Pennsylvania, have you agreed entirely on all matters of difference?

Mr. BINGHAM. No; this is simply a modification of a report which was presented to the House on April 25.

Mr. DOCKERY. It is simply for the correction of phraseology stated by the gentleman from Pennsylvania.

Mr. BINGHAM. I ask for the previous question.

The previous question was ordered.

The conference report was agreed to.

Mr. BINGHAM. I move a further insistence on the disagreement of the House to the remaining amendments of the Senate, and that the House ask for a further conference.

The motion of Mr. BINGHAM was agreed to.

HENRY T. BAKER.

Mr. HOOKER. Mr. Speaker, I ask unanimous consent for the present consideration of a joint resolution which I send to the Clerk's desk.

Mr. BOUTELLE. I understood that when the House adjourned with a question pending——

The SPEAKER. Does the gentleman call it up?

Mr. BOUTELLE. I do not desire to interfere with any matter that will take but a short time.

Mr. HOOKER. This will only take a few moments.

Mr. BOUTELLE. There are other gentlemen here who desire unanimous consent. I should like to have some idea about how much time is likely to be taken up? I do not want to interfere with any matter that can be disposed of briefly.

Mr. HOOKER. This is very brief indeed.

Mr. BOUTELLE. I wish simply to state that I shall not deem it proper to assent to requests for unanimous consent for any great length of time, because this important matter must be disposed of.

The SPEAKER. The gentleman from New York [Mr. HOOKER] asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

Joint resolution for the relief of Ex-Naval Cadet Henry T. Baker.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized to reappoint Henry T. Baker as a naval cadet to fill the vacancy in the engineers' division of his class caused by his resignation of March 7, 1896, with the same standing, rights, and privileges in all respects as if such resignation had not been tendered: *Provided*, That he shall not receive pay while out of the service.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BAILEY. I reserve the right to object until I can hear an explanation.

Mr. HOOKER. Mr. Speaker, six years ago this young man was appointed a cadet upon his application to the President, being one of the ten appointees given by the Secretary of the Navy. He served, and was at the Academy for four years, took his examinations, passed a creditable examination, and then took his two years at sea. He returned about the 1st of March this year. Some would-be friends of his advised him to resign, wanting him to go into the employ of a shipbuilding concern; and, acting upon their advice, he resigned, which was done on the 6th or 7th day of March of this year, and the resignation was accepted by the Secretary of the Navy. The young man came from my district. He came to me on Friday of last week and stated the circumstances. I went with him to the Secretary of the Navy, and the Secretary stated to us that, inasmuch as the resignation had been accepted, he had no power to give him any relief, and that the only relief he could get would be through a resolution of Congress, and the resolution was prepared by the Secretary of the Navy.

Mr. BAILEY. That is all the more reason why I would object to it——

Mr. HOOKER. But, the gentleman will bear with me, the making of this appointment does not interfere with any other. This young man is nearly through his course, and all that he has to do is simply to take his examination, which will occur next week. It does not interfere with any other appointment throughout the country, because the vacancy has already been created, which will be filled by an appointment next fall, and I hope the gentleman will not object. This young man has passed a very creditable examination.

Mr. DINGLEY. And has completed his studies?

Mr. HOOKER. He has completed his studies.

Mr. BAILEY. This is simply a case where a young man resigns one place to accept a better one, and failing to get the better one, he wants to take the other one back.

Mr. HOOKER. That is true in some respects, but he is so young that I hope the gentleman will not insist on objecting.

Mr. BAILEY. I shall not object to the consideration, but shall vote against the passage of the resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HOOKER, a motion to reconsider the vote by which the joint resolution was agreed to was laid on the table.

SWEARING IN OF A MEMBER.

Mr. DANIELS. Mr. Speaker, I ask unanimous consent of the House now that Mr. Rudolph Kleberg, successor of Mr. Crain, may be sworn in as a member of this House. I send up a certificate of the State officers.

The SPEAKER. The gentleman from New York asks unanimous consent that Mr. Kleberg, a member-elect from Texas, be sworn in, and sends up the following communication to be read:

The Clerk read as follows:

EXECUTIVE OFFICE, STATE OF TEXAS.
Austin, April 27, 1896.

DEAR SIR: Some days ago we sent you a telegram in reference to the special election held in the Eleventh district of this State on the 7th instant to fill the vacancy caused by the death of Hon. William H. Crain; but, being requested to do so, this written statement is forwarded. Although the election returns, now in the office of the secretary of state, can not be opened and counted until forty days after said election, including the said day, we can state upon general and reliable unofficial information that Rudolph Kleberg, of Dewitt County, Tex., has received a plurality of votes over his two competitors and all other candidates or persons voted for in said election, and beyond doubt is elected to fill the unexpired term, and there is no contest and no probability of such.

Very respectfully,

C. A. CULBERSON,
Governor of Texas.
ALLISON MAYFIELD,
Secretary of State.
M. M. CRANE,
Attorney-General.

Hon. THOMAS B. REED,
Speaker House of Representatives, Washington, D. C.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. DINGLEY. Do those parties who sign the communication constitute the canvassing board of Texas?

Mr. DANIELS. Yes, sir.

Mr. DINGLEY. There can be no objection.

The SPEAKER. The Chair hears no objection.

Mr. Kleberg then appeared at the bar of the House and took the oath prescribed by law.

VESSELS PROPELLED BY GAS, NAPHTHA, OR ELECTRIC MOTORS.

Mr. BENNETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1646) providing for certain requirements for vessels propelled by gas, fluid, naphtha, or electric motors.

The bill was read.

Mr. BARTLETT of New York. I would like to ask the gentleman from New York whether the words "all vessels so propelled" would not force naphtha launches of any size to employ an engineer?

Mr. BENNETT. I believe it does not, as I understand it to mean vessels of over 15 tons burden that are used for hire shall comply with the rules and regulations of the Treasury Department, and that all vessels of whatever tonnage should obey the rules of the road.

Mr. DINGLEY. This applies only to boats propelled by the naphtha power when engaged in carrying freight and passengers, and not pleasure?

Mr. BENNETT. No; not pleasure boats. Vessels of over 15 tons burden that are used for hire shall comply with the rules and regulations of the Treasury Department.

Mr. BINGHAM. Of what kind?

Mr. DINGLEY. It does not apply to pleasure boats?

Mr. BENNETT. It means for carrying passengers, as a ferry-boat.

Mr. BOUTELLE. This bill ought to be amended. I have had several letters from parties owning these small launches on ponds and lakes, who complain that this will subject them to a great deal of inconvenience.

Mr. BENNETT. This bill will be misunderstood by members conflicting it with the bill H. R. 4442, a bill that was presented by the gentleman from Missouri.

Mr. SAYERS. Mr. Speaker, this is a bill that may affect a great many people and put a great many to inconvenience.

Mr. BENNETT. I can assure the gentleman that this bill as amended has passed the Senate, and is one that is generally acceptable. The bill has already been passed upon by the Senate, and was amended in the Senate to comply with the request made by Senator FRYE.

Mr. LOUD. I would ask the gentleman if this provides restrictions for those vessels that do not now comply with the regulations that are prescribed for vessels propelled by steam?

Mr. BENNETT. It allows them considerably more latitude.

Mr. LOUD. Then I would like to know why it should not pass.

Mr. BENNETT. I see no reason why it should not pass.

Mr. PERKINS. Has this bill been reported by a committee of the House?

Mr. BENNETT. It has been reported by the Committee on Interstate and Foreign Commerce.

Mr. COOPER of Florida. I understand the gentleman to say that this bill applies only to boats of over 15 tons?

Mr. BENNETT. Yes; and to those only when they are used for hire.

Mr. BINGHAM. Mr. Speaker, I have no disposition to obstruct the gentleman's bill or to injure its position in any way, but I would like to have it go over until to-morrow, so that I can examine it. I have received thirty or forty letters in relation to this character of legislation.

Mr. BENNETT. I can assure the gentleman from Pennsylvania that the bill (Senate bill No. 1646) which has received the unanimous report of the Committee on Interstate and Foreign Commerce is the bill that was revised and amended according to the suggestions that were made to the Senate Committee on Commerce, of which Senator FRYE is chairman.

Mr. BINGHAM. Do I understand the gentleman to say that pleasure craft are protected under the bill?

Mr. BENNETT. They are.

Mr. BINGHAM. Then I do not object to the consideration of the bill at this time.

Mr. SIMPKINS. I object, Mr. Speaker.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 2221) for the relief of settlers on the Northern Pacific Railroad indemnity lands, asked for a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CARTER, Mr. DUBOIS, and Mr. BERRY as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 1889) granting an honorable discharge to F. L. Taylor from December 2, 1864;

A bill (H. R. 2735) for the relief of Enoch Davis;

A bill (H. R. 4456) to authorize and direct the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to the cemetery association in the city of St. Paul, Minn., to be used at or near the foot of the soldiers' monument in said cemetery; and

A bill (H. R. 6505) to revive and reenact an act to authorize the construction of a free bridge across Arkansas River, connecting Little Rock and Argenta.

PETER RAFFERTY.

Mr. SULZER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6293) to increase the pension of Peter Rafferty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to properly place the name of Peter Rafferty, late private in Company B, Sixty-ninth Regiment New York Volunteer Infantry, on the pension roll and to pay him $45 per month, the same to be paid in lieu of the pension now paid him of $24 per month, upon certificate No. 12469.

SEC. 2. That this act shall take effect and be in force on and after its passage.

The Committee on Pensions recommended amendments as follows:

Line 4, strike out the word "properly."
Line 7, strike out "the same to be paid."
Lines 8, 9, and 10, strike out "of $24 per month, upon certificate No. 12469."
Strike out section 2.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SULZER, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEGISLATIVE APPROPRIATION BILL.

The SPEAKER announced as conferees on the part of the House on the legislative, executive, and judicial appropriation bill Mr. BINGHAM, Mr. MCCALL of Tennessee, and Mr. DOCKERY.

NAVAL APPROPRIATION BILL.

Mr. BARTLETT of New York. Mr. Speaker, I call for the regular order.

The SPEAKER. The regular order is called for. The regular order is the naval appropriation bill.

Mr. BOUTELLE. Mr. Speaker, I find by the RECORD that an arrangement was made yesterday afternoon that the pending proposition in regard to the naval appropriation bill should come up this morning, at which time the Chair would decide who was entitled to the floor.

The SPEAKER. The Chair thinks that the original motion made in the matter now before the House was the motion of the gentleman from Maine, the chairman of the Committee on Naval Affairs, which was that the House should nonconcur in the Senate amendment. If a vote were to be taken upon that proposition and it were decided in the negative, the Chair would announce that the House had concurred with the Senate. Consequently, the motion made by the gentleman from Texas [Mr. SAYERS] is simply a preferential method of putting the question, favored because it is supposed to look toward an agreement between the two Houses. The Chair thinks that that rule, which is a rule of ordinary parliamentary law, has little if anything to do with the question as to who has control of the matter, and the custom of the House is so invariable, as well as so entirely suitable, so well founded in good sense, that the committee in charge of the bill shall continue in charge of it until an adverse vote on the part of the House, that the Chair can not see that the making of this preferential motion makes any change in that aspect of the case. The Chair therefore thinks that the gentleman from Maine [Mr. BOUTELLE] in charge of the bill has charge of it until there shall be some adverse vote on the part of the House. The Chair recognizes the gentleman from Maine.

Mr. BOUTELLE. I understand that the pending question is on the motion of the gentleman from Texas [Mr. SAYERS], to concur with the Senate, as an amendment to my motion to nonconcur.

The SPEAKER. Not as an amendment, but as a preferential motion, a motion that is entitled to precedence.

Mr. BOUTELLE. I will ask the gentleman from Texas how much time he desires to occupy in favor of his motion.

Mr. SAYERS. There are two or three gentlemen who would like to speak briefly on the motion, and if we can have an agreement for forty minutes' debate on each side I think that will be satisfactory.

Mr. BOUTELLE. I think, Mr. Speaker, that if the matter is to be debated at all, one hour on a side is as little as we ought to have.

Mr. SAYERS. All right.

The SPEAKER. The gentleman from Maine proposes that the debate on the pending motion be limited to one hour on each side, and asks unanimous consent to that effect.

Mr. CANNON. Mr. Speaker, an hour on a side may not be enough, and it may be too much. I should be content with an agreement for an hour on a side with the understanding—of course not a binding agreement, but an implied understanding—that when that time has expired if the House should desire further discussion it can be had.

Mr. BOUTELLE. I do not see any particular object in making such an agreement at this time.

Mr. CANNON. I do not desire to make an agreement, but I should like to have an understanding to that effect. I think it very likely that an hour on each side will prove to be sufficient. If the gentleman will let the debate run for an hour on a side, and then test the disposition of the House——

Mr. BOUTELLE. I suggest that the vote be taken on ordering the previous question at the expiration of the two hours.

The SPEAKER. The gentleman from Maine proposes that at the end of two hours, one-half of which shall be controlled by each side, the previous question shall be considered as ordered.

Mr. BOUTELLE. Not that it shall be considered as ordered, but I give notice that I will move the previous question at the expiration of two hours, so that then the House can act as it sees fit about closing the debate.

The SPEAKER. The gentleman from Maine asks unanimous consent that there be two hours' debate, one-half on either side, and gives notice that at the end of the two hours he will move the previous question. Is there objection?

There was no objection, and it was so ordered.

Mr. BOUTELLE. I suppose the gentleman from Texas would like to be heard on his proposition.

Mr. SAYERS. Mr. Speaker, when I shall have consumed twenty minutes the Chair will please let me know.

Mr. Speaker, if I can have the attention of the House I believe the facts which I, in connection with others, will be able to submit will induce a majority of the members present to support the motion to concur. This is purely a business and by no means a political question, and if a political discussion should be developed it will be because gentlemen who may engage in it will not content themselves with discussing the question directly involved in the motion, but prefer to divert the minds of members from the real matter in issue for the purpose probably of having the motion to concur voted down.

This is not the time, Mr. Speaker, for either side to engage in a discussion as to the appropriations of the present Congress as compared with the appropriations of preceding Congresses. My effort shall be directed entirely to calling the attention of the House to the prospective condition of the Treasury and also to the appropriations already passed by the House and to the demands that will rest upon the Treasury because of the contract obligations that have been placed upon some of the bills.

I wish it to be distinctly understood that I am not criticising the great body of the specific appropriations that have been made at the present session. The appropriation bills themselves, independent of the contracts which some of them carry, are, in my judgment, fair and reasonable, and can not be considered as at all extravagant. I allude especially to the bills which have been reported from the Committee on Appropriations, and only speak from a general knowledge of the bills which have been reported from other committees.

The Secretary of the Treasury in his report to the present session of this Congress estimates the revenues for the next fiscal year as amounting to $464,793,120.75. This sum is the total of the estimated revenues which will accrue to the Treasury during the fiscal year beginning the 1st day of July next.

Mr. DINGLEY. That includes the postal revenue.

Mr. SAYERS. It does. Starting with the fact that $464,793,120.75 will constitute our total revenues for the coming fiscal year, we find that the appropriations which have already passed the House amount to $386,025,250.88—not including the estimated sum of $3,000,000 appropriated in an indefinite form on the river and harbor bill to purchase the Monongahela works. If we add to this sum the permanent annual appropriations for 1897, $119,054,160, the different classes of appropriations, annual and permanent, will amount to $505,079,410.88 as against $464,793,120.75 which will come into the Treasury as revenue during the next fiscal year.

It is fair to say, Mr. Speaker, that of these permanent appropriations, amounting to $119,054,160, $50,000,000 is estimated as a sinking fund. It has been the custom for years, I believe, beginning with the Administration of Mr. Harrison, not to set aside the sinking fund, upon the theory that in previous years so many bonds had been purchased and retired that the sum total of those bonds so purchased and retired would be for years largely in excess of the sinking fund required to be set apart under the law; and for the further reason that the revenues were declining and that there was not a sufficiency in the Treasury to meet the current expenditures of the Government and at the same time to provide for the sinking fund. If we exclude the sinking fund—$50,000,000—we then have $455,079,410.88 as probable current expenditures, which is but $9,713,709.87 less than will be the probable current revenues if the appropriations shall be limited to the bills as they have passed the House and not increased at all—and that, too, entirely without reference to the contracts.

Mr. HALL. That includes torpedo boats, does it not?

Mr. SAYERS (reading):

Now, let gentlemen bear in mind that, taking the appropriations, excluding contracts, that have passed the House, and including permanent appropriations, without the sinking fund, there will be a working balance of only $9,713,709.87, comparing current appropriations with current revenues. Nor have I included certain and large deficiencies which must certainly be appropriated for at the next session of this Congress.

Mr. DINGLEY. And that on the assumption that the revenue will prove to be as large as estimated?

Mr. SAYERS. The gentleman is correct.

Mr. Speaker, let us see what has been done in the way of appropriations at the present session. A fortification bill has been passed. I think that it was a fair bill. I am not here to criticise it. I gave it my support, both in the committee and in the House. But I wish to call the attention of gentlemen to the fact that in that bill as it passed the House is contained authority to make contracts amounting to $5,542,276, which amount was over and above the appropriation actually made. The river and harbor bill as it passed the House carries an actual appropriation of $10,453,860, besides an indefinite appropriation to purchase the Monongahela works, estimated at not less than $3,000,000, and in addition it carries contracts amounting to $51,741,210.91.

The naval bill, that now under consideration, appropriates as it passed the House $31,647,239.95, and in addition to that amount of actual appropriation contracts are authorized, including the specified limit of cost of ships and three-fifths thereof for armament, amounting to $26,680,000. So that, Mr. Speaker, we have, in addition to the specific appropriations actually made by the House, $386,025,250.88, the further sum of $86,963,486.91 in the form of authorized contracts and an indefinite appropriation, all on three bills—the fortification, naval, and river and harbor bills.

I have given only the figures as taken from the bills when they passed the House. Of course they may be increased or diminished before their final enactment.

Now, Mr. Speaker, I ask gentlemen, Republicans and Democrats and Populists alike, is it wise for us to authorize these immense contracts to burden the revenues of the Government not only for the next year, but for one, two, and three years to come? That is the proposition now before us. It is a proposition that has no politics in it whatever. It should be a purely business matter for this House to take hold of and to solve—whether or not it will impose on the Treasury more than $86,000,000 in addition to the ordinary annual and specific appropriations, and to the permanent appropriations, and to the contracts already subsisting and authorized by previous Congresses.

It must be borne in mind that public buildings have been heretofore authorized and are still uncompleted, and that there are river and harbor contracts yet to be finished. These must also be provided for.

But as to the pending bill. It carries an appropriation amounting to $12,779,133 for the increase of the Navy. That is every dollar it provides for that purpose. The Secretary of the Navy informs us that of that amount $9,522,833 will be required for the ships heretofore authorized and now in progress of construction. But that is not all. He also says that in addition to this amount the further sum of $8,571,796 will be required for the ships already authorized before they can be put in commission. Therefore, the $12,779,000 which the bill carries falls short of completing the ships already authorized in the sum of $5,315,496. So there is carried on this bill for the construction of ships authorized by the bill not a dollar of specific appropriation, though the appropriation is in such a form that it may be used for the ships so authorized.

But what is the present condition of the Navy? Since 1884 we have constructed and put into commission 41 vessels of all classes; and in addition to that 24 vessels are now in progress of construction, and 1 vessel has not yet been begun. So the number of vessels that have been authorized amounts to 66, and the total appropriations heretofore made for this purpose have been more than $102,000,000.

Mr. HALL. How far does that go back?

Mr. SAYERS. To 1884. The number of vessels that I have mentioned includes only what is denominated the new Navy.

Mr. HALL. Does it include all other classes of vessels, or only the battle ships?

Mr. SAYERS. It includes all kinds of vessels, battle ships, cruisers, torpedo boats, gunboats, and so on.

Mr. CUMMINGS. And tugboats?

Mr. SAYERS. It includes everything.

Mr. CUMMINGS. Do I understand the gentleman to say that it includes tugboats?

Mr. SAYERS. No; the gentleman did not understand me to say that.

Mr. CUMMINGS. If my friend will allow me, he will find that they are included in the schedule as belonging to the naval branch of the Government.

Mr. SAYERS. Upon examination of the list I have I find that I was mistaken and that the list includes five tugs.

In addition to the new ships Congress has authorized an increase, from 8,250 men and apprentices in the Navy, to 10,000 men and apprentices, and the pending bill authorizes the further increase of 1,000 men, bringing the strength of the Navy up to 11,000. The Marine Corps has been already increased from 1,500 to 1,600 men; and the bill as passed by both Houses authorizes the further increase to 2,026 men for the Marine Corps and 74 additional petty officers and musicians.

Mr. BOUTELLE. That is correct. But I wish the gentleman had stated it the other way, as his mode of putting it might create a wrong impression upon the minds of the House. He says that the number has been increased to 2,026, which might convey a wrong impression. The total increase has only been 500.

Mr. SAYERS. Well, if the statement be correct, I do not see why it should not be stated as I have done.

Mr. BOUTELLE. Certainly not; except the impression might be created in the mind of some one that we have increased it 2,000, whereas the increase is only 500.

Mr. SAYERS. This increase, Mr. Speaker, of 3,250 men of the personnel of the Navy and the Marine Corps means a fixed annual charge of about $3,000,000 a year for their pay and maintenance.

But, sir, battle ships are expensive institutions. The cost of running one during a single year is very heavy. For maintaining and running the *New York*, for instance, for the fiscal year ended June 30, 1895, $438,101.41 was expended. The cost of maintaining and running the *Columbia* during the same year was $313,421.35; and of the *Philadelphia* $289,747.73; so that gentlemen of the House may understand that the expenditure required for the construction of the vessels is not all the cost involved, enormous as it is, but that a vast sum is required to keep them in constant use.

With this statement, Mr. Speaker, I submit the question to this House whether or not it would be better to accept the Senate amendment, which provides for the construction of two vessels instead of four, and by vessels I mean two battle ships, involving as they do such enormous expenditure of money?

Let us for a moment consider their cost. The *Indiana* has just been completed. Her total cost, she being a vessel of 10,288 tons, from the commencement of her construction until she was commissioned for service, was $6,172,786.15. So that these four vessels that the House authorized in this bill, if no better contracts should be made than for the construction of the *Indiana*, will cost over $24,000,000.

Mr. COX. That, I understand, is the complete ship; the total cost of the vessel.

Mr. SAYERS. That is the complete vessel, and her entire cost, from the time her construction began until she was put into commission, $6,172,786.15. This sum of $24,000,000 and over the Treasury must provide for for four battle ships alone. It is true, Mr. Speaker, that it will take some three years to build these ships; but that will make $8,000,000 a year for four ships; and when it be taken into consideration the fact that there are public buildings all over this country which have been authorized, and which are now in progress of construction, that are to be completed also; that there are works on rivers and harbors which are in progress of construction, and for which contracts have already been made, which must be provided for; that there are ships already authorized by Congress, and they, too, are in progress of construction, which must be provided for in addition to the $12,779,000 appropriated in this bill, it becomes a very serious question as to how the Treasury Department can meet these large demands.

Can Congress go to its relief, beginning with the first day of the next fiscal year? Suppose that a law should be enacted to increase the revenues at the next session of this Congress. Such a law certainly could not operate in time to bring revenue sufficient to meet the ordinary expenses of the Government and at the same time meet these onerous contracts and burdens which are imposed upon the Treasury.

Mr. Speaker, I appeal to gentlemen to lay aside all questions and feelings of a political character, taking hold of the pending question as a purely business proposition, and ask themselves as to whether or not, under the circumstances, 4 battle ships and 15 gunboats should be authorized at the present session.

Mr. COX. How many vessels are now under construction which are not completed?

Mr. SAYERS. There are 24 in progress of construction that have not been completed, and one vessel not begun.

Mr. HALL. Do you mean that there are 24 battle ships?

Mr. SAYERS. Not at all. The gentleman asked me how many vessels. There are 24 vessels.

Mr. COX. My question was how many vessels, and I understand there are 24 now under construction, and that one is not commenced.

Mr. SAYERS. One has not been commenced.

Mr. HALL. That includes torpedo boats, does it not?

Mr. SAYERS. Certainly; it includes such boats.

Mr. DOCKERY. I understand if the House agrees to your motion to concur it will reduce the liabilities of this bill a little more than $12,000,000?

Mr. SAYERS. A little more than $12,000,000. There are 5 battle ships, the *Kearsarge*, the *Kentucky*, the *Iowa*, *Massachusetts*, and the *Oregon;* 1 monitor, the *Puritan;* 4 cruisers, the *Brooklyn*, the *Helena*, the *Wilmington*, and the *Nashville;* 6 gunboats and 7 torpedo boats, now in progress of construction. The Secretary of the Navy says that it will require every cent of the $12,779,133 carried in this bill and $5,315,496 more before these vessels which I have named can be completed and put in commission.

Mr. BOUTELLE. I will state to the gentleman that he is not quite accurate there.

Mr. SAYERS. Well, I shall be glad to hear the gentleman.

Mr. BOUTELLE. The Secretary of the Navy does not state that.

Mr. SAYERS. I will read what the Secretary of the Navy says.

Mr. BOUTELLE. The Secretary of the Navy distinctly says that the $12,779,000 did not apply to these vessels that are now under construction, but only a portion of that sum, some $9,000,000 of the amount carried by the House bill, is applied to the completion of the vessels now under construction or authorized, and $3,256,000—I think that is the amount of the sum carried in the bill as it passed the House—will be applied to the construction of the vessels as authorized in the House bill.

Mr. SAYERS. Let us see what the Secretary of the Navy says. I will read the letter.

Mr. BOUTELLE. I have his letter here.

Mr. SAYERS. I suppose the gentleman was furnished with a copy of the letter which I hold in my hand.

Mr. BOUTELLE. Well, I know the fact. I did not need the copy. I knew it before the gentleman called for the information.

Mr. SAYERS. I will read it.

Mr. BOUTELLE. I am supposed to have paid some attention to the details of these matters.

Mr. SAYERS (reading)—

NAVY DEPARTMENT, *Washington, May 5, 1896.*

SIR: In reply to your telegram, which reads as follows: "How much is required to be appropriated to complete, including armament, vessels for the Navy authorized prior to this Congress? Would amount in pending naval bill ($12,779,000) as passed by House for 'increase of the Navy' complete and arm said vessels? If not, approximately how much additional to said sum will be required?"

This is the answer of the Secretary of the Navy:

I have the honor to state that the total amount of $12,779,133, appropriated in the naval appropriation bill as it passed the House, under the head of "Increase of the Navy," is not to be charged against the ships already authorized by Congresses prior to this one.

Mr. BOUTELLE. That is exactly as I stated.

Mr. SAYERS. I have no doubt that the Secretary of the Navy and the gentleman from Maine are in complete sympathy in the effort to get these four ships.

Mr. BOUTELLE. I have not exchanged a word with him on the subject——

Mr. SAYERS. I hope that the gentleman will not take my time.

The SPEAKER pro tempore. The Chair will say to the gentleman from Texas that the thirty minutes have expired.

Mr. SAYERS. I will take five or ten minutes more.

Mr. MILES. I ask unanimous consent that the gentleman be allowed to conclude his remarks.

There was no objection.

Mr. SAYERS. I wish gentlemen to pay attention to this part of the letter:

Of said sum $9,522,833 was the amount estimated for by the Department to be expended during the coming fiscal year on the ships already authorized, leaving, therefore, the sum of $3,256,250 as the amount appropriated in the House bill to be expended on the new ships authorized in the same.

Now, listen——

Mr. BOUTELLE. That is exactly what I stated.

Mr. SAYERS. Well, but the gentleman did not state it all. I think I ought to have sworn him to tell the truth and the whole truth. I do not think he told the whole truth.

Mr. BOUTELLE. I told all I had time to tell.

Mr. SAYERS (continuing). Not if you had a copy of this letter.

Mr. BOUTELLE. Now, let us see.

Mr. SAYERS (reading)—

In addition to this sum of $9,522,833 appropriated in the House bill for the completion, including armament, of all ships hitherto authorized, the following sums will be required to complete said ships.

Mr. BOUTELLE. Did not the gentleman understand that?

Mr. SAYERS. Certainly.

Mr. BOUTELLE. So did I.

Mr. SAYERS. I wish the House to understand it.

Mr. COX. Now, let us see how much he says will be required.

Mr. SAYERS (reading):

For hulls and machinery	$4,500,000
For armor and armament	4,021,796
For equipment	50,000
Making in all	8,571,796

Mr. BOUTELLE. That is to complete these vessels after this year.

Mr. SAYERS. That is just exactly what I said.

Mr. BOUTELLE. That is what I was trying to say.

Mr. SAYERS. Now, Mr. Speaker, this shows that if every dollar that is appropriated by the present bill should be used for the construction of ships already authorized by Congress, there would still be needed $5,315,496 in order to complete them. Notwithstanding this we are asked to authorize 4 battle ships, to cost, in round numbers, if they are to be equal to the battle ship to which I have called attention, over $24,000,000, besides 15, I believe, smaller boats.

Mr. HALL. Will the gentleman permit me to ask him a question?

Mr. SAYERS. Certainly.

Mr. HALL. You stated a moment ago that there was an increase in the personnel of the Navy of 3,000.

Mr. SAYERS. Yes.

Mr. HALL. I want to know if that means an absolute increase, or does it authorize the Secretary of the Navy, in an emergency, to call in certain men?

Mr. SAYERS. Mr. Speaker, let me say to the gentleman from Missouri that in my judgment if this bill should become law, there will not be by a thousand sailors and marines sufficient to properly man the vessels which have been authorized when they shall have been put in commission. Congress can not prevent this increase. It must go on. It must provide for additional men; and not only for additional men, Mr. Speaker, but it must also provide for additional officers, in order to command and man these ships, if they are to be run.

Mr. BOUTELLE. Oh, no.

Mr. HALL. I want to make this point clear for the House. We provide that the Secretary of the Navy shall be authorized to call a certain number of men into service in an emergency.

Mr. SAYERS. Certainly.

Mr. HALL. You have said that for the payment of the men now on the list it would cost $3,000,000 a year?

Mr. SAYERS. Yes.

Mr. HALL. Now, then, my colleague from Missouri [Mr. DOCKERY] stated that your motion was to strike out $12,000,000. Your motion is not to strike out $12,000,000, but a motion to strike out $3,256,260.

Mr. SAYERS. Let us see, Mr. Speaker, if the gentleman is correct. I do not want to get between the two gentlemen from Missouri. The gentleman from Missouri upon my left [Mr. DOCKERY] is amply able to sustain himself. But I believe that the gentleman from Missouri [Mr. DOCKERY] was correct.

Mr. DOCKERY. I used the word liabilities.

Mr. HALL. You intended to include what you understood the expense would be of these vessels eventually.

Mr. SAYERS (to Mr. HALL). Does the gentleman say that it is only $3,000,000?

Mr. HALL. Three million two hundred and fifty-six thousand two hundred and sixty dollars.

Mr. SAYERS. Does the gentleman say that it will take only the sum named by him to complete these two vessels and put them in commission?

Mr. HALL. Of course not.

Mr. SAYERS. Then why does he make such a statement?

Mr. HALL. You are attacking this appropriation bill, and I say that this appropriation bill carries the amount I have stated for the purpose of starting the construction of these two battle ships.

Mr. SAYERS. Does the bill so state?

Mr. HALL. In substance, yes.

Mr. SAYERS. Is not the bill indefinite, and can not the Secretary of the Navy apply all of this money, if he pleases, toward the construction of the ships already authorized? But what will these ships cost? I understood the gentleman from Missouri [Mr. HALL] to say that it would cost a little over $3,000,000 to complete them?

Mr. HALL. I did not say that.

Mr. SAYERS. What did the gentleman say?

Mr. HALL. I said that in the next fiscal year, for the purpose of making contracts and starting the building of these two vessels, there was appropriated $3,256,260.

Mr. SAYERS. I beg the gentleman's pardon, but I do not think he made that statement. I may have been mistaken, but I understood him to convey the impression that it would require only about $3,000,000 to complete each of these ships.

Mr. HALL. I did not mean anything of that kind.

Mr. SAYERS. Very well, Mr. Speaker, I acknowledge my mistake, but I will say that if these vessels should cost as much as the *Indiana* cost—and she is a 10,288-ton ship—it will require twice $6,172,786.15 to complete these ships and put them in commission.

Mr. BOUTELLE. The gentleman from Texas, I know, desires to be perfectly candid.

Mr. SAYERS. I try to be.

Mr. BOUTELLE. Well, the gentleman ought to state that since the *Indiana* was built we have contracted for two ships, which are now under construction at Newport News, that are each 1,000 tons larger than the *Indiana*, for $2,255,000, whereas the contract price of the *Indiana* was $3,120,000. So that the reduction in the cost of these ships has been very great.

Mr. HALL. About 33 per cent.

Mr. BOUTELLE. About one-third.

Mr. SAYERS. Now, Mr. Speaker, if the gentleman can not only look into the future but can also put a limit to the greed and avarice of men, then he can tell us what these ships will cost.

Mr. BOUTELLE. I ask the gentleman from Texas which is fairer, to make an estimate based upon the prices of five years ago or to take the latest bids that have been accepted by the Department?

Mr. SAYERS. When was the *Indiana* completed?

Mr. BOUTELLE. She was contracted for in 1890.

Mr. SAYERS. When was she completed?

Mr. BOUTELLE. She was contracted for in 1890, and was to cost, exclusive of armament, $3,120,000. This year, on the 2d day of January, we contracted for two battle ships, larger and finer than the *Indiana*, for $2,255,000 each.

Mr. SAYERS. I do not wish the gentleman to take up my time.

Mr. BOUTELLE. I do not wish to occupy the gentleman's time if he does not desire the information.

Mr. SAYERS. Now, Mr. Speaker, in conclusion, I desire to emphasize this proposition. We will most probably have only $464,793,120.75 as revenue with which to meet the expenses of this Government during the next fiscal year. Leaving out the sinking fund entirely, this House has passed appropriations, including the permanent, amounting to $455,079,410.88; $9,713,709.87 only less than the amount of the estimated revenue for the next fiscal year. The appropriation bills have been increased by the Senate. Appropriations will continue to be made as long as this session lasts, and to the gentlemen who control the legislation of this House and who are responsible for it I repeat the question: Are they prepared to exact of the Treasury during the coming year an expenditure amounting to fully $50,000,000 more than the revenues which will accrue during the same period? I am not. I shall vote for the pending motion because, as a pure business proposition, it commends itself to my judgment. Mr. Speaker, how much time have I left?

The SPEAKER pro tempore (Mr. BENNETT). The gentleman has seventeen minutes remaining.

Mr. SAYERS. I reserve the balance of my time. I will insert in the RECORD a list of the vessels that have been completed and also those in progress of construction for the information of the House.

Vessels that have been completed since 1884.

Name.	Type.	Displacement.
		Tons.
Indiana	Battle ship	10,288
Maine	do	6,682
Texas	do	6,315
Monterey	Monitor	4,084
Miantonomoh	do	3,990
Amphitrite	do	3,990
Monadnock	do	3,990
Terror	do	3,990
New York	Cruiser	8,200
Columbia	do	7,375
Minneapolis	do	7,375
Olympia	do	5,870
Chicago	do	4,500
Baltimore	do	4,413
Philadelphia	do	4,324
Newark	do	4,098
San Francisco	do	4,098
Charleston	do	3,730
Cincinnati	do	3,213
Raleigh	do	3,213
Atlanta	do	3,000
Boston	do	3,000
Detroit	do	2,089
Marblehead	do	2,089
Montgomery	do	2,089
Bennington	do	1,710
Concord	do	1,710
Yorktown	do	1,710
Dolphin	do	1,486
Castine	do	1,177
Machias	do	1,177
Petrel	do	892
Bancroft	do	839

Vessels that have been completed since 1884.—Continued.

Name.	Type.	Displacement.
		Tons.
Katahdin	Ram	2,155
Vesuvius	Dynamite gun vessel	929
Ericsson	Torpedo boat	120
Cushing	do	105
Unadilla	Tug	945
Iwana	do	192
Narkeeta	do	192
Wahneta	do	192

Vessels now in progress of construction.

Kearsarge	Battle ship	11,525
Kentucky	do	11,525
Iowa	do	11,410
Massachusetts*	do	10,288
Oregon*	do	10,288
Puritan	Monitor	6,060
Brooklyn	Cruiser	9,271
Helena	do	1,392
Wilmington	do	1,392
Nashville	do	1,371
Gunboat No. 10		1,000
Gunboat No. 11		1,000
Gunboat No. 12		1,000
Gunboat No. 13		1,000
Gunboat No. 14		1,000
Gunboat No. 15		1,000
Torpedo boat No. 8		182
Torpedo boat No. 3		142
Torpedo boat No. 4		142
Torpedo boat No. 5		142
Torpedo boat No. 6		.....
Torpedo boat No. 7		.....
Submarine torpedo boat		168
Tug No. 5		225

* Practically completed.

All vessels authorized by Congress are in process of construction, except "one swift torpedo cruiser of about 750 tons displacement" authorized by act of June 30, 1890. (Bids for this vessel were all in excess of amount appropriated.)

Total cost of maintaining and running and of repairs of the following-named vessels for the fiscal year ended June 30, 1895.

Name.	Cost of maintaining and running.	Repairs (included in cost of maintaining and running).
New York	$438,101.41	$96,532.17
Columbia	313,421.35	15,130.77
Philadelphia	289,747.73	29,350.17
Baltimore	233,123.60	24.76
Monterey	171,562.35	8,915.45
Cincinnati	191,191.90	8,212.18
Montgomery	155,159.22	3,927.51
Concord	144,505.53	.....

Cost of the U. S. S. Indiana from commencement to date of being commissioned for service.

Hull and machinery (including hull armor, premium, and cost of trial)	$4,133,393.10
Armor for gun protection	977,134.02
Armament	966,567.58
Equipment	95,691.45
Total cost	6,172,786.15

Mr. BOUTELLE. Mr. Speaker, in some aspects of the case it would seem a great pity that the gentleman from Texas [Mr. SAYERS], and such other gentlemen as agree with him in this matter, did not indulge in these "business" propositions at an earlier period in the session. No one can tell what influence for peace, good will, and common sense might have been exerted upon this House and upon the country if the gentleman from Texas and others who assent to his views had arisen here at a time when the disposition of Congress and of a large portion of the public press might have been fitly described as "flamboyant" and had suggested to the representatives of the people that asserting the "primacy" of the "great Republic" among the nations might cost a few dollars; that if we were to undertake to regulate all the South American boundaries and to compose all the disturbances in the adjacent islands around this hemisphere, if we were to take a new and aggressive attitude in regard to the disposition of all the great international questions affecting the peoples of the earth, it might entail the expenditure of something besides resolutions of Congress, and that a dictatorial attitude by a great nation might have to run upon something else besides wind. [Laughter.] I think if the gentleman had taken this position then it would have been very timely.

Now, I desire to say, Mr. Speaker, that as a member of this House, charged under the rules and by the designation of its presiding officer with the chairmanship of one of the important

committees of the House, I felt myself under obligations to consider not simply my own views and impressions, but the disposition, the manifest purpose, the public policy, declared upon the floor of this House and in the Senate by such unanimous expression as has rarely if ever been known in the history of our legislation. The future historian, if he devotes any of his attention to the work of the Fifty-fourth Congress in its first session, will certainly declare that the dominant spirit was in favor of the assumption of an aggressive attitude by this country in regard to matters beyond our own borders, and that that attitude was asserted in a remarkable and emphatic manner.

That was the condition when the Committee on Naval Affairs were engaged in framing this bill. I make a moderate statement when I say that at the time the bill was reported to this House recommending authorization for the construction of six battle ships it was far within what plainly appeared to be the aggressive desires of members of this House and of the "public sentiment" voiced by the press. I am bound in all candor to say that from the first session of our committee, throughout our entire deliberations, we felt pressing upon us an aggressive and belligerent spirit on the part of the membership of this House and the other branch of Congress that tended to urge even beyond the recommendations that we made.

Mr. MAHON. Does the gentleman think this House has changed its attitude in regard to a strong foreign policy?

Mr. BOUTELLE. I trust not, so far as the strengthening of our Navy is concerned.

Mr. MAHON. It has not.

Mr. BOUTELLE. I wish the gentleman could give me more than his individual assurance.

Mr. MAHON. The votes will show it.

Mr. BOUTELLE. I am glad to have this prophecy, and hope it will be fully confirmed when the vote is taken.

I am reminding the House of its attitude when the Committee on Naval Affairs brought in this bill. The only question raised on the floor of this House when the bill was pending here was whether we should authorize six battle ships or four. There was a great deal of "Cuba libre" in the air; there was a great deal of Venezuelan enthusiasm afloat, and not even my economical friend from Texas ventured at that time, when public sentiment was represented here to be rising in arms and anxious to embark for some foreign shore, not even my friend from Texas made a whispered suggestion that we had better cut the number of ships down below four.

Mr. SAYERS. Does the gentleman say——

Mr. BOUTELLE. I am stating the matter to the best of my recollection.

Mr. SAYERS. Will the gentleman state to this House that I was in favor of four battle ships?

Mr. BOUTELLE. Why, I have to state that as my understanding. I have had no official information that the gentleman was opposed to them.

Mr. SAYERS. When the House adjourns, if the gentleman will come to me, he will find that I tried to be of material help in cutting down the number still lower.

Mr. BOUTELLE. Does the gentleman say he voted against the four battle ships?

Mr. SAYERS. Certainly I voted against them, if there was any vote on the proposition.

Mr. BOUTELLE. Did you vote against authorizing the four battle ships?

Mr. SAYERS. I do not remember that there was any recorded vote.

Mr. BOUTELLE. I do not wish to do the gentleman the slightest injustice——

Mr. SAYERS. I state to the gentleman that I can not remember now how I voted.

A MEMBER. There was no division.

Mr. BOUTELLE. I can tell the gentleman how he did not vote. He did not vote against the four battle ships.

Mr. SAYERS. The gentleman does not know anything about it.

Mr. BOUTELLE. I know the record of the House.

Mr. SAYERS. On that question there was no record kept. But I will state to the gentleman that I was exceedingly anxious that, instead of having four battle ships, there should be but two, and I can substantiate what I say by an authority that will be satisfactory even to the gentleman himself.

Mr. BOUTELLE. I am speaking of the official action of members of this House, as recorded in a yea-and-nay vote.

Mr. SAYERS. I do not know anything about that.

Mr. BOUTELLE. I do not know what the gentleman may have said in private, but on the floor of this House I recall no motion to cut down the number of these battle ships. I recall no utterance either on the part of the gentleman from Texas or anybody else against them.

Now, Mr. Speaker, the Committee on Naval Affairs reported a bill authorizing the construction of four battle ships. We did that as a reasonable recognition of what seemed to us the demands of this House, and such as we thought we had reason to believe at that time would be acceptable to the other branch of Congress, to which I desire to allude with all that awesome respect and vagueness which the rules of Congress are supposed to require. I had no reason to suppose that in any "other place" there would be a desire to reduce the number of those ships. The only apprehension of the committee and of myself was that in "other places" as well as here the desire to go beyond the authorization of the committee might prevail.

The gentleman from Texas tells us that it costs some money to build ships. Why, sir, I supposed he had discovered long ago that a navy, like everything else that is valuable, costs money. I realized that when I was being pressed on all sides in favor of authorizing six of these battle ships. The gentleman says, as in the nature of original information, that we actually enlist men and pay them for manning and sailing these ships. I supposed that was to be understood. I did not suppose anybody expected that we could assume an aggressive attitude toward the greatest naval power on the globe and then keep up our pretensions of dignity with ships that had neither men nor guns. I supposed it was understood by the people of this country that if we undertook to establish ourselves as even a respectable naval power among the nations of the earth it would cost something.

Mr. Speaker, what we have already done in this direction has cost far less than we anticipated instead of more; and I undertake to say that in no direction of the progress of the people of the United States in the last twenty-five years have there been such splendid results for the same amount of expenditure as have followed the work of rehabilitation of the new American Navy. It is a matter of pride to every citizen of America who has any pride in his composition that we have a Navy which, while comparatively small, is composed of ships that, class for class and ship for ship, are the equals, and many of them, as we fondly believe, the superiors, of any other war vessels afloat. This costs some money. I might refer to the record of what this policy has cost. But I undertake to say that the people of this country do not regret one dollar that has been expended to build up the new Navy of the United States.

Now, so far as concerns the question of funds, when we were discussing the warlike propositions on this floor I did not hear any suggestion from any quarter that considerations of revenue, of economy, should deter us from taking extraordinarily positive positions in regard to questions that were entirely outside the ordinary and legitimate business of the people of the United States. On the contrary, there was a remarkable display of enthusiasm in asserting that in spite of all business considerations affecting the revenues or the expenditures of the Government we should send out declarations to all the world that could only be supported and sustained by our possession of at least a respectably powerful naval force.

Mr. Speaker, I have no respect for either nations or individuals who go about interfering with the concerns of other people and manifesting a domineering spirit in regard to affairs beyond their own borders or jurisdiction and at the same time are not willing to assume the responsibility or cost of maintaining that assumption. I do not believe that the Government of the United States can afford to plead to-day that "economy" will not permit us to follow up our public declarations of policy by proper appropriations of money to defend our own coast and maintain our own honor and dignity in our intercourse with the other nations of the world whenever it may be necessary to do so.

Now, the question as to whether we have available funds or not, or whether the revenues are sufficient, is a matter in dispute. I have my own idea as to the facts in regard to our financial matters; the Democratic Administration has its ideas; and I want to say to my friend from Texas that in assisting to formulate legislation on an appropriation bill during a Democratic Administration I took particular pains to acquaint myself fully with the views of the responsible officials of that Administration as to the propriety as well as the desirability of the expenditure we are proposing to make.

I hold in my hand the printed report of a hearing before the Committee on Naval Affairs, to which we invited the present Secretary of the Navy, who attended and gave his views on the subject. I asked the Secretary this specific question, and I hope my friend from Texas is present and will recognize its pertinence:

The CHAIRMAN. Mr. Secretary, you will remember that after the issue of your report in December, 1893, in which you recommended the authorization of a number of new ships, the President, in his annual message, counseled Congress to consider the depleted condition of the Treasury before increasing naval expenditures. Will you kindly state your view as to how far the condition of the revenues has improved in regard to justifying a considerable authorization of new naval vessels at this session of Congress?

The Secretary understood very well that the proposition we had under consideration was the question of building either four or six battle ships. In response to the inquiry he replied:

Secretary HERBERT. There seems to be no reason to be drawn from the condition and prospects of the Treasury against a liberal appropriation for

new vessels. The Secretary of the Treasury estimated in his last annual report that there would be a deficit of about $17,000,000 at the end of the present fiscal year—June 30, 1896. He now thinks that the deficit will be less than he then estimated. He also estimated on the basis of existing laws the revenues of the Government for the fiscal year 1897. His conclusion was that there would be a surplus for next year of something over $6,900,000—in round numbers $7,000,000. Outside of these revenues to come in in the ordinary way, and which the Treasury Department has estimated as more than sufficient to meet expenditures, there will be on the 1st of July next, excluding the $100,000,000 which the Government attempts always to hold for redemption purposes, $170,000,000 over and above the amount required for matured obligations, so that, in my opinion, the condition of the Treasury justifies as liberal appropriation for new ships as I have asked for to-day.

He then favored as high as 4 or 6 battle ships and 15 torpedo boats, which we authorized. And, Mr. Speaker, whatever may be the opinion of gentlemen on this side of the Chamber, I hold that the gentleman from Texas [Mr. SAYERS] is estopped by the public official declaration of this head of a Department of an Administration of his own party from pleading poverty here against the authorization of expenditures for the construction of vessels recommended by his own Secretary of the Navy.

As to this bill and the question of economy which has been suggested, what are the facts? How extravagant a bill is it? Keep in mind all the time that the duty of this country and the trend of public sentiment on the great questions affecting the relations and welfare of our nation, and especially in connection with its attitude toward foreign nations, have developed conditions which have pointed more directly to an increase in our naval establishment than in any other direction. In asserting a more strenuous policy in dealing with questions arising outside of our own territorial jurisdiction we necessarily directed the attention of Congress and the public to the strengthening of our naval power.

It is the Navy of the United States which must be depended on to maintain the prestige of our country in any controversy with a foreign power; and never before in my experience in Congress has there been a time when the action of the legislative branches and the expressions emanating from the executive branch of the Government have assumed so strongly the form of a demand upon Congress to strengthen the naval power of the United States as now. And yet this bill, against which the cry of extravagance is now raised, carried a less amount in gross as it passed the House this year than the bill that was passed by the House in the last session of Congress—and I hope my friend from Missouri [Mr. DOCKERY] will take the figures right down, for I usually speak carefully of such matters—this bill that you are trying to help the other branch of Congress to mutilate, that you are condemning as extravagant, carried as it passed the House nearly $200,000 less than the aggregate amount that was carried by the bill passed by the House last year, which was reduced by the Senate for reasons I have not time to state.

That bill as it passed the House carried $31,807,023.86. This bill as it passed the House carried $31,611,034.95. Now, is it not an awful increase and extravagance on the part of the Naval Committee of this year?

In regard to the amount which is devoted expressly to the increase of vessels: In the House bill—and I will confine my attention to that, because I trust that when we get through we shall return substantially to the basis of the legislation of the House, where appropriations are properly initiated—in the House bill, before the Senate committee had it in hand, we provided for the increase of the Navy a gross amount of $12,779,133 for construction and armament of the new ships of the Navy.

Now, I address myself to my friend from Missouri [Mr. DOCKERY], because I do not see my other esteemed friend, the gentleman from Texas [Mr. SAYERS], present.

Mr. DOCKERY. It might be well for the gentleman from Maine to address the gentleman from Illinois [Mr. CANNON] also upon the same question.

Mr. BOUTELLE. Oh, I assume that all Republicans are going to vote patriotically on this question.

Mr. DOCKERY. I hope my friend will be impartial in his attentions, and will also include the gentleman from Illinois [Mr. CANNON], chairman of the Committee on Appropriations.

Mr. BOUTELLE. I am not going to waste any persuasion on the chairman of the Committee on Appropriations, because I can not doubt that he is imbued with such a spirit of Americanism that he will be more likely to want to put on an additional ship instead of striking out any. It is my Democratic friends whom I wish to convert. This House bill provided for $12,779,133 for the "increase of the Navy." Now, how much do you think that was increased over the bill that was passed by this House in the last Congress? Instead of being more, it was less. The bill does provide for $12,779,133 for "increase of the Navy," but the bill last year provided for $13,234,422. That is not so very extravagant a record, it seems to me.

Now, what of the future? The gentleman from Texas called our attention to the fact, which I supposed everybody understood, that the ships that are on the stocks and being built will require work to be done upon them after this year, and that the work will have to be paid for, because we have not yet reached the point where we impress workmen to build the ships of the Navy without pay. He seemed to think that it was an important thing to inform the House that it would take $8,571,796 after this year to finish the vessels heretofore authorized. That includes the *Iowa*, the *Massachusetts*, the two great battle ships just started down at Newport News, and the gunboats and torpedo boats under construction.

Now, if we add to that all that it will require to complete and put into commission the vessels authorized in this bill, with all the others, it will make an aggregate for all these ships (including the four battle ships proposed in the House bill, and assuming the cost of these ships to be approximately the same as those contracted for this year at Newport News), it would amount, for all the ships now building and all the ships that we propose, including the four, to $40,957,679, to be expended during a period of four years, which it will probably consume to build and finish these ships, making an average annual appropriation for the increase of the Navy, including ships and armament, of $10,239,419. And yet I find that as far back as the Fifty-first Congress, when there was not a war cloud or a speck of war cloud in the sky, long before any statesman had dreamed of suggesting that we should rise up and assert our "primacy"—which I believe is the favorite word—long before any resolutions or bills had been introduced in either branch of Congress proposing to appropriate $100,000,000 for the President to use as a war fund, long before any of the recent peculiarly bellicose pronunciamentos by the Executive or either branch of Congress had either been made or dreamed of, we appropriated, in the Fifty-first Congress, for the increase of the Navy, the sum of $16,607,000 at one session.

Mr. SAYERS. Will the gentleman allow me a question there?

Mr. BOUTELLE. Certainly; with pleasure.

Mr. SAYERS. The bill provides that each of the foregoing ships, exclusive of armament, shall not exceed $3,750,000. Now, will the gentleman explain to the House, if these ships can be built for a less sum, why should the committee put the maximum cost of the ships, exclusive of armament, at $3,750,000?

Mr. BOUTELLE. I assume that my friend from Texas is desiring me to answer that question for the information of the House——

Mr. SAYERS. Certainly.

Mr. BOUTELLE. And not for himself, because I am sure that he understands it.

Mr. SAYERS. Does not the bill permit the Secretary of the Navy to contract for the vessels to the extent of $3,750,000, exclusive of armament?

Mr. BOUTELLE. The bill itself authorizes the Secretary of the Navy to make contracts for these ships up to an amount, exclusive of armament, not to exceed $3,750,000, but nobody on the committee expects him to do anything of the kind. Every bill prior to this in authorizing battle ships has made the outside limit of cost exclusive of armament $4,000,000. The bill under which the two ships are now being constructed at Newport News authorized an outside limit of $4,000,000, but they are under contract to-day for $2,255,000. We have reduced that limitation in the present bill by $250,000, more as a matter of form than anything else, because we authorize the construction of ships of a certain character, of a certain approximate size, and under carefully prepared legislation that has been perfected year after year, and upon which the Secretary of the Navy is obliged to advertise for bids, and to award contracts to the lowest bidder. As a matter of fact, the ships have never cost anywhere near the limit, and they never will.

Mr. SAYERS. I will ask the gentleman, in good faith, if he thinks that these ships, exclusive of armament, will cost less, why put the maximum limit at $3,750,000? If the gentleman does not expect that the ships will cost so much, why do so?

Mr. BOUTELLE. For the very same reason that we put $4,000,000 as the limit originally—because we did not desire to cramp the Department as to its designs, knowing that the Secretary must advertise for bids for the construction of these vessels and that they would have to accept, under the law, the bids of the lowest bidder; and under the $4,000,000 authorization we have constructed three at $3,120,000, and have two more now under contract at $2,225,000 each. We have reduced the authorization about $250,000, leaving the limit at $3,750,000; but there is no expectation on the part of anybody that these ships will cost near that amount. Of course the committee put the limitation considerably outside of the probable contract price. These ships have to be advertised and open to competition by all the shipbuilders of the country; and there has already been a decrease made from $3,120,000, contract price of the first three battle ships, without their armament, to $2,225,000 for these two ships at Newport News which are now under contract.

We inaugurated the policy when the first battle ships were authorized of requiring one of these ships to be built on the Pacific Coast if it could possibly be done at a reasonable compensation for

any disadvantages of that locality on account of distance from the source of supplies of material. I believed, the committee believed, and Congress believed that it was desirable to sustain and encourage the building up of the great private plants on both the Atlantic and Pacific coasts that could be utilized by the Government whenever needed. I think the result has vindicated the wisdom of that view.

I believe I have already given, while the gentleman from Texas [Mr. SAYERS] was absent, statistics of the cost of building these ships, which I will repeat to him, that if we legislate just as the House previously legislated on this bill it will require to complete all the vessels authorized, including those in the present bill, inside of $41,000,000, to be expended in four years or over that they will probably be under construction, which would be an average of $10,000,000, as against over $16,000,000 that was appropriated for the new Navy in the Fifty-first Congress at one session and over $13,000,000 that this House authorized in the last bill that was passed.

Now, Mr. Speaker, I do not desire to take up the whole time. I simply want to call the attention of this House to the aspect we will present to the people of the world if we heavily reduce the provision made by the House for war ships at this time, when important foreign complications which we have precipitated are pending; complications that, when they were discussed in this House, caused attention to be called by members on both sides to the great military and naval preparations and disposition of foreign powers and the necessity for such action in the matter of strengthening our naval force as would indicate to other nations that we meant something more than mere bombast and buncombe.

I ask members of the House to consider what will be the opinion of the civilized world if, in the face of the declarations we have made, in the face of the attitude we have assumed, instead of making even a reasonable progress toward putting ourselves into a position to maintain a foreign controversy, we shall deliberately, on the ground of economy, declare that we "can not afford" to even put under construction four battle ships that will be ready in three or four years from now to uphold the prestige and the dignity of the United States.

Mr. Speaker, I do not believe in that kind of economical patriotism. I wish there had been a little more economy of bluster evinced at an earlier stage; but after we have taken a position, after we have put our banners on the outer wall, for us to plead "economy" as a reason why we should reduce by one-half the provision we made at an earlier date of the session of Congress for strengthening our naval force, it seems to me, will present the American Government in a pitiable aspect in the eyes of the world. Here we have our attention called to a naval expenditure in Great Britain of $91,000,000, in France of $52,000,000, and in Russia of $26,000,000, and so on all up and down the list of foreign naval powers; and yet, at this stage in our new departure in the field of international dispute, we are asked to stop and say, not only that we do not mean it, but that we will not even provide for four battle ships to strengthen a Navy that to-day can only claim that it might compete successfully with that of Spain.

Gentlemen, there is a place for economy, but economy should not be exercised against making reasonable and proper preparation for safeguarding the peace of the country by providing against attack, and for maintaining the dignity of this Government among the nations of the earth. Mr. Speaker, I yield ten or fifteen minutes, as he may desire, to my colleague on the committee, the gentleman from New York [Mr. CUMMINGS].

Mr. WILLIAM A. STONE. Mr. Speaker, there are only ten or fifteen minutes left of the gentleman's time, and there are several members who desire to speak on this proposition.

The SPEAKER pro tempore. The gentleman from Maine has twenty-two minutes remaining.

Mr. CUMMINGS. I will be content with ten minutes.

Mr. SAYERS. Before the gentleman from New York proceeds I wish to make a suggestion to the gentleman from Maine. In view of the fact that I was interrupted so frequently, and consumed more time than I intended, I would like to have unanimous consent——

Mr. BOUTELLE. Let us exhaust the remaining time, and then we can come to an understanding.

Mr. SAYERS. Very well.

Mr. CUMMINGS. Mr. Chairman, if I should say that the minority of the Committee on Naval Affairs unanimously voted for six battle ships I would not be very far from the truth. The Senate in its erudite wisdom has seen fit to strike off two of those battle ships. I would not presume to complain now of the action of such an august body, but I do complain when a prominent member of the House of Representatives, who silently, at least, sanctioned the action of the House in voting four battle ships, now proposes that the House shall throw down its arms, fall upon its knees, and accept the Senate amendment. It seems to me, sir, that is hardly courteous to the majority of the committee, and in view of the action of the minority and of the political personality of the Representative, it is certainly not courteous to them.

Mr. Chairman, I have not forgotten the action of the Senate last year. The House then made provisions for three battle ships. The Senate struck out one battle ship, and then maneuvered the matter so adroitly that the House never had an opportunity of voting upon their action. We did not get even a committee of conference. Driven to the wall, we were compelled to accept the naval appropriation bill as it came from the Senate or lose the bill entirely. Thus a provision of the Constitution was virtually violated to maintain a Senatorial whim. I have not forgotten, sir, that the Senate returned to the House of Representatives a tariff bill full of errors, and that the House, under the arbitrary Senatorial dictum, was compelled to accept that tariff bill with all its errors. The country has been suffering from the errors ever since. [Applause.]

Mr. Speaker, we appear to be the American House of Commons and they the House of Lords. I can imagine how such a proposition as this coming from the House of Lords in Great Britain would be received by the House of Commons under similar circumstances. I can imagine how such a proposition would be received coming from the French Senate to the Corps Legislatif. The "lower bodies," as they are called, would stand upon their dignity, and I think the time has arrived for this House to stand upon its dignity and have some say with regard to appropriation bills at least. I remember that toward the close of the Fiftieth Congress the Senate of the United States, under the order of its Presiding Officer, nailed up the doors leading to the rotunda of the Capitol. It assumed to bar the Representatives from entering the rotunda on inauguration day without a card from the Presiding Officer of the Senate. The complaint of the House was long and loud, and axes would have been used if the barrier had not been removed.

Now, Mr. Speaker, I have listened to the gentleman from Texas [Mr. SAYERS] with great interest. He is always an economist. The country grows, and I hope that in the progress of time the arithmetical calculations of the gentleman from Texas will grow with it. [Laughter and applause.] We can not run the country now on the basis of thirty years ago. The gentleman expatiated upon what he termed the extravagances of this bill, and he was not always correct in his statements. I refer to one made with regard to the increase in the enlisted force in the Navy. He said that this bill increases it 3,250 men.

Mr. SAYERS. I did not state that. The gentleman misunderstood me.

Mr. CUMMINGS. Well, whatever you stated, you gave the impression that the increase in the enlisted force was 3,250 men. Now, Mr. Speaker, the increase in the enlisted force in seamen is actually 1,000 men. The Secretary asked for 1,500, and he thought, in addition, that the President, in a war emergency, should have authority to increase the force to 2,500. I advocated that proposition, but it was voted down by the committee. I stood by the action of the committee, but I never dreamed that anybody would propose to cut off the 1,000. You have not men enough in the Navy now to man your ships when they are in commission. To put a crew upon a new vessel you have to put another vessel out of commission and transfer her crew. As for the 500 men in the Marine Corps, they are needed just as much as the sailors. When there are not enough sailors to man guns in action the marines are called upon. In view of the clouds upon the horizon—possibly because of your own action in this House—it seems to me that an increase of 500 men in the Marine Corps is a very small increase indeed, and uncommonly reasonable.

The gentleman from Texas alluded to the expense of maintaining our war vessels in commission. It is no greater in proportion than the expense of other nations. The gentleman from Maine [Mr. BOUTELLE] alluded to the naval appropriations of Great Britain. Why, sir, the appropriations of Great Britain for the increase of her navy alone at this session of Parliament is $52,000,000—more than double our whole appropriation for the maintenance as well as the increase of our Navy. Think of it; $52,000,000 for the building of new battle ships for the British navy. Our four ships are not in ratio in comparison with the strength of the two navies. By making the appropriation for four ships you do not sustain the ratio that we now hold with Great Britain. This is one of the reasons why I so earnestly advocated the building of six battle ships instead of four.

Now, if the argument of the gentleman from Texas with regard to our receipts and expenditures is valid, he ought to move to strike off all these ships. He ought to move to kill the river and harbor bill. He ought to move to cut off expenses at all points, regardless of the interests and welfare of the nation.

The SPEAKER pro tempore (Mr. BENNETT). The time of the gentleman from New York [Mr. CUMMINGS] has expired.

Mr. CUMMINGS. I would like to have five minutes more.

Mr. BOUTELLE. I yield the gentleman five minutes more.

The SPEAKER pro tempore. The gentleman from Maine has twelve minutes remaining.

Mr. CUMMINGS. I thank the gentleman from Maine. Mr. Speaker, men build houses when lumber is cheap; and nations in a warlike atmosphere ought to built ships when material is cheap. There are warlike clouds on our horizon. The Secretary of the Navy, while before the Committee on Naval Affairs, expressly asserted that ships can now be built 30 per cent cheaper than the last ships were built. How long this percentage of cost will be maintained, as the gentleman from Texas truly says, can not be told. But if we pass this appropriation for four ships, we shall get the contracts while the prices are low; and no matter whether they should hereafter be doubled or not, the contractors will be forced to fill the orders.

The Senate, as I reckon from reading the RECORD, voted for two ships only on the score of economy. Why did not the economical "streak" reach other appropriation bills before that imposing body? Why is it that the naval appropriation, vital not only to the interests but to the safety of the country, is picked out for economical purposes? Why is it that in the same breath the river and harbor bill is increased over $2,000,000 by the Senate? And if they are honest in their economical tendencies, why is it that they do not begin work at home? Reading a speech of a Senator made in the other wing of the Capitol a month ago, I learned that it costs in the way of perquisites twice as much to keep a Senator of the United States in Congress as it does a Representative.

Mr. DOCKERY. About five times as much.

Mr. CUMMINGS. Five times as much. I thank the gentleman from Missouri; I stand corrected. The expenses of the 90 United States Senators (independently of salaries) are nearly as much as the expenses of the House of Representatives, with 357 members.

Mr. BOUTELLE. I am greatly interested in what the gentleman is saying; but as a friend I wish merely to suggest that I hope he is conscious of the form of parliamentary discourtesy in which he is indulging. [Laughter.]

Mr. CUMMINGS. I did not catch the gentleman's words, but I suppose my time is out. I will say, however, that we made a great concession in economy on the naval appropriation bill when we reduced the number of proposed battle ships from 6 to 4, and I trust no further concession will be made. Means of offense is the best defense, and the best way of avoiding war is to be prepared for war. This is true economy. I trust the House will stand by its original proposition.

Mr. SAYERS. Mr. Speaker, in view of the fact that so much time has been consumed by three of us, and as several gentlemen desire yet to speak, I ask that the time for discussion be extended say until 5 o'clock, and that then we take a vote.

Mr. BINGHAM. Does the gentleman want a vote to-night?

Mr. SAYERS. Oh, yes.

Mr. CANNON. The gentleman from Maine [Mr. BOUTELLE] can call the previous question at any time he chooses.

Mr. BOUTELLE. I see no reason why we should have so long an extension of the debate as the gentleman from Texas suggests. I desire to be entirely reasonable. I understand that under the arrangement already made, the limit of debate would be reached at a quarter before 4 o'clock. I am willing, if it will be satisfactory, that the time be extended from quarter before 4 o'clock until quarter past 4 o'clock, with the understanding that there shall be no further request for additional time.

Mr. CANNON. Parliamentarily, the gentleman from Maine has complete control over the duration of the debate. He can demand the previous question at any time after quarter before 4 o'clock.

Mr. BOUTELLE. But we do not want to have a vote on the previous question if we can arrange without it. I do not wish to be arbitrary. I want to consult the wishes of the House so far as I can, but I am not willing to yield to the extent of not having a vote on this bill to-night, because members have come here and stayed here for the purpose of voting. I do not assume that any of them have stayed to listen to me, although they may have stayed to listen to others. I will agree that the time be extended until quarter past 4 o'clock.

Mr. SAYERS. The gentleman from Illinois [Mr. CANNON] desires to speak, and so does the gentleman from Missouri [Mr. DOCKERY].

Mr. BOUTELLE. Very well, if the gentleman objects, then we will go on. I hope the House understands that I am perfectly willing to extend the time for half an hour more.

The SPEAKER pro tempore. As the Chair understands, the proposition of the gentleman from Texas [Mr. SAYERS] is objected to.

Mr. SAYERS. Mr. Speaker, I yield to the gentleman from Illinois [Mr. CANNON], and hope that he will yield a part of his time, if he can do so, to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. There are only seventeen minutes left.

Mr. CANNON. I hope the House will give a little extension of time, as indicated, when the hour of a quarter to 4 has been reached, provided, of course, that the discussion is confined to the pending proposition. I think, perhaps, there will be no objection to getting an extension.

The SPEAKER pro tempore (Mr. BENNETT). The gentleman from Illinois is recognized for the remainder of the time of the gentleman from Texas, fifteen minutes.

Mr. SAYERS. I thought I had seventeen minutes.

The SPEAKER pro tempore. The gentleman had seventeen minutes, but some time has been occupied in determining the question of an extension of time.

Mr. SAYERS. Why not take it from the other side?

The SPEAKER pro tempore. It is taken from each side equally.

Mr. CANNON. Mr. Speaker, I think I can say what I desire to say in ten minutes and perhaps less, but if I should need a few minutes' extension I will trust to the House in its generosity to give it to me.

This is a question to be considered in the light of fact. And I want to say in the very beginning that my work as a member of this House touching appropriations for the support and the honor of our common country has, in my judgment, been from as pure motives as the work of other members of the House. I am heartily in sympathy with the Republic—the Republic that belongs to all of the people—being armed at every point to protect the property, the person, and the rights of the citizen, and being able to assert itself among the nations of the earth.

But, nevertheless, Mr. Speaker, it is well enough for us once in a while to forsake the field of declamation and get down to the facts. Now, what are the facts? There are in sight now, outside of river and harbor contracts, contracts in this bill, or contracts on any other bill, there are in sight, appropriations for the service of the Government for the fiscal year coming, an aggregate of $510,000,000—a large sum. Thank God, it is a large country, too, and I do not think it is too much. It is far more than was appropriated the last year or the year before. But the country grows.

Now, then, it is admitted by all that this will be, in round numbers, $50,000,000 more than we will collect from every source of revenue. The fiscal year for which we appropriate commences on the 1st day of next July and ends on the 30th day of June, 1897. So we run up all the ordinary expenses of the Government about $50,000,000 more than we have reason to expect money will come in to pay them with. We all understand that.

Now, a step further. We have reached out on the naval appropriation bill and, from a patriotic standpoint, authorized the construction or the making of contracts involving some twenty-five to thirty millions more than we actually appropriated——

Mr. BOUTELLE. If the gentleman will permit me——

Mr. CANNON. I have only a moment or two.

Mr. BOUTELLE. I hope the gentleman will state that we are authorizing less this year than for years before. We appropriate a million dollars less in this bill.

Mr. CANNON. We appropriate a million dollars less than the bill of last year, that is true; but there is an authorization of contracts to the extent of about thirty millions to be appropriated for and hereafter paid, which is much greater than it ever was before.

Mr. BOUTELLE. Oh, no; for years before. But the bill as a whole is less.

Mr. CANNON. I say the amount authorized and not appropriated for is greater than for any year before this time. Now, let us inquire further.

Mr. Speaker, we not only appropriate $50,000,000 for the coming year more than our revenues will be, but there is in sight on the various appropriation bills authority to the Administration to contract for the building of ships, improvement of rivers and harbors, and other public works to the amount of $112,000,000, payable substantially in one, two, three, and four years from the 1st day of July, 1897.

To put it another way, when we inaugurate a Republican President on the 4th day of March next, he will have to borrow $50,000,000 to pay the ordinary expenses of the Government from that time until the 1st day of July, 1897. The Republican Congress and President will also have to provide the money for the ordinary expenditures of the coming four years, and, besides, will have to pay off the $112,000,000 of extraordinary expenditures which is authorized by this and other bills by way of contract work. In addition to that, when we come in power we ourselves will want some river and harbor improvements; we will want some public buildings; we will want some internal improvements; but we will find by this and other contract work authorized this session of Congress that we will have first to meet by appropriation $25,000,000 a year for every year of the coming Administration; that is, we will have to take care of each year and pay the $112,000,000 we now go in debt for.

Now, there is the truth.

"But," says somebody, "Mr. CANNON, we are not getting all we want now for public works." That is true. We are not getting what we want. For you know, gentlemen, the policy of this House is not to authorize a single public building. Why? Because

from the standpoint of economy. Not one is to be authorized. There is no money to pay for it. Now, then, if there is such a war pressure and such a danger menacing us that within the next twelve months we will have a war with all the world, should we break the record in the matter of authorization by contracts up to the extent of $30,000,000 for the Navy? But I state it takes four years to construct one of these ships. Each ship costs, in round numbers, $6,000,000. If you strike off two of them you decrease the mortgage to be placed on the future to the extent of $12,000,000. If you leave the four battle ships on, you increase the mortgage that amount.

"Oh, but," says somebody, "when we come in we shall get the revenue. We shall play the part of Moses and strike the rock that will bring the revenue, as the water came from the rock in the wilderness." How long will it take to do it? It will take us eighteen months to write a revenue-getting law upon the statute books and have it go into operation and produce revenue. So that when you mortgage the future to the extent of the $100,000,000 or $112,000,000 to commence with the incoming of a Republican Administration you say to that Administration: "You shall borrow to pay this mortgage that is placed upon this country during this Administration, and to meet contracts made by the present Administration by virtue of laws of this session of Congress." Now, if it is wise, if it is patriotic, if it is necessary to advance the public good and the public honor, let us do it, and do it although it would amount to ten times as much.

Mr. BOUTELLE. Is there any appropriation that comes so near defending the public honor as that for the Navy?

Mr. CANNON. Oh, I am proud of the Navy, and I have followed substantially the chairman of the Committee on Naval Affairs in his contest, because his wisdom and knowledge are greater than mine. I followed him when he said to strike out six battle ships and put in four, and I would follow him now if he would follow what I believe to be his true feeling, that two battle ships are sufficient.

Mr. BOUTELLE. I ask my friend not to make that statement.

Mr. CANNON. I will take it back if it is not correct.

Mr. BOUTELLE. It is not so.

Mr. CANNON. I am glad to make the correction.

Mr. BOUTELLE. I never made a buncombe proposition to this House in my life.

Mr. CANNON. Then if I am under a misapprehension—I would not do my friend an injustice.

Mr. BOUTELLE. I hope not. I never say anything that I do not mean.

Mr. CANNON. Now, Mr. Speaker, what have we done for public defense? When we reported the fortification bill we found 150 built-up guns that were not emplaced, and we wrote in that fortification bill appropriations and authorizations of $11,000,000 plus, for what? Within the next twelve months to emplace those guns? Within the next twelve months New York and Boston and Portland and Washington and San Francisco and Puget Sound will be substantially fortified. Why, in that fortification bill alone we have provided in twelve months to do more than has been done from 1888 up to the present time.

The CHAIRMAN. The ten minutes allotted to the gentleman from Illinois have expired.

Mr. SAYERS. I yield the remainder of my time to the gentleman from Illinois.

Mr. MINOR of Wisconsin (to Mr. CANNON). You have settled it for four battle ships?

Mr. CANNON. I thank my friend, and if he by silence or speech can do as much, he will have done well.

Mr. MINOR of Wisconsin. We will do better than you will.

Mr. CANNON. Very well; that remains to be seen. At least I shall be courteous when I address my fellow-members, and shall ask the Speaker if I may have the privilege of interrupting, under the rules.

Mr. Speaker, let me say again that we have four battle ships now, practically, and two that were authorized a year ago; that is six. If this authorization passes as the Senate provides, it will make eight. We have four substantially completed.

Mr. BOUTELLE. Oh, no; they are not all completed.

Mr. CANNON. But they approach completion.

Mr. BOUTELLE. I can not let the gentleman make such statements.

Mr. CANNON. They approach completion.

Mr. BOUTELLE. It will take eighteen months on one of them.

Mr. CANNON. They are authorized now. The contract for the two battle ships that were authorized a year ago was let last January. The contract for the armor has not yet been let. It is a million and a half for each ship. The bids are open. Bethlehem is to get one and Carnegie is to get the other. I am glad that they are going to. I am delighted that they have the capacity to do the work. I believe they are the only two establishments we have. These other two contracts for two battle ships will follow the two that they are soon to have. That makes four.

Now, my information is—and I believe it to be reliable—that Bethlehem and Carnegie can not more than complete those contracts for the two battle ships and the two more to be authorized, I hope, by this bill for eighteen months to come. So that we had just as well go over until next winter as to at least two of these battle ships, and leave something to be done by those who are to follow after us.

Now, I trust no man will misinterpret my motives. I stand ready to see public buildings and internal improvements in my section of the country stand still if it is necessary for the defense of the country; but I want to see the necessity for it, when we from the interior are called upon to wait without appropriations for public buildings, and when, if this mortgaging of the future goes on, next winter and the winter after we shall be asked to wait and still to wait until we pay off these mortgages. I am content if it is necessary for the public good, but if it is a mere utilization of the patriotic sentiment of the country to authorize great naval expenditures of doubtful utility, and, if meritorious, are not urgent, then I object.

I am content, having briefly referred to this matter, to leave it with the House. I believe, in closing, that we will subserve the best interests of the country, the best interests of the seacoast defense now by authorizing but two of these battle ships and proceeding with our fortifications next year as we are proceeding this year.

I yield the gentleman from Texas any time I have remaining.

The SPEAKER pro tempore (Mr. BENNETT). The gentleman from Texas has one minute and a half remaining.

Mr. SAYERS. I ask unanimous consent that the time be extended ten minutes longer, so that I may yield it to the gentleman from Missouri [Mr. DOCKERY]. I have consumed more time than I intended in consequence of interruptions.

Mr. BOUTELLE. Now, Mr. Speaker, the House will recognize the entire fairness and courtesy of the proposition I made a while ago when I asked consent to extend this time a half an hour, to a quarter past 4.

Mr. SAYERS. Now, the gentleman wants to thrust his individuality or personality, or whatever he may term it, constantly on the House.

Mr. BOUTELLE. I call the gentleman to order.

Mr. SAYERS. The reason I declined——

Mr. BOUTELLE. He has no right to speak of my thrusting my individuality or personality on the House.

Mr. SAYERS (continuing). Was simply this——

Mr. BOUTELLE. I am performing my duty as chairman simply and exhibiting a courtesy to the gentleman from Texas that the House will regard as a good example for him to follow.

The SPEAKER pro tempore. Objection is made.

Mr. WILLIAM A. STONE. I ask unanimous consent that debate on this matter be continued until quarter after 4 o'clock.

The SPEAKER pro tempore. Unanimous consent is asked that the time for closing debate be extended until fifteen minutes after 4.

Mr. SAYERS. The time to be equally divided.

Mr. HICKS. I object. I think we had better have a vote.

The SPEAKER pro tempore. Objection is made.

Mr. SAYERS. I ask unanimous consent for a further extension of the time for ten minutes, in order that the gentleman from Missouri [Mr. DOCKERY] may have an opportunity to speak upon this question.

The SPEAKER pro tempore. Unanimous consent is asked that the time be extended for ten minutes.

Mr. BOUTELLE. I object.

Mr. WILLIAM A. STONE. I will not object to that, if the same length of time can be occupied on the other side. [Cries of "Vote!"]

The SPEAKER pro tempore. Objection is made.

Mr. BOUTELLE. Has the other side exhausted its time?

The SPEAKER pro tempore. The gentleman from Texas has a minute and a half remaining and the gentleman from Maine has six minutes.

Mr. BOUTELLE. I will wait until they conclude.

Mr. SAYERS. I yield a minute and a half to the gentleman from Missouri.

Mr. DOCKERY. I can not occupy a minute and a half. If the House is not inclined to extend the time, I shall not occupy that time.

Mr. HOPKINS. Why not let the debate run on toward 5 o'clock, if gentlemen want to talk?

Mr. BOUTELLE. Other gentlemen have objected. [Cries of "Vote!"]

The SPEAKER pro tempore. The time of the gentleman from Texas has expired. The gentleman from Maine has five minutes remaining.

Mr. BOUTELLE. Mr. Speaker, I desire to say a very few words in reply to some of the excited and extraordinary statements of the gentleman from Illinois, the chairman of the Committee on Appropriations. It seems a very strange thing in the

legislation of this House, although I have observed it for many

who favor it will say "yea" and those who are opposed to it will

On this bill:

ment, accompanied by a report (No. 1634); which said bill and

legislation of this House, although I have observed it for many years, that one of the committees of the House is so distrustful of the capacity of anybody else in the House to attend to the business assigned them. Fifteen members of this House have been assigned to the committee that prepared the bill for the naval establishment.

I happen for the time to be chairman of that committee. I have served thirteen years as a member of that committee; part of the time as chairman. I have given my best thought and labor to the work of that committee; and I may without immodesty say that I came to the committee with some prior knowledge of the subject-matters with which it has to deal; and yet, on nearly every occasion when that committee presents a measure in the House, it is confronted by gentlemen from one of the other committees of this House, the Appropriations Committee, who seem to insist that the 15 members on the Naval Committee are incapable of preparing and conducting one of the appropriation bills, while they accord to themselves sufficient wisdom to prepare and manage six or seven of the great appropriation bills of the House, and then to supervise all the rest.

I wish to say that those gentlemen are assuming a great deal. I do not know what kind of success I should have in dealing with the "legislative bill," or the "sundry civil bill," or some other bill, but I have some knowledge of the matters that are provided for in the naval appropriation bill. I have had the assistance of a gentleman who for years has been a member and for part of the time chairman of the committee; of another gentleman who was for years an officer of the Navy, after graduating at Annapolis, and of other experienced and competent gentlemen; and we have the right to ask this House to repose some confidence in our judgment and in our statements about matters that affect naval appropriations and naval construction. Yet the gentleman from Illinois gets up here and, as an argument in favor of the mutilation of this bill, that has once passed the House, makes the distinct statement on the floor that the manufacturers of the armor can not possibly furnish their material in time.

I answer him by saying that the communications received by our committee from the Carnegie and Bethlehem companies declared that they can furnish all the armor of these battle ships inside of thirty months. We have not brought these details in here, and there was no need of bringing them in here. We had the right to believe that this House would take something for granted, and repose in us some confidence, when the Naval Committee come in here and make a general statement of facts.

Mr. CUMMINGS. And that letter is borne out by the letter of Commodore Sampson.

Mr. BOUTELLE. And that letter is indorsed by the Chief of the Bureau of Ordnance of the Navy.

The gentlemen on the Committee on Appropriations always want to cut down all bills except their own. If they really desire to economize, why do not they economize on their own bills? Why do they increase the fortifications bill and other bills under their control and then come into the House and talk about how much we are mortgaged for the future, and try to put all the responsibility upon the naval appropriation bill, which to-day calls for less money for the increase of the Navy than was appropriated in the naval bill by the House a year ago? It is not fair; it is not dealing with the House as I think the House has a right to be dealt with.

I repeat, the proposition before this House is perfectly simple. We provided for four battle ships at a time when the House certainly gave every indication that it wanted more. There is no reason why we should want less now than we did then, and I hope that when the vote of the House is recorded it will not put us, after all that has been said, and while the whole world is looking at us, in the position of receding from the provision heretofore made by the House for the protection of our coasts and the defense of our flag.

[Here the hammer fell.]

Mr. BOUTELLE. Has my time expired?

The SPEAKER. The time for debate has expired.

Mr. BOUTELLE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on concurring in the amendment of the Senate.

Mr. SAYERS and Mr. BOUTELLE called for the yeas and nays.

The yeas and nays were ordered.

The Clerk proceeded to call the roll.

Mr. BOUTELLE (during the roll call). Mr. Speaker, I suppose it is entirely out of order to interrupt the roll call, but gentlemen are coming to me and saying that there is some misunderstanding as to the question on which the vote is being taken.

The SPEAKER. The Chair has stated it to the House. The question is on concurring in the amendment of the Senate. Those who favor it will say "yea" and those who are opposed to it will say "nay."

Mr. BOUTELLE. The effect of an affirmative vote will be to strike out the two battle ships.

Mr. SAYERS. Regular order, Mr. Speaker.

The question was taken; and there were—yeas 81, nays 141, not voting, 133; as follows:

YEAS—81.

Aldrich, Ala.	Crowther,	Kirkpatrick,	Shuford,
Andrews,	Curtis, Iowa	Kyle,	Skinner,
Bailey,	Curtis, Kans.	Lester,	Strait,
Baker, Kans.	Daniels,	Linney,	Strode, Nebr.
Baker, Md.	Dockery,	Linton,	Strowd, N. C.
Bartlett, Ga.	Doolittle,	Little,	Swanson,
Bell, Colo.	Elliott, S. C.	Long,	Talbert,
Bell, Tex.	Evans,	McClure,	Tate,
Bennett,	Gamble,	McCulloch,	Terry,
Black, Ga.	Graff,	McDearmon,	Tracey,
Blue,	Grow,	McRae,	Turner, Ga.
Brown,	Hadley,	Milnes,	Turner, Va.
Burrell,	Hager,	Northway,	Van Horn,
Burton, Ohio	Hainer, Nebr.	Owens,	Wheeler,
Cannon,	Henderson,	Perkins,	Williams,
Clardy,	Hepburn,	Pickler,	Wilson, Idaho
Cockrell,	Hubbard,	Pitney,	Wood,
Connolly,	Jenkins,	Prince,	Yoakum.
Corliss,	Jones,	Quigg,	
Cox,	Joy,	Reeves,	
Crisp,	Kem,	Sayers,	

NAYS—141.

Adams	De Witt,	Hurley,	Pendleton,
Allen, Utah	Dingley,	Johnson, Cal.	Phillips,
Arnold, R. I.	Dinsmore,	Kerr,	Poole,
Atwood,	Dolliver,	Kleberg,	Powers,
Baker, N. H.	Dovener,	Knox,	Pugh,
Bankhead,	Downing,	Lacey,	Reyburn,
Barham,	Eliett, Va.	Layton,	Robinson, Pa.
Barney,	Erdman,	Lefever,	Royse,
Belknap,	Fairchild,	Loisenring,	Russell, Ga.
Bingham,	Fenton,	Leonard,	Sauerhering,
Bishop,	Fischer,	Lockhart,	Scranton,
Black, N. Y.	Fitzgerald,	Loud,	Shafroth,
Boutelle,	Fowler,	Low,	Sherman,
Brewster,	Gardner,	Maguire,	Snover,
Bromwell,	Gibson,	Mahon,	Sorg,
Brumm,	Gillet, N. Y.	Marsh,	Spalding,
Buck,	Gillett, Mass.	McCall, Mass.	Spencer,
Bull,	Griffin,	McCleary, Minn.	Sperry,
Burton, Mo.	Griswold,	McClellan,	Stokes,
Chickering,	Halterman,	McCormick,	Stone, W. A.
Clark, Mo.	Harmer,	McCreary, Ky.	Strong,
Clarke, Ala.	Harris,	McLachlan,	Sulloway,
Cobb,	Harrison,	Meiklejohn,	Sulzer,
Coffin,	Henry, Conn.	Mercer,	Taft,
Colson,	Hermann,	Meyer,	Tawney,
Cook, Wis.	Hicks,	Miles,	Tayler,
Cooper, Fla.	Hilborn,	Miller, W. Va.	Thorpe,
Cooper, Tex.	Hill,	Minor, Wis.	Towne,
Cooper, Wis.	Hitt,	Mondell,	Updegraff,
Crowley,	Hooker,	Money,	Van Voorhis,
Crump,	Hopkins,	Moody,	Willis,
Culberson,	Howe,	Morse,	Wilson, N. Y.
Cummings,	Howell,	Odell,	Woodman.
Curtis, N. Y.	Huling,	Otey,	
Dalzell,	Hull,	Otjen,	
Denny,	Hunter,	Parker,	

NOT VOTING—133.

Abbott,	Foss,	McCall, Tenn.	Sparkman,
Acheson,	Goodwyn,	McEwan,	Stahle,
Aitken,	Grosvenor,	McLaurin,	Stallings,
Aldrich, Ill.	Grout,	McMillin,	Steele,
Allen, Miss.	Hall,	Meredith,	Stephenson,
Anderson,	Hanly,	Miller, Kans.	Stewart, N. J.
Apsley,	Hardy,	Milliken,	Stewart, Wis.
Arnold, Pa.	Hart,	Miner, N. Y.	Stone, C. W.
Avery,	Hartman,	Moses,	Thomas,
Babcock,	Hatch,	Mozley,	Tracewell,
Barrett,	Heatwole,	Murphy,	Treloar,
Bartholdt,	Heiner, Pa.	Neill,	Tucker,
Bartlett, N. Y.	Hemenway,	Newlands,	Tayler,
Beach,	Hendrick,	Noonan,	Underwood,
Berry,	Henry, Ind.	Ogden,	Wadsworth,
Bowers,	Howard,	Overstreet,	Walker, Mass.
Broderick,	Huff,	Patterson,	Walker, Va.
Brosius,	Hulick,	Payne,	Walsh,
Calderhead,	Hutcheson,	Pearson,	Wanger,
Catchings,	Hyde,	Price,	Warner,
Clark, Iowa	Johnson, Ind.	Raney,	Washington,
Codding,	Johnson, N. Dak.	Ray,	Watson, Ind.
Cooke, Ill.	Kendall,	Richardson,	Watson, Ohio
Cousins,	Kiefer,	Robertson, La.	Wellington,
Cowen,	Kulp,	Rusk,	White,
Danford,	Latimer,	Russell, Conn.	Wilber,
Dayton,	Lawson,	Settle,	Wilson, Ohio
De Armond,	Leighty,	Shannon,	Wilson, S. C.
Draper,	Lewis,	Shaw,	Woodard,
Eddy,	Livingston,	Simpkins,	Woomer,
Ellis,	Lorimer,	Smith, Ill.	Wright.
Faris,	Loudenslager,	Smith, Mich.	
Fletcher,	Maddox,	Southard,	
Foote,	Mahany,	Southwick,	

The following additional pairs were announced:

For this day:

Mr. LORIMER with Mr. RUSH.

Mr. FARIS with Mr. HENDRICK.

On this bill:

Mr. BARTLETT of New York with Mr. PATTERSON.

Mr. BRODERICK with Mr. MCLAURIN.

Mr. BROSIUS with Mr. HALL.

Mr. SETTLE with Mr. TRACEWELL.

Mr. COUSINS with Mr. NEWLANDS.

Mr. ALLEN of Mississippi. Mr. Speaker, I am paired with my colleague, Mr. CATCHINGS. If he were here I would vote "yea."

Mr. DOCKERY. Mr. Speaker, at the request of the gentleman from Kansas, Mr. BLUE, I am paired for this day with his colleague, Mr. CALDERHEAD. I am advised that if present he would vote "aye"; so, after consultation with Mr. BLUE, I have voted.

Mr. TUCKER. Mr. Speaker, I am paired with the gentleman from Massachusetts, Mr. DRAPER. If he were present, I would vote "aye."

The SPEAKER. On this question the yeas are 81 and the nays are 141. The House nonconcurs in the Senate amendment.

Mr. BOUTELLE. The House having yesterday nonconcurred in the other amendments of the Senate, and having now nonconcurred in this, I move that a conference with the Senate be requested on the disagreeing votes of the two Houses.

The motion was agreed to.

Mr. DINGLEY. I move that the House do now adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was granted as follows:

To Mr. MCCALL of Tennessee, for twenty days, on account of important business.

To Mr. GOODWYN, for ten days, on account of sickness.

To Mr. HARDY, for five days, on account of important business.

To Mr. CLARK of Iowa, for ten days, on account of important business.

To Mr. LOUDENSLAGER, for three days, on account of death in his family.

To Mr. JOHNSON of Indiana, indefinitely, on account of sickness.

To Mr. LEWIS, for ten days, on account of important business.

To Mr. FARIS, for one week, on account of important business.

REPRINT OF A BILL.

On motion of Mr. CURTIS of Kansas, by unanimous consent, it was

Ordered, That the bill (H. R. 7307) for the protection of the people of the Indian Territory, extending the jurisdiction of the United States courts, providing for the laying out of towns, for the leasing of coal and other mineral, timber, farming, and grazing lands, and for other purposes, be reprinted.

The motion of Mr. DINGLEY was then agreed to; and accordingly (at 4 o'clock and 15 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DALZELL, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 2508) entitled "An act to establish customs ports of delivery at Pueblo, Durango, and Leadville, Colo., and for other purposes," reported the same without amendment, accompanied by a report (No. 1609); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5376) granting condemned cannon to the State of Iowa, reported the same with amendment, accompanied by a report (No. 1610); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRIFFIN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2568) authorizing the construction of a road from the Mill Springs National Cemetery, in Pulaski County, Ky., to the town of Somerset, in said county, reported the same with amendment, accompanied by a report (No. 1614); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Idaho, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 8562) granting to the Territory of Arizona a portion of the Camp Verde Military Reservation, in Arizona, and the buildings and improvements thereon, for normal school purposes, reported the same with amendment, accompanied by a report (No. 1631); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MEIKLEJOHN, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 502) entitled "An act to approve a compromise and settlement between the United States and the State of Arkansas," reported the same with amendment, accompanied by a report (No. 1634); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. TRACEY, from the Committee on Military Affairs:

The bill (H. R. 3866) for the relief of George W. Goodman. (Report No. 1611.)

The bill (H. R. 4188) to correct the military record of Joseph Graham. (Report No. 1612.)

By Mr. BUCK, from the Committee on War Claims:

The bill (H. R. 4766) to refer claim of Thomas M. Hobbs to the Court of Claims. (Report No. 1615.)

The bill (H. R. 1809) for the relief of the Protestant Orphan Asylum of Natchez, in the State of Mississippi. (Report No. 1616.)

By Mr. GIBSON, from the Committee on War Claims: The bill (H. R. 1480) for the relief of Cumberland Female College, of McMinnville, Tenn. (Report No. 1617.)

By Mr. HURLEY, from the Committee on War Claims: The bill (H. R. 8251) for the relief of Frank G. Osburn. (Report No. 1618.)

By Mr. LESTER, from the Committee on War Claims:

A resolution (House Res. No. 301) to refer the bill (H. R. 2076) for the relief of Abner D. Lewis, of Shelby County, Tenn., with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 2076. (Report No. 1619.)

A resolution (House Res. No. 302) to refer the bill (H. R. 3680) for the relief of the heirs of Joseph B. Seabrook, deceased, late of Charleston, S. C., with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 3680. (Report No. 1620.)

A resolution (House Res. No. 303) to refer the bill (H. R. 8142) for the relief of Gertrude A. Leftwich, widow of John W. Leftwich, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 8142. (Report No. 1621.)

By Mr. MAHON, from the Committee on War Claims:

The bill (H. R. 546) for the relief of Albert J. Pratt, administrator. (Report No. 1622.)

The bill (H. R. 8417) to refer to the Court of Claims the war claims of the State of New Hampshire. (Report No. 1623.)

The bill (H. R. 6873) for the relief of James B. Treadwell, of Somerset, Pa. (Report No. 1624.)

By Mr. OTJEN, from the Committee on War Claims: A resolution (House Res. No. 304) to refer the bill (H. R. 4772) for the relief of the estates of John Flower and Thomas B. Flower, etc., with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 4772. (Report No. 1625.)

By Mr. PUGH, from the Committee on War Claims:

The bill (H. R. 1796) for the relief of those suffering from the destruction of the salt works near Manchester, Ky., pursuant to the orders of Maj. Gen. Carlos Buell. (Report No. 1626.)

The bill (H. R. 6139) for the relief of Elizabeth Fulwiler. (Report No. 1628.)

By Mr. WILSON of Ohio, from the Committee on War Claims:

The bill (S. 2289) entitled "An act for the relief of James and Emma S. Cameron for occupation and damages to property and for fuel taken and used by the United States Army during the war." (Report No. 1627.)

The bill (H. R. 7425) for the relief of George S. Simon. (Report No. 1629.)

By Mr. FENTON, from the Committee on Military Affairs:

The bill (S. 559) entitled "An act for the relief of Bvt. Col. Thomas P. O'Reilly." (Report No. 1632.)

The bill (H. R. 1496) for the relief of William H. Hugo. (Report No. 1633.)

ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. TRACEY, from the Committee on Military Affairs, reported adversely (Report No. 1613) the bill (H. R. 12) providing for discharges in cases of removal of charges of desertion; which said bill and report were laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CURTIS of Iowa: A bill (H. R. 8693) donating 2 condemned cannon and 10 condemned cannon balls to Shelly Norman Post, Grand Army of the Republic, of Muscatine, Iowa—to the Committee on Naval Affairs.

By Mr. BROSIUS: A bill (H. R. 8694) granting condemned cannon and balls to the Ephrata Monument Association, Ephrata,

"absent without leave" from military record of Abraham M. Runyon—to the Committee on Military Affairs.

of House bill No. 2626, for the protection of agricultural staples by an export duty—to the Committee on Ways and Means.

Mr. SQUIRE. Very well. Under the circumstances I will not insist upon an increase over what is proposed by the committee.

By Mr. BROSIUS: A bill (H. R. 8694) granting condemned cannon and balls to the Ephrata Monument Association, Ephrata, Pa.—to the Committee on Military Affairs.

By Mr. BANKHEAD: A bill (H. R. 8695) to authorize the Secretary of War to purchase the Gettysburg battlefield—to the Committee on Military Affairs.

By Mr. HILL: A bill (H. R. 8696) providing for four cannon and four pyramids of cannon balls to be donated to the commissioners of Putnam Park, Redding, Conn.—to the Committee on Naval Affairs.

By Mr. DRAPER: A bill (H. R. 8697) authorizing and directing the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to Francis Washburn Post, No. 92, Grand Army of the Republic, of Brighton, Mass., and for other purposes—to the Committee on Naval Affairs.

By Mr. HENDERSON: A bill (H. R. 8698) to validate the appointments, acts, and services of certain deputy United States marshals in the Indian Territory, and for other purposes—to the Committee on the Judiciary.

By Mr. CUMMINGS: A bill (H. R. 8699) in relation to the putting up of smoking and fine-cut chewing tobacco, and also cigars—to the Committee on Ways and Means.

By Mr. STALLINGS: A bill (H. R. 8723) to authorize the construction of a bridge across the Cahaba River, in Bibb County, Ala., by the Mobile and Ohio Railroad Company—to the Committee on Interstate and Foreign Commerce.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 1047) for the relief of Harriet A. Phillips; and the same was referred to the Committee on Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BINGHAM: A bill (H. R. 8700) granting a pension to Clelia Eakins, widow of Samuel Eakins, late acting master of the United States Navy—to the Committee on Invalid Pensions.

By Mr. BROMWELL: A bill (H. R. 8701) to make Commodore William P. McCann, of the Navy, a rear-admiral on the retired list—to the Committee on Naval Affairs.

Also, a bill (H. R. 8702) for the relief of Daniel Hettesheimer and to remove charges of desertion—to the Committee on Military Affairs.

Also, a bill (H. R. 8703) for the relief of Mary Landfrit—to the Committee on Invalid Pensions.

By Mr. BROSIUS: A bill (H. R. 8704) granting a pension to John Keen—to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 8705) for the relief of Thomas Caldwell, of Bradley County, Tenn.—to the Committee on War Claims.

By Mr. COOK of Wisconsin: A bill (H. R. 8706) to correct the military record of Patrick Hanley—to the Committee on Military Affairs.

By Mr. DOVENER: A bill (H. R. 8707) for the relief of George W. Frusa, late of Company B, Third West Virginia Infantry, and later of Company B, Sixth West Virginia Cavalry Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 8708) for the relief of Maramon H. Martin, late private of Company A, Sixth Regiment of West Virginia Volunteer Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 8709) for the relief of James Humes, late captain of Company A, Fifteenth Regiment of West Virginia Infantry—to the Committee on Military Affairs.

By Mr. HULICK: A bill (H. R. 8710) to refer to the Court of Claims the claim of John A. Binzer for compensation for the loss of supplies taken by the United States troops during the Kirby Smith raid—to the Committee on War Claims.

By Mr. HULL: A bill (H. R. 8711) to grant pension to Elizabeth A. Griswold, mother of Seneca S. Marshall, Company B, Eighth United States Cavalry—to the Committee on Pensions.

Also, a bill (H. R. 8712) to grant $72 per month pension to William E. Miller, late colonel Twenty-eighth Iowa Infantry—to the Committee on Invalid Pensions.

By Mr. KULP: A bill (H. R. 8713) for the relief of Capt. McCurdy Tate, late captain of Company H, Fifty-third Pennsylvania Volunteers—to the Committee on Military Affairs.

By Mr. LINTON: A bill (H. R. 8714) granting accrued pension to John E. Carland—to the Committee on Invalid Pensions.

By Mr. TAYLER: A bill (H. R. 8715) granting an honorable discharge to David J. Albaugh—to the Committee on Military Affairs.

By Mr. TRACEY: A bill (H. R. 8716) to remove charge of "absent without leave" from military record of Abraham M. Runyon—to the Committee on Military Affairs.

Also, a bill (H. R. 8717) granting a pension to John H. Jenkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8718) granting to the Agricultural College of Missouri the right to select additional lands—to the Committee on the Public Lands.

By Mr. WHEELER: A bill (H. R. 8719) for the relief of Charles N. Stephens, of Jackson County, Ala.—to the Committee on War Claims.

By Mr. CURTIS of Kansas: A bill (H. R. 8720) granting an increase of pension to Thomas Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8721) granting an increase of pension to Stephen Fowler—to the Committee on Invalid Pensions.

By Mr. KERR: A bill (H. R. 8722) granting a pension to Sarah M. Kingsley—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Pennsylvania: Papers to accompany House bill No. 8624, for the relief of James Eagan—to the Committee on Military Affairs.

By Mr. BAKER of New Hampshire: Petition of the Central Labor Union of Concord, N. H., in favor of House bill No. 6119, relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and the District of Columbia—to the Committee on Labor.

By Mr. CANNON: Letter of S. H. Walker, of the National Capital Investment Company, Washington, D. C., relating to the building at No. 464 Louisiana avenue—to the Committee on Appropriations.

By Mr. CURTIS of Iowa: Resolutions of the North Capitol and Eckington Citizens' Association, in favor of Senate bill No. 2928, to extend the routes of the Eckington and Soldiers' Home Railway Company, and for other purposes—to the Committee on the District of Columbia.

By Mr. CURTIS of Kansas: Resolutions of Local Union, No. 25, of Topeka, Kans., of the Journeyman Barbers' International Union of America, asking for the passage of a bill to secure Government ownership and control of telegraph lines—to the Committee on Interstate and Foreign Commerce.

By Mr. DANIELS: Resolution of the council of the Seneca Nation of Indians, King Tallchief, clerk, favoring the passage of bill No. 8670, in relation to marriage between white men and Indian women—to the Committee on Indian Affairs.

By Mr. DOLLIVER: Petition of E. A. Ormsby and others, of of Emmetsburg, Iowa, praying for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DOVENER: Resolution of Enterprise Council, No. 5, Order United American Mechanics, of Wheeling, W. Va., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of A. R. Jacob and 38 other citizens of Ohio County, W. Va., asking that a duty be placed on wool—to the Committee on Ways and Means.

By Mr. HILBORN: Memorial of Sedgwick Post, Grand Army of the Republic, of Santa Ana, Cal., against granting special pensions at high rates, and asking that widows of officers be pensioned under existing laws—to the Committee on Invalid Pensions.

Also, resolutions of the Manufacturers and Producers' Association of California, in favor of Senate bill No. 2447, for a bureau of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

Also, petition of D. Edward Collins, in favor of the passage of House bill No. 4566, relating to second-class mail matter, and bill No. 838, to reduce letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. HILL: Resolution of the Florida Society of the Sons of the Revolution, favoring the publication of certain records and papers of the Continental Congress—to the Committee on Printing.

Also, petition of E. B. Phillips, secretary of Young Men's Christian Association, of Winsted, Conn., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter, and bill No. 838, to reduce letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. HURLEY: Petition of the Florida Society of Sons of the Revolution, relating to the publication of Revolutionary records—to the Committee on Printing.

By Mr. JOHNSON of California: Resolution of Tulare Grange, No. 198, Patrons of Husbandry of California, favoring the passage

of House bill No. 2626, for the protection of agricultural staples by an export duty—to the Committee on Ways and Means.

By Mr. LINTON: Statement regarding House bill No. 2855, granting an honorable discharge to Frederick Stewart—to the Committee on Military Affairs.

By Mr. NORTHWAY: Petition of the faculty of Hiram College, Hiram, Ohio, in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. THORP: Petition of J. F. Walton and others of Janesville, Va., for the passage of House bills Nos. 4566 and 838, amending the postal laws; also praying for legislation authorizing the Post-Office Department to prohibit the use of the mails in advertising frauds on the business public—to the Committee on the Post-Office and Post-Roads.

By Mr. TRACEY: Papers to accompany House bill relating to the claim of John H. Jenkins, scout and guide—to the Committee on Invalid Pensions.

Also, papers to accompany House bill to remove the charge of "absent without leave" in the case of Abraham M. Runyon—to the Committee on Military Affairs.

By Mr. WILSON of Idaho: Petition of the United States Maimed Soldiers' League of Philadelphia, favoring the passage of House bill No. 8354, to adjust the pensions of maimed Union soldiers and sailors—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *May 6, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. KYLE, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, together with a report from Maj. J. H. Willard, Corps of Engineers, dated April 4, 1896, of a preliminary examination made by him in compliance with the provisions of the river and harbor act of August 17, 1894, of Big Sunflower River, Mississippi; which, with the accompanying paper, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to the joint resolution approved February 26, 1896, a letter from the Chief of Engineers expressing the opinion that the construction of a breakwater at Palm Beach, Fla., for the purpose of protecting and facilitating landing at the pier now constructed at that place, would cost about $500,000; which, on motion of Mr. PASCO, was, with the accompanying paper, referred to the Committee on Commerce, and ordered to be printed.

FANNIE KAUTZ.

Mr. SHERMAN. I ask the unanimous consent of the Senate to proceed to the consideration of the bill (S. 989) to place the name of Fannie Kautz, widow of August V. Kautz, deceased, late brigadier-general, United States Army, retired, on the pension roll at the rate of $175 per month.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 8, to strike out "$175 per month, in lieu of the pension she is now entitled to receive, in recognition of the distinguished services rendered his country in the Mexican war, the war of the rebellion, and in the Indian wars of the West," and insert "$50 per month"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie Kautz, widow of August V. Kautz, deceased, late a brigadier-general, retired, United States Army, at the rate of $50 per month.

Mr. SQUIRE. I think the amount ought to be increased.

Mr. SHERMAN. I think so, too, but the beneficiary is so needy at this time that I hope the Senate will fix the pension at $50 a month as the committee have reported.

Mr. SQUIRE. I am very sorry to have the bill passed in this shape. The lady is a citizen of my State; I know her situation, and that she needs the money. I think the pension ought to be made $100 a month. Her husband was a very distinguished officer in the Mexican war and the late war.

Mr. SHERMAN. I know that is all true; but I think we had better allow $50 a month now, and if Congress hereafter chooses to give her more, well and good. The committee have proposed $50, and I think the bill ought to be passed in that form.

Mr. SQUIRE. Very well. Under the circumstances I will not insist upon an increase over what is proposed by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Fannie Kautz, widow of August V. Kautz, late brigadier-general, United States Army."

SARAH K. M'LEAN.

Mr. TURPIE. I ask unanimous consent for the consideration of the bill (S. 606) for the relief of Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the proper accounting officers to settle and adjust to Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean, all back pay and emoluments that would have been due and payable to him as a major from July 23, 1864, to the date of his reinstatement March 3, 1875.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 99, 101, 131, 133, 134, 136, 225, 226, 227, 228, 229, 230, 231, 232, 234, 237, 238, 239, 240, 241, 242, 245, 247, 248, 249, 250, 251, 252, 253, 254, 255, 257, 259, 261, 262, 264, 265, 266, 267, 269, 272, 273, 277, 278, 279, 280, 281 and 288.

That the House recede from its disagreement to the amendments of the Senate numbered 88, 98, 132, 135, 156, 157, 158, 219, 220, 221, 222, 224, 258, 285, 286, 287, 289, 292, 300, and 302, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$39,900"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For printing, binding, and wrapping 1,000 additional copies of series 1, volumes 1, 2, 3, and 4, for supplying officers of the Navy who have not received the work, $2,400."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,890"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,300"; and the Senate agree to the same.

That the House recede from its disagreement of the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,900"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$164,010"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In lieu of the number proposed insert "six"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Eleven and thirteen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, and 217, and agree to the same with an amendment as follows: In lieu of the amended section insert the following:

"SEC. 7. That the United States district attorney for each of the following judicial districts of the United States shall be paid, in lieu of the salaries, fees, per centums, and other compensations now allowed by law, an annual salary, as follows: For the northern and middle districts of the State of Alabama, each $4,000; for the southern district of the State of Alabama, $3,000; for the Territory of Arizona, $4,000; for the eastern district of Arkansas, $4,000; for the

States and the State of Arkansas," reported the same with amend-

Committee on Naval Affairs.

western district of Arkansas, $5,000; for the northern district of California, $4,500; for the southern district of California, $3,500; for the district of Colorado, $4,000; for the district of Connecticut, $2,500; for the district of Delaware, $2,000; for the northern district of Florida, $3,500; for the southern district of Florida, $3,500; for the northern district of Georgia, $5,000; for the southern district of Georgia, $3,500; for the district of Idaho, $3,000; for the northern district of Illinois, $5,000; for the southern district of Illinois, $5,000; for the district of Indiana, $5,000; for the northern and southern districts of Iowa, each $4,500; for the district of Kansas, $4,500; for the district of Kentucky, $5,000; for the eastern district of Louisiana, $3,500; for the western district of Louisiana, $2,500; for the district of Maine, $3,000; for the district of Maryland, $4,000; for the district of Massachusetts, $5,000; for the eastern district of Michigan, $4,000; for the western district of Michigan, $3,500; for the district of Minnesota, $4,000; for the northern and southern districts of Mississippi, each $3,500; for the eastern district of Missouri, $4,500; for the western district of Missouri, $4,500; for the district of Montana, $4,000; for the district of Nebraska, $4,000; for the district of Nevada, $3,000; for the district of New Hampshire, $2,000; for the district of New Jersey, $3,000; for the district of New Mexico, $4,000; for the northern district of New York, $4,500; for the eastern district of New York, $4,500; for the eastern district of North Carolina, $4,000; for the western district of North Carolina, $4,500; for the district of North Dakota, $4,000; for the northern and southern districts of Ohio, each $4,500; for the district of Oklahoma, $5,000; for the district of Oregon, $4,500; for the eastern district of Pennsylvania, $4,500; for the western district of Pennsylvania, $4,500; for the district of Rhode Island, $2,500; for the eastern and western districts of the district of South Carolina, $4,500, $2,500 of which shall be for the performance of the duties of district attorney for the western district; for the district of South Dakota, $4,000; for the eastern, middle, and western districts of Tennessee, each $4,500; for the northern district of Texas, $3,500; for the eastern district of Texas, $5,000; for the western district of Texas, $4,000; for the district of Utah, $4,000; for the district of Vermont, $3,000; for the eastern district of Virginia, $4,000; for the western district of Virginia, $4,500; for the district of Washington, $4,500; for the district of West Virginia, $4,500; for the eastern district of Wisconsin, $4,000; for the western district of Wisconsin, $4,000; for the district of Wyoming, $4,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eight"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: In lieu of the number proposed insert "nine"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 235, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 236, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 243, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 244, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 246, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 256, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 260, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 263, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 268, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 270, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the eastern and western districts of the district of South Carolina, $4,500, $2,500 of which shall be for the performance of the duties of marshal of the western district;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 271, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 274, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 275, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 276, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 282, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 283, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 284, and agree to the same with an amendment as follows: In lieu of the number proposed insert "ten"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 290, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment insert the following:

"SEC. 11. That at any time when, in the opinion of the marshal of any district, the public interest will thereby be promoted, he may appoint one or more deputy marshals for such districts, who shall be known as field deputies, and who, unless sooner removed by the district court, as now provided by law, shall hold office during the pleasure of the marshal, except as hereinafter provided, and who shall each, as his compensation, receive three-fourths of the gross fees, including mileage, as provided by law, earned by him, not to exceed $1,500 per fiscal year, or at that rate for any part of a fiscal year; and in addition shall be allowed his actual necessary expenses, not exceeding $2 a day, while endeavoring to arrest, under process, a person charged with or convicted of crime: *Provided*, That a field deputy may elect to receive actual expenses on any trip in lieu of mileage: *Provided*, That in special cases, where in his judgment justice requires, the Attorney-General may make an additional allowance, not, however, in any case to make the aggregate annual compensation of any field deputy in excess of $2,500 nor more than three-fourths of the gross fees earned by such field deputy. The marshal immediately after making any appointment or appointments under this section shall report the same to the Attorney-General, stating the facts as distinguished from conclusions constituting the reason for such appointment, and the Attorney-General may at any time cancel any such appointment as the public interest may require. The field deputies herein provided for of the districts of California, Colorado, Washington, Montana, North Dakota, South Dakota, Nevada, Oregon, Wyoming, and Idaho shall, for the services they may perform during the fiscal year 1897, receive double the fees allowed by law to like officers in other States for performing similar duties, but neither of them shall be allowed to receive of such fees any sum exceeding the aggregate compensation of such officer as provided herein."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 291, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twelve"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 293, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirteen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 294, and agree to the same with an amendment as follows: In line 6 of the matter inserted by said amendment strike out the words "represent or"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 295, and agree to the same with an amendment as follows: In lieu of the number proposed insert "fourteen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 296, and agree to the same with an amendment as follows: In lieu of the number proposed insert "fifteen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 297, and agree to the same with an amendment as follows: In lieu of the number proposed insert "sixteen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 298, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Sections 6 to 15, inclusive, of"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 299, and agree to the same with an amendment as follows: In lieu of the number proposed insert "seventeen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 301, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "6 to 15, inclusive"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 303, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eighteen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 304, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Sections 6 to 15, inclusive, of"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 311, and agree to the same with amendments as follows: In lieu of the matter inserted by said amendment insert the following: "5 to 23"; and on page 127 of the bill, in line 10, strike out the words "June 30" and insert in lieu thereof the words "the 1st day of July"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 312, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "6, 8, or 15"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 11, 12, 13, 14, 16, 19, 22, 23, 36, 37, 38, 83, 108, 109, 142, 144, 233, 305, 306, 307, 308, 309, 310, 313, and 314.

S. M. CULLOM,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

HENRY H. BINGHAM,
JNO. E. McCALL,
ALEX. M. DOCKERY,
Managers on the part of the House.

The VICE-PRESIDENT. The question is on concurring in the report.

Mr. HILL. If the Senate desires to legislate intelligently it is important that the conference report shall be printed, that we may have an opportunity to examine it. We are not familiar with what the amendments are. They are simply stated by numbers—for instance, that the Senate shall recede from its amendment numbered 129, and we do not know anything about what amendment numbered 129 is. If we vote to concur so far as there has been an agreement we vote entirely in the dark. What objection can there be to the report being printed and going over until to-morrow morning, that we may have an opportunity to know precisely what has been done?

Mr. CULLOM. I do not desire to occupy the attention of the Senate more than a moment. The Senator from New York states correctly that in a very few instances where the report proposes that the Senate shall recede from amendment numbered 129, for example, without any further explanation, of course the Senate would not know what it meant, but in nearly all the instances—in all, in fact, of any consequence—the character of the amendment agreed to by the conferees on the part of the two Houses is set out in the report and has been read at the desk. For instance, take the important features of the bill which have been agreed to by

the conferees, the question relating to attorneys and marshals. The salaries fixed by the conferees have been read and can be pointed out. I have a table in my hand showing exactly what the House agreed to as to any given attorney or marshal, what the Senate agreed to, and what the conferees have finally agreed upon.

Mr. HILL. Will the Senator permit a suggestion right here?

Mr. CULLOM. Certainly.

Mr. HILL. Of course I have no doubt that by making inquiries of the Senator from Illinois, who is perfectly familiar with the subject, every Senator here may understand what has been done; but it was to relieve the Senator from being subjected to the various inquiries, because Senators are naturally somewhat inquisitive to know what has been done, that I thought we could examine the question for ourselves. For instance, I am interested in several items, and so are my people. I am only interested in them because my people are interested. I could not quite catch what was done in regard to the salaries of the district attorneys for the three districts in my State. Of course I can ask, but will not that lead to other Senators asking, and take more time really, when we could dispose of it to-morrow morning without any trouble? That is one point. Another point I should like to be informed upon is as to what has been done with the question of the United States commissioners, a very important matter to my people, and to which I called the especial attention of the conference committee when it was appointed and when we had the question up for discussion before the Senate.

Mr. CULLOM. I have no special objection to the report going over until to-morrow morning, if it is the desire of Senators. All that I want is to facilitate business as rapidly as possible consistent with intelligent action.

Mr. COCKRELL. Had it not better be printed?

Mr. CULLOM. I have no objection to its going over and being printed, with the understanding that we shall take it up in the morning among the very first things done after the early morning business.

Mr. HILL. It will be printed?

Mr. CULLOM. It will be printed, of course, in the RECORD.

The VICE-PRESIDENT. The report will go over and be printed.

Mr. DUBOIS. I rose to say that I think the Senator from New York is entirely right in regard to this matter. The instance which the Senator from Illinois mentioned is a very good one. I caught as the report was read something in regard to the fees of marshals and attorneys in Idaho. There is a very good reason why the fees in that part of the country should be different from the fees in most other States. I think some change was made by the conferees and the Senate is asked to agree to it, if I caught the reading correctly. I believe that on this bill and all other bills the report of the conferees ought to be printed in such a way that the Senate can understand it. We make our fight here for items and get them in the bill and we do not know what becomes of them in conference. I believe the precedent ought to be established of printing conference reports.

Mr. CULLOM. I desire to say in justification of the committee and myself that we have been especially anxious that the Senate should not act blindly upon the appropriation bills when conference reports are brought in. Therefore, when I made a former report upon this bill, I was careful to note, so that the Senate could understand exactly what we were doing, the items yet disagreed to, calling attention at the same time to the important items that were agreed to by the conferees. I am prepared now, if it were desired that we should go on, to point out exactly the action of the conferees in reference to any particular item. But it may probably save time to let the report go over and be printed, so that the Senate can see it for itself.

I wish to say in addition before I sit down that the question of fixing the fees of attorneys and marshals has been an embarrassing one. It has required a good deal of attention on the part of the conferees of the two Houses, and while we have not the items in the bill exactly as some of us would like, we found that it was impossible to do anything in that direction in most instances except upon a basis of compromise. I hope that Senators who may feel dissatisfied with the salaries fixed for the marshals and district attorneys in the different States will realize when they come to look it over that however much they may think a salary fixed is too small, they must understand that if we are to make any progress in this matter at all we have got to give and take a little in dealing with the conferees of the body which has control of the bill in another place.

The VICE-PRESIDENT. Petitions and memorials are in order.

PETITIONS AND MEMORIALS.

Mr. McMILLAN presented a petition of the Stone Cutters' Association of Detroit, Mich., praying for the enactment of legislation to prohibit the use of convict labor in the construction of public buildings erected by the Government; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Congregational church, of Bay City, Mich., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. WILSON presented a memorial of sundry citizens of the State of Washington, remonstrating against placing the statue of Père Marquette in Statuary Hall; which was ordered to lie on the table.

He also presented sundry memorials of citizens of Snohomish County, Wash., remonstrating against the appropriation of public money for sectarian institutions; which were ordered to lie on the table.

Mr. PRITCHARD presented the petition of George C. Haynie, of Madison County, N. C., praying that he be granted the pay and allowances of a captain from September 15, 1863, to August 16, 1865; which was referred to the Committee on Military Affairs.

Mr. GALLINGER. I present a resolution adopted by Local Union No. 51, of Boot and Shoe Workers' Union of Manchester, N. H., in favor of the passage of a law giving to the people of the United States free and unlimited coinage of silver at a ratio of 16 to 1, without waiting for the aid or consent of any other nation. This organization states that "we are of the opinion that to do so would relieve the present monetary stringency and contribute toward bringing to us a return of national prosperity." The resolution is signed by William E. Bailey, president, and James Damory, secretary.

While I do not agree with the views represented in this resolution, I am happy to present the petition to the Senate.

The VICE-PRESIDENT. The petition will lie on the table.

Mr. THURSTON presented sundry memorials of citizens of Omaha, remonstrating against placing the statue of Père Marquette in Statuary Hall; which were ordered to lie on the table.

He also presented a petition of the faculty of the University of Nebraska, at Lincoln, Nebr., praying for the establishment of an international board of arbitration between Great Britain and the United States; which was referred to the Committee on Foreign Relations.

Mr. SQUIRE presented sundry memorials of citizens of Seattle, Port Angeles, Snohomish and Tolt, all in the State of Washington, remonstrating against placing the statue of Père Marquette in Statuary Hall; which were ordered to lie on the table.

Mr. COCKRELL presented a petition of the Wholesale Liquor Dealers' Association of Kansas City, Mo., praying for the passage of the proposed amendment to section 48 of the tariff law, restricting the bonded period on whisky to be made on and after July 1, 1896, and up to July 1, 1898, to one year; which was referred to the Committee on Finance.

Mr. WHITE. I present by request resolutions adopted at a meeting of sundry citizens of southern California, relative to the settlement of interstate railroad matters and the investment of Government funds. I move that the resolutions lie on the table.

The motion was agreed to.

Mr. WHITE presented a petition of members of the bar of San Diego, Cal., praying for the enactment of legislation providing for the holding of stated terms of the United States circuit and district courts of the southern district of California in that city for the purpose of the hearing and trial of all cases arising in the county of San Diego; which was referred to the Committee on the Judiciary.

He also presented a petition of the Young Men's Democratic Club of Massachusetts, praying for the election of United States Senators by a direct vote of the people; which was ordered to lie on the table.

He also presented a memorial of the members of the California Yearly Meeting of Friends, of Whittier, Cal., remonstrating against the introduction of military training in the public schools of the country; which was referred to the Committee on Military Affairs.

Mr. DAVIS presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the enactment of a voluntary bankruptcy law; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a memorial of the Commercial Club of St. Paul, Minn., remonstrating against the construction of a bridge across the Straits of Detroit; which was ordered to lie on the table.

He also presented a memorial of the Chamber of Commerce of St. Paul, Minn., remonstrating against the adoption of the proposed amendment to the Post-Office appropriation bill prohibiting the Postmaster-General from consolidating smaller post-offices

outside the corporate limits of cities; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CALL. I present a petition of the Federation of Labor of the District of Columbia, by request, signed by James F. McHugh, president, and Arthur Keep, secretary. The petition prays, in the interest of the workingmen in the District of Columbia, that railroad companies applying for new franchises shall be placed under certain restrictions in regard to the interests and the rights of the laborers employed by them. I move that the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. WETMORE presented a resolution adopted by the legislature of the State of Rhode Island, praying for the establishment of a national military park to commemorate the campaign, siege, and defense of Vicksburg; which was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

[State of Rhode Island, etc. In general assembly, January session, A. D. 1896.]

Resolution.

Whereas there is now pending in Congress a bill (H. R. 4339) to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg, which has been favorably reported by the Committee on Military Affairs; and

Whereas Gettysburg and Vicksburg, being inseparably connected and constituting the greatest epoch in the war of the rebellion, should be equally commemorated in the most impressive and enduring manner possible; and

Whereas the establishment of a national military park to commemorate the campaign and siege of Vicksburg will be a most appropriate monument to the commander whose genius planned these operations and directed them to a successful issue, and whose fame and character are so dear to all Americans; and

Whereas the State of Rhode Island has not only a general, but also an especial interest in this bill, for the reason that one of her gallant regiments of infantry volunteers, the Seventh, participated in the operations it proposes to commemorate, and has Vicksburg inscribed on its colors; therefore

The legislature of the State of Rhode Island by this concurrent resolution asks its Senators and Representatives in Congress to do all they justly can to secure the prompt passage by Congress at this session of the bill H. R. 4339, and requests the House Committee on Rules to give the earliest possible date for its consideration by the House; and the secretary of state is hereby instructed to send a copy of this resolution to the Senators and members of the House of Representatives in Congress from Rhode Island, and to the Hon. THOMAS B. REED, Speaker of the House of Representatives of the United States of America.

STATE OF RHODE ISLAND,
OFFICE OF THE SECRETARY OF STATE,
Providence, April 20, 1896.

I certify the foregoing to be a true copy of a resolution passed by the general assembly of said State on the 17th day of April, A. D. 1896.

In testimony whereof I have hereunto set my hand and affixed the seal of the State aforesaid the date and year first above written.

CHARLES P. BENNETT,
Secretary of State.

Mr. WETMORE presented a resolution adopted by the legislature of the State of Rhode Island, praying for the enactment of legislation to increase the pay of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed in the RECORD, as follows:

[State of Rhode Island, etc. In general assembly, January session, A. D. 1896.]

Resolution recommending to Congress the passage of the bill now pending in the National House of Representatives to increase the pay of letter carriers.

Whereas there is now pending in Congress a bill (H. R. 260) which has been favorably reported by the Committee on Post-Offices and Post-Roads of the House of Representatives, entitled "A bill to increase the pay of letter carriers," by the provisions of which the compensation would range from $600 for the first year of regular service, with $200 annually added, to a maximum of $1,000 a year in cities of a population of less than 75,000, and a maximum of $1,200 in larger cities; and

Whereas granting the proposed increase the free-delivery service of the Post-Office Department would still be not only self-supporting, but the source of a large revenue to the Government; and

Whereas the duties of a letter carrier are of an arduous, responsible character, requiring for their best discharge the services of faithful and capable men permanently employed: Now, therefore, it is

Resolved, That in the judgment of the general assembly of the State of Rhode Island, the bill aforesaid to increase the pay of letter carriers should be promptly passed by Congress, that the Senators and Representatives of this State at Washington be, and they are hereby, requested to urge the passage of said bill at the present session of Congress, and that the secretary of state of Rhode Island be, and he hereby is, instructed to send a copy of this resolution to each of our said Senators and Representatives in Congress, as well as to the Hon. THOMAS B. REED, Speaker of the National House of Representatives.

STATE OF RHODE ISLAND,
OFFICE OF THE SECRETARY OF STATE,
Providence, April 27, 1896.

I certify the foregoing to be a true copy of a resolution passed by the general assembly of said State on the 24th day of April, A. D. 1896.

In testimony whereof I have hereunto set my hand and affixed the seal of the State aforesaid the date and year first above written.

CHARLES P. BENNETT,
Secretary of State.

Mr. MANTLE presented a petition of sundry citizens of Columbia Falls, Mont., and a petition of sundry citizens of Hamilton, Mont., praying for the enactment of legislation to amend the postal laws relating to second-class mail matter, and also to reduce letter postage to 1 cent per half ounce; which were referred to the Committee on Post-Offices and Post-Roads.

CUSTOMS EXPENSES.

Mr. ALLISON. I present a letter from the Secretary of the Treasury, transmitting a statement of the increase and decrease in force, salary, and expenses at the various customs ports for the first nine months of the fiscal year 1896 over the corresponding period of the fiscal year 1895.

The letter from the Secretary of the Treasury is accompanied by sundry tables and documents relating to an item of importance in the deficiency appropriation bill. These tables and documents require careful examination by the committee and perhaps by the two Houses, and I ask unanimous consent that the letter and accompanying papers be printed for the use of the Senate.

The PRESIDING OFFICER (Mr. BACON in the chair). Is there objection? The Chair hears none, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. THURSTON, from the Select Committee on International Expositions, to whom was referred the bill (S. 2889) to aid and encourage the holding of the Tennessee Centennial Exposition at Nashville, Tenn., in the year 1897, and making an appropriation therefor, reported it without amendment.

He also, from the same committee, to whom was referred the joint resolution (H. Res. 167) authorizing foreign exhibitors at the Tennessee Centennial Exposition, to be held in Nashville, Tenn., in 1897, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits, and allowing articles imported from foreign countries for the sole purpose of exhibition at said exposition to be imported free of duty, under regulations prescribed by the Secretary of the Treasury, reported it without amendment.

Mr. BURROWS, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 1602) for the relief of A. P. Brown, late postmaster at Le Mars, Iowa, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 6037) granting a pension to Mrs. Amanda Woodcock, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5140) for the relief of Michael H. J. Crouch, late of Company M, Sixth Regiment Pennsylvania Cavalry, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5814) granting a pension to Cassie A. Davis, widow of James P. Davis and mother of Mary T. Davis, an invalid daughter, reported it with an amendment, and submitted a report thereon.

Mr. WILSON, from the Committee on Public Lands, to whom was referred the bill (S. 412) for the relief of Mrs. Emma D. Larsh, of Denver, Colo., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 413) for the relief of Charles M. Larsh, of Denver, Colo., reported it without amendment, and submitted a report thereon.

Mr. FRYE, from the Committee on Foreign Relations, to whom was referred the resolution of the Chamber of Commerce of San Francisco, Cal., praying for the immediate establishment of a cable between the Pacific coast of the United States and the Hawaiian Islands, submitted a report thereon, accompanied by a bill (S. 3068) to facilitate the construction and maintenance of telegraphic communication between the United States, the Hawaiian Islands, and Japan, and to promote commerce; which was read twice by its title.

He also, from the same committee, to whom were referred the following bills, reported adversely thereon, and the bills were postponed indefinitely:

A bill (S. 1316) to facilitate the construction and maintenance of telegraphic cables in the Pacific Ocean for the use of the Government in its foreign intercourse; and

A bill (S. 876) to provide for telegraphic communication between the United States of America, the Hawaiian Islands, and Japan, and to promote commerce.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (S. 1300) for the relief of Hannah Newell Barrett, reported it with amendments, and submitted a report thereon.

Mr. VILAS, from the Committee on the Judiciary, to whom was referred the bill (H. R. 6431) to pay Peter P. Ferguson $1,765, reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom were referred the following bills, submitted adverse reports thereon, and the bills were postponed indefinitely:

A bill (S. 2842) to incorporate the Columbia Subway Company; and

A bill (S. 2123) to test the improved methods for the disposal of sewage and water filtration of villages and cities.

Mr. KYLE, from the Committee to Establish the University of the United States, to whom was referred the bill (H. R. 4785) to

incorporate the National University, reported it without amendment.

Mr. PRITCHARD, from the Committee on Claims, to whom was referred the amendment submitted by Mr. DANIEL on the 5th instant providing for the production of copies of the drawings of the weekly issues of patents for inventions, etc., intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. GEAR, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 353) to provide for fixing a uniform standard of classification and grading of wheat, corn, oats, barley, and rye, and for other purposes, reported it with amendments.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 2953) to carry out the findings of the Court of Claims in the case of Mattie S. Whitney, administratrix of Franklin S. Whitney, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2087) for the relief of the legal representative of Franklin S. Whitney, deceased, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1335) for the relief of John Veeley, reported it with an amendment, and submitted a report thereon.

Mr. GEAR, from the Committee on Pacific Railroads, to whom the subject was referred, reported a bill (S. 3080) authorizing the Secretary of the Treasury to effect an adjustment between the United States and the Sioux City and Pacific Railway Company in relation to certain bonds issued by the United States in aid of the construction of said railway; which was read twice by its title.

PAPERS OF MILITARY INFORMATION DIVISION.

Mr. HANSBROUGH. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 128) proposing an amendment to section 89, paragraph 2, of the act of January 12, 1895, providing for the public printing and binding and the distribution of public documents, to report it without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to amend section 89, paragraph 2, of the act of January 12, 1895, by inserting in the last line, after the word "require," the words "and the Secretary of War may authorize, as a maximum number, the printing of 2,500 copies of each of the professional papers published by the military information division of the War Department, or a lesser number, if the interests of the public service justify it."

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGISTERS OF THE ARMY AND NAVY.

Mr. HANSBROUGH. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 127) proposing amendments to section 73, paragraph 32, of the act of January 12, 1895, providing for the public printing and binding and distribution of documents, to report it without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to amend paragraph 32 of section 73 of the act so as to read:

Of the registers of the Army and Navy, 2,500 copies of each; 1,000 for the Senate and 1,500 for the House.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATUE OF JAMES SHIELDS.

Mr. HANSBROUGH, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. CULLOM December 10, 1895, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in one volume the proceedings in Congress upon the acceptance of the statue of James Shields, 16,500 copies, of which 5,000 copies shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and 500 each for use and distribution by the governors of Illinois, Minnesota, and Missouri; and the Secretary of the Treasury is hereby directed to have printed an engraving of said statue, to accompany said proceedings, said engraving to be paid for out of the appropriation for the Bureau of Engraving and Printing.

JACOB A. WOLFSON.

Mr. BACON. I am directed by the Committee on Claims, to whom was referred the bill (S. 2382) for the relief of Jacob A. Wolfson, to report it with an amendment; and I am further instructed by the committee to ask the Senate, upon the adoption of the amendment, to agree to a resolution which I report from the committee referring the claim to the Court of Claims. I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Claims was, in line 5, after the word "to," to insert "the estate of"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Jacob A. Wolfson, of Natchitoches Parish, La., the sum of $23,600, in full compensation for property taken as a military necessity by the United States Army during the year 1864.

The amendment was agreed to.

The title was amended so as to read: "A bill for the relief of the estate of Jacob A. Wolfson."

Mr. BACON. I now ask for the adoption of the resolution.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the bill (S. 2382) entitled "A bill for the relief of the estate of Jacob A. Wolfson," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate the facts of the case in accordance with section 14 of said act.

EMPLOYEES OF GOVERNMENT PRINTING OFFICE.

Mr. HANSBROUGH. I ask that the Committee on Civil Service and Retrenchment be discharged from the further consideration of the communication from the Public Printer relative to the amount of "leave money" claimed to be due employees of the Government Printing Office, and that it be referred to the Committee on Printing.

The VICE-PRESIDENT. Without objection, it will be so ordered.

BILLS INTRODUCED.

Mr. PRITCHARD introduced a bill (S. 3069) for the relief of W. N. Hedden; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3070) to correct the military record of George C. Haynie; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. QUAY introduced a bill (S. 3071) to authorize the construction of a bridge over the Monongahela River from the borough of Braddock to the township of Mifflin, Pa.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. McMILLAN introduced a bill (S. 3072) to prevent the spread of contagious diseases in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. DAVIS (by request) introduced a bill (S. 3073) to extend the limits of the city of Washington, in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BERRY introduced a bill (S. 3074) granting a pension to Joseph S. Bunker; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GIBSON introduced a bill (S. 3075) to incorporate the Washington, Burnt Mills, and Sandyspring Railway Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3076) in relation to the putting up of smoking and fine-cut chewing tobacco and also cigarettes; which was read twice by its title, and referred to the Committee on Finance.

Mr. CAFFERY (by request) introduced a bill (S. 3077) for the relief of the estate of J. K. Benjamin, deceased, late of New Orleans, La.; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3078) for the relief of the estate of Hypolite Chretien, deceased, late of New Orleans, La.; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL of Wisconsin introduced a bill (S. 3079) granting a pension to Harrison Brott; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEAR introduced a bill (S. 3081) for the relief of Edward T. Latta; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SQUIRE submitted an amendment intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Coast Defenses, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WHITE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. McBRIDE submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce.

Mr. GORDON submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DANIEL. I ask that the amendment which I offered yesterday, intended to be proposed to the deficiency appropriation bill, may be referred to the Committee on Patents instead of the Committee on Claims.

The PRESIDING OFFICER (Mr. THURSTON in the chair). The change of reference will be made, in the absence of objection.

Mr. DANIEL. I ask that a new print of the amendment be made.

The PRESIDING OFFICER. It will be so ordered.

CONTEMPTS OF COURT.

Mr. ALLEN submitted an amendment intended to be proposed by him to the bill (S. 2984) in relation to contempts of court; which was ordered to lie on the table and be printed.

TOWBOAT ASSOCIATION OF NEW ORLEANS.

On motion of Mr. WARREN, it was

Ordered, That the Secretary request the House of Representatives to return to the Senate S. 862, for the relief of the receivers of the Towboat Association of New Orleans, La.

COTTON STATES AND INTERNATIONAL EXPOSITION.

Mr. GORDON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and hereby is, directed to transmit to the Senate the report of the officer in charge relating to the administration of customs at the Cotton States and International Exposition, lately held at Atlanta, Ga., and that the same be printed when received.

CAPTURE OF SCHOONER COMPETITOR.

Mr. FRYE. Is the morning business completed, Mr. President?

The VICE-PRESIDENT. It is not yet completed. Concurrent and other resolutions are in order.

Mr. CALL. I ask to have laid before the Senate a resolution I offered yesterday.

The VICE-PRESIDENT. If there be no concurrent or other resolutions, the Chair lays before the Senate a resolution submitted yesterday by the Senator from Florida [Mr. CALL], as follows:

Resolved, That the President of the United States be, and he is hereby, requested to protest against the execution of the citizens of the United States captured on board the schooner *Competitor* by a Spanish cruiser, and to request and demand of the Government of Spain that they shall not be subjected to cruel treatment, but be held only as prisoners of war, unless it shall be established that they were engaged only in carrying merchandise which was contraband and for which they were subjected to no punishment other than the confiscation of their property.

Mr. SHERMAN. I think that that resolution ought to be referred to the Committee on Foreign Relations. We have not the facts before the Senate, and therefore I move that the resolution be referred.

Mr. CALL. Do I understand the Senator to move that the resolution be referred to the Committee on Foreign Relations?

Mr. SHERMAN. Yes, sir.

Mr. CALL. It is useless to object, Mr. President; but with death hanging over these citizens of the United States, as we are told in all the dispatches that come from there, with the extreme anxiety of the friends of these people, and with the fact that they are not liable to anything more than the usual treatment of prisoners captured on board vessels carrying things contraband of war, it seems to me we might act in this case without delay. The Senator from Colorado [Mr. WOLCOTT] objected yesterday upon the ground that it was a matter for the President of the United States, but surely we are a part of the executive power and equally responsible with him that protection should be given to American citizens and to see that all their rights are accorded to them. Still, I have no power to prevent the reference of the resolution.

Mr. PASCO. Mr. President, I should like to state with reference to the prisoners taken on board the *Competitor* that, at the request of citizens of Florida who have written me upon the subject, I have had one or two interviews with the Secretary of State and have been assured that all proper steps will be taken to secure just treatment for the American citizens among them and to obtain a fair trial for them. I am satisfied, Mr. President, that the State Department is doing all that can be properly done with reference to these persons. In my different interviews with the Secretary in relation to this and other like cases I have been satisfied that American interests were being properly sustained, and I take pleasure in saying that the Department, in my opinion, has done and is doing its full duty toward our Florida people who have been drawn into trouble through the disturbances in Cuba.

Mr. CALL. I wish to say a word. I do not agree with my colleague that this resolution should not be passed. I think it is the duty, the imperative duty, of this body to speak in no doubtful terms in reference to the threatened execution of these citizens of the United States, and I do not feel that I have acquitted myself of my responsibility to the people of Florida and to the relatives of these unfortunate men if I am not heard here demanding, so far as I have any power, immediate action on the part of this Government for their protection.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio [Mr. SHERMAN] to refer the pending resolution to the Committee on Foreign Relations.

The motion was agreed to.

SUGGESTION OF ABSENCE OF A QUORUM.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution submitted by the Senator from New Hampshire [Mr. CHANDLER], coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. CHANDLER, as follows:

Resolved, That the suggestion of the absence of a quorum, requiring a call of the Senate, may be made pending a motion to adjourn.

Mr. GALLINGER. In the absence of my colleague [Mr. CHANDLER], I ask that that resolution go over without prejudice.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

Mr. HARRIS. I wish to enter a motion, as I may not be present when the resolution comes up again, that it be referred to the Committee on Rules, as it proposes to make a change in the rules of the Senate.

Mr. GALLINGER. I will say to the Senator from Tennessee that my colleague is absent necessarily.

Mr. HARRIS. I say that I enter the motion now. I do not ask action on it.

Mr. GALLINGER. That is all right.

The VICE-PRESIDENT. The resolution will go over without prejudice, and the motion of the Senator from Tennessee will be entered.

ELECTIONS IN FLORIDA.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution submitted by the Senator from Florida [Mr. CALL], coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. CALL, as follows:

Resolved, That a select committee shall be appointed of five Senators, who shall be charged with the duty of investigating and reporting to the Senate whether there are any influences affecting the elections of members of Congress in the State of Florida which are properly the subject of action by Congress, and without interfering in any way with the exclusive right and power of the States to regulate the same except as to time and place.

Mr. GRAY. I move that that resolution be referred to the Committee on Privileges and Elections.

Mr. CALL. Mr. President, I do not propose to delay the Senate with any discussion of this resolution further than to say that, in my opinion, it is a very extraordinary condition of things in which the Senate of the United States hesitates to make an inquiry into the facts whether or not persons beyond the jurisdiction of the States are contributing great sums of money to debauch and degrade and corrupt the electoral franchise. Senators can not avoid the responsibility by claiming that this is an interference with the powers of the State. Is the power of the State to be destroyed by money from foreigners? Is this body to be debauched and corrupted by men holding seats by purchase? Is there no power in the Federal Government to aid the State in the protection of the legislative power vested in this body and in the other House of Congress? I submit that, in the case of a citizen of another State contributing willfully great sums of money to purchase the elections of members of Congress—beyond the jurisdiction of the State, impossible of indictment and trial, and only the agents through which the money is to be disbursed—for Senators to say that they will participate in this offense by maintaining

that Congress has no power to legislate prospectively for the punishment of acts of this description and no power to make an inquiry into them is amazing to me.

Mr. President, I wish the distinction to be drawn between those who are the advocates of republican government, who are democrats in fact, and those who are maintaining and sustaining the money power in its attempt to destroy this Government and to establish over it a government of aristocratical power. That is the distinction in all parties, and it is being made broader and plainer every day. Men can not protect themselves by the name of Republican or Democrat who are aiding in the destruction of the liberties of the people and of the Government itself.

We know that there is a public opinion abroad throughout this country that corruption is used, and that it emanates from men of great fortunes, and we know that the power of taxation in public franchises conveyed to private persons monopolizes the larger part of the taxing power of this country until more than half of its wealth is held by 65,000 persons in the power of taxation. If no one else, Mr. President, raises his voice against this evil, I am here to do it, and to continue the doing of it, relying upon the American people of both parties to sustain the efforts which I endeavor to make for the protection of our form of government and of the rights of the people.

The VICE-PRESIDENT. The question is on the motion of the Senator from Delaware [Mr. GRAY] to refer the pending resolution to the Committee on Privileges and Elections. [Putting the question.] The ayes appear to prevail.

Mr. MITCHELL of Oregon. Let us have the yeas and nays, Mr. President.

Mr. FRYE. Oh, no.

Mr. MITCHELL of Oregon. Then let the vote be taken again.

The VICE-PRESIDENT. The Chair will again submit the question on the reference of the resolution.

Mr. ALLEN. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DUBOIS (when his name was called). I am paired with the Senator from New Jersey [Mr. SMITH].

Mr. HARRIS (when his name was called). I have a standing pair with the Senator from Vermont [Mr. MORRILL], but being satisfied that he and I would vote the same way on this question, I vote "yea."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "nay."

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR].

Mr. THURSTON (when his name was called). I am paired with the Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "nay."

Mr. WALTHALL (when the name of Mr. VOORHEES was called). The Senator from Indiana [Mr. VOORHEES] is paired with the senior Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. PASCO. I am paired with the Senator from Washington [Mr. WILSON]. In his absence, I withhold my vote.

Mr. GRAY (after having voted in the affirmative). I ask if the Senator from Illinois [Mr. CULLOM] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. GRAY. Then I withdraw my vote, as I have a general pair with that Senator.

The result was announced—yeas 29, nays 20; as follows:

YEAS—29.

Bacon,	Faulkner,	Lodge,	Vest,
Bate,	Frye,	McMillan,	Vilas,
Berry,	Gear,	Mills,	Walthall,
Blackburn,	Gordon,	Morgan,	Wetmore,
Burrows,	Harris,	Palmer,	Wolcott.
Caffery,	Hill,	Quay,	
Carter,	Jones, Ark.	Sewell,	
Daniel,	Lindsay,	Sherman,	

NAYS—20.

Allen,	Hansbrough,	Nelson,	Shoup,
Butler,	Kyle,	Peffer,	Squire,
Call,	McBride,	Perkins,	Teller,
Chilton,	Mitchell, Oreg.	Pettigrew,	Warren,
Gallinger,	Mitchell, Wis.	Roach,	White.

NOT VOTING—40.

Aldrich,	Cockrell,	Hawley,	Pritchard,
Allison,	Cullom,	Hoar,	Proctor,
Baker,	Davis,	Irby,	Pugh,
Blanchard,	Dubois,	Jones, Nev.	Smith,
Brice,	Elkins,	Mantle,	Stewart,
Brown,	George,	Martin,	Thurston,
Cameron,	Gibson,	Morrill,	Tillman,
Cannon,	Gorman,	Murphy,	Turpie,
Chandler,	Gray,	Pasco,	Voorhees,
Clark,	Hale,	Platt,	Wilson.

So the motion to refer the resolution to the Committee on Privileges and Elections was agreed to.

WAR IN CUBA.

Mr. FRYE. I now ask that the Senate proceed to the consideration of the river and harbor bill.

Mr. MORGAN. I desire to ask the President of the Senate to lay before the Senate a joint resolution which I offered some time ago, which lies upon the table, relating to a recognition of the belligerent rights of Cuba, and I ask the Senator from Maine to yield to me for a moment, as I wish to have it referred.

Mr. FRYE. I have no objection to a reference of the resolution.

Mr. MORGAN. I wish to make a motion to refer the joint resolution to the Committee on Foreign Relations, and I wish to make a statement in that connection after the joint resolution has been read.

The VICE-PRESIDENT. The Chair lays before the Senate the joint resolution referred to by the Senator from Alabama; which will be read.

The Secretary read the joint resolution (S. R. 105) declaring that a state of public war exists in the Island of Cuba, as follows:

Resolved, etc., That it is hereby declared that a state of public war exists in the Island of Cuba between the Government of Spain and the people of that island, who are supporting a separate Government under the name of the Republic of Cuba, and the state of belligerency between said Governments is hereby recognized.

Mr. MORGAN. Mr. President, I introduced that joint resolution in the Senate at the time when the conference report from the conference committee of the two Houses was pending in one of the Houses, I think in the House of Representatives, intending, if that conference report should fail, that I would immediately press the resolution upon the consideration of the Senate. Circumstances have prevented me from being here since that time, and in that way delay has occurred, and new developments have occurred in regard to the situation in Cuba which still further demonstrate the truth of the proposition upon which the Senate and the House of Representatives have voted, that a state of public war exists in the Island of Cuba. We expressed an opinion that it was proper under those circumstances that belligerent rights should be accorded to both parties in our ports and upon our territory. Having expressed an opinion of that kind, and made a declaration to the effect that public war exists there, I desire now to ask the opinion of the Committee on Foreign Relations of the Senate upon the state of facts existing which have been developed since the introduction of that resolution, which, I think, go greatly to strengthen and to confirm the proposition which the two Houses have united in voting upon, and in voting favorably upon.

I believe, Mr. President, that the time has arrived when in sheer justice to our own people, without reference to any effect it may have upon the promotion of the war in Cuba or the fortunes of either side, that it is our duty to declare that a state of public war exists there and that the laws of war as they are recognized among the nations of the earth should be applicable to that situation, and that we should not be left here in a state of doubt and uncertainty as to whether our relations to the people of Cuba or whether either the Spanish Government or the Republic are to be controlled by the laws of war, or whether they are to be controlled by the laws of peace.

I can not reconcile it to myself to affirm as a matter of fact that no war exists in Cuba. The Spanish Government recognizes the existence of war there, not only in reference to the conduct that she holds toward the people that she is trying to suppress, but also in regard to our own people and our own commerce. She treats our commerce as if it were a contraband of war. No nation has a right to do that with reference to the Government of the United States when that nation is in a condition of peace. She can not hold that her relations to our own people are those of perfect peace, and at the same time that she has the right to impose upon the Government of the United States and upon its commerce or upon its people the laws of war, which they are continually doing.

I hope that some speedy action will be taken; that is to say, proper action—deliberate, of course; firm and consistent and energetic—to determine the solution of this question before this Congress adjourns. I wish to say that I do not believe that the Congress of the United States can by a final adjournment of this session afford to leave that question in the shape it is now in before the world.

The VICE-PRESIDENT. The question is on the motion of the Senator from Alabama.

Mr. CALL. Will the Senator from Maine allow me one word only?

Mr. FRYE. Yes; one word.

Mr. CALL. I introduced a resolution on the same subject some time ago, which still lies upon the table. I had hoped to obtain early action upon it, but I will ask that the same reference may be made of that resolution as that asked for by the Senator from Alabama as to his resolution.

Mr. FRYE. There is no objection to the reference of the resolutions.

The VICE-PRESIDENT. Without objection, the resolutions will be referred to the Committee on Foreign Relations.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. FRYE. I now move that the Senate proceed to the consideration of the river and harbor appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. FRYE. I ask that the Secretary read the amendment on page 6 of the bill, after the word "dollars," in line 25, to strike out the remainder of the item.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "dollars," on page 2, line 25, it is proposed to strike out:

Which said sum the Secretary of War is authorized and directed to expend from the balance on hand heretofore appropriated for entrance to Point Judith Pond.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 31, line 4, to increase the appropriation for improving the harbor at Greenbay, Wis., from $25,000 to $30,000.

The amendment was agreed to.

The next amendment was, on page 31, line 11, after the word "basin," to insert "and removing wreck therefrom"; so as to make the clause read:

Improving harbor at Kenosha, Wis.: Continuing improvement, $24,000, of which sum $4,000, or so much thereof as may be necessary, shall be expended in dredging in the harbor basin and removing wreck therefrom, and the balance of said $24,000, or so much thereof as may be necessary, may be used for repairing piers and deepening and maintaining channel.

The amendment was agreed to.

The next amendment was, on page 31, line 19, before the word "improvement," to strike out "Continuing" and insert "Completing"; in line 20, before the word "dollars," to strike out "twenty-four thousand five hundred" and insert "forty-four thousand four hundred and forty"; and in line 21, after the word "submitted," to strike out "and approved by the Chief of Engineers in House Document No. 300, Fifty-fourth Congress, first session," and insert "March 10, 1896"; so as to make the clause read:

Improving harbor at Manitowoc, Wis.: Completing improvement, $44,440, to be expended on plan submitted March 10, 1896, for extending piers to the 22-foot contour and deepening channel.

The amendment was agreed to.

The next amendment was, on page 33, line 6, after the word "dollars," to insert "and so much thereof as may be necessary may be used for the maintenance, operating, and care of the works"; so as to make the clause read:

Improving Sturgeon Bay and Lake Michigan Ship Canal: Continuing improvement, $30,000, and so much thereof as may be necessary may be used for the maintenance, operating, and care of the works.

The amendment was agreed to.

The next amendment was, on page 33, line 10, after the word "submitted," to strike out "by Capt. Carl F. Palfrey, Corps of Engineers, July 8," and insert "in the Annual Report of the Chief of Engineers for"; so as to make the clause read:

Improving harbor at South Milwaukee, Wis., in accordance with report and plan submitted in the Annual Report of the Chief of Engineers for 1895, $5,000.

The amendment was agreed to.

The next amendment was, on page 34, line 1, after the word "ninety-four," to strike out "consisting of Col. O. M. Poe, Maj. James F. Gregory, and Maj. Clinton B. Sears"; and in line 7, after the word "appropriated," to strike out:

Provided, That such project of improvement may be subject to modification in the interests of commerce, as the Secretary of War may direct, as the work progresses, without, however, increasing the above aggregate.

And insert:

Provided, That in making such contracts the Secretary of War shall not obligate the Government to pay in any one fiscal year, beginning July 1, 1897, more than 25 per cent of the whole amount authorized to be expended: *And provided further*.

So as to make the clause read:

For improving the harbor at Duluth, Minn., and Superior, Wis., at the west end of Lake Superior: Continuing improvement, $90,000, whereof $20,000 shall be expended upon the Duluth portion of said harbor and $20,000 shall be expended upon the Superior portion thereof; and contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project for deepening said harbor and the entrances thereto, reported to the War Department by the commission of engineers appointed under the joint resolution of Congress approved June 29, 1894, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate the sum of $3,080,553, exclusive of the amount herein and heretofore appropriated: *Provided*, That in making such contracts the Secretary of War, etc.

The amendment was agreed to.

The next amendment was, on page 34, line 23, to increase the appropriation for improving harbor at Agate Bay, Minnesota, from $30,000 to $50,000.

The amendment was agreed to.

The next amendment was, on page 34, line 25, after the word "improvement," to strike out:

One hundred thousand dollars, of which $12,000, or so much thereof as may be necessary, shall be used in opening the western end of the tidal canal in said harbor to the depth of 8 feet below low tide.

And insert:

Under existing project, $75,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $666,000, exclusive of the amounts herein and heretofore appropriated.

So as to make the clause read:

Improving harbor at Oakland, Cal.: Continuing improvement under existing project, $75,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $666,000, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 35, line 12, to increase the appropriation for improving the harbor at San Diego, Cal., from $40,000 to $50,000.

The amendment was agreed to.

Mr. FRYE. The next item in relation to the Santa Monica improvement may be passed over for the present.

Mr. WHITE. I suggest that it be passed over.

Mr. FRYE. The Senator from California [Mr. WHITE], I believe, wants to make a few feeble remarks in relation to it.

Mr. WHITE. A few remarks. Whether they are feeble or not will depend upon subsequent developments.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 36, line 12, to increase the appropriation for improving the harbor at San Luis Obispo, Cal., from $32,000 to $40,000.

The amendment was agreed to.

The next amendment was, on page 36, line 14, after the word "the," to strike out:

Report of Col. W. H. H. Benyaurd, submitted in Senate Executive Document No. 61, Fifty-third Congress, third session, $50,000.

And insert:

Project submitted February 7, 1895, $50,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $342,000, exclusive of the amount herein appropriated.

So as to make the clause read:

Improving Wilmington Harbor, California, in accordance with the project submitted February 7, 1895, $50,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $342,000, exclusive of the amount herein appropriated.

The amendment was agreed to.

The next amendment was, on page 37, line 10, after the word "Oregon," to strike out ": Dredging to complete"; in line 14, after the word "dredge," to insert "and two hopper scows"; and in line 15, after the word "dredging," to insert "within the limit of this appropriation"; so as to make the clause read:

Improving harbor at Coos Bay, Oregon, $14,300: *Provided*, That so much of this sum as may be necessary shall be added to the amount now on hand for the construction or purchase of a dredge and two hopper scows, and that dredging within the limit of this appropriation may be contracted for in the discretion of the Chief of Engineers, and in such portion of the bay as may be found necessary.

The amendment was agreed to.

The next amendment was, on page 37, after line 17, to strike out:

Improving Port Orford Harbor, at Grave Yard Point, Oregon, according to plan recommended by Capt. Thomas W. Symons, of the Corps of Engineers, as per House Document No. 913, Fifty-third Congress, third session, January 30, 1895, to cost not to exceed $203,336, and the unexpended balance of the appropriation heretofore made March 3, 1879, for the establishment of a harbor of refuge on the Pacific coast is hereby transferred to be expended on this improvement.

Mr. MITCHELL of Oregon. I inquire of the chairman of the committee upon what grounds this appropriation is proposed to be stricken out?

Mr. FRYE. On the ground that the expenditure of a dollar of Government money at that point would be simply a waste.

Mr. MITCHELL of Oregon. Upon what report does the Senator from Maine base that statement?

Mr. FRYE. Upon all the reports that have ever been made to the Engineer Department.

Mr. MITCHELL of Oregon. Mr. President, I wish to say a few words as to the amendment.

There has been an effort, dating back a good many years, as far as 1873, to secure some appropriation for the improvement of the harbor at Port Orford. The first effort was to secure an appropriation sufficient to create at that point a harbor of refuge for vessels. In 1873 Maj. H. M. Robert, Corps of Engineers, made a project for constructing a harbor at Port Orford by building a breakwater 1,500 yards long, at an estimated cost of about $9,000,000. In 1877 the board of engineers for the Pacific coast, composed of Lieutenant-Colonels Alexander, Williamson, and Stewart and Major Mendell, made a second plan and location for a breakwater for a harbor at Port Orford. The estimated cost of their project was $10,507,343. Again, in 1878, another survey and estimate were made by Maj. J. M. Wilson, Corps of Engineers, then in charge of river and harbor improvements on the Pacific Coast. That was with a view of creating a harbor of refuge at this point, and his estimate for a breakwater 5,000 feet long was $9,405,000.

In pursuance of an act of Congress authorizing a report from the engineers as to the best location for a harbor of refuge on the Pacific Coast, taking in the whole coast—California, Oregon, Alaska—a report was made favoring Port Orford as the proper place, as the one above all others at which a harbor of refuge should be located, and for which an appropriation should be made. Following that report Congress, in 1879, in March, the last month of the session, passed an act appropriating $150,000 looking to the commencement of the work at that place with a view to the establishment of a harbor of refuge. The Secretary of War declined to expend the money, for the single reason, not that there could not be a harbor of refuge created at that port by a proper expenditure of money, but for the reason that the appropriation was so small, considered in connection with the estimates for the work, that he would not expend the money, and he did not.

That money has never been expended. It has never gone back into the general fund in the Treasury. It stands to-day credited to Port Orford; for improvements at that point, $150,000. It was believed, however, by those interested in the navigation of the Pacific Ocean on that coast and by delegations representing California and Oregon that it would be impossible to secure from Congress the necessary appropriation, mounting up into the millions, eight or nine or ten millions, whatever it was, for a work of this kind at that point. Consequently we went to work to have another survey made with a view of ascertaining whether it was practicable and advisable to expend this money and perhaps a little additional in the improvement of the harbor with two ends in view, one that of creating a harbor of refuge on a smaller scale, and the other the improvement of shipping facilities at that point.

It was in view of facts of that kind that the latest report was made, which was submitted last year by Captain Symons. It is true that Captain Symons in his report states the improvements suggested in the act authorizing the survey are not advisable so far as creating a harbor of refuge is concerned, but he does say that the shipping facilities of the place could be improved, as I understand the report, by the expenditure of $203,000. It was in pursuance of that report which the chairman of the Committee on Commerce condemns that the House of Representatives put this provision in the bill, applying the $150,000 heretofore appropriated, which has stood credited to the harbor since 1879, and adding to it enough to make it $203,000.

I think I have fairly stated the history of legislation and appropriations in regard to this harbor. I concede that the commerce of this port at present is not great, and it never will be very great until the harbor is improved. When it is improved the commerce will be considerable. There is one of the finest timber countries adjacent to this harbor that there is in the world. The report which is condemned by the chairman of the committee states, I think, in terms that there are 100 square miles of the finest timber extant, fir and white cedar, adjacent to this harbor.

It is a very large tract of timber. I have traveled through that country myself. There is the finest fir, cedar, myrtle, and also live oak in the world in Coos and Curry counties, Oreg. There is no finer anywhere. It is one of the finest dairy countries in the world. There are hundreds of tons of butter and cheese manufactured in Curry County, Oreg., to-day, and in Coos County, which is adjacent; and because it is a portion of the State somewhat isolated, as stated in the report, is no reason why it should be ignored when we are improving our rivers and harbors.

I should be willing to cut the appropriation down so that it will take no new money from the Treasury, and simply allow the $150,000 appropriated in 1879, which has never gone back into the general fund in the Treasury and is credited to this place, to be appropriated at the present session for this work. I hope the chairman of the committee can see his way clear to consent to do that.

Mr. FRYE. Mr. President, the business to be accommodated by this great harbor is 1 daily stage, 2 hotels, 1 store, 1 feed stable, 1 apothecary shop, 1 newspaper, 1 carpenter shop, 1 blacksmith shop, 1 boot shop, 1 church, 1 school, 1 saloon, and 1 small sawmill.

Mr. MITCHELL of Oregon. The Senator from Maine is stating the business done at that particular point?

Mr. FRYE. At Port Orford. I am not amazed at anything that Oregon asks. I have got over that. But Oregon has three times had a board of engineers to go and visit this place with reference to establishing and creating a harbor of refuge. One board reported that it would require $10,000,000; another $9,000,000, and the third $11,000,000.

Mr. MITCHELL of Oregon. All reported in favor of it—every one of them.

Mr. FRYE. In favor of it? They reported that it could be made with the expenditure of those various sums of money. Finally an appropriation was made. That does not astonish me, because my friend the Senator from Oregon [Mr. MITCHELL], acting as he does for the State of Oregon, with his influence in the United States Senate and with the influence of the other Senator who was here at that time——

Mr. MITCHELL of Oregon. I do not appear to have much influence with the committee in reference to this matter.

Mr. FRYE. I am not surprised at any kind of an appropriation. Congress appropriated one hundred and fifty or one hundred and sixty thousand dollars to go on to the $10,000,000; and the engineer very sensibly refused to follow Congress and spend it, and it never has been expended.

The Senator from Oregon wants to compromise. What is the proposition? To expend $150,000 in doing what? To build a wharf for Port Orford. Captain Symons was before the committee, and he said it is nothing under the sun except a proposition to build a wharf, and in his report he says it is nothing but a proposition to build a wharf. He says that the wharf will be so exposed to the southeasterly storms of the Pacific Ocean that it can be used but four months in summer time. He says still further that it is so exposed that there must be heavy anchors sunk off some distance in front of the wharf, and that then there must be buoys attached to those anchors to which vessels which happen to be at the wharf can attach their hawsers and pull themselves out against the wind, so as not to go ashore. He says still further that the wharf must be made of iron, the most powerful, the strongest wharf that by any possibility can be made. It must be attached to legs at the bottom of the sea, and even then there is a serious doubt whether it will stay there. They may need a breakwater then.

Yet the Senator from Oregon is asking the Senate to strike out the amendment. The Senate is putting back every single provision we did strike out. I recognize that fact, but I do not think that even the United States Senate, with its liberal and gracious moods, will, at the request of the Senator from Oregon, restore the provision to build a wharf for one sawmill.

Mr. MITCHELL of Oregon. I move to amend the committee amendment by limiting the appropriation to the $150,000 heretofore appropriated.

In response to the statement of the chairman of the committee in regard to what he deems the unimportance of this port, I will state that the necessity for the improvement is not to be determined by the number of houses on the banks of the coast at this particular place. You must take a wider view of the matter than that. You must take into consideration the adjacent country, its character, its timber, its products, its capacity, its capabilities, and its possibilities.

I undertake to say that there is not a more interesting piece of country in the United States to-day than that adjacent to the proposed harbor at Port Orford, in the county of Curry. There is no great amount of population there yet, and there never will be unless they have a helping hand.

Mr. FRYE. By building a wharf?

Mr. MITCHELL of Oregon. That is all very well. If by the building of a wharf you will facilitate the shipping interests and improve them, why not build the wharf, so far as that is concerned?

Mr. FRYE. I should like to ask the Senator from Oregon a question.

Mr. MITCHELL of Oregon. Certainly.

Mr. FRYE. Has the Senator in his wide experience ever known any State or Territory or section, except the State of Oregon and Port Orford, to ask the Government of the United States to build a wharf for them?

Mr. MITCHELL of Oregon. Oh, well, I do not know what has been done heretofore. I am talking about what ought to be done now, in this particular case. I do not care whether it has been done heretofore or not. The question is, Can the shipping facilities be improved by the appropriation of this money, according to the report of the engineer? That is the question.

Mr. FRYE. Of course it will help the sawmill there to have a wharf.

Mr. MITCHELL of Oregon. The report of the engineer is to the

effect that the shipping facilities will be improved by the appropriation of $203,000, which is only a fraction more than the money that is left idle and will remain in the Treasury for years to come for all we know. It has been there now seventeen years, lying idle, credited to this harbor.

Now, all I ask is that the $150,000 shall be applied to this work. There is an estimate giving the plan and all about it. I will take the chances of getting more money hereafter. But it does seem to me that it is useless to allow this money to lie idle when it can be applied there to the purposes stated in the report of the engineer. As I said before, this is a very interesting country. There were 82 tons of butter alone shipped from that port last year, small as the facilities are.

Mr. FRYE. That would not take a 100-ton schooner.

Mr. MITCHELL of Oregon. We want to improve the harbor so that the country can be developed. It is a new country. All I am asking is that we amend the amendment so as to give us the $150,000 appropriated in 1879, and let it go at that. I hope the Senate will stand by me and the committee. I trust the chairman of the committee himself will see the justice of the claim I am making in behalf of Port Orford.

I hope the Senator from Missouri [Mr. VEST], who is also a member of the Committee on Commerce, and who, I see, is on his feet, will not feel it incumbent on himself to make any observations simply for the purpose of standing by the committee. I know that away down in his mind he agrees with me that something ought to be done for Port Orford.

I ask for a vote on the amendment to the amendment.

Mr. VEST. Mr. President, I know that the Senator from Oregon has something of prophetic talent and prescience which is unrivaled in regard to the river and harbor bill, but he has no X rays that will tell him what conclusion I have come to upon the evidence before the committee in regard to this improvement.

The Committee on Commerce has been unusually generous to the Pacific States. I use the word "generous" in its full acceptation. Of the aggregate appropriation in this bill, which in continuing contracts and direct appropriations amounts to something like $70,000,000 as it stands now, $11,000,000 has gone to the three States of Washington, Oregon, and California. Oregon has been peculiarly blessed, if I may use the expression, in these appropriations. It has had the largest share of the amount given to that coast.

I have every disposition in the world to make liberal appropriations for river and harbor improvements. When this appropriation to which the Senator from Oregon refers was originally made his former colleague, Mr. Dolph, was a member of the committee.

Mr. MITCHELL of Oregon. No; he was not.

Mr. VEST. I said his former colleague.

Mr. MITCHELL of Oregon. No; my former colleague, Mr. Dolph, was not then a member of the Senate. I was a member myself, and I was not on the committee either.

Mr. VEST. One of the Oregon Senators was upon the committee, as has always been the case during my service in the Senate. All three of those States have members on the Committee on Commerce.

Mr. MITCHELL of Oregon. It was ex-Senator Grover of Oregon who was a member of the committee at that time.

Mr. VEST. There has never been a time when Oregon was not represented on that committee.

Mr. FRYE. On the committees in both Houses, too.

Mr. VEST. In both Houses. Now, all three of those States have members upon the Commerce Committee. I do not complain of any Senator for doing the best he can for his constituents and for appropriations for rivers and harbors in his State, but there is a responsibility resting upon the Commerce Committee and upon the Senate which can not be delegated to the Senators from any particular State, either as to the necessity for appropriations or the estimate as to cost.

Now, in this particular instance, I mean at the present session, the engineer, Captain Symons, who had charge of this work and was stationed there for a number of years, according to his testimony, was before us. He testified fully and was cross-examined in regard to his opinion as to the necessity for this improvement. The great argument made was for a harbor of refuge at this point; and I will ask the Secretary to read what I have marked as the succinct statement of that engineer.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

The following are extracts from the report of Captain Symons:

"Port Orford is an open roadstead and village on the coast of Oregon, 51½ miles north of the California and Oregon boundary line. A map of the coast and its vicinity is submitted, in order that a correct understanding of its general situation may be attained.

"An inspection of the maps shows that Port Orford is wide open to the sea to the southward, the direction from which come the worst storms, and that the constructions as located are nearly head on to the sea and do not provide any inclosed anchorage area. This being the case, it is certain that they do not and can not be considered as providing in the remotest degree a 'harbor of refuge.' Therefore this view of the proposed improvements must be entirely cast aside, and they must be considered solely in relation to their use for 'shipping purposes' as mentioned in the law.

"These constructions for 'shipping purposes' are therefore construed to be piers or wharves, and the estimate herewith is for their construction as wharves for commercial shipping purposes."

Mr. VEST. That eliminates, if the report is to be taken for anything, the consideration of a harbor of refuge at that point, and it remits us entirely to the demand in favor of the construction of a wharf or wharves at that place. As was pertinently and appropriately asked by the chairman of the committee, when was it the custom of Congress openly and undisguisedly to make appropriations for wharves at any place? Is that within the purview and jurisdiction of the national legislative body? If we enter upon the construction of wharves at different harbors in the United States there is no limit to the appropriations, and instead of the clamor which is now here in regard to rivers and harbors there will be a burst of righteous indignation all over the land.

Mr. MITCHELL of Oregon. May I ask the Senator from Missouri a question? What is the difference in principle between an appropriation of money by Congress for the purpose of building a jetty out so as to deepen the water and the building a wharf out so as to reach deep water to accommodate shipping? Is there any difference between them?

Mr. VEST. With great respect to the Senator, the two things are not at all alike. When you build a jetty——

Mr. MITCHELL of Oregon. One is a jetty and the other is a wharf. That is the difference.

Mr. VEST. When you build a jetty you deepen the harbor and add to its navigability. You put more water there for the purpose of letting ships come in and unload and discharge their cargoes and be reloaded for an outward voyage. When you put a wharf there you do not add one inch of water; and nobody can pretend that you do. You simply put a structure there, a facility for putting freight upon a vessel and taking freight from a vessel. It does not add one inch to the navigability of the stream, and therefore it is outside the jurisdiction of the Congress of the United States. My friend the Senator from Delaware [Mr. GRAY] suggests to me that you might as well put a derrick there to lift out a cargo from an incoming vessel and to put a cargo on a vessel.

Mr. FRYE. I am sorry the Senator suggested that. It will be asked for.

Mr. VEST. As a matter of course, if you go on building wharves, there is no harbor in the United States which will not say, "You built a wharf in Oregon; build one here"; and every Senator upon this floor will feel himself called upon in the interest of his constituents to follow the example of the Senator from Oregon. This thing is too plain.

Mr. MITCHELL of Oregon. Mr. President, I have the closing of this argument, I believe.

Mr. VEST. Of course the Senator can close.

Mr. MITCHELL of Oregon. I undertake to say there is not one particle of difference in principle between building a jetty out so as to increase the depth of water for ships in a port and building a wharf out over shallow water so that the ships and the land can be connected. There is not one particle of difference. I undertake to say as a matter of law, of constitutional law, that if Congress has the jurisdiction, if it has the power, if it has the right in the one case it has the right in the other, because neither the Senator from Missouri nor any other lawyer can draw a distinction except to say that the one is a wharf and the other is a jetty. Each is intended to improve the commerce, to improve the shipping facilities of the port. One does it by building a jetty, the other does it by building a wharf. If there is a constitutional right to appropriate money for the one there is a constitutional right to appropriate money for the other.

Mr. VEST. Has it ever been done by Congress?

Mr. MITCHELL of Oregon. I do not care a cent whether it has ever been done or not; that is not the question. We are on a constitutional question now. The Senator from Missouri undertakes to say that there is no constitutional power to appropriate money to build a wharf out over the shallow water so that ships can be accommodated. I undertake to deny the proposition, and I contend, and I stand on solid ground, as I think, that if there is constitutional power in Congress to appropriate money to build a jetty so as to get to deep water, and have deep water to connect the ships with the land to facilitate commerce, then the same power exists for the purpose of building a wharf over the shallow water so as to connect the land with the ships.

This is all I desire to say, Mr. President. I ask for a vote on my amendment to the amendment.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Oregon [Mr. MITCHELL] to the amendment of the committee.

The amendment to the amendment was rejected.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, on

page 38, line 6, after the word "Washington," to strike out "$10,000, as recommended by Capt. T. W. Symons, Corps of Engineers, March 20," and insert "in accordance with plan submitted in the Annual Report of the Chief of Engineers for"; in line 10, after the word "ninety-five," to insert "$20,000"; in line 15, after the word "and," to strike out "ninety" and insert "eighty"; and in line 16, after the word "appropriated," to insert "and the Secretary of War may, in his discretion, transfer the Government plant, or any part of it, now at the mouth of the Columbia River, to Grays Harbor"; so as to make the clause read:

Improving Grays Harbor and bar entrance, Washington, in accordance with plan submitted in the Annual Report of the Chief of Engineers for 1895, $20,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said improvement, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $980,000, exclusive of the sum herein appropriated, and the Secretary of War may, in his discretion, transfer the Government plant, or any part of it, now at the mouth of the Columbia River, to Grays Harbor.

The amendment was agreed to.

The next amendment was, on page 38, line 23, after the word "Harbor," to strike out "with a view to its improvement" and insert "and the cost of its improvement to be estimated"; so as to make the clause read:

Improving Olympia Harbor, Washington: Continuing improvement, $32,000; and that a survey be made of the Deschutes River at its entrance in Olympia Harbor, and the cost of its improvement to be estimated.

The amendment was agreed to.

The next amendment was, on page 39, line 2, to increase the appropriation for improving Everett Harbor, Washington, from $20,000 to $30,000.

The amendment was agreed to.

The next amendment was, on page 39, line 6, before the word "thousand," to strike out "forty" and insert "fifty-five," and in the same line, after the word "dollars," to insert:

And the Secretary of War may, in his discretion, expend so much of this as may be necessary for repairing damages to improvements, heretofore made, by the recent freshet.

So as to make the clause read:

Improving Kennebec River, Maine: Continuing improvement, $55,000; and the Secretary of War may, in his discretion, expend so much of this as may be necessary for repairing damages to improvements, heretofore made, by the recent freshet.

Mr. FRYE. The comma after the word "improvements," in line 8, should be stricken out.

The VICE-PRESIDENT. The comma will be stricken out. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The next amendment was, on page 39, after line 15, to insert:

Improving Union River, Maine, by dredging, $15,000.

The amendment was agreed to.

The next amendment was, on page 39, line 19, after the word "submitted," to strike out "by Col. D. P. Heap, January 10" and insert "January 21"; so as to make the clause read:

Improving Georges River, Maine, in accordance with plans submitted January 21, 1895, $10,000.

The amendment was agreed to.

The next amendment was, on page 39, line 23, after the word "submitted," to strike out "by Col. D. P. Heap, December 13" and insert "December 19"; and in line 24, after the word "ninety-four," to strike out "twelve" and insert "completing improvement, nineteen"; so as to make the clause read:

Improving Sasanoa River, Maine, according to plan submitted December 19, 1894, completing improvement, $19,000.

The amendment was agreed to.

The next amendment was, on page 40, line 10, before the word "thousand," to strike out "fifteen" and insert "ten"; and in the same line, after the word "which," to strike out "ten" and insert "five"; so as to make the clause read:

Improving Weymouth River, Massachusetts: Continuing improvement, $10,000, of which $5,000 shall be used in the improvement of Weymouth Back River.

Mr. LODGE. I hope the committee will not insist on the amendment here proposed. It is a very small matter. I think it proceeds on a misunderstanding, that the appropriation was reduced from $10,000 to $5,000 on the idea that a survey of a portion of the river had not been completed. It is true that a part of the survey has not been completed, but for the portion absolutely completed the engineer estimates $22,000. Twenty-five hundred dollars was appropriated in the Fifty-third Congress. The appropriation was too small to begin the work. With $5,000, making in all $7,500, it would still be too small to begin the work profitably, and the whole business would be left to a protracted delay. I have here a letter from one of the large manufacturing companies on the stream, which states that—

We are very greatly disappointed at this, for the reason that we have been waiting patiently for years to get enough money to improve this channel. At present we have but 16 feet of water at high tide and 8 feet at low tide. The channel is very narrow and crooked, and it is with difficulty that we can get in vessels carrying 800 to 900 tons. Even our own towboat can not reach our works at less than about half tide. One hundred and fifty thousand tons of goods go in and out of this river annually, and as we are remote from the railroad, we are dependent upon water transportation.

The letter then goes on to make the statement which I have made in regard to the amount needed. It is a tide-water river, flowing into Boston Harbor. It is a large manufacturing town, which lies apart, off from the line of the railroad.

Mr. MITCHELL of Oregon. How many tons?

Mr. LODGE. One hundred and fifty thousand tons of goods came down the river last year. The amount asked altogether is $10,000, which is not an excessive appropriation. Twenty-two thousand dollars is needed to complete the improvement now estimated for by the engineers. There is a large business there and the people are dependent on this water service. I think there have been no increases asked in the Senate of any of the Massachusetts appropriations, but I do hope that the committee will be willing to allow the House appropriation to stand. I do not seek any increase, but simply that it shall stand at $10,000 instead of $5,000.

Mr. FRYE. It is just to the Senator from Massachusetts to state that when the committee made this amendment they did not have the papers showing a second project to which the Senator refers.

Mr. LODGE. I did not have it then, but I have it here in the report of the committee:

The project for the improvement of Weymouth (Back) River was submitted February 7, 1891. It proposed to dredge a channel through the outer bar 200 feet wide and 12 feet deep at mean low water.

At an estimated cost of $22,000. That is for the survey actually made. As I understood it, the appropriation was reduced $5,000 because the upper part of the river had not been surveyed, and at the time I supposed that it was to cover all parts of the river.

Mr. FRYE. I think it is all right to disagree to the amendment.

The amendment was rejected.

The next amendment of the Committee on Commerce was, on page 41, line 2, after the word "submitted," to strike out "by Col. S. M. Mansfield, December 31, 1890," and insert "in the Annual Report of the Chief of Engineers for 1891"; so as to make the clause read:

Improving Town River, Massachusetts, in accordance with recommendations submitted in the Annual Report of the Chief of Engineers for 1891, $10,000.

The amendment was agreed to.

The next amendment was, on page 41, line 13, to increase the appropriation for improving Pawcatuck River, Rhode Island and Connecticut, from $6,000 to $15,000.

The amendment was agreed to.

The next amendment was, on page 41, line 15, after the word "improvement," to strike out "$14,000" and insert:

According to the report of the Chief of Engineers, dated April 9, 1896, $2,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary for the completion of such project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $707,000, exclusive of the amount herein and heretofore appropriated.

So as to make the clause read:

Improving Providence River and Narragansett Bay, Rhode Island: Continuing improvement, according to the report of the Chief of Engineers, etc.

The amendment was agreed to.

The next amendment was, on page 42, line 13, after the word dollars, to insert:

And the Secretary of War is hereby authorized and directed to prescribe suitable rules and regulations in respect to the height and construction of the pilot houses, flag poles, and smokestacks of all tugs propelled by steam, with or without vessels in tow, habitually using said river, from and after the completion of the bridges at Third and Fourth avenues, now being modified by direction of the Secretary of War in accordance with the act of Congress approved September 19, 1890, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," to the end that the draws of said bridges shall not be required to be opened or operated oftener than necessary between 10 o'clock in the forenoon and 5 o'clock in the afternoon: *Provided*, That the draw of the bridge at the mouth of Spuyten Duyvil Creek, authorized by the Secretary of War August 28, 1894, to be reconstructed at the height of only 3½ feet above high water, be opened at all times during the day and night when approached by boats desiring to pass it:

So as to make the clause read:

Improving Harlem River, New York: Continuing improvement, $125,000. And the Secretary of War is hereby authorized and directed, etc.

The amendment was agreed to.

The reading of the bill was continued to line 13 on page 43.

Mr. FRYE. In line 13 I move to strike out the words "For maintenance" and insert "Continuing improvement"; so as to make the clause read:

Improving Browns Creek, Sayville, Long Island, N. Y.: Continuing improvement, $4,000.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, on page 43, line 16, after the words "New York," to strike out "Continuing" and insert "Completing"; and in line 17, before the word

"thousand," to strike out "nine" and insert "thirteen"; so as to make the clause read:

Improving Patchogue River, New York: Completing improvement, $13,000.

The amendment was agreed to.

The next amendment was, on page 43, line 20, before the word "thousand," to strike out "twenty-five" and insert "eight"; and in line 22, after the words "Cross-Over Light," to strike out "in the St. Lawrence River between Ogdensburg and the foot of Lake Ontario"; so as to make the clause read:

Improving shoal between Sister Islands and Cross-Over Light, St. Lawrence River, New York: Continuing improvement, $8,000, to be expended for improving shoals between Sister Islands and Cross-Over Light.

The amendment was agreed to.

The next amendment was, on page 43, line 25, before the word "river," to insert "Congress in the," and on page 44, line 2, before the word "thousand," to strike out "fifteen" and insert "ten"; so as to make the clause read:

Improving Niagara River from Tonawanda to Port Day, in accordance with plan adopted by Congress in the river and harbor act of August 17, 1894: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, on page 44, line 5, after the word "submitted," to strike out "by Col. G. L. Gillespie, August 25" and insert "in the Annual Report of the Chief of Engineers for"; so as to make the clause read:

Improving Bronx River, New York, in accordance with the plan submitted in the Annual Report of the Chief of Engineers for 1891, $10,000.

The amendment was agreed to.

The next amendment was, on page 44, line 19, after the word "the," to strike out "approved project for its improvement" and insert "project submitted January 7, 1895"; so as to make the clause read:

Improving Dennis Creek, New Jersey, in accordance with the project submitted January 7, 1895, $5,000.

The amendment was agreed to.

The next amendment was, on page 44, line 23, before the word "improvement," to strike out "Continuing" and insert "Completing"; so as to make the clause read:

Improving Elizabeth River, New Jersey: Completing improvement, $3,160.

The amendment was agreed to.

The next amendment was, on page 45, line 14, after the word "plan," to strike out "recommended by Maj. C. W. Raymond, and printed in House Executive Document No. 176, Fifty-third Congress, third session, thirty-five" and insert "submitted January 4, 1895, thirty-seven," and in line 20, after the word "be," to strike out "immediately available, to be"; so as to make the clause read:

Improving Cooper Creek, New Jersey: Completing improvement in accordance with the plan submitted January 4, 1895, $37,000; of which amount $2,500, or so much thereof as may be necessary, shall be expended in rebuilding the dike on Government reservation in the Delaware River at Woodbury Creek.

The amendment was agreed to.

The next amendment was, on page 45, after line 24, to strike out:

For completion of lock and dam at Herr Island, Allegheny River, and construction of the two locks and dams referred to in the report of Maj. R. L. Hoxie, in House Document No. 204, Fifty-fourth Congress, first session.

And insert:

For continuing construction of lock and dam at Herr Island, Allegheny River, under existing project, and commencing construction of two additional locks and dams on said river, one above the head of Six Mile Island and the other at Springdale, according to report submitted January 22, 1896.

So as to make the clause read:

For continuing construction of lock and dam at Herr Island, Allegheny River, under existing project, and commencing construction of two additional locks and dams on said river, one above the head of Six Mile Island and the other at Springdale, according to report submitted January 22, 1896, $50,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the projects of improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $894,500, exclusive of the amount herein and heretofore appropriated.

The amendment was agreed to.

Mr. ALLEN. I notice on pages 44 and 45, as well as through the bill generally, there are a number of appropriations for the improvement of creeks, and without any statement as to the character of the creek or the ends to be accomplished by their improvement. For instance, on page 44, "improving Alloway Creek, New Jersey," $3,000; "improving Dennis Creek, New Jersey," $5,000; on page 45, "improving Goshen Creek, New Jersey," $3,000; "improving Cooper Creek, New Jersey," $37,000, etc. I have not observed that it is proposed we shall improve any ditches. I have not examined the bill closely enough to see whether any ditches are to be improved or not, but when we go from rivers and harbors down to creeks I think we ought to have an explanation from the honorable chairman of the committee showing the character of the creeks, their width, their present depth without the improvement, what will be required to improve them, the final cost of the improvement, what the improvements are to be, and what will be accomplished in aid of commerce when the improvements have been made.

Mr. FRYE. Some of these creeks are more important than a large majority of the rivers. One-half of Louisiana at least, as the Senator from Nebraska must be aware, is a very flat, low State, and it is bisected all around by tide water. The tide water extends up into the State for miles and miles and it is unfortunately called a creek. There are a great many of them in the South of the same character.

Mr. ALLEN. I am not speaking of Louisiana.

Mr. FRYE. They call them bayous in Louisiana.

Mr. ALLEN. I am not speaking of the lagoons or bayous of Louisiana. I am familiar with them to some extent, and they are rivers as a matter of fact.

Mr. FRYE. The creeks in New Jersey are precisely the same as bayous.

Mr. ALLEN. But the creeks where there is barely a foundation or barely a ditch, and that by a lavish expenditure of money can be converted into a river or a channel, I think, require some explanation at the hands of the Senator.

Mr. FRYE. If the Senator will look at the report of the committee he will find in every one of these cases just what the creek is. It is an unfortunate name, as bayou is an unfortunate name. If they were called rivers it would be all right and nobody would raise any question at all. But the creeks may be carrying a commerce which is hardly equaled by any of the great rivers in the country. There are very important creeks in New York. Take Newtown Creek, in New York. There is a provision in the bill for continuing contract. The commerce on that river I think amounted last year to about $86,000,000. That is Newtown Creek.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 6293) to increase the pension of Peter Rafferty; and

A joint resolution (H. Res. 180) for the relief of Ex-Naval Cadet Henry T. Baker.

The message also announced that the House had passed a concurrent resolution authorizing the President of the Senate and the Speaker of the House of Representatives to close the present session by adjourning their respective Houses on Monday, the 18th day of May, at 2 o'clock p. m.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 4th instant approved and signed the act (S. 67) for the relief of E. R. Shipley.

PROPOSED INVESTIGATION OF BOND SALES.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A resolution submitted by Mr. PEFFER, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

The VICE-PRESIDENT. The question is on agreeing to the resolution, on which the Senator from New York [Mr. HILL] is entitled to the floor.

Mr. PEFFER. Will the Senator from New York yield to me for a moment?

Mr. HILL. Certainly.

Mr. PEFFER. I desire to inquire whether it suits the convenience of the Senator from New York to agree upon a time—some time during the day—when we might reach a vote upon the pending resolution?

Mr. HILL. I am unable at present to fix such a time, I will inform the Senator.

Mr. PEFFER. Would it——

Mr. HILL. I will proceed as diligently as possible and present my views. Of course I can not speak for any others who may wish to address the Senate upon the subject.

Mr. PEFFER. I understood yesterday that the Senator from New York would probably be able to complete his argument this day, within an hour or two, at any rate. I am extremely anxious, and so are other Senators, that we should dispose of the resolution soon—as soon as convenient, at least. I will ask the Senator, then, whether he would be willing to fix some hour to-night—say at 8 or 9 o'clock—the Senate to proceed without an adjournment?

Mr. HILL. I should prefer not to do so at this time.

Mr. PEFFER. Then, Mr. President, I do not see any other way than to ask the Senate to remain in session until the resolution is disposed of. I will give notice to all, particularly to the Senator from New York, that objection will be made to the

consideration of every other proceeding except the bond resolution until it is disposed of, and I will ask the Senate to remain in session and to oppose all motions to adjourn until we have concluded the consideration of the resolution.

Mr. HILL. The course marked out for himself by the Senator from Kansas, namely, the refusal to allow any Senator to call up any other business in the meantime, will not specially inconvenience me; it will only inconvenience other Senators who desire to transact the public business.

Mr. PEFFER. I will state to the Senator that I have no other understanding than that no Senators, except probably himself and one or two upon the other side of the Chamber and none on this side, expect to take any further part in the discussion of the resolution. So I am not trying to cut off——

Mr. HILL. The difficulty seems to be that the distinguished Senator from Kansas really obtained the consent of the Senate to proceed with the resolution under what in other places might be termed false pretenses. I called the attention of the Senate to the fact that the Senator from Kansas assured the Senate when it took up the resolution that the friends of the resolution did not propose to submit any further remarks.

Mr. PEFFER. That was my understanding.

Mr. HILL. The Senate will recall the fact that I questioned the authority of the Senator from Kansas to make that statement. I said he assumed to speak for all the friends of the resolution when it was very questionable whether he had the power to do so.

Mr. PEFFER. Will the Senator allow me at that point? He surely misunderstood me.

Mr. HILL. I will yield in a moment, please. Yesterday, after I had spoken an hour or so, I was unexpectedly called upon to yield by the Senator from South Dakota [Mr. PETTIGREW], who had a regular prepared written speech of an hour and a quarter, and with that courtesy which I usually exercise or endeavor to exercise I felt constrained to yield to him.

Mr. PEFFER. Now, will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Kansas?

Mr. HILL. The Senator may be just as much mistaken now about the fact that no friend of the resolution proposes to speak as when he first obtained the consent of the Senate to take up the resolution upon the assurance that the friends of the resolution did not propose to make any further remarks.

Mr. PEFFER. I suppose the Senator from New York understands well enough that I did not assume to speak for every Senator. I only gave what was my opinion in the premises, that there would be no disposition upon the part of the friends of the resolution to consume time in discussing it. I had no knowledge until yesterday, probably about this time or later in the day, that the Senator from South Dakota had in his mind a desire to occupy some time. It was as much a surprise to me as it was to the Senator from New York. I do not now presume to speak for anyone personally.

Mr. HILL. There was, then, a mutual surprise.

Mr. President, I do not begrudge the time that was taken by the Senator from South Dakota upon the pending question. He contributed some new ideas to the discussion, and it has given me an opportunity to reply. I thought the friends of the measure would not feel as though it was incumbent upon them to remain entirely silent in regard to the arguments presented against the resolution, and the Senator from South Dakota seems to have been prepared for some time to enter into the discussion. I welcome him into the arena of this debate.

I was a little surprised at some of the suggestions made by the Senator from South Dakota. I was surprised at his frequent quotations from what he called the metropolitan or city press. He read several long extracts from a portion of the New York press. He commented upon articles which had appeared in such press as though they were conclusive of the questions involved. Undoubtedly he has a very high opinion of the press of New York City or he would not have taken the pains to put large extracts from the metropolitan newspapers in the RECORD. It was the confidence that he had exhibited in the New York papers which undoubtedly induced him to make the extracts.

The Senator from South Dakota is rather a new convert in his admiration for the great metropolitan city dailies. Someone has honored me with a speech, elaborately gotten up in pamphlet form and beautifully covered, upon the subject of "The editor in politics," delivered at an editorial banquet at Sioux Falls, S. Dak., October 2, 1895. It is entitled "The editor in politics—Response by R. F. PETTIGREW." I want to read a few extracts from that speech.

The opening sentence is very good. He was speaking before this editorial association. He says:

I stand before you to-night because you have called me—

That was very kind of him—

not because I expect to say anything that will be of value to you.

And from an examination of the speech I think it is evident that neither he nor his audience was disappointed in his expectations. [Laughter.] He then proceeded to pay a compliment to the press generally. I will read a few extracts:

It is a trite saying that a free press is the fountain of liberty.

That is absolutely a new idea. No one had ever contributed that sentiment before. Then he further says:

A government for all the people can not long exist in which the press is dominated by any influence except the popular voice.

Then he proceeds to speak of the dangers that are menacing the press of the country. The dear good soul seems to be disturbed over the stability of our free institutions on account of the existence of the metropolitan press. He says:

If the voice of the press is merely an echo of the voice of monopolies and trusts, of jugglers in money and gamblers in stocks—

Then he has great fear of the permanency of our institutions.

Have we not—

He says—

in this country reasons for forebodings in this direction?

Then he says:

There is no cause for inflammatory language, but he is no alarmist who tells of real danger, nor is he a wise man who hides his head from it like an ostrich in the sand.

The Senator from South Dakota does not propose to hide his head, like an ostrich, in the sand, encountering any peril that may exist to the rest of his person in case he does so.

He further says in this speech:

What of the future? Is there no cause for vigilance? Who does not see in the heavens the menace of that eclipse of virtue, in the shadow of which the great Republic may pass?

Now comes a surprising statement in regard to the city newspapers, from which he quoted so liberally yesterday in condemnation of the President and the Secretary of the Treasury:

Most of the great papers in our great cities are owned by corporations, and they are striving to shape the sentiment and direct the opinion of the people of this country, not in the interest of right or of public opinion, but to advance the interests, pecuniary or otherwise, of the owners of the stock. The columns of these great papers are no longer filled with the writings of great men whose souls are stirred by a love of country and a sense of duty, but by hired men—

"Hired men"—

who are directed from the business office to write that which will best serve the purpose of the soulless gamblers who own the stock. To-day these journals refuse to publish any attack upon corporate greed or a corrupt financial system, but their columns are always open for the defense of these enemies of public liberty.

These sentiments are very high-toned; they are put upon an elevated plane. Then he proceeds to advise the newspaper fraternity, and says:

You should lead and form that sentiment uninfluenced by the corporate press and by corrupt influences of every sort. The hope for the future is with you.

Having unloaded the hopes of the future upon the editors, then comes a most surprising statement:

If I were editing a paper I should examine with care the articles in any ready-print or plate matter, and if it did not accord with my sentiments it should not go to my readers.

Just a word in regard to that. If he were editing a newspaper he never would publish the speech of an adversary; he never would publish a comment of an opposition paper; he would not educate the people who should read the newspaper, but he would keep out of his particular newspaper anything which did not accord with his own particular sentiments. How delightful and elevated that would make the newspaper press! How greatly it would educate the people if a newspaper were conducted upon that narrow plane of keeping everything out of it which did not agree with the particular sentiments of the man who was running the newspaper, and yet expect the people to acquire knowledge and information! It would be a fine and valuable newspaper which my friend from South Dakota would conduct.

Then, further—and I want to call attention to that one thing—he winds up by saying:

One thing is sure, no man of merit was ever destroyed by falsehood.

There is nothing like having one thing that is sure.

Mr. President, that remark is opportune to-day, because I think in the speech of the Senator yesterday he was disposed to utter some calumnies against high public officials whose reputations will live in this country in years to come when the distinguished Senator from South Dakota and myself shall probably be forgotten. Yet we may be assured from this speech that one thing is sure, that no man of merit was ever destroyed by falsehood. President Cleveland and Secretary Carlisle may therefore take hope and courage. They will not be injured by these attacks. Their good reputations will live in all the ages to come, because their good names can not be destroyed by falsehood.

Further, he speaks of the metropolitan press, from which, yesterday, he quoted so liberally:

Generally, however, an anonymous corporate press is the paid advocate of some interest, and its editorials are ordered from the business office often by men who can not speak the English language correctly.

Exactly what New York newspaper the Senator is now condemning or criticising I do not know. It has been supposed that there were some rather pro-English or other foreigners editing or controlling some of our New York newspapers. Possibly the criticism was intended to apply to those.

Mr. President, I shall not quote further from this elegant speech of the Senator from South Dakota, but shall proceed to notice some of the suggestions which he made yesterday upon the questions here involved.

Not much information is usually to be obtained during an argument before the Senate by quoting the opinions of partisan newspapers. I myself very seldom adopt that course. Once in a while, to illustrate an argument, I put in a newspaper extract. My attention is also called to a speech delivered by the Senator from South Dakota in the city of Sioux Falls, February 19, 1896, when it is understood that he went home to that city for the purpose of looking after the Republican primaries. It was a red-hot silver speech. I want to ask the Secretary to read it.

The PRESIDING OFFICER (Mr. THURSTON in the chair). The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

PETTIGREW ON SILVER.

The following extract from the speech of Senator PETTIGREW in the city of Sioux Falls, February 19, 1896, hits the nail square on the head. The Senator is not a Republican on the silver question, and he can not be consistent with himself nor honest with the people while he sails under Republican colors:

"If the Republican party will be honest with itself, and declare for honest money, for sound money, for regulation and control of railroad transportation, we can carry the State of South Dakota as we have always carried it.

"I say sound money—honest money—because an honest dollar is a steady, even, unchanging measure of value—qualities which do not pertain to gold. A gold dollar is the thieves' money, that grows in the night—

Mr. HILL. What was that? I did not catch that sentence.

The Secretary read as follows:

A gold dollar is the thieves' money, that grows in the night, commanding each day more of the result of toil and human sacrifice. Unchangeable gold! What rotten nonsense. If when you contract a debt, agreeing to pay it in gold five years hence, you find at the end of that time it takes twice as much as the results of your labor, twice as much as the products of your farm, to secure the gold dollar with which to cancel your debt as it did when you contracted the debt, you have been robbed to that extent in the interests of the idle. The dollar has increased in value; your products were worth as much as ever they were. Did you know that it is a fact that a pound of silver as silver, uncoined, not as money, will to-day buy as much of all the things that human toil and human sacrifice produce as it would twenty years ago? An ounce of gold, a pound of gold, will buy twice as much of all the things that are produced by human toil and human efforts—of all of the things which you wear and eat and use—as it would twenty years ago. If that is the case, what has changed in value? But you say that silver and all the products of the world have declined while gold has remained stationary. That is one way of putting it. The fact is that gold has doubled in value while silver and all the products of toil have kept together. They have remained staple, unchanged, while your gold has gone up each day higher and higher, growing in value, until it has laid all the burden upon the toiling masses, in the interests of the owner of credits. If I had my way I would demonetize gold.

Mr. HILL. What was that? Read that again.

The Secretary read as follows:

If I had my way I would demonetize gold. I would refuse it the power of legal tender, and I would prohibit and prevent, if necessary by taxation, the making of another debt in the United States payable in gold.

Mr. PETTIGREW. Will the Senator yield to me?

Mr. HILL. Not now.

Mr. PETTIGREW. I want to say that I indorse that doctrine now as I did then.

Mr. HILL. Mr. President, then in view of that statement, I shall now quote from a newspaper of Sioux Falls a description of the part which the Senator took in the proceedings at the Republican convention which was recently held and which instructed for Mr. McKinley and also in favor of what they called sound money.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

HE MET HIS WATERLOO.

Seldom in the history of politics has a United States Senator received a more complete and emphatic turndown than that which was given to Senator PETTIGREW by the Huron convention. He gets to go to St. Louis—as a matter of grace—but he goes pledged to work against free silver, though believing or professing to believe that the people of his State are being robbed hourly by the gold standard, and he is instructed to work for the nomination of his personal enemy, William McKinley, for President. He was put at the foot of the delegation, all of the rest of which is anti-PETTIGREW. He will have no voice in the work of the delegation at St. Louis, will have nothing to say about the choice of a national committeeman, and will be merely a figurehead on a delegation where he is alone and on which he was placed by the generosity of the opposition. The effort of the PETTIGREW crowd to put Harvey Jewett, of Aberdeen, on the delegation, despite the action of the Fifth district, was defeated by a vote of 276 to 321, which shows that PETTIGREW himself could have been denied even the sorry comfort of a trip to St. Louis had there been a disposition on the part of the anti-PETTIGREW people to further humiliate the Senator.

At the beginning of this campaign Mr. PETTIGREW made a rank free-silver speech at the opera house in this city. He declared that the citizens of this State were being robbed daily by the gold standard, that the Jews had a corner on gold, and were exacting of producers a heavy daily tribute. He declared that he did not care whether he went to St. Louis or not, but that if the Republicans of the State wanted him to go to St. Louis to use his influence and acquaintance to secure a free-silver plank in the national platform he would accept the commission. This speech is too recent in the minds of men here and over the State to need further elaboration. Last night at Huron the Senator pledged himself to go to St. Louis and work for the adoption of an anti free-silver plank. He agreed to stand upon a sound-money plank. He kept silent while speakers in the convention were denouncing his views on the money question as rank Populism. He promised the convention to work for the perpetuation of that system which he declared a few weeks ago was robbing the people of his State, and which had crippled the industries of his country! He said not a word in defense of his principles, but abandoned them all with pitiable humility, and all this in order to get to go at the foot of the delegation to St. Louis.

The Argus-Leader did not believe that Senator PETTIGREW would accept such a small crumb at so great a sacrifice. It brings into serious question the sincerity of his principles. Most self-respecting men would have refused to go on the delegation under the conditions named. He had declared that he wanted to go to St. Louis—not because he wanted the honor or the trip, but because he hoped to accomplish something for his State in the way of a free-silver platform. But the Republicans of his State told him emphatically that what this State wanted was a sound-money platform. And then the Senator rises and declares that if the people would let him go to St. Louis he would abandon his free-silver views and work against the promotion of what he professed only one short month ago was his sole motive in wanting to go! We doubt if there is another public man in the State, and we are sure there is not another United States Senator in the West, who would put himself in so humiliating and equivocal a position. If Mr. PETTIGREW had refused the conditions, and declined to accept a place on the delegation, there would have been something of honor and dignity in his defeat. But there is nothing but humiliation and sorriness in a victory which means the abandonment of every principle. Mr. PETTIGREW's acceptance promptly proves that what he repeatedly said here about his motive in wishing to go to St. Louis is untrue, for he is just as anxious to go when that motive is removed. He has repudiated his views and foresworn himself, in order to make it appear that he has won a fight in which all thinking men will at once see an almost crushing defeat.

Mr. WOLCOTT. Mr. President. I rise to a question of order.

The PRESIDING OFFICER. The Senator will state his question of order.

Mr. WOLCOTT. It certainly is in violation of every canon of decency and of good taste, in my opinion, for a Senator to ask to have read an irresponsible editorial in some newspaper the effect of which is personally to slander and abuse a brother member of this body; but if any Senator believes that such a course is fitting and wise and proper I insist that he read the article himself.

Mr. HILL. Mr. President, in answer to the unnecessary and unbecoming suggestion of the Senator from Colorado, I think it is entirely appropriate and becoming when a Senator the day before had read and had inserted in the RECORD an article from a New York newspaper attacking the President of the United States and the Secretary of the Treasury, and that not an irresponsible newspaper article either, that another article from another newspaper upon the other side in regard to the Senator himself should be read. The attention of the Senator from Colorado possibly has not been called to the RECORD of yesterday, in which the President of the United States and the Secretary of the Treasury are most shamefully abused. I, sir, should not have proposed to read that Sioux Falls article had not the Senator from South Dakota himself put that New York newspaper article in evidence. I will gratify the Senator from Colorado and read the rest of the article myself, and request that it be passed to me for that purpose. [The newspaper slip was handed to Mr. HILL]. The article continues:

Nor is this all. Mr. PETTIGREW goes to St. Louis instructed to help secure the nomination of a deadly personal enemy for President. To prevent these instructions the Senator worked hard. For weeks his personal organ, the Sioux Falls Press, has teemed with columns of pleadings asking that the convention make no instructions. Every argument was used to persuade against instructions, but in spite of this, when the PETTIGREW delegation from this county reached Huron, it had to join in the McKinley cry, and Mr. PETTIGREW himself had not only to agree to go on an instructed delegation, but to promise that if he went he would not break his instructions. It was a double dose, and there was no sugar coating on either.

There are some other Senators here who can appreciate that as well as the Senator from South Dakota.

In view of these facts the solemn declaration of the Press that everything was harmonious and lovely at Huron and that there never was a State convention "which left so few heartburnings as that of to-day" is a performance calculated to make a brazen monkey convulse with laughter. The fact is that there never was a convention which gave a more signal or complete drubbing to a man than that administered to Mr. PETTIGREW and his gang. A more direct or cruel slap could not have been administered, and if Mr. PETTIGREW and his crowd have no "heartburnings" it is not because they have no reason but because they have developed the Christian virtues of humility and resignation to an excessive and unexpected degree.

In addition, the distinguished Senator from South Dakota yesterday saw fit to characterize me as the champion of Morgan & Co.'s syndicate. I had commented upon the dealings of the syndicate; I had defended, as I thought was proper, the transactions of the Secretary of the Treasury, and that was all; but I was to be characterized and stigmatized as the champion of Morgan & Co. when I never met more than one member of that firm in my life, and that was in my official capacity when governor of the State of New York.

In addition to that, the distinguished Senator saw fit to allude to my opposition to this resolution as the "frantic efforts" of the Senator from New York. My efforts have not been quite so frantic in opposition to this resolution as were the efforts of the Senator from South Dakota to become a sound-money delegate to the St. Louis convention.

Mr. President, newspaper articles do not count for much upon either side, I concede, but when Senators rise in their places and read from New York and other newspapers elaborate attacks against citizens of my State, I retaliate in kind. I know it has become a popular thing here in the Senate when a speech is made upon certain subjects to abuse New York. We have listened to many speeches to which I could call the attention of the Senate, speeches against the business men of New York, its millionaires, its men of wealth, and its business men who have given honor and credit to my State, and I have sat here day after day and month after month and year after year, and have said but little in reply. Mr. President, that sort of abuse has got to be stopped, unless I have the opportunity to retaliate in kind. If newspaper articles are to be read against citizens of my State, against high public officials who have received the suffrages of the people of the country, then, sir, I propose to read extracts against those who see fit to resort to that sort of argument.

Mr. President, after these few preliminary observations, I will proceed to renew this discussion upon the lines where it was left last evening. The Senator from South Dakota argued—and he had a right so to argue from his peculiar standpoint—that there was some wrong done in some way in the turning over of the Graves bid to the Morgan syndicate. I have discussed that question about as fully as I care to. I have shown that Morgan & Co. were the highest bidders, and that, therefore, they were entitled to have the Graves bid turned over to them. I want to read one remark, one admission, made by the Senator from South Dakota in the discussion of this question. He said—

When the Graves bid failed it was as if no bid had been made.

That statement gives away the whole case. I am ready to take judgment upon that admission, "it was as if no bid had been made." Then, for the purposes of the argument, I will strike that bid out entirely, as though it was naught, as though it had not been presented, as though there never had been a Graves bid. The syndicate, Morgan & Co., would then have had every one of the $4,500,000 of bonds, because they were the next highest bidders. There is no answer to this proposition; and there can not be an answer to it. The Graves bid was not in the case; it was not there; it was not entitled to be considered. The Graves bid was first accepted, and then, when default was made, the Senator is right in saying that it was as though no such bid had been made, and therefore in looking at the bids the Secretary of the Treasury had a right to fall back to the next highest bid. That was good faith toward every man who made a bid, and every bidder had made his calculations upon that very course being pursued.

I have already answered the proposition that it was the duty of the Secretary of the Treasury to readvertise for bids. I am not going to spend any time upon the point that it was the duty of the Secretary of the Treasury to accept a private bid made after the defaulting day. It was easy enough to make "a bluff." Certain gentlemen whose letters to the Department have been put in the RECORD say they offered the Secretary of the Treasury to pay a higher sum than the Morgan bid after the Graves default. The acceptance of that offer would have been unjust to every other bidder, and especially unjust to the Morgan syndicate. When the Secretary of the Treasury offered these bonds for sale it meant that they would all be disposed of at that time. There was not to be any subsequent public bidding; there was not to be subsequent private bids. There were not to be readvertisements and reletings; it was to be one complete transaction. Therefore, I am not going to spend any further time on that branch of the case. Senators who seem to think that some wrong was done in regard to the Graves bid should volunteer to become Mr. Graves's counsel, for he is sorely in need of a defender in the courts. His counsel have withdrawn the case, abandoned it, eliminated it from the docket. There are others who say that Graves had a legal right, that he should have recovered, that he should have continued the prosecution, and have gone on with it; and the Senate of the United States is proposed to be made an instrument by which to investigate that litigation.

What further? Let me call the attention of the Senator from Colorado [Mr. WOLCOTT]. I am sorry that he is not present. I want to know what that distinguished and fastidious Senator thinks of this language which yesterday passed from the lips of the Senator from South Dakota. The Senator from South Dakota had read a portion of the speech of the distinguished Senator from Ohio [Mr. SHERMAN], in which that Senator had taken occasion to say, undoubtedly under the dictates of his best judgment, that there was little or no criticism to be made of the conduct of the Secretary of the Treasury so far as the bond transactions were concerned. The Senator from South Dakota seems to think in his superior judgment that that was a bad admission for the Senator from Ohio to make. He knows better, of course, about the finances of the country than the Senator from Ohio. With all his vast experience in the management of the finances of South Dakota, if he ever had any, he would likely know better than the Senator from Ohio. I am not going to say the Senator from Ohio was right or wrong. That is his business. I think he made that statement from his conscientious conviction that he ought to make it. Whether he did so or not, he said it, and he alone is responsible for it, and he undoubtedly will stand by it. It did not lie in the mouth of the Senator from South Dakota to rebuke the Senator from Ohio. Where is the Senator from Colorado now, the friend of the Senator from South Dakota? I interrupted the Senator from South Dakota and said:

Mr. HILL. Will the Senator from South Dakota allow me? Who is more competent to speak upon that subject than the distinguished Senator from Ohio, who for so many years had charge of the great finances of the country?

Mr. PETTIGREW. My answer to that question would be a matter of opinion, and therefore I will not burden the Senate with it.

Then he proceeded immediately to burden the Senate with it.

I do not doubt that the Senator from New York and the Morgan syndicate will forever proclaim that the Senator from Ohio is the best authority who can possibly be found so long as his opinions indorse the plunder of the people and the robbery of the Treasury.

Where was the Senator from Colorado when that coarse fling was made on the floor of the Senate Chamber—he who gratuitously sets himself up to defend the dignity of this Senate and to rebuke little mild newspaper utterances which I had the honor of reading here?

What further? New York must be abused, of course. That is the fashion. There has not been a speech made in the Senate upon the financial question by some parties in the last three or four years in which New York was not traduced, its business men held up to scorn, its public men condemned, and legislation advocated directly against its interests, and yet the Senator from New York must remain here quiet, he must permit his constituents to be assailed by coarse epithets and not speak a word in their defense. That time has passed.

What further? I want to quote now from the Senator from South Dakota:

It is my opinion that this bad faith on the part of the Administration was planned in advance—

The Senator from South Dakota has discovered a deep-laid conspiracy—

and for the purpose of depressing the price of the bonds and ruin the credit of the Government, so as to compel Congress to enact such financial legislation as the President might demand, and afterwards turned to account in enriching the favorites of the President, if not the President himself.

Where is the Senator from Colorado now? It was all right for him to sit here in his seat last night and permit the insinuation that the President of the United States is sharing the profits of bonds with his favorites. Not one word did my English friend from Colorado have to say in regard to that. He defends the English Government, English statesmen, English soldiers, English policy. He has not one word to say in defense of an American President of the United States.

Then, further, simply because Mr. Francis Lynde Stetson, a prominent lawyer of New York, is a subscribing witness to the syndicate agreement, Mr. Stetson must be dragged into the controversy as the law partner of the President. The President has had no connection with that firm for some time, and it was a mere nominal one even when it existed years ago. It is a well-known fact, as I am advised, that Mr. Stetson is related to one of the numerous members of the firm of J. P. Morgan & Co., and that he has been the counsel for that firm in many transactions in the past, and most important ones. He is an able lawyer, employed by numerous business men in the city of New York. He simply witnessed the contract, being one of the counsel engaged by those people.

Yet without any sort of reason it is sought to suggest that there was some wrong in the fact that Mr. Stetson signed his name as witness to the contract. There is no disputing the fact that he acted for his relative if not for the firm. There was nothing to conceal about it; if there had been, they might have adopted the South Dakota tactics and put some other name in the place of that of the law partner. No, no! The very fact that Mr. Stetson boldly and openly signed his name to the paper is evidence of the consciousness that there was nothing wrong. Yet his name must be dragged into the debate over and over again, with coarse insinuations that the President of the United States is personally in some way enriching his favorites. That is the term that the Senator from South Dakota used—"enriching his favorites."

Mr. President, what further does the Senator say? Where is the Senator from Colorado now, when I read this statement?

Mr. PETTIGREW. This seems to have been a transaction where there was a partnership as to profits between the Secretary and a syndicate of bankers, and the interest of the people of the United States was entirely left out of the reckoning.

I will read it again:

This seems to have been a transaction where there was a partnership as to profits between the Secretary and a syndicate of bankers.

What further, then, does the Senator from South Dakota say?

After having charged that this seems to have been a transaction where there was a partnership as to profits, he says:

That seems to have been the sum and substance and gist of the whole transaction—rotten and dishonest and corrupt to the core.

If there was a partnership in the profits between the Secretary of the Treasury and the syndicate it follows, as a matter of course, and it would so be regarded, I think, even in South Dakota, that it was rotten and dishonest and corrupt to the core.

Mr. President, the other day in answer to some suggestions of the Senator from Massachusetts, the Senator from Kansas, who is usually very deliberate, and I must say usually fair in his statements, disclaimed any idea of casting any reflections upon the integrity either of the President of the United States or the Secretary of the Treasury; and I was asked what objection I could have to the resolution of investigation when there was this disclaimer upon the part of the distinguished author of the resolution. The Senator this morning said he was surprised, as I was, at the remarks made yesterday by the Senator from South Dakota; that is, they were unexpected at that time from anybody. What becomes of the disclaimer now in the light of the accusations of the Senator from South Dakota? Can Senators justify themselves in voting for the resolution now, even though its form has been modified and changed so as to make it less offensive, when other Senators rise in their places and indulge in serious accusations like these without proof? Has it come to this—that we are to order an investigation simply upon the ipse dixit of Senators who in the heat of the discussion make serious reflections upon public officials like these?

The Senator from Colorado [Mr. WOLCOTT] spoke a short time ago about conduct "contrary to every canon of decency and good taste." I reply and say it would be unbecoming the Senate—a violation of decency and good taste—to dignify this proceeding, after what was said yesterday by the Senator from South Dakota [Mr. PETTIGREW], by passing any sort of resolution of investigation. When somebody will bring in a written accusation, when somebody will give us some proof of wrongdoing, when somebody will present evidence that can be sifted and analyzed, then it will be time enough to proceed with an investigation such as this.

There are some other allusions in the speech of the Senator from South Dakota to which I will refer. Speaking of the Secretary of the Treasury, he says:

He did dispose of the Graves bid at private sale.

My answer to that statement is that he disposed of the Graves bid to a bidder who had duly made his bid with all the others prior to the opening of the bids.

It is true the bid was not made in pursuance of an advertisement—

Referring to the other bid, which was made intermediately—

nor was the bid of Morgan made in pursuance of advertisement. They were both private bids. The simple fact is that the Secretary of the Treasury sold $5,000,000 of bonds to his friend on a private bid for nearly $200,000 less than another responsible bidder offered.

And then he makes the simple inquiry:

Is that honest?

I need not take the time of the Senate in any elaborate argument to show that it was the duty of the Secretary of the Treasury when he offered these bonds for sale to have a completed transaction, and it was his duty to give to the next highest bidder every bid that was forfeited by nonpayment. That was his duty in law, that was his duty in morals, and that was the duty which he in fact discharged.

Yesterday I put in evidence—I use the term "put in evidence," because it comes natural to me from my practice in court—I rather read to the Senate the syndicate contracts which were made years ago by previous Secretaries of the Treasury. I did it not for the purpose of intimating that there was anything wrong in them, but in order that the country might know that this is not the first time the Government has dealt with syndicates. I read them in order that gentlemen here who did not seem to know the nature of syndicates might understand them. I have no reflections to cast upon the distinguished gentlemen whose names are signed to those old syndicate contracts—Drexel, Morgan & Co., J. P. Morgan & Co., August Belmont & Co., the First National Bank of New York, and Rothschild & Co., of London.

I have no disposition to make any vile or contemptible fling at Rothschild & Co. because it is said they are Jews. It has been hissed out in this Chamber, amid laughter, that the Administration gave bonds to favorite Jews. Has it come to this, that in this land of the free nationality is to be urged as a ground of objection to a man or men in the Senate of the United States? A Jewish citizen is as good as any other citizen if he behaves himself. A Jewish citizen has a right to live among us so long as he obeys the law and is a good citizen. He has a right to be treated respectfully.

The Jews constitute a race which it is not necessary I should defend or eulogize. They may have their faults. They have, however, their good qualities. But I do think it unbecoming Senators here to rise in their places and hiss out that the bonds were given to a Jew, as though that settled the question, as though that was proof positive of infamy, of corruption, of fraud.

Where was the Senator from Colorado [Mr. WOLCOTT] then—the defender and protector of the dignity, of the honor and proper conduct of the Senate? Where was he when Senators rose here, as several have on different occasions, and hissed out the word "Jews" as a term of reproach. It proves the correctness of what was said the other day, when a certain Senator who favors this resolution rose in his place and said, "We are getting desperate." They are, indeed, desperately in want of good arguments. Let Senators consult their Jewish constituents, and see what they think of these vile flings. Yes; as the Senator from Nebraska [Mr. ALLEN] suggests to me, the Jews are a good race of people in many respects. They do not ask other nationalities to take care of their poor. They take care of them themselves. They have their grand and noble charities. They are noted for them throughout the length and breadth of the world. One of the greatest of Jews, who did much for his race and his people, has just died, and he left many grand bequests. It is not necessary that I should at this time enter into any review of the great men who have adorned the Jewish race. You have not forgotten the great Disraeli, who was formerly the premier of England. It does show the desperation of these Senators when all the argument they can make is "Oh, they gave the bonds to a Jew." If a Jew was the highest bidder he was entitled to the bonds. Out with such flimsy arguments, Mr. President!

I have also commented upon the fact that objections were raised to the form of proposal issued by the Secretary of the Treasury. I want to show now that the calls made years ago for bonds were just about the same in form, except they were made by the syndicates themselves. The syndicates were given control of the sale of bonds. For a short period of time they had substantially the absolute control of the sale of bonds. I wish the Secretary to read the published advertisement of the syndicate, found on pages 210 and 211, away back in 1877.

The Secretary read as follows:

UNITED STATES 4 PER CENT FUNDED LOAN.

The bonds are dated 1st July, 1877; bear interest payable quarterly in coin on 1st days of January, April, July, and October, and are redeemable in coin after 1st July, 1907.

The loan is issued in coupon bonds, in denominations of $50, $100, $500, and $1,000, and in registered stock, in denominations of $50, $100, $500, $1,000, $5,000, and $10,000.

The interest on the registered stock will be paid by check issued by the Treasurer of the United States to the order of the holder and mailed to his address. The check is payable on presentation, properly indorsed, at the offices of the Treasurer and assistant treasurers of the United States. The coupons and interest checks can be cashed at any bank or bankers.

The bonds are exempt from the payment of taxes or duties to the United States, as well as from taxation in any form by or under State, municipal, or local authority. Under authority of a contract with the Secretary of the Treasury, the undersigned will, until further notice, receive subscriptions for the United States 4 per cent bonds at par and accrued interest, in gold coin, or, in lieu of coin, United States notes or drafts on New York, at their coin value on the day of receipt in the city of New York, or on subscriptions for sums not exceeding $100 in postal orders, payable to Messrs. August Belmont & Co., New York, at the fixed rate for gold, but reserving the right to change that rate from day to day, or discontinue such rate altogether, by notice in any newspaper at Washington or New York.

Forms of application will be furnished by the Treasurer at Washington, the assistant treasurers at Baltimore, Boston, Chicago, Cincinnati, New Orleans, New York, Philadelphia, St. Louis, and San Francisco, by the national banks and bankers generally, and by the United States postmasters. The applications must specify the amount and denominations required, and for registered stock the full name and post-office address of the person to whom the bonds shall be made payable.

The registered stock will be forwarded by registered mail; the coupon bonds will be forwarded to nearest point by express.

AUGUST BELMONT & CO., *New York.*
DREXEL, MORGAN & CO., *New York.*
J. & W. SELIGMAN & CO., *New York.*
MORTON, BLISS & CO., *New York.*
FIRST NATIONAL BANK
OF THE CITY OF NEW YORK, N.Y.
DREXEL & CO., *Philadelphia.*

DECEMBER 17, 1877.

Mr. HILL. Now I ask the Secretary to read from page 71, where there is another proposal.

The Secretary read as follows:

TREASURY DEPARTMENT, *Washington, D. C., June 14, 1877.*

Messrs. AUGUST BELMONT & CO., *New York:*

GENTLEMEN: The notice to the public of the 4 per cent loan, a copy of which is herewith, is approved by me.

Very respectfully, JOHN SHERMAN, *Secretary.*

[Inclosure with letter of Secretary to Belmont & Co. of June 14, 1877.]

Under authority of a contract with the Secretary of the Treasury, the undersigned hereby give notice that from this date, and until July 16, at 3 p. m., they will receive subscriptions for the 4 per cent funded loan of the United States in denominations as stated below, at par and accrued interest in gold coin.

The bonds are redeemable after thirty years from July 1, 1877, and carry interest from that date, payable quarterly, and are exempt from the payment of taxes or duties to the United States, as well as from taxation in any form by or under State, municipal, or local authority.

The interest on the registered stock will be paid by check, issued by the Treasurer of the United States, to the order of the holder, and mailed to his address. The check is payable on presentation, properly indorsed, at the offices of the Treasurer and assistant treasurers of the United States.

The subscriptions will be for coupon bonds of $50 and $100, and registered stock in denominations of $50, $100, $500, $1,000, $5,000, and $10,000.

The bonds, both coupon and registered, will be ready for delivery July 2, 1877.

Forms of application will be furnished by the Treasurer at Washington, the assistant treasurers at Baltimore, Boston, Chicago, Cincinnati, New Orleans, New York, Philadelphia, St. Louis, and San Francisco, and by the national banks and bankers generally. The applications must specify the amount and denominations required and, for registered stock, the full name and post-office address of the person to whom the bonds shall be made payable.

Two per cent of the purchase money must accompany the subscription; the remainder may be paid at the pleasure of the purchaser, either at time of subscription or at any time prior to October 16, 1877, with interest added at 4 per cent to date of payment.

The payments may be made in gold coin to the Treasurer of the United States at Washington, or assistant treasurers at Baltimore, Boston, Chicago, Cincinnati, New Orleans, and St. Louis, and to the assistant treasurer at San Francisco, with exchange on New York, or to either of the undersigned.

To promote the convenience of subscribers, the undersigned will also receive, in lieu of coin, United States notes or drafts on New York at their coin value on the day of receipt in the city of New York.

AUGUST BELMONT & CO., *New York.*
DREXEL, MORGAN & CO., *New York.*
J. & W. SELIGMAN & CO., *New York.*
MORTON, BLISS & CO., *New York.*
FIRST NATIONAL BANK
OF THE CITY OF NEW YORK, N. Y.
DREXEL & CO., *Philadelphia.*

JUNE 14, 1877.

Mr. HILL. The statements just read show that a syndicate composed of these very worthy gentlemen had substantial control of the sale of the bonds of the United States in behalf of the United States. I will now read the statement of the Assistant Secretary, Mr. French:

TREASURY DEPARTMENT, *Washington, D. C., June 11, 1877.*

PAYMENT OF UNITED STATES BONDS.

1. The act of July 14, 1870, provides for the issue of United States bonds "redeemable in coin of the present standard value."
2. The then legal coin was gold and silver, the standard value being 23.22 grains of pure gold to the dollar and 371¼ grains of pure silver to the dollar.
3. While the law remained unchanged the contract was legally performed by payment in such standard coin of gold or silver.
4. The act of April 1, 1873, declared silver not to be a tender for such bonds.
5. That act was an element in all sales of bonds after that date by the Government or by individuals, the buyer having the promise of the United States to pay in coin, i. e., coin recognized as legal, i. e., gold coin.
6. Any act which shall declare silver coin a tender for such bonds is an attempt to insert an element not in the contract, an element expressly excluded by the promisor by the act of 1873.
7. And as it can not be known what bonds have been transferred since the act of 1873, all bonds under the act of 1870 must be paid in gold coin of the standard value named therein—23.22 grains of pure gold to the dollar.

Respectfully submitted.

H. F. FRENCH, *Assistant Secretary.*

To the SECRETARY.

I also desire to read a letter from Secretary SHERMAN to Hon. August Belmont, of New York. In order to expedite the matter I want the letter put in my remarks in full, but I will skip certain portions of the letter and simply emphasize those points to which I wish to call attention.

TREASURY DEPARTMENT, *Washington, June 16, 1877.*

DEAR SIR: Your private note, the letter of your firm, and one from Messrs. Seligman & Co., asking me to make a public statement over my own signature similar to that of Mr. French, are received. I have given to this important suggestion the most serious consideration, and have come to the firm conclusion that such an act on my part would be inexpedient and defeat the very object you have in view. As a purely executive officer I have no power to pass upon the question mooted. My attempt to do so would at once unite all those who are seized with this mania and those who oppose executive encroachment upon legislative power. It would create excitement, personal and political animosities would mingle with it, and it would tend more than anything else to defeat the success of the loan. I am quite sure this would be the result.

As to whether Congress or the people would ever undertake to pay either principal or interest of the bonded debt, and especially the bonds sold since 1873, in silver, I have a firm conviction that the question will never seriously be raised. These bonds will be paid, principal and interest, in gold coin. The people of the United States have always been extremely sensitive as to the public credit. They never have, for the sake of an apparent profit, yielded any question involving the public honor.

The great satisfaction that will arise from the funding of the loan at a low rate of interest, together with their strong sense of public honor and public faith, will always secure the payment of these bonds, principal and interest, in coin.

Parties or factions may for a time raise and contest questions, but they are but bubbles and will pass away, and like all other questions involving the public credit, will be rightfully settled in due time by Congress and the people.

Nothing would so tend to disturb this result as unauthorized "theses" or dogmas by an executive officer upon a question purely legislative or judicial. Indeed, it may be that too much has already been said about this matter by both the President and myself, and I assure you that you will have no occasion to be disturbed by anything truthfully reported of either of us hereafter. The better way is to move right along, making your own statements, and if at any time I see a proper occasion for a strong expression of my opinion, I will give it.

Please show this to Mr. Seligman and such of your associates as you deem proper as an answer to all.

Very truly, yours, JOHN SHERMAN.

Hon. AUGUST BELMONT, *New York.*

I cite that letter for the purpose of showing that at this very time when the bonds were being transferred from one hand to another and being sold in the public market there was the assurance of the Secretary of the Treasury that the bonds would be paid, principal and interest, in gold, recognizing that as the duty of the Government and giving that interpretation of existing law. On the faith of that bonds were sold and transferred; on the faith of that declaration ownership was acquired, and in view of what has been said in this Chamber I cite the letter to show, whether legally payable in gold or in silver, the good faith of the Government of the United States was pledged to their payment in gold.

I will also read another letter from Mr. Sherman, dated June 19, 1877:

SIR: Your letter of the 18th instant, in which you inquire whether the 4 per cent bonds now being sold by the Government are payable principal and interest in gold coin, is received. The subject, from its great importance, has demanded and received careful consideration.

Mr. GRAY. To whom was the letter addressed?

Mr. HILL. It was addressed to Mr. French, Assistant Secretary, 94 Broadway, New York.

Under laws now in force, there is no coin issued or issuable in which the principal of the 4 per cent bonds is redeemable or the interest payable except the gold coins of the United States of the standard value fixed by laws in force on the 14th of July, 1870, when the bonds were authorized.

The Government exacts in exchange for these bonds payment at their face in such gold coin, and it is not to be anticipated that any future legislation of Congress or any action of any Department of the Government would sanction or tolerate the redemption of the principal of these bonds or the payment of the interest thereon in coin of less value than the coin authorized by law at the time of the issue of the bonds, being the coin exacted by the Government in exchange for the same.

The essential element of good faith in preserving the equality in value between the coinage in which the Government receives and that in which it pays these bonds will be sacredly observed by the Government and the people of the United States whatever may be the system of coinage which the general policy of the nation may at any time adopt.

This principle is impressed upon the text of the law of July 14, 1870, under which the 4 per cent bonds are issued, and requires, in the opinion of the executive department of the Government, the redemption of these bonds and the payment of their interest in coin of equal value with that which the Government receives from its issue.

Very respectfully, JOHN SHERMAN, *Secretary.*

FRANCIS O. FRENCH, Esq.,
94 Broadway, New York.

This question was very much discussed in 1878 by the men who were dealing in Government bonds, and I want to read now a joint cable telegram from London from Messrs. Morgan, Morton, and Seligman to the President:

LONDON, *February 15, 1878.*

TO HIS EXCELLENCY THE PRESIDENT, *Washington:*

The universal feeling here is that public faith [is] solemnly pledged to payment in gold of all bonds issued under funding act 1870, under which Government demanded and received gold coin therefor. In our opinion it will justly be considered breach of public honor now to break the pledge given by the Cabinet in Secretary Sherman's letter June 19, 1877, in which it is stated that the essential element of good faith in preserving the equality in value between the coinage in which the Government receives and that in which it pays these bonds will be sacredly observed by the Government and the people of the United States.

Whatever may be the system of coinage which the general policy of the nation may at any time adopt it is this pledge which public faith and public honor alike demand shall be held inviolable.

MORGAN, MORTON, SELIGMAN.

Signing their names as though they were partners, "Morgan, Morton, and Seligman." Attention is called to the fact that Mr. Morton is the Hon. Levi P. Morton, now the present governor of the State of New York, and until recently also a candidate for the Republican nomination for President. [Laughter.] "Morgan, Morton, and Seligman." If the Presidential nominating lightning should strike the distinguished governor, whom I personally esteem very highly, I will have some fun during the campaign in reading the joint telegram, "Morgan, Morton, and Seligman," upon the question of the payment of the Government bonds in gold; and I expect to read with interest the remarks of my distinguished friend from Colorado [Mr. WOLCOTT] (who intends to support the Republican ticket no matter what the platform may be or who the candidate may be) eulogizing this firm in his speeches in behalf of the gold policy—"Morgan, Morton, and Seligman," and victory.

I also read another letter, dated New York, June 20, 1877, to be found in this book, page 85, from Morton, Bliss & Co., of New York, in regard to the bond transactions. I will not take the trouble now to read it, but with the permission of the Senate will insert it in my remarks.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The letter referred to is as follows:

Messrs. Morton, Bliss & Co. to Mr. Sherman.

NEW YORK, *June 20, 1877.*

DEAR SIR: Some of the parties interested in the contract for the 4½ per cent bonds claim that in signing, on the 9th instant, the paper prepared by you, in which the syndicate subscribed for the remaining 4½ per cent bonds up to two hundred millions and formally terminated the contract for their negotiation, we relinquished a then existing right on their part for their proportion of the third hundred millions.

In your letter of May 23, addressed to Messrs. A. Belmont & Co., you state as your understanding that the right of the syndicate to take over two hundred millions has terminated. Will you oblige us by informing us when and

in what manner the notice called for under the contract had been given: and also whether you understood the termination of the 4½ per cent contract and the contract for 4 per cent bonds one or two distinct transactions?

We remain, etc.,

MORTON, BLISS & CO.

Hon. JOHN SHERMAN,
Secretary of the Treasury.

Mr. HILL. Mr. President, it may have been forgotten that those bond transactions evoked considerable criticism at the time they were had. It was inevitable that great transactions involving millions of money should find some critics throughout the country. The House of Representatives was induced to interfere, and on November 5, 1877, passed a resolution, which I will now read:

Resolution House of Representatives, November 5, 1877, requesting copies of contract with syndicate, etc.

[Forty-fifth Congress, first session.]

CONGRESS OF THE UNITED STATES,
In the House of Representatives, November 5, 1877.

On motion of Mr. Wood, from the Committee of Ways and Means—

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to furnish the House of Representatives, at the earliest practicable moment, copies of the contract made with a certain syndicate of American and foreign bankers for the negotiation of the 4 per cent bonds of the United States, together with copies of all other papers relating thereto, and also with a statement as to the present condition of such negotiation, and whether it remains in force as originally made, without modification or change.

Attest:

GEO. M. ADAMS, *Clerk.*

I cite the resolution for the purpose of showing and demonstrating that there is nothing new about sensitiveness over great bond transactions; that the criticisms have not been confined to the present Administration; that there was restlessness in 1878 as now; that there were Senators and members of the House who wanted to take a hand in the bond business then as now; and to show so far as I can that there is nothing in these attacks; that they are inevitable in the Congress of the United States; that there always seems to be an inevitable sort of friction between the Treasury Department and Congress, but I do not cite them because there is anything wrong in the transactions themselves. History has vindicated the Senator from Ohio [Mr. SHERMAN] and history, sir, will vindicate the present distinguished Secretary of the Treasury, the gentleman from Kentucky. The mere fact that the affairs of their offices were conducted so that criticism should have been avoided amounts to nothing. They could not avoid criticism.

Mr. Sherman did not escape. The bond syndicates did not escape then. Secretary Carlisle can not hope to escape criticism. The bond syndicate can not hope to escape criticism. Transactions involving millions of dollars of course give rise to suggestions and fault-findings of all kinds and character. When the millennium comes it will be possible to negotiate $100,000,000 of bonds when there will be nobody finding any fault, but not until the millennium comes.

I wish to call the attention of the Senate and the country to the fact that the House of Representatives did not order an investigating committee. The Democratic House of Representatives treated the Republican Secretary of the Treasury with great respect. They had the right to order an investigation. They passed a resolution requesting information of the Secretary in the ordinary and usual form, and to that the distinguished Secretary of the Treasury made reply on November 19, 1877. I will ask the Secretary to read that letter of Mr. Sherman to the Speaker of the House of Representatives.

The PRESIDING OFFICER. The Secretary will read as requested.

Mr. HILL. I will say before the letter is read that I cite it for the purpose of showing the proper way to ascertain information; the proper way to treat the officers of the Government. The House of Representatives, the Democratic House of Representatives, simply passed a resolution asking for information, submitting it to the Secretary of the Treasury, and awaiting his reply.

The Secretary read as follows:

TREASURY DEPARTMENT, *November 19, 1877.*

SIR: I am in receipt of resolution introduced by Mr. Wood, of the Committee on Ways and Means, as follows:

"That the Secretary of the Treasury be, and he is hereby, requested to furnish the House of Representatives at the earliest practicable moment copies of the contract made with a certain syndicate of American and foreign bankers for the negotiation of the 4 per cent bonds of the United States, together with copies of all other papers relating thereto; and also with a statement as to the present condition of such negotiation, and whether it remains in force as originally made, without modification or change."

In compliance with this request, I have the honor to inclose herewith copies of the contract referred to and other papers which have a definite bearing upon the subject. Before this contract was entered into I met the contracting parties both in New York and Washington, and discussed at some length the feasibility of placing the 4 per cent loan upon the market, and, on the 9th of June, 1877, perfected arrangements for that purpose by executing said contract.

During the thirty days which were set apart by mutual consent for the reception of popular subscriptions, the amount of $6,073,250 was sold by the Treasurer and assistant treasurers of the United States, and subscriptions to the amount of $99,423,300 were procured through the efforts of the contracting parties.

The business of refunding progressed satisfactorily and arrangements had been perfected for the continuance of the sale of 4 per cent bonds, and a call was about to be made when fears of the effect of the proposed legislation by Congress remonetizing silver arrested for the time the sale of such bonds and caused a temporary postponement.

Below is a statement of the present condition of the 4 per cent loan, and I would add that the contract remains in force as originally made, without modification or change.

CONDITION OF UNITED STATES 4 PER CENT BONDS OF 1907 NOVEMBER 19, 1877.

Subscriptions received	$75,496,550
Amount against which calls for 6 per cent 5-20 bonds have been issued	50,000,000
Balance account of resumption act	25,496,550

Very respectfully,

JOHN SHERMAN, *Secretary.*

Hon. SAMUEL J. RANDALL,
Speaker House of Representatives.

Mr. HILL. I will read, or rather insert in my remarks, with the permission of the Senate, a letter from Fisk & Hatch to Secretary Sherman, of date April 16, 1878. I will not take the time now to read the letters, but simply to say that they asked to have placed in their hands certain bonds of the United States, which they should have the exclusive power to sell, and that the Secretary of the Treasury substantially gave them the control of the sale of the bonds. I will read the opening sentence:

GENTLEMEN: Your letter of yesterday is received, in which you ask if I will entertain a proposition from a combination of banks and bankers for the negotiation of 4 per cent bonds upon certain terms named by you.

I cite this letter for the purpose of showing that in 1878 there were dealings with combinations of banks and bankers; that the question of the combination of banks and bankers is not a new thing, but that it existed all through the resumption period and all through the refunding period.

The PRESIDING OFFICER. Without objection, the letters will be inserted in the remarks of the Senator from New York.

The letters referred to are as follows:

NEW YORK, *April 16, 1878.*

Hon. JOHN SHERMAN,
Secretary of the Treasury, Washington, D. C.

DEAR SIR: Will you please advise us whether you are prepared to entertain a proposition from a combination of banks and bankers, whose names should be satisfactory to you, for the negotiation of 4 per cent bonds on the basis of an amount to be agreed upon to be taken at once with an option for any part of the remainder for the balance of the year or for such other period as might be mutually satisfactory; the sales of 4 per cent bonds to be made during the pendency of the option only through the parties entering into the contract, and the proceeds of sales to be applied to the redemption of 5-20 bonds.

If you are inclined to consider favorably a proposition to this effect, provided the details can be made satisfactory to you, it is probable that it will be made. The parties having the matter under consideration would be glad to have an indication of your readiness to entertain such a negotiation before proceeding further in the preparation of details, and have requested us to ask an expression from you on that point.

An early reply will greatly oblige.

Very truly, yours,

FISK & HATCH.

P. S.—In case any negotiation, as indicated above, should be entered into, the parties interested would be glad to have the matter considered as confidential between the Treasury Department and themselves until concluded, and your reply to this will be so treated if desired.

TREASURY DEPARTMENT, *April 17, 1878.*

Messrs. FISK & HATCH, *New York.*

GENTLEMEN: Your letter of yesterday is received, in which you ask if I will entertain a proposition from a combination of banks and bankers for the negotiation of 4 per cent bonds upon certain terms named by you.

I would be happy to receive such a proposition from the banks and bankers whom I suppose you represent, and I would give the bonds to you on as favorable terms and with every facility that the law will allow. I am under no embarrassment or restraint as to the sale of the 4 per cent bonds, but I do not think it would be policy for me to give you an exclusive option for any period of time, though, perhaps, if the amount was large I might do so for a short time. I am not under any obligations to the purchasers of the 4½ per cent bonds that restrict me in any way in the negotiation of the 4 per cent bonds, but am free to act under the law.

Still, as public subscriptions have been invited by Treasury circular, it would not be consistent with good policy for me to withdraw this tender and place the negotiation solely in your hands. Perhaps, in view of a large subscription, I might be disposed to give you some additional facilities not given by the general circular, but this would depend upon the amount and nature of your subscription. I would like, also, if practicable, in case an offer is made by you, that you include in it the contracting parties for the 4½ per cent bonds, at least so far that the agents in the sale of the two classes of bonds will not conflict with each other, the interest of the Department being equally concerned in the negotiation of both classes of bonds.

Very respectfully,

JOHN SHERMAN, *Secretary.*

As you request, your letter and this reply will be considered by me as confidential for the present.

Mr. HILL. That was in 1878. The resumption act had been passed which required resumption to take place on the 1st day of January, 1879. There were skeptics in those days as now. There were men who were constantly doubting the power of the Government to resume specie payments on the day fixed by the statute. There were constant predictions of failure made by worthy gentlemen who thought that the Government was pursuing an unwise policy. There were men in those days, as now, who thought the Government was running headlong to destruction. They became desperate, as men become desperate now, in their criticisms of the conduct of the officers of the Government.

This volume is full of letters written to the Secretary of the Treasury in 1878 urging him to pursue a different course from what he was pursuing, and predicted disaster to the Government on the 1st day of January, 1879. It was said, "The Government will not be able to resume specie payment. Where will the coin come from? Where will the gold come from? How can specie payments be resumed and how can they be maintained?" There was the same uncertainty then as now, if not more so. There was the same distrust of public men, the same vile insinuations as now, the same unfounded charges then as now. People have forgotten what took place here only a few years ago.

I will read a letter from Peter Cooper to Mr. Sherman, written in New York April, 1878. Mr. Cooper was a very estimable gentleman, a man of large means. He had got the greenback craze in his head; he thought the country was going to destruction unless the greenbacks were kept afloat. He doubted the policy of redeeming the greenbacks. He feared the country was not strong enough for that purpose. There was a large element in the country, in different parts of the country, who called themselves greenbackers, who were fearful that the country was taking a hazardous step and making a most dangerous experiment in the effort to resume specie payments. How the speeches of those greenbackers would read now, in the light of history, their denunciations of Mr. Sherman! How they would like to be refreshed by reading those speeches again delivered here in the Senate, predicting failure, predicting disaster.

COOPER UNION, ETC., *New York, April 18, 1878.*

DEAR SIR: In the brief interview which you did me the honor to give me at my house a few days ago I was impressed with your desire to give all the information that would throw light upon the financial policy of the Government and in the Department of which you are the executive head. But we had not the time to discuss fully some of those practical questions that involve this financial policy, and I therefore now take the liberty, in a more deliberate manner, to ask of you an answer to questions which might throw light upon the public mind on these great interests and allay the anxiety which pervades the hearts of our people in reference to their future prospects of business and employment, and show more clearly how the present policy of the Government in enforcing "specie payments" by law and carrying out the resumption act could be attended with any wholesome results to the financial interests of this country, both in the present and the future.

First. Can you "resume" in the presence of $845,000,000 of legal-tender and bank notes with what gold and silver you may have at your command without an actual shrinkage of this currency either on the part of the Government or of the banks?

Secondly. Can "resumption" be maintained after the law has placed a premium on coin and virtually demonetized the paper by rendering its convertibility compulsory?

In other words, can the present "par value" of paper and coin be taken as an index that after the law has thrown its whole weight in favor of coin, by making the paper "convertible," the present equilibrium between the two can still be maintained?

Thirdly. In connection with the fact that by purely commercial laws we have already arrived at specie payments, or the par between coin and paper money, what good will it do to thrust in the further power of the law on the side of coin?

How can we avoid placing the paper at the mercy of those who will have control of the coin, especially the paper of the national banks, whose chief credit will consist in maintaining "specie payments"?

Fourthly. After "resumption" how much money will the people have with which to transact business, employ labor, enter into new enterprises, and use "cash payments" instead of "inflating credits" to a ruinous degree, as in times past under the system of specie payments and convertibility by law?

Fifthly. It being the duty of Congress to make the necessary and proper laws for carrying into execution a system of money, weights, and measures as the only means to regulate commerce with foreign nations and among the several States, to provide, as far as possible, an "unfluctuating currency," a steady measure of prices, how can you prevent great and disastrous fluctuations in our "convertible money" and coin arising out of the great demands for gold and silver that may at any time be made upon us from the commercial relations of this country with Europe, over which the Government can have no direct control?

With great respect, I remain, your obedient servant,

PETER COOPER.

Hon. JOHN SHERMAN,
Secretary of the Treasury.

Mr. President, the world moved on just the same, steady, steps forward toward a right basis. The Secretary of the Treasury kept moving on unmindful of the clamor of the men who criticised him, unmindful of the threats made against him, unmindful of all the prophecies of disaster, and to-day, I say, simply reviewing the question, how futile seem the efforts that were made to stop resumption; how men fought desperately for the good old greenback currency; how official efforts to curtail and contract the currency met with determined opposition in the two Houses of Congress.

But, Mr. President, the policy of the Government went on; it could not be resisted; it went on to success, and the men who criticised it would not want to read to-day their speeches in the RECORD. Mr. SHERMAN made a reply to Mr. Cooper, which I want the Secretary to read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

TREASURY DEPARTMENT, *Washington, D. C., April 20, 1878.*

DEAR SIR: Your letter of the 18th instant is received. The questions which you ask me have been, in the main, answered to the committees of the two Houses, and I might, perhaps, best reply to your letter by sending these documents, printed by order of the respective Houses; but my sincere respect for you and desire to allay any doubts you may entertain of the success of the present plan of resumption induce me to answer your letter as fully as my time will allow.

As to your first question, "Can you resume in the presence of $845,000,000 of legal-tender and bank notes with what gold and silver you may have at your command without an actual shrinkage of this currency, either on the part of the Government or of the banks?"

You must bear in mind that the aggregate amount of legal-tender notes and bank notes stated by you may be gradually diminished, so far as the legal tenders are concerned, to $300,000,000, and by the banks to such sum as they find can be maintained at par with the United States notes. But, assuming that the aggregate should be about the present amount, and remembering always that the bank notes can be redeemed in legal-tender notes and are not required to be redeemed in coin, I do express the opinion that resumption in a country like ours can be maintained in the presence of the existing volume of circulation; but if this should prove to be too great the reduction will be gradually of the bank notes, or, if Congress so direct, of the legal-tender notes.

As to your second question, "Can resumption be maintained after the law has placed a premium on coin and virtually demonetized the paper by rendering its convertibility compulsory? In other words, can the present 'par value' of paper and coin be taken as an index that after the law has thrown its whole weight in favor of coin, by making paper 'convertible,' the present equilibrium between the two can still be maintained?"

I respectfully deny that the law places a premium on coin. One-half of this circulation is not redeemable in coin at all, but in legal-tenders; nor does the law fix a premium on coin as against legal-tenders, but simply requires an equality. Its convertibility is not compulsory. It is upon the demand of the holder. The holder is as likely to deposit the coin if he has it, as to deposit the notes for coin. The currency would rest upon the presumption that all paper money rests upon, that its use and convenience and convertibility will always keep it at par with coin.

To your third question, "In connection with the fact that by purely commercial laws, we have already arrived at specie payments, or the par between coin and paper money, what good will it do to thrust in the further power of the law on the side of coin? How can we avoid placing the paper at the mercy of those who will have control of the coin—especially the paper of the national banks, whose chief credit will consist in maintaining 'specie payments.'"

I have simply to say that we have only arrived at our present position approaching specie payments by the accumulation of coin in the Treasury and by the gradual and slow reduction of the volume of notes; and the very measures which have enabled us to reach so near the specie standard are necessary to be continued to enable us to maintain resumption. If resumption is desirable it can not be maintained by a repeal of the law which requires resumption and grants the necessary powers to prepare for it and to maintain it.

As to your fourth question, "After resumption how much money will the people have with which to transact business, employ labor, enter into new enterprises, and use 'cash payments' instead of 'inflating credit' to a ruinous degree, as in times past under the system of specie payments and convertibility by law?" It is answered, I think, by what I have said in reply to your first question. We will have the United States notes, the bank notes, the coin certificates, both gold and silver, together with the gold and silver itself, all in circulation. The actual amount of currency in circulation, I think, will be as large in specie times as now, and its equality and convertibility will rather increase than prevent the circulation of either. The depreciation of paper money is not necessarily caused solely by its excess, but by the uncertainty of its value and confidence in its redemption.

In reply to your fifth question, "It being the duty of Congress to make the necessary and proper laws for carrying into execution a system of money, weights, and measures, as the only means to regulate commerce with foreign nations and among the several States, to provide as far as possible, an 'unfluctuating currency,' a steady measure of prices, how can you prevent great and disastrous fluctuations in our 'convertible money' and coin, arising out of the great demand for gold and silver that may at any time be made upon us from the commercial relations of this country with Europe over which the Government can have no direct control?" I have only to say that it is undoubtedly the duty of Congress to provide for the possible contingencies that would make it necessary to suspend specie payments, though, as the circumstances which would compel suspension are necessarily unforeseen, unknown, difficult to be defined or to be provided for, I am not sure but it is better to leave the question of suspension to the necessities of the case rather than to legislation, which must be founded upon uncertainty. When the Treasury is actually unable to redeem its notes in coin, suspension comes necessarily, but resumption would come again from the absolute necessity of currency for our daily wants, and Congress could provide better in view of the actual facts than anticipated facts.

I think the real difficulty that has stood in the way of resumption is the nightmare of things that have existence only in the brain and not in fact. We can only deal with the current course of events based upon probabilities, and can not provide for unforeseen contingencies.

It is my earnest hope that you, and gentlemen like you, who I know are sincere in your convictions, may see your way to trust to the policy that is now entered upon, which seeks to provide as much paper currency as can be maintained at par in coin, and to secure its active circulation in aid of industry and enterprise.

I am, with great respect,

JOHN SHERMAN.

Hon. PETER COOPER, *New York.*

Mr. HILL. Mr. President, I have also a letter from Secretary Sherman of date May 24, 1878, which I shall insert in my remarks without reading it in full.

The PRESIDING OFFICER. If there be no objection, it will be so inserted.

The letter referred to is as follows:

MR. SHERMAN TO WILBER NATIONAL BANK, ONEONTA, N. Y.

TREASURY DEPARTMENT, *May 24, 1878.*

SIR: Your letter of the 21st instant, asking what action is necessary in order to become a depositary and subscription agent for the 4 and 4½ per cent loans, has been received.

In reply I have to inform you that subscriptions to the 4½ per cent loan are received only through Messrs. Belmont & Co., of New York, and their associates.

Subscriptions to the 4 per cent consols of 1907 are received at the Department and through the subtreasury officers and national banks which have been designated for that purpose.

I inclose herewith Department's circular of January 21, 1878, under the provisions of which, if you desire it and will so inform this office, the bank of which you are cashier will be designated a United States depositary to receive deposits on account of subscriptions to the 4 per cent consols of 1907.

Very respectfully,

JOHN SHERMAN, *Secretary.*

CASHIER WILBER NATIONAL BANK, *Oneonta, N. Y.*

Mr. HILL. The point I wish to emphasize is that in this letter Secretary Sherman says he can not accept subscriptions to the 4½ per cent loan; that they can be "received only through Messrs. Belmont & Co., of New York, and their associates." The point being to establish the fact that in the history of our country it is not an unusual thing to deal with syndicates, and that while under the present Administration we have had several popular loans, the popular subscriptions, so-called, under Mr. Sherman's administration of the Treasury Department, were mainly through a combination of bankers, and he said that subscriptions to the 4½ per cent loan could "be received only through Messrs. Belmont & Co., of New York, and their associates."

I am not complaining of this, Mr. President. It was unquestionably the proper thing to do under the circumstances. I am simply illustrating the point that history repeats itself. I am answering the skeptics of those days; I am answering the critics of those days as I am answering the skeptics and the critics now.

I should infer from some of the speeches which have been made upon this subject that the policy of paying out either gold or silver on demand at the Treasury was a new one, invented by the present Administration, and had never existed before. It has been spoken of as an invention of the present Administration; it has been spoken of as a scheme of Mr. Carlisle; and it has been characterized as a questionable transaction, an ill-advised proceeding, as though it was something that had been unheard of in the previous history of the country. The policy of paying out either gold or silver on demand, I repeat, is not a new one. It was the policy that was pursued years ago, a wise policy, unquestionably, or it would not have been pursued. It was a policy which gave success to the administration of the financial affairs of the Government; it was a policy that tided us over critical times; it was a policy which gave honor and credit to the Government and placed this Government upon a high financial standing with the Governments of the world. Senators now want to reverse all this policy; want to attack this Administration for doing only what has been done by their honored predecessors in the past.

I now ask the Secretary to read the letter on page 423 of the book which I send to the desk, from Secretary Sherman to Mr. Wheeler, the then President of the United States Senate.

The PRESIDING OFFICER. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

TREASURY DEPARTMENT,
Washington, D. C., December 16, 1878.

SIR: I have the honor to acknowledge the receipt of Senate resolution dated December 3, 1878, as follows:

"*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate what amount and denomination of silver coin has been received in payment of customs dues since the beginning of the current fiscal year, and whether or not he has applied the silver coin so received in whole or in part to the payment of the interest on the bonds or notes of the United States. If it has not been so applied, to state the reason why; if it has been applied to that purpose in part only, to state what portion has been so used, and on what character of obligations. He is directed to inform the Senate the amount of interest he has paid on the bonds and notes of the United States since the current fiscal year began, and the amount of such interest which he has paid in gold and silver coin respectively."

And in reply to inclose herewith copy of report, dated 9th instant, from the Treasurer of the United States, to whom the resolution had been referred, which gives the information called for.

Under existing law, either gold coin or standard silver dollars may be used in payment of the interest of the public debt. The law does not direct which shall be paid, but leaves this to the discretion of the Department, to be exercised upon considerations of public policy; and the practice, as stated by the Treasurer, of allowing the public creditor the option of the form and denomination of money in which he shall be paid has thus far been observed.

The manifest object of the act to authorize the coinage of the silver dollar and restore its legal-tender character, when construed in connection with the resumption act, is that gold coins and the standard silver dollar shall be maintained at par with each other, and this object can best be attained by paying out such coin as may subserve the convenience of the person to be paid, and not to force upon him either form of money.

Any other course would discriminate against the standard silver dollar and tend to its depreciation.

Very respectfully, JOHN SHERMAN, *Secretary.*

Hon. WILLIAM A. WHEELER,
President United States Senate.

Mr. HILL. Mr. President, that letter shows the policy of the Government, instituted in a critical period of our financial history, and which has been maintained by every Secretary of the Treasury from that day to the present. I am not now going to argue whether it is right or whether it is wrong. It has existed since 1878, and I simply cite it for the purpose of showing that at least our Republican friends are estopped from questioning the wisdom of the policy of Mr. Carlisle. I do not know that they do so. In the main, I think that three-fourths of the Republican Senators upon the other side approve of the policy of the Secretary of the Treasury which has thus been indicated in the letter of Mr. Secretary Sherman, and which has been followed from that day to the present.

Possibly, Mr. President, some other course might have been wiser. No one can tell. This policy, however, has been a successful one; this policy brought us resumption; this policy made the greenback dollar the equal of the gold dollar; this policy has kept them at par from that day to this; and we can point to it as a matter of pride. Some other course might have worked; some other course might have been better; but this policy laid down in 1878 has been strictly followed. Possibly there are some new men who are wiser than those who then conducted the administration of affairs; possibly there are new financiers, and you can find them on the street corners and in the groceries and all around who know better how to conduct financial affairs than all the Secretaries of the Treasury from that day to the present.

It may be so. We may be disappointed. Perhaps these new men can give us new points as to how to conduct the finances of the country; but I do not believe it. I am inclined to think that the correct policy has been pursued, and because of that very policy to-day we can point to the fact that our currencies are all kept upon a parity; and any other course would have either appreciated the gold dollar or depreciated the greenback dollar. The election must be given to the holders of the securities. There is no other proper course. The election can not be reserved simply to the Government, because we know, as a matter of fact, that when you refuse to give a certain form of currency to a holder of the obligations of the Government, that would be the very currency which the holder would want. We do not change the law of legal tender. We leave it as it is. It is a question of administration; it is a question of business policy; it is a question of the art of managing the great financial affairs of a great country.

Mr. President, I do not know that it is necessary that the affairs of the country should be conducted to satisfy a mere contingent of the people. If it satisfies the great mass of the two good old parties that is enough for me. When you satisfy the Republicans and the Democrats there is not much left after that [laughter], only a few men hanging on the outskirts, you know, a few guerrillas in politics, as there always are in battles and in war, ready to attack first one party and then the other. I mean no disrespect to my good Populist friends, especially the distinguished leader who sits before me and whom I esteem as my personal friend [Mr. ALLEN]; but, after all, I am beginning to think there is a good deal of merit in the two old parties in this country. I know I have seen my friend here day after day arise and heard him criticise the two old parties, and there are some over on the other side of the Chamber who are anxious and eager to join with him in his criticism. But the two old parties have conducted the affairs of the country pretty successfully; one or the other of them has had charge of the administration of public affairs during nearly our entire history. It will be a cold day when our third-party friends squeeze into power. If they get in at all, it will be by a tight squeeze. [Laughter.] They do not expect to succeed in the coming campaign, we are told, but they are going to make it very interesting for us in 1900. It will always be in the future when they are going to put out of power one of the two old parties.

Mr. President, I simply cite what has been done in the past for the purpose of estopping our Republican friends from criticism of Mr. Carlisle's policy. I am free to say that nine-tenths of them really have no criticism to make in regard to it. They do not join in the coarse flings against the honesty and integrity of the President. No; no. The Senator from Massachusetts [Mr. HOAR] spoke on this subject the other day, and while I differed with him in the sentiments which he expressed, he said no one would cast any reflection upon the President or the Secretary of the Treasury, no one would be heard to assail their integrity; they may have wrong theories on financial policies, but that is a question of judgment. There was a Jackson party in 1828 and there was an anti-Jackson party. There was a Lincoln party and an anti-Lincoln party. We differed, and have always differed, about financial policies; differed about tariff policies; differed about banking policies. We may have substantial differences among us here, and yet we need not assail the character or integrity of opponents.

The Senator from Florida [Mr. CALL] desires to make a few observations upon the subject, Mr. President, and I have deemed it my duty and felt constrained to yield to him, which I do for the present, but I shall resume my remarks at the conclusion of his speech.

HOUSE BILLS REFERRED.

The bill (H. R. 6293) to increase the pension of Peter Rafferty was read twice by its title, and referred to the Committee on Pensions.

The joint resolution (H. Res. 180) for the relief of Ex-Naval Cadet Henry T. Baker was read twice by its title, and referred to the Committee on Naval Affairs.

FINAL ADJOURNMENT.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Appropriations:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on Monday, the 18th day of May, at 2 o'clock p. m.

PROPOSED INVESTIGATION OF BOND SALES.

The Senate resumed the consideration of the resolution submitted by Mr. PEFFER, providing for a committee of five Senators

to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

[Mr. CALL addressed the Senate. See Appendix.]

Mr. HILL rose.

Mr. GORDON. Will the Senator from New York allow me to make an inquiry of the Senator from Kansas?

Mr. HILL. Certainly.

Mr. GORDON. Yesterday I offered an amendment to the pending resolution, which I afterwards found had been offered previously by the junior Senator from Colorado [Mr. WOLCOTT], the amendment proposing to allow the investigation to be conducted by the regular Finance Committee. I wish to inquire of the Senator from Kansas who moved the resolution whether that amendment would be agreeable to him?

Mr. PEFFER. I answer in the negative, Mr. President. I suppose the Senator from Georgia does not care about any special reasons being given.

Mr. GORDON. I do not at this moment, for I want to give one reason or two why it occurs to me the Committee on Finance is the only proper committee to make the investigation.

Mr. President, I am not on my feet to make a speech. I wish to say, however, that if we are on the verge of all the ills which my friend from Florida [Mr. CALL] has just delineated it is impossible for me to conceive how a committee of five can better tell us what they are or more effectively build barriers against our headlong progress to destruction than the strong, able, venerable committee constituted by this body under its regular forms and modes of procedure.

Mr. President, what is that committee? At the head of it is the oldest and most venerable man who sits upon this floor, an opponent in politics to the Secretary of the Treasury. As I trace down the names of those thirteen honorable men I fail to find one man upon the committee who agrees with the honorable Secretary of the Treasury both in politics and in financial policy. Surely no committee less biased in favor of that officer of the Government could possibly be selected. Why gentlemen stand upon this floor with such a committee already organized, respected not only by this body but by every citizen in the country, and seek to have a select committee to investigate subjects with which that committee itself was chosen to deal is more than I can understand. There is some reason for it, and I am at a loss to know what that reason is. I might have my opinions upon the subject, but I have too much respect for this body and, for myself as a member of it to state the reasons which might be suggested.

Mr. President, the country ought to know that there is a committee composed of thirteen men as unimpeachable as any who ever sat in this body from the organization of the Government to this hour, and that there are Senators on both sides of the Chamber appealing that the proposed investigation shall be made by that committee, and yet it is resisted. Is there any man on this floor afraid of the distinguished and venerable Senator from Vermont [Mr. MORRILL]? Is he to be bribed by the millions about which my friend from Florida talks so eloquently? Are not the gentlemen upon that committee who advocate the free coinage of silver, and who are therefore not in sympathy with the Secretary of the Treasury, to be trusted? I stand here to say that I will guarantee, although I have never heard it from him, that the Secretary of the Treasury is ready to meet any investigation, and I dare say that he would trust his honor and his reputation and his fidelity and responsibility to the Government and its people as readily in the hands of that committee—upon which there is not one man who sympathizes with him both in politics and financial policies—as readily as he would trust them to a committee of his own choosing.

Now, why should not that be done? My distinguished friend from Colorado had that conviction upon his mind when he offered the amendment which I repeated yesterday without knowing that he had preceded me.

Mr. HILL. Will the Senator from Georgia allow me a moment?

Mr. GORDON. Certainly.

Mr. HILL. The Senator from Colorado did not offer such an amendment; the Senator is mistaken. It was offered by the distinguished Senator from Tennessee [Mr. HARRIS]. There was originally a resolution offered by the junior Senator from Massachusetts [Mr. LODGE] proposing to refer the subject to the Committee on Finance. Whether that is now pending or not I do not know.

Mr. HARRIS. That is the pending question. I looked at the RECORD yesterday. I had given notice of my intention to make such a motion, but upon looking at the RECORD I saw that the junior Senator from Massachusetts had entered the motion before I gave the notice, and that is now the pending question.

Mr. GORDON. It is a matter of gratification to me to learn that there are a number of gentlemen here who take the same view of this subject. For myself I have not any doubt that if a vote were had to-day upon the simple question as to whether the Committee on Finance is worthy to be trusted with this investigation there would be a unanimous "yea" in response in this Chamber.

But, Mr. President, I said I did not intend to make a speech, and I will not do it. I received an answer from the Senator from Kansas, but I insist that before the discussion closes we shall have a vote upon that question.

Mr. HILL rose.

Mr. GORDON. Would the Senator from New York object to a vote upon that amendment now? He can afterwards discuss the question as to whether we shall have any investigation at all.

Mr. HILL. No; I have no objection to having that branch of the case disposed of now.

Mr. GORDON. Now, will the Senator from Kansas allow the Senate to vote upon that amendment?

Mr. PEFFER. The Senator from Georgia is mistaken about the parliamentary status of the resolution. In the first place, the resolution as modified was presented to the Senate by myself. A motion was made by the Senator from Ohio [Mr. SHERMAN] to refer the resolution to the Committee on Finance, and, with that motion pending, the resolution went over until the next day. I submitted some remarks upon it, and the Senator from New York [Mr. HILL], I believe, followed me; and the hour of 2 o'clock having interfered with his discussion it went upon the Calendar. The next day the Senator from Massachusetts [Mr. LODGE] offered a resolution similar to mine, except that it was not quite so long, and he proposed that the investigation should be conducted by the Committee on Finance. That resolution the next day likewise was disposed of; it seems it never went to the Calendar, so that the resolution which is now pending is the one which I originally introduced, with the motion of the Senator from Ohio pending to refer it to the Committee on Finance. The suggestion made by the Senator from Tennessee was in reference to the resolution presented by the Senator from Massachusetts, and of that resolution it seems there is no record anywhere. I did not find any record of it.

Mr. GORDON. The question can not be disposed of in that way, because if there has been no amendment offered to the resolution by the Senator from Colorado or the Senator from Massachusetts or the Senator from Tennessee, certainly the Senator from Georgia, myself, did offer one yesterday.

Mr. PEFFER. That is true.

Mr. GORDON. So that, in a parliamentary sense, the amendment proposing that the investigation shall be conducted by the Committee on Finance is pending.

Mr. HARRIS. There can be no trouble about the parliamentary status of the resolution. The motion of the Senator from Ohio [Mr. SHERMAN] is to refer the resolution as it stands to the Committee on Finance, which, I take it, is the first question the Chair will put to the Senate.

The VICE-PRESIDENT. Unquestionably that is correct.

Mr. HARRIS. But the Senator from Massachusetts [Mr. LODGE] moved to strike out that part of the resolution which proposes to raise a select committee and to require the Committee on Finance to make just such an inquiry as the resolution of the Senator from Kansas provides shall be made. Those are the two questions pending. If the resolution is referred, it goes just as it is to the committee. If it is not referred, the next question is upon the motion of the Senator from Massachusetts to amend.

Mr. LODGE. The resolution which I introduced was voted down, as I remember, and disposed of. I had not made a motion to substitute the Finance Committee for the select committee, but when the question is reached on the pending resolution I shall certainly do so. It will be simply renewing the resolution which I introduced. I think the Finance Committee is the proper committee to make the inquiry.

Mr. HARRIS. Did I understand the Senator from Massachusetts to say that his motion was voted down?

Mr. LODGE. No; my original resolution was voted down.

Mr. HARRIS. Oh, yes; your original resolution.

Mr. LODGE. It was a separate resolution. My motion has not been voted down.

Mr. HARRIS. The Senator is correct.

Mr. HILL. I think the Senator from Massachusetts is mistaken in regard to the situation. The Senator from Massachusetts offered a distinct resolution——

Mr. LODGE. That is what I said.

Mr. HILL. It was a distinct resolution, proposing an investigation by the Finance Committee. He did not offer it as an amendment; he did not offer it as a substitute. The Senator from Kansas offered his resolution. Subsequently the Senator from Ohio moved to refer the resolution to the Committee on Finance. In the meantime the Senator from Massachusetts moved to lay upon the table the resolution of the Senator from Kansas. That was voted upon and the motion was voted down. I voted against laying it upon the table because I was just upon the point of discussing it. After that motion was voted down the Senator from Tennessee moved to amend the Peffer resolution by striking out

the greenback dollar the equal of the gold dollar; this policy has kept them at par from that day to this; and we can point to it as

The Senate resumed the consideration of the resolution submitted by Mr. PEFFER, providing for a committee of five Senators

vote were had to-day upon the simple question as to whether the

Tennessee moved to amend the Peffer resolution by striking out

"a special committee of five" and inserting "the Committee on Finance." That motion is still pending. Of course the motion to refer will have to be taken first, and I assume next will follow the motion of the Senator from Tennessee. That is the parliamentary status. The motion of the Senator from Massachusetts had not been voted upon at all. The Senate simply refused to lay the Peffer resolution upon the table, I myself saying that I did not wish to have it laid upon the table.

Mr. HARRIS. I simply wish to remind the Senator from New York that my recollection was exactly in accord with the statement he has just made until I examined the record at the Clerk's desk yesterday. I find that before I offered my amendment the junior Senator from Massachusetts had proposed the amendment that I had given notice of my intention to move.

Mr. LODGE. That is correct. I have looked at the record and find that my amendment is pending.

Mr. HARRIS. That is the statement of the record.

Mr. LODGE. I had forgotten it.

The VICE-PRESIDENT. The Chair will state that the first question is upon the motion of the Senator from Ohio [Mr. SHERMAN] to refer the resolution to the Committee on Finance.

Mr. FAULKNER and others. Question.

Mr. GORDON. Now let us have a vote on that question.

The VICE-PRESIDENT. That is the pending question. Is the Senate ready for the question?

Mr. PEFFER. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEORGE (when his name was called). I am paired with the Senator from Oregon [Mr. MCBRIDE]. If he were present, I should vote "nay."

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. I really do not know how he would vote upon this question, and therefore I do not feel at liberty to vote.

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "nay."

Mr. QUAY (when his name was called). I have a general pair with the Senator from Alabama [Mr. MORGAN]. If he were present, I should vote "yea."

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. DUBOIS. I am paired with the senior Senator from New Jersey [Mr. SMITH], but I will transfer that pair to the Senator from Utah [Mr. CANNON]. If the Senator from Utah were present, he would vote "nay." I vote "nay."

Mr. PASCO. I am paired with the Senator from Washington [Mr. WILSON]. I transfer my pair to the Senator from Indiana [Mr. VOORHEES] and vote "nay."

Mr. FAULKNER. I transfer my pair with my colleague [Mr. ELKINS] to the Senator from New York [Mr. MURPHY] and vote "yea."

Mr. DAVIS. I am paired with the Senator from Indiana [Mr. TURPIE]. If he were here, I should vote "nay."

Mr. BURROWS (after having voted in the negative). I observe that the senior Senator from Louisiana [Mr. CAFFERY], with whom I am paired, is not in his seat, and I will therefore withdraw my vote.

The result was announced—yeas 17, nays 35; as follows:

YEAS—17.

Allison,	Gordon,	Mitchell, Wis.	Vilas,
Baker,	Gray,	Palmer,	Wetmore.
Brice,	Hill,	Proctor,	
Faulkner,	McMillan,	Sewell,	
Gallinger,	Mills,	Vest,	

NAYS—35.

Allen,	Chilton,	Lodge,	Roach,
Bacon,	Cockrell,	Mantle,	Shoup,
Bate,	Cullom,	Mitchell, Oreg.	Squire,
Berry,	Daniel,	Nelson,	Stewart,
Blackburn,	Dubois,	Pasco,	Teller,
Brown,	Frye,	Peffer,	Warren,
Butler,	Gear,	Perkins,	White,
Call,	Hansbrough,	Pettigrew,	Wolcott.
Carter,	Lindsay,	Pugh,	

NOT VOTING—37.

Aldrich,	George,	Kyle,	Smith,
Blanchard,	Gibson,	McBride,	Thurston,
Burrows,	Gorman,	Martin,	Tillman,
Caffery,	Hale,	Morgan,	Turpie,
Cameron,	Harris,	Morrill,	Voorhees,
Cannon,	Hawley,	Murphy,	Walthall,
Chandler,	Hoar,	Platt,	Wilson.
Clark,	Irby,	Pritchard,	
Davis,	Jones, Ark.	Quay,	
Elkins,	Jones, Nev.	Sherman,	

So the Senate refused to refer the resolution to the Committee on Finance.

Mr. FAULKNER. Let us vote now on the amendment of the Senator from Massachusetts.

Mr. LODGE. The amendment that I offered, to substitute the Committee on Finance for a select committee.

The VICE-PRESIDENT. The question recurs on the amendment of the Senator from Massachusetts [Mr. LODGE]. The amendment will be stated.

The SECRETARY. After the first word, "That," strike out "a committee of five Senators shall be appointed by the Vice-President, whose duty it shall be" and insert "the Committee on Finance shall be directed."

Mr. PEFFER. On that question let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE]. If he were present, I should vote "yea."

Mr. DUBOIS (when his name was called). I wish to announce the pair of the senior Senator from New Jersey [Mr. SMITH] with the Senator from Utah [Mr. CANNON]. I vote "nay."

Mr. GEORGE (when his name was called). I am paired with the Senator from Oregon [Mr. MCBRIDE]. If he were present, I should vote "yea."

Mr. HARRIS (when his name was called). Being paired with the senior Senator from Vermont [Mr. MORRILL], I transfer that pair to the senior Senator from South Carolina [Mr. IRBY] and record my vote. I vote "yea."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD].

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. GALLINGER. I wish to announce the pair of my colleague [Mr. CHANDLER] with the junior Senator from New York [Mr. MURPHY]. My colleague is unavoidably absent from the Senate, and will be absent for several days.

Mr. PASCO. I announce, as before, the transfer of my pair with the Senator from Washington [Mr. WILSON] to the Senator from Indiana [Mr. VOORHEES], and I vote "yea."

I wish to state that the Senator from Mississippi [Mr. WALTHALL] is paired generally on all questions this afternoon with the Senator from Pennsylvania [Mr. CAMERON].

Mr. BERRY. My colleague [Mr. JONES of Arkansas] is paired with the Senator from Maine [Mr. HALE]. If my colleague were present, he would vote "yea."

Mr. QUAY. I have a general pair with the Senator from Alabama [Mr. MORGAN]. Probably the junior Senator from Alabama [Mr. PUGH] can mention the views of his colleague upon this subject.

Mr. PUGH. I am able to state to the Senator from Pennsylvania that my colleague, if present, would vote "yea."

Mr. QUAY. Then I will vote. I vote "yea."

Mr. WARREN. I wish to announce that my colleague [Mr. CLARK] is absent, and is paired with the junior Senator from Maryland [Mr. GIBSON].

Mr. BURROWS (after having voted in the affirmative). I withdraw my vote, as the senior Senator from Louisiana [Mr. CAFFERY], with whom I am paired, is not in his seat.

Mr. THURSTON. I transfer my pair to the Senator from Connecticut [Mr. HAWLEY] and vote "yea."

The result was announced—yeas 35, nays 20; as follows:

YEAS—35.

Allison,	Faulkner,	Lodge,	Roach,
Bacon,	Frye,	McMillan,	Sewell,
Baker,	Gallinger,	Mills,	Squire,
Bate,	Gear,	Mitchell, Wis.	Thurston,
Berry,	Gordon,	Palmer,	Vest,
Blackburn,	Gray,	Pasco,	Vilas,
Brice,	Harris,	Proctor,	Wetmore,
Cullom,	Hill,	Pugh,	White.
Daniel,	Lindsay,	Quay,	

NAYS—20.

Allen,	Chilton,	Mitchell, Oreg.	Shoup,
Brown,	Cockrell,	Nelson,	Stewart,
Butler,	Dubois,	Peffer,	Teller,
Call,	Hansbrough,	Perkins,	Warren,
Carter,	Mantle,	Pettigrew,	Wolcott.

NOT VOTING—34.

Aldrich,	Elkins,	Jones, Nev.	Sherman,
Blanchard,	George,	Kyle,	Smith,
Burrows,	Gibson,	McBride,	Tillman,
Caffery,	Gorman,	Martin,	Turpie,
Cameron,	Hale,	Morgan,	Voorhees,
Cannon,	Hawley,	Morrill,	Walthall,
Chandler,	Hoar,	Murphy,	Wilson.
Clark,	Irby,	Platt,	
Davis,	Jones, Ark.	Pritchard,	

So the amendment was agreed to.

Mr. VILAS. Mr. President, I desire to submit a motion to strike out the second and third paragraphs of this resolution, so as to leave the resolution stand upon the first paragraph, which undoubtedly comprehends all that is mentioned in the others as well.

Mr. STEWART. Has not that been done?

Mr. VILAS. It has not yet been done, but I suppose the Senator from Kansas will not object to its being done.

Mr. PEFFER. Mr. President, while I am of the opinion that the first paragraph of the resolution is sufficiently wide in scope to authorize the committee to go into all the facts and details that are material, yet, at the same time, in drawing the resolution I thought it well to be more specific. Senators will observe that in the first paragraph the language is:

To investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury, etc.

"Generally;" but there is nothing to indicate that the committee is expected to go into details. Hence I thought in the draft of the resolution that it would be better to be more specific and to point out by way of suggestion, if for no other purpose, to the committee what lines of investigation the Senate desired the committee to pursue.

But, as I stated a moment ago, while I think the first paragraph covers all the ground that really need be covered after the discussion we have had here, still I prefer to have the resolution remain as it is, and especially when it goes to the Committee on Finance, instead of to a select committee. I assume that, instead of 13 members undertaking to make this investigation, it will be done by a subcommittee; that the report of the subcommittee will be submitted to the full committee, and that the action of the full committee will be made on the report of the subcommittee. Hence I still think that it will be better to leave the language just as it is.

Mr. VILAS. Mr. President, I should have supposed that the Senator would agree to my suggestion, inasmuch as he has agreed that the language of the first clause covers the whole subject.

Mr. PEFFER. I should have been willing to agree to that if the Senate had seen proper to intrust the investigation to a select committee.

Mr. VILAS. I see no reason to suppose that the Finance Committee will not intelligently interpret the instruction which is given by the Senate to the resolution.

Mr. PEFFER. If the Senator will allow me, the Senator from Georgia [Mr. GORDON] a little while ago made the same mistake, and he emphasized it with considerable fervor and gesticulation, that there must be something else that moved the author of the resolution than an honorable, fair, and equitable investigation. While that was not the language of the Senator, yet it was what he meant to say, and as we all understood it.

Now, I say, once for all, that I have no manner of objection to the Committee on Finance making this investigation. I make no imputation upon the character, the integrity, the intelligence, the honor, or the patriotism of any member of that committee, but it occurred to me, Mr. President, that with a cumbrous committee of 13 members, not chosen and appointed for the special purpose of making investigations of transactions in the Executive Departments, but for other purposes connected with the body here, as one of the arms of the body, so to speak, it would be less liable to make this investigation thorough and complete as the public demand, if there is a public demand, expects that it will be done.

More than that, Mr. President, that committee has remained perfectly silent during all of these peculiar bond transactions which this resolution proposes to investigate, saying not one word; and one of the members of the committee upon this floor—and I do not know but others, but one particularly—gave it as his opinion that the members of the Administration had done exactly right; had done just what he thought they ought to do. The committee, I say, sat silently by, seeing all these things, noticing the clamor in the newspapers and the scandal that was being published broadcast over the country, saying not a word; and it seemed to me that a body so inert, that required so much to move it as our Finance Committee, would probably not be so zealous, so earnest, and so thorough in the investigation of this unusual transaction of the executive department as a special committee, specially commissioned for that particular purpose, to go out and do thus and so. That was the view I had in my mind.

One other word, and that is all I have to say. It has been assumed by the Senator from New York—and probably from his eloquence by others—that this resolution is from the incubation of Populism, if I may use that expression; in other words, that it was the result of a conference and caucus among Populist Senators. I want to disabuse the mind of the Senator from New York and that of all other Senators here on that subject. The Populist Senators, as such, have had no more to do with the preparation and presentation of that resolution than had the Senator from New York. It was my own product exclusively, and no living soul saw it until within just a few minutes before it was offered to the Senate, and then I showed it to the Senator from Nebraska [Mr. ALLEN], who had hardly time to read one-half of it until he handed it back to me, and I offered it to the Senate, and whatever there is in it to be censured or approved I am responsible for.

Mr. VILAS. Mr. President, I had hoped that if we could remove from this resolution one or two of those details which are unnecessary and leave the resolution just as the Senator from Kansas says it ought to be, we might have an end of it. I hoped for that reason, among others, that he would readily agree to the suggestion, and, indeed, I expected that he would, and that there would be no occasion to present my reasons in support of my motion. Indeed, what he states is a sufficient reason for the adoption of the motion, because, if it be true, as the Senator from Kansas concedes, that the first paragraph of this resolution comprehends all the various details which are set out at some length in the second and third paragraphs, I think it is true that there ought to be no occasion to direct specifically a committee like the Committee on Finance, which is abundantly directed generally in the first paragraph of the resolution.

It ought to be further said, too, that there is a certain risk if you begin with a general declaration, intending thereby to impose a comprehensive view, which shall require the committee to pursue whatever path the investigation may itself indicate to them, you do, by giving them specific and limited directions afterwards in a certain sense limit and restrict them to pursue those particular points. If Senators notice the several things mentioned in the second paragraph, it seems to me it will occur to everyone at once that it is mere surplusage to repeat them in the resolution.

Mr. STEWART. Read them.

Mr. VILAS. I will read the second paragraph.

Mr. HILL. Will the Senator read the first paragraph? There are several Senators here who wish to hear the first paragraph read. I ask the Senator to read the first paragraph as amended.

Mr. VILAS. The first paragraph is not amended. The declaratory part of the resolution has been amended; so that it reads:

That the Committee on Finance is directed, etc.

The first paragraph of that declaration, unchanged as it was introduced by the Senator from Kansas, is:

First. To investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Now, take the second paragraph:

Second. To investigate and report specially what amount of available funds, classified, was in the United States Treasury and on deposit in other places, subject to the order of the Secretary of the Treasury at the time the bonds were sold or offered for sale.

Necessarily one of the facts and circumstances connected with the bond investigation.

Mr. MITCHELL of Oregon. Necessarily?

Mr. VILAS. Yes; necessarily.

Second—

Whether there was or was not coin enough on hand to meet all coin obligations of the Government due at the time said bonds were sold or when they were offered for sale.

The very reason upon which the bonds were sold.

Third (these enumerations of paragraphs are my own)—

What obligations were due at that time and the amount of each, stated separately.

Fourth—

What was the reason for any unusual withdrawal of coin from the Treasury shortly before bonds were sold or offered for sale, if such unusual withdrawals were in fact made.

Fifth—

And by what persons or classes of persons and for what purpose or on what account such withdrawals were made.

Sixth—

Who purchased the bonds, in what amounts, and where, whether in the United States or in foreign countries, and in what proportions.

And seventh—

And from what persons or classes of persons the gold was procured with which to pay for the bonds, what the bonds sold for, and what was the market price of our Government bonds at the time, and what effect the bond sales had on the credit and business of the people of the United States.

That is the whole of the second paragraph. If a committee were to investigate intelligently the subject committed to them generally to pursue and inquire about under that first resolution, how could they possibly omit any circumstance?

Now take the third paragraph. This embraces one thing which seems to me ought not to be embraced. If we were to repeat these specific directions in addition to the general directions, one of them ought to be omitted; but as it is all comprehended except that one, perhaps the better way is to strike them all out.

Third. To investigate and report as to the manner of disposing of said bonds, by what authority, and what contracts, advertisements, or proposals were made by the Secretary of the Treasury in relation thereto; what agreements or contracts, and whether oral or in writing, and whether publicly or privately, were entered into by the Secretary of the Treasury and any syndicate or person or persons with respect to the sale and purchase of the bonds—

Of course necessarily involved in every circumstance—

and the profits made—

Now, here is one clause embraced in these words—

or to be made by such syndicate, or any person or persons connected with such syndicate, directly or indirectly.

Mr. President, it does seem to me quite ridiculous to charge the Committee on Finance with an investigation or with an inquiry into what profits are "to be made" by any syndicate out of their having purchased bonds in the past. It is a speculative inquiry, which it would be better to omit from the resolution. It is the only indication of an inquiry in the whole specification of particular inquiries which, it seems to me, would not immediately occur to every member of the Committee on Finance as within the duty charged upon him by the first resolution. There is added to it—

whether such contract or agreement had any and what effect on the prices offered for the bonds, what the effect was, and who, if any person, profited by it, and to what extent.

Which is mere repetition. It seems to me that we do harm to the resolution by adding these particular and specific directions. We had better leave it to a committee instructed to pursue the inquiry, a committee like the Committee on Finance, into all material facts and circumstances. Some new lines may be opened up by them as they make inquiries which are not mentioned in the specific suggestion in the second and third parts of the resolution; and as the first part is enough, it is not even becoming in us to repeat and specify more particularly the directions. That is all there was in my mind on the subject, and I did not expect to have said half so much by way of interposing what seems to me the plain propriety of this motion, because I supposed it would have been assented to.

Mr. VEST. Mr. President, I have no disposition to discuss this resolution or the amendments to it, but when the Senator from Kansas [Mr. PEFFER] attacks the Committee on Finance for inertness it seems to me he makes a charge which is utterly unfounded. I do not think it was the duty of that committee, without any action on the part of the Senate, to take this matter up in regard to the sale of these bonds; but speaking for myself, as a member of that committee, I desire to state that, although the other day as a matter of courtesy to the Senator from Kansas I voted to take up his resolution, though the river and harbor bill was then pending and I was a member of the Commerce Committee, which had reported it, I did not then mean to state—and I distinctly want that understood now—that I believed there was any necessity for this investigation by any committee.

The intelligent portion of the people of the United States know all the facts connected with these bond sales. The real essence of the whole matter lies in the policy of the Administration. There is no man in this country who is worthy to cast his ballot at an election who does not know why these bond sales were made and how they were made. If the Administration believed honestly, as it doubtless did, that the gold standard must be preserved, their only way to do it was by the sale of bonds. I differ in toto with the Administration upon that question; but a further explanation of my opinions in regard to that would involve the whole financial question.

As to the details of this investigation, I desire to say that, as a member of the Committee on Finance, whatever may be my opinion as to the necessity for it, I shall honestly act as the agent of the Senate in making that investigation, and I shall not stand upon any technical terms or phrases contained in the resolution. I understand the Senate to mean that this whole proceeding is to be investigated. Let me say to the Senator from Kansas that this resolution, in whatever form it comes to the committee, will not be pigeonholed and die in that committee. There will be a report upon it, full, ample, with all the information that the committee can possibly obtain.

It is unjust to the Committee on Finance, whose chairman is absent this afternoon, to charge that we have been guilty of any neglect of duty or any inertness, as the Senator expressed it. That committee is up with its docket; it has discharged all the duties imposed upon it, and will continue to do so; and I undertake to say, although not authorized to do so by any other member of the committee, that not one of us will be disposed to shirk the duty imposed by this resolution in any form.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Wisconsin [Mr. VILAS] to the resolution of the Senator from Kansas [Mr. PEFFER], which will be stated.

The SECRETARY. It is proposed to strike out the second and third clauses of the resolution, in the following words:

Second. To investigate and report specially what amount of available funds, classified, was in the United States Treasury and on deposit in other places, subject to the order of the Secretary of the Treasury, at the time the bonds were sold or offered for sale; whether there was or was not coin enough on hand to meet all coin obligations of the Government due at the time said bonds were sold or when they were offered for sale; what obligations were due at that time and the amount of each, stated separately; what was the reason for any unusual withdrawal of coin from the Treasury shortly before bonds were sold or offered for sale, if such unusual withdrawals were in fact made, and by what persons or classes of persons and for what purpose or on what account such withdrawals were made; who purchased the bonds, in what amounts, and where, whether in the United States or in foreign countries, and in what proportions, and from what persons or classes of persons the gold was procured with which to pay for the bonds, what the bonds sold for, and what was the market price of our Government bonds at the time, and what effect the bond sales had on the credit and business of the people of the United States.

Third. To investigate and report as to the manner of disposing of said bonds, by what authority, and what contracts, advertisements, or proposals were made by the Secretary of the Treasury in relation thereto; what agreements or contracts, and whether oral or in writing, and whether publicly or privately, were entered into by the Secretary of the Treasury and any syndicate or person or persons with respect to the sale and purchase of the bonds, and the profits made or to be made by such syndicate, or any person or persons connected with such syndicate, directly or indirectly; whether such contract or agreement had any and what effect on the prices offered for the bonds, what the effect was, and who, if any person, profited by it, and to what extent.

Mr. FAULKNER. I ask the Secretary to read the resolution as it will stand if amended under the motion of the Senator from Wisconsin [Mr. VILAS].

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

Resolved, That the Committee on Finance shall be directed to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Wisconsin [Mr. VILAS].

Mr. BACON. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BURROWS (when his name was called). I am paired with the senior Senator from Louisiana [Mr. CAFFERY]. I will transfer my pair to the Senator from Rhode Island [Mr. ALDRICH] and vote. I vote "nay."

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE]. If he were present, I should vote "nay."

Mr. DUBOIS (when his name was called). I announce the pair of the senior Senator from New Jersey [Mr. SMITH] with the Senator from Utah [Mr. CANNON]. That enables me to vote, and I vote "nay."

Mr. HARRIS (when his name was called). Being paired with the senior Senator from Vermont [Mr. MORRILL], I transfer my pair to the senior Senator from South Carolina [Mr. IRBY], and vote "nay."

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "nay."

Mr. QUAY (when his name was called). I have a general pair with the Senator from Alabama [Mr. MORGAN]. If he were present, I should vote "yea."

Mr. SEWELL (when his name was called). I am paired with the Senator from Wisconsin [Mr. MITCHELL], who, I notice, has not voted on this question. If he were here, I should vote "nay."

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. I will transfer my pair to the Senator from Connecticut [Mr. HAWLEY], and vote. I vote "nay."

The roll call was concluded.

Mr. GALLINGER (after having voted in the negative). I have a general pair with the senior Senator from Texas [Mr. MILLS], who is not otherwise paired on this vote, and I therefore withdraw my vote.

The result was announced—yeas 7, nays 44; as follows:

YEAS—7.

Brice,	Gordon,	Hill,	Vilas.
Faulkner,	Gray,	Palmer,	

NAYS—44.

Allen,	Chilton,	Lindsay,	Pugh,
Allison,	Cockrell,	Lodge,	Shoup,
Bacon,	Cullom,	McBride,	Squire,
Baker,	Daniel,	McMillan,	Stewart,
Bate,	Dubois,	Mantle,	Teller,
Berry,	Frye,	Mitchell, Oreg.	Thurston,
Blackburn,	Gear,	Nelson,	Vest,
Brown,	George,	Pasco,	Warren,
Burrows,	Hansbrough,	Peffer,	Wetmore,
Butler,	Harris,	Perkins,	White,
Carter,	Jones, Nev.	Pettigrew,	Wolcott.

NOT VOTING—38.

Aldrich,	Gallinger,	Mills,	Sewell,
Blanchard,	Gibson,	Mitchell, Wis.	Sherman,
Caffery,	Gorman,	Morgan,	Smith,
Call,	Hale,	Morrill,	Tillman,
Cameron,	Hawley,	Murphy,	Turpie,
Cannon,	Hoar,	Platt,	Voorhees,
Chandler,	Irby,	Pritchard,	Walthall,
Clark,	Jones, Ark.	Proctor,	Wilson.
Davis,	Kyle,	Quay,	
Elkins,	Martin,	Roach,	

So the amendment was rejected.

The VICE-PRESIDENT. The question now is upon agreeing to the resolution as amended.

Mr. HILL. Mr. President——

Mr. VILAS. Does the Senator from New York desire to go on to-night?

Mr. HILL. I wish to say a word. While I am gratified at the action of the Senate in changing the form of the resolution,

dispensing with the appointment of a special committee and directing the Finance Committee to make the investigation, I am, of course, as I stated at the outset, opposed to any investigation whatever. I was willing to suspend my remarks at the suggestion of several Senators to enable a vote to be taken on this test question. I desire to assure the Senate that I shall not detain it very long, but I have marked out for myself some things which I desire to say. I do not desire, unless it is the pleasure of the Senate, to complete my remarks to-night, but I shall be able to conclude them within an hour to-morrow. I will then finish what I have to say upon this question, and the Senate may, so far as I am concerned, take a vote.

Mr. PEFFER. I think that if the Senator from New York can conclude his remarks in the course of an hour, he ought to be able to do so to-night. He has had a good deal of rest this afternoon, and Senators are very anxious to dispose of the resolution. I hope the Senator from New York will proceed.

Mr. HILL. It is immaterial to me. Then I will go on.

Mr. VILAS. I move that the Senate proceed to the consideration of executive business.

Mr. FRYE. Will not the Senator from Wisconsin let me ask the Senate to go on with the river and harbor bill?

Mr. VILAS. Yes; if the Senate will agree to that course.

Mr. HILL. I am entirely agreeable to anything.

Mr. GRAY. Let us take a recess.

Mr. HILL. The contest is substantially over, and I wish to conclude my remarks in form and shape.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Wisconsin [Mr. VILAS] that the Senate proceed to the consideration of executive business.

Mr. FRYE. I understood the Senator from Wisconsin to yield to me to call up the river and harbor bill.

Mr. VEST. I move that the Senate adjourn.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Missouri [Mr. VEST] that the Senate adjourn.

Mr. ALLISON. On that I ask for the yeas and nays.

The VICE-PRESIDENT. The Chair will state, in order that there may be no misunderstanding——

Mr. ALLISON. I ask the Senator from Missouri to withdraw his motion for a moment.

Mr. VEST. Certainly.

Mr. ALLISON. I should like to state to the Senator from New York and to other Senators that if we can have an understanding that a vote upon this question shall be taken at some reasonable hour to-morrow, early in the day, I shall not object to an adjournment at this time. The Senator from New York states that he desires to occupy an hour.

Mr. PUGH. The Senator said he could conclude his remarks within an hour.

Mr. ALLISON. I hope to take up the resolution immediately after the routine business in the morning, and allow the Senator from New York to complete his observations, which he certainly can do in an hour and a half. I presume that no other Senator will desire to speak. If that be true, we can vote——

Mr. FRYE. At half past 1 o'clock.

Mr. ALLISON. I ask unanimous consent that we may take a vote upon the resolution at 2 o'clock to-morrow.

The VICE-PRESIDENT. The Chair will submit to the Senate the request of the Senator from Iowa.

Mr. HILL. Let me say a word. It is immaterial to me. I would just as lief go on now——

Mr. STEWART. I object to the request.

Mr. HILL. And close the discussion to-night, so far as I am concerned. It is just as convenient to me.

Mr. STEWART. That is right.

Mr. FRYE. Let us close the discussion to-night.

Mr. HILL. I will proceed and will close the discussion to-night.

Mr. BLACKBURN. Let us do that.

Mr. FRYE. All right.

The VICE-PRESIDENT. Does the Senator from Missouri withdraw his motion?

Mr. VEST. I do.

Mr. HILL. I am as anxious to reach the river and harbor bill, although New York has not very much in it, as any other Senator. Therefore I will not unnecessarily detain the Senate.

Mr. BLACKBURN. Now let us go on.

Mr. ALLISON. I believe it is now understood that we shall take a vote upon the question to-night before adjournment. I only mention it at this time because some Senators will soon leave the Chamber unless that is understood.

Mr. HILL. I have not the slightest objection to that course.

Mr. FRYE. Let us vote to-night.

Mr. GRAY. Let us go on.

Mr. HILL. Of course I can not control other Senators.

Mr. President, it is unnecessary that I should refer to the speech of the distinguished Senator from Florida [Mr. CALL] who spoke in favor of the proposed investigation. I simply wish to call the attention of the Senate to the fact that to-day it referred a resolution to investigate the election of members of Congress in the State of Florida to a standing committee of the Senate rather than summarily order an investigation; and yet in reference to a question involving a hundred million dollars the Senate proposes to proceed immediately and summarily in ordering an investigation.

When I was interrupted and yielded to the Senator from Florida [Mr. CALL], I was speaking upon the fact that history was repeating itself. I wish now to read a letter from the agent of the Nevada Bank of San Francisco to Mr. Sherman, dated New York, December 21, 1878:

AGENCY OF THE NEVADA BANK OF SAN FRANCISCO,
New York, December 21, 1878.

DEAR SIR: We received at noon your favor of yesterday's date, with the following closing remarks:

"It should be understood by yourselves and by the bank that while there is little doubt that the money will remain on deposit until the maturity of the seventy-fifth call, yet the Department must reserve the right, without qualification or condition, to draw the money out at any time."

We very much regret that this proviso has now been interposed, because in our previous correspondence with your good self relative to this subscription we find nothing that would lead us to expect it.

On the 18th instant we inquired by telegraph if we could subscribe "with privilege of three months in which to settle for same," to which you replied on the same day by telegraph: "Can not under the law accept your offer. Can only accept subscription as per circular, the terms of which are as favorable to you as your offer. See letter." And the letter referred to covers the circular of August 1, 1878, which distinctly authorizes designated depositaries to retain the subscription money until the call of the corresponding 6 per cent bonds matures, ninety days hence, and closes with these words: "I hope you will make the subscription on these terms."

Thus you will perceive that not a word in your telegram or letter indicated that you would reserve the right to call for the money before the expiration of the ninety days, and we felt perfectly justified in telegraphing our head office on the 19th: "Just received letter Secretary Treasury conceding three months' time if subscription made through depositary."

We now beg to confirm the following telegram which we sent you upon receipt of yesterday's communication:

"Yesterday's letter received. In accordance with yours of the 18th, and August circular therewith inclosed, we subscribed for million bonds, understanding that ninety days' privilege was unquestionably granted. If any doubts exist on this point, we fear our head office will prefer to cancel subscription. Kindly reply promptly."

Very respectfully, yours, C. T. CHRISTENSEN, *Agent.*

P. S.—2.15 p. m.—We are this moment in receipt of your telegram, as follows: "The money will remain on deposit, as stated, ninety days, but this is only done by reason of the misapprehension into which you have fallen in making the subscription, and must not stand as a precedent."

Very respectfully, C. T. CHRISTENSEN, *Agent.*

Hon. JOHN SHERMAN,
Secretary of the Treasury, Washington, D. C.

I wish to show from this letter that in 1878 as now there were complaints in reference to bids; that banks and individuals were complaining of the Secretary of the Treasury that they had not been treated properly and rightly in reference to the award of bids. That is the only point I make, namely, to show that there is nothing new in these allegations, but that all during the resumption period there were complaints by bankers and others.

Mr. HARRIS. Will the Senator from New York allow me to ask——

The PRESIDING OFFICER (Mr. BACON in the chair). Does the Senator from New York yield to the Senator from Tennessee?

Mr. HILL. Certainly.

Mr. HARRIS. I wish to suggest that an hour from now we will not have a voting quorum on this floor. If we can come to an agreement to take a vote not later than 2 o'clock to-morrow, giving the Senator from New York an opportunity to conclude his remarks to-morrow morning, I think it would be the wiser policy, and with his permission I will ask unanimous consent for such an agreement.

Mr. HILL. To take a vote when?

Mr. HARRIS. To take the final vote on the resolution not later than 2 o'clock to-morrow.

Mr. HILL. That is satisfactory, so far as I am concerned.

Mr. HARRIS. I ask unanimous consent for such an agreement.

Mr. DUBOIS. I do not desire to object, but I think a Senator who has left the Chamber would object to such an arrangement. Can the Senator not fix the time at 4 o'clock? We will go ahead with business and vote at 4 o'clock, and the Senator from New York can conclude at 2 o'clock.

Mr. FAULKNER. Why not modify the request for unanimous consent by asking for a vote at 2 o'clock, or sooner, if the debate is concluded?

Mr. HARRIS. If I can get a unanimous-consent agreement to take the final vote at any hour named to-morrow, it will suit me.

Mr. DUBOIS. Say 4 o'clock.

The PRESIDING OFFICER. What hour was designated by the Senator from Tennessee?

Mr. HARRIS. I designated 2 o'clock, but other Senators suggest other hours. The earlier the hour the better it suits me.

Mr. DUBOIS. I suggest 4 o'clock.

Mr. HARRIS. Then I ask unanimous consent that the final vote on the resolution shall be taken not later than 4 o'clock to-morrow.

Mr. DANIEL. Make it 2 o'clock.

Mr. HILL. I would suggest 3 o'clock. The Senator from Maine [Mr. FRYE] can go on with the river and harbor bill for an hour, and I will finish at 3 o'clock. If I do not conclude by that time you can have the vote.

Mr. WHITE. I desire to inquire of the Senator from Idaho whether he is aware that any other Senator desires to be heard upon this subject?

Mr. DUBOIS. I am not certain about it.

Mr. WHITE. Of course I would not be a party to any agreement that would exclude any Senator who has left here with——

Mr. DUBOIS. As I said, a Senator left the Chamber who would object to taking a vote at 2 o'clock. I am willing to make it 4 o'clock. The Senator from New York can conclude his remarks at 2 o'clock. Then if no one wants to speak we can go on with the river and harbor bill, and vote on the resolution at 4 o'clock.

Mr. HILL. When do I begin?

Mr. HARRIS. Immediately after the routine business to-morrow morning. I make this distinct proposition——

Mr. HILL. Say 4 o'clock. If I conclude sooner——

Mr. HARRIS. That immediately after the routine morning business to-morrow the resolution shall be taken up.

Mr. HILL. At what hour?

Mr. HARRIS. Immediately after the routine morning business to-morrow morning the resolution shall be taken up——

Mr. HILL. I do not know exactly when that will be, but I do not object.

Mr. HARRIS. And that the final vote shall be taken not later than 4 o'clock to-morrow.

The PRESIDING OFFICER. Senators have heard the request of the Senator from Tennessee for unanimous consent. Is there objection?

Mr. ALLEN. I observe that the Senator from Kansas [Mr. PEFFER] is temporarily absent from the Chamber. I suppose he will be here in a moment or so.

Mr. TELLER. I think we ought to wait until he comes in.

Mr. ALLEN. I do not think a unanimous-consent agreement ought to be made until the Senator from Kansas comes into the Chamber.

Mr. TELLER. I think not.

Mr. PEFFER entered the Chamber.

Mr. HARRIS. The Senator from Kansas was absent when I made my request a while ago. I call the attention of the Senator from Kansas to the fact that I have just asked unanimous consent that the pending resolution shall be taken up immediately after the routine morning business to-morrow and that the final vote shall be taken upon the resolution not later than 4 o'clock to-morrow.

Mr. PEFFER. If that is satisfactory to the members of the Appropriations Committee it will be satisfactory to me.

Mr. ALLISON. It is not quite satisfactory, but we will abide by it.

Mr. HARRIS. If it is just barely satisfactory——

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee [Mr. HARRIS]? The Chair hears none, and it is so ordered.

WILLIAM GRAY.

Mr. TELLER. I ask unanimous consent that the Committee on Finance be discharged from the further consideration of the bill (H. R. 953) for the relief of William Gray.

The PRESIDING OFFICER. Is there objection? The chair hears none.

Mr. TELLER. The bill involves the small sum of $174, and I ask that it may be put on its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to issue to William Gray, late a private in Company D, First Regiment of New York (Lincoln) Cavalry, a warrant for the sum of $174.43, in full for his claim heretofore allowed by the Treasury Department, and for which claim the Department issued to him Treasury pay warrant No. 3960, dated September 20, 1865, which warrant was paid on a forged indorsement of the name of the claimant without his authority or knowledge, and for which he has never received any return or benefit.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. VILAS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 6 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 7, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 6, 1896.

PROMOTIONS IN THE ARMY.

Infantry arm.

Lieut. Col. William John Lyster, Twenty-first Infantry, to be colonel, May 1, 1896, vice Bartlett, Ninth Infantry, retired from active service.

Maj. Chambers McKibbin, Twenty-fifth Infantry, to be lieutenant-colonel, May 1, 1896, vice Lyster, Twenty-first Infantry, promoted.

Capt. Mott Hooton, Twenty-second Infantry, to be major, May 1, 1896, vice McKibbin, Twenty-fifth Infantry, promoted.

First Lieut. Frank Beall Jones, Twenty-second Infantry, to be captain, May 1, 1896, vice Hooton, Twenty-second Infantry, promoted.

Second Lieut. Wilson Chase, Twentieth Infantry, to be first lieutenant, May 1, 1896, vice Jones, Twenty-second Infantry, promoted.

PROMOTION IN THE NAVY.

Assistant Engineer William W. Bush, to be a passed assistant engineer in the Navy, from the 28th of March, 1896, vice Passed Assistant Engineer Albert B. Willits, promoted.

POSTMASTERS.

Walter B. Woodward, to be postmaster at Two Harbors, in the county of Lake and State of Minnesota, in the place of Martial Filiatrault, deceased.

Edward H. Chase, to be postmaster at Dexter, in the county of Penobscot and State of Maine, in the place of Nathan F. Roberts, whose commission expired April 4, 1896.

Fred M. Noyes, to be postmaster at Gardiner, in the county of Kennebec and State of Maine, in the place of Fred E. Milliken, whose commission expired April 18, 1896.

Mark A. Drane, to be postmaster at Charleston, in the county of Mississippi and State of Missouri, in the place of Lowery Hay, deceased.

Charles McCray, to be postmaster at Ash Grove, in the county of Greene and State of Missouri, in the place of William Comegys, whose commission expired January 19, 1896.

Sylvester H. Day, to be postmaster at Carson City, in the county of Ormsby and State of Nevada, in the place of George H. Bell, removed.

Jacob H. Fank, to be postmaster at Hackensack, in the county of Bergen and State of New Jersey, in the place of William O. Labagh, whose commission expires May 9, 1896.

Giles M. Stoddard, to be postmaster at Groton, in the county of Tompkins and State of New York, in the place of Eugene A. Marsh, whose commission expired February 29, 1896.

John Q. Baker, to be postmaster at Middletown, in the county of Butler and State of Ohio, in the place of Charles E. Barnett, whose commission will expire May 20, 1896.

Henry F. Shannon, to be postmaster at Bedford, in the county of Cuyahoga and State of Ohio, in the place of Charles J. Wheeler, whose commission expired April 23, 1896.

Amos Kendall Jones, to be postmaster at Union, in the county of Union and State of Oregon, in the place of James Raymond, whose commission expired December 17, 1895.

Henry Miller, to be postmaster at Mount Joy, in the county of Lancaster and State of Pennsylvania, in the place of John B. S. Zeller, whose commission expired April 8, 1896.

Benjamin Steward, to be postmaster at Birdsboro, in the county of Berks and State of Pennsylvania, in the place of Lewis R. Bland, whose commission will expire May 9, 1896.

William H. Chapman, to be postmaster at Farmersville, in the county of Collin and State of Texas, in the place of William N. Merritt, whose commission expired December 17, 1895.

Lewis W. Christian, to be postmaster at Weatherford, in the county of Parker and State of Texas, in the place of Charles R. Van Giesen, whose commission expired April 18, 1896.

James Tiernan, to be postmaster at Fort Howard, in the county of Brown and State of Wisconsin, in the place of Andrew E. Elmore, whose commission expired March 21, 1896.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 6, 1896.

PROMOTIONS IN THE ARMY.

Corps of Engineers.

First Lieut. Harry Taylor, to be captain.

First Lieut. William Luther Sibert, to be captain.

Second Lieut. Charles Patton Echols, to be first lieutenant.

Second Lieut. James Francis McIndoe, to be first lieutenant.

Infantry arm.

First Lieut. James Alexander Leyden, Fourth Infantry, to be captain.

Second Lieut. Percival Greene Lowe, Eighteenth Infantry, to be first lieutenant.

Second Lieut. John Moore Sigworth, Tenth Infantry, to be first lieutenant.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. Samuel E. Maguire, of Louisiana, to be a captain.

Second Lieut. James H. Brown, of the District of Columbia, to be a first lieutenant.

REGISTER OF THE LAND OFFICE.

Edwin E. Sluder, of Santa Fe, N. Mex., to be register of the land office at Las Cruces, N. Mex.

POSTMASTERS.

Patrick H. McGrath, to be postmaster at Ronceverte, in the county of Greenbrier and State of West Virginia.

William J. Flynn, to be postmaster at Staples, in the county of Todd and State of Minnesota.

Lois Martin, to be postmaster at Pella, in the county of Marion and State of Iowa.

Michael J. Toher, to be postmaster at Owatonna, in the county of Steele and State of Minnesota.

Thomas M. Ryan, to be postmaster at Anoka, in the county of Anoka and State of Minnesota.

Duncan G. Campbell, to be postmaster at Rockford, in the county of Floyd and State of Iowa.

John W. Irwin, to be postmaster at New Sharon, in the county of Mahaska and State of Iowa.

L. S. Kennington, to be postmaster at Newton, in the county of Jasper and State of Iowa.

E. F. Bogert, to be postmaster at Wilkesbarre, in the county of Luzerne and State of Pennsylvania.

Thomas H. Tulley, to be postmaster at Silverton, in the county of San Juan and State of Colorado.

Charles L. Pohe, to be postmaster at Catawissa, in the county of Columbia and State of Pennsylvania.

William H. Klie, to be postmaster at Cambridgeboro, in the county of Crawford and State of Pennsylvania.

Herman A. Kohnke, to be postmaster at Hammond, in the county of Tangipahoa and State of Louisiana.

Landrum Padgett, to be postmaster at Pelzer, in the county of Anderson and State of South Carolina.

James A. Crow, to be postmaster at Plano, in the county of Collin and State of Texas.

John T. Baldwin, to be postmaster at Hennessey, in the county of Kingfisher and Territory of Oklahoma.

Richard H. Smith, jr., to be postmaster at Scotland Neck, in the county of Halifax and State of North Carolina.

WITHDRAWALS.

Executive nominations withdrawn May 6, 1896.

Capt. Allen V. Reed, to be a commodore in the Navy.

Commander Francis A. Cook, to be a captain in the Navy.

Lieut. Commander Charles T. Hutchins, to be a commander in the Navy.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 6, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 491) granting an increase of pension to Francis Walsh, of Stockham, Nebr.;

A bill (H. R. 152) granting a pension to Mary Ann Tracy;

A bill (H. R. 577) granting a pension to Lydia A. Taft;

A bill (H. R. 5254) granting an increase of pension to Ebenezer G. Howell, late a private of Company F, One hundred and sixtieth New York Volunteers;

A bill (H. R. 1139) granting a pension to Caroline D. Mowatt;

A bill (H. R. 3018) to amend an act approved March 3, 1891, granting the right of way upon the public lands for reservoir and canal purposes;

A bill (H. R. 4887) granting a pension to Sarah G. Ives; and

A bill (H. R. 4968) granting a pension to Helen A. Jackman, dependent daughter of Lieut. William Jackman, late of Company I, Fourteenth Regiment of Maine Volunteers.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 673) granting a pension to Joseph R. West, brigadier and brevet major general, United States Army Volunteers, asked a conference with the House on the bill and amendment; and had appointed Mr. GALLINGER, Mr. SHOUP, and Mr. ROACH as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the concurrent resolution authorizing the chairman of the Committee on the Library of the Senate and the chairman of the Committee on the Library of the House of Representatives and one other member of the Joint Committee on the Library, etc., to sit during the recess of Congress for the purpose of inquiring into the condition of the Congressional Library, etc.

The message also announced that the Senate had passed bills and resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 2746) to remove the political disabilities of Col. John Taylor Wood;

A bill (S. 1741) to authorize the Muscogee, Oklahoma and Western Railroad Company to construct and operate a line of railway through Oklahoma and the Indian Territory, and for other purposes;

A bill (S. 581) for the relief of the legal representatives of Hiram Somerville;

A bill (S. 122) granting a pension to Jerusha Sturgis, widow of Brig. Gen. Samuel D. Sturgis;

A bill (S. 2828) granting an increase of pension to Samuel E. Liscom;

A bill (S. 2829) granting a pension to Plumy E. Marden;

A bill (S. 2787) granting a pension to Simpson Everett Stilwell;

A bill (S. 2790) for the relief of Sophronia S. Stowell;

A bill (S. 1883) to grant a pension to Charlotte O. Van Cleve, widow of Gen. Horatio P. Van Cleve;

A bill (S. 2542) granting a pension to Stephen Maines;

A bill (S. 536) granting an increase of pension to Samantha Barnes;

A bill (S. 527) for the relief of Margaret C. McKay, widow of the late Dr. William C. McKay, of Oregon;

A bill (S. 2430) granting a pension to James W. Whitney;

A bill (S. 2428) granting an increase of pension to Jacob P. Fletcher;

A bill (S. 2341) granting a pension to George E. Tuttle;

A bill (S. 2158) granting a pension to Abraham Rhodes;

A bill (S. 2441) granting a pension to George D. Noble;

A bill (S. 2077) granting a pension to Richard T. Seltzer;

A bill (S. 1465) granting an increase of pension to Elijah A. Gilbert;

A bill (S. 2822) to increase the pension of Theodore V. Purdy;

A bill (S. 1857) granting a pension to Nathan Mitchell;

A bill (S. 2729) granting a pension to Emma Weir Casey; and

A bill (S. 2601) granting a pension to Ambrose B. Carlton.

The message also announced that the Senate had passed with amendments the bill (H. R. 5819) to provide for the examination and classification of certain lands in the State of California, asked a conference with the House on the bill and amendments; and had appointed Mr. DUBOIS, Mr. PETTIGREW, and Mr. PASCO as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendment bills of the following titles; in which the concurrence of the House was requested:

A bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes;

A bill (H. R. 4804) to amend subdivision 10 of section 2238 and to repeal subdivision 12 of section 2238 of the Revised Statutes of the United States; and

A bill (H. R. 3426) granting an increase of pension to Eugenia R. Sweeney, widow of Brig. Gen. Thomas W. Sweeney, deceased.

The message also announced that the Senate had passed with amendment the bill (H. R. 3013) to amend section 4131 of the Revised Statutes of the United States, to improve the merchant marine engineer service, and thereby also to increase the efficiency of the Naval Reserve, asked a conference with the House on the bill and amendment; and had appointed Mr. FRYE, Mr. SQUIRE, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in one volume the proceedings in Congress upon the acceptance of the statue of James Shields, 16,500 copies, of which 5,000 copies shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and 500 each for use and distribution by the governors of Illinois, Minnesota, and Missouri; and the Secretary of the Treasury is hereby directed to have printed an engraving of said statue, to accompany said proceedings, said engraving to be paid for out of the appropriation for the Bureau of Engraving and Printing.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and resolutions were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 2542) granting a pension to Stephen Maines—to the Committee on Invalid Pensions.

A bill (S. 2601) granting an increase of pension to Ambrose B. Carlton—to the Committee on Pensions.

A bill (S. 536) granting an increase of pension to Samantha Barnes—to the Committee on Invalid Pensions.

A bill (S. 1465) granting an increase of pension to Elijah A. Gilbert—to the Committee on Invalid Pensions.

A bill (S. 1857) granting a pension to Nathan Mitchell—to the Committee on Pensions.

A bill (S. 2077) granting a pension to Richard T. Seltzer—to the Committee on Invalid Pensions.

A bill (S. 2158) granting an increase of pension to Abraham Rhodes—to the Committee on Invalid Pensions.

A bill (S. 2341) granting a pension to George E. Tuttle—to the Committee on Invalid Pensions.

A bill (S. 2428) granting an increase of pension to Jacob P. Fletcher—to the Committee on Invalid Pensions.

A bill (S. 2430) granting a pension to James W. Whitney—to the Committee on Invalid Pensions.

A bill (S. 2441) granting a pension to George D. Noble—to the Committee on Invalid Pensions.

A bill (S. 2829) granting a pension to Plumy E. Marden—to the Committee on Pensions.

A bill (S. 2828) granting an increase of pension to Samuel E. Liscom—to the Committee on Invalid Pensions.

A bill (S. 2221) for the relief of settlers on the Northern Pacific Railroad indemnity lands—to the Committee on the Public Lands.

A bill (S. 1367) for the relief of the heirs of Jacob R. Davis—to the Committee on Claims.

A bill (H. R. 5819) to provide for the examination and classification of certain lands in the State of California, with Senate amendments—to the Committee on the Public Lands.

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in one volume the proceedings in Congress upon the acceptance of the statue of James Shields; 16,000 copies shall be for the use of the Senate, and 10,000 for the use of the House of Representatives, and 500 each for use and distribution by the governors of Illinois, Minnesota, and Missouri; and the Secretary of the Treasury is hereby directed to have printed an engraving of said statue, to accompany said proceedings, said engraving to be paid for out of the appropriation for the Bureau of Engraving and Printing—

To the Committee on Printing.

FINAL ADJOURNMENT OF CONGRESS.

Mr. DINGLEY. By instruction of the Committee on Ways and Means, I present a privileged resolution relative to final adjournment.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on Monday, the 18th day of May, at 2 o'clock p. m.

[Applause.]

Mr. DINGLEY. On that resolution I move the previous question.

Mr. WHEELER. Mr. Speaker, is not this question debatable?

Mr. DINGLEY. I have felt that under the circumstances, this day having been set apart for the business of another committee, I ought to move the previous question.

Mr. WHEELER. Will not my colleague on the committee consent to put off action on this resolution until to-morrow, and then have debate upon it? There is, I think, great division of opinion upon this subject.

Mr. DINGLEY. I think there is a practically unanimous desire that there should be no debate.

The previous question was ordered.

The SPEAKER. The question is now on agreeing to the resolution.

Mr. WHEELER. Mr. Speaker, the previous question having been ordered, is it not true that under the rule a debate of twenty minutes is allowed on each side?

The SPEAKER. The Chair has the impression that, strictly speaking, debate has been had between the gentleman from Alabama [Mr. WHEELER] and the gentleman from Maine [Mr. DINGLEY].

Mr. WHEELER. I simply asked that the resolution lie over until to-morrow. Under the rules, Mr. Speaker, we are entitled to debate. I should like, as a member of the committee, to occupy a few minutes.

The SPEAKER. The Chair does not like to rule very sharply upon such a question as this, although it has been ruled once or twice, upon less debate than has occurred in this case, that the previous question cut off further debate. The Chair hopes that the gentleman from Alabama will not press the point.

Mr. WHEELER. I will not insist upon twenty minutes, but should like to have five minutes.

Mr. DINGLEY. In view of the fact that this day has been set apart by a special rule for the business of another committee, I have felt that we ought not to occupy any time with debate on this resolution. But I ask unanimous consent that the gentleman from Alabama [Mr. WHEELER] be allowed five minutes.

There was no objection.

Mr. WHEELER. Mr. Speaker, during the canvass of November, 1894, the Republican party most solemnly pledged that if intrusted with power they would enact all necessary legislation to relieve the people from the depression under which the country was suffering.

Mr. MILLIKEN. Caused by the Democratic party being in power.

Mr. WHEELER. No, sir; the four years of unbridled Republican rule, which terminated on March 4, 1893, bequeathed to Mr. Cleveland's Administration a prostrate country, an empty Treasury, and a discreditable public service.

The country was like a drunkard after a long debauch.

On March 4 Mr. Cleveland suddenly checked this condition, and as withholding stimulant from the slave to drink is followed by lassitude, so a somewhat similar effect followed the halt called by Mr. Cleveland in the practices which had characterized the administration of affairs since he left the helm of state on March 4, 1889.

Mr. Cleveland found $117,927,395 of net gold in the Treasury in March, 1885, and in four years of Democratic silver-coinage administration we increased the net gold in the Treasury to $218,818,253, which Mr. Cleveland turned over to President Harrison on March 4, 1889, and when Mr. Cleveland relieved President Harrison, in March, 1893, he found the net gold was only $103,284,219.

Under a silver-coinage Democratic Administration gold steadily flowed to our country, and under the Republican silver-demonetizing Administration which succeeded the tide was turned and gold flowed from our country to the four corners of the earth.

Mr. Cleveland left a balance of profitable trade in our favor, and he found, after four years of Republican rule, the balance of trade and the tide of prosperity turned fearfully against us.

He left a tariff which taxed the people 47 per cent, and he found one which increased the tax to an average of 60 per cent and a tax of 120 per cent on the necessaries of life which the wage worker is compelled to buy. He left a country in the boom of prosperity, the result of his wise Administration from 1885 to 1889, and in 1893, after four years of Republican rule, he found it in poverty and distress, shrinking commerce, falling prices, reduced revenues, and paralyzed industries.

Before Mr. Cleveland had fairly taken the reins of Government the Republican party commenced the exercise of all its power to attribute the existing evils to Mr. Cleveland and his Administration.

This was the battle cry in the campaign of 1894, and they promised, if intrusted with the control of Congress, that every evil would be remedied, prosperity restored, and the country again made happy.

Under this pledge the people gave them a majority of 150 in the House and a decided plurality in the Senate.

The question before the American people is, Has that promise been redeemed?

I reply that the history of the world does not show another instance of such utter disregard of the promises by virtue of which a party was intrusted with position and power.

You have not the poor, threadbare excuse that you were obstructed in your efforts by filibustering Democrats, because no such action in a single instance has been even attempted.

You can not say that as the session advanced your wisdom admonished you that it would not be sagacious to comply with your pledges to the people, because the first utterance of your great, your distinguished, trusted, and worshiped leader announced that nothing would be done, and this was certainly an announcement and a confession that all of the promises made by the Republican party would be violated.

In his inaugural address when Congress convened, in his first utterance as to the proposed Republican policy, Speaker REED said:

If we do something which for the moment seems inadequate, it may be that time, which has justified itself of us on many occasions, may do so again.

This expression was understood to mean that nonaction on the part of a majority of this House would be approved by the people, and this was corroborated by the following expression, which was widely published as his utterance:

If we received the applause of the country for what we did in the Fifty-first Congress, we may receive applause for what we do not do in this Congress.

I hold in my hand a newspaper account of the Republican caucus of April 11. It seems very clear from its statements that the Republicans were quite unanimous in their determination not to allow the enactment of any general legislation. The newspaper account says:

Speaker REED was not present, but Mr. DINGLEY spoke, outlining the views upon general legislation held by the leaders of the House.

The account then says:

The general tendency of his (DINGLEY'S) advice was that the Republicans should use every endeavor to bring about an early adjournment of Congress; to adjourn, if possible, within a month, as soon as the appropriation bills could be passed by both Houses.

This shows that the first day the House met your greatest leader announced that the policy of the Republican party was not to enact legislation.

It shows that prior to April 11 the Republican leaders had determined upon an early adjournment, to adjourn as soon as the appropriation bills could be passed; and that determination on the part of the leaders has been repeatedly manifested, and not a semblance of honest effort has been made to enact legislation for the benefit of the people.

Mr. Speaker, is not this policy the grossest violation of the pledges made by the Republicans to the people in the election two years ago? With no legislation accomplished for the benefit of the people, with bills introduced and pending which should be considered by the House and which would give relief to the people, the great Republican majority propose to abandon their post, to fly from their duty, and to escape in this way the just responsibility which rests upon their heads. Is not this action like that of soldiers who fly from the field of battle? Is it not like sentinels guarding important trusts abandoning their duty? In my opinion, not a single honest effort has been made by the Republican majority to relieve the people from the thraldom under which they are suffering. Instead of reducing taxes you have used your best efforts to raise them.

Every measure you have presented to the House upon this question has been to raise taxation and sorely add to the people's burdens.

I read from the Scriptures the fate of the raiser of taxes. I find in Daniel xi, 20, that—

Then shall stand up in his estate a raiser of taxes, * * * but within a few days he shall be destroyed.

That, Mr. Speaker, will be the fate of a party who desert their posts and are false to the people. They will receive the execration of the people, as a soldier who runs from battle or a sentinel who leaves the post at which he has been placed intrusted with the honor and defense of the people. I hope that every member of this House who loves the people, who feels the responsibility of his obligation, who feels that his pledges are to be kept, will, when this question is brought up, vote "no," and pledge himself to stay here until Congress has legislated for the people. [Applause.]

Mr. Speaker, it has been suggested that some efforts have been made by the Republican majority toward relief legislation.

It is true that on December 26 the premier of the House, Mr. DINGLEY, thrust a tariff bill upon us. I hold the bill in my hands. It was dated December 26. It was introduced and printed that day and, as I said in my speech, while the ink was still wet its consideration was forced upon the House and it was crammed down the throats of the subservient followers of the proud leader whose friends delight in giving him the appellation, the American Czar—the imperial captain-general of the Republican party.

This unwise measure sought to exact and collect burdensome taxes from the people in the face of the report of the Secretary of the Treasury that he already had (I read from page 53) a balance of $177,406,388.62 in the Treasury, and that there was—

No reason to doubt the ability of the Government to discharge all its current obligations during the present fiscal year, and have a large cash balance at its close, without imposing additional taxation in any form upon the people.

Mr. Carlisle also told you in his report (page 52) that while the kind of bill you proposed would place unnecessary burdens upon the people, the probable tendency of such a bill would be to paralyze industries and decrease rather than increase revenues. He said:

The revenue derived from customs during the fiscal year 1895 exceeded the revenue derived from the same source in 1894 by the sum of $20,340,086.83.

Now, as the principal items of the Wilson bill went into operation January 1, 1895, we see by these figures that the low-tariff Wilson bill gave more revenue than the high-tariff McKinley bill.

Unwise, impolitic, and unnecessary as was any measure of this character, it was exceeded by the unwisdom and impolicy of its proposed methods and provisions.

1. The largest increase of tax was on many articles which are of necessity used by laboring people.

2. The bill was a horizontal bill; a kind of bill which Presidential Candidate Mr. McKinley said was—

A confession upon its face of absolute incapacity to grapple with the great subject.

He also said:

It gives no evidences of the expert's skill. It is the invention of indolence.

He repeats:

It is not only the invention of indolence, but it is the mechanism of a botch workman.

For two years the Republican party have vehemently denounced the wise Democratic tariff bill which was enacted by the last Congress, and in asking for votes at the last Congressional election they solemnly pledged that if placed in power they would immediately enact tariff legislation of the most approved character. The people gave them 150 majority, and they now propose to adjourn without any further fulfillment of their pledges and promises than the attempted enactment of a measure which their leading Presidential candidate denounces as—

The mechanism of a botch workman—the invention of indolence.

Another evil feature of this bill was the badly concealed and finally admitted purpose to enable and finally compel the Secretary of the Treasury to use the money thus collected from the people to pay running expenses and withhold and hoard all Treasury notes and thus fearfully contract the volume of money and still further cripple enterprises which employ labor and encourage progress and prosperity.

If this had been accomplished you would, no doubt, have held Mr. Cleveland's Administration responsible for the distress which of necessity would have followed, and thus seek to add to the chances of a Republican victory in the coming election.

The exposure of the bill's fearful infirmities and deformities by the little band of Democrats sent the measure limping on crutches to the other side of the Capitol, where it was promptly disposed of by the Senators without regard to party affiliations.

The leader in the assault and the first to thrust his javelin into its bleeding breast was the distinguished field marshal of the Republican hosts—its greatest leader, the chairman of the executive committee of that organization.

On December 27, in the same way, you forced through the House what was called a currency bill, the atrocities of which were so fully exposed by the few tried and true Democrats who remain in this body that, like the tariff bill, it dragged its limping form to the Senate Chamber, where, amidst its dying groans, that body, by a decided majority, transformed it into a silver-coinage bill, and in that condition sent it back for our consideration.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. WHEELER. I hope that every man here will vote against the resolution reported by the gentleman from Maine.

The question being taken, the resolution submitted by Mr. DINGLEY was agreed to. [Loud applause.]

On motion of Mr. DINGLEY, a motion to reconsider the last vote was laid on the table.

CONTESTED ELECTION—YOST VS. TUCKER.

Mr. MCCALL of Massachusetts. Mr. Speaker, on behalf of Elections Committee No. 3, I present the report of the contested-election case of Yost against Tucker. I ask that the report be printed, and also that the minority of the committee, who desire to file their views, may have leave to do so during the present week, and that they be printed with the report of the committee.

The SPEAKER. In the absence of objection, that order will be made.

There was no objection.

CONTESTED ELECTION—THOMPSON VS. SHAW.

Mr. MILLER of West Virginia. Mr. Speaker, on behalf of Elections Committee No. 2, I desire to present the report of the committee in the contested-election case of Thompson against Shaw, from the Third Congressional district of North Carolina. This is the unanimous report of the committee.

The SPEAKER. Does the gentleman desire immediate action?

Mr. MILLER of West Virginia. Yes, Mr. Speaker. I move the adoption of the resolution.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That Cyrus Thompson was not elected a Representative in the Fifty-fourth Congress from the Third Congressional district of North Carolina, and is not entitled to a seat therein.

Resolved, That John G. Shaw was elected a Representative in the Fifty-fourth Congress from the Third Congressional district of North Carolina, and is entitled to retain his seat therein.

The resolutions were agreed to.

On motion of Mr. MILLER of West Virginia, a motion to reconsider the last vote was laid on the table.

CONTESTED ELECTION—JOHNSON VS. STOKES.

Mr. MCCALL of Massachusetts. Mr. Speaker, in the case of Johnson against Stokes, considered by Elections Committee No. 3, I ask that the minority have leave to file their views to-day, and that they be printed with the report of the committee.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. PICKLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar under special order fixed for to-day, and pending that motion will yield to the gentleman from New Mexico [Mr. CATRON], who desires to make a request.

Mr. CATRON. Mr. Speaker, I move that House bill 4052, in relation to the issue of certain bonds by the Territory of New Mexico, be set for consideration immediately after the approval of the Journal on next Tuesday.

The SPEAKER. The Chair understood that the consent was to be asked for to-morrow morning.

Mr. DOCKERY. I hope the gentleman will defer that request for the present. My colleague [Mr. HALL] has some objection to this bill.

Mr. LACEY. I think the gentleman from Missouri has no objection to the consideration of the matter, but desired to be heard when it came up.

Mr. DOCKERY. My understanding was that he objected to the consideration of the matter. Did he consent to its consideration?

Mr. LACEY. That is my understanding. He did not want it done by unanimous consent.

The SPEAKER. The gentleman from New Mexico asks unanimous consent——

Mr. CATRON. I will modify the request, and ask that it be taken up to-morrow morning after the Journal is read.

The SPEAKER. The gentleman asks unanimous consent that to-morrow, after the reading of the Journal, the bill indicated by him may be taken up for consideration. Is there objection?

Mr. MOODY. I object.

Mr. DOCKERY. I hope that request will go over for the present.

The SPEAKER. Objection has been made.

The motion of Mr. PICKLER was then agreed to.

CONSIDERATION OF PRIVATE PENSION BILLS, ETC.

The House accordingly resolved itself into Committee of the Whole House, Mr. PAYNE in the chair.

The CHAIRMAN. The Clerk will report the special order fixed for to-day.

The Clerk read as follows:

The Committee on Rules, to whom was referred House resolution No. 288, having had the same under consideration, ask leave to report the following substitute therefor:

"*Resolved*, That on Wednesday, May 6, 1896, and Wednesday, May 13, 1896, immediately after the reading of the Journal on each day, the House shall resolve itself into Committee of the Whole House for the consideration of such bills as are in order on the sessions of Friday evenings; and that in the consideration of such bills under this resolution ten minutes' debate shall be allowed on each bill, with the amendments thereto, such time to be divided equally between those favoring and those opposing the bill: *Provided, however*, That nothing in this resolution shall be construed as interfering with general appropriation bills and conference reports thereon."

HIRAM P. PAULEY.

The first business on the Private Calendar was the bill (H. R. 986) for the relief of Hiram P. Pauley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Hiram P. Pauley, late a private in the Morgan raid militia of Seventh Indiana Legion, and to pay him a pension, subject to the provisions and limitations of the pension laws, for injuries received in what was known as the Morgan raid in Indiana.

The Committee on Invalid Pensions recommended the adoption of the following amendment:

Strike out the words, in the seventh and eighth lines, "subject to the provisions and limitations of the pension laws, for injuries received in what was known as the Morgan raid in Indiana," and insert "at the rate of $12 per month."

The amendment was agreed to.

Mr. ERDMAN. Mr. Chairman, I perceive that the other side does not want to have the report read in this case. According to the policy adopted on yesterday, in accordance with the gag law applied yesterday, we are not to know what we are passing on. We are to take for granted everything, without question, that appears on the face of these bills, and pass upon them without an opportunity of comment or examination.

The other side is afraid this country will know what they are doing. They are afraid the country will see the flimsy ground on which the bills are based.

I see that they do not propose to have the report read if they can help it. This is a new class—militiamen who are to be pensioned for disease—and I ask to have the report read in my time.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 986) for the relief of Hiram P. Pauley, submit the following report:

The affiant, Hiram P. Pauley, was a member of Capt. Marion Blair's company of what was known as the Indiana Legion, a militia organization of the State of Indiana. During the Morgan raid the company was ordered to Indianapolis to prepare to meet the invading army. It went to the United States arsenal to secure arms, and the affiant among others was ordered to open the boxes containing arms for the company, and while so engaged, in lifting a box of guns, received a serious injury producing hernia of a serious character. From this injury the claimant has never since recovered, and by reason thereof is rendered totally incapable of performing manual labor. He is now old and destitute. He can not be pensioned under the existing law for the reason that he was never mustered into the United States service.

Your committee believe that inasmuch as the claimant received his injury while in an organized company preparing to defend the country against an invading army he has just claims on that country for relief. They therefore report the bill back to the House with the recommendation that it be amended by striking out all after the word "pension," in line 6, and adding the words "at the rate of $12 per month," and that the bill as amended do pass.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

HATTIE A. BEACH.

The next business on the Private Calendar was the bill (H. R. 4903) for the relief of Hattie A. Beach, child of Erastus D. Beach, late a private in Company H, One hundred and forty-third New York Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to grant a pension, under the provisions of the act of Congress approved June 27, 1890, to Hattie A. Beach, the helpless child of Erastus D. Beach, late private Company H, One hundred and forty-third New York Volunteers; that this pension shall be at the rate fixed by the said act of June 27, 1890, so far as said act relates to the pensioning of permanently helpless children, and that said pension shall be granted from the date of the filing of the original application for pension under the aforesaid act, to wit, on or about December 27, 1890.

The Committee on Invalid Pensions recommended the following amendment:

Strike out all after the word "pension," in line 4, and insert the following: "At the rate of $12 a month to Hattie A. Beach, child of Erastus D. Beach, late private of Company H, One hundred and forty-third Regiment New York Infantry Volunteers."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

LAMBERT L. MULFORD.

The next business on the Private Calendar was the bill (H. R. 4753) granting an increase of pension to Lambert L. Mulford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Lambert L. Mulford, late of Company A, Second New Jersey Cavalry, and first lieutenant Third United States Cavalry, to the sum of $50 per month, the same to be in lieu of the pension now drawn by him under certificate No. 856371.

The Committee on Invalid Pensions recommended the following amendment:

In line 7 strike out the word "fifty" and insert the word "thirty," and strike out all after the word "him" in line 8.

The amendments recommended by the committee were agreed to.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with a favorable recommendation?

Mr. DINGLEY. I think the report ought to be read, so that we may know what the facts are.

The CHAIRMAN. The Clerk will read the report.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4753) granting an increase of pension to Lambert L. Mulford, late of Company A, Second New Jersey Cavalry Volunteers, and first lieutenant Third United States Cavalry, respectfully report as follows:

Soldier enlisted August 28, 1863, as second lieutenant Company K, Second New Jersey Cavalry; promoted to captain Company A of same regiment September 1, 1864, and mustered out with company November 1, 1865. He was appointed second lieutenant Third United States Cavalry February 23, 1866; promoted to first lieutenant December 24, 1866, and honorably discharged January 1, 1871, after eight years of almost continuous service.

He filed claim for pension June 28, 1894, alleging rheumatism from exposure in frontier service and resulting paralysis of right side, totally incapacitating him for any kind of manual labor. He has a hospital record in service for rheumatism and a number of other disabilities, and Dr. B. A. Waddington, of the highest professional standing, testifies to treating him for rheumatism ever since discharged, and that the same is the direct and undoubted cause of his present helplessness from paralysis. He says:

"His rheumatism is of a chronic nature and peculiar, in that it produces cramps, always leaving an ecchymosed condition of the areola tissue of the parts affected. On the night of November 2, 1891, he had an attack of these cramps, and getting up to bathe himself, he fell upon the floor with hemiplegia. I saw him in an hour after with partial loss of speech, motion, consciousness, etc., from which he has never recovered, and his rheumatism continues in spite of treatment, rendering him entirely unfit to make a livelihood, and rendering him, in my opinion, deserving a liberal pension from the Government."

The medical examinations by pension boards show that he is so disabled by paralysis that he can walk only by the aid of a cane and assistant, and that he is totally incapacitated for performing manual labor, and that he will gradually grow worse.

He is pensioned at $12 under act of June 27, 1890, his claim under the general law being rejected on the ground that his paralysis can not be accepted as the result of rheumatism.

Your committee is of opinion that the claim is meritorious and should have been allowed, and that from the evidence the paralysis is a result of disabilities contracted in service, as no other cause is shown, and claimant's habits are temperate and exemplary. The claimant is poor, helpless, and requires a constant attendant.

Your committee therefore recommend that the bill be amended by striking out the word "fifty," in line 7, and inserting "thirty" in lieu thereof, and by striking out all after the word "him," in line 8, and as amended that the bill do pass.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELIZABETH SADLER.

The next business on the Private Calendar was the bill (H. R. 3421) to grant a pension to Elizabeth Sadler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $12 per month, subject to the provisions and limitations of the pension laws, the name of Elizabeth Sadler, dependent sister of James Sadler, deceased, formerly of Company G, Forty-second Regiment Illinois Volunteers, and Company K, Fourth Regiment United States Cavalry.

Mr. DINGLEY. Mr. Chairman, I ask unanimous consent that the report be printed in the RECORD.

Mr. McCLELLAN. I object.

The CHAIRMAN. Objection is made. It can be read in the time of the gentleman.

Mr. DINGLEY. Let it be read in my time then.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3421) granting a pension to Elizabeth Sadler, submit the following report:

The committee, having carefully examined the evidence in support of this bill, find the following undisputed and uncontradicted facts:

James Sadler was enrolled September 12, 1861, in Company G, Forty-second Illinois Volunteers; was discharged to join Fourth United States Cavalry, in which he served until August 20, 1864. On the muster rolls of Fourth United States Cavalry for November and December, 1864, he is dropped as "Missing in action since August 20, 1864; supposed to be dead." No record of desertion or dishonorable conduct is against him. He has not been heard from since August 20, 1864.

Elizabeth Sadler was the only sister of James Sadler; parents both dead. She was dependent on James Sadler, her only brother, for her support before the war and during the war. He sent her money regularly during his service. Since the war she has been so broken down in health that she is unable to labor, and is dependent upon friends—she has no relatives—for her entire support. She has no means or property. At the date of soldier's death she was 19 years old. The soldier left no widow, child, or children.

She made application for pension, but it was rejected on the ground that then she was not pensionable—that she was 19 years old at date of soldier's death.

The committee, on these facts, recommend the passage of the bill.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ARMINDA WHITE.

The next business on the Private Calendar was the bill (H. R. 2358) for the relief of Arminda White, widow of Israel White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Arminda White on the pension roll, and that she be paid a pension at the legal rate as the widow of Israel White, captain of Twenty-fifth Ohio Infantry, from the date of her application for pension as appears on the files of the Pension Office.

The Committee on Invalid Pensions recommended the following amendments:

In line 5 strike out the word "legal" and in line 6 insert the words "of $30 per month." Also in lines 7 and 8 strike out the words "from the date of her application for pension as appears on the files of the Pension Office" and insert in lieu thereof the words "said pension to terminate should the soldier be found to be alive."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ORDER OF BUSINESS.

Mr. COX. Mr. Chairman, I ask unanimous consent to take up the bill on the Calendar, No. 980, and to make this statement about it——

The CHAIRMAN. The gentleman from Tennessee [Mr. COX] asks unanimous consent to take up the bill, Calendar number 980, for present consideration. Is there objection?

Mr. BAKER of New Hampshire and Mr. ALLEN of Utah objected.

Mr. COX. Mr. Chairman, will the gentlemen permit me to make a statement?

Mr. HOPKINS. Regular order.

The CHAIRMAN. The Clerk will report the next bill on the Calendar.

HELEN M. JACOB.

The next business on the Private Calendar was the bill (S. 149) granting a pension to Helen M. Jacob.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen M. Jacob, of Rochester, Ind., widow of Benjamin Oden West, deceased, late private in Company C of Mounted Riflemen, in the war with Mexico, and pay her a pension of $16 per month.

The Committee on Pensions recommended an amendment striking out the word "sixteen" and inserting the word "twelve" in line 9.

The amendment recommended by the committee was agreed to.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with a favorable recommendation?

Mr. DINGLEY. Mr. Speaker, I ask that the report be read.

The report (by Mr. HARDY) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 149) granting a pension to Helen M. Jacob, have examined the same and respectfully report as follows:

The facts, as sworn to by John C. Williams, a resident of Cleveland, Ohio, are as follows:

"Helen M. Jacob was married to Benjamin Oden West December 12, 1850; said Benjamin Oden West enlisted January 28, 1847, in the Mexican war, at Washington, D. C., and he was honorably discharged on or about November 6, 1847; said Benjamin Oden West deceased December 3, 1857, and he (Williams) was informed and has always understood that it was from the disease contracted while in service in the Mexican war; he left surviving him his widow, Helen M. West, and two children, Benjamin West and Helen West; said Helen M. West drew a pension as his widow from the date of his death to her marriage to William W. Jacob, when her pension ceased; said William W. Jacob died on or about October 18, 1872, at Washington, D. C., and left surviving him his said widow, Helen M. West Jacob, and left nothing for her support; she is now residing at Rochester, Ind., and is entirely dependent for her support upon what is given her by others; she has no income or no property to this affiant's knowledge, and she is 65 years of age, and further affiant saith not."

The above facts are also corroborated by William J. Craign, a physician in active practice for fifty-seven years:

"He knows and has been acquainted with Mrs. Helen M. Jacob during the past thirty-five years or longer; he knew her when she was the wife of Benjamin Oden West, and knows that the said Benjamin Oden West is now deceased, and knew she married William W. Jacob, and said William W. Jacob is now deceased. He also knows that prior to her marriage to William W. Jacob she was without means of support and was dependent on her own exertions for the support of herself and family, and also knew that said William W. Jacob died, leaving her dependent and without means of support for herself and children. He further knows she is now a widow without means of support, and that she is dependent on her children for a livelihood. She has always been active and industrious, energetic and faithful in her maternal duties while rearing two families of children, and he can truly say she now merits the attention and support of her country as the widow of one of its defenders who succumbed to disease contracted in the line of his military duties. The remarriage of the claimant occurred April 17, 1861."

The committee therefore recommend the passage of the bill with an amendment fixing the rate of pension at $12 per month.

Mr. ERDMAN. Mr. Chairman, I must protest against this consumption of time by the leader of the other side. There is no necessity for it. [Laughter.] According to the newspaper declaration we are going to remain in continuous session until the saturnalia is over. What is the use? The country does not want to know. Gentlemen on the other side do not want to know. They have never defeated, they have never amended, they have never changed a single bill, and never will. Now, what is the use? I suggest to the leader on the other side that he ought not needlessly to consume the time of the House by having the reports read.

Mr. PICKLER. Mr. Chairman, I ask unanimous consent that the reports be printed in the RECORD.

Mr. ERDMAN. To that I object, Mr. Chairman.

Mr. PICKLER. Oh, I thought you wanted to have the reports go in.

Mr. ERDMAN. If the gentleman wants to pass his bills en bloc, let them be passed in that way.

Mr. PICKLER. Mr. Chairman, I think this bill is right. I think these bills are all right.

Mr. WILLIAM A. STONE. We ought to have the knowledge contained in the reports. How do we know what a pension claim is about? I do not see any reason why the gentleman from Maine should be charged with obstructing legislation by insisting upon the reading of the reports. They are all short. They only consume a few moments' time. It gives us some knowledge of what they are about.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELIZA SANDFORD.

The next business on the Private Calendar was the bill (S. 1189) granting a pension to Eliza Sandford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Eliza Sandford, permanently helpless and destitute daughter of William Sandford, a sergeant under Captains Huntington, Wheeler, Squire, and Gilman, in the years 1777, 1778, 1779, 1780, and 1781, in the Army of the Revolution, and pay her a pension of $25 per month.

Mr. DALZELL. Mr. Chairman, let us have the report read.

The CHAIRMAN. The Clerk will report the amendment recommended by the committee.

The amendment was read, as follows:

In line 11, strike out the words "twenty-five" and insert in lieu thereof the word "twelve."

The report (by Mr. COFFIN) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1189) granting a pension to Eliza Sandford, respectfully submit the following report:

Eliza Sandford is the daughter of William Sandford, of Captain Williams's company, Colonel Van Courtland's regiment, New Jersey Volunteers, war of the Revolution. The soldier's entire service covered the period of two years and seven months. He received a pension under certificate No. 9814, beginning March 4, 1831, at the rate of $120 per year, which pension ceased March 4, 1842, the date of his death. His widow was subsequently pensioned until February 12, 1864, when she died.

The papers accompanying the bill show that Eliza Sandford was born in 1816; that she has supported herself during her long life by her own exertions in the profession of a nurse until 1893, when she became disabled by reason of her advanced years. It is also shown that she has no near relatives to whom she can apply for a support, and is now entirely destitute and likely to become a public charge.

Miss Sandford is an excellent and worthy woman, and has always enjoyed the respect of her neighbors and acquaintances. The facts are shown by a memorial of the Daughters of the American Revolution of New Jersey, and also by the sworn statement of the claimant and of Horace Dodd, an aged resident of Essex County, N. J., who has known her for more than fifty years.

There are several precedents for the proposed legislation, and your committee recommend that the bill do pass, with an amendment to pay her a pension at the rate of $12 per month.

[Cries of "Vote!" "Vote!"]

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MRS. VIRGINIA E. TURTLE.

The next business on the Private Calendar was the bill (H. R. 3264) to increase the pension of Mrs. Virginia E. Turtle, of the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Virginia E. Turtle, of Washington, D. C., widow of Maj. Thomas Turtle, Corps of Engineers, United States Army, and pay her a pension of $50 per month, the same to be in lieu of the pension now drawn by her.

Mr. SPALDING. Read the report.

mainland; also in an attack made by Confederates on United States volunteers near hospital.

in the campaign and siege of Vicksburg, and colonel for diligent discharge

Mr. STEWART of New Jersey. Mr. Chairman, I desire to

late a private in Company H, One hundred and forty-third New York Volunteers.

time of the gentleman.

Mr. DINGLEY. Let it be read in my time then.

active practice for fifty-seven years:

"He knows and has been acquainted with Mrs. Helen M. Jacob during the past thirty-five years or longer; he knew her when she was the wife of Ben-

Washington, D. C., widow of Maj. Thomas Turtle, Corps of Engineers, United States Army, and pay her a pension of $50 per month, the same to be in lieu of the pension now drawn by her.

Mr. SPALDING. Read the report.

The report (by Mr. COFFIN) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3264) granting an increase of pension to Virginia E. Turtle, have considered the same and respectfully report as follows:

Mrs. Turtle is the widow of Maj. Thomas Turtle, Corps of Engineers, United States Army, who died in the service, and from causes originating in the line of his duty, September 18, 1894. The soldier's service began as a cadet at the Military Academy July 1, 1863, and he subsequently passed through all the grades, until he finally attained the grade of major May 18, 1893.

His services, as certified to by the War Department, were of a most active and valuable character, and covered altogether the long period of thirty-one years.

After his death Mrs. Turtle was granted a pension of $25 a month under the general laws, and this sum, together with $2 additional for each of two minor children, is practically all that she has on which to depend for a support.

She married the soldier August 28, 1876, and his brother officers certify that, being a man of regular and careful habits, he would have been able to have made better provision for his family if it were not for the fact that he was obliged to assist his parents, they being in very moderate circumstances.

Mrs. Turtle is now about 53 years old, with three young children dependent upon her for a maintenance.

There are several precedents for the allowance of an increased rating to widows of officers of this rank, and, in view of the facts stated above, your committee recommend the passage of the bill with an amendment, striking out the word "fifty," in line 8, and substituting therefor "forty"; so as to allow a pension of $40 per month.

The amendment recommended by the committee was read, as follows:

In line 8, strike out the word "fifty" and insert in lieu thereof the word "forty."

Mr. ERDMAN. Mr. Chairman, I must again protest against this blocking of pensions for the old soldier. Whenever I have stood here on a Friday night and asked for the reports of the committees to be read, I have been charged with blocking pensions. This is blocking pensions now. Why, at this rate, you would not begin to pass your bills in twice twenty-four hours. [Cries of "Vote!"]

Mr. HULICK. Mr. Chairman, I would like to inquire what pension this lady is getting?

Mr. COFFIN. Twenty-five dollars a month. [Cries of "Vote!"]

The amendment recommended by the committee was agreed to.

The question was taken on ordering the bill to be laid aside with a favorable recommendation, and the Chairman announced that the ayes seemed to have it.

Mr. MILNES. Division.

The committee divided; and there were—ayes 73, noes 1.

So the bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZABETH W. SUTHERLAND.

The next business on the Private Calendar was the bill (S. 1420) granting an increase of pension to Elizabeth W. Sutherland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth W. Sutherland, widow of the late Charles Sutherland, deceased, formerly Surgeon-General of the United States Army, at the rate of $100 per month, which rate of $100 per month shall be in lieu of the pension she is now receiving.

Mr. DINGLEY. Mr. Chairman, I ask that the report be read.

Mr. HOOKER. I ask that the report be printed in the RECORD.

Mr. DINGLEY. I think we ought to have it read where a pension of $75 a month is given.

The Clerk proceeded to read the report, as follows:

The Committee on Pensions, to whom was referred Senate bill 1420, granting an increase of pension to Elizabeth W. Sutherland, have considered the same, and respectfully report as follows:

Said bill is accompanied by Senate report No 172, this session, and the same, fully setting forth the facts, is adopted by your committee as their report, and the bill is returned with a favorable recommendation.

[Senate Report No. 172, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1420) granting a pension to Elizabeth W. Sutherland, have examined the same, and report:

Mrs. Sutherland is the widow of the late Brig. Gen. Charles Sutherland, who served as Surgeon-General of the United States Army with distinguished ability, and whose death occurred May 10, 1895. The widow was left with eight children, their ages ranging from 20 to 8 years.

The following is the record of the military services of Dr. Sutherland:

Appointed assistant surgeon August, 1852; after examination served as an acting assistant surgeon for ten months prior to being commissioned.

First service was at Fort Monroe, Va., and remained there six months, 1851 and 1852.

In the spring of 1852 served at Jefferson Barracks, Mo. While stationed there an epidemic of cholera prevailed.

In summer of same year on duty with a military exploring party that located the present site of Fort Riley, Kans., and shortened the wagon trail to Santa Fe, N. Mex.

Served in the Department of New Mexico for five years, and stationed during that time at Forts Webster, Fillmore, Craig, Stanton, and Santa Fe. Took part at times with troops serving in that department in engagements with Apache and Comanche Indians. Transferred to the Department of Texas, and served there two years and a half. Stationed at Forts Davis and Duncan. Was serving at the latter post when the State of Texas seceded from the Union. Left the State without being captured, and reported at Washington March, 1861. Sailed one week after by command of General Scott on a secret expedition to Fort Pickens and Santa Rosa Island, Florida. The troops composing this expeditionary force were among the first to take an active part in the war, sailing from New York and arriving at their destination prior to the first call for volunteers issued by President Lincoln. Remained at Fort Pickens one year on hospital duty. While there participated in two bombardments between United States troops and the enemy on the mainland; also in an attack made by Confederates on United States volunteers near hospital.

Commended for conduct and services on those occasions in the reports made by General Brown, commanding, since published in Official Records of the Rebellion.

Commissioned as surgeon, with the rank of major, April, 1862.

Relieved from duty at Fort Pickens and ordered to Fort Warren, Boston Harbor. This fort contained several hundred Confederate officers as prisoners, and was garrisoned by a regiment of volunteers.

In summer of same year ordered again to the field, and reported to General Halleck, in command at Corinth, Miss.

Was selected to act as medical purveyor for the armies then concentrated near that center of military operations.

Subsequently, at Columbus, Ky., fitted out large warehouses for the storing and distribution of medical supplies for 200,000 men, the estimated strength of the army under General Halleck.

At Memphis, Tenn., established and organized a second large depot for distributing supplies.

Mr. ERDMAN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. ERDMAN. In whose time is this report being read?

The CHAIRMAN. In the time of a gentleman who was recognized.

Mr. ERDMAN. How much time has he?

The CHAIRMAN. He had five minutes, and has two minutes remaining.

The Clerk resumed the reading of the report, as follows:

At the same place fitted out 9 general hospitals, capable of containing 3,000 patients, for the accommodation of the sick and wounded serving on the Mississippi River.

Assisted in equipping a floating hospital capable of holding over 800 beds for the use of the army under General Grant, stationed at Millikens Bend, near Vicksburg. Was attached to the headquarters of General Grant and selected as assistant medical director and also as inspector of camps and transports of the Army of the Tennessee, and continued on that duty until the surrender of Vicksburg, July, 1863.

Was engaged in the battles of Jackson and Champion Hill and assisted in locating the field hospitals.

During siege, actively engaged in examining camps, transferring wounded to transports for Northern hospitals, and also in keeping departments supplied with medicines and stores. General Grant, in the first volume of his personal memoirs, alluding to his campaign against Vicksburg in the winter of 1862 and 1863, writes that it was one of great hardship to all engaged in it:

"Troops could scarcely find dry ground on which to pitch tents. Malarial fevers broke out among the men. Measles and smallpox also attacked them. The hospital arrangements and medical attendance were so perfect, however, that the loss of life was much less than might have been expected."

After surrender of Vicksburg, appointed medical director of the Department of Virginia and North Carolina, under the command of General Foster, at Fort Monroe, Va. In this department, besides troops in the field, had supervision of five large general hospitals.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DALZELL. I ask for the reading of the balance of the report in my time.

Mr. ERDMAN. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ERDMAN. Does the gentleman oppose this bill?

Mr. DALZELL. Yes, sir; I am recognized for that purpose.

Mr. ERDMAN. If the gentleman is in the position of opposing the bill, I have nothing further to say.

The Clerk resumed the reading of the report, as follows:

Owing to change of commanders a new staff was created; transferred to Annapolis, Md., and appointed medical director of hospitals and parole camp located in and near that city.

Member of retiring board at Wilmington, Del.

When General Grant moved with the Army of the Potomac, in the spring of 1864, was specially detailed by the Secretary of War to act as medical purveyor to supply that command, as well as the hospitals located in the city of Washington. There were 20 general hospitals, capable of holding over 30,000 patients. The Army of the Potomac was composed of at least 150,000 men. The supplying of these large establishments and the army in the field was faithfully maintained for over a year and until the close of the war. Spacious buildings in the city were kept filled with medical supplies of every description ready for immediate use, and a large force employed for prompt distribution of the same. Disbursed when on this duty over $4,000,000 without loss to the Government and to the satisfaction of the accounting officers.

For these services when surgeon and major, without solicitation on his part, and on the recommendation of General Grant, then Commanding General of the Army, as well as of Surgeon-General Barnes, was appointed by President Johnson assistant medical purveyor with the rank of lieutenant-colonel to fill an original vacancy. Four other medical officers were similarly appointed, the present Surgeon-General being one of the number. This office was held until June, 1876, when it was vacated by receiving the appointment of surgeon with the rank of colonel.

Member of retiring board convened in consequence of a reduction of the Army.

Served as medical director of the division of the Pacific at San Francisco, Cal., for five years.

President of a board of medical officers selected from the Army, Navy, and staff marine service, by direction of President Arthur, to designate a proper site for a quarantine station at San Francisco, Cal.

An act of Congress, session 1884, directed that all medical officers of the Army should take place in their several grades on the Army Register according to date of commission. This prevented any application for the position of Assistant Surgeon-General, to which the senior surgeon was, under the usual custom, entitled, and which was vacant at that time. If Dr. Sutherland had received the appointment and not promotion (being already a colonel) in accordance with this law he would have been transferred from the head of the list of colonels and lowered in rank four files, and instead of being the ranking colonel would be occupying an anomalous and degrading place at the foot. This law destroyed the value of the office of Assistant Surgeon-General as a promotion or as a stepping place to the higher grade of Surgeon-General, and bestowed only a title to any who should receive it, with no privileges or importance attached thereto. The vacancy was subsequently filled by promoting the senior lieutenant-colonel of the corps, and the War Department, recognizing the provisions of the law, placed the office at the foot of the list, where it belonged.

Served as medical director of the division of the Atlantic.

Was brevetted twice during the rebellion—lieutenant-colonel for services

in the campaign and siege of Vicksburg, and colonel for diligent discharge of duties in the war.

Was appointed Surgeon-General, with rank of brigadier-general, in 1890 (being then the ranking officer of his corps); served in that capacity until his retirement for age.

[Extract from indorsement by General Grant, when Commanding General of the Army, to President Johnson, January 7, 1866, recommending Surgeon Sutherland for the appointment of assistant medical purveyor with the rank of lieutenant-colonel, for services rendered during the war.]

As to Dr. Sutherland, I know of my own knowledge that he has performed satisfactorily about the most important and responsible duties in the field and out of it that it has been possible for any officer of his corps to render during the rebellion.

U. S. GRANT, *General.*

[Extract of letter from Surg. Gen. J. K. Barnes, U. S. A., to Senator E. Cowen, of Pennsylvania.]

WASHINGTON, D. C., *January, 1866.*

* * * * * * *

During the war Colonel Sutherland disbursed millions of money; was medical purveyor in the field to the great Army of the Southwest, and subsequently had charge of the great depot of the Army of the Potomac.

His qualifications are eminent, and his character, both public and private, unimpeachable.

He has served as surgeon, inspector, purveyor, and medical director. His duties have been of the most extensive character, as well as of vast responsibility.

* * * * * * *

J. K. BARNES,
Surgeon-General, U. S. A.

[Letter of Surg. Madison Mills, afterwards medical inspector-general, United States Army, on file in Surgeon-General's Office.]

ST. LOUIS, MO., *March 8, 1886.*

Surg. Charles Sutherland was my principal assistant during the entire campaign—Vicksburg—and was constantly under fire in the discharge of his duties in the field, superintending the removal of the wounded as fast as they fell—

Mr. ERDMAN. Mr. Chairman, I would like to inquire how much time is being consumed?

The CHAIRMAN. The Chair does not know; and the reading can not be interrupted for such an inquiry as that.

Mr. PICKLER. A parliamentary inquiry. Have not the ten minutes been exhausted on this bill?

The CHAIRMAN. The time has not been consumed.

Mr. BAKER of New Hampshire. Mr. Chairman——

The CHAIRMAN. The Clerk will proceed with the reading of the report.

The Clerk read as follows:

I beg leave to recommend him for a brevet of lieutenant-colonel, to date from the 16th May, 1863, the battle of Champion Hill, when he was eight hours under fire in the discharge of his duties. I would also recommend him for the brevet of colonel, to date the 4th of July, 1863, the surrender of Vicksburg.

MADISON MILLS,
Surgeon, U. S. A., Medical Director, Army of the Tennessee.

SURGEON-GENERAL UNITED STATES ARMY,
Washington, D. C.

[From General Sherman.]

ST. LOUIS, MO., *June 27, 1886.*

DEAR SUTHERLAND: I have received your letter of the 23d instant, and assure you of my hearty sympathy in your claim to the vacancy soon to occur in the office of Surgeon-General by reason of the retirement of my good old friend Dr. Murray.

The CHAIRMAN. The gentleman's time has expired. Time for debate upon this bill has expired.

Mr. BAKER of New Hampshire. I wish to offer an amendment. I move to strike out the words "seventy-five" and insert the word "fifty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MRS. WILLIAM LORING SPENCER.

The next business on the Private Calendar was the bill (H. R. 4020) granting a pension to Mrs. William Loring Spencer, as widow of George E. Spencer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to place upon the pension roll the name of Mrs. William Loring Spencer, as widow of George E. Spencer, late of ——, and pay to her a pension of $100 per month, in lieu of the pension which she now receives.

Mr. STEWART of New Jersey. Mr. Chairman, I ask unanimous consent to substitute the Senate bill for the bill just read.

The CHAIRMAN. The gentleman from New Jersey [Mr. STEWART] asks consent that the Senate bill for the same purpose be substituted for the House bill.

Mr. DINGLEY. Let the Senate bill be read.

A MEMBER. What is the request?

The CHAIRMAN. The House bill has been read, and consent has been asked by the gentleman from New Jersey to substitute the Senate bill.

Mr. HULL. I object.

The CHAIRMAN. Objection is made. The question is on the amendment recommended by the committee.

The amendment recommended by the Committee on Invalid Pensions was agreed to, as follows:

Strike out, in lines 6, 7, and 8, the words "of, and pay to her a pension of $100 per month, in lieu of the pension which she now receives," and insert "colonel First Cavalry Volunteers, and pay her a pension of $30 per month, in lieu of the pension which she now receives."

Mr. STEWART of New Jersey. Mr. Chairman, I desire to speak upon this bill. No more meritorious pension case has ever come before this House. Mrs. Spencer now, in her old age, is in absolute destitution in the city of San Francisco, attempting to get employment as a typewriter, or in other fields where she has the capacity to serve. Her right hand is partially paralyzed. General Spencer served his country in the State and in the field, and for gallant and meritorious conduct on the field of battle he was brevetted as major-general. He raised the first white regiment of Union troops from the State of Alabama. These circumstances should appeal to this House when his widow, in her age and her poverty, asks for this insignificant pension, and I submit that the Senate bill should be substituted and passed without a dissentient voice.

Mr. HULL. Mr. Chairman, I do not like to object to anything in the pension line, but I know something about this case, and it seems to me that my friend from New Jersey is entirely mistaken when he pleads the old age of this lady. She is about 40 years of age, and two years ago she was the personification of good health. She married Mr. Spencer while he was in the United States Senate, and there is no more reason for giving her a high pension than there is for giving such a pension to the widow of every United States Senator. They were married fifteen or twenty years after the war, and while I am willing to let this bill go at $30 a month, as recommended by the House committee, I am not willing to sit here and see the Senate bill pass.

Mr. HULICK. What is she now receiving?

Mr. STEWART of New Jersey. Eight dollars a month—the widow of a United States Senator and a distinguished soldier, promoted for gallantry on the field of battle. She is now paralyzed——

Mr. HULL. When did she become paralyzed?

Mr. STEWART of New Jersey. She can not use the typewriter.

Mr. HULL. I do not think she ever knew how to use it. She was an actress when she married Senator Spencer.

Mr. STEWART of New Jersey. I have received typewritten letters from her.

Mr. HULL. That may be, but it does not follow that she wrote them herself.

Mr. STEWART of New Jersey. I do not suppose the gentleman imputes untruth or want of veracity to this lady?

Mr. HULL. I am not so certain about that. I want to say to this committee that Spencer received his first commission as colonel of an Alabama regiment. He never served in any other capacity than as a hotel keeper until he was commissioned colonel of that regiment. He was married to this lady long after the war, and as to the plea of age, she can not be more than 40 years old.

Mr. STEWART of New Jersey. I ask for the reading of the Senate report, which will show the record of this distinguished soldier.

The CHAIRMAN. It can be read in the time of the gentleman from New Jersey.

The Clerk read the Senate report in part, as follows:

The Committee on Pensions, to whom was recommitted the bill (S. 1699) granting a pension to William Loring Spencer, have carefully reexamined the same and beg leave to report as follows:

Your committee are of opinion that the bill should be amended by striking out the word "fifty," in line 8, and substituting therefor the word "seventy-five," and that as thus amended the bill should pass.

The facts in this case were substantially embodied in the committee's former reports, made to the Fifty-third and the present Congress, it appearing that the claimant is the widow of Gen. George E. Spencer, late colonel First Regiment Alabama Cavalry, and for twelve years a Senator of the United States. Inquiry reveals the fact that applicant was christened "William," so that the name is correct as printed in the bill. The following letter from Mrs. Spencer will explain the grounds upon which she asks for increased pension, and it also sets forth her necessities:

"AUSTIN, NEV., *February 2, 1894.*

"MY DEAR SIR: This, I trust, will be presented to you by one whose name and influence will incline you to kindness; for while I believe I am asking only justice, yet justice is cold without mercy.

"My husband, George E. Spencer, was a brave and gallant soldier. His record you will find satisfactory, and I have asked that the letters of Sherman, Dodge, and Kilpatrick regarding his services be sent you. Unfortunately for me, I did not know General Spencer until the war was over for some time. But when I did know him I found him a sufferer from two maladies, one malaria, contracted during the fatigues of different campaigns, the other rheumatism, associated with a wound in his leg, which, as years went on, increased, there coming with it an added discoloration of the bone near the wound.

"I asked him why, like other men, he did not have a pension. He answered what he had done for his country had been done with all his heart, and he would do it over again and never ask for a money reward. He was cast in a heroic mold, and I felt the nobility of his thought too much to press the matter further. As he became more ill, I changed my thought, and said that for his child's sake he should apply for a pension, and he promised he would when he was better; but he died. His widow and his young son are left penniless, and the world is hard for a woman, and an ill woman, to make a way to support herself and educate her child.

"It is in this position I come to you. I ask of the country for which my husband fought and suffered the pension of $75 a month. This much I ask, for with strict economy I can with it educate my son and support us both until I, in some measure, regain my strength. I would not have more, for nothing but poverty, absolute poverty, could make me a pensioner, even of the Government. I do not ask less, for with less I do not believe my purpose could be accomplished. Senator PALMER, I leave my case in your hands.

"Very respectfully, yours,

"MRS. GEORGE C. SPENCER.
"W. LORING SPENCER.

"Hon. Senator PALMER."

Mr. GROW. Mr. Chairman, I rise to a parliamentary inquiry. What is the present status of this question? Has the committee amended the House bill?

The CHAIRMAN. The amendment to the House bill, recommended by the Committee on Invalid Pensions, has been adopted, and the question is upon laying the bill aside to be reported to the House with a favorable recommendation.

Mr. GROW. The amendment fixes the pension at what rate?

The CHAIRMAN. The amendment fixes the pension at $30 per month.

Mr. PICKLER. Mr. Chairman, I ask unanimous consent that the remainder of the report be printed in the RECORD.

Mr. ERDMAN. I object.

Mr. PICKLER. Mr. Chairman, I hope that the gentleman from Iowa [Mr. HULL] will withdraw his objection and will let the Senate bill be taken up, that the House may take such action upon it as it desires.

The CHAIRMAN. Debate on this bill is exhausted except three minutes controlled by the gentleman from Iowa [Mr. HULL].

Mr. HULL. I will simply say, Mr. Chairman, that I shall not withdraw my objection, for the reason that if we take up the Senate bill and amend it it will go back to the Senate, and the next thing we know this pension will be $75 a month. I am willing that this lady shall have $30 a month, and I think that if we pass the House bill at that figure we shall be able to keep it at that figure.

Mr. FAIRCHILD. Mr. Chairman——

A MEMBER. The time is up.

Mr. FAIRCHILD. I believe, Mr. Chairman, I can be recognized in my own time.

The CHAIRMAN. Debate is exhausted upon this bill except two minutes remaining to the gentleman from Iowa.

Mr. FAIRCHILD. Do I understand that the gentleman from Iowa controls the whole of the time on this bill?

The CHAIRMAN. The time in opposition to the bill.

Mr. HULL. I am perfectly willing that a vote shall be taken now.

Mr. STEWART of New Jersey. Mr. Chairman, I move to amend the House bill so as to make the amount $50 instead of $30 a month.

The CHAIRMAN. The amount has been already passed upon by the committee.

Mr. FAIRCHILD. I move to reconsider the vote by which the amendment was adopted.

The CHAIRMAN. A motion to reconsider is not in order in Committee of the Whole.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES LOYD YOUNG.

The next business on the Private Calendar was the bill (H. R. 358) granting a pension to James Loyd Young, of Company A, Sixth Regiment Kentucky Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to grant a pension to James Loyd Young, late of Company A, Sixth Regiment Kentucky Volunteers, for injury to right hip, in addition to the pension by him now received.

The amendment reported by the committee was read, as follows:

Add at the end of the bill the following:

"So that he shall receive $17 per month, in lieu of the pension now received."

Mr. DALZELL. Let us have the report read.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 358) granting a pension to James Loyd Young, late of Company A, Sixth Kentucky Infantry Volunteers, having examined all the facts and circumstances in evidence, submit the following report:

James Loyd Young enlisted July 21, 1861, and was discharged to date July 22, 1862. He claimed pension for rheumatism and resulting disease of heart; and also for an injury of right hip incurred at the battle of Pittsburg Landing, Tenn., April 7, 1862, by being struck with a piece of timber from Shiloh church. His claim was admitted for rheumatism and resulting heart disease, and he was pensioned at $4 from July 23, 1862; at $8 from August 11, 1886, and at $12 from May 7, 1890; but the claim for injury to hip was rejected after special examination on the ground of no record and no satisfactory proof of incurrence of injury to right hip in service.

The record in the War Department shows he was admitted on hospital steamer *Silver Moon* at Pittsburg Landing, Tenn., May 16, 1862, with rheumatism, and to No. 1 General Hospital, Louisville, Ky., May 20, 1862, with rheumatism, and remained there until July 22, 1862, when he was furloughed to await discharge from service. He returned to the hospital in August, 1862, but what disposition was made of him is not stated, and he was discharged by the War Department in 1878, to date July 22, 1862.

Newton Hicks, a comrade of good reputation, testifies that he saw Young in a wagon, injured, just after the battle of Pittsburg Landing and he said the injury was in the side, and he heard members of company say he was injured near Shiloh church.

John Coffey testifies that he saw Young struck with a piece of flying timber near Shiloh church, and he fell forward on his face and was lying there with the piece of timber on him when affiant last saw him. The special examiner was unable to locate or cross-examine this witness, but the adjutant-general reports him present with the company at that time. His reputation is reported variable, from "good" to "unreliable."

James G. Lindsay, whose reputation is good, testifies that when Young returned from the Army, in 1862, he was crippled and disabled so that he was obliged to walk with a cane.

Mrs. A. D. Deegan testifies substantially to the same.

The board of examining surgeons at Covington, Ky., which examined him May 7, 1890, rate him ten-eighteenths for rheumatism and resulting disease of heart, and eight-eighteenths for injury to hip.

Your committee believe that the injury to hip was incurred as alleged, and recommend that the bill do pass, granting him a pension at $17 a month in lieu of the pension he is now receiving, and that the bill be amended by adding after the word "received," in line 7, the words "so that he shall receive $17 per month in lieu of the pension now received."

Mr. PICKLER. The Senate has passed a bill granting the same amount of pension, $17 a month, as this House bill. I ask unanimous consent that the Senate bill be substituted for the House bill.

There was no objection.

The Senate bill was read, as follows:

A bill (S. 2175) granting a pension to James Loyd Young, late of Company A, Sixth Regiment Kentucky Volunteers.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to grant a pension to James Loyd Young, late of Company A, Sixth Regiment Kentucky Volunteers, for injury to right hip, in addition to the pension by him now received, so that he shall receive $17 per month in lieu of the pension he is now receiving.

There being no objection, the Senate bill was laid aside to be reported favorably to the House.

The CHAIRMAN. Without objection, the House bill will be reported to the House with the recommendation that it be laid on the table.

There was no objection.

SILAS S. WHITE.

The next business on the Private Calendar was the bill (H. R. 4547) granting a pension to Silas S. White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and instructed to place the name of Silas S. White, late a private in Company G, Seventy-seventh Regiment New York Infantry Volunteers (and also a soldier in the Seminole Indian war in Florida), on the pension roll at the rate of $50 per month, the same to be in lieu of the pension now received by him.

The amendment reported by the committee was read, as follows:

In line 8 strike out "fifty" and insert "thirty"; so as to make the amount of the pension $30 per month.

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported favorably to the House.

HARRIET C. GREGG.

The next business on the Private Calendar was the bill (H. R. 2006) to increase the pension of Harriet C. Gregg, widow of Col. John Irvin Gregg, from $30 to $50 per month.

The bill was read, as follows:

Be it enacted, etc., That the pension of Harriet C. Gregg, widow of John Irvin Gregg, late colonel of the Eighth Regiment of United States Cavalry, be, and the same is hereby, increased from $30 per month to $50 per month, and the Secretary of the Interior be, and is hereby, authorized and directed to place her name on the pension roll at the rate of $50 per month, subject to the provisions and limitations of the pension laws.

Mr. MILNES. Let us have the report read.

Mr. PICKLER. I ask that in reading the report the military record of the soldier be omitted and that the report proper, which was prepared by the gentleman from Pennsylvania [Mr. ERDMAN], be read.

The CHAIRMAN. The Clerk will read that portion of the report called for by the gentleman from South Dakota.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2006) granting a widow's pension to Harriet C. Gregg, submit the following report:

Mrs. Harriet C. Gregg, the claimant in this case, is the widow of Gen. John Irvin Gregg, who died on the 6th day of January, 1892. The widow has had a pension granted to her at the rate of $30 per month, her case having been made special by the following order filed in the Pension Office: "Mrs. Gregg is in destitute circumstances. The Commissioner directs that in view of this fact the proper calls be made in the case and action had thereon without delay."

The following is the entire record of the military service of General Gregg:

* * * * * * * * *

The said Mrs. Gregg submitted to the whole committee her own affidavit and also that of two of her neighbors, showing that she has no means of support and has no property whatever, and her dependence rests entirely on a pension.

General Gregg's long service, embracing not only the Mexican war and war of the rebellion, but also on the Western plains during frontier troubles with the Indians, ought to give the application of this widow for this increase of pension special consideration, and the committee therefore recommend the passage of the bill.

The bill was laid aside to be reported favorably to the House.

MARTHA LINDSAY.

The next business on the Private Calendar was the bill (H. R. 126) for the relief of Martha Lindsay.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the limitations and provisions of the act of Congress approved June 27, 1890, the name of Martha Lindsay, widow of William Lindsay, late of Company F, Second Regiment Pennsylvania Volunteers.

The amendment reported by the committee was read, as follows:

Strike out, in lines 5 and 6, the words "act of Congress approved June 27, 1890" and insert "general pension laws."

Mr. PICKLER. I ask that the report in this case be inserted in the RECORD without reading.

Mr. LOUD. I object. If we have not time to hear a report read, I object to its insertion in the RECORD.

The report (by Mr. ERDMAN) was read, as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 126) to pension Martha Lindsay, and submit the following report:

The petitioner is the widow of William Lindsay, who served in Company F, Second Pennsylvania Reserve Corps, from February 12, 1864, to March 27, 1864, when he was accidentally killed in camp by the explosion of an old shell which he was handling.

It is duly shown by evidence on file in the Pension Bureau that the widow is 74 years of age and has no property or other source of income. She was married to the soldier January 26, 1853, and had four children at the date of his death. Her claim, filed June 20, 1864, was rejected on the ground that soldier's death was not incurred in line of duty. She can not be pensioned under the act of June 27, 1890, because he did not serve ninety days.

Two witnesses testify that she has not remarried since the soldier's death.

The ground of rejection of the claim under the old law is purely technical. There is nothing to show the circumstances of his death, except the statement on records of War Department, as quoted above. It was clearly through no conscious fault of his own that he met his death. His conduct may have been imprudent, but it was not even, strictly speaking, "contributory negligence."

Your committee recommend that the bill do pass, after being amended by striking out the words "act of Congress approved June 27, 1890," in lines 5 and 6, and inserting in lieu thereof the words "general pension laws." The effect of this change will be to give her $12 per month instead of $8, as would be the rate in the present form of the bill.

A similar bill for this woman was favorably reported by this committee in the Fifty-third Congress, and the above is the language used in their report. The bill died on the Calendar of that Congress.

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

EMILY B. MUNCEY.

The next business on the Private Calendar was the bill (S. 705) granting a pension to Emily B. Muncey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls the name of Emily B. Muncey, Topeka, Kans., widow of Leonard D. Muncey, late private in G Company of the Forty-eighth Regiment of Illinois Volunteer Infantry, and pay her a pension of $12 per month.

Mr. LACEY. I ask for the reading of the report.

The Clerk proceeded to read the following report (by Mr. BAKER of Kansas):

The Committee on Invalid Pensions, to whom was referred the bill (S. 705) granting a pension to Emily B. Muncey, have carefully considered the matter in evidence, and they hereby adopt the following from the Senate report in this case and make it their own:

"The evidence fully shows that Leonard D. Muncey enlisted as a private in Company G of the Forty-eighth Regiment Illinois Volunteers, on the 1st day of September, 1861, and was honorably discharged on the 31st day of August, 1864, the expiration of his term of service.

"John Willman testifies that 'said soldier had the measles at Camp Butler, Ill., some time in November, 1861, and that he, said soldier, was moved to Cairo, Ill., and there took a relapse and was left either at Cairo or Mound City, not being able to follow the regiment on foot.'

"David S. Hill testifies that 'he served with Leonard D. Muncey in Company D, Forty-eighth Regiment Illinois Volunteers, and knows of his own personal knowledge that said Muncey had the measles while they were at Camp Butler, Illinois, and was sent to the hospital, which was so crowded that he was sent out in camp too soon and caught a severe cold and had a very severe cough, so that he was not able to do hard duty, and he was detailed to do light work in the quartermaster's department. There was such a rush of patients, principally with measles, that they would send them out from the hospital as soon as possible to make room for others.'

"Peter Cotton testifies that 'he served in the same company and regiment as the soldier, and was with him when he contracted the measles at Camp Butler, in November, 1861; that he himself contracted the measles from said soldier; knows that said soldier was discharged too soon from hospital, and that he contracted cold which settled on his lungs, and that he was assigned to duty in the quartermaster's department on account of his not being fit for duty.'

"Ezekiel Bass testifies that 'he was personally acquainted with Leonard D. Muncey, and served in the same company and regiment with him, and remembers wrestling and scuffling with him before he took the measles and knew him to be stout and robust. We were in the hospital together at Camp Butler, Illinois, and to the best of my recollection said Muncey was in a squad of about 15 of us, all sick with measles, and were moved some time in November, 1861, from Camp Butler, Illinois, to Cairo, Ill., through a snowstorm, and most of us took relapse, and, as best I remember, said Muncey was with me in hospital in Cairo, Ill., and I well remember of looking out the window and seeing our regiment—the Forty-eighth Illinois Infantry—pass along the street, going on what was called the Kentucky scout. The last time I remember of seeing said Muncey was somewhere in Tennessee, and he was then very pale and thin, scarcely able to walk.'

"The records of the War Department show that said Muncey was treated in hospital from November 9 to 23, 1861, and returned to duty in his company and regiment December 11, 1861.

"J. A. Muncey testifies that 'he was personally acquainted with Leonard D. Muncey previous to his enlistment in the Army, and that he was a man of robust health and good physical condition; that he has known him since his discharge from the Army, and knows from personal knowledge that his health and physical condition were entirely changed, and that he was suffering from a severe lung trouble, attended with a cough.'

"John W. Ingersoll, late lieutenant Company G and lieutenant-colonel Forty-eighth Regiment Illinois Volunteers, testifies that 'he was acquainted with L. D. Muncey, and knows that the said L. D. Muncey is the identical person who enlisted as a private in Company D, Forty-eighth Regiment Illinois Volunteers, and was discharged by reason of expiration of term of service. That said Leonard D. Muncey, while in line of his duty at or near Camp Butler, in the State of Illinois, did, on or about the 9th day of November, 1861, become disabled in the following manner, viz: Was taken with measles at Camp Butler, Illinois, and for want of proper care took cold, which settled on his lungs. The regiment received marching orders, went to Cairo, Ill., where we did not have at the proper time sufficient quarters to protect the men from the inclement weather, and Muncey, having first left hospital, was exposed to the bad, stormy weather, took cold, and his lungs became affected, which left him with a hacking cough up to the time of his leaving the regiment. He further states that said Muncey frequently complained of lung trouble, and did not reenlist in consequence thereof. He further states that his knowledge of the foregoing is from being with him—served in the same company, enlisted at the same time; that he has no interest in the claim.'

"W. H. Murray, who was lieutenant of said Leonard D. Muncey's company and regiment, testifies that 'said soldier was a man of sober and temperate habits, and when he enlisted was in good health and strength, and that said soldier was ruptured in the abdomen from overstrain or exertion in tearing up and destroying the railroad track at Jackson, Miss., on or about the 17th day of January, 1863, so that soldier had to be placed in hospital, and afterwards detailed as a clerk in the quartermaster's department on account of his disability for military duty.'

"Said soldier testified that 'he was examined by a United States surgeon when he enlisted; that he was stripped and particularly examined by said surgeon as to rupture by his pressing his finger firmly in the region of the groin, and was pronounced by said surgeon a sound and healthy man, and accordingly was mustered in the service.'

"Several witnesses testify that they knew said soldier ever since the time he left the Army, and that he had a hacking cough and had lung trouble, which he said he had contracted while in the Army, and that he had never been entirely well since he left the Army. Said soldier died April 13, 1889. The credibility of the witnesses is fully established.

"Emily B. Muncey, the widow of said soldier, is a very worthy woman, but in poor circumstances. She made application to the Pension Office for a pension as the widow of said soldier, but being unable to furnish all the evidence required by the Pension Bureau to show that the soldier had not before he entered the service contracted the disease of which he died, her claim was rejected.

"Having carefully considered all the evidence in the case, your committee recommend the passage of the bill."

[Before the reading of the report was concluded the hammer fell.]

Mr. LACEY. I ask unanimous consent for the reading of the residue of the report.

Mr. PICKLER. I object.

Mr. DALZELL. I ask that the remainder of the report be read in my time.

Mr. PICKLER. All these reports are printed in the RECORD over in the Senate; and at any rate they are just as much a part of the records of the House, whether they are in the CONGRESSIONAL RECORD or not.

Mr. LACEY. But how can we tell what they are unless we hear them read?

Mr. PICKLER. Many gentlemen do not listen to them.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. DALZELL] has been recognized, and asks that the remainder of the report be read in his time.

The Clerk resumed and concluded the reading of the report.

The bill was laid aside to be reported favorably to the House.

THOMAS BREWER.

The next business on the Private Calendar was the bill (H. R. 3857) granting a pension to Thomas Brewer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Brewer, late of Companies I and F, Thirty-first Regiment Enlisted Missouri Militia.

The amendment reported by the committee was read, as follows:

In lines 4 and 5, strike out the words "subject to the provisions and limitations of the pension laws," and at the end of the bill add "at the rate of $12 per month."

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3857) granting pension to Thomas Brewer, late private Companies I and F, Thirty-first Regiment Enrolled Missouri Militia, respectfully submit the following:

His discharge certificate shows that Thomas Brewer enlisted August 10, 1862, and was discharged December 8, 1862; but he alleges he was enlisted June 1, 1861, and discharged May 8, 1863.

He filed claim for pension under general law November 12, 1889, for varicocele of left testicle, incurred at or near St. Joseph, Mo., October 21, 1862, caused by being thrown upon the pommel of his saddle.

This claim was rejected April 15, 1890, on the ground that the organization to which claimant belonged was not shown to have been in the military service of the United States, and no title to pension under general laws.

He filed claim under act June 27, 1890, on October 23, 1890, alleging "epilepsy, varicocele, disease of kidneys, and hernia."

The proof on file in his claim shows that his horse fell with him while on a march, throwing him on pommel of saddle, and mashed his left testicle and unfitted him for further service.

The testimony of physicians and neighbors shows that he has been unfit for manual labor since he came home from the Army, the physicians certifying that the injury to testicle caused hypochondria, fits, sensory illusions, and a train of diseases entirely disqualifying him for the performance of manual labor.

He was examined by the board of examining surgeons at Albany, Mo., March 25, 1891, which rated him at eight-eighteenths for hernia, two-eighteenths for varicocele, two-eighteenths for epilepsy, and four-eighteenths for heart disease.

In view of the facts and circumstances in evidence in this case, your committee earnestly favor the passage of this bill when amended to strike out, in lines 4 and 5, the words "subject to the provisions and limitations of the pension laws," and add, after the word "Militia," in line 7, the words "at the rate of $12 per month."

Mr. CROWTHER. The question, as I understand, is now upon the amendment of the committee.

The CHAIRMAN. The Clerk will report that amendment, if the gentleman desires.

The amendment of the committee was again read.

Mr. OWENS. As I understand from the reading of the report, this man was not in the military service of the United States at all.

Mr. CROWTHER. He was in the military service of the United States, but the organization to which he belonged was not properly mustered into the service.

Mr. OWENS. As I understand, he was simply willing to be in the service, but did not get in.

Mr. CROWTHER. The statement of the report is that he did serve in that branch of the Army.

Mr. OWENS. What branch?

Mr. CROWTHER. The cavalry branch.

Mr. OWENS. But the report states that the Department refused to place him on the roll because he was not in the service of the United States.

Mr. CROWTHER. Because he was not properly mustered into the service. That organization was not mustered into the service by the proper mustering officer.

Mr. OWENS. Then he was not in the service.

Mr. CROWTHER. Certainly he was in.

Mr. OWENS. As I understand, the report states that he was willing to enter the service; was loafing about ready to go in, but he did not in fact go in.

Mr. CROWTHER. That may be the gentleman's idea of the record of this soldier.

Mr. OWENS. The report says that he was not in.

Mr. CROWTHER. He was not technically in the service——

Mr. OWENS. I was quite sure I caught the reading correctly.

Mr. CROWTHER. According to the records of the War Department, he was not in the service.

Mr. OWENS. Then where do you get your information, except from the records of the War Department?

Mr. CROWTHER. The records of the military organization to which he belonged.

Mr. OWENS. But he was not in the military service of the United States.

Mr. BRODERICK. If the gentleman from Missouri will allow me I would like to ask a question.

The CHAIRMAN. The gentleman from Kentucky is entitled to the floor.

Mr. OWENS. I do not care about objecting to this thing. I only wanted to understand the status of it; to find out exactly what we are going to do. I have down in my country a large number of such people, and have had a great many inquiries. They are anxious to get on the rolls, but I have hesitated to ask Congress to put them there. If, however, you are going to adopt that principle, I will have to take up their cases. I merely want to understand the status of the thing.

Mr. CROWTHER. We have no men from Missouri who are anxious to get on the rolls, unless they are entitled to it.

Mr. OWENS. You seem to be trying to get one on now. I do not know where he is from, but I suppose from Missouri.

Mr. CROWTHER. But you see he was performing service for the country.

Mr. OWENS. But outside of the service of the United States.

Mr. PICKLER. If the gentleman will permit me, this man was practically, although not technically, in the military service of the United States. He performed military duties under the command of United States officers.

It is not a new case, I will state to the gentleman. Pensions of this kind have been granted heretofore. I have no doubt that he would have been pensionable under the act of 1874——

Mr. OWENS. But he was not in the service at all.

Mr. PICKLER. Oh, yes; this is simply an exceptional case. He performed military service, and such pensions have been granted heretofore.

Mr. OWENS. When was he in the service; during the war, or afterwards?

Mr. PICKLER. During the war, of course. Our committee does not have jurisdiction except of cases arising out of the late war.

Mr. OWENS. He came in contact with a saddle, I believe, and was hurt?

Mr. PICKLER. Well, he got hurt.

Mr. OWENS. Well, I merely wanted to understand the merits of the case.

Mr. PICKLER. Does the gentleman think there is no danger in a saddle?

Mr. OWENS. I do not know; I wanted to find out.

Mr. BRODERICK. If the gentleman will allow me, I would like to ask the gentleman from Missouri this question: If it is not true that some of these militia organizations in his State and mine were called out by the governors of the State about the time of the Price raid, and that after they got into the field they went into the regular service; that is, they were under the command of United States officers, and were engaged in some of the battles, during the war, along the border?

Mr. CROWTHER. That is true. There were several such regiments from my own State, and I know in certain instances the men were not mustered into the United States service, but they performed military duty under United States officers. This case is one where the performance of duty was in 1862.

Mr. BRODERICK. And these regiments called out in that way for State service served under United States officers and performed duty in the United States service under the command of army officers?

Mr. PICKLER. Yes; and perhaps saved the States from going out of the Union.

I ask a vote, Mr. Chairman.

The amendment was agreed to.

Mr. CROWTHER. There is a typographical error in the seventh line of the bill, which should be amended. I move to strike out the word "enlisted," in that line, and insert "enrolled" in lieu of it.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with favorable recommendation.

CYRUS THOMAS.

The next business on the Private Calendar was the bill (H. R. 4910) granting a pension to Cyrus Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Cyrus Thomas a pension at the rate of $15 per month from and after the passage of this act, in lieu of the pension which he now receives, and subject to the limitations and provisions of the pension laws.

Mr. MILNES. I ask for the reading of the report.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4910) granting a pension to Cyrus Thomas, submit the following report:

Cyrus Thomas enlisted August 7, 1862, and served as sergeant and second lieutenant in Eleventh Vermont Infantry and Battery B, First Vermont Heavy Artillery, until June 24, 1865. He was promoted to first lieutenant for meritorious conduct, but seems not to have been mustered, being absent on account of wounds received in battle. His discharge and record is honorable.

He was twice wounded in battle. At Cedar Creek, Virginia, he received a slight scalp wound. At Petersburg he was wounded in left leg by piece of shell. For this last wound he is now receiving a pension of $11.25 per month.

It conclusively appears that claimant, while in service and in line of his duty at Monocacy, Va., on July 31, 1864, received a sunstroke. This appears from the affidavits of his captain and two comrades. He is now in feeble health, partially paralyzed, subject to dizziness, and totally unfit for physical labor. His trouble in the head causes forgetfulness to such an extent that he is totally unfit for mental labor, and he has been obliged, on account of such disabilities, to abandon his profession, that of a minister of the Baptist Church. He is 60 years of age, and requires a nurse or attendant from one-third to one-half of the time. He has little power over his muscles and can not dress himself alone.

The evidence examined by the committee is voluminous. Besides the statement of claimant, the evidence on file in the Pension Office, there are 40 affidavits, which have been carefully considered. The committee believe that the condition of the claimant is from disabilities of service origin. His captain, on account of lapse of time and lack of memoranda, can only state the fact of the sunstroke. Neither he nor the comrades can state the effect of this injury or how it affected him, although both state the fact, and one at the time wet the claimant's head. Claimant was soon after wounded and went to hospital, which reasonably accounts for this lack of evidence, which, if it could be obtained, would secure him an increase through the Pension Office. As it is, he is without remedy there.

Claimant is poor. His only income is $11.25 per month pension and $3 per week which his daughter earns. It is entirely insufficient for his support under his present condition.

The committee recommend the passage of the bill with an amendment striking out the word "seventy-five" and inserting "fifty"; also insert after the word "Thomas," in line 4, the words "late second lieutenant Battery B, First Vermont Heavy Artillery, and sergeant Company B, Eleventh Vermont Infantry."

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

ELIZABETH E. DONAHOE.

The next business on the Private Calendar was the bill (S. 746) granting a pension to Elizabeth E. Donahoe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth E. Donahoe, widow of the late Col. Michael T. Donahoe, of the Tenth New Hampshire Volunteer Infantry and brevet brigadier-general of volunteers, at the rate of $30 per month.

Mr. DINGLEY. Let the report be read in that case.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 746) granting a pension to Elizabeth E. Donohoe, adopt as their own the Senate report, as follows:

"Mrs. Donohoe is the widow of Col. Michael T. Donohoe, of the Tenth New Hampshire Volunteer Infantry, and brevet brigadier-general of volunteers. The following certificate from the adjutant-general of New Hampshire gives the military record of the soldier:

"THE STATE OF NEW HAMPSHIRE,
"ADJUTANT-GENERAL'S OFFICE,
Concord, November 26, 1895.

"I certify that the following is a correct abstract from the official records of this office:

"'Michael T. Donohoe, born Lowell, Mass.; age, 22; residence, Manchester, N. H.; enlisted August 1, 1861, as private in Company C, Third Regiment New Hampshire Volunteers; appointed captain August 22, 1861; mustered into service as captain August 23, 1861; discharged July 31, 1862, to accept promotion; appointed colonel Tenth Regiment New Hampshire Volunteers August 6, 1862; mustered as colonel September 5, 1862; wounded September

29, 1864, Fort Harrison, Va.; mustered out June 21, 1865, brevet brigadier-general United States Volunteers, for gallant conduct in the field, to date from March 13, 1865.'

"A. D. AYLING,
"*Adjutant-General State of New Hampshire.*

"At the age of 22, and almost at the beginning of the war, Mr. Donohoe raised a full company for the Third New Hampshire Regiment, which he served with and commanded until promoted to the colonelcy of the Tenth Regiment from that State. He commanded a brigade at the close of the war. He was severely wounded at the battle of Fort Harrison, Va., in September, 1864, being confined in hospital at Hampton and Fortress Monroe for many weeks. In consequence of this wound Colonel Donohoe could have been placed on the pension roll at the close of the war, but he preferred not to accept aid from the Government while he was able to take care of himself and family. Had he accepted a pension he would have doubtless drawn from the Treasury more money than will be paid to his widow during her natural life under the provisions of this bill.

"General Donohoe was a brave, loyal, true Irish-American soldier and an upright, honored citizen. He was twice named by the Democratic party of New Hampshire as their candidate for railroad commissioner (in those days the second name on the ticket), and was twice honored in Massachusetts as the party candidate for secretary of state. During the three years 1891, 1892, and 1893 he served as aid-de-camp on the personal staff of Governor Russell, of Massachusetts. During the later years of his life he served as secretary to the department of public institutions of Boston, and a few months previous to his death he was promoted to the superintendency of the Reformatory for Boys at Rainsford Island, Boston Harbor.

"General Donohoe died on the 26th day of May, 1895, of cerebral hemorrhage, leaving no property whatever. This not being a disease of service origin, the widow is barred from receiving the pension of $30 per month, the grade of a colonel, under the general law. Her only means of relief is either by special act or by securing a pension of $8 per month under the act of June 27, 1890.

"In view of the fact that General Donohoe served with distinction for almost four years; that he declined to apply for pension in consequence of a severe wound, and the destitute condition of his widow, your committee recommend favorable action on the bill after it has been amended by substituting 'Donohoe' for 'Donahoe' in lines 6 and 7 and also in the title of the bill."

Mr. MILNES. Mr. Chairman, I move to strike out "fifty" and insert "thirty"; so that it will read "thirty dollars a month" instead of fifty.

I have but just a word or two to say about the amendment. If this soldier had actually been killed in the service of the United States his widow could not have received a pension of over $30 a month under the law. Now, there are in the United States tens of thousands of widows of private soldiers and noncommissioned officers who are absolutely unable to receive a pension of over $8 a month, and I do not think that we ought to go on paying large pensions to the widows of officers, but should distribute the pensions a little more generally and uniformly.

Therefore, I favor cutting down the amount carried by this bill to $30 per month.

Mr. CURTIS of New York. Mr. Chairman, I hope the amendment of my friend will not prevail. It was my good fortune to have known and served for some time with Michael Donohoe. I knew him and his regiment. I had an opportunity to see him after the war and to know something of his services to the States of New Hampshire and Massachusetts. But this bill relates to pensioning his widow, and I desire to speak simply in that regard, with the desire to call the attention of the House to the fact that he was a very deserving man. This lady cared for him in the years of his affliction and suffering from wounds. She is entitled to high consideration. I trust it will not be the purpose of any member of this House to raise an objection against the continuing of the practice which has been established in respect to these meritorious officers and the widows of those who served in the war in the capacity and with the fidelity and ability of General Donohoe.

Mr. MILNES. Mr. Chairman, this widow is now drawing, as I understand, $8 a month. If my amendment is adopted it will give her $30 a month, all she could possibly get under the law, even if her husband had died by being killed in battle. Now, why should we go on and pay $50 a month to these widows of officers while there are thousands and tens of thousands of widows of soldiers just as gallant as this soldier who can not get to exceed $8 a month? I do not believe it is right, and I do not believe the old soldiers of this country, of whom I am one, are in favor of that kind of pension legislation. If I know anything about the wishes of the soldiers of this country—and I have been as intimately connected with them as any man on this floor—they are opposed to that kind of legislation. Therefore I hope this amendment will prevail.

Mr. SULLOWAY. I hope this amendment will not prevail. There is no reason why it should. None has been given. I notice when a gentleman arises on this floor to oppose a pension he always says he does it in the name of the old soldier. He always has great love and sympathy and pity for the private; but I never knew one of them to arise here and propose to do anything for the private, not one of them. I have watched that during this session, and there has not been an instance.

Now, this is the widow of as brave a man as ever stood under that flag. He stood under it on many a bloody field, when its stripes were torn, its stars shot away, its staff splintered, and its folds stained with blood. I ask that his widow be treated as widows of other generals have been treated; not as well, because we have voted to some $100, to some $75; but for this one we ask only $50. I ask it for the very best reason in the world, that this general was one of the most successful killers of rebels, at a time when that was the best use you could make of them, that the North produced. [Applause on the Republican side.] She is drawing no pension whatever, not a penny. I ask that she be given $50 a month.

Mr. POOLE. Mr. Chairman——

The CHAIRMAN. The time for debate is exhausted. The question is on the amendment of the gentleman from Michigan [Mr. MILNES].

On a division (demanded by Mr. SULLOWAY and Mr. BAKER of New Hampshire) there were—ayes 25, noes 50.

Accordingly the amendment of Mr. MILNES was rejected.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

HANNAH NEWELL BARRETT.

The next business on the Private Calendar was the bill (H. R. 3229) for the relief of Hannah Newell Barrett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Hannah Newell Barrett, eldest daughter of Noah Harrod, late a soldier in Colonel Shephard's regiment and Captain Webb's company of Massachusetts troops in the war of the Revolution, and pay her a pension at the rate of $20 per month from and after the passage of this act.

The Committee on Pensions recommended an amendment striking out the word "twenty," in line 8, and inserting the word "twelve."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CELESTIA R. BARRY.

The next business on the Private Calendar was the bill (H. R. 1891) granting a pension to Celestia R. Barry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll the name of Celestia R. Barry, widow of Claudius C. Barry, deceased, late a private in Captain Connor's company, Bell's regiment, Mexican war volunteers, and to allow the said Celestia R. Barry a pension at the rate of $12 a month.

The Committee on Pensions recommended an amendment striking out the word "twelve," in line 8, and inserting in lieu thereof the word "eight."

Mr. SPALDING. Let us have the report read.

The report (by Mr. BLACK of Georgia) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1891) granting a pension to Celestia R. Barry, have considered the same and respectfully report as follows:

The claimant is the widow of Claudius C. Barry, late a private of Captain Conner's company of Texas Mounted Volunteers in the war with Mexico. The records of the War Department show that he enlisted May 5, 1848, and was discharged with the company December 31, 1848. The rolls further show that the regiment was called into service for the protection of the frontier against hostile Mexicans and Indians, and it is also shown that casualties occurred in the regiment December 1, 1848, at Brazos River, and December 30, 1848, at Austin, Tex.

The soldier was allowed a pension under the Mexican war act of January 29, 1887, but when his widow made application after his death (which occurred May 4, 1894) the rulings of the Pension Bureau had changed, and her claim was rejected "on the ground that the soldier did not serve the requisite sixty days in the war with Mexico, as said war closed May 30, 1848."

Mrs. Barry is now 56 years old, and the testimony filed at the Pension Bureau fully establishes her widowhood and that she has no property or income, but is dependent upon others for support. It is also shown that she is so disabled by rheumatism as to incapacitate her from earning a maintenance by her own labor.

The soldier's service, notwithstanding the fact that the Pension Bureau holds that the Mexican war ended May 30, 1848, was of an arduous and dangerous character and extended far beyond the date named. As stated above, casualties occurred in the regiment as long as six months subsequent to May 30, 1848.

Your committee believe that the claimant is deserving of relief, and the passage of the bill is therefore recommended with an amendment striking out the word "twelve," in line 8, and substituting therefor the word "eight"; so as to allow a pension of $8 per month.

Mr. DINGLEY. As I understand, this is a proposition to pension the widow of a soldier who did not serve the sixty days required by the general law.

Mr. PENDLETON. Mr. Chairman, this is a proposition to pension Celestia R. Barry, widow of C. C. Barry, who was a soldier in the Mexican war. When General Black was Commissioner of Pensions he gave C. C. Barry a pension. After his death Celestia R. Barry applied for a pension, and the Pension Office refused to grant it, for the reason that the ruling of the Pension Office had been changed.

Barry enlisted in the Army on the 5th of May, 1848. He was discharged from the Army on the 31st day of December, 1848. General Black decided that the war had ended on the 4th of July, 1848, at the date of the President's proclamation declaring peace between the two countries, and therefore gave Barry a pension. After his death, when Mrs. Barry applied for a pension, the Pension Office decided that the date when hostilities ceased between the United States and Mexico was not the 4th of July, 1848, but the 30th of May, 1848, when Congress passed an act declaring peace. The entire question is whether peace was declared by the act of Congress or by the proclamation of the President.

Mr. MILNES. I understand that the soldier enlisted May 10, 1848?

Mr. PENDLETON. May 5.

Mr. MILNES. And the war was declared at an end——

Mr. PENDLETON. On the 4th of July, 1848, making the soldier's service just sixty days exactly.

Mr. MILNES. I understood the report to say he enlisted May 10.

Mr. PENDLETON. No; May 5. General Black gave the soldier a pension, deciding that the date of the cessation of hostilities was the 4th of July, the date of the President's proclamation.

Now, the soldier served eight months, lacking four days, in the Army of the Republic, and he served sixty days before the proclamation of the President, but only twenty-five days before Congress passed a resolution declaring peace between the two countries. General Black, when he was Commissioner of Pensions, decided that it was the day of the President's proclamation, and gave her husband a pension; but the present Commissioner of Pensions refuses to grant her a pension because he has decided that it was the 30th day of May and not the 4th of July that the war was ended.

Mr. DINGLEY. Is the amount provided for in the bill the same as she would have received under the law?

Mr. PENDLETON. The same exactly. The amount I wished her to have was $12.

Mr. DINGLEY. The general law is $8 a month, and that is what is provided for here.

Mr. PENDLETON. That is what is provided; but in her indigent condition I think she ought to have had more.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LYDIA BOYNTON FERRIS.

The next business on the Private Calendar was the bill (H. R. 1511) for the relief of Lydia Boynton Ferris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Lydia Boynton Ferris, daughter of John Boynton, who was a soldier in the war of 1812 in Capt. Joseph Morrill's company, Vermont Militia, from September 12 to November 30, 1812, on the pension roll and pay her a pension of —— dollars per month.

Mr. SPALDING. I call for the reading of the report.

The report (by Mr. HOWE) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1511) granting a pension to Lydia Boynton Ferris, have considered the same and respectfully report as follows:

The claimant is the daughter of John Boynton, who served as a corporal in Capt. Joseph Morrill's company of Vermont Volunteers from September 12 to November 30, 1812, in the war of that year with Great Britain. It is also shown that she is the granddaughter of Isaac Boynton, who is shown by the records of the War Department to have served for a period of three years in the war of the Revolution. John Boynton, the claimant's father, was, at the time of his death, a pensioner at $8 per month on account of his service in the war of 1812.

Her relationship to the above-named soldiers is shown by the sworn statements of James Owens, Alonzo L. Boynton, Laura Hayes, M. L. Staib, Minnie Miller, and Sophia B. Frary.

The claimant swears that she is 63 years old, a resident of 287 Normal avenue, Buffalo, N. Y., and that she is the widow of Joshua C. Ferris, who died in 1882, leaving her comparatively penniless. She further swears that by the accidental breaking of her arm in 1884 she has been rendered permanently unable to provide for herself, and that she is now without any means of support whatever.

The truthfulness of the claimant's statement is certified to by B. W. Green, of Emporium, Pa., in a letter addressed January 12, 1895, to Hon. Charles Daniels, M. C.

The soldier, in his application for pension, certified that his wife (the claimant's mother) was deceased.

There are precedents for the proposed legislation (one of them being the case of Delia Stewart Parnell, pensioned in the Fifty-first Congress as the daughter of an officer in the war of 1812), and in view of the claimant's necessities, the passage of the bill is recommended with an amendment fixing the rate of pension at $12 per month.

Mr. ERDMAN. Mr. Chairman, I dislike very much to see the time of the committee taken up by the useless proceeding of reading the report, and I am very much annoyed that there is no continual wailing of "Vote!" "Vote!" on the other side when reading the report. Has the leader of the House cast his spell over them? Something is the matter with them. I should like very much to hear an explanation of the reason why we must have these reports read and why pensions are blocked by it. It would be very interesting!

Mr. DINGLEY. Mr. Chairman, as this is the second statement the gentleman has made in this line, I think it is appropriate that some response should be made. The gentleman from Pennsylvania [Mr. ERDMAN] on Friday evening sessions, up to the last one, has occupied a large part of the time in making speeches and repeating them, occupying hours, I understand, talking, not for the purpose of ascertaining whether the bill should pass or not, but for the purpose of blocking the passing of bills.

Now, to-day he has changed his course of procedure. He desires now that the bills shall be considered without even the reading of the report and without any knowledge respecting them. I think it is entirely appropriate that this House, at any time, whether on Friday evening session or any other, should have enough said, either by the reading of the report or by a statement of some gentleman, that members should know what the character of the bill is and its merits, and I think it is entirely appropriate to have the report read. [Applause]. But now a change has come over the gentleman from Pennsylvania. The House should proceed in no other way than to deliberately consider each bill as it comes up, and ascertain from the report or some statement of some gentleman exactly what the merits of the bill are. We should not swing from one extreme to the other, as the gentleman from Pennsylvania seems to have swung, but should consider each bill upon its merits. I have nothing more to say.

Mr. ERDMAN. Does the gentleman think that five minutes is sufficient time to discuss and deliberately consider any bill?

Mr. DINGLEY. Ordinarily I will say that five minutes for and five minutes against a bill, where there is simply a question as to whether a person should be pensioned or not, is sufficient. Now and then there may come up a bill where more time is needed; but ordinarily, in most of these bills, especially referring to privates, five minutes on one side and five on the other clearly acquaint the House with the facts.

Mr. ERDMAN. Did not the gentleman see that five minutes for and five minutes against it were exhausted by the reading of a report and was not sufficient for the reading of the report itself?

Mr. DINGLEY. Yes; and the gentleman objected.

Mr. ERDMAN. I did.

Mr. DINGLEY. Undoubtedly we have been compelled to resort to this procedure for the purpose of doing business that ought to have been done at the Friday night sessions, and the gentleman is responsible. [Applause on the Republican side.]

Mr. ERDMAN. I point to the RECORD, which will show that I did not occupy more than fifteen or twenty minutes' time on any Friday night.

Mr. COLSON. Which was fifteen minutes too much. [Laughter.]

The CHAIRMAN. The question is on the amendment.

Mr. LOUD. Unless the time is exhausted, I would like to say one word on this bill.

The CHAIRMAN. The Chair thinks there are two minutes remaining.

Mr. LOUD. I will confine myself to the bill. I would like to ask some gentleman, in regard to this bill, whether this lady is to be pensioned because her grandfather was in the Revolutionary war or because her father was in some other war?

Mr. DANIELS. It was intended to put it on both grounds; but the committee concluded it would be shorter to put it on the ground that her grandfather served in the Revolutionary war.

Mr. LOUD. I would like to discover how far removed by blood a person must be before a pension shall not be granted. You have gotten to granddaughters now. I do not know why we should not go down the whole list to cousins.

Mr. DANIELS. She is the granddaughter of a soldier of the Revolutionary war who served three years.

Mr. PICKLER. We are more lenient to those who served in the Revolutionary war than others.

Mr. DANIELS. There are very few of them.

Mr. LOUD. But there are lots of cousins and granddaughters left.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

KATHERINE ZEIGENHEIM.

The next business on the Private Calendar was the bill (H. R. 2359) granting a pension to Katherine Zeigenheim, of Louisville, Ky.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension roll of the United States, subject to the provisions and limitations of the pension laws, the name of Katherine Zeigenheim, widow of Frank J. Zeigenheim, late private of Third Regiment of United States Dragoons, Mexican war, at the rate of $8 per month from and after the passage of this bill.

The report (by Mr. COLSON) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 2359) granting a pension to Katherine Zeigenheim, have considered the same and respectfully report as follows:

The claimant is the widow of Francis J. Zeigenheim, who served from May 16, 1848, to July 14, 1848 (a period of sixty days), as an unassigned recruit in the Third United States Dragoons. The records of the War Department show that he enlisted at Louisville, Ky., for the Mexican war and was forwarded to Jefferson Barracks, Mo., where he remained on post duty until discharged.

The soldier made application for a pension under the Mexican war act approved January 29, 1887, and the same was allowed, but after his death, which occurred January 5, 1892, his widow's claim was rejected because he did not serve in Mexico, on the coast or frontier thereof, or en route thereto, as required by the act in question.

The claimant is now about 61 years old, in poor health, and without any means of support aside from what she earns as a janitress of a furniture store. These facts are sworn to by the claimant and by Sebastian Wetterer

and Edward Duerr, citizens of Louisville, Ky. Her status as the soldier's widow is fully established by the proof on file at the Pension Bureau.

In view of the fact that the soldier enlisted in good faith for service in the war with Mexico and was actually en route thereto until assigned to other duty at St. Louis, your committee believe that Congress can very properly grant the relief prayed for, and the passage of the bill is therefore recommended.

Amend by changing the spelling of soldier's Christian name to "Francis."

The amendment recommended in the last paragraph of the report was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

NANCY B. PRINCE.

The next business on the Private Calendar was the bill (H. R. 1827) granting a pension to Nancy B. Prince, widow of Elbert Prince.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy B. Prince, widow of Elbert Prince, late private of companies commanded by Captains Christmas and Spirey, Georgia Volunteers, Indian war of 1836, and that he pay her a pension of $8 per month from and after the passage of this act, and to continue during her widowhood.

Mr. HARRISON. Mr. Chairman, the facts in this case are very simple. This lady is the widow of a soldier who actually served sixty days in the Indian war, but served in two companies. On the widow's application for pension, the Department could only find record of service of the soldier for about eighteen days in one company, and therefore the application was denied; but the facts as shown establish a service of about sixty days in the two companies. The old lady is now about 86 and entirely dependent upon others for support, and I trust there will be no objection to the passage of this bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY PRINCE.

The next business on the Private Calendar was the bill (H. R. 1826) granting a pension to Henry Prince.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Prince, late private in companies commanded by Captains Christmas and Spirey, Georgia Volunteers, Indian war of 1836, and that he pay him a pension of $8 per month from and after the passage of this act.

Mr. HARRISON. Mr. Chairman, this is a similar case to the last. The applicant in this case is a brother of the soldier to whose widow the last bill grants a pension. The Princes were brothers and served in the same company.

Mr. MILNES. Mr. Chairman, I ask for the reading of the report.

The report (by Mr. STALLINGS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1826) granting a pension to Henry Prince, beg leave to submit the following report:

The claimant declares that he enlisted about May 1, 1836, and served until the last of June, 1836, as a private in Captain Christmas's company of Georgia volunteers in the Creek Indian war, and his allegations as to length of service are borne out by the sworn statements of Linson Pickard and John H. Blalock, aged residents of Lee County, Ala., who knew him at the time of his service.

The records, however, fail to show the service except from May 21, 1836, to June 7, 1836; and it further appears that no travel-time allowance is included within that period. His claim, under the Indian war act of July 27, 1892, was disallowed because of inability to find a record except of eighteen days' service.

The claimant is now 80 years old, in feeble health, and without property or income upon which to depend for a support. The facts are shown by the certificate of the gentleman who introduced the bill in the House, and also by the sworn statement of three residents of Lee County, Ala.

The passage of the bill is respectfully recommended.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEN. JAMES C. PARROTT.

The next business on the Private Calendar was the bill (H. R. 5226) to give increased pension to Gen. James C. Parrott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of James C. Parrott, late colonel of the Seventh Iowa Infantry in the war of 1861, and pay him pension at the rate of $75 per month in lieu of that he is now receiving.

The Committee on Pensions recommended amendments as follows:

Line 6, strike out the words "in the war of 1861."

Line 7, strike out "seventy-two," before the word "dollars," and insert "fifty."

Mr. PERKINS. Mr. Chairman, this bill was introduced by my colleague [Mr. CLARK], who is absent. General Parrott is 85 years of age. He was a soldier in the Regular Army for a period between 1830 and 1840. He was 50 years of age when he enlisted in the Seventh Iowa Infantry in the late war. He has a distinguished record as a soldier, and he is now in a helpless condition, due, to some extent, to his advanced years. I believe there can be no possible objection from any quarter to this bill. Investigation of the case will simply serve to show its highly meritorious character.

Mr. HENDERSON. Mr. Chairman, I know Colonel Parrott well. He entered the Army as a private and was elected captain by his company. He was baptized at Belmont, and his gallantry was recognized by General Grant in a letter which he wrote urging him to go home to recuperate. He was at Fort Henry, at Donelson, at Shiloh, and at Corinth. He was severely wounded at Donelson and at Corinth. He was in the battle before Atlanta. He marched with Sherman to the sea, and was mustered out at the end of the war. He is a man of beautiful character. He is now stricken down by paralysis, absolutely prostrated; he is 85 years of age, and is without a dollar on which to live. I believe the case is wisely and well put by the committee when they say in their report that they "unanimously and cordially" recommend the passage of this bill, and I want to thank them for that assurance.

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CAROLINE E. PURDUM.

The next business on the Private Calendar was the bill (H. R. 6134) granting an increase of pension to Caroline E. Purdum.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline E. Purdum, widow of Elijah F. Purdum, late private in Company F, Thirtieth Regiment, and assistant surgeon Eighty-ninth Regiment, Ohio Volunteer Infantry, and to pay her a pension of $12 per month in lieu of the pension she is now receiving.

Mr. ANDREWS. Mr. Chairman, the report in that case is brief, and I ask that it be read.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6134) granting an increase of pension to Caroline E. Purdum, have considered the same and report as follows:

Five different pension certificates were issued to the soldier because of disease contracted in the service.

One of the disabilities mentioned in his last certificate was "disease of heart," for which disability he was rated at eight-eighteenths.

After the soldier's death his widow, the said Caroline E. Purdum, applied for a pension under the general law.

The declaration alleged that the soldier's death resulted from "heart disease."

The claim was approved by the medical examiner in the Pension Office and submitted for admission by the present "medical referee."

The re-reviewer raised some question of doubt, and a special examination was subsequently ordered.

In the course of that special examination Dr. B. B. Baker, who had been the soldier's advisory physician for several years and was his attending physician during his final illness, testified that "the immediate cause of his death was chronic valvular disease of the heart."

The report of the special examiner concludes with the following statement: "I think the claim could be fairly admitted under the positive medical testimony of Dr. B. B. Baker that the heart disease was undoubtedly due to the typhoid fever and its resulting disease of the circulatory system."

Nevertheless, the claim was rejected. But the facts cited, which are corroborated by other testimony, lead your committee to believe that the widow is clearly entitled to a pension under the general law, and we therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

FRANCES E. HELFENSTEIN.

The next business on the Private Calendar was the bill (H. R. 979) granting a pension to Frances E. Helfenstein.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension rolls, subject to the provisions and limitations of the pension laws, the name of Frances E. Helfenstein, widow of George W. Helfenstein, late first lieutenant and adjutant of the One hundred and seventy-third Ohio Volunteer Infantry.

The committee recommended an amendment, adding, after the word "Infantry," the words "at the rate of $17 per month.

The report (by Mr. KERR) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 979) granting a pension to Frances E. Helfenstein, widow of George W. Helfenstein, late first lieutenant and adjutant of the One hundred and seventy-third Ohio Volunteer Infantry, have examined the same, and report:

The claimant is the widow of George W. Helfenstein, who was first lieutenant of Company D, One hundred and seventy-third Ohio Volunteer Infantry, and afterwards adjutant of the same regiment. The soldier entered the service August 10, 1864, for one year. He was appointed first lieutenant of Company D, One hundred and seventy-third Ohio Volunteer Infantry, September 17, 1864, and adjutant of the same regiment December 21, 1864. He was discharged May 30, 1865, for disability, the regiment itself being mustered out June 26, 1865. He was married January 28, 1863, to Frances E. Spry, and she, as his widow, now prosecutes this claim.

The evidence in the case is voluminous, but the main facts are as follows:

In the service, about October, 1864, the officer was sent out on a long detail, or scout, in which he rode horseback. In that time he bruised his scrotum and caught cold. When he returned to camp his scrotum was swollen and painful, and a case of orchitis or sarcocle was set up. He was sent to the officers' hospital at Nashville, Tenn., treated for it, and returned to the regiment. There was a recurrence of the disease, and he was returned to the hospital, where his right testicle was extirpated. He was granted sick leave, and sent home in March, 1865.

He returned to the regiment, but on May 30, 1865, he was again found in the hospital and was discharged, as of that date, by virtue of a general order discharging all officers in hospital at that date.

The soldier applied for pension on account of the disability arising in the service in March, 1879, and was allowed for $6.50, dating from January 5 1882.

He applied for an increase of pension and was allowed it to the amount of $12.75, October 7, 1887, which he was receiving on June 5, 1892, the date of his death.

In August, 1892, Frances E. Helfenstein, the widow, applied for pension on the ground that the soldier died of the disability on account of which he was pensioned.

On September 10, 1894, the claim was rejected on the ground that the soldier's death was not the result of the disability originating in the service.

The whole case turns upon this one point. There is no doubt but that the soldier received the disability in the service, and was pensioned for it, and that claimant is the widow, and the only question is, Did the soldier die of the disability received in the service?

Upon this point there are five medical witnesses. Dr. Morris, late first assistant surgeon of the One hundred and seventy-third Ohio Volunteer Infantry, and Dr. F. B. Massey, both of whom treated the soldier in the service for the disability incurred there, the latter physician treating him on down until 1881. Then there are Drs. Fulton, McClure, and Halderman, who treated the soldier from 1881 until his death.

Each physician states his own knowledge of the case, and then gives his opinion on his own evidence and on that of the other four. All of these physicians stand high in their profession. All arrive at the same conclusion, namely, that the disease of which the soldier died is traceable to the sarcocele which originated in the service and on account of which he was pensioned.

The Pension Office physicians refuse to draw these conclusions from the evidence of the five physicians, and say that the soldier did not die of the disease on account of which he was pensioned. If this case had been submitted to a court on the evidence of the five physicians, and the court had been bound to accept their evidence as experts, then it would have been bound to have allowed the pension, for their evidence establishes the right to a pension.

Your committee think that this evidence was competent, and that when given the Department was bound to receive it, and to follow what it proved. We do not believe that the medical staff of the Department can or should arbitrarily say that they will not accept as proven what the evidence clearly proves.

The facts in the case warrant the allowance of a pension, and we therefore recommend the passage of the bill with an amendment adding to line 8, after the word "Infantry," the words "at the rate of $17 per month."

Mr. DINGLEY. What is the rate provided for in the amendment?

The CHAIRMAN. Seventeeen dollars per month.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ABRAM H. PARKER.

The next business on the Private Calendar was the bill (H. R. 5946) granting an increase of pension to Abram H. Parker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Abram H. Parker, late of Company A, Forty-fifth Regiment Kentucky Mounted Infantry, on the pension roll of the United States at the rate of $50 per month in lieu of the pension he is now receiving.

Mr. PUGH. Mr. Chairman, in order to correct an error in this bill I ask that "Abraham" be inserted instead of "Abram."

The CHAIRMAN. In the absence of objection that correction will be made.

There was no objection.

Mr. PUGH. Mr. Chairman, the beneficiary named in this bill entered the Army at the age of 15 and made as true and brave a soldier as ever flashed a saber or shouldered a musket. Although entitled many years ago to a pension, he never asked this aid from the Government so long as he could get along without it; and he would now scorn to receive the increase he asks if it were not due to him as an act of justice in every sense of the word. He is in an utterly helpless condition and requires the almost constant care of an attendant. I personally presented this claim before the committee; and when the facts were there heard and considered the committee openly expressed the opinion that this claimant is entitled to and should receive $72 a month. But fearing that to ask such an amount might jeopardize the passage of the bill, I have sought to secure for him a pension of only $50 per month, and this amount the committee recommends. I hope the recommendation will be adopted.

Mr. PICKLER. I move to amend by inserting, after the word "late," in line 5, the word "private." I will state that this man requires the attendance of another person a large portion of the time; and his case brings him within the class of pensioners who receive from the Pension Office $50 a month.

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

MARY PRINCE.

The next business on the Private Calendar was the bill (H. R. 1825) granting a pension to Mary Prince, widow of Ellis Prince.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Prince, widow of Ellis Prince, late corporal of company commanded by Captain Christmas, Georgia Volunteers, and late member of company commanded by Captain Spirey, Georgia Volunteers, both of Indian war of 1836, and that he pay her a pension of $8 per month from and after the passage of this act, and to continue during her widowhood.

Mr. SPALDING. I call for the reading of the report.

The report (by Mr. STALLINGS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1825) entitled "A bill granting a pension to Mary Prince, widow of Ellis Prince," beg leave to submit the following report, and recommend that said bill do pass:

This is a bill enacting that Mary Prince be granted a pension because of the service of her deceased husband, Ellis Prince, in Captains Christmas's and Spirey's companies of Georgia Volunteers in the Indian war of 1836.

Such rolls as are on file show that Ellis Prince served from May 31 to June 7, 1836, in Captain Christmas's company, but no allowance was made on account of time spent in travel. No rolls of Captain Spirey's company can be found, but parole evidence is furnished to show that the soldier's service covered a period of nearly sixty days.

The claimant's application at the Pension Bureau under the Indian war act of July 27, 1892, was disallowed because of inability to find a record of more than the eighteen days of service appearing on the above-named roll.

Ellis Prince died November 1, 1874, and his widow, who is now about 78 years old, is in a very needy and dependent condition.

The facts as to dependence are shown by the statement of the gentleman who introduced the bill in the House and by the affidavits of three citizens of Lee County, Ala.

The bill was laid aside to be reported favorably to the House.

MRS. F. E. MARSHALL.

The next business on the Private Calendar was the bill (H. R. 4090) granting an increase of pension to Mrs. F. E. Marshall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to increase the pension of Mrs. Frances E. Marshall, widow of Gen. Humphrey Marshall, an officer in the Mexican war, from $8 per month to $25 per month, to take effect from the passage of this bill.

The amendment reported by the Committee on Pensions was read, as follows:

In line 7 strike out "twenty-five" and insert "thirty."

Mr. COLSON. Mr. Chairman, I wish to make a statement which, while it gives me no pleasure, will, I have no doubt, afford a great deal of satisfaction to at least one gentleman on this floor. The widow of that distinguished soldier Humphrey Marshall is dead; and I ask leave to withdraw this bill which was introduced for the benefit of his widow.

The CHAIRMAN. In the absence of objection, the bill will be withdrawn.

SARAH WEEDON.

The next business on the Private Calendar was the bill (H. R. 1178) granting a pension to Sarah Weedon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Sarah Weedon, widow of John H. Weedon, deceased, who was a sergeant in Company I, Fourth United States Infantry, in the Mexican war, and to pay her a pension at the rate of $25 per month.

The amendments reported by the committee were read, as follows:

In line 5, after "Weedon," insert "Jones, former."

In the last line of the bill strike out "twenty-five" and insert "eight"; so as to make the pension $8 a month.

Amend the title so as to read: "A bill granting a pension to Sarah Weedon Jones."

Mr. VAN VOORHIS. I ask that the report be read.

The report (by Mr. HARDY) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1178) granting a pension to Sarah Weedon, have considered the same, and respectfully report as follows:

The claimant was formerly the widow of John H. Weedon, who served as a sergeant in Company I, Fourth United States Infantry, and as such participated in the war with Mexico.

The exact date of the soldier's death is not known, but the Pension Bureau reports that he was discharged at the City of Mexico November 25, 1847, on a surgeon's certificate of disability, and he directed that his pension certificate should, when issued, be sent to Zanesville, Ohio. This certificate was issued to him in May, 1848, sent to Zanesville and returned uncalled for, and it is now on file in the Pension Bureau.

The testimony filed in the widow's pension application shows that it was understood that he received a wound at Molino del Ray, Mexico, September 8, 1847, and died soon after from the effects of same. The widow remarried to one Enoch Jones, who died September 23, 1891.

The claimant's application at the Pension Bureau, filed January 30, 1890, was rejected March 8, 1890, "on the ground of no pensionable period, application not having been filed within three years subsequent to soldier's death nor prior to remarriage May 13, 1849."

As stated above, the claimant is again a widow, and as shown by her sworn statement, she reared two sons by the soldier, both of whom served through the late war in the Union Army, one of whom died several years ago from the effects of the service, and the other is still surviving, though a wounded invalid.

The claimant is now 85 years old, and it is shown by the sworn statement of several citizens of Guernsey County, Ohio, that her sole property consists in a dower interest in a small piece of real estate in North Salem, Ohio, worth not over $100, and is dependent upon others not legally bound for her support.

The passage of the bill is respectfully recommended with an amendment changing the title of the bill so as to read: "A bill granting a pension to Sarah Weedon Jones"; also by inserting the words "Jones, former," after the words "Sarah Weedon," in line 5, and striking out the word "twenty-five," in line 8, and inserting in lieu thereof the word "eight"; so as to fix the rate of pension at $8 per month.

The CHAIRMAN. The question is on agreeing to the amendments reported by the committee.

Mr. DINGLEY. I should like to make an inquiry about this bill. It proposes, as I understand, to pension a widow who has remarried. I should like to know whether this bill conforms to the principle which I understand has been established by the Committee on Invalid Pensions that where a widow has remarried and

the second husband has died, the widow is not pensioned unless she was the wife of the soldier during the time of his service? We do not wish to adopt with reference to soldiers of the Mexican war a rule which is not made applicable to other soldiers.

Mr. LOUDENSLAGER. This lady did not marry the soldier until after his service.

Mr. DINGLEY. I understood that the Committee on Invalid Pensions had steadily refused to report a pension in any case where the widow has remarried unless she was the wife of the soldier during his service.

Mr. PICKLER. Perhaps I stated a little too broadly, or the gentleman from Maine understood a little too broadly, what had been done by our committee. The committee has sought to hold itself down to the rule he states; but there may have been a case or two in which it has been departed from.

Mr. DINGLEY. I think we should not establish with reference to soldiers of the Mexican war a principle which we would not apply to soldiers of the late war.

Mr. PICKLER. That is the principle we have adopted in the general bill which we have reported.

Mr. LOUDENSLAGER. This lady is the widow of the soldier.

Mr. DINGLEY. Then this comes within the principle.

Mr. TALBERT. I did not hear the reading of the report. Is this the case of a widow who has remarried?

Mr. VAN VOORHIS. Yes, sir.

Mr. TALBERT. What is the amount of pension proposed?

Mr. VAN VOORHIS. Eight dollars a month. Her husband was a soldier in the Mexican war.

The question being taken on the amendment reported by the committee, it was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

WILLIAM F. SONGER.

The next business on the Private Calendar was the bill (H. R. 4193) to correct the military record of William F. Songer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against William F. Songer, late a private of Company B, Forty-second Regiment of Indiana Volunteers, on the records of the War Department, and to issue to said Songer a certificate of honorable discharge.

Mr. TALBERT. I should like to hear the report.

The report (by Mr. WOOMER) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 4193) entitled "A bill to correct the military record of William F. Songer," beg leave to submit the following report, and recommend that said bill do pass:

This is a bill enacting that William F. Songer, private Company B, Forty-second Regiment Indiana Volunteers, be relieved of the charge of desertion.

The evidence shows that he served faithfully during his first enlistment; that in October, 1864, nine months after his second enlistment, he deserted, returning to his home to visit his wife, who was sick, and she remained sick a long time thereafter.

In consideration of his faithful service for three years, the committee are of opinion that this bill should pass.

Mr. TALBERT. Mr. Chairman, I would ask that this bill be laid aside with an unfavorable report. It has no merit. Let us pass meritorious bills or none. I move that it be laid aside with an unfavorable report.

The motion was rejected.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken; and on a division (demanded by Mr. TALBERT) there were—ayes 66, noes 1.

Mr. TALBERT. No quorum.

The CHAIRMAN (Mr. DALZELL in the chair) (having counted the committee). One hundred and thirteen members are present, a quorum.

So the bill was laid aside to be reported to the House with a favorable recommendation.

WILLIAM WALDRUP.

The next business on the Private Calendar was the bill (H. R. 4001) to reinstate William Waldrup on the pension roll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be instructed to reinstate William Waldrup, of Maddox, Tenn., late of Company F, Sixth Regiment Tennessee Cavalry, on the pension roll of the United States at the rate he was drawing when dropped from the roll.

Mr. SPALDING. Let us have the report.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4001) to reinstate William Waldrup, late of Company F, Sixth Tennessee Cavalry Volunteers, on the pension roll at the rate he was drawing when dropped from the roll, having carefully examined all the facts and circumstances in evidence, respectfully report:

William Waldrup enlisted as private in Company F, Sixth Tennessee Cavalry Volunteers, September 21, 1862, and served faithfully until honorably discharged July 26, 1865.

He applied for pension October 2, 1885, for chronic bronchitis and chronic diarrhea contracted in service, but being poor and unable to furnish satisfactory proof of origin, his claim was rejected June 29, 1886, under order No. 92.

He filed a claim under act of June 27, 1890, on July 15, 1890, for disease of bowels, liver, kidneys, and bronchitis, and was pensioned thereunder at $10 per month for "disease of liver, diarrhea, and bronchitis."

He was dropped from the pension roll October 18, 1894, on the ground of "not ratably disabled for earning a support by manual labor under act of June 27, 1890."

Drs. L. E. and J. B. Covey filed affidavit November 22, 1890, that claimant "came under our care in 1882. Since that time he has been suffering from enlargement of liver, inflammation of bowels, and kidney trouble. He has not been able to do any manual labor since that time. His wife and daughters have supported the family."

The board of examining surgeons at Savannah, Tenn., which examined him December 17, 1890, rate him six-eighteenths for disease of liver, four-eighteenths for diarrhea, and two-eighteenths for chronic bronchitis. Another board, which examined him May 9, 1894, declined to rate him; but said, "There is a history of diarrhea, but health not impaired, 'and "he is totally blind in right eye, the pupil closed, caused by a stroke in the eye followed by iritis."

Thirty-three neighbors certify to the committee that—

"To our personal knowledge he is not able to perform manual labor; he is 55 years old and has had chronic diarrhea and bronchitis ever since the war, and his wife and daughters have to make their living by working in the field."

This certificate is indorsed by Dr. James B. Covey, his family physician, who is thoroughly reputable, who says he has been his family physician for fifteen years and knows that he is badly afflicted and not able to labor.

Your committee believe this applicant justly entitled to the small pension he was receiving, and earnestly recommend the passage of this bill.

The bill was laid aside to be reported to the House with a favorable recommendation.

ISAAC H. WHETSEL.

The next business on the Private Calendar was the bill (H. R. 4720) granting an increase of pension to Isaac H. Whetsel, of Louisville, Ky.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to increase the pension of Isaac H. Whetsel, a soldier in the war of the rebellion, now drawing a pension under certificate No. 72827 of $12 per month, to $25 per month, to take effect from the passage of this act.

Mr. DINGLEY. What is the present pension in this case?

Mr. PICKLER. He was pensioned at $4 a month from the date of his discharge until April, 1889, and at $12 since that date, for gunshot wound in the right thigh. The ratings put him up to the amount fixed in the bill.

Mr. ERDMAN. I suggest that we let in the report in this case.

Mr. EVANS. I suggest that we dispense with the reading of the report in this case, and let it be inserted in the RECORD.

Mr. ERDMAN. I have no objection to dispensing with the reading of the report, but I object to printing it in the RECORD unless it is read.

The CHAIRMAN. The Clerk will report the amendment recommended by the committee.

The Clerk read as follows:

The committee recommend that the bill be amended by striking out all after the word "Whetsel," in line 5, and inserting the following: "Late private in Company B, Second Regiment United States Cavalry, to $16 per month for gunshot wound of right thigh and callouses of buttocks, in lieu of the pension which he now receives."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

SARAH ANN WIBLE.

The next business on the Private Calendar was the bill (H. R. 5311) granting a pension to Sarah Ann Wible.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to place upon the pension roll the name of Sarah Ann Wible, dependent mother of John Wible, deceased, late of Company B, Twenty-first Regiment Indiana Infantry, also First Indiana Heavy Artillery, at $12 per month.

Mr. DINGLEY. Let the report be read.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5311) granting a pension to Sarah Ann Wible, dependent mother of John Wible, late of Company B, Twenty-first Regiment Indiana Infantry Volunteers, and also of First Indiana Heavy Artillery, at $12 per month, having considered all the facts and circumstances in evidence, respectfully submit the following report:

John Wible served in Company B, First Indiana Heavy Artillery, from July 6, 1861, to January 10, 1863, having an honorable and exemplary record. He was pensioned at $6 per month from April 2, 1888, for rheumatism and disease of lungs. He was killed by accident in 1892, a loaded sled upsetting upon him.

His mother, Sarah Ann Wible, applied for pension under both the general law and the act of June 27, 1890, both of which were rejected on the ground that the soldier's death was not in any manner due to his army service.

The petition of 167 reputable citizens of Nodaway County, Mo., represent and show that she is 84 years old, respectable and deserving in every particular, and that she has no property and was wholly dependent upon her son, John Wible, for her support and maintenance, and has no one legally bound to support her.

From the facts presented your committee believe the Government should provide for her in her old age, and therefore recommend that the bill be amended by adding after the word "authorized," in line 4, the words "and directed," and by striking out all of line 6 after the letter "B," and by striking out the word "also" in line 7, and, as amended, that the bill do pass.

The amendment recommended by the Committee on Invalid Pensions was agreed to.

Mr. ERDMAN. Mr. Chairman, I just want to call the attention of gentlemen on the other side who say we are discussing

these matters intelligently to what is done as shown in this report. This soldier was killed by a sled. Now, does the House determine that that was due to his army service? I want to ask the gentlemen on the other side whether we are to have that established now as a new principle in the granting of pensions?

Mr. CROWTHER. I would like to answer the gentleman from Pennsylvania by stating that the soldier in this case was pensioned for rheumatism, and that by reason of his rheumatic affliction he was unable to get out of the way of a loaded sled, and by indirection the result of his death was due to his army service.

Mr. ERDMAN. There is nothing in the report to show it.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

MRS. F. E. MARSHALL.

Mr. DALZELL. Mr. Chairman, a short time ago the House bill (No. 4090) granting an increase of pension to Mrs. F. E. Marshall was withdrawn by the gentleman from Kentucky [Mr. COLSON], he stating that the claimant had deceased. No motion was made at the time; and that bill, unless otherwise disposed of, will remain on the Calendar. I move, therefore, that it be laid aside with the recommendation that it lie on the table.

Mr. PICKLER. I do not know whether the gentleman from Kentucky has the power or authority to do that. The committee authorized him to withdraw the bill. He can do that.

Mr. SPALDING. The bill has been already withdrawn.

Mr. PICKLER. I have no objection to the suggestion of the gentleman from Pennsylvania.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported to the House with the recommendation that it lie on the table.

There was no objection.

DR. HARRISON WAGNER.

The next business on the Private Calendar was the bill (H. R. 6789) granting a pension and for the relief of Dr. Harrison Wagner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Harrison Wagner, and pay him a pension of $40 per month.

Mr. TALBERT. I would like to have the report read.

The report (by Mr. KERR) was read, as follows:

The evidence in this matter is very voluminous, and only the substance of it can be set forth in this report. In 1862 the beneficiary was an advanced medical student in the State of Maryland, and on the 27th day of September, 1862, he enlisted in the Union service as a hospital nurse at General Hospital No. 1, Frederick, Md.

Soon after his enlistment as nurse he was examined with a view to utilizing his services as a physician and surgeon. He passed the examination, and was assigned to duty as an assistant surgeon in said hospital. Soon after his assignment to duty, as aforesaid, smallpox broke out in the hospital, and he was assigned to attend and treat the patients afflicted with this disease. His services in this regard were faithfully performed, and were so laborious and constant that his health was completely ruined.

The evidence shows that upon his enlistment he was a strong, healthy, and able-bodied man, but since the expiration of his service his health has constantly grown worse, until in 1875 he was compelled to give up his practice as a physician, and since that time has been unable to do any kind of labor, and for long periods he is confined to bed from bleeding hemorrhoids and general weakness.

The evidence is clear, and it may be said to be conclusive, that his disabilities were contracted during his service in the hospital. While he was thus engaged he was attacked with indigestion and constipation and internal bleeding hemorrhoids, and with them he has been afflicted ever since.

The petition of the claimant sets out fully the facts of this, and these statements are fully sustained by the evidence of Dr. William H. Wagner, Dr. Luther M. Zimmerman, W. H. Myers, Mrs. Amelia J. Anders, Mrs. Mary Myers, Mrs. Mary Alcott, Elizabeth Flemming, Mrs. Esther Beck, Mrs. Mary Barrock, Benjamin Smith, James Woods, William Wilson, William Grimes, Henry Working, Samuel Myers, Jacob Hyder, George Gilbert, William Nort, Enoch Watz, Henry Hines, Levi Pipinger, and others.

Besides this claimant's service and his disabilities, there are some special circumstances entitling him to especial consideration. In 1863 he was residing at Woodsboro, Md., and gave the Union forces, upon the eve of the battle of Gettysburg, some very valuable information. The sentiment in the community at that time was almost wholly Confederate, and the claimant's sympathy with the Union cause and his services brought upon him many persecutions from the Confederate sympathizers, and to such an extent was he persecuted that he was compelled to give up his home and seek a new one elsewhere.

A bill for claimant's benefit and granting a pension of $25 per month passed both House and Senate in the first session of the Fifty-first Congress, but it failed, with other bills, for lack of time to receive the Executive signature.

Since that time his condition has grown much worse in that he is now confined to bed or to the house for periods and requires the attendance of others at times.

He was honorably discharged, as the records show, on the 12th day of April, 1863.

The committee therefore recommend the passage of the following substitute, granting the claimant a pension of $40 per month:

A bill granting a pension and for the relief of Dr. Harrison Wagner.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Harrison Wagner and pay him a pension of $40 per month.

The bill was laid aside to be reported to the House with a favorable recommendation.

GEORGE HAGER.

The next business on the Private Calendar was the bill (H. R. 4888) for the relief of George Hager.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to revoke the order of the Commissioner of Pensions of the date of April 10, 1895, to recover from George Hager, late a private of Company B, Ninety-ninth Regiment Ohio Volunteer Infantry, in the late war of the rebellion, by withholding from his current pension (certificate numbered 222172) the sum of $2 per month from July 29, 1863, to September 14, 1881, inclusive.

SEC. 2. That said George Hager shall not, in any manner, be required to refund or repay to the United States said sum of $2 per month, or any part thereof; and the Secretary of the Interior is hereby authorized and directed to pay said George Hager the pension provided for in his certificate of pension bearing date April 10, 1895 (No. 222172), and all additional pension that may hereafter be allowed him, if any, without deducting therefrom said sum of $2 per month referred to in the first section hereof or any part thereof.

Mr. DALZELL. Let the report be read.

The report (by Mr. LAYTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4888) for the relief of George Hager, having examined the evidence in the case with great care, report as follows:

George Hager enlisted in Company B, Ninety-ninth Ohio Volunteer Infantry, August 12, 1862. He was taken prisoner at Murfreesboro, Tenn., December 31, 1862; paroled at City Point, Va., February 9, 1863; reported at Camp Parole, Md., February 11, 1863; admitted to hospital at Annapolis, Md., February 11, 1863, and discharged July 28, 1863, for phthisis pulmonalis, with extreme debility, contracted (as he states) while in prison at Richmond. While in hospital at Annapolis, Md., he was treated for catarrh as well as for the disease for which he was discharged.

On March 6, 1866, he filed a claim for pension, alleging that he was rendered partially insane by abuse and hardship while a prisoner of war, and that by reason of said sickness he had not been able to labor any after leaving the service. For some unexplained reason he was not examined medically on that application.

On September 15, 1881, he filed another declaration, in which he alleged typhus fever, causing pains in his neck, which affected his eyes, and also chronic catarrh in right breast. On December 11, 1882, a certificate was issued, allowing him $2 per month for disease of eyes from July 29, 1863, the date of his discharge. On November 30, 1887, his pension was increased for same cause to $8 per month, which he continued to draw until March 4, 1895. Recently it has been discovered that in his declaration, filed in 1866, he did not distinctly name disease of eyes as a cause of disability entitling him to pension, and on that account a reissue has been made to change the date of commencement of pension for disease of eyes from the date of his discharge to September 15, 1881, the date of filing the declaration distinctly setting forth disease of eyes, and directing the withholding of his pension to recover the amount paid from discharge to September 14, 1881. While this may have been correct action from a strict technical point of view, we feel that in view of the mental condition of the soldier at the time of making his first claim, as shown in the declaration itself, he should not have been held to an accurate statement of his disabilities, but should be allowed pension for the disabilities established as of service origin.

The evidence on file in the Pension Office, all of which your committee has carefully examined, shows clearly and satisfactorily that prior to his entering the service Mr. Hager was a strong and healthy man, and that his eyes and eyesight were good. It is further shown that immediately after his return home from the Army, and from thence until the present, his eyes were sore and diseased, and the eyesight badly affected, and that he was otherwise diseased, injured, and disabled.

These facts are clearly shown by the sworn testimony, on file in the office, of George McAdams, William Hagar, William Haruff, James Haruff, John Grassley, John Neff, Frederick Boyer, and Darius McIntire, all of whom served with him in the same company and regiment and were also neighbors and knew him well before, during, and after his service. The last named, Darius McIntire, was also captured by the Confederates and confined in Libby Prison with Mr. Hager.

Christian Neff, Daniel Grassley, Godfried Klenk, Charles Mack, Isaac Zerkel, and Jacob Shaffer, near neighbors of Mr. Hager, also testify as to the physical condition (injury of eyes) of Mr. Hager before and after his army service.

The files of the Pension Department further show that all the witnesses are good and credible men.

It thus clearly appearing that the disease of the eyes was of service origin, and that claimant made application for pension in March, 1866, as above stated, in which he alleged general disability (which would fairly include disease of the eyes), your committee is of the opinion that he should not be deprived thereof simply because he failed to set forth in his application the specific disease or disability, to wit, disease of the eyes, for which pension was afterwards granted, and that the pension paid him should not be recovered by withholding any part of his pension, and therefore the passage of the bill is earnestly recommended.

Mr. DINGLEY. I have not before noticed a bill involving just this principle, and would like to ask the gentleman in charge of the bill to explain briefly the effect of the action proposed here.

Mr. LAYTON. I will say to the gentleman that this does not carry arrears. The Committee on Invalid Pensions have declined in all instances to allow arrears of pension.

Mr. DINGLEY. This does not allow arrears. But will the gentleman in a few words simply state what the case is?

Mr. LAYTON. In 1866 or 1867, soon after the close of the war, this gentleman, Mr. Hager, filed an application for a pension, in which application he alleged general disability incurred in the service without specifying the nature of the disability any more definitely than that. That ran along until 1881, when he filed an additional application, in which he specifically set forth his disability as disease of the eyes, and was allowed $2 per month only for that disease of the eyes, commencing from the time of his discharge in 1863.

In 1887 he made an additional application for the same cause for an increase of pension, and was allowed $8 per month.

In 1894 he made another application for an increase, which was adjudicated in March, 1895, at which time it was discovered or alleged to be the fact that his first pension of $2 should have been allowed to commence from the time of his filing his additional application in 1881, instead of going back to the time of his discharge. Hence the Commissioner of Pensions made an order, not

affecting his pension of $8 per month in any way, but that that should be withheld until the Government was reimbursed for the mistake that had been made in allowing the pension from 1863 to 1881 at $2 per month.

Mr. DINGLEY. I want to ask if it is the practice of the Pension Office to order a reimbursement in such a case, where they discover a mistake in a former ruling?

Mr. LAYTON. Yes; it is. Now, the committee find, as a matter of fact, that in this case it was simply a technical objection and mistake. There is no question about the disability of this soldier, and that the general application which stated that he had been disabled from the performance of manual labor while in the service undoubtedly covered the disease of the eyes for which he claimed a pension, and for which he was afterwards allowed a pension. From that disability he is now suffering. For that reason the committee found that the pension should be continued to him without this deduction. That is all there is in this bill. There is no question of allowing arrears of pension at all involved in this case.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELIZABETH WATTS KEARNY.

The next business on the Private Calendar was the bill (H. R. 6283) granting a pension to Elizabeth Watts Kearny, daughter of the late Philip Kearny, major-general, United States Army.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Elizabeth Watts Kearny, daughter of the late Philip Kearny, major-general, United States Army, and to pay her a pension at the rate of $50 per month during her natural life.

The committee recommended an amendment striking out "fifty" and inserting "twenty-five."

Mr. TALBERT. Mr. Chairman, I should like to have the report read.

The report (by Mr. MCCLELLAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6283) granting a pension to Elizabeth Watts Kearny, have had the same under consideration and report as follows:

Miss Kearny is the daughter of the late Maj. Gen. Philip Kearny, United States Army, whose services appear from the accompanying letters from the War Department. She is well advanced in years, in feeble health, almost blind, and destitute.

In view of these facts, and in recognition of the great service rendered to the country by her father, your committee recommend that the bill pass with the following amendment:

In line 7 strike out the word "fifty" and insert in lieu thereof the word "twenty-five."

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, February 21, 1896.

SIR: Referring to your letter of the 21st instant, received to-day, in which you request to be furnished with a statement showing the military record of Maj. Gen. Phil. Kearny, for the use of the Committee on Invalid Pensions in the consideration of a bill for the relief of his daughter, I am directed by the Secretary of War to inform you that it is shown by the records of this office that Philip Kearny was commissioned brigadier-general of volunteers August 7, 1861, to rank from May 17, 1861, and accepted the commission August 24, 1861, and that he was appointed major-general of volunteers July 25, 1862, to rank from July 4, 1862, and accepted the appointment August 2, 1862. The records show that he was assigned to the Department of the Potomac in Special Orders, No. 141, dated Headquarters of the Army, August 24, 1861, and that he was killed in action at Chantilly, Va., September 1, 1862.

I am further directed to inform you that General Kearny had service in the Regular Army, and that the records of the permanent military establishment are filed in the office of the Adjutant-General of the Army, to whom your letter has this day been transmitted.

Very respectfully,
F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

Hon. J. A. PICKLER,
Chairman Committee on Invalid Pensions, House of Representatives.

Mr. TALBERT. Mr. Chairman, I should like to hear some additional reasons stated by the gentleman from New York [Mr. CURTIS] why this pension should be granted.

Mr. CURTIS of New York. Mr. Chairman, this lady is the daughter of a very distinguished officer of the war, who rendered valuable services to the Government in the Mexican war, where he lost an arm, and later in the rebellion, until he was killed at Chantilly, Va., as stated in the report, in 1862.

His daughter is comparatively, perhaps actually, destitute; advanced in years; her eyesight has failed. She is unable to perform the labor which persons of her education and qualifications might easily do. As no one is receiving a pension on account of the military service of General Kearny, it is thought to be entirely consistent that his child should, in view of her physical disabilities and her dependence, be placed upon the pension roll. I am sure my friend from South Carolina [Mr. TALBERT] has that gallantry of feeling and devotion to those persons thus situated which will lead him to be entirely satisfied with this statement.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELEANOR L. CURTISS.

The next business on the Private Calendar was the bill (H. R. 5710) granting a pension to Eleanor L. Curtiss.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Eleanor L. Curtiss, widow of Warner H. Curtiss, late captain and provost-marshal of the Sixth Congressional district of Iowa, and pay her a pension of $30 per month.

The Committee on Invalid Pensions recommended the following amendments:

In line 7 strike out "twenty" and insert "twelve."

Insert after the word "month," in line 8, "and $2 per month additional for each of her two children during minority."

Mr. DINGLEY. Let us have the report read.

The report (by Mr. PICKLER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5710) granting a pension to Eleanor L. Curtiss, having carefully examined the same, respectfully submit the following report:

Warner H. Curtiss was appointed captain and provost-marshal of the Sixth Congressional district of Iowa on April 30, 1863; he took the oath May 9, 1863, and was honorably discharged October 31, 1865. He died March 5, 1895, leaving a widow and two children, both of whom are minors at the present time. At the date of his death he was drawing a pension of $12 under the act of June 27, 1890, for total loss of right hand.

His widow, the beneficiary named in the bill, filed application under the act of June 27, 1890, and also applied for the accrued pension due her husband at his death. Both claims were rejected June 12, 1895, on the ground of "no title, the above-named man not having been regularly mustered into the service."

The fifth subdivision of section 4693 of the Revised Statutes mentions the class of officers to which the husband of this widow belonged. They were held to be pensionable under the act of 1890 until November 24, 1893, when the Department adopted a contrary rule.

The widow is without other means of support than her daily labor.

Your committee respectfully recommend the passage of the bill with the following amendments:

In line 7 strike out "twenty" and insert "twelve."

Insert after the word "month," in line 8, "and $2 per month additional for each of her two children during minority."

The amendment recommended by the committee was agreed to.

The CHAIRMAN. The question is on laying aside this bill to be reported to the House with a favorable recommendation.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. HOOKER. Division.

The committee divided; and there were—ayes 61, noes none.

Accordingly the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

THOMAS D. WALKER.

The next business on the Private Calendar was the bill (H. R. 6483) granting an increase of pension to Thomas D. Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas D. Walker, late a private in Company B, Fourth Kentucky Volunteer Infantry, and pay him a pension of $12 per month.

Mr. DALZELL. Let us have the report read, Mr. Chairman.

The report (by Mr. PICKLER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6483) granting increase of pension to Thomas D. Walker, have carefully examined the same, and respectfully submit the following report:

The soldier enlisted as a private in Company B, Fourth Kentucky Volunteer Infantry, on August 20, 1861, and was mustered out and honorably discharged on August 17, 1865.

He applied under the law of June 27, 1890, and was allowed $6 per month on account of general debility. April 22, 1895, he made application for increase on account of increased debility and old age. June 19, 1895, the medical examination shows that he is "totally unable to perform manual labor and his condition is not the result of vicious habits. Disabled by piles, six-eighteenths; by disease of heart, four-eighteenths; by injury to hip and back, ten-eighteenths; general debility, six-eighteenths." He was allowed an increase of but $2, however, because he had not alleged the several specific disabilities found by the examining board.

The soldier is 66 years of age, and has no means of support.

Your committee respectfully recommend the passage of the bill.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

CARRIE L. YEATON.

The next business on the Private Calendar was the bill (S. 1924) granting a pension to Carrie L. Yeaton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carrie L. Yeaton, widow of Lewis D. Yeaton, late a private in Company F, Eighth Maine Volunteer Infantry, at the rate of $8 per month.

The Committee on Invalid Pensions recommended the following amendments:

Strike out, in lines 4 and 5, the words, "subject to the provisions and limitations of the pension laws."

In line 8, strike out the word "eight" and insert in lieu thereof the word "twelve."

Mr. DINGLEY. Let the report be read.

Mr. PICKLER. Mr. Chairman, the gentleman from New Hampshire [Mr. SULLOWAY], who reported this bill, is familiar

with the facts, and can make a statement that I think will satisfy the committee, without the reading of this long report.

The CHAIRMAN. Without objection, the gentleman can make a statement.

There was no objection.

Mr. SULLOWAY. Mr. Chairman, there is nothing in this case except a question as to the marriage of the soldier to the person named in the bill. The soldier was married, but I do not have the date before me at this moment. It is stated in the report, however. Subsequently he separated from his wife, and in 1872 was married to the lady in whose interest this bill is offered. She believed him to be a single man and she lived with him for twenty-one years and bore him three children. They were during that time recognized as husband and wife. The first wife, in 1882, I think it was, obtained a divorce and subsequently died. The soldier and this woman continued to live together until the death of the soldier. He died of disease contracted in the service, and this lady asks for the $12 a month that she would be entitled to under the law.

Mr. PICKLER. And this is a Senate bill.

Mr. SULLOWAY. It is a Senate bill. Twelve dollars is all that is asked here. That is all there is in it. It is a question whether you will say, under the circumstances, she shall receive it or not.

Mr. ERDMAN. Mr. Chairman, there is nothing the matter with this bill! The trifling fact that the soldier had another wife living when he married this woman ought not to stand in the way! I do not see the necessity of having the report read or having it spread on the RECORD so as to show that there is anything to entitle this widow to a pension!

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable report.

NEIL M'NEIL.

The next business on the Private Calendar was the bill (H. R. 1820) granting a pension to Neil McNeil:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Neil McNeil, and pay him a pension at the rate of $12 a month.

Mr. DINGLEY. Let us have the report, Mr. Chairman.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1820) granting a pension to Neil McNeil, report as follows:

This man alleges that about August 20, 1862, at the request of Capt. Richard Stout, he, with a number of others, joined Company B, Ninth Minnesota Volunteer Infantry, to assist in protecting the settlers on the frontier against the Indians.

The company was divided into squads of about 15 men each, and he had command of one of the squads.

That on September 3, 1862, in what was known as the battle of Acton, an engagement with Indians, he received a gunshot wound in the left arm, about 4 inches from the shoulder, said shot cutting the upper tendon of the flexor muscle, by reason of which he is much disabled in the performance of the labor required in his occupation as a farmer.

The above allegations of McNeil are corroborated by the sworn statements of N. R. Thompson and Jacob A. Wolverton, members of Company B, Ninth Minnesota Volunteers, with which McNeil was serving when wounded.

William Reeves, another member of the company, testifies under oath that he was wounded at the time and place and under the circumstances alleged.

The evidence establishes beyond question the fact that McNeil was wounded in battle while serving with United States soldiers and under command of United States officers.

The board of pension examining surgeons find, describe, and rate the wound, but the Pension Bureau can not admit it, as claimant was not enlisted or mustered into the United States service. Your committee consider the bill one of merit, and recommend that it be amended by inserting after the name "Neil McNeil," in line 6, the words "of Dayton, Hennepin County, Minn.," and that as amended the bill do pass.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

OLIVER DODGE.

The next business on the Private Calender was the bill (H. R. 3496) for the relief of Oliver Dodge, and to place him upon the pension roll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Oliver Dodge, adopted father of George Alger, late private Company F, Tenth Michigan Infantry, upon the pension roll at the rate of $12 per month.

Mr. TALBERT. Mr. Chairman, I should like to hear the report read.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3496) for relief of Oliver Dodge, having carefully examined the evidence in this case, report as follows:

George Alger, when about 2½ years of age, was given by his mother, who had been left destitute by her husband, to Oliver Dodge, who cared for, fed, clothed, and educated him until he was about 17 years of age, when he enlisted in Company F, Tenth Michigan Infantry, November 18, 1861. He served continuously until February 25, 1864, when reported missing in action. The muster-out roll of his company shows that he died at Andersonville, Ga., August 13, 1864, while a prisoner of war. Oliver Dodge, the beneficiary of this bill, is now 77 years of age, disabled for work, and without means of support. If he were the father of the soldier he would be pensionable, but as he is not he has no title to pension under existing law.

Your committee are of opinion that since he acted the part of a father to the soldier he should receive the same benefit in his old age that he would were he the father, and they therefore recommend that the bill do pass.

[Cries of "Vote!" "Vote!"]

Mr. ERDMAN. Only one word. I want to call the attention of the House to the fact that this is a foster father. We have given foster mothers pensions; but this is the case of a foster father.

Mr. PICKLER. Mr. Chairman, the gentleman from Pennsylvania would have this committee believe that this is something new. It is on a par with the thrusts he makes from time to time here. This foster father took this boy when he was 2½ years old and cared for, clothed, fed, and educated him until he was 17 years of age, when he went into the Army; and the boy when in the service died at Andersonville. This foster father is now 77 years of age, without means of support, and time and time again Congress has given relief in such cases as this. He was not the father of the boy, or he would be pensionable at the Pension Office; but to all intents and purposes he was the father of the boy, because he cared for him, educated him, and had charge of him until he went into the Army. The gentleman, I suppose, just wants this old father, who is now 77 years old, to go to the poorhouse rather than grant relief which is in the line of the action of Congress time and again in this connection.

Mr. ERDMAN. Mr. Chairman, the gentleman knows very well that this foster father did not legally adopt this child.

Mr. PICKLER. I know no such thing.

Mr. ERDMAN. Your report does not show that he did.

Mr. PICKLER. The report does not show everything in a case.

Mr. ERDMAN. Exactly.

Mr. PICKLER. The report shows the facts. Now, I suppose the gentleman wants the committee to look up the records to see whether the boy was technically adopted. I do not think in the case of an old man who is 77 years of age that this country is going to be technical about going to the relief of those old men who reared these soldiers who died at Andersonville [Applause.]

Mr. SNOVER. I wish to say that the gentleman from Pennsylvania may possibly be relieved with a knowledge of the fact that on or about the time the bill was favorably reported in this case the person named in the bill died, which will make it unnecessary for the House to further consider it.

The CHAIRMAN. Does the gentleman move that the Committee of the Whole recommend that the bill lie on the table?

Mr. SNOVER. I make that motion.

Mr. PICKLER. What is the object of that?

The CHAIRMAN. It is done on the statement of the gentleman that the beneficiary has died since the report was made.

The motion was agreed to.

JOSEPH J. HUDSON.

The next business on the Private Calendar was the bill (H. R. 4363) to increase the pension of Joseph J. Hudson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Joseph J. Hudson, late a member of Company I, One hundred and tenth Regiment of Illinois Infantry, from twenty-four to seventy-two dollars per month.

Mr. MILNES. Read the report.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4363) to increase the pension of Joseph J. Hudson, submit the following report:

Claimant enlisted August 12, 1862; was discharged June 24, 1863, for this disability—"atrophy of the muscles of both forearms following an attack of typhoid fever since enlistment." He applied for pension for lumbago and spinal disease, and was pensioned for rheumatism at $8 from discharge, and at $12 from March 3, 1873.

Some one having reported that his rheumatism existed prior to his enlistment, his case was specially examined and he was dropped from the pension rolls.

He appealed to the Secretary of the Interior, who directed his name to be restored for rheumatism.

In this investigation it was developed that when 8 or 10 years of age he had an attack of nervous fever, which left him with contraction of the tendons of both forearms and some deformity of the wrists.

In his restoration he was rated at twelve-eighteenths "eliminating disease of spine and deformity of wrists, which appear to have existed prior to enlistment." This is true so far as deformity of wrists is concerned, but your committee have searched in vain the record to find any evidence showing claimant to have had any spinal disease upon or before his enlistment; and for twelve or more years there is no evidence to show that he was afflicted with any disease whatever except this slight deformity of wrists, which did not prevent his being accepted as a soldier on enlistment.

The medical referee of the Pension Office, notwithstanding the above state of affairs, in an opinion January 4, 1896, affirming rejection of an increase, says:

"It is not possible for me to state the nature of the sickness prior to service, but whatever it was it caused contraction of various tendons, and the present condition of the pensioner appears to be a continuation of this early trouble."

The board of United States surgeons who examined this soldier say:

"He can not bear his weight on his feet for a moment. There are several points of bony deposits on the dorsum of feet. This condition of hands and feet is result of a long standing case of articular rheumatism. He is able to do nothing whatever and requires a constant attendant."

It is admitted that the rheumatism for which this soldier is pensioned is of service origin. His condition is most pitiable, being unable to do a thing to help himself. Constant attention from attendants is required in his case. We think the evidence fairly shows that this condition is the result of disease contracted in the service, and not from the nervous fever or from the deformity of wrists of twelve years prior to enlistment. Whether the medical referee or the committee are correct in this, we submit that justice and charity alike demand that the bill do pass.

The bill was ordered to be laid aside with a favorable recommendation.

SOPHIA D. CLENDENIN.

The next business on the Private Calendar was the bill (H. R. 1894) granting a pension to Sophia D. Clendenin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll of the United States the name of Sophia D. Clendenin, widow of the late Col. D. R. Clendenin, of the United States Army, and pay her during her natural life and widowhood a pension at the rate of $50 per month.

Mr. WOOD. Mr. Chairman, the Senate bill for the same purpose grants precisely the same pension as the House bill, and the Senate report is substantially the same as the House report, and I ask consent that the Senate bill be substituted for the House bill.

Mr. DINGLEY. Before that is done, Mr. Chairman, let the report be read.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1894) granting a pension to Sophia D. Clendenin, submit the following report:

David R. Clendenin, late the husband of claimant, was first commissioned May 10, 1861, by President Abraham Lincoln, as first lieutenant Fifth Regiment, Third Brigade, Militia of the District of Columbia. On September 18, 1861, he became major Eighth Illinois Cavalry. He was promoted lieutenant-colonel of same regiment December 5, 1862, and colonel and brigadier-general of volunteers by brevet in 1865 for meritorious services. He became major of Eighth United States Cavalry January 22, 1867, lieutenant-colonel Third United States Cavalry November 1, 1882, colonel Second United States Cavalry October 29, 1888, and was retired April 20, 1891. He died March 5, 1893.

His widow, the claimant, shared his dangers in the field. She is now in feeble health and straitened circumstances.

The services of Colonel Clendenin in four years of war were especially meritorious, receiving the commendation of Generals Lew Wallace, Hunter, Kautz, Foster, and Elkin. In his service in Texas, in Indian campaigns since the war, he received the special commendation of Governor Ross, of Texas, and United States Collector Cocke for his vigilance in preserving order on the frontier.

His widow is now on the pension roll at $25 per month under general law. It is insufficient for her support, and in view of the distinguished services of Colonel Clendenin, your committee recommend that this bill do pass.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois [Mr. WOOD] that the Senate bill be substituted for the House bill?

There was no objection.

The Senate bill was laid aside to be reported to the House with the recommendation that it do pass.

On motion of Mr. WOOD, the House bill (H. R. 1894) was laid on the table.

ELLEN KINGSLEY.

The next business on the Private Calendar was the bill (S. 1215) granting a pension to Ellen Kingsley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen Kingsley, widow of Henry E. Kingsley, late of Company F, Second New York Cavalry Volunteers.

The amendment recommended by the Committee on Invalid Pensions was agreed to, inserting after the words "pension roll" the words "at $8 per month."

Mr. McCLEARY of Minnesota. I ask that the report be read.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1215) granting a pension to Ellen Kingsley, adopt as their own the report of the Senate Committee on Pensions, No. 137, herewith, and recommend the passage of the bill with the following amendment:

Insert, after the word "roll," in line 4, the words "at $8 per month."

[Senate Report No. 137, Fifty-fourth Congress, first session.]

The Committee on Pensions have considered the bill (S. 1215) granting a pension to Ellen Kingsley, and submit the following report:

The petitioner was the wife and, your committee believes, the widow of Henry E. Kingsley, who, according to the records of the War Department, was enrolled and mustered into the service of the United States August 23, 1864, as a private in Company F, Second New York Cavalry, to serve one year, and that he was mustered out with the company June 5, 1865, at Alexandria, Va.

From affidavits on file in this case it appears that the petitioner married the soldier in 1856, and that after the war they resided in New York State until 1871, when they moved to Nebraska. In May, 1875, the husband of the claimant suddenly disappeared and has never been seen since by anyone known to the family. He has never applied for a pension, nor is his address known to the Army and Navy Survivors' Division of the Pension Bureau. There is also ample evidence on file to prove that the claimant has never remarried; that her husband has been mourned as dead for many years, and that every effort has been exhausted to find him.

As shown by affidavits of neighbors and her family physician, the claimant is absolutely without any property of any kind, is dependent upon charity for her support, and in addition she has inflammatory rheumatism in a chronic form, obliging her to use two crutches in order to move about, also affecting her hands. On account of her physical condition she is totally incapacitated from earning a living. The claimant made application for pension, but as she is unable to prove absolutely the death of her husband the claim could not be allowed.

From the facts set forth your committee is of the opinion that the soldier is dead, and inasmuch as the claimant is living on the charity of her friends and is in such a pitiful condition physically, and as there are precedents of special legislation of this kind, the passage of the bill is recommended.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL GOLDWATER.

The next business on the Private Calendar was the bill (S. 404) granting a pension to Samuel Goldwater.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $15 per month, the name of Samuel Goldwater, late of Company A, First Regiment Missouri Volunteer Infantry, National Guard.

Mr. MILNES. Let the report be read.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 404) granting a pension to Samuel Goldwater, have examined the same and beg leave to report:

The claimant served a short time in the Missouri militia, and shortly after discharge suffered from an affection of the eyes, which he alleged was the result of sunstroke received while in the Army. He is now almost, if not totally, blind. The physicians who examined the case gave it as their opinion that the disease was occasioned by sunstroke, but the evidence submitted failed to prove that fact conclusively, and hence the case was rejected by the Pension Bureau.

The testimony shows that claimant is a man of good reputation and high integrity.

Your committee recommend that the word "fifteen," in the fifth line of the bill, be stricken out and the word "twelve" inserted in lieu thereof, and as so amended the bill do pass.

Mr. ERDMAN. Mr. Chairman, I commend this report to gentlemen on the other side as an illustration of what is deemed in this body sufficient ground for granting a pension. This report says that the claimant served a "short time" in the Missouri militia, but it does not state how long. It speaks of the "Missouri militia" without specifying what particular branch it referred to, when there were half a dozen kinds of Missouri militia. It says that he was discharged on account of "an affection of the eyes" without telling what the affection was. Yet this report pretends to set forth in these few brief lines sufficient information to justify Congress in granting a pension!

Mr. DINGLEY. Was this soldier ever in the United States service?

Mr. PICKLER. He was a member of the Missouri militia that were never technically mustered into the service, but were under command of United States officers and actually served in the Army.

Mr. DINGLEY. How long did he serve?

Mr. PICKLER. I do not remember.

Mr. ERDMAN. Probably he served a day or an hour.

Mr. PICKLER. Oh, well, "probably" he served five years. If we are going to suppose about it we can suppose any period we please. These Missouri militia, while they were not all mustered into the service, were technically, as I have said, under the command of the United States officers and rendered very efficient service. They were out during the Price raid and other raids. They served whenever the United States called upon them. They saved Missouri to the Union. They protected the Union people of that State. They kept out invasion of Missouri from the rebel side, and they were as valuable as any other soldiers engaged in service in that region. There are several classes of the Missouri militia; but, as to most of them, if they had applied for pension before a certain date they would have received it under the general law. This man belongs to the class of militia that can not get pensions regularly in the Pension Office, and in such exceptional cases it has been the practice of Congress to grant pensions. This is no new question. This is right along the line of precedents. This bill is a Senate bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM BROWN.

The next business on the Private Calendar was the bill (S. 466) granting an increase of pension to William Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Brown, late of Company D, Eighth Regiment Michigan Cavalry, at the rate of $30 a month, in lieu of the pension he is now receiving, from and after the passage of this act.

Mr. McCLEARY of Minnesota. Mr. Chairman, this is a good bill, but I would like to have the report read.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 466) granting a pension to William Brown, adopt the accompanying Senate report (No. 46) as their own, and respectfully recommend its passage.

[Senate Report No. 66, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 466) granting a pension to William Brown, have examined the same and report:

The petitioner, William Brown, was a member of Company D, Eighth Regiment Michigan Cavalry; enlisted on the 21st day of March, 1864, and was discharged March 10, 1865. He was wounded and taken prisoner August 2, 1864, and the record of the War Department shows him to have been a prisoner about one hundred and forty days. It is also shown by papers herewith submitted that he is unable to perform any manual labor, and is unable to procure the evidence necessary to entitle him to the pension allowed by law for the disabilities from which he is suffering, for the reason that said disabilities were incurred while a prisoner of war in the hands of the enemy, and he was discharged soon after his escape from prison without having opportunity to be sent to a hospital and thereby make a hospital report; therefore he does not know the address of any comrade who was a prisoner with him, or who knows him, and could give evidence in his case. He was confined at Andersonville and Florence, making his escape on December 15, 1864; then he resided at Annapolis; when strong enough to travel, was sent home on a furlough, and was sick for two years thereafter with disease of the bowels. The committee submit the following affidavits of disease of which he is now suffering:

Dr. C. M. Cannon, M. D., testifies:

"I was the family physician of Rev. William Brown during the conference years of 1888, 1889, and 1890, and during those three years he suffered from rheumatism and valvular disease of heart continually. He also had necrosis of the upper jawbone, which was caused by an injury in the late war. This kept up a constant discharge, rendering him unable many times to preach. He is totally unable to do any kind of work and is very poor. He will very soon be out of support, as the decay of the jaw will soon terminate his ministerial career, and, in my opinion, his life also. "C. M. CANNON, M. D.

"ALDEN, MINN., *February 1, 1892.*"

Dr. D. L. Kenyon, of Worthington, Minn., certifies that he has been acquainted with Rev. William Brown a year and a half; that he was his family physician; that he is suffering from a necrosis of the superior maxilla, resulting from a wound received from a revolver in the hands of a rebel the morning he was taken prisoner; that he is suffering from a catarrhal inflammation of the stomach and bowels, and has been ever since his prison life; that he is in very feeble health; that he can not perform manual labor. It is very probable that Rev. William Brown will not be able to continue his relation to the church as a preacher because of his feeble condition.

Hon. JAMES H. KYLE, United States Senator from South Dakota, who is personally acquainted with the petitioner and his condition and all the facts in the case, appeared before the committee and made the following statement:

"I desire to say that I have known Mr. Brown for several years. He is a Methodist minister, in poor circumstances, is frail in body and suffers almost continually from the effects of wounds received in the war. I know he is often prevented from doing his work for the above reason, and more frequently talks, when to do so causes great pain. Anyone even casually acquainted with Mr. Brown would know that physically he is unable to do any work."

Your committee, in view of all the circumstances in this case, recommend the passage of the bill with an amendment to the title, so as to read: "A bill granting an increase of pension to William Brown."

Mr. McCLEARY of Minnesota. Mr. Chairman, I know this gentleman very well, and I know that the facts are as stated in the report.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY NEWMAN.

The next business on the Private Calendar was the bill (S. 1044) granting a pension to Mary Newman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Newman, blind and dependent daughter of Thomas G. Newman, now deceased, late of Company K, Ninth Regiment Missouri State Militia Cavalry, who was a pensioner under certificate No. 328003, and pay her a pension at the rate of $24 per month during her life.

An amendment fixing the amount of the pension at $12 a month was agreed to.

Mr. DINGLEY. I should like to hear the report.

Mr. CROWTHER. Mr. Chairman, I would suggest that the first paragraph of the report presents a very complete statement of the case, and the remainder of the report is made up of affidavits substantiating the statements.

Mr. DINGLEY. Will the gentleman make a brief statement of the facts?

Mr. CROWTHER. I suggest that the reading of the first paragraph of the report, which contains the gist of the case, will give the desired information.

The first paragraph of the report was read, as follows:

To the Congress of the United States:

Your petitioner, Mary Newman, of the city of Hannibal, Mo., respectfully represents that she is the only child of Thomas G. Newman, who was a private soldier in the late war, a member of Company K, Ninth Regiment Missouri State Cavalry, and that her father received an honorable discharge from the Army, and afterwards drew a pension of $8 per month, his pension certificate being No. 328003.

She further represents that her father, on May 15, 1894, died in the city of Hannibal and left her an orphan and entirely dependent upon charity. Your petitioner was born November 15, 1868, and has been almost entirely deprived of the use of her eyes since her birth, and at present there are no hopes of her recovering her sight, and she is unable to see to do anything save with difficulty; walk without someone leading her. And not only is your petitioner almost blind, but she is a confirmed invalid, having suffered for years.

And your petitioner prays that you will by special act grant her such pension as may in such case seem just to you in order that she may no longer be an object of charity, and that she may not be obliged to suffer want in addition to her other great affliction.

MARY NEWMAN,
By W. A. PARKER,
Attorney in Fact.

Mr. CROWTHER. Mr. Chairman, all the facts in the case are contained in that paragraph.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

C. E. PHILBROOK.

The next business on the Private Calendar was the bill (S. 739) granting an increase of pension to C. E. Philbrook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of C. E. Philbrook, widow of Alvah Philbrook, major of Twenty-fourth Regiment Wisconsin Volunteers, and pay her a pension of $30 per month, the same to be in lieu of the pension she now receives: *Provided*, That no claim for arrears shall be allowed by reason of the passage of this act.

The amendment recommended by the committee was agreed to.

Mr. PICKLER. Mr. Chairman, this is a bill that ought to pass. It is clearly in the line of precedent. I desire, however, to ask this Committee of the Whole to consider another question in connection with this bill. There is a good deal of inquiry as to how long we are expected to stay in session under the order of the Committee on Rules. The Committee on Rules have very kindly given us two days for the consideration of this pension business, and as there is a probability of an early adjournment, it is not likely that they will be able to give us any more time during the remainder of the session. We have a long Calendar before us. As has been demonstrated by the cases that we have considered so far, most of the beneficiaries of these bills are old and helpless and needy. Gentlemen must have noticed that of the bills that we have taken up for consideration this morning two have been laid aside because the beneficiaries have died since the reports were made. I speak of these facts as showing the necessity of considering these pension bills as rapidly as possible.

Now, with the requirement that each report shall be read, a good deal of time is consumed upon each bill, and we get along rather slowly. The question is, What is reasonable, under the circumstances, as to the length of the day's session? On that point I desire to say to gentlemen that this is the anniversary of the battle of the Wilderness, and the soldiers of the Union stayed there all night. [Applause.] I am in favor of sitting here as long as gentlemen think it is reasonable to stay with us. The Committee on Invalid Pensions are very desirous, of course, that this committee shall continue in session as long as possible. Just what we may do—whether to remain in session continuously; whether to try to take a recess after a while until this evening; whether to have another recess reaching over until to-morrow morning—are questions which I hope we shall consider during the course of the next hour, so as to come to some conclusion as to what we shall do.

I think, Mr. Chairman, this is an extraordinary occasion. These cases come from almost every State of the Union. There are very few gentlemen on the floor who have not been before the Committee on Invalid Pensions or some of these other committees asking the consideration of their bills, and as many of these gentlemen have already expressed to members of the Committee on Invalid Pensions their willingness to stay here, if necessary, all night, I trust that patriotic consideration will induce gentlemen to do all that they can in behalf of these poor people whose bills are on this Calendar and who are generally old and helpless. I believe it is our patriotic duty to forego ordinary considerations of convenience and stand by this Calendar as long as it is reasonable for us to do so. [Applause.]

Mr. CURTIS of New York. I wish to ask the chairman of the Committee on Invalid Pensions this question: If we sit here until 5 o'clock, then take a recess until 8 o'clock, then sit until half past 10 o'clock, then take a recess until 10 o'clock to-morrow morning, will that be satisfactory to the committee? If so, I think it will be so to the House.

Mr. PICKLER. I do not care to meet that question now. As we get further along we can decide whether and when a recess shall be taken. I do not care to agree to anything so long in advance.

The CHAIRMAN. The question is on laying this bill aside to be reported favorably to the House.

The question was decided in the affirmative.

NANCY CARSON BLUNT.

The next business on the Private Calendar was the bill (S. 246) granting a pension to Nancy Carson Blunt.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy Carson Blunt, widow of Maj. Gen. James G. Blunt, deceased, and pay her a pension at the rate of $75 per month from and after the passage of this act, in lieu of $30 per month she is now receiving.

Mr. BRODERICK. Mr. Chairman, I desire to say only a word in explanation of this bill. General Blunt resided in Kansas when the war commenced. He did not wait until a commission was tendered to him before enlisting in the Army. He enlisted as a

private soldier in the first company organized in his county. He was made lieutenant of that company, and on account of meritorious services was advanced rapidly from grade to grade until, in April, 1862, he was a brigadier-general. In April, 1863, he was a full major-general, and, so far as I have been able to ascertain, he was the only full major-general who rose to that position from the volunteer forces west of the Missouri River. He was a born soldier, and distinguished himself in every engagement in which he participated.

The claimant here, Mrs. Blunt, was the wife of his early manhood. She was his wife during the war. While he was in the field or on the march she was at home caring for her two children. She helped to bear the burden and hardships of the war. She is now well advanced in years, and I trust there will be no objection to granting this increase of her pension. The report is very short, and I ask that it be read.

The report (by Mr. BAKER of Kansas) was read, as follows:

The committee to whom was referred the bill (S. 246) granting a pension of $75 per month to Nancy Carson Blunt, widow of Maj. Gen. James G. Blunt, in lieu of the pension she now receives, having carefully examined the facts and circumstances in evidence as well as the age and necessitous condition of the applicant, and the brilliant and magnificent record of General Blunt, earnestly recommend the passage of the bill as it came from the Senate, and respectfully adopt the report (S. 189) of the Senate Committee on Pensions.

[Senate Report No. 189, Fifty-fourth Congress, first session.]

Mrs. Blunt is the widow of the late Maj. Gen. James G. Blunt. She is now drawing a pension of $30 per month.

General Blunt was commissioned as brigadier-general of volunteers April 14, 1862; a major-general of volunteers March 16, 1863, and he accepted the commission May 1, 1863.

Major-General Blunt went into the war at the beginning as a lieutenant of a Kansas regiment, and was advanced, by reason of meritorious service, through different grades to brigadier-general and major-general, and was mustered out of the service June 29, 1865.

General Blunt's services were of vital importance to the Western border, and his bravery and daring appear plainly enough in the official records of the war of the rebellion. He undoubtedly incurred a malady from exposure in the field that caused his death and left his widow without means.

His record is a brilliant one, as will appear from the appended statement furnished by the War Department, and your committee are of the opinion that it entitles the widow to a much higher rate of pension than she is now drawing.

Your committee recommend that the bill be amended by striking out the words "one hundred," in line 8, and substituting the words "seventy-five." As thus amended, the passage of the bill is recommended.

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, January 10, 1896.

SIR: Referring to your letter of the 8th instant, addressed to the Adjutant-General of the Army, and by him transmitted to-day to this office, to which the subject pertains, in which you request a statement showing the military and medical record of the late Maj. Gen. James G. Blunt, of United States Volunteers, for the use of your committee in the consideration of Senate bill No. 246, I am directed by the Secretary of War to inform you that the records show that James G. Blunt was commissioned brigadier-general of volunteers April 14, 1862, to rank from April 8, 1862; that he accepted the commission April 22, 1862; that he was commissioned major-general of volunteers March 16, 1863, to rank from November 29, 1862, and that he accepted the commission May 1, 1863.

He commanded the Department of Kansas from May 5, 1862, to some time in September, 1862; the district of Kansas, Department of Missouri, from September, 1862, to May, 1863; the district of the frontier, Department of Missouri, from May, 1863, to October, 1863; the district of the frontier, Department of Kansas, from February 28, 1864, to April 18, 1864; the district of upper Arkansas, from August 2, 1864, to October, 1864, and the district of south Kansas from October, 1864, to June 3, 1865.

He was on special service in Kansas and Arkansas from October, 1863, to February 28, 1864, and on duty at the headquarters, Department of Kansas, from April, 1864, to August, 1864.

On June 3, 1865, he was ordered home to await orders, and he was honorably mustered out of service under Special Orders No. 407, paragraph 37, War Department, Adjutant-General's Office, dated June 29, 1865.

No medical record of this officer has been found.

Very respectfully,
F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

Hon. J. H. GALLINGER,
Chairman Committee on Pensions, United States Senate.

Mr. CROWTHER. I move to amend by striking out "seventy-five" and inserting "fifty," so as to make this pension $50 a month.

Mr. BRODERICK. I hope this motion will not prevail. Ever since the war closed it has been the practice to give to distinguished generals and their widows large pensions. A large number of the more prominent generals have been so pensioned, and among them some who never attained the distinction that General Blunt did. A great many widows of soldiers have received pensions of $75 and $100. General Blunt from the day the war commenced was in the service. From the firing of the first gun he was active, energetic, and heroic until the close of the war. And now when his widow, an aged lady, is left alone and without property, I say it is wrong to reduce her pension below the amount proposed in the bill.

This bill passed the Senate without a dissenting voice, and it ought to be concurred in here without any dissent. I regret very much that a gentleman on the committee should make this motion. It ought not to prevail, and I trust it will not.

Mr. BLUE. Mr. Chairman, I trust the amendment of my colleague from Missouri will not prevail. I do not believe when he reflects upon the matter that he will insist upon it himself.

The CHAIRMAN. The Chair will state to the gentleman from Kansas that the time has been exhausted in favor of the bill. The remaining time belongs to the gentleman from Missouri.

Mr. CROWTHER. I will yield to my friend from Kansas one minute.

Mr. BLUE. I will simply use that one minute to say that this is the only man that I remember, and I think it is unquestionably true, the only man among the volunteers west of the Mississippi River who rose from the ranks to be a major-general. The unanimous report of the Committee is in favor of the action proposed here and the amount that the bill carries.

General Blunt was not of that character of general officer who was a mere general in name, but he went into the thickest of the fight in every contest in which he participated, and the long list of battles in which he took part entitled him to the rank and the promotion he received.

Mr. BRODERICK. And it should be remembered that he never lost a battle.

Mr. BLUE. And as my colleague says, he never lost a battle——

Mr. VAN HORN. And did not wait for the enemy to hunt him, but hunted them himself.

Mr. BLUE. Yes; that is correct Mr. Chairman. As stated by the gentleman from Missouri [Mr. VAN HORN], he did not wait for the enemy to hunt him.

While I have not participated in the action of the House in granting large pensions to the widows of distinguished soldiers, this is a case that I think is exceptional in its merits, and the pension of $75 per month should be granted her.

Mr. CROWTHER. Mr. Chairman, I am willing to agree to the statement of my colleague from Kansas in regard to the military record of Gen. James G. Blunt. But we are not considering now a pension for General Blunt. We are considering a pension for his widow; and it has been the rule that amendments have been made by the Committee on Invalid Pensions to reduce the amounts to be allowed to the widows of general officers to the sum of $50 a month. We believe that that sum amply covers any case that comes before us. We think it large enough, and there should not be this invidious distinction between the amounts allowed to the widows of general officers and the amounts voted to the widows of private soldiers, many of whom ought to have been general officers themselves.

Mr. POOLE. The gentleman of course only speaks for himself and not for the Committee on Invalid Pensions. We made a unanimous report on the bill, fixing it at $75 a month; and I hope the amendment will be rejected.

The question being taken on the amendment of Mr. CROWTHER, the committee divided; and there were—ayes 55, noes 56.

So the amendment was rejected. [Applause.]

The bill was laid aside to be reported to the House with a favorable recommendation.

ELIZABETH A. SARGENT.

The next business on the Private Calendar was the bill (H. R. 6111) granting a pension to Elizabeth A. Sargent.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth A. Sargent, of Manchester, N. H., dependent mother of Capt. John B. Sargent, late of Company B, Tenth Regiment New Hampshire Volunteers, and pay her a pension of $17 per month.

Mr. BAKER of New Hampshire. Let the report be read.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6111) granting a pension to Elizabeth A. Sargent, having carefully considered the same, respectfully report:

Elizabeth A. Sargent, mother of First Lieut. John B. Sargent, late of Company B, Tenth New Hampshire Volunteers, is 61 years of age, is possessed of no property whatever, is supported entirely by charity, and her physical condition is such that she can live but a short time.

Lieutenant Sargent was a brave and faithful soldier and officer, and was pensioned at the time of his death. He left a minor daughter, who drew a pension from her father's death until December 12, 1895, when she became 16 years of age. He left no widow.

The mother is now a widow, and has been since 1855. She was wholly dependent on her son for support, and during his lifetime he provided and cared for her as long as his health permitted him to earn the means with which to do so.

In view of the clearly established facts, your committee earnestly recommend the passage of the bill.

Mr. BAKER of New Hampshire. Mr. Chairman, my colleague, [Mr. SULLOWAY] in reporting this bill, has been led into some error, I presume, by the statements which have been made to him. This lady is now in a home for elderly people in Manchester, N. H., and is properly cared for, and her wants supplied.

The report says that this soldier left no widow. Perhaps in the legal sense of the word that is true; but as a matter of fact his wife, whom he married in 1863, is still living, and the daughter—of whom the report speaks as being 16 years old, is with her mother and is being educated, or an attempt is being made to educate her by her mother from the proceeds of her own unaided toil.

The facts are these: That after having lived with the soldier some twenty-odd years she, by reason of his vicious habits, was compelled to seek a divorce, which she obtained. The daughter has always remained with the mother. When the soldier died—he died in Pittsburg, Pa.—this woman, who was his wife during the war, sent for his remains, paid all of the expenses of the funeral, and interred them with honor in the city of Manchester, N. H.

I have introduced a bill (House bill No. 7536), which is now pending before the Pension Committee, to pension this woman, who procured a divorce not through any fault of her own, but entirely through the fault of the soldier.

Now, there is not a word to be said against this soldier's mother. She is an elderly lady, and is in the Home for the Support of Elderly Ladies in Manchester, and not in an almshouse, but in an establishment where she has good care. The question for the committee is whether, under these circumstances, the mother should be pensioned while the woman who is really his widow and supporting and educating his daughter, shall go without. That is all there is to the case. My own desire is that the case lie on the table until the other bill is reported.

Mr. HOOKER. Why not amend the bill by substituting the widow for the mother, if she is entitled to it?

Mr. BAKER of New Hampshire. The only question is on the fact of her having obtained a divorce only a year or two before the death of the soldier. I think my colleague will agree with me that this is a fair statement of the case.

Mr. SULLOWAY. Mr. Chairman, I understand that the report cites the facts literally. This mother is cared for in an institution in the city where I live. She is absolutely without any means whatever. She has been a widow since 1855; and the son, this soldier, cared for her until he died, which event took place in Pittsburg, Pa., I think.

Now, this woman, who was once his wife, got a divorce from him years ago, and I say in this report that he left no widow. If she is his widow, then I do not understand the meaning of the word. He left no widow. He left this dependent mother, 80 years old, without a penny, and I submit to this House that the mother is the one who should receive this pension. His wife having abandoned him, having got a divorce and fled away from him, should not come in here to-day, years after that happened, and deprive the mother, whom he cared for so long as he had any means, whom he cared for in his early boyhood, of the privilege and the right which she has under the law, to take this pension of $17, he being a first lieutenant. That is exactly the situation here, gentlemen, and I submit that the mother should have a pension.

Mr. BAKER of New Hampshire. Mr. Chairman, let me say that this man's wife never fled away from him, but that he went into the West, away from her. Now, I move to strike out the words "Elizabeth A. Sargent, dependent mother," and to insert the words "Fannie J. Sargent, widow."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 6 strike out the words "Elizabeth A. Sargent, of Manchester, N. H., dependent mother," and insert in lieu thereof the words "Fannie J. Sargent, widow."

Mr. PICKLER. Mr. Chairman, I want to make a point of order against that amendment. I do not think that on a private pension bill it is in order to strike out one beneficiary and insert another. It seems to me the amendment is out of order. We have no jurisdiction to do anything of the kind.

The CHAIRMAN. That is a novel point, but the Chair is of the opinion that it would be germane to the question of pensioning the relative of this deceased soldier and that the committee could strike out the name of a wife and insert children.

Mr. ERDMAN. Mr. Chairman, does the gentleman from New Hampshire say there was a widow in this case?

Mr. BAKER of New Hampshire. I will say, in answer to the gentleman from Pennsylvania [Mr. ERDMAN], that there is a woman who married this soldier in 1863. She was his wife during the war. In 1885 she obtained a divorce from him on account of his vicious habits. At that time he had not been supporting her, but she had been supporting him for some time. I hope my amendment will be adopted.

The amendment of Mr. BAKER of New Hampshire was rejected.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELIZABETH NEW.

The next business on the Private Calendar was the bill (S. 1051) granting a pension to Elizabeth New, widow of Jethrow New.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth New, widow of Jethrow New, late captain of Company D, Twenty-ninth Indiana Volunteer Infantry, of the war of 1861.

Mr. DINGLEY. Let the report be read.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1051) granting a pension to Elizabeth New, widow of Jethrow New, report as follows:

The facts in this case are truly and correctly set forth in the report (No. 54) of the Senate Committee on Pensions, and to avoid repetition the same is adopted as the report of this committee.

Your committee therefore report the bill back with the recommendation that it do pass.

The following is the Senate report:

"The Committee on Pensions, to whom was referred the bill (S. 1051) granting a pension to Elizabeth New, have examined the same and report:

"A similar bill was introduced in the Fifty-third Congress, referred to the Pension Committee, reported favorably, and passed the Senate.

"The facts are as follows:

"Jethrow New was an officer, serving successfully both as lieutenant and captain of Company D, in the Twenty-ninth Regiment of Indiana Volunteer Infantry in the war of 1861. He was mustered into the service September 2, 1861, and was discharged therefrom November 24, 1862, for very serious disabilities incurred in the service.

"He was a pensioner of the United States from November 21, 1862, the day after his discharge from the service, until April 9, 1881, at the rate of $7.50 per month, and from the latter date to the time of his death at the rate of $15 per month. He died very suddenly at his home at Green Oak, Fulton County, Ind., on the 27th day of February, 1887.

The claim of his widow, Elizabeth New, in whose behalf this petition was filed, has been rejected by the Pension Bureau upon the ground of want of proof that his death was due to the disabilities incurred by him in the military service aforesaid. The husband was pensioned, as appears from the records, for chronic bronchitis, chronic diarrhea, loss of sight of the left eye, and special results. The following is a description of his condition as given by the board of examining surgeons at Lafayette, Ind., October 26, 1881:

"'Total blindness of the left eye; right lateral curvature of the spine; epiglottis paralyzed and displaced. Perhaps no man living has so guarled a spine. From it there is perfect paralysis of the epiglottis. It stands wide open, like an abandoned old gate on its rusty hinges, never to be closed. Of course deglutition is impossible, and he has several times nearly suffocated in attempting to swallow solid food."

The condition of the deceased husband is shown by the record to have continued unchanged up to the time of his death, and besides the medical testimony there is evidence in the record of his friends and neighbors—among others, his nearest neighbor—to the fact that he remained totally unable to perform any kind of manual labor whatever; that he was unable for a year before his death to take anything but liquid food; that he was extremely thin in flesh, very feeble, and debilitated; that he was subject to attacks of wheezing spasms of coughing and smothering.

This evidence also shows that his death was very sudden; that no physician or other person was present immediately at the time; that he was found dead within twenty minutes after he had spoken to a neighbor about his helpless condition. The committee is of the opinion that the cause of his death was without doubt the disabilities aforementioned, incurred by him in the military service. The applicant, his widow aforesaid, is 72 years old, in very moderate circumstances, and we therefore return herewith and recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with a favorable recommendation.

WALLACE M'GRATH.

The next business on the Private Calendar was the bill (S. 247) granting a pension to Wallace McGrath.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wallace McGrath, late lieutenant and aid-de-camp of the Fifteenth Regiment Ohio Infantry Volunteers, and grant him a pension at the rate of $50 per month from and after the passage of this act.

Mr. CURTIS of Kansas. Let the report be read.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 247) granting a pension to Wallace McGrath, submit the following report:

The facts in this case are fully set forth in the report of the Senate Committee on Pensions, and to avoid repetition the same is referred to and adopted by this committee. Your committee therefore reports the bill back to the House with the recommendation that it do pass.

The Senate report is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 247) entitled 'A bill granting a pension to Wallace McGrath,' have examined the same and report:

"That on the 1st day of August, 1890, he was granted a pension of $12 per month for locomotor ataxia, which sum he claims is not nearly commensurate with the degree of his disability.

"It appears from the evidence that he enlisted on the 23d day of September, 1861, and served until January 27, 1865. That on the 27th day of May, 1864, near Altoona, Ga., while in actual service, he was wounded in the breast; that at such time he was standing on a steep sidehill, and from the force of the blow received he was thrown violently part way down the hill and against a tree, being struck in the small of the back. He suffered severely from his wound and the injury thus received.

"At the time of his enlistment he was a strong, able-bodied man. From and after his wound, received on May 27, 1864, he suffered from pain in the back and was from that time forward unable to stoop over or pick up anything on the ground or floor without suffering great pain. That his injury increased from such time forward until he became unable to walk without the assistance of crutches and a nurse to attend him; that for the last four years or more he has been wholly unable to go about without assistance, and is wholly disabled as a result of the injury so received as aforesaid.

"The writer of this report is personally acquainted with the applicant, knows him well, and has seen him frequently within the last four years at the Soldiers' Home at Leavenworth, Kans., and from his own personal knowledge believes his injury to be permanent. And as further evidence of his entire disability your committee begs leave to submit a letter from Col. Andrew J. Smith, governor of the National Military Home, Leavenworth Kans., dated December 27, 1895, and addressed to Hon. LUCIEN BAKER, which is hereto attached, marked Exhibit A, and which is made a part of this report.

"That the pension which the applicant now receives for and on account of locomotor ataxia is wholly inadequate to his injury; that under the law for permanent disability he would probably be entitled to $72 per month, but in order to avoid any question we think it would be well to grant him the intermediate rate of $50 per month, as provided by the act of Congress of July 14,

1892, this rate being granted for a disability in such a degree as to require the 'frequent and periodical, though not regular and constant, personal aid and attendance of another person.'

"Your committee recommend that the bill be amended by striking out all after the word 'volunteers,' in the seventh line, and adding in lieu thereof the words 'and grant him a pension at the rate of $50 per month from and after the passage of this act.' As thus amended we recommend the passage of the bill."

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. ROYSE. Mr. Chairman, is there not an amendment?

The CHAIRMAN. No; the amendment referred to in the report is a Senate amendment, which was acted upon in the Senate.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MRS. ANNIE E. COLWELL.

The next business on the Private Calendar was the bill (H. R. 1931) granting an increase of pension to Mrs. Annie E. Colwell.

Mr. TAFT. Mr. Chairman, I ask that Senate bill 2514 be substituted in the place of this bill. The two bills are exactly alike.

Mr. DINGLEY. Let the report be read.

The CHAIRMAN. The Clerk will first report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby directed to place on the pension rolls the name of Mrs. Annie E. Colwell, widow of Thomas W. Colwell, sergeant of Company C, Second Regiment Ohio Infantry, Mexican war, and first sergeant of Company H, Fifth Ohio Cavalry, war of 1861 to 1865, and pay her a pension at the rate of $20 per month, in lieu of the pension she now receives.

The report (by Mr. LAYTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1931) granting an increase of pension to Mrs. Annie E. Colwell, having examined the evidence in the case, report:

Thomas W. Colwell, husband of claimant, served in Company C, Second Ohio Volunteers, in the Mexican war, from August 10, 1847, to July 25, 1848, and in Company H, Fifth Ohio Volunteer Cavalry, from October 31, 1861, to November 29, 1864, when he was mustered out as first sergeant, having held that rank about two and one-half years. He was killed by accident in 1867, never having applied for a pension. He was married to the claimant in 1848, and she has never remarried since his death. She is now pensioned at $8 as a Mexican war widow. She never applied for pension on account of her husband's services in the war of the rebellion.

She is now 72 years of age. She is now totally blind, and has been so for over twenty-one years last past.

She has no property or income whatever except her pension of $8 per month, and with that exception is wholly dependent upon friends for her support, having no relatives living. She is of excellent character.

To recapitulate: Her husband served through two wars and was never pensioned. She was his wife during the war of the rebellion, is 72 years old, totally blind, destitute of property, without relatives on whom to call for aid, and with absolutely nothing except her pension of $8 per month, which is altogether inadequate to supply her needs in her age, blindness, and helplessness.

In view of these facts, your committee recommend the passage of the bill.

The CHAIRMAN. The gentleman from Ohio [Mr. TAFT] asks unanimous consent that the Senate bill be substituted for the House bill. Is there objection?

Mr. ERDMAN. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. ERDMAN] objects.

Mr. ERDMAN. Mr. Chairman, this is a case where the husband was killed by accident in 1867, and if we pension his widow we determine that his death was due to army service.

Mr. TAFT. She is already pensioned for $8.

The bill was laid aside to be reported to the House with a favorable recommendation.

Subsequently,

Mr. TAFT said: Mr. Chairman, I ask unanimous consent to recur to the bill H. R. 1931. There was a mistake in regard to it. The gentleman from Pennsylvania [Mr. ERDMAN] did not intend to object to substituting the Senate bill.

The CHAIRMAN. The gentleman from Ohio [Mr. TAFT] asks unanimous consent to return to the bill H. R. 1931, and to substitute therefor the bill S. 2514. Is there objection?

There was no objection.

Accordingly, the bill S. 2514 was ordered to be laid aside to be reported to the House with a favorable recommendation.

By unanimous consent (on motion of Mr. TAFT), the bill H. R. 1931 was ordered to lie on the table.

MRS. MARY L. ALESHIRE.

The next business on the Private Calendar was the bill (H. R. 4724) to increase the pension of Mrs. Mary L. Aleshire.

The bill was read, as follows:

Be it enacted, etc., That the pension of Mary L. Aleshire, widow of Capt. Charles C. Aleshire, late of the Eighteenth Ohio Battery Light Artillery, be, and the same is hereby, increased from $8 per month to $30 per month; and the Secretary of the Interior be, and is hereby, authorized and directed to place her name on the roll at the rate of $30 per month, subject to the provisions and limitations of the pension laws.

The Committee on Invalid Pensions recommended the following amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mary L. Aleshire, widow of Capt. Charles C. Aleshire, late of the Eighteenth Battery Ohio Light Artillery, on the pension roll and pay her a pension of $30 per month in lieu of the pension she is now receiving."

Mr. SPALDING. Let the report be read.

The report (by Mr. LAYTON) was read, as follows:

The soldier served as captain of Company G, Eighteenth Ohio Infantry Volunteers, from May 21, 1861, to August 20, 1861, and as captain of Eighteenth Ohio Battery Light Artillery from September 13, 1862, to June 22, 1865. He was appointed second lieutenant in the Third United States Artillery August 8, 1864, promoted to first lieutenant February 5, 1867, and served faithfully and efficiently until November 15, 1870, when he was honorably discharged, after a total period of service of seven years and four months.

Captain Aleshire has a hospital record of treatment for "bubonocele," or inguinal hernia, from December 22, 1866, to January 29, 1867. He applied for pension July 31, 1893, and was pensioned at $30 per month from that date for "left inguinal hernia," after special examination.

Widow was married to soldier June 6, 1867, and was pensioned under act of June 27, 1890, at $8 per month from July 21, 1890, the soldier having died April 22, 1889.

The immediate cause of the death of the soldier is not shown by the evidence on file in the Pension Bureau. The claimant files an affidavit with the committee in which she alleges:

"My husband was a great sufferer for long years prior to his death, and the services of a physician were frequently, it might be said almost constantly, needed to mitigate and alleviate his sufferings. He had bronchitis and was troubled with a bad rupture, which was so difficult to control that it frequently baffled the skill of the best physicians, which caused him constant and often intense pain, and which I believe was the primary cause of his death."

Dr. James Johnston certifies to Captain Aleshire's great suffering from hernia, and of his frequently consulting this physician professionally for his trouble after his discharge from the service; that the physician often examined him and fitted a truss on him at different times, and that he had a very bad rupture, which was very hard to control by a perfect-fitting truss, and that he knows that Captain Aleshire suffered a great deal from this cause; that from the nature of his disabilities and his general physical condition it is fair to presume that the remote cause of his death was due to disease contracted in the service.

Col. John L. Vance, who was a gallant soldier and an ex-member of Congress, certifies and states that his relations with Captain Aleshire, from his early boyhood until his first enlistment, and from the time of his leaving the service until his death, were intimate; that he frequently heard him complain of suffering intensely from troubles originating while in the volunteer service, and particularly did he suffer, and was incalculably prostrated at times, from rupture. He believed and was advised, and those of his friends acquainted with his sufferings believed, that he was broken down in health by the service, and, "in my judgment," Colonel Vance says, "his death was the result thereof."

Mrs. Aleshire is advanced in years, in feeble health, and has no property or means of support except the pension she is now receiving.

From the facts presented, your committee believe the bill is meritorious, and therefore earnestly recommend its passage with the following amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mary L. Aleshire, widow of Capt. Charles C. Aleshire, late of the Eighteenth Battery Ohio Light Artillery, on the pension roll and pay her a pension of $30 per month, in lieu of the pension she is now receiving."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MRS. SARAH MARTIN.

The next business on the Private Calendar was the bill (H. R. 4994) for the relief of Mrs. Sarah Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to pay to Sarah Martin, widow of Jonas Martin, late private Company F, Twenty-ninth Michigan Infantry, the pension granted her under the act of June 27, 1890, by certificate No. 211127, without any deduction on account of pension previously granted her January 16, 1893, by the same certificate number.

Mr. DINGLEY. Let the report be read.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, having carefully examined all the evidence relating to the bill (H. R. 4994) for the relief of Sarah Martin, report as follows:

Jonas Martin, who was the husband of the beneficiary of this bill, enlisted September 3, 1864, in Company F, Twenty-ninth Michigan Volunteers, and was mustered out June 17, 1865. He was treated while in service, as shown by the records, for chronic rheumatism and chronic bronchitis. He died in 1874 from disease of lungs, and his widow filed a claim for pension under the general law, which was allowed, and she drew pension until 1890, when her name was dropped from the rolls on the ground that it had been disclosed by a special examination that the disease of lungs from which the soldier died was not incurred in the service, but existed prior to his enlistment.

On July 31, 1890, the widow filed a claim under the act of June 27, 1890, which was allowed, and under departmental decision of September 12, 1891, that pension should not be withheld. She was again paid pension until April, 1894, when a reissue was made to withhold payment to recover what had been paid her under the general law. In March, 1895, another reissue was made to recover, it appearing that the reissue made in 1894 was not broad enough to recover all that she had received. These are the facts in the case. The object of this bill is to prevent the Pension Office from withholding from this widow the pension which has been allowed her under the act of June 27, 1890, and which, as shown by the evidence in the case, she needs for her support. The Government can not withhold this widow's pension without violating the principle laid down in sections 4734 and 4747, Revised Statutes, which are as follows:

"SEC. 4734. The provisions of law which allow the withholding of the compensation of any person who is in arrears shall not be construed to authorize the pension of any pensioner of the United States to be withheld.

"SEC. 4747. No sum of money due, or to become due, to any pensioner shall be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, whether the same remains with the Pension Office or any officer or agent thereof, or is in course of transmission to the pensioner entitled thereto, but shall inure wholly to the benefit of such pensioner."

Your committee are of opinion that the pension should not be withheld, and they therefore recommend the passage of the bill.

ELVIN BROWN.

The bill was ordered to be laid aside with a favorable recommendation.

ELMIRA E. DUSTIN.

The next business on the Private Calendar was the bill (H. R. 3578) granting a pension to Elmira E. Dustin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elmira E. Dustin, of Sycamore, widow of Gen. Daniel Dustin, late colonel of One hundred and fifth Illinois Infantry Volunteers, and pay her a pension of $50 per month.

Mr. SPALDING. Let the report be read.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3578) granting a pension to Elmira E. Dustin, submit the following report:

The claimant in this case is the widow of Bvt. Brig. Gen. Daniel Dustin. She was soldier's wife before and during the war. She is now past 70 years of age, and has no means or property whatever except a house and lot in the small village of Sycamore, Ill., where she lives, and which is of no more value than $1,200, and the rental value of which is not more than $8 per month.

Daniel Dustin enlisted September 15, 1861, and was mustered as captain of Company L, Eighth Illinois Cavalry. He was promoted major of same regiment January 8, 1862. His resignation was accepted September 8, 1862, to enable him to accept promotion as colonel of One hundred and fifth Illinois Infantry.

He was mustered as colonel of One hundred and fifth Illinois Volunteers September 9, 1862. October 31, 1864, he was in command of Third Division, Twentieth Army Corps; December 31, 1864, to April 30, 1865, he was in command of Second Brigade, Third Division, Twentieth Army Corps. He was mustered out as colonel of One hundred and fifth Illinois Infantry. He was brevetted brigadier-general of volunteers March 16, 1865, for gallant services in the campaigns in Georgia and South Carolina.

In view of the distinguished services of this officer and the need of his widow, her age and feebleness, the committee recommend that the bill do pass.

The bill was ordered to be laid aside with a favorable recommendation.

FREDERICK GRAMM.

The next business on the Private Calendar was the bill (S. 61) for the relief of Frederick Gramm.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and hereby is, authorized and directed to so amend and correct the military record of Frederick Gramm, late a private soldier in Company B of the Fifty-sixth Regiment Ohio Volunteers, as to remove the charges of desertion, and to show that said Gramm was captured by the enemy on June 25, 1862, and paroled on June 28, 1862, and permitted by Major-General Grant, commanding the district, to pass from Memphis, Tenn., to his home in Ohio to remain until notified of his exchange or otherwise ordered, and duly exchanged by General Orders, No. 10, War Department, January 10, 1863, and ordered to return to his command, and absent without leave until March 5, 1863, when he enlisted in the Navy of the United States for two years, served faithfully, and was honorably discharged at the expiration of his service: *Provided*, That no pay or allowances shall become due by reason of this act.

Mr. TALBERT. Mr. Speaker, I would like the report to be read in this case.

The report (by Mr. BISHOP) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 61) entitled "A bill for the relief of Frederick Gramm, of Ironton, Ohio," beg leave to submit the following report:

This is a bill providing for the removal of the charge of desertion from the military record of Frederick Gramm, late a private in Company B, Fifty-sixth Ohio Volunteers, and for granting such soldier an honorable discharge.

A bill identical in form with such House bill passed the Senate in the Fifty-fourth Congress and has been referred to your committee.

Your committee would therefore recommend that such House bill do lie on the table, and that such Senate bill do pass.

The facts upon which such soldier relies for the favorable consideration of the bill for his relief, which have been found to be true by your committee, are as follows:

The soldier enlisted in Company B, Fifty-sixth Ohio Volunteers, November 13, 1861, to serve three years. He was captured June 25, 1862; paroled June 28, 1862; was permitted by General Grant, his commanding officer, to go to his home in Ohio to await his exchange. He was exchanged in January, 1863, and was notified only by general orders published in the newspapers.

After such exchange, in March, 1863, he enlisted in the gunboat service of the Mississippi for two years, and was honorably discharged from such gunboat service at the expiration of such enlistment.

The only mistake made by such soldier was in not reporting to his regiment and getting a transfer from his regiment to the gunboat service. He received no bounty by reason of such reenlistment, but did receive a slightly increased pay. By reason of such reenlistment such soldier was marked on his company rolls as a deserter.

Mr. TALBERT. Mr. Chairman, I do not wish the further reading of the report. I desire to say that it appears that this man received no bounty by reason of such reenlistment, but he did receive slightly increased pay. It seems to me that this is in the nature of a bounty. Here is another case of a deserter, which I think has no merit in it; and I move that the bill be laid aside with an unfavorable report.

Mr. FENTON. I hope that motion will not prevail. This is a very good case, and only shows an indiscretion of a boy who served during the war. He has an excellent record, and it was only an error which he made by lack of knowledge of military law. It is a clear case and a good one, and the boy served throughout the war.

The question was taken on the motion to report the bill with an unfavorable recommendation, and the motion was rejected.

The CHAIRMAN. Without objection, the bill will be laid aside with a favorable recommendation.

Mr. TALBERT. I object.

The question was taken on laying aside the bill with a favorable recommendation; and the Chairman announced that the ayes seemed to have it.

Mr. TALBERT. Division.

The committee divided; and there were—ayes 109, noes 1.

So the motion was agreed to. [Applause.]

PATSEY E. BROADDUS.

The next business on the Private Calendar was the bill (H. R. 4481) granting an increase of pension to Patsey E. Broaddus, of Marion, Kans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase and pay a pension of $30 per month, in lieu of the pension now received by her, to Patsey E. Broaddus, of Marion, State of Kansas, widow of Green B. F. Broaddus, late first lieutenant of Company H, First Kentucky Cavalry, Mexican war, and major Eighth Kentucky Volunteer Infantry in the late war.

Mr. DINGLEY. Let us have the report.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4481) granting an increase of pension to Patsey E. Broaddus, have considered the same and respectfully report as follows:

Mrs. Broaddus is the widow of Green B. F. Broaddus, who served from June 8, 1846, to June 8, 1847, as first lieutenant Company H, First Kentucky Cavalry, in the war with Mexico. He also served from January 15, 1862, to April 26, 1863, as major of the Eighth Kentucky Infantry in the war of the rebellion. He was discharged from the last service because of disease of eyes originating in the line of his duty.

Major Broaddus died September 24, 1875, and his widow made application for a pension, declaring that his death was caused by a congestive chill resulting from disease contracted in the service. Much testimony was furnished in support of her claim, but the same was not accepted as sufficient by the Pension Bureau, and the claim was rejected. She subsequently filed an application under the act of January 29, 1887, based upon his Mexican war service, and the same was allowed at $8 per month, which sum she is now receiving.

The testimony accompanying the bill shows that the claimant has no property save a small dwelling house and some unproductive farm land near Florence, Kans., and that she is without income or means upon which she can depend for a support. It is further shown that she has been a confirmed cripple for thirty-five years, and that she is unable to walk or perform manual labor, and requires the constant attendance of another person; her muscles are wasted away and shrunken, and her limbs drawn at right angles, and her condition is such that she has to be as carefully attended as a child.

The facts are shown by the testimony of Dr. T. J. Cowry, Josephine Burton, J. R. McLean, and numerous other citizens of Marion County, Kans.

In view of the valuable service of the soldier in two wars, and in the light of the helpless condition of the widow, your committee are constrained to recommend the passage of the bill, believing as we do that the circumstances are such that no dangerous precedent will be established by favorable action in this case.

Mr. DINGLEY. What is the pension provided for in this bill?

Mr. CURTIS of Kansas. Twenty dollars a month. She is as helpless as a child, and she only gets $8 a month.

The CHAIRMAN. The bill provides for $20 a month.

The bill was ordered to be laid aside with a favorable recommendation.

MARY MARTIN.

The next business on the Private Calendar was the bill (H. R. 1890) granting a pension to Mary Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mary Martin, widow of James Martin, late of Company C, One hundred and twenty-fifth Regiment New York Volunteers, and pay her a pension of $12 per month.

Mr. SPALDING. Let us have the report.

The report (by Mr. MCCLELLAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1890) granting a pension of $12 per month to Mary Martin, widow of James Martin, late of Company C, One hundred and twenty-fifth Regiment New York Volunteers, having carefully considered the same, respectfully report as follows:

The claimant was married to the soldier in 1853, and has never since been married. The soldier was mustered into the service August 2, 1862, and served with his command until September 10, 1863, when he was captured at Bealton. He was held a prisoner until November 20, 1864; was then paroled and sent to Camp Parole, Annapolis. On December 4, 1864, he received a furlough for thirty days, and returned home to visit his wife and children, who lived at Troy, N. Y. A few days before the expiration of his furlough he left his home to return to Camp Parole. He did not reach there, and since that time he has not been seen nor heard from by the claimant or by any member of his family, although diligent inquiry was made to ascertain his fate.

The claimant was left with three small children, whom she brought up by her own unaided efforts. She is now nearly 70 years of age, in bad health, lame, and decrepit, unable to work, without means, and in want of the necessaries of life. She has twice applied for a pension—once under the general law and once under the act of June 27, 1890. Her claim under the general law was rejected for want of evidence showing her husband's death. Her claim under the new law was rejected on the ground that the soldier did not receive an honorable discharge.

Your committee think the circumstances raise a presumption that the soldier was prevented by some accident or foul play from rejoining his command, and that his death must likewise be presumed.

They recommend that the bill pass with the following amendment:

In line 5 strike out the word "of," between the words "late" and "company," and insert in lieu thereof the words "a private in."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELVIN BROWN.

The next business on the Private Calendar was the bill (H. R. 2373) granting a pension to Elvin Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elvin Brown, a private of Capt. George A. H. Blake's Company A, Second Regiment of United States Dragoons, and pay him a pension at the rate of $20 per month from the passage of this act, in lieu of that which he now receives.

Mr. SPALDING. The report.

The report (by Mr. HARDY) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 2373) granting a pension to Elvin Brown, have considered the same and report:

The claimant was a private in Company A, Second United States Dragoons, and served from August 13, 1839, to August 13, 1844. During this period he participated in the Florida Indian war, and he has been allowed the pension of $8 per month provided by the act of July 27, 1892, for veterans of that war.

The testimony accompanying the bill shows that Mr. Brown is now about 76 years old, impoverished financially, and so disabled by old age and disease of the heart as to be unable to do anything toward securing a comfortable support. He has a small property in the vicinity of Terre Haute, Ind., which is mortgaged for nearly its full value, and he has to depend for the necessaries of life upon his small pension.

In view of the facts stated above the passage of the bill is recommended, with an amendment inserting the initial "J." in the claimant's name; so as to read "Elvin J. Brown."

Mr. DINGLEY. What pension is allowed by the bill as amended?

The CHAIRMAN. Twenty dollars.

Mr. DINGLEY. This is a case to increase the pension of a Mexican soldier simply on account of his old age?

Mr. LOUDENSLAGER. He is 76 years old and very impoverished.

Mr. DINGLEY. I suppose the most of these Mexican pensioners are about that age.

Mr. LOUDENSLAGER. There are several precedents for this.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MATILDA GRESHAM.

The next business on the Private Calendar was the bill (S. 616) granting a pension to Matilda Gresham, widow of the late Walter Q. Gresham, at the rate of $100 per month.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matilda Gresham, widow of Walter Q. Gresham, late a brigadier-general, at the rate of $100 per month.

Mr. SPALDING. Let us have the report.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 616) granting a pension to Matilda Gresham, widow of the late Walter Q. Gresham, at the rate of $100 per month, beg leave to report:

Matilda Gresham was the wife of Gen. Walter Q. Gresham before and during the war, and remains his widow since his death.

The services of General Gresham in military and civil life are well known.

From the best information the committee can get Mrs. Gresham is in feeble health. She has a small farm in southern Indiana, left by the General, which does not yield income sufficient for her support.

In view of the meritorious service of General Gresham and the need of his widow, the committee recommend the passage of the bill.

Mr. CROWTHER. Mr. Chairman, I move that the words "one hundred" be stricken out and the word "fifty" inserted in lieu thereof.

Mr. CURTIS of New York. I hope that amendment will not prevail.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 7 strike out the words "one hundred" and insert the word "fifty"; so as to read "at the rate of $50 per month."

Mr. PICKLER. Mr. Chairman, this is one exception that the Committee on Invalid Pensions has made in granting $100 pension. I trust that this amount will not be reduced. This is the first bill that I have advocated this session at this amount for a widow. I want to say, Mr. Chairman, that I believe this is an exceptional case, and I shall not detain the committee. The history of Walter Q. Gresham is too well known in this country. His distinguished services as a soldier were not exceeded by those of any other general of his rank in the Army. His distinguished civil service, dying in the harness as he did as Secretary of State during this Administration, and all these matters, point us to his history and make it an exceptional case. I believe that this House and this committee owes it to itself and to the memory of General Gresham to give this lady a pension in keeping with the rank of her husband and his great attainments in this country. His friends were legion this country over. While this is an exceptional case, as I admit, I believe that it is a case where the pension ought to stand at $100 a month.

Mr. CROWTHER. Mr. Chairman, with due deference to the distinguished gentleman who presides over the Invalid Pensions Committee, I am compelled to disagree with him upon this question. There is no reason why we should give the widow of General Gresham any more than we give the widow of any other distinguished general. There is no reason why we should give her any more than we give to the widows of other distinguished soldiers who fought during the war. These widows are upon a common level as to their title to pensions, and these distinctions should not exist to such an extent as they have existed in the passage of many bills in this House. So far as the distinguished services of General Gresham are concerned, I agree with the gentleman, but we are not legislating for General Gresham; we are legislating for his widow, and it must be remembered that there are thousands of the widows of soldiers just as much entitled to pension as the widow of General Gresham.

Mr. BLUE. Mr. Chairman, I move to amend the amendment by striking out "fifty" and inserting "seventy-five," and in that connection I wish to say this: A few moments ago, by the margin of one vote, the pension of the widow of General Blunt was fixed at $75 a month. I have nothing to say in disparagement of General Gresham, but he certainly was very generously remembered by this Government, and if his widow at this time is not well provided for it would seem that there must have been some improvident management somewhere. General Gresham was upon the pay roll of this nation almost incessantly, at a large salary, from the time he left the Army until his death, and it seems to me that $75 is a very generous pension for his widow under the circumstances.

Mr. CURTIS of New York. Mr. Chairman, I hope neither the motion made by the gentleman from Missouri [Mr. CROWTHER] nor the motion made by the gentleman from Kansas [Mr. BLUE] will prevail. The Committee on Invalid Pensions have brought in a bill authorizing the granting of a pension of $100 per month to the widow of General Gresham.

Mr. PICKLER. The bill has already passed the Senate.

Mr. CURTIS of New York. Yes; the Committee on Invalid Pensions have recommended the passage of this bill and it has already passed the Senate, and in view of all the past services and relations of General Gresham which have been referred to, and which must always be referred to in a complimentary manner, if the truth is told, relations as a soldier, as a judicial officer, and in the high position of Secretary of State, we are assured that there is something due to the widow whom he has left, as is stated here, in almost destitute circumstances. I think it would be unjust, unkind, unbecoming the feelings heretofore exhibited in this body with respect to the granting of pensions, to reduce in any measure the amount reported from the Invalid Pensions Committee, and I hope this bill will pass as it has been reported to the House, at the rate of $100 per month.

Mr. CANNON. Mr. Chairman, if the question were entirely a new one as to the granting of pensions of $100 a month or $2,000 a year to the widows of eminent commanders in the late war, I might have a different opinion from what I now have, but, without having an intimate knowledge, I have yet a general knowledge of the condition of the family of General Gresham, and having also knowledge of his eminent services as a soldier in the late war, in view of these facts and conditions, it is not in my heart to refuse to vote for this bill. I am inclined to think that we will do but simple and exact justice in the line of precedent if we pass this bill, and my heart and my judgment both concur in favor of it. [Applause.]

Mr. EVANS. Mr. Chairman, if the time of the committee allowed I might say some things that would help to convince anybody here who doubts the propriety of passing this bill as it has come to us from the Senate, but I shall not take up time in that way. I do sincerely hope that both the amendments proposed will be voted down, and that we shall give to this widow such a pension as is provided in the Senate bill. It is true that the husband of this lady did draw a salary from the Government, but the salaries paid by the Government of the United States are not such as to enrich anybody, and although he may have drawn a salary for a long time, he rendered the fullest service for every dollar he received. I repeat that I sincerely hope both these amendments will be voted down and that the bill as it came from the Senate will be cordially and promptly passed by the House. [Applause.]

Mr. BAKER of New Hampshire. Mr. Chairman, it is to be remembered that we are not pensioning the widow of General Gresham for any of his distinguished civil services. The pension can be paid only for his services as a military officer. Now, the highest rank that General Gresham held during the war was that of brigadier-general—major-general by brevet. This very day, in the case of another distinguished Union officer, General Blunt, we have cut down the pension to $75 a month. Yet he was a full major-general. How can we, in justice, vote to the widow of General Gresham any more than we vote to the widow of General Blunt? How, indeed, can we in justice vote as much, because General Blunt had higher rank than General Gresham? I appeal to members to act upon this case as they would act upon any

other case, on the basis of the military services rendered, and to do even and exact justice to this widow and all the other widows of officers of the same rank.

The amendment of Mr. BLUE to the amendment offered by Mr. CROWTHER was rejected.

The question being taken on the amendment of Mr. CROWTHER, the Chairman declared the noes seemed to have it.

Mr. CROWTHER. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 44, noes 62; so the amendment was rejected.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARY A. FREEMAN.

The next business on the Private Calendar was the bill (H. R. 2189) granting a pension to Mrs. Mary A. Freeman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary A. Freeman, widow of Andrew V. Pritchard, late a private in Company E, Second Regiment Pennsylvania Volunteers, Mexican war, from and after the passage of this act, at the rate of $12 per month.

Mr. PICKLER. Mr. Chairman, I stated about an hour ago that the Committee on Rules had given us two days for the consideration of these bills; that this was the anniversary of the battle of the Wilderness; that we were getting on slowly in the disposition of this Calendar owing to the fact of every report being read; that most of these bills were cases of persons who are old and helpless; that among the bills reached to-day were two in which the beneficiaries have already died; and I asked and urged the Committee of the Whole to continue in session for a reasonable portion of this legislative day. I understand the Committee on Rules did not understand the matter as I do; that they did not suppose we would continue in session to-day longer than till the ordinary hour of adjournment. I did not so understand the rule, and clearly the rule makes no such limit; and I think it is with this Committee of the Whole or the House to determine the matter.

My opinion is that with these 400 cases on the Calendar, and with only these two days set apart for their consideration, we might take a recess (if the House should think best) until about 8 o'clock, sit for a reasonable time this evening, and then take a recess until probably 9 or 10 o'clock in the morning, accomplishing what we could by 12 o'clock to-morrow. [Cries of "That is right!" and applause.] If we do this, and if we have the other day that the Committee on Rules has given us, and if we do at our Friday night sessions as much as we ordinarily do, we shall not be able to get through more than two-thirds of these bills on the Calendar. I fear there would be a third of these cases which would go unconsidered.

My statement a while ago in regard to this matter was made before I knew that there was any difference of opinion on this question. I think that under the circumstances I shall, after the pending bill is disposed of, move that the committee rise in order that the House may determine whether we shall take a recess. I do not want to press my individual opinions contrary to the wishes of the House, but certainly, as the Invalid Pensions Committee and the other committees reporting these bills have worked upon them industriously, and as the persons for whose relief the bills are reported are deserving, as many of them are old and helpless, and as from day to day some are dying, it does seem to me that we ought to forego some considerations of convenience and stay by this Calendar. That is my opinion.

The Committee on Rules might safely trust this House to take care of pension legislation, and if a majority of this committee desire to go on with this calendar of private pensions, as I am sure they do, they should be allowed to do so without obstruction by the Committee on Rules.

The Committee on Rules does not now desire to stand by the rule reported, but wants to give it an interpretation that defeats private pension legislation by restricting the hours this committee shall sit.

Mr. DALZELL. Mr. Chairman, the original proposition made to the Committee on Rules was that there should be an additional night in each week assigned for the consideration of legislation of this kind. It was thought best that we should not adopt any such rule, because it might be held to be a precedent at subsequent sessions of Congress when no such rule would really be necessary. It was therefore determined, with the consent of the chairman of the Committee on Invalid Pensions, that these two days should be set apart—Wednesday of this week and Wednesday of next week—for the consideration of pension cases and such other cases as are in order on Friday evenings. It never entered the mind of any member of the Committee on Rules—and I venture to say it did not enter the mind of the gentleman who presides over the Committee on Invalid Pensions—that the day mentioned in the rule would be an exceptional day. It was supposed that we should proceed under the provisions of the rule until the regular hour and then adjourn, as we are in the habit of doing when we consider other legislation.

Now, I submit to the committee whether or not it is wise for us to make legislation of this kind exceptional—whether it is wise for us to continue this legislative day for the consideration of such bills as we have been considering, when we accord to no other kind of legislation such exceptional opportunities. Let me call the attention of the committee to the fact that we have passed to-day, I suppose, in the neighborhood of 60 bills.

A MEMBER. Seventy bills.

Mr. DALZELL. It is suggested that we have passed somewhere in the neighborhood of 70 bills. Now, that is a remarkably good day's work. And gentlemen must bear in mind that all these bills have to be disposed of in the House. We are operating to-day, not under the ordinary rules of the House, but under a special rule; and without expressing any decided opinion on the subject, I suggest whether or not these bills will be in order for consideration in the House except on the second day mentioned in this special rule—to wit, next Wednesday. And if that be so, then all of next Wednesday will be occupied in disposing of the bills already passed by the Committee of the Whole.

Now, I submit whether or not the record that we make would not be a more creditable record in the interest of the soldier, in the interest of the friends of this kind of legislation, if we adjourn as we ordinarily do at the usual time, and let the bills take their regular course. I am not opposed to this character of legislation. On the contrary, I have favored putting this proposition through——

Mr. HEPBURN. Let me ask the gentleman this question: Did you not expect that under this rule this class of bills now on the Calendar would be disposed of in the two days?

Mr. DALZELL. No; I can not say that we did. In fact, a very little calculation would demonstrate mathematically the fact that that could not be done.

Mr. HEPBURN. Could it not be done by extending the legislative day?

Mr. DALZELL. If the legislative day is extended you could not pass the bills on the Calendar through the House and the Senate.

Mr. PICKLER. Why?

Mr. DALZELL. Because you have not the time. You would not have the opportunity.

Mr. PICKLER. I am informed that they pass on Tuesdays every pension bill on the Senate Calendar.

Mr. DALZELL. If you extend the legislative day, you can not pass the bills that you will dispose of in Committee of the Whole through the House. That is the point.

Mr. PICKLER. Well, there is another session of this Congress.

Mr. CANNON. Let me ask the gentleman from Pennsylvania a question. I did not get at quite the exact language he used, and do not understand one thing to which he has referred. We are now in Committee of the Whole.

Mr. DALZELL. Yes.

Mr. CANNON. These bills must be reported back to the House.

Mr. DALZELL. Yes.

Mr. CANNON. Now, you say that they can only be considered in the House on Wednesday, when this business comes up again?

Mr. DALZELL. I should take it that they could only be considered on the day that this special order would operate again. We are not operating under the ordinary rules of the House to-day, but under a special order.

Mr. PICKLER. But these are the same bills that are considered on Friday nights; we are considering them exactly in the same way, and I think they would be in order on Fridays, just as the other bills would be.

Mr. DALZELL. That would be undoubtedly true if you were not operating under a special rule.

Mr. PICKLER. But the special order declares what bills are in order, and that they shall be considered just as at the Friday night sessions.

Mr. DALZELL. I have said all I desire to say, Mr. Chairman, on this subject. I submit, therefore, especially to the friends of this kind of legislation, whether it is not the wisest thing we can do to pursue our usual course with this business, just as we do with all other matters. It is, of course, for the House to determine.

Mr. PICKLER. Mr. Chairman, that simply means that the great mass of pension bills on this Calendar will simply be reported to the House and nothing more. You can not pass 400 bills as you pass ordinary bills from the committees of the House. This presents an entirely different case, and needs no argument.

The gentleman talks of the number of bills passed in different Congresses. Why, I remember in the Fifty-first Congress when in one evening we passed 45 bills; and I never heard any complaint about that.

Now, the question, Mr. Chairman; and I am sorry that there is a misunderstanding between myself and the Committee on Rules. The matter came up as the gentleman has stated it. I asked for Monday night, about three weeks ago, in addition to the usual Friday night sessions. It was then thought better that we should have two day sessions instead of night sessions for this business. That suited me—perhaps I suggested that myself. But that was about three weeks ago, and three Monday nights have gone by since that time. If we had been given Monday nights at the time I asked it to the end of the session it would have given us more time than is now provided, even if we stay until noon to-morrow.

Now, I never had an idea, and never had such an opinion, it never entered my mind, that the Committee on Rules had reported the rule here with a string to it. I noticed—I do not know how it came there—but I noticed in the newspapers this morning a statement in regard to this pension matter, that probably there would be a continuous session under this rule; and I heard no objection to it until about 4 o'clock, when I made a statement that keeping in session here to consider these bills to-night was a very good and proper way to honor the anniversary of the battle of the Wilderness.

Of course I do not know what gentlemen mean—I do not know what they are driving at when they ask if it would not be better to adjourn now and not press the consideration of these bills. This is a class of business that comes up on Friday nights, and it would be as well done to-night as on Friday night. I can not understand why, if the committee or the House desires to proceed with the business, they could not do so. As for myself, if I had my own way about it, I would not adjourn until 12 o'clock to-morrow. [Applause.] The men we are trying to help stayed in the field day and night, year in and year out. They are old and helpless now, and their widows are old and helpless. It is a duty we owe to them to continue this matter and dispose of these bills.

I am subject, of course, to what the majority desire to do; but I wish to make emphatic the statement that I had no idea—I am as innocent as a lamb [laughter]—as far as trying to keep the House in session differently from what the Committee on Rules understood. I never dreamed that we were to be limited in any unreasonable way. The matter was before the House for its consideration and not a word was said about anything of the kind. In fact, it was before the House for several weeks. I have been trying to get unanimous consent at different times for its consideration. The rule says that we are to have the two legislative days, the only exception being that it shall not interfere with appropriation bills. What is a legislative day? Why, it is just as long as the House desires to stay in session within twenty-four hours.

Mr. LOUD. Will the gentleman yield for a question?

Mr. PICKLER. Yes.

Mr. LOUD. I should like to remind the gentleman, if he wants to properly commemorate the battle of the Wilderness, that that battle continued for six or seven days, and we shall have to continue——

Mr. PICKLER. All right! Thank God, I wish we could, until we clear up all these remaining bills. Are you willing to stay and clear them all up?

Mr. FAIRCHILD. Every one on this side of the House except the gentleman from California is willing.

Mr. BLUE. Mr. Chairman, it seems to me that this discussion is wholly unnecessary. If the Committee on Rules had intended to modify the meaning of a legislative day, why was it not done in the rule? There was nothing mentioned at that time. There was no suggestion, as I understood it, that this day was to be different from any other legislative day. What are gentlemen disturbed about? We have passed about 100 special bills during this session of Congress, and $20,000 per annum will pay the expense.

Mr. ERDMAN. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ERDMAN. Has debate been exhausted?

The CHAIRMAN. The Chair thinks debate is exhausted upon this bill.

Mr. BLUE. I understood this was a discussion in regard to what we should do.

The CHAIRMAN. The debate has been upon this bill.

Mr. BLUE. I understood it was by unanimous consent that it was going on.

A MEMBER. Regular order.

Mr. BLUE. I ask unanimous consent to proceed for one minute.

The CHAIRMAN. The gentleman from Kansas [Mr. BLUE] asks unanimous consent to proceed for one minute. Is there objection?

Mr. LATIMER. I object.

Mr. BLUE. Mr. Chairman, is there a bill pending?

The CHAIRMAN. There is a bill pending, and debate has been exhausted on that bill. [Laughter.]

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

RUSSELL N. REYNOLDS.

The next business on the Private Calendar was the bill (S. 1160) granting a pension to Russell N. Reynolds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Russel N. Reynolds, late of Company E, One hundred and thirtieth Regiment Ohio Volunteer Infantry, at the rate of $20 per month.

Mr. BLUE. Now, Mr. Chairman, it seems to me that when you consider the fact that if we should devote the rest of this week and the full time of each legislative day to the consideration of these bills, it would not exceed in the aggregate an expenditure of $60,000 per annum, there is nothing for gentlemen to be concerned about here. You pass measures in five minutes that involve expenditures of $100,000 per annum, and nobody asks any question about it. At the commencement of this session I criticised this Committee on Invalid Pensions because I thought they were not moving in a methodical way. I am satisfied now that these bills that are reported here have been carefully and thoroughly digested and that they are meritorious. The committee, having received several criticisms at the beginning of the session, have acted judiciously and carefully since. It does seem to me that when the general public business of this House for this session has been practically passed upon, and nothing is left except the reports of conference committees, this House can not better dispose of the time than by addressing itself to he consideration of these special pension bills. [Applause on the Republican side.] Let us do what we have a right to do. This House has adopted this rule. It has by its vote given us a legislative day in which to consider these bills. Let us take a recess until 8 o'clock and continue here until half past 10 this evening; then take a recess until 10 o'clock to-morrow and work from that time on until 12. [Applause.]

Mr. SPALDING: Let the report on this bill be read, Mr. Chairman.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1160) granting a pension to Russell N. Reynolds, submit the following report:

This bill passed the Senate, and the following report made by the Committee on Pensions is adopted as the report of this committee:

"The Committee on Pensions, to whom was referred the bill (S. 1160) granting a pension to Russel! N. Reynolds, have examined the same, and report:

"The claimant in this case enlisted May 2, 1864, and was honorably discharged September 22, 1864. After several rejections by the honorable Commissioner of Pensions the claimant's pension was finally allowed him under the act of June 27, 1890, at the rate of $10 per month, for injury to ankle and disease of heart, both of which disabilities were incurred in line of duty.

"Upon an application for increase afterwards filed, the Pension Office determined, on March 14, 1894, that an increase should not be granted, but that the pension should continue at the former rate of $10 per month.

"The evidence in the case shows that claimant is totally incapacitated from the performance of labor, and that he is without means of support except his pension.

"Your committee therefore recommend that the bill be amended by adding thereto the words 'at the rate of $20 per month,' and that the bill as amended be passed."

Your committee therefore recommend the passage of the bill as amended by the Senate.

The bill was laid aside to be reported to the House with a favorable recommendation.

MARY CLARE KELLY.

The next business on the Private Calendar was the bill (S. 1493) granting a pension to Mary Clare Kelly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension roll the name of Mary Clare Kelly, widow of the late Benjamin F. Kelly, brevet major-general of volunteers, United States Army, and pay her a pension at the rate of $50 a month, in lieu of the pension she is now receiving.

Mr. SPALDING. Let the report be read.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1493) granting a pension to Mary Clare Kelly, report:

This bill has passed the Senate this session. The report of the Senate Committee on Pensions, which is adopted by this committee as its own, is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 1493) granting a pension to Mary Clare Kelly, have examined the same, and report:

"A similar bill was introduced in the Fifty-second and Fifty-third Congresses and referred to the Committee on Pensions. It was reported favorably and passed the Senate at the rate of $50 per month.

"The facts are as follows:

"This is a bill to increase the pension of Mrs. Mary Clare Kelly, widow of Brig. Gen. Benjamin F. Kelly. General Kelly was a Virginian, and raised the first regiment for the defense of the Union from that State. The stand he took and his energetic and brave conduct were of the greatest value to the Union cause. He commanded the Department of West Virginia, and received a wound that was supposed to be fatal, but he recovered as if by a miracle. He became impoverished by reason of his Union sentiments and participation in the Federal service, and, having never recovered from the effects of his wound, he remained in poverty, leaving nothing for the support of his family. His widow was recently pensioned at the rate of $30 a month, which is the highest rate allowable under the general law.

"It has been the habit of Congress to increase the pensions of the widows of the higher grade of officers, especially in cases corresponding with that of General Kelly, and the committee regard this as a proper case for special legislation."

In view of these facts, your committee recommend the passage of the bill.

Mr. CROWTHER. Mr. Chairman, I should like to have the Clerk report the amount of the pension granted by this bill.

The Clerk read as follows:

Fifty dollars a month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

GEORGE W. BAGLEY.

The next business on the Private Calendar was the bill (H. R. 1500) granting a pension to George W. Bagley.

The bill was read, as follows:

Whereas George W. Bagley, a civilian employed in the Quartermaster's Department, United States Army, was, while acting as a carpenter, and under the direction of the military authorities and doing work connected with military operations, hurt and permanently injured and disabled: Therefore

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, at the rate of $25 per month, subject otherwise to the limitations and provisions of the pension laws, the name of said George W. Bagley.

The amendment recommended by the committee was read, as follows:

In line 5 strike out the words "twenty-five" and insert the word "twelve."

The amendment was agreed to.

Mr. PICKLER. I move to strike out the preamble.

The motion was agreed to.

Mr. SPALDING. Let the report be read.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1500) granting a pension to George W. Bagley, having examined and considered the same, report the same back to the House with an amendment and with the recommendation that as amended it do pass.

It is shown by the evidence on file that said Bagley was in the service of the United States as a carpenter in the United States Railroad Construction Corps, being in the Quartermaster-General's Department, and in the gang of John W. Neafie, under General Nagle, superintendent of bridge construction, United States Military Railroad Construction Corps. In the prosecution of this work at Alexandria, Va., in December, 1862, said Bagley was ordered by said Neafie to go upon the roof of the railroad engine house at that place to make repairs. The evidence is conclusive that the said Bagley hesitated about going up on said roof on account of the danger involved, but did so against his own wishes and remonstrances, and under the orders of his superior; that while engaged in that employment the roof gave way, he fell, severely and permanently injuring himself, among these injuries breaking both legs, one twice and the other in three places. He was afterwards confined in the hospital at Alexandria, following these injuries, for several months, and has since been a cripple and unable to perform manual labor to any considerable extent.

The said G. W. Nagle, who was in command of the Corps in which Bagley was at the time of his injury, has made affidavits of the facts in Bagley's case, and in very strongly recommending a pension for him describes the character and duties of this Corps, from which we quote in part as follows:

"The men employed in the United States Military Railroad Construction Corps were not enlisted men; no one connected with military railroads during the war held a commission, except Gen. D. C. McCallum and Gen. Herman Haupt. The work of the Construction Corps was considered of a military nature; bridges were built by them in the face of the enemy's batteries; the men were treated by our Government and the enemy, when captured, as soldiers, and they were exchanged or paroled the same as enlisted men.

"All the men and officers connected with the Construction Corps were under military orders all the time. An order to open a railroad or rebuild bridges came from the War Department. The order to rebuild the roof of the roundhouse at Alexandria, Va., where Mr. Bagley met with his accident, came through Gen. D. C. McCallum, and must be considered a military order. Every move made on the United States military railroad, whether the moving of trains containing troops or supplies or the construction of the roads or buildings on the roads, were ordered by military and for military purposes. Furthermore, the above roundhouse was within the Government stockade, the ingress and egress of which was under guard at all times."

It will be seen that this employment, while technically civilian, was entirely military in its character and real surroundings, and that this claimant was at the time (Alexandria being a military headquarters, and the railroad, whose engine house was being repaired at that time, being used by the Government in its military operations) in actual military employment and acting, to all intents and purposes, in defense of his Government.

The committee are of the opinion that as a general rule pensions should not be allowed except to men actually enlisted, but the circumstances surrounding this particular case are such as to warrant favorable action.

The committee recommend the following amendment:

In line 5 strike out the word "twenty-five" and insert in lieu thereof the word "twelve."

And as so amended the committee recommend the passage of the bill.

Mr. ERDMAN. Mr. Chairman, there is a bill before the Committee on Invalid Pensions to pension all the bridge constructionists. There is a number of them; so we are taking out one now and making him a favorite, and the 700 others who have applied to us in a general bill are left to go hungry. [Cries of "Vote!"]

The bill was ordered to be laid aside with a favorable recommendation.

NATHAN KIMBALL.

The next business on the Private Calendar was the bill (S. 1435) granting an increase of pension to Nathan Kimball.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathan Kimball, late a brigadier-general in the United States Army, at the rate of $100 per month.

Mr. ANDREWS. Mr. Chairman, just a few words of explanation upon this report. When this Senate bill came to our committee and was referred to me for consideration, I was inclined to favor a recommendation of $72 per month instead of $100; but a careful inquiry into the physical and financial condition of General Kimball led me to believe that $100 per month, as proposed in the Senate bill, would no more than meet his necessities. He is suffering constantly from the results of wounds for which he has been pensioned formally under the general law. He needs constantly one attendant, and a greater portion of the time two attendants. In order to care for his necessities, for medical attendance made necessary, and the expense incident thereto, and the care, as I have suggested already, your committee were led to conclude that $100 ought to be allowed in this case, and I hope the bill will pass for that amount.

Mr. CROWTHER. Mr. Chairman, I move to amend the bill by striking out the words "one hundred" and inserting in lieu thereof the words "seventy-five."

Mr. ALLEN of Utah. Mr. Chairman, I wish to say a word. I know that the statement that has been made by the chairman of the subcommittee [Mr. ANDREWS] is absolutely true. General Kimball lives in Ogden, Utah. He has to have one personal attendant all the while, and at times, as stated, two. He is 74 years of age. He fought in 20 pitched battles in the late war. He led the right in the attack on Maries Height at Fredericksburg, and was wounded in the right thigh and foot, from which wounds he now suffers. He was brevetted major-general during the war for gallant services, and recommended for promotion to the rank of major-general by Winfield Scott Hancock. I hope the amendment will be defeated.

The amendment was rejected.

The bill was ordered to be laid aside with a favorable recommendation.

MARGARET A. KIDWELL.

The next business on the Private Calendar was the bill (H. R. 3113) granting a pension to Margaret A. Kidwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $12 per month, the name of Margaret A. Kidwell, who was the wife of Henry Kidwell, late private of Company H, Second Regiment Missouri Artillery.

Mr. DINGLEY. Let the report be read.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3113) granting a pension of $12 per month to Margaret A. Kidwell, who was the wife of Henry Kidwell, late private of Company H, Second Missouri Artillery, having carefully examined and considered the facts and circumstances in evidence, respectfully report as follows:

Henry Kidwell enlisted March 23, 1864, and was honorably discharged November 20, 1865.

He filed application for pension October 20, 1869, for gunshot wound of left hand, which was allowed after special examination February 2, 1885, at $4 per month from date of discharge, and which was increased to $6 per month from April 24, 1889. He committed suicide by hanging himself at National Military Home, Leavenworth, Kans., November 24, 1889.

From the mass of testimony presented to your committee it is learned that soldier exhibited signs of mental weakness and derangement directly after returning home from the Army. At times he would go to work vigorously for a few days and astonish the neighbors with wonderful amounts of labor, and again would droop into melancholy and unsocial habits and brood over imaginary wrongs. Again, he would wander from home for days without giving notice of his departure or his destination to his family, and would return as surreptitiously as he departed.

His mind became constantly weaker and his conduct more strange. He would sell all his property and remove to some other locality, even when his prospects seemed fairly bright. He was unsocial, gloomy, and morose, and his mania increased until it became of dangerous tendency, and his wife found a butcher knife in the bed. Asked what he intended to do with it, he spoke of the beautiful corpse their infant daughter would make. The neighbors had him examined for lunacy, and he was placed in the insane asylum at Osawatomie, Kans., December 4, 1878, and discharged therefrom July 8, 1879. He told the special examiner in 1883 that he had been in an insane asylum for several years and his memory was gone. He was confined in the State insane asylum of Kansas again May 20, 1888, and released as restored September 28, 1888.

He was at different periods in the National Military Home at Leavenworth, Kans., and at intervals at home with his family, but his conduct and acts constantly became more erratic and his wanderings more frequent. He once went to Texas, and at all times after service seemed to possess a disposition to wander.

At one time, after being twice in the asylum, he sent notice to his wife from a distant part of the State that unless she immediately came to him he would get a divorce from her. She ignored the invitation (having the family to care for), and the report became currently circulated, by him most probably, that he had been divorced; but this is believed to have been one of his hallucinations, as no record of divorce has been found, so far as your committee has been advised. After this report was circulated he again came home, but soon went away and entered the Soldiers' Home again. Because of her almost destitute condition, the burden of supporting the family, and the circulation of reports of divorce, and the difficulty of securing satisfactory proof tracing his insanity to causes originating in service, as he never had a regular physician or lived long enough in one locality to enable neighbors to fully understand his peculiarities, the widow has not applied for pension, being advised that an effort in that direction was useless.

She is now advanced in years, in needy circumstances, and a large number of neighbors, county officials, and representative citizens ask Congress to pension her by special bill and prevent her from becoming a charge on public or private charity.

Your committee therefore earnestly recommend the passage of the bill, after being amended by striking out all after the word "artillery," in line 7.

[Cries of "Vote!" "Vote!"]

Mr. ERDMAN. Mr. Chairman, I want to call the attention of

the House to the fact that this soldier committed suicide by hanging, and here it is distinctly traced to service origin!

[Cries of "Vote!" "Vote!"]

Mr. DINGLEY. What is the amount?

The CHAIRMAN. Twelve dollars per month.

The amendment recommended by the committee was agreed to.

The question was taken on ordering the bill to be laid aside with a favorable recommendation; and the Chairman announced that the ayes seemed to have it.

Mr. ERDMAN. Division.

The committee divided; and there were—ayes 71, noes 8.

Mr. ERDMAN. We ought to have a quorum on this important question.

The CHAIRMAN. Does the gentleman raise the point of no quorum?

Mr. ERDMAN. Yes, sir.

The CHAIRMAN (after a count). One hundred and six gentlemen are present. [Applause.] The ayes have it, and the motion is agreed to.

Mr. PICKLER. I hope a hundred men will stay here.

CATHERINE SMITH.

The next business on the Private Calendar was the bill (S. 1522) granting a pension to Catherine Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine Smith, widow of the late James Smith, a private in Company I, Sixteenth Indiana Volunteers, and pay her a pension of $12 per month, and the further sum of $2 per month for each of the three children of said soldier until they respectively become 16 years of age.

Mr. SPALDING. Let the report be read.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1522) granting a pension to Catherine Smith, widow of the late James Smith, a private in Company I, Sixteenth Indiana Infantry Volunteers, at $12 per month, having carefully examined and considered the facts and circumstances presented, respectfully adopt the report of the Senate Committee on Pensions, and recommend the passage of the bill. The report is as follows:

The evidence in this case shows that the claimant, Mrs. Catherine Smith, made application to the Pension Office for a pension as the widow of James Smith, late a private in Company I, Sixteenth Regiment Indiana Volunteer Infantry. A pension certificate, No. 291450, was granted to her at the rate of $8 per month, with the additional sum of $2 per month for each of her children under 16 years of age. This amount of pension was paid until February 12, 1885, when said pensioner was dropped from the rolls on the following grounds, viz:

1. That her husband, James Smith, or James C. Smith, is still living and residing at Oxford, Ohio, and has made application for pension.

2. That claimant was unable to furnish satisfactory evidence that her husband was a citizen of the United States in the service of the United States.

3. That he had never been honorably discharged.

The pensioner, said Catherine Smith, then made application to the Pension Office for restoration to the rolls, but her claim was rejected.

As to the first objection made by the Pension Office, the evidence fully shows that the James or James C. Smith now residing in Ohio, and who was a private in Company C of the Sixteenth Regiment of Indiana Volunteers, is not the James Smith who enlisted October 24, 1864, in Company I, Sixteenth Regiment Indiana Volunteers, and who afterwards transferred to the Thirteenth Indiana Cavalry, and who was legally married to said Catherine Smith, and died in Salina, Kans., December 30, 1886.

In answer to the second and third objections of the Pension Office, Col. F. C. Ainsworth, in an official communication dated March 26, 1895, states that the records in the War Department show "that this soldier (said James Smith) was enrolled for service October 24, 1864, as a private in Company I, Sixteenth Indiana Infantry Volunteers, to serve one year. He appears to have served faithfully until June 29, 1865, when he was transferred to the Thirteenth Indiana Cavalry Volunteers. But as he failed to join the last-named regiment, which remained in service until November 18, 1865, he became constructively a deserter from June 29, 1865. Upon consideration of the record as above set forth, it has been determined that relief can be afforded in this case by this Department under the provisions of the act of Congress approved March 2, 1889. The constructive charge of desertion heretofore standing against this soldier as his final record has therefore been removed, and he has been honorably discharged to date from June 29, 1865, that being the date when he left the service."

The evidence fully shows that said soldier, James Smith, was legally married to said claimant, Catherine Smith, on the 16th of October, 1877, at Salina, Kans., and had by her three children, as follows: William E., born February 7, 1883, age 16 February 6, 1899; Jessie E., born February 28, 1884, age 16 February 27, 1900; Mamie E., born December 3, 1885, age 16 December 2, 1901.

There is some evidence tending to show that the disease of which James Smith died was contracted in the service. The evidence also shows that said Catherine Smith is a deserving woman, but in destitute circumstances, and supports herself and the three children of said soldier, James Smith, by her daily toil, excepting such charity as she receives from the Grand Army post and other friends.

Your committee is of the opinion, from the foregoing statement of facts, that said Catherine Smith is entitled to a pension of $12 per month, and the further sum of $2 per month for each of the soldier's three children until they respectively arrive at the age of 16 years.

The writer of this report has abundant testimony from personal acquaintance of high character who are familiar with the family history of this claimant, and he has no doubt about the identity of her late husband as she states it to be.

Your committee therefore recommend that the bill be amended by adding the words "and the further sum of $2 per month for each of the three children of said soldier until they respectively become 16 years of age."

And so amended, your committee recommend that the bill do pass.

The bill was ordered to be laid aside with a favorable recommendation.

RANSOM C. HAZELIP.

The next business on the Private Calendar was the bill (H. R. 5050) for the benefit of and granting a pension to Ransom C. Hazelip, late a private soldier of Company G, Eleventh Regiment Kentucky Infantry Volunteers, and first lieutenant of Company B, Thirty-fifth Regiment Kentucky Mounted Infantry Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll of the United States of America the name of Ransom C. Hazelip, late a private soldier of Company G, Eleventh Regiment Kentucky Infantry Volunteers, and afterwards first lieutenant of Company B, Thirty-fifth Regiment Kentucky Mounted Infantry Volunteers, of the United States Army, in the late war of the rebellion, at the rate of $50 per month, to be paid quarterly as pensions are now required to be paid by law.

Mr. DALZELL. Let us have the report read, Mr. Chairman.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5050) granting a pension to Ransom C. Hazelip, report as follows:

Claimant alleges that in February, 1862, he enlisted in Company G, Eleventh Kentucky Infantry, resigning the position of county and circuit court clerk to do so; that he went with the regiment, doing regular service, as did the other members of the company, until the battle of Shiloh, in which he took part; that in said fight he was injured by concussion of a shell, causing impairment of hearing, most severe in the left ear. After the battle, while camping on the battle ground, he contracted chronic diarrhea, by which he was reduced almost to a skeleton. He had joined the regiment after its muster in, and so he had not been mustered in, and was permitted to go home.

As soon as he recovered to a sufficient extent to do so, he again entered the service, this time as first lieutenant Company B, Thirty-fifth Kentucky Mounted Infantry, and while in this organization, in July, 1864, went out from Munfordville, Ky., on a scout, and from the hardship and exposure on that trip contracted something like rheumatism and disease of kidneys. He now asks that he be pensioned by special act for impaired hearing and chronic diarrhea, contracted while serving with Company G, Eleventh Kentucky Infantry, and results thereof, and for rheumatism and disease of kidneys and disease of heart and stomach, results, contracted while first lieutenant Company B, Thirty-fifth Kentucky Volunteer Mounted Infantry. He asks this special act because he has no title under existing law for the disabilities incurred while serving with the Eleventh Kentucky Infantry. He is totally disabled for manual labor and in need of the pension.

The sworn testimony of Watson Farris, Alex. Hayes, and William L. Hazelip, who are shown by the records of the War Department to have been in Company G, Eleventh Kentucky Infantry, and present, corroborates the claimant's allegations as to disabilities incurred while serving with Company G, Eleventh Kentucky Infantry; and that of James C. Kinkade, Charles W. Decker, John W. Hayes, Samuel P. York, and Andrew J. Hack, corroborates his allegations as to incurrence of disabilities while first lieutenant Company B, Thirty-fifth Kentucky Mounted Infantry, and their testimony, together with that of Drs. S. B. Johnson and A. J. Staton, and Mr. George W. Oller, shows the continuance of his disabilities since discharge and that he is now totally disabled for manual labor.

From the evidence presented your committee believe his disabled condition to be due to his service in the war, and they recommend that the bill be amended as follows:

Amend the title by striking out all of it except the words "A bill granting a pension to Ransom C. Hazelip."

Amend the bill by striking out, in line 6, the words "late a private soldier of" and inserting in lieu thereof the words "who served with"; and by striking out, in line 10, the word "fifty" and inserting in lieu thereof the word "thirty"; and that as amended the bill do pass.

The amendments recommended by the committee were read, as follows:

Amend the title by striking out all of it except the words "A bill granting a pension to Ransom C. Hazelip."

Amend the bill by striking out, in line 6, the words "late a private soldier of" and inserting in lieu thereof the words "who served with"; and by striking out, in line 10, the word "fifty" and inserting in lieu thereof the word "thirty"; and that as amended the bill do pass.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MAUD ARDELLE BLISS.

The next business on the Private Calendar was the bill (S. 145) granting a pension to Maud Ardelle Bliss.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maud Ardelle Bliss, dependent and invalid daughter of John W. Bliss, late of Company B, Fourth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month, payable to her legally constituted guardian.

Mr. MILNES. Let us have the report.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 145) granting a pension to Maud Ardelle Bliss, having carefully considered the same, adopt the accompanying Senate report (No. 56) as their own, and respectfully recommend its passage.

[Senate Report No. 56, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 145) granting an increase of pension to Maud Ardelle Bliss, have examined the same and report:

The beneficiary under this bill is the daughter of John W. Bliss, late a private in Company B, Fourth Regiment Vermont Volunteer Infantry. Mr. Bliss served long and faithfully in the Union Army, his health suffering greatly from hardships and exposure. It is said by those who knew him intimately that he had pensionable disabilities when discharged from the service, but he was a proud and patriotic man and did not make application so long as he could earn a living. A few months ago he applied for a pension, being at the time in ill health and destitute circumstances, but he died before the Pension Bureau had time to consider his claim.

Claimant is an orphan, and has been deformed and sick from early infancy. She is in her sixteenth year and weighs only 48 pounds. The appended certificates state specifically her condition. Dr. Simpson giving it as his opinion that she is destined to a life of invalidism. There are many precedents for this legislation. Your committee recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LEVI T. E. JOHNSON.

The next business on the Private Calendar was the bill (H. R. 2317) to increase the pension of Levi T. E. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Levi T. E. Johnson, late a member of Company B, Fifty-second Indiana Volunteers, from ten to fifty dollars per month, subject to the conditions and limitations of the Pension Bureau.

Mr. SPALDING. Let us have the report.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2317) to increase the pension of Levi T. E. Johnson, submit the following report:

Your committee have examined the evidence in this case and find:

Claimant enlisted October 21, 1861, and was discharged September 24, 1862, for disability—"affection of spine; cause, probably, exposure on duty."

In 1870 he applied for pension on account of cold which settled in lungs and right side. It was allowed, for disease of right side and resulting disease of lung, at $4 from date of discharge and $10 from June 9, 1884.

In a declaration for increase filed in 1885 he alleged blindness from disease of eyes resulting from the debility from pensioned causes. In a declaration filed December 4, 1888, he swears that his disease of eyes has been coming on for about nine years. The medical division declined to accept the disease of eyes due to pensioned causes.

This soldier is now totally blind. He is in a pitiable condition, and is a deserving object of the bounty of his Government.

Your committee recommend that the bill be amended by striking out of the sixth line the word "fifty" and insert in lieu thereof the word "thirty"; also strike out the word "member," in fifth line, and insert in lieu the word "private," and change word "Bureau" to "law," in line 7, and that the bill as amended do pass.

Mr. BURRELL. Mr. Chairman, this claimant was a brave soldier. He has now lost his sight. I do not know that it can be shown definitely that the loss has resulted from his service in the Army, but at any rate he is now totally blind, and it seems to me that he ought to be entitled to $50 a month. I therefore move to strike out "thirty" and insert "fifty."

The CHAIRMAN. The Chair would state to the gentleman that the original bill provides for a pension at $50 a month, and one of the amendments recommended by the committee is to strike out "fifty" and insert "thirty." If the gentleman desires, he can demand a separate vote on that amendment.

Mr. BURRELL. Then I will ask this committee to vote down that amendment.

Mr. PICKLER. Mr. Chairman, I hope the gentleman will not insist on that. Thirty dollars is, I think, a good, fair pension in this case. That is the rate for total inability to perform manual labor.

Mr. BURRELL. We have been voting $50 a month to others, we have given $50 a month to the widows of soldiers, and when a man comes who has himself rendered valuable service to his country and when he is totally blind, I think that that is not too large an amount of pension for him.

Mr. HOPKINS. I suggest to the chairman of the Committee on Invalid Pensions that if this claimant is totally blind and must have an attendant $50 is little enough.

Mr. PICKLER. The report does not show that he is totally blind, does it?

Mr. BURRELL. He is so. I know him.

Mr. HOPKINS. I hope that my colleague's motion will prevail.

Mr. MILNES. Mr. Chairman, I am heartily in favor of granting this man $50 a month. Here is a worthy case, a case where an old soldier is totally blind. We have gone on and voted $100 a month to the widows of soldiers who were no more gallant or brave than this man was, but here we have the soldier himself, a man who fought bravely for his country in the war, and it is cases of this kind that ought to occupy the attention of this House. I hope the motion of the gentleman from Illinois will prevail.

On a division, on the motion of Mr. BURRELL, there were—ayes 8, noes 56.

Mr. ERDMAN. Mr. Chairman, I am constrained to call for a quorum on this pure charity.

The CHAIRMAN. The gentleman from Pennsylvania makes the point that there is no quorum present.

Mr. PICKLER. He is a member of the Committee on Invalid Pensions and he makes the point of no quorum on one of its bills!

Mr. ERDMAN. Yes, sir; on charities of this kind all the time.

The CHAIRMAN (after a count). There are 81 members present.

Mr. PICKLER. There is only one thing to do, Mr. Chairman; that is to have the roll called.

The CHAIRMAN. The Clerk will call the roll.

The roll was called, when the following-named members failed to respond:

Abbott,	Downing,	Lewis,	Shafroth,
Adams,	Draper,	Linney,	Shannon,
Aitken,	Eddy,	Linton,	Shaw,
Aldrich, Ala.	Elett, Va.	Little,	Simpkins,
Aldrich, Ill.	Elliott, S. C.	Livingston,	Skinner,
Apsley,	Fairchild,	Lockhart,	Smith, Ill.
Arnold, Pa.	Faris,	Lorimer,	Smith, Mich.
Arnold, R. I.	Fischer,	Loudenslager,	Snover,
Atwood,	Fitzgerald,	Low,	Sorg,
Avery,	Fletcher,	Maddox,	Southard,
Babcock,	Foote,	Maguire,	Southwick,
Bailey,	Foss,	Mahany,	Spalding,
Baker, Kans.	Fowler,	McCall, Tenn.	Sparkman,
Baker, Md.	Gamble,	McClure,	Spencer,
Baker, N. H.	Gillett, N. Y.	McCormick,	Stahle,
Bankhead,	Goodwyn,	McCreary, Ky.	Stallings,
Barham,	Graff,	McCulloch,	Steele,
Barrett,	Griswold,	McEwan,	Stephenson,
Bartholdt,	Grosvenor,	McLachlan,	Stewart, Wis.
Bartlett, N. Y.	Grout,	McLaurin,	Stone, C. W.
Beach,	Hall,	McMillin,	Stone, W. A.
Bell, Colo.	Halterman,	McRae,	Strait,
Bell, Tex.	Hanly,	Meiklejohn,	Strode, Nebr.
Bennett,	Hardy,	Mercer,	Strong,
Berry,	Harmer,	Meredith,	Strowd, N. C.
Bingham,	Harris,	Meyer,	Sulzer,
Black, Ga.	Harrison,	Miles,	Swanson,
Boutelle,	Hart,	Milliken,	Talbert,
Bowers,	Hatch,	Miner, N. Y.	Terry,
Brewster,	Heiner, Pa.	Money,	Thomas,
Broderick,	Hemenway,	Morse,	Thorp,
Bromwell,	Hendrick,	Moses,	Towne,
Brosius,	Henry, Conn.	Mozley,	Tracewell,
Buck,	Henry, Ind.	Murphy,	Tracey,
Bull,	Hermann,	Neill,	Treloar,
Burton, Mo.	Hicks,	Newlands,	Tucker,
Burton, Ohio	Hill,	Noonan,	Turner, Ga.
Catchings,	Hitt,	Northway,	Turner, Va.
Clardy,	Howard,	Odell,	Tyler,
Clark, Iowa	Howe,	Ogden,	Updegraff,
Clark, Mo.	Hubbard,	Otey,	Wadsworth,
Clarke, Ala.	Huff,	Overstreet,	Walker, Mass.
Cobb,	Hulick,	Owens,	Walker, Va.
Cockrell,	Hull,	Patterson,	Walsh,
Codding,	Hutcheson,	Pearson,	Wanger,
Coffin,	Johnson, Cal.	Pendleton,	Warner,
Cook, Wis.	Johnson, Ind.	Phillips,	Washington,
Cooke, Ill.	Johnson, N. Dak.	Pitney,	Watson, Ind.
Cooper, Fla.	Jones,	Powers,	Watson, Ohio
Cooper, Tex.	Joy,	Price,	Wellington,
Corliss,	Kem,	Quigg,	White,
Cowen,	Kendall,	Raney,	Wilber,
Cox,	Kiefer,	Ray,	Williams,
Crowley,	Kleberg,	Reyburn,	Wilson, Idaho
Culberson,	Knox,	Richardson,	Wilson, N. Y.
Cummings,	Kulp,	Robertson, La.	Wilson, Ohio
Danford,	Kyle,	Robinson, Pa.	Wilson, S. C.
Dayton,	Latimer,	Rusk,	Woodard,
De Armond,	Lawson,	Russell, Conn.	Woodman,
Denny,	Lefever,	Russell, Ga.	Woomer,
De Witt,	Leighty,	Sauerhering,	Wright,
Dinsmore,	Leisenring,	Sayers,	Yoakum.
Dockery,	Leonard,	Scranton,	
Dolliver,	Lester,	Settle,	

The CHAIRMAN. The committee will rise and report the absentees to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole House had found itself without a quorum, whereupon he had directed the roll to be called, and now reported the list of absentees to the House.

The SPEAKER. The Clerk will read the names of the absentees.

The names of the absentees having been read,

The SPEAKER. These names will be entered on the Journal.

Mr. DINGLEY. I move that the House do now adjourn.

The SPEAKER (having put the question). The ayes seem to have it.

Mr. PICKLER. I demand the yeas and nays on the adjournment.

Several MEMBERS. There is no quorum here.

Mr. PICKLER. We will see whether you will crowd it down this way. We want the yeas and nays on this question. We do not want any such infernal snap judgment as this. [Cries of "Order!"]

The SPEAKER. The gentleman from South Dakota is not in order.

Mr. PICKLER. We had 100 members here.

The SPEAKER. The gentleman is not in order.

The question being taken on ordering the yeas and nays, there were ayes 37—more than one-fifth of the last vote.

So the yeas and nays were ordered.

The Clerk proceeded to call the roll.

Mr. PICKLER (after the roll call had begun). We had 100 members here.

Mr. PAYNE. I insist that we should have order.

Mr. PICKLER. I am stating the truth, Mr. Speaker.

The SPEAKER. The gentleman should take his seat. The Clerk will proceed with the call of the roll.

The Clerk resumed the call of the roll; but Mr. PICKLER continuing to speak,

The SPEAKER said: The House will please be in order; and the gentleman from South Dakota will take his seat.

Mr. PICKLER. That I will do with great pleasure.

The question was taken; and there were—yeas 38, nays 58, not voting 259; as follows:

YEAS—38.

Allen, Miss.	Evans,	Lacey,	Sherman,
Bartlett, Ga.	Gillett, Mass.	Loud,	Shuford,
Black, N. Y.	Griffin,	McCall, Mass.	Spalding,
Brown,	Hainer, Nebr.	McCleary, Minn.	Stokes,
Clarke, Ala.	Heatwole,	McClellan,	Taft,
Cousins,	Henderson,	McDearmon,	Tate,
Curtis, N. Y.	Hilborn,	Moody,	Tawney,
Dalzell,	Hooker,	Parker,	Underwood.
Dingley,	Howell,	Payne,	Steele,
Erdman,	Jenkins,	Perkins,	

NAYS—58.

Allen, Utah	Curtis, Kans.	Hurley,	Reeves,
Andrews,	Daniels,	Hyde,	Royse,
Barney,	Dovener,	Kerr,	Sperry,
Belknap,	Eddy,	Kirkpatrick,	Stewart, N. J.
Bishop,	Ellis,	Leyton,	Strong,
Blue,	Fairchild,	Linton,	Sulloway,
Brumm,	Fenton,	Long,	Tayler,
Burrell,	Gardner,	Mahon,	Van Horn,
Burton, Mo.	Gibson,	Marsh,	Van Voorhis,
Calderhead,	Hadley,	Minor, Wis.	Wanger,
Chickering,	Hager,	Otjen,	Wheeler,
Colson,	Hartman,	Pickler,	Willis,
Connolly,	Hepburn,	Poole,	Wood.
Crowther,	Hsiing,	Prince,	
Curtis, Iowa	Hunter,	Pugh,	

NOT VOTING—259.

Abbott,	Dinsmore,	Leisenring	Russell, Ga.
Acheson,	Dockery,	Leonard,	Sauerhering,
Adams,	Dolliver,	Lester,	Sayers,
Aitken,	Doolittle,	Lewis,	Scranton,
Aldrich, Ala.	Downing,	Linney,	Settle,
Aldrich, Ill.	Draper,	Little,	Shafroth,
Anderson,	Elett, Va.	Livingston,	Shannon,
Apsley,	Elliott, S. C.	Lockhart,	Shaw,
Arnold, Pa.	Faris,	Lorimer,	Simpkins,
Arnold, R. I.	Fischer,	Loudenslager,	Skinner,
Atwood,	Fitzgerald,	Low,	Smith, Ill.
Avery,	Fletcher,	Maddox,	Smith, Mich.
Babcock,	Foote,	Maguire,	Snover,
Bailey,	Foss,	Mahany,	Sorg,
Baker, Kans.	Fowler,	McCall, Tenn.	Southard,
Baker, Md.	Gamble,	McClure,	Southwick,
Baker, N. H.	Gillet, N. Y.	McCormick,	Sparkman,
Bankhead,	Goodwyn,	McCreary, Ky.	Spencer,
Barham,	Graff,	McCulloch,	Stahle,
Barrett,	Griswold,	McEwan,	Stallings,
Bartholdt,	Grosvenor,	McLachlan,	Steele,
Bartlett, N. Y.	Grout,	McLaurin,	Stephenson,
Beach,	Grow,	McMillin,	Stewart, Wis.
Bell, Colo.	Hall,	McRae,	Stone, C. W.
Bell, Tex.	Halterman,	Meiklejohn,	Stone, W. A.
Bennett,	Hanly,	Mercer,	Strait,
Berry,	Hardy,	Meredith,	Strode, Nebr.
Bingham,	Harmer,	Meyer,	Strowd, N. C.
Black, Ga.	Harris,	Miles,	Sulzer,
Boutelle,	Harrison,	Miller, Kans.	Swanson,
Bowers,	Hart,	Miller, W. Va.	Talbert,
Brewster,	Hatch,	Milliken,	Terry,
Broderick,	Heiner, Pa.	Milnes,	Thomas,
Bromwell,	Hemenway,	Miner, N. Y.	Thorp,
Brosius,	Hendrick,	Mondell,	Towne,
Buck,	Henry, Conn.	Money,	Tracewell,
Bull,	Henry, Ind.	Morse,	Tracey,
Burton, Ohio	Hermann,	Moses,	Treloar,
Cannon,	Hicks,	Mozley,	Tucker,
Catchings,	Hill,	Murphy,	Turner, Ga.
Clardy,	Hitt,	Neill,	Turner, Va.
Clark, Iowa	Hopkins,	Newlands,	Tyler,
Clark, Mo.	Howard,	Noonan,	Updegraff,
Cobb,	Howe,	Northway,	Wadsworth,
Cockrell,	Hubbard,	Odell,	Walker, Mass.
Codding,	Huff,	Ogden,	Walker, Va.
Coffin,	Hulick,	Otey,	Walsh,
Cook, Wis.	Hull,	Overstreet,	Warner,
Cooke, Ill.	Hutcheson,	Owens,	Washington,
Cooper, Fla.	Johnson, Cal.	Patterson,	Watson, Ind.
Cooper, Tex.	Johnson, Ind.	Pearson,	Watson, Ohio
Cooper, Wis.	Johnson, N. Dak.	Pendleton,	Wellington,
Corliss,	Jones,	Phillips,	White,
Cowen,	Joy,	Pitney,	Wilber,
Cox,	Kem,	Powers,	Williams,
Crisp,	Kendall,	Price,	Wilson, Idaho
Crowley,	Kiefer,	Quigg,	Wilson, N. Y.
Crump,	Kleberg,	Raney,	Wilson, Ohio
Culberson,	Knox,	Ray,	Wilson, S. C.
Cummings,	Kulp,	Reyburn,	Woodard,
Danford,	Kyle,	Richardson,	Woodman,
Dayton,	Latimer,	Robertson, La.	Woomer,
De Armond,	Lawson,	Robinson, Pa.	Wright,
Denny,	Lefever,	Rusk,	Yoakum.
De Witt,	Leighty,	Russell, Conn.	

So the motion to adjourn was not agreed to.

The following pairs were announced:

Until further notice:

Mr. HOPKINS with Mr. DOCKERY.

Mr. STEELE with Mr. WASHINGTON.

Mr. STRODE of Nebraska with Mr. HUTCHESON.

Mr. MOZLEY with Mr. MOSES.

Mr. SMITH of Michigan with Mr. BERRY.

Mr. HENRY of Indiana with Mr. SPARKMAN.

Mr. HUFF with Mr. MINER of New York.

Mr. HEMENWAY with Mr. ROBERTSON of Louisiana.

Mr. JOHNSON of Indiana with Mr. BLACK of Georgia.

Mr. WILSON of Ohio with Mr. DE ARMOND.

Mr. HARDY with Mr. HART.

Mr. RANEY with Mr. COWEN.

Mr. GROSVENOR with Mr. MCMILLIN.

Mr. JOHNSON of North Dakota with Mr. LAWSON.

Mr. CURTIS of Iowa with Mr. RICHARDSON.

Mr. GROUT with Mr. NEILL.

Mr. DRAPER with Mr. TUCKER.

Mr. HICKS with Mr. SWANSON.

For this day:

Mr. CHARLES W. STONE with Mr. WALSH.

Mr. BARTLETT of New York with Mr. PATTERSON.

Mr. FARIS with Mr. HENDRICK.

Mr. LORIMER with Mr. RUSK.

Mr. BROMWELL with Mr. BELL of Texas.

Mr. BEACH with Mr. FITZGERALD.

Mr. GOODWYN with Mr. LIVINGSTON.

Mr. HERMANN with Mr. LATIMER.

Mr. WHITE with Mr. KENDALL.

Mr. TRELOAR with Mr. MEYER.

Mr. RUSSELL of Connecticut with Mr. MCCREARY of Kentucky.

Mr. WILBER with Mr. STALLINGS.

Mr. LEFEVER with Mr. ELLIOTT of South Carolina.

Mr. LOUDENSLAGER with Mr. PRICE.

Mr. TRACEY with Mr. SORG.

Mr. LEISENRING with Mr. LITTLE.

Mr. MEIKLEJOHN with Mr. OWENS.

Mr. LORIMER with Mr. OGDEN.

Mr. ODELL with Mr. MCCLELLAN.

Mr. BARTHOLDT with Mr. WASHINGTON.

Mr. HATCH with Mr. CLARKE of Alabama.

Mr. CODDING with Mr. MAGUIRE.

Mr. KULP with Mr. SHAW.

On this question:

Mr. BRODERICK with Mr. MCLAURIN.

Mr. SETTLE with Mr. TRACEWELL.

Mr. CLARK of Iowa with Mr. TYLER.

Mr. AITKEN with Mr. CROWLEY.

Mr. BROSIUS with Mr. HALL.

Mr. HULICK. Mr. Speaker, I wish to vote.

The SPEAKER. Was the gentleman present when his name should have been called, and failed to hear it?

Mr. HULICK. I came in while the call was proceeding, but I think after my name was passed on the list.

The SPEAKER. Under the rule the Chair can not entertain the request of the gentleman.

Mr. HULICK. If permitted to vote, I should have voted in the negative.

Mr. HOPKINS. I wish to withdraw my vote, as I am paired with the gentleman from Missouri [Mr. DOCKERY].

The result of the vote was then announced as above recorded.

Mr. PICKLER. I move a call of the House.

Mr. LACEY. Under Rule XV, clause 4, must not the call be ordered without further action?

The SPEAKER. The Chair thinks this is not one of the cases covered by the rule, as a quorum is not needed to adjourn.

Mr. WILLIS. Is a motion to adjourn in order?

The SPEAKER. It is, pending a call of the House.

Mr. PICKLER. What becomes of my motion for a call of the House?

The SPEAKER. The motion is pending.

The question being taken on the motion of Mr. WILLIS, there were on a division—ayes 51, noes 38.

Mr. PICKLER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 52, nays 48, not voting 255; as follows:

YEAS—52.

Allen, Miss.	Dingley,	Howell,	Parker,
Baker, Md.	Erdman,	Jenkins,	Payne,
Bartlett, Ga.	Gibson,	Lacey,	Perkins,
Bishop,	Gillett, Mass.	Loud,	Poole,
Black, N. Y.	Griffin,	Low,	Reeves,
Brumm,	Grow,	Mahon,	Sherman,
Chickering,	Hadley,	McCall, Mass.	Shuford,
Clardy,	Hainer, Nebr.	McCleary, Minn.	Stokes,
Clarke, Ala.	Heatwole,	McClellan,	Taft,
Cousins,	Henderson,	McDearmon,	Tate,
Curtis, N. Y.	Hilborn,	Mondell,	Underwood,
Dalzell,	Hooker,	Moody,	Wheeler,
Daniels,	Hopkins,	Noonan,	Willis.

NAYS—48.

Acheson,	Connolly,	Hartman,	Otjen,
Allen, Utah	Cooper, Wis.	Hepburn,	Pickler,
Anderson,	Crowther,	Hulick,	Prince,
Andrews,	Crump,	Huling,	Pugh,
Belknap,	Curtis, Kans.	Hunter,	Royse,
Blue,	Dovener,	Hurley,	Stewart, N. J.
Burrell,	Eddy,	Kerr,	Strong,
Burton, Mo.	Ellis,	Kirkpatrick,	Sulloway,
Burton, Ohio	Fairchild,	Layton,	Tayler,
Calderhead,	Fenton,	Linton,	Van Horn,
Clark, Mo.	Gardner,	Long,	Wanger,
Colson,	Hager,	Marsh,	Wood.

NOT VOTING—255

Abbott,	Downing,	Linney,	Shafroth,
Adams,	Draper,	Little,	Shannon,
Aitken,	Ellett, Va.	Livingston,	Shaw,
Aldrich, Ala.	Elliott, S. C.	Lockhart,	Simpkins,
Aldrich, Ill.	Evans,	Lorimer,	Skinner,
Apsley,	Faris,	Loudenslager,	Smith, Ill.
Arnold, Pa.	Fischer,	Maddox,	Smith, Mich.
Arnold, R. I.	Fitzgerald,	Maguire,	Snover,
Atwood,	Fletcher,	Mahany,	Sorg,
Avery,	Foote,	McCall, Tenn.	Southard,
Babcock,	Foss,	McClure,	Southwick,
Bailey,	Fowler,	McCormick,	Spalding,
Baker, Kans.	Gamble,	McCreary, Ky.	Sparkman,
Baker, N. H.	Gillet, N. Y.	McCulloch,	Spencer,
Bankhead,	Goodwyn,	McEwan,	Sperry,
Barham,	Graff,	McLachlan,	Stahle,
Barney,	Griswold,	McLaurin,	Stallings,
Barrett,	Grosvenor,	McMillin,	Steele,
Bartholdt,	Grout,	McRae,	Stephenson,
Bartlett, N. Y.	Hall,	Meiklejohn,	Stewart, Wis.
Beach,	Halterman,	Mercer,	Stone, C. W.
Bell, Colo.	Hanly,	Meredith,	Stone, W. A.
Bell, Tex.	Hardy,	Meyer,	Strait,
Bennett,	Harmer,	Miles,	Strode, Nebr.
Berry,	Harris,	Miller, Kans.	Strowd, N. C.
Bingham,	Harrison,	Miller, W. Va.	Sulzer,
Black, Ga.	Hart,	Milliken,	Swanson,
Boutelle,	Hatch,	Milnes,	Talbert,
Bowers,	Heiner, Pa.	Miner, N. Y.	Tawney,
Brewster,	Hemenway,	Minor, Wis.	Terry,
Broderick,	Hendrick,	Money,	Thomas,
Bromwell,	Henry, Conn.	Morse,	Thorp,
Brosius,	Henry, Ind.	Moses,	Towne,
Brown,	Hermann,	Mozley,	Tracewell,
Buck,	Hicks,	Murphy,	Tracey,
Bull,	Hill,	Neill,	Treloar,
Cannon,	Hitt,	Newlands,	Tucker,
Catchings,	Howard,	Northway,	Turner, Ga.
Clark, Iowa	Howe,	Odell,	Turner, Va.
Cobb,	Hubbard,	Ogden,	Tyler,
Cockrell,	Huff,	Otey,	Updegraff,
Codding,	Hull,	Overstreet,	Van Voorhis,
Coffin,	Hutcheson,	Owens,	Wadsworth,
Cook, Wis.	Hyde,	Patterson,	Walker, Mass.
Cooke, Ill.	Johnson, Cal.	Pearson,	Walker, Va.
Cooper, Fla.	Johnson, Ind.	Pendleton,	Walsh,
Cooper, Tex.	Johnson, N. Dak.	Phillips,	Warner,
Corliss,	Jones,	Pitney,	Washington,
Cowen,	Joy,	Powers,	Watson, Ind.
Cox,	Kem,	Price,	Watson, Ohio
Crisp,	Kendall,	Quigg,	Wellington,
Crowley,	Kiefer,	Raney,	White,
Culberson,	Kleberg,	Ray,	Wilber,
Cummings,	Knox,	Reyburn,	Williams,
Curtis, Iowa	Kulp,	Richardson,	Wilson, Idaho
Danford,	Kyle,	Robertson, La.	Wilson, N. Y.
Dayton,	Latimer,	Robinson, Pa.	Wilson, Ohio
De Armond,	Lawson,	Rusk,	Wilson, S. C.
Denny,	Lefever,	Russell, Conn.	Woodard,
De Witt,	Leighty,	Russell, Ga.	Woodman,
Dinsmore,	Leisenring,	Sauerhering,	Wooner,
Dockery,	Leonard,	Sayers,	Wright,
Dolliver,	Lester,	Scranton,	Yoakum.
Doolittle,	Lewis,	Settle,	

So the motion was agreed to.

The result of the vote was then announced as above recorded.

And accordingly (at 7 o'clock and 5 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GILLETT of Massachusetts, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 6883) to incorporate the Convention of American Instructors of the Deaf, reported the same, accompanied by a report (No. 1642); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 8497) to incorporate the National Plant, Flower, and Fruit Guild, reported the same, accompanied by a report (No. 1643); which said bill and report were referred to the House Calendar.

Mr. BENNETT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 8536) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, reported the same, accompanied by a report (No. 1644); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. OTJEN, from the Committee on War Claims, to which was referred House bills Nos. 31, 1246, 4778, 4962, and 7720, reported in lieu thereof a bill (H. R. 8733) giving to any State having a claim for expenses incurred in defense of the United States the right to have the same adjudicated by the Court of Claims, accompanied by a report (No. 1648); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHAFROTH, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 8590) granting to the Denver, Cripple Creek and Southwestern Railroad Company a right of way for a railroad through the South Platte and Plum Creek forest reserves, in the State of Colorado, reported the same, accompanied by a report (No. 1651); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 6489) to grant pension to Samuel L. Busick. (Report No. 1639.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (S. 1737) granting a pension to James G. Hartzell. (Report No. 1640.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 2859) granting a pension to Harriet F. Herrick. (Report No. 1641.)

By Mr. HARDY, from the Committee on Pensions: The bill (H. R. 3862) for the relief of John Green. (Report No. 1645.)

By Mr. COOPER of Texas, from the Committee on War Claims: The bill (S. 2143) for the relief of Richmond College, located at Richmond, Va. (Report No. 1646.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 7653) granting a pension to Ambrose J. Vanarsdel. (Report No. 1637.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 1811) for the relief of Catherine L. Chaney. (Report No. 1638.)

By Mr. MARSH, from the Committee on Military Affairs: The bill (H. R. 1484) for the correction of muster of Adolph Von Haake, late major, Sixty-eighth Regiment Veteran Volunteer Infantry. (Report No. 1649.)

The bill (H. R. 6955) for the relief of Sergt. James W. Kingon. (Report No. 1650.)

ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. MAHON, from the Committee on War Claims, reported adversely (Report No. 1647) the bill (H. R. 6805) for the relief of the legal representatives of Rinaldo Johnson and Ann E. Johnson, deceased, which said bill and report were laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WALSH: A bill (H. R. 8724) to raise the wages of electrotypers, molders, and finishers in the Government Printing Office—to the Committee on Printing.

By Mr. CURTIS of Iowa: A bill (H. R. 8725) donating 2 condemned cannon and 10 condemned cannon balls to Shelly Norman Post, Grand Army of the Republic, of Muscatine, Iowa, and 2 condemned cannon and 10 cannon balls to General N. B. Baker Post, Grand Army of the Republic, Clinton, Iowa—to the Committee on Naval Affairs.

Also (by request), a bill (H. R. 8726) to provide for the payment of certain claims against the District of Columbia by drawback certificates—to the Committee on the District of Columbia.

By Mr. KULP: A bill (H. R. 8727) donating one condemned cannon and two pyramids of condemned cannon balls to Bryson Post, No. 225, Grand Army of the Republic, of Watsontown, Pa.—to the Committee on Naval Affairs.

By Mr. KIRKPATRICK: A bill (H. R. 8728) relating to pay and bounty to soldiers, sailors, and marines of the United States in the war of the rebellion—to the Committee on Military Affairs.

By Mr. MEREDITH: A bill (H. R. 8729) to prohibit cemeteries in the District of Columbia which will interfere with street extensions of the city of Washington—to the Committee on the District of Columbia.

By Mr. HURLEY: A bill (H. R. 8730) to appropriate funds for investigations and tests of American timber—to the Committee on Agriculture.

By Mr. WATSON of Ohio: A bill (H. R. 8731) to prohibit the employment of prison labor on Government buildings—to the Committee on Labor.

By Mr. SPERRY: A bill (H. R. 8732) providing for the construction of cable and telegraph lines from the United States to Siberia, Japan, and the Hawaiian Islands, and guaranteeing interest on bonds to be secured by said lines—to the Committee on Interstate and Foreign Commerce.

By Mr. WILSON of New York: A bill (H. R. 8734) to amend sections 4965 and 4970, chapter 3, Title LX, of the Revised Statutes of the United States relating to copyrights—to the Committee on Patents.

By Mr. HULL: A resolution (House Res. No. 308) setting apart Friday, May 8, 1896, for the consideration of bills reported from the Committee on Military Affairs—to the Committee on Rules.

By Mr. SHERMAN: A resolution (House Res. No. 309) assigning Tuesday, May 12, for consideration of H. R. 7907—to the Committee on Rules.

By Mr. MILLIKEN: A resolution (House Res. No. 310) to place George W. Perkins on the annual roll as assistant foreman of the folding room—to the Committee on Accounts.

By Mr. McCALL of Massachusetts: A resolution (House Res. No. 313) for the consideration of immigration bills—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BARHAM: A bill (H. R. 8735) granting a pension to C. B. Goodwin—to the Committee on Invalid Pensions.

Also a bill (H. R. 8736) to remove the charge of desertion from the record of Jacob Rothenbucher—to the Committee on Military Affairs.

By Mr. BELL of Colorado: A bill (H. R. 8737) for the relief of Sarah S. Baker, of Montrose, Colo.—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 8738) for the relief of Mary Kinney—to the Committee on Invalid Pensions.

By Mr. COOPER of Texas: A bill (H. R. 8739) for the relief of Mrs. Anna Franks, of Marshall, Tex.—to the Committee on Claims.

Also, a bill (H. R. 8740) for the relief of A. S. Cannon, postmaster at Moscow, Polk County, Tex.—to the Committee on Claims.

By Mr. CORLISS: A bill (H. R. 8741) for the relief of Col. C. M. Lum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8742) to remove the charge of desertion against James Norris—to the Committee on Military Affairs.

By Mr. CRUMP: A bill (H. R. 8743) for the relief of Henry Schindehette—to the Committee on Claims.

By Mr. CUMMINGS: A bill (H. R. 8744) authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander—to the Committee on Naval Affairs.

By Mr. DOLLIVER: A bill (H. R. 8745) to increase the pension of John N. Wiley—to the Committee on Invalid Pensions.

By Mr. GRISWOLD: A bill (H. R. 8746) for the relief of Frank Murphy—to the Committee on Naval Affairs.

By Mr. HEATWOLE: A bill (H. R. 8747) granting a pension to Mrs. Kate B. Allen—to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 8748) providing for annulling the sentence of a court-martial in the case of Dorrance Atwater, First Squadron Connecticut Volunteer Cavalry, and granting to him an honorable discharge—to the Committee on Military Affairs.

By Mr. KIRKPATRICK: A bill (H. R. 8749) to remove the charge of desertion against Thomas F. Graham—to the Committee on Military Affairs.

Also, a bill (H. R. 8750) to remove the charge of desertion against Henry C. Putty—to the Committee on Military Affairs.

Also, a bill (H. R. 8751) to remove the charge of desertion against Josiah Wilcox—to the Committee on Military Affairs.

Also, a bill (H. R. 8752) to remove the charge of desertion from the record of D. W. Light—to the Committee on Military Affairs.

Also, a bill (H. R. 8753) granting a pension to Henry Gilham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8754) granting a pension to Martin M. Flint—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8755) for the relief of Issachar J. Davis—to the Committee on Military Affairs.

Also, a bill (H. R. 8756) granting a pension to C. A. Howke—to the Committee on Invalid Pensions.

By Mr. KULP: A bill (H. R. 8757) to grant pension to Eliza Koons, mother of Charles M. Koons, late of Company E, Twenty-eighth Pennsylvania Volunteers—to the Committee on Pensions.

By Mr. McCALL of Tennessee: A bill (H. R. 8758) for the relief of Randolph Wesson—to the Committee on War Claims.

By Mr. MILLER of West Virginia: A bill (H. R. 8759) for the relief of Wilson S. Nugent—to the Committee on Invalid Pensions.

By Mr. OTEY: A bill (H. R. 8760) for the relief of Nancy Susan Thompson—to the Committee on Claims.

Also, a bill (H. R. 8761) for the relief of Kate Wade—to the Committee on Claims.

By Mr. REYBURN: A bill (H. R. 8762) to remove charge of desertion from John O'Beirne—to the Committee on Military Affairs.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 8763) for the relief of the estate of Alfred W. Green, late of Carroll Parish, La.—to the Committee on War Claims.

By Mr. SHERMAN: A bill (H. R. 8764) for the relief of Edgar Abeel—to the Committee on Claims.

By Mr. STRONG: A bill (H. R. 8765) to pension Jacob Sherman—to the Committee on Invalid Pensions.

By Mr. TATE: A bill (H. R. 8766) for the relief of Benjamin Davis—to the Committee on Military Affairs.

Also, a bill (H. R. 8767) for the relief of Benjamin Davis—to the Committee on Invalid Pensions.

By Mr. COLSON: A bill (H. R. 8768) for the relief of Jason L. Webb, of Whitesburg, Letcher County, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 8769) increasing the pension of R. A. Browning—to the Committee on Invalid Pensions.

By Mr. TATE: A bill (H. R. 8770) to pension Jasper N. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8771) to pension Walter R. W. Atkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8772) to pension Hix Patterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8773) to pension Sanford A. Pinyan—to the Committee on Pensions.

Also, a bill (H. R. 8774) to pension Dorcus Elliott, widow of Jesse Elliott—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Rev. J. D. Moffat, D. D., president of Washington and Jefferson College, and other members of the faculty of that institution, in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of the Florida Society of the Sons of the Revolution, favoring the publication of certain records and papers of the Continental Congress—to the Committee on Printing.

By Mr. BANKHEAD: Petition of the heirs of Alvin R. Baker, deceased, late of Walker County, Ala., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. BRODERICK: Remonstrance of Cyrus Shinn and 42 others, of Oneida, Kans., against accepting the Marquette statue—to the Committee on the Library.

By Mr. BULL: Petition of Joseph P. Cotton and others, of Newport, R. I., in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. CALDERHEAD: Remonstrance and petition of certain citizens of Kansas relating to the statue of Père Marquette—to the Committee on the Library.

By Mr. FENTON: Petition of Miss Sophia Krall, of Hamden Junction, Ohio, asking that her name be placed on the pension roll—to the Committee on Invalid Pensions.

By Mr. HARTMAN: Petition of R. W. Snook and others, in relation to the treaty with Crow Indians—to the Committee on Indian Affairs.

By Mr. HEATWOLE: Papers to accompany House bill granting a pension to Mrs. Kate B. Allen—to the Committee on Invalid Pensions.

By Mr. HILBORN: Petition of C. E. Howard and many citizens of Contra Costa County, members of Danville Grange, State of California, recommending the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

Also, remonstrance and petition of citizens of Lower Lake, Lake County, Cal., against the statue of Père Marquette remaining in Statuary Hall—to the Committee on the Library.

By Mr. KIRKPATRICK: Petition of C. A. Place and 12 other citizens of Winfield, Cowley County, Kans., praying for the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. LAYTON: Resolutions of the Florida Society of Sons of the Revolution, relating to the publication of Revolutionary records—to the Committee on Printing.

By Mr. LINTON: Statement to accompany House bill No. 6653, granting an honorable discharge to one John Reynolds—to the Committee on Military Affairs.

Also, remonstrances and petitions of citizens of Auburn, Cal.;

also of citizens of Pittsburg, Pa.; also of Edwin Noll and numerous other citizens of Pennsylvania, in relation to the Marquette statue—to the Committee on the Library.

By Mr. MAHON: Petition of Ignatius J. Langley, of Maryland, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. McRAE: Petition of A. M. Frierson and 111 other colored citizens of Columbia, Clark, Lafayette, Ouachita, and Union counties, Ark., asking for an appropriation to aid in paying their transportation to Africa—to the Committee on Appropriations.

By Mr. OTEY: Papers to accompany House bill for the relief of Kate Wade—to the Committee on Claims.

Also, papers to accompany House bill for the relief of Nancy Susan Thompson—to the Committee on Claims.

By Mr. REYBURN: Paper to accompany House bill to remove the charge of desertion from the record of John O'Beirne—to the Committee on Military Affairs.

By Mr. SETTLE: Petition of the estate of Mary Smith, deceased, late of Orange County, N. C., praying reference of her war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of W. C. Staples, of Rockingham County, N. C. (formerly of Patrick County, Va.), praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of citizens of Durham, N. C., in favor of adopting the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. WILLIAM A. STONE: Petition of citizens of Bellevue, Pa., protesting against the acceptance of the Marquette statue—to the Committee on the Library.

Also, resolution of Iron City Lodge, No. 36, American Protestant Association, protesting against appropriations for Indian contract schools—to the Committee on Indian Affairs.

By Mr. STRONG: Petition of Dr. W. W. McIlvaine and Hon. A. K. Rarey, of Kenton, Ohio; also petition of Charles Collier, W. W. Stevenson, and Godfrey Sutermeister, asking for a pension for Jacob Sherman, late a private in Company 9, Fourth Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. TATE: Petition of Benjamin Davis in support of House bill granting him a pension—to the Committee on Invalid Pensions.

By Mr. TOWNE: Remonstrance of the Commercial Club of St. Paul, Minn., against the obstruction of navigation by the building of a bridge across the Detroit River—to the Committee on Interstate and Foreign Commerce.

By Mr. WALKER of Massachusetts: Petition of C. A. Keith and others, of Webster, Mass., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, *May 7, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. QUAY, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of District Assembly No. 9, Order of Knights of Labor, of Chicago, Ill., praying for the passage of the so-called Phillips bill, authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which was referred to the Committee on Education and Labor.

Mr. GALLINGER. I present a memorial of the Association of American Physicians, and also resolutions adopted at a meeting of the Medical Society of the County of New York, on the subject of vivisection in the District of Columbia. I move that the memorial and resolutions be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Vandalia, Fayette County, Ill., signed by the officers, Belle P. Whitney, president, and Cora B. Phillips, secretary, praying for the enactment of legislation raising the age of consent from 16 to 18 years in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. CULLOM presented resolutions adopted by the Association of the Central West Illinois Congregational churches of Peoria, Ill., expressing their indignation at the atrocious persecution of their fellow-Christians in Armenia, and especially of their suffering brethren of the American Board; which were ordered to lie on the table.

Mr. SEWELL presented a petition of the Trades League of Philadelphia, Pa., praying that an appropriation be made for the improvement of the Delaware River; which was referred to the Committee on Commerce.

Mr. VEST presented a petition of American Waiters' Union, No. 20, of St. Louis, Mo., praying for the Government ownership and control of telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ELKINS presented the memorial of R. T. Wetzel and 37 other citizens of Jackson County, W. Va.; the memorial of W. H. Ramsey and 70 other citizens of Hundley, W. Va., and the memorial of E. T. W. Hall and 57 other citizens of Freemansburg, W. Va., remonstrating against placing the statue of Père Marquette in Statuary Hall, and praying that it be immediately removed; which were ordered to lie on the table.

Mr. QUAY presented a petition of the Trades League of Philadelphia, Pa., praying that an appropriation of $500,000 be made for improving the Delaware River; which was referred to the Committee on Commerce.

SPECIAL LIQUOR-TAX RECEIPTS.

Mr. PEFFER. Mr. President, I present the petition of W. O. Smith and 175 other citizens of Randolph County, Ind., praying for the passage of Senate bill 239, which proposes to prohibit the issuance of special liquor-tax receipts to persons other than those who are authorized by State laws to engage in the business of selling intoxicating liquors. The petitioners, in addition to setting forth their special request, add that they believe the enactment of such a law would aid in preserving peace and order in every community, and would greatly improve the public morals.

In connection with the petition, which I wish to have referred to the Committee on Finance, I want to call the attention of such members of the Committee on Finance as may be present to some very pertinent information on this subject.

I wrote to the probate judge in each of five different counties in Kansas, asking them to furnish me with a statement showing the number of permits to sell intoxicating liquors that had been issued in each of those counties and were in force at the date of my letter. By our law the probate judge of each county, and he alone, is authorized to issue permits to engage in the business of selling intoxicating liquors. We try to limit it as far as we can to druggists. Then I asked the Commissioner of Internal Revenue to furnish me with a statement of the number of special liquor-tax receipts that had been issued to persons who were engaged in the business of selling liquor in those same counties and at the same time. I have here his statement and the statements of the probate judges.

I observe that the chairman of the Committee on Finance is now present.

I find from the statement of the Internal Revenue Commissioner that in Leavenworth County, Kans., there were 248 special liquor-tax receipts in force on the 1st of March of this year. Then by turning to the letter from the probate judge of that county, who is authorized to issue State permits to persons to engage in the sale of intoxicating liquors under the State law, I find that there are only 2 State permits in force in that county, and as there were 248 United States special liquor-tax receipts issued, it is shown that 246 persons are selling liquor in that county in violation of the State law.

Then, in Shawnee County, in which the capital of the State is located, the Internal Revenue Commissioner informs me that 73 special liquor-tax receipts have been issued by the United States authorities, and there are only 25 State permits in force issued by the probate judge under the State law. So we have the difference between 73 and 25 as the number of persons who are engaged in the sale of liquor in that county in violation of the State law.

In Sedgwick County there were 120 special United States liquor-tax receipts issued and 12 State permits issued. The difference between 120 and 12 shows the number of persons engaged in that county in the sale of liquors in violation of the State law.

In Reno County the number of United States tax receipts was 25 and of State permits 3, showing 22 persons in that county engaged in selling liquors in violation of the State law.

In Dickinson County there are 37 special liquor-tax receipts issued and only 9 State permits, the difference between 37 and 9 showing the number of persons engaged in the liquor traffic in that county in violation of the State law. I submit the figures in tabulated form:

Special liquor-tax receipts and State permits to sell intoxicating liquors in five Kansas counties, March, 1896.

County.	State permit.	United States tax receipts.
Leavenworth	2	248
Shawnee	25	73
Sedgwick	12	120
Reno	3	25
Dickinson	9	37
Total	51	503
Average	10¼	50⅜

Mr. MORRILL. Of course the Senator from Kansas has read the law of the United States on this subject. It does not shield any violation of the State laws where there are State laws upon the subject. Therefore, all the statements which are made by the Senator from Kansas merely show that the people of that State will not enforce their own laws.

Mr. PEFFER. The point I make is that if any person intending to violate the State law asks for a special liquor-tax receipt and pays for it and gets it, that proceeding will protect this man so far as the Government of the United States is concerned, and he cares less for the State law than he does for the United States law.

I wish to call the attention of the Committee on Finance specially to the point that our people make in this matter. Our position is that we can better enforce the laws of the State if there is not this apparent and real protection afforded to the illicit sale of liquors by the issuance of Government tax receipts.

Mr. ALLISON. I will ask the Senator from Kansas how there can be that real protection from the mere fact that the Government collects a tax?

Mr. PEFFER. The real protection is this way, Mr. President. I go to the internal-revenue collector and ask for a special liquor-tax receipt. He asks me no questions. I pay $25 for my receipt and go away and set up a little gin shop in some alley or in some out-of-the-way place, and so far as the United States marshal is concerned I am absolutely protected; that is to say, he does not interfere with me. The State law is violated, but by some hook or crook, by personal acquaintance or financial or commercial acquaintance with the police officer or other local personage who is charged with looking after those things, I am permitted to go unscathed. Now, if we can limit the traffic to the State law alone, I think, just as the petitioners say, that it will aid very much in enforcing the laws of the State and in maintaining peace and good order.

Mr. QUAY. Is there anything in the laws of Kansas to prevent the prosecution and conviction of a man who has paid the United States tax for the sale of liquor?

Mr. PEFFER. No; there is no protection of that kind, but he knows he is relieved from prosecution by the United States authorities for selling. He has that advantage in his favor, to say the least; and it is a good deal.

Mr. ALLISON. But the Senator from Kansas must know that the fact that a man has paid a tax and a receipt can be produced is prima facie evidence in Kansas and other States of the violation of the State laws, and therefore it furnishes additional testimony in the States to the people who want to enforce the law.

Mr. PEFFER. That is very true; but I will state the difference, if the Senate will bear with me just a moment while this subject is up; it is very important. I had several letters from friends in New Hampshire who brought to my attention the same point that the Senator from Iowa presents. But we are altogether differently situated in the Western country from what they are in New England, where the villages are almost adjoining one another. We have some counties in Kansas as large as the entire State which the honorable Senator from Vermont so ably represents in this Chamber. We have large areas to travel over in order to reach the office of internal-revenue collector. From the southwestern portion of the State of Kansas, to reach Leavenworth, where the internal-revenue commissioner has his office, we would have to travel 450 miles in a direct line. So the collecting of information from the office of the internal-revenue collector is not a matter of ease and comfort. But the county seat is not many miles away, and under our laws the probate judge, whose office is at the county seat, and he alone, is authorized to issue permits to sell liquor. We can go to that office without much trouble. He advertises in the county papers before the permit is issued, setting forth the application of Richard Roe or John Doe for authority to sell liquors, and to any person opposed to it it is notice, and it is a public record easy of access. But it is not so in the case of the revenue collector.

Mr. GALLINGER. I desire simply to ask a question. I think I am correct in stating that some persons in my State have protested against what the Senator desires to accomplish on the very ground the Senator from Iowa has raised—that the tax receipt is additional proof in the prosecution of these cases.

Mr. MORRILL. I merely desire to add that in my State the moment it is ascertained a man has taken out a license he is prosecuted by the State officers.

Mr. PEFFER. I only want to say a single word by way of addition. The nearness of the citizens of the New England States to the internal revenue office is a great point in favor of their argument, while the great distance of the office from most of our people in the West is an argument against it.

The VICE-PRESIDENT. The petition will be referred to the Committee on Finance.

Mr. CHILTON. In connection with the subject to which the Senator from Kansas refers, I present the petition of W. H. Ketchum and sundry other citizens of Wichita County, Tex., and the petition of A. Tulloh and sundry other citizens of Parker County, Tex., praying for the enactment of legislation prohibiting United States revenue licenses from being issued in local-option districts. I move that the petitions be referred to the Committee on Finance.

The motion was agreed to.

MISSISSIPPI RIVER BRIDGE AT ST. LOUIS.

Mr. VEST. I ask the Senate to take up for consideration House bill 2698, a bridge bill about which I desire a conference with the House of Representatives. It is important to have an early conference.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county, which had been reported from the Committee on Commerce with amendments.

Mr. CULLOM. I did not desire to interrupt the reading of the bill before it was concluded, so that the time of the Senate might not be again taken up in its reading; but as I was not aware that the bill had been brought in from the committee, I should like to have the Senator from Missouri let it lie upon the table until I can have time to look at it before it is passed upon by the Senate. I have no desire to delay the measure, but it is a very important bill, about which there seems to have been a good deal of controversy for some time past, and I should be glad to have an opportunity to look at the provisions of the bill before it is finally considered by the Senate. It has now been read, and if the Senator will allow it to lie on the table for the present I will see him further on the subject, and he can call it up hereafter.

Mr. VEST. Of course, I can not decline such a request. My only object is to get the bill into conference.

Mr. CULLOM. I am aware of it.

Mr. VEST. We have passed the bill through the Senate twice; it has passed through the House twice; and the two bodies have been unable to agree upon a measure.

Mr. CULLOM. As I caught the reading of the bill, I infer that this is not exactly the bill that was passed by the Senate before.

Mr. VEST. It is not the bill the Senate passed at the present session. It is the same bill that the House passed in the last Congress and sent to us. We passed a bill at the present session and sent it to the House, and they have sent back to us the bill which they passed in the last Congress.

Mr. CULLOM. So I understand.

Mr. VEST. It never can be adjusted except by a conference.

Mr. CULLOM. I have no doubt that is true, but at the same time I should like to satisfy myself that the bill is as we want it before it gets into conference at all.

Mr. VEST. I wish to say to the Senator from Illinois that the Committee on Commerce had a special hearing upon this bill. They notified all the parties interested to come before us, which they did, and we heard them patiently and carefully and cross-examined them; and the bill which we have reported is the best we can possibly do under the circumstances.

Mr. CULLOM. I inquire of the Senator from Missouri if it was developed after the hearing or pending it that the bill satisfies both elements that came before the committee for a hearing?

Mr. VEST. No; it is impossible to make a bill that does. The river interests want one thing and the railroad interests want another; and then the interest in which I am more interested than any other, the people of East St. Louis and the city of St. Louis, the large body of the producers, want a bill entirely different from the measure either of the other interests wants. We had the difficult task before us of making a bill which we thought would be just to all parties.

Mr. CULLOM. The interest that I represent is the people of Illinois, and I have no special interest except to deal fairly with the railroads or any other corporation.

Mr. VEST. This bill is the very best we can possibly do, and if there is no objection to it I should like——

Mr. CULLOM. If the Senator will allow it to lie on the table for a time I should be glad.

Mr. VEST. I shall call it up as soon as possible, for I want to get it into conference.

A. P. BROWN.

Mr. GEAR. I ask leave to call up the bill (H. R. 1602) for the relief of A. P. Brown, late postmaster at Le Mars, Iowa.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay $888.96 for the purpose of reimbursing A. P. Brown, late postmaster at Le Mars, Iowa, for loss sustained by reason of burglary of postage stamps and money from that post-office on January 9, 1894.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. QUAY. I desire to call up for passage the bill (S. 759) granting a pension to Carrie A. Moody.

Mr. SEWELL. Will the Senator allow me to submit a report?

The VICE-PRESIDENT. Objection is interposed until morning business is completed. The Chair will recognize the Senator from Pennsylvania upon the conclusion of the morning business.

Mr. CULLOM. I rise to make an inquiry rather than for any other purpose. I understand that yesterday evening an agreement was made by unanimous consent to proceed to the consideration of the bond resolution immediately after the morning business today. There seems to be a disposition to call up bills, and therefore I ask leave to call up the conference report on the legislative, etc., appropriation bill, if it is in order to do so.

Mr. SHERMAN. A conference report is always in order.

Mr. BATE. I suggest that the conference report has just been laid on our tables, and we have hardly had time to investigate it. I suggest to the Senator that he had better defer it. It went over in order to be printed, and the object of the delay would be defeated if Senators are not given an opportunity to look at it before the report is called up.

Mr. CULLOM. I have no objection to waiting, if that is the desire of the Senate, but it seems to me we ought to get along with the appropriation bills at some time or other.

REPORTS OF COMMITTEES.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 813) for the relief of Annie R. Chesley, reported adversely thereon; and the bill was postponed indefinitely.

Mr. PASCO, from the Committee on Commerce, to whom was referred the bill (S. 2978) to provide an American register for the steamer *Menemsha*, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Claims, to whom was referred the bill (S. 1623) for the relief of Cumberland Female College, of McMinnville, Tenn., reported it with amendments, and submitted a report thereon.

Mr. PALMER, from the Committee on Military Affairs, to whom was referred the bill (S. 586) to fix the rank and pay of certain retired officers of the United States Army, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1368) prescribing the qualifications of soldiers and marines of the United States, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2605) granting a pension to Henry V. Andrews, of Fulton County, Ill., a survivor of the Black Hawk war;

A bill (H. R. 3221) granting a pension to John Dalton;

A bill (H. R. 3234) granting a pension to Williamson Durley; and

A bill (H. R. 5854) granting a pension to John Caster.

Mr. SHOUP, from the Committee on Military Affairs, to whom was referred the bill (H. R. 128) for the relief of Henry H. Schrawder, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5481) to restore the lands embraced in the Fort Lewis Military Reservation, in the State of Colorado, to the public domain, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 2054) to correct the military record of Charles W. Rinehardt and to grant him an honorable discharge, asked to be discharged from its further consideration, and that it be referred to the Committee on Naval Affairs; which was agreed to.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (H. R. 4787) to establish the port of Conneaut, in the State of Ohio, as a subport of entry in the district of Cuyahoga, in said State of Ohio, reported it without amendment.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 7973) to establish a railroad bridge across the Illinois River near Grafton, Ill., reported it without amendment.

Mr. WHITE, from the Committee on Commerce, to whom was referred the bill (S. 2980) to provide a life-saving station at or near Point Bonita, at the Golden Gate, in the State of California, reported it without amendment, and submitted a report thereon.

Mr. ALLEN. I ask unanimous consent to call up for consideration at this time the bill (S. 1035) authorizing the Sioux City and Omaha Railway Company to construct and operate a railway through the Omaha and Winnebago Reservation, in Thurston County, Nebr., and for other purposes. It will not lead to any discussion. It is a mere matter of form.

Mr. GALLINGER. I suggest that the morning business ought to be concluded.

The VICE-PRESIDENT. The morning business has not yet been concluded. Bills and joint resolutions are next in order.

Mr. GALLINGER. When the order of resolutions is reached, I desire to submit a resolution.

BILLS INTRODUCED.

Mr. TURPIE (for Mr. VOORHEES) introduced a bill (S. 3082) to remove the charge of desertion from the military record of Johnson Gilbert; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. VOORHEES) introduced a bill (S. 3083) granting an increase of pension to Isaac D. Campbell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MITCHELL of Oregon introduced a bill (S. 3084) for the relief of Lizzie Hagny, as administratrix of the estate of Frank B. Smith, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. SQUIRE introduced a bill (S. 3085) granting a pension to Burton Packard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 3086) to amend the military record of John H. Lamson; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3087) to incorporate the National Society of Colonial Dames of America; which was read twice by its title, and referred to the Committee on the Library.

AMENDMENT TO RIVER AND HARBOR APPROPRIATION BILL.

Mr. MITCHELL of Oregon submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

DELAY IN SEED DISTRIBUTION.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of Agriculture be directed to immediately communicate to the Senate the reasons for the delay in supplying seeds for distribution.

ORDER OF PROCEDURE.

Mr. SHERMAN. I should like to call the attention of the Senate to the bill (H. R. 1743) for the relief of the widow of Thomas L. Young. It will take but a moment to put the bill on its passage.

The VICE-PRESIDENT. The morning business is closed.

Mr. QUAY. Mr. President——

Mr. SHERMAN. It will take but a moment.

Mr. HARRIS. A unanimous-consent agreement was made late yesterday evening that immediately after the routine business this morning the resolution proposed by the Senator from Kansas should be taken up and proceeded with and the final vote taken not later than 4 o'clock to-day.

Mr. SHERMAN. I was not present at the time the agreement was made. I am willing to abide by it, but I hope this bill will be allowed to pass. It will take but a moment. It proposes to allow the widow of a gallant soldier about four or five hundred dollars back pay.

Mr. HARRIS. I state the fact. I shall not object. I have not a word to say upon the pending resolution, but the unanimous-consent agreement requires a final vote at 4 o'clock. I give notice to the Senate that that is the agreement and it will be insisted upon.

Mr. SHERMAN. Well, I will not violate any agreement of the kind, although I hoped that the Senate would pass this little bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House returned to the Senate, in compliance with its request, the bill (S. 862) for the relief of the receivers of the Towboat Association of New Orleans, La.

The message also requested the Senate to furnish the House with a duplicate engrossed copy of the bill (S. 2501) for the relief of James Sims, of Marshall County, Miss., the original having been lost or misplaced.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 7395) to authorize the Secretary of the Treasury of the United States to reconvey to the former owners a certain tract of land in Valverde County, Tex.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 3013) to amend section 4131 of the Revised Statutes of the United States, to improve the merchant-marine engineer service, and thereby also to increase the efficiency of the Naval Reserve; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PAYNE, Mr. HOPKINS,

and Mr. COOPER of Florida managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BOUTELLE, Mr. ROBINSON of Pennsylvania, and Mr. CUMMINGS managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 129) for the relief of Capt. George H. Perkins;

A bill (S. 661) to amend section 2880 of the Revised Statutes of the United States, fixing a time for vessels to unlade;

A bill (S. 1846) authorizing and directing the Secretary of the Navy to donate condemned cannon to Custer Post, Grand Army of the Republic, at Leavenworth, Kans., and Mathies Post, Grand Army of the Republic, at Burlington, Iowa;

A bill (S. 1872) authorizing the Secretary of the Treasury to exchange in behalf of the United States the tract of land at Choctaw Point, Mobile County, Ala., now belonging to the United States and held for light-house purposes, with the Mobile, Jackson and Kansas City Railroad Company for any other tract or parcel of land in said county equally well or better adapted to use for light-house purposes;

A bill (S. 1904) to regulate marriages in the District of Columbia;

A bill (H. R. 152) granting a pension to Mary Ann Tracy;

A bill (H. R. 491) granting an increase of pension to Francis Walsh, of Stockham, Nebr.;

A bill (H. R. 372) for the relief of James Duke;

A bill (H. R. 577) granting a pension to Lydia A. Taft;

A bill (H. R. 1139) granting a pension to Caroline D. Mowatt;

A bill (H. R. 1889) granting an honorable discharge to F. L. Taylor from December 2, 1864;

A bill (H. R. 2735) for the relief of Enoch Davis;

A bill (H. R. 3018) to amend the act approved March 3, 1891, granting the right of way upon the public lands for reservoir and canal purposes;

A bill (H. R. 3544) empowering and directing the Secretary of the Navy to furnish not more than four pieces of condemned cannon to the village of New Rochelle, N. Y.;

A bill (H. R. 4456) to authorize and direct the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to the cemetery association in the city of St. Paul, Minn., to be used at or near the foot of the soldiers' monument in said cemetery;

A bill (H. R. 4887) granting a pension to Sarah G. Ives;

A bill (H. R. 4968) granting a pension to Helen A. Jackman, dependent daughter of Lieut. William Jackman, late of Company I, Fourteenth Regiment of Maine Volunteers;

A bill (H. R. 5254) granting an increase of pension to Ebenezer G. Howell, late a private in Company F, One hundred and sixtieth New York Volunteers; and

A bill (H. R. 6505) to revive and reenact an act to authorize the construction of a free bridge across the Arkansas River, connecting Little Rock and Argenta.

JAMES SIMS.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives for a duplicate engrossed copy of the bill (S. 2501) for the relief of James Sims, of Marshall County, Miss.; and, by unanimous consent, the request was ordered to be complied with.

PROPOSED INVESTIGATION OF BOND SALES.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Kansas.

The Senate resumed the consideration of the resolution submitted by Mr. PEFFER, providing for investigation generally of all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

The VICE-PRESIDENT. The question is on agreeing to the resolution as amended, on which the Senator from New York [Mr. HILL] is entitled to the floor.

Mr. PALMER. Will the Senator from New York yield to me for a very short time to take part in the discussion of the resolution?

Mr. HILL. I have no objection, if I can have the floor when the Senator from Illinois gets through.

The VICE-PRESIDENT. The Senator from Illinois will proceed.

Mr. PALMER. Mr. President, I was gratified yesterday afternoon to listen to the very frank and explicit statement of the Senator from Missouri [Mr. VEST]. He said that if the policy of the maintenance of the existing gold standard was to be maintained, then there was no room for questioning the conduct of the Secretary of the Treasury. I have felt that that was the real question involved in this discussion, and that the animus of the resolution proposed by the Senator from Kansas was to affect the public mind with reference to that question.

I do not suppose that any Senator questions the integrity of the Secretary of the Treasury. His judgment may possibly be disputed or the correctness of his acts may be questioned. Perhaps I ought to except the Senator from South Dakota [Mr. PETTIGREW] from that general statement. I have opposed this resolution because I believed, as I now believe, that it is an illegitimate means of procuring the material to unfavorably affect the public mind in respect to these questions.

Mr. President, no time in the history of this country required a greater degree of frankness from representative public men than the present. The temper, the feeling, and the interests of the American people alike demand that the monetary policies of the United States should be settled in the approaching elections. There ought to be now no disguise on the part of political parties. They ought to avow themselves frankly on this question, and no incidental or improper or irrelevant influences ought to be invoked to distract the public attention from this most interesting and most important question.

I regret to say that the platforms of both the Republican and Democratic parties adopted by their national conventions in 1892, which were thought at the time to be sufficiently clear and comprehensive, are not so. It is now conceded by all that the Republican platform adopted at Minneapolis in 1892 under existing conditions can no longer be relied upon as a definition of the pending issue between the supporters of the existing legal and commercial standard of value and the advocates of the standard of value which would follow and be produced by the unlimited coinage of enforced legal-tender silver upon the ratio of 16 to 1. The language of the financial clause of the Republican platform adopted at Minneapolis on the 10th day of June, 1892, is as follows:

The American people, from tradition and interest, favor bimetallism, and the Republican party demands the use of both gold and silver as standard money, with such restrictions and under such provisions, to be determined by legislation, as will secure the maintenance of the parity of values of the two metals, so that the purchasing and debt-paying power of the dollar, whether of silver, gold, or paper, shall be at all times equal. The interests of the producers of the country, its farmers and its workingmen, demand that every dollar, paper or coin, issued by the Government shall be as good as any other. We commend the wise and patriotic steps already taken by our Government to secure an international conference to adopt such measures as will insure a parity of value between gold and silver for use as money throughout the world.

But the Senator from Montana, chairman of the Republican national committee and the official representative of that party, in his late speech on this floor, supported the unlimited coinage of silver dollars, containing 412½ grains of standard silver, with full legal-tender quality for all debts, public and private; and the Senator from Colorado [Mr. TELLER], who assisted in the preparation of the Republican platform, and who, like the Senator from Montana [Mr. CARTER], strenuously supports the free coinage of silver, agree in asserting that their opinions and conduct are alike in perfect harmony with the Republican platform of 1892. And some Democrats take the same liberty with the Democratic platform adopted in Chicago on the 22d of June, 1892, which is as follows:

We denounce the Republican legislation known as the Sherman Act of 1890 as a cowardly makeshift, fraught with possibilities of danger in the future, which should make all of its supporters as well as its author anxious for its speedy repeal.

As an expression of opinion it may be questioned; as a prediction it is in a sense undoubtedly true.

We hold to the use of both gold and silver as the standard money of the country, and to the coinage of both gold and silver without discriminating against either metal or charge for mintage; but the dollar unit of coinage of both metals must be of equal intrinsic and exchangeable value or be adjusted through international agreement, or by such safeguards of legislation as shall insure the maintenance of the parity of the two metals and the equal power of every dollar at all times in the markets and in payments of debts, and we demand that all paper currency shall be kept at par with and redeemable in such coin. We insist upon this policy as especially necessary for the protection of the farmers and laboring classes, the first and most defenseless victims of unstable money and a fluctuating currency.

The Democratic convention did not, like the convention of the Republican party, puzzle itself nor attempt to puzzle the people of the United States by professing devotion to that equivocal and now uncertain doctrine termed "bimetallism," but proceeded at once to declare and define the Democratic doctrine as it was then understood by the party. It denounced the "Sherman Act of 1890," which provided for the unending and perpetual purchase of silver bullion at its market price, with a pledge by the Government to maintain a parity between the two metals, silver and gold, as "a cowardly makeshift, fraught with possibilities of danger in the future." It then declared that "we hold to the use of both gold and silver as the standard money of the country, but

the dollar unit of coinage of both metals"—referring, of course, to the unit of value established by the act of 1873—"must be of equal intrinsic and exchangeable value."

This language was understood by the whole country to commit the Democratic party to the maintenance of the value and acceptability of the silver coin with the gold coinage under the act of 1873. If there was at any time any doubt as to the position of the Democratic party on this subject, or as to the meaning of the platform, it was removed by the emphatic language of the candidate nominated for the Presidency by the same convention.

In his letter of acceptance he said:

* * * The people are entitled to sound and honest money, abundantly sufficient in volume to supply their business needs.

But whatever may be the form of the people's currency, national or State, whether gold, silver, or paper, it should be so regulated and guarded by governmental action or by wise and careful laws that no one can be deluded as to the certainty and stability of its value. * * * Every dollar put into the hands of the people should be of the same intrinsic value or purchasing power. With this condition absolutely guaranteed, both gold and silver can be safely utilized upon equal terms in the adjustment of our currency.

In dealing with this subject no selfish scheme should be allowed to intervene, and no doubtful experiment should be attempted. The wants of our people arising from the deficiency or imperfect distribution of money circulation ought to be fully and honestly recognized and efficiently remedied.

It should, however, be constantly remembered that the inconvenience or loss that might arise from such a situation can be easier borne than the universal distress which must follow a discredited currency.

And the present distinguished Vice-President, in his letter accepting the nomination, after indorsing what had been written by Mr. Cleveland, and still speaking for the Democracy of the United States, said:

* * * The convention also declared its position on the currency question in no unmeaning words. To this plain and unequivocal declaration in favor of sound, honest money I subscribe without reservation or qualification. A safe circulating medium is as intimately essential to the protection of the business interests of our country, while to the wage earner or the farmer it is all important that every dollar, whatever its form, that finds its way into his pocket shall be of equal, unquestioned, and universal exchangeable value and of equal purchasing power.

After these resolutions adopted by the convention in favor of maintaining the equal value of every dollar coined under the authority of the United States, and with the full knowledge that the act of 1873 made the gold piece containing 25.8 grains of standard gold the unit of value, and the gold coinage of the United States, predicated upon that unit, the standard of value, the Democratic candidates, in their letters of acceptance, covered the whole ground of the resolutions, and committed themselves, in substance and effect, to that which was then and still is the Democratic doctrine—that every dollar coined or issued under the authority of the United States, whether of silver or paper, should have a value at all times equal to gold coin in the markets and in the payment of debts.

Mr. Cleveland was elected to the Presidency upon that as well as other important issues, and since his accession to that high office, aided by that distinguished Democrat and statesman, that pure and honest man, John G. Carlisle, and in spite of opposition from unexpected quarters, has steadily and conscientiously, to the full extent of his constitutional powers, adhered to and sought to maintain the doctrine of the Chicago platform as interpreted in his letter of acceptance.

But, Mr. President, the "world do move," and the meaning of words changes in their practical application to altered conditions, and it is now very certain that the American people no longer rely upon the money resolutions of the Minneapolis and Chicago conventions for an accurate definition of the issue which they intend to settle in the approaching Presidential and Congressional elections. Mr. President, our countrymen are intensely practical, and from that cause prefer to consider concrete measures proposed to them rather than to speculate upon abstract and remote results.

Those who favor the unlimited coinage of silver at the ratio of 16 to 1, with enforced legal-tender quality for the payment of all debts, public and private, tender to the country a single issue which in itself is clear, and in its language plain and easily understood, and from which every man can hope for such advantages to himself as his reason or even his imagination can suggest. The operative miners want employment and wages which they promise themselves from the unlimited coinage of silver. The corporations and capitalists who own both the gold and the silver bullion anticipate from the adoption of the free-coinage measure an improved local market for their silver. They know that their gold will find a remunerative price either from the necessities of those who have incurred gold obligations or in all commercial countries where the gold standard of value is recognized. Some want and promise themselves cheaper money and higher prices; others, reckless of consequences, desire place, and still others hope for personal advantages growing out of the confusion which will attend the disturbance of values and depreciation in the standard of value as a consequence of the free coinage of silver.

The advocates of free coinage are bold leaders and expect, not altogether without reason, to control the national conventions of both political parties; but, doubtful of success, some of them are willing to offer to manufacturers protection by tariffs in exchange for advantages for silver bullion. No danger now more seriously threatens the American people than does a probable and possibly successful combination between two powerful and corrupt property interests, the one demanding that the consumers of the necessaries and conveniences of life shall be taxed to pay profits to the manufacturers and the other anxious to expel gold coin from use in the United States, where it obstructs the use and depresses the price of silver in the local market.

That the apprehensions I have expressed are not wholly without foundation, I need only remind the Senate of a scene which occurred here lately in which the Senator from Nebraska and the Senator from Connecticut were actors, and to the speeches of the chairman of the Republican national committee and the Republican Senators from the silver States, who, in avowing their devotion to the doctrine of protection, said nothing "unmaidenly," but still held out hopes of an ultimate treaty for the advantage of both contracting parties.

I also send to the Secretary and ask him to read a clipping from one of the newspapers of this city, which affords an intimation touching the same point.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

"The Pennsylvania manufacturers who were in Washington Thursday in conference with the silver Senators represented at least $150,000,000 of capital," said Mr. W. T. Prince, of Philadelphia, at the Normandie. "They are the men who furnished 'the fat' that John Wanamaker collected in the Harrison campaign of 1888. They are willing to put up again, but they must have the strongest assurance that they will get a quid pro quo before any Presidential ticket gets a dollar of their money. Their business is stagnant, and the immediate future holds no promise. If they can make terms with the silver people whereby protection will be given them, they are willing, yes, anxious, to strike an agreement. They understand fully that no tariff bill can pass both Houses of Congress unless concessions are made to the white metal, for the champions of silver in the Senate are masters of the situation. It is a cold matter of business with these textile millionaires, and they are eager to give and take. They do not think free silver is an unmitigated evil, and something must be done to start the wheels of commerce once more.

"I look on this conference as likely to prove of far-reaching importance. It may mean the putting out of an independent silver ticket, with a platform of one plank—silver and protection. Such a ticket will prove vastly attractive to thousands of voters, and if headed by such a man as DON CAMERON would be dangerous to any regular partisan ticket that could be put out."

Mr. PALMER. Mr. President, the existing standard of value in the United States is American gold coinage, of which the one-dollar gold piece of the weight of 25.8 grains of standard gold is the unit. This asserted fact will not be denied. It was established by the act of 1873, and has been maintained by the policy pursued by the Treasury Department under all Administrations since that act and by the course of business throughout the United States.

It was confirmed by the act of February 28, 1878, which, under the deceptive title of "An act to authorize the coinage of the standard silver dollar and to restore the legal-tender character thereof," provided "that there shall be coined at the mints of the United States silver dollars of the weight of 412½ grains of standard silver, which coin, together with all silver dollars heretofore coined by the United States of like weight and fineness, shall be a legal tender at their nominal value for all debts, public and private, except where otherwise expressly stipulated in the contract." And it was further directed by the act that the Secretary of the Treasury should purchase from time to time silver bullion at the market price thereof, not less than $2,000,000 worth per month nor more than $4,000,000 worth per month, and cause the same to be coined monthly, as fast as so purchased, into such dollars. This act recognized the standard of value established by the act of 1873 by referring to the market value of silver bullion, which could, of course, be expressed only in terms of gold. The same is true of the act of July 14, 1890. That act, in addition to authorizing the Secretary of the Treasury to purchase silver bullion at the market price thereof, which must, of course, have reference to the gold price of silver bullion, treating it as a mere commodity, authorized the issue of Treasury notes in payment for purchases of silver bullion to the amount of the cost of the silver bullion, and the Treasury notes issued in pursuance of the act were given only limited legal-tender qualities. This act contains a provision that—

Upon the demand of the holder of any of the Treasury notes herein provided for, the Secretary of the Treasury shall, under such regulations as he may prescribe, redeem such notes in gold or silver coin, at his discretion.

And then follows, in the same connection, and as a part of the same sentence, the controlling mandatory declaration:

It being the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio or such ratio as may be provided by law.

The act of November 1, 1893, which repeals so much of the act of July 14, 1890, as directs the Secretary of the Treasury to "purchase from time to time silver bullion and issue in payment of such purchases Treasury notes," again asserts the policy of the United States to continue the use of gold and silver as standard money of equal intrinsic and exchangeable value; and it asserts that the efforts of the Government should be steadily directed to the establishment of such a safe system of bimetallism "as will

maintain at all times the equal power of every dollar coined or issued by the United States in the markets and in the payment of debts."

The policy of the Secretary of the Treasury in the administration of the laws providing for the payment of the public debts and obligations has been based upon the idea and intended to promote the policy of the maintenance of the standard of value established by the act of 1873.

It is asserted that the public debt, including what are termed "greenbacks," and the Treasury notes issued under the act of July 14, 1890, "are by their terms payable in coin." The Secretaries of the Treasury under all Administrations have, in order to maintain the standard of values established by the act of 1873 and to maintain the parity between the two metals, and in that way keep the pledge given to the public, allowed creditors the option of payment in gold or silver coin, at the discretion of the creditor. My object thus far has been to prove that there exists in the United States a "legal and commercial standard of value."

The second point I present for the consideration of the Senate and the country is that the "unlimited coinage" by the United States of silver dollars of 412½ grains of standard silver with forced legal-tender quality for all debts, public and private, would subvert the existing legal and commercial standard of value by establishing a standard of value based upon silver coinage only. The truth of this can not truthfully and will not, as I suppose, be denied. It has not been denied on this floor. The Senator from Missouri [Mr. COCKRELL], who is one of the ablest and most earnest of the friends of the unlimited coinage of silver dollars containing 412½ grains of standard silver with legal-tender quality, in his exhaustive speech in the Senate on the 13th of March admits as much, for he expressly declared that one of the desirable objects expected to be accomplished by the free coinage of silver by the United States alone is to destroy the gold standard of value and substitute another standard in its place. He did not claim that free coinage would enhance the value of the silver dollar proposed to be coined to an equal commercial value and acceptability with the gold dollar of American coinage, for that would be to maintain the gold standard, but his insistance was that free coinage would enhance the value of the silver dollar "some" and depreciate the value of the gold dollar "some," so that by the enhancement of the value of the one and a reduction of the value of the other the two would reach a point of value common to both. It seems a logical conclusion from the opinion thus expressed by the Senator from Missouri that the point at which the coins of the two metals would become equal in value would necessarily thereafter be the standard of value.

Without availing myself of the admission of the Senator from Missouri, I maintain that the unlimited coinage of silver dollars containing 412½ grains of standard silver with forced legal-tender quality for all debts, public and private, would subvert the existing legal and commercial standard of value, not in the manner the distinguished Senator supposes, but by causing the disuse of gold coin in all ordinary legal and commercial transactions.

Congressional legislation with respect to the coinage of silver must of necessity be local in its direct effect upon the value of silver bullion. It may be admitted that legislation may add "some" to its commercial value by conferring upon silver coin the full legal-tender quality, but it is impossible, as is conceded by him, by an act of Congress alone to make silver dollars equal in commercial value or acceptability to the dollar of gold. Therefore under the operation of unlimited-coinage laws upon the proposed ratio gold would become a commodity, and like all commodities it would seek the best market, and that best market would be found, not in the United States, but in commercial countries where silver is not favored by partial local laws. The Senator from Missouri, like all other advocates of the free coinage of silver upon the ratio of 16 to 1, denounces and condemns what they accurately enough call the gold standard of value, which, by the way, is the existing standard, and advocates another or some other standard of value which would be determined by money more easily obtained than gold coin, and therefore of less commercial value than gold.

The Senator proposes to reach the future standard of value by a policy which would lessen or depreciate gold in the United States to a point at which it would meet the enhanced price which would be given to silver coin by an act of the American Congress, and when the coins of the two metals became or reached a common value the country would have the bimetallic standard.

I will not at present attempt to show the vanity of this hope of the Senator, or in what respects it runs counter to all that is known of the science of money or the experience of the world, but will now attend to the single consideration of the fact that this most favorable view of the effect of the free and unlimited coinage of legal-tender silver would result in the disturbance of all values, produce infinite confusion, and practically revolutionize not only the business relations of the people of the United States with each other but with all foreign countries.

I do not wish to treat the theory advanced by the Senator from Missouri and others who agree with him in favoring the free coinage of legal-tender silver on the proposed ratio too seriously, for gold would disappear from circulation and would in that way and no other contribute to an increase in the value of silver coin.

The unlimited coinage of silver, with legal-tender quality, on the ratio of 16 to 1 would operate precisely as would a law prohibiting the coinage or use of gold coin in the United States, and give to silver the monopoly of American coinage.

I return to the proposition that silver coin would rise in value by the depreciation or disappearance of gold coin. It will be observed that no one of the advocates of free coinage professes to know or predict what would be the exact relation between the standard of value now existing and the standard which would be produced by the policy they propose.

I ask, Will free coinage produce a silver dollar worth 50, 60, 70, 80, or 90 cents as compared with the gold dollar? Will the Senator from Missouri or any other Senator tell me? Will the Senator from Nevada give the country the benefit of his opinion upon this most important point?

Mr. STEWART. Does the Senator want an answer now?

Mr. PALMER. Yes; at this moment. I should be gratified to have it now.

Mr. STEWART. I should hope that the relative value of the coins of both gold and silver would be less than the present value of gold; that is, I should hope that the addition of silver coin as standard money would increase the volume of standard money—which controls the volume of all other moneys and of credit—to such an extent as would stop the fall in prices and make it profitable again to enter into business. To just what extent it would do that is, of course, uncertain. It would take a very large amount of silver to largely advance prices. We had some experience in that line when we had a money famine by reason of the Spanish-American wars for nearly half a century, and prices had fallen in consequence thereof about 50 per cent; in other words, coin had advanced 100 per cent, had doubled in its purchasing power, and had advanced almost as much as gold has advanced since the demonetization of silver during that half a century. It was a sore trial to the Old World. We stood it better than they did on account of the new lands in the Mississippi Valley, which were being settled at that time; but the annual product which was being received amounted, on the average, during that period, from 1810 to 1850, to about $40,000,000 per annum of the two metals. There was a little more than that between 1845 and 1850, in consequence of some discoveries in Russia. In two years from the discoveries the annual product of the two metals rose to over $200,000,000. The product of gold alone rose to about $190,000,000 or $196,000,000, so that the product of both metals was over $200,000,000. That increase of supply went on. It kept up during the first decade, and, in fact, kept up for twenty years. This vast increase, which almost quadrupled the output, and in twenty years doubled the standard coin of the world practically, did not raise prices more than from 18 to 24 per cent. The new activities absorbed them rapidly. There was a great boom in property, the world was set to creating property, and more prosperity was occasioned than had been the case in any century.

The question as to how great an extent the silver we could obtain would advance prices it is impossible to determine. It would not advance them so much, I am afraid, as we hope, for the reason that all the silver——

Mr. DUBOIS. The Senator is not answering the question. The Senator from Illinois wants to know what the relative value of silver and gold would be if the mints were opened to the free coinage of both—what would be the commercial value?

Mr. STEWART. I thought the Senator from Illinois wanted to know what would be the relative value of our present standard with the standard we should have by adopting the two.

Mr. VEST. Will the Senator from Nevada permit me?

Mr. STEWART. I want to answer the question of the Senator from Illinois.

Mr. VEST. I want to understand the question.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Do the Senator from Illinois and the Senator from Nevada yield to the Senator from Missouri?

Mr. PALMER. I yield with pleasure.

Mr. STEWART. I will also yield to the Senator.

Mr. VEST. I simply want to ask the Senator from Illinois, in order to understand him, Does he refer to what is called the commercial value of silver and gold, or does he refer to the legal-tender value?

Mr. PALMER. The commercial value.

Mr. VEST. Then the Senator's question is, What would be the effect of opening the mints to the free and unlimited coinage of silver on the commercial value of the two coins, the gold dollar and the silver dollar?

Mr. DUBOIS. In other words, the Senator from Illinois wants to have stated whether silver would be worth 50, 60, 70, or 80 cents in gold.

Mr. STEWART. I will address myself to that point. I did not

so understand the question. I understood it to refer to another point.

The relative commercial value of the two metals, I think, would be equalized at the ratio of 16 to 1 by opening the United States mints. I have several reasons for that. In the first place, there are now no bimetallic countries of any importance, if there are any. France for seventy years maintained the equilibrium of exchange between the two metals by keeping her mints open. Not that France was able to take or that she did take of either of the metals any considerable quantity, but the fact that she was a bimetallic country and that any person in the world could obtain a given price for his gold or his silver as fixed by the French ratio regulated the relative value of the metals throughout the world.

Now, if the United States, which relatively is quite as great as France was during that time, should undertake to pay a given and fixed price for gold and another fixed and given price for silver, it would necessarily fix that price all over the world, for no one would sell silver for less than the United States price. That is the way it operated before. Knowing that the United States would be able to take it all, that would satisfy everybody, and create an equilibrium between the two. I have no doubt. And I have no doubt of that because the silver is now all absorbed. There is not so large a quantity to be absorbed by the United States as many suppose. It is all taken now and used. There is no silver bullion in the world of any consequence, and the additional demand in the United States would take it to par. When it was thought the United States was going to open its mints silver came very near going to par. On the mere idea that we were to open our mints silver went to $1.21; but when it was ascertained that our mints were not to be opened, that there was to be a limitation upon silver, and when a combination was formed between the Director of the Mint and foreign bankers that there should be no purchasers in the market except the United States and certain syndicates of foreign bankers, that fixed the price, and they put it down where they pleased; but if the price had been fixed by the opening of our mints silver would have gone to par, because nobody would have had any object in bringing silver here except to buy our commodities, and silver, therefore, would have been at the same price everywhere else as here, and it would not be brought here. There is no doubt in my mind but that the opening of our mints to the free coinage of silver would create a parity between the two metals at the ratio of 16 to 1.

But I will say to my friend while I am on the floor that, if it did not, we have the concurrent opinion of every bimetallist and economist in Europe that it would be disastrous to Europe and to our great advantage. They say that if we should open our mints before an international agreement is secured Europe will be more in danger from that than from anything else. A German writer, in an article recently published advocating bimetallism and showing the danger that Europe was in from the invasion of Asia by having the manufacturing of the Western World transferred to the Orient, stated that he looked upon that as a great calamity. He says, "If the United States should act without us, ruin absolute would come." So there is no possible danger of injury to the United States from opening our mints. It is the concurrent opinion of every bimetallist in Europe that we should be benefited. They say we should all be benefited by an international agreement, but if the United States alone should adopt the free-coinage policy, the United States would receive the special benefit and Europe would receive great injury. That is their concurrent opinion. Whether it would equalize the commercial value of the two metals or not is immaterial. It would operate to our advantage and its results must necessarily be good to this country.

Mr. PALMER. I asked a question——

Mr. BUTLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from North Carolina?

Mr. PALMER. If the Senator desires to answer my question I do.

Mr. BUTLER. I wish, if the Senator will allow me, to suggest that the Senator from New York [Mr. HILL] has given a very apt and appropriate answer to that question in his Elmira speech of December 4, 1892, and inasmuch as this question is now up, if the Senator from Illinois will allow me, I will have an extract read from that speech.

Mr. PALMER. If the extract is an answer to my question I have no objection.

Mr. BUTLER. It is directly an answer to the Senator's question.

Mr. PALMER. If the Senator will listen to my question, it is this: Will free coinage produce a silver dollar worth 50, 60, 70, 80, or 90 cents as compared with the gold dollar?

If the extract the Senator wishes to read is an answer to my question, I shall be very glad to hear it.

Mr. BUTLER. Do I understand the Senator's question to be, Will the free coinage of silver bring the bullion price of 412½ grains of standard silver equal to 25.8 grains of standard gold?

Mr. PALMER. That is the opinion of the Senator.

Mr. BUTLER. That is the question. The Senator wants to know if it will do it.

Mr. PALMER. No, I do not ask that. I ask what would be the difference in the relative value of the two?

Mr. BUTLER. After we have free coinage?

Mr. PALMER. Yes, sir.

Mr. BUTLER. The Senator from New York in his Elmira speech——

Mr. PALMER. The Senator might just as well answer me himself.

Mr. BUTLER. I should like to quote a most eminent authority.

Mr. PALMER. I had asked the question, and if the Senator has an answer to the question, I will yield to him for that purpose.

Mr. BUTLER. Then I will give the answer in the language of the Senator from New York instead of my own.

Mr. PALMER. I can read the answer of the Senator from New York myself if the Senator from North Carolina will furnish it to me.

Mr. BUTLER. In what the Senator from New York said in that speech I fully concur, and therefore I can state it as my opinion. In a very able argument reviewing the Republican position, showing that they had promised to make the intrinsic value of the two metals equal and had failed, after criticising the Republican methods, the Senator from New York said——

Mr. PALMER. The Senator from North Carolina will permit me to say—I am not sure whether he is a lawyer or not; I hope he is——

Mr. BUTLER. I wish to read what the Senator from New York said.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from North Carolina?

Mr. PALMER. I am endeavoring——

The PRESIDING OFFICER. The Chair wishes to know whether the Senator yields.

Mr. PALMER. Oh, yes; I yield for an answer to my question.

Mr. BUTLER. I will read this answer made by the Senator from New York, in which I concur:

> Did ever anything but free bimetallic coinage, down to 1873, make our gold and silver dollars equal by every test? Did ever free bimetallic coinage, down to 1873, for one hour fail to make the silver dollar equal to the gold dollar, whether at mint or crucible, or at any market in the wide world?

Then a little further on he says:

> But to maintain a parity implies the existence of a parity. No parity exists between the two. Melt the gold coin and it can be recoined again and again, a gold dollar, for its private owner, because gold has free coinage, and 25.8 troy grains are the fixed weight of the gold dollar. Melt the silver coin and it can not be recoined for its private owner. It can be sold to the Treasury, but for 75 cents or less, because silver has not free coinage, though 412½ troy grains of silver are indeed the present weight of the silver dollar.

Mr. PALMER. If the Senator understands himself to be answering my question I state to him that, in my judgment, he is not, and I decline to yield further. I ask this question because I want a direct answer to it.

Mr. BUTLER. Then, here is something, if the Senator will allow me, which bears directly on that question.

Mr. PALMER. The Senator will pardon me.

The PRESIDING OFFICER. The Senator from Illinois declines to yield further. The Senator from Illinois is entitled to the floor.

Mr. PALMER. I have asked a plain, direct question, to which I have received an immense amount of wind in answer, not pertinent, and I decline to yield further.

The country should know what the expectations of the leaders of the free-silver movement are on this subject. The Senator from North Carolina gives me the views of the Senator from New York. I asked a specific and precise answer, and that ought to be an end to the matter, because this question is a vital one, and gentlemen who favor the free coinage of silver on the ratio of 16 to 1, if they mean anything else, if they mean that the free coinage of silver is a mere experiment, ought to say so. The interests involved are too great to allow of a mere experiment. The advocates of free coinage will not venture to say to the people of the United States, who are now considering this question so earnestly, that they have no certain views upon the subject or that they merely propose the unlimited coinage of silver as an experiment. The interests involved are too great to allow of a mere experiment. But, Mr. President, I venture the assertion that no leader of the free-coinage movement will undertake to give a plain, precise answer to the question: "What will be the commercial value of the silver dollar of 412½ grains under unlimited coinage compared with the present value of the dollar of gold?"

Mr. COCKRELL. Mr. President, for fear the Senator should think that we acquiesce in that statement, I say emphatically the silver dollar will be the equal of the gold dollar.

Mr. PALMER. What, then, did the Senator mean the other day when he said that free coinage would increase the value of silver some and depreciate the value of gold some?

Mr. COCKRELL. And bring them to an equality.

Mr. PALMER. An equality? Then I suppose the Senator will agree with me that the point at which they become equal will be the standard of value, and not the existing standard of value. Still there is that indefiniteness about what point they will unite.

The importance of an answer to this question is found in the fact that all values in the United States are now based upon and are determined by American gold coin, and the further fact that in the event of the enactment of a law authorizing the unlimited coinage of silver dollars of 412½ grains of standard silver with full legal-tender quality that dollar will be the standard of value.

The silver dollar will rise in value until it meets the descending value of gold coin is the theory of the Senator from Missouri. What will be the exact relative value of the silver dollar when the two coins become of equal value? What will be the exact point of relative value when the silver dollar advances some and the gold dollar recedes some? Where will they unite, and what will be the standard of value when that point of union is reached? I have said that all values are now determined by gold coin. Then all values will be determined by silver coin; that is, as much as silver will rise, because gold will not remain to abide the competition.

Let me assume that the value of the local American silver dollar after free coinage will be 60 cents as compared with the gold dollar—the present standard. I will accept any other comparative value for the silver dollar which the Senator from Missouri will distinctly name, though I have already offered to advance beyond the 50-cent dollar, which it is thought by many will be its actual commercial comparative value after free coinage of the silver dollar. Upon the comparative basis of the 60-cent dollar the public obligations of the United States of all kinds, including contracts already made for the building of ships, the construction of harbor defenses, the improvements of rivers and harbors, and for all other public purposes, the bonds, the greenback circulation, the silver certificates, and the Sherman notes would at once lose 40 per cent of their present value. The invested educational funds of the States, counties, cities, and school districts of the several States, and the contributions of liberal persons, which now exceed $200,000,000, would at once depreciate 40 per cent, involving a loss of eighty millions to that invaluable fund, most of which would fall upon that most useful and ill-paid class, the teachers in the public schools. The pensions given by a grateful country to the wounded, maimed, and disabled soldiers and their widows and orphans, and now amounting to about one hundred and forty millions, would be lessened in purchasing power some $56,000,000. The funds in the hands of trustees and guardians, the deposits by the industrious in the savings banks, amounting to many hundreds of millions, would shrink in the same proportion. The wages of labor would be shorn of nearly half their purchasing power; the hundreds of millions invested by provident persons in life and property insurance would be enormously lessened, defeating the sagacity of the prudent, and the systems of national, State, and local revenue and taxation would require readjustment to meet altered conditions.

Mr. President, what are the advantages offered to the country as an equivalent for adopting this startling alteration in the monetary situation—an alteration which will affect and disturb the social and business affairs of every person in the United States and the political and commercial relations of the United States with all other countries?

One of the results promised the people by the adoption of the unlimited coinage of silver with forced legal-tender quality for all debts, public and private, is "more money." "higher prices."

Mr. President, the effect of the free coinage of silver on the ratio of "16 to 1" will be the disappearance of gold coin from the channels of circulation. It never has been proved—at least, no instance can be found in the commercial history of any country—where two coins differing in commercial value, as the dollar of gold and the dollar of silver, were in use at the same time. It is not possible. The commercial instincts of men induce them to go to the best market for their products; and the Senator from Nevada yesterday, or on a former day, made the just remark that, notwithstanding free coinage, the value of silver all over the world would be the same. If the proposition of the Senator from Missouri is correct and if the Senator from Nevada is sound in his views, the whole volume of silver money throughout the world would be lifted up to that plane to which the Senator from Missouri looked with so much confidence.

The pledge of the Government to maintain the parity between the coins of gold and silver will of necessity be abandoned, for no gold coin will be collected, either at the ports or for internal-revenue taxes, nor can gold be borrowed to sustain the credit of the Government.

The 426,289,916 silver dollars in the Treasury and in the hands of the people, which now have the commercial value of gold, will, upon the hypothesis of 60 cents as the commercial value of the "new dollar," unsupported by gold, have only the same value, and all credit money and all credits will shrink in commercial value in the same proportion.

It is true as a general proposition that an increase in the quantity of money of final redemption favorably affects prices, but the necessary result of the unlimited coinage of silver on the ratio of 16 of silver to 1 of gold would be to expel gold coin from general circulation in the United States and leave the country dependent upon silver coin alone. The disappearance of gold coin and gold credits would be immediate. It would anticipate the free coinage of silver, which would be gradual.

It is probable, therefore, that the full effect of a law providing for the free coinage of silver would be a scarcity of even the relatively cheaper money. The "dollar" coined under the measures proposed would, in fact, be a new coin, heretofore a stranger to our monetary system. It would be known in legislation as a dollar; but the dollar coined under the act of 1857 had the commercial value of the gold coin, and the American dollar was worth nearly 3 per cent more than the gold-dollar unit of value fixed by the act of 1873. Here the proposition is made to establish a monetary system upon the basis of a metal which has but little more than half the commercial value of the coin it proposes to supersede.

I repeat that the passage of a law which would authorize the free coinage of silver on the ratio of 16 to 1 would not be followed by an increased quantity of money, but its enactment would produce an unexampled stringency like that which followed the collapse of all the State and local banks in 1857 to 1861. There is no fact which should be more distinctly brought to the attention of the country, pending this discussion, than that the immediate effect of a clear determination by the American people to adopt a law providing for the free coinage of silver on the ratio of 16 to 1 would, in advance of the passage of such a law, overthrow public and private credit, and produce a severe money stringency which would provide ample employment and rich returns to the usurer and the sheriff. It is also true that the unlimited coinage of silver on the ratio of 16 to 1 would alter the commercial and political relations of the United States to all other nations and organized peoples of the world.

It would erect a commercial wall between the United States and all the gold-standard nations, the height and strength of which would be determined by the rate of exchange, and the rate of exchange would mark the difference between the value of the local silver money of the United States and the gold coin of commerce.

Our large foreign debt, which is mainly payable in gold coin, would of necessity be partially or wholly repudiated.

The railroads of the country and the States and municipalities who owe gold debts would be compelled to advance their rates and increase their taxes or submit to bankruptcy or repudiation. I do not believe in case of the adoption by Congress of the measure of the free and unlimited coinage of silver on the proposed ratio that the people will be able or willing to pay increased railroad rates or higher taxes, and such legislation would make the payment of debts by railroads and municipalities impossible.

Another compensation proposed by some of the advocates of free coinage is that, as one standard of values would be identical with that of the Asiatic countries and the South American States, we would be better able to compete with them in the cheapness of production. In other words, it is said that in the silver-using countries, like Mexico, Japan, China, and India, the silver dollar, or a silver coinage of equivalent value, will buy as much domestic productions of those countries, including labor, as the dollar of gold will in any of the so-called gold-standard countries. If this is so, it is an invitation to the American farmer and the American wage earner to adopt the habits and accept the prices for their products and their labor which are paid to the peons of Mexico and the ill-fed serfs of Asiatic countries, whose wages are a pittance, and who subsist upon insufficient food.

Mr. President, impressed by these considerations, it seems to me that it is the duty of every representative citizen to insist that the question of maintaining and adhering to the existing standard of value, to which all property in the United States and our systems of revenue and taxation for national, State, municipal, and educational purposes, our pensions, funds organized and invested for benevolent and charitable purposes, contracts on behalf of the nation and the State, the municipal, corporate contracts and obligations, the contracts between citizens, and, in short, all values are adjusted, and that of adopting by a law of Congress the uncertain and dangerous experiment of authorizing the unlimited coinage of legal-tender silver on the ratio of 16 of silver to 1 of gold, when the actual commercial ratio between the two exceeds 30 of silver to 1 of gold, an experiment which can have but one result, that of establishing a standard of value based upon doubly overvalued silver coin alone, should be clearly and distinctly brought to the attention of the American people. The movement favorable to the free and unlimited coinage of silver is supported by much of the speculative capital of the country, for it will be observed that miners and capitalists interested in gold bullion, confident in their ability to find a market for their gold, are anxious that silver

of standard silver equal to 25.8 grains of standard gold?

silver some and depreciate the value of gold some?

alone shall be the money metal of the United States; and these powerful interests are seeking for allies in many quarters, and are offering to them solid inducements that will, to some extent, find acceptance.

This interest has, by snap conventions, captured some of the States and may control national conventions.

In the face of this strong, vigorous, aggressive element its opponents falter and hesitate. Candidates for the Presidency and for seats in Congress take refuge in silence the most profound, and leaders refuse to lead, or if they speak or prepare platforms for the acceptance of their friends they indulge in language which justly provokes criticism, an example of which I will ask the Secretary to read.

The PRESIDING OFFICER. If there be no objection, the Secretary will read as requested.

The Secretary read as follows:

The severest Republican condemnation of the Ohio Republican financial plank comes from the Philadelphia Ledger, in whose words it is "a shuffling, evasive, complex, confusing, double-faced, insincere, and inconclusive statement; a mere trap for the catching of the votes of men of all sorts of financial opinions; a transparent bribe offered to the obtuse advocates of unsound, dishonest currency, as well as to those of sound, honest money; deceptive, misleading, a trick, a snare, and a lie, and meant to be so; the device of cunning, unscrupulous politicians, not of wise, honest statesmen." It is "in precise accord with Mr. McKinley's own financial declaration made in his recent Chicago address," the Ledger continues, and therefore it believes that "in view of Mr. McKinley's double dealing with regard to the financial question he should not be nominated at St. Louis. No one who in the South bids for the dishonest-money vote, and in the North the honest-money vote—Janus-like, facing both ways—is fit to be the standard bearer of the Republican party in the coming Presidential campaign."

Mr. PALMER. All the indications point to the fact that the subject of that criticism will be the Republican candidate for the Presidency; indeed, I understand that the opposition has practically failed. I only protest that there shall be in this contest distinct, clear, precise platforms adopted by both political parties; and I have sought this morning to endeavor to clear away something of the confusion that attends this discussion. I have eagerly sought to know what will be the condition of the country or of its finances and its currency if the free-silver men succeed in the next election.

Mr. STEWART. We can answer that in a word. It will be prosperous.

Mr. PALMER. There is a sort of gratuitous promptness about that remark which lacks only one single element of usefulness, and that is precision. Will the Senator from Nevada tell me how we are to be made prosperous? I do not ask for a declamation, because when I feel well I am able to do all I want of that myself; but I ask Senators what will be the relative value of the new standard of value and of the existing standard? I have said that all values are now fixed by gold, and it seems to me that statesmen and financiers ought to be able to indicate with something like precision what will be the standard of value after they succeed in the policy they advocate.

Mr. VEST. Mr. President——

Mr. PALMER. In Mexico——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Missouri?

Mr. PALMER. With great pleasure.

Mr. VEST. I did not intend to interrupt the Senator in the middle of a sentence. He was about speaking of Mexico.

Mr. PALMER. I will conclude the sentence. In Mexico no gold circulates. I know of no silver country where gold is used. I know of no reason why the silver dollar of the United States, after free coinage on the ratio of 16 to 1, should be worth more than the silver dollar of Mexico is now worth in comparison with gold values.

Mr. TELLER. Will the Senator from Illinois allow me to make a suggestion?

Mr. PALMER. With great pleasure.

Mr. TELLER. Japan is on a silver basis, and the Bank of Japan has $31,000,000 in gold.

Mr. PALMER. How much of that circulates with the people?

Mr. STEWART. None of it.

Mr. TELLER. How much gold circulates here?

Mr. STEWART. None at all.

Mr. COCKRELL. Not a dollar.

Mr. PALMER. The Bank of Japan is said to have $31,000,000 of gold, and yet, as compared with gold, the silver is of very much less value. What it is I do not know. I have endeavored to get the rate of exchange of silver between Japan and the United States and Great Britain. I have failed; but at the same time I do assert, with the most absolute confidence, based upon a most careful investigation, that in no silver country is gold either the standard of value or is it used in the ordinary affairs of life.

Mr. VEST. Does the Senator from Illinois mean to say that gold does not circulate in Mexico and in India? It circulates in small quantities, it is true, but the gold dollar represents the legal-tender functions which the silver dollar has in both India and Mexico. It is very true that after you leave the territorial limits of Mexico the commercial value of the Mexican dollar is some 52 or 53 cents, but the reason of that is on account of the limited export of Mexico. Mexico exports principally silver, a small amount of coffee, and a small amount of hides. But on the continent of Europe, where the Mexican dollar is worth 52 or 53 cents, the American dollar is worth 100 cents and exchangeable for gold.

Mr. PALMER. Why?

Mr. VEST. Because we export over $800,000,000 of products every year; because our agricultural exports are $505,000,000. As a banker told me at Carlsbad when he gave me gold for silver certificates, "That paper is just as good to me as gold, because with it I can buy anything that your country raises and pay any debt that is due to any American citizen." And yet this is always ignored by our gold friends; and we are told repeatedly that even in the event of free coinage the commercial value of silver must remain as it is or only a little better than it is to-day.

Mr. PALMER. Whatever may be the accident that determined the local value or the use of a silver dollar, so far as the United States is concerned, our silver dollar is of less commercial value than the Mexican dollar, treating it as a mere substance composed of standard silver. Whatever the accidents of business may determine, the great fact remains that in no case has it ever been found possible to maintain the free use of coin composed of metals so widely different in value.

Mr. VEST. Will the Senator pardon me? I want to ask him a question. His original proposition, as I understand it, is that we are not warranted in the assumption that the free and unlimited coinage of silver would increase its commercial value. That is what I understand the Senator to claim.

Mr. PALMER. I have not said so.

Mr. VEST. Well, that is the tendency of his argument.

Mr. PALMER. I have asked the question with the greatest pertinacity, how much will it increase it?

Mr. VEST. I have not the slightest doubt that it would put the two coins on a parity; that the silver dollar would be worth 100 cents as the gold dollar to-day is worth 100 cents, no more and no less. I can give the Senator my reason, but I do not choose to interrupt him now.

Mr. PALMER. The Senator will pardon me. I understand that his answer to me is that the dollar of 16 to 1, or 412½ grains of silver, will, in his judgment, be equal in commercial acceptability and value to the gold dollar of 25.8 grains.

Mr. VEST. I have not the slightest doubt about it. The single fact that it is so in the United States will control its value with civilized nations. Now, let me ask the Senator—we ought to be entirely frank about this matter; it is a very great question—how does he explain, if we are not correct in this assumption, that in 1873, when the silver dollar was demonetized and the unit of value changed from a silver dollar to a gold dollar, the commercial value of silver immediately fell? Up to the day when that act was passed silver was at 3 per cent premium over gold. The day after it was passed the commercial value immediately went down in the United States and over the world.

In 1878, five years later, we restored the free coinage of silver to a limited extent. We provided by act of Congress in the Bland-Allison Act that there should be coined not less than two nor more than four million ounces a month. The statistics show (I have produced them here and they can be produced again in five minutes) that from the very moment when that act was passed the commercial value of silver went up. After the Sherman law repealed the Bland-Allison Act the price of silver commercially went down. We then passed a law for the purchase of four and a half million ounces of silver a month, but not to be coined. The result was a speculative advance in silver for about a week or ten days, and then, as every intelligent man knew, not giving it the right to coinage, silver immediately relapsed and went down, as it has continued to go down ever since.

Now, if that is not a mathematical demonstration that opening the mints to silver will increase its commercial value it is absolutely impossible to make it.

Mr. PALMER. Mr. President, what might be the effect of opening the mints of all commercial countries upon the value of silver I do not know. I know as little as my friends seem to know as to what effect upon the value of silver will be produced by free coinage. But I do know this. I say I know it, because I have the authority of the Senator from Nevada [Mr. STEWART] for the statement I make. A difference of less than 3 per cent, as was the difference between gold and silver prior to the act of 1873, led to the exportation of substantially all the silver dollars. I make that statement upon the authority of the Senator from Nevada.

Mr. STEWART. I do not think I have stated it in that shape. There was very little silver coined into dollars prior to that act; only about $8,000,000, while about $150,000,000 in round numbers of silver was coined altogether. The main part of our coinage was foreign coin, made legal tender up to 1857. We were coining

about two million a year in 1861 and in 1862. At the time of the passage of the mint act we were coining at the rate of $3,000,000 a year. But I should like to correct another error, if the Senator will allow me right here.

Mr. PALMER. If the Senator will pardon me, I will submit to any correction, but at present I am interested in this particular point. I have quoted him as authority for two statements on the floor. One is that the difference between the value of gold and silver before the act of 1873 led to the exportation of silver dollars, and the second proposition, for which I quote him as authority (and I am exceedingly glad to be able to furnish authority from such a distinguished, influential source), is that notwithstanding the passage of a free-coinage law by the United States the value of silver will be the same throughout the world. I think I quote the Senator exactly.

Mr. STEWART. No; I say that whether you pass a free-coinage law or not, silver being internationally dealt with, there will be an equilibrium in the price of silver bullion all over the world, less the accidents of exchange.

Mr. PALMER. That proposition is one which I desire to make so distinct that it can not be misunderstood. The undertaking on the part of those who favor the free coinage of silver—I say the undertaking, the thing which they promise themselves—is that the silver of the whole world will be advanced by the passage of an act of Congress directing the free coinage of silver and will all be brought up to the value of gold; not the silver of the United States coined in the United States alone; not the silver coined in Mexico alone; not the silver coined in all countries where coinage laws exist; but if the proposition is true that notwithstanding the passage of a free-coinage law silver will have the same substantial value throughout the world, it follows that the Senator expects that the passage of a free-coinage law will lift all the silver in the world up to the parity with gold.

Mr. STEWART. Yes; and for obvious reasons. We have had object lessons to that effect very frequently. Whenever there has been a movement in this country toward free coinage it has raised the price of silver, and it raised the price of silver in India just as well as it did here. In 1890, when silver went up to 121 here, it went up to 121 on the same day in India and Japan and London and everywhere else. When it falls here, it falls there. There can not be a difference of price with regard to silver no more than there can be a difference in the level of the water of Lake Erie.

Mr. PALMER. Mr. President, if that proposition is sound, it will make no difference that in England, Germany, and France free coinage is not known, and that silver is not coined in those countries as in any other. I accept the theory that the use of silver will have some influence upon its commercial value.

Mr. STEWART. Also in this connection let me state what the Royal Commission said. It said the fact that the mints of the Latin Union of Europe were open—the French mints, for the others did not amount to very much—kept an equilibrium of exchange throughout the world and made gold and silver throughout the world practically one money for commercial purposes.

Mr. PALMER. Now, does the Senator say that is true?

Mr. STEWART. That what is true? The only difference that ever occurred between the price of silver in London and Paris was the difference in exchange between the two places. As long as the French mints were open there was an equilibrium of exchange throughout the world. The Royal Commission attribute the divergence between the values of the two metals to the breaking of the bimetallic tie, the closing of the French mints. There is no doubt if the price of silver in this country is 129 it would be so all over the world. That is perfectly obvious.

Mr. PALMER. And if the price of silver is 68 here it will be so all over the world?

Mr. STEWART. It will.

Mr. PALMER. That much, now, seems to be settled; and it is claimed by the Senator from Nevada that the unlimited coinage of legal-tender silver in the United States would advance silver bullion, not only in the United States, but all over the world, to 129.

Mr. STEWART. That is what we claim. I want to state further in this connection, that we may not be misunderstood, that bimetallism does not depend upon parity at all. Bimetallism is the double standard. It is the right of the owner of silver bullion and of gold bullion to have it coined into money. The opening of the mints and the right of the debtor to pay in the cheaper metal is all there is in bimetallism. The operation of bimetallism is to throw the entire demand upon the cheaper metal until it brings it up to a parity with the other. That is the way it operated for four thousand years. If silver was more convenient to get when the mints were open everybody would use silver, and the demand being thrown upon that, it would raise the parity.

But it is a mistake to suppose that the silver-standard countries can not obtain gold as easily as the gold-standard countries, and much more so. Russia is a silver-standard country. She accumulated in the last twenty years about $500,000,000 of gold because she had plenty of money and business was stimulated so that she had something to export. Now, the Argentine Republic owes large gold obligations. I am told that they can pay them as well as we can, but they will pay them with exports, and they can get as much for their wheat as we can. Mexico has gold obligations to pay, and she can get the gold to pay them with much easier than we can. They do not trouble her at all, because she has something to export. The trouble with us is that at the present price for our commodities, the gold price, we can not export and make a living out of it. Consequently we can not buy gold without a great sacrifice. We are becoming bankrupt because we can not buy gold. Now, see what our fixed charges are, which are——

Mr. PALMER. Mr. President——

Mr. STEWART. I will refrain.

Mr. PALMER. I have listened to the Senator with great pleasure, but I propose to leave the floor in a moment, being indebted entirely to the Senator from New York for the time I have occupied. I wish to state in conclusion that mere conjecture and speculation furnish no sufficient ground for legislative action. I refer to the Senator from Nevada, because he represents more distinctly than anyone else the free-silver party of the Senate, unless it may happen to be the chairman of the Republican national committee, who speaks, I have no doubt, not only for himself, but for his party. I said that I have sought to get clear and precise information upon certain important points, because I wish the country to understand them.

I know that the free coinage of silver will lead to the disuse of gold. It may be temporary, as Senators seem to think. I know that the result of free coinage will be to establish a standard of value different from that which now exists. I have sought to know from Senators who ought to know what that difference would be. It is very important to the debtor and creditor classes in Illinois that they shall know to what extent their values will be affected by this new standard of measurement. They feel the burdens of existing conditions. They are anxious to know if any better condition can be pointed out to them. They want certainty, clearness, all reasonable precision, and in this effort of mine to obtain clear and definite information as to what the expectations of free-coinage men are as to the relation between the two standards I can not get a word. We have this hope, this vain and illusory hope—a hope contradicted by all human experience—that by mere legislation you can bring up an ounce of silver, now worth 68 cents, to $1.29, which covers the comparative difference of the two dollars.

Mr. CARTER. I should like to ask the Senator from Illinois a question.

Mr. PALMER. Certainly.

Mr. CARTER. Desiring to reach a conclusion as to certainty in the measure of value, I ask the Senator from Illinois to state whether or not he agrees with the British Royal Commission that the purchasing power of gold has constantly appreciated since 1873?

Mr. PALMER. No; I do not agree with that statement.

Mr. CARTER. I ask the Senator whether he agrees with the further proposition that the prices of products of human toil and of the soil itself as measured in gold have depreciated in value since 1873?

Mr. PALMER. I agree with that.

Mr. CARTER. I will ask the Senator from Illinois then——

Mr. PALMER. Mr. President, the Senator from Montana will pardon me.

Mr. CARTER. I should like to present the full question.

Mr. PALMER. I am asking questions now for the time being, and when the Senator gets through with my question it will afford me great satisfaction to answer his.

Mr. CARTER. I am endeavoring, if the Senator will allow me to conclude my question——

Mr. PALMER. I will yield to the Senator if he will answer my question. I want to know what will be the comparative difference between the standard of value the Senator proposes and the standard of value which now exists.

Mr. CARTER. I have been endeavoring to answer that question by asking the Senator from Illinois questions which in and of themselves will answer it.

Mr. PALMER. Oh, of course the Senator has.

Mr. CARTER. It is merely——

Mr. PALMER. And when I consent to that mode of interrogation the Senator can indulge in it.

Mr. CARTER. The Senator from Illinois, conceding the fact to be that prices of all the products of human toil, the products of land, whether in town lots or broad acres——

Mr. PALMER. I have not conceded that.

Mr. CARTER. Have been constantly decreasing in value since 1873——

Mr. PALMER. I do not want the Senator from Montana to make me responsible for the poetry of his speech.

Mr. CARTER. And that the purchasing power of the gold

had the aggregate of both metals, as Rothschild called it, gold

Mr. PALMER. I said that.

dollar has therefore increased, I ask whether or not the Senator, since certainty is desired, has any substantial hope to offer to the people of the country to expect a change in the current of perpetual and universal depreciation of prices under the gold standard?

Mr. PALMER. Now, I submit to the Senator from Montana whether he himself will say that that is an answer to my question. I asked him a distinct and plain question. I have given him an opportunity to answer it. Will he say to me frankly that he has told me what would be the difference by the standard of value produced by free coinage and the existing standard of value? That is the question I asked.

Mr. CARTER. My question was predicated upon the proposition presented by the Senator that certainty in the transaction of business is a necessity.

Mr. PALMER. I have never said that.

Mr. CARTER. I understood that to be one of the propositions presented.

Mr. PALMER. I am not responsible for anything the Senator has understood.

Mr. CARTER. Does the Senator now deny that certainty as to valuation of products by the measure or standard of value is essential to a fair and just line of transactions among men?

Mr. PALMER. Yes; I deny it.

Mr. CARTER. That is the only ground of contention between the friends of the gold standard and the friends of the bimetallic standard.

Mr. PALMER. I have often known ingenious gentlemen to seek to get an admission of their premises and then to suggest their own conclusion. I have been taught that in an argument no gentleman has a right to take anything for granted. Therefore, when the Senator asks me if I grant certain things I say I do not. The Senator must build up his own argument, based upon his own premises, and when he demonstrates his premises, to do which I will give him an opportunity in a moment, he can draw his conclusion.

I wish to say that I have lived in Illinois for sixty years. I have seen the time when lands—good tracts of land—were worth four or five dollars an acre. I have seen corn worth 10 cents a bushel. If the Senator will allow me just one moment I can perhaps state a significant fact in this connection. A neighbor of mine owed me $34. I was about leaving home for court, and he wanted to pay the debt in corn. I told him I would take it. I had one horse and very little idea of what the horse would need. He asked me where to put it, and I said in a little crib that stood back of my house. I was absent several days. When I got to town a number of fellows were waiting for me and they followed me, and when I got to my house I found that the 334 bushels of corn had not only filled the crib, but had actually covered it all over. Corn was worth 10 cents a bushel. Corn was burned in the field because it had no marketable value.

I have known pork, dressed hogs, at St. Louis to sell for $1.50 net. I have seen prices in that condition. I do realize the fact that there has been a decline of prices within a comparatively late period. Last year corn in Illinois, in my county, was worth 45 cents. But these were accidents.

This country, notwithstanding all that is said, is a flourishing one. There are changes in business. New machinery comes into use and takes the place of men. Employment is difficult to be found, especially in the lines that are termed skilled employment. This great social and economic change is going on. How it will result I do not know, but I will say that, in my judgment, whenever any party in this country succeeds in obtaining control of the Government and coins silver at the ratio of 16 to 1 and makes that silver a legal tender for all debts, public and private, we will witness—not I, because I do not think that party will come into power in my brief day, but those who live then will witness—conditions of a character that will be so far beyond anything we witness now that they will sigh for the return of the good times of 1896.

Mr. HARRIS. I believe I will ask the Senator from Illinois a question, if he will allow me. The Senator is eagerly anxious to know what effect the free coinage of silver will have upon what he chooses to call the commercial value of silver bullion.

Mr. PALMER. I ask what will be the commercial value?

Mr. HARRIS. Now, the question I want to ask the Senator from Illinois is this: If he were the owner of silver bullion and had the right to carry it to the mint and have each 412½ grains of that bullion coined into a legal-tender dollar which would pay as much debt and buy as much property as any other legal-tender dollar that exists within the limits of the United States, would he take less than a dollar for each 412½ grains of that silver bullion, or would any sane man who owns silver bullion, when he had the right to have it coined into a legal-tender dollar which would perform every function that any other legal-tender dollar can perform, take less than a dollar for each 412½ grains of silver?

Mr. PALMER. I have been lucky in getting every sort of an answer by my friends who favor the free coinage of silver except a direct answer.

Mr. HARRIS. My answer is that it will bring silver up to par value, to $1.29.

Mr. PALMER. The answer to that is that it would bring up the value of the silver of all the world, according to the theory of the Senator from Tennessee.

Mr. HARRIS. I would be glad to see it so.

Mr. PALMER. I do not believe it. It is contrary to all human experience. I grant that giving an additional use to silver may advance it probably to some extent, as the Senator from Missouri says; but I do not believe that the mere action of the American Congress in giving to silver all the powers that can be given to it will establish a parity between a dollar of gold and a dollar of silver.

Mr. President, I have occupied a good deal of time, and I beg pardon.

Mr. VEST. Let me ask the Senator from Illinois one question in regard to a statement he made. The Senator used the expression in his speech, in a very aggressive way, that the silver Democrats had made some progress through snap conventions. Will the Senator from Illinois explain to what convention he alludes?

Mr. PALMER. I will. I allude to the conventions held last year in Missouri and Illinois.

Mr. VEST. Missouri?

Mr. PALMER. Missouri.

Mr. COCKRELL. Last year?

Mr. PALMER. Last year.

Mr. COCKRELL. In 1895?

Mr. PALMER. In 1895.

Mr. COCKRELL. It was advertised for six months.

Mr. PALMER. The convention called in June, 1895, at Springfield.

Mr. VEST. Very good. What was there in the nature of a snap convention about the Missouri convention?

Mr. PALMER. An unnecessary convention must necessarily be a snap convention. It was called for the purpose of committing the Democratic party to free silver.

Mr. COCKRELL. It was called to give expression to the opinion of nine-tenths of those in the Democratic ranks of Missouri.

Mr. PALMER. Why give expression if the party was so united?

Mr. COCKRELL. Because a few men were trying to misrepresent us by telling the Administration that we were in favor of the gold standard.

Mr. PALMER. If the term "snap convention" shall be at all offensive I will withdraw it, but I will say that I know of no better term by which to describe it. The Senator will have to supply me with one. It was a convention called for the deliberate purpose of committing the Democratic party of Missouri, in advance of any actual necessity, to the free-silver dogma.

Mr. VEST. In other words, the Senator from Illinois is kind enough to suggest that the Democrats of Missouri could be brought up against their consent and made to utter declarations that they did not believe. Now, what power could make them do that?

Mr. PALMER. I have not said that.

Mr. VEST. That is the meaning of the Senator's statement, because the Senator says it was to commit them. Of course if it did commit them in obedience to their own wishes and opinions it was not a snap convention, but a perfectly fair and deliberate convention.

Mr. PALMER. They were convened by their managers.

Mr. VEST. They were convened by their own will. The Senator from Illinois can speak for his own people, but he can not speak for mine.

The Democrats of Missouri, nine hundred and ninety out of every one thousand are in favor of the free and unlimited coinage of silver, and at every opportunity they have so expressed themselves. In the last convention held in Missouri, after due and deliberate notice, out of the whole State there were some dozen gentlemen who represented what they call the sound-money dogma, a catchword which is so false as to be almost infamous. It is an intimation that we who favor the free coinage of silver are in favor of unsound money, when the Senator has been combating here the idea that we can possibly be correct in saying that free coinage will make a silver dollar equal to a gold dollar. How can it be unsound money if the silver dollar will buy as much and pay as much debt?

Mr. PALMER. It will not.

Mr. VEST. We believe it will. The Senator answers it by saying he does not believe it.

Mr. PALMER. Yes, sir.

Mr. VEST. If that is logic, I am perfectly willing to leave it there.

Mr. PALMER. I say it is contradicted by all human experience.

Mr. VEST. I say it is not contradicted by all human experience. I sav that prior to 1873 for eighty years in this country we

had the aggregate of both metals, as Rothschild called it, gold and silver, for standard money, and we maintained them both, except that the white metal in 1873 was at 3 per cent premium over gold. For two hundred years in Europe gold and silver were maintained standard money. The Senator tells us human experience contradicts it. Never until 1873 in this country and until the coinage law demonetizing silver was passed was it supposed by the people of the United States that they would be called upon to do business with one metal as the standard money of redemption.

Mr. PUGH. The best way to settle it is to try free coinage.

Mr. PALMER. Free coinage has no attraction for me, even as described by the Senator from Missouri.

Mr. VEST. That is not the question.

Mr. PALMER. The devising of a new dollar which has never existed in this country before or a coin that never existed in this country before——

Mr. VEST. The silver dollar?

Mr. PALMER. Yes; the silver dollar. I mean a silver dollar of 412½ grains of silver when the ounce of silver is worth but 68 cents.

Mr. VEST. What made it worth 68 cents? That is the question.

Mr. PALMER. The people did not want it.

Mr. VEST. It was made worth 68 cents, according to the Senator's statement, by closing the mints and taking away from silver its principal element of intrinsic or commercial value, which was the money element. After closing the mints and perpetrating this outrage upon the people of the United States, then they take advantage of their own wrong and say that the commercial value of silver has been lessened.

Mr. PALMER. In 1873 Congress passed a law for which I am not responsible. I believe there are Senators present who did vote for the law. But since that time legislation has been against silver, and you might as well attempt to resurrect a dead body and say that that body once lived and moved with all the energy and power of a perfect young life as to say that you can now, because it once lived, reinvigorate a metal and make it as valuable as it once was. The work is done. I did not do it. The world did it. It is done. Silver is worth 68 cents an ounce now to-day.

Mr. ALLEN. Measured by what standard?

Mr. PALMER. Gold is worth about $20.64 an ounce to-day, and the idea that you can make them of equal value involves an absurdity that appears to me incomprehensible.

Mr. VEST. Now I will proceed with what I have to say in regard to the statement of the Senator from Illinois about the snap conventions. As to the Senator's last remark, I have simply to make this assertion: If, as I have shown and as the Senator can not deny, prior to 1873, when the mints were open to both metals, silver was not only equal to gold but at 3 per cent premium over it, why is it not perfectly logical and rational to assume that if you undo that legislation the result will be what we contend it will be, that the parity between the two coins will be restored?

Mr. PALMER. Because, if the Senator will allow me, the business of the world is adjusted with respect to the new relations, and therefore we can not do that.

Mr. VEST. I beg the Senator's pardon. That is not true either, with great deference to him. The world is divided between the use of silver and the use of gold and the use of both.

Mr. PALMER. Will the Senator from Missouri tell me any country where both metals are used for coins except the United States?

Mr. VEST. They are both used in Mexico, in India, and in Japan, where $31,000,000 of gold is in the bank.

Mr. PALMER. For what purpose is it kept there?

Mr. VEST. It is kept there for all the purposes of gold anywhere, as a bank reserve, as money in circulation, as standard money of redemption; and yet no country in the world has advanced in civilization so rapidly as Japan. Almost unknown a few years ago, to-day Japan is in the front rank of Eastern nations and almost in the front rank of nations throughout the world. There is an evidence of the use of both metals, or of the use, if the Senator will have it, of silver alone. Yet we are told that nothing but disaster can come to the people of the United States if we now restore the old functions of silver, those which it had prior to 1873.

But, Mr. President, I wish to say one word in regard to the Senator's allegation about the Missouri convention having been a snap convention. I want to say now—and there is not a gold man in Missouri who will deny it, unless he is a lunatic—that the last convention in Missouri, deliberately called, upon full notice, after earnest and acrimonious discussion, was the most representative and the largest convention ever held in the State, every county and every township being represented. The Senator says men who were not leaders were at the head of the movement.

Mr. PALMER. I did not make that remark. I said leaders——

Mr. VEST. The Senator said the leaders did not lead.

Mr. PALMER. I said that.

Mr. VEST. Could the people of Missouri, the fifth State in the Union, have been brought into such a convention against their own consent and their own intellectual convictions? The people lead in this country, and the man who thinks he can lead them against their will ought to be put into a lunatic asylum and kept there for life. The people make the issue; the people assemble the convention, and a public man in the State of Missouri who would undertake to lead them against the free coinage of silver would be crushed so effectually that his remains would be unrecognizable.

Mr. PALMER. I am through, but I should like to say one word in reply to the Senator from Missouri. The Senator knows the extent to which leadership exists in Missouri as well as in other States, and his compliment to the people for their spontaneous movement has not about it the merit of any very great originality.

Mr. VEST. Does the Senator from Illinois mean to say that all he has said to-day has been original? I think I have heard it in this Hall for the last eighteen years ad nauseam. If he has advanced a single original idea I should like to see it in print.

Mr. PALMER. That looks a little bit as if it were unkind.

Mr. VEST. I did not so mean it. The Senator said to me that what I said had no originality in it.

Mr. PALMER. No; I did not say——

Mr. VEST. The question is whether it is true or not.

Mr. PALMER. I did not use the expression in that form. There was nothing to justify the retort, which might provoke another retort of equal severity.

Mr. President, I am through. I yield the floor to the Senator from New York [Mr. HILL].

Mr. VEST. Of course I did not mean to say to my friend the Senator from Illinois anything personally disagreeable. If in the heat of debate I did so, I am sorry for it. But he certainly stated that what I said did not have the merit of originality. I was compelled to say that nothing upon the silver question is original. If there is an original idea upon it, the man who has discovered it is entitled to a patent beyond any question.

I was proceeding to say that if ever a convention of the people represented popular sentiment fairly, earnestly, and fully it was the convention held in Missouri to which the Senator has applied the epithet of being a snap convention.

I have—and it is all I shall say in connection with my personal history—struggled to the full extent of my limited ability to prevent the unfortunate condition of affairs in the Democratic party to-day upon this currency question. I stood here at the risk of severe criticism from men who agree with me in regard to the free and unlimited coinage of silver and begged the Democrats in this Senate not to thrust this issue upon us, if possible, but to hold the party together upon some conservative basis.

I went to the President of the United States in person, and to the Secretary of the Treasury, and undertook to show them what would result if it was attempted to force the Democratic party to the single gold standard. I told them that it was impossible to hold us together, whatever might happen to the Republican party, in which equal dissensions existed, but which had the cohesive power coming from being a minority party and which might cause them to survive this struggle for a short time, at least, in face of the great issue of protection to which that party is pledged. I stood here, as I have said, upon this floor, and was alienated by personal and political friends upon this side of the Chamber because I begged my party associates, if possible, to postpone at least this question in regard to the free coinage of silver until we could adjust other matters and crystallize the power of the party upon what I conceived to be its fundamental principles; but I also said, and say now, that if forced to the issue, I never would consent to monometallism, either of gold or silver.

That opinion is based upon my absolute conviction that there is not enough of either metal in the world to transact the business of mankind without oppression to a large majority. I believe that monometallism either of gold or silver is a dastard monopoly, which gives into the hands of the few the power to control the interests and the products of the many. But we have come now to that position when against all protest, all supplication even, the Administration has forced this issue upon us. We attempted when the repeal of the purchasing clause of the Sherman Act was before the Senate to effect a compromise with the Administration upon this subject, and offered to support that repeal against our convictions, provided they would make some concession to silver as a money metal.

That compromise was rejected, and we were then compelled either to follow the money ideas of Mr. Cleveland, the President of the United States, and of the Secretary of the Treasury, who gave his adhesion to him, either to follow their lead in regard to this matter and separate ourselves absolutely from our own convictions and those of our people, or to follow the manly and honest dictates of our own judgment. In such a contingency no self-respecting

public man could hesitate for an instant. I am, therefore, not

The PRESIDING OFFICER (Mr. BACON in the chair). The

Muskegon, I instructed for silver; all proved to be traitors. Oceana, all I

betrayed into a defense of the civil-service policy of the present

public man could hesitate for an instant. I am, therefore, not responsible for this discussion or for similar discussions before the people of the United States.

Mr. President, this thing has come to that pass when manhood and decency will not permit us to stand here and be told that we are in favor of unsound money, that we are advocating snap conventions, and that we are attempting to lead the people in the direction of great disaster.

This morning I saw in the papers that our President had extended the civil service to something like 30,000 more employees of this Government. This Administration, therefore, has pledged the people of the United States, so far as it was possible, to the civil service reform, of which we have heard so much. One of the first elements of that reform is a divorce between the patronage of the Government and its political action. One of the burning tenets of this school is that the patronage of the Government should not be indirectly used for the purpose of influencing the political convictions or declarations of the people.

Some years ago a very dear friend of mine at my instance was made United States district attorney for the western district of Missouri; a man of eminent ability, of spotless character, who stands as high in the estimation of the people of Missouri as any man within its broad domain. When Mr. Cleveland was a candidate the second time for President, this gentleman, a Democrat belonging to the same school with myself, during the session of the United States Federal court at Kansas City, went at night to the adjacent villages within easy access of the place where the court was held and plead with the people to vote the Democratic ticket, which he believed represented the welfare of the country. I was astounded on picking up the St. Louis papers upon a certain fateful morning to find that my friend had been removed from office, without a hearing, simply because while United States attorney he had gone out and spoken for the party to which he and the President and myself belonged.

I took the train within ten minutes for Washington, arrived here, went to His Excellency, and asked him respectfully upon what ground he had perpetrated what I considered an outrage upon my friend, an eminent Democrat. He brought out a newspaper paragraph from a paper which had bolted the Democratic ticket the preceding summer, and also helped to beat the Democratic nominee for Congress. This paper had charged that Colonel Benton, my friend, while holding the office of United States attorney had been guilty of pernicious partisanship by advocating the cause of his party.

I knew the facts and had telegraphed to the judge of the court for a statement in regard to the way Colonel Benton had discharged the duties of his office and whether he had neglected them in order to give his attention to politics. Upon the next day the answer from the judge by telegraph reached me. I carried it to the President and said to him that I personally knew the incumbent had not been guilty of any dereliction or neglect of his duty in order to make speeches for the party to which he and I belonged. When the President discovered that there was no basis for his action, that this newspaper paragraph was simply groundless and dictated by personal or political motives, I will do him the justice to say that he immediately revoked the order; but, not satisfied with revoking it, he addressed a letter—published first in the press of the country—to Colonel Benton, in which he read him a lecture and said he revoked the order because he found Colonel Benton had not neglected his duties, but he wished it distinctly understood that while any man held office under his Administration he did not approve of his dabbling in political canvasses or endeavoring to put his opinions before the people of the United States.

Mr. COCKRELL. Will my colleague permit me to read what occurred at the Michigan convention recently?

Mr. VEST. Certainly.

Mr. HILL. Where does New York come in here? This is Missouri.

Mr. COCKRELL. One moment. I only wish to read a paragraph:

Tuscaloosa County sent 10 postmasters and 1 internal-revenue collector, and instructed them for silver, but they bolted instructions and voted against silver.

Mr. VEST. Let me understand of the Senator from New York whether I am taking his time?

Mr. HILL. I understood I had the floor.

Mr. VEST. I was not aware of it.

Mr. HILL. I had the floor and yielded to the Senator from Illinois [Mr. PALMER]. If the Senator from Missouri is nearly through, I will wait.

Mr. VEST. I am not disposed to raise the point of order, but I understood, with great deference to the Senator from New York, that the Senate had determined that no Senator could farm out the time here.

Mr. HILL. I did not farm out the time. I yielded to the Senator from Illinois, and I asked if I could be recognized after he was through.

The PRESIDING OFFICER (Mr. BACON in the chair). The Chair will state that under the order adopted yesterday the Senator from New York [Mr. HILL] was entitled to the floor this morning at the conclusion of the routine morning business.

Mr. TELLER. The Senator from New York was distinctly entitled to the floor this morning; but the Senator had no right, under the unanimous-consent agreement, to give the floor to somebody else and then come in and claim it later.

Mr. VEST. I understand that to be the rule of the Senate.

Mr. HILL. The Senator does not wish to do me injustice? At the time I yielded I asked the Chair if I could be recognized after the Senator from Illinois had concluded, and the Chair expressly stated that he so understood.

Mr. TELLER. Of course the Senator could be recognized if nobody else wanted the floor, but he has no right to farm out the floor all the time.

Mr. HILL. I did not assume to farm it out.

Mr. TELLER. The Senator from Missouri [Mr. VEST] is in perfect order.

Mr. HILL. I made the reservation which I have stated, and any Senator could have objected at the time if he desired to do so, but I did not assume to farm out the floor.

Mr. VEST. I was not in the Senate when it adjourned yesterday evening; I was called out by committee business; but I was under the impression that the Senator from Illinois [Mr. PALMER] was proceeding in his own right, in his own time, and I am simply replying to some observations he made.

As I have said, the President of the United States, while he revoked this unjust order, accompanied it with the declaration that under his administration of the Government public officials whilst holding office should not dabble, as he expressed it, in political matters.

Now, what is the conduct of the Administration in regard to this money question before the people of this country? Mr. President, I say it with deep regret that this Administration has given its whole influence, all its patronage, all the power of eloquence and of logic on the part of its Cabinet officers to influence the opinions of the people of the United States and to influence the snap conventions of which the Senator from Illinois has spoken. There was not long ago—a year ago—a Democratic convention in Nebraska, and the next day it was flashed across the country that the people of Nebraska had decided for honest money, sound money—this being the cant falsehood that is used to entrap the innocent and ignorant voters. When the truth was known it was found the convention was made up of officeholders—postmasters, marshals, collectors of internal revenue—men who are living upon the patronage of the Federal Government, and whose lungs were filled with the air that came from the Treasury of the United States. This was a triumph of sound money! Where, then, was the civil-service reform that gives us to-day 30,000 new incumbents of offices who can only be removed for cause?

Why, Mr. President, there has not been a week when there was more than barely a majority of Cabinet ministers present in Washington to discharge the duties for which they are paid by the people of this country. They have been traversing their respective States, and even other States, haranguing the people in joint and single debate, denouncing the "silver lunatics," and talking about "unsound and depreciated money." Have we heard a single whisper of censure from His Excellency in regard to these proceedings? Have we heard any lecture from him such as was given to my friend when he dared to advocate the cause, the unbroken cause, of the Democratic party at that time?

But more than that. I do not read, as a rule, from newspapers, but I happen to have this statement, fortified by private letters, from the Adrian (Mich.) Press, whose editor is a man of high personal character and unquestioned veracity, and who was a delegate to the late convention in that State. The Senator from Illinois talked of snap conventions. Let the Secretary read that from an eyewitness who participated in that convention.

The PRESIDING OFFICER. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

DELEGATES WHO BROKE AWAY FROM INSTRUCTIONS.

Of the 823 delegates elected to the convention, 723 were present either in person or by substitute, as shown by the first ballot. Four hundred and ninety-seven were elected under instructions from their county conventions to vote as a unit for a 16 to 1 silver resolution. Granting that the 45 absentees were all silver men, the silver cause ought still to have 452 votes in the convention.

As the vote for Judge McGrath (310) was a fair test of the relative strength of the first candidate of the Administration gold crowd and the first candidate of the silver, it follows that there were 142 silver backsliders in the convention.

Every mother's son of the 142 is presumed to have acquiesced to instructions of their home conventions to stand by the silver standard to the last ditch, yet they came to Detroit and bolted at the start into the camp of the gold-bug Administrationists, where they were received with open arms.

Here is where the backsliders came from, together with the number from each county: Barry County, entire delegation of 11 instructed for 16 to 1 and all deserted and went over to the gold-bug Administrationists. Calhoun, 14 instructed for silver; 13 turned traitors and voted with the gold bugs. St. Joseph, entire 11 delegates instructed for silver; 9 were backsliders.

Muskegon, 7 instructed for silver; all proved to be traitors. Oceana, all 7 instructed for the white metal, 4 deserted to the gold bugs. Iosco, all 5 instructed, 4 deserted. Lenawee, 23 instructed, 5 deserted. Hillsdale, 13 instructed, 3 deserted. Cass, 10 instructed, 1 deserted. Clinton, 11 instructed, 9 deserted. Newaygo, 4 instructed, 2 deserted. Menominee, 7 instructed, all backsliders.

In other counties where no instructions were given, silver men deserted as follows: Alpena, 1; Bay, 7; Berrien, 5; Charlevoix, 3; Cheboygan, 2; Crawford, 2; Grand Traverse, 2; Gratiot, 11; Jackson, 10; Lake, 1; Lapeer, 2; Marquette, 1; Midland, 1; Monroe, 1; Saginaw, 12; Shiawassee, 2; Van Buren, 3; Washtenaw, 4.

The silver men had a list compiled from the returns of county conventions showing that had every county sent the full number of delegates, and had there been no backsliding, they would have had, counting only instructed delegates, a majority of 161.

Chairmain Stevenson's private figures yesterday morning—not the figures that were given out for publication—showed a majority of 88 for the Administration.

Mr. VEST. Mr. President, I caused that statement to be read instead of reading a much more lengthy one from the Detroit Tribune and another from the Cincinnati Enquirer, giving the details more in extenso; but I should not have had any newspaper articles read except for corroborating private letters on my desk, which any Senator is at liberty to examine. I have not telegraphed to the authors for permission to read them in the Senate, and therefore shall not do so; but they are here. They come from men for whose integrity and veracity I am willing to vouch; men who have held high positions, who were delegates in that convention, and who are now delegates to the national convention to be held at Chicago, and who depict a state of facts which are disgraceful to American public life. It is stated by one of those gentlemen that two-thirds—I learn from another source that all except one—of the postmasters of Michigan were on the floor of the State convention.

I am prepared for the facetious remark that the material for delegates must have been very poor if they could have been bought or seduced after they arrived in the great city of Detroit. Mr. President, those of us who know anything about conventions know how this proxy system can be used to trample upon the will of the people. We know that when money even for travel can not be obtained by the agricultural classes of the country there are men holding public office under the Government of the United States ready to pay their own way with proxies in their pockets to represent upon the floor of the convention a constituency by whom they would be repudiated. This convention in Michigan no more represented the will of the Democratic party of that State than I represent the will of an English constituency to-day upon this floor. The statement that the Democrats of Michigan are not for the free coinage of silver is, in my judgment, as false as to say that the Democrats of the State of Missouri are opposed to it.

It was stated in Missouri prior to the last convention that the gold men or sound-money men would control the convention. Out of 800 delegates there were not one dozen sent there who did not favor the free coinage of silver. Even from the great commercial centers like St. Louis and Kansas City the delegates from every ward except one were in favor of the free and unlimited coinage of the white metal.

I am a delegate to the Chicago convention against my wish, sent there by my people to discharge a duty. I have stated, under much criticism in Missouri, that I was a Democrat under all conditions and intended to abide by the action of my party; that I was too old to hunt for a new political home; that I should die, as I have lived, in the party of Jefferson, devoted to his teachings and principles. But I serve notice now that if this convention at Chicago is to be made up of Federal officeholders, brought there to overawe and override the wishes of the honest majority of the Democratic party throughout the United States, it is no Democratic convention with me. I shall abide the will of the majority of my party, honestly and fairly expressed. I make no threat, but I want no misunderstanding. The Democratic party is a party of the people, controlled by an honest expression of their will, and not by Federal patronage.

Mr. HILL. Mr. President, I am rather surprised to observe that this is somewhat of a prelude to the national Democratic convention at Chicago. The date of that convention has been fixed for the 7th day of July, and I do not propose to anticipate any of the difficulties which will confront the Democracy at that time. While discussing the question of a snap convention between the Senator from Illinois and the Senator from Missouri it was appropriate, I think, that they should both allow me to speak upon that question as an expert. [Laughter.]

Mr. President, in order to avoid having any snap convention in New York the Democracy of that State, I think, propose to have the latest convention of any that shall be held this summer. I did complain a little of Missouri Democrats in 1892 that, notwithstanding all the alleged wrongs which had been perpetrated against the Democracy of that State by Mr. Cleveland during his prior Administration, they made haste pretty early to declare in 1892 in favor of "free coinage and Grover Cleveland." I am not going to discuss those questions here now. Neither am I to be betrayed into a defense of the civil-service policy of the present Administration. At some other time I may have something to say upon that question. Neither am I going to discuss the question of the Michigan Democracy nor anticipate the result of the Chicago convention. As the vote on the pending question is to be taken within an hour, and I think it is understood that I shall occupy the time, I shall proceed immediately to discuss the real question involved here.

I take pleasure in saying that I do not concur in all which the Senator from Missouri [Mr. VEST] has said. I do not understand that a snap convention can be one duly called by the regular officials of one's party upon ample notice. I do not agree with my venerable friend from Illinois [Mr. PALMER], who styled the convention of last year in Missouri a snap convention. I do not agree with the epithet used toward the convention in Illinois that was held last year. The convention in Missouri and the convention in Illinois held last year were both conventions called by the regular officials of the party, namely, by the State committee, after due notice, of which everybody was notified, and subsequently the conventions were held, after reasonable notice. A political party has a right, in my judgment, to meet at any time, upon due notice of its central committee, to discuss any question, to take any position upon the silver question or the gold question, or any other question involved; and those who disagree with the controlling powers of the party have no right to refuse to attend the primaries, but they should be ready always to attend the primaries, and attend the conventions, and then abide by the result.

I take but little stock myself in the clamors which are raised against so-called "snap conventions." They are usually simply the clamors of the defeated minority. The minority should attend the conventions, having ample notice, and should abide by the result.

I see that the Senator from South Dakota [Mr. PETTIGREW] is in the Chamber, and before I proceed with my regular argument I wish to quote from a portion of his speech delivered the day before yesterday. The Senator said:

Here is a telegram from the Morgan syndicate sent on the 21st day of December to the President and Secretary of the Treasury, telling the Government officials that the gold can not be procured in Europe because the credit of the United States is so bad, and that if their bid of 104½ is not accepted at once they will withdraw the bid and refuse to furnish the gold in the United States, knowing as they did, and as the Secretary knew, that all the gold not already in the Treasury had been thoroughly cornered by Morgan and the banks associated with him.

I ask the distinguished Senator from South Dakota, who, I assume, honors me with hearing me, to what telegram did he refer?

Mr. PETTIGREW. The Senator will find in another portion of my speech an allusion to that same telegram, in which I state the facts. I simply alluded to it there, and the remark was brought out by a question of the Senator from New York. I referred to the telegram in the body of my speech.

Mr. HILL. I am reading from the body of the speech.

Mr. PETTIGREW. The Senator is reading from a portion of the speech which was in response to his questions. Nearly everything in the speech of which the Senator complains was drawn out by himself.

Mr. HILL. I am not complaining of the speech. If the Senator is satisfied with it I am. I simply ask the Senator to what telegram he refers? He said, "Here is a telegram." The Senator had papers before him. Will he be kind enough to produce that telegram? [A pause.] Mr. President, I desired to know something in regard to this, and I addressed an inquiry to the Assistant Secretary of the Treasury and asked him to explain in regard to that telegram. With the kind permission of the Senate, I ask leave to insert the reply in my remarks. I seem to have mislaid it. The information, permit me to state for the benefit of the Senator from South Dakota, received in answer to my inquiry of the Treasury Department, which I supposed I had here at my disposal, is that neither the Department nor any of the officials connected with this matter ever heard of such a telegram; they know nothing in regard to it, and the first knowledge that they had of it was when their attention was called to the remarks of the Senator from South Dakota.

Mr. PETTIGREW. If the Senator will permit me——

Mr. HILL. Certainly.

Mr. PETTIGREW. Then that will be one of the facts to be established by the investigation; and it makes it all the more pertinent and important.

Mr. HILL. Is that all the answer the Senator can make to my inquiry? No, Mr. President; that will not do. I pass it. Yes; that will be one of the facts to investigate in this proposed investigation, if it shall be undertaken, and I shall await, and ask the Senate to await, with much interest, as to whether that allegation of the Senator from South Dakota will be sustained. There I leave it, with the privilege of putting in the communication from the Department, to which I have referred.

The letter referred to is as follows:

[Personal.]

TREASURY DEPARTMENT, *Washington, May 7, 1896.*

DEAR SIR: Replying to your inquiry regarding the statement of Senator PETTIGREW, on page 4835 of the CONGRESSIONAL RECORD, that he had a telegram from the Morgan syndicate (so-called) sent on the 21st of last December to the President and Secretary of the Treasury in regard to a bid for bonds, I desire to say that no such telegram or letter from Mr. Morgan or any person representing or represented by him, and no such bid was ever received by or brought to the attention of the President or Secretary of the Treasury or any of the officials of this Department.

Yours, truly,

W. E. CURTIS.

Hon. DAVID B. HILL,
United States Senate.

Mr. HILL. Mr. President, in the line of the argument which I have marked out, I wish to read a complaint addressed to the Secretary of the Treasury from the Chase National Bank of New York, of January 16, 1879. I ask leave to incorporate the letter in my remarks, and I shall not detain the Senate by reading it.

The letter referred to is as follows:

CHASE NATIONAL BANK, NEW YORK, TO MR. SHERMAN.

CHASE NATIONAL BANK, *New York, January 16, 1879.*

SIR: In responding to your favor of the 13th instant I beg to say that in discriminating on commissions in favor of a very few and against the many is a political mistake.

That the Treasury circular of the 1st instant does make such discriminations is quite apparent.

Prior to the 1st instant you gave one-quarter of 1 per cent to all subscribers without respect to amount.

Now you give as follows: Nothing on an amount under $100,000; one-eighth per cent on an amount of $100,000 to $1,000,000; one-fourth per cent on an amount of $1,000,000 to $10,000,000; and an extra one-tenth per cent on any excess over $10,000,000.

This practically and effectually excludes all banks that will not undertake to carry out one million subscriptions in six months, commencing January 1; and the banks that work up one million in the six months are placed at a disadvantage, for the three or four banks who subscribe for the 4 percents with a perfect abandon can and do give better terms by reason of the extra one-tenth which they reach out for, and which your revised scale of commissions gives them.

From your standpoint it is proper that you should exult over the enormous subscriptions obtained during the first two weeks after the resumption.

Pardon me for expecting that this apparent extraordinary success will in a few months be pronounced a misfortune.

My fifty years of observation in this financial bedlam justifies me in looking doubtingly on this overdoing, I fear, of a good thing.

Another point I desire to make: I decidedly dissent to the practice of leaving such enormous amounts of money in a few banks.

Your Department of the Government has a controlling power over the national banks, and no others can be depositaries of United States money.

It is true these deposits are amply, yes, doubly, secured; first, by bonds; and second, by a preferred claim on the banks' assets, a fact not generally understood.

As a matter of public interest, no bank should be intrusted with an amount of public funds so vastly disproportionate to its capital as is tolerated, and seemingly encouraged, in a few instances.

I am aware that some of the depositaries claim that their "surplus" is available as capital.

The bank department and you, as the supervisor of that department, should bear in mind that "surplus" can be divided among the stockholders, lawfully, without notice to depositors.

Capital is the only fixed security.

You will excuse me for taking an interest in the national banks as a whole rather than in less than half a dozen of them.

Hoping you will see propriety and justice in falling back on the popular scale of commissions adopted in your August appeal to the banks and the public,

I remain, very respectfully, yours,

JOHN THOMPSON.

Hon. JOHN SHERMAN,
Secretary of the Treasury.

Mr. HILL. I simply cite this letter for the purpose of showing that there were complaints then, as now, in regard to the distribution of the various bonds of the Government.

I also will introduce another telegram from Mr. SHERMAN to the First National Bank of New York, dated January 18, 1879, which I shall not trouble the Senate with reading, but ask to incorporate in my remarks.

The telegram referred to is as follows:

MR. SHERMAN TO FIRST NATIONAL BANK, NEW YORK.

[Telegram.]

TREASURY DEPARTMENT, *January 18, 1879.*

H. C. FAHNESTOCK,
Vice-President First National Bank, New York:

Can not vary from agreement stated in letter yesterday. See Morgan at his house to-morrow. He will arrange with you.

JOHN SHERMAN, *Secretary.*

Mr. HILL. I also wish to have incorporated in my remarks a resolution passed on January 24, 1879, by the United States Senate, not a resolution of investigation, but a resolution of inquiry of the Secretary of the Treasury, asking all information in regard to bonds, compensation, services to brokers, and in reference to all the alleged scandals which were said then to pertain to that matter. I do not think that there were any scandals in fact. The point I am making is that former Secretaries of the Treasury have been subjected to the same suspicions, to the same charges. They have been refuted, and so, I say, the present Secretary of the Treasury will amply refute these charges and time will vindicate him.

The resolution referred to is as follows:

RESOLUTION OF THE SENATE OF THE UNITED STATES.

IN THE SENATE OF THE UNITED STATES, *January 24, 1879.*

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate of the amount of commissions or other compensation paid to bankers, brokers, firms, companies, syndicates, and individuals for services in negotiating the sale of bonds and other obligations of the United States, from the year 1862 until the present time; when and to whom such commissions or compensation was paid, and when paid to syndicates, firms, corporations, or companies, to state the names of the persons composing the same.

And also to inform the Senate whether any, and, if any, what amount of commissions or other compensation has been paid to bankers, brokers, firms, companies, syndicates, and individuals for services rendered in refunding any of the bonds of the United States; and if any such payments have been made, to state when and to whom made; and also whether interest has been paid on called bonds at the same time that interest was accruing on the bonds sold to redeem the same, and whether such double interest has been uniformly paid while the refunding operation has been in progress, or on bonds sold for redemption purposes, specifying whether there has been any exception to such payments of double interest, and who was Secretary of the Treasury at the time of such exception, and how much double interest has been paid on each class of bonds, and the total amount thereof, and whether the money received for bonds sold by any bank or syndicate has, in all cases, been allowed to remain on deposit with the national banks acting as Government depositories pending the call of bonds, specifying the names of the banks and the length of time during which the proceeds of the bonds sold have been left on deposit with each bank; and whether at any time any gold coin has been delivered by the Treasury to any parties concerned in the negotiation of United States bonds or otherwise in exchange for or upon the security of United States bonds or in advance of the payment thereof, pending any call of bonds on which interest was allowed or paid up to the date of maturity of the call; and also whether any money in the Treasury held for the payment of overdue called bonds has been left on deposit, without interest, in any Government depository, and what was the largest amount thereof at any one time, stating the names of the banks in which such money was deposited, and what security the Treasury held for the payment thereof when demanded.

"*Provided*, That information heretofore communicated to either House of Congress shall not be repeated, but references to the documents where the same is to be found shall be made, and names of subscribers to popular loans since June, 1877, to whom no commissions have been paid or allowed, may be omitted."

Attest:

GEO. C. GORHAM, *Secretary.*

Mr. HILL. Mr. President, considerable was said in a recent discussion which was had about the necessity for a popular loan. The difficulty in awarding bonds to investors is very great. It is appreciated. Contained in the correspondence on page 618 of the book which I hold in my hand is a newspaper item, which I also ask permission to publish in my remarks, showing that the same tactics by bidders were resorted to then as now and that the same clamor of men who wanted to advertise themselves as disappointed bidders took place then. This is the item to which I refer:

After the 4 percents that have been offered were all sold, many large subscriptions were received, particularly from New York banks. These were not, of course, accepted. Some of them were forwarded to the Secretary after he had left the Department for the day. He is in doubt to-night whether these are all bona fide subscriptions, or whether those who sent them were not already aware that no more 4 percents were just now for sale, and whether they did not therefore make their offers for fame and not for the purpose of obtaining the bonds.

Mr. President, that is always the difficulty. When your loans are made in the Government there are men at the last moment making their bids when they know the Department is closed and the bids can not be accepted, and they do it simply for the purpose of advertising themselves. That was something like the situation with the Graves bid, and the situation with some other bids in this instance. This newspaper item simply corroborates that fact.

I also desire to have read a letter to Mr. SHERMAN from the Continental National Bank of New York, on page 622, and another from the National Bank of the State of New York to the Secretary, making complaints of unfair treatment, making complaints of favoritism, making against the distinguished Senator from Ohio the same charges that we have heard ringing in our ears for the last six months against the present distinguished Secretary of the Treasury. He certainly will understand me. I am simply pointing to these things to show that they were unfair then, as they are unfair now—not worthy of investigation then, as they are not worthy of investigation now. They were not investigated then, but the Senator from Ohio, the then Secretary of the Treasury, was asked to explain in regard to them, to which I will allude later.

The letters referred to are as follows:

CONTINENTAL NATIONAL BANK OF NEW YORK TO MR. SHERMAN.

CONTINENTAL NATIONAL BANK,
New York, April 7, 1879.

DEAR SIR: Since our Mr. Randolph's letter of Saturday, the parties from whom we received the $3,000,000 subscription, of 4th of April, have made formal demand upon us for the bonds. We supposed that your telegram declining to receive the same had set all question at rest. The parties now enforce their claim with the statement that others who subscribed similarly within the business hours of that day have been awarded their bonds.

The subscription in question is the one to which we referred in our first telegram, when we stated that there were "more to follow"; but as the particulars could not be made up until the day's work was over, they did not reach us until shortly after 3 o'clock, as has been the practice of the same parties with all the subscriptions they have made through us. They seem to think, therefore, that as their subscription was made entirely in the regular

and established order in which their preceding ones had been made, they can hold us to the delivery.

We should, perhaps, add that the parties in question were not members of the syndicate whose bid we afterwards forwarded, nor had they any knowledge of its existence.

Respectfully,

FRED. TAYLOR, *Cashier.*

Hon. JOHN SHERMAN,
Secretary of the Treasury, Washington.

NATIONAL BANK OF THE STATE OF NEW YORK, NEW YORK, TO MR. SHERMAN.

THE NATIONAL BANK OF THE STATE OF NEW YORK,
New York, April 7, 1879.

SIR: We telegraphed you to-day, as follows:

"Your letter of 5th received. One million seven hundred of our subscriptions were received by us about 12 o'clock. About one million three hundred were received between the hours of 12 and 2.30. Balance of subscription received after 3 o'clock.

"Our customers complain of serious loss, having made large sales same day against their subscriptions, presuming that the same would be accepted.

"If possible for you to accept the three million, or any part, please telegraph."

Confirming the above, we beg to add that the subscriptions comprising the amount, $1,700,000, were received about 12 o'clock in the day, and the certificates issued and letters written and both duly signed before 2 p. m. Having been notified in the meantime that additional subscriptions to a large amount would be sent in shortly, we thought to inclose the whole in one letter to you, knowing that there was ample time, the Washington mail closing at 7.30 p. m.; and, in consequence of the large amount, we took the precaution to telegraph as soon as our total for the day was ascertained, say 3.30 p. m., and requested an early shipment.

The subscriptions were made in every way in accordance with our usual custom; and, in consequence of your declining to receive them, our customers, who have long been prominent dealers in United States bonds and subscribers to large amounts through us, have been subjected to great disappointment and loss. We knew of no reason for any unusual haste in dispatching our letters, and deviated in no respect from our usual custom.

The subscriptions and the order of their receipt were as follows: $300,000, $1,500,000, $500,000, $250,000, $500,000; total, $2,950,000, received prior to 3 p. m. We beg to hand you herewith a letter just received from Messrs. Speyer & Co., for whose account the subscription first in order, $300,000, was received, which will serve to show our position in the matter and the view which is generally taken of the matter by all of our customers interested.

We beg to say, in conclusion, that we shall be greatly accommodated if the subscriptions, as stated, can be accepted; and we await your reply, hoping that the matter will be adjusted to the satisfaction of all parties. Your reply at the earliest possible moment will oblige,

Yours, very respectfully,

R. L. EDWARDS, *Cashier.*

To the honorable SECRETARY OF THE TREASURY,
Washington, D. C.

Mr. HILL. Mr. President, Mr. Carlisle will survive these attacks; history will vindicate him as history vindicated the Senator from Ohio. The names of the critics and fault-finders who found fault with the Senator from Ohio are almost unknown, while the name of the Secretary will live in the future history of our country.

In the famous book written by the Senator from Ohio, which I presume every member of the Senate has, the Senator himself speaks of the difficulties in the way of resumption which he encountered. He speaks of the difficulties which encountered him in the great refunding period wherein he administered the office of Secretary of the Treasury. He gives in full in his book one of the contracts which I have already incorporated in my remarks. He thought the contract was for the best interests of the country. He speaks of it in this form in the book entitled John Sherman's Recollections of Forty Years in the House, Senate, and Cabinet, page 642:

The importance of this contract and the open publicity of the negotiation created quite a sensation in the newspaper press, which presented a medley of praise and censure. All varieties of opinion, from extravagant flattery to extreme denunciation, were visited upon me by the editors of papers according to their preconceived opinions. I made no effort at secrecy and no answer to either praise or blame, but freely contributed any information in respect to the matter to anyone, whether friendly or otherwise, who applied to me. Perhaps as accurate a statement as any of my opinions was made by George Alfred Townsend, over his nom de plume of "Gath," in the New York Graphic of April 12, 1878. He said, etc.

Then he said further, and I quote from the book, on page 646:

The Eastern press, almost without exception, gave its hearty approval of the contract made and the mode and manner of the negotiation. The leading papers in New York, including the Herald, Tribune, and Times, gave full accounts. In the West, however, where the greenback craze, or "heresy," as it was commonly called, prevailed, the press was either indifferent or opposed to the contract and to the object sought. It is singular how strong the feeling in favor of an irredeemable paper currency was in many of the Western towns and among the farming people. United States notes, universally called greenbacks, were so much better as money than the bank notes were before the war that the people were entirely content with them, even if they were quoted at a discount in coin. They were good enough for them. Any movement tending to reduce their number was eagerly denounced.

At the very time when the negotiation was being made the Senate Finance Committee was discussing the expediency of agreeing to the bill repealing the resumption act which had passed the House. The indications were that the committee had agreed upon a time when a final vote should be taken upon this bill, and that it would be favorably reported by a majority of 1.

Subsequently a committee was appointed, the Committee on Banking and Currency of the House of Representatives, and, under and in pursuance of a resolution which was passed, it proceeded to take up the matter. Then the charges poured in against Secretary Sherman. He says:

While I was congratulating myself upon accomplishing an important work for the people, I had aroused an animosity more bitter and violent than any I ever encountered before or since. I was charged, directly, by a correspondent of the National Republican, published in Washington, with corruption—

So is John G. Carlisle now charged with corruption—and that I was interested in and would make money through the syndicate.

Was I not right in saying yesterday that history is repeating itself?

It was said that I "came to the United States Senate several years ago a poor and perhaps an honest man. To-day he pays taxes on a computed property of over half a million, all made during his Senatorial term, on a salary of $6,000 a year and perquisites." My property at home and in Washington was discussed in this letter and the inference was drawn that in some way, by corrupt methods, I had made what I possessed. It is true that I found many ready defenders, but I took no notice of these imputations, knowing that they were entirely unfounded, for I never, directly or indirectly, derived any advantage or profit from my public life except the salary.

At one time it was alleged that a subcommittee consisting of Messrs. Ewing, Hartzell, and Crittenden had been in correspondence with leading bankers, financiers, and capitalists, and that information had been obtained which led to the conclusion that I had derived profit from the negotiation. It was said that the committee proposed to interview me upon the subject of my recent syndicate operations; that the syndicate would get about $750,000 commission, which could have been saved had outsiders been permitted to buy the bonds; that the committee had summoned members of the syndicate and bankers who were not admitted into the syndicate, but who wanted to be allowed to buy bonds without any commission; that the allegation was so well supported that a resolution was prepared authorizing the committee to investigate, but that this was unnecessary, as the resolution authorizing the Banking and Currency Committee to make inquiries concerning resumption conferred authority to inquire into this matter. The only sign of the alleged investigation was an inquiry from Mr. Ewing, which was answered by me, as follows:

TREASURY DEPARTMENT, *April 19, 1878.*

SIR: In compliance with your request of the 18th instant, I inclose herewith a copy of the contract recently made with a syndicate of New York bankers for the sale of 4½ per cent bonds. The only previous correspondence on this subject was a letter sent to said bankers and one to the presidents of certain national banks, copies of which are inclosed.

In response to your question as to the amount of accrued interest that will be allowed to the syndicate at each payment on account of such sales, I have to reply that no accrued interest is paid to them; but, as you will see by the fourth paragraph of said contract, they are to pay the United States the amount of interest accrued on the bond up to the time of payment for it in addition to the premium of 1½ per cent. The interest on the 4½ per cent bonds accrued on the 1st of March, and therefore the interest is added from that date to the date of payment for the bonds.

The amount of commission to be paid is fixed by the law at one-half of 1 per cent, but out of this the associates are to pay all expenses incurred by them in the sale, and reimburse the United States all expenses incurred by it as stated by said contract in paragraph 5.

Very respectfully,

JOHN SHERMAN, *Secretary.*

Hon. THOMAS EWING,
Acting Chairman Committee on Banking and Currency,
House of Representatives.

Mr. President, unquestionably all that is true. The point for which I read from this book that will live in history when the men who traduced SHERMAN are forgotten is to show that his worthy successor has been subjected to the same mean, vile, contemptible criticism, that the same charge is made against him of complicity with syndicates, of accepting commissions from syndicates, and so on.

The Democratic committee of the House of Representatives did not rush in to have an investigation. Oh, no, Mr. President; they did not propose to adopt a resolution offensive in its terms, as this was when it was first proposed. They sent a letter. They asked the Secretary's appearance at one time. Then subsequently he himself wrote the following letter:

MAY 21, 1878.

DEAR SIR: I notice the crazy barkings of Buell in the Post about the syndicate, and favors granted to it by me.

I wish to say to you that nothing would please me better than to have the Banking and Currency Committee examine into this matter, and I am quite sure you will be gratified that the result will be to my credit.

Now, mark these words—

I have no desire to dignify this by asking an investigation, but only to say to you privately, as a personal friend, that I court, rather than fear, such an inquiry.

Very truly, yours,

JOHN SHERMAN.

Hon. THOMAS EWING,
House of Representatives.

So, Secretary Carlisle to-day did not wish to dignify the whole matter by asking for an investigation. He was willing to bide his time. As I said four or five weeks ago, when this discussion first began, I was not authorized to speak for the Secretary when opposing the proposed investigation.

Mr. ALLEN. I ask the Senator if Mr. Carlisle has written a letter similar to the one he has just read.

Mr. HILL. I will come to that in a few moments; I am glad the Senator has asked the question. Mr. President, the Senator from Ohio took the correct position at that time when he said he did not wish to dignify the proceeding by asking an investigation, but he was willing at all times to appear before a committee of either House to answer any question. That is the way, sir, that Secretary Carlisle should have been treated by the Senate. Its Committee on Finance should have invited him to come before them and explain any transaction about which they had any doubt. That is the correct, that is the manly course. The Democrats on the committee, in my humble judgment, should have seen fit if they had any doubt—Mr. President, they did not have any doubt about it——

Mr. SHERMAN. Mr. President, I should like to add a word or two to the remarks already made.

Mr. HILL. The Senator is at liberty to do so.

Mr. SHERMAN. Of that committee Mr. Buckner, of Missouri, I believe, was then chairman. Mr. Ewing was the most active member. They all asked me to come before the committee of the House, and I was examined there for days. A book of probably 100 or 150 pages gave all the details of the examination. I feel bound to say that they treated me very kindly, as I have no doubt Mr. Carlisle will be treated kindly by any committee. They asked all sorts of questions, and they received answers so fully that at the close Mr. Buckner was very complimentary to me; and that was the end of it. There were no further remarks made about it, so far as I know. That was in regard to resumption in 1878.

If the Senator from New York will allow me, I will state that I think myself whenever the slightest insinuation or doubt or charge is made against an officer, especially of the Treasury Department, about which there will be naturally a great deal of feeling, because there is a great deal of responsibility, the best way is for him to come before the two bodies of Congress and there give all the information he possibly can. I did that before a committee of the Senate and a committee of the House of Representatives, both of which were strongly Democratic at the time. I was fairly treated by them and very justly in their report.

Mr. HILL. I think the Senator also says in the letter which I read that he would not dignify the proceeding by asking for an investigation, which was true, and that is what Mr. Carlisle has done. He submitted to the newspaper attacks; he submitted to the attacks in the Senate.

Now, Mr. Boutwell did not escape either. In 1872, when he was Secretary of the Treasury, a proceeding was instituted rather offensive in its character, and it was started by a resolution. I read from the Congressional Globe:

NEGOTIATION OF LOAN.

The House proceeded to the consideration of the report of the Committee on Ways and Means, recommending the adoption of the following resolution:

"*Resolved*, That in the opinion of this House the Secretary of the Treasury, in negotiating the loan authorized by the act of July 14, 1870, has neither increased the bonded debt nor incurred an expenditure contrary to law."

Mr. DAWES. I now enter a motion to recommit this resolution to the committee.

Mr. COX. I desire to offer a substitute for the resolution reported.

Mr. DAWES. I will hear it read.

The Clerk read the proposed substitute, as follows:

"*Resolved*, That the Committee of Ways and Means be instructed to report the bill before them prohibiting all commissions, deductions, or compensation of any kind to any person for the sale, negotiation, and exchange of United States securities, and prohibiting the employment of any agent except a proper officer of the Treasury Department for such sale, negotiation, and exchange."

Mr. DAWES. I can not admit that now. On the 4th of December last the gentleman from New York who has just taken his seat [Mr. Cox] offered a preamble and resolution, which I ask the Clerk to read.

The Clerk read as follows:

"Whereas it is alleged that the Secretary of the Treasury, in placing the newly authorized 5 per cent bonds upon the market, has, in defiance of the law creating them, increased the public bonded debt, and has exceeded the one-half of 1 per cent allowed by the funding act for all expenses in placing said loan: Therefore

"*Resolved*, That the Committee of Ways and Means be directed to investigate the said transaction and have power to send for persons and papers, and to report the amount of such increase of the bonded debt, if any, the agents employed and paid by him for the services rendered, all contracts pertaining to the same, and the sums paid to said agents."

Mr. DAWES. Mr. Speaker, this resolution was not adopted by the House, but was referred to the Committee of Ways and Means for consideration. The committee invited the Secretary of the Treasury and the gentleman from New York [Mr. Cox] before them, and heard both so far as they desired to be heard.

There was complaint made that too much money was paid in commissions for financial negotiations which were had. The resolution was not adopted by the House, as Mr. Dawes says in his speech, but was referred to the Committee on Ways and Means for consideration. That is what I think should have been done with the pending resolution, but I am not now going to discuss that question, because yesterday the Senate refused to refer the resolution in the first instance to the committee.

The committee invited the Secretary of the Treasury and the gentleman from New York [Mr. Cox] before them, and heard both so far as they desired to be heard.

Here was a resolution complaining of the fees and commissions paid to various parties on the sale of these bonds upon which there was a lengthy and elaborate and caustic debate. It was not passed but simply referred to the committee, and the committee invited the Secretary of the Treasury before them, and then he explained.

Now, I want to put in, with the kind permission of the Senate, a few extracts from these speeches, which I do not intend now to detain the Senate with reading. Here will be found denunciations of the syndicate, denunciations of Secretary Boutwell, complaints of all kinds and character, in which the fiscal affairs were denominated fiscal failures and scandals, in which members of the House congratulated themselves that, although they had not obtained any particular advantage by this discussion, as one of them says, "It has developed enough; it has killed the syndicate. The cry is, 'No more syndicates.'" They flattered themselves that their very vigorous and eloquent speeches had killed the syndicates. They imagined that no more in the history of the country would capitalists be appealed to to supply money to purchase Government bonds:

Mr. Speaker, as I was unable to agree with the majority of the Committee of Ways and Means in the report submitted by the chairman last week relative to the legality of the arrangement entered into by the Secretary of the Treasury with Jay Cooke & Co. and their associates, known as the syndicate, in the refunding of a portion of the first $200,000,000 of the bonded debt of the United States, under the act of July 14, 1870, I have thought it best to state the reasons for my dissent to the House, as the action taken on the report and resolution submitted will doubtless govern the action of the Secretary in the disposition of the remaining $1,300,000,000 which by that act he is authorized to put upon the market, so that our determination of the question has a far greater significance than the mere vindication of the past action of the Secretary, however desirable that may be regarded. I do not desire in this matter to seek any party advantage: I certainly would not knowingly do the Secretary injustice; indeed, I regret that it became my duty to investigate the matter, as it was a subject entirely new to me, and one to which I had not given as much consideration heretofore as perhaps I ought.

The resolution submitted by the House to the committee is as follows:

"Whereas it is alleged that the Secretary of the Treasury, in placing the newly authorized 5 per cent bonds upon the market, has, in defiance of the law creating them, increased the public bonded debt and has exceeded the one-half of 1 per cent allowed by the funding act for all expenses in placing said loan: Therefore

"*Resolved*, That the Committee on Ways and Means be directed to investigate the said transactions, and have power to send for persons and papers, and to report the amount of such increase of the bonded debt, if any, the agents employed and paid by him for the services rendered, all contracts pertaining to the same, and the sums paid to said agents."

The only evidence taken by the committee was that of the Secretary and Jay Cooke, whose statements are attached to the report of the majority, and the only sections of existing laws which it is necessary to consider specially are the following.

* * * * * * *

But I do not agree that the increase of $135,000,000 in the bonded debt of the country, which did take place in the transaction which we are considering—a considerable portion of which increase still continues—was either necessary or proper; and I am further of opinion that the contract entered into by the Secretary with Jay Cooke & Co. (for the syndicate) was not authorized by law, and gave these gentlemen an unnecessary and improper control of the funds of the Government for the purpose of private gain, which Congress ought not to sanction or establish as a precedent, which will authorize the present or any future Secretary to adopt it in the disposition of the remaining $1,300,000,000 of the bonds directed to be sold. I propose as briefly as I can to state the facts which, under the laws I have stated, have led me to these conclusions.

* * * * * * *

I understand the meaning of that and the other sections of the act of July 14, 1870, to be to make all the surplus gold in the Treasury equally applicable to the payment and cancellation of the 5-20 bonds which have become redeemable as the proceeds of the sale of the new 5 per cent bonds are; and I suppose there never was a day since the 14th of July, 1870, when there was not from fifty to seventy-five million dollars of gold in the Treasury, or in the several depositories, subject to the order of the Secretary. I am, therefore, utterly unable to see, when there were many hundred millions of the 5-20 bonds redeemable at the option of the Secretary, why, with $135,000,000 of new 5 per cent bonds sold, as he states in his report, before September 1, and with over $50,000,000 of other gold lying idle in the Treasury, he only called in and stopped interest upon $100,000,000 by his notice of September, 17, 1871, unless it was, as I said before, to allow the syndicate to hold and use the money for their personal benefit, while the people were paying interest on both sets of bonds.

Thus Jay Cooke & Co. received as commission on a subscription for, say, $85,000,000, over $773,000, less expenses, etc., while the banks received $228,938 on their subscription for $115,775,500. But the great profit to Messrs. Jay Cooke & Co. in this contract with the Secretary, in the way it has been managed, consisted in the loan to or retention by them of the Government money, while they were drawing interest on the bonds which they had purchased with it. Nobody doubts that it was worth to them at least 6 per cent, which on $135,000,000 for the three months is $2,025,000, from September 1 to December 1, while held under contract. But that is not all. They had it, on an average, say, from the 20th of August, or one-third of a month before the notice of September 1 was given. The interest for that time ($225,000) must be added. The Secretary says in his report of December 4 that more than $80,000,000 had then been received under the notice and call of September 1. If it had then reached $81,000,000 he would have said so.

* * * * * * *

The amount the syndicate has received or will necessarily make by the transaction may be stated thus:

Commissions (less expenses, amount unknown)	$773,000
Interest before September 1	225,000
Interest under contract from September 1 to December 1	2,025,000
Interest after December 1 on $35,000,000, called for under notice of December 7 and December 20	506,250
Interest after December 1, on $13,000,000 of first $100,000,000, till now	130,000
Total	3,659,250

* * * * * * *

This is but the beginning of the refunding system under the law of July, 1870. Thirteen hundred million dollars are yet behind, if these contracts and arrangements entered into so far are now indorsed and declared valid by Congress, when the $300,000,000 to be refunded at 4½ per cent interest and the $1,000,000,000 at 4 per cent are put upon the market, loans to syndicates for six, nine, and twelve months may be made after the new bonds bearing interest are issued, notices of redemption of the outstanding bonds may be withheld as long as it is necessary, and when complaint is made that the law has been violated, the action of this Congress on the report of the majority of the Committee of Ways and Means, if it is adopted, will be relied on as a precedent, giving authority for whatever any Secretary may see fit to do. Your present Secretary may be removed or resign to-morrow; a less trustworthy man may take his place. Men entertaining other views may be in power long before the $1,500,000,000 of bonds are refunded. In short, whenever violations of law are sanctioned on any pretext whatever, the Government is at sea without a compass and without a rudder.

* * * * * * *

Then there was a flurry and a fight! The gentleman from Tennessee [Mr. Maynard], of the Ways and Means, fiercely called my colleague to order.

He was in such high dudgeon at this truthful and prophetic remark that my colleague barely missed being honored by a second censure. Still he reiterated that there were tricks to be guarded against from a class of selfish and adventurous bankers. This was before the "syndicate" had been baptized, though it was doubtless born and active at that time. On the 1st of July, 1870, that bill passed the House. I was one of those who did not vote for it nor against it; I feared the Greeks. As my colleague's amendment against employing agents had been voted down, I was apprehensive that such corrupt agencies would be used, as it were, constructively; for the very voting down of the amendment would have been made, as we can now see, a pretext for the employment of suspicious agencies outside of the Treasury. The bill, however, was not a bad one. It was rightly called a bill for "refunding and consolidating" the debt. If squarely executed, it would have avoided the late questionable transactions as to the syndicate; and it would have enabled the taxpayer to save the 2 per cent which it was claimed would have been saved by the issuance of an untaxed long bond of 4 per cent.

* * * * * * *

In a time like this, when scientific and mechanical agencies are cumulating means; when the gold and silver of the mountains are being delved after with such skill, persistency, and reward; when only since 1860 the English home debt has diminished one hundred millions, and when, as we have boasted, we pay the same on our debt per year; when money is so plentiful that in seven years, up to 1867, the world's national debt has increased $5,000,000,000, not counting the enormous railway debts of the world—$1,500,000,000 more—at such an epoch of the world; when credit, once a pigmy, has become a gigantic wonder, our nation, under its boasted rule of men "entirely great," goes around the world dickering with parvenu bankers and soi-disant syndicates at the rate of seven and a half millions as commissions on fifteen hundred millions only, and that, too, at an interest or premium 1 per cent greater than the average rate of all other nations!

I speak in no party sense when I say that we are humiliated by such fiscal failures and scandals.

* * * * * * *

Although my resolution is ignored by the Ways and Means Committee it has been productive of good. It has developed enough. It has killed the syndicate. The cry is, "No more syndicates."

I have proposed a bill similar to that of the Secretary, which will crystallize my ideas into a repealing law. If my resolution has done no other good, it has at least proclaimed the glaring defects of the law, so loosely construed, even if for good purposes. The country should be thankful that the attention of Congress is called, not only to the exceptional and juggling legislation of the last Congress, with a view to its remedy, but called also to the fact that one of the best members of the Cabinet has fallen into the practice of the head of the Government, and has assumed authority never conferred.

Besides, it became indispensable, under the light of free journalism and Congressional criticism, that our credit should not be further tampered with and dishonored by such a system of private greed and favoritism. We do not want to grant an exclusive monopoly to dicker in the public securities. Truly, we have had enough of these manipulations and mutations of our investments. Their effect reaches every element of our wealth, every industry of our land, and every dollar of our capital. I have an extract here which illustrates what I say in a remarkable way:

"*Extent of the ring operations.*—Though the Treasury ring rarely uses a dollar of its own money, its financial operations count up among the thousand millions. The contents of our National Treasury is ever at its command, and at times it controls and manipulates for its own benefit the entire bonded debt of the nation. Able at any time to secretly lock up or unlock one or more hundred million dollars of the people's money, it controls the value of the merchants' wares and the products of our manufacturers, farmers, mechanics, and day laborers throughout the length and breadth of the land. Having the power to manipulate our national debt by withdrawing bonds from the market and secretly or openly putting them afloat again, always at Government expense, the ring has our money market almost, if not wholly, in its control. Counting Mr. Boutwell's syndicate operation, a large portion of our national debt has been manipulated into and out of the market not less than thirteen times during the last ten years. Anyone at all familiar with the ring's operations can trace these astounding financial jobs for himself. Take a portion of the $300,000,000 of the new 5 percents recently put upon the market, for example. This is the way it was manipulated:

"1. It was put in the market ten years ago by the Treasury Department in the form of Treasury warrants, certificates of indebtedness, quartermaster's vouchers, etc.

"2. Next withdrawn or purchased in by ring brokers at a heavy discount.

"3. It then appeared in the market in the form of greenbacks.

"4. Greenbacks drawn out by secret sale of Treasury ring commission brokers.

"5. The 7.30 Treasury note makes its appearance.

"6. The 7.30 note is withdrawn by ring brokers.

"7. Finds the honest greenback again in its place.

"8. The greenback is again withdrawn by the ring.

"9. Shows the 5-20 bonds to have taken up a position.

"10. The five-twenties, or a small portion of them, disappear syndicateward.

"11. The long-lost gold coin appears again.

"12. Gold coin disappears—what little there is of it.

"13. After a sojourn of ninety days in the syndicate, the new 5 percents make their appearance in the market.

"A portion of the 5 percents were exchanged directly for five-twenties, thus reducing slightly the number of manipulations of the portion directly converted; the balance was managed as above stated, making thirteen manipulations in all."

This may or may not be exactly the manner in which this remarkable syndicate performs; but it is by no means distant from the truth. Talk about Biddle and the United States bank! Talk about the pet bank system of thirty years ago. They were as molehills to this mountain of fiscal favoritism.

And all these remarkable transmutations, which have no parallel in the sleights of the oriental juggler, are done by what? A syndicate! And what, in the name of the common people, is a syndicate?

Mr. President, one has only to read this extensive debate to see how senseless were some of these accusations, how unfounded they were, how it was simply an effort to assail men who had in an emergency of the country loaned money to the Government upon bonds; and I put in a little statement from a speech showing how much the syndicate received or necessarily made by the transaction, and some figures of about $4,000,000—some $4,000,000 charged as commissions. There were the same charges made against Jay Cooke & Co. during the war.

Mr. President, this present proceeding is nothing new. It is an attempt simply to dignify the proceeding because we are approaching a Presidential campaign, and that is all there is of it. There is nothing whatever to investigate. I said the other day, and I do not care now about repeating it, I am opposed to the principle that every time a charge is made against an official of the Government it must be investigated and dignified by a formal investigating committee. I suppose I will be charged now with being the champion of Jay Cooke & Co., and the champion of all the syndicates, because I am simply referring to what history shows us.

So much in regard to Secretary Boutwell. Another attack was instituted on Mr. Sherman in an elaborate article published in the New York newspapers. I have it here, but will not ask permission to insert it. I do not take any stock in the article, but newspapers influence public opinion; newspapers create scandal at times; newspapers sometimes stir up such demonstrations as are witnessed here when men, as I think, from moral cowardice, are afraid to oppose an investigation because somebody thinks that something is wrong.

Mr. President, I am not going to be led at this late hour into a discussion of the silver question proper. I had intended a week or two ago to take this opportunity to express some views upon the subject. I have not now time. I simply call the attention of the Senate to the fact that the so-called Bland dollar was never a full legal tender; it was only a legal tender for debts wherein some other form of currency was not expressly provided for in payment. Not being a full legal tender, a question of propriety arises as to whether the Government should compel a person at this late day to accept silver dollars in payment of his obligations against the Government. Should a holder of securities be compelled to accept in payment a silver dollar which itself is not a full legal tender, not a legal tender when he proposes to pay off his railroad mortgages payable in gold, not a legal tender when he proposes to liquidate any contract the terms of which are payable in gold? Need I say to you, sir, that nearly all the railroad bonds of this country are payable in gold? Need I tell the Senate that nearly all the contracts that are now made are made in gold? You may say it is not right, it ought not to have been; but it has been done. The history of the last thirty years shows it. And now we are asked that the holders of these securities shall be compelled to accept a Bland dollar authorized in 1878, which itself is not a legal tender, and which itself will not pay any of the securities payable in gold.

Mr. President, it is true that it was a mistake on the part of the true friends of silver coinage to consent to any such provision being placed in the coinage act authorizing the Bland dollar. I am one of those who believe that the currency, or rather money, created by the country, coined by the country, should be itself a legal tender for every debt, so that it could be paid upon every railroad security, paid to every debtor. Instead of that we have the Bland dollar, which of itself necessarily becomes a depreciated currency.

Mr. President, a word more about popular subscriptions. The February syndicate of 1895 represented banks all over the country, and those banks in turn represented individual interests. There may be a few persons so credulous as to believe that the syndicate in the purchase of the bonds represented no one but themselves. That is not true. The syndicate embraced banks in different parts of the country, and those banks embraced individuals. A syndicate is simply the representative or the agent of all those who desire to invest in common. Individual bidders usually obtain gold from the Treasury. That has been demonstrated over and over again. The value of dealing with the syndicate arises from the fact that the syndicate usually procures its gold from abroad, and that is for the benefit of the country and relieves the Treasury. Individual subscribers usually do not. If we are to have free coinage of silver every dollar should be made a full legal tender. No one will question that. Parties should not be obliged to accept a depreciated dollar. Parties should not be obliged to accept a Bland dollar, which of itself does not purport to be a full legal tender.

I do not propose at this time to discuss the provisions of the Chicago platform of 1892. It has been commented upon in the Senate over and over again. It is sufficiently elastic for almost every Democrat to stand upon. It favors an international agreement on the subject of gold and silver, and if that can not be had it expresses the sentiment that silver should not be coined except under such safeguards of legislation as will absolutely produce a parity of the two metals. That is all that any silver man in the country can possibly want.

I heard the most interesting discussion this morning, fair and candid, between the Senator from Nevada [Mr. STEWART] and the Senator from Illinois [Mr. PALMER]. Both of them claim that they want to maintain the parity of the two metals. One of them insisted that the bare fact of opening our mints to silver would create the parity. Both desire to secure the same result. What the effect would be of such opening is, of course, largely a matter of speculation. It does not seem as though it could safely be done under existing conditions. I have not time to enter into a discussion of that question.

The question of a special committee was disposed of by a vote of the Senate yesterday. I voted against a special committee, because I always vote that way. Upon principle I have uniformly opposed the creation of special committees for purposes of investigation. I believe they are unnecessary. They unnecessarily dignify the proceeding. They are not warranted by the traditions of the Senate. Yet I am disposed to state that my esteemed friend the Senator from Kansas in proposing a special committee possibly had in mind this fact, and I attribute his suggestion to his own sense of fairness. He probably thought that it was not fair or wise to have a Democratic Secretary of the Treasury investigated by a Finance Committee consisting of Republicans, one Republican-Populist, and the rest silver Democrats. Probably he thought in his kindness of heart that it was better that there should be a special committee.

The distinguished Senator from Georgia [Mr. GORDON], in his few vigorous and eloquent remarks last evening, pictured the Finance Committee as a most perfectly fair committee. Senators recollect his idea of fairness. It was that the Secretary of the Treasury should be investigated by a committee upon which there is not a single party friend who agrees with him on the financial question, and the rest of whom are Republicans, and a Populist. Mr. Carlisle, if the resolution is to be passed, will be turned over to the kind mercies of those who, as Democrats, disagree with him within party lines on the silver question. I wish to read the names of the members of the Committee on Finance. Messrs. MORRILL, SHERMAN, ALLISON, ALDRICH, PLATT, WOLCOTT, Republicans; JONES of Nevada, Populist-Republican; VOORHEES, HARRIS, VEST, JONES of Arkansas, WHITE, WALTHALL, silver Democrats.

The Secretary of the Treasury is believed to be what is called a gold-money Democrat. It is the sense of fairness of the Senate that he should be investigated by Republicans, who are opposed to him politically, by a Populist, who is opposed to him politically, and by a committee on which all the Democrats are free-silver Democrats. I simply point out this fact to account for the first suggestion upon the part of my friend the Senator from Kansas for the appointment of a special committee, and it was undoubtedly the high sense of fairness which he usually exhibits in the Senate that prompted him to make the suggestion for a special committee instead of the Finance Committee as at present constituted.

I think the Finance Committee is a fair committee. I believe it to be. I voted to refer the matter to the Finance Committee because I have always heretofore opposed the appointment of special committees. The committee, if the investigation is authorized, will take up this subject and investigate it most fairly and thoroughly. In the end, if Secretary Carlisle shall be vindicated from these newspaper attacks and these loose charges which have been uttered in the Senate Chamber, how much will it be to his gratification and to his credit if it shall come from the Finance Committee, composed of his political adversaries and those who differ with him on the financial question.

I have already commented on the proper course which I think should have been pursued by the Senate, but the Senate has decreed otherwise, and I respectfully bow to its wisdom. That course was that the resolution should have been referred to the Committee on Finance. The Committee on Finance should have respectfully invited the Secretary of the Treasury to come before it. In January, 1894, a question arose in regard to the action of the Treasury Department, and what was done? A resolution was offered in the House of Representatives in regard to the issue of bonds and the use of the gold reserve. It did not provide for a committee of investigation. It was a resolution making inquiry. It was a resolution expressing the sense of the House of Representatives. The resolution was referred to the Judiciary Committee. What did the committee do? It sent a respectful letter to the Secretary of the Treasury in January, 1894, and asked the Secretary to appear before it. He did so on January 25. There he made his statement; there the members of the committee questioned him fully for several hours. He answered. He gave them all the information desired pertaining to the finances of the country. His answers were frank; they were able. He showed great familiarity with the subject involved, and at the conclusion the chairman asked him if he would be kind enough to look over the notes of his remarks. Mr. Carlisle, in conclusion, said:

Yes, sir; I would be glad to do so, and if any gentleman desires or if the committee desires any other question answered I will be glad to do it at any time by appearing here or sending it in writing. I will be glad to furnish any information the committee desires in regard to this matter.

The chairman said:

The committee feels very much obliged to you.

And Mr. Carlisle departed. That is the way to conduct public business courteously. That is what the Democratic House did. There was no difficulty about appearing; there was no reluctance in appearing. He stated the situation frankly, and it is a part of the records of the House.

The present Committee on Ways and Means of the other House have already had the bond question under consideration under a resolution of investigation not passed, but referred to them for preliminary inquiry. The present Republican Ways and Means Committee of the House of Representatives not long ago sent a courteous letter to Mr. Carlisle, and he replied. That letter has not been published, so far as I am aware. I desire, with the kind permission of the Senate, to incorporate it in my remarks. It is dated March 7, 1896, and is addressed to Hon. NELSON DINGLEY, Jr., chairman of the Ways and Means Committee, in which the Secretary acknowledges the receipt of his favor, speaking of the reference of the resolution to the committee, and asking him to make such response as to the allegations contained in the resolution as he saw fit. Then the Secretary of the Treasury proceeds to elucidate the bond question and all the complaints that had then been made. At the conclusion of the letter is the following language, to which I invite attention:

If, notwithstanding this brief statement of the facts, the committee and the House of Representatives consider the allegations contained in the newspaper clippings which were inclosed in your letter, and which appear to have been adopted as the basis of the resolution, of sufficient importance to demand or justify an investigation, the Treasury Department will cheerfully do all in its power to facilitate the inquiry and promptly furnish all papers, records, and other evidence in its possession or under its control relating in any manner to the transaction in question.

I have the honor to be, very respectfully, yours,

J. G. CARLISLE, *Secretary.*

The Committee on Ways and Means were evidently satisfied with the statement. They have asked for no further information. They have not gone further with the resolution. They have not ordered an investigation, but this body, which can not so appropriately investigate alleged wrongdoing as can the House of Representatives, substantially usurps the functions of the House, which is solely given the power of impeachment. The letter explains the whole transaction. There is no real necessity for any further steps being taken.

Here is the letter:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., March 7, 1896.

Hon. NELSON DINGLEY, Jr.,
Chairman Committee on Ways and Means, House of Representatives.

SIR: I have the honor to acknowledge the receipt of your favor of February 26, inclosing a copy of a preamble and resolution providing for the appointment of a committee by the House of Representatives to investigate the alleged conduct of the Secretary of the Treasury in refusing to deliver to one William Graves $4,500,000 in the bonds of the United States and awarding said bonds to J. P. Morgan & Co., notwithstanding the said Graves is alleged to have "tendered the Secretary of the Treasury the amount of said bid for said bonds in gold at the subtreasury in the city of New York," and inviting from me such response to the allegations as I may be pleased to make.

I have the honor to say that on the 6th day of January, 1896, a circular was issued inviting sealed proposals until 12 o'clock m. on Wednesday, February 5, 1896, for the purchase of $100,000,000 of United States 4 per cent coupon or registered bonds in denominations of $50 or multiples of that sum, as might be desired by bidders, and it was stated that "purchasers will be required to pay in United States gold coin or gold certificates for the bonds awarded to them, and the interest accrued thereon after the 1st day of February, 1896, up to the time of payment for the bonds." Payments for the bonds were required to be made at the various subtreasuries of the United States by installments, as follows: Twenty per cent and accrued interest upon receipt of notice of acceptance of bids, and 20 per cent and accrued interest at the end of each ten days thereafter; that all accepted bidders were given the privilege of paying the whole amount at the date of the first installment, and those who had paid all installments previously maturing were allowed to pay the whole amount of their bids at any time not later than the maturity of the last installment.

On the 15th day of January, 1896, an additional circular was issued, notifying bidders that after the payment of the first installment of 20 per cent with accrued interest, the remainder of the amounts bid might be paid in installments of 10 per cent each and accrued interest at the end of each fifteen days thereafter; but all accepted bidders were allowed to pay the whole amount of their bid at the time of the first installment, and all accepted bidders who had paid all installments previously maturing were allowed to pay the whole of their bids at any time not later than the maturity of the last installment.

Among the proposals received under these circulars was one from "William Graves and associates," in the words and figures following:

"NEW YORK CITY, N. Y., *February 4, 1896.*

"We hereby propose, under the terms of your circular of January 6, 1896, to purchase United States 4 per cent thirty-year bonds, described in said circular, of the face value of $4,500,000, and we agree to pay therefor at the rate of 115.3391 and accrued interest per $100. We further agree, upon due notice of the acceptance of this subscription, to deposit the amount thereof in gold coin or in gold certificates with the United States assistant treasurer at New York City in accordance with the terms of said circular.

"We desire (registered or coupon) bonds in denominations as stated below, and we wish them to be delivered to us at office of I. B. Newcombe, Mills Building, New York City, or Bank of California, San Francisco.

"WILLIAM GRAVES AND ASSOCIATES.

"To the SECRETARY OF THE TREASURY."

Coupon.	Registered.
$50 ------	$50 ------
100 ------	100 ------
500 ------	500 ------
1,000 ------	1,000 ------
	5,000 ------
	10,000 ------

Mr. Graves was wholly unknown to the Department, and the facts that he failed to give his street or office address, that the names of his associates were not disclosed, and that the price he proposed to pay for the bonds was considerably higher than responsible and bona fide bidders were offering were sufficient, in my opinion, to justify an inquiry concerning his financial character and standing before disposing of his proposal. I accordingly caused inquiries to be made at once in the city of New York, but no definite

or satisfactory information concerning his business or financial standing was obtained, and on the 7th day of February, 1896, I caused the following confidential telegram to be sent to the assistant treasurer of the United States at San Francisco, to wit:

"TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
"*Washington, D. C., February 7, 1896.*

"ASSISTANT TREASURER UNITED STATES, *San Francisco, Cal.:*

"Can you ascertain from the Bank of California or others as to the financial standing and responsibility of William Graves, a large bidder for bonds. It is important. Do not neglect to answer promptly by wire. Confidential.

"J. F. MELINE, *Assistant Treasurer.*"

On the same day the following response was received:

"FEBRUARY 7, 1896.

"TREASURER UNITED STATES, *Washington, D. C.:*

"Party referred to in yours of to-day, from what is learned from Bank of California and from others, was known very slightly as promoter or financial agent, but not capitalist. Can not give his whereabouts.

"C. P. BERRY, *Assistant Treasurer.*"

Although the information thus secured was not considered sufficient to show to my entire satisfaction the ability of the bidder to pay for such a large amount of bonds, yet as he appeared to have been "very slightly" known as a financial agent, and as he professed to have others associated with him in making his bid, it was deemed better not to reject his offer without first giving him an opportunity to comply with the terms of the circular and his bid. Out of abundant caution, therefore, and in order to avoid a possible mistake in a matter of such importance to the bidder and to the Government, a notice of acceptance was mailed to "William Graves and associates, New York, N. Y.," on the evening of February 9, 1896, being the same day on which other notices to accepted bidders were mailed. The notice was as follows:

"TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 8, 1896.

"SIRS: You are hereby notified that your subscription under the terms of the Department circulars of January 6, January 9, and January 15, 1896, for $4,500,000 of the 4 per cent bonds of the United States for which you have agreed to pay in United States gold coin or gold certificates, at the office of the assistant treasurer in the city of New York, at the rate of $115.5391 and accrued interest per $100 for each of said bonds, has been accepted.

"You are therefore requested to deposit with the United States assistant treasurer at New York on or before the 15th day of February, 1896, the sum of $1,038,051.90, which is 20 per cent of the amount of your subscription at the price above named. The accrued interest from February 1, 1896, to date of the payment hereby requested should also be paid at the rate of 4 per cent on the amount of the bonds paid for by said deposit. At the expiration of fifteen days from the date of this first payment an additional payment of 10 per cent must be made, and such payments must be continued at intervals of fifteen days until the whole amount is paid. The accrued interest accompanying each payment must be computed from February 1, 1896, to date of such payment. If you desire to pay the entire amount of your subscription at once you may do so, or you may anticipate the total payment of your subscription at any time prior to the maturing of the last installment. In the former case the amount to be deposited is $3,190,259.50, with accrued interest at 4 per cent on $4,500,000 from February 1, 1896, to date of deposit.

"The Secretary of the Treasury should be promptly advised of the character of the bonds desired (whether registered or coupon), and the denominations thereof. If this information has already been furnished, please confirm it.

"The bonds will be issued only upon receipt by the Secretary of the original certificate of deposit of the assistant treasurer receiving the payments. The Department is prepared to begin the delivery of the bonds at once, and deliveries will be continued as rapidly as the facilities of the Department will permit.

"Respectfully, yours, J. G. CARLISLE, *Secretary.*

"WILLIAM GRAVES AND ASSOCIATES,
"*New York, N. Y.*"

A list of the accepted bidders was published in the principal newspapers of the country, including the New York City papers, on the morning of February 9, which Mr. Graves doubtless saw. But, however that may be, it is certain that he knew of the acceptance of his bid as early as noon, February 10, as is shown by the following telegrams:

"[Telegram.]

"NEW YORK, *February 10, 1896*—12.26 p. m.

"Hon. J. G. CARLISLE,
"*Secretary of the Treasury, Washington, D. C.:*

"Bank of California received their bond allotment. Have ours been forwarded? Wire.

"WILLIAM GRAVES AND ASSOCIATES.

"[Telegram.]

"TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
"*Washington, D. C., February 10, 1896.*

"WILLIAM GRAVES AND ASSOCIATES,
"*New York, N. Y.:*

"Your notification was duly forwarded.

"W. E. CURTIS,
"*Assistant Secretary.*

"Collect."

Immediately upon the receipt of the above telegram from Mr. Graves, a duplicate notification of acceptance was mailed to him, addressed to the Mills Building, New York, and nothing further was heard from him until February 13, at 12 o'clock m., when Mr. Allison Nailor, of the city of Washington, delivered to the Secretary in person a letter without date, from Graves to him (Nailor) requesting the latter to call on the Secretary and ask for an extension of time until the Wednesday following, February 19, to pay the first installment of 20 per cent on his bid. This letter was left at the Department, and a copy is appended hereto.

In a letter to the Secretary dated February 13, 1896, a copy of which is appended, Mr. Graves stated that he had that day received the "original notice of acceptance" of his bid and claimed that it had been erroneously addressed, although his own quotation of the address in his letter shows that it was in exact accord with the information given on the face of his bid. He fails to mention the fact that he had previously received a duplicate notice and had also been notified by wire that the original had been sent. In this letter he asked to be informed by wire or mail whether the bonds could be delivered to the subtreasury to be given to him "upon anticipated payments," and he was at once advised by a telegram, a copy of which is attached, that the bonds could be issued only upon receipt at the Secretary's office of the original certificate showing that they had been paid for. This was the course pursued in all cases, and Mr. Graves had been advised in his notice of acceptance that the original certificate of deposit would be required.

On the day the first installment of 20 per cent was due, February 15, 1896, Mr. Graves made another application by telephonic message for an extension of the time, and in response he was informed by wire that no extension could be given, as will be seen from the copy of the telegraphic dispatch to him which is attached hereto.

The statement in the preamble to the resolution inclosed in your letter that Mr. Graves had tendered the Secretary of the Treasury the amount of his bid for bonds in gold at the subtreasury in the city of New York is wholly incorrect. Neither he nor anyone for him tendered any gold whatever in payment for the bonds, or any part of them, at the subtreasury at New York, or elsewhere. On the contrary, on the morning of the 15th day of February, 1896, the day on which payments were required to be made, Mr. Graves sent to the Secretary of the Treasury a telegram, in which he abandoned his original bid of 115.5391, and proposed to take the bonds at 113.50, and stated that he would give satisfactory financial indorsements by Wednesday, February 19th, showing his ability to fulfill such an agreement. A copy of this telegram is appended. And on the same day, and other days up to and including the 19th day of February, he wrote and sent various letters and telegrams to the Secretary, copies of all which are appended hereto. No notice was taken of these telegrams and letters for the reason that, according to the terms of the circular under which the bonds were offered to the public, the time for receiving bids had expired on the 5th day of February, 1896, at 12 o'clock m., and no bids made or received after that time had been or could properly be considered. Bids had been made in good faith by responsible parties within the designated time and in accordance with the terms of the circular for the whole of the proposed loan, and the Department has in every case declined to consider any bid which was not so made.

So far as this Department has been able to ascertain, Mr. Graves had no associates in his bid, and was wholly unable to comply with its terms. It was not a bona fide bid, but was purely speculative, and subsequent developments showed that it ought to have been rejected at the beginning along with two other bids of the same character, amounting to $120,000,000, which were in fact rejected, and about which no complaint has been made by the pretended bidders, or anybody else. His complaint that he had been embarrassed or obstructed by errors or delays on the part of the Treasury Department is not sustained by the facts. There were no errors or delays on the part of the Department. According to the terms of the circular under which his bid was made, the first installment, 20 per cent and accrued interest, was required to be paid "upon receipt of notice of acceptance of bids," and if his bid was in fact made in good faith he of course expected to comply with that requirement. By the terms of the notice of acceptance sent to him, however, the time of payment was extended until and including the 15th of February, 1896, notwithstanding which he failed to make any deposit whatever on account of his offer.

If this bid had been rejected at the beginning, the duty of the Secretary of the Treasury to award the $4,500,000 in bonds to the next highest responsible bidder would have been perfectly clear, and it is difficult to see how the fact that its fictitious character was not fully discovered until a later date can in any way affect either the duty of the Secretary or the rights of other bona fide bidders. Messrs. J. P. Morgan & Co. had, within the time prescribed by the circular, and in accordance with the terms of the proposal, put in a bid for the whole $100,000,000 at a price of $110.6677, and all bona fide bids above that price having been accepted, they were entitled to have awarded to them the remainder of the loan. On and before February 15, 1896, that firm deposited the sum of $36,520,018 in gold coin and certificates, and on that day they notified the Treasury Department by wire that they had deposited gold with the subtreasurer and Government depositories largely in excess of 20 per cent on any possible amount that could be awarded to them.

After a careful consideration of the subject they were notified on February 19, 1896, that they would be required to receive and pay for all the bonds which Graves and a few other smaller bidders had failed to take, and the firm has already paid in gold and gold certificates the sum of $37,498,100, leaving unpaid only about $420,000 on the entire amount awarded to it. Ordinary good faith on the part of the Government demanded that bona fide bidders who had strictly complied with all the requirements of the proposal under which their offers were made should not be excluded from consideration by the wrongful interposition of fictitious or purely speculative bids, and in my opinion the only legal and honorable course that could be pursued in this matter was to award the bonds upon which defaults were made to the parties who had in good faith, and within the time prescribed, submitted the next highest offer.

If, notwithstanding this brief statement of the facts, the committee and the House of Representatives consider the allegations contained in the newspaper clippings which were inclosed in your letter and which appear to have been adopted as the basis of the resolution of sufficient importance to demand or justify an investigation, the Treasury Department will cheerfully do all in its power to facilitate the inquiry and promptly furnish all papers, records, and other evidence in its possession or under its control relating in any manner to the transaction in question.

I have the honor to be, very respectfully, yours,

J. G. CARLISLE, *Secretary.*

Mr. President, I oppose the investigation now even though the terms of the resolution have been modified and its offensive features eliminated and the regular committee substituted for a special committee. I confess I do not approve of the precedent which will be created. The Senate has already been satiated with resolutions for the investigation of Florida matters, and it referred them notwithstanding every consideration of courtesy which was urged. Yet when we refuse to one of our own Democratic associates upon this side of the Chamber the opportunity he wanted to investigate affairs in Florida, we must hasten to give the other side—to our Populist friend, the Senator from Kansas—this resolution of investigation as a matter of courtesy.

Next will come the Alabama resolution for an investigation, and the Senators from that State as well as from the South generally will expect the New York Senators to stand by them in opposition to the investigation. I warn them of the precedent which they are establishing by adopting this resolution. There is no necessity for this resolution. There is no necessity for the Alabama resolution. There is no necessity for the Florida resolution. The Florida resolution was referred to the committee two or three times, but this resolution, it seems, is to be pressed to passage. Louisiana will come next in the list of States whose proceedings are proposed to be inquired into. It is the age of investigation.

There is a mania for investigation. I have read here letters and petitions from all parts of the country asking that everything be investigated.

I agree with the Senator from Missouri [Mr. VEST] when, at the conclusion of his remarks yesterday, he said that he had seen no good reason for this investigation. No one else has seen a good reason for the investigation. Democrats, be not deceived. It is a useless, an unnecessary, a causeless proceeding. It is an attack upon your Democratic Secretary of the Treasury. It is putting him to annoyance and trouble unreasonably and improperly. You are playing into the hands of your opponents, the Republicans and Populists. You do not object to the investigation simply for fear somebody will say there is something wrong. The Secretary of the Treasury himself has not objected. No one is authorized to object to it in his behalf. I disclaim all responsibility of speaking for him. He has tendered the Ways and Means Committee any information in his power, and yet, sir, for some reason which it seems to me can only be attributed to jealousy, to malice, or to differences over the great gold and silver question, or to something else, the resolution is to be offensively pressed.

I have no personal interest in this matter. I care nothing for these New York syndicates, of which I am said to be the champion. I do not deceive myself. The votes already given indicate the temper of the Senate. I expect to be overruled. I am used to it. I can wait my vindication. I will patiently abide events. I disclaim all personal feeling. I am actuated simply by a desire to discharge my duty which I think I owe to the country, my duty to these high officials, the President and Secretary of the Treasury, for whose appointment or nomination I was not responsible. I have asked no Senator around this circle to vote with me in opposition to the resolution. I have made no personal appeal to any Senator. I have only presented my arguments, and each Senator may vote as seems to him best. I do not think this is a wise proceeding. I do not think it a politic proceeding. I know not what course the committee will adopt. Undoubtedly, sir—appreciating its fairness, its impartiality, which I cheerfully concede—it will endeavor to do its duty; but the silver question warps men's judgments; it affects their opinions; it stirs up their prejudices. It makes members of the same party distrust each other. We have had an exhibition of this feeling on the floor this morning, and although the committee may strive to be fair, you know, Senators, what the result of such investigations has been in the past. There will be difficulties; there will be bickerings; there will be contentions; there will be unpleasant misunderstandings; there is likely to be clamor and unpleasantness. These things should have been avoided.

The resolution is now in the hands of the Senate. I shall vote against the resolution if I am the only man here who does so. I have stood alone in the past in matters to which I need not now allude, and I can afford to stand alone again. I do not care even whether the yeas and nays are called upon the passage of the resolution. That is a matter for the Senate to determine. I have discharged my duty, Mr. President, as I understand it, and with that I am content.

Mr. LINDSAY. I desire to offer an amendment, to strike out all of the third clause of the resolution after the words "in relation thereto," in line 15, page 2.

The Senator who offered the resolution said that the first clause of the resolution covers all of the legitimate subjects of investigation, but that he desires the other clauses to be retained because they particularize. I submit that that portion of the third paragraph which I move to strike out does not particularize, does not enlarge, is not germane to the investigation directed by the first paragraph. It is framed so as insidiously to intimate that the Secretary of the Treasury may have had some share in the profits supposed to have been realized from the bond sales. If it is intended that such a charge shall be investigated it would be fair and manly to say so in terms that can not be mistaken. If it is not intended to intimate that such a charge may be looked into, then I say it would be generous to strike out those misleading words to be found in the lines I have moved to strike out.

I submit to the Senator who offered the resolution that justice on his part ought to induce him to consent to the amendment I propose.

Mr. PEFFER and Mr. GALLINGER. Let the amendment be stated.

The VICE-PRESIDENT. The amendment proposed by the Senator from Kentucky [Mr. LINDSAY] will be stated.

The SECRETARY. After the word "thereto," in line 15, paragraph 3, it is proposed to strike out the remainder of the resolution, in the following words:

What agreements or contracts, and whether oral or in writing, and whether publicly or privately, were entered into by the Secretary of the Treasury and any syndicate or person or persons with respect to the sale and purchase of the bonds, and the profits made or to be made by such syndicate or any person or persons connected with such syndicate, directly or indirectly; whether such contract or agreement had any and what effect on the prices offered for the bonds, what the effect was, and who, if any person, profited by it, and to what extent.

Mr. LINDSAY. Mr. President——

The VICE-PRESIDENT. The Chair will state that the hour of 4 o'clock having arrived, the vote is to be taken upon the resolution. The question is on agreeing to the amendment of the Senator from Kentucky [Mr. LINDSAY].

Mr. LINDSAY. As the Senator from Kansas does not seem to be inclined to withdraw those words, and as the motion upon my part to that effect might be mistaken, I withdraw the amendment.

Mr. PEFFER. I will say that that is the very meat of the whole resolution.

Mr. COCKRELL. No debate is in order.

The VICE-PRESIDENT. The amendment is withdrawn. The question is on agreeing to the resolution submitted by the Senator from Kansas [Mr. PEFFER] as amended.

Mr. PETTIGREW and Mr. WOLCOTT called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. DUBOIS (when his name was called). I announce the pair of the senior Senator from New Jersey [Mr. SMITH], with whom I am usually paired, with the Senator from Utah [Mr. CANNON]. If the Senator from Utah [Mr. CANNON] were present, he would vote "yea." I vote "yea."

Mr. FAULKNER (when his name was called). I am paired with my colleague [Mr. ELKINS]. If he were present, I should vote "nay" on the passage of the resolution.

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON]. If he were present, I should vote "yea."

Mr. HARRIS (when his name was called). I have a standing pair with the Senator from Vermont [Mr. MORRILL], but he authorized me to vote as I choose on this question. I vote "yea."

Mr. KYLE (when his name was called). I was requested by the Senator from New Hampshire [Mr. CHANDLER] to arrange a pair with the Senator from Connecticut [Mr. PLATT]. If that is the understanding, I will pair myself with the Senator from Connecticut [Mr. PLATT]. I understand that if the Senator from Connecticut were present, he would vote "nay." I should vote "yea" upon this proposition.

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "yea."

Mr. QUAY (when his name was called). I have a general pair with the Senator from Alabama [Mr. MORGAN]. Not being aware how he would vote, I withhold my vote. If he were present, I should vote "nay."

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "yea."

Mr. WALTHALL (when Mr. VOORHEES's name was called). The senior Senator from Indiana [Mr. VOORHEES] is paired on this question with the senior Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. BERRY. I desire to announce that my colleague [Mr. JONES] is necessarily absent and is paired with the Senator from Maine [Mr. HALE]. If my colleague were present, he would vote "yea."

Mr. PASCO. My colleague [Mr. CALL] is absent from the city. He would vote "yea," if he were present. He is paired with the Senator from Oregon [Mr. MCBRIDE].

Mr. GALLINGER. I have a standing pair with the senior Senator from Texas [Mr. MILLS]. He is not present, and I suggest to the Senator from West Virginia [Mr. FAULKNER] that we transfer our pairs so that the Senator from Texas [Mr. MILLS] will stand paired with the Senator from West Virginia [Mr. ELKINS], and we will both vote.

Mr. FAULKNER. That is perfectly agreeable to me.

Mr. GALLINGER. I vote "yea."

Mr. FAULKNER. I vote "nay."

Mr. WARREN. I desire to announce the pair of my colleague [Mr. CLARK], who is absent from the city, with the junior Senator from Maryland [Mr. GIBSON]. My colleague would vote "yea" if he were here.

Mr. MITCHELL of Oregon (after having voted in the affirmative). I voted, but I have since ascertained that the senior Senator from Wisconsin [Mr. VILAS], with whom I am generally paired, is absent. I suggest to the senior Senator from Tennessee [Mr. HARRIS], who I understand is paired with the senior Senator from Vermont [Mr. MORRILL], that we transfer our pairs.

Mr. HARRIS. I am perfectly willing to exchange pairs, although I have the permission of the Senator from Vermont [Mr. MORRILL] to vote. But I will exchange pairs with the Senator from Oregon.

Mr. MITCHELL of Oregon. Thank you.

Mr. GALLINGER. I desire to announce the pair of my colleague [Mr. CHANDLER] with the junior Senator from New York [Mr. MURPHY]. My colleague is absent from the city.

Mr. HAWLEY. Both my colleague [Mr. PLATT] and I were in

Connecticut yesterday. We both started for Washington. I do not see him present, however. I should like to know from the Senator from South Dakota [Mr. KYLE] if he is sure that my colleague would vote "nay."

Mr. KYLE. I was so informed by the clerk of the Senator from Connecticut [Mr. PLATT].

Mr. HAWLEY. I have serious doubt——

Mr. KYLE. If there is doubt in regard to the matter——

Mr. LODGE. I will state that the Senator from New Hampshire [Mr. CHANDLER], who was called away from Washington, left with me a letter from the Senator from Connecticut [Mr. PLATT], in which he says:

I would vote against the bond resolution. I suppose Mr. MURPHY would. Therefore on that I ought to be paired with some one else. I believe that I agreed with Mr. ALLEN when it was last up to pair with Mr. KYLE. So perhaps Mr. KYLE would pair with me now that I am away.

Mr. HILL. I desire to inquire whether the Senator from Maine [Mr. FRYE] has voted?

The VICE-PRESIDENT. He is recorded in the affirmative.

Mr. FRYE. My vote is recorded.

Mr. HILL. I simply make the inquiry, because I understood the Senator from Maine had a pair with the senior Senator from Maryland [Mr. GORMAN].

Mr. FRYE. I have a pair with the senior Senator from Maryland.

Mr. HILL. I call the attention of the Senator from Maine to the fact that in a speech made the other day the senior Senator from Maryland said he was opposed to the resolution. That is all.

Mr. FRYE. I did not notice the absence of the Senator from Maryland.

Mr. HILL. I make the suggestion, as the vote is so close. [Laughter.]

Mr. FRYE (after having voted in the affirmative). I did not notice the absence of the senior Senator from Maryland. I withdraw my vote.

The result was announced—yeas 51, nays 6; as follows:

YEAS—51.

Allen,	Cullom,	McBride,	Shoup,
Allison,	Daniel,	McMillan,	Squire,
Bacon,	Davis,	Mantle,	Stewart,
Baker,	Dubois,	Mitchell, Oreg.	Teller,
Bate,	Gallinger,	Nelson,	Turpie,
Berry,	George,	Pasco,	Vest,
Blackburn,	Hansbrough,	Peffer,	Walthall,
Brown,	Harris,	Perkins,	Warren,
Burrows,	Hawley,	Pettigrew,	Wetmore,
Butler,	Irby,	Pugh,	White,
Carter,	Jones, Nev.	Roach,	Wilson,
Chilton,	Lindsay,	Sewell,	Wolcott.
Cockrell,	Lodge,	Sherman,	

NAYS—6.

Caffery,	Gray,	Mitchell, Wis.	Palmer.
Faulkner,	Hill,		

NOT VOTING—32.

Aldrich,	Elkins,	Jones, Ark.	Pritchard,
Blanchard,	Frye,	Kyle,	Proctor,
Brice,	Gear,	Martin,	Quay,
Call,	Gibson	Mills,	Smith,
Cameron,	Gordon,	Morgan,	Thurston,
Cannon,	Gorman,	Morrill,	Tillman,
Chandler,	Hale,	Murphy,	Vilas,
Clark,	Hoar,	Platt,	Voorhees.

So the resolution as amended was agreed to.

WIDOW OF THOMAS L. YOUNG.

Mr. CULLOM. I wish to call up the conference report on the legislative, executive, and judicial appropriation bill for disposition at this time.

Mr. SHERMAN. I ask the Senator from Illinois if he will allow me to call up for passage a little bill which will take but a moment?

Mr. CULLOM. I yield for that purpose, upon the Senator's assurance that it will take no time and that there will be no discussion about it.

Mr. SHERMAN. I ask unanimous consent for the present consideration of the bill (H. R. 1743) for the relief of the widow of Thomas L. Young.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which proposes to pay the claim of the widow of the late Thomas L. Young, who served as an enlisted man and officer of the Regular Army of the United States, and afterwards as captain of Benton Cadets, Missouri Volunteers, and as major, lieutenant-colonel, and colonel of the One hundred and eighteenth Ohio Volunteer Infantry, in the war of the rebellion, and appropriates not exceeding $478 as a balance or balances of wages earned by him and not heretofore paid to him or to his legal representatives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CHILTON. I hope the Senator from Illinois will allow me to have a bill put on its passage which is of considerable importance.

Mr. CULLOM. I am inclined to think the conference report, which will take but a few minutes, should be adopted. It has been lying on the tables of Senators all day, and, so far as I know, it is in the main satisfactory. I hope that I may be allowed to have it disposed of now. The Senator from Texas will have time afterwards for the consideration of his bill. I hope that we shall have immediate action on the conference report. I move that the Senate concur in the report of the committee of conference on the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

The VICE-PRESIDENT. The question is on the motion of the Senator from Illinois to concur in the report of the committee of conference, which has been heretofore read.

The report was concurred in.

Mr. CULLOM. I now move that the Senate insist upon its amendments not yet agreed to by the House of Representatives and ask for a further conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. CULLOM, Mr. TELLER, and Mr. COCKRELL were appointed.

DENISON AND NORTHERN RAILWAY COMPANY.

Mr. CHILTON. I ask unanimous consent for the present consideration of the bill (S. 2488) to amend an act entitled "An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes." This bill has received the favorable report of the Committee on Indian Affairs, and I am sure there is no opposition to it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CHILTON. I move that the bill be amended by striking out, in line 8 of section 1, the words "three years" and inserting "two years from the approval of this act."

The VICE-PRESIDENT. The amendment submitted by the Senator from Texas will be stated.

The SECRETARY. In section 1, line 8, before the word "years," it is proposed to strike out "three" and insert "two"; and after the word "years" to insert "from the approval of this act"; so as to make the section read:

That the provisions of section 9 of the act entitled "An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved July 31, 1892, be, and the same hereby are, extended for a further period of two years from the approval of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. COCKRELL. I ask unanimous consent that we may now proceed with the Calendar for the remainder of this evening, considering unobjected House bills which have been favorably reported, and dispose of them, so that they may become laws.

The VICE-PRESIDENT. Is there objection?

Mr. STEWART. Let us go to the Calendar regularly.

Mr. FRYE. The river and harbor bill ought to be proceeded with, for it is very important to get it passed.

The VICE-PRESIDENT. Will the Senator from Missouri restate his request?

Mr. COCKRELL. I ask unanimous consent that the Senate may now proceed, commencing where we last left off, with the consideration of unobjected House bills for the remainder of this evening.

The VICE-PRESIDENT. Is there objection?

Mr. DUBOIS. Will the Senator from Missouri not consent to going to the Calendar in regular order, and not simply proceeding with the consideration of House bills?

Mr. FRYE. I shall object to either request. I regard it as my duty to this great river and harbor appropriation bill to go on with it.

The VICE-PRESIDENT. Objection is interposed.

Mr. FRYE. There will be time enough for the consideration of bills on the Calendar after the appropriation bills are disposed of. I move that the Senate proceed to the consideration of the river and harbor appropriation bill.

The motion was agreed to; and the Senate, as in Committee of

the Whole, resumed the consideration of the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The Secretary resumed the reading of the bill at line 17, on page 46. The next amendment of the Committee on Commerce was, on page 46, after the word "improvement," at the end of line 20, to strike out "five hundred" and insert "two hundred and fifty"; so as to read:

Improving Delaware River, from Trenton to its mouth, Pennsylvania and New Jersey: Continuing improvement, $250,000.

Mr. FRYE. That matter was particularly referred yesterday to the Senator from Missouri [Mr. VEST] and the Senator from Delaware [Mr. GRAY]. I would inquire whether or not anything was agreed to in relation to it?

Mr. VEST. Yes, Mr. President. The amendment of the committee which has just been read will not be agreed to, so as to allow the amount to remain at $500,000.

The VICE-PRESIDENT. The question is on the amendment reported by the committee.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in line 23, on page 46, after the word "Perriwig Bar," to insert:

And $3,000 shall be expended in rebuilding and enlarging the dike on Government reservation at the junction of the Schuylkill and Delaware rivers, at Fort Mifflin: *Provided*, That no part of said appropriation or of any appropriations heretofore made shall be expended upon the building of a dike between Reedy Island and Listons Point until a board of three engineer officers, to be appointed by the Secretary of War, shall consider the project of said dike with reference to preserving and improving the navigation of the Appoquinimink River and Black Bird Creek, and the riparian rights and facilities of the Delaware shore.

Mr. VEST. In line 1 of the amendment, on page 47, after the words "Fort Mifflin," I move to insert the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment submitted by the Senator from Missouri to the amendment of the committee will be stated.

The SECRETARY. After the words "Fort Mifflin," in line 1, on page 47, it is proposed to insert:

Provided, That so much of said sum of $500,000 as shall be necessary may, in the discretion of the Secretary of War, be expended in dredging the channel through Dam Baker Shoal to the depth of 26 feet at low water.

The amendment to the amendment was agreed to.

Mr. QUAY. Mr. President——

Mr. VEST. The Senator will permit me to get through with the amendments which I wish to propose.

Mr. QUAY. Very well.

Mr. VEST. After the amendment to the amendment which has just been adopted, before the word "*Provided*," I move to insert the word "*And*"; and after the word "*Provided*" to insert "*further*."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 47, line 1, before the word "*Provided*," it is proposed to insert the word "*And*"; and after the word "*Provided*" to insert "*further*"; so as to read:

And provided further, That no part of said appropriation, etc.

The amendment to the amendment was agreed to.

Mr. VEST. I now move the amendment which I send to the desk in the subsequent part of the clause.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In line 4, on page 47, after the word "point," it is proposed to strike out "until" and insert "but"; after the word "consider," in line 6, to insert "and report through the Secretary of War to next session of Congress as to"; and in line 9, after the word "shore," to insert "as well as to deepening the main channel of said river."

The amendment to the amendment was agreed to.

Mr. QUAY. Mr. President, the understanding is that if that amendment is adopted the original provision as it came from the House shall be restored.

Mr. FRYE. That has been done.

Mr. QUAY. Was that done by the amendment proposed by the Senator from Missouri?

Mr. FRYE. Yes; that was done.

Mr. QUAY. It is all right then.

Mr. FRYE. Now, let the Secretary read the amendment as amended.

Mr. QUAY. I should like to hear the clause read as it stands.

Mr. FRYE. That is what I ask; that the whole clause about the Delaware River be read as amended.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Improving Delaware River, from Trenton to its mouth, Pennsylvania and New Jersey: Continuing improvement, $500,000, of which $5,000 shall be expended in the improvement of the channel over Perriwig Bar, and $3,000 shall be expended in rebuilding and enlarging the dike, on Government reservation, at the junction of the Schuylkill and Delaware rivers, at Fort Mifflin: *Provided*, That so much of said sum of $500,000 as shall be necessary may, in the discretion of the Secretary of War, be expended in dredging the channel through Dam Baker shoal to the depth of 26 feet at low water: *And provided further*, That no part of said appropriation or of any appropriations heretofore made shall be expended upon the building of a dike between Reedy Island and Listons Point, but a board of three engineer officers, to be appointed by the Secretary of War, shall consider and report through the Secretary of War to next session of Congress as to the project of said dike with reference to preserving and improving the navigation of the Appoquinimink River and Black Bird Creek, and the riparian rights and facilities of the Delaware shore, as well as to deepening the main channel of said river.

Mr. FRYE. That is right.

The VICE-PRESIDENT. The question is on the amendment of the committee as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 48, line 18, after the word "dollars," to insert:

Provided, That the additional sum of $25,000 may be expended in the discretion of the Secretary of War for such dredging as may be necessary for the maintenance of channels from the mouths of the Appoquinimink River and Blackbird Creek to the channel of the Delaware River through the dike now being constructed from Reedy Island to Liston Point for the improvement of the Delaware.

So as to make the clause read:

Improving Appoquinimink River, Delaware: Continuing improvement, $5,000: *Provided*, That the additional sum of $25,000 may be expended in the discretion of the Secretary of War for such dredging as may be necessary for the maintenance of channels from the mouths of the Appoquinimink River and Blackbird Creek to the channel of the Delaware River through the dike now being constructed from Reedy Island to Liston Point for the improvement of the Delaware.

Mr. VEST. I suggest to the chairman of the committee that, in view of the amendments which have been made on pages 46 and 47, the amendment printed in italics on page 48, beginning in line 18 and ending with line 25, which has just been read, is unnecessary and should be disagreed to.

Mr. FRYE. Yes, that amendment should be disagreed to.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 49, line 10, after the words "United States," to insert:

But the right of way over any railroad or through any railroad or county bridge shall not be subject to this proviso, and may be secured by condemnation proceedings.

So as to make the clause read:

Improving the inland waterway from Chincoteague Bay, Virginia, to Delaware Bay, at or near Lewes, Del., to be used from Delaware Bay to Indian River: Continuing improvement, $25,000: *Provided*, That no part of this appropriation shall be expended until the right of way is secured without cost to the United States, but the right of way over any railroad or through any railroad or county bridge shall not be subject to this proviso, and may be secured by condemnation proceedings.

The amendment was agreed to.

The next amendment was, on page 50, line 3, after the words "Pocomoke River," to strike out "Continuing improvement" and insert "Maryland, below Snow Hill, in accordance with report submitted February 25, 1895, five thousand"; so as to make the clause read:

Improving Pocomoke River, Maryland, below Snow Hill, in accordance with report submitted February 25, 1895, $5,000.

The amendment was agreed to.

The next amendment was, on page 50, line 10, after the word "maintenance," to strike out "from main ship channel to Curtis Bay"; so as to make the clause read:

Improving Patapsco River and channel to Baltimore: For maintenance, $50,000.

The amendment was agreed to.

The next amendment was, on page 50, line 14, after the word "submitted," to strike out "by Maj. William F. Smith, in House Executive Document No. 326, Fifty-third Congress, third session," and insert "February 14, 1895"; so as to make the clause read:

Improving Nanticoke River, Delaware and Maryland: Continuing improvement, in accordance with report and plan submitted February 14, 1895, $3,000.

The amendment was agreed to.

The next amendment was, on page 50, line 20, before the word "thousand," to insert "and twenty-five"; and in the same line, after the word "dollars," to insert:

Provided, That for carrying on said improvement the rental of an office in the city of Washington, D. C., at a rate not to exceed $85 per month, is hereby authorized when no public building is available, to be paid for pro rata from the appropriations made for works of improvement in the local charge of the engineer officer having charge of the improvement of the Potomac River.

So as to make the clause read:

Improving Potomac River, Washington, D. C.: Continuing improvement, $125,000: *Provided*, That for carrying on said improvement the rental of an office in the city of Washington, D. C., at a rate not to exceed $85 per month, is hereby authorized when no public building is available, to be paid for pro rata from the appropriations made for works of improvement in the local charge of the engineer officer having charge of the improvement of the Potomac River.

Mr. ALLEN. I should like to ask the Senator from Maine what necessity there is for this proviso?

Mr. FRYE. A room is absolutely necessary for the use of the engineer who is in charge of the work, and by the act of March, 1877, the renting of any building in the District of Columbia for Government purposes was forbidden unless expressly authorized by Congress. The renting of an office by the officer in charge of the Potomac River improvement and other river and harbor work is absolutely necessary, as there is no room for that purpose in any Government building.

Mr. ALLEN. I should like to see a bill pass Congress that did not in some manner carry some benefit to the Washington real estate syndicate. This engineer, or the engineers, as the case may be, must have some habitation at the present time, some place to transact the public business. What is there in the discharge of the duties under this law that they can not discharge those duties as well in the offices they now occupy, or the rooms they now occupy, as to rent additional quarters in this city at the expense of the Government at $85 a month?

Mr. FRYE. I will simply say that the Engineer Department reported to the committee that there was no room for this purpose at all, and that it was absolutely necessary to have one, and the best they could do was probably to rent quarters at $85 a month. The committee accepted their judgment in relation to it and inserted the item in the bill.

Mr. ALLEN. I do not know that I ought to antagonize this any further or consume any time in antagonizing it further. I should antagonize it and vote against it if my vote were of any avail; but we have an engineer corps here, and the expenditure of this money and this work is to be done under the supervision of the Secretary of War. The officers who will have charge of this work have quarters in the city now, where they have their plans, their papers, their instruments, and whatever may be necessary in the discharge of their duties. Why does it become necessary under these circumstances, when this bill does not impose upon them extraordinary duties, that the hands of the owners of private property in this city should be shoved into the Treasury, and $85 a month of the people's money taken to rent a room, or a few rooms, for the accommodation of these engineers? Certainly it is the part of wisdom, if we have not public buildings enough here to build them, and to build them without delay, so that we shall not be compelled to go from time to time throughout this entire city and rent buildings and pay out the public money in that way whenever there is an appropriation bill which may pass Congress, and by that means give the syndicate which controls prices here a percentage of the appropriations made.

I appeal to the honorable Senator from Maine, who I know to be a just and honorable man, not to insist upon this provision. Let the duties that may be imposed upon these engineers be discharged from the rooms they now occupy or from other rooms that may be furnished them without charge to the Government in some one of the numerous public buildings in this city.

Mr. FRYE. The Senator himself must understand that in this matter of improving the Potomac River it is absolutely necessary for the engineer in charge to have rooms. All of the various small machinery that he is obliged to use, the tools the men are obliged to use, and everything of that kind, must be housed somewhere. That can not be done up in the War Department; they can not give way up there. General Craighill said this was an absolute necessity for the service and to take care of the property which would be used, and I have no doubt it is so. I think it is entirely fair that the provision should be in the bill.

Mr. ALLEN. The trouble with the position of the Senator from Maine is simply this: The engineer or engineers, as the case may be, who are to take charge of this work have rooms somewhere to-day, have they not?

Mr. FRYE. No.

Mr. ALLEN. Certainly they are not out in tents or in pasture.

Mr. FRYE. The engineer has a house.

Mr. ALLEN. Yes; and he has an office where he discharges the duties which are imposed upon him by virtue of his relations to the Government.

Mr. FRYE. No; I do not think he has any place now.

Mr. ALLEN. Does the Senator from Maine mean to say that there are public officers in the service of this Government who are running around upon the streets, without offices where they can discharge the duties imposed upon them, or like Arabs, living in tents, or who are turned out to grass? Certainly there must be some place, and is some place of this kind, some rooms that these officers occupy. There must be some place or some rooms where their instruments and papers are stored. Why can not those rooms be used to-day? Why can not they be used when this engineer and his men go to work under the requirements of this bill just as well as they can be used to-day?

Of course, it is popular to squander the public money. This is simply a little item of $80 a month, but it is one of the items which, when added to the other hundreds of thousands of dollars that are expended in this way, increase the burdens materially upon the people in the form of taxation.

Mr. VEST. If the Senator will permit me, the statement made to our committee was that this officer carries his papers up to his dwelling house or boarding house (I do not know whether he has any family or not), and the necessary machinery, etc., has been kept down at the wharf under a shed. He is on a small salary, and it is not worthy of the Government to leave its officers in such a position. I am very sorry my friend has seized upon this particular point to make an attack.

Mr. ALLEN. I can find numerous points of attack. The truth is they are so numerous that no man can attack them. That is the trouble. If any half dozen men in the Senate Chamber would devote their entire time to looking up leakages, great and small, that occur here from session to session, they could not keep track of all of them. I speak of this item because it is apparent upon the face of the bill, and because it is apparent to me, at least, that it is one of the items that should not pass here.

Mr. SEWELL. Will the Senator from Nebraska allow me to interrupt him?

Mr. ALLEN. Certainly.

Mr. SEWELL. I suggest to the Senator that there is an office, a house, that has been rented for years for the use of this officer, and it is put in the appropriation bill every year in order to distinguish the rent of the office from the dredging on the river, and he is given authority in this way to charge up his account under different appropriations.

Mr. ALLEN. I did not hear the Senator from New Jersey, but I infer that he said there was an office provided for this officer.

Mr. FRYE. Which has to be hired every year.

Mr. ALLEN. Which has to be hired every year?

Mr. FRYE. Yes, sir.

Mr. ALLEN. Then I infer that every time an appropriation is made by Congress to improve the Potomac River that moment we begin renting quarters for the engineer and his instruments and his men at $80 per month or more, and the moment the money has been expended that moment he is either turned out-of-doors and required to find quarters for himself for the transaction of business or to carry his office around in his hat, as has been suggested by the Senator from Missouri. I do not believe in this appropriation. It is true it is a small amount, only $900, it is said; but if you will take the numerous sums of $900 and $1,000 of the people's money that are appropriated in this form and absolutely wasted you will find that they amount to hundreds of thousands if not millions of dollars in the course of a Congress, and where there is an opportunity to lop off these little unnecessary expenses, why not do it?

Mr. President, no business man in this country could conduct his business successfully two years upon the principles upon which this Government is being run. Any business man upon the face of the earth, starting with a capital of $1,000,000, would become absolutely bankrupt and a subject of public charity within two years if he conducted his business upon the principles on which we conduct the public business.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 24, on page 51.

Mr. DANIEL. I beg leave to propose an amendment to come in after line 24, on page 51.

Mr. FRYE. The committee amendments are to be first acted upon.

The PRESIDING OFFICER. The Chair understands that the committee amendments are to be first acted on.

Mr. DANIEL. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 52, line 8, after the word "with," to strike out "approved project for the improvement thereof" and insert "report submitted in the Annual Report of the Chief of Engineers for 1895"; so as to make the clause read:

Improving Nandua (historically known as Andura) Creek, Virginia, in accordance with report submitted in the Annual Report of the Chief of Engineers for 1895, $3,000.

The amendment was agreed to.

The next amendment was, on page 52, line 13, to increase the appropriation for protecting Jamestown Island from the encroachments of James River from $6,000 to $15,000.

The amendment was agreed to.

The next amendment was, on page 52, after line 21, to strike out:

Improving Cheat River, West Virginia: Continuing improvement in accordance with recommendations of Maj. R. L. Hoxie, submitted July 10, 1895, $3,000.

The amendment was agreed to.

The next amendment was, on page 53, line 4, before the word "thousand," to strike out "twenty" and insert "thirty"; in the same line, after the word "dollars," to insert "$10,000 of which may be used for the location and purchase of sites for the dams

within said improvement"; in line 7, after the words "Secretary of War," to strike out:

At such time as the United States shall become the owner, by condemnation or otherwise, of the dams on the Monongahela River belonging to the Monongahela River Navigation Company, in Pennsylvania.

And in line 15, before the word "dollars," to insert "two hundred thousand"; so as to make the clause read:

Improving the upper Monongahela River, West Virginia: Continuing improvements, $30,000, $10,000 of which may be used for the location and purchase of sites for the dams within said improvement; and the Secretary of War may place the construction of the six dams heretofore recommended and reported by the United States engineers on the Monongahela River, in the State of West Virginia, under contract at a sum not exceeding $1,200,000, to be paid for as appropriations may from time to time be made by law.

The amendment was agreed to.

The next amendment was, on page 53, line 21, to increase the appropriation for improving Cape Fear River, North Carolina, above Wilmington, from $4,000 to $5,000.

The amendment was agreed to.

The next amendment was, on page 53, line 21, to increase the appropriation for improving Cape Fear River, North Carolina, at and below Wilmington, from $100,000 to $195,000.

The amendment was agreed to.

The next amendment was, on page 54, line 2, to increase the appropriation for improving Neuse River, North Carolina, from $5,000 to $7,000.

The amendment was agreed to.

The next amendment was, on page 54, line 4, to increase the appropriation for improving Pamlico and Tar rivers, North Carolina, from $2,500 to $5,000.

The amendment was agreed to.

The next amendment was, on page 54, after line 9, to insert:

Improving Roanoke River, North Carolina: Continuing improvement, $12,000.

The amendment was agreed to.

The next amendment was, on page 56, line 19, after the word "River," to strike out "For completion" and insert "Continuing improvement"; so as to make the clause read:

Improving Apalachicola River, Florida, including the cut-off and Lower Chipola River: Continuing improvement, $5,000.

The amendment was agreed to.

The next amendment was, on page 57, line 11, before the words "Terraceia Bay," to strike out "in" and insert "into."

The amendment was agreed to.

The next amendment was, on page 57, line 18, before the word "bay," to strike out "Sarasoto" and insert "Sarasota"; and in line 19, before the word "Florida," to insert "from Tampa Bay to Caseys Pass"; so as to make the clause read:

Improving Sarasota Bay, from Tampa Bay to Caseys Pass, Florida: Continuing improvement, $2,500.

The amendment was agreed to.

The next amendment was, on page 58, line 1, after the word "with," to strike out "latest approved project for its improvement, twenty-five" and insert "project submitted February 27, 1895, two hundred"; so as to make the clause read:

Improving St. Johns River, Florida, from Jacksonville to the ocean, in accordance with project submitted February 27, 1895, $200,000.

The amendment was agreed to.

The reading of the bill was continued to line 18, on page 58.

Mr. PUGH. I desire to offer several amendments to the bill on page 58, relative to the improvements on the Warrior and Tombigbee rivers. Is it proper for me now to offer the amendments?

Mr. FRYE. Is it in relation to a diversion of a part of the appropriation?

Mr. PUGH. Yes; merely the distribution. Here are the amendments. They do not increase the appropriation.

Mr. VEST. It is all right.

The PRESIDING OFFICER. Does the chairman of the Committee on Commerce agree that the amendments shall be offered now?

Mr. FRYE. I think they might as well come in now. It is merely a change in the language making the distribution.

The PRESIDING OFFICER. The amendments will be accepted by unanimous consent.

Mr. PUGH. They will be accepted by the committee.

The PRESIDING OFFICER. The first amendment submitted by the Senator from Alabama will be stated.

The SECRETARY. In line 8, page 58, before the word "thousand," strike out "forty" and insert "ten;" so as to read:

Improving Black Warrior River, Alabama, from Tuscaloosa to Daniels Creek: Continuing improvement, $10,000.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment submitted by the Senator from Alabama will be stated.

The SECRETARY. In line 12, after the words "one hundred and," strike out "fifteen" and insert "forty-five;" so as to read:

Improving Warrior and Tombigbee rivers, Alabama, from mouth of Tombigbee River to Tuscaloosa: Continuing improvement, $145,000.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment submitted by the Senator from Alabama will be stated.

The SECRETARY. In line 14, before the word "thousand," strike out "forty" and insert "seventy"; so as to make the clause read:

Of which $75,000 are to be expended on the Tombigbee River and $70,000 on the Warrior River, and so much of said sums as may be necessary is authorized to be expended in acquiring, by purchase or condemnation, under the laws of Alabama, the lands needed in making such improvements.

The amendment was agreed to.

Mr. FRYE. That leaves the amount as originally appropriated.

Mr. PUGH. It is the same.

Mr. FRYE. It is only a change in its application.

Mr. PUGH. It distributes it below Tuscaloosa, on the same river.

The reading of the bill was resumed and continued to line 3, on page 60.

Mr. WALTHALL. I ask the chairman of the committee whether it would be agreeable to him to have an amendment inserted at this point, or shall I wait? I want to change the name of Shubuta.

Mr. FRYE. Let it be made now. It is only a change of title.

Mr. WALTHALL. On page 60, line 2, I move to strike out "Shubuta" and insert "Bucatana"; so as to read:

Improving Chickasahay River, Mississippi, from the mouth up to railroad bridge near Bucatana: Continuing improvement, $2,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 60, line 8, after the word "of," to strike out "completing" and insert "continuing"; and in line 10, after the word "upon," to strike out:

In addition to expending the balance on hand, contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the same, or said materials may be purchased and work may be done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $860,000, exclusive of the amount heretofore appropriated.

And insert "the balance on hand may be expended"; so as to make the clause read:

Improving mouth of Yazoo River and harbor of Vicksburg, Miss.: For the purpose of continuing the project of improvement as heretofore adopted and entered upon, the balance on hand may be expended.

Mr. WALTHALL. Mr. President, I hope the Senate will disagree to the amendment reported by the committee. Day before yesterday the chairman of the committee informed us that there were about thirty continuing contract clauses in the bill as it came to us from the other House. The report of the committee shows that of these three were stricken out by the Senate committee. One is Savannah Harbor, Georgia, $1,093,950; another Sabine Pass, Texas, $1,403,856, and another Yazoo River and harbor at Vicksburg, $860,000. The last named carries the smallest appropriation of the three. Day before yesterday the other two were restored by a vote of the Senate, and I trust that this one will now be restored. It is substantially upon the same footing, and is, I believe, a project about as meritorious as there is in the bill.

I will submit a brief statement of the objects of the project and the reason why I do not think the Senate should sustain the committee in striking out the provision. The objects are twofold, both extremely important, one affecting the city of Vicksburg, which is the principal city in my State, the other affecting the great Yazoo delta, which is, I believe, about the richest spot of earth to be found upon the globe.

The city of Vicksburg, upon the east bank of the Mississippi River, stands on the first highlands below the Chickasaw Bluffs at Memphis, a distance of about 400 miles as the river runs. Up to 1876 the river in front of the city of Vicksburg turned abruptly northward and then southward, making a loop of about 8 miles around, with a narrow strip of land at the neck of the loop not more than half a mile in width. In 1876 the Mississippi River, which is always capricious, and very often unmanageable, forced its way through that narrow neck of land, destroyed the great interior harbor at Vicksburg, and left the city standing on a body of sluggish water, to which the name of Lake Centennial has since been given.

The object of this provision is to restore that harbor in connection with another purpose, which I will undertake briefly to explain. The Yazoo delta comprises about 6,000 square miles.

Mr. GEORGE. Six thousand eight hundred.

Mr. WALTHALL. Six thousand eight hundred, my colleague says, including about 2,000,000 acres of the very finest land in the world. It includes all the territory between Vicksburg and Memphis, between the Mississippi River on the west and the range of highlands that makes a great curve out eastward in the vicinity of Memphis and then, returning toward the river, reaches the river at Vicksburg. That very fertile section is drained by the Yazoo River and a number of tributaries, I think about 800 miles of navigable waters, if I mistake not.

Mr. GEORGE. Eight hundred miles now absolutely navigable.

Mr. WALTHALL. This river and its tributaries afford the

only protection that the people have in that part of the country against the exorbitant demands for freight, which are exacted by the railroad companies. The freights for that section amount to millions in money and hundreds of thousands in tons. It happens that at low water, at the point where the Yazoo River runs into the Mississippi River, just above Vicksburg, the stream is so shallow that boats can not enter, whereas if they could enter they would find abundant water navigable for hundreds of miles up toward the source of that stream.

The object of the provision in addition to what I have already stated with reference to Vicksburg Harbor is to divert the Yazoo River near its mouth southward and conduct it into Lake Centennial by natural means supplemented by artificial means and thus at once to restore that great harbor and afford navigation on the Yazoo at all stages of water.

The engineer officers of the Government have pronounced the scheme entirely feasible. The Government is committed to it. The work is now progressing. The engineer officers say that the work can be completed at a cost of $1,200,000 provided the work be continuous, but if the appropriations are small and fragmentary it will very largely increase the cost. The work is now progressing and a very considerable sum of money has already been expended upon it. Eight hundred and sixty thousand dollars is necessary to complete the work entirely. The House provided for that, and the Senate committee propose to strike out the provision. I trust it may not be done. I think it ought not to be done upon every consideration of economy and justice.

Mr. FRYE. Mr. President, I am compelled to admit that there is no more reason for repealing the continuing contract clause in this case than there was in the case of Sabine Pass and Savannah Harbor. The Senate restored the House provisions in those two cases, and I certainly am not in condition to contest the case which has just been presented.

Mr. GEORGE. I do not wish to supplement the remarks made by my colleague [Mr. WALTHALL] except to say that the chairman of the committee was generous enough to about admit that the committee is out of court. Therefore I hope that the bill will be allowed to stand as it came from the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Commerce.

The amendment was rejected.

Mr. FRYE. The Senate now having restored these continuing contract clauses, we shall be in the happy condition of conferring in relation to Senate amendments alone.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 60, after line 18, to insert:

Improving Bayou Lafourche, Louisiana: Continuing improvement, $25,000.

The amendment was agreed to.

The next amendment was, on page 61, after line 4, to insert:

Improving Bayou Courtableau, by removing raft in same, $2,500, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 61, line 10, after the word "improvement," to strike out "according to the plan of Capt. J. H. Willard, Corps of Engineers, United States Army, seventy-five" and insert "one hundred"; so as to make the clause read:

Improving Red River, Louisiana and Arkansas, from Fulton, Ark., to the Atchafalaya River: Continuing improvement, $100,000.

The amendment was agreed to.

The next amendment was, on page 61, line 16, before the word "thousand," to strike out "one hundred and ten" and insert "seventy-five"; and in line 17, after the word "dollars," to insert:

Of which amount $10,000 may be applied to the improvement of Pigeon Bayous and Grand River: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,173,250, exclusive of the amount herein and heretofore appropriated.

So as to make the clause read:

Improving Bayou Plaquemine, Louisiana: Continuing improvement, $75,000, of which amount $10,000 may be applied to the improvement of Pigeon Bayous and Grand River, etc.

The amendment was agreed to.

The next amendment was, on page 62, line 8, to increase the appropriation for improving Bayou Teche, Louisiana, from $6,000 to $10,000.

The amendment was agreed to.

The next amendment was, on page 62, after line 16, to insert:

Improving Brazos River, Texas, from Richmond southerly, by removal of snags and overhanging trees, as recommended by report of February 14, 1895, $5,000.

The amendment was agreed to.

The next amendment was, on page 64, after line 22, to strike out:

Improving Cumberland River, Kentucky and Tennessee: Continuing improvement, between the State of Tennessee and the town of Burnside, $20,000, to be expended in purchasing sites for locks and dams 21 and 22, and in laying masonry for dams 21 and 22.

The amendment was agreed to.

The next amendment was, on page 65, line 7, after the word "for," to strike out "the completion of" and insert "continuing work on"; so as to make the clause read:

Improving Cumberland River below Nashville, Tenn.: Continuing improvement, $80,000, of which sum shall be expended as much as may be necessary for continuing work on the lock and dam near the mouth of Harpeth River.

The amendment was agreed to.

The next amendment was, on page 65, line 12, after the word "Nashville," to insert "or the necessary material may be purchased and the work done otherwise than by contract"; so as to make the clause read:

Improving Cumberland River above Nashville, Tenn.: Continuing improvement: The Secretary of War may enter into contracts for the completion of the whole or any part of locks Nos. 5, 6, and 7, above Nashville, or the necessary material may be purchased and the work done otherwise than by contract.

The amendment was agreed to.

The next amendment was, on page 65, line 21, to increase the appropriation for improving Tennessee River below Chattanooga, Tenn., from $50,000 to $200,000.

The amendment was agreed to.

Mr. BATE. On page 66, after line 6, I move to insert——

The PRESIDING OFFICER. Is the Senator from Tennessee aware of the order that individual amendments are not to be considered on this reading of the bill except by unanimous consent? Committee amendments are first to be disposed of.

Mr. BATE. I do not ask unanimous consent, but I presented the amendment to the committee, and it took no action upon it.

Mr. BERRY. The Senator from Tennessee will have an opportunity later.

Mr. FRYE. There will be ample time, after we have gone through with the reading of the bill, for the Senator from Tennessee to offer his amendment.

The PRESIDING OFFICER. The Senator from Tennessee will have an opportunity to offer the amendment after the committee amendments are disposed of.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 66, line 16, after the word "appropriated," to insert:

Provided, That of the amount authorized to be expended $83,000, or so much thereof as may be necessary, may be expended, in addition to the $50,000 herein appropriated, in continuing construction and completion of Lock and Dam No. 7, by contract or otherwise.

So as to make the clause read:

Improving Kentucky River, Kentucky: Continuing improvement, $50,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of improvement, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $1,349,000, exclusive of the amount herein appropriated: *Provided*, That of the amount authorized to be expended, etc.

The amendment was agreed to.

The next amendment was, on page 67, line 13, after the word "improvement," to strike out:

For Lock No. 5, according to report and recommendation of Maj. D. W. Lockwood, Corps of Engineers, United States Army, submitted August 11, 1891.

And insert "of Lock No. 5"; so as to make the clause read:

Improving Green River, Kentucky, about the mouth of Big Barren River: Continuing improvement of Lock No. 5, $20,000.

The amendment was agreed to.

The next amendment was, on page 68, line 7, after the word "the," to strike out "approved project for the completion thereof, $10,000," and insert:

Project submitted February 3, 1896, $20,000, $20,000 of which, or so much thereof as may be necessary, may be used for the purchase of the sites for Dams Nos. 3, 4, and 5; and if said sum shall not be sufficient, then the Secretary of War may use so much of the moneys heretofore appropriated for Dam No. 6 as shall be requisite.

So as to make the clause read:

Improving Ohio River, by the construction of Dams Nos. 2, 3, 4, and 5, between Davis Island Dam and Dam No. 6, in accordance with the project submitted February 3, 1896, etc.

The amendment was agreed to.

The next amendment was, on page 70, under the heading for improving the Ohio River, Ohio and West Virginia, to increase the appropriation for the improvement and continuance of the work on the harbor at Brooklyn, Ill., from $5,000 to $10,000.

The amendment was agreed to.

The next amendment was, on page 71, line 4, after the word "submitted," to strike out "by Col. G. J. Lydecker, November 30," and insert "December 7"; and in line 5, after the word "ninety-five," to strike out "in House Document No. 72, Fifty-fourth Congress, first session"; so as to make the clause read:

Improving Belle River, Michigan, in accordance with plans submitted December 7, 1895, $5,000.

The amendment was agreed to.

The next amendment was, on page 71, line 9, after the word "submitted," to strike out "by Col. G. J. Lydecker, November 30," and insert "December 7"; and in line 10, after the word "ninety-five," to strike out "in House Document No. 71, Fifty-fourth Congress, first session"; so as to make the clause read:

Improving Sebewaing River, Michigan, in accordance with plans submitted December 7, 1895, $5,000.

The amendment was agreed to.

The next amendment was, on page 71, line 14, after the word "submitted," to strike out "by Col. G. J. Lydecker"; and in line 15, after the word "ninety-five," to strike out "in House Document No. 73, Fifty-fourth Congress, first session"; so as to make the clause read:

Improving Pine River, Michigan, in accordance with report submitted December 7, 1895, $5,000.

The amendment was agreed to.

The next amendment was, on page 72, line 23, after the word "with," to strike out:

Plans submitted by Col. G. J. Lydecker in House Document No. 192, Fifty-fourth Congress, first session.

And insert "the alternative project submitted January 28, 1896"; so as to make the clause read:

Improving Kalamazoo River, Michigan, from Lake Michigan to Saugatuck, in accordance with the alternative project submitted January 28, 1896, $5,000.

The amendment was agreed to.

The next amendment was, on page 73, line 18, after the word "sufficient," to strike out "is hereby appropriated and"; so as to make the clause read:

Improving Menominee River, Wisconsin and Michigan: Continuing improvement, $15,000, of which said sum an amount sufficient shall be used.

The amendment was agreed to.

The next amendment was, on page 74, line 10, before the word "thousand," to strike out "ten" and insert "fifteen"; and in the same line, after the word "dollars," to insert:

Of which sum $10,000, or so much thereof as may be necessary, shall be used in improving the harbor and water front of Stillwater, Minn., so as to render it accessible to steamboats and other craft navigating said river.

So as to make the clause read:

Improving St. Croix River, Wisconsin and Minnesota: Continuing improvement, $15,000, of which sum $10,000, or so much thereof as may be necessary, shall be used in improving the harbor and water front of Stillwater, Minn., so as to render it accessible to steamboats and other craft navigating said river.

The amendment was agreed to.

The next amendment was, on page 74, after line 11, to strike out:

Improving Red River of the North, Minnesota: Continuing improvement, $12,000.

The amendment was agreed to.

The next amendment was, on page 74, after line 13, to insert:

Improving Red River of the North, Minnesota, and its tributaries: Continuing improvement, $20,000, of which sum $5,000, or so much thereof as may be necessary, shall be used in improving the navigation of the Red Lake River, between Thief River Falls and Red Lake, according to the plan of Maj. W. A. Jones in his report of February 28, 1895.

The amendment was agreed to.

The next amendment was, on page 75, line 6, after the word "dollars," to strike out:

Provided, That the expenditure of said money shall be made upon said river, from the mouth thereof to the forks in said river.

And insert:

And so much thereof as may be necessary may be used for dredging to a depth of 20 feet between the mouth of the river and a point 2 miles southward.

So as to make the clause read:

Improving Calumet River, Illinois: Continuing improvement, $50,000, and so much thereof as may be necessary may be used for dredging to a depth of 20 feet between the mouth of the river and a point 2 miles southward.

The amendment was agreed to.

The next amendment was, on page 75, line 16, after the word "dollars," to insert "and for acquiring right of way, including necessary surveys, $20,000"; in line 18, after the word "for," to insert "the whole or any part of"; in line 21, after the word "Canal," to insert "or the said materials may be purchased and the work done otherwise than by contract"; and in line 23, after the word "necessary," to strike out "therefor" and insert "for the said canal"; so as to make the clause read:

For the construction of the Illinois and Mississippi Canal: Continuing construction, $25,000, and for acquiring right of way, including necessary surveys, $20,000: *Provided*, That the Secretary of War may enter into contracts for the whole or any part of such material and work as may be necessary to complete the present project of said Illinois and Mississippi Canal, or the said materials may be purchased and the work done otherwise than by contract; and to acquire such further right of way as may be necessary for the said canal, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $5,710,960, exclusive of the amount herein and heretofore appropriated.

The amendment was agreed to.

The reading of the bill was continued to the end of line 24, on page 77.

Mr. NELSON. I move to strike out the word "to," in line 23, and insert the word "and." It is to correct a mistake.

The SECRETARY. In line 23, page 77, it is proposed to strike out the word "to" and insert "and"; so as to make the clause read:

Improving the Mississippi River between the Chicago, St. Paul, Minneapolis and Omaha Railroad bridge at St. Paul, and the Washington avenue bridge at Minneapolis: Continuing improvement, $100,000.

Mr. FRYE. I have no objection to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 78, line 2, before the word "hundred," to strike out "three" and insert "four"; in line 5, before the word "hundred," to strike out "one" and insert "two"; in line 16, after the word "dollars," to insert "exclusive of the amount herein appropriated"; in line 25, before the word "cents," to strike out "sixty-six" and insert "sixty-seven"; on page 79, line 11, after the word "That," to insert "any balance of former appropriations now available and"; in line 13, after the word "expended," to strike out "in pursuance of said contracts"; in line 19, after the word "of," to insert "ultimately"; in the same line, after the word "obtaining," to insert "and maintaining"; and in line 22, after the word "depth," to insert "at all periods of the year except when navigation of the river is closed by ice"; so as to make the clause read:

Improving the Mississippi River from the mouth of the Ohio River to St. Paul, Minn.: Continuing improvement, $475,000, of which amount $200,000 shall be expended on that portion of said river from St. Paul to the mouth of the Missouri River, and $275,000 from the mouth of the Missouri River to the mouth of the Ohio River: *Provided*, That on and after the passage of this act additional contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry on continuously the systematic improvement of the Mississippi River between the points mentioned, or said materials may be purchased and work may be done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $5,025,000, exclusive of the amount herein appropriated: *Provided further*, That for the fiscal year ending June 30, 1897, said contracts and materials purchased and work done otherwise than by contract for the section of said river between St. Paul and the mouth of the Missouri River shall not exceed $200,000, and thereafter shall not exceed for the three years beginning July 1, 1897, the sum of $826,666.67 annually: *Provided further*, That such contracts and materials purchased and work done otherwise than by contract for that section of the said river between the mouth of the Missouri and the mouth of the Ohio River for the fiscal year ending June 30, 1897, shall not exceed the sum of $325,000, and thereafter for the three years commencing July 1, 1897, shall not exceed the sum of $673,333.33 annually: *And provided further*, That any balance of former appropriations now available and the money hereby appropriated and authorized to be expended for the said section of said river between the mouth of the Missouri River and the mouth of the Ohio River, or so much thereof as may be necessary, shall be expended in the construction of suitable dredge boats, portable jetties, and other suitable appliances, and in the maintenance and operation of the same, with the view of ultimately obtaining and maintaining a navigable channel from St. Louis to Cairo not less than 250 feet in width and 9 feet in depth at all periods of the year except when navigation of the river is closed by ice.

The amendment was agreed to.

The next amendment was, on page 79, after line 23, to strike out:

That $50,000, or so much thereof as may be necessary, of the money herein appropriated for the improvement of the Mississippi River between Cairo and the mouth of the Missouri River shall be expended, under the direction of the Secretary of War, to protect the east bank of the Mississippi River from caving in and being washed away at or near a point opposite the mouth of the Missouri River and extending south along said east bank as far as may be necessary to effect the purpose above mentioned.

That of the money herein appropriated for use on the Mississippi River from Cairo to the mouth of the Missouri River the sum of $30,000, or so much thereof as may be necessary, is directed to be expended in removing the bar in front of Chester, Ill., and protecting the west bank of the Mississippi River opposite Chester, Ill.

And insert:

That of the money herein appropriated for the improvement of the Mississippi River between Cario and the mouth of the Missouri River there may be expended, under the direction of the Secretary of War, in order to improve the channel of the river, such amounts as may be necessary to protect the east bank of the Mississippi River from caving in and being washed away at or near a point opposite the mouth of the Missouri River and extending south along said east bank, and in removing the bar in front of Chester, Ill., and protecting the west bank of the Mississippi River opposite Chester.

The amendment was agreed to.

The next amendment was, on page 81, line 1, after the word

"appropriated," to insert "and authorized to be expended"; so as to make the clause read:

That of the money herein appropriated and authorized to be expended for the improvement of the Mississippi River from St. Paul to the mouth of the Missouri River there shall be expended the following respective amounts, etc.

The amendment was agreed to.

Mr. FRYE. The item between lines 8 and 14 on page 81, may be passed over for the present at the request of the junior Senator from Illinois [Mr. PALMER].

The PRESIDING OFFICER (Mr. BERRY in the chair). The item within the lines indicated will be passed over.

The next amendment of the Committee on Commerce was, on page 81, after line 14, to strike out:

For the removal of the bar in the Mississippi River, on the east side thereof, opposite the city of Dubuque, in the State of Iowa, $5,000.

Mr. ALLISON. I ask that this amendment——

Mr. CULLOM. I hope the lines just read will be retained.

Mr. ALLISON. That is what I want.

Mr. CULLOM. I hope that this amendment and the amendment in lines 23, 24, and 25, on the same page, may be disagreed to. I have a letter in reference to the latter amendment, pertaining to Quincy, Ill., and the Senator himself has quite a number of letters with reference to the first, which seem to make it absolutely necessary that the two provisions shall be left in the bill as the House had it.

Mr. ALLISON. I was about to make the same suggestion. I know personally as respects the first amendment that it ought to be disagreed to.

Mr. VEST. I want to say frankly to the Senate that I suppose the people of Missouri have as much interest as the people of Illinois and Iowa in these improvements, but the trouble comes—and both Senators will recognize it—from the fact that there is no recommendation or estimate from the engineers in regard to these improvements. In other words, in order to put these appropriations back as they came from the other House, we are asked to take the verbal statements of members of Congress or letters and telegrams from citizens; and I have received a number of them. It must be evident to these Senators and to everybody that if you make up the river and harbor bill in that way the amount appropriated will be indefinite, and there is no telling what sort of improvements will be made. There is no estimate, there is no recommendation, there is no survey for these improvements.

Mr. CULLOM. As to the Dubuque item, we have improved the river on one side and not on the other. I do not know whether or not the item is in the estimates, but I do know that the merchants on the opposite side of the river, at East Dubuque, are absolutely cut off by a sand bar there, so that they can not get boats up to the shore at all. That is entirely unfair. There are a number of merchants there; and the chairman of the committee has received quite a number of letters from the Representative of that district [Mr. HITT], showing the urgent necessity for an appropriation. I have been there myself, and have seen exactly the situation in reference to it.

Mr. ALLISON. Will the Senator from Illinois allow me to say a word?

Mr. CULLOM. I shall be very glad to have the Senator from Iowa give us his views.

Mr. ALLISON. I am perfectly familiar with the situation and location there at Dubuque. It does not need an engineer to know what ought to be done there. This item does not increase the appropriation a single dollar. It merely takes from the general appropriation the sum named to preserve the channel at this particular point. It is the city in which I live, the commerce of my city crosses at that point, and I am perfectly familiar with it. The reason the local engineer does not make the improvement is that under the terms of a general appropriation he can not apply the money locally without authority from Congress. I think that where we have this absolute knowledge it does not require an engineer to know that if a sand bar accumulates at a point where commerce is constant it is an obstruction. There are two or three elevators at this point, and because of the sand bar they can not be reached. But for the technical situation as to this appropriation this sand bar would be removed.

I hope the amendment will be disagreed to, and I suggest to my friend from Missouri that this is not an unusual thing in these appropriation bills where the necessities seem to require it.

Mr. VEST. There are a large number of these appropriations here, put in at the request of members of both Houses simply upon their own statement, without any estimate, without a survey, or any recommendation.

Mr. CULLOM. I want to say, furthermore, that when I discovered that those two items and another one in the bill had been stricken out I at once undertook to find out the reason for that action. As to the two, I find that it is exceedingly important to the business of those localities that they should be reinstated. As to the third, I am not satisfied, and therefore am not asking that anything be done in relation to it.

Mr. VEST. What does the Senator mean by the third?

Mr. CULLOM. There is still another item, that at Rock Island, in regard to which I have no information which justifies me in insisting upon its being put back, and therefore I do not intend to do so.

Mr. VEST. In regard to Sny Island?

Mr. CULLOM. That is not in dispute.

Mr. FRYE. That was passed over. The Senator from Illinois [Mr. PALMER] who is absent desired it passed over.

Mr. VEST. I did not understand that.

Mr. CULLOM. The two items to which I refer are the Dubuque item, stricken out, and the bar in front of the steamboat landing at Quincy. Quincy is a city of 40,000 people. Since there has been a railroad bridge built across the river there, a little above the city, a sand bar has begun to form, and steamboats—of which there a dozen a day coming up and going down that river—if they are going down, have to go down the main channel by the city and then back up on the inside of that bar in order to get in at all. That is the literal fact of the case; and for the Senate to hesitate to restore those items on such a state of facts would be, I think, very singular. I do not care what the War Department has done about it. I think it is unfair to the people of those localities that those items should be stricken out, and I hope that there will be no hesitation about restoring them.

Mr. VEST. As a matter of course, all these statements come to us for the first time. No such statements were made in committee, and we must look to the Book of Estimates and to the reports of the Engineer Corps.

Mr. CULLOM. I understand that is so as a general proposition.

Mr. VEST. And when we looked, we could not find any estimates nor any survey nor any recommendation, yet these rivers and harbors are under the control and supervision of officers sent from the Corps of Engineers to each river and harbor in the United States.

Mr. CULLOM. There are sand bars in both places, patent and open to the world, and boats plying up and down the river can not land where they ought to land so as to accommodate the people.

Mr. VEST. That may be and doubtless is true, but it is a singular fact that the engineer in charge of the river, with those bars right before him and knowing their injurious effect upon navigation, did not refer to them in his general estimate for the river, and though he has given very fully the details of the improvements to be made, he has said nothing about these improvements.

Mr. CULLOM. I know the facts as to both cases, because I have been at both places within the year. The Senator from Iowa [Mr. ALLISON] lives directly opposite one of them, and there is no question whatever about the facts.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Commerce, striking out the words from line 15 to line 17, inclusive, on page 81.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 81, after line 22, to strike out:

For removing the sand bar in front of the steamboat landing at Quincy, in the State of Illinois, $10,000.

Mr. CULLOM. That is the other place I referred to, and I hope that appropriation will be retained in the bill.

The PRESIDING OFFICER. The question is on striking out the clause which has been read.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, at the top of page 82, to strike out:

For maintaining the harbor at Rock Island, Ill., $5,000.

The amendment was agreed to.

The next amendment was, on page 82, after line 2, to strike out:

For maintaining the harbor at La Crosse, Wis., $5,000.

The amendment was agreed to.

The next amendment was, on page 82, line 13, to increase the appropriation for "continuing the work of constructing artificial banks between the mouth of Flint River, in Des Moines County, Iowa, and running along the west bank of the Mississippi River to the mouth of the Iowa River," from $50,000 to $75,000.

The amendment was agreed to.

The next amendment was, on page 82, line 15, after the word "appropriated," to insert "and authorized to be expended"; and in line 17, after the word "made," to insert "and cost of improvements to be estimated"; so as to make the clause read:

And the Secretary of War, out of the money herein appropriated and authorized to be expended for the improvement of the Mississippi River from St. Paul to the mouth of the Missouri River, shall cause surveys to be made and cost of improvements to be estimated as follows, etc.

The amendment was agreed to.

The next amendment was, on page 82, line 20, before the word "County," to strike out "Mercer" and insert "Rock Island"; and on page 83, line 3, after the word "channel," to strike out "with an estimate of the cost thereof"; so as to make the clause read:

On the east side of the Mississippi River, commencing at Drurys Landing, in Rock Island County, State of Illinois, and running along the east bank of said river to New Boston, with a view to the improvement of navigation by preventing the overflow of the natural and artificial banks, and by deepening the channel; also along the east bank of said river, from at or near the city of Oquawka, Ill., to at or near Dallas City, in the said State, with a view to the improvement of navigation by preventing the overflow of the natural and artificial banks and by deepening the channel; also on the west side of said river from the bluff above the city of Madison, Lee County, in the State of Iowa, along the west bank of said river to the mouth of Skunk River, in said Lee County, and along the west bank of the Mississippi River from the mouth of the Iowa River, in Louisa County, to the city of Muscatine, in Muscatine County, Iowa, with a view of improving the navigation by preventing the overflow of the natural and artificial banks and by deepening the channel.

The amendment was agreed to.

The next amendment was, on page 84, after line 4, to strike out:

Also commencing at Drurys Landing in Rock Island County, Ill., and running along the east bank of said river to New Boston, Ill., with a view to improving the navigation by preventing the water from overflowing the natural and artificial banks along those parts of the river and deepening the channel.

The amendment was agreed to.

The next amendment was, on page 84, line 20, after the word "building," to insert "and repairing"; in line 22, after the word "river," to insert "such improvement, surveys, building and repairs of levees to be made and carried on"; on page 85, line 24, after the word "obtaining," to insert "and maintaining"; and on page 86, line 1, after the word "depth," to insert "at all periods of the year except when navigation is closed by ice"; so as to make the clause read:

Improving Mississippi River from Head of Passes to the mouth of the Ohio River, including salaries, clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission: Continuing improvement, $625,000, which sum shall be expended under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the general improvement of the river, for the building and repairing of levees, and for surveys, including the continuation of the survey between Head of Passes and the head waters of the river, such improvement, surveys, building and repairs of levees to be made and carried on in such manner as in their opinion shall best improve navigation and promote the interests of commerce at all stages of the river: *Provided*, That on and after the passage of this act additional contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry on continuously the plans of the Mississippi River Commission as aforesaid, or said materials may be purchased and work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $8,375,000: *Provided further*, That for the fiscal year ending June 30, 1897, said contracts and materials purchased and work done otherwise than by contract shall not exceed the sum of $625,000, and thereafter shall not exceed the sum of $2,583,333 annually for the three years beginning July 1, 1897: *Provided further*, That the money hereby appropriated and authorized to be expended in pursuance of said contracts, or so much thereof as may be necessary, shall be expended in the construction of suitable dredge boats and other devices and appliances, and in the maintenance and operation of the same, with the view of obtaining and maintaining a navigable channel from Cairo down not less than 250 feet in width and 9 feet in depth at all periods of the year except when navigation is closed by ice: *Provided further*, That of the sum hereby appropriated and authorized to be expended the sum of $64,000 shall be expended in the rectification of the banks at Greenville, Miss., and $64,000 in the rectification of the banks at Helena, Ark., according to late plans submitted by Capt. Graham D. Fitch, Corps of Engineers, and $16,000 in the rectification of the banks at New Madrid, Mo.

The amendment was agreed to.

The next amendment was, on page 87, line 7, before the word "thousand," to strike out "two hundred and fifty" and insert "three hundred"; and in line 10, after the word "*Provided*," to strike out "that in the discretion of said Commission a portion of such sum may be expended in protection of harbors and localities on said river: *And provided also*"; and in line 21, before the word "thousand," to strike out "two hundred and fifty" and insert "three hundred"; so as to make the clause read:

Improving Missouri River, including salaries, clerical, office, traveling, and miscellaneous expenses of the Missouri River Commission, survey, permanent bench marks, and gauges: Continuing improvement, $300,000, to be expended under the direction of the Secretary of War in the systematic improvement of the river according to the plans and specifications of the Missouri River Commission, as approved by the Chief of Engineers: *Provided*, That on and after the passage of this act additional contracts may be entered into by the Secretary of War for such material and work as may be necessary to carry on continuously the plans of the Missouri River Commission for the improvement of said river, or said material may be purchased and work may be done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $300,000 per annum for three years, commencing July 1, 1897.

The amendment was agreed to.

The next amendment was, on page 87, line 25, to strike out:

Contracted for, $80,000 may be expended at Omaha and Council Bluffs; at Rocheport $60,000, at Glasgow $60,000, at Miami $75,000, and at St. Charles, Mo., $50,000.

And insert:

Expended, there may be expended, in the discretion of said Commission, such amounts at Omaha, Council Bluffs, Leavenworth, Atchison, Rocheport, Glasgow, Miami, St. Charles, and at the mouth of the Little Blue, in Jackson County, Mo.; also for protecting the shore line of the Missouri River above Glasgow, from the foot of Bowling Green Bend to the head of Harrisons Island, and at other harbors and localities on said river as may be necessary to improve the channel by preventing erosion of the banks.

So as to make the clause read:

Of the money hereby appropriated and hereby authorized to be expended, there may be expended, in the discretion of said Commission, such amounts at Omaha, Council Bluffs, Leavenworth, Atchison, Rocheport, Glasgow, Miami, St. Charles, and at the mouth of the Little Blue, in Jackson County, Mo.; also for protecting the shore line of the Missouri River above Glasgow, from the foot of Bowling Green Bend to the head of Harrisons Island, and at other harbors and localities on said river as may be necessary to improve the channel by preventing erosion of the banks.

Mr. THURSTON. Mr. President——

The PRESIDING OFFICER (Mr. CULLOM in the chair). Does the Senator from Nebraska rise to move to amend the amendment?

Mr. THURSTON. I rise to suggest, Mr. President, that my people are very solicitous to have the clause stand in the bill as it came from the other House. I think myself that they have been laboring under some misapprehension as to the real character of the House provision. I believe that they have thought that the bill as it came from the House carried an absolute appropriation of $80,000 for the first year's improvement at Omaha and Council Bluffs, whereas, as a matter of fact, if I read the bill correctly as it came from the House, it only provides that out of the annual appropriation and out of the three additional years provided for by continuing contracts there may be expended at Omaha and Council Bluffs $80,000. Therefore the House provision is really an appropriation of $20,000 per annum specifically for the work at Omaha and Council Bluffs. I ask the Senator in charge of the bill if that is his understanding of that appropriation?

Mr. VEST. Mr. President, I am responsible, I suppose, more than any one else on the committee for this amendment. My construction of that appropriation is that the $80,000 is to come out of the aggregate amount appropriated for the first year, the next fiscal year; and then, under the continuing contract, it will depend upon the Missouri River Commission, in their discretion, to take all the $80,000 in any one year or to take it out at fifteen or twenty thousand dollars a year, or in any other amount annually. That would be my construction, and was at the time the amendment was inserted. I do not think they will get $80,000 a year. That is very evident. They get $80,000, but whether they would get all of that in one year or two years or three years is a matter within the discretion of the Missouri River Commission.

Mr. ALLISON. Then, may I ask the Senator from Missouri, if he so construes it because of the words in line 25 "of the money hereby appropriated and hereby authorized to be contracted for"?

Mr. VEST. Yes; that is the amount of the continuing contract.

Mr. ALLISON. If those words "contracted for" were out of the bill I think the $80,000 could be taken out of the appropriation immediately preceding.

Mr. VEST. Yes; but the words are "to be contracted for." That is the amount of the continuing contract.

Mr. THURSTON. There is another reason, which will be seen by an examination of the several specific appropriations, why that construction must be the true one. It will be seen that the bill as it came from the House appropriated only $250,000 for the first year, and that these specific appropriations, all under this same clause, amount in the aggregate to $325,000.

Mr. VEST. That is true.

Mr. THURSTON. It is therefore perfectly evident that these specific allotments of money to localities are to cover the entire period of the present appropriation and the additional three years' contracts. Such being the construction of the bill as it came from the House, I am myself inclined to believe that the amendment as reported by the committee would give to my locality, in all human probability, as great, or greater, an expenditure of money in the matter of their local improvements than would the bill as it came from the House; and yet I see no particular reason why the bill as it came from the House may not as well be left as it came here as to amend it as proposed. There is in the bill as it came from the House no absolute command upon the Missouri River Commission to expend this money at these particular points, and as the general appropriation is amended by the Senate already, it would only specifically provide for the local expenditure at the specified points of $325,000 out of four years' appropriation; and four years at $300,000 per year is $1,200,000. Therefore nearly three-fourths of the entire sum would be left at the disposition of the Missouri River Commission for expenditure at such other points on the river as might be deemed expedient.

Mr. PEFFER. The Senator from Nebraska will permit me to call his attention to what seems to me, at least, to be unreasonable in the mentioning of Omaha and Council Bluffs and Rocheport and Glasgow and St. Charles, without mentioning a number of other places which are situate along the river, such as Leavenworth and Atchison. The people of our State are very much interested in taking care of the river at those places. My colleague is better able to describe the situation at both those places than I

am. I do, however, know personally that there is need of a great deal of work to be done at Leavenworth and Atchison, more particularly at Atchison. The river has changed its channel so as to interfere materially with the movement of the city and the management of the railways and the bridge companies, and it is a matter of very serious concern to our people. It is a question in my mind whether it would not be better to leave the paragraphs just as they are now, as the Senate committee have made them, and trust to the friction that may yet be aroused in conference for final adjustment.

Mr. THURSTON. As I have stated, if I were left to my own individual judgment in this matter I should certainly be quite as content with the provisions of the bill as amended by the committee as I should with the provisions of the bill as it comes from the other House. I have therefore brought this matter to the attention of the Senate, and asked nonconcurrence in the amendment reported by the committee more particularly for the purpose of having the true character of the House provision understood and placed upon the record here, in order that my people may no longer understand that the House of Representatives appropriated $80,000 per annum for expenditure at Omaha and Council Bluffs, when, in fact, the appropriation is $80,000, covering a period of four years' work, and which, if expended equally during that time, would simply be an appropriation of $20,000 annually for our local improvement of the river.

With this statement of the case, I leave it to the Senate to say whether it will stand by the amendment as proposed by the committee or leave the bill as it came from the other House.

Mr. BAKER. I desire an amendment also to this clause. I notice that there are a number of places grouped together on page 88.

Mr. THURSTON. Let me suggest to the Senator—I presume I know what amendment or about what amendment he would propose—that I also have an amendment to propose if the Senate committee provision is left. I should like to first take the sense of the Senate as to whether or not it will adopt the amendment as reported by the committee. If it does, then I should like to join the Senator from Kansas in having inserted one other name from Nebraska, as I presume he desires to insert one or more from Kansas.

Mr. ALLISON. I should be glad to hear the suggested amendment before I vote for the amendment proposed by the committee, so as to know what is the whole scheme.

Mr. BAKER. The amendment I desire is in reference to Leavenworth and Atchison. The amendment I propose would be at the end of line 13, on page 88, to insert:

Provided, That on the Missouri River, opposite Leavenworth, Kans., there shall be expended the sum of $15,000, and on the Missouri River, opposite Atchison, Kans., there shall be expended the sum of $15,000.

These are very important places, and it is necessary to protect the Missouri River at these particular points. I believe, as nothing has been given to our locality, particularly our State, it would be but right and proper that these specific appropriations should be made for these two points. It is absolutely necessary to complete the improvements heretofore made at these two points that these sums of money should be expended and that there should be specific appropriations. We fear if we are left here with these large cities in a lump, without any distribution, that we shall not be able to obtain any part of this appropriation whatever. I notice that at other points and in other places it is usual and customary to designate the particular amount which they desire, and which is desired to be there expended. Therefore I ask that the amendment I propose be inserted so that we may have a specific appropriation amounting to $15,000 for each of these places.

Mr. ALLISON. Mr. President, I have not heretofore had an opportunity of examining the amendment. It seems to me that the amendment proposed by the Senate committee, with a friendly commission, or perhaps without, will better accomplish the purposes in view than the provision as it came from the House. Under the House provision I think the Missouri River Commission would feel itself constrained to expend only $80,000 for a period of four years, no matter what might be the condition of the river at Council Bluffs and Omaha. The erosion of that river between those two points often requires a very large expenditure in a single year.

Under the Senate provision the Commission is authorized in its discretion to expend such amounts at Omaha and Council Bluffs, Leavenworth, Atchison, and at other points, naming a number of points, and then at the end of the provision "and at other harbors and localities on said river as may be necessary to improve the channel by preventing the erosion of the banks." So it seems to me even without the amendment of the Senator from Kansas, if there is a condition of the channel opposite either Atchison or any of these other points, the Missouri Commission would be directed under the last clause to make such expenditures as may be necessary to prevent the erosion of the banks at that point. I understand that is the object of these improvements at the points named.

So while I have no special objection to the amendment proposed by the Senator from Kansas, it strikes me that, looking at these two provisions, the Senate committee's provision will accomplish more easily and more directly and more effectively what is necessary at these several places.

The PRESIDING OFFICER. Will the Senator from Kansas inform the Chair whether he desires to offer his amendment?

Mr. BAKER. Yes, sir; I want to state further, in reply to the Senator from Iowa, one main objection to the provision in its present shape. It provides that a commission shall expend this money.

Now, we all know, without reflecting upon the commission, that it requires a great deal of logrolling to get the commission to improve at particular places and points. I notice that in the East and in the West in particular localities specific appropriations are made. I wish to say to the Senator from Iowa that Kansas is not good at logrolling. Kansas does not want to humiliate herself by going before a commission and demanding this or demanding that. Here is the proper place to fix it, and that is the reason why I desire to have it fixed here, so that we shall know what we are to have, and that afterwards champagne suppers, dances, and seances shall not be necessary in order to obtain appropriations or parts of appropriations at any particular place or locality.

I notice, Mr. President, that New England is not put in such a humiliating position. I do not think the West ought to be put in such a humiliating position. I simply ask justice. Improvements have been made at these points, and they were important improvements; it was important to the people of Missouri and Kansas that they should be made. Those improvements are not yet complete. I understand from the mayor of the city and others who are competent to judge that these specific sums are necessary and proper to complete the improvements. Now, as we have been generous in this bill, I ask simply as a matter of justice to the State of Missouri at these points and to the State of Kansas at these points that we may have specific appropriations, so that we shall know what we are to depend upon, and that we shall not be subject to the whims or caprices of any board or any body or any tribunal.

My desire would be first to offer the following amendment, to come in after the word "banks," at the end of line 13:

Improving the Missouri River opposite Leavenworth, Kans., the sum of $15,000; on the Missouri River opposite Atchison, Kans., the sum of $15,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas to the amendment of the committee.

Mr. FRYE. Mr. President, in those two cases there is this difference, and there was this trouble before the committee. In some cases there had been estimates made of the amount of money required to take care of a certain improvement at a certain locality, and in other cases the only estimates we had were from members of Congress. In this case there were estimates both at Leavenworth and at Atchison, and I think that I may say the committee justify me in agreeing to accept these two amendments of the Senator from Kansas.

Mr. VEST. Mr. President, the question of improving the Mississippi and the Missouri rivers is full of difficulties, and it is almost impossible to meet all the demands that are made either upon the Board of Engineers or upon the commission in charge of those rivers. I have very decided views in regard to these improvements on the Missouri River, on the banks of which I have lived for fifty years. It is the most erratic stream in the United States and the most difficult to improve. It is now in such a condition that no insurance can be had upon a boat or cargo that goes up that river, and yet it drains one of the most fertile regions in the West and ought to be covered with steamboats carrying freight and passengers.

The Missouri River Commission (and I drew the bill which organized that Commission) is made up of three engineer officers from the Corps of Engineers and two civilians, one of whom is from the State of Missouri and one from the State of Nebraska. It is safe to assume, then, that Missouri and Nebraska represented upon that board would have the proper improvements made.

It must be stated frankly that one objection which is made to all these plans for specific improvements does not apply to Leavenworth and Atchison. The Missouri River Commission, in their estimates and recommendations, state that the improvements at Leavenworth and at Atchison upon the opposite side of the river should be continued. But there are no estimates and no recommendations as to these other specific improvements or appropriations in the bill as passed by the House. For instance, at Omaha the Commission do not recommend any improvement, but they state substantially that the necessary amount has been expended there, and that

all that is necessary is to maintain the works as they have been done, and they ask for no money.

Three hundred and twenty-five thousand dollars was put in the State of Missouri, and, as a matter of course, if I were actuated by selfish purposes or personal ends I would stand here and demand these specific appropriations, for I am assailed almost hourly by my constituents from these different localities, these little towns on the river, to save our specific appropriations. The money is to be spent there, the material is to be bought there, and, as a matter of course, they are not to be condemned or criticised for it. They are like the rest of the world; they are looking to their immediate purposes and to the expenditures to be made right about them.

Now, I have not the slightest doubt but what the Missouri River can be improved and navigation brought back to it, and it can be made a portion of the great waterway to the Gulf, for it is really the Mississippi River. It gives color to it, and it ought to have given name to the whole river. But this improvement can be done in only one way, and I speak from the closest observation and experience. It can be done only by improving the river by reaches, going down the river 25 and 30 and 40 miles and systematically improving it.

We have appropriated hundreds of thousands of dollars (and I have been as much responsible for it as any Senator, possibly more so, under the demands of my constituents) at different localities to prevent erosion of the banks, to save walls, to save farms, and the money has been expended and the work washed away in the freshet that came down from the Rocky Mountains, from Montana and the Dakotas, in the next year. What we suffer from there is what has endangered the Lower Mississippi—immense fires upon the head waters of the Missouri, that destroy the undergrowth and the mosses and the herbage that would absorb the water, and it runs as it would over the top of this desk when the snows break up in the spring and pours a flood down the Missouri and Mississippi, resulting in immense erosion and destruction of lands and even of towns.

The river can only be improved like the Mississippi River, by reaches systematically. We have had this practically demonstrated. The Missouri River Commission commenced at Jefferson City and improved for 45 miles down the river systematically, one improvement supporting the other, one curve in the banks being destroyed by putting the proper improvements on the opposite side, always throwing the river against the bluff, the rocky side, and protecting the alluvial lands. What is the result? There is not a finer piece of riparian engineering in the world than on the 45 miles below Jefferson City. It stood three freshets, and you can not see where the river has made any impression upon it. Nothing else was ever known like it before. That was done by following the recommendations of the Missouri River Commission.

I have stood here year after year battling for the support of the Commission, as long as we have one. We have five officers there, three of them from the Corps of Engineers; we are paying them salaries; they are conducting the improvement according to their own way, and they could do it in no other. As long as we have a Commission we ought to support them in that work.

The pressure brought upon other members of the Senate is nothing compared to that upon me. Here is $325,000 that is washing away in specific appropriations in my own State. To support the plan of the Commission is, I believe, the best thing for the people there, and I think they will see it in the end. There will be some temporary and local irritation and great criticism of me in the county newspapers, but the end will justify it, as it did in the reach below Jefferson City. That Commission can be trusted. My friend from Kansas is mistaken in thinking that you must go there and logroll with them. They are not able to meet the demands of all localities and therefore there are always people dissatisfied. I have myself thought at times that they ought to interfere with the course of the river when these ravages were being made upon magnificent land worth fifty and seventy-five dollars an acre and that would produce anything in the world. But I have been satisfied, after I watched their work and inspected it in person, as my colleague has done with me, that they were right and that they understood how to bridle that river and to keep it in its channel, if human ingenuity and talent could do it.

Captain Eads, the greatest riparian engineer who ever lived in this country, and I think in any other—not the greatest fortifications engineer, but riparian engineer—told me once that the Mississippi River could be improved with $100,000,000 and with nothing less. But he said, "You must put a bridle upon it like you do upon an unbroken horse; and it will take years to do it, and a hundred million dollars to do it." And yet every year we appropriate two or three million dollars and the freshets come and the works are washed away.

I appeal to the Senate to sustain the committee in doing what they have thought to be right. It is all that they could do. All these towns in Missouri, my own constituents, my personal and political friends, are to-day writing and telegraphing me to keep the House bill as it was, because these fifty or sixty thousand dollars of appropriations for localities are contained in it. My personal and political friends, if I consulted them, would have the bill as passed by the House; but I am satisfied that it is simply throwing away that much money. There are no recommendations for such appropriations. There are no estimates. When I saw these appropriations in the bill I communicated with my colleagues in the other House and invited them to show me where the commission had recommended any such appropriations or stated any estimates as to the amount. I was informed that one of the board had verbally told a member of the House that he thought there ought to be money expended at these points.

I submit to the Senate, can we appropriate $325,000 on oral statements of that kind when a board is composed of five members, three of them belonging to the Engineer Corps? I make, I was about to say, from a political standpoint, a greater sacrifice than any other Senator, than all others put together, and yet I am absolutely certain that I am right in regard to it and that the committee were right in sustaining the provision as it is found reported in the bill.

Omaha will receive all the money that is necessary if there is an erosion of the banks there. If the Senator from Kansas wants $15,000 at Leavenworth and at Atchison, he is supported by an estimate and a recommendation, but that is not the case as to these other places. Unquestionably that is so, and I shall make no resistance if he insists upon it, though I believe that he will fare better to let the improvements opposite those two cities remain in the bill as we have it proposed by the committee. Those improvements are on the Missouri side of the river, in one of the wealthiest counties in the State, not in Kansas, but in Platte County, Mo.

Mr. BAKER. I appreciate what the Senator from Missouri says, but still I think I ought to insist upon $15,000 at Atchison and $15,000 at Leavenworth.

Mr. VEST. Very good; I am perfectly willing to go back to the people of Platte County, where I have as good friends as any in the world, who have always supported me in every ambition of my life, and defend the amendment as we have put it in the bill. I think I can satisfy them that it is the best for them. But if the Senator from Kansas, who has, as I say, recommendations and estimates for these places, and the other places have not, insists upon the $30,000, it is all that the State of Kansas has asked from the committee, and I am perfectly willing to concede it.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas [Mr. BAKER] to the amendment of the committee.

Mr. HILL. I wish to move an adjournment.

Mr. VEST. Let us get through with this item.

Mr. FRYE. Yes, let us get through with it.

Mr. BAKER. Let us vote on my amendment.

Mr. HILL. Very well.

The amendment to the amendment was agreed to.

Mr. ALLISON. I desire to offer another amendment to the amendment of the committee. I move to amend the amendment by striking out the word "expended" where it occurs in line 4, and inserting "contracted for," so that the latter provision may share the same fate as the general provision.

Mr. VEST. How would it read then?

Mr. ALLISON. It would then read:

Of the money hereby appropriated and hereby authorized to be contracted for there may be expended, in the discretion of said Commission, etc.

The PRESIDING OFFICER. Is there objection to the amendment to the amendment?

Mr. VEST. No; not at all.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. THURSTON. In line 6, after the words "Council Bluffs," I move to insert "Nebraska City."

Mr. VEST. That is right.

The amendment to the amendment was agreed to.

Mr. ALLEN. Before the Senator from New York moves to adjourn I hope the Senate will conclude to consider the next amendment.

Mr. VEST. We have not yet disposed of the committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

Mr. FRYE. Let me inquire, where do Leavenworth and Atchison now come in—at the end?

The PRESIDING OFFICER. At the end of line 13.

Mr. FRYE. Then those words must be stricken out in line 6.

Mr. VEST. I was about to make the suggestion that they be stricken out of the body of the amendment.

The SECRETARY. In line 6, after the words "Nebraska City," just inserted, strike out "Leavenworth, Atchison."

The PRESIDING OFFICER. That will be agreed to unless objection is made. The question is upon agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

Mr. FRYE. Now, I think I have kept the Senate here as late as I am justified in doing.

BOOK AGENTS OF METHODIST EPISCOPAL CHURCH SOUTH.

Mr. BATE. The Senator from New York is kind enough to suspend the motion to adjourn until I can ask for the consideration of Senate bill 2962. It asks for no money. It simply sends a case to the Court of Claims.

Mr. COCKRELL. It is putting all the Senators to a great deal of annoyance in having to ask unanimous consent when there are not half a dozen present, and at a time when we ought to adjourn. It is not the way to transact business. I am not going to object to the bill called up by the Senator from Tennessee, but I am going to object to any other request of the kind until we have some agreement by which we shall transact the business of the Senate in a proper and decent way, giving every Senator a chance and not having a regular scramble, as we have every day after 6 o'clock, when there is not a quorum here and when business ought not to be transacted.

The PRESIDING OFFICER. The bill indicated by the Senator from Tennessee will be read for information.

Mr. COCKRELL. I simply want to give notice now, so that there will be no personal feeling in regard to the matter.

Mr. ALLISON. The Senator from Missouri does not intend his notice to apply to the Senator from Tennessee?

Mr. COCKRELL. It is not to apply to this case, as I said.

The Secretary read the bill (S. 2962) to confer jurisdiction on the Court of Claims in the case "The Book Agents of the Methodist Episcopal Church" against The United States, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. HILL. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 20 minutes p.m.) the Senate adjourned until to-morrow, Friday, May 8, 1896, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 6, 1896.

POSTMASTERS.

Charles F. Terhune, to be postmaster at Binghamton, in the county of Broome and State of New York.

James Tiernan, to be postmaster at Fort Howard, in the county of Brown and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 7, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The SPEAKER. The Clerk will cause the Journal of the proceedings of yesterday to be read.

Mr. PICKLER. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER (having counted the House). Ninety-five gentlemen are present; not a quorum.

After an interval of eighteen minutes,

Mr. CRISP. Mr. Speaker, is a quorum not now present?

The SPEAKER. The Chair thinks there is a quorum present, and the Clerk will read the Journal.

Mr. PICKLER. I make the point that there is no quorum present.

The SPEAKER. The Chair overrules the point of order, and the Clerk will proceed with the reading.

The Clerk proceeded to read the Journal.

When the Clerk had reached that part of the Journal reciting the names of the absentees on the call of the committee and the names of those voting on the several roll calls,

Mr. PICKLER. Mr. Speaker, I demand the reading of the Journal in full. Let us have the names.

The SPEAKER. The Clerk will read the list of names in full.

The Clerk resumed and concluded the reading of the Journal.

The SPEAKER. Without objection, the Journal will be approved.

Mr. PICKLER. I object.

Mr. DINGLEY. Mr. Speaker, I move the approval of the Journal, and on that demand the previous question.

The question was taken on the approval of the Journal; and on a division (demanded by Mr. PICKLER) there were—ayes 174, noes 0.

Mr. PICKLER. No quorum.

The SPEAKER. There is evidently a quorum present. If those gentlemen who did not rise in response to the vote will announce their presence the Chair will count those present and not voting.

Nine gentlemen having risen,

The SPEAKER. One hundred and seventy-four in the affirmative and nine gentlemen present and not voting. A quorum is present, and the Journal is approved.

PRINTING AND BINDING PUBLIC DOCUMENTS.

Mr. PERKINS. Mr. Speaker, on behalf of the Committee on Printing, I desire to report a bill (H. R. 8237) to improve the printing and binding methods of the public documents, and ask its present consideration.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, etc., That the annual reports of the heads of the Executive Departments and of the chiefs of bureaus, commissions, and offices shall not hereafter be numbered and printed as Congressional documents. Periodicals issued weekly, monthly, yearly, or at other regular intervals shall not be numbered and printed as Congressional documents. Special publications extending over a series of months or years and issued at irregular intervals shall not be numbered and printed as Congressional documents. The general rule and procedure shall be that the Congressional number shall be given only to those documents which emanate directly from Congress or are furnished in response to the call of Congress, or either House thereof, upon an Executive Department for information.

SEC. 2. That whenever any document not bearing a Congressional number is furnished for the use of Congress 500 additional copies thereof shall at the same time be furnished to the Superintendent of Documents for the supply of the designated depository libraries, and there shall also be furnished 15 copies for the Senate library and 15 copies for the House library, and to the Congressional Library 2 copies for its own use and 50 copies for its foreign exchanges. Of all such documents not bearing a Congressional number and ordered to be printed for the use of Congress the "usual number," which shall also be printed, shall be 1,100 copies, of which there shall be sent, in the unbound form, 170 copies to the Senate document room, 400 copies to the House document room, 10 copies to the office of the Secretary of the Senate, and 20 copies to the office of the Clerk of the House, and 500 copies shall be reserved by the Public Printer in unstitched form, to be specially bound to the order of members and officers of Congress, as provided by law.

SEC. 3. That documents not bearing a Congressional number shall be bound as follows: If emanating from the Department of State, in scarlet cloth; if from the Department of the Treasury, in dark-blue cloth; if from the Department of War, in black cloth; if from the Department of the Navy, in dark-green cloth; if from the Department of Justice, in dark-brown cloth; if from the Post-Office Department, in drab cloth; if from the Department of the Interior, in maroon cloth; if from the Department of Agriculture, in light-brown cloth; if from the Department of Labor, the Interstate Commerce Commission, the Fish Commission, the Smithsonian Institution, or other publishing office not connected with one of the Executive Departments, then in such colored cloth not used on the books of another bureau as such office and the Public Printer may agree upon; but when once adopted such color shall be continued from year to year in the binding of the same reports or other volumes from the same bureau, office, or commission. In providing cloth for binding the public documents the Public Printer shall not provide a second-rate and low grade, but shall provide either cotton or linen cloth of those first-class grades and qualities which promise to give the volumes the most attractive appearance and the greatest durability. In lettering or embossing books the Public Printer shall use gold leaf of the best and most suitable quality that is furnished for binders' use, and he shall not use "Dutch metal" or any other imitation of gold leaf. The Senate documents shall be bound in dark-brown cloth and the Senate reports in light-brown cloth. The House documents shall be bound in dark-drab cloth and the House reports in light-drab cloth: *Provided*, That the Revised Statutes, Statutes at Large, decisions of the Interior Department in land cases and in pension cases, opinions of the Attorney-General, or other publications of like character, properly designated as law books, may, within the discretion of the heads of Departments issuing the same, be bound in sheep.

SEC. 4. That in placing the titles on the backs or sides of books (not pamphlets) the following general rules shall govern: The fewest suitable number of words shall be used, and attempts to carry the whole title-page, or any considerable part of it, on the covers shall not be made. The largest and clearest type permitted by the space and by the rules of good taste shall be used, the purpose of making the titles readable at a distance being kept in view. The title placed near the top on the backs of books shall be the one indicating the subject-matter of the volume. The title placed in the middle panel shall be the one indicating the year or other date, the whole number of volumes in the series, and the special number of the particular volume on which the title is placed. The title near the bottom of the back of each book shall show the Department, Bureau, Office, or Commission from which it issues. Every cloth-bound book shall have on the back of its cover a title and a date, which on very thin books may be printed lengthwise of the volume. In expressing dates and other numbers on the backs of books Arabic numerals shall be used.

SEC. 5. That in making up the binder's titles for the House and Senate documents and reports when binding the "reserve," any document or report which fills more than one-third part of the volume in which it is contained shall be mentioned in the title on the back of the cover of such volume. The title near the top of the back of the cover on each of the reserve volumes shall be "House Documents," "House Reports," "Senate Documents," or "Senate Reports," according to the contents of the volumes. On the middle panel shall appear the number or numbers of the documents or reports contained in the volume, and also the name (or an abbreviation of the name) of any document or report contained therein which may separately fill one-third or more of the volume. When there is not in the volume any document or report making one-third the bulk of said volume, then the word "Miscellaneous" shall be placed on the middle back panel in addition to the numbers of the documents or reports therein contained. On the back of each volume of documents or reports, near the bottom, shall be placed the number and the years of the Congress in which such documents or reports originated.

SEC. 6. That the color, lettering, etc., of the binding, and the phraseology, typography, etc., of the title-page of every public document shall be the same on and in all copies of such document, and there shall be but one

edition of any public document, except reprints, and in case of a reprint the fact of its being a reprint, with the date of such reprint, shall be clearly stated on the title-page of such reprint edition. This provision shall not, however, be held to preclude or curtail any privileges now enjoyed by members of Congress or heads of Departments of having copies of documents specially bound for their personal use.

SEC. 7. That it shall not be any part of the duty of the Public Printer to furnish title-pages for any of the public documents. This shall be done by the authors or compilers of the documents.

SEC. 8. That the special edition of the President's message and a part of the annual reports, heretofore issued in black cloth and entitled "Messages and Documents," shall not be issued, and the words, "Being part of the message and documents," shall not appear on the title-pages of any of the annual reports; but an equal number of the reports which have been heretofore printed in the "Message and Documents" edition shall be printed in another edition.

SEC. 9. That the "Abridgment" shall not be dated "eighteen hundred and ninety-four and ninety-five" nor any other combination of dates. It shall bear one date, which shall be that of the fiscal year to which its contents relate. The same rule shall be followed in stamping dates on the covers of the annual reports.

SEC. 10. That nothing in this act shall be construed to prohibit the separate publication of complete papers which are parts of annual reports, nor to prevent the publication of varying editions, with amended title-pages, when a material amount of matter has been added, subtracted, or changed. Such additions, subtractions, or changes are held to make a new book.

SEC. 11. That the public documents shall be printed in the octavo size, unless urgent reason, amounting to absolute necessity, shall be shown to the Public Printer for making exceptions to this rule.

SEC. 12. That Senate documents and House documents shall be numbered consecutively through a Congress, in the manner now followed with bills, resolutions, and reports.

SEC. 13. That of all documents or reports which make one or more complete volumes the whole of the "usual number" shall be printed at one time, but of all documents or reports which will make only part of a bound volume the "reserve" number shall not be printed till all the documents which are to be bound in the same volume are ready for printing. The bound volumes of documents and reports bearing Congressional numbers shall be paged continuously throughout the volumes on the bottom margins, and the original paging of the documents and reports shall be retained on the top margins of the pages of said bound volumes.

SEC. 14. That single Congressional documents containing 500 or more pages shall be separately bound.

SEC. 15. That it is the intent and purpose of this law to assimilate the Government publications to the general literature of the country, and to that end it is directed that the word "volume" shall be used in preference to the word "part," "appendix," or "supplement" when the intention is to describe a separate book, and that the word "series" or the word "set" shall be used in preference to the word "volume" when the intention is to describe a collection of books.

SEC. 16. That the provisions of this act, so far as they can be made applicable without doing over again work already done, shall apply to all unissued volumes of the Congressional reserve and to all other incomplete work now in process of completion in the Government Printing Office.

SEC. 17. That it is hereby made the duty of the Public Printer to see to it that this law shall be executed in letter and in spirit.

SEC. 18. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Mr. PERKINS. Mr. Speaker, if I can have the attention of the House for a few minutes I will explain the purpose of this bill.

The bill has been very carefully considered by the Committee on Printing, and is unanimously reported from the committee. The bill comes here thoroughly fortified. The first draft of this bill was submitted to every Department of the Government here from which documents are issued; it has been submitted to every great public library in the country, and no objection has appeared to it from any quarter.

I hold in my hand a letter from the Public Printer approving the bill; also a letter from the Librarian of Congress, Mr. Spofford, approving the bill. I have here also a letter from the Massachusetts Library Club, representing 135 different libraries, strongly approving the passage of the bill. I have a letter from the trustees of the Public Library of the City of Boston, said to be the greatest library in the country, highly approving the bill, and I have here the approval of libraries and librarians and important public institutions from nearly every State in the Union. I could, if the House would have patience, read at length in support of this bill from these various documents to which I have referred.

Now, then, let me say, Mr. Speaker, that the purposes of the bill are very simple. The bill does not reduce in any particular whatever any publication now authorized by law. It does not curtail the privileges that anyone enjoys under existing law. The effect of the bill will be to enlarge these privileges.

Let me say, in brief, that a prime purpose of the bill is to reduce the varying editions of the same documents now issued from the Departments of the Government to one edition, and make it clear to anyone, by the title of the document, exactly the contents of the document itself. I have before me four volumes, to which I call your attention [indicating four bound volumes]: The first is the report of the Commissioner of Education, the second the report of the Secretary of the Interior, the third is Messages and Documents of the Interior Department, and this, the fourth one, is House Executive Documents. Now, then, when I tell you that the contents of each of these volumes are identical you will at once see the necessity of the reform which the bill seeks to accomplish. Instead of issuing this document and others like it in four or five editions, we propose to issue it in one edition. Seeing on a library shelf the volume House Executive Documents, no one would think to find in that volume the report of the Commissioner of Education. So duplicates go everywhere. One library in this country has culled out and returned to the Superintendent of Documents 5,000 volumes of duplicates. We propose to prevent duplication.

The other important feature of the bill is——

Mr. DOCKERY. You not only secure uniformity, but this reform must necessarily operate to largely reduce expenditures?

Mr. PERKINS. Certainly, because these documents are issued now in duplicate. The other feature of the bill is to take out of what is called the reserve the copies that are furnished to the depository libraries and print them at the same time that the first edition is printed. As it is now, these volumes that go into the reserve are not bound up until after the conclusion of a session of Congress, so that the libraries do not receive their copies until two or three years after a volume has been issued. When it comes to current matters of interest, like the report of the Director of the Mint, the report of the Secretary of the Treasury, the report of the Commissioner of the General Land Office, the value in those reports is when they are first issued. So we take them out of the reserve and bind them at the time the report is first issued.

Under the present system, librarians will petition a member of Congress to send a copy of a report or other publication from his quota, and then the Secretary of the Interior, or of any other Department, will in time send a copy from his quota. Then the reserve is finally bound up, a year or two after, and the regular copy for the library is furnished. We propose to remedy that.

Mr. Speaker, there can be no possible objection to this bill. I should be very glad to answer any question that any member may have in his mind. I have examined the bill very carefully. It is certainly important that this reform should take place. It works injury to nobody and benefit to everyone.

The Government Printing Office is the largest publishing house in the world. We issue from there something like 1,000,000 copies of books every year. We are doing this at an expense of hundreds of thousands of dollars. Many experts are engaged in preparing the contents of these volumes; and when we are expending this large amount of money we certainly should see that the reports reach the public during the life of each report.

Mr. DOCKERY. I understand the gentleman to say that this bill has the approval of the Public Printer?

Mr. PERKINS. This bill has the approval of the Public Printer, of the Librarian of Congress, of everyone to whom it has been submitted.

Mr. NORTHWAY. I understood that some time ago there was some friction between the Printing Committee and the Bookbinders' Association of the country. Has that been adjusted?

Mr. PERKINS. That has been adjusted, and I am authorized to say for the Bookbinders' Union that they recommend the passage of the bill in its present form.

Mr. OWENS. I just want to call attention to the fact that the gentleman from Tennessee [Mr. RICHARDSON], who generally takes a very active and intelligent interest in these matters, is absent. Does the gentleman object to postponing it until his return?

Mr. PERKINS. My colleague on the committee [Mr. RICHARDSON] has been with me every day when we have considered this bill, and it meets with his entire approval and indorsement. He has had as much to do in the preparation of it as I have. The gentleman can not fail to accept my word for that.

Mr. OWENS. I do not object to that, but it is a matter of very general importance, and we should like to understand a little more about it. Over here we have not been able to hear the statement of the gentleman from Iowa. We are absolutely in the dark about the provisions of the bill.

Mr. PERKINS. I have sought to make myself understood. The gentleman must recognize that this is a very important matter. It does not infringe upon the rights of anyone. It has the approval, as I say, of the Public Printer, of the Librarian of Congress, of the entire committee, of every librarian to whom it has been submitted, and there is not an objection from any quarter.

Mr. TALBERT. I have asked for the report of the committee, and I find that the committee have made no report. Why is that? If I am in error, I should like to know it.

Mr. PERKINS. My friend will bear in mind that the committee reported a joint resolution (No. 126) on this question and that report was made some time ago. The bill having been carefully gone over by the committee, we have made some changes from the joint resolution, and present it in this form by the unanimous action of the committee.

Mr. TALBERT. I just wanted to know how this bill came up, if the committee have not reported it regularly.

Mr. PERKINS. The committee have reported it this morning.

Mr. TALBERT. Has the report been printed, or is it a report on another bill?

Mr. PERKINS. It is the same subject—the same report.

Mr. TALBERT. I ask how it comes up for consideration? Have the committee made a formal report?

Mr. PERKINS. They have made a formal report.

Mr. TALBERT. Where is the report?

Mr. PERKINS. There is a printed report on joint resolution No. 126.

Mr. TALBERT. Why is it that it is not obtainable?

Mr. PERKINS. The gentleman can obtain it by sending for it.

Mr. TALBERT. I asked for it, and they said I could not get it.

Mr. DOCKERY. I understand that this bill is a substitute for the joint resolution, and the report is on the joint resolution.

Mr. TALBERT. There seems to have been some irregularity about the reporting of it.

Mr. MILES. There is no division in the committee on this subject?

Mr. PERKINS. None whatever.

Mr. MILES. And the Public Printer approves it?

Mr. PERKINS. The Public Printer approves it. There is no objection from any quarter. The gentleman will be unable to find an objection from any quarter.

Mr. TALBERT. I am not trying to find an objection to the bill. I was only asking in regard to the manner in which it comes up, as I failed to obtain a report. [Cries of "Vote!" "Vote!"]

The amendments recommended by the committee are as follows:

In section 2, line 3, after the word "thereof," insert the words "bound in half morocco, of colors to correspond with the colors of cloth-bound books as hereinafter provided."

Also, in line 6, of same section, after the word "furnished," insert the words "in like binding."

Also, in section 3, line 2, after the word "bound," insert the words "in paper or cloth, and if in cloth."

Also, in same section, lines 19 and 20, strike out the words "shall not provide a second rate and low grade, but."

Also, in same section, lines 26 and 27, strike out the words "and he shall not use 'Dutch metal,' or any other imitation of gold leaf."

Also, in section 4, line 16, strike out the word "cloth."

Also, in section 5, strike out all after the word "reserve," in line 3, down to and including the word "volume," in line 6.

Also in section 6, line 1, insert after the word "color" the word "and"; and in same line strike out the words "and so forth"; and in line 2 of same section, after the word "phraseology," insert the word "and"; and also in same line strike out the words "and so forth."

Also in section 9, line 1, after the word "abridgment," strike out all the words down to and including the word "dates," in line 3.

Also in section 15, line 3, after the word "end," strike out the words "it is directed that."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PERKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. PICKLER. Mr. Speaker, I demand the regular order.

NAVAL APPROPRIATION BILL.

The SPEAKER announced the appointment of Mr. BOUTELLE, Mr. ROBINSON of Pennsylvania, and Mr. CUMMINGS as conferees on the part of the House on the naval appropriation bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 606) for the relief of Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean;

A bill (S. 989) granting a pension to Fannie Kautz, widow of August V. Kautz, late brigadier-general, United States Army.

Joint resolution (S. R. 127) proposing amendments to section 73, paragraph 32, of the act of January 12, 1895, providing for the public printing and binding and distribution of documents; and

Joint resolution (S. R. 128) proposing an amendment to section 89, paragraph 2, of the act of January 12, 1895, providing for the public printing and binding and the distribution of public documents.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 862) for the relief of the receivers of the Towboat Association of New Orleans, La.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 1602) for the relief of A. P. Brown, late postmaster at Le Mars, Iowa; and

A bill (H. R. 953) for the relief of William Gray.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIX, the following Senate bills and joint resolutions were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 606) for the relief of Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean—to the Committee on Claims.

A bill (S. 989) granting a pension to Fannie Kautz, widow of August V. Kautz, late brigadier-general, United States Army—to the Committee on Invalid Pensions.

A bill (S. 2822) to increase the pension of Theodore V. Purdy—to the Committee on Invalid Pensions.

Joint resolution (S. R. 128) proposing an amendment to section 89, paragraph 2, of the act of January 12, 1895, providing for the public printing and binding and the distribution of public documents—to the Committee on Printing.

Joint resolution (S. R. 127) proposing amendments to section 73, paragraph 32, of the act of January 12, 1895, providing for the public printing and binding and distribution of documents—to the Committee on Printing.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 572) for the relief of James Duke;

A bill (H. R. 152) granting a pension to Mary Ann Tracy;

A bill (H. R. 491) granting an increase of pension to Francis Walsh, of Stockham, Nebr.;

A bill (H. R. 1139) granting a pension to Caroline D. Mowatt;

A bill (H. R. 577) granting a pension to Lydia A. Taft;

A bill (H. R. 4968) granting a pension to Helen A. Jackman, dependent daughter of Lieut. William Jackman, late of Company I, Fourteenth Regiment of Maine Volunteers;

A bill (H. R. 4887) granting a pension to Sarah G. Ives;

A bill (H. R. 1889) granting an honorable discharge to F. L. Taylor from December 2, 1864;

A bill (H. R. 5254) granting an increase of pension to Ebenezer G. Howell, late a private in Company F, One hundred and sixtieth New York Volunteers;

A bill (H. R. 6505) to revive and reenact an act to authorize the construction of a free bridge across Arkansas River, connecting Little Rock and Argenta;

A bill (H. R. 2735) for the relief of Enoch Davis;

A bill (H. R. 4456) to authorize and direct the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to the cemetery association in the city of St. Paul, Minn., to be used at or near the foot of the soldiers' monument in said cemetery;

A bill (H. R. 3018) to amend the act approved March 3, 1891, granting the right of way upon the public lands for reservoir and canal purposes;

A bill (S. 1872) authorizing the Secretary of the Treasury to exchange in behalf of the United States the tract of land at Choctaw Point, Mobile County, Ala., now belonging to the United States and held for light-house purposes, with the Mobile, Jackson and Kansas City Railroad Company for any other tract or parcel of land in said county equally well or better adapted to use for light-house purposes;

A bill (S. 1846) authorizing and directing the Secretary of the Navy to donate condemned cannon to Custer Post, Grand Army of the Republic, at Leavenworth, Kans., and Mathies Post, Grand Army of the Republic, at Burlington, Iowa;

A bill (S. 661) to amend section 2880 of the Revised Statutes of the United States, fixing time for vessels to unlade;

A bill (S. 129) for the relief of Capt. George H. Perkins;

A bill (S. 1904) to regulate marriages in the District of Columbia.

CIRCUIT COURTS OF APPEALS.

Mr. POWERS. Mr. Speaker, I desire to call up from the House Calendar the bill H. R. 7370.

The SPEAKER. The gentleman will send up the bill.

The Clerk read as follows:

A bill (H. R. 7370) to amend an act entitled "An act to establish circuit courts of appeals and define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891.

Be it enacted, etc., That section 15 of the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, be, and the same hereby is, amended so as to read as follows:

"SEC. 15. That the Supreme Court and the circuit court of appeals shall have the same appellate jurisdiction, by writ of error or appeal, to review the judgments, orders, and decrees of the supreme courts of the several Territories as by this act they may have to review the judgments, orders, and decrees of the district and circuit courts; and also appellate jurisdiction by writ of error or appeal to review any final judgment or decree of the supreme court of any Territory in all cases where the matter in controversy shall exceed $1,000, besides costs, and in all criminal cases where the crime charged may be murder or a felony or infamous crime where the defendant shall have been sentenced to capital punishment or imprisonment in the penitentiary for a period not less than five years; which said appeals or writs of error shall be taken in the same manner and subject to the same regulations as provided for cases of writs of error or appeals from judgments from the district courts."

SEC. 2. That all appeals which may be taken or writs of error sued out under the provisions of the foregoing section 15, as herein amended, to review any judgment, order, or decree of the supreme court of any Territory, shall be taken or sued out within one year after the entry of the judgment, order,

or decree sought to be reviewed: *Provided*, That in any such case mentioned in said section wherein a judgment, order, or decree has been entered since March 3, 1894, and not been entirely executed at the time of the passage of this act, the party aggrieved shall be entitled to take an appeal or sue out a writ of error at any time within six months after the passage of this act, provided that no vested right acquired under any proceeding to execute such judgment, order, or decree shall be in any way affected or impaired by such appeal or writ of error, and the party appealing or suing out a writ of error to review any judgment, order, or decree of any supreme court of any Territory shall be entitled to a stay of execution in the same manner and subject to the same regulations as is provided by the laws of the United States in cases of appeals and writs of error from judgments, orders, or decrees of the district or circuit courts of the United States; and in all cases when the writ of error is sued out from a judgment in which the sentence shall be capital punishment, the same shall operate as a stay of execution during the pendency of such case or writ of error.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BAILEY. Mr. Speaker, I have no objection to the present consideration of the bill, but it is fair to say to the House that I have some question as to the power of the House to pass it, and I will want four or five minutes to state my reasons for that.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. POWERS. Mr. Speaker, there are one or two committee amendments to the bill, and the Delegate from New Mexico [Mr. CATRON] has a further amendment which he desires to submit and which is acceptable, as I understand it, to the committee.

Mr. PICKLER. A parliamentary inquiry, Mr. Speaker. How does this matter come up?

The SPEAKER. It comes up by presentation of the gentleman from Vermont.

Mr. PICKLER. By unanimous consent?

The SPEAKER. Yes, sir; the Chair asked if there was objection, and there was no objection.

Mr. PICKLER. Has it passed that stage?

Mr. POWERS. I yield to the gentleman from New Mexico to offer an amendment.

Mr. CATRON. I offer an amendment.

Mr. PICKLER. I ask if there is time to object?

The SPEAKER. The Chair put the question twice to the House, and no objection was made.

Mr. PICKLER. Then it is my fault, so far as that is concerned.

The SPEAKER. The gentleman was providentially absent. [Laughter and applause.]

The Clerk read as follows:

Strike out, in line 9, page 1, after the word "that," the words "the supreme court and."

The question was taken; and

The SPEAKER announced: The ayes seem to have it; the ayes have it, and the amendment is agreed to.

Mr. PICKLER. Division.

Mr. POWERS. There are two amendments reported by the committee.

Mr. PICKLER. I call for a division on that vote.

The SPEAKER. The gentleman calls for a division on the amendment which has already been submitted to the House.

The question was taken; and there were—ayes 150, noes none.

Mr. PICKLER. Mr. Speaker, I make the point of no quorum.

The SPEAKER proceeded to count the House.

Mr. PICKLER. Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER (after counting). Two hundred gentlemen are present, a quorum. On this question the ayes are 154, the noes none. The ayes have it, and the amendment is agreed to.

Mr. POWERS. I now call attention to the committee amendments.

The amendments recommended by the committee were read, as follows:

Amend in line 5 of section 2 by striking out the words "one year" and inserting in lieu thereof the words "six months"; and with the further amendment, in lines 12 and 13 of section 1, by striking out the words "by this act" and inserting, after the word "have" in said line and section, the words "by the act to which this is an amendment."

The amendments recommended by the committee were agreed to.

Mr. POWERS. Mr. Speaker, the gentleman from Illinois [Mr. CONNOLLY] reported this bill, and I yield to him for a statement.

Mr. CONNOLLY. Mr. Speaker, the purpose of this bill is to amend a section of the act creating the circuit courts of appeals. It was evidently supposed at the time when that act was passed that appeals from the supreme courts of the Territories to the circuit courts of appeals would be allowed; but a decision rendered by the Supreme Court this winter, in the case of Folsom against the United States, on the 2d day of December, 1895, decides that appeals from the supreme court of a Territory can not go to the circuit courts of appeals; in other words, that there is no appeal at all from a supreme court of a Territory.

It is for the purpose of correcting that, so that an appeal or writ of error will lie from the supreme court of a Territory to the circuit courts of appeals, the same as from a United States circuit or district court, that this act has been asked for by the residents of the Territory, and it is for the purpose of giving them that relief that this amendment to section 15 of the act creating the circuit courts of appeals is proposed, and there would seem to be no objection to it. One member of the Judiciary Committee has filed a minority report; otherwise the report in favor of the bill is the report of the entire committee. That member questions the power of Congress to confer appellate jurisdiction upon the Supreme Court and circuit courts of appeals. I do not know whether his report goes to that extent or not, but I remember that it does question the power to authorize an appeal to the supreme court from the courts of the Territories. That position has some plausibility, and it might be considered that there was something in it but for the fact that the Supreme Courts itself, in October, 1894, decided that the power does rest in Congress to authorize appeals from any court created by Congress for the Territories to the Supreme Court of the United States. That, I understand, is the only question which the gentleman from Texas [Mr. BAILEY] reserved in reporting this bill. Inasmuch as the gentleman desires to be heard upon the question, I call his attention to the case of United States *vs.* Coe, in volume 155——

Mr. BAILEY (interposing). Will the gentleman permit me to say that I have no doubt about the power of Congress to confer appellate jurisdiction in a case where the United States itself is a party, because a controversy to which the United States is a party is one of the class of cases enumerated in the Constitution to which the judicial power of the United States extends?

Mr. CONNOLLY. But the Supreme Court itself says that this power is not referable to the provision of the Constitution authorizing the establishment of that court.

Mr. BAILEY. The case to which the gentleman calls my attention is a case involving an appeal from the Court of Private Land Claims, is it not?

Mr. CONNOLLY. That was the particular question that was before the court, but the language of the court is general as to all classes of cases.

Mr. BAILEY. Let me say to the gentleman, in order that there may be no misunderstanding between us, that I do not question the power of Congress to authorize an appeal from any court created by Congress, or even from the courts of the States, in any case to which the Constitution extends the judicial power of the United States.

Mr. CONNOLLY. I understand that the gentleman makes that limit, but the Supreme Court does not stop for that limit. If the gentleman will examine that case and the concluding paragraphs in the case in volume 155, decided last October, he will find that the language is general, that it is not limited to cases in which the United States is a party, but is general.

And as, wherever the United States exercise the power of government, whether under specific grant or through the dominion and sovereignty of plenary authority, as over the Territories (Shively *vs.* Bowlby, 152 U. S., 1, 48), that power includes the ultimate executive, legislative, and judicial power, it follows that the judicial action of all inferior courts established by Congress may, in accordance with the Constitution, be subjected to the appellate jurisdiction of the supreme judicial tribunal of the Government.

They go on further and say:

There has never been any question in regard to this as applied to Territorial courts, and no reason can be perceived for applying a different rule to the adjudications of the Court of Private Land Claims over property in the Territory.

There never has been any question, Mr. Speaker, about the power of Congress to do this with reference to the Territorial courts, and the Supreme Court says there is no reason why the same rule should not apply to these private land claims. But so far as that is concerned, now that the amendment proposed by the gentleman from New Mexico [Mr. CATRON] has been adopted, this amendment of section 15 of the act applies only to appeals to the circuit courts of appeals, so that that question is entirely eliminated. I can see no reason why the privilege should not be extended to the people of the Territories of having their cases reviewed in the circuit courts of appeals.

Mr. BAILEY. Mr. Speaker, the objectionable part of the bill is that which confers—

Appellate jurisdiction, by writ of error or appeal, to review any final judgment or decree of the supreme court of any Territory in all cases where the matter in controversy shall exceed $1,000 besides costs.

And my friend from Illinois himself admits that my contention would be a strong one if the question were new. I do not think that it is within the power of Congress to confer upon any court created in pursuance of the judicial article of the Constitution the power to hear and determine any case, either originally or upon appeal, except those cases which are particularly and specifically enumerated in the Constitution as cases to which the judicial power of the United States extends. To my mind, the proposition is so clear as to make it difficult of argument, and yet the Judiciary Committee has reported this bill, assuming, as a matter of course, that it is within the power of Congress to do this.

There are several cases in which expressions as loose as that which the gentleman from Illinois has just read have been made

by the court, but when you look away from the language of the court to the language of the Constitution itself, the matter seems to me too clear for controversy. The third article of the Constitution begins with these words:

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time establish.

The judges have declared, with practical unanimity, that the Constitution itself establishes the Supreme Court of the United States, though the constitutional provision, it is true, is not operative or effective until Congress has fixed the number of judges and they have been appointed. The Constitution authorizes Congress to establish such inferior courts as in its wisdom it may deem proper, and the Supreme Court, established by the Constitution, and the inferior courts, established in pursuance of the constitutional power granted to Congress, must exercise the judicial power of the United States. Proceeding one step further, then, the second section of that same third article says:

The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made or which shall be made under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

The eleventh amendment of the Constitution eliminates from that section the judicial power of the United States to call a sovereign State into the courts and pronounce judgment against it; but, with the exception of the change made by that eleventh amendment, the judicial power of the United States to-day is precisely identical with what it was as originally defined in the Constitution.

Now, my distinguished friend from Illinois [Mr. CONNOLLY] will agree with me that no court created under that provision of the Constitution can take original cognizance of any case except one of the cases enumerated in that first paragraph of the second section of the third article. There would be no controversy about this if you were proposing to give the circuit courts or the district courts of the United States original jurisdiction. Suppose any member of this House should propose that the district courts of the United States should have original jurisdiction in all cases where the amount exceeded $1,000. There is not a gentleman on this floor, lawyer or layman, who would not straightway understand that it was beyond the power of Congress to confer any such jurisdiction upon the circuit or the districts courts of the United States. And, Mr. Speaker, it is beyond the power of Congress to confer appellate jurisdiction in any case over which original jurisdiction can not be given. The Constitution recognizes no difference between the original and the appellate jurisdiction of the inferior courts of the United States. It permits Congress to grant to the inferior courts the power to hear and determine all the specified cases except the three classes of cases over which original jurisdiction is granted to the Supreme Court of the United States.

The Supreme Court has held, beginning with the famous case of Marbury *vs.* Madison, that it is not within the power of Congress to increase the original jurisdiction of that court. In the first judiciary act Congress attempted to grant to the Supreme Court power to issue mandamus against the officers of the Government; and it was in pursuance of that section of the judiciary act that Marbury brought his suit to compel Mr. Madison, who was then Secretary of State, to deliver to him his commission as a justice of the peace in and for this District. The Supreme Court, speaking through Judge Marshall—and this was the first of those remarkable decisions that have won for him a first place among the judicial reasoners of his own or any other age, or of this or any other country—held that provision of the judiciary act unconstitutional on the ground that Congress had no power to add to the original jurisdiction of the Supreme Court.

The next question which arose was whether Congress could commit to the inferior courts the decision of those cases over which original jurisdiction had been granted to the Supreme Court. For eighty years that question was left unsettled. In the Ortega case the court plainly intimated that Congress had no such power. Judge Curtis, in his admirable book embracing a series of lectures delivered to a law class, expressed it as his opinion that Congress could not grant original jurisdiction to the inferior courts in those cases where the Constitution had granted original jurisdiction to the Supreme Court. But at last, and after leaving the question open many years, the Supreme Court of the United States did decide in the case of Bors *vs.* Preston that Congress could vest original jurisdiction in those cases in the inferior courts. But if we admit that the doctrine of Bors *vs.* Preston is reconcilable with the doctrine of Marbury *vs.* Madison, it does not follow in that Congress can grant to any court of the United States created under the judicial article of the Constitution the power to hear and determine any case except those enumerated in the Constitution itself.

I repeat that if this were a question affecting the district and circuit courts of the United States there would be no difference of opinion. The difference of opinion arises out of the fact that it is an effort to grant appeals from the courts of the Territories. I concur with my friend from Illinois that the power of Congress over the Territories is not limited by the judicial clause of the Constitution. I grant him that the Territorial courts are not created under the powers granted by the judicial clause of the Constitution, but are created in pursuance of a separate and different power to make all needful rules and regulations over the territory of the United States, or it may be, as intimated by Judge Marshall in the case of The Insurance Company *vs.* Canter, that it results from the power of the Government to acquire territory. But, however it results and from whatever power it arises, I cordially agree that it is not exercised under the judicial clause of the Constitution, and that the Territorial courts, not being created under the judicial clauses of the Constitution, are not subject to its limitations.

I admit, Mr. Speaker, that Congress, when it creates the courts of a Territory, can authorize them to exercise any jurisdiction that it may deem proper not inconsistent with the letter or the spirit of the Federal Constitution. But, sir, when Congress has created courts in the Territories, and has conferred upon them their powers to hear and determine such cases as Congress sees fit, it has then exhausted its power over these cases, and the determination must be final unless they fall within the class of cases to which the judicial power of the United States is extended by the Constitution. In other words, when you go into the Territorial court, where do you look to ascertain its jurisdiction? You look to the act of Congress creating the court. If under that act of Congress the court has power to try and determine the case, then you look to the Constitution to see if Congress has the power to give the court the power conferred upon it by the law. Unless you find that the act of Congress vesting the court with jurisdiction is autagonistic to some provision of the Constitution the court can proceed with the trial. But when you have had your day in the Territorial court, and having lost your case there you undertake by an appeal or a writ of error to carry it into the circuit court of the United States, you will then stand in a court created in pursuance of the judicial clause of the Constitution, and therefore the right and power of that court to hear and determine that case depends first upon the act of Congress, and next upon the constitutional power of Congress to pass that act.

If this bill becomes a law any case involving a thousand dollars and costs is appealable to the circuit court of appeals. But when you look to the Constitution, as you must do, what do you find? You find that under the Constitution the courts created under the judiciary clause of that instrument can only exercise jurisdiction in certain cases; and no case that does not fall within the limits—the list of cases specified in the Constitution—can be heard and determined in the circuit court of appeals or in any other court of the United States created by and under the judicial article of the Constitution.

The power of Congress over the tribunal from which the appeal was taken is not the question in the appellate court. The power to entertain an appeal is determined, not by the jurisdiction of the trial court from which the appeal is taken, but by the jurisdiction of the appellate court to which the appeal is taken. There are many cases, both in Federal and in State courts, which are triable in the courts below, but not appealable to the courts above. When you undertake to appeal from the circuit or district court of any State to the supreme court of the State, you must show your right to a hearing in that higher court, and it is immaterial about your right or standing in the lower court; not immaterial in the technical sense of the word, because as a matter of course you must have had a standing below in order to have a standing above; but the mere fact that you had that standing in the lower court does not necessarily give you a standing in the appellate court. Instead of looking to the jurisdiction of the trial court, which heard your case originally, you look to the jurisdiction of the higher court to see if it has power to try the appeal.

I submit to the House and to the gentleman from Illinois that when you go into the circuit court of appeals you must answer a jurisdictional test. What is it? This bill makes the amount in controversy a jurisdictional test. It provides that if a thousand dollars and costs are involved the case is appealable. The Constitution of the United States says that the courts created under its judicial clause can exercise jurisdiction over no case except those specifically enumerated. What condition will my friend from Illinois find himself in if he appeals a case to the circuit court of appeals purely upon the amount in controversy? His case must be dismissed.

I do not doubt that an appeal will lie from the supreme court of a Territory to the Supreme Court of the United States, provided the case falls within the constitutional enumeration. In other

words, if the United States were a party to a case in the Territorial court, or if a Federal question is involved, an appeal will lie. Why? Not on account of the tribunal from which the appeal was taken, because, as Judge Storey said in Martyn *vs.* Hunter's Lessee, the jurisdiction of the courts of the United States does not depend upon the tribunal from which the appeal is taken, but upon the character of the case, and the Supreme Court of the United States sustained an appeal from the highest court of Virginia. Of course Congress can authorize an appeal from the supreme court of a Territory precisely in the same cases as from the supreme court of a State; that is, whenever the case is one to which the judicial power of the United States extends.

In that class of cases Congress can authorize an appeal from any court—from the Court of Claims, from the Court of Private Land Claims, from the supreme courts of Territories, or from the supreme courts of the various States. But it was the intention of the framers of the Constitution that the constitutional courts of the United States should exercise no jurisdiction except over those cases to which their jurisdiction was expressly extended. The hardship may or may not be great, but the effect of the Constitution of the United States is, that when a Territory is organized it is assimilated to the condition of a State. A Territory is given a judiciary, a legislature, and an executive. It is presumed that the judiciary will be a competent and honest one; but the Territory is left to such a judiciary as it has, except in those cases to which the judicial power of the United States is extended. If the judges are corrupt or incompetent, the people of the Territory suffer precisely as a State might suffer which was afflicted with corrupt or incompetent judges.

The friends of this bill have removed one objection to it by striking out the Supreme Court of the United States and thereby limiting this appellate power to the circuit court of appeals; but it does not appear to me that they have escaped the difficulty, because the circuit court of appeals can be given jurisdiction over no case that the Supreme Court of the United States may not exercise jurisdiction over. The circuit court of appeals is what the judges denominate a "constitutional court," and it can exercise appellate jurisdiction in no case over which Congress might not, if it saw fit, confer original jurisdiction. No man will contend that Congress can confer original jurisdiction on the constitutional courts of the United States over "all cases involving $1,000"; and I contend that if we can not confer original we can not confer appellate jurisdiction.

Mr. CONNOLLY. Mr. Speaker, I apprehend that the gentleman from Texas [Mr. BAILEY] is the only lawyer in this House who has examined this question who finds the difficulty with it that he does in this bill, or in the jurisdiction proposed. The gentleman's argument goes to hold that the present law is unconstitutional. That is the only legitimate effect of the gentleman's argument. His argument is that a law proposing to grant appellate jurisdiction to the circuit courts of appeals from the supreme courts of the Territories is unconstitutional.

Mr. BAILEY. Oh, no. I fully concede the power of Congress over those cases enumerated in the Constitution.

Mr. CONNOLLY. Now, the gentleman will find that under the present circuit courts of appeals act——

Mr. BAILEY. I may save the gentleman trouble by stating that I object to no part of the bill except that part which predicates the jurisdiction on the amount in controversy.

Mr. CONNOLLY. The original objection to the bill was that it granted an appeal to the Supreme Court of the United States.

Mr. BAILEY. The gentleman has misunderstood me. I was unfortunate in expressing myself.

Mr. CONNOLLY. The gentleman was not unfortunate in expressing himself in the minority report which he filed, because that was one of the objections that he made.

Mr. BAILEY. No; the gentleman will not find that in the minority report.

Mr. CONNOLLY. I have not the report before me this moment, but I have read it, however, and I found that objection in it.

Mr. BAILEY. I assure the gentleman he will not find that objection in it.

Mr. CONNOLLY. It was the practice before the circuit courts of appeals was established. Appeals went direct, in certain prescribed cases, from the supreme courts of the Territories to the Supreme Court of the United States, and that was the rule and practice and law until the passage of this circuit courts of appeals act in 1889. Then it provided that certain classes of those cases from the Territories, instead of going to the Supreme Court of the United States, must stop in the circuit courts of appeals. Not only so with reference to supreme courts of Territories, but also with reference to cases from district and circuit courts of the United States. They cut off the appeal to the Supreme Court of the United States in a large class of cases, and limited the appeal——

Mr. MILES. Will the gentleman allow me a question there?

Mr. CONNOLLY. Yes.

Mr. MILES. Has there been any attempt heretofore by Congress to carry any class of cases to the Supreme Court of the United States except those enumerated in the provisions of the Constitution?

Mr. CATRON. Let me answer that. I will say yes; for the last one hundred years it has been done, from all the Territories, to the Supreme Court of the United States, in cases exactly similar to this.

Mr. CONNOLLY. Now, this ridiculous condition of things exists to-day——

Mr. BAILEY. I dislike to interrupt my friend, but the gentleman from New Mexico [Mr. CATRON] could not make his statement good. If he will examine the reports in every case that has been appealed, and in which the question of jurisdiction was raised, there was either a Federal question or the United States was a party.

Mr. CATRON. The gentleman is decidedly mistaken. Nine-tenths of all the cases that have come up were cases where no Federal question was raised and cases in which the United States was not a party. The first case brought from the Territory of New Mexico was back in the fifties, the case of Webb *vs.* Leitzendorfer, a case of attachment by one creditor against another, and no question of Federal jurisdiction whatever. Since that there have been a dozen cases from the supreme court of the Territory of New Mexico brought up, and many from all the other Territorial supreme courts. The cases of Hornbuckle *vs.* Tombs and Clinton *vs.* Engelberg, found in 13 and 18 Wallace, one from Utah and the other from the Territory of Montana, neither one of them involved Federal questions.

Mr. BAILEY. The gentleman will permit me to say that all the cases were where the jurisdictional question was considered, as in the Cole and Canter cases, were all cases where there was a Federal question, or, as in the case cited, where the United States was a party.

Mr. CATRON. But in the case which I speak of, and in all the other cases, it has been a recognized doctrine that these cases were appealable and maintainable in the United States court, and no question has been raised; it has been acquiesced in for a hundred years.

Mr. CONNOLLY. Now, the case that has provoked the decision of the Supreme Court and makes this bill necessary is the case of Folsom against the United States, and that case got to the Supreme Court in this way: It was appealed to the circuit court of appeals of the eighth circuit. Folsom was indicted for making certain false entries and a violation of the provision of section 5209 of the Revised Statutes. He was tried and convicted in a Territorial court. He appealed to the supreme court of the Territory and the judgment of conviction was sustained. He then appealed to the circuit court of appeals of the eighth circuit. The eighth circuit made a certificate of division of opinion upon the question as to whether they had jurisdiction to entertain this appeal. If this man had been convicted of some minor criminal offense the appeal would have lain; but being convicted of an infamous crime, the appeal did not lie. So the Supreme Court holds. And in language they say:

It may be that there was an oversight in that particular; but if there were we certainly can not supply it by construing the fifth section as carrying appellate jurisdiction over such cases to the circuit court of appeals, and so enlarge that jurisdiction into something other and different from the same appellate jurisdiction as is exercised in reviewing judgments of the district and circuit courts under section 6 of this act.

Mr. BAILEY. The gentleman understands that I make no question of our power to grant an appeal to any court where the United States is a party either in a criminal or civil suit.

Mr. CONNOLLY. Oh, I understand your objection is to this bill. Now, under the circuit courts of appeals act there is no case transferred from the circuit court of appeals in a Territory except those cases in which the judgment of the circuit court of appeals is made final. In cases of capital or otherwise infamous crimes their judgments are not made final. The act provides:

SEC. 5. That appeals or writs of error may be taken from the district courts or from the existing circuit courts direct to the Supreme Court in the following cases:

In any case in which the jurisdiction of the court is in issue. In such cases the question of jurisdiction alone shall be certified to the Supreme Court from the court below for decision.

From the final sentences and decrees in prize causes.

In cases of conviction of a capital or otherwise infamous crime.

In any case that involves the construction or application of the Constitution of the United States.

In any case in which the constitutionality of any law of the United States or the validity or construction of any treaty made under its authority is drawn in question.

In any case in which the constitution or law of a State is claimed to be in contravention of the Constitution of the United States.

Nothing in this act shall affect the jurisdiction of the Supreme Court in cases appealed from the highest court of a State nor the construction of the statute providing for review of such cases.

Now, in all these cases an appeal lies direct from the district and circuit courts to the Supreme Court of the United States.

Now, there is another class of cases in which a judgment of the circuit courts of appeals is made final.

And the judgments or decrees of the circuit courts of appeals shall be final in all cases in which the jurisdiction is dependent entirely upon the opposite parties to the suit or controversy, being aliens and citizens of the United States or citizens of different States; also in all cases arising under the patent laws, under the revenue laws, and under the criminal laws, and in admiralty cases.

Excepting that in every such subject within its appellate jurisdiction the circuit court of appeals at any time may certify to the Supreme Court of the United States any questions or propositions of law concerning which it desires the instruction of that court for its proper decision.

Now, in these cases in which jurisdiction of the circuit court is final, appeals are made by this law to lie in the circuit court of appeals. In all cases where judgment of the circuit court of appeals is final, then an appeal goes from the supreme court of the Territory to the circuit court of appeals; but in a revenue case, where a man is indicted for selling a little whisky, he may appeal direct to the Supreme Court of the United States; in a case where it is capital, for a homicide, he can not do it. Now, the purpose of this bill is to provide that in all cases where the decision of the circuit court of appeals is final they may go from the supreme court of the Territory to the circuit court of appeals, as was unquestionably intended when this law was passed; but under this decision of the Supreme Court it becomes manifest that the appeals in that class of cases are cut off, and they must rest with the decision of the supreme court of the Territory.

Now, this bill and the questions involved in it were considered carefully by the Judiciary Committee, and all the members of that committee have agreed that it ought to be passed, and have directed it to be reported to the House, except the gentleman from Texas [Mr. BAILEY], who raises this constitutional question. The question that he makes would, I submit, go to hold the entire act unconstitutional as it exists on the statute book with reference to appeals from the supreme courts of the Territories.

Mr. POWERS. Mr. Speaker, unless some other gentleman desires to be heard, I will move the previous question.

Mr. BAILEY. Will the gentleman first let me make a brief statement to illustrate my position? The gentleman from Illinois [Mr. CONNOLLY] is generally very acute; but either he is dull to-day or I have been unfortunate in expressing myself. He says that my objection goes not only to the constitutionality of this bill, but to the constitutionality of the present law. I think I said—I know I tried to say—that the bill was objectionable only in so far as it attempted to make the jurisdiction depend upon the amount in controversy. Let me illustrate my position. Take the Territory of New Mexico. The Congress of the United States authorizes the legislature of New Mexico to pass any law not inconsistent with the laws of Congress. Suppose the Territory passes a statute of frauds and perjuries. A sues B in the Territorial court; B pleads a defense arising out of the Territorial statute of frauds; A rejoins that that defense is insufficient, because the Territorial act is in conflict with a law of Congress and therefore void. In a case of that kind I have no question that Congress could grant the right of appeal, because the case would involve a question arising under the laws of the United States. But suppose A sues B on a plain promissory note and B pleads infancy and they go to the jury on that issue. The jury decide that B was not an infant and therefore give a verdict against him, and the court enters a judgment. In that kind of a case I think it is too clear for disputation that Congress has no power to authorize an appeal to the courts created under the judicial clause of the Constitution.

Mr. MILLER of Kansas. You are assuming in your statement that A and B are both citizens of the same Territory?

Mr. BAILEY. Yes; as we must assume, because this bill says "in all cases." Now, I ask the gentleman from Vermont [Mr. POWERS], before he moves the previous question, to permit me to take the sense of the House by moving to strike out the obnoxious words. Of course I recognize that the gentlemen yielded the floor to me to make this illustration of my position, and I would not attempt to take advantage of it to make the motion to strike out; but I ask the gentleman to give me an opportunity to do that before he calls for the previous question. I think the defect in the bill could be cured by striking out the words "in all cases where the matter in controversy shall exceed $1,000 besides costs." Will the gentleman let me test the sense of the House on that amendment?

Mr. POWERS. We can not quite consent to that yet. We will look it over and see.

Mr. CONNOLLY. I yield to the gentleman from Texas [Mr. CULBERSON].

Mr. CULBERSON. Mr. Speaker, I have concurred in the report upon this bill made by the Judiciary Committee. I do not desire now to discuss it, but I would like to have read to the House a portion of an opinion of the Supreme Court to show the basis of my judgment in this matter.

The Clerk read as follows:

And as, wherever the United States exercise the power of government, whether under specific grant or through the dominion and sovereignty of plenary authority, as over the Territories (Shively *vs.* Bowlby, 152 U. S., 1, 48), that power includes the ultimate executive, legislative, and judicial power, it follows that the judicial action of all inferior courts established by Congress may, in accordance with the Constitution, be subjected to the appellate jurisdiction of the supreme judicial tribunal of the Government. There has never been any question in regard to this as applied to Territorial courts, and no reason can be perceived for applying a different rule to the adjudications of the Court of Private Land Claims over property in the Territories.

Mr. BAILEY. I believe that is the Coe case.

Mr. CULBERSON. It is.

Mr. BAILEY. I make no question, Mr. Speaker, that where the United States is a party the case is appealable.

Mr. POWERS. Now, Mr. Speaker, I ask for the previous question.

Mr. BAILEY. Does the gentleman decline to yield for my amendment?

Mr. POWERS. We shall have to decline, Mr. Speaker.

Mr. BAILEY. I think you had better let me offer the amendment.

Mr. POWERS. This bill has gone through the Judiciary Committee in its present form and has been approved by the entire committee, with the exception of the gentleman from Texas, and the case just read from the desk confirms the judgment of the committee; so that I think we had better stand upon the bill as it has been reported to the House.

Mr. MILES. The gentleman certainly does not wish the House to understand that the case just read is any other than such a case as the gentleman from Texas admits is appealable—that is, a case where the United States is a party?

Mr. POWERS. Certainly not; but I do wish the House to understand that as good a lawyer as Judge CULBERSON of Texas adopts the opinion of the court as the reason why he supports this bill.

Mr. BAILEY. Well, Mr. Speaker, even so good a lawyer as my colleague, Judge CULBERSON, can well afford to indorse the Supreme Court of the United States. If my approval were worth anything I would give it, too. [Laughter.] But that case was appealable on two distinct grounds: First, that the United States was a party, which of itself would suffice to give the court jurisdiction; and second, that it was a case arising under the laws of Congress, which also would give the court jurisdiction. I have never controverted the power of Congress to give appellate jurisdiction in such cases and I do not now controvert it.

The SPEAKER. Does the gentleman from Vermont [Mr. POWERS] ask for the previous question?

Mr. POWERS. Yes, sir; on the committee amendments and on the bill.

The SPEAKER. The amendments of the committee have been adopted. The question is on ordering the previous question upon the engrossment and third reading of the bill and to its passage.

The question having been put,

The SPEAKER. The ayes seem to have it.

Mr. BAILEY. We shall have to have a division.

The question being again taken on ordering the previous question, there were—ayes 45, noes 15.

Mr. BAILEY. No quorum.

The SPEAKER. The gentleman makes the point that there is no quorum present.

The SPEAKER proceeded to count the House; but before the count was concluded,

Mr. POWERS called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 180, nays 34, not voting 141; as follows:

YEAS—180.

Adams,	Clarke, Ala.	Graff,	Kerr,
Aldrich, Ala.	Colson,	Griffin,	Kirkpatrick,
Allen, Utah	Connolly,	Griswold,	Knox,
Anderson,	Cooper, Wis.	Grout,	Kulp,
Andrews,	Corliss,	Grow,	Kyle,
Apsley,	Crowther,	Hadley,	Lacey,
Baker, Md.	Crump,	Hager,	Latimer,
Baker, N. H.	Culberson,	Haiterman,	Layton,
Barkhead,	Curtis, Iowa	Harmer,	Lefever,
Barham,	Curtis, Kans.	Harris,	Leisenring,
Barney,	Curtis, N. Y.	Hartman,	Lester,
Barrett,	Dalzell,	Henderson,	Lewis,
Belknap,	Danford,	Henry, Conn.	Linney,
Bell, Colo.	Daniels,	Hermann,	Linton,
Bell, Tex.	Dayton,	Hicks,	Loud,
Bennett,	Denny,	Hilborn,	Loudenslager,
Bingham,	De Witt,	Hill,	Low,
Bishop,	Dingley,	Hitt,	Mahon,
Brewster,	Dolliver,	Hopkins,	Marsh,
Broderick,	Downing,	Howell,	McCleary, Minn.
Brosius,	Eddy,	Hubbard,	McCormick,
Brown,	Ellis,	Huling,	McDearmon,
Bull,	Erdman,	Hull,	McLachlan,
Burrell,	Evans,	Hunter,	McLaurin,
Burton, Mo.	Fischer,	Hurley,	Mercer,
Burton, Ohio	Foss,	Hyde,	Miller, W. Va.
Cannon,	Fowler,	Jenkins,	Milnes,
Catchings,	Gamble,	Johnson, Cal.	Minor, Wis.
Chickering,	Gardner,	Johnson, N. Dak.	Mondell,
Clark, Iowa	Gibson,	Joy,	Money,
Clark, Mo.	Gillett, Mass.	Kem,	Moody,

Morse,	Reeves,	Sperry,	Treloar,
Newlands,	Reyburn,	Stable,	Updegraff,
Noonan,	Royse,	Stallings,	Van Horn,
Odell,	Sauerhering,	Stewart, Wis.	Warner,
Otjen,	Sayers,	Stone, C. W.	Watson, Ohio
Parker,	Scranton,	Stone, W. A.	Wellington,
Payne,	Shafroth,	Strong.	Wilber,
Phillips,	Shannon,	Sulloway,	Willis,
Pickler,	Sherman,	Taft,	Wilson, Idaho
Pitney,	Simpkins,	Tawney,	Wilson, N. Y.
Poole,	Smith, Ill.	Tayler,	Wilson, S. C.
Powers,	Snover,	Thorp,	Wood,
Prince,	Southard,	Towne,	Woodard,
Pugh,	Spalding,	Tracey,	Yoakum.

NAYS—34.

Allen, Miss.	Crisp,	Miller, Kans.	Strowd, N. C.
Bailey,	Dockery,	Ogden,	Swanson,
Black, Ga.	Hendrick,	Otey,	Talbert,
Blue,	Long,	Owens,	Tate,
Calderhead,	Maguire,	Pendleton,	Turner, Ga.
Clardy,	McClellan,	Russell, Ga.	Underwood,
Cockrell,	McCreary, Ky.	Shuford,	Williams.
Cooper, Tex.	Meyer,	Stokes,	
Cox,	Miles,	Strait,	

NOT VOTING—141.

Abbott,	Ellett, Va.	Leonard,	Settle,
Acheson,	Elliott, S. C.	Little,	Shaw,
Aitken,	Fairchild,	Livingston,	Skinner,
Aldrich, Ill.	Faris,	Lockhart,	Smith, Mich.
Arnold, Pa.	Fenton,	Lorimer,	Sorg,
Arnold, R. I.	Fitzgerald,	Maddox,	Southwick,
Atwood,	Fletcher,	Mahany,	Sparkman,
Avery,	Foote,	McCall, Mass.	Spencer,
Babcock,	Gillet, N. Y.	McCall, Tenn.	Steele,
Baker, Kans.	Goodwyn,	McClure,	Stephenson,
Bartholdt,	Grosvenor,	McCulloch,	Stewart, N. J.
Bartlett, Ga.	Hainer, Nebr.	McEwan,	Strode, Nebr.
Bartlett, N. Y.	Hall,	McMillin,	Sulzer,
Beach,	Hanly,	McRae,	Terry,
Berry,	Hardy,	Meiklejohn,	Thomas,
Black, N. Y.	Harrison,	Meredith,	Tracewell,
Boutelle,	Hart,	Milliken,	Tucker,
Bowers,	Hatch,	Miner, N. Y.	Turner, Va.
Bromwell,	Heatwole,	Moses,	Tyler,
Brumm,	Heiner, Pa.	Mozley,	Van Voorhis,
Buck,	Hemenway,	Murphy,	Wadsworth,
Cobb,	Henry, Ind.	Neill,	Walker, Mass.
Codding,	Hepburn,	Northway,	Walker, Va.
Coffin,	Hooker,	Overstreet,	Walsh,
Cook, Wis.	Howard,	Patterson,	Wanger,
Cooke, Ill.	Howe,	Pearson,	Washington,
Cooper, Fla.	Huff,	Perkins,	Watson, Ind.
Cousins,	Hulick,	Price,	Wheeler,
Cowen,	Hutcheson,	Quigg,	White,
Crowley,	Johnson, Ind.	Raney,	Wilson, Ohio
Cummings,	Jones,	Ray,	Woodman,
De Armond,	Kendall,	Richardson,	Woomer,
Dinsmore,	Kiefer,	Robertson, La.	Wright.
Doolittle,	Kleberg,	Robinson, Pa.	
Dovener,	Lawson,	Rusk.	
Draper,	Leighty,	Russell, Conn.	

So the previous question was ordered.

The following pairs were announced:

Until further notice:

Mr. SMITH of Michigan with Mr. LAWSON.

Mr. CURTIS of Iowa with Mr. RICHARDSON.

Mr. HARDY with Mr. HART.

Mr. WILSON of Ohio with Mr. DE ARMOND.

Mr. HEMENWAY with Mr. ROBERTSON of Louisiana.

Mr. HUFF with Mr. MINER of New York.

Mr. HENRY of Indiana with Mr. SPARKMAN.

Mr. MOZLEY with Mr. MOSES.

Mr. STRODE of Nebraska with Mr. HUTCHESON.

Mr. STEELE with Mr. WASHINGTON.

Mr. DRAPER with Mr. TUCKER.

Mr. GROSVENOR with Mr. MCMILLIN.

Mr. RANEY with Mr. COWEN.

Mr. MEIKLEJOHN with Mr. NEILL.

Mr. BROMWELL with Mr. LIVINGSTON.

Mr. FARIS with Mr. SORG.

For this day:

Mr. LORIMER with Mr. MCCULLOCH.

Mr. MCCLURE with Mr. LITTLE.

Mr. WOOMER with Mr. DINSMORE.

Mr. ARNOLD of Rhode Island with Mr. MEREDITH.

Mr. LEFEVER with Mr. ELLIOTT of South Carolina.

Mr. MCCALL of Tennessee with Mr. TERRY.

Mr. NEWLANDS with Mr. JONES.

Mr. LEONARD with Mr. KLEBERG.

Mr. AITKEN with Mr. CROWLEY.

Mr. HULICK with Mr. WALSH.

Mr. RUSSELL of Connecticut with Mr. RUSK.

Mr. WANGER with Mr. PATTERSON.

Mr. WHITE with Mr. KENDALL.

Mr. THOMAS with Mr. LOCKHART.

Mr. SETTLE with Mr. MADDOX.

Mr. BEACH with Mr. MCRAE.

Mr. CHARLES W. STONE with Mr. ELLETT of Virginia.

On this question:

Mr. CLARK of Iowa with Mr. TYLER.

Mr. DOCKERY. Mr. Speaker, some two days since my colleague, Mr. DE ARMOND, was called away by the dangerous illness of a kinsman. I ask indefinite leave of absence for him.

The SPEAKER. Without objection, leave of absence will be granted.

There was no objection.

Mr. PICKLER. I ask for a recapitulation of this vote.

Mr. BAILEY. I hope the gentleman from South Dakota will let us get through with this.

The SPEAKER. The gentleman from South Dakota asks for a recapitulation of the vote. The Clerk will recapitulate.

The vote having been recapitulated, the result was announced as above stated.

The bill was then ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. POWERS, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. PICKLER. Mr. Speaker, I demand the regular order.

The SPEAKER. The Chair would recognize a number of gentlemen on matters of importance in their respective districts, unless the gentleman from South Dakota insists upon the demand for the regular order. Does the gentleman demand the regular order in view of that circumstance?

Mr. PICKLER. I demand the regular order. [Laughter.]

ENGINEER SERVICE, MERCHANT MARINE, ETC.

The SPEAKER. The Chair will lay before the House the following bill with Senate amendments, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 3013) to amend section 4131 of the Revised Statutes of the United States, to improve the Merchant Marine Engineer Service, and thereby also to increase the efficiency of the Naval Reserve.

The bill and the Senate amendments were read at length.

Mr. PAYNE. Mr. Speaker, I move that the House nonconcur in the Senate amendments and agree to the conference asked on the bill.

Mr. DINGLEY. Before that I wish the gentleman would explain the changes made by the Senate in the bill as it passed the House.

Mr. PAYNE. I do not know that I am able to explain all of the changes made in the bill. They are quite numerous. The House bill provided that all engineers and assistant engineers that were engaged on American vessels in the transatlantic service as well as the coastwise trade should be deemed officers of the vessels, and should be required to be citizens of the United States. The Senate has limited the effect of the bill to such engineers and assistant engineers as are in charge of a watch, and, as I understand it, has limited it to much less than one-half the number of engineers embraced in the House bill who are employed on such vessels. That is the principal change from the House bill.

The House also provided, I may say, that all such engineers, in case of war, should become subject to draft for military service in the United States Navy. The Senate bill has left this matter rather indefinite by putting it in a negative form and providing that these engineers shall not be subject to draft except for the performance of duties similar to those performed by them as engineers on these vessels. This provision as inserted in the bill originally provided that in case of war, when the vessels which are subject to being taken by the Government, by making compensation to the corporations who own them—that is to say, in the case of those vessels flying the American flag, such as the vessels of the American Line, the *City of New York*, the *City of Rome*, the *St. Louis*, and the *St. Paul*—that these officers on such vessels should be subject to be drafted into the service of the United States. As I say, the Senate leaves this matter in the negative form.

The House bill provides also that the engineers shall be licensed for a period of five years. The Senate, for some reason, in their inscrutable wisdom, requires that the license renewal shall be taken out at the end of every three years. They also make some changes in the details by which the licenses shall be renewed, and especially with regard to those cases where the vessel happens to be in a foreign port at the time the license expires.

But, Mr. Speaker, as I have said, the principal amendment relates to the subject of assistant engineers not in charge of a watch.

Now, if there is no other gentleman who desires to discuss the bill or ask questions in regard to it, to whom I will yield time willingly for that purpose, I shall move the previous question.

Mr. DINGLEY. Is there any change in the bill as it passed the House with reference to the engineers and assistant engineers, as to whether the naturalization should have been completed or only the first papers taken out?

Mr. PAYNE. The House bill required that they should be citizens of the United States. The Senate, on the other hand, have expressly stated in their report that they should be citizens of the United States, and citizens who have taken out the second papers. Now, I had always supposed——

Mr. DINGLEY. And the House bill excluded those persons who had only taken out the first papers?

Mr. PAYNE. I was going on to say that I had always supposed that a naturalized person was not a citizen of the United States until he had received his second papers, and while the bill, when it came before the Committee on Merchant Marine and Fisheries, provided, in terms similar to those used by the Senate, that citizens should have taken out the second papers, members of the committee thought that it showed more intelligence and better knowledge of the law if the House expressed itself by the term "citizens of the United States." So that change got into the bill after it was originally introduced, and the term made use of was "citizens of the United States." Since that time the bill has gone to the Senate, and I suppose those of us who think we understand the law, and that a citizen of the United States—a naturalized citizen—was one who had taken out his second papers, shall either have to revise that opinion on further instruction from the grave and reverend gentlemen who shall constitute the conference committee on the part of the other House and accept their construction of the term as embodied in their amendment, unless, possibly, we may be able to convince them by a long constitutional argument that the term "citizen," as applied to a naturalized citizen, includes only a citizen who had received his second papers.

Mr. DALZELL. As I understand it, while there is a change of language, there is no change in the intention of the House in passing the bill, or of the committee as they reported the bill?

Mr. PAYNE. No; but the question is whether the intention of the House was realized in the expression it used when it acted on the bill, and as it came from the committee.

Mr. LACEY. You are aware of the fact that in a number of States a man may vote after filing his first papers?

Mr. PAYNE. But that does not make him a citizen of the United States.

Mr. LACEY. It makes him a citizen enough to vote, does it not?

Mr. SPERRY. Can you enforce the right of a naturalized citizen——

Mr. PAYNE. I am still of the opinion—not having been enlightened by reading the Senate amendment—that a naturalized citizen is a person who has citizen's papers.

Mr. SPERRY. Can you enforce the right of a citizen who has been naturalized except in countries where we have treaties?

Mr. PAYNE. Well, that leads to a long and interesting question, which might properly be referred to the Committee on Foreign Affairs. I do not see how it is germane to the passage of this bill or to the question now before the House.

Mr. SPERRY. You were discussing what a citizen was, so I asked that question.

Mr. PAYNE. I should be very glad to discuss that question privately with my friend from Connecticut, but I really do not feel, Mr. Speaker, that I ought to take the time of this House to discuss it now.

Mr. PICKLER. Will the gentleman from New York yield to me for two minutes?

Mr. PAYNE. Certainly.

Mr. PICKLER. I hope there will be no great delay in passing this bill. I have demanded the regular order to-day in the hope that the House might find time to do something on the Private Pension Calendar, time that I think we were entitled to in the last legislative day. That is my reason for making the demand. I want to get time to take up some of these 400 bills. I should be glad to make a parliamentary inquiry, Mr. Speaker, whether a motion would be in order, for instance, after this bill is passed, to go into the Committee of the Whole to report back the bills that were passed upon yesterday, but which could not be reported to the House on the failure of a quorum?

The SPEAKER. Has the gentleman any precedent to cite for such a motion as that?

Mr. PICKLER. I do not think I have, Mr. Speaker.

The SPEAKER. The Chair thinks, then, that perhaps the answer to the gentleman's inquiry is obvious.

Mr. PICKLER. My question was whether a motion would be in order or not.

Mr. PAYNE. I am very glad to yield to the gentleman from South Dakota an opportunity to explain why he was demanding the regular order. I have not understood it before, and I am not clear that I understand it now.

Mr. PICKLER. Well, you will find out.

Mr. PAYNE. I do not know that I understand it now. The gentleman seems to have some idea that, by demanding the regular order, he will reach a point where the ninety-odd bills which have been favorably considered in the Committee of the Whole may be reported in the House at this time and receive their consideration in the House.

Mr. PICKLER. I beg the gentleman's pardon——

Mr. PAYNE. I yield to the gentleman, if that is what he means.

Mr. PICKLER. I am attempting to take up the Private Calendar that has not been passed upon. I think the able Chairman of the Committee of the Whole who presided yesterday [Mr. PAYNE] will devise some means to get those bills that were passed upon before the House. That is with the management. That is not with me.

Mr. SWANSON. Mr. Speaker, I make the point of order that the regular order is not the giving of instructions to the gentleman from South Dakota as to what he may or may not do.

The SPEAKER. The gentleman from Virginia [Mr. SWANSON] makes the point that, the regular order having been demanded, these remarks are not the regular order. The point is well taken.

Mr. PAYNE. I was debating the question before the House. I hope the gentleman from Virginia will not seek to interfere with that. I want to suggest further to the gentleman from South Dakota that if his object is what he has stated, he is doing the precise thing to cut it off, because that could only be reached by unanimous consent, and his persistent demand for the regular order would of course cut off any unanimous consent of that kind.

Mr. PICKLER. I accept service of the notice.

Mr. PAYNE. Of course, the gentleman understands that, because he has made a study of this question, and knows that under the rules of the House, with his persistent demand for the regular order, he never could reach the pension bills in the manner in which he proposes. Now, Mr. Speaker, if no other gentleman desires to debate this bill——

Mr. PICKLER. I want to say that I differ altogether with the gentleman from New York.

Mr. PAYNE. I yield again to the gentleman from South Dakota.

Mr. PICKLER. I think, Mr. Speaker——

Mr. SWANSON. Mr. Speaker, I insist——

The SPEAKER. The gentleman from Virginia makes the point that these remarks are not the regular order. The question is on agreeing to the motion of the gentleman from New York [Mr. PAYNE].

The question was taken; and the Speaker announced that the ayes seemed to have it.

On a division (demanded by Mr. PICKLER) there were—ayes 113, noes none.

Mr. PICKLER. No quorum, Mr. Speaker.

Mr. PAYNE. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PICKLER. Pending that, I move that the House do now adjourn.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. PICKLER. Division.

The SPEAKER. The gentleman from South Dakota demands a division. Those in favor of the motion that the House do now adjourn will rise in their places and be counted. There being none in the affirmative, the motion is disagreed to. [Laughter.]

The question was taken; and there were—yeas 203, nays 0, not voting 152; as follows:

YEAS—203.

Abbott,	Clarke, Ala.	Hager,	Loudenslager,
Acheson,	Cobb,	Hainer, Nebr.	Low,
Adams,	Codding,	Halterman,	Maguire,
Aldrich, Ala.	Colson,	Harmer,	Mahon,
Aldrich, Ill.	Cook, Wis.	Harris,	Marsh,
Allen, Miss.	Cooper, Fla.	Harrison,	McCleary, Minn.
Allen, Utah	Cooper, Tex.	Hartman,	McClellan,
Anderson,	Cooper, Wis.	Henderson,	McClure,
Apsley,	Crisp,	Hendrick,	McCormick,
Atwood,	Crowley,	Henry, Conn.	McCreary, Ky.
Babcock,	Crowther,	Hermann,	Mercer,
Bailey,	Crump,	Hilborn,	Meyer,
Baker, Kans.	Curtis, Iowa	Hill,	Miles,
Baker, Md.	Curtis, Kans.	Hitt,	Miller, Kans.
Baker, N. H.	Curtis, N. Y.	Howell,	Miller, W. Va.
Bankhead,	Dalzell,	Huling,	Milnes,
Barham,	Danford,	Hull,	Minor, Wis.
Barney,	Daniels,	Hunter,	Money,
Barrett,	Dayton,	Hurley,	Morse,
Bartlett, Ga.	Denny,	Hyde,	Otey,
Belknap,	Dingley,	Jenkins,	Otjen,
Bell, Colo.	Dockery,	Johnson, Cal.	Owens,
Bell, Tex.	Dolliver,	Johnson, N. Dak.	Parker,
Bingham,	Dovener,	Kem,	Payne,
Black, N. Y.	Eddy,	Kirkpatrick,	Pendleton,
Blue,	Ellis,	Kleberg,	Perkins,
Brewster,	Erdman,	Knox,	Phillips,
Broderick,	Evans,	Kulp,	Pickler,
Brosius,	Fenton,	Kyle,	Pitney,
Brown,	Foss,	Lacey,	Poole,
Brumm,	Fowler,	Latimer,	Powers,
Buck,	Gamble,	Layton,	Prince,
Burrell,	Gardner,	Lefever,	Pugh,
Burton, Mo.	Gibson,	Leisenring,	Reeves,
Burton, Ohio	Gillett, Mass.	Leonard,	Reyburn,
Calderhead,	Graff,	Lester,	Royse,
Cannon,	Griffin,	Linney,	Russell, Ga.
Catchings,	Griswold,	Linton,	Sauerhering,
Chickering,	Grout,	Lockhart,	Scranton,
Clardy,	Grow,	Long,	Shafroth,
Clark, Mo.	Hadley,	Loud,	Simpkins,

Skinner,	Stone, W. A.	Towne,	Wheeler,
Smith, Ill.	Strong,	Tracey,	Williams,
Snover,	Strowd, N. C.	Treloar,	Willis,
Southard,	Sulloway,	Turner, Ga.	Wilson, Idaho
Spalding,	Swanson,	Underwood,	Wilson, N. Y.
Sperry,	Taft,	Updegraff,	Wilson, Ohio
Stahle,	Talbert,	Van Horn,	Wilson, S. C.
Stallings,	Tate,	Warner,	Wood,
Stewart, Wis.	Tawney,	Watson, Ohio	Woodard.
Stone, C. W.	Tayler,	Wellington,	

NAYS—0.

NOT VOTING—152.

Aitken,	Fitzgerald,	Mahany,	Settle,
Andrews,	Fletcher,	McCall, Mass.	Shannon,
Arnold, Pa.	Foote,	McCall, Tenn.	Shaw,
Arnold, R. I.	Gillet, N. Y.	McCulloch,	Sherman,
Avery,	Goodwyn,	McDearmon,	Shuford,
Bartholdt,	Grosvenor,	McEwan,	Smith, Mich.
Bartlett, N. Y.	Hall,	McLachlan,	Sorg,
Beach,	Hanly,	McLaurin,	Southwick,
Bennett,	Hardy,	McMillin,	Sparkman,
Berry,	Hart,	McRae,	Spencer,
Bishop,	Hatch,	Meiklejohn,	Steele,
Black, Ga.	Heatwole,	Meredith,	Stephenson,
Boutelle,	Heiner, Pa.	Milliken,	Stewart, N. J.
Bowers,	Hemenway,	Miner, N. Y.	Stokes,
Bromwell,	Henry, Ind.	Mondell,	Strait,
Bull,	Hepburn,	Moody,	Strode, Nebr.
Clark, Iowa	Hicks,	Moses,	Sulzer,
Cockrell,	Hooker,	Mozley,	Terry,
Coffin,	Hopkins,	Murphy,	Thomas,
Connolly,	Howard,	Neill,	Thorp,
Cooke, Ill.	Howe,	Newlands,	Tracewell,
Corliss,	Hubbard,	Noonan,	Tucker,
Cousins,	Huff,	Northway,	Turner, Va.
Cowen,	Hulick,	Odell,	Tyler,
Cox,	Hutcheson,	Ogden,	Van Voorhis,
Culberson,	Johnson, Ind.	Overstreet,	Wadsworth,
Cummings,	Jones,	Patterson,	Walker, Mass.
De Armond,	Joy,	Pearson,	Walker, Va.
De Witt,	Kendall,	Price,	Walsh,
Dinsmore,	Kerr,	Quigg,	Wanger,
Doolittle,	Kiefer,	Raney,	Washington,
Downing,	Lawson,	Ray,	Watson, Ind.
Draper,	Leighty,	Richardson,	White,
Elliott, Va.	Lewis,	Robertson, La.	Wilber,
Elliott, S. C.	Little,	Robinson, Pa.	Woodman.
Fairchild,	Livingston,	Rusk,	Woomer,
Faris,	Lorimer,	Russell, Conn.	Wright,
Fischer,	Maddox,	Sayers,	Yoakum.

So the motion to nonconcur in the Senate amendments and agree to the conference asked was agreed to.

The following additional pair was announced:

Mr. SHERMAN with Mr. STRAIT, on this vote.

Mr. SPENCER. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman listening when his name was called?

Mr. SPENCER. I was here in my seat and I did not hear my name.

The SPEAKER. Was the gentleman listening?

Mr. SPENCER. I was here, but I did not hear my name called.

The SPEAKER. The Chair, under the rules, can not entertain the request.

The result of the vote was then announced as above recorded.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the House nonconcurred in the Senate amendments and agreed to the conference asked was laid on the table.

The SPEAKER. The Chair appoints as conferees the gentleman from New York, Mr. PAYNE, the gentleman from Illinois, Mr. HOPKINS, and the gentleman from Florida, Mr. COOPER.

RETURN OF BILL TO SENATE.

The SPEAKER laid before the House the following resolution from the Senate; which was considered, and agreed to:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the Senate bill 862, for the relief of receivers of the Towboat Association of New Orleans, La.

Mr. PICKLER. Regular order, Mr. Speaker.

LANDS IN VALVERDE COUNTY, TEX.

The SPEAKER laid before the House the bill (H. R. 7395) to authorize the Secretary of the Treasury of the United States to reconvey to the former owners a certain tract of land in Valverde County, Tex., with Senate amendment.

The SPEAKER. The question is on concurring in the Senate amendment.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. PICKLER. Division.

The House divided; and there were—ayes 139, noes none.

Mr. PICKLER. No quorum.

The SPEAKER. The gentleman makes the point of order that there is no quorum present. [After counting.] One hundred and seventy-nine gentlemen are present. The ayes have it, and the amendment of the Senate is concurred in.

Mr. PICKLER. Regular order, Mr. Speaker.

DUPLICATE COPY OF SENATE ENGROSSED BILL.

By unanimous consent, at the request of Mr. KYLE, the following resolution was agreed to:

Resolved. That the Senate be requested to furnish the House of Representatives a duplicate copy of the engrossed bill of the Senate (S. 2501) for the relief of James Sims, of Marshall County, Miss., the same having been lost or misplaced.

Mr. DINGLEY. I move that the House adjourn.

The question was put.

The SPEAKER. Pending the announcement of the result, the Chair lays before the House the following requests of members.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MEIKLEJOHN, indefinitely, on account of important business.

To Mr. SORG, for ten days, on account of important business.

To Mr. BAKER of Maryland, for two days, on account of important business.

To Mr. PEARSON, for seven days, on account of important business.

To Mr. LAWSON, indefinitely, on account of important business.

To Mr. ARNOLD of Rhode Island, for one week, on account of important business.

REPRINT OF A BILL.

By unanimous consent, at the request of Mr. SPERRY, on behalf of the Committee on the Post-Office and Post-Roads, a reprint was ordered of the bill (H. R. 3273) for the classification of clerks in first and second class post-offices, and report.

The motion to adjourn was then agreed to; and accordingly (at 3 o'clock and 40 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting, together with the draft of a bill, a recommendation relating to the sale of certain unused sites of public buildings, as follows: Custom-house, Astoria, Oreg.; custom-house lot, Key West, Fla.; custom-house, Erie, Pa.; custom-house, Monterey, Cal.; Jump Boarding Station, parish of Plaquemines. La.; Rigolets custom station (below New Orleans, La.); quarantine warehouse, parish of Plaquemines, La.; custom-house lot, St. Augustine, Fla.; custom-house lot, Sag Harbor, N. Y.; custom-house lot, Perth Amboy, N. J.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Amadeus F. and Theophilus W. Potts against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Harriet Y. Wakely (formerly Gordon) against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BISHOP, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 4445) providing for the construction of a military road from Fort Washakie, Wyo., to the mouth of the Buffalo Fork of the Snake River, near Jacksons Lake, in Uinta County, Wyo., reported the same with amendments, accompanied by a report (No. 1659); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SIMPKINS, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 2663) to amend the laws relating to navigation, reported the same with amendments, accompanied by a report (No. 1660); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 6090) increasing the pension of Fletcher S. Kidd. (Report No. 1652.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 8522) granting a pension to Mark Wells. (Report No. 1653.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 4490) to restore the name of Ethan A. Sellman to the pension roll. (Report No. 1654.)

The bill (S. 893) entitled "An act for the relief of Mrs. Mary B. Hulings." (Report No. 1655.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (S. 2255) entitled "An act granting a pension to Lorenzo Meserth." (Report No. 1656.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 8184) granting a pension to Jesse McMillan. (Report No. 1657.)

By Mr. DE WITT, from the Committee on Claims: The bill (S. 1853) entitled "An act for the relief of Edward Rice." (Report No. 1658.)

By Mr. COLSON, from the Committee on Claims: The bill (H. R. 8478) for the relief of John H. McBrayer. (Report No. 1661.)

By Mr. CURTIS of Iowa, from the Committee on the District of Columbia: The bill (H. R. 6172) authorizing the sale of the title of the United States in lot 5, square 1113, in the city of Washington. (Report No. 1662.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JOHNSON of California: A bill (H. R. 8775) to amend section 2324 of the Revised Statutes of the United States—to the Committee on Mines and Mining.

By Mr. BABCOCK: A bill (H. R. 8776) to authorize the extension of the lines of the Potomac Electric Power Company—to the Committee on the District of Columbia.

By Mr. BURTON of Ohio: A bill (H. R. 8777) to provide for the medical inspection of emigrants at the port of debarkation—to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMS: A resolution (House Res. No. 315) to set aside May 12 for consideration of H. R. 260—to the Committee on Rules.

By Mr. PICKLER: A resolution (House Res. No. 314) asking two days for consideration of private pension bills—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BARRETT: A bill (H. R. 8778) to amend the records on file at the War Department—to the Committee on Military Affairs.

By Mr. BLACK of New York (by request): A bill (H. R. 8779) to amend the record of Peter J. Van Zandt, Company F, Second Regiment Infantry New York Volunteers—to the Committee on Military Affairs.

By Mr. BROMWELL: A bill (H. R. 8780) for the relief of Charles Haltenhof—to the Committee on Military Affairs.

By Mr. BULL: A bill (H. R. 8781) to promote Lieut. William McCarty Little, United States Navy, retired, to be a commander on the retired list—to the Committee on Naval Affairs.

By Mr. COLSON: A bill (H. R. 8782) for the relief of Francis Williams—to the Committee on Military Affairs.

Also, a bill (H. R. 8783) for the relief of F. B. Debord—to the Committee on Military Affairs.

Also, a bill (H. R. 8784) to pension Sarah Lester—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8785) for the relief of Thomas Rayborn, of Pulaski County, Ky.—to the Committee on Claims.

Also, a bill (H. R. 8786) for the relief of Reuben Payne, of Russel County, Ky.—to the Committee on War Claims.

By Mr. DOVENER: A bill (H. R. 8787) granting an increase of pension to William L. Alley, of Lynncamp, W. Va.—to the Committee on Invalid Pensions.

By Mr. HENDRICK: A bill (H. R. 8788) granting a pension to Mary A. Widdores—to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 8789) granting an increase of pension to Nettie M. Kelly, the permanently helpless daughter of John Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8790) to correct the military record of Samuel Bequeath and remove the charge of desertion therefrom—to the Committee on Military Affairs.

Also, a bill (H. R. 8791) to correct the military record of Henry Camerer and remove the charge of desertion therefrom—to the Committee on Military Affairs.

Also, a bill (H. R. 8792) granting a pension to Leah A. Beltz, the helpless daughter of Adam Beltz, a private soldier of Company E, One hundred and thirty-eighth Pennsylvania Volunteer Infantry, who was killed at the battle of Cold Harbor, Va.—to the Committee on Invalid Pensions.

By Mr. HULING: A bill (H. R. 8793) for the relief of G. W. Ratcliff—to the Committee on War Claims.

By Mr. KULP: A bill (H. R. 8794) to remove the charges from the military record of Frederick Salzman—to the Committee on Military Affairs.

By Mr. MERCER: A bill (H. R. 8795) granting a pension to Susan A. Paddock—to the Committee on Invalid Pensions.

By Mr. MILNES: A bill (H. R. 8796) for the relief of Ann M. Green—to the Committee on Invalid Pensions.

By Mr. MONEY: A bill (H. R. 8797) for the relief of J. C. Fitzgerald, of Chickasaw County, Miss.—to the Committee on War Claims.

By Mr. PATTERSON: A bill (H. R. 8798) for the relief of the estate of Mrs. C. M. Lock, deceased, late of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 8799) for the relief of Mrs. Sarah E. Norton, of Memphis, Tenn.—to the Committee on War Claims.

By Mr. ROBINSON of Pennsylvania: A bill (H. R. 8800) for the relief of Edward Barton, of the city of Chester, Pa., and the heirs of James Barton and John H. Barton, deceased—to the Committee on Claims.

By Mr. SKINNER: A bill (H. R. 8801) for the relief of Morgan C. Gordon, of Camden County, N. C.—to the Committee on War Claims.

By Mr. SPENCER: A bill (H. R. 8802) for the relief of the estate of Abel Casper, deceased, late of Hinds County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 8803) for the relief of Henry Easterlin, of Hinds County, Miss.—to the Committee on War Claims.

By Mr. SPERRY: A bill (H. R. 8804) granting an increase of pension to Bernard Gilroy—to the Committee on Invalid Pensions.

By Mr. TAYLER: A bill (H. R. 8805) granting an increase of pension to Daniel L. Saeger—to the Committee on Invalid Pensions.

By Mr. TURNER of Virginia: A bill (H. R. 8806) for the relief of Anthony Roberson, Clarke County, Va.—to the Committee on War Claims.

By Mr. VAN VOORHIS: A bill (H. R. 8807) for the relief of the widow of Robert C. Berry, deceased—to the Committee on Claims.

By Mr. WHEELER: A bill (H. R. 8808) for the relief of the estate of John Meals, deceased, late of Madison County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 8809) to refer the claim against the United States of the trustees of the Cumberland Presbyterian Church, of Athens, Limestone County, Ala., to the Court of Claims—to the Committee on War Claims.

Also, a bill (H. R. 8810) for the relief of James T. Dowdy, of Lauderdale County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 8811) for the relief of John C. Thomas, Madison County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 8812) for the relief W. B. Olive, of Florence, Ala.—to the Committee on War Claims.

By Mr. WILSON of Ohio: A bill (H. R. 8813) for the relief of Mrs. Mary Taffe, Washington, D. C.—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH of Illinois (by request): Petition of certain residents of Chicago, Ill., protesting against the statue of Père Marquette remaining in Statuary Hall—to the Committee on the Library.

By Mr. BLACK of New York: Petition of citizens of Troy, N. Y., in favor of adopting the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. CRUMP: Petition and papers to accompany House bill No. 8743, for the relief of Henry Schindehette, of Bay City, Mich.—to the Committee on Claims.

By Mr. DANFORD: Petition of James E. Paisley and others, to accompany House bill in behalf of James Starkey—to the Committee on Invalid Pensions.

By Mr. HICKS: Petition of Harvey Linton and other citizens of Altoona, Pa., praying for the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of 41 citizens of Sabbath Rest, Blair County, Pa., praying for amendment to postal laws so as to permit office rent to be paid fourth-class postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. HULING: Petition of the estate of William Sears, deceased, late of Monroe County, W. Va., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. JOHNSON of California: Petition of George Rushforth, of Stockton, Cal., praying for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LEFEVER: Petition of citizens of Carmel, N. Y., in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. LINTON: Remonstrances and petitions of citizens of McKees Rocks, Pa.; also of citizens of Hawkins, Mich.; also of citizens of San Diego, Cal.; also of citizens of St. Johnsbury, Vt.; also

of citizens of Washington, D. C., against accepting the Marquette statue—to the Committee on the Library.

By Mr. MORSE: Petition of the National Division, Sons of Temperance of North America, consisting of 59,680 members, praying for a national commission to investigate the alcoholic liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. SCRANTON: Petition of the Committee on the Territories asking that a rule may be offered providing that on Tuesday, May 12, immediately after the reading of the Journal, consideration of bills reported by said committee, to wit, Senate bill No. 2022 and House bill No. 4052, shall be in order, and that two hours' debate shall be allowed, when the previous question, unless previously ordered, shall be considered as ordered—to the Committee on Rules.

By Mr. SHAFROTH (by request): Remonstrances and petitions of numerous citizens of the State of Colorado, against the acceptance of the Marquette statue—to the Committee on the Library.

By Mr. SNOVER: Petition of B. E. Richardson and others, of St. Clair, Mich., in favor of the passage of House bill No. 4566, relating to second-class mail matter, and bill No. 838, to reduce letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. SULLOWAY: Petition of Arthur Critchett and 10 other citizens of Candia, N. H., praying for correction of the military record of Daniel F. Straw—to the Committee on Military Affairs.

By Mr. VAN VOORHIS: Petition of Messrs. Penrose & Simpson and 35 other citizens of Marietta, Ohio, for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter, and bill No. 838, to reduce letter postage—to the Committee on the Post-Office and Post-Roads.

SENATE.

FRIDAY, *May 8, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. HILL, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting an agreement made and concluded April 21, 1896, by and between James McLaughlin, United States Indian inspector, on the part of the United States and the Shoshone and Arapahoe tribes of Indians in the State of Wyoming, ceding to the United States a portion of their reservation embracing the Owl Creek or Big Horn Hot Springs, and also the report of Inspector McLaughlin, the proceedings of council had with the Indians, and a draft of a bill to ratify the agreement and provide for the survey of the southern and western boundaries of the ceded tract, together with the report of the Commissioner of Indian Affairs, dated the 5th instant, in relation thereto; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of the 7th instant, certain information as to the reasons for the delay in supplying seeds for distribution; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Attorney-General of the 6th instant, reporting for an appropriation a judgment rendered by the circuit court of the United States for the eastern district of Wisconsin under the act of March 3, 1875, entitled "An act to aid in the improvement of the Fox and Wisconsin rivers, in the State of Wisconsin," in favor of James Lucy for $460; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

STEAMER MENEMSHA.

Mr. HILL. I ask unanimous consent to call up and have passed a bill for my colleague [Mr. MURPHY], who is absent. I ask the Senate to proceed to the consideration of the bill (S. 2978) to provide an American register for the steamer *Menemsha.*

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PIPES FOR PETROLEUM.

Mr. BAKER. I ask unanimous consent to call up the bill (S. 2870) to permit Rene C. Baughman to lay pipes in a certain street in the city of Washington. It is a very short bill.

Mr. QUAY. I think I will object to the consideration of any bills until the morning business is gone through with.

Mr. BAKER. This will take but a moment. It is a very short bill.

Mr. QUAY. Very well; I will withdraw the objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, line 10, after the word "River," to strike out "that" and insert "the"; in line 11 to strike out the words "the direction of" and insert "such regulations and rentals as"; and in line 12, after the word "Columbia," to insert "may make in relation thereto"; so as to make the section read:

That the Commissioners of the District of Columbia are hereby authorized to grant to Rene C. Baughman permission to lay pipes for the transmission of petroleum and its products in the following-named streets in said city of Washington, to wit: From north block No. 647 along the unpaved portion of Half street southeast, a distance of 3,000 feet in a southerly direction to the Eastern Branch of the Potomac River; the said pipe line shall be laid under such regulations and rentals as the Commissioners of the District of Columbia may make in relation thereto.

The amendment was agreed to.

The next amendment was to strike out section 2 of the bill, in the following words:

SEC. 2. That said Rene C. Baughman shall furnish said Commissioners with bond or bonds, or such other security as they may require, to guarantee the strict compliance with the permit that may be granted said Rene C. Baughman, and to insure the complete restoration of said unpaved portion of Half street disturbed in laying said pipe line as aforesaid.

The amendment was agreed to.

The next amendment was to strike out section 3, in the following words:

SEC. 3. That said Rene C. Baughman shall also lower or relay any pipes whenever directed to do so by said Commissioners, by reason of a change in the grade of the street above named or the construction of any public work therein.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 2. That Congress reserves the right to alter, amend, or repeal this act.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF HENRY VAN VLECK.

Mr. MITCHELL of Wisconsin. I ask the Senate to proceed to the consideration of the bill (S. 2415) for the relief of D. J. Van Vleck, administrator of Henry Van Vleck, deceased. It is a short bill, favorably reported from the Committee on Claims.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to B. J. Van Vleck, administrator of Henry Van Vleck, deceased, or to his duly authorized attorneys in fact, $4,520.20, being the amount due Henry Van Vleck at the time of his death as a balance on account of extra work done on the locks of the St. Marys Falls Canal, Michigan, with interest thereon from October 2, 1882, the date of approval of the claim by the Secretary of War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SIOUX CITY AND OMAHA RAILWAY.

Mr. ALLEN. I ask unanimous consent to call up the bill (S. 1035) authorizing the Sioux City and Omaha Railway Company to construct and operate a railway through the Omaha and Winnebago Reservation, in Thurston County, Nebr., and for other purposes.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill.

Mr. FRYE. Has the morning business been completed?

The VICE-PRESIDENT. The morning business has not been completed. The Senator from Nebraska has asked unanimous consent to call up the bill which has just been read.

Mr. FRYE. The Senator from Nebraska looks so good-natured I think I shall not object to this bill, but I shall object to the next one.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 1, page 2, line 4, after the word "turn-outs," to insert the word "and"; and in the same line, after the word "sidings," to strike out "and extensions"; so as to make the section read:

That the Sioux City and Omaha Railway Company, a corporation created under and by virtue of the laws of the State of Nebraska, be, and the same is hereby, authorized and invested and empowered with the right of locating, constructing, owning, equipping and operating, using and maintaining a railway and telegraph and telephone line through the Omaha and Winnebago Reservation in Nebraska, beginning at a point to be selected by said railway company at or near the town of Decatur, Burt County, Nebr., and running thence in a northerly and westerly direction over the most practicable and feasible route, through the Omaha and Winnebago Reservation to a point on the north line of the Omaha and Winnebago Reserve in Thurston County, with the right to construct, use, and maintain such tracks, turn-outs, and sidings as said company may deem to its interests to construct and maintain along and upon the right of way and depot grounds herein provided for.

The next amendment was, in section 2, page 2, line 9, after the word "railway," to insert "telegraph, and telephone"; in line 13, before "hundred," to strike out "two" and insert "one"; in the same line, before "thousand," to strike out "three" and insert "two"; and in line 19, before the word "feet," to strike out "100" and insert "50"; so as to read:

That said corporation is authorized to take and use for all purposes of a railway, telegraph, and telephone, for its main line and branch line, and for no other purpose, a right of way 100 feet in width through said Omaha and Winnebago Reservation, and to take and use a strip of land 100 feet in width, with a length of 2,000 feet, in addition to the right of way for stations for every 10 miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding 50 feet in width on each side of said right of way or as much thereof as may be included in said cut or fill.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 5, after the word "railway," to insert "telegraph, and telephone lines"; in line 13, after the word "railway," to insert "telegraph and telephone lines"; and in line 17 to strike out "Indian agent of the Government stationed at the agency of Omaha and Winnebago Reservation" and insert "President of the United States"; so as to read:

That before said railway, telegraph, and telephone lines shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of said Omaha and Winnebago tribes of Indians through which it may be constructed, or by allotments under any law of the United States or agreement with the Indians, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway, telegraph, and telephone lines. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed, one (who shall act as chairman) by the President of the United States, one by the chief of the tribe to which said occupant belongs, or, in case of an allottee, by said allottee or by his duly authorized guardian or representative, and one by said railway company, etc.

The amendment was agreed to.

The next amendment was, in section 5, page 6, line 17, to strike out "maps" and insert "a map, upon a scale of not less than 1 inch to the mile"; after the words "showing the," in line 18, to insert "entire"; in line 20, to strike out "in the office of" and insert "with and approved by"; in line 23, after the word "located," to insert "before any part of the line of said road herein provided for shall be constructed"; in line 25, to strike out "maps" and insert "map"; on page 7, line 2, to strike out "maps" and insert "map"; and in line 4, after the word "filed," to insert "and approved"; so as to make the section read:

SEC. 5. That said company shall cause a map, upon a scale of not less than 1 inch to the mile, showing the entire route of its located lines through said Omaha and Winnebago Reservation to be filed with and approved by the Secretary of the Interior, and also to be filed in the office of the Indian agent of said reservation and tribes of Indians through whose lands said railway may be located before any part of the line of said road herein provided for shall be constructed. After the filing of said map no claim for a subsequent settlement and improvement upon the right of way shown by said map shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed and approved as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void.

The amendment was agreed to.

The next amendment was, in section 6, page 7, line 13, after the word "built," to insert "and that without any declaration of forfeiture on the part of any officer or employee of the Government"; so as to make the section read:

SEC. 6. That said railway company shall build at least 10 miles of its railway in said Omaha and Winnebago Reservation within three years after the passage of this act, and complete the remainder thereof within five years thereafter, or the rights herein granted shall be forfeited as to that portion not built, and that without any declaration of forfeiture on the part of any officer or employee of the Government; that said railway company shall construct and maintain continually all fences, road and highway crossings, and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

The amendment was agreed to.

The next amendment was to insert as a new section, after section 6, the following:

SEC. 7. That the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgage or other liens that may be given or secured thereon to aid in the construction thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FRYE. I demand the regular order.

The VICE-PRESIDENT. Petitions and memorials are in order.

PETITIONS AND MEMORIALS.

Mr. TELLER presented sundry petitions of District Council, United Brotherhood of Carpenters and Joiners of America, of New Orleans, La.; of Local Union, No. 1, United Brotherhood of Carpenters and Joiners of America, of Chicago, Ill.; of the Trades' Assembly of Pueblo, Colo.; of Local Union, No. 2, United Brotherhood of Carpenters and Joiners of America, of Cincinnati, Ohio; of Anaronda Union, No. 88, United Brotherhood of Carpenters and Joiners, of Anaronda, Mont.; of Local Union, No. 5, Boot and Shoe Workers' Union, of Manchester, N. H.; and of Union, No. 172, Brotherhood of Painters and Decorators of America, of San Antonio, Tex., praying for the free coinage of silver; which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Denver, Colo., remonstrating against the introduction of military training in the public schools of the country; which was referred to the Committee on Military Affairs.

Mr. FRYE presented a petition of the Southern California Fruit Exchange, of Los Angeles, Cal., praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

Mr. BRICE presented sundry petitions of citizens of Ohio, praying for the passage of the so-called filled-cheese bill; which was referred to the Committee on Finance.

He also presented a petition of National Association of Steam Engineers, No. 5, of Cleveland, Ohio, praying for the passage of Senate bill No. 735, to reorganize the Engineer Corps of the United States Navy; which was referred to the Committee on Naval Affairs.

He also presented a petition of Local Union, No. 2, United Brotherhood of Carpenters and Joiners, of Cincinnati, Ohio, praying for the free coinage of silver at the ratio of 16 to 1, without waiting for the aid or consent of any other nation; which was ordered to lie on the table.

He also presented a petition of the Stonecutters' Association of Cincinnati, Ohio; a petition of the Stonecutters' Association of Columbus, Ohio, and a petition of the Stonecutters' Association of Akron, Ohio, praying for the enactment of legislation prohibiting the use of contract labor in the construction of public buildings, and remonstrating against the passage of the so-called Loud bill, providing for the regulation of second-class mail matter; which were referred to the Committee on Education and Labor.

He also presented sundry petitions of citizens, business men, and representatives of various industries of Canton, Ohio, praying for the enactment of legislation regulating the charges for carrying all kinds of mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SEWELL presented resolutions adopted at a public meeting held in Jersey City, N. J., April 26, 1896, presided over by P. F. Wanser, mayor, favoring the release of American citizens now incarcerated for offenses arising out of the political struggle in Ireland; which were referred to the Committee on Foreign Relations.

Mr. GEAR presented a petition of the Committee of the Tea Trade of the United States, praying Congress to impose a specific duty on tea; which was referred to the Committee on Finance.

Mr. ALLEN presented a petition of the Woman's Christian Temperance Union of Spring Ranche, Nebr., praying for the enactment of legislation raising the age of consent from 16 to 18 years in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. VILAS presented a petition of the Commercial Club of Superior, Wis., praying for the enactment of legislation to incorporate the maritime canal of North America; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 1408) to incorporate the National Capital Gaslight, Heat, and Power Company of the District of Columbia, to report it adversely and move its indefinite postponement.

Mr. KYLE. I ask that the bill be placed upon the Calendar.

The VICE-PRESIDENT. The bill will be placed upon the Calendar, with the adverse report of the committee.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 4528) granting a pension to Katherine S. McCartney, widow of William H. McCartney, to report it without amendment, and submit a report thereon.

Mr. QUAY. I should be glad to place that bill on its passage if the Senate will give its unanimous consent.

The VICE-PRESIDENT. The Senator from Pennsylvania asks unanimous consent for the present consideration of the bill just reported by the Senator from New Hampshire.

Mr. FRYE. Such requests will undoubtedly be very frequently made, and I demand the regular order of business.

The VICE-PRESIDENT. There is objection to the request of the Senator from Pennsylvania. The bill will be placed on the Calendar.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 3082) to remove the charge of desertion from the military record of Johnson Gilbert, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 152) granting a pension to Abel S. Chase, reported it without amendment, and submitted a report thereon.

Mr. HARRIS, from the Committee on the District of Columbia, to whom the subject was referred, reported a bill (S. 3088) to authorize the extension of the lines of the Potomac Light and Power Company; which was read twice by its title.

Mr. WETMORE, from the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 142) to authorize the Commissioners of the District of Columbia to dispose of the Force School property on Massachusetts avenue and to obtain another site for that school, reported it without amendment.

Mr. FRYE. I reported back on the 2d instant, from the Committee on Commerce, favorably, with amendments, the bill (S. 2226) to amend the laws relating to American seamen, and the bill is now on the Calendar. That bill renders unnecessary those that I hold in my hand, all of which were introduced by me. I report them back from the committee adversely, and move that they be indefinitely postponed.

The bills were indefinitely postponed, as follows:

A bill (S. 182) to abolish imprisonment of seamen in the common jails of the United States for desertion;

A bill (S. 185) to prohibit advances and regulate allotments of wages to seamen;

A bill (S. 2113) to repeal sections 4532, 4533, and 4534, and to amend sections 4516 and 4529 of the Revised Statutes, all relating to the employment, treatment, and payment of seamen on merchant vessels;

A bill (S. 2023) to amend sections 4590 and 4597 of the Revised Statutes, relating to offenses committed by seamen employed on merchant vessels, and providing punishments for such offenses;

A bill (S. 2024) to amend sections 4556, 4557, 4558, and 4559 of the Revised Statutes, relating to the inspection, equipment, and repair of merchant vessels;

A bill (S. 2025) to amend sections 4582, 4583, and 4600 of the United States Revised Statutes; and

A bill (S. 2026) to amend sections 4520, 4522, 4526, 4530, 4564, 4566, 4568, 4572, and 4612 of the Revised Statutes of the United States, relating to the employment, care, discharge, and payment of seamen employed on merchant vessels.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 1680) to place John Dolan on the retired list of the United States Army, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. HANSBROUGH, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1253) granting a pension to Joseph Koehler; and

A bill (S. 107) granting a pension to Jacob Niebels.

Mr. STEWART, from the Committee on Claims, to whom was referred the amendment submitted by Mr. WHITE on the 6th instant, providing for the payment of outstanding unpaid California Indian war claims, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. VILAS, from the Committee on the Judiciary, to whom was referred the bill (S. 2926) to amend the acts relating to the United States court in the Indian Territory, and for other purposes, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1833) to amend the act of March 1, 1895, and other acts relating to the United States court in the Indian Territory, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. TELLER. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, to report it with amendments, and submit a report thereon.

I give notice that as soon as the order which it was unanimously agreed the other day should follow the river and harbor bill is disposed of I shall call up this bill.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The bill will be placed on the Calendar.

Mr. GRAY. I submit the views of the minority of the Committee on Privileges and Elections in the matter of the resolution reported by the Senator from New Hampshire [Mr. CHANDLER] providing for an inquiry into recent elections in Alabama. I ask that the views of the minority be printed with the majority report.

The PRESIDING OFFICER. Such will be the order, if there be no objection.

REPORT UPON THE NICARAGUA CANAL.

Mr. GORMAN, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. COCKRELL on the 5th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed 10,000 copies of the report made by Messrs. Ludlow, Endicott, and Noble, of date October 31, 1895, upon the Nicaragua Canal, together with all the appendixes, maps, and plans and profiles accompanying the same, as submitted by them; 6,000 of which shall be for the use of the House of Representatives and 4,000 for the use of the Senate.

HISTORY AND INDEX OF CLAIMS.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. TELLER March 3, 1896, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Senate Committee on Claims be, and it hereby is, authorized to have compiled a history and index of the claims now in Congress and before that committee, together with a collection of the principal laws bearing upon claims against the Government.

MARY J. HICKMAN.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. GORMAN April 21, 1896, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the miscellaneous items of the contingent fund of the Senate to Mary J. Hickman, widow of Anthony Hickman, late a laborer in charge of the private passage in the employ of the Senate, an amount equal to six months' salary as such laborer, said sum to be considered as in lieu of all funeral expenses and allowances.

EMPLOYMENT OF STENOGRAPHER.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PROCTOR on the 4th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the stenographer employed to report the hearing before the Committee on Agriculture and Forestry February 19, 1896, upon the memorial of the National Live Stock Exchange in relation to restrictions by foreign governments upon American live stock and meat food products, and the hearing before the same committee March 4, 1896, on the proposed creation of the office of director in chief of the scientific bureaus of the Department of Agriculture, be paid from the contingent fund of the Senate.

BOOKS FOR THE SENATE LIBRARY.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. CAFFERY April 1, 1896, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate, That the Secretary be directed to purchase for the Senate Library the following books on international law, viz:

Bar's International Law.
Bluntschli's International Law, translated by M. C. Lardy, 1894.
Hall's International Law, 2 copies.
Halleck's International Law.
Lorimer's International Law, 2 volumes.
Wheaton's International Law, Dana's edition.
Wheaton's International Law, Lawrence's edition.
Woolsey's International Law, edition 1890.

And that the same be charged to the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. QUAY introduced a bill (S. 3089) to provide an American register for the steamer *Southery;* which was read twice by its title, and referred to the Committee on Commerce.

Mr. PUGH introduced a bill (S. 3090) to confer jurisdiction upon the Court of Claims to adjudicate the claim of Thomas W. McDonald as administrator of the estates of James M. and Timothy Meaher, and to remove the bar of the statute of limitations therefrom; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 3091) granting an increase of pension to Roswell Dunton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 3092) for the relief of William C. Dodge; which was read twice by its title, and referred to the Committee on Patents.

He also introduced a bill (S. 3093) granting a pension to Honora Redmond; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SHOUP introduced a bill (S. 3094) granting an increase of pension to George W. Palmer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GIBSON introduced a bill (S. 3095) for the relief of Charles C. Kleckner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. ALLEN introduced a bill (S. 3096) granting an increase of pension to Stephen D. Avery, of Petersburg, in the county of Boone, Nebr.; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3097) granting a pension to John Grady, of O'Neill, in the county of Holt, Nebr.; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3098) to remove the charge of desertion from the name of James Plymate; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. ROACH introduced a bill (S. 3099) granting a pension to Richard C. Enright; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HILL (for Mr. MURPHY) introduced a bill (S. 3100) granting a pension to Abbie C. McNett, widow of the late Andrew J. McNett; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 3101) to prohibit the issuance of bonds or other interest-bearing obligations of the Government by the Secretary of the Treasury, or other officer of the Government without the authority of Congress; which was read twice by its title.

Mr. BACON. I ask that the bill may lie on the table, and at some future time I shall call it up for the purpose of submitting some remarks upon it.

The VICE-PRESIDENT. The bill will lie upon the table for the present.

Mr. BRICE introduced a bill (S. 3102) granting a pension to Mrs. Mary A. Tupper; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3103) granting a pension to Jesse O. Davy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3104) granting a pension to J. Q. A. Laymon; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PLATT introduced a joint resolution (S. R. 143) appropriating $50,000 to supply deficiencies and to enable the Public Printer to continue the printing and binding for the Interior Department for the fiscal year ending June 30, 1896; which was read twice by its title, and referred to the Committee on Appropriations.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. HANSBROUGH submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. VILAS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

COUNTERPOISE BATTERIES.

Mr. GEAR submitted the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That the Secretary of War be, and he is hereby, directed to inform the Senate—

First. Whether any counterpoise batteries have been constructed by the Government within the last eighteen years, using or embodying substantially the principle or plan embraced in and covered by the patent issued by the United States to Maj. Beverly Kennon, dated June 11, 1878, and numbered 204831.

Second. Whether any counterpoise batteries have been constructed during the period above mentioned; and if so, when and where?

ORDER OF PROCEDURE.

Mr. FRYE. I move that the Senate proceed to the consideration of the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The motion was agreed to.

Mr. FRYE. Several Senators have asked me to yield the floor to them specifically. I can not do that, but by unanimous consent I will yield the floor until 1 o'clock.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. COCKRELL. I ask unanimous consent that that time may be devoted to the consideration of unobjected House bills upon the Calendar.

Mr. TELLER. I wish to suggest to the Senator from Missouri that there are some Senate bills which ought to pass, and which are as important as any House bills.

Mr. GALLINGER. That is right.

Mr. COCKRELL. Then let us take up the Calendar of unobjected cases to begin with. Let us all have an equal chance.

Mr. TELLER. We have tried to do that two or three times, but we have been unable to do it.

Mr. QUAY. What is the request?

Mr. COCKRELL. I wish to say in all frankness and candor there is only one method of proceeding, and that is in an orderly and methodical way, giving every Senator an equal chance. Here is the Calendar; let us take it up and proceed with it. If you do not want to consider unobjected House cases, then let us take up the Calendar in order and consider all unobjected cases.

Mr. GALLINGER and others. That is right.

Mr. COCKRELL. Let us adopt some method that will have something like a system about it. Otherwise every report will have to be read from the desk and no business will be transacted.

Mr. TELLER. To save time I will not object.

The VICE-PRESIDENT. The Senator from Missouri will please indicate his specific request.

Mr. COCKRELL. I will then make the request that we take up the Calendar in regular order and proceed with the consideration of unobjected cases.

The VICE-PRESIDENT. Is there objection?

Mr. QUAY. Before I assent I should be very glad to have the Senate pass upon my request for unanimous consent to consider the bill to which the Senator from Maine objected.

Mr. COCKRELL. That is a pension bill. The Senator knows we will pass every one of those pension bills, and that in a very short time. We shall take them up and pass them all. There are five or six pension bills already favorably reported, just like the Senator's, for citizens of Missouri, and I think we ought to have an equal chance. I hope the Senator from Pennsylvania will not insist upon his demand.

Mr. GALLINGER. I will say to the Senator from Pennsylvania that I am going to ask consent, which is always courteously given, in a day or two to call up all the pension cases.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Missouri?

Mr. QUAY. I have not yet assented to it. I would be very glad if the Senator from New Hampshire would make his request now and have a session fixed for the consideration of pension bills.

Mr. FRYE. Oh, no; let us get through with the river and harbor bill before the request is made. It is very important to get that bill into conference.

Mr. GALLINGER. I think to-morrow I can get a time fixed.

Mr. QUAY. Very well.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Missouri? The Chair hears none. The first case on the Calendar will be called.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. MITCHELL of Oregon. I desire to give notice that immediately on the conclusion of the passage through the Senate of the last appropriation bill I shall move that the Senate proceed to the consideration of the joint resolution (S. R. 6) proposing an amendment to the Constitution of the United States providing for the election of Senators by the votes of the qualified electors of the States. I shall make that motion not with a view merely of making a speech, because I have submitted about all I desire to say so far as I am concerned individually, but for the purpose of prosecuting the measure to a conclusion.

PORT OF SYRACUSE, N. Y.

The VICE-PRESIDENT. The first case on the Calendar will be proceeded with.

The bill (H. R. 6) constituting Syracuse, N. Y., a port of delivery was announced as first in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia, was announced as next in order.

Mr. GALLINGER. Let that bill go over. Where is it on the Calendar?

The VICE-PRESIDENT. The bill will be passed over.

Mr. PASCO. I understand that Order of Business 333 is the point at which we are to commence.

The VICE-PRESIDENT. The next case will be announced.

The bill (S. 2147) establishing additional regulations concerning immigration to the United States was announced as next in order on the Calendar.

Mr. ALLEN. Let that go over.

Mr. LODGE. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice.

The bill (S. 34) for the relief of Clara A. Graves, Lewis Smith Lee, Florence P. Lee, Mary S. Sheldon, and Elizabeth Smith, heirs of Lewis Smith, deceased, was announced as next in order on the Calendar.

Mr. COCKRELL. Let that bill be passed over for the present.
The VICE-PRESIDENT. The bill will be passed over.

L. A. DAVIS.

The bill (S. 534) for the relief of L. A. Davis was considered as in Committee of the Whole. It proposes to refer to the Court of Claims the petition and papers of L. A. Davis, of Chehalis, Wash., in which he claims $14,844 for services in carrying the English mails both ways between Olympia and Monticello, in Washington, from about August 1, 1868, to June 30, 1870.

The bill was reported to the Senate without amendment.

Mr. ALLEN. I do not want to object to the consideration of the bill, but I ask that the latter part of it, with reference to legal defense, be again read.

The Secretary read as follows:

And no statute of limitations or other legal defense shall be available in such case.

Mr. ALLEN. I think the words "or other legal defense" should be stricken out.

Mr. COCKRELL. I move to strike out the words "or other legal defense," in lines 16 and 17.

Mr. ALLEN. If the Government has a defense it ought to have the right to make it.

Mr. COCKRELL. I move to strike out those words, leaving the provision as to a statute of limitations to stand.

Mr. MITCHELL of Oregon. All right; let the words be stricken out.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 16, strike out the words "or other legal defense."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHESTER B. SWEET.

The bill (S. 927) for the relief of Chester B. Sweet, of California, was considered as in Committee of the Whole. It proposes to pay to Chester B. Sweet, of California, $198.66, being the amount of the double minimum excess erroneously paid by him to the receiver of the United States land office as double minimum excess on preemption cash certificate made at Shasta, Cal., March 17, 1886.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF THOMAS SHERWIN.

The bill (S. 482) for the relief of the estate of Thomas Sherwin, deceased, was considered as in Committee of the Whole. It proposes to pay to the legal representative of Thomas Sherwin, deceased, late of Washington County, Md., $820 for stores and supplies furnished the Army of the United States during the late war of the rebellion, that sum having been fixed by the Quartermaster-General as fair compensation in the case.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NANCY E. DAY.

The bill (S. 652) for the relief of Nancy E. Day, administratrix of the estate of James L. Day, deceased, was considered as in Committee of the Whole. It proposes to pay Nancy E. Day, administratrix of the estate of James L. Day, deceased, late of Norwich, Conn., $3,041.66, in payment and satisfaction of the amount found due from the United States to Nancy E. Day by the Court of Claims upon a reference of her claim to that court by the Postmaster-General, under the provisions of an act of Congress approved March 3, 1883.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PHILIP PFLUEGER.

The bill (S. 663) to remove the charge of desertion against Philip Pflueger, late of Company G, Twenty-fourth Wisconsin Infantry, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 7, after the word "discharge," to strike out the words "the same as if such charge of desertion had not been made" and to insert "as of date April 21, 1863: *Provided*, That he shall not be allowed any pay, compensation, or allowance by reason of this act"; so as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to remove from the records of the War Department the charge of desertion against Philip Pflueger, late of Company G, Twenty-fourth Wisconsin Infantry, and to grant him an honorable discharge as of date April 21, 1863: *Provided*, That he shall not be allowed any pay, compensation, or allowance by reason of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PLACED UNDER RULE IX.

The bill (S. 1266) for the relief of Daniel W. Boutwell and the bill (S. 1770) providing for the appointment of pharmacists in the United States Marine-Hospital Service and fixing their pay and allowances were the next in order on the Calendar.

Mr. COCKRELL. Those two cases have been reported adversely. Let them be placed under Rule IX.

The VICE-PRESIDENT. Without objection, it will be so ordered.

HENRY LANE.

The bill (S. 762) for the relief of Henry Lane was considered as in Committee of the Whole. It proposes to revoke and set aside the special orders of the War Department, dated March 30, 1863, dismissing from the service, for absence without leave, Henry Lane, late first lieutenant Company F, Thirtieth Regiment New Jersey Volunteers, to date March 1, 1863, because he was then, and for weeks before had been, on duty in the field, and to grant him an honorable discharge as of date April 7, 1863.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PLACED UNDER RULE IX.

The bill (S. 930) to require the auditing and payment of the volunteer soldiers who served in the Seminole Indian wars in Florida, and for horses and equipments lost in the service, was announced as the next in order on the Calendar.

Mr. COCKRELL. That is an adverse report. Let it go over under Rule IX.

The VICE-PRESIDENT. It will be so ordered.

The bill (S. 1019) to change the boundaries of the collection district of Key West, Fla., and make Punta Gorda a port of entry, and create a new collection district, was announced as next in order on the Calendar.

Mr. COCKRELL. That is an adverse report. Let it be passed over under Rule IX.

The VICE-PRESIDENT. It will be so ordered.

CLASSIFICATION OF LETTERS PATENT.

The bill (S. 1897) to establish a classification division in the United States Patent Office was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF NAVIGATION LAWS.

The bill (S. 187) to amend the laws relating to navigation was announced as next in order on the Calendar.

Mr. FRYE. That bill may be passed over for the present without prejudice.

The VICE-PRESIDENT. The bill will be passed over.

MONUMENT TO SAMUEL HAHNEMANN.

The joint resolution (S. R. 27) granting permission for the erection of a monument in Washington, D. C., for the ornamentation of the national capital and in honor of Samuel Hahnemann was considered as in Committee of the Whole.

Mr. VEST. Mr. President——

Mr. GALLINGER. Does the Senator from Missouri desire an explanation of the joint resolution?

Mr. VEST. Yes.

Mr. GALLINGER. I will say that this is a joint resolution proposing the erection of a monument to Samuel Hahnemann in the District of Columbia. The American Institute of Homeopathy, representing some 14,000 physicians in the United States, have raised a fund of about $75,000 and have had a monument made, which is said to be a most beautiful work of art. I have not seen it myself, but I think there is a model of it in the Capitol. They desire to have it erected in the city of Washington at such place as may be named by the committee designated in the joint resolution. They ask for a small appropriation, which, I think, has usually been given in such cases, to build a foundation for the monument. That is all the expense it will be to the Government. I propose to have the preamble stricken out when the proper time arrives, and to have one or two amendments made to the joint resolution.

Mr. GORMAN. I desire to call the attention of the Senator to the fact that as the joint resolution now stands, the monument may be erected in any place in the city of Washington, without specially designating any particular place. In the case of the bills for the erection of the statues of General Grant, General Sherman, and others, we have inserted a provision prohibiting the erection of such monuments in the Capitol Grounds, and I think that reservation ought to be made in this joint resolution.

Mr. GALLINGER. I shall be happy to have that amendment made.

Mr. GORMAN. I am informed, as a matter of fact, that in some cases similar commissions to that provided for by this joint resolution have selected the Capitol Grounds for the erection of monuments.

Mr. GALLINGER. I did not know about that.

Mr. GORMAN. I suggest that the joint resolution should be amended so as to prevent anything of that kind.

Mr. GALLINGER. Any amendment the Senator suggests in that respect will be gladly incorporated.

Mr. COCKRELL. Let it read, "any place in the District of Columbia outside of the Capitol Grounds."

Mr. GALLINGER. That will be satisfactory.

Mr. COCKRELL. I suggest that the amendment should come in in line 9, after the word "committee."

Mr. GALLINGER. Will the Senator wait until I suggest two or three amendments to the joint resolution?

Mr. COCKRELL. Certainly.

Mr. GALLINGER. The preamble will come out at the proper time. I will move, in line 5, that the word "said," before the word "monument," be stricken out, and the word "a" inserted; after the word "monument," in the same line, insert "in honor of Samuel Hahnemann," and in line 15, after the word "citizens," strike out "and to be erected in the city of Washington, D. C.," that having already been stated in the joint resolution.

The VICE-PRESIDENT. The amendments submitted by the Senator from New Hampshire will be stated.

The SECRETARY. In line 5, before the word "monument," it is proposed to strike out "said" and insert "a"; in the same line, after the word "monument," to insert "in honor of Samuel Hahnemann"; and after the word "citizens," in line 15, to strike out "and to be erected in the city of Washington, D. C."; so as to make the joint resolution read:

Resolved, etc., That permission be, and the same is hereby, granted the Hahnemann monument committee of the American Institute of Homeopathy to erect a monument in honor of Samuel Hahnemann in such place in the city of Washington, D. C., as shall be designated by the officer in charge of the new Library building, the Joint Committee on the Library, and the chairman of the monument committee; and the sum of $4,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the building of a foundation upon which to place said monument; said monument to be presented to the people of the United States by the American Institute of Homeopathy, kindred associations, and citizens.

The amendments were agreed to.

Mr. COCKRELL. In line 9, after the word "committee," I move to insert "not including the Capitol Grounds."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I desire to have the preamble stricken out.

The VICE-PRESIDENT. The preamble will be stricken out, in the absence of objection.

REGISTER OF COPYRIGHTS.

The bill (S. 425) to provide for the register of copyrights was announced as next in order.

Mr. COCKRELL. Let that be passed over without losing its place. It will lead to discussion.

The VICE-PRESIDENT. It will be passed over without prejudice.

SALES AND PROCEEDS OF SALES OF BONDS.

The resolution submitted by Mr. LODGE February 19, 1896, directing the Committee on Finance to investigate and report all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, 1896, was announced as next in order.

Mr. LODGE. That subject has already been disposed of, and I move that the resolution be indefinitely postponed.

The motion was agreed to.

RACING COMMISSION.

The bill (S. 1866) for the incorporation of associations for the improvement of the breed of horses, and to regulate the same, and to establish a racing commission, was announced as next in order.

Mr. COCKRELL. Let that be passed over.

The VICE-PRESIDENT. The bill will be passed over.

DISTRICT METROPOLITAN POLICE FORCE.

The bill (S. 1927) to increase the Metropolitan police force of the District of Columbia was announced as next in order.

Mr. GALLINGER. At the request of the chairman of the Committee on the District of Columbia, I ask that that bill be passed over.

The VICE-PRESIDENT. It will be so ordered.

DISTRICT WATER SUPPLY.

The joint resolution (S. R. 84) to provide for the increase of the water supply of the District of Columbia, and for other purposes, was announced as next in order.

Mr. GALLINGER. I make the same request as to that joint resolution at the request of the chairman of the District Committee.

The VICE-PRESIDENT. The joint resolution will be passed over.

DISTRICT HOME FOR GIRLS, ETC.

The bill (S. 1449) to provide a home and employment for reputable girls and young women of the District of Columbia who are without means of support and are unable to obtain work was announced as next in order.

Mr. GALLINGER. That is adversely reported.

Mr. COCKRELL. Let it go over under Rule IX.

The VICE-PRESIDENT. It will be so ordered.

LICENSES TO OFFICERS ON SEAGOING STEAM VESSELS.

The bill (S. 1836) to provide for licenses to certain officers of seagoing passenger steam vessels was announced as next in order.

Mr. FRYE. That is practically provided for in another bill, and I ask that this bill may be recommitted to the Committee on Commerce.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

Mr. FRYE subsequently said: I asked a moment ago that Senate bill 1836 should be recommitted to the Committee on Commerce. I find there is no necessity for recommitting it to the committee, because I know what amendment I desire to make, and the Senate can then act upon it. I will simply ask that the bill be restored to its place on the Calendar, to go over this morning.

The VICE-PRESIDENT. It will be so ordered.

FORTIFICATIONS AND OTHER SEACOAST DEFENSES.

The bill (S. 1159) to provide for fortifications and other seacoast defenses was announced as next in order.

Mr. GORMAN. Let that go over under Rule IX.

The VICE-PRESIDENT. The bill will go over under Rule IX.

PEARSON C. MONTGOMERY.

The bill (S. 14) for the relief of Pearson C. Montgomery, of Memphis, Tenn., was considered as in Committee of the Whole. It proposes to pay to Pearson C. Montgomery, of Memphis, State of Tennessee, $3,200, in full compensation for all claims connected with the steamer *New National*, and its use, while in the service of the United States, upon the Mississippi River and its tributaries, prior to the 21st day of March, in the year 1863.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW MARTIN.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 615) for the relief of Andrew Martin, which had been reported by the Committee on Military Affairs with an amendment, after the word "discharge," at the end of the bill, to insert, "*Provided*, That no pay, compensation, or allowance will be allowed by reason of this act"; so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and hereby is, authorized and directed to amend the record of Andrew Martin, late a private in Company A, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and grant him an honorable discharge: *Provided*, That no pay, compensation, or allowance will be allowed by reason of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF LATE PROPRIETORS OF KNOXVILLE WHIG.

The bill (S. 21) to authorize the investigation by the Attorney-General of certain claims alleged to be due the late proprietors of the Knoxville Whig for advertising, and authorizing the payment therefor by the Secretary of the Treasury of any amounts found by the Attorney-General to be legally or equitably due, was considered as in Committee of the Whole. It directs the Attorney-General to investigate the claims of the legal representatives of W. G. Brownlow, Brownlow & Hawes, and Brownlow, Hawes & Co., late owners and proprietors, respectively, of the Knoxville Whig, a newspaper published at Knoxville, in the State of Tennessee, for advertising certain legal notices alleged to have been advertised in that paper in the years 1864, 1865, 1866, 1867, and 1868, and to ascertain whether such services were rendered as claimed, or any part thereof, and if so, the value thereof; and also whether the same, and if so, to what extent, is either a legal or equitable claim against the United States; and if any sum is so found to be due and owing the claimants, or any of them, and the same is a legal or equitable claim against the United States, to certify such facts, together with the amount, to the Secretary of the Treasury, who is authorized and directed to pay to such claimants or their legal representatives the full amount so ascertained, and provides that such sum or sums of money which may be found to be legally or equitably due shall, when paid, be in full satisfaction and discharge of all claims for compensation by the claimants, or any of them, for any such service against the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. HARRIET D. NEWSON.

The bill (S. 1974) for the relief of Mrs. Harriet D. Newson was considered as in Committee of the Whole. It proposes to pay to Mrs. Harriet D. Newson, widow of Thomas M. Newson, late United States consul at Malaga, a sum of money equal to one year's salary as consul, together with the sum of $197, which was collected from the estate of Thomas Newson by the Government of the United States after his death; and the money so appropriated shall be paid in the same manner as in other cases where the surviving widows of foreign representatives of the United States who have died while so representing the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE ACROSS DETROIT RIVER AT DETROIT.

The bill (S. 924) for the erection of a bridge across the Detroit River at Detroit, in the State of Michigan, was announced as next in order.

Mr. KYLE. I should like to have that bill go over.

The VICE-PRESIDENT. It will be so ordered.

Mr. SHERMAN. I hope that the bill for the building of a bridge across the Detroit River at Detroit will be postponed by common consent until the next session of Congress, on the first Monday of December next.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Ohio?

Mr. ALLEN. What is the request?

Mr. COCKRELL. We did not hear the request. I ask the Senator to repeat it.

Mr. SHERMAN. I will say that there will be a very long and vigorous contest between rival interests as to the bridge across the Detroit River. There is a very heated controversy as to such a bridge at Detroit, and I hope the bill will be postponed until the beginning of the next session of Congress.

Mr. CULLOM. I call the attention of the Senator to the fact that the Senator from Michigan [Mr. MCMILLAN] living in that city is absent at this time. He probably would like to have something to say about the matter. I agree with the Senator that it ought to go over.

Mr. BURROWS. My colleague is not in the Senate this morning, and I do not know what his desire may be in relation to the matter.

Mr. COCKRELL. Let the bill be passed over.

Mr. BURROWS. Possibly it had better be passed over.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

Mr. BURROWS subsequently said: In relation to the bill to provide for the construction of a bridge across the Detroit River, since it was passed over I have conferred with my colleague [Mr. MCMILLAN], and he desires me to state that it will be agreeable to him for the matter to be postponed until the next session of Congress.

The VICE-PRESIDENT. Without objection, the request of the Senator from Ohio [Mr. SHERMAN] to that effect will be complied with. The Chair hears no objection, and it is so ordered.

Mr. NELSON. What was the request? Was it that the Detroit bridge bill should go over until the next session?

Mr. BURROWS. Yes, sir.

The VICE-PRESIDENT. That order has been made.

DUPLICATE MEDALS.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 7) authorizing the issue of duplicate medals where the originals have been lost or destroyed, which had been reported by the Committee on Military Affairs with an amendment, in line 9, after the word "beneficiary," to insert "and that diligent search has been made therefor"; so as to make the joint resolution read:

Resolved, etc., That in any case where the President of the United States has heretofore, under any act or resolution of Congress, caused any medal to be made and presented to any officer or person in the United States on account of distinguished or meritorious services, on a proper showing made by such person to the satisfaction of the President that such medal has been lost or destroyed through no fault of the beneficiary, and that diligent search has been made therefor, the President is hereby authorized to cause to be prepared and delivered to such person a duplicate of such medal, the cost of which shall be paid out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT BUTTE, MONT.

The bill (S. 260) to provide for the construction of a public building at Butte City, Mont., was announced as next in order.

Mr. KYLE. Let that go over, Mr. President.

The VICE-PRESIDENT. Objection being made, the bill will go over. The next case on the Calendar will be called.

Mr. MANTLE. I ask that that bill may be considered at this time. I think there can be no objection to it.

The VICE-PRESIDENT. Objection was interposed, the Chair will state, and the bill goes over under the rule.

Mr. KYLE. I did not mean that the bill should lose its place on the Calendar.

Mr. COCKRELL. Let it be passed over, without losing its place on the Calendar.

The VICE-PRESIDENT. It will be so ordered.

PAY OF NONCOMMISSIONED ARMY OFFICERS.

Mr. FRYE. I now ask that the regular order, being the river and harbor bill, be proceeded with.

The VICE-PRESIDENT. The hour of 1 o'clock having arrived, the Chair lays before the Senate the bill referred to by the Senator from Maine, the title of which will be stated.

The SECRETARY. A bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. SEWELL. I should like to appeal to the Senator from Maine, in charge of the river and harbor bill, to allow me to have a bill passed to which, I think, there will be no objection. It is one of public importance in connection with the Army.

The VICE-PRESIDENT. The Senator from New Jersey asks unanimous consent for the present consideration of a bill.

Mr. FRYE. Having yielded thirty minutes, I can not yield any further. I would yield to the Senator from New Jersey if I would to anybody on earth.

Mr. SEWELL. I will state to the Senator from Maine that if this were a private bill I should not press it, but it is a bill of great importance to the organization of the Army. I do not think it will create any objection. It was reported by the Committee on Military Affairs unanimously, and it is recommended by the Secretary of War and the General of the Army. Everybody is in favor of it. It will not take five minutes.

Mr. FRYE. I am informed that it would take some considerable time, and that there are objections to it.

Mr. SEWELL. I should like to know who objects to it.

Mr. GEAR. What is the bill which the Senator desires to have considered?

Mr. SEWELL. It is a bill to regulate the pay of noncommissioned officers in the Army, not the one objected to formerly by the Senator from Nebraska [Mr. ALLEN].

The VICE-PRESIDENT. Is there objection?

Mr. COCKRELL. Let us hear what the bill is, Mr. President.

The VICE-PRESIDENT. The Senator from New Jersey asks unanimous consent for the present consideration of a bill, which will be read for information.

Mr. COCKRELL. Let the title be read.

Mr. SEWELL. It is the bill (S. 2420) to regulate the pay of noncommissioned officers of the Army.

Mr. FRYE. I am informed by a Senator sitting near me that the bill would result in serious discussion, and he informs me that it will take all day. I certainly can not yield under those circumstances.

Mr. SEWELL. I should like the Senator who objects to speak for himself.

Mr. FRYE. He will not. I am speaking for him.

Mr. SEWELL. If objection is made, I shall not insist.

The VICE-PRESIDENT. Objection being interposed, the regular order will be proceeded with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4804) to amend subdivision 10 of section 2238 and to repeal subdivision 12 of section 2238 of the Revised Statutes of the United States.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7370) to amend an act entitled "An act to establish circuit courts of appeals and define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891; and

A bill (H. R. 8237) to improve the printing and binding methods of the public documents.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills:

A bill (H. R. 953) for the relief of William Gray;

A bill (H. R. 1602) for the relief of A. P. Brown, late postmaster at Le Mars, Iowa; and

A bill (H. R. 7395) to authorize the Secretary of the Treasury of

the United States to reconvey to the former owners a certain tract of land in Valverde County, Tex.

RIVER AND HARBOR APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. FRYE. I ask the Secretary to turn to page 81. We passed over the item contained in the clause from line 8 to line 14, in the absence of the Senator from Illinois [Mr. PALMER].

I ask the Senator from Missouri [Mr. VEST] to be kind enough to occupy my seat, as I am obliged to be out of the Chamber for fifteen or twenty minutes, and desire him to take charge of the bill in my absence.

Mr. VEST. Very well.

Mr. PALMER. Mr. President, the matter to which I wish to call the attention of the Senate will be found on page 81, beginning on line 8 of that page and concluding with line 14. The bill as it came from the House contains this provision:

For the protection from erosion of the east bank of the Mississippi River along and in front of the Sny Island Levee, in the counties of Adams, Pike, and Calhoun, in the State of Illinois, by revetment work, $50,000.

The Committee on Commerce of the Senate propose to strike out $50,000 and add these words:

Such amounts as may be necessary, in the opinion of the Secretary of War, for the improvement and maintenance of the channel of the river.

There would be no objection to this amendment if it merely fixed the locality of the expenditure. It is a fact known in Illinois; it is what I think may be termed a fact which is so well known that it would be taken notice of by the courts without being specially pleaded, that some years ago a levee was constructed very near Fall Creek, in Adams County, in the State of Illinois, through the county of Pike and into the county of Calhoun, for a distance of about 52 miles. A levee was constructed and has afforded substantial protection to the owners of the land in what is called the Sny Bottom in Illinois, a tract of land which contains probably 110,000 acres, and is as fertile as any on earth, I think. Now that the levee is constructed it is altogether suitable for cultivation. Before, it was subject to the overflow of the Mississippi River. The people interested in that levee have never asked of the Government any aid in the construction of the levee. It was built there without cost to the Government, but the people insist while the Government is prosecuting the improvement of the navigation of the Mississippi River, which belongs to the Government and over which the people have no control, that nothing shall be done which will affect this protective levee.

The fact is it is not necessary for me to produce before the Senate the maps showing the nature of the work, but I suppose that gentlemen everywhere, living upon Western rivers, or upon rivers which are not tide-water rivers, know, especially in these Western rivers, where the banks are composed of sand very largely, covered by a growth of timber of more or less size and of more or less value, that the currents of the river greatly affect the banks, and that alterations in the currents of the river do affect all structures on the banks of the river.

As a general statement of the facts in this case, the Government has been engaged in improving the navigation of the Mississippi River substantially between the mouth of the Des Moines, and, for all my purposes, it may be said between the mouth of the Des Moines River, entering the Mississippi from the west, and the mouth of the Illinois, which enters the Mississippi from the east. I am only interested now in discussing that particular portion of the river. The Government has constructed dikes. The river contains a number of islands. The current, under ordinary circumstances, diffuses itself, so that it affords no sufficient channel for navigation on either side of those islands. The Government has, therefore, attempted by dikes and other means to give the current direction, as it may happen, either to the Missouri shore or the Illinois shore, as circumstances may demand. They have given new directions to these currents. The consequence is that at one point, if not at more points, the current has been so changed by the improvements in the navigation of the river—necessary improvements, to which there is no objection; on the contrary, we are exceedingly anxious that the navigation of the Mississippi shall be made as complete and as useful as possible—but in one instance I have in my mind now the current has been so changed that it strikes (if I may use that term in speaking of the movements of water) the Illinois shore, and is already cutting into this embankment, this levee. I do not mean that it has actually reached it, but it threatens to do so. It has already made considerable progress in the direction of reaching the levee, and the bank is composed largely of sand, not capable of resisting the current of the water or the force with which it reaches the bank, and it is now—as the result of the improvements made by the Government in the navigation of the river, in an attempt to confine the water into particular channels, so as to secure greater depth and accomplish other ends promotive of the navigation—in that particular point the current has been so changed, so altered in its direction, that it is really threatening the works, the levees, built by the people themselves.

The proposition as it passed the House was that the United States should appropriate $50,000 in order to protect that levee from the effects of the current produced by the action of the Government itself. The term employed by those who are familiar with the subject is "erosion." The plain vernacular of Illinois would be to protect the banks from the cutting of the sand by the influence of the water upon this levee, which threatens to destroy it. It is not claimed upon the ground that the Government is under any obligation to protect the lands of owners from overflow. It is only claimed that the Government shall be responsible to the owners of land to the extent of repairing any damage already done to this levee or that the Government shall adopt such methods for the protection of the levee, the result of its own improvements, as these people have a right to demand. That is all that is involved.

The original House proposition was a direct appropriation of $50,000 for the protection of this levee by what are termed revetments, a direct, specific appropriation. The amendment is:

Such amounts as may be necessary, in the opinion of the Secretary of War, for the improvement and maintenance of the channel of the river.

I have no doubt that this levee has been an important aid to the Government improvements of the river, and I have no doubt at the same time that one of the things that would occur to the Secretary of War, or to the engineers in the employment of the Government, would be that it was of vital importance to protect this levee from what is termed erosion. But at the same time the evil is a specific, a precise one which admits of accurate definition and to which a specific appropriation may be applied, may be directed, and may be expended in a specific work. Why should the people there be turned over to the engineers, who may not perceive that an appropriation of this amount is necessary, who may conclude that they may otherwise employ the money to the advantage of the Government in improving the river at some other point or in some other way? What I seek and what those I represent on this particular point seek is that there shall be a precise and specific appropriation made for this object.

It is said there is no official estimate for this work. I grant it. I think if the committee had observed that rule with the same stringency that they employ in this case they would find that there are other appropriations which they have made which are also without the sanction of a recommendation. I am told—I am not altogether familiar with the river and harbor bill—that there are on the same page one or more appropriations made for specific purposes for which no estimate has been made. So that argument, so far as it applies to this particular case, has no foundation if it turns out, which I believe to be true, that the committee have already reported specific appropriations for work for which no estimate has been made.

Estimates have been made by an intelligent engineer as to what this work will cost. I think the estimate is about $67,000, and it is supposed by this intelligent officer whom I have just mentioned that that sum will be required before the revetment is completed; but it has been hoped that the sum of $50,000 might be retained and applied to this specific purpose. I hope, therefore, that the committee will consent that the provision of the bill from lines 8 to 11 may be retained. If the committee mean to serve this particular purpose by this appropriation, then the retention of the amendment is entirely unnecessary. If they mean that the appropriation shall be contingent or that it may be possibly directed to some other object, perhaps the amendment ought to be retained. But what I think is the right thing to do is to appropriate the sum of $50,000 for the protection of the east bank of the Mississippi River along and in front of the Sny Island Levee by revetment works at points where the necessity for such works will appear at once to be necessary not only for the safety of the levee, which I have already stated is an important aid to the improvement of the navigation of the river, but that the people who are interested in it may receive protection from what I suppose and what I am told are dangers produced by works already attempted by the Government.

Mr. VEST. The Senator from Illinois [Mr. PALMER] is mistaken in the statement that the Committee on Commerce have made any discrimination between this appropriation and others at special localities upon the Upper Mississippi River. He will find that in every instance where there were no estimates and no recommendation by the engineers in charge of the river we have stricken out the special appropriations. That is the case in lines 15, 16, and 17 of the same page of the bill, lines 23, 24, and 25 on the same page, and lines 5, 6, 7, 8, 9, and 10 on page 84. The Senate yesterday, against the opposition of the committee, restored two of these small improvements as to Quincy Harbor and another locality. But the committee carefully examined the estimates and the reports of the engineers, and where we found no recommendation and no estimate we were remitted, as a matter of course, if we made the appropriation at all, to the opinions of members of

the House and of Senators; and as I stated yesterday, in discussing a similar question on the Missouri River, it is simply impossible to make up a river and harbor bill upon any such estimates or opinions. There are engineers in charge of these rivers, and we are bound to take their opinions as experts and as officers who have examined the different localities and know the necessities for improvement upon the river generally and locally.

The Senator from Illinois is mistaken, I repeat, in his assumption that there has been any discrimination against the Sny Island Levee. He is mistaken in another statement, and that is that the Government of the United States has never made any appropriation for the maintenance of this levee or its repair.

Mr. PALMER. I ask pardon.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Does the Senator from Missouri yield to the Senator from Illinois?

Mr. VEST. I do.

Mr. PALMER. I did not make the statement in that form.

Mr. VEST. I remember distinctly that I myself put an amendment in the river and harbor bill, I think in 1892, for the repair of this levee, to prevent an overflow that had come upon these bottom lands by reason of a break in the levee. This levee was put there originally, as stated by the Senator from Illinois, under an act of the legislature of Illinois, and a company was organized to do the work. As a matter of course, the Government of the United States can not build a levee for the purpose of protecting private property. The Senator from Illinois would not contend for any such action upon our part. All that we can do is to use levees as an instrumentality for improving the channels of navigable streams, not to protect private property, not to subserve private interests, but in order to improve the navigability of a river, and a levee which confines the waters and produces erosion of the channel, of course, is a most valuable instrumentality in that regard.

The people of Missouri are more interested in this improvement possibly than those of Illinois. I have in my hand a dispatch from the mayor of the city of Hannibal, immediately opposite this levee, and from the principal citizens of Hannibal, urging upon me the propriety of retaining this specific appropriation. They state in the telegram that the materials to be purchased and the stone for the revetment are to be taken from the soil of Missouri, that the labor will be employed in Missouri, that the lands on the bottoms are owned by the people of Missouri, and that it is my public duty, therefore, as a Senator from Missouri to vote and urge the appropriation of the $50,000 specifically for this improvement. I am not able to see my duty in that light. I have the greatest respect for these gentlemen; they are my personal and political friends of many years' standing, but I think when they understand the matter and consider it properly they will come to the conclusion that the amendment of the committee is much more favorable to what they desire than the appropriation as it came from the other House.

As the appropriation comes from the House there is $50,000 and no more appropriated for this revetment work. As the amendment of the Senate if adopted would stand, the engineer in charge of the river, Colonel Mackenzie, can take as much as he thinks necessary from the general appropriation for the whole river to do this work of revetment, which of course is accessory to the improvement of the navigable channel of the Mississippi River.

Mr. CULLOM. I was about to inquire of the Senator from Missouri whether, in his judgment, being familiar with the improvement of the river and the action of the Commission and the local engineers, the amendment as proposed by the Senate committee is better than the House provision?

Mr. VEST. Unquestionably it is, and I favor it therefore.

Mr. CULLOM. It occurred to me in that way. Hence I did not make any question upon it as we passed through the bill yesterday in its consideration, but I should like to be sure.

Mr. VEST. To be entirely frank about this matter, and I am generally frank on all questions, there have been statements in the public press—I care nothing about them—that I have some personal objection to some member of the House who urged this appropriation. I have no feeling of that kind. That sort of suggestion is simply contemptible. As a public man, as a Senator from the State of Missouri, I am as much interested as any member of the House can possibly be in subserving the interests of my constituents, and I want to say now that I favor the Senate amendment because I believe, as the Senator from Illinois [Mr. CULLOM] has stated, that it is better for the interests of the parties who have telegraphed and written me in regard to the matter that the Senate amendment should be adopted.

But more than that, I did not agree to the amendment until Colonel Mackenzie, the officer in charge of the river, had appeared before the committee and had himself suggested the form of the amendment, with the assurance to me that all the work necessary to preserve the levee and to prevent erosion underneath the levee would be done. I offered an amendment in the committee, which has been adopted by the Senate, increasing the amount appropriated for the general improvement of the river, with a view to meeting, among other things, the amount that might be necessary for this specific work.

I feel as much interest in the matter as the Senator from Illinois [Mr. PALMER] can possibly feel in regard to it. I am willing to trust the engineer officers. I have no distrust in regard to what they will do. So far from limiting the amount to $50,000, I desire that they shall have unrestricted discretion in regard to the amount to be taken out of the general sum appropriated for the whole river to prevent the erosion of the banks beneath the levee. There is no estimate, there is no recommendation, and I ask the Senate not only in the name of the river itself, the great Mississippi River, but also in order to subserve the interests of that immediate vicinity, to sustain the amendment which we have recommended.

Mr. PALMER. I desire to make only a single statement before the matter is disposed of by the Senate. The United States did not, as I am informed and as I thought I knew without information, assist in the construction of this levee.

Mr. VEST. I did not say that.

Mr. PALMER. The United States in one instance furnished a sum of money to do the very thing that I ask shall be done by the retention of this provision in the House bill; that is, there was an appropriation made and expended in protecting the banks from erosion.

Mr. VEST. That is true.

Mr. PALMER. That much, I think, would be regarded as legitimate by those who are in favor of the strictest construction of the powers of Congress—and I confess I am one of them—in respect to rivers and harbors. I must be allowed to differ with my colleague and the Senator from Missouri [Mr. VEST]. I desire that there shall be a specific improvement—a specific sum appropriated for a specific purpose. I do not desire to leave anything to the discretion of anybody, because the levee is essential to the improvement of the river. As I have said before, this menace to the safety of the levee has been produced, I am told by authorities I regard as most reliable and excellent, by changes in the currents caused by Government works. I think, therefore, that the attention of the Senate ought to be directed to that particular point of danger and that the Senate should appropriate a precise sum to meet the specific danger which has resulted from the cause I have stated.

Mr. VEST. A single word. It is absolutely impossible to secure what the Senator from Illinois [Mr. PALMER] seems to think is necessary as to the action of the engineer in charge of the river. You can not put in a river and harbor bill such provisions as will limit and define absolutely the discretion of an engineer in charge of riparian improvements. Under the provision as it comes from the other House there is simply an appropriation of $50,000 to prevent erosion by revetment. When it is to be expended, how it is to be expended, at what part of the work it is to be expended is absolutely, unrestrainedly, within the discretion of the officer in charge of the river, and if he does not come to the conclusion that it is necessary to prevent erosion at that particular point Congress can not make him do it unless Congress should have omniscient power and can go there in advance and say at what particular point he should cause the money to be expended.

In view of this fact I prefer infinitely to leave to the discretion of an honest and intelligent engineer officer how so much of the general appropriation shall be applied for a particular purpose. I have not the slightest objection to changing the form of the amendment so as to read as follows:

For the protection from erosion of the east bank of the Mississippi River along and in front of the Sny Island Levee, in the counties of Adams, Pike, and Calhoun, in the State of Illinois, and for the improvement and maintenance of the channel of the river by revetment work or otherwise, etc.

Mr. CULLOM. I should like to have the attention of my colleague to the suggestion made by the Senator from Missouri [Mr. VEST] as to a change in the amendment. I call my colleague's attention to it.

Mr. PALMER. I happen to be otherwise engaged for a moment.

Mr. VEST. I stated and I will state again—I have the same object in view that the Senator from Illinois has—that I have not the slightest objection to making the amendment read in this way:

For the protection from erosion of the east bank of the Mississippi River along and in front of the Sny Island Levee, in the counties of Adams, Pike, and Calhoun, in the State of Illinois, and for the improvement and maintenance of the channel of the river by revetment work or otherwise, such amounts, etc.

That will cover repairs to the levee if necessary, and will simply leave out the specific appropriation of $50,000 and give the engineer officer the power to use any amount he may deem proper. It does seem to me that this is entirely fair to all parties in interest and the great consideration above all, the general improvement of the channel of the river.

Mr. PALMER. I should be glad to ascertain the exact terms of

the suggestion made by the Senator from Missouri. I should like to have the amendment stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment so as to read:

For the protection from erosion of the east bank of the Mississippi River along and in front of the Sny Island Levee in the counties of Adams, Pike, and Calhoun, in the State of Illinois, and for the improvement and maintenance of the channel of the river by revetment work or otherwise, such amounts as may be necessary in the opinion of the Secretary of War.

Mr. CULLOM. That leaves the amendment exactly as I think my colleague would like it, unless he objects to the omission of the specific sum proposed to be appropriated by the other House.

Mr. PALMER. That is it.

Mr. CULLOM. I think that would be the view of my colleague in reference to it. Am I right about that?

Mr. PALMER. I should prefer the specific appropriation, as I am obliged to believe that it is substantially what ought to be done.

Mr. CULLOM. If I may be allowed to say a word, it was my opinion as we passed over the matter yesterday that the language used would perhaps result in securing more money for the improvement and protection of the work than the appropriation of a specific sum of $50,000, and being somewhat familiarly acquainted with the local engineer in charge, I have every confidence that we would get whatever is necessary out of the general sum appropriated for the improvement of the Mississippi River. But I do not desire to be understood as raising any question with my colleague, as he has given this item some attention, and whatever he desires to do with it I shall follow.

Mr. PALMER. Striking out the $50,000 and permitting the use of such amount as may be necessary will probably meet the whole matter in respect to the amount, as well as the circumstances requiring the approval of the Secretary of War. I concur in that view myself.

Mr. VEST. I think that is best, especially in view of the fact that Colonel Mackenzie personally appeared before us and said that he would protect those works, and I know him well enough to know that he will do what he promises.

Mr. CULLOM. My colleague agrees to the amendment as proposed.

Mr. PALMER. I accept the suggestion.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed at line 14 on page 88. The next amendment of the Committee on Commerce was, on page 88, line 16, before the word "thousand," to strike out "one hundred and ninety" and insert "two hundred and twenty"; in line 17, after the word "which," to insert "in the discretion of the Secretary of War"; in line 19, after the words "Sioux City," to insert:

Ten thousand dollars, or so much thereof as may be necessary, for the protection of the caving bank between the revetments already constructed on the South Sioux City front, as recommended in House Executive Document No. 48, Fifty-third Congress, third session.

On page 89, line 1, before the word "thousand," to strike out "twenty" and insert "forty"; in line 6, before the word "thousand," to strike out "ten" and insert "twenty," and in line 7, after the words "Elk Point," to insert "which shall be immediately available"; so as to make the clause read:

Improving the upper Missouri River between Stubbs Ferry, in Montana, and the lower limits of Sioux City, Iowa, $220,000, of which, in the discretion of the Secretary of War, $50,000 may be expended in the protection and completion of the works at Sioux City; $10,000, or so much thereof as may be necessary, for the protection of the caving bank between the revetments already constructed on the South Sioux City front, as recommended in House Executive Document No. 48, Fifty-third Congress, third session; $50,000 in the rectification of the river at Pierre and Fort Pierre; $40,000 for the protection of Bismarck Harbor and the rectification of the river to prevent erosion of the banks, and cutting a new channel at or near that point; $20,000 between the Great Falls, in Montana, and Stubbs Ferry, in Montana; $40,000 at Yankton, and $20,000 for improvement of river at Elk Point, which shall be immediately available.

Mr. ALLEN. I ask the Senator from Maine having the bill in charge to strike out the word "ten," in line 19, after the words "Sioux City," and insert "fifty" as the permanent estimate, as the survey of this work requires an expenditure of $50,000 and the expenditure of $10,000 alone will be of no value. I move to strike out the word "ten" and insert "fifty." It is not in the Book of Estimates at all.

Mr. FRYE. Will the Senator from Nebraska allow me a moment to turn to the estimate? I want to know what it was.

Mr. ALLEN. It was $45,000—$10 a foot—and $5,000 incidental expenses, making a total of $50,000. I will say to the Senator from Maine that this estimate was made after the committee amendment was in print.

Mr. FRYE. Yes. It was not required by what we had before us.

Mr. ALLEN. No, sir.

Mr. FRYE. I remember that very well.

Mr. ALLEN. At the time the amendment was made by the committee and printed the permanent survey and estimate of the engineer had not been made.

Mr. FRYE. The State of Nebraska has not much interest, except indirectly, in the river and harbor bill. I am inclined to do what the Senator from Nebraska asks. I will allow the amendment to go in for the present, and later on I will examine the report, and if the report justifies it entirely it may remain.

Mr. ALLEN. That will be satisfactory to me.

Mr. FRYE. Otherwise I will have to ask that it may be considered again.

Mr. ALLEN. Yes. I hope that if the committee should conclude to take any different action from that taken here I may be informed of the fact.

Mr. FRYE. Undoubtedly.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. ALLEN. I move to strike out after the word "bank," in line 21, page 88, the words "between the revetments" and insert "from a point 300 feet above the upper to the lower revetment"; so as to read:

For the protection of the caving bank from a point 300 feet above the upper to the lower revetment already constructed on the South Sioux City front.

Mr. FRYE. Where does the Senator get that suggestion?

Mr. ALLEN. I get that suggestion really from private sources. I will say in all candor that just above the upper revetment I understand the channel is now changing somewhat and doing damage and seriously affecting the approach and foundation of an important bridge that has been constructed. It is with a view of preserving it and saving the channel from encroaching any farther that I have moved the amendment to the amendment of the committee.

Mr. FRYE. I am not prepared to object to it, because I know nothing about it.

Mr. ALLEN. I hope that the amendment will be made, and if it should prove that it is not advisable it can be modified.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 89, after line 7, to insert:

Improving upper Missouri River by snagging, $50,000.

The amendment was agreed to.

The next amendment was, on page 89, line 13, after the word "submitted," to strike out "by Capt. Thomas W. Symons, Corps of Engineers, August 5," and insert "in the Annual Report of the Chief of Engineers for"; so as to make the clause read:

Improving Flathead River, Montana, $10,000, which sum shall be expended in snagging from Demersville to the Flathead Lake, in accordance with the plan submitted in the Annual Report of the Chief of Engineers for 1895.

The amendment was agreed to.

The next amendment was, on page 89, line 19, before the word "river," to insert "Missouri"; so as to make the clause read:

Improving Missouri River at and near Great Falls, Mont., $15,000.

The amendment was agreed to.

The next amendment was, on page 90, line 3, after the word "thereon," to insert "and to have charge of the work by them recommended as appropriations are made therefor"; so as to make the clause read:

Improving Sacramento and Feather rivers and their tributaries, California: The Secretary of War is hereby authorized and directed to appoint a board, consisting of three engineers of the United States Army, for the purpose of making surveys and examinations of said rivers, and submit the most feasible plan for the improvement of said rivers and the maintenance of navigation thereon, and to have charge of the work by them recommended as appropriations are made therefor; said board may, under the direction of said Secretary of War, expend any balance now remaining to the credit of said rivers in the improvement of the same, after deducting the expense of said surveys and examinations.

The amendment was agreed to.

The next amendment was, on page 90, line 14, after the word "Commission," to strike out:

For the purposes set forth in sections 23, 24, and 25 of the act entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California," approved March 1, 1893: *Provided*, That said sum shall be available only on condition that the legislature of the State of California shall have appropriated at least an equal sum for the purposes herein set forth, to be expended in accordance with the recommendations of engineers of the United States Government.

And insert:

Pursuant to the provisions of, and for the purposes set forth in, section 25 of the act of the Congress of the United States entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California," approved March 1, 1893: *Provided*, That the Treasurer of the United States be, and he is hereby, authorized to receive from the State of California, through the débris commission of said State, or other officer thereunto duly authorized, any and all sums of money that have been or may hereafter be appropriated by said State for the purposes herein set forth. And said sums when so received are hereby appropriated for the purposes above named, to be expended in the manner above provided.

to preserve the levee and to prevent erosion underneath the levee would be done. I offered an amendment in the committee, which

provement of the channel of the river.

Mr. PALMER. I should be glad to ascertain the exact terms of

Mr. FRYE. I remember that very well.

purposes above named, to be expended in the manner above provided.

So as to make the clause read:

For the construction of restraining barriers for the protection of the Sacramento and Feather rivers in California, $250,000; such restraining barriers to be constructed under the direction of the Secretary of War in accordance with the recommendations of the California Débris Commission, pursuant to the provisions of, and for the purposes set forth in, section 25 of the act of the Congress of the United States entitled "An act to create the California Débris Commission," etc.

The amendment was agreed to.

The next amendment was, on page 91, line 13, after the word "California," to strike out "Continuing improvement, $20,000" and insert:

Completing cuts at Twenty-one Mile Slough, $20,000, or so much thereof as may be necessary; and completing cut at Head Reach, $37,750, or so much thereof as may be necessary; and the balance of $24,000 heretofore appropriated may be used in dredging Stockton and Mormon channels to the head of navigation in the city of Stockton.

So as to make the clause read:

Improving San Joaquin River, California: Completing cuts at Twenty-one Mile Slough, $20,000, etc.

The amendment was agreed to.

The next amendment was, on page 92, line 1, before the word "as," to insert "from the mouth"; so as to make the clause read:

Improving upper Columbia River, including Snake River from the mouth as far up as Asotin, Oregon and Washington: Continuing improvement, $5,000.

The amendment was agreed to.

The next amendment was, on page 92, after line 2, to insert:

Improving Columbia River, Oregon and Washington, at Three Mile Rapids, and the construction and equipment of a boat railway from the foot of The Dalles Rapids to the head of Celilo Falls, in the State of Oregon, the same to be constructed under the direction of the Secretary of War in accordance with the plans and specifications of the Engineer Department of the United States, $100,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of improvement of the Columbia River at said Three Mile Rapids, and for the construction of a boat railway, as aforesaid, from the foot of The Dalles Rapids to the head of Celilo Falls, in the State of Oregon, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $2,004,467, exclusive of the amount herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 92, line 24, to increase the appropriation for improving lower Willamette River in front of and below Portland, Oreg., and Columbia River below the Willamette River, in Oregon and Washington, from $50,000 to $100,000.

The amendment was agreed to.

The next amendment was, on page 92, after line 24, to insert:

Improving Columbia River at the Cascades, Oregon, $50,000; for maintaining and protecting existing works and for modifications required to increase the navigable capacity of the canal, $20,000, of which, or so much thereof as may be necessary, shall be immediately available for expenditure, in the discretion of the Secretary of War, in constructing on the land and river sides of the canal, between the upper lock gate masonry and the upper guard gate masonry, such portions of the walls proposed in the modified project presented by the Board of Engineers in its report of October 18, 1894 (which report was printed in the Annual Report of the Chief of Engineers for the year 1895, part 5, pages 3576 and following), as may be necessary to construct in advance of the opening of the canal to commerce.

The amendment was agreed to.

The next amendment was, on page 94, line 4, after the word "submitted," to strike out "by Capt. T. W. Symons in House Executive Document No. 237, Fifty-third Congress, third session," and insert "January 19, 1895"; so as to make the clause read:

Improving Coos River, Oregon: Completing improvement in accordance with plans submitted January 19, 1895, $5,000.

The amendment was agreed to.

The next amendment was, on page 94, line 10, after the word "submitted," to strike out "by Capt. T. W. Symons in House Executive Document No. 235, Fifty-third Congress, third session," and insert "January 19, 1895"; so as to make the clause read:

Improving Alsea River, Oregon: Completing improvement in accordance with plans submitted January 19, 1895, $5,000.

The amendment was agreed to.

The next amendment was, on page 94, line 16, after the word "submitted," to strike out "by Captain T. W. Symons in House Executive Document No. 224, Fifty-third Congress, third session," and insert "January 18, 1895"; so as to make the clause read:

Improving Nestucca River, Oregon, from town of Woods to the ocean, in accordance with plans submitted January 18, 1895: Completing improvement, $6,000.

The amendment was agreed to.

The next amendment was, on page 94, line 22, before the word "thousand," to strike out "twenty" and insert "forty"; in the same line, after the word "dollars," to strike out "as recommended by Capt. W. L. Fisk, Corps of Engineers," and insert "to be expended in accordance with reports submitted February 21, 1896," on page 95, line 1, after the word "Eugene," to strike out "(House Document No. 260, Fifty-fourth Congress, first session), and as recommended by Maj. J. C. Post, Corps of Engineers, in report to Chief of Engineers," and insert "and in accordance with report of survey"; in line 9, after the word "improvements," to insert "or said materials may be purchased and work may be done otherwise than by contract"; and in line 13, after the word "appropriated," to insert:

And provided further, That the sum of $10,000, or so much thereof as may be necessary, shall be available for the purchase or construction of a snag boat with suitable appliances.

So as to make the clause read:

Improving Willamette and Yamhill rivers, Oregon, $40,000, to be expended in accordance with report submitted February 21, 1896, for Willamette River from Portland to Eugene, and in accordance with report of survey, dated March 6, 1895, for lock and dam on Yamhill River: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said improvements, or said materials may be purchased and work may be done otherwise than by contract, to be paid for as appropriations may from time to time be made by law not exceeding in the aggregate $200,000, including the amount herein appropriated: *And provided further*, That the sum of $10,000, or so much thereof as may be necessary, shall be available for the purchase or construction of a snag boat with suitable appliances.

The amendment was agreed to.

The next amendment was, on page 95, line 19, after the word "Oregon," to strike out "as recommended by Maj. J. C. Post, Corps of Engineers, May 25," and insert "in accordance with project submitted in the Annual Report of the Chief of Engineers for"; in line 23, after the word "ninety-five," to strike out "*Provided*, That fifty" and insert "Fifty"; in line 24, after the word "dollars," to strike out "is hereby authorized to be transferred from" and insert "of"; and on page 96, line 1, after the word "improvement," to insert "is hereby authorized to be expended on this work"; so as to make the clause read:

Improving Columbia River below Tongue Point, by way of the South Channel in front of Astoria, Oreg., in accordance with project submitted in the Annual Report of the Chief of Engineers for 1895: $50,000 of the balance on hand to the credit of the mouth of the Columbia River improvement is hereby authorized to be expended on this work in the discretion of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 96, line 6, after the word "line," to insert "completing improvement"; so as to make the clause read:

For improving Kootenai River, in Idaho, between Bonners Ferry and the international boundary line, completing improvement, $5,000.

The amendment was agreed to.

The next amendment was, on page 96, line 11, after the word "improvement," to strike out:

Twenty-seven thousand dollars; of which sum $12,000 shall be expended under the direction of the Secretary of War for straightening and deepening the channel of the Puyallup River, emptying into Commencement Bay, in Puget Sound, with a view to making said river navigable at all times for vessels drawing 18 feet of water, from the mouth of said river upward a distance of about one-half mile.

And insert:

Including the rivers Skagit, Nooksak, Duwamish, and Puyallup, $75,000, of which sum so much thereof as may be necessary may be used for the rebuilding of a snag boat:

So as to make the clause read:

Improving Puget Sound and its tributary waters, Washington: Continuing improvement, including the rivers Skagit, Nooksak, Duwamish, and Puyallup, $75,000, of which sum so much thereof as may be necessary may be used for the rebuilding of a snag boat.

The amendment was agreed to.

The next amendment was, on page 96, after line 21, to insert:

For dredging Salmon Bay and improvement of the waterway connecting the waters of Puget Sound with Lakes Union and Washington by enlarging the said waterway into a ship canal, with the necessary locks and appliances in connection therewith, $100,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said project of improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,400,000, exclusive of the amount herein and heretofore appropriated, for a single track canal with composite locks, said canal to be constructed either by the Smiths Cove route or by the Shilshole Bay route, in the discretion of the Secretary of War: *Provided further*, That no part of said amount shall be expended on the improvement of the waterway connecting the waters of Puget Sound with Lakes Union and Washington until the entire right of way and a release from all liability to adjacent property owners have been secured to the United States, free of cost and to the satisfaction of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 97, after line 21, to strike out:

Improving Skagit River, Washington: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, on page 98, line 2, before the word "improvement," to strike out "Continuing" and insert "Completing"; and in the same line, before the word "thousand," to strike out "thirty" and insert "sixty-seven"; so as to make the clause read:

Improving Columbia River between the mouth of the Willamette River and the city of Vancouver, Wash.: Completing improvement, $67,000.

The amendment was agreed to.

The next amendment was, in section 4, on page 98, line 25, before the word "hundred" to strike out "one" and insert "two"; and on page 99, line 7, before the word "resolution," to insert "concurrent"; so as to make the section read:

SEC. 4. That for preliminary examinations, surveys, except where otherwise herein especially provided for, contingencies, expenses connected with

inspection of bridges, the service of notice required in such cases, the examination of bridge sites and reports thereon, and for incidental repairs for which there is no special appropriation for rivers and harbors, $200,000: *Provided*, That no preliminary examinations, survey, project, or estimate for new works other than those designated in this act shall be made: *And provided further*, That after the regular or formal report on any examination, survey, project, or work under way or proposed is submitted, no supplemental or additional report or estimate for the same fiscal year shall be made unless ordered by a concurrent resolution of Congress. The Government shall not be deemed to have entered upon any project for the improvement of any waterway or harbor mentioned in this act until funds for the commencement of the proposed work shall have been actually appropriated by law.

The amendment was agreed to.

The next amendment was, in section 5, on page 99, line 18, after the word "than," to strike out "25 per cent of the whole amount authorized to be let by any one of said contracts" and insert "$400,000 upon the said contracts for any one of the works herein placed under the contract system"; in line 23, after the word "allotment," to strike out "of 25 per cent"; and on page 100, line 2, after the word "year," to strike out:

Provided, That this limitation shall not apply to any project placed under contract wherein the total amount authorized to be expended shall not exceed $500,000.

And insert:

Provided further, That nothing herein contained shall be so construed as to prevent the Secretary of War from making contracts for the whole or any part of the works placed under the contract system in such manner as may be deemed best, payments, however, to be made as stated in this section.

So as to make the section read:

SEC. 5. That under the authority to make contracts for materials and work, under the provisions of this act, in addition to the sums appropriated herein, the Secretary of War shall not obligate the Government to pay, in any one fiscal year, beginning July 1, 1897, more than $400,000 upon the said contracts for any one of the works herein placed under the contract system, except as herein otherwise specifically authorized to do: *Provided*, Any part of the annual allotment herein provided for, not earned and paid for material furnished or work done in one fiscal year, may be paid for material furnished and work done under the contracts in any subsequent fiscal year: *Provided further*, That nothing herein contained shall be so construed as to prevent the Secretary of War from making contracts for the whole or any part of the works placed under the contract system in such manner as may be deemed best, payments, however, to be made as stated in this section.

The amendment was agreed to.

The next amendment was, on page 100, after line 10, to insert as an additional section the following:

SEC. 6. That the Secretary of War shall have authority to so modify any of the specific projects provided for in this act as the interests of commerce and navigation may require: *Provided*, That the total cost of the work may not be increased thereby.

The amendment was agreed to.

The next amendment was, on page 100, after line 15, to insert the following additional section:

SEC. 7. That all persons employed on the public works of engineering intrusted to the Engineer Department shall be selected and hired by the officers of the Corps of Engineers in local charge of those works, subject to the approval of the Chief of Engineers, in order that the officers may be held to a strict responsibility for the proper execution of the work in their charge.

Mr. VEST. I call the attention of the chairman of the committee and of the Senate to the fact that since the bill was drawn and the amendment inserted the President of the United States, by a general order, has placed all these subordinate employees under the civil service. I have not seen an official copy of that order, but I saw a synopsis published in the papers, and in that the employees of the Engineer Corps, which would include the employees upon the different river and harbor improvements in the United States, were specifically mentioned as coming within the order.

I have no doubt the chairman and the other members of the committee and the Senate, when attention is called to it, will agree with me that the object of this provision was to prevent the appointment of subordinates upon the works of improvement from being made for political purposes, or to prevent a system of personal favoritism which has obtained in some degree in certain localities. The amendment, I understand, was originally recommended by General Casey, who lately, unfortunately for the public service, died. It was his opinion that the engineer officers in charge of the different works of improvement should have the appointment of the subordinates and then be held to a strict accountability for the conduct of their employees, and that view is right and just. But it is obvious that if these employees are put under the civil-service rules, and are to be first found qualified and then can not be removed except for cause, there is no necessity for the amendment. I call the attention of my friend from Maine, the chairman of the committee, to the suggestion I make.

Mr. FRYE. My attention had been called to that point, and I conferred with the Engineer Department in relation to it. I have some papers touching it, which I think could be considered elsewhere a great deal better and more intelligently than on the floor of the Senate. The Senator from Missouri will undoubtedly be one of the conferees, and I would a little rather have the amendment remain as it is and let whatever is done be done in conference, whether it be stricken out or not. I have myself very serious doubts whether the section would have any effect upon the order of the President.

Mr. VEST. The Senator from Maryland [Mr. GORMAN] desired that this matter should be held open until he could come into the Senate.

Mr. FRYE. Is it not safe for the Senator from Maryland to leave it to the conferees?

Mr. VEST. I would rather have him pass upon that question. He simply made that statement to me this morning.

Mr. MITCHELL of Oregon. Is it the intention of the amendment to limit the employment to the engineers where the works are in charge of a contractor?

Mr. FRYE. My intention was that the appointment of a laborer, or a civil engineer employee, or of a watchman should not be political and should not be made at the request of a member of Congress; that is all.

Mr. MITCHELL of Oregon. I agree with the Senator from Maine on that point. I think that is the proper thing to do. The question which occurred to my mind was whether, in a case where contractors had taken a contract to do a certain quantity of work for a certain amount of pay, the persons whom they employ on the work must be selected by the engineers.

Mr. FRYE. I do not understand that section 7 applies to any portion of the work let out by contract.

Mr. MITCHELL of Oregon. I should think that that would be the construction.

Mr. FRYE. It never was my construction of it.

Mr. VEST. I should like to ask the Senator from Maine a question, as possibly he has had an opportunity to examine an official copy of the recent general order of the President extending the civil service. Does he think that the engineer employees for these different works come within that order?

Mr. FRYE. I have not, of course, had the order before me, but I made inquiries of parties who ought to be informed in relation to such a matter, and I was informed that it did not apply to those employees. I do not myself think it does apply at all to them. I do not see how it is possible to have it apply. Those men have to be selected, as a matter of course, for a particular business, and the ordinary examination which is given by the Civil Service Commission could not possibly be of any sort of benefit. Take a watchman to be employed; the only question is as to his fidelity, and so on. The question is not as to whether he understands geography, or anything else; it is his fitness for the particular place which is wanted.

Then, again, these men—any number of them—are employed for only a month; some of them are employed for only a week; some of them are employed, as the Engineer Department told me, for only a day or two. It seems to me that if all those employees are to be placed under the civil service, and they have to send to Washington in order to get liberty to employ some one who has passed an examination to do a day's work, we are going to be immensely troubled about river and harbor improvements. It is not conceivable that the President has made any order which means that. I have quite a long communication in relation to it in my room. This is not a question of appropriating money or anything of that kind. It is only for the good of the service. I would rather that the conferees should sit down and look it over and get what information they can and determine it.

Mr. VEST. As I said before, I have not seen a copy of the official order, but I saw a synopsis published in one of the city papers here, and if that was at all correct the order would include these employees, because it specifically mentions subordinates in the engineer service.

Mr. FRYE. What does the Senator understand by subordinates?

Mr. VEST. Those below the engineer officer, the clerical force; it would include any employee under the terms as reported in that paper. As to the absurdity of the enactment, there are so many absurd enactments in the civil-service law and the orders made under it that in my opinion it hardly constitutes an argument with me. We know that the civil service has been extended to mere mechanical employees where no expert knowledge is required at all. We have an era in this country of civil-service reform run mad. It has been applied to the Printing Office employees.

Mr. FRYE. Will the Senator allow me?

Mr. VEST. Of course.

Mr. FRYE. The local engineers who have this work to do are all over the United States, from the Gulf to the Canadian line, from the Atlantic to the Pacific coast.

Mr. VEST. That is true.

Mr. FRYE. They are on the great rivers of the country, and they are compelled at call to require laborers of various kinds, watchmen, and civil engineers. Now, is it conceivable that the President of the United States has made an order which will require those local engineers to pursue the usual course of departmental officers in order to get workmen? That can not be possible. It would simply stop all the work on the river and harbor improvements. It could not go on. They can not send here to the Civil Service Commission and take their employees from a list of

to insert "or said materials may be purchased and work may be

wise herein especially provided for, contingencies, expenses connected with

laborers who have passed examinations. It is certainly impossible that that can be so.

Mr. VEST. The synopsis which I saw stated that the order specifically exempted laborers and the private secretaries of the heads of Departments. Those were the only exceptions. So that objection would not apply. I confess that it is always unsafe to base any argument upon a document which we have not seen in the most authentic form. It is like a lawyer giving an opinion upon a will which has been verbally reported to him. If we had the order before us we could determine the matter in a very short time. I had some distrust of the synopsis from the reading, for it went on to state that the whole number embraced within the order was some 29,780.

Mr. FRYE. That would not cover half the employees of this board.

Mr. VEST. Under the terms of the order, as stated in the paper, it would cover fourth-class postmasters, and we know there are a great many more than that number of fourth-class postmasters in the United States. But until we can see that official copy it is impossible to say whether it covers all the employees or how many of them. I know that it was stated that it extended to laborers. That is all I care to say.

Mr. GORMAN. Mr. President, I do not myself believe that the question of the civil-service order is at all involved in this amendment. Under the appropriations made in this bill, as has always been the case with the War and Navy Departments in the appropriations for the construction of vessels and public improvements, the employees, not being considered officers of the Government, are paid out of a lump sum appropriated for the work. Therefore I do not believe the civil service covers them, and I do not believe there will be any trouble.

I call the attention of the Senator from Maine to this provision—and that is the principal objection I have to it—that it is necessarily left to the discretion of the officer in charge of the improvements as to how many persons shall be employed. It is a very wise discretion, and a very necessary one in cases of this sort. The rule has always been that the Engineer Department determines from the class of work as to the number of assistant civil engineers outside the Army which they desire, and the other employees, and reports to the Secretary of War. They recommend that A, B, and C be employed, and, as a matter of course, the recommendation is approved by the Secretary of War. So in fact in ninety-nine cases out of a hundred the engineers have the discretion. If this seventh section, however, be adopted it will take away the supervising power of the Secretary of War; and that is unwise. We all have great confidence in the Chief of Engineers and the army engineers whom he assigns to these various positions, dividing them into six or seven divisions. But still the power to supervise and determine and limit as to the class of appointments should be reserved to the Secretary of War.

I think this amendment should not be adopted. It changes existing law so radically that I feel compelled to make the point of order against it, that it is a change of existing law. I shall not care to do that, of course, if the Senator will allow it to go out of the bill and let the law remain as it is. That law has worked so well in the past that I have no doubt it will do so in the future. I do not believe there are a half dozen cases where there is any serious complaint of the engineers in charge of these public improvements as to the selection of their outside assistants. Quite a number of such assistants are necessary. It is an unsafe rule, in my judgment, to put into the hands of a subordinate officer the power to determine not only as to the number and compensation of the men, but as to their selection.

Mr. MITCHELL of Oregon. Mr. President, I propose to amend the amendment of the committee before it is acted upon by inserting after the word "charge," in line 22, the following proviso:

Provided, That preference shall in all cases be given to American citizens.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oregon to the amendment of the committee.

Mr. FRYE. You might as well insert a provision as to their religious persuasion. I do not think the amendment is necessary.

Mr. MITCHELL of Oregon. I do not believe in interfering in religious matters in legislation, but I do believe in standing up for Americans and giving Americans preference every time and all the time over foreigners. That is why I offer the amendment.

Mr. GORMAN. I raise a point of order on this section that it is a change of existing law.

Mr. FRYE. I do not care to say much about this proposition.

Mr. SQUIRE. I wish to say that I agree to the amendment proposed by the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Maine [Mr. FRYE] has the floor.

Mr. FRYE. I have seen the Steamboat Inspection Service very seriously harmed, and as was charged by the New York Herald a year ago in an exaggerated way, which newspapers sometimes indulge in, ruined from the fact that offices were made political, and that with every change in Administration the old steamboat inspectors went out and new ones came in. There is no excuse for that. Human life depends upon the fidelity and knowledge and skill of steamboat inspectors; and to make those places political offices is an offense against decency and right.

The improvement of rivers and harbors went on for a great many years, and no sign of politics was seen. It was as clear from it as the Life-Saving Service has been all the time, which has been kept exactly and completely out of politics, and is one of the most successful services we have. Within the last ten years there has been gradually creeping in the making the employment even of laborers in the improvement of rivers and harbors political. I know that a watchman, whose fidelity was unquestioned, at Sault Ste. Marie, where it not only should be unquestioned, but it should be unquestionable on account of the enormous amount of business done, who, at the request of a member of Congress, was removed, and another one, unfit for the place, as it was charged, put in. I know that in quite a number of districts, especially in the South—I do not know of any at all in the North, but especially in the South—the local engineers have been worried and tormented with the requests of the member of Congress from the district to turn out their employees and put in some who were friends of the member. I know it has made trouble. I do not wish to be any more exact in my statements, or to particularize any more than that. I was afraid of an entering wedge. This statement does not apply to one party any more than it does to another. My judgment is that if it was an entering wedge and the door was driven wide open, your river and harbor improvements hereafter would not be conducted with the fidelity and integrity that they have been heretofore. I did not like it to be injured in any way. It is of vast importance to the country, and the country has the confidence that the money is now honestly and economically expended, and I think it ought to remain with that confidence, and not have it disturbed.

I had rather this amendment should remain in the bill, and I think I had rather compel the Senator from Maryland to get it out by a point of order, if he insists upon it. I had rather that it should remain in the bill, so that in conference we may have an opportunity to examine the President's order and an opportunity to examine a paper which has been left with me by the Engineer Department, which I wish to look over, and then determine whether the provision shall remain in the bill or not.

Mr. GORMAN. I agree with all the Senator has said about the necessity of keeping this service in the condition that he desires. As to the steamboat service, I think the Senator will agree with my statement that, notwithstanding the allegation of its being purely a political matter, that never has occurred as a matter of fact. There have been removals with changes of Administration, but nothing seriously to interfere with that service. We have had, as the Senator knows, quite a number of charges made against the head of that service, who has been there for a very long time, certainly ever since I have been in Congress. I do not know his politics. I assume, however, that he was appointed long before Mr. Cleveland's first Administration, and is probably a Republican. He has been retained by all the Secretaries of War; and the local appointments in that service, as the Senator knows as well as I do, are made upon the recommendation of the collectors of the ports and the circuit judges. So it has been kept comparatively free from politics, as it ought to be kept. Efficiency and knowledge are the only things which are there required.

So I believe it has been with the river and harbor service. I do not believe that under any Administration there has been any attempt to use it for political purposes. The appointments are made on the recommendations of army officers, and I think there has been full confidence that they have acted with a view to the good of the service. They are human, however, and in some cases they may have selected their assistants from people who were their intimates; but as a rule I think the selections have been made because of efficiency. I therefore think it unwise to change the system at this time. There may be a few cases, a half dozen or so, in which a different course has been pursued, but there is no one of which I have knowledge so far as the great works going on in Maryland waters under the control of General Craighill, Chief of Engineers, are concerned. I do not know of any appointment he has made for political purposes of people to work on those improvements. I do not know the appointees, but I doubt very much whether any of them represent the political interests on either side in Maryland. I believe that this service is absolutely free from it in my section. I believe that to be generally the case, and I should not like to see the matter changed at this time. I think it had better come up when we can have a full opportunity to discuss it, and therefore I will make the point of order on the amendment that it is general legislation.

The PRESIDING OFFICER. The Chair is of opinion that section 7 is obnoxious to the third clause of Rule XVI as to general legislation, and that the point is well taken.

Mr. FRYE. I have no doubt the Chair is correct, as the Chair is apt to be.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section [6] 8, on page 101, line 19, under the head of "Delaware," to strike out the word "Johns," and insert "Jones"; so as to read:

DELAWARE.

St. Jones River.

The amendment was agreed to.

The next amendment was, on page 101, under the head of "Florida," after line 22, to strike out:

Anclote River.

The amendment was agreed to.

The next amendment was, on page 102, line 1, after the word "Bay," to insert "from its confluence with Tampa Bay, through Hillsboro Bay and River to the city of Tampa"; so as to read:

Hillsboro Bay, from its confluence with Tampa Bay, through Hillsboro Bay and River to the city of Tampa.

The amendment was agreed to.

The next amendment was, on page 102, after line 4, to insert:

Clearwater Harbor.

The amendment was agreed to.

The next amendment was, on page 102, after line 5, to insert:

Inside passage from Punta Rassa to Charlotte Harbor.

The amendment was agreed to.

The next amendment was, on page 102, after line 6, to insert:

Orange River or Creek, to its confluence with the Caloosahatchee and thence to the Gulf of Mexico.

Mr. PASCO. I move that in the committee amendment, on page 102, line 8, after the word "Caloosahatchee," the word "River" be inserted.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 102, after line 8, to insert:

Chipola River, from Marianna to its connection with the Apalachicola River.

The amendment was agreed to.

The next amendment was, under the head of "Maine," on page 103, line 5, after the word "River," to insert "with a view to its improvement by dredging from its mouth to the wharves at Jonesboro"; so as to make the clause read:

Chandlers River, with a view to its improvement by dredging from its mouth to the wharves at Jonesboro.

The amendment was agreed to.

The next amendment was, on page 103, after line 6, to insert:

St. Croix River below Calais, between Maine and New Brunswick, to form an estimate of the cost of said improvement, and recommend the proportion which the United States ought equitably to bear.

The amendment was agreed to.

The next amendment was, on page 103, after line 12, under the head of "Massachusetts," to insert:

The approaches to the Cape Cod ship canal between Dennisport and Bass River Light-House on the south side and Nobscusset Point and Bass Hole on the north side of Cape Cod.

The amendment was agreed to.

The next amendment was, on page 104, after line 8, under the head of "Minnesota," to insert:

Otter Tail Lake and Otter Tail River, with a view to the construction of a dam at the outlet of said lake, for the purpose of improving the navigation on the Red River of the North.

The amendment was agreed to.

The next amendment was, on page 104, after line 16, to strike out:

Stillwater, for preservation of harbor.

The amendment was agreed to.

The next amendment was, on page 104, line 24, under the head of "Mississippi," after the words "Ship Island Harbor," to insert:

With a view of dredging a channel 500 feet wide and 25 feet deep to connect Ship Island Harbor with a railroad pier at Gulf Port.

So as to make the clause read:

Ship Island Pass, with view to obtaining a channel of 26 feet depth at low tide in said pass between the Gulf of Mexico and Ship Island Harbor, with a view of dredging a channel 500 feet wide and 25 feet deep to connect Ship Island Harbor with a railroad pier at Gulf Port.

The amendment was agreed to.

Mr. HILL. I move to strike out lines 16 and 17, on page 105.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out lines 16 and 17, on page 105, as follows:

Oswego River, Oneida Lake, and Mohawk River, so as to connect them.

The amendment was agreed to.

Mr. FRYE. On page 105, line 23, I move to strike out all after the words "Oyster Bay."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 23, on page 105, after the words "Oyster Bay," it is proposed to strike out "with a view to its connection with Lloyd Harbor."

The amendment was agreed to.

Mr. FRYE. Now I move to insert on page 105, after line 24, the following:

Lloyd Harbor, with a view to its connection with Cold Spring Bay.

The amendment was agreed to.

Mr. FRYE. On page 106, after line 8, before the name "North Carolina," I move to insert:

Babylon Creek.
Roslyn Harbor.

These are separate items.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 106, after line 11, under the head of "North Carolina," to insert:

Potecasi Creek.
Cashie River.

The amendment was agreed to.

The next amendment was, on page 106, after line 19, under the head of "Oregon," to insert:

Harbor at Cape Lookout, Oregon, with a view to the construction of a harbor of refuge, and the estimated cost thereof.

The amendment was agreed to.

The next amendment was, at the top of page 107, to insert:

Scappoose Bay, from its mouth to and including the lower portion of Scappoose Creek.

The amendment was agreed to.

Mr. QUAY. If the Chair will recognize me, in regard to the item under the head of "Pennsylvania," in line 5, I desire to amend by inserting before the word "dam" the words "all the," changing the word "dam" to "dams," and striking out the words "at Russell" and inserting "on the Conewango Creek."

Mr. QUAY. Let the clause be read as proposed to be amended.

The PRESIDING OFFICER. The clause will be read as proposed to be amended.

The SECRETARY. It is proposed to amend the clause so as to read:

Removing dam in upper Allegheny near Corydon, and all the dams on the Conewango Creek, and the rapids at or near Waterboro, in the Conewango Creek, a tributary of the Allegheny River.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, under the head of "Washington," on page 107, after line 17, to strike out:

Puyallup River.

The amendment was agreed to.

The next amendment was, on page 107, line 19, after the word "Neah," to strike out "River" and insert "Bay"; so as to make the clause read:

Neah Bay, with a view to its improvement as a harbor of refuge.

The amendment was agreed to.

The next amendment was, on page 107, after line 20, to strike out:

Duawamish River and its tributaries.

The amendment was agreed to.

The next amendment was, on page 107, after line 21, to strike out:

Mouth of Willapa River.

Mr. SQUIRE. In line 24, on page 107, I move to strike out the words "tide water" and insert the words "navigation, or Etna"; so that the line will read:

North Fork of Lewis River to head of navigation, or Etna.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 24, on page 107, after the words "head of," it is proposed to strike out "tide water" and insert "navigation, or Etna."

The amendment was agreed to.

Mr. FRYE. In the next line "Section 7" was changed by the committee to "Section 9," "7" being stricken out and "9" inserted. One section having gone out, the "9" should be now "8."

The PRESIDING OFFICER. That amendment will be made, in the absence of objection.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 108, after line 13, under the head of "California," to insert:

Wilmington Harbor, California, with a view of increasing the depth of said harbor to 25 feet at mean low water over the area proposed to be improved in the project set forth in the report of Lieut. Col. W. H. H. Benyaurd of June 8, 1894, and contained in Senate Executive Document No. 61, Fifty-third Congress, third session, and over an additional area extending to Smith Island, and of adequate width to allow the turning of vessels.

The amendment was agreed to.

The next amendment was, under the head of "Florida," on page 109, line 5, after the words "Apalachicola Bay," to insert:

And the approaches to Apalachicola, with a view to obtaining a channel 100 feet wide and 18 feet deep at low water.

So as to make the clause read:

Apalachicola Bay and the approaches to Apalachicola, with a view to obtaining a channel 100 feet wide and 18 feet deep at low water.

The amendment was agreed to.

The next amendment was, on page 109, line 8, after the words "Tampa Bay," to insert "from Port Tampa to the mouth of the bay"; so as to make the clause read:

Tampa Bay, from Port Tampa to the mouth of the bay.

The amendment was agreed to.

The next amendment was, on page 109, line 9, after the words "Withlacoochee River," to insert "from its mouth to the head of navigation"; so as to make the clause read:

Withlacoochee River, from its mouth to the head of navigation.

The amendment was agreed to.

The next amendment was, on page 109, after line 11, to insert:

Anclote River.
Biscayne Bay.

The amendment was agreed to.

Mr. PASCO. I move to insert after "Biscayne Bay," in line 13, on page 109, as a separate item, the following:

Palm Beach.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 109, after line 15, to insert:

INDIANA AND ILLINOIS.

Wolfe Lake and River, with reference to their navigation in connection with the waters of Lake Michigan.

The amendment was agreed to.

The next amendment was, on page 109, after line 24, under the head of "Louisiana," to insert:

The Secretary of War is hereby authorized and directed to ascertain the nature and character of the channel excavated through the Atchafalaya Bay, and to determine whether said channel is of value or of necessity to commerce; and if in his opinion it is, he shall ascertain the cost of acquiring the same for and in behalf of the United States, and report thereon.

The amendment was agreed to.

The next amendment was, on page 110, after line 7, under the head of "Maine," to insert:

St. Croix River below Calais, between Maine and New Brunswick, submitting estimate of the cost of said improvement and the amount the United States ought equitably to bear.

The amendment was agreed to.

Mr. FRYE. On page 103, the clause from line 7 to line 10, may go out of the bill.

The PRESIDING OFFICER. The words proposed to be stricken out will be stated.

The SECRETARY. It is proposed to strike out the clause from line 7 to line 10, inclusive, on page 103, as follows:

St. Croix River below Calais, between Maine and New Brunswick, to form an estimate of the cost of said improvement, and recommend the proportion which the United States ought equitably to bear.

The PRESIDING OFFICER. If there be no objection, the vote by which the amendment was heretofore adopted will be regarded as reconsidered, and the amendment of the committee inserting the clause will be disagreed to. The Chair hears no objection, and it is so ordered.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 110, after line 12, to insert:

Union River, for a deeper and broader channel.

The amendment was agreed to.

The next amendment was, on page 110, after line 15, to insert:

Harraseeket River.
Machias River from Machias to Machiasport.

The amendment was agreed to.

The next amendment was, under the head of "Maryland," on page 110, after line 19, to insert:

Annapolis Harbor, with a view to straightening, widening, and deepening the channel of the entrance to said harbor so as to obtain a ship's channel of 150 feet wide and 28 feet deep at mean low water from Chesapeake Bay to the wharves of the United States Naval Academy in said harbor.

Mr. FRYE. I move to strike out line 19, on page 110.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out line 19, on page 110, as follows:

Inner Harbor Rock Hall.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 111, after line 1, to insert:

Chapel Point Harbor.

The amendment was agreed to.

The next amendment was, on page 111, after line 2, to insert:

Baltimore Harbor, with a view to securing a channel 30 feet in depth.

The amendment was agreed to.

The next amendment was, on page 111, after line 4, to insert:

Queenstown Harbor.

The amendment was agreed to.

The next amendment was, under the head of "Massachusetts," on page 111, line 11, after the word "Marblehead," to insert the word "Neck"; so as to make the clause read:

Marblehead Harbor, with a view to improving the harbor by building a sea wall to protect the isthmus connecting Marblehead Neck with the town of Marblehead.

The amendment was agreed to.

The next amendment was, on page 111, after line 14, to insert:

Channel in New Bedford Harbor leading to the bridge between that city and Fairhaven, with a view to determining what amount of dredging would be necessary to make the change in the draw in said bridge from the west to the east side of Fish Island practicable and advantageous.

The amendment was agreed to.

Mr. FRYE. On page 112, line 5, after the word "the," at the end of the line, I move to insert "Enfield."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of line 5, on page 112, it is proposed to insert "Enfield"; so as to read:

Connecticut River, between Holyoke and the foot of the Enfield Rapids.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 112, after line 7, to insert:

Weymouth Back River from Hingham Bridge to Mann's Wharf.

The amendment was agreed to.

The next amendment was, under the head of "Mississippi," on page 112, after line 19, to insert:

Ship Island Harbor, in the Mississippi Sound, to determine the most practicable route from said harbor for a deep-water channel leading to the mainland on the coast of Mississippi.

The amendment was agreed to.

The next amendment was, on page 113, line 2, after the words "channel of," to strike out "20" and insert "23"; so as to make the clause read:

Horn Island Pass, and the passage leading from said pass to the anchorage inside Horn Island, with a view to obtaining in said pass and passage leading therefrom a channel of 23 feet at low tide.

The amendment was agreed to.

The next amendment was, under the head of "Minnesota," on page 113, line 6, after the words "Big Stone Lake," to insert "and Lake Traverse"; so as to make the clause read:

Big Stone Lake and Lake Traverse, with a view to the construction of reservoirs in accordance with the report of Maj. W. A. Jones, of the Engineer Corps of the United States Army, dated January 16, 1895.

The amendment was agreed to.

The next amendment was, on page 113, after line 10, to strike out:

Red Lake River, with a view of improving Red Lake River from Thief River Falls to the Red Lake, in accordance with the report of Maj. W. A. Jones, of the Engineer Corps of the United States Army, dated February 26, 1895.

The amendment was agreed to.

The next amendment was, under the head of "Michigan," on page 113, after line 17, to strike out:

Harbor of Frankfort, with a view of obtaining an 18-foot depth of water.

The amendment was agreed to.

The next amendment was, on page 114, after line 11, to insert:

NEW HAMPSHIRE.

Exeter River, from its mouth to the upper bridge in Exeter.

The amendment was agreed to.

The next amendment was, under the head of "New York," on page 114, after line 22, to strike out:

Bay Ridge, Gowanus Creek, Red Hook, and Buttermilk channels, with a view to making one continuous channel 30 feet in depth and of equal width.

And insert:

Bay Ridge Channel, the triangular area between Bay Ridge and Red Hook channels, and Red Hook and Buttermilk channels, with a view to making one continuous channel with a least depth of 30 feet at mean low water for a width of 1,000 feet, and also for a continuous channel with a least depth of 35 feet at mean low water for a width of 1,200 feet.

The channel between the Battery and Governors Island, with a view to making a channel continuous with Buttermilk Channel 30 feet in depth and 1,200 feet in width.

The amendment was agreed to.

The next amendment was, under the head of "North Carolina," on page 115, after line 13, to insert:

Ocracoke Inlet, to obtain a channel 14 feet in depth.

The amendment was agreed to.

The next amendment was, on page 115, line 16, after the word "refuge," to insert "with a view to making it capable of sheltering the largest vessels"; so as to make the clause read:

Cape Lookout harbor of refuge, with a view to making it capable of sheltering the largest vessels.

The amendment was agreed to.

The next amendment was, on page 115, after line 18, to insert:

Neuse River, at and below Newbern, for an 8-foot depth at dead low water.

The amendment was agreed to.

The next amendment was, on page 115, after line 20, to insert:

Pamlico River, to obtain a depth of 10 feet up to Washington, N. C.

Mr. BUTLER. With the permission of the chairman I should like to move an amendment. I move to insert after the word "Washington," in line 22:

And to make necessary improvements of the harbor at Washington.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, under the head of "Oregon," at the top of page 116, to insert:

Port Orford Harbor, Oregon, with estimate of cost of improvement and importance to shipping and commerce.

The amendment was agreed to.

The next amendment was, on page 116, after line 3, to insert:

The Tualiton River, from the town of Tualiton, at the crossing of the narrow-gauge railroad, up to the crossing of the Oregon and California Railroad at Gaston, and up the Dairy Fork of said river from its junction therewith near Hillsboro to Lousignant Lake.

The amendment was agreed to.

The next amendment was, under the head of "Texas," on page 117, line 2, after the words "Sabine Lake," to insert:

With a view of obtaining through said lake a ship channel of sufficient width and depth for the purpose of navigation from Sabine Pass to the mouth of the Neches and Sabine rivers.

So as to make the clause read:

Sabine Lake, with a view of obtaining through said lake a ship channel of sufficient width and depth for the purpose of navigation from Sabine Pass to the mouth of the Neches and Sabine rivers.

The amendment was agreed to.

The next amendment was, on page 117, after line 5, to insert:

For further determining the causes of the erosion of the easterly end of Galveston Island, and estimating the cost of works to prevent the same.

The amendment was agreed to.

The next amendment was, under the head of "Washington," on page 116, line 8, to insert:

Skagit River, from its mouth to the town of Sedro, Wash.
Duwamish River and its tributaries.
Mouth of the Puyallup River.
Mouth of Willapa River and Mail Boat Slough.
Snake River, from its mouth to Riparia.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. FRYE. On page 106, line 1, I move to strike out the word "between" and insert the word "to"; so as to read:

Channels to Far Rockaway and Inwood.

The amendment was agreed to.

Mr. FRYE. There is one item which has been passed over, that in relation to harbors on the Pacific coast. I should like to ask the Senator from California [Mr. WHITE] whether he prefers that that should remain until the various amendments which may be proposed to the bill are acted upon.

Mr. WHITE. I think it might be better, perhaps, to follow that course.

Mr. FRYE. I will take the Senator's direction about it.

Mr. WHITE. Yes, sir; I think that would be better. It will take some time to complete the discussion as to the Pacific coast harbors matter. I believe we had better dispose of the other amendments before entering upon that.

Mr. GRAY. At the end of section 6, on page 100, I ask that the amendment which I send to the desk may be considered.

The SECRETARY. On page 100, at the end of section 6, line 15, it is proposed to insert:

That section 2 of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes, approved July 31, 1894, shall not be so construed as to prevent the employment of any retired officer of the Army or Navy to do work under the direction of the Chief of Engineers of the United States Army in connection with the improvement of rivers and harbors of the United States, or the payment by the proper officer of the Treasury of any amounts agreed upon as compensation for such employment.

Mr. FRYE. Will the Senator from Delaware explain the amendment?

Mr. GRAY. In the act making appropriations for the legislative, executive, and judicial expenses for 1894 there is the following provision:

No person who holds an office the salary or annual compensation attached to which amounts to the sum of $2,500 shall be appointed to or hold any other office to which compensation is attached unless specially heretofore or hereafter specially authorized thereto by law.

I do not know that there is more than one case at present which would be affected by the amendment I propose, but it would enable the Engineer Department to avail itself of the services of army officers who are on the retired list and without occupation. It prevents a construction being put upon the law (I do not think the law really rules them out) which would exclude them from such employment as the Engineer Department chooses to give them for the benefit of the service.

Mr. SQUIRE. I am in favor of the amendment proposed by the Senator from Delaware, and I think it ought to be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Delaware [Mr. GRAY].

The amendment was agreed to.

Mr. MITCHELL of Oregon. I offer an amendment to come in after line 10, on page 116.

The amendment was read and agreed to, as follows:

The Willamette River, immediately opposite the city of Salem, with a view of ascertaining the necessity for and character and cost of constructing a revetment or dike to maintain the river in its present channel at that point, and prevent said river from cutting a new channel through the lowlands on the left bank thereof.

Mr. CARTER. I offer an amendment to come in on page 89.

The SECRETARY. After the word "Montana," in line 5, page 89, it is proposed to insert:

Provided, That, subject to such conditions as the Secretary of War may prescribe, any person, company, or corporation may construct a dam or dams across said river above Stubbs Ferry with necessary canal and improvements to develop water power and for other purposes.

Mr. FRYE. I should like to know whether the attention of the Senator from Missouri [Mr. VEST] has been called to the amendment?

Mr. VEST. It has not been.

Mr. FRYE. I do not claim to know anything about the Missouri River or the Mississippi River, and the Senator from Missouri has all knowledge about them. Will the Senator hear the amendment proposed by the Senator from Montana?

The PRESIDING OFFICER. The amendment will again be read.

The Secretary again read the amendment.

Mr. VEST. I do not see any objection to the amendment. There is no navigation there, and we have already authorized works to be placed there which would have the effect of a dam.

Mr. FRYE. All right.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Montana [Mr. CARTER].

The amendment was agreed to.

Mr. BUTLER. On page 18, line 12, with the permission of the committee, I move to strike out the word "four" and insert in lieu thereof the word "five," making the appropriation $5,000 for Beaufort Harbor, North Carolina.

The SECRETARY. In line 12, page 18, it is proposed to strike out "four" and insert "five"; so as to read:

Improving harbor at Beaufort, N. C.: Continuing improvement, $5,000.

The amendment was agreed to.

Mr. BUTLER. On page 54, after line 14, with the permission of the committee, I move to insert the amendment which I send to the desk.

The SECRETARY. After line 14, on page 54, it is proposed to insert:

For making improvements in Fishing Creek, North Carolina, from mouth to the Wilmington and Weldon Railroad bridge: Continuing and maintaining improvement, $15,000, being the amount heretofore appropriated and still unexpended, to be available when conditions are complied with as per acts of Congress September 19, 1890, and July 13, 1892.

Mr. BUTLER. It merely makes available what has already been appropriated.

Mr. FRYE. Let me see about the amendment. The Senator from North Carolina does not talk loud enough for me to hear him, and I do not think I am at all deaf from old age.

Mr. BUTLER. It is an amendment, if the chairman will remember, which I explained to the committee and which the committee intimated it would adopt, but through an oversight failed to put in when reporting the bill. It is simply to make available an appropriation of $15,000 for Fishing Creek which has been heretofore made.

Mr. FRYE. There is no objection to the amendment. The money is available now, therefore it will do no harm.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from North Carolina [Mr. BUTLER].

The amendment was agreed to.

Mr. BUTLER. On page 115, after line 22, I move to insert:

Town Creek, Brunswick County, N. C., with a view to straightening the river in at least two places, and to obtain a depth of at least 8 feet to "Upper Bridge," and to improve the river 6 miles farther to the head of tide water, to the place known as "Rocks," by removing obstructions, etc.

Mr. FRYE. I wish to inquire of the Senator from North Carolina whether or not any improvement has ever been made on that river? Has a survey been made heretofore?

Mr. BUTLER. Yes, sir.

Mr. FRYE. It has?

Mr. BUTLER. The matter was before the Committee on Commerce; I explained it. A survey was made, and I call the attention of the committee to the fact that an appropriation of $9,000——

Mr. FRYE. The Senator's statement that there has been a survey is sufficient. There is no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from North Carolina [Mr. BUTLER].

The amendment was agreed to.

Mr. GRAY. I offer an amendment to come in after the word "dollars," in line 18, on page 16.

The SECRETARY. After the word "dollars," in line 18, page 16, it is proposed to insert:

Five thousand dollars may, in the discretion of the Secretary of War, be expended during the year 1896 in improving the channel between Churchmans Bridge and Smalleys Bridge on said river, of which sum one-half shall be expended below and the other half above the drawbridge at Christiana Village.

Mr. FRYE. I think it should read——

Mr. VEST. "Of which amount."

Mr. FRYE. "Of which amount $5,000," etc.

The SECRETARY. It is proposed to amend the amendment so as to read:

Of which amount $5,000 may, in the discretion of the Secretary of War, etc.

Mr. FRYE. That is all right.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. LODGE. I ask unanimous consent to make a change in the amendment which was put into the bill by the committee at my request. On page 103, for surveys in Massachusetts as it now stands the clause reads:

The approaches to the Cape Cod Ship Canal between Dennisport and Bass River Light-House on the south side and Nobscusset Point and Bass Hole on the north side of Cape Cod.

I should like to have all of the amendment after the word "Canal" stricken out, leaving it simply "the approaches to the Cape Cod Ship Canal." I desire merely a survey.

Mr. FRYE. There is no objection to the amendment.

The PRESIDING OFFICER. By unanimous consent, the amendment will be considered as reconsidered. The question is on agreeing to the amendment of the Senator from Massachusetts [Mr. LODGE] to the committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. LODGE. I now desire to offer an amendment which I reported from the Committee on Foreign Relations, and which was referred to the Committee on Commerce. On page 39, after line 2, I move to insert:

For survey of Portland channel, Alaska, $5,000.

The amendment was agreed to.

Mr. CAFFERY. I offer an amendment, of which my colleague [Mr. BLANCHARD] gave due notice. On page 62, after line 8, I move to insert what I send to the desk.

The SECRETARY. After line 8, on page 62, it is proposed to insert:

Improving Mermentau River and tributaries, Louisiana: Continuing improvement, $5,000.

Mr. FRYE. I should like to have the Senator from Louisiana explain the amendment.

Mr. CAFFERY. I will state that the improvement of this river was left out by inadvertence in the other House. I refer the chairman of the Commerce Committee to the report of the Secretary of War, part 3, page 1768, where it appears that in 1891 a survey was made of this river, and in 1892 Congress appropriated $7,500 for the work. In 1894 it appropriated $5,000. The estimate of the Chief of Engineers for the completion of the work is $11,115 in addition. The appropriation now proposed is $5,000 only.

Mr. FRYE. Is there an estimate made for this year?

Mr. CAFFERY. Yes, sir. It says:

Amount (estimated) required for completion of existing project, $11,115.25. Amount that can be profitably expended in fiscal year ending June 30, 1897, $11,115.25.

In other words, the Chief of Engineers recommends that the whole amount of money necessary to complete the work shall be appropriated now.

Mr. FRYE. I am not disposed to make a point of order on the amendment.

Mr. CAFFERY. I know personally that the river requires improvement. It flows through a section of country thickly settled by a very thrifty people, and the improvement in the tonnage, as shown in the "money statement," indicates that the improvements have worked great benefit to that part of the country. The tonnage, for instance, in 1894 was 5,000, and in 1895 it was 15,000, leaving off the odd numbers, an increase of about 300 per cent in tonnage from work already done. I know that the river stands in need of the improvement. I hope the amendment will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Louisiana [Mr. CAFFERY].

The amendment was agreed to.

Mr. BATE. I move to amend, on page 117, after the word "Harriman," in line 10, by inserting what I send to the desk.

The SECRETARY. On page 117, at the end of line 10, it is proposed to insert:

The north fork of Forked Deer River below Dyersburg, with a view of removing the snags, cypress knees, and other obstructions, and for dredging out and removing the bars and shoals at Caney Point Shoals, 8 miles below Dyersburg; at Basin No. 1, 12½ miles below Dyersburg; at Basin No. 2, 13½ miles below Dyersburg; at McCoys Shoal, 14½ miles below Dyersburg; at Shoal Cut-Off No. 2, 14½ miles below Dyersburg and below the mouth of Forked Deer River; and for straightening the river one-half mile below Dyersburg; and for removing snags, blasting embedded trees and snags in the river from Key Corner to junction with Obion River, so as to deepen the channel and improve the navigation of said river from Dyersburg to the Mississippi River.

Mr. BATE. It is merely for a preliminary survey.

Mr. VEST. There is no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Tennessee [Mr. BATE].

The amendment was agreed to.

Mr. BATE. I have an amendment to offer on page 66.

The SECRETARY. It is proposed to strike out lines 6 and 7, on page 66, and insert in lieu thereof the following:

Improving the north or middle fork of Forked Deer River, Tenn., from Dyersburg to the Obion River, and from thence to the Mississippi River, and for removing bars at the intersection of the Forked Deer and Obion rivers, and for removing other bars and shoals in said river, and for deepening the channel and improving the navigation of said river, $6,000.

Mr. VEST. My recollection is that the recommendation does not sustain any increase above the amount in the bill. On page 332 of the Engineer's Report——

Mr. BATE. I will explain it to the Senator. There is an appropriation of $1,000 in the bill for maintaining the Forked Deer River. The Forked Deer River runs into the Obion, and there is in this bill an appropriation of $6,000 for the Obion River for similar purposes just above this item. I propose to amend, since I have ascertained that, by making it $3,000 instead of $6,000 there, because there is a confluence of the rivers, and the amount appropriated to the Obion River will be utilized in a part of the river below the mouth of the Forked Deer. Therefore, while I ask for $6,000 I only ask for $3,000 to affect that part of the river. I think it is proper.

It is a navigable stream. There were five steamboats running up it, as the report shows, when the survey was made. It is to be found in part 3, volume 2, of the report of the Secretary of War to the House of Representatives at this session. It shows it to be a navigable stream. While there is no estimate for the improvement, there is an acknowledgment of the necessity of it by placing a thousand dollars in the bill for this purpose. I think it is patent and ought to be done. The river is full of cypress leaves, and there is a bar forming at the mouth of the river. There are three or four or five steamboats running up as far as Dyersburg, which is the point indicated in the amendment. I think there ought to be no objection to it.

Mr. VEST. I suggest that the Senator make it $5,000.

Mr. BATE. Very well; I will make it $5,000.

Mr. VEST. If the Senator reduces it to $5,000 the committee will not object.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment by striking out "six" and inserting "five"; so as to read "$5,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. VEST. Now, if there are no other amendments except the Santa Monica matter, the Senator from California [Mr. WHITE] is ready to proceed.

The PRESIDING OFFICER. There is only one amendment which has been passed over. The Secretary will state the amendment.

The SECRETARY. On page 35, after line 12, the committee propose to insert the following amendment:

For a deep-water harbor at Port Los Angeles, in Santa Monica Bay, California, said harbor to be formed by the construction of a breakwater to be situated southwesterly from the mouth of Santa Monica Canyon, substantially as shown on first chart in House Executive Document No. 41, Fifty-second Congress, second session, $100,000: *Provided*, That the Secretary of War may make contracts for the completion of said work, to be paid for as appropriations may be made from time to time according to law, not exceeding in the aggregate $2,998,000, exclusive of the amount herein and heretofore appropriated: *Provided, however*, That the expenditure of any part of the money hereby appropriated, the Southern Pacific Company, or the owner or owners thereof, shall execute an agreement and file the same with the Secretary of War, that any railroad company may share in the use of the pier now constructed on the site of said harbor, and the approaches thereto, situated westerly of the easterly entrance to the Santa Monica tunnel, upon paying its proportionate part of the cost of the same and its proportionate part of the expenses of maintenance of the same, to be determined by the Secretary of War, in case of disagreement between the parties.

Mr. WHITE. I offer the amendment which I send to the desk.

The SECRETARY. It is proposed to strike out all the committee

amendment, commencing on line 13, page 35, down to and including line 10, on page 36, and insert in lieu thereof the following:

For the purpose of selecting a proper location for a deep-sea harbor either in the Bay of San Pedro or at Port Los Angeles, in the Bay of Santa Monica, on the coast of Los Angeles County, Cal., a board of engineers, one of whom shall be an officer of the United States Navy, with a rank of not less than commander, to be appointed by the Secretary of the Navy, one a member of the Corps of Engineers of the United States Army, to be selected by the Secretary of War, and one a member of the Coast and Geodetic Survey, to be selected by the Superintendent of the Survey, shall personally examine the more northerly location in said Santa Monica Bay at Port Los Angeles, shown upon the first chart of House Executive Document No. 41, Fifty-second Congress, second session, as a proper place for a breakwater and deep-sea harbor, and shall also examine the location recommended for a breakwater and deep-sea harbor by the Board of Engineers of the United States Army, as appearing in said House Executive Document No. 41, Fifty-second Congress, second session, and shall determine the relative merits of said locations, and shall designate which of said locations is the more eligible for such breakwater and deep-sea harbor, and shall report to the Secretary of War their finding in the premises, and the decision of a majority of said Board as to said location shall be conclusive. And the sum of $100,000 is hereby appropriated for a deep-sea harbor, to be constructed at the point so selected by said Board; and if said Board shall select the said location at Port Los Angeles, then the breakwater for which this appropriation is made shall be constructed substantially as shown on the said first chart in House Executive Document No. 41, Fifty-second Congress, second session; and if said Board shall select the location at San Pedro, then the breakwater for which this appropriation is made shall be constructed substantially as recommended by said Board of Engineers in said House Executive Document No. 41, Fifty-second Congress, second session: *Provided*, That the Secretary of War may make contracts for the completion of said work, to be paid for as appropriations may be made, from time to time, according to law, not exceeding in the aggregate $2,998,000, exclusive of the amount herein and heretofore appropriated: *Provided, however*, That if the said board shall report in favor of the construction of a breakwater at Port Los Angeles no expenditure of any part of the money hereby appropriated shall be made until the Southern Pacific Company, or the owner or owners thereof, shall execute an agreement and file the same with the Secretary of War that any railroad company may equally share with the said owner or owners in the use of the pier now constructed on the site of said harbor and the approaches thereto situated westerly of the easterly entrance to the Santa Monica tunnel upon paying its proportionate part of the cost of that portion of the same used by such railroad company and its proportionate part of the expense of maintenance of the particular part of said approaches and pier so used, to be determined by the Secretary of War in case of disagreement between the parties.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from California [Mr. WHITE].

Mr. WHITE. Mr. President, the question presented by the amendment which I have offered, and necessarily involved in the report of the committee, is of great local importance to those whom I in part represent, and it is of national importance on more than one account. In the first place, the United States are necessarily interested in everything pertaining to harbor improvements. This follows as a matter of course. Then the Government is also interested in seeing that appropriations made by the Congress of the United States by means of a river and harbor bill are made for public purposes, and that the diversion of the funds of the Government is not accomplished through private channels or for personal ends.

The situation must be briefly outlined. It will save some time in the future and doubtless be of advantage to me as well as to those who are to follow me in the discussion.

I place before the Senate a map which can not at once be seen, perhaps, by everyone in the Chamber, but it is as favorably located as circumstances will permit. It is a map of the State of California, and I particularly direct attention to the southerly coast. It will be noticed that the trend of the coast is southeasterly, so that at Santa Monica, located on the map at the point indicated by me [indicating], is some 250 miles, more or less, eastward of the parallel upon which the city of San Francisco is built. The coast from Point Conception, situated nearly north of the Island of Santa Rosa, tends strongly eastward, in fact the shore line for a considerable distance is almost east and west. Thence it proceeds southerly and easterly. We have here at this point [indicating] Point Dume, where Santa Monica Bay, so called, which is really an open roadstead, commences. Following along the coast southerly we reach Point Vincente, where the Santa Monica Bay, so called, ends. Thence we pass along the coast until we reach a point called Point Firmin. [Indicating.] There the Bay of San Pedro commences.

It is from a point close to Point Firmin that the breakwater recommended by the Government engineers is designed to be constructed. It is in Santa Monica Bay, at a point some 15 miles from Point Dume and northerly and westerly from the town of Santa Monica, that the breakwater provided for in the bill is sought to be erected. To more definitely fix these points according to the charts of the Coast and Geodetic Survey which are before us, I will refer to a chart obtained from that office in this city, which chart is marked "Pacific coast from Santa Monica to Point Conception, including Santa Barbara Channel, California." Point Dume upon this chart is located at this spot [indicating]. It will be observed by a close inspection of this diagram that the water from Point Dume southerly and southwesterly is exceedingly deep, the figures reading 14, 150, 182, 233, 273, 322 fathoms, and so on, increasing. The soundings seem to cease beyond the point where 498 fathoms, or 2,988 feet, appear.

This diagram discloses the town of Santa Monica. The proposed pier, spoken of in the tracings as the pier of the Southern Pacific Company, extends into Santa Monica Bay, at a point more westerly than northerly from Santa Monica, a distance from that town of something like 2 miles, or a little less, perhaps. This point [indicating a point southerly from the Southern Pacific wharf] is located, according to the Coast Survey chart before us, not far from the 8-fathom line, and reading the figures directly in front of and southerly or southwesterly from the wharf, we have the following: 8, 14, 26, 30, 60, 89, 180, 110, 40, 41, 61, and 113. Reading not directly, but over a bearing between the direct reading which I have made and Point Dume, we find that the water is somewhat deeper, culminating in 224, 238, and 255 fathoms.

I refer to this proposition because it is stated in the argument before the Committee on Commerce by an engineer who I see claims, in a document which he has issued here by unnamed authority, to be a semiofficial individual, that the water near Santa Monica is not extremely deep and that one of its great advantages is that there is a gradual slope and an easy grade and that the waves come over such grade gently and without disposition to do serious injury when the Southern Pacific pier is reached. It will be noted that in the Coast and Geodetic Survey chart, to which I have attracted the attention of the Senate, there are no soundings in the portion of the diagram immediately south and southwesterly of the last sounding to which I called attention [indicating]. I presume that the depth is such that it was not deemed worth while to proceed further.

Mr. MITCHELL of Oregon. When was that diagram made?

Mr. WHITE. I received it very recently from the Coast and Geodetic Survey office. I do not know when the surveys were made. I presume it is the latest on hand, because I requested the best information in the possession of the office and I was furnished with this chart. It is the result of a series of compilations running down to 1881.

Mr. PERKINS. I will say to my colleague that it is customary with the Coast Survey to correct these charts annually and that this is undoubtedly the last issue of the Coast Survey.

Mr. WHITE. Yes, sir.

Mr. MITCHELL of Oregon. The Senator says it comes down to 1881. That would be a good while ago.

Mr. PERKINS. That is the original plate, but where the surveys have not been completed these corrections are made from time to time. That they are correct I am satisfied, because our navigators upon the Pacific coast are using this series of charts. They are issued by and under the authority of the United States Coast Survey.

Mr. WHITE. The second plate, to which I am about to refer, is called "Pacific coast from San Diego to Santa Monica, including the Gulf of Santa Catalina." The island which is observable upon the map [indicating] is called Santa Catalina. It is located about 18 miles from San Pedro. The Senate will notice that the words San Pedro and Wilmington occur frequently in the discussion of this matter and are often noted in official publications. As far as this question is concerned we may consider San Pedro and Wilmington one place, though, as a matter of fact, the towns are some little distance apart. However, the improvement which has been going on for many years in this neighborhood is known as the improvement of Wilmington Harbor. We are more in the habit of designating the inner harbor as San Pedro, but appropriations refer to the place as Wilmington. I will use the terms indiscriminately. The town of Wilmington is a small village situate upon the inner harbor, and San Pedro is upon the same waters.

Mr. COCKRELL. How far apart?

Mr. WHITE. Oh, a couple of miles apart.

The Island of Catalina, to which I have attracted attention, is some 20 miles or thereabouts in length and some 18 miles from shore. It will be observed that this large body of land furnishes protection from southerly and southeasterly winds. Its northern shore is thoroughly protected. So true is this that the little Bay of Avalon located at this point [indicating] on the northerly shore of Catalina Island is the most tranquil sea water which I have ever observed. It is so calm that there is no difficulty in ordinary weather in using any common rowboat handled by a lady or robust boy along a considerable portion of the landward coast of Catalina Island. The water on the ocean or southerly coast is comparatively rough. I mention that to show the effect of the island in stilling the water toward the mainland. Its length extends the calming influence and affects the sea to San Pedro.

Point Firmin is located at this point. [Indicating.] It is from a spot just easterly of Point Firmin that the Government engineers have designed the construction of the breakwater which they recommend. That breakwater, according to the last report, is to commence near Point Firmin, on the shore, and extend outwardly in a curved line, thus [indicating]. The town of San Pedro is located at the point marked San Pedro on this diagram, indicated by the pointer which I hold in my hand [indicating],

and the town of Wilmington, also referred to, is located here. [Indicating.]

The Senate will notice in the report and in the bill an item with reference to the inner harbor at Wilmington. We have already in the bill made an appropriation to which it is necessary for me to advert before proceeding further, so that we may avoid some little confusion. We have upon page 36 of the bill made the following appropriation:

Improving Wilmington Harbor, California, in accordance with the project submitted February 7, 1895, $50,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $342,000, exclusive of the amount herein appropriated.

The harbor of Wilmington is located northeasterly about two miles from the town of San Pedro, and on the estuary. The inner harbor designed to be further improved by the $392,000 appropriation is separated from the ocean by a narrow neck of land, a sandy island known as Rattlesnake Island. [Indicating.] That island is nominally separated from the mainland by a small body of water of slight importance, and the Terminal Railroad now runs upon the island and along Wilmington Harbor, where that corporation possesses wharves; and there, too, private parties, lumber dealers, and so forth, have built wharves under franchises granted them by the board of supervisors of the county of Los Angeles.

The inner harbor is, at its commercial point, about 500 feet in width. Upon one side of it, which we might for convenience call the shore side, there are located wharves of the Southern Pacific Railroad Company, and there that company is constantly running its trains and transacting transportation business. On the other side of the harbor the Terminal Railroad Company conducts its business. There are, as I have said, many business men other than the railroad companies who are the proprietors of wharves or docks upon that inner harbor.

The Senate will notice that Point Firmin is located at a point where the bluff rises to a height of about 60 feet [indicating], and this bluff continues down to the town of San Pedro. Thence the grade reduces, so the land between San Pedro and Wilmington is flat. There are there lagoons and sloughs, as we call them, and marshy land over which at times the tide rises. That property is susceptible of commercial development. Some of this property has passed into the possession of individuals. A great part of it belongs to the State of California, and under the terms of our present constitution it is inalienable. Under our laws the board of supervisors have the regulation of the granting of franchises for wharves. These wharves are public, but in view of the outlay in their construction the proprietors are allowed to make certain charges by way of toll.

This inner harbor has been a marked success. When the Government engineers took charge of this work some years ago there were only 2 feet of water upon the bar, possibly a little over 2 feet. By dint of skillful management and in consequence of the appropriations made by Congress the depth has been so increased that at the present time there are 14 feet of water at low tide. The tidal rise in that neighborhood is about 5 feet. Hence there are upward of 18 feet of water at high tide at that place, where formerly at low tide there were but 2 and at high tide perhaps 7 feet.

Some years ago this estuary or inner harbor to which I have referred was employed solely for very light draft craft. I recollect very well twenty-two years ago when I first went to the city of Los Angeles from the northern part of the State in a steamer owned by my colleague and his associates. We anchored outside of San Pedro in the water which it is now designed to utilize for an outer harbor, and then we went upon lighter craft. Lighters were used for freight and very light craft for transporting passengers into this estuary to the town of Wilmington. Now vessels drawing 13 and 14 feet and more pass into the inner harbor and tie up at the wharves and discharge lumber and freight.

The main occupation there at this time is the lumbering business. Most of the lumber coming down the coast, save that which is consigned directly to the railroad company, and much that is consigned to that company, seeks this inner harbor.

The provision to which I have referred and which we have passed upon already involves carrying out what is known as the project of Colonel Benyaurd, by which he proposes to obtain a depth of 18 feet at low tide within the inner harbor; this will equal 23 feet at high tide, which will accommodate nearly all the vessels which come there.

Before passing from this point I wish to call your attention specifically to a map of the site of the proposed harbor at San Pedro, which contains soundings which will be of value in the discussion. It is said that there is much deep water at the point where it is intended to construct the harbor. It will be noted from the map now before the Senate, and which is called "Wilmington and San Pedro harbors, California; published December 18, 1895; W. W. Duffield, superintendent; O. H. Tittman, assistant in charge of office," and so forth, date of publication 1888, that is not true, as stated in Mr. Corthell's paper before the Senate, and as heretofore erroneously claimed by many, that there is such abrupt bottom in the neighborhood of Point Firmin. It is true that as we go more southerly, westerly, and northerly there is a gradual and a rapid recession, as we also have observed in the case of Point Dume; but if Senators interested will notice the depths south and southeasterly from Point Firmin the depths extend, as shown upon this diagram, these figures in fathoms will be found to appear, viz, 7, 9, 13, 17, 16, 17, 16, 14½, 13, 13½, and to 19. The exact distance can be computed from the scale, but it certainly is several miles, so that there is no trouble to be apprehended from this cause. The water is not remarkably deep. The evidence is without conflict that the ocean swells proceed from the west, and that, although the wind may blow from the southeast and points not varying far from the southeast, still the swells, the dangerous seas, come uniformly, or nearly so, from the west, and it is designed to construct this breakwater at San Pedro so that it will cut off the westerly swells. I have referred, therefore, to this diagram to prove that the assertion regarding the soundings which has been made by Mr. Corthell and others is not well founded.

You will observe, therefore, that when we speak of the inner harbor at San Pedro we are referring to something which has received the attention of the Government in the past, and for which we have already here made provision.

The outer harbor, with reference to which I have been speaking, is in the immediate neighborhood, though not directly connected with the inner harbor. The outer harbor would be peculiarly valuable if situated adjacent to the inner harbor.

The questions before the Senate may be summarized thus: First, is it necessary that we should have an outer harbor at all? Second, if so, should that outer harbor be located at San Pedro or should it be placed at Santa Monica?

Mr. President, if it be conceded that the selection at San Pedro, as contended by my distinguished nautical friend the chairman of the committee [Mr. FRYE], is not well located, and that the Government is not warranted in making the expenditure at that point, the question still remains, will the Government be justified in making the expenditure at the point designated in the bill?

Mr. GRAY. Is Santa Monica on that map?

Mr. WHITE. I have here a map upon which it appears. I place before the Senate a diagram which was utilized in Los Angeles by the Architects and Engineers' Association and which Mr. Corthell referred to in the hearing as being an accurate picture of Santa Monica Bay as it is, and it shows the wharf and the bay. I shall be obliged if Senators will examine it. I likewise present a photograph of the inner harbor of San Pedro as it now exists, which I also ask Senators to kindly examine.

Such is a general statement of the location proposed for this governmental investment. Let us now inquire as to the official status of the matter before the Senate. It has long been the desire of the people in that part of the United States to have a good harbor. Senators are all well aware that most of the Pacific (so-called) harbors are not of the best, that we have been compelled to rely largely upon governmental bounty in the construction of harbors. We have a splendid harbor at San Francisco, an elegant natural harbor at San Diego, one which I think has enlisted the admiration of every competent judge who has seen it. But San Diego is far—some 130 miles—from the seat of that extensive population of which Los Angeles is the center. It is not practicable, from a commercial point of view, to rely entirely upon transportation facilities there. In pioneer days San Pedro, or Wilmington, was sought by those navigators who saw fit to come to that part of California for trading purposes. The locality was called El Embarcadero, and there, through the estuary to which I have already alluded, the modest commerce of that time was transacted; but as population grew, Los Angeles, having according to the census of 1880 some 11,000 inhabitants, and at present having perhaps 100,000 inhabitants, with a populous country immediately adjacent to it, the necessity for another harbor increased and the requests for better facilities augmented.

The town of Santa Monica was founded years ago because of the enterprise and good judgment of the distinguished Senator from Nevada [Mr. JONES]. He built a railroad from Los Angeles to Santa Monica, called the Los Angeles and Independence Railroad. His design at that time, most laudable and worthily ambitious, was to extend his railroad from Santa Monica to Inyo County, and possibly to Salt Lake. At any rate, everyone there was anxious that Senator JONES should succeed; but, for various reasons, unnecessary to enumerate here and beyond his control, the road fell into the hands of the Southern Pacific Railroad Company, and he failed to realize his plan and to bring about a result which would have advanced the wealth, prosperity, and happiness of the people.

Senator JONES at that period caused a wharf to be constructed at the town of Santa Monica. That location, I wish to impress upon the Senate, is not that where it is now designed to build the breakwater mentioned in the bill; that is, it is not the point where the present wharf of Mr. Huntington is situated. I submit

at this point photographs of Mr. Huntington's wharf, which I hope will be examined. Senator JONES's wharf, after passing into the hands of the Southern Pacific Company, was allowed to go into decay, and finally it was partially eaten by teredos, and was then torn down and became a matter of memory.

At that time the Southern Pacific Company owned, as it does now, a large amount of property at San Pedro or Wilmington. There nearly all of its business was transacted. Redondo, a shipping place situated between Santa Monica and San Pedro, commenced to assume some commercial importance, and a wharf was constructed. The water there is very deep, too deep, as the Government engineers found, to warrant any attempt at the erection of a breakwater. Redondo transacted much commerce, and finally Mr. Huntington, or the Southern Pacific Company, more accurately speaking, made an arrangement to get through the town of Santa Monica along the seacoast and up to the point where the wharf we are asked to protect now stands.

By the river and harbor act approved September 19, 1890, a board of engineer officers was constituted to examine the Pacific coast between Point Dume and Capistrano, with a view to determining the best location for a deep-water harbor, with a project and estimates for the work. This board consisted of G. H. Mendell, colonel, Corps of Engineers; C. L. Gillespie, lieutenant-colonel, Corps of Engineers; and W. H. H. Benyaurd, lieutenant-colonel, Corps of Engineers. This board preferred San Pedro. In submitting the matter to Congress General Casey, then Chief of Engineers, said:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., December 18, 1891.

SIR: I have the honor to submit herewith a copy of report dated December 8, 1891, of the board of engineer officers constituted under the terms of the river and harbor act, approved September 19, 1890, to examine the Pacific coast between Points Dume and Capistrano with a view to determining the best location for a deep-water harbor, together with project and estimates for the work.

The board, after full examination, concludes that the selection of a site for a deep-water harbor within the limits designated by the act is restricted to the harbors in Santa Monica Bay and San Pedro Bay, and is of the opinion that San Pedro is the better of these, and submits alternative estimates of the cost of the necessary breakwaters, as follows:

If constructed of rubble and concrete	$4,594,494
If constructed entirely of rubble	4,126,106

After a careful consideration of the facts in the case as presented by the board, its views as to the location and general estimates of construction are concurred in by me. The difference in cost of the two breakwaters, for the same arcs of protection, is over $700,000 in favor of San Pedro, and when the other advantages of San Pedro, as detailed by the board, are taken into consideration, it would seem that its selection has been properly made.

Very respectfully, your obedient servant,
THOS. LINCOLN CASEY,
Brigadier-General, Chief of Engineers.

Hon. L. A. GRANT,
Acting Secretary of War.

This report, made by these three officers, headed by Colonel Mendell, is alluded to here generally as the Mendell report. It is proper for me to state that, so far as the men who constituted this board are concerned, that they were not only experienced officers, but Colonel Mendell had lived upon the Pacific Coast, where he now resides, during more than a generation, and was absolutely familiar with all the work, all the governmental projects, and all local points upon which money was designed to be expended; and, as you will observe, General Casey, in sending this report to Congress, did not merely transmit it without comment, but he transmitted it with specific approval as to site selection and otherwise.

This board recommended a semidetached breakwater; or a breakwater, I might say, more properly, in two parts, commencing near Point Firmin, the common point of commencement of the two boards, running thence into the ocean southeasterly to a point. There an opening of 1,500 feet was provided. Thence, at a point 1,500 feet southerly from the end of this part of the proposed breakwater, an extension thereof commenced and was designed to extend easterly 5,600 feet, to protect from the southerly seas.

The last board which was appointed by the Government recommended a breakwater commencing at the same shore point and running on a curve seaward and terminating at the easternmost extremity of the detached section of the Mendell breakwater.

After Colonel Mendell's report had been filed here, objection was made to an appropriation for the harbor recommended. The maps and illustrations referred to will be found in House Executive Document 41, Fifty-second Congress, second session, and also in the Mendel report of September 19, 1890.

When the latter report reached Congress the Senator from Maine, who I hope is giving me his attention, suggested that, in his opinion, the harbor was not properly located, and I believe through his instrumentality, owing to his prominent position upon the Commerce Committee, of which he was then, as now, the able and distinguished chairman, procured another board to be appointed; and Congress, in compliance with his desire and through his committee, which acted in unison with him in that regard, procured the passage of a provision which will be found in the river and harbor act of July 13, 1892, as follows:

The Secretary of War is hereby authorized and directed to appoint a board of five engineer officers of the United States Army, whose duty it shall be to make a careful and critical examination for a proposed deep-water harbor at San Pedro or Santa Monica bays, and to report as to which is the more eligible location for such harbor in depth, width, and capacity to accommodate the largest ocean-going vessels and the commercial and naval necessities of the country, together with an estimate of the cost. Said board of engineers shall report the result of its investigations to the Secretary of War on or before the 1st of November, 1892; and $10,000, or so much thereof as may be necessary, are hereby appropriated for said purpose.

The very distinguished board was appointed in that case by the then Secretary of War, the honorable junior Senator from West Virginia [Mr. ELKINS]. The board so appointed consisted of the following: William P. Craighill, colonel (now general), Corps of Engineers; Henry M. Robert, lieutenant-colonel, Corps of Engineers; Peter C. Hains, lieutenant-colonel, Corps of Engineers; C. W. Raymond, major, Corps of Engineers, and Thomas H. Handbury, major, Corps of Engineers.

That board went to California, and convened in San Francisco and in Los Angeles. After their field work they went to the city of New York, where the various computations necessary to be made were completed, and finally prepared a most elaborate report, which is known upon the official files as House of Representatives Executive Document No. 41, Fifty-second Congress, second session.

I will state that the document is very difficult to obtain, but in the minority report, prepared by me, I have inserted the whole of the report, except the maps, and Senators can thus easily obtain the body of the report. If there were available copies of the report itself the same would be valuable because of the maps; but I think there are but few in existence.

In proceeding to consider this subject the board had before it not only the knowledge that its report would necessarily be the subject of that criticism which is always given to a public document of that importance, but, in addition to that, the board had the advantage of the comments which had been made upon the Mendell report. They were well aware that it was only by a careful, painstaking, skillful, reliable examination and the announcement of well-founded conclusions that they could hope to produce any results beneficial to the Government. They set about performing the duties intrusted to them in the following way: As I have said, they visited the city of San Francisco and the city of Los Angeles. I was present for a while during their deliberations. They had before them every means of reaching the truth usually afforded to men of impartiality. They did not meet in star-chamber session; they sent for no favorites or particular friends of anybody; but they gave public notice that they would be in the city of Los Angeles on a certain day, and that they would expect all interested to be present and to offer such facts as might be deemed pertinent to the matter in hand.

There were three places competing for the location of a deep-sea harbor at that time. One was Redondo, one was Santa Monica, and one was San Pedro. These interests were represented, not only by individual citizens who had their special opinions, but likewise by lawyers eminent at the bar and engineers of standing. The Southern Pacific Company was cared for by one of the best lawyers in California, a man apt and valuable in discussion and examination. The Santa Fe Railroad, which was interested at Redondo, was on hand, and the same was true of the advocates of San Pedro. They produced there not merely the views of the business men of that community, but they likewise tendered the expert notions of such persons as were deemed competent to express the same. Mr. Hood, the engineer of the Southern Pacific Company, who, with Mr. Corthell, has succeeded in impressing his conclusions favorably upon a majority of the committee, was there. He gave his conclusions, he had his plans, and he, as he always does, delivered himself with much skill and ability, and gave the advantage of his experience and his wishes to the board there assembled.

I speak of this, Mr. President, because it seems to be assumed that there was some information, or that there were perhaps facts somewhere not brought to the attention of this board. I declare that I have never known a more fair, open, thorough hearing and examination than was given to these subjects at the hands of the Craighill board. The members of that board are not unknown. They were, as were their predecessors, able and honorable men. It is unnecessary for me to pass any eulogy upon the Corps of Engineers of the United States Army. It is sufficient to say that intrusted, as they have been, with the discharge of delicate and important duties, and having in their keeping, as they do, those interests which involve the expenditure of millions of dollars of money, often in the midst of contention—because money can never be disbursed without some dispute—there has never been a case, so far as I know, in the history of the Government where any ulterior influence has ever had the slightest effect upon a

member of this remarkable corps. This fact justifies our pride and our confidence.

These engineers were not children in the work; they were not mere tyros; they were experienced men. It is true, it is said, they are fortification engineers. It is true they are fortification engineers; but, at the same time, there is not one of them who has not been in charge of riparian work; and to-day we are in this bill giving the outlay of the millions to the members of that corps. These men, pursuant to law and under the direction of the Chief of Engineers, decide as to how this money shall be expended. It is upon their skill, upon their integrity, upon their good judgment, not alone as fortification engineers, but as skilled riparian engineers, as men conversant with all the subjects involved in this bill requiring engineering skill that we rely, that Congress depends, and upon which the country, too, rests in security.

Mr. President, after these examinations, thus conducted by eight of the engineers of the United States Government, a second report was filed favoring the location at San Pedro, with the changes I have stated in the form of a curved breakwater, commencing and ending where the Mendell breakwater commenced and ended.

I pause here to go back a step. When Colonel Mendell, who headed the first board, and who, I might say, next to General Casey, was the ranking member of the entire Engineer Corps, made his report, he considered Santa Monica, but the only place suggested to him at that time for the location of a harbor was not at the point which has been since selected, but was opposite, or nearly opposite, the town of Santa Monica. The present scheme, as I have said, suggests a harbor, not in front of the town, but above it, at Port Los Angeles, the official name of the Southern Pacific wharf.

That location was rejected by Colonel Mendell because of the abrupt and rocky shore. This statement can be verified by referring to page 8 of Executive Document No. 41. At the time Colonel Mendell reported there had been no particular attention called to the Southern Pacific wharf, for it had not then been built, but he rejected the location where that wharf is now found because of the abrupt shore. At the spot where the pier of Mr. Huntington stands, as shown by the photographs which I have passed around in the Senate, the bluff rises almost absolutely straight to the height of 200 feet. At the base of that bluff there is a comparatively narrow strip of land. The title to that strip, so far as private property can go toward the ocean, is vested in those who own the property above. Of course, private ownership can not prevent the taking of property for public use, and the right of way can be condemned over the land of private parties whenever a proper statutory and constitutional showing is made.

But I am specially referring to the physical condition. There is a bluff rising 200 feet and a narrow strip below it. Now, let us assume, for the sake of argument, that there may be placed at the foot of that bluff a number of railroad tracks. It is said by the advocates of Santa Monica that eight or ten may be placed there. I do not set myself up for an expert, but I do not believe this. It is, however, a mere matter of opinion. But there is no foundation or space there for buildings for warehouses, or any commercial structures whatever. There is what we call a small canyon, or, more accurately, a diminutive gorge, coming in close to this wharf, furnishing enough level sand for the erection by the Southern Pacific of a small building for engine-house purposes. Nothing else can very easily be constructed there. At all events, Colonel Mendell thought the spot selected by Mr. Huntington was one which was not well suited to commercial purposes in the general sense, and he rejected it, and while preferring San Pedro, gave as the only possible harbor site in Santa Monica Bay a situation near the town of that name.

I am endeavoring to explain this matter in detail. It is, as I consider, of a great deal of importance that all these circumstances shall be understood. The bill proposes the expenditure of more than $3,000,000, and I am endeavoring to present the arguments pro and con as well as I can, that the merits of the case may be carefully considered.

When Colonel (now General) Craighill's board met, the railroad company had not completed their wharf at Port Los Angeles. The work has proceeded considerably, and was attracted to the attention of the board. It was to that particular proposition that Mr. Hood and others who were interested for the Southern Pacific addressed their remarks. So far as the Craighill board was concerned they had the advantage of all the facts and arguments which the then situation afforded.

When that report came before Congress no action was taken. The fight was still on. Its report was no more satisfactory to the advocates of the Santa Monica Bay proposition than had been the judgment of the first board. Here permit me to call attention to the report of the majority of the committee as to the Santa Monica item. I will ask the Secretary to read Appendix H, page 401, of the report of the committee. It is not very lengthy.

The PRESIDING OFFICER. The Secretary will read as indicated, if there be no objection. The Chair hears none.

The Secretary read as follows:

The river and harbor act of 1890 authorized the appointment of a board of three engineer officers "to examine the Pacific coast between Points Dume and Capistrano, with a view to determining the best location for a deep-water harbor." Their report was submitted December 8, 1891. In it the board stated that the only eligible sites were at San Pedro and Santa Monica bays, set forth the advantages and disadvantages of each as viewed by its members, and submitted estimates for breakwaters at each place.

For the breakwater at Santa Monica the estimate was $4,549,494 and for that at San Pedro $4,137,591. The board expressed a preference for the latter. This report may be found in the Engineer's Report for 1892, pages 2631-2639.

The Committee on Commerce, when it was considering the river and harbor bill of 1892, after considering this report and other evidence, concluded that further light on the subject was desirable, and in that bill provided for a second board, consisting of five engineer officers, to make examination of these bays.

The report of this board was submitted October 27, 1892, and may be found in the Engineer's Report for 1893, pages 3238-3263. This report discusses relative advantages of the two bays at length, and concludes with the opinion that the location selected by the board of engineers of 1890 was the more eligible. An estimate of $2,885,324 was submitted for a breakwater at San Pedro.

It was stoutly contended by persons having large interests in the commerce of the Pacific Coast and familiar with the local conditions that the opinion expressed by the Board was erroneous; that to act in accordance with it would be a waste of money; and in the river and harbor act of 1894 no appropriation for a harbor at either place was made.

While considering the bill herewith submitted, exhaustive hearings were given by your committee to parties representing both sides of this vexed question, including eminent engineers, both civil and military, and a conclusion was reached, in accordance with which a provision has been inserted for constructing a breakwater at Santa Monica Bay, at a cost not to exceed $3,098,000.

Mr. WHITE. When this report was ordered to be made in the committee, I earnestly dissented from it, and reluctantly reached the conclusion that it would be my duty to file a minority report; and after consultation with such of my associates who thought as I did and to whom I was able at that time to submit the matter involved, I, together with the Senator from Arkansas [Mr. BERRY], the Senator from Louisiana [Mr. CAFFERY], and the Senator from Florida [Mr. PASCO], did file such report. I was not able to present the document at that time to the Senator from Missouri [Mr. VEST], who, generally speaking, agrees with our views, as he was unavoidably absent from the city, and I thought that the river and harbor bill would come up the following day and believed it advisable to place the matter found in the views of the minority upon the desks of Senators at the earliest practicable moment.

In the minority report we outlined the points upon which it seemed the views of the minority should rest. I will read an extract from the report:

The undersigned object to the amendment to H. R. 7977, making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, reported by the majority of the Committee on Commerce to the Senate April 27, 1896, which appropriates $3,098,000 for the construction of a breakwater near Santa Monica, Cal. This item was not placed in the bill at the suggestion of either of the Senators from California, nor at the instigation of the Representative from the Sixth Congressional district of that State, wherein the site involved is located. On the contrary, both of the Senators and the Representative objected to the construction of the breakwater at the point named in the bill, and the overwhelming sentiment of the community prefers another location.

I ask the Secretary to read to the end of subdivision 7, as showing the considerations which justify the minority view.

Mr. FRYE. The Senator from California will allow me to say right here that a rule of the Senate adopted some time since requires a brief report as to each item which is contained in the bill. The clerk of the Committee on Commerce always drafts those reports from the reports of the engineers, in order that they may be conveniently at hand for any Senator to see. So far as the report with respect to Santa Monica is concerned, it was made precisely in that way. I did not even look at it; I did not even see it; I did not even read it. I never heard of it until the Senator had it read just now.

Mr. WHITE. I have not said anything that can involve a criticism of the report.

Mr. FRYE. I make the statement simply to account for the brevity of the report.

Mr. WHITE. Yes, sir.

Mr. FRYE. It is simply intended to refer Senators to the documents where, if they please, they can find the information in full.

Mr. WHITE. I was endeavoring to present the matter in rather complete form, and referred to the report of the committee, which of course is very general in its terms and contains none of the argumentations and none of the reasons upon which the Senator from Maine and other members composing the majority of the committee acted in voting for the placing in the bill of the item which I am criticising. I only criticise the report so far as it reaches a conclusion from which I dissent. I have referred to it, as I have said, not because it estops Senators from giving additional reasons, or because it presents their view of the case, but merely because it is a part of the record.

Now, let the Secretary read the extract from the minority report.

The PRESIDING OFFICER. The Secretary will read as requested by the Senator from California.

The Secretary read as follows:

The following considerations are submitted as justifying this minority report:

(1) The appropriation as proposed is inadvisable. The bill is otherwise sufficiently burdened. The condition of the Treasury does not warrant the use of the public money for this particular work.

(2) There is no official recommendation or other authority justifying the making of this appropriation.

(3) Those officers of the Government to whom has been committed the charge and management of harbor improvements, and upon whose recommendations Congress has been accustomed to act, have uniformly and unanimously reported against an appropriation for a breakwater at Santa Monica. There has been no conflict in the Engineer Corps upon this topic, notwithstanding strenuous exertions by private and powerful interests, and although two boards specially commissioned to examine and report have faithfully discharged their duties.

(4) The action of the committee establishes a dangerous precedent. The entire disregard of the carefully formed and unbiased opinions of two boards of able engineers and the arbitrary location of this extensive work at a point demanded by private interests is a dangerous exercise of power and threatens the removal of needed protection to a frequently imperiled Treasury.

(5) The ultimate success of the work authorized is problematical.

(6) The proper site for a deep-sea harbor is not at Santa Monica but at San Pedro.

(7) If there is doubt as to the availability of San Pedro for a deep-sea harbor, then the expenditure of the appropriation should be made to depend upon the judgment of a commission provided for in this act. Such commission, after taking into consideration all the information theretofore collected and that still is obtainable, should decide as between San Pedro and Santa Monica and should report to the Secretary of War, and a contract should thereupon be entered into for the construction of a breakwater pursuant to such report.

Mr. WHITE. In order to give the Senate as full information from a scientific source as I was able to produce, I and my associates in the report submit a synopsis of the Mendell report and we submit the report of the Craighill board in full. These are contained in the minority report and constitute as to extent the main part of the same.

Right here I wish to allude to another matter. It is said in the minority report that the insertion of this item is not owing to the importunity or the effort of either of the Senators from California or the local Representative. It is pretty evident from my attitude that it was not put in at my suggestion. It is equally certain that it was not placed there at the instigation of my colleague. At the hearing before the committee the very able gentleman who represents the Sixth Congressional district of California came before our committee and stated his views upon the subject. I consider them of sufficient importance (they are not very lengthy) to justify reading at least a part of the same, and I therefore request the Secretary to read from Congressman MCLACHLAN'S statement to the end of the 5th line on page 5, Hearings.

The PRESIDING OFFICER. The Secretary will read as indicated, if there be no objection. The Chair hears none.

The Secretary read as follows:

Hon. JAMES MCLACHLAN, member of Congress from the Los Angeles district, said:

"MR. CHAIRMAN AND GENTLEMEN: Perhaps it would be well for me to state briefly the history of harbor matters in the vicinity of Los Angeles. Something like twenty years ago an appropriation was made by Congress for the improvement of the inside harbor at San Pedro, and appropriations have been made from time to time for the improvement of that harbor until the total of the disbursements up to this time aggregate somewhere in the neighborhood of $800,000. That was for the improvement of the inside harbor at San Pedro. The commerce of that locality is increasing rapidly, and it has become evident to all the people there that larger facilities are necessary to meet this increasing commerce. The Government engineers made a survey of what is termed the outer harbor at San Pedro and reported the feasibility of constructing a deep-sea harbor in that vicinity. A short time afterwards another survey was made by Government engineers, and I think that at that time they also made an investigation of Santa Monica, which is about 30 miles north of San Pedro.

"The reports of the Government engineers with reference to the investigation of these two harbors are matters of record here, and can be seen for themselves. It is a fact that those reports show that the Government engineers, on a comparison of the two locations, made a preference in favor of San Pedro for the second time. There has been a good deal of agitation over the question in the vicinity of Los Angeles, and there has been a wonderful conflict going on since that time between these two localities. Before I was nominated for Congress (this will show the condition and temper of the people at that time) I went on the platform of the Republican convention and stated that if I were elected I would go to Congress and would do all in my power to secure an appropriation for a deep-sea harbor at San Pedro. I think that every candidate on every ticket nominated in that campaign two years ago did the same thing. The general sentiment of the people, based largely, I suppose, upon the reports of Government engineers, was largely in favor of San Pedro for the deep-sea harbor. Those are the conditions on which I came to Congress.

"When I arrived at Washington in the beginning of this session I found, however, that the friends of San Pedro were in doubt as to the advisability of our contending at this session for an appropriation for an outside harbor at San Pedro. After consultation with each other, the friends of San Pedro decided that, on account of the depleted condition of the Treasury, so reported, and of the economical ideas which seemed to pervade Congress, it would be wise at this session of Congress to confine their efforts to an appropriation to deepen the inside harbor at San Pedro to 18 feet at mean low water, according to the report of Colonel Benyaurd, who stated that, in his judgment, it could be done for $392,000.

"I want to state to the committee that I was the last friend of San Pedro who finally assented to this course, and I think the friends of San Pedro will bear me out in stating that. I said to them that I was elected to come here to work for an outside harbor at San Pedro; that that was my pledge to the people, and that now I would not be justified in confining my efforts to the inside harbor. I was perhaps the last one who finally consented to this plan, because it was the best thing to do. I went before the House committee and asked the improvement of the inside harbor of San Pedro and an appropriation of $392,000 for that purpose, stating at the same time that we did not forego our claims to the outside harbor at San Pedro. At that hearing there was no objection to the request made by us, and we left the committee with the request that we should receive an appropriation that would enable us to complete the inside harbor at San Pedro.

"Afterwards, and before the river and harbor bill was reported to the House, it was learned that the committee had put in the bill an appropriation for the full amount that was asked for the inside harbor at San Pedro, and had also included an appropriation (as we were credibly informed) of about $2,800,000 for the construction of an outside harbor at Santa Monica. I am bound here to state, as the Representative from that district, that I never asked for an appropriation for Santa Monica. We simply confined our efforts to the inside harbor at San Pedro. And I am in duty bound to say, as a Representative from that district, coming fresh from the people, that I am not here to-day asking for an appropriation for Santa Monica, but that I am here asking for an appropriation to continue that inside harbor at San Pedro according to the plan of Colonel Benyaurd. And if in the wisdom of this committee it can see its way clear to give us an appropriation for an outside harbor, I am bound, under my pledges, to ask you to give that appropriation for the construction of the outside wall or breakwater at San Pedro."

Mr. WHITE. In addition to the extract which has just been read, I make the following quotation from Mr. MCLACHLAN:

Senator ELKINS. You say that you appear here to get an appropriation for the inside harbor at San Pedro, and that you would like an appropriation for the outside harbor as well.

Mr. MCLACHLAN. All the friends of San Pedro consider that on account of the economical tendency of this Congress, and on account of the condition of the Treasury, it would be wise to confine our efforts to getting an appropriation of $392,000 for the inside harbor; but since we discovered a disposition on the part of the House to give more to the vicinity of Los Angeles. I say, as a representative of that people coming here with those pledges, and that if there is to be an appropriation for an outer sea wall, I ask it for the beginning of the outer harbor at San Pedro.

The CHAIRMAN. But you do not expect an appropriation of some $3,000,000 for Wilmington Harbor provided the Government continues to make a deep-sea harbor at San Pedro?

Mr. MCLACHLAN. Yes; because we believe that one of the most practical advantages to the deep-sea harbor will be the completion of the inside harbor at San Pedro.

Now, the Senate will understand that the $392,000 referred to in this testimony by Congressman MCLACHLAN is provided for in the pending bill; that is to say, there is an appropriation of $50,000 and a continuing contract for an amount making the whole $392,000 for the improvement of the inner harbor which I have described, and a photograph of which is here before the Senate, and his statement is therefore fully supported.

I wish to call the attention of the Senate to what I consider an extraordinary feature of this case—a peculiar feature of the controversy. It is and would be in any instance rather singular that the Congress of the United States should find it necessary to make an appropriation of public money in the face of the desire of local representatives, and it is almost impossible that such a condition of things can ever exist unless there is some extraordinary influence not commonly applicable and not usually brought into exercise.

Let us examine this situation. In the report of the committee, from which I have read the general synopsis, we find the following:

It was stoutly contended by persons having large interests in the commerce of the Pacific Coast and familiar with the local conditions that the opinion expressed by the board was erroneous; that to act in accordance with it would be a waste of money.

Those opinions thus expressed were the opinions of the Southern Pacific Railroad Company, and that persistency which has been referred to has been and is the persistency, the potential persistency, of that company. I recognize the right of every man to proceed upon proper lines to obtain all grants from Congress which his eloquence and skill, his arguments and persuasion, may be able to obtain, but I do not recognize the right of such person to control me without some argument demonstrating that the appropriation of this large amount of money in defiance of official recommendation is for the public interest.

Let me go a step further in the history of this matter. Mr. MCLACHLAN in his lucid statement has perhaps made the matter plain enough, but I wish to allude to the subject, for I desire the Senate and every member of it to understand the situation, and so understanding it if members of this body are willing to take the responsibility of voting away $3,098,000 it is their affair, not mine. But I shall give the facts as I know them, and I shall state nothing that I do not believe to be true, and I shall gladly correct any statements which I may discover to be unfounded.

When the present Congress convened the situation of this matter was briefly as I shall state it. Nothing had been done upon the report of the board of engineers and no appropriation had been made. In the meantime Colonel Benyaurd had devised the project for the improvement of the inner harbor to which I have referred. I called for that project, which was filed away in the War Department by resolution which passed the Senate at the close of the last session. The report of Colonel Benyaurd was thereafter incorporated in the official records of the Chief of Engineers, and when the river and harbor bill came before the committee of the House for consideration I appeared there and so also did my colleague, and the distinguished member of the House already referred to was likewise there. We presented our claims for the further improvement of the inner harbor at San Pedro or Wilmington—I

use the words indiscriminately—the Benyaurd project, against which there was, so far as we knew or now know, no disclosed objection.

I stated there, as others did, that in view of the depleted condition of the Treasury, and because we deemed it wholly unlikely that Congress would care to embark in so expensive a work as a three-million-dollar outer harbor at this time, we should be satisfied if we were given a continuing contract for the inner harbor at San Pedro, involving the $392,000. We left. Nothing more was heard by me of this affair until I learned indirectly that a provision had been printed in the draft of the river and harbor bill for two million eight hundred and odd thousand dollars for a harbor at Santa Monica or Port Los Angeles, and that $392,000 had also, it was rumored, been appropriated for San Pedro.

Thus I discovered that to some extent my State occupied a higher plane than that upon which other Commonwealths have been in the habit of treading; that while there were some who were forced to solicit appropriations and to make arguments to obtain the same, in my instance such favors came not only unsolicited but unwanted.

Mr. GRAY. Thrust on you.

Mr. WHITE. However, a great local disturbance arose in Los Angeles. As shown by the hearings printed by the Committee on Commerce, a telegram was sent to Los Angeles stating that if the people there would unite they could have the inner harbor at San Pedro, but they must take with it the outer harbor at Santa Monica.

Mr. GEORGE. Who sent that telegram?

Mr. WHITE. The Representative. I will refer to the page in a moment. The result of it all was that the River and Harbor Committee dropped the whole matter, leaving only an appropriation of $50,000 for the inner harbor at San Pedro on the Benyaurd proposition and no continuing contract at all. Indeed, my State was not honored with any continuing contract in the bill as it came to this end of the Capitol. When the measure reached the Committee on Commerce the fight was renewed.

I neglected to say that the River and Harbor Committee had the benefit (not in my presence, however) of the testimony of Messrs. Corthell and Hood, whose views have been published by the House. The combat was thence transferred to the Committee on Commerce. Upon a day fixed by common consent representatives from the State of California were brought here, business men, persons of standing and integrity, who represented both sides of the question. Some of those gentlemen (and their evidence is in the hearings here) argued in favor of Santa Monica and some in favor of San Pedro.

Petitions were filed; telegrams without number were received. One of my constituents stated to me, "Let us have the appropriation, even if it is to go to Arroyo Seco," which, translated, means "dry creek." The impression prevailed in the community that there was an opportunity to get $3,000,000, and some thought that it was useless to longer make a fight for San Pedro, where the vast majority of the people wanted the harbor. Sooner than lose the appropriation for the inner harbor, and this large amount of money promised to be disbursed in the locality, they were willing to locate a harbor anywhere.

Of course that did not represent the universal sentiment. I may say the record here shows a telegram signed by some two or three hundred of the leading business men of Los Angeles insisting upon my advocacy of both appropriations for San Pedro. But if I had not received that telegram I should not have changed my position. It can not alter my attitude standing here in the discharge of a public duty that a vote of mine is to prevent the expenditure of money in my locality. If I know that that expenditure is not to be made in the public interest—that it is sought for a private purpose—I will not vote for it. Were I outside of official life, selfishness, which dominates many of us, and to some extent influences us all, might perhaps lead me to applaud an act which would involve local disbursement of such an elaborate sum. But I could not find myself authorized, and do not deem myself empowered, to appropriate one cent unless I find it to be for a public purpose and for the public interest.

Mr. Lankersham, a very prominent business man of my city and a person of excellent standing, was before our committee and was examined, and favored the selection of Santa Monica. The distinguished Senator from Arkansas [Mr. BERRY] asked him the question whether it was not a fact that the people in that section of the State had finally come to the conclusion that they had better take the appropriation, because influences surrounding the case were such as to render it impossible to authorize the outlay elsewhere. I refer to the exact language. It can be found in Hearings, page 64.

Senator BERRY. You say now you have changed your mind and that others have changed their minds.

Mr. BERRY. Read just before—the first question.

Mr. WHITE. Oh, yes.

Senator BERRY. You worked for years, did you not, trying to get this deep-water harbor at San Pedro?

Mr. LANKERSHAM. Yes.

Senator BERRY. You say now that you have changed your mind and that others have changed their minds. Is not that change of mind attributable in a large measure to the fact that these people have come to believe that the influences here at Washington were so strong against San Pedro that that harbor could not be built, and you came to the conclusion that it was better to take Santa Monica than none? Is not that a fact?

Mr. LANKERSHAM. Well, it is somewhat so. I was a good deal more in favor of San Pedro before I came here, but since I have heard the reports of these engineers I never will believe another day that a port can be built at San Pedro.

And so on.

Mr. GRAY. What engineers does he refer to?

Mr. FRYE. The civil engineers.

Mr. WHITE. He refers to Corthell.

Mr. FRYE. Corthell and Hood.

Mr. WHITE. Corthell and Hood. They were the engineers of the company.

Mr. GEORGE. Of what company?

Mr. WHITE. The Southern Pacific. Now, Mr. President, taking the situation as I find it, I have no hesitancy in the world in asserting that, as between the location at San Pedro and Santa Monica, were the people of my section permitted to make a choice there would be an overwhelming vote in favor of San Pedro. But there are those, and it can not be denied, who think that under prevailing conditions they can never obtain their preference, and they conclude that it is better to accept the situation such as it is without further contest and worry. That situation can not affect me; it should affect nobody. The question before the Senate is where ought this money to be put if it is expended at all. Mr. Hood and Mr. Corthell were practically before both committees; Mr. Corthell was personally before both, and Mr. Hood's statement was before both. These gentlemen, who were heard in behalf of the railroad company, explained their preferences, and Mr. Corthell not only made his argument before the committees, but as soon as the minority report already mentioned was filed I encountered in the hands of an employee of the Senate a printed document indorsed as follows:

DEEP-SEA HARBOR IN SOUTHERN CALIFORNIA.

Letter of Mr. E. L. Corthell, civil engineer, to United States Senators WHITE, BERRY, CAFFERY, and PASCO, of the Committee on Commerce, relating to their minority report on the amendment to H. R. 7977, making appropriation for the construction of a breakwater at Santa Monica, Cal., May 1, 1896.

Turning the title page, which appeared to indicate a report from the third house, I found the interior decoration as follows:

WASHINGTON, D. C., *May 1, 1896.*

Hon. STEPHEN M. WHITE,
United States Senate, City.

DEAR SIR: On April 29 last you, representing yourself and Senators BERRY, CAFFERY, and PASCO, presented a minority report upon a location for a deep-sea harbor on the southern coast of California.

As the facts and opinions which I have laid before the Senate and House committees, and I may say the War Department, have been called in question in your report, it seems to me proper that I should at least remove some misunderstandings that evidently exist in the minds of yourself and your associates.

Then he proceeds in this charitable enterprise as follows:

From the time that I first appeared before the Senate Committee on Commerce, on June 19, 1894, I have frankly stated my professional connection with this question, both to the committees and to the War Department. Most of the statements which I have made are recorded in the printed reports of hearings. It is only necessary now to refer to the following, from an official communication addressed by me to the Chief of Engineers, December 13, 1895:

"Early in the spring of 1894 I was requested by Senator FRYE, of the Commerce Committee, and so stated by him before his committee, and by Mr. BLANCHARD, at that time chairman of the Rivers and Harbors Committee, and afterwards by Mr. CATCHINGS, subsequently appointed chairman of that committee, to make a careful investigation in reference to the question of location and plans for a protected harbor on the coast of southern California."

This extract, it will be observed, is what Mr. Corthell styles "an official communication."

Mr. GEORGE. Who is Mr. Corthell?

Mr. WHITE. He is an employee, in this matter, of the Southern Pacific Railroad Company.

Mr. GEORGE. Has he any connection with the Government?

Mr. WHITE. I am trying now to work out his connection. I am trying to proceed through the sinuosities of the situation to a conclusion or to some tangible result. In other words, I am trying to anchor him with reference to his opinions. This alleged official communication was sent in December 13, 1895. Now, he proceeds:

I was aware of the decided difference of opinion existing even then (1894) as between Santa Monica and San Pedro.

Mr. Huntington, president of the Southern Pacific Company, had also asked me, as I was about to start for California, to examine the question of harbor location—

It will be observed that this was a mere incidental request—

as I was about to start for California, to examine the question of harbor location, but I considered that I was making the examination for the committees of Congress—

We will see what there is in that pretentious and presumptuous claim in a moment—

and I determined to investigate the matter exhaustively, to decide the important questions involved carefully and impartially, and to present my opinion

to the committees. It therefore seems unnecessary for me to repeat now that had I found the location at San Pedro more advantageous than at Santa Monica, I should have reported so.

This is his letter to me which was never delivered, as I have stated, through any intentional instrumentality of its author. Now, let us look a little further. This gentleman was interrogated upon this subject when he appeared before the Committee on Commerce. I refer to the hearings. When he took the stand, so to speak, although perhaps that expression is technically inaccurate (no one was sworn, and the statements of the gentlemen who appeared there were all accepted without any other verification than their word) he stated, I refer to page 36 of the hearings before the committee—

MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE: You recollect that about two years ago I made an examination of these conditions in California—as exhaustive an examination as if I had been employed professionally on the subject. I did it with the approval of three leading members of the Senate and House committees, and I came before you on the 19th of June, 1894, with a statement of what I had found and of my opinion in regard to where this deep-sea harbor should be located.

Later on the distinguished Senator from Arkansas [Mr. BERRY] asked the witness the following question:

Senator BERRY. In the beginning of your remarks you said something about going out there at the instance of Senators. Did I understand you to say so?

Mr. CORTHELL. I meant with the approval of Senators.

Senator BERRY. They did not employ you to go out there, did they?

Mr. CORTHELL. No, sir.

Senator BERRY. Who employed you?

Mr. CORTHELL. Nobody at the time; but afterwards Mr. Huntington paid my expenses. Mr. Huntington asked me, in the first place, if I would make the examination. I said that I did not think I would like to do so in my position, because it would be officious if I should make an examination and ask to be heard before a committee. I said: "If Senator FRYE and Mr. BLANCHARD (then chairman of the House Committee on Rivers and Harbors) would like me to make an examination I will make it."

Senator BERRY. There was no order of Congress for you to make it?

Mr. CORTHELL. No; I received a telegram from Mr. CATCHINGS while at San Diego, asking my opinion, but expressly stating that he did not intend to employ me, but that he wished me to give my opinion.

Senator WHITE of California. You had done some work for Mr. Huntington before that?

Mr. CORTHELL. I was, for four years, when obtaining a charter from Congress, the representative of six railroads at New Orleans, and the president of the Southern Bridge and Railroad Company while the charter was being obtained for a railroad bridge over the Mississippi, it was (by previous agreement among the directors of the companies) then transferred to the railroad interests. That was the object of getting the charter. I resigned my position as president and was reelected chief engineer, and Mr. Huntington was elected president. Those are my relations with him. Of course I was very glad, on account of these relations, to do anything which I could properly do that Mr. Huntington requested.

Mr. President, what justification is there for the assertion that this was an official investigation? I appeal not only to lawyers, but to those used to analyzing human statements and to determining the candor or want of candor of individual declaration, and I ask, Does any man believe that the person who thus addresses this communication to me and other Senators is any more than the employee of the interest in this case, which is making this determined contest for personal profit? Is there any question about it? Official position! Who conferred it? I repudiate, deny, and controvert the assertion that the Committee on Commerce ever authorized this man to make any investigation. They never did.

Does anyone suppose that in the year 1894 I, conscious of this man's relation to an interested party, ever would have consented to or permitted without emphatic demurrer his appointment in any such confidential place? Does anyone believe that I would have been willing to intrust my constituents' interests to one whom I knew was in the pay of a person toward whom my constituents occupied an antagonistic relation? Senators, indeed, might, if they chose, ask Corthell to make the investigation. That was their individual affair. He was first asked by Mr. Huntington. Mr. Huntington had a right to ask him. It was Mr. Huntington's affair properly to examine into the case and to employ the most skilled men he could obtain. Mr. Corthell is a very able and skillful engineer, and for years, as his testimony shows, he has been associated with Mr. Huntington. He went out to my State and he made this inspection, and his expenses were paid by Mr. Huntington. I should have had a great deal more regard for Mr. Corthell if he had come out, like expert witnesses who are candid ought always to come out, and said: "Yes, I was employed and well paid for the work I did; it is good work, and I will stand by it and demonstrate that I am right." There would have been something about that which would have commended the man's utterances to me. But he has evaded the whole story.

Mr. President, it would have been singular had this man been sent to California officially to inspect a public improvement by gentlemen who were authorized themselves to act in committee upon that subject, without any record in their committee that it was so done. There never was any such appointment. There never was any such authority. I have resided for half of my life, for all my manhood's days, in the county of Los Angeles, where this improvement is intended to be made. I know its people pretty well. I know the surroundings of the case pretty well. My associate has lived upon that coast since 1855. He possesses technical and nautical knowledge regarding it which no other man here enjoys. This he has learned in the course of his business. The Representative of that district, fresh from the people, lives in the city of Los Angeles. Ought not we know perhaps something about it? Were we not worthy of consultation? There is an alleged public officer, a man who professes to be an employee of the Government, who talks about his official communication, who visits our home and determines the merits of our arguments without even identifying himself. Mr. President, his investigation was uninvited by any committee, unsanctioned by any law. He was Mr. Huntington's agent then as he is now.

Mr. President, in so far as his statements disclose facts supported by reason so far are those statements valuable. In so far as he attempts to put himself in a situation of impartiality and fairness his efforts must prove unavailing. He is worthy of credit, as I say, as far as he is supported, but he is not entitled to that degree of confidence pertaining to an impartial man who, in the discharge of a public function, knows no master save his conscience, and does nothing merely to win individual monetary emolument. The one is ruled by a lofty sense of duty to his country, the other toils for the commendations of selfishness.

Therefore, Mr. President, we must proceed to examine such arguments as are adduced in support of these propositions upon their merits, without supposing that there is any official sanction for the report of the committee beyond that sanction which follows from our acts as Senators. It has been shown that the committee has had the regular reports of two boards of engineers; that their reports have been adverse to Santa Monica; that those politically authorized are similarly minded. Here I pause. I do not contend that any Senator or Representative has an absolute right to dictate to a committee where public funds shall be expended. As a member of the Commerce Committee I am only entitled to vote once—to vote my own notions—and I have no right to register the judgment of any other member. At the same time, perhaps, the custom which has grown up because of the teachings of experience is not a bad one—to pay some little respect to recommendations and representations of those who speak within this Chamber of the necessities of their homes.

But what is there before this body to offset the official disapproval from these two boards concurred in by General Casey—distinguished boards, as I have said—one presided over by the present General of the Engineer Corps? Is there anything official to cancel this disapprobation? I have disposed of the claim that Mr. Corthell represents anybody officially, unless it be the railroad company. Mr. Hood, an able engineer, gives his views. He is the chief engineer, and an exceedingly good one, of the Southern Pacific Company. We have his evidence.

Mr. President, we have cast aside the reports of our engineers, and of the Chief of Engineers, and the views of those locally interested, and we have adopted the conclusions of those who are personally, individually, and financially interested. We have refused to appropriate the public money and place it where it is said by impartial and competent Government officers its disbursement would be of use to the public, and we have taken it and placed it where these officers have said it should not be expended. Perhaps we are right, perhaps the committee is right; but let it be plainly shown before we act affirmatively; let it appear most clearly that the committee is obviously right. No dubious evidence will suffice to justify such a singular course.

Mr. GRAY. Let me ask the Senator if there is no recommendation of the board of engineers or other Government authority in favor of the appropriation for Santa Monica?

Mr. WHITE. None on earth. Not only that, but it is sought to appropriate $3,098,000 for this improvement, when there is no official estimate of the cost of that improvement or recommendation for it.

This is not a case, Mr. President, where a Senator rises from his seat and says, "Here is something of necessity, here is something about which I know everything," and there is no dispute, and he is asked, "Have you a recommendation?" "No; there is no recommendation, but I am cognizant of the facts; they are so and so." The Senate sometimes, in such cases where the amount is small, takes the risk and perhaps makes the appropriation. But the present is an instance where there is negation. This is a case where the authorities to whom we have committed this matter, in an advisory sense it is true, but to whom nevertheless we have committed this matter, have reported adversely. We are to make this enormous expenditure, not only without their recommendation, but in the face of their condemnation.

Mr. GEORGE. Will the Senator allow me a moment?

Mr. WHITE. Certainly.

Mr. GEORGE. I only wish to ask a question; I know nothing about the matter and I have not heard all the debate. Is it a fact that two boards of United States engineers, acting under oath, have reported against the appropriation recommended by the committee?

Senator BERRY. You worked for years, did you not, trying to get this deep-water harbor at San Pedro?

and I determined to investigate the matter exhaustively, to decide the important questions involved carefully and impartially, and to present my opinion

Mr. WHITE. Yes, sir.

Mr. GEORGE. Is it a fact that both the Senators from California and the Representative in the other House of Congress from that district are against the appropriation?

Mr. WHITE. Yes, sir.

Mr. GEORGE. Is it a fact that there is no other evidence upon which the Senate is asked to act except the statement of two men who are in the employ of the Southern Pacific Railroad Company?

Mr. WHITE. To be fair, I would say there is other evidence. There are gentlemen who testified before the committee; and, in addition to that, there is the personal knowledge, or whatever it may be, of those who have seen the locality, and who, upon that, have formed their views.

Mr. GEORGE. I mean any professional, any engineer reports?

Mr. WHITE. No, sir. I will say, however, that there are gentlemen upon the committee who have seen this location, notably the distinguished chairman, who has examined it personally, and who has reached a conclusion as the result of his examination. There are other members of the committee who are also familiar with it, very familiar with it. The Senator from Nevada [Mr. JONES] is very familiar with it, knows the ground thoroughly, and has for many years known it.

Mr. BATE. I should like to ask the Senator one further question, which I believe the Senator from Mississippi [Mr. GEORGE] did not ask.

Mr. WHITE. Certainly.

Mr. BATE. Is it or is it not a fact that all the boards and commercial organizations in the city of Los Angeles, which is tributary to this place, have decided in favor of San Pedro?

Mr. WHITE. The principal commercial board of the city of Los Angeles is the Chamber of Commerce. This board comprises within its membership most of the more prominent business men of that city. In 1894 the Chamber of Commerce of Los Angeles had a meeting and determined that its members should vote upon this subject, which they did, deciding by a large majority in favor of San Pedro. If the Senator from Tennessee will consult page 80 of the hearings he will find there an elaborate dispatch signed by men whom I consider to be representative business men of the city of Los Angeles, also in favor of San Pedro.

Mr. President, I dislike to go on further with this subject now. I will state the reason. I have been suffering from a severe cold for three or four days, and I feel the effects of it somewhat. I shall go on and finish in the morning. I should prefer to proceed now if I were physically able, but in my present condition I do not like to risk going on further to-night.

Mr. HARRIS. In view of the suggestion of the Senator from California, I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 11 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 9, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 8, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 122) granting an increase of pension to Jerusha Sturgis, widow of Brig. Gen. Samuel D. Sturgis—to the Committee on Invalid Pensions.

A bill (S. 527) for the relief of Margaret C. McKay, widow of the late Dr. William C. McKay, of Oregon—to the Committee on Pensions.

A bill (S. 1883) to grant a pension to Charlotte O. Van Cleve, widow of Gen. Horatio P. Van Cleve—to the Committee on Invalid Pensions.

A bill (S. 2729) granting a pension to Emma Weir Casey—to the Committee on Invalid Pensions.

ADJOURNMENT.

Mr. DINGLEY. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

GAS AND NAPHTHA LAUNCHES.

Mr. BENNETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1646) providing for certain requirements for vessels propelled by gas, fluid, naphtha, etc.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. GARDNER. I object.

TITLE TO CERTAIN LANDS.

Mr. STEWART of Wisconsin. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1436) to quiet title to lands in persons who purchased the same in good faith without notice and for a valuable consideration, and to enable the Government to issue patents on such lands, and that commutations of homestead entries shall take effect from date of settlement and not from date of entry.

The bill was read, as follows:

Be it enacted, etc., That whenever it shall appear to the Commissioner of the General Land Office that an error has been made by the officers of any local land office in receiving premature commutation proofs under the homestead laws, and that there was no fraud practiced by the entryman in making such proofs, and final payment has been made and a final certificate of entry has been issued to the entryman, and that there were no adverse claimants to the land described in the certificates of entry whose rights originated prior to making such final proofs, such certificates of entry shall be in all things confirmed to the entryman, his heirs, legal representatives, assigns, grantees, mortgagees, and a patent issue thereon.

SEC. 2. That all commutations of homestead entries shall be allowed after the expiration of fourteen months from date of settlement.

SEC. 3. That all acts and parts of acts in conflict with any of the provisions of this act are hereby repealed.

SEC. 4. That this act shall take effect and be in force from and after its passage and approval.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DINGLEY. Mr. Speaker, reserving the right to object, I would like to hear the gentleman who presents this bill explain the effect of the second section.

Mr. BARNEY. Mr. Speaker, this is a bill the object of which is to quiet the title to certain lands which title has been rendered obscure by mistakes made in some of the land offices. The bill has received the warm approval of the Secretary of the Interior and of the Commissioner of the General Land Office, and as the report is brief and explains the matter very fully, I ask that it be read.

The report (by Mr. BARNEY) was read, as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 1436) entitled "A bill to quiet the title to lands," etc., beg leave to submit the following report, and recommend that said bill do pass with certain amendments hereinafter suggested.

Prior to March 3, 1891, commutation of a homestead entry could be made at any time after the expiration of six months from the date of settlement. At that time the law was changed, extending the time of settlement to fourteen months. Notwithstanding this change in the law many of the local land offices have permitted commutation to be made at the end of six months from the date of filing or settlement, if made before that time and the filing afterwards, and have given a duplicate certificate of entry, which in most States is an evidence of title; and upon these evidences of title much land has been conveyed to innocent purchasers, land has been mortgaged, and timber sold and taken away. These purchasers have relied upon the title as conveyed by the United States, as it would seem they ought to be protected in doing. A late decision of the Interior Department holds that many of these commutations at the end of six months are invalid and that such entries are subject to cancellation; and many cases are now pending before that Department where an enforcement of this rule would work great hardship to innocent parties who have relied upon the certificate of some of the officers of the Government.

In order that the act may not seem to excuse such mistakes hereafter, and at the suggestion of the Land Commissioner, the committee recommend that it only apply to previous errors, which is done by inserting the word "heretofore" before the word "been" in the fourth line of the first section. For the purpose also of making it absolutely certain that it will have no application to cases where a homestead entry has been abandoned and subsequently taken by innocent parties, the committee also recommend that the following provision be added to the first section of the bill:

"*Provided*, That this act shall not apply to commutation and homestead entries on which final certificates have been issued, and which have heretofore been canceled, when the lands made vacant by such cancellation have been reentered under the homestead act."

The following are the reports of the Land Commissioner and the Secretary of the Interior on the bill:

"DEPARTMENT OF THE INTERIOR,
"*Washington, January 30, 1896.*

"SIR: I have the honor to hand you herewith a report from the Commissioner of the General Land Office on H. R. 1436, 'to quiet title to lands in persons who purchased the same in good faith without notice and for a valuable consideration, and to enable the Government to issue patents on such lands, and that commutations of homestead entries shall take effect from the date of settlement and not from the date of entry.'

"The report of the Commissioner sets forth in detail the various acts applying to the right of commutation of entries, and he reaches the conclusion that inasmuch as the bill would render the period of commutation and the right thereto uniform, he sees no objection to the passage of the bill if the first section be amended by inserting the word 'heretofore,' after the word 'been,' in line 4 of the bill.

"I concur with the Commissioner in the recommendation that the bill should pass, because of its remedial character and the fact that it would render the period of commutation uniform, but I do not see the necessity of the amendment suggested. I believe that the bill should apply to entries that may occur after its passage as well as those that have been made heretofore; hence the recommendation that the bill in its present form be passed, although I submit herewith for your consideration the Commissioner's report thereon.

"Very respectfully,
HOKE SMITH, *Secretary.*

"Hon. JOHN F. LACEY,
"*Chairman Committee on the Public Lands,*
"*House of Representatives.*"

"DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
"*Washington, D. C., January 29, 1896.*

"SIR: I am in receipt, by reference from the Department, January 20, 1896, for report in duplicate and return of papers, of H. R. 1436, 'to quiet title to lands in persons who purchased the same in good faith without notice and for a valuable consideration, and to enable the Government to issue patents on such lands, and that commutations of homestead entries shall take effect from date of settlement and not from date of entry,' which was referred to the Department by Hon. JOHN F. LACEY, chairman of the Committee on the Public Lands, United States House of Representatives, with request for suggestions from you to assist the Committee on the Public Lands in its consideration.

"The bill provides:

"'That whenever it shall appear to the Commissioner of the General Land Office that an error has been made by the officers of any local land office in receiving premature commutation proofs under the homestead laws, and that there was no fraud practiced by the entryman in making such proofs, and final payment has been made and a final certificate of entry has been issued to the entryman, and that there were no adverse claimants to the land described in the certificates of entry whose rights originated prior to making such final proofs, such certificates of entry shall be in all things confirmed to the entryman, his heirs, legal representatives, assigns, grantees, mortgagees, and a patent issue thereon.

"'SEC. 2. That all commutations of homestead entries shall be allowed after the expiration of fourteen months from date of settlement.

"'SEC. 3. That all acts and parts of acts in conflict with any of the provisions of this act are hereby repealed.

"'SEC. 4. That this act shall take effect and be in force from and after its passage and approval.'

"In reply I have the honor to report that on January 14, 1895, I made report on a bill similar to the first section of this, but restricted in its application to lands in Wisconsin restored under the act of June 20, 1890 (26 Stat. L., 169), commonly known as reservoir lands, and to cases in which the land had been sold or encumbered in good faith after issue of final certificate to a bona fide purchaser or incumbrancer for a valuable consideration, on presentation to the land office of satisfactory proof of such sale or incumbrance.

"This bill is broader in its terms and proposes to confirm all certificates issued by error of the local officers on premature commutation proof, whether in the hands of the original entryman or of the purchaser; however, as it is of a remedial nature, I think the word "heretofore" should be inserted after 'been' in line 4. After the bill is so amended, I see no objection to the first section thereof.

"In regard to the second section, it is proper to state that by section 2301, United States Revised Statutes, homestead claimants were allowed to commute on making proof of settlement and cultivation as provided by law granting preemption rights.

"By section 21, act of May 2, 1890 (26 Stat. L., 81), settlers in (old) Oklahoma were allowed to pay for the land at $1.25 per acre and receive a patent after twelve months from the date of locating upon the homestead, on showing compliance with all the laws relating to homestead settlement.

"By section 6, act of March 3, 1891 (26 Stat. L., 1095), section 2301, Revised Statutes, was amended so as to allow commutation on proof of settlement, residence, and cultivation for the period of fourteen months after the date of the entry.

"By section 2 of the act of October 20, 1893 (28 Stat. L., 3), settlers upon the Absentee Shawnee, Pottawatomie, and Cheyenne and Arapahoe lands were allowed to pay for the land at $1.50 per acre, and settlers on the public-land strip at $1.25 per acre, and obtain a patent therefor, by showing a compliance with all the laws relating to homestead settlement to date of proof, at the expiration of twelve months from the date of locating upon the homestead.

"By section 19, act of August 15, 1894 (28 Stat. L., 286), the right of commutation was extended to all bona fide settlers on lands in the Cherokee Outlet after fourteen months from date of settlement upon full payment for the lands at the prices provided in said act.

"As by said second section the period of commutation is rendered uniform, I see no objection to the passage of the bill after the first section is amended.

"On December 17, 1895, this office forwarded to the Department a draft of a bill to amend section 2301, United States Revised Statutes, so as to allow commutation in fourteen months from date of settlement.

"The third and fourth sections of the bill seem to require no comment. There is, therefore, no objection to the bill if amended as suggested, and the same is herewith returned.

"Very respectfully,
E. F. BEST, *Acting Commissioner.*

"The SECRETARY OF THE INTERIOR."

The amendments recommended in the report were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. STEWART of Wisconsin a motion to reconsider the vote by which the bill was passed was laid on the table.

ARREDONDO GRANT, FLORIDA.

Mr. COOPER of Florida. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4255) to provide for settlement of titles and disposition of public lands in the Arredondo grant, in Columbia County, Fla.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DINGLEY. I hope the gentleman will explain the bill.

Mr. COOPER of Florida. Mr. Speaker, this bill covers about 20,000 acres in one of the oldest settled agricultural portions of the State of Florida. This land was opened and offered as United States land on May 26, 1828, and again on July 25, 1835. The county seat of Columbia County, Lake City, a town of three or four thousand inhabitants, is on this land, and nearly all the land comprised in the tract is in settled and cultivated farms which have been held under the color of title from the United States, or through grants from the United States, for two or three generations. In 1882 there was a decree in the United States court which finally settled that there was a valid Spanish grant supposed to cover these lands. The grant had never been definitely surveyed. By decree of the United States court, under a statute, that grant was floated for scrip, and the claim of the Spanish grantees has been wholly removed. The titles affected by the bill are none of them the titles of squatters. They are the titles of actual purchasers under title or color of title derived from the United States or through the United States. The bill has been carefully drawn and is carefully guarded. It has been reported unanimously by the Public Lands Committee, and the Interior Department has stated that there is no objection to it.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. COOPER of Florida, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 copies of the report made by Messrs. Ludlow, Endicott, and Noble, of date October 31, 1895, upon the Nicaragua Canal, together with all the appendixes, maps, plans, and profiles accompanying the same, as submitted by them, 6,000 of which shall be for the use of the House of Representatives and 4,000 for the use of the Senate.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to furnish to the House of Representatives, in compliance with its request, a duplicate engrossed copy of the bill (S. 2501) for the relief of James Sims, of Marshall County, Miss.

The message also announced that the Senate had passed, without amendment, bills of the following titles:

A bill (H. R. 1743) for the relief of the widow of Thomas L. Young; and

A bill (H. R. 6) constituting Syracuse, N. Y., a port of delivery.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

A bill (S. 2962) to confer jurisdiction on the Court of Claims in the case of the book agents of the Methodist Episcopal Church South against the United States; and

A bill (S. 2488) to amend an act entitled "An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes."

The message also announced that the Senate had agreed to the report of the committee of conference on the bill (H. R. 6248) "making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," and still further insists upon its amendments numbered 11, 12, 13, 14, 16, 19, 22, 23, 36, 37, 38, 83, 108, 109, 142, 144, 233, 305, 306, 307, 309, 310, 313, and 314, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULLOM, Mr. TELLER, and Mr. COCKRELL as the conferees on the part of the Senate.

LIFE-SAVING STATION AT POINT BONITA, CAL.

Mr. BARHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1982) to provide for a life-saving station at or near Point Bonita, at the Golden Gate, in the State of California.

The bill was read, as follows:

Be it enacted, etc., That there be established a life-saving station at or near Point Bonita, at the Golden Gate, in the State of California; and the Secretary of the Treasury is hereby required to provide for such establishment and supply the same with the necessary life-saving crew and furnishings as provided by law in like cases.

Amendments recommended by the committee were read, as follows:

Line 3, strike out the words "there be established" and insert "the Secretary of the Treasury is hereby authorized to establish." Strike out all after the word "California," in line 6.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DINGLEY. Without objecting, Mr. Speaker, I desire to say with reference to this bill that the amendments proposed, which are proper, make the bill simply authorize the Secretary of the Treasury to establish this life-saving station. This leaves the Secretary of the Treasury to establish life-saving stations at any authorized point that the Department may deem proper, and there is a general appropriation made in the sundry civil bill for that purpose. Therefore the passage of bills of this character does not by any means bind the Department. There is no objection to these bills, as they contain no appropriation.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BARHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMERICAN CATTLE IMPORTED INTO GREAT BRITAIN.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania [Mr. STAHLE] on a privileged matter.

Mr. STAHLE. I am directed by the Committee on Agriculture to report back favorably the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the President be, and he is hereby, requested, if in his judgment not incompatible with the public interest, to communicate to the House of Representatives what, if anything, has been done by the State Department to carry out the following provisions of the act making appropriations for the Department of Agriculture for the year 1896, approved March 2, 1895, to wit: "That the President of the United States be requested to cause correspondence and negotiation to be had, through the Department of State or otherwise, with the authorities of the Kingdom of Great Britain, for the purpose of securing the abrogation or modification of the regulations now enforced by said authorities which require cattle imported into Great Britain from the United States of America to be slaughtered at the port of entry, and prohibiting the same from being carried alive to other places in said Kingdom."

And he is also requested to communicate to the House of Representatives all information which has been received by the State Department in regard to said matter.

Mr. McCREARY of Kentucky. What committee reports this resolution?

The SPEAKER. The Committee on Agriculture. The question is on agreeing to the resolution.

Mr. McCREARY of Kentucky. I should like to hear some statement in regard to the resolution.

Mr. STAHLE. The Committee on Agriculture had this resolution before them this morning and unanimously directed that it be reported in the shape just read. It simply proposes to inquire what action has been taken in reference to carrying into effect a provision of law adopted last winter. The inquiry has relation to a regulation of the British Government requiring that all cattle from the United States be slaughtered at the port of entry, and not taken alive into that Kingdom. We seek to obtain by this resolution whatever information may be accessible on this subject.

Mr. McCREARY of Kentucky. Has the resolution been recommended by the Committee on Agriculture unanimously?

Mr. STAHLE. Yes, sir.

The resolution was adopted.

On motion of Mr. STAHLE, a motion to reconsider the last vote was laid on the table.

LIFE-SAVING STATION, PORT HURON, MICH.

Mr. SNOVER. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 8260) to establish a life-saving station at Port Huron, on the coast of Lake Huron, Michigan.

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized to establish a life-saving station on the light-house reservation belonging to the United States at Port Huron, on the coast of Lake Huron, in the State of Michigan.

Mr. DOCKERY. Has this bill been favorably reported by a committee?

Mr. SNOVER. Yes, sir.

Mr. DINGLEY. It simply authorizes the establishment of this life-saving station; it is not peremptory, as I understand.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. DINGLEY. I suggest that the title of the bill be amended by striking out the word "establish" and inserting in lieu thereof the words "authorize the establishment of."

The SPEAKER. In the absence of objection, the title will be amended as indicated by the gentleman from Maine.

There was no objection.

On motion of Mr. SNOVER, a motion to reconsider the vote by which the bill was passed was laid on the table.

DONATION OF CONDEMNED CANNON.

Mr. BERRY. I ask unanimous consent for the present consideration of the bill which I ask the Clerk to read.

The Clerk read as follows:

A bill (H. R. 7777) to authorize the Secretary of the Navy to furnish condemned cannon to Fort Thomas, Ky.

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to furnish to Fort Thomas, Ky., 20 pieces of condemned cannon for ornamental purposes.

The amendment reported by the committee was read, as follows:

Add to the bill the following:

"*Provided*, That in the judgment of the Secretary of the Navy such articles can be spared without detriment to the public interests: *And provided further*, That the United States shall not be subjected to any expense on account of such donation."

Mr. TALBERT. I do not wish to raise any objection to this bill, but I understand that the supply of condemned cannon has been exhausted.

Mr. BERRY. This bill will take effect only in the event that there are any of these cannon subject to such disposition. I desire to move an amendment to reduce the number of pieces of cannon from 20 to 10.

The SPEAKER. The Clerk will read the amendment of the gentleman from Kentucky [Mr. BERRY].

The Clerk read as follows:

In line 4 of the bill, strike out "20" and insert "10"; so as to read "10 pieces of condemned cannon for ornamental purposes."

The amendment was agreed to.

Mr. BERRY. I also move to amend the amendment of the committee by striking out the words "*And provided further*, That the United States shall not be subjected to any expense on account of such donation."

Mr. DINGLEY. What is the effect of this amendment?

Mr. BERRY. The amendment of the committee proposes to add to the bill a provision that no expense shall be incurred by the United States Government for the transportation of these cannon from the navy-yard to Newport, Ky., where, or near which, Fort Thomas is located.

Mr. DINGLEY. Is it proposed to put the Government to the expense of transportation?

Mr. BERRY. Yes, sir; we believe that the transportation of these ten pieces of cannon ought to be paid for by the Government.

Mr. DINGLEY. I think that has not been usual in cases of this kind.

Mr. BERRY. Perhaps the gentleman does not understand the circumstances. Fort Thomas is a military post of the United States. The proposition is that these pieces of cannon be transferred from one of our navy-yards to a regular military post of the United States, and, I will add, one of the handsomest in the country.

Mr. DINGLEY. Are there any condemned cannon at the disposition of the Government for this purpose?

Mr. BERRY. There are.

Mr. DINGLEY. Are they to be used simply for decorative purposes?

Mr. BERRY. Yes, sir; for decorative purposes at the military post. Fort Thomas, one of the handsomest posts in the United States and only about three miles and a half from Cincinnati, is now occupied by the Sixth Infantry, having eight companies and a splendid band of music.

Mr. WILLIAM A. STONE. Have we made any appropriation for the manufacture of any condemned cannon? [Laughter.]

Mr. BERRY. I do not think we have; and I do not think we are likely to do so. The object of this bill is simply to transport these condemned cannon from the Charlestown Navy-Yard to Fort Thomas. The expense of transporting them may be $35 or $40. I do not know who is to pay for it, unless the Government does so.

Mr. DINGLEY. Are there not some condemned cannon there now?

Mr. BERRY. No, sir; this is an entirely new post, and is one of the handsomest in the country.

Mr. BROSIUS. Let me ask the gentleman this question: If the War Department desires to decorate and ornament——

Mr. BERRY. They have no means of doing so without some such authorization as this.

Mr. BROSIUS. Let me complete my inquiry. I say if the Department desires to decorate any post in this way, can it not be done by the War Department without a special act of Congress?

Mr. BERRY. I do not know, sir; but as a matter of fact the Army has no condemned cannon of its own. All the condemned cannon we have are in the hands of the Navy Department, and we only want authority here to allow the Department of War to transport, from some convenient point where these cannon are stored, the pieces of cannon specified in the bill for this post.

Mr. DINGLEY. Where is this post?

Mr. BERRY. It is about three and a half miles from Cincinnati, across the river on the Kentucky side, and is known as Fort Thomas. It is now occupied by the Sixth Infantry, a full regiment, with a band, and is under command of Colonel Cochran.

Mr. DINGLEY. Is it not practically a park which is used for pleasure purposes near some city?

Mr. BERRY. Oh, no; it belongs to the Government of the United States. It is a military post, and is occupied, as I have said, by the Sixth Infantry. While it is near the city of Cincinnati, and many visit it for pleasure, it belongs to the Government.

Mr. BROSIUS. A regimental post?

Mr. BERRY. Yes, sir; and occupied by the regiment I have named. It is, let me state, perhaps the prettiest location for a military post in the United States, excepting possibly West Point.

Mr. DINGLEY. What is the necessity for the passage of this bill?

Mr. BERRY. Simply because the War Department has no condemned cannon, while the Navy has. We ask authority on behalf of this post to be permitted to obtain, through the War Department from the Navy Department, the ten pieces of cannon to be used for ornamental purposes around the ground.

Mr. DINGLEY. But could not the War Department, out of their own appropriations, defray the expenses of the transportation of these guns?

Mr. BERRY. Well, they might, but the committee has put in a provision, as the gentleman will see, that the transportation of the pieces shall not cost the Government of the United States anything.

Mr. DINGLEY. And you propose that the Government shall pay the expense?

Mr. BERRY. Yes, sir; the Government of the United States owns the property, and I am informed by General Batchelder, the Quartermaster-General, that he can provide the transportation for the guns if this provision that I have referred to is stricken out of the bill and the amendment incorporated. If the bill was passed in the form in which it came before the House the Department would not have the power to transport these guns.

The SPEAKER. The question is on agreeing to the amendment to the amendment proposed by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BERRY, a motion to reconsider the last vote was laid on the table.

COURTS IN ROCKINGHAM COUNTY, VA.

Mr. TURNER of Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 174, granting permission to the circuit and county courts in Rockingham County, Va., to occupy the Federal court room in Harrisonburg, Va.

The bill was read, as follows:

Resolved, etc., That full permission be, and the same is hereby, granted to the State of Virginia, and to the circuit and county courts of Rockingham County, in said State, to occupy the United States court room and the rooms connected therewith at Harrisonburg, in said county of Rockingham, in Virginia, for and during the period necessary for said county of Rockingham to erect a new court-house of its own in said town of Harrisonburg, for the purpose of holding the sessions of said circuit and county courts of Rockingham County in said United States court room for the period named therein; and that during said period concurrent jurisdiction, so far as is necessary, over said property be, and the same is hereby, ceded to the State of Virginia for said purposes, so that the sessions of said courts in said building and rooms may be, during said period, fully legalized: *Provided*, That said rooms shall be kept in good repair at the expense of the State of Virginia, and the board of supervisors of said county of Rockingham, in Virginia, shall further provide necessary light and heat for said rooms at their own expense when occupied by said courts; and at the end of the period herein provided for, the use of said rooms shall be relinquished to the United States by the said State of Virginia and said courts of Rockingham County in as good condition as before their occupancy by said court: *Provided further*, That the sessions of said courts shall in no way interfere with the sessions of the circuit and district courts of the United States.

Mr. DINGLEY. Mr. Speaker, this bill seems to grant——

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. I will reserve the right to object until we know more about it. I think it needs an amendment. This seems to be a bill authorizing a State court of Virginia, or a county court, to occupy the rooms of a Government building while the county is building a court-house, but there is no limit to the time.

Mr. TURNER of Virginia. There is an amendment agreed to by the committee limiting the time to three years.

Mr. DINGLEY. I should like to know if this is a case where the county court-house has been burned?

Mr. TURNER of Virginia. No; it is about to fall down. They have to tear it down. They are building a new court-house. This is a copy of a bill passed here for a Pennsylvania court.

Mr. DINGLEY. I know it is, and it is a bad practice. The idea of the Government of the United States——

Mr. TURNER of Virginia. I would state, sir, that the Federal Government for years used the State court-house in that same town.

Mr. DINGLEY. That was undoubtedly when they wanted to obtain a Federal court. If the limitation of three years is there, I shall have no objection to it, although I think the practice is a bad one.

Mr. TURNER of Virginia. That limit has been put on by the committee, and it is a unanimous report.

Mr. DINGLEY. Mr. Speaker, is there an amendment limiting it to three years?

The SPEAKER. There is an amendment, which the Clerk will report.

The Clerk read as follows:

On page 2, line 13, after the word "therein," insert the words "which period shall not exceed three years."

The SPEAKER. Is there objection to the present consideration of the joint resolution.

There was no objection.

The amendment recommended by the committee was agreed to.

The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. TURNER of Virginia, a motion to reconsider the last vote was laid on the table.

AMENDMENT TO CIVIL-SERVICE LAWS.

Mr. BROSIUS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7259) to amend an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883.

The bill was read. It provides that any member of the Commission or the secretary of the Commission, in the course of any investigation herein authorized, shall have authority to administer oaths, take affidavits and depositions, orally examine witnesses, and when deemed necessary by the Commission employ a stenographer, etc.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOPKINS. Mr. Speaker, I reserve the right to object, pending an explanation of the bill.

Mr. BROSIUS. Mr. Speaker, the purpose of this bill is to enable the Civil Service Commissioners to administer oaths in cases in which the law of 1883 authorized them to institute and conduct investigations. That permission was omitted from the law, and the Commission have been subjected to very great inconvenience by not having the power to administer oaths. They have had difficulty in producing witnesses before them, because in many instances witnesses have come with great reluctance, and there is no power to compel them to come. All the Commission could do was to secure the voluntary affidavits of persons who were willing to make them. In all the States, I believe, in which the——

Mr. HOPKINS. Will this bill clothe them with the power to compel you and me, and anybody else that they subpœna, to come up and be subjected to an examination?

Mr. BROSIUS. It gives them the power to subpœna witnesses in all cases where they are authorized to investigate.

Mr. HOPKINS. Well, Mr. Speaker——

Mr. BROSIUS. Let me say a word.

Mr. HOPKINS. I have heard enough, so that my mind is made up. I think this is a bill that ought not to pass by unanimous consent. It ought to be taken up and carefully considered. Therefore I object to its consideration at this time.

DEPORTATION OF CANADIAN CREE INDIANS.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to report and to obtain present consideration for the bill which I send to the Clerk's desk.

The bill was read, as follows:

A bill (H. R. 8820) making provision for the deportation of refugee Canadian Cree Indians from the State of Montana, and their delivery to the Canadian authorities.

Be it enacted, etc., That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, or so much thereof as may be necessary, the same to be immediately available, to enable the President, by employment of the Army, or otherwise, to deport from the State of Montana and deliver at the international boundary line to the Canadian authorities all refugee Canadian Cree Indians in said State.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. CANNON. Mr. Speaker, a single word. This is a matter that is not reported from the Committee on Appropriations, nor has the bill been introduced. It seems to be important and immediate. Senate Document No. 821 shows the importance of it. It covers a report from Mr. SHERMAN, from the Committee on Foreign Relations, containing a communication from the Secretary of State, by which it appears that the Canadian authorities agree, if these Indians can be delivered at once, to accept them at the boundary line. There are said to be about 500 of them. They are Canadian Indians, and they have been vagabondizing over in our territory since the close of the Riel rebellion. I ask for the passage of the bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

SECTION 2238 OF THE REVISED STATUTES.

Mr. LACEY. Mr. Speaker, I ask unanimous consent to call up House bill 4804, with Senate amendments, and to move to concur in the amendments. The bill is upon the Speaker's table.

The SPEAKER. This is the regular order, a House bill with Senate amendments.

Mr. LACEY. We have not reached the regular order; but I would like to dispose of that, in connection with another Senate bill.

The SPEAKER. The Clerk will report the bill and then the amendments.

The Clerk read as follows:

A bill (H. R. 4804) to amend subdivision 10 of section 2238 of the Revised Statutes of the United States and to repeal subdivision 12 of section 2238 of the Revised Statutes of the United States.

The bill was read at length.

The Senate amendments were read, as follows:

Strike out all of section 2, and amend the title so as to read "An act to amend subdivision 10 of section 2238 of the Revised Statutes of the United States."

Mr. LACEY. I move to concur in the Senate amendments.

The Senate amendments were concurred in.

H. C. HERNDON.

Mr. PUGH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3787) for the relief of H. C. Herndon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $204.30 to H. C. Herndon, of Catlettsburg, Ky., for the loss of a registered package containing said sum which he placed in the post-office at Webbville, Ky., as deputy collector of internal revenue, on November 24, 1892, addressed to Thomas C. McDowell, collector for fifth internal-revenue district of Kentucky, and which sum was stolen from said post-office on the night of the 24th of November, 1892, and the said Herndon was compelled to pay the said collector the said sum.

Mr. PUGH. I will ask unanimous consent to have a change made in the eleventh line by striking out the word "fifth" and substituting the word "seventh" in lieu thereof; so as to read: "Collector for seventh internal-revenue district of Kentucky."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. Mr. Speaker, I would like to have some explanation of the bill or the reading of the report or something of the kind.

Mr. PUGH. I will state that this is simply a bill to reimburse Mr. H. C. Herndon, formerly a deputy of Mr. H. C. McDowell, collector for Seventh internal-revenue district of Kentucky, the sum of $204.30, which was stolen from the United States mail after it had been deposited in a registered package by him, acting under the express authority and direction of his superior officer, in transmitting the money after it had been collected from fruit distillers in the northeastern part of the State, and which amount he was compelled to pay over and make good to the collector, although it was lost in the hands of the agents of the Government without his fault. The matter was investigated by a special examiner sent there by the Post-Office Department, and the Committee on Claims have reported the bill, and were unanimously in favor of it, as the gentleman from Tennessee [Mr. COX], a member of that committee, will explain.

Mr. LOUD. Mr. Speaker, I will have to have the report read. It is very strange that the postal authorities should not be liable for this amount if it came into their possession.

Mr. PUGH. The report is very short, and I will have it read.

Mr. LOUD. Reserving the right to object, I will have the report read.

The report (by Mr. COLSON) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 3787) for the relief of H. C. Herndon, submit the following report:

The object of this measure is to refund to H. C. Herndon, of Catlettsburg, Ky., the sum of $204.30, which amount he, while in the Government employ as deputy collector of internal revenue, was required to and did pay and make good to his superior officer, the Hon. Thomas C. McDowell, at the time collector for the Seventh district of Kentucky, the same having been lost or stolen in a registered mail package under the following circumstances: Said money had been collected by said Herndon from fruit distillers in Lawrence County, Ky., and was for tax on brandy produced by them; said deputy was required to transmit promptly all funds collected by him to his said superior officer; there was no other means of transmission in that vicinity usually employed, saving by mail, and, acting under express authority and instructions of the said collector, Herndon deposited said sum of money in a registered letter at the post-office at Webbville, in that county, and received registry receipt No. 21 from B. C. Irwin, the postmaster, therefor.

Before the next outgoing mail and on the night of November 24, 1892, the said post-office at Webbville was broken into by unknown persons, the safe broken open, and all the contents of value, including the said registered letter containing $204.30, were stolen and carried away and never thereafter recovered. The proof is clear that the loss was occasioned without any fault or default on the part of Herndon, he having promptly acted under explicit directions in transmitting said money by registered letter, and to make him personally sustain the loss under such circumstances would be a hardship not to be sanctioned by equity or good conscience or that would be required in the dealings of individuals. The Government can afford to be at least just to its citizens.

Your committee have given the matter careful consideration, and have arrived at the conclusion that the claim is just and ought to be paid, and therefore report back the bill and recommend its passage.

Mr. LOUD. Well, Mr. Speaker, it seems very strange to me that the post-office authorities are not liable after giving a receipt for it. There seems to be no evidence in this case except a summary of his statement. If my friend from Tennessee knows anything about this case, I wish, as he has been pointed to, he would explain it.

Mr. COX. I understand the facts tolerably well, Mr. Speaker, as I try to understand all these claims that come from that committee. Here is an officer that collected money, and he was directed to transmit the money through the mails. That was the only way that he could send it. He went and put the money into the mail and registered the letter. He took the certificate of registration, and he had no connection whatever with the post-office. After he put the money into the mail it was stolen out of the office; and the only question in the matter is, Ought he to pay the money or the Government to lose it?

Mr. WILLIAM A. STONE. This was Government money that he had received?

Mr. PUGH. Yes; and after he collected it and placed it in the hands of the agents of the Government, the post-office authorities, the post-office was robbed and the package containing this money stolen, and the Government officer to whom he transmitted it required him to refund.

Mr. COX. That was the mode of transmitting it to the proper officer, as a credit to him. You will find that there is no fault attributed to this man.

Mr. WILLIAM A. STONE. He transmitted it to the collector, did he?

Mr. COX. Yes.

Mr. WILLIAM A. STONE. How did the collector require him to refund it?

Mr. COX. He just thought he ought to refund it, and, regardless of any kind of consequences, he paid the money back.

Mr. PUGH. He did it under the instructions of the collector. The collector required it at his hands, and he had to do it or be discharged. I submit that it would be a gross injustice to require him to lose it under such circumstances. He was a faithful officer.

Mr. WILLIAM A. STONE. Is there not a fund out of which moneys lost while in transit from a subagent can be paid?

Mr. PUGH. There is no fund whatever, and no provision for payment by the Post-Office Department. This is the only means of relief.

Mr. COX. That is what brings the bill here.

Mr. LOUD. Now, I am very much astonished that the gentleman from Tennessee, who is familiar with the law, should make a statement of that character or place much faith in it. If this money has been deposited in the post-office once and a certificate taken, surely the postmaster is responsible.

Mr. COX. No.

Mr. LOUD. I say yes. The gentleman says no, and I say yes, most emphatically, Mr. Speaker; and I should not be surprised if I remain in Congress long enough to find that this same $200 will come back here again in a bill to reimburse the postmaster of this place. Now, then, if the robbery was committed, the Post-Office Department is competent to require the postmaster to reimburse it. This is a very small sum and I do not know but what I could afford to pay it; but it is a most dangerous precedent.

Mr. COX. Mr. Speaker, the gentleman's remark has run off on a switch. This is not a question with the postmaster; it is a question with this man who registered the money and put it in the post-office to send it to his superior officer. They made him pay the money although it was lost without any fault of his. Now, whatever may be the law in regard to the liability of the postmaster, that is a totally different thing. If the Government gets it back out of the postmaster, they have lost nothing.

Mr. LOUD. The Government will have no opportunity of getting it back, but they will make an allowance in the case. I would like to ask the gentleman what the Department say regarding this matter, and what the evidence in the case is.

Mr. COX. I shall be glad to have the statement of the Department read. It exonerates this man from blame entirely.

Mr. PUGH. The Department officers all say that it is only doing simple justice to refund this money and that the passage of this bill is this man's only remedy. The amount may seem small to some gentlemen, but if it be just—and it unquestionably is—in all good conscience it should be paid, regardless of the amount. This Government can certainly afford to pay its debts.

Mr. LOUD. Well, I shall not object, but I do not think this bill ought to pass.

An amendment offered by Mr. PUGH, striking out "Fifth," in line 11, and inserting "Seventh," was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PUGH, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONDEMNED CANNON.

Mr. ODELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7381) directing the Secretary

of the Navy to donate one condemned cannon and cannon balls to Soldiers and Sailors' Monument Association of the city of Middletown, N. Y.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to the city of Middletown, N. Y., for the soldiers and sailors' monument in Theall Park, one condemned cannon and balls sufficient for one pyramid: *Provided*, That the same can be done without injury to the public service and without any expense to the Government of the United States.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was according read the third time, and passed.

On motion of Mr. ODELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

KATE EBERLE.

Mr. HITT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 485) for the relief of Kate Eberle, an Indian woman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, required to pay to the said Kate Eberle, her heirs and representatives, the sum of $62.08 out of the trust fund held and credited by the Government to that tribe of Indians, the same being the approximately estimated cash value rightfully due the said Kate Eberle instead of her pro rata share of the provision in land or otherwise made by the Government according to said treaties, which would have accrued to her had she remained with the Sac tribe.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DOCKERY. I will ask the gentleman from Illinois what is the amount involved?

Mr. HITT. Six hundred and seventy-two dollars and eight cents, to be paid out of the fund of these Indians.

Mr. DINGLEY. Has this bill been reported from the Committee on Indian Affairs?

Mr. HITT. It is reported from that committee. The bill was passed at the last session in the House and in the Senate, but too late to reach the President for signature.

Mr. DINGLEY. And this tribe has funds which the Government holds as trustee?

Mr. HITT. Yes; the tribe has funds, and this woman is proven clearly to be one of the tribe.

Mr. DINGLEY. Is this payment recommended by the Commissioner of Indian Affairs?

Mr. HITT. The whole substance of the report is a communication from the Commissioner of Indian Affairs, giving the history of the case from the beginning, and fixing the amount.

The bill was ordered to be engrossed and read a third time;

And being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

F. ALBERTS & CO.

Mr. BISHOP. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5388) for the relief of F. Alberts & Co., of Muskegon, Mich.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $435.67 to F. Alberts & Co., of Muskegon, Mich., the same being to reimburse said firm for money wrongfully collected from them on a claim timber trespass, and paid under protest, for logs cut from lot 1, section 30, township 12 north, range 15 west, State of Michigan.

The report (by Mr. SNOVER) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 5388) for the relief of F. E. Alberts & Co., of Muskegon, Mich., have carefully considered the same and report as follows:

The facts in this case are fully and carefully set forth in a letter dated February 1, 1895, to the honorable Secretary of the Interior in response to a letter from Hon. T. C. MCRAE, chairman of the Committee on the Public Lands of the House of Representatives, transmitting for consideration a like bill, being House bill No. 8625, Fifty-third Congress, a copy of which letter is herewith given, and made a part of this report.

"DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
"*Washington, D. C., February 1, 1895.*

"SIR: I am in receipt, by reference from the Department for report, of a letter, dated the 28th ultimo, from Hon. T. C. MCRAE, chairman of the Committee on the Public Lands of the House of Representatives, transmitting for consideration House bill No. 8625, 'For the relief of F. Alberts & Co.' and requesting 'an early report thereon with suggestions and recommendations in reference thereto as you may see proper to make.'

"The bill provides 'that the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $435.67 to F. Alberts & Co., of Muskegon, Mich., the same being to reimburse the said firm for money wrongfully collected from them for logs cut from lot 1, section 30, township 12 north, range 15 west, State of Michigan.'

"The record of this timber-trespass case is set forth in the letter from this office to the Department, dated September 30, 1889 (copy inclosed), recommending that the proposition of Alberts Bros. to settle their liability to the Government by the payment of $435.67 be accepted. This recommendation was concurred in by the Department October 7, 1889 (copy of said letter herewith), and the records show that said sum of $435.67 was duly paid to the receiver of public moneys at Grayling, Mich.

"The land involved is covered by soldiers' additional homestead entry No. 8943, made by Edward Delaney, final certificate No. 6122, issuing March 24, 1887, Reed City series, now Grayling, Mich., land district.

"Delaney transferred the land to Oliver Barrett March 23, 1887, one day before the entry, and Barrett transferred to Frank Alberts & Co. March 2, 1888.

"The entry was held for cancellation by this office February 20, 1889, on the report of the special agent, on the ground that it was made in the interest of other parties than the entryman. The transferees having applied for a hearing, the same was ordered and duly had. Upon the evidence adduced thereat this office decided, June 14, 1890, that the entryman had not violated the statute under which his entry was made, and it was accordingly relieved from suspension. Patent issued thereon March 3, 1893.

"At the time Alberts & Co. cut this timber they were the transferees and equitable owners of the land. In holding them liable for the timber cut this office proceeded upon the theory that the entry having been attacked for illegality the timber cut became the personal property of the Government, and it was entitled to its value.

"In this case the innocence of any wrong on the part of Alberts & Co. was fully recognized, and their proposition to settle their liability at a small stumpage value was accordingly accepted.

"Inasmuch as the Government has failed to cancel the entry of Delaney, and as a patent has issued thereon, the legal title is now in Alberts & Co., if they are still the owners of the land. This title, so far as they are concerned, relates back to the date of their deed from Barrett, and they are in consequence entitled to the timber then growing as a part of the realty.

"Therefore, as the title has been confirmed, the timber for which the Government has received payment becomes the property of Alberts & Co., and they are entitled to the repayment of the money received therefor.

"I therefore recommend that said bill become a law.

"The papers referred to are herewith returned.

"Very respectfully,
"S. W. LAMOREUX, *Commissioner.*"

In accordance with the recommendation of the Commissioner, your committee recommend that the bill be passed.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BISHOP, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Several members addressed the Chair.

Mr. PICKLER. Regular order, Mr. Speaker.

NORTHERN PACIFIC INDEMNITY LANDS.

Mr. LACEY. Mr. Speaker, I desire to make a privileged motion. The House has amended the Senate bill (S. 2221) for the relief of settlers on the Northern Pacific Railroad indemnity lands, and I desire to move that the House insist upon its amendments.

The bill and amendments were read.

Mr. LACEY. I move that the House insist upon its amendments to the Senate bill and agree to a conference.

The motion was agreed to.

EXTRA HOUSE EMPLOYEES.

Mr. ALDRICH of Illinois. Mr. Speaker, I desire to present a privileged report from the Committee on Accounts.

The report was read, as follows:

The Committee on Accounts, to whom was referred sundry resolutions, begs leave to report as follows:

The bill to repeal joint resolution No. 21, March 3, 1893, authorizing the employment of clerks by Members and Delegates in Congress, is returned without approval.

The resolution providing for increase of compensation of Harris A. Walters, now on the folders' roll in the Doorkeeper's department, from $720 per annum to $1,200 per annum, is disapproved.

The resolution providing for the employment of 10 additional pages during the present session of Congress is disapproved.

The resolution providing for the appointment of W. D. Catlett to have charge of the ladies' reception room, at a compensation of $1,200 per annum, is disapproved.

The resolution providing for the appointment of an additional clerk at a salary of $2,000 per annum, who shall be capable of reading to the House and who shall perform such other services as may be required under the direction of the Clerk, is herewith returned without approval.

The resolution providing for the payment of F. S. Bishop for services performed in the Clerk's document room from December 11, 1895, to February 4, 1896, of a sum at the rate of $1,440 per annum is disapproved, and in lieu thereof your committee recommends that an allowance of $120 be granted said Bishop for such services, and submits herewith a resolution to that effect.

The resolution authorizing the Clerk of the House to employ an assistant clerk in the document room at a salary of $1,200 per annum is disapproved, and in lieu thereof your committee recommends that the salary of W. P. Scott, now employed as assistant binding clerk in said room, be increased from $720 to $1,000 per annum while so employed, and submits herewith a resolution to that effect.

The resolution providing for the payment of $150 to J. A. Miller for services rendered as assistant clerk to Committee on Claims from February 15, 1896, to March 10, 1896, inclusive, is approved.

The resolution providing for the payment of $90 to Thomas Adams for services in the document room from March 4, 1895, to December 4, 1895, is approved.

The resolution directing the Clerk of the House to pay out of the contingent fund to the widow of Lycurgus Dalton, deceased, late Postmaster of the House, the expenses of his late illness and funeral, not to exceed the sum of $500, and a further sum equal to his salary for one year, is approved.

The resolution authorizing the Clerk of the House to pay out of the contingent fund to each Member and Delegate for annual clerk hire an amount not exceeding the sum of $100 per month, to be certified by them on the 1st day of each calendar month in the manner provided in the joint resolution approved March 3, 1893, is herewith returned without recommendation.

Mr. ALDRICH, from the Committee on Accounts, submitted the following resolution:

"*Resolved*, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund, to F. S. Bishop the sum of $120, for services performed in the Clerk's document room during the current session of Congress.

"*Resolved*, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund, to J. A. Miller the sum of $150, for services rendered as assistant clerk to the Committee on Claims from February 15, 1896, to March 10, 1896, inclusive.

"*Resolved*, That the Clerk of the House be, and he is hereby, authorized

and directed to pay Thomas Adams, for services from March 4 to December 4, 1895, in the document room, $90, out of the contingent fund.

"*Resolved*, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund, to the widow of Lycurgus Dalton, deceased, late postmaster of the House, a sum equal to his salary for one year and the expenses of his last illness and funeral, said expenses not to exceed the sum of $500.

"*Resolved*, That the salary of W. P. Scott, detailed and employed in the document room on account of his qualifications for the place as assistant binding clerk, be, and is hereby, increased from $720 to $1,000 per annum while so employed, the excess over $720 per annum to be paid out of the contingent fund of the House; said increase to begin April 1, 1896."

Mr. ALDRICH of Illinois. I move the adoption of the resolutions which have been read.

Mr. HARTMAN. I rise to a parliamentary inquiry. My understanding is that the Committee on Accounts reports back without recommendation the resolution authorizing annual clerks for members. The adoption of the present motion of the gentleman from Illinois will not, as I understand, prevent us afterwards from adopting the resolution to which I have just referred?

The SPEAKER. The Chair thinks that the question on the resolutions just read must first be taken, and after that the question would come up as to what should be done with the resolution on which they make no recommendation.

Mr. HARTMAN. When that time comes I desire to move the adoption of the resolution. Therefore I desire a separate vote upon it.

The SPEAKER. The question is upon agreeing to the resolutions as read.

Mr. DOCKERY. What are these resolutions?

The SPEAKER. A series of resolutions just reported by the Clerk. If the gentleman from Missouri [Mr. DOCKERY] so desires, they can be reported again.

Mr. FAIRCHILD. I ask that they be reported again.

Mr. PICKLER. I object. The rereading of all those resolutions will take fifteen minutes.

Mr. FAIRCHILD. I withdraw my request. [Cries of "Vote!" "Vote!"]

The SPEAKER. Unless a separate vote is demanded, the question will be taken upon these resolutions as a whole.

Mr. DOCKERY. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DOCKERY. I have just come into the Hall, and I wish to inquire whether in the resolutions now pending there is any proposition proposing to allow annual clerk hire to members?

The SPEAKER. The Chair understands not.

Mr. NORTHWAY. There is not. The resolution in regard to annual clerks is reported without any recommendation.

The question being taken, the resolutions reported favorably by the Committee on Accounts were adopted.

ANNUAL CLERKS FOR MEMBERS.

Mr. ALDRICH of Illinois. As to the resolution last referred to in the report, the resolution introduced by the gentleman from Montana [Mr. HARTMAN], I am violating no confidence when I say—in fact, I am authorized by the committee to say—that the resolution providing for annual clerks for members was defeated in the committee by a tie vote; but upon further consideration it was agreed that it be reported back to the House without recommendation. In that form the resolution now comes up. As that resolution has not been read, I suggest that the Clerk now read it.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized to pay out of the contingent fund of the House to each Member and Delegate for annual clerk hire an amount not exceeding the sum of $100 per month, to be certified by them on the first day of each calendar month in the manner provided in the joint resolution approved March 3, 1893.

Mr. ALDRICH of Illinois. Mr. Speaker, in explanation of this resolution I wish simply to say that it provides for an allowance of $100 per month for the entire year to each and every member of the House, including the 50 chairmen of committees who now have clerks. On the theory that we shall adjourn by the 1st of June, or thereabouts, it involves an expenditure of some $216,000 for the remainder of this year, or until the beginning of the next regular session of Congress.

Mr. TAWNEY. That is on the theory that every member will draw the full amount?

Mr. ALDRICH of Illinois. Yes; as my friend from Minnesota suggests, on the theory that every member will draw the full amount which would be authorized by the adoption of the resolution.

Now, Mr. Speaker, before making the motion I shall make in a moment to lay this resolution on the table, I wish to say that it seems to me an inopportune time for the adoption of a resolution of this character. There is no disposition, so far as I know, on the part of any member of this House, or any member of the committee, to withhold from members of the House all the clerical assistance which they may need. But there is a fitting time for all things; and it does seem to me that the adoption of this resolution providing clerks for members during the coming vacation of Congress would be equivalent to authorizing an additional issue of bonds to the amount of $216,000.

Mr. DOCKERY. Will the gentleman allow me a question?

Mr. ALDRICH of Illinois. Certainly.

Mr. DOCKERY. What will be the annual increase of compensation involved in this resolution?

Mr. ALDRICH of Illinois. That would depend on the time when the vacation of Congress may begin; because under the existing system each member is allowed $100 a month during the sessions of Congress. Should Congress adjourn for the present session by the 1st of June, that would leave six months of vacation (until the first Monday of December next) during which this resolution would operate. And on the theory that every Member and Delegate will draw the full amount of his stipend under this resolution, it will make an expenditure of $216,000 for the remainder of the session.

Mr. COX. One question I would like to ask the gentleman, with his permission, to see if I understand exactly the point—I did not catch it clearly—and that is, whether the chairmen of committees are to be allowed, under this provision, annual clerks in addition to the clerks they are now allowed under the provisions heretofore adopted?

Mr. ALDRICH of Illinois. In answer to the gentleman from Tennessee, I will state that there are 25 annual clerks of committees provided for by law, and in addition to that there are 25 session clerks, also provided for by resolution or otherwise. The 25 annual clerks draw a salary ranging from two thousand to three thousand five hundred dollars per annum, I think, and the session clerks have a compensation of $6 per day, amounting to $180 a month.

Mr. COX. Now, are all of these members of the House who are chairmen of committees, and who are entitled to the services of these annual clerks, to come within the provisions of the pending resolution if adopted?

Mr. ALDRICH of Illinois. Certainly. It applies to all the members, without reservation.

Mr. COX. And then are all of these clerks made annual by this provision?

Mr. ALDRICH of Illinois. No; and in that connection let me state that in my judgment before such legislation as this is adopted there ought to be an adjustment of compensation allowed by law—the compensation to the session clerks as compared with the compensation to the committee clerks.

Mr. CANNON. Let me ask the gentleman this question: This resolution covers the members who are chairmen of committees where these committees have session clerks?

Mr. COX. That is the point.

Mr. ALDRICH of Illinois. It does. It provides that every Member and Delegate shall be entitled to the expenditure of this sum.

Mr. CANNON. But it does not cover, I take it, the members who are chairmen of committees where the committee clerks are annual.

Mr. ALDRICH of Illinois. Certainly it does. It makes no exception.

Mr. CANNON. Now, let us distinctly understand this. As I understand the answer of the gentleman from Illinois to the question, it is that as to these session clerks, who of course end their services when the session terminates, yet every member of a committee, including the chairman of it, after the session ends is entitled during the remainder of the fiscal year to the services of a clerk?

Mr. ALDRICH of Illinois. Yes, precisely; and at a compensation of $100 per month.

Mr. BINGHAM. Has the gentleman from Illinois conveniently at hand the joint resolution approved March 3, 1893?

Mr. ALDRICH of Illinois. I have not the provision before me. I take it, Mr. Speaker, that this resolution is not yet absolutely before the House, and in order to bring it before the House for consideration, I move that it be laid upon the table.

Mr. DOCKERY. That motion would not be debatable, and it would withdraw the resolution from before the House.

Mr. BINGHAM. Before the gentleman makes that motion I want to ask a question.

Mr. ALDRICH of Illinois. I will withdraw the motion. I have no desire to cut off discussion.

Mr. BINGHAM. I wish to ask the gentleman a question. Under the resolution we are authorized to pay, or rather the Clerk of the House is authorized to pay, out of the contingent fund of the House to each Member and Delegate, for annual clerk hire, an amount not exceeding $100 per month. I call the gentleman's attention to this language:

To be certified by them on the first day of each calendar month in the manner provided in the joint resolution approved March 3, 1893.

That virtually makes the same provision that is covered by the resolution of March 3, 1893, which provides:

And provided further, That the provisions of this resolution shall not apply to members who are chairmen of committees entitled under the rules to a clerk.

There are, as the gentleman said, annual clerks at two thousand dollars a year salary and upward, and 25 session clerks at $6 per diem. Now, I understand that under this resolution, just as by the resolution of 1893, the chairman of a committee, with an annual clerk or a per diem clerk, can not be and would not be entitled to this compensation.

Mr. DALZELL. If the gentleman from Illinois will allow me, the express provision of the resolution is that the Clerk of the House of Representatives is authorized to pay, out of the contingent fund of the House, "to each Member and Delegate," for annual clerk hire, a sum not exceeding $100 per month. There is an independent proposition, and the way that each member is to get his clerk hire is by certifying on the first day of each calendar month, just in the manner provided in the joint resolution approved March 3, 1893.

Mr. BINGHAM. But the gentleman does not read the additional proviso in the original act.

Mr. DALZELL. The resolution imports in its body nothing more than the provision of the resolution of March 3, 1893, that relates to the manner in which the Member or Delegate is to certify his expenditure on this count. I am only calling attention to the fact to show that the gentleman's proposition is not straight.

Mr. BINGHAM. Oh, yes; it is. I think the gentleman is mistaken.

Mr. CANNON. If there be any question about the matter as raised by the gentleman from Pennsylvania [Mr. BINGHAM] certainly I should not vote for this resolution without the proviso. And it ought to be amended, if it is to pass, in my judgment, by adding to it the words:

Provided, That the provisions of this resolution shall not apply to members who are chairmen of committees entitled under the rules to an annual clerk.

Several MEMBERS. That is right.

Mr. ALDRICH of Illinois. I yield to the gentleman from Montana [Mr. HARTMAN].

Mr. HARTMAN. Mr. Speaker, I understand the gentleman from Illinois [Mr. ALDRICH] to withdraw his motion to lay this resolution upon the table. That being the case, there is nothing before the House, and I therefore move the adoption of the resolution.

Now, with reference to the time which the House desires to consume in debating this question, I am anxious to defer entirely to the House. I have no disposition personally to consume more than a few moments, and indeed would be willing to take a vote now; but, Mr. Speaker, several gentlemen have come to me this morning and have indicated their desire to submit some observations against this resolution. They are entitled to be heard as much as those who are in favor of it; and in order to test the sense of the House I now ask unanimous consent that debate upon this resolution be continued for one hour, and that at the expiration of that time the previous question may be considered as ordered.

Mr. ALDRICH of Illinois. Mr. Speaker, I will say in behalf of the Committee on Accounts that I will very cheerfully agree to the suggestion of the gentleman from Montana.

Mr. PICKLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PICKLER. This is private bill day, and under the regular order the pension bills on the Calendar come up. I demanded the regular order. Now, my inquiry is as to whether this privileged question can displace the regular order?

The SPEAKER. The difficulty is that that question can not be raised after consideration has been had to the extent which has taken place upon this resolution.

Mr. PICKLER. Well, I made the demand for the regular order, Mr. Speaker——

The SPEAKER. And the gentleman from Illinois presented what he claimed to be a privileged report.

Mr. PICKLER. Now, unless——

The SPEAKER. The Chair will not undertake to pass upon the question whether it would be admissible to-day or not, because the matter has been disposed of already, by no objection being made. The Chair does not by any means intend to say that it would not be privileged at all, but simply that it is too late to consider the question.

Mr. PICKLER. Unless you can limit this debate——

Mr. CURTIS of New York (to Mr. PICKLER). You can not help it.

Mr. PICKLER. I demanded the regular order.

Mr. HARTMAN. Mr. Speaker, I have not surrendered the floor. I ask unanimous consent that debate continue for thirty minutes upon this resolution, and at the expiration of that time that the previous question be considered as ordered on the resolution and amendments.

Mr. CANNON. The gentleman in charge of the bill can move the previous question whenever he desires. Suppose you let the debate run for thirty minutes or forty minutes.

Mr. ALDRICH. Mr. Speaker, I suggest that we allow the debate to proceed, when it will develop how much time is wanted. I think a fair hearing should be granted to everyone desiring to be heard upon this proposition.

Mr. DOCKERY. That is right.

Mr. PICKLER. I object, if objection will do any good.

The SPEAKER. The Chair then will recognize the gentleman from Montana [Mr. HARTMAN], to whom the gentleman from Illinois has yielded.

Mr. PICKLER. I have called the regular order in the hope of getting up these pension bills. Why can not you limit this debate now?

Mr. HARTMAN. I move that debate upon this resolution——

Mr. CANNON. That is not in order.

The SPEAKER. The gentleman from Illinois [Mr. ALDRICH] is in charge of the resolution and has yielded to the gentleman from Montana [Mr. HARTMAN], and the Chair has accorded him the floor.

Mr. HARTMAN. Very well; I will withdraw the proposition and proceed to discuss the resolution.

Mr. Speaker, I will first address myself to the resolution in its present form. It provides annual clerks to Members and Delegates. It was my intention, when I prepared this resolution, to include within its provisions every Member of this House and every Delegate, irrespective of whether he was the chairman of a committee or not. My idea of that was this: I do not think it fair or just, first, to the clerk of a committee, that he should be called upon to perform the official work of the committee and then, in addition to that, to have added to his burdens the work of the individual who happens to be chairman of the committee. The second point is that it is not fair to the man who is chairman of the committee that he should be compelled to divide the time of his clerk with the committee. The time of his clerk ought to be the time exclusively of the member in whose employ he is, and it is too much to ask that the member divide the time of his clerk with the committee.

Mr. HENDERSON. Mr. Speaker, I want to say to my friend that as I understand it these committee clerks have no business to do the work of the chairman of the committee. Their duties are with the committee itself.

Mr. HARTMAN. Yes.

Mr. HENDERSON. And in my case, and in many others, I have no doubt, we employ stenographers and typewriters personally, in addition to the committee clerks. We have no right to call on the clerk of a committee to do the work of our Congressional districts.

Mr. HARTMAN. In other words, then, under the resolution—should it be amended as suggested—the chairman of a committee would not have the benefit of a clerk at the expense of the Government of the United States. He would be charged with all the burdensome duties which would devolve upon him by reason of being chairman of that committee, and yet would be deprived here of the very services that other members, who have less to do and less responsibility, are provided with at the expense of the Government.

Mr. Speaker, that was the reason why I prepared that resolution in the present form. I will say this, however, that if it seems to be better—and I am not ready to admit it, but if before this discussion is closed it appears to me that it is the sense of this House that the amendments suggested by the gentleman from Illinois [Mr. CANNON] might be accepted, I will do so; but I do not want it understood that I accept it at this stage of the game, because I have not had sufficient information and the House has not had that information yet; and I say that with all due respect to my distinguished friend from Illinois.

Mr. MILES. What is this "game" you are playing? [Laughter.]

Mr. HARTMAN. Now, Mr. Speaker, with reference to the necessity for these clerks. Every member here who has passed through one—only one—vacation knows that he requires the services of a clerk as much during vacation as he does through the session. I know members, and I know one Delegate upon this floor, who receive from 150 to 200 letters per day. That is during the session. During the vacation they receive probably half that many. Every member here knows that when he goes to his home, remote from this city, to spend his vacation where he has the right to spend it, he is compelled to employ assistance at this end of the line to transact the business which he must transact in order to properly perform his official duties. Any gentleman who does not need the assistance of a clerk need not pay him. Some gentlemen say, "I have no business during the vacation." I say to any gentleman here who does not have business sufficient to occupy the services of a clerk in vacation, he does not need to employ a clerk under this resolution.

committee, to withhold from members of the House all the clerical assistance which they may need. But there is a fitting time upon this resolution, and at the expiration of that time that the previous question be considered as ordered on the resolution and amendments.

To be certified by them on the first day of each calendar month in the manner provided in the joint resolution approved March 3, 1893.

any gentleman here who does not have business sufficient to occupy the services of a clerk in vacation, he does not need to employ a clerk under this resolution.

This resolution provides that members shall certify, just as they do now, under the joint resolution of March 3, 1893. That resolution provides that a member shall certify that he has employed and agreed to pay a certain amount not exceeding $100 a month to a clerk. There is nothing compulsory about it. I want to ask any man here who says that he does not need clerical help during vacation whether he can justify himself in standing up here and insisting against permitting me, who says that I do need the services of a clerk during vacation, from having one. If there is any district in the United States that does not furnish sufficient business to its member to justify the employment of a clerk in the vacation, then that is an exception. I do not believe there are ten such districts in the entire United States.

Mr. TAWNEY. And the member is not obliged to certify if he does not employ the clerk.

Mr. HARTMAN. Certainly you do not need to employ him at $100 a month. You can employ him for $25 or $50, and if you do not employ him at all you do not pay him.

Now, Mr. Speaker, there is another question about this. Gentlemen say that we can not afford to do this at this time. Mr. Speaker, we can always afford in this House and elsewhere to do what we believe to be the proper thing to do [applause] and make no apologies to anybody. [Renewed applause.] I want to say, Mr. Speaker, that I do not believe there is a constituency in the United States composed of men so narrow and selfish that they are not willing that their representatives shall have accorded to them sufficient aid from the Government of the United States to properly perform their representative duties upon this floor. [Renewed applause.] So far as I am concerned, I want it distinctly understood if I represent that kind of a constituency I will consider it an honor to be defeated by them. I do not want to represent a constituency that is composed of that kind of people, and I do not do it. They are perfectly willing to accord to me the proper financial aid and assistance from the Treasury of the United States to employ and procure the clerical aid necessary for me to perform my official duties properly. They get the benefit of it.

Why, Mr. Speaker, I myself, in the short time of my public service, have paid out over $700 more in clerk hire than I have received from the Government of the United States. Every month that check goes to the clerk, and additional money in vacation. And in no case, in my mind, has any member of this House received one red cent of the salary that has been accorded to him under the joint resolution of March 3, 1893.

Mr. Speaker, it is simply a cold-blooded question of whether this House has the nerve to come up here on the eve of an election and vote for what every member here knows he ought to have for the proper transaction of his business. I have nothing further to say for the present. [Applause.]

Mr. ALDRICH of Illinois. Mr. Speaker, I yield ten minutes to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Speaker, I have been too long a member of this House not to understand its present temper. Now, then, if the views of the gentleman from Montana are to prevail, I suggest that it is only fair and just to give us a yea-and-nay vote on this proposition.

Mr. HARTMAN. I have no objection at all to that.

Mr. WILLIAM A. STONE. Let me ask the gentleman from Missouri if the Fifty-second Congress, which passed this resolution, gave the minority at that time a yea-and-nay vote?

Mr. DOCKERY. There was practically no minority. The House seemed to be nearly unanimous for the resolution.

Mr. TAWNEY. Is it not a fact that the House in the Fifty-third Congress, in Committee of the Whole, passed this same resolution by a large majority?

Mr. DOCKERY. I do not remember; but that is not material to this discussion. The questions to be considered now are, first, whether or not annual clerks are necessary, and, second, if the necessity be conceded, whether this is an opportune moment to make the appropriation. I do not propose at this time to discuss the first proposition, as to the necessity for annual clerks. I am satisfied that every member has already made up his mind either one way or the other. I do propose, however, to address myself for a moment to the question of the propriety of making this expenditure at the present time. Looking at the propositions that have been recently considered at both ends of the Capitol, it would seem that nearly all persons have placarded on the lintels of their doors, "Economy, but next door." [Laughter.] Everybody professes to favor economy, but a great many desire it to begin with their neighbors. Mr. Speaker, if we are to keep down the appropriations of this Congress, if we are to bring them within the limit of the revenues, there must be rigid economy along the whole line, and I know of no point in the long list of public expenditures where it can be more properly applied than to the proposition now pending. For more than one hundred years the members of the House of Representatives have gone without annual clerks. In some way they have contrived to transact their business during all that time, and even if these clerks be necessary, in view of the unfortunate and stringent condition of the Treasury, we should defer the passage of this resolution until a more convenient season.

Mr. NORTHWAY. Is it not a fact that in discussing the Dingley bill, proposed for the purpose of raising revenue in the early part of this session, you stated on the floor that we had a surplus of $260,000,000? [Laughter; applause on the Republican side.]

Mr. DOCKERY. Certainly; and I reiterated that statement on this floor last Thursday. We have a surplus in the Treasury, including the gold reserve, of about $270,000,000, but it is a borrowed surplus, and I trust the gentleman understands the distinction between that character of surplus and a surplus of current revenues.

Mr. NORTHWAY. But you declined to vote for a bill to raise more revenue because we had that surplus.

Mr. DOCKERY. Mr. Speaker, I do not want to introduce partisan questions, and I do not intend to be betrayed into a partisan discussion, for the object of the gentleman from Ohio [Mr. NORTHWAY] is obvious. It was stated at the outset of this session by the gentlemen on both sides of the House that the current revenues were not adequate to meet current expenses. That statement was made at the opening of the session, when the Secretary of the Treasury estimated a surplus of $17,000,000 at the close of this fiscal year, and I reiterate it now, with a certain deficiency in the current revenues of about $25,000,000, and there is no partisanship in the statement. I do not intend that the gentleman from Ohio [Mr. NORTHWAY] shall force me from a nonpartisan consideration of this indefensible proposition.

Mr. NORTHWAY. Will the gentleman permit me a moment?

Mr. DOCKERY. Certainly.

Mr. NORTHWAY. Is it not a fact that you argued that we did not need to increase tariff rates at all, because we had revenue enough, and did you not for that reason vote against the bill?

Mr. DOCKERY. Certainly; but if I had known that this Congress intended to pile up more than $600,000,000 of liabilities, possibly I might have taken a different view. Again let me say that the surplus in the Treasury is a borrowed surplus, and if we do not trench upon it except to meet the necessary expenses of the Government it will be unnecessary to increase taxation, if at all, for at least three years.

Mr. Speaker, I desire to call the attention of gentlemen on both sides to another feature of this resolution. If this resolution is to be adopted its phraseology should be changed. It is known to all that members are paid this clerk hire. They are made the disbursing agents for the clerks, and there has been some newspaper criticism in view of this fact. Now, Mr. Speaker, we ought to be like Cæsar's wife, above suspicion; and if any action of this kind is to be taken these annual clerks should be put upon the roll, and let the money be paid them directly without making the members disbursing agents, and thus perhaps subjecting them to unjust suspicion.

Mr. HARTMAN. Will the gentleman vote for the resolution if amended in that way?

Mr. DOCKERY. I will vote for such an amendment; and then I will vote against the amended proposition. I suggest in all candor to the gentleman from Montana that he ought to amend his proposition so that the annual clerks shall go on the roll and the disbursing clerk of the House pay them the amounts which may be due. If this policy is pursued, it will not be in the power of an unfriendly critic to put any member of the House under the suspicion that he accepted clerk hire and "pocketed it" himself.

I yield the balance of my time to the chairman.

Mr. ALDRICH of Illinois. I yield fifteen minutes to the gentleman from New Jersey [Mr. PITNEY].

Mr. PITNEY. Mr. Speaker, I am opposed to this resolution; and I do sincerely hope that this Republican House of Representatives will vote it down. I am sorry to see that the appearance of the distinguished Democrat from Missouri [Mr. DOCKERY] on the floor in opposition to this resolution has aroused a certain partisan feeling on this side of the House, which I think is entirely foreign to the discussion.

Mr. MAHON. Does not the gentleman from New Jersey understand that with the gentleman from Missouri the question is always one of politics?

Mr. PITNEY. Then I am glad, as a Republican, to stand here and discuss this question without any such feeling. I hope no one will accuse me of being anything else than a loyal and faithful Republican. Such I always have been and always hope to be. I am opposed to this resolution, Mr. Speaker, not because I do not think that clerks are necessary for members. I appreciate the necessity of assistance of this kind. I felt it last summer, before the opening of this Congress, for I paid every month out of my own pocket $50 to $75 in clerk hire and other similar expenses to enable me to perform satisfactorily the duties of the office to which I had been elected. I presume the case will be as bad or worse

with me after this session of Congress adjourns. The question is not simply whether this clerk hire is necessary in the sense that it would conduce to a better fulfillment of our duties as members of Congress, but the question is whether it is so urgently necessary at this time that we can afford to vote to spend the borrowed money that is in the National Treasury for the purpose of aiding us in fulfilling our duties. Now, I can not afford to spend this money out of my own pocket any better than any other member of this House. I am poorer than most members here. But I do say that since we have spent this whole session in holding down the appropriations to the very utmost of our ability in order to encroach as little as possible upon the borrowed surplus which the Treasury contains, we ought not to commit this act of enormous inconsistency by voting $216,000 out of the Treasury for this purpose.

Mr. Speaker, from the close of the war until the 1st day of March, 1893, the National Treasury received every year a surplus over and above the ordinary amount which was required to pay the running expenses of the Government, and for the twenty-eight years included in this period the total surplus thus received by the public Treasury was about $1,815,000,000. And yet, sir, during all that time the members of the House of Representatives, if my information is correct, managed to get along and transact their business and the business of their constituents without having the assistance of clerks or paying clerical hire in vacation from the National Treasury. If such service was employed at all the members paid for it themselves.

From March 1, 1893, down to the present time there has been every year a deficiency of revenues to pay the current ordinary expenses of the Government; the deficit for the fiscal year ended June 30, 1894, amounting to $69,803,260.58; the deficit for the fiscal year 1895 amounting to $42,805,223.18; and for the fiscal year 1896 up to the present time the deficit amounts to $23,886,793.90, and it will probably reach twenty-five or thirty millions of dollars by the close of the fiscal year.

Now, what is our duty to our constituents and to ourselves under these circumstances? The Republican majority of the House of Representatives was elected, not for the purpose of magnifying, not for the purpose of demonstrating that state of things; we were elected for the purpose of alleviating the condition of the country and the condition of the Treasury by every possible means in our power. Shall we shrink from the responsibility thus imposed upon us when it comes to the consideration of questions affecting our own personal interests?

When we met in December——

Mr. NORTHWAY. We might begin the reduction by cutting down our salaries to four thousand.

Mr. PITNEY. Well, do it, to this extent, by paying clerk hire from your own pockets. We can afford to pay it as well as the people can.

Mr. Speaker, when we met here in December last there were but two ways in which we could hope to do the business which the country sent us here to do, either by increasing the revenues of the Government or by cutting down the expenses of the Government. We have done our share—this Republican House of Representatives has done its share—in an effort to increase the legitimate and current revenues of the Government in proper ways. We passed a bill—not a partisan bill, not a Republican bill, but a fair compromise measure—with a view to increasing our revenue from the customs. It can not be said that it is our fault that it did not become a law. We performed our duty in regard to it; but since it is not likely to become a law, since that bill apparently can not be passed, then it is our duty to take the other alternative and do the only thing we can possibly do under the circumstances, considering the present state of our revenues, and that is to cut down to the lowest possible figure the appropriations.

Every man knows that from the opening of this Congress until now every committee in this House having charge of an appropriation bill has been doing its very utmost to keep the expenditures of the Government within reach of the revenues by practicing the most rigid economy. You know that your public-building bills, your light-house bills, and other bills of a similar character which tend to make increased charges on the national revenues have not been provided for; the appropriations for such purposes have been suspended, not because they were not necessary and legitimate objects of public expenditure, but because at the present time the condition of the Treasury is such that it is inexpedient to appropriate the money for them. And yet, with all of our efforts, the calculation is made that the appropriations for this session of Congress will amount to over $500,000,000. And I do not mean to say, Mr. Speaker, that there are any extravagant appropriations embraced in that sum. I do not believe there are. On the contrary, I know there are none. We have the testimony of the distinguished Democrat from Missouri [Mr. DOCKERY], in his repeated comments on the appropriation bills, that they are economical in every respect and that they are framed in a proper spirit of economy; and the distinguished gentleman from Texas [Mr. SAYERS], the leader of the minority of the Committee on Appropriations, bears the same testimony. Yet, in spite of every effort that has thus been made, the appropriations for the session will exceed $500,000,000.

Now, in calling attention to these appropriations and in discussing this question of the vast extent of our expenditures we must not forget, Mr. Speaker, that this is a great country and great appropriations must be made, and no partisan argument is to be drawn from it at the expense of the Republican majority on this floor. And when the time comes to make a comparison between the appropriations of this Congress and the appropriations of previous Congresses there must be taken into consideration and put into the calculation the fact that by reason of the recent bond issues of the Administration now in power, made necessary by reason of the deficiencies of the revenues, the annual interest charges of the Government have been increased to the extent of eleven and a half millions of dollars, and the requirements of the sinking fund have increased two and one-half millions of dollars, making a total increase of $14,000,000 per annum which must necessarily be expended on that account.

But gentlemen say, "We of this House are not responsible for this state of things; we had nothing to do with creating the deficiency in the revenues." That is true, Mr. Speaker, but we shall be responsible and will be held responsible by the country if in such an emergency we fail to meet our obligations. And the only way we can do that is by keeping down the expenditures and by appropriating no money for any purpose not necessary and urgently necessary. Let us declare before the country that we are willing to stand by that principle and carry it out to its fullest extent.

Mr. COX. Will the gentleman yield to me for one question?

Mr. PITNEY. Yes.

Mr. COX. I should like to know what kind of service is contemplated by the House for these clerks of members to perform during the vacation. What is it that they have got to do?

Mr. PITNEY. Why, I suppose every member knows that. A member of the House, in order to properly fulfill the requirements of his constituents, must be a business man. He has a lot of correspondence to take care of. He has 40, or 50, or 75 letters a day. He has many public documents to distribute, and the session is so short and the documents are so late in coming that it is after the close of the session before the documents can be distributed. I am not saying that it is not reasonably necessary——

Mr. COX. I am against it. You need not give yourself any trouble about that. My question is this: Here is the member at home and here is the clerk in Washington, or he may take him home with him. Every letter must go under the inspection of the member.

Mr. PITNEY. Yes.

Mr. COX. Now, you would use that clerk at home to write the letters you dictate. Is not that so?

Mr. PITNEY. Well, if this resolution goes through, I suppose each member will settle, according to his own convenience, the way in which he will employ the clerk or use the appropriation.

Mr. COX. Then, if he keeps the clerk here in Washington, he has to send letters back to his clerk telling him what to do. Now, I do not see where this work comes in.

Mr. PITNEY. I do not understand what the gentleman's inquiry is. I have yielded to him in all courtesy.

Mr. COX. I am against the necessity of a clerk in vacation.

Mr. PITNEY. Then I hope that the gentleman will urge that ground to the best of his ability. I am not going to take any position before this House that I think is not well founded, and I think in my own case a clerk is necessary. I paid one out of my own pocket last summer.

Mr. COX. If I thought so, I should vote to pay him out of the Treasury, too.

Mr. PITNEY. But everyone knows that there is not a business house in the country, or a business man in the country, who is not cutting down expenses, who is not doing more work than he ought and more than he would under ordinary circumstances, in order to save expense. The whole country is feeling the burden of the annual and monthly deficit of our revenues. It applies to every business enterprise and impairs public confidence, and we, as representatives of the people, are bound to use our best efforts. If we can not get some other legislative body to agree with us as to the way in which the emergency shall be met, if we can not get gentlemen at the other end of the Capitol to agree with us on a tariff bill, it is our duty to do, as far as we can, the other thing, and keep down expenses in order that the deficit shall be as little as possible.

Now, gentlemen, I do hope that these views will find a response in your votes. We can afford to go without this allowance one session longer. We can afford to spend six months more under the old system of paying our own clerks and doing our own work. I do not think this House can evade its responsibility to the country in this matter. The people will be disappointed with the

bers of the House of Representatives have gone without annual clerks. In some way they have contrived to transact their business. I have been in this Congress, and I have been in other Congresses, and I have been in the Legislature of my State, and I have been in other bodies, and I have been in business myself, and I know that it is a matter of economy to have a clerk who is a clerk and who is not a Congressman, who is not a Senator, who is not a member of the committee, who is not a member of the House, who is not a member of the Legislature, who is not a member of any other body, who is not a member of any other business, who is a clerk and who is a clerk and who is a clerk. In some way they have contrived to transact their business. I

enable me to perform satisfactorily the duties of the office to which I had been elected. I presume the case will be as bad or worse

repeated comments on the appropriation bills, that they are economical in every respect and that they are framed in a proper

country in this matter. The people will be disappointed with the

work of this Congress, not through any failure of ours, but because they will, perhaps, have expected us to do some things that are impossible. But do not let them be disappointed in this thing. Do not let them, after we have refused many and many an appropriation as necessary and urgent as this on account of the deficit in the public revenues—do not let them have this to charge up against us, that in our own personal business as Representatives we were not willing to apply the knife to unnecessary appropriations as much as in the other branches of the public service. [Applause.]

Mr. ALDRICH of Illinois. Mr. Speaker, I suggest that some gentleman who is in favor of the bill be recognized now. I understand the gentleman from Montana [Mr. HARTMAN] to be in control of the time in favor of the bill.

Mr. MORSE. Mr. Speaker, I rise to address the house in favor of the resolution, and I will ask the gentleman from Montana [Mr. HARTMAN] to yield some time to me.

Mr. HARTMAN. Mr. Speaker, if I can be recognized now, I will yield three minutes to the gentleman from Massachusetts [Mr. MORSE].

The SPEAKER. The gentleman from Massachusetts [Mr. MORSE] is recognized for three minutes.

Mr. MORSE. Mr. Speaker, I propose to vote for this resolution. I believe it is just and will meet the approval of my constituents. I am one of those who do not believe that members of Congress are properly paid. I assent to a proposition that has already been made here, from my own experience in four Congresses, that members need clerks quite as much when Congress is not in session as they do when it is in session. [Applause.] I do not believe that the people of this great country, with its vast and boundless resources, are so small, niggardly, and mean that they are not willing to provide their public servants with the necessary clerical assistance to properly transact their business.

The gentleman from Missouri [Mr. DOCKERY] argues as a reason why this resolution should not pass that the Treasury is empty, and says that the balance in the Treasury is a borrowed balance; in other words, that the Government, under the Democratic Gorman-Wilson tariff bill, has been selling bonds and using the proceeds of those bonds to pay the current expenses of this Government.

Now, I want to say to the gentleman from Missouri, in answer to that argument, that there are less than eleven months more of this bond-issuing, debt-increasing, wage-reducing, prosperity-killing Democratic Administration. [Laughter and applause.] In eleven months more we will have a Republican Administration. Congress will then be convened in extra session immediately after March 4 next, and will pass a tariff bill through both Houses of Congress that will meet the approval of a Republican President, that will give us revenue sufficient for the needs of carrying on this great Government without issuing bonds; and that revenue will be sufficient to furnish the necessary revenue to properly carry on this great Government, including clerical assistance to the members of this House.

Now, Mr. Speaker, I want to give one single illustration of the fact that the members of this House are not properly paid, which led many leading papers in the Commonwealth of Massachusetts, Democratic and Republican, during the past few years to advocate increasing the pay of members of Congress. My illustrious and distinguished predecessor (Governor Long) retired from this House because he said he could not afford to stay here. He said that it cost him every cent he received for his expenses in living in this city; and now, Mr. Speaker, is it true that the people of this great country are not willing to properly pay members of Congress and not willing to pay for this clerk hire—this assistance which we actually need in order to discharge our public duties. I think not, sir; and for that reason I propose to vote for this resolution. [Loud applause and cries of "Vote!" "Vote!"]

Mr. HARTMAN. I yield five minutes to the gentleman from Iowa [Mr. DOLLIVER] if he is here [cries of "Vote!" "Vote!"], or to the gentleman from Minnesota [Mr. TAWNEY]. As they are not present, I yield five minutes to the gentleman from Illinois.

Mr. CANNON. Mr. Speaker, in the five minutes that the gentleman yields to me I will crave the attention of the House. It is well enough to understand just what this resolution does and the history of appropriating for clerical assistance to members of Congress. I will be very brief. Some years ago the Senate passed a resolution to pay for clerical assistance for Senators from its contingent fund, and then asked an additional appropriation for the contingent fund. They passed it in the Senate, and after a great contest in the House the House concurred, because the Senate took the position which drove the House, and always will, that touching their business and their help they must be supreme.

Now, then, some years after that the appropriation for this service went into the regular appropriation bills. Later on the clerks to Senators were made annual; and now there is pending in conference a proposition to increase the annual pay of Senators' clerks from $1,200 to $1,500 a year. Mind you, those are Senators who are not chairmen of committees. That is as far as the Senate has gone. The Senators who are chairmen of committees, that is, committees having clerks, do not get this clerical assistance. Now, the proposition was made in the Fifty-second Congress to enact a law that would give to members of the House clerical assistance.

Mr. HEPBURN. May I ask the gentleman a question there?

Mr. CANNON. Yes, sir.

Mr. HEPBURN. Do not those Senators who do not have clerks as chairmen of committees have such a number of committee clerks as to give to each one of them practically a private clerk all the time?

Mr. CANNON. Oh, some of them have two, and some committees have only one.

Mr. HEPBURN. And those are annual clerks.

Mr. CANNON. Oh, I understand so; annual clerks just like our annual clerks. Now, then——

Mr. HEPBURN. Not like our session clerks.

Mr. CANNON. I want to say, further, that this law was enacted in the Fifty-second Congress. We gave clerical assistance during the session to House members, not exceeding $100 a month, on a certificate of expenditure.

The SPEAKER. Gentlemen will have the kindness to take their seats. Gentlemen desiring to further converse ought to retire to the cloakroom. The House ought to be in order and ought to listen.

Mr. CANNON. I will not tax the House a great while. Now, this is a proposition to pay for clerical assistance during the vacation, and pay it from the contingent fund. If it passes, later on you will have to appropriate for the contingent fund. It is competent to do it and is in our power to do it by a majority vote. A similar proposition to this came up in the last Congress—that was the Fifty-third. It was discussed at length, it was adopted by an overwhelming majority in the Committee of the Whole, but in the House it came to grief on a yea-and-nay vote. On considering the matter thoroughly at that time, I voted for the provision for two reasons. The first was that if there was a necessity for clerical aid for the Senate there was an equal necessity for like aid in the House. The second was that, in my judgment, it was a very just appropriation to make. But a majority of the Fifty-third Congress, on a roll call, said "No."

Now the matter comes up again for action at this time. The resolution as presented here covers all the members of the House. Therein it differs from the Senate provision. The Senate has never gone to the length of providing clerical assistance to Senators who are chairmen of committees. Now, while I am willing to go as far as the Senate seems to have gone—and to have gone, so far as I can see, without serious criticism from the country—I am not willing to go further. Therefore I think this provision covering all members should be amended so as to except Representatives who are chairmen of committees having annual clerks.

Mr. HARTMAN. Is it not a fact that every single Senator of the United States is chairman of a committee?

Mr. CANNON. No.

Mr. HARTMAN. How many of them are not?

Mr. CANNON. A good many.

Mr. HARTMAN. Is not every Senator of the majority chairman of a committee?

Mr. OTEY. Mr. Chairman, I rise to a parliamentary inquiry. Has there been any division of the time or any agreement as to time?

The SPEAKER. There has been no agreement. The gentleman from Illinois will proceed.

Mr. HARTMAN. What I meant to ask the gentleman was this: Is not every Senator of the United States belonging to the majority party the chairman of a committee?

Mr. CANNON. I think not.

Mr. HARTMAN. I think you will find that he is.

Mr. BINGHAM. If the gentleman will pardon me, in the legislative bill for the next fiscal year is an item now under consideration between the two Houses which reads as follows:

For 38 annual clerks to Senators who are not chairmen of committees, at $1,500 each, $57,000.

Mr. HARTMAN. Thirty-eight is the number of the minority in the Senate to-day.

Mr. CANNON. There are some of the minority Senators that are chairmen of committees. Now, I am willing to go as far as the Senate has gone. It would seem that the Senate has gone that far without serious criticism from the country, and that legislation, it seems to me, is fairly justified by the demands of the public service.

Mr. PICKLER. I wish to ask the gentleman from Illinois, as a member of long experience and chairman of a committee, if the clerk to his committee is ever able to render him service as an individual member of Congress?

Mr. CANNON. I reply that the clerks of the Committee on Appropriations never have rendered me any service in my capacity

as a Representative other than in connection with my duties as a member of the committee, to the detriment of the public service; but I manage to get along very comfortably, so far as clerical work is concerned, with the help they are able to give me.

Mr. BOUTELLE. How many clerks has your committee?

Mr. CANNON. It has a clerk and an assistant clerk.

Mr. BOUTELLE. I will ask the gentleman to state a little more plainly on what ground he advocates his amendment so as to make the resolution not provide clerks for members who are chairmen of committees.

Mr. CANNON. Committees that have annual clerks. I advocate it, I say again, for two reasons. First, the Senate (which we arraign here every session for expending as much for clerical service for one Senator as is expended for five Members of the House) has never gone beyond the providing of clerical service for Senators who are not chairmen of committees. So far the country seems not to have seriously criticised the Senate. When I vote on this resolution, as I have said, I am not willing to go beyond that. If the resolution is amended as I have suggested, then I am content to vote for the amendment and to vote for the resolution in that form as I voted for it in the Fifty-third Congress.

Mr. BOUTELLE. Then, Mr. Speaker, I assume, of course, that the gentleman holds that the clerk of a committee will be capable of rendering the same service as private secretary to the chairman of the committee that these clerks who are to be provided for will render to members who are not chairmen of committees, and I can not understand how the gentleman thinks that the clerk of a committee will be able to do that if he does his duty to the committee.

Mr. CANNON. I can not speak for other gentlemen who are chairmen of committees. So far as I am personally concerned, as chairman of the Committee on Appropriations, I get along very comfortably with my clerical work by the aid of the clerks of the committee, full justice being done at the same time to the work of the committee.

Mr. HENDERSON. Your committee, however, has an assistant clerk who is a stenographer and a typewriter.

Mr. CANNON. Yes, sir.

Mr. HENDERSON. That is proper to be known.

Mr. CANNON. Oh, certainly.

Mr. HENDERSON. None of the rest of the committees are provided in that way, unless it be the Committee on Ways and Means.

Mr. CANNON. The Committee on Appropriations has a clerk and an assistant clerk.

Mr. BRUMM. And the assistant is also an annual clerk, is he not?

Mr. CANNON. Oh, certainly.

Mr. HARTMAN. Mr. Speaker, I do not wish to interfere with the gentleman from Illinois [Mr. CANNON], but more than the two minutes which I last yielded him have gone by.

Mr. CANNON. Well, I want one minute more.

Mr. HARTMAN. I yield it to the gentleman.

Mr. CANNON. I want that minute simply to say that I sympathized with the point of order made upon this provision on the general appropriation bill. It was not then in order under the rules. I sympathize with this resolution. If the resolution be so amended as to meet my judgment, I am willing to vote for it; and I hope, if it is to pass, we shall have the courage of our convictions and walk up and make a record upon a yea-and-nay vote. [Applause.]

Mr. ALDRICH of Illinois rose.

[Cries of "Vote!" "Vote!"]

Mr. ALDRICH of Illinois. I yield five minutes to my colleague on the committee, the gentleman from Missouri [Mr. TRACEY].

Mr. TRACEY. Mr. Speaker, I shall endeavor not to trespass on the patience of the House, seeing the desire that prevails to vote. I wish, however, in justice to myself to say that notwithstanding the apparent desire to treat this as a small matter, I do not so regard it. I regard it as an important matter; and the statement of a historic nature which has been made by the gentleman from Illinois shows how easy it is to ingraft an expenditure upon the public moneys of this country by easy stages until it grows into what seems to be a necessity and becomes an annual appropriation. And in this way I undertake to say that the appropriations of this Congress due to unwholesome growths in the past are larger than they ought to have been, notwithstanding the fact that there has been a persistent effort to keep them within reasonable limits.

I have myself, Mr. Speaker, written, I am sure, 500 letters to persons in my district explaining that the reason why appropriations for this thing and that thing could not be had was the fact that there was a constant deficit in the Treasury of the United States, and a deference to that condition of affairs required on our part that appropriations should be kept down to the lowest possible limit. And I regard it as the absolute duty of every Representative on this floor to pursue that line of conduct.

Something has been said here with regard to members having the "courage" to come up and do what they believe to be right. So far as I am concerned, I do not think I have ever hesitated at all in doing what my judgment approved. I intend to do that in this instance. My judgment does not approve of the passage of this resolution, and I shall vote against it. I have been in opposition to it from the time it was introduced. My position has been well known to those who cared to know it. My opposition to the resolution is based partly upon the fact that we stand in front of a condition, not a theory, in which we are constantly attempting to make the cloth cover the object when there is a constant shortness in the amount of cloth.

Mr. Speaker, when I was elected to Congress I was elected under certain prevailing conditions, so far as clerk hire was concerned. I understood what those conditions were. I accepted the position with that understanding; and so far as I am concerned, especially in view of the deficiency in the Treasury which confronts us, I am in favor of serving out the entire term for which I was elected upon the conditions which prevailed when the election took place. I believe that to be the course which ought to be pursued by members of this House; and I sincerely trust that this resolution will be defeated. There is a constant deficit in the Treasury of about four and a half millions per month, and I do not see how, in the face of that deficit, we can afford to vote for an expenditure of nearly a quarter of a million dollars for anything less than an absolute necessity. I do not so regard the pending proposition.

Mr. Speaker, I do not wish to say anything further on this question. I merely wanted to state the reasons why, in my judgment, this resolution ought not to be adopted by the House; and I trust that it will not. [Cries of "Vote!" "Vote!"]

Mr. BINGHAM. Mr. Speaker, if it be in order, I desire to offer an amendment to this resolution.

The SPEAKER. The Chair thinks it is in order.

Mr. BINGHAM. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by inserting after "1893," in line 8, the words:

"*Provided*, That the provisions of this resolution shall not apply to members who are chairmen of committees entitled under the rules to annual clerks."

Mr. DOCKERY. I desire to offer a substitute.

Mr. HARTMAN. I yield five minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I am sorry for the gentleman from Missouri [Mr. TRACEY]. I am sorry that he is so doubtful as to his power to resist temptation. The adoption of this resolution need not necessarily change his status at all. He can have the same regard for conscience and for duty under his present "contract," whether this resolution passes or not. The resolution simply proposes to reimburse members of Congress who pay out $100 or less each month for clerical assistance. The gentleman, with his view of the matter, will refuse to accept this provision, and he will not in any way violate the "contract" that he has made with his constituents. But there are other members of this House who do not understand that there was a contract of that character, and who believe that their constituents will justify this expenditure.

When the joint resolution of March 3, 1893, allowing to members of the House clerical assistance during the sessions of Congress was passed, we were told that members would hear from their constituents on that question in the approaching elections. Did any gentleman hear from his constituents any carping criticism? I have heard nothing of that kind. And I am astonished, Mr. Speaker, to know that there are gentlemen who inveighed against that resolution, who declared it to be unnecessary, who said that they did not need a clerk, and who probably were honest in that declaration, and yet who every month that they have had the power to do so have made the necessary certification and drawn the money. Did they find that they were in error when they made their earlier declarations, or did their integrity serve them only for the purposes of dress parade? [Laughter and applause.]

I believe that this resolution as it is ought to pass. I do not believe that the amendment of the gentleman from Pennsylvania [Mr. BINGHAM] ought to be adopted. Why should there be an exception in favor of the chairman of a committee that has an annual clerk? That chairman of the committee has no right to employ that clerk for his private business. If he requires it of him it is an unjust imposition upon the clerk. He is a public officer, appointed for a public service, not a private clerk.

There are some gentlemen, who have been eloquent to-day, who have gone further than this, and during the vacations, when not chairmen of committees, have compelled the clerks of their committees and the messengers to do their work. It looks to me very much as if that class of gentlemen had something of the characteristics of the "whited sepulcher."

Mr. HOPKINS. Will the gentleman allow me to ask him a question?

Mr. HEPBURN. I will listen to a question.

Mr. HOPKINS. Does not the chairman of a committee have the appointment of the clerk?

Mr. HEPBURN. He does, with the approval of the committee, under the rule.

Mr. HOPKINS. But is it not a fact that the clerk is the personal appointee—the friend of the chairman of the committee?

Mr. HEPBURN. Yes, sir; if the committee ratifies the appointment.

Mr. HOPKINS. Is there an instance on record where they have not ratified it?

Mr. HEPBURN. Well, you are asking me something now that I do not know.

Mr. HOPKINS. Well, my observation, after ten years of experience, is that the chairman appoints the clerk, and that he is the personal appointee, or friend, of the chairman, and does his work.

Now, take the clerk of your committee. What has he to do after the House adjourns until the next session of Congress convenes?

Mr. HEPBURN. He goes to his home—the clerk of my committee. He lives nearly a hundred miles distant from me, and I will not see him during that interval unless I visit his town. Is that an answer to your question?

Mr. HOPKINS. But he draws his salary, does he not?

Mr. HEPBURN. Certainly; and so do all other employees of like character. That is in the contract made with them—a part of the understanding when he receives his appointment.

Mr. HOPKINS. Not at all. The chairman appoints him because he is a friend, and he wants him to do his work.

Mr. HEPBURN. No, sir; that is a mistake. I did not appoint my clerk in that manner. The annual clerk of the committee over which I preside has never yet written a letter or done one item of private business for me.

The SPEAKER. The time of the gentleman has expired.

Mr. HARTMAN. I will yield to the gentleman from Iowa three minutes longer.

Mr. HEPBURN. I do not know that I shall want further time. I have said all that I desired to say. I believe this proposition is right. I think the resolution ought to be adopted.

But let me say in response to the gentleman from Illinois that this clerk provided in the resolution will not serve me, but he will serve my constituents. He will not serve me with relation to my public business, but will serve my constituents, because doing their private business, that they are accustomed to have members do, to the extent that we are called upon to do, and in that manner I will be better able to serve my constituents in their wants and desires. [Applause.] It is not a part of my public duty; it is because of the relations between us—my attention to so much of their private business—that my constituents are willing I should have the assistance of a clerk.

That is all I desired to say upon this matter.

Mr. ALDRICH. I yield three minutes to the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. BINGHAM. Mr. Speaker, I have three minutes yielded to me in which I desire to say a few words about the amendment which I have offered.

The amendment I propose is that those committees having an annual clerk should not come under the provisions of this resolution; or, in other words, that chairmen of committees which have annual clerks shall be excluded from its operation.

It is well for the House to understand, as has been stated in this colloquy, that the annual clerk of a committee is designated and appointed by the chairman of the committee. I have had the honor to be twice chairman of committees in this House having annual clerks. I did not act in reference to the then clerk of my committee exactly on the plan laid down by the gentleman from Iowa [Mr. HEPBURN], that is, to the extent of not availing myself of the services of the clerk during vacation. I have employed his services with regard to matters relating to the Congressional district which I have the honor to represent; and in respect to matters connected with the committee I always used my clerk when practicable, in time of vacation. He was my personal selection and my personal friend, a man that I knew I could trust with all of the committee affairs implicitly. I have, therefore, availed myself of his services during the recesses of Congress, because he is near me at our home; he is an annual clerk, paid $2,000 a year, or $4,000 for a Congress, and yet the sum of his labor in each Congress is but eleven months during the sessions. And I now assert that if this resolution should pass after the discussion which has been had here and the understanding brought about by this debate every member having an annual clerk will feel, in view of the restriction as to the employment of clerical hire for chairmen of committees, that he is entitled to the services of that annual clerk during the vacations of Congress. He gets, as I have said, $4,000 for a Congress, and labors for eleven months, at no expense whatever but the mere expense of living here at the time that Congress is in session.

Now, I claim, and submit it to the fair judgment of the House, that in view of the fact that the chairman selects the clerk of his committee, that legislative courtesy gives him his own selection, which is always ratified by the committee, and in view of the further fact that the clerk gets $4,000 for a Congress, and is actually employed in committee work but eleven months in the two sessions—as a matter of fact, in this Fifty-fourth Congress but nine months—I claim that the distinction made by my amendment is just and equitable. It is a distinction that runs in the Senate, as stated by the gentleman from Illinois [Mr. CANNON], and as far as the Senate have gone, and I think it is as far as this House ought to go at this time.

Mr. ALLEN of Mississippi. Would it not be well to have that amendment go further, and limit to the vacation the private clerks of members who are chairmen of committees having session clerks?

Mr. BINGHAM. Gentlemen who have six-dollar-a-day or session clerks come under the provisions of this proposition, and during the interval they get their hundred dollars a month.

Mr. ALLEN of Mississippi. Is it only during the interval?

Mr. BINGHAM. Only during the interval they get their hundred dollars. It is a matter of fact known to this House that chairmen of committees use their clerks for their Congressional district relations in almost every committee of the House.

Mr. MAHON. I move an amendment to the amendment, to strike out the last word.

The SPEAKER. The gentleman from Montana [Mr. HARTMAN] has control of the time on that side.

Mr. HARTMAN. I yield two minutes to the gentleman from Maine [Mr. BOUTELLE].

Mr. BOUTELLE. Mr. Speaker, whatever may be the opinion of the House upon the question as to the desirability or propriety of making an appropriation at this time, I certainly see no justification for the amendment proposed by my friend from Pennsylvania.

Mr. BINGHAM. Then wipe out the salary of the clerk during the vacation.

Mr. BOUTELLE. The gentleman proposes to make a marked distinction between the service that this House shall provide for members who are not chairmen of committees and that for those members who have chairmanships. Every member of the House who is not chairman of a committee will have, under this resolution, the full, undivided services of a clerk to attend to the business of his constituents during every month of the year, and the amendment assumes that the chairman of a committee shall, in some way, obtain the services of the clerk of his committee in a way which shall be equivalent to the services which these personal clerks give to members who are not chairmen.

Now, my experience is that the clerk of a committee has something else to do than to attend to the private business of the chairman of a committee. He is the clerk of the committee. He has not only to attend the sessions of the committee, but he is obliged to attend the sessions of subcommittees of that committee. The chairman may obtain some portion of his services at times by having the clerk work overtime or when the business of the committee is slack; but he does not have and can not have the undivided services of a clerk, as provided for the other members of this House. There are a few committees which have assistant clerks. Of course, in those committees the chairman may have a better opportunity to obtain service for himself from the committee clerks than the chairmen of those committees which have only one clerk. But when Congress adjourns the clerk of the committee must remain here and close up the business of that committee. He must remain here so long as there is anything for him to do here—not simply for the chairman, but for the committee. He is obliged to come here long before Congress assembles to get ready for the session, and I see no reason whatever why a member who is chairman of a committee should be deprived of the services of a clerk during those periods when provision was made for other members.

My experience—and I have no doubt it is the experience of every chairman (certainly of every chairman of a prominent committee)—that not only by virtue of his chairmanship is his correspondence largely increased, but that his private correspondence is largely increased.

Bills, inquiries, and suggestions, as well as calls for information, come from all quarters. These are vastly multiplied by the fact of his prominence and of his connection with the public questions controlled by his committee. I say in justice to the committee that the time of the committee clerks should be devoted to the performance of the work of the committee.

Mr. NORTHWAY. As they always have been.

Mr. BOUTELLE. As they always have been in the past. And the chairman of a committee should not be subjected to the necessity of trying to eke out such assistance as he requires by filching

from the time which a clerk should be required to give to the performance of the duties of the committee, in order to be helped out in his private correspondence. And I do not think that members of Congress in their individual capacity should be discriminated one class against another. This provision for clerks is to take care of what I understand to be the constituent business of the member. If a clerk does his duty to a committee, and especially the larger committees of the House, he will be obliged to devote most of his time to the public work, and if he attends to any of the business of the chairman he has to work overtime or else trench upon the time that is due to the transaction of public business. [Cries of "Vote!" "Vote!"]

Mr. ALDRICH of Illinois. I yield five minutes to the gentleman from North Carolina.

Mr. SKINNER. Mr. Speaker, from the beginning of the present session, while opposing you in political sentiment, I have been in constant sympathy with your policy, when confronted with a threatening Treasury deficit, to so far as practical exercise economy, and have watched with approving interest how wisely and adroitly you have wielded the pruning knife over the Rivers and Harbors Committee, the Public Buildings and Grounds Committee, the Naval Affairs Committee, and the Appropriations Committee, and others. By this bold stand for economy the country knows you have lost in popularity, even it may be to the extent of losing for the present the highest office in the gift of the American people. The sober second thought of the people, when fully realizing the surrounding conditions, will say, "Well done, thou good and faithful servant," and the sacrifice of present personal ambition upon the altar of present duty will surely reap its just and merited reward. [Loud applause.]

Mr. Speaker, I am also in full sympathy with my own clerk and the clerk of every other member of this House, and I wish I was able to give them $100 per month, but not out of an empty public Treasury. I fully realize the importunities by which members are besieged to promote the passage of this resolution and thereby give this relief to their clerks. At the same time we ought to be at least as brave and manly as the Speaker and follow his example, and sacrifice this more or less personal legislation when confronted with a deficient Treasury, when he, by the exercise of such public frugality, has hazarded his claims upon the Presidency.

Mr. Speaker, when we come to investigate closely the purpose and objects and, I may add, inwardness of this resolution in a businesslike and practical manner, we will be convinced that the resolution should be entitled "To relieve all Congressmen from the discharge of any duties during vacation, in order they may the more effectively canvass their districts for reelection, or in order they may spend their summers at some favorite summer resort or abroad without molestation from their constituents." There may be some reason for a clerk during the session, but of this I am doubtful; but certainly without legislative duties every Congressman is capable of discharging the duties appertaining to his office without clerical assistance; if he can not, there are at least 1,000 men in his district as capable and as worthy who would obligate to do so for the monthly salary of a Congressman without clerical assistance. As authority for this resolution the other end of the Capitol is referred to. The House at the proper time should have brought grave Senators to realize that this was not the time to increase the salary of their annual clerks, and it was a species of legislative cowardice in the House submitting to this robbery of the people.

As the spokesman of the Populists to this resolution I am not supposed to be the guardian or the director of the majority party of the House. If I were I would direct it to vote against this resolution. If I were its worst enemy I would persuade it to commit suicide by the passage of this resolution, which means a gratuity of about $215,000 during the vacation of Congress to our clerks in these hard times, panics, and low prices, when to let, to rent, for sale is seen everywhere, and the red flag of the auctioneer is upon almost every corner and is seen waving over every barnyard and house top. It is simply criminally extravagant to give away to our clerks this $215,000. I call members' attention to the fact that it is voting away, at present gold prices, 430,800 bushels of wheat, 861,600 bushels of corn, 51,350 bales of cotton—more wheat, corn, and cotton, absolute necessities of human and animal life, than 10,000 honest farmers can raise by working and delving three hundred and sixty-five days in a year. It is your funeral, not mine. It is my duty to warn against such extravagance. If I do not mistake the now scattering racks floating upon the political horizon, their course is in one direction to the accumulation of thickening clouds that will culminate in that terrific thunderstorm that seems so necessary to clarify the political and economic atmosphere of this country and restore happiness and prosperity to the people.

Mr. HARTMAN. Mr. Speaker, I ask unanimous consent that at 10 minutes after 3 o'clock the previous question be considered as ordered, half of the time intervening to be yielded to the gentleman from Alabama, to be followed by the gentleman from Iowa [Mr. HENDERSON]. I ask unanimous consent for that arrangement.

Mr. CANNON. Is the amendment offered by the gentleman from Pennsylvania pending?

Mr. HARTMAN. That may be pending.

The SPEAKER. The gentleman asks unanimous consent that at 10 minutes past 3 o'clock the previous question shall be considered as ordered.

Mr. ALDRICH of Illinois. I do not desire to object, if my friend from South Carolina wishes to be heard.

Mr. TALBERT. I would like to have about five minutes.

Mr. LINNEY. I should like to speak on the subject, but if the House does not desire to hear me, I do not care.

Mr. ALDRICH of Illinois. I shall want ten minutes against the proposition. [Cries of "Vote!" "Vote!"]

The SPEAKER. To whom does the gentleman from Illinois yield?

Mr. ALDRICH of Illinois. I yield five minutes to the gentleman from Alabama [Mr. WHEELER].

Mr. WHEELER. Mr. Speaker, I tremble for my country. [Cries of "Oh!" laughter, and loud and prolonged applause.]

The impatient cries of "Vote!" "Vote!" from the Republican side of this Chamber which we have heard at every pause in this debate are suggestive of the frantic appeals for "Votes!" "Votes!" "Votes!" which we will hear from the Republican party next November.

A vote for this resolution is a flagrant violation of your pledges to the people and a grave violation of your duty as their representatives.

Mr. Speaker, if this is consummated, honest men from lake to Gulf and from ocean to ocean will in thunder tones rebuke this atrocity.

I came to this Congress to use my feeble efforts to relieve our people from the distress which prevails throughout our land. [Applause.] What has brought about that distress? The gold standard has done its part, the McKinley high tariff has done its part, and billion-dollar Congresses have done their part. I hold in my hand an estimate I have made which shows that, taking the entire expenses of Government, the Federal expenses, city and municipal, they now amount to more than $3,000,000 a day, a greater amount than is expended by any other government on earth. [Applause.]

The census of 1890 shows that these expenditures were as follows:

United States Government, including postal service deficiencies.	$318,040,710
States, Territories, and District of Columbia, except for public schools	77,105,911
Counties, except for public schools, partly estimated	114,575,401
Municipalities, except for public schools, partly estimated	232,988,592
Public schools	139,065,537
Miscellaneous	5,517,183
Total	887,293,344

And to-day these expenditures are one-fourth greater.

When I look back, Mr. Speaker, at the golden days of prosperity, of pure, honest Democratic government, that decennium just preceding 1861, those golden days of prosperity when the expenditures of our Government—when our entire expenditures were little more than one-tenth the amount we expend to-day——

Mr. MILES. Has not the gentleman from Alabama always considered those silver days? [Laughter.]

Mr. WHEELER. They were golden days of glorious prosperity, Mr. Speaker; days which I hope the people of this land may again enjoy; and I believe that the free use of the metals that God gave us for the purpose for which God gave them to us, and an economical Congress, would bring back those golden days of prosperity. [Applause.] But what do we see now in every city and in every street? Marshals' sales posted here, sheriffs' sales posted there; "To rent," "To rent," "To rent," "For sale," "For sale," "For sale" placarded on nearly half of the real estate of every city.

Mr. LACEY. Are not these Democratic days, too? [Laughter.]

Mr. WHEELER. These are days controlled by a Republican House, which is now exceeding in its appropriations any ever made before by this or any other Government.

Already the appropriations for this Congress exceed by $22,000,000 the average appropriations of the two sessions of the last Democratic Congress.

You have alarmed the country with your profligacy. You are destroying industry. You are retarding prosperity. You are placing a yoke upon the labor of this land which is too heavy for it to bear, and I repeat, Mr. Speaker, when I hear the rumbling sounds, the groans of the oppressed people—I tremble— I tremble for my beloved country. [Applause.] I appeal to this House to halt. I ask gentlemen to consider, to reflect. I ask them to recall the——

The SPEAKER. The time of the gentleman has expired.

Mr. ALDRICH of Illinois. I yield two minutes to the gentleman from South Carolina [Mr. TALBERT].

Mr. TALBERT. Mr. Speaker, this is very short notice, but 'n that time I desire to say that I opposed this proposition in the Fifty-third Congress for the reason that I deemed it unnecessary, and I desire on this occasion to again enter my protest against its passage; for whenever a single dollar is taken from the taxpayer except that which is actually necessary, it is robbery pure and simple, and I desire to call the attention of this House to one phase of the question now under discussion that has not been presented before. Members may say this is a small matter; but let me say there are 359 members in this House, and during the six months of recess the compensation of their clerks will amount to $215,400 at $100 per month.

Now, then, let us see what this would cost the farmers of this country, as they pay 80 per cent of all the taxes levied by the Government, and then we can see whether it is such a small matter to them, the bone and sinew of this country. At 50 cents a bushel it would take 430,800 bushels of wheat to pay it. How many drops of sweat does it take to pay for that wheat? At 25 cents a bushel it would take 861,600 bushels of corn to pay it. How many furrows would have to be run off to raise this corn, up and down the rows, on hot July days? It would take 8,600 bales of cotton to pay it. Then how many laborers, days, and weeks would it take to raise that cotton?

Now, then, when you view this question from that point I say it is an outrage, it is a monstrosity, that now, in addition to giving enormous pensions to coffee coolers and bounty jumpers, camp followers and bummers, you turn around and propose to pension yourselves [laughter] by voting yourselves $100 a month. This is what you are doing when you thus add another burden to the already overburdened people. Why, sir, a more monstrous proposition was never made. You say because the Senate has done this that the House must do it. No, sir. Two wrongs do not make a right. Let the House do right although the Senate may do wrong. The Senate has increased the salaries of its clerks the snug sum of $68,000.

Mr. Speaker, for these reasons I desire right here and now to enter my protest against any such outrage, against any such monstrosity. For God's sake do not go further in your pension legislation. You have passed hundreds of pension bills for the classes I have described, and you have appropriated over one-half billion during the session of this Congress. Do not turn around now and pension yourselves and rob the people of 430,000 bushels of wheat, of 861,000 bushels of corn, and of 8,600 bales of cotton, which have been reduced in price by your gold-standard policy until today the farmer hardly gets enough to pay the cost of producing his crop. That is the present condition of the people that you are thus proposing to burden still further; and I want to raise my hand and my voice against this proposition. I, too, like my distinguished friend from Alabama, after noticing his trembling, begin to tremble for my country when I see such legislation proposed. [Laughter and applause.]

What are the members doing during the vacation that they can not attend to their work. A great number of them are hardly ever in their seats here during the session of Congress, and now they want to add $100 a month to their salaries in the way of clerks. I hope the resolution will be defeated, as it should be. [Applause.]

Mr. HARTMAN. Mr. Speaker, after consultation with the gentleman from Illinois [Mr. ALDRICH], I have agreed to yield five minutes to the gentleman from Iowa [Mr. HENDERSON], after which I intend to demand the previous question upon the motion for the adoption of this resolution.

Mr. HENDERSON. Mr. Speaker, I have never seen the hour when I trembled for my country. [Applause.] I am for the resolution and against the amendment. [Applause.] I am for the resolution, because it is in the interest of the people of this country and not in the interest of the Representatives. [Applause.] I made that declaration once before on the floor of this House, and the country has never reproved any of us who hold that doctrine. There is no "salary-grab" element in this resolution. This is a proposition to take one of our own boys or girls, from among the people of our district, to receive our dictation and write our letters and do the detail work which is required to be done in the interest of the people we are sent here to represent. [Applause.]

The clerk of my committee and all the annual clerks of committees work as much as they ought to work, and in the same proportion that members do. The clerk of my committee, the Committee on the Judiciary, devotes his entire attention to the business of that committee, and in addition I have a stenographer and typewriter, the daughter of an old soldier of my district (the old boy himself now in heaven), a girl known to my people, so that when they come into my office, if I am absent, she knows almost as much about the people and the business of the district as I do. She is as much needed to help to work for the people of my district as I am. She has been with me seven years. I bring her here and I take her there, and my experience is the experience of almost all of you. Gentlemen talk about the Senate! We stood in awe of the Senate for a time, but at last we defied the Senate and used our own judgment. Let the House of Representatives be independent now and use its own judgment. [Applause.]

You talk of economy. This country is as rich to-day and richer than it ever was in any hour of its life. We are able to do what is needed for the interests of the people. General Grant, when President, during the great financial crisis that struck the country and when expenditures were exceeding receipts, said: "Let the needed work of the country be done, but stay the hand of legislation on fortifications and on river and harbor improvements not now in process of construction; there is the place to strike." But this country is able now to meet every actual need of the people; and if we go ahead and do properly the work of this country it will only quicken the nation to such legislation as will enable us to meet all the necessary expenditures of the Government. I am for economy, not simply in the next House but in my own house; and my own house is the Third district of Iowa, under the great national roof on which float the Stripes and Stars. My economy touches both these homes; and, impelled by that, I am willing to raise my voice here in favor of this legislation and to record my affirmative vote where the people of my district can read it. [Applause. Cries of "Vote!" "Vote!"]

Mr. ALDRICH of Illinois. I will now ask the previous question, in accordance with an understanding I have had with the gentleman from Montana [Mr. HARTMAN].

The previous question was ordered.

The SPEAKER. The first question is on the amendment of the gentleman from Pennsylvania [Mr. BINGHAM].

The amendment was read, as follows:

After "1893," in line 8, add:
"*Provided*, That the provisions of this resolution shall not apply to members who are chairmen of committees entitled under the rules to annual clerks."

The question being taken, there were on a division (called for by Mr. ALDRICH of Illinois)—ayes 104, noes 83.

Mr. BOUTELLE. Yeas and nays.

The yeas and nays were not ordered.

So the amendment of Mr. BINGHAM was agreed to.

The SPEAKER. The question is now on agreeing to the resolution as amended.

Mr. ALDRICH of Illinois, Mr. LINNEY, and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 130, nays 109, not voting 116; as follows:

YEAS—130.

Acheson,	Cooper, Wis.	Hooker,	Otjen,
Adams,	Cousins,	Hopkins,	Phillips,
Allen, Utah	Crump,	Hubbard,	Pickler,
Andrews,	Culberson,	Hulick,	Poole,
Apsley,	Curtis, Iowa	Hunter,	Powers,
Atwood,	Curtis, Kans.	Hurley,	Prince,
Babcock,	Curtis, N. Y.	Hyde,	Reeves,
Baker, N. H.	Dayton,	Johnson, Cal.	Robertson, La.
Barham,	De Witt,	Johnson, N. Dak.	Sauerhering,
Barrett,	Dolliver,	Joy,	Settle,
Bartlett, Ga.	Doolittle,	Kendall,	Shannon,
Berry,	Dovener,	Kulp,	Smith, Ill.
Bingham,	Downing,	Layton,	Southard,
Bishop,	Eddy,	Leisenring,	Spencer,
Black, N. Y.	Evans,	Leonard,	Stone, C. W.
Blue,	Fairchild,	Long,	Stone, W. A.
Boutelle,	Fenton,	Loudenslager,	Strong,
Brewster,	Fitzgerald,	Low,	Sulloway,
Broderick,	Foss,	Mahany,	Tawney,
Brown,	Gamble,	Marsh,	Tayler,
Bull,	Gillet, N. Y.	McCall, Mass.	Towne,
Burton, Ohio	Griffin,	McClellan,	Van Horn,
Calderhead,	Griswold,	McCormick,	Van Voorhis,
Cannon,	Grow,	Mercer,	Walker, Va.
Catchings,	Hager,	Miller, Kans.	Wanger,
Chickering,	Hainer, Nebr.	Minor, Wis.	Warner,
Clark, Mo.	Harmer,	Mondell,	Willis,
Clarke, Ala.	Harris,	Money,	Wilson, Idaho
Cobb,	Hartman,	Moody,	Wilson, N. Y.
Cockrell,	Henderson,	Morse,	Woodard,
Coffin,	Hepburn,	Newlands,	Woodman.
Colson,	Hicks,	Northway,	
Cooper, Fla.	Hilborn,	Odell,	

NAYS—109.

Aldrich, Ala.	Buck,	Daniels,	Hadley,
Aldrich, Ill.	Burton, Mo.	Denny,	Hall,
Allen, Miss.	Clardy,	Dingley,	Halterman,
Anderson,	Codding,	Dinsmore,	Harrison,
Bailey,	Connolly,	Dockery,	Hendrick,
Baker, Kans.	Cooper, Tex.	Ellis,	Henry, Conn.
Belknap,	Corliss,	Fowler,	Hitt,
Bell, Colo.	Cox,	Gardner,	Jenkins,
Bell, Tex.	Crisp,	Gibson,	Jones,
Black, Ga.	Crowther,	Gillett, Mass.	Kem,
Broslus,	Dalzell,	Graff,	Kirkpatrick,
Brumm,	Danford,	Grout,	Kleberg,

Knox,	McRae,	Scranton,	Terry,
Kyle,	Meyer,	Shafroth,	Thorp,
Lacey,	Miles,	Shuford,	Tracey,
Latimer,	Miller, W. Va.	Simpkins,	Turner, Ga.
Lester,	Milnes,	Skinner,	Tyler,
Linney,	Otey,	Snover,	Updegraff,
Little,	Owens,	Spalding,	Watson, Ind.
Lockhart,	Patterson,	Stahle,	Watson, Ohio
Loud,	Payne,	Stewart, Wis.	Wheeler,
Mahon,	Pearson,	Stokes,	Williams,
McCleary, Minn.	Perkins,	Strait,	Wilson, S. C.
McClure,	Pitney,	Strowd, N. C.	Wood,
McCreary, Ky.	Pugh,	Swanson,	Yoakum.
McCulloch,	Royse,	Taft,	
McDearmon,	Russell, Ga.	Talbert,	
McLaurin,	Sayers,	Tate,	

NOT VOTING—116.

Abbott,	Goodwyn,	Maguire,	Sorg,
Aitken,	Grosvenor,	McCall, Tenn.	Southwick,
Arnold, Pa.	Hanly,	McEwan,	Sparkman,
Arnold, R. I.	Hardy,	McLachlan,	Sperry,
Avery,	Hart,	McMillin,	Stallings,
Baker, Md.	Hatch,	Meiklejohn,	Steele,
Bankhead,	Heatwole,	Meredith,	Stephenson,
Barney,	Heiner, Pa.	Milliken,	Stewart, N. J.
Bartholdt,	Hemenway,	Miner, N. Y.	Strode, Nebr.
Bartlett, N. Y.	Henry, Ind.	Moses,	Sulzer,
Beach,	Hermann,	Mozley,	Thomas,
Bennett,	Hill,	Murphy,	Tracewell,
Bowers,	Howard,	Neill,	Treloar,
Bromwell,	Howe,	Noonan,	Tucker,
Burrell,	Howell,	Ogden,	Turner, Va.
Clark, Iowa	Huff,	Overstreet,	Underwood,
Cook, Wis.	Huling,	Parker,	Wadsworth,
Cooke, Ill.	Hull,	Pendleton,	Walker, Mass.
Cowen,	Hutcheson,	Price,	Walsh,
Crowley,	Johnson, Ind.	Quigg,	Washington,
Cummings,	Kerr,	Raney,	Wellington,
De Armond,	Kiefer,	Ray,	White,
Draper,	Lawson,	Reyburn,	Wilber,
Ellett, Va.	Lefever,	Richardson,	Wilson, Ohio
Elliott, S. C.	Leighty,	Robinson, Pa.	Woomer,
Erdman,	Lewis,	Rusk,	Wright.
Faris,	Linton,	Russell, Conn.	
Fischer,	Livingston,	Shaw,	
Fletcher,	Lorimer,	Sherman,	
Foote,	Maddox,	Smith, Mich.	

So the resolution was adopted.

The following pairs were announced:

Until further notice:

Mr. SMITH of Michigan with Mr. LAWSON.

Mr. CURTIS of Iowa with Mr. RICHARDSON.

Mr. HARDY with Mr. HART.

Mr. WILSON of Ohio with Mr. DE ARMOND.

Mr. BROMWELL with Mr. LIVINGSTON.

Mr. FARIS with Mr. SORG.

Mr. HUFF with Mr. MINER of New York.

Mr. HENRY of Indiana with Mr. SPARKMAN.

Mr. MOZLEY with Mr. MOSES.

Mr. STRODE of Nebraska with Mr. HUTCHESON.

Mr. STEELE with Mr. WASHINGTON.

Mr. DRAPER with Mr. TUCKER.

Mr. GROSVENOR with Mr. MCMILLIN.

Mr. MEIKLEJOHN with Mr. NEILL.

Mr. RANEY with Mr. COWEN.

For this day:

Mr. WHITE with Mr. ABBOTT.

Mr. GOODWYN with Mr. ELLETT of Virginia.

Mr. BARTHOLDT with Mr. MADDOX.

Mr. THOMAS with Mr. SULZER.

Mr. REYBURN with Mr. OGDEN.

Mr. WILBER with Mr. WALSH.

Mr. RUSSELL of Connecticut with Mr. RUSK.

Mr. LORIMER with Mr. SHAW.

Mr. FISCHER with Mr. ELLIOTT of South Carolina.

Mr. HEMENWAY with Mr. UNDERWOOD.

Mr. HULL with Mr. PRICE.

Mr. HEATWOLE with Mr. BANKHEAD.

On this question:

Mr. BARTLETT of New York with Mr. CROWLEY.

Mr. CANNON (for the resolution) with Mr. MCCALL of Tennessee (against the resolution).

Mr. BOUTELLE. Mr. Speaker, I voted "no," but desire to change the vote to "aye." [Applause.]

The SPEAKER. The gentleman will be so recorded.

Mr. NEILL. Mr. Speaker, I find that I am paired with the gentleman from Nebraska, Mr. MEIKLEJOHN, and withdraw my vote. I voted in the negative on this question.

Mr. PICKLER. I desire to change my vote from "no" to "aye."

The SPEAKER. The several changes suggested will be made.

The result of the vote was then announced as above recorded. [Applause.]

On motion of Mr. HARTMAN, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

The SPEAKER. The next business in order is the unfinished business which the Chair will now lay before the House.

Mr. PENDLETON. Mr. Speaker, I desire to ask unanimous consent for the consideration of a bill——

The SPEAKER. The regular order has been called for.

Mr. PICKLER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PICKLER. If the House should resolve itself into a Committee of the Whole on the Private Calendar, would not the unfinished business of last Wednesday, being business on that Calendar, be first in order?

The SPEAKER. The Chair would not undertake to decide that. The Chair thinks it a question that would have to be examined, because the committee was acting under a special order. But the Chair would suggest that these cases can be reached the next time the House goes into Committee of the Whole under the special order; and it is possible that it may be reached to-night.

Mr. PICKLER. The rule, as I understand it, is that the unfinished business is first in order when the House proceeds to the consideration of that class of business again. On last Wednesday we were acting on the Private Calendar under a special rule; and it seems to me that when we go into Committee of the Whole on the same Calendar the unfinished business is first in order, and the bill before the committee at the time the committee rose on Wednesday last would be the unfinished business to be disposed of.

My object is this, I will state, Mr. Speaker——

The SPEAKER. That would have to be decided in committee, at all events.

Mr. PICKLER. Then I move that the House resolve itself into Committee of the Whole to consider business on the Private Calendar.

The SPEAKER. The Chair will call the attention of the gentleman to the rule on this subject. Rule XXIV, clause 6, provides that on Friday of each week, after the unfinished business has been disposed of, it shall be in order to move to go into Committee of the Whole. This unfinished business under the rule is first to be disposed of.

Mr. PICKLER. All right, Mr. Speaker. There are a number of pension bills which have been reported by the Committee of the Whole.

The SPEAKER. The Clerk will report the first bill.

JOHN KEHL.

The first business reported by the Committee of the Whole was the bill (H. R. 1261) for the relief of John Kehl, and to restore him to his former rating.

The bill was read at length.

Mr. PICKLER. I demand the previous question on the passage of the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time.

Mr. TALBERT. I would ask if this bill has been properly engrossed? If it has not been, I make the point that it should be before action is taken on it.

The SPEAKER. The bill will be laid aside for the purpose of engrossment; and the Clerk will report the next bill.

MRS. HELEN MORRILL CARROLL.

The next business was the bill (S. 730) granting an increase of pension to Mrs. Helen Morrill Carroll, reported from the Committee of the Whole with an amendment.

Mr. PICKLER. I demand the previous question on the bill and amendment.

The previous question was ordered, under the operation of which the amendment was agreed to, and the bill as amended ordered to a third reading; and it was accordingly read the third time, and passed.

MIRIAM V. KENNEY.

The next business was the bill (H. R. 3937) granting a pension to Miriam V. Kenney, widow of Samuel W. Kenney, reported from the Committee of the Whole with amendments.

Mr. PICKLER. I demand the previous question on the bill and amendments.

The previous question was ordered, under the operation of which the amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time.

Mr. TALBERT. Mr. Speaker, I make the point that this bill should be engrossed before its passage. I demand the reading of the engrossed bill.

The SPEAKER. The bill will be laid aside to be engrossed, and the Clerk will report the next bill.

MARY F. DAVENPORT.

The next business on the Calendar was the bill (H. R. 75) granting a pension to Mary F. Davenport, reported from the Committee of the Whole with amendments.

The bill was read at length.

Mr. PICKLER. I demand the previous question.

The previous question was ordered, under the operation of which the amendments reported from the Committee of the Whole were agreed to, and the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

HARRIET WOODBURY.

The next business was the bill (H. R. 1229) to pension Harriet Woodbury, of Windsor, Vt., reported from the Committee of the Whole with an amendment.

On motion of Mr. PICKLER, the previous question was ordered.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time.

Mr. ERDMAN. Mr. Speaker, this being the case of a remarried widow, I make the point that the engrossed bill is not in the House.

The SPEAKER. Does the gentleman demand the reading of the engrossed bill?

Mr. ERDMAN. I demand the reading of the engrossed bill.

The SPEAKER. The bill will be laid aside for engrossment, and the Clerk will report the next bill.

MARY E. WYSE.

The next business reported from the Committee of the Whole was the bill (H. R. 4913) granting a pension to Mrs. Mary E. Wyse, widow of Lieut. Col. F. O. Wyse.

On motion of Mr. PICKLER, the previous question was ordered, the bill ordered to be engrossed and read a third time, and accordingly read the third time, and passed.

GEN. WILLIAM H. MORRIS.

The next business was the bill (H. R. 4383) granting a pension to Gen. William H. Morris, reported from the Committee of the Whole with an amendment.

On motion of Mr. PICKLER, the previous question was ordered.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MARY L. BACON.

The next business reported from the Committee of the Whole was the bill (H. R. 5400) to increase the pension of Mary L. Bacon, widow of the late George B. Bacon, lieutenant-commander, United States Navy.

On motion of Mr. PICKLER, the previous question was ordered, the bill ordered to be engrossed and read a third time, and accordingly read the third time, and passed.

ARCHIBALD HUNLEY.

The next business reported from the Committee of the Whole was the bill (H. R. 5580) granting a pension to Archibald Hunley.

On motion of Mr. PICKLER, the previous question was ordered, the bill ordered to be engrossed and read a third time, and accordingly read the third time, and passed.

JOHN W. HINES.

The next business reported from the Committee of the Whole was the bill (H. R. 5712) granting an increase of pension to John W. Hines.

On motion of Mr. PICKLER, the previous question was ordered, the bill ordered to be engrossed and read a third time, and accordingly read the third time, and passed.

JOHN COMBS.

The next business was the bill (H. R. 950) to increase the pension of John Combs, reported from the Committee of the Whole with an amendment.

On motion of Mr. PICKLER, the previous question was ordered.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MARY E. HAZLIP.

The next business reported from the Committee of the Whole was the bill (H. R. 138) granting an increase of pension to Mary E. Hazlip.

On motion of Mr. PICKLER, the previous question was ordered, the bill ordered to be engrossed and read a third time, and accordingly read the third time, and passed.

MRS. ANNIS H. ENOCHS.

The next business reported from the Committee of the Whole was the bill (H. R. 4275) to increase the pension of Mrs. Annis H. Enochs.

On motion of Mr. PICKLER, the previous question was ordered, the bill ordered to be engrossed and read a third time, and accordingly read the third time, and passed.

BYRON COTTON.

The next business was the bill (H. R. 1022) to increase the pension of Byron Cotton, reported from the Committee of the Whole with an amendment.

On motion of Mr. PICKLER, the previous question was ordered.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

SOPHRONIA S. STOWELL.

The next business on the Private Calendar was the bill (H. R. 5996) for the relief of Sophronia S. Stowell, reported from the Committee of the Whole with an amendment.

On motion of Mr. PICKLER, the previous question was ordered.

The amendment recommended by the committee was agreed to.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. I demand the reading of the engrossed bill.

The SPEAKER. The bill will be laid aside for engrossment.

JULIA H. H. CROSBY.

The next business on the Private Calendar was the bill (H. R. 446) to place the name of Julia H. H. Crosby on the pension roll, reported from the Committee of the Whole with amendments.

On motion of Mr. PICKLER, the previous question was ordered.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The title of the bill was amended as recommended by the committee.

ARMSTEAD M. RAWLINGS.

The next business was the bill (H. R. 1062) to pension Armstead M. Rawlings, of Arkansas.

Mr. PICKLER. I ask for the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MISS JULIETTE BETTS.

The next business was the bill (H. R. 4395) for the relief of Miss Juliette Betts, with an amendment from the Committee of the Whole.

Mr. PICKLER. I ask for the previous question.

The previous question was ordered, and under the operation thereof the amendment recommended by the Committee of the Whole was agreed to, and the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY CRAY.

The next business was the bill (H. R. 4598) granting a pension to Mary Cray, with an amendment from the Committee of the Whole.

Mr. PICKLER. I demand the previous question.

The previous question was ordered, and under the operation thereof the amendment recommended by the Committee of the Whole was agreed to, and the bill as amended was ordered to be engrossed.

Mr. ERDMAN. I demand the reading of the engrossed bill.

The SPEAKER. The gentleman from Pennsylvania demands the reading of the engrossed bill. The bill will be laid aside to be engrossed.

DAVID MOSTEN.

The next business was the bill (H. R. 1936) to remove the charge of desertion standing against David Mosten.

Mr. PICKLER. I demand the previous question.

Mr. TALBERT. Is that a Senate bill?

The SPEAKER. It is a House bill.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed.

Mr. TALBERT. I make the point of order against that bill.

The SPEAKER. The gentleman from South Carolina demands the reading of the engrossed bill. The bill will be laid aside to be engrossed.

NANCY GENTRY.

The next business was the bill (H. R. 5175) granting a pension to Nancy Gentry.

Mr. PICKLER. Mr. Speaker, I ask for the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH T. BEALL.

The next business was the bill (H. R. 3033) to increase the pension of Elizabeth T. Beall, widow of Benjamin L. Beall, late colonel First United States Cavalry, with an amendment recommended by the Committee of the Whole.

Mr. PICKLER. I ask for the previous question.

The previous question was ordered, and under the operation thereof the amendment recommended by the Committee of the Whole was agreed to, and the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THERESA PEEBLES.

The next business was the bill (H. R. 4355) to increase the pension of Theresa Peebles, of Jefferson County, Ga., with an amendment recommended by the Committee of the Whole.

Mr. PICKLER. I ask for the previous question.

The previous question was ordered, and under the operation thereof the amendment recommended by the Committee of the Whole was agreed to, and the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ADA J. SCHWATKA.

The next business was the bill (S. 710) granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka, with an amendment recommended by the Committee of the Whole.

Mr. PICKLER. I ask for the previous question.

The previous question was ordered, and under the operation thereof the amendment recommended by the Committee of the Whole was agreed to, and the bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JAMES M'GOWAN.

The next business was the bill (H. R. 3524) for the relief of James McGowan from the charge of desertion.

The bill was ordered to be engrossed for a third reading.

Mr. TALBERT. Mr. Speaker, I make the same point against that as I did against the other.

The SPEAKER. The bill will be laid aside to be engrossed.

EDWARD H. MUNSON.

The next business was the bill (H. R. 4199) to correct the military record of Edward H. Munson, late a private in Company H, Thirty-second New York Regiment Infantry.

Mr. PICKLER. I ask for the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed.

Mr. TALBERT. Mr. Speaker, I make the same point against that bill.

The SPEAKER. The bill will be laid aside to be engrossed.

MRS. ELIZABETH M. WILLIAMS.

The next business was the bill (H. R. 5225) for the relief of Mrs. Elizabeth M. Williams, of Monroe County, Tenn., with an amendment recommended by the Committee of the Whole.

Mr. PICKLER. I ask the previous question.

The previous question was ordered, and under the operation thereof the amendment recommended by the Committee of the Whole was agreed to, and the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HANNAH YAZELL.

The next business was the bill (H. R. 1171) to pension Hannah Yazell.

Mr. PICKLER. I ask for the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed.

Mr. ERDMAN. I demand the reading of the engrossed bill.

The SPEAKER. The bill will be laid aside to be engrossed.

WILLIAM W. FRENCH.

The next business was the bill (S. 137) granting an increase of pension to William W. French.

Mr. PICKLER. I ask for the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS M. SCOTT.

The next business was the bill (H. R. 6132) granting an increase of pension to Thomas M. Scott.

Mr. PICKLER. I ask for the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PICKLER, a motion to reconsider the several votes by which the various bills were passed was laid on the table.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following Senate bill and concurrent resolution were taken from the Speaker's table and referred by the Speaker as follows:

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 copies of the report made by Messrs. Ludlow, Endicott, and Noble, of date October 31, 1895, upon the Nicaragua Canal, together with all the appendixes, maps, plans, and profiles accompanying the same, as submitted by them; 6,000 of which shall be for the use of the House of Representatives and 4,000 for the use of the Senate—

To the Committee on Printing.

A bill (S. 2790) for the relief of Sophronia S. Stowell—to the Committee on Invalid Pensions.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 7395) to authorize the Secretary of the Treasury of the United States to reconvey to the former owners a certain tract of land in Valverde County, Tex.;

A bill (H. R. 953) for the relief of William Gray; and

A bill (H. R. 1605) for the relief of A. P. Brown, late postmaster at Lemars, Iowa.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SHANNON, for two days, on account of important business.

To Mr. LINNEY, for five days, on account of sickness in his family.

To Mr. MAHON, for four days, on account of sickness in his family.

REPRINT OF A BILL.

Mr. COBB, by unanimous consent, obtained an order for a reprint of the bill H. R. 4447.

EXTENSION OF TIME.

By unanimous consent, the time of the minority of the Committee on Elections No. 3 to file their report in the contested-election case of Yost against Tucker was extended until the 12th of May.

LEAVE TO PRINT.

Mr. FITZGERALD, by unanimous consent, obtained leave to extend in the RECORD his remarks on the District of Columbia appropriation bill.

Mr. PICKLER. Mr. Speaker, I ask unanimous consent that the House now take a recess until 8 o'clock p. m.

There was no objection, and it was so ordered. The Speaker accordingly (at 4 o'clock and 32 minutes p. m.) declared the House in recess until 8 o'clock p. m., and announced that Mr. HOPKINS would preside at the evening session as Speaker pro tempore.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) was called to order by Mr. HOPKINS, Speaker pro tempore, who directed the Clerk to read clause 2 of Rule XXVI.

Mr. PICKLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar under the special order.

Mr. ERDMAN. I rise to a parliamentary inquiry. Is that the special order under which we were operating the other day? The gentleman says under the "special order."

The SPEAKER pro tempore. No; the motion is the same motion as is submitted every Friday night, that the House proceed to consider business under the rule.

The question was taken; and on a division (demanded by Mr. TALBERT) there were—ayes 51, noes 0.

Mr. TALBERT. No quorum, Mr. Speaker. There are too few here to go into Committee of the Whole to transact business. I make the point of order.

The SPEAKER pro tempore. There is evidently not a quorum present at the present time. We can wait a little while and see if other members come in.

Mr. PICKLER. Mr. Speaker, I move a call of the House.

Mr. TALBERT. Before that, if I may be allowed at this juncture, I desire to make a suggestion that my only object is to get rid of the bills on the Calendar to remove charges of desertion. I do not think such bills ought to be passed. I have no objection whatever to pension legislation and no desire to block the passage of deserving pension cases on the list, and if the chairman of the Committee on Invalid Pensions will agree to pass over every one of the bills as he comes to them to-night on the Calendar that removes the charge of desertion, and give me that guarantee, to show you that I am not in bad faith I am willing to withdraw the point of no quorum.

Mr. PICKLER. I suppose the gentleman from South Carolina knows of course that these bills do not come from the Committee on Invalid Pensions. We have no jurisdiction of them, and while I have no objection, so far as I am personally concerned, they do not come from our committee, and I have no right to make such an agreement. I would be perfectly willing if the House would agree to it.

Mr. TALBERT. But the House might express its willingness to do that. I am here not with the intention of blocking any pension legislation; but I do think that those bills ought not to be passed.

Mr. HULL. If that arrangement can be made, will the gentleman withdraw the point of no quorum?

Mr. TALBERT. Certainly; if that arrangement can be guaranteed.

Mr. HULL. As chairman of the Committee on Military Affairs I am perfectly willing, if the members of the House interested in these bills will agree to it, to adopt that course for to-night.

Mr. TALBERT. If the gentleman says that he will agree to that I will certainly withdraw the point of no quorum.

Mr. HULL. I will make my statement to the House that, so far as the Committee on Military Affairs is concerned, we are willing to agree that this night shall be devoted to the consideration of pension legislation exclusively. But there are a number of members here who are interested in these bills removing charges of desertion and correcting military records, and I have no right to bind them, although I do not doubt that they will agree to the suggestion made.

The SPEAKER pro tempore. Will the gentleman put it in the form of a request for unanimous consent?

Mr. PICKLER. I hope the gentleman will do that.

Mr. TALBERT. I will ask unanimous consent, then, that for to-night no bills shall be taken up and considered for removing charges of desertion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina that in the consideration of the Calendar cases to-night no bills removing charges of desertion shall be considered?

There was no objection.

Mr. BROMWELL. That is with the understanding, of course, that these cases retain their places on the Calendar?

Mr. TALBERT. I have no objection to that.

The SPEAKER pro tempore. The Chair hears no objection; and the request is granted.

Mr. TALBERT. Now, with that understanding, while I do not promise not to make some talk at times against anything else I do not think is right, I withdraw the point of no quorum to show I am in good faith and do not wish to block meritorious pension legislation.

So the motion that the House resolve itself into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HEPBURN in the chair.

LEVI T. E. JOHNSON.

The first business on the Private Calendar was the bill (H. R. 2317) to increase the pension of Levi T. E. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Levi T. E. Johnson, late a member of Company B, Fifty-second Indiana Volunteers, from ten to fifty dollars per month, subject to the conditions and limitations of the pension laws.

Mr. PICKLER. Mr. Chairman, this is the bill we had under consideration on Wednesday when the committee rose and did not finish. There is an amendment pending, I believe.

The CHAIRMAN. The question is on laying aside the bill.

Mr. ERDMAN. Mr. Chairman, I rise to a point of order. How is this the first bill on the Calendar for to-night?

Mr. PICKLER. This bill was pending when we were last in committee.

The CHAIRMAN. It was the bill last under consideration when the committee rose.

Mr. ERDMAN. But these cases have not been disposed of—the cases prior to this. They are still printed in the Calendar.

The CHAIRMAN. They have been laid aside to be favorably recommended by the committee.

Mr. ERDMAN. I understand, then, that the Chair holds this bill is the first in order?

The CHAIRMAN. The Chair so holds; and the Chair will state that there is an amendment pending, the Chair is informed, to strike out "fifty" and insert "thirty."

Mr. ERDMAN. Mr. Chairman——

The CHAIRMAN. Debate has been exhausted on this bill.

Mr. ERDMAN. I was not recognized for debate, but for a point of order, when I rose before.

The CHAIRMAN. But the debate was exhausted on this bill when it was last before the committee.

Mr. ERDMAN. I rose prior to this on a point of order, and did not rise to discuss the bill until now.

The CHAIRMAN. Does the gentleman state another point of order?

Mr. ERDMAN. No, sir; I rise now to speak on the merits of the bill.

The CHAIRMAN. Debate has been exhausted on this question.

Mr. ERDMAN. At the last session?

The CHAIRMAN. Yes; at the last session. The question is on the amendment to strike out "fifty" and insert "thirty."

The amendment was agreed to.

Mr. TRACEY. Mr. Chairman, that amendment was voted on at the last session.

Mr. BURRELL. Mr. Chairman, I rise to a parliamentary inquiry. This bill was considered before, and the amendment to insert "thirty" was voted down. Does this carry $50, or does it carry $30?

The CHAIRMAN. The Chair is informed by the Clerk that when the committee rose there was pending this motion, to strike out "fifty" and insert "thirty"—that that was the pending question when the committee rose. Of course that is the first question now in order.

Mr. MILNES. Mr. Chairman, this is the case where the soldier was entirely blind, if I remember right.

Mr. PICKLER. Mr. Chairman, debate is not in order. Debate has been exhausted on this bill.

Mr. MILNES. I desire to call the attention of the House to the fact that the vote upon this was 58 on the proposition to make it $50, and only 7 against, because the soldier is entirely blind.

Mr. HAGER. Mr. Chairman, the amendment was voted upon at the last session.

The CHAIRMAN. The present occupant of the chair is informed by the Clerk that the committee was dividing, and the question of no quorum was raised, leaving this motion which the Chair has just put as the pending question at that time.

Mr. HOPKINS. My attention was called to that, because of my colleague having been in charge. My understanding was that the committee amendment was voted down, and that the point of no quorum was raised on the bill as it was originally presented, at $50; so that the vote to-night is not upon the amendment, but is upon the bill itself at $50.

Mr. LOUDENSLAGER. The RECORD shows, on page 4914, that the amendment was pending when the roll was called.

Mr. HOPKINS. On the amendment itself?

Mr. LOUDENSLAGER. On the amendment itself. That is the RECORD; so that the Chair is right according to the RECORD.

The CHAIRMAN. The Chair has appealed to the Journal, and appealed to the RECORD, and finds that the statement of the condition of the case is as the Chair has stated it.

Mr. BURRELL. Was it passed at $50?

The CHAIRMAN. No; the point of no quorum was raised at that point. That motion did not prevail for the want of a quorum.

Mr. MILNES. I demand a division.

Mr. BURRELL. I demand a quorum now.

The CHAIRMAN. The gentleman is too late. The question now is upon the amendment proposed by the committee, to strike out the word "member" and insert the word "private."

The amendment was agreed to.

Mr. BURRELL. I asked for a division on the other amendment and did not get it.

The CHAIRMAN. The gentleman did not ask for it until after the Chair had decided the question. The question now is, Shall this bill be laid aside to be reported to the House with a favorable recommendation?

The motion was agreed to.

Accordingly, the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

CHARLOTTE A. WELTON.

The next business on the Private Calendar was the bill (H. R. 3152) granting a pension to Charlotte A. Welton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place on the pension roll, subject to the condition and limitation laws, the name of Charlotte A. Welton, widow of Lieut. John A. Welton, late of Company E, Fifty-first Indiana Volunteers, and pay her a pension at the rate of $17 a month in lieu of the pension she is now receiving.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. ERDMAN. Mr. Chairman, inasmuch as it was determined last Wednesday that the calling for the reading of the report was not blocking pensions, inasmuch as it was determined that we ought to know what we are doing by reading the reports, and inasmuch as the leader who so faithfully called for the reading of the reports last Wednesday is not here to-night, I will ask to have the report read in my time.

The CHAIRMAN. The Clerk will read the report.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3152) granting a pension to Charlotte A. Welton, report as follows:

The beneficiary in this bill, Charlotte A. Welton, is the widow of John A. Welton, late lieutenant of Company E, Fifty-first Indiana Volunteers. The testimony offered in support of this bill conclusively shows that on or about

the 1st day of May, 1863, at Days Gap, Ala., in the absence of the first lieutenant and captain of Company E, Fifty-first Indiana Volunteers, Second Lieutenant Welton was in command of the company and commanded the same that day in a charge made on the rebel forces. That while leading his company in said charge he received a gunshot wound in the leg below the knee, breaking the bone, and he was left upon the field while the Federal forces moved on, and while there upon the field was captured by the enemy and his leg amputated by a Confederate surgeon, and was left at a house in this wounded condition, where he remained about six months before he was able to return to his home.

The testimony further discloses that the amputation was carelessly done, and that for the want of suitable and proper care the wound never healed and continued to grow worse, discharged pus continuously, except at intervals, up to the time of his death. He was drawing a pension of $15 per month at the time of his death, and a certificate was subsequently issued to his wife, and she continued to draw the same until the year 1877, when she was dropped from the pension roll for the alleged reason that the testimony did not show the soldier to have died of the wound mentioned. She subsequently applied for and obtained a pension of $8 per month under the law of 1890. Two reputable physicians who attended and were well acquainted with the deceased gave it as their opinion that the death of the soldier was the result of this wound; that while he was attended with high fever, it was the necessary and natural result of the wound. This testimony is corroborated by many witnesses. The widow of the deceased is a reputable woman, still remains his widow, and is possessed of no means worth mentioning aside from the pension of $8 per month.

Your committee, having no doubt of the correctness of the foregoing propositions, believe this case to be one that calls for the special intervention of Congress, and therefore report the bill back to the House with the recommendation that it do pass.

Mr. PICKLER. Mr. Chairman, I desire to amend this bill by striking out of lines 4 and 5 the words "subject to the condition and limitation laws."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In lines 4 and 5 strike out the words "subject to the condition and limitation laws."

The amendment was agreed to.

Mr. PICKLER. Mr. Chairman, I move to insert the word "First," after the word "of," in line 6; so that it will read "widow of First Lieut. John A. Welton."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 6, after the word "of," insert the word "First."

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

GEORGE WILLIAM HODGDON.

The next business on the Private Calendar was the bill (H. R. 3890) granting a pension to George William Hodgdon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll at $12 per month, subject to the provisions and limitations of the pension laws, the name of George William Hodgdon, son of George W. Hodgdon, late of Company D, Fourteenth Regiment New Hampshire Volunteers.

The amendment recommended by the committee was read, as follows:

In lines 6 and 7 insert the following words, after the word "Hodgdon:" "permanently helpless."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH A. BOYD.

The next business on the Private Calendar was the bill (H. R. 6808) granting a pension to Sarah A. Boyd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Boyd, widow of George Boyd, late private Company E, First Regiment Minnesota Infantry Volunteers, at the rate of $12 per month, in lieu of the rate she is now receiving from date of her original application.

The amendments recommended by the committee were read, as follows:

Amend by striking out the word "private" and inserting the word "captain" in lieu thereof in line 6, and by striking out the word "twelve" in line 8 and inserting the word "seventeen" in lieu thereof, and by striking out all after the word "receiving" in line 9.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THEODORE V. PURDY.

The next business on the Private Calendar was the bill (H. R. 3306) to increase the pension of Theodore V. Purdy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of Theodore V. Purdy, late private Company F, First Michigan Sharpshooters, and pay him a pension of $50 a month in lieu of the pension he is now receiving.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. BAKER of New Hampshire. Let us have the report.

Mr. MCCLELLAN. Why waste time?

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3306) to increase the pension of Theodore V. Purdy, having carefully considered the same, respectfully report:

Theodore V. Purdy enlisted November 19, 1862, in Company F, First Michigan Sharpshooters, and was honorably discharged July 23, 1865.

March 18, 1882, soldier filed application alleging catarrh and bronchitis, and pension was granted at $4 per month, which was increased to $12 from September 4, 1889. December 22, 1890, he made application for increase on account of paralysis resulting from fever contracted in the service, but the claim was rejected August 2, 1894, on the ground of no record and no evidence of existence in the service or until 1882.

The records show that during May, June, July, and August, 1864, he was in Harewood Hospital, Washington, D. C., being treated for fever and retention of urine.

The soldier's condition is best indicated by the report of the board of examining surgeons made February 15, 1893:

"We find the claimant a confirmed invalid—the lower extremities paralyzed, the result of locomotor ataxia. He is helpless in every respect so far as movements of the body are concerned. * * * The adductor muscles are paralyzed, and the adductor muscles bring the knees together with such force that to relieve the pressure a soft pad or pillow has to be placed between the knees. * * * Claimant wears a urinal day and night. He suffers with severe cramping that can only be relieved by the hypodermic use of morphia. Claimant requires the constant care of a nurse day and night * * * and is entitled to a first-grade rating."

To the same general effect are the certificates of three other examining boards, two of which report the disability as of service origin, the others being silent on the subject. Three eminent physicians of California are of opinion that the soldier's present condition originated in the Army. The medical referee, however, failed to find the "pathological sequence," and the claim was accordingly rejected.

The evidence shows that most of the time this man suffers excruciating pain, which can be relieved only by injections of morphine, and that his wife is wearing herself away by her constant attention and desperate efforts to obtain a living for both.

The record of the beneficiary seems to be an excellent one. He participated in the pitched battles of the Wilderness, Spottsylvania, North Anna, Cold Harbor, and in all the engagements before Petersburg up to the time he went to the hospital. If he could clearly trace his disability to the service he would be entitled to $72 per month. He has probably failed to do so beyond a reasonable doubt, but the evidence strongly preponderates in his favor, and is amply sufficient to warrant your committee in recommending the passage of the bill.

We therefore respectfully report the bill back to the House with the recommendation that it do pass.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE V. BARNARD.

The next business on the Private Calendar was the bill (H. R. 6466) to increase the pension of George V. Barnard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension now allowed to George V. Barnard, late a private of Company E, Ninety-fifth Regiment Illinois Infantry Volunteers, so that he shall be allowed and paid $50 per month.

The amendment recommended by the committee was read, as follows:

In line 7, strike out the word "fifty" and insert the word "thirty"; so as to make it read "$30 per month."

The CHAIRMAN. The question is on agreeing to the amendment proposed by the committee.

Mr. UPDEGRAFF. Mr. Chairman, I desire to say a word in regard to the amendment. I hope it will not be adopted, and that the bill will remain as it was originally, at the rate of $50 a month. That soldier, Mr. Barnard, served over three years in the ranks and is now totally blind. Now, the evidence does not positively establish the fact that his blindness is the result of his military service; but it is clearly proved that he is pensioned for vertigo and nervous prostration, and there is no doubt in my own mind that this blindness is the result of his military service. If that could be distinctly proved, he would then be entitled to a rating of $72 a month. He is an old soldier, is poor and helpless, and is totally blind. I hope that the committee's amendment will not be adopted.

Mr. ERDMAN. Mr. Chairman, of course we have not had the report read, and do not know anything about it. I do not know but that it is just as well. We are in the habit of passing these bills without knowing anything about them. Of course this old soldier is blind; and of course, as the gentleman says, he can not prove that it is due to service origin; and if we had had the report read we would have found the reason that this old soldier is to be pensioned is, that the old soldiers and citizens at his home have petitioned here to increase his pension because he is in a helpless condition. Now, without knowing anything about it, without wanting to know anything about this case, without having the report spread before the House, on this petition for charity, you take it that it is a proper and a good case to grant a pension. [Cries of "Vote!" "Vote!"]

Mr. PICKLER. I only want to say, Mr. Chairman, that the gentleman from Pennsylvania ought not to say we do not know anything about these cases. These reports are printed, and everybody has access to them.

The CHAIRMAN. The question is upon agreeing to the amendment proposed by the committee.

The question was taken; and the amendment was rejected.

The bill was ordered to be laid aside with a favorable recommendation.

HENDERSON MARPLE.

The next business on the Private Calendar was the bill (H. R. 3877) granting a pension to Henderson Marple.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and restrictions of the pension laws, the name of Henderson Marple.

The amendment recommended by the committee was read, as follows:

Strike out all after the word "roll," in line 4, and insert the following:

"The name of Henderson Marple, late a private in Capt. A. J. Hart's Company, Morgan County Provisional Enrolled Missouri Militia, at the rate of $12 per month: *Provided*, That said pension shall be paid to Henderson Marple, and no part of said pension shall be retained by any official of the Government by reason of any pension heretofore paid to said Henderson Marple."

The amendment was agreed to.

The CHAIRMAN. The question is, Shall the bill be laid aside with a favorable recommendation?

Mr. ERDMAN. As the report in this case has not been read, I want to say that you gentlemen ought really to have heard this report. It distinctly shows that this soldier was dropped from the rolls in 1892 under a Republican Administration, and there is no reflection upon that Republican Administration for dropping him. So this is a very imperfect report, even as reports go. I can easily see why you do not want the report spread upon the record. [Cries of "Vote!" "Vote!"]

The question being taken, the bill as amended was ordered to be laid aside to be favorably reported to the House.

MRS. MARY GOULD CARR.

The next business on the Private Calendar was the bill (H. R. 4354) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased, at the rate of $75 per month.

The amendment reported by the committee was read, as follows:

In line 7 strike out "one hundred" and insert "seventy-five"; so as to make the pension $75 a month.

Mr. BLACK of New York. Mr. Chairman, I hope the Committee of the Whole will allow me a few moments (I promise not to occupy longer) that I may state my reasons for believing that this bill should be passed as originally introduced and without the amendment proposed by the committee. If there ever was a bill presented which was entitled to be passed at the figure originally proposed, it is this case to pension the widow of Gen. Joseph B. Carr. He was a general not only in name but in fact. He enlisted at the beginning of the war and continued in service until the end. His career was one of the most brilliant and successful which the annals of the rebellion afford. He participated in about 19 of the most important and decisive battles of the war. He died, I believe, in the year 1894 or 1895, leaving a widow and one invalid daughter.

This pension is asked, of course, for the benefit of his widow, and the special circumstance which it seems to me should commend the case to this House or to any patriotic body is the fact that the widow for whom the pension is asked shared during the entire military career of her husband his burdens and hardships upon the field. She followed him in all his campaigns. She nursed the soldiers under his command who were wounded and in the hospitals. Thus, from the beginning until the end, she participated in the hardships which he endured. In favor of the passage of this bill we have, in addition to the brilliant and glorious career of General Carr, in addition to what he did in behalf of his country, the further reason which I have stated in behalf of pensioning this noble and patriotic woman. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment reported by the committee striking out $100 and inserting $75.

The amendment was agreed to, there being—ayes 58, noes 21.

The bill as amended was ordered to be laid aside to be reported favorably to the House.

DELIA A. MARSH.

The next business on the Private Calendar was the bill (H. R. 4283) granting a pension to Delia A. Marsh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Delia A. Marsh, sister of Albert Marsh, who was a corporal-sergeant in Company B, Sixty-fourth Regiment New York Volunteers, and to pay her a pension at the rate of $12 per month.

Mr. MILNES. Let us have the report.

The Clerk proceeded to read the following report (by Mr. POOLE):

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4283) granting a pension to Delia A. Marsh, dependent sister of Albert Marsh, a corporal and sergeant of Company B, Sixty-fourth Regiment of New York Volunteers, report as follows:

Albert Marsh was a soldier with a gallant record, who, at the battle of Spottsylvania, Va., May 12, 1864, received a gunshot wound in right thigh, resulting in amputation of the leg. Before receiving said wound he personally captured the flag of the Forty-fourth Virginia Volunteers and afterwards received a "medal of honor" for this brave act. The amputation as first made was not successful and a second amputation became necessary. The successive amputations and the shock to his system resulting therefrom made him a physical and mental wreck, and his pension was increased from $8 a month, commencing from the date of his discharge from the Army in 1864, until he was receiving a pension of $72 at the time of his death, January 17, 1895. During the last twenty five years of his life he received the constant care and attention of his sister, who gave up all other work and faithfully attended this soldier until he died.

The evidence before the committee shows that not only did this sister care for this soldier at the risk of her life and permanent injury to her health, but that she was often obliged to call upon neighbors in the night to help her care for this soldier brother, who at times was violently insane; that in all these years she was his devoted friend and attendant, refusing all offers of an easier and happier life, and that she sacrificed her life willingly and cheerfully to the care of her crippled brother; that this long-continued devotion and care, with the mental strain, has now made her an invalid. She is 61 years of age, and the only property owned by her is a small house, which rents for $6 a month, from which taxes, insurance, and repairs have to be paid.

The sworn evidence examined by your committee shows that twice within the last year she has been operated upon for cancer, said to be the result of blows inflicted upon her by this maniacal soldier, and that at best her remaining years are but few.

Some of the best-known people in Randolph, Cattaraugus County, N. Y., where this claimant lives, have submitted affidavits to your committee fully substantiating all that has been set forth in this report. The soldier never married, and no one is now drawing a pension on account of his service.

In view of all the facts set forth in this report, your committee believe that this bill is based upon equity and justice and recommend its passage.

Mr. MILNES (before the reading of the report was concluded). Mr. Chairman, I waive the request for the further reading of the report. I am satisfied.

The bill was laid aside to be reported favorably to the House.

ORLEINA J. CLARK.

The next business on the Private Calendar was the bill (H. R. 4721) granting an increase of pension to Orleina J. Clark, of Louisville, Ky.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to increase the pension of Orleina J. Clark, widow of the late George W. Clark, a soldier in the war with Mexico, from $8 per month to $20 per month, to take effect from the passage of this act.

Mr. BAKER of New Hampshire. Let us have the report read.

The report (by Mr. COLSON) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4721) granting an increase of pension to Orleina J. Clark, have considered the same, and respectfully report as follows:

Mrs. Clark is the widow of the late George W. Clark, sergeant Company A, Seventh United States Infantry, and Company F, First United States Dragoons, in the war with Mexico.

The soldier died September 24, 1866, and his widow, the beneficiary, has been allowed a pension at $8 per month under the Mexican war service pension act of January 29, 1887.

The following is the sworn statement of the claimant, together with the certificate of the notary public before whom the affidavit was executed:

"I am a granddaughter of William Cloud, who served in the Revolutionary war under Gen. George Washington, and later was at the battle of New Orleans. I am a daughter of John A. Cloud, who fought under General Jackson in the war of 1812.

"I was raised on my grandfather's plantation in Patrick County, Va., 6 miles from the foot of the Blue Ridge. I married George W. Clark, who served in the First Regiment of Dragoons under General Carney, and later in the Second United States Infantry, Company K, under General Riley, and was ordered to Fort Wilkins, on Lake Superior, when they were ordered to Mexico. My baby was born three months after my husband left, and was 3 years and 6 months old when he returned to Jefferson Barracks, Mo. I joined my husband there with my little children soon after the return.

"After he was discharged he promised me that he would never enlist again, so he went into the railroad business after leaving Buffalo, N. Y., and we went to McMinnville, Tenn., on the Southwestern Railroad, and continued there until the rebellion broke out in 1861, and in the following fall he went into the Quartermaster's Department in the Federal Army. He had a force of quartermaster's hands stationed at White Bluff working on the deep cut under General Gillum until the close of the war. I am the first woman that ever took the Federal officers into her house at Nashville, Tenn. I took Colonel Wood and Captain Tracy, belonging to the Sixteenth Ohio, I think, out of their camp; they were very ill with typhoid fever, and I took them both into my house and cared for them until they were able to join their command. I opened my house to the officers of the United States Army and boarded them until the war closed, and made them feel as much at home as I could possibly do under the circumstances.

"My youngest daughter, Fannie W. Clark, suffered for seventeen years with the most terrible affliction that could befall anyone; she was afflicted with epileptic fits, and was liable to fall at any time or place. During the seventeen years of her affliction she was continuously under medical treatment.

"For fifteen years I have walked the streets of Louisville among the most respectable people in order to make an honest, upright living, and am now completely broken down. For the last six months I have not been able to go out to do anything toward making a support, and have been very destitute, but thank God I have a great many good friends among the first people of Louisville.

"I served my country faithfully at home with my children while my husband was doing his duty in the Army, and now, in the name of God, all I ask of you good men is to give me an increase in my pension.

"ORLEINA J. CLARK.

"Subscribed and sworn to before me this 14th day of January, 1896.

"[SEAL.] "CORDIE PURDY, *N. P., J. C.*

"I have known Mrs. O. J. Clark for fourteen years, and during all that time I have lived within 6 or 8 squares of her. I know her to be a truthful, good woman, who has worked hard to support herself and afflicted daughter, and in order to do this she has been compelled to be on the streets in the severest weather, both hot and cold, and the consequence is she is now completely broken down in health; wherefore I pray you will grant her petition and give her an increase in her pension.

"CORDIE PURDY.

"*Notary Public, Jefferson County, Ky.*"

A petition signed by Asher G. Caruth, W. R. Abbott, B. H. Young, and 40 other citizens of Louisville, Ky., sets forth the claimant is 70 years old and very feeble, and that she is a most worthy and deserving woman.

The passage of the bill is respectfully recommended.

Mr. CURTIS of New York (before the reading of the report was concluded). Mr. Chairman, I ask that the further reading of the report be dispensed with. Everybody, I think, is in favor of the bill.

Mr. BAKER of New Hampshire. I called for the reading of the report. I insist that it be read through.

The Clerk resumed and concluded the reading of the report.

The bill was laid aside to be reported favorably to the House.

JESSE M'MILLAN.

Mr. TERRY. Mr. Chairman, I send to the desk a bill which I ask unanimous consent to have considered now. I dislike to make this request to take up a bill out of the regular order, but I think when members of the committee hear my statement they will agree that I am justified in asking consideration for this bill now. This is the case of a preacher and an old Federal soldier, who is now entirely blind in one eye and nearly so in the other. He is destitute and helpless, and the bill is so far down the Calendar that I can reach it in no other way, and I do hope that under the circumstances no gentleman will object to taking up the case of this poor old blind soldier.

There being no objection, the committee proceeded to the consideration of the bill (H. R. 8184) granting a pension to Jesse McMillan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Jesse McMillan, a soldier in Company F, Third Regiment Arkansas Infantry, and allow him a pension rated at $15 per month.

The amendment of the committee was read, as follows:

In line 7 strike out the word "fifteen" and insert in lieu thereof the word "twelve"; so as to make the pension $12 a month.

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

Mr. TERRY. I thank the Committee of the Whole for its kindness.

PHŒBE M. WOOLLEY PALMETER.

The next business on the Private Calendar was the bill (H. R. 1599) granting a pension to Phœbe M. Woolley Palmeter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll of the United States the name of Phœbe M. Woolley Palmeter, daughter of Jonathan Woolley, who was a soldier and pensioner of the Revolutionary war, at the rate of $12 per month from and after the passage of this act.

The bill was laid aside to be reported favorably to the House.

WILLIAM H. NESBITT.

The next business on the Private Calendar was the bill (H. R. 4361) to pension William H. Nesbitt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension rolls the name of William H. Nesbitt, of Newton County, Mo., who was a member of Company F, Second Illinois Cavalry, in the war of the rebellion, and to grant him a pension at the rate of $72 per month from the date of the passage of this act.

The amendment reported by the committee was read, as follows:

Insert after the word "hereby," in the third line, the words "authorized and"; and amend by striking out all after the word "Nesbitt," in the fifth line, and insert in lieu thereof the following: "late a private in Company F, Second Illinois Cavalry, at the rate of $30 per month, in lieu of pension heretofore granted."

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported favorably to the House.

LUCY A. ALLEN.

The next business on the Private Calendar was the bill (H. R. 2969) granting a pension to Lucy A. Allen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Lucy A. Allen, widow of Capt. William R. Allen, late of Company C, Third Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $20 per month from the approval of this act.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARIA GIBBONS.

The next business on the Private Calendar was the bill (H. R. 2405) granting a pension to Maria Gibbons.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria Gibbons, widow of James Gibbons, late captain of Company B, First Battalion Arkansas State Militia, at the rate of $30 per month.

Mr. ERDMAN. Mr. Chairman, I am afraid that the leader of the other side, if he were here, would be very much dissatisfied with the riotous way you are proceeding to-night. It is so contrary to what would probably prevail if he were present that I am constrained to ask for the reading of the report in my own time.

Mr. McCLELLAN. Oh, why waste so much time?

The report (by Mr. KIRKPATRICK) was read, as follows:

Your committee, to whom was referred the bill (H. R. 2405) granting a pension of $30 per month to Maria Gibbons, widow of James Gibbons, late captain Company B, First Arkansas State Militia, having carefully examined into all the facts and circumstances in this case, ask leave to report the following:

In April, 1864, the commanding officer of the District of the Frontier (Gen. A. W. Bishop), at Fort Smith, Ark., in order to protect the district from the invasion and incursion of rebel hordes and guerrilla bands which infested that section of the country, ordered and directed the organization of the First Regiment of Arkansas State Militia, and James Gibbons organized and became captain of Company B of that regiment, and entered at once upon active duty.

In an engagement with guerrilla bands or Confederates about 20 miles from Fort Smith, Ark., on May 22, 1864, Capt. James Gibbons received two gunshot wounds in the breast and side, and was brought to Fort Smith by his comrades, and died therefrom in the hospital at Fort Smith on May 24, 1864. The engagement was participated in by a portion of the Twelfth and Fourteenth Regiments of Kansas Infantry Volunteers.

Capt. A. Jackson Jennings, of Company E, Twelfth Kansas Infantry, and First Lieut. Joseph R. Pratt, of Company L, Fourteenth Kansas Cavalry, both testify to Capt. James Gibbons being wounded and having died in general hospital at Fort Smith, as before stated.

A. W. Bishop, then adjutant-general of Arkansas, testified on November 1, 1866, that—

"Capt. James Gibbons, of Company B, First Battalion Arkansas State Militia, died at Fort Smith on or about May 24, 1864, of wounds received in a skirmish. The militia to which he belonged was organized by the said A. W. Bishop, as commander of the post at Fort Smith, Ark., in April, 1864, acting under orders from the commander of the District of the Frontier, Department of Arkansas; but what has become of their company rolls affiant can not state. I was relieved as commander of the post in May, 1864, and turned over all papers pertaining to this militia to my successor, Colonel Judson, Sixth Kansas Cavalry Volunteers."

Maria Gibbons, the claimant, filed an application for pension June 8, 1866, alleging the facts as stated, and that she was married to Capt. James Gibbons at Kilmaine, Ireland, August 30, 1844, and lived with him up to date of his death.

Her claim was rejected June 30, 1871, on the ground that the records failed to show that Capt. James Gibbons was in the service of the United States or that his company was under the command of a United States officer at the time he received the wounds from which he died.

Your committee believe this case a meritorious one. The claimant is now very old and in destitute circumstances, being supported by relatives and friends, and is unable to understand why her husband's service should not be recognized, when he voluntarily gave up his life in defense of his country and the protection of citizens and property in that locality, and, as he and the officers and men with him believed, under direct orders.

Your committee earnestly recommend that the bill do pass, when amended by striking out the word "thirty," in line 8, and inserting the word "twenty" in lieu thereof.

Mr. MILES. Mr. Chairman, the report in this case states that the claimant is not only old and in destitute circumstances, but is unable to understand why her husband's service should not be recognized when he voluntarily gave up his life in defense of his country and while protecting citizens and property in that locality. I am free to confess that I quite agree with her, and yet the record shows, and I desire to call the attention of the House and the country to the fact, that this claim was rejected by a Republican Administration.

That is all, Mr. Chairman.

The amendment recommended by the Committee on Invalid Pensions was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELLEN EWING.

The next business on the Private Calendar was the bill (S. 1837) granting a pension to Ellen Ewing, widow of Bvt. Maj. Gen. Thomas Ewing.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen Ewing, widow of Bvt. Maj. Gen. Thomas Ewing, at the rate of $100 per month.

The CHAIRMAN. The committee recommend a reduction to $75 per month.

Mr. TALBERT. Mr. Chairman, if it is possible to have order in the committee, I would like very much to have the report read in this case.

The CHAIRMAN. The report will be read.

Mr. PICKLER. If I can have the attention of the gentleman from South Carolina for a few moments, I desire to make a suggestion. The report in this case was made by the gentleman from Ohio [Mr. LAYTON] and is quite a lengthy report. Everybody knows the record of the services of General Ewing, and I would ask if he would be satisfied with a statement from Mr. LAYTON,

which could be made in briefer time than it would take to read the report?

Mr. TALBERT. Well, I think we ought to have the report read, but I have no objection to a statement from the gentleman. I will be satisfied with that in place of the reading of the report.

Mr. LAYTON. Mr. Chairman, I want to call the attention of the committee to the fact that this is a Senate bill, and simply came into my hands as a subcommittee in the ordinary distribution of the Senate bills in our committee.

The bill passed the Senate unanimously without any objection for $100 a month. It came to our committee, and after careful inspection and investigation of the facts and precedents in connection with bills of this character, we were constrained to reduce the amount to $75 a month.

I assume, Mr. Chairman, that it is not necessary for me to speak to this committee of the record of General Ewing's military services. We are all familiar with it—by reputation at least. He was a gallant soldier, and a most distinguished citizen before the war and ever after the war until the time of his death in 1896. He was killed by accident, it will probably be remembered, in the streets of the city of New York by a street car. He commanded the Department of Missouri for a long time during the war, and he is credited with having saved the city of St. Louis from the rebel forces.

I have received during the short time that I had the bill in charge this session, giving it consideration, a large number of letters from distinguished citizens of St. Louis, and members of his command, both in St. Louis and Kansas, certifying to the fact. He was brevetted a major-general for distinguished and gallant services on the field of battle.

His widow also came from an equally distinguished family with General Ewing, and consequently she has been accustomed to the comforts, you may say the luxuries of life. She is now quite aged. She was his wife long before the war, and since that time up to his death. She is about 71 years of age, I think, as I remember the testimony, and I regret to say, Mr. Chairman, that that testimony discloses the fact that Gen. Thomas Ewing left an insolvent estate, so that this old lady can derive nothing whatever from it. For that reason, in consideration of his services, after careful consideration of the matter, your Committee on Invalid Pensions concluded to allow the sum of $75 a month instead of $100, as recommended by the Senate bill. The subcommittee recommended to the full committee that amount, and I hope under the circumstances that there will be no objection to the bill as recommended.

Mr. TALBERT. Mr. Chairman, I have no doubt in the world of the truth of every word the gentleman from Ohio has uttered. Last Friday night I endeavored here, by moving to amend a bill, to reduce the claims of a widow of a general officer from fifty to forty dollars a month, thereby trying to get at some common ground on which the officers' widows should stand, and which we will be justified in supporting. It was voted down. I acquiesced in it, and, as I understood, there was a kind of tacit agreement of the Committee of the Whole that hereafter on Friday nights they would establish the grade of $50, because on that evening there were several bills passed at $50 per month. I think that is sufficient, and I think it would be a very good idea to establish that grade. I hope that to-night we can succeed in agreeing upon that common level. To that end, Mr. Chairman, I move to amend by striking out "seventy-five" and inserting "fifty." I make that motion in good faith. You can vote it up or vote it down, and I will submit to what you do.

Mr. CURTIS of New York. Mr. Chairman, allow me a word. I hope the amendment offered by my friend from South Carolina [Mr. TALBERT] will not prevail. He must have failed to consider the great merits of this case of General Ewing and his services. I am sure it is not the intention of this House to cut down the amount in as meritorious a case as this. I understand that my friend from South Carolina has indicated his entire willingness that it should go at $75 a month, if the committee so vote.

Mr. MILNES. Mr. Chairman, I am very glad to learn, though I supposed that we all knew it before, that Gen. Thomas Ewing came of a very distinguished family. I am glad also to know that his wife came of a very distinguished family; but I did not know that this House or this country was pensioning widows simply because they came of a distinguished family. I believe that $50 a month is enough; and until the thousands and tens of thousands of widows of meritorious and brave soldiers throughout this land get their pensions of at least $12 a month, I am not in favor of granting $50 or $75 a month to some widow simply because she belongs to a very distinguished family. I hope that the amendment of the gentleman from South Carolina [Mr. TALBERT] will prevail.

Mr. NORTHWAY. Mr. Chairman, if the rule had prevailed here that officers' widows should be pensioned at $50 a month I should gladly vote for the amendment, but having passed one or two bills here this evening, and many before, granting pensions at $75 a month, I am opposed to reducing the amount in the case of the widow of Gen. Thomas Ewing.

Mr. PICKLER. Has any bill passed at $75 to-night?

Mr. NORTHWAY. We voted that to the widow of General Carr. Now, I have known Gen. Thomas Ewing and known of him for many years; and while we did not belong to the same political party, and while we always fought each other in politics, there never was a braver man, never a truer gentleman, never a more honorable man of my acquaintance than Gen. Tom Ewing, of the State of Ohio. And I stand here to affirm that if the widow of any man on earth should have $75 a month it is the widow of Gen. Tom Ewing. Although he had ceased to reside in Ohio and had become a resident of New York, yet the name of Thomas Ewing is deeply embedded in the affections of the people of the State of Ohio, Republicans and Democrats alike, and I stand here to defend him and to say that the pension of his widow should not be reduced to $50 a month so long as pensions to widows of other men no better or braver, remain at $75 a month.

Mr. PICKLER. Is it not probable that $50 a month would keep this widow very comfortably during her life?

Mr. NORTHWAY. As I have already stated, I should have been glad to establish a rule of that kind; but the Committee on Invalid Pensions, by its vote on many occasions, has established a different rule, and I am not in favor of changing the rule now.

Mr. TALBERT. It is never too late to do good.

Mr. BAKER of New Hampshire. Will the gentleman from Ohio agree that the Committee of the Whole shall establish that rule to-night and abide by it hereafter?

Mr. NORTHWAY. If the committee will report that amount in these cases, I certainly shall stand by the committee; but I am not willing to make an exception in this case, and I shall vote against the amendment.

Mr. FAIRCHILD. Mr. Chairman, I want to heartily indorse all that the gentleman from Ohio [Mr. NORTHWAY] has said. I, too, knew General Ewing personally, and I know his family. For six years General Ewing was my law partner; and I am not going to allow an amendment to be voted on here to reduce the amount which the committee have awarded to his widow without at least protesting against it because of my personal knowledge both of General Ewing and also of the present condition of his widow and his daughter. This is not only granting a pension to General Ewing, but there is an unmarried daughter. By reason of misfortune, in spite of the distinguished career of General Ewing, of which we all know, he left an insolvent estate, and his widow and daughter have no means of support whatever except such as this House gives them here to-night. [Cries of "Vote!" "Vote!"]

I want to make one suggestion. The gentleman from Michigan [Mr. MILNES] has spoken of distinguished families. I disagree with him, unless possibly we only differ as to what he means by the words "distinguished family." It so happens that from Revolutionary times this country has owed much to certain individuals and has owed also much to certain families, and from good stock away back in the Revolutionary time to the present time you see it run down through different branches of the family. We not only know of Gen. Tom Ewing, but we know also of the father of Tom Ewing, that he was Secretary of the Treasury under William Henry Harrison and Secretary of the Interior under President Tyler, and he himself was a United States Senator. We all know General Sherman, who was left an orphan when a small boy, and was reared by General Ewing's family side by side with Gen. Tom Ewing; and I appeal to this House, with recollections of the Shermans and Ewings of this country, not to vote to give that widow and that daughter less than $75 a month.

Mr. PICKLER. Mr. Chairman, now this bill passed the Senate at $100 a month. The Committee on Invalid Pensions reported it here at $75. It seems to me that when a bill comes in where gentlemen are personally interested we never can put it high enough; and when it applies to people on the outside we can not get it low enough. Now, no bill has been reported for a high amount except where there was a record of distinguished services of soldiery. I am inclined to say, after hearing the speech of the gentleman from New York [Mr. FAIRCHILD], that we ought to put this at $50. We are not pensioning heredity. We can not pension these women because they come of a distinguished family. Plowboys who fought the battles of the Union did not generally have any very distinguished backing previous to that time, so far as family was concerned.

Now, Mr. Chairman, I believe individually that $50 a month is sufficient, I do not care how distinguished the widow's family may be. I believe that $50 ought to keep a widow comfortably in nearly any place in this country.

Mr. MILES. Will the gentleman allow me to ask him a question?

Mr. PICKLER. Yes, sir.

Mr. MILES. I believe you have read this report?

Mr. PICKLER. Yes, sir.

Mr. MILES. Do you bear in mind that there is a dependent daughter here, too?

Mr. PICKLER. Mr. Chairman, I do not believe, while my sympathy goes out for them, that we can pension a whole family. I do not believe we are called upon to do that. This committee has been criticised in speech after speech. Several gentlemen that I might mention here have come up and criticised the Committee on Invalid Pensions in regard to high pensions, stating that a pension of $75 is too high. I accept that, and we will settle it down to not exceed $50. I will vote for the amendment that the gentleman has proposed.

Mr. MILES. Mr. Chairman, the gentleman who has just addressed the committee has made an argument that is absolutely without force, unless it be he is in favor of cutting down this widow's pension in order that the money may be saved for the old soldier.

Now, Mr. Chairman——

Mr. PICKLER. That is the best reason in the world.

Mr. MILES. The gentleman says that that is the best reason in the world. Well, now, I will suggest a better method to save the money for the old sure-enough soldier, and that is to keep off the pension rolls the deserters and bounty jumpers.

Mr. PICKLER. We have not put any on the rolls.

Mr. MILES. You have done so on a general pension law. Mr. Chairman, I want to say this, that the only reluctance I have in voting any longer larger pensions for distinguished Union soldiers than for one who is a common soldier grows out of the fact that you are refusing to allow us to keep the pension roll a roll of honor; and it seems that the commoner a soldier in the estimation of the chairman of the Committee on Invalid Pensions the more he is entitled to a pension.

Mr. PICKLER. I move to strike out the last word.

Mr. NORTHWAY. Mr. Chairman, I would not address the committee again on this proposition but for the curious state of affairs existing. The Chairman will recollect that on one occasion some weeks ago I took occasion to criticise certain matters that the Committee on Invalid Pensions had done, a report that was made, where a recommendation was made. I undertook to do it leniently, and made mention of no names and mentioned no committee; but no sooner had I taken my seat than the able chairman of the Committee on Invalid Pensions arose and attacked me in a vigorous and vicious manner, saying I was attacking the Committee on Invalid Pensions, which had carefully examined these matters, he said, and when it made a report it was entitled to some consideration; and now he is fighting himself, and I stand here as a poor weak man defending him against himself. [Laughter and applause.] That committee has reported this bill at $75 a month, has written a long report in favor of it, and now the members of the committee stand here to oppose themselves and to ask this House to oppose the committee, because they want to revise the report they have already made. I submit that this is a curious way to get up confidence in a committee. The gentleman who is presiding this evening as Chairman of the Committee of the Whole will recollect that he attacked me somewhat vigorously——

Mr. MILES. The gentleman does not intend his remarks for the whole committee?

Mr. NORTHWAY. I mean only those who are opposed to me; that is all. [Laughter.] The gentleman is with me.

Mr. MILES. Mr. Chairman, I want the gentleman to give me one second to say——

The CHAIRMAN. Does the gentleman from Ohio [Mr. NORTHWAY] yield?

Mr. NORTHWAY. Not for a speech.

Mr. MILES. No, I do not wish to make a speech; but the gentleman has that kind of amiability which I know will permit me to make myself understood by the House.

Mr. NORTHWAY. Certainly.

Mr. MILES. If I was understood by the House as opposing a pension of $75 a month for the widow of Gen. Thomas Ewing, I desire the minds of members to be disabused in that respect. I shall vote cheerfully for this pension of $75 a month.

Mr. NORTHWAY. If the gentleman understood me as criticising his action, or intimating that he was opposed to this pension, he misunderstood me.

Mr. MILES. I thank the gentleman.

Mr. BAKER of New Hampshire. Will the gentleman from Ohio allow me to ask him a question?

Mr. NORTHWAY. Yes, sir.

Mr. BAKER of New Hampshire. Is the gentleman in favor of granting a pension to the widow of every brigadier-general at the rate of $75 a month?

Mr. NORTHWAY. I am not; I answer the gentleman frankly.

Mr. LACEY. Will the gentleman yield to me a moment?

Mr. NORTHWAY. Yes, sir.

Mr. LACEY. If General Ewing, instead of being killed by a railroad accident had been killed in battle, his widow would have received only $30 a month. Now, why should she receive by a bill of this kind $45 more per month than she would under the general law if her husband had been killed in battle?

Mr. NORTHWAY. I will try to answer the gentleman. He will recollect that I undertook some weeks ago, in remarks which I then made, to urge just that question. I wanted to know why a private soldier should receive more under a private pension bill than he would at the Pension Bureau. After I had submitted my criticism the able gentleman from South Dakota [Mr. PICKLER] and the gentleman who is presiding this evening [Mr. HEPBURN] "went for" me at the rate of 250 pounds per minute. They both got on top of me; the Committee of the Whole got on top of me, and the bill then under discussion was passed, notwithstanding my criticism.

I should have been in favor of a uniform rate of $50 a month for the widows of brigadier-generals; but the House of Representatives of this Congress has voted otherwise; this Committee of the Whole has several times voted otherwise. This very night this Committee of the Whole has voted to give $75 to the widow of a brigadier-general. Now, why should we make a distinction against the widow of General Ewing? I have just pride enough in the State of Ohio and just pride enough in Tom Ewing and his family to stand here and say that it is an invidious distinction to give the widow of General Carr $75 a month, and then in the next breath give the widow of Tom Ewing only $50 a month. I repudiate any such discrimination. I stand here to defend the two families. If you give a pension of $75 in one case you should give it in the other.

Mr. BRUMM. Mr. Chairman, it seems to me very strange that the chairman of the Committee on Invalid Pensions should subscribe to a report favoring a pension of $75 a month to the widow of Gen. Tom Ewing, and then, because some gentleman on the floor chooses to say that General Ewing is of a distinguished family and that his widow is of a distinguished family—because, forsooth, both of them have had distinguished families—that the chairman of the Committee on Invalid Pensions should deem it a crime to belong to a distinguished family, and should therefore be willing to reduce the pension of $75, as proposed by his own committee, to $50.

Mr. MILES. You are not surprised at that, are you?

Mr. BRUMM. I am surprised. There are some things at which I would not be surprised; but this is such an extreme case that I am surprised, even at the action of the chairman of the Committee on Invalid Pensions upon this floor.

Now, Mr. Chairman, it is no crime to be of a distinguished family. I do not believe there is one gentleman here that wants to vote a dollar more to the widow of Tom Ewing because she and her husband have had distinguished families. The reason which induced the committee to report in this case in favor of a pension of $75 a month was the distinguished service of Tom Ewing, not his distinguished family. But he is not the less deserving as a soldier and a general—his widow is not less worthy of a pension—because he was of a distinguished family. Why, Mr. Chairman, it is but a few hours since our worthy friend from South Dakota advocated on this floor a pension of $100 to the widow of General Gresham. I ask wherein did General Gresham stand higher as a distinguished statesman and a distinguished soldier than did Tom Ewing? And the gentleman was extremely anxious that she should have $100 a month, although she is the representative of a very distinguished family.

Mr. MILES. And made a speech in favor of it.

Mr. BRUMM. Why, therefore, this change? Why, Mr. Chairman, there are widows in this country of distinguished officers, widows of generals who are getting $200 a month, and I know that there are beneficiaries, possibly of these very pensions, who are finding fault with some of the pensions granted to-night. [Applause.] I understand that this is the case, but of course I will not mention names. But they are granted and the beneficiaries are willing to accept them for themselves or their friends, and I ask why the chairman of this Committee on Invalid Pensions, at this late hour, would attempt now to reduce the pension of Gen. Thomas Ewing's widow simply because she is a woman deserving of a high pension, a distinguished lady, the descendant of a distinguished family, and her husband also a distinguished man? Is that a good reason for opposing a pension? I do not understand such consistency as that.

Mr. PICKLER. Mr. Chairman, I move to strike out the last word.

Now, since the gentleman from Ohio [Mr. NORTHWAY] and the gentleman from Maryland [Mr. MILES] have been so sweet on one another, and agree so lovely, and since the gentleman from Pennsylvania [Mr. BRUMM] has misrepresented me knowingly, for he knows how I stand on this question——

Mr. BRUMM (interrupting). I deny it, sir.

Mr. PICKLER. Oh, well, you did, anyway.

Mr. BRUMM. I deny it. I say it is not true.

Mr. PICKLER. Well, you have done it.

Mr. BRUMM. It is not so. I permit no man to say that I misrepresented him knowingly. I may have been in error, but I never misrepresent any man.

Mr. PICKLER. Well, I think you knew that you were in error.

Mr. BRUMM. I knew nothing of the kind. I simply stated facts which were well known to this committee.

Mr. FAIRCHILD. Did you not vote a pension of $100 a month for the widow of General Gresham and advocate it on this floor?

Mr. PICKLER. I did.

Mr. FAIRCHILD. That is precisely what the gentleman from Pennsylvania has said.

Mr. PICKLER. But this is not a parallel case at all with the Gresham claim.

Mr. FAIRCHILD. Why not?

Mr. PICKLER. Oh, well, I gave you the reasons. Look up my speech in the RECORD and you will find them. This very debate to-night illustrates the difficulty the Pensions Committee has in these matters. It has become the custom lately to accuse the Committee on Invalid Pensions of inconsistency in these reports. I have had to take the floor more frequently than I desired upon that very account. When the gentleman from Ohio is not interested in a bill himself, he takes the committee to task for putting the rate of pension too high. Now, he attacks the committee to-night, when he is interested in a special case, because the committee will not put the pension high enough, and because I wish to put it lower than he does.

Mr. NORTHWAY. I was not attacking the gentleman for that, I was only suggesting the inconsistency of the proceedings.

Mr. PICKLER. Just as another gentleman, who always criticises the action of the Pensions Committee for putting a pension too high, moved to-night to raise our report from what the committee recommended, because the case was one from his own State.

Now, I want to state to the gentleman from Pennsylvania that he knows I did not object to anything on the ground he suggests—that I did not object to the pension in the Ewing case, or to any amount that has been named in connection with it, simply because they are of a distinguished family. On the contrary, I am very proud of that. But because a man is of good family and his wife is of a distinguished family, that is no reason for granting a high pension.

Mr. BRUMM. You signed a report in favor of $75 a month, did you not?

Mr. PICKLER. No; I did not.

Mr. BRUMM. Well, you favored it.

Mr. PICKLER. No; I did not. I never did favor it.

Mr. BRUMM (continuing). Well, you have favored even larger sums in other cases, and why do you see proper to change your views now after this bill has been reported, and try and reduce it?

Mr. PICKLER. I can only repeat that I never did favor that sum in this case. That is the reason I object to it. I do not think it is right, and I think it ought to be reduced, and that is another reason why I have to take the floor oftener than I like to in these cases. We are compelled to protect the action of the Committee on Invalid Pensions.

The gentleman from Maryland [Mr. MILES] very well knows, as he has made his thrusts at me in connection with this matter, that he, with his Democratic colleagues, is always in favor of the highest kind of pensions. I have protested and constantly refused in every one of these cases to put the widow of a general officer at a higher rate than $50, except in the case of the widow of General Gresham. I have already said that I regard that as the most exceptional case that we had before the committee. All the others, I think, may fairly stand upon another but an equal footing.

Mr. NORTHWAY. Let me ask the gentleman——

Mr. PICKLER. No; I will not yield any further.

Mr. LAYTON. Will the gentleman allow me a moment?

Mr. PICKLER. In a moment, Judge. I want to except Judge LAYTON from the statement in regard to his colleagues on that committee.

Mr. LAYTON. If the gentleman will permit me——

Mr. PICKLER (continuing). And I withdraw, as far as you are concerned, the charge of favoring these high pensions.

Mr. MILES. Do not let him withdraw his charge as to the rest of us, for we are decorated with it.

Mr. PICKLER. I believe $50 ought to keep, comfortably, any widow of any officer.

Mr. FAIRCHILD. How about the daughter?

Mr. PICKLER. Now, I submit that I have as much sympathy with the daughter of a soldier as anybody else; but the Government never yet has adopted the policy of granting a pension to the widow of a soldier and at the same time pensioning the daughter. It is a provision of every pension law that we have on the statute books that there can be but one pension for one service at the same time. Now, we can not pension the widow and pension the daughter at the same time.

Mr. FAIRCHILD. Will the gentleman from South Dakota yield for a question?

Mr. PICKLER. No; I can not yield now. The gentleman from New York had his time. I was just desiring to say that while I have not taken the initiative here, as chairman of the committee, because the majority of my committee disagree with me on this question, while I have not moved to reduce these pensions, although I fought them in the committee, yet when the gentleman from South Carolina [Mr. TALBERT] or anyone else moves to amend a bill here in a way that I believe to be right, I think I have the right as an individual to exercise my individual judgment as a member of this Committee of the Whole, and vote to reduce, where I think we have reported too high an amount.

The widow of a brigadier-general can get $30 under the general law. Of course where an increase is recommended you can scarcely recommend any intermediate amount between thirty and fifty dollars; so if we recommend any advance we have generally recommended $50, but there is no rule as to that, and above that I am opposed to going. I am glad that this motion has been made here. This was a distinguished general, but the trouble is about all these cases that we had so many distinguished men in that war, and we have so many distinguished widows now, and gentlemen like the gentleman from Ohio get up here and speak in favor of them. I admire the earnestness of the gentleman from Ohio. I have never attacked him.

Mr. NORTHWAY. You have not, eh?

Mr. PICKLER. No; I take it all back if I did. I do not attack anybody. I am a little emphatic once in a while, but I have no malice against anybody, I assure you. The trouble is that we have these same speeches before the committee, and gentlemen come down here and preach about distinguished families, and they show the distinguished records of these soldiers, and they almost compel us to report these bills at a high rate. It is illustrated here in the committee to-night. Just as soon as you get the case of a general or a general's widow from the State of one of these gentlemen we can not get the rate high enough to suit them; but let a case come from any other State, and they are all on their feet criticising the Committee on Invalid Pensions for putting the rate so high. That is the position we are in. I hope, Mr. Chairman, that this motion will prevail at $50. As far as I am individually concerned, I believe that is enough in all these cases. [Cries of "Vote!" "Vote!"]

Mr. POOLE. Mr. Chairman——

Mr. BURTON of Missouri. Mr. Chairman——

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. BURTON of Missouri. Mr. Chairman, I merely rise to call the attention of this committee to the fact that there are some slight indications that the mouth disease has again become epidemic. [Laughter.] I sincerely hope that the mind of everyone here is made up by this time, and I hope that in order to convince everybody else that we are not afflicted in the way that I mention everybody will keep still and let us have a vote. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the motion of the gentleman from South Carolina [Mr. TALBERT] to amend the committee's amendment by striking out "seventy-five" and inserting "fifty."

The question was taken; and on a division there were—ayes 63 noes 60.

Mr. LAYTON. Let us have tellers, Mr. Chairman.

Tellers were ordered; and the Chairman appointed Mr. LAYTON and Mr. TALBERT.

The committee again divided; and the tellers reported—ayes 58, noes 67.

Accordingly, the amendment was rejected.

Mr. TALBERT. Now, Mr. Chairman, I move to strike out "seventy-five" and insert "sixty."

The CHAIRMAN. The gentleman from South Carolina [Mr. TALBERT] moves to strike out "seventy-five" and insert "sixty." You who favor the adoption of that motion will say "aye"——

Mr. TALBERT. Mr. Chairman, I desire to say a word or two. I want to express my surprise again at gentlemen on this floor who get up here and shed crocodile, hypocritical tears over the widows of officers, when they do not open their mouths in the interest of the widows of common soldiers. I want to say that is a sad commentary upon this House, Democrats especially. I must say, gentlemen, that nothing that the Republicans do ever surprises me [laughter], but I am surprised that distinguished Democrats when they have an opportunity of regulating and grading pensions of widows of officers at $50 will get up here like oat-fed horses, and walk between the tellers and be counted, voting in favor of $75 a month when they have never been known to open their mouths in the interest of the common soldiers. I want to say that while I do not agree with the distinguished chairman of the Committee on Invalid Pensions, I believe he is an honest, upright, conscientious man, although he is a little extreme upon pensions. I want to say that I was glad to see him

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get up here to-night like a man, amidst the groans and hisses of members of his own party, and advocate what he knew was right.

I want to say to his credit that he stood here every Friday night since Congress met in the interests of the soldiers, especially the old soldiers, the privates, when perhaps all those who are up here to-night, who are speaking in the interests of widows of officers, were in bed asleep, or at some game of cards, or something of that sort.

Mr. NORTHWAY. Will the gentleman allow me to ask him a question?

Mr. TALBERT. My friend, I do not want you to get hurt again. I saw you with your arm in a sling the other day. [Great laughter.] I want to say to you, gentlemen, you should hang your heads in shame when you come up here from this side and that side and cross fire upon the distinguished gentleman from South Dakota, whose loyalty to the old soldier can not be questioned.

Mr. NORTHWAY. Will the gentleman allow me to ask him a question?

Mr. TALBERT (continuing). You have proved yourselves many and many of you to be hypocrites in the true sense of the word, because enough of you could not be found here the other night to help him carry on business in the interest of the old soldier.

Mr. NORTHWAY. Will the gentleman allow me to ask him a question?

Mr. TALBERT. Why, certainly. You know there are certain people that can ask questions that others can not answer. I will not promise to answer. [Great laughter.]

Mr. NORTHWAY. Will the gentleman be kind enough to strike out of the RECORD the remarks he made about the gentleman from South Dakota the other evening attempting to pension bounty jumpers and camp followers?

Mr. TALBERT. I did take it out. [Laughter.] The gentleman from South Dakota has shown courage in standing here in the interests of the common soldier. Now, I am going to try you again and give you a chance to redeem yourself from this condition into which you have put yourselves. I hope the amendment to strike out the words "seventy-five" and insert "sixty" will prevail.

Mr. MORSE. Mr. Chairman, I desire to detain the committee only a single moment, and in that moment I wish to say that I have a good opinion of the chairman of the Committee on Invalid Pensions. I believe he is a just and patriotic man. I believe he has stood upon this floor for the old soldier in the four Congresses of which I have been a member in season and out of season, and that no man loves the old soldier better or will do more for him than that gentleman. And I also want to say, Mr. Chairman, that he has undertaken and is endeavoring to carry out an impossible task. I believe that this whole business is wrong. I believe that this whole class of legislation should be covered by general legislation, and for that reason, during the four terms that I have been in Congress, I have scarcely introduced a bill of this character.

Now, tell me what justice there is in giving a soldier or a soldier's widow $30, $40, $50, or $75 a month when beside him or her, in the next house, lives a soldier or a soldier's widow, equally, and perhaps more deserving, who is only receiving $8, $10, or $12? I say that this whole business is wrong. The tendency is to make the great mass of the pensioners of the country dissatisfied with the pensions they are receiving, and members of Congress, instead of presenting these special cases for legislation which are downright favoritism and injustice, should abolish this system and discourage this class of legislation. Now, somebody says that there are a class of cases that can not be reached by general law. There may be, and there are a few such cases, but I hope to live to see the time when these cases will be decided by some commission, court, or tribunal, and when this outrageous class legislation and favoritism will be taken away from the Congress of the United States. [Applause.]

Mr. MILES. I desire to ask the gentleman a question, if he will yield.

Mr. MORSE. Certainly.

Mr. MILES. Were you in favor of granting a pension to the widow of General Cogswell at $75 a month?

Mr. MORSE. I will say in answer to the gentleman that since that policy had met with approval here, as she was a Massachusetts woman, I had no hesitation in voting that pension to her.

Mr. MILES. I thank the gentleman for his candor.

Mr. MORSE. I want to say that if there ever was a soldier in the Union Army, a brave man, a patriotic man, whose widow deserved a pension, that woman is the widow of my colleague, Gen. William Cogswell, of Massachusetts.

Mr. MILES. It is just the same with the widow of Gen. Tom Ewing.

The CHAIRMAN. The question is on the amendment of the gentleman from South Carolina, to strike out "seventy-five" and insert "sixty."

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. TALBERT. Division.

The committee divided; and there were—ayes 34, noes 66.

So the amendment was rejected.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CARRIE L. GREIG.

The next business on the Private Calendar was the bill (H. R. 2962) granting a pension to Carrie L. Greig, widow of Theodore Greig, brevet major of volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carrie L. Greig, widow of the late Theodore W. Greig, brevet major of volunteers, and pay her a pension of $20 per month.

Mr. TALBERT. I should like to have the report read.

The report (by Mr. MCCLELLAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2962) granting a pension of $20 per month to Carrie L. Greig, widow of Theodore W. Greig, late brevet major of volunteers, having considered the facts and circumstances in evidence, respectfully report as follows:

Theodore W. Greig enlisted as private, Company A, Sixty-first New York Infantry Volunteers, August 25, 1861; promoted to sergeant-major September 21, 1861; commissioned second lieutenant, to date from July 1, 1862, and transferred to Company C; commissioned first lieutenant November 17, 1862, with rank from June 26, 1862; mustered in to date July 2, 1862; transferred to Company E February 8, 1863, to accept promotion as captain; commissioned as captain March 31, 1863, with rank from September 17, 1862, and mustered in to date September 17, 1862, and mustered out October 9, 1864. He was brevetted major United States Volunteers May 20, 1867, for gallant and meritorious service in late war.

In the battle of Antietam, Md., September 17, 1862, while the battle was at its height, the Fourth Alabama Confederate Regiment stuck its battle flag in the ground, a little in advance, as a dare for anyone to capture it. Major Greig, then lieutenant, rushed forward and captured it. He was shot in the neck, but held onto the flag and returned with it to his company.

Claimant was married to soldier November 11, 1884; soldier died November 17, 1863. Claimant filed application for pension under act of June 27, 1890, which was rejected on the ground that "claimant is not without other means of support than her daily labor."

The testimony shows that applicant has $500 worth of furniture; has an income of $66 annually from a mortgage and $75 annually from $1,500 received from her husband's life insurance.

Testimony also shows that soldier's death was due to chronic nephritis.

From all the facts and circumstances presented your committee recommend that the bill do pass.

The bill was laid aside to be reported favorably to the House.

RICHARD P. PILKINGTON.

The next business on the Private Calendar was the bill (H. R. 5711) granting a pension to Richard P. Pilkington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Richard P. Pilkington, late captain of Company E, Seventy-sixth Pennsylvania Volunteer Infantry, and pay him a pension of $50 per month, in lieu of the pension he is now receiving.

Mr. ERDMAN. Gentlemen on the other side really do not know how many good things they are missing by not having these reports read. They do not know how much they might be instructed and edified. Why, sir, this report shows that in 1880 this man, by reason of a premature explosion, lost his fingers and became blind; and this report really determines that a premature explosion fifteen years after the close of the war is a misfortune of service origin. It further determines that because 50 of the man's neighbors ask that you grant this pension as a matter of charity and because he is destitute, therefore you should grant it. Those are important things which probably gentlemen on the other side would like to know; but they are missing all these things by not having these reports read.

Mr. PICKLER. I am willing that anybody who reads this report shall decide whether this man is entitled to a pension.

Mr. MILNES. I wish to call the attention of this committee to the inconsistency of the gentleman from Pennsylvania [Mr. ERDMAN]. He has just voted—I saw him so vote—for a pension of $75 a month where there was no injury claimed whatever. Now, here is the case of a man who is blind and shot all to pieces, and the gentleman says that we are "missing a great deal" by not knowing the facts.

Mr. ERDMAN. I will say to the gentleman who has just taken his seat that I have voted for a pension of $75 a month to the widow of Gen. Thomas Ewing, just as the gentleman himself and other gentlemen on that side voted $75 a month to the widow of General Carr——

Mr. MILNES. I did not vote that way.

Mr. ERDMAN. To the widow of General Cogswell, to the widow of General Gresham, and to the widows of a great number

of other generals. I am in favor of pensioning people according to their rank and services. The general law having provided for no distinction above the rank of lieutenant-colonel, it is practically left to be determined by Congress in special bills what shall be the pension in cases not covered by the general law. That is what we are doing in passing these bills. We are determining the rates of pensions according to the rank and service. And that is one of the reasons why I vote for many of these bills.

But that question was not involved in what I said in regard to the bill under consideration. I wanted to point out to gentlemen on the other side that they are putting these pensions through without knowing what they are doing. Not five of you gentlemen have read the reports—probably not three. You do not care to have them read. In this way the people do not see them. I simply emphasize the fact that you gentlemen are acting in the dark; that you are willing to grant gratuities to people without knowing what you are doing.

The CHAIRMAN. The question is on ordering the bill to be laid aside to be reported favorably to the House.

The question was decided in the affirmative.

EMILY E. CASH.

Mr. COX. Mr. Chairman, I trust I may be permitted to occupy a moment. I have not given the House much trouble in regard to any pension bills on this Calendar. But I have in my charge to-night the case of an old widow, 83 years of age, who is confined to her bed. She is the widow of a soldier of the Mexican war, who, as the report states, "died in 1848 in a general military hospital at New Orleans, which he entered immediately upon his return from Mexico, where he had been discharged on account of disability." The committee has reported a bill in favor of increasing the pension of this old lady. I do not know her except by reputation.

Mr. PICKLER. The gentleman from Tennessee is taking as much time in talking as would suffice to pass his bill.

Mr. COX. The gentleman from South Dakota has taken up enough time to pass a hundred bills. [Laughter.] I hope he will be quiet a moment.

Mr. PICKLER. Why does not the gentleman send up his bill?

Mr. COX. I ask unanimous consent for the present consideration of this bill, for the simple reason that unless it be taken up out of its order its passage will never do the old woman any good.

There being no objection, the House proceeded to the consideration of the bill (H. R. 8248) to increase the pension of Mrs. Emily E. Cash.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, directed to increase the pension of Mrs. Emily E. Cash, widow of Private Thomas W. Cash, a soldier in the Mexican war, to $30 a month.

The amendment reported by the committee, to strike out "thirty" and insert "twenty," so as to make the pension $20 a month, was read and agreed to.

The bill as amended was laid aside to be reported favorably to the House.

CHILDREN OF PATRICK F. REYNOLDS.

The next business on the Private Calendar was the bill (H. R. 603) to pension minor children of Patrick F. Reynolds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the act of Congress approved June 27, 1890, the names of the minor children of Patrick F. Reynolds, deceased, late a member of Company H, First Connecticut Volunteer Cavalry, and to pay to their legal guardian the pension to which they would have been entitled under said act had not the soldier left a widow surviving at the date of his death.

Mr. TALBERT. I would like to have the report read in this case; I do not know anything about it.

The Clerk read the report (by Mr. POOLE), as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6503) to pension the minor children of Patrick F. Reynolds, report as follows:

The soldier enlisted December 30, 1863, and was honorably discharged August 2, 1865. He died September 5, 1895, leaving a widow, to whom he was married November 6, 1892, and three minor children by a former marriage. The widow makes no claim under the general pension laws, because soldier's death was not due to causes arising in the service, and none under act of June 27, 1890, because she was married to the soldier subsequently to the passage of that act. She was appointed guardian of the children, and as guardian filed a claim for pension for them under act of June 27, 1890, but the claim was rejected on the ground that the minors had no title, since the soldier left a widow, who is still living.

The case is just this: The minor children of the soldier, who were intended to be pensioned by the act of June 27, 1890, are barred by the living widow, who has no title under said act.

The committee believe this to be most clearly a case calling for special action to remove the technical bar which defeats the purpose of the law, and recommend the passage of the bill.

Mr. ERDMAN. Mr. Chairman, in this case the children are not going to get the pension. The widow is the guardian appointed by law, and she herself applies as the guardian of the children for this pension.

Mr. MILES. She applies to get that which she could not get under the general law. She was married since the passage of the act of 1890.

Mr. ERDMAN. It is therefore a case where you propose to transfer a pension as a vested right; and it has at last come to that pass where you are constituting and creating a pension a vested right, which is to pass by descent, and be assignable as any commercial contract is.

Mr. TALBERT. Mr. Chairman, I want to say, in reply to what the gentleman says, if we err let us err upon the side of charity in this case and give these children what they ask for.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY E. CHAMBERLAIN.

The next business on the Private Calendar was the bill (H. R. 6221) granting an increase of pension to Mary E. Chamberlain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Chamberlain, widow of Lowell A. Chamberlain, late a captain in the First United States Artillery, and pay her a pension of $50 a month, in lieu of the pension she is now receiving, or of that to which she is entitled.

The Committee on Invalid Pensions recommended the following amendments:

In lines 6 and 7 strike out the word "Chamberlain" and insert the word "Chamberlin"; also in line 8 strike out the word "fifty" and insert the word "thirty."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

DANIEL D. JENNINGS.

The next business on the Private Calendar was the bill (H. R. 2947) increasing the pension of Daniel D. Jennings, late of Company C, Sixty-fifth Ohio Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel D. Jennings, a private of Company C, Sixty-fifth Ohio Volunteer Infantry, and pay him a pension of $30 a month, in lieu of the pension he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

SARAH A. BULL.

The next business on the Private Calendar was the bill (S. 2014) granting an increase of pension to Sarah A. Bull.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the limitations and provisions of the pension laws, the name of Sarah A. Bull, widow of Hiram C. Bull, late a major and paymaster of volunteers in the United States Army, and grant her a pension at the rate of $25 per month in lieu of the pension of $8 per month which she is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELVIRA BACHELDER.

The next business on the Private Calender was the bill (S. 147) granting a pension to Elvira Bachelder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month, the name of Elvira Bachelder, dependent mother of J. K. P. Bachelder, late a private in Company D, Seventh New Hampshire Volunteer Infantry.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY COLLINS.

The next business on the Private Calendar was the bill (H. R. 158) granting a pension to Mary Collins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Collins, mother of John Collins, late of Company D, Sixteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension from the passage of this act.

The Committee on Invalid Pensions recommend the following amendment:

Strike out all after the word "Infantry," in line 7, and insert in lieu thereof the words "at the rate of $12 per month."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MRS. HELEN FUNKHOUSER.

The next business on the Private Calendar was the bill (H. R. 6236) to grant a pension to Mrs. Helen Funkhouser.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Mrs. Helen Funkhouser, widow of John J. Funkhouser, late colonel Ninety-eighth Regiment Illinois Volunteer Infantry, and pay her a pension of $30 per month.

The Committee on Invalid Pensions recommended an amendment, inserting after the word "Helen" the initial "A." in line 6.

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CATHERINE DARRAGH.

The next business on the Private Calendar was the bill (H. R. 1892) granting a pension to Catherine Darragh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Catherine Darragh, widow of John Darragh, late a private in Company H, One hundred and tenth Pennsylvania Volunteer Infantry, and pay her a pension of $12 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JANE FISHER.

The next business on the Private Calendar was the bill (H. R. 4604) granting a pension to Jane Fisher (colored), of Madisonville, Ky.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane Fisher, widow of Henry Fisher, late of Company B, Seventeenth Kentucky Cavalry, and pay her a pension at the rate of $12 per month.

The Committee on Invalid Pensions recommended the following amendment:

After the word "late," in line 6, insert the word "private"; and in line 8, strike out the word "twelve" and insert in lieu thereof the word "eight."

Mr. ERDMAN. Mr. Chairman, if I may interrupt the carnival for a few moments, I want to call attention to a bill which passed a little while ago, the third or fourth or fifth bill just passed. In passing that bill the committee have determined that when a soldier is killed by keeping wild elks in a pen, his death is due to service origin. That is one of the strange things that we have determined.

For fear that the leader on the other side would be disappointed if we should not have some report read, I will ask to have the report on this case read in my time.

The CHAIRMAN. The Clerk will read the report.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4604) granting a pension to Jane Fisher, widow of Henry Fisher, late private, Company B, Seventeenth Kentucky Cavalry Volunteers, having examined and considered all the facts and circumstances presented in this case, respectfully report as follows:

The husband of this widow served as a private in Company B, Seventeenth Kentucky Cavalry, from December 1, 1864, to September 25, 1865, on which date, at Louisville, Ky., he was honorably discharged, and died September 4, 1890. Widow filed application for pension July 3, 1895, which said claim was rejected upon the ground that claimant was not the legal wife of soldier. The report of a special examiner discloses the following:

"The public record (B. J. 10) shows claimant to have married soldier July 31, 1889, and the record shows soldier divorced from his wife Rachel October 23, 1889, so that claimant's marriage was not a legal marriage, cohabitation after divorce not being recognized as equivalent to marriage under the laws of the State of Kentucky. If illegality of marriage be not a bar, then claimant no doubt has title under act of June 27, 1890.

"F. C. MILLER, *Special Examiner*."

The facts in this case show that soldier was formerly married to one Rachel Nourse, and some time prior to July 31, 1889, he and his wife Rachel separated, and soldier filed application for divorce, and owing to soldier's ignorance of proceedings in legal tribunals (he being an ignorant colored man) was led to believe that said divorce had been granted, and acting upon this belief he in good faith was united in marriage to claimant July 31, 1889, when in reality soldier was not actually divorced from his wife Rachel until October 23, 1889, something less than three months after his marriage to claimant. There is nothing to show that soldier, or claimant either, ever became aware of this discrepancy, and continued to cohabit together, under the belief that they were lawfully husband and wife, and were so regarded by their friends and acquaintances.

In view of the reason urged by the Pension Department for the rejection of this claim, and of the further fact that claimant is wholly without means of support, as shown by the evidence, the committee report the bill back to the House with the recommendation, after being amended by inserting the word "private," after the word "late," in line 6, and by striking out the word "twelve," in line 8, and inserting in lieu thereof the word "eight," that the bill do pass.

Mr. PICKLER. I move to amend by striking out of the title of the bill the words "(colored), of Madisonville, Ky."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out from the title the words "(colored), of Madisonville, Ky."

The amendments proposed by the committee were agreed to.

The amendment of Mr. PICKLER was agreed to.

The bill as amended was ordered to be laid aside, to be reported to the House with a favorable recommendation.

EMILY A. MANN.

The next business on the Private Calendar was the bill (H. R. 3480) for the relief of Emily A. Mann.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, at the rate of $12 per month, the name of Emily A. Mann, widow of William R. Rogers, late of First Illinois Light Artillery.

Mr. BAKER of New Hampshire. Mr. Chairman, I ask for the reading of the report in that case.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 3480) to pension Emily A. Mann, and submit the following report:

The petitioner was formerly the widow of William R. Rogers, who was a soldier in Company B, First Illinois Light Artillery, from February 8, 1862, to March 28, 1862, when he died in the line of duty at Fort Donelson of typhoid fever. She was pensioned as his widow from the date of his death until December 28, 1865, at which time she married S. K. Mann, when her pension ceased. Mr. Mann died on the 12th of June, 1871.

The widow is now over 60 years of age, in destitute circumstances, and has no means of support, except contributions from friends, and no property.

She is afflicted and disabled with spinal disease caused by a fall in 1887. These facts are shown by the evidence on file in the Pension Office and the testimony of Dr. E. N. Howley, Dr. W. E. Gill, C. J. Baldwin, and C. W. Rule. She is now confined to her bed and is not likely to live a great while.

The committee therefore recommend the passage of the bill.

Mr. BAKER of New Hampshire. Mr. Chairman, this is another of that remarkable class which I had supposed from the information I had received from the Committee on Invalid Pensions were not again to be reported to this House. This is the case of a woman who is not the widow of a soldier. She remarried and left soldier's name and family and voluntarily relinquished a pension to which she had been entitled by the law of her country; and, having done so, this is a case, not of merit, but a clear, clean gratuity, upon a new basis, if we continue to pass these cases, and we have been unable thus far to receive from the Committee on Invalid Pensions or from any member of the committee or the House any just reason why that should be done.

Mr. TALBERT. Will the gentleman allow me to ask him a question right there?

The CHAIRMAN. Does the gentleman from New Hampshire yield to the gentleman from South Carolina?

Mr. BAKER of New Hampshire. I do.

Mr. TALBERT. It seems that the settled policy of the majority here is, as we have pensioned one widow at $75 a month, to turn back. Now, as we have pensioned these remarried widows, will it do to go back on that proposition also?

Mr. BAKER of New Hampshire. The gentleman can answer his own question.

Mr. PICKLER. Vote!

Mr. BAKER of New Hampshire. I am not in favor of voting at present, I will say to the gentleman from South Dakota. On one or two evenings we have considered cases like the one now pending.

Mr. PICKLER. If the gentleman will yield I will move that the committee rise.

Mr. BAKER of New Hampshire. I yield for that purpose.

Mr. PICKLER. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. HOPKINS having resumed the chair as Speaker pro tempore, Mr. HEPBURN, Chairman of the Committee of the Whole House, reported that that committee had had under consideration the bills S. 466, S. 246, H. R. 6111, S. 1051, S. 247, S. 2514, H. R. 4994, H. R. 3578, H. R. 1825, H. R. 4193, H. R. 4001, H. R. 6789, H. R. 4888, H. R. 6483, H. R. 4363, S. 177, H. R. 3421, S. 2175, H. R. 2006, S. 705, S. 746, H. R. 1827, H. R. 1826, H. R. 6134, S. 61, H. R. 4481, S. 616, H. R. 2189, S. 1100, S. 1493, S. 1435, S. 1522, and S. 145, and had directed him to report the same to the House with the recommendation that they do pass. The committee also had under consideration the bills H. R. 2359, H. R. 5226, H. R. 979, H. R. 5946, H. R. 1178, H. R. 4720, H. R. 5311, H. R. 6283, H. R. 5710, S. 1924, H. R. 1820, S. 1215, S. 404, S. 1044, S. 739, H. R. 4724, H. R. 4020, H. R. 4547, H. R. 126, H. R. 3857, H. R. 4910, H. R. 3229, H. R. 1891, H. R. 1511, H. R. 986, H. R. 4903, H. R. 4753, H. R. 2358, S. 149, S. 1189, H. R. 3264, S. 1420, H. R. 1890, H. R. 2373, H. R. 1500, H. R. 3113, and H. R. 5050, and had directed him to report the same to the House with amendments, and that as amended they do pass. The committee had also had under consideration the bills H. R. 2317, H. R. 3152, H. R. 3890, H. R. 6808, H. R. 3877, H. R. 4354, H. R. 8184, H. R. 4361, H. R. 2405, S. 1837, H. R. 8248, H. R. 6221, H. R. 158, and H. R. 4604, and had directed him to report the same with amendments, and that as amended they do pass. The committee had also had under consideration the bills H. R. 3306, H. R. 6466, H. R. 4283, H. R. 4721, H. R. 1599, H. R. 2969, H. R. 2962, H. R. 5711, H. R. 6603, H. R. 2947, S. 2014, S. 147, H. R. 6236, and H. R. 1892, and had directed him to report the same with the recommendation that they do pass. The committee had also had under consideration the bills H. R. 358, H. R. 4090, H. R. 3496, H. R. 1894, and H. R. 1931, and had directed him to report the same back to the House with the recommendation that they do lie on the table. The committee had

also had under consideration the bill H. R. 3480 and had come to no resolution thereon.

Mr. PICKLER. I move that the House do now adjourn.

Mr. ERDMAN. I rise to a point of order. My point is that a large number of the bills just reported have not been considered by this Committee of the Whole and have been improperly reported. I protest against their being reported to this House.

The SPEAKER pro tempore. The Chair overrules the point of order. The question is on the motion of the gentleman from South Dakota [Mr. PICKLER] that the House adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 25 minutes p. m.) the House, in pursuance of its previous order, adjourned until Monday next.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Interior, transmitting, with accompanying documents, an agreement with the Shoshone and Arapahoe Indians ceding to the United States a portion of their reservations, a draft of bill, and copy of the proceedings of the council, was taken from the Speaker's table, referred to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BAKER of New Hampshire, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 3623) to amend section 4 of an act entitled "An act to define the jurisdiction of the police court of the District of Columbia," reported the same without amendment, accompanied by a report (No. 1664); which said bill and report were referred to the House Calendar.

Mr. McCORMICK, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 8557) to provide an American register for the steamer *Menemsha*, reported the same without amendment, accompanied by a report (No. 1676); which said bill and report were referred to the House Calendar.

Mr. HULICK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 2647) relating to the testimony of physicians in the courts of the District of Columbia, reported the same with amendment, accompanied by a report (No. 1677); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred House bills Nos. 8098 and 8472, reported in lieu thereof, without amendment, a bill (H. R. 8472) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown, accompanied by a report (No. 1678); which said bill and report were referred to the House Calendar.

Mr. BENNETT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2642) entitled "An act to provide for the safety of passengers on excursion steamers," reported the same with amendments, accompanied by a report (No. 1679); which said bill and report were referred to the House Calendar.

Mr. DOWNING, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 7919) providing for the erection and maintenance of a charity hospital by the city of Biloxi, Miss., reported the same with amendment, accompanied by a report (No. 1687); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 2928) entitled "An act to extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company of the District of Columbia, and for other purposes," reported the same with amendment, accompanied by a report (No. 1688); which said bill and report were referred to the House Calendar.

Mr. JOY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2843) entitled "An act to authorize the construction of a bridge across the Missouri River at or near the city of Boonville, Mo.," reported the same without amendment, accompanied by a report (No. 1690); which said bill and report were referred to the House Calendar.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 7255) providing for the establishment of a life-saving station on the coast of Maryland, reported the same without amendment, accompanied by a report (No. 1691); which said bill and report were referred to the House Calendar.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 51) for the recognition of the military service of the officers and enlisted men of certain Pennsylvania military organizations, reported the same with amendments, accompanied by a report (No. 1694); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. GRIFFIN, from the Committee on Military Affairs: The bill (H. R. 3493) for the relief of Robert Burton. (Report No. 1663.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 3040) to restore to the pension roll the name of Mary F. Barker. (Report No. 1665.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 6845) granting an increase of pension to Maj. John H. Gearkee, Iowa City, Iowa. (Report No. 1666.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 8173) granting a pension to Lydia Sampsell. (Report No. 1667.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 7568) granting a pension to Julia Walke, widow of the late Rear-Admiral Henry Walke, at the rate of $100 per month. (Report No. 1668.)

By Mr. MILES, from the Committee on Invalid Pensions: The bill (H. R. 6872) granting a pension to Elfrida C. Lewis, widow of Col. George W. Lewis. (Report No. 1669.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 2594) entitled "An act granting an increase of pension to William A. Beckford." (Report No. 1671.)

The bill (S. 1343) entitled "An act granting an increase of pension to Enoch G. Adams." (Report No. 1672.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 3699) for the relief of Mrs. Belinda Wheeler. (Report No. 1673.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 7040) to increase pension of James A. McGaughey. (Report No. 1674.)

The bill (S. 1356) entitled "An act to increase the pension of Elizabeth L. Larrabee, widow of Col. C. H. Larrabee, late of the Twenty-fourth Regiment of Wisconsin Volunteers." (Report No. 1692.)

By Mr. FENTON, from the Committee on Invalid Pensions: The bill (H. R. 8250) for the relief of William Gemmill. (Report No. 1675.)

By Mr. DENNY, from the Committee on Claims: The bill (H. R. 610) for the relief of John F. McRae. (Report No. 1680.)

The bill (H. R. 3318) for the relief of the sufferers by the wreck of the United States revenue cutter *Gallatin* off the coast of Massachusetts. (Report No. 1681.)

By Mr. COX, from the Committee on Claims: The bill (S. 1183) entitled "An act for the relief of Frank J. Burrows." (Report No. 1682.)

The bill (S. 92) entitled "An act for the relief of Calvin Gunn." (Report No. 1684.)

By Mr. HEINER of Pennsylvania, from the Committee on Claims: The bill (S. 1758) entitled "An act for the relief of Christopher Schmidt." (Report No. 1683.)

By Mr. DE WITT, from the Committee on Claims: The bill (S. 758) entitled "An act authorizing the Secretary of the Treasury to adjust and settle the account of James M. Willbur with the United States, and to pay said Willbur such sum of money as he may be justly and equitably entitled to." (Report No. 1685.)

By Mr. WOODARD, from the Committee on Claims: The bill (S. 278) entitled "An act for the relief of Olivia and Ida Walter, heirs and children of Thomas U. Walter, deceased." (Report No. 1686.)

By Mr. COOPER of Texas, from the Committee on War Claims: The bill (S. 2501) entitled "An act for the relief of James Sims, of Marshall County, Miss." (Report No. 1689.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 8814) to authorize the construction by the Duluth and North Dakota Railroad Company of

two bridges across the Red River of the North between the States of Minnesota and North Dakota—to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY of Connecticut: A bill (H. R. 8815) changing the time for holding circuit court of the United States at Hartford, in the district of Connecticut—to the Committee on the Judiciary.

By Mr. LONG: A bill (H. R. 8816) donating condemned cannon and condemned cannon balls to Frontier Post, No. 353, Grand Army of the Republic, Department of Kansas, at Spearville, Kans.—to the Committee on Naval Affairs.

Also, a bill (H. R. 8817) donating condemned cannon and condemned cannon balls to Stephenson Women's Relief Corps, No. 89, Grand Army of the Republic, Department of Kansas, at Sedgwick—to the Committee on Naval Affairs.

Also, a bill (H. R. 8818) donating condemned cannon and cannon balls to Garfield Post, No. 25, Grand Army of the Republic, at Wichita, Kans.—to the Committee on Naval Affairs.

Also, a bill (H. R. 8819) donating condemned cannon and condemned cannon balls to Scott Post, No. 398, Grand Army of the Republic, Department of Kansas, at Coldwater, Kans.—to the Committee on Naval Affairs.

By Mr. HOPKINS: A bill (H. R. 8821) donating 2 condemned cannon and 10 condemned cannon balls to Aurora Post, Grand Army of the Republic, Aurora, Ill.—to the Committee on Naval Affairs.

By Mr. POOLE: A bill (H. R. 8822) authorizing the Secretary of the Navy to donate condemned cannon to Ben. H. Porter Post, No. 164, Department of New York, Grand Army of the Republic—to the Committee on Naval Affairs.

By Mr. WILSON of Idaho: A bill (H. R. 8823) to apply a portion of the proceeds of the public lands to the endowment and support of mining schools in the several States and Territories for the purpose of extending similar aid in the development of the mining industries of the nation as already provided for the agricultural and mechanical arts—to the Committee on the Public Lands.

By Mr. HOOKER: A bill (H. R. 8849) granting a pension to Delia Risley, helpless sister of Patrick H. Riley, late of Company H, Eighty-fifth New York Volunteers—to the Committee on Invalid Pensions.

By Mr. BLUE: A resolution (House Res. No. 316) continuing employees of the House who were incapacitated for manual labor by service in the late war and by physical infirmity on the roll of the House during the recess of Congress—to the Committee on Accounts.

By Mr. JOHNSON of California: A resolution (House Res. No. 317) to pay W. D. Catlett for services performed in Statuary Hall—to the Committee on Accounts.

By Mr. BARRETT: A joint resolution (H. Res. 181) proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 8757) to grant pension to Eliza Koons, mother of Charles M. Koons, late of Company E, Twenty-eighth Pennsylvania Volunteers—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

Petition for the benefit of James Starkey—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

The bill (H. R. 8360) granting a pension to C. S. Alvord—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 4315) for the relief of Clara A. Graves and others, heirs of Lewis Smith, deceased—Committee on Claims discharged, and referred to the Committee on War Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BLUE: A bill (H. R. 8824) increasing the pension of David M. Bingaman, late second lieutenant of Company D, Twentieth Regiment Indiana Infantry Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8825) granting a pension to Adda Tubbs as army nurse—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 8826) for the relief of Mary E. Buckey, of Randolph County, W. Va.—to the Committee on War Claims.

By Mr. ELLIS: A bill (H. R. 8827) to correct an act entitled "An act to pension George Hunter"—to the Committee on Pensions.

By Mr. EVANS: A bill (H. R. 8828) granting a pension to Mrs. Miranda C. Birkhead, of Jefferson County, Ky.—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 8829) for the relief of Capt. John W. Neville, of Montgomery, Ala.—to the Committee on War Claims.

By Mr. GRIFFIN: A bill (H. R. 8830) for the relief of George W. Moore—to the Committee on Military Affairs.

By Mr. HICKS: A bill (H. R. 8831) to correct the military record of Augustus Thomas and remove the charge of desertion therefrom—to the Committee on Military Affairs.

Also, a bill (H. R. 8832) granting a pension to Eliza J. Shomo, mother of Silas B. Shomo, late of Company D, Fourth Regiment Pennsylvania Volunteer Cavalry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8833) for the relief of the heirs of Jeremiah Gordon, deceased—to the Committee on War Claims.

By Mr. HILL: A bill (H. R. 8834) for the relief of Dorence Atwater—to the Committee on Military Affairs.

By Mr. HULICK: A bill (H. R. 8835) granting a pension to Margaret Nash—to the Committee on Invalid Pensions.

By Mr. JOHNSON of North Dakota: A bill (H. R. 8836) to have George W. Posey honorably discharged from the United States service—to the Committee on Military Affairs.

By Mr. LESTER: A bill (H. R. 8837) for the relief of the heirs or legal representatives of Anton Borchert—to the Committee on War Claims.

By Mr. MAHANY: A bill (H. R. 8838) for the relief of the heirs or legal representatives of James B. Sullivan, deceased—to the Committee on War Claims.

By Mr. McCALL of Massachusetts: A bill (H. R. 8839) to remove the charge of desertion from the military record of Joshua Fairclough, alias Joseph Whittle—to the Committee on Military Affairs.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 8840) for the relief of Joseph D. Broussard, Vermilion Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 8841) for the relief of the estate of J. S. Douglass, deceased, late of Tensas Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 8842) for the relief of the estate of Prosper D. Oliver, deceased, late of Iberia Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 8843) for the relief of Marcelin Lafleur, of St. Landry Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 8844) for the relief of the estate of François Herpin, deceased, late of Vermilion Parish, La.—to the Committee on War Claims.

By Mr. ROYSE: A bill (H. R. 8845) granting a pension to Francis E. Hoover—to the Committee on Invalid Pensions.

By Mr. SETTLE: A bill (H. R. 8846) granting a pension to Larry H. Moseley—to the Committee on Pensions.

By Mr. SPARKMAN: A bill (H. R. 8847) for the relief of Sarah E. Caro and Henry O. Bassett—to the Committee on Claims.

By Mr. PICKLER: A bill (H. R. 8848) granting an increase of pension to John A. Hughes—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BLUE: Petition of S. S. Mathers and 8 others, asking to be continued on the roll during the recess of the House, to accompany the resolution pertaining thereto—to the Committee on Accounts.

By Mr. BULL: Petition of Hon. Charles Warren Lippitt, governor, the members of the Naval Militia, and citizens of the State of Rhode Island, praying for the promotion of Lieut. William McCarty Little, United States Navy, retired, to be a commander on the retired list—to the Committee on Naval Affairs.

By Mr. DALZELL: Resolutions of the Engineer's Club of Philadelphia, in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. DANFORD: Petition of Gill Bros. and others, of Steubenville, Ohio, in favor of adopting the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. HENDERSON: Petitions of 153 teachers and 11,312 children in the public schools of Washington, D. C.; also letter of Mr. J. G. Falck, clerk of superintendent of public schools, praying for legislation to prevent the desecration of the United States flag—to the Committee on the Judiciary.

Also, communication of the governor of Michigan and other

State officials, urging the consideration of House bill No. 3273, for the classification of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. JENKINS: Resolutions of the Superior Commercial Club, favoring the passage of Senate bill to incorporate the Maritime Canal of North America—to the Committee on Railways and Canals.

By Mr. LONG: Petition of James W. Clark and other citizens of Great Bend, Kans., for the passage of House bill No. 7692, for the relief of Clara Matilda Bain—to the Committee on Invalid Pensions.

By Mr. MAHON: Petition of citizens of Satillo, Huntingdon County, Pa., protesting against the statue of Père Marquette remaining in Statuary Hall—to the Committee on the Library.

By Mr. MEREDITH: Petition of J. S. Dean, of Fauquier County, Va., praying reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Charles R. Carder, of Rappahannock County, Va., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MERCER: Resolutions of the city council of Galveston, Tex.; also of the city council of Logan, Utah; also of the Commercial Club of St. Joseph, Mo.; also of the Nebraska Irrigation Fair Association of North Platte, Nebr., favoring the transmississippi and international exposition of Omaha—to the Committee on Ways and Means.

By Mr. SCRANTON: Resolutions of the Engineers' Club of Philadelphia, favoring the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. CHARLES W. STONE: Resolutions of the Engineers' Club of Philadelphia, Pa., praying for the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, memorial of Hiram Mead and others, of Garland, Pa., against military training in our public schools—to the Committee on Education.

By Mr. WILSON of Ohio: Petition of F. M. Black and 34 other Union ex-soldiers of Fayette County, Ohio, favoring the passage of a pension law based on service only—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, *May 9, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. NELSON, and by unanimous consent, the further reading was dispensed with.

ENROLLED BILLS SIGNED.

The signature of the Vice-President was announced to the following bills, which had previously been signed by the Speaker of the House of Representatives:

A bill (H. R. 953) for the relief of William Gray;

A bill (H. R. 1602) for the relief of A. P. Brown, late postmaster at Lemars, Iowa; and

A bill (H. R. 7395) to authorize the Secretary of the Treasury of the United States to reconvey to the former owners a certain tract of land in Valverde County, Tex.

HOUSE BILLS REFERRED.

The bill (H. R. 7370) to amend an act entitled "An act to establish circuit courts of appeals and define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 8237) to improve the printing and binding methods of the public documents was read twice by its title, and referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of Volunteer Assembly, No. 1400, Knights of Labor, of Wellston, Ohio, and a petition of District Assembly, No. 4, of St. Louis, Mo., praying for the passage of the so-called Phillips bill, authorizing the appointment of a nonpartisan commission to collate information, and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which were referred to the Committee on Education and Labor.

Mr. BURROWS (for Mr. MCMILLAN) presented a petition of Oxford Grange, No. 395, Patrons of Husbandry, of Oxford, Mich., praying for the passage of the so-called filled cheese bill; which was referred to the Committee on Finance.

Mr. COCKRELL. I present the memorial of Bernard Q. Harmon, of Sutherland, O'Brien County, Iowa, remonstrating against the petition to the Senate and House of Representatives of the United States in Congress assembled, passed by the legislature of the State of Iowa, praying for the enactment of legislation for the relief of and proper indemnity to settlers upon certain land granted to the State of Iowa to aid in the construction of railroads, and to provide an appropriation of a sum sufficient to compensate them for their losses legitimately resulting from their eviction from their homes and property rights, and so forth. The memorial should go to the same committee to which the petition of the legislature of Iowa was referred.

The VICE-PRESIDENT. The petition referred to is on the table, the Chair is advised. The memorial will lie on the table.

Mr. BURROWS (for Mr. MCMILLAN) presented sundry petitions of the Woman's Christian Temperance Union, of the Second district of Michigan, numbering 1,000 members, praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also (for Mr. MCMILLAN) presented a petition of the Board of Trade of Detroit, Mich., praying for the enactment of legislation to increase the pension of Patrick Culhan, private of Company F, Forty-sixth Indiana Volunteers; which was referred to the Committee on Pensions.

Mr. ALDRICH presented the petition of Simon S. Bucklin, of Warwick, R. I., praying for arbitration between Spain and Cuba; which was referred to the Committee on Foreign Relations.

REDEMPTION OF BONDS.

Mr. COCKRELL. I present a letter addressed to me by the Secretary of the Treasury, dated May 6, 1896, stating exactly the amount of bonds redeemed and purchased from March 1, 1885, to March 1, 1889, and then from March 1, 1889, to March 1, 1893. It is a very short document, signed by Secretary Carlisle, and I ask that it be printed in the RECORD, that it also be printed as a Senate document, and that a thousand copies of it be printed for the use of the Senate. It comprises only one sheet, and there will be a great many calls for it.

The VICE-PRESIDENT. Without objection, it will be so ordered.

The letter is as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., May 6, 1896.

SIR: In reply to your inquiry in regard to the redemption of the public debt, with the premium and interest paid, from March 1, 1885, to March 1, 1893, I have the honor to state that the bonds redeemed and purchased, and the premium paid thereon, together with the amounts paid for interest on the public debt during the period named, were as follows:

	Principal.	Premium.	Interest.
From Mar. 1, 1885, to Mar. 1, 1889:			
Loan of 1882, redeemed	$194,190,500	.....	.....
Loan of 1907, purchased	56,726,550	$15,604,399.79	.....
Loan of 1891, purchased	87,157,800	6,772,813.32	.....
	338,074,850	22,377,123.11	$187,820,957.40
From Mar. 1, 1889, to Mar. 1, 1893:			
Loan of 1891, redeemed	24,603,950	.....	.....
Loan of 1907, purchased	121,615,950	30,666,138.59	.....
Loan of 1891, purchased	111,973,000	3,225,388.08	.....
	258,192,900	33,891,526.67	128,610,276.92

Respectfully, yours,

J. G. CARLISLE, *Secretary.*

Hon. F. M. COCKRELL,
United States Senate.

PLATFORM FOR AMERICAN INDEPENDENTS.

Mr. STEWART. I hold in my hand a proposed national platform prepared by William P. St. John, an eminent economist and banker of New York. As he has contributed largely to enlighten the people of the country on the financial question, and as the paper is not long, I should like to have it printed in the RECORD as a part of my remarks. I have no doubt that Senators would like to read the suggestions coming from such a source.

Mr. MITCHELL of Oregon. For which party is it intended as a platform?

Mr. STEWART. For some independent party. It is his idea of a platform for some independent party.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The paper referred to is as follows:

A NATIONAL PLATFORM FOR THE AMERICAN INDEPENDENTS OF 1896.

[Proposed by Mr. William P. St. John, president of the Mercantile National Bank, New York.]

Leaving the domestic affairs of the several States to those party organizations already occupied therewith, and believing that the Senate of the United States is quick to respond to the clearly expressed will of the people, we confine our present attempt to the election of the President, Vice-President, and Representatives in Congress on the following demands:

First. (*a*) That the mints of the United States shall be reopened to equally unrestricted coinage for gold and silver into the unlimited legal-tender money of the United States, the gold to issue in the present standard gold coins and the silver to issue in the present standard silver dollars. (*b*) Depositors of

the gold or silver at the mint to receive in lieu of coin, if they prefer, at the coining value thereof, coin certificates, which shall be redeemed on demand in gold or silver coin at the option and according to the convenience of the United States. (*c*) And as a safeguard against panic and money stringency the Secretary of the Treasury shall be empowered to issue such coin certificates additionally against deposits of interest-bearing bonds of the United States, the interest accruing on the bonds to inure to the United States pending their reexchange for the coin certificates, which coin certificates when returned shall be canceled; provided that such additional issues of coin certificates shall not reduce the percentage of coin and bullion reserved for coin certificates and silver certificates below 60 per cent of the aggregate sum of silver certificates, gold certificates, and Treasury notes of 1890 to be retired as they come into the Treasury.

[This (*a*) is free coinage at 16 to 1, the convenient coin certificate (*b*) to take the place of gold certificates, silver certificates, and Treasury notes of 1890. The safeguard (*c*) would provide for a temporary increase of $300,000,000 of paper money against the silver on hand in the Treasury April 1.]

Second. The threatened competition with our Southern cotton mills of those of China and Japan, the increasing importations of long-stapled Egyptian in competition with our sea-island cotton, and the ill effects of the abrogation of the tariff on wool along with the deduction in the tariff on woolen manufactures, combine to evidence the fact that the time has not arrived to abandon an adequate protective tariff system in vain pursuit of the phantom of free trade.

The effect of the wool schedule of the Wilson bill has been to enrich the European manufacturer at the expense of our domestic manufacturer, and enlarge the European market for foreign wools while lessening our home market for our domestic wools, occasioning an advance of 2 cents a pound for Port Phillip (Australian) wool in London, while unwashed Ohio wool has declined 11 cents a pound in Boston and New York; and producing such a depression of our home manufactures as has caused a reduction in wages of operatives and threatens to throw this branch of domestic labor out of all employment.

We are, therefore, opposed to opening our home market of 70,000,000 consumers to the foreigner on any pretense of procuring thereby a foreign market for the productions of the United States. But we shall exact of our manufacturers that they accord to labor a liberal and more continuously certain share of the protection accorded them; and that the tariff devised shall afford also a protection to the farmer and the planter, and provide sufficient revenues for the necessary expenditures of Government.

[This second demand meets the requirement of the great mass of American labor, to whom McKinley threatens to become the embodiment of the protective tariff. While my reports from all sections, including the new South, are overwhelmingly in favor of protection, comparatively few manufacturers favor the restoration of the McKinley tariff.]

Third. We demand the application of the principle defined as the initiative and referendum to all national legislation which involves any radical change in public policy.

[A test of this principle, thus restricted to any radical change in public policy, seems warranted by the practice of Switzerland. The test may commend a broadening of the restriction, if found practicable. "Should the great trunk lines of railway become a possession of the Government?" would seem to be such a radical change in public policy as might wisely be referred to the people.]

Fourth. We condemn Clevelandism utterly—that debauching of legislators with patronage to achieve legislation opposed to the will of the people is a vicious prostitution of Executive influence, which we shall denounce as bitterly if it be the practice of an Executive elected as a Republican as when the practice of one elected as a Democrat.

If all who have become distrustful of old parties and tired of boss rule will unite in these demands and nominate on this platform some man of such achievements as commend him to the conservative element of the country, and who is not a seeker after the preferment, he can be elected in the approaching campaign to the Presidency of the United States.

If the Democratic platform demands the reopening of the mints to silver, as now seems likely, all the powers of the Democratic (?) Administration will be used to compass the defeat of the Democratic candidate. The prosperity to accrue to the people under the adoption of that policy would put in shameful contrast the current results of the Administration's policy.

If the Republican platform demands, unequivocally, the reopening of the mints to silver, the Democratic platform will necessarily demand the same, and the contest will be narrowed thereby to a protective tariff against free trade.

WILLIAM P. ST. JOHN.

As to the first, some would acquiesce in free coinage if they could foresee freedom from panic on its adoption. If $20,000,000 of bank clearing-house certificates can allay a panic in Wall street, the prospect of $300,000,000 of United States coin certificates is likely to stifle any panic that could arise. The people who are vulnerable are they who own the Government bonds, generally speaking. Certain other bondholders can be relied upon to lend their bonds, at a commission, for the proposed issue of coin certificates.

On the April 1 statement the Treasury notes of 1890 outstanding, less the amount on hand in the Treasury, were, in round numbers, $104,000,000. The total silver on hand, other than subsidiary coin, was $493,000,000. Deducting $104,000,000 for the Treasury notes leaves $389,000,000 of silver, a 60 per cent reserve for $648,000,000 of paper. Of this sum $333,000,000 net are already afloat as silver certificates, leaving $315,000,000 issuable in the proposed coin certificates.

As to the second, we declare our watchfulness and readiness to protect our cotton growers and cotton manufacturers upon the first evidence of their needing protection against foreign competitors in our home markets. We proclaim our acquaintance with the situation of our woolgrowers and wool manufacturers and our determination to remedy that situation promptly. We assert our disposition to afford protection to our home industries wherever needed, but beyond this we intend to give the country a rest from tariff tinkering, except in so far as necessary revenues demand legislation.

As to the third, we offer here an inducement to all elements among the independents to combine with us in our endeavor to overthrow boss rule and political corruption. If found practicable, our limitation upon the referendum will be broadened, and while our preamble restricts us to national affairs, our success will prove an entering wedge into State and municipal affairs, the result being a closer relationship between the people and legislation.

As to the fourth, we rely upon it that all independents are agreed as to the debauching character of Clevelandism as defined.

FREDERICK VAN GUILDER.

Mr. NELSON. I ask unanimous consent to call up for present consideration Order of Business 886, the bill (H. R. 3046) for the relief of Frederick Van Guilder.

Mr. COCKRELL. Is there a report with the bill?

Mr. NELSON. It has been favorably reported by the Committee on Military Affairs.

Mr. COCKRELL. There is no such case on the Calendar put on my desk. I should like to hear the report read. This is one of the House bills. We ought to take up all the House bills, and we could then go on and pass them in the same time we are asking unanimous consent to call up particular bills. Let us have some order and system about it.

The VICE-PRESIDENT. Is there objection to the consideration of the bill indicated by the Senator from Minnesota?

Mr. COCKRELL. I can not find it on the Calendar. I should like to hear the report. We have no chance to examine the case now, and we are necessarily compelled to ask for the reading of the report in these cases where they are sprung on us without a moment's notice.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Minnesota? It is for the Senate to determine.

Mr. COCKRELL. Nos. 873, 875, and 909 are the cases on my Calendar in regular order.

Mr. NELSON. I call attention to the fact that it is in the index to the House Calendar, on page 44; but I find that it is on our Calendar, reported favorably by the Committee on Military Affairs, at page 22.

Mr. SHERMAN. What is the number?

Mr. NELSON. Order of Business 886. It is simply a bill to remove a charge of desertion; that is all. It was reported favorably April 30 by the Committee on Military Affairs, Report No. 823. The Senator from Missouri will find it on the Calendar.

Mr. COCKRELL. I have it now, after we have spent time enough on it to have passed three bills if it had been done decently and in order.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The report will be read.

Mr. NELSON. Unless the Senator from Missouri desires the reading of the report, I ask that it be dispensed with.

Mr. COCKRELL. I asked for it because I desire to have it read.

The Secretary proceeded to read the report submitted by Mr. ELKINS April 30, 1896, and read as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3046) for the relief of Frederick Van Guilder, having had the same under consideration, beg leave to submit the following report, and recommend its passage without amendment:

This bill passed the House of Representatives April 2, 1896, and is intended to remove the charge of desertion and to issue an honorable discharge, to date July 6, 1863. It appears from the testimony submitted and from the records of the War Department that this soldier enlisted in September, 1862, and was mustered into the United States service November 5, 1862, and served until July 6, 1863, having taken part in the battle of Gettysburg.

Mr. COCKRELL. Let the Secretary read over on page 2 the report from the War Department, so as to show what his military record was.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read in part the communication of January 28, 1896, from the Chief of the Record and Pension Office.

Mr. COCKRELL. I ask that the remainder of the report of the War Department may be printed, and with a close shave this bill may be permitted to go through. It is barely meritorious.

The VICE-PRESIDENT. It will be so ordered.

The communications referred to are as follows:

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
January 28, 1896.

It is shown by the records on file in this office that Frederick Van Gilder was enrolled on September 5, 1862, and that he was mustered into service as a private of Company K, One hundred and twenty-third New York Volunteers, to serve three years, on November 5, 1862, at Albany, N. Y., by a regularly appointed mustering officer of the United States. He is borne as present with his command on all rolls of his company up to and including that for June 30, 1863. The next roll, that for August 31, 1863, reports him as absent without leave since July 6, 1863, and he is reported as absent on all subsequent rolls, except the muster-out roll of his company, which is dated June 8, 1865. On this roll he is reported as having deserted July 6, 1863.

It does not appear that the soldier received any pay from the time he enlisted until he left the service, and it is evident from the official records and from testimony that has been submitted to this Department that the fact of his having been mustered into service on November 5, 1862, was not communicated to his company officers until after he left his command on July 6, 1863.

On February 20, 1865, he enlisted to serve one year in Company A, Eighth Vermont Infantry, in violation of the twenty-second (now fiftieth) article of war, and was honorably discharged from that regiment on June 28, 1865.

In support of an application for removal of the charge of desertion from the One hundred and twenty-third New York Volunteers, Van Gilder has stated under oath that he served for many months without receiving any pay, that payment was refused him on the ground that the rolls did not show that he had been mustered into service, and that both he and his company officers were unaware that he had been mustered into service. This statement is corroborated to a certain extent by the official records and by the testimony of comrades which is on file in this Department; but, unfortunately, the soldier did not remain with his command until his case could have been adjudicated by the proper authorities, but abandoned the service without proper authority and went home, thereby making it necessary that the charge of desertion should be entered against him upon the records when his company officers discovered that he actually was mustered into the military service on November 5, 1862.

In view of the facts of record in this case, which do not conflict in any important particular with the statements made by the applicant and his

witnesses, the War Department is unable to afford any relief under the provisions of the act approved March 2, 1889, which is the only law now in force governing the subject of removal of charges of desertion.

Respectfully submitted.

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

The SECRETARY OF WAR.

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, February 3, 1896.

SIR: In returning herewith the copy of the statement by Mr. Frederick Van Guilder, received by your reference on the 30th ultimo with the request to be furnished with certain information relative to the muster into service of Frederick Van Guilder, late of Company K, One hundred and twenty-third New York Infantry, and with the affidavits on file in this Department in his case, I am directed by the Secretary of War to inform you as follows:

No record has been found showing that shortly after the battle of Gettysburg this soldier reported to a provost-marshal, as alleged.

Upon a reexamination of the records of the provost-marshal at Baltimore, Md., it has been ascertained that under the name Fred Vangilder he was confined in the Gilmore House July 19, 1863, as an arrested deserter, with remark "not mustered in."

The "Letters Received Book," First Division, Twelfth Army Corps, shows that on June 11, 1863, H. O. Wiley, captain One hundred and twenty-third New York Infantry, requested that Private Van Guilder be mustered into the United States service, and that on the following day Captain Wiley's communication was forwarded for information. The records of the Twelfth Army Corps furnish no additional information in the case.

There is no muster and descriptive roll in the case on file in this office, the muster roll of his company dated August 31, 1863, being the basis for the statement that Van Guilder was mustered into service November 5, 1862, at Albany, N. Y.

An exhaustive investigation fails to elicit any further information in regard to the soldier as a member of Company K, One hundred and twenty-third New York Volunteers, additional to that contained in the report on H. R. bill No. 3046, Fifty-first Congress, first session. It appears, however, that on February 20, 1865, he enlisted for one year in Company A, Eighth Vermont Infantry, and was honorably discharged from that regiment on June 28, 1865.

If he was not in the military service as of Company K, One hundred and twenty-third New York Infantry, he could not, of course, be a deserter therefrom, and would not therefore be entitled to the benefits accruing from military service rendered therein, but whatever informality there may have been in the record of this man's muster into service, it is evident that he was, at least constructively, mustered in, and was in the military service as a member of that regiment and a technical deserter therefrom.

Following is a synopsis of the testimony on file in the case:

March 27, 1890, the soldier testified that he enlisted as a private in Company K, One hundred and twenty third New York Infantry, on or about September 5, 1862, at Granville, N. Y., but was not mustered into service until "about the last days of September, 1862, at Albany"; that his muster rolls could not be found, and the paymaster refused to pay him, "on the grounds that I had not been mustered in," and said that "he could not muster me unless I enlisted over again, which would have caused me to lose all my pay"; that thinking he had served long enough without pay, he left his command, with his captain's consent, after the battle of Gettysburg; that he surrendered to the provost guard, and was taken to the provost-marshal general at Baltimore, but the latter officer, failing to find his muster-in papers, sent him home; and that not until many years after the war did he (soldier) know that he had been mustered into service.

Cassius G. Waite, aged 43 years, of Granville, N. Y., testified, May 23, 1890, that he was well acquainted with Van Guilder before his enlistment, and served with him in Company K, One hundred and twenty-third New York Infantry; that Van Guilder left the service at the battle of Gettysburg, about July 3, 1863, because his captain (H. O. Wiley) refused to issue him any clothing, and for the further reason that "he was not known on the muster rolls of said company and the Government"; and that "he heard Major-General Williams, division commander of Twelfth Corps, tell claimant not to fight unless the Government paid him, and to go home."

George W. Baker, late captain Company K, One hundred and twenty-third New York Infantry, testified September 15, 1890, that he was second lieutenant of the company at the date of Van Guilder's enlistment therein; that Van Guilder enlisted November 5, 1862, was mustered into service November 5, 1862, and left the regiment July 10, 1863; that the captain of the company (Henry O. Wiley) wrote several times to the adjutant-general of the State of New York for the mustering papers of the soldier, but was unable to obtain them, and that he was therefore "unable to get his pay or to find out whether he was a soldier or not"; and that on July 25, 1863, he (affiant) was detailed on detached service after drafted men in New York, and that on reaching Albany he obtained from the adjutant-general's office the mustering papers of Van Guilder and of two other members of the command, and forwarded them to the regiment.

It is proper to add that a synopsis of the testimony should have been embraced in the report on bill H. R. 3046, Fifty-fourth Congress, first session, but was inadvertently omitted therefrom.

Very respectfully,

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

Hon. R. WAYNE PARKER,
Chairman Subcommittee B, Committee on Military Affairs, House of Representatives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. VILAS. If the morning business is closed——

The VICE-PRESIDENT. The morning business has not been concluded.

Mr. COCKRELL. I wish to submit to the Senate a request for unanimous consent that as soon as the routine morning business is disposed of we may have some understanding, and either take up the unobjected House bills on the Calendar or take up the Calendar in its regular order, or something of that kind, so that we can do it systematically and know in advance what we are doing, and not have this hop-skip-and-jump method of business.

Mr. GALLINGER. I suggest to the Senator from Missouri a further modification. We might devote half an hour to passing the pension bills that are on the Calendar. Those are bills in which a great many Senators are interested.

Mr. VILAS. Let us dispose of the unobjected House bills in order.

The VICE-PRESIDENT. The Chair will submit to the Senate the specific request of the Senator from Missouri.

Mr. COCKRELL. That will include the pension bills, too.

Mr. VILAS. I suggest unobjected House bills.

Mr. FRYE. There is a very important bill before the Senate known as the river and harbor bill, and it ought to be completed to-day. It ought to be in conference by Monday. I do not like to undertake to drive the Senate to consider a bill. I have no more interest in it than any other Senator, certainly, but we ought to dispose of the river and harbor bill to-day.

Mr. COCKRELL. Give us until 1 o'clock to take up some order of business; the unobjected House bills, I think, would be better for the present, and then that will dispose of them.

Mr. GALLINGER. I do not object to that course.

Mr. QUAY. I will object to anything except the regular order until the river and harbor bill is disposed of.

The VICE-PRESIDENT. Objection is made. If there are no further petitions and memorials, reports of committees are next in order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 137) granting an increase of pension to William W. French.

The message also announced that the House had passed the bill (S. 730) granting an increase of pension to Mrs. Helen Morrell Carroll with an amendment in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 138) granting an increase of pension to Mary E. Hazlip;

A bill (H. R. 446) to increase the pension of Julia H. H. Crosby;

A bill (H. R. 485) for the relief of Kate Eberle, an Indian woman;

A bill (H. R. 950) granting increase of pension to John Coombs;

A bill (H. R. 1022) to increase the pension of Byron Cotton;

A bill (H. R. 1062) to grant a pension to Armstead M. Rawlings, of Arkansas;

A bill (H. R. 1436) to quiet title to lands in persons who purchased the same in good faith without notice and for a valuable consideration, and to enable the Government to issue patents on such lands, and that commutations of homestead entries shall take effect from date of settlement, and not from date of entry;

A bill (H. R. 1980) to provide a life-saving station at or near Point Bonita, at the Golden Gate, in the State of California;

A bill (H. R. 3033) to increase the pension of Elizabeth T. Beall, widow of Benjamin L. Beall, late colonel First United States Cavalry;

A bill (H. R. 3787) for the relief of H. C. Herndon;

A bill (H. R. 4255) to provide for settlement of titles and disposition of public lands in the Arredondo grant, in Columbia County, Fla.;

A bill (H. R. 4383) granting a pension to Gen. William H. Morris;

A bill (H. R. 4913) granting a pension to Mrs. Mary E. Wyse, widow of Lieut. Col. F. O. Wyse;

A bill (H. R. 5175) granting a pension to Nancy Gentry;

A bill (H. R. 5388) for the relief of F. Alberts & Co., Muskegon, Mich.;

A bill (H. R. 5580) granting a pension to Archibald Hunley;

A bill (H. R. 7777) to authorize the Secretary of the Navy to furnish condemned cannon to Fort Thomas, Ky.;

A bill (H. R. 7381) directing the Secretary of the Navy to donate one condemned cannon and cannon balls to Soldiers and Sailors' Monument Association of the City of Middletown, N. Y.;

A bill (H. R. 8260) to authorize the establishment of a life-saving station at Port Huron, on the coast of Lake Huron, Michigan;

A bill (H. R. 8820) making provision for the deportation of refugee Canadian Cree Indians from the State of Montana and their delivery to the Canadian authorities; and

A joint resolution (H. Res. 174) granting permission to the circuit and county courts in Rockingham County, Va., to occupy the Federal court room in Harrisonburg, Va.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 2987) to establish certain harbor regulations for the District of Columbia, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2986) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for

the use of the public white schools of that portion of said District formerly known as Georgetown, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. 7983) to pension Frances E. Wickware, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 752) to increase the pension of Capt. James B. Logan, reported it without amendment, and submitted a report thereon.

Mr. PUGH, from the Committee on Revolutionary Claims, to whom was referred the joint resolution (S. R. 141) to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Gens. Francis Nash and William Davidson, of North Carolina, reported it without amendment.

Mr. PERKINS, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 7143) granting to the Soldiers and Sailors' Monument Association, of the county of Middlesex, in the State of New Jersey, 4 condemned cannon and 30 cannon balls;

A bill (H. R. 7216) donating one condemned cannon and cannon balls to Grand Army of the Republic Post No. 573, of Evans City, Pa.;

A bill (H. R. 8266) donating two condemned cannon to Custer Post, No. 38, Grand Army of the Republic, of Etna, Pa., and two condemned cannon to James G. Clark Post, No. 162, Grand Army of the Republic, of Allegheny, Pa.;

A bill (H. R. 4324) authorizing the Secretary of the Navy to deliver one condemned cannon to the city of Elmwood, Peoria County, Ill.;

A bill (H. R. 4557) authorizing and directing the Secretary of the Navy to donate two pieces of condemned cannon and four pyramids of condemned cannon balls to the St. Boniface Union Soldiers' Monument and Memorial Association, of Chicago, Ill.;

A bill (H. R. 6666) granting to Major C. A. Angel Post, No. 20, Grand Army of the Republic, of Lambertville, N. J., 4 condemned cannon and 20 cannon balls; and

A bill (H. R. 6256) authorizing and directing the Secretary of the Navy to furnish to George F. Fuller Post, Grand Army of the Republic, of Manistique, Mich., a condemned cannon.

Mr. HILL. There are a great many bills being reported in reference to condemned cannon. I think the Senate ought not to pass any more House bills on the subject. The Calendar is flooded now simply with special bills authorizing the Secretary of War and the Secretary of the Navy to grant condemned cannon to this and that Grand Army post, or this and that village, or something else. We have already passed a general bill, carefully guarded, which gives general authority to the Secretary of War and the Secretary of the Navy to grant, under suitable regulations, the privilege of having condemned cannon. I merely suggest to the Senate that we ought not to pass these House bills, and in that way we may be able to bring around the House to pass the general bill first. We are cumbering the session laws here with legislation of very little value to anybody. I merely make the suggestion.

Mr. HARRIS. Yesterday I reported, from the Committee on the District of Columbia, the bill (S. 3088) to authorize the extension of the lines of the Potomac Light and Power Company. I now report adversely two bills upon the same subject. The bill already favorably reported proposes to dispose of the whole subject-matter. I ask that the two bills I report adversely be indefinitely postponed.

The bills were indefinitely postponed, as follows:

A bill (S. 2544) to authorize the extension of the lines of the Potomac Light and Power Company; and

A bill (S. 2124) to authorize extension of the lines of the Potomac Light and Power Company.

Mr. GALLINGER. I desire to suggest to the Senator from Tennessee that as a member of the Committee on the District of Columbia I reserved the right to file a minority report upon that bill.

Mr. HARRIS. Oh, upon the bill favorably reported.

Mr. GALLINGER. Upon the bill favorably reported.

Mr. HARRIS. Of course the Senator has that right.

Mr. GALLINGER. I did not know it had been reported until this morning.

Mr. HARRIS. Yes; it was reported the same day the committee took action upon it, but I have not filed any report with it. I simply reported the bill favorably.

Mr. PALMER. The Committee on Pensions, to whom were referred the bill (S. 894) granting a pension to Nancy E. Allabach and the message of the President disapproving the bill, direct me to submit a report. I ask that it be printed, and I shall call up the bill and message at the earliest day possible.

The VICE-PRESIDENT. The report will be printed under the rule.

ARTICLES EXPORTED FOR EXHIBITION PURPOSES.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 7865) to allow the return free of duty of certain articles exported from the United States for exhibition purposes, to report it favorably, without amendment. It is a short bill, and I ask to have it read, and that it be put upon its passage.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That whenever any article or articles or live stock shall be sent out of the United States for temporary use or exhibition at any public exposition, fair, or conference held in a foreign country, such articles shall be entitled to be returned to the United States, under such regulations as may be prescribed by the Secretary of the Treasury, without the payment of customs duty, whether they shall be of domestic or of foreign production: *Provided*, That the articles of foreign production have once paid duty in the United States and no drawback has been allowed thereon, and if any domestic articles are subject to internal-revenue tax, such tax shall be proved to have been paid before exportation and not refunded.

Mr. MORRILL. This bill has passed the other House, and it was unanimously agreed to by the Committee on Finance this morning.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INVESTIGATION OF BOND SALES.

Mr. MORRILL, from the Committee on Finance, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and ordered to be printed:

Resolved, That for the purpose of making the investigation and report ordered by Senate resolution of May 7, 1896, the Committee on Finance be, and they are hereby, authorized to sit by subcommittee or otherwise, to summon witnesses, and to administer oaths during the sessions or recess of the Senate, at such times and places as they may deem advisable, to employ stenographers and such clerical and other assistance as may be necessary, the expense of such investigation to be paid from the contingent fund of the Senate.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. KYLE. I am instructed by the Committee on Education and Labor, to whom was referred the bill (S. 2592) to provide for a commission on the subject of the alcoholic liquor traffic, to report it adversely, and to recommend that it be indefinitely postponed.

The VICE-PRESIDENT. The bill will be indefinitely postponed, in the absence of objection.

Mr. KYLE. In connection with the report, I desire to read a letter from the Commissioner of Labor, as follows:

DEPARTMENT OF LABOR, *Washington, D. C., May 7, 1896.*

MY DEAR SENATOR KYLE: I have yours of the 6th instant, inclosing Senate bill No. 2592, providing for a commission on the subject of alcoholic liquor traffic.

You will remember that Congress has already authorized this Department to make an investigation relative to the economic aspects of the liquor traffic. In accordance with this instruction this Department is now at work collecting information, and the investigation is working successfully, so far as I can see. Employers of labor everywhere are taking an interest in the matter, and I believe the investigation will be fairly successful and very valuable. I should think it would be bad policy to pass bill 2592 until the results of the pending investigation are known, although there are some things provided for in the bill which we can not attempt very well; as, for instance, the criminal, moral, and scientific aspects of the question in connection with pauperism, crime, and vice. These points elude the statistical method, although we shall have some facts bearing upon them. Nor can we, under the instructions of Congress, take cognizance of the results of license and prohibitory legislation. Our investigation will cover the questions of revenue, production, consumption, etc.

It will interest you to know that a large committee, known as the Committee of Fifty, has been at work two years or more studying these very problems—the criminal, moral, and scientific aspects of the liquor question, and the practical results of license and prohibitory legislation. This committee is headed by Hon. Seth Low, president of the Columbia University, and is still at work expending money in making practical investigations.

Looking at these points generally, therefore, and in answer to your question, it does not seem to be necessary to pass the bill.

I am, sincerely yours,

CARROLL D. WRIGHT, *Commissioner.*

Hon. JAMES H. KYLE,
United States Senate.

NATIONAL NEW HAVEN BANK.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1365) for the relief of the National New Haven Bank of the State of Connecticut, which was, in line 7, after the word "appropriated," to insert:

Being the amount found to be due to John W. Griffiths, as appears from a report dated February 27, 1877, made by a board of constructors appointed by the Bureau of Construction and Repairs of the Navy Department, which report is on file in said Bureau.

Mr. PLATT. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

BILLS INTRODUCED.

Mr. QUAY introduced a bill (S. 3105) to provide for the erection of a public building at McKeesport, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. COCKRELL introduced a bill (S. 3106) for the relief of the legal representatives of Douglas Dale, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3107) for the relief of Cogswell & Co.; which was read twice by its title, and referred to the Committee on Claims.

Mr. HILL introduced a bill (S. 3108) granting a pension to Mrs. Maria V. Finch, of Gloversville, N. Y.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BURROWS (for Mr. MCMILLAN) introduced a bill (S. 3109) to increase the pension of Magnus D. Slack; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILSON (by request) introduced a bill (S. 3110) providing for the construction of cable and telegraph lines from the United States to Siberia, Japan, and the Hawaiian Islands, and guaranteeing interest on bonds to be secured by said lines; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. ALLEN introduced a bill (S. 3111) to remove the charge of desertion from the name of George Miller, of Valentine, Nebr.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. MARTIN introduced a bill (S. 3112) to regulate the right of appeal in certain cases; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3113) for the relief of W. E. Judkins, executor of Lewis McKenzie; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3114) to provide for the adjustment and payment of certain claims against the District of Columbia by drawback certificates; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ALDRICH introduced a bill (S. 3116) for the relief of the heirs at law of the late Duncan H. Campbell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Patents.

Mr. PETTIGREW introduced a joint resolution (S. R. 144) authorizing the employment of counsel for the purpose of bringing suits against the directors and stockholders of the Union and Central Pacific railroads; which was read twice by its title.

Mr. PETTIGREW. I ask that the joint resolution may lie on the table, as I wish to make some remarks upon it.

The VICE-PRESIDENT. The joint resolution will lie on the table for the present.

Mr. ALDRICH introduced a joint resolution (S. R. 146) authorizing the Secretary of the Navy to deliver to the Sackanosset School for Boys, of Cranston, R. I., one condemned cannon; which was read twice by its title, and referred to the Committee on Naval Affairs.

SPECIAL LIQUOR-TAX RECORD.

Mr. PEFFER. A day or two ago on presenting a petition in relation to Senate bill 239 quite a spirited discussion arose. In order to obviate the difficulties which were presented at that time by Senators, I propose to amend section 3243 of the Revised Statutes by adding a single paragraph. With the indulgence of the Senate, I will read the section, for I am anxious that it shall go into the RECORD:

SEC. 3243. The payment of any tax imposed by the internal-revenue laws for carrying on any trade or business shall not be held to exempt any person from any penalty or punishment provided by the laws of any State for carrying on the same within such State, or in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such State, or in places prohibited by municipal law; nor shall the payment of any such tax be held to prohibit any State from placing a duty or tax on the same trade or business for State or other purposes.

That is section 3243 of the Revised Statutes, and this is the clause which I ask to have added:

And in order to make the provisions of this section more effectual it shall be the duty of collectors of internal revenue, on the 1st day of every calendar month, to prepare and forward by mail to the officer or person having custody of county records in each of the counties within the particular collection district a statement showing how many and what persons, with their post-office addresses, paid such taxes in said county during the last preceding month, and for what trade or business the tax was paid.

I now introduce the bill proposing to add this provision.

The bill (S. 3115) to amend section 3243 of the Revised Statutes relating to taxes under the internal-revenue laws was read twice by its title.

Mr. PEFFER. I ask that the bill may be referred to the Committee on Finance, and I hope that we shall now have an early report.

The VICE-PRESIDENT. The bill will be referred to the Committee on Finance.

PROPOSED REGULATION OF BOND ISSUES.

Mr. DUBOIS. I introduce a joint resolution and ask for its immediate consideration.

The joint resolution (S. R. 145) regulating the issue of bonds was read the first time by its title, and the second time at length, as follows:

Be it resolved, etc., That after the date of this act no bonds of the United States shall be issued by any officer of the United States, under any existing law, until the President shall have communicated to Congress, in a message, the facts showing the necessity for such issue of bonds, and the amount of bonds required for such purpose, and until Congress by the passage of a bill or joint resolution shall authorize such bonds to be paid.

Mr. HILL. I think an important measure like that should go to one of the standing committees of this body.

Mr. SHERMAN. It should go to the Committee on Finance.

Mr. HILL. Is there any objection to the bill being referred to the Finance Committee, I ask the Senator from Idaho?

Mr. DUBOIS. There is no necessity for its reference to the Committee on Finance. I should like to have a vote on it by the Senate.

Mr. SHERMAN. It proposes to change an existing law, and as a matter of course it has to be in the form of a bill or joint resolution.

Mr. DUBOIS. It is a joint resolution.

Mr. HILL. It is in the form of a joint resolution.

Mr. SHERMAN. It must be read three times, and I object to its third reading.

Mr. MILLS. Let the joint resolution go over.

The VICE-PRESIDENT. Objection being interposed, the joint resolution will go over.

Mr. DUBOIS. It will go over and be printed.

The VICE-PRESIDENT. It is so ordered.

Mr. DUBOIS. I shall ask for its consideration on Monday.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. PEFFER (by request) submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HILL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

DEPARTMENT OF COMMERCE AND MANUFACTURES.

Mr. FRYE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate 2,000 extra copies of Senate bill 2447, "to establish the department of commerce and manufactures."

HISTORICAL DOCUMENTS IN DEPARTMENT OF STATE.

Mr. GALLINGER. I submit a resolution and ask for its adoption.

The resolution was read, as follows:

Resolved, That the Secretary of State be, and is hereby, requested to inform the Senate at his earliest convenience to what extent and under what conditions the historical documents deposited in the Department of State are accessible to students of American history.

Mr. COCKRELL. I move to strike out "requested" and insert "directed."

Mr. GALLINGER. I accept the modification proposed.

The VICE-PRESIDENT. Without objection, the resolution will be so modified. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

TOWBOAT ASSOCIATION OF NEW ORLEANS.

Mr. WARREN. I ask for the adoption of the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the bill (S. 862) entitled "A bill for the relief of the receivers of the Towboat Association of New Orleans, La.," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

Mr. WARREN. I move to reconsider the vote by which Senate bill 862 was ordered to a third reading and passed. It seems that the bill was put upon its passage and sent to the other House, while it was the intention of the Senate to send the claim to the Court of Claims.

The VICE-PRESIDENT. If there be no objection, the motion to reconsider will be agreed to. It is agreed to, and the bill is reconsidered. The question is on agreeing to the resolution submitted by the Senator from Wyoming.

The resolution was agreed to.

DEPORTATION OF CANADIAN INDIANS.

Mr. CARTER. I ask the unanimous consent of the Senate for the present consideration of the bill (H. R. 8820) making provision

for the deportation of refugee Canadian Cree Indians from the State of Montana, and their delivery to the Canadian authorities. In connection with the request, I desire to make a statement concerning the facts.

About ten years ago, at the close of the Riel rebellion, a number of Cree Indians from the Northwest Territory invaded the territory of the United States, and they have remained in the country since that time. Repeated efforts have been made through the State Department to secure the consent of the Canadian authorities to receive back those Indians. The Secretary of State recently secured the consent of the Canadian Government to accept the Indians at the border line on the 10th day of the present month, and in order that the Government may be in a position to comply with the terms of the agreement within ten days after the 10th it is important that this bill should become a law.

It was favorably reported in the form of an amendment by the Committee on Foreign Relations, but inasmuch as the deficiency appropriation bill will not probably be passed in time to make the fund available until after the 1st of June, the Committee on Appropriations yesterday suggested the propriety of having a small bill passed to meet the emergency. The other House has passed the bill, and I ask unanimous consent for its present consideration.

Mr. QUAY. In view of the statement of the Senator from Montana I shall not object to this bill, but I shall object to any other hereafter.

The bill (H. R. 8820) making provision for the deportation of refugee Canadian Cree Indians from the State of Montana and their delivery to the Canadian authorities was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, or so much thereof as may be necessary, the same to be immediately available, to enable the President, by employment of the Army, or otherwise, to deport from the State of Montana and deliver at the international boundary line to the Canadian authorities all refugee Canadian Cree Indians in said State.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

By unanimous consent, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 138) granting an increase of pension to Mary E. Hazlip;

A bill (H. R. 446) to increase the pension of Julia H. H. Crosby;

A bill (H. R. 950) granting increase of pension to John Coombs;

A bill (H. R. 1022) to increase the pension of Byron Cotton;

A bill (H. R. 1062) to grant a pension to Armstead M. Rawlings, of Arkansas;

A bill (H. R. 3033) to increase the pension of Elizabeth T. Beall, widow of Benjamin L. Beall, late colonel First United States Cavalry;

A bill (H. R. 4383) granting a pension to Gen. William H. Morris;

A bill (H. R. 4913) granting a pension to Mrs. Mary E. Wyse, widow of Lieut. Col. F. O. Wyse;

A bill (H. R. 5175) granting a pension to Nancy Gentry; and

A bill (H. R. 5580) granting a pension to Archibald Hunley.

The following bills were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. 7381) directing the Secretary of the Navy to donate one condemned cannon and cannon balls to Soldiers and Sailors' Monument Association, of the city of Middletown, N. Y.; and

A bill (H. R. 7777) to authorize the Secretary of the Navy to furnish condemned cannon to Fort Thomas, Ky.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 1980) to provide a life-saving station at or near Point Bonita, at the Golden Gate, in the State of California; and

A bill (H. R. 8260) to authorize the establishment of a life-saving station at Port Huron, on the coast of Lake Huron, Michigan.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. 1436) to quiet title to lands in persons who purchased the same in good faith without notice and for a valuable consideration, and to enable the Government to issue patents on such lands, and that commutations of homestead entries shall take effect from date of settlement, and not from date of entry; and

A bill (H. R. 4255) to provide for settlement of titles and disposition of public lands in the Arredondo grant, in Columbia County, Fla.

The bill (H. R. 485) for the relief of Kate Eberle, an Indian woman, was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 3787) for the relief of H. C. Herndon was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 5388) for the relief of F. Alberts & Co., Muskegon, Mich., was read twice by its title, and referred to the Committee on Claims.

The joint resolution (H. Res. 174) granting permission to the circuit and county courts in Rockingham County, Va., to occupy the Federal court room in Harrisonburg, Va., was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 7th instant approved and signed the act (S. 2997) to provide for the fulfillment of the stipulations of the treaty between the United States and Great Britain signed at Washington on the 8th day of February, 1896.

The message also announced that the President of the United States had on this day approved and signed the following bills:

An act (S. 129) for the relief of Capt. George H. Perkins; and

An act (S. 1846) authorizing and directing the Secretary of the Navy to donate condemned cannon to Custer Post, Grand Army of the Republic, at Leavenworth, Kans., and Mathies Post, Grand Army of the Republic, at Burlington, Iowa.

TENNESSEE CENTENNIAL EXPOSITION.

Mr. BATE. I ask leave to call up the bill (S. 2889) to aid and encourage the holding of the Tennessee Centennial Exposition at Nashville, Tenn., in the year 1897, and making an appropriation therefor.

Mr. QUAY. I regret that I shall have to object.

The VICE-PRESIDENT. Objection is interposed to the present consideration of the bill. The Calendar under Rule VIII is in order.

Mr. BATE. I move to take up the bill notwithstanding the objection.

The VICE-PRESIDENT. The question is on the motion of the Senator from Tennessee.

Mr. QUAY. The chairman of the Committee on Commerce seems to be absent at this moment. I supposed that he would move to proceed to the consideration of the river and harbor bill as soon as the morning business was completed. As he is not here, I have no objection to the Senator from Tennessee proceeding with his bill.

Mr. BATE. I did not understand the Senator from Pennsylvania.

The VICE-PRESIDENT. The Senator from Pennsylvania has withdrawn his objection.

Mr. BATE. I am much obliged.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill indicated by the Senator from Tennessee?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RESTRICTION OF IMMIGRATION.

Mr. FAULKNER. At the request of the junior Senator from Maryland [Mr. GIBSON], I desire to announce that next Thursday morning, directly after the conclusion of the morning business, he will call up the bill reported from the Committee on Immigration in regard to the restriction of immigration, for the purpose of addressing the Senate on the subject.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. FRYE. I move that the Senate proceed to the consideration of the river and harbor bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the pending question being on the amendment of Mr. WHITE to the amendment reported by the Committee on Commerce.

Mr. WHITE. Mr. Presidsnt, I will resume consideration of my objections to the Santa Monica item of the river and harbor bill, and will now proceed to consider some of the claims made by the advocates of Santa Monica and also the objections raised to the San Pedro location, although I deem it unnecessary to a correct solution of the immediate question pending that any elaborate presentation of the particular subjects to which I allude shall be made, because the amendment which I have proffered involves the appointing of a commission to locate the harbor, and provides that upon a favorable report of a majority of the commission the appropriation shall be made available for the point selected by them. The merits of each site would thus be finally and satisfactorily settled.

I believe it has already been sufficiently shown and that it must continue to be apparent that there is at least reasonable ground to doubt the advisability of investing more than three millions of

public funds in an unapproved breakwater site, and I trust that I may be able to show to the Senate that it is improper to make such an appropriation as is designed in the bill without any governmental sanction or without any regard to those safeguards which have heretofore been deemed essential to secure the proper disbursement of public money.

Notwithstanding the fact that I do not deem it absolutely material to consider objections to the contending locations, I will do so, as some may be influenced by the many charges and theories from time to time urged in this connection. In the minority report, page 31, occurs the following:

It is asserted that since the last report of the engineers was made Mr. Huntington and his associates of the Southern Pacific Company have constructed an extensive wharf at Port Los Angeles (Santa Monica), and that the shipping experience since had evidences the wisdom of the location. It is true that in ordinary weather vessels successfully discharge their cargoes at Mr. Huntington's wharf, but in this respect San Pedro possesses equal advantages. The evidence taken by the committee shows insurance rates to be less at San Pedro than at Santa Monica. The Mendell's report mentions that San Pedro Bay has been a shipping point time out of mind; that prior to the American occupation mariners touched there, and the locality was known as the "Embarcadero." During those periods no one thought of resorting to Santa Monica Bay.

In the letter circulated by and bearing Mr. Corthell's name I find the following response to the point to which I have just adverted:

On page 68 of the report of the hearing is a digest of certain affidavits made by shipmasters this year, who have, some of them, for two or three years been engaged regularly in loading and unloading vessels at Port Los Angeles. It is my pronounced opinion that had the commercial experience at the wharf at Port Los Angeles been available for consideration by the Mendell board in 1891 it would not have hesitated to give an opinion in favor of building a deep-sea harbor at this place instead of at San Pedro. It is well known that the reason why "San Pedro has been a shipping point from time out of mind" is the existence of the mouth of a tidal lagoon at this place into which the small vessels which formerly plied along this coast could enter and unload upon the banks or wharves, and that it was not on account of any anchorage facilities which the open bay might possess.

In the same connection Mr. Corthell refers to the holding ground at San Pedro thus:

The contention in regard to holding ground at San Pedro has been, and is, that there are near the shore and in some other parts of the bay rocky areas which do not form good holding ground for vessels at anchor. It is generally conceded by shipmasters, and it certainly is evident from careful examinations made by borings and by experience in pile driving at Port Los Angeles, that that part at least of the Bay of Santa Monica could not have better holding ground.

Among the many fallacious impressions which obtain in some quarters, and perhaps yet prevail, in consequence of reiterated assertion, is the notion that the holding ground at San Pedro is not good. There will be found printed in the hearings before the Senate committee the statement of some forty-odd shipmasters who have visited San Pedro at different times, and their evidence upon this subject is absolutely conclusive. Those shipmasters have not called at that port during one or two years, but have plied up and down the coast of California for extended periods. The statements to which I refer are on page 24 of the hearings and extend to the middle of page 28. The original affidavits are on file with the committee, and the matter presented in the report is in digested form. I quote:

O. A. Olsen, master mariner: Have been acquainted, in my capacity as practical sailor, with San Pedro Bay and Harbor nine years. Have been in San Pedro Bay several times, and have anchored in roadstead. Very good holding ground. San Pedro has the better anchorage ground. San Pedro has the better natural protection from prevailing winds and swells.

F. G. Miller, master mariner: Have been acquainted with San Pedro Bay and Harbor, as a practical sailor, for thirty years. Have been in San Pedro Bay and Harbor six times. Always anchored in roadstead. Anchored in winter of 1860-61 and since to date. Good holding ground, and with good ground tackle I think vessel will lay safe to her anchors the year round.

Here is the case of a man who has been engaged in managing vessels, acting as master mariner on the Pacific coast since 1861, and he has frequently visited this bay.

H. A. Smith, master mariner: Have anchored in San Pedro Bay many times since 1888. Good holding ground. San Pedro best place for harbor. Is better protected from prevailing winds and swells than Santa Monica Bay.

John Peterson, master mariner: Have been acquainted with San Pedro Bay and Harbor twenty years, and have been there many times. Anchored in the roadstead. Very good anchorage ground. Have been acquainted with Santa Monica Bay twenty years. San Pedro has better anchorage ground and has better natural protection from prevailing winds and swells.

I will not read all the statements, but I will ask to have same incorporated in my remarks. Senators who care to do so may peruse these statements upon pages 24, 25, 26, 27, and 28 of the hearings. They are to the effect that the natural advantages of San Pedro are in every way superior to Santa Monica, and are specific and positive as to the character of the holding ground. These affidavits are made, not by theorists, but by men who have cast their anchors in that roadstead and know exactly what they are talking about. Their views should be regarded as conclusive. I submit their statements:

Sworn statements of sea captains as to holding ground for anchorage at San Pedro.

W. S. Southard, master mariner: Have been at San Pedro Bay and Harbor once. Anchored in the roadstead. First-class holding ground. Have been in Bay of Santa Monica, near Redondo. San Pedro is best place for harbor. Is protected by islands on one side, mainland on the other. Latter protects from westerly winds, which prevail at different times of the year.

F. E. Magune, shipmaster: Been in San Pedro Harbor twelve times. Anchored in roadstead. The holding ground is good and very hard. San Pedro has better protection from prevailing winds and swells.

Barnard Olsson, master mariner: Anchored many times in San Pedro Bay, in roadstead. San Pedro best holding ground. Have always tried to keep away from Santa Monica Bay. The better anchorage ground is at San Pedro, by all means. San Pedro has better protection from prevailing winds and swells.

Henry A. Crocker, master mariner: Have been in San Pedro Harbor many times—too numerous to mention. Anchored in roadstead. Very good anchorage ground at San Pedro. Have been in Bay of Santa Monica. San Pedro has better anchorage ground and has better protection from prevailing winds and swells.

R. Brummer, master mariner: Have been in San Pedro Harbor many times. Anchored in roadstead. The holding ground is exceptionally good. Am acquainted with Bay of Santa Monica. San Pedro has better anchorage ground and better natural protection from prevailing winds and swells.

Charles Warner, master mariner: Have been in San Pedro Harbor many times. Anchored in roadstead. Anchorage ground very good. Was in Santa Monica Bay with cargo of piles and found great difficulty in discharging and holding ground very poor. San Pedro has better anchorage ground and better protection from prevailing winds, etc.

P. A. Johnson, master mariner: Have been on San Pedro route six years steady. Have anchored in roadstead many times. Good holding ground. Don't think favorably of Santa Monica. San Pedro has better anchorage ground and is better protected from prevailing winds and swells.

C. C. Birkholm, master mariner: Have been in San Pedro Bay and Harbor twenty times. Anchored in roadstead: Good anchorage ground. Have discharged two cargoes at Santa Monica. San Pedro has better anchorage ground and better protection from prevailing winds.

E. Christ, shipmaster: Have been in San Pedro Harbor many times. Always anchored my vessel outside. Have always found the holding bottom of first-class quality. Do not think there is any better. Never had occasion to anchor in Santa Monica Bay. San Pedro has better anchorage ground, I think. San Pedro has better natural protection from prevailing winds and swells.

O. Anderson, master mariner: Have been in San Pedro Harbor many times. Anchored in roadstead many times. Good holding ground. Have been acquainted with Santa Monica Bay since 1881, and do not know any good of it. San Pedro has better anchorage ground and better protection from prevailing winds and swells.

William Robb, master mariner: Have been in San Pedro Harbor twenty times or more. Anchored in roadstead. Have always found the anchorage good; in fact, superior to any bay on the Pacific coast, San Francisco excepted, and only except San Francisco on account of the harbor being landlocked. Have anchored in Santa Monica Bay on different occasions in small boats and yachts. San Pedro has better anchorage ground and better protection from prevailing winds and swells. San Pedro is sheltered from prevailing winds on Pacific coast.

John W. Aspe, master mariner: Have been in San Pedro Harbor about thirty times. Anchored in roadstead every voyage. Holding ground is good. Am acquainted with Santa Monica Bay. San Pedro has best anchorage ground and better protection from prevailing winds and swells. San Pedro is a safe harbor for the summer winds, with good holding ground. Santa Monica has a constant westerly swell, with very poor holding ground.

M. Olsen, master mariner: Have been in San Pedro Bay many times. Often anchored in roadstead. Good holding ground. San Pedro has best anchorage ground. Acquainted with Santa Bay only by my charts. San Pedro has better natural protection from prevailing winds and swells.

F. D. Wells, master mariner: Have been in San Pedro Harbor several times. Anchored in roadstead. I have anchored there in heavy blows and my anchors always held. San Pedro has best anchorage ground. Am acquainted with Santa Monica Bay. San Pedro has better natural protection from prevailing winds and swells.

C. Jansen, master mariner: Have been in San Pedro Bay many times. Anchored in roadstead. Good holding ground; most emphatically good. Am acquainted with Santa Monica Bay. I consider San Pedro superior in all weather from the fact that San Pedro is protected from all prevailing winds and seas. San Pedro has best anchorage ground, and is recognized by all seafaring men as a safe port to anchor in.

J. W. Grove, shipmaster: Have been in San Pedro Bay. Anchored in roadstead. Good holding ground. Have been in Santa Monica Bay twice. San Pedro has best anchorage ground and better natural protection from prevailing winds and swells. The latter place is protected from the south by Catalina Island; from the north by the mainland.

William Kindlen, master mariner: Have anchored in San Pedro Harbor, in roadstead. San Pedro has good holding ground and shelter. Can not compare San Pedro with Santa Monica, for I do not know; but San Pedro is good. In my opinion San Pedro has better protection from prevailing winds and swells.

F. M. Johnson, master mariner: Have been in San Pedro Harbor many times. Anchored in roadstead. Good holding ground. Am acquainted with Santa Monica Bay from my charts. San Pedro has best anchorage ground and better natural protection from prevailing winds and swells.

David Robinson, master mariner: Have been in San Pedro Harbor, and anchored in roadstead. I think the bottom is very good holding ground. I have never dragged my anchor there. Am not acquainted with Bay of Santa Monica. In my opinion San Pedro has best anchorage ground and be ter protection from prevailing winds and swells. I have been over to Santa Monica, and I noticed that there is a very strong undertow, and I should think it would be very hard to hold a ship at the wharf. As to anchorage, I know nothing, only from hearsay.

John Slater, master mariner: Have been in San Pedro Bay and Harbor many times. Anchorage ground good. Am acquainted with Santa Monica Bay for twenty years, and I at all times wanted to keep away from it. San Pedro has best anchorage ground, and has better protection from prevailing winds and swells.

C. Ryder, shipmaster: Have been in San Pedro Bay and Harbor many times. Anchored in roadstead many times. Good anchorage ground. As between bays of Santa Monica and San Pedro the latter has best anchorage ground and better natural protection from prevailing winds and swells.

William Rosendall, master mariner: Have been in San Pedro Bay and Harbor many times. Anchored in roadstead many times. Good holding ground. Acquainted with Santa Monica a little by knowledge acquired from my charts. San Pedro has best anchorage ground and better natural protection from prevailing winds and swells. San Pedro is protected from all prevailing winds and swells, excepting severe winds and seas from the southeast; these the bay of Santa Monica is entirely exposed to.

Martin Chester, shipmaster: Have been in San Pedro Bay and Harbor between three and four hundred trips and anchored in roadstead many times. Good holding ground. Never knew of a vessel meeting with any accident on account of poor holding ground. I was master of the first vessel that tied up alongside of the old Santa Monica wharf. San Pedro has best anchorage ground and better protection from prevailing winds, etc. In my personal experience as master of different vessels bound for both ports I found that for safety and shelter San Pedro was preferable and more secure.

Richard Hillyer, master mariner: Have been in San Pedro Harbor and Bay hundreds of times. Anchored in roadstead. I have found anchorage good, and it can not be surpassed. Have been acquainted with Santa Monica Bay for many years. San Pedro has better anchorage ground under all circumstances than Santa Monica, and has better natural protection from prevailing winds and swells. Santa Monica has poor holding ground and but little shelter. I dragged my anchors in Santa Monica Bay, and was forced to go back to San Pedro Bay for protection.

R. P. Rassmussen, master: Have been in San Pedro Bay and Harbor. Anchored in roadstead twenty times or more. Have found the anchorage good for almost all winds, with hard blue clay for bottom, well adapted for holding ground, with a depth of water of from 5 to 15 fathoms. Am acquainted with bay of Santa Monica by careful study of charts. In my opinion San Pedro has best anchorage ground and better natural protection from prevailing winds and swells, San Pedro anchorage, with winds from due west to due south, is perfectly sheltered, while Santa Monica is exposed to both winds and swells between said points.

E. C. Generaux, master mariner: Have been in San Pedro Bay about ten trips. Anchored every trip, save one, in roadstead. Anchorage ground is excellent holding ground. No sudden rise and fall in the bottom and an average depth throughout the whole ground. Have been anchored in several gales and never dragged. Am acquainted with Santa Monica Bay, first from observations from the beach and how vessels anchored in the bay act, and from hearsay from shipmasters that have been there. From experience I know little concerning Santa Monica Bay, but I can plainly see that there is too much water for vessels to anchor safely. Very heavy undertow. San Pedro has best anchorage ground by far, as Santa Monica has too much water and not an even bottom. San Pedro Bay has better protection from prevailing winds and swells, as it is only open to southerly and westerly winds. A vessel will ride a gale in San Pedro better than Santa Monica.

Walter H. Mackie, master mariner: Have been in San Pedro Bay. Anchored in roadstead. Good holding ground. San Pedro has best anchorage ground and better protection from prevailing winds and swells than Santa Monica.

A. C. Glaser, master mariner: Have been in San Pedro Harbor and Bay several times. Anchored in roadstead. Good anchorage ground at San Pedro. Am acquainted with Santa Monica Bay. San Pedro has best anchorage ground and better natural protection from prevailing winds and swells. San Pedro is a natural harbor.

Edward Lewis, shipmaster: Have been in San Pedro Bay about ten trips. Anchored in roadstead. San Pedro is the very best holding ground, in my opinion, there is on the Pacific coast, basing my opinion from the fact of having discharged full cargoes of coal in the outer harbor. San Pedro has better protection from prevailing winds than Santa Monica. The prevailing winds for about ten months in the year come from the westward, and a ship at anchor in San Pedro Bay, being protected by Point Firmin, is safe from the wind and swells.

J. C. Hansen, master mariner: Have been in San Pedro Bar and Harbor many times. Have anchored in roadstead many times—too numerous to mention. Find from my varied experience that the holding ground at San Pedro is of the very best. In 1876 in Santa Monica Bay I came near losing the schooner *Hayes*, a new vessel. Had all my lines out, and also many lines furnished by the company, and barely escaped destruction. San Pedro has best anchorage ground and better natural protection from prevailing winds and swells.

A. P. Carlson, master: Have been in San Pedro Harbor various times and anchored in roadstead. Anchorage ground good. San Pedro has best anchorage ground and better protection from prevailing winds and swells. I have been in Santa Monica and rebuilt the wharf, and during that time I observed it to be a dangerous bay for shipping. Saw the seas break over the wharf at times while a personal observer.

J. Willey: Have anchored in roadstead, San Pedro Bay, ten or fifteen times during last year. First-class holding ground; sheltered from all winds except a southeast wind, which we have three or four times during the winter months. They last only short time. No trouble of a vessel riding if their anchors are clear and has room to swing scope. Vessels never go to Santa Monica unless they are compelled to. San Pedro has best anchorage ground and better protection from prevailing winds and swells.

O. Anfindsen, master mariner: Have been in San Pedro Bay and Harbor six or seven times each year during all seasons. Anchored in roadstead often. While master of the schooner *Robolink*, in 1886, anchored there about once a month. Anchorage ground I find excellent, with good shelter from northwest and southwest winds, and from south and southeast winds. It is, in my opinion, better than any harbor south of San Francisco, barring San Diego, and I have been in all of them. Am acquainted with Santa Monica Bay no more than from casual remarks, up and down the coast. San Pedro has by far the best advantage. Santa Monica is an open ocean and no shelter. San Pedro has the most advantage of a harbor for shipping, it being inclosed by land in a half circle, whereas Santa Monica is exposed to all quarters of the compass, and the undertow there is severe on the ship's ground tackle, which does not exist in the outer road of San Pedro.

George Dettmer, master mariner: Have been in San Pedro Bay and Harbor many times. Anchored in roadstead many times. Good holding ground. Have been many times in Santa Monica Bay and its locality. San Pedro has best anchorage ground and has better natural protection from prevailing winds and swells.

E. W. Sprague, master: Have been running to San Pedro Harbor off and on as master of vessel for twelve years. Always anchored in roadstead every trip. Have found it first-class holding ground, and have never known a vessel to drag anchor there. Am acquainted with bay of Santa Monica to my sorrow. My experience is a heavy westerly swell setting in the year round, and westerly wind has full sway, and there is no protection from them. San Pedro has best anchorage ground and better protection from prevailing winds and swells. Westerly winds are the prevailing winds and always a westerly swell, and San Pedro has a protection from them already, and Santa Monica has not, and in my opinion it never can have. Can easily anchor 100 ships in outer bay of San Pedro in a westerly gale in perfect safety.

O. Peterson, master mariner: Have been in San Pedro Harbor about one hundred times. Anchored in roadstead many times. Good holding ground. Have been acquainted with Santa Monica Bay since 1878. San Pedro has best anchorage ground and better protection from prevailing winds and swells.

F. O. Raven, shipmaster: Have been in San Pedro Harbor many times. Anchored in roadstead. Have anchored and laid in all kinds of weather and never dragged my anchors. Have been acquainted with Santa Monica Bay for eighteen years. San Pedro has best anchorage and better protection from prevailing winds. Have laid in Santa Monica Bay with cargo and discharged my cargo with great difficulty.

Alexander Smith, master mariner and pilot: Have been in San Pedro Bay and Harbor about five hundred times. Anchored in roadstead both light and deep draft. Anchorage ground is very good and will hold a long time if your anchors are clear. Am very well acquainted with Santa Monica Bay. San Pedro has best anchorage ground, and has better natural protection from prevailing winds and swells for three hundred and sixty days in the year. Santa Monica Bay has not good holding ground for any vessels' anchors; the bottom is too hard until you get 14 miles to the southeast of the new Santa Monica wharf. San Pedro Bay is the most eligible location for a deep-water harbor because the half of a natural harbor is there already.

Claus C. Hansen, master: Have been in San Pedro Bay and Harbor twenty times and more and have anchored in roadstead. It is a very good holding ground. San Pedro has best natural protection from prevailing winds. It is a better protected roadstead from westerly winds, which are most prevailing. Catalina Island protects some. Do not see any protection for Santa Monica Bay from any islands.

P. Sonerud, master mariner: Have been in San Pedro Bay and Harbor between twenty and thirty times and anchored in roadstead. There is a good holding bottom, and I think a vessel can lie perfectly safe in most any kind of weather. Am acquainted with Santa Monica by study of chart and wind and current setting into that place. San Pedro has best anchorage ground, and better protection from prevailing winds. From my constant trading to San Pedro I have always found it a safe place, and that the outside harbor has a natural protection from the prevailing winds that blow there; and, furthermore, never saw any swell setting in to interfere with discharging of deep-water vessels that always lay in the harbor discharging freight.

R. Johannessen, master mariner: Have been in San Pedro Bay and Harbor about a hundred times. Have anchored in roadstead many times. Anchorage ground there is excellent. Am acquainted with bay of Santa Monica for twenty-three years. San Pedro has best anchorage ground, and better protection from prevailing winds.

Is there anything in the proposition of Mr. Corthell and others that the Mendell board were ignorant of the situation and would have reached a different conclusion had they been aware that a wharf such as that of the Southern Pacific could be erected and maintained at Port Los Angeles? There is nothing anywhere to justify the assertion.

I have no doubt from the shipping experience at San Pedro that it would be possible to construct and operate a wharf extending into the roadstead there. The constant use of San Pedro Bay for years for shipping uses demonstrates this.

It is conceded that Mr. Huntington has built a magnificent pier at Port Los Angeles and that he is able to handle shipping and transact business there. There are sometimes difficulties incident to rough water. Trouble of that kind has been lately experienced.

In has been said there never has been an accident at the Santa Monica wharf and that ships have been wrecked at San Pedro. San Pedro Harbor has been utilized for commercial purposes, as the evidence before us shows, from time out of mind. No doubt in stormy seasons vessels can not at all hours lie there in safety, and there is evidence that there have been wrecks within that harbor. It is admitted that certain vessels have drifted ashore at San Pedro. But during the time that Mr. Huntington's wharf has been in operation at Santa Monica there have been no disasters at San Pedro—none whatever. It so happens there have been no very serious storms since that structure has been called into existence, and consequently no disasters at either place. When the Mendell Board examined this subject they did not content themselves with equivocal language, but they announced their conclusions (page 9 of the Mendell report) thus:

In view of the fact that San Pedro Bay in its natural condition affords better protection both from prevailing winds and from dangerous storms than Santa Monica Bay; that protection can be secured at less cost for equal development of breakwater at the former than at the latter; that a larger area of protected anchorage from the prevailing westerly swells can be secured, the severe storms from the southeast being infrequent, and that there is already an interior harbor that will be a valuable addition to the outer harbor, the Board considers San Pedro Bay as the better location for the deep-water harbor provided for by the act.

It was never supposed by Colonel Mendell or anybody else that a wharf would not stand during ordinary weather at the place pointed out by Mr. Huntington and selected by him. No one has ever argued that the storms upon the southern California coast are severe enough to destroy a well-built pier, unless in exceptional cases.

It is evident from an inspection of the coast of Santa Monica Bay, where the railroad wharf is located, the westerly swells, admitted to be common and severe, must directly affect Santa Monica Bay. There is nothing to prevent such a swell disturbing the sea behind the breakwater proposed by the majority. The southwesterly swells and the westerly swells are those which mariners fear. It is shown by conclusive proof that, while the wind sometimes blows from the southeast, the swell never proceeds from that direction. The San Pedro breakwater is so designed as to completely intercept westerly and southwesterly swells. The breakwater will cut off the swell completely, and it is therefore a matter of indifference whether there is or is not deep water west of Point Firmin.

In the immediate neighborhood of the breakwater at San Pedro the water is not extremely deep; the bottom recedes, proceeding westerly, with considerable rapidity; but Mr. Corthell's diagram portraying the suddenness of the deepening near Point Firmin is not fair. No doubt deep water can be found by proceeding westerly from the point. But if Mr. Corthell will make his soundings southeasterly or southerly or toward Catalina Island he will find a gentle slope and better water than exists near Port Los Angeles.

Such a diagram can be made to show almost anything, depending upon the direction selected.

I have referred several times to the deep-sea matter and have

perhaps, given more attention to the point than it deserves; but I wish to quote briefly from the report of the Craighill board, showing that those gentlemen took the subject into consideration and examined it with care. I read from page 6 of the Craighill report, as follows:

HYDROGRAPHY.

Throughout Santa Monica Bay the depth is very irregular—

That statement is fully justified by the charts—

Abreast of Santa Monica village there is a depth of 40 fathoms 4 miles offshore, but off the beach, south of La Ballona, a submarine plateau 4 miles wide extends for 8 miles to the southwest, with depths very uniformly increasing to 40 fathoms, the bottom being gray sand, mud, and gravel—

This plateau is towards San Pedro from Santa Monica and is not necessarily involved here—

Westward of this plateau, toward Point Dume, the depth increases rapidly to nearly 300 fathoms, carrying 200 fathoms within a mile south of the point, and the bottom is muddy. On the east of this plateau, toward Point Vincente, there is a remarkable submarine valley only 1 mile wide between the 100-fathom curves, carrying from 280 to 100 fathoms to within 1 and 1½ miles of the beach, with a muddy bottom. The eastern side of this valley is very steep, dropping from 40 to 200 fathoms in three-eighths of a mile. The western side is more sloping, but the slope from 100 fathoms is very sharp. It has been named by Professor Davidson the Vincente Submarine Valley. Near the southern end of the bay a well-marked current running to the northward and westward has been observed.

I refer to this description to prove that the Bay of Santa Monica throughout—not merely in one particular point, but throughout—is irregular, and that the uniform grade or slope is largely the offspring of Mr. Corthell's poetic fancy. The report further proceeds:

The line of 10 fathoms, which may be considered the practical outer limit for breakwater construction, and the line of 5 fathoms, which is the inner limit of the deep-water anchorage, for both Santa Monica and San Pedro bays, are shown on the map accompanying this report.

And an inspection of the Coast Survey maps will fully sustain everything I have said upon this proposition.

In the minority report it is said:

It is claimed that the proposed breakwater at San Pedro is not protected from southeast gales; that therefore that locality is not desirable for harbor purposes, and that the land projection which culminates in Point Firmin shelters Santa Monica Bay from these winds. This subject has been carefully considered in the reports already noted, and the conclusion there reached by the gentlemen who examined into the matter was that no danger is to be anticipated from the southeast gales. It may be remarked in this connection that the inner harbor at San Pedro, which it is conceded is perfectly sheltered and upon the surface of which scarcely a ripple is ever observed, is largely exposed to the so-called dangerous southeast gales, and yet the shipping within that inner harbor has never been disturbed thereby. Manifestly, no breakwater can ever protect any harbor from wind; the essential feature in such cases is the guarding against ocean swells. The difficulty in this respect proceeds from the west, and the proposed breakwater at San Pedro will afford complete protection from this peril. A vessel lying within the proposed San Pedro Harbor with sails unfurled might be disturbed by southeast winds, but naked masts could never present sufficient surface for the serious operation of any wind likely to visit that coast.

In his letter heretofore mentioned Mr. Corthell says:

The objection stated by me and others upon this point is that the harbor, not the breakwater, is unprotected from southeast gales, and that the entrance to Wilmington Harbor is entirely unprotected from these gales by the breakwater as designed, and an examination of the charts of the harbor and of the plan will evidence this to anyone.

In the report of the Craighill commission (H. R. Ex. Doc. 41, Fifty-second Congress, second session) we have a map, the second in that publication, from which it appears that the proposed breakwater at San Pedro protects an extended area, including the 7-fathom curve, from winter storms and from the western swells.

The subject of harbor protection is treated of in that report and the conclusion reached that the smooth surface at San Pedro is much more than that at Santa Monica. I call attention specifically to this matter, and invite study of the contrasts.

For the purposes of comparison—

Says Craighill, page 17—

the anchorage areas for the Santa Monica harbors are assumed to be the areas included within the breakwaters, the lines drawn through their ends normal to the shore, and the 6-foot contour; and for the San Pedro Harbor the area included between the breakwater, the line drawn from the end of the breakwater to Deadmans Island, and the 6-foot contour. The deep-water anchorage is assumed to be the area over which there is a depth of at least 30 feet; the remaining area will be referred to as the inner anchorage.

I will ask the Secretary to read, beginning with the last paragraph on page 17 down to the end of page 18 of the pamphlet which I send to the desk.

The PRESIDING OFFICER (Mr. HILL in the chair). Without objection, the Secretary will read as requested.

The Secretary read as follows:

ADVANTAGES FOR SHELTER AND FOR HANDLING FREIGHT.

For the purposes of comparison, the anchorage areas for the Santa Monica harbors are assumed to be the areas included within the breakwaters, the lines drawn through their ends normal to the shore, and the 6-foot contour; and for the San Pedro Harbor the area included between the breakwater, the line drawn from the end of the breakwater to Deadmans Island, and the 6-foot contour. The deep-water anchorage is assumed to be the area over which there is a depth of at least 30 feet; the remaining area will be referred to as the inner anchorage.

The total anchorage area at the San Pedro Harbor is 1,187 acres. This includes the area in Wilmington Harbor. The deep-water area is 269 acres and the inner anchorage 918 acres. The harbor at Santa Monica village has a total anchorage area of 1,078 acres. The deep-water area is 602 acres and the inner anchorage 476 acres. The harbor above Santa Monica Canyon has a total anchorage area of 994 acres. The deep-water area is 479 acres and the inner anchorage 515 acres. In the Santa Monica harbors the inner anchorage will be very much diminished by the wharves, which must extend completely across it to reach deep water. This is not the case to the same extent in the San Pedro Harbor.

To compare the exposures, it is assumed that so much of the anchorage area as lies north of southeast and southwest lines drawn through the ends of the breakwaters is not fully covered from the heavy swells. The harbor at San Pedro has a protected area of 852 acres and an unprotected area of 335 acres. The harbor at Santa Monica village has a protected area of 209 acres and an unprotected area of 869 acres. The harbor above Santa Monica Canyon has a protected area of 221 acres and an unprotected area of 773 acres.

The harbor above Santa Monica Canyon, within the anchorage limits assumed, has a land frontage 8,000 feet in length available for the construction of wharves. The harbor at Santa Monica village has a similar land frontage 8,000 feet in length. In the harbor first mentioned, however, the land approach to the wharves is narrow and not capable of extension except at great expense, and there is no available place for the construction of interior basins. The conformation of the ground is such that free access to the landing facilities of the harbor would not be easily attainable by all parties engaged in the business of land transportation.

At Santa Monica village, on the other hand, the approaches from the land are more open, and at La Ballona an interior basin could be readily formed. At San Pedro there is a land frontage of 4,300 feet in the outer harbor without including the inner line of the breakwater. Since the breakwater is connected with the shore, a railway can be constructed along it, and wharves can be readily projected from its inner face. This advantage would be sacrificed if a western entrance were established. This gives for the outer harbor an additional frontage of 8,000 feet and a total frontage of 12,300 feet. The frontage of the inner harbor is about 4 miles long. The total frontage for the whole harbor is therefore 33,420 feet, or about 6⅓ miles. The approaches are good, as they include both sides of the harbor, and Wilmington Harbor forms a magnificent interior basin.

In every harbor a portion of the area must be more or less exposed, owing to the necessity of providing convenient communication with the sea. In a port of commerce it is of great importance that the harbor should be so located and designed that the landing facilities should be established in the most sheltered part. In the Santa Monica harbors this imperative condition is entirely neglected, the landing facilities being necessarily situated entirely within the exposed area. As a consequence of this the wharves will not be well protected during storms, and small vessels will crowd the quiet spaces of the deep-water anchorage. At the San Pedro Harbor the landing facilities are situated within the unexposed area, and small vessels will find their best shelter in bad weather within the inner harbor.

The deep-water anchorage area is amply sufficient in all the harbors and can in all be readily extended in the future. In the San Pedro Harbor the landing facilities can be greatly extended within the inner harbor without any addition to the outer breakwater. This is not the case in the Santa Monica harbors.

In all the harbors the holding ground is good. Some doubts have been expressed with regard to the character of the holding ground at San Pedro, but after diligent inquiry the board is satisfied that it is as good in this location as in the others.

Mr. WHITE. The Senate will observe, therefore, that the Craighill board, perhaps to a greater extent and more carefully than that presided over by Colonel Mendell, took into consideration the relative value of the protection afforded by each plan of harbor construction, and concluded, in direct antagonism to the opinions of the Southern Pacific engineers, that the San Pedro project would afford more extended safe anchorage facilities.

It is said, and this is one of the favorite arguments of the majority of the committee, that running a line directly from Point Vincente to Point Dume there will be a water inclosure extending landward from the center of such line 12 miles, whereas San Pedro Bay, according to Mr. Corthell's first statement before the Commerce Committee, in 1894, when similarly examined, manifests only 6½ miles. This may reasonably be said to be an advantage, as far as it goes, favoring Santa Monica. But this circumstance was considered by the boards mentioned, and was not deemed vital or controlling.

You will observe upon the photograph of the Santa Monica shore, which is upon the blackboard, the real character of that so-called bay. It is nothing but an open roadstead; there is a 12-mile indentation, and it must be between 30 and 40 miles from Vincente to Dume, and looking from the shore out to the ocean the exposure is absolute; the waves roll in, as appearing upon the photograph, comparatively uninterrupted. There is but slight evidence of an actual bay in this case.

The wharf of the Southern Pacific Company, around which we are asked to place this governmental protection, is located in Santa Monica Bay, as shown on the photograph, and northerly and westerly of the town of Santa Monica. In my judgment the Mendell board was correct in saying that the very best site to be found in Santa Monica Bay was nearly opposite the town of that name. There the bluff is not remarkable. It recedes as we go east and south, until at South Santa Monica there is no precipice and the favorable conditions spoken of by Colonel Mendell can there be found. If we are to have a harbor in Santa Monica Bay this is the proper location. But such a work would be most accessible. The proprietors of the wharf which we are about to protect preferred a different spot, less open to intrusion and not as readily subject to competition.

In the testimony taken before the Commerce Committee it is said that there is ample room along the shore of the ocean from Santa Monica to the wharf for ten or twelve railroad tracks. The Santa Monica shore from the wharf to the town is an ordinary seabeach. The waves roll over it, not tempestuously, but in a manner usual on the southern California coast. Thousands from the

city of Los Angeles visit this region for the purpose of seaside bathing. Santa Monica itself—a very delightful town and growing in seaside importance—is in the immediate vicinity of the most favored bathing spot. There are extensive and finely constructed bath houses, occupied and used in the summer, indeed, to some extent throughout the whole year, but principally in the summer, by anxious crowds coming from the city of Los Angeles and the interior. These people resort to the sea for objects of health and diversion. The presence of one railroad track within the municipality of Santa Monica and upon the seabeach is a positive disadvantage. Any person walking along the bluff, at the foot of which the railroad runs, while a locomotive is passing will find the cinders excessively disagreeable; and while there is yet sufficient space between the bluff and the shore to enable the ordinary pursuits of pleasure which accompany diversions at the seaside, yet if there are to be additional tracks laid along that shore, if railroad freight and passenger traffic is to be carried on there by several railroads, the locality will cease to be available for present uses.

The question as to how many tracks may be placed along that shore is a matter entirely within the jurisdiction of the board of trustees. No condemnation proceedings can procure a right of way along the ocean within the town limits until after an affirmative vote of the board of trustees. I assume that that board will properly discharge its duties and will not permit the extension of that which is already a nuisance.

But it is contended that the proposed harbor can be reached by means of Santa Monica Canyon. It is possible, and I think practicable, to obtain a grade through the Santa Monica Canyon. But the route is circuitous, and a road thus built would be longer than that of the Southern Pacific Company. But when the shore is reached the expense will have but begun.

If we assume that the breakwater designed by the Southern Pacific engineers would be sufficient and adequate to protect an area great enough to permit the erection of two or three large wharves as proposed, nevertheless the expense is almost prohibitory. It will cost at least three-quarters of a million dollars, and probably more, to build a wharf, to say nothing of the right of way and other difficulties of access. Now, it is proposed in this bill that the Southern Pacific Company shall give the use of their tracks upon this wharf to any railway that will pay a sufficient pro rata proportion of the cost thereof, to be fixed by the Secretary of War. There is now but one track and one wharf. If the business grows to the magnitude expected, these will never suffice. If it does not grow to that magnitude, then there is no justification at all for the proposed expenditure. Mr. Huntington will not make any foolish trades. His road will have an advantage at Port Los Angeles that no other road can enjoy.

At San Pedro, as shown in the report of the engineers, not only is the Southern Pacific already on the water front, but there is also a competing railroad upon the other side of the inner harbor, and while the latter would not be directly connected with the outer harbor, still the proximity is such that there could be no difficulty in the transference of shipping from one point to the other, especially if the inner harbor be deepened under the Benyaurd project.

It is said that the bluff near San Pedro, some 60 feet in height, presents insuperable obstacles to reaching the shore. I do not think it will be necessary for the purposes of commerce for years to come to build piers in any outer harbor on our coast. The inner anchorage will suffice; but, assuming that the demands of trade require such harbor to be reached from shore, there is no difficulty in making a grade, as the Southern Pacific did to the wharf which it commenced to build and afterwards abandoned at San Pedro, and thus reaching the shore. Colonel Craighill says in his report, and all of his colleagues agree with him, that the breakwater itself could be utilized for railroad tracks, thus using the interior of the bay right along the line of the breakwater for slips. This, Mr. Corthell says, is impossible. He takes issue with the engineers upon this proposition. I will quote his language. He says:

Considering the location of this proposed breakwater—immediately under a vertical bluff, in the open ocean—and the impracticability, as shown by the physical facts, of building a railroad track under the bluff in the protected harbor, it is difficult to see how the top of this dike could be made accessible to railroads, and I think I am safe in saying that on a dike 10 feet above the surface of the water, or even 20 feet above the surface of the water, in such an exposed location a railroad could not be operated, or even maintained upon it, on account of the waves during heavy storms, at least, coming over the top of the breakwater, not only making the track unavailable, but also throwing masses of water upon the wharves placed under it. I have made no estimates of the cost of a breakwater at this place that would admit of the operation of a track upon it and of wharves behind it, but I should think it would cost twice, perhaps three times, as much as the breakwater shown on the plans of the Government engineers.

The Craighill board is positively to the contrary.

Since the breakwater—

They say—

is connected with the shore, a railway can be constructed along it, and wharves can be readily projected from its inner face. This advantage would be sacrificed if a western entrance were established.

At the hearings Colonel Hains, who was a member of the board, gave an opinion of a similar character. He says:

There is another thing in regard to the continuing breakwater. The first board recommended two breakwaters, with a gap. I do not think that there is any trouble about the filling in with sand, which some people apprehend, from the deposits along the shore. If the breakwater is continuous with the shore, it enables a protected area on the inside of this breakwater to be used for docks and that sort of thing. Often the inside breakwaters are used for docks and landings.

The breakwater at San Pedro can be approached by a cut. It is true the Southern Pacific Company claims to own land there. A considerable part of the property on the San Pedro bluff is controlled by that company; not all of it, however. The Government owns a reservation there, and private parties have holdings. However, condemnation proceedings properly conducted will remedy this trouble. The building of a track upon the breakwater will depend upon the demands of business. If the exigencies of the case warranted, a track would be laid upon the dike, and would afford superior facilities for harbor access. It hence appears that there is an available method of reaching an outer harbor at San Pedro preferable to anything at Santa Monica. Of course at San Pedro wharves might be built into the sea, but such a programme would be attended by the expense of which I complain. For years to come there will be ample room in the inner harbor, when improved, for our commerce; and the San Pedro deep-sea anchorage will accommodate vessels at anchor awaiting an opportunity to discharge.

Mr. President, there is another criticism to which I deem it wise to reply. I refer to Mr. Corthell's theory of the littoral current which moves sand in a northerly direction along the coast. He avers that the effect of the breakwater, constructed as proposed by the Craighill board, would be to detain a large amount of these sands near the shore and gradually destroy the harbor, or make it necessary to dredge extensively. Perhaps some little accumulation might occur. If so, it could be readily removed. Nowadays a reasonable amount of harbor dredging is an attendant upon nearly all public works of this character. One of the few exceptions is afforded by the Wilmington inner harbor, which has ever since governmental improvement always kept itself clear. But both Major Raymond and Colonel Hains are positive that no danger is to be apprehended from any sand deposit. They have studied the question carefully; it is considered in the reports from which I have quoted. All the Government experts rest their reputations as experts upon the proposition that no serious harm will accrue. Mr. Corthell, in the communication with which he has honored me—though delivery of the same was omitted—informs us that there are known instances of moving sands impelled by littoral currents upon the Pacific coast. He tells me that I am acquainted with the condition of affairs at San Diego Bay, and that I must be aware that at the point where a jetty is now under process of construction at the entrance to that bay sand accumulates.

This statement is true, but the movement of said particles there is manifestly attributable to the great rush of water into the bay attending the tidal rise. The torrent flowing with wonderful power in or out of the narrow harbor entrance is a sight worth seeing. This naturally disturbs the sand and the inward current tends to accumulate the material below the jetty rapidly and obviously. I attracted the attention of Mr. Corthell to the fact that a ship laden with coal some years ago was wrecked at San Pedro; and that a large quantity of the coal was picked up afterwards south of that point, at the town of Long Beach. I asked him how he accounted for that consistently with his theory. He gave the explanation which I shall read, which, I must confess, does not seem to me to be entirely conclusive. The following is the statement:

Senator WHITE, of California. Before you reach that, I want to say a word. I remember the circumstance of a vessel loaded with coal being wrecked in the neighborhood of San Pedro and sinking there, and a good deal of that coal being picked up on Long Beach. Long Beach is located southerly from San Pedro?

Mr. CORTHELL. Yes.

Senator WHITE, of California. If the shore currents are northerly, how do you account for the coal being carried to Long Beach?

Mr. CORTHELL. I had a memorandum made to explain that. That fact was called to my attention, and I will give you the reason for it. As I said to Senator NELSON, there are occasional southwestern swells so great that they may reverse the current for the time being, and they would move obstacles on the bottom. The current does not move coal; it moves fine particles of sand. What moved that coal across the bay was this: These lines here [indicating on the diagram] are kelp, which indicate rocky areas. That coal dropped on the rocky bottom, was affected by the heavy waves, and it simply drifted over the bottom and across it until it struck Long Beach and was thrown upon it by the waves.

Mr. President, in the first place, southwesterly swells are not uncommon; the westerly is the regular swell incident to that coast; and here we have a statement that this discriminating current, alluded to by Mr. Corthell, does not move coal, while it moves fine particles of sand! This littoral current will not move coal, but it will move fine particles of sand. We reach the remarkable conclusion that coal drifts south and sand goes north; that one is

moved by a current which influences coal, and the other by a current influencing sand!

Mr. President, it is a matter of fact, notorious upon that coast, that objects frequently float southerly. In two or three cases where persons lost their lives by drowning the remains were picked up south of the scene of disaster. It may be said that this was only an occasional manifestation, but that it was not the rule, that the current usually tends in the other direction. But no such deductisn is authorized. But if there were any danger of the accumulation of sand at Point Firmin, inside this breakwater, how is it that there is at that place to-day a rocky bluff? How is it that there is no sand spit? How is it that there are no sand dunes, no accumulations around Point Firmin indicating the tendency claimed? If the sand drifts, as stated by this expert, northerly, it would naturally be detained in the neighborhood of Point Firmin, and would certainly extend to that point. Right here I may remark—perhaps I should have said it in connection with another point—that there are no severe storms beating against Point Firmin. The unworn base of the bluff proves this. The material is soft and could not resist heavy waves. The unscathed shore disposes of the pretense that San Pedro Bay is a storm center.

Mr. President, the inner harbor at San Pedro is exposed to these so-called terrible southeasterly storms. The land lying upon both sides of the inner harbor is comparatively level. There is nothing to prevent winds sweeping across the inner harbor; and yet no one ever heard of a vessel within its confines being injured by any storm from any quarter. The swell which does injury, which strains chains, which divorces the anchor from the ship, comes from the west; the southeast wind, seldom serious even in connection with the swell, must be harmless without it.

Mr. President, in opening this argument I said that it was problematical whether the proposed structure at Santa Monica would ever be of much protective value. In support of my assertion I have the testimony of Major Raymond, who was examined before the committee. He made the following comments in this connection. It is of importance and I direct the attention of the Senate to it:

Major RAYMOND. I can state generally what were the essential differences which we thought were in favor of San Pedro as a location, as compared with locations farther up the coast. To my own mind, as I remember it now, the extension of the present harbor of San Pedro and the improvements there, at an inconsiderable expense to the Government, made a rather remarkable impression.

Senator WHITE, of California. In what respect?

Major RAYMOND. Because jetty improvements of that kind have not, as a rule, been successful in this country. The depth of water at San Pedro was increased from 2 or 3 feet—the original depth—to about 14 feet at mean low water. The thing that made it especially interesting to me was the examination of the changed front in the inner harbor, which was so trifling as compared with other places on the Atlantic coast. All the phenomena seemed to me less marked than any other place where I have been in practice. The shoaling was slow there. The tide is about 5 feet, I think. That there should be a jetty harbor of that kind so successful, and that the depth of water should be so increased, and that the problem should be so simply solved, was a matter of very great interest to me. I could see that the inner basin, the inner harbor, the inner anchorage, could be extended very readily without difficulty; and that was a feature in the future improvement which was very advantageous.

The inner anchorage is a very important thing, especially in time of war. Torpedo boats can run into the inner harbor, protected from the fire of the enemy. That was the thing most advantageous. When we came to examine the problem, step by step, we did not find any point in which the other location seemed superior to San Pedro, and we found several points in which we thought San Pedro superior to the other location. My own opinion is that a breakwater harbor, such as that proposed at Santa Monica, parallel to a nearly rectilinear shore, is fatal. I do not know of any place where there is an exactly similar harbor, and I can not conceive a place where I would be willing to construct it where the outlying breakwater is parallel to the shore, as in this case.

Senator WHITE, of California. What are the cardinal defects in that kind of a harbor?

Major RAYMOND. Generally speaking, the accessibility would be very good for a harbor of that kind, but the main defect in such a harbor is that the landing facilities are in the most exposed part of the harbor. Generally, motions of the waves are deflected by the ends of the breakwater, and the disturbance is generally created in the parts of the harbor farthest from the points of deflection. I do not remember that kind of a harbor in any place.

Afterwards, Colonel Hains, who was examined upon the same topic, thought that the wharves proposed by the Southern Pacific to be erected could be protected by the breakwater. I will read his statement in that respect:

Senator WHITE, of California. What do think of the feasibility of such a harbor as that designed at Santa Monica?

Colonel HAINS. In what respect?

Senator WHITE, of California. Would it be a success?

Colonel HAINS. Do you mean the breakwater?

Senator WHITE, of California. Yes.

Colonel HAINS. I think that this breakwater there would protect these wharves [indicating on the map]. I do not think they need much protection. The fact that they use these wharves so much without a breakwater is pretty good evidence that they need very little protection from the outside. I think that a breakwater made of plank would accomplish the purpose.

If there were severe storms I presume it would be admitted that a breakwater of plank would not be very desirable, or there would be no excuse for this application for a three-million-dollar appropriation.

Colonel Hains thinks the wharves designed would probably be protected by a breakwater. But his declaration shows that he does not anticipate storms.

Major Raymond, who has had more experience in breakwater construction than anyone who was before us, is of the opinion that the proposed appropriation would not accomplish its purpose, and says that he would not be willing to undertake the work.

Now, Mr. President, we are here, I presume, to enact a law providing for an appropriation to be expended for some useful purpose and under conditions giving reasonable assurances of success. We are not here to experiment. Colonel Hains says, in speaking of the character of the Port Los Angeles breakwater—I read from page 30:

I do not think that a breakwater parallel with the coast is as good as one which connects with the shore, but it might accomplish the purpose.

Shall we engage in the business of constructing a harbor at a condemned place upon an uncertainty as to the result? Shall we spend this money upon a spot regarding which the testimony is at least conflicting, and concerning which our accredited engineer, who has had great special experience, expresses an adverse opinion? Is it proper thus to risk public moneys?

There are a number of incidental matters which I do not care to allude to now, but which may be mentioned hereafter. However, I will mention one. Commander Taylor, of the United States Navy, was engaged for some time in coast and geodetic survey upon the Pacific. His views were placed before the board of engineers at Los Angeles, and Mr. Corthell and members of the majority of the Commerce Committee rely not a little upon his opinions. He strongly favors Santa Monica. A memorandum of his theories and experiences was called to the attention of the Craighill board by Mr. Hood, who seemed to be advised concerning the same. That document is the strongest part of the Santa Monica presentation, and as I am endeavoring to state this whole case without reservation, I will ask that it be read, and will follow it with a statement by Professor Davidson upon the other side of the matter. I refer to page 109 of the executive document from which I have already made several extracts. I ask that the same be read at the desk.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Secretary will read as requested.

The Secretary read as follows:

MEMORANDUM REGARDING A BREAKWATER AT SANTA MONICA.

For many years the need of a harbor at Santa Monica has been apparent. Southern California is separated from the rest of the State by mountain systems and needs a port as an outlet for its products. The center of the business activity of southern California is Los Angeles. This city has grown to be too great to let it be anticipated that that center will be changed. Indeed, the fertile plain and the adjacent valleys of which it is now the depot would require such a port if Los Angeles were not there.

San Diego, whatever its qualities as a seaport, is too far to the south; it has practically no back country of sufficient importance to justify a great seaport. To the east and southeast is the peninsula of Lower California, and further east that direction lie the northern provinces of Mexico. But the ports of the Gulf of California will intercept traffic from that direction. To the north and northeast is a country of great productiveness, but that country is nearer to Los Angeles as a depot, and will find its outlet to the sea near that city. As to the harbor of San Diego, it may be said (as of all harbors) that it is not entirely satisfactory. San Francisco itself, which ranks as the greatest of bar harbors, is dangerous to enter after long-continued stormy weather. From Puget Sound to Magdalena Bay, Mexico, few harbors exist, and none of great convenience. It is natural, therefore, that San Diego Harbor should be regarded of value on account of the great scarcity of harbors on the coast. It is not denied that it could be improved and its bar perhaps removed. The situation there is favorable to certain classes of engineering work, but the object of such work is not apparent when the position is not the natural sea outlet of an important tract of country.

A creek makes into the land at Wilmington and San Pedro, affording a shelter to small vessels, and expensive improvements have been carried on for several years by the army engineers, which have slightly benefited it, but, at the best that can be hoped, it can never have the accommodations of a great harbor. A breakwater to include sufficient area of shelter could be built, but it would include some shoals and rocks inside of it, and would also receive whatever discharge of sediment there would be from the creek. This creek was used in the beginning by schooners and small craft, which were sufficient for the trade of the then unsettled country. The circumstances of its location, favorable for such craft, are unfavorable for the formation of a great seaport such as the commerce of southern California now demands.

We come now to that locality which appears specially to be favored by nature, Santa Monica.

The bay of Santa Monica is, in its combination of natural features, unique on the Pacific coast. Here the depth of water increases from the beach outward with an ease and gradual slope for several miles. Here a breakwater can be established to inclose and shelter a capacious harbor, without being in water so deep as to make its construction impracticable or even difficult.

The marked feature of the Pacific coast is the steep slope of the bottom as we move from shore to seaward. This rule has few exceptions, and it results that along the entire coast a breakwater to inclose a sufficient sheltered area would have to be placed in such deep water as to be impossible of construction.

Among the few exceptions is the bay of Santa Monica. It is a remarkable coincidence that the coast line in a deep curve here approaches nearer than at any other point to Los Angeles and to the fertile region of which it is the depot.

The bay of Santa Monica has, along most of its shore line, this quality of gradual deepening of the water, the bay of itself being occupied by a submarine plateau unique upon the Pacific coast. But certain portions of the shore line of the bay have other advantages in addition. The town of Santa Monica is situated at a point on the shore near a neighboring range of mountains against or toward which blow the only winds of violence. The force of the

wind blowing against a great barrier is deadened for some distance to windward of such barrier, and this probably accounts for the well-known fact that the winds at Santa Monica do not blow with violence. The swell which rolls in at this anchorage is much modified, even in the worst weather, by the effect of the large islands to seaward and by the deep recessed position of this portion of the bay shore.

I have had considerable experience in this bay while conducting the surveys carried on there, and have laid at anchor through all seasons of the year, at and near Santa Monica, on the Government vessel which I commanded. I have never seen any weather in which a vessel could not ride at her anchors there in safety, and but few occasions when unloading at a wharf was impracticable.

If southern California needs a port. I am confident that Santa Monica is the only practicable place to construct such a port, and that southern California does urgently need a port there can be no longer any question. The mountain ranges intervening between the southern and central parts of the State are of so difficult a character for railroads that the hauling of freights across these mountains is very expensive, and the products of the southern section of the State have now become so numerous and important that the construction of a proper harbor in southern California can not longer be neglected. Also we have to regard Los Angeles no longer as a way station, but as a truly terminal point for several systems of railroads now built or to be built. With such a port close to the suburbs of Los Angeles, she would possess a most attractive route for the transportation of products from the other side of the Pacific to her own vicinity, and thence across the continent.

Is a breakwater at Santa Monica practicable, convenient, economical?

Having had, some years ago, the opinion of an able and experienced civil engineer as to the amount and quality of rock to be obtained in the hills abreast of the end of this breakwater, after his personal examination, made at my request, I am justified by the opinion in taking for granted a plentiful supply of good rock at that point. With this basis of supply close at hand, I would propose a breakwater in 40 feet depth of water, 3,000 yards long, in a straight line parallel to the shore, or with a slight angle at the center of the line, the angle being convex to seaward, as shown on the chart submitted in blue. A section of it is shown on accompanying sheet. It would be 45 feet high, 20 feet across the top, 225 feet across the bottom. Its inner face would have the natural slope of dumped rock, its seaward face would be extended until its profile would be a modified form of that at Plymouth, England. This cross section would contain 677 square yards, and the whole breakwater, 3,000 yards long, would contain 2,021,000 cubic yards. I have taken as a basis of cost the prices at which contractors have successfully delivered stone at the breakwater now building by the United States engineers at Rockport, Mass., being an average for two years of 65 cents per ton, or allowing 2 tons per cubic yard, $1.30 per cubic yard. The difficulty and expense are, however, much greater in delivering rock there than they would be at Santa Monica. At the latter the hills which contain the rock are at a distance of only 2,300 yards, across water of moderate depths, to the nearest end of the breakwater. A tramway on piles can be constructed easily and cheaply to connect the two, and the quarries can be located in the hills at an elevation sufficient to cause gravity to move the loaded cars down, and bring back by their weight the empty cars. It is reasonable, therefore, to regard this estimate of $1.30 per cubic yard as being largely in excess of the probable cost. I have, however, added to this amount 33⅓ per cent, to cover the installation of working plant, the opening of quarry, the building of tramway, and all contingencies, as follows:

To excavate 2,100,000 cubic yards and deliver same in place, at $1.30 per cubic yard	$2,730,000
To install plant, etc., and for all contingencies, 33⅓ per cent	910,000
Total	3,640,000

It is my belief that this sum is much in excess, and that a breakwater can be built for $2,500,000.

I will mention here that a smaller breakwater could be placed in 30 feet depth of water, 2,000 yards long, and of similar though smaller section than the above, at a cost of $1,800,000, and would afford a good shelter. It would not, however, possess the qualities of a great port, either in itself or in its powers of expansion for future needs, and it is a great port which southern California now demands for its growing trade.

Under the shelter of 3,000 yards breakwater, with wharves properly planned and constructed, 130 ships of 300 feet length could lie alongside the wharves and leave space there and in the anchorage ground between them and the breakwater for 200 more vessels of various sizes. A breakwater 2,000 yards long in 30 feet depth of water would form an excellent shelter, but I would recommend one 3,000 yards long in 40 feet depth of water as the wiser project of the two. It would, in fact, be a perfect project, leaving nothing to be chanced. In this depth a breakwater will be as distant from shore as will ever be necessary. Greater area of shelter, when desired, may be secured by extensions of the breakwater on its own line parallel to the shore.

Finally, I submit a plan of such breakwater, shown in blue print on the chart. I submit also a section of same, showing details of proposed construction.

Respectfully, H. C. TAYLOR.

NOTE.—The drawings, etc., referred to by Commander Taylor have been mislaid, the foregoing memorandum having been written several years ago.

Mr. WHITE. I have had this document read because it has been relied upon with confidence by the advocates of Santa Monica, and although it does not in any manner sustain any claim to superiority on the part of the site upon which the Southern Pacific Company has made its pier, I presume that Taylor had reference to a harbor opposite the town. But there is an air of partisanship about Lieutenant Taylor's statement which I do not quite understand. For instance, he refers to an improvement at the inner harbor at San Pedro as being slightly beneficial, for he says:

A creek makes into the land at Wilmington and San Pedro, affording a shelter to small vessels, and expensive improvements have been carried on for several years by the Army engineers, which have slightly benefited it.

The engineer's report is that the benefit has not been slight, but that it has been remarkable. There has been an increase of depth from 2 feet to 14 feet at low tide and an 18-foot low tide depth is anticipated. Then Lieutenant Taylor refers to the discharge of sediment from Wilmington Creek. There is no sedimentary discharge of an injurious kind. No deposits on the bar or outside can be found. I must say that Lieutenant Taylor seems to be a special advocate. His figures are peculiar, his calculations unique.

I am quite willing that his expressions shall be read side by side with those of General Craighill's board.

But if there is any man upon the Pacific Coast who is thoroughly familiar with all topics pertaining to hydrography and who has given to Pacific harbor work the patient toil of almost a lifetime, that man is Prof. George Davidson, a gentleman of great attainments and sterling worth. His views of Santa Monica Bay I wish to put before the Senate. No more valuable expert opinion can be found in the United States or elsewhere, for that matter. I ask that the Secretary read the memorandum commencing on page 124, Executive Document 41.

Mr. PERKINS. I suggest to my colleague that he state that Professor Davidson has had charge of the Coast and Geodetic Survey on the Pacific Coast for forty years.

Mr. WHITE. Yes, sir.

Mr. PERKINS. He is the author of the Coast Pilot, and is the best living authority on nautical matters relating to the hydrography of the ocean and coast that there is on the Pacific Coast.

Mr. WHITE. I desire to say further that during the hearings I requested Mr. Corthell to state whether in his opinion Professor Davidson was not an authority upon these matters, and he responded by saying that he had great regard for him.

The PRESIDING OFFICER. The Secretary will read as requested, if there be no objection. The Chair hears none.

The Secretary read as follows:

MEMORANDUM BY PROF. GEORGE DAVIDSON, UNITED STATES COAST AND GEODETIC SURVEY.

SAN FRANCISCO, *September 7, 1892.*

My experience begins with June, 1852, when the disabled steamer *California* anchored in San Pedro Bay. The navy-yard commission was on board of her, and to prevent great delay the members were carried to San Francisco by the United States Coast Survey steamer *Active*.

I mention this merely because the *Active* was then transporting me for the chronometer determinations of the longitude of all southern points with San Francisco. Before this incident, and afterwards, my duties compelled me to land through the surf at all the exposed stations on the main shore and the Santa Barbara Islands. And this bears upon the following statement:

In December, 1852, after selecting a base line, I was waiting for a steamer at the old adobe of San Pedro. The brig *Fremont* was at anchor off San Pedro, and rode out a strong southeast gale of two or three days' duration. (See Coast Pilot 1889, pages 38 and 40.) The judgment there expressed is that formed from my own experience through subsequent years, the experience of Coast Survey officers, naval and civilian, and of captains whom I have known to be familiar with the place.

At the time of the *Fremont's* riding out the gale I had no doubt that I could have landed on the beach in a well-manned boat from the *Fremont*.

I have learned no facts to weaken my judgment expressed in the Coast Pilot. Vessels that have dragged into danger—and they have been remarkably few in the last forty-two years—have anchored in shoal water too close inshore, at anchor not well found in ground tackle, or both; and I express my judgment with confidence because I had command of the surveying brig *R. H. Fauntleroy* for four years in the waters from San Francisco to the Gulf of Georgia, and have anchored hundreds of times over every character of bottom and varying depths of water, under stress of weather, in exposed situations, with strong currents, and in very heavy weather. The northern weather is much heavier than the southern.

In our "southeasters," the swell of the Pacific comes from the southwest and along the greater part of the coast, breaks squarely upon the shore, reaching from profound depths at a very short distance from land. The only fairly protected part of the coast is that from Point Conception eastward and southward to between San Pedro and San Diego. There is, however, a marked peculiarity of the winter storms of this coast which I have expressed in the Coast Pilot, the farther north we go in winter the heavier are the gales. In this low latitude of 33½° the winter storms are relatively not severe, and, combined with this character of the storms, the great islands of Santa Barbara form barriers against the full force of the winter swell.

In the latitude of San Francisco, 37¾°, the southwest swell frequently breaks all over the San Francisco bar in 6 or more fathoms of water, while the swell of the same storm would not break on the bar of San Diego, where the depth of water is less than 4 fathoms. (See Coast Pilot, page 18.) San Pedro is but 95 miles from San Diego and not so open to the swell, because the great islands of San Clemente and Santa Catalina serve to break up the broad ocean swell of the winter gales.

This low latitude and these protecting islands are very important factors in judging of the safety of any anchorage. We know that it occasionally breaks on the shoal spots of 9½ fathoms off Cape Mendocino, and I have laid off the breaking bar of Humboldt for two weeks, but at the same time there would be no break on San Diego bar and no danger in San Pedro Bay. From the summit of Tamalpais I have seen a large English vessel forced to leave her anchorage on the southern edge of San Francisco bar before the swell was breaking, and such a vessel would lie in absolute safety at the same time in San Pedro Bay.

Smaller vessels at San Pedro, even well found in ground tackle, necessarily do not care to ride out a "southeaster" there, with its wear and tear and the annoyances, when the lee of Santa Catalina Island is only 18 miles distant and affording them ample protection. In this respect the anchorage is almost as much favored as Hueneme, San Buenaventura, and Santa Barbara.

One plain proof of the comparative weakness of the destructive action of the southeast storms on this southern coast is seen in the very slow wearing away of the sandy cliffs and of the bluff immediately at San Pedro; nor could the exposed wharves of this region stand if the destructive forces of the winter storms was great.

In regard to the anchorage of San Pedro, I have always believed that there was good bottom for holding ground. The bay is the northwestern limit of a very extensive plateau of comparatively shoal water along the seaboard from Point Firmin to about Newport, and the whole country behind the shore is sandy and so low that in winter it is flooded for miles inland by the rains and the overflowing of the low banks of the numerous streams frequently changing their courses. The detritus from these streams is moved seaward and principally to the westward over this plateau, and helping to extend it, by the action of the inshore eddy current.

I believe that this material, mud, sand, and gravel, is sufficiently deep to give good holding ground for any sized vessel if properly found in ground tackle.

I may mention here that for many years I have believed that San Pedro Bay is an admirable location for a breakwater to form a first-class harbor of refuge against winter storms, when the commerce of the southern coast demands it. Gen. B. S. Alexander and myself frequently discussed the importance of a breakwater here, because I was not enamored of the smaller temporary jetty scheme which he had proposed. He was fully alive to the great advantage of a breakwater on a large plan, but he believed the commerce did not then warrant it, and that the Government would not then sanction it; and that the relief he proposed was temporarily sufficient. With the chart of the Coast Survey before us we have drawn rough lines of the suggested breakwater to cover the exigencies of vessels entering the harbor from the west or around the exterior extremity of the breakwater, and to give free movement to the inshore eddy current carrying its material to the westward. (He utilized this movement of material in planning the present jetty.)

My study of the great breakwaters of Europe has satisfied my judgment, and I see clearly that a capital harbor can be formed in San Pedro Bay by a breakwater in 10 fathoms of water, and that from my visits to Catalina Island building stone can be had in any quantity, if the rock of San Pedro hill is too soft, as I believe it is.

SANTA MONICA BAY.

I am not unfamiliar with Santa Monica Bay, but do not know it so well as I know San Pedro. I think the same would be said by all sailing and steamship captains on the southern seaboard.

I was along the "West Beach" as early as 1852 and 1853. In 1872 I had the following experience on the shores of Santa Monica Bay. With a loaded wagon I followed the beach from the arroyo east of Santa Monica to Point Dume. The high bluffs and cliffs came so sharply to the shore, and the arroyos there so deep that no road was practicable above high water, and I had to travel along the beach at low water. At Point Dume a very fierce westerly wind sprang up and retarded my operations so that in returning to Santa Monica I was on the beach through two low waters. I found the beach torn away along the whole shore line, and met with rocky obstructions, which in some cases had been wholly uncovered by the washing away of the sands. As we approached Santa Monica the evidences of this destructive action became more and more marked, and for the last 2 or 3 miles the beach was torn away from 10 to 12 feet in depth. We met a friend from the Santa Monica arroyo driving his buggy on the inner edge of the beach of four days before, where he was 10 to 12 feet above the new beach, and he was in such a hazardous position that we had to relieve him. When I soon afterwards left Los Angeles via San Pedro there were no signs whatever of damage done to the beach there.

Afterwards when I was appealed to for a letter recommending the location of Santa Monica for a commercial wharf I related the above facts and refused to give an unqualified indorsement of the location.

During the hydrographic survey of Santa Monica Bay from Point Vincente to Point Dume by the Coast Survey, the officer commanding the surveying vessel reported that when at anchor in the vicinity of Santa Monica, with a strong westerly breeze blowing, and the inshore eddy current running to the northward along the shore, the vessel rode to the current and her rolling in the swell falling directly on shore was so large and disagreeable that the vessel had to weigh anchor and seek a more comfortable berth.

I have had no personal experience of the winter storms at the head of Santa Monica Bay. A glance at the chart will demonstrate that it is more squarely open to the southwest swell than San Pedro.

In the winter of 1888-89, when my party was on the Los Angeles plains, I visited the wharf at Newport to learn what effect the winter's storms had upon it. This wharf is situated 15 miles eastward of San Pedro, and is more exposed to the open sea. It is located at the head of a submarine valley, just as that at Redondo Beach in Santa Monica Bay, but the storms had not sprung a plank. (See Coast Pilot, page 35, bottom.) At the same time I understood that the end of the wharf at Redondo had been badly damaged. (Coast Pilot, page 46.)

In conclusion, I may say that a few years since I was consulted to express an opinion upon the feasibility of a harbor or wharf or anchorage in Santa Monica Bay, between Point Dume Cove and the vicinity of La Ballona. I presented what facts I then had, exhibited tracings of the original surveys, and made such explanations to the deeply interested parties that they abandoned the project.

GEORGE DAVIDSON.

Mr. WHITE. Mr. President, this résumé of the situation by the best man upon the Pacific Coast, one who knows more about the hydrographic conditions surrounding this issue than any other individual, can not but be a most valuable contribution to this discussion.

Not only was Professor Davidson's information before the Craighill board, but the statement of Lieutenant Taylor was likewise received. The decision of the board was made upon a complete case. Lieutenant Taylor has recently declared that he adheres to the opinion above cited, and Professor Davidson has informed me that he sees no reason to depart from the opinion which has been repeated here to-day.

There was much testimony before the Craighill board supporting the views of Professor Davidson. The hearing lately conducted by the Commerce Committee is of little moment when contrasted with the examination made by the board of engineers of 1892.

If Senators who care to thoroughly understand this case will read the evidence and exhibits returned by the board of 1892 the justice of my remark will be conceded. That board had all the information given before the Commerce Committee, except only that at that time the Southern Pacific wharf was not in operation. I imagine that the majority of the members of the Committee on Commerce (I do not include the chairman) have not thoroughly digested the evidence reported by the Craighill board. On page 62 of that paper will be found the statement of Mr. Johnson, with whom I was well acquainted. I have much confidence in his accuracy. He does not express himself, perhaps, with that technical correctness which is preferable in such controversies, but his remarks are to the point. He resided in San Pedro for years and spoke with knowledge. I ask the Secretary to read the statement of Mr. H. C. Johnson, commencing at the foot of page 62, to the end of the statement.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

Mr. H. C. JOHNSON. Well, I will say the little facts I know about the harbor. I came here in 1852, in December, forty years ago, in the bark *America*. I went to anchor in the Bay of San Pedro; rode out two heavy southeasters with safety; two anchors, one with 45 and the other with 50 fathoms of chain. Then from that time until 1854 I lived at San Pedro, on the point which they call now Timms Point, in that neighborhood. Saw vessels coming there, few, as a matter of course, and two little steamers that were running there then, the only steamers on the coast—the *Seabright* and the *Ohio*. And they got there in all kinds of waters, and, with the exception of one losing her anchor once without having their chain shackled, there was never any trouble about riding out the gale, so far as the holding ground was concerned, within a couple of miles of the bluff. Southeast from there to here there is more or less loose sand. Of course, in the southeast wind, the only wind that is liable to do any damage, the vessels would naturally drift inshore toward the water, where the anchorage will hold better. In 1854 I was engaged by John Ord, the United States surveyor at the time, to run him about the coast, surveying—him and his party. I was engaged—the vessel and myself. And I got in the Bay of San Pedro there in all kinds of weather during the winter months in 1853, 1854, and 1855, and part of 1856; got to anchor there in the night and day, and all kinds of waters, and I never had any trouble of laying there safe, as far as the anchorage is concerned, to hold, as long as the moorage and tackles are good. Since that time, for fourteen years, I was running in and out the bay, night and day, any kind of weather, summer and winter; anchored in every place and any place within the anchorage as laid down in our official chart, and never had any trouble. And from that time I stopped following the sea and having anything to do with the vessels. But I resided in the neighborhood and saw every vessel there. And no vessels ever dragged their anchorage who had their anchors clear. Those who dragged their anchorage either parted their chain or they had a fouled anchor which they neglected to clear before the storm came up.

Now, with regard to the inner harbor, we all know there is about 18 feet of water there to go over at high tide. Vessels go in there and they are well secured. They are like in a pond when they are in there. And the outer harbor is protected from all winds, with the exception of the east and southeast. The southwest wind that is prevailing here during the months of February and March, and sometimes a part of April, they are the strongest gales we have on this coast, which every seafaring man knows, because they blow more toward shore than any other wind; raise a heavier sea. San Pedro there is protected by Point Firmin. It is only the wind from the east and southeast. Catalina Island protects part of the harbor, but not sufficient for vessels to lie perfectly smooth in smooth water.

Now, with the money that has been expended in that harbor there, with very little breakwater in sufficient water there to build it on a solid foundation, which is not to be found in every other place, a small breakwater would inclose there a couple of thousand acres for their deep-sea harbor. The inside harbor is nearly as good as finished. And we would have plenty of facilities for all the railroad companies, for all the community that would ever live in that neighborhood, for warehouses and everything else; lots of fine, level soil, and the facilities would be great. I heard a gentleman this morning speaking about ships going up to the Columbia River to get to Santa Monica. I have followed the sea since 1841, and I couldn't think even Columbus himself would have traveled so far to find the port of San Pedro or Santa Monica as to go to the Columbia River. Any vessel—or in fact, to make it short, allow me to state that we must in the future look to our trade by water. We expect to have communication from South America, West Indies, or at least Central America and Mexico. To have that trade we are nearest to Los Angeles of any of the towns.

In regard of making harbors, what does a seaman want? A good lighthouse? We have got it in San Pedro. We have got Catalina lying out there for a point of land to navigate by. We have a Government reservation at San Pedro, if the Government wants to build any fortification or anything. They have 500 square varas of land there and, in fact, any facility anybody wants to have for the sake of a harbor.

Now, in regard to the time between San Francisco and here, the freight and the passenger traffic that has been carried in former years is nearly done away with. Everything goes by railroad that come from there. We must not look to San Francisco for our trade. We must look to the East by water to have cheap transportion. Consequently, if we get it by water we are nearest to Los Angeles of any port. Any little freight or passengers that come from San Francisco to Santa Monica they gain a little time, that is true. But, outside of that, what is there in Santa Monica to protect shipping? It is open to the south, and we know we have heavy gales from the south and southwest. They speak about water being smooth there. I have been there hundreds of times, and always found plenty of surf for the bathers to bathe in, and heavy swells. I have known vessels to drag there, and they had to send steamers there in the month of May, 1878, to pull them out, keep them from going ashore, heavy swell, undertow, and one thing and another. Anchors didn't hold up laying alongside of the wharf. They were destroyed there.

In regard to the anchorage outside in Santa Monica, I can't tell, for the reason I never sounded much, other than the Point Dume. I was up there with John Ord, and he sounded there and put some signals ashore.

In regard to Redondo, my friend here has said all that could be said in regard to it. There is deep water, plenty of it; protected from the southeast, it is true, but it is open to the westward. If the gentlemen wish to inquire in regard to anything else I would like to state. I don't like to take up all your time.

Mr. WHITE. This is the opinion of a man of experience, who derived his knowledge not from theories and statements of others, but from his own interpretation of events which had transpired under his direct notice.

I do not propose to expend any time with the proposition that it would be of advantage to have the harbor at Santa Monica because of its greater proximity to the city of Los Angeles, for I do not believe that that fact is of sufficient importance to affect the result. Nor do I care to discuss the relative merits of the two localities; the superior advantages of Santa Monica as a most delightful seaside resort are too well known to require elaboration. Commercial considerations should control our decision.

I have just procured the time and distance tables issued by the Southern Pacific Company for the use of its employees exclusively, and by which its trains are operated and its freight tariffs made. This schedule shows that the distances from Los Angeles to San Pedro and Port Los Angeles, respectively, are as follows:

From Los Angeles to San Pedro, 22.10 miles.

From Los Angeles to Port Los Angeles, 20.70 miles.

I have already called the attention of the Senate to the circumstance that at San Pedro, or Wilmington, there is a large area in immediate proximity to the inner harbor owned by the State of California, inalienable because of its tide character, and subject to use under limited franchises, and therefore held for the benefit of the public. I think I have already shown that it is difficult to imagine the possibility of any other institution than the Southern Pacific Company obtaining access to the water of Santa Monica Bay where Port Los Angeles is located except at a very great expenditure of money. In my opinion no other wharf will be built there for years.

Mr. President, what is the amendment which I have introduced and upon which I ask a vote? What is the proposition which I make to the Senate regarding the subject? The gist of the matter is the making of an appropriation and the expenditure of the money at either San Pedro or Port Los Angeles, the location to be determined by a board consisting of an officer of the United States Navy, of rank not less than commander, to be appointed by the Secretary of the Navy; a member of the Corps of Engineers of the United States Army, to be selected by the Secretary of War, and a member of the Coast and Geodetic Survey, to be selected by the Superintendent of the Survey.

Now, I ask those who are disposed to be fair, who wish this important subject determined accurately, what objection can be rationally made to this plan. An objection might, indeed, be urged upon the part of those who advocate San Pedro and who are interested on the part of the Government in the disbursement of public moneys, upon the ground that two boards have already reported against Santa Monica, and therefore it may be said that we are going too far in selecting a third tribunal when we have two positive reports made by competent persons. In offering the amendment I do not in the slightest degree impugn the motive, question the integrity, or doubt the capacity of the eight distinguished gentlemen who have passed upon this subject. I believe that as to the location of the harbor their views are correct. I have entire confidence in the accuracy of their positions, but a majority of the Commerce Committee and several Senators who affirm that they have thought about this subject for seven or eight years announce that the engineers are wrong; that the boards are mistaken; that these eight impartial, honest servants of the Government are all misinformed; that among these eight scientific men of integrity there was not one competent to pass judgment or able to reach the true conclusion. There seems to be a notion in some quarters that the Mendell and Craighill boards were prejudiced. Why, I am at loss to know. There is no evidence or suspicion justifying such a conclusion, unless it be found in the opinion of a majority of the committee to the effect that both boards reached erroneous results.

But, Mr. President, as soon as it was asserted or intimated that there had not been an absolutely impartial and unbiased examination, as soon as it was intimated that the second board was influenced by the first board, and that there was an esprit de corps existing among those officers which made it impossible for one to determine anything against the other, it was suggested by one of my associates of the Commerce Committee that we might make the appropriation and leave the determination of this issue between these two points to an admittedly uninfluenced tribunal appointed pursuant to a plan agreed on by Congress.

I am not irrevocably committed to the plan proposed in my amendment. I have no desire to provide for the selection of a board which will not do equal, exact, and complete justice to all. I want a board satisfactory to the most critical. I want no one save persons of integrity, of capacity, and without partiality. I wish a board upon whom those who favor Santa Monica and those who prefer San Pedro can alike look with confidence and upon whose judgment any right-thinking man should be willing to rest. But what do we encounter? It is to this most indefensible part of the Santa Monica contention that I attract the attention of Senators. Here we have a harbor site condemned officially. It has no legal indorsement. The employed agents of interested parties, and with whom certain Senators seem to concur, declare that we should reject all the evidence bearing official authenticity. The point is made that the reports of the eight engineers should be rejected because not founded upon fact, or because conclusions not properly deducible from facts presented have been announced. But are we to proceed without any favorable intimation from any of our officers?

Let me ask those who oppose my view, Why object to the appointment of a skilled and unbiased commission to pass upon the subject? If he be not satisfied with that which has been done, if it be contended that the action of previous boards must be disregarded, can we not find some one somewhere to whom we will be willing to commit this subject? Will Senators who have no more knowledge of the situation than that derived from the cursory and scattered hearings before the committee pretend to tell me that they know absolutely and conclusively that these eight officers of the Government were wrong, and that they are so satisfied of this that they want no more light; that the glorious radiance flashing from the information which they have received here renders the advent of other knowledge impossible? That the limit of intellectual absorption has been attained? Is this the position? Will anyone admit that he is unwilling to lay this matter before a competent, impartial board? Yes; the advocates of Santa Monica must so concede. They will not consent to the submission of their pretensions to any person or officer. They say in effect by this refusal that no board will report in favor of their location. They decline to submit their arguments to competent scrutiny. Why? Not because they think their success possible. They would not then refuse. They decline, because—and there is no other deduction possible from their conduct—they know that no impartial and competent tribunal will decide in their favor. They fear fairness.

Is the constitution of the proposed board objected to? If so, why not suggest improvement? I and those who are contending in conjunction with me are prepared to do that which is honest and equitable. Is it possible to form any commission to constitute any board to which the majority of the committee will be willing to submit? Evidently it is not possible. Mr. President, you can not find, you can not devise, you can not suggest any tribunal, any board, any committee, any qualified person or persons to whom this discretion will be committed by my friends of the opposition. They rest in security upon the theory that Senators are ready to vote against the report of the Government engineers and against everything official, are willing to appropriate in the face of authoritative condemnation, and they do not therefore propose to risk any board.

This sort of procedure may sometime—surely it ought to be—condemned. Here are three millions of money, Senators, to be disbursed in defiance of official recommendation. How are you to justify this outlay? Where is your authority? Have you any official indorsement at all? Two boards have reported adversely. You say that they were not fair, that they were in error. Do you not think it well to have the approval of some one not interested and who is possessed of techinal knowledge before you make this expenditure? The answer comes "No; we will not consent to this amendment." "We have waited long enough," it is said. True, you have waited long. You have never had the concurrence of Senator, Representative, or engineer. You have waited long indeed to find anyone competent and impartial treating this matter your way.

Now, at this hour when the committee reports in favor of an appropriation for an unrecommended and repudiated place we are asked to vote for that report to appropriate this enormous sum simply upon the general evidence taken before the commerce committee, which, as the record will show, is of little significance and in defiance of the authorities to whom we are in the habit of committing such matters. Why this extraordinary zeal to do something unprecedented?

Mr. President, when the Southern Pacific Company built its pier at Port Los Angeles no one had any idea of erecting any breakwater in that part of the open ocean. It has attracted us there. The committee proposes to use now $3,098,000, and Heaven only knows how much more in the end, to guard and make convenient the private property mentioned. What will the breakwater protect? If it answers its purpose, as those who are advocating it claim that it will, it will defend the railroad pier and not another structure. There is nothing else in the bay; there is nothing in the neighborhood; there is no inner harbor to be benefited; there is no adjacent commercial interest to be gratified. The expenditure of this money as designed by the committee will be the donation of $3,098,000 to a private corporation. It will be taking that sum, which the engineers of this Government have recommended be not expended, and expending it for the immediate benefit of individuals. Prospectively, it may be said, others will derive profit. This is mere speculation. The immediate object, the immediate effect, is an individual advantage. No public interest is to be subserved, but the money is given because it is asked for by enterprising citizens engaged in the development of a large commerce over one of the most magnificent wharves in the world.

Mr. President, I do not believe that an appropriation made as designed in this bill can be justified. I think that its consummation will be an outrage upon the public. Suppose that the distinguished gentlemen who favor Santa Monica are right in their scientific opinions, and that the boards and other trained officers of the Government are in error, still there stands a controversy, in which officials of integrity and no selfish interest are ranged upon one side, and upon the other stand interested parties reaching for the Treasury. Grant that the latter are also intelligent; grant that they are also men ordinarily free from bias; they are nevertheless personally concerned, and hence not reliable judges.

You refuse to recommit for examination; you decline to subject it to candid investigation, but it is proposed to boldly overturn and cast aside the suggestions of those to whose recommendation we should at least award decent consideration, and to substitute therefor the conclusions of employees of Mr. Huntington and to

enable them to place at his feet a great winning made from the Government of the United States.

If the advocates of Santa Monica believe that they have the meritorious side, then let them face a commission chosen upon impartial lines. With the judgment of such a board I shall be content. Until some fair, competent, and disinterested man, appointed according to law, has determined that this appropriation is justifiable, I shall continue to oppose it and to raise my voice against it, even though I stand alone.

Mr. President, I shall not offer anything further at present. I have endeavored to put the facts very fully before the Senate, citing various opinions and conclusions adverse to my contention as well as those upon which I have relied. There are other Senators who desire to speak upon the matter, and I care to say no more now, but may later have occasion to detain the Senate should the remarks of Senators who take a different view in my opinion justify further comment.

Mr. FRYE. Mr. President, I understand, as representative of the Committee on Commerce, that I am expected alone to present the side of the committee, and therefore I deem it entirely fair, and I presume the Senate will also deem it entirely fair, that I have the close of the debate in the case.

Mr. WHITE. Mr. President, I should object to that. I have moved the pending amendment representing the minority. I have made the motion to strike out the amendment proposed by the committee, and upon that proposition I have the affirmative. I do not know that there is any way of enforcing any rule of this kind. I suppose we may continue to answer each other world without end, but I should like myself to have some agreement about it. I do not think, however, it is fair that the chairman of the committee should take the affirmative upon this proposition. If the amendment is voted down, then the question will arise upon the amendment proposed by the committee. After all amendments designed to be proposed to that amendment have been disposed of, then, when the amendment itself comes up, the subject will be presented somewhat differently. There, of course, the Senator proposing that amendment will be entitled to close; but as the matter now stands I am not ready to make any such admissions.

Mr. FRYE. Does the Senator understand that other Senators desire to speak in favor of his amendment?

Mr. WHITE. I have been told by two Senators that they desire at some stage of the controversy to make a few remarks; but I think their desire was to speak after the Senator from Maine, more in the nature of reply than anything else. I will state that I do not understand that the Senator from Maine could in any exigency be debarred or cut off from replying to anything that might be said. I do not wish anything of that kind.

Mr. FRYE. I do not want to make this discussion indefinite in length. The Senator has occupied four hours.

Mr. WHITE. I have gone over the matter very fully, and probably have saved the Senator from Maine the production of a good many documents and other matters, but I have devoted no more time to it than I deemed its importance justified, for I dislike as much as anyone to detain the Senate, and am as anxious to close this session and go home; but I regarded my duty here as requiring me to say what I have said so far.

Mr. PEFFER. Mr. President, I say to Senators that I wish to be heard for a few minutes; I do not think I shall occupy more than fifteen or twenty minutes. I do not care at what particular stage of the discussion I am heard.

Mr. FRYE. Suppose the Senator takes the floor now. I do not desire to take the floor until other Senators have spoken.

Mr. PEFFER. Very well.

The VICE-PRESIDENT. The Chair recognizes the Senator from Kansas.

Mr. PEFFER. Mr. President, what I desire to say on this matter is by way of emphasizing one point made by the Senator from California [Mr. WHITE]; that is, that under an act of Congress of 1890, I think it was, a commission composed of three eminent engineers of the Army was appointed under the provisions of an act for the purpose of selecting a point for a deep-water harbor on the Pacific Coast between two certain points named. They were about 75 miles apart. It appeared that between the Bay of San Francisco and the Bay of San Diego there was at that time no proper place or location for a harbor excepting within the limits of the two points named in the act. The board took an abundance of time. They went over the whole field and finally made a report, which is embodied in Executive Document, House of Representatives, Fifty-second Congress, first session, No. 39.

This board was composed of Colonel Mendell, Lieutenant-Colonel Gillespie, and Lieutenant-Colonel Benyaurd, of the Corps of Engineers. That board passed along the entire line between the two points named, examining every place, and finally determined that there were but two places where such a harbor as was contemplated in the law could be located at any reasonable expense, an expense that would not more than outweigh the benefits of such a harbor. They then directed their attention to those two particular localities. One of them was Santa Monica and the other San Pedro. After having examined the topography at length, with proper measurements, with the usual instruments accompanying engineer parties, the hydrography of the places, winds, waves, exposure, and every other matter proper to be considered on such an errand by such a board, they finally determined as follows:

In view of the fact that San Pedro Bay in its natural condition affords better protection both from prevailing winds and from dangerous storms than Santa Monica Bay; that protection can be secured at less cost for equal development of breakwater at the former than at the latter; that a larger area of protected anchorage from the prevailing westerly swells can be secured, the severe storms from the southeast being infrequent, and that there is already an interior harbor that will be a valuable addition to the outer harbor, the board considers San Pedro Bay as the better location for the deep-water harbor provided for by the act.

This report is signed by all of the engineers whose duty it was to make the examination. Their report was made to the Chief of Engineers, Brig. Gen Thomas Lincoln Casey. That officer says:

After a careful consideration of the facts in the case as presented by the board, its views as to the location and general estimates of construction are concurred in by me. The difference in cost of the two breakwaters, for the same arcs of protection, is over $700,000 in favor of San Pedro, and when the other advantages of San Pedro, as detailed by the board, are taken into consideration, it would seem that its selection has been properly made.

Very respectfully, your obedient servant,
THOS. LINCOLN CASEY,
Brigadier-General, Chief of Engineers.

Hon. L. A. GRANT,
Acting Secretary of War.

That report was submitted to the Senate January 5, 1892. The date of the report is December 18, 1891. Some dissatisfaction being expressed as to the report of the board, another board was appointed for the purpose of reexamining the work that had been done by the board whose report I have just mentioned. The other board made its report on October 27, 1892, and, without going into details, it is sufficient to say that this new board of five officers went upon the ground in person. They met at San Francisco and they also met at Los Angeles, calling before them at both places all persons who were interested either for one or the other of those two particular points. They heard engineers, topographical engineers, civil engineers, army engineers of different grades, together with officers of the railway companies, city officers, boards of trade, chambers of commerce, etc., covering the whole field of examination, hearing all the objections that were made to the preceding report; and after having had such a hearing, this new board, composed of five officers, all engineers, reported unanimously in favor of the San Pedro Harbor as it had been approved by the preceding board.

Mr. President, in view of these facts, that officers specially appointed by the President under an act of Congress, officers of the Government, educated by the people, men not belonging to any particular party, not politicians, not railway men, not officers interested in the progress of any particular locality, but officers of the Army, men presumed to be without prejudice—after men of that character twice examining the same points, coming to the same conclusion, their reports being approved by the same officer, the Chief of Engineers, and there being no other report of any character or description in opposition, it does seem to me that it is the duty of Congress, if we follow anyone's advice, to follow the advice of the persons specially appointed in this manner to determine what ought to be done. As was so well stated by the Senator from California, there has been no opposing report, there is no official information from any source, so far as I have been able to learn, in opposition to these reports; and it seems to me an unusual proceeding, to say the least of it, that a committee of Congress should undertake to set aside the reports of two boards of engineers, appointed for this particular work, and present its own views, and ask that an appropriation be made by Congress without anything official or professional in support of it. That is all I have to say at this time.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from California [Mr. WHITE] to the amendment reported by the Committee on Commerce. Is the Senate ready for the question?

Mr. STEWART. Mr. President, I believe it is generally desired to hear the chairman of the committee on this subject when there is a full Senate, and it is now late.

Mr. WHITE. If the Senator from Nevada is about to make the motion which I judge from his appearance he intends to make, which would result in the temporary dissolution of this body, I desire to suggest, if he has any such a design, that there is some other business that we might desire to transact to-day.

Mr. STEWART. I was not going to make that suggestion. I was going to suggest that the pending bill be postponed until Monday morning, immediately after the conclusion of the routine morning business.

Mr. WHITE. I would myself prefer that very much. I regret that the Senate is so thin to-day, and I would prefer that there should be a full Senate, as it is an important matter. However much of detail there may be in it, it is one of those propositions

to which I think the attention of all the members of the body should be addressed. I agree fully with the Senator from Nevada in what he has said.

Mr. STEWART. I suggest that by unanimous consent the pending bill may go over until Monday morning——

Mr. COCKRELL. I was going to suggest, if we can not go on with the river and harbor bill, that we devote two hours or more to the consideration of unobjected House bills on the Calendar, or, if the Senate prefer, unobjected bills on the Calendar generally. I think it would be the wiser and the better course to consider unobjected House bills.

Mr. MITCHELL of Oregon. Let us take up the Calendar regularly.

Mr. CULLOM. I should like especially to have some of the pension bills taken up and passed.

MARITAL AND PARENTAL RELATIONS.

Mr. FAULKNER. I wish to make one exception to the unanimous consent which is asked for, and it is one, I think, which will appeal to every Senator in this body. The law of this District provides that a man in marrying shall be responsible for the antenuptial debts of his wife. There are several cases within my personal knowledge where that relation has been prevented by reason of that particular law, and which are awaiting the passage of a law by Congress, in accordance with the laws of the different States on the subject, relieving a person from those liabilities. I think, therefore, there ought to be an exception in the case of that bill, particularly as there will be only one more District day in the other House, and if that bill is passed to-day it can be acted upon on Monday in the House of Representatives.

Mr. WHITE. I should like to inquire of the Senator from West Virginia whether he knows of any suffering consequent upon the existence of the law to which he refers? [Laughter.]

Mr. FAULKNER. I do; I know of two cases, and very sad ones, indeed. [Laughter.] If there be no objection, before the unanimous consent is given to proceed with the consideration of the Calendar, I ask unanimous consent that the bill to which I have referred, being Senate bill 1659, may be now considered.

The VICE-PRESIDENT. Is there objection?

Mr. FAULKNER. I wish to say that there are other questions involved in the bill, and if there be any real opposition to any of the other provisions of the bill I will waive them, although the bill is supported by the District bar, as I understand, by an association of 2,500 ladies in the District, by the Commissioners of the District, and by the District Committee.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1659) to amend the laws of the District of Columbia as to married women, to make parents the natural guardians of their minor children, and for other purposes.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, line 7, after the word "devise," to insert "purchase"; and in line 13, after the word "gift," to strike out "*Provided*, That the said liability shall not be enforced till all the property of the husband has first been exhausted"; so as to make the section read:

That the property, real and personal, which any woman in the District of Columbia may own at the time of her marriage, and the rents, issues, profits, or proceeds thereof, and real, personal, or mixed property which shall come to her by descent, devise, purchase, or bequest, or the gift of any person, shall be and remain her sole and separate property, notwithstanding her marriage, and shall not be subject to the disposal of her husband or liable for his debts, except that such property as shall come to her by gift of her husband shall be subject to, and be liable for, the debts of the husband existing at the time of the gift.

The amendment was agreed to.

The next amendment was, in section 2, line 6, after the word "may," to insert "by a promise in writing"; so as to make the section read:

SEC. 2. That a married woman, while the marriage relation subsists, may bargain, sell, and convey her real and personal property, and enter into any contract in reference to the same in the same manner, to the same extent, and with like effect as a married man may in relation to his real and personal property, and she may, by a promise in writing, expressly make her separate estate liable for necessaries purchased by her or furnished at her request for the family.

The amendment was agreed to.

The next amendment was to strike out section 3, as follows:

SEC. 3. That a woman, while married, may sue and be sued in the same manner as if she were unmarried. The judgment obtained by her in such action shall be her sole property and shall not be liable for her husband's debts, nor shall he be liable for any judgment in such action against her, and no suit shall abate by reason of the nonjoinder of the husband.

The amendment was agreed to.

The next amendment was to strike out section 5, as follows:

SEC. 5. That any woman who shall have been married out of the District of Columbia shall, if her husband afterwards becomes a resident of the District, enjoy all the rights as to property which she shall have acquired by the laws of any other State, Territory, or country, or which she may have acquired by virtue of any marriage contract or settlement made outside of the District.

The amendment was agreed to.

The next amendment was to strike out sections 7 and 8, as follows:

SEC. 7. That one-half in value of all personal property and real estate in which the husband or the wife at the time of death had a legal or equitable interest, and not necessary for the payment of debts, shall become the property in fee simple of the survivor, and the survivor's portion shall not be affected by any will of the husband or wife: *Provided*, That he or she elects to take under the law and relinquish all rights conferred by the will.

SEC. 8. That the estates of dower and by courtesy are hereby abolished.

The amendment was agreed to.

The next amendment was, in section [10] 6, after the words "guardians of," to insert "the person of"; in line 3, after the word "guardianship," to strike out "devolves" and insert "of the person shall devolve"; and in line 4, after the word "other," to insert:

Provided, however, That in case of the death of either parent, from whom the said children may inherit or take by devise or bequest, the said parent may, by deed or last will and testament, appoint a guardian of the property of the children, subject to the approval of the proper court of the District of Columbia.

So as to make the section read:

SEC. 6. That the father and mother shall be the natural guardians of the person of their minor children. If either dies or is incapable of acting, the natural guardianship of the person shall devolve upon the other: *Provided, however*, That in case of the death of either parent from whom the said children may inherit or take by devise or bequest, the said parent may, by deed or last will and testament, appoint a guardian of the property of the children, subject to the approval of the proper court of the District of Columbia.

The amendment was agreed to.

The next amendment was, in section [11] 7, line 2, after the word "guardian," to strike out "for" and insert "of the person and property of"; so as to make the section read:

SEC. 7. That the survivor may by last will appoint a guardian of the person and property of any of the children, whether born at the time of making the will or afterwards, to continue during the minority of the child, or for a less time, subject at all times to removal for cause and appointment of another by the proper court.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 8. That dower shall hereafter be assigned to a widow entitled to the same in the equitable as well as the legal estate of her deceased husband.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF PROCEDURE.

Mr. COCKRELL. Mr. President, I now ask unanimous consent that we may proceed to the consideration of unobjected cases on the Calendar. I think it would be the better policy to first consider the unobjected House cases.

Mr. TELLER. Oh, no.

Mr. MITCHELL of Oregon. Let us go to the Calendar regularly.

Mr. COCKRELL. If Senators object to proceeding to the consideration of unobjected House bills only, then let us go to the regular Calendar, and take the unobjected cases in their order.

Mr. GALLINGER. I desire to ask the Senator from Missouri if he has any objection to modifying his request to the extent that that order be continued until half past 4 o'clock, at which time we shall proceed to the consideration of pension bills on the Calendar.

Mr. FAULKNER. Make it 5 o'clock.

Mr. GALLINGER. There are a great many Senators interested in these bills, and I think I have not a single bill on the Calendar in which I am personally interested.

Mr. COCKRELL. I know there are a great many Senators interested in bills on the Calendar, which they are calling up almost every day; but I think if we give the whole of this evening to the Calendar of unobjected cases there will be no trouble in securing the assignment of an hour's time to be devoted entirely to pension cases when we next go to the Calendar; and I suggest that that be done. I know the importance of passing the pension bills. If they are to become laws at this session they ought to be passed at least ten days before the adjournment or they will not become laws. That is manifest to everybody who has observed what has occurred.

Mr. GALLINGER. I do not like to be persistent about this matter. As I said a moment ago, there is not a single bill on the Calendar in which I have, I think, the remotest personal interest. I have reported a good many bills for other Senators. I dislike to interpose this request so often. If I could have any assurance that the pension bills could be taken up and passed it would relieve me from a great deal of trouble.

Mr. COCKRELL. I have no doubt that they can be taken up on Monday or Tuesday.

Mr. MITCHELL of Oregon. I hope that at some opportune time to-day, possibly after we get along with the business on the Calendar, we may take up the general bill pensioning the Indian war veterans. It has been reported and upon the Calendar for a long time. It includes all the old Indian war veterans.

Mr. COCKRELL. I think the Senator from Oregon had better give notice that he will call up that bill. Some opposition was made to it the other day, and the Senator is not now here who made it.

Mr. MITCHELL of Oregon. I give notice that I shall ask consent, immediately before the river and harbor bill is taken up and after the morning business on Monday, that it may be considered. I am compelled to go away in a few days. I do not think the bill will lead to any extended debate.

Mr. COCKRELL. The Senator from Delaware [Mr. GRAY] made the opposition to it.

Mr. MITCHELL of Oregon. That is the reason why I am giving notice.

Mr. COCKRELL. I prefer that he shall be here when the notice is given. I do not know what is his objection to the bill, but he ought to be here.

Mr. MITCHELL of Oregon. All right.

The VICE-PRESIDENT. The Chair will submit to the Senate the request of the Senator from Missouri.

Mr. GALLINGER. I desire to say that I will not urge the suggestion further, but I trust there will not be any objection to it when I next make the request, which will be early in the week.

Mr. SHERMAN. I do not like to make a discrimination against pension bills. The pension bills can be taken up in their order. The clerks can turn from one page to another without any loss of time. I think the pension cases ought to be put on the same footing as the other bills when reached in order according to their number. They ought to be considered.

Mr. FRYE. They will be considered when reached.

Mr. SHERMAN. But they are now separated. They will not be reached to-day.

Mr. GALLINGER. No; not to-day.

Mr. SHERMAN. Not one of them will be reached to-day.

Mr. CULLOM. I think they ought to be disposed of the first thing.

Mr. FAULKNER. I will state to the Senator from Ohio that the other day we gave an hour to pension bills and we passed 80 in the hour, so that is the reason why none of them are on the Calendar now. They have all been passed up to about No. 750 or No. 800.

Mr. PASCO. No. 795.

Mr. FAULKNER. They have all been passed up to No. 795 on the Calendar.

Mr. SHERMAN. I will not interfere with the Senator from New Hampshire in his management of the pension cases, but I do not think a discrimination ought to be made against them; that they should be postponed to another calendar and thus deferred.

Mr. GALLINGER. The only additional remark I wish to make is that it would take about twenty minutes to dispose of all the pension bills on the Calendar. There are not many of them. I hope that we shall get to them at an early day. Some time on Monday next I shall ask the Senate to consider them.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Missouri? The Chair hears none, and it is so ordered. The first case on the Calendar will be called.

CLARA A. GRAVES AND OTHERS.

Mr. COCKRELL. I asked that one case might be laid over. It is Senate bill 34, a very short bill, reported favorably from the Committee on Claims. I have examined it and I do not object to it. I think it ought to be considered. I had it laid over without prejudice.

Mr. GALLINGER. It was read.

Mr. COCKRELL. It was read. It proposes simply to pay $2,500 of prize money. I have examined the bill. The money is in the Treasury.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 34) for the relief of Clara A. Graves, Lewis Smith Lee, Florence P. Lee, Mary S. Sheldon, and Elizabeth Smith, heirs of Lewis Smith, deceased, which had been reported from the Committee on Claims with an amendment, in line 6, after the first word "and," to insert "Florence P. Lee, legal representative of," and in line 7, before the word "heirs," to insert "deceased"; so as to make the bill read:

Be it enacted, etc., That the Treasurer of the United States shall pay, out of any money in his hands not otherwise appropriated, to Clara A. Graves, Lewis Smith Lee, Florence P. Lee, Mary S. Sheldon, and Florence P. Lee, legal representative of Elizabeth Smith, deceased, heirs of Lewis Smith, the sum of $2,317.77, being their father's and grandfather's portion of prize money as first lieutenant of the brig *Warrior*, due and unpaid on or about July 17, 1815.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Clara A. Graves, Lewis Smith Lee, Florence P. Lee, Mary S. Sheldon, and Florence P. Lee, legal representative of Elizabeth Smith, deceased, heirs of Lewis Smith, deceased."

GEORGE H. PLANT.

Mr. PASCO. There is another bill which has been passed over without prejudice. It is Senate bill 1083, which was passed over when last called at the request of the Senator from Virginia [Mr. DANIEL]. He has looked into the matter and told me that I might call it up in his absence, as he is satisfied with reference to it. A similar bill has already passed the Senate twice, and this bill has received the unanimous approval of the Committee on Claims.

The bill (S. 1083) for the relief of George H. Plant, of the District of Columbia, was considered as in Committee of the Whole. It proposes to pay to George H. Plant, of the District of Columbia, $5,216.85, being the amount found to be due to him by the Court of Claims for losses and damages sustained by him by reason of a collision between the U. S. S. *Gettysburg* and the steamboat *Lady of the Lake* on the Potomac River.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEWART COLLEGE AT CLARKSVILLE, TENN.

Mr. BATE. I ask leave to call up a bill similarly situated to the one which has just been considered. It is Senate bill 1648.

Mr. COCKRELL. It was passed over without prejudice.

Mr. BATE. Yes; it was passed over without prejudice.

The VICE-PRESIDENT. The bill will be stated.

The SECRETARY. A bill (S. 1648) for the relief of Stewart College (now the Southwestern Presbyterian University), located at Clarksville, Tenn.

Mr. CULLOM. What is the amount given in the bill? The title does not indicate whether $10,000 will go out of the Treasury or $1,000 or what sum.

Mr. SHERMAN. The bill has not been read yet.

Mr. BATE. Let the bill be read.

Mr. CULLOM. There ought to be something known about it.

Mr. BATE. The Committee on Claims reported the bill unanimously.

The Secretary read the bill.

Mr. CULLOM. I think that is a pretty important bill, and I feel called upon to object to it.

Mr. HARRIS. It is an important bill.

Mr. CULLOM. It involves a good deal of money.

Mr. HARRIS. That property was taken possession of, I may say, in violation of the orders of General Grant. It was occupied for some years. Libraries and apparatus were destroyed and the building greatly impaired. But about the close of the war the Quartermaster-General, or rather the ranking quartermaster of that department, offered a sum of money in full satisfaction of the use and occupation and all the injuries sustained. The institution declined to accept the sum offered. It was $4,000, I believe, that was offered. They have been appealing year after year for compensation from that time to the present. The bill proposes to pay just such sum as the accounting officers of the Treasury may find to be justly due to the institution, and that is all.

Mr. CULLOM. There ought to be a report connected with the bill. It is a very important one.

Mr. HARRIS. Let the report be read.

Mr. CULLOM. It is a claim going back to the beginning of the war. I think the bill had better go over for the present.

Mr. BATE. The report is not a long one.

Mr. HARRIS. I hope the Senator from Illinois will not object to the consideration of the bill.

Mr. BATE. I hope he will not object. The claim has been pending a long time, and there are very peculiar surroundings.

Mr. CULLOM. Very well; let the report be read.

Mr. COCKRELL. I think the Senator from Tennessee had better let the bill be passed over for the present and let the Senator from Illinois look at the case. The reading of the report will consume time, when doubtless there will be discussion, and then somebody will object to it, and it will be simply a waste of time.

Mr. HARRIS. Let the report be read, and let us see whether anyone objects to the bill or not.

Mr. COCKRELL. I must say very frankly that I can not approve of the language of the bill. I say it is the first time the Committee on Claims have ever reported a bill attempting to make compensation for this object. I appeal to the Senator from West Virginia [Mr. FAULKNER] and other Senators. The bill says "for the injury to its buildings, apparatus, cabinets, and other property injured or destroyed." We have had many cases from Missouri, and in every solitary instance from Missouri the committee have stricken out that clause and provided payment only for use and

occupation. Now, if you confine to use and occupation and treat every State alike, I shall have no objection to the bill.

Mr. BATE. The buildings were occupied, Mr. President.

Mr. PLATT. I wish also to call the attention of the Senator from Missouri to the fact that the Senator from Tennessee who last spoke said that it was taken possession of by the troops in opposition to and in violation of military orders. Now, we have never made compensation in such a case if that were so.

Mr. CULLOM. I think we ought not to have any further discussion about the measure. I have objected to it two or three times.

Mr. HARRIS. If the Senator has objected, which I did not understand, that ends it.

The VICE-PRESIDENT. The Chair did not so understand. Objection being interposed, the next case will be called.

PUBLIC BUILDING AT BUTTE CITY, MONT.

The bill (S. 260) to provide for the construction of a public building at Butte City, Mont., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in page 2, line 14, before "hundred," to strike out the word "four" and insert "three"; so as to read:

Which said sum of $300,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated, upon the following provisions, etc.

Mr. HILL. I should like to ask the Senator in charge of the bill how large a town is Butte?

Mr. MANTLE. I desire to say, in reply to the Senator from New York, that the city of Butte has a population of from 30,000 to 35,000, not all within the city limits as laid out, because the town has spread very far beyond the original town-site limits. There is a report accompanying the bill which very fully gives all the details in relation to the city, its population, etc.

Mr. HILL. What is the population? I did not catch the remark.

Mr. MANTLE. It is estimated at from 30,000 to 35,000.

Mr. HILL. What was it at the last census?

Mr. MANTLE. Ten or twelve thousand for the actual city limits of Butte, but I was just explaining that the city itself has spread far beyond the original limits.

Mr. HILL. Chicago-like?

Mr. MANTLE. Yes; the same as Chicago.

Mr. HILL. What is the amount proposed to be appropriated?

Mr. MANTLE. Three hundred thousand dollars.

Mr. HILL. A mere trifling sum.

Mr. MANTLE. The estimate for a site is from $75,000 to $100,000 in a desirable locality of the city. That figure will give the Senator an idea of the value of the ground, which, of course, brings up the cost of the building very largely. I will say also that Butte City is the metropolis of the State of Montana, being by far the largest city in the State. I may also add that it is perhaps the most thriving, prosperous, and growing city of its size in the United States to-day. The business of the post-office and of every Government department is daily increasing. The estimates show very clearly and conclusively that the amount the Government now pays in the way of rents will very much exceed the interest upon the sum proposed to be appropriated.

Mr. HILL. I am very much gratified to learn that in spite of the prevailing gold standard the State, and especially Butte City, is very prosperous. I supposed that it might have affected that portion of the country, but it seems not. Are there any other public buildings in the State?

Mr. MANTLE. One; a very small building at the capital of the State—an assay office.

Mr. HILL. Built by the Government?

Mr. MANTLE. I think it was built by the Government.

Mr. HILL. What was the cost of that building?

Mr. MANTLE. I do not remember.

Mr. CARTER. About $50,000.

Mr. MANTLE. It is not a large building; it is a very small affair.

Mr. GALLINGER. It is an assay office?

Mr. MANTLE. An assay office for refining gold and silver, being a matter of convenience in shipment.

Mr. HILL. There is no post-office building, or otherwise?

Mr. MANTLE. There is not a post-office building in the State.

Mr. HILL. Is the capital the next largest town in the State?

Mr. MANTLE. No; it is some 75 miles distant, but connected by rail.

Mr. HILL. Can the Senator give us any assurance that the bill will pass the other House?

Mr. MANTLE. I think the Senator from New York may rest safely assured on that score, so far as I have any information upon the subject.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF WILLIAM B. TODD.

The bill (S. 336) for the relief of the estate of William B. Todd, deceased, was considered as in Committee of the Whole. It proposes to issue to the administrators of the estate a drawback certificate for lots 1, 2, 3, and 4, in square 1040, in the District of Columbia, on account of excessive special assessments found to be due in the revision of such assessments in accordance with the revising acts of Congress, which drawback certificate shall be receivable in payment for all arrearages of general taxes due the District of Columbia and unpaid prior to July 1, 1895.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRACTICE OF MEDICINE AND SURGERY.

The bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia was announced as next in order.

Mr. GALLINGER. The bill has been once read. I will state that the Senator from Florida [Mr. CALL] made a request that he might be further heard on the bill, he having spoken once for a considerable length of time. I understand that the Senator has left the city for his home, and I have been informed that he is not to return during the present session of Congress. I want to extend every possible courtesy to the Senator, but as it is very important that the bill shall become a law, I hope it will be considered to-day.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, line 6, after the word "physicians," to insert "one of whom shall be learned in the law"; so as to read:

That there shall be, and is hereby, created a board of medical supervisors of the District of Columbia, which shall consist of the presidents of the three boards of medical examiners hereinafter provided for and two persons, not physicians, one of whom shall be learned in the law, to be appointed by the Commissioners of the District of Columbia, each for a period of three years, or until his successor is appointed.

The amendment was agreed to.

The next amendment was, in section 1, line 13, after the word "remove," to insert "after due notice and hearing"; so as to read:

That said Commissioners may remove, after due notice and hearing, any member of said board for neglect of duty or other just cause, and that in case of the death, resignation, or removal of any member the vacancy for the unexpired term of said member shall be filled in the same manner as other appointments are made.

The amendment was agreed to.

The next amendment was, in section 2, line 14, after the word "age," to strike out "and"; so as to read:

Said register shall show the name, age, place, and duration of residence of each candidate, etc.

The amendment was agreed to.

The next amendment was, in section 3, line 1, after the word "the," to strike out "passage of this act" and insert "1st day of July, 1896"; so as to read:

That from and after the 1st day of July, 1896, all persons desiring to practice medicine and surgery in any of their branches in the District of Columbia shall apply to said board of medical supervisors for a license to do so.

The amendment was agreed to.

The next amendment was, in section 4, line 5, before the word "dollars," to strike out "twenty" and insert "ten"; so as to read:

That said application for a license to practice medicine and surgery in the District of Columbia shall be made to the secretary of said board of medical supervisors upon a form prescribed by said board, and shall be accompanied by a fee of $10.

The amendment was agreed to.

The next amendment was, in section 5, line 24, before the word "said," to insert "either of"; and in the same line, after "have," to insert "been"; so as to read:

That no member of either of said boards shall have been engaged in the practice of medicine and surgery in the District of Columbia for less than five years at the time of his appointment.

The amendment was agreed to.

The next amendment was, in section 5, line 34, after the word "examiners," to strike out "or of both, as the case may be"; and in line 35, after the word "society," to strike out "or societies"; so as to read:

That in event of the failure of the Washington Homeopathic Medical Society or of the Eclectic Medical Society of the District of Columbia, after

fifteen days' notice by the Commissioners of the District of Columbia, to submit the list of names aforesaid, said Commissioners may appoint the members of the board of homeopathic medical examiners or of the board of eclectic medical examiners, without restriction as to nomination by the society in default.

The amendment was agreed to.

The next amendment was, in section 5, line 37, after the word "of," to strike out "said boards" and insert "either of the boards named in this act"; so as to read:

That said Commissioners may at any time remove any member of either of the boards named in this act for neglect of duty or other just cause, and that in case of the death, resignation, or removal of any member the vacancy for the unexpired term of said member shall be filled in the same manner as other appointments are made.

The amendment was agreed to.

The next amendment was, in section 6, line 9, after the word "and," to insert "other meetings shall be held"; in line 10, after the word "such," to strike out "other"; in line 12, after the word "boards," to strike out "of medical examiners," and in line 13, before the word "immediately," to strike out "examination" and insert "meeting"; so as to read:

Each board shall hold a meeting for examination in the city of Washington on the second Thursday in January, April, July, and October of each year, and continuing so long as may be necessary to examine all applicants, and other meetings shall be held at such times as the board of medical supervisors shall direct. Each of said boards shall examine, at the meeting immediately following the receipt of the proper certificates from the board of medical supervisors, all applicants for licenses to practice medicine and surgery in the District of Columbia so certified.

The amendment was agreed to.

The next amendment was, in section 7, line 13, before the word "of," to strike out "department" and insert "departments"; so as to read:

From the lists of questions so submitted said board of medical supervisors shall select the questions for each examination, and such questions shall be the same for all candidates, except that in the departments of therapeutics, practice of medicine, etc.

The amendment was agreed to.

The next amendment was, in section 7, line 22, after the word "the," to strike out "examination"; and in the same line, after the word "average," to strike out "of" and insert "attained by"; so as to read:

An official report of the result of each examination, signed by the president and the secretary and each acting member of the board of medical examiners conducting such examination, stating the average attained by each candidate in each branch, etc.

The amendment was agreed to.

The next amendment was, in section 8, line 13, after the word "physician," to strike out "a graduate of any medical college in good standing"; and in line 16, after the word "act," to strike out:

And provided further, That a license may be issued, under such regulations as the board of medical supervisors of the District of Columbia, with the approval of the Board of Commissioners of said District, shall make, to any physician holding a license from any State board of medical examiners established by law which has required, before the issue of said license, qualifications and examinations equivalent to those required by this act for the issue of similar licenses.

And insert:

And to physicians who may change their residence to the District of Columbia from any State or Territory where medical laws and medical examining boards exist, the presentation of a certificate or license from a medical examining board, if found upon due inquiry to be true and genuine, being sufficent evidence of right to registration and certification under the provisions of this act.

So as to read:

Provided, That a license shall be issued upon application, free of cost and without examination, to each physician who is registered at the health office of the District of Columbia at the time of the passage of this act, and to physicians who may change their residence, etc.

The amendment was agreed to.

The next amendment was, in section 10, line 8, after the word "chronic" and before "inebriety," to strike out "and persistent."

The amendment was agreed to.

The next amendment was, in section 10, line 17, after the word "the," to strike out "Board of Commissioners" and insert "court of appeals"; in line 18, after the word "and," to strike out "its" and insert "the"; in the same line, after the word "decision," to insert "of said court"; and in line 23, after the word "him," to insert "or her"; so as to read:

Appeal from the decision of said board may be taken to the court of appeals of the District of Columbia, and the decision of said court shall be final. Said board may at any time within two years from the refusal or revocation of a license, or the cancellation of registration under this section, by a vote of four members, issue, without examination, a new license to the person so affected, restoring to him or her all the rights and privileges of which he or she had been deprived by said board.

The amendment was agreed to.

The next amendment was, in section 11, line 6, after the word "the," to strike out "recording"; in the same line, after the word "clerk," to insert "of said court"; and in line 9, before the word "register," to insert "shall"; so as to read:

That any person receiving a license as hereinbefore provided shall have it recorded in the office of the clerk of the supreme court of the District of Columbia within three months from the date of said license, and the place and date of record shall be certified thereon by said clerk; and the holder of the license shall pay to the clerk of said court a fee of 50 cents for making the record. The holder of said license shall, after the same has been recorded, exhibit the same at the health office, and shall register, in a book provided for that purpose, his or her name and address.

The amendment was agreed to.

The next amendment was, in section 12, line 8, after the word "to," to insert "the practice of massage or the so-called Swedish movement cure, nor to"; in line 10, after the word "without," to strike out "any"; and at the end of line 10 to strike out "being given in return therefor"; so as to make the section read:

SEC. 12. That this act shall not apply to commissioned surgeons of the United States Army, Navy, or Marine-Hospital Service, nor to regularly licensed physicians and surgeons in actual consultation from other States or Territories, nor to regularly licensed physicians and surgeons actually called from other States or Territories to attend specified cases in the District of Columbia, nor to the treatment of any case of actual emergency, nor to the practice of massage or the so-called Swedish movement cure, nor to the use of ordinary domestic remedies without fee, gift, or consideration of any kind.

The amendment was agreed to.

The next amendment was, in section 13, line 6, before the word "and," to strike out "to do so"; in line 9, after the word "registration," to strike out "or both"; and in line 18, page 13, after the word "act," to strike out:

Provided, This act shall not apply to massage, Swedish movement, and other similar methods of treatment without medicine.

So as to make the section read:

SEC. 13. That from and after the passage of this act any person practicing medicine and surgery or midwifery in the District of Columbia, or who shall publicly profess to do so, without first having obtained from the board of medical supervisors of the District of Columbia a license, and registered the same as herein provided, or in violation of any of the provisions of this act or any of the rules and regulations made by authority conferred herein, or after his license or registration has been canceled by order of said board of medical supervisors of the District of Columbia, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished for each offense by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the District jail for a period of not less than ten nor more than ninety days, or by both such fine and imprisonment. It shall be the duty of the United States district attorney for the District of Columbia to prosecute all violations of the provisions of this act.

The amendment was agreed to.

The next amendment was, in section 14, line 8, after the word "as," to strike out "said board" and insert "the Commissioners of the District of Columbia"; so as to read:

And if any surplus remain on the 30th day of June of each year the members of the board of medical supervisors appointed as such shall be paid such reasonable compensation as the Commissioners of the District of Columbia may determine, etc.

The amendment was agreed to:

The next amendment was, in section 16, line 2, before the word "not," to strike out "now existing"; and in line 3, after the word "act," to strike out "or inconsistent therewith"; so as to make the section read:

SEC. 16. That all acts or parts of acts, general or special, not in accordance with the provisions of this act be, and are hereby, repealed.

The amendment was agreed to.

Mr. KYLE. This seems to be a very important bill. I should like to know of the Senator from New Hampshire [Mr. GALLINGER] whether it has the approval of the various medical societies in the District of Columbia.

Mr. GALLINGER. In answer to the interrogatory, I will say that so far as I know it has such approval. There are some outside parties who do not want this legislation, as is always the case. I will furthermore state that every State and Territory in the Union has a law similar to this bill, some of them not so liberal, and the District of Columbia is the dumping ground of incompetent and unskilled physicians who leave the States and Territories and come here as so-called practitioners of medicine.

Mr. KYLE. I mean has the bill the approval of the regular schools of medicine in the District of Columbia?

Mr. GALLINGER. The bill provides specifically that the representatives of the three medical societies, the so-called regular, the homeopathic, and the eclectic, shall be treated with absolute equality.

Mr. KYLE. Very well.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. FAULKNER. I offer an amendment which is satisfactory to the Senator in charge of the bill.

The PRESIDING OFFICER (Mr. PASCO in the chair). The amendment will be stated.

The SECRETARY. In section 8, line 30, it is proposed to amend by adding after the words "provisions of this act" the following proviso:

Provided, That the medical laws and examining boards of such States and Territories grant equal rights and recognition to the licentiates of the board herein created.

The amendment was agreed to.

Mr. FAULKNER. I also offer another amendment.

The SECRETARY. In section 12, line 7, after the word "Columbia," it is proposed to insert "nor to medical students who have

matriculated in any medical college in the District of Columbia prior to January, 1896."

Mr. GALLINGER. I am not sure that that is a desirable amendment, but as I intend to ask for a conference with the House of Representatives on the bill and amendments, I am willing that the amendment shall go in.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. GALLINGER. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. GALLINGER, Mr. MCMILLAN, and Mr. FAULKNER were appointed.

ESTATE OF WILLIAM MOSS.

The bill (S. 837) making an appropriation for the benefit of the estate of William Moss, deceased, was considered as in Committee of the Whole. It proposes to pay $14,175 to the administrator of the estate of William Moss, deceased, late of Arkansas, for extra services in transporting the United States mails not provided for in Moss's contract.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MONUMENT TO GEN. NATHANAEL GREENE.

The bill (S. 1188) to provide for the erection of a monument to Gen. Nathanael Greene on the battlefield of Guilford Court-House was considered as in Committee of the Whole. It proposes to appropriate $25,000 for the erection of a statue of Gen. Nathanael Greene on the land of the Guilford Battle Ground Company, in Guilford County, N. C.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

REPUBLICAN FORM OF GOVERNMENT IN ALABAMA.

The resolution for the appointment of a select committee to make inquiry whether there is and for the last two and a half years has been a republican form of government in the State of Alabama was announced as the next business in order on the Calendar.

Mr. PUGH. The Senator in charge of the resolution is not present, and I suggest that it go over.

Mr. COCKRELL. Let it be passed over.

The PRESIDING OFFICER. The resolution will be passed over.

FUR-BEARING SEALS IN ALASKA.

The bill (H. R. 3206) to amend an act entitled "An act to prevent the extermination of fur-bearing seals in Alaska, and for other purposes," was announced as the next in order on the Calendar.

Mr. GALLINGER. I suggest that the bill go over, retaining its place.

Mr. COCKRELL. Yes.

The PRESIDING OFFICER. It will be so ordered.

Mr. SHERMAN subsequently said: What became of House bill 3206?

The PRESIDING OFFICER. It was passed over without prejudice, the Chair will state.

Mr. SHERMAN. I desire to enter my objection to the bill and to suggest that it go over under Rule IX.

Mr. CULLOM. I hope that the Senator from Ohio will not ask that that be done in the absence of the Senator from Maine [Mr. FRYE]. I know he is very anxious about the bill.

Mr. COCKRELL. It does not injure the bill.

Mr. SHERMAN. It does not make any difference.

Mr. COCKRELL. The bill will have to be taken up on motion.

Mr. SHERMAN. It will have to be taken up on motion. I do not want to do anything that is not satisfactory. But it will not change the status of the bill except that it can only be taken up on motion if it goes over under Rule IX.

Mr. CULLOM. I understand that that is true, and yet at the same time the practice has been to let bills stand in their places by being passed over without prejudice.

Mr. SHERMAN. I have no objection to letting the bill go over without prejudice.

The PRESIDING OFFICER. The Senator from Ohio withdraws the request, and the bill will be passed over without prejudice.

Mr. CULLOM. I think that course will be more satisfactory to the Senator from Maine [Mr. FRYE].

LANDS OF THE UNIVERSITY OF UTAH.

The bill (S. 2047) extending the time within which the University of Utah shall occupy lands heretofore granted to it was considered as in Committee of the Whole. It proposes that the time within which the University of Utah shall occupy the lands granted to it by act of July 23, 1894, shall be extended from five years to ten years thereafter.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. GUMMO.

The bill (S. 814) for the relief of John W. Gummo was considered as in Committee of the Whole. It proposes to pay to John W. Gummo, late of Company F, Twelfth Regiment Pennsylvania Volunteer Cavalry, $190, being balance of bounty due him for services rendered the Government during the late war of the rebellion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHANNEL IN ATCHAFALAYA BAY, LOUISIANA.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 83) directing and authorizing the Secretary of War to appoint a commission to determine the cost of securing for the United States the channel in Atchafalaya Bay, Louisiana, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 4, after the words "authorized to," to strike out "appoint a commission consisting of one army engineer and one civil engineer to determine" and insert "ascertain"; and in line 10, after the word "report," to strike out "their findings to the Secretary of War, who shall transmit same"; so as to make the section read:

That the Secretary of War be, and he is hereby, directed and authorized to ascertain the cost of securing and acquiring by the United States the property rights and franchises of the Atchafalaya Bay Company, or their assignee or assignees, in and to a channel in the Atchafalaya Bay, situated in the State of Louisiana, and to report to Congress, with his recommendation, at the earliest practicable moment.

The amendment was agreed to.

The next amendment was, in section 2, line 3, after the words "expense of the," to strike out "commission" and insert "investigation"; so as to make the section read:

SEC. 2. That the sum of $500, or as much thereof as may be necessary, be appropriated to defray the expense of the investigation.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution directing and authorizing the Secretary of War to ascertain the cost of securing for the United States the channel in Atchafalaya Bay, Louisiana."

C. B. BRYAN & CO.

The bill (S. 589) for the relief of C. B. Bryan & Co. was considered as in Committee of the Whole. It proposes to pay to C. B. Bryan & Co., of Memphis, Tenn., $3,643.60 for the value of a coal barge and coal, as found by the Court of Claims.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISAIAH MITCHELL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1938) allowing Isaiah Mitchell, of Denver, Colo., ten years within which to make a final homestead entry upon certain land, which had been reported from the Committee on Public Lands with amendments. The amendments were, in line 12, after the word "until," to strike out "ten" and insert "seven"; and in line 14, after the word "land," to insert the following proviso:

Provided, That no adverse claim shall exist at the date of the passage of this act, and that within six months from that date he shall go upon said land and establish his residence thereupon, and that he shall thereafter continue to reside upon and cultivate the same as his home for the proper period according to the provisions of the homestead laws.

So as to read:

That Isaiah Mitchell, of Denver, Colo., late a corporal of Company G, One hundred and fifteenth Regiment United States Colored Volunteer Infantry, who, on March 22, 1893, made a homestead application in the Denver, Colo., land office for entry of the southwest quarter of section 28, township 2 south, of range 64 west, and by reason of disabilities incurred consequent upon his service as a soldier during the late war of the rebellion was compelled to abandon said land, be, and he is hereby, granted further time and until seven years from the passage of this act within which to make final entry upon said land: *Provided*, That no adverse claim shall exist at the date of the passage of this act, etc.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. HARRIS, the title was amended so as to read: "A bill allowing Isaiah Mitchell, of Denver, Colo., seven years within which to make a final homestead entry upon certain land."

PROPOSED PENSION LEGISLATION.

The bill (S. 2047) to amend section 3 of an act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," approved June 27, 1890, was announced as the next business in order on the Calendar.

Mr. COCKRELL. I suggest that this bill and the next two bills, the bill (S. 2407) to supplement the act of June 27, 1890, as to pensions, and the bill (S. 2406) concerning the weight of evidence in pension claims, be passed over, retaining their places, as the Senator who reported them is not present.

The PRESIDING OFFICER. It will be so ordered.

STATUE OF COMMODORE SLOAT.

The bill (S. 1609) for the erection of a statue of Commodore John D. Sloat in the city of Monterey, Cal., was considered as in Committee of the Whole. It proposes to appropriate $10,000, or so much thereof as may be necessary, for the erection of a statue of the late Commodore John D. Sloat within the limits of the city of Monterey, Cal., and for the proper preparation, grading, and inclosing of the lot and foundation upon which the statue is to be erected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EVIDENCE IN PENSION CLAIMS.

Mr. GALLINGER. During my absence the bill (S. 2406) concerning the weight of evidence in pension claims was passed over. It is a bill which passed the Senate during the last Congress. There is no objection to it, and I think it ought to be passed.

Mr. COCKRELL. What is the effect of the bill?

Mr. GALLINGER. The effect of it is to provide that the oath of a person who has served as a private or noncommissioned officer shall not have any less weight than if such witness had served as a commissioned officer, and only that.

Mr. CULLOM. Let us pass it.

Mr. COCKRELL. That is all right.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in all applications for pension and in all proofs and evidence submitted in support of any claim under the pension laws the oath of a person who has served as a private or noncommissioned officer shall not have any less weight than if such witness had served as a commissioned officer.

Mr. HARRIS. Is there any law that gives greater weight to the testimony of a commissioned officer?

Mr. PEFFER. It is a rule.

Mr. GALLINGER. I will say it is a rule of practice. There is nothing in the law, but the Pension Bureau has established a practice that does it.

Mr. HARRIS. It seems to me very singular that there should be any necessity for the passage of such a bill. I have no objection to it.

Mr. COCKRELL. It is a rule of the Pension Office.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

UNIVERSITY OF THE UNITED STATES.

The bill (S. 1202) to establish a university of the United States was announced as the next business in order on the Calendar.

Mr. COCKRELL. Let this bill be passed over.

Mr. KYLE. I should like to have it passed over without losing its place on the Calendar.

The PRESIDING OFFICER. It will be so ordered.

PENSIONS UNDER ACT OF 1890.

Mr. GALLINGER. The bill (S. 2407) to supplement the act of June 27, 1890, as to pensions, was passed over during my absence. The bill passed the House during the last Congress, and was favorably reported to the Senate. It is a short bill, and I think we ought to pass it.

Mr. COCKRELL. What is the effect of the bill?

Mr. PLATT and Mr. GALLINGER. Let it be read.

The bill was read; and the Senate, as in Committee of the Whole, proceeded to its consideration. The bill provides that in any application for a pension under the act approved June 27, 1890, where it is shown that the soldier or sailor on account of whose service the pension is asked dies or has died without having received an honorable discharge from the service, and without having by his own misconduct forfeited his right to receive an honorable discharge, the want of an honorable discharge shall not debar the applicant from receiving the benefits of the law upon complying with the other requirements thereof, if no charge of desertion is standing against the soldier or sailor upon the records of the War or Navy Department.

Mr. GALLINGER. The bill is favored by the Commissioner of Pensions, and is simply designed to correct an inequality which ought not to exist.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GERMAN EVANGELICAL CHURCH AT MARTINSBURG, W. VA.

The bill (S. 461) for the relief of the trustees of the German Evangelical Church at Martinsburg, W. Va., was announced as next in order on the Calendar, and was read.

Mr. ALDRICH. Has Congress been in the habit of paying for property destroyed in that way? I think the bill had better go over.

Mr. COCKRELL. Let it be passed over.

The PRESIDING OFFICER. The bill will be passed over.

ALEXANDER STODDART, OF NEW YORK.

The bill (S. 1548) for the relief of Alexander Stoddart, of New York, was announced as the next business in order on the Calendar.

Mr. ALDRICH. Let the bill go over.

The PRESIDING OFFICER. The bill will go over without prejudice.

SUFFERERS BY WRECK OF REVENUE CUTTER GALLATIN.

The bill (S. 1555) for the relief of the sufferers by the wreck of the United States revenue cutter *Gallatin* off the coast of Massachusetts was considered as in Committee of the Whole. It proposes to appropriate a sum sufficient to reimburse the survivors of the officers and crew of the United States revenue cutter *Gallatin*, wrecked off the coast of Massachusetts January 6, 1892, for losses sustained by them, respectively, in the wreck of the vessel.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALLOTMENTS OF PAY BY NAVAL OFFICERS.

The bill (S. 2462) to provide for the making of allotments of pay by officers of the Navy and Marine Corps was considered as in Committee of the Whole. It authorizes the Secretary of the Navy to permit officers of the Navy and the Marine Corps to make allotments from their pay, under such regulations as he may prescribe.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ALICE M. WALSH.

Mr. COCKRELL. Let the next order of business, the bill (S. 1004) for the relief of Mrs. Alice M. Walsh, go over under Rule IX, it having been adversely reported.

The PRESIDING OFFICER. It will be so ordered.

EXPENDITURES OF THE SENATE.

The resolution directing the Committee on Civil Service and Retrenchment to investigate the expenditures of the Senate for the past year was announced as the next business in order on the Calendar.

Mr. COCKRELL. Let the resolution be passed over.

Mr. HARRIS. The resolution might as well go over under Rule IX.

Mr. COCKRELL. Let the resolution go over under Rule IX.

The PRESIDING OFFICER. The resolution will be passed over under Rule IX.

WAR IN CUBA.

The resolution proposing to postpone the consideration of the report of the conference committee on Senate concurrent resolution No. 19, relating to Cuba, until Monday, April 6, 1896, was announced as the next business in order on the Calendar.

Mr. PLATT. Let the resolution be indefinitely postponed.

Mr. COCKRELL. I suggest that the resolution go over under Rule IX.

Mr. PLATT. It might as well be indefinitely postponed, so as to get it off the Calendar.

Mr. HILL. The subject has been disposed of.

Mr. PLATT. I move that the resolution be indefinitely postponed.

The motion was agreed to.

J. HENRY RIVES.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1709) for the relief of J. Henry Rives, which was reported from the Committee on Claims with an amendment, in line 5, after the words "sum of," to strike out "$858.57," and insert "$293.90"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be authorized to pay to J. Henry Rives, of Lynchburg, Va., out of any money in the Treasury not otherwise appropriated, the sum of $293.90, being the amount of the attorney's fees and expenses necessarily incurred and paid by him in the arrest of John C. Henry, deputy collector, for embezzlement.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAYMENT OF PENSION MONEY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 901) amending section 4716 of the Revised Statutes, which was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That section 4716 of the Revised Statutes be amended so as to read as follows:

"SEC. 4716. No money on account of pension shall be paid to any person or to the widow, children, or heirs of any deceased person who in any manner voluntarily engaged in or aided or abetted the late rebellion against the authority of the United States, except to such persons and the widows of such persons as before the 1st day of September, 1864, voluntarily, or as a substitute for any other person, and without a bounty or the promise of a bounty for so doing, enlisted in the service of the United States and actually served for ninety days."

Mr. ALDRICH. How does that change existing law? I hope some member of the committee will explain it.

Mr. GALLINGER. I will say that that bill was reported by the Senator from Illinois [Mr. PALMER].

Mr. PLATT. It had better go over until the Senator who reported it comes in.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

RELIEF LIGHT VESSEL ON PACIFIC COAST.

The bill (S. 1908) for a relief light vessel on the Pacific Coast was announced as next in order.

Mr. PERKINS. I ask that that bill be passed over without prejudice. Such a vessel has already been provided for in the sundry civil bill.

Mr. ALDRICH. Then the bill ought to be indefinitely postponed.

Mr. WHITE. Oh, no. We might want another light vessel. [Laughter.]

The PRESIDING OFFICER. The bill will be passed over without prejudice.

STORAGE BUSINESS IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 3462) to regulate the business of storage in the District of Columbia was announced as next in order.

Mr. ALDRICH. That bill had better go over.

Mr. PLATT. Let the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

Mr. PLATT subsequently said: With regard to House bill 3462, to which I objected, I will say that I should be perfectly willing to have it passed if an amendment can be made to it in lines 8, 9, and 10, by striking out the words "such lien to include all legal demands for like storage and expenses against the owner of said property," which seem to make a lien upon property held by storage companies for a debt which has not been paid. I have no objection to the consideration of the bill, but I shall offer that amendment.

Mr. GALLINGER. I think there will be no objection to that amendment being made. I trust the bill will be allowed to pass; it is an important one.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3462) to regulate the business of storage in the District of Columbia.

The bill was reported from the Committee on the District of Columbia with an amendment, in section 2, line 6, after the word "due," to strike out "and" and insert "by the person at whose instance such change of possession is so ordered, and who shall be entitled to recover such payment as part of the costs in such proceeding, or, if defeated therein, he shall be credited with such payment in taxation of costs against him. And"; so as to make the section read:

SEC. 2. That whenever the title or right of possession to any goods, wares, merchandise, or personal property on storage shall be put in issue by any judicial proceeding, the same shall be delivered upon the order of court after prepayment of the storage charges and cash advances then due, by the person at whose instance such change of possession is so ordered, and who shall be entitled to recover such payment as part of the costs in such proceeding, or, if defeated therein, he shall be credited with such payment in taxation of costs against him. And unless the person, firm, association, or corporation so conducting a storage business shall claim some right, title, or interest in said stored property otherwise than the lien hereinabove authorized, he, it, or they shall not be made a party to said judicial proceedings.

The amendment was agreed to.

Mr. PLATT. Now I move to strike out, beginning with the last word in line 8 of section 1, the sentence, "such lien to include all legal demands for like storage and expenses against the owner of said property."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 710) granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka, with an amendment in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 75) granting a pension to Mary F. Davenport;

A bill (H. R. 4275) to increase the pension of Mrs. Annis H. Enochs, widow of Gen. William H. Enochs, from $20 to $50 per month;

A bill (H. R. 4355) to increase the pension of Theresa Peebles, of Jefferson County, Ga.;

A bill (H. R. 4395) for the relief of Miss Juliette Betts;

A bill (H. R. 5400) to increase the pension of Mary L. Bacon, widow of the late George B. Bacon, late lieutenant-commander of the United States Navy;

A bill (H. R. 5225) for the relief of Mrs. Elizabeth M. Williams, of Monroe County, Tenn.;

A bill (H. R. 5712) granting increase of pension to John W. Hines; and

A bill (H. R. 6132) granting an increase of pension to Thomas M. Scott.

WILLIAM F. WILSON.

The bill (S. 434) for the relief of William F. Wilson was considered as in Committee of the Whole. It proposes to pay to William F. Wilson, of Berkeley County, W. Va., $1,530, in full for the use and value of his house at Harpers Ferry, Jefferson County, W. Va., during the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading; read the third time, and passed.

SOLICITOR AND JUDGE-ADVOCATE-GENERAL.

The bill (S. 1996) amending the act of June 8, 1880, entitled "An act to authorize the President to appoint an officer of the Navy or the Marine Corps to perform the duties of solicitor and judge-advocate-general, etc., and to fix the rank and pay of such officer," and for other purposes, was announced as next in order.

Mr. CULLOM. Let that bill go over for the present.

The PRESIDING OFFICER. The bill will go over without prejudice.

PURCHASE OF PAINTING BY VICTOR NEHLING.

The joint resolution (S. R. 18) authorizing the purchase of the painting by Victor Nehling, representing Pocahontas saving the life of Capt. John Smith, was announced as next in order.

Mr. COCKRELL. Let that be passed over for the present.

The PRESIDING OFFICER. It will be passed over without prejudice.

LEASE OF SIBLEY ISLAND.

The bill (S. 1923) granting to the city of Bismarck, N. Dak., the right to lease and use for public purposes Sibley Island, an island in the Missouri River, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, in line 21, after the word "park," to insert:

Provided, That nothing herein contained shall be construed as authorizing the felling of timber on said island, for sale or consumption, nor shall any timber be cut save for the purpose of improving or beautifying the grounds: *Provided further*, That such leases shall not be for a longer period than ten years: *Provided further*, That the Secretary of the Interior may at any time declare a forfeiture of the privilege herein granted for violation of any of the terms, reservations, or conditions hereof.

So as to make the bill read:

Be it enacted, etc., That the city of Bismarck, in State of North Dakota, by and through its regular city council, shall have authority, either by itself or under a system of leases securing a revenue to the city, to use or lease Sibley Island, an island in the Missouri River near said city of Bismarck, for public assemblies of a religious, literary, political, or scientific character; to use or lease the same for fair grounds or driving-park purposes; together with the right to erect such buildings and make such improvements as may be necessary to provide for the comfort and convenience of visitors or those connected with said island for any of the purposes named; also to have control of all timber upon said island; the said city council having at all times authority to control and regulate all the fees or charges made by any person or association thereon for any of the purposes herein enumerated, and full authority to construct roadways and lay out said island into grounds, parks, or lots suitable for the uses herein allowed and provided for; said island always remaining free to the public for the ordinary uses of a public park: *Provided*, That nothing herein contained shall be construed as authorizing the felling of timber on said island, for sale or consumption, nor shall any timber be cut save for the purpose of improving or beautifying the grounds: *Provided further*, That such leases shall not be for a longer period than ten years: *Provided further*, That the Secretary of the Interior may at any time declare a forfeiture of the privilege herein granted for violation of any of the terms, reservations, or conditions hereof.

The amendment was agreed to.

Mr. COCKRELL. I move, at the end of the committee amendments just adopted, to insert:

Without any liability for any sum whatever by reason thereof; and Congress reserves the express authority to resume the ownership, possession, and control of said island.

It is only a lease, and let it appear as a lease, and not as a gift.

Mr. DUBOIS. Is that not covered by the proviso?

Mr. COCKRELL. No.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CULLOM. I think we have been here long enough for Saturday evening, and I move that the Senate adjourn.

Mr. WHITE. Will the Senator withdraw the motion for a few moments? There are several small bills which Senators desire to have considered.

Mr. CULLOM. I have a number in which I feel an interest, and have been waiting for three or four days to secure an opportunity for their consideration, but have not been successful.

Mr. WHITE. I hope the Senator will accede to the request.

Mr. CULLOM. I withdraw the motion to adjourn.

The PRESIDING OFFICER. The motion to adjourn is withdrawn.

SUGAR LOAF RESERVOIR SITE, COLORADO.

Mr. TELLER. I do not desire to break into the order, but if we are likely to adjourn I desire to call up a bill which I am anxious to get to the House of Representatives, so that it may become a law speedily. I ask for the present consideration of Senate bill 2232, which was favorably reported by the Committee on Public Lands.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2232) to vacate Sugar Loaf Reservoir site, in Colorado, and to restore the lands contained in the same to entry, which had been reported by the Committee on Public Lands with amendments, in line 4, after the word "numbered," to strike out "seven" and insert "five"; and in line 10, after the word "same," to strike out "under the existing laws for the disposal of the public lands," and insert:

At the price of $2.50 per acre, under such regulations as he may prescribe: *Provided*, That nothing in this act shall be construed to deprive the State of Colorado of the control of the water in any reservoir which may be constructed on this site by any person or corporation or association, under the regulations provided by the State laws in such cases.

So as to make the bill read:

Be it enacted, etc., That the public land embraced in the reservoir site known as Sugar Loaf Reservoir site No. 5, located in Lake County, Colo., which was withdrawn from entry and settlement under the provisions of the act making appropriations for sundry civil expenses of the Government, approved October 2, 1888, is hereby restored to the public domain, and the Secretary of the Interior is hereby authorized to dispose of the same at the price of $2.50 per acre, under such regulations as he may prescribe: *Provided*, That nothing in this act shall be construed to deprive the State of Colorado of the control of the water in any reservoir which may be constructed on this site by any person or corporation or association, under the regulations provided by the State laws in such cases.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GILMAN WILLIAMS.

Mr. GEAR. I ask permission to call up at this time the bill (H. R. 1020) granting an increase of pension to Gilman Williams. The beneficiary named in the bill is in an insane hospital and almost dying.

Mr. COCKRELL. We have an understanding that pension cases are all to be taken up together, and I must object. We have fifty or seventy-five pension cases on the Calendar, and I do not think it is right for one Senator to be allowed to call up one pension bill in this way, when others can not.

Mr. GEAR. I hope the Senator will not object.

Mr. COCKRELL. I am not objecting, but I am enforcing the rule, though I shall be compelled to object if the Senator insists upon his request. It is placing us in a false position, and I claim that no Senator has a right to place his brother Senators in such a position.

Mr. GEAR. If the Senator objects, of course I shall withdraw the request.

Mr. GALLINGER and others. Regular order, Mr. President.

The PRESIDING OFFICER. The next bill on the Calendar will be stated.

MUSKOGEE, OKLAHOMA AND WESTERN RAILROAD COMPANY.

The bill (S. 1741) to authorize the Muskogee, Oklahoma and Western Railroad Company to construct and operate a line of railway through Oklahoma and Indian Territories was announced as next in order.

Mr. GALLINGER. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

EMMART, DUNBAR & CO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1265) for the relief of Emmart, Dunbar & Co., which had been reported from the Committee on the District of Columbia with an amendment, in line 3, after the word "hundred," to insert "and forty-eight"; so as to make the bill read:

Be it enacted, etc., That the sum of $14,548.22, the amount found due Emmart, Dunbar & Co. by the auditor of the District of Columbia for work done by said firm in connection with the laying of the 36-inch water main under their contract of September 1, 1871, with said District be, and the same hereby is, appropriated, out of the revenues of the District of Columbia; and the Commissioners of said District are hereby authorized and directed to pay the said sum of money to said firm in satisfaction of said amount so found due.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STATUE OF VICTOR HUGO.

The joint resolution (S. R. 21) for the purchase of a statue of Victor Hugo, to be placed in the new building of the Library of Congress, was announced as next in order.

Mr. COCKRELL. Let that be passed over without losing its place.

The PRESIDING OFFICER. It will be so ordered.

Mr. MITCHELL of Wisconsin. That joint resolution was reported favorably by the Committee on the Library.

Mr. COCKRELL. But I do not think it will go through this evening, and that is the reason why I asked that it should be passed over, not losing its place.

Mr. MITCHELL of Wisconsin. I think there is no objection to it.

Mr. COCKRELL. I have serious objection to it, and I would not have asked to have it passed over if I had not had objection to it.

Mr. MITCHELL of Wisconsin. That settles it.

The PRESIDING OFFICER. The joint resolution will be passed over.

BILLS PLACED UNDER RULE IX.

Mr. CULLOM. The next two orders of business, Nos. 537 and 538, being the bill (S. 212) fixing the compensation of the United States district attorneys, and for other purposes, and the bill (S. 217) fixing compensation of United States marshals and deputies, and for other purposes, should be indefinitely postponed, I think.

Mr. PLATT. Not until the sundry civil bill is passed.

Mr. CULLOM. The provisions of these bills are covered by the sundry civil appropriation bill.

Mr. PLATT. But they had better remain on the Calendar until the sundry civil bill becomes a law.

Mr. COCKRELL. Let them be placed under Rule IX.

The PRESIDING OFFICER. Orders of Business 537 and 538, being the bills referred to by the Senator from Illinois [Mr. CULLOM], will go over under Rule IX.

ANTON GLOETZNER.

The bill (H. R. 6104) for the relief of Anton Gloetzner was considered as in Committee of the Whole. It proposes that all real estate lying in the District of Columbia heretofore purchased by and conveyed to Anton Gloetzner prior to the passage of this bill be relieved and exempted from the operation of the act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," etc., approved March 3, 1887, and that all forfeitures incurred by force of that act in respect of such real estate be remitted.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TESTIMONY OF PHYSICIANS IN THE DISTRICT OF COLUMBIA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 981) relating to the testimony of physicians in the courts of the District of Columbia, which had been reported from the Committee on the District of Columbia with an amendment, in line 6, after the word "information," to insert "confidential in its nature"; so as to make the bill read:

Be it enacted, etc., That in the courts of the District of Columbia no physician or surgeon shall be permitted, without the consent of the person afflicted, or of his legal representative, to disclose any information, confidential in its nature, which he shall have acquired in attending a patient in a professional capacity and which was necessary to enable him to act in that capacity, whether such information shall have been obtained from the patient or from his family or from the person or persons in charge of him: *Provided*, That this act shall not apply to evidence in criminal cases where the accused is charged with causing the death of or inflicting injuries upon a human being and the disclosure shall be required in the interests of public justice.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMPLOYMENT OF ALIENS IN EXECUTIVE DEPARTMENTS.

The Senate proceeded to consider the resolution submitted by Mr. GALLINGER December 16, 1895, directing a careful and thorough inquiry to be made regarding the employment of aliens in the several Executive Departments.

Mr. GALLINGER. I hope that resolution will pass, Mr. President. It is simply a resolution of inquiry.

Mr. COCKRELL. There is no objection to it.

The resolution was reported from the Committee on Civil Service and Retrenchment with an amendment, in line 6, after the words "regarding the," to strike out "employment" and insert "number"; and in the same line, after the word "aliens," to insert "employed in"; so as to make the resolution read:

Resolved, That the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, the Postmaster-General, and the Attorney-General are hereby directed to cause a careful and thorough inquiry to be made regarding the number of aliens employed in their respective Departments, and to communicate the result of said inquiry to the Senate at the earliest practicable day.

The amendment was agreed to.

The resolution as amended was agreed to.

JOHN F. W. DETTE.

The bill (S. 80) for the relief of John F. W. Dette was considered as in Committee of the Whole. It directs the Secretary of War to cause to be examined and investigated the terms and conditions of the contract of John F. W. Dette with the United States to build a stone wall of masonry around the national cemetery at Jefferson Barracks, in the county of St. Louis and State of Missouri, and the plans and specifications therefor, and any changes or modifications made therein, and the character, actual cost of material, and work in the construction of the wall; and whether by reason of any change or modifications in the contract the cost of the work per perch was increased, and what loss was incurred on any additional work required by such changes or modifications; and what, if any, sum is reasonably and equitably due to the said Dette, in addition to the amount already paid him, by reason of the changes or modifications in his contract, and to report the result to Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISTILLATION OF BRANDY FROM FRUITS.

The bill (H. R. 886) to amend section 3255 of the Revised Statutes of the United States concerning the distilling of brandy from fruits was announced as next in order.

Mr. HARRIS. Let that bill be passed over, holding its place on the Calendar. It is possible that the committee may want to offer some additional amendments to it.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

Mr. DUBOIS. I should like very much to have that little bill pass without amendment. It is a bill in which my people are particularly interested.

Mr. HARRIS. I am decidedly in favor of the bill as it stands, but I do not see more than one member of the committee present except myself, and for that reason I prefer that that bill should go over without prejudice; and going over in that way, whenever we go the Calendar it is subject to be called up by the Senator from Idaho [Mr. DUBOIS] or any other Senator.

Mr. PLATT. I will say to the Senator from Idaho that I do entertain hope that there may be an agreement to drop this amendment. I may be disappointed, but I hope that that course may be taken.

Mr. DUBOIS. Certainly the amendment ought to be dropped. It is a House bill, and interests our section of the country.

Mr. HARRIS. I should prefer that other members of the committee besides the two of us now present should be here when the bill is considered.

Mr. WHITE. I fully agree with the Senator from Idaho that the bill is a very meritorious one. It affects my State, and I urged it through the Finance Committee, but there are several little matters, which it is talked of attaching to this bill, among others, that regarding the wood-alcohol matter and wool, and all the various provisions of the tariff bill, and all the ills that political flesh is heir to. In fact, this bill is sought to be used to give the Senate jurisdiction of the tariff. Of course, we can not originate a tariff measure here, but having got this very innocent little bill for the benefit of Idaho, California, and a few other usually oppressed places, we are to add to it a vast amount of tariff discussion. So long as the committee seems disposed, as it does now, to press these amendments, I do not think the members of the committee present would be justified in allowing the bill to be considered to-day.

Mr. PLATT. I do entertain the hope that before the close of the session the amendments referred to may all be withdrawn.

Mr. WHITE. I trust so myself, but I am afraid not.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 75) granting a pension to Mary F. Davenport;

A bill (H. R. 4275) to increase the pension of Mrs. Annis H. Enochs, widow of Gen. William H. Enochs, from $20 to $50 per month;

A bill (H. R. 4355) to increase the pension of Theresa Peebles, of Jefferson County, Ga.;

A bill (H. R. 4395) for the relief of Miss Juliette Betts;

A bill (H. R. 5400) to increase the pension of Mary L. Bacon, widow of the late George B. Bacon, late lieutenant-commander of the United States Navy;

A bill (H. R. 5225) for the relief of Mrs. Elizabeth M. Williams, of Monroe County, Tenn.;

A bill (H. R. 5712) granting increase of pension to John W. Hines; and

A bill (H. R. 6132) granting an increase of pension to Thomas M. Scott.

LOST OR ABANDONED PROPERTY, ETC.

The bill (H. R. 4452) to amend section 416 of the Revised Statutes of the United States relating to the District of Columbia, was considered as in Committee of the Whole.

Mr. PLATT. In line 5, I move to amend by inserting the words "so as to read" after "amended" and before "as follows."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ESTATE OF WILLIAM B. THAYER.

The bill (S. 338) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Bros., and others, was considered as in Committee of the Whole. It proposes to pay to the following-named persons, or their legal representatives, respectively, such amounts as shall be shown to the satisfaction of the Commissioner of Internal Revenue to have been paid by them, or by the firms they respectively represent, as tax on distilled spirits in excess of the quantity withdrawn by them from warehouse: To George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Bros., $10,790.32; to Silas Q. Howe, surviving partner of William T. Pate & Co., $19,662.19; to Henry W. Smith, surviving partner of T. & J. W. Gaff & Co., $14,062.50, these payments being a refund of taxes exacted and paid on distilled spirits in excess of the quantity withdrawn by them from the United States bonded warehouse between July 1 and December 31, 1864.

Mr. CULLOM. Does the bill come from the Committee on Finance?

Mr. GALLINGER. It comes from the Committee on Claims.

Mr. CULLOM. It seems to carry a pretty large amount of money with it.

Mr. WHITE. I am informed by the Senator having the measure in charge that the bill is for leakage, which, of course, covers the case.

Mr. MITCHELL of Oregon. The bill is all right. A similar bill has passed the Senate two or three times before.

Mr. CULLOM. What is the amount proposed to be appropriated by the bill?

Mr. MITCHELL of Oregon. I can not state the exact amount.

Mr. PLATT. Let the report be read.

Mr. MITCHELL of Oregon. It is a refund of tax collected on whisky deposited in warehouses where the leakage occurred.

Mr. COCKRELL. It amounts to about $45,000.

Mr. MITCHELL of Oregon. No allowance was made for the leakage when the tax was collected.

Mr. CULLOM. I think if it is a good bill it ought to wait.

Mr. MITCHELL of Oregon. It is one of a number of bills passed heretofore of the same kind. This very bill has passed the Senate on three different occasions heretofore.

Mr. PLATT. I should like to hear the report read.

The PRESIDING OFFICER. The report will be read.

The Secretary proceeded to read the report submitted by Mr. MITCHELL of Oregon, from the Committee on Claims, March 17, 1896, and read as follows:

The Committee on Claims, to whom was referred the bill (S. 338) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Bros., and others, having had the same under consideration, beg to submit the following report:

This bill has frequently been reported favorably from this committee and

passed the Senate at the first session of the Fifty-second Congress, at which time it was accompanied by Report No. 79. Your committee readopt said report and report back the bill without amendment and recommend its passage.

The report referred to is as follows:

"The Committee on Claims, to whom was referred the bill (S. 352) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Bros., and others, having had the same under consideration, submit the following report:

"A similar bill was before this committee at the first session of the Fiftieth Congress, at which time the following report was agreed to, being Report No. 94 of that session:

"The Committee on Claims, to whom was referred the bill (S. 394) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Bros., and others, having had the same under consideration, submit the following report:

"A similar bill was before this committee at the first session of the Forty-ninth Congress, at which time the following report was adopted; which was also agreed to in the first session of the Fiftieth Congress, being Report No. 279:

"Thayer Bros., Pate & Co. and J. W. Gaff & Co., in the year 1864 had deposited a large quantity of distilled spirits in a United States bonded warehouse, then under the control of officers of the Government charged with the collection of the internal revenue. That it further appears that the quantity so deposited is correctly stated in the petition of said parties filed with said bill; that it further appears that the quantity originally deposited is correctly stated, as is also the quantity withdrawn, and that during the time said spirits were so deposited, and the time at which the said spirits were withdrawn, there was a percentage of leakage, whereby, as is shown, in the case of Thayer Bros. there is a loss of 7,193.53 gallons, in the case of Pate & Co. a loss of 13,272 gallons, and in the case of J. W. Gaff & Co. a loss of 9,375 gallons. And that it further appears, under direction of the Commissioner of Internal Revenue, these parties severally paid the tax required by law on the quantity originally deposited, without regard to the fact of loss by leakage, in the year 1867; and that against this said parties then and ever since protested in mode and manner as from time to time they have been advised was best to secure relief, their last resort being to Congress for such relief, their appeal being a protest that such collection of taxes was against a proper construction of the act of Congress, June 30, 1864 (section 55), and was against the practice and rulings of the Internal-Revenue Office."

Mr. COCKRELL. I desire to call the attention of the Senator from Connecticut to the fact that the gist of the case is stated in the report thus far read. The rest is merely a recapitulation of the evidence. They put the whisky in the warehouse, it stayed there a certain length of time, it was drawn out, and by exact measurement there was a certain deficiency, and they had to pay the tax on the amount that was first made. They had to pay it as a matter of course. Now they claim the balance; and that is all there is in the case. They claim a refund of the taxes they paid on the amount of spirits that had disappeared during the time it was in the warehouse.

Mr. MITCHELL of Oregon. That is the case exactly.

Mr. PLATT. The matter that troubles me is that this seems to be a claim dating back to 1864, and it is reported here upon the assumption that the tax ought not to have been collected upon the amount of leakage while the whisky was in the bonded warehouse.

Mr. MITCHELL of Oregon. The Supreme Court of the United States has decided that the Government was not entitled to collect the taxes on leakage. But they were collected, and I think some half a dozen bills have been passed heretofore refunding the tax. I think this is perhaps the only case remaining.

Mr. HILL. I ask the Senator whether suit could not have been brought in the Court of Claims to recover?

Mr. MITCHELL of Oregon. I do not know whether it was brought or not, and I do not care, so far as that is concerned, not to be abrupt to the Senator from New York; but, under the circumstances, it seems to me there ought to be no objection to the bill. It is the last one of a series where it has been recommended by the Department that the tax be refunded, and it seems to me these people ought to be treated like the others.

Mr. HILL. Can the Senator assure me that this is the last one?

Mr. PLATT. If I had not been interrupted, I was going to say that if this was the last of a series of cases where the tax had been remitted, having been collected in 1864, I should be perfectly satisfied with the passage of the bill, but if it is taking a case out of the rule as it was then adopted and making an exception in behalf of certain persons, when others who are similarly situated do not receive the benefit of the exception, I think we had better pass a general law upon the subject.

Mr. TURPIE. This is the last of the series of bills.

Mr. PLATT. Then I make no objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPRESENTATIVES OF JAMES W. SCHAUMBURG.

The bill (S. 488) for the relief of the legal representatives and devisees of James W. Schaumburg was considered as in Committee of the Whole. It proposes to pay to the legal representatives or devisees of James W. Schaumburg, deceased, the amount of the pay and allowances of a first lieutenant of dragoons from July 1, 1836, to March 24, 1845, as heretofore found to be due to him by the United States circuit court for the eastern district of Pennsylvania.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF A. H. HERR.

The bill (S. 450) for the relief of the estate of A. H. Herr, deceased, late of the District of Columbia, was announced as next in order.

Mr. WHITE. Had not that bill better go over until we get some information about it?

Mr. MITCHELL of Oregon. I beg pardon.

Mr. WHITE. Is the Senator from Oregon interested in the bill?

Mr. PLATT. I think the bill had better go over.

Mr. MITCHELL of Oregon. I am interested to the extent simply that I reported it; that is all.

Mr. WHITE. The amount involved seems to be rather large.

Mr. PLATT. I should like to examine the report.

Mr. MITCHELL of Oregon. The Senator from West Virginia [Mr. FAULKNER] takes quite an interest in the bill.

Mr. WHITE. He could probably explain it if he were here.

The PRESIDING OFFICER. Objection being made, the bill will go over without prejudice.

UNCOMPAHGRE INDIAN RESERVATION.

The joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation was announced as next in order.

Mr. CANNON. In view of the fact that the senior Senator from Wisconsin [Mr. VILAS] has not concluded his remarks on the subject, and in pursuance of the agreement with him, I ask that the joint resolution be passed over without prejudice.

The PRESIDING OFFICER. The joint resolution will go over without prejudice.

PROOF IN PENSION CASES.

The bill (S. 2404) defining and regulating proof in certain pension cases was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "as," to strike out "satisfactory" and insert "sufficient."

Mr. COCKRELL. I ask the Senator from New Hampshire if it would not be better to insert "prima facie"?

Mr. GALLINGER. I will state in response to the Senator from Missouri that I so wrote the bill originally, but certain lawyers on the committee objected to that term. I am not a lawyer myself, and I am disposed to be guided by the opinion of the Senator from Missouri on that matter.

Mr. COCKRELL. I move to strike out "sufficient" and insert "prima facie."

Mr. GALLINGER. I have no objection.

Mr. COCKRELL. Everybody understands that term.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In line 7 strike out "sufficient" and insert "prima facie"; so as to make the bill read:

Be it enacted, etc., That upon the consideration of any application for a pension under any law of the United States the fact that the applicant was accepted and mustered into the military or naval service of the United States shall be taken and held as prima facie proof that such applicant was of sound body and mind at the time he was so accepted and mustered.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AFFIDAVITS IN PENSION CLAIMS.

The bill (S. 2519) to amend section 4746, Revised Statutes of the United States, was considered as in Committee of the Whole. It proposes to amend section 4746 of the Revised Statutes of the United States so as to read:

SEC. 4746. Every person who knowingly or willfully in anywise procures the making or presentation of any false or fraudulent affidavit concerning any claim for pension or payment thereof, or pertaining to any other matter within the jurisdiction of the Commissioner of Pensions, or who knowingly or willfully shall make, or cause to be made, or present, or cause to be presented, at any pension agency, any power of attorney or other paper required as a voucher in drawing a pension, which paper bears a date subsequent to that on which it was actually signed or executed, shall be punished by a fine not exceeding $500, or by imprisonment for a term not exceeding three years, or by both.

Mr. GALLINGER. I move to amend the bill, in line 5, by inserting after the word "amended" the words "so as to read."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PLATT. As the next two cases on the Calendar were reported by myself, I think I will take advantage of this opportunity to move to adjourn. I make that motion.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate adjourned until Monday, May 11, 1896, at 12 o'clock meridian.

SENATE.

MONDAY, *May 11, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on motion of Mr. ALLEN, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 22d ultimo, the number of enlisted men and apprentices in the Navy and Marine Corps March 31, 1896, and also the number of "blue jackets" enlisted in the rating of landsmen; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of the 25th ultimo, certain information relative to the delay in the transmission of public documents through the Washington city postoffice; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of Labor Assembly, No. 1697, Knights of Labor, of Wellston, Ohio, and a petition of the Order of Knights of Labor of Little Rock, Ark., praying for the passage of the so-called Phillips bill, authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which were referred to the Committee on Education and Labor.

He also presented a petition of the Chamber of Commerce of New York, praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. LODGE presented resolutions of the legislature of the State of Massachusetts, in support of the Monroe doctrine; which were read, and ordered to lie on the table, as follows:

[Commonwealth of Massachusetts. In the year 1896.]

Resolutions in support of the Monroe doctrine.

Resolved, That the senate and house of representatives of the Commonwealth of Massachusetts, in general court assembled, has seen with profound gratification that the action of the United States is about to secure a settlement of the controversy between Great Britain and Venezuela which is honorable to both nations, will establish the principle of arbitration in international disputes, and by enforcing the Monroe doctrine, which should be firmly sustained by the United States wherever it justly applies, will protect the smaller American governments from the danger of European aggression.

Resolved, That a copy of these resolutions, properly attested, be transmitted by the secretary of the Commonwealth to each of our Senators and Representatives in Congress.

In senate, adopted April 29, 1896.

In house of representatives, adopted in concurrence April 30, 1896.

A true copy.

Attest:

WM. M. OLIN,
Secretary of the Commonwealth.

Mr. LODGE presented resolutions adopted by Boot and Shoe Cutters' Assembly, No. 3662, of Lynn, Mass., favoring the passage of the so-called Phillips bill, authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which were referred to the Committee on Education and Labor.

He also presented resolutions of the Brookfield Conference of Congregational Churches, adopted at its annual meeting at Ware, Mass., favoring the enactment of legislation to insure the safety of American citizens, including missionaries, residing in the Turkish Empire; which were referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Revere, Mass., remonstrating against the adoption of the so-called Pasco amendment to the Post-Office appropriation bill, which is now in conference, or of any measure which shall in any manner curtail the present jurisdiction of the Boston postal district; which was referred to the Committee on Appropriations.

Mr. CULLOM presented a petition of Cigar Makers' Union, No. 80, of Danville, Ill., praying for the Government ownership and control of telegraph lines; which was referred to the Committee on Interstate Commerce.

Mr. ALLEN presented the petition of John Lynch and sundry other settlers on the Sioux Indian lands in Nebraska, praying for the enactment of legislation remitting the payments required by section 21 of the act of March 2, 1889; which was referred to the Committee on Indian Affairs.

Mr. HARRIS presented a petition of the Chamber of Commerce of Nashville, Tenn., praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

ADDRESS OF NATIONAL IRRIGATION CONGRESS.

Mr. WARREN. I present an address issued to the people of the United States by the National Irrigation Congress, at its fourth annual session, at Albuquerque, N. Mex., September 16–19, 1895. The congress was composed of delegates from very many States and Territories; and I ask that the address may be printed as a miscellaneous document, and also that it be printed in the RECORD.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Wyoming?

Mr. HILL. What is the necessity for printing it in the RECORD when it is to be printed as a document?

Mr. WARREN. As a miscellaneous document there will be two or three hundred copies printed.

Mr. HILL. I have no objection to its being printed as a miscellaneous document; but I do not think we ought to encumber the RECORD. I think we are trespassing now altogether too far upon the proper province of the RECORD.

Mr. WARREN. If the Senator from New York is disposed to object I do not wish to press the request.

Mr. TELLER. Let it be printed as a document.

Mr. HILL. I will object to its being printed in the RECORD, but not as a document.

The VICE-PRESIDENT. The address will be printed as a document and lie on the table.

REPORTS OF COMMITTEES.

Mr. TELLER, from the Committee on the Judiciary, to whom were referred the following bills, asked to be discharged from their further consideration, and that they be referred to the Committee on Public Lands; which was agreed to:

A bill (S. 3032) for the relief of William H. Wilder, testamentary executor of the succession of Myra Clark Gaines, deceased, late of the parish of Orleans, in the State of Louisiana; and

A bill (S. 3033) for the relief of William H. Wilder, testamentary executor of the succession of Myra Clark Gaines, deceased, late of the parish of Orleans, in the State of Louisiana.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 105) for the erection of a public building at Aberdeen, S. Dak., reported it without amendment, and submitted a report thereon.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (S. 2499) to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway Company," reported it with amendments.

Mr. GALLINGER (for Mr. MCMILLAN), from the Committee on the District of Columbia, to whom was referred the bill (S. 3008) authorizing the employment of day-labor in the construction of certain municipal buildings and works in the District of Columbia, reported it without amendment, and submitted a report thereon.

He also (for Mr MCMILLAN), from the same committee, to whom was referred the bill (S. 1417) to regulate the employment of labor on public buildings and public grounds belonging to the District of Columbia, reported adversely thereon, and the bill was postponed indefinitely.

Mr. FRYE. I report back favorably from the Committee on Commerce without amendment the bill (H. R. 8038) for the protection of yacht owners and ship builders of the United States, and submit a report thereon. I give notice that I shall not call the bill up until the next session of Congress.

Mr. VEST. On behalf of the minority of the Committee on Commerce, the Senator from Arkansas [Mr. BERRY], the Senator from Louisiana [Mr. CAFFERY], the Senator from Florida [Mr. PASCO], and myself, I propose an amendment to the bill, and ask that it may be printed and go over with the bill until the next session.

The VICE-PRESIDENT. It will be so ordered.

Mr. CARTER, from the Committee on Public Lands, to whom was referred the bill (S. 2739) to confirm the title to the Aspen town site, in the State of Colorado, reported it with an amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (H. R. 8260) to authorize the establishment of a life-saving station at Port Huron, on the coast of Lake Huron, Michigan, reported it with amendments.

FORT SULLY MILITARY RESERVATION.

Mr. PETTIGREW. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation in said State as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes, to report it favorably without amendment. I ask unanimous consent for the immediate consideration of the bill.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PETTIGREW subsequently submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation in said State as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes.

FORT LEWIS MILITARY RESERVATION.

Mr. DUBOIS. I am instructed by the Committee on Public Lands to report back favorably, without amendment, the bill (H. R. 5481) to restore the lands embraced in the Fort Lewis Military Reservation, in the State of Colorado, to the public domain.

Mr. TELLER. I ask for the present consideration of the bill. It is a House bill, and local in its character.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEPUTY MARSHALS IN INDIAN TERRITORY.

Mr. TELLER. From the Committee on the Judiciary I report back with an amendment the bill (S. 3050) to validate the appointments, acts, and services of certain deputy United States marshals in the Indian Territory, and for other purposes, and submit a report thereon. I am directed by the committee to ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on the Judiciary was, in line 10, section 2, before the word "thousand," to strike out "forty" and insert "fifty"; so as to make the section read:

SEC. 2. That hereafter United States marshals in said Territory shall give bond, with two or more sureties to be approved by the judge of said district, in the sum of $20,000, conditioned as by law required in regard to the bond of other United States marshals: *Provided*, That whenever the business of the courts in said Territory shall make it necessary, in the opinion of the Attorney-General, for the United States marshal of any district therein to furnish greater security than the official bond herein required, a bond in the sum not exceeding $50,000 shall be given by said marshal when required by the Attorney-General, who shall fix the amount thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. TELLER. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States, to report it with a recommendation that all after the enacting clause be stricken out and that the bill (S. 742) to establish a uniform system of bankruptcy which was reported from the Judiciary Committee April 13, with amendments, and is now on the Calendar, be substituted for the House bill, the intention being to substitute for the bankruptcy bill which was passed by the other House Senate bill 742, as reported from the Judiciary Committee of the Senate.

Mr. MITCHELL of Oregon. I am authorized by the minority of the Judiciary Committee to state to the Senate that the minority of that committee dissents from this report. The minority of the committee favors the House bill on bankruptcy, and will advocate the adoption of that bill with any necessary amendments that may occur to the minority when it comes up for consideration.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

FORD'S THEATER DISASTER.

Mr. FAULKNER. I am instructed by the Commission on the Ford's Theater Disaster to report a bill, accompanied by a written report. I suppose it will be necessary to submit a motion that the usual number of copies of the report be printed for the use of the Senate, as it comes from a commission and not a committee, and the ordinary rule of the Senate requiring a certain number of reports to be published from a committee would not cover this case. I therefore move that the usual number be printed.

The motion was agreed to.

Mr. PLATT. I wish to make an inquiry of the Senator from West Virginia. This, I understand, is the report of the commission recommending payment of damages to those who were injured in the Ford's Theater disaster.

Mr. FAULKNER. Recommending payment to the injured and including the three death cases that were not presented when the former payment was made at the last session of Congress.

Mr. PLATT. I desire to ask the Senator whether he is not also going to propose an amendment to the deficiency appropriation bill covering the cases.

Mr. FAULKNER. I have it now in my hand and will offer it as soon as the bill is read.

The bill (S. 3117) to provide compensation for injuries to person of employees of the Government in the disaster at Ford's Theater, which occurred on the 9th day of June, 1893, and for other purposes, was read twice by its title.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. FAULKNER. I submit the bill in the form of an amendment intended to be proposed to the deficiency appropriation bill. I move that it be referred to the Committee on Appropriations and printed.

The motion was agreed to.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 3118) to remove the charge of desertion from Joseph B. Colbert; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. QUAY introduced a bill (S. 3119) making appropriation to the Department of Justice to pay Ellery P. Ingham, late United States district attorney for the eastern district of Pennsylvania, for extraordinary services rendered in relation to the condemnation proceedings for sites for a new United States mint at Philadelphia; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. GRAY introduced a bill (S. 3120) granting a pension to John Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SEWELL introduced a bill (S. 3122) for the relief of Bridget Lane; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ALLEN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. SQUIRE submitted an amendment intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PUGH submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. QUAY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT submitted an amendment intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

PACIFIC RAILROADS.

Mr. MORGAN. I submit a resolution, for which I ask immediate consideration.

The resolution was read, as follows:

Resolved, That the report of the Committee on Pacific Railroads (S. 2894) and the views of the minority on that bill and other bills reported adversely by the committee be printed together as one document, for the use of the Senate.

Mr. MORGAN. I have conferred with the chairman of the committee, and he desires that this order shall be taken.

The resolution was considered by unanimous consent, and agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 981) relating to the testimony of physicians in the courts of the District of Columbia;

A bill (S. 2488) to amend an act entitled "An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes";

A bill (S. 2790) for the relief of Sophronia S. Stowell;

A bill (S. 2843) to authorize the construction of a bridge across the Missouri River at or near the city of Boonville, Mo.; and

A bill (S. 2870) to permit Rene C. Baughman to lay pipes in a certain street in the city of Washington.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 3462) to regulate the business of storage in the District of Columbia; and

A bill (H. R. 3751) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia.

The message further announced that the House insisted upon its amendment to the bill (S. 2221) for the relief of settlers on the Northern Pacific Railroad indemnity lands; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LACEY, Mr. WILSON of Idaho, and Mr. UNDERWOOD managers at the conference on the part of the House.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. 1171) to pension Hannah Yazell;

A bill (H. R. 1261) for the relief of John Kehl, and to restore him his former rating;

A bill (H. R. 1299) to pension Harriet Woodbury, of Windsor, Vt.;

A bill (H. R. 1936) to remove the charge of desertion standing against David Mosten;

A bill (H. R. 3524) for the relief of James McGowan from the charge of desertion;

A bill (H. R. 3937) granting a pension to Miriam V. Kenney, widow of Samuel W. Kenney;

A bill (H. R. 4199) to correct the military record of Edward H. Munson, late a private in Company H, Thirty-second New York Regiment Infantry; and

A bill (H. R. 4598) granting a pension to May Cray.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 8820) making provision for the deportation of refugee Canadian Cree Indians from the State of Montana and their delivery to the Canadian authorities; and it was thereupon signed by the Vice-President.

PETER P. FERGUSON.

Mr. VILAS. I ask for the present consideration of the bill (H. R. 6431) to pay Peter P. Ferguson $1,765.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay Peter P. Ferguson $1,765, the same being the amount of a certain judgment recovered by the United States against Ferguson on the 24th day of December, 1892, in the circuit court for the western district of Wisconsin, for $1,600, and also $165 expended for costs by Ferguson in defending the action, and which judgment was paid in full by him, it being for the value of timber cut from certain lands in Ashland County, Wis., and claimed by the United States, and which lands were subsequently determined by the Supreme Court in the case of Wisconsin Central Railroad Company against Forsythe to be owned by the railroad company, through whom Ferguson obtained his title.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

W. L. HALL.

Mr. ALLEN. I ask unanimous consent to call up the bill (S. 1572) for the relief of W. L. Hall.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay $178 to W. L. Hall for money expended by him in the discharge of his duty as deputy United States internal-revenue collector during the fiscal year ended June 30, 1890.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TENNESSEE CENTENNIAL EXPOSITION.

Mr. BATE. If there is no objection, I ask for the present consideration of the joint resolution (H. Res. 167) authorizing foreign exhibitors at the Tennessee Centennial Exposition to be held in Nashville, Tenn., in 1897, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits, and allowing articles imported from foreign countries for the sole purpose of exhibition at said exposition to be imported free of duty, under regulations prescribed by the Secretary of the Treasury. The joint resolution was reported unanimously from the Select Committee on International Expositions and has also received the unanimous action of the other House.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

GILMAN WILLIAMS.

Mr. GEAR. I desire to call up the bill (H. R. 1020) granting an increase of pension to Gilman Williams.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to increase the pension of Gilman Williams (insane), of Company H, Third Ohio Infantry Volunteers, to $30 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TALLAHATCHIE RIVER BRIDGE.

Mr. WALTHALL. I ask for the consideration of the joint resolution (H. Res. 137) declaring a certain bridge across the Tallahatchie River, in Tallahatchie County, State of Mississippi, a lawful structure.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Commerce with amendments.

The first amendment was to strike out the resolving clause and insert

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

The amendment was agreed to.

The next amendment was, in line 10, section 1, to strike out "by" and insert "on"; so as to make the proviso read:

That the said temporary pile bridge shall be removed thoroughly and completely on or before the 31st day of December, 1897.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The title was amended so as to read: "A bill declaring a certain bridge across the Tallahatchie River, in Tallahatchie County, State of Mississippi, a lawful structure, and for other purposes."

FRANK D. ORME.

Mr. CULLOM. I ask leave to call up Senate bill 2083 for immediate action.

Mr. FRYE. Quite a number of Senators are asking me that they may have an opportunity to request unanimous consent for the consideration of bills. I feel that the river and harbor bill ought to be proceeded with and certainly it should be completed to-day, but I do not like to oppose my wishes to those of the Senators who are seeking for this opportunity. I give notice that promptly at 1 o'clock I shall demand the regular order and move to take up the river and harbor bill.

Mr. CULLOM. Now, I hope the Senate will proceed to the consideration of the bill (S. 2083) authorizing sale of the title of United States in lot 5, square 1113, in the city of Washington.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment, at the end of the bill to insert the following proviso:

Provided, That before the said conveyance is made the said Frank D. Orme shall satisfy the Secretary of the Interior that all taxes and assessments against such lot have been paid.

Mr. ALLEN. I should like to have an explanation of the bill.

Mr. CULLOM. I will state that this is a report from the Committee on the District of Columbia by the Senator from West Virginia [Mr. FAULKNER]. It seems to be a unanimous report, and there is no possible reason why the bill should not pass. There is a sort of a cloud over the title. I understand that the gentleman who has the title has already paid a good deal more than the price of the lot, but he is anxious to get rid of all question about the title, and therefore he is willing to pay another thousand dollars, and the Commissioners and the Committee on Claims and the Committee on the District of Columbia and all recommend that this should be done.

Mr. ALLEN. What title has the Government to the property?

Mr. CULLOM. Originally the Government owned the title, I understand, and it was conveyed in some way, I do not know exactly how. Perhaps the report of the committee, or the Senator from West Virginia [Mr. FAULKNER] himself, will be able to satisfy the Senator from Nebraska more readily than I could do, as I am not so familiar with the subject as the Senator from West Virginia, who made the report. I call the attention of the Senator from West Virginia to the bill.

Mr. FAULKNER. I will state that this is a case in which the title of the property has really never been in the United States since 1842, yet there is an apparent cloud upon it that has prevented parties from buying it, as the title companies will not guarantee it. There was a commission appointed I think in 1840 or 1842 to make sale of certain Government lots. They were sold and some of the parties buying did not pay the purchase money. My recollection now is, though I can not remember the exact fact, that in some way this property was not entirely paid for by the original purchasers, but they transferred it, and the title is perfect from 1846 down. There are two little cabins on it, you may say of no value whatever. The Commissioners and also the Attorney-General estimated the full value of the property that ought to be demanded from this person at a thousand dollars, and as by prescription the title would have been perfected long years ago, the Commissioners thought it advisable, in consideration of

$1,000, and the requirement that all back taxes shall be paid to the District government up to the present time, though there is no report of any due, to accept this amount as full and complete compensation to the Government for the value of the property. I understand that the Attorney-General also indorses the proposition. There is a written report in full on the subject.

Mr. CULLOM. I will state to the Senator from Nebraska that he will find in the report a letter from the Attorney-General, a letter from A. A. Birney, United States attorney for the District of Columbia, and also a letter from the Commissioners, as well as other letters, recommending that this be done.

Mr. ALLEN. I have not examined the report; my attention was simply attracted by the statement that the property was to be sold at its assessed valuation. The difficulty, as I see it, is that if the Government has title to this property it ought not to be sold for less than its actual fair market value. If the Government has no title to it, then we ought to relinquish any apparent title that we have of record to this man without any compensation.

Mr. FAULKNER. I think the reason why the sum of $1,000 was fixed is because that was assumed to be a full compensation for the original sale, and as a part of the purchase money of the original sale was not paid there is a defective title.

Mr. ALLEN. If the bill authorizes the sale of the property for what it was worth in 1842, I am opposed to it, and I think the case ought to be investigated further. If the original purchasers or contractors for this property in 1842 have suffered it to lapse and have not performed their contract by paying as they should, they should not be permitted, nor should their assignees be permitted, to wait for over fifty years, until the property becomes valuable, and then procure an act of Congress authorizing the transfer of the property at its original value.

I ask that the bill may go over, that it may be investigated.

Mr. CULLOM. I hope the Senator from Nebraska will not insist upon the bill going over.

Mr. FAULKNER. I do not know how we could investigate it more thoroughly. If the Senator himself will read the report he will see that the committee gave it a most thorough investigation, and that this proposition is indorsed by all of the Federal office-holders who could have any information on the subject as a most fair and liberal proposition.

Mr. ALLEN. I do not see that that adds strength to it.

Mr. CULLOM. The man who has the property has paid more than it is worth two or three times, I understand.

Mr. ALLEN. The statement of neither the Senator from Illinois nor the Senator from West Virginia seems to be clear. I gather that in 1842, or about that time, the Government contracted to sell this property to some individual who is not named. The person with whom the contract was made failed to carry out the provisions of the contract and has failed, up to this time, to carry out the provisions of the contract or to make the payment required by the contract of sale. Now, fifty-four years after that transaction, this bill proposes to permit the transferee or assignee of the original contractor to obtain title to this lot by the payment of a sum that would have been a fair equivalent for the property fifty-four years ago. That seems to be the statement as made by the Senator.

Mr. FAULKNER. I think that Mr. Birney's letter, which is printed in the report, and which is short, states the case much better and more clearly than I did, and the Senator will see that his views are concurred in by the Attorney-General and by all. Mr. Birney says:

WASHINGTON, D. C., *April 9, 1896.*

SIR: I have the honor to state that in accordance with the directions contained in your letter to me of the 3d ultimo I have made an investigation with a view to ascertaining "the right, title, and interest" of the Government in and to lot 5, in square 1119, being the lot referred to in Senate bill No. 983, Fifty-fourth Congress, first session.

The condition of the title to the lot is shown in a report made to me by Assistant District Attorney Taggart, which is inclosed herewith. From this report it appears that the legal title to the lot passed from the Government to James Greenleaf by a certificate granted to him under date of July 10, 1794—

I find that I did not state the time correctly—

and which was duly recorded among the land records, and that it remained outstanding in Greenleaf and his assignees until restored to the United States by a decree of court passed in the year 1831; that immediately it was listed for taxation, for the nonpayment of which it was sold and a tax deed issued.

The only title of Mr. Orme is traceable to this tax deed, and the question presented is whether in the event of a suit an adverse possession under it could, the circumstances considered, be successfully set up as a bar against the United States. I have carefully considered the views expressed by Mr. Taggart, and concur in his opinion that the conflicting claims of the Government and of Mr. Orme in the premises make the case a proper one for adjustment through compromise, and that the interest of the United States should be relinquished upon the payment of a suitable sum.

The condition of the title to this lot is substantially the same as that of the title to lot 1 in the same square, in respect of which I recently made a like recommendation.

Two papers transmitted to me with your letter are herewith returned.

Very respectfully,

A. A. BIRNEY,
United States Attorney, District of Columbia.

The ATTORNEY-GENERAL.

That presents a different view from what I expressed.

Mr. ALLEN. I am entirely satisfied from that report on the case that the bill ought not to pass.

Mr. FAULKNER. Why so?

Mr. ALLEN. I object to the further consideration of the bill, Mr. President.

The VICE-PRESIDENT. Objection being interposed, the bill will go over.

NATIONAL MILITARY PARK.

Mr. HAWLEY. I ask unanimous consent for the present consideration of the bill (H. R. 175) authorizing the Secretary of War to make certain uses of national military parks.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that, in order to obtain practical benefits of great value to the country from the establishment of national military parks, the parks and their approaches be declared to be national fields for military maneuvers for the Regular Army of the United States and the National Guard or militia of the States; but they shall be opened for such purposes only in the discretion of the Secretary of War, and under such regulations as he may prescribe, and it authorizes the Secretary of War, within the limits of appropriations which may from time to time be available for the purpose, to assemble, at his discretion, in camp, at such season of the year and for such period as he may designate, at such field of military maneuvers, such portions of the military forces of the United States as he may think best, to receive military instruction there, and to make and publish regulations governing the assembling of the National Guard or militia of the several States upon the maneuvering grounds, and detail instructors from the Regular Army for such forces during their exercises.

Mr. STEWART. From what committee was that bill reported?

Mr. HAWLEY. From the Committee on Military Affairs.

Mr. STEWART. I should like to have some explanation of it.

Mr. HAWLEY. I will make a brief explanation. The commissioners of the magnificent Chickamauga Park and the adjoining possessions of the Federal Government find a disposition to go there on the part of the National Guard or militia of the several States, and it will also prove a very fine ground for any regular troops who may be within easy reach, simply for drill. The National Guard perhaps will go there and camp.

There is no money whatever required by this bill. Anyone who has been to the Chickamauga Park will remember the fine fields there are there for the maneuvering of troops and how admirable a place it would be for the National Guard of Alabama or Georgia or Tennessee to pass a week there and drill, and, if they choose, to fight over again the battles of the war. This is simply permissive. It is to be regulated entirely by the Secretary of War.

Mr. STEWART. Voluntary action?

Mr. HAWLEY. Voluntary action entirely.

Mr. STEWART. Without any expense to the General Government?

Mr. HAWLEY. There is no expense authorized by this bill except such as the Secretary of War may make within the limits of the appropriations which may from time to time be available for such purposes to assemble the regular troops there. If he gets the appropriation he can do it, and if he does not of course he can not.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COURT-HOUSE AND JAIL AT NAVAJO, ARIZ.

Mr. CANNON. I ask unanimous consent for the present consideration of the bill (H. R. 3448) authorizing the county of Navajo, Territory of Arizona, to issue bonds for the construction of a court-house and jail at the county seat thereof.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Territories with amendments, in line 7, after the word "exceeding," to strike out "five" and insert "six," and after the word "county," at the end of the bill, to insert:

Provided, That a vote of the duly qualified electors of said county shall first be taken upon the question of the issue of the bonds under the provisions of this act, which election shall be held in all respects as required by the general election laws of the Territory of Arizona, and unless a majority of the qualified electors of said county shall vote at said election for the issue of bonds as in this act provided, said bonds shall not be issued.

So as to make the bill read:

Be it enacted, etc., That the board of supervisors of the county of Navajo, Territory of Arizona, be, and are hereby, authorized to issue bonds of said county not exceeding $15,000 in amount, payable in not less than five nor more than twenty years, and bearing interest at a rate not exceeding 6 per cent per annum, interest and principal payable in lawful money of the United States, interest payable semiannually, and which said bonds shall not be sold for less than par, for the construction of a court-house and jail at the county seat of said county: *Provided*, That a vote of the duly qualified electors of said county shall first be taken upon the question of the issue of the bonds under the provisions of this act, which election shall be held in all respects as required by the general election laws of the Territory of Arizona, and unless a majority of the qualified electors of said county shall vote at said election for the issue of bonds as in this act provided said bonds shall not be issued.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM H. MAHONY.

Mr. PERKINS. I ask unanimous consent for the present consideration of the bill (H. R. 900) to provide for the payment of the claim of William H. Mahoney.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to receive and redeem, without the indorsement of N. A. Rogers, and to pay to W. H. Mahoney, the present owner thereof, out of the moneys appropriated for the redemption of bonds issued by the Treasury Department pursuant to an act of Congress approved March 2, 1861, to provide for expenses incurred by the Territories in the suppression of Indian hostilities therein in the years 1855 and 1856, the sum of $500, upon the delivery by W. H. Mahoney to the Secretary of that certain bond designated as "Oregon war debt bond No. 1358," issued on March 24, 1862, by the Treasury Department pursuant to said act, and upon W. H. Mahoney giving a good and sufficient bond in the penal sum of $1,000 to hold harmless the United States against repayment of said bond, to be approved by the Secretary of the Treasury.

Mr. PERKINS. I move to amend the bill by correcting the spelling of the name "Mahoney." Wherever it occurs the name should be spelled "Mahony."

The VICE-PRESIDENT. That amendment will be made, in the absence of objection, wherever the name appears in the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to provide for the payment of the claim of William H. Mahony."

POINT BONITA LIFE-SAVING STATION.

Mr. WHITE. There is on the Calendar a bill (S. 2980) to provide a life-saving station at or near Point Bonita, at the Golden Gate, in the State of California, which was favorably reported by the Committee on Commerce without amendment. There is a House bill on the same subject, which is in exactly the same words, and has lately been referred to the Committee on Commerce. I ask that the House bill may be recalled from the committee and substituted for the Senate bill and now considered.

The VICE-PRESIDENT. The Committee on Commerce will be discharged from the consideration of the bill, if there be no objection. The Chair hears none, and it is so ordered.

Mr. WHITE. I now ask for the consideration of the House bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1980) to provide a life-saving station at or near Point Bonita, at the Golden Gate, in the State of California.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. WHITE. I now move that Senate bill 2980, for which the House bill has been substituted, may be indefinitely postponed.

The motion was agreed to.

FORCE SCHOOL PROPERTY.

Mr. LODGE. I ask unanimous consent for the present consideration of the joint resolution (S. R. 142) to authorize the Commissioners of the District of Columbia to dispose of the Force school property on Massachusetts avenue and to obtain another site for that school.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It directs the Commissioners of the District of Columbia to dispose of the Force school property on Massachusetts avenue and to obtain, by purchase or condemnation, another site in the vicinity and to erect on the new site a building for school purposes.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRENCH W. THORNHILL.

Mr. DAVIS. I ask unanimous consent for the present consideration of the bill (S. 3606) granting a pension to French W. Thornhill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place upon the pension roll the name of Dr. French W. Thornhill, of Spring Valley, Minn., at $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA D. LARSH AND CHARLES M. LARSH.

Mr. WARREN. I ask unanimous consent to call up the bill (S. 412) for the relief of Mrs. Emma D. Larsh, of Denver, Colo. I desire to offer a substitute which will embrace that bill and the one following on the Calendar, being the bill (S. 413) for the relief of Charles M. Larsh, of Denver, Colo. The bill which I desire substituted for these bills is exactly the same as one which has been introduced in the other House and favorably reported upon by the committee there.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3121) for the relief of Mrs. Emma D. Larsh and Charles M. Larsh.

Mr. VILAS. I should like to ask the Senator what is the basis of that bill? The committee report shows nothing of it. Has it been recommended by the Department?

Mr. WARREN. In reply to the question of the Senator from Wisconsin, I desire to say that two bills were introduced and favorably reported from the Committee on Public Lands of the Senate. The facts in the case are these: These entrymen made entry upon a section of land, proved up upon it, and paid the Government the amount of money that is sought to be recovered. At a later time an agent of the Government approached the parties and threatened them with suit, both criminal and civil, on the ground that they had made some agreement as to water.

The man and his wife relinquished the land, other parties settled upon it, proved up, and paid for it. As shown by the report, an affidavit made by the agent of the Government shows that the statement I am making is correct; that he obtained this relinquishment by threats of personal prosecution rather than a voluntary relinquishment. If this bill passes, the people will have gotten back the amount of money they paid, and will have lost the use of it for a number of years, and lost their rights. The Government, on the other hand, will have lost nothing, but will have gained the relinquishment of their rights and the use of the money since.

Mr. VILAS. Do I understand the Government has received from the subsequent purchasers the full price?

Mr. WARREN. Exactly.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WARREN. I now move that the two Senate bills on the same subject, being the bill (S. 412) for the relief of Mrs. Emma D. Larsh, of Denver., Colo., and the bill (S. 413) for the relief of Charles M. Larsh, of Denver, Colo., be indefinitely postponed.

The motion was agreed to.

PUBLIC BUILDING AT PORTLAND, OREG.

Mr. MITCHELL of Oregon. I ask the Senate to consider at this time Senate bill 1827, which is a very short bill and will not consume time.

Mr. FRYE. I gave notice that at 1 o'clock I would be obliged to call up the river and harbor bill. I know of no Senator who has more interest in that bill than the Senator from Oregon.

Mr. MITCHELL of Oregon. I hope the Senator will allow me to call up the bill to which I refer. It is a bill to increase and limit the appropriation for a public building at Portland, Oreg., and to designate its uses. It is important that it should be passed, and it is less than half a page in length.

The VICE-PRESIDENT. Does the Senator from Maine yield?

Mr. FRYE. I will yield to the Senator from Oregon, but to no one else, I desire to say now, so that no one will ask me to do so.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1827) to increase and limit the appropriation for a public building at Portland, Oreg., and to designate its uses.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 11, after the words "court rooms," to insert "Signal Service offices"; so as to make the bill read:

Be it enacted, etc., That in addition to the appropriations heretofore made for the purchase of a site and the construction of a public building at Portland, Oreg., there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the further sum of $650,000, which amount, including the amount heretofore appropriated, shall be the limit of the cost of such building, such building, when completed, to be for the purposes of a custom-house, appraisers' stores, court rooms, Signal Service offices, and office of the United States surveyor-general.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1171) to pension Hannah Yazell;

A bill (H. R. 1261) for the relief of John Kehl and to restore him to his former rating;

A bill (H. R. 1299) to pension Harriet Woodbury, of Windsor, Vt.;

A bill (H. R. 3937) granting a pension to Miriam V. Kenney, widow of Samuel W. Kenney; and

A bill (H. R. 4598) granting a pension to May Cray.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 1936) to remove the charge of desertion standing against David Mosten;

A bill (H. R. 3524) for the relief of James McGowan from the charge of desertion; and

A bill (H. R. 4199) to correct the military record of Edward H. Munson, late a private in Company H, Thirty-second New York Regiment Infantry.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. FRYE. I move that the Senate proceed to the consideration of the river and harbor bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the pending question being on the amendment of Mr. WHITE to the amendment reported by the Committee on Commerce.

Mr. BERRY. Mr. President, I had supposed that at the conclusion of the remarks of the Senator from California [Mr. WHITE] the Senator from Maine [Mr. FRYE], or some one of the majority of the Committee on Commerce, which reported the amendment, would reply. The Senator from Maine, however, declined to do so, claiming that he had the right to conclude the debate. I therefore propose to occupy the attention for a short time upon the proposition reported by the majority of the committee.

If this, Mr. President, were an ordinary case I should not feel called upon to say anything after the able, the exhaustive, and the unanswerable argument made by the Senator from California on Friday and Saturday of last week in opposition to the amendment of the committee; but I do not regard this as an ordinary case. Disclaiming any intent to reflect upon the motives of any Senator who supports this appropriation of $3,000,000 for Santa Monica, yet from my standpoint I regard it as the most unjustifiable and inexcusable attempt that I have ever seen in the Senate to disregard the public interest, to override public sentiment, and to make an appropriation of money the effect of which will be to benefit private individuals only. For that reason, as well as one other, which I shall now state, I feel called upon as a member of the Committee on Commerce to present my objections to the adoption of the committee amendment.

The other objection to its adoption is that I feel a deep interest in the passage of the river and harbor bill. I believe it is important to the country that some river and harbor bill should become a law during the present session of Congress, and I believe, furthermore, if this amendment is forced on the bill that it will greatly endanger and probably defeat any appropriation for rivers and harbors during the present session of Congress.

The people of this country, or a great majority of them, approve appropriations for the improvement of rivers in this country, because they believe the rivers are the only protection they have against the inordinate and exorbitant charges of railroad companies. They approve such appropriations when they are made in the public interest. They do not, however, approve such appropriations when made to subserve private interests only.

In every other item of this bill save one, in every item of every river and harbor bill which has passed heretofore, the universal rule has been to make appropriations for rivers and harbors upon the report of army officers belonging to the Corps of Engineers. There are but two exceptions to that within my knowledge. One was an appropriation for the improvement of the mouth of the Mississippi River below New Orleans, which improvement was made under the supervision of Captain Eads, and in that case there was a contract between Captain Eads and the Government, that unless he succeeded in doing what he proposed to do no pay should be given him. There is one other appropriation which was made in 1892, I think, for Brunswick, Ga., upon the same principle as that which was made for the improvement of the mouth of the Mississippi River with Captain Eads; but with those two exceptions, all appropriations made for these public purposes have been made upon the report and estimate of the army engineers. This is the first attempt to overrule and override the report of army engineers by private engineers, hired by private parties who have private interests at stake. These are the reasons why I deem this amendment so very objectionable. It is because of the fact that there is no Government engineer who has ever said that this appropriation should be made for Santa Monica.

I do not now propose to go into the particulars to the extent to which the Senator from California did, but I shall state the general facts, which are admitted and not denied. In 1890 it was believed by Congress that it was important to make provision for a deep-sea harbor upon the Pacific Coast. In the river and harbor act of that year it was provided that three army officers belonging to the Corps of Engineers should be appointed as a board to visit the Pacific Coast to select between certain points named in that order a deep-sea harbor for that coast. That board was appointed by the Secretary of War, and consisted of the following distinguished officers of the United States Army: G. H. Mendell, colonel, Corps of Engineers; G. L. Gillespie, lieutenant-colonel, Corps of Engineers; W. H. H. Benyaurd, lieutenant-colonel, Corps of Engineers. I shall not go at length into this report, as the Senator from California did, but I will read the conclusions at which these distinguished officers of the United States Army arrived. They say:

> In its natural condition San Pedro Bay is better protected from the dangerous winds and seas than Santa Monica Bay.

They conclude as follows:

> In view of the fact that San Pedro Bay in its natural condition affords better protection both from prevailing winds and from dangerous storms than Santa Monica Bay; that protection can be secured at less cost for equal development of breakwater at the former than at the latter; that a larger area of protected anchorage from the prevailing westerly swells can be secured, the severe storms from the southeast being infrequent, and that there is already an interior harbor that will be a valuable addition to the outer harbor, the board considers San Pedro Bay as the better location for the deep-water harbor provided for by the act.

They all three united in that report. There was no dissent from any quarter.

Mr. President, if this had been an ordinary case, if extraordinary influences had not been brought to bear, Congress, upon that report made by these engineers, would have made the appropriation in 1892 for this deep-water harbor at San Pedro. Why was it not done? The reason was that the Senator from Maine [Mr. FRYE] either before or after this examination was made—I do not know which—had visited the Pacific Coast. He remained for a number of days at Santa Monica and also visited San Pedro. In his opinion Santa Monica was the better place for this deep-sea harbor, and he believed that the engineers of the United States Army had made a mistake. So believing, that was stated to the committee and no appropriation was made.

What was done, and done, too, upon the recommendation of the chairman of that committee and placed in the river and harbor bill of 1892? I will read the provision, which is as follows:

> The Secretary of War is hereby authorized and directed to appoint a board of five engineer officers of the United States Army, whose duty it shall be to make a careful and critical examination for a proposed deep-water harbor at San Pedro or Santa Monica bays, and to report as to which is the more eligible location for such harbor in depth, width, and capacity to accommodate the largest ocean-going vessels and the commercial and naval necessities of the country, together with an estimate of the cost. Said board of engineers shall report the result of its investigations to the Secretary of War on or before the 1st of November, 1892; and $10,000, or so much thereof as may be necessary, are hereby appropriated for said purpose.

Mr. President, the Senate will bear in mind that when the Senator from Maine differed with the other board, out of consideration for his great ability, out of consideration for his thorough knowledge in regard to the commerce of this country, the committee submitted to have another board appointed, and in order that it might have weight and force and its conclusions to be final, there were five engineers, and not three, placed upon the board under the law which I have just read, directing them to proceed to the Pacific Coast to make a critical examination of these two points and to report their findings to the Secretary of War. Those engineers were appointed by the Senator from West Virginia [Mr. ELKINS], who was at that time Secretary of War. The last board consisted of the following-named gentlemen: William P. Craighill, colonel, Corps of Engineers (and now General Craighill, Chief of Engineers); Henry M. Robert, lieutenant-colonel, Corps of Engineers; Peter C. Hains, lieutenant-colonel, Corps of Engineers; C. W. Raymond, major, Corps of Engineers, and Thomas H. Handbury, major, Corps of Engineers.

Without going at length into their report, I will read a few extracts as to what these five distinguished men say, and I assert here to-day that these five men, and no man would assert to the contrary, are as eminent in their profession, as distinguished and honorable gentlemen as ever served, or are to-day serving, in the United States Army, who had no interest in the result; educated at West Point to tell the truth, to rely upon their honor, would be actuated by no personal motives, or anything except an honest desire to comply with the law, and to discharge their duties in a manner creditable to themselves. They say:

> The board is of opinion that the location of San Pedro is decidedly the best, considered as a place of shelter and for receiving and discharging freight.
>
> * * * * * * *
>
> The location at San Pedro has natural protection from all winds and seas, except from the southeast around to the southwest. The San Pedro Hill, 1,493 feet high, which forms the west side of the bay, furnishes a more perfect shelter from wind and sea than can be afforded by any artificial structure in Santa Monica Bay. In all the proposed locations the foundations are favorable.

Mr. BACON. What is the last sentence? Will the Senator read it again?

Mr. BERRY. It says:

> In all the proposed locations the foundations are favorable.

Here it is repeated in a stronger way, if the Senator from Georgia [Mr. BACON] will notice it:

> In all the harbors the holding ground is good. Some doubts have been expressed with regard to the character of the holding ground at San Pedro, but after diligent inquiry the board is satisfied that it is as good in this location as in the others.

The final conclusion, the wind up of the report, is as follows:

> Having made a careful and critical examination for a proposed deep-water harbor at San Pedro or Santa Monica bays, as required by law, the board is unanimously of opinion that the location selected by the board of engineers of 1890, at the present anchorage at the westerly side of San Pedro Bay under Point Firmin, is the "more eligible location for such harbor in depth, width, and capacity to accommodate the largest ocean-going vessels and the commercial and naval necessities of the country."

That is the conclusion of the second board sent there at the instance of the Senator from Maine [Mr. FRYE], because he was dissatisfied with the first report.

Mr. GEORGE. Did they make an estimate?

Mr. BERRY. There is an estimate of cost.

Mr. GEORGE. Made by the last board?

Mr. BERRY. Yes, sir. I will turn to it later. I do not know whether I can put my hand on it now. There is an estimate. I forget the amount of it. It is $4,000,000, is it not, Mr. Chairman?

Mr. FRYE. The first board reported $4,000,000; the second board about $3,000,000.

Mr. BERRY. Very well; the estimates are there.

Mr. GEORGE. How much difference was there between the estimates of the two boards?

Mr. BERRY. It is some hundred thousand dollars more at Santa Monica than at San Pedro, as I remember it.

Mr. FRYE. The first board estimated $700,000 more at Santa Monica than at San Pedro and the second board estimated $37,000 more at Santa Monica than at San Pedro.

Mr. BERRY. Bear in mind that here were eight engineers, first one board of three and then another board of five, all distinguished in their profession, having no interest except a desire to report that which they believed was for the best interests of the country, and they unanimously say that San Pedro is the better location.

Now, is that all that can be said in behalf of San Pedro? No. The public sentiment, the common sense of the people of southern California, before this board had ever gone there, had almost unanimously agreed that San Pedro was the better place for the location of a deep-sea harbor. Up to that time I assert here without fear of contradiction ninety-nine one-hundredths of the people of that State believed that San Pedro was the proper place for the harbor. It is true—and this was shown before the committee—that a number of them stated that there had been some change of sentiment, but I will meet that later, and show how the change was brought about. Not only that, but these reports were before the Committee on Commerce. Both of the Senators from California were there in the committee room, of opposite political beliefs. One of them has resided in that immediate locality for thirty or forty years.

The member of Congress who represents that district in the other House was also before the committee. They all three united in saying that if any appropriation were made for a deep-sea harbor there it should be made at San Pedro and not at Santa Monica. It would seem to a man who is not familiar with this case in all its surroundings that that ought to have been sufficient. Here were two boards of engineers; here was the public sentiment in that section of the country; here were both Senators from that State and the member of Congress, who stated before the committee that every man who was a candidate in that section last year declared himself in favor of San Pedro as the location of the harbor. Yet, notwithstanding all that, a majority of the Committee on Commerce said, "We will locate this deep-water harbor at Santa Monica and not at San Pedro."

Mr. President, I propose to show the only reason they gave for it. I intend to state it fairly, and if I misstate it I stand ready to be corrected. The first and most powerful reason was the fact that the Senator from Maine [Mr. FRYE] had seen the two locations and believed that Santa Monica was the better place. To offset that I will state that there are two Senators who sit on this side of the Chamber who have frequently been to both localities, and they say that San Pedro is by far the better place of the two. What else did we have besides the statement of the Senator from Maine or his opinion? We had in addition two civil engineers, men said to be eminent in their profession. One is Mr. Hood, who is the general engineer of the Southern Pacific Railroad, of which Collis P. Huntington is president, as I understand. Mr. Hood is said to be an engineer of ability. He came before the House committee, and we have his testimony as taken there. He said he believed Santa Monica was the better place; but the Senate will bear in mind that the same engineer went before the last board of five United States engineers, presented everything to that board that he could say in behalf of Santa Monica, and they considered every statement he made before they made their last report.

I have nothing to say against Mr. Hood; I am told that he is a splendid engineer; but when it comes to taking his testimony, interested as he is, interested as he admits he is, being the engineer of the man but for whom no question would ever have been made in favor of Santa Monica, being the engineer of the man who is most directly interested financially in having a deep-water harbor located at Santa Monica, as a matter of course his prejudices and his predilections are to be taken into consideration in coming to a conclusion as between him and disinterested officers of the United States.

There was one other civil engineer. That is Mr. E. L. Corthell. The Senator from Maine says Mr. Corthell is a distinguished engineer and a great man. Mr. Corthell in his answer to the minority of the committee practically admits all that the Senator from Maine says about him—that he is a great engineer, a great man. I do not dispute it. I am not here to deny it. But I say that he comes before the Senate and before the committee as the employee of Mr. Huntington. It is true that in the reply he made to the minority of the committee, which he had printed as a pamphlet and circulated in the Senate, he tries to evade the force of that fact, but I state that his own statement before the committee of the Senate shows that Mr. Huntington paid his expenses; that Mr. Huntington first spoke to him about going there, and that while he was unwilling to go without the approval of the Senator from Maine [Mr. FRYE] and the Senator from Louisiana [Mr. BLANCHARD], who was then chairman of the House committee, he went there as Mr. Huntington's employee, and his efforts and his attempt to show that he is a disinterested engineer have only weakened with me the statement he otherwise made.

Mr. GEORGE. Was he at that time employed by the Southern Pacific Company?

Mr. BERRY. I will show the Senator his own statement about it, taken down by a stenographer. I asked him this question:

> In the beginning of your remarks you said something about going out there at the instance of Senators. Did I understand you to say so?
>
> Mr. CORTHELL. I meant with the approval of Senators.
>
> Senator BERRY. They did not employ you to go out there, did they?
>
> Mr. CORTHELL. No, sir.
>
> Senator BERRY. Who employed you?
>
> Mr. CORTHELL. Nobody at the time; but afterwards Mr. Huntington paid my expenses. Mr. Huntington asked me, in the first place, if I would make the examination. I said that I did not think I would like to do so in my position, because it would be officious if I should make an examination and ask to be heard before a committee. I said: "If Senator FRYE and Mr. BLANCHARD (then chairman of the House Committee on Rivers and Harbors) would like me to make an examination I will make it."
>
> Senator BERRY. There was no order of Congress for you to make it?
>
> Mr. CORTHELL. No; I received a telegram from Mr. CATCHINGS while at San Diego, asking my opinion, but expressly stating that he did not intend to employ me, but that he wished me to give my opinion.

In the reply that he afterwards made to the minority of the committee after the testimony was taken—I do not undertake to quote him literally, but I shall do so if it is questioned—he says, "I consider that I went out there at the request of the chairmen of the committees of Congress." He says, furthermore, "It is true that as I was leaving for California Mr. Huntington spoke to me about it." But he says here that Mr. Huntington first asked him to go, and that he was unwilling to go unless it was approved by the Senator from Maine [Mr. FRYE] and by the chairman of the House committee.

Mr. GEORGE. What I wish to know is whether at that time or before or afterwards he was in the employ of the Southern Pacific Railroad Company.

Mr. BERRY. He was. He so stated in his answer to the Senator from California [Mr. WHITE]. The Senator from California asked him this question:

> You had done some work for Mr. Huntington before that?
>
> Mr. CORTHELL. I was, for four years, when obtaining a charter from Congress, the representative of six railroads at New Orleans, and the president of the Southern Bridge and Railroad Company while the charter was being obtained for a railroad bridge over the Mississippi; it was (by previous agreement among the directors of the companies) then transferred to the railroad interests. That was the object of getting the charter. I resigned my position as president, and was reelected chief engineer and Mr. Huntington was elected president. These are my relations with him. Of course I was very glad on account of these relations to do anything which I could properly do that Mr. Huntington requested.

That is his own testimony taken before the committee.

I do not propose to comment further upon Mr. Corthell. I have never believed in Senators standing here and criticising to a great extent others who can not reply to them upon the floor of the Senate; but when Mr. Corthell answered saying that he was disinterested in this matter, as he said two years ago, when he saw proper to go into the public prints and print a pamphlet replying to the committee which had made a report here, it seems to me he laid down the gage and he can not complain of any comments which may be made upon him.

If he had come before the committee and frankly said that he made the examination in the interest of Mr. Huntington, that he was paid by him to make it, that he believed it was correct, I

would have had more respect for his opinion. But when he seeks to make it appear before the Senate that he is disinterested, when it is known to a number of Senators on this floor that he has been one of the most active agents Mr. Huntington has had here for the last ten days who have thronged the Marble Room and the corridors of the Capitol, then he can not very well say that he comes here in a disinterested capacity.

Now, having said this much, I do not propose to comment upon the testimony in regard to the different conditions that exist out there. I do not pretend to know, nor would I know if I were to go there, as to which is the better harbor, Santa Monica or San Pedro. Mr. Corthell may be a great and distinguished engineer. He is undoubtedly swift to state everything that is favorable to Santa Monica and slow to state anything that is favorable to San Pedro. Probably he is correct; I do not deny his position; but I remember one point which he made, and that is this: He stated that while the winds there blew in a southerly direction, as I understood him, the waves beneath, which went down to the bottom, would carry the sand in a northerly direction and would greatly interfere with, and pile up and pack sand against, the breakwater, if it was built at San Pedro.

Bear in mind that he said the sand coming from the bottom of the ocean would be carried northerly so as to interfere with the breakwater. Then he was confronted by the Senator from California [Mr. WHITE] with this proposition. The Senator from California said that a boat was sunk in San Pedro Harbor loaded with coal, and that the coal afterwards drifted in a southerly direction and came out on the beach south of San Pedro. Mr. Corthell said yes, he had been informed of that occurrence and had made a note of it, and that the undertow or the wave action—I do not know what he called it—would carry the sand to the north, but that the wind or something else would carry coal sunk there down south. That may be all true, as I have stated; I do not pretend to be informed upon the subject, but it convinced me that no question could be put to that man which militated against Santa Monica or which would show in favor of San Pedro that he was not ready with some kind of answer to meet it.

Mr. FRYE. Mr. President——

The PRESIDING OFFICER (Mr. CARTER in the chair). Does the Senator from Arkansas yield to the Senator from Maine?

Mr. BERRY. I yield to the Senator from Maine.

Mr. FRYE. Does the Senator remember that the first board held to precisely the same theory that Mr. Corthell did—that the action of wind on the sand would result in gradually filling it up, providing a breakwater were attached to the shore without any break in it?

Mr. BERRY. I do not remember that either the first or the second board said that there was some kind of a peculiar undertow on the Pacific coast which would carry sand in one direction and coal in another.

Mr. FRYE. That is not the question at all.

Mr. BERRY. I will say to the Senator that my information about the first board is that it had been represented to them, and they believed, that there might be danger to the breakwater from drifting sand. They made provision for an opening, as I remember it, to meet that condition.

Mr. FRYE. Exactly.

Mr. BERRY. The last board stated that they did not attach any importance to that, and in that one particular they did not agree with the first board. That is my recollection.

Mr. FRYE. But the first board did agree with Mr. Corthell.

Mr. BERRY. As to the sand, but not as to the coal.

Mr. FRYE. Oh, the coal. It is altogether too small business to argue anything of that kind in a case involving so much as this does.

Mr. BERRY. What is small or large business to argue I will be the judge of, and not the Senator from Maine.

Mr. FRYE. I beg the Senator's pardon; I should not have said what I did say.

Mr. BERRY. But I admit that there are questions in this matter much larger than, and which rise high and far above, any question as to whether Santa Monica or San Pedro is the better harbor. I assert here to-day, in answer to the Senator from Maine, that in my opinion it would be much better that there should never be a deep-sea harbor upon the Pacific Coast, it would be much better to take the $3,000,000 and dump it into the Pacific Ocean, than that the country should come to know that the Senate is willing to override its army engineers, to override the public interest, to override the public opinion, in order to make an appropriation for private greed and private gain. That is the main objection I have to this report.

I frankly state that of my own knowledge I do not know which is the better place. I do know that these army officers, who are disinterested, say that San Pedro is the better place. I do know that Major Raymond, a man of remarkable intelligence, who has been an engineer in the United States Army for thirty years, who is now in charge of the great breakwater on the Delaware at Philadelphia, says that in his opinion a breakwater could not be built at Santa Monica; that so far as he knows, and he has studied the question for thirteen years, there is not a breakwater throughout the wide world located in a harbor situated as Santa Monica is. That is in his testimony, and the Senator will not deny it.

Mr. FRYE. Does the Senator from Arkansas know, when he says that Major Raymond has charge of the Delaware appropriation, that the committee deliberately overruled Major Raymond and overruled the Board of Engineers and put a provision into the Delaware appropriation that no further money should be expended on the project which they had under consideration, nor should there be expended any money hitherto appropriated to carry out the contracts which the army engineers had made?

Mr. WHITE. Mr. President——

Mr. BERRY. I will yield to the Senator from California in a moment. If it were entirely polite to do so I should reply to the Senator from Maine as he did to me a moment ago and say, in the way he puts it, that this is too small a matter to enter into the discussion of this great question. The Senator from Maine knows that in the case to which he refers the people of Delaware, through their Senator here, and through ex-Senator Higgins, came before the committee and represented that the work upon the Delaware River was obstructing some creeks and rivers in the State of Delaware; that it was cutting off from communication with Philadelphia and with Wilmington and with other points a number of the people of that State, and that it endangered their homes. They said the river would probably overflow, and they would lose everything they had. In view of that statement, made by these two distinguished gentlemen from Delaware, the committee did agree to suspend the work there until it could be ascertained if there was not some way by which those people could be protected. Does the Senator from Maine mean to insinuate to the Senate that that action was taken because of the incompetency of Major Raymond in any way?

Mr. FRYE It was taken because the Senate committee did not believe that if the projects of the army engineers were carried out Delaware and its rivers entering into the Delaware River could be protected, and they overruled the board, as they do, without the slightest hesitation, whenever they think they ought to do so.

Mr. WHITE. Will the Senator from Arkansas permit me?

Mr. BERRY. I yield to the Senator from California.

Mr. WHITE. As I understand the Delaware case, it is not stated fairly at all by the Senator from Maine. The committee, as I understand it, prevented further work upon the project in order to protect the riparian rights of various landed proprietors. They did not stop the work because they assumed to know more about the engineering project than the Government engineers did, but they did so to protect private interests upon the shore with which the Government engineers were not at all concerned; and they acted, too, upon the request of the Senator from Delaware [Mr. GRAY].

Mr. BERRY. Major Raymond, and no one knows it better than the Senator from Maine, the chairman of the committee, stated that under the law he was only required to do the work so as to improve the commerce of that great river, and that he was not charged with the protection of the rights of individuals or the effect that his work might have upon individuals in the State of Delaware. That is the fact, and any idea that the Senator from Maine may mean to convey to the Senate that there was any reflection upon Major Raymond or upon the board of engineers in that action of the committee is unwarranted by the facts. Not one word was ever asserted there that they were doing the work contrary to law, or that they were not doing it for the best interests of the improvement of the Delaware River. So much, then, for that case.

Mr. FRYE. We stopped their project very suddenly.

Mr. BERRY. These two engineers of whom I have spoken, Mr. Hood, who is a regular engineer of the Southern Pacific Railroad, and Mr. Corthell, employed by C. P. Huntington, are the only two private engineers who have ever gone there and made examination and examined those works with a view to determining which is a better place for a harbor. I will admit, and it is in proof, that a large number of sea captains and pilots have made statements on both sides of this question as to which is the better place in regard to holding ground. But I am talking about engineers who went there and made the examination. Here are eight United States engineers, disinterested, gentlemen of ability, educated at the cost of the Government, honorable men, one of them to-day a general in chief of the engineers, standing on one side, and on the other side stand Mr. Hood, the regular engineer of the Southern Pacific Railroad, and Mr. E. L. Corthell, who admitted himself that Mr. Huntington paid his expenses when he went to make the examination. So much, then, for that.

What other argument is used by the Senator from Maine as to why this should be done? One argument used is that Mr. C. P. Huntington had a railroad at Santa Monica and another short road running up to San Pedro; that he had started to build a pier,

and spent a considerable amount of money at San Pedro; that he dropped that work, went to Santa Monica, and has put in probably, he said, about $1,000,000 in building a pier at Santa Monica.

I have been asked by Senators outside if San Pedro is the better place why did Mr. Huntington drop that scheme and go down and spend $1,000,000 at Santa Monica? Mr. President, I do not know all the reasons that actuated Mr. Huntington; I would not undertake to state as a matter of fact what controlled him. My information in regard to his character is that it would be a hazardous undertaking for any mortal man to attempt to account for his motives in the great transactions with which he has been connected.

I can give my opinion, however, as to why this change was made and why he put his money in at Santa Monica and ceased to put it in at San Pedro. The Senate will bear in mind that at San Pedro the shore line, the wharf privileges, were owned largely by the county of Los Angeles and the State of California. Under the rules and regulations the shore privileges and the wharf privileges are open to any man and to any railroad that sees proper to go there. One railroad had taken advantage of that and had come into San Pedro across what was called Rattlesnake Island. Already at San Pedro Mr. Huntington had competition with the chief railroad in California, that is, the Terminal Railroad, which had some connection with his chief competitor, the Santa Fe Railroad, in the State of California. That is one reason why. He had a competitor already at San Pedro and he could not have a monopoly of those privileges there.

I will tell the Senator from Maine (and I am sorry that he has left his seat) what I believe to be another reason. Bear in mind, I do not state it as a fact, but I state it as my conclusion after having heard all the testimony. The other reason I believe to be is that the Senator from Maine had been out there and had given an opinion that this breakwater ought to be built and would be built at Santa Monica. No man knew better than Mr. Huntington the powerful influence of the Senator from Maine in the Senate, augmented in a matter of this kind, as it would be, by the fact that he was chairman of the Committee on Commerce. In addition to that, the Senator from Nevada [Mr. JONES] was also a member of the Committee on Commerce, and was known to be most earnestly in favor of the location of the deep-sea harbor at Santa Monica. I imagine that having competition at San Pedro, believing that with the influence of these two popular Senators, supplemented by his own influence, which is not to be despised in a great contest, he believed he would be able to force the location of the deep-sea harbor at Santa Monica and get the appropriation. That is my belief as to the reasons and motives that actuated him.

Mr. GEORGE. What competition is there at Santa Monica?

Mr. BERRY. There is no competition there.

Mr. GEORGE. Is there any chance for competition there?

Mr. BERRY. There is a dispute on that point. There are different statements made about that. The Senator from Maine has quoted frequently and relies almost entirely upon the civil engineers. I think I will read from another civil engineer in answer to the Senator from Mississippi. Now, bear in mind, as I said before, the Senator from Maine relies entirely upon the civil engineers. I propose to read from the testimony of a civil engineer on the other side. I frankly confess and state that he had the same interest to testify in behalf of San Pedro that Mr. Corthell had to testify in behalf of Santa Monica. He was employed by the friends of San Pedro to come here and appear before the committee and make his statement. His name is Mr. H. Hawgood. After stating what he believed, and giving his reasons for believing that San Pedro was the better place, he was asked in regard to the approaches at Santa Monica:

Senator WHITE. Taking the approach from Santa Monica by the tracks of the Southern Pacific Company, what are the facilities for other tracks of railroad companies, independent of the Southern Pacific?

Mr. HAWGOOD. In my opinion, there is room for one other track outside of the track of the Southern Pacific as far as Santa Monica Canyon. From Santa Monica Canyon west there is no room for a track.

Now that is one witness. This is contradicted by Mr. Huntington. He says that ten tracks can be built there. I believe, if I am not mistaken from the testimony, however, that they are all compelled to approach to where the pier is now located through a tunnel, over which they will be compelled to go.

As I said before, Mr. Huntington could get no privileges at San Pedro over and above any other railroad. At Santa Monica, while he stated that he owned only the railroad tracks, no man can take the testimony and come to any other conclusion than that the Southern Pacific can dictate its own terms, except so far as the law would step in and convey the right of way giving others the opportunity to approach there.

Mr. President, with the exception of the opinion of citizens out there, large numbers of whom came here and testified, some for Santa Monica and some for San Pedro—I believe with that exception and the testimony of sea captains who had gone to these different ports, I think I have fairly stated the testimony that was presented before the committee. I repeat what the Senator from California said, that no engineer of the United States Army, no engineer of the Coast and Geodetic Survey, has ever stated that Santa Monica is preferable to San Pedro. It stands to-day before the Senate, if the amendment of the committee be passed, that we are going to set aside the rule that appropriation shall be made upon the reports and estimates of the army engineers and base it upon the report of men who admit that they were employed by the party who has the largest interest—financial interest—in locating a deep-water harbor at Santa Monica.

Now, I want to correct one other impression that prevails, and in a very short time I will conclude. I heard a Senator say the other day that he knew nothing about this question, but that he was in the habit of following the committee. I heard it said by the Senator from Maine that no man except the Senator from California, as he understood, in the committee was in favor of San Pedro.

Mr. President, I propose to state the facts in regard to what was done in the committee precisely as I remember them. After the testimony had been taken, after everything had been heard, there were some members of the committee who believed that it was not best this year to appropriate any money for either place, that is, for an outside harbor at San Pedro or for a breakwater at Santa Monica. They believed that owing to the depleted Treasury, owing to other considerations, it would be better to appropriate for the inside harbor at Wilmington and San Pedro and leave the other matter open. Knowing that a number believed that way, a motion was made in committtee that no appropriation be made for the outside harbor.

Mr. FRYE. Does the Senator from Arkansas feel at liberty to state everything that takes place in committee?

Mr. BERRY. If there is the slightest objection to it, if the Senator from Maine thinks it is improper, no consideration could induce me to do so. I never dreamed that there would be objection to it. If it is improper——

Mr. FRYE. It is unusual, to say the least.

Mr. BERRY. Is it unusual to state how the committee stood?

Mr. FRYE. Yes.

Mr. BERRY. To state how many voted for the proposition and how many voted against it?

Mr. FRYE. I do not see any objection to that, but it is unusual to state the various processes by which a committee reached a result.

Mr. BERRY. Then, if that be objectionable I will make another statement. I am astounded, however, that the Senator from Maine should object to it. I might have expected other Senators on the other side of the Chamber to have objected—I mean members of the committee—but I did not expect the Senator from Maine to object.

Mr. FRYE. Why?

Mr. BERRY. Why did I not expect it?

Mr. FRYE. Yes. Why except the Senator from Maine?

Mr. BERRY. Because I never supposed anything occurred in committee that the Senator from Maine cared for the whole world to know.

Mr. FRYE. I do not care for the whole world to know; but I understood the Senator to commence by a statement that the Senator from Maine said so and so.

Mr. BERRY. I said the Senator from Maine stated outside of the Chamber that he understood the Senator from California was the only man who was in favor of making the appropriation for a deep-sea harbor at San Pedro.

Mr. FRYE. At the present time?

Mr. BERRY. Yes; at the present time.

Mr. FRYE. I have made no statement on the floor of the Senate.

Mr. BERRY. I do not think you have made any either way in regard to it.

Mr. FRYE. No, sir; I have made no statement on the floor of the Senate of any kind.

Mr. BERRY. I said you have not, except now.

Mr. FRYE. And I should not have felt at liberty myself to have stated what I know took place in committee.

Mr. BERRY. Very well; I think the Senator is probably a little bit over particular. It has been done here again and again.

Mr. FRYE. I withdraw any objection.

Mr. BERRY. But if there be any doubt about it—if the Senator from Maine thinks it is improper—I will not do it. He states, however, that the vote of the committee upon the amendment is legitimate. Then, that being true, I will state that there are 15 members of the committee, and 9 of them voted in favor of Santa Monica and 6 voted against the appropriation.

Mr. FRYE. Is that true?

Mr. BERRY. Is that statement legitimate?

Mr. FRYE. Is it true?

Mr. BERRY. That 6 members of the committee voted against this appropriation? It is true, absolutely true. I will call the names, and if anyone can say it is not true, let him rise and so

state. I state that the Senator from Minnesota [Mr. NELSON], the Senator from Louisiana [Mr. CAFFERY], the Senator from Florida [Mr. PASCO], the Senator from Missouri [Mr. VEST], the Senator from California [Mr. WHITE], and myself, making 6, voted "no" on the appropriation for Santa Monica. That I state. If I have misstated any Senator let him rise and correct me.

Mr. FRYE. Did some of the Senators state why they voted that way?

Mr. BERRY. You have objected to such a statement being made by me on this floor.

Mr. FRYE. Very well, then; I will not ask the question.

Mr. BERRY. You have objected to that. If you want to go into it, if you will open the doors and say it is entirely proper, I will tell the Senator almost everything that was said in the committee as far as I know.

Therefore I say when a Senator says he will follow the committee he means to say that he will follow the majority of 3 on that vote.

Now, what more? That was the vote. The Senator from Maine objects to stating anything that was said in the committee. I will state then that since that time in the Senate the Senator from California has offered an amendment to the proposed committee amendment in which he proposes that instead of making the appropriation for Santa Monica the appointment of a new board shall be provided by Congress, and in order to get rid of the prejudice that they say exists against army officers the Senator from California says we will take one army engineer, we will take one from the Coast and Geodetic Survey, and we will take one from the Navy, and send that board there, and although we have two boards already, yet if we send the new board thus constituted, so confident is the Senator from California in the justice of the cause of San Pedro that he says, "Send this board there, and if they say Santa Monica, let it be Santa Monica, and no man hereafter will raise his voice." That is the amendment that is pending here now. He has said that we have two boards in favor of San Pedro. You have no board in favor of Santa Monica. Yet so certain is he that any fair, any honest board, any board which is not employed by the parties in interest, that will go there will say that San Pedro is the proper place, he proposes that to the Senate. Is there a man on this floor who can say that that is unfair? If Senators believe that Santa Monica is the proper place, if they believe that a fair board will say so, let them vote for the amendment proposed by the Senator from California. It will not delay the time, because the amendment provides that the appropriation shall be made and that it shall be expended at the point the new board says is the proper place.

Mr. President, in view of all the facts, in view of the fair proposition that has been made, I appeal to the honor and to the fairness of the Senate to say if they think it is fair treatment of the Senator from California and the members from California and the overwhelming sentiment of that State when they have said: "Although we have two official reports, we will risk the entire case upon a new board, a fair board, one that is totally disinterested; we are willing for that board to determine the question, and if it says Santa Monica then we will abide by it?" Do you believe that if those who advocate Santa Monica thought that the better place they would not accept the proposition? What injustice is there in it? I call upon the Senator from Maine to tell the Senate, when he comes to speak, why this is not a fair proposition.

These are my views, Mr. President, about the case. Take it all in all, this is the most extraordinary proposition I have ever known submitted to the Congress of the United States. I do not believe that there is a man throughout this broad land in the United States, save and except Mr. C. P. Huntington, who would have had the assurance, in the face of the reports of these army officers, to have come to the Congress of the United States and asked them to give him $3,000,000 in money to build a breakwater to serve his private interests. I say that I think he is the only man who would have made such a proposition. But the matter rests with the Senate to determine whether they will agree to the amendment reported by the committee or whether they will agree to the proposition made by the Senator from California. As I said once before, to me it is a matter of the most utter indifference, so far as I am individually concerned, save and except that I believe if the precedent be once set that private interests and private engineers can set aside the reports made by army officers, if we discredit the eight distinguished engineers and follow the lead of two men hired by those who have the greatest interests in the matter, we set a precedent that will come to plague us hereafter. If this can be done on the Pacific coast there are many other ambitious men on the Atlantic Coast and upon the Gulf of Mexico who stand ready to get any number of civil engineers to set aside the reports made by the board of army officers. I think that the Senator from Maine scarcely knows to what extent the precedent may lead if the Senate adopts the amendment reported by the committee.

I repeat what I said in the early part of my remarks, that I think it much better that no deep-water harbor should ever be had, that it were far better the money should be utterly and absolutely thrown to the winds, rather than that we should make thousands of people throughout this broad land believe that the appropriation was made, not in the public interests, but in order to promote the private financial interests of individuals, be those individuals whom they may, whether the most powerful man in the land or the humblest citizen who walks this Union. In either case, if it once be understood that the Senate will be controlled by the reports of private engineers made for private individuals, then, Mr. President, the river and harbor bill will no longer be considered for the best interests of the entire Republic, but it will be solely a question as to who can bring the greatest influence to bear, who can hire the most engineers, who can succeed in setting aside and discrediting and humiliating the Engineer Corps of the United States.

Mr. VEST. Mr. President, I was unavoidably called away from the city at the time when the minority report in regard to this item in the river and harbor bill was presented. If I had been here I should have agreed with the Senator from Florida [Mr. PASCO]. I am one of those mentioned by the Senator from Arkansas [Mr. BERRY] who are unable to appreciate the immediate necessity for expending $3,000,000 upon an outside harbor at either San Pedro or Santa Monica. I have endeavored to exclude all personal feeling in my consideration of the case, not pretending to be better than anybody else, hoping I am not any worse. I have friends directly and largely interested at both localities, and I have heard the testimony, the arguments, and the acrimonious discussion which have accompanied this subject from its inception until now.

I do not lay great stress upon the wishes of the people of southern California, and especially those at Los Angeles. They are neither better nor worse than the average citizens of the United States. I have generally found that our citizens want money expended at their localities, and if they can not get it at one place in the immediate vicinity they will take it at another. Our experience upon the Committee on Commerce, to speak of that only, has in this particular instance verified that statement.

The first impression made upon me was that there was a universal clamor for this improvement at San Pedro. Somebody telegraphed from the House of Representatives (and this is in evidence) that Mr. Huntington had been successful in defeating the appropriation at San Pedro, but that they could obtain an appropriation at Santa Monica of $3,000,000 for an outside harbor connected with the improvement of the inner harbor at San Pedro, and immediately the electric wires were almost burned in congratulations upon the prospective appropriation, which would give an expenditure of $3,000,000 at Santa Monica and of $392,000 upon the inner harbor at San Pedro. It is not saying that there was any corruption in this case; it is not saying that those people are any worse than the people at other places, but when they came to the conclusion that they could get $3,392,000 expended at the two places in the vicinity of Los Angeles, their zeal for San Pedro at once abated, and they were willing to take the money at either place.

I do not take any stock in the abuse of Mr. Huntington because he is a railroad president and a rich man. He is like the rest of the world, looking after his own interests. He is neither better nor worse than other men in his position. He has evinced his honesty in this matter at least. He has shown that he is sincere in preferring Santa Monica, because he has given up an investment of nearly $1,000,000 at San Pedro. His testimony before the committee, uncontradicted, was that he commenced, or rather his subordinates commenced, an improvement at San Pedro, and when they drew upon him up to $900,000 he concluded that the matter was worth looking after individually. He went to San Pedro, saw the incipient improvement made with his money or that of the company of which he is president, and he states that he came to the conclusion immediately that they had selected the wrong place. He said, "You never can build this outside harbor here with these southwestern winds and no bottom to the ocean after you get out 2 miles. I will abandon this investment; I must have a harbor for my steamship line." And he went up the coast and found Santa Monica, and on his own account commenced the improvement. He has spent a million dollars there, giving up the million dollars at San Pedro, which he says is not a total loss, but almost a total loss as an investment. I take it that a man, no matter how rich, with Huntington's brain, and that is unquestionable, who abandons an investment of over $900,000 for his own interest—I grant you without any patriotism—is perfectly sincere when he says that Santa Monica is the best place for this outside harbor.

Mr. President, there are two questions in this case, leaving out all the talk about monopolies and lobbies and all that sort of thing. Any United States Senator who permits the lobby to influence him, it goes without saying, is unworthy of a seat on this floor, and nothing he says should be considered. There are but two questions. In the first place, is there an immediate necessity to expend $3,000,000 at either of these places for an outside harbor? I

came to the conclusion that there is not. We have a river and harbor bill here carrying $70,000,000, unheard of as to magnitude in the history of this Government. I call the attention of Senators—that is too strong an expression—I simply remark that we are not now with an overflowing Treasury, but we are with a Treasury that in a few months, if this "endless chain" continues, will be confronted with the necessity of issuing more bonds to meet the ordinary expenses of the Government. With that contingency staring us in the face we bring in here a river and harbor bill amounting, with immediate and contract expenditures, to $70,000,000, a thing unheard of before.

Is this a time to make such appropriations? Is this a time to hurry forward to expend money when you can do without expending it? What would be thought of a private citizen, the ordinarily sound business man, who would conduct his affairs in that way; who, with monetary depression, with embarrassment on every hand, seeks for an opportunity to spend more money and incur more liabilities? I do not know any such rule in my public action. I endeavor (though oftentimes drawn aside by the seductive blandishments of friends and constituents) to conduct the public business as I do my own and as the trustee of an express trust. I am not hunting for an opportunity, in the present condition of the Treasury, to spend money. Those of us who know something about making a river and harbor bill appreciate the statement that you are met in every item with solicitations and with inducements of every sort to contract liabilities to spend money; and if a sacrifice has to be made in the way of diminution of expenditure, every Senator and every Representative demands that it shall be made at the expense of somebody else rather than of his immediate constituents.

We have attempted honestly and faithfully to diminish the amount carried by this bill, but we have been unable to do so. We have struck out three continuing contracts, and they have all been put back by the Senate, as I knew they would be at the time we struck them out. We have endeavored to diminish appropriations, but every Senator has said: "Do not commence with me; commence with my neighbor. If you are going to make sacrifices, sacrifice somebody else; but here is a great improvement which is necessary to the whole country, with an immense commerce, and you will delay the advance of a vast section of country in its march toward improvement and the future; and I must have this money." So we are here to-day with the most unparalleled bill in the way of expenditures that has ever been known in the history of this country.

I did not think that $3,000,000, under these circumstances, should necessarily be expended upon either of these harbors, and I will give my reasons for it. In the first place, take Santa Monica. Mr. Huntington has made an improvement there, which has stood for three years and been most successful, according to all the testimony on both sides. He has now in existence an improvement which, of course, he will finish whether the Government gives him a dollar or not. He is that sort of a man. It has answered all his purposes so far for his steamship line. Three hundred vessels have landed at Santa Monica in the last year, all of them safely and satisfactorily, and it only remains for the Government to complete this improvement, commenced by Mr. Huntington and built with his money or that of his company. So with Santa Monica. The port of Los Angeles—because Los Angeles is behind both these improvements—is a city of 100,000 people, situated at one end of the triangle. There [indicating on the map] is Los Angeles; here is San Pedro; and here is Santa Monica. It is 3 miles farther from Los Angeles to San Pedro than it is to Santa Monica. Two railroad companies are fighting each other. The first, running from Los Angeles to Santa Monica, is the Southern Pacific, under the control of Mr. Huntington, and the other is the line running to San Pedro under one interest. The people of Los Angeles appeared before our committee about equally divided. Some of them who had investments in the direction of San Pedro wanted the money expended there; others testified that the city of Los Angeles recently had started toward Santa Monica, and they wanted the money expended at Santa Monica.

I have spoken of Santa Monica in its present condition, but there is certainly no necessity for putting $3,000,000 there. Commerce is not languishing; commerce is not endangered. There never has been a more successful public improvement in the history of this country than that at Santa Monica so far as it has gone.

Now, take San Pedro. San Pedro accommodates all vessels of a small or medium size. The engineers report 14 feet at low water now over the bar at San Pedro, and they testify that with the expenditure of $392,000 they can put 18 feet of water on that bar at low tide, and with the rise of the tide, which is between 5 and 6 feet, you would have a depth of from 24 to 25 feet at high water, which would admit all large vessels, except the largest sized and vessels of war, which would be compelled to lighter in order to reach the inside harbor, which, although small, is absolutely perfect in its protection from storms. Where is the overruling necessity for expending $3,000,000 at that place? I want to speak frankly, for I have no connection with either of these factions, and I want to do my duty to the people of the United States.

Unfortunately, Mr. Huntington is a political factor in California. They test every man's competency and qualification for office there by the question: "Is he for Huntington or against him?" You can not hold a town meeting but what the question is, "Is this man a Huntington man or not a Huntington man?" In the present condition of public sentiment I would not make this appropriation at this time, and I will proceed to give my reasons for that.

My friend from Arkansas [Mr. BERRY] has animadverted pretty severely upon Mr. Corthell. I know Mr. Corthell very well, and I will state why I know him. As every old Senator here knows, I was the warm, intimate friend of James B. Eads, although we differed politically. I think he was the greatest riparian engineer the world ever produced, and his works to-day prove it and will continue to prove it to the end of time. When Eads was struggling against the Engineer Bureau in building the great bridge at St. Louis, they said it could not be built with 525-foot spans, and yet it stands there to-day as solid as this continent, in spite of their resolutions, unanimously adopted in the city of St. Louis, that a span of 525 feet could not be built. You can build one of 1,500 or 2,500 feet if you have got the money, as Eads told them. They said that Eads could not build the jetties at the mouth of the Mississippi. They are there to-day bridling the mouth of that river, and the bridle remains on it in spite of the predictions of the Engineer Bureau.

In all these great works Corthell was Eads's lieutenant, and Captain Eads thought he was one of the ablest engineers upon this continent. It is true that he accepts money in his profession to go and examine improvements. This is entirely legitimate, as a lawyer takes money for examining a brief and giving his opinion upon it. There may be room for criticism as to the propriety of his appearing before the committee and stating that he had been sent there at the instance of Senators and members of Congress, and that his expenses had been paid by Mr. Huntington; but he came before the committee and with carefully prepared maps—and there is one of them [indicating]—and he made the statement as an engineer, and risked his reputation upon it, to say nothing of his personal veracity, that at Santa Monica up to the way where the ships land there was a gradual shoaling for 12 miles, which broke the force of the oceanic waves and necessarily protected ships.

It does not require an expert to know that as you approach shoal water a wave diminishes in violence and height, and as you go to deep water the waves increase in violence and height. It is the unanimous opinion of experts and the testimony of individuals that at Santa Monica the waves decrease in violence as they approach toward the way, and that is the principal argument used in behalf of the Santa Monica improvement. Corthell went there and sounded the ocean, looked across upon its floor, so to speak, and brought here that map, taken from those soundings, and he says that is the physical condition of the floor of the ocean at that point. He also says that he examined and sounded the bottom of the ocean at San Pedro and found that 2 miles out it went down into—I forget how many fathoms, but almost without bottom. After you go out 2 miles from the mouth of the inside harbor of San Pedro how many fathoms is it?

Mr. FRYE. At 3 miles it is 300 fathoms.

Mr. VEST. Three hundred fathoms at 3 miles.

Mr. WHITE. It depends upon which direction you go.

Mr. VEST. Of course. The southwest wind is the dangerous wind, Mr. Corthell says, as it comes directly into the mouth of that inside harbor, and that any ship lying outside is dashed upon the bar, and if it misses the bar, upon the coast adjoining. But the point I make is that Mr. Corthell states, as a matter of physical examination, that 2 miles or 3 miles out from the mouth of the inside harbor of San Pedro there is 300 fathoms of water, and nothing like this gradual shoaling which they find at Santa Monica.

Now, Mr. President, after receiving this testimony the committee sent for General Craighill, who is now the head of the Engineer Bureau, and who was the president of the commission that made this report. I believe he was on the second commission. He was then Colonel Craighill. I believe I asked him this question: "Did you examine the floor of the ocean at Santa Monica and at San Pedro; and, if so, what have you to say in regard to Mr. Corthell's statement (who was sitting there in the room) that there is a gradual shoaling up toward Santa Monica, while there is a depth of 300 fathoms 3 miles out from San Pedro?" He said he did not examine the floor of the ocean.

Mr. BERRY. Will the Senator from Missouri permit me?

Mr. VEST. Certainly.

Mr. BERRY. The Senator from Missouri is not accurate. In the first place, General Craighill's statement was made before the statement of Mr. Corthell was made. General Craighill was asked

if he examined the holding ground at San Pedro in person, and he said, "No; but we took the testimony of topographical engineers," I think was the reply.

Mr. WHITE. Of the officers of the Coast and Geodetic Survey.

Mr. BERRY. "Of the officers of the Coast and Geodetic Survey and all the other testimony, and we heard Mr. Hood, who had theretofore made the examination." Those are the facts.

I direct the attention of the Senator from Maine to the fact that the Senator from Missouri is calling attention to matters which occurred in committee, and I understood the Senator from Maine objected to that.

Mr. FRYE. The Senator from Missouri has been talking about testimony taken before the committee.

Mr. VEST. I am talking about the testimony of witnesses. There is no necessity for any heat about this matter.

Mr. BERRY. There is no heat about it.

Mr. VEST. If I misstate it I can be corrected from the testimony. I am not here in the interest of either of these locations. It does not make any difference when General Craighill made this statement, whether it was before or after Mr. Corthell. He made this statement, which impressed me more than anything else. He said: "We are not riparian engineers; we are fortification engineers."

Mr. FRYE. That is what I was going to ask the Senator.

Mr. VEST. That struck me, because I have always believed that that is the defect in the system of putting all the rivers and harbors exclusively under the Engineer Corps. I asked him specifically that question, and he said: "We are not riparian engineers; it is for the Coast and Geodetic Survey to examine the floor of the ocean and make soundings; but we are fortification engineers"; and if you will take the report upon San Pedro you will find one-third of it, speaking with all due limitation, is as to the point of defending San Pedro in case of war, proving that they were fortification engineers and looked upon the subject from that view of the case.

But, Mr. President, that is a trivial matter compared with the fact that the board of engineers now report that with $392,000 they can put 18 feet of water at low tide upon that bar at San Pedro, and with the rise in the tide which comes upon the lower Pacific Coast there is between 5 and 6 feet of water, which would make 24 or 25 feet at high tide, and that would float any except the largest ships, including men-of-war, which could be lightered over that bar.

Mr. BACON. Will the Senator please state the depth of water within the bar?

Mr. VEST. It varies. We had maps before the committee.

Mr. WHITE. It is 14 feet inside.

Mr. FRYE. And it is proposed to make it 18 feet.

Mr. VEST. The engineers propose to have an average depth of 18 feet at all stages in the different portions of that inside harbor. When there is high tide there is an increase of between 5 and 6 feet, the tide being much higher there than it is on the Atlantic Seaboard and considerably higher than upon the Gulf of Mexico. I grant the largest-sized ships, the armored vessels, for instance, would be compelled to lighter in order to get over that bar; but if these engineers have $392,000 they say they can give us 18 feet at low water over that bar at San Pedro. I say that meets all the probable exigencies of the present and the future, and it saves to us out of these schemes nearly $3,000,000 for an improvement that is not necessary, for an outside harbor at either locality.

Mr. MORGAN. I should like to ask the Senator from Missouri, or the chairman of the committee, at what rate per cubic yard do the engineers estimate for excavations at the bar at San Pedro?

Mr. VEST. I am not quite able to answer. Perhaps $2.50.

Mr. WHITE. Two dollars and a half.

Mr. VEST. Is there an estimate in detail in regard to the cost of the work?

Mr. WHITE. Here is the estimate:

Entrance, 36,000 cubic yards, at 50 cents	$18,000
Reef, 37,000 cubic yards, at $2.50	92,500
Reef to wharves, 150,000 cubic yards, at 40 cents	60,000

Mr. MORGAN. What is the estimate for dredging—how much a cubic yard?

Mr. WHITE. Four hundred and ninety thousand cubic yards, at 30 cents per yard. That would cover what I suppose to be dredging.

Mr. MORGAN. Thirty cents a cubic yard for dredging?

Mr. WHITE. Yes.

Mr. MORGAN. We are doing it in the Bay of Mobile for about 8 cents, and carrying the material away.

Mr. FRYE. Seven and seven-tenths cents.

Mr. MORGAN. How far do they carry the material at Mobile?

Mr. FRYE. They land it away beyond the works, entirely away.

Mr. MORGAN. Three or four miles.

Mr. WHITE. I would state that I believe the distinguished gentleman who made the calculations, Colonel Benyaurd, believes that he has estimated perhaps too much for the softer material in view of the present developments in dredging, and so on; but we are told that the estimate is quite low enough, perhaps too low, as to the rock upon the reef.

Mr. MORGAN. How long ago was it that these estimates were made?

Mr. WHITE. About two years ago.

Mr. FRYE. Only about two years ago. It is fair to say that the estimates are nearly double on the Pacific Coast to what they are on the Atlantic.

Mr. WHITE. That is correct.

Mr. VEST. I was going to say that the Senator from California [Mr. PERKINS] and I believe the Senator at my left [Mr. WHITE] said that the price of work is nearly twice what it is on the Atlantic Seaboard and on the Gulf of Mexico.

Mr. MORGAN. Machine work would be quite as cheap, I should think.

Mr. VEST. But all sorts of labor and supplies would be much higher.

Mr. WHITE. Yes, sir.

Mr. MORGAN. I should think a dredging machine could be worked there as cheaply as here.

Mr. VEST. I have spoken of the aggregate cost of the inside harbor of San Pedro, which is $392,000.

Mr. LINDSAY. I should like to ask the Senator from Missouri whether 18 feet is the deepest channel possible, or whether an appropriation would enable the engineers to make a still deeper channel than 18 feet?

Mr. VEST. I suppose, as a matter of course, they could make a deeper channel by an expenditure of more money; it goes without saying, I think, that they could.

Mr. WHITE. There is a survey provided for in this bill having in view the obtaining of 25 feet of water.

Mr. LINDSAY. One other question. When vessels cross the bar is there sufficient water in San Pedro Harbor?

Mr. VEST. It is a mere question of the expenditure of money. They propose to make the average depth 18 feet, and, of course, the inside harbor would have the advantage of the rise of the tide, which can be relied upon safely at all times. It is simply a question of the expenditure of money as to deepening the water upon the bar in the inside harbor, the fact always being undisputed by all factions and interests that the inside harbor is perfectly safe from all storms. Nature has provided a harbor there which is now available for all small-sized ships, and the only advantage of such a harbor as is proposed at either place is to provide for large-sized ships.

Now I come to the last consideration. I have stated that if I had been here I would have signed the report drawn by the Senator from Florida [Mr. PASCO] upon the line of opinion which I have expressed here and am endeavoring to give my reasons for. If the Senate concludes that it will not adopt that line of argument, and it will insist upon an outside harbor, against my judgment in the premises, the only question is whether we can adopt the amendment as to Santa Monica as it stands, which puts the improvement at Santa Monica absolutely, or the amendment offered by the Senator from California [Mr. WHITE], which leaves that question, together with the location of the improvement of San Pedro, to the report of another board of engineers. I am of opinion that if the Senate concludes to make the improvement of the outside harbor, a slight amendment of the proposition of the Senator from California should be adopted, and I will give my reasons for it.

After General Craighill stated before our committee that he was not a riparian engineer, after he stated that he was not prepared to contradict the statement of Mr. Corthell as to the floor of the ocean at the two places, it seemed to me that the necessity immediately arose that the floor of the ocean at these two places should be examined by competent experts, because it becomes a matter of the highest importance to know whether this shoaling process for 12 miles out exists at Santa Monica, as Mr. Corthell states. If it does, it follows mathematically that there can be found no harbor superior to that for the largest sized ships, as well as the smaller vessels.

It becomes also of the highest importance to know whether it is true, as stated by Corthell, that when you go out 3 miles from the mouth of the inside harbor at San Pedro you strike 300 fathoms of water. If you do, none but the strongest works that can be invented by mortal man will resist the waves that come from that water, impelled by the southwest wind, as Corthell said, and there is nothing to contradict him in the report of these engineers, because they stated that they did not examine the floor of the ocean; that they left that to the Geodetic Survey.

Mr. FRYE. Will the Senator allow me?

Mr. VEST. Of course.

Mr. FRYE. On the contrary, we have the chart of the Coast and Geodetic Survey now, where all these tracings have been made, and they all confirm Mr. Corthell's statement.

Mr. VEST. I had not alluded to that fact and have not examined it.

Mr. BERRY. Will the Senator from Missouri yield to me for a moment?

Mr. VEST. Of course.

Mr. BERRY. All confirm the statement as to what?

Mr. FRYE. As to the depth of water 3 miles out.

Mr. WHITE. I deny that absolutely.

Mr. BERRY. If the Senator will yield to me one moment, I do not think he wants to place General Craighill in a wrong position. I take it for granted he does not.

Mr. VEST. Of course not.

Mr. BERRY. The Senator has stated that General Craighill has said that he was not prepared to contradict the statement of Mr. Corthell in regard to the holding ground at San Pedro. That is not in General Craighill's testimony. He never, so far as I remember, mentioned Corthell. The Senator from Missouri asked him if he had examined the holding ground at San Pedro in person, and he said no; that they took the testimony, as the Senator from California [Mr. WHITE] says, of the Coast and Geodetic Survey. General Craighill said they took testimony there from all parties in regard to it, and he reported that the holding ground there was equal to that of any other place. Therefore to say that General Craighill said that he was not prepared to contradict Mr. Corthell's statement is not placing General Craighill in a correct position. The testimony will show for itself. The only thing he said about fortification engineers came in this connection. He was asked the question, and he said in reply that in case of war San Pedro would be far better. He was asked what he meant by that, and he said, "As to protection from an enemy;" and then he dropped the remark—and it was the only place he used it—"We are fortification engineers." That is the testimony.

Mr. VEST. I admit that, and I have not the slightest amendment to make to it. I will take the statement of the Senator. I do not want to do any injustice to General Craighill. The point I was making was simply this: So far as the testimony before our committee is concerned, Corthell's statement is uncontradicted that the ocean floor shoals for 12 miles up to Santa Monica; and it is also true that General Craighill did state, as the Senator from Arkansas remarks—and I do not care, so long as he said it, in what connection it was—that he was a fortification engineer and not a riparian engineer. I say when that board went there to examine, under an order of the Government of the United States, the question as to where should be this outside harbor, it was their duty in person to examine the floor of the ocean and to tell us what was the depth of the two places, in order that we could determine what was the violence of the waves and where the harbor should be located.

Permit me to say that we have had one or two glaring instances of the fact that these gentlemen belonging to the Corps of Engineers, men of the highest character—I make no assault upon them—but they have in another instance delegated to subordinates what they should have done themselves. I know we had a conspicuous instance of it at Brunswick, Ga., in the case of the large improvement there, for which we have been appropriating for some years. We sent a commission there to examine, and they delegated the duty to a subordinate, and no member of the board ever went in person to examine it, as we intended they should do. The result is, we are now just where we commenced, and we are compelled to rely upon subsequent examinations, perhaps, in order to carry on that work.

Mr. WHITE. Mr. President, in fairness, the Senator from Missouri ought to state that the board to which he now alludes was not exclusively from the Engineer Corps, but it was a mixed board.

Mr. VEST. I know it was, but still they ought to have gone in person. That is the point I make. When we send a board, either members of the Geodetic Survey or of the Corps of Engineers, to examine an improvement and report on it to the Senate, so that we may make or withhold large appropriations, it is their duty to go in person and not leave it to any lieutenant or sergeant to go and make the examination and let him report to them, and let them adopt his suggestions and report to us. We do not send them there for any such purpose.

Mr. HARRIS. How is the fact in regard to Santa Monica and San Pedro? Did the board go to these places?

Mr. VEST. It was stated—that is my recollection, though I paid no very great attention to it—that they went to both places. They went to Santa Monica and stayed one day, some witnesses swear, and others that it was a day and a half or possibly two days; but they made no soundings. That is the point that struck me. They said that they had made no examination of the floor of the ocean. It seems to me that that is one of the most important parts of this whole examination.

Now I come to the last thing I want to say, and I will not trespass upon the Senate longer. The amendment offered by the Senator from California should be amended in one particular. In the personnel of the new board which the Senator proposes shall be sent out there he has an army officer, a member of the Corps of Engineers. I would not put a member of the Corps of Engineers upon that commission; and I will give my reasons for it. General Craighill made the report which is now attacked by the Santa Monica people. He is now at the head of that Bureau; and, without intimating that there would be any undue influence at all, we all know in the Army and in the Navy the reluctance with which any army or navy officer will overrule his chief. If we make as one of the members of this board a member of the Corps of Engineers, he will consider himself, with that sort of military or caste courtesy which obtains, possibly properly among these gentlemen, constrained to adopt the conclusions which his chief at one time adopted, and which he defended before the committee. I would make up that commission of two Geodetic Survey men and a naval officer, or one officer from the Geodetic Survey, one from civil life, and a naval officer; but I would not put upon it a member of the Corps of Engineers of the Army.

I agree thoroughly with that provision of the amendment which says that the report, whatever it may be, in favor of either place, assuming of course that we intend to make the improvement at one place or the other, shall be conclusive, and that the appropriation shall take effect eo instanti upon that report being made and approved by the Secretary of War, because if I have any hope now, legislatively speaking, it is that I shall never hear of Santa Monica or San Pedro again.

Mr. WHITE. Mr. President, with reference to the amendment suggested by the Senator from Missouri to the amendment which I offered, I could not consent to it, of course, without consulting with other Senators. Personally, as I before remarked, I am perfectly willing to have this matter submitted to any impartial board. All I want is that some official authority may pass upon this question before it is voted on, if an appropriation is to be made for Santa Monica.

Mr. CAFFERY. Mr. President, I desire briefly to give the reasons why I oppose the appropriation for Santa Monica.

As very correctly stated by the Senator from Missouri [Mr. VEST], the first point to be considered is whether there is any necessity at either one of these points, San Pedro or Santa Monica, for a deep-sea harbor; and the second is whether, if so, the point at Santa Monica or San Pedro is to be the one selected.

The statement in favor of a deep-sea harbor at either one of these points was that the city of Los Angeles had in late years developed much commerce and intercourse with the East. It was also stated, whether in committee or whether on the outside I do not now remember, that the Australian trade and the trade generally with the Orient would seek the port of Los Angeles rather than the port of San Francisco. But it is to be borne in mind that that trade is prospective; that there is no large amount of it at either one of these points at the present time. It is known, however, that for some years Mr. Huntington has had ships anchor and discharge their cargoes at Santa Monica, and I must confess, as I stated in the committee, that the fact that Mr. Huntington has voluntarily left San Pedro and has established his wharfage at Santa Monica is, in my mind, a very strong fact to induce the conclusion that Santa Monica presents the best deep-sea harbor facilities.

On the first proposition, whether there is any immediate need for a deep-sea harbor at either one or the other of these points, I will say that there is not, in my opinion, sufficient testimony to establish the commercial need of a great governmental work—the construction of a deep-sea harbor at either one of the points at present. But the argument of the Senator from Missouri [Mr. VEST] went, it appears to me, a little too far in this direction. He stated that in the condition of the Treasury as it exists these appropriations are not warranted. I do not entirely agree with him in that statement. I do not agree that because the Treasury is strained, because it is difficult to keep up the gold reserve, necessarily river and harbor improvements should not be undertaken. The point with me is to establish whether it is necessary, whether it is useful; and if that be so I do not think the present condition of the Treasury is such as to prevent the necessary appropriation to effect these public purposes. My opinion is that the Treasury is depleted of its gold not by reason of a deficit of revenue, but by reason of the constant agitation of the financial question, and my own view is that as the Wilson Act gets older, gets in better working harness, the receipts will come up to the expenditures more nearly than they do now. We have some $270,000,000 in the Treasury, and I can not see why it is that there is such a spasm of economy upon us when these necessary appropriations in regard to the improvement of rivers and harbors demand our attention.

But this controversy has largely drifted, not as to whether either one of the points should have this appropriation, but whether San Pedro or Santa Monica should have the appropriation. It is very easy to criticise the Army Engineer Corps. It is very easy to point to the example of Captain Eads and to point out the mistakes of the Army Engineer Corps in condemning the work

which Captain Eads afterwards proved to be entirely successful and entirely appropriate. But we have a certain system under which these river and harbor appropriations are applied. We rely upon the findings and the reports of the commissions of the Army or the Navy, as the case may be. If they are useless let us get rid of them. As long as we have them we must necessarily follow them, as a general rule.

Now, as against Santa Monica Harbor the reports of two commissions are absolutely adverse. They are not only adverse to Santa Monica, but they are favorable to San Pedro. I was captivated with the very learned and very exhaustive statement of the civil engineer, Mr. Corthell. I thought he presented his case with great ability. I am perfectly willing to concede his ability without any other proof than that furnished by himself in his own statement; but we have adopted a regular system of improvements to be made according to the findings and reports of the Army Engineer Corps. Are we to discard them and take up the captivating report of an engineer on the outside?

Mr. MITCHELL of Oregon. Will the Senator from Louisiana yield to me for a moment?

Mr. CAFFERY. Certainly.

Mr. MITCHELL of Oregon. I know but little personally about this controversy, but the Senator is touching upon a point now that attracts my attention to a little history to which I should like to call his attention, if he will allow me.

Mr. CAFFERY. Certainly.

Mr. MITCHELL of Oregon. In 1873 I took my seat in the Senate. At that time the city of New Orleans in the Senator's State had no foreign commerce—none at least of any importance.

Mr. CAFFERY. Oh, I beg the Senator's pardon.

Mr. MITCHELL of Oregon. Not to amount to anything.

Mr. CAFFERY. We had some foreign commerce.

Mr. MITCHELL of Oregon. A vessel drawing over 6 feet of water could not come to New Orleans. At that time a controversy was going on in one of the committees of this body, of which I happened to be a member. Mr. Eads came before the committee with a project for improving the mouth of the Mississippi River. I had but little faith in it. I was a member of the committee, as I stated. The army engineers were unanimous in opposition to his scheme from the Chief of Engineers down. Finally, after a long controversy before the committee, Mr. Eads submitted a proposition that seemed to be fair, in which he said to the committee and to Congress: "If you will pay me so much money I will give you so many feet of water; and when I give you so many more feet of water, you will pay me so much more money." It struck the committee as being a bargain which the United States might perhaps make without running any great risk on the part of the Government. We finally made a bargain with him, as the Senator knows. We ignored the engineers, or rather we entered upon the scheme suggested by Mr. Eads.

What has been the result? We all know it has been one of the grandest successes that have ever attended any engineering project in the United States or anywhere, so that now the city of New Orleans, the great city of the State represented here in part so ably by the Senator from Louisiana [Mr. CAFFERY], instead of having little or no foreign commerce, is, I believe, third in foreign commerce in the United States.

So, Mr. President, while of course I have the very highest respect for the Engineer Corps of the United States Army, and while as a rule I have always been inclined to follow them, at the same time there are exceptions, and that is one great exception wherein the Engineer Corps were at fault. They were in error in their positive statement that the scheme of Eads would not work.

Mr. WHITE. Will the Senator from Louisiana excuse me? I should like to ask the Senator from Oregon whether in that case it was not a fact that a contract was made, and as a result of that contract Mr. Eads was to get the money, provided he obtained the water?

Mr. MITCHELL of Oregon. Certainly.

Mr. WHITE. There was no absolute appropriation made in defiance of the Government recommendation?

Mr. MITCHELL of Oregon. I am not referring to the case as parallel to this. It may or may not be; but I am attracting attention to it for the purpose of showing that the Congress of the United States are not necessarily bound to follow the Army Engineer Corps, and that their recommendations are not regarded by Congress as conclusive.

Mr. WHITE. No one claims infallibility.

Mr. MITCHELL of Oregon. Sometimes it is not best to do so; and in that particular case, if we had followed the Engineer Corps, we perhaps would not have had the great improvement at the mouth of the Mississippi which we have now.

Mr. CAFFERY. I agree with the Senator from Oregon [Mr. MITCHELL]. There are exceptional cases where some extraordinary genius may prove that the Corps of Engineers might do better by trying some other than their own plans; but I am speaking of a systematic plan of improvement. We have adopted a river and harbor plan under the specifications and findings of Corps of Engineers belonging to the Army and Navy. Now, as I said in opening, either we have to follow their findings and their conclusions as a general proposition, or we have to reject them entirely, discard that system, and adopt some other. But one swallow does not make a summer, and the improvement of the jetties of the Mississippi River does not prove that the whole scheme of river and harbor improvements in the United States could be better undertaken and accomplished by some other plan than the one we have.

I will say to the Senator from Oregon that he is a little wrong in regard to the improvements to the mouth of the Mississippi River. There was 14 feet of water at the Southwest Pass at the mouth of the river. That 14 feet was kept open by dredging, and we did have a considerable amount of foreign commerce coming through the channel 14 feet in depth at low water. The Eads jetties have to be dredged constantly now to keep them open, as was predicted by the Army corps, and a deposit of sand is made at the entrance of these jetties to the Gulf. Not only is the silt carried out and deposited at the end of the jetties at the Gulf, but the channel itself has narrowed, and it is only kept open by constant dredging. It is not kept open to the extent that Captain Eads, great genius though he was, said would be the result of his jetty process.

Mr. MITCHELL of Oregon. What is the ordinary depth?

Mr. CAFFERY. The ordinary depth is 26 feet, but I saw in the paper that a vessel was grounded right athwart the channel.

Mr. TELLER. I should like to ask the Senator from Louisiana to repeat his last statement.

Mr. CAFFERY. I say that the jetty system as proposed and adopted under the contract system between Mr. Eads and the Government of the United States has not accomplished all the results that were predicted for it by its originator, Mr. Eads, and that in order to keep up this depth of 26 feet the Eads heirs have constantly to employ a dredge boat to aid the current in washing out this depth.

Mr. TELLER. I understood the Senator to say that the army engineers were more nearly correct than Mr. Eads. That is the way I understood it.

Mr. CAFFERY. No, sir. I said they were correct in their statement as to the deposit of silt, and that the current would not keep it washed out as Mr. Eads said it would.

Mr. TELLER. I do not think Mr. Eads ever claimed that it might not be necessary to do some dredging. When his proposition was submitted it is a notorious fact that the army engineers declared it would be a failure. It has not been a failure.

Mr. CAFFERY. No; I do not say it has been a failure.

Mr. TELLER. In the controversy between Captain Eads and the engineers, Eads won by getting the Government to make the contract, he won by getting the depth of water he said he would in spite of their prediction, and he got his pay.

Mr. CAFFERY. Mr. President, I do not propose——

Mr. VEST. The Senator from Louisiana will permit me, in justice to the memory of Captain Eads, to make a statement. As the Senator from Colorado [Mr. TELLER] has stated, the engineer officers made two predictions—if there is any doubt about it I can refer to the records—first, that there would not be sufficient power of current to produce the erosion that Captain Eads said would be produced by the volume of water in the Mississippi River; second, that possibly if there was, the effect of this erosion, the scouring process, would be to create a bar at the mouth of the jetties in the Gulf of Mexico, which would finally become impassable, even for ships drawing 8 or 10 feet of water. Captain Eads contended that the power of this silt-bearing current would be such as to force the silt or the deposit in the Mississippi River coming from the alluvial lands far enough out into the Gulf to permit it to be scattered, and that the bar would not be formed to the extent they claimed, and that there would be sufficient force of current. But he never did say that it would not be necessary to dredge. On the other hand, he said it would be necessary to dredge. He took the contract, no cure, no pay. He was not to get a dollar unless he produced a certain depth of water. The Government made a contract, a part of which was that Captain Eads or his representatives should secure for a number of years, twenty years, I believe, so many feet of water in this channel through the Southwest Pass. Every year an officer of the Government of the Engineer Corps is sent there, who sounds the whole length of the channel and reports to the Department whether Captain Eads or his representatives have secured that depth, and until that officer reports that it has been secured the estate can not draw one dollar. If it has been secured, they receive $100,000 a year.

These are the whole facts, and there has not been a year in which the money has not been paid. As a matter of course, if he had not secured the depth of water he would not have received a cent.

Mr. CAFFERY. I am not to be understood as attacking the

memory of Captain Eads. He has been a great benefactor to my part of the country. But I have only stated the facts which have been communicated to me by the local engineer in charge in Louisiana. A great contention between Captain Eads and the army engineers was as to whether a plan of confining the water in narrow jetties and permitting the water to wash out to a sufficient depth would succeed of itself. I never heard before that Captain Eads claimed that he had to use dredgers in order to aid the river. I do not believe there would have been any contention between Captain Eads and any of the Engineer Corps or anybody else if he had conceded that it would be necessary to keep the channel open by dredging. But the case of Captain Eads is not parallel to the case here.

Mr. TELLER. I wish to correct the Senator from Louisiana. Captain Eads made a contract to keep the channel open.

Mr. CAFFERY. Precisely. That is what I am talking about.

Mr. TELLER. That presupposes something to be done besides building jetties. That was a part of his system. It had to be done.

Mr. CAFFERY. Yes, sir; I know that. I know it was contemplated that the jetties would do the work without dredging.

Mr. VEST. They did most of it.

Mr. CAFFERY. I know that the work of the current has been supplemented by the artificial work of dredgers. That I know. I have heard it stated that it was doubtful whether Eads's heirs would continue the dredging to maintain the depth, as the expense of dredging about equals the installments they would derive from the Government for keeping open the channel.

Mr. VEST. Who stated that?

Mr. CAFFERY. Mr. J. B. Quinn.

But the case of Eads is not parallel to the case here at all. There has been no contract of any kind, nor is any contemplated by anybody, to get so much depth of water, or to protect the harbor at Santa Monica or San Pedro by artificial works. It is a question solely whether this work is to be done under the present system of the Army Engineer Corps, and I say if it is to be done under that system you can not travel outside of the system. You can not go beyond the findings of the engineers and take up the report and the findings of a civil engineer when there is no sort of liability upon his part or upon the part of his employers. This is not a no-cure-no-pay case. Here is a case where the money of the United States Government is asked to be appropriated under the supervision of its Corps of Engineers, when the engineers have repudiated it, when they have condemned it.

Now, if a great engineer like Captain Eads were to undertake to build a breakwater at San Pedro or Santa Monica, as the case may be, for so much money to accomplish such and such results, that would establish a case parallel to the case of the jetties at the mouth of the Mississippi. But that is not the case here. The case here is to violate the findings of the army commission, when the money is to be spent under their direction. That is the case. They have condemned Santa Monica. They have accepted San Pedro, and I say that we have either to follow generally the report of the army engineers or we have to discard the system entirely and adopt the system of contract.

I have no sort of feeling in this controversy. I do not consider that the fact that Mr. Huntington supports the Santa Monica improvement is of any weight whatever toward its condemnation. But when both Senators from that State, when, as I am told, every Representative in the House representing California wants the appropriation for San Pedro Harbor, and when that application of theirs, or indorsement of theirs, is backed up and sustained by the report and recommendation of the Corps of Army Engineers, I do not think it would be competent or safe or wise to throw aside both their indorsements, the recommendation of the engineers, and take up the report of an outside engineer, backed up by the experiments of Mr. Huntington. It is true, in one sense, that an appropriation for a harbor is a national affair. A harbor of the dimensions and of the sort that is contemplated here at one or the other of these points partakes of a general character. It is of interest to the whole nation. It concerns everybody, as it were, but it more directly concerns the people living in that country; and I have lived long enough to know, I think, that the counsel, the advice, the indorsement of the people immediately in interest, having the welfare of their constituents at heart, ought, from the nature of the case, to carry very great weight. It would take testimony absolutely conclusive to convince my mind that their indorsement is wrong in the premises before I would disavow it.

The chairman of the committee, a very able man, who has made a study of these matters for years, has arrived at his conclusion from facts and premises that in his opinion are sufficient to warrant it. I complain of nobody's action, and I discard as utterly irrelevant to any intelligent discussion of this question the fact that Mr. Huntington supports one or the other of these projects. That these corporations have great influence I know, and that they exercise great vigilance everybody knows, and if their case is not won it is not because of the lack of energy or vigilance on their part. They are very well able to represent themselves in any enterprise of this sort. But it looks to me like a purely commercial enterprise. I can not see from my standpoint how it would be entirely and exclusively in the interest of a railroad. But be that as it may, I shall follow the lead, all things being equal, of the representatives from the locality of an improvement of this sort, and it would be an extreme case, it would be a case where the testimony leaves no leg to stand upon, that I would go against their judgment in the premises. But the case we have presented before us is one that not only does not militate against their views, but one that is indorsed by the highest authority in the United States in regard to these improvements. I am inclined to the belief, however, that temporarily, at least until the commercial needs of that part of the country are developed into larger proportions, the improvement of the inside harbor at Wilmington is sufficient for present purposes. It will be a considerable saving to the country right now not to expend the $3,000,000 asked for for San Pedro or Santa Monica, and if the needs of commerce do not justify it, I adopt the conclusion of the Senator from Missouri [Mr. VEST], and say that the amendment offered by the Senator from California [Mr. WHITE] in that regard ought to have the sanction of the Senate.

Mr. FRYE. Mr. President, I am very sorry that I am compelled to exhaust the patience of the Senate with a further discussion of this matter, but as chairman of the committee and its mouthpiece, as a matter of course I must defend its action and I know of no better defense of the contention which the committee has made than the picture upon which Senators are now looking.

Here [indicating on map] is the bay of Santa Monica. Point Dume is off here [indicating]. Here is Vincente [indicating]. Here [indicating] is the present pier in Santa Monica Bay in the center of the curve of the bay. These are the proposed wharves [indicating]. If built they will accommodate about 200 ships at one time. Here [indicating] is the proposed breakwater to protect the ships in the inside.

Mr. MORGAN. How far from the coast?

Mr. FRYE. It is about a mile and one-third from the shore. It is about 8,400 feet long. It includes inside of it an area of about 555 acres of deep water, which will accommodate about 222 deep-draft vessels at anchor. Every inch inside is excellent holding ground, being mud and gravel. It is absolutely protected by a range of mountains over a thousand feet high from the north winds, the northeast and the northwest winds. It is absolutely protected on the other side by the highlands—these are the highlands [indicating]—from every southeast wind. The dangerous wind of the Pacific coast is that from the southeast. There is no great fear of the other, except occasionally a heavy southwest gale. This bay [indicating] is absolutely protected from everything except the southwest wave line, as it is called, and the westerly winds.

Now, here is a remarkable fact, and, without knowing the fact, no engineer, whether he be civil or war, is able to determine whether or not a harbor can be made a safe one. As I said, the heavy winds and gales are from the southeast. Whenever there is a heavy gale from the southeast the wave line is from the southwest, at an exact right angle to the southeast inshore wind, undoubtedly showing that the action of the mountains has affected the wind near shore in such a way that a heavy southwest gale in the open ocean becomes, when you approach the shore, a southeast gale.

Now, a breakwater, as a matter of course, every Senator knows, has nothing to do with the wind. It is to stop the waves, and that is the only purpose. The only necessity in the Bay of Santa Monica for any protection whatever comes from the southwest wave line. For the three years the pier has been there, there never yet has been any damage done it, because there has not happened during that time any heavy southeast gales, or southwest wind at sea, and southwest wave line. But it is liable to take place any hour of time. It is liable to take place when 50 ships are lying in this open roadstead [indicating], and if it did every ship would go ashore. For two or three years there had been no dangerous wrecks in the harbor at Apia, but one day there were scores of men-of-war lying there, a gale came up, and hundreds of lives were lost, and several ships were driven ashore. Harbor protection is not for fair weather; it is not for ordinary weather; it is against extraordinary weather; and because these three years have passed and there has been no extraordinary weather it is not, as the Senator from Missouri says, an argument against the necessity of protection at all. To-morrow, or a week from now, when great ships are lying there, that terrible southwest gale sweeping across the great Pacific may bring in enormous waves and drive every ship ashore, sacrificing property and human life.

Here to the right is Point Fermin [indicating]. Here, at that point [indicating], is where the first board started its breakwater, running it out two or three thousand feet, and then leaving an open space of 1,500 feet, then running four or five thousand feet

in the direction here shown [indicating]. There [indicating] is Wilmington Harbor.

Mr. WHITE. The inner harbor.

Mr. FRYE. It is called the inner harbor; it is the inner harbor of Wilmington which has been talked about. The harbor which it is proposed to make at San Pedro is here [indicating]. Now, here is the remarkable fact to be noted. The first board of engineers found that if a breakwater were attached to the shore and run eight or ten thousand feet from shore, the harbor made by it inside would certainly fill up with sand, and in that Corthell and Hood concur. So the three army officers and the two civil engineers agree that if a breakwater is so attached and extended from the shore the harbor will fill up. What did the first board do? They provided for that reach of breakwater, then an open space of 1,500 feet right in the harbor, then a breakwater running off in this direction [indicating]. Which is the direction of the southwest winds? There it is; Senators can all see it. Exactly straight in to the 1,500 feet the first board of army officers left open. Is there any safety in that harbor? Can any ship lie there in a heavy southeast gale when southwest waves are coming in?

How happened it that the army board of engineers made such a blunder? It happened simply because they did not know that a southeast gale on shore was accompanied by a southwest wave line from the ocean. That is all. They made a profound mistake because they did not make the necessary inquiry. There is not a Senator on this floor who does not know that they made a mistake. There is not a Senator here who can not see that if they had made it on purpose to receive the southwest wave line they could not have placed it in any better position. There it is, right straight in [indicating].

Mr. MITCHELL of Oregon. Is there any dispute about that matter?

Mr. FRYE. Oh, no; that is the exact location of the breakwater. This is an exact map in every respect. There is no undertaking to cheat or defraud anybody about this matter in any direction on either side that I know of.

Mr. STEWART. Do they now admit that it would be a failure?

Mr. FRYE. They never have been asked. I do not think they would admit it, but every Senator here who is in my hearing and in sight of this map knows that it was an absolute failure.

Now, the second board (whether they had ever found out the mistake I doubt) started theirs from the shore and followed it right out to the end of the breakwater without any break in it. They disagreed entirely, you will see, from the first board, because the first board said a breakwater of that kind would fill up with sand. The second board say, as a matter of course, it will not fill up with sand, because they made their plan of a breakwater from the pier outward without any break in it. Did they know anything about the southwest wave. I think the evidence is conclusive that they had not found it out. What is the evidence?

Somebody wished to know where you could place the wharf in San Pedro, and I assure the Senators it is a very serious question. Here is the Southern Pacific Railroad, that "horrible instrument of injury to the country," running right along here and out to this point [indicating]. This is a very high bluff [indicating]. I should say 60 or 70 feet high, rocky and perpendicular. The waves of the ocean are nearly all the time dashing up against it at the foot. Where are you going to put your wharves? Where will you locate them? The second board of engineers said that you could make a dozen in some way or other—it would be very expensive for this railroad—by running your railroad out on the breakwater, and then attaching your wharves to it.

Now, is not that conclusive proof that the second board did not know that the southwest wave line accompanied a southeast shore wind? Have not Senators here seen the power of waves on the Pacific when they come sweeping in across the sea over water that is 300 fathoms deep within 3 miles of the shore and strike that breakwater 10 feet up out of the water? How long would a railroad track stand on the top of that breakwater? How long would a ship lying by the wharves stay there? Those waves would break over that breakwater from 40 to 50 feet high, and, as a woman would sweep with a broom the dust from the ground, sweep away your railroads and your railroad tracks and completely submerge every vessel lying by the wharves attached to the breakwater.

Here is what is called the Terminal Railroad [indicating]. It comes down here to Rattlesnake Island and out to that little island on that point [indicating].

Mr. WHITE. That is a jetty.

Mr. FRYE. That is a jetty down to here [indicating].

Mr. WHITE. Yes, here [indicating].

Mr. FRYE. Here is the Pacific Railroad, down to here [indicating].

Mr. WHITE. The Terminal Railroad.

Mr. FRYE. One is the Terminal Railroad and the other is the Southern Pacific Railroad. Now, to a certain extent this is a railroad fight. The Senator from Arkansas [Mr. BERRY] thinks it is a fearful thing for a Senator to be on the side of a great railroad and a "greedy monopoly." I never have seen anything more greedy in my experience than this little Terminal Railroad. It is about 40 miles long. What is it there for? It was built there after the first report of the board of engineers. Under the first report of the board of engineers there were certain gentlemen who thought they saw a chance for a speculation.

They saw that the Southern Pacific had the entire north side, all the land on it; that there was a chance to get a little terminal railroad down on the southerly side; that if that breakwater was built and it became a great harbor, necessarily there must be two great competing lines stretching from the Pacific shore over toward the Atlantic. They built this railroad with the understanding and expectation that when the harbor was completed some great transatlantic railroad would be obliged to gobble up the little terminal railroad and make it a very handsome speculation. That railroad is in the fight. The Southern Pacific, as a matter of course, is in the fight because it is up there [indicating]. The Atchison, Topeka and Santa Fe Railroad is in the contest. Why, I do not know. Here is the Atchison, Topeka and Santa Fe [indicating]. It runs away up to that point now [indicating]. Here is the harbor [indicating]. Here is the Southern Pacific [indicating], running to the place where they have located their wharves. Here is a little tunnel [indicating]. I heard it asked in the Senate half a dozen times if another road could go through that tunnel. What do you suppose that tunnel is? It is a tunnel under a street a couple hundred feet long. You can cut it out; you can throw it away; you can build a bridge over it, and 40 railroads can go through if they please any time and anywhere. You will observe that there is plenty of room. The Southern Pacific Railroad Company could get but 50 feet wide. The trustees of the town owned this front down here [indicating].

Mr. DAVIS. Of San Pedro?

Mr. FRYE. Of the county or town; I do not know which.

Mr. WHITE. Of the town.

Mr. GRAY. Of Santa Monica.

Mr. FRYE. Yes. They own it. They refused to let the Southern Pacific Railroad have an inch of land outside of their place for two tracks, and the Southern Pacific does not own an inch of land at Santa Monica. They own nearly all of the land on the north side here [indicating].

Mr. CULLOM. San Pedro?

Mr. FRYE. San Pedro. There is room at Santa Monica for twelve tracks, for ten more tracks. Any other railroad can get it just as easily as the Southern Pacific Railroad Company did. Mr. Huntington said he would build the tracks for them for $10,000 a mile, and this bill provides that they shall use his wharf if they desire to do so.

Now, can some Senator tell me why the telegrams from the Atchison, Topeka and Santa Fe Railroad have been falling here upon Senators in the last ten days as the snowflakes fall in the winter storm, except that it is the remains of the old fight between the Southern Pacific and the Atchison, Topeka and Santa Fe Railroad? They made it once. They lost from ten to twelve million dollars in the encounter and went into bankruptcy. I happened to be the unfortunate owner, I am happy to say of a very small amount, of stock in the Atchison, Topeka and Santa Fe Railroad, and only a few months ago I paid an assessment on it. I can think of no reason why they should interfere except for the remains, as I say, of the old fight. That is just about the condition of the whole thing; and I say no man on earth can make an argument in favor of Santa Monica so strong as that picture itself, silent though it be.

I wish to call your attention to one point more in this connection. You see that arrow is southwest [indicating]; as a matter of course, southeast would be this way [indicating]. Will any Senator tell me how that breakwater protects the proposed San Pedro Harbor from a southeast gale? Not the slightest under the sun. The southeast gale comes right square into the mouth of it. As a matter of course, if the breakwater be extended away around it could not keep the wind out. It has full sweep and full sway. It is admitted by everybody in this controversy that it is the southeast wind that the mariners are afraid of on the Pacific coast. Yet the harbor of San Pedro, fix it up the best way you can, is right out with open arms, apparently anxious to receive into its bosom the terrific southeast gales, while the other one is absolutely protected from them. I think that is all I want of the map. [The map was removed.]

Mr. President, I am very happy to see your face once more.

I should like, in the first place, to dissipate if I can a little of the fog that has been placed around this controversy. I have to a certain extent made allusions to the railroads. The Senator from Missouri did to a certain extent allude to the people of Los Angeles. Somebody told me that the member of Congress from that district was placed on a platform two years ago in favor of an appropriation for San Pedro, and that his convention met a week ago and put him on a platform in favor of an appropriation for Santa Monica.

The city council unanimously the other day voted for an appropriation for Santa Monica. I think the Senator from Missouri described the conditions at Los Angeles about right. But what has Los Angeles to with this anyway? Why, the Senator from Missouri and I have been in this fight for about eight or ten years, I believe. We know all about it. We have got tired of it, too. I am very sorry to find him willing to have it run any further. I wish to get rid of it forever. I never want to hear of it again.

Give Los Angeles an inner harbor of 18 feet depth of water and it will accommodate all the commerce of Los Angeles for the next fifty years. It is ample for it. If you put a breakwater outside of the interior harbor, you are throwing away $392,000. The idea that the Los Angeles people are to instruct Congress as to where they shall put a harbor! For the commerce of Los Angeles? Nobody has ever talked about that. It is for the commerce of the world, and not only is it for the commerce of the world, but it is for a harbor of refuge, just as important as a harbor for commerce. The Atlantic coast has harbors of refuge all along. We are building one now at Sandy Bay, on the New England coast, at a cost of $5,000,000, and we have them every 40 or 50 miles—harbors in which tempest-tossed ships can run for refuge. They are just as important for protection to life and property as are protected harbors for commerce.

The harbor that we are talking about here is not a little harbor for a town or a city. It is a harbor for the commerce of the world, a harbor for the ships of the world, and Los Angeles has no more interest in it and no more to say about it than the people in the city of Portland, Me.

We have heard talk about corruption and bribery, but in this body there is more bribery from the good feeling which exists between Senators than from any and every other cause known to man. I think that we yield our preferences and our wishes to Senators when no amount of money and no amount of honor would induce us to do it under any circumstances; and I admit that I am one of the yielding kind, for while it has been charged in Los Angeles that I am owned by the Southern Pacific Railroad I would rather have the kindly regard of these Senators I am addressing, and their confidence, than the support of all the railroads and railroad magnates on the face of the earth, and all the money that all of them possess. The Examiner said if I succeeded in getting Santa Monica adopted as a harbor my pockets would be lined with gold, a happy way they have of talking about public men, sir, in your State, Mr. WHITE; pleasant and agreeable compliments they pay us—a high estimate they make of us. I thank a kind Providence that ever since my mother put the first pocket into my pantaloons it has been just as well lined with gold from that day to this as my modest necessities ever required.

Mr. HILL. I call the Senator's attention to the fact that the Republican State convention recently held in California declared in favor of silver.

Mr. FRYE. I think very likely they did, and against railroads.

I do not understand that the Senators from California are entitled to any more recognition in the question of whether a harbor shall be established at Santa Monica or shall be constructed at San Pedro than the Senators from the State of Minnesota; neither did the Committee on Commerce, although we had one of their Senators on the committee as a member. It is not a harbor for California; it is just as much a harbor for my ship which sails out from the city of Bath as it is for the ship of the Senator from California which sails out through the Golden Gate—just exactly. It is just as much a home for the safety of the ship which sails from the lakes, if it can escape to the ocean, as it is for a ship which comes from Australia.

There is another thing which I am sorry has crept in to becloud this case, because I think it is gravely unjust. The Senator from California—I am sorry his speech has not been published in the RECORD, and I have to take the report of it from the morning Post—in concluding says:

> "It will be a donation of $3,000,000 to a private corporation," said Mr. WHITE. "It will be taking $3,000,000, which the United States engineers have recommended be not expended and spending it on an individual. It will not be for a public benefit, but for the benefit of an enterprising person who is developing a large commerce over one of the most magnificent wharves in the world."

The distinguished Senator from Arkansas [Mr. BERRY] intimated that it would be a terrible thing for the Senate of the United States to yield to the "greed of one man." Ah, both of those utterances savor a little bit of the slogan of the sand lots of the Golden Gate, where the name of Huntington is conjured to frighten babies with and used by demagogues to make the knees of weak-kneed politicians tremble. The "greed of one man"! Yet the "one man," the Senator admits, is building up a great commerce, which is coming over the finest wharf in the whole world. If that man is building up a great commerce is he not entitled to have a harbor to which that commerce shall come just as much as if it were built up by twenty different men? Is Mr. Huntington to be excluded from all the benefits of legislation?

Why, pray tell me, if he succeeds in establishing a great line of ships from China and Japan, and they bring the contributions of the Orient down to Santa Monica Bay, then take them on the Southern Pacific Railroad and land them at New Orleans as cheaply as to-day they can be carried from San Francisco to Ogden, and then they are put on board his great line of steamers, 20 in number, from New Orleans and carried to New York for one-fifth the cost from Ogden to New York by rail, is he to be punished for it? Is he entitled to the reprobation of the Senate? Is he to be summoned up here as a ghost to frighten Senators from voting as their consciences dictate? Mr. President, if that is the course to be pursued, we must re-form this river and harbor bill; we must change it entirely, we must strike out quite a number of items we have in it.

Take the item for Newport News. There was the Chesapeake and Ohio Railroad, dead, an utter wreck. This man, Mr. Huntington, took it and brought it to life; and with his courage and indomitable energy built one of the finest roads in this country from Cincinnati to Newport News; and to-day it is carrying more corn than any other line on this earth. Oh, cut out the appropriation for Newport News, because Huntington built the Chesapeake and Ohio Railroad! That is the appeal.

Take another thing. We have been helping great shipyards by giving them contracts for building vessels, and I am glad of it. They needed it. We wanted to build the vessels in the United States. We had ingenuity enough; we saw that all needed, was encouragement. We have been helping great iron works, Bethlehem and Carnegie's, by giving them contracts and a chance to make money, and thus get their plants together. It was a good thing to do. But there was a quiet man in the United States who did not call upon the Government for any help. Nobody in the Senate knew anything about what was going on at Newport News. One day I received an invitation to go down and see a ship launched at Newport News. I did not know there was a shipyard at Newport News; I had never heard of it. I went down there, saw a great iron ship married to the ocean, and it had been built in the finest shipyard in the world, equipped with every kind of conceivable modern machinery, costing $6,000,000. It employed thousands and thousands of men; it has enabled them to support their families; they have built themselves houses, and for the next half century it will support those men, educate and clothe and feed the children; and Huntington did it. Oh, cut off the appropriation for Newport News; he ought not to have it! Huntington ought to be punished for building that shipyard, which is to-day underbidding every shipyard in America and building the great war ships of the country.

Cut it off from Norfolk, where he has a great line of steamers. The improvements there are a benefit. Cut it off from New Orleans. He runs 20 steamers into New Orleans.

Oh, it is too paltry to undertake to stop any legislation with that cheap, demagogical cry that because Huntington has done it no help can be given to Huntington. He employs to-day 75,000 men; pays them their wages when they are due, and there never has been a laboring man who has worked for him to whom he has not given his wages the day it was due; one instance I know, where a railroad was an utter wreck and owed the laborers $500,000, and Mr. Huntington put his hand into his pocket, gave the $500,000 to the railroad, wrecked as it was, to enable it to pay its laborers, took the wrecked railroad as security, and then put his energy and courage into the railroad and brought it up to life, activity, and value.

Mr. President, enough of this sort of paltering has been indulged in here. Let us come right back to the questions of where a harbor should be made, and whether it should be made at all. It has been said, and truly, that we sent a board of army engineers out there. I have called your attention to their report. I do not yield to any man in the Senate or anywhere else in my respect for the army engineers. They are gentlemen—thoroughbreds. They are educated men and scientific men. Their integrity can be trusted without question. I would risk my life and my reputation and my money with the Corps of Army Engineers as quickly as I would with my own father. But, as the Senator from Missouri said, they are finite; they make mistakes; they are frequently overruled. They are fortification engineers, as General Craighill said in our committee room, not riparian engineers.

It is said we can not overrule them; we must not overrule them. Your attention has been called to instances where we have deliberately overruled them. We have overruled them three, four, or five times in this very bill which we are now considering. We sent either a board or an engineer down to Brazos River to see whether or not it could be improved and a great commercial harbor made there. The engineers reported that it was an utter impossibility; that the jetty system there would be an entire failure; that the river would fill up. Colonel Ernst afterwards made another report, and he more strongly said that it was an utter impossibility; it could not be done. We authorized a company to do it, and in the river and harbor bill. That company sent for Mr. Corthell, this gentleman who perhaps may be doubted as authority because somebody paid his board. Mr. Corthell went

and made a plan and specification for a jetty system for the Brazos River. The company adopted it, and to-day they have 20 feet of water and the river is scouring its channel. They want the United States now to take it up. They called upon us, and we concluded to have a commission to investigate. Did we appoint a board of army engineers as that commission? Not a bit of it. We disregarded the Corps of Engineers and appointed outside men to make that investigation. Why? Any Senator can answer the question who pleases.

In this same bill there was a proposition for a great harbor in Georgia, the harbor of Brunswick. There was a gentleman there who thought that with dynamite he could make all the channel that was neccessary. I will say for myself that I never believed it. The army engineers laughed it to scorn, said it was an utter impossibility, and that it could not be done. We authorized, in spite of the army engineers, two or four years ago, this man to go on with dynamite and make his channel. He went on and claimed that he had made that channel of a certain depth. Another board of army engineers reported to us that he had not made the channel and was not entitled to pay, but we paid him $30,000. How about the army engineers being supreme authority with the Committee on Commerce? Again, in this very river and harbor bill, he came in for a renewal of his contract, and we renewed it, the army engineers saying that the thing was an utter failure. He came in and proved by divers persons, ship captains and others, that it was not a failure; that he had that depth of water, and the majority of the Committee on Commerce determined against the army engineers, said he had procured a certain depth of water, and they not only renewed the old contract, but they doubled it, they tripled it, and provided for the making of a channel three times as wide as in the first bill. Then they did not leave it to the army engineers to measure—think of it—to see whether or not he had gotten a certain depth of water and was entitled to $30,000. Who did it? We took a man outside of the army engineers, a Geodetic Survey man.

In my experience with river and harbor bills, wherever a majority of the committee wish to overrule the army engineers that majority does it without the slightest compunction of conscience.

A board of army engineers made its report, and I declare that never in a single instance did the first board of army engineers or the second board of army engineers, either one of them, condemn Santa Monica as a harbor, and no condemnation of it can be found in their report. They simply expressed a preference for San Pedro and gave their reasons, and the most prominent reason was that it was better adapted to fortifications than was Santa Monica. That was the principal reason, and, as the Senator from Missouri has said, occupied more space in their report than did anything else.

Another reason they gave was that it was impossible, they thought, to find the right kind of rock at Santa Monica. Now it turns out that there is any quantity of rock at Santa Monica, of the very best kind of granite, 175 pounds to the cubic foot, which is about the best granite you can find, and any quantity of it, illimitable. They declared in their report that there would be danger of one railroad being able to charge any price it pleased for hauling rock if it were hauled by railroad. I propose to add an amendment to the Senate amendment like this: "*Provided*, That whatever rock is transported by the Southern Pacific Railroad Company, there shall be no charge for hauling higher than one-half cent a ton a mile"—the lowest rate known to railroads; and Mr. Huntington before our committee said that he would guarantee that it should be hauled for that.

When the report was made to us in our Committee of Commerce we considered the matter, and determined not to appropriate for a harbor at San Pedro at that time. Shortly afterwards I went out there. Now, the Senator from California [Mr. WHITE], who is perfectly fair in his argument, I admit, and argued both sides of the case, with so much fairness that every once in a while I felt a little uncertainty as to whether he was not going to take my side, alluded to the "distinguished navigator from Maine," and his visit to San Pedro somewhat sarcastically; but I'll forgive him. I will say, nevertheless, I went out there. I do know something about harbors. I have common sense, I think; what they call in New England "horse sense"; and I have looked over a great many harbors in my life. I am able to form a general judgment. I think I could tell, looking at that picture [indicating], which was the better place for a harbor; and I pity the Senator who could not. I went down there on that bluff [indicating] at San Pedro.

Who took me there? The Southern Pacific Railroad owned me then, of course, because the president of the Southern Pacific Railroad Company took me there, and he had about a dozen of his Southern Pacific officers with him. I think the Senator from Minnesota [Mr. DAVIS] was there with me, and the senior Senator from Connecticut [Mr. PLATT]. Senator Stanford was urging the necessity of an appropriation, stating that it was vital to their railroad, that it was vital to the interests of commerce, that a great commerce would spring up there if they could only have a safe harbor. I loved dear Senator Stanford with all my heart; I should have been delighted to have served him in any possible way. He was a kindly gentleman in every respect. I stood on that bluff [indicating], about 70 feet high, the bluff running down straight, rocky, and looked out into this proposed harbor. About the first question I asked the Senator—there was only a slight breeze blowing, that was southerly, and the little waves were rushing up against the rocky side of this bluff upon which I stood—I asked the Senator which was the troublesome wind there. He said it was the southeasterly wind. "If your bad wind is the southeasterly wind," I said, "Senator, how is that harbor, which looks right into the southeast, going to be protected? How are ships going to be protected? Where are you going to put your wharf?" He said they were going to put a wharf—Senators can perhaps see the little point running out there about half an inch along the right side of that picture [indicating]—there, inside of that breakwater. "But," said I, "my dear Senator, that wharf will not stay there at all. The southeast wind will take that wharf off"—Senators can see the line there [indicating]—"and any vessel that lies there."

Mr. GRAY. Which is southeast?

Mr. FRYE. This is southeast [indicating]. The southeast wind comes right here where I am pointing [indicating].

Mr. WHITE. The Senator is a little bit out of the way.

Mr. FRYE. There is southwest [indicating]. The wind comes right in here [indicating]. At any rate there was no place there to put a wharf, and no man on earth could find one.

Shortly afterwards they went to work on that wharf. They spent several hundred thousand dollars in building it, and got it out perhaps a hundred or a hundred and fifty feet, when they concluded it was money thrown away and gave it up. Whether I am a "navigator" or not, I made up my mind very deliberately then that a safe harbor at San Pedro was an impossibility on account of the southeast winds. I did not know anything about the southwest waves then at all. I so told Senator Stanford. He argued the question with me, and by that time there were a hundred or two hundred people around listening, and I finally in jest said to the Senator, "Senator, if these Los Angeles people want a harbor, suppose they move their city down to San Diego. There is a good harbor there." You ought to have read the Los Angeles papers that night. There was nothing on earth bad that I was not. I never got such a lecture in my life as from those newspapers, and some of them have kept it up ever since.

The next day I went up to Santa Monica; I think it was Saturday; and for two days I enjoyed the gracious hospitality of one of the pleasantest homes which I ever visited in my life. The host was so much of a gentleman that he never mentioned harbor to me. But on Sunday, having nothing to do, I went prospecting on harbor business. I looked off onto Santa Monica Bay right from a a high bluff; right up here [indicating]. Here is Santa Monica. I was right here on this bluff, and looked out into this beautiful bay. It was a still day, and the bay looked like a lake. I thought I never had seen in my life a better place made by the Almighty for a harbor than that was. It seemed to be absolutely perfect. No northeast wind, no north wind, no southeast wind, no southwest wind could touch it; it was a remarkably well-protected resting place, and it did not need a great expenditure to make it absolutely safe, so it seemed to me. I have never divested myself of that first opinion, which I formed then, notwithstanding the reports of two boards of army engineers; and the other board, which is proposed now, if it should come to the same conclusion, would leave me in precisely the same spot. That may seem like obstinacy, but it is a deep, well-fixed judgment of my own.

I came home, told my experience to the committee, and they voted against an appropriation for San Pedro, as has been announced, indicating influence which I did not suppose I possessed with the committee or with the Senate.

We had another board appointed. That board went out, as has been stated, and made the usual examination made by boards. They followed very largely in the footsteps of the first. I never dreamed they would come to a conclusion in favor of San Pedro. I took it for granted that they would decide in favor of Santa Monica. I know them better now. You can not get one Department officer ever to overrule another one, his predecessor; you can not get an army board of engineers to overrule in the essentials a prior board of army engineers. You put one on the board provided for in the amendment and he never will overrule the Chief of the Corps of Engineers, who has been on one of the boards. The last board, however, differed from the first very essentially in this: They said that the harbor would not fill up with sand if there was a continuous breakwater from the shore out. The other said it would; Corthell said it would; Hood said it would. This board said it would not. As I told you a while ago, they provided for wharves attached to a breakwater that would rise 10 feet above the level of

the ocean. I am sailor enough to know that that will not do, and I think any Senator here is sailor enough to know it will not do. That board made its report, and still the Committee on Commerce would not make the appropriation for San Pedro, and, in my judgment, never will. You send out a board now of Geodetic Survey men and a naval officer without that provision, that if they decide in favor of San Pedro then the Secretary of War shall make the contract, and let that report come before the Committee on Commerce, I will guarantee that that committee will not provide for an outside harbor at San Pedro. That is so; they would not do it. The inner harbor at San Pedro is enough at that point.

What comes next? I am not conceited enough to set my judgment against Army engineers, not at all. I felt a good deal of anxiety about this matter, and one day I heard that the Southern Pacific Railroad Company, which had been trying to induce me to favor San Pedro, had deserted San Pedro and gone to Santa Monica. I made some inquiries in relation to that. I found that the name of their engineer was Hood. I wrote to Mr. Hood and asked him if it was true that the change had been made, to send me his report on which the change had been made. He sent it. I regard this as the strongest argument in favor of Santa Monica which can be made by any Senator. The Southern Pacific Railroad instead of having invested $1,000,000 had invested $3,000,000 at San Pedro. They own nearly all the land on the north side of San Pedro. They had spent $900,000 trying to get wharves, and the time came when their commerce was increasing to such an extent that wharfage was an absolute necessity.

Why do you suppose they selected Mr. Hood? To do their will? Not at all. Because he was a fool? Not at all. These great railroad corporations manage to secure the best talent there is in the world, and they pay the requisite salaries to obtain the talent. They had to pay my friend sitting there, the Senator from Nebraska [Mr. THURSTON] a handsome salary to obtain his legal abilities in their interest. They succeed in getting the best there is, and why not? When they are seeking an engineer for whom do they look? They look for a man upon whose judgment may depend the expenditure of millions and millions of dollars, upon whose judgment success or defeat lies. The Southern Pacific Railroad Company selected Mr. Hood, one of the best engineers in the country. Mr. Huntington said to Mr. Hood: "Mr. Hood, the time has come when we must make some expenditures. I want you to investigate the harbor of San Pedro thoroughly, completely, and make your report to me."

Mr. Hood made the examination, spending all the necessary time. He made all the requisite soundings, found out all about the bottom of the ocean, found out all about the winds, found out all about the waves, looked it all over to see where wharves could be constructed. Then he made a report to Mr. Huntington that San Pedro could not be improved; that you could not make a safe harbor there; that it would, with the best breakwater that ever was built, be open to the southeast gales, and no ship could lie there in a southeast gale whether she was anchored off or was inshore at the wharf. He said that a large part of the area within the breakwater was upon rocky bottom and there was no proper holding ground. The fact that kelp is growing there now inside the breakwater—and any Senator can see it if he goes there—discloses ledges at the bottom just as certainly as the magnet is disclosed when steel is around. The report of Mr. Hood, their engineer, was not made to influence the Senator from Delaware [Mr. GRAY] at all. Nobody knew that the Senator from Arkansas [Mr. BERRY] would ever see it or ever hear of it. It was made for the company, and the company alone. On that report the Southern Pacific Railroad deserted their $3,000,000 planted down at San Pedro and went up and planted $1,000,000 in building at Santa Monica, as the Senator says, the finest wharf or pier in the whole world.

Mr. HILL. Will the Senator from Maine allow me? How came the Southern Pacific Company to locate at San Pedro in the first instance?

Mr. FRYE. I do not know.

Mr. HILL. Did they have an engineer upon whose advice they then acted?

Mr. FRYE. I do not know.

Mr. WHITE. Hood was then their engineer.

Mr. FRYE. I do not know how they ever came to locate at San Pedro.

Mr. STEWART. They bought an old road, and there was a small harbor there.

Mr. HILL. Did they have their choice of the two places originally?

Mr. WHITE. Yes, sir.

Mr. FRYE. They bought an old road?

Mr. STEWART. Yes, sir.

Mr. WHITE. Permit me to correct the Senator from Nevada. The county of Los Angeles contributed a considerable sum of money to enable the completion of a railroad from the city of Los Angeles to San Pedro. There was a good deal of public money in it.

I desire to correct the Senator from Maine in one particular. He stated that the Southern Pacific has deserted San Pedro. That is an error. They are running trains there regularly and are carrying a large amount of freight which they get upon their cars by means of the inner harbor at San Pedro to-day.

Mr. FRYE. I mean they deserted it as a deep-sea harbor. Of course their tracks are there. Mr. Huntington said they had sacrificed two-thirds of their property in leaving it.

Mr. WHITE. That is a matter of opinion.

Mr. FRYE. He ought to know perfectly well. The pier at Santa Monica, built out a mile, has stood for three years, and not a bolt or plank has started. I say that no man, I care not how ingenious he may be, can make an argument that speaks with the power that single act does.

I was not content. I saw Mr. Corthell one day—this man who, because his board was paid, would sacrifice, perhaps, his reputation, which has been earned by lifelong service, and deliberately undertake to deceive Congress. Who is Mr. Corthell? He is a member of the American Society of Civil Engineers; the American Society of Mechanical Engineers; the American Institute of Mining Engineers; the Canadian Society of Civil Engineers; the Institution of Civil Engineers, of Great Britain; the Society of Arts, of Great Britain; the Imperial Institute, of Great Britain; the Institution of Engineers and Shipbuilders, of Scotland; the French Society of Civil Engineers, corresponding member of that society for the Northwest of the United States; the Mexican Association of Civil Engineers and Architects; honorary member of the Geographic and Statistical Society of Mexico; the American Geographical Society; the National Geographic Society, of Washington; the Boston Society of Civil Engineers; the Engineering Association of the South; the Western Association of Engineers, at Chicago; fellow of the American Association for the Advancement of Science; second vice-president of the American Society of Civil Engineers in 1888; first vice-president in 1893 and 1894; president of the Western Society of Engineers in 1889.

And yet for his board bill Mr. Corthell might sacrifice his reputation. What a proposition that is to make to the United States Senate! What a weak, silly foundation that on which to place an argument! He was Mr. Eads's right-hand man for four years, in full, complete charge of the jetties in the Mississippi River. He was employed as the leading engineer for the Brazos Company, and made a success of it. Mexico heard of him. They needed a great harbor at Tampico. It was one of the most troublesome places in the world to make one. They had been trying for it for years. They sent to this engineer, Corthell. He went down there, and to-day they have one of the finest harbors in the world, a perfect success. They sent for him out on the western coast of the Pacific, at the western terminal of the Tehuantepec Railroad. There the English propose to expend some $3,000,000 in creating a harbor. Corthell was sent for. He made a plan and specifications, and in the English contract for the building of the harbor the Corthell plan is entered. To-day he stands at the head, or nearly at the head, of the civil engineers on the question of riparian improvements in the United States of America.

I met him. I knew him. I asked him if he could not go to Santa Monica and San Pedro and make an examination and report. I was still uncertain. The engineers disturbed me as they disturbed others. I did not even yield to the fact that I had heard of the change which had been made. He said he was doing nothing and that he could go. I asked him if he would go. He said he would. Mr. Huntington undoubtedly paid his expenses. I did not and could not. My lean pocket is only enough for my modest necessities and not enough to pay engineers.

Mr. WHITE. When did the Senator from Maine request Mr. Corthell to go there?

Mr. FRYE. I can not tell the Senator. That, of course, is too indefinite to remember. I know I made the request.

Mr. WHITE. More or less.

Mr. FRYE. I have not the remotest idea. It was after the second board had reported, certainly.

Mr. Corthell said he could go. He went. He spent a month or two months, I do not remember which, and he came back with his report. It was in favor of Santa Monica and against San Pedro, with reasons given from the first to the last, disagreeing with both boards in many particulars and uttering his disagreement in unmistakable language. He declared that you could not make a safe harbor at San Pedro, that there was no power on earth to prevent the southeast gales from sweeping square into San Pedro. He declared that a breakwater built as the last one is proposed to be built would certainly fill with sand. He declared that no railroad track could be maintained on that breakwater an hour. He declared that no wharves could be attached to it, and that if they were no ships could live at the wharves when there

was a gale from the southeast and the waves came in from the southwest. He joined issue with these engineers in all those regards.

As to Santa Monica and the present location, it must be remembered that the present location is one that has never been examined by our army engineers at all, and when Mr. Davidson's letter was read and he talked about ruins on the shore and where he walked, Mr. Davidson was walking from way up here [indicating] around to Point Dume, here [indicating]. Point Dume is more than 17 miles from the breakwater which is proposed for Santa Monica Harbor, and when my friend the Senator from California [Mr. WHITE] spoke of the depth of 270 fathoms, etc., he was reading the depth of water off Point Dume, more than 15 miles to sea.

Mr. WHITE. There are 200 fathoms of water within your 12 miles.

Mr. FRYE. Oh, very well; within the 12-miles limit, occasionally. Here is the map, and any Senator can see it. The figures are all down here, showing exactly the depth of water. You draw a line across there [indicating], and it would be about 15 miles.

Mr. WHITE. There seems to be some conflict in the record with reference to that. Mr. Corthell's last statement is 12 miles.

Mr. FRYE. Twelve miles, then.

Mr. WHITE. It is in one place stated at 15 and in another at 12 miles. I suppose it depends upon how it is measured with reference to the two capes.

Mr. FRYE. The course of the southwest wave line is that [indicating]. It is marked on the map. Follow the course of the southwest wave line from that breakwater out and this is an absolutely correct representation of the bottom of the sea—the red line, every inch of it. You follow it out from San Pedro to Point Firmin, which is only a little ways out there [indicating], and this [indicating] is an exact representation of the bottom of the ocean there [indicating]. If it had not been for that formation [indicating] in Santa Monica the wharves could not have stayed there a year. That gradual decline [indicating] into the depths of the ocean is what saved the wharves. They could not have lived in San Pedro a year with 300 fathoms only 3½ miles off, with nothing to break the force and the power of the waves.

Mr. CAFFERY. Will the Senator from Maine allow me? I ask for information. He stated that the harbor at San Pedro would be dangerous on account of the southeast gales, being open to them, and further that the swell came from the southwest. I want to know of the Senator whether any engineer has stated that the breakwater designed to keep off the swells at San Pedro could not be made strong enough under the specifications they have to resist the action of the waves?

Mr. FRYE. Mr. Corthell stated in his testimony that he thought a certain portion of the last breakwater as it was practically out in the open sea, had been made too weak to withstand the waves and probably would give way.

Mr. WHITE. I call the attention of the Senator from Maine to the fact that Mr. Corthell stated, on page 38 of the hearings, that he had spoken to Major Raymond about the matter, and that Major Raymond had said to him, which he had no doubt was true, that the breakwater was upon the same section as that constructed in the Delaware, and that he was not therefore disposed to dispute that proposition. You will find it on page 38 of the hearings.

Mr. FRYE. I remember he said it at some other place. I did not know anything about that. I shall return to the statement of Engineer Corthell again before I finish what I have to say.

I said that the engineers had never condemned Santa Monica, and I said that San Pedro would be open to the southeast gales. The Senator from California [Mr. WHITE], in the minority report and in his speech, too, said that the army engineers found that this harbor was not in danger from southeast gales. If he had turned to page 11 of the same minority report he would have found a quotation from one of the engineer reports which says that the dangerous winds come from the southeast and south, sweeping directly up the coast, and that San Pedro Bay is directly exposed to the southeast seas. In another place he will find, on the same page, that many vessels, a partial list of which is given there, have been wrecked in that bay, being caught there by southeasters. On page 23 he will find that the engineers say "the location at San Pedro has natural protection from all winds and seas except from the southeast around to the southwest."

The Senator from California further says that the affidavits of 40 shipmasters show that there is good holding ground, and I am glad he said in the roadstead at San Pedro. The roadstead is southerly and southeasterly from Wilmington, and is not within the harbor protected by the breakwater.

Mr. WHITE. That I absolutely deny, for I have seen the ships riding there myself, and know the locality myself.

Mr. FRYE. As to Santa Monica, and condemning it—page 11—the remarks of the army engineers are as follows:

On the other hand, Santa Monica Bay is entirely sheltered from southeast gales by the highlands of San Pedro Hill.

These hills, on page 23, are reported to be 1,493 feet high; and these mountains, as they may well be called, now quoting from the report, furnish at Santa Monica "a more perfect shelter from wind and sea than can be afforded by any artificial structure." So I was correct in my statement. You can not find in the army reports total condemnation of Santa Monica as a harbor. There is only a preference for San Pedro.

Mr. WHITE. The Senator from Maine is doubtless weary, and I suggest that we might defer the further consideration of this matter, if it be agreeable to him.

Mr. FRYE. I confess I am warm.

Mr. GRAY. It is a very warm day.

Mr. FRYE. It is a warm day, and it is very warm in the Chamber.

Mr. MORGAN. As the Senator from Maine is about to yield the floor, I desire his attention for a moment.

Mr. FRYE. I should like to go on to-morrow morning as soon as the Journal is read, and I ask unanimous consent that I may do so.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine? The Chair hears none.

Mr. MORGAN. I desire to suggest to the Senator from Maine, in order that he may be prepared to deal with the subject, that he explain to the Senate to-morrow whatever plan may exist for the building of this breakwater; whether any plan has actually been made.

Mr. FRYE. Yes; the plan has been made.

Mr. MORGAN. And an estimate made?

Mr. FRYE. Yes; the plan has been approved by the Secretary of War.

Mr. MORGAN. Approved?

Mr. FRYE. Yes.

Mr. WHITE. I think that plan (I do not understand that it has received the approval of the Secretary of War; I never have seen it) should be brought from the obscurity where it may rest.

Mr. MORGAN. I wish to observe in the presence of both Senators that the Congress of the United States could hardly be expected to enter upon the construction of a breakwater on the Pacific Coast that is to cost millions of dollars—three millions, is it?

Mr. FRYE. It has been submitted to the War Department. All the plans and specifications have been submitted to the Chief of Engineers. I have his report here, in which he says that it can undoubtedly be built for the money which is called for, and that it will give the necessary protection.

Mr. WHITE. I have seen the paper to which the Senator from Maine alludes. I should like to have it here to-morrow, so that Senators, several of whom have asked me about it, may be able to peruse it in the RECORD.

Mr. FRYE. And the testimony of Colonel Hains is to the same effect.

Mr. MORGAN. I desire for my part to know something about that, because until we have the plan on which we are to spend the money, which has been surveyed by competent engineers and the cost estimated, of course we are in the dark as to what we are doing.

Mr. GORMAN. I submit an amendment which I ask to have read and printed.

The VICE-PRESIDENT. The amendment will be read for information.

The SECRETARY. At the end of line 10, on page 100, insert:

Provided further, That the Secretary of War shall so adjust the contracts herein authorized to be made by apportioning them in such way as not to obligate the Government under this act and all prior acts "providing for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," which provide for contracts beyond appropriations made, for a sum exceeding in the aggregate $10,000,000 in any one fiscal year for such materials and work authorized to be contracted for in all of said acts.

The VICE-PRESIDENT. The amendment of which the Senator from Maryland gives notice will be printed.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. I ask unanimous consent that the Senate proceed to the consideration of private pension bills on the Calendar.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered. The Secretary will announce the first pension bill on the Calendar.

MRS. MARIETTA HAYES.

The bill (S. 1898) granting a pension to Mrs. Marietta Hayes was announced as first in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Pensions with an amendment, in line 5, after the word "pension," to strike out "law" and insert "laws"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Marietta Hayes, mother of Watson Hayes, late a private in Company E, Sixteenth Connecticut Volunteers.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RACHEL PATTON.

The bill (H. R. 1185) granting a pension to Rachel Patton was considered as in Committee of the Whole. It proposes to place on the pension roll, at $20 per month, the name of Rachel Patton, of Paris, Edgar County, Ill., formerly the widow of John H. Patton, late captain of Company C, Seventy-ninth Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN S. COCHENOUR.

The bill (H. R. 3189) to increase the pension of John S. Cochenour was considered as in Committee of the Whole. It proposes to place on the pension rolls the name of John S. Cochenour, late captain of Company H, Sixtieth Regiment Illinois Volunteer Infantry, and to pay him a pension of $50 per month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANE H. VANDEVER.

The bill (S. 2645) granting a pension to Mrs. William Vandever was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Vandever," to strike out "Mrs. William" and insert "Jane H."; and in line 7, after the word "Infantry," to insert "and late brigadier-general, United States Volunteers"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane H. Vandever, widow of Gen. William Vandever, late of Ninth Regiment Iowa Infantry, and late brigadier-general, United States Volunteers, at the rate of $30 per month.

The amendments were agreed to.

Mr. ALLEN. Let the bill be read again as to the amount.

Mr. CULLOM. It grants $30 a month.

Mr. ALLEN. I ask the chairman of the committee why the amount was not fixed at $50, the rate that has been usually granted in cases of this character?

Mr. GALLINGER. I will simply say in reply that the distinguished Senator from Illinois [Mr. PALMER], formerly the chairman of the committee, reported the bill, and I do not at this moment recollect why the rate was fixed at $30 a month. It seems to be a bill coming from the part of the country the Senator from Nebraska represents, and I presume there is some good reason for it, but I can not now state it.

Mr. ALLEN. I think the amount should be fixed at $50 a month at least.

Mr. GALLINGER. I have no objection to it at all.

Mr. CULLOM. What was the rank, I inquire of the Senator from New Hampshire?

Mr. GALLINGER. He was a brigadier-general.

Mr. ALLEN. He was a brigadier-general first, but later he was a brevet major-general, I think.

Mr. GALLINGER. He was a brigadier-general.

Mr. ALLEN. Let me ask the Senator was this lady his wife at the breaking out of the war or during the war.

Mr. GALLINGER. That I can not state.

Mr. GEAR. What is the question?

Mr. COCKRELL. Let the report be read.

Mr. ALLEN. I move that "$50" be inserted in place of "$30."

The PRESIDING OFFICER (Mr. LODGE in the chair). The amendment will be stated.

The SECRETARY. In line 9, before the word "dollars," strike out "thirty" and insert "fifty"; so as to read:

At the rate of $50 a month.

Mr. ALLISON. That is right.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Jane H. Vandever."

SARAH L. HIVELY.

The bill (S. 2074) granting a pension to Sarah L. Hively was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Colorado," to strike out "Cooy" and insert "Cavalry"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah L. Hively, widow of Andrew L. Hively, late private Company C, Third Regiment Colorado Cavalry Volunteers, and pay her a pension of $12 per month from the passage of this act in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read, "A bill granting an increase of pension to Sarah L. Hively."

SILAS B. HENSLEY.

The bill (S. 2763) granting a pension to Silas B. Hensley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Silas B. Hensley, late private Company K, Third North Carolina Mounted Infantry, at $20 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH E. COTTON.

The bill (S. 2529) for the relief of Sarah E. Catton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, after the name "Sarah E.," to strike out "Catton" and insert "Cotton"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Sarah E. Cotton (nee Sarah E. Thompson), late hospital nurse in the United States Army, and pay her a pension at the rate of $12 per month from the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Sarah E. Cotton."

ALBERT ELLIS.

The bill (H. R. 708) to increase the pension of Albert Ellis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert Ellis, late of Company K, Twelfth Kansas Volunteer Infantry, at $24 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IRA HARRIS.

The bill (S. 2711) granting a pension to Ira Harris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ira Harris, a lieutenant-commander of the Navy, and to pay him a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT B. SIMPSON.

The bill (S. 1124) granting an increase of pension to Alfred B. Simpson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 5, before the word "dollars," to strike out "thirty" and insert "twenty"; and in line 7, before the letter "B.", to strike out "Alfred" and insert "Albert"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $20 per month, subject to the limitations and provisions of the pension laws, the name of Albert B. Simpson, late of Company C, Second Michigan Infantry, the pension hereby granted to be in lieu of that which he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Albert B. Simpson."

MARIA E. WILSON.

The bill (H. R. 1181) for the relief of Maria E. Wilson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, after the word "pension," to strike out "and that her pension be rated from the date of the soldier's

death as the widow of a captain instead of first lieutenant"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria E. Wilson, widow of Matthew Wilson, late captain Company M, Fourteenth Pennsylvania Cavalry Volunteers, and pay her a pension of $30 a month in lieu of her present pension.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SARAH COMLY.

The bill (S. 937) granting a pension to Sarah Comly, widow of Maj. Clifton Comly, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "dollars," to strike out "fifty" and insert "thirty-five"; and in the same line, after the word "month," to insert "the same to be in lieu of the pension now drawn by her"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Comly, widow of Maj. Clifton Comly, and pay her a pension of $35 per month, the same to be in lieu of the pension now drawn by her.

The amendments were agreed to.

Mr. ALLEN. I should like to ask the chairman of the Committee on Pensions the ground for the allowance of this amount?

Mr. GALLINGER. Unfortunately, the Senator asks me about bills that I am not quite as familiar with as those I reported myself. I will say in regard to the pending bill that the widow is receiving a pension of $25 a month, which is the rate allowed by the pension laws of the United States to the widow of a major. There seems to be a good claim for some increase of pension, but the committee were of opinion that an increase of $10 would be equitable rather than the increase of $25 proposed in the bill.

Mr. ALLEN. What I more particularly desired to know is the ground upon which the increased pension is asked and the disability the lady herself is suffering under at this time.

Mr. GALLINGER. It seems that she is struggling to support herself and educate a young son, but I do not know that that was the whole ground upon which the increase is given. Major Comly seemed to have had a very meritorious service, and beyond a doubt the widow is in a very frail state of health and is in poverty. That seems to be established by the report.

Mr. ALLEN. I have no objection to the bill itself, but I think at this time I will offer an amendment to the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following proviso:

Provided, That the Secretary of the Interior be, and he is hereby, also authorized and directed to place the name of Alice V. Cook, of St. Paul, Nebr., invalid daughter of John Y. Cook, deceased, late of Company D, Eighth Regiment Kansas Volunteer Infantry, on the pension roll of the United States at a monthly pension of $25, to be paid as other pensions are paid under the general laws of the United States.

Mr. GALLINGER. Does the Senator from Nebraska desire to address himself to the amendment, or may I be permitted to make a statement?

Mr. ALLEN. I desire to make a statement briefly in this connection.

Mr. GALLINGER. Certainly.

Mr. ALLEN. I introduced some time ago the bill which I now offer as an amendment to the pending measure and it was referred to the Committee on Pensions. It was reported back unfavorably at some time to me unknown. I was not in the Chamber when the report was made, but I found afterwards that the Committee on Pensions made a report, which I will ask the Secretary to read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report submitted by Mr. BAKER April 7, 1896, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2285) granting a pension to Alice V. Cook, of St. Paul, Nebr., invalid daughter of John Y. Cook, deceased, late of Company D, Eighth Kansas Volunteer Infantry, have considered the same, and report as follows:

John Y. Cook enlisted on the 5th day of November, 1861, at Sabetha, Kans., in Company D, Eighth Regiment Kansas Volunteers, to serve three years as private. He was mustered in at Fort Leavenworth November 9, 1861. He died of smallpox in the hospital at Fort Leavenworth February 13, 1863, having served fifteen months and four days.

Sarina Cook, his widow, applied for and was granted a pension at the rate of $8 per month, and $2 for each of her three minor children, one of which was the Alice V. Cook who now asks a gratuity.

Alice V. Cook is now 38 years of age. Since she was 2 years old she has been subject to epileptic fits, which has made it impossible for her to care for herself, and needs the attention of another person. She has become insane, and is now, so it is alleged, an inmate of an insane asylum.

The object of this bill is to grant her a pension at the rate of $25 per month because of her relation to the deceased soldier and because of his service, and perhaps for the better reason that she is helpless.

Shortly after the death of the soldier his widow, the mother of this claimant, remarried, and has provided for the said Alice V. Cook ever since.

With all due feeling for the condition of the said Alice V. Cook, we can not see that there is any liability resting here, and therefore report adversely and ask that the bill be indefinitely postponed.

Mr. CULLOM. I should be glad if the Senator from Nebraska would point out the number of the case and the page of the Calendar, so that I may be able to find the bill to which he refers.

Mr. ALLEN. Where it was rejected? I do not think it is necessary.

Mr. CULLOM. I thought the Senator was trying to have a bill passed.

Mr. ALLEN. Oh, no, sir; I am trying to amend a bill that is now on its passage. The amendment——

Mr. CULLOM. Where is the bill now under consideration on the Calendar?

Mr. ALLEN. The bill is Order of Business 822, as I understand it, a bill granting a pension to Sarah E. Comly, widow of Maj. Clifton Comly. I have offered as an amendment to that bill a bill I introduced some time ago and which was adversely reported by the Committee on Pensions.

Mr. CULLOM. Order of Business 822 is a bill granting a pension to Sarah E. Comly, widow of Maj. Clifton Comly.

Mr. ALLEN. Yes, sir; and I have moved to amend that bill by granting Alice V. Cook a pension of $25 a month.

Mr. CULLOM. That seems to be adding another pension case to the one under consideration.

Mr. ALLEN. Yes; it is not an uncommon thing, however, to be done here.

Mr. CULLOM. It is the first time I ever saw it done.

Mr. HAWLEY. I never knew it to be done.

Mr. CULLOM. Nor I either.

Mr. HAWLEY. I have been here fifteen years, and I do not think I have ever heard of it being done. The Senator from Missouri [Mr. COCKRELL] shakes his head, and if there is anything of this sort he does not remember I do not know what it is.

Mr. COCKRELL. It is an anomaly; that is all.

Mr. HAWLEY. I think so.

Mr. ALLEN. I have heard the senior Senator from Wisconsin [Mr. VILAS] say that one of the most important pension bills in this country came about by an amendment offered to a private pension bill.

Mr. COCKRELL. That is very true. It was an amendment as to legislation. I remember the bill very distinctly; but never when one private pension bill was pending has another private pension bill been added to it.

Mr. ALLEN. What distinction is there between one private pension bill and general legislation with reference to pensions?

Mr. CULLOM. It seems to me we had better take one bill at a time. As Order of Business 822 is under consideration, let us dispose of it either by passing it or rejecting it or laying it aside. Then, if the Senator from Nebraska has another bill that he wants to get up for consideration and it is on the Calendar, we will see whether we shall take it up or not.

Mr. ALLEN. What harm is there, let me ask the Senator from Illinois, in putting this amendment on the bill?

Mr. CULLOM. Because I think it is taking an unfair advantage. We do not know anything about the case. It is not here for consideration.

Mr. ALLEN. The report is here before you.

Mr. COCKRELL. An adverse report, too.

Mr. ALLEN. Is not the evidence with the chairman of the committee, as in the other case?

Mr. CULLOM. I object to the consideration of the bill the Senator is trying to amend.

Mr. ALLEN. Very well; then I will offer the amendment on the next bill that comes up.

Mr. GALLINGER. I do not think it would be competent to object to the consideration of the pending bill. I think we had better see this matter out.

Mr. ALLEN. If no measure is to pass here except by the consent of the Senator from Illinois, then I will try it upon every bill that comes up.

Let me say in this connection that I offer my amendment in the best of good faith. I offer it more particularly for the purpose of emphasizing a thing that is apparent and that has been apparent here from time to time. The only statement the Senator from New Hampshire has made with reference to the bill to pension Mrs. Comly at $50 a month is that she is the widow of Maj. Clifton Comly, that she is in feeble health, and that she desires or needs this money for the purpose of educating her boy. That is true of a great many thousands if not hundreds of thousands of widows of soldiers. The same argument used by the Senator from New Hampshire is true with reference to a vast army of soldiers' widows and soldiers' orphans.

Now, what distinction is there between the case of Mrs. Comly and the case of Alice V. Cook? Alice V. Cook was not the child of an officer of the Army. She was the child of a private soldier; and so far as the evidence is now before the Senate her case is much more meritorious than the case of Mrs. Comly. Alice V. Cook was the daughter of a soldier of Company D, Eighth Regiment of Kansas Volunteers, who died from smallpox, and in consequence of the death of her father she was thrown upon her

mother for support. She became and is now a hopeless invalid in consequence of epilepsy. She has been and is now in a condition where she needs the constant personal attendance of one person to minister to her wants. It is true that her mother a few years after the death of her first husband remarried, but the evidence before the Committee on Pensions shows that the mother is in a worse condition in consequence of her second marriage than she probably would have been if she had remained a widow. The mother and the stepfather are absolutely unable to furnish the means to support this girl as she should be supported. She is a hopeless invalid. I took occasion in this Chamber but a few weeks ago in a case like this from the State of Missouri that was reported favorably from the Committee on Pensions, as my honorable friend at my right [Mr. COCKRELL] will remember, to ask that the pension be increased from $12 to $24 a month; which was done. I never yet have had an explanation from the Committee on Pensions—I do not mean privately, because they do not owe that to me—I have never yet seen a member of that committee stand in this Chamber and offer a reason why the bill to pension this girl, Alice V. Cook, was reported adversely.

Mr. GALLINGER. It never has come up.

Mr. ALLEN. I have always supposed it was a reasonable courtesy to call the attention of a Senator who was the author of a bill to the fact of its adverse report, so that it might be placed on the Calendar if he desired, instead of being indefinitely postponed, but that was not done in this case.

What merit does this bill for the relief of Mrs. Comly present to this Chamber which is not met and overcome in the case of Alice V. Cook? What reason is there for granting her a pension which does not apply with double force to the case of Alice V. Cook?

It may be an anomaly to have two persons pensioned in one bill, but I know of nothing in the rules or practice of the Senate. I know of nothing in the Constitution, which prohibits it, and I shall insist upon the amendment.

Mr. GALLINGER. A single word, Mr. President, before the vote is taken. The bill introduced by the Senator from Nebraska was reported upon by the Senator from Kansas [Mr. BAKER]. My impression is, I will say to the Senator from Nebraska frankly, that had the bill been in my hands I might have made a different disposition of it. I do not recall the circumstance of it having been considered in the committee. I may have been absent at the time. I should not have voted for $25, but very likely might have voted in favor of $12, which is the amount we uniformly report in favor of invalid daughters when we think they ought to have anything.

There is this to be said in the case in which the Senator is interested: This woman seems to be in an asylum, and presumably is being cared for. As I understand from the report, her mother is caring for her.

Mr. COCKRELL. The report in the case, if the Senator will examine it, reads:

Shortly after the death of the soldier, his widow, the mother of this claimant, remarried, and has provided for the said Alice V. Cook ever since.

Mr. GALLINGER. Precisely. She does not seem to be dependent according to the report. There may be other facts of which the committee was not in possession.

Mr. ALLEN. Somebody must provide for her. Of course she has not been permitted to starve, or to go absolutely naked, but it is a bare support.

Mr. GALLINGER. I desire to say to the Senator that, so far as the bills are concerned which he has submitted to the Committee on Pensions, I have personally interested myself to see that they have been fairly considered, and if injustice was done to the claimant in this case, certainly the chairman of the committee is not responsible for it. It was unfortunate, perhaps, that the Senator was not present at the time the report was made to ask that the bill should go upon the Calendar. If I had had any knowledge that he desired that disposition of the case, I should have interposed and had the bill placed on the Calendar.

A single word further in regard to the Senator's amendment. I trust the Senator will not insist upon his amendment to the bill. There is a special reason why it should not be adopted, which, perhaps, has escaped the Senator's attention, as to granting two pensions in one bill. The President of the United States is in the habit of vetoing some private pension bills, and it may be that the objections which the Senator urges may attract the attention of the Chief Executive, and he might want to veto this bill, and he could not veto it without vetoing the Senator's bill at the same time.

Mr. ALLEN. I think my bill will be the salvation of the committee's bill.

Mr. GALLINGER. That might possibly be the case, but the other bill might be the destruction of the Senator's bill. I think the Senator will see that there is an insuperable objection to amending a private pension bill by adding another pension bill to it; and I trust he will not insist on it. The easier way, perhaps, would be to reintroduce his bill and send it to the committee; and I will guarantee that it shall have very careful consideration, and that the chairman, at least, will take a personal interest in it, because the chairman desires always to be just and generous toward the Senator from Nebraska.

Mr. ALLEN. I have no doubt about that.

Mr. GALLINGER. The Senator takes a broad view of pension matters, especially regarding the unfortunate children of soldiers, and of the private soldier particularly, and in that I sympathize deeply with the Senator from Nebraska; but I trust he will not obstruct the consideration of these bills by offering an amendment which seems to me such a one that it ought not to be offered to a private pension bill.

Mr. ALLEN. I want to say just one word, and then I will let this matter come to a vote. I can not understand—it may be that I am so obtuse that I can not understand it—why there should be any objection to receiving this as an amendment to the pending bill. The Senator from New Hampshire [Mr. GALLINGER], to whom I am pleased to give credit for always being faithful in the discharge of his duty on the Committee on Pensions, and who, I believe, sympathizes with those who are entitled to recognition at the hands of the Government, has yet failed to state the precise thing for which Mrs. Comly is being pensioned. It is said that she is in feeble health. How far that feeble health goes, to what extent it incapacitates her from discharging ordinary household duties or earning a livelihood or assisting in earning a livelihood for herself and her son, has not been stated. It is said that in consequence of her ill-health and in consequence of her desire to educate her son this bill is offered and recommended. I am in entire sympathy with the bill; I do not want it defeated; and am the last man in this Chamber who would undertake to defeat it. I have within a few moments moved to increase the committee recommendation in a bill which I believe to be meritorious; but, Mr. President, here comes the distinction which has marked the proceedings of this Chamber ever since I have been here—an invidious distinction, a distinction which no man ought to make, and especially the Senate of the United States ought not to make, that in the one case the proposed pensioner is the wife of an officer, and in the other case the proposed pensioner is the helpless invalid daughter of a private soldier.

Mr. GALLINGER. If the Senator will permit me, if he will follow these bills as they are considered to-day—and I trust they may all be considered—he will find the committee have recommended increases in the cases of widows of private soldiers and in the case of private soldiers themselves. The committee has tried to be just in these matters. The Senator, I think, is rather unjust sometimes in his criticism of the committee, especially in his evident purpose to hold the chairman responsible for pretty much all that is being done by the committee.

I want to say that the distinguished Senator from Ohio [Mr. BRICE] made the report in this case, and, I presume, considered it with great care, and having been a soldier himself, I take it the committee was somewhat governed by his conclusions.

Mr. ALLEN. It is not my desire to hold the chairman of the Committee on Pensions responsible for everything the committee does or fails to do. I have very great appreciation of the services the honorable Senator has rendered pensioners; and I believe, as I said a moment ago, that he is in hearty sympathy with the policy of making reasonable and necessary pensions.

Now, let us look for a moment at this Calendar. Passing from this bill I come to Order of Business 863, a House bill.

Mr. GALLINGER. Why skip Orders of Business 860, 861, and 862?

Mr. ALLEN. Because I know nothing about them, only as I see them by their titles; but Order of Business 863 by its title discloses a remarkable fact. It is a bill (H. R. 4182) granting increase of pension to Georgianna C. Hall, dependent mother of Maj. John W. Williams, deceased, late surgeon, United States Army. There is the mother of Major Hall to be pensioned. I have no doubt that the recommendation of the committee is perfectly proper and that the mother is entitled to a pension; and I would not antagonize it unless I was convinced by evidence before me to the contrary; but certainly in this case, Mr. President, this lady did not sustain any closer relation to Maj. John W. Williams than Alice V. Cook sustained to her father, who died, and whose death forms the ground of a pension for her.

Mr. GALLINGER. The Senator, of course, is aware of the fact that a dependent mother has a pensionable status under the general pension law which a daughter has not. There is that great distinction, which the Senator ought not to lose sight of.

Mr. ALLEN. I do not know why it should be so.

Mr. GALLINGER. But it is so.

Mr. ALLEN. Calendar Order 871 is a House bill for the relief of Mary Jane Lynn, the daughter of John R. Lynn, a Revolutionary soldier. I presume that the mother has a pensionable status that the daughter does not sustain, according to the existing general law, and it would apply to this case; and yet the committee have reported a bill in her favor.

I turn to Order of Business 913, being a bill (S. 2357) granting

a pension to Elizabeth Watts Kearny, daughter of the late Philip Kearny, major-general, United States Army. Mr. President, what distinction is there between the relation of Elizabeth Watts Kearny to her father and the relation existing between Alice V. Cook and her dead father?

Mr. SEWELL. If the Senator from Nebraska wants information upon that subject I will give it to him.

Mr. ALLEN. How is that?

Mr. SEWELL. Miss Kearny is the daughter of the late Gen. Philip Kearny, one of most distinguished soldiers in the United States Army. This is the first pension that it has ever been proposed to give to a member of his family. His widow never received a pension, and never asked for one.

Mr. GALLINGER. And General Kearny was killed on the battlefield.

Mr. SEWELL. Yes; he was killed on the battlefield, and I was present on the occasion.

As to the case of Major Comly, he was one of the most distinguished soldiers of the late war; and so great was his administrative ability that he was placed in charge of the Government exhibit at Chicago. He was one of the best officers we had in the service of the United States.

In the case referred to by the Senator from Nebraska, he proposes to change the law entirely. You may give a gratuity to that poor woman, now 38 years of age, but she was only pensionable up to the age of 16 or 18, whatever the general law may be——

Mr. GALLINGER. Sixteen years.

Mr. SEWELL. So that the Government has given everything it ever promised in that case. I do not think it is fair for the Senator from Nebraska to undertake to put the beneficiary named in the bill which he has advocated onto another pension bill. If the Senator will bring it in as a separate measure, and make out a good case, I for one would be rather in favor of making an exception of it; and I suggest that the great State of Nebraska, or wherever she lives, ought to take care of unfortunates of that kind. The Government has done its duty fully in the case.

Mr. ALLEN. I ask attention also to Calendar No. 919, being the bill (S. 2983) granting a pension to Ida Emmott, daughter of the late Thomas Emmott. I should like to have some Senator explain, if he can—I know Senators can do a great many things—what distinction there is in the natural relation between Ida Emmott and her father, Thomas Emmott, which does not exist in the case of Alice V. Cook and her dead father?

Mr. BAKER. Mr. President, I should like to say with reference to the claim of Alice V. Cook that there is no legal obligation resting upon the Government of the United States in any respect whatever. She comes here asking relief purely and solely because her father at one time was an honored soldier, not because of any legal relation to the Government or any obligation imposed by the Government, but simply as a gratuity. Now, when she comes and asks relief merely as a gratuity, she should show that she is in a condition to justly receive the gratuity. There was no evidence before the committee that her mother was not in a proper condition and amply able to take care of Alice V. Cook. There was not a particle of evidence showing that her mother by her second marriage had not married a man in good circumstances; there was not a particle of evidence showing that the mother was not amply able to take care of the child. The report in that case specifically finds and states that—

> Shortly after the death of the soldier his widow, the mother of this claimant, remarried, and has provided for the said Alice V. Cook ever since.

There is not a particle of evidence in the record that was submitted to the Pensions Committee that this woman was not still able and willing to take care of this child.

If the Senator had come before the committee, or presented his case, showing by this second marriage the condition of the woman was no better than by the first marriage, and that she was not able to take care of her daughter, then he might have put himself in a position to call upon us for some clemency; but he did not do that. I do not know but that the mother of this child is to-day worth more than the Senator from Nebraska or myself, and is better able to take care of her than either one of us would be. So when the Senator comes and asks a gratuity, let him furnish his proof, and I have no doubt if the Senator will furnish the proof of the proposition that the mother is not able to take care of the child, and will ask the committee to reconsider this matter, perhaps then they will be willing to allow the usual sum of $12 a month. In the absence of all proof they could do nothing else than to report adversely on that claim, as there was no legal liability and no showing that the mother of the child was not abundantly able to provide for her.

Mr. ALLEN. Mr. President, it is very gratifying to me to be informed by the Senator from Kansas as to the course I should pursue. Really I do not know what I should have done in the discharge of my duties if the Senator had not made his advent into the Chamber recently to inform me.

The Senator from Kansas says there is no evidence as to the condition of the mother of this girl. I introduced evidence, and sent it to the committee, as to her condition. I think I understand quite as well as the junior Senator from Kansas what constitutes legal evidence and what evidence the committee is warranted in acting upon; and I say there was before that committee the character of evidence which is acted upon by it daily, showing that Mrs. Jones, the mother of Miss Cook, was incapable of supporting her; showing that she and her husband were themselves struggling for a livelihood; and while they did support, in a way, this invalid daughter, Alice V. Cook, they were ill able to support her, and were not able to procure her the medicines and medical attendance and matters which an invalid or a sick person should have. I say that the evidence shows conclusively——

Mr. COCKRELL. She is in an asylum, where she is certain to be cared for.

Mr. ALLEN. My friend suggests that she is in an asylum, where she is bound to be cared for. I recollect no evidence before the committee that this girl is in an asylum at this time; it may be so, and I will not say that the evidence is not there, but what excuse is that? Suppose this girl is in an asylum; it is in consequence of this Government failing to discharge its duty to her.

The Senator from Kansas informs me, and I am grateful for the information, indeed, that it would be a gratuity to give Alice V. Cook a small pension under these circumstances. Mr. President, what is it to be in the case of the daughter of General Kearny? Is it to be a gratuity there, I ask the honorable Senator from Kansas?

Mr. BAKER. In the case of Miss Kearny the evidence before the committee is that she is in a destitute and enfeebled condition.

Mr. GALLINGER. And almost blind.

Mr. BAKER. Yes. There was no such evidence, according to the statement of the Senator, in the Alice V. Cook case.

Mr. ALLEN. What evidence is there in the case of Ida Emmott?

Mr. BAKER. I do not know anything about that case.

Mr. GALLINGER. Ida Emmott is in a very deplorable condition, I will say to the Senator; which will be explained when we reach that case.

Mr. ALLEN. It is a gratuity——

Mr. GALLINGER. Undoubtedly.

Mr. ALLEN. It is a gratuity when it is applied to Alice V. Cook, the humble daughter of an humble soldier; but it is not a gratuity, it is a just debt upon the part of the Government, when it is applied to the widow of Major Comly or the daughter of General Kearny or the daughter of Thomas Emmott.

Mr. GALLINGER. I hope we shall come to a vote. I will say to the Senator from Nebraska that the next case on the Calendar is one of the most deplorable cases I ever considered—of a private soldier—and we ought to pass his bill to-day, so that we may get it through the House of Representatives.

Mr. ALLEN. I am not antagonizing this bill. I said at the start I was perfectly willing to support it and vote for it.

Mr. GALLINGER. We understand that.

Mr. ALLEN. But when I undertake to amend it in behalf of a girl who has been demented, and who is dependent upon public charity, I find because she is the daughter of a private soldier that distinguished Senators are arraying themselves here against her, when they are advocating the pensioning of others under like circumstances.

Mr. COCKRELL. I suggest to my good friend from Nebraska that this lady would get no benefit from a pension. It is no charity to her. She is insane and in an insane asylum, and is bound to be provided for there with necessaries and luxuries. She can not be taken home to enjoy them, and there would be no enjoyment to her. She would be unconscious of anything that could be done for her, and she is there as well cared for as she could be anywhere on this earth.

Mr. ALLEN. That is no argument at all; and usually I listen with great interest to my honorable friend from Missouri. She is in an insane asylum and can be cared for there, Mr. President, as a subject of public charity. What would be thought of me if I were to say that the daughter of General Kearny can go to the poorhouse and be cared for there? What would be thought of me if I should say the daughter of Mr. Emmott should go to the poorhouse and be supported there? I would not say it; I would not argue it. I say, give to them a pension adequate to their needs and the services of their fathers. Give to this girl a pension adequate to her needs and the distinguished services of her father, humble though his rank may have been.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Nebraska [Mr. ALLEN].

Mr. PETTIGREW. Let the amendment be read. I should like to hear it.

The Secretary again read the amendment.

Mr. ALLEN. I wish to suggest one amendment to the amendment, and that is to insert the words "late a private of," before the words, "Company D."

The PRESIDING OFFICER. Without objection, the amendment to the amendment will be agreed to.

Mr. GALLINGER. Let us have a vote now.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska as amended.

Mr. ALLEN. On that I call for the yeas and nays.

Mr. GALLINGER. I move that the Senate adjourn.

Mr. ALLEN. Before the motion of the Senator from New Hampshire is put I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nebraska will state his parliamentary inquiry.

Mr. ALLEN. I wish to know the status of this case as applied to my demand for the yeas and nays before we adjourn.

The PRESIDING OFFICER. Pending the demand for the yeas and nays the Senator from New Hampshire [Mr. GALLINGER] moved that the Senate adjourn——

Mr. GALLINGER. Which is always in order.

The PRESIDING OFFICER. And only that motion is in order. The question is on agreeing to the motion to adjourn.

The motion was agreed to; and (at 5 o'clock and 34 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 12, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 11, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Friday was read and approved.

EXTENSION OF REMARKS IN THE RECORD.

Mr. PERKINS. Mr. Speaker, I desire to call the attention of the House to a violation of the privilege of printing in the RECORD, but as I observe that the gentleman from Alabama [Mr. WHEELER] is not in his seat at this time, I give notice that later in the day, when I hope he will be present, I will bring the matter to the attention of the House.

MOUNTAIN VIEW CEMETERY, OAKLAND, CAL.

Mr. HILBORN, Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (H. Res. 15) authorizing the Secretary of the Navy to donate to the Mountain View Cemetery Association, at Oakland, Cal., certain cannon, etc.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of the Navy be, and he is hereby, authorized to donate and deliver, under such conditions as he may deem necessary in order to insure the proper fulfillment of the purposes of this resolution, to the Mountain View Cemetery Association, at Oakland, Cal., such old and unused cannon, muskets, swords, and other implements of war, of copper, tin, bronze, iron, and steel, as are not now and will not hereafter be required for naval uses, for the purpose of being used for parades, anniversary celebrations, and salutes: *Provided*, That such articles only be donated, under the authority herein contained, as in the judgment of the Secretary of the Navy may be spared without detriment to the public interests: *Provided further*, That the United States shall not be subjected to any expense in connection with the donation of the articles referred to.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. BAKER of New Hampshire. Reserving the right to object, I will ask the gentleman whether this is a soldiers' cemetery or not?

Mr. HILBORN. These cannon are to decorate the soldiers' plat, where there is a monument.

The Committee on Naval Affairs recommended an amendment, striking out all after the word "California," in line 7, down to the end of line 11, and inserting:

> Six condemned cannon and six pyramids of condemned cannon balls for the purpose of decorating the Grand Army burial plat, reserved for the burial of honorably discharged soldiers and sailors of the Union, and to be placed around and near the soldiers' monument already erected there.

The amendment was agreed to.

The joint resolution as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 534) for the relief of L. A. Davis;

A bill (S. 927) for the relief of Chester B. Sweet, of California;

A bill (S. 482) for the relief of the estate of Thomas Sherwin, deceased;

A bill (S. 652) for the relief of Nancy E. Day, administratrix of the estate of James L. Day, deceased;

A bill (S. 663) to remove the charge of desertion against Philip Pflueger, late of Company G, Twenty-fourth Wisconsin Infantry;

A bill (S. 762) for the relief of Henry Lane;

A bill (S. 1897) to establish a classification division in the United States Patent Office;

Joint resolution (S. R. 27) granting permission for the erection of a monument in Washington, D. C., for the ornamentation of the national capital and in honor of Samuel Hahnemann;

A bill (S. 14) for the relief of Pearson C. Montgomery, of Memphis, Tenn.;

A bill (S. 615) for the relief of Andrew Martin;

A bill (S. 21) to authorize the investigation by the Attorney-General of certain claims alleged to be due the late proprietors of the Knoxville Whig for advertising and authorizing the payment therefor by the Secretary of the Treasury of any amounts found by the Attorney-General to be legally or equitably due;

A bill (S. 34) for the relief of Clara A. Graves, Lewis Smith Lee, Florence P. Lee, Mary S. Sheldon, and Florence P. Lee, legal representative of Elizabeth Smith, deceased, heirs of Lewis Smith, deceased;

A bill (S. 336) for the relief of the estate of William B. Todd, deceased;

A bill (S. 1083) for the relief of George H. Plant, of the District of Columbia;

A bill (S. 1265) for the relief of Emmart, Dunbar & Co.;

A bill (S. 1035) authorizing the Sioux City and Omaha Railway Company to construct and operate a railway through the Omaha and Winnebago Reservation, in Thurston County, Nebr., and for other purposes;

A bill (S. 1974) for the relief of Mrs. Harriet D. Newson;

A bill (S. 2415) for the relief of B. J. Van Vleck, administrator of Henry Van Vleck, deceased;

A bill (S. 2978) to provide an American register for the steamer *Menemsha;*

Joint resolution (S. R. 7) authorizing the issue of duplicate medals where the originals have been lost or destroyed;

A bill (S. 2870) to permit Rene C. Baughman to lay pipes in a certain street in the city of Washington;

A bill (S. 1659) to amend the laws of the District of Columbia as to married women, to make parents the natural guardians of their minor children, and for other purposes; and

A bill (S. 981) relating to the testimony of physicians in the courts of the District of Columbia.

The message also announced that the Senate had passed with amendments the bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia, asked a conference with the House on the bill and amendments, and had appointed Mr. GALLINGER, Mr. MCMILLAN, and Mr. FAULKNER as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 3046) for the relief of Frederick Van Guilder;

A bill (H. R. 3462) to regulate the business of storage in the District of Columbia;

A bill (H. R. 4452) to amend section 416 of the Revised Statutes of the United States, relating to the District of Columbia;

A bill (H. R. 7865) to allow the return free of duty of certain articles exported from the United States for exhibition purposes;

A bill (H. R. 8820) making provision for the deportation of refugee Canadian Cree Indians from the State of Montana and their delivery to the Canadian authorities; and

A bill (H. R. 6104) for the relief of Anton Gloetzner.

ATLANTIC AND PACIFIC RAILROAD COMPANY.

Mr. POWERS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6398) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871.

The bill was read, as follows:

Be it enacted, etc., That whenever a sale of the road, equipment, lands, franchises, privileges, and other rights and property of the Atlantic and Pacific Railroad Company is made by virtue of any mortgage or other power authorized by act of Congress, the purchasers at such sale, and their associates or assigns, shall constitute a new company, which shall have and shall be entitled to exercise the same rights, powers, privileges, grants, and franchises, including the franchise to be a corporation, granted by the act of Congress approved July 27, 1866, incorporating the Atlantic and Pacific Railroad Company, and by acts amendatory thereof and supplemental thereto, and the incorporation as hereby provided shall be completed and become effective whenever the said purchasers and their associates or assigns shall file with the Secretary of the Interior a certificate of incorporation hereunder, duly acknowledged, specifying the name of such new corporation, its president, and the names of its directors, the amount of its proposed capital stock and bonds, not exceeding the amounts which the said Atlantic and Pacific Railroad Company by said acts was authorized to issue, and with like effect, together with certified copy of the decree or decrees ratifying such sale; but nothing in this act shall make such purchasers and their associates or such new corporation liable for any debts or claims or contracts of the old corporation not expressly assumed in their contract of purchase at said judicial sale.

The Committee on Pacific Railroads recommended an amendment, as follows:

Strike out all after the enacting clause and insert:

"That whenever any mortgage made by the Atlantic and Pacific Railroad Company under and by virtue of acts of Congress is foreclosed in any court of the United States, or of any State or Territory thereof, and any sale of the road, equipment, lands, franchises, privileges, and other rights and property covered by said mortgage is made under a decree or decrees of such courts, the purchaser at any such sale or sales, and their associates or assigns, shall constitute a new company, which shall have and shall be entitled to hold and possess the franchises and property so sold, and to exercise the same rights, powers, privileges, grants, and franchises, including the franchise to be a

corporation, granted by the act of Congress approved July 27, 1866, incorporating the Atlantic and Pacific Railroad Company, and by acts amendatory thereof and supplemental thereto, which were owned and possessed by said Atlantic and Pacific Railroad Company or said mortgagees at the time of such decree of foreclosure; and the incorporation as hereby provided shall be completed and become effective whenever the said purchasers and their associates or assigns shall file with the Secretary of the Interior a certificate of incorporation hereunder, duly acknowledged, specifying the name of such new corporation, its president, and the names of its directors, the amount of its proposed capital stock and bonds, together with certified copy of the decree or decrees ratifying such sale: but nothing in this act shall make such purchasers and their associates or such new corporation liable for any debts, or claims, or contracts of the old corporation not expressly assumed in their contract of purchase at said judicial sale: *Provided*, That the amount of the proposed issue of stock of such new corporation shall not exceed the aggregate amount which the Atlantic and Pacific Railroad Company has already issued and is now outstanding, except that said corporation may issue an additional amount of stock which, with the stock heretofore issued, shall not exceed the aggregate amount heretofore authorized by Congress, and such additional stock shall not be issued except for money, labor, or property, estimated at its actual cost value, in exchange for such stock at its full or par value: *Provided further*, That nothing herein contained shall be construed as making any additional grant of lands or other franchises to such successor corporation, or as a waiver of any rights of the United States now existing to enforce any forfeiture of lands heretofore granted to the said Atlantic and Pacific Railroad Company, or as in any manner affecting the vested rights of any settler or settlers on any of the lands heretofore granted to the Atlantic and Pacific Railroad Company or of any purchaser or purchasers of said lands from said company.

"SEC. 2. That Congress shall at all times have the power to alter, amend, or repeal this act."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOPKINS. Mr. Speaker, I reserve the right to object pending an explanation of the bill.

Mr. BLUE. So do I, Mr. Speaker.

Mr. POWERS. This bill is for the single purpose of enabling the bondholders under the first mortgage of the western division of the Atlantic and Pacific Railroad Company to purchase the property, which is soon to be sold at foreclosure sale, and to organize a new corporation with precisely the same privileges as the old company. That is the whole scope and purpose of the bill.

Mr. HOPKINS. I dislike very much to object, but it seems to me that this is too important a bill to go through the House by unanimous consent. I would suggest to the gentleman to try to have some time set apart for the consideration of the bill, so that it can be discussed and, if necessary, amended.

Mr. POWERS. There is very little to discuss about it, and if the gentleman will give his attention to the reading of the report, I think he will be satisfied that the bill ought to pass.

Mr. HOPKINS. This bill looks to the organization of a new company and to a variety of things which it seems to me ought to be considered in Committee of the Whole with reference to the amendment of the bill, if necessary.

Mr. POWERS. This is nothing in the world but a bill to enable the mortgage bondholders of the western division of this road, running from Albuquerque west to California, to reorganize into a new company after the foreclosure sale. The road is already a part of the Santa Fe system and there is a foreclosure pending. This road was chartered by Congress, and therefore it is necessary that authority shall be given by Congress for the organization of the successor company.

Mr. HOPKINS. But why not take the bill up in Committee of the Whole and discuss it and, if necessary, amend it?

Mr. POWERS. The difficulty is that the foreclosure sale takes place in a very short time and the bondholders will be all afloat unless some legislation of this kind is had.

Mr. HOPKINS. In making my suggestion I do not contemplate the postponement of the bill beyond the present session. It seems to me that it might be taken up some day this week and considered in Committee of the Whole.

Mr. POWERS. Well, the gentleman is aware of the pressure of business, and I think if he will listen to the reading of the report he will be entirely satisfied.

Mr. HOPKINS. But the point with me, Mr. Speaker, is that this is a matter of too much importance to go through the House by unanimous consent. I think that the creation of a great corporation like this, with the powers contemplated in the bill, is a matter of so much importance that it ought to be considered in Committee of the Whole, instead of being passed through here hurriedly by unanimous consent.

Mr. POWERS. I think the gentleman misapprehends the scope of this bill. It is not a bill to charter a great corporation, as the gentleman says. The Atlantic and Pacific Railway was chartered to run from Springfield, Mo., west to California. That line is made up of several constituent roads and companies. This is one of those little companies, and the purpose of this bill is simply to enable the mortgage bondholders to continue the ownership of the property after the foreclosure sale which is now pending; and, as I have already said, they must have authority from Congress to organize a new company for that purpose.

Mr. HOPKINS. I am willing, when we come to it, to consider this bill on its merits, but I still think that the bill is of such a character that it ought not to be passed through here by unanimous consent. It looks to the reorganization of this company, or to the organization of a new company and the extinguishment of the old company, with the various incidental claims connected with it, which will drop out of existence when this new company is chartered.

Mr. POWERS. I am quite sure that my friend from Illinois would not like to throw a straw in the way of the passage of a proper measure.

Mr. HOPKINS. No, sir; certainly not.

Mr. POWERS. And if he will be kind enough to listen to the reading of the report, I am quite sure that his objections to the consideration of the matter will vanish at once. It is a mere formal proceeding, to permit the owners of this property to get it into such shape that they may take by legal title.

Mr. HOPKINS. Well, we can take any day during the week to consider the bill, and if the gentleman wants me to do so, I will join with him in a petition to the Committee on Rules to have its consideration fixed for some special day. But I do not think it wise to permit matters of such importance, and possible far-reaching consequences, to be considered by unanimous consent. It is a question of too much importance.

Mr. POWERS. My dear sir, pardon me; it involves nothing of the kind. It is a matter the gentleman himself would not object to if he would take time to consider the report. Why, on the very first day of the session he himself, if he will permit me to call his attention to the fact, called up a bill of much more importance and had it put through by unanimous consent. Now, I joined with him in that. It was a proper thing to do. If it is a proper bill there can be no objection to this method of consideration. It does not require delay, such as the gentleman intimates, and he himself will not insist upon it if he would but listen to the reading of the report.

Mr. HOPKINS. But the difference between my bill and this one is that that related to a single person and did not affect the rights of any other individual or the rights of the Government. This, on the contrary, may affect the rights of thousands of people and does involve millions of money.

Mr. POWERS. The gentleman is entirely mistaken about the scope of the bill——

Mr. HOPKINS. I think I will have to insist on my objection. I do it of course with reluctance.

Mr. KEM. Mr. Speaker, I demand the regular order.

APPOINTMENT OF CONFEREES.

The SPEAKER. The Chair appoints the following conferees on the disagreeing votes of the two Houses on the bill (S. 2221) for the relief of settlers on the Northern Pacific indemnity lands: Mr. LACEY, Mr. WILSON of Idaho, and Mr. UNDERWOOD.

PASSAGE OF ENGROSSED PENSION BILLS.

The SPEAKER. The Chair will lay before the House at this time, as a part of the regular order, certain bills which have been heretofore considered by the House and ordered to be engrossed and read a third time, and laid aside on a demand for the reading of the engrossed bill.

The Clerk will now read the engrossed copies of the bills.

SOPHRONIA S. STOWELL.

The bill (H. R. 5996) for the relief of Sophronia S. Stowell was read the third time and passed.

Mr. ERDMAN. Has debate been closed on all these bills?

The SPEAKER. The previous question has been ordered on them.

Mr. DINGLEY. Mr. Speaker, there is on the table a Senate bill identical with the House bill just passed. I refer to the bill of the Senate No. 2790, and I ask unanimous consent that it be substituted for the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

Mr. ERDMAN. I object.

Some time subsequently

Mr. DINGLEY. Mr. Speaker, objection has been withdrawn to the request I made for the substitution of the Senate bill for the House bill.

So, there being no further objection, the bill, S. 2790, of the same title, was substituted for the House bill.

The SPEAKER. Without objection the House bill, No. 5996, will be ordered to lie on the table.

It was so ordered.

BILLS PASSED.

Engrossed bills of the following titles were severally read the third time and passed, namely:

The bill (H. R. 1261) for the relief of John Kehl;

The bill (H. R. 3937) granting a pension to Miriam V. Kenney;

The bill (H. R. 1299) to pension Harriet Woodbury, of Windsor, Vt.;

The bill (H. R. 4598) granting a pension to Mary Cray;

The bill (H. R. 1936) to remove the charge of desertion standing against David Mosten;

The bill (H. R. 3524) for the relief of James McGowan from the charge of desertion;

The bill (H. R. 4199) to correct the military record of Edward H. Munson, late a private in Company H, Thirty-second New York Regiment Infantry; and

The bill (H. R. 1171) to pension Hannah Yazell.

Mr. PICKLER. Mr. Speaker, I move to reconsider the several votes by which these bills have been passed, and also move to lay that motion on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. LACEY. Mr. Speaker——

The SPEAKER. The regular order has been called for.

Mr. LACEY. I understand that the gentleman from Nebraska [Mr. KEM], who made the demand for the regular order has withdrawn it.

The SPEAKER. The Chair did not so understand.

Mr. BABCOCK. I will ask the gentleman from Nebraska whether he will not withdraw the demand for a few moments?

Mr. KEM. I will do so.

DENISON AND NORTHERN RAILWAY COMPANY.

Mr. PENDLETON. I ask unanimous consent that the House take from the Speaker's table and consider at this time the bill (S. 2488) to extend the charter of the Denison and Northern Railway Company. This bill of the Senate is precisely the same as a House bill which has been considered by the Committee on Indian Affairs of this House and unanimously reported. The measure is carefully guarded in every respect.

The bill was read, as follows:

Be it enacted, etc., That the provisions of section 9 of the act entitled "An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved July 30, 1892, be, and the same hereby are, extended for a further period of two years from the passage of this act.

SEC. 2. That section 2 of said act be amended to read as follows:

"SEC. 2. That a right of way of 100 feet in width through said Indian Territory is hereby granted to the Denison and Northern Railway Company, and a strip of land 100 feet in width, with a length of 2,000 feet in addition to the right of way, is granted for such stations as may be established, but such grant shall be allowed but once for every 10 miles of the road, no portion of which shall be sold or leased by the company, with the right to use such additional grounds where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding 50 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein granted shall be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone line, and when any portion thereof shall cease to be used such portion shall revert to the nation or tribe of Indians from which the same shall have been taken."

SEC. 3. That section 6 of said act be amended by striking out all after the word "*Provided*," and inserting the following: "That a map of definite location showing the entire route of said road through the Indian Territory shall be filed and approved by the Secretary of the Interior before any part of the said road shall be constructed."

Mr. KEM. I wish to inquire of the gentleman from Texas whether this bill is in the usual form?

Mr. PENDLETON. It is in the usual form; and all the restrictions which are ordinarily imposed by the present Committee on Indian Affairs have been incorporated in this bill.

Mr. KEM. Is this the renewal of an old grant?

Mr. PENDLETON. It is an old grant renewed, with some additional restrictions.

Mr. KEM. Restrictions upon the company?

Mr. PENDLETON. Upon the company.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. PENDLETON, a motion to reconsider the last vote was laid on the table.

DENVER, CRIPPLE CREEK AND SOUTHWESTERN RAILROAD.

Mr. LACEY. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 8590) granting to the Denver, Cripple Creek and Southwestern Railroad Company a right of way for a railroad through the South Platte and Plum Creek forest reserves, in the State of Colorado.

Be it enacted, etc., That the Denver, Cripple Creek and Southwestern Railroad Company, a corporation incorporated and organized under and by virtue of the laws of the State of Colorado, is hereby authorized to construct and maintain a railroad over and through the South Platte Forest Reserve and the Plum Creek Forest Reserve, in the State of Colorado, heretofore set apart and established as forest reservations by proclamations of the President, dated, respectively, December 9, 1892, and June 23, 1892; said railroad to enter said reservations at the junction of the North and South Forks of the South Platte River, in section 25, in township 7 south of range 70 west of the sixth principal meridian, and to run thence along the water course of the South Fork of the South Platte River to section 3, in township 13 south of range 71 west, and also to be constructed from section 21, in township 9 south of range 70 west, along the water courses of Horse Creek and Trout Creek, in the Plum Creek Forest Reserve, to section 34, in township 10 south of range 69 west; said right of way to be granted subject to the rights, privileges, rules, and restrictions of an act entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875, said act being hereby made applicable to the right of way hereby granted. The said company, however, shall not cut timber upon said forest reservations outside of the limits of said right of way.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

DONATION OF CONDEMNED CANNON.

Mr. PITNEY. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 8495) granting to John Hill Post, No. 86, of Boonton, N. J., 4 condemned cannon and 20 cannon balls was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. EVANS. I object.

PIPE LINES IN COLORADO AND WYOMING.

Mr. MONDELL. I ask unanimous consent for the present consideration of the bill (S. 2032) to grant right of way over the public domain for pipe lines in the States of Colorado and Wyoming.

The bill was read, as follows:

Be it enacted, etc., That the right of way through the public lands and reservations of the United States situate in the State of Colorado and in the State of Wyoming outside of the boundary lines of the Yellowstone National Park is hereby granted to any pipe line company or corporation formed for the purpose of transporting oils, crude or refined, which shall have filed or may hereafter file with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of the ground occupied by said pipe line and 50 feet on each side of the center line of the same; also the right to take from the public lands adjacent to the line of said pipe line material, earth, and stone necessary for the construction of said pipe line: *Provided*, That no such right of way shall be so located as to interfere with the proper occupation by the Government of any reservation; and all maps of location shall be subject to the approval of the Department of Government having jurisdiction of such reservation.

SEC. 2. That any company or corporation desiring to secure the benefits of this act shall, within twelve months after the location of 10 miles of the pipe line, if the same be upon surveyed lands, and if the same be upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its line, and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office, and thereafter all such lands over which such right of way shall pass shall be disposed of subject to such right of way.

SEC. 3. That if any section of said pipe line shall not be completed within five years after the location of said section the right herein granted shall be forfeited, as to any incomplete section of said pipe line, to the extent that the same is not completed at the date of the forfeiture.

SEC. 4. That nothing in this act shall authorize the use of such right of way except for the pipe line, and then only so far as may be necessary for its construction, maintenance, and care.

The amendments reported by the Committee on Public Lands were read, as follows:

In lines 3 and 4 strike out the words "and reservations."

In line 12 strike out "fifty" and insert "twenty-five."

At the end of section 1 strike out these words:

"*Provided*, That no such right of way shall be so located as to interfere with the proper occupation by the Government of any reservation; and all maps of location shall be subject to the approval of the Department of Government having jurisdiction of such reservation."

There being no objection, the House proceeded to the consideration of the bill.

The amendments were agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. MONDELL, a motion to reconsider the last vote was laid on the table.

FLAGSTAFF AND CANYON RAILROAD COMPANY.

Mr. LACEY. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 7578) granting the Flagstaff and Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve in northern Arizona.

Be it enacted, etc., That the Flagstaff and Canyon Railroad Company, a corporation created and existing under the laws of Arizona Territory, is authorized to construct and maintain a railroad over and through the Grand Canyon Forest Reserve (heretofore reserved from entry or settlement and set apart as a public reservation by Benjamin Harrison, President of the United States, by proclamation of date the 20th day of February, 1893), said railroad to enter the said Grand Canyon Forest Reserve at or near Moqui Station, Coconino County, Ariz., and to run thence by the most practicable route to a point at or near Cameron Ranch, near the Grand Canyon of the Colorado; said right of way to be granted subject to the rights, privileges, rules, and restrictions of an act entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875, said act being hereby made applicable to the right of way hereby granted.

The amendment reported by the Committee on Public Lands was read, as follows:

Add at the end of the bill the following:

"*Provided*, That no timber shall be cut by said railway company for any purpose outside of the right of way herein granted."

Mr. McMILLIN. I wish to inquire whether this bill has been submitted to the Interior Department?

Mr. LACEY. It has been.

Mr. McMILLIN. Will the gentleman have read the recommendation of the Department?

Mr. LACEY. The letter of the Department asks that the privilege of cutting timber be limited to timber within the grant. Under the general railway law the company could take timber

anywhere for the building of the road; but on account of this land having been withdrawn and put in a state of reservation, the company can not build under the general law. This bill simply gives the company the right of way, limiting the privilege of cutting timber in accordance with the recommendation of the Department.

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the Committee on Public Lands was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. MCMILLIN. I ask that the recommendation of the Secretary of the Interior be printed in the RECORD in connection with the action on this bill.

There was no objection.

Mr. LACEY. I will send it up.

The letter of the Secretary of the Interior is as follows:

DEPARTMENT OF THE INTERIOR, *Washington, April 22, 1896.*

SIR: I have the honor to hand you herewith a report from the Commissioner of the General Land Office on H. R. 758, entitled "A bill granting the Flagstaff and Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve in northern Arizona."

I concur in the Commissioner's conclusion that the bill in its present form should not be passed, but that it should be amended as suggested by the Commissioner, in order that the purpose contemplated by said reserve may not be jeopardized.

Very respectfully, HOKE SMITH, *Secretary.*

Hon. JOHN F. LACEY,
Chairman Committee on Public Lands, House of Representatives.

On motion of Mr. LACEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

NATIONAL FLOWER, PLANT, AND FRUIT GUILD.

Mr. SCRANTON. I ask unanimous consent for the present consideration of the bill (H. R. 8497) to incorporate the National Flower, Plant, and Fruit Guild.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. LOUD. Mr. Speaker, reserving the right to object, I should like to ask, What is the object sought to be attained by this bill? If anyone fathers the bill, I should like to know what the purpose is in coming to Congress?

The SPEAKER. The gentleman from Pennsylvania [Mr. SCRANTON] presents the bill.

Mr. SCRANTON. The object is to give them a legal organization.

Mr. LOUD. But I will say to the gentleman that they can incorporate under the laws of any State. Is it not a dangerous precedent to ask Congress to grant charters of this or any other character?

Mr. SCRANTON. This is a purely philanthropic and benevolent association.

Mr. LOUD. Oh, I understand that; but what precedent has been established for this? Of course I know that if this passes, it will be one precedent; but I should like to know what precedent has been established heretofore.

Mr. SCRANTON. I am unable to answer that question.

Mr. LOUD. I recognize the fact that this seems to be a very worthy object, and if there was no other way of incorporating except by coming to Congress I should raise no objection to it; but I think it is a very dangerous precedent to come, even with a simple proposition of this character, to ask Congress for incorporation, because there is an abundance of power under the laws of any State to incorporate, and accomplish the same object sought to be attained here.

Mr. SCRANTON. This bill was referred to the Committee on the Judiciary, and that committee have reported unanimously. Their report is here. It is very short.

Mr. LOUD. I think I shall have to object.

Mr. ADAMS. Mr. Speaker, I hope the gentleman will not object.

The SPEAKER. Objection is made.

CONDEMNED CANNON FOR LANCASTER, WIS.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8324) authorizing and directing the Secretary of the Navy to donate four pieces of condemned cannon and four pyramids of condemned cannon balls to the Grant County Union Soldiers' Monument and Memorial Association of Wisconsin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to donate four pieces of condemned cannon and four pyramids of condemned cannon balls to the Grant County Union Soldiers' Monument and Memorial Association of Wisconsin, for the ornamentation of the soldiers' monument in the city of Lancaster: *Provided*, That the same can be spared without detriment to the service, and that no expense is thereby incurred by the Government.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CONDEMNED CANNON FOR G. A. R. POST, BOONTON, N. J.

Mr. LOUDENSLAGER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8495) granting to John Hill Post, No. 86, of Boonton, N. J., 4 condemned cannon and 20 cannon balls.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to donate to John Hill Post, No. 86, Grand Army of the Republic, of Boonton, N. J., 4 condemned cannon and 20 cannon balls for the decoration of the soldiers' monuments in said city: *Provided*, That the same can be spared without detriment to the service, and that no expense is thereby incurred by the Government.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

BRIDGE ACROSS THE RED RIVER OF THE NORTH.

Mr. EDDY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8167) to authorize the construction of a bridge across the Red River of the North.

The bill was read. It provides that the North Dakota and Minnesota Central Railway Company, a corporation organized, created, and existing under and by virtue of the laws of the State of Minnesota, is hereby authorized to construct, operate, and maintain a bridge and approaches thereto across the Red River of the North, at a point to be selected by said company and suitable to the interests of navigation, in township 148 north, of range 49 west, of the fifth principal meridian. Said bridge shall be constructed to provide for the passage of railway trains, and, at the option of said corporation, may be so constructed as to provide for the passage of wagons and vehicles of all kinds, animals, and foot passengers, for such reasonable rates of toll as may be approved by the Secretary of War, etc.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. MCMILLIN. Mr. Speaker, I should like to ask the gentleman whether this bill has been submitted to the Secretary of War?

Mr. EDDY. It has.

Mr. MCMILLIN. Has it received the recommendation of the Department?

Mr. EDDY. It has.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. EDDY, a motion to reconsider the last vote was laid on the table.

Mr. BABCOCK. Regular order, Mr. Speaker.

CLAIMS PENDING BETWEEN UNITED STATES AND STATE OF TENNESSEE.

Mr. MCMILLIN. Mr. Speaker, I am not sure but the matter I desire to call up would be privileged, but at any rate it would only take a minute to dispose of. I will submit it, and if there be any controversy I will withdraw it.

Mr. BABCOCK. I withdraw the demand for the regular order.

Mr. MCMILLIN. Senate joint resolution 91, providing for the adjustment of certain claims of the United States against the State of Tennessee and certain claims of the State of Tennessee against the United States, passed the Senate some time ago, Mr. Speaker. I then asked consent that it lie on the Speaker's table until a similar resolution, pending before the House Committee on Claims, should be disposed of. They have since been considering it, and I understand that it will be amended, or it is desired to amend it. I therefore think the better course is to refer the Senate joint resolution 91, and let it be acted on in the committee instead of the House bill. I ask, therefore, that it be referred to the committee now.

The SPEAKER. Without objection, the reference will be made.

[After a pause.] The Chair hears no objection.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Wisconsin [Mr. BABCOCK] calls for the regular order, which is business of the District Committee. What bill does the gentleman propose to call up?

Mr. SCRANTON. The demand for the regular order is withdrawn.

Mr. BABCOCK. I withhold it a moment.

PROPOSED INVESTIGATION OF LEAVENWORTH SOLDIERS' HOME.

Mr. TRACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

House resolution No. 241.

Resolved, That the Speaker is hereby authorized to appoint a committee of five members, who shall be empowered to examine and report to this House upon the plan, practical workings, and management of the National Homes for Disabled Volunteer Soldiers, and any specific complaints which have been made as to the workings and management of any or all of the Homes, and

especially the Western Branch, and to recommend, by bill or otherwise, what may appear to them to be necessary to insure the most effective, economical, and humane application of the funds annually appropriated by Congress for the support of said Homes; and for that purpose said committee is authorized to sit during the sessions of the House and during the recess of Congress, at any place in the United States, to examine such of the Homes as it may deem necessary, to send for persons and papers, also the books, accounts, papers, and all other matters and things pertaining to said Homes and the conduct of any manager or officer thereof, to administer oaths, and to employ such clerical and other assistance as may be required for this work. The Clerk of the House, upon the order of the chairman of said committee, shall advance, out of the contingent fund of the House, such sums as may be required to meet the current expenses for clerk hire and other services, traveling and other expenses, not exceeding $5,000, said amount to be promptly accounted for by proper vouchers duly certified by said chairman.

The amendments recommended by the committee were read, as follows:

In line 4, strike out the word "Homes" and insert the word "Home"; in line 5, after the word "Soldiers," insert "at Leavenworth, Kans."; in line 7, after the word "management," strike out the words "of any or all of the Homes, and especially the Western Branch" and insert in lieu thereof the words "of said Home"; in line 12, strike out the word "Homes" and insert the word "Home"; in line 14, strike out the words "any place in the United States" and insert the words "Leavenworth, Kans."; in line 15, strike out the words "such of the Homes as it may deem necessary" and insert the words "said Home"; in line 18, strike out the word "Homes" and insert the word "Home."

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. HALL. I want an explanation of the resolution, reserving the right to object.

Mr. TRACEY. Mr. Speaker, the resolution as amended refers solely to and includes the Home at Leavenworth, Kans. There has been so much said about the management of that Home that it would seem to everyone whose attention has been called to it that there ought to be an investigation, both in justice to the men charged as well as in justice to the inmates of the Home; and I trust there will be no opposition to the consideration and passage of the resolution.

Mr. DOCKERY. I understand from a hurried reading of the resolution that it limits the expense to $5,000.

Mr. MCCLELLAN. I want to suggest that the last inquiry of this nature, which was also limited to $5,000, cost $11,500 before they got through. That was an investigation held in 1883—a similar one to this.

Mr. TRACEY. That was an examination much more extensive than this. This is confined to a single Home.

Mr. MCCLELLAN. That was confined to a single Home.

Mr. TRACEY. I do not see how they could expend the money.

Mr. DOCKERY. Is this the unanimous report of the committee?

Mr. MCCLELLAN. It is not.

Mr. HALL. I object.

BRIDGE ACROSS MISSOURI RIVER NEAR BOONVILLE, MO.

Mr. HUBBARD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2843) to authorize the construction of a bridge across the Missouri River at or near Boonville, Mo.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HUBBARD, a motion to reconsider the vote by which the bill was passed was laid on the table.

SAFETY OF PASSENGERS ON EXCURSION STEAMERS.

Mr. BENNETT. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate bill 2642, to provide for the safety of passengers on excursion steamers.

The bill was read, as follows:

Be it enacted, etc., That in order to provide for the safety of passengers on excursion steamers and oarsmen taking part in regattas, amateur or professional, that may hereafter be held on navigable waters, the Secretary of the Treasury be, and he is hereby, authorized and empowered in his discretion to detail revenue cutters to enforce such rules and regulations as may be adopted to insure the safety of passengers on said excursion steamers and the oarsmen taking part in such regattas.

The amendments recommended by the committee were read, as follows:

In line 4, after the word "steamers," strike out the word "and" and insert the word "yachts"; in same line insert the words "and all craft, whether as observers or participants"; in line 11, after the word "steamers," strike out the words "and the" and insert the word "yachts"; also, in same line, insert the words "and all craft, whether as observers or participants."

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

Mr. DINGLEY. One moment. Is this mandatory, or simply authorizes the Secretary of the Treasury?

Mr. BENNETT. It is left in the discretion of the Secretary of the Treasury.

The SPEAKER. The Chair hears no objection.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

ORDER OF BUSINESS.

Mr. BABCOCK. Regular order, Mr. Speaker.

The SPEAKER. What bill does the gentleman propose to take up?

Mr. BABCOCK. I call up the bill H. R. 5731, with Senate amendments that came over to-day.

PRACTICE OF MEDICINE AND SURGERY IN DISTRICT OF COLUMBIA.

The Clerk proceeded to read the bill.

Mr. BABCOCK. I ask unanimous consent that the reading of the bill be dispensed with. This is a House bill; the amendments of the Senate can be read.

The SPEAKER pro tempore (Mr. DINGLEY). The amendments may be reported. That is all that is necessary.

Mr. MCMILLIN. I would suggest to the gentleman that, while the bill is a little long, it has been the custom so persistently to have all bills read, however small the importance, that it would be well that this bill should be read.

Mr. RICHARDSON. This is a House bill with Senate amendments.

The SPEAKER pro tempore. Has it been read once?

Mr. BABCOCK. This is a House bill with Senate amendments, and therefore it does not require to be read.

Mr. MCMILLIN. Ah, the situation is different.

Mr. RICHARDSON. Wholly.

The SPEAKER pro tempore. Does the gentleman from Wisconsin desire to have all of the amendments reported and voted upon in gross?

Mr. BABCOCK. I do.

The SPEAKER pro tempore. The Clerk will report the Senate amendments.

The Senate amendments were read, as follows:

Page 1, line 6, after "physicians," insert "one of whom shall be learned in the law."

Page 1, line 12, after "remove," insert "after due notice and hearing."

Page 2, section 2, line 14, strike out "and" where it occurs the first time.

Page 3, section 3, line 1, strike out "passage of this act" and insert "1st day of July, 1896."

Page 4, section 4, line 5, strike out "twenty" and insert "ten."

Page 5, section 5, line 24, after "of," insert "either of."

Page 5, section 5, line 24, after "have," insert "been."

Page 6, section 5, line 34, strike out "or of both, as the case may be,".

Page 6, section 5, line 35, strike out "or societies."

Page 6, section 5, line 37, strike out "said boards" and insert "either of the boards named in this act."

Page 6, section 6, line 9, after "and," insert "other meetings shall be held."

Page 6, section 6, line 9, strike out "other."

Page 6, section 6, line 11, strike out "of medical examiners."

Page 7, section 6, line 12, strike out "examination" and insert "meeting."

Page 7, section 7, line 13, strike out "department" and insert "departments."

Page 8, section 7, line 22, strike out "examination."

Page 8, section 7, line 22, strike out "of" and insert "attained by."

Page 8, section 8, lines 13 and 14, strike out "a graduate of any medical college in good standing."

Page 8, section 8, line 16, strike out all after "act" down to and including "licenses," line 24, page 9, and insert "and to physicians who may change their residence to the District of Columbia from any State or Territory where medical laws and medical examining boards exist, the presentation of a certificate or license from a medical examining board, if found upon due inquiry to be true and genuine, being sufficient evidence of right to registration and certification under the provisions of this act: *Provided*, That the medical laws and examining boards of such States and Territories grant equal rights and recognition to the licentiates of the board herein created."

Page 10, section 10, line 8, strike out "and persistent."

Page 10, section 10, line 17, strike out "Board of Commissioners" and insert "court of appeals."

Page 10, section 10, line 18, strike out "its" and insert "the."

Page 10, section 10, line 18, after "decision," insert "of said court."

Page 10, section 10, line 23, after "him," insert "or her."

Page 11, section 11, line 6, strike out "recording."

Page 11, section 11, line 6, after "clerk," insert "of said court."

Page 11, section 11, line 9, after "and," insert "shall."

Page 11, section 12, line 7, after "Columbia," insert "nor to medical students who have matriculated in any medical college in the District of Columbia prior to January, 1896."

Page 11, section 12, line 8, after "to," insert "the practice of massage or the so-called Swedish movement cure, nor to."

Page 11, section 12, line 9, strike out "any."

Page 11, section 12, lines 9 and 10, strike out "being given in return therefor."

Page 12, section 13, line 6, strike out "to do so."

Page 12, section 13, line 9, strike out "or both."

Page 12, section 13, line 18, strike out all after "act," down to and including line 20.

Page 13, section 14, line 8, strike out "said board" and insert "the Commissioners of the District of Columbia."

Page 13, section 16, line 2, strike out "now existing."

Page 13, section 16, line 3, strike out "or inconsistent therewith."

The SPEAKER pro tempore. Is there objection to considering the Senate amendments to the House bill in gross?

There was no objection, and the amendments of the Senate were concurred in.

STORAGE IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 3462) "To regulate the business of storage in the District of Columbia," with the amendments of the Senate thereto.

The Senate amendments were read, as follows:

Page 1, section 1, line 8, strike out all after "thereon" down to and including "property," on line 10.

Page 2, section 2, line 6, strike out "and" and insert "by the person at whose instance such change of possession is so ordered, and who shall be

entitled to recover such payment as part of the costs in such proceeding, or if defeated therein he shall be credited with such payments in taxation of costs against him. And"

The amendments were concurred in.

PIPES FOR PETROLEUM.

Mr. BABCOCK. Mr. Speaker, I call up the bill (S. 2876) to permit Rene C. Baughman to lay pipes in a certain street in the city of Washington.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized to grant to Rene C. Baughman permission to lay pipes for the transmission of petroleum and its products in the following-named streets in said city of Washington, to wit: From north block No. 697 along the unpaved portion of Half street southeast a distance of 3,000 feet in a southerly direction to the Eastern Branch of the Potomac River; that said pipe line shall be laid under the direction of the Commissioners of the District of Columbia.

SEC. 2. That said Rene C. Baughman shall furnish said Commissioners with bond or bonds, or such other security as they may require, to guarantee the strict compliance with the permit that may be granted said Rene C. Baughman, and to insure the complete restoration of said unpaved portion of Half street disturbed in laying said pipe line as aforesaid.

SEC. 3. That said Rene C. Baughman shall also lower or re-lay any pipes whenever directed to do so by said Commissioners, by reason of a change in the grade of the street above named or the construction of any public work therein.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

TESTIMONY OF PHYSICIANS IN COURTS OF DISTRICT OF COLUMBIA.

Mr. BABCOCK. I call up the bill (S. 981) relating to the testimony of physicians in the courts of the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That in the courts of the District of Columbia no physician or surgeon shall be permitted, without the consent of the person afflicted, or of his legal representative, to disclose any information, confidential in its nature, which he shall have acquired in attending a patient in a professional capacity and which was necessary to enable him to act in that capacity, whether such information shall have been obtained from the patient or from his family or from the person or persons in charge of him: *Provided*, That this act shall not apply to evidence in criminal cases where the accused is charged with causing the death of or inflicting injuries upon a human being, and the disclosure shall be required in the interests of public justice.

The report (by Mr. HULICK) is as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 2647) relating to the testimony of physicians in the courts of the District of Columbia, have given careful consideration to the same and recommend the passage of the bill with an amendment as follows:

After the word "any," in the fifth line, and before the word "information," in the sixth line, insert the word "confidential"; so that the bill will read:

"A bill relating to the testimony of physicians in the courts of the District of Columbia.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in the courts of the District of Columbia no physician or surgeon shall be permitted, without the consent of the person afflicted, or of his legal representative, to disclose any confidential information which he shall have acquired in attending a patient in a professional capacity and which was necessary to enable him to act in that capacity, whether such information shall have been obtained from the patient or from his family or from the person or persons in charge of him: *Provided*, That this act shall not apply to evidence in criminal cases where the accused is charged with causing the death of or inflicting injuries upon a human being and the disclosure shall be required in the interests of public justice."

The bill as thus amended receives the unanimous indorsement of the committee.

The object of this bill is to place a physician in the same legal relation to his patient concerning communications made to him by his patient of a confidential nature as that recognized by the common law and enacted into statutory law by almost if not every State in the Union between an attorney and his client concerning communications made to him by his client in that relation, or his advice to his client. The reason for the latter applies with equal force to the former.

Many of the States have extended this privilege to clergymen and priests concerning confessions made to them in their professional character. All such legislation is based upon public policy. The bill under consideration does not go so far as to include the clergy and protect them.

The information thus acquired by the physician must be confidential in its character, otherwise it is not privileged.

This bill was referred to the Commissioners of the District of Columbia, who submitted it to the District attorney, to the justices of the supreme court of the District of Columbia, and to the president of the Medical Society of the District.

The following is the letter of President Ross on the subject:

"OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
"*Washington, January 13, 1896.*

"DEAR SIR: The Commissioners have the honor to make the following response to your reference to them for their examination of and report on House bill 2647, 'relating to the testimony of physicians in the courts of the District of Columbia.'

"Upon receipt of the bill they conferred with the advocates and opponents of the proposed measure, and ultimately submitted the subject to the justices of the supreme court of the District of Columbia and the president of the Medical Society of the District, and to their attorney. The Commissioners have no especial qualifications or experience that would render their conclusions on the subject of exceptional value, and therefore take the liberty of transmitting copies of the opinions of the justices of the supreme court of the District, of the president of the Medical Society of the District as the representative of that society, and of the attorney for the District, as the best manner of getting before you the views of the most authoritative exponents of both sides of the question.

"Very respectfully,

"JOHN W. ROSS,
"*President Board of Commissioners, District of Columbia.*

"Hon. J. W. BABCOCK,
"*Chairman Committee on the District of Columbia,*
"*House of Representatives.*"

The district attorney favors the measure, as expressed in the following letter:

"OFFICE ATTORNEY FOR THE DISTRICT OF COLUMBIA,
"*Washington, D. C., December 23, 1895.*

"GENTLEMEN: I have examined Senate bill (S. 981, Fifty-fourth Congress, first session) relating to the testimony of physicians in the courts of the District of Columbia, which you referred to me for opinion.

"The object of this bill is to place physicians on the same plane with lawyers as to confidential communications in the course of their employment. At common law (which prevails in this District) confidential communications made by a patient to his physician are not privileged. This rule has been changed by statute in a majority of the States so that communications made by a patient to his physician or surgeon and information acquired by him while attending a patient in a professional capacity, which are important to enable him to act, are protected.

"Judge Cooley (Torts, 619, 620), after observing that the common law does not extend to the confidence bestowed upon a physician the same protection which it gives to the legal adviser, says:

"'Yet the reasons in support of it are largely the same, and ought to have been recognized as sufficient. The disclosures made to any of the three (physicians, clergymen, and lawyers) may in a measure be compulsory, and what is extorted can never rightfully be made use of except for the very purpose for which it is obtained. The competent physician does not undertake to make cures where he knows nothing of the causes; and he may need to know the history of an ailment before he is able to determine the family to which it belongs, or the remedies likely to be available for its cure. He demands this; and in the mind of the patient the alternative to disclosure may be that he will be wrongly and prejudicially treated. But the disclosure that may be useful for treatment may be damaging otherwise if placed before the public; and if the lips of the physician are not sealed the patient may elect to deceive him rather than to have his body cured at the expense of his liberty or his reputation.'

"The bill very properly excepts evidence in criminal cases where the accused is charged with causing the death, etc., and the disclosure is required in the interest of public justice.

"In my opinion the measure is one that is entitled to be favorably recommended to Congress.

"The bill is herewith returned.

"Very respectfully,

"S. T. THOMAS,
"*Attorney District of Columbia.*

"The COMMISSIONERS, etc."

The justices of the supreme court of the District recommend unfavorable action thereon by Congress in the following communication:

"SUPREME COURT OF THE DISTRICT OF COLUMBIA,
"*Washington, January 17, 1896.*

"DEAR SIR: In response to your request for our views as to the desirability of the proposed legislation, we have examined and considered Senate bill No. 981, relating to the testimony of physicians in the courts of the District of Columbia, and suggest that you recommend unfavorable action thereon by Congress.

"The privilege thus proposed to be extended to physicians, exempting and prohibiting them from disclosure, in the courts, of information obtained in attending a patient in a professional capacity, did not exist at common law, and in a more or less restricted form, exists by statute to-day in only 20 of our States and Territories. Of these, New York is the only Atlantic Coast State, and Arkansas the sole Southern State. The legislation is comparatively recent, and of the States adopting it all are quite young except those just mentioned and California, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

"The privilege extended to communications between legal adviser and client at common law was based upon public policy and had direct reference to the administration of justice which required 'the aid of men skilled in jurisprudence, in the practice of the courts, and in those matters affecting rights and obligations which form the subject of all judicial proceedings.' The reason for the rule was said to be that without it no man 'would dare consult a professional adviser with a view to his defense, or to the enforcement of his rights.' No such reason exists or applies as to communications made by patient to physician, and it clearly fails with reference to knowledge derived by the physician from observation. There is no occasion for the provision excluding information obtained from the family or others attending the patient, for the rule of evidence as excluding hearsay testimony accomplishes that.

"The enactment sought by this bill would be a serious obstruction to justice in contests over life insurance, personal injury from negligent or willful act, wills, and others in which mental capacity is involved. In such cases, facts coming under the observation of the attending physician are generally of first importance, and in cases involving questions of mental capacity the opinion of the physician, based in whole or in part upon communications made to him by the patient, is frequently the most important evidence adduced. These objections are not obviated by placing such evidence within the power of 'the person afflicted, or of his legal representative' to permit or deny. It is not to be anticipated that such person will ever consent to the examination of a physician whose testimony is expected to be adverse to him, and the other party to the litigation, and the court as well, perhaps with full knowledge of the situation, would be powerless in such instances to require the truth to be shown.

"Under statutes in force in this District, parties to a cause are competent and compellable witnesses in behalf of each other, as well as competent witnesses in their own behalf. They ought not to be permitted to exercise control over the knowledge of others.

"We think that this bill ought not to become law in its present shape; that it is not susceptible of such amendment as will obviate the objections stated; and that such legislation would be detrimental to the administration of justice.

"Very respectfully,

"E. F. BINGHAM.
"A. B. HAGNER.
"A. C. BRADLEY.
"L. E. McCOMAS.
"CHAS. C. COLE.
"WALTER S. COX.

"Hon. JOHN W. ROSS,
"*President Board of Commissioners, District of Columbia.*"

The committee hold in high esteem the opinions and judgment of this eminent tribunal and recognize the force of their argument against the bill in its original form, but think their objections are met by the amendment suggested by the committee.

The bill thus amended makes privileged only such "confidential information which he shall have acquired in attending a patient in a professional capacity, and which was necessary to enable him to act in that capacity," etc.

It will be observed that the information thus acquired to be privileged must be "confidential"; it must be obtained by him in his capacity as a physician, and it must be "necessary" to enable him to act in that capacity. If any of these elements lack in the information it will not come under the rule as privileged.

We respectfully differ with the learned justices when speaking of the principle as applied to attorney and client, that "no such reason exists or applies as to communications made by a patient to a physician."

We think the reason exists with greater force where the character and reputation, the health and life of the patient are involved. The issues of life and death are placed in the hands of the trusted family physician. The patient should frankly, freely, truthfully, unreservedly make full disclosures to the doctor, and he in turn should be at perfect liberty to ask for and demand all the information bearing upon the disability that would enable him to properly diagnose the case and apply the remedy, without being compelled to make disclosures thereof in court or elsewhere.

There is an unwritten law among the medical profession that forbids any physician to disclose what he has learned about his patient that would reflect upon his reputation or character, under the penalty of dishonorable dismissal from their fraternity.

The learned justices say further, "and it (the reason) clearly fails with reference to knowledge derived by the physician from observation."

Under this bill knowledge derived from observation may or may not be privileged. That will be a question for the court to determine from all the circumstances in each particular case. The knowledge obtained, whether from communication or observation, must be confidential, otherwise the rule does not apply.

The common-law rule as applied to attorneys is modified by this bill in its application to physicians:

"This act shall not apply to evidence in criminal cases where the accused is charged with causing the death of or inflicting injuries upon a human being and the disclosure shall be required in the interests of public justice."

This important modification seems to have been overlooked by the justices in considering this measure.

Communications made to his attorney by the veriest criminal are privileged. Not so under this act by communications made by the patient to his physician, where the accused is charged with causing death or inflicting injuries on a human being.

The medical profession universally ask this legislation, not in their own interests, but for the protection of the reputation, health, and lives of their patients, as well as for public justice.

We subjoin the very able communication of the president of the Medical Society of the District of Columbia, which clearly expresses the views of the profession upon this question:

1545 I STREET NW.,
Washington City, D. C., February 11, 1896.

SIR: The bill (H. R. 2647) entitled "A bill relating to the testimony of physicians in the courts of the District of Columbia" has been drafted and presented to Congress by direction of the Medical Society of the District of Columbia. It is modeled after the law of the State of New York, and is substantially the same as similar laws in force in twenty States and one Territory of this country, the first of which was enacted by the State of Oregon in 1872, and the latest in 1887 by the States of Indiana, Wyoming, Montana, and Idaho.

The following list includes the States, with the year, page, and section of the statute books in which the law is to be found:

State.	Statute book.	Year.	Page.	Section.
Arkansas	Stat	1883	625	2869
California	Code, C. P.	1885	.....	1881
Colorado	Gen. Stats	1883	1062	4
Dakota	Comp. Laws	1887	910	5313
Idaho	Revised Stats	1887	679	.....
Indiana	Rev. Stat	1887	579	497
Iowa	Rev. Code	1884	860	.....
Kansas	Comp. Laws	1885	645	325
Michigan	Gen. Stat	1882	1889	7516 and 8[illegible]
Minnesota	do	1881	792	10
Missouri	Rev. Stat	1879	960	4017
Montana	Comp. Stat	1887	*230	650
Nevada	Gen. Stat	1885	833	3406-3488
New York	Code C. P. (4 Rev. Stat., 164).	.....	.....	834
Ohio	Rev. Stat	1884	1096	5241
Oregon	Gen. Law	1872	251	.....
Utah	Comp. Laws	1876	506	.....
Washington	Code	1881	102	362
Wisconsin	Rev. Stat	1878	992	4073
Wyoming	do	1887	590	2589
Oklahoma Territory	.....	.....	.....	.....

* Civil Code.

The opposition to the enactment of this bill is set forth in the protest of six justices of the supreme court of the District of Columbia now on file with the Board of Commissioners of the District of Columbia, to which I am directed by the committee of the Medical Society of the District of Columbia to make reply, as follows:

The medical profession of this District holds in high esteem the justices of the supreme court of the District of Columbia, as well for their learning and judicial ability as for their personal standing and integrity, but it is surprised that they should unite in a formal protest against the enactment of this bill, which has for its object the protection to the citizen of the liberty of privileged communications, and for his protection in the enjoyment of the right of unreserved and confidential confession to his physician, now denied him by the common law in force in this District, and enforced by the said six justices of the supreme court of the District of Columbia. It is quite reasonable to suppose there are in either House of Congress many men who, for the time being, are discreet legislators, and fully qualified to determine the utility and wisdom of such laws, to whom the Medical Society will appeal, with the hope of securing the passage of House bill No. 2647, the opposition of the justices of said court to the contrary notwithstanding, and it will continue to prosecute its purpose with unabated zeal until success shall crown its efforts.

It is not known to the Medical Society, nor to any member thereof, that any organized opposition, either judicial or popular, has been made to the enforcement of such laws in any of the States in which such statutes exist, or that any effort has been made to repeal them, or that any conflict exists in regard to their utility and justice. It must therefore at least be inferred that the wisdom of such statute protection of physicians from enforced disclosure of the confidential communications of patients has been established, and it remains only to extend such protection to less favored communities.

The bill is intended to protect physicians from the compulsory disclosure of information acquired in a professional capacity, and which may be necessary to enable them to manage cases of sickness with intelligence and success. It frequently occurs that patients will conceal important, and sometimes absolutely necessary, information, and occasionally will deny the existence or previous occurrence of certain circumstances or conditions alleged by the physician, until admission or confession is extorted by some statement of the physician that longer concealment or denial would prove dangerous and perhaps fatal.

It is a recognized principle of law that a witness can not be forced to criminate himself. Surely information extorted by a physician, or communicated to him in the confidence of a confiding patient, should be equally inviolable as information known only to the witness himself. If a witness can not be compelled to criminate himself directly by confession in open court, is it not gross injustice to compel him to criminate himself indirectly by the compulsory disclosure of his confession or confidential communication to his physician made under duress, fright, or emotional impulse? If a man unwillingly confesses some circumstance, incident, or vice of his life to a physician to enable that physician to treat an existing ailment with intelligence, is it more than exact justice to grant him the right of refusing permission to such physician to disclose in open court such confidential communication? The bill is intended to protect the patient from such indirect and involuntary crimination of himself, and compulsory disclosure of a secret confided to his friend and physician.

The second paragraph of the protest of the six justices sets forth three averments in opposition to this bill:

(1) "New York is the only Atlantic Coast State" that has adopted such a law.

(2) "Arkansas is the sole Southern State" in which such a statute exists.

(3) "The legislation is comparatively recent, and of the States adopting it all are quite young, except those just mentioned (New York and Arkansas) and California, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Ohio, and Wisconsin."

The third averment carries with it the emphatic contradiction of the averment of recency, because of the admission that it is inapplicable to 11 of the 20 States in which such statutes exist. If the averment of recency were true, how would such fact disprove or lessen the wisdom and justice of such laws? On the contrary, it would seem to establish the equity of such legislation, because in evidence of the progress of a higher civilization and broader conception of private rights and privileges. The progress of civilization during the past twenty-four years (the first law dates back to 1872) has not been more clearly shown than in the many recent statutory modifications of and exemptions from legal traditions—than by such legislation in the States named, which has exempted 27,000,000 (census of 1890) citizens of this country from such compulsory disclosures.

The citation of one Atlantic Coast and one Southern State is even more fallacious, and partakes of the nature of a derisive appeal to geographical, sectional, or local prejudices. New York is the largest, most populous, and wealthiest of the original thirteen States. Why, then, may not her statute of exemption be accepted as testimony in support of the justice of such legislation; all the more strongly so because as yet there has been neither judicial nor popular remonstrance against such statutory protection of physicians from the compulsory disclosure of the confidential communications of her sick citizens? And surely Arkansas is old enough and her citizens are sufficiently advanced in civilization to know how best to protect her citizens in their private rights and privileges. So far, then, these two States may be cited as exemplars worthy of the emulation of other sister States still lagging in the tradition of the common law transmitted to us from English descent.

The Medical Society of the District of Columbia, as does the medical profession at large, admits (see third paragraph of protest) the justice of the exemption of legal advisers from enforced disclosure of the secrets of their clients, but it can not be admitted that such confidential communications are more sacred than the confidences of sick people. Legal advisers and attorneys are for the most part concerned with litigants, and their confidential information relates mainly to business matters and property values. The confidences of the physician refer most especially, and in most instances exclusively, to personal conditions, character, temperament, idiosyncrasies, vices, indiscretions of life, family history, inherited predispositions and diseases, and avoidable and unavoidable afflictions, social as well as pathological; and all this in the interest of health, longevity, and life. If these two widely different classes of confidences could be measured by any common or uniform standard, those of the physician would rise far above those of the attorney on the scale of inviolability.

It is stated in the same paragraph that if the privilege was not "extended to communications between legal adviser and client no man would dare consult a professional adviser with a view to his defense or the enforcement of his rights." The predicate and postulate are both conceded, and it is equally true that "no man would dare consult" his medical adviser with a view to the treatment and cure of disease if he knew that his confidential communications and confessions would be disclosed in open court. "The privilege extended to communications between legal adviser and client at common law" is based upon public policy, but that fact can not justify the limitation of the privilege exclusively to the legal profession, nor is it believed that popular judgment, always the safest depository of power, will sustain such contention.

Under the common law the physician can not protect himself from compulsory disclosure of confidential communications, nor can the common law be amended; relief can therefore only be obtained by statute law enacted by the legislature. The patient should be protected in the unreserved and fearless statement of his ailment and its cause. Suppose, for instance, an erring man by a candid confession aided his physician in the diagnosis of syphilis contracted by illicit intercourse, and is treated to his own advantage and to the protection of his wife and unborn children. If he knew his medical attendant could be compelled to convict him of adultery, he would hesitate to make such confession to his own destruction and ruin of his family.

According to the census of 1890, 27,472,296 citizens of this country have been exempted by State legislation from such compulsory disclosures as are set forth in the bills H. R. 2647 and S. 981. These bills seek to guarantee to this community the same protection. The original bill was prepared by a distinguished attorney of the local bar, after a careful examination of the statutes in the twenty States. This simple statement of facts is a conclusive answer to the protest of the six justices and establishes the wisdom and justice of such legislation.

I have the honor to be, your obedient servant,

SAMUEL C. BUSEY, M. D.,
President of the Medical Society of the District of Columbia.

Hon. JOHN W. ROSS,
President Board of Commissioners, District of Columbia.

The SPEAKER pro tempore. The attention of the Chair has been called to the fact that this is a Senate bill which has not been reported by any committee of the House.

Mr. BABCOCK. The House Committee on the District of Columbia has reported an exact duplicate of this bill, which is on the Calendar. The report was made by the gentleman from Ohio [Mr. HULICK], who will explain the bill.

Mr. HULICK. The House Committee on the District of Columbia directed me to report a similar bill to this. The original bill reported to the House is identical with the bill passed by the

Senate, but the House committee have recommended an amendment to its bill. Upon last Saturday, however, the Senate passed its bill with an amendment similar to that proposed by the House committee, and I wish to call attention to the amendments that are proposed by the House and Senate, respectively. In order to make the matter clear, I will first ask to have House bill No. 2647 read with the amendment proposed.

The bill (H. R. 2647) was read, as follows:

Be it enacted, etc., That in the courts of the District of Columbia no physician or surgeon shall be permitted, without the consent of the person afflicted, or of his legal representative, to disclose any confidential information which he shall have acquired in attending a patient in a professional capacity and which was necessary to enable him to act in that capacity, whether such information shall have been obtained from the patient or from his family or from the person or persons in charge of him: *Provided*, That this act shall not apply to evidence in criminal cases where the accused is charged with causing the death of or inflicting injuries upon a human being and the disclosure shall be required in the interest of public justice.

Mr. HULICK. It will be observed that the amendment proposed by the House committee has the word "confidential" before the word "information." The bill as amended by the Senate has after the word "information" the words "confidential in its nature." Now, it is for the House to determine whether they will accept the bill as it comes from the Senate or will adopt the amendment recommended by the House committee. Although there is not very much difference between the two, I would prefer the amendment of the House committee, and if the Senate had not already passed the bill in this amended form I should be inclined to insist upon our amendment. The expression "confidential information" is a fixed term, and the court would have to interpret it according as the facts and circumstances in each case should warrant. The language of the amendment made by the Senate, "information confidential in its nature," might be regarded as indefinite and uncertain, and I think it would be better to adopt the language recommended by the House committee.

The SPEAKER pro tempore. The Chair calls the attention of the House to the fact that the Senate bill is before the House as an original bill, and the House bill is not before the House.

Mr. HULICK. The House bill has been reported and is on the Calendar.

The SPEAKER pro tempore. It is on the Calendar, but it has not been called up. The Senate bill has been called up.

Mr. HULICK. Well, in connection with the Senate bill, I will ask that the House bill be taken up, so that both may be considered together.

The SPEAKER pro tempore. The chairman of the committee [Mr. BABCOCK] has called up the Senate bill, and of course only one bill can be considered at a time.

Mr. BABCOCK. This bill has already passed the Senate.

Mr. HULICK. That is true, but the House bill is on the Calendar, and while both bills can not be formally under consideration, yet the House may have before it at the same time the two amendments proposed, the one by the Senate and the other by the House, for the purpose of comparing them and determining which is preferable.

The SPEAKER pro tempore. The Senate bill only is before the House, but an amendment to that bill would be in order.

Mr. DOCKERY. I suggest that the gentleman from Ohio can attain the object he has in view by moving to amend the Senate bill.

The SPEAKER pro tempore. The Chair would suggest that in view of the parliamentary situation the better way would be to consider the Senate bill and allow the House bill to be afterwards tabled. Otherwise the bill would have to be sent to the Senate again.

Mr. HULICK. I recognize the parliamentary situation, and in view of the fact that there is merely a shade of difference between the Senate amendment and the one recommended by the House Committee on the District of Columbia, and as the Senate has already passed the bill, I think I shall not insist upon the House amendment.

The SPEAKER pro tempore. The question, then, is on concurring in the Senate bill.

Mr. HULICK. Mr. Speaker, there is one matter to which I wish to call attention, in connection with my remarks. The judges of the supreme court of the District of Columbia have signed a protest, or rather an argument, as will be observed in the report, against the passage of this bill. The committee, of course, have great respect for the opinions of that court and for the judges composing it. I know one of the judges personally, having practiced before him in Ohio. It is unnecessary to say that the opinion of the judges is a matter to which the committee have felt bound to give very full and careful consideration. This legislation is in derogation of the principle of the common law in regard to information or knowledge received by a physician from his patient. Hence the committee have felt that they should act deliberately in recommending the adoption of any measure not consistent with the opinion of a court of so high standing. Nevertheless the amendments which have been suggested to the original bill will, we think, overcome the objections which have been offered by the judges of that court.

In this connection, I wish to have printed in the RECORD a brief summary of the statutes adopted by the different States in regard to the matter embraced in this bill. I call attention to the fact that but one State has adopted in its statute the term "confidential" in reference to information thus obtained by a physician. I think that the point the judges had in mind was that the privilege should not be so broad as to cover every communication which might be made by a patient to his physician, or information obtained by him; they doubtless thought that the information intended to be protected by this privilege should be information confidential in its nature—such as was in fact intended by the patient to be confidential. Among the 21 States and Territories that have adopted laws of this kind only one—the State of Iowa—has inserted in its statute the term "confidential information." There are four States where this privilege applies only to civil actions. In those States in criminal investigations, where the death of a human being results, or where public justice requires the disclosure of the information, exceptions are made as we propose to make exception in this bill. I repeat that I think the suggestions made by the judges of this District in reference to this measure are met by the amendments of the committee which have been incorporated in the bill—amendments limiting this privilege to confidential information and also excepting from its application criminal cases such as I have described.

All the physicians of the District, or at any rate the most prominent ones, who have been consulted concur in indorsing this bill. They think that some measure of protection like this ought to be adopted so as to reenforce what is already the unwritten law of the profession, regarded among honorable physicians as equally obligatory with a statutory provision making information of this character privileged.

Members will remember the great case which recently created so much interest all over the world—a case which was decided only a short time ago in the English courts—the case of Dr. Playfair, who was required to pay a judgment of $40,000 for divulging (inadvertently, perhaps) information confidentially obtained which involved the character and reputation of one of his patients. This doctor, who was a physician to the royal family, was attending a sister of his wife, and in that relation obtained information relative to the disease or disability of his patient which he afterwards revealed (inadvertently, perhaps) to his wife, by whom it was communicated to other persons. The husband of the lady aggrieved brought suit against the doctor, and after a long litigation judgment was rendered against him and he was compelled to pay $40,000 for his indiscretion. In that case the doctor simply divulged the information to his wife. It has sometimes been suggested among members of the bar that the introductory words of so many legal documents, "Know all men by these presents," might be amended to read "Know one woman by these presents," because in that case everybody else would be sure to find it out. It is on that theory that a member of the medical profession is not permitted, by the rules of his profession or the unwritten law, which is as unchangeable as that of the Medes and Persians, as he will not be permitted by this statute, to communicate information thus confidentially obtained, even to his wife.

The object of this statute is to protect both the doctor and the patient; and the committee believe that the bill as framed and amended will effectually carry out that purpose.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HULICK] asks to have printed with his remarks certain statutes. The Chair hears no objection.

The statutes referred to are as follows:

ARKANSAS.

Confidential communication to physician or surgeon.—No person authorized to practice physic or surgery shall be compelled to disclose any information which he may have acquired from his patient while attending him in his professional character, and which information was necessary to enable him to prescribe as a physician or do any act for him as a surgeon. (Section 2919, page 758, revised statutes, Arkansas, 1894.)

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CALIFORNIA.

A licensed physician or surgeon can not, without the consent of his patient, be examined in a civil action as to any information acquired in attending the patient which was necessary to enable him to prescribe or act for the patient. (Section 1881, page 621, 4 Code C. P., California.)

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COLORADO.

A physician or surgeon duly authorized to practice his profession under the laws of this State shall not, without the consent of his patient, be examined as to any information acquired in attending the patient which was necessary to enable him to prescribe or act for the patient. (General statutes, 1883, page 1062, section 4.)

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DAKOTA.

A physician or surgeon can not, without the consent of his patient, be examined in a civil action as to any information acquired in attending the patient which was necessary to enable him to prescribe or act for the patient. (Comp. Laws, 1887, section 5313, page 910.)

IDAHO.

A physician or surgeon can not, without the consent of his patient, be examined in a civil action as to any information acquired in attending the patient which was necessary to enable him to prescribe or act for the patient. (Revised Statutes, Idaho, 1887, page 679, section 5957.)

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INDIANA.

Witnesses who are incompetent.—The following persons shall not be competent witnesses:

1. * * *
2. * * *
3. * * *
4. Physicians, as to matters communicated to them as such by patients in the course of their professional business, or advice given in such cases.

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IOWA.

No practicing physician or surgeon shall be allowed in giving testimony to disclose any confidential communication properly intrusted to him in his professional capacity, and necessary and proper to enable him to discharge the functions of his office according to the usual course of practice or discipline. (Revised Code, Iowa, 1884, page 860.)

This State, as to confidential communication, etc., is the only one with that provision in it.

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KANSAS.

A physician or surgeon concerning any communication made to him by his patient with reference to any physical or supposed physical disease, or any knowledge obtained by a personal examination of any such patient. (Comp. Laws, Kansas, page 645.)

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MICHIGAN.

No person authorized to practice physic or surgery shall be allowed to disclose any information which he may have acquired in attending any patient in his professional character, and which information was necessary to enable him to prescribe for such patient as a physician, or to do any act for him as a surgeon. (General Statutes, Michigan, 1882, page 1659, section 7516.)

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MINNESOTA.

A regular physician or surgeon can not, without the consent of his patient, be examined in a civil action as to any information acquired in attending the patient which was necessary to enable him to prescribe or act for the patient. (Statutes, Minnesota, section 5662, page 1541.)

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MISSOURI.

Persons incompetent to testify.—Fifth. A physician or surgeon concerning any information which he may have acquired from any patient while attending him in a professional character, and which information was necessary to enable him to prescribe for such patient as a physician, or do any act for him as a surgeon.—(Revised Statutes, Missouri, 1879, page 690.)

MONTANA.

A licensed physician or surgeon can not, without the consent of his patient, be examined in a civil action as to any information acquired in attending the patient which was necessary to enable him to prescribe or act for the patient. (Montana Codes, 1895, page 679, section 3163.)

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NEVADA.

A licensed physician or surgeon shall not, without the consent of his patient, be examined as a witness as to any information acquired in attending the patient which was necessary to enable him to prescribe or act for the patient: *Provided, however*, In any suit or prosecution against a physician or surgeon for malpractice, if the patient or party suing or prosecuting shall require or give such consent, and any such witness shall give testimony, then such physician or surgeon defendant may call any other physicians or surgeons as witnesses on behalf of the defendant without the consent of such patient or party suing or prosecuting. (General Statutes, Nevada, 1885, page 833, section 3406.)

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NEW YORK.

Confidential communication to physician or surgeon.—A person duly authorized to practice physic or surgery shall not be allowed to disclose any information which he acquired in attending a patient in a professional capacity, and which was necessary to enable him to act in that capacity. (Section 8, page 1015, Revised Statutes, New York.)

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OHIO.

SEC. 5241.—*Privileged communications and acts.*—The following persons shall not testify in certain respects: 1. An attorney concerning a communication made to him by his client in that relation, or his advice to his client; or a physician concerning a communication made to him by his patient in that relation, or his advice to his patient; but the attorney or physician may testify by express consent of the client or patient, and if the client or patient voluntarily testify, the attorney or physician may be compelled to testify on the same subject.

Mr. HULICK. Mr. Speaker, an examination of the statutes of the several States will disclose the tendency of legislation in the direction of this bill. We have not sought to go as far in this bill from the common-law doctrine as many of the States. The majority make any and all information derived from the patient privileged, both in civil and criminal proceedings. This bill makes exception in criminal cases and confines it to confidential information. Doubtless it will be but a short time when every State will adopt statutes similar to the one under consideration.

Mr. CURTIS of Iowa. The gentleman assents to the Senate bill as amended?

Mr. HULICK. Oh, yes: it will facilitate the passage of the bill.

Mr. BABCOCK. I ask that the bill be put on its passage.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. HULICK, a motion to reconsider was laid on the table.

Mr. HULICK. I now ask that House bill 2647, corresponding in its provisions to the Senate bill just passed, lie upon the table.

The SPEAKER. In the absence of objection, that order will be made.

RIGHTS OF MARRIED WOMEN.

Mr. BABCOCK. I now call up the bill (S. 1659) to amend the laws of the District of Columbia as to married women, to make parents the natural guardians of their minor children, and for other purposes.

The SPEAKER. Has a House bill substantially the same as this been reported and placed on the Calendar?

Mr. BABCOCK. The committee has made a report, but the report is not yet on the Calendar.

The SPEAKER. Under the rule, then, the bill could not come up except by unanimous consent.

Mr. BABCOCK. I am instructed by the committee to call up the Senate bill this morning and request its passage.

The SPEAKER. As the Chair understands, the bill has been favorably reported to the House, in which case it will be in order.

The bill was read, as follows:

Be it enacted, etc., That the property, real and personal, which any woman in the District of Columbia may own at the time of her marriage, and the rents, issues, profits, or proceeds thereof, and real, personal, or mixed property which shall come to her by descent, devise, purchase, or bequest, or the gift of any person, shall be and remain her sole and separate property, notwithstanding her marriage, and shall not be subject to the disposal of her husband or liable for his debts, except that such property as shall come to her by gift of her husband shall be subject to, and be liable for, the debts of the husband existing at the time of the gift.

SEC. 2. That a married woman, while the marriage relation subsists, may bargain, sell, and convey her real and personal property, and enter into any contract in reference to the same in the same manner, to the same extent, and with like effect as a married man may in relation to his real and personal property, and she may, by a promise in writing, expressly make her separate estate liable for necessaries purchased by her or furnished at her request for the family.

SEC. 3. That any married woman may carry on any trade or business, occupation or profession by herself or jointly with others, and perform any labor or services on her sole and separate account, and the earnings of any married woman from her trade, business, profession, occupation, labor, or services shall be her sole and separate property, and may be used and invested by her in her own name.

SEC. 4. That nothing in this act contained shall invalidate any marriage settlement or contract.

SEC. 5. That the husband shall not be liable for the payment of the wife's antenuptial debts, but she shall be liable to all remedies for the recovery of such debts, to be enforced against her and her separate property as if she were unmarried.

SEC. 6. That the father and mother shall be the natural guardians of the person of their minor children. If either dies or is incapable of acting, the natural guardianship of the person shall devolve upon the other: *Provided, however*, That in case of the death of either parent from whom the said children may inherit, or take by devise or bequest, the said parent may, by deed or last will and testament, appoint a guardian of the property of the children, subject to the approval of the proper court of the District of Columbia.

SEC. 7. That the survivor may by last will appoint a guardian of the person and property of any of the children, whether born at the time of making the will or afterwards, to continue during the minority of the child, or for a less time, subject at all times to removal for cause and appointment of another by the proper court.

SEC. 8. That dower shall hereafter be assigned to a widow entitled to the same in the equitable as well as the legal estate of her deceased husband.

Mr. FISCHER. Mr. Speaker, I would like to ask the gentleman in charge of this bill a question for information. It occurs to me from the reading of it that some mistake has been made in preparing the bill. You speak of the estate of married women and provide, as most of the State laws do, that she shall have power to dispose of the same; that it shall be and remain her sole and separate property, notwithstanding her marriage, and so on; but you say that a married woman may bargain or sell and convey real or personal property or make contracts "while the marriage relation subsists." Now, if, for instance, a woman be divorced on account of the fault of the husband, on statutory grounds, although she be the owner of property, under this provision it might be construed that she would have no right, the marriage relations no longer existing, to enter into contracts to sell property or to convey any kind of estate.

Mr. BABCOCK. Does the gentleman desire the information for his own use or for the benefit of the House?

Mr. FISCHER. Well, let us have it for the benefit of the House. Probably it would help them. I would like to get the information anyway. [Laughter.]

Mr. BABCOCK. I will state in reference to the bill under consideration that the whole object of the bill is to frame a law which will permit the marriage of a woman who is encumbered by debt, and prevent the debt being assumed by the husband.

I would say to the gentleman from New York that unfortunately at this time there are several gentlemen who are anxiously awaiting action by the House on such a bill as this. He may appreciate, therefore, how he would feel himself under such circumstances, as he would not perhaps like to assume an indebtedness of from one hundred to two or three hundred thousand dollars.

Mr. FISCHER. Well, I am speaking for the married women, not for myself. I wish simply to call the attention of the gentleman to the language of section 2, which provides that a married woman, while the marriage relation subsists, may do so and so. Perhaps that means while the marriage relation "exists."

Mr. DOCKERY. No; subsist is the proper word.

Mr. FISCHER. Very well; either way. But while the marriage relation subsists she may bargain, sell, and convey her real and personal property or enter into a contract, and so on. Suppose she owns property and the marriage relation does not subsist, still by a construction which could be given to this bill she would have no right to dispose of any of her property or make title to any real estate.

Mr. BABCOCK. Oh, no; she would not be affected at all.

Mr. POWERS. She can do that at any time if she owns the property—that is, she can make a title to it if she is not married.

Mr. HULICK. Under the common law she would have that right.

Mr. FISCHER. But you are undertaking to confer certain rights now in certain contingencies——

Mr. BABCOCK. If she is an unmarried woman she can dispose of her own property.

Mr. BRUMM. Does not she become a femme sole the moment she is divorced, and then has all the rights pertaining to any woman who is not married and who owns property?

Mr. FISCHER. That would depend upon the character of the divorce. If she is divorced on statutory grounds, then the marriage relations no longer subsist; but suppose that it is a divorce from bed and board—a separation—it might be held that the marriage still subsists, and she would be prohibited from making any disposition of her own estate.

Mr. BRUMM. The gentleman thinks there would be a difference in her status under the bill between a divorce a vinculo matrimonii and a divorce a mensa et thoro.

Mr. FISCHER. What I want is that in the passage of such a bill she can have the right to dispose of her own estate under either kind of divorce.

Mr. BRUMM. But let me suggest to the gentleman that if she is divorced absolutely she would come under the common law.

Mr. FISCHER. But if she is divorced from bed and board the marriage relation would still subsist.

Mr. BRUMM. Divorces for adultery or on statutory grounds are always absolute.

Mr. FISCHER. Certainly; but there are other characters of divorce where the marriage relation might be held still a subsisting relation.

Mr. BRUMM. The bill covers that case, the gentleman will find, just as well as the other.

Mr. FISCHER. I am only suggesting that there is some ambiguity about the language. I am not particularly anxious one way or the other.

Mr. POWERS. Does this bill provide a remedy for the wife with reference to her separate estate? Does it enable her, in other words, to keep her estate in her own name?

Mr. HULICK. Yes, sir; in relation to her own property she has that right. This bill was intended largely to meet the very suggestion of the gentleman from Vermont [Mr. POWERS].

Mr. POWERS. The bill is in the right direction.

Mr. HULICK. It agrees with the laws of the States as a rule with reference to the separate property of married women.

Mr. POWERS. Does it provide that she may sue at law, or must she go into equity?

Mr. HULICK. Section 3 provides—

That any married woman may carry on any trade or business, occupation or profession by herself, or jointly with others, and perform any labor or services on her sole and separate account, and the earnings of any married woman from her trade, business, profession, occupation, labor, or services shall be her sole and separate property, and may be used and invested by her in her own name.

Mr. POWERS. What will she do in the event some one undertakes to violate her right of property? Does she have the right of action? I do not notice any remedy provided in the bill for the married woman. She certainly should have the same right to sue at law and equity as if she were a femme sole. That is the legislation in most of the States with reference to the property of married women, as far as I know.

Mr. HULICK. That would seem to follow more by implication than by express provision in the statute.

Mr. POWERS. Now, that being so, I call the attention of the gentleman from Ohio to the fact that the only way in which a married woman can sue on general principles, in the absence of legislation, is in a court of equity; and that is on the ground that the court of equity, long before there was any legislation on the subject, worked out an equitable right for a woman to her own separate estate. It seems to me that this bill should provide that in case the property of a married woman is imperiled she shall have the same right of action at law that she would have if she were femme sole. I suggest to the gentleman that some such amendment should be offered.

Mr. HULICK. Mr. Speaker, I think there is a good deal of force in the suggestion of the gentleman from Vermont. While this bill gives to a married woman the property, real and personal, which she owns at the time of her marriage, and the rents and profits of it, and property which may come to her by purchase, descent, or bequest, and it remains her sole and separate property, not subject to the disposal of her husband, etc., yet I do not see any express provision in regard to her right to sue and be sued in the courts of the District in relation to her property. That provision generally follows the statutes that have been enacted in that respect which take the place of the common-law provisions. This gives her the right to control all these interests, and makes them her sole and separate property, but it falls short of what it ought to attain, because there is no provision by which she can sue and be sued as if she were femme sole.

Mr. POWERS. She should have the same authority exactly, and I suggest to the gentleman that it would be well to lay this bill aside and perfect it in the way which has been suggested.

Mr. HULICK. This is a bill which comes from the Senate. It has not been submitted to our committee. I think it ought to be referred to the committee for just such an amendment as suggested by the gentleman from Vermont. I had not read the bill before until he asked the question.

Mr. BABCOCK. I will ask unanimous consent to withdraw the bill until an amendment can be perfected covering this point.

The SPEAKER pro tempore. The gentleman withdraws the bill.

HARBOR REGULATIONS, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 8532) to establish certain harbor regulations for the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That it shall be unlawful for any owner or occupant of any wharf or dock, any master or captain of any vessel, or any person or persons to cast, throw, drop, or deposit any ballast, dirt, oyster shells, or ashes in the water in any part of the Potomac River or its tributaries in the District of Columbia, or on the shores of said river below high-water mark, unless for the purpose of making a wharf, after permission has been obtained from the Commissioners of the District of Columbia for that purpose, which wharf shall be sufficiently inclosed and secured so as to prevent injury to navigation.

SEC. 2. That it shall be unlawful for any owner or occupant of any wharf or dock, any captain or master of any vessel, or any other person or persons to cast, throw, deposit, or drop in any dock or in the waters of the Potomac River or its tributaries in the District of Columbia any dead fish, fish offal, dead animals of any kind, condemned oysters in the shell, watermelons, cantaloupes, vegetables, fruits, shavings, hay, straw, ice, snow, filth, or trash of any kind whatsoever.

SEC. 3. That any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof in the police court of the District of Columbia shall be punished by a fine not exceeding $100 or by imprisonment not exceeding six months, or by both such punishments, in the discretion of the court.

SEC. 4. That nothing in this act contained shall be construed to interfere with the work of improvement in or along the said river and harbor, under the supervision of the United States Government.

SEC. 5. That all acts or parts of acts inconsistent herewith are hereby repealed.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

SIDEWALKS, ETC., IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 7469) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the owner or tenant of each house or other building or lot or lots of ground in the cities of Washington and Georgetown, and in such other part or parts of the District of Columbia as the Commissioners of said District shall from time to time designate, shall, within the first four hours of daylight after every fall of snow, cause the same to be removed entirely from off the paved sidewalks opposite each house, building, lot, or land under the penalty of $1 for each lot for every such neglect, to be paid by the said owner or tenant; and such owner or tenant shall, under a like penalty, within five days after a notice to do so by the Commissioners, clean off and remove, or cause to be cleaned off and removed, all dirt, sand, gravel, or other refuse matter that may fall or be washed upon any paved sidewalk, roadway, or alley inside the cities of Washington and Georgetown and in such other part or parts of the District of Columbia as the Commissioners of said District shall from time to time designate.

SEC. 2. That in case the sidewalks are covered with ice the owner or tenant of any building, lot, or lots of ground in the cities of Washington and Georgetown, and in such other part or parts of the District of Columbia as the Commissioners of the said District shall from time to time designate, shall promptly cause the paved sidewalks or paved portions of the sidewalk opposite his, her, or their premises to be strewn with ashes, sand, sawdust, or some other suitable substance that will insure or contribute to the safety of pedestrians, under the penalty of $1 for each lot for every neglect, to be paid by the said owner or tenant.

SEC. 3. That in case the owner or tenant of any house, lot, building, or land shall neglect to comply with any of the provisions of the preceding sections of this act it shall be the duty of the Commissioners of the District of Columbia to cause the removal of snow and ice, or any dirt, sand, or gravel from all paved sidewalks and alleys in the cities of Washington and Georgetown, and in such other part or parts of the District of Columbia as the Commissioners of said District shall from time to time designate, wherever there has been a failure on the part of the owner or tenant as aforesaid to remove the same; and the cost of such removal, by order and under the direction of the said Commissioners, shall be assessed as a tax against the property to which the sidewalks in question belong, for the purposes of this act, and the said tax so assessed shall be carried to the regular tax roll of the District aforesaid, and shall be collected in the manner provided for the collection of other taxes.

SEC. 4. That it shall be the duty of the Commissioners of the District of Columbia, immediately after every fall of snow on the cross walks or in the gutters, forthwith to cause the same to be removed from the said cross walks to a width of 10 feet and from out of the said gutters to a breadth of 1 foot, in the said cities, respectively, and in such other part or parts of the District of Columbia as the Commissioners of said District shall from time to time

designate; and the said cross walks and gutters shall be kept clean and free from obstructions, and in case the cross walks are covered with ice it shall be their duty to cause such cross walks to be liberally sprinkled with sand or sawdust, or such other material as will insure safety to pedestrians.

The report (by Mr. CURTIS of Iowa) is as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 7469) entitled "A bill for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes," beg leave to submit the following report, and recommend that said bill do pass without amendment.

The following letter from the District Commissioners will sufficiently explain the purpose of the bill:

"OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
"*Washington, February 26, 1896.*

"DEAR SIR: The Commissioners of the District of Columbia have the honor to recommend that 'An act for the removal of snow and ice from the sidewalks, cross walks, and gutters in the cities of Washington and Georgetown, and for other purposes,' approved March 2, 1895 (U. S. Stat. L., volume 28, page 809), be amended so that the title and the first, second, third, and fourth sections shall read as follows:

[Here follow the sections as set forth in the bill above.]

This proposed amendment would embody three modifications of the present law:

"First. To provide for the removal of dirt, sand, gravel, and other refuse from the roadways as well as from the sidewalks, etc.

"Second. To extend the scope of the law, which now applies to the city of Washington only, to such other part or parts of the District of Columbia as the Commissioners of the said District shall from time to time designate, where the conditions are such as to render it necessary.

"Third. To correct an inadvertence in the third section of the original law, by providing that the assessment therein mentioned shall be carried on the regular tax roll of the District of Columbia, instead of 'the cities,' as now mentioned in said section.

"The reason for adding the word 'roadways' is that sand, gravel, and other refuse is washed from property the grade of which is higher than that of the contiguous street upon the roadway of the street, particularly on streets where there are no sidewalks. The cost of removing these accumulations from roadways is now a charge upon the street-cleaning department. There is no good reason why such material should not be removed at the expense of the owners of the abutting property, as the accumulation is due to their failure to grade the property down, or to provide means to prevent the washing or falling of material therefrom upon the roadway.

"A draft of the amendment suggested is inclosed, with request for its introduction in the Senate.

"Very respectfully,
"JOHN W. ROSS,
"*President Board of Commissioners District of Columbia.*

"Hon. J. W. BABCOCK,
"*Chairman Committee on the District of Columbia,*
House of Representatives."

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

LOTS 13 AND 14, SQUARE 959, WASHINGTON, D. C.

Mr. BABCOCK. Mr. Speaker, I desire to present for the consideration of the House the bill (H. R. 4356) to confirm title to lots 13 and 14, in square 959, in Washington, D. C.

The bill was read, as follows:

Be it enacted, etc., That all the right, title, and interest, whether legal or equitable, of the United States of America in and to all those lots or parcels of ground situate in the city of Washington, D. C., and known on the ground plan of city as lots numbered 13 and 14, in square numbered 959, be, and the same hereby is, released and quitclaimed to Thomas Yates, the present owner of the equitable title to said lots, and to his heirs and assigns forever.

This act shall have the effect only of a quitclaim of all the right, title, and interest of the United States therein, but shall not affect an adverse title to said land, if any, nor create any liability on the part of the United States.

Mr. DOCKERY. Mr. Speaker, I should like some explanation of this bill.

Mr. HULICK. I call for the reading of the report.

The Clerk proceeded to read the report. During the reading,

Mr. HULICK said: Mr. Speaker, this is an adverse report upon this bill. The report was made quite full, so that there would be a record against the claimants and any other person or persons who might set up claim to this property. As the report is quite long, I suggest that it be printed in the RECORD, and that the reading of it be dispensed with.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent that the report be printed in the RECORD. Is there objection?

There was no objection.

The report (by Mr. HULICK) is as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 4356) to confirm title to lots 13 and 14 in square 959, in Washington, D. C., have given full consideration thereto, and fully concur in the opinion of the Attorney-General of the United States and the United States attorney for the District of Columbia that in the division made between the original proprietors and the Commissioners the title to said lots became vested in the United States in fee simple, and that such title is now in the United States, and that Thomas Yates has no title, legal or equitable, in the same.

As a part of this report the letter of the United States attorney for the District of Columbia of March 2 instant is referred to, together with the report of his assistant, therein mentioned, relating to the ownership of said lots. The following is the letter:

"WASHINGTON, D. C., *March 2, 1896.*

"SIR: In response to your letter of February 20, 1896, transmitting to me a copy of House bill No. 4356, to confirm title to lots 13 and 14, in square 959, in Washington, D. C., and other papers received by you from the committee of the House on the District of Columbia, and instructing me to examine and report upon the condition of the title to said lots, I have the honor to state that Assistant District Attorney Taggart had, by my direction, made such examination, and his report in the premises is respectfully transmitted herewith. I have carefully considered the report of Mr. Taggart, from which it is clear that the title to said lots became vested in the United States in fee simple upon the allotments which took place originally between the proprietors of the lands upon which the city was laid out and the United States authorities. The property has never been disposed of by the United States, and title still remains in them to the property.

"Very respectfully,
"A. A. BIRNEY,
"*United States Attorney, District of Columbia.*

"The ATTORNEY-GENERAL."

The following is the report of the assistant District attorney, which fully discloses the title of said lots:

"*Notes of title, as disclosed by the public records, to lots 13 and 14, in square 959.*

"Prior to the laying out of the city of Washington, all of the lands which fell within the proposed limits were conveyed by the original owners or proprietors to two trustees, viz, Thomas Beall, of George, and John M. Gantt, upon certain trusts, and among them that the said lands should be laid out 'for a Federal city, with such streets, squares, parcels, and lots as the President of the United States for the time being shall approve, and that the said Thomas Beall and John M. Gantt, or the survivor of them, or the heirs of such survivor shall convey to the Commissioners for the time being appointed by virtue of an act of Congress entitled "An act for establishing the temporary and permanent seat of the Government of the United States," and their successors, for the use of the United States forever, all the said streets and such of the said squares, parcels, and lots as the President shall deem proper for the use of the United States, and that as to the residue of the lots into which the said lands hereby bargained and sold shall have been laid off and divided, that a fair and equal division of them shall be made between the original owner of the land and said Commissioners,' etc.

"In accordance with the trusts so declared the various squares appearing upon the plan of the city were divided between the United States and the proprietors of the land upon which they were respectively located; the division took place by lots, into which the squares were subdivided. In accomplishing divisions and partitions of squares between the public and the proprietors, and for the purposes of perpetuating the evidence of such divisions and partitions, the agreement between them was committed to writing and signed by such proprietors or their representatives and by the Commissioners appointed under the act of Congress referred to in the deeds. These papers were signed in duplicate, one being given to the proprietor and the other being retained by the Commissioners, and recorded in books of the Commissioners' office entitled 'Register of Squares.'

"In suits affecting title to lots in the squares of the city, the allotments made by these instruments are considered to be the foundation of titles beyond which it is not necessary to go in proving record titles.

"George Walker, Notley Young, and the heirs of Abraham Young were the proprietors of adjoining tracts upon a portion of each of which the square 959 was laid out, and the following is a copy, from the public records, of the instrument executed by them in making a partition or disposition of the land in this square under the provisions of the respective deeds executed by them to Beall and Gantt in trust.

"At the request of the Commissioners appointed under the act of Congress for establishing the temporary and permanent seat of the Government of the United States, the following square in the city of Washington was recorded the 12th day of January, 1801:

"Bounded on the north by H street north, on the south by G street north, 231 feet 9 inches; on the east by Eleventh street east, on the west by Tenth street east, 380 feet 6 inches.

"As per return dated June 12, 1795.
"THOMAS FREEMAN."
"OCTOBER 26, 1799.

"R. KING.

"The Commissioners and George Walker, Notley Young, and the heirs of Abraham Young, deceased, the original proprietors of this square numbered 959 in the city of Washington, have agreed on the division thereof in manner following, to wit: Lots 1, 2, 15, and 16 are to remain to the said heirs, and lots 7, 8, 9, and 10 are to remain to the said Notley Young, and lots 3, 4, 5, 6, 11, 12, 13, and 14 are subject to be sold agreeably to the deeds of trust concerning lands in said city.

"Witness our hands this 29th day of October, in the year 1800.
"GUSTS. SCOTT,
"WILLIAM THORNTON,
"ALEX. WHITE,
"GEO. WALKER,
"SAML. YOUNG,
"NOTLEY YOUNG,
"*Commissioners.*

"Witness:
"WM. BRENT."

"Samuel Young, whose name is signed to the foregoing division of the square, was appointed guardian in certain proceedings between the heirs of Abraham Young, by the Maryland high court of chancery, and authorized on behalf of said heirs to represent them in divisions with the Commissioners of the city of the estate that belonged to said Abraham Young.

"Title in fee simple to said lots 13 and 14 thus became vested in the United States, and the public records fail to show that the United States has ever disposed of the same. The public authorities have always treated said lots as the property of the United States. The commissioner of public buildings, who was the successor in office of the original Commissioners under the legislation of Congress, wrote to the Secretary of the Interior, under date of June 17, 1864, in regard to the lots in the city belonging to the public. From this letter the following paragraph is abstracted:

"'I will mention two lots which stand upon the books of this office as clearly the property of the United States, viz, lots 13 and 14 in square No. 959. Mr. William B. Todd has a title to them, as he says, from Notley Young, of fifty years' standing. A large number of lots are, however, unquestionably the property of the United States. I respectfully recommend that those to which there is no claim by adverse title be advertised and sold at public auction. There is now much paving and other work necessary to be done about the city, to which, by law, the avails of the city lots is applicable, and it will be better to dispose of these lots now, when real property is in demand, than to let them lie idle to be squat upon, and the United States eventually lose them or grant them to individuals for a song, as has already been done in some instances.'

"In a report by Colonel Casey, Corps of Engineers, to General Humphreys, Chief of Engineers, United States Army, dated June 30, 1878, in regard to the public grounds of the city, he says, among other things:

"'The title of the United States to lots 13 and 14, square 959, was established,

and these lots were graded and filled to the level of the sidewalk, removing a stagnant pool of water of great injury to the people living in its vicinity.'

"The filling referred to by Colonel Casey, it would seem from certain papers on file in the office of the Chief of Engineers, was done after a report had been received from Mr. Wells, then United States attorney for the District, dated April 24, 1878, declaring the titles of the lots to be in the United States.

"Through some inadvertence or error on the part of the tax officials of the former corporation of the city of Washington, these lots 13 and 14 were entered in 1824 on the tax books in the name of Nicholas Young et al., who had no title to them or interest in them. Since that time the following deeds of conveyance of the property have been recorded in the office of the recorder of deeds of the District:

"Notley Young et al. (described as heirs at law and legatees of Nicholas Young) to William B. Todd. Deed dated November 3, 1851, and recorded June 4, 1852; Liber J. A. S., 39, folio 171. In consideration of $450 grantors convey lots 13 and 14, in square 959, together with many other lots in various squares.

"Edward W. Young et ux. to William B. Todd. Deed dated November 6, 1871; recorded November 8, 1871; Liber 666; folio 93. Confirms the above deed; grantors having been minors at the time of its execution and having since become of full age.

"Edward W. Young et ux. to William B. Todd. Deed dated November 6, 1871; recorded September 14, 1874; Liber 760, folio 271. This is a rerecord of the preceding deed.

"The heirs of Nicholas Young by three several deeds, two of them dated July 9, 1853, and the other dated November 5, 1853, and recorded, respectively, in J. A. S. 71, at folios 396, 402, and 404, convey certain real estate to George W. Young; George W. Young and wife conveyed it to John Carroll Brent, by deed dated November 8, 1856, and recorded in Liber J. A. S., 24, folio 222; Etta Brent, as only child and heir at law of John Carroll Brent, conveyed it to Mary D. Denman by a quitclaim deed dated December 1, 1877, and recorded in Liber 875, at folio 268; but these several deeds have no specific relation to said lots 13 and 14 in said square 559.

"Elizabeth G. Todd et al., widow and he'rs at law of William B. Todd, to James L. H. Robinson. Deed dated May 13, 1892; recorded May 24, 1892; Liber 1690, at folio 330. In consideration of $10, grantors convey lots 13 and 14 in square 959.

"James L. H. Robinson et ux. to Frank L. Calhoun and John E. Benton. Deed of trust dated May 19, 1892; recorded May 24, 1892; Liber 1690, at folio 333. Grantors convey said lots in trust to secure William Mayse in $1,200, in four notes of $300 each, payable in six months, with interest, with power to sell in case of default in the payment of said notes.

"Under this deed of trust the property was sold and conveyed to William Mayse by a deed which is hereinafter noted. By this sale and conveyance the following deeds became inoperative:

"James L. H. Robinson et ux. to Rufus A. Morrison. Deed dated May 24, 1892; recorded May 24, 1892; Liber 1690, at folio 336. Grantors, in consideration of $10, convey said lots 13 and 14.

"Rufus A. Morrison to Agnes Robinson. Deed dated November 1, 1892; recorded January 27, 1893; Liber 1774, at folio 246. Grantor, in consideration of $10, conveys the same property.

"Agnes Robinson to Jay B. Smith and Rufus A. Morrison. Deed of trust, dated January 26, 1893; recorded January 27, 1893; Liber 1774, at folio 248. Conveys said lots 13 and 14 in trust to secure Tracy L. Jeffords $250; note payable with interest on or before one year after date, with authority to sell in case of default.

"Agnes Robinson to Susan A. Ruffin. Deed dated January 30, 1893; recorded February 9, 1893; Liber 1783, folio 115. In consideration of $11,000, conveys said lots 13 and 14.

"Susan A. Ruffin et vir. to Edward Q. Gunson. Deed dated February 7, 1893; recorded March 17, 1893; Liber 1804, folio 13. In consideration of $11,245.57, grantors convey said lots 13 and 14.

"Edward Q. Gunson et ux. to George W. Stickney and Robert R. Roberts. Deed of trust; dated February 7, 1893; recorded March 7, 1893; Liber 1804, folio 15. To secure debt of $7,493.23 to Susan A. Ruffin in five notes, one for $250, payable in one year with interest; one for $4,000, payable in two years with interest; one for $1,500, payable in two years with interest; one for $1,200, payable in two years with interest; and one for $443.23, payable in two years with interest, conveys said lots 13 and 14 in square 959. The deed provides that Gunson, his heirs or assigns, may subdivide the lots 13 and 14 into six or seven sublots, and to have this trust released and a new trust placed upon the property as subdivided, the indebtedness to be pro rata, etc.

"Frank L. Calhoun and John E. Benton, trustees, to William Mayse. Deed dated June 27, 1893; recorded July 7, 1893; Liber 1828, at folio 302. Conveys said lots 13 and 14, reciting the trust from James L. H. Robinson to grantors, dated May 19, 1892, and recorded in Liber 1690, at folio 333; that default was made in the payment of the debt mentioned in that instrument, and that the property had been sold to the grantee at public auction for $1,275.

"William Mayse et ux. to Thomas Yates. Deed dated July 27, 1893; recorded July 24, 1893; Liber 1815, at folio 484. In consideration of $1,300, grantors convey said lots 13 and 14.

"Thomas Yates et ux. to Charles F. Benjamin, trustee. Deed in trust dated May 19, 1895; recorded May 20, 1895; Liber 1995, at folio 457. Grantee is to hold the property by the terms of the deed, and to convey the same as grantor, his heirs, or assigns may direct, after grantee is paid for all expenses incurred in clearing the title from defects 'caused by their apparent conveyance to the United States at the time of the division of lots in said square,' etc.

"Thomas Yates to Frederick T. F. Johnson. Agreement dated December 14, 1894; recorded December 11, 1895; Liber 2067, at folio 421. Recites that Yates is the owner of lots 13 and 14 in square 959, subject to such title as may be outstanding in the United States, which outstanding title said Yates desires to secure and obtain, to which end he is desirous of securing and retaining the assistance and professional services of said Johnson, etc. Said Yates agrees to pay for such services and assistance a fee equal to 35 per cent of the market value of the property at the date when the title of the United States becomes vested in said Yates.

"The foregoing comprises all the information which I have been able to obtain from the public records bearing upon the title to said lots 13 and 14, in square 959. It establishes the fact conclusively that the fee-simple title to said lots is in the United States. Even if actual possession had been taken of the lots by the heirs of Nicholas Young, who was one of the sons of Notley Young, the original proprietor of the land, and that possession had been continuous on the part of every person mentioned in the chain and deriving title from said heirs, such possession could not avail against the United States, against whom the statute of limitations does not operate. The fact disclosed that the lot was filled by the public authorities in 1878 would indicate that down to that time there had certainly been no such possession.

"HUGH T. TAGGART,
"*Assistant District Attorney.*

"A. A. BIRNEY, Esq.,
"*United States District Attorney.*"

This report was submitted to the Attorney-General of the United States, and on the 3d of March last he submitted his opinion thereon in the following letter:

"DEPARTMENT OF JUSTICE, *Washington, D. C., March 3, 1896.*

"SIR: I have the honor to return herewith a copy of House bill No. 4356, to confirm title to lots 13 and 14, in square No. 959, in Washington, D. C., which was referred to me by your directions on the 1st ultimo, and also to transmit herewith, for your information, a copy of a letter received from the United States attorney for the District of Columbia, dated the 2d instant, together with the report of his assistant (Mr. Taggart) therein mentioned, both of which relate to the ownership of said lots, and exhibit the result of investigations concerning such ownership made pursuant to instructions of this Department.

"The aforesaid report gives a full history of the title to said lots, as shown by the records of the District of Columbia; and upon consideration thereof I concur in the opinion expressed by the United States attorney in his letter, namely, that in the division made between the original proprietors and the Commissioners on the 29th of October, 1801 (which is set forth in said report), the title to said lots became vested in the United States in fee simple, and that such title is still in the United States.

"I am, sir, very respectfully,
"JUDSON HARMON,
"*Attorney-General.*

"Hon. JOSEPH W. BABCOCK,
"*Chairman of Committee on the District of Columbia,*
"*House of Representatives.*"

Upon a full and fair consideration of the facts stated in said report, the conclusion is irresistible that the title, legal and equitable, to said lots was, on the 29th day of October, 1801, in the division made between the original proprietors and the Commissioners, vested in the United States in fee simple, and that such title is now in the United States.

The committee therefore report adversely to said bill, and recommend that it do lie upon the table.

Mr. BABCOCK. I move that the bill be indefinitely postponed.

The motion was agreed to.

LOT 5, IN SQUARE 1113, WASHINGTON, D. C.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (H. R. 6172) authorizing the sale of the title of the United States in lot 5, square 1113, in the city of Washington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to grant and convey unto Frank D. Orme, of the city of Washington, and his heirs and assigns, all the right, title, and interest of the United States in and to a certain lot of land in the city of Washington, in the District of Columbia, known upon the plat or plan of said city as lot No. 5, in square 1113, upon the payment by the said Frank D. Orme into the Treasury of the United States of the sum of $1,000, the assessed value of the said lot.

The Committee on the District of Columbia recommended the following amendment:

Add at the end of the bill the words:

"*Provided*, That before the said conveyance is made the said Frank D. Orme shall satisfy the Secretary of the Interior that all taxes and assessments against such lot have been paid."

Mr. DOCKERY. Mr. Speaker, I ask that the report on this bill be printed in the RECORD.

Mr. CURTIS of Iowa. This report is quite long, and if desired I can explain the nature of the bill. I ask that the report be printed. It fully sets forth the reasons for the passage of the bill. It is not necessary to consume the time of the House in reading it.

The SPEAKER pro tempore. The gentleman asks unanimous consent that the report on this bill be printed in the RECORD. Is there objection?

There was no objection.

The report (by Mr. CURTIS of Iowa) is as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 6172) entitled "A bill authorizing the sale of the title of the United States in lot 5, square 1113, in the city of Washington," beg leave to submit the following report, and recommend that said bill do pass, with an amendment as follows:

Add after the last word in section 1:

"*Provided*, That before the said conveyance is made the said Frank D. Orme shall satisfy the Secretary of the Interior that all taxes and assessments against such lot have been paid."

The reasons for the passage of the bill are very clearly set forth in the Senate report on Senate bill 2983, which is a duplicate of House bill 6172, which report is adopted as the report of your committee.

[Senate Report No. 795, Fifty-fourth Congress, first session.]

The bill was sent to the Commissioners of the District of Columbia, and at their instance was referred to the Attorney-General, who reports that the title to the lot in question is in the United States. The report of Hon. Hugh T. Taggart, assistant United States district attorney, given in connection with this report, shows that the Government holds this lot not as the sovereign, but as a landowner, as any individual might own land, such ownership coming from the division of the lots in the city of Washington between the Government and private individuals. The Government attempted to sell this particular lot, with others, to private parties, but through failure of the individuals concerned in the transaction the courts ordered the lots restored to the United States. However, the property had been repeatedly assessed as belonging to individuals, and in 1841 was conveyed by the corporation of the city of Washington to James McCormick, jr., from whom the chain of title is complete to Frank D. Orme, to whom the lot was conveyed July 1, 1893. Such conveyance was confirmed by a decree of the equity court on December 11, 1894.

Mr. Taggart, in summing up, says: "Limitations, of course, do not run against the United States, but assuming that there has been such an actual adverse possession of the lot by Frank D. Orme and those under whom he claims as would bar a private individual, a court might decide, under the peculiar circumstances of this case, that it was one in which to enforce it against the Government. Under the peculiar circumstances, I am of the

opinion that the case presented is a proper one to compromise by the relinquishment of the Government's title for a suitable consideration."

The assessed valuation of the lot is $1,000, but it already has cost Mr. Orme many times that amount, and the equities of the case are entirely with him. In the opinion of the committee, therefore, the Secretary of the Interior should be authorized and directed to grant and convey to him all the right, title, and interest of the United States in and to the said lot on the payment by him of $1,000.

The committee recommend, however, that the bill be amended by providing that Mr. Orme shall first satisfy the Secretary of the Interior that the taxes on the lot have been paid up to the time of the conveyance provided for.

The reports of the Commissioners, of the Attorney-General, and of the district attorney and assistant district attorney are given below. The report of Mr. Taggart is of decided historical value, as well as being a strong presentation of a class of questions constantly arising in Congress—the title to lots in the District of Columbia claimed by individuals, but by error retained by the Government.

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OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, February 26, 1896.

DEAR SIR: The Commissioners have the honor to suggest, with reference to Senate bill 2983, authorizing the sale of the title of the United States in lot 5, square 1113, in the city of Washington, which was transmitted to them at your instance for their examination and report, that inasmuch as the matters mentioned therein concern the right, title, and interest of the United States in the property involved, the subject more directly pertains to the purview of the Department of Justice. They therefore recommend that the bill be submitted to the Attorney-General of the United States with the object of obtaining a report thereon by the United States attorney for the District of Columbia, who is the official upon whom the making of such investigations customarily devolves.

Very respectfully,
JOHN W. ROSS,
President Board of Commissioners District of Columbia.

Senator JAMES MCMILLAN,
Chairman Committee on District of Columbia,
United States Senate.

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DEPARTMENT OF JUSTICE, *Washington, D. C., April 11, 1896.*

SIR: I have the honor to return herewith a copy of Senate bill No. 2983, authorizing sale of the title of the United States in lot 5, square 1113, in the city of Washington, which was referred to me by your direction on the 29th of February last, and also to transmit herewith for your information a copy of a letter received from the United States attorney for the District of Columbia, dated the 9th instant, together with a copy of the report of his assistant (Mr. Taggart) therein mentioned, both of which relate to the ownership of said lot and exhibit the result of investigations concerning such ownership made pursuant to instructions of this Department. The report gives a history of the title to the lot as shown by the records of the District of Columbia, and from the information thus furnished I am of opinion that the United States has a good and valid title to the premises.

I am, sir, very respectfully,
JUDSON HARMON,
Attorney-General.

Hon. JAMES MCMILLAN,
Chairman of Committee on the District of Columbia,
United States Senate.

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WASHINGTON, D. C., *April 9, 1896.*

SIR: I have the honor to state that, in accordance with the directions contained in your letter to me of the 3d ultimo, I have made an investigation with a view to ascertaining "the right, title, and interest" of the Government in and to lot 5, in square 1113, being the lot referred to in Senate bill No. 2983, Fifty-fourth Congress, first session.

The condition of the title to the lot is shown in a report made to me by Assistant District Attorney Taggart, which is inclosed herewith. From this report it appears that the legal title to the lot passed from the Government to James Greenleaf by a certificate granted to him under date of July 10, 1794, and which was duly recorded among the land records, and that it remained outstanding in Greenleaf and his assignees until restored to the United States by a decree of court passed in the year 1831; that immediately it was listed for taxation, for the nonpayment of which it was sold and a tax deed issued.

The only title of Mr. Orme is traceable to this tax deed, and the question presented is whether in the event of a suit an adverse possession under it could, the circumstances considered, be successfully set up as a bar against the United States. I have carefully considered the views expressed by Mr. Taggart, and concur in his opinion that the conflicting claims of the Government and of Mr. Orme in the premises make the case a proper one for adjustment through compromise, and that the interest of the United States should be relinquished upon the payment of a suitable sum.

The condition of the title to this lot is substantially the same as that of the title to lot 1 in the same square, in respect of which I recently made a like recommendation.

Two papers transmitted to me with your letter are herewith returned.

Very respectfully,
A. A. BIRNEY,
United States Attorney, District of Columbia.

The ATTORNEY-GENERAL.

—

Notes of title as disclosed by the public records to lot 5 in square 1113.

Through agreements with the original proprietors of the land and conveyances by them to two trustees, Thomas Beall and John M. Gantt, the United States became entitled, upon the founding of the city of Washington, to one-half of all the building lots in the squares laid out within the limits of the city.

The partition of lots in any square between the United States Commissioners, appointed under the act of July, 1790 (providing for the establishment of the permanent seat of the Government), and the original proprietors of the land upon which the square was laid out was usually accomplished by arrangement between the parties; prior to such partition the land in any square was held by the public and the individual in equally undivided parts. By the partition each took in severalty the lots assigned to them respectively. In some instances the whole square would be assigned to one or the other, and the title to a particular square or lot is traced to the United States or to an individual, as it went to the one or the other on the partition.

In the partition of square 1113 the whole of it became the property of the United States.

The following is a copy of the instrument in relation to it, which was signed by the parties and recorded:

"At the request of the Commissioners appointed under the act of Congress for establishing the temporary and permanent seat of the Government of the United States, the following square in the city of Washington was recorded the 27th day of May, 1800:

"SQUARE NO. 1113, CITY OF WASHINGTON.

"Bounded by the south by D street south, 413 feet 4 inches; the east by Nineteenth street east, 39 feet 6 inches; the west by Eighteenth street east, 254 feet 6 inches; the northeast by Massachusetts avenue, 464 feet 7 inches.

"As per return dated November, 1793.

"JAMES R. DERMOTT."

—

MAY 27, 1797.

The Commissioners and heirs of William Young, deceased, original proprietors of this square, numbered 1113, in the city of Washington, have agreed the whole of the said square shall be subject to be sold agreeably to the deeds of trust concerning lands in the said city. Witness our hands this 28th day of September, 1797.

GUSTS. SCOTT.
WILLLIAM THORNTON,
ALEX. WHITE.
Commissioners.

Witness:
T. MONROE.
JAMES R. DERMOTT.

RUTH ANN YOUNG,
For herself and as mother and natural guardian to Alexander, Manduit, Mary, and Nancy Young, infant children of William Young, deceased.
By JOHN OAKLY,
Their Attorney.

ABEL JENNER,
WILLIAM YOUNG,
Heirs of William Young.

The records of the early Commissioners of the city and those in the office of the recorder of deeds show that on September 23, 1793, said Commissioners entered into an agreement with James Greenleaf for the sale to him of 3,000 of the lots belonging to the United States, and that they also agreed with Robert Morris for the sale to him of 3,000 of said lots. These agreements were consolidated by one of December 24, 1793, making a sale to said Greenleaf and Morris, jointly, of 6,000 lots upon certain terms: 4,500 of the lots were to lie southwest of Massachusetts avenue and the remaining 1,500 to lie northeast of said avenue, etc. The lots were to be selected from those belonging to the public, and they were excluded from making selections in certain squares mentioned, square 1113 not being among them.

On July 9, 1794, the Commissioners entered into an agreement with said Greenleaf, which recited that Greenleaf was negotiating a loan in Holland of £300,000 current money of Maryland, to be secured by a mortgage on lots in the city; that the Commissioners desired to increase their funds, and had agreed to take one-third of the loan, and had given Greenleaf a certificate for 1,000 lots to make up their one-third of the security by which the legal title would be put in Greenleaf for that purpose. The agreement also recited that certificates had been given to Greenleaf for other lots, for which the Commissioners had taken the bond of said Greenleaf and John Nicholson; and the agreement provided for a redemption and reconveyance to the Commissioners of the lots to be pledged as their part of the security for the loan, etc.

By one of the certificates from the Commissioners to said Greenleaf, dated July 9, 1794, and recorded in Liber B, at folio 44, of the land records, the title to 500 lots is transferred in fee, the lots in square 1113 being among them.

Greenleaf, with a view to obtaining the loan, conveyed to Rutger Van Schimmelpfennick, Peter Godefroy, and Robert Daniel Crommelin, of Amsterdam, in the United Netherlands, by deed dated July 28, 1794, (B, folio 65), a great number of lots and squares, and among them square 1113.

The negotiation fell through and the grantees reconveyed the property to Greenleaf by deed dated June 26, 1795. (B, folio 493.)

He then apparently negotiated the loan with the house of Gilles Groenveldt, Rudolph Mees, and Peter van der Wallen van der Hoven, of Amsterdam, and conveyed to them by deed dated July 29, 1795 (B, folio 496), a great number of lots and squares, including square 1113.

By deed dated May 13, 1796 (B, folio 532), Greenleaf conveyed all the lots to which he derived title by the certificate of July 9, 1794 (B, folio 44), to Robert Morris and John Nicholson as tenants in common.

Greenleaf, Morris, and Nicholson were engaged in large speculations in property in the city of Washington and elsewhere, and all became bankrupt and made assignments for the payment of debts. Their business relations with the Commissioners were the cause of great embarrassments to the latter, and it would serve no useful purpose here to detail the complex and intricate history of them.

Greenleaf, Morris, and Nicholson conveyed to Henry Pratt and others their lots in Washington, in trust to secure payment of their debts, by deed dated June 26, 1797 (C, folio 204); Notley Maddox, sheriff of Prince George

County, Md., conveyed to William H. Dorsey square 1113 and other squares which he had sold under executions issued on judgments against Greenleaf, by deed dated January 31, 1799 (D. folio 288), and Dorsey conveyed the same to said Henry Pratt et al. by deed dated January 26, 1803 (I. folio 263), to hold upon the trusts in the deed to them from Greenleaf et al. of June 26, 1797, and reciting that the purchase money had been paid by said Pratt et al., and that he (said Dorsey) simply held in trust for them.

Gillis Groenveldt et al. filed in the old circuit court of the District of Columbia their bill in equity January 17, 1816, against James Greenleaf, Henry Pratt, et al., and Thomas Monroe, the superintendent of the city of Washington (who had succeeded to the powers of the Commissioners under the act of Congress), setting forth the deed to them from Greenleaf, that a large part of their debt was unpaid, and praying for a foreclosure of the mortgage.

By the decree passed in this cause March 21, 1831, the parties were directed to convey to the United States, among other property, the square 1113, and it was provided that if such conveyance was not made within the time limited, then the decree should stand as such.

In one of the books of the early Commissioners the six lots in this square are marked as "selected by Morris and Nicholson." The certificate given by the Commissioners to Greenleaf July 9, 1794 (B, folio 44), recites that the 500 lots transferred had been paid for by Greenleaf, and that he was entitled to hold them in fee simple.

Whether the title of Greenleaf was originally a perfect one to the lots in the square or not, the fee simple as against him and his grantees and the trustees under his assignment for the benefit of creditors, and as against the Groenveldt mortgage, became by the decree of 1831 vested in the United States.

The papers and books relating to city affairs, sales of lots, etc., are now in charge of Col. John M. Wilson, Corps of Engineers, United States Army, and I am informed at his office that there is nothing there indicating that the United States has ever disposed of its interest in lot 5 in this square. The land records of the recorder's office contain nothing to indicate it. It may, therefore, be safely assumed that the title of the United States is a good one in fee simple to said lot 5 in square 1113, subject only to such rights as may have been acquired under deeds issued by the late corporate authorities of the city of Washington in pursuance of sales for delinquent taxes, under which arise and upon which are predicated the rights of the present claimants of the lot.

It is a general principle that the property of the sovereign is not subject to taxation or its incidents, unless authority is specifically granted for that purpose to subordinate agencies, in the matter of municipal rule. It is also clear as matter of law that in many instances where the Government steps down from the high pedestal of sovereignty and becomes a property owner after the manner of an individual, its ownership of property not necessary for the purpose of government is to be treated in the same manner as the property of an individual would be under like circumstances. The only question, therefore, in the present case is whether the facts shown make it a proper one for the application of the rule.

By the certificate from the United States commissioners of July 9, 1794 (B, folio 44), the legal title became vested of record in James Greenleaf; by his conveyance to Gilles Groenveldt et al. it became vested in them; by his deed to Morris and Nicholson his interest passed to them, and by the assignment to Henry Pratt et al. it became vested in them, at least in so far as the equity of redemption was concerned. The property was, under these circumstances, very properly, in my opinion, listed for taxation, and in the year 1803 it was listed in the name of Henry Pratt et al.; in 1819 it was listed for taxation in the name of Gillis Groenveldt et al.

Finally it was sold by the corporation of the city for delinquent taxes assessed upon it as the property of Greenveldt et al. for the years from 1827 to 1835. In pursuance of this sale it was conveyed by the corporation to James McCormick, jr., by deed dated May 12, 1841, and recorded April 21, 1841, in Liber W. B. 93, at folio 149. Tax deeds of that date are all defective by reason of informalities in complying with the law.

By a decree for the partition of James McCormick's real estate among his heirs, dated January 9, 1846, and recorded March 14, 1849, in Liber J. A. S. 3, folio 1, it was assigned to Caroline H. McCormick. The proceedings in which the decree was rendered took place in Baltimore County, Md., and of course ordinarily could not affect property in this jurisdiction. Caroline H. McCormick intermarried apparently with Earle, and by deed dated June 15, 1849, and recorded July 19, 1849, in Liber J. A. S. 5, folio 236, conveyed the lot to William B. Todd.

Todd conveyed to Lampkin by deed dated October 3, 1851. (J. A. S. 31, folio 454.)

Lampkin conveyed to Beall by deed dated August 2, 1858. (J. A. S. 159, folio 225.)

Beall conveyed to Cox by deed dated February 18, 1859. (J. A. S. 170, folio 49.)

Cox reconveyed to Beall June 9, 1859. (J. A. S. 177, folio 372.)

Beall conveyed to Lanahan February 22, 1860. (J. A. S. 190, folio 406.)

Lanahan conveyed to Snowden in trust to secure debt February 23, 1860. (J. A. S. 190, folio 406.)

Snowden sold under the trust and conveyed to Bratt January 11, 1861. (J. A. S. 207, folio 331.)

Bratt conveyed to Mitchell July 27, 1864. (N. C. T. 41, folio 385.)

Mitchell conveyed to William B. Todd July 18, 1864. (N. C. T. 42, folio 72.)

Todd died intestate in the year 1873, and Seth J. Todd, one of his children and heirs at law, died in 1874, leaving by will all his estate to his widow, Georgie D. Todd.

The widow of William B. Todd and his adult heirs, together with Georgie D. Todd, devisee of Seth J. Todd, conveyed said lot 5, square 1113, to Thomas H. G. Todd November 24, 1874 (777, folio 1).

Thomas H. G. Todd conveyed to Walker April 25, 1882 (1676, folio 326).

Walker conveyed to William Mayse July 23, 1882, (1686, folio 436).

William Mayse and wife conveyed to Calhoun and Benton in trust, to secure Frank D. Orme in an indebtedness of $3,500, July 1, 1883 (1832, folio 246).

Frank D. Orme, on September 29, 1894, filed his bill in equity against Calhoun and Benton, the trustees, and Mayse, the grantor in and the debtor under the deed of trust. The bill alleges the insolvency of Mayse, his failure to keep property insured and to pay taxes, etc., and prays for a foreclosure of the trust. On December 11, 1894, the decree was passed by the court providing, among other things, for a sale of the property and appointing Edwards and Hood trustees to make such sale. They reported sale to Frank D. Orme, which was duly ratified and confirmed.

The trustees, Edwards and Hood, conveyed to Frank D. Orme by deed dated August 28, 1895 (2639, folio 435).

Limitations, of course, do not run against the United States, but assuming that there has been such an actual adverse possession of the lot by Frank D. Orme, and those under whom he claims, as would bar a private individual, a court might decide, under the peculiar circumstances of this case, that it was one in which to enforce it against the Government.

Under the peculiar circumstances, I am of the opinion that the case presented is a proper one to compromise by the relinquishment of the Government's title for a suitable consideration.

HUGH T. TAGGART,
Assistant United States Attorney.

A. A. BIRNEY, Esq.,
United States Attorney, District of Columbia.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CURTIS of Iowa, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 2889) to aid and encourage the holding of the Tennessee Centennial Exposition at Nashville, Tenn., in the year 1897, and making an appropriation therefor;

A bill (S. 2519) to amend section 4746 Revised Statutes of the United States;

A bill (S. 2462) to provide for the making of allotments of pay by officers of the Navy and the Marine Corps;

A bill (S. 2407) to supplement the act of June 27, 1890, as to pensions;

A bill (S. 2406) concerning the weight of evidence in pension claims;

A bill (S. 2404) defining and regulating proof in certain pension cases;

A bill (S. 2232) to vacate Sugar-Loaf Reservoir site in Colorado and to restore the lands contained in the same to entry;

A bill (S. 2047) extending the time within which the University of Utah shall occupy lands heretofore granted to it;

A bill (S. 1938) allowing Isaiah Mitchell, of Denver, Colo., seven years within which to make a final homestead entry upon certain land;

A bill (S. 1923) granting to the city of Bismarck, N. Dak., the right to lease and use for public purposes Sibley Island, an island in the Missouri River;

A bill (S. 1709) for the relief of J. Henry Rives;

A bill (S. 1609) for the erection of a statue to Commodore John D. Sloat in the city of Monterey, Cal.;

A bill (S. 1555) for the relief of the sufferers by the wreck of the United States revenue cutter *Gallatin* off the coast of Massachusetts;

A bill (S. 1188) to provide for the erection of a monument to Gen. Nathaniel Greene on the battlefield of Guilford Court-House.

A bill (S. 837) making an appropriation for the benefit of the estate of William Moss, deceased;

A bill (S. 814) for the relief of John W. Gummo;

A bill (S. 589) for the relief of C. B. Bryan & Co.;

A bill (S. 488) for the relief of the legal representatives and devisees of James W. Schaumburg;

A bill (S. 434) for the relief of William F. Wilson;

A bill (S. 338) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Bros., and others;

A bill (S. 260) to provide for the construction of a public building at Butte City, Mont.;

A bill (S. 80) for the relief of John F. W. Dette; and

Joint resolution (S. R. 83) directing and authorizing the Secretary of War to ascertain the cost of securing for the United States the channel in Atchafalaya Bay, Louisiana.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 175) authorizing the Secretary of War to make certain uses of national military parks;

A bill (H. R. 1020) granting an increase of pension to Gilman Williams;

A bill (H. R. 1980) to provide a life-saving station at or near Point Bonita, at the Golden Gate, in the State of California;

A bill (H. R. 3606) granting a pension to French W. Thornhill;

A bill (H. R. 5481) to restore the lands embraced in the Fort Lewis Military Reservation, in the State of Colorado, to the public domain;

A bill (H. R. 6431) to pay Peter P. Ferguson $1,765;

A bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation in said State as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes; and

Joint resolution (H. Res. 167) authorizing foreign exhibitors at the Tennessee Centennial Exposition, to be held in Nashville, Tenn., in 1897, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits, and allowing articles imported from foreign countries for the sole purpose of exhibition at said exposition to be imported free of duty under regulations prescribed by the Secretary of the Treasury.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I submit a conference report on the bill (H. R. 6249) "making appropriations for the current

and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes."

Mr. BABCOCK. Does the gentleman desire action on this bill now?

Mr. SHERMAN. I do, Mr. Speaker. It is not a final report, however. We ask for a further conference. This report does not reach a conclusion so far as such matters as sectarian schools and the Old Settlers' claims or some other matters about which I think there might be some controversy are concerned. I think there is nothing in this report that would create any difference of opinion upon the floor.

Mr. RICHARDSON. I would ask the gentleman, if it should provoke such controversy, would he withdraw its consideration?

Mr. SHERMAN. In that event I have no objection to allowing it to be printed and let it come up to-morrow.

Mr. RICHARDSON. I make that request in order that we may go on with our business.

Mr. SHERMAN. I am entirely satisfied for it to take that course.

Mr. CANNON. Is there much in it?

Mr. SHERMAN. Not for the gentleman from Illinois. For him I think there is nothing "in it." [Laughter.]

Mr. CANNON. Let us hear it read.

Mr. SHERMAN. I ask that it be read, and if any gentleman insists on its being printed, I shall not insist on action now.

Mr. HERMANN. Before that is done I would like to ask the gentleman a question, whether he can refer to an item in the bill with reference to the appointment or the creation of a commission for the purpose of settling a boundary dispute with reference to the Klamath Indian Reservation in the State of Oregon?

Mr. SHERMAN. On the question of that commission my recollection is we have not agreed in conference. We propose generally in such matters not to have a commission, but to leave the questions to be settled by the Indian inspectors through the Secretary.

Mr. HERMANN. I understand, however, that in the report which is now submitted this is among those items not agreed to.

Mr. SHERMAN. That is so. There are fifteen or twenty items that we did not agree to, and upon which we ask a further conference, and this is one of them.

Mr. CANNON. This is not a final report, then?

Mr. SHERMAN. It is not a final report.

Mr. HERMANN. I made this inquiry to find out whether it was a final report. And I desire to say that the delegation wish to submit to the conferees certain facts in regard to this matter, provided it is not a final report.

Mr. SHERMAN. It is not a final report, and we will be glad to have any facts submitted to the committee.

The report of the committee of conference was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 6, 7, 11, 21, 22, 29, 30, 34, 35, 43, 62, and 90.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 8, 9, 10, 12, 13, 15, 17, 18, 19, 23, 24, 26, 27, 28, 32, 36, 38, 39, 40, 41, 42, 50, 53, 54, 55, 58, 59, 60, 61, 63, 65, 72, 73, 74, 75, 79, 80, 81, 82, 88, and 89, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with amendments as follows: Strike out, in line 19, page 20 of the bill, the word "Kickapoos," and insert in lieu thereof the words "Kickapoos in Kansas," and in lieu of the matter inserted by said amendment insert the following:

"KICKAPOOS IN OKLAHOMA.

"To enable the Secretary of the Interior to assist the Kickapoo Indians of Oklahoma Territory who have not accepted their allotments to make improvements upon said allotments as fast as accepted and to purchase seed grain and subsistence for said Indians, $5,000, to be immediately available. The sum of money now in the Treasury of the United States belonging to said Indians shall be retained as a permanent fund, upon which the Treasurer shall pay to said Indians annually interest at the rate of 5 per cent per annum from July 1, 1895."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "And sections 669, 670, 671, of chapter 27, of Mansfield's Digest of the Laws of Arkansas covering deeds, mortgages, liens, and instruments of writing pertaining to real estate, are hereby extended over and put in force in said Quapaw Agency, Indian Territory. That the allottees of said land within the limits of said Quapaw Agency are authorized to lease the same for a term not exceeding three years for farming purposes, or five years for mining or business purposes"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with amendments as follows: Strike out from said amendment the word "Santee," and add at the end of said amendment the following: "and North and South Dakota"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "and charged against any funds belonging to said Lower Brule Indians now in the Treasury of the United States"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out, in line 12, page 39, of the bill the word "divided" and insert in lieu thereof the word "expended"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: Add at the end of said amendment the following:

"And not exceeding $1,500 for necessary traveling and incidental expenses of such persons.

"For completing the work of the Puyallup Indian Commission appointed under the act of March 3, 1893, to select and appraise such portions of the allotted lands within the Puyallup Indian Reservation, Wash., as are not required for homes for the Indian allottees; and also that part of the agency tract, exclusive of the burying ground, not needed for school purposes, and for the purpose of defraying the expenses of said Commission, $4,000, to be reimbursed to the United States out of the proceeds of the sale of the agency tract and allotted lands, as provided in said act, to be immediately available; and said Commission shall conclude its work and terminate on or before the 1st day of December, 1896."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Secretary of the Interior is hereby authorized to negotiate through the Indian inspectors of his Department with the Indians residing on the Fort Hall Indian Reservation, in the State of Idaho, and with the Indians residing upon the Uintah Reservation, in the State of Utah, for the surrender of any portion of their respective reservations, or for such modification of existing treaties as may be deemed desirable by said Indians and the Secretary of the Interior, any agreement thus negotiated being subject to subsequent ratification by Congress."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with amendments as follows: Strike out, in line 3 of said amendment, the word "three" and insert in lieu thereof the word "two"; and strike out, in line 42 of said amendment, the words "sufficient proof" and insert in lieu thereof the word "conviction"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: Add at the end of said amendment the following: ", and said sum shall be in full payment and satisfaction of all claims of the said Campbell or his representatives for said money and lands and interest therein, and the receipt of said Campbell for said sum shall so specify"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with amendments as follows: Strike out, in line 4 of the last paragraph of the amendment, the words "section 2 of this act" and insert in lieu thereof the words "this section"; and add at the end of said paragraph the following:

"*Provided, however*, That any person who in good faith prior to the passage of this act had discovered and opened or located a mine of coal or other mineral shall have a preference right of purchase for ninety days from and after the official filing in the local land office of the approved plat of survey provided for by this section."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with amendments as follows: Strike out, in line 4 of the last paragraph of the amendment, the words "section 2 of this act" and insert in lieu thereof the words "this section"; and add at the end of said paragraph the following:

"*Provided, however*, That any person who in good faith prior to the passage of this act had discovered and opened or located a mine of coal or other mineral shall have a preference right of purchase for ninety days from and after the official filing in the local land office of the approved plat of survey provided for by this section."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with amendments as follows: Strike out, in line 4 of the last paragraph of the amendment, the words "section 2 of this act" and insert in lieu thereof the words "this section"; and in line 12 of said paragraph, after the word "opened," insert the words "or located"; and strike out, in the last line of said paragraph, the words "section 2 of this act" and insert in lieu thereof the words "this section"; and the Senate agree to the same.

On amendments numbered 33, 37, 46, 47, 48, 49, 52, 56, 64, 66, 68, 69, 70, 71, 76, 77, 78, 83, 84, 85, 86, 87, and 94 the committee of conference have been unable to agree.

J. S. SHERMAN,
CHARLES CURTIS,
GEORGE C. PENDLETON,
Managers on the part of the House.

R. F. PETTIGREW,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

Mr. BABCOCK (during the reading of the report). Mr. Speaker, I ask unanimous consent that the further reading of the conference report be dispensed with.

Mr. DOCKERY. Mr. Speaker, this is too important a matter to have the reading dispensed with.

Mr. BABCOCK. I do not understand that the gentleman in charge of the report desires to dispose of it at this time.

Mr. SHERMAN. We desire to dispose of it if we can.

The SPEAKER pro tempore. Is there objection to dispensing with the further reading of the conference report?

Mr. FITZGERALD. I object, Mr. Speaker.

The Clerk resumed and completed the reading of the report.

The statement of the conferees on the part of the House was read, as follows:

STATEMENT TO ACCOMPANY CONFERENCE REPORT ON HOUSE BILL 6284.

The following Senate amendments, to which the House conferees have agreed, are purely formal, consisting of changes in phraseology, correction of errors, and the like: Nos. 1, 2, 5, 12, 15, 18, 19, 26, 28, 36, 40, 41, 44, 47, 48, 72, 82, 83, 84, 85, 88, and 89.

The Senate recedes from its amendments, leaving the bill in those particulars as it left the House, as follows: Nos. 3, 4, 6, 7, 11, 21, 22, 29, 30, 34, 35, 46, 62, and 90.

The House recedes from amendments 8 and 9. These amendments relate to the pay of Indian inspectors. The House fixed the salaries at $3,000 each per annum. The Senate replaced them to the figures in the last bill, $2,500.

No. 10 limited the time within which inspectors remaining in Washington under orders from the Secretary of the Interior have their expenses paid to twenty days. There was no time limit as the bill passed the House.

No. 13 strikes out the appropriation for the second payment of the Cherokee Outlet, the Secretary of the Treasury having decided that he was authorized to make the payment with the appropriation and having already made said payment.

No. 14 reads as follows: "To enable the Secretary of the Interior to assist the Kickapoo Indians of Oklahoma Territory who have not accepted their allotments to make improvements upon said allotments as fast as accepted, and to purchase seed grain and subsistence for said Indians, $5,000, to be immediately available. The sum of money now in the Treasury of the United States belonging to said Indians shall be retained as a permanent fund, upon which the Treasurer shall pay to said Indians interest at the rate of 5 per cent per annum from July 1, 1895."

No. 16 provides "that all deeds and instruments of writing pertaining to real estate within the Quapaw Agency and the town of Miami, in the Indian Territory, shall be recorded at the said town of Miami by the clerk of the United States court in and for the northern district of the Indian Territory, or his duly appointed deputy, in a book or books kept for the purpose; and sections 669, 670, and 671 of chapter 27 of Mansfield's Digest of the Laws of Arkansas, covering deeds, mortgages, liens, and instruments of writing pertaining to real estate, are hereby extended over and put in force in said Quapaw Agency, Indian Territory.

No. 17 authorizes a transfer on the books of the Treasury of a part of the funds of the Sac and Fox tribes in Mississippi to the same tribe in Iowa.

No. 20 authorizes the Secretary of the Interior, in his discretion, to pay in money instead of kind to the Santee Sioux under treaty.

No. 23 extends to certain Indians not on allotments the same benefits under treaty as though they were.

No. 24 authorizes the Secretary of the Interior, in his discretion, to pay in money instead of kind to the Sioux and Poncas under treaty.

No. 25 gives the option to Lower Brule Indians to choose new allotments.

No. 27 carries out the provisions of the act of February, 1895, on the subject.

No. 31 provides for the distribution of the amount to the Poncas after paying employees authorized by law.

No. 32 adds the members of the said tribe in South Dakota.

No. 38 provides for setting up and operating machines already owned and on the ground.

No. 39 provides for surveying certain ceded lands in Idaho.

No. 42 provides "That the Secretary of the Interior is hereby authorized and directed to ascertain and determine the amounts due various merchants of Cloquet and Fond du Lac, Minn., from certain Fond du Lac Indians, not exceeding in the aggregate $6,600, for supplies furnished to said Indians, at the request of the Indian farmer, during the years 1888 and 1889, or upon orders approved by the Indian farmer drawn upon and accepted by certain contractors for the purchase of pine timber on lands allotted to or selected by said Indians or claimed by them, and to pay said merchants the amount found due them, or each of them, their proportion of said sum out of any money on hand paid the United States by said contractors, or any of them, in settlement or satisfaction for pine timber cut upon such lands."

No. 45 authorizes the temporary employment of persons of practical experience in irrigation work.

No. 50 provides "That the homestead settlers on all ceded Indian reservations be, and they are hereby, granted an extension of one year in which to make payments as now provided by law."

No. 51 is agreed to with an amendment which strikes out the appropriation and requires that the work be done by the Indian agents.

Nos. 53, 54, and 55 together increase the amount of the appropriation $16,000 and more specifically name the work to be done.

No. 57 provides for the continuance of the survey of the Indian Territory and provides penalties for interference with the work. It is agreed to ask that the appropriation be reduced from $300,000 to $200,000.

No. 58 reads as follows: "In payment, under direction of the Secretary of the Interior, to certain Chippewa Indian allottees of the Isabella Reservation in Michigan, as their interests may appear, being the sums recovered by the United States as judgments against certain parties for timber depredations committed within said reservation upon lands which have been allotted and patented to individual Indians, and covered into the Treasury of the United States, $1,121.62."

No. 59 provides: "That any adult Peoria or Ottawa Indian, an allottee under any act of Congress, may, with the approval of the Secretary of the Interior, sell and convey to the Miami Town Company, a company chartered under the laws of Kansas, 40 acres of ground near Miami, Ind. T., to be used exclusively for cemetery purposes and no other: *Provided*, That 40 acres shall not exceed half of his or her allotment.

No. 60 reads as follows: "To reimburse N. J. Cramer, of Yankton, S. Dak., amount paid by him to the United States as stumpage for 400 cords of wood furnished to the Government at Fort Bennett, S. Dak., in 1878, $800."

No. 61 reads as follows: "To pay Josephine Lofland, an Indian woman, formerly assistant matron at the Seneca, Shawnee, and Wyandotte school, her heirs and representatives, such sum as the Secretary of the Interior shall ascertain will compensate her for loss sustained by reason of the burning of the school building in which she was employed, not exceeding the sum of $200."

No. 63 provides: "That the Secretary of the Interior be, and he is hereby, authorized and directed to ascertain and pay to Louis Mazawakinyena, Louis De Coteau, and James W. Lynd, of South Dakota, such sum as he shall find justly due them for property lost and destroyed by the Sioux Indians on the Sioux Reservation during the outbreak in 1890. For the purpose of carrying out the provisions of this act there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, a sum of money sufficient to carry out the provisions of this act, not exceeding $550."

No. 65 provides for locating the absentee Wyandotte Indians in accordance with treaty.

No. 67 is agreed to with an amendment to prevent any further claim. A treaty seems to compel this payment.

No. 73 provides for the erection and completion of suitable buildings, including furniture of all kinds for the same, for an industrial boarding school at or near the reservation of the Sac and Fox Indians in Tama County, Iowa, and for the purchase of a suitable site for the same, $35,000.

No. 74 increases the appropriation for the Carlisle School, Carlisle, Pa.

Nos. 79, 80, and 81 increase the appropriation for the Genoa School.

Nos. 91, 92, and 93 are ratifications of treaties.

On amendments 33, 37, 39, 46, 49, 52, 56, 64, 66, 68, 69, 70, 71, 76, 77, 78, 86, 87, and 94 the conferees did not agree and the House conferees ask a further conference.

Mr. SHERMAN. Mr. Speaker, I move that the conference report be adopted, and that the conference be continued as to the amendments which have not been agreed upon.

Mr. GROSVENOR. Mr. Speaker, I wish the gentleman from New York [Mr. SHERMAN] would state briefly what matters are left unsettled, as well as the most important matters that are settled by this report. He can no doubt state them in much shorter time than would be required for members to ascertain by an examination of the report.

Mr. SHERMAN. As to the matters left unsettled, in the first place the question of sectarian schools is one, and the question of appropriations generally for Indian schools is another. The specific appropriations for particular schools, like that at Carlisle, for instance, have been acted upon, but the question of appropriations for schools generally is left for further conference. The question of the payment of the Cherokee Outlet money is left for further conference, as well as the Old Settlers attorneys' claims, the continuance of the Dawes Commission, and several other matters which are not of general interest. There are some cases where appropriations have been increased, for specific schools, for instance, or for other purposes, which are still left in conference, but I think the question of sectarian schools and the question of the old Cherokee claims and the other matters I have specified are the main matters of general interest that are left unsettled, and in regard to them we ask that the conference be continued.

Mr. DOOLITTLE. Mr. Speaker, I wish to move to amend so as to except from the motion of the gentleman from New York to concur the Senate amendments numbered 47 and 48, because I desire to bring the matters involved in those amendments again before the conferees. I do not believe the chairman of the committee will object.

Mr. FITZGERALD. What are those matters?

Mr. DOOLITTLE. The amendments are in relation to negotiations for the purchase of the lands of the Yakima Indians. One of the conferees assured me that the matter had been arranged to the satisfaction of the people interested in the subject.

Mr. DOCKERY. Of course the gentleman understands that a conference report can not be amended. The only thing to be done with such a report is to either approve it or reject it.

Mr. DOOLITTLE. The House can do it, I suppose, and I desire another opportunity to appear before the conferees in relation to this matter.

Mr. DOCKERY. There is only one way for the gentleman to attain his object, and that is to have the conference report rejected.

Mr. DOOLITTLE. I suppose the House has the power to reject some part of it.

Mr. DOCKERY. Mr. Speaker, as I understand the parliamentary status, a conference report must be accepted or rejected as a whole.

The SPEAKER pro tempore. The Chair understands that there has been an agreement in part as to certain amendments and a disagreement as to others.

Mr. SHERMAN. That is correct.

The SPEAKER pro tempore. If the conference report should be agreed to, all the amendments that have been agreed to in conference would, of course, be removed from further consideration, and so far as the conferees have agreed those amendments can not now be amended.

Mr. DOOLITTLE. Mr. Speaker, this places me in a very peculiar position and I feel there is some injustice in it, because one of the conferees informed me that the agreements were in accordance with the terms of the House bill; but now when the report comes in I find that such is not the case.

Mr. SHERMAN. It is the same except as to the appropriation, which is stricken out.

The SPEAKER pro tempore. The Chair thinks the only way in which amendments that have been agreed to in conference can be reached again is by a rejection of the conference report.

The question being taken, the conference report was adopted.

Mr. SHERMAN moved to reconsider the vote by which the conference report was adopted, and also moved to lay that motion on the table.

The latter motion was agreed to.

On motion of Mr. SHERMAN, a further conference was ordered.

MOTION TO RECONSIDER.

Mr. EVANS. Mr. Speaker, I desire to enter a motion to reconsider the vote whereby the House passed the bill H. R. 8495.

Mr. HILL. Was not a motion to reconsider made and laid on the table?

The SPEAKER pro tempore. A motion to reconsider has been entered by the gentleman from Kentucky. If the motion to reconsider was made and laid on the table after the passage of the bill, of course another motion to reconsider would not be in order. The Chair will have the Journal examined as to that.

ORDER OF BUSINESS.

Mr. BABCOCK. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering the bills H. R. 6713, H. R. 8010, and H. R. 4149.

The motion was agreed to. The House accordingly resolved itself into Committee of the Whole, Mr. PAYNE in the chair.

EXTENSION OF NORTH CAPITOL STREET, WASHINGTON.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering the bills indicated by the gentleman from Wisconsin. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 6713) to extend North Capitol street to the Soldiers' Home.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby directed to open and grade North Capitol street from T street to the Soldiers' Home, and are hereby authorized and directed to condemn, according to chapter 11 of the Revised Statutes of the United States relating to the District of Columbia for opening highways, such of the lands of the Prospect Hill Cemetery and of Annie E. Barbour as may be necessary for the extension of said street; and the amount of money necessary to pay the judgment of condemnation and the cost of grading is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act, but the cost of grading shall not exceed $10,000: *Provided*, That one-half of said sum shall be charged to the revenues of the District of Columbia: *And provided further*, That this appropriation shall be immediately available.

Mr. CURTIS of Iowa. I call for the reading of the report.

The report (by Mr. CURTIS of Iowa) was read, as follows:

The Committee on the District of Columbia have considered the bill (H. R. 6713) to extend North Capitol street to the Soldiers' Home, and report same with the recommendation that it do pass.

The Commissioners of the District have not favored the passage of this bill because, as they say, its passage may imperil the passage of a general highway act. They advanced this reason in the Fifty-third Congress, but the committees of the Senate and House did not agree with them, and recommended the passage of the measure, and Congress passed the bill. The committee are of opinion that the opening of this highway will be of great public benefit.

North Capitol is one of the main avenues of the city, leading directly north from the Capitol to the Soldiers' Home, a distance of about 3 miles, and width 130 feet. Beyond the city limits the land was donated in 1889 for a distance of nearly 2,000 feet, and from the Soldiers' Home southward for 2,200 feet, there remaining an intervening space of about 2,000 feet, occupied by the Prospect Hill Cemetery and the Barbour estate, the latter being in litigation; the land through these two properties it is impossible to obtain except by condemnation.

In December, 1893, Congress passed the act hereinbefore mentioned, appropriating the money for this purpose, to be condemned according to laws for highways prior to March 2, 1893 (the date of the general highway act), the intent being to condemn the land under chapter 11 of the United States Revised Statutes relating to the District of Columbia, but the proceedings were had under the Printing Office site law. The jury returned a verdict that was considered excessive by the Commissioners, and they secured legislation in the District of Columbia appropriation bill August 7, 1894, ordering the verdict set aside and new proceedings of condemnation under chapter 11, Revised Statutes. The owners took an appeal and the court of appeals enjoined the Commissioners from proceeding under chapter 11, and also refused a mandamus to compel the District to pay the award under the Printing Office site law; so by reason of the operations of the courts and the District Commissioners the law stands a dead letter to-day, and there is no way to open the street except under the operations of a new law.

The opening of this street will be followed by railroad facilities and result in the rapid improvement of this section, which is now blocked for want of street railroads and other facilities of growth, and will be of general public good. The certain opening of this street is hurtful to the interests of the cemetery, and condemnation proceedings should be no longer delayed; therefore your committee urge the prompt passage of the bill.

Mr. CURTIS of Iowa. Since this report was submitted the committee have agreed upon two amendments, which I will read for information and then send to the Clerk's desk. The first amendment is as follows:

Strike out in lines 6, 7, and 8 the words "Chapter 11 of the Revised Statutes of the United States relating to the District of Columbia for opening highways" and insert "the act approved March 2, 1893, entitled 'An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities.'"

The second amendment is to add, at the end of the first section, the following:

Provided further, That in lieu of condemnation proceedings the Commissioners of the District of Columbia are authorized to acquire by purchase the lands of said cemetery and Annie E. Barbour, or either of them, paying therefor out of the appropriation herein authorized the sum of $25,000 to the said cemetery and the sum of $20,000 to Annie E. Barbour.

Mr. DOCKERY. I wish to call the attention of the gentleman in charge of this measure to the fact that it is proposed by this special bill to bring North Capitol street within the provisions of the act of March 2, 1893, known as the highway-extension act; and it is also proposed that the cost of condemnation and grading shall be paid one-half out of the District revenues and one-half out of the Treasury of the United States. All the appropriations heretofore made by Congress under the highway act have been made, so far as I remember, entirely from the revenues of the District. Now, then, without regard to the question of the propriety of extending this street, a matter upon which I defer to the superior judgment of the Committee on the District of Columbia, I submit that the amount necessary to meet the cost of the condemnation proceedings and the cost of grading (whether it shall finally come out of the joint revenues or out of the revenues of the District) should be appropriated in the future, as has been the custom in the past, in the regular bill making appropriations for the District of Columbia.

Mr. HENDERSON. Does this bill provide for an appropriation?

Mr. DOCKERY. Yes, sir; an indefinite appropriation at that, except that the maximum for grading is fixed at $10,000.

Mr. BAKER of New Hampshire. Has there not been inserted either in the House or the Senate an item to pay these parties—Mrs. Barbour and others—for their land beyond the point where it was donated?

Mr. DOCKERY. I have not examined the amendments made by the Senate. But I will say that if the suggestion I have submitted be agreeable to the committee I will not further antagonize the bill. My proposition is that the bill be so amended as to provide that this expense shall hereafter be met in such manner as Congress may prescribe. Thus the amount to be paid will be left open for the consideration of Congress at its next session; and the question whether or not this expenditure should be paid out of the joint revenues or solely out of the District revenues will also be left open.

A MEMBER. What is your amendment?

Mr. DOCKERY. The substance of the amendment is that the liability incurred by the passage of this bill shall be met by appropriations which Congress in its judgment may make from time to time.

Mr. HULICK. Would not that really annul the provisions of this bill?

Mr. RICHARDSON. Certainly.

Mr. DOCKERY. Why?

Mr. HULICK. The bill in the last clause of the first section has this proviso:

Provided further, That this appropriation shall be immediately available.

Now, if the appropriation which is to meet this expenditure be deferred for future action of Congress it seems to me it will virtually destroy the effect of this bill.

Mr. DOCKERY. But the condemnation proceedings must proceed——

Mr. HULICK. I beg the gentleman's pardon. Not necessarily under the amendment which has been proposed.

Mr. DOCKERY. There is an appropriation carried in the District of Columbia appropriation bill—$2,000 was the amount as I remember when it left the House—to provide the necessary court expenses in condemnation proceedings.

Mr. HULICK. But the gentleman will observe that the amendment now proposed goes further, and provides that if the Commissioners can make a contract with the cemetery trustees and with Mrs. Barbour they are authorized to pay to the cemetery $25,000 and to Mrs. Barbour $20,000.

Mr. DOCKERY. I do not see any such provision.

Mr. HULICK. That is an amendment just offered by the gentleman from Iowa [Mr. CURTIS]. I suggest that if this amendment is to be adopted the suggestion made by the gentleman from Missouri will not avail. As will be remembered, there were condemnation proceedings had in regard to this very property about a year ago, and the damages were assessed at over $51,000 in favor of the trustees of the cemetery and quite a large sum in favor of Mrs. Barbour. These proceedings were taken into the court, and it was considered by the Commissioners that the awards or assessments were exorbitant. These parties are now in court, I understand, trying to enforce the collection of the assessment.

Now, the object of this amendment is to settle this matter. It is a good amendment and ought to be carried out. If the Commissioners can effect a compromise with Mrs. Barbour and the trustees of the cemetery, then the whole matter will be closed up, and the suggestion made would avail nothing, because money would have to be appropriated by virtue of the bill to carry out the arrangement that is in contemplation as suggested in the proposition of the gentleman from Iowa.

Mr. CURTIS of Iowa. Mr. Chairman, I desire to say a word in further explanation of the amendment and what I propose to accomplish by its operation.

This is not new legislation. I call the attention of gentlemen on the floor to the fact, as shown in the report of the committee, that it is expressly stated that—

In December, 1893, Congress passed the act hereinbefore mentioned, appropriating the money for this purpose, to be condemned according to laws for highways prior to March 2, 1893 (the date of the general highway act), the intent being to condemn the land under chapter 11 of the United States Revised Statutes relating to the District of Columbia, but the proceedings were had under the Printing Office site law. The jury returned a verdict that was considered excessive by the Commissioners, and they secured legislation in the District of Columbia appropriation bill, August 7, 1894, ordering the verdict set aside and new proceedings of condemnation under chapter 11, Revised Statutes. The owners took an appeal and the court of appeals enjoined the Commissioners from proceeding under chapter 11, and also refused a mandamus to compel the District to pay the award under the Printing Office site law; so by reason of the operations of the court and the District Commissioners the law stands a dead letter to-day, and there is no way to open the street except under the operations of a new law.

The Commissioners at that time proposed to the cemetery association and to the estate of Annie E. Barbour that there should be paid to the cemetery association and to the estate of Annie E. Barbour the amount of money specified in the amendment now proposed, which the parties declined to accept. Therefore, at the suggestion of the parties in interest, it was thought advisable to add the proviso giving the parties the liberty to accept the amount then offered, or to accept the consequences of condemnation

proceedings. In the opinion of the committee the amendment adds considerable strength to the bill. At least it removes some of the objections.

Mr. RICHARDSON. And provides a limitation.

Mr. CURTIS of Iowa. This bill, I might say, was reported to the House in a former Congress by my colleague on the District Committee from Tennessee [Mr. RICHARDSON], who is much more familiar with its provisions than I am.

Mr. DOCKERY. Mr. Chairman, I thought my recollection was accurate with reference to this question; and I appeal now to the gentleman from Tennessee to substantiate it. I have not before me the act of March 2, 1893, known as the highways act, although I have sent for it, but it seems impossible to get a copy. It provides, however, that all of the expenses incurred in carrying out the provisions of the highway act are to be paid solely from the revenues of the District of Columbia; and I appeal to the gentleman from Tennessee to say if that is not correct.

Mr. RICHARDSON. Outside of the city.

Mr. HULICK. That is the language of the general highway act.

Mr. DOCKERY. This is a special bill to extend the provisions of the highway act, and proposes that one-half of the expenses of the extension shall be paid from the revenues of the District of Columbia and one-half by the people of the United States.

I do not propose to enter into the general question as to the propriety of the original act. That act provided, however, that the expenditures should be paid from the revenues of the District entirely. That question, therefore, is settled by the enactment of a law of Congress. Now, then, this bill is in the nature of special legislation, to extend the provisions of the highway act, pending, perhaps, the amendment of the general act, and if passed at all, then the entire expenditure should be made as provided in the original act.

Mr. HULICK. Does the gentleman desire to include not only damages awarded to the owners of property, but the cost of the property itself?

Mr. DOCKERY. I propose to include every cent of liability incurred under the operations of this bill. I contend that it should be paid in harmony with the provisions of the act of March 2, 1893, which required these expenditures to be paid solely from the District revenues.

Mr. HULICK. Do I understand the gentleman to offer an amendment to that effect?

Mr. DOCKERY. I do.

Mr. HULICK. I think it is right, and I shall vote with him on that proposition.

Mr. DOCKERY. I want to be understood, however, about this matter. The question as to the propriety of imposing all of the expense on the District has been settled. Congress enacted the law of March 2, 1893. I understand, however, that there has been some decision of the supreme court of the District which for a time has hampered and delayed the execution of that general statute. This is a special permit or grant of authority to extend this particular street. Mr. Chairman, if Congress is going to pass this bill, an amendment should be agreed to bringing the extension within the provisions of the act of March 2, 1893.

Mr. HULICK. I think the gentleman is right.

Mr. DINGLEY. Do I understand the gentleman from Missouri to say that the terms of this law providing for the opening of this street are different from the conditions provided in the general law for opening streets?

Mr. DOCKERY. Certainly.

Mr. DINGLEY. Why is not that street to be opened under the general law, as all streets have been previously opened?

Mr. RICHARDSON. Because this law has been hung up in the courts.

Mr. DOCKERY. Some of the provisions of the act of March 2, 1893, are awaiting the construction of the courts.

Mr. RICHARDSON. And pending that, this bill has been introduced.

Mr. DOCKERY. It seems that the committee in their wisdom—and I am not criticising the action of the committee—thought it was not wise to await the action of the court, and so they propose this special bill extending North Capitol street, but provide that the expenditure shall be paid jointly out of the revenues of the people of the United States and the revenues of the District of Columbia.

Mr. DINGLEY. Does that change the statute?

Mr. DOCKERY. That changes the statute.

Mr. RICHARDSON. That has always been the law until this act of March 3, 1893, was passed, and there has been no opening under that act as I understand it. This bill proposes——

Mr. DINGLEY. Do you propose by a special act to override the statute of 1893?

Mr. RICHARDSON. This would be a law just as much as that law.

Mr. DINGLEY. Ought not this to be done under a general law?

Mr. RICHARDSON. The integrity of that law was attacked, and the lower court decided that it was unconstitutional, but it was appealed to the supreme court of the District of Columbia, and that court, in a recent decision, has sustained the act in part. This bill was introduced early in the session, and it provides that the expense shall be divided equally between the revenues of the United States and the revenues of the District of Columbia. The District Committee thought that was right and proper, pending the decision of the court upon the general law.

Mr. DINGLEY. Would it not be better to assume that the general law is constitutional and proper until it is overthrown?

Mr. RICHARDSON. The gentleman will understand that the particular point to which this amendment goes is not pending; that is, so much as divides the expense between the revenues of the United States and the revenues of the District of Columbia is not, as I understand it, questioned. The question of constitutionality relates wholly to matters other than that provision, such as the assessment against citizens for benefits to adjacent property where streets are opened, making adjacent property owners contribute something. So that the issue referred to by the gentleman is not involved in this particular amendment. Now, if the gentleman from Missouri [Mr. DOCKERY] and the committee are of the opinion that the District revenues ought to contribute the whole amount, why, then, it would be very easy to strike out the words "one-half of," and let it all be chargeable against the revenues of the District. For one I do not think that is right. While this extension is technically outside of the city of Washington, it is just beyond the boundary, and on one of the main streets of the city, leading to the Soldiers' Home. I do not see and never have seen any reason or any equity in the original provision in the act of March 3, 1893, which taxes the entire expense upon the revenues of the District of Columbia exclusively.

The gentleman from Maine [Mr. DINGLEY] will probably remember that that bill passed on the last day of the session, and was a compromise. The gentleman from South Carolina, Mr. Hemphill, who was then chairman of the committee, accepted that, and recommended that the House agree to the conference report which had been pending for some time, hung up upon that very question. The House finally yielded and did agree that all the expense of opening highways should be taxed exclusively against the revenues of the District. I voted against it; I am against it now; but then, if the House sees fit to put it all upon the District revenues, it can be done by amendment.

Mr. DINGLEY. What occurs to me is that, if there is a general law on this subject which provides a certain method for the opening of these streets, that law should be followed as long as it is upon the statute books. If the law is wrong, it should be repealed.

Mr. RICHARDSON. When this bill was introduced and the report made, my impression is that the decision of the supreme court of the District, reversing the decision of the lower court in respect to the constitutionality of this act, had not been rendered, and therefore it was supposed that possibly the entire highway act of March 3, 1893, would be set aside and declared void. Since then, however, it has been held to be constitutional in many respects, and unconstitutional—in so far as I understand the decision, I do not pretend to quote it accurately, for I have not read it carefully—only in so far as it taxes benefits to adjacent property for the opening of these highways.

Mr. HULICK. I think there is an improper impression in regard to the law under which this former condemnation was had. I do not understand that that was had under the general highway act of 1893.

Mr. RICHARDSON. I believe the gentleman is correct.

Mr. HULICK. I think the impression has been created here that this condemnation was made under the general highway act which is now in controversy in the court and attacked by various parties as being unconstitutional. There was no question as to the regularity of the proceedings whereby this property was condemned heretofore, being under chapter 11, Revised Statutes, relating to the District of Columbia. The only exception was that the amount of damages awarded was too high. Over $51,800 was returned for the property of the cemetery alone and over $20,000 for Mrs. Barbour. The Commissioners objected to the payment of the award because it was too high, and possibly they had some other reasons for avoiding the payment. Proceedings are now being had by the attorneys of those parties, seeking to enforce the payment of the money under those condemnation proceedings.

Mr. KIEFER. And the court of appeals of this District sustained the claim of the property owners.

Mr. HULICK. Yes; but the Commissioners objected to the amount of the award. Now, the object of this bill is to authorize another condemnation of this property, with the view of having it condemned and damages assessed which, according to the judgment of the Commissioners, will be reasonable and within bounds of reason, and the amendment offered by the committee is not only to authorize proceedings of condemnation, but to authorize the Commissioners of the District to compromise, or to

buy this property at private sale from the cemetery trustees and from Mrs. Barbour, the first at $25,000 and the second at $20,000.

Mr. BLUE. Is it a fact that this bill is special in its nature and applies only to this property?

Mr. HULICK. That is correct. This bill is intended to carry out and enforce what has been considered to be a public benefit; in fact, a public necessity.

Mr. BLUE. Another question. This bill is, in its nature, an amendment to the general law for street extensions?

Mr. HULICK. Not at all.

Mr. BLUE. But if that general law applies to all parts of the city, while this bill is special and local in its application, then it must affect the general law to the extent of either repealing it or sustaining it.

Mr. HULICK. If that general law were to be held constitutional and were to be enforced by the courts, of course this act would affect it to the extent specified in the bill, but it would not affect any of the general provisions of the law; it would not affect the general law at all except as to its application to the extension of this street through the property of this cemetery and of Mrs. Barbour.

Mr. BLUE. Then why are you anxious to pass this bill and make it applicable to that particular locality at this time?

Mr. HULICK. The gentleman has propounded a question which brings up a point which this House should consider, namely, that this bill is in the public interest and for the public benefit.

This cemetery property stands right in the way of the extension of this street—an extension which must be made at some time, and the sooner the better, and therefore I say this bill is in the public interest. There is no protest against the opening up of this street. No one objects to it; no one doubts that the street ought to be opened. All the citizens in that locality favor it. There has been no protest by anybody against it, and in order to have the interest of the public conserved this bill has been introduced so that the enterprise may not have to be postponed for the final decision of the court upon the general highway act.

Mr. BLUE. In that connection I wish to ask the gentleman another question. Will there be any great loss or injury to anyone if this street extension shall be deferred until the next session of Congress, giving us an opportunity in the meantime to hear from the courts?

Mr. HULICK. This bill is intended to meet a public necessity and a demand on the part of the good people in that locality for the improvement.

Mr. BLUE. That might be said of any other locality for which a special bill might be introduced as well as for this.

Mr. HULICK. Well, this is urgent, and the only reason the street was not opened before was because of the exhorbitant amount of the damages assessed.

Mr. MILNES. Have not the courts decided that the general law is constitutional?

Mr. HULICK. That question has not been fully determined, as I understand, by the court.

Mr. MILNES. I understand that there is no suit pending. The case went to the court of appeals and the court has decided that the law is constitutional, with the one exception that benefits can not be assessed upon the adjacent property.

Mr. HULICK. That doubtless is correct.

Mr. MILNES. That is the only thing in the law that has been knocked out by the court. Now, here is the law of 1893, which is in force, and which provides that when streets are extended the money to pay the expense shall be taken altogether from the treasury of the District of Columbia, and not at all from the Treasury of the United States, whereas this bill provides that half the cost of this extension shall come from the Treasury of the United States. Therefore this bill is a repeal of the law of 1893 so far as it applies to this particular part of the general street extension. Now, the only thing in controversy here is whether the United States shall pay half the expense of this street opening, or whether the District of Columbia shall, as the law of 1893 provides, pay the whole of that expense.

Mr. HULICK. All I have to say is that I think that amendment would be quite a proper one if the gentleman should offer it. But the main reason that should be impressed upon the House for the passage of this bill is that the public interest demands that condemnation proceedings shall be had under this bill, so that results can be obtained as they were sought to be obtained under the previous condemnation proceedings.

Mr. DOCKERY. Mr. Chairman, I desire to occupy the attention of the committee for two or three minutes. The act of March 2, 1893, known as the highway act, provided for the extension of the streets of Washington, and provided further that—

> No expense for the improvement of any street, circle, reservation, or avenue, laid out under the provisions of this act outside the cities of Washington and Georgetown, shall be chargeable to the Treasury of the United States, but such expense shall be paid solely out of the revenues of the District of Columbia.

That was the act authorizing the general extension of the streets of this beautiful city.

Now, then, pursuant to that act, Congress has from year to year appropriated a certain amount of money to prepare the plans for the extension of streets into the outlying districts. We have been so particular in respect to these extensions—so desirous of having symmetrical and harmonious plans—that Congress has authorized the District Commissioners to employ a famous landscape engineer, Mr. Olmsted, of Massachusetts, and he is now in the employ of the District preparing the plans for the extension of streets pursuant to the act of March 2, 1893. There is a provision in the District of Columbia bill for continuing the work of preparing plans for this extension of streets. The idea, as I have said, was to extend these streets out into the District in a symmetrical, harmonious manner, so that the streets in the outlying districts may present as beautiful and attractive an appearance as those within the city. This is what has heretofore been done under the act to which reference has been made.

Now, then, comes the Committee on the District of Columbia and proposes to except North Capitol street from the provisions of this general extension because in their judgment there is an exigent necessity for the immediate extension of this street. I do not believe such a measure ought to be adopted. I know that this proposition "bobbed up" in former Congresses. I know that it was pressed with just as much vigor upon the attention of Congress four years ago as it is pressed to day. I do not assail the judgment of the committee and insist that the extension is not necessary. I think it very likely that it is; but I suggest to the honorable gentlemen comprising this committee whether this extension ought not to wait the operations of the general plan.

If, however, you are going to extend these streets; if there is such pressure for this particular extension as there was three or four years ago—and I think the pressure has been continuous from that day until this—let us not override the provisions of the act of March 2, 1893, which in exact terms, after exhaustive and elaborate discussion, imposed this cost on the revenues of the District of Columbia. I do not believe the extension ought to be made now, because it may operate to mar that beautiful plan which is now being prepared under the direction of Mr. Olmsted. But if the House intends to authorize the extension and incur the danger to which I have adverted, let it be made under the provisions of the general law and impose all the cost upon the treasury of the District.

Mr. BLUE. Mr. Chairman, in addition to what the gentleman from Missouri [Mr. DOCKERY] has said in regard to this bill, I wish to call the attention of the House to the fact that this is not simply a separate and special effort for the opening and grading of a particular street, but this is an appropriation bill. It is not only an appropriation bill, which should properly go to the Appropriations Committee for consideration, but it provides that the appropriation shall be immediately available. This business is somewhat new to me; but it does seem to me that along the line of what is good business for this House, it is necessary that an appropriation of this kind should go where it properly belongs and where it may receive the consideration which it deserves—where it may form a part of the general plan of appropriations which are made for the country.

If this measure is to succeed, others of a similar character and under similar pressure may follow, and in this way street after street may be opened as a separate entity without referring the appropriations to that committee whose business it is to consider such matters, permitting the District Committee to arrogate to itself not only the right to provide for establishing and opening these highways, but to proceed to occupy territory that does not rightfully belong to it, and to appropriate the necessary money and to direct that it be made immediately available. It seems to me that this is exceedingly bad business and that this bill ought to be defeated. There is not, so far as I have been able to gather, any pressing necessity for this measure. It is put forward now for no good reason which I can see, and is to be made an exception, and this committee, outside of the rule, is to arrogate to itself the right to appropriate money for carrying out the provisions of the bill. The measure ought to be defeated.

Mr. BAKER of New Hampshire. Mr. Chairman, in addition to what has been said in connection with this bill, I find that in itself it does not provide for any assessment of the damages of this condemnation upon the property abutting the street and benefited by it. In this way it is essentially different and distinct from the act providing general highways for the District of Columbia. If this bill should pass in its present form, whether the whole or one-half of the expenditure be made payable out of the District of Columbia revenues, the property owners themselves will go absolutely free in connection with the cost of extending this particular street. Before I can vote for such a bill I should like to have some explanation as to why this street is to be exempted from the requirements of the statute which is applied to all other streets.

Mr. CURTIS of Iowa. I desire to say a few words only upon the bill, and then yield to my colleague on the committee, the gentleman from Tennessee [Mr. RICHARDSON].

Mr. BAKER of New Hampshire. I still hold the floor, and have only yielded to the gentleman for an explanation.

Mr. CURTIS of Iowa. Very well; I call the gentleman's attention to the report of the committee. The street referred to was by special act of Congress opened in 1893. There was donated for the purpose of the street extension nearly all of the ground north of the tract now proposed to be condemned, 4,200 feet. Property has been bought and sold on this proposed street extension, with the distinct understanding that the street would be opened, and the proposed legislation now before us is only the reenactment of law.

Now, if this class of legislation can not properly come before the Committee on the District of Columbia I fail to realize where it can go, as I believe that the District Committee has heretofore had jurisdiction over this class of bills. This bill was reported from that committee in a former Congress and enacted into a law—or a bill practically the same as this—and no question as to the jurisdiction of the committee was raised. With respect to the amendment proposed by the gentleman from Missouri, and to which he confined his remarks, as I understand it, I am not prepared to say whether he is right or wrong. If he believes that the amendment should prevail let him offer it and let us have a vote upon it.

Mr. BAKER of New Hampshire. Mr. Chairman, I do not find that the explanation of the gentleman from Iowa explains. The most that can be said or the most that can be claimed for what he said is that certain parties had donated sufficient land for the extension of this street along their respective ownerships, and that when it reached to the point where land was not donated there was no further extension; and this bill provides for the extension.

Now, the two principal points of objection raised against the bill are not concerning the jurisdiction of the Committee on the District of Columbia or the Committee on Appropriations or any other committee, but the objection, the main objection, is confined to two questions—one whether the entire expenditure shall be paid from the revenues of the District of Columbia or one-half of it from the general revenues of the Government, and the other is whether there shall be any assessment upon the adjoining property owners according to the terms of the act of March 2, 1893; and upon that point was where I had yielded to the gentleman for an explanation or for information in regard to the property and got none.

Now, if any member of the committee or any member of this general committee can explain why this property should be exempt when all other property outlying the boundaries of the city shall be taxed, I will yield for that information.

Mr. RICHARDSON. Mr. Chairman, in response to the gentleman from New Hampshire I have but a word or two to say. I will take the objections in their order, commencing with the last one first, that made by the gentleman from New Hampshire. He objects because there is no assessment, as he says, of any amount against the adjacent property holders for improvement in the value of their property caused by the extension of this street. Now, the gentleman is altogether mistaken in that.

This section of this bill provides:

> The Commissioners of the District of Columbia are directed to open and grade North Capitol street to the Soldiers' Home, and are hereby authorized and directed to condemn, according to the provisions of the act approved March 2, 1893, entitled "An act providing for a permanent system of highways in that part of the District of Columbia lying outside of the city," etc.

Now, that act expressly provides that there shall be assessments made against the owners of adjacent property for benefits accruing to them by reason of the opening of streets. That, therefore, answers the gentleman's objection so far as that point goes.

Mr. BAKER of New Hampshire. I see nothing about such condemnation proceedings in the bill before me.

Mr. RICHARDSON. The gentleman has not a copy of the bill that was sent up. The bill as reported from the committee differs from that which the gentleman holds in his hand. I am not surprised the gentleman did not know of the existence of this provision, for it is not in the bill as originally printed; but the words to which I have referred are made a part of the bill as reported by the committee at this time. The condemnation is to be under the provisions of the act of 1893, the act of March 2, and that provides for proper assessment of the benefits, if any accrue, upon the adjacent property.

Mr. HULICK. If the gentleman will allow me in that connection to emphasize that point and answer the criticism of the gentleman from New Hampshire at the same time, I will state that this property was condemned under this same provision of law before.

Mr. RICHARDSON. Yes.

Mr. HULICK. And the only objection that existed was as to the amount of the condemnation awards.

Mr. RICHARDSON. That is correct.

Mr. HULICK. Now, this proposes to review those condemnation proceedings, and directs the Commissioners to commence anew proceedings to condemn the property; in other words, to have a repetition of the same proceedings that we have had heretofore.

Mr. HOPKINS. If the gentleman from Tennessee will permit me, he read from the bill that these condemnation proceedings should be in accordance with the provisions of the previous act. What is that act? And how are the assessments made under it?

Mr. RICHARDSON. The assessment is by a jury appointed by the court. They go out on the ground, and on the sworn testimony as to the improvements make the report to the court, and the assessment is made by the court.

Mr. HOPKINS. Can the assessment spread out beyond the abutting property?

Mr. RICHARDSON. I so understand it. But, as a matter of fact, proceedings have been pending before the supreme court of the District upon that point and other questions involved in this controversy, and there may be some change. There may be some limits, in other words, upon the question as to the extent to which these assessments may go beyond property abutting immediately on the street.

Mr. SHAFROTH. What per cent is prescribed by the law as to the benefits that can be assessed on abutting property? Is there a percentage fixed, or is it in the discretion of the Commissioners?

Mr. RICHARDSON. It is in the discretion of the jury appointed by the court; and they, under oath, make this assessment.

Mr. SHAFROTH. Could they make an assessment of all of the cost of the highway against the abutting property?

Mr. RICHARDSON. The courts of the District have decided that they can only assess a proportion, as I understand.

Mr. SHAFROTH. And that proportion is one-half?

Mr. RICHARDSON. That is what it was intended to be under this act of 1893.

Mr. McMILLIN. Will the gentleman allow me to ask him a question?

Mr. RICHARDSON. Yes.

Mr. McMILLIN. Is it not a fact that the District Commissioners antagonize this proposition and refuse to give their assent to it?

Mr. RICHARDSON. Undoubtedly. The report states that. They objected to it in the beginning, when they submitted their report on the bill, some time in January, because they wanted it opened under some new highway act which they were recommending to Congress.

Now, that act has been delayed, or hung up in the supreme court, and the necessity for the opening of this street being immediate and urgent, as the committee believe, they decided that it was not proper to wait one, two, three, or four years until that litigation shall be ended. Now, the District Commissioners have a very proper idea about the general question of opening streets. They are opposed to any opening in detail, because they want the streets extended under some general highway act, carrying them out into the country and into the outlying portions of the District.

Mr. McMILLIN. Does my colleague not think it would be well to take their view of it and delay this until there can be a general scheme?

Mr. RICHARDSON. I think it is right to take their view of it as to the general system of opening streets, but they can not offer any objection to the opening of this street or make any suggestion that will improve it.

Right here I will answer the second objection, the one made by my friend from Missouri [Mr. DOCKERY]. Mr. Chairman, it is so apparent that that objection amounts to nothing, that I think everyone will agree with me, upon the mere statement of the case, that it ought not to be urged.

What is it? He says you may interfere with the harmony of the beautiful plan that the Commissioners, under their landscape gardener, may propose for the extension of these streets. I agree with my colleague as to the general extension, and I agree with the gentleman from Missouri that as to the general extension it ought to be done in a harmonious way. But, Mr. Chairman, the simple opening of North Capitol street need not be delayed, need not wait for any report from the landscape gardener or from the Commissioners of the District of Columbia. Why? It is only 6,000 feet from the boundary, the outside line of the city of Washington, at T street, where North Capitol street crosses the boundary—it is only 6,000 feet from that point to the Soldiers' Home. North Capitol street extended runs right up to the Soldiers' Home. It can not go any farther because of the Soldiers' Home property. Now, it must be straight. It is one of the streets of the city. It is concreted, I believe, to Florida avenue, or to the boundary at T street. It is graded for 2,000 feet beyond the boundary. It is 6,000 feet from the boundary to the Soldiers' Home.

For 2,000 feet it is already opened and graded, but it runs up against an immense embankment, 15 or 20 feet high, and there North Capitol street stops.

Now, Mr. Chairman, for the next 2,000 feet, going north toward the Soldiers' Home, you go through the property of Mrs. Barbour and this little cemetery, Prospect Hill, if I recollect the name correctly. It is 2,000 feet through those two pieces of property. Then you are within 2,000 or 2,200 feet of the Soldiers' Home. That farther part is all graded for 2,200 feet, the street opened in perfect alignment with the street from the Capitol here to the point I have already described, the beginning of Mrs. Barbour's property. It is an air line.

Now, 2,000 feet will take it through Mrs. Barbour's property and through the little Prospect Hill Cemetery. At the other side you again begin on a straight line, and the property holders at the other end have dedicated and donated the property necessary, and have graded the street down to its proper grade. That runs all the way for the next 2,200 feet to the Soldiers' Home. There North Capitol street must stop. Now, this bill simply provides for the opening of the middle space of 2,000 feet, through Mrs. Barbour's property and through Prospect Hill Cemetery.

Mr. McMILLIN. I will ask my friend right there whether persons interested in that German cemetery have not resisted the opening of this road because it would require the taking up of the bones of their dead?

Mr. RICHARDSON. Not at all.

Mr. KIEFER. Have they acquiesced in that amendment?

Mr. RICHARDSON. That is as I have understood it. They have agreed to it, and are perfectly satisfied to have it. They did object to it in a former Congress, but that objection is withdrawn; and then as to that bill, Mr. Chairman, instead of it being vigorously fought in the last Congress, as the gentleman from Missouri stated, as I recollect it the bill passed almost unanimously. The only objection that has arisen has been the effort to get the condemnation proceedings through court. The jury placed the condemnation and valuation too high, the Commissioners objected, and it was set aside. The time has expired, and now they come back with a proposition to open it through the same property, and a limit is put upon it. Mrs. Barbour is to receive $20,000, and Prospect Hill Cemetery, I do not remember the amount, but I think $25,000. There is an urgent demand for the opening of the street there, and it has been pressed upon the committee ever since I have been a member, for four or five years.

Mr. CANNON. I desire to ask the gentleman a question for information. I know something of the character of this proposition, and I think it is a work very proper to be done. As I understand it, under the direction of Congress there is a landscape architect who is engaged in making a general plan touching the improvements of the District, and has not yet completed his report. Am I correct?

Mr. RICHARDSON. I do not know.

Mr. DOCKERY. That is correct.

Mr. CANNON. That relates to the grounds and with respect to certain streets.

Mr. RICHARDSON. That did not relate to a street like this. This is simply the extension of a street in its middle part. It is already extended beyond the property proposed to be opened now, and also on this side.

Mr. CANNON. What I want to say is, I will vote—of course, at the expense of the District—for the opening of this street. I believe it ought to be done, but——

Mr. BABCOCK. That is right.

Mr. CANNON. I want to say that it is alleged that there is a plan now in process of preparation by Mr. Olmstead, under law, that covers this and other improvements. Now, what I want to understand is this: Is that so?

Mr. RICHARDSON. It does not touch this street. This is a perfectly straight street. It would be just the same as if you take the case of Pennsylvania avenue and deflect it in its middle course. The other end is open, and this end is open. You can not change it through the middle. It must run in a straight line, and therefore no landscape architect would undertake to change the line running through this cemetery or through this Barbour property. It must be a perfectly straight line.

Mr. CANNON. If the gentleman is correct in that information, then I have no objection to this bill, provided it is amended in conformity to the highway act as to the payment for these improvements.

Mr. RICHARDSON. I believe there is no objection to that.

Mr. CANNON. But if there is any reasonable doubt as to whether when that is ordered and the work is done it will conflict with the general plan in preparation, I think we ought to wait.

Mr. RICHARDSON. This deals with matters within the city, and does not conflict. I can assure the gentleman, with that plan.

Mr. BABCOCK. I wish to say to the gentleman from Illinois that the Commissioners have assumed the position here during the past year that they would not recommend the opening of any street or any parts of a street unless it be done under the general highway act, taking in a whole subdivision; that they have opposed everything in the shape of improvements. Now, this is almost inside. It is within part of the highway plan, as the gentleman from Tennessee [Mr. RICHARDSON] states it. This is simply 2,000 feet right in North Capitol street, between the Capitol and Soldiers' Home.

Mr. CANNON. I know where it is.

Mr. BABCOCK. And in the new plan for the improvements here the Baltimore and Ohio, in North Capitol street, will be required to tunnel through. One of the street-car roads, which has a charter, has been stopped going into this street on account of being unable to go through this German cemetery.

Mr. CANNON. It would not interfere with the plan under the law?

Mr. BABCOCK. No; it would not.

Mr. DINGLEY. I would like to ask the gentleman from Tennessee, who seems to be familiar with this matter, a question, to see if I understand the situation. By the highway act of 1893, as I understand it, as to all new streets outside of the city limits, to which that refers of course, the expense of opening them—the condemnation and grading—is borne one-half by the abutters and one-half by the District. Am I right in that?

Mr. RICHARDSON. That is correct.

Mr. DINGLEY. What I desire to know is why there is an appropriation made in this bill from the Treasury. Is it designed to be simply an appropriation of District revenues and nothing more?

Mr. RICHARDSON. It could not be anything else, as I understand it.

Mr. DINGLEY. But is your bill distinct enough on that point?

Mr. RICHARDSON. It would be with the amendment proposed by the gentleman from Missouri [Mr. DOCKERY].

Mr. DINGLEY. It seems to me that if this bill is to pass it should be distinctly stated in it that one-half the expense growing out of these condemnation proceedings should be paid under the act of 1893, by the abutters, and the other half from the revenues of the District.

Mr. RICHARDSON. I would not object to that. I think it already means that, because it says this shall be done under the act of 1893. Certainly the amendment of the gentleman from Missouri would cover that point.

Mr. McMILLIN. But the amendment has not been adopted, and I will say to my friend from Maine that he is eminently correct in his suggestion. As this bill is drawn and presented to the House it will charge the Government of the United States with one-half of this expense, and to that extent it will break down the law of 1893, which proposes to put upon the District of Columbia and the adjacent property owners the entire expense of the extension of these streets. The gentleman from Maine is clearly right, because this bill as reported by the committee breaks down the law of 1893. This bill provides that one-half of the expense shall be paid by the District and one-half by the Government of the United States. Hence, those who vote for this measure ought to understand that if the amendment of the gentleman from Missouri [Mr. DOCKERY] is not adopted the Government will assume that which it expressly declined to assume under the law of 1893.

Mr. RICHARDSON. I believe there is no objection to the amendment proposed by the gentleman from Missouri.

Mr. DINGLEY. I understand that the Commissioners object to the passage of this bill.

Mr. RICHARDSON. They did object on the general idea that this work should await the general plan, the execution of which may be one, two, three, four, or five years—nobody knows how long.

Mr. DINGLEY. That objection would have a good foundation if this is a part of a general plan, but if it is entirely distinct from the general plan and if this street must be constructed as proposed in this bill whatever may be the general plan, that makes a difference.

Mr. RICHARDSON. The gentleman will understand that for 2,000 feet from the city limits this street is now graded by the Commissioners. For 2,200 feet beyond that point it is already graded under the direction of the Commissioners. The property holders contributed to meet the expense, but, as I understand, the money was expended under the direction of the Commissioners. Therefore both ends of the street are opened and there is only a little space of 2,000 feet between the two that is to be opened under this bill. The Commissioners have approved the street, as I understand, beyond this point, and in opening this part of it it would be impossible to get out of the straight line.

Mr. DINGLEY. I have simply to say that if this bill is amended so as to make it perfectly clear that one-half of the whole cost, including the condemnation and grading, is to be borne by the abutters, and that the other half is to be paid from the revenues of the District of Columbia, I have no objection to the bill, unless it interferes with a plan which ought to be one symmetrical whole.

Mr. BABCOCK. It does not.

Mr. RICHARDSON. I suggest that the proviso on page 2 of the bill that "one-half of said sum shall be charged to the revenues of the District of Columbia" can be amended by striking out the words "one-half of," leaving it to read "that said sum shall be charged to the revenues of the District of Columbia."

Mr. DOCKERY. I have an amendment to suggest for consideration. It is to strike out, on page 1, lines 12 and 13, the words "any money in the Treasury not otherwise appropriated" and insert "the revenues of the District of Columbia"; so that it will read:

And the amount of money necessary to pay the judgment of condemnation and the cost of grading is hereby appropriated out of the revenues of the District of Columbia to carry out the provisions of this act, but the cost of grading shall not exceed $10,000.

Then, in line 15, strike out the words "one-half of" and insert "the"; so that it will read:

Provided, That the said sum shall be charged to the revenues of the District of Columbia.

Mr. BAKER of New Hampshire. Then, Mr. Chairman, I desire to propose an amendment, which I will read for the information of the committee.

Mr. HULICK. Mr. Chairman, if the gentleman will permit me, I think there is some misapprehension as to the force of the statute referred to here on the part of gentlemen who are proposing amendments. The question was asked what the statute provided under which the Commissioners are directed to proceed. There is, I think, a misapprehension upon that point, and I would like to call the attention of gentlemen to what that chapter of the Revised Statutes does provide and then to offer an amendment which I think will meet all the criticisms.

Mr. BAKER of New Hampshire. I will simply state what I propose to offer if the gentleman's amendment does not cover the point, and then will yield him the floor.

I propose to offer this amendment to come in at the end of the bill:

Provided further, That all damages and benefits under this act shall be assessed and collected in the manner provided by the highway act of the District of Columbia approved March 2, 1893.

This provision, without using the words "abutting property owners," will answer the purpose, I think.

Mr. HULICK. I wish now to state the amendment which I propose to offer and to support it by reference to the statute under which this proceeding is intended to be conducted. My amendment is to strike out all of the bill after the word "street," in the tenth line.

The CHAIRMAN. The Chair understands there are two amendments now pending.

Mr. HULICK. I am only endeavoring to see whether I can not satisfy gentlemen who have already offered amendments that this amendment of mine will meet the criticisms they have suggested. If my amendment be adopted the effect of the bill will be to direct the Commissioners of the District of Columbia to open and grade North Capitol street from T street to the Soldiers' Home and to condemn, according to chapter 11 of the Revised Statutes of the United States relating to the District of Columbia for opening highways, such of the lands of Prospect Hill Cemetery and of Annie E. Barbour as may be necessary for the extension of said street.

As will be seen, two purposes will then be accomplished by the bill. In the first place, the Commissioners will be directed to proceed under the statutes to open the street through the lands of Prospect Hill Cemetery and those of Mrs. Barbour. Now, what is the provision of chapter 11 of the statutes of the District of Columbia here referred to?

All public roads within said District outside the limits of Washington and Georgetown which have been duly laid out or declared and recorded as such are public highways.

That is the first provision. Then follow provisions for the execution of that law, for the condemnation of property——

Mr. MILNES. Is that the act of 1893?

Mr. HULICK. No, sir; this is the prior act, but an act which is now in force. It provides for public highways to be surveyed; for the fixing of boundaries and width of street; for the giving of notice to property holders affected by the proceedings of condemnation. This act, following the provision I have read, goes on and provides for public highways to be surveyed and recorded; for boundaries to be permanently marked; for width and location of streets; for the laying out, widening, or changing of roads; for notices to property holders and the hearing of objections; for proceedings when a route is objected to and others proposed; for the method of proceeding when no objection is made; for the method of proceeding when owners of land object and claim damages. It provides also that the marshal shall summon a jury and administer oaths; it provides what the jury shall consider; it also provides for proceedings upon the rendering of the verdict. It makes provision, too, that a second jury may be summoned, and it provides also the method of paying the costs.

Now, I want to call the attention of this Committee of the Whole to the fact that all the expenses of these proceedings up to the demanding of the second jury are to be paid by the District of Columbia. That meets the suggestion of the gentleman from Missouri [Mr. DOCKERY]. I trust he will give me his attention for a moment. I have been referring to the statute under which the proceedings to condemn this property will be prosecuted if this bill be passed.

Mr. RICHARDSON. The proceedings will not be conducted under the statute which the gentleman has been reading.

Mr. HULICK. Why, sir, it is required that they shall be, under the very provisions of this bill.

Mr. CURTIS of Iowa. That provision is stricken out and it is provided that proceedings shall be conducted in accordance with the act of March 2, 1893.

Mr. DOCKERY. If the suggestion of the gentleman from Ohio [Mr. HULICK] should be acceded to, and all of the bill after the word "street," in line 10, be struck out, and if the proposed amendments be also excluded——

Mr. HULICK. I propose to strike out also the amendments that have been offered.

Mr. DOCKERY. If the bill be amended in that way I see nothing objectionable in it.

Mr. HULICK. That is exactly the form in which I propose that we leave the bill. The District Commissioners will then proceed under the law I have read without reference to the act of 1893. It is under the latter act that all the embarrassment comes in. The constitutionality of that act has been questioned in the courts. I propose to provide a means by which condemnation proceedings can be carried out effectually without reference to the act of 1893. If my amendment prevails all the costs up to the second jury will be paid by the District of Columbia under the act I have just read. Now, let me explain the meaning of that second jury. If the party whose property is condemned is not satisfied with the amount of damages awarded by the first jury, then he may demand a second jury, and if the verdict of the second jury is not in excess of the verdict of the first, then the party asking for the second jury must pay the expense out of his own pocket, but up to the second jury all the expenses are paid by the District of Columbia.

If my amendment be adopted, the purport of the bill will simply be to direct the Commissioners to proceed to condemn this special property by virtue of chapter 11 of the Revised Statutes, pertaining to the District of Columbia.

Mr. MILNES. Let me ask the gentleman one question. Under the act of 1893 half of the expense is chargeable to the abutting property and half to the treasury of the District of Columbia. Now, this bill does not provide for that, does it?

Mr. HULICK. This provides—and I am very glad the gentleman called my attention to it—it provides in section 262 of the act in question as follows:

The jury, having been upon the premises and assessed the damages, shall make out a written verdict to be signed by them, or a majority of them, and attested by the marshal, which the marshal shall transmit to the proper authorities at their next meeting, and which shall be recorded.

And I call your especial attention to this provision found in section 261:

In making their decision the jury shall take into consideration the benefit such road may be to each owner by enhancing the value of his land, or otherwise, and shall give their verdict accordingly.

That is equitable, just, and meets the criticisms which have been made upon this bill. That is where the embarrassment is in those condemnation proceedings which has been questioned in the courts under the law of 1893. It was thought advisable, therefore, in the introduction of this bill, that we proceed under this act rather than under the act of 1893.

Now, if the committee accept that amendment——

Mr. DOCKERY. I understand you propose to strike out all after the word "street," in line 10?

Mr. HULICK. Yes, sir.

Mr. DOCKERY. I am quite willing to accept that if it meets the wishes of the members of the committee.

Mr. HULICK. And the proceedings will be identical with the proceedings under chapter 11, where the verdict rendered was in excess of what the Commissioners of the District of Columbia thought right and just. And if the trustees of the cemetery property and the owner of the other property find that condemnation proceedings are to be prosecuted under that statute, if they should be required to go to a jury under the law in which they obtained judgment before, they will, I am quite sure, take the amount offered by the Commissioners rather than go through that proceeding again. And in fact, in the opinion of the committee, the offer of $25,000 was a very liberal offer; in fact, it might well be considered extravagant, and I do not mean to reflect upon anybody in making that assertion, and that the verdict of the jury was extorted—and I do not wish to be understood as being offensive in any sense of the word in that expression,

either—but what I mean is that it was an unreasonable verdict. It was for damages in favor of the cemetery of over $51,800, and over twenty thousand for that condemned of Mrs. Barbour. The Commissioners have been very liberal to these people, in the judgment of the committee, and yet they defy public interest, they defy the wants of everybody, they defy the Commissioners; and now, if it is provided by this act that the Commissioners shall proceed under the old statute, they will call a jury, assess the damages, the property will be condemned, and the parties will have to take what the verdict of the jury may give them.

I therefore offer that amendment.

The CHAIRMAN. There are two amendments pending now.

Mr. CURTIS of Iowa. I think there is much confusion in the minds of many of us as to just what the amendment of the gentleman from Ohio is. I would like to have it stated again.

Mr. HULICK. I will cheerfully do so. My suggestion is to strike out all of the original bill, including the amendments offered, after the word "street," in the tenth line of the first page.

Mr. CURTIS of Iowa. You mean to strike out the committee amendments also?

Mr. HULICK. Everything; because the object is to direct the Commissioners of the District of Columbia to proceed under this act, and that will give full jurisdiction and control to call a jury, assess the damages, and bring the parties into court if necessary. Let the verdict of the jury be returned, and that will be a judgment against the District of Columbia, and the cost of it to be paid from the District of Columbia revenues; unless, as I said before, the parties agree to call a second jury and have proceedings under that. If the verdict of the second jury is not greater than the verdict of the first, then the parties complaining or calling the second jury must pay the cost of the second jury proceedings themselves. Otherwise, if no second jury is called, then the District will have to pay the amount of the verdict.

Mr. CURTIS of Iowa. You propose to strike out all after "street" and insert nothing in its stead, as I understand?

Mr. HULICK. Yes; strike out everything from that word and insert nothing in its stead. Just leave the first part of the bill stand, down to the word "street." It strikes out all of the amendment of the gentleman from Iowa authorizing the Commissioners to go and buy the property at private sale. That, I think, is inconsistent with the original act.

Mr. DOCKERY. I am quite willing to accept that suggestion, so far as I am concerned; but I do not care about making any sort of agreement by which this bill will go to the Senate, be amended, and get into conference, and then, under pressure of a conference report, the very things carried in the bill to which we are objecting now.

Mr. CURTIS of Iowa. Mr. Chairman, the committee desire a vote upon this bill, and as far as I have had an opportunity to consult the members of the committee they seem willing to accept the amendment offered by the gentleman from Ohio [Mr. HULICK].

The CHAIRMAN. Does the gentleman ask to withdraw the amendment offered by the committee?

Mr. CURTIS of Iowa. The last amendment only.

The CHAIRMAN. Then the question is on the first amendment offered by the committee.

Mr. DINGLEY. Is the general debate closed?

Mr. DOCKERY. Not yet.

Mr. DINGLEY. I desire to call the attention of the gentleman from Ohio to one further fact. I have just run over the Revised Statutes; and in view of the amendment which the gentleman has suggested, I want to call his attention to the fact that chapter 11 of the Revised Statutes contemplates a very different condition of things from what the highway act of 1893 does. It seems to me that if this act is passed, and these proceedings are remanded entirely to chapter 11 of the Revised Statutes, then you will have condemnation proceedings.

Mr. CURTIS of Iowa. I call the attention of the gentleman to the fact that those words have been stricken out, or it is proposed to strike them out, and insert in lieu of the same "the act approved March 2, 1893."

Mr. DINGLEY. I was taking the suggestion of the gentleman from Ohio that we strike out all after the word "street," in line 10.

Mr. RICHARDSON. But that was after these words were inserted in that place.

Mr. DINGLEY. That may be. Let us hear those words; because I see that chapter 11 of the Revised Statutes and the highway act of 1893 contemplate entirely distinct and different proceedings. Not only that, but they employ a different method of paying the damages. In that case the District pays the entire cost, but under the act of 1893 the District pays half and the owners of the property pay half.

Mr. HULICK. It was the suggestion of the gentleman from Missouri [Mr. DOCKERY] that the expense be all charged up to the District.

Mr. CURTIS of Iowa. The act will read as follows:

That the Commissioners of the District of Columbia are hereby directed to open and grade North Capitol street from T street to the Soldiers' Home, and are hereby authorized and directed to condemn, according to the act approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," such of the lands of the Prospect Hill Cemetery and of Annie E. Barbour as may be necessary for the extension of said street.

Mr. HULICK. Now, Mr. Chairman, does not the gentleman understand, and is it not so understood by every lawyer and by every member of the House who has given any attention whatever to the matter, that the act of 1893 can not be enforced in condemnation proceedings such as are proposed by this bill? They can not do it under that act, because it is so embarrassed by exceptions and by attacks that have been made upon it by the courts in the District, that it can not be enforced. I see the gentleman from Missouri [Mr. DOCKERY] winks his eye and nods his head in assent to my proposition. He does not want this act carried out, and he will vote for that amendment. If you insert that amendment you can not enforce the condemnation of this property, because the general highway act can not be enforced in the District of Columbia.

Mr. DOCKERY. I hope it will take time enough so that the general plan can be prepared, and then we shall move along harmoniously.

Mr. HULICK. I want to say that if you go into that and adopt the general highway act, you go into it with your eyes open, and you will never get the property condemned until there is further legislation or a further decision by the courts.

Mr. DOCKERY. I think you had better withdraw the bill and let it go over.

Mr. CURTIS of Iowa. I call for a vote.

Mr. TERRY. I should like to ask if there is not litigation pending in regard to some of this property which you are trying to go through, and if there has not been an injunction in regard to some of it?

Mr. CURTIS of Iowa. There is no litigation pending, as I understand.

Mr. TERRY. I understand there has been an injunction in regard to going through some of this property.

Mr. CURTIS of Iowa. This bill is satisfactory to the property holders.

Mr. TERRY. I should like to ask the gentleman from Tennessee [Mr. RICHARDSON] if there has not been an injunction issued to restrain them from going through some of this property?

Mr. RICHARDSON. There was, but that was under the act passed by the last Congress, growing out of an effort to condemn this property under an act passed by the Fifty-third Congress.

Mr. TERRY. And now you are trying to get around that act?

Mr. RICHARDSON. The provisions contained in this bill are satisfactory to the parties who brought that litigation, and this will end that litigation and be satisfactory to them, as I understand it.

Mr. TERRY. I have been advised the other way.

Mr. HULICK. I want to answer further the inquiry of the gentleman in regard to that litigation. That is litigation growing out of the amount of damages. These parties, the cemetery people and Mrs. Barbour, want the amount assessed to be paid, and the litigation grows out of the fact that they are trying to enforce the payment of that verdict and get that judgment enforced against the District. The District Commissioners are opposing that. That is the litigation referred to, as I understand it.

The CHAIRMAN. The question is on the first amendment offered by the committee.

Mr. BLUE. I hope that amendment will be again reported.

The amendment was again reported.

Mr. McMILLIN. I desire to ask the gentleman in charge of this bill about a matter that I have been informed of since this discussion commenced, and that is, whether or not there has been a permanent injunction granted against this very proceeding of opening a street through that cemetery? I understand that those people have spent $4,000 or $5,000 to prevent going through their cemetery, and I ask if there has been a perpetual injunction granted? Now, is that a fact?

Mr. RICHARDSON of Tennessee. I do not so understand it. I have just answered that question. The gentleman from Arkansas asked me the same question and I answered him.

Mr. McMILLIN. I did not hear that inquiry, or I would not have duplicated it.

Mr. RICHARDSON. He asked me the same question.

Mr. McMILLIN. I have been informed that such is the fact. I know that when this was up before in Congress there was a great resistance to the bill, but what form that resistance took in the court I did not attempt to follow; but I am informed that that is the situation, and I was inquiring to know whether my information was correct?

Mr. RICHARDSON. I can only state again, that there was an

injunction suit brought, because they objected to the method of the condemnation that was undertaken.

Mr. McMILLIN. Did not they object to the going through the cemetery in toto?

Mr. RICHARDSON. They may have included that too, but there was no objection to this bill by those parties provided the amount mentioned in this bill is paid to them. They undertook to get an injunction, and possibly did get an injunction against the proceedings under the act of the Fifty-third Congress, but it was not because of the amount, as I understand, or an objection to going through, but in respect to the assessment of damages in some way upon the abutting property. It was the practice under that act to assess benefits as against damages. Then I understand the injunction was made perpetual, possibly upon all the grounds you have mentioned; but the representatives of the cemetery, and the representatives of Mrs. Barbour, appeared before our Committee on the District of Columbia, and, as I understand it—and I state it here in the presence of other members of the committee—they agree or did agree that if the amount mentioned here, $20,000 to Mrs. Barbour and $25,000 to the cemetery, was paid that there is no objection, as I understand it, on the part of either.

Mr. HULICK. I will state to the gentleman that I have never heard of that. I asked about that and was advised by a member of the committee that no agreement had been reached.

Mr. RICHARDSON. There is no agreement; but I understand they consent to accept these figures if an amendment is inserted, and that amendment has been suggested; and if the bill is passed I understand that they will take the amount we have offered.

Mr. KIEFER. I want to ask you a question for information. I wish to state to the gentleman in charge of the bill that on March 3, this year, a committee consisting of members of the corporation termed the Prospect Hill Cemetery Association asked me to introduce a claim for $51,686, which was the amount that had been found by the committee who had the condemnation proceedings in their hands. They claim that they have yet before the courts an injunction forbidding a right of way through their cemetery. Now, if these gentlemen have agreed to take $25,000, of which I am not aware, I am willing to vote for the bill; but otherwise I can not vote for it, because I have no information from the gentleman who asked me to introduce this bill.

Mr. DOCKERY. But there does not seem to be any distinct and definite understanding. The gentleman from Tennessee himself is not sure.

Mr. RICHARDSON. They have not agreed to accept that amount.

Mr. TERRY. There being so much misunderstanding, the gentleman ought to let this matter be laid aside until this committee can understand it properly.

Mr. CURTIS of Iowa. Mr. Chairman, I will say for the information of some gentlemen of the House that the committee understood the Barbour estate had agreed to accept the amount proposed, $20,000, the amount offered by the Commissioners, in lieu of damages under the former act. It is expected—I do not know that anybody has definite information as to that—but it is expected that the cemetery association will accept the amount which was offered to them at the same time also, although under the provisions of this proposed amendment the cemetery association are at liberty to accept this amount in lieu of condemnation proceedings or to proceed under the highway act to condemn.

Mr. McMILLIN. As I understand, there is no definite information that the cemetery association has agreed to accept this amount; but if they do not, you propose to go on with the condemnation proceeding, notwithstanding the injunction?

Mr. CURTIS of Iowa. The cemetery association have been objecting to the condemnation proceedings or to the acceptance of the amount proposed in the former act in lieu of condemnation proceedings, but as provided by the amendment offered by my colleague from Ohio, this amendment is stricken out, and everything in the bill following the word "street," in the tenth line. I call the gentleman's attention to this, especially when the second amendment proposed by the committee should be reached, and it is proposed now, if satisfactory to the gentlemen who have raised some objections to this bill, that we accept the amendment offered by the gentleman from Ohio and have a vote.

Mr. DOCKERY. I hope my friend from Iowa will withdraw this bill, as questions of an injunction and figures have been brought up here for the first time.

Mr. HULICK. You withdraw your amendment?

Mr. CURTIS of Iowa. Yes; if it is desired. I desire to reach a vote upon the bill, and harmonize all differences if possible, in order that the bill may go through. It is a measure that ought to pass.

Mr. HULICK. The gentleman from Iowa desires to withdraw the amendment that he offered.

The CHAIRMAN. Without objection, the gentleman from Iowa withdraws the amendment.

Mr. DOCKERY. He withdraws both amendments.

Mr. HULICK. Now, Mr. Chairman, I offer the amendment suggested previously, which is that all afte the word "street," in line 10 of this bill, be stricken out.

The proposed amendment was read, as follows:

Line 10, after the word "street," strike out the following:

"And the amount of money necessary to pay the judgment of condemnation and the cost of grading is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act, but the cost of grading shall not exceed $10,000: *Provided*, That one-half of said sum shall be charged to the revenues of the District of Columbia: *And provided further*, That this appropriation shall be immediately available."

The CHAIRMAN. The question is on the amendment.

Mr. BLUE. Mr. Chairman, if that amendment is correctly reported it refers merely to the form of the condemnation. Does it include also the matter of paying damages and expenses? I do not so understand it.

Mr. KIEFER. It refers to a former act which does provide for that.

Mr. BLUE. Only as to the methods of condemnation.

Mr. KIEFER. And as to the mode of paying.

Mr. HULICK. And as to the cost of condemnation. It executes itself fully.

Mr. DOCKERY. I understand that the amendment strikes out all of the bill after the word "street," in line 10. If that amendment were adopted, I ask the gentleman from Maine, who would pay these expenses?

Mr. DINGLEY. I think that is left very uncertain. It is the condemnation proceedings that chapter 11 of the Revised Statutes provides for. This bill provides that the costs, etc., shall be paid according to that statute.

Mr. HULICK. That everything up to the demand for the second jury shall be paid out of the revenues of the District.

Mr. DINGLEY. I think it would be better to have that distinctly settled.

Mr. DOCKERY. It might be amended so as to read: "*Provided*, That all expenses involved under this bill shall be paid wholly from the revenues of the District of Columbia."

Mr. BLUE. Expenses and damages.

Mr. DINGLEY. I notice that chapter 11 of the Revised Statutes provides for the methods of condemnation and provides for a jury to estimate the damages. It also says that in estimating the damages they shall deduct the benefits that may be supposed to accrue to the owners of the abutting property, and then it provides that all the expense shall be paid by the District of Columbia.

Mr. CURTIS of Iowa. Mr. Chairman, I ask consent to withdraw this bill.

The CHAIRMAN. The gentleman from Iowa withdraws the bill.

Mr. DINGLEY. I would like to ask a further question, at the suggestion of the gentleman from Nebraska [Mr. HAINER]. The language in chapter 11 applies simply to costs. Now, it seems to me that damages are entirely distinct.

Mr. McMILLIN. Mr. Chairman, I will submit this idea to the gentleman from Maine. Chapter 11 of the Revised Statutes was enacted before the act of 1893, and under that act whatever expense was incurred by the District of Columbia was to be paid one-half by the District and one-half by the Government. Therefore, if we proceed under that statute, the Government of the United States will have to pay part of this expense.

Mr. HULICK. It is not so provided in the statute.

Mr. RICHARDSON. Mr. Chairman, this debate is all out of order.

Mr. BABCOCK. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, from the Committee of the Whole, reported that they had had under consideration the bill H. R. 6713, and that the same had been withdrawn from the consideration of the committee.

LAWS AFFECTING MARRIED WOMEN IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up the bill S. 1659, which was laid aside a few moments ago for the preparation of an amendment, the bill to amend the law of the District of Columbia as to married women, and to make parents the natural guardians of their minor children, and for other purposes.

The bill was read, as follows:

A bill to amend the laws of the District of Columbia as to married women, to make parents the natural guardians of their minor children, and for other purposes.

Be it enacted, etc., That the property, real and personal, which any woman in the District of Columbia may own at the time of her marriage, and the rents, issues, profits, or proceeds thereof, and real, personal, or mixed property which shall come to her by descent, devise, purchase, or bequest, or or the gift of any person, shall be and remain her sole and separate property, notwithstanding her marriage, and shall not be subject to the disposal of her husband or liable for his debts, except that such property as shall come to her by gift of her husband shall be subject to, and be liable for, the debts of the husband existing at the time of the gift.

SEC. 2. That a married woman, while the marriage relation subsists, may bargain, sell, and convey her real and personal property, and enter into any contract in reference to the same in the same manner, to the same extent, and with like effect as a married man may in relation to his real and personal property, and she may, by a promise in writing, expressly make her separate estate liable for necessaries purchased by her or furnished at her request for the family.

SEC. 3. That any married woman may carry on any trade or business, occupation, or profession by herself, or jointly with others, and perform any labor or services on her sole and separate account, and the earnings of any maried woman from her trade, business, profession, occupation, labor, or services shall be her sole and separate property, and may be used and invested by her in her own name.

SEC. 4. That nothing in this act contained shall invalidate any marriage settlement or contract.

SEC. 5. That the husband shall not be liable for the payment of the wife's antenuptial debts, but she shall be liable to all remedies for the recovery of such debts, to be enforced against her and her separate property as if she were unmarried.

SEC. 6. That the father and mother shall be the natural guardians of the person of their minor children. If either dies or is incapable of acting, the natural guardianship of the person shall devolve upon the other: *Provided, however*, That in case of the death of either parent from whom the said children may inherit, or take by devise or bequest, the said parent may, by deed or last will and testament, appoint a guardian of the property of the children, subject to the approval of the proper court of the District of Columbia.

SEC. 7. That the survivor may by last will appoint a guardian of the person and property of any of the children, whether born at the time of making the will or afterwards, to continue during the minority of the child, or for a less time, subject at all times to removal for cause and appointment of another by the proper court.

SEC. 8. That dower shall hereafter be assigned to a widow entitled to the same in the equitable as well as the legal estate of her deceased husband.

Mr. HULICK. Mr. Speaker, the bill S. 1659 is now up for consideration. When it was called up before in its order there were suggestions made by the gentleman from Vermont in regard to the rights of married women, their right to bring actions, to sue and be sued in the courts of the District relative to their own contracts and their own property, and it was suggested that we should prepare an amendment or amendments to the bill. It was referred to me, and in the short time I have had I have prepared a hasty amendment, one not quite satisfactory to my own mind, nevertheless an amendment which can be offered and which will require the bill to go back to the Senate and possibly to a conference, for I have observed that the laws of the District of Columbia have been amended in that way before, without proper consideration by the Judiciary Committee, and we have found much embarrassment when we have come to compare them with existing statutes. I propose, therefore, to offer these amendments with the prefatory statement that the matter has not been considered by the committee as fully as it should be. In fact, the committee has not given any consideration to it whatever.

Under the laws now prevailing in the District of Columbia with reference to the issue of executions by the courts and other matters connected with the collection of debts, such matters are controlled by an old English law passed in the year 1265, during the reign of Henry III. And the execution of property in the hands of the marshal or sheriff is regulated by a law passed one hundred and sixty-four years ago.

We are now called upon, in connection with a bill coming from the Senate that has not been referred to our committee, to offer amendments in regard to the rights of married women in property that may have come to them by descent, purchase, or otherwise. This bill, as has been suggested by the gentleman from Vermont, falls far short of executing itself. I will read the amendments which I propose to offer. They are to be numbered as sections 4 and 5:

SEC. 4. A married woman may sue and be sued as if she were unmarried; and her husband shall be joined with her when the cause of action is in favor of or against both her and her husband.

SEC. 5. When a married woman sues or is sued, like proceedings shall be had and judgment rendered and enforced as if she were unmarried; and her property and estate shall be liable for judgments against her; but she shall be entitled to all the benefits of all exemptions to the heads of families or householders.

Under the statutes now in force there are exemptions to heads of families and householders. We want to give to a married woman the benefit of such exemptions, so that if her husband fails to demand his rights in that respect she may demand them for herself. It too frequently happens that a married woman has a husband with no property—perhaps without capacity or ability to make a living for her and their family. She has her own property. Under the provision I have read if such a woman is defendant in a suit involving that property, and a judgment should be rendered against her, instead of her homestead or other private property being taken from her so that she and her family might be turned out of doors, she would be entitled to the exemptions provided in section 13 of the compiled statutes of the District. Those exemptions cover such things as wearing apparel, beds and bedding, fuel for three months, mechanics' tools, library and implements of a professional man or artist, etc. Under this provision the wife would be protected in her ownership of such property.

Under the first provision of these amendments a married woman may sue and be sued as if she were unmarried. Of course that provision is in derogation of the common law as now enforced in the District of Columbia. What other statutes may have been enacted relative to the rights of married women we have not had time to consider, and I am frank to say that I do not know whether the amendments I have offered are consistent or inconsistent with other statutes of the District of Columbia. But if the amendments I propose should be adopted, and the bill goes back to the Senate, it will then probably go to a conference, when more time will be given to the subcommittee of the District, which will be enabled to give some consideration to the bill.

I now submit these amendments with this further remark, that if they be adopted a renumbering of the following sections will of course be necessary.

Mr. BRUMM. I should like to ask the gentleman from Ohio a question. His amendment, as I understand, makes a married woman liable for her personal debts, whether she is declared a feme sole trader or not.

Mr. HULICK. As bearing upon her own separate estate only.

Mr. BRUMM. Of course.

Mr. HULICK. It would not affect her husband's property.

Mr. BRUMM. But by your amendment, as I understand, you put her in such a position that under the coercion of her husband she may be compelled to part with her entire property. You hold her liable to the extent of her own estate for all her debts, whether she be a feme sole trader or not.

Mr. HULICK. I do not understand the gentleman's remark as to "the coercion of her husband." The presumption of the old common law is that the wife is under the coercion of her husband.

Mr. BRUMM. Under your amendment she can sign a promissory note, make a bond, etc.

Mr. HULICK. Yes, sir; she can do as she pleases concerning her own property.

Mr. BRUMM. Do you mean to tell me she may not be forced to do such acts under the coercion of her husband?

Mr. HULICK. No more than the husband could be forced to do so under the coercion of his wife.

Mr. BRUMM. I fail to see where she is protected; and I for one shall oppose any amendment of that kind.

Mr. HULICK. Mr. Speaker, with the amendment pending, in view of the lateness of the hour, as well as because of the fact that other matters are to be considered by the committee this afternoon, on consultation with the chairman of the committee, I withdraw this bill, and will let it go over to a later date.

Mr. BRUMM. I would suggest that in the meantime the gentleman have the bill and the amendment printed, and have it perfected when next laid before the House.

The SPEAKER. No action has been taken by the House on the bill?

Mr. HULICK. None whatever.

The SPEAKER. The gentleman has the right to withdraw it.

Mr. HULICK. Then I withdraw it.

Mr. MILNES. Mr. Speaker, I rise to a parliamentary inquiry. If this bill is withdrawn, what becomes of it?

The SPEAKER. It is returned to the same status that it occupied before it was called up by the chairman of the committee to-day.

Mr. BABCOCK. It goes to the committee, I suppose?

The SPEAKER. It goes back to its original place, subject to any further action on the part of the commiteee.

ECKINGTON AND SOLDIERS' HOME AND BELT RAILWAY COMPANIES.

Mr. BABCOCK. Mr. Speaker, I call up now the bill (S. 2928) to extend the routes of the Eckington and Soldiers' Home Railway Company and the Belt Railway Company of the District of Columbia, and for other purposes, and I ask that the reading of the bill be dispensed with. It has been before the committee for three months, and I think it is thoroughly understood by the House.

Mr. BAKER of New Hampshire. I object.

The SPEAKER. The Clerk will read the bill.

The bill was read at length.

The Committee on the District of Columbia recommend the adoption of the following amendments:

On page 2, line 8, strike out the words "two years" and insert in place thereof "eighteen months."

Strike out all of section 2.

In section 4, page 4, strike out all of lines 17 to 25, inclusive.

Add to section 4 the following:

"*Provided*, That if there is not sufficient room for two tracks on Water street without encroaching on tracks already there, that the said Belt Line Railway Company shall purchase at its own cost sufficient ground to open Water street from the terminus of its line as now located along said projected route to P street."

In section 5, line 6, strike out the word "all" and insert the word "the" in place thereof.

In section 5, line 7, strike out the words "two years" and insert the words "one year" in place thereof.

Mr. BABCOCK. Mr. Speaker, I move the adoption of the committee amendments.

The amendments were agreed to.

Mr. BABCOCK. I offer the following additional amendment.

The SPEAKER. The Clerk will report the amendment.

Mr. HEPBURN. Before that, Mr. Speaker, I have several amendments to offer which precede that of the gentleman from Wisconsin, and I do not wish to lose the right to offer them by consenting that his amendment, which, as I understand it, comes into a later part of the bill, shall be first considered.

Mr. BAKER of New Hampshire. I ask for the reading of the bill by sections.

The SPEAKER. The Chair thinks the bill had better be read by sections.

Mr. BABCOCK. This amendment, I will state, Mr. Speaker, is practically a committee amendment, and the only difference is that it was not prepared at the time the bill was reported.

The SPEAKER. The Chair understands the gentleman assents to the proposition of the gentleman from Iowa that he may have permission to recur to other parts of the bill and offer amendments.

Mr. BABCOCK. Certainly; I have no objection.

The SPEAKER. The Clerk will report the amendment proposed by the gentleman from Wisconsin.

The Clerk read as follows:

Add a new section, as follows:

"SEC. 12. That the Metropolitan Railroad Company be, and it is hereby, authorized to extend the lines of its underground electric railroad from the intersection of Connecticut and Florida avenues northward along Columbia Road to a point on the west line of Eighteenth street extended: *Provided*, That the said extension be completed before January 1, 1897, and the said company is hereby authorized and empowered to increase its capital stock for the purpose of making and equipping the extension of its route authorized by this act and for the completion of its present construction, but the amount of the capital stock so to be issued as aforesaid shall be subject to the approval of the supreme court of the District of Columbia, and shall not exceed, together with the bonded indebtedness of said company, the cost of the making and equipment of the extension herein provided for and the completion of its present construction."

The amendment was agreed to.

Mr. HEPBURN. Now, Mr. Speaker, I offer the following amendment, which I send to the desk.

Mr. BAKER of New Hampshire. I ask that this bill be read by sections for amendments, beginning at the beginning.

Mr. WILLIAM A. STONE. Oh, no; it is too late.

The SPEAKER. The Clerk will report the amendment proposed by the gentleman from Iowa.

The Clerk read as follows:

Insert in line 14, section 1, after the word "power," the following:

"*And provided further*, That within thirty days after the passage of this act cars shall be regularly run over the existing tracks beginning at the intersection of G street and New Jersey avenue, thence across New Jersey avenue to and along G street to North Capitol street, thence north on North Capitol street to T street according to a schedule satisfactory to the Commissioners of the District of Columbia."

Mr. BAKER of New Hampshire. Mr. Speaker, I now call for the reading of the bill by sections.

Mr. DINGLEY. Mr. Speaker, it is evident that the consideration of this bill can not be completed to-night, and at the suggestion of gentlemen connected with the committee, who are willing that that be done, I shall move that the House adjourn after the gentleman from New York [Mr. DANIELS] has presented a report on a contested-election case.

Mr. HEPBURN. Mr. Speaker, can we not have a vote on this pending amendment? It is an amendment which ought to be adopted, and there should be no objection to it.

CONTESTED ELECTION CASE—FELTON VS. MADDOX, SEVENTH DISTRICT OF GEORGIA.

Mr. DANIELS. Mr. Speaker, I am directed by the Committee on Elections No. 1 to present a report in the case of Felton *vs.* Maddox, from the Seventh Congressional district of the State of Georgia. It is a unanimous report, signed by all the members of the committee except Mr. LINNEY, who is out of the city. I ask that the report be printed.

The SPEAKER. What action does the gentleman from New York desire on the resolutions?

Mr. DANIELS. To have the resolutions read and adopted.

Mr. DINGLEY. Why not let it go over until to-morrow.

Mr. DANIELS. I think it will not occasion any discussion.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

Resolved, That William H. Felton was not elected a member of the Fifty-fourth Congress at the election for Representative for the Seventh Congressional district in the State of Georgia on the 6th day of November, 1894.

Resolved, That John W. Maddox was elected a member of the Fifty-fourth Congress at the election for Representative for the Seventh Congressional district in the State of Georgia on the 6th day of November, 1894.

Mr. DANIELS. I ask for the adoption of the resolutions.

The resolutions were agreed to.

ORDER OF BUSINESS.

Mr. DINGLEY. I move that the House do now adjourn.

Mr. RICHARDSON. Mr. Speaker, a parliamentary inquiry in relation to the amendment offered by the gentleman from Iowa [Mr. HEPBURN]. I do not understand that there was any vote taken upon that amendment.

Mr. DINGLEY. That is pending.

The SPEAKER. That amendment is pending.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 6) constituting Syracuse, N. Y., a port of delivery;

A bill (H. R. 4804) to amend subdivision 10 of section 2238 of the Revised Statutes of the United States;

A bill (H. R. 1743) for the relief of the widow of Thomas L. Young;

A bill (H. R. 8820) making provision for the deportation of refugee Canadian Cree Indians from the State of Montana and their delivery to the Canadian authorities;

A bill (S. 137) granting an increase of pension to William W. French; and

A bill (S. 1365) for the relief of the National New Haven Bank of the State of Connecticut.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and joint resolution were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 2962) to confer jurisdiction on the Court of Claims in the case of the book agents of the Methodist Episcopal Church South against the United States—to the Committee on War Claims.

A bill (S. 2232) to vacate Sugar Loaf Reservoir site, in Colorado, and to restore the lands contained in the same to entry—to the Committee on the Public Lands.

Joint resolution (S. R. 91) providing for the adjustment of certain claims of the State of Tennessee against the United States—to the Committee on Claims.

A bill (S. 1659) to amend the laws of the District of Columbia as to married women, to make parents the natural guardians of their minor children, and for other purposes—to the Committee on the District of Columbia.

CONFEREES ON THE INDIAN APPROPRIATION BILL.

The SPEAKER appointed as conferees on the part of the House on the Indian appropriation bill Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON.

HOUSE BILLS LAID ON THE TABLE.

The SPEAKER laid before the House the following bills; which were, by unanimous consent, ordered to lie on the table, similar Senate bills having passed the House:

A bill (H. R. 4146) relative to the First National Bank of Sprague, Wash.;

A bill (H. R. 608) for the relief of E. R. Shipley;

A bill (H. R. 1030) for the relief of John J. Shipman;

A bill (H. R. 3637) to provide for the construction of a bridge across the Columbia River;

A bill (H. R. 5549) amending the general pension laws; and

A bill (H. R. 7138) granting a right of way to the Denison and Northern Railroad Company through the Indian Territory.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted

To Mr. JOY, for this day, on account of important business.

To Mr. ANDERSON, on account of sickness.

To Mr. WILLIAMS, for five days, on account of important business.

And then, on motion of Mr. DINGLEY (at 5 o'clock and 12 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. ELLIS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 4058) to set apart certain lands now known as the Pacific Forest Reserve as a public park, to be known as the Washington National Park, reported the same with amendment, accompanied by a report (No. 1699); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HILBORN, from the Committee on Naval Affairs, to which was referred the following sundry bills, reported the same, accompanied by reports; which said bills and reports were referred to the Committee of the Whole House on the state of the Union, as follows, to wit:

WITH AMENDMENTS.

The bill (H. R. 6895) empowering and directing the Secretary of the Navy to furnish 2 pieces of condemned cannon, 2 caissons,

and 24 cannon balls to the Grand Army of the Republic post at Somerset, Pa., and the borough of Somerset, Pa. (Report No. 1700.)

The bill (H. R. 8269) donating condemned cannon to Colonel John M. Patterson Post, No. 131, Grand Army of the Republic. (Report No. 1701.)

The bill (H. R. 6894) empowering and directing the Secretary of the Navy to furnish 2 pieces of condemned cannon, 2 caissons, and 24 cannon balls to the Grand Army of the Republic post and the the borough of Everett, Pa. (Report No. 1702.)

The bill (H. R. 8265) donating 1 cannon and 5 cannon balls to Loomis Post, No. 2, Quincy, Mich. (Report No. 1705.)

The bill (H. R. 8581) donating 1 cannon and 25 cannon balls to E. W. Hollingsworth Post, No. 210, Albion, Mich. (Report No. 1716.)

The bill (H. R. 8725) donating 2 condemned cannon and 10 condemned cannon balls to Shelly Norman Post, Grand Army of the Republic, of Muscatine, Iowa, and 2 condemned cannon and 10 condemned cannon balls to General N. B. Baker Post, Grand Army of the Republic, of Clinton, Iowa. (Report No. 1720.)

The bill (H. R. 8214) granting to Will E. Webber Post, Grand Army of the Republic, of Galatia, in Saline County, Ill., 2 condemned mounted brass cannon. (Report No. 1722.)

The bill (H. R. 8267) donating condemned mounted cannon to the National Guard of Delaware. (Report No. 1723.)

The bill (H. R. 8323) granting condemned cannon, carriages, and balls to Nelson Post, No. 40, Grand Army of the Republic, Bristol, N. H., for monumental purposes. (Report No. 1724.)

The bill (H. R. 8503) to donate 4 condemned cannon and 50 cannon shot to the Allen County Soldiers' Monumental Association, Fort Wayne, Ind. (Report No. 1725.)

The bill (H. R. 8696) providing for 4 cannon and 4 pyramids of cannon balls to be donated to the commissioners of Putnam Park, Redding, Conn. (Report No. 1726.)

WITHOUT AMENDMENT.

The bill (H. R. 8208) granting to A. B. Bateman Post, No. 60, Grand Army of the Republic, of Cedarville, N. J., 4 condemned cannon and 20 cannon balls. (Report No. 1703.)

The bill (H. R. 8213) authorizing and directing the Secretary of the Navy to furnish 2 pieces of condemned cannon and 60 cannon balls to the George C. Stoyell Post, Grand Army of the Republic, of Moravia, N. Y. (Report No. 1704.)

The bill (H. R. 8216) granting to Custer Post, No. 38, Grand Army of the Republic, of Etna, Pa., 2 condemned cannon and 25 cannon balls. (Report No. 1706.)

The bill (H. R. 8268) granting condemned cannon, carriages, and balls to Kenesaw Post, Grand Army of the Republic, Danville, Ill., for monumental purposes. (Report No. 1707.)

The bill (H. R. 8294) donating 4 condemned cannon and 4 pyramids of condemned cannon balls to Monumental Association of Catawissa, Pa. (Report No. 1708.)

The bill (H. R. 8295) donating 1 condemned cannon and 2 pyramids of condemned cannon balls to Captain Jackson Post, Grand Army of the Republic, No. 159, Berwick, Pa. (Report No. 1709.)

The bill (H. R. 8296) donating 4 condemned cannon and 4 pyramids of condemned cannon balls to Lincoln Post, No. 140, Shamokin, Pa., for their Soldiers' Monumental Association. (Report No. 1710.)

The bill (H. R. 8317) donating 1 condemned cannon and 4 pyramids of condemned cannon balls to O. R. Whitman Post, No. 346, Grand Army of the Republic, Lamont, Buchanan County, Iowa. (Report No. 1711.)

The bill (H. R. 8324) authorizing and directing the Secretary of the Navy to donate 4 pieces of condemned cannon and 4 pyramids of condemned cannon balls to the Grant County Union Soldiers' Monument and Memorial Association of Wisconsin. (Report No. 1712).

The bill (H. R. 8495) granting to John Hill Post, No. 86, of Boonton, N. J., 4 condemned cannon and 20 cannon balls. (Report No. 1713.)

The bill (H. R. 8496) granting to John G. Tolmie Post, No. 50, Grand Army of the Republic, of Phillipsburg, N. J., 4 condemned cannon and 20 cannon balls. (Report No. 1714.)

The bill (H. R. 8556) authorizing the Secretary of the Navy to deliver 4 condemned cannon to B. B. King Post, No. 70, at Canton, Mo. (Report No. 1715.)

The bill (H. R. 8649) donating 4 condemned cannon and 4 pyramids of condemned cannon balls to Henry Wilson Post, No. 229, Grand Army of the Republic, of Milton, Pa. (Report No. 1717.)

The bill (H. R. 8697) authorizing and directing the Secretary of the Navy to donate 1 condemned cannon and 4 pyramids of condemned cannon balls to Francis Washburn Post, No. 92, Grand Army of the Republic, of Brighton, Mass., and for other purposes. (Report No. 1718.)

The bill (H. R. 8621) donating a condemned cannon to Franklin Post, No. 256, Department of Illinois, Grand Army of the Republic, of Monticello, Ill. (Report No. 1719.)

The bill (H. R. 8727) donating 1 condemned cannon and 2 pyramids of condemned cannon balls to Bryson Post, No. 225, Grand Army of the Republic, of Watsontown, Pa. (Report No. 1721.)

Mr. NOONAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 180) to make the city of Erie, Pa., a port of immediate transportation, reported the same without amendment, accompanied by a report (No. 1727); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

By Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 6352) to simplify the system of making sales in the Subsistence Department to officers and enlisted men of the Army, reported the same without amendment, accompanied by a report (No. 1728); which said bill and report were referred to the House Calendar.

By Mr. ELLIS, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 2749) entitled "An act to establish the official survey of fractional townships 31 and 32, of ranges 6, 7, and 8 west, the sixth principal meridian, in the State of Nebraska, north and west of the Niobrara River, and quieting the title of settlers thereon, and for other purposes," reported the same without amendment, accompanied by a report (No. 1741); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BISHOP, from the Committee on Military Affairs: The bill (H. R. 4493) to remove the charge of desertion from the military record of Thomas W. O'Brien. (Report No. 1695.)

By Mr. HULICK, from the Committee on Naval Affairs: The bill (H. R. 5758) to remove the charge of desertion from the naval record of Horace G. Reed. (Report No. 1696.)

By Mr. HALTERMAN, from the Committee on Pensions: The bill (H. R. 7849) granting a pension to L. Electa Brown. (Report No. 1697.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The billl (S. 2822) entitled "An act to increase the pension of Theodore V. Purdy." (Report No. 1729.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 3331) to pension Col. James Lindsay. (Report No. 1730.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 4484) for the relief of Sarah E. Chamberlain. (Report No. 1731.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions: The bill (H. R. 2403) granting a pension to Jackson Osborn. (Report No. 1732.)

By Mr. LAYTON, from the Committee on Invalid Pensions:

The bill (H. R. 8884) granting a pension to Henry Graves, reported in lieu of H. R. 7811. (Report No. 1733.)

The bill (H. R. 8159) to pension Mrs. Martha M. Gibson. (Report No. 1734.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 8848) granting an increase of pension to John A. Hughes. (Report No. 1735.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 3263) to increase the pension of Carlos Bombard, late of Company F, Fifth Regiment Vermont Volunteers. (Report No. 1736.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (S. 1052) entitled "An act increasing the pension of Lavicey J. Summers, widow of William H. Summers, late captain of Company E, Fortieth Regiment Illinois Volunteers, and also a soldier in the Mexican war." (Report No. 1737.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 8633) granting a pension to Nancy Roberts, of Manchester, Clay County, Ky. (Report No. 1738.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 2187) entitled "An act to pension Thomas F. Leahy." (Report No. 1739.)

ADVERSE REPORT.

Under clause 2, Rule XIII, Mr. BISHOP, from the Committee on Military Affairs, reported adversely (Report No. 1740) the bill (H. R. 8425) to correct the military record of George E. Day; which said bill and report were laid on the table.

AMENDMENTS TO APPROPRIATION BILLS.

A bill (H. R. 3001) granting a pension to Cynthia A. Lapham, widow of William B. Lapham; and

A bill (H. R. 4395) for the relief of Miss Juliette Betts.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 2721) for the relief of owners or legal representatives of canal boats *Swan* and *Lewis and Butler*, reported it without amendment, and submitted a report thereon.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of "filled cheese," reported it with amendments.

Mr. BURROWS, from the Committee on Claims, to whom was referred the bill (H. R. 5388) for the relief of F. Alberts & Co., Muskegon, Mich., reported it without amendment, and submitted a report thereon.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (S. 2434) granting a pension to Simon D. Kohl, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1164) granting a pension to Aaron B. Page, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2494) restoring a pension to Michael Carron, reported it with an amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 3045) for the relief of William W. Jackson, of Washington, D. C., asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 3019) to remove the charge of desertion from the name of George W. Adams, asked to be discharged from its further consideration, and that it be referred to the Committee on Naval Affairs; which was agreed to.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 3004) granting a pension to Jacob Salladin, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2820) granting a pension to Mary F. Hawley, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2535) granting a pension to Elender Herring, of Elsmore, Kans., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2758) granting a pension to Hiram H. Palmer, reported it without amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on the District of Columbia, to whom was referred the bill (S. 3114) to provide for the adjustment and payment of certain claims against the District of Columbia by drawback certificates, reported it without amendment, and submitted a report thereon.

Mr. ALLEN, from the Committee on Claims, to whom was referred the amendment submitted by himself on the 11th instant, providing for the payment of the claim of Edward H. Murrell, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 2119) for the relief of John Breitling, reported it without amendment, and submitted a report thereon.

Mr. VILAS, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 7161) for relief of Benjamin F. Jones, reported it with amendments, and submitted a report thereon.

Mr. DUBOIS, from the Committee on Naval Affairs, to whom was referred the bill (S. 2500) to remove the charge of desertion from the record of Charles T. Hurd, formerly a landsman in the United States Navy, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2336) to place on the retired list of the Navy Louis V. Housel, late lieutenant of the Regular Navy, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2777) to authorize the Light-House Board to pay to Chamblin, Delaney & Scott the sum of $2,125, reported it without amendment.

Mr. PROCTOR, from the Committee on the District of Columbia, to whom was referred the following bills, reported adversely thereon; and the bills were postponed indefinitely:

A bill (S. 2444) to provide for completing the system of sewage disposal and protection against floods in the District of Columbia, and for other purposes;

A bill (S. 28) to provide for continuing the system of trunk sewers in the District of Columbia, for completing the system of sewage disposal and protection against floods, and for other purposes; and

A bill (S. 29) to amend an act entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893.

Mr. PROCTOR, from the Committee on the District of Columbia, to whom the subject was referred, reported a bill (S. 3123) to provide for the payment of final decrees of the supreme court of the District of Columbia under an act entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893; for continuing the system of trunk sewers in the District of Columbia, for completing the system of sewage disposal and protection against floods, and for other purposes; which was read twice by its title.

Mr. VEST, from the Committee on Finance, to whom was referred the bill (H. R. 4580) to amend section 3449 of the Revised Statutes; reported it with an amendment.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3105) to provide for the erection of a public building at McKeesport, Pa., reported it without amendment, and submitted a report thereon.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the amendment submitted by Mr. DANIEL on the 1st instant, providing for the payment to physicians for the vaccination of poor persons during the smallpox epidemic of 1894, intended to be proposed to the general deficiency appropriation bill, reported it with amendments, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

HENRY T. BAKER.

Mr. PERKINS. I am directed by the Committee on Naval Affairs, to whom was referred the joint resolution (H. Res. 180) for the relief of Ex-Naval Cadet Henry T. Baker, to report it without amendment, and I ask for its present consideration. It is very short.

The joint resolution was read; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of the Navy to reappoint Henry T. Baker as a naval cadet to fill the vacancy in the engineers' division of his class caused by his resignation of March 7, 1896, with the same standing, rights, and privileges in all respects as if such resignation had not been tendered. But he shall not receive pay while out of the service.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IMPORTATIONS OF ORIENTAL PRODUCTS.

Mr. ALDRICH. I am directed by the Committee on Finance to report a resolution for which I ask present consideration. I think there will be no objection to it.

The resolution was read, as follows:

Resolved, That the Committee on Finance, under the provisions of the Senate resolution of March 3, 1891, is hereby directed to inquire whether American labor and industries are suffering from or threatened with injurious competition through importations of oriental products, and if so, to investigate the causes which have made such competition possible.

Mr. ALLEN. Let the resolution go over.

The VICE-PRESIDENT. Objection is interposed, and the resolution will go over under the rule.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 3124) granting an increase of pension to Isabella H. Silvey, widow of Lieut. Col. William Silvey, deceased; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 3125) to refer to the Court of Claims for adjudication certain claims of the white adopted citizens of the Cherokee Nation, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HAWLEY introduced a bill (S. 3126) granting a pension to Cornelia L. Brownell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 3127) to provide for the medical inspection of immigrants at the port of debarkation; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. WETMORE introduced a bill (S. 3128) granting a pension to Phebe A. Thurber, of Providence, R. I., dependent daughter of Samuel Short, a Revolutionary soldier; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3129) to authorize the Secretary of War to remove the charge of desertion as to Jasper L. Dodge, late of Company F, First Rhode Island Volunteer Cavalry; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. TURPIE introduced a bill (S. 3130) granting a pension to Catherine M. Clark; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. BLACKBURN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. TELLER submitted an amendment intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ESSEX M. BOSTFORD.

On motion of Mr. GALLINGER, it was

Ordered, That the papers in connection with Senate bill 2748 in the Fifty-second Congress, granting a pension to Essex M. Bostford, be, and the same are hereby, withdrawn from the files of the Senate for reference to the Committee on Pensions, there being no adverse report thereon.

INVESTIGATION OF BOND SALES.

Mr. PEFFER. I move that the resolution providing for the investigation generally of all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896 be printed as a document.

The motion was agreed to.

COINAGE OF SILVER BULLION—VETO MESSAGE.

Mr. COCKRELL. I submit a resolution and ask for its adoption.

The resolution was read, as follows:

Resolved, That there be printed in document form, for the use of the Senate, 1,000 copies of the message of the President of March 29, 1894, returning without his approval House bill No. 4956, entitled "An act directing the coinage of the silver bullion held in the Treasury, and for other purposes," and the bill as vetoed by the President.

Mr. COCKRELL. The document never has been printed and there are a great many calls for it. It will cost a very small sum of money.

The resolution was considered by unanimous consent, and agreed to.

THOMAS J. ROBERTSON.

Mr. SHERMAN submitted the following resolution; which, with the accompanying paper, was referred to the Committee on Privileges and Elections:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Ex-Senator Thomas J. Robertson, of South Carolina, the salary due him from March 4, 1867, to July 22, 1868, said sum to be paid out of the contingent fund, and at the rate of salary paid to United States Senators at that time (1867 and 1868).

WILLARD WARNER.

Mr. SHERMAN submitted the following resolution; which was referred to the Committee on Privileges and Elections:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Hon. Willard Warner, late a Senator from Alabama, the amount due from the beginning of his term on the 4th of March, 1867, until he was paid, said payment to be made from the contingent fund of the Senate.

TENNESSEE CENTENNIAL EXPOSITION.

Mr. BATE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas the citizens of Tennessee propose to celebrate the one hundredth anniversary of the admission of Tennessee into the Federal Union on June 1, 1896, at Nashville, Tenn.; and

Whereas an invitation has been extended to the Senate of the United States to be present and participate in the ceremonies on that patriotic occasion: Therefore

Be it resolved, That the invitation extended to the Senate of the United States by the Tennessee Centennial Exposition Company, under whose auspices are to be held the ceremonies at Nashville, Tenn., on the 1st day of June, 1896, commemorating the one hundredth anniversary of the admission of the State of Tennessee into the Federal Union, be accepted and entered upon the Journal of the Senate, and that the President of the Senate is hereby authorized to appoint a committee of five to attend said celebration at the city of Nashville on the 1st day of June next.

ALASKA TRANSPORTATION AND TRADE COMPANY.

Mr. QUAY. I move that the bill (S. 2522) creating a corporation known as the Alaska Transportation and Trading Company, and granting right of way for the construction and operation by that corporation of a turnpike and post road from Taiya Inlet to Lake Bennett, in the Territory of Alaska, be committed to the Committee on Public Lands, with instructions to report to the Senate on Monday next.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes; insisted upon its disagreement to the amendments of the Senate to the bill numbered 33, 37, 46, 47, 48, 49, 52, 56, 64, 66, 68, 69, 70, 71, 76, 77, 78, 83, 84, 85, 86, 87, and 94; asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON managers at the further conference on the part of the House.

The message also announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

A bill (S. 2032) to grant the right of way over the public domain for pipe lines in the States of Colorado and Wyoming; and

A bill (S. 2642) to provide for the safety of passengers on excursion steamers.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 6172) authorizing the sale of the title of the United States in lot 5, square 1113, in the city of Washington;

A bill (H. R. 7469) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes;

A bill (H. R. 7578) granting the Flagstaff and Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve in northern Arizona;

A bill (H. R. 8167) to authorize the construction of a bridge across the Red River of the North;

A bill (H. R. 8324) authorizing and directing the Secretary of the Navy to donate 4 pieces of condemned cannon and 4 pyramids of condemned cannon balls to the Grant County Union Soldiers' Monument and Memorial Association of Wisconsin;

A bill (H. R. 8495) granting to John Hill Post, No. 86, of Boonton, N. J., 4 condemned cannon and 20 cannon balls;

A bill (H. R. 8532) to establish certain harbor regulations for the District of Columbia; and

A bill (H. R. 8590) granting to the Denver, Cripple Creek and Southwestern Railroad Company a right of way for a railroad through the South Platte and Plum Creek forest reserves, in the State of Colorado.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 137) granting an increase of pension to William W. French;

A bill (S. 1365) for the relief of the National New Haven Bank of the State of Connecticut;

A bill (H. R. 6) constituting Syracuse, N. Y., a port of delivery;

A bill (H. R. 1743) for the relief of Thomas L. Young; and

A bill (H. R. 4804) to amend subdivision 10 of section 2238 of the Revised Statutes of the United States.

INDIAN APPROPRIATION BILL—CONFERENCE REPORT.

Mr. PETTIGREW. I submit a report of the committee of conference on the Indian appropriation bill, which I ask to have read.

The VICE-PRESIDENT. The report will be read.

Mr. GORMAN. I suggest to the Senator from South Dakota that without the report being formally read it be printed in the RECORD, so that we can see it in the morning.

Mr. PETTIGREW. Very well.

The VICE-PRESIDENT. The report will be printed in the RECORD, in the absence of objection. The Chair hears none, and it is so ordered.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 6, 7, 11, 21, 22, 29, 30, 34, 35, 43, 62, and 90.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 8, 9, 10, 12, 13, 15, 17, 18, 19, 23, 24, 26, 27, 28, 32, 36, 38, 39, 40, 41, 42, 44, 50, 53, 54, 55, 58, 59, 60, 61, 63, 65, 72, 73, 74, 75, 79, 80, 81, 82, 88, and 89; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with amendments as follows: Strike out, in line 19, page 20, of the bill, the word "Kickapoos" and insert in lieu thereof the words "Kickapoos in Kansas"; and in lieu of the matter inserted by said amendment insert the following:

"KICKAPOOS IN OKLAHOMA.

"To enable the Secretary of the Interior to assist the Kickapoo Indians of

Oklahoma Territory who have not accepted their allotments to make improvements upon said allotments as fast as accepted, and to purchase seed, grain, and subsistence for said Indians, $5,000, to be immediately available. The sum of money now in the Treasury of the United States belonging to said Indians shall be retained as a permanent fund, upon which the Treasurer shall pay to said Indians annually interest at the rate of 5 per cent per annum from July 1, 1895."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "And sections 669, 670, and 671, of chapter 27 of Mansfield's Digest of the laws of Arkansas covering deeds, mortgages, liens, and instruments of writing pertaining to real estate are hereby extended over and put in force in said Quapaw Agency, Indian Territory. That the allottees of land within the limits of said Quapaw Agency are authorized to lease the same for a term not exceeding three years for farming purposes or five years for mining or business purposes"; and the Senate agreed to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with amendments as follows: Strike out from said amendment the word "Santee," and add at the end of said amendment the following: "And North and South Dakota"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "And charge against any funds belonging to said Lower Brule Indians now in the Treasury of the United States"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out in line 12, page 39 of the bill, the word "divided" and insert in lieu thereof the word "expended"; and the Senate agree to the same.

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"And not exceeding $1,500 for necessary traveling and incidental expenses of such persons.

"For completing the work of the Puyallup Indian Commission appointed under the act of March 3, 1893, to select and appraise such portions of the allotted lands within the Puyallup Indian Reservation, Wash., as are not required for homes for the Indian allottees, and also that part of the agency tract exclusive of the burying ground not needed for school purposes, and for the purpose of defraying the expenses of said Commission, $4,000, to be reimbursed to the United States out of the proceeds of the sale of the agency tract and allotted lands as provided in said act, to be immediately available; and said Commission shall conclude its work and terminate on or before the 1st day of December, 1896."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Secretary of the Interior is hereby authorized to negotiate through the Indian inspectors of his Department with the Indians residing on the Fort Hall Indian Reservation in the State of Idaho, and with the Indians residing upon the Uintah Reservation, in the State of Utah, for the surrender of any portion of their respective reservations, or for such modification of existing treaties as may be deemed desirable by said Indians and the Secretary of the Interior, any agreement thus negotiated being subject to subsequent ratification by Congress."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with amendments as follows: Strike out, in line 3 of said amendment, the word "three" and insert in lieu thereof the word "two"; and strike out, in line 42 of said amendment, the words "sufficient proof" and insert in lieu thereof the word "conviction"; and the Senate agree to the same.

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That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with amendments as follows: Strike out, in line 4 of the last paragraph of the amendment, the words "section 2 of this act" and insert in lieu thereof the words "this section"; and add at the end of said paragraph the following:

"*Provided, however.* That any person who in good faith prior to the passage of this act has discovered or opened or located a mine of coal or other mineral shall have a preference right of purchase for ninety days from and after the official filing in the local land office of the approved plat of survey provided for by this section."

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On amendments numbered 33, 37, 46, 47, 48, 49, 52, 56, 64, 66, 68, 69, 70, 71, 76, 77, 78, 83, 84, 85, 86, 87, and 94 the committee of conference has been unable to agree.

R. F. PETTIGREW,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

J. S. SHERMAN,
CHARLES CURTIS,
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RIVER AND HARBOR APPROPRIATION BILL.

The VICE-PRESIDENT. Under the agreement made yesterday, the Chair lays the river and harbor bill before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the pending question being on the amendment of Mr. WHITE to the amendment reported by the Committee on Commerce.

Mr. FRYE. I come, Mr. President, in my speech to what is always a tedious task to me, citations of testimony; but the duty, while a disagreeable one, is rendered necessary in justice to the committee whose report I sustain and to the Senators who act in this matter with it.

The Senator from Alabama [Mr. MORGAN] inquired yesterday whether there was any plan for a breakwater at Santa Monica, and if yes, whether it had been referred to the War Department and what the War Department had to say in reference to it. There was a plan, as a matter of course. It was referred to the War Department, although that was entirely unnecessary. The committee in their report have broken away in this matter from the boards of army engineers. They have adopted the opinions of the civil engineers, and in adopting those opinions they have adopted the plan of the civil engineers, and so whether the War Department approved was a matter of little or no consequence to the committee. But the War Department did approve. It was referred, and I have here before me the return of the Chief of Engineers, all of which I will print, and only a little part of which I will read:

The subject of the construction of a harbor of refuge in that vicinity has been fully considered and reported upon; but inasmuch as the letter of January 16 intimates that the committee have already before them the reports previously rendered and desire information only as to specific points, this communication will not repeat the statements of those reports, but will comment briefly upon the points brought up in the letter of January 16.

Q. 1. As to Mr. Hood's location of the breakwater.

A. The location for a breakwater suggested by Mr. Hood appears to be as good as can be selected in the vicinity of the wharf of the Southern Pacific Railroad Company at Santa Monica.

Let me remark parenthetically it is the exact location made by the board of 1892.

As to the plan of the breakwater.

There is no objection to the plan of the breakwater for the object it is intended to subserve, but the form and area of the vertical sections are not considered the best for that location.

I will remark here that the sections are exactly those of the board of 1892, made for San Pedro. The breakwater for San Pedro was in a much more exposed condition than the breakwater at Santa Monica. And so on. As I say, I will print this document without reading further.

The paper referred to is as follows:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., February 5, 1896.

SIR: I have the honor to acknowledge the receipt of letters of January 3 and 16 from Hon. W. P. FRYE, chairman of the Senate Committee on Commerce, relative to plan of Mr. William Hood, chief engineer, Southern Pacific Railroad, for the improvement of the harbor of Port Los Angeles (Santa Monica Bay), California, presented by Mr. C. P. Huntington.

In reply to the reference of these papers to this office for report I have the honor to submit the following:

The subject of the construction of a harbor of refuge in that vicinity has been fully considered and reported upon; but inasmuch as the letter of January 16 intimates that the committee have already before them the reports previously rendered and desire information only as to specific points, this communication will not repeat the statements of those reports, but will comment briefly upon the points brought up in the letter of January 16.

Q. 1. As to Mr. Hood's location of the breakwater.

A. The location for a breakwater suggested by Mr. Hood appears to be as good as can be selected in the vicinity of the wharf of the Southern Pacific Railroad Company at Santa Monica.

Q. 2. As to the plan of the breakwater.

A. There is no objection to the plan of the breakwater for the object it is intended to subserve, but the form and area of the vertical sections are not considered the best for that location.

Q. 3. As to the stone proposed to be used, whether it is good for the purpose.

A. Considering the samples of stone presented, it would appear that the granite from the Declez quarry, 70 miles from Santa Monica, and the stone from Catalina Island are good for the purposes of breakwater construction. The use of the sandstone, while possibly permissible, would not seem to be judicious so long as the other stone is available.

Q. 4. As to the plan of trestle and the method of building the work.

A. It is understood the question refers to the project proposed by Mr. Hood of constructing the breakwater by dumping stone into the sea directly from cars running over the existing wharf of the railroad company and over supplementary trestle work to connect the wharf with the extreme limits of the breakwater.

This is a practical method of construction in case the stone is brought from the interior by rail, but it is quite probable the use of stone from quarries which will not require transportation by rail and which can be dumped from barges over and along the line of the breakwater would be more advantageous and economical.

Q. 5. Estimate of cost according to the plan.

A. The details upon which Mr. Hood's estimates are based are not given, but I have no doubt the totals presented by him are ample for the construction proposed if supply of material, transportation, and method of execution be open to competition.

Suggestions are requested "touching the merits of the matter and the propriety of the passage of a bill relative thereto." The general question of a harbor on the southern California coast has been considered in reports which are before the Committee on Commerce. A further expression of

opinion at the present time as to the merits of the proposed work would seem to be prohibited by section 13 of the river and harbor act of August 17, 1894, except to refer in general terms to one or two points. The fundamental one is whether such a breakwater is needed by the commerce of the locality. That is a question of opinion founded on statistics. If Congress should decide to build a breakwater at Santa Monica, it should be so arranged as to be available for general use and should be built by contract after due advertisement and competition.

Very respectfully, your obedient servant,
W. P. CRAIGHILL,
Brigadier-General, Chief of Engineers.

Hon. DANIEL S. LAMONT,
Secretary of War.

Mr. WHITE. If the Senator from Maine will permit me, I think it well, if the Senator has no objection, to state where the figures found in the bill, $3,098,000, are obtained, whether from a recommendation of any officer of the United States whatever.

Mr. FRYE. The officers say that it can be built for the figures which are mentioned, $2,848,000.

Mr. WHITE. But my question was directed to the proposition, Where were those figures obtained?

Mr. FRYE. They were obtained from Mr. Hood, and while the Engineer Department say they did not have the details, they were mistaken, because I sent to the Engineer Department these details and they are all carried out away down to the lowest figures. But it would encumber the RECORD to put them in. The Senator from California can examine them at his leisure. This was sent to the War Department.

Mr. VEST. If it does not disturb the line of argument of the Senator from Maine, I should like to call his attention to one matter that came up in yesterday's debate about which I have received some information that comes to me for the first time. The Senator from Maine will remember that I stated the impression was made upon the committee, at least upon my mind, during the examination of this question that about 3 miles from the bar at San Pedro there were 300 fathoms of water, and the Senator from Maine corroborated that by saying that this was the report of the Geodetic Survey. That was my recollection. Am I correct?

Mr. FRYE. Hardly. I did not say from the bar of San Pedro, of the inner harbor.

Mr. VEST. Well, from what point?

Mr. FRYE. From the breakwater.

Mr. VEST. Very good; from the breakwater. Since the adjournment of the Senate—in fact, just before the adjournment—I was shown a map which I saw for the first time, made by the Geodetic Survey, and by the measurements that statement is not corroborated as I understand that map. The Senator from California [Mr. WHITE] had the map and made the measurement in my presence, and upon the scale adopted with regard to that map the statement is not correct. I recollect the statement made by Mr. Corthell to be about 2½ miles, possibly it was 3 miles, but that is not material. The important point is, What does the map of the Geodetic Survey show in regard to the depth of water between 2½ and 3 miles from the breakwater at San Pedro?—because with me that is an important inquiry in this case.

Mr. FRYE. Well, it will be necessary to have those maps in order to see. There is not any chance for any dispute in reference to it—not the slightest under the sun.

Mr. VEST (exhibiting). Here is the map.

Mr. FRYE (examining). On the larger one you can see the figures more plainly.

Mr. WHITE. The map to which the Senator from Missouri has directed attention is the one that I have before me here [exhibiting] and which has been corrected up to April 23, 1896—that is to say, the stamp of the Geodetic Survey is as follows: "Aids to navigation. Corrected from information received to April 23, 1896." It only refers to San Pedro Harbor, and is a pretty elaborate affair. However, I referred to it before. It is the same map I had here during the discussion on a former day.

Mr. CULLOM. What does it show? I inquire of the Senator from California what the map shows as to the depth 3 miles away?

Mr. WHITE. The map shows that in the direction which I may say is the Catalina Island direction, over 7 miles from Point Firmin, the water is 15 and 16 fathoms. Southerly as far as the survey proceeds, about 4 miles, the depth is 14, 8, 19 fathoms, and so on. Due westerly at 3 miles, according to my estimate, it is 75 fathoms, and thence it goes on in a westerly direction until it reaches three hundred and odd fathoms. But the depth differs in different directions. As I say, there is Catalina Island on southerly [indicating]. It is over 7 miles from the point. It is only 15 fathoms. It is not possible to build the breakwater at the exact point where the harbor is, but some distance farther inward toward San Pedro.

Mr. FRYE. Mr. President, I can see how very easily confusion is brought into this matter by this map, and I am very glad my attention was called to it by the Senator from Missouri. The Senator from California measures away off in the first place to the southeast. Then he measures away off to the west up here [indicating]. He is very careful not to measure to the southwest, from which the wave line comes. If he will put his compasses on this map and take the wave line, which is southwest, he will find that it gets into deep water very shortly. I should like to have the other maps that were here. [The maps were brought into the Chamber.]

Mr. WHITE. I think the Senator will find that I have not gone into the deep water southwest from that point.

Mr. FRYE. I do not know what the scale is here. Measuring from the southwest you get 240 and 242 and 288 fathoms, but I can not tell how many miles it is from this map.

Mr. WHITE. It is about 3¼ miles. That is not southwest. It is westerly.

Mr. FRYE (indicating). No; that is the coast. That is southwest. That is the trend of the wave line [indicating]. You follow the trend of the wave line and when you get 3¼ miles you are in nearly 300 fathoms of water. You are precisely where that picture which was here yesterday of the red line and the blue line shows you to be. There is no chance for mistake about it. There is no purpose in measuring in any direction whatever except in the southwest direction, because that is the wave line. It makes no difference about the other line—the westerly line, or the southerly line, or the easterly line; it is the wave line that is to be examined into.

Mr. WHITE. Will the Senator from Maine tell me, in view of the fact that the breakwater keeps out the waves and it is admitted by his own engineer that the section provided by the Government engineer is sufficient, what difference it makes with reference to where the waves come from as long as they are excluded from the harbor?

Mr. FRYE. It makes a wonderful difference. When the same board recommends the attachment on top of the breakwater of a railroad track and to the breakwater of wharves it simply shows that they were mistaken about the southwest wave line, because it is utterly impracticable.

Mr. WHITE. I fail to see the connection. But I want to attract the Senator from Maine to another statement he made yesterday which seems to me to belong to the poetical side of this controversy. He referred to waves 40 and 50 feet high. If his information——

Mr. FRYE. I did not refer to waves 40 and 50 feet high. I am as familiar with waves as the Senator from California, but I have seen, as I presume he has seen, waves breaking on a rock running more than 40 feet high.

Mr. WHITE. Of course; they might break on a rock 200 feet high.

Mr. FRYE. I am sorry to be interrupted in this way.

Mr. WHITE. Excuse me.

Mr. FRYE. It is out of the entire line of my remarks.

Mr. WHITE. Excuse me.

Mr. FRYE. I said when these great waves from the Pacific Ocean struck that barricade made by the engineers 10 feet out of water the wave would break over it 40 or 50 feet high. I never said there was a wave 40 or 50 feet high. I think no one who ever saw a wave coming on to the shore will dispute my statement.

I wish now to call attention to the testimony given before the committee by Mr. Huntington, the "individual" referred to by the Senator from California [Mr. WHITE], the "man of greed" referred to by the Senator from Arkansas [Mr. BERRY]. He is not bulling the stock markets nor bearing them. He is not cornering wheat nor flour. He is engaged in enormous enterprises, the results of which are building up the commerce of this Republic, and in all his enterprises he is successful. So if he be greedy the reasons which induced him to change from San Pedro to Santa Monica are worthy of the consideration of the Senate. He says on page 31:

A little railroad was built from Los Angeles down to this little lagoon. Later the Southern Pacific followed the same line that had been followed by those who preceded it and bought a small road that was built from Los Angeles to San Pedro. The company made the large improvements there and purchased San Pedro Point. I myself paid but little attention to this until they commenced building a pier outside of the little inside lagoon (or inside harbor) out into the open sea. The Government engineers, looking out for a harbor in that region of California, naturally drifted into the line followed by the small traders whom I have before mentioned. When I went to look at the location of the pier that was pointing out into the open sea, I decided at once that it was a place where a pier could not be sustained. I procured the Government Coast Survey maps and charts and made the best examination I could of San Pedro, and was confirmed in my opinion; and I believe the Government engineers would never have thought of locating a deep-sea harbor at that point excepting for the money that had already been invested there in local building up and improvements, and the interest that the people of Los Angeles had because of the old associations and traditions connected with that place.

I went to Santa Monica and made as thorough an examination as I could there. I asked Colonel Crocker to go over and examine the two locations, and he was in perfect accord with me in thinking that San Pedro was about as bad as it could be and that Santa Monica was probably the best anywhere for probably a couple of hundred miles of seacoast. I asked Mr. Hood, our chief engineer, to make a thorough investigation, which he did, and he also reported that Santa Monica was very much the better location for a deep-sea harbor; that a larger area of protected harborage could be acquired there than at San Pedro, while the holding ground was much better, and the harbor, in short, would be very much safer. For my part, I do not believe that any harbor can be constructed on the plans proposed that will protect San Pedro from the terrible southern storms that blow up against Point Firmin.

Oklahoma Territory who have not accepted their allotments to make improvements upon said allotments as fast as accepted, and to purchase seed, grain, and subsistence for said Indians, $5,000, to be immediately available. The sum of money now in the Treasury of the United States belonging to said Indians shall be retained as a permanent fund, upon which the Treasurer shall pay to said Indians annually interest at the rate of 5 per cent per annum from July 1, 1895."

And the Senate agree to the same.

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As to the plan of the breakwater.

There is no objection to the plan of the breakwater for the object it is intended to subserve, but the form and area of the vertical sections are not considered the best for that location.

I will remark here that the sections are exactly those of the board of 1892, made for San Pedro. The breakwater for San Pedro was in a much more exposed condition than the breakwater at Santa Monica. And so on. As I say, I will print this document without reading further.

The paper referred to is as follows:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., February 5, 1896.

SIR: I have the honor to acknowledge the receipt of letters of January 3 and 16 from Hon. W. P. FRYE, chairman of the Senate Committee on Commerce, relative to plan of Mr. William Hood, chief engineer, Southern Pacific Railroad, for the improvement of the harbor of Port Los Angeles (Santa Monica Bay), California, presented by Mr. C. P. Huntington.

In reply to the reference of these papers to this office for report I have the honor to submit the following:

The subject of the construction of a harbor of refuge in that vicinity has been fully considered and reported upon; but inasmuch as the letter of January 16 intimates that the committee have already before them the reports previously rendered and desire information only as to specific points, this communication will not repeat the statements of those reports, but will comment briefly upon the points brought up in the letter of January 16.

Q. 1. As to Mr. Hood's location of the breakwater.

A. The location for a breakwater suggested by Mr. Hood appears to be as good as can be selected in the vicinity of the wharf of the Southern Pacific Railroad Company at Santa Monica.

Q. 2. As to the plan of the breakwater.

A. There is no objection to the plan of the breakwater for the object it is intended to subserve, but the form and area of the vertical sections are not considered the best for that location.

Q. 3. As to the stone proposed to be used, whether it is good for the purpose.

A. Considering the samples of stone presented, it would appear that the granite from the Dechez quarry, 70 miles from Santa Monica, and the stone from Catalina Island are good for the purposes of breakwater construction. The use of the sandstone, while possibly permissible, would not seem to be judicious so long as the other stone is available.

Q. 4. As to the plan of trestle and the method of building the work.

A. It is understood the question refers to the project proposed by Mr. Hood of constructing the breakwater by dumping stone into the sea directly from cars running over the existing wharf of the railroad company and over supplementary trestle work to connect the wharf with the extreme limits of the breakwater.

This is a practical method of construction in case the stone is brought from the interior by rail, but it is quite probable the use of stone from quarries which will not require transportation by rail and which can be dumped from barges over and along the line of the breakwater would be more advantageous and economical.

Q. 5. Estimate of cost according to the plan.

A. The details upon which Mr. Hood's estimates are based are not given, but I have no doubt the totals presented by him are ample for the construction proposed if supply of material, transportation, and method of execution be open to competition.

Suggestions are requested "touching the merits of the matter and the propriety of the passage of a bill relative thereto." The general question of a harbor on the southern California coast has been considered in reports which are before the Committee on Commerce. A further expression of

opinion at the present time as to the merits of the proposed work would seem to be prohibited by section 13 of the river and harbor act of August 17, 1894, except to refer in general terms to one or two points. The fundamental one is whether such a breakwater is needed by the commerce of the locality. That is a question of opinion founded on statistics. If Congress should decide to build a breakwater at Santa Monica, it should be so arranged as to be available for general use and should be built by contract after due advertisement and competition.

Very respectfully, your obedient servant,
W. P. CRAIGHILL,
Brigadier-General, Chief of Engineers.

Hon. DANIEL S. LAMONT,
Secretary of War.

Mr. WHITE. If the Senator from Maine will permit me, I think it well, if the Senator has no objection, to state where the figures found in the bill, $3,098,000, are obtained, whether from a recommendation of any officer of the United States whatever.

Mr. FRYE. The officers say that it can be built for the figures which are mentioned, $2,848,000.

Mr. WHITE. But my question was directed to the proposition, Where were those figures obtained?

Mr. FRYE. They were obtained from Mr. Hood, and while the Engineer Department say they did not have the details, they were mistaken, because I sent to the Engineer Department these details and they are all carried out away down to the lowest figures. But it would encumber the RECORD to put them in. The Senator from California can examine them at his leisure. This was sent to the War Department.

Mr. VEST. If it does not disturb the line of argument of the Senator from Maine, I should like to call his attention to one matter that came up in yesterday's debate about which I have received some information that comes to me for the first time. The Senator from Maine will remember that I stated the impression was made upon the committee, at least upon my mind, during the examination of this question that about 3 miles from the bar at San Pedro there were 300 fathoms of water, and the Senator from Maine corroborated that by saying that this was the report of the Geodetic Survey. That was my recollection. Am I correct?

Mr. FRYE. Hardly. I did not say from the bar of San Pedro, of the inner harbor.

Mr. VEST. Well, from what point?

Mr. FRYE. From the breakwater.

Mr. VEST. Very good; from the breakwater. Since the adjournment of the Senate—in fact, just before the adjournment—I was shown a map which I saw for the first time, made by the Geodetic Survey, and by the measurements that statement is not corroborated as I understand that map. The Senator from California [Mr. WHITE] had the map and made the measurement in my presence, and upon the scale adopted with regard to that map the statement is not correct. I recollect the statement made by Mr. Corthell to be about 2½ miles, possibly it was 3 miles, but that is not material. The important point is, What does the map of the Geodetic Survey show in regard to the depth of water between 2½ and 3 miles from the breakwater at San Pedro?—because with me that is an important inquiry in this case.

Mr. FRYE. Well, it will be necessary to have those maps in order to see. There is not any chance for any dispute in reference to it—not the slightest under the sun.

Mr. VEST (exhibiting). Here is the map.

Mr. FRYE (examining). On the larger one you can see the figures more plainly.

Mr. WHITE. The map to which the Senator from Missouri has directed attention is the one that I have before me here [exhibiting] and which has been corrected up to April 23, 1896—that is to say, the stamp of the Geodetic Survey is as follows: "Aids to navigation. Corrected from information received to April 23, 1896." It only refers to San Pedro Harbor, and is a pretty elaborate affair. However, I referred to it before. It is the same map I had here during the discussion on a former day.

Mr. CULLOM. What does it show? I inquire of the Senator from California what the map shows as to the depth 3 miles away?

Mr. WHITE. The map shows that in the direction which I may say is the Catalina Island direction, over 7 miles from Point Firmin, the water is 15 and 16 fathoms. Southerly as far as the survey proceeds, about 4 miles, the depth is 14, 8, 19 fathoms, and so on. Due westerly at 3 miles, according to my estimate, it is 75 fathoms, and thence it goes on in a westerly direction until it reaches three hundred and odd fathoms. But the depth differs in different directions. As I say, there is Catalina Island on southerly [indicating]. It is over 7 miles from the point. It is only 15 fathoms. It is not possible to build the breakwater at the exact point where the harbor is, but some distance farther inward toward San Pedro.

Mr. FRYE. Mr. President, I can see how very easily confusion is brought into this matter by this map, and I am very glad my attention was called to it by the Senator from Missouri. The Senator from California measures away off in the first place to the southeast. Then he measures away off to the west up here [indicating]. He is very careful not to measure to the southwest, from which the wave line comes. If he will put his compasses on this map and take the wave line, which is southwest, he will find that it gets into deep water very shortly. I should like to have the other maps that were here. [The maps were brought into the Chamber.]

Mr. WHITE. I think the Senator will find that I have not gone into the deep water southwest from that point.

Mr. FRYE. I do not know what the scale is here. Measuring from the southwest you get 240 and 242 and 288 fathoms, but I can not tell how many miles it is from this map.

Mr. WHITE. It is about 3¼ miles. That is not southwest. It is westerly.

Mr. FRYE (indicating). No; that is the coast. That is southwest. That is the trend of the wave line [indicating]. You follow the trend of the wave line and when you get 3¼ miles you are in nearly 300 fathoms of water. You are precisely where that picture which was here yesterday of the red line and the blue line shows you to be. There is no chance for mistake about it. There is no purpose in measuring in any direction whatever except in the southwest direction, because that is the wave line. It makes no difference about the other line—the westerly line, or the southerly line, or the easterly line; it is the wave line that is to be examined into.

Mr. WHITE. Will the Senator from Maine tell me, in view of the fact that the breakwater keeps out the waves and it is admitted by his own engineer that the section provided by the Government engineer is sufficient, what difference it makes with reference to where the waves come from as long as they are excluded from the harbor?

Mr. FRYE. It makes a wonderful difference. When the same board recommends the attachment on top of the breakwater of a railroad track and to the breakwater of wharves it simply shows that they were mistaken about the southwest wave line, because it is utterly impracticable.

Mr. WHITE. I fail to see the connection. But I want to attract the Senator from Maine to another statement he made yesterday which seems to me to belong to the poetical side of this controversy. He referred to waves 40 and 50 feet high. If his information——

Mr. FRYE. I did not refer to waves 40 and 50 feet high. I am as familiar with waves as the Senator from California, but I have seen, as I presume he has seen, waves breaking on a rock running more than 40 feet high.

Mr. WHITE. Of course; they might break on a rock 200 feet high.

Mr. FRYE. I am sorry to be interrupted in this way.

Mr. WHITE. Excuse me.

Mr. FRYE. It is out of the entire line of my remarks.

Mr. WHITE. Excuse me.

Mr. FRYE. I said when these great waves from the Pacific Ocean struck that barricade made by the engineers 10 feet out of water the wave would break over it 40 or 50 feet high. I never said there was a wave 40 or 50 feet high. I think no one who ever saw a wave coming on to the shore will dispute my statement.

I wish now to call attention to the testimony given before the committee by Mr. Huntington, the "individual" referred to by the Senator from California [Mr. WHITE], the "man of greed" referred to by the Senator from Arkansas [Mr. BERRY]. He is not bulling the stock markets nor bearing them. He is not cornering wheat nor flour. He is engaged in enormous enterprises, the results of which are building up the commerce of this Republic, and in all his enterprises he is successful. So if he be greedy the reasons which induced him to change from San Pedro to Santa Monica are worthy of the consideration of the Senate. He says on page 31:

A little railroad was built from Los Angeles down to this little lagoon. Later the Southern Pacific followed the same line that had been followed by those who preceded it and bought a small road that was built from Los Angeles to San Pedro. The company made the large improvements there and purchased San Pedro Point. I myself paid but little attention to this until they commenced building a pier outside of the little inside lagoon (or inside harbor) out into the open sea. The Government engineers, looking out for a harbor in that region of California, naturally drifted into the line followed by the small traders whom I have before mentioned. When I went to look at the location of the pier that was pointing out into the open sea, I decided at once that it was a place where a pier could not be sustained. I procured the Government Coast Survey maps and charts and made the best examination I could of San Pedro, and was confirmed in my opinion; and I believe the Government engineers would never have thought of locating a deep-sea harbor at that point excepting for the money that had already been invested there in local building up and improvements, and the interest that the people of Los Angeles had because of the old associations and traditions connected with that place.

I went to Santa Monica and made as thorough an examination as I could there. I asked Colonel Crocker to go over and examine the two locations, and he was in perfect accord with me in thinking that San Pedro was about as bad as it could be and that Santa Monica was probably the best anywhere for probably a couple of hundred miles of seacoast. I asked Mr. Hood, our chief engineer, to make a thorough investigation, which he did, and he also reported that Santa Monica was very much the better location for a deep-sea harbor; that a larger area of protected harborage could be acquired there than at San Pedro, while the holding ground was much better, and the harbor, in short, would be very much safer. For my part, I do not believe that any harbor can be constructed on the plans proposed that will protect San Pedro from the terrible southern storms that blow up against Point Firmin.

When such winds strike vessels lying there if they should drag their anchors they would certainly be destroyed on the rocky bluffs at Point Firmin. At Santa Monica we have a fine seawach with perfect holding ground, and since we located at Santa Monica I have often examined the headlands and my judgment has been strengthened and confirmed that we had selected the best, in fact the only place for a safe harbor in the neighborhood of Los Angeles.

At any rate, my belief in Santa Monica was so strong that we left something over $1,000,000 of investment in San Pedro and went to Santa Monica, where we had no property excepting a small road used mostly for excursions, and invested there something like $1,000,000 in building a pier and other improvements necessary to accommodate the commerce there. During the three or more years that we have been there shipping has been coming to the pier almost every day, and there has not been one day when ships could not put on and take off cargo at our pier. The steamer *San Benito*, drawing 27 feet of water, and many other vessels drawing 25 feet, have been going to that pier regularly for years. What we want is the very best harbor to accommodate the commerce that is sure to come there, as the port for Los Angeles must be used for a very large area of country, to include the Pacific Coast, the commerce as far east as El Paso, which includes nearly all of New Mexico, all of Arizona, southwestern Utah, much of southern Nevada, and all of that beautiful though not large area of country lying south of the Sierra Nevadas and west of the San Jacinto, probably one of the most beautiful spots upon the earth's surface. The growing city of Los Angeles, now containing about 100,000 people, I have no doubt will in time be a city extending to the northwest, which will cover its own present limits and also Santa Monica. I believe that in twenty-five years a continuous, well built-up city will extend from the present city of Los Angeles to the shores of the sea at Santa Monica. Such a city ought to have a harbor of its own.

There is a nice little village at San Pedro at present; considerable improvements have been made there; and I should hope the Government would keep accommodations there for the small water craft they now have; but I do not see why they should have anything more than that to accommodate the traffic that would go there. The great deep-sea harbor for southern California I believe will be, as I know it ought to be, at Port Los Angeles.

Much has been said about the accommodations of other roads there; but I must say that I believe those who say that know better. At least, those who have been there must know better, and those who have not are, at least, mistaken; for, as I have said, I will agree to put ten other tracks along under the bluff where the tracks of the Southern Pacific are now built, on the same level as those, at $10,000 a mile for each track. Other roads which want to use our tracks can use them on the same conditions that we do; that is, paying interest on a portion of the track according as their business compares with that of the Southern Pacific Company. If they wish to use the pier of the Southern Pacific Company it can be used in the same way; and when I say ten tracks it means that there would be twelve tracks there, and that is more than will be wanted in the next fifty years, for there is hardly a limit to the tonnage which can be taken over twelve tracks.

I do not bother myself a great deal about what the people of Los Angeles think or say. I said before that I did not care what they thought or said. The ships of Maine have more interests in this great harbor of refuge than the ships of Los Angeles to-day, and no one can tell what the people of Los Angeles do think. We have had some of them before our committee. One day they think one way and the next day they think the other way. A year ago they held a Congressional convention and put the candidate on a plank for the expenditure at San Pedro, and a week ago they held a convention in the same district for Los Angeles, and they put the same candidate on a plank for Santa Monica. So it is not of much consequence.

Mr. BERRY. The platform did not name Santa Monica.

Mr. FRYE. It named the appropriations that are to be made by Congress, which are for Santa Monica and San Pedro.

Mr. BERRY. I read it last night in a Los Angeles paper, and it said in favor of all harbors.

Mr. FRYE. Ah! What did that mean?

Mr. BERRY. It did not name Santa Monica.

Mr. FRYE. What does the Senator think that means?

Mr. BERRY. I stated it correctly——

Mr. FRYE. As a matter of course it means just what I said, for the two harbors named in the pending bill, which meant putting in a plank for the expenditure of $3,392,000 at Santa Monica and San Pedro, and it could not have meant anything else, and he understands that it so meant.

While I do not propose to go over any of the testimony, I wish to give a few words that were said before the committee by Mr. Cole, who was formerly a United States Senator from California. He is known personally to a good many of the Senators present, and by reputation to all of them. Senator Cole said:

I have been in California forty-seven years and upward, and I have looked at this matter a good deal in relation to this harbor proposition. I have studied it on information derived from numerous masters of vessels, from shipmasters who have sailed on that coast from the time of Dana's Two Years Before the Mast. I think he mentioned in that book that the southeast winds are the dangerous winds along that coast and that this very harbor of San Pedro is absolutely and necessarily exposed to the southeast winds, whether a breakwater is there or not. A breakwater can not be built so as to break the effect of southeast winds. They are the dangerous winds, as is proved by numerous wrecks of vessels at this very point of San Pedro—wrecks caused by these very southeast winds. We build the roofs of our houses to guard against danger for a few days in the year. We build breakwaters against dangers which may last only a few days in the year. But there is the point of danger. If a vessel were anchored out there [indicating San Pedro on the map] on this rocky foundation, or even supposing there was the best kind of holding ground, and if one of these southeast winds rises, how is that vessel to get out?

The CHAIRMAN. She will get out of the water and go ashore.

Mr. COLE. Inevitably she will. You may build a breakwater to cost $4,000,000, or four times four millions, but when the vessel is caught inside there (in San Pedro Harbor) she is inevitably driven ashore, as many vessels have been at that point and in that way.

Now I propose to cite to a limited extent from Mr. Corthell, the engineer. I do not know that I will, however. I have marked with red the citations I intended to make, and I will state that in every respect he sustains the harbor at Santa Monica, the breakwater, and attacks the harbor at San Pedro. With the permission of the Senate, I will print without reading—for I confess I detest reading anything—the passages that I have marked, commencing on page 4 of the hearing before the Senate committee June 19, 1894, running through to page 9, and then a summing up, commencing on page 11 and closing on page 14. If there is no objection I will print those extracts as a part of my remarks without reading them.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

The extracts referred to are as follows:

The winds through the summer months are light, and the sea within the area bounded by these islands is quite smooth; the weather is usually calm. From November to April there are occasionally heavy seas from on-shore winds; those from the northeast and the northwest are usually sudden and strong, but those harbors lying under points of land are protected and the sea is not seriously disturbed. It came under my observation, fortunately, while making these examinations, to witness the effect of a violent wind from north-northwest, which prevailed for several days while I was at Port Los Angeles (Santa Monica). At the pier of the Southern Pacific Company, which extends nearly a mile into the ocean, the coal steamer from Puget Sound continued at work during the storm, discharging from hatchways into cars without any inconvenience. During the same gale a three-masted schooner of 365 tons was blown ashore at Redondo, which, with a north-northwest wind, is on the lee shore of this indentation of the coast. At this writing the schooner is still high and dry on the beach. A photograph showing her position accompanies this statement. The steamer of the Pacific Coast Steamship Company was unable to land at Redondo wharf, but had no trouble in transferring its freight and passengers at Port Los Angeles. I mention this as it was asserted publicly that the steamer could not land at Port Los Angeles.

The direction of the winds during the heavy winter storms is from the southeast, blowing straight up the coast into San Pedro Bay, but is cut off from Santa Monica Bay by the high points of land extending into the ocean at Point Firmin and Point Vincente. Redondo is also protected from this wind. The storms then usually swing around so as to come from the south and southwest, when all the harbors are exposed except so far as the outlying islands modify the swell.

One advantage of Santa Monica Bay is in the depth of the indentation of the coast line. A straight line drawn between Point Dume and Point Vincente is 12 miles out at sea from the shore line at Santa Monica, while at San Pedro the depth between protection points is about 6 miles, and the mouth of the little river at Wilmington is about 1½ miles from this line of exposure.

In considering the question of area to be protected by a breakwater of a given length, a peculiar nautical condition should be considered. It is evident from the testimony of those well informed that the heavy ocean swells and no doubt the strong storm winds at sea start from and come from the southwest, but the wind, being more easily changed than the ground swell of the deep ocean, is deflected on approaching the land by the high mountains of the coast range and comes up the coast from a southeast direction. As a general rule the ocean swell is parallel to the general coast line when it reaches the coast, its direction being modified somewhat by the curves of the local formations and indentations.

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The first board of engineers appreciated this important fact and considered it wise to disturb the regimen of the ocean currents as little as possible, and they therefore designed a closed breakwater at San Pedro, so as to allow these northwardly currents to still do their work of transporting the sands out of the harbor. I can but concur with them in this plan as absolutely essential, and I would be willing to predict that a curved breakwater at San Pedro joined to the shore, without an opening, would cause more or less rapidly the deterioration of the protected harbor by shoaling; no doubt also the deposit in the harbor of sedimentary matter and refuse from the bay and from streams and sewers of the town of Wilmington and of San Pedro would lead to a still more rapid shoaling.

Unfortunately at San Pedro the breakwater had to be either connected with the shore or built with an opening about 1,500 feet wide to accommodate vessels and the shore currents. If the latter plan were adopted, the southwest swells—and they are the principal ones to protect against—would enter freely and with marked and annoying disturbance into the harbor, striking at an angle against the wharves if built out to deep water. Under such conditions the harbor could not be considered protected in any sense of the word. The area actually protected beyond the 4½-fathom line would be very restricted and of but little value to commerce. An examination of the small chart of this harbor accompanying House Executive Document No. 41, with the direction of the swell shown on it, will convince anyone of the correctness of the above statement.

The board of 1892 recognized the serious dilemma in which they were placed, and considering it best, no doubt, to take the hazardous risk of the harbor filling up by the action of a closed breakwater, recommended it in order to escape the other serious alternative.

At Santa Monica, or Port Los Angeles, the conditions are favorable to easily meet both of the above conditions of ocean swells and currents. There will be ample area between the 4½-fathom low-water curve and the breakwater. This area is nearly a mile wide, sufficient for handling vessels in and out of the wharves and at the same time admit of the anchoring and maneuvering in the harbor, if required, of a large number of vessels.

The protected area between the 4½-fathom curve and a breakwater built on the 9-fathom curve and 8,250 feet long, as designed by the board of 1891, is over 750 acres, which would accommodate from 250 to 300 vessels at one time, in addition to those lying at wharves extending to the 4½-fathom curve. It is of interest to know the distance from, say, the 3-fathom curve to the 4½-fathom curve, as this gives the measure of usefulness of the harbor for wharf purposes for all craft, large and small. This distance averages about 1,400 feet, and is quite uniform. The wharves might be extended, without unduly interfering with the harbor area, to the 5½-fathom curve, if thought best, which would give an average length of wharf room between this curve and the 3-fathom curve of about 2,800 feet, offering over a mile of wharf room on each wharf. The easy uniform slope seaward is one of the advantages of this harbor. Westward of the end of the breakwater there is a free open space three-fourths of a mile wide for navigation and the unobstructed movement of the ocean currents.

At San Pedro the conditions are not as advantageous; the shore line is not parallel to the breakwater and the mouth of the river, and the jetties required to maintain a channel of about 16 feet into an inner harbor of restricted dimensions occupy much of the useful area and a considerable part of the shore line.

* * * * * * *

At Port Los Angeles the distance from the shore to, say, the 4½-fathom curve is uniformly about one-half a mile and over ground suitable for building wharves the entire length behind the breakwater. At San Pedro it is

one-half to five-eighths of a mile at the westerly end of the harbor, but about 1½ miles along the easterly portion, furnishing a convenient distance for wharf construction at only one point where the Southern Pacific has built its wharf.

That the conditions for building out the wharves at Port Los Angeles are much more favorable than at San Pedro is shown by the two wharves already built at each place by the Southern Pacific Company. At San Pedro the piles had to be placed in openings blasted into the rocky bottom by dynamite; at Port Los Angeles the material is good for driving piles.

They were driven from 10 to 20 feet into the sea bottom, and into sufficiently hard material to sustain any load required. There is no rock bottom and no hidden dangers. The borings, also, out to 50 feet of water show good holding ground for anchors, the material being clay, gravel in patches near the shore, mud, and sand. The material brought up on the piles, whenever for any reason they had to be withdrawn, was stiff mud and sand and clay, as shown by the reports of the pile driving and by statements of the contractors who drove them.

The borings for a deep-water wharf at San Pedro showed generally about the same kind of material, after getting out beyond the rocky bottom of the shoal areas near the shore. There are, however, areas of rocky bottom in deep water, the material lying in ridges, which is dangerous holding ground, as has been shown at various times by the breaking of ground tackle and by the unusual strength and weight of that used by vessels doing business at San Pedro.

It will be seen by an examination of Executive Document No. 41, report of the board of 1892, that the breakwater proposed at San Pedro is and necessarily must be located entirely outside of the protection of Point Firmin, and that in fact the entire deep-water harbor is in the ocean outside of that point.

* * * * * * *

The location at Santa Monica was the result of a long and careful examination, with soundings, borings, and observation, and study of wind and wave conditions. The result of these studies, the accessibility of approaches to deep water, and the short rail haul to Los Angeles were the principal reasons for establishing an outer terminal at this point. The wharf is one of the most substantial and convenient in the United States. The approaches to this harbor are convenient, not only for the Southern Pacific, but for any other road. There is ample width of foreshore above high water under the bluff for several tracks. The owners of this property along the shore were not willing that any one road should have the entire owner-ship, and, therefore, they sold only a 50-foot strip to the Southern Pacific Company. The right-of-way maps and the photographs of the vicinity show plenty of room for several more tracks the entire distance. This feature is discussed further on, more in detail, in the review of the report of the boards.

The wharf has been built since the second board of engineers made its examination. In order to satisfy myself of its substantial character, I obtained from the chief engineer of the road the plans and some details, and have also procured some photographs of it. The completion of this wharf to deep water and its commercial use are new and important features in determining the question of the location of the breakwater. The business is already being done there, and has been for nearly a year, to the great advantage of the commerce of this part of the country. The cost of transportation in large vessels from New York to Los Angeles by way of this port is now 75 cents a ton less than by any of the other ports, where the freight has to be lightered.

In my opinion, the building of a breakwater at San Pedro will not accomplish what the Government desires; vessels would no doubt still be lightered there and the business would still go to Port Los Angeles, and a breakwater would ultimately have to be built there.

* * * * * * *

Whichever point is selected for a protected harbor, a breakwater is required. A wharf into deep water would be an unsafe berth for vessels in a southwester, and at other times, under unusually severe conditions of the sea, it would be inconvenient to handle cargoes or to hold vessels alongside of the wharf. The fact that there has been no necessity for vessels to get away from the wharf at Port Los Angeles during the last year is to its advantage, but it can not be proven from this that the necessity will not exist in the future.

After a comparison of conditions and a careful examination and a close study of the reports of the two boards, and taking into consideration the important fact of the existence of an ocean terminal pier, with large and convenient facilities at Port Los Angeles, and of the existence of none at any other point, I am of the opinion that the breakwater to form a fully protected harbor should be built there in preference to any other point.

* * * * * * *

There is no question in my mind about the stability of a properly designed and constructed breakwater at Port Los Angeles.

From the high professional character of the engineers composing the two boards, for whom I have great respect either from personal or professional acquaintance, I am of the opinion that they based their conclusions on a misapprehension of the conditions as they then existed, or formed their judgment without the advantage of those facts of more recent date which came under my observation.

Referring to the facts as I have given them, and supplementing them where necessary by some of less importance, I desire now, with the probability of some repetition, to briefly review some of the features of the reports of the boards.

First. The board of 1892 ignored the current and drift conditions along the shore, as above fully stated, or rather they did not believe the silting of the harbor to any great extent would result from a continuous breakwater connected with the shore.

They differed with the board of 1891 in this, and I think they were in error.

Second. The board of 1892 confused the direction of the wind with that of the swell, and calculated protected or unprotected areas in the two localities according to wind directions rather than swell directions, and to the prejudice of both points, particularly Santa Monica. In this also they differed from the board of 1891, and again I think erroneously.

It requires detailed reference to understand this. In House Executive Document No. 41, page 18, of the report of the board of 1892 they compared exposures by using direction of wind rather than swells, although they copied statements from the report of the board of 1891 and from the statement of Prof. George Davidson, both of which statements are emphatic in the opposite direction (see Executive Document No. 41, page 7, lines 13 to 20, and page 104, where Professor Davidson states, "In our southeasters the swell of the Pacific comes from the southwest.")

Experience at the new wharf at Port Los Angeles since the report of the board of 1892 was made confirms the above statement. The very heavy swells come from a southwesterly direction, moving toward the coast about north 30° east (magnetic course), while the direction of the ordinary swell is about north 54° east (magnetic). These directions are from careful observations at Port Los Angeles wharf.

In designating a breakwater the location should take into consideration both of these directions and be placed so that it would offer the largest amount of protection.

By using wind, not swell direction, from the southeast to determine the protected area behind a breakwater at Santa Monica the board of 1892 erred greatly to the prejudice of this harbor, making the area 221 acres, while from the careful survey of Port Los Angeles made in 1893, and basing the calculations on the length of the breakwater designed for Santa Monica by the board of 1891, and placing it in 9 fathoms, I find a protected area of 750 acres between the 4½-fathom curve and the breakwater.

Third. While it may possibly be a matter of no great importance, as suggested by the board of 1892, to build in the most economical location, yet, as the largest estimate given by the board of 1892 for Santa Monica might be used to the prejudice of that location and has been so used, it is necessary to refer to estimates.

The board of 1891 made a difference in favor of San Pedro of about $700,000—$4,843,440 at Santa Monica and $4,129,106 at San Pedro—which seemed to be a matter of importance to the Chief of Engineers (see Executive Document No. 39, page 2). Mr. Hood, in his statement before the board of 1892 (see Executive Document No. 41, page 108), showed that this difference was due to the fact that the former board had not discovered the best and most economical position for a breakwater in Santa Monica Bay, and that had they done so there was no doubt of the estimates having been in favor of Port Los Angeles. The board of 1892 admits the fact of the lesser volume of work at Port Los Angeles, but the estimate turns out to be in favor of San Pedro, caused by changing the position of the breakwater at San Pedro, bringing a considerable part of it into lesser depths than proposed by the former board, and the adoption, unwisely, I think, of a section of breakwater only about 75 per cent of that of the former board. Even assuming this new section and new location to be correct, the estimate ought rather to be used in comparing it with the cost of one at Santa Monica, which was in deeper water and had a much larger section.

Fourth. The board of 1892 have made their breakwater the weakest where it ought to be the strongest, and that is at the extreme low-water line on the sea side. From that point to extreme high water, about 8 feet, and above that to the top of the work, about 10 feet—18 feet in all—they have designed a slope practically 1 on 1—45°. A slope of rubblestone breakwater of this steepness could not possibly stand, even while building the breakwater, as the return waves of the swells would continually drag the stones down until they had formed a stable slope of not less than 2 on 1, probably 2½ on 1, as designed by the board of 1891. If this slope which the 1891 board applied to Santa Monica had been applied by the 1892 board to San Pedro it would have considerably exceeded in volume the Port Los Angeles breakwater and consequently cost more.

* * * * * * *

Fifth. It will not be practicable to use the inner face of the breakwater for tracks and wharves, as proposed by the board of 1892. The waves will very often break with violence over the top of the work.

Sixth. In Executive Document No. 41, page 11, second paragraph, the board of 1892 state that the wharf at Santa Monica belonging to the Southern Pacific Company was removed in 1880, "partly on account of its exposure to the western swell." I have inquired into this matter, and find that it was removed because it was old, worm-eaten, and dangerous.

Seventh. The board of 1892 objects to the opening designed by the board of 1891 at San Pedro, on the ground that it would be dangerous to vessels, and refers to the fact of an increase in wrecks at Tynemouth by the building of jetties there. As the United States Government, since the construction of the South Pass jetties, has been, and is now, building them at several points, it is safe to assume that the dangers to navigation by their construction are not excessive. The opening at the mouth of the Mississippi jetties is only one-half that designed by the board of 1891 for San Pedro, and wrecks are almost unknown at the South Pass, even though the commerce is very large.

The statement made by the board in regard to Tynemouth was based on misinformation. The engineer who has been in charge of the work from its inception stated a year after the board of 1892 made its report that:

"A comparison of the casualties that have occurred during the last thirty years to the present time to vessels actually entering, endeavoring to enter, or leaving the Tyne shows the result of the successful effect of the Tyne piers and entrance works, which I believe to be unprecedented or unsurpassed in any other harbor improvement works in the Kingdom or elsewhere."

Eighth. The detailed discussion of the board of 1892 in Executive Document No. 41, page 21, about the cost of royalty and hauling stone, where, they say, "the contractors and the Government are at the mercy of the railway," may be at once disposed of by reference to the statement already made as to the royalty from the land quarries not exceeding 12½ cents per cubic yard, which is guaranteed by Mr. Huntington, president of the Southern Pacific Company, and by the guaranty also given by him that the rate shall not exceed one-half a cent per ton per mile from either quarry—that is, 25 cents per ton from the Chatsworth sandstone quarry and 37½ cents from the Declez granite quarry, the distance of the latter being 75 miles.

Ninth. I must decidedly dissent from the board of 1892 in the condemnation of the trestle method of building the work. I am very confident of its entire success. I have no doubt that the Southern Pacific Company would allow the use of the tracks on its wharf for this purpose and the extension of it straight out to the breakwater in the shape of a substantial double-track trestle. On reaching the breakwater location it could be made to conform by a curve to the line of the work, and both ends of the breakwater could be under construction at the same time. The extremities of the wharf would be quite well protected as soon as the breakwater was well under way, and that portion of it on the line of the work would be strengthened by dumping the stone around the piles to form the base of the breakwater. The sea bottom is excellent for holding ground for piles, and if the trestle is properly built and well braced laterally it is not likely to be disturbed.

The board has alluded (see Executive Document No. 41, page 21) to the great breakwater at Boulogne as being built from barges. The base may have been put in from barges, but the work above water was built from a railroad track from shore to the extreme end in the sea. I know this to be the fact from a personal inspection of the work with the engineer, and from having walked or ridden on a rubble car its entire length. At Ymuiden, Amsterdam, the railroad was employed, also at the mouth of the Maas, at least for all the top work.

I am confident from experience, examination, and study of wave conditions that the trestle plan is better by far.

Tenth. In Executive Document No. 41, page 21, the board of 1892 states that the Catalina route has "unlimited capacity" and the railroad route limited capacity; and on page 32 they do not consider it necessary to investigate in detail the trestle method by which the work is to be connected with the shore, "because it is based upon an assumption which must be regarded as inadmissible, that the structure is to be completed in nine hundred working days," requiring "a quarry output of 3,000 cubic yards per working day."

I have already stated that from the two quarries available 5,000 tons per day, about 3,700 cubic yards, can be easily quarried, loaded, hauled, and unloaded. I have no doubt of it whatever, and I am satisfied that the railroad company would agree to do this, or even more, if it had the contract with this requirement.

Eleventh. In order to settle some of the important questions discussed unfavorably for Santa Monica, or Port Los Angeles, by the board of 1892, and to form my own judgment by appeal to the highest authority in the matter,

I called on Mr. Huntington, president of the Southern Pacific Company, in San Francisco, and asked him to give you, through me, a definite guaranty in regard to—

(1) The royalty on the stone from the land quarries controlled by his company.

(2) The rate on stone haul.

(3) His willingness to permit other railroad companies to reach the harbor at Port Los Angeles, where interference with his tracks or right of way might be necessary.

* * * * * * *

I can now assure you on all these points.

Mr. FRYE. I will also, immediately following that, print a résumé by Mr. Corthell.

SANTA MONICA OR SAN PEDRO?

First. Santa Monica (Port Los Angeles) is a deep indentation of the coast line 12 miles inland from the headlands. San Pedro is a headland itself and the dike must necessarily be in the open ocean beyond it.

Second. The sea slope at Santa Monica is gentle; that at San Pedro is steep. The storm waves are modified by the Santa Monica slope, but are not by the San Pedro slope.

Third. The country back of Santa Monica Canyon (Port Los Angeles) is high, deadening the winds for some distance seaward as they approach the shore; it also protects the harbor from violent northerly winds. The headland on the southeast of Santa Monica furnishes some protection against the southeast winter storm winds. At San Pedro none of these three conditions exist, and the winter winds would blow directly into the harbor, even if a breakwater were built.

Fourth. The drift of sand along the shore by the ocean currents would soon shoal a protected harbor formed by a dike connected with the shore at San Pedro, and should an opening to avoid this be left in the dike it would let in the great ocean swell, to the damage of shipping. At Santa Monica the dike is parallel to these shore currents and would cause no deposit, nor would wharves built on piles, as has been proven by experience at the great pier there.

Fifth. The holding ground at Santa Monica is clay, sand, and gravel; at San Pedro there are large rocky areas.

Sixth. There is no space for a suitable railroad track under the wave-washed bluff at San Pedro. At Santa Monica there is ample room for a dozen.

Seventh. At San Pedro one railroad company owns nearly the entire approach to the protected harbor, and also nearly all the land adjoining it. At Santa Monica the same railroad owns only a 50-foot right of way, and there remains from 100 feet to 150 feet above high water for other railroads. This company, however, has offered to allow other roads to use its facilities on a reasonable rental.

Eighth. There is now a pier at Santa Monica costing, with its approaches, $1,000,000, where the largest vessels transact their business. At San Pedro there is nothing whatever in the way of harbor facilities.

Ninth. Experience has proven that the favorable conditions at Santa Monica make it entirely practicable to load and unload vessels in almost any weather without inconvenience or delay.

Tenth. Most of the ocean business is between Los Angeles and San Francisco and other northerly points. Santa Monica is 35 miles nearer these points than San Pedro.

Eleventh. Successful experience in transacting commercial business at the great pier at Port Los Angeles makes it evident that even if a breakwater should be built at San Pedro and not at Santa Monica the principal commercial business of southern California would still be done at Santa Monica.

Twelfth. There is no doubt that the opposition to Santa Monica is fomented by local interests at San Pedro—real-estate reasons and the opposition of the Los Angeles Terminal Railway, a small railroad on the east side of Wilmington Harbor, which, however, can not reach a protected harbor at San Pedro without crossing the only navigable channel there by a draw bridge.

Thirteenth. The cost of a breakwater at Santa Monica, as now located, will be less than one on a similar cross section at San Pedro, the latter being $2,885,324, the former $2,848,000.

I am now obliged to read some. The engineer of the Southern Pacific, as was stated yesterday, is Mr. Hood, and the Senator from California [Mr. WHITE] and no one else attacks his skill as an engineer. I propose to read this because it is a communication made to Mr. Huntington after the second board of engineers made their report. It is a communication which Mr. Hood never supposed would be brought to the attention of a committee of Congress. He never supposed it would be read in the United States Senate. He never supposed it would be seen by anybody but his employer, Mr. Huntington, and therefore his statements will be taken as conclusive of his opinions. It is dated February 6, 1893.

C. P. HUNTINGTON, Esq., *President*.

DEAR SIR: I have carefully read Executive Document No. 41, Fifty-second Congress, second session, December 6, 1892, containing the report of the board of engineer officers of the United States Army as to the proposed deep-water harbor at San Pedro or Santa Monica bays.

It is quite natural that the desire of this board of engineers should be to succeed in substantially agreeing with the report of the former board of engineers, published in Executive Document No. 39, Fifty-second Congress, first session, December 19, 1891, that the San Pedro site near Point Firmin, is the proper one.

As is well known to those residing in California who have taken any interest in the matter, the examinations by the last board of engineers, reporting in Executive Document No. 41, were chiefly confined to the taking of verbal and written testimony presented by various parties, most of whom are interested in the several proposed harbor sites, and to a study of the existing Coast Survey charts, and principally to a study of report of the former engineer board, contained in Executive Document No. 39, together with some trifling excursions to various points in San Pedro and Santa Monica bays.

So far as I can learn, but one source of rock supply was examined (Cold Water Canyon), and in fact practically almost no independent work was done by the board in obtaining knowledge of physical facts.

It must be remembered that this is written to Mr. Huntington; not to be read in the United States Senate.

This is somewhat disappointing, as the $10,000 appropriated for their use, together with the time allowed, from July 27 to November 1, 1892, had suggested the expectation that some new and useful information would be obtained by the board of engineers and made public through the regular channels.

There are some points in Executive Document No. 41, and also as compared with Executive Document No. 39, that seem worthy of notice. Quoting Executive Document No. 41, page 5, "The location of such a harbor should be determined principally with reference to the convenient and ample accommodation of deep-draft vessels engaged in foreign trade and the requirements of ships of war, the needs of coastwise navigation and the cost of construction being considered matters of secondary importance."

It is difficult to see why a harbor that would best accommodate the needs of coastwise navigation would not also equally well accommodate deep-draft ships engaged in foreign trade and ships of war. The latter class of ships could shape their course to equally well reach any one of several points on the coast situated within 20 or 30 miles of each other, while the situation of a harbor in reference to the commercial metropolis (Los Angeles) and the coastwise trading vessels would materially affect their interests. Hence the best accommodation of the coastwise navigation would seem to be the proper controlling feature in locating a harbor; and all parties are obliged to admit that Santa Monica best accommodated the coastwise navigation.

As to cost of construction being a matter of secondary importance, the proposition is certainly a novel one, and does not seem to be concurred in by the Chief of Engineers, Brig. Gen. Thomas Lincoln Casey, in Executive Document No. 39, page 2, where special weight is given to the estimated difference of cost for the same arcs of protection in favor of San Pedro of $700,000. As shown in Executive Document No. 41, page 108, this difference of cost in favor of San Pedro as reported by the former board was due to their not having discovered the cheapest and best position for a breakwater in Santa Monica Bay, and had they discovered it their report would, no doubt, have been in favor of Santa Monica Bay, as regards cost of construction. This is practically admitted in Executive Document No. 41, page 23, lines 6 and 7.

The report of cost of breakwater at San Pedro in Executive Document No. 41 has been made to be less than that of any site heretofore considered, including the proposed breakwater in San Monica Bay, near Santa Monica Canyon, by the following methods:

The plan of the position of the San Pedro breakwater has been changed from that recommended by the former board in Executive Document No. 39 in such a way as to bring a considerable part of the breakwater into much less depths than before proposed. This involves the closing of the former proposed western entrance and also introduces some uncertainties as to whether the harbor will be shoaled or not, from the effects of the obstructed westward shore current.

In addition the new board have adopted a breakwater cross section much smaller than that adopted by the former board in Executive Document No. 39, and which is related to it at a depth from top of breakwater to bed of the ocean at a depth of 60 feet as 5,232.45 is to 6,825, or but about 76 per cent. Although this new cross section may be a proper one, it certainly accounts, in connection with the new proposed position of breakwater, for the low estimate of quantity of rock and cost of breakwater as given in Executive Document No. 41, page 26, but this estimate should not be used in determining relative cost in comparison with the breakwater sites at Santa Monica Bay, which are computed on the basis of the cross section proposed by the former board in Executive Document No. 39.

Referring to Executive Document No. 41, page 17, advantages for arrival and departure, as regards coasting trade, the only article considered is lumber from northern ports, and the report says: "This difference (of 25 miles in favor of Santa Monica) in distance is, however, not sufficient to affect the coast transportation, and a few hours difference of time is not a matter of importance for this class of freight."

The other classes of coastwise freight and the steamer passenger travel are not mentioned, and for them the Santa Monica site presents great advantages, and the opinion of the board that "there is no essential difference as regards advantages for arrival and departure" would seem to be unfounded.

Executive Document No. 41, page 17, advantages for shelter and handling freight, the comparison of anchorages sheltered at the several breakwater sites is curious in that it gives the San Pedro site the greater sheltered anchorage area by taking into the comparison of the sites all areas to 6 feet of water as "anchorage."

Certainly all anchorage between 27 or 30 feet of water and 6 feet depth should hardly be considered as anchorage in a deep-water harbor proposition.

And he goes entirely through with the report with these criticisms and suggestions. I will print the remainder of the communication without reading further:

The useful anchorage with 30 feet or more of water, called deep-water anchorage by the board, shows in Executive Document No. 41 as 339 acres as against 479 acres at the Santa Monica Canyon breakwater site.

The remark on pages 18 and 19 of Executive Document No. 41, "In Santa Monica Harbor the inner anchorage will be very much diminished by the wharves, which must extend completely across it to reach deep water. This is not the case to the same extent in the San Pedro Harbor," is interesting, first, because it is difficult to see the objection to diminishing or obstructing altogether the shoal-water anchorage, and second, because such anchorage will be obstructed in San Pedro Harbor as much as in Santa Monica Harbor if any individuals or corporations can be found with money enough to build the very long wharves required to reach the 5-fathom curve at San Pedro breakwater, which very long wharves are required to utilize the protectep area at all points except at the extreme western part of the protected area, where there is room for one wharf to be built out with about the same length from shore to deep water as is required at the Santa Monica breakwater site.

Executive Document No. 41, page 18: "To compare exposures, it is assumed that so much of the anchorage area as lies to the north of the southeast and northwest lines drawn through the ends of the breakwater is not fully covered from the heavy swells."

This proposition entirely ignores the statement copied from the report of the former board, Executive Document No. 41, page 7, lines 13, 20; also the testimony of Prof. George Davidson, United States Coast and Geodetic Survey, Executive Document No. 41, page 104, in which he states, "In our southeasters the swell of the Pacific comes from the southwest," which testimony is referred to in Executive Document No. 41, page 7, and which our experience in two heavy storms from the southeast this winter, while building the wharf near Santa Monica Canyon, confirms the very heavy swells which would make a ship liable to break from her moorings, having come squarely from the southwest.

The breakwater site at Santa Monica Canyon is a complete protection from this swell, as is shown by a glance at the chart in Executive Document No. 41, and the statement on page 18 that it had but 221 acres protected is misleading, it has, in fact, 994 acres protected from this swell, of which 479 acres is deep-water anchorage, which seems the only part of the anchorage worth considering at any of the proposed harbor sites.

Regarding the third paragraph on page 18, Executive Document No. 41, comparing the two Santa Monica Bay harbor sites—the statement as to narrow land approach for wharves at the Santa Monica Canyon breakwater site, and that access to it could not be had except at great expense to parties engaged in land transportation—I can only account for such a statement from their imperfect examination by the board, as there is well known to be room for convenient access.

The Santa Monica Canyon site has the important advantage of being protected from the occasional severe northwest winds by the Cahuenga Mountains, which are so efficient a protection that no perceptible increase of

ordinary waves can be noticed during such a wind at the Santa Monica Canyon site, while at the site between Santa Monica and Bellona the waves from such a wind are perceptibly heavier and the interior of the breakwater is entirely exposed to them, and farther down the coast at Redondo the wharf was badly wrecked by the effects of such a northwest wind during the fall of 1892, while there was nothing at the Santa Monica Canyon site the same day to prevent the construction of the new wharf there from going on as usual.

The remarks in fifth paragraph of page 18, Executive Document No. 41, as to the landing facilities in Santa Monica harbor sites being entirely within the exposed area, are based on the same misunderstanding as to the facts of the case by the last board of engineers, as above referred to, as to the direction of heavy swell during southeasters.

The former board, reporting in Executive Document No. 39, understood this matter better and anticipated no such imaginary difficulties.

Regarding the use of trestles for breakwater construction which the new board criticise on page 22, Executive Document No. 41, it is hardly to be decided in so offhand a manner, and the opinion of the former board is in favor of a trestle method of construction, per page 9, Executive Document No. 39.

So far as the possibility of constructing a breakwater in nine hundred working days is concerned, the new board seems to consider it impossible to do this, because it involves handling and delivery of 140 loaded cars of rock daily, or, as they express it, "a length of at least 1 mile of loaded cars."

It must be that the members of the board are not experienced in transportation by rail, as there would be no possible difficulty in handling this number of cars daily, as any railroad man knows. It may very possibly be that the construction of the breakwater would require a longer time than nine hundred working days if appropriations for the work were made in the usual manner.

I agree entirely with the last paragraph in page 22, Executive Document No. 41, "that there is no increased cost of large stone over small stones with proper appliances, excepting in the fact that the large stone above the water level has to be carefully placed, at increased cost over the dumping of the rock to be used below the water level."

There is an item of quarrying the large stone, however, that makes it cost more than quarrying the smaller stone, viz, at the time the large stone is required for the facing of the upper portion of the breakwater there would be no available use for the smaller stone; and as any ordinary quarry will develop a large proportion of small rock along with the large rock required, there would require to be many more cubic yards of rock quarried than would be obtained in large pieces and the smaller rock would have to be removed to keep the quarry clear, thus making the cost of quarrying the large rock more expensive than that of quarrying rock for the portion of the breakwater under water, which could be built of large and small rock as it happened to come in the quarrying, within certain limitations of size.

The remark at top of page 23, Executive Document No. 41, is not exact as a comparison of breakwater areas as along their axes, and should be supplemented by the statement that the length of the proposed San Pedro curved proposed breakwater is 8,200 feet, as against 8,300 feet at the Santa Monica Canyon breakwater, and the length of the 5-fathom line protected from the southwest swells by the San Pedro breakwater is about 9,900 feet, as against the same at the Santa Monica Canyon breakwater of about 9,200 feet.

As to the capacity for defense, page 23, Executive Document No. 41, it would be very interesting to know the reasons in detail for this conclusion.

In regard to the proposition to use the breakwater at San Pedro for a railway constructed along it from the shore and wharves projected along it from the inner face of the breakwater, Executive Document No. 41, page 18, paragraph 4—the maintenance of a railway on a rock embankment in about 9 fathoms of water, with the embankment but 10 feet above high water, will certainly be a novelty, and an interesting one during the prevalence of southwest swells accompanying a southeasterly gale.

The construction of wharves along this inner face of the breakwater will be excessively expensive, the water being from 56 to 62 feet deep at high tide along the most useful part of this inner face.

The problem of getting a railway to the shore end of the San Pedro breakwater would be a serious one, the entire shore from the breakwater to Firmin Point at San Pedro inner harbor being an essentially rocky bluff from 50 to 60 feet high, washed by a depth of several feet of water at high tide, which bluff makes the building of any wharves into the sheltered harbor from the table-land above an expensive matter for construction, maintenance, and operation.

The difficulties are serious enough to raise the question as to whether the proposed harbor if built at San Pedro would ever be used for unloading direct from vessels to wharves at all in the near future, but rather find its only usefulness as a harbor of refuge and safe anchor for deep-sea vessels, their cargoes being lightered into the inner harbor and unloaded at present wharves in the same manner as at present, at great expense.

This feature of a rocky bluff shore throughout the protected anchorage at San Pedro breakwater site, with no dry land whatever between the foot of the bluff and the ocean at high tide, coupled with the great distance between the 5-fathom line and the shore throughout most of the protected area (ranging from about three-eighths of a mile at the extreme west end of the breakwater to 1½ miles from Firmin Point to the 5-fathom line opposite the easterly end of the breakwater) would raise the question whether the practicability of building wharves at San Pedro from the shore to and beyond the 5-fathom line in the proposed protected area had been considered at all by the various boards of engineers who have reported upon the breakwater sites.

Regarding Prof. George Davidson's memorandum, Executive Document No. 41, page 105, Santa Monica Bay, his experience on the "West Beach" was evidently west of Santa Monica Canyon, a short distance beyond which point to the westward the bluffs reach to ordinary high water, and the beach is often impracticable for wagons in ordinary high tides without storms.

There is no record of any such wave action as he speaks of at the Santa Monica Canyon breakwater site and from there toward Santa Monica.

Regarding the petitions submitted to the board and appended to Executive Document No. 41, the only one signed by a large number of merchants of large capital is evidently the one in favor of Santa Monica, on pages 112, 113.

Yours, respectfully,

WILLIAM HOOD, *Chief Engineer*.

Mr. President, Santa Monica is an old story. In the river and harbor act of 1882 we provided for a commission to make an examination of Santa Monica Harbor, and Colonel Mendell was assigned to the duty of making the examination. I have his report, page 2209. It is dated "United States Engineer Office, San Francisco, Cal., November 22, 1882," and I want Senators to hear what he says, because he was chairman of the first board, the report of which has been cited here as in favor of San Pedro. Colonel Mendell says:

Los Angeles is the principal town in southern California. It now enjoys great prosperity and is growing rapidly. It is supposed to have a population numbering more than 15,000 and less than 20,000.

It is 100,000 to-day. That was in 1882.

It is 18 miles distant in an easterly direction from Santa Monica, and is connected by a railroad. Santa Monica is the point of the coast nearest to Los Angeles. It is a village of a few hundred inhabitants, pleasantly situated, facing the sea, on a table-land 60 or 70 feet above the sea level.

A detailed hydrographic survey of the bay was completed in 1876 by a party under the command of Lieut. Commander H. C. Taylor, United States Navy, assistant, United States Coast Survey. This survey includes the hydrography of the whole bay, giving not only a chart of the landing but of the approaches. The fullness of this survey dispenses with the necessity of repeating it at present.

This chart shows a depth of 3 fathoms at a quarter of a mile from shore, which deepens evenly to 10 fathoms at 1½ miles. To a depth of 30 fathoms the slope of the bed of the sea is about 40 feet to the mile.

This is Colonel Mendell. Again:

It appears from this description that Santa Monica is exposed to the waves which approach the coast from the west and southwest. If the access of these waves were cut off the bay would become a harbor which might have any desired capacity. As an engineering proposition, a project of this kind appears to be entirely feasible. A breakwater judiciously located would secure the result.

An anchorage ground over which, for a width of about seven eighths of a mile, the water would be between 3 and 8 fathoms could be protected by a breakwater in 8 fathoms of water. A greater width would result from the location of the breakwater in deeper water. The length of the structure would be determined by the extent of the area which it is desired to protect. While the project is entirely feasible, it must necessarily be costly.

Then he says:

Santa Monica at present has no commerce.

Consequently he does not recommend an appropriation, but in the strongest terms he commits himself to the making of a perfect harbor at Santa Monica by a breakwater.

He alludes to the careful survey made by Captain Taylor. I am aware that the Senator from California [Mr. WHITE], with the shrewdness of a skillful lawyer, put Captain Taylor's statement into his speech. He thought to entomb it in the bowels of that speech, where no resurrection could happen to it; but I prefer, when Captain Taylor's investigation for its thoroughness has been indorsed by Colonel Mendell, to put his statement into the case here. He says:

A creek makes into the land at Wilmington and San Pedro, affording a shelter to small vessels, and expensive improvements have been carried on for several years by the army engineers, which have slightly benefited it, but, at the best that can be hoped, it can never have the accommodations of a great harbor. A breakwater to include sufficient area of shelter could be built, but it would include some shoals and rocks inside of it, and would also receive whatever discharge of sediment there would be from the creek. This creek was used in the beginning by schooners and small craft which were sufficient for the trade of the then unsettled country. The circumstances of its location, favorable for such craft, are unfavorable for the formation of a great seaport such as the commerce of southern California now demands.

We come now to that locality which appears specially to be favored by nature, Santa Monica.

The Bay of Santa Monica is, in its combination of natural features, unique on the Pacific coast. Here the depth of water increases from the beach outward with an easy and gradual slope for several miles.

Did the Senator from Missouri [Mr. VEST] hear that? Captain Taylor says that "the depth of water increases from the beach outward with an easy and gradual slope for several miles"; and Colonel Mendell says that Captain Taylor made an exhaustive examination of this harbor.

Here a breakwater can be established to inclose and shelter a capacious harbor, without being in water so deep as to make its construction impracticable or even difficult.

The marked feature of the Pacific coast is the steep slope of the bottom as we move from shore to seaward. This rule has few exceptions, and it results that along the entire coast a breakwater to inclose a sufficient sheltered area would have to be placed in such deep water as to be impossible of construction.

Among the few exceptions is the Bay of Santa Monica. It is a remarkable coincidence that the coast line in a deep curve here approaches nearer than at any other point to Los Angeles and to the fertile region of which it is the depot.

The Bay of Santa Monica has along most of its shore line this quality of gradual deepening of the water, the bay of itself being occupied by a submarine plateau unique upon the Pacific coast. But certain portions of the shore line of the bay have other advantages in addition. The town of Santa Monica is situated at a point on the shore near a neighboring range of mountains, against or toward which blow the only winds of violence. The force of the wind blowing against a great barrier is deadened for some distance to windward of such barrier, and this probably accounts for the well-known fact that the winds at Santa Monica do not blow with violence. The swell which rolls in at this anchorage is much modified, even in the worst weather, by the effect of the large islands to seaward, and by the deep recessed position of this portion of the bay shore.

I have had considerable experience in this bay while conducting the surveys carried on there, and have lain at anchor throughout seasons of the year at and near Santa Monica on the Government vessel which I commanded. I have never seen any weather in which a vessel could not ride at her anchors there in safety, and but few occasions when unloading at a wharf was impracticable.

Then he goes on to argue the necessity of a great harbor and the absolute necessity and practicability of locating it at Santa Monica. Captain Taylor is now the president of the Naval War College at Newport. At the request of the committee I wrote to Captain Taylor informing him that there was to be a hearing before the committee on such a day and asking him if he would not be present and give his testimony. He received the letter too late for the hearing. He wrote me that he would come at any time the committee desired, but that he must be authorized to do so by the Secretary of the Navy. A telegram was sent to him the next day, in order to save him from coming if possible, to know whether

or not he had changed his mind any about Santa Monica since he made the report, and he said in a telegram:

Nautical advantages excellent. Natural location great port. My opinion strong.

Now, where can you get better testimony than that? There is the man who made all the surveys, the man under whose surveys these charts were made, a man utterly indifferent. When there was no controversy, when there were no two sides, when there was no contest on the one side and no contest on the other, when no question was presented to the Senate and no question to the Committee on Commerce, this naval officer gives his opinion selecting above all within 200 miles, and he familiar with every mile of it, Santa Monica, and giving his reasons.

I received some time ago a letter from General Miles, dated Chicago, Ill., May 29, 1894. He is the present General of the United States Army. He says:

MY DEAR SENATOR: I have been informed that there is a movement on foot to improve the harbor of Santa Monica, Cal. I desire to say that I was for several years in command of the Department of Arizona, also in command of the Division of the Pacific, and for more than two years had my headquarters at Los Angeles, Cal. That city is the center of communication and commerce for that whole Southwest district of country, including southern California and Arizona. There is in prospect a road running northwest that will connect it with Utah. Within 16 miles, in a direct line, is the harbor of Santa Monica, which will undoubtedly be the principal port of entry on the southern Pacific coast.

I have had excellent opportunity for observing the condition of the climate and the effect of storms in all seasons of the year, and have no hesitation in saying that it has many advantages to make it a very important port of entry. The topographical features of the coast are such as to give, to some extent, natural protection, and, with the assistance that could be given to it by either the Government or private enterprises, will make it, in my opinion, a perfectly safe harbor and good anchorage for vessels. There is sufficient depth of water for ships of any draft, and the pier that was built many years ago and the very large and important one that was recently built have demonstrated the capacity of such constructions to stand the severest storms.

I would recommend a liberal appropriation by the Government to improve what nature has already done, and what private enterprises have so generously contributed far in the advance of the work which would naturally fall to the Government to perform, as the improvement of the harbor is of national importance.

In the immediate vicinity of Santa Monica there are very high and commanding bluffs upon which land batteries of mortars and rifle guns could be placed, which would render the harbor easily defended.

Very respectfully, your obedient servant,

NELSON A. MILES,
Major-General, United States Army.

Hon. WILLIAM P. FRYE,
United States Senate, Washington, D. C.

Mr. CAFFERY. What is the date of the letter from General Miles?

Mr. FRYE. It is dated May 29, 1894.

I had thought to cite other testimony, but I am inclined to think I have presented, as well as I can, the views of the Committee on Commerce and that it is unnecessary for me to present any more testimony. But it is necessary for me to say a word in reference to the amendment, which seems on its face to be fair. I refer to the amendment offered by the Senator from California [Mr. WHITE], in which he proposes a board who shall thoroughly investigate these two harbors and report, and then authorizes the Secretary of War to construct by contract a harbor wherever the board may report.

What objection have I to that proposition? I do not believe there is more than one chance in ten of any board now reporting in favor of San Pedro. Why not accept it, then, and take my nine chances? Because I dare not trust that one chance in ten. Why not? Because if that chance should be taken you would be throwing away $3,000,000. You might just as well dump it into the Pacific Ocean. Before that board can make its report the $392,000 provided in the pending bill for the inside harbor at San Pedro will be expended; the inside harbor will have 18 feet of water at low water, and the outside harbor, with the inside harbor at San Pedro, is an absolute absurdity.

Mr. PASCO. I suggest to the Senator from Maine that the appropriation for the inside harbor might in the meantime be suspended to await the report of the board. Then the objection he suggests would be obviated.

Mr. FRYE. I suggested to the Senator from California [Mr. WHITE] that both of these items should be stricken out of the bill and that we risk the future in relation to the harbors, and he respectfully declined the proposition. They insist upon the inside harbor; they insist upon that appropriation, and I say I do not believe any member of the Committee on Commerce can be found other perhaps than the Senator from California who will assert that after the improvement is made in the inside harbor at San Pedro there is any necessity, so far as that commerce is concerned, of any outside harbor at all at that point.

Then, again, Mr. President, I think that Senators know something about Mr. Huntington. He has made his deliberate choice, has he not, between San Pedro and Santa Monica? He has sacrificed a million dollars or more in making it. Do you suppose he is going to change back again to San Pedro? Does any Senator suppose that he is not going to have a great harbor at Santa Monica?

Mr. VEST. Will my friend allow me to ask him a question?

Mr. FRYE. Yes.

Mr. VEST. I understand the Senator to state that if the engineers secure the depth of water which they say they can secure by the expenditure of $392,000 upon the inside harbor at San Pedro it is absurd to contemplate the construction or making of an outside harbor?

Mr. FRYE. Yes.

Mr. VEST. Is that because the inside harbor would answer all the demands of commerce when so improved?

Mr. FRYE. All of the demands of commerce that ever would come to San Pedro. The great commerce of the Orient is coming to Santa Monica. That Southern Pacific Railroad Company is at Santa Monica; its pier, costing $1,000,000, is at Santa Monica. That commerce, the Senator from California said, was to be created by "one man." That "one man" is there at Santa Monica; he is not going to go back to San Pedro.

Mr. VEST. If the Senator will permit me, the citizens of Los Angeles—and that is a city which is behind both these improvements, so to speak, if you eliminate Mr. Huntington and the Southern Pacific Railroad and his steamship line there—the citizens of Los Angeles who were before our committee said that they were deeply interested in an outside harbor in the vicinity of that city, because they had commenced with the idea that Los Angeles was to be the entrepôt for this continent, instead of San Francisco, of the eastern commerce, of China and Japan and Asia generally. Now, there is but 3 miles difference in distance between Santa Monica and San Pedro to Los Angeles, as I stated yesterday that it is a triangle, on one side with San Pedro, 3 miles longer than the side to Santa Monica. The great interest, leaving out Mr. Huntington's personal interest and that of his company, with the people of Los Angeles and southern California is to secure an outside harbor at a port which is to receive this Asiatic commerce. If, then, either of these points can be made that entrepôt, it simply becomes a question of expense, which is the cheaper. As I understand the Senator from Maine to say—and I believe it to be true—with $392,000 and a systematic and intelligent improvement of the inside harbor at San Pedro we can secure what these witnesses claimed they were desirous of obtaining.

Now, if Mr. Huntington—and I am frank to say from all I have heard and know of him, that I believe the Senator from Maine is right—if Mr. Huntington chooses for his own purposes and those of the Southern Pacific Railroad Company to go on and construct his outside harbor at Santa Monica, he has the unquestioned right to do it; and I hope that he will do it, because, of course, two outside harbors would be better than one. But the point with me is the expenditure of the money of the people of the United States, and if we can obtain an outside harbor and all the benefits of an outside harbor at San Pedro by improving the inside harbor for $392,000, it saves the difference between that and $3,000,000 at that point alone. Besides that, $3,000,000 expended, if done by Mr. Huntington at Santa Monica, is no charge at all upon the Treasury of the United States.

I am perfectly willing, if the Senate comes to the conclusion, against my judgment, that this outside harbor should be placed at one point or the other, to risk the judgment of another board, eliminating the member from the Corps of Engineers for the reasons I gave yesterday, and I am willing to make this appropriation contingent absolutely on the report of that board.

Mr. FRYE. I should not have said ten words more if the Senator had not interrupted me.

Mr. VEST. I beg the Senator's pardon for interrupting him.

Mr. FRYE. When I said that no one who knew Mr. Huntington doubted that the deep-water harbor would be at Santa Monica, I said it without fear, because I did not believe that a man, a United States Senator, would take advantage of the fact that he believed that Mr. Huntington would build a harbor which it was the duty of the United States to build, and let Mr. Huntington do it. He is as much entitled, with the commerce which he creates, to the protection of the United States and to the appropriation of moneys for rivers and harbors as is any man or any body of men. While I stated boldly that I had no doubt that he would do it, I did it only because I did not believe that a United States Senator would, on account of that statement, declare, "Well, then, let him do it, and we will save $3,000,000." That is too small a thing to charge to a United States Senator.

Mr. President, those are the reasons why I object to this proposed new board. We have had this fight—at any rate, the Senator from Missouri [Mr. VEST], one of the old members of the committee, and I have had this fight—on our hands for years. We wish to be divested of it, never to hear from it again.

I hope that the Senate, for the reasons given, will vote down the amendment which the Senator from California has proposed and will agree to the amendment reported by the committee, and that this contest will be ended.

I thank the Senate for the patience with which they have listened to me and apologize to them for the wearying of them.

Mr. PERKINS. Mr. President, the discussion has taken an exceedingly wide range. I thought I had some knowledge of the coast of California and of the wishes of the people of that State, but I must admit that I have been somewhat mystified by the discussion which has taken place during the past three or four days upon the floor of the Senate.

I find in examining the report of the Committee on Commerce that it gives evidence of great labor and great research, and contains a fund of information obtained by that committee, which is entitled to the thanks of the Senate and of the people of our country.

I notice that there are about 400 different appropriations made for the improvement of harbors, of rivers, of estuaries, and of lakes, and for the removal of bars at the entrance of harbors. I notice that these 400 appropriations are divided among 36 States of the Union, and that embraced in these appropriations are three great rivers, the Mississippi, the Missouri, and the Ohio.

I also find in looking at the estimates made that almost every one of the recommendations of the committee and every one of the proposed appropriations, with, perhaps, the single exception of the one now under discussion, was made upon the estimates and recommendations of the United States Government engineers. It would have been a herculean task—it would have been practically impossible for the committee to have intelligently arrived at the various recommendations they have made—without the report of the Government Corps of Engineers, who have been detailed for this purpose.

The chairman of the Committee on Commerce has a national reputation, well earned by twenty-five years' duty in Congress. He is perhaps as well equipped to perform the duties of that committee as any other Senator who ever held a seat on this floor. While I differ with him in his conclusions upon this proposition, yet he could hardly do anything which would dissipate the admiration I have for him for his advocacy in former years of our American shipping and his defense of American industries and American institutions. He is deserving of and has the thanks of the people of this country for his indefatigable energy and zeal in whatever he undertakes. He is a positive man, a man of force of character and determination; and it was unfortunate, perhaps, for the people of California that in his first visit to the Pacific Coast he went to Santa Monica, and there saw the beauties of that delightful place, for the town of Santa Monica and its surroundings are not excelled by any place in any State or any country in the world.

Yesterday when I heard him picture in such glowing language the beauties of Santa Monica I asked my friend on the right, who accompanied him on that journey [Mr. DAVIS], what was the month of the year in which the visit was made. He informed me it was the month of November. I could then readily understand that one leaving Maine in November, with its bleak, cold, stormy coast, on which tossed the angry waves of the Atlantic, leaving a crest of frozen spray wherever they might strike on those rocks, and going to Santa Monica would be most deeply impressed with the place as he looked out upon the broad Pacific at that time of the year, the most delightful in California. That season of the year on the Pacific is what August and September are on the Atlantic. It is the Indian summer. The trade winds have ceased to blow and the angry Pacific, which has been bubbling and boiling during all the summer months, is as quiet as a mill pond in June in the Senator's native State. So I can understand, as he sat on the beach at Santa Monica and there heard the Pacific sing the sunset song of the nation as it washed the western shore of this continent, how he became enamored of Santa Monica, and that nothing that we can ever say or do will dispel his admiration. I might paraphrase a familiar couplet, and say:

And neither the angels in heaven above
Nor the demons down under the sea
Can dissever his love
From the love he bears—

For Santa Moni[ca]kee. [Laughter.]

Santa Monica will be a part of the city of Los Angeles, and perhaps many a Senator now upon this floor will pay it a visit and there find a delightful home.

The question before us for our consideration is a simple business proposition. California has a coast as long as the distance from Maine to South Carolina—that is, California borders the Pacific for the same distance that the States between Maine and South Carolina border the Atlantic. In the southern part of California there has grown up the great metropolis of Los Angeles—the city of angels. It is located in the midst of one of the richest agricultural, horticultural, and viticultural sections of the country. It has vast and illimitable commercial possibilities; it has undeveloped mining resources; it is the central depot of two great transcontinental railroads, and is their terminus on the western side of this continent—the Atchison, Topeka and Santa Fe Railroad and the Southern Pacific Railroad. The population of Los Angeles County has doubled every four years during the past two decades, and yet they come; and the people who come there never return except to visit their friends, for it is the paradise of this country. Its future I shall not attempt to describe, but it is as bright as the midday sun. The railroads I have named are reaching out into Arizona, into New Mexico, into Texas, into southern Utah and southern Nevada, and are bringing the wealth of those great States and Territories into that city.

So the people say, "We want a port of entry, a port of export for these great products." They came to Congress, and Congress assisted them in improving the harbor of Wilmington, at San Pedro, and never was money more judiciously expended or expended with better results than those derived from the Government appropriations made for that port. When they commenced the work in 1872 there was but 2 feet of water upon the bar at the entrance to that harbor; to-day there is 18 feet of water; and the appropriation proposed by the Committee on Commerce of $492,000 will give us, we believe, 22 feet of water. If it does, the harbor is capable of being enlarged and made a great commercial seaport—a harbor where there will be machine shops, graving docks, and all the appliances which are so necessary to foster and encourage a successful commerce.

I want to say, about the enterprise of the railroads which have come into Los Angeles, that it is their competition which has developed that country. It is competition we want in business, in the transportation business, in manufacturing and every other branch of commercial industry. We want that rivalry, that emulation, that energy which commends business people to their patrons. I want to say here that this is no contest or rivalry, as has been intimated, between two railroad companies, and I can not permit to pass unchallenged the remarks made by the Senator from Missouri [Mr. VEST] and by the Senator from Maine [Mr. FRYE] yesterday. That I may not misquote them I shall read from the RECORD.

The Senator from Missouri said:

Unfortunately, Mr. Huntington is a political factor in California. They test every man's competency and qualification for office there by the question, "Is he for Huntington or against him?" You can not hold a town meeting but what the question is, "Is this man a Huntington man or not a Huntington man?"

Then the Senator from Maine said, referring to some remarks which had been made by my distinguished colleague [Mr. WHITE]:

This savors of the slogan of the sand lots of the Golden Gate, where the name of Huntington is conjured with to frighten babies, and used by demagogues to make weak-kneed politicians tremble.

Mr. President, I dislike exceedingly to refer on this floor to any gentleman who is not a member of this body. I dislike exceedingly to refer to anyone who is not here to speak and answer for himself. But I say that that charge is a libel upon the fair name of the good people of California, and I should be false to those I represent if I permitted the charge of the Senators from Maine and Missouri to pass unchallenged. The people of California have no prejudices against Mr. Huntington or his associates. I know nothing against Mr. Huntington to his discredit, unless it be his own testimony before a Congressional committee and certain letters which it is alleged he wrote to an associate upon the board of directors of the company with which he was connected. I have no feeling of personal animosity or jealousy or envy toward him; I admire him for his enterprise, for his pluck, for his energy; I admire him for what he has accomplished in his life. I knew him many years ago in California when he was an honored and respected merchant in that State. He left us to come East many years ago, and I do not know much of him, except through general report, since that time. But I repel the charge that the people of California seek office by declaiming against him or his associates, or by advocating that which he desires, or opposing it. The people of California are a cosmopolitan people. There are the representatives of every State in this Union to-day resident in California. They have built up that great empire of the West. They are a broad-minded, liberal people in politics, in religion, and in their business pursuits. They have no such prejudices.

Mr. President, I have but to refer you to the fact that the president of that great corporation was elected governor of that State by the popular vote of the people; I have but to remind you of the fact that he was twice elected to a seat upon this floor. The crowning act of his life was performed before being called to that "bourn whence no traveler returns." He had the courage to become the executor of his own estate while living, and administered its affairs for the benefit of the people. He established a magnificent university of learning, where the humblest child in this land may go and drink from the fountain of knowledge without money and without price. His associates upon that board have been known for their acts of public spirit, of munificence, and of benevolence. The family of Mr. Crocker to-day, to my certain knowledge, are distributing thousands of dollars in charity, and many an old man and old woman, many a sick man and sick woman and helpless child, inmates of hospitals and homes founded

through their munificence, can thank them for their humane sympathy and assistance.

Mr. President, the people of California in city and county and State gave most liberally toward building the first transcontinental railroad. They were in sympathy with the promoters, because the latter were in touch with the people at that time, and if to-day our people censure them, it is because they believe they have not been true to their trust, that they have forgotten the common interests and the common bond which unite their interests with the interests of the people of California. That is the reason. If they are censured, it is because they use their great power sometimes to thwart the wishes and desires of the people; but that the name of Mr. Huntington is used to influence the acts of public men in California is untrue. I repeat it, it is a vile slander against the good name and fame of the people of California.

Mr. President, only last week a great State convention met in California. There were in that convention representatives from every town and county in the State. They assembled at the capital, and among the various resolutions they passed was one denouncing what is known as the railroad funding bill. But to show that they had no prejudice against the individual members of that company, except only as to their action in a corporate sense, they nominated for Presidential elector the vice-president of that great railroad company; and, as sure as the sun rises and sets on election day in November next, he will be elected a Presidential elector of the United States.

I did not intend to refer to this, but it has been called out by the charge made here, the unjust charge, that the names of certain men are conjured up as bogy men in California. The charge is without foundation; it is without one bit of truth.

We believe in railroads. We believe that they have the power to develop the great resources of our State as no other agency has. What we complain of is that they prostitute their power to elect to office men whom the people do not want; or that when men are elected to office they use their power to influence them to subserve private instead of public interests. All we want the railroad company to do, and what the people demand, is that it shall be equal before the law, equal before the people; that it shall pay its just quota of taxes and do as the humblest man in this land is compelled by law to do.

But, Mr. President, we are wandering away from this port of refuge, from this great commercial harbor, which the people of California have declared time and time again they want built on the coast. We have 75 miles alone on the coast of California fronting on the one county of Los Angeles, and comprised within that distance there is the great Santa Monica Bay and the great San Pedro Bay. Our Government has decided through two impartial boards of engineers, and also by a board of the Coast and Geodetic Survey, in favor of San Pedro.

And what is the Coast and Geodetic Survey? What is its mission? In the year 1807 the United States Coast and Geodetic Survey was established by an act of Congress. In 1843 it was reorganized, and since that time it has been the greatest factor in our coast surveys, making the soundings of our harbors, making the triangular surveys of the coast, showing the elevation of the mountains and the location of sunken rocks and of hidden bars, light-houses, and beacons, and publishing sailing directions for the mariner.

Mr. STEWART. Will the Senator from California allow me to ask him a question?

Mr. PERKINS. Certainly.

Mr. STEWART. Do I understand the Senator to state that the Coast and Geodetic Survey have reported against Santa Monica?

Mr. PERKINS. Professor Davidson, who had charge of the Coast and Geodetic Survey, in a letter which my colleague presented, which has been published already and is of record, reported against Santa Monica as a suitable place for a harbor. I will read it if the Senator desires. It has, however, been printed in the RECORD; it appeared there in full this morning.

Mr. STEWART. Captain Taylor had charge of the surveys at that time. We have his letter.

Mr. PERKINS. Captain Taylor was a subordinate under the direction of Professor Davidson. I state it as a fact, which came to my knowledge through a captain of one of our vessels, that while he was engaged in making soundings in Santa Monica Bay a strong southwest gale of wind came on and he was obliged to run his vessel under the lee of the Island of Catalina for protection.

Mr. President, to the Coast and Geodetic Survey we are indebted for our charts of our coast. The chart before us and other charts upon the desks of Senators were made by them. We are indebted to them for the Coast Pilot. The last issue was published in 1889. It gives the sailing directions of the vessels making the different ports upon the coast. It gives the altitude of the different light-houses, the class of light-houses, whether they are stationary, revolving, or flash light, and all other directions so necessary to the safe and successful navigation of the coast. Since my friend from Nevada has referred to it, I will, with your permission, read what the Coast Pilot says of Santa Monica Bay:

From Point Vincente to Point Dume the course is north 67 degrees west, and the distance 25¼ miles. The space inside this course is called Santa Monica Bay, and the deepest part is abreast the Arroyo Santa Monica, which is 10 miles north of the above line.

General hydrography of the bay.—From Point Vincente the cliffs to the northwest trend north 37 degrees west for 2¼ miles to the westernmost termination of the ridge, which is called Rocky Point (described on page 47), and thence nearly north-northeast for 3 miles to the long sand beach forming the eastern shore of Santa Monica Bay. The northern shore lies at the base of the high, rugged mountains of the Santa Monica range. The beach is only passable at low water. The whole force of the western swell breaks heavily against these cliffs. The depth throughout the bay is quite irregular. Abreast of the arroyo and town of Santa Monica a depth of 40 fathoms is found 4 miles off shore, but off the beach, between La Ballona and the salt pond, a submarine plateau 4 miles wide stretches out to the southwest for 8 miles, with very uniformly decreasing depths, to 40 fathoms, with gray sand, mud, and gravel. Westward of this plateau and toward Point Dume the depth increases rapidly to nearly 300 fathoms, muddy bottom, and carrying 200 fathoms within a mile south of the point. On the east of this plateau, and toward Point Vincente, there is a remarkable submarine valley only 1 mile wide, between the 100-fathom curves, and carrying from 280 fathoms, muddy bottom, to 100 fathoms within 1½ miles of the beach, near the salt works. The eastern side of this valley is remarkably steep, dropping from 40 to 200 fathoms in three-eighths of a mile. The western side is more sloping, but the slope from 100 fathoms is very sharp.

Ranging off from each one of these points or headlands—Point Dume, Point Vincente, and Point Firmin—there is a great subterranean valley, as it were. As was shown by the letter from Professor Davidson presented here in my colleague's speech, the water pitches off abruptly from a depth of 6 to 8 fathoms to over 150 fathoms. This is not confined alone to Point Firmin or Point Vincente or San Pedro, but to Point Dume and to almost all the places where promontories reach out into the ocean. Therefore the charts other than those issued by the Coast Survey and presented here may easily deceive the eye.

I want to say in passing that Engineer Hood and Engineer Corthell stand high in their profession. They are perhaps as eminent as any we know of in that eminent calling. But they are not looking for defects in the harbor of Santa Monica. They are employed as special counsel, as special experts to show the advantages of that particular locality as compared with the other locality. While the Senator from Maine stated that Mr. Corthell had made a careful survey of the harbor and the soundings, I hardly think he spoke advisedly, because from his own testimony it was impossible for him to do this in the time he was on the Pacific Coast. The survey alone of such a bay as Santa Monica or San Pedro would take a vessel with her complete crew and a corps of engineers who are adepts and experts in that line at least six months. It is done by triangulation. Every 100 square yards off shore is sounded and the character of the ocean floor is depicted in the same way as the general topography of the country is shown on a map. It is a labor of months and years before a perfect and careful survey can be made and the rocks and reefs noted of the locality. When a company is about to build a wharf they spend weeks and weeks in selecting a location for that particular wharf. How must it be when it is necessary to survey an area of 50, 75, or 100 square miles? I am confident that the Senator from Maine must have been misinformed as to Mr. Corthell's knowledge of the bottom of this bay. It is not in the power of man to gain such knowledge in the length of time that this eminent engineer devoted to the study of Santa Monica Bay.

Now, coming back to the location, what is the sentiment of the people of Los Angeles? Public sentiment, the Senator from Maine says, has nothing to do with the locality of a wharf; it has nothing to do with the place where a harbor should be. The people, he says, have nothing to do with the location, that it belongs to the Government, but he is willing that a self-constituted committee of Congress may make the selection. In other words, we will prescribe the medicine and let the people take it.

Mr. President, who are "we"? We are simply the temporary agents the people sent here for a particular purpose, sent here to represent them on certain lines of duty. Some of these lines they have indicated in language that is unmistakable, others they leave to our discretion. The representative who is not true to the instructions given, the representative who does not carry out both in spirit and letter the well-known wishes of his constituents, is not only false to them and false to himself, but he is unworthy to be their representative.

Two years ago when the political campaign was made the universal voice and sentiment in Los Angeles was for San Pedro, and why? It was because a board of Government engineers had declared it the best, the most feasible, the most practicable place, and so the legislature of California, through their representatives, passed a resolution. I will try not to travel over any of the beaten ground which my colleague has so well covered, but to this resolution I think he did not refer, and therefore I will read it:

Senate joint resolution No. 15, relating to the construction by the United States Government of a deep-water harbor at San Pedro, on the coast of Los Angeles County. (Adopted February 8, 1893.)

Whereas the board of engineers appointed by the Secretary of War to inquire into and report upon the best point for the construction by the

United States Government of a deep-water harbor on the coast of southern California and the necessities for such work have reported in favor of San Pedro, on the coast of Los Angeles County, and also in favor of the necessity of such harbor being constructed; and

Whereas it will afford greatly needed facilities for ocean commerce to a large section of this State: Therefore,

Be it resolved by the senate of the State of California (the assembly thereof concurring), That we instruct our Senators, and urgently request our Representatives in Congress from this State, that they use every means in their power to secure, at the session of Congress now in session, the passage of a bill appropriating the sum of at least $500,000, to begin the construction of such a deep-water harbor at San Pedro, on the seacoast of Los Angeles County, in this State, as is contemplated in the report of the board of engineers hereinbefore referred to; and

Be it resolved, That the governor be requested to transmit to each of our Senators and Representatives in Congress from this State a copy of these resolutions.

That is the last expression of the people of California through their representatives in the State legislature.

Mr. STEWART. I inquire of the Senator if he has heard that senators and representatives who voted for that resolution have changed their views upon this same question?

Mr. PERKINS. Not in their official capacity. A few of those who thus performed their duty publicly have privately advised their Representatives that they would be glad to have them vote for Santa Monica.

Mr. STEWART. How many who voted for the Senator are among those?

Mr. PERKINS. The Senator is entitled to a fair answer and he shall receive it.

Mr. STEWART. All right.

Mr. PERKINS. In the county of Los Angeles six or seven representatives in the legislature who voted for me (that is a high encomium of their good judgment) have since wired me that they would be glad to have me vote for two appropriations, one for Santa Monica and the other for San Pedro. But that was done as private individuals, not as representatives of the people of the State in the legislature. They acted simply as individuals, at the importunity perhaps of some official friends, and being, as they must have been, amiable gentlemen, or I would not have received their votes, they desired to please them, knowing, as they did, that I have never yet swerved from my public duty as I understood it. I promised them before I was elected that I would carry out the wishes of their people on this particular question as expressed through my colleague [Mr. WHITE], the Senator who lives in their city, and through their Congressman, who lives in that city, and when a vote on the pending question is taken I shall do my duty as I understand it to be.

But since our legislature adjourned there has been another great assemblage, the eighth convention of the Transmississippi Commercial Congress. This convention met in Omaha, Nebr., on the 25th of November, 1895, and continued in session until the 28th. It had representatives from 26 different States and Territories. They assembled there, having in view the best commercial interests of this country. Representatives from 26 States went there without the hope or fear of reward. They went there having in view only that which they believed would best advance the interests of our whole country. I notice that the State of Missouri had some 30 or 40 representatives in that convention, as appears from their proceedings. Among the resolutions which they adopted was the following:

Resolved, That the Congress of the United States be urged to provide for the construction of a deep-water harbor at San Pedro as already determined by the several acts of Congress, and in accordance with the several recommendations of the boards of United States Army engineers (as shown by Executive Documents Nos. 39 and 41 of the Fifty-second Congress, first and second sessions), and that the further improvement of the interior harbor at San Pedro be earnestly recommended.

I do not see how my friend from Missouri can do otherwise than vote for the appropriation for San Pedro, for I think Missouri was more largely represented in the convention, unless perhaps Nebraska, than any other State of the Union.

Mr. President, I have only referred to this as showing the public sentiment as expressed through the people in Los Angeles, which is the home of my distinguished colleague. Then we have the report of the Government engineers. If there were no other reason, I can not see how I could honestly perform my duty and vote on this question contrary to their recommendations. They are men of well-known integrity and high character. During the past ninety years, I think, since the Government first undertook the improvements of harbors and the building of fortifications and light-houses, the work has been delegated to the Corps of Engineers of the United States Army, and to their credit be it said, out of the hundreds of millions of dollars which they have expended there has never been the taint of scandal connected with the disbursement of these immense sums of money. Holding their position for life or during good behavior, educated by the Government, they feel that patriotism and pride in their profession which have held them strictly to their line of duty. How could they then make an exception in this one particular case? I know the chairman of the first commission well and intimately, Col. G. H. Mendell, for forty-five years an honored army officer and chief of the Corps of Engineers on the Pacific Coast. He has no prejudice surely against any company or individual. He has no bias in favor of any particular place. You might as well charge a skillful surgeon called in to diagnose a disease with being biased or prejudiced. If he is true to his profession, true to his duty, he knows nothing but the subject that is before him, and he makes his finding according to the facts. So it is with these gentlemen.

As I have stated, and it is the one bright page in the history of our public men, this splendid corps of engineers, educated at our great institution of learning at West Point, supported by the Government, have always been honest and loyal to duty. They hold their position for life, and there is no influence that can prevent them from doing their duty. They can only be removed by impeachment, and impeachment can never lie against an honest man. So they have again and again reported in favor of the improvement of an outer harbor at San Pedro in preference to Santa Monica. They reported in favor of Wilmington, and I believe the Wilmington Harbor yet will become the great central shipping basin of southern California.

I remember that when a boy, many years ago, I visited Newcastle-upon-Tyne. At low tide there was scarcely any water in that river, and yet to-day for miles, tens of miles, along that stream there are great shipbuilding yards, great graving docks, machine shops, and foundries, where they are turning out five great steamships a day. It was the skill of man that widened those rivers and gave them a depth of water that to-day enables great ships to sail to and fro, carrying immense cargoes of coal and iron.

In conversation a few weeks ago with a very intelligent Scotchman who was born in Edinburgh he said: "When a boy, 3 miles below the city of Edinburgh I frequently waded across that little stream, which, as you know, is an estuary of the sea, and it is called the Frith of Forth, and yet to-day great steamships drawing 26 and 27 feet ply their vocation up and down that river." So I believe this is all possible for Wilmington in the future.

But there has been one strong point made in favor of Santa Monica, and it has not been answered yet. Why did the Southern Pacific Railroad, it is asked, abandon Wilmington, where they had expended millions of dollars, and go to an unknown place and there build a wharf costing them nine hundred thousand or a million dollars? The mere statement of that question carries with it a strong argument, and if the facts were true it would be almost unanswerable. But, Mr. President, they are not true. They have not abandoned San Pedro or Wilmington, and I do not believe there is any reasonable amount of money that could purchase their rights there.

Mr. STEWART. Have they not abandoned their scheme to build a wharf in the outer harbor?

Mr. PERKINS. Yes; and I will tell you why. I will come to that in one second. They never seriously intended building a wharf outside until the breakwater was completed, because they had ample facilities inside for the transportation of all the freight that came there. The great objection to it was lighterage. It was one of the great expenses that ships having a heavy draft of water—more than 18 feet—could not go in over the bar at Wilmington, and the result was that the ships were obliged to anchor in San Pedro roadstead and there lighter their coal on shore. So there was a rival wharf built at a place called Redondo, on the southern portion of Santa Monica Bay, and that wharf was getting a large amount of business that came from the north, because passengers and freight would reach Los Angeles City via Redondo several hours before they could on vessels coming from the north going via San Pedro. It was a wise business undertaking, and it is characteristic of the enterprise and sagacity and the business foresight of the management of that great railroad company. As I have said before, for his enterprise, for his energy, for his push, Mr. Huntington is the peer of any man in this country. So he wisely said, "We will build a wharf on this bay where we can save this lighterage." Do you know that they use from ten to fifteen thousand tons of coal per month that is obliged to go over their road to the various distribution depots? So the railroad company decided to build this wharf at Santa Monica, and saved this dollar a ton lighterage which it was paying to another company. It was a wise business enterprise. It was not an experiment.

To hear my friend from Maine talk, anyone would think Santa Monica is the only place for a wharf on the coast. Mr. President, I can name you 16 different wharves between Golden Gate and Point Lome, just north of San Diego, built out into the sea precisely the same as the wharf is built at Santa Monica. They have not cost that amount of money, it is true, because there was no necessity for it, and while it would be presumptuous in me to criticise the great expenditure of money upon the Santa Monica wharf, yet it cost twice what was necessary; that is, a wharf costing one-half as much would have answered every purpose.

But this great railroad company does not do things by halves. It has tunneled the great Sierra Nevada. It has spanned great

streams in Arizona, where the cloudbursts come down and, like an avalanche, wash out miles and miles of road. Yet it rebuilds it, and builds it to stand like a light-house upon a rock. It does things thoroughly and in a masterly manner, because it has great resources, and so it has built this wharf as it builds other structures which it undertakes. But I submit it was not necessary to build it so strong or so long or so wide unless it wished to do so in order to hold great coal bunkers, that the coal may be discharged into those bunkers, loaded on to cars, and transported by cars to the various depots in Southern California, Arizona, and New Mexico. There is a wharf to-day at Hueseme, a place about 40 miles north of Santa Monica, which did not cost over $75,000. It is built in a place not so well protected, because there is not the Catalina Island, and the Catalina Island is what protects San Pedo in a great degree. It breaks the southwest swells that the Senator from Maine [Mr. FRYE] talks about which coming in.

The prevailing winds on the coast of California during the summer months are from the northwest. They are the great trade winds, and they blow for four and five months in the year. Trade winds sound to those who are not initiated perhaps like a gentle zephyr, and yet it may be said to those who are not accustomed to them that they pick up a good-sized pebble and hurl it across the street. They prevail for four or five months in the year, and they are very strong when they blow. They commence in the morning and blow until late in the afternoon and evening. In the winter time the storms come from the southwest. The wind usually commences to blow very strong from the southeast. It hardly ever blows for more than a few hours from that point of the compass, when it veers around to the southwest, and there it blows with great strength and force. By reason of the location of Catalina Island, San Pedro is protected from those very heavy sea waves that roll in from the ocean. While Santa Monica in a degree is protected, yet it is not protected to that extent, or our friend Captain Taylor, who made the report, would not have been obliged to leave his anchorage and seek the sheltering protection of the lee of Catalina Island.

I find in looking at the chart which is before us that at Santa Monica—and anyone will notice it by closely observing the map—there are various lines running north and south, or following the meanderings of the coast. They are called the 5-fathoms line, the 10-fathoms line, the 15-fathoms line, and the 20-fathoms line. Surveyors seldom go outside of that. I find by examining the 10-fathoms line, which is 60 feet deep, that at Santa Monica it is only one mile and a half from the shore. If this wharf is 1 mile long there would be only a half mile between the end of the wharf and the breakwater; and if other wharves are built out, as they must necessarily be—this is to be not only a harbor of refuge, but also a great commercial harbor—there must be hundreds of wharves to accommodate the shipping. Where, then, is the anchorage for the great ships that will come there from the orient, from the islands of the Pacific, through the Nicaragua Canal, which we all hope and expect to live to see constructed? Where will there be anchorage for those vessels if there is only a half mile between the end of the wharf and the breakwater? It is true that the engineer reports say there is an area of so many acres. That will be between the wharves, and every nautical man knows that it is impossible for vessels to navigate successfully among them, even in charge of a towboat.

The wharf at Santa Monica, as I have said, has been a good business investment. I believe the saving alone to the Southern Pacific upon its lighterage of coal and lumber and other supplies will amount to not less than fifteen and perhaps twenty thousand dollars per month, and by reason of their facilities for doing other business, for handling merchandise coming in over the wharves from other countries, as well as our own coast States, they can handle it much more cheaply than anybody else can, and this will correspondingly add to their revenue. Therefore, the building of this wharf is a splendid business investment, and I do not believe that the projectors of the wharf when they built it had any expectation of asking the Government to build a breakwater. Fifteen miles south of San Pedro there is a wharf called Newport wharf. It runs out into the ocean about 800 or 1,000 feet. During the past eight months 35,000,000 feet of lumber alone have passed over that wharf, besides thousands and thousands of tons of grain. The same is true at San Buenaventura, Hueneme, and the other wharves on the coast. Every one of the owners of those wharves would like to have a breakwater. It would be a great benefit to the respective ports; it would be a great benefit to the wharf, and yet it would not make a commercial port or a harbor of refuge of any one of those ports more than they are at the present time. It is a law of nature which never yet has been successfully controverted that a breakwater can not be successfully constructed that runs parallel with a rectilinear shore.

It is contrary to the very nature of things that it can be. At Santa Monica, as well as in other open roadsteads, every twenty seconds there is a wave rolling in like a great battering ram, striking against the beach or sea wall, against the breakwater, against the wharf, or whatever may obstruct it. The most successful wharves that have been constructed on the coast are the wharves that presents the least surface of resistance for the action of the waves to strike against. Take a vessel and place it diagonally across the end of the wharf at Santa Monica or any other wharf extending into the sea, and I would almost wager my hope of future existence that if a southwest gale prevailed for twenty-four hours the vessel would sink at the end of the wharf or the wharf would be a story of the past. It can not be otherwise.

There is not an artificial breakwater constructed anywhere in the world of which we have knowledge that is built parallel to the shore. At Cherbourg, the great naval port on the coast of France, there are three land sides, and the great digue or breakwater is 2¼ miles from the inner shore. It was commenced, I think, in the reign of Louis XVI. It was years and years—a hundred years I think—before it was completed. It cost an enormous sum of money—more than $30,000,000—and for the first years of its construction it did not resist the action of the waves. Yet it is exposed only to the short, choppy seas of the British Channel. Contrast that with the undulating, never-ceasing waves of the Atlantic or the Pacific, rolling in every twenty seconds, as I said before, thundering against this broadside. I believe the Government engineers are right when they say it is almost an engineering impossibility to construct such a breakwater.

While passing upon engineers, I wish to say one word. Yesterday eulogies were delivered upon the magnificient work accomplished by Mr. Eads in the Mississippi River, and deserved credit was given to him. None hold him or his memory in higher admiration and esteem than do I. I knew him well, and when governor of California I took the responsibility of inviting him to come to California and there investigate the great question that was agitating the public mind—the filling up of our rivers with the débris flowing from the mines. He came there. He made a personal examination, and his report has been productive of much good and benefit to our people. We are carrying out, on the lines he proposed, some of the improvements to our rivers with the most satisfactory results. Yesterday in the discussion the Senator from Missouri [Mr. VEST] or the Senator from Oregon [Mr. MITCHELL] said that all the credit was due to him, and that the Government engineers were mistaken. I do not claim that the United States engineers are infallible. They undoubtedly make mistakes at times.

Mr. MITCHELL of Oregon. Will the Senator from California yield to me for a moment?

Mr. PERKINS. Certainly.

Mr. MITCHELL of Oregon. I was surprised in looking over the RECORD this morning to find that in the little colloquy I had with the Senator from Louisiana [Mr. CAFFERY] yesterday I inadvertently made a statement which was entirely too broad and is calculated to do an injustice to the Engineer Corps.

In attracting the attention of the Senator from Louisiana to the Eads proposition in 1873, when that subject was before the Senate committee, I said:

> At that time a controversy was going on in one of the committees of this body, of which I happened to be a member. Mr. Eads came before the committee with a project for improving the mouth of the Mississippi River. I had but little faith in it. I was a member of the committee, as I stated. The army engineers were unanimous in opposition to his scheme, from the Chief of Engineers down.

The latter statement was inadvertently and unintentionally made by me. What I intended to say, and what I really supposed I had said until I read the RECORD this morning, was that the then Chief of Engineers, General Humphreys, and those associated with him in the office here—in other words, that portion of the Engineer Corps whom we consulted then as we do now, General Craighill and his associates, were unanimously opposed to the Eads proposition. That is what I intended to say, but my statement was entirely too broad when I said that the whole Engineer Corps, from the Chief of Engineers down, were opposed to it. That statement was an injustice to the Engineer Corps, and I intended, as soon as the Senator from California took his seat, to make the correction. But inasmuch as the Senator was referring to the matter at this time, I thought the proper time to do so was now.

In this connection, I will state that I this morning received a letter from the present Chief of Engineers, Gen. W. P. Craighill, very properly taking me to task for the statement I made, and I take pleasure in inserting General Craighill's letter in the RECORD now. The letter is addressed to me, dated to-day. He says:

> I am sure you would not intentionally be unjust to the Corps of Engineers or anyone, but the RECORD of yesterday shows that you made a statement which the facts do not sustain relative to the jetties at the mouth of the Mississippi River.
>
> The first official suggestion of jetties there in 1852 was made by a mixed board of army and navy officers, among whom were three officers of the Corps of Engineers—Chase, Beauregard, and Barnard. While it is true that General Humphreys, Chief of Engineers later, opposed the scheme of Mr. Eads, it is equally true that Mr. Eads had the support of a mixed board who recommended the approval of his project, and on it were three officers of the Corps of Engineers, Barnard, Alexander, and Comstock, and they were sustained by many other members of the Corps of Engineers.

> Nobody is infallible, and the Corps of Engineers does not claim to be, nor any member of it, but let us have justice at least.
>
> Respectfully and truly, yours,
>
> W. P. CRAIGHILL,
> *Brigadier-General, Chief of Engineers.*

I take great pleasure in presenting this letter to the Senate and having it incorporated in the RECORD, as my statement yesterday, as I said, was entirely too broad. I should be the last one who would say anything that could by any construction be tortured into any misrepresentation of or reflection upon the Engineer Corps of the United States Army, because I hold that Corps, as it is justly and universally held, in the very highest respect. The members of the Corps are not infallible, as stated by the Chief of Engineers. Nobody expects that of any corps or of any body of men. They sometimes make mistakes. The then Chief of Engineers, in 1873, was in very great error in his theory in opposition to the scheme of Mr. Eads. I had frequent conversations, I remember, with General Humphreys at the time, and his objections, as stated yesterday, were twofold. First, he claimed that after the jetties were built there would not be power enough in the current to wash out the silt from the bottom of the river; and secondly, that if there were, then a bar would be formed out beyond the jetties that would prevent ships drawing 10 feet of water from coming in. Based on that theory, vigorous opposition was then made by the Chief of Engineers and his associates in charge of the Bureau in the War Department. That is what I intended to say yesterday and what I supposed I had said, and I regret very much that I made the statement differently.

Mr. PERKINS. I could not expect less from my distinguished friend the Senator from Oregon [Mr. MITCHELL] than that which he has so frankly stated and which is a simple act of justice to our Government engineers. I was about to say that I am sure he was laboring under some erroneous impression, or that he had received wrong information, as the facts he has stated had been imparted to me personally by Mr. Eads.

There is one other thought. I do not like to trespass so long upon the patience of the Senate, as the question has been so thoroughly discussed. My distinguished colleague [Mr. WHITE] presented it in all of its phases, and I have endeavored not to enter upon any of the particular lines of thought which he followed. There are some suggestions, however, which I have learned in the practical school of experience which it seemed to me pertinent to offer at this time, and that is my excuse for intruding so long upon the patience of the Senate.

There is one point against constructing a wharf in an open roadstead or arm of the sea which has not been alluded to, and that is the undertow. It may not be known to all, especially to those who have not given it thought, that any shore presenting a line to the ocean has what is known as an undertow; that is, the waves come rolling in like an avalanche, combing up over each other on the beach, taking a rotary motion. The result is that when the waves recede they run back with a strong undercurrent. That is what nautical men call the undertow. Any vessel lying at one of these open wharves feels the effect of this undertow. It is stronger than the waves which are pressing her in toward the beach. The careful mariner moors his vessel so that in surging backward and forward the line that holds and counteracts the effect of the undertow is as strong as the one that resists the desire of the waves to press the vessel onto the shore. The result is that the vessel is in a swing, as it were, backward and forward, forward and backward, with the never-ceasing motion of the ocean.

I do not believe, and I do not think any engineering man does, that any breakwater exposed to the open sea can be constructed which will counteract the action of the undertow. It is fatal in a degree to the rapidity and the safety of handling freight. We lose large quantities of freight overboard and by being broken by falling from the slings upon the wharf, caused by the constant surging to and fro of the vessel. At Port Harford there is a rock perhaps 3,000 feet out from the north point of the bay, and the Government has made appropriations for the building of a breakwater from the shore to this rock in the bay. It is landlocked almost, and yet the undertow is present, especially when there has been a severe storm at sea. It must continue there. It is against the law of nature to have it otherwise in bay, inlet, or other place where the actions of the waves can affect the water. Therefore it is impossible to have in any open roadstead a successfully protected harbor where the vessels may be taken on the beach, or launched from the beach, and boats pulled up for repairs or safety.

The amendment proposed by my distinguished colleague [Mr. WHITE] provides that a new commission shall be appointed, whose duty it shall be to reexamine these two localities, Santa Monica and San Pedro. In doing this he has stated that which the people expected. He has voiced the sentiments of the people of California, the people of his own city, the people of the great West, that commerce demands and requires a great port of entry and a port of export in California. We want this money expended where it will do the most good. We want the Government to help us build this harbor, but we do not want them to build it at a place where commerce will derive no benefit. As there has been a great difference between private engineers and Government engineers as to the best locality, my colleague says, "Let us have a new commission." First, we will select one engineer from the Navy with rank not lower than that of commander. He holds his position for life. He is educated by the Government, and step by step, from midshipman to ensign, from ensign to lieutenant, from lieutenant to commander, and from commander to captain, he has won his epaulets by service. He holds his appointment during life or good behavior, not subject to the caprice of any political party. Who can object to such a commissioner?

He selects another one who is connected with the Coast and Geodetic Survey. Who is as capable to judge as the one who made the charts, who made the soundings, who knows the hydrography of the sea as well as the topography and the triangulations of the land? He says, "Let us select one from that department." Then, wisely, in my opinion, he has said that after the money has been appropriated by the Government it must be expended by the United States Corps of Engineers. The corps is composed of men who, as I said before, are selected because of their skill. They, too, have advanced by reason of their special fitness to discharge the duties of their important offices. They have never proven recreant to duty, nor have they failed in any charge delegated to them. It seems to me eminently proper that one member should be selected from the Corps of Engineers, because they are to construct the work, and they should pass upon the practicability of doing so—whether there is good material at hand, whether it is an engineering possibility. Yet my friend the Senator from Maine [Mr. FRYE] says, and I hardly think he means it, that a subordinate would not dare to differ with his chief, that a subordinate would not dare to set up an opinion of his own. My friend the Senator from Maine does great injustice to true manhood when he says that. It is the primary lesson, it is one of the elementary studies in that Academy, that the young cadet shall be independent, that he shall speak for himself and reason for himself. It is the benefit of the judgment of such men, and not their superiors' judgment, that the amendment proposes to give to the commission. I say it is unjust, it is unfair to make the assertion.

But I feel so deeply interested, I am so anxious that an appropriation shall be made for a great commercial port in the proper place, that I wish to ask my colleague to consent to this amendment, and thereby quiet the objection of the Senator from Missouri and the Senator from Maine. I want him to make this proposition to those who so strongly advocate the location of the breakwater at Santa Monica. I want him to say to them, "Although it is not right, it is not just to the engineers, yet I will sacrifice my feeling in the matter, and, if you will consent to this amendment, I will agree that the President of the United States shall, instead of one member from the Engineer Corps of the Army, appoint one from civil life, a practical engineer." I believe, upon reflection, he will consent to do this, and if he does the amendment should be unanimously adopted.

Mr. STEWART. Will the Senator allow me?

Mr. PERKINS. Certainly.

Mr. STEWART. There was a question suggested yesterday with regard to the rivalry between different railroads to obtain access to the Bay of Santa Monica. What is the fact in regard to that, and what is the law in regard to connection with the harbor?

Mr. PERKINS. I do not think that there is so much in that proposition as has been made to appear. I do not think that any railroad company can monopolize any one port. While, if they own the land, they have a great advantage as to warehouses and other terminal facilities, yet under the laws of our State, as I understand them, anyone can make application to the board of supervisors for a franchise to build a wharf anywhere on the coast within one or two thousand feet of another wharf. It is only necessary for them to show that the demands of commerce or of business require it, and the board of supervisors can then regulate the rates of toll over the wharf.

Mr. STEWART. There is no arbitrary rule, then, but it may be done wherever it may be required by commerce. Have they that right?

Mr. PERKINS. I so understand.

Mr. STEWART. Is the Senator advised as to who owns the land at Santa Monica?

Mr. PERKINS. I am not, but it matters not who owns it, the right of way can be condemned there, and other wharves can be constructed, if the proper showing be made to the board of supervisors.

Mr. STEWART. There has been some question made with regard to the position of the outer harbor at San Pedro. It has been suggested in argument that it is open to the southeast wind, and that that was an insuperable objection to it.

Mr. PERKINS. I did not feel called upon to expatiate particularly upon the merits of San Pedro Harbor, because we have the reports of two boards of engineers before us, and they have been spread in full upon the records of the Senate, and have fully answered the queries in relation to that subject.

Referring to the southeast winds, I would say that they prevail, but are of very short duration. They blow pretty strong while they are blowing, but it is the experience of all nautical men that the winds blowing from the southeast soon chop around to the southwest, and the sea waves that roll in all come from the southwest. One of the advantages of San Pedro over Santa Monica is that the island of Santa Catalina, located some 15 miles away, about 18 miles long, rising up out of the ocean nearly 3,000 feet, acts as nature's great breakwater to the Bay of San Pedro.

Mr. STEWART. As to winds coming from the south?

Mr. PERKINS. As to winds from the south and west.

Mr. STEWART. I am talking about southeast. The gale comes sometimes from the southwest; but if a heavy gale comes from the southeast, what effect would it have on the San Pedro Harbor? What effect would it have upon ships sailing into the bay?

Mr. PERKINS. It depends upon their ground tackling, their anchorage. I have known a great many ships to hold on there during a southeast gale.

Mr. STEWART. Would that depend entirely upon the ground tackling?

Mr. PERKINS. There is no question about that; it would be as at any other place.

Mr. STEWART. The Senator will recollect he explained to me one day the effect of the case made before the committee, and if I understood him aright he thought Santa Monica was decidedly the better place?

Mr. PERKINS. Not the best place, but that the best argument had been presented.

Mr. STEWART. And that all the weight of evidence was in favor of Santa Monica?

Mr. PERKINS. I did. I listened to the testimony before the Committee on Commerce of the Senate, and I am frank to say that it presented a very taking case, but, upon examination of the charts of the coast, especially of the 10 and 15 fathom curve line, and the soundings off Vincente and Point Firmin and Point Dume, I think the truth was painted by the advocates of Santa Monica in Titian colors.

Mr. STEWART. The Senator has described the harbor of Santa Monica as being exceedingly dangerous on account of the constant moving of the waves, and yet during the last three or four years vessels have loaded and unloaded at that port without difficulty. Is not that correct?

Mr. PERKINS. There is no question about that. I think I admitted in my remarks that ships, unless there were very heavy gales, could and did lie close to those wharves and discharge their cargoes, but, of course, not with the ease or facility that they could in still water. That applies to Santa Monica, and I also state that it applies with equal force to 16 other wharves on the coast which I could name. Our captains, or those who have charge of vessels navigating the ocean in the coastwise business, become thoroughly familiar with these different localities. It would seem at times almost impossible to make a successful landing; and yet they have done so, and continue to do so. I reiterate that which I stated before, that Santa Monica is one of the best wharves on that coast or any other coast. It answers the purposes for which it was constructed. It was and is a good business investment. But the question we have under consideration is the appropriation by this Government of $3,000,000 for the purpose of building a breakwater. Is it practicable to build this breakwater, and, if it is built, will it bring the result that each of us desires?

Mr. STEWART. Is the Senator in favor of building a breakwater at one or the other place, or in favor of abandoning them altogether?

Mr. PERKINS. With the report of the board of engineers before me——

Mr. STEWART. I am speaking now of the Senator's knowledge of the situation. He is a sailor and navigator, and I want the opinion of a sailor and a navigator in the Senate. I want to say that these engineers are selected on altogether different lines. As has been stated, they are selected on account of their military knowledge; they are builders of military forts; they do not navigate the sea, and I would rather trust the Senator from California as to any harbor on the coast where he has navigated and where he lives, than any corps of engineers. Of course he would know more about it, because it is his specialty, it is in his line.

It is not the business of the engineers to find harbors. They construct harbors after they are found. I remember an instance at Duluth. I was interested there. The engineers reported that the only way to build a harbor there was at the mouth of the St. Louis River, about 5 or 6 miles south of Duluth. The people were very anxious that there should be a harbor on the northwest corner, but the engineers were all against it. They finally dug across the points which run out there several miles and connected with the bay inside. They ran across this point up near Duluth, when they were enjoined. Finally, they got inside and made a good harbor after the engineers had all given it up. They have built up the main harbor now, and the objections the engineers made to it have not materialized. Engineers may be mistaken the same as anybody else; and locating harbors, as I have said, is outside of their specialty. But the point I make is that the Senator from California has some experience, and I will ask him one or two more questions.

Mr. PERKINS. Let me first answer the questions the Senator has already put.

Mr. STEWART. Very well.

Mr. PERKINS. When the Senator comes to California this summer I shall be pleased to take him yachting, and I shall try to find some quiet little cove, where we can discuss this question fully, and, combining the placid waters of the Pacific with other ingredients, which we will artificially secure, we shall make the trip a pleasant one for him.

We are acting here, however, Mr. President, in the capacity of representatives of the people and voting to appropriate a certain sum of money for certain purposes. It may not be improper for me to state that I accompanied a delegation to the Committee on Commerce of the House of Representatives early in the session—a delegation that came from San Jose, Cal. They were asking for $25,000 for the purpose of straightening an arm of San Francisco Bay, an estuary that runs up to the town of Alviso, which is the depot for vessels from the great Santa Clara Valley. The gentlemen composing that committee listened to the remarks of the delegation patiently for a time, and finally interrupted with the question, "Have the Government engineers surveyed that place?" "Yes; some years since." "Have they made an estimate of its cost?" "No." "Do they recommend the appropriation?" "Well, no; but yet they favor it." "It is useless, gentlemen, for us to listen to you. It is a rule of this committee and of Congress to make no appropriations for rivers and harbors or like improvements until the Corps of United States Engineers have surveyed them, have estimated the cost, and recommended the practicability of the same."

The delegation returned to San Jose; and ever since the Committee on Commerce of the Senate have recommended the expenditure of $3,000,000 for the improvement of Santa Monica against the recommendation of the United States engineers I have been wondering what I should say to that delegation when I returned to California and was confronted by them and they said, "You, our representative, could not get us even a hearing because we had not the recommendation of the Government engineer, and yet in the Senate you appropriated $3,000,000 for an improvement which the Government engineers have not recommended." I have been wondering what I shall say to them in reply. The only answer I can find is that perhaps the Senator from Maine or the Senator from Nevada will explain it.

Mr. STEWART. I am trying to find out what the Senator thinks about this question, for I regard his opinion as much more valuable than that of a man who is not an expert in navigation. The Senator is a sailor. He has already said that Santa Monica was an excellent place, the best place on the coast. He has already told us that ships have been in the habit of loading and unloading there without any difficulty for the last three or four years. I ask the Senator could they do that at San Pedro?

Mr. PERKINS. I think so, after constructing a proper wharf, not the same as my friend from Maine, who is very ingenious and wanted to build a wharf with its side to this breakwater. I admired the ingenuity with which he presented the case on yesterday. Here is the point: He proposed building a wharf heading west instead of southwest at San Pedro and then a southwest wind would strike against it broadside. I would have said to him: "Senator, I would build my wharf head to the sea, and then it would stand." Of course it will not stand otherwise or as you have indicated the line you would construct it upon.

Mr. STEWART. They can build a wharf just as the case stands now to answer equally for the purpose at Santa Monica.

Mr. PERKINS. I think so.

Mr. STEWART. Then they were very foolish to leave off building a wharf there?

Mr. PERKINS. No; because the other place is some twelve hours nearer to San Francisco, and has some other advantages.

Mr. STEWART. What other advantages has it?

Mr. PERKINS. It has deeper water, and they are saved from building a long line of railroad out to San Pedro Point to the wharf. The Senator is thoroughly familiar with it. The wharf could be built outside of Dead Mans Island and run out southwest to the sea without any trouble.

Mr. STEWART. Do I understand that the Senator is willing to have an appropriation made at one place or the other?

Mr. PERKINS. I am willing. I want to reiterate again and again that the necessities of southern California demand a deep-sea harbor. We want to make no mistake, and I am willing to vote for this amendment, and I hope my friend, if he wants the best place selected, will vote for the amendment proposed by my distinguished colleague from California, and make this appropriation definitely.

Mr. STEWART. If this amendment is defeated does the Senator from California propose to vote against the appropriation?

Mr. PERKINS. Mr. President, it is hardly fair to anticipate what the verdict of the jury may be, and one is not qualified to sit as a juror who has already made up his mind before hearing the testimony. But we want a harbor; and if, as I have no doubt, the Senator is as honestly and as earnestly desirous for a deep-sea harbor as my colleague and I, he surely then will vote for the amendment.

Mr. STEWART. That is not the question. I want to know how the Senator from California would vote in case the amendment is voted down?

Mr. PERKINS. I would be disqualified to sit on a jury if I had made up my mind in advance.

Mr. VEST. I am as anxious to vote on this question as any Senator present. I do not want to protract the discussion at all. I certainly shall not go into a discussion of California politics. I have only the most general interest in the political affairs of that State, and only know what the issues are before the people of California by the testimony taken before the Committee on Commerce and by what I have seen in the newspapers published in that State.

I take it for granted that the Senator from California [Mr. PERKINS] who has last spoken, when he charges the Senator from Maine [Mr. FRYE] and myself with being libelers and common slanderers, is simply speaking in the Pickwickian sense and indulging in that old-fashioned and long-used political strategy which endears every representative to his people, of setting up some man of straw and then tearing him into pieces in the most impassioned manner, to give evidence of his love for his dear people. Nobody has attacked the people of California. I simply remarked, so far as I was individually concerned, that Mr. Huntington seemed to be the issue and the great political factor in that State. My information comes from the California newspapers, which are sent to me in great abundance, all containing headlines "Huntington or anti-Huntington," and declaring that the question now, the burning issue, is whether the State belongs to Huntington politically or not; whether the Southern Pacific Railroad system is to dominate the free voters of that Commonwealth.

In the speeches made by the California delegates before the Committee on Commerce a large portion of their addresses were given to that issue. Mr. Huntington was denounced in the most vehement terms by some, and praised by others. One gentleman, to show the impassioned fervor which entered into this personal discussion, an ex-judge of the superior court of the State, declared that rather than make any compromise with Huntington, or any concession to Huntington influence, he would expatriate himself, and cease to be a citizen. [Laughter.] That will be found in the evidence taken before the committee, for I presume it is fully published, though I have not looked at it.

So the Senator from Maine and myself are not responsible for these statements. California people came to us and made them, and they held up their manacled hands on the one side and asked us to deliver them from the thraldom of the Southern Pacific Railroad, headed by Huntington, and the other side wanted to deify Huntington as a great benefactor, who was causing the grass to grow where it had not grown before and the fragrance of flowers to be found upon their arid lands. If any Senator or Representative of the people of California can stand here in the presence of the utterances of their friends and say that this Huntington issue is not the burning one in that State, then he has a hardihood which I do not envy and which I can not appreciate.

Mr. FRYE. Will the Senator allow me?

Mr. VEST. Certainly.

Mr. FRYE. Here is an extract from a leading California newspaper, published about a week ago, and sent to me marked. If the Senator will allow me, I will read it.

Mr. VEST. Certainly.

Mr. FRYE. It is as follows:

> The list of the nine members of the committee who voted for the Santa Monica steal has the suggestive sound of a burglar alarm. The names are FRYE, GORMAN, JONES, ELKINS, MCMILLAN, MURPHY, MCBRIDE, QUAY, and SQUIRE. There are two or three Senators in that lot whom it might be safe to meet on a dark night with a pocketful of money, but if a marksman wanted to bring down the greatest number of rascals with the smallest supply of rocks he could dispose of his missiles to better advantage in that quarter than anywhere else in the Capitol outside of a joint meeting of the Committees on Pacific Railroads.

[Laughter.]

Mr. WOLCOTT. From what newspaper is that?

Mr. FRYE. The San Francisco Examiner.

Mr. VEST. That is certainly a very vitriolic utterance. I am not taking any issue with it. The only surprise I desire to express is that my name is not in the list. This is the first time I have escaped. [Laughter.] They have charged me with burglary and every other felony.

Mr. FRYE. They had not heard the Senator make the speech in which he stated that Huntington was entitled to the rights of a civilized man. If they had heard that he would have been in the list. [Laughter.]

Mr. VEST. I protest against this being an issue of Huntington or no Huntington. I know very little about Mr. Huntington that every other Senator does not know. I think he is entitled to fair treatment, and that his claims are to be considered just as the claims of any other citizen of the United States. I do not intend to go into any discussion of that matter, nor do I propose to waste the time of the Senate in talking about the high character of the Corps of Engineers. They are gentlemen, United States officers, and whilst they are fallible and have the same prejudices and passions and errors that the rest of us have, they are certainly, as a Corps of Engineers, entitled to the highest commendation and consideration. It is not true, however, that they have been impeccable and infallible. They have made a great many mistakes, which I do not care to enumerate, but they are known to every public man who has had anything to do with rivers and harbors. As to corruption, they have no more been exempt from that than any other set of human beings organized for any human purpose. One of the worst scandals that ever took place in the city of Washington was that connected with the tunnel for the water works here, in which, I believe, the Government lost about a million and a half of dollars. That was, to use the mildest expression, caused by the criminal negligence of a member of the Corps of Engineers; and yet no man would stand here and say that the whole Corps were guilty of criminal negligence or corruption. As a rule they are men of the highest official and personal character, there is no question about that; but they are not infallible, and especially about rivers and harbors, and for the simple reason that, as the head of that Corps himself said before our committee, they are not riparian engineers, they are fortifications engineers.

These engineers went to San Pedro and Santa Monica. Their first idea was how these places were to be defended in case of a naval war, and when they look at any improvement upon the seacoast that is naturally their first idea, because they are West Pointers, trained in the art of destroying men and of defending localities. You could no more expect them to be riparian engineers than you could expect that they were astronomers or chemists or proficient in any other department than that for which they had been educated. I have the greatest respect for them. I received a copy of the letter which the Senator from Oregon read from the head of the Corps of Engineers. I suppose he thought it was necessary to send it to me because I said yesterday that the Corps of Engineers had opposed the jetty improvements at the mouth of the Mississippi River. They did oppose them. They are opposed to them to-day, and their objection to them is that a man outside of the Corps of Engineers, to whom this sort of work was not given by the Government, had been successful in doing what the leading engineers who belonged to that corps had denounced as utterly impossible. General Humphreys, at the head of the Engineer Corps, denounced the jetty system as applied to the mouth of the Mississippi River. I wish to say now in reply to my friend from Louisiana [Mr. CAFFERY] that the jetty system is not a failure.

Mr. CAFFERY. Will the Senator from Missouri permit me?

Mr. VEST. Certainly.

Mr. CAFFERY. The Senator from Louisiana made no assertion that it was a failure.

Mr. VEST. The Senator quoted yesterday from, I suppose, an interview, certainly not a report, of Major Quinn, who is the officer detailed from the Corps of Engineers to examine the jetty work and to report whether the Eads estate are entitled to the money for having 26 feet of water there with a 30-feet central channel 200 feet wide. If Major Quinn ever made any such report I have never been able to find it. I have here, not exactly an interview, but a report from the New Orleans papers, in which Major Quinn is made to say that this work is comparatively a failure; that the bar is increasing outside the mouth of the Mississippi River. He nowhere says in that interview or report, or whatever it may be—the newspaper report of what he did say—that the Eads estate would be compelled, on account of the expense of dredging, to abandon the contract; there is nothing of that sort in it; but he is made to say that the expenses increase, that the dredging is continuing, and that the remedy—and that is the point I am coming to, because the people of the Mississippi Valley, including those of Missouri, are vitally interested in the project of the jetties at the mouth of the Mississippi—he does say that the only remedy in the future is to cut a channel from Algiers to Barataria Bay. In other words, he indorses the outlet system, which is directly antagonistic to the jetty system. There are two schemes for the improvement of the mouth of the Mississippi River and for the whole length of it. One is known as the outlet system, which is to exhaust the water in the river and prevent the outflow that damages and devastates the lower Mississippi country—to take the water out of the river; and Major Quinn says that that is the remedy, if he is reported correctly in the New Orleans paper, to

cut a canal from Algiers to Barataria Bay, and then put jetties at the mouth of that canal.

Mr. CAFFERY. Will the Senator from Missouri permit me?

Mr. VEST. Certainly.

Mr. CAFFERY. Does that interview purport to be authentic wherein it is stated that Major Quinn is in favor of a canal to cut across from Algiers to Barataria Bay, rather than to maintain the present jetties at the mouth of the Mississippi River?

Mr. VEST. Yes, sir; he says that is the ultimate remedy; and he says that it is the only remedy that can be applied. In order that I may do him no injustice I will give the interview.

Mr. CAFFERY. I never heard of any such statement as coming from Major Quinn.

Mr. VEST. Here is Major Quinn's interview, and here is the answer of the New Orleans paper. The Times replies to him in a column. It says that he was never friendly to the jetty system; that he has never been able to overcome his prejudices; and that he is now advocating the outlet system, which will ruin New Orleans and ruin the commerce of the Mississippi River. Here is the report, which I did not care to inflict upon the Senate, but I will put it in the RECORD. It is at the service of my friend. It purports to be an interview with him, in which he goes on to declare that the jetty system is comparatively a failure; that there are lumps of mud being formed in the channel; that the channel is crooked; that there is a bar forming which has increased gradually for the past ten years at the mouth of the jetties; and that it will require an infinite amount of expensive dredging in order to keep up the channel to 26 feet and 30 feet as the central depth.

The papers referred to are as follows:

A CALAMITY HOWL—MAJOR QUINN'S RECENT INTERVIEW SEVERELY CRITICISED—RESIDENTS OF PORT EADS DECLARE THE PASS FROM THE RIVER TO THE SEA WAS NEVER IN BETTER CONDITION—NAMES OF VESSELS OF GREAT DRAFT THAT HAVE PASSED OUT RECENTLY.

[Special to the Times-Democrat.]

PORT EADS, LA., *December 21, 1895.*

The interview of Major Quinn in yesterday's Picayune has been generally and unfavorably discussed here by many. He is not taken seriously, but is regarded as a mere calamity howl. His interview is a contradiction of, and is at variance with, his annual reports on South Pass for the years 1894, 1895, which show that the fan-shaped area in the Gulf at the mouth of the Pass, instead of diminishing, has increased in depth. The mud lumps that he speaks of are far to the westward of navigation, and were there when the jetties were built and are there now. The shoaling around them is expected, as the water of the Pass is discharged in that direction, but it is entirely out of the track of navigation and will do no harm.

The jetty work from one end of the Pass to the other is in good condition, and only the usual force of men is employed to keep it in repair. The channel through the Pass from the river to the sea was never better, and the largest vessels pass in and out without the slightest difficulty. Since November 1 over 50 foreign and domestic vessels drawing over 23 feet, and many drawing over 25 feet, have gone to sea. On December 4 the steamship *Leenki*, drawing 25 feet 10 inches, went to sea, and on the same day the *American*, drawing 25 feet 3 inches, went out. On December 11 the *Pio IX*, drawing 25 feet, went to sea, and on the 12th the steamer *Parkmore*, drawing 26 feet, went through the channel without difficulty. These figures are official, and are obtained from the bar pilots.

At present there is no evidence of any necessity for an early or remote extension of the jetties, and the probability of there being only 10 or 12 feet on the bar in the next ten years, as Major Quinn says, is farfetched and not deserving of serious consideration.

MAJOR QUINN AND THE JETTIES.

[New Orleans Times-Democrat, December 22, 1895.]

Major Quinn, of the United States Engineers, who has supervision of a number of important works in this district, among others the jetties, has for some time past spoken more or less derogatively of the latter, one of the greatest engineering achievements in the country. Major Quinn has not said that the jetties were a failure—indeed, he could not. It is his duty to report on their status, and whether the contract of the jetty company with the Federal Government has been carried out; and he has always declared that it has been carried out and that the depth of water required has been maintained. But in his interviews there is the general suggestion that the jetties are not the best way of treating the mouth of the river; that they are merely a temporary relief after all; that it will cost an immense sum to extend them, and that this will only relieve us for a comparatively few years, when a further extension will be required, it being more difficult and expensive than the original work. And these predictions as to the fate of the jetties are always accompanied by a proposition to get a permanent solution of the difficulty by a canal from the Mississippi to Barataria Bay. In other words, Major Quinn seems to be an advocate of the outlet or canal theory, as opposed to the Eads or jetty plan.

His remarks have the effect of creating apprehension as to the harbor of New Orleans, fear lest it may be ruined, and they undoubtedly throw discredit on the jetties. This is unfortunate, coming from an officer of the Government. The jetty plan has the approval of all the leading engineers in the world. It was conceived and carried out by the greatest American engineer. When Congress took hold of this matter it had to compare the jetty plan with the canal one, which Major Quinn now offers, except that his Barataria Canal is less favorably located than the proposed Fort St. Philip one.

The outlet or canal proposition was strongly pressed before Congress, but when Captain Eads was heard he made the matter so clear, showed so plainly the bad effects the canal would have, how it would altogether fail of its purpose to afford a navigable stream, besides injuring the navigation of the river, that Congress at once decided in favor of the jetties, and made the contract which Major Quinn is now required to supervise and see carried out.

The jetties proved to be all that Captain Eads claimed for them—and even more. We have had them for nearly twenty years, and they have been of untold value to New Orleans and the Mississippi Valley, and worth hundreds of millions of dollars to the country.

When the jetties were built, Captain Eads foresaw that there would be some filling in beyond their end; but the filling in has been less than expected; and the extension of the jetties, if it becomes necessary, will not be a difficult or a very expensive undertaking. In fine, Captain Eads's predictions in regard to the jetties and the mouth of the river have been so completely verified in every respect that it would be very bad judgment on our part to abandon the system he proposed for the improvement of the river and adopt that of Major Quinn or anyone else.

As for Major Quinn's account of the condition of affairs at the jetties, our correspondent there declares that it is "farfetched and not deserving of serious consideration"; and even styles Major Quinn "a calamity howler." His present account of the jetties is a contradiction of and wholly at variance with his last annual report on this subject to the Secretary of War. There has been no filling up at the mouth of the Pass, and the mud lumps he speaks of, and which are out of the way of navigation, were there when the jetties were built. The channel from the jetties out was never better than it is now, and there is no evidence of any necessity for an early or remote extension of the jetties.

The Government having adopted the jetty plan for the mouth of the river, and having stationed Major Quinn here to see that the contract is carried out, he is not the person to criticise that plan, to constantly throw slurs on it, and to predict its failure; and we believe that it would be better, if he holds the opinion he seems to entertain, to replace him with some other engineer who believes in the jetties and is anxious and desirous of seeing the success of this system of improving the mouth of the river. Congress has decided in favor of it, and Major Quinn can not change the plan in any way. If he ever sees the jetty system fail it will be his duty to report it, but his predictions of failure are no more worthy of consideration than the similar predictions that were so frequent when the work was first begun, and we have had nearly twenty years' use of the jetties to prove the falsity of those forecasts.

As for the canal proposed by Major Quinn to Barataria Bay, it is unworthy of consideration. Congress has rejected these canal projects over and over again, and there is nothing in Major Quinn's canal to recommend it. Emptying into a bay full of shallows, it would soon fill up at its mouth unless he had jetties there to keep it clear of the mud, and with jetties he would encounter the same difficulties which he claims to find at the mouth of the Mississippi, without the advantage of the volume and current of the great river which is now so effective in getting rid of the mud in South Pass.

It is always unwise to place an officer in charge of work or to supervise it who is opposed to it and believes it is going to prove a failure. Major Quinn is not the man to supervise the jetties if he entertains the opinion of them which his interviews indicate.

Mr. VEST. Mr. President, I have here an official statement of the depth of water in the jetties. It comes from a report made by Major Quinn himself. Without reading all of it, for it is an extensive array of figures, it shows that the first year the jetties went into operation the depth was 30 1/10 feet. In the report for the last month that is reported upon, which was June, 1895, the depth of water in the jetties was 30 2/10 feet, or an increase of two-tenths. Of course it varied from time to time, but not in one single year did the Government fail to pay to Captain Eads when living, and to his estate after his death, the amount which that estate or which Captain Eads was entitled to receive only upon complying with the contract to maintain 26 feet of water over the whole 200 feet in width with a central depth of 30 feet, which was the main channel. In order to condense this matter, to put it in form before the Senate, I will ask the Secretary to read as a part of my remarks a letter from Mr. Corthell, who was the assistant of Captain Eads and had charge of the jetties, and who knows the truth of the statements which he makes.

Mr. CAFFERY. What is the date of it?

Mr. VEST. Yesterday: last night.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

WASHINGTON, D. C., *May 11, 1896.*

DEAR SENATOR VEST: The remarks made by Senator CAFFERY to-day in condemnation of the jetties at the mouth of South Pass, built by Captain Eads, are entirely erroneous.

First. In regard to the formation of the channel, between 1875 and 1879, the following is taken from my History of the Mississippi Jetties, page 214, and I can vouch for its correctness:

"Some of the channel results have been obtained by dredging, but the amount of material moved by this means has been so small, being only about 1 per cent of the whole, that we have not included it in the exhibition of results. This artificial appliance has simply hastened a result which the current had ample power to accomplish, as is evident from the fact that it is now able not only to maintain the channel secured, but to still further enlarge it."

Second. I hand you herewith the chart of the jetty channel, and extending some distance seaward, of the ends of the jetties, as shown by Maj. James B. Quinn, the United States engineer inspecting officer, dated June 30, 1895, by which it will appear that there is a straight channel through the entire jetties and to the deep water of the Gulf 26 feet deep and over 200 feet wide at that depth, with a central depth of 30 feet as required by the law, and that this channel is not crooked, nor at any part difficult of navigation for the largest ships. It is chart No. 1 of the report. I also in this connection refer you to the table of depths of the water through the jetties at various dates, being pages 1732 to 1734, by which you will see that there has been through the entire period since July 8, 1879, when the maximum channel was obtained by Captain Eads, a depth fully equal to the requirements of his contract with the United States Government, up to and including June, 1895, the last month of the report.

The tendency at present is for a deepening rather than a shoaling in the Gulf beyond the end of the jetties.

Third. I happen to have at hand some very interesting data in regard to the number of days of dredging since 1879, and you will understand that this dredging was almost entirely done for the purpose of not enlarging but rectifying the channel in order to make it conform to the very difficult requirements of a Congressional enactment, that is, to make it 200 feet wide at the depth of 26 feet, with a central depth of 30 feet. It has often happened that the width of the 26-foot channel might be, say, 199 feet, and the central depth perhaps 35 feet, or 40 feet, but the law required that while the channel was large enough and deep enough for navigation it should have at least the width of 200 feet. It also has happened in the course of years that the 26-foot channel might have a width of say 250 feet or more, but the central depth might not be over 29½ feet, but yet this central depth must be made 30 feet to make the channel conform to the law.

Now, in order to accomplish this purpose it has been necessary, in order to maintain this legal channel, measured according to the recently corrected datum plane, to dredge only one hundred and twenty-one days in the jetty channel and forty days in the area outside of the jetties, where I assume Senator CAFFERY'S crooked channel exists. I wish to call your attention particularly to the fact that dredging in the channel beyond the end of the

jetties was required in only one year in the last thirteen years, and that was during a very remarkable phenomenon of sand waves which moved down the main river and through the jetty channel to the Gulf, and to the further fact that no dredging whatever has been required beyond the jetties in the last three years, and this fact alone would seem to be an indication at least that no great amount of shoaling could be taking place beyond the end of the jetties. In other words, during five thousand eight hundred and forty days that have elapsed since the maximum channel was obtained by Captain Eads in 1879, he and his executors have been obliged to dredge to maintain a legal channel only one hundred and sixty-one days.

It was very unfortunate for Senator CAFFERY to refer to Major Quinn as his authority for his statement, for this same Government officer has been, during the last two years, so hostile to the jetties that he has made himself very obnoxious, even on the streets of New Orleans, in predicting failure and in calling the jetties "a fraud." In December, 1895, he allowed himself to be interviewed, and I inclose the interview, which appeared in the New Orleans Picayune December 20, 1895. I also hand you with it a statement sent from Port Eads at the time, which I am sure is correct, and I quote from it a few lines referring to the navigation passing through the jetties:

"The channel through the Pass from the river to the sea was never better, and the largest vessels pass in and out without the slightest difficulty. Since November 1 over 50 foreign and domestic vessels drawing over 23 feet, and many drawing over 25 feet, have gone to sea. On December 4 the steamship *Leenki*, drawing 25 feet 10 inches, went to sea, and on the same day the *American*, drawing 25 feet 3 inches, went out. On December 11 the *Pio IX*, drawing 25 feet, went to sea; and on the 12th the steamer *Parkmore*, drawing 26 feet, went through the channel without difficulty. These figures are official and are obtained from bar pilots."

I also hand you an editorial of the Times-Democrat of December 22, 1895, which gives the real animus of Major Quinn's hostility to the jetties; in other words, he is still harping on the project of a canal and following the lead of his superiors, who, as you know, were utterly vanquished at the time of the charter. He is making the senseless and uncalled-for prediction which they made so persistently and openly twenty-two years ago.

It may be proper for me to state from personal knowledge that the executors of Captain Eads's estate have felt called upon to protest against the persistent attacks and the outspoken hostility of Major Quinn to Captain Eads's great work.

You, who knew him so well and so fully understand and appreciate the remarkably successful results achieved by him, are fully able to defend him.

I am, Senator, yours, very truly,

E. L. CORTHELL.

Hon. GEORGE G. VEST,
United States Senate, City.

Mr. VEST. I desire to put into the RECORD, without reading it, another letter to which Mr. Corthell refers. It makes the record perfect in that respect.

The paper referred to is as follows:

THE RIVER'S MOUTH—MAJOR QUINN'S CHARTS SHOW IT TO BE FILLING, AND DESPERATE REMEDIES WILL SOON HAVE TO BE TAKEN TO PRESERVE A CHANNEL.

[New Orleans Picayune, December 20, 1895.]

Yesterday Major Quinn returned to the city from quite an extended visit to Mobile Bay. Some time ago vessels, in entering the harbor during bad weather, carried away one or two of the beacons, and Major Quinn visited the harbor for the purpose of replacing these beacons.

Yesterday Major Quinn was extremely busy arranging a number of new maps and soundings taken at the mouth of the jetties, preparatory to a report to his department at Washington. After inspecting these charts and maps, which are the results of long months of observation, Major Quinn has come to the conclusion that the Gulf has been shoaling up, from the mouth of the jetties out, at the rate of 100 feet per annum.

The outside limit of the bar extends fully 1,500 feet farther out than it did during the year 1879. This very grave fact, together with the gradual increasing of the bar's width, has been carefully marked off on the charts.

These documents were laid upon a table and Major Quinn, after a thorough explanation, remarked that within ten years, should the present conditions remain as they are now, there would not be more than 10 or 12 feet on the deepest part of the bar. The slope of the jetties has been gradually decreasing, which slackens the current and removes the power which has in years past carried the mud of the river farther out to sea. There has been a gradual building up from the Head of the Passes down to the very mouth of the jetties. The only relief for the dangers which must come upon New Orleans is an extension of the jetties out into the sea, fully 1,500 feet, where the 20-foot shoals have begun to form.

At the mouth of the jetties there is a deep valley, as it were, where there is some 30 or 40 feet of water, but on each side of the works and beyond this deepened part of the Gulf there begin two banks of mud. Some of these lumps are so large that there is but 20 feet of water. The channel, however, is deep. Farther out there are other shoals, where from 30 to 40 feet of water can be found. Gradually the gulf deepens, until, at a distance of a mile and a half, there is 100 feet of water.

During 1879, three years after the building of the jetties, soundings and maps were made. The same depths then existed. There were 20 and 30 foot banks, but this shoaling up and gradual deepening began much closer to the immediate mouth of the jetties. At the rate of 100 feet for the year, these shoals have been moving farther away from the jetties.

Major Quinn explained further that with the shoaling up of the Gulf there was a decrease in the slope in the jetties and a corresponding decrease in the velocity of the stream. This was a very grave situation, for it meant certain ruin for the mouth of the river. Referring to a report upon the jetties, he stated that in 1879 the slope of the jetties was .856, while in 1895 it showed .621, or a decrease of .235.

In 1879, during the low tide, there was a slope of 1.242, while under the same conditions in 1893 there was a slope of 0.994. The slope of the jetties in 1879 during the mean tide was 1.05, and in 1893, the same conditions, the slope was 0.81.

Steadily this slope would be decreased until there would be no velocity to the stream and the filling up would come more rapid. He figured that within another fifteen years there would not be more than 10 or 12 feet of water on the bar.

Major Quinn was asked for his opinion as to a suitable and permanent remedy to this threatened calamity. The only relief which he could suggest, and this would be but temporary, was an extension of the jetties at least 1,500 feet. This would cost a vast amount of money. There would be more difficulty in extending the jetty work than previously, for the reason that there are deep places which must be crossed, and this would cost a vast amount of money and trouble. Then, too, even after this jetty work was complete there would have to be a renewal in another twenty or thirty years. He thought that the Eads Company could maintain the regular depth of water until the time their contract expired, but at the ending of this contract a vast amount of money would have been expended.

The Eads Company would have to keep a dredge boat constantly at work, for the passes are filling up. At present dredges are worked every day and a large force of men are kept at work upon the banks of the pass. He also found by the charts the same condition of affairs at the Southwest and Southeast passes. He has not as yet had time to make a thorough investigation of these outlets, however.

There was but one permanent remedy which Major Quinn could suggest, and that was to cut a canal from Algiers to Barataria Bay. There would be no currents into the bay to speak of, and this could be regulated with locks. At the end of the canal, in the bay, the jetties could be constructed so that deep water could be reached. This would make the distance between New Orleans and the Gulf, by water, only 50 miles, just one-half the distance along the river banks. This would require about five years' constant work, and within that time work would also have to continue on the jetties.

When these jetties are extended further out into the sea, their direction will have to be changed considerably. The mud banks on the west side have formed almost directly in front of the opening, while the banks on the east side of the jetties have drifted further away. This is most likely caused by currents in the Gulf.

Major Quinn was confident that something would have to be done upon the jetties before long, especially after the Eads contract has expired, which will be within a few years.

Mr. VEST. I care nothing about the personal part of this matter. I do not know Major Quinn. But I know that the people of the Mississippi Valley are deeply and intensely interested in the question as to the success of those jetties; and I know more than that, that when this interview or newspaper report in regard to what Major Quinn had said was published it created consternation in St. Louis and in all the country which is tributary commercially to New Orleans and is dependent upon the success of the jetties. If Major Quinn is correct then the outlet system is the proper one. If the outlet system is the proper one the jetties constitute a great blunder, and we have been expending millions of dollars for nothing. That is the inevitable result. As to the jetty system, I know personally from observation that it has been eminently successful in other places besides the mouth of the Mississippi. There are bars on the Mississippi River removed by the jetty system where no dredging is now required, and where there used to be 4 and 5 feet of water there are now 9, 10, and 12. There is upon the Missouri River to-day a piece of work extending 45 miles, done under the jetty system, which is the most perfect piece of riparian engineering in the United States. It was done by the Corps of Engineers upon the jetty plan. The Chief of Engineers claims in his letter to the Senator from Oregon that the jetty plan was originally adopted by the Corps of Engineers and afterwards was applied by Eads at the mouth of the Mississippi. But I care nothing about the matter. I do not wish to inject it here, and would not have done so except to make evident what I think is the truth—that the jetties at the mouth of the Mississippi are not a failure at all.

Mr. CAFFERY. Neither the Senator from Missouri nor Mr. Corthell, whom the Senator appears to take as authentic proof, can put into my mouth words that I have never said. I do not charge the Senator from Missouri with that attempt, but the trend of his argument would seem to imply that there is hostility upon my part to the Eads jetty system.

Mr. VEST. No; I did not mean that.

Mr. CAFFERY. The Senator does not?

Mr. VEST. I beg the Senator's pardon. He quoted Major Quinn, and what I have said was in reply to the alleged statement of Major Quinn. For instance, when I asked the Senator's authority for the statement that the Eads estate was about to abandon the dredging on account of the expense and said, "Who made that statement?" his reply was, "Major Quinn." Now, permit me to say one other word. I am intimately acquainted with the executor and son-in-law of Captain Eads, Mr. McHenry. If any such idea obtains with Mr. McHenry or any of the heirs, and I believe there is only one other, of Captain Eads's estate, I have never heard of it. On the contrary, my information is that they propose to carry on that contract, and there never has been a shadow of a doubt in St. Louis, where Mr. McHenry has his home, that that was his intention.

Mr. CAFFERY. I do not remember the exact words that I used yesterday in the part that I took in the debate, but I do not believe that I made the statement that the Eads heirs were about to abandon the jetty contract. I think in speaking of the cost of dredging, equalizing or about equalizing the amount of the installments that they would derive from the Government, I quoted Major Quinn. I will read precisely what I said:

Mr. CAFFERY. I know that the work of the current has been supplemented by the artificial work of dredgers. That I know. I have heard it stated that it was doubtful whether Eads's heirs would continue the dredging to maintain the depth, as the expense of dredging about equals the installments they would derive from the Government for keeping open the channel.

Mr. President, I know Major Quinn. I do not know Mr. Corthell. I do know that Major Quinn is an ornament to the service of the United States, both in his character as a man and in his equipment as an officer. He has made certain statements. He stated that the jetty channel was dredged. He stated that it was dredged to keep it open. The letter of Mr. Corthell read in the Senate proves that statement. He says there has been a small amount of dredging done, but there have been, I believe, one hundred and sixty-one days of dredging done out of five thousand

days. I am not expert enough to know whether that amount of dredging would show that the jetties failed entirely in their purpose or partially in their purpose, but the fact remains that there has been dredging, and a considerable amount of dredging. The suction dredges which are now used throw out an immense quantity of mud or sand or gravel, as the case may be, in an hour. I think I heard a statement from the Senator from Missouri to the effect that one of the suction dredges used upon the Mississippi River in clearing out a sand bar would throw out 8,000 cubic feet of dirt in an hour. If, therefore, any dredges of that sort were used for one hundred and sixty-one days upon the Eads Channel an enormous amount of deposit would have been thrown out of the jetties.

I do not condemn, and Mr. Corthell can not make me condemn by a letter to anybody, the jetty system. When Major Quinn, as much as I think of him as a man and an officer, offered his judgment in regard to the comparative merit between the outlet system and the jetty system, it did not at all affect my judgment. I have seen enough of the jetty system and know enough of it to believe that while it will not at the mouth of the Mississippi River accomplish the entire dredging of the river, it will do so by being helped with dredges. That is not sufficient, however, to condemn it, and I do not condemn it for that reason. I believe that by narrowing the channel, and by giving greater velocity and volume to the current, sand bars in the Mississippi River or any other silt-bearing stream will be necessarily removed and the sandy bottom deepened. But where the tide only rises, as it does at the mouth of the Mississippi, about three feet and three feet and a half, there is not enough rise of water and the outgoing tide does not go down with enough velocity in low water to effect a complete dredging process, as is done, as the Senator from Missouri well knows, in certain rivers of Europe, where the ebb and flow of the tide is much higher than it is upon the Gulf of Mexico.

I do not want to be brought into a controversial discussion, nor do I want to be made to attack a principle of deepening rivers which I indorse so far as my limited judgment goes. I do not pretend to be an expert. I do not pretend to have that ability which I have heard advanced upon this floor, that a man can judge of the superiority of one harbor over another by looking at it. I know my judgment indorses the Eads project of improvement upon the Mississippi River. Not only that, but I believe that the levee system, in accordance with that principle of improving rivers, is necessary to the deepening of the channel of the Mississippi River, because it is only carrying out the system that Mr. Eads adopted at the mouth of the river. By confining the channel, by narrowing the water, not permitting it to spread over a vast area, you necessarily force the water to cut out obstructions.

I had intended before this discussion ended to say something about the two harbors on the Pacific coast; but I believe that any further remarks from me upon this point will be entirely unnecessary in view, as I am told, of the possible termination of the contentions between Senators who advocate one or the other of these harbors by a compromise acceptable to both sides.

Mr. WHITE. Mr. President, I desire to say a few words in response to the statements made by the Senator from Maine [Mr. FRYE].

In the first place, I repudiate the intimation that there is anything of the so-called sand-lot agitation to be found upon the San Pedro side of this controversy. I wish to say to the Senator from Maine that the people of California are as law-abiding, and, with due deference to him and his constituents, as fully competent to take care of their own affairs, as intelligent, and as enlightened and progressive as are those whom he represents here.

As far as I am personally concerned, he places an estimate upon my character far from flattering when he assumes that I can be swerved in the slightest degree from the pathway of my duty by any ulterior influence or unreasoning excitement. I say to the Senator from Maine that however independent he may be I claim similar independence. I deny that my constituents are animated by any motives not creditable, manly, and thoroughly American. Those who are immediately interested in Los Angeles are persons of discrimination, fairness, and education. Nor is it true that I said one word in the somewhat lengthy argument made by me here that can be called undue criticism or uncalled-for censure of Mr. Huntington. I used no imprecatory phrase, no denunciatory epithets. I am confident that I have acted within the rules of politeness and duty. True, I do not and did not regard the soil upon which he treads as sacred, but I trust that I uttered no expression in reference to Mr. Huntington which was not becoming. His affairs when connected with legislation are to that extent proper matter for comment; so also of his motives. He is entitled to fair treatment and nothing more.

As my colleague [Mr. PERKINS] has said, the people of our State are always ready to do justice and have no disposition to oppress. They have resented certain interferences by Mr. Huntington and his associates in local affairs, and have demanded immunity in politics from corporate domination. The issue before us, however, must be solved upon other lines. I have endeavored to consider it on its merits, and Mr. Huntington's personality has less influence upon me perhaps than upon some who might be identified.

While the Senator from Maine was most eloquent and laudatory, and, I believe, extravagant in his praises of Mr. Huntington, I do not complain. It is a matter of taste for which I am not responsible. He can record his admiration, if it pleases him so to do. But I do complain of the caustic phrases he has used toward those who sent me here, and I assert he was not justified in the attacks so gratuitously made. The Senator from Maine says very truly that the proposed outer harbor is not to be a mere local improvement, and that the entire Senate—the country at large—is interested, and that it makes no difference what the people of Los Angeles want. He takes pains to tell the Senate he does not care what they want, a proposition which perhaps it was not necessary for him to announce here formally.

It is true that the nation is concerned in works of this kind. It is true that the views of the Senators from California are not conclusive. It is equally true that I might invade the domain of my friend the Senator from Maine and pass judgment upon public works in the State of Maine, and pay no attention to his recommendation. This course I might adopt as a member of the Committee on Commerce. Perhaps it would be my duty in certain contingencies to do so. I might act likewise regarding proposed improvements in other States. But surely I would not follow such a course without the gravest cause. It is the habit to yield somewhat to those who come from the locality immediately affected. It is sometimes the case that Senators who have resided for a long time in a particular neighborhood know more about it than a gentleman, however able he may be, whose eyes have been transitorily cast upon the troubled waters.

The distinguished Senator from Maine stood on the shore at San Pedro and he viewed the bay from the bluff. On Sunday he found himself upon the cliffs of Santa Monica, and looking upon the bay was charmed. This survey thus made by the Senator from Maine settled the harbor question, engineers to the contrary notwithstanding. It is true he did not make any soundings. Camille Flammarion, the celebrated astronomer, has very recently written that it is now possible to ascertain whether the seas in Mars are deep or shallow. As science has thus progressed, it is not singular that the Senator from Maine was able so accurately to determine the true inwardness of the harbor question during his brief visit to the Pacific.

The Senator from Maine tells us that he does not profess to be scientific; that he does not claim to be an engineer, familiar with all the details of breakwater constructions, yet he also declares that anyone—any man of sense who gazes upon the map which he produced must read there a recorded judgment in favor of Santa Monica. Perhaps I and other Senators may be able to endure in good health this flattering reference to our restricted and constricted and arrested mental development. But I submit that the evidence which is thus alluded to as conclusive does not convince and should not control those who are anxious to reach a correct result. There are other matters of far greater value to be considered.

There are various propositions that can not very well be understood by a mere glance at the map. However, it is true that this plat is useful. It shows that Santa Monica is merely an open roadstead. It can scarcely be called a bay. A casual inspection of the Coast and Geodetic chart dispels the delusion that there is any protection at Santa Monica from the dangerous ocean swells. The Senator from Maine several times declared that the southeast gales are the winds which are generally feared. We find in the Craighill report, under the head of "Meteorological conditions," the following:

> The prevailing wind on the California coast is from the northwest, nearly parallel to the coast line north of Point Conception, which is in latitude 34° 27′ N. At this point the trend of the coast changes from northwest to west. This fact, in connection with the bold topography of the shore, causes the prevailing winds along the southerly coast of California to be westerly. This wind never becomes more than a moderate gale. It never produces the heaviest waves. The disturbance of the water due to it is, however, always an inconvenience to vessels lying at a wharf exposed to its action, and when the disturbance is greatest there is danger to vessels. This wind prevails on the southern coast during the greater part of the year with the intermission of calms in the autumn and winter. In the last-named season occur the southerly offshore winds, which produce the heaviest waves to which the coast line is exposed.

"Southerly offshore winds."

> A northeasterly land wind, known as the "Santa Ana," occasionally blows from the dry hot plains lying to the eastward. Its duration is short and it is severe, but having no fetch over the sea, it raises no waves near shore. It occurs both on Santa Monica and San Pedro bays.
>
> The southeaster comes in the winter and spring and brings rain. The storm first manifests itself by a wind from the southeast, which continues for a few hours, shifting then to the south and southwest. The storm clears up when the wind gets to the northwest. In these storms a heavy sea is developed, which breaks upon the coast line in waves of great magnitude. These waves come from the south and southwest. The waves produced by the southeast wind are short, designated by the sailors as choppy. The south and southwest seas, on the other hand, are long and heavy. A vessel at anchor under this exposure must, under these circumstances, get to sea, with the possibility of otherwise going ashore. It is the heave of the sea rather than the wind, although the latter alone is sufficiently dangerous, that makes the strongest ground tackle at times of no avail.

So the alleged terrible southeast gales amount to little, except in so far as they are ultimately the cause of the swells which proceed from the south and southwest. The southeast wind itself directly develops no waves save the short choppy waves just referred to, and the testimony, so far from sustaining the Senator from Maine, shows that it is the heave of the sea proceeding from the south and southwest which is to be remedied or counteracted. These exposures are absolutely protected by the harbor designed at San Pedro.

The Senate will notice the protection afforded San Pedro by Catalina Island, which is 17½ miles in length. The testimony is (and we scarcely need evidence to sustain that view) that this island tends to protect San Pedro Harbor. As I said in my opening argument, the calmest water anywhere in that ocean is on the land side or lea of Catalina, and the island being, as I have stated, 17½ miles in length, naturally influences the water even to San Pedro. Santa Monica is not thus favorably influenced by Catalina. The presence of frightful waves at San Pedro is the creation of the imagination of my friend the Senator from Maine. No one who has resided there and who is familiar with that coast has ever seen these alarming manifestations.

The San Pedro bluff affords proof that there are no such dangerous storms as those to which our attention has been called. The bluff shows no evidence of the battering to which we are told it has been subjected. It is a silent witness in refutation of the charge.

Said the Craighill board:

> A strong evidence of the weakness of the destructive action of the southeast storms is seen in the very slow wearing away of the sandy cliffs and of the bluffs at San Pedro; nor could the exposed wharves be maintained in this region if the destructive action of the storms was great.

I have heretofore inquired why the southeast storms do not affect the inner harbor. Here [indicating] we find a narrow neck called Rattlesnake Island. The surface is but little above the sea, and if the winds blow with the force described, surely the shipping in the inner harbor would be injured. Nobody has ever heard of ships being affected at all in the inner harbor by the wind. No disturbance of that sort has ever been witnessed.

Again, the Senator from Maine stated that neither the first nor second board of engineers had any knowledge with reference to the westerly swells. The Senator is obviously mistaken. In the first report Colonel Mendell says:

> San Pedro Bay is sheltered from the westerly winds by Point Firmin. It is open to the winds and seas from the southwest and to the prevailing *southwest swell* above noted, over an angle of 60° to the westward of Catalina Island.

It will be observed that Colonel Mendell speaks of the southwest swell, and one of the engineers, Colonel Hains, testified about it at the recent hearing. He said the same peculiarity is mentioned in the report of Colonel Craighill, already cited.

> Colonel HAINS. The breakwater is to be carried around in such a direction that that exposure does not amount to much. In the first place, the southeast gales are of very short duration. They do not last long. The wind starts in from the southeast, but the sea comes from the southwest. The sea is what causes the trouble, not the wind; and the sea comes from the southwest.
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> Senator NELSON. It can not come from the southeast?
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> Colonel HAINS. Some seas come from the southeast; but the heaviest swells come from the southwest, even if the wind is blowing from the southeast. Then the wind generally shifts round to the northward.

The reason for the curved construction of the San Pedro breakwater is because it is designed to resist the westerly swells. While it is a fact that out as far as 7 miles from Point Firmin in the direction of Catalina Island there is to be found water not over 15 fathoms deep; while it is true also that 3 miles in a westerly direction there is water of very moderate depth, nevertheless if it be conceded that the depth westerly from Point Firmin is as claimed by Santa Monica advocates, still no point is made against San Pedro, for the breakwater will absolutely intercept this swell.

The very object of its construction is to cut off these waves, and that the section proposed is well designed there is now no question. On the other hand, when we come to Santa Monica Bay we have absolutely nothing to interfere with the southwesterly swells. The surf is not serious or the sea remarkably rough anywhere along the coast of southern California. At Hueneme, at Newport Landing, and at other places referred to by my colleague there are wharves extending directly into the ocean. In Monterey Bay there are wharves built seaward, and they stand. Senators not familiar with these uncommon conditions can not well appreciate the difference between the Atlantic and Pacific in this regard. The success of the Southern Pacific wharf is by no means phenomenal.

At Redondo, for instance, shown on the map, there is an excellent wharf in full operation. The water is very deep, and the pier is consequently short. It is worthy of note that while the water is deeper near Redondo than at many other places on the bay, no great difference in the westerly swells is observable. Before Mr. Huntington made his development above Santa Monica most of the Los Angeles coast business coming from San Francisco was transacted at Redondo because vessels were able to come up to a wharf and discharge their cargoes. The Pacific Coast steamship has been in the habit of calling at Redondo, and it has been rarely found difficult to discharge at that wharf. These illustrations suffice to show the availability of the southern California coast for wharf construction. A glance at the map discloses a number of shipping points similar to those mentioned.

The Senator from Maine alluded several times to Mr. Huntington's abandonment of Wilmington Harbor. He never has abandoned Wilmington Harbor. The Southern Pacific commenced to build a wharf near Point Firmin; Mr. Hood had charge of it. Mr. Hood was the same skilled engineer then that he is now, and he has been for a long time at the head of the engineering department of the railroad company. He was their chief engineer long before the Santa Monica wharf was built and he was thoroughly familiar with San Pedro when he commenced the pier near Point Firmin.

About the time that Mr. Huntington commenced work at Port Los Angeles the Terminal Railroad was built to Rattlesnake Island and commenced the transaction of business there. Redondo was doing, as I have said, the major part of the northerly business, taking most of it from Wilmington because of its proximity to San Francisco. So Mr. Huntington built his pier, not because of any special harbor advantages but to meet the competition referred to. He selected a point as far up as it was possible to go. The beach narrows proceeding toward Point Dume and Mr. Huntington has so arranged matters that it is practically impossible to pass him.

I have shown a photograph of the approach to Mr. Huntington's wharf. It will be observed that it is at the foot a bluff about 200 feet high. I exhibit the picture to the Senate. The isolation of the situation is clear. A study of the photographs filed makes comment unnecessary. Mr. Huntington controls the land upon this bluff, and the ownership extends to the sea and for some 2,000 feet along shore.

I do not deem the fact that any particular person owns this land as of controlling importance, but I desire the facts in the matter to be made of record.

I wish to call the attention of the Senate to the accessibility proposition. The Senator from Maine says that he does not know why the Atchison, Topeka and Santa Fe Railroad Company people are opposed to the Port Los Angeles breakwater. If the conditions were as the Senator from Maine describes them, of course the Santa Fe would not be opposed to it. If the managers of that corporation were not fearful of a monopoly they would naturally aid this appropriation. They want to reach tide water. They are already here [indicating] at Redondo Beach, and are not far, it will be observed, from San Pedro. Indeed, I have heard that they have some arrangement by which they pass over the Terminal line. But that is unimportant, and my knowledge regarding it is limited.

The Senator from Maine says that ten or twelve tracks can be constructed along the seashore at Santa Monica. But what will become of that town? Santa Monica is one of the most charming seaside resorts of which I have any knowledge. It is susceptible of great development and adornment. Its beauties will fade if its beach is devoted to railroads and locomotives. I can not believe that the trustees who control the subject will ever allow the intrusion of more railroads along the water front. Can boys and girls, women and children, nurses and babies safely be trusted upon a shore thus devoted to commercial uses? It is not to be anticipated that the members of the boards of trustees of Santa Monica will ever permit the place to be ruined.

But if further destruction of the beach is forbidden, how can competing railroads reach the protected harbor? It may be said that Santa Monica Canyon can be utilized for approach. But the difficulties of this plan are many. The route is circuitous, the grade severe; many private interests must be condemned. I believe that no competing railroad will construct a wharf there for years, and the erection of piers by parties of moderate means is impossible. It is not a matter of surprise to me that so much opposition is manifested to Mr. Huntington's plan by those who are actuated by business considerations rather than by sentiment.

The Senator from Maine mentions that there has never been the slightest trouble in maintaining the wharf which Mr. Huntington has built at Santa Monica. I have already observed that there is nothing remarkable in this. I do not doubt that this situation will be maintained for many years.

Occasionally landing will be difficult. For instance, last March the British ship *Dunboyne* was forced to leave the wharf because of an uncommon swell. She was towed away by the Pacific Coast Steamship Company's vessel *Corona*. But under all ordinary conditions I concede that any wharf on the southern California

coast will fairly accommodate shipping. Santa Monica has no monopoly in that respect.

The Senator from Maine made a very able defense of Mr. Corthell. I do not complain that Mr. Corthell was employed by Mr. Huntington. I never have objected to that, but I do resent his attempt to pose as an official employed to give a disinterested opinion. He actually tells us in the letter which he addressed to the minority of the Commerce Committee that he acted in an official capacity. I read his language last week during this debate. What official authority had Mr. Corthell to make this examination? He says he was first spoken to by Mr. Huntington, and the Senator from Maine, who wanted, of course, an impartial report, sought the services of a man already spoken to by Mr. Huntington, and who had business connections with the latter, to make the inquiry.

Mr. Huntington was undoubtedly at liberty to employ Corthell, but the fact of such employment destroyed Corthell's disinterestedness. Could Corthell be bribed by the mere payment of a board bill? No one ever charged that he was bribed by the payment of a board bill or bribed in any other way; but I have asserted, and do say, that no hired expert, no man who is engaged to give an opinion by a party to a controversy, is as reliable a witness as a public officer who has nothing but his honor and reputation in issue. Mr. Corthell was employed for what? To assist Mr. Huntington in getting an appropriation for Santa Monica, a work in which he has been engaged ever since the Senator from Maine asked his opinion. Mr. Corthell, therefore, is an opinion witness testifying for his employer.

The very best men—persons of finest standing—have been found unequal to the task of impartiality under such conditions. Mr. Corthell is no exception. He is as intensely partisan as anyone can be. He is a loyal and warm advocate of Mr. Huntington, with whom he has long been associated, and whose interests he is seeking to conserve.

Certainly the Senator from Maine will not claim that Mr Corthell's opinions as an employee of Mr. Huntington are to be treated as disinterested and conclusive. Mr. Corthell is greatly interested. His correspondence with Senators, his anxiety to mix in its discussion, is demonstrative of his feeling. When the Senator from Maine and others connected with the river and harbor bills sent for Mr. Corthell and spoke to him about making this investigation in a State represented by other Senators, it was a little singular, it seems to me, that not a word was said to the officers entitled to speak for that State. Would it not be regarded as a little peculiar if I, as a member of the Commerce Committee, were to delegate some one to go to Maine to pass upon river and harbor matters there without consulting him at all? The Senator from Maine has said that he wishes to be courteous to everybody. Does he think this action to be the quintessence of courtesy?

The Senator from Maine says he is always anxious to yield to Senators upon the committee. One of the many characteristics of the Senator from Maine that I admire is his firmness, his positiveness, and the fact that, when he has an opinion, he is not afraid to express it, and to do so forcibly, and he generally adheres to his view. Does not each member of the Committee on Commerce know that if there ever was a determined chairman who not only wishes to have his own way, but nearly always does have it, it is the Senator from Maine? Talk about concessions! I have never known a man in my life to make fewer concessions than my friend the chairman of the Commerce Committee.

Mr. FRYE. I am always right. [Laughter.]

Mr. WHITE. Well, you think you are, and you are happy. I believe the Senator from Maine believes that he is always right; but one who credits himself absolutely is frequently in error. I hope the Senator from Maine will never again state in the presence of members of his committee that he is of such yielding and plastic temperament, of such conciliatory and conceding disposition. The Senator describes the formation of his opinion on this issue. In 1893, in the month of April, the Senator from Maine asserted upon this floor that his mind was fully made up. Why he desired any further investigation I do not know. Whether the Senator from Maine has ever in the course of his life changed an opinion formed by him deliberately I am unable to state. He may have done so in his younger days, but not in connection with his duties upon the Commerce Committee. His judgment is irrevocable.

The Senator from Maine, while disclaiming engineering attainments, seems to think that I was reflecting upon him in some way when I spoke of him as a navigator. I did think that the Senator from Maine was possessed of much nautical knowledge; but if I was in error I will withdraw the remark. [Laughter.] But while the Senator from Maine disclaims familiarity with technical matters he informs us that anyone can see the conclusive merits of his argument by a mere glance at his map. Those of the most ordinary intellectual development must see that he is right. This is his faith, and he does not hesitate to set up his nonprofessional judgment against those who have been employed by the Government to pass upon this subject. He not only relies upon himself against skilled authority, but he tells us that as there is one chance in ten of a decision in favor of San Pedro he will vote against the amendment which I offer. This is more conciliation.

Mr. President, the amendment which I have advocated involves the appointing of a commission of admittedly unbiased and impartial men to determine between these two locations—San Pedro and Santa Monica. What is the objection to this? The Senator from Maine says that possibly there might be a decision for San Pedro—only one chance out of ten, he declares. But this is quite enough. No impartial experts who choose San Pedro can, according to his view, be relied on. No impartial or other board for him. What does he want? He demands the power to personally solve this dispute his own way.

The Senator from Maine says that General Craighill stated that he was a fortifications engineer. So he did; and so he is; but the engineers of the Army of the United States have some riparian knowledge, I presume. They have general engineering skill. Their attainments are not confined to providing methods of defense. They have all had vast practical experience as well as thorough education in all branches of engineering science. It has been said that the reports of the boards of engineers as to San Pedro show that the main point considered was as to the availability of the harbor site for defense. This is inaccurate. The reports of these boards are here and show that but little space was devoted to mere fortification or defensive questions. A more intimate knowledge of the contents of these documents would prove beneficial.

Look at these seven volumes on my desk, compiled in the War Department and sent here for the study and enlightenment of myself, the Senator from Maine, and other Senators. What do we find? Only references to fortification matters? By no means. We find the advice and recommendation all through these books of the army engineers concerning riparian improvements. The great rivers, over which pass hundreds and thousands and millions of tons of commerce, are kept in proper condition under their management and control. The harbors needing improvement are committed to their care, not merely to carry out a project elsewhere devised, but their advice is solicited and obtained and acted upon with reference to the character of the improvements to be made. They furnish projects at the instigation of Congress. Grant that they are sometimes mistaken. Everybody is sometimes mistaken, except my friend from Maine, and we have his authority that he is never wrong. We concede that engineers are human—they are fallible—but if we have doubts as to the correctness of a conclusion which they have reached, let us investigate in an orderly way and obtain proper indorsement and authorization somewhere before we pledge ourselves to a contrary policy. If the eight engineers whose reports are being discussed are not all wrong this appropriation should not be made.

I have been criticised because I remarked that the Santa Monica site had been condemned. I would have been strictly accurate had I said that the engineers recommended San Pedro as the preferable place, and alluded to Santa Monica as comparatively undesirable. But this is a decision against Santa Monica. It is a virtual rejection of that site. It is true that many competent officers hold that the Santa Monica breakwater can be successfully constructed. Major Raymond does not think so, and I believe he has had more experience in the matter of breakwater building than anyone in the United States. He thinks—and his view seems to me rational—that the westerly waves will pass in behind the artificial protection. The construction parallel to the rectilinear shore does not appeal to his experience or mathematical investigation.

But, at all events, this disputation merely amounts to this, that my friend from Maine, the majority of the committee, and other intelligent, nonprofessional gentlemen, think that the engineers have made a mistake, and they propose not to let any contingent contract, not to do as Congress did in the case of the Brunswick Harbor, or in the Eads jetty matter—which, by the way, was approved by numerous members of the Engineer Corps—no success no pay—but we propose to appropriate flat $3,098,000 against the recommendation of our own officers, and in compliance with Mr. Huntington's unapproved solicitation, without any favorable recommendation. It is to that style of business that I object: and it is to the candid judgment of this Senate that I appeal. Senators, are you willing to make this appropriation without any recommendation, and are you ready to vote down the proposition that there must be some approval by some competent official authority? Can we afford to contribute governmental funds without any sanction or excuse?

I demand the judgment of a competent board. I have entire confidence in the Army Corps and in their opinions. Others differ from me. I am not unreasonable; but I insist that, even if Senators believe that developments lately transpiring indicate the preferable character of Santa Monica, still it is essential that we be accorded the favorable opinion of an able, qualified, and unprejudiced board suggesting the propriety of our action. Can you afford to vote down such a proposition?

I have repeatedly asserted that I announced no dogmatic rule for the formation of such a commission. I have no friends in this case to serve, no enemies to punish, but a duty I have to discharge. I want no stuffed commission, no prejudiced institution, nobody biased in any way whatever. I have submitted time and again to the majority of the committee the proposition that they should suggest some method of constructing an impartial board, and I have said that I would acquiesce, and yet that proposal has been refused, without reason assigned. I resubmit my proposal. I plainly suggest that there is no excuse, even tolerably plausible, against my tender.

My friend from Maine says that if there is to be an outer harbor at San Pedro then the inner harbor should not be improved. From this view I utterly dissent. The inner harbor of San Pedro is most valuable, even as it is. Wharves line the harbor frontage at that point—not piers costing hundreds of thousands of dollars, but wharves owned by moderate mercantile interests in Los Angeles—over which extensive commerce is transacted. This is done though only 14 feet at low tide is found upon the bar. When the Benyaurd project, adopted in this bill, shall have proved successful there will be 18 feet at low tide within that harbor and hundreds of wharves will demonstrate the success of the projects which the Engineer Corps has indorsed. The inner harbor is confined by low land. The bluff rises rather abruptly at San Pedro. The facilities for wharves and docks are marked, and the improvement of the so-called inner harbor has not only proven successful as far as it has gone, but few commercial projects offer more striking possibilities.

I have never known or heard of a citizen of Los Angeles opposed to the improvement of the inner harbor. The entire community appreciates its advantages and merits.

I have heard many things about the people of my home. Notwithstanding my long residence there I have been informed that the lawfully elected Representatives of that section are in the dark. My friend from Maine says that the present Congressman from that district was instructed when first nominated to support San Pedro, and that now he is renominated by a convention which passed a resolution in favor of Santa Monica.

The Congressional district convention—Republican, I am glad to say—to which allusion is made, passed a resolution in favor of all appropriations. In other words, they said, "We will take all the money you will give us." A willingness to absorb, not dependent upon a choice of places. A sentiment favoring donations common to all enterprising communities.

The Republican convention in California lately assembled was a very curious affair. I do not intend to discuss politics, but I must say that that body passed a resolution denouncing the Pacific Railroad funding bill as a fraud and an outrage, and at the same time put on the electoral ticket the vice-president of the railroad company offending—a very estimable gentleman. The only member of the California Congressional delegation who indorsed the funding bill, and who, by the way, is a very able member of the House Committee on Pacific Railroads, was elected a delegate to the national Republican convention upon a platform declaring not only against the funding bill, but also in favor of William McKinley and free and unlimited coinage at 16 to 1. [Laughter.] If there is any subject not covered on both sides by my Republican local brethren, if my friends of the opposition have not agreed to all things that conflict, I am at a loss to interpret their singular platform. But the general sweeping resolution mentioned by the Senator from Maine merely amounts to an acceptance of all appropriations which we may make. Very few Republican conventions (I mean no offense) will decline to assimilate that which they can get. [Laughter.]

Mr. ALLEN. Did that convention make any specific reference to Santa Monica?

Mr. WHITE. No; but in the county of Los Angeles, where there are six assembly districts, two only of such districts acted upon the subject in recent Republican conventions and these passed resolutions in favor of San Pedro. So you have it. The immediate locality favors San Pedro. The Republican State convention indorsed the railroad as far as nominees were concerned, advocated all appropriations, McKinley, and free coinage, and opposed Democracy, monopoly, and the funding bill.

I am not responsible, I am glad to say, for the proceedings of the late Republican convention held in California. The Republican delegation being absent from that State, the convention evidently escaped from proper or consistent management. As far as the sentiment of the people of Los Angeles is concerned, I know whereof I speak when I say that their judgment is overwhelmingly for San Pedro. There are many, as I have said, who prefer to take Santa Monica rather than lose the appropriation; but, be it said to the credit of Los Angeles County, and let it be said to the credit of the workingmen of that prosperous section, and to the honor of the chamber of commerce and the board of trade, that they have all preferred to sacrifice a mere appropriation rather than to lose independence. The leaders and officials of almost all the labor organizations of Los Angeles have manfully and grandly supported the right in this struggle. They have emphatically declined to submit to blandishments and have approved of the course of myself and my colleague.

I feel that we should reach a vote upon this proposition at once, and I concur that the bill should reach conference immediately. I submit the issue to your candid judgment. Your opinion can not be coerced or controlled. You know this case now. Its various phases have been fully examined. I have sought to impress the facts upon you, content to rest my claims upon justice and truth.

The struggle which I have made here may seem stubborn to some, but it is maintained in the consciousness and belief that I am acting for the public interest. No demagogical appeal—notwithstanding intimations to the contrary—has influenced or ever will influence me. I have been as able as the Senator from Maine to maintain myself in my conservative methods without condescending to belittlement. I experience natural pride in my presence here, but I would willingly sacrifice that honor rather than yield my maturely formed judgment to any senseless clamor, to threats or flattery, to condemnation or applause, and I might say, Mr. President, that I had rather be a lawyer whose word was as good as the rich man's bond, and whose opinion upon an intricate question of judicial science was valued by the master minds of my profession, than to hold in my hand all the honors that ever were won by appeals to the passions or prejudices of men. [Applause in the galleries.]

Mr. FRYE. Mr. President, the Senator from California has painted a picture of me which I do not believe any Senator who has been associated with me for quite a number of years will recognize. I think I do yield very frequently, and to a certain extent I am going to yield now, notwithstanding the charge which has been made against me—the navigator of the committee. I objected very seriously to the amendment offered by the Senator from California. It contained an army engineer as one of the commission. I am not saying anything against the army engineers, but in a question of this kind, in which there has been so much discussion and friction, to put on that commission an army engineer, when his chief is the head of the Engineer Department, and was the head of one of the boards which made report to Congress and has been under consideration, I do say that it is packing, in all human probability, the foreman of that jury, for he would be the foreman, and I should not be content with nor would I risk a commission of that kind. It was on that account that I said there might be one chance in ten of a commission so constituted reporting in favor of San Pedro.

The Senator has offered an amendment to strike out the item which the committee had inserted in the bill, and to insert his amendment. It is my right before that question is taken to perfect, so far as I may, the amendment which the committee itself reported, and I am going to propose a commission which, under the statement of the Senator made within the last fifteen minutes, I fail to see how even he can refuse to accept.

In order that the Senate may understand the amendment I now propose, I will read the first two lines of the amendment reported by the committee, which read in this way:

For a deep-water harbor at Port Los Angeles, in Santa Monica Bay, California.

After the word "California," in line 14 of that amendment of the committee, I move to insert these words:

Or at San Pedro, in said State, the location of said harbor to be determined by an officer of the Navy, to be detailed by the Secretary of the Navy, an officer of the Coast and Geodetic Survey, to be detailed by the Superintendent of said Survey, and three experienced civil engineers, skilled in riparian work, to be appointed by the President, who shall constitute a board, the decision of a majority of which shall be final as to the location of said harbor. It shall be the duty of said board to make plans, specifications, and estimates for said improvement. Whenever said board shall have settled the location and made report to the Secretary of War of the same, with said plans, specifications, and estimates, then the Secretary of War may make contracts for the completion of the improvement of the harbor so selected by said board, according to the project reported by them, at a cost not exceeding in the aggregate $2,000,000, and $20,000 are hereby appropriated, so much thereof as may be necessary to be used for the expenses of the board and payment of the civil engineers for their services, the amount to be determined by the Secretary of War.

Mr. VEST. I will suggest to the chairman of the committee that he insert the words "who shall personally examine the localities named."

Mr. FRYE. I will say "who shall constitute a board and personally examine."

Mr. WHITE. I presume the Senator from Missouri has in view what he thinks is the necessity of re-sounding this harbor.

Mr. VEST. Yes. I do not want this work done by proxy, as has been done in other cases.

Mr. WHITE. I will suggest that the Coast and Geodetic Survey charts, upon which navigation is conducted on that coast, are presumably accurate. However, I only make that statement because I do not think it is just to criticise General Craighill for not making soundings, which had been officially done by the Coast and Geodetic Survey. Still, I am not objecting to the re-soundings.

Mr. TELLER. I suggest to the chairman of the committee that $20,000 is not an adequate sum for that kind of work.

Mr. FRYE. The Senator from Iowa [Mr. ALLISON] was just making that same suggestion to me.

Mr. TELLER. I want to say that if the President of the United States selects three engineers such as he ought to select, each one of them should have at least $10,000 for that work.

Mr. FRYE. Suppose we make the amount $40,000?

Mr. TELLER. I should say it ought to be at least $50,000—say "to be used in the discretion of the President, not exceeding $50,000."

Mr. FRYE. Very well.

Mr. PERKINS. I would also suggest to the chairman of the Committee on Commerce that there should be limit of time within which the matter shall be determined. It does not seem to me that it should be like Tennyson's brook, to run on forever. I think there should be a limit of time.

Mr. FRYE. No; I do not think there should be. I think the board should have all the time they need to settle this question. There is one thing above everything else I wish, and that is a settlement of this vexed question.

Mr. BERRY. I wish to remark to the Senator from Maine that it seems to me that it would be fairer and better to take two of the members of the board from civil life and two from the Coast and Geodetic Survey, or one from the Coast and Geodetic Survey and one from the Navy. It occurs to me that it would be better to have more public officials on the commission who are responsible to the Government. I simply make the suggestion as giving my views about it.

Mr. FRYE. I am obliged to the Senator; but I have all day been running this over in my mind, and as a conclusion, a fair conclusion of this contest, I finally have settled down upon this proposition. As a matter of course, I have yielded a good deal in doing so. The Senator from California is practically having his own way, when he says he simply asks an entirely impartial board.

Mr. BERRY. Is the proposition satisfactory to the Senator from California?

Mr. WHITE. I have stated that I would accept any impartial board, and I usually stick to what I say, or try to do so, and I believe the President of the United States—I not only believe, but I know—will do his duty in this regard. If I had my way about it I would rather have one army engineer, but I see no reason to think that this will not be an absolutely impartial board. I think all the other boards have been impartial; but this is an endeavor to reach a conclusion satisfactory to the Senate, and I will adhere to what I stated. I have consulted with those who agree with me about this matter, with as many as I could talk to about it, and it seems to be the general impression that I should accept the amendment. While I have my preferences, as stated, I do not wish to interpose any objection to the accomplishment of a plan which is a concession by the Senator from Maine and also a concession by the Senator from California. I think we can afford to stand upon it.

Mr. FRYE. I offer the amendment, then, Mr. President.

Mr. PASCO. Mr. President, as one of the minority of the committee who objected to the majority report, I am entirely in favor of this amendment, and I am very glad that the Senator from Maine [Mr. FRYE], the chairman of the committee, has conceded so much. There never was a time during the sessions of the committee when the minority of the committee would not have joined with him in obtaining what we all regarded as a fair and impartial board; and I think the amendment he now offers to us proposes just such a scheme as that. For one I hope that it will be adopted and that this plan of settlement will be agreed upon by the Senate.

The VICE-PRESIDENT. The amendment submitted by the Senator from Maine [Mr. FRYE] will be stated.

Mr. FRYE. I am inclined to think there is no need of reading the amendment again. It comes in after the word "California," in line 14, on page 35.

Mr. ALLEN. Let the amendment be read at the desk, Mr. President.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 35, line 14, after the word "California," it is proposed to insert:

Or at San Pedro, in said State, the location of said harbor to be determined by an officer of the Navy, to be detailed by the Secretary of the Navy, an officer of the Coast and Geodetic Survey, to be detailed by the Superintendent of said survey, and three experienced civil engineers skilled in riparian work, to be appointed by the President, who shall constitute a board, and who shall personally examine said harbor, the decision of a majority of which shall be final as to the location of said harbor. It shall be the duty of said board to make plans, specifications, and estimates for said improvement. Whenever said board shall have settled the location and made report to the Secretary of War of the same, with said plans, specifications, and estimates, then the Secretary of War may make contracts for the completion of the improvement of the harbor so selected by said board, according to the project reported by them, at a cost not exceeding in the aggregate $2,900,000, and $50,000 are hereby appropriated, so much thereof as may be necessary to be used for the expenses of the board and payment of the civil engineers for their services, the amount to be determined by the Secretary of War.

Mr. ALLEN. I should like to ask the Senator from Maine why it would not be reasonably good policy to require this board to report to Congress and have further Congressional legislation upon the subject after that report and before an appropriation is made?

Mr. FRYE. That is a question for the Senate. I am in favor of ending this matter by authorizing the Secretary of War to make the contracts whenever they report. I am in favor of ending it.

Mr. ALLEN. I simply asked to have the proposed amendment read, not because I am personally interested in it one way or the other further than I am interested as a representative of the taxpayers, but for the purpose of emphasizing two important points: First, Congressional responsibility is absolutely shirked by the amendment; and second, in the compromise which has been made between the honorable chairman of the Committee on Commerce and the honorable Senator from California the very important item of appropriating $2,900,000 has not been overlooked on either side.

Mr. VILAS. If I heard the amendment rightly it is not proposed to strike out.

Mr. FRYE. Yes. I propose to follow the amendment by a motion to strike out.

Mr. VILAS. The amendment was not so read.

Mr. FRYE. I propose to follow the amendment by another.

Mr. LINDSAY. I should like to ask the Senator from Maine what would be the condition of the appropriation of $392,000 for the channel.

Mr. FRYE. That is left in the bill.

Mr. LINDSAY. That is left in?

Mr. FRYE. It does not touch that.

Mr. LINDSAY. It is separate from this amendment?

Mr. FRYE. It is a separate item.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Maine to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. FRYE. Now, I move to strike out all after the word "aggregate," in line 22. That has been rendered unnecessary by what has been put in.

The VICE-PRESIDENT. The words proposed to be stricken out will be read.

The SECRETARY. After the word "aggregate," in line 22, strike out the remainder of the amendment of the committee down to and including line 10, page 36, in the following words:

Two million nine hundred and ninety-eight thousand dollars, exclusive of the amount herein and heretofore appropriated: *Provided however*, That prior to the expenditure of any part of the money hereby appropriated the Southern Pacific Company, or the owner or owners thereof, shall execute an agreement and file the same with the Secretary of War that any railroad company may share in the use of the pier now constructed on the site of said harbor, and the approaches thereto, situated westerly of the easterly entrance to the Santa Monica tunnel, upon paying its proportionate part of the cost of the same and its proportionate part of the expenses of maintenance of the same, to be determined by the Secretary of War in case of disagreement between the parties.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. FRYE. On page 108, after line 6, I move to insert:

Buffalo Fork of White River, from mouth to mouth, on Rush Creek, with a view to determine the character and extent of improvement required.

Mr. WHITE. I want to call the attention of the Senator from Maine to what I consider a matter that needs a little change in the Santa Monica amendment reported.

Mr. FRYE. Let the amendment I have just proposed be agreed to first.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 6, page 108, insert:

Buffalo Fork of White River, from mouth to mouth, on Rush Creek, with a view to determine the character and extent of improvement required.

The amendment was agreed to.

Mr. FRYE. In section 8, providing for preliminary examinations, after line 4, page 111, I move to insert "La Trappe River."

The amendment was agreed to.

Mr. FRYE. The committee has no other amendment to propose.

Mr. GORMAN. I wish to offer an amendment.

Mr. CULLOM. Will the Senator from Maryland, before he offers his amendment, allow me to ask that a little amendment be made?

Mr. GORMAN. Certainly.

Mr. CULLOM. On page 76 I offer an amendment which I hope will be adopted. After the word "appropriated," in line 2, I move to insert:

Provided, That in making such contract or contracts, the Secretary of War shall not obligate the Government to pay in any one fiscal year, beginning July 1, 1897, more than 25 per cent of the whole amount authorized to be expended.

Mr. GORMAN. Let the amendment be read again.

The amendment was again read.

Mr. CULLOM. It applies to only one item in the bill.

Mr. GORMAN. Very well.

Mr. MITCHELL of Oregon. To what item does the amendment apply?

Mr. CULLOM. To the Illinois and Michigan Canal.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Illinois.

Mr. SMITH. I ask what item it refers to?

Mr. CULLOM. It refers only to the Illinois and Michigan Canal appropriation.

The amendment was agreed to.

Mr. HAWLEY. Will the Senator from Maryland allow me to get a small amendment made before he enters into a discussion? It is merely verbal.

Mr. GORMAN. Certainly.

Mr. HAWLEY. On page 7, line 13, after the word "upon," I move to insert "the construction by"; in line 14, to strike out the word "constructing" and insert "of"; and to insert, at the end of the paragraph, after the word "causeway," the words "upon plans approved by the Secretary of War." It is merely a technical amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 13, page 7, after the word "upon," insert the words "the construction by"; and in line 14, strike out the word "constructing" and insert "of"; and at the end of the paragraph, after the word "causeway," insert "upon plans approved by the Secretary of War"; so as to read:

Improving harbor at Bridgeport, Conn.: Continuing improvement, in accordance with the modified project, $28,000, $10,000 of which shall be expended upon Yellow Mill Pond for constructing a channel 12 feet deep and 200 feet wide from the main channel to the causeway, conditioned upon the construction by the city of Bridgeport of a drawbridge at the causeway upon plans approved by the Secretary of War.

The amendment was agreed to.

Mr. GORMAN. I offer the amendment which I send to the desk.

Mr. WHITE. If the Senator from Maryland will allow me, there is another matter connected with the San Pedro and Santa Monica affair to which I wish to call the attention of the Senator from Maine. In the testimony of Mr. Huntington, page 33 of the hearings, he said:

Other roads which want to use our tracks can use them on the same conditions that we do; that is, paying interest on a portion of the track according as their business compares with that of the Southern Pacific Company. If they wish to use the pier of the Southern Pacific Company, it can be used in the same way.

And so on. In the alternative proposition contained in the amendment I think the Senator from Maine should modify the phraseology used, so that if Santa Monica were awarded the appropriation there should be a clause requiring consent upon the part of the railroad company to the use of their tracks on the terms suggested by the president of the corporation. It will require a little time to prepare it exactly in accordance with the conditions surrounding it. I make the suggestion to the Senator now, so that when the bill gets into conference he will not overlook it.

Mr. FRYE. I have no objection to it at all, but it would have to be drawn with some care. Of course you will have to provide that if Santa Monica should be selected then the company would be under obligation to do it.

Mr. WHITE. Undoubtedly. I will submit an amendment to the Senator that I think will cover it. I have not drawn one that exactly suits me with reference to it.

Mr. FRYE. All right; I have no objection. One moment, if the Senator from Maryland will allow me; on the Santa Monica amendment, page 35, I inserted the amendment after the word "California." All the rest should be stricken out—"said harbor to be formed," etc. Does the Secretary understand it?

The VICE-PRESIDENT. The clerks understand it.

Mr. FRYE. All that should go out.

The VICE-PRESIDENT. It is so ordered.

Mr. WARREN. I ask the Senator from Maryland if he will yield to me to offer an amendment to the pending bill?

Mr. GORMAN. Certainly.

The VICE-PRESIDENT. The amendment submitted by the Senator from Wyoming will be stated.

The SECRETARY. After line 24, page 107, insert:

For the examination of sites and report upon the practicability and desirability of constructing reservoirs and other hydraulic works necessary for the storage and utilization of water, to prevent floods and overflows, erosion of river banks and breaks of levees, and to reenforce the flow of streams during drought and low-water season, and to increase and utilize the supply of water for irrigation, at least one site each in the States of Wyoming, Utah, and Nevada.

Mr. WARREN. I had intended to occupy five or ten minutes in presenting this matter, but I will not trespass upon the time of the Senate or upon the good nature of my friend from Maryland, who has the floor. I ask for the adoption of the amendment.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Wyoming.

Mr. WOLCOTT. I ask the Senator from Wyoming if he will consent that the word "Colorado" may be added?

Mr. WARREN. I would be glad to have it added.

Mr. WOLCOTT. Let "Colorado" come in after "Nevada."

Mr. THURSTON. I ask the consent of the Senator from Wyoming to insert "Nebraska" also.

Mr. WARREN. I have not the slightest objection to letting in all the States of the Northwest.

Mr. BAKER. I ask that the name of "Kansas" be inserted.

Mr. ALLISON. Let the amendment be read again.

The VICE-PRESIDENT. The amendment submitted by the Senator from Wyoming will be stated, with the modifications suggested.

Mr. FRYE. I think that if it is to extend all over the United States I had better interpose a point of order against the amendment.

Mr. WOLCOTT. I did not understand the Senator from Maine.

Mr. FRYE. I think I had better interpose a point of order against the amendment.

Mr. SQUIRE. It is only preliminary.

Mr. THURSTON. It covers only the arid or semiarid region.

Mr. WARREN. I trust that the chairman of the committee will not make a point of order against the amendment.

Mr. FRYE. It is extending all over the country.

Mr. WARREN. Then I desire to say a few words at this time.

Mr. FRYE. If the Senator will explain his amendment as briefly as he reasonably can, I should like to have him do so.

Mr. WARREN. Mr. President, there is with us an important problem, which in my opinion ought to be solved, and that is, whether it is necessary or desirable or practicable to commence the work of impounding the surplus waters in the mountains and high plains in the Rocky Mountain country near to and above the arid plains—agricultural country. My attention was brought to this matter during the discussion of the pending bill by the remarks of the distinguished Senator from Missouri [Mr. VEST], and I will read from his remarks. He said:

Now, I have not the slightest doubt but what the Missouri River can be improved and navigation brought back to it, and it can be made a portion of the great waterway to the Gulf, for it is really the Mississippi River. It gives color to it, and it ought to have given name to the whole river. * * *

We have appropriated hundreds of thousands of dollars (and I have been as much responsible for it as any Senator, possibly more so, under the demands of my constituents) at different localities to prevent erosion of the banks, to save walls, to save farms, and the money has been expended and the work washed away in the freshet that came down from the Rocky Mountains, from Montana and the Dakotas, in the next year. What we suffer from there is what has endangered the Lower Mississippi—immense fires upon the head waters of the Missouri, that destroy the undergrowth and the mosses and herbage that would absorb the water, and it runs as it would over the top of this desk when the snows break up in the spring and pours a flood down the Missouri and Mississippi, resulting in immense erosion and destruction of lands and even of towns.

The waters of the Missouri River come from the mountains, where great valleys—at one time inland seas and lakes, probably—pour the water from their vast watersheds, snow accumulations, and springs out through narrow gorges or chasms which have been at some point worn through the rocks by the escaping water. In many places not expensive dams or embankments could be constructed so as to catch and hold immense bodies of water during the seasons of melting snow and high water, and through proper gates and sluiceways this surplus could be drawn off for use during the dry, low-water season.

There are also great depressions in the high plains where nature has done so much that but little more is necessary to construct permanent and very extensive catchment basins.

The storage of these surplus waters as indicated would be of very great and important benefit in many directions.

First, it would prevent floods and overflows and consequent erosion of river banks all the way down to the Missouri River; also all along the Missouri and, indeed, the whole Lower Mississippi from the mouth of the Missouri to the ocean, its benefits thus extending thousands of miles; in the abatement of erosion of river banks, breaking of levees, and the inundation and damage of broad areas in the lower country.

Second, this reserve supply of surplus water gathered in flood time would be drawn off during times of drought, thereby keeping up an even flow in streams valuable for domestic purposes as well as for the benefit of navigation.

Third, and most important of all, this great reserve supply could be diverted and used for irrigation, mining, and mill purposes while on its way from mountain top to sea level, losing little or nothing but time on its way, the ultimate volume being but slightly, if at all, diminished through such uses.

Fourth, the presence and use of this additional water would, according to accepted theories, greatly increase rainfall in those high, dry regions, thus reproducing and increasing itself.

It may be said, Mr. President, that this is too big an undertaking for the Government to consider, or that the several States should take up this enterprise and expenditure. To this I answer, these waters form a part of interstate streams, and the impounding of water at certain seasons of the year and distributing it at others benefits equally, though not perhaps exactly in the same manner, different States all the way from our northern border to the Gulf of Mexico.

Again, the lands where these reservoirs are to be located belong to the United States, and if we are to relegate this problem and

its solution to the different States, then let us appropriate the lands to the States and otherwise assist them.

In either case, the river and harbor bill is, in my judgment, where we should provide for it, whether we appropriate money to build works or appropriate lands to the several commonwealths.

Mr. President, I assume that the genius or plan of so-called river and harbor bills is to appropriate money to be expended in the interest of commerce and trade, and that primarily it matters not in what State or States the money is to be expended, the object always being to benefit the United States as a whole, as the result of improvements accomplished, rather than to benefit the States or localities where these improvements happen to be made, through the patronage or disbursement of the money expended in such locality.

As a matter of fact, however, such bills seem sometimes to be regarded as appropriations for the particular benefit of the several certain localities. Senators and members of Congress demand that States they represent be recognized; that constituents expect appropriations for their own particular States, and in many cases it seems as if the usefulness of a Senator or member is, by his constituents, measured by the amount he is able to obtain in the river and harbor bill for expenditure within his own State or district.

Thirty-seven of the States of the Union are named in this present bill, and appropriations of certain amounts are ordered expended within such States. The District of Columbia is also remembered. Four of the States not mentioned by name border on the Missouri River—namely, North and South Dakota, Nebraska, and Kansas—and are interested in the quite liberal appropriations for improvements of the Missouri River opposite them. But there remains, Mr. President, four States in a group together, and four alone, that are not named as participants in this distribution, nor do they touch upon waters where money is to be expended. In other words, four States out of forty-five are cut off without a shilling. These are Wyoming, Colorado, Utah, and Nevada. And it so happens that these States, so unfortunately excepted, have greater need for the expenditure of public money to promote trade and commerce and national as well as local prosperity than almost any other in the Union. These States are far above their sisters in altitude, and within their borders are the headwaters of the great interstate streams flowing out in all directions. Within these States are the mountain forests—or what is left of them—which gather the snow in winter, retaining it until spring or summer, and furnishing to the great rivers the largest proportion of their water supply. There should be within these States vast reservoirs to receive, retain, and distribute from the surplus waters, thus providing for the necessities of commerce.

Mr. President, turn it whichever way you will, the States I name in this amendment and the investigation I ask ought to be considered in this bill. Let there be an investigation by competent Government engineers, who, in conjunction with the several State engineers of the States mentioned, can report upon plans and ways and means, and Congress can then determine whether the United States will enter into the detention and storage of waters direct, or whether the States shall be aided by turning over to them the public lands within their borders.

In any event, I submit that it is no more than fair and just that these arid-land States shall participate hereafter in the deliberations, emoluments, and perquisites of river and harbor bills. If money appropriated is to be distributed with some little regard for local benefits, then give us our share. If it is purely pro bono publico, then what expenditure could be more generally beneficial to the United States as a whole or a greater portion than that which I propose?

It has been said of New England that every drop of water trebles its value by turning the wheels of industry on its route or flow from hills and highlands to ocean. How much more important, then, that we stop this waste of water that in time of flood rushes past immense areas of drought-stricken country, tearing away river banks and levees, and inundating the lowlands in its mad race from mountain to sea, and by impounding these waters high up in the valleys and depressions of mountain and plain, they can be released when needed, using a portion while en route to irrigate the arid, dry stretches of agricultural lands, and creating a regular, moderate, nondamaging flow through the lower country, at all times below high-water mark, and at no time far below the general-average mark.

Mr. President, I commend this matter to the earnest attention and investigation of the distinguished chairman and members of the Committee on Commerce, and I beg that committee to expect a vigorous struggle for proper recognition of this whole subject in the forthcoming river and harbor bills.

We demand in justice that these States mentioned shall at least have the benefit of the services of employees of the Government, and a statement from Government engineers whether this work and plan is practicable or not, and whether it shall be carried on by the Government or by the several States.

This is all I have to say at this time, Mr. President.

The VICE-PRESIDENT. Does the Chair understand the Senator from Maine to make the point of order?

Mr. FRYE. I dislike very much to make the point of order, and I will not. I will take a vote of the Senate.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Wyoming [Mr. WARREN], which will be stated.

The SECRETARY. After line 24, on page 107, it is proposed to insert:

For the examination of sites and report upon the practicability and desirability of constructing reservoirs and other hydraulic works necessary for the storage and utilization of water, to prevent floods and overflows, erosion of river banks, and breaks of levees, and to reenforce the flow of streams during drought and low-water season, and to increase and utilize the supply of water for irrigation, at least one site each in the States of Wyoming, Utah, Nevada, Colorado, Nebraska, and Kansas.

Mr. CARTER. I move to insert the State of Montana.

Mr. WARREN. I should be glad if it were extended to all the Western States, and in bringing in the amendment I did not intend to cut out any; but I named the States which had not been named in the river and harbor bill, with the exception of the State of Colorado, to which the Senator from Colorado [Mr. WOLCOTT] called my attention. But as this is simply for an examination, it strikes me to be impracticable to make these examinations in all the States under present appropriations. I will simply say that if all the States, or all the arid States, are to be added, I pray the chairman of the committee will increase the appropriation or provide some means whereby the investigation can be made. It ought to be made in all the arid States.

Mr. FRYE. If there is going to be any increased appropriation the chairman of the committee will make the point of order.

Mr. WARREN. While I do not make a motion to extend it, I do not want to cut out Montana. I should like the other States to be included, but I do not wish to have the amendment cut out on their account. I beg Senators will not insist. If the chairman of the committee is going to make a point of order against the amendment if the other States are added, then I ask the Senators from the other States to withdraw the amendments proposed, and let it go as first proposed.

Mr. FRYE. I said I would allow a vote to be taken, but if a sufficient number of States are to be added here to make a majority of the Senate, then I suppose it would be rather doubtful whether it is the duty of the chairman of the committee to interpose with a point of order.

Mr. TELLER. It might endanger the bill, I should say.

Mr. SHOUP. I was about to ask the Senator from Wyoming to include the State of Idaho. Does the Senator in charge of the bill object?

Mr. VEST. I make the point of order upon the amendment that it is new legislation; that there is no estimate for it; that there is no report from a standing committee.

Mr. WARREN. I ask the Senator from Missouri whether the point of order made against so many States would be made against one State alone?

Mr. VEST. It is against the amendment.

Mr. WARREN. I desire to say that I am so earnest in my desire to have some examination made that I am willing to withdraw the State which I have the honor to represent in part, and to confine the investigation to any one State or any one site in the arid region that the Senator from Missouri [Mr. VEST] will name.

Mr. VEST. That is not the point.

Mr. WARREN. Or any one site in the United States.

Mr. WOLCOTT. For my part I shall very gladly join hands with the Senator from Wyoming. He contends for a principle which the Senate ought to recognize. So far as I am concerned and the share that I have in representing the State of Colorado, I will withdraw that State, if Senators will permit under this bill an examination and report as to any section in the arid belt of the West, so that we may have some intelligent information as to the needs and possibilities of utilizing the waters of those sections which now go to waste.

Mr. MITCHELL of Oregon. I hope it will be confined to one State, and that that State will be the one represented by the Senator from Wyoming [Mr. WARREN], who offered the amendment.

Mr. WOLCOTT. I heartily agree with that suggestion.

Mr. CARTER. I withdraw my proposed amendment.

Mr. THURSTON. I withdraw my proposed amendment; but I should like to suggest that Colorado is one State which under all circumstances ought to be joined with Wyoming. They both lie similarly situated with respect to the great watershed of the Rocky Mountains.

Mr. CULLOM. I suggest that we put those two States in.

Mr. FRYE. I hope the Senator from Missouri will withdraw his point of order and let the two States of Wyoming and Colorado go into the bill for an examination.

Mr. CULLOM. That is right.

Mr. GALLINGER. I hope so, too.

Mr. CULLOM (to Mr. VEST). Withdraw your point of order.

Mr. GORMAN. Question!

The VICE-PRESIDENT. Is the point of order withdrawn?

Mr. WARREN. I wish to add my further appeal to the Senator from Missouri, if he has not already withdrawn it, to withdraw the point of order. I am perfectly willing that he shall name any State and that it shall be confined to one site. I simply desire that the principle or plan may be investigated by a Government engineer, so that we may have a report.

Mr. VEST. As I remember the legislation in regard to this matter, we have made an appropriation in the sundry civil act, and one of the bureaus of the Government is now engaged in this particular matter. Besides that, we have given a million acres of land to each of these States—to three of them anyhow—for the purpose of testing this very matter. Now it is proposed to put in a river and harbor bill this amendment not germane to the bill. It ought to go upon some other bill if it is adopted at all after what we have done. We are told it might endanger the river and harbor bill. Then let it go.

Mr. WARREN. One word, if I may be permitted. There were, it is true, a million acres granted in the sundry civil act to each arid State under certain almost impossible conditions, but while so granted these States were simply given the privilege of selecting lands for certain of their settlers, 160 acres apiece, and there is no provision for the States to occupy the lands for reservoirs in that act, I am sorry to say, or I should not offer the amendment now.

I desire to say further that the State which I have the honor to represent in part has already executed with the Government three different contracts and is proceeding to avail itself of that privilege not to the benefit of the State financially, but for the benefit of those who wish to carve out homes and farms in that new country. They are proceeding as fast as they can under the act in question, but we meet this difficulty—that there must be storage of water in order to make it successful. We are confronted with the proposition that the lands belong to the United States. There is no law at present whereby States or individuals can secure them or the use of them for reservoirs as proposed.

The Government, on the other hand, is not prepared to proceed as to reservoirs and reservoir sites. It seems to me that it is very little for the four States named in this bill to ask sufficient consideration to obtain the report of a Government engineer for at least one site.

If the spirit manifested in this discussion on the part of some Senators whose States are snugly and generously provided for in this river and harbor bill is to prevail, and if we are to be ruled out on a point of order when it is manifest a majority of the Senators desire the amendment to be adopted, then I say it seems to me that the plan of extending the limits just far enough in river and harbor bills to include a sufficient number of States and the Senators therefrom to secure votes enough for the passage of the bill is an unfair and unjust one, and I desire to serve notice now that, so far as I am concerned, if it is to be a close corporation hereafter of few or many States, and the wants of some other States are to be unconsidered and a great national question like this of storage of waters, in which some of the States are vitally interested, is to be ignored as is proposed now, by the enforcement of a point of order, then I can not consent to give my support and vote to future river and harbor bills.

I shall at least ask for an explanation before I can give my individual vote for bills of this nature. I do not say this as meaning that I shall not vote for the present bill, but I am speaking of the future.

Mr. WOLCOTT. I should like to suggest to the Senator from Wyoming that the four States that are left out are the close corporations and that the others constitute an open corporation.

Mr. WARREN. Yes; we are a closed-out corporation.

Mr. PEFFER. I wish to say that the people living on two-thirds of the area of the United States are interested in the matter now proposed by the Senator from Wyoming [Mr. WARREN], and, speaking for the people of Kansas, we will vote—100 per cent of us—for the project that he now submits in order that we may make a beginning in the direction he so earnestly and ably advocates.

Mr. GORMAN. I trust the Senator offering the amendment will withdraw it, and not attempt to place a provision of this sort on the river and harbor bill. It is entirely foreign to every provision and item in the bill. The Senator from Wyoming, and all the Senators representing those great States, will remember that Congress for the past six or eight years has appropriated liberally to the Interior Department. The money has been expended under the direction of the Geological Survey. Not all of the sites that are available for storage of water have been ascertained, but a great many of them have been. That information is now being collected by the only Department which can properly take charge of the subject.

Mr. WARREN. Permit me to say that the money so appropriated is not to be expended in those States to any great extent. In fact, nearly every Eastern State receives an expenditure of a greater amount than is expended in any Western State. A very slight amount of the money that is appropriated is expended there.

Mr. GORMAN. I wish to call the attention of the Senator to the fact that we were going on systematically under Major Powell and were locating these very sites for reservoirs with a view of reserving them so that the States might have them when the Senators representing those States themselves came forward and asked for a donation of a million acres of land to each that the States might undertake it themselves, having all this information about the sites.

Mr. WARREN. A million acres was not donated, but placed at the disposal of States under almost impossible conditions.

Mr. GORMAN. Now at this session, and at the request of all the Senators representing those States—take the State represented by the distinguished Senator from Montana [Mr. CARTER], whom I have now in my eye—we inserted a provision in the sundry civil bill which practically turns over a million acres of land to each one of those States.

Mr. TELLER. I wish to call the attention of the Senator from Maryland to one fact. We put a provision in one of the bills that the Interior Department, through the Geological Survey, should make examination as to those sites. There was a clause put in that the sites should be reserved after they had been located. Under that the Department of the Interior construed the law to withdraw from entry and occupation all the land of the United States, in other words, that that law repealed all the settlement laws of the United States. They were about to cancel 135,000 entries. Of course that left 135,000 settlers without any title, and we insisted upon a repeal of the whole provision, for it was becoming an intolerable curse to that section of the country. That is why it was repealed. So far as I am concerned I am very much afraid to have the Government of the United States put its hands on this question after that experience.

Mr. GORMAN. The point I want to impress upon Senators, and upon the Senator who offered this proposition, is that on the proper bill, the sundry-civil bill, when the question has come up, the Senate, on both sides, has dealt very liberally with this matter and we are prepared to do so, knowing it to be one of the great coming questions of this country. But on the river and harbor bill, I suggest to my friend who offered the amendment, it has no earthly place. It will meet antagonism which it would not have if considered in connection with the proper bill. I trust, without having the slightest feeling about the matter, that the Senator will recognize the universal rule of the body in discussing a question upon the bill where it properly belongs. That is all there is in this case.

Mr. WARREN. Will the Senator from Maryland please tell me on what bill it properly belongs? It is in respect to the water of streams and the uses of water. It seems to me that in the river and harbor bill there are many streams mentioned that I never saw nor heard of when I studied geography. We never see or hear of them when we go through the States mentioned, but I presume it is necessary that such streams shall be improved. This bill seemed to me to be the place for directing the engineers of the Government, who are directed by the bill already to examine certain streams, to examine this problem. It must be understood that we do not ask for a dollar of special appropriation or of the expenditure of any money except incidental expenses necessary for traveling, etc., for the employed agents of the Government. I again ask to what bill should we attach it?

Mr. GORMAN. To the sundry civil bill, I will state to the Senator, where it has always been.

Mr. WARREN. That bill has been passed.

Mr. ALLISON. The sundry civil bill is generally the omnium gatherum of items that do not go anywhere else; but I do not quite agree with the Senator from Maryland [Mr. GORMAN] as to the scope and purpose of the pending amendment.

There is one clause in it which, as I remember it, provides for an examination into irrigation. It seems to me that any appropriation for irrigation purposes is not germane to the river and harbor bill. But it is not a new thing, I submit to the Senate, to have argumentation and suggestion as to the storage of the waters of the Upper Missouri and the Upper Mississippi as affecting the flow of water into the Gulf of Mexico; and, although I do not remember it specifically, I venture the statement that in this bill there is an appropriation of a hundred thousand dollars or more for the purpose of storage reservoirs in the State of Minnesota. I remember a great many years ago to have examined the subject and to have found it a very interesting one. An old gentleman, who had examined the waters of the Mississippi River, their flow and overflow, conceived the idea that by establishing storage reservoirs in the northern portion of Minnesota, which is a flat country, the water could be there stored by raising a dam 3, 4, or 5 feet high, and that thus you could gather an immense quantity of water, which could be utilized upon the Mississippi River in periods of drought.

I participated somewhat a good many years ago in a little debate here upon that subject. Some years afterwards we put into a river and harbor act a provision looking to the gathering of those waters in the northern portion of the State of Minnesota, and if

there is not an appropriation in the pending bill for that purpose it is because those dams and reservoirs have been so completed that further appropriations are not considered important.

Mr. GORMAN. The Senator from Iowa understands that that was only for the purpose of navigation, not irrigation.

Mr. ALLISON. I stated in the beginning of my observations that if the word "irrigation" were left out of the amendment it would be a germane inquiry to insert in a river and harbor bill as affecting the overflow of the waters of the Missouri and the Mississippi, as affecting the mouth of the Mississippi River, as to what we shall do in the great future respecting the levees and dams and jetties which are a continuous annual expense to the Government of the United States, and undoubtedly will be as long as water runs.

If there could be reservoirs in the high mountain regions for the storage of the immense body of water that comes down the Missouri River at certain seasons of the year, and if there could be erected dams which would check the flow of water in the Mississippi at certain seasons of the year, it seems to me it is an intelligent investigation which would be valuable to the people of this country, and especially to the interior portion of it, where those waters flow and where the overflows occur. But it requires investigation by an army officer, perhaps, or some one who is an expert in all these questions of the effect of waters in the stream, when and how they gather and flow to the Gulf or to the ocean, as the case may be. I do not think we should restrict this inquiry. I think it is a very late hour. I suggest to the Senator from Wyoming, to propose the amendment; but I think at some time we might well enter upon this investigation.

Mr. VEST. I am so anxious to get a vote upon the bill and to get rid of it that I will say to the Senator from Wyoming and the other Senators interested that if they will strike out the word "irrigation" and let it apply to navigable streams, as is done in the case of the appropriation now in the bill for reservoirs at the head waters of the Mississippi, I will not raise the point of order unless some other Senator does. I do not believe in the system of reservoirs at all; I never have voted for it in committee or anywhere else, but if the irrigation feature is eliminated I will not make the point of order.

Mr. WARREN. I suggest to the Senator from Missouri that I am willing that the objectionable word shall be stricken out, because I know that if the point of order is insisted upon, and it shall be maintained by the Chair, we can not get an expression of the Senate upon this subject; so, under the circumstances, I am compelled to accept whatever the Senator offers. I therefore give my consent to striking out the objectionable though by far the most important word in the amendment, that of "irrigation." If it is his intention, however, to apply it to the navigable streams and the head waters thereof, then it might seem better to include more of the States. I am willing, under the circumstances, that the word "irrigation" shall be stricken out.

Mr. SMITH. I hope the Senator from Wyoming will insist upon including the other States, because this seems to be a general grab-bag business, and as there are about $70,000,000 to be appropriated, there certainly ought to be enough to give each State a part of it. I should like to vote to have it properly distributed.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Wyoming [Mr. WARREN] as modified.

Mr. BAKER. How does the amendment read now?

The VICE-PRESIDENT. The amendment as modified will be stated.

The SECRETARY. On page 107, after line 24, it is proposed to insert:

For the examination of sites and report upon the practicability and desirability of constructing reservoirs and other hydraulic works necessary for the storage and utilization of water to prevent floods and overflows, erosion of river banks, and breaking of levees, and to reenforce the flow of streams during drought and low-water season, at least one site each in the States of Wyoming and Colorado.

The VICE-PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. VILAS. After the pending bill was ready for report, or about that time, and before the committee could have an opportunity to consider it, there was a communication from the Assistant Secretary of War asking that an appropriation should be made for the examination of the character, limitations, and description of the property and rights of the Government in the Fox and Wisconsin rivers—property which belongs to the United States, but which, by the terms of the deed of conveyance, was somewhat uncertain in respect to its boundaries. I prepared an amendment which has had the examination of the chairman of the committee and which provides in accordance with the request of the Assistant Secretary of War, and also contains provisions to make avail of the use of the water in the stream.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 73, after line 15, it is proposed to insert:

For a thorough investigation of the character, limitations, and description of the property and rights of the United States in connection with the improvement of the Fox and Wisconsin rivers, to be made under the direction of the Secretary of War, upon condition that the owners of any property which may be interested in such delimitation shall pay such proportion of the cost of such investigation as the Secretary of War shall determine, $3,000. And the Secretary of War is directed, by the use of flash-boards or otherwise, to make avail of all the natural flow of water and prevent waste thereof to the height to which the right of the United States to hold the same has been established and without interfering with private rights.

The amendment was agreed to.

Mr. McBRIDE. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Oregon will be stated.

The SECRETARY. On page 95, after line 17, it is proposed to insert:

Provided further, That the Secretary of War may, in his discretion, use so much of the money herein appropriated as may be necessary to prevent the erosion of the west bank of the Willamette River opposite Salem, Oreg., and to maintain the river channel at that point.

Mr. FRYE. That is to be taken from the general appropriation for the river, is it not?

Mr. McBRIDE. Yes; to be taken from the general appropriation.

Mr. FRYE. Then I have no objection to the amendment.

The amendment was agreed to.

Mr. MITCHELL of Oregon. I desire to say a word in regard to the amendment proposed by my colleague, which has just been adopted by the Senate. My colleague intends that it is to take the place of an amendment adopted a few days ago, providing for a survey. I ask the chairman of the committee to make a note of that, so that there may be no difficulty about it in conference.

Mr. FRYE. All right.

Mr. MITCHELL of Wisconsin. I offer an amendment to reimburse the city of Menasha for money which was expended in connection with a Government improvement of rivers and harbors.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the amendment already adopted, in line 15, on page 73, it is proposed to insert:

To reimburse the city of Menasha, Wis., for moneys expended by said city in the construction of a retaining wall along the bank of the Government canal in said city, $3,000, or so much thereof as may be found by the Secretary of War to be due said city for building said retaining wall.

The amendment was agreed to.

Mr. CULLOM. I offer an amendment in line 23, on page 80, after the word "and."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In the clause making the appropriations for the Mississippi River, between Cairo and the mouth of the Missouri River, on page 80, line 23, after the word "and," it is proposed to insert "$30,000, or so much thereof as may be necessary, shall be expended"; so as to read:

And $30,000, or so much thereof as may be necessary, shall be expended in removing the bar in front of Chester, Ill., etc.

The amendment was agreed to.

Mr. GORMAN. I now ask that the amendment of which I have given notice may be laid before the Senate.

The VICE-PRESIDENT. The amendment submitted by the Senator from Maryland will be stated.

The SECRETARY. On page 100, at the end of section 5, line 10, it is proposed to insert:

Provided further, That the Secretary of War shall so adjust the contracts herein authorized to be made by apportioning them in such way as not to obligate the Government under this act and all prior acts providing for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which provide for contracts beyond appropriations made, for a sum exceeding in the aggregate $10,000,000 in any one fiscal year for such materials and work authorized to be contracted for in all of said acts.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Maryland.

Mr. MITCHELL of Oregon. I want to ask the Senator from Maryland how under that amendment the amounts appropriated would be apportioned? If I understand the proposition the money might be applied to the full extent of two or three contracts and the others allowed to go unaided.

Mr. GORMAN. In answer to the Senator, I will say that it will be applied precisely as it has always been applied since we have made river and harbor bills containing continuing contracts for improvements. The Secretary of War and the Chief of Engineers, as a matter of course, determine the amount to be expended on each of these works.

The object of the amendment is to limit the total expenditures under this bill and the provisions which have been heretofore made for continuing contracts for works on rivers and harbors. The bill as it came from the House of Representatives and as amended now by the Senate makes an appropriation of $12,614,550, as nearly as I can get at it. There may be some little inaccuracy in the amount, but I think it is substantially correct. I have embodied the appropriations contained in the bill as it came from

the House and as reported by the Senate committee in a table, which I append herewith:

APPROPRIATIONS.

States.	Senate bill.	House bill.	States.	Senate bill.	House bill.
Maine	$251,500	$214,000	Tennessee	$307,000	$177,000
N. Hampshire	25,000	25,000	Kentucky	156,000	156,000
Vermont	15,000	15,000	Ohio	741,000	713,000
Massachusetts	424,000	434,000	Michigan	572,150	567,150
Rhode Island	149,300	99,300	Wisconsin	368,440	361,500
Connecticut	267,000	250,500	Minnesota	127,000	99,000
New York	823,500	725,000	Indiana	103,500	111,500
New Jersey	193,600	166,600	Illinois	280,000	260,000
Pennsylvania	337,500	588,500	Mississippi River	1,564,000	1,464,000
Delaware	184,100	159,100	Missouri (State)	275,000	245,000
Maryland	492,800	85,800	Missouri River	350,000	250,000
Dist. of Col.	125,000	100,000	Montana	35,000	15,000
Virginia	334,000	325,000	California	626,550	496,000
West Virginia	37,500	30,500	Oregon	506,300	306,300
N. Carolina	242,000	141,500	Idaho	33,000	35,000
S. Carolina	154,500	189,500	Washington	335,000	150,000
Georgia	235,000	240,000	Surveys	200,000	100,000
Florida	578,000	279,000			
Alabama	314,000	254,000	Total	12,561,850	10,480,860
Mississippi	55,400	55,400			
Louisiana	258,000	226,500			
Texas	252,000	137,000			
Arkansas	233,000	233,000			

Senate report	$12,614,550
House report	10,594,718
Port Orford	140,858
	10,493,860

The bill contains provisions authorizing continuing contracts as follows:

CONTINUING CONTRACTS IN PRESENT RIVER AND HARBOR BILL.

Maine	$1,570,500.00	Washington	$980,000.00
Massachusetts	1,145,000.00	Rhode Island	707,000.00
New York	3,655,558.00	Pennsylvania	894,500.00
Delaware	4,885,846.00	West Virginia	1,200,000.00
South Carolina	1,996,250.00	Tennessee	600,000.00
Georgia	3,572,500.00	Kentucky	1,346,000.00
Louisiana	1,488,250.00	Mississippi	890,000.00
Texas	1,403,856.00	Michigan	1,065,000.00
Ohio	1,354,000.00	Illinois	6,390,950.00
Wisconsin	168,737.91	Ohio River	2,807,250.00
Minnesota	3,080,553.00	Mississippi River	13,400,000.00
California	4,006,000.00		
Oregon	4,664,000.00	Grand total	64,211,760.91

In addition to these there is a provision in regard to the work on the Monongahela River, which will in all probability increase this sum $3,000,000 more. Besides that, we have appropriated—at least the Senate has passed during the present session—for contracts already existing, but which are not yet completed, $3,584,597, leaving the contracts heretofore authorized at about $47,000,000, in addition to the contracts authorized by the pending bill, amounting in all from sixty-four to sixty-seven million dollars.

Mr. FRYE. Will the Senator allow me?

Mr. GORMAN. With pleasure.

Mr. FRYE. Has the Senator examined to see whether or not most of the existing contracts will not be completed in the present year?

Mr. GORMAN. I will give the exact figures. The contracts that were heretofore authorized amounted to $47,383,501; that is to say, by the river and harbor acts of 1890 and 1892, and they are still outstanding. We have appropriated heretofore on that account $39,158,468, leaving a balance to be appropriated of $8,225,033 at the beginning of this session. The estimate of the War Department of the amount they will require for the current year was $4,044,597, but Congress has only appropriated $3,584,597 of the $8,225,033 required, leaving a little over $4,000,000.

Mr. FRYE. To be appropriated for in the future.

Mr. GORMAN. And about four millions and a half to be added on account of the contracts authorized by this bill. These contracts, when made, necessarily must be met from time to time, and they ought to be met promptly. When the contracts are entered into there is no escape from making the appropriations, and it would be equivalent to repudiation if we should undertake to do so. I will insert a table setting forth this matter in detail.

The following shows the river and harbor contracts authorized by the river and harbor acts of 1890 and 1892, the appropriations thereunder to date, the balances under each, and the estimates submitted for 1897:

River or harbor.	Amount authorized.	Appropriations to date.	Balance.	Estimates, 1897.	Amount in Senate sundry civil bill of this session.
Baltimore, Md., 1890	$700,000	$899,200	$800		
Philadelphia, Pa., 1890	3,300,000	2,141,000	1,159,000	$850,000	$600,000
Galveston, Tex., 1890	6,200,000	4,510,000	1,690,000	1,140,000	*1,140,000
Hay Lake Channel, Michigan, 1890	1,684,115	1,190,000	494,115		
Hudson River, New York, 1892	$2,200,406	$1,145,000	$1,115,406	$500,000	$480,000
Great Kanawha River, West Virginia, 1892	1,080,700	1,080,700			
St. Johns River, Florida, 1892	284,500	284,500			
Mississippi River from Ohio River to Minneapolis, 1892	4,875,000	4,775,000	100,000		
St. Marys River, Michigan, 1890	3,738,865	3,513,865	225,000		
Great Lakes, between Chicago, Duluth, and Buffalo, 1892	2,965,000	1,375,000	1,590,000	500,000	500,000
Canal, Cascades of Columbia River, 1892	1,419,250	1,239,653	179,597	179,597	179,597
Point Judith, R. I., 1892	1,100,000	500,000	600,000	400,000	300,000
Charleston, S. C., 1892	1,953,000	1,700,000	253,000	100,000	
Savannah, Ga., 1892	2,831,250	2,831,250			
Mobile, Ala., 1892	1,181,300	1,181,300			
Humboldt, Cal., 1892	1,565,115	747,000	818,115	375,000	†160,000
Mississippi River Commission, 1892	7,995,000	7,995,000			225,000
Missouri River Commission, 1892	2,250,000	2,250,000			
Total	47,383,501	39,158,468	8,225,033	4,044,597	3,584,597

* Including $300,000 in urgent deficiency bill.
† Under joint resolution this session.

The yearly appropriations to meet said contracts since their authorization have been as follows:

1891 in river and harbor act	$2,340,000
1892 in sundry civil act	1,951,200
1893 in sundry civil act	814,000
1894 in sundry civil act	14,166,153
1895 in sundry civil act	8,400,000
in deficiency act	200,000
1895 in sundry civil act	11,287,115
Total	39,158,468

With the large contracts heretofore authorized, together with the appropriations made, the expenditure has not exceeded $20,000,000 in any one year. That has been found to be as much as could be properly and economically used by the War Department. It has never been attempted to exceed it.

If the amendment I have offered be adopted the case will stand thus: Under the direct appropriations made by the pending river and harbor bill of $12,614,550 during the next current year, if the War Department pursues the same policy which has been followed in the past, and I doubt not they will, because the river and harbor bill is regarded as a bill for two years instead of for one year, they will expend all that direct appropriation of $6,000,000, and they will have under the amendment I have offered the authority to spend $10,000,000 more on account of the contracts contained in this bill, and will have in addition the $3,584,597 which we have appropriated in the sundry civil bill, which will make within a fraction of $20,000,000 for the next fiscal year, and for the fiscal year beyond that it will be the same.

Mr. BERRY. Will the Senator permit me to ask him a question?

Mr. GORMAN. Certainly.

Mr. BERRY. Do I understand that the effect of the Senator's amendment will be to eventually save anything? Will it reduce the total appropriation in any way, or will it simply take longer to dispose of it?

Mr. GORMAN. No; there is no saving on this bill.

Mr. BERRY. There is no saving, or no reduction?

Mr. GORMAN. No saving whatever except the saving of time and other considerations, though the Engineer Department, after looking at the works provided for, may, when they report to Congress, think that some of them are useless. That may be done. That is the only hope there is about it. The amendment, however, will save the Treasury in its present depleted condition—though I am not going over all the figures about that again—from the very unusual and extraordinary drain during this next fiscal year and the fiscal year following. It will give $20,000,000 in each of those two years to be expended on that account, which would be as great an amount or greater than has ever been expended before.

Mr. MITCHELL of Oregon. I suggest to the Senator, as to his amendment, that he need not extend it beyond the 4th of March next, for we shall then have a Republican Administration and shall have plenty of money, and so there will be no need of such a limit as the Senator proposes.

Mr. GORMAN. The Senator from Oregon is assuming a great deal when he predicts that we shall have a Republican Administration after the 4th of March next.

Mr. COCKRELL. He ought to know that we shall not.

Mr. GORMAN. No matter what Administration shall be in power, whether it be Republican or Democratic, that has nothing to do with this matter.

Mr. MITCHELL of Oregon. Does the Senator know how much has been appropriated for in the sundry civil bill on these contracts each year for the last two years?

Mr. GORMAN. Yes.

Mr. MITCHELL of Oregon. The effect of the amendment proposed by the Senator from Maryland, and its only effect, will be to nullify what has been done in the bill.

Mr. GORMAN. So far from that being so, it practically insures that amount of money. The sundry civil bill of 1892 was the first bill in which appropriations were made on account of these contracts. The appropriations for contracts authorized by the river and harbor bills are now made in the sundry civil bill, and we appropriated all that the engineers required during that year, about $1,951,200; the next year $814,000, and the next year we appropriated $14,166,153. That was in the year 1894.

Mr. SQUIRE. How much does the Senator say?

Mr. GORMAN. Fourteen million one hundred and sixty-six thousand one hundred and fifty-three dollars. Then in the next bill we appropriated $8,400,000, and in the last bill $11,287,115. In the present year in the sundry civil bill, which is just passing through Congress and has already passed the Senate, we have appropriated $3,500,000.

Mr. SQUIRE. I should like to ask the Senator from Maryland the question whether he would not be willing to modify his amendment so as to make the amount appropriated annually not exceeding the average for the past eleven years. I have before me a statement, prepared by an officer of the War Department, giving the appropriations from 1885 to 1896, inclusive. I shall not read it all, but I will state that it averages between thirteen and fourteen million dollars in each year.

Mr. GORMAN. The Senator can put that in in his own time. I will say to the Senator that the appropriation this year exceeds anything which has been made in the past. This will give practically for the next year $20,000,000, which exceeds the amount appropriated in any one year. I know that you can not limit it. I should be delighted to see that done. I started off with the general idea to limit these contracts to not over $7,000,000; but, taking the conditions that surround this bill, the atmosphere about it, and the immense number of contracts which have been forced in here against the will of the committee who have examined it, and to which the chairman himself has had to give way, the Senate having insisted upon them, a reasonable amount ought to be added.

The bill came from the House of Representatives with a less amount than it now contains. The attempt was made there to limit the expenditure to 25 per cent. That provision was eliminated, and the Senate has inserted a provision that in no one of these cases shall more than $400,000 be expended. I desire to limit the amount to be expended to $10,000,000 per annum, and I say to the Senator from Washington that will give a greater amount per annum than has been expended in any year for the last eleven years.

Mr. ALLISON. Mr. President, I hope in some form that the amendment proposed by the Senator from Maryland will be adopted. It is in accordance with the general scheme and plan of this bill. As to a number of appropriations in the bill, where contracts are authorized to be entered into, there is a proposition that not more than one-quarter of them, or 25 per cent of the amount, shall be expended in any one fiscal year. It is provided as to others that not more than one-third shall be expended in any one fiscal year, and in many others there is no limitation as to the expenditure. So we have here different provisions as applied to these different contract appropriations.

I have favored the contract provisions in the past. I became convinced by the arguments of the Senator from Maine [Mr. FRYE] several years ago that it was a wise thing to contract for the work on a specific harbor or river and then allow the appropriations to be made from year to year in the execution of that contract.

As I remember, the first work of the kind was one applying to the harbor at Galveston, Tex., and also another to the Sault Ste. Marie improvement on the Northwestern Lakes. At the harbor of Galveston we provided for a contract for $6,000,000, if I remember rightly, or perhaps $6,200,000, and we authorized the contract to be made for the entire work. The contract was so made, and then, when this first appropriation was made, the Committee on Commerce, having charge of rivers and harbors, practically dismissed that improvement from their consideration. They did so because under their jurisdiction it was a completed affair, and the subsequent appropriations were reported by the Committee on Appropriations in the sundry civil bill.

The result was, we progressed in these contract provisions and increased them from year to year. As I remember, the next year we provided for twelve or fifteen million dollars in those contracts, the next year for $31,000,000, and the next year in the river and harbor bill for $47,000,000, as I think the Senator stated. These old contracts lapsing from time to time, and new ones being entered into, the result of that in the Committee on Appropriations has been that that committee, and the Engineer Department as well, as to these great contracts, have been at the mercy of the contractors rather than having the power to regulate the speed with which the contracts should be completed and executed. The contractors secure a considerable plant for the execution of their contracts. If they have favorable contracts, as most of them have, for they contracted for the work on higher prices and are executing them upon a constantly descending scale of prices, and if they are able to execute them, they come to the Committee on Appropriations and say, "So many dollars will be expended under this contract in the next year and so many dollars each year thereafter." The result of that has been that in the sundry civil bill we have, as the Senator from Maryland has already stated, appropriated as high as $14,000,000 in a single bill for the execution of contracts over which we have no power, except to know from the engineer officers of the Government that the contract entered into two or three years ago is in the process of execution.

Last year during the short session we appropriated, as I recollect—the Senator from Maryland gave the amount—$11,500,000 under these continuing contracts for rivers and harbors and other public works. That swelled the sundry civil bill to $39,000,000. I have seen it stated in many places that the sundry civil bill of this year came to the Senate with less than $25,000,000 upon it, making a saving of $15,000,000 as to the appropriations of this year compared with those of last year.

Mr. President, I think that if we are to continue the process of making these large contracts, mortgaging the future revenues and the future appropriations of the Government, we should do so in such a way that we shall have a reasonable control of the probable amount from year to year. We are having these contracts made not only as to rivers and harbors, but they are made in other departments during the present year and have been in the past. They are made now in the fortifications bill, which will presently come before us. Here are $60,000,000 to be appropriated in the future, and in many of these items there are but small initial appropriations, to which are attached large sums of money. I do not object to that; I do not say that it is unwise; but I say that if we are to put into an appropriation bill this year $5,000 and upon it hang a contract of $4,500,000, which may be executed by the Secretary of War, and if, in the judgment of the Secretary of War and in the judgment of the Chief of Engineers, that contract should be executed within two years with the Government of the United States, its credit and its faith are mortgaged to pay that amount within two years.

So, whether the limit be $10,000,000—I do not say that that is the proper sum, but I think it is large enough—or, if that be not the proper sum, let us take a sum, whether it be ten or eleven or twelve million dollars, whereby the engineer officers of the Government shall have a guide as to these contracts, so that they shall not obligate the Government beyond a fixed sum for a certain year.

Mr. SQUIRE. May I ask the Senator from Iowa a question?

Mr. ALLISON. Certainly.

Mr. SQUIRE. Referring to the appropriations for the last few years, the Senator has already mentioned the appropriations for 1896 as being eleven and a half million dollars. With his permission, I shall at this point insert a table showing the appropriations for rivers and harbors from 1885 to 1896, inclusive.

Mr. ALLISON. Very well.

Mr. SQUIRE. The table is as follows:

APPROPRIATIONS FOR RIVERS AND HARBORS FROM 1885 TO 1896, INCLUSIVE.

1885	$14,948,300.00
1886	
1887	14,464,900.00
1888	
1889	22,410,791.69
1890	500,000.00
1891	25,292,395.00
1892	2,951,200.00
1893	22,068,218.00
1894	14,181,153.00
1895	20,055,005.30
1896	11,452,115.00
Total	148,324,077.99

What I want to ask the Senator is, does he think the sum of $10,000,000 per annum would enable the Government to pay for past contracts as well as future contracts; in other words, is that sum sufficient for what is contemplated in past legislation and in present legislation?

Mr. ALLISON. I see the point the Senator makes. There is only a liability of $4,300,000, or about that sum, upon contracts already made. Here is a liability upon future contracts amounting to $64,000,000 or $62,000,000. Is it understood that this is to be the last river and harbor bill? These contract provisions do not cover more than one-tenth or one-twentieth of the river and

harbor bill. We may not have at the short session of Congress a river and harbor bill, but we are certain to have one at the next long session of Congress. We have these river and harbor bills only once in two years. When the next Congress after the present convenes, is it supposed that that Congress will not have, as this Congress, with our present depleted condition of the Treasury, projects and plans and improvements that will require appropriations at that time?

We have here now in this bill, it is stated, $12,000,000 or more that are to be currently expended with respect to contracts. We have in the sundry civil appropriation bill $3,500,000 additional, making fifteen and one-half million dollars that are to be expended in the next fiscal year from current appropriations and upon contracts already made, without reference to the future. The amendment of the Senator from Maryland, I understand, provides only that the contracts in the pending bill and the contracts heretofore made shall not have expended under them exceeding $10,000,000. Will not the Senators on this floor from every State in the Union, or every State that has rivers and harbors within it, ask two years from now that there shall be sums appropriated for their rivers and harbors, because there are not contract provisions in the pending bill applying to them? These contract provisions here are rare. They apply only to a few important places; and yet there are a great many places which will need improvement. So, under the next river and harbor bill there will be at least $12,000,000 and possibly $20,000,000 appropriated outside of these contracts. It is the only purpose of the amendment of the Senator from Maryland, as I understand it, to limit the expenditures under these contracts.

I will defer largely to the chairman of the Committee on Commerce and to the Senators upon that committee as to what should be the annual limitation, but to say that we shall authorize $60,000,000 in contracts and leave it to the Chief of Engineers to make contracts and say that the $60,000,000 shall be spent in two years is an abdication of the power of Congress that for one, whatever others may do, I never shall consent to. We place the whole power of the $64,000,000 in the hands of the Chief of Engineers and the Secretary of War to expend it in one or two years, except where we have already put in the bill a limitation that only 25 per cent shall be spent in a single year.

So I think a limitation in addition to the limitations already provided in the bill should be added. I would not have made the suggestion had not the bill been amended in the Senate. There is in section 5 of the bill a provision, as it came from the House, that only 25 per cent of the postponed contracts shall be expended in any one year. That provision by its own vigor sends these contract appropriations over a period of four years. But here that limitation has been stricken out and another limitation, which I agree is a limitation as well, has been inserted. It is that there shall be expended only $400,000 in a single year, unless it is otherwise specifically provided for. Is that a wise provision, making fish of one improvement and flesh of another?

Mr. FRYE. The Senator does not understand the amendment.

Mr. ALLISON. I am glad I do not. I thank the Senator for that information.

Mr. FRYE. Will the Senator allow me to interrupt him?

Mr. ALLISON. I will read it.

Mr. FRYE. No; will the Senator allow me?

Mr. ALLISON. I will.

Mr. FRYE. As the bill came from the House there was a provision that not more than 25 per cent should be expended in any one year, but it excepted all below $500,000. Now, there was a contract following shortly of $517,000.

Mr. ALLISON. The Senator must not say that he corrects me in any statement that I made, because I did not make the whole statement at the moment. I was only speaking of these larger appropriations. Of course I was not ignorant of the fact that there was a limitation of $500,000.

Mr. FRYE. Below $500,000, which can be expended in one year, and one of the next items was $517,000, with a 25 per cent limit to it, and therefore that could not be expended under four years. The large majority of contracts were below $800,000 and over all continued by the 25 per cent clause for four years—exceedingly unfair and unjust in every respect.

Now, what the Senate said was that no more than $400,000 should be expended on any one contract in any one year, and then it provided in certain very important contracts, like that at Superior and Duluth, that not over 25 per cent should be expended in any one year, not limiting them to the $400,000, and in another one, the Delaware harbor of refuge, which was a very important work under way, we put in a provision allowing them 25 per cent. We could get a million dollars of expenditure for Superior and Duluth, because they were very important and ought to be completed as soon as possible; and the Senator himself, in concert with the Senator from Illinois, has to-day put into the bill a provision that the Hennepin Canal, the propriety of which I always doubted, and I think I have always voted against the Hennepin Canal anyway——

Mr. ALLISON. I know.

Mr. FRYE. Should have 25 per cent of expenditure—that is, about $5,000,000, and $1,000,000 that they can spend in every year. I do not see how you could make it fairer than that.

Mr. ALLISON. The Senator has only reenforced my argument.

Mr. FRYE. The Senator did not need any reenforcement of his argument.

Mr. ALLISON. Here is the point. I will read the limitation in the bill:

> That under the authority to make contracts for materials and work, under the provisions of this act, in addition to the sums appropriated herein, the Secretary of War shall not obligate the Government to pay, in any one fiscal year, beginning July 1, 1897, more than $400,000 upon the said contracts for any one of the works herein placed under the contract system, except as herein otherwise specifically authorized to do.

The Senator from Maine has given two noted illustrations where the 25-per-cent clause was inserted, and through the kindness of the Senate the Senator from Illinois had the same inserted as respects the Hennepin Canal. Now, then, there are three important works that have no limitation except the one-quarter of the expenditure. There are other important works that have the limitation of $400,000. All these, I take it, are limitations intended to restrict and limit the annual expenditures, are they not?

Mr. FRYE. Certainly.

Mr. ALLISON. They are for that purpose. Therefore the amendment of the Senator from Maryland is in the line of the policy and of the project and plan of the bill.

Mr. FRYE. Only, if the Senator will allow me, the Committee on Commerce undertook to so arrange it that the most important should not be limited as to the $400,000.

Mr. ALLISON. Very well.

Mr. FRYE. And they undertook to discriminate in the interest of commerce.

Mr. ALLISON. Yes; upon certain improvements. We had a controversy about the Santa Monica improvement. It lasted two days. If that authority shall be given finally under the scheme and plan adopted they can expend only $400,000 annually under the bill as it stands.

Mr. BERRY. Will the Senator from Iowa permit me to ask a question in that connection?

Mr. ALLISON. Certainly.

Mr. BERRY. On the Lower Mississippi River the amount is specified that may be expended for the next year and for three years following.

Mr. ALLISON. Yes, sir.

Mr. BERRY. Now, what will be the effect of the amendment of the Senator from Maryland, if adopted, in regard to the contracts on the Lower Mississippi?

Mr. ALLISON. That is pertinent. It will, of course, depend upon what the Secretary of War or the Chief of Engineers may do in adjusting all these appropriations. The Senator will bear me witness that I said in the opening of my observations I was not certain that the limit of $10,000,000 proposed by the Senator from Maryland is the right limit, although I thought it was sufficient. I would defer very much to the Senator from Maine and the other Senators upon the Committee on Commerce as to what that limitation should be.

Mr. BERRY. That being the specific amount named in the law as it now stands which may be expended by the Mississippi River Commission.

Mr. ALLISON. Yes, or it may not be. That is all within the discretion of the Chief of Engineers, and in the case of the Lower Mississippi it is in the discretion of the Mississippi River Commission, which is far away from us as respects these expenditures and far away from our examination as respects the methods of the expenditures.

Mr. PASCO. Will the Senator from Iowa allow me to ask him a question?

Mr. ALLISON. Certainly.

Mr. PASCO. I should like to ask the Senator if the amendment is adopted whether it would not be just as fair that all the special limitations should be eliminated from the bill?

Mr. ALLISON. No; I think not.

Mr. PASCO. Otherwise the items which are to receive the special amounts will for the first two years, at all events, absorb all the money appropriated for these purposes.

Mr. ALLISON. I do not think so, though I have not myself examined it with care as respects that point. It only shows that the amount is to be increased to $11,000,000, if you please.

Mr. SQUIRE. Does not the Senator from Iowa think it would be right that the reduction should be pro rata all around and not exceptional in favor of some improvements and against others?

Mr. ALLISON. How is the bill now, I ask the Senator? That is exactly its situation now. The reason why I support the amendment of the Senator from Maryland is because I think it is in accord with the spirit of the bill that we shall equalize and arrange it so as to limit the expenditure in any one year.

Mr. GEORGE. Mr. President, it may be true as stated by the

Senator from Iowa, that the amendment ought to be adopted in some shape or other, but I doubt very much whether it ought to be adopted in the shape in which it is now before the Senate. I understand that when the contracts in the bill are authorized, there is specific authorization as to each place limiting the amount. In the bill itself, these amounts are fixed by the Commerce Committee. The effect of the amendment, I understand, is simply to do away with all the limitations and leave to the discretion of the Secretary of War how much shall be given to one place and how much to another. The amendment does not require the Secretary of War to make a pro rata reduction from each one of the contracts, but in carrying out the amendment the Secretary of War may take out of a specific appropriation made, a specific contract authorized, all the reduction that the amendment requires. I think that is giving him too much authority, and for that reason I shall not vote for it.

Mr. VEST. I move to lay the amendment of the Senator from Maryland on the table.

Mr. GORMAN. I ask for the yeas and nays on that motion, so that there may be a test vote on it.

Mr. VEST. If we do not lay the motion on the table we can go on with the amendment in the morning.

The VICE-PRESIDENT. The Senator from Maryland demands the yeas and nays on the motion of the Senator from Missouri to lay the amendment on the table.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I have a pair with the senior Senator from Vermont [Mr. MORRILL], who is absent, but from the conversation I had with him this afternoon I feel warranted in voting upon the amendment. I vote "nay" upon this motion.

Mr. MCBRIDE (when his name was called). I have a general pair with the senior Senator from Florida [Mr. CALL]. I am informed by his colleague [Mr. PASCO] that the senior Senator from Florida would vote "yea," if present. Therefore I will vote. I vote "yea."

Mr. TELLER (when his name was called). I am paired with the junior senator from West Virginia [Mr. ELKINS]. If he were present, he would vote "yea" and I should vote "nay."

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "yea."

Mr. QUAY. I think if the senior Senator from Pennsylvania were here he would vote "yea."

Mr. WALTHALL. Upon that assurance I will vote. I vote "yea."

The roll call was concluded.

Mr. BURROWS. My colleague [Mr. MCMILLAN] is paired with the Senator from Kentucky [Mr. BLACKBURN]. If my colleague were present, he would vote "yea."

Mr. GALLINGER (after having voted in the affirmative). I have a standing pair with the senior Senator from Texas [Mr. MILLS], who has not voted. I will transfer my pair to the senior Senator from Ohio [Mr. SHERMAN], and allow my vote to stand.

The result was announced—yeas 26, nays 31, as follows:

YEAS—26.

Aldrich,	Frye,	Pasco,	Squire,
Berry,	Gallinger,	Perkins,	Vest.
Blackburn,	George,	Platt,	Walthall,
Burrows,	Lodge,	Pugh,	Warren,
Caffery,	McBride,	Quay,	White.
Cullom,	Mitchell, Oreg.	Sewell,	
Dubois,	Nelson,	Shoup,	

NAYS—31.

Allen,	Carter,	Harris,	Peffer,
Allison,	Chandler,	Hawley,	Pettigrew,
Bacon,	Chilton,	Hill,	Roach,
Bate,	Cockrell,	Kyle,	Smith,
Brice,	Faulkner,	Lindsay,	Vilas,
Brown,	Gear,	Mantle,	Wetmore,
Butler,	Gorman,	Martin,	Wolcott.
Cannon,	Gray,	Mitchell, Wis.	

NOT VOTING—32.

Baker,	Gibson,	McMillan,	Sherman,
Blanchard,	Gordon,	Mills,	Stewart,
Call,	Hale,	Morgan,	Teller,
Cameron,	Hansbrough,	Morrill,	Thurston,
Clark,	Hoar,	Murphy,	Tillman,
Daniel,	Irby,	Palmer,	Turpie,
Davis,	Jones, Ark.	Pritchard,	Voorhees,
Elkins,	Jones, Nev.	Proctor,	Wilson.

So the Senate refused to lay Mr. GORMAN'S amendment on the table.

Mr. ALDRICH. Mr. President, as I understand the amendment of the Senator from Maryland, it nullifies the provisions of the bill in regard to most of the appropriations made for harbors under contract, and the bill had better not pass at all than pass in that way. I understand that there are a large number of provisions in the bill for contracts in various important works. These provisions contain limitations of various kinds, some that there shall not be over $400,000 expended in any one year, and others that not over 25 per cent of the appropriation shall be spent in any one year. Those provisions in the aggregate will undoubtedly amount to more than $10,000,000, of which certain provisions will get the whole amount the bill calls for, and all the other provisions in regard to contracts will get no appropriation, and will not be entitled to have any contracts whatever made.

Mr. ALLISON. Will the Senator from Rhode Island allow me?

Mr. ALDRICH. Certainly.

Mr. ALLISON. The last provision is a limit upon the whole bill. The other provision is a limit upon the specific appropriations "not exceeding"; they are not bound to expend one-quarter annually.

Mr. ALDRICH. But the other provisions stand until they reach $10,000,000, and then no other appropriations are to be made and no other contracts are to be made.

Mr. GORMAN. Oh, no. It does not read so.

Mr. ALDRICH. It certainly reads so, and there can be no other construction of the amendment. If the amendment has any force at all, if it is not put in here—I do not say the Senator from Maryland put it in for any such purpose—simply to preach economy and has no binding force whatever upon future Congresses as to whether the appropriation shall be $10,000,000, or $20,000,000, or $30,000,000, or $40,000,000, as that Congress may determine; but if it is actually binding upon anybody it practically prevents any appropriations or any contracts for a large portion of the works which are put under contract by provisions of the bill. The theory upon which they are being put under contract is that they are the most important works upon rivers and harbors in the whole country. Now, if it is the purpose of the Senate to defeat the most important parts of the bill, we had better do it on a direct vote, with a full understanding of what we are doing.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Maryland [Mr. GORMAN].

Mr. FRYE. This amendment is likely to lead to more discussion. I recognize the fact that it has been a very hot day and that Senators are weary. I should like to ask unanimous consent that further debate on the pending bill and any of its amendments shall be limited to the five-minutes rule——

Mr. PLATT and others. That is right.

Mr. FRYE. That its consideration shall be commenced immediately after the reading of the Journal to-morrow, and that at 3 o'clock a vote shall be taken upon all the amendments and upon the bill.

The VICE-PRESIDENT. Is there objection?

Mr. CAFFERY. I wish to know of the Senator from Maine whether he includes the amendment offered by the Senator from Maryland [Mr. GORMAN]?

Mr. FRYE. All amendments.

Mr. CAFFERY. I think the pending amendment will require a greater latitude of discussion than can be secured under the five-minutes rule.

Mr. FRYE. Each Senator is entitled to speak for five minutes. The five minutes' debate is the best and most intelligent debate that ever was provided for.

Mr. VEST. That is true.

Mr. FRYE. Interminable speeches in the United States Senate befog infinitely more than they instruct. Any Senator can say everything he wants to say about the amendment in five minutes.

Mr. WOLCOTT. I hope the Senator from Maine will except from that statement the delightful speech he made a few hours ago.

Mr. FRYE. I have finished that speech.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Maine [Mr. FRYE]. Is there objection? The Chair hears none.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation in said State as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 3448) authorizing the county of Navajo, Territory of Arizona, to issue bonds for the construction of a court-house and jail at the county seat thereof.

The message further announced that the House had passed the joint resolution (S. R. 15) authorizing the Secretary of the Navy to donate to the Mountain View Cemetery Association, at Oakland, Cal., certain cannon, etc., with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution:

A bill (S. 981) relating to the testimony of physicians in the courts of the District of Columbia;

A bill (S. 2?90) for the relief of Sophronia S. Stowell;

A bill (S. 2870) to permit Rene C. Baughman to lay pipes in a certain street in the city of Washington;

A bill (S. 2843) to authorize the construction of a bridge across the Missouri River at or near Boonville, Mo.;

A bill (H. R. 175) authorizing the Secretary of War to make certain uses of national military parks;

A bill (H. R. 1020) granting an increase of pension to Gilman Williams;

A bill (H. R. 1980) to provide a life-saving station at or near Point Bonita, at the Golden Gate, in the State of California;

A bill (H. R. 3046) for the relief of Frederick Van Gilder;

A bill (H. R. 3462) to regulate the business of storage in the District of Columbia;

A bill (H. R. 3606) granting a pension to French W. Thornhill;

A bill (H. R. 5481) to restore the lands embraced in the Fort Lewis Military Reservation, in the State of Colorado, to the public domain;

A bill (H. R. 6104) for the relief of Anton Gloetzner;

A bill (H. R. 6431) to pay Peter P. Ferguson $1,765;

A bill (H. R. 7865) to allow the return free of duty of certain articles exported from the United States for exhibition purposes; and

A joint resolution (S. R. 167) authorizing foreign exhibitors at the Tennessee Centennial Exposition, to be held in Nashville, Tenn., in 1897, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits, and allowing articles imported from foreign countries for the sole purpose of exhibition at said exposition to be imported free of duty, under regulations prescribed by the Secretary of the Treasury.

Mr. GORMAN. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 21 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 13, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 12, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

THE RECORD.

Mr. PENDLETON. Mr. Speaker, I desire to correct the RECORD.

Mr. PERKINS. I desire to call up a matter.

Mr. PENDLETON. I desire to correct the RECORD.

The SPEAKER. The gentleman from Iowa has a question he calls up.

Mr. PERKINS. Mr. Speaker, I desire to call the attention of the House to what I regard as a violation of the privileges of printing in the RECORD, as found on pages 5472, 5473, 5474, and 5475 of the RECORD. The House will remember that on Friday last we were engaged in the absorbingly interesting question of providing clerks for members.

Mr. MORSE. Mr. Speaker, let us have order. It is impossible to hear.

The SPEAKER. The House will be in order.

Mr. PERKINS. Mr. Speaker, the gentleman from Illinois [Mr. ALDRICH], chairman of the Committee on Accounts, yielded five minutes to the gentleman from Alabama [Mr. WHEELER]. On that occasion my friend from Alabama trembled for his country to such an extent that his vibrations extended over those pages of the RECORD that I have named.

Now, Mr. Speaker, it is not a pleasant task for me to call the attention of the House to a violation of the privileges of printing in the RECORD upon the part of any member; but it is a matter, as it seems to me, incumbent upon me, and one in justice to the members of the House generally and to the proprieties involved in the proceedings as they appear in the RECORD. I think in this instance it is so manifestly improper that I hardly need to say anything more. I am quite willing to yield now to the gentleman from Alabama for the length of time I have occupied—and granting in that no leave to print [laughter]—for such an explanation as he may choose to make.

Mr. WHEELER. Mr. Speaker, the offense which the gentleman alludes to is the printing of some tables in the RECORD illustrative of other remarks I made; but, while I have not the notes before me, my recollection is that I distinctly stated, with the permission of the House, that I would print them. Now, it is known that never in the history of Congress has a table been read before the House. They are simply put in the RECORD by all members without objection, simply upon the suggestion that they will do so. Since I have been a member of this House I have never given myself the pain which the gentleman from Iowa says he has given himself to-day. I have never alluded to any members personally, except where I could do it in a complimentary and pleasant manner and in such a manner as would commend them to the country and their constituents.

Now, with regard to the revision of the RECORD. There is no rule in the rules adopted at the opening of this session of Congress alluding to this subject in any way whatever; and from the beginning of this Government it has been the custom for members of Congress to take their remarks as handed them by the stenographers and give them such revision as they thought proper and best. Even the greatest man that ever was in the Senate of the United States, Daniel Webster, in the case of the greatest speech he ever made, that rang throughout the whole world—that speech appeared in the RECORD thirty days after it was delivered; and the persons who took down his speech, as nearly correct as possible, as I have seen lately published—this speech when printed was not recognizable as the speech delivered in the Senate.

Now, the purpose of members of Congress should be, and it is my purpose, to do my duty to my constituents and to my country; and in speeches which are to go into the RECORD, if I find, after reading the stenographer's notes, I can recast sentences or make such changes as to express myself better, it is a privilege that has always been accorded without objection to members of Congress.

Mr. PERKINS. Mr. Speaker——

Mr. WHEELER. Allow me to get through; one moment more.

Mr. PERKINS. I yield one or two moments more.

Mr. WHEELER. Thank you.

Now, on more than one occasion, when I have made speeches which have contained matter which met the approval of at least my own party—on more than one occasion some gentleman on the other side has risen to make objection to the way it appeared in the RECORD.

Now, the other day an objection was made. When I went to the Printing Office I found that the gentleman who had made this objection had made changes in his remarks far exceeding those I had made in mine; but I did not come before the House like a tattling schoolboy to rise up here and criticise my fellow-members. But even in the last Congress, so correct a member as our distinguished Speaker, while making a speech on that side of the aisle near where the gentleman from Iowa [Mr. PERKINS] now stands, a speech which was read all over the country, as the gentleman will recall, being on the silver question, taking from his pocket a memorandum, read a list of gentlemen on this side who then were voting with the gold-standard men and who had up to a short time before cast their votes for free and unlimited coinage of silver; and the gentleman from Maine [Mr. REED], with that wonderful emphasis and that wonderful command of language and manner which he possesses, used, as I recollect, these words. He quoted my friend from Georgia [Mr. TURNER], and Mr. Bynum of Indiana, winding up with the distinguished gentleman from West Virginia, Mr. Wilson. He was referring to the vote of 1890. I then rose in this place and said: "Yes; and every Democrat who voted the other way—who voted against free coinage on that occasion—has been defeated and retired from public life by the people."

Mr. PERKINS. Mr. Speaker——

Mr. WHEELER. I am coming to my point. [Applause and laughter.] That evening I saw my remark, just as I had made it, written out in typewriting in the speech of the distinguished gentleman from Maine, the present Speaker, but next morning, when that great speech came out, instead of seeing my well-timed remark in its place it was not there; there was a perfect blank. [Laughter.] Therefore, if I can have the example of the distinguished Speaker of this House for changing other people's remarks, certainly I can enjoy the poor privilege of making some slight changes in my own. [Laughter.]

Mr. PERKINS. Now, will the gentleman——

Mr. WHEELER. Oh, I am not through yet. [Laughter and applause.]

A MEMBER. Ask leave to print. [Laughter.]

Mr. PERKINS. Mr. Speaker——

Mr. WHEELER. Mr. Speaker, I want to put myself right. The gentleman said he felt pain; now I want to relieve him of his pain by explaining my position.

Mr. PERKINS. I do not yield any further, Mr. Speaker. If the purpose——

Mr. WHEELER. Mr. Speaker, I believe I have the floor. Can the gentleman take me off the floor?

The SPEAKER. The gentleman from Iowa had the floor——

Mr. WHEELER. And he yielded to me.

The SPEAKER (continuing). And yielded the same time that

I dare say it is a matter of no concern with any other member on

a right; and it seems to me the House ought to determine whether

matter in the RECORD that he had written out, could not obtain

he had occupied to the gentleman from Alabama, which was about three minutes. The gentleman from Alabama has had ten minutes.

Mr. WHEELER. Well, I want about thirty. [Laughter.]

Mr. PERKINS. That is in the same line as the matter I am complaining of. If the position of the gentleman from Alabama is correct, any member on this floor, any morning that he may see fit, can fill the CONGRESSIONAL RECORD, or expand it to two or three times its usual size, with any matter that he may choose to put in. Now, certainly the manifest impropriety of that must be recognized by everybody. If the gentleman will refer to the Manual, page 355, he will find that he is not correct in the statement he makes that a member may print tables, etc., at his will, and without asking the consent of the House, provided he has simply alluded to them in his remarks. I read from the Manual:

Citations or other matter not actually delivered in the course of debate, but simply referred to, can not be printed in the RECORD without consent of the House.

Mr. WHEELER. I have that before me.

Mr. PERKINS. The reference is to Journal, first session, Fifty-third Congress, page 114. Now, Mr. Speaker, there can be no question as to the impropriety of the proceeding under consideration, and I am surprised that the gentleman from Alabama claims it as a right. I have been led to think that he does, because he has repeatedly violated the privileges of debate here in a similar manner. It has occurred to me that if the gentleman from Alabama or any other gentleman on this floor considers it a matter of right for him to put anything that he may choose into the RECORD, it would be well for us to determine that question now. The gentleman's position seems to me so manifestly improper, so absolutely absurd, that I propose to submit the question to the House, and I move you, Mr. Speaker, that the superfluous matter which I have indicated, other than the matter actually delivered on the floor of the House on last Friday by the gentleman from Alabama, be stricken from the permanent RECORD; and upon that motion I demand the previous question.

The SPEAKER. The gentleman from Iowa moves——

Mr. WHEELER. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will permit the Chair to put the question before the House. The gentleman from Iowa moves that the portion of the RECORD which he indicates, on pages 5472, 5473, 5474, and 5475, in the remarks of the gentleman from Alabama, the interpolated matter which he did not deliver in the five minutes allotted to him, be stricken from the permanent RECORD. Will the gentleman from Iowa reduce his motion to writing, so that the House may know exactly what matter it includes.

Mr. PERKINS. I will do so. I offer the resolution that I send to the desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Mr. PERKINS moves to strike out of the permanent RECORD the matter inserted by Mr. WHEELER on Friday last, aside from the matter, according to the reporter's notes, delivered by him in his five minutes' time; said matter being on pages 5472, 5473, 5474, and 5475.

The SPEAKER. On this motion the gentleman from Iowa demands the previous question.

Mr. WHEELER. Mr. Speaker, I rise to a point of order. This is a new proposition. There has been no debate on this proposition at all, and I respectfully make the point of order that we are entitled to twenty minutes' debate upon it. It is entirely different from the other motion.

The SPEAKER. The Chair thinks there has been debate within the rule.

Mr. WHEELER. Not on this resolution. The gentleman from Iowa made some remarks and then submitted some verbal suggestion as to what he was going to do, but not in the form of a resolution; and there was debate on that. But now he has submitted a written resolution, upon which there has been no debate. I make the point of order that under the previous question twenty minutes' debate must be allowed on each side. I should like to hear the gentleman sustain his resolution.

Mr. DOCKERY. I suggest to the gentleman from Iowa [Mr. PERKINS] that perhaps the best way out of this difficulty would be to refer the whole question to the Committee on Rules.

Mr. PAYNE. I think the House can readily dispose of it.

Mr. RICHARDSON. In the last Congress (if I may be permitted to refer to the matter) a question similar to this was raised, and it was referred to the Committee on Rules that they might investigate and report. It occurs to me that the gentleman from Iowa has now accomplished his purpose in calling attention to this irregularity, if it be one, and that we might avoid further difficulty by referring the question to the Committee on Rules and letting them examine it.

Mr. PERKINS rose.

Mr. RICHARDSON. If the gentleman will pardon me a moment, I make the suggestion for this reason——

Mr. PERKINS. The gentleman from Alabama claims this as a right; and it seems to me the House ought to determine whether he has such a right or not.

Mr. WHEELER. Certainly not without debate.

Mr. PERKINS. Whichever way the House may determine the question I shall be satisfied.

The SPEAKER. The question before the House is whether under the rules debate on this proposition should now be allowed.

Mr. PERKINS. I ask the ruling of the Chair on that question.

Mr. RICHARDSON. I was about to make a suggestion which I think would relieve the House of embarrassment in this matter. It is almost impossible for a member in hastily drawing a resolution like this to cover just what matter should remain in the RECORD and what ought not to remain. Having myself had some experience in investigating questions of this kind, I simply suggest that it might be well to refer this question to the Committee on Rules, that they might determine what part of the matter published is competent and what part is incompetent and should go out. That is the object I had. Inasmuch as the gentleman from Iowa has called attention to this irregularity, if it be one, I think that the ends of justice would be subserved by the course I suggest.

Mr. PERKINS. As there seems some disposition to have some further debate on this matter, I will withdraw my demand for the previous question for ten minutes, and will now yield five minutes to the other side, retaining five minutes for myself, giving notice that at the expiration of ten minutes I shall move the previous question.

The SPEAKER. The gentleman from Iowa yields five minutes to the gentleman from Alabama [Mr. WHEELER].

Mr. WHEELER. Mr. Speaker, I do not suppose any member of the House fails to comprehend why this movement was made. One of the most distinguished Republicans said this morning that the trouble with these statements showing appropriations by Democratic Congresses and by Republican Congresses was that they put the Republican party in a bad light, and therefore they want to obliterate them. I want to say to the Republican party, and with the best feeling, that if they do not want to be put in a bad light they must not make a record which puts them in a bad light. They must not for a series of years make a character of appropriations which place them before the country in an unfavorable light, and then cry out at the beginning of an election campaign that they want to obscure and hide their own record. The case to which the gentleman referred was different from the case now before the House. That was a case where a member sought to incorporate in the RECORD extracts from newspapers, very voluminous extracts, which should properly have been read to the House. These are not extracts from newspapers; they are simply tables prepared with great care and great accuracy and great truth [laughter]; and though the publication of them to the country may be disastrous to the Republican party's prospects, they ought to stand it like men [laughter and applause], and try to make some excuse, or they ought better to remain here during this summer and legislate in behalf of the people, so as to palliate the wrongs they have heretofore committed. As a friend near me suggests, "while the lamp holds out to burn"—I will not say "the vilest sinner," but I will say the greatest transgressor "may return." [Laughter.]

Now, Mr. Speaker, another trouble in this case was that there was put before this House an adverse report upon a resolution which took $200,000 from the hard working laboring people and gave it to already overpaid Congressmen. A resolution reported adversely was brought before the House, and I, in my humble efforts, sought to prevail upon my fellow-members to consider and reflect and hesitate before they committed themselves to an act which they would regret all their days, and which the metropolitan press of the country is to-day denouncing as a salary grab—as unjustifiable and indefensible as the salary grab of 1873—which retired every advocate of it to private life. That, Mr. Speaker, was the ground of my offense. Not a member who has made a speech on this floor——

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. WHEELER. I ask unanimous consent that my time be extended.

Mr. PERKINS. Mr. Speaker, I do not suppose that this question relates to the value of the tables inserted by the gentleman from Alabama, or to the value of the comments which he made thereon. This is a question, and a question only, whether the gentleman from Alabama has the privilege to make such use of the CONGRESSIONAL RECORD as he, in the discharge of his public duties, may see fit to do.

I presume it is true, also, that both sides of the House are somewhat afraid of the gentleman from Alabama. [Laughter.] But that is not the question. The question and the sole question is as to whether the privileges of the House, with reference to printing matter in the RECORD, were trangressed by the gentleman in this case. That is all. It is a matter of no concern with me, and

I dare say it is a matter of no concern with any other member on this side of the House, what the value of these tables or the lack of value in them may be. But it is the question as to whether the House of Representatives controls matter appearing in the CONGRESSIONAL RECORD or whether the gentleman from Alabama does.

Now, he suggests that it is his privilege; that, notwithstanding his desire to economize in the expenditures of the Government, he claims it to be his privilege to enter into the Printing Office any night in the week, or at any time he may desire, and have printed over his name or under his name whatever he sees fit to present there for that purpose, and have it published in the RECORD; and that that is a privilege which remains with him as against the House of Representatives. Now, it is important that we should know whether that right exists or not, and therefore, in order that the question may be determined by the House, I have made the motion to expunge from the RECORD the matter referred to, excepting that part which the gentleman uttered on the floor of the House; and on that I move the previous question.

Mr. CRISP. Will the gentleman from Iowa yield to me for two or three minutes?

Mr. PERKINS. Certainly.

Mr. CRISP. I only wish to say to the House that if the previous question is ordered I shall move to commit this resolution to the Committee on Rules.

Mr. PERKINS. Will the gentleman allow me?

Mr. CRISP. Why, of course.

Mr. PERKINS. Does the gentleman think the privileges of the House were abused in this instance?

Mr. CRISP. I desire to say to the gentleman from Iowa that the very purpose of my suggestion was that this matter should be properly examined into, so that the House may know authoritatively after that investigation whether or not there had been a breach of privilege.

Now, Mr. Speaker, ever since you have been a member of this House, and ever since I have been here, whenever a proposition has been made to expunge from the RECORD remarks inserted therein by any gentleman, and it was claimed on the floor that they were improperly inserted, it has been, when the question was raised, always referred to a committee for investigation. The Committee on Rules is the committee that is charged with the making of the rules of the House; it is charged with the interpretation of the rules of the House; it is your committee, and therefore it seems to me that in this case, unless you wish to deal very summarily with my friend from Alabama, the wiser course, the judicious course, and the judicial course, that course which will commend itself to the approval of every gentleman who desires to protect himself and the House, and to do no injustice to a fellow-member, will be to refer the resolution to the Committee on Rules. They can report at any time; they can examine into all of the facts involved in the matter; they can inform the House as to their opinion on investigation, and the House can intelligently pass upon the question, protecting its own rights and privileges, and at the same time inflicting no indignity on the gentleman from Alabama, unless it be absolutely necessary to do so.

I thank the gentleman from Iowa.

Mr. PERKINS. I yield three minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, I would not trespass on the time of the House on this occasion except for the suggestion of the gentleman from Georgia.

It seems to me that this is a question that the House can determine, and one that it is prepared to determine now without the intervention of any committee.

This is not the first time or the second time, or even the third time, that the House has been detained because the gentleman from Alabama has seen fit to violate this rule of the House by inserting not only a page or two but often dozens of pages of matter never delivered in the House, and has inserted without the consent of the House these lengthy articles in the CONGRESSIONAL RECORD. Heretofore the gentleman has acknowledged his fault, and claimed that he did it through ignorance or something else.

Mr. WHEELER. I did not claim it was ignorance——

Mr. PAYNE. And the House has usually excused him and allowed the matter to stand in the RECORD. Now, it seems to me, it is high time that the House and each member of the House, including the gentleman from Alabama, should understand by the vote of the House whether this thing is proper or whether it is to be stopped. The House will understand——

Mr. RICHARDSON. Mr. Speaker, will the gentleman yield for an inquiry?

Mr. PAYNE. I have only three minutes. The House will understand that if at any time the gentleman from Alabama should propose by unanimous consent to insert matter in the RECORD he could obtain the consent of the House without reading the matter before the House. There is no time that the gentleman from Alabama, if he proposed to abandon the floor in favor of printing matter in the RECORD that he had written out, could not obtain the consent of the House [laughter], and it seems to me that under those circumstances the gentleman from Alabama should understand what is the rule of the House. He comes in here to-day and does not apologize—does not ask to be excused. He does not say that on account of his ignorance he violated a rule of the House, but he asserts as a matter of right that at any time he sees fit he may print 2 pages or 4 pages or 50 pages of extraneous matter in the RECORD, whether it is in accordance with his line of thought, whether it is in accordance with his argument, whether it is at all upon the line of the question on which he "trembled" for the condition of the country or not—that he has a right to insert that in the RECORD and, I suppose, send it out by his frank, after having compelled the Government at a large expense, as in this instance, to set up the matter—solid pages of figures—and print it in the RECORD. It seems to me that the House ought to vote on it now.

Mr. PERKINS. Mr. Speaker——

Mr. RICHARDSON. Mr. Speaker, I ask the gentleman to yield me one minute.

Mr. PERKINS. I will yield one minute to the gentleman from Tennessee, my colleague on the committee [Mr. RICHARDSON], and then I shall move the previous question on the motion.

The SPEAKER. The gentleman from Tennessee.

Mr. RICHARDSON. Mr. Speaker, this House will bear witness to the fact that I have endeavored, not only while the House was controlled by my own party, but while it has been controlled by gentlemen on the other side, to keep the RECORD as clear as it could be kept of matter that ought not to go into it. Now, I submit that this House is not prepared to vote on the motion of the gentleman from Iowa [Mr. PERKINS] to exclude the improper matter, conceding, if you please, that improper matter has been inserted by the gentleman from Alabama in the RECORD. What part are you going to strike out? The gentleman has not defined it. Are you going to strike out the words that the gentleman from Alabama uttered on that day? Do you know, does any gentleman know, what words he uttered? He spoke five minutes, as I am informed. You do not know, acting in an emergency or in this hasty manner, where to draw the line. You want to strike out a part of what he has inserted in the RECORD. I submit, Mr. Speaker, that it is proper and orderly to let this matter go to the Committee on Rules, and have that committee draw the line at the proper point. Then we can vote understandingly upon it.

I submit that we ought not now ruthlessly, because "the gentleman is an old violator," as my friend from New York [Mr. PAYNE] intimates, adjudge him guilty without a hearing, and strike out everything he said. That is a bad rule to apply.

[Here the hammer fell.]

Mr. PERKINS. Mr. Speaker, the gentleman from Tennessee [Mr. RICHARDSON] is stating a case that does not exist here. The motion provides that the remarks of the gentleman from Alabama, as taken down by the Official Reporters, shall remain in the RECORD, and that the remaining portion shall be stricken out. Now, Mr. Speaker, I move the previous question.

The previous question was ordered.

Mr. CRISP. I move to commit the resolution to the Committee on Rules.

The question was taken on the motion of Mr. CRISP; and the Speaker announced that the noes appeared to have it.

On a division, demanded by Mr. CRISP, there were—ayes 63, noes 122.

Mr. CRISP demanded the yeas and nays.

The question was taken; and there were—yeas 75, nays 148, answered "Present" 1, not voting 131; as follows:

YEAS—75.

Abbott,	Denny,	Livingston,	Spalding,
Adams,	Dinsmore,	Lockhart,	Spencer,
Allen, Miss.	Dockery,	Maguire,	Stallings,
Bailey,	Elliott, S. C.	McCormick,	Stokes,
Baker, Kans.	Erdman,	McCreary, Ky.	Strait,
Bankhead,	Fitzgerald,	McCulloch,	Strowd, N. C.
Bartlett, Ga.	Hall,	McDearmon,	Sulzer,
Bell, Colo.	Harrison,	McLaurin,	Swanson,
Bell, Tex.	Hart,	McMillin,	Talbert,
Berry,	Hendrick,	McRae,	Tate,
Buck,	Johnson, Cal.	Money,	Terry,
Clardy,	Jones,	Neill,	Turner, Ga.
Cooper, Fla.	Kleberg,	Otey,	Turner, Va.
Cox,	Kyle,	Patterson,	Tyler,
Crisp,	Latimer,	Pendleton,	Underwood,
Crowley,	Lawson,	Richardson,	Walker, Va.
Culberson,	Layton,	Sayers,	Walsh,
Dunford,	Lester,	Shuford,	Woodard.
De Armond,	Little,	Skinner,	

NAYS—148.

Aldrich, Ala.	Avery,	Bennett,	Burrell,
Aldrich, Ill.	Babcock,	Bishop,	Burton, Mo.
Allen, Utah	Baker, Md.	Blue,	Burton, Ohio
Anderson,	Baker, N. H.	Brewster,	Calderhead,
Andrews,	Barham,	Bromwell,	Cannon,
Apsley,	Barney,	Brumm,	Chickering,
Arnold, Pa.	Belknap,	Bull,	Clark, Iowa

Codding,	Griswold,	Leisenring,	Reeves,
Coffin,	Grosvenor,	Leonard,	Royse,
Connolly,	Hadley,	Linton,	Russell, Conn.
Cook, Wis.	Hager,	Long,	Sauerhering,
Cooke, Ill.	Hainer, Nebr.	Loud,	Scranton,
Cooper, Wis.	Halterman,	Loudenslager,	Shafroth,
Corliss,	Harmer,	Low,	Shannon,
Cousins,	Hatch,	Mahon,	Sherman,
Crowther,	Heatwole,	Marsh,	Simpkins,
Crump,	Henderson,	McCleary, Minn.	Smith, Ill.
Curtis, Iowa	Henry, Conn.	McEwan,	Snover,
Curtis, Kans.	Hermann,	Mercer,	Southard,
Dalzell,	Hicks,	Miller, Kans.	Stahle,
Daniels,	Hill,	Miller, W. Va.	Stewart, Wis.
Dayton,	Hitt,	Milliken,	Stone, C. W.
De Witt,	Hopkins,	Milnes,	Strode, Nebr.
Dingley,	Howell,	Minor, Wis.	Sulloway,
Dolliver,	Hubbard,	Mondell,	Taft,
Doolittle,	Hull,	Moody,	Thomas,
Draper,	Hunter,	Morse,	Thorp,
Eddy,	Hurley,	Murphy,	Tracewell,
Ellis,	Johnson, N. Dak.	Otjen,	Treloar,
Fenton,	Joy,	Overstreet,	Van Voorhis,
Fischer,	Kerr,	Payne,	Wadsworth,
Foss,	Kiefer,	Perkins,	Warner,
Gamble,	Kirkpatrick,	Pitney,	Wellington,
Gardner,	Knox,	Poole,	Wilson, Idaho
Gibson,	Lacey,	Powers,	Wilson, Ohio
Gillet, N. Y.	Lefever,	Pugh,	Wood,
Griffin,	Leighty,	Quigg,	Wright.

ANSWERED "PRESENT"—1.

Wheeler.

NOT VOTING—131.

Acheson,	Foote,	Mahany,	Shaw,
Aitken,	Fowler,	McCall, Mass.	Smith, Mich.
Arnold, R. I.	Gillett, Mass.	McCall, Tenn.	Sorg,
Atwood,	Goodwyn,	McClellan,	Southwick,
Barrett,	Graff,	McClure,	Sparkman,
Bartholdt,	Grout,	McLachlan,	Sperry,
Bartlett, N. Y.	Grow,	Meiklejohn,	Steele,
Beach,	Hanly,	Meredith,	Stephenson,
Bingham,	Hardy,	Meyer,	Stewart, N. J.
Black, Ga.	Harris,	Miles,	Stone, W. A.
Black, N. Y.	Hartman,	Miner, N. Y.	Strong,
Boutelle,	Heiner, Pa.	Moses,	Tawney,
Bowers,	Hemenway,	Mozley,	Tayler,
Broderick,	Henry, Ind.	Newlands,	Towne,
Brosius,	Hepburn,	Noonan,	Tracey,
Brown,	Hilborn,	Northway,	Tucker,
Catchings,	Hooker,	Odell,	Updegraff,
Clark, Mo.	Howard,	Ogden,	Van Horn,
Clarke, Ala.	Howe,	Owens,	Walker, Mass.
Cobb,	Huff,	Parker,	Wanger,
Cockrell,	Hullick,	Pearson,	Washington,
Colson,	Huling,	Phillips,	Watson, Ind.
Cooper, Tex.	Hutcheson,	Pickler,	Watson, Ohio
Cowen,	Hyde,	Price,	White,
Cummings,	Jenkins,	Prince,	Wilber,
Curtis, N. Y.	Johnson, Ind.	Raney,	Williams,
Dovener,	Kem,	Ray,	Willis,
Downing,	Kendall,	Reyburn,	Wilson, N. Y.
Ellett, Va.	Kulp,	Robertson, La.	Wilson, S. C.
Evans,	Lewis,	Robinson, Pa.	Woodman,
Fairchild,	Linney,	Rusk,	Woomer,
Faris,	Lorimer,	Russell, Ga.	Yoakum.
Fletcher,	Maddox,	Settle,	

So the motion to commit was not agreed to.

The following pairs were announced:

Until further notice:

Mr. DRAPER with Mr. TUCKER.

Mr. DOVENER with Mr. CATCHINGS.

Mr. JOHNSON of Indiana with Mr. BLACK of Georgia.

Mr. WILSON of Idaho with Mr. COWEN.

Mr. HUFF with Mr. MINER of New York.

Mr. MOZLEY with Mr. MOSES.

Mr. FARIS with Mr. SORG.

Mr. MEIKLEJOHN with Mr. ROBERTSON of Louisiana.

Mr. SMITH of Michigan with Mr. LAWSON.

Mr. BARTHOLDT with Mr. MADDOX.

Mr. STEELE with Mr. WASHINGTON.

Mr. WILLIS with Mr. WILLIAMS.

Mr. MILLER of Kansas with Mr. OWENS.

For this day:

Mr. WILBER with Mr. WALSH.

Mr. LORIMER with Mr. SHAW.

Mr. GILLETT of Massachusetts with Mr. YOAKUM.

Mr. BROSIUS with Mr. CLARKE of Alabama.

Mr. KULP with Mr. HUTCHESON.

Mr. RANEY with Mr. SPARKMAN.

Mr. LOW with Mr. MCCLELLAN.

Mr. LINNEY with Mr. RUSK.

Mr. HARDY with Mr. MILES.

Mr. BOUTELLE with Mr. PRICE.

Mr. GOODWYN with Mr. ELLETT of Virginia.

Mr. HOWE. I would like to vote. I was not in the House.

The SPEAKER pro tempore (Mr. SPALDING). The Chair, under the rule, can not entertain the request.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. PERKINS, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

PRACTICE OF MEDICINE AND SURGERY IN DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I desire to move that the vote by which the House concurred in the Senate amendments to House bill 5731 be reconsidered, and that the House agree to a conference.

The SPEAKER. The gentleman from Wisconsin moves that the vote whereby the House concurred in the Senate amendments to House bill 5731 be reconsidered.

Mr. DINGLEY. Let the title be read.

Mr. MCMILLIN. What is the bill?

Mr. BABCOCK. It is the medical bill, and this request comes from the Senate committee, as there was a misunderstanding of some of the amendments that were adopted.

The motion to reconsider was agreed to.

The SPEAKER. The question now is upon concurring in the Senate amendments. The gentleman moves to nonconcur and ask for a conference.

The motion was agreed to.

The following committee of conference was appointed: Mr. SHANNON, Mr. BABCOCK, and Mr. COBB.

RETURN OF BILL TO THE SENATE.

The SPEAKER. The Chair lays before the House a privileged resolution.

The Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation, in said State, as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakotainto the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes.

The SPEAKER. Without objection, the request will be granted.

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the following titles:

A bill (H. R. 1185) granting a pension to Rachel Patton;

A bill (H. R. 3189) to increase the pension of John S. Cochenour;

A bill (H. R. 708) to increase the pension of Albert Ellis; and

Joint resolution (H. Res. 180) for the relief of Ex-Naval Cadet Henry T. Baker.

The message also announced that the Senate had passed a joint resolution and bills of the following titles, with amendments in which the concurrence of the House was requested:

Joint resolution (H. Res. 137) declaring a certain bridge across the Tallahatchie River, in Tallahatchie County, State of Mississippi, a lawful structure:

A bill (H. R. 3448) authorizing the county of Navajo, Territory of Arizona, to issue bonds for the construction of a court-house and jail at the county seat thereof;

A bill (H. R. 900) to provide for the payment of the claim of William H. Mahony; and

A bill (H. R. 1181) for the relief of Maria E. Wilson.

The message also announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 3050) to validate the appointments, acts, and services of certain deputy United States marshals in the Indian Territory, and for other purposes;

A bill (S. 1572) for the relief of W. L. Hall;

Joint resolution (S. Res. 142) to authorize the Commissioners of the District of Columbia to dispose of the Force school property on Massachusetts avenue, and to obtain, by purchase or condemnation, another site in the vicinity, and to erect on the new site a building for school purposes;

A bill (S. 3121) for the relief of Mrs. Emma D. Larsh and Charles M. Larsh;

A bill (S. 1827) to increase and limit the appropriation for a public building at Portland, Oreg., and to designate its uses;

A bill (S. 1898) granting a pension to Mrs. Marietta Hayes;

A bill (S. 2645) granting a pension to Mrs. William Vandever;

A bill (S. 2074) granting a pension to Sarah L. Hively;

A bill (S. 2763) granting a pension to Silas B. Hensley;

A bill (S. 2529) for the relief of Sarah E. Cotton;

A bill (S. 2711) granting a pension to Ira Harris; and

A bill (S. 1124) granting an increase of pension to Alfred B. Simpson.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 7324) "to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation, in said State, as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes."

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and resolutions were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 2889) to aid and encourage the holding of the Tennessee Centennial Exposition at Nashville, Tenn., in the year 1897, and making an appropriation therefor—to the Committee on Ways and Means.

A bill (S. 2519) to amend section 4746, Revised Statutes of the United States—to the Committee on Invalid Pensions.

A bill (S. 2462) to provide for the making of allotments of pay by officers of the Navy and the Marine Corps—to the Committee on Naval Affairs.

A bill (S. 2407) to supplement the act of June 27, 1890, as to pensions—to the Committee on Invalid Pensions.

A bill (S. 2406) concerning the weight of evidence in pension claims—to the Committee on Invalid Pensions.

A bill (S. 2404) defining and regulating proof in certain pension cases—to the Committee on Invalid Pensions.

A bill (S. 2047) extending the time within which the University of Utah shall occupy lands heretofore granted to it—to the Committee on the Public Lands.

A bill (S. 1938) allowing Isaiah Mitchell, of Denver, Colo., seven years within which to make a final homestead entry upon certain land—to the Committee on the Public Lands.

A bill (S. 1923) granting to the city of Bismarck, N. Dak., the right to lease and use for public purposes Sibley Island, an island in the Missouri River—to the Committee on the Public Lands.

A bill (S. 1709) for the relief of J. Henry Rives—to the Committee on Claims.

A bill (S. 1609) for the erection of a statue to Commodore John D. Sloat in the city of Monterey, Cal.—to the Committee on the Library.

A bill (S. 1555) for the relief of the sufferers by the wreck of the United States revenue cutter *Gallatin* off the coast of Massachusetts—to the Committee on Claims.

A bill (S. 1188) to provide for the erection of a monument to Gen. Nathanael Greene on the battlefield of Guilford Court-House—to the Committee on the Library.

A bill (S. 837) making an appropriation for the benefit of the estate of William Moss, deceased—to the Committee on Claims.

A bill (S. 814) for the relief of John W. Gummo—to the Committee on War Claims.

A bill (S. 589) for the relief of C. B. Bryan & Co.—to the Committee on Claims.

A bill (S. 434) for the relief of William F. Wilson—to the Committee on Claims.

A bill (S. 338) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Bros., and others—to the Committee on Claims.

A bill (S. 260) to provide for the construction of a public building at Butte City, Mont.—to the Committee on Public Buildings and Grounds.

A bill (S. 80) for the relief of John F. W. Dette—to the Committee on Claims.

Joint resolution (S. R. 83) directing and authorizing the Secretary of War to ascertain the cost of securing for the United States the channel in Atchafalaya Bay, Louisiana—to the Committee on Rivers and Harbors.

A bill (S. 534) for the relief of L. A. Davis—to the Committee on Claims.

A bill (S. 927) for the relief of Chester B. Sweet, of California—to the Committee on Claims.

A bill (S. 482) for the relief of the estate of Thomas Sherwin, deceased—to the Committee on War Claims.

A bill (S. 652) for the relief of Nancy E. Day, administratrix of the estate of James L. Day, deceased—to the Committee on Claims.

A bill (S. 663) to remove the charge of desertion against Philip Pflueger, late of Company G, Twenty-fourth Wisconsin Infantry—to the Committee on Military Affairs.

A bill (S. 762) for the relief of Henry Lane—to the Committee on Military Affairs.

A bill (S. 1897) to establish a classification division in the United States Patent Office—to the Committee on Patents.

Joint resolution (S. R. 27) granting permission for the erection of a monument in Washington, D. C., for the ornamentation of the national capital and in honor of Samuel Hahnemann—to the Committee on the Library.

A bill (S. 14) for the relief of Pearson C. Montgomery, of Memphis, Tenn.—to the Committee on War Claims.

A bill (S. 615) for the relief of Andrew Martin—to the Committee on Military Affairs.

A bill (S. 21) to authorize the investigation by the Attorney-General of certain claims alleged to be due the late proprietors of the Knoxville Whig for advertising and authorizing the payment therefor by the Secretary of the Treasury of any amounts found by the Attorney-General to be legally or equitably due—to the Committee on Claims.

A bill (S. 34) for the relief of Clara A. Graves, Lewis Smith Lee, Florence P. Lee, Mary S. Sheldon, and Florence P. Lee, legal representative of Elizabeth Smith, deceased, heirs of Lewis Smith, deceased—to the Committee on War Claims.

A bill (S. 336) for the relief of the estate of William B. Todd, deceased—to the Committee on the District of Columbia.

A bill (S. 1083) for the relief of George H. Plant, of the District of Columbia—to the Committee on Claims.

A bill (S. 1035) authorizing the Sioux City and Omaha Railway Company to construct and operate a railway through the Omaha and Winnebago Reservation, in Thurston County, Nebr., and for other purposes—to the Committee on Indian Affairs.

A bill (S. 1974) for the relief of Mrs. Harriet D. Newson—to the Committee on Foreign Affairs.

Joint resolution (S. R. 7) authorizing the issue of duplicate medals where the originals have been lost or destroyed—to the Committee on Military Affairs.

A bill (S. 1898) granting a pension to Mrs. Marietta Hayes—to the Committee on Invalid Pensions.

A bill (S. 2529) for the relief of Sarah E. Cotton—to the Committee on Invalid Pensions.

A bill (S. 2645) granting a pension to Jane H. Vandever—to the Committee on Invalid Pensions.

A bill (S. 2763) granting a pension to Silas B. Hensley—to the Committee on Invalid Pensions.

A bill (S. 3050) to validate the appointments, acts, and services of certain deputy United States marshals in the Indian Territory, and for other purposes—to the Committee on the Judiciary.

A bill (S. 3121) for the relief of Mrs. Emma D. Larsh and Charles M. Larsh—to the Committee on Claims.

A bill (S. 1124) granting an increase of pension to Albert B. Simpson—to the Committee on Invalid Pensions.

A bill (S. 1572) for the relief W. L. Hall—to the Committee on Claims.

A bill (S. 1827) to increase and limit the appropriation for a public building at Portland, Oreg., and to designate its uses—to the Committee on Public Buildings and Grounds.

A bill (S. 1938) allowing Isaiah Mitchell, of Denver, Colo., seven years within which to make a final homestead entry upon certain land—to the Committee on Public Lands.

A bill (S. 2074) granting an increase of pension to Sarah L. Hively—to the Committee on Invalid Pensions.

Joint resolution (S. R. 142) to authorize the Commissioners of the District of Columbia to dispose of the Force school property on Massachusetts avenue and to obtain another site for that school—to the Committee on the District of Columbia.

CONTESTED-ELECTION CASE—RINAKER VS. DOWNING.

Mr. COOKE of Illinois. Mr. Speaker, in obedience to the direction of the Committee on Elections No. 1, I call up for present consideration the report of that committee in the contested-election case of John I. Rinaker *vs.* Finis E. Downing; and I will also say, Mr. Speaker, that by an understanding with the gentlemen who have signed the minority report in that case I believe we can this evening reach a vote, perhaps late in the afternoon. It is agreed between us, I believe, that we are to take not to exceed two and a half hours on either side. The gentleman from Massachusetts [Mr. MOODY] will control the time upon the part of the minority, and I will control the time upon the part of the majority of the committee. If the statement which I have made meets with the concurrence of the gentleman from Massachusetts, I will ask that the House order that the agreement which we have reached may be made the rule of the House.

Mr. DINGLEY. Perhaps the gentleman in charge of the matter will understand that if there be five hours' debate that will carry it to half past 6, when the vote shall be taken. Is it the intention to have the vote as late as half past 6?

Mr. COOKE of Illinois. We have agreed that we shall not take exceeding two and a half hours on each side, hoping that before the House adjourns we may be able to take a vote.

Mr. RICHARDSON. I do not think we ought to take a vote at half past 6. I should object to having a vote at that time, as members will not be here, and you can not do it.

Mr. DINGLEY. The gentleman can move the previous question when he desires.

The SPEAKER. The gentleman has it in his own control. He can move the previous question whenever he sees fit.

Mr. DINGLEY. If the vote is to be had, the previous question ought to be called at 5 o'clock.

Mr. COOKE of Illinois. I would like to hear from the gentleman from Massachusetts.

Mr. MOODY. The two branches of the committee have agreed between themselves that they will not take a longer time for debate than five hours. We all hope that we may conclude in a reasonable time and have the vote; and if the debate is prolonged,

I hope we may come to some other arrangement; but I dislike to

the rules of the House, to make the motion that the House ad-

a cross; I had the voter's name written upon it; another was

the circumstances, we think that not a controlling, but a

I hope we may come to some other arrangement; but I dislike to enter into an agreement now that the vote shall be taken to-morrow, because if the debate should proceed we shall have to debate to empty benches, which I do not propose to do.

The SPEAKER. Objection is made. Is there objection to the proposal as to the time to be controlled by the gentleman from Illinois and the gentleman from Massachusetts? [After a pause.] The Chair hears no objection.

The Clerk will report the resolutions.

The resolutions were read, as follows:

Resolved, That Finis E. Downing was not elected a member of the House of Representatives of the Fifty-fourth Congress from the Sixteenth Congressional district of Illinois, and is not entitled to the seat.

Resolved, That John I. Rinaker was elected a Representative to the Fifty-fourth Congress from the Sixteenth Congressional district of Illinois, and that he is entitled to the seat.

Mr. MOODY. Mr. Speaker, I desire to give notice that at the proper time I shall move a substitute for those resolutions, moving to recommit this case to the Committee on Elections.

Mr. DINGLEY. With or without instructions?

Mr. MOODY. With instructions for a recount of a part of the vote.

Mr. EVANS. Mr. Speaker, the gentleman from Illinois [Mr. COOKE] has yielded to me in order that I may say that, pursuant to the instructions of the Committee on Ways and Means, as soon as this case is disposed of—not meaning, however, to interfere with the special business of to-morrow—I shall ask the House to consider what is called the free alcohol bill; that is, the bill to repeal section 61 of the Wilson bill. A great many gentlemen are interested in it, and I have therefore thought it proper to make this announcement.

Mr. MOODY. Mr. Speaker, it has been suggested to me that I ought to state more fully the motion that I intend to make.

Mr. COOKE of Illinois. What is the point of the gentleman from Illinois?

The SPEAKER. The gentleman from Massachusetts desires to present a substitute for the pending resolutions. The Clerk will read the substitute.

Mr. COOKE of Illinois. I would like to ask the gentleman whether he proposes to introduce a different substitute from the one which appears at the end of the minority report?

Mr. MOODY. I do not, unless some suggestion is made as to the form of the substitute.

The SPEAKER. The Clerk will report the substitute.

The Clerk proceeded to read the substitute.

Mr. RICHARDSON (during the reading). Mr. Speaker——

The Clerk continued and completed the reading of the proposed substitute, as follows:

Resolved, That the contested election case of John I. Rinaker *vs.* Finis E. Downing be recommitted to the Committee on Elections No. 1, with instructions either to recount such part of the vote for Representative in the Fifty-fourth Congress from the Sixteenth Congressional district of Illinois as they shall deem fairly in dispute, or to permit the parties to this contest, under such rules as the committee may prescribe, to recount such vote, and to take any action in the premises, by way of resolution or resolutions, to be reported to the House or otherwise, as they may deem necessary and proper.

Mr. COOKE of Illinois. I yield twenty minutes to the gentleman from Pennsylvania [Mr. LEONARD].

Mr. RICHARDSON. Mr. Speaker, I rise to a privileged matter. I move that the House adjourn in order that we may attend the unveiling of the Hancock statue.

The SPEAKER. The gentleman from Illinois can not be taken off the floor.

Mr. RICHARDSON. I can rise to make a privileged motion that the House adjourn.

Mr. DINGLEY. Not while some one else is on the floor.

The SPEAKER. The gentleman from Illinois [Mr. COOKE] had been accorded the floor and had begun.

Mr. RICHARDSON. But there had been no debate.

The SPEAKER. The gentleman from Illinois was occupying the floor.

Mr. RICHARDSON. I rose and addressed the Chair when the gentleman from Massachusetts commenced to make his motion.

The SPEAKER. Let the Chair understand that. The gentleman rose at what time?

Mr. RICHARDSON. When the Clerk commenced to read the substitute of the gentleman from Massachusetts I arose and addressed the Chair, but waited for him to complete the reading, and then made my motion.

Mr. COOKE of Illinois. Mr. Speaker, I yielded to the gentleman from Massachusetts for the purpose of introducing his substitute, but still retained the floor.

The SPEAKER. The Chair thinks the gentleman from Tennessee was too late.

Mr. COOKE of Illinois. I also yielded to the gentleman from Kentucky [Mr. EVANS], retaining the floor.

Mr. RICHARDSON. I think my motion is a privileged one and that I have a right to make it. I insist on my right, under the rules of the House, to make the motion that the House adjourn.

The SPEAKER. The Chair thinks not. The Chair thinks the gentleman from Illinois was on the floor all the time. The gentleman from Illinois will proceed.

Mr. COOKE of Illinois. Mr. Speaker, I yield twenty minutes to the gentleman from Pennsylvania [Mr. LEONARD], my colleague upon the committee.

Mr. LEONARD. Mr. Speaker, the consideration of this case, as compared with the other cases which have taken the attention of this House during the present session, is decidedly refreshing. Here there is no allegation of ballot-box stuffing, no allegation of raised returns, no allegation of false conduct on the part of sworn election officials. On the contrary, this contention rests entirely upon errors of election officers honestly, though in many instances mistakenly, performing the duties of their office. The Sixteenth Congressional district of the State of Illinois comprises the counties of Cass, Morgan, Scott, Pike, Greene, Macoupin, Calhoun, and Jersey. It is essentially a farming district. No large cities are within its borders, the largest town containing a voting population of only about 3,700. The official return for Congressman at the November election of 1894 gives the contestee, Mr. Downing, 17,816 votes, and the contestant, Mr. Rinaker, 17,776 votes, a plurality of 40. It will therefore be readily seen that the errors of election officers need not have been very numerous or very great to completely obliterate this narrow plurality and give the contestant a right to a seat in this body.

One of the charges contained in the notice of contest is that the election officers of the various election districts of the Congressional district erred in interpreting and rejecting ballots. The ballot in use in Illinois is a species of the Australian ballot system. It is an official ballot containing the different party tickets ranged in columns. At the head of these columns is the party appellation; over the party appellation is a circle in which the voter may mark a cross and thereby vote for all the candidates for all the offices mentioned in the columns below. There is also a provision in the Illinois ballot law which prohibits the voter from marking more names than there are offices to be filled. Upon this ballot voted in the November election, 1894, were four tickets, which contained complete lists of all the candidates for the different offices to be filled, the Democratic, the Republican, the Prohibition, and the People's Party. There were also two columns containing partial lists of candidates for the different offices to be filled, namely, the Independent Republican and the People's Silver Party.

Of these rejected ballots there were 30 which contained a cross in the Republican circle and also a cross in the Independent Republican circle. These ballots were interpreted by the various election boards as being in violation of the mandate of the statute which prohibits the marking of more names than there are offices to be filled, and were therefore rejected. However, since the record was made up in this case, since the briefs were submitted, a decision of the supreme court of Illinois has been handed down—a decision to which allusion has been made in both the majority and the minority reports, and to which reference will constantly be made in the argument of this case. I refer to the decision of Parker *vs.* Orr, wherein it is held that if a voter mark a cross in two or more circles at the head of two or more columns that ballot shall not be counted as to any candidate for an office where there are two or more candidates in those columns, but that where he makes a mark in the circles at the head of two or more columns and there is but one candidate for an office in those columns the ballot shall be counted as to that candidate.

Upon the Republican ticket was the name of John I. Rinaker as a candidate for member of Congress. Upon the Independent Republican ticket no name was mentioned for that office. In conformity to this decision, the ballots marked with a cross in the Republican circle and also with a cross in the Independent Republican circle should have been received and counted for the contestant in this case, and should therefore be credited to him in this contest at this time. That being done, the narrow plurality of 40 is thereby reduced to 10. The decision in the case of Parker *vs.* Orr throws light upon other questions which are important in this case in interpreting other irregularly marked ballots, 57 all told, which are classified in the majority report under the head of "irregularly marked ballots." The decision in Parker *vs.* Orr holds that the voter must declare his intention by making a cross. Great liberty is given him as to the form of the cross, but he must make some sort of a cross. The decision also holds that what was formerly in practice, the privilege of the voter to write his name upon his ballot, is now prohibited; that the writing of a name upon a ballot renders the ballot void, for the reason that it tends to destroy its secrecy.

Of these 57 ballots there were 3 which were received and counted and made a part of the official record. Evidence was taken as to those ballots. One was marked with a straight line instead of

a cross; 1 had the voter's name written upon it; another was marked after the name "Downing" and before the name "Rinaker," rendering it uncertain for whom the voter intended to cast his ballot. All agree and concede that these 3 votes should be deducted from the count, 2 from the contestant and 1 from the contestee. Of the remaining 54 ballots after careful inspection and thorough investigation the majority of the committee have decided that the election officers were right in 41 instances, that they rejected 41 ballots properly. As to the remaining 13 they agree that 7 should have been counted for the contestee and 6 for the contestant; leaving the contestee the gainer by 2 votes as the result of our investigation and conclusion as to irregularly marked ballots.

Another subject which gave the committee no little labor was that of illegal votes. The election law of the State of Illinois requires the voter to have lived within the State one year, within the county ninety days, and within the election district thirty days to entitle him to the right of suffrage. As often happens there were very many who presented themselves to their election board to vote, whose residence qualifications were questioned. I think there were 65 all told in this case about whose qualification to vote evidence was taken. After carefully considering the peculiar evidence as to each case, the majority of the committee have concluded that 55 of those alleged illegal voters were legal; that 10 were illegal and their votes should not have been received and counted—6 for the contestee and 4 for the contestant, leaving the contestant the gainer by 2, by virtue of our investigation and conclusion as to illegal votes. There was 1 vote offered which was not received. All concede that that voter was a legal voter and that his vote should have been received. It was a vote for the contestant and should be credited to him in this contest.

There was also a question about the return in Patterson township. The certificate showed that the contestee, Mr. Downing, had 100 votes, while the tally sheet showed that he had 114 votes. This was discovered accidentally by a deputy county clerk. His evidence was taken; also the evidence of the recollections of the election board, which was conflicting. The determination of this question depended upon weighing evidence; and the majority of the committee came to the conclusion that there was not such evidence as to justify a contradiction of the official return. They therefore leave the return from that township as returned.

But as to irregularly marked ballots, as to illegal votes, as to the counting of this vote which should have been received, as to accepting the returns from Patterson township, the minority of the committee accept the conclusions of the majority of the committee, leaving two conclusions of the majority of the committee to which the minority of the committee do not assent—the conclusion as to assisted voters and the conclusion as to the recount in Macoupin and Cass counties. I will read the section of the Illinois ballot law which bears upon the question of assisting voters:

Any voter who may declare upon oath that he can not read the English language, or that by reason of any physical disability he is unable to mark his ballot, shall, upon request, be assisted in marking his ballot by two of the election officers of different political parties, to be selected from the judges and clerks of the precincts in which they are to act, to be designated by the judges of election of each precinct at the opening of the polls. Such officer shall mark the ballot as directed and shall thereafter give no information concerning the same.

There were, all told, some 44 illiterate voters and voters laboring under some physical disability who presented themselves to their election boards, stated their inability or disability, and requested assistance in marking their ballots; whereupon the election boards gave them this assistance without administering to them the oath as to the truth of their statements which is prescribed in the section I have read. The theory of the majority of the committee is that when these voters presented themselves to their election boards and made a truthful statement as to their inability or disability, and requested assistance, they did all that the act required them to do, and that the failure of the election officers to perform their duty in administering the oath should not render their ballots void and should not disfranchise them. The theory of the minority of the committee is that the administration of this oath is an absolute condition precedent to the right of the voter to vote, and the failure to administer this oath rendered their ballots void, and that the ballots should be rejected and deducted from the official counts—38 from the contestant and 6 from the contestee.

I will say here that the Elections Committee of the last Congress had this question before them in the case of Stewart *vs.* Childs, and they held that the provisions of this statute were mandatory; that the failure to administer this oath rendered the ballots void. It is a fact that the report of that committee was never acted upon by the House. We have information that that statute was hastily considered in the committee. The able jurist [Mr. DANIELS], the distinguished chairman of our committee, informs us that this is the fact—that the question was not carefully and thoroughly considered by the Elections Committee of the Fifty-third Congress.

Mr. MARSH. Was he a member of that committee?

Mr. LEONARD. He was a member of that committee. Under the circumstances, we think that not a controlling authority in this case. The chairman of our committee will tell you, as he told us, that he has given this question careful and thorough investigation, and he has become satisfied that the provisions of this statute are directory only, and that these votes received under the circumstances which I have mentioned should not be disturbed.

It is nowhere alleged that these illiterate and disabled voters were otherwise disqualified to vote. It is nowhere alleged that the statements which they made as to their inability or disability were in any respect untrue. It is nowhere alleged that they did not receive assistance from the proper election officers—presumably two from different parties, designated by the election board at the opening of the polls. That being the case, we can hardly see how it is in point of fact any violation of the secrecy of the ballot. The minority report makes these cases parallel to the case of the voter who writes his name upon a ballot.

The SPEAKER. The time of the gentleman has expired.

Mr. COOKE of Illinois. I yield to the gentleman further, if he desires.

Mr. LEONARD. I think perhaps I had better use no further time.

Mr. COOKE of Illinois. I yield to the gentleman, that he may conclude what he was saying.

Mr. LEONARD. I will occupy only a minute or two.

Where a person writes his name upon a ballot, that is notice to everybody under whose eyes that ballot ever comes that he voted that ticket. Where these voters were assisted by two election officers, their sworn duty is not to disclose how any person voted. The fact that the voter takes or neglects to take the prescribed oath makes no difference whatever as to their duties and makes no difference as to the information that may be given to the world.

Mr. HALL. Will the gentleman permit me a question right there?

Mr. LEONARD. Yes, sir.

Mr. HALL. The point which the gentleman is now discussing is the point, as I understand, on which the case may turn.

Mr. LEONARD. I understand that it is decisive.

Mr. HALL. It involves a sufficient number of votes to turn the entire case.

Mr. LEONARD. So I understand.

Mr. BARTLETT of Georgia. Will my colleague permit me to answer that question?

Mr. LEONARD. Yes, sir.

Mr. BARTLETT of Georgia. It is a fact in the case not disputed that the majority of the committee return the contestant as elected by 30 votes, and there are 32 votes which the contestee attacks. Now, if you deduct those votes it leaves the contestant without a majority.

Mr. LEONARD. It leaves the contestee 2 plurality.

Mr. HALL. Now, what I want is to address the mind of the House to that question, as to the statement of the law the gentleman is now making.

The law of my State in reference to elections, if the gentleman will permit me, is very plain. We have two separate sets of judges; first, a distributing set, and then the receiving judges. The distributing judges are required to put their initials on the top of the ballot. It is handed to the voter, who takes it to the booths, fixes his ticket, brings it back, and delivers it to the receiving judges. The law requires them also to put their initials on the ballot. But the law also requires the voter, on delivering his ballot to the receiving judges, to turn his back, or withdraw a certain number of feet away from the voting place. Our courts, in construing the law, say that the privilege of the voter is to see that the distributing judges' initials are on the ballot, and it is his privilege also to see that all of the conditions of the law are complied with until he parts with the ballot. But if the receiving judges fail to put their initials on the ballot it does not invalidate the ballot.

Now, I want to know if you are not taking the position that you do not require the voter to see that the condition precedent is complied with; something he could have done, something that under our law, according to the decision of the court, it is his duty to do?

Mr. LEONARD. That is the position I take. I believe it to be in conformity with the statute and decisions of the State of Illinois.

Mr. COOKE of Illinois. Mr. Speaker, I yield now to the gentleman from Illinois [Mr. CONNOLLY] for twenty minutes, or for such time as he may desire to occupy.

Mr. CONNOLLY. I think we ought to hear from those favoring the minority report before we proceed further on this side.

Mr. COOKE of Illinois. I will say, Mr. Speaker, that in conference with the gentleman from Massachusetts [Mr. MOODY] I suggested that he follow our colleague on the committee [Mr. LEONARD]. He expressed a decided objection to occupy the floor at that time, inasmuch as he expressed his intention to open the debate on that side of the question.

Mr. MOODY. If the gentleman will pardon me, I do not want

to be understood as still persisting in the intention of opening the debate on this side. I have no desire to speak at the present time.

The SPEAKER pro tempore (Mr. DOLLIVER). The gentleman from Illinois is recognized.

Mr. COOKE of Illinois. I would like to say to the gentleman from Massachusetts, as suggested by gentlemen around me, that it is no more than fair that after we have opened the case the gentlemen on the other side shall proceed to occupy some part of their time, so that we may know what their position is.

Mr. MOODY. I yield so much time as he may desire to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT of Georgia. Mr. Speaker, I had not expected to address the House upon this case just at this time, but at the suggestion of my colleague [Mr. MOODY] I will proceed. As was stated by the gentleman from Pennsylvania [Mr. LEONARD], there are involved in the case no questions of fraud. While the notice of contest contained many allegations, yet there are no allegations or charges that in any wise attack or impugn the integrity or honesty of the election officials or their management of the election, so that the House can come to the consideration of the case with the absolute assurance and confidence there is not the suggestion or an intimation made in the pleadings or proofs submitted that anything fraudulent was done in the management of the election or in the casting or counting of the ballots.

The contestant in his notice of contest sets out that certain irregularities in the counting of the ballots by the election judges and officers occurred, but nothing that impugned either the integrity or the correctness of their conduct, except mistakes in the construction of the law as to how certain ballots marked should be counted, whether they ought to be counted for the contestant or contestee. He also alleges that certain illegal votes were cast, and alleges that certain unsworn and illiterate voters were permitted to vote, and that their ballots were marked for contestee by the officers without their having first taken the oath prescribed by law. This comprises succinctly the grounds of the contest; so that, I repeat, we come to the consideration of the case with absolute confidence in the integrity of the election officers. Whatever was done that might have changed the result was done in the utmost good faith, was done in counting ballots or not counting them at all, because of the failure of the elector to mark his ballot in accordance with the law prescribed by the Illinois statutes.

It is not strange, Mr. Speaker, that these election officers should be charged with making errors, because this law—this election law—is not simply a species of, or an imitation of, the Australian ballot, but is in fact the Australian ballot system recently adopted by the State, and had never been construed by the courts of Illinois prior to this election. The election officers proceeded to construe it and to count for the contestee or contestant, or to refuse to count at all, certain ballots that had been deposited in the boxes.

Now, this was done in accordance with instructions that were sent along with the election papers by the Secretary of State, and which were also posted up at the polling places so that the electors could see them. The supreme court of Illinois have, since this case was pending, made a decision in the case of Parker *vs.* Orr, and if we are permitted to resort to the ballots for the evidence this decision will relieve the House and the committee from any trouble in determining how these ballots thus marked and cast shall be counted or whether they shall be counted at all.

Upon investigation of the Illinois statute—which the gentleman from Massachusetts [Mr. MOODY] will discuss more in detail, for I do not desire to take up any more time than is absolutely necessary to state the case—I say upon investigation of the Illinois statute it will be found so declared and so adjudicated by the supreme court of the State of Illinois in the case of Parker *vs.* Orr, which will be discussed, and which I have here, that this is an Australian ballot system, and that the main purpose and intent of this ballot law of Illinois, as is the main intent and purpose of all these ballot laws, is to secure fair and honest elections, and above all things to preserve the sanctity and secrecy of the ballot. So that we come to determine the main question in this case, which is whether the House will accept an unofficial count, made by a person not an officer, not under oath when he made the count, in preference to the official count made by honest, sworn election officers, or in preference to the best evidence—namely, the ballots themselves—in the case.

I have here a sample of the ballot that was voted on that day. The gentleman from Massachusetts [Mr. MOODY] has one that was certified to in the evidence, and I have simply a copy of it. There are, as you see, 50 names upon the ballot. There are instructions as to how the ballot shall be marked. To vote for the entire Democratic, Republican, Prohibition, Independent Republican, or People's Silver Party ticket upon this ballot the voter would have to mark a cross in the circle at the head of the ticket. That is what he did if he desired to vote the whole ticket. If he desired to vote for certain candidates on that ticket and not the entire ticket, then he would mark in the squares opposite their names. The voter, in undertaking to carry out these instructions as to marking his ballot, would sometimes mark in the circle over the whole Democratic ticket and then mark one Democratic candidate, and then mark the Republican ticket, sometimes in both circles. I do not mean to say those are the particular cases; but in that way, the voter not following out the instructions, the ballots were not marked in accordance to law, as the judges of election then understood it. Those ballots were some of them rejected and some of them were counted for one party and some for another. You will see the size of this ballot.

Now, there was a contest in one of these counties over local officers, and a recount was had under the supervision of the judges of election in one of these counties, as provided by the Illinois statute. The ballots were taken out during that recount. Pending that recount a witness, whose testimony is proposed to be accepted here and acted on in the place of the ballots and the sworn return of the election officers, stood behind or at the side of one of the officers conducting the recount and cast his eye over the ballots as they were handed from one judge to another or from one counsel to another. He did not have the ballots in his hands, and did not examine them critically, but he now undertakes to detail in his evidence the manner in which those ballots were marked and how they should be counted. It is upon that evidence, upon this point of the case, that the majority of the committee undertake to say that the solemn action of the election officers, organized under the law of Illinois so that each side shall have a representation, shall be set aside. It is insisted that the action of these sworn election officers in determining that certain ballots should be disregarded for being improperly marked, and that those ballots should not be counted for Mr. Downing or for Mr. Rinaker as they had been; that that count shall be undone and that the House shall accept the evidence of an outside third party in preference to the return of the election officers. I stand here to assert, without the slightest fear of successful contradiction, that in the election cases that have been decided in this House or by courts or in England or anywhere, that the testimony of an unsworn third party—the unofficial count of a third person—has never been taken and accepted in preference to the sworn official returns of the election officers where it has not been charged that the return is fraudulent.

Mr. HENDERSON. Will my friend permit a question?

Mr. BARTLETT of Georgia. Certainly.

Mr. HENDERSON. That is a very important suggestion; but it is claimed, I understand, by the advocates of the contestant, that by reason of an injunction, sued out by the contestee, the primary evidence could not be obtained, and that they were compelled to take this secondary evidence.

Mr. BARTLETT of Georgia. I understand that. I am coming to that.

Mr. HENDERSON. You are going to discuss that?

Mr. BARTLETT of Georgia. Why, certainly, if I have the time and the ability, and I might as well do it now, since my friend has asked the question.

Mr. DALZELL. Will the gentleman allow me to ask a question just at this point?

Mr. BARTLETT of Georgia. Certainly.

Mr. DALZELL. I understand that there are 160 election districts in this Congressional district?

Mr. BARTLETT of Georgia. I think as many as that; yes.

Mr. DALZELL. And am I right in assuming that the recount that was accepted only extended over 25 of the 160 election districts?

Mr. BARTLETT of Georgia. Yes, I think so. Yes, 25; that is right.

Mr. DALZELL. And am I right in further assuming that those 25 districts fall 11 districts short of constituting the whole of one county?

Mr. BARTLETT of Georgia. Yes, 11 districts short of all the districts of one county.

Mr. CONNOLLY. Neither of those assumptions is correct.

Mr. BARTLETT of Georgia. Then the record is not correct.

Mr. CONNOLLY. The record is correct.

Mr. MOODY. The gentleman from Georgia is correct, too.

Mr. BARTLETT of Georgia. Yes; I happen to know I am right. I was on the subcommittee. I went over this evidence with my colleagues on the subcommittee. I know I am right, and I shall be glad if the gentleman from Illinois [Mr. CONNOLLY] can show where I am wrong, for I know I am correct in the statement I make, and his assertion is not sustained by the record.

Mr. COOKE of Illinois. Upon what point is the gentleman speaking?

Mr. BARTLETT of Georgia. This recount by Mr. Murphy was in 25 districts in Macoupin County.

Mr. COOKE of Illinois. That is true; and it is so stated in the brief.

Mr. BARTLETT of Georgia. Certainly; but it was denied by your colleague [Mr. CONNOLLY].

Mr. CONNOLLY. I beg your pardon. I deny that it was 25

in the whole district. It was 25 in one county out of the whole 165 districts. The question of the gentleman from Pennsylvania was whether the recount was had in more than 25 of the 165 districts.

Mr. BARTLETT of Georgia. And the gentleman said that was true.

Mr. CONNOLLY. I said that was not true. The others were in Cass County.

Mr. DALZELL. Pardon me a moment. I only ask for information. Was that had in more than 25 districts?

Mr. CONNOLLY. Twenty-five in Macoupin County and 37 in the district.

Mr. DALZELL. I want to know whether Mr. Murphy's testimony covers any more than 25?

Mr. CONNOLLY. Only 25, and they all relate to one county. That is all in the whole 165.

Mr. BRUMM. Why were there no more than 25 districts canvassed?

Mr. BARTLETT of Georgia. In that county?

Mr. BRUMM. Anywhere. I simply want to ask for information.

Mr. BARTLETT of Georgia. This was not done at the instance of the contestee. They never had any more. As to why they did not do it, I can not account for it.

Mr. BRUMM. Why did not the contestant have it done?

Mr. COOKE of Illinois. Will my colleague allow me to answer?

Mr. BARTLETT of Georgia. Certainly.

Mr. COOKE of Illinois. The answer is, an injunction was obtained on the part of the contestee prohibiting the counting of any of the ballots for this entire Congressional district, based upon an alleged construction of the statute of Illinois which places it in conflict with the statute of the United States, which statute expressly provides for the counting of all the ballots in every election district in it where there is a contest. That is the reason why.

Mr. BARTLETT of Georgia. Now, Mr. Speaker, I do not think my friend and colleague understands the question. This injunction was gotten out after this alleged recount.

Mr. COOKE of Illinois. This injunction was gotten out after there had been a local contest.

Mr. BARTLETT of Georgia. That is what I said.

Mr. COOKE of Illinois. Other officers had their local contests in this election.

Mr. BARTLETT of Georgia. Certainly.

Mr. COOKE of Illinois. In two counties. And there were judicial recounts made, and at these judicial recounts there were persons present who made a careful memoranda of exactly how the votes stood upon the Congressman, and that evidence was put in as secondary evidence after the best evidence had been suppressed by this illegal injunction.

Mr. DINSMORE. And this investigation, if my friend from Georgia will permit me, was all based on a report made by a man looking over the shoulders of the persons making the recount, making such as he could without an opportunity to make a careful examination of the ballots.

Mr. COOKE of Illinois. The testimony will show that it was made with the greatest care and sustained and corroborated by unimpeachable evidence.

Mr. BARTLETT of Georgia. Now, Mr. Speaker, I did not intend to consume as much time as I have. I want to get to the point suggested by the gentleman from Iowa and answer the suggestion of my colleague from Illinois. Now, the question asked by the gentleman from Pennsylvania [Mr. BRUMM] was why the recounts were not had in the other counties, and the gentleman from Illinois, my colleague, stated because there was an injunction. Now, I say as to that injunction that it was not obtained until after this recount was had in these two counties. The recount was had for these local offices, and there was no injunction before that. Very well.

Mr. POWERS. Will the gentleman yield for a moment?

Mr. BARTLETT of Georgia. Certainly; to the gentleman from Vermont.

Mr. POWERS. Do you contend that the officers of a State court can tie up these ballots so that the House of Representatives shall have no power to get at them?

Mr. BARTLETT of Georgia. I do not; and that is not done in this case, nor claimed to be so by the minority.

Mr. COOKE of Illinois. Does the gentleman from Georgia deny that the injunction in express terms prohibited the opening of these ballots until after the 3d day of March, 1895?

Mr. BARTLETT of Georgia. I do; and the order in the record will sustain me.

Mr. COOKE of Illinois. The gentleman will find by examining the order that it prohibits the opening of the ballots except in some court of competent jurisdiction, or before some person authorized to try the case, or until ordered by the House of Representatives after the 3d day of March, 1895.

Mr. BARTLETT of Georgia. I so understand.

Mr. COOKE of Illinois. Now, does the gentleman claim that there is any court having competent jurisdiction over this matter?

Mr. BARTLETT of Georgia. I think so.

Mr. COOKE of Illinois. What court?

Mr. BARTLETT of Georgia. Any court of the United States or court of the State of Illinois.

Mr. COOKE of Illinois. What court of Illinois and what court of the United States has jurisdiction over a contested election case where the seat of a member of Congress is involved?

Mr. BARTLETT of Georgia. I do not undertake to say, Mr. Speaker.

Mr. MOODY. Will the gentleman from Georgia permit me to answer that question?

Mr. BARTLETT of Georgia. Yes, sir.

Mr. MOODY. By the express terms of the statute any judge of a court of the United States has jurisdiction over this subject-matter of ordering a recount. Also by the terms of the statute any judge of a court of record of the State has jurisdiction; but I assume that no State court will take jurisdiction in compliance with a statute of the United States, but that any United States court will assume jurisdiction in conformity to an express statute passed by Congress.

Mr. COOKE of Illinois. The very statute to which the gentleman refers——

Mr. BARTLETT of Georgia. The gentleman from Illinois will pardon me if I say to him that he will have plenty of time to make his argument hereafter. If it were not for the consumption of time which I ought not to undertake to consume I would be glad that he should be heard now, and if he does desire to be heard further at this time I will give him the floor; but if he does not, I hope I shall not be considered at all offensive if I decline to yield further.

Mr. COOKE of Illinois. Proceed.

Mr. BARTLETT of Georgia. Mr. Speaker, I do not contend that any State court or any other court could tie up the ballots in this case so that Congress could not get at them. The minority of the committee has based and bottomed its report upon the proposition that those ballots are to-day, by order of this court and its decree, just as they were, preserved as when they were cast and voted, for the special purpose of preserving them so that Congress might have them and count them.

Mr. WILLIS. Will the gentleman permit a question?

Mr. BARTLETT of Georgia. Yes, sir.

Mr. WILLIS. Does the State law make provision for the preservation intact of the ballots?

Mr. BARTLETT of Georgia. It does; and they are to-day preserved, and if this House desire to "dig deep" for the truth and to get at the justice of the case they can have those ballots before the Committee on Elections or before the officials of this House where they can be counted just as they were cast. Instead of doing a wrong this injunction preserved the ballots for the use of this House, and the judge who made this order was careful to prescribe in it that the ballots should be preserved for the purposes of this contested election case so that this Committee on Elections and the members of this House can to-day, on the evidence in this record which is not denied, have those ballots brought here and counted for the candidates for whom they were cast.

Mr. CANNON. May I ask the gentleman a question for information?

Mr. BARTLETT of Georgia. Yes, sir.

Mr. CANNON. Why was not the evidence taken as to what these ballots told within the ninety days as the law provides?

Mr. BARTLETT of Georgia. I can not tell you why.

Mr. CANNON. Was there any effort made to take that evidence?

Mr. BARTLETT of Georgia. I think not, by either side. There was no notice given or subpœnas issued.

Yes; there was a subpœna issued upon the clerk of the court, who returned that he had been enjoined from delivering the ballots except in the way provided by the order.

Mr. CANNON. Was that subpœna issued in pursuance of United States law?

Mr. BARTLETT of Georgia. It was. The gentleman knows that it was; he is simply asking these questions for effect. [Laughter.]

Mr. CANNON. I want to get at the fact. It was issued by an officer in pursuance of the law?

Mr. BARTLETT of Georgia. By a notary public.

Mr. CANNON. Why was it not answered?

Mr. BARTLETT of Georgia. It was answered.

Mr. CANNON. Were the ballots produced?

Mr. BARTLETT of Georgia. They were not.

Mr. CANNON. Why not?

Mr. BARTLETT of Georgia. Because the clerk answered that he had been enjoined.

Mr. CANNON. By whom?

Mr. BARTLETT of Georgia. By the judge of an Illinois court, the judge of an Illinois circuit court.

Mr. CANNON. Who sued out the injunction?

Mr. BARTLETT of Georgia. The gentleman knows that it was the contestee.

Mr. CANNON. The sitting member?

Mr. BARTLETT of Georgia. Yes, sir. The gentleman from Illinois was aware of this all the time; and he need not have had any fear that I was not going to state it, for I had expected to state it. He has not embarrassed me at all by getting information which was no information to him.

Mr. BAKER of New Hampshire. May I ask the gentleman a question?

Mr. BARTLETT of Georgia. Yes, sir.

Mr. BAKER of New Hampshire. Will the gentleman please state why the injunction was procured?

Mr. BARTLETT of Georgia. In order to preserve the ballots, because they were the evidence of the title of the contestee.

Mr. BAKER of New Hampshire. How would those ballots have been in any way endangered by bringing them before the notary in the presence of the contestant and the contestee and their respective attorneys?

Mr. BARTLETT of Georgia. I do not know, except in the manner alleged in the bill; and the judge who tried the case decided that they would be, and enjoined their being delivered to the notary public.

Mr. BAKER of New Hampshire. What judge?

Mr. BARTLETT of Georgia. A judge of a circuit court of Illinois having jurisdiction in equity. I apprehend everybody understands that to have taken the ballots before a notary public, an officer who has hardly any other power than to administer an oath, who can not preserve order—to have dragged those ballots before a notary public would have endangered them. At any rate that was the belief of the contestee. And, however much he may have erred in that respect, however much the judge may have erred in granting the injunction (which I do not concede except for the argument), this House can not afford to take the evidence of an outsider as to what those ballots contained in preference to the returns of the election officers when the ballots themselves are preserved by order of the court for the purpose of being counted.

Mr. HALL. I would like to ask the gentleman a question for information.

Mr. BARTLETT of Georgia. Mr. Speaker, how much time have I consumed?

The SPEAKER pro tempore (Mr. PAYNE). The gentleman has unlimited time.

Mr. BARTLETT of Georgia. But I do not want to occupy unlimited time. I want to get through as soon as I can. I yield to the gentleman from Missouri [Mr. HALL].

Mr. HALL. I wish to ask this question for information purely: Whether the contestee and the minority of the committee have ever volunteered or offered to produce those ballots or expressed any willingness to do so?

Mr. BARTLETT of Georgia. Certainly. It was desired to produce them and have them counted. The contestee asked to have them recounted. They are in the custody of the court—preserved by order of the court and by the court officials, for the special purpose of being recounted by this House.

Mr. HALL. I ask the gentleman whether that application for an injunction was not for the purpose of construing a statute which was somewhat ambiguous as to who was the proper custodian of the ballots?

Mr. BARTLETT of Georgia. It was filed, as alleged, to have the ballots preserved and opened only as provided by the Illinois statute.

Mr. LACEY. I would like to ask the gentleman a question in this connection.

Mr. BARTLETT of Georgia. Very well; I will answer the gentleman's question, and then I will not yield further.

Mr. LACEY. The inquiry has been made as to the ground on which the injunction was issued, and whether it was a good ground or not. Now, I ask whether that proceeding was not based on this language of the statute:

Such ballots shall be opened only in open court, or in open session of such body, and in the presence of the officer having custody thereof.

The judge may perhaps have made a mistake in issuing the injunction; but did he not act on the theory that the ballots could not be opened except in the presence of the court?

Mr. BARTLETT of Georgia. That was the law of Illinois. That was the ground on which the injunction was sought, construing a statute of the State of Illinois which had not before been construed, as I understand.

Mr. LACEY. Was any motion made to dissolve the injunction?

Mr. BARTLETT of Georgia. No, sir.

Mr. HOPKINS. It was a Democratic clerk who was the defendant in that proceeding, I believe. The contestant was not a party to the suit, was he?

Mr. BARTLETT of Georgia. No, sir; but the same counsel represented both.

Mr. LACEY. Did the contestant ask to be recognized as a party in the proceeding in order to move to dissolve the injunction?

Mr. BARTLETT of Georgia. He did not. As I understand the law in Illinois and everywhere else, a person who is interested in a matter of this kind, whose title is involved, can come into court and be made a party and make such a motion and take such action in the matter as the law may justify.

Now, Mr. Speaker, I stand here to say that this House, acting in a judicial capacity, can not afford to put itself upon record as saying that it will punish a man for appealing to the courts of the country and punish him because the courts of the country have sustained him in the contention that he made. When you say that the contestee shall be subjected to such a rule—that the law as it has existed for years shall be changed and that a party shall be punished simply because he desired and attempted to preserve for the use of this House the evidence which this House ought to have—then indeed will you establish a precedent which no judicial body can ever safely follow.

Mr. Speaker, I have an authority upon this question of secondary evidence. I call the attention of the House to the decision pronounced by Lord Campbell in 2 Ellis & Blackburn's Report, page 944. The rule there laid down is that where a third party to the case is subpœnaed or notified by proper legal procedure to produce documents or papers and fails to produce them, if they are still in existence, and if he does not give a good ground for his refusal, then, under the law, as construed in that case by Lord Campbell, chief justice, secondary evidence of the contents of those papers is not admissible. Here is the decision by Lord Campbell:

If a stranger so served (with a subpœna duces tecum) does not produce the documents and shows no lawful justification for refusing or omitting to do so, his omission does not entitle the party who served him with the subpœna to give secondary evidence of the contents of the documents.

In the same case, Erle, judge, also said:

The appellants have, as a part of their case, to prove the contents of a written document. They must, therefore, produce that document or account for its nonproduction. They say they account for it, because they served with a subpœna duces tecum the person who had it, and he did not produce it. I am of the opinion that the law does not admit the disobedience of a person served with a subpœna duces tecum a sufficient excuse for giving the contents of a document when the person served is punishable for his disobedience.

The case is the case of the Queen against the town of Llanfaethly, seventy-fifth English Common Law Report, page 939.

Now, Mr. Speaker, we all understand, as lawyers, where a notice is served under the statutory provision, that the party in the contest or the suit, if he fails to produce the papers, if he can not account for them and does not comply with the order, the presumption is that there is something in the papers which would injure the party so refusing to produce them. And where you serve a subpœna duces tecum on a third party, such as the clerk of the court in this instance, requiring him to produce them, and he fails to do so and at the same time declares or discloses the fact to the court that the ballots or the papers are reserved for the use of the case, such a declaration or disclosure would not authorize the court to use secondary evidence.

Mr. COOKE of Illinois. Will my colleague allow me an interruption?

Mr. BARTLETT of Georgia. Of course I can not refuse to yield to my colleague on the committee.

Mr. COOKE of Illinois. Were not the ballots in each of the counties in this case asked for under a subpœna duces tecum by the contestant in this case?

Mr. BARTLETT of Georgia. I have so stated.

Mr. COOKE of Illinois. Was not the answer in every instance that the injunction prevented, or stood in the way?

Mr. BARTLETT of Georgia. I have so stated more than once.

Mr. COOKE of Illinois. Then, how does the gentleman undertake to say that secondary evidence was not proper evidence under the circumstances? Does the gentleman make that declaration?

Mr. BARTLETT of Georgia. I do.

Mr. COOKE of Illinois. Then, if I understand the gentleman, he holds that the injunction was a lawful and proper proceeding and produced no wrongful results?

Mr. BARTLETT of Georgia. I say it produced no wrongful result. Whether the judge who granted the injunction rendered an erroneous judgment with reference to it it is not for me to say. I do not undertake to criticise his action. Certain it is that it was not appealed from; and I take it for granted, where a judge in Illinois, wearing the judicial ermine in that State for many years, has rendered a decision which was not appealed from, but which was an honest decision, it is a question res adjudicata; certainly until it is set aside on a review of the case by some tribunal having authority to review it.

Mr. COOKE of Illinois. The bill, if my colleague will permit me, is in the record in full, and the order in full. Now will the gentleman give the House the benefit of his opinion as to whether the decree was lawfully entered or not?

Mr. BARTLETT of Georgia. I am of the opinion that the

decree was lawfully entered because the court entertained jurisdiction of it and decided upon it. I do not undertake to say finally, because I have not arrived at a conclusion, that the court, as a matter of law, had a right to enjoin the delivery of the ballots. That is a question that I do not undertake to enter upon now. Nor do I undertake to say that the law of the United States, which provides that the notary public could serve a subpœna duces tecum to produce a paper, would cover the ballots, that the ballots are "papers" in the language of the law, and that the provision of the statute is supreme, and that it was a provision of that statute which prevented it from being done.

I am not prepared to say that the statutes of the United States prevented the judge from doing what he did, because as a matter of fact Congress has not indicated its purpose on the subject by the enactment of a law other than as to how testimony in contested election cases is to be taken, and matters of that kind. And as lawyers we know that until Congress has enacted a law the law of the State with reference to elections must be followed. So I do not say that the judgment of the court is wrong, nor do I undertake to criticise it. On the contrary, the contestee, taking advice of counsel going into court, rested his action on the judgment of a judge in Illinois. This House decided in the case of Follet against Delano, 2 Bartlett, page 113, that no conduct of the contestee in election cases where a mistake was made was to act as an estoppel, because the electors of the district were interested and their interest was entitled to be considered. Here is the case:

But the contestant and the sitting member are by no means the only parties interested in this representation. The electors of the district, each and every one of them, have a vital interest in that question, and no one of them can be precluded by any laches not his own from insisting that the choice of the majority shall be regarded. No confession of the sitting member, however it might bind him personally, can place the contestant in his seat unless he is the choice of the majority, nor deprive that majority of its rightful representation. The committee are of the opinion that the House should require proof that the sitting member has not, and that the contestant has, a majority of the legal votes before unseating one and admitting the other, however the sitting member may have seen fit to conduct his own case in a contest.

If this is the correct rule (and it has been accepted as such by the best authorities and commended), then this House can not justly punish the people of this district, because the contestee sued out this injunction, by unseating him upon illegal evidence. The proposition to do so is simply monstrous.

Mr. Speaker, the House at this very session, in the case of Van Horn vs. Tarsney, decided that these ballots were the best evidence. Both branches of the Committee of Elections No. 2 decided that the evidence as to the contents of the ballots was inadmissible, and that the ballots themselves were the best evidence; and the House refused to send back and have the ballots investigated or inquired into, because the proof was that they had been tampered with, or that the election in which they were cast was one in which there had been great frauds perpetrated. That was the argument both in the reports of the majority and minority of the committee, both sides holding that the ballots were the best evidence, but the majority contending that they ought not to take the time and trouble to ascertain for whom they were cast, because they could put no faith in them, as they had been shown to be fraudulent. The minority of the committee took the view that the House could ascertain what they were and the truth about them. Now, that is the position of the minority in this case, precisely. We occupy that position, that the ballots are the very best evidence, just as the House decided in the case of Van Horn against Tarsney that they were.

Before the official return of the elected officer can be set aside by an unofficial count, surely the House will require that fraud shall at least be charged. I call attention to the following authorities on this subject:

The burden of proof is always upon the party attacking the returns. The presumption is that the officers, charged by law with the duty of ascertaining and declaring the result, have performed that duty faithfully.

The true rule, while it may not require the exclusion of all reasonable doubts, does require clear and satisfactory proof of fraud or mistake before the legal presumption in favor of the correctness of the acts of sworn officers will be nullified.

The presumption is always against the commission of a fraudulent or illegal act and in favor of the honesty and correctness of the official acts of a sworn officer.—*Paine on Elections*, section 762.

The law presumes that sworn officers of election perform their duties until contrary is shown. The presumption is a fair one in favor of the correctness of the record kept by officers of election. (Paine, section 763; Koontz vs. Coffroth, 2 Bart., 138; Cooper vs. Telfair, 4 Dall., 14; Webster vs. Gilmore, 91 Ill., 324; Bromberg vs. Haralson, Senate Cong. Com., 355; Barr's Case, L. & R., 254; Bank vs. St. Joseph, 46 Mich., 526; Turner's Case, C. S. & J., 21; Custis vs. Yocum, 1 Ells., 416.)

The return must stand until such facts are proven as to clearly show that it is not true. This rule is well settled by numerous authorities, including the following: McCrary, sections 536, 537; Blair vs. Barrett, 1 Bart., 308; Knox vs. Blair, 1 Bart., 521; Howard vs. Cooper, 1 Bart., 275; Washburn vs. Voorhees, 2 Bart., 54; State vs. Commissioners, 35 Kans., 640; Reed vs. Julian, 2 Bart., 822.

A return can not be set aside upon proof that a recount made by unauthorized persons some time after the official count has been made showed a different result from the official count. This was upon the ground that the count made by sworn officers immediately upon closing of the polls was better evidence of the true result than a count made by interested parties not sworn at a subsequent period, and after the result of the official count had been made known. Such evidence comes far short of establishing either fraud or mistake in the official count. (McCrary, section 538; Gooding vs. Wilson, 5 Cong. Cases, 79; Featherstone vs. Cate, Rowell Cong. Cases, 103; Mudd vs. Compton, Rowell Cong. Cases, 150; Bisbee vs. Hull, 1 Ells., 316; Bard, C. & H., 117; Frederick vs. Wilson, Mobley, 402; McDuffie vs. Turpin, Rowell, 204; English vs. Peelle, Mobley, 235.)

An application for a recount of the ballots cast at an election will not be granted unless some specific mistake or fraud be pointed out in the particular box to be examined. Such recount will not be ordered upon a general allegation of errors in the count of all and giving particulars as to none of the boxes. (McCrary, Elections, third edition, section 400; and cases cited.)

In the case of Letcher vs. Moore (Clark and Hall's Cases, page 715) the House refused to accept a recount of a portion of the election precincts to discredit the returns. In that case the votes of four out of five counties of the district was recanvassed; and the report says:

If a part of the vote is omitted this is not even prima facie evidence, because non constat that a canvass of the whole vote would produce the same result.

Mr. BRUMM. It seems to me that this case will turn probably on this question, and the sooner we get this information the better, though it may take a little time. I see by reading the minority report that you favor the adoption of the following resolution:

That the contested election case of John I. Rinaker vs. Finis E. Downing be recommitted to the Committee on Elections No. 1, with instructions either to recount such part of the vote for Representative in the Fifty-fourth Congress from the Sixteenth Congressional district of Illinois as they shall deem fairly in dispute, or to permit the parties to this contest, under such rules as the committee may prescribe, to recount such vote, and to take any action in the premises, by way of resolution or resolutions, to be reported to the House or otherwise, as they may deem necessary and proper.

Now, suppose this case is recommitted. How can you get at these ballots now, any more than you could have gotten them before?

Mr. BARTLETT of Georgia. Why, sir, because the order of the judge, on page 214 of the record in this case, declares that they are enjoined—

From removing or permitting said ballots to be removed from the place where they are now kept, until the same are ordered to be opened or recounted by a court of competent jurisdiction of the State of Illinois or of the United States, or by the House of Representatives in Congress of the United States after the 3d day of March, A. D. 1895.

Mr. BRUMM. Are you now reading from the decision of the court which granted the injunction?

Mr. BARTLETT of Georgia. Yes; I am reading the decree of the court.

Mr. BRUMM. That is a part of the decree of the court?

Mr. BARTLETT of Georgia. Yes; signed by Lyman Lacey, the judge of the circuit court, where the case was heard and decided; and this is certified to by John F. Clark, clerk. I hope the gentleman will understand how we can recount them. They are there. They are preserved. The witnesses swear they are there, sealed up, tied up, put in trunks. There they remain to this day.

Mr. RICHARDSON. To be counted here, if necessary.

Mr. BARTLETT of Georgia. And the clerks for those counties certify that they are there in the same condition in which they were when they were sealed up by order of the court, and we have these certificates here before the House.

Mr. TURNER of Georgia. If the gentleman will allow me, how were these ballots originally counted? Were both parties represented by election officers?

Mr. BARTLETT of Georgia. These parties?

Mr. TURNER of Georgia. I mean the political parties to which these gentleman belong.

Mr. BARTLETT of Georgia. Yes.

Mr. TURNER of Georgia. There were men on the board representing both parties?

Mr. BARTLETT of Georgia. Yes. The Illinois law required that.

Mr. TURNER of Georgia. How is it proposed to set aside their official count?

Mr. BARTLETT of Georgia. By the statement of a person who stood behind one of these officials and looked over his shoulder, and who undertakes to say how the ballots were marked and for whom he thinks they should be counted; and this was done by him only in 25 precincts out of 37 in Macoupin County, when there are 160 precincts in the district.

Mr. TURNER of Georgia. Was he an employee of the contestant? How came he there?

Mr. BARTLETT of Georgia. He did it in the interest of the contestant and was employed by him to do so.

Mr. TURNER of Georgia. He was not commissioned or directed by any court?

Mr. BARTLETT of Georgia. No; as a matter of course, not; and no pretense is made that he was or that he acted except at the request of the contestant. We should count the ballots for ourselves. It is not only our right but our duty to do so, that the truth may be ascertained and the right prevail. We have ample authority to do this. I call attention to the following language of Judge Cooley, to be found in Cooley's Constitutional Limitations, page 625:

But back of the prima facie case the court may go, and the determination of the State board may be corrected by those of district boards, and the latter by the ballots themselves, when the ballots are still in existence and have been kept as required by law.

Mr. HENDERSON. Right here, if I may be allowed to interrupt my friend, I will call his attention to the fact that he read an English case which I do not think he has applied. As I understand the doctrine, which is a sound one, if the contestant had been asked to produce the ballots, under a subpœna to bring and produce them, and if they were in his possession, the authority would apply if they were not produced. But the contestant sued out this subpœna and the clerk, who was not a party in interest, had the possession of the ballots. The answer was put into the clerk's mouth by the contestee, through his writ of injunction. The clerk, standing in the shoes of the contestee, refused to produce the ballots. Therefore it seems to me that the English authority would operate against the contestee. If I misinterpret the gentleman's application, I should be glad to have him make it clear.

Mr. BARTLETT of Georgia. I think you do. It does apply. The gentleman has not applied it in the way that I think it ought to be applied.

Mr. HENDERSON. I want to hear your application of it to this case, because I think this is an important part of the case, so far as I have listened to the discussion.

Mr. BARTLETT of Georgia. We have a statutory provision, notice to produce—a number of the States have—and they have it in England by statute. Notice to produce papers in the possession of a party serves as a subpœna duces tecum upon a third party; so that if a party to a suit is served with notice to produce, and it is shown that the papers are in his possession, that he has them and he fails to account for them, then the law, as a penalty upon him, does one of two things. It either permits the plaintiff (if he is the plaintiff and the person notified is the defendant) to proceed against him without hearing him, or permits the jury to conclude that he does not produce the papers because they are hurtful to his case. But if a third party fails to produce under a subpœna duces tecum, no such inference can be drawn as against the party against whom the evidence is sought by means of the subpœna.

Mr. HENDERSON. Yes; but in this case the contestee had brought about the condition of things which prevented the clerk from responding to the subpœna, and all the time was insisting upon the enforcement of the injunction, so that it could not be done, as I understand it.

Mr. BARTLETT of Georgia. That is true; the contestee did it, but the contestee did it in the assertion of what he deemed to be a legal right, and in the assertion of that legal right he had the judgment of a court of competent jurisdiction sustaining him. Now, does the distinguished gentleman [Mr. HENDERSON], the chairman of the Judiciary Committee of this House, undertake to say that any court would visit upon a party as a penalty or a forfeiture that which he was sustained in doing by a court of competent jurisdiction?

Mr. HENDERSON. I think that the contestee, as I understand the case thus far, ought not to have stood in the way of letting the best evidence be produced——

Mr. BARTLETT of Georgia. He did not.

Mr. HENDERSON (continuing). To show his title.

Mr. BARTLETT of Georgia. He did not.

Mr. HENDERSON. And that is why secondary evidence had to be taken. As to your objection to the secondary evidence, I do not see, in its application to the case, how it helps the matter.

Mr. BARTLETT of Georgia. I am sorry you do not.

Mr. TERRY. With the permission of my friend from Georgia I would like to suggest to the gentleman from Iowa that if the law provided that these ballots should not be opened before a notary public—should not be produced before a notary public—and the law requires that they should not be produced except before a court, then the clerk in refusing would not be standing in the shoes of the contestee, but he would be standing as the minister of the law. So that when the court of Illinois, clothed with competent jurisdiction to construe the statutes of Illinois, held that the law forbade these ballots to be opened before a notary public, then the clerk making such response responded not as the contestee but as a minister of the law acting under the direction of the chosen instrumentality authorized to interpret the law of the State of Illinois.

Mr. HOPKINS. One moment.

Mr. BARTLETT of Georgia. I do not yield. I can not yield any further. I am obliged to go on.

Mr. HOPKINS. I would like to answer that suggestion of the gentleman from Arkansas.

Mr. BARTLETT of Georgia. I will yield if you will not take it out of my time.

Mr. HOPKINS. I want to say that the evidence in this case was being taken under the Federal law, and the notary public that he speaks of under this law has the same right, the same power, and the same authority as a Federal judge; and it has been decided on this floor that an officer of that kind, clothed as this man was, seeking to examine these ballots, was empowered with all the authority of a court.

Mr. TERRY. I want to say to the gentleman from Illinois that there is no law of the United States that clothes the notary public with the power of a United States court.

Mr. HOPKINS. The gentleman, then, has not read the law, and does not know what he is talking about.

Mr. TERRY. I undertake to say further that you can not find any decision of any court in Christendom——

Mr. HOPKINS (interrupting). That was decided in the last Congress.

Mr. TERRY (continuing). That ever held that under a statute providing that the ballots should only be opened before a court a notary public was a court within the meaning of the statute.

Mr. HOPKINS. Now, if the gentleman knows anything, and knows anything of the facts in the Scull case, he knows that under the law as interpreted there the notary public was given the power I speak of.

Mr. BARTLETT of Georgia. Am I understood to have the floor?

Mr. TERRY. I would like to have it out with my impetuous friend from Illinois.

The SPEAKER pro tempore. The gentleman from Georgia has the floor.

Mr. BARTLETT of Georgia. I have the law of Illinois here before me. There being no law of the United States upon the subject, it provides that the ballots in an election in Illinois shall not be opened except in open court, and must be opened in such a body in the presence of the officer having the custody thereof. I have undertaken to say, in answer to the question of my friend from Iowa, that the law of the United States makes no provision except for permitting the notary public to take the testimony and have the papers produced. I am not discussing the Scull case, referred to by the gentleman from Illinois [Mr. HOPKINS], because my colleague will do that. I could discuss it. But I take it that no House, and no tribunal, will undertake to say that because the contestee in this case—and there I will leave this question—because the contestee in this case undertook to protect the ballots by legal process and by sanction of a court, which was done, that this House in trying this case should trample under foot the rules of law and admit the testimony of a witness who, while he doubtless intended to tell the truth, is not reliable because of the circumstances that surrounded him. His testimony itself shows that he was liable to be incorrect as to how these tickets were marked, and under those circumstances I think that this House, even this Republican House, ought to pause long before they destroy a rule of law so universal and so essential in the preservation of the title of a seat of its member.

One more word in reference to the other point and I am done. The other point is that there were a number of voters who voted for the contestant and for the contestee who under the law of Illinois were illiterate voters, and who had to take an oath before they could be assisted by the clerks or officers in marking their ballots. I do not know what occurred in the committee room of the last Congress with reference to the case of Steward against Childs. I know it was an Illinois case. I know it was a case which undertook to construe the very Illinois statute which we now are to construe. I know it has been stated that the chairman of our committee, who was also upon the Elections Committee then, said that it was not a well-considered case; but I know that this very identical point was made in the contest of a Democratic contestant, and I know that there were countercharges made by the Republican contestee that illiterate voters were assisted to mark their ballots for the Democratic contestant without taking the oath prescribed by statute.

I know that the briefs submitted upon both sides for the contestant and for the contestee made this point and discussed it. I know that a committee composed of a majority of Democrats and a minority of Republicans, including the distinguished chairman of the present Committee on Elections No. 1, including also the distinguished chairman of the Committee on Elections No. 3 of the present House, unanimously reported that Steward, the Democrat, was not entitled to his seat, because, among other reasons, it was stated that of the voters who had voted for contestant 94 had been assisted by the Democratic election officers to mark their ballots, when the law of Illinois required that the voters should be first sworn as to their inability to mark the ballots themselves.

Mr. DANIELS. Where is the evidence that the minority of that committee agreed to that report at all?

Mr. BARTLETT of Georgia. I do not know what occurred in the committee room, but the evidence is here that the Committee on Elections submitted a report to the effect I have stated. Here is the report. No minority report is made.

Mr. DANIELS. I have the report here, and there is no evidence whatever in it that any member of the minority of that committee in the last House agreed to the report, and the report by the minority in the case of O'Neill *vs.* Joy was directly to the contrary—to the effect that a voter could not lose his vote by the neglect or fault of the officers of election in that respect.

Mr. BARTLETT of Georgia. I do not know, of course, what occurred in the committee room, but I can not presume that the present distinguished chairman of our committee and the distinguished Republicans upon that committee would consent to a report which declared and laid down distinctly a wrong principle of law simply because it would keep a Republican in his seat. I will not consent to that conclusion.

Now, Mr. Speaker, here are the authorities. The other day the supreme court of Kentucky, a State which has a similar provision of law, I may say the exact statute as Illinois, with reference to how illiterate voters shall be assisted, decided that voters who had their ballots marked for them without having first taken the oath, should not have their ballots counted. Here are the cases. Here is an apparently unanimous report in the Fifty-third Congress. Here is the position of the supreme court of Kentucky deciding this question, which I will furnish to my friends on the other side. Here are the reports of decisions of other States, Minnesota and Wisconsin, to the same effect, and if the report of the majority of this committee shall be adopted, if it shall be declared that that is not the law, then his case will stand out in bold relief as the only authority, and that an authority made for this occasion, which can be cited to sustain its doctrine.

Whatever is done in contested election cases, surely the plain and admitted propositions of law should not be changed to suit partisan purposes or needs. [Applause.]

APPENDIX.

Under the leave granted me by the House, I append to my remarks the following, submitted by me to the Committee on Elections No. 1 on this case:

Mr. BARTLETT, of the subcommittee, submits to the committee the following views:

The undersigned submits to the committee, and to each individual member thereof, the following statement in the above-entitled case, as an expression of his views concerning the same, and as indicative of the very strong impression which he has received from a careful study of the testimony, the briefs of counsel, the authorities cited, and the argument submitted orally.

In the first place, this is a case based upon the results of an election held in the Sixteenth Congressional district of Illinois on the 6th day of November, 1894, for Representative in Congress, under the Australian ballot-system law of Illinois, and in connection with the regular general State and county elections, at which candidates for all the State and county offices appear upon their respective party tickets in connection with the candidates for Representative in Congress. The Australian ballot law of Illinois is, it will be seen, peculiar in some respects, and contains mandatory provisions intended to enforce the fundamental principle of that law, which, it has been declared by the supreme court of the State, is the secrecy, purity, and integrity of the ballot. As all the party tickets and the candidates of each party for the various offices to be filled at that election are printed in parallel columns upon a single ticket, commonly called a "blanket ticket," being approximately 10 inches long by 26 inches wide, and as the voter is required to indicate by making a cross in the circle to the left of and immediately preceding the party title at the head of the ticket he wishes to vote straight, or in the square at the left of and immediately preceding the name of the candidate upon any other ticket which he desires to vote for instead of the candidate which is printed upon his own ticket, it results that at every voting precinct, and owing to the varying degrees of education or intelligence of the voters, who are required to mark the official ballot delivered to them in a voting place in a booth provided for that purpose separate and apart from the election officers or any other person in order that their ballot may be absolutely secret, and necessarily, as all the voters do not fully and clearly comprehend the instructions which are given and provided for their benefit, and which would result in absolute uniformity in the marking of the ballots, there have been peculiarities in the manner of marking ballots amounting in many instances to such a mutilation as to destroy the expression of the intention of the voter and to so confuse the mind of the election officers that they find it impossible to count them.

These ballots, it will be found from the record, furnished to a large extent the basis or grounds upon which the contestant in this case has staked his right to the seat now held by Mr. Downing, the contestee.

And it also appears that the errors which he complains of, which have, he asserts, deprived him of the official certificate, are the errors of judgment, honestly made by sworn officials, against whom there is not the slightest allegation or evidence of wrongdoing or fraudulent intention. A careful analysis of all the scratched ballots above alluded to, which appears in the evidence of this case, would seem to indicate that the aforesaid honest mistakes of election officers, in deciding whether they should be counted or not, or if counted, for whom, have been made as largely upon one side as the other, with the exception, however, of one class of marked or scratched ballots, being such as have been marked by the voter with a cross in both Republican and the Independent Republican party ticket circles, there being no candidate upon the Independent Republican party ticket for Representative in Congress. The same kind of double markings, it appears, were made in case of the Democratic ticket and the People's Silver party ticket, in a few instances, but more of them occurred in the former than in the latter case, and consequently, as the larger part of tickets marked in this manner were rejected by the election officers, and, as in accordance with the opinion of the supreme court, subsequently rendered and not then published for the guidance of election officers, it was held inter alia that tickets marked in such a manner ought to be counted for the candidates upon the ticket first marked, where there was no candidate for the same office upon the ticket last marked, and consequently it follows that in considering these peculiarly marked ballots we find that a few more of the same must be counted for Rinaker than for Downing.

It, however, appears that in the County of Macoupin, during the progress of a recount of the ballots had in pursuance of lawful authority, and in the mode prescribed by the statutes of Illinois, for the purpose of determining a contested election case between the rival candidates for the office of county treasurer, a private and unauthorized recount was made on Congressman at the instance and request of the contestant in this case, and was made by his son, assisted by one Murphy and another, who were employed so to do by the contestant, and who kept an account of some 36 precincts out of 37 in the said county, the recount having been abandoned in the county contest case, as the charges and variations from the official count were of such an immaterial amount as to have no effect whatever upon the result as declared by the official returns.

It seems, however, that the result of this private and unofficial recount of the first 11 precincts on Congressman, thus made by the son of the contestant and the person assisting him, neither of whom was under oath or otherwise specially qualified, has not been made known to this committee, either in the testimony or in the briefs of contestant's counsel, so far as the result of the same related to the parties in this contest; but it does appear, from an examination of the table made by the officers who did conduct the county contest and the recount of the ballots in that proceeding of the aforesaid 11 precincts, that, so far as the results could be obtained, the errors and mistakes so discovered were in favor of and increased the vote of the Democratic candidate by 16. It is, however, brought out prominently in the record by the contestant that, so far as the remaining 25 precincts were concerned, which were those recounted privately and unofficially by the said Murphy, in the interest of said contestant and purely ex parte, there were discovered errors and mistakes as concerned the "objected to" and "rejected" ballots which had theretofore not been counted by the various precinct election officers, in official count and otherwise, to the extent of increasing the vote of Rinaker 35 net. It is but fair, however, to the contestee in this case to say that he was no party to and had no knowledge of, nor did he consent to, the aforesaid unofficial recount, and that he protests against its being received by this committee as of any value whatever as regards his right to the seat he now holds.

But it should be borne in mind that the result of the private recount made by the contestant in the first 11 precincts, which showed a net Democratic gain of 16, would have shown, if the same had been testified to by the persons who made it (as was done in the case of the last 25 precincts), a gain to the contestee equal to that found in favor of the candidate of his party over the official returns for county treasurer, which, if it had been made to appear in the record of this case, as we insist it should have been done in all fairness and justice, and if the contestant had desired to have acted fairly and honorably by his opponent, the net gain by the discovered errors and mistakes testified to by said Murphy of 35 for contestant (discovered in his private recount of the last 25 precincts of the county), would have reduced the claim of the contestant in this case with regard to the total vote in Macoupin County accordingly, and he then could have claimed, by reason of his private and ex parte recount above alluded to, a gain of but 19; but it must be taken into account, and be borne in mind by this committee, and as it will appear by an analysis of the testimony, that a part of ever the aforesaid 19 alleged gain for contestant in Macoupin County were made up of scratched or irregularly marked ballots which had been excluded from the official count, but which the said Murphy assumed to decide should be so counted, notwithstanding the sworn officers of election had returned them as "objected to" or "rejected" ballots, and made them parts of their records, in order that any tribunal of competent jurisdiction trying a contested election case in which they became material might determine judicially as to whether or not they should be counted for one or the other of the candidates. And it is upon this assumption of a judicial function by the said Murphy, who was acting in a private capacity as the paid agent of the contestant in this case, and in an ex parte manner, and who assumed to decide that certain of these "objected to" and "rejected" ballots ought to have been counted for Rinaker, that this committee is asked to deprive the contestee in this case of his seat in Congress, based upon the verity of the official returns, not only of that county, but of all the counties in the district, the integrity and accuracy of which have not been impeached or contradicted in any manner, and of which it has not been and can not be, I assume, asserted that they were procured by fraud or collusion of the contestee, or based upon errors made in his interest, with intent to defraud the contestant of any of his rights.

It is also to be observed in the testimony that the aforesaid so-called "recount of ballots" in Macoupin County was made under such circumstances and with such surroundings and in such a manner as to impart no verity whatever to the results testified to by contestant's witnesses as compared with the official returns made under circumstances of official sanctity, and by officers whose integrity and honesty have not been impugned or called in question in this case. And we assert that in all the history of contested election cases before Congress there will not be found a single case where upon testimony of this character or upon a recount of ballots made under such questionable circumstances and under such surroundings as in this case has any sitting member ever been deprived of his seat in Congress. To establish such a precedent at this time and upon such testimony as is adduced for our consideration in the record of this case would be to establish a most dangerous and destructive precedent, and one which would subject this committee to the just criticism of the House and of all succeeding Congresses.

It would be a reversal of the time-honored doctrines of the law, which have prevailed in this Congress since its institution, and which are expressed in section 440 of the second edition of McCreary on Elections, and in section 538 of the third edition of the same author, wherein he states the doctrine to be that "a return can not be set aside upon proof that a recount made by unauthorized persons, some time after the official count has been made, showed a different result from the official count." This doctrine was also asserted in the case of Gooding *vs.* Wilson, Forty-second Congress, and to the same effect are all the books upon contested elections. A reversal of this doctrine at this time can not but be disastrous. I am unwilling to agree that any cloud upon the title of contestee in this case to his seat shall be predicated upon the testimony of an unofficial recount made by an unauthorized person, at least so long as the ballots themselves, of and concerning which the said unlawful recount has been made, are in existence and in a condition, as it is stipulated they are in the record, to be examined and recounted by this committee, and their exact result learned by us from a recount made by ourselves.

But I wish also to call attention to the fact that contestant, in his claims, in order to increase the apparent gain which he hopes the committee will allow him, and by reason of which he hopes to overcome the narrow majority of the contestee, has sought to include, and in his summary has insisted that, in addition to the apparent gain resulting from the testimony of Murphy aforesaid in the county of Macoupin, there shall be counted for him a second time certain scratched or irregularly marked ballots, which themselves furnish the material and were included by the said Murphy in his alleged recount showing apparent gains for contestant. Murphy includes in his statement of gain for contestant 14 of these "objected to" or "rejected" ballots. Aside from this demonstration that contestant has thus attempted to secure an unjust advantage by counting for himself twice the same irregularly marked or scratched ballots, I insist that this committee could under no circumstances concur with Murphy in that decision, after examining the decision of the supreme court of the State in the case of Parker *vs.* Orr, and assuming that the description of such marked or scratched ballots, as testified to by the son of the contestant, is correct. Under no circumstances and under no construction of the law or the rule laid down in the said decision of the supreme court could there be counted for the contestant of those 14 irregularly marked ballots more than 5; much less should Murphy be allowed to credit Rinaker with the whole 14. But there should be, I insist, 4—at least 3—of the same counted for the contestee.

My position with regard to this county, however, is that there can be no

other result accepted as the true result of the election in that county by this committee than that which is expressed and appears in the officially announced result, made up and canvassed by the State officials from the returns as certified to them. From any evidence which has been adduced in this case, or brought to the attention of the committee, the most that could be justly and properly admitted by the committee would be that the testimony of Murphy and Rinaker, and others, tends to show that there have possibly been some slight errors committed in matters of judgment and decision, upon irregularly marked ballots, and possibly in actual tallying and count in Macoupin County, which would justify this committee in demanding and having brought before it, for its personal and actual inspection, the ballots themselves and all the records and papers pertaining thereto, upon inspection of which and upon the recount of the same, made by the committee, we shall be able to arrive at the exact and true result. It can be done in no other way.

The following tables contain a careful analysis of the testimony as to "scratched" or "informally" marked ballots in the counties of Macoupin, Cass, Pike, Morgan, Greene, Scott, and Calhoun.

Analysis of scratched or informally marked ballots:

MACOUPIN COUNTY (23).

Record pages.	Witness.	Exhibit No.	How counted by Rinaker.	How counted by Downing.
36, 50, 51	T. Rinaker	1	Counted for Downing.	Counted for Downing.
	do	2	do	Counted for neither.
	do	3	Counted for neither	Counted for Downing.
	do	4	do	Counted for neither.
	do	5	do	Do.
	do	6	Counted for Downing.	Counted for Downing.
	do	7	Counted for neither	Counted for neither.
	do	8	Counted for Rinaker	Do.
	do	9	do	Do.
	do	10	do	Counted for Rinaker.
	do	11	do	Counted for neither.
	do	12	do	Counted for Rinaker.
44, 50, 51	do	13	do	Counted for neither.
	do	14	do	Do.
	do	15	do	Do.
	do	16	do	Do.
	do	17	do	Counted for Rinaker.
	do	18	do	Counted for neither.
	do	19	do	Counted for Rinaker.
81, 50, 51	do	20	Counted for neither	Counted for neither.
	do	21	do	Do.
	do	22	Counted for Rinaker	Do.
	do	23	do	Do.
	do	24	Counted for neither	Do.
	do	25	do	Do.

Query: Should not Ex. 21 have been counted for Downey?

CASS COUNTY.

104, 105	John G. Pearn	A	Counted for Rinaker	Counted for neither.
	do	B	do	Counted for Rinaker.
	do	C	do	Do.
	do	D	Counted for Downing.	Counted for Downing.
	do	E	Counted for neither	Counted for neither.
	do	F	Counted for Rinaker	Do.
	do	G	do	Do.
	do	H	do	Do.
	do	I	Counted for Downing.	Do.
	do	J	Counted for Rinaker	Counted for Rinaker.
	do	K	do	Do.
	do	L	do	Do.
70, 86	do	M	Counted for neither	Counted for neither.
	do	N	do	Do.
	do	O	do	Do.
	do	P	Counted for Rinaker	Counted for Rinaker.
71	J. Cunningham.	A	Counted for neither	Counted for neither.
	do	B	Counted for Rinaker	Counted for Rinaker.
73	Hagener & Fulks.	A	do	Do.
	do	B	do	Do.

PIKE COUNTY (23).

126	Gerard		Counted for Rinaker	Counted for Rinaker.
	do		do	Do.
	do		do	Do.
128	Johnson		do	Do.
	do		do	Do.
131	Uppinghouse		do	Do.
137	Ruppert		do	Do.
138	do		do	Counted for neither.
139	Stillwell		do	Do.
	do		do	Do.
140	Cooper		do	Counted for Rinaker.
141	do		do	Do.
	do		do	Do.
	do		Counted for Downing.	Counted for Downing.
	do		do	Do.
121	McMahan		Counted for Rinaker	Counted for neither.
	do		do	Do.
	do		Counted for Downing.	Do.
	do		Counted for neither	Do.
126	Gerhard		Counted for Downing.	Do.
141	Baker		Counted for Rinaker	Do.
	do		do	Do.
	do		do	Do.

MORGAN COUNTY (2).

196, 211	Rowe & Kinman.		Counted for Rinaker	Counted for Rinaker.
	do		do	Do.

GREENE COUNTY (4).

178, 178	Haven		Counted for Rinaker	Counted for Rinaker.
175	Pope		do	Counted for neither.
556	Reynolds		Counted for Downing.	Counted for Downing.
556	Goodwin		Counted for Rinaker	Counted for Rinaker.

SCOTT COUNTY (2).

239	Sanders		Counted for neither	Counted for neither.
245	Dawson		do	Do.

CALHOUN COUNTY (4).

269	M. Todd	1	Counted for neither	Counted for neither.
	do	2	do	Do.
270	Roth		do	Do.
	do		do	Do.

RECAPITULATION—HOW COUNTED.

County.	Total.	By Rinaker.			By Downing.		
		Rinaker.	Downing.	Neither.	Rinaker.	Downing.	Neither.
Macoupin	25	14	3	8	4	3	18
Cass	20	13	2	5	9	1	10
Pike	23	18	4	1	10	2	11
Morgan	2	2	0	0	2	0	0
Greene	4	3	1	0	2	1	1
Scott	2	0	0	2	0	0	2
Calhoun	4	0	0	4	0	0	4
Total	80	50	10	20	27	7	46

GREENE COUNTY.

I am of opinion that an unbiased and honest consideration of the testimony in the record relating to Greene County will admit of no other construction or conclusion than that the clerical error of 14 votes, which was made honestly, I believe, but which resulted in depriving Downing in the official count of 14 votes in Patterson precinct, should be corrected by this committee, and that number of votes restored to Downing's vote in the district. I base my conclusions that this should be done upon the testimony of County Clerk Carmody, found in the printed record, page 145, where he states, in answer to the question:

"Q. Did you assist in the canvassing of the vote?

"A. In the first canvass, with the justice of the peace, I did not assist. Mr. Short, my deputy, did that, but the next morning after that we heard about the Rinaker and Downing vote being so close, and I went to one of the judges, a Republican, who had served in town here at elections, and suggested that we go through them again so as to be sure.

"Q. What did you go through?

"A. Went through the vote for Congressman.

"Q. Went through what?

"A. The tally sheets and certificates.

"Q. It was from the tally sheets that you made the calculation, was it not?

"A. Yes, sir; and the certificate on the back of the tally sheets. We got to talking about it one day, Mr. Jones and I, and I went in there (in the closet where the returns were kept, previously testified to). I wanted to show him that in Patterson township, on the tally sheet, they had marked 114 votes for Mr. Downing, and on the back of the tally sheet in the certificate they had only written out 100, and I told him I thought there was a mistake there; that they ought to have given Downing 114 votes, as the tally sheet showed that many for him."

(On page 147:)

"Q. And they discovered that the votes as tallied up on the tally sheet did not correspond with the certificate made by the judges on the back of the tally sheet in one township?

"A. Yes, sir; Patterson Township.

"Q. I will ask you to state again, Mr. Carmody, what difference, if any, you discovered in the number of votes certified to by the judges, and the number of votes tallied up?

"A. After the election it was reported around here that first one was elected and then the other, and the next morning, after the canvass was made with the justices of the peace, I called Harry Moore in; he was a Republican and also one of the judges in that township, and I told him there was liable to be a contest and I wanted to go over the canvass again, and we took the tally sheets and certificates and went over them again. We discovered when we got to Patterson township that they had tallied 114 for Downing on the tally sheets and on the back of the certificate it was written out 100 votes.

"Q. The majority of Downing in this county, was it based on the certificate of the judges on the back of the tally sheet?

"A. Yes, sir; we counted 100 votes for him as certified by the judges of election.

"Q. What is the law in this State, Mr. Carmody, with reference to certifying the vote to the secretary of state?

"A. We canvass the votes and take the certificates of the various judges of election as the basis.

"Q. In certifying the number of votes to the secretary of state cast for Mr. Downing in Greene County, did you in making up your estimate take into consideration the number of votes tallied up for him on the tally sheet in Patterson Township, or the number of votes specified in the certificate of the judges on the back of the tally sheet?

"A. We took the number of votes certified to in the certificate on the back of the tally sheet."

(On page 148:)

"Q. Then, as a matter of fact, if the number of votes tallied up for Mr. Downing in Patterson Township is the correct number that he received in that township, Mr. Downing received 14 more votes in Greene County than he got credit for in the returns sent by the county clerk to the secretary of state. Is not that correct?

"A. Yes; that is correct."

(On page 149:)

"Q. Did you examine any other tally sheets than that of Patterson?

"A. We examined them all, but found but two townships in which changes

should have been made; one was in Woodville. The writing was so poor that we could hardly tell what it was intended for, but there was a difference of 2 or 3 votes, probably 10 votes, and they wrote 67 when it should have been 57; it showed a difference there. By comparing them we could see that it was intended for a 57 instead of a 67, or a 67 instead of a 57, and I don't remember which now.

"Q. When you made out your certificate and sent it to the secretary of state did you make it conform to the number of votes indorsed on the back of the tally sheets?"

(On page 150:)

"A. Yes, sir; after we found the mistakes we sent for Squire Heron and Squire Connole, and pointed out to them the two mistakes I have mentioned. One was at Woodville, where they were giving Downing too many votes. We sent for Heron and Connole and showed it to them, and they saw that they had made a mistake, and corrected the Woodville mistake.

"Q. I understand you to say that you sent for the canvassers, the two justices of the peace, and they corrected the mistake in the Woodville vote?

"A. Yes, sir.

"Q. And deducted that from whose vote?

"A. From Downing's vote.

"Q. What did you do with the vote in Patterson township?

"A. We had to leave that as it was because they certified he only got 100 votes, although the tally sheet showed they counted him 114 votes. Taking 114 votes, the number of votes Downing got, and the number of votes the other candidates got, the vote showed it was the proper number of votes. To only count 100 votes for Downing would show about 14 votes that were not cast for anybody for that office.

"Q. Why was not the vote for Woodville certified the same way?

"A. It was certified, but it was certified properly. In reading on the back the number of votes they did not read it right. They called it 57 when it should have been 67, or 67 when it should have been 57. The writing was so poor that it looked as much like one as it did like the other.

"Q. The returns certified by you to the secretary of state show the number of votes in the respective voting districts as certified to by the judges and clerks of the election on the back of the tally sheets?

"A. Yes, sir.

"Q. Counting in the number of votes the tally sheets showed tallied up for Downing, what sort of a result would that make, added to the number of votes tallied up and certified to for other candidates, with reference to the whole number of votes cast?

"A. That would be about right. I do not know whether it tallied just the number of votes cast or not, but it was about right."

C. A. Henshaw, one of the judges of election, Patterson Township, testifies on page 534. In answer to a question of counsel as to what discrepancy appeared upon the tally sheet referred to, how it happened, etc., he says: "The discrepancy between the tally sheet and the certificate I think was a clerical error on the part of the parties who wrote it out. The votes were counted, and then we found some discrepancy in the legislative ticket, and we counted the ballots over again. We counted them all, for we thought if an error had been made there there might have been one made some place else also. We counted the tickets a second time, and there was an understanding between the judges, and I think we all understood it the same, that, as the tally sheet shows, that was the correct count; if my recollection serves me right, it was 114 votes for Mr. Downing. We did not notice that error there, but my understanding was at the time, and always has been, that the vote for Downing should have been 114 votes instead of 100."

Again, W. C. Linder, another of the judges of election in Patterson Township, testifies, on page 537 of the record, in answer to questions of counsel as to what was his recollection with reference to the discrepancy in the tally sheet in Patterson precinct:

"My recollection is that there were 114 votes counted for Downing.

"Q. What is your recollection as to how many votes were cast for Mr. Downing at that election?

"A. One hundred and fourteen is my recollection.

"Q. Your recollection now is that that was the number of votes Mr. Downing received in that township at that election?

"A. Yes, sir.

"Q. How can you state that Downing got 114 votes?

"A. I remember it that way. I don't know how I can state it. I think what makes me remember it was that I heard that there was an error somewhere, but I did not hear the nature of it. I heard there was an error in our count, and that put me to thinking in regard to that one thing, and I remember it by that, and then I went to my ballot that I had and looked at that, and that showed 114 votes.

"You say that you have not that memoranda now?

"A. No, sir; I have not. I did not know that I was going to be called up here or I should have been careful to have preserved it. I was clearing out my desk, and I think I destroyed it with some papers not more than a month ago, I would say.

"Q. If the tally sheets show that Mr. Downing received a certain number of votes, and the certificate of the judges shows that he received a different number, which is correct, if you know?

"A. I would not swear positively, as I said before; but my recollection is that 114 is right. I have never seen the tally sheets since that night, but I think the tally sheets show 114."

Again, Mr. W. H. Dyer, who was a clerk at the said election in Patterson Township, being asked if there is any discrepancy between the tally sheet and the certificate made by the judges and clerks as to the votes cast for Downing for Congress, which was correct, and how he knew, answers, on page 538:

"A. It is my judgment that the tally sheet is correct. I aimed to count the votes just as they were given to me, and I think the tally sheet is correct."

A. J. Martin, another clerk, testifies on pages 539 and 540, to the same effect. The only other witness who testifies regarding this discrepancy, or clerical error, on the tally sheets of Patterson Township, is one Abraham Groce, who, in his examination in chief for the contestant, testifies as to the regular Democratic vote received by other candidates, and to the reception by Downing of 114, but which figures he states, without giving any adequate or satisfactory account of the reasons therefor, were changed to 100. All of his testimony, both in chief and upon cross-examination, and upon reexamination and recross-examination, is unsatisfactory, indefinite, and so evidently biased as to render it worthless and not to be regarded for an instant in comparison with the testimony of the other five witnesses who participated in the transaction and whose testimony we have quoted from as above.

There is no indication in the testimony of any of these witnesses, nor any intimation of any kind to be found in the printed testimony, or in the tabulated statement of the vote returned officially in the county, which would indicate that Mr. Downing did not receive his full party vote, while it would seem that, in some precincts, Rinaker received, in addition to his party vote, the votes of some Prohibitionists, and I am unwilling to believe, in the light of the above-quoted testimony, and in the absence of any official recount of the ballots of that county, that Mr. Downing should be deprived of the 14 votes in Patterson Township which were not included in the official returns, by reason of the clerical error so fully explained in the testimony. It is manifest that the error in Woodville precinct, by which, if it had remained unchanged, Downing would have received 10 more votes than he was lawfully entitled to, was corrected by the canvassers very properly, and the official certificate made to conform to the exact vote which he did receive.

We are at a loss, however, to understand why the same correction was not made with regard to the palpable clerical error of 14, made by the clerk or judge who indorsed the tally sheets, as was done in the Woodville case. It certainly is within the power of this committee and Congress to make this correction, and the 14 votes should be added to Downing's total. If the objection be made that the tally sheets are the best evidence, certified copies can easily be obtained.

CASS COUNTY.

With regard to the unofficial and private account of the ballots in Cass County, it appears from the evidence of John G. Pearn, page 104, record, who was a party in the county contested election case, that he kept a tally of the ballots in 8 out of the 16 precincts, and only of ballots called off in recounting for the contest purposes, so far as the same related to vote on Congressmen. He and his assistant, Mr. Dale, were also engaged, and their attention principally centered upon the result of the recount as to the office in which Pearn was interested, and their unofficial and unauthorized tally on the Congressional vote must be taken notice of with that understanding.

As has been shown in the table quoted hereafter, the count kept by Wilson, and the count kept by Pearn, and the count kept by the contestee himself differ in their results, owing no doubt to the different circumstances under which they were made. It is fair, however, to presume that, inasmuch as the attention of the contestee and Mr. Wilson was centered upon the Congressional vote alone, their results are far more likely to approximate the truth than that of the count kept by Mr. Pearn and Mr. Dale, whose principal interest in the recount was centered upon the result of the contest to which Mr. Pearn was a party. This only serves to emphasize what we have said hereinbefore; and that is, that inasmuch as the ballots are in the condition to render them competent as evidence, and are accessible to the process of this committee, and can be laid before it in the exact condition in which they were cast, together with all "objected to" and "rejected" ballots, and the record of the action thereon taken by the judges of election, it is the manifest duty of this committee, in view of the interests which the people of the district have in the result of this contest, as well as the parties thereto and Congress itself, to require the same to be laid before it, and to make such an official examination thereof in this case as will enable the committee, and each and every member thereof, to be convinced as to the true and exact result of the election in Cass County. The following tabulated statement by precincts shows the result of the three separate recounts alluded to as compared with the official returns:

CASS COUNTY—RECOUNT UNOFFICIAL.

Precinct.	Official count.		Pearn's recount.		Wilson's recount.		Downing's recount.		Page of record.
	Downing.	Rinaker.	Downing.	Rinaker.	Downing.	Rinaker.	Downing.	Rinaker.	
Arenzville	170	96	169	98	169	98	169	98	104, 416
Indian Creek	52	32	52	32	52	32	52	32	104, 417
Princeton	35	41	35	42	36	41	36	41	104, 417
Chandlersville	170	159	168	159	168	159	169	159	104, 417
Ashland	172	200	172	200	172	200	172	200	104, 417
East Beardstown	154	216	153	215	153	215	154	215	104, 417
Virginia, No. 1	163	197	163	196	163	195	163	195	104, 417
Virginia, No. 2	138	131	138	130	138	130	140	130	104, 417
Total, 8 precincts	1,054	1,072	1,050	1,072	1,051	1,070	1,055	1,070	

Net result differing from official vote.

Pearn's unofficial recount shows: Net loss, Downing, 4. See Rinaker's brief, page 9.

Wilson's unofficial recount shows: Net gain, Downing, 1.

Downing's unofficial recount shows: Net gain, Downing, 3.

ASSISTED UNSWORN VOTERS.

There is another feature in this case, however, which we believe should be regarded by this committee as res adjudicata. We refer to the disposition to be made of votes which the testimony shows have been cast by certain questionable electors for the respective parties to this contest, and to whom assistance in the making out or marking of their ballots was rendered by the officers of election in various precincts without the statutory condition precedent to the rendition of such assistance having been complied with on the part of the voter, namely, his oath taken, showing that he was legally entitled to such assistance. The statute upon the subject is, in my judgment, mandatory, and is found in chapter 46, paragraph 311, section 14, of the statutes of Illinois, and is in these words:

"Every voter who may declare upon oath that he can not read the English language, or that by reason of any physical disability he is unable to mark his ballot, shall, upon request, be assisted in marking his ballot by two of the election officers, of different political parties, to be selected from the judges and clerks of the precincts in which they are to act, to be designated by the judges of election of each precinct at the opening of the polls."

In the great majority of the voting precincts in the district it is to be presumed this law was strictly complied with and regarded as mandatory by

the judges of election, as the legal presumption that such is the case must arise from the fact that nothing is shown to the contrary. In a few of the precincts, however, in the counties of Morgan, Cass, Pike, and Greene, there were instances proved in the record in which the statute above quoted was regarded by the election officers as directory only, and voters were assisted without the declaration upon oath of the voter that he was entitled under the statute to assistance in the marking of his ballot; and it is in these instances, it has been claimed by the contestant, that such assisted voters who had cast their votes for him should be allowed to stand as cast, and their votes, which I hold were illegal, be counted for him in the aggregate of his vote.

My opinion is founded upon the law itself, as above quoted, and the decision of the supreme court of the State of Illinois and the decision of the Fifty-third Congress, and the Committee on Privileges and Elections thereof, as shown in the officially published reports, being Report No. 1741, Fifty-third Congress, third session, in the case of Steward *vs.* Childs, under facts analogous to those in this case and arising identically under the same statute. And also as held under an analogous statute regarding the numbering of ballots and the indorsing of initials of election judges on the back thereof, in the case of O'Neill *vs.* Joy, Report No. 268, Fifty-third Congress, second session. In the supreme court of the State of Illinois, in the case of Parker *vs.* Orr, rendered November 19, 1895, extracts from which, as reported in the Northwestern Reporter, have been set out by the contestee in his supplemental statement of claims filed with this committee since the hearing. In the full text of that opinion will be found this language concerning the provisions of this mandatory statute:

"The statute being directory and not mandatory as to the manner of voting prescribed in section 23" (which relates to the marking of the ballot) "it remains to be determined what is the proper construction in settling this question. Two objects must be kept in view, viz, the secrecy of the ballot and the intention of the voter."

And concludes its opinion in this case with the following language:

"It may properly be added that it is the duty of every voter, under this law, to ascertain fully the provisions of the statute and the directions of the secretary of state in his instructions sent out with the ballots, and that whenever, either through negligence or willfulness, he disregards that duty, he does so at the peril of losing his vote."

The above language can not be misinterpreted. The clear and explicit provisions of section 14 above quoted, as construed by the above decision in Parker *vs.* Orr, leave no room for doubt that the chief purpose and intent of that law is to insure to the voter by every possible safeguard the absolute secrecy of his ballot; and also as a restraint upon bribery, as, without the safeguard provided by that section, any corrupt purchase and sale of votes might be given effect and the delivery rendered certain if an unrestrained license were afforded to the claiming and rendering of assistance to a voter who had not been required to declare under oath that he was entitled under the law to receive it. This proposition is so plain that I refrain from further argument to show that its provisions are clearly of the essense and substance of the election, and necessary to carry out its clear object and intent, and that disregard of the same by the voter is done at the peril of losing his vote.

There is no doubt in my mind but that the provisions of the law above alluded to, which require that before assistance may be rendered to a voter by the election officers he shall declare upon oath that he is disqualified from marking his ballot in the manner prescribed by law, was prompted by a sound public policy, is a wise and beneficial one, and is mandatory, and that violation of the same is fatal to the reception and counting of the vote of the person thus unlawfully assisted. It remains, therefore, but to ascertain from the evidence how many of this kind of voters have cast their ballots without making the aforesaid declaration under oath and, if possible, for whom said ballots were cast, to enable us to determine and find specifically how many votes should be deducted from the total of each party to this contest on account thereof. The following table presents what I believe to be the correct statement of this class of votes, at what precinct, for whom cast, and what deductions ought to be made on account thereof.

GREENE COUNTY—WALKERVILLE PRECINCT.

Assisted voters not sworn:
Samuel Lockhart, Rep., v. for R.
Shetterly, p. 157.
Henson, D., v. for D.
Shetterly, p. 157.
Henson, D., v. for D.
Shetterly, p. 157.
Samuel Lawson, D., v. for D.
Shetterly, p. 157.
Deduct from Rinaker 1
Deduct from Downing 3

PIKE COUNTY.

Not sworn.	Assisted voters:	
J. S. Mart,		
Darnell,		
Z. Kellom,		
Simon Manker,		
Samuel Manker,	Voted for Rinaker, Record, pages 332, 334, 335, 336, 337.	
C. Kimbro,		
W. Butler,		
I. Foster,		
M. Kimbro,		
Deduct from Rinaker		9

CASS COUNTY.

Not sworn.	Assisted voters:	
Philadelphia precinct.		
Jacobs, D., Record, 99, D.		
Simmerman, D., Record, 99, D.		
Deduct from Downing		2
J. T. Crimes, R.,		
I. N. Crimes, R.,	Record, pages 375, 376, 377.	
W. N. Maddox, R.,		
George Brooks, R.,		
Deduct from Rinaker		4

MORGAN COUNTY.

Not sworn. Assisted voters:

Rep. A. Shelborn	Record, p. 585	
Rep. S. Jones	Do.	
Rep. J. Joquin	Record, p. 588	
Rep. A. Deornellos	Record, p. 589	
Rep. M. Souza	Do.	
Rep. Tony Baptiste	Do.	
Rep. T. Deaton	Record, p. 590	
Rep. M. Alves	Do.	
Rep. M. Ward	Do.	
Rep. J. Martin	Record, p. 593	
Rep. J. Deornellos	Do.	
Rep. A. Corea	Do.	
Rep. M. Deornellos	Record, p. 593	
Rep. J. B. Turner	Record, p. 594	
Rep. Seth Joquin	Record, p. 591	
Rep. James Bias	Record, p. 592	
Rep. Seb. Deornellos	Do.	
Rep. Jos. Vincent	Do.	
Rep. Man. Deless	Do.	
Rep. J. Baptiste	Do.	
Rep. J. P. De Silvia	Do.	
Rep. Seb. De Frates	Do.	
Rep. V. Fernandes	Do.	
Rep. M. Vasconsellos	Do.	
Rep. M. Rose	Do.	
Dem. Jos. Bringie	Do.	
Deduct from Downing		1
Deduct from Rinaker		25
Total deducted from Rinaker		39
Total deducted from Downing		6
Total assisted not sworn voters		45

OTHER ILLEGAL VOTES.

For the purpose of this statement, it is sufficient to say with regard to the claims and concessions of the parties to this contest, of and concerning the votes of persons in the various precincts and counties of the district, which were illegally cast on account of the disqualifications of the voters by reason of nonresidence or otherwise, that in my judgment the voluminous evidence concerning them, which has been taken by both parties to the contest, results in a showing of about an equal number of votes to be deducted from each party on this ground. I prefer, therefore, to leave the further consideration of that feature of the case to a more careful and complete analysis of the same in a report of the committee should it become necessary, and I therefore dismiss this class of testimony and the results thereof, as regards illegal voters, from further consideration at this time. I will simply state that, in my judgment, the result of the most scrutinizing analysis of the law, and the facts developed and relied upon, would fail to show any material difference in the result as affecting the majority of the sitting member.

To summarize, therefore, the facts in this statement, it will be seen that, in my opinion, this is a case in which no claim is made that the sitting member has obtained the certificate upon which he has been given the seat in this House through any fraud or illegality, or that there has been any serious irregularity upon the part of any of the election officers, nor on the part of the contestee or his partisans or friends, but that the contestant relies solely and entirely upon evidence of honest mistakes and errors in judgment, by honest men acting as election officers, who have endeavored to discharge their sworn duty in strict compliance with the law. Such errors and mistakes are, he would have us believe, sufficient in number and importance to cause this committee to set aside the accredited and veritable official returns, duly certified to the secretary of state, upon which contestee's title rests to his seat, and he asks this practically upon the following grounds:

That by an ex parte, unauthorized, unofficial, and inaccurate recount of certain ballots in Macoupin County, by which after assuming to decide judicially upon the question as to whether or not ballots judicially and officially rejected or objected to, and not counted by the sworn election officers, who in the careful and deliberate discharge of their sworn duties had decided they ought not to be counted; and of a similar superficial and partial recount made in Cass County; and by reason of a clerical error in Patterson precinct, Greene County, by which contestee was deprived of 14 votes, to which he was legally entitled and which should have been counted for him in the total result; and by reason of what would amount to a reversal of the cases decided by this and preceding Congresses, and the adjudicated construction of the laws under which the election was held by the courts of Illinois, Mr. Downing should be deprived of his seat in Congress and Mr. Rinaker be declared duly elected thereto. In the present condition of the case and with means of absolute certainty easily within our reach, I can not under a sense of my duty to the House and to the people of the district consent to such a conclusion.

Much undue stress has been laid upon the proceeding and injunction obtained by contestee which appear in the record. In order that the ballots in the Sixteenth Congressional district of Illinois might be preserved for inspection by this committee and Congress in this case, should it desire to make such an examination thereof, and in order that they might not be destroyed, as would have been the case in many of the counties under the operation of law, and to insure their proper preservation and safe-keeping in order that their value as evidence in this case might be preserved, the contestee secured by due legal process and upon a proper showing made to a court of competent jurisdiction, an injunction or decree, which was duly served upon the custodian of said ballots in the various counties of the district, and which in its terms, among other things, declares as follows:

"It is therefore ordered and adjudged and decreed by the court that the said defendants, as county clerks of their respective counties, and each of them, and their successors in office, and their deputies, assistants, agents, and attorneys, and each of them, be, and they are hereby, enjoined and restrained from opening the ballots cast at the election held in their respective counties on the 6th day of November, A. D. 1894, and now in the custody or possession of said defendants, as county clerks of their respective counties, or from permitting the same to be opened or recounted, or from removing or from permitting said ballots to be removed, from the place where they are now kept, until the same are ordered to be opened or recounted by a court of competent jurisdiction of the State of Illinois, or of the United States, or by the House of Representatives in Congress of the United States, after the 3d day of March, 1895."

The grounds upon which the aforesaid decree was granted, being set out in full in the copy of his bill, in the printed record of this case, at page 212, and said decree, which was rendered after a full hearing in the presence of the parties, will be found on page 214 of said record. I am of opinion that in view of the peculiar provisions of the Illinois statute, this step was not the violation of any law on the part of the contestee, and that, so far from working any hardship or from being detrimental to the interests of the contestant or the contestee in this case, as is insisted by the contestant, the proceeding provided in the only possible manner in which the same could have been provided adequately, for the preservation of the ballots for the use of this committee in this investigation, and rendered it possible for this committee to ascertain with absolute exactness the true result in said district. I am also of the opinion that any partial or incomplete examination of said ballots which might have been had during the progress of the investigation by the parties and their counsel, would have been unsatisfactory and insufficient to advise the committee or House fully, as in by far the greater number of the counties comprising the district, there has been, as developed by the record, no prima facie case of fraud or mistake made out which would have justified the examination of the ballots during the taking of the testimony.

I therefore insist that the developments of the testimony in this case render it expedient and necessary, before the contestee shall be deprived of his seat upon the floor of the House of Representatives in this Congress, that we should avail ourselves of the opportunity afforded us, and should sustain the motion made by his counsel at the hearing of this cause, that this committee, upon proper directions from the House, by its own proper process should require the production of the ballots, either of the entire Congressional district and of each county and precinct therein or at least of the counties of Cass, Greene, and Macoupin, against the accuracy of the returns of which there is some testimony found in the record.

Congress has clothed this committee with abundant power, I believe, to take this action of its own motion and without further delay. But should it be thought otherwise the House has full power to direct this to be done.

I am firmly convinced that it is the duty of this committee to refrain from further action in this case and itself recount the ballots as aforesaid, and in the interest of the electors of the Sixteenth Congressional district of Illinois and in the interests of the parties to this contest and in justice to the House of Representatives that this course be taken without any further delay, and I trust that this will be done.

Mr. MOODY. Mr. Speaker, I think that in justice to my colleague upon the committee, the gentleman from Illinois [Mr. COOKE], it ought to be stated to the House that the very able report prepared by the majority of the committee was prepared and presented by him. By some error which has crept into the records of this House it would appear that the report had been prepared and presented by the chairman of the committee, the gentleman from New York [Mr. DANIELS]. I do not intend, of course, to suggest for a moment that the report does not have the assent of the gentleman from New York, because I know that it does, but I want the credit for that very able report to fall where it is due.

Mr. COOKE of Illinois. I thank the gentleman.

Mr. MOODY. I am very glad to receive the gentleman's thanks, but I do not wish to occupy much of my time receiving thanks. [Laughter.]

Mr. COOKE of Illinois. I was simply going to add that it is a matter of no consequence to me, I can assure the gentleman.

Mr. DANIELS. The mistake was made by the printer.

Mr. MOODY. Undoubtedly, and if anything that I have said can be construed into a reflection upon any member of the committee I desire that it shall be withdrawn.

Mr. Speaker, it is a source of sincere regret to me that I have been unable to agree with the conclusions which were reached by the majority of the Republican members of the Committee on Elections; but I take it that in a matter of this kind, the decision of which will take a seat in this body from one man and give it to another, every man must be the keeper of his own conscience. I have examined this case with the utmost care and the utmost ability that I could bring to it, and the conclusion which I arrived at in the first place has been reenforced by further reflection. I believe, Mr. Speaker, that if the decision of the majority of the committee is sustained by this House it will be an outrage upon the people of the Sixteenth Congressional district of Illinois and a stain upon the good name of the Fifty-fourth Congress. I make no imputation upon the motives of any man who may disagree with me, but I state to this House the deliberate conclusion at which I have arrived.

Mr. Speaker, I think we ought not to go much further in the consideration of this case without understanding exactly where we are. We throw aside all the minutiæ upon which we might disagree, and we come to the two main points upon which the two branches of the committee are at odds. Mr. Downing holds his seat in this Congress by a plurality of 40 votes. It is proposed to take it from him by a plurality of 30 votes. There is not a claim in the record, or made by counsel, or indulged in by any member of the committee, that from the beginning to the end of this election there was any fraudulent practice on the part of any man who had anything to do with it. It behooves the members of this House, before they reverse a plurality of 40 votes and turn it into a plurality of 30 votes, to examine with care the grounds upon which that is sought to be done.

There is one main branch of this case which has been largely discussed, and which I will restate to the House. There were about 38,000 or 39,000 votes cast in that election for Congress. A few more than 5,000 were recounted, and the errors which it is alleged were found in that recount were 39 in number in favor of the contestant, just 9 more than the plurality the report of the majority seeks to give him. It is perfectly clear, then, that unless you accept the results of the recount in the two counties—Macoupin and Cass—you can not upon this record seat the contestant. No matter what you may think about the other question—the question of assisted voters—if you decline to accept the results of that recount in those two counties, then that is an end of this case.

Now, let me say here, so that there can be no mistake about it, that the minority of this committee do not propose to settle this contest here; they propose to send it back to the committee with instructions to find the real truth, no matter what difficulties may lie in the way. I know—and I answer it now—it will be objected by and by that this delay will operate as a denial of justice. How great, Mr. Speaker, can be the detriment arising from this delay? We are approaching the closing day of this Congress. It will be of no great advantage to either of these gentlemen to occupy a seat in this hall for the few days that are left to us at this session. If a recount is had as we propose, when we come back here this contest can be determined in my opinion beyond all doubt, and the man who is honestly entitled to the seat can take it without any stain upon it or without any doubt hanging about his title.

Let us see what the recount is that it is proposed to substitute for the count of the honest election officials of the county of Macoupin. There was a recount of the vote for county treasurer of that county. That is the home county of General Rinaker, the contestant. It is there he proposes to make the gain which shall reverse the plurality shown by all the other seven counties of the district. The parties met, and they had a recount of the vote for treasurer in 36 of the 37 voting precincts of that county. The successful candidate for the office of treasurer had a plurality by the original returns of 39 votes. When the last precinct was reached the errors were so few and so balanced each other that the counsel concluded that the recount could not change the result, and that precinct was not counted. In the meantime, in the first 11 precincts of that county, an unofficial recount was made of the vote for Representative in Congress. The recount was made by representatives of General Rinaker—among others by his son, who was one of the counsel in that recount. We have never heard what the result of that recount in those 11 counties was. Nobody comes forward to tell us the result of that unofficial recount in those first 11 precincts. We may guess at the reason when we find that in the contest for treasurer those are the 11 precincts where the Democrats gained, while they lost in the precincts selected to be brought forward in this House to take the seat from the man who now holds it.

Mr. COOKE of Illinois. Would the gentleman consider it at all seemly or proper for counsel in a case to come forward and testify, especially where the client was his own father?

Mr. MOODY. Mr. Speaker, I must let Mr. Thomas Rinaker, the son, settle that question for himself. He did come forward to testify in this case. He was the first counsel who did so; and he testified to this very recount in which he acted as counsel. The gentleman from Illinois [Mr. COOKE] can not have forgotten that circumstance.

Mr. COOKE of Illinois. Not so far as the result reported by Murphy is concerned, according to my recollection.

Mr. MOODY. "Not so far as the result reported by Murphy is considered." He could not testify to what Murphy knew; but he testified about other matters concerning that recount, which he deemed material to aid his father in this contest; and I say that when he withheld the information which he had with respect to the eleven counties where if there was to be a gain for the Democratic candidate that gain would be found, there is a significance in the matter which can not be denied.

Now, after that recount had gone on for two or three days Mr. Murphy steps in and takes part in it; and you must accept Mr. Murphy's recount as correct and reject the sworn returns or else you must leave Mr. Downing in his seat.

Before I come to the details of the recount I want to describe to this House the method in which it was conducted. There was a table 5 feet long and 2½ feet wide. Upon one end of the table sat the county judge, under whose direction the recount was proceeding. By the side of him were two tellers. On the two sides of the table sat the four counsel for the parties to the recount. Upon the other end of the table sat the deputy county clerk, Waggoner, who produced and opened the ballots which were to be recounted for the office of treasurer. Behind Waggoner, who was opening these ballots, laying them upon the table and announcing from each ballot whether the vote was for one or the other of the candidates for treasurer, sat on a high stool Mr. Murphy, the important witness in this case. All the information, gentlemen, which Mr. Murphy had about the true state of the ballot in that county he received while sitting on that high stool in the position I have named.

I have here one of the original ballots. [Exhibiting ballot.] Those ballots contained the names of 50 candidates. The county clerk took those ballots. He first turned them over and looked for any marks on the back that might invalidate them; then he uttered the name "Gleason," or whatever else may have been the name of the candidate for treasurer; passed the ballot to counsel for verification, and it was passed about the table. All the opportunity which Murphy had to ascertain the truth of the matter was while the ballot was in Waggoner's hands and before it was passed to anybody else. These ballots were counted, according to the testimony of the county judge, at a rate of not less than 6 per minute, and in some cases as high as 16 per minute. They regulated the speed with which the ballots were handled, not to conform to the convenience of Mr. Murphy, who was a spectator, but for the convenience of the count by the officers who were engaged in that business.

Mr. McCLEARY of Minnesota. If the gentleman will permit me, I would like to ask him if during that count an announcement was made of the votes for Congressman?

Mr. MOODY. No; there was no such announcement.

These proceedings were not exactly secret, because it appeared to be generally known that Mr. Murphy was present and was making a count of the Congressional vote, yet he was not recognized as a party to the official count or as being there according to law. Mr. Murphy was a spectator, like many others who were present.

Mr. HOPKINS. But all know that he was keeping a count.

Mr. MOODY. I have already said that such was the case.

Mr. HOPKINS. And when the count was slow, at the rate of six ballots a minute, it was these ballots where there were many changes; that is to say, they were not the straight ballots?

Mr. MOODY. On the contrary, the sixteen-a-minute ballots were put all together as straight ballots, and were counted faster.

Mr. HOPKINS. But the rapidly counted ballots were the straight party ballots; that is what I mean.

Mr. MOODY. Unquestionably the gentleman is correct in that.

Now, remember, Mr. Speaker, that Mr. Murphy was unquestionably in the employ of General Rinaker, which fact appears in the testimony, and which is not disputed. It is shown that he was employed at the instance of Thomas Rinaker, the contestant's son and counsel. There was no concealment about it and no dispute of the facts. Nobody represented the other side there. Mr. Murphy thought he could keep the count accurately under the circumstances I have tried to recite to you——

Mr. HOPKINS. If it will not interrupt the gentleman——

Mr. MOODY. I welcome interruptions, especially interruptions that I know are intended only to elucidate facts in the case.

Mr. HOPKINS. Is it not true that Bell and Anderson were attorneys in the case also for the contestee? Were they not sitting at the table looking at the ballots as the contestee's counsel?

Mr. MOODY. It does not appear whether they were attorneys for Downing or not. There is nothing in the record to indicate that fact.

Mr. HOPKINS. I think that is admitted.

Mr. MOODY. Whether they were or not, at that time the evidence does not disclose, but there is no evidence that they kept count upon the votes for Congressman.

Now, Mr. Murphy thought he could keep the count accurately, and Mr. Waggoner, whose back was turned to Murphy all the time, also thought Mr. Murphy could keep the count accurately; but everybody else who testified in the case and give their opinion of the value of Mr. Murphy's count say that it would not be possible to keep an accurate count under the circumstances.

But, Mr. Speaker, I do not rely too much on the opinion of people on such subjects. Too much depends on the differences in men; and Mr. Murphy appears to have been an accurate man, as far as it would have been possible for a man to be accurate under the existing conditions. But I appeal to every man in this House within the sound of my voice to say if it is possible, under the circumstances, that any man could keep an account of the ballots accurately, or whether it would be possible for such a man to keep such a count more accurately than the sworn officers of the law, who had every facility afforded to them for performing their duties? Why contrast Mr. Murphy's recount with the official recount going on? He was alone, endeavoring to keep this count under difficult circumstances.

On the other hand, in the official recount there was the judge of the court to decide questions in dispute about the law; there was a teller for each party to the contest; there were counsel present on each side of the controversy, and the deputy county clerk, acting under the responsibilities of his office, who counted out the ballots in the presence of all of the others. The testimony shows all that, and yet with all of these precautions again and again a mistake was made. Something on the ballot escaped the scrutiny of the first man, passed the second, the third, and the fourth man, until finally it reached the last man before the error was detected. So that, as a matter of fact, the judgment and the eyesight of one man was corrected by another and another and another still, each one verifying the count of his predecessor, until the result of the final count was as accurate as such a proceeding could possibly be.

Mr. HENDERSON. After the ballots had gone the rounds of those whose duty it was to inspect them, were they put in a pile near where Mr. Murphy sat?

Mr. MOODY. They were not; they were folded and strung again. Mr. Murphy had no opportunity—and if I am wrong about it I should be glad to be corrected——

Mr. COOKE of Illinois. I know my friend does not wish to misstate the case in the slightest degree. I should like to answer the gentleman from Iowa by saying that Mr. Waggoner, who sat at the head of the table, and by whose shoulder Mr. Murphy sat, was the deputy clerk who opened the ballots, and he, having the ballots there open before him, read the result aloud to those assembled, and then the ballots were passed around.

Mr. MOODY. I stated that, I think. If I did not, I am very much mistaken.

A MEMBER. You did state it.

Mr. HENDERSON. When this deputy clerk opened the ballot, he was doing that, I suppose, while the inspection of the last preceding ballot was being had?

Mr. MOODY. No; he took the ballot, opened it, made the announcement as soon as he inspected it, reading the name of either one candidate or the other for county treasurer, and then immediately passed it away from Mr. Murphy.

Mr. HENDERSON. And then took out another ballot and prepared to do the same thing, and hence the ballot would lie there some time—until the inspection of the next preceding one was completed by the other officers?

Mr. MOODY. I can only answer that the uncontradicted testimony shows that the ballots were counted, as the county judge said, between the extremes of 6 a minute and 16 a minute, and Mr. Murphy had what chance he could have under those circumstances.

Mr. HENDERSON. The object of my first question was to know whether at the end or the beginning there was a period of rest for the ballot, when Mr. Murphy was situated so that he could take advantage of that period of rest.

Mr. MOODY. Undoubtedly there was a period of rest, of greater or less extent, when Mr. Murphy could see the ballot. No one disputes the fact that he had some chance. Our point is that he had not a chance to be more accurate than the precinct officers themselves, who could take all the time they pleased. And let me again, at the expense of repetition, say to the gentleman from Iowa [Mr. HENDERSON] that the speed with which these ballots were handled was made to conform to the recount upon treasurer and not to the requirements of the recount upon Congress. That is an extremely important matter.

Mr. BRUMM. Will the gentleman allow me to ask him a question for information?

Mr. MOODY. Certainly.

Mr. BRUMM. As I understand, this matter was going on in a contested election case for treasurer?

Mr. MOODY. That is true.

Mr. BRUMM. That the question as to who or who was not elected to Congress was not at issue?

Mr. MOODY. Not at all.

Mr. BRUMM. While these ballots were being counted, or being examined with reference to one contest, a gentleman by the name of Murphy was sitting where he could see those ballots; and he swears, as I understand it, that he discovered that among those ballots there were a certain number that had been declared by this investigation to be illegal, and that there were a certain number of those that had upon them the name of one or the other of the Congressional candidates. Is not that the truth?

Mr. MOODY. I understand, if the gentleman will permit me to explain in detail, that he counted every ballot that was recounted; that he looked over the shoulder of those who were counting for treasurer. He had a pad on his knee and a pencil in his hand, and he made a tally for each ballot that passed; and I do not deny——

Mr. BRUMM. That does not answer the question. The information I want is this: You say this testimony conflicts with the recount for treasurer.

Mr. MOODY. I do not. I mean to say that, as you will see later, there is a difference between the results of the two recounts, but I do not consider that very material, because General Rinaker was running ahead of his ticket, and very greatly ahead of his ticket.

Mr. BRUMM. Then there is really no conflict, and there is no denial, so far as the testimony goes to show, of what Mr. Murphy swore to?

Mr. MOODY. There is no denial and can be no denial of the fact that Mr. Murphy made that recount. We all know that he did.

Mr. BRUMM. I understood you to say that there was a conflict with the official returns.

Mr. MOODY. Oh, with the official returns made by the election officers when they made their original count.

Mr. BRUMM. Yes; but here is the point I want to get at. Of course that conflicted with the official returns, because the official returns gave so many votes to one and so many to the other.

Mr. MOODY. Yes.

Mr. BRUMM. If, however, the ballots that Murphy said were illegal are in reality illegal, then that would reverse the official returns, without charging the officials with fraud or with anything more than error.

Mr. MOODY. I see what is in the gentleman's mind. The gentleman has made an error of fact in reference to the illegality, and if he will permit me to go on and speak for a few moments longer, perhaps I shall explain what is in his mind.

Mr. SHAFROTH. Will the gentleman answer a question?

Mr. MOODY. Certainly.

Mr. SHAFROTH. I should like to know whether the testimony discloses that when Mr. Murphy sat behind this man, when he found there was a mistake made in any ballot, whether he called the attention of any one to it?

Mr. MOODY. The evidence shows that he did not. He made his count entirely independent of every other human being in the world, and upon that I want to call the attention of the members of this House, as men who love justice and fair play, to what the Republican judge of that county who presided at that recount said—a man who was elected upon this very ticket at this very election, who was friendly, as everybody was and everybody is here, to General Rinaker. In answer to this question:

Would you like to undertake to have your count, made under the circumstances that Mr. Murphy made that, considered strictly accurate?

He replied:

If I was contesting an election, I should want the ballots counted a little more accurately than they were counted. Of course I should want somebody watching the other side as well.

And that answers the question of the gentleman better than I can answer it.

Mr. DANIELS. Now I ask the gentleman whether the evidence of the deputy county clerk did not show that the process when this counting was done was that the ballots were opened and laid flat on the table?

Mr. MOODY. I have so stated by illustration. If I have not so stated I desire to do so, for I do not desire to misrepresent, and if I do misrepresent I beg gentlemen to correct me. But all the ballots were, as has been suggested, spread upon the table. The announcement was made and they were passed along with the speed which I have described.

Mr. HENDERSON. I would like to make one further inquiry of my friend, and then I will not disturb him further.

Mr. MOODY. I yield cheerfully.

Mr. HENDERSON. And if he is going to cover the point he need not pay any attention to it.

Mr. MOODY. I will pay attention to the gentleman always.

Mr. HENDERSON. You are very kind to all of us. It seems, according to the argument, that the rights of the defendant depend upon the secondary evidence. Now, what I would like to hear is the views of the gentleman on this point. Was it within his power to get the primary evidence?

Mr. MOODY. If the gentleman will permit me, I will discuss that later in my argument, without any evasion whatever.

Mr. HENDERSON. I want to see if he could get the primary evidence.

Mr. CANNON. Will the gentleman allow me to ask him a question?

Mr. MOODY. Certainly; if it is not on the question of injunction.

Mr. CANNON. It is not, except incidentally. It is upon another point. In fact, were the attorneys of the sitting member present at this recount, one or both?

Mr. MOODY. The gentlemen who subsequently appeared in the record as attorneys, or some of the gentlemen who subsequently appeared in the record as attorneys for the contestee, and some who subsequently appeared as attorneys for the contestant, were present at this recount. They were attorneys in the recount; they were not acting for the contestee. No attorney was acting in regard to the Congressional election. Murphy was the only man who officiated.

Mr. CANNON. I want to ask the gentleman one or two more questions. Within a few days, as I understand from a hasty reading of the report, after this recount on the local contest the subpœna duces tecum to bring these ballots was issued by the notary public under the Federal law.

Mr. MOODY. Yes.

Mr. CANNON. Now, then, is it or is it not true that the sitting member had then applied to the State courts?

Mr. MOODY. Of course it is true.

Mr. CANNON. To my friend's mind, is it significant that those attorneys of the sitting member got enough information to know that they did not want these ballots counted under the Federal process?

Mr. MOODY. I do not think these attorneys appeared for the sitting member at that time. I do not think they appeared at this recount. That fact has never assumed any significance in my mind.

Now, I want to call your attention and weary your patience, perhaps, by a table which I have prepared for use in my argument, and lest I fall into the lot of my friend from Alabama [Mr. WHEELER] I ask consent of the House to print this table instead of reading it, and then I shall refer to it in detail.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none, and leave is granted.

The table is as follows:

Gains and losses in recounts, including "objected to" ballots.

	By Murphy's recount for Congress.		By official recount for treasurer.	
	R.	D.	R.	D.
Carlinville	2, + 1			
Western	+ 1	− 2		+1
South Otter	+ 1		+2	−2
Shipman	+ 4	− 1		−1
North Palmyra	+ 1	− 2	+2	−3
Scottsville	+ 3	− 3	+1	−1
Gillespie	+ 2	− 1		−1
North Otter	+ 3	− 3		
Bunker Hill	2,	+ 2	−1	+2
Chesterfield	+ 1			+1
Polk		+ 1		
Carlinville	1, + 1			
Do	4,	− 1		
Mount Olive	1, + 2	− 1	+3	
Bunker Hill	3, + 2	− 1		
Do	1, + 1		+1	
Staunton	2,	− 1		
Total	+23	−13 net.	+8 net.	−4 net.

Mr. MOODY. There were 25 precincts counted by Murphy, and in 8 of them he purports to find no change. In the other 17 precincts he finds the change indicated here upon this table. That column which I point to shows the gain for each precinct that he found for Rinaker; that [indicating] shows the loss or gain which he found for Downing, and these figures in red are corresponding losses and gains on the recount for treasurer in the same precincts.

Now, gentlemen will observe that this gain of 35 votes net in this recount of 17 precincts in the contestant's home county is made up of little odds and ends picked up in the different precincts. In only one case are there as many as 4—the precinct of Shipman. In only two precincts are there as many as 3. In most cases there are only 1 or 2. Now, I do not dispute Murphy's honesty. There is nothing in the record which permits me to do that. I do not dispute his accuracy. I have no right to do so on this testimony. But I do say that when it comes to the matter of picking up, out of 200 or 300 votes in a precinct, 1 or 2 or 3 or even 4 votes, we can not trust to that process if we seek to do justice between man and man.

I say again that these changes may have been, and undoubtedly largely were, the result of different views of the law between Murphy and the precinct officers, and who is to tell us which view was right? To illustrate this point, in the precinct of North Palmyra there is a gain of 1 for Rinaker. It is shown without contradiction that in North Palmyra Mr. Murphy said to a bystander that there was a gain of 1 on account of a ballot which was marked in this way: "This is the ballot of J. C. Hamilton," he claiming that that was a legal ballot and ought to have been counted. That testimony is not contradicted. That was the claim of the contestant in his brief. But the supreme court of Illinois since that time has decided that such a ballot can not be counted.

Now, I say that the consideration of this illustration which I have given to the House may account for the difference that there is between the official count and the recount of Murphy. And I say that, without knowing on what grounds he proceeded, we ought not to take the judgment of a man about whom we know nothing, except that he is accurate in figures and that he is honest, as against the count of men who were sworn officials under the law and against whose integrity not one word has been uttered.

Mr. COOKE of Illinois. I want to ask the gentleman whether the very fact which he presents here so clearly, showing that these changes are but few in number in the various precincts, is not the highest evidence that could be brought here to show the accuracy and reliability of Mr. Murphy's work? In other words, if there had been a change of 6 or 8 or 10 shown in one precinct and only 1 in another, and 7 or 8 or 9 in another precinct and only 1 or 2 in still another, would not that indicate a hop-skip-and-a-jump method of counting, which could not be so accurate as the one embodied in this table?

Mr. MOODY. My colleague upon the committee appears to test the value and the accuracy of Mr. Murphy's testimony by the closeness with which it conforms to the original count. I accept that standard. [Laughter.] The original count is the thing that is ultimately authoritative in this case until, in a legal manner, some other state of facts is shown.

Mr. REEVES. May I ask the gentleman a question?

Mr. MOODY. Yes.

Mr. REEVES. The county judge sat at the end of his table, and was it not his duty to pass, and was he not in fact passing, upon the validity of those ballots?

Mr. MOODY. It was his duty to pass upon the validity of the ballots, but in point of fact he did not. My friend is mistaken, and I hope to convert the whole Illinois delegation before I get through if they keep on asking questions. [Laughter.] It was his duty to pass upon those questions, but wherever there was any objection made to a ballot, judgment was reserved; so the court never did pass upon these questions. Nobody under God's heavens ever passed upon them except Murphy, and what we ask is that before we take away this man's right, before we take away the rights of the people of this district, this House shall pass upon these questions.

Mr. HOPKINS. This evidence of Murphy was offered by the contestant during the forty days allowed him by law to take his testimony, was it not?

Mr. MOODY. Yes.

Mr. HOPKINS. Now, what prevented Mr. Downing from having the ballots counted to verify or to defeat this evidence during the forty days allowed him for the taking of testimony?

Mr. MOODY. Nothing occurs to me now.

Mr. HOPKINS. Mr. Downing did not do it, did he?

Mr. MOODY. Mr. Downing did not do it. We want to do it now. If Mr. Downing made a mistake, do not visit it upon the people of Illinois.

Mr. HOPKINS. But if there was fraud, we do not want the gentleman from Massachusetts to sustain it.

Mr. MOODY. Fraud! If I did not misunderstand the gentleman's word, this is the first time that any man has alleged fraud against anybody in connection with this case, and it shows that the gentlemen who are supporting the majority report are being driven to extremities to do it.

Now, Mr. Speaker, it has been described how the ballots have been preserved. I would like to call attention to the law, because I know that gentlemen want to follow it. The law as laid down by McCrary is this—I will not weary the House by reading very much. McCrary states the law in these words:

The official acts of sworn officers are presumed to be honest and correct until the contrary is made to appear. It has accordingly been held that a return can not be set aside upon proof that a recount made by unauthorized persons some time after the official count has been made showed a different result from the official count. This was upon the ground that the count made by sworn officers immediately upon the close of the polls was better evidence of the true result than a count made by interested parties not sworn at a subsequent period and after the result of the official count had been made known. Such evidence comes far short of establishing either fraud or mistake in the official count.

I commend that last statement to the gentleman from Illinois [Mr. HOPKINS].

He cites Gooding *vs.* Wilson, Forty-second Congress, in which case the report was unanimously made by a very able committee, of which Mr. McCrary himself was chairman.

Mr. McCALL of Massachusetts. Will my friend permit me another interruption?

Mr. MOODY. Yes.

Mr. McCALL of Massachusetts. The count relied on by the contestant is the count of Mr. Murphy?

Mr. MOODY. Yes.

Mr. McCALL of Massachusetts. And that contradicts the count of the election officers?

Mr. MOODY. Yes.

Mr. McCALL of Massachusetts. Now, how many different election officers were there who were contradicted by Mr. Murphy?

Mr. MOODY. I think somewhere about 75. I can not tell the exact number. And I beg you to remember, gentlemen, that they are representatives of different parties.

Mr. BRUMM. The gentleman does not mean that the "count" is contradicted. As I understand, the question is as to the legality or illegality of certain votes.

Mr. MOODY. No; there is also a question of errors in counting. How much of the controversy in this case turns upon a difference of opinion as to the legality or illegality of votes and how much upon the question of actual errors in the count no man can tell. But I say, where the question is as to the legality or illegality of votes, this House ought not to proceed on Mr. Murphy's judgment, and where the question is upon errors in the actual count this House ought not to proceed upon Mr. Murphy's judgment, against that of 75 honest Republican and Democratic election officials of the State of Illinois.

Mr. COOKE of Illinois. Does the gentleman mean to say that Mr. Murphy passed upon any alleged illegal votes or upon any irregularly marked ballots?

Mr. MOODY. I mean just this: Mr. Murphy said that whenever either party to the recount on the treasurership objected to a ticket he marked it "objected to" and claimed it for Rinaker or for Downing, as the case might be, and then he put those votes into the statement which he made of the gain of 36 votes.

Mr. COOKE of Illinois. That is to say, in the contest going on over the other office he paid no attention to the objections of counsel pro and con, but treated as regular the ballots that had been returned as regular, in accordance with the returns; but such ballots as had been returned by the election officers as "rejected" or "objected to," and not counted—those he did not include in his count.

Mr. MOODY. It is not clear whether he did or not.

Mr. COOKE of Illinois. Certainly my statement is correct.

Mr. MOODY. The fact is not to my mind clear; and I make no such claim.

Now, Mr. Speaker, I listened to see whether any precedent could be produced for conduct of this kind. I observe that my friends on the other side have not as yet produced a precedent. There is one, Mr. Speaker; and I want to call the attention of the House to it, especially the attention of some members of the Illinois delegation. It is the case of English *vs.* Peelle, in the Forty-eighth Congress. If gentlemen think that that is a proper precedent to follow, they will support the majority report in this case; if they doubt it, they will vote with the minority in this case.

In the Forty-eighth Congress the Democrats had a plurality of 42 votes. Mr. Peelle held a seat from the State of Indiana by a plurality of 88 votes, and the Democrats undertook to get the seat from him. Mr. English, who had the advantage of having a very powerful and very rich father, undertook to steal that seat away from Mr. Peelle. He came here with a contest in order to do so. Among other things he had this testimony: A recount was going on in the county of Marion, in the State of Indiana, for the office of county sheriff—not county treasurer, as in this case. One of the men engaged in that recount was employed by Mr. English's father—just as Mr. Murphy was employed in this case by General Rinaker's son—to make a recount at the same time of the Congressional vote.

Now, sir, there are two things to distinguish that case from this. In the first place, the man who made the recount in that case, whose name was Brown, had two counts to attend to. On the other hand, those ballots went through his hands with just the speed that he let them go; he had all the time that he wanted. That goes the other way. I say that if there is any choice between these two recounts, as to the value to be given them as evidence, the choice is in favor of the gentleman in Indianapolis who made the recount in English *vs.* Peele. He was not plain Murphy, he was Hon. Austin H. Brown; and he brought the testimony of a Senator of the United States, Senator McDonald, to his good character. And he brought the testimony (it was in the record) of a judge of the supreme court of the State of Indiana, Judge Niblack, that he was a man of unquestioned character. He had been a Treasury clerk in Washington, an assistant clerk in the Sixth Auditor's Office; he had assisted (God forgive him for it) in the preparation of the report on the tariff of Robert J. Walker; he had been clerk of Marion County; he had been county commissioner, and State printer, and county auditor; he had been a member of the city council. He had every qualification in the world, besides the title of "honorable" to his name, and the certificate which he got from the gentleman to whom I have referred. And he made another convenient recount of the votes cast just about like the recount of this case. He testified that Mr. English thereby gained 99 votes, just enough to entitle him to a seat on this floor with 12 to spare.

The majority of the committee reported in favor of English, and the report came before the House. The gentleman from Georgia [Mr. TURNER]—I do not know whether he is present now or not—was then chairman of the committee. To his eternal honor be it said he voted against the report of his committee and in favor of the Republican member, after a debate of unexampled bitterness and a long contest (the minority report being in favor of the Republican). Although that was a Democratic House, the minority report was substituted by a vote of 121 to 117. Then they adopted on the other side filibustering tactics. A motion to reconsider and a motion to lay on the table were made, and some gentleman on that side moved that the House adjourn, in order to secure reenforcements from outside, and carried the motion. The next day the motion to reconsider was defeated by a tie vote, 132 to 132; then a motion to reconsider was carried by 133 to 130, and a motion to recommit to the Committee on Elections was defeated by a vote of 133 to 134. Then, on reconsideration, the vote on the adoption of the minority report was defeated by 1 majority.

Now, there are gentlemen about me on this floor who can not fail to remember that contest, or the debate which took place at that time, or how they voted upon the question. It is precisely the same question that is presented in the pending case. This question of the injunction can not obscure the real question at issue here, nor can the question of how the evidence came into the case, or how the evidence was taken, or any other collateral question. It is simply a question of whether the testimony in the case is to be believed or rejected after it is in the case. It is not a question of the reception of the testimony. Nothing that was done a month later could possibly affect the weight of evidence, and in that case to which I have just referred, the whole Republican side of the House, with the minority of the Democrats, were against accepting the unofficial count, and my friend from Illinois

[Mr. CANNON], who now rises to question me, voted all the way through against accepting the last recount. I hope he will be consistent now, if it is not too much to expect consistency of any man who has served so long in Congress as my distinguished friend from Illinois. [Laughter and applause.]

The gentleman from Pennsylvania [Mr. BRUMM], who sits just before me, voted against accepting the report of the committee; the gentleman from Maine [Mr. DINGLEY], who sits near me, voted not to accept it; the gentleman from Iowa [Mr. HEPBURN] not only voted against it, but was on the committee which reported against it. The gentleman from Iowa [Mr. LACEY] voted against it, and I have reason to believe that he at least intends to be consistent and to make his action square to his own conscience and not to partisan ends. The gentleman from Illinois [Mr. HITT] was also against it——

Mr. LACEY. If the gentleman from Massachusetts will permit me, he is mistaken. I was not a member of that Congress.

Mr. MOODY. Then there was another gentleman of the same name.

Mr. LACEY. There was a member from Michigan of the same name.

Mr. MOODY. Well, all gentlemen of that name appear to be right in their opinions on the question of recounts. [Laughter].

Now, Mr. Speaker, there is a precedent. It is for this Republican House to say whether we shall follow it. Are we enough in need of Republican votes here in this Congress to stultify every word spoken by the Republicans and every vote cast by them in a precisely similar case in the Forty-eighth Congress?

Mr. Speaker, if it were not that somebody might stretch my words into a reflection upon some one with whom I differ on this question which I do not intend, I would adopt as my own language the words spoken on that occasion by a member from Massachusetts [Mr. Long], who closed his address with this language:

Mr. Speaker, this whole case as presented in the majority report is an insult to common intelligence. If it is a joke, then it is time to end it. If not, then this House in the dignity of its own self-respect, rising above all partisanship, ought to tramp such infamy under foot. I would like nothing better than to leave it to you, Mr. Speaker; I would like to see what quiet but quick work you would make of the miserable sophistry which seeks to rob the member from Indiana of the seat which he is so justly and clearly entitled to hold on this floor.

Now I yield to my friend from Illinois.

Mr. CANNON. Now, if the gentleman will permit me, I have a general recollection——

Mr. MOODY. Well, the gentleman had better get a special recollection.

Mr. CANNON. Oh, very well, I will. I wish to ask the gentleman, as he is familiar with the case, this question: Was there evidence taken touching the ballots in that election?

Mr. MOODY. No.

Mr. CANNON. Was any effort made to take the evidence?

Mr. MOODY. No; the Democrats complained because the Republicans did not make an effort to do it.

Mr. CANNON. Well, neither Democrats nor Republicans made an effort to get the primary evidence?

Mr. MOODY. They did not.

Mr. CANNON. They did not?

Mr. MOODY. No; and the secondary evidence was in, and the House would not believe it.

Mr. CANNON. This was mere secondary evidence, then, that was acted upon, with no effort having been made to get the primary evidence?

Mr. MOODY. Mr. Speaker——

Mr. CANNON. I want to know that as a fact.

Mr. MOODY. Let me answer. The words "secondary evidence" were not used in the debate in that case from beginning to end, according to my memory. The evidence was in the case, just as the evidence is in this case before you here to-day. The only thing the Republicans said was, "We will not believe it. We will not take that evidence of an unofficial recount against the sworn return of the precinct officer." And that is what we do here.

Mr. CANNON. Precisely. But let me ask the gentleman this further question, if he claims now that these two cases are upon all fours.

Mr. MOODY. Oh, no two cases, Mr. Speaker, are upon all fours——

Mr. CANNON. But in principle?

Mr. MOODY. In principle I do say so, according to my conscience.

Mr. CANNON. One further question now. I want to ask my friend if he parades this case here, in the exhortation to myself and others, as an appeal to the Democrats who are in this Congress who were in that Congress, who voted to unseat Mr. Peele, to vote consistently?

Mr. MOODY. Oh, no, Mr. Speaker; I do not do anything of that kind. I want this side of the House to be better than the Democrats. That is the reason I belong to the Republican party. [Laughter and applause.]

Now, Mr. Speaker, I approach the question of the injunction. Let there be no mistake about this. I am not going to undertake to announce any decision upon the question as to whether that injunction was well founded or not as a matter of law——

Mr. BURTON of Missouri. Before the gentleman proceeds to that branch of the case I should like to ask him if the testimony of Mr. Murphy is all the testimony there is as to the recount?

Mr. MOODY. Absolutely all, except that in one other county there was a gain of 4 votes, upon the same sort of testimony by another man, which testimony was contradicted, by the way, but we do not make any point about that. There was a gain of 4 votes in Cass County, but that gain of 4 votes depended upon the testimony of one man, whose testimony was contradicted. The gain of 35 votes in Macoupin County, which is conclusive in this case, depends absolutely and solely upon the testimony of Murphy. The only possible corroboration is the fact that Waggoner, who sat with his back to Murphy all the time, gave it as his opinion that Murphy could count accurately. That is all there is in the case.

Now I want to come to the question of this injunction. I believe every lawyer in this House will agree with me that the question of the injunction is not free from difficulty. That is all I say, that it is not free from difficulty. It is by no means sure how that question would be decided if it came to the Supreme Court of the United States. Let us see what it was. It was an injunction against opening these ballots except by Congress or by a court of record of the State of Illinois or by a judge of a United States court.

Now, I agree that we will eliminate the State court, for reasons that I have already stated to the House; but the statute under which contests are tried confers jurisdiction upon a judge of the United States court to issue his subpœna and take the evidence in this case, and there is no question about it. Gentlemen say it did not belong to the jurisdiction before this act of Congress was passed. That is true; but all jurisdiction, if I am not mistaken, in the courts of the United States depends upon some statutory enactment. It is given by one statute or by another statute; and by this statute under which contests are tried the courts of the United States have the power to issue a subpœna and take the evidence. Now, this injunction was issued upon the 17th day of January——

Mr. HOPKINS. If my friend will allow me to interrupt him, under the statute the district judge must live in the district?

Mr. MOODY. Yes; undoubtedly.

Mr. HOPKINS. And he has no more power than a notary public for that purpose?

Mr. MOODY. No; I think not. I think the jurisdiction is limited by the statute itself. I think the statement of the gentleman is correct; but we know that there is a difference——

Mr. HEPBURN. Will the gentleman allow a question? Is this jurisdiction conferred upon the court or upon the judge?

Mr. MOODY. Upon the judge.

Mr. HEPBURN. Who might be sitting as an officer taking the testimony in the case?

Mr. MOODY. It is conferred upon any judge of a United States court who resides in the district.

Mr. HEPBURN. Yes; but would he not have to be sitting as a notary public would?

Mr. MOODY. Oh, yes.

Mr. HEPBURN. Or as that officer would who was taking the testimony in this particular case?

Mr. MOODY. Oh, yes; certainly he would.

Mr. HEPBURN. And if he was not selected for that purpose, then he would have no power whatever.

Mr. MOODY. The jurisdiction is invoked by act of the party.

Mr. HEPBURN. Is there any further jurisdiction or authority reposed in the judge of a circuit court under the Federal statutes than there is in a notary public that may be selected?

Mr. MOODY. No; not as I understand it.

Now I will talk about the effect of the injunction, which is claimed to be a suppression of the evidence in this case. I say that if it held these ballots until Congress met, it is a perversion of terms to speak of it as a "suppression of evidence." "A preservation of evidence"—"a suppression of evidence." But the injunction expressly exempts the United States courts. The injunction was had on the 19th of January, and of the forty days allowed to the contestant for taking evidence only three days had passed away. He could have had one day, or ten days, or a dozen days if necessary, to go to a judge of the United States court to have escaped the terms of this injunction. He could have had his subpœna issued from the court, and there would not have been any conflict between the United States courts and the courts of Illinois; and he could have taken testimony if he wanted to.

Mr. HOPKINS. I take issue with the gentleman.

Mr. MOODY. My friend can do that. I am stating my position. The real fact was that they thought they had maneuvered Mr. Downing into a corner, so that they could get this court of highest jurisdiction to accept that recount of Murphy's.

Mr. HOPKINS. Will the gentleman allow me to ask him a question?

Mr. MOODY. Certainly.

Mr. HOPKINS. You spoke about the injunction conferring power upon the United States courts.

Mr. MOODY. I did not say any such absurd thing as that.

Mr. HOPKINS. Did not you read the injunction, and argue that it was competent to have these ballots counted by the United States court and by authority of this Congress?

Mr. MOODY. That is true.

Mr. HOPKINS. I say to the gentleman that the United States has no jurisdiction in these matters aside from the very counting of the ballots which comes under its authority the same as the notary public.

Mr. MOODY. The United States courts do have the fullest authority that any court can have in the performance of its duties in the authority to take evidence, which the statutes gives them.

Mr. HOPKINS. What authority has the United States court to determine a contested election case?

Mr. MOODY. The United States court has just the same authority as the notary public had, no more and no less—the authority conferred by the statute.

Mr. HOPKINS. Simply acting under this authority that is given to the notary public to take evidence.

Mr. MOODY. Oh, no; acting under the authority given by statute. Just let my friend look at the old cases when we had the Federal election laws. Jurisdiction was conferred upon the United States courts by statute, and they could act anywhere upon the subject-matter under statutory authority. Under the authority conferred upon the circuit and district judges of the courts of the United States there is no power given to determine contested election cases. The only power given is the power of a judge who resides in the district to take the evidence. Nobody has power to decide an election case except the House of Representatives; and all I ask is that the members of the House, who are listening to me to an extent which I deeply appreciate, will act upon this question upon their individual responsibility and according to their consciences.

Mr. HEPBURN. Will the gentleman permit me to ask him a question?

Mr. MOODY. Yes.

Mr. HEPBURN. The language of the injunction is as follows:

> Until the same is ordered to be opened and recounted by a court of competent jurisdiction of the State of Illinois, or of the United States, or by the House of Representatives in Congress of the United States after the 3d day of March, A. D. 1895.

The question I want to ask is this: Supposing that a judge of the Federal court had been selected as an officer to take this testimony, does the gentleman contend that that court would be a court of competent jurisdiction of the United States, such as referred to in this language of the injunction?

Mr. MOODY. That certainly, Mr. Speaker, was my understanding.

Mr. HEPBURN. Then there is no distinction in the mind of the gentleman between a court of competent jurisdiction of the United States and a judge of the United States in a Federal court taking depositions?

Mr. MOODY. Oh, yes; there is a distinction. There is a distinction in the duties between the judge trying a case in equity and trying a case under an indictment, or between the differing jurisdictions that statutes repose in that judge.

Mr. HEPBURN. Does the gentleman think that the court issuing this injunction, when it used that language, then contemplated a district judge, we will say, taking depositions in an election case?

Mr. MOODY. I am not in the confidence of the court in Illinois, and I can not say.

Mr. HEPBURN. The gentleman is scarcely fair in answering in that way.

Mr. MOODY. I do not intend to be unfair. I stated my belief that it would have been possible for the contestant to have gone to the United States court and continued taking testimony there. I may be wrong. But that is not a vital part of the case.

Mr. HEPBURN. But could he have done it under the injunction?

Mr. MOODY. Yes, sir; under the injunction. I think the injunction would not have prevented him. In respect of any subject-matter, a court is a court of competent jurisdiction which has jurisdiction of that particular matter.

Mr. BRUMM. I wish to ask whether under that jurisdiction the judge of the district court would have had power to enforce the production of the ballot box for the purpose of investigation?

Mr. MOODY. Oh, yes; I think so. My position is that he would have had.

Mr. BRUMM. What process do you think he would have pursued?

Mr. MOODY. His subœpna. It would have been yielded to.

Mr. BRUMM. Suppose that the clerk had refused to comply with the subpœna?

Mr. MOODY. My point is that he would not. My point is that the injunction excepts a subpœna issuing from a judge of a court of the United States.

Mr. HOPKINS. The gentleman has spoken of the right of the contestant to go into the United States court. I want to ask him whether, as a matter of fact, the record does not show that there is no United States judge living in that district?

Mr. MOODY. I can not tell.

Mr. HOPKINS. Does not the record show that fact?

Mr. MOODY. If it does, it has escaped my attention.

Mr. HOPKINS. I am informed that the record shows there is no judge living in that district.

Mr. MOODY. The gentleman may be correct in his information.

Mr. HOPKINS. Then, assuming that to be correct, the contestant could not under the law go into the United States court, could he?

Mr. MOODY. Well, if he could not, he could not, of course.

These questions of law can not be determined by the accidental residence of a judge in one place or another. We are determining questions of law.

Mr. HOPKINS. But whether the legal right which the gentleman claims to exist could be exercised depends upon that matter of fact entirely.

Mr. BRUMM (to Mr. MOODY). Would not the notary public have had the same jurisdiction which the judge would have had?

Mr. MOODY. Undoubtedly.

Mr. BRUMM. So that the question as to whether the judge lived in the district is not material.

Mr. MOODY. Of course not.

Mr. LACEY. Is it not the fact that the injunction simply copies the language of the statute of Illinois?

Mr. MOODY. That is true.

Mr. LACEY. The injunction uses the identical language of the statute; and if there was any violation of the proprieties of the occasion, it arose from simply copying the statute.

Mr. MOODY. This leads me to ask this House to consider this question—a question of constitutional law as to the relative rights of the States and the United States. What is the provision of the Constitution with reference to this subject? I read from Article I, section 4:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Now, there is no question that under the Constitution of the United States the State of Illinois has the right to regulate its own elections; to determine whether voters shall vote viva voce, by open or secret ballot; whether the ballot shall be destroyed as soon as it is cast and counted or whether it shall be preserved for one month or six months; whether it shall be preserved for a recount or not. All that is within the control of the legislature of Illinois under the Constitution of the United States. Do gentlemen forget that we had an elaborate system of Federal election laws which has all been swept from the statute book? Under that system of Federal laws the case of Ex parte Siebold arose, which is quoted here—a case which decides nothing material to this case except what I will read. Mr. Justice Bradley, on page 388, said:

> The State laws, which Congress has seen no occasion to alter, but which it allows to stand, are in effect adopted by Congress.

What, then, is the law of the State of Illinois which Congress has not seen fit to alter? The law of that State is this:

> In all cases of contested elections the parties contesting the same shall have the right to have the package of ballots cast at such election opened, and to have all errors of the judges in counting or refusing to count any ballot corrected by the court or body trying such contest, but such ballots shall be opened only in open court, or in open session of such body, and in the presence of the officer having the custody thereof.

Now, the question is whether the State of Illinois had not the right to say to Congress, "You may look to these ballots; but when you look to them you must look to them under conditions which we under the constitution prescribe in our laws until Congress sees fit to alter them."

Why, Mr. Speaker, the State of Illinois had 46 candidates on these very ballots for State officers in this election. It might well—and we can see the reason for the objection—it might well object to having these ballots taken out of the custody of the proper officer and put into the possession of some notary public or other officials for the purpose of making a recount. But until Congress makes it clear that it intends to override any provision concerning the preservation of ballots which the State chooses to make,

the man who acts on that view is not to be treated as a criminal, and have his rights taken away from him because it is claimed that he made a mistake on a mere question of law.

Mr. HOPKINS. Then if the statute is plain that these ballots can not be taken from the officers in whose custody they now are, would the committee, as suggested by the gentleman, have any right to make a recount or to examine them in any way?

Mr. MOODY. Unquestionably they would.

Mr. HOPKINS. How would that be possible, if they can only be recounted according to the provisions of the statute of the State of Illinois, which does not provide for the recount in the manner suggested by the gentleman? In other words, the committee does not meet the requirements of the statute of the State.

Mr. MOODY. This meets the requirements of that injunction, which is enough for the present consideration of the case.

Mr. HOPKINS. But it does not meet the point the gentleman makes himself.

Mr. CONNOLLY. And it does not meet the requirements of the injunction, either, that required it to be in open session.

Mr. HOPKINS. Your argument, if the gentleman from Massachusetts will permit me, would lead to the conclusion that these ballots can not be opened at all.

Mr. MOODY. The terms of the injunction are until some order be taken by the House of Representatives.

Mr. HENDERSON. And a committee would have to be sent out for the purpose of making the examination?

Mr. MOODY. Certainly; but, gentlemen, do not let that be an obstacle in the pathway of justice.

Mr. HOPKINS. But, as I understand your point, it is that the statute of the State of Illinois is supreme, and the statute of the State of Illinois does not provide for such a count at all.

Mr. MOODY. I am not asserting that the statutes of the State of Illinois are supreme. I am asserting that the question is so doubtful that any man who acts honestly, under the advice of counsel, and procures an injunction from a court of competent jurisdiction, ought not to be treated like a criminal, and ought not to be forbidden to inquire into the true state of a controversy with a view to determining exactly what his rights are under it.

Mr. COOKE of Illinois. Will the gentleman not admit that the Federal statute, where it speaks plainly upon the right of a contestant and contestee to have all of the papers relating to the election produced, is supreme over the law of the State?

Mr. MOODY. Well, that is a question of construction. The only question here is whether there is a conflict or not. Where there is a conflict—a well-defined conflict—the statute of the United States is undoubtedly supreme. But I can not stop to answer questions about the plain language and powers that arise under the Constitution of the United States, or the authority which is given to Congress by the Constitution.

Mr. COOKE of Illinois. Then will the gentleman please explain to the House why, if the Federal law is supreme, the injunction is to be excused?

Mr. MOODY. Well, if I have not made myself plain to the gentleman from Illinois I certainly can not hope to do so by continuing this controversy. I can not pursue this branch of the subject further. I do not wish to use up too much of the time of the House. I might state the position, however, by a familiar illustration from criminal law: A man takes a piece of property without right, but under a claim of right; the law will not convict him as a thief.

Mr. COOKE of Illinois. But will not the gentleman recognize the difference——

Mr. MOODY. My friend must excuse me. I decline to yield further.

I am going to call the attention of the House, because it is an essential element in this case, to the assisted vote. It is a material point, because you have got to take Murphy's count and also retain the assisted votes to unseat Downing.

The Illinois statute upon the subject has been read. I will not undertake to read it again. It is not necessary. We say it is mandatory according to every authority that can be produced. The gentlemen on the other side will not, I venture to assert, show authorities to the contrary. They will confine themselves to assailing the authorities that I produce, but will give none in support of their own position. This question could not have arisen except under the Australian-ballot system, which has been adopted in the State of Illinois. It was raised first in a case that originated in Michigan. The court there decided the precise question at issue. The statute there is substantially similar to that of the State of Illinois. Any attempts to distinguish it do not reach the substance. The Michigan court held that the ballot of an assisted voter, who did not take the oath as to his disability, ought to be rejected. The precise question was decided unanimously by the supreme court of Minnesota. The question was before this House in the last Congress, and was decided by a Democratic House in favor of a Republican. There are three authorities upon that question. Some reason is given why each one of them should not be accepted by the House, but nothing is substituted in their place.

The gentleman from New York [Mr. DANIELS] says that the decision of the committee in the last Congress was not a carefully considered one, and that there is not anything to show that the minority did not dissent from that conclusion. Why, there is something to show. The gentleman from New York is here himself. If he dissented from it, I invite him to say so now. The gentleman from Massachusetts, my colleague [Mr. MCCALL], who is chairman of the Committee on Elections No. 3, and who joined in that decision, did not dissent from it. If there was any dissent, I call on him to state it now.

I say in all justice and fairness that we ought not to reverse the decision of the last Congress in this case.

Now, we wrote this report and submitted it to the House on the 28th day of April. On that day, without our knowledge, this question received a solution by the supreme court of the State of Kentucky. It is not in the report, but I want to call the attention of gentlemen to it. I have it here; it was handed down the very day we filed this report.

Remember, Michigan has decided it as we claim. Minnesota has decided it as we claim. The Congress of the United States has decided it as we claim, and no other court or tribunal on the face of the earth, to my knowledge, has decided it otherwise. On the day that we filed this report the supreme court of Kentucky, upon a statute that can not be distinguished from the one under discussion by any fair use of words, handed down this decision. The section of the Kentucky statute is as follows:

> SEC. 1475. *Illiterate, blind, and disabled persons; penalty for false declaration.*—Any elector who declares on oath that, by reason of inability to read the English language, he is unable to mark his ballot may declare his choice of candidates or party ticket to the clerk, who, in the presence of the judges, sheriff, and challengers, and the elector, shall, with his pencil, mark a dot in the appropriate place for the cross mark to indicate the choice of the elector. The clerk shall then fold and deliver the ballot to the elector, and instruct him to retire to the booth and there mark his ballot by making a cross mark either in the squares showing dots or any other squares he may desire. In all other respects he shall vote as is required of other electors. In case any person applying to vote is blind, and shall so declare on oath, the clerk shall be allowed to mark his ballot for him in the presence of the other officers of election and the challengers allowed by law; or in case any person shall be so physically disabled as to be unable to mark his ballot, and shall so declare on oath, the clerk shall have the right to mark his ballot, as in the case of a blind person applying to vote. Anyone making a false declaration under this provision of this section shall, upon conviction, be fined in any sum not exceeding $50 and be disfranchised for a period of two years, and any clerk who shall willfully deceive any elector in marking any ballot or willfully mark the same in any other way than as requested by said elector shall be guilty of felony, and upon conviction shall be imprisoned in the penitentiary for not less than two nor more than five years.

The decision is as follows:

> First. The officers of election permitted the ballots of four voters to be stamped openly on the table of the clerk of election without requiring them to state under oath any disability which prevented them from marking their own ballots, and all of these ballots were so marked as to be counted, and were counted for appellee.
>
> Second. The clerk at that precinct accompanied 18 voters into the voting booths, and stamped or assisted those voters in stamping their ballots so that they should be counted for appellee.
>
> Third. * * * Upon the first ground stated, we are of opinion that the court should have sustained the contention of appellant, and excluded from count the ballots which were marked openly by the clerk of the election without the statement under oath of disability required by the statute. (1475 Ky. Statute.)
>
> In our view the statute imperatively requires that the voter shall declare his disability, on oath, before his ballot can be marked for him by the clerk, and to permit the officers to assume, either from the voter's appearance or from their own alleged personal knowledge, that he is so disabled as to be unable to mark his own ballot would be to open a door for wholesale evasion of the requirements of secrecy in the ballots. This rule may result in hardship to the individual voter in cases where the officers are neglectful of their duty in requiring the oath of disability to be made, but the requirement that the voter shall take the oath before his ballot can be marked and deposited in order that he may be punished if he make a false declaration is, in our judgment, mandatory to the voter.

The statutes are alike in substance. There is no prohibition in the Illinois statute, and there is no prohibition in the Kentucky statute against counting ballots that are voted without the voter taking this oath. In each case there is a penalty for a man who makes a false oath. It is called a "false declaration" in the Kentucky statute. It is called a "false statement" in the Illinois statute. The sections are on all fours. I commend this decision to the examination of any man who desires to do justice; and we add Kentucky to Michigan, to Minnesota, and to the House of Representatives in favor of our side of this question. When we ask what there is against it, the answer must be: Nothing, nothing, nothing!

Mr. HENDERSON. Is the counting of these ballots essential to the seating of Mr. Rinaker?

Mr. MOODY. It is absolutely essential. There is no dispute about that. All agree to it. Each question must be decided in favor of the contestant in order to enable him to take his seat.

Now, the gentleman from New York [Mr. DANIELS], for whose attainments we all have the greatest respect, says that the case of O'Neill *vs.* Joy was contrary to this. Why, gentlemen, the case of O'Neill *vs.* Joy was nothing of the kind. The case of O'Neill *vs.* Joy was this: The voter in that case had prepared his

ballot in accordance with the statute. He had done everything under heaven that he could do, and he passed the ballot to the election officers, and they failed to put their initials upon it. He could not help that. It was not an act of his that failed. It was an act of a person over whom he had no control, and there can be no question about this. I do not know whether the gentleman from New York [Mr. DANIELS] wrote the report in that case or not, but whoever wrote it understood it, because in that report it is said:

Prohibition [of depositing such ballots], it will be seen from the language of the section, is directed to the judges themselves and not to the voter. When he passed back his ballot to the judges as the ballot he intended to vote, all had been done by him which the statute required from him to have his vote deposited and counted.

The default was neither his default nor the default of anyone over whom he had any control. In the case of the voter who does not take the oath, the default is his own act. He may tender the oath. What would happen if they declined to receive it is another question. No such question arises in this case. He has the control over his own actions. He may either take the oath or not. He is presumed to know the law. If he does not know the law, I commend to him the words of the suprome court of Illinois in the late decision:

It may properly be added that it is the duty of every voter under this law to ascertain and follow the provisions of the statute and the directions of the secretary of state in his instructions sent out with the ballots, and that whenever, through negligence or willfulness, he disregards that duty, he does so at the peril of losing his vote.

Now, I say the Illinois case which is in our report—and I want to appeal to the House for a consideration of it—goes to show, to my mind, that when this question arises before the supreme court of Illinois they will decide it in the way we contend for. They will follow the case in Michigan, they will follow the cases in Minnesota and in Kentucky. All the courts agree that the very essence of the Australian system of voting is the compulsory secrecy of the ballot, and that any construction of the statutes which tends to impair that secrecy is to be avoided. If you once allow an election officer not to take the ballot and count it without the oath of disability from the illiterate voter, the door to fraud is open, and will be entered. If you decide against our contention, you are providing a weapon for the hands of the enemies of the purity of the ballot box.

Mr. COOKE of Illinois. Will the gentleman point out the particular section and the language of the Illinois statute which he holds as mandatory?

Mr. MOODY. Why, it has been read a good many times. Why should I read it again?

Mr. COOKE of Illinois. Point out the section and state where is the mandatory language.

Mr. MOODY. I will answer the gentleman. The Illinois statute is entitled, among other things, "An act to enforce the secrecy of the ballot."

Mr. COOKE of Illinois rose.

Mr. MOODY. Let me get through. The State of Illinois has a system of voting where, in an election in cities and towns, a man has the right to write his name upon the ballot for the purpose of identification. The Australian ballot law did not give him the right to do this, nor did it deny it to him. The law was silent on the matter. The man might go into the ballot box and vote for a mayor of a town and mark his ballot so that it might be identified. As I say, the Australian ballot law was silent on that question, and he might assume that he could do the same thing under that law. But the supreme court of Illinois, although that act does not deny him the right to write his name on the ballot, and says nothing about it, has decided that if he so does he forfeits his ballot and it can not be counted—

Because—

To use the language of the court, in substance, for it is important—

Because it might lead to the destruction of the secrecy of the ballot, and furnish means to designing persons to evade the law as to secrecy.

That is where I find the mandatory power. The principle of that decision enforces the views I have submitted, and if you hold any other way you furnish means to destroy the secrecy of the ballot.

Now, Mr. Speaker, these courts I have referred to in these three great States arrived at their decisions independently. The court in Kentucky, which sent down an opinion on the 28th day of April, does not cite the decision in the Michigan case, and it does not cite the decision in the Minnesota case, and it does not cite the decision of this House. These three courts, reasoning upon the imperative necessity for the secrecy of the ballot, have all come to the conclusion that if a man seeks to take advantage of this provision, having some such inability to vote as shall require assistance, he must do so in accordance with the statute at the peril of losing his vote.

Mr. DANIELS. Let me call the attention of the gentleman to the fact that in the Minnesota case it was stated by the court that every one of these ballots that was contested under that provision of the law of Minnesota had been sworn to. They had sworn every voter. Is not this the language: "The oath was orally administered and informally taken, and held to be a compliance of the statute of the State"?

Mr. MOODY. I know what the gentleman is aiming at. He suggests the language presented in the report is in the nature of an obiter dictum.

Mr. DANIELS. I ask you simply the question whether all the votes in controversy in that case were not sworn to personally?

Mr. MOODY. The court held that what they did amounted to an oath.

Mr. DANIELS. And that ended the controversy.

Mr. MOODY. It did not end the controversy by any means. When the question of the construction of this section of the statute came before the court of Minnesota they discussed and disposed of the whole question. Now, I suppose a court knows what it decides and what it does not decide. And when you have a syllabus prepared by the court you have something pretty near to what the court decides. I hold in my hand the report of the decision, which shows in some place here that the syllabus was prepared by the court. I can not find it.

Mr. TAWNEY. That is right. That is the rule, and the law requires it.

Mr. MOODY. Here is the syllabus of the supreme court. I find it stated here that the syllabus is by the court. I read it:

The requirement found in section 57 of the same chapter, that an oath must be administered to an alleged illiterate or physically disabled elector before he can have the aid of another person in the marking of his ballot, held mandatory. And the elector who requests such aid must, under oath, bring himself strictly within the terms of the statute as to his inability to mark his own ballot. He can not avail himself of aid upon the ground that he usually uses glasses, but has not brought them with him.

That is what the court decided.

Mr. DANIELS. Was not that statement made after the court had decided that every one of those contested voters had been properly sworn?

Mr. MOODY. No, sir; it was made while deciding the whole question.

Mr. DANIELS. No, sir.

Mr. MOODY. I have cited to the House what the court itself said that it decided.

Mr. DANIELS. Let me read what the court said as to the extent of its decision on the subject of these votes:

We also wish to say in this connection that the provision of the law requiring the administration of an oath to such persons as claim the right to have their ballots marked is mandatory, and must be strictly observed.

That was after they had decided the whole case and decided that these votes were properly in.

Mr. MOODY. If the gentleman from New York gets any comfort from the language used by the court of Minnesota and the order in which it is uttered, he is welcome to it. I have stated what was decided. I do not care whether you call it dictum or not: the court said that they decided that question.

This is an example which I commend to the attention of the House as to the manner in which these authorities will be treated by gentlemen on the other side. They will not bring anything against them. They can not bring anything against them. They will go back to old authorities under an open-ballot system, which have nothing to do with the secret-ballot system—a system which makes secrecy compulsory. They will seek to find in minute differences in the language of statutes distinction in substance. They will say that in the case of Steward *vs.* Childs in the last Congress the Committee on Elections did not pay enough attention to the question which they then decided. But that is all they will or can say.

Now, Mr. Speaker, I do not intend to prolong this discussion further. It has been desultory, I know, on account of the interruptions which I have welcomed and of which I do not complain. The record in this case shows that the ballots were preserved down to the time of the injunction—preserved from the time they came from the hands of the election officers, who were honest election officers; that those ballots were sealed up, strung on a wire, and the wire itself sealed. The injunction of the court has held those ballots subject to the disposition of this Congress; there is no question about that. After the recount in the county which is principally in dispute, the ballots (as the testimony affirmatively shows) were restrung. They were put back into their cases; they were put into a trunk; the trunk was sealed with the seal of the county clerk; and his name written across a paper which was sealed over; the trunk was locked; the key was put in an envelope; the envelope was sealed; and the sealed envelope was put in the safe of the county clerk; and there it stays today.

I hold in my hand the certificate of every county clerk in that district. I will read only one of the certificates—the certificate of the clerk of the county which is principally in dispute—the

county of Macoupin. I will read the certificate, and I wish gentlemen to observe that this officer is a Republican:

STATE OF ILLINOIS, *Macoupin County, ss:*

I, Fred. G. Oeltjen, clerk of the county court in and for the county and State aforesaid, do hereby certify that the tickets or ballots cast at the general election of 1894, together with all the election papers pertaining to said election, in said county aforesaid, have been preserved and are now in the same condition that they were when I testified concerning them in the contested election of John I. Rinaker *vs.* Finis E. Downing. I further certify that I shall continue to preserve said ballots and papers of said election until the said election contest of Rinaker *vs.* Downing is finally determined.

In witness whereof I have hereunto set my hand and the seal of said court this 24th day of April, A. D. 1896.

[SEAL.] FRED. G. OELTJEN,
County Clerk.

Mr. LACEY. What is the date of that certificate?

Mr. MOODY. April 24, 1896.

There, Mr. Speaker, in the safes of the county clerks of that district in Illinois lies the real truth in this controversy. We can have it if we want it. We can go there and get it. The minority of the committee recommend that we shall go there and find out the truth between these men—the truth that concerns the rights of the people who chose one or the other as their Representative here. It is our duty before God to do this, and not to take away this man's seat upon the record that is in the case before us. You have the power to do it. You have the might, but not the right. Before I would hold up my hand to take away this man's seat upon this testimony I would let it wither and fall to the ground. Before I would let my tongue utter the words that should take his seat from him I would let it rot and drop from between my teeth. The gentleman from Illinois smiles at my earnestness. He has the power, as others have, to do this. We have the majority to do it. But if we do it we shall only add one more to that long list of unjust and partisan decisions which defaces the history of Congress. I trust that this Congress will not bring that disgrace upon itself in these closing days of its sitting. [Applause.]

Mr. COOKE of Illinois. Mr. Speaker, I have not the physical strength at the present time to continue upon my feet to answer in detail all that has been said by my friend from Massachusetts [Mr. MOODY]. I regret exceedingly to be compelled to say that during the last three weeks I have been ill most of the time, and that I am not able to continue the discussion of this case with that vigor and comprehensiveness of treatment which I would like to bestow upon it. But I believe that the nature of the case is such, and that the record which has been made is so clear upon the questions at issue, that it will not require any considerable time on my part to make the statement which it is my duty to make.

I need not say that I appreciate the solemn sense of responsibility which has been expressed by the gentleman from Massachusetts as he approaches and contemplates the proposition or the duty of expelling from this floor one of our associates. There is no legislative duty which I could be brought to perform which would be more distasteful than that of serving upon an elections committee. The duty is an invidious one, and one from which a frank and generous mind naturally shrinks. But there is a law to be observed and a duty to be performed; and as members of this august assembly we may not shrink from the duty, nor may we disobey the law.

The questions in this case are: What is the law? What are the issues of fact which arise upon the record? And what is the conclusion to which we should come as conscientious, fairminded men, in the performance of the high duty which has been intrusted to us under the Constitution of the United States of determining who shall sit here to participate in making the laws for a great people?

I return with the greatest pleasure the compliment which my friend from Massachusetts was kind enough to bestow upon me, by saying that which is far more to his honor than any poor merit I have displayed in this case. The report which he prepared on behalf of the minority in this case displays a breadth of candor, a clearness of judgment, and a fairness of conclusion upon many propositions which have troubled this committee for many long months, and upon which points a minority report, if it had been prepared in any captious disposition or form, would have thrown an obscurity upon the consideration of the questions now before this House, and would have made it much more difficult for us to have come to a fair and impartial decision of the case. I refer to the entire elimination from the consideration of the House of all questions which relate to the irregularly marked ballots, of which there were in this case nearly 60.

I refer further to the elimination from the consideration by this body of all questions pertaining to the alleged illegal voters, some 57 to 60 in number. Upon those two branches of the case members of the committee, especially of the subcommittee, were required to spend a large amount of time, a very great amount of labor, and a very considerable amount of patient investigation. By the candor of the gentleman from Massachusetts, who has drawn the minority report in this case, all those questions and some others, too, are happily removed and eliminated entirely from our consideration. They need not bother or worry us at all in our attempt to reach the real merits of this controversy.

The manner in which the minority report is drawn, the creditable position taken by the minority in this respect, as I assume and maintain, leaves only two questions in the case upon which there may exist some doubt in the minds of members of this House who sit here as the judges to determine finally the right to the seat which is here in controversy. Those two questions I will state in their inverse order. First, there is the question as to the assisted voters—those voters who were in the various precincts of the Congressional district, before casting their votes, assisted by the judges of the elections in marking their ballots without having first taken the oath prescribed by the statute setting forth that they needed or were entitled to have such assistance. Quite a large number of such voters voted without having taken that oath prior to being assisted by the various judges in the different precincts.

I merely state that question. The other great question in the case is that which arises from the fact that after it had been discovered in two of the counties of this district that large errors had been made in the counts by the regular officers of elections the contestee in this case, instead of allowing the law to take its course as prescribed by the Federal statute, which required and allowed the ballots to be produced before a notary public, to be there introduced in evidence and counted, went into one of the State circuit courts in one of the eight counties in the district and there filed a bill asking for an injunction to prevent such production of the ballots and such recount from being had. Those are the two great leading questions in this case, and all other questions are so far eliminated or dwarfed into insignificance that they amount to nothing in comparison with the determination of those two points.

I might say, Mr. Speaker, that there is, or was, in this case another large question of vital importance to the final conclusion by this body upon the merits of the controversy. That question arose from the fact that the Australian-ballot law of Illinois, adopted in 1891, provided by a clearly mandatory section that the ballots should be printed with a heading or party appellation at the top of each party ticket in letters of a specific size. The law required that that heading should consist of letters at least one-fourth of an inch in height; and by a clearly mandatory provision it was declared that none but ballots prepared in accordance with the provisions of the act should be received or counted.

It appears from the evidence in this case that in two of the counties in that district the ballots were printed and furnished to the electors in disregard of that provision. Instead of one of the party appellations or headings being in letters one-quarter of an inch in height, the word "Independent" in the phrase "Independent Republican" was printed upon the ballot in letters only one-eighth of an inch in height—a clear infraction of the language of the statute.

It was claimed on the part of the contestant that if the committee or the House should hold that the law of Illinois with reference to the assisted voters was and is mandatory, though no words of the statute are mandatory on that point, that then the clearly mandatory language of the statute with reference to the printing of the ballots with letters of a certain size should receive full force and effect, the result of which would be that all of the ballots in Cass and Pike counties would be thrown out, whereby the sitting member would lose 280 of the plurality returned in his favor upon the face of the returns. But the majority of the committee, of which majority I have the honor to be a member, were not able to find anywhere in the reports of the supreme court of the State of Illinois any decision which would warrant them, notwithstanding the apparently clear mandatory provision of the statute in this respect, in casting out and rejecting entirely the votes of the two counties of Pike and Cass in this Congressional district. The law is too well settled in Illinois on the question of mandatory and directory provisions of election statutes to allow the majority of the committee to adopt such a narrow construction of the provision as to the printing of the ballots as would cast out all the votes of Pike and Cass counties, and thus disfranchise all of such voters.

Now, Mr. Speaker, these, then, are three great points at issue, the question as to the injunction, the question as to the assisted voters—those who voted without having taken the oath provided for by the statute—and the question as to the throwing out of the votes of Pike and Cass counties. And in this connection let me say that the gentleman from Massachusetts, in the report signed by the minority of the committee, has been exceedingly candid in every other respect, except in regard to these two points to which I am now about to refer. Every text writer, every decision of the courts passing upon statutes which are to be strictly construed, and upon those which are held not to be essential to the validity of the election, classifies the different provisions of statutes of that nature into those which are mandatory, as the law terms it, and those which are merely directory. The mandatory provision by

no means must be omitted, but must be in every respect fulfilled and performed. The directory provisions, however, are not essential to the election. They do not go to the vital question of the legality of the election, and are construed to be mere directions to the officers who are in control of the election, and may be passed over and held not necessarily to be such as would vitiate or invalidate an election in the event that they are passed over.

I have looked carefully, Mr. Speaker, through the report by the minority of the committee in this case, and I have not been able anywhere to discover a single word in that report which classifies the Illinois statute in question either as a mandatory provision or as a merely directory one. I do not know but that gentlemen felt themselves deeply embarrassed when they approached that question, because if they held the statute with reference to the assisted voters to be mandatory, how could they escape from holding the provisions of the statute with reference to the printing of the ballots and the size of the heading upon them, to be mandatory? And yet see to what a conclusion it would lead them at once if they adopted that latter construction. See what a difference it would make in their case. We would not then need to go through all the trouble and labor involved in the consideration of all the minor questions at issue in the case. The contestant would have a plurality of 280 over and above all question should a strictly mandatory construction be placed on the provision of the Illinois statute with reference to the size of the letters to be used in printing the party appellations at the top of the ballots.

Each one of the accepted writers on the law of elections has devoted a great deal of care, and made extensive citations of authorities upon this very question of mandatory and directory provisions of statutes. I will refer to Paine on Elections, sections 497, 498, and 600, and to McCrary on Elections, sections 114, 126, 127, and 200. One of the best definitions as to the distinction which has been always made in these classes of statutes, as between directory and mandatory provisions found in the various State statutes, I find in the sixth volume of the American and English Encyclopedia of Law, page 325. It is very brief, very instructive, very clear, and bears so directly on the pending issue in this case that I will read it for the information of the House:

1. *Directory and mandatory provisions.*—Constitutional and statutory provisions for the conduct of elections are either mandatory or directory, and a violation of mandatory provisions will avoid the election, without regard to the motive of the persons guilty of the violation, and without any inquiry into the effect upon the result of the election; but in case of directory provisions the election will not be set aside, unless the disregard of the provisions has been such as to show a fraudulent intent, or uncertainty has been produced in the result of the election. When the election is fair and honest, courts will not disfranchise the voters, unless compelled to do so by the peremptory requirements of the law.

Directory provisions are such as are not of the essence of the election, but are enacted as a guide to the officers of the elections. As to what requirements are mandatory and what merely directory, the cases are not all in agreement, and it may be difficult in some cases to determine from the authorities into which class a provision falls; but it may be said that the tendency of the courts, and also of legislative bodies, is not to hold a provision mandatory unless it is clearly of such a character that its violation will tend to prevent a correct determination of the result of the election, unless it is declared in the law that its violation shall render the election void. This is true even if the language is prohibitory as to the officers, or even if its violation may subject the offending officer to penal liability. (Cases cited, note 2.)

2. Thus, in the case of Daly *vs.* Petroff (10 Phila., 389), it was said, the power to throw out the returns from a precinct is one which a court should only exercise as a last resort and only under circumstances which demonstrate that the disregard of the law has been so fundamental and continuous that it is impossible to determine what votes were lawful and what unlawful or arrive at any certain result, or unless the whole proceedings are shown, either by the face of the papers or aliunde, to be so tarnished by the fraudulent or criminally negligent conduct of the officers as to be altogether unreliable. (Barber, Re, 10 Phila., 579.)

Courts will not set aside an election unless it is clearly illegal, but will give effect to it if possible. (State *vs.* Board of Freeholders, 35 N. J. L., 299; Territory *vs.* Mohave County (Ariz.), 12 Pac. Rep., 730; Fowler *vs.* State (Tex.), 9 S. W. Rep., 255; Tarbox *vs.* Sughrue, 96 Kans., 225——

Mr. CANNON. Will it interrupt the gentleman to ask him a question just there?

Mr. COOKE of Illinois. Not at all.

Mr. CANNON. I hold in my hand a copy of the Illinois statutes. Let me read a line or two from it, speaking of the Australian ballot:

The party appellation or title shall be printed in capital letters not less than one-fourth of an inch in height.

Then, further:

And none but ballots provided in accordance with the provisions of this act shall be counted.

Now, I also see from the reports and the evidence that in two counties in Illinois in this district that law was not complied with; but instead of being in quarter-inch type, it was in eighth-inch type, and therefore, under the express provision of the law, it could not be counted if that provision of the law is mandatory. Now, if those two counties were rejected, the report and the evidence show that the contestant would be elected by 280 votes, without reference to any of these other questions.

Now, I have followed the argument of the gentleman from Massachusetts [Mr. MOODY] about assisted voters. Under his contention, and under the decision of the Minnesota court (and I understand under the decision of the New York court of appeals), this same law would elect the contestant by 280 votes.

Mr. COOKE of Illinois. Unquestionably so; but the gentleman from Illinois [Mr. CANNON] will bear with me a moment while I call his attention to the fact that the supreme court of Illinois has also passed upon such questions, and has often held that it will not lay its hand upon the ballots of the voters and disfranchise them, except where it appears that some fraudulent result was intended, or followed from the allowing of the vote, as against some such statute. I could quote from the decision of the supreme court of the State of Illinois in Clark *vs.* Robinson made as long ago as the 88th Illinois, page 500. The court quoted a prior section of our election law which expressly provided as follows:

No vote shall be received at any State election in this State if the name of the person offering to vote be not on the said register * * * unless the person offering to vote shall furnish to the judges of election his affidavit in writing, stating therein that he is an inhabitant of said district * * * entitled to vote therein at said election, and prove by the oath of a householder and registered voter of the district in which he offers to vote that he knows such person to be an inhabitant of the district.

Now listen, and hear how the supreme court of Illinois passed upon a question that arose upon a statute of that mandatory character, where votes had been received and counted, and the question arose as to whether they were rightfully received and lawfully counted. I quote from the decision in the case of Clark *vs.* Robinson, 88 Illinois, page 500. The court said:

The words of the statute are express. * * * The presumption of the legality of a vote * * * arises from the fact of the deposition of the ballot in the ballot box. A vote so deposited is presumed to be a legal vote until there is evidence to the contrary. * * * Failure of observance of this direction would not invalidate a vote that had been received by the judges of election and deposited in the ballot box, but once there the presumption would be that it was a legal vote, notwithstanding the express prohibitory words of the statute against receiving the vote. We find no error in counting these votes.

The ballot should be liberally construed and the intendments should be in favor of a reading and construction which will render the ballot effective rather than in favor of a conclusion which will, on some technical ground, render it ineffective. At the same time it is not admissible to say that something was intended which is contradictory of what was done, and if the ballot is so defective as to fail to show any intention whatever it must be disregarded.

The principle that controls in such cases which touch the recording and return of the votes received and the mode and manner of conducting an election in detail are to be regarded as directory to the officer. And while such officer may be liable to punishment for willful failure to discharge the duties imposed by the statute the citizen is not thereby to be disfranchised.

Such is the language of the supreme court of Illinois upon that class of cases; and my distinguished colleague [Mr. CANNON] will understand how a majority of this committee, coming against the decisions of the supreme court of Illinois in such classes of cases, did not feel themselves authorized or justified to seize hold of this technical difficulty which existed in the case of Cass County and Pike County and throw out the votes of those two entire counties. The majority of the committee thought they would be going beyond any decision that had ever been made in the State of Illinois if they came to any such conclusion.

Mr. CANNON. If my friend will allow me at that point——

Mr. COOKE of Illinois. But I should like to say that all that reasoning and those decisions of the supreme court of Illinois leave literally nothing of the claim which is made here on the part of the contestee that the language of the statute with reference to assisted voters is mandatory. There is not a thread or a patch upon which you can rest any such claim. There is no mandatory provision whatever of the statute to be found bearing upon that question. Neither is there any directory provision, except that which is directory to the officers that they shall administer the oath to those who wish to take the oath that they require assistance.

Mr. CANNON. Now, I want to see if I understand my friend. The gentleman from Massachusetts [Mr. MOODY] contended that the assisted voters who did not take the oath that they were disabled from marking their tickets were assisted without taking the oath, and then cited the Minnesota decision to show that those votes ought not to be counted. Now, then, when I turn to the Illinois statutes, as to the assisted voters, I find that there is no law in Illinois saying that the votes shall not be counted, and I agree with my friend they ought to be counted; but when I turn over and look at these ballots, 320 in number, that were not printed as the statute provides, and find that the law expressly provides that they shall not be counted, I would like to know what kind of a fix the gentleman from Massachusetts is in, if my friend can tell me, because if his doctrine is applied to these illegally printed ballots that he has applied to the assisted voters, then Rinaker is seated by 280 votes.

Mr. COOKE of Illinois. I will say in answer to the gentleman from Illinois, as to the predicament that my friend from Massachusetts is in as to this particular subject, I asked him in the midst of his eloquent imprecation upon this subject to point to the section of the Illinois law which contained any mandatory language upon this point, and he immediately, with a versatility that I admire and with a lucidity that is beyond all expression of

compliment, proceeded to an argument that it ought to be so; that there ought to be such a provision; but he nowhere found it; he did not read it; he could not find it; it is not in the law. These decisions from the other States, Mr. Speaker, are decisions which proceeded upon the statutes of other States, which the courts of those several States held to be mandatory statutes, and being mandatory statutes, when the cases came to the various supreme courts of those States involving an alleged infraction of the mandatory law, the supreme courts in those States held the statutes to be mandatory.

But I call attention to the fact that in Illinois there is no such provision, no such decision; but the entire current of our authorities since the admission of the State into the Union has been to the contrary; in other words, they have held always to this exceedingly liberal construction of the law with reference to giving force, effect, and conclusiveness to the ballots and the choice of the suffrage of the people; and I hold that that is a pretty good line of decision for any court or any legislative body to hold to, because it respects the majesty of the sovereign people, who rule in this Government, and the sacredness of the ballot should everywhere be admitted and its security should always be carefully guarded. The only complaint that could be made against this committee, and the friendly complaint made by our friends here, is that the majority of the committee have not gone far enough and taken hold of the radical provisions which we find in this statute which would cast out, exclude, and throw aside entirely all of the ballots in the counties of Cass and Pike, because the election law there was clearly violated in terms.

Mr. BRUMM. Will the gentleman permit me to ask him a question at this point?

Mr. COOKE of Illinois. Certainly.

Mr. BRUMM. You are now discussing the matter of the mandatory or directory provision of the law, and then you say you could have thrown a number of these ballots out because the ballot is not printed on the inside in the size of type in which it should have been printed?

Mr. COOKE of Illinois. The large heading on the top of the Australian ballot?

Mr. BRUMM. Exactly; on the inside.

Mr. COOKE of Illinois. It is only printed on one side.

Mr. BRUMM. It is that part which is for the information of the election officers and the voter.

Mr. COOKE of Illinois. All the voters would cast their votes on a big sheet like this, the Australian ballot.

Mr. BRUMM. I understand; but the point of my question about that is this, whether this is directed to be printed on the outside of the ballot or simply on the inside.

Mr. COOKE of Illinois. On the inside, what I call the face of the ballot.

Mr. BRUMM. Yes; this is simply as to the method, as I understand.

Mr. COOKE of Illinois. Yes, sir.

Mr. BRUMM. Now, then, as to the secret use. The provision requires of each voter to swear that he is unable to mark his own ballot. You contend that this is merely directory also.

Mr. COOKE of Illinois. Yes, sir.

Mr. CONNOLLY. There is no provision of that kind in the law.

Mr. BRUMM. Oh, yes; there is no question about that.

Mr. CONNOLLY. I think not.

Mr. BRUMM. If I am not mistaken. I want to get at the facts.

Mr. CONNOLLY. You are mistaken.

Mr. BRUMM. I first want to know whether there is any provision requiring them to swear—that they shall first swear—that they are unable to mark their ballots. Am I wrong?

Mr. COOKE of Illinois. Your language is perhaps incorrect, but in substance I think that is so.

Mr. BRUMM. The question I now want to ask is, if it be shown after an investigation that these people who did not swear that they all voted for the contesting member, do you still contend that that would have no effect upon the general result, or that it should have no effect on the general result?

Mr. COOKE of Illinois. The gentleman has misapprehended my argument.

Mr. BRUMM. Why not answer the question? What is the position of the committee in reference to this matter? Do you now contend that this is improperly done, simply because the act is not mandatory but only directory?

Mr. COOKE of Illinois. I find it difficult to answer the gentleman from Pennsylvania, because I do not clearly apprehend what he means. I will only say this: I am simply discussing one branch of the case; that is, as to what the law of Illinois provides with reference to voters who are assisted by the election officers before they have first taken the oath that they require the assistance of such officers.

Mr. DINGLEY. Will the gentleman pardon a suggestion? He is evidently weary; and as we know, he has not been in good health recently. If it would be agreeable to him to pause in his argument now and resume it when the House shall again take up this question, I will move that the House adjourn. I desire to consult entirely the wishes of the gentleman from Illinois.

Mr. COOKE of Illinois. I thank the gentleman from Maine for his suggestion; it is most agreeable to me. I will not consume much more time upon resuming the case to-morrow.

Mr. BLUE. To-morrow is set apart for pension business.

Mr. DINGLEY. At the suggestion of the gentleman who has been occupying the floor, and who is somewhat weary, I will now, as it is past 5 o'clock, move that the House do now adjourn.

Mr. BARTLETT of Georgia. Will the gentleman withhold that proposition for a moment? I wish to make a personal request of the House.

Mr. DINGLEY. Go ahead.

Mr. BARTLETT of Georgia. I ask unanimous consent that I may put in my published remarks some statements I did not have time to bring before the House in this case.

Mr. DINGLEY. That is all right.

The SPEAKER pro tempore (Mr. DOLLIVER). Is there objection to the request of the gentleman from Georgia? The Chair hears none, and leave is granted.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 5481) to restore the lands embraced in the Fort Lewis Military Reservation, in the State of Colorado, to the public domain;

A bill (H. R. 7865) to allow the return free of duty of certain articles exported from the United States for exhibition purposes;

A bill (H. R. 1020) granting an increase of pension to Gilman Williams;

A bill (H. R. 1980) to provide a life-saving station at or near Point Bonita, at the Golden Gate, in the State of California;

A bill (H. R. 3046) for the relief of Frederick Van Gilder;

A bill (H. R. 6104) for the relief of Anton Gloetzner;

A bill (H. R. 3462) to regulate the business of storage in District of Columbia;

A bill (H. R. 175) authorizing the Secretary of War to make certain uses of national military parks;

A bill (H. R. 3606) granting a pension to French W. Thornhill;

A bill (H. R. 6431) to pay Peter P. Ferguson $1,765;

Joint resolution (H. Res. 167) authorizing foreign exhibitors at the Tennessee Centennial Exposition, to be held in Nashville, Tenn., in 1897, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits, and allowing articles imported from foreign countries for the sole purpose of exhibition at said exposition to be imported free of duty, under regulations prescribed by the Secretary of the Treasury;

A bill (S. 2790) for the relief of Sophronia S. Stowell;

A bill (S. 2870) to permit Rene C. Baughman to lay pipes in a certain street in the city of Washington;

A bill (S. 2843) to authorize the construction of a bridge across the Missouri River at or near the city of Boonville, Mo.; and

A bill (S. 981) relating to the testimony of physicians in the courts of the District of Columbia.

Mr. DINGLEY. I will withdraw for a moment the motion to adjourn.

COURT-HOUSE AND JAIL, NAVAJO COUNTY, ARIZ.

The SPEAKER. The Chair will lay before the House a bill returned from the Senate with amendments.

The bill (H. R. 3448) authorizing the county of Navajo, Territory of Arizona, to issue bonds for the construction of a court-house and jail at the county seat thereof, was read, with the amendments of the Senate.

Mr. MURPHY of Arizona. I move that the amendments of the Senate be concurred in.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. HOPKINS. Gentlemen interested in the pending election case desire to conclude it to-morrow. In order that this may be done without interfering with the special order providing for the hearing of pension cases, I ask that Thursday, the 14th instant, be substituted for Wednesday, the 13th instant, in the order with reference to the consideration of pension business, so that those cases may be taken up on the day after to-morrow, instead of to-morrow, leaving to-morrow open for the conclusion of the election case.

The SPEAKER. Is there objection?

Mr. PICKLER. One inquiry——

Mr. RICHARDSON. We did not hear the request.

The SPEAKER. The request is to change the special order in regard to pension cases from to-morrow (Wednesday) until the next day (Thursday).

Mr. PICKLER. Do gentlemen know whether there is any more probability of appropriation bills coming in on Thursday than on to-morrow?

Mr. HOPKINS. No; there will be no appropriation bills on Thursday to interfere; if there are, we will vote them down. [Laughter.]

Mr. RICHARDSON. The proposition is simply that the special order be postponed from to-morrow until Thursday, with the same privileges now obtaining.

The SPEAKER. The proposition is merely the substitution of one day for another. Is there objection to the request? The Chair hears none; and it is so ordered.

Mr. MOODY. I wish to inquire whether we can not now make some arrangement for the close of the debate on the election case.

Mr. PICKLER. I ask unanimous consent that if this case does not take the whole of to-morrow, the Pension Committee may have the remainder of the day.

The SPEAKER. The Chair has interrupted the regular course of business in order that the change of day might be made, and he does not feel at liberty to further interrupt the proceedings.

Mr. DINGLEY. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PARKER, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. Res. 145) to provide for the presentation of medals of honor to the militia and volunteer troops of the several States who volunteered their services for the defense of the States of Maryland and Pennsylvania in the year 1863, prior to and after the battle of Gettysburg, Pa., reported the same with amendment, accompanied by a report (No. 1742); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred House bill No. 3444, reported in lieu thereof a bill (H. R. 8890) as to medals of honor, accompanied by a report (No. 1747); which said bill and report were referred to the House Calendar.

Mr. BURTON of Missouri, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 8815) changing the time of holding circuit courts of the United States at Hartford, in the district of Connecticut, reported the same without amendment, accompanied by a report (No. 1754); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2936) entitled "An act to authorize the construction of a bridge across the Niagara River, in the town of Lewiston, in the county of Niagara, State of New York," reported the same without amendment, accompanied by a report (No. 1755); which said bill and report were referred to the House Calendar.

Mr. PATTERSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 6750) to authorize the mayor and city council of Monroe, La., to construct a traffic bridge across the Ouachita River opposite said city, reported the same with amendment, accompanied by a report (No. 1756); which said bill and report were referred to the House Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 8380) to authorize the Auditor for the War Department to audit the claims of the State of Missouri on file in his office, reported the same without amendment, accompanied by a report (No. 1763); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 8191) to extend the act of July 28, 1866, for one year, reported the same with amendment, accompanied by a report (No. 1764); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 3326) for the relief of certain officers of the Missouri State Militia, reported the same without amendment, accompanied by a report (No. 1765); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KERR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4175) to restore the pensions of widows in certain cases, reported the same with amendment, accompanied by a report (No. 1771); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. WILSON of New York, from the Committee on Naval Affairs: The bill (S. 716) entitled "An act to correct the naval history of John C. Dull." (Report No. 1744.)

By Mr. PARKER, from the Committee on Military Affairs: The bill (H. R. 2253) for the relief of Barzilla C. Hudson. (Report No. 1745.)

By Mr. GRIFFIN, from the Committee on Military Affairs: The bill (H. R. 924) to authorize the Secretary of War to remove the charge of desertion as to Jasper L. Dodge, late of Company F, First Rhode Island Volunteer Cavalry. (Report No. 1746.)

By Mr. TRACEY, from the Committee on Military Affairs:

The bill (H. R. 4360) for the relief of Jacob Scott. (Report No. 1748.)

The bill (H. R. 2747) to remove the charge of desertion from the service record of John R. Killingsworth. (Report No. 1749.)

The bill (H. R. 657) to correct the military record of James McGee. (Report No. 1750.)

By Mr. MEYER, from the Committee on Naval Affairs:

The bill (S. 895) entitled "An act for the relief of Christopher Ellis." (Report No. 1751.)

The bill (H. R. 511) to remove the charge of desertion against the record of William J. McFalls. (Report No. 1752.)

The bill (H. R. 918) to correct the naval record of and grant an honorable discharge to Thomas H. Holden, of Pawtucket, R. I. (Report No. 1753.)

By Mr. DE WITT, from the Committee on Claims: The bill (H. R. 3137) for the relief of the heir or heirs of John Howard Payne. (Report No. 1757.)

By Mr. COOPER of Texas, from the Committee on War Claims: The bill (H. R. 8809) to refer the claim against the United States of the trustees of the Cumberland Presbyterian Church, of Athens, Limestone County, Ala., to the Court of Claims. (Report No. 1758.)

By Mr. GIBSON, from the Committee on War Claims: A resolution (House Res. No. 322) to refer the bill (H. R. 2926) for the relief of Lydia A. Newby, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 2926. (Report No. 1759.)

By Mr. HURLEY, from the Committee on War Claims: A resolution (House Res. No. 323) to refer the bill (H. R. 7679) for the relief of Mrs. Ellen J. Brossman, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 7679. (Report No. 1760.)

By Mr. LESTER, from the Committee on War Claims:

The bill (S. 2962) entitled "An act to confer jurisdiction on the Court of Claims in the case of The Book Agents of the Methodist Episcopal Church South against The United States. (Report No. 1761.)

A resolution (House Res. No. 324) to refer the bill (H. R. 8837) for the relief of the heirs or legal representatives of Anton Borchert, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 8837. (Report No. 1762.)

By Mr. MAHON, from the Committee on War Claims:

The bill (H. R. 1546) for the relief of John W. Gummo and the payment to him of his military bounty. (Report No. 1766.)

The bill (H. R. 3985) for relief of William McAdams, who survived William Marks, now deceased. (Report No. 1767.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions:

The bill (H. R. 6328) granting a pension to Joseph R. Martin. Report No. 1768.)

By Mr. KERR, from the Committee on Invalid Pensions:

The bill (H. R. 7299) to pension Jackson Lykins for services in the late war. (Report No. 1769.)

The bill (S. 574) entitled "An act granting a pension to Caroline A. Slocum." (Report No. 1770.)

By Mr. LAYTON, from the Committee on Invalid Pensions:

The bill (H. R. 7160) granting a pension to Francis A. Kitchen, late surgeon United States Army. (Report No. 1772.)

The bill (H. R. 2018) granting an increase of pension to Aretas Norris. (Report No. 1773.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 6816) for the relief of Catherine Holland. (Report No. 1774.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions:

The bill (S. 1149) entitled "An act granting a pension to Sophia J. Chilcott." (Report No. 1775.)

The bill (S. 1119) entitled "An act granting a pension to Peter Daly." (Report No. 1776.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 6807) granting a pension to Jane H. Sandborn, dependent daughter of Gilman T. Sandborn, late a private in Company K, Third Regiment Minnesota Volunteers. (Report No. 1777.)

By Mr. WOOD, from the Committee on Invalid Pensions:

The bill (H. R. 6902) granting a pension to Mrs. Mary A. Viel. (Report No. 1778.)

The bill (H. R. 5234) to grant increase of pension to Russian Blair, Company B, Fifty-fourth Illinois Volunteers. (Report No. 1779.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SIMPKINS: A bill (H. R. 8891) authorizing the Secretary of the Navy to deliver condemned cannon to the Veteran Association of Fairhaven, Mass.—to the Committee on Naval Affairs.

By Mr. DRAPER: A bill (H. R. 8892) to authorize the registration of trade-marks, and to protect the same—to the Committee on Patents.

By Mr. MONDELL: A bill (H. R. 8893) to ratify an agreement with the Indians of the Shoshone or Wind River Reservation, Wyo., and making appropriation to carry the same into effect: establishing the Wyoming Hot Springs Reservation and making an appropriation for the survey thereof—to the Committee on Indian Affairs.

By Mr. HART: A bill (H. R. 8894) granting to Lafayette Post, No. 217, Department of Pennsylvania, Grand Army of the Republic, of Easton, Pa., 2 condemned cannon and 35 cannon balls—to the Committee on Naval Affairs.

By Mr. McCALL of Massachusetts: A bill (H. R. 8895) relating to the appointment of receivers for and the reorganization of insolvent railroad corporations—to the Committee on the Judiciary.

By Mr. TAWNEY: A bill (H. R. 8913) to increase and equalize the trade of the United States with foreign countries—to the Committee on Ways and Means.

By Mr. LOW: A resolution (House Res. No. 321) from the Committee on Territories requesting the Committee on Rules to fix an early day for the consideration of House bill No. 4052 and Senate bill No. 2022; also House bill No. 7716—to the Committee on Rules.

By Mr. MORSE: A memorial of the Massachusetts legislature, in support of the Monroe doctrine—to the Committee on Foreign Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 8661) to restore Charles C. Fleckner, of Maryland, to the position of passed assistant engineer in the United States Navy—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

The bill (H. R. 4209) for the relief of Abraham C. Bryan, of Traphill, N. C.—Committee on War Claims discharged, and referred to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ALLEN of Utah: A bill (H. R. 8896) to increase the pension of George W. Walton—to the Committee on Invalid Pensions.

By Mr. BURRELL: A bill (H. R. 8897) granting a pension to William W. Garvin—to the Committee on Invalid Pensions.

By Mr. CRISP: A bill (H. R. 8898) to increase the pension of Elizabeth Wellons—to the Committee on Pensions.

By Mr. CRUMP: A bill (H. R. 8899) granting an increase of pension to Charles Howell—to the Committee on Invalid Pensions.

By Mr. HART: A bill (H. R. 8900) for the relief of Emanuel Peck, to amend his military record, and grant him an honorable discharge, to date January 4, 1862—to the Committee on Military Affairs.

By Mr. HEINER of Pennsylvania: A bill (H. R. 8901) for the relief of F. M. Fleck, of Apollo, Pa.—to the Committee on Military Affairs.

By Mr. HENRY of Connecticut: A bill (H. R. 8902) granting an increase of pension to Frederick O. Lathrop—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 8903) for the relief of M. S. Hellman, of Oregon—to the Committee on Claims.

By Mr. McCREARY of Kentucky: A bill (H. R. 8904) to increase the pension of Sarah Montgomery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8905) to pension the widow of Gen. William J. Landram—to the Committee on Invalid Pensions.

By Mr. McDEARMON: A bill (H. R. 8906) for the relief of Toney Nesbit, of Gibson County, Tenn.—to the Committee on War Claims.

By Mr. MILLIKEN: A bill (H. R. 8907) granting a pension to John W. Channing—to the Committee on Invalid Pensions.

By Mr. MONEY: A bill (H. R. 8908) to place on the pension roll the name of Narcissa Grace Short—to the Committee on Pensions.

By Mr. RUSSELL of Connecticut: A bill (H. R. 8909) granting a pension to Esther Jackson—to the Committee on Pensions.

By Mr. SPENCER: A bill (H. R. 8910) for the relief of the Mississippi Manufacturing Company, of Copiah County, Miss.—to the Committee on War Claims.

By Mr. WHEELER: A bill (H. R. 8911) to carry out the findings of the Court of Claims in the case of the estate of Clark M. Tompkins, deceased—to the Committee on War Claims.

Also (by request), a bill (H. R. 8912) for the relief of G. H. Le More, of Havre, France—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ABBOTT: Protest of 44 citizens of Dallas County, Tex., against the passage of bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BARHAM: Petition of citizens of Bloomfield, Cal., protesting against the acceptance of the Marquette statue—to the Committee on the Library.

By Mr. BARTLETT of New York: Resolutions of the Chamber of Commerce of the State of New York, asking that the sum to be appropriated for the improvement of channels at entrance of port of New York be increased to $500,000—to the Committee on Appropriations.

Also, resolutions of the Chamber of Commerce of the State of New York, asking Congress to pass bill appropriating $125,000 for the completion of new appraisers' stores in New York—to the Committee on Appropriations.

By Mr. BOWERS: Remonstrance and petition of 86 citizens of Escandido, Cal., regarding the Marquette statue—to the Committee on the Library.

Also, petition of 72 citizens of Merced, Cal., for export bounty on agricultural staples—to the Committee on Ways and Means.

By Mr. BURTON of Missouri (by request): Resolutions of Wholesale Liquor Dealers' Association of St. Louis, concerning House bill No. 8582, to allow the bottling of distilled spirits in bond—to the Committee on Ways and Means.

By Mr. BURTON of Ohio: Resolution of the Chamber of Commerce of Cleveland, Ohio, favoring medical examination of immigrants to the United States at the port of embarkation—to the Committee on Immigration and Naturalization.

By Mr. CLARDY: Petition of 27 citizens of Sturgis, Ky., asking that a bill to restrict immigration be passed—to the Committee on Immigration and Naturalization.

By Mr. DAYTON: Petition of W. R. Neville and 16 other citizens of Grant County, W. Va., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of the heirs of Jacob Full, deceased, late of Pendleton County, W. Va., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. GROUT: Petition of P. K. Peck and 7 others, of Rutland, Vt., in favor of House bill No. 3273, for the classification of post-office clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, resolutions adopted by a meeting of property holders on Kenesaw avenue (Mount Pleasant and Columbia Heights), April 27, 1896, in regard to Senate bill No. 2928, relating to the laying of tracks of the Belt Line Railway Company through Kenesaw avenue—to the Committee on the District of Columbia.

Also, resolutions adopted by the Florida Society of Sons of the Revolution, favoring the publication of certain records and papers relating to the Revolutionary period—to the Committee on Printing.

Also, petition of Frank F. Hill and 53 others, of St. Johnsbury, Vt., in favor of the passage of joint resolution No. 11, prohibiting further appropriations to institutions under ecclesiastical control—to the Committee on the Judiciary.

Also, petition of citizens of Montpelier, Vt., praying for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HATCH: Papers to accompany House bill No. 8306, granting a pension to Darwin T. Brown—to the Committee on Invalid Pensions.

By Mr. HENDERSON: Petition of W. C. McDonald and 64 other citizens of Blackhawk County, Iowa, praying for the enactment of a law prohibiting the use of freight cars without closing the space between their roofs by an extension of some kind to prevent persons from falling between them—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: Resolution of the Grand Army of the Republic, Department of Iowa, urging the passage of the bill to establish a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. LINTON: Remonstrance and petition of citizens of Panaca, Nev.; also of citizens of Lopes, Wash.; also of citizens of Woodland, Wash.; also of citizens of Crested Butte, Colo., also of John Gray and associates; also of J. E. Griffin and associates, regarding the Marquette statue—to the Committee on the Library.

By Mr. McCREARY of Kentucky: Petition of George L. Davis and others, of Moulden, Ky., asking for an increase of pension for Sarah Montgomery—to the Committee on Pensions.

By Mr. McEWAN: Petition of Division No. 312, Order of Railway Conductors, asking for the passage of House bill No. 268, concerning carriers engaged in interstate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. MILLIKEN: Remonstrance of the mayor of Belfast, Me., and others, against military training in the public schools—to the Committee on Education.

By Mr. MONEY: Petition of Narcissa Grace Short, for a pension—to the Committee on Pensions.

By Mr. MORSE: Petition of 128 citizens of Honey Brook, Pa., praying for the recognition of God in the Constitution—to the Committee on the Judiciary.

By Mr. REYBURN: Petition of the Joint Executive Committee of the Trades of Philadelphia, on the improvement of the Philadelphia Harbor and the Delaware and Schuylkill rivers—to the Committee on Rivers and Harbors.

By Mr. RUSSELL of Connecticut: Papers relating to bill granting a pension to Esther Jackson—to the Committee on Pensions.

By Mr. SCRANTON: Resolutions of Cigar Makers' Union, No. 295, of Scranton, Pa., favoring the Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. WHEELER: Papers relating to the claim of Isaac F. Hayworth, of Jefferson County, Tenn.—to the Committee on War Claims.

Also, papers relating to the claim of A. H. Beans, of Loudoun County, Va.—to the Committee on War Claims.

Also, papers relating to the claim of A. C. N. Smets—to the Committee on War Claims.

SENATE.

WEDNESDAY, *May 13, 1896.*

Prayer by Rev. HUGH JOHNSTON, D. D., of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. FAULKNER, and by unanimous consent, the further reading was dispensed with.

DAYS OF GRACE ON PROMISSORY NOTES.

Mr. FAULKNER. I ask unanimous consent to call up for consideration the bill (H. R. 5105) to abolish days of grace on promissory notes, drafts, etc., in the District of Columbia. The bill has been read. It was objected to by the Senator from Massachusetts [Mr. HOAR], but he told me afterwards that he had made a mistake, and saw no objection to its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENROLLED BILLS SIGNED.

The signature of the Vice-President was announced to the following bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

A bill (S. 981) relating to the testimony of physicians in the courts of the District of Columbia;

A bill (S. 2790) for the relief of Sophronia S. Stowell;

A bill (S. 2870) to permit Rene C. Baughman to lay pipes in a certain street in the city of Washington;

A bill (S. 2843) to authorize the construction of a bridge across the Missouri River at or near Boonville, Mo.;

A bill (H. R. 175) authorizing the Secretary of War to make certain uses of national military parks;

A bill (H. R. 1020) granting an increase of pension to Gilman Williams;

A bill (H. R. 1980) to provide a life-saving station at or near Point Bonita, at the Golden Gate, in the State of California;

A bill (H. R. 3046) for the relief of Frederick Van Gilder;

A bill (H. R. 3462) to regulate the business of storage in the District of Columbia;

A bill (H. R. 3606) granting a pension to French W. Thornhill;

A bill (H. R. 5481) to restore the lands embraced in the Fort Lewis Military Reservation, in the State of Colorado, to the public domain;

A bill (H. R. 6104) for the relief of Anton Gloetzner;

A bill (H. R. 6431) to pay Peter P. Ferguson $1,765;

A bill (H. R. 7865) to allow the return free of duty of certain articles exported from the United States for exhibition purposes; and

A joint resolution (S. R. 167) authorizing foreign exhibitors at the Tennessee Centennial Exposition, to be held in Nashville, Tenn., in 1897, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits, and allowing articles imported from foreign countries for the sole purpose of exhibition at said exposition to be imported free of duty, under regulations prescribed by the Secretary of the Treasury.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 7469) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes; and

A bill (H. R. 8532) to establish certain harbor regulations for the District of Columbia.

The following bills were severally read twice by their titles, and referred to the Committee on Forest Reservations and the Protection of Game:

A bill (H. R. 7578) granting the Flagstaff and Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve in northern Arizona; and

A bill (H. R. 8590) granting to the Denver, Cripple Creek and Southwestern Railroad Company a right of way for a railroad through the South Platte and Plum Creek forest reserves, in the State of Colorado.

The following bills were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. 8324) authorizing and directing the Secretary of the Navy to donate four pieces of condemned cannon and four pyramids of condemned cannon balls to the Grant County Union Soldiers' Monument and Memorial Association of Wisconsin; and

A bill (H. R. 8495) granting to John Hill Post, No. 86, of Boonton, N. J., 4 condemned cannon and 20 cannon balls.

The bill (H. R. 8167) to authorize the construction of a bridge across the Red River of the North was read twice by its title, and referred to the Committee on Commerce.

Mr. FRYE. Under the unanimous-consent agreement the river and harbor bill was to be laid before the Senate immediately after the reading of the Journal.

Mr. LODGE. I desire——

Mr. HILL. Mr. President——

Mr. FRYE. I am blind and deaf absolutely to all requests.

Mr. LODGE. I do not desire to make any request. I have morning business to present, which I supposed would be allowed.

Mr. FRYE. It was agreed that immediately after the reading of the Journal the river and harbor bill should be taken up.

The VICE-PRESIDENT. Such was the unanimous-consent agreement.

Mr. LODGE. I desire to submit a report from a committee, if that is to be allowed.

Mr. HILL. I merely wanted to move concurrence in the amendments of the House of Representatives to a Senate bill which the Chair is ready to lay before the Senate.

REGULATIONS CONCERNING REGATTAS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2642) to provide for the safety of passengers on excursion steamers, which were, in line 4, after the word "steamers," to strike out the word "and" and insert the word "yachts"; in the same line, after the word "oarsmen," to insert the words "and all craft, whether as observers or participants"; in line 10, after the word "steamers," to strike out the words "and the" and insert the word "yachts"; also in the same line, after the word "oarsmen," to insert the words "and all craft whether as observers or participants."

Mr. HILL. In behalf of the Senator from Maine I will move to concur in those amendments.

Mr. FRYE. Those amendments are all right.

The amendments were concurred in.

Mr. FRYE. I will yield ten minutes, Mr. President.

MRS. HELEN MORRELL CARROLL.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 730) granting an increase of pension to Mrs. Helen Morrell Carroll, which was, in line 8, before the word "dollars," to strike out "seventy-five" and insert "fifty."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

MOUNTAIN VIEW CEMETERY ASSOCIATION.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 15) authorizing the Secretary of the Navy to donate to the Mountain View Cemetery Association, at Oakland, Cal., certain cannon, etc., which was to strike out all after the word "California," in line 7, down to and including "salutes," in line 11, and insert in lieu thereof "six condemned cannon and six pyramids of condemned cannon balls for the purpose of decorating the Grand Army burial plat, reserved for the burial of honorably discharged soldiers and sailors of the Union, and to be placed around and near the soldiers' monument already erected there."

Mr. PERKINS. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

ADA J. SCHWATKA.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 710) granting a pension to Ada J. Schwatka, widow of Lieut. Frederick Schwatka, which was, in line 7, before the word "dollars," to strike out "thirty" and insert "seventeen."

Mr. GALLINGER. I move that the Senate nonconcur in the amendment of the House of Representatives, and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. SHOUP, and Mr. MITCHELL of Wisconsin were appointed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Balfe Musical Club, No. 1, of New York, praying for the passage of the so-called Phillips bill, authorizing the appointment of a nonpartisan commision to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which was referred to the Committee on Education and Labor.

Mr. FAULKNER presented a petition of Potomac Council, No. 104, Junior Order United American Mechanics, of Gormania, W. Va., praying for the passage of the so-called Stone immigration bill; which was referred to the Committee on Immigration.

Mr. CARTER presented a petition of sundry citizens of Washington, D. C., praying that an appropriation of $5,000 be made for grading and regulating Illinois avenue in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of Missoula Typographical Union, No. 277, of Missoula, Mont., and a petition of Federal Labor Union, No. 6512, of Belt, Mont., praying for the Government ownership and control of telegraphic lines; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CAMERON presented a memorial of sundry citizens of Queenstown, Pa., and a memorial of sundry citizens of Pennsylvania, remonstrating against the introduction of military training in the public schools of the country; which were referred to the Committee on Military Affairs.

He also presented a petition of Schuylkill County Patriotic Order Sons of America, of Pottsville, Pa., and a petition of sundry citizens of Pennsylvania, praying for the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration.

He also presented a petition of the United Brotherhood of Carpenters and Joiners, of Philadelphia, Pa., praying for the free and unlimited coinage of silver; which was ordered to lie on the table.

He also presented sundry memorials of citizens of Pennsylvania, remonstrating against placing the statue of Père Marquette in Statuary Hall; which were ordered to lie on the table.

He also presented a petition of the Methodist Episcopal Church of Pleasantville, Pa., and a petition of the Grace Methodist Episcopal Church, of Oil City, Pa., praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a petition of the Brotherhood of Railroad Trainmen of McKees Rocks, Pa., praying for the establishment of a board of arbitration to settle the differences between employees and railway companies; which was referred to the Committee on Education and Labor.

He also presented a petition of the Engineers' Club of Philadelphia, Pa., praying for the adoption of a metric system of weights and measures; which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade of Scranton, Pa., praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a memorial of the Woman's New Century Club of West Chester, Pa., remonstrating against the payment of certain claims against the Indians, as proposed by the Indian appropriation bill; which was referred to the Committee on Appropriations.

He also presented a petition of sundry citizens of Pennsylvania, praying for the passage of House bill No. 2626, providing for the protection of agricultural staples by an export bounty; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of the United States who served in the military and naval service during the war of the rebellion, praying for the enactment of legislation to increase the pension of those who lost limbs; which was referred to the Committee on Pensions.

He also presented a petition of the Grand Army Association of Allegheny County, Pa., praying for the enactment of legislation amending the pension laws; which was referred to the Committee on Pensions.

Mr. BRICE presented a petition of the Otis Steel Company, Limited, of Cleveland, Ohio, praying for the adoption of a metric system of weights and measures; which was referred to the Committee on Finance.

He also presented a petition of Elm Grove Grange, No. 644, Patrons of Husbandry, of Evansport, Ohio, praying for the passage of House bill No. 8008, regulating the manufacture of filled cheese; which was ordered to lie on the table.

He also presented a memorial of the Stonecutters' Association of Lancaster, Ohio, remonstrating against the employment of convict labor in the construction of public buildings, and praying for the enactment of legislation restricting second-class postal matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Stomps-Burkhardt Company, of Dayton, Ohio, praying for the enactment of legislation to protect free labor and industries in which it is employed from the injurious effect of convict labor by confining the selling of goods, wares, and merchandise manufactured by convict labor to the State in which they are produced; which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. PROCTOR. I move that the bill (H. R. 3279) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes, which is Order of Business 660 on the Calendar, be recommitted to the Committee on the District of Columbia.

The motion was agreed to.

Mr. PROCTOR. From the Committee on the District of Columbia I report back the bill (H. R. 3279) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes, with amendments, and I ask that it take the place on the Calendar of the bill just recommitted.

The VICE-PRESIDENT. Without objection, it will be so ordered.

Mr. PROCTOR, from the Committee on Agriculture and Forestry, to whom the subject was referred, submitted a report, accompanied by a bill (S. 3131), to provide for a director in chief of scientific bureaus and investigations in the Department of Agriculture, and for other purposes; which was read twice by its title.

Mr. PALMER, from the Joint Committee on the Dedication of the Chickamauga and Chattanooga National Military Park, submitted a report; which was ordered to be printed.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 8532) to establish certain harbor regulations for the District of Columbia, to report it without amendment. I ask that it take the same place on the Calendar, being Order of Business 968, that is now occupied by the bill (S. 2987) to establish certain harbor regulations for the District of Columbia, and that the latter bill be indefinitely postponed.

The VICE-PRESIDENT. It will be so ordered.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 2844) granting a pension to Martha McNeil, reported it without amendment, and submitted a report thereon.

Mr. DAVIS, from the Committee on Foreign Relations, to whom was referred the petition and papers in the claim of William B. Matchett against the Government of Venezuela, reported adversely thereon; and the subject was postponed indefinitely.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (S. 810) to amend the act entitled "An act granting pensions to the soldiers and sailors of the Mexican war, and for other purposes," approved January 29, 1887, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the

bill (S. 2754) granting a pension to Jerusha Hayward Brown, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2802) granting a pension to Margaret Rowsell, reported it without amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on the District of Columbia, to whom was referred the bill (S. 1660) to provide for the adjustment and payment of certain claims against the District of Columbia by drawback certificates, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

Mr. VEST. I notice by the RECORD that yesterday the Senator from Ohio [Mr. SHERMAN] reported from the Finance Committee House bill 8008, what is known as the filled-cheese bill. My attention was called to something else at the time and I did not observe the report. On behalf of the minority of the committee, consisting of the Senator from Mississippi [Mr. WALTHALL], the Senator from Tennessee [Mr. HARRIS], the Senator from Arkansas [Mr. JONES], the Senator from California [Mr. WHITE], and myself, I had leave from the committee to file the views of the minority. I should have stated yesterday that it was simply a majority report.

The VICE-PRESIDENT. Leave will be granted as requested.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 8167) to authorize the construction of a bridge across the Red River of the North, reported it without amendment.

Mr. GALLINGER. In behalf of the Senator from North Dakota [Mr. HANSBROUGH], the Senator from Kansas [Mr. BAKER], and myself, I submit the views of the minority of the Committee on the District of Columbia upon the bill (S. 3088) to authorize the extension of the lines of the Potomac Electric Power Company. I ask that the views of the minority be printed.

The VICE-PRESIDENT. It will be so ordered.

Mr. BRICE, from the Committee on Pensions, to whom was referred the bill (S. 2883) granting an increase of pension to Isaac Harbaugh, reported it with an amendment, and submitted a report thereon.

Mr. SQUIRE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1338) to provide for the purchase of a site and the erection of a public building thereon at Durham, in the State of North Carolina, reported it with an amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (S. 2923) for the better improvement of the Government reservation at the city of Fort Smith, in the State of Arkansas, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. GORMAN. I am directed by the Committee on Interstate Commerce, to whom was referred the bill (S. 2967) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, to report it with an amendment in the nature of a substitute. I desire to state that this is a report of the majority of the committee.

Mr. CHILTON. I dissent from the report of the majority, and will file a minority report at a later day.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

CHARLES K. JENREE.

Mr. WALTHALL. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 6298) to correct the military record of Charles K. Jenree, etc., to report it with an amendment.

Mr. SHERMAN. I will ask the Senate to put the bill on its passage at this time. It will take but a moment. It is to correct the record of an officer.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Military Affairs was, in line 5, after the word "Company," to strike out "B, Twenty-seventh New York Volunteer Infantry," and insert "D, First New York Veteran Cavalry Volunteers"; so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed to remove the charge of desertion from the military record of Charles K. Jenree, late of Company D, First New York Veteran Cavalry Volunteers, and to issue to the said Charles K. Jenree an honorable discharge: *Provided*, That no pay, bounty, or emoluments shall become due by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CLAIMS OF B. H. HENRY AND OTHERS.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred the message from the President of the United States, transmitting, in response to Senate resolution of January 7, 1896, report from the Secretary of State, with accompanying report of the special agent of the United States sent to the Fiji Islands to investigate the claims of B. H. Henry and other American citizens, submitted a report thereon, accompanied by the following resolution, which was placed upon the Calendar:

Be it resolved, That the President is hereby requested to continue the investigation and efforts hitherto made by the United States in the matter of the claims of B. H. Henry and other American citizens against the Government of Great Britain in regard to certain lands in the Fiji Islands, to the end that such an adjustment of such claims may be made as may be warranted by the facts and by the law applicable thereto.

VICTOR HUGO M'CORD.

Mr. DAVIS. I move that the message from the President of the United States, received January 10, 1896, in relation to the arrest and imprisonment of Victor Hugo McCord at Arequipa, Peru, be referred to the Committee on Foreign Relations.

The motion was agreed to.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 3132) to restore to the pension roll the name of Nathaniel W. Davis; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3133) granting an increase of pension to Betsey B. Olin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HILL introduced a bill (S. 3134) to restrict employment on public buildings and public works to citizens of the United States; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. QUAY introduced a bill (S. 3135) for the relief of the heirs of James Glover; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. KYLE (by request) introduced a bill (S. 3136) for Sunday rest; which was read twice by its title.

Mr. KYLE. I have reintroduced the bill by request, as I introduce all bills and resolutions of which I am not the author, although I may be in sympathy with the provisions of such bills or resolutions. Looking over the list of bills introduced by myself I see that the words "by request" were left off of this bill two years ago. Probably my statement was not heard by the clerks. In looking over my bills I notice another measure which I introduced by request. This was Senate joint resolution 94, Fifty-third Congress, second session. The statement evidently was not heard at the desk. The joint resolution had been published in the journals of the city several days before. I presented it to the Senate by request of the Knights of Labor.

I move that the bill be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. SEWELL introduced a bill (S. 3137) granting an increase of pension to Lambert L. Mulford; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMERON introduced a bill (S. 3138) to remove the charge of desertion against Israel Blessing; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3139) to amend chapter 67 of volume 23 of the Statutes at Large of the United States; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3140) to restore to the pension roll the name of John E. Watson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3141) granting a pension to Rachel Kern; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PUGH introduced a bill (S. 3142) to provide an American register for the barge *Black Diamond;* which was read twice by its title, and referred to the Committee on Commerce.

Mr. CAFFERY introduced a bill (S. 3143) granting a pension to Sarah M. Spyker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BRICE introduced a bill (S. 3144) granting a pension to Samuel Shaffer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3145) to increase the pension of William Hulsizer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GRAY (by request) introduced a bill (S. 3146) to revise and amend and extend the act of Congress of August 15, 1876, to encourage and promote telegraphic communications between America and Asia across the Pacific Ocean from the western shores of the United States to the Hawaiian Islands, to Japan, and China; which was read twice by its title, and referred to the Committee on Foreign Relations.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. TURPIE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HILL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GEORGE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CAMERON submitted an amendment intended to be proposed by him to the general deficiency bill; which was referred to the Committee on Appropriations, and ordered to be printed.

REPORT ON NATIONAL SANITARIUM IN NEW MEXICO.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That Senate Report No. 771, from the Committee on Public Lands, on Senate bill 2593, be reprinted.

POSTAL TELEGRAPH AND TELEPHONE SERVICE.

Mr. BUTLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That 1,000 additional copies of document No. 205, Fifty-fourth Congress, first session, relating to a postal telegraph and telephone, be printed for the use of the Senate.

DIRECTOR IN CHIEF OF SCIENTIFIC BUREAUS.

Mr. PROCTOR submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed 3,000 extra copies of the arguments before the Committee on Agriculture and Forestry in favor of the proposition for a director in chief of scientific bureaus in the Department of Agriculture, together with all the appendices accompanying the same as published for the use of said committee, 1,500 of which shall be for the use of the Secretary of Agriculture and 1,500 for the use of the Senate.

DENISON AND NORTHERN RAILWAY.

Mr. CHILTON submitted the following concurrent resolution; which was read:

Resolved by the Senate (the House of Representatives concurring), That the Committee on Enrolled Bills of the two Houses be authorized to correct the enrolled bill of the Senate (S. 2488) entitled "An act to amend an act entitled 'An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes,'" by striking out the word "nine," in line 2 of said enrolled bill, and inserting "eight."

Mr. CHILTON. The object is to correct the numbering of a section in a bill that was passed a day or two ago. It is merely a formal correction, and I ask for the adoption of the resolution.

The concurrent resolution was considered by unanimous consent, and agreed to.

REGULATION OF BOND ISSUES.

Mr. BACON. I desire to give notice that on Friday morning, after the conclusion of the routine business, I shall ask the consent of the Senate to call up the bill (S. 3101) to prohibit the issuance of bonds or other interest-bearing obligations of the Government by the Secretary of the Treasury or other officer of the Government without the authority of Congress, in order that I may submit some remarks upon it.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 9th instant approved and signed the act (S. 661) to amend section 2880 of the Revised Statutes of the United States, fixing time for vessels to unlade.

The message also announced that the President of the United States had on the 11th instant approved and signed the act (S. 1872) authorizing the Secretary of the Treasury to exchange on behalf of the United States the tract of land at Choctaw Point, Mobile County, Ala., now belonging to the United States and held for light-house purposes, with the Mobile, Jackson and Kansas City Railroad Company for any other tract or parcel of land in said county equally well or better adapted to use for light-house purposes.

BILL BECOMES A LAW.

The message further announced that the bill (S. 2557) granting a pension to Sarah A. Boyd was presented to the President April 29, 1896, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without his approval.

GUARDIAN FOR PENSIONERS.

Mr. FRYE. Now, I shall be obliged——

Mr. PEFFER. I ask the attention of the Senator from Maine. Some time ago I reported from the Committee on Pensions the bill (S. 2237) providing for the appointment of a committee or guardian for pensioners in certain cases in the District of Columbia. It is a bill that is applicable particularly to pensioners in the District of Columbia who squander their money through drunkenness, etc. I am quite sure that there will be no objection to the passage of the bill, and I should like to have it taken up and passed.

Mr. FRYE. I yield to the Senator from Kansas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, to insert the following proviso at the end of section 1:

Provided, That the compensation of said guardian shall be fixed by the court, not to exceed 5 per cent of the funds so intrusted to his care.

So as to make the section read:

That any judge of the supreme court of the District of Columbia, upon the filing of a petition alleging that a United States pensioner residing in the said District is squandering pension money in drinking or by vicious habits of life, and after service of a copy of said petition on the pensioner, may, upon evidence satisfactory to him, appoint a guardian for said pensioner, and thereafter all payments on account of pensions due to said pensioner shall be made to said guardian, who shall expend the same under the direction of the said court: *Provided*, That the compensation of said guardian, etc.

The amendment was agreed to.

Mr. HILL. What committee reported the bill?

Mr. PEFFER. It is from the Committee on Pensions.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the appointment of a guardian for pensioners in certain cases in the District of Columbia."

RIVER AND HARBOR APPROPRIATION BILL.

The VICE-PRESIDENT. Under the agreement of yesterday, the Chair lays the river and harbor bill before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the pending question being on the amendment of Mr. GORMAN.

Mr. VEST. I understand that the amendment of the Senator from Maryland [Mr. GORMAN] is pending.

The VICE-PRESIDENT. That is the pending question.

Mr. FRYE. Will the Senator from Missouri yield to me one moment? I wish to move one or two little amendments while they occur to me.

Mr. VEST. Certainly.

Mr. FRYE. On page 24, line 20, I am informed by authorities in interest who know all about it that $1,000,000 under the contract system will complete that contract. Therefore I move to strike out "$403,856," leaving the amount $1,000,000.

The amendment was agreed to.

Mr. FRYE. On pages 114 and 115, under the subhead of New York, I move to insert:

New York Harbor, from the Narrows to the sea, with a view of obtaining 35 feet at mean low-water mark.

Buffalo, entrance to Erie Basin and Black Rock Harbor.

East Chester Creek, with a view to extending improvement to head of tide water.

The amendment was agreed to.

Mr. VEST. Mr. President, I ask the attention of the Senator from Maryland. I must confess my astonishment upon yesterday at the result in the Senate upon the motion I had the honor to make to lay the pending amendment upon the table. Unless I am egregiously mistaken as to the effect of it, I think the Senate will reconsider that action. If Senators will give some attention to the wording of the amendment they will see that it is exceedingly far-reaching and has an effect which I hardly think the Senator from Maryland himself intends, with great deference to him. The amendment reads:

Provided further, That the Secretary of War shall so adjust the contracts herein authorized to be made by apportioning them in such way as not to obligate the Government under this act and all prior acts providing for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which provide for contracts beyond appropriations made, for a sum exceeding in the aggregate $10,000,000 in any one fiscal year for such materials and work authorized to be contracted for in all of said acts.

I take it for granted that there can be no contention as to the meaning of this amendment in so far as it is limited to the work and materials to be done and purchased under contract. It is exclusively intended to apply to the contract expenditures under this bill.

I will say, in passing, to the Senator from Maryland that his calculation as to the amount of the contract sums to be expended is very erroneous. I have not gone through all of them, but my knowledge of the bill is such as to enable me to say that the estimate is erroneous in regard to some States. I think if he will turn to the State of Washington, conspicuously, he will find an error as to the amount of the contract sums to be expended in that

State, and so as to my own State, to which my attention was particularly called.

But returning to the amendment, the plain meaning of the amendment is that under no circumstances shall more than $10,000,000 be expended in any one fiscal year upon these contracts, leaving out of view the immediate and direct appropriations made by the bill. By whom is this apportionment to be made of the $10,000,000, and under what rule is it to be made? Under none except the will and discretion of the Secretary of War. The Secretary of War absolutely under this amendment controls the apportionments.

Mr. MITCHELL of Oregon. If the Senator will allow me, I will state that the amendment not only applies to the pending bill, but it covers the contracts now in existence under former acts.

Mr. VEST. There is no question about it, and I am coming to that. But I am speaking now—and for the purposes of my argument that is sufficient—as to the bill pending in the Senate. It is hardly necessary for me to say that I am a member of the Democratic party, and that the Democratic Administration will be in power until the 4th of March next anyhow. But I would not give to any living man such power as is given by this amendment. I hardly think that there is a partisan in this Chamber, no matter how intense or extreme he may be, who will give such a power to a Cabinet officer. I have never known a Secretary of War (and there have been very eminent men, men beyond any suspicion as to motives, holding that high office) to whom I would give this power. It is an abuse of the meaning of governmental power. It is an invasion of the autonomy of the Government to put this absolute and despotic and autocratic power in the hands of any Cabinet officer of the Government.

Mr. President, look at the specific appropriations. What is the result? We have in the bill provided that certain appropriations should be given in the next fiscal year for the completion of great public improvements. If the amendment is adopted the Secretary of War can nullify those provisions of the bill. My friend from Maryland says no, but I say yes, because you can not, under the Procrustean rule of this amendment, go beyond $10,000,000; that is, the whole of the contracts in the aggregate shall not exceed $10,000,000 for the next fiscal year; and the Secretary of War then comes in and exercises his discretion and his pleasure as to how the $10,000,000 shall be adjusted and appropriated.

Take the Mississippi River, where we have made a continuing appropriation, and the Missouri River, and the improvement at Duluth and other important points, the most important named in the bill. The Secretary of War may, in his discretion, say: "I do not think that the improvement on the Mississippi River should have more than $1,000,000, or two million and a half dollars even, for the next fiscal year. I do not think Duluth should have more. In other words, I will put my discretion in lieu of that of Congress, and under this amendment will do as I please inside of the limit of $10,000,000." Is the Senate prepared for that? Is the Senate prepared now to surrender its judgment in regard to this important bill—the largest we have ever passed for the improvement of rivers and harbors—to any Cabinet officer, I do not care how distinguished he may be or how able he may be in the discharge of the duties of his office?

Mr. GORMAN. Will the Senator from Missouri permit me?

Mr. VEST. With the greatest pleasure.

Mr. GORMAN. The Senator from Missouri I know, upon reflection, will admit that to-day we authorize continuing contracts to be made for improvements—it has been done for all the improvements made up to this time—and we have left it absolutely to the discretion of the Secretary of War and the Engineer Department to determine how much shall be expended each year. For instance, take Galveston, with an appropriation of $6,000,000 or $8,000,000, whatever was the amount; and in all the cases that is true. So there is nothing new in that feature. That is the rule.

Mr. VEST. The answer of the Senator does not meet the point I make at all. I should like to have him show me in any prior river and harbor bill where we have ever given to any Secretary of War the power to apportion our appropriations. I should like to have him show me any such provision. It is true we have said that the Secretary of War may make continuing contracts, which the courts have decided to be coercive, and that "may" means "shall." That has been repeatedly adjudicated by tribunals of highest authority; but we have never before—and I challenge my friend from Maryland to point me to an instance—undertaken to say to a Secretary of War that he shall take the aggregate of our appropriations, either immediate or under contract, and apportion them as he sees proper.

Mr. ALDRICH. Will the Senator from Missouri excuse me for a moment?

Mr. VEST. Certainly.

Mr. ALDRICH. Undoubtedly, under the practice and the construction that has been put upon the laws, the Secretary of War might expend a part of the appropriation, say, for Galveston Harbor, this year and a part of it next year; but we never have given and no one has ever thought of giving the Secretary of War the authority, when an appropriation has been deliberately made by Congress for Galveston Harbor, to say whether there shall be any expenditure at all. Under the amendment suggested by the Senator from Maryland, in the next twenty-five years it might be impossible to spend a cent of money for Galveston Harbor. You leave the matter entirely in his discretion, whether to spend the money upon improvements in the Delaware River or improvements in the Mississippi River, and whenever the time may come in the far distant future that there may be money available for Galveston Harbor, he will spend it there.

Mr. VEST. That is unquestionably my construction of the amendment, and I do not know how I could elaborate my meaning further than I have expressed it. If any Senator here, however astute or technical he may be as a lawyer, will convince me that we have not abdicated our legislative authority by giving this discretion to the Secretary of War, I shall be very much obliged to him for that information.

Mr. GORMAN. Mr. President, only one word in answer to the Senator from Missouri, who is a very distinguished lawyer. Unfortunately I am one of the few members of this body who happen not to be lawyers, and I therefore have some hesitancy in controverting what the Senator has said.

The first suggestion the Senator made was that the statement I furnished, which is printed in the RECORD, of the amount of the continuing contracts, is inaccurate. It is true in one or two cases, though not in the aggregate, the clerks in making up the statement did leave out an amount for the State of Missouri and for the State of Washington, and those amounts were put under some other States; but I furnish to-day the correct statement as they have revised it, making the aggregate amount of the contracts contained in the bill $64,017,227.91. The amount that was placed to the State of Washington, $900,000, as it appears in the RECORD this morning, will now be found to be $2,380,000. That went into another item, but the aggregate amount is correct, so that in that particular the Senator is right. It was the fault of the clerks in making up the statement.

As to my amendment changing the rule and Congress abdicating its right to determine the amount of appropriations which shall be expended, it is exactly the reverse. Heretofore, as I stated a moment ago to the Senate, in every appropriation that has been made the appropriation for the harbor of Baltimore, for the harbor at Galveston, for all of the great harbors where contracts have been authorized to be made, the Secretary of War was authorized to make the contracts, and the Secretary of War absolutely determined the number of cubic yards that would be removed every year and the cost of that work, and at the end of the year reported to Congress the amount that he in his judgment thought ought to be expended, and Congress has made the appropriation. It is true that in no case heretofore has Congress limited the Secretary of War in the amount that he was to expend. He was at perfect liberty to make a contract and expend the entire amount of the appropriation in one year or two years or three years, the only reservation being that the contractor would look to Congress for appropriations at such time and in such amount as Congress might determine. But the power to obligate the Government for $1,000,000 or $10,000,000 we have always left absolutely to the Department.

All that the amendment provides is a restriction upon the Secretary of War that he shall not in the aggregate expend more than $10,000,000. The only reason for that is because for the first time in the history of the Government we have gone into the wholesale business of contracts, and it is only because of the conditions which surround us that I have offered this amendment, not with a view of impeding any of these works. I do not believe it will impede them. Leave this amendment out of the bill and the Secretary of War will have the absolute power to say what amount of money shall be expended in this year and in the next year. I say if I were Secretary of War or had control of the Treasury Department in the present condition of the Treasury I would apply the rule suggested by the Senator from Ohio [Mr. SHERMAN] and which has been adopted by Secretary Carlisle. I would not enter into one of these contracts or obligate the Government for a dollar of money until Congress made provision for the Treasury.

I am anxious for the passage of the river and harbor bill. I have stated before during the present session that I regard it as the most important bill in the interest of the country that we have. I would not stay the improvement of the Mississippi River or any one of the great harbors, because that improvement means commerce and thrift for our people. I would be liberal with the appropriations for the improvements—I have always been liberal with them—but in the present condition I think it is wise to make this limitation. It is not abdicating anything. Congress ought to assert itself in this particular instance, in my judgment, by telling the executive officers our condition is such that you ought not to expend more than $10,000,000.

Mr. President, who upon earth has a right to complain of it? What will it do? It will give for the year ending June 30, 1897, $20,000,000 to be expended by the Secretary of War, and but once, if I remember correctly, certainly not more than twice, was there ever $20,000,000 expended in one year, and that included the Mississippi River, it included the great harbor of Galveston, and all those great works. It will give under that provision $19,000,000 to be expended for the year ending June 30, 1898. The Department has considered—and that has been the case in all recent Congresses, as the chairman of the committee, I think, will bear me out—that the river and harbor bill covers two years. They take the amount of $12,000,000, for instance, and they expect to expend $6,000,000 of it during the fiscal year for which we are appropriating, which is up to the 1st day of July, 1897. So there is $6,000,000 of cash available for the next fiscal year, and $10,000,000 under contracts, which will be $16,000,000, and $4,000,000 under contracts heretofore made; which makes practically $20,000,000 for the next year and $20,000,000 for the year following. It will take under that arrangement six years to complete the expenditures provided for in this bill. In addition to that, two years from now we shall have an appropriation of from fifteen to twenty million dollars—of course the exact amount can not be stated now——

Mr. WALTHALL. May I ask the Senator from Maryland a question?

Mr. GORMAN. I yield with great pleasure.

Mr. WALTHALL. I only want to ask the Senator how his amendment affects the improvement as to the time within which the expenditure to be made is limited, as in the case of the Mississippi to three years?

Mr. GORMAN. There is no question, in my judgment, but that that is a specific appropriation and that the work is required to be completed. So far as that case is concerned, the provision is emphatic in the bill itself. As I understand, the amount would be expended as provided for in that particular section of the bill. I submit to the Senator that the bill as it came from the House, if I am not right in this, would have interfered with that provision.

Mr. WALTHALL. I would say to the Senator that if he is mistaken in that, then a very large proportion of the appropriations made for the Mississippi River improvement would be lost, and all that is not made prior to June 1, 1897, will lapse.

Mr. GORMAN. Let us see if I am right, or if the Senator is right. If I am wrong about it, then the bill as it came from the other House has practically the same provision, the only difference being in the amount. The provision for the Mississippi River is that $2,583,333 may be expended annually for three years. That is in the bill as it stands. Those are the contracts which are authorized to be made for the work. The bill came from the other House with that provision, and it has not been changed by the Senate a particle. If the Senator will turn to page 99 of the bill he will find this provision:

SEC. 5. That under the authority to make contracts for materials and work, under the provisions of this act, in addition to the sums appropriated herein, the Secretary of War shall not obligate the Government to pay, in any one fiscal year, beginning July 1, 1896, more than 25 per cent of the whole amount authorized to be let by any one of said contracts.

There is a limitation. If the Senator is right, and if my distinguished friend from Missouri [Mr. VEST] is right, as to the effect of my amendment, the bill as it came from the other House made the same interference with this appropriation.

Mr. BERRY. That was corrected in the Senate, was it not? I ask the Senator.

Mr. GORMAN. I will tell the Senator in a moment. I am talking about the bill as it came from the other House. If the contention of the Senator from Missouri and the Senator from Mississippi is right, then the provision in the bill as it came from the other House would be limited to 25 per cent of the amount appropriated, and it would require four years to complete the improvement. I do not believe that contention is right, with all due deference to those Senators.

Mr. BERRY. Will the Senator permit me to make a suggestion?

Mr. GORMAN. Certainly.

Mr. BERRY. Twenty-five per cent, or one-fourth, so far as the Mississippi River contract is concerned, would exactly take up the appropriation within four years, even according to the bill as it came from the other House.

Mr. GORMAN. The bill provides for three years—not four years.

Mr. BERRY. There is a provision for the first year and for three additional years. There is one provision made for this year and then for the three years beginning June 30, 1897. It is not a provision for three years. That is my understanding of it.

Mr. WALTHALL. Do I understand the Senator from Maryland that his amendment does not apply to the Mississippi River improvement at all?

Mr. GORMAN. I think so. I contend also that the bill as it came from the other House would not have applied to it, and that if the contention of my distinguished friend as to the effect of my amendment is good, then there would have remained the restriction of the Mississippi River improvement in the bill as it came from the other House. I do not believe it will bear that construction, however.

Mr. CAFFERY. May I interrupt the Senator from Maryland?

Mr. GORMAN. Certainly.

Mr. CAFFERY. The Senator's amendment, as I understand, provides for continuing contracts not exceeding in any one year $10,000,000, at the will of the Department.

Mr. GORMAN. Not as to specific contracts.

Mr. CAFFERY. There is a specific appropriation for the Mississippi River for four years. The first appropriation is a cash appropriation of $1,250,000. Then there is an appropriation for three years after the fiscal year ending June 30, 1897—a continuing contract—for $2,583,000 per annum. Do I understand the Senator from Maryland to say that his general provision in the shape of an amendment, that the continuing contracts all together are not to exceed $10,000,000, does not apply to the specific appropriations made for the Mississippi River?

Mr. GORMAN. I ask the Senator, as a rule of law, where there is a general provision such as is proposed, that not more than $10,000,000 shall be expended, and an executive officer, who is supposed to be a lawyer, taking up this bill, finds that it is required that in any one case $2,000,000 shall be expended, whether he would not first apply that amount? Would not that be the rule of law, and has it not always been the practice of the Department?

Mr. CAFFERY. As to the cash appropriations that might be so, but as to the continuing contracts I rather think it might be different under the Senator's amendment.

Mr. GORMAN. If that be so, this bill as it came from the other House with the 25 per cent limitation would unquestionably be the same.

Mr. WALTHALL. I will ask the Senator would he have any objection to putting in the amendment a provision in accordance with his statement of his own view of the meaning of the amendment, so that there will not be any question about it?

Mr. GORMAN. I have no objection to it. All I wish to accomplish is that when we meet here in December next we shall not be confronted with estimates based upon contracts made which would involve the expenditure of over $10,000,000 in the next fiscal year. That is all I desire to accomplish. I have no other desire.

Mr. WHITE. Will the Senator from Maryland permit me to ask him a question?

Mr. GORMAN. Certainly.

Mr. WHITE. If I understand the design of the Senator from Maryland, it is that it is necessary to put something of a restrictive character in this bill, so that the Secretary of War may not go too far in the expenditure of public money. If that be the danger menacing us, I do not think that it amounts to a very great deal, because I think that that officer in the treatment of river and harbor matters has evinced a disposition to be economical. When his estimates were sent to Congress during the present session, instead of adopting the figures suggested by the local engineers, the Chief of Engineers, for the first time, I believe, in many years, cut the amount down so low that, according to his view, no smaller amount could possibly be successfully expended; and this he did, as I understand, under the direction of the Secretary of War. Feeling that that officer has been thus disposed to be careful with the public money, in some instances going further than some of us on the committee would have gone, it appears now rather unnecessary to put on this additional restriction.

Mr. GORMAN. I have, of course, great admiration for the present Secretary of War, and I believe he will do all the Senator from California indicates. It is not at all for want of confidence in the Secretary of War that I offer the amendment; but it is nothing new. I wish to say to my distinguished friend from California, to put such a restriction on the Secretary of War or on any other Secretary. We have authorized an expenditure of four or five million dollars for the construction of guns, and we have said that the Secretary of War must not exceed the expenditure of two millions of that money in one year. We have said to the Secretary of the Navy, "We will give you ten or twenty million dollars to construct your ships and your armor, but you must not expend more than a certain amount in any one year." So there is no unusual restriction on the War Department proposed by the amendment. On the contrary, this is a wise provision, which Congress has frequently made; and but for such provision the Treasury to-day would be in a worse condition than it is.

More than that, I desire the passage of this bill, and as a Senator representing a great State in this Union I have a duty to perform, and that is to try to keep these expenditures within reasonable limits. I can not afford to vote for any bill which will put it in the power of any one man in the present condition of affairs to force the expenditure of money which we have not.

Mr. MILLS. I want to ask the Senator from Maryland if this amendment of his gives the power to the Secretary of War in apportioning the $10,000,000 to leave out the contracts in the State of Texas? I wish to know whether that power is to be placed in his hands.

Mr. GORMAN. I do not believe, as I said a moment ago, that there has ever been a river and harbor bill where there was a contract authorized to be made that that power did not exist to the fullest extent, so that the Secretary of War could determine in each case, and has so determined in each case, the exact amount which he will expend at Galveston or Baltimore or upon the Pacific Coast; and there is no other way in which these contracts can be entered into.

I wish to insert in the RECORD a corrected statement of the continuing contracts contained in the bill, as there were one or two errors in the table I submitted yesterday.

The table referred to is as follows:

CONTINUING CONTRACTS.

Maine	$1,570,500.00	Rhode Island	$707,000.00
Massachusetts	1,145,000.00	Pennsylvania	894,500.00
New York	3,655,558.00	West Virginia	1,200,000.00
Delaware	4,885,846.00	Tennessee	600,000.00
South Carolina	1,996,250.00	Kentucky	1,349,000.00
Georgia	3,572,500.00	Mississippi	860,000.00
Louisiana	1,488,250.00	Michigan	1,065,000.00
Texas	1,403,856.00	Illinois	6,360,960.00
Ohio	1,354,000.00	Ohio River	2,807,250.00
Wisconsin	168,737.91	Mississippi River	13,400,000.00
Minnesota	3,080,553.00	Missouri River	900,000.00
California	3,908,000.00		
Oregon	3,264,467.00	Grand total	64,017,227.91
Washington	2,380,000.00		

Maine:		
Harbor at Rockland	$760,500.00	
Portland Harbor	810,000.00	
		$1,570,500.00
Massachusetts:		
Harbor at Boston	1,145,000.00	
		1,145,000.00
New York:		
Harbor at Buffalo	2,200,000.00	
Harbor at Dunkirk	388,258.00	
Bay Ridge Channel	637,300.00	
Newtown Creek	430,000.00	
		3,655,558.00
Delaware:		
Harbor of refuge, Delaware Bay	4,660,000.00	
Wilmington Harbor	225,846.00	
		4,885,846.00
South Carolina:		
Winyaw Bay	1,996,250.00	
		1,996,250.00
Georgia:		
Savannah Harbor	987,500.00	
Cumberland Sound	2,345,000.00	
Brunswick Harbor	240,000.00	
		3,572,500.00
Louisiana:		
Calcasieu River	315,000.00	
Bayou Plaquemine	1,173,250.00	
		1,488,250.00
Texas:		
Sabine Pass	1,403,856.00	
		1,403,856.00
Ohio:		
Cleveland Harbor	1,354,000.00	
		1,354,000.00
Wisconsin:		
Milwaukee Harbor	168,737.91	
		168,737.91
Minnesota:		
Duluth	3,080,553.00	
		3,080,553.00
California:		
Oakland Harbor	696,000.00	
Santa Monica	2,900,000.00	
Wilmington Harbor	312,000.00	
		3,908,000.00
Oregon:		
Yaquina Bay	1,000,000.00	
Columbia River	2,064,467.00	
Willamette and Yamhill rivers	200,000.00	
		3,264,467.00
Washington:		
Salmon Bay and Ship Canal	1,400,000.00	
Grays Harbor	980,000.00	
		2,380,000.00
Rhode Island:		
Providence River and Narragansett Bay	707,000.00	
		707,000.00
Pennsylvania:		
Herr Island	894,500.00	
		894,500.00
West Virginia:		
Upper Monongahela	1,200,000.00	
		1,200,000.00
Tennessee:		
Cumberland River	600,000.00	
		600,000.00
Kentucky:		
Kentucky River	1,349,000.00	
		1,349,000.00
Mississippi:		
Yazoo River	860,000.00	
		860,000.00
Michigan:		
Keweenaw Point	1,065,000.00	
		1,065,000.00
Illinois:		
Illinois and Mississippi Canal	$5,710,960.00	
Chicago River	650,000.00	
		$6,360,960.00
Ohio River dams	300,000.00	
Ohio River dams	1,990,000.00	
Ohio River Falls	517,250.00	
		2,807,250.00
Mississippi River:		
Upper Mississippi	5,025,000.00	
Lower Mississippi	8,375,000.00	
		13,400,000.00
Missouri River	900,000.00	
		900,000.00

NOTE.—Page 48, appropriation made for payment by the Secretary of War of judgments and costs for the condemnation of all the property and appurtenances of Monongahela Navigation Company.

In addition to the contract for construction of Illinois and Mississippi Canal it is authorized to pay indemnity for condemnation of right of way.

Mr. CULLOM. I should like to ask the Senator from Maryland a question or two, as I desire to get as nearly as I can at what his amendment means.

Mr. VILAS. Will the Senator from Illinois allow me to make a suggestion first, and perhaps it will anticipate what he is going to say? I wish to ask the Senator from Maryland—I am in entire sympathy with him—if he will not accept this addition to the amendment he proposes, which will probably meet the view which has been suggested.

Mr. CULLOM. I will hear the Senator from Wisconsin.

Mr. VILAS. I suggest to the Senator from Maryland that he modify his amendment by adding thereto the following:

Provided, That this shall not relate to or affect the appropriations, or the special regulations for the expenditure thereof, hereinbefore made for the harbor of refuge in Delaware Bay, the harbor of Duluth, Minn., or the Mississippi River from the Head of the Passes to the mouth of said river.

Mr. MILLS. What becomes of Texas?

Mr. CULLOM. Is that the suggestion the Senator offers to do away with my desire to ask a question?

Mr. VILAS. I want to say there are special provisions made in this bill for those places, special directions in the expenditure. If those special directions for expenditure were excepted, the provision of the Senator from Maryland would apply equally to all others entitled to them.

Mr. CULLOM. I did not yield to the Senator to make a speech on the amendment.

Mr. VILAS. I beg the Senator's pardon.

Mr. CULLOM. I desire to inquire of the Senator from Maryland whether his amendment is proposed to cut out all the appropriations not under the general contract system?

Mr. GORMAN. As a matter of course not.

Mr. CULLOM. It does not refer to them?

Mr. GORMAN. It does not refer to them in the slightest.

Mr. CULLOM. Then it refers to those that are proposed to be put under continuous contracts only. Now, I desire to ask this other question: As I understand, we shall be compelled to appropriate $4,000,000 to carry out contracts heretofore made. That is true, is it not?

Mr. GORMAN. Yes, sir.

Mr. CULLOM. Therefore we shall only have for the year 1897 $6,000,000 to apply to the continuous contract appropriations included in this bill. Is that right?

Mr. GORMAN. You will have $3,500,000, which is already appropriated in the sundry civil appropriation bill on the old contracts.

Mr. CULLOM. There will be $4,000,000 left, as I understand?

Mr. GORMAN. We have $3,500,000 appropriated now, and there will be $4,000,000 left for the next session of Congress. We shall have $6,000,000 direct appropriations under the river and harbor bill now pending.

Mr. CULLOM. Only $6,000,000.

Mr. GORMAN. That will give $9,500,000, and then $10,000,000 on contracts.

Mr. CULLOM. I understand that the Senate just now is dealing with the river and harbor appropriations contained in the pending bill. As I understand it, we shall have but $6,000,000 which can be used during the next year which is appropriated for in this bill and under the general contract system. Therefore, if we vote for this amendment, we shall know exactly what we are going to get for the next year as applied to the contracts that are contained in this bill.

Mr. ALLISON. Mr. President, I do not know whether the Senator from Maryland has concluded or not.

Mr. GORMAN. I have not quite concluded, but I will give way to the Senator if he desires.

Mr. ALDRICH. Before the Senator concludes I should like to ask him a question.

The VICE-PRESIDENT. The Senator from Iowa [Mr. ALLISON] is recognized.

Mr. ALLISON. I shall only occupy a few moments. On yesterday I stated that I favored a limitation upon this bill. Whether the amount suggested by the Senator from Maryland

[Mr. GORMAN] was the right one I was not prepared to say, but the amendment now suggested by the Senator from Wisconsin [Mr. VILAS] shows the situation in which this bill will be if there is no further limitation put upon it. The Senator from Wisconsin suggested certain exceptions, beginning with Delaware Bay. As this bill stands there is an appropriation of $5,000 for Delaware Bay, and there is authority to contract for four millions and a half. There is a limitation, then, upon that, that not more than one-quarter of it shall be expended in any one year. Therefore, when the Committee on Appropriations comes to consider this question next winter we shall find ourselves having an estimate before us of a million dollars for Delaware Bay. That is No. 1.

We shall find also before us an estimate for the Mississippi River from the Passes to Cairo for $2,500,000.

Mr. CULLOM. For that year?

Mr. ALLISON. For that year. I am speaking now in round numbers. That is three and a half million dollars. We shall find also an appropriation for Duluth Harbor, wherein the estimates for that year will be a million; that is, four and a half million dollars, and so on, running through a half dozen other appropriations in this bill, including the Mississippi River above Cairo, and including the Missouri River.

What I said yesterday I repeat to-day, and that is that this committee have not, as the Senator from Missouri [Mr. VEST] said this morning, placed additional power in the hands of the Secretary of War, but they have limited his power, as the amendment of the Senator from Maryland is a limitation on his power. But for this limitation of one-quarter, as to Delaware Bay, it would be within the power of the Secretary of War under this bill to make a contract for the whole four and a half million dollars to be executed in a year and a half.

Mr. ELKINS. May I ask the Senator a question?

Mr. ALLISON. Certainly.

Mr. ELKINS. The bill expressly provides that Congress may make appropriations from time to time.

Mr. ALLISON. Undoubtedly; and that will be inserted in the contract; but suppose the contractor says, "I will finish this work in a year and a half, and I will take my chances of getting the appropriation."

Mr. ELKINS. He would be a good contractor, then.

Mr. ALLISON. He would be a good contractor; he would be a splendid contractor; and most likely he would do it, unless there was a limitation put upon him.

Mr. ELKINS. Here are two distinguished Senators and two great leaders, and I venture to say they both do not construe this amendment in the same way. There have been a dozen lawyers in this Senate on their feet who wanted to know what the amendment of the Senator from Maryland meant. It looks as if these two Senators, who are members of the great Appropriations Committee—and I want the Senate to take notice of that—are to exercise a sort of guardianship over the Committee on Commerce in this limitation—for that is what it means—after the Commerce Committee has carefully considered this bill and given three weeks to it; and now comes the Senator from Maryland, who is a distinguished member of that committee, but a greater member of the other committee, and with him the chairman of the great Appropriations Committee, and they say, "We want to guard against extravagance; we want to correct you; and we want to save the Treasury"; and I venture to say that no two Senators can take this amendment and read it for half an hour and agree upon what it does mean. I ask the Senator from Iowa if he knows what it does mean?

Mr. ALLISON. I do not intend to discuss this amendment.

Mr. ELKINS. I want to add that there are no accounting officers of the Treasury and there are no engineers in the United States who can properly construe this amendment. It will endanger this whole bill. We had better let it remain as it is; we had better follow the old beaten path, and take the river and harbor bill as we have worked it out, and follow the precedents of the Government.

I know it is easy to talk about putting restrictions in a bill, but these works pertain to commerce, and we want the Commerce Committee to have charge of them. This is a fight indirectly made at the Commerce Committee by the great Appropriations Committee. They have enough to do. Let them take care of the matters which are properly within their jurisdiction. The Commerce Committee are satisfied on this matter and now are unanimous that the bill is right. If the Senator from Iowa can construe what the proposed amendment means let him do so, so that any lawyer can understand it.

Mr. ALLISON. I am glad my friend finally reached his question. I do not intend to construe this amendment. I intend to make some suggestion by way of amendment to it.

Mr. ELKINS. I knew it.

The PRESIDING OFFICER (Mr. BACON in the chair). The Senator from Iowa [Mr. ALLISON] is entitled to the floor.

Mr. ALLISON. I intended to make some suggestion by way of amendment before I got through. I had supposed that the object of bringing these bills into the Senate was to compare views of Senators here. I did not know that there was an omnipotence in any committee of this body. The Senator from Maryland offered the pending amendment, and I ventured some gentle criticisms last evening in a modest way respecting the limitation that was already in the bill as to the power of Congress. The Senator from Missouri comes in this morning and says that we are giving the Secretary of War power which he never had before.

The Secretary of War under this bill as it stands has unlimited power to contract, and but for the limitation which the Committee on Commerce itself has put in the bill, all the appropriations where contracts are authorized to be made could be executed in a single year, and I illustrated it by taking the Delaware Bay appropriation.

Mr. VEST. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. ALLISON. I do.

Mr. VEST. Will the chairman of the Appropriations Committee point out one single river and harbor bill in which we have ever heretofore made a provision that the Secretary of War should apportion harbor appropriations, taking, if he pleases, as he could do under this amendment, all for one locality or putting that with another, provided he did it inside the limits of the $10,000,000? Will the Senator just point that out to me?

Mr. ALLISON. I will answer the Senator.

Mr. ELKINS. Will the Senator first answer my question? What does the amendment mean?

Mr. ALLISON. The amendment, as I construe it, means that there is a limitation upon the annual expenditures under postponed contracts for which no appropriations are made that are to be executed not for the fiscal year for which the appropriations are made, but in the next fiscal year. That is what it means—that the total appropriations shall not exceed $10,000,000. I do not know whether that is the exact sum that should be fixed. I do not know whether it should be ten or twelve or fifteen or twenty millions.

Mr. ELKINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield?

Mr. ALLISON. Allow me to complete what I was saying.

The limitation to which I have referred was in the bill. What other limitations are in this bill? The Senator from Missouri [Mr. VEST] put clamps upon his own Mississippi River Commission by saying that they should not expend, between the Passes and Cairo, more than two and one-half million dollars a year. If he can do that, why can not we say to the Secretary of War: "You shall not expend, under this appropriation, more than $15,000,000 a year"?

Mr. ALDRICH. Mr. President——

Mr. ELKINS. Now, let me ask the Senator——

The PRESIDING OFFICER. The Senator from West Virginia will please suspend a moment. The Chair understands that the Senate is proceeding under the five-minute rule. That being so, the time of the Senator from Iowa has expired.

Mr. ELKINS. I wish to ask the Senator a question.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. ALDRICH] is entitled to the floor.

Mr. ALDRICH. I understand the Senator from Maryland and the Senator from Iowa, acting under their responsibility as members of the Committee on Appropriations and guardians of the Treasury, desire to limit the annual expenditures under this bill. I suggest to the Senator from Maryland and the Senator from Iowa that not one single cent of money can be expended under the provisions of this bill until an appropriation shall first have been made by Congress; and whether we can limit the next Congress as to what appropriations they shall make is a question I do not care to discuss. I do not think we can do so by such legislation as this.

Mr. ALLISON. Will the Senator yield to me?

Mr. ALDRICH. Certainly.

Mr. ALLISON. Whilst that is true, as the Senator from Rhode Island knows, when the Secretary of War makes an estimate under one of these contracts we are obliged in good faith to make the appropriation in order that the contract may be executed.

Mr. ALDRICH. Why, Mr. President——

Mr. GRAY. Will the Senator allow me? I shall not occupy half a minute.

Mr. ALDRICH. Very well.

Mr. GRAY. All that this limitation would do would be to prevent the Secretary of War from incurring a debt which we would be in honor bound to provide for by appropriations.

Mr. ALDRICH. Yes, at the proper time, whenever that was, but not in any particular year.

The Senator from Iowa says if the Secretary of War makes an estimate for a contract we are bound in good faith to carry it out. The Senator knows a great deal better than I do what estimates

are sent here by the Departments which they claim are necessary to be expended, and he knows how far short the aggregate appropriations every year fall below these estimates.

The fact is that this amendment can have but one purpose, and that is to tie the hands of future Congresses as to the amount of appropriations to be made, not as to the contracts to be made, because these contracts, as the Senator from Iowa well says, all contain a provision that they are to be proceeded with as fast as appropriations are made, and they can not be made in any other way; and every contractor who makes a contract under those provisions understands that as well as I or the Senator from Iowa.

Mr. ALLISON. Allow me to ask the Senator why is it that the Committee on Commerce has put in a provision that contracts shall only be made, or obligations shall not be incurred, for more than one-quarter of the amount of the appropriation in any one year? Why is that limitation put upon these appropriations and not upon others?

Mr. ALDRICH. It is to put some kind of a restraint, if you please, upon the action of the Secretary of War; it is not mandatory, but it is a persuasive constraint upon the Secretary of War in the arrangement of these contracts. Are the Senator from Iowa and the Senator from Maryland afraid of themselves next year? This question of appropriations under these acts is entirely in the hands, in the first instance, of the Committee on Appropriations, and in this case, as in all others, they pay attention to the estimates of the Departments or not just as they see fit. They are not obliged, because the Secretary of War shall put in his estimates for two millions and a half for work upon the Mississippi River, to insert in the sundry civil appropriation bill an appropriation for two millions and a half. Neither is Congress under any restraint to do that.

I am quite willing to trust to the good judgment of the Commerce Committee as to appropriations to be made under these contracts. I do not desire to put into the hands of an executive officer of this Government the decision of a question which must and ought to belong to the two Houses of Congress and the President. If any amendment is to be adopted of this nature it ought to be an amendment placing this matter squarely in the hands of the Secretary of War and making him responsible as to the relative merits of these propositions in regard to contracts.

If we are prepared to do that, if the Secretary of War is better to be trusted than the Appropriations Committee of this body and the body itself as to future appropriations for expenditures upon rivers and harbors, let us put the responsibility squarely in his hands and not try to give him responsibility which belongs to us. I assume that in the future the members of this body will be able to take care of the appropriations for these and all other purposes, governed by the revenue of the country and their responsibility as Senators.

Mr. ELKINS. Mr. President, I could not for the life of me get the distinguished Senator from Iowa [Mr. ALLISON], the chairman of the Committee on Appropriations, to say what the amendment means, nor can I get the Senator from Maryland [Mr. GORMAN] to do so.

Mr. ALLISON. Now, if the Senator——

Mr. ELKINS. In one moment. As near as I can understand the Senator from Maryland, he says it does not apply. There is nothing in the language of the amendment, but he goes out and finds in his imagination as a lawyer, I suppose, that the Delaware Bay is not embraced in the amendment, that the Mississippi River is not in it, and that a lot of other public improvements are not included in the amendment. I do not know how that construction is arrived at, but if the author of the amendment construes his amendment properly it is an outrage upon the other public works, I submit to the Senate. If the amendment has concealed in it something we can not understand which exempts a great many other works, then it is a discrimination against and an outrage upon the rest of the public improvements of the country. I submit to the Senate that it is dangerous to pass an amendment the meaning of which nobody knows.

If the Senator from Maryland had said, "*Be it enacted so and so*, That $10,000,000 shall be the limit of the river and harbor bill this year," then we would have known what he meant; and if he means that, why not say it? I am afraid that that is what will be determined by the Attorney-General of the United States. When the Secretary of War looks at the bill he will say: "The Government is in great straits; we are selling bonds to keep going. I will send this provision over to the Attorney-General and ask him what it means." It will be very easy for the Attorney-General under this elastic amendment to say, "I do not think we get the Delaware breakwater matter in it, but it means you shall spend $10,000,000 this year and you can not spend any more." Congress can pass another river and harbor bill at its next session.

The amendment is mischievous. It is full of danger. It is full of doubt. Nobody knows what it means. As I said before, the Commerce Committee has given three weeks to the consideration of this bill. They have agreed upon it unanimously here. They had the engineers' estimates before them. They had before them the recommendations of the Secretary of War. They think just as much, I take it, of the Treasury and preserving it, and economy, as the Appropriations Committee. I say to the Senate that there is no Senator here who will attempt to state, nor will the Senator from Maryland attempt to state, what the amendment means. If Senators here, great lawyers, have different views upon the construction of the amendment, what are the Government officers going to do? What is the Secretary of War going to do? How are the accounting officers of the Government to proceed? How are the engineers to proceed? What works are the engineers to select out under the amendment? Then the board of engineers become supreme. They say, "We will expend it on the Illinois and Mississippi Canal." Then there will be a fight. Somebody will think they ought to expend it on his improvement. The amendment is so doubtful that I think it is safest simply to vote it down, and pass the river and harbor bill as it came from the House and as amended by the Senate.

Mr. MITCHELL of Oregon. Mr. President, I think I understand what the amendment means.

Mr. ELKINS. If the Senator does, it is a good thing.

Mr. MITCHELL of Oregon. It has been argued by the Senator who proposed the amendment and by some others as though the only effect of the proposed amendment is to limit the amount to be expended in the two fiscal years to which it applies.

The amendment does more than that. It absolutely prohibits the Secretary of War from obligating the Government under the proposed act and all prior acts providing for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which provide for contracts beyond appropriations made, for a sum exceeding in the aggregate $10,000,000 in any one year. It is not merely that it shall not exceed $10,000,000 for any one year, but the Secretary of War is prohibited from entering into contracts by which the Government will be obligated to a further extent than $10,000,000. In other words, the bill provides in the body that the Secretary of War shall be, and he is hereby, authorized and directed to enter into contracts to the extent of between sixty and seventy million dollars. Then comes in the amendment, and it undertakes to provide and does provide, if we pass it, that he shall only enter into contracts to the extent of $10,000,000.

Mr. GRAY. Oh, no.

Mr. MITCHELL of Oregon. It leaves, as the Senator from Rhode Island [Mr. ALDRICH] says, the discretion in him as to where the contracts shall be made. The effect of the amendment is to destroy the whole bill as framed by the committee.

There is another effect. Here you propose to limit the power of the Secretary to obligate the Government to enter into contracts exceeding $10,000,000, and yet you have provided for contracts that have run up to sixty or seventy million dollars. How is he to select? How is he to determine? Is he to take the Delaware breakwater for $4,000,000? Is he to take Duluth for another two or three million dollars; the Mississippi for two or three millions more? That makes up the $10,000,000. He can not contract beyond that sum. If the amendment is adopted, he can not obligate the Government beyond those three or four items; and what is the effect? All the other contracts provided for in the bill are at a standstill, and he can not contract at all in reference to any of them.

Mr. CAFFERY. I ask the Senator from Oregon whether the language in the third line would not at least be plausibly construed thus: "He is not to obligate the Government to pay under this act."

Mr. GRAY. That is right.

Mr. CAFFERY. Would not that be the construction?

Mr. CULLOM. To pay in any one fiscal year.

Mr. MITCHELL of Oregon. That is not the amendment.

Mr. CAFFERY. That is what it means.

Mr. MITCHELL of Oregon. Not at all. I think the provision is fairly susceptible of but one construction, and that is to place a limitation upon the power and jurisdiction of the Secretary of War to enter into any number of contracts that will exceed in all the sum of $10,000,000.

Mr. ALDRICH. I suggest to the Senator from Oregon, in answer to the inquiry of the Senator from Louisiana [Mr. CAFFERY], that the Secretary of War does not make obligations on the part of the Government to pay in any fiscal year. That is left expressly to the power of Congress. It is in the contracts themselves. You do not agree to pay in any particular year and in any given amount. It is expressly provided in the contract that the work is to be paid for from time to time as the appropriations shall be made therefor by Congress.

Mr. MITCHELL of Oregon. I wish to say one other word. What will be the effect of the amendment in the matter of securing contracts on proper terms for the execution of the work? Will a contractor, when he knows that he is limited in the amount that he is to receive in any one year, contract for a piece of work

for the same amount he would if it were left open, to be paid as the work progresses?

The amendment, it appears to me, whatever view is taken of it, is pernicious, and the effect of it, and the only effect, is to destroy the bill. I hope it will be voted down.

Mr. PASCO. Mr. President, we might as well look upon this amendment in a business sort of way before we act upon it. The purpose of it, I understand, is to limit the appropriations on the continuing contracts to the sum of $10,000,000 a year. Yesterday when the Senator from Iowa [Mr. ALLISON] had the floor I asked him a question, suggesting that if the amendment were adopted the special amounts, for the first two years at all events, would absorb the whole amount appropriated for these purposes. I had not the figures then before me, but I have looked them up, and I find that the facts fully warrant the suggestion I made.

Mr. ALLISON. What is the aggregate?

Mr. PASCO. I will proceed to give the figures upon the different projects.

The table furnished us by the Senator from Maryland [Mr. GORMAN] yesterday shows that there is due upon the old contracts already authorized in previous years the sum of $8,225,033. It is proposed, I understand, to cover those in two years, and that would make $4,112,516 a year if equally divided. There are in the bill besides four contracts which are to be completed according to the intent of the bill in four years, and these special provisions, I take it, must be provided out of the $10,000,000 before any appropriations can be made for any other work. The four contracts that are to be completed in accordance with the plan contemplated in the bill are as follows:

Hennepin Canal	$1,427,240
Mississippi River	2,583,333
Duluth and Superior harbor	770,138
Delaware Bay harbor of refuge	1,165,000
Amounting in all to	5,945,711

These items, with the old contracts, will make $10,058,227 for the next two years, and more than the $10,000,000 will therefore be expended in carrying out these special exceptions in the bill, leaving nothing for any of the other continued contracts provided for in the bill.

After two years, when the former contracts are out of the way, there will then be in the neighborhood of $6,000,000 a year absorbed in these four improvements, so that every other continuing contract all over the country will be obliged to stand aside and wait until these special contracts are carried out and completed for two years at all events, and most of them for more than four years. So, notwithstanding the bill upon its face authorizes these contracts to be made now, it takes it out of the power of the Secretary of War to make provision for any payments upon any of them, with these four exceptions, until two years, and for the larger part of the amount until four years have elapsed. Therefore the bill virtually carries within itself a veto. You say it shall be done on the one hand, and you say practically it shall not be done on the other hand.

Mr. ALLISON. Of course the Senator from Florida does not take into account that one-half of the $8,000,000 will be expended during the next fiscal year, and that it is already appropriated, or nearly so.

Mr. PASCO. I do not think that the table furnished by the Senator from Maryland quite bears out the statement made by the Senator from Iowa. I am not so familiar with these former contracts as are members of the Committee on Appropriations. [Examining table.] Yes; the Senator from Iowa is correct. The amount in the sundry civil bill for this year is $3,584,000; that is, for the coming year, closing in 1897.

Mr. ALLISON. Yes.

Mr. PASCO. Therefore it still carries the total of the figures I have stated for 1897 and for 1898, though the payments are not equally divided. That makes two years. That is the effect of it.

It does seem to me we had better strike out these continuing contracts altogether than to pretend to enact them and then put it beyond the power of the Secretary of War to enforce them.

Mr. CAFFERY. Mr. President, I do not think the amendment ought to meet the sanction of the Senate. While I do not agree with the propositions advanced as to the construction of the amendment, I yet think that construing it as fair as it can be it works very injuriously to certain appropriations under the bill. My own construction, however, is first that the Secretary of War by the amendment is only obliged to contract for $10,000,000 per annum of the amount appropriated for these continuing contracts, and that all classes of appropriations are included within this general lowering.

Now, I desire to direct attention to the specific appropriation for the Mississippi River from the Head of the Passes to the mouth of the Ohio at Cairo. That appropriation in round numbers is $9,000,000. It is a million dollars less than the river and harbor act of 1892 carried. That appropriation is apportioned thus: $1,250,000 as a cash appropriation and $2,583,000 for three years, commencing on the 30th of June, 1897.

This appropriation, although it is under the continuing-contract system for the three years from June, 1897, is not one that looks toward the completion of the work. In that respect the appropriation for the improvement of the Mississippi River is different from an appropriation for the completion of a harbor. An appropriation for the completion of a harbor might as well be extended six years instead of four, even if the four-years plan were adopted under contracts made with the sanction of the Secretary of War. But as to the appropriation for the Mississippi River, construing the amendment to mean that all continuing contracts are to be razeed proportionately, it contemplates running the money for the Mississippi River over six years, thereby cutting off one-third of the amount appropriated for that river, because the sum appropriated was designed for four years, not to complete the improvement, because it will take many years to do that, but as a sum necessary for the next four years for the improvement of the river.

Therefore it is that the amendment would cut off the amount appropriated for the Mississippi River by two years and one-third the amount, and after having submitted to a 10 per cent reduction from the previous act, $1,000,000 (the appropriation was $10,000,000 before), I think the amendment would work peculiar hardship upon the Mississippi River. I therefore draw the attention of the mover of the amendment to this feature of his amendment, with a view to seeing whether or not his amendment can not be improved on by excepting the Mississippi River.

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired.

Mr. GRAY. I merely rise to offer an amendment to the amendment of the Senator from Maryland, which is to insert, in line 7, after "for," the words "the payment of"; and after the word "sum," the words "on account of any of said contracts."

Mr. GORMAN. How will the amendment then read?

Mr. GRAY. Then the amendment of the Senator from Maryland will read:

Provided further, That the Secretary of War shall so adjust the contracts herein authorized to be made by apportioning them in such way as not to obligate the Government under this act and all prior acts providing for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which provide for contracts beyond appropriations made, for the payment of a sum on account of any of said contracts exceeding in the aggregate $10,000,000 in any one fiscal year for such materials and work authorized to be contracted for in all of said acts.

I offer the amendment to the amendment because the Senator from Oregon [Mr. MITCHELL] rose in his place and made the argument that there is something more in the amendment than appears upon the surface; that it is made to limit the power of the Secretary of War to make any contract or any number of contracts the aggregate of which shall be for more than $10,000,000, whereas as I conceive the object of the Senator from Maryland it is to confine the payment in any one year on account of any of these contracts to the sum of $10,000,000. It is to make the amendment plain.

Mr. ALDRICH. I ask that the amendment to the amendment which I send to the desk may be read for information. I will offer it at the proper time.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add at the end of the amendment the following proviso:

Provided, That this provision shall apply equally to all contracts authorized by this act without regard to any special terms to the contrary contained in the clauses providing for such contracts.

Mr. ALDRICH. I wish to have the Delaware Bay project and the Hennepin Canal and all the rest of these improvements stand upon the same basis.

Mr. MILLS. Why not say "all contracts and all appropriations"?

Mr. ALDRICH. That is all right. I have no objection to it.

Mr. GRAY. I do not care.

Mr. ELKINS. It is getting worse and worse. Nobody can understand the amendment.

Mr. VILAS. Mr. President, I merely wish to remark that we could not have a much better illustration of the character of this general and comprehensive grab than was offered by the situation when I made the suggestion to amend the amendment of the Senator from Maryland [Mr. GORMAN] practically in accordance with the suggestion of the Senator from Iowa [Mr. ALLISON] yesterday evening. It was immediately cried out against by the Senator from West Virginia [Mr. ELKINS] and the Senator from Oregon [Mr. MITCHELL] and the Senator from Rhode Island [Mr. ALDRICH] and others, who altogether made a great outcry. But in point of fact the amendment did not withdraw any bone from the cage. It would not have shortened the rations. It would merely have prevented any misunderstanding in regard to the construction

which was so well stated by the Senator from Florida [Mr. PASCO] a few moments ago. If he be right in that construction, then the amendment which the Senator from Maryland has offered might have embarrassed the appropriations seriously, as was suggested yesterday evening by the Senator from Iowa; and for that reason, in accordance with what the Senator from Maryland said in answer to the Senator from Mississippi, I thought it wise to inquire if the amendment might not be put on.

Of course, there was no purpose to secure any special advantage for any one of the appropriations. The bill has already done it beyond all question. The Senator from Florida [Mr. PASCO] is right in his construction. The bill has already secured to those several appropriations their special advantage. The Mississippi River is already taken care of, and we ought at all events as I think to vote down the amendment proposed by the Senator from Rhode Island [Mr. ALDRICH]. It would destroy the special consideration which the Committee on Commerce have given to the Mississippi River and these particular improvements which need certain regulations. But it is highly important, as it seems to me, highly important to the success of this measure, highly useful to the interests of the country, that we shall provide, as has been argued by the Senator from Maryland and the Senator from Iowa, some proper limitation upon the amount for which the Secretary of War shall impose obligations upon the Government. Senators say——

Mr. ALDRICH. Mr. President——

Mr. VILAS. I have but five minutes. Senators say that the contracts are to be made only for so much as shall be appropriated by Congress, but is not Congress going to appropriate what the Secretary of War obliges us to incur? Is Congress not going to appropriate what the obligations of the Government require in order to be properly discharged; and if it does not, then what is the value of making contracts if you are not going to give the contractor his specific time of payment and his certainty of receipt of money?

Mr. GORMAN. The only exception is that in the sundry civil bill another branch of the Government attempted to reduce the amount below the contract price and the Senate restored it.

Mr. VILAS. The Senator from Maryland illustrates it perfectly. The whole value of the system of contracts consists in the Secretary of War being able to make specific and definite terms with contractors.

Now, all that is provided in the amendment is simply that he shall extend the time of the completion of the work in certain cases, and the times of payment during a certain number of years, and if these special exceptions were eliminated from it the provision suggested by the Senator from Maryland would be ample to cover every case there is. As I said before, there is no occasion for any ravening, because no bone was really removed.

Mr. BERRY. Mr. President, I wish to say in the first place that there has been some intimation that the committee have been extravagant in the make-up of the bill, and that, too, by some Senators who had come before that committee and urged increases in almost every case within their States.

Mr. ELKINS. That is right, precisely.

Mr. BERRY. I wish to state in addition that the committee did after a desperate effort succeed in knocking out, I think, about three continuing contracts. It came down to the Senate and the Senate forced them back upon the bill, and the committee had to take them whether it wanted them or not. So much for the extravagance, if there has been any extravagance, in the bill.

I recognize that the bill carries a large amount of money. It carries a great deal more than any of us would like to have it carry, but it came from the other House with the continuing contracts on it, and it was impossible for the committee to get rid of them. Senators from all over the Chamber protested whenever an attempt was made to take out one of the contracts.

If the amendment of the Senator from Maryland would save the Government any considerable amount of money, or a single dollar, an argument might be made for it; but the Senator from Maryland himself admits that it will not save one solitary cent, but simply postpone the payment of it for two years probably over and above the part postponed in the bill.

Now, why should that be done? The Senator from Maryland says on account of the condition of the Treasury. There is $268,000,000 in the Treasury to-day. If the deficit continues at $25,000,000 a year we shall still have enough to pay for the river and harbor bill and the running expenses of the Government at the same rate that the receipts are coming in to-day. There is nothing in the amendment. It accomplishes nothing; it saves nothing; and it is not necessary on account of the condition of the Treasury, because there is $168,000,000 in the Treasury over and above the $100,000,000 of reserve. It is a great deal better that the surplus should not accumulate to a large extent in the Treasury. I do not mean to say that wrong appropriations should be made, but when the Senator from Maryland insists that this provision is necessary in order to save the Treasury for this year, the facts do not bear him out, because there is $268,000,000 in the Treasury as shown by the report of the Secretary.

Now, one other word, Mr. President. I do not know what the exact effect of the amendment would be on the Lower Mississippi River. There are better lawyers in the Senate than I am who think it would materially cripple that work and probably stop it altogether, and for that reason I am opposed to the amendment. If it were found necessary to reduce the total amount of the appropriation it could be done in a much better way than by putting an amendment on it, the precise effect of which no man here seems to understand, save and except that it would put it in the power of the Secretary of War to stop one work altogether as might suit him and put all the money upon some other and more valuable work.

Mr. MITCHELL of Oregon. What is the amount for the Mississippi River in the bill?

Mr. BERRY. There is an appropriation of about $9,000,000; I think something over that amount. It is $9,600,000 altogether—$2,500,000 after this year (I am not speaking accurately) for each of the succeeding three years, the entire amount to be expended in the contract in four years. The result would be, as I believe, that if the amendment were adopted a certain portion of that appropriation would be lost to the Mississippi River altogether, because it must be expended within four years, and this would stretch it out to six years and would thereby stop the contract.

Mr. WALTHALL. Any curtailment would be that much lost.

Mr. BERRY. Any curtailment would be that much lost. The plans were made by the Mississippi River Commission and by the Chief of Engineers, and this was the least amount upon which they could continue that great work for the next four years.

Mr. THURSTON. Mr. President, I am not a member of either committee that has had this matter of appropriation under consideration, and I would not venture to discuss it at this time except for the fact that I shall be called upon soon to vote upon it, and I desire that the reasons for the vote I am to cast may go upon the record.

I came into the Senate this morning favorable to the amendment, understanding nothing more of it than that it aimed to limit the expenditure of the money by the Government for river and harbor purposes. I am strongly impressed with the idea that a very great deal of unnecessary money is appropriated from time to time by the Congress of the United States for these improvements. I wish our Constitution permitted that the Executive might veto any particular item, for I believe that under a provision of that sort we could appropriate moneys actually needed, provide for improvements actually desired, and leave out those that in some years at least have aroused the criticism of the country.

But as I read the amendment and carefully consider its application to the provisions of the bill, I find myself bound to vote against it. I would very gladly join Senators upon this floor in limiting the appropriation or the contract obligation of each and every continuing contract so that the amount provided might be distributed through any number of years. I find that the bill as it came from the other House, on page 99, in line 18, provided that not more than 25 per cent of the whole amount authorized to be let by any one of the contracts for which provision is made in the bill shall be authorized or expended in any one year. But the Senate has stricken that out. I believe that a provision of that kind is proper. I believe that a provision as to each specific continuing contract which would adjust and apportion the entire amount of the authorized expenditure from year to year would be in the interest of wise legislation, and I would vote for any such amendment.

I would vote for any amendment which would limit the Secretary of War in his distribution under the contract plan to the expenditure of any certain per cent of a specific appropriation through a number of years. But the present amendment, as I read it and as I must understand it, places the power in the Secretary of War to authorize, first, the total expenditure under one item of appropriation for the next year to the full amount of the contract authorized; and if he does that upon a contract which would provide for an expenditure of $3,000,000 there would then be left to him only $7,000,000 to be distributed among the others. The Secretary of War, under the amendment, could authorize the performance of three contracts to the exclusion of the performance of all the other contracts in the bill.

Therefore, sir, it seems to me that the amendment is vicious and takes the power Congress should reserve to itself and gives it to the Secretary of War, where he may exercise the greatest favoritism and lavish the moneys of the Government upon one locality to the exclusion of all others.

Mr. ALLISON. I was about to suggest to the Senator from Nebraska that that is just what the Secretary of War can do now without the amendment, under the bill, except as to the points where they have limited it to one-fourth. I quite agree with the Senator from Nebraska that it would be a great deal better to

restore the House provision which the Senate has stricken out as in Committee of the Whole. But I desire to offer an amendment to the amendment proposed by the Senator from Maryland.

The PRESIDING OFFICER. The Chair will state that there is a pending amendment to the amendment. The amendment of the Senator from Iowa can be read for information, but no further amendment can be received to the amendment. The amendment of the Senator from Delaware is an amendment to the amendment of the Senator from Maryland.

Mr. GRAY. Will the Senator from Maryland accept my amendment?

Mr. GORMAN. I will accept the amendment of the Senator from Delaware. I have no objection to it at all. So that will open the way for the amendment of the Senator from Iowa.

Mr. ALDRICH. I suppose the Senator from Maryland will have no objection to accepting the amendment which I moved?

Mr. GORMAN. I have very decided objection to it.

Mr. ALDRICH. Then I ask for a vote on it. I supposed that most of the amendments would be accepted by the Senators on the other side.

Mr. HILL. I should like to have read the amendment of the Senator from Delaware to the amendment of the Senator from Maryland.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The SECRETARY. In line 7 of the amendment, after the word "for," insert the words "the payment of"; after the word "sum," in the same line, insert "on account of said contract"; so as to read:

Which provide for contracts beyond appropriations made for the payment of a sum on account of said contract exceeding in the aggregate $10,000,000, etc.

Mr. MILLS. Mr. President, it seems to me that none of the amendments to the amendment meet the objection suggested by the Senator from Missouri, which is the largest, in my mind, and that is that the discretion is given in the amendment to the Secretary of War to select the work upon which the $10,000,000 is to be expended. If that be the case, we may as well turn over the whole thing to the Secretary of War, for the effect of the amendment is to give him $10,000,000 to expend as he pleases. He may put it on one work if the contract is sufficiently large for any one work to embrace it, or he may distribute it on three works and leave out the whole coast of the United States under his discretion.

I have always understood that it was the duty of the executive officers of the Government to execute the law as Congress makes it. Here a committee of this body have been working for months on the bill to distribute the appropriations around as they may be demanded in the different works, and after they have brought their bill into the Senate we propose to give the Secretary of War the power to annul all the work and to take the appropriations and give them to three works if he wants to do so, leaving out all the rest of us. Does the Senator from Maryland understand it so?

Mr. GORMAN. So far from understanding that to be the case, I understand just the opposite, that every work provided for in the bill the Secretary of War will be obligated to go on with, and the only limitation is that in the aggregate he shall not expend more than $10,000,000 in one year.

Mr. FAULKNER. May I ask the Senator from Texas a question? I am trying to get at the real meaning of the amendment. Does not the other amendment adopted by the Senate limit and control the Secretary so that he can not obligate the Government for over $400,000 in any one year as to any particular improvement?

Mr. MILLS. But under the amendment of the Senator from Maryland he has the power to select the work. That is the point I am on.

Mr. FAULKNER. To the extent of $400,000.

Mr. MILLS. Why would it not be better to say that he shall so adjust the contracts herein authorized to be made by apportioning to each work the amount which is to be expended; that a certain per cent of the appropriation in the bill shall be expended on each work? I do not want to give to any Secretary of War the discretion to select any work that he may please and expend the money on it.

Mr. ALDRICH. I ask that the pending amendment, the amendment I offered, may be read.

The PRESIDING OFFICER. The amendment of the Senator from Rhode Island has heretofore been read for information. The Chair now understands the Senator to offer it.

Mr. ALDRICH. I offer it as an amendment to the amendment of the Senator from Maryland.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The SECRETARY. At the end of the amendment add:

Provided, That this provision shall apply equally to the contracts authorized by this act without regard to any special terms to the contrary contained in the clauses providing for such contracts.

Mr. ALDRICH. I suppose the Senator from Maryland will not object to the amendment. Will he accept it? There certainly ought to be a spirit of fairness in this business.

Mr. VEST. I move to lay the amendment as amended on the table.

Mr. CULLOM. The whole business.

Mr. WALTHALL. The whole thing.

The PRESIDING OFFICER. The Senator from Missouri moves to lay the amendment offered by the Senator from Maryland on the table. It has not yet been formally amended, the Chair understands.

Mr. MILLS. An amendment to it was accepted by the Senator from Maryland.

Mr. GORMAN. I modified the amendment. I had a right to modify it.

Mr. VEST. As modified, I move to lay the amendment on the table.

Mr. GORMAN. Let us have a direct vote on the proposition. We had one vote to lay on the table, and that was the last vote taken in the Senate. I suggest that we take a direct vote upon the proposition.

Mr. ELKINS. Do I understand the Senator from Missouri to move to lay the amendment and all the amendments thereto on the table?

Mr. VEST. Yes; the whole thing.

Mr. ELKINS. It will take them all.

Mr. BERRY. It will take them all.

Mr. ELKINS. Then, if the amendment of the Senator from Maryland is laid on the table, it will dispose of the whole brood and family of amendments, all of which obscure the case.

Mr. ALLISON. I should like to get in an amendment to the amendment of the Senator from Maryland.

Mr. ELKINS. Let it come in and we will kill it with the rest. I am willing that that shall be done.

The PRESIDING OFFICER. Is there objection to the reception of the amendment of the Senator from Iowa to the amendment of the Senator from Maryland?

Mr. GORMAN. I hope the amendment to the amendment will be read.

Mr. ALLISON. I offer it as a substitute for the amendment.

The PRESIDING OFFICER. Is there objection? There being no objection, the amendment will be read.

Mr. VEST. I am willing to hear it read, but I shall not withdraw my motion or lose my right to make it.

The SECRETARY. In lieu of the amendment of Mr. GORMAN as modified insert:

Provided further, That the Secretary of War shall so adjust the contracts authorized to be made beyond the appropriations made herein by apportioning them in such a way as not to obligate the Government to pay under said contracts a sum exceeding in the aggregate $12,000,000 in any one fiscal year for such materials and works authorized to be contracted for.

The PRESIDING OFFICER. The Senator from Missouri moves to lay the amendment of the Senator from Maryland as it has been modified, and all pending amendments to it, on the table.

Mr. VEST. That is the motion.

Mr. GORMAN. On that question let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE]. If he were present, I should vote "yea."

Mr. HANSBROUGH (when his name was called). I am paired with the junior Senator from Illinois [Mr. PALMER]. If he were present, I should vote "yea."

Mr. THURSTON (when his name was called). I have a pair with the junior Senator from South Carolina [Mr. TILLMAN]. I transfer that pair to the Senator from Michigan [Mr. MCMILLAN] and vote "yea."

Mr. WALTHALL (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. CAMERON], but as he and I agree upon this matter, I will record my vote. I vote "yea."

The roll call was concluded.

Mr. BLACKBURN. I have a general pair with the senior Senator from Michigan [Mr. MCMILLAN], but my pair has been transferred, and I vote "yea."

Mr. BURROWS. I wish to announce that my colleague [Mr. MCMILLAN], if present, would vote "yea."

Mr. TELLER. I am paired with the senior Senator from Florida [Mr. CALL]. If he were present, he would vote "yea" and I should vote "nay."

Mr. SQUIRE. I have a general pair with the senior Senator from Virginia [Mr. DANIEL]. I transfer that pair to the Senator from New Hampshire [Mr. CHANDLER] and vote "yea."

Mr. CHANDLER (after having voted in the negative). I withdraw my vote.

Mr. GORMAN. I understand that the Senator from New Hampshire [Mr. CHANDLER] is paired with the Senator from New

York [Mr. MURPHY]. The Senator from New York is, I understand, in favor of the amendment, and the Senator from New Hampshire votes the same way.

Mr. CHANDLER. I am not paired with the Senator from New York on this vote, not unless it is a party question.

Mr. BUTLER. I wish to state that my colleague [Mr. PRITCHARD] is unavoidably absent. If he were present, he would vote "yea."

Mr. CHILTON (after having voted in the negative). I am requested by the senior Senator from Louisiana [Mr. CAFFERY] to pair with his colleague [Mr. BLANCHARD], and I therefore withdraw my vote and announce my pair.

Mr. CANNON (after having voted in the negative). I am paired on this vote with the senior Senator from Alabama [Mr. MORGAN]. He is not present, and I therefore withdraw my vote.

Mr. MARTIN. I desire to state that if my colleague [Mr. DANIEL] were here he would vote "nay" on the motion to lay the amendment on the table. He is in favor of the amendment offered by the Senator from Maryland.

Mr. SQUIRE (after having voted in the affirmative). Under the circumstances, if it is understood that the Senator from Virginia [Mr. DANIEL] can not be paired with the Senator from New Hampshire [Mr. CHANDLER], I will withdraw my vote. I should like to exchange pairs; I should like to vote "yea" on the motion, but I understand that the Senator from Virginia would vote "nay" if present. Therefore I withdraw my vote.

Mr. CHANDLER. I vote "nay."

Mr. BUTLER. I will pair my colleague [Mr. PRITCHARD] with the Senator from Virginia [Mr. DANIEL] and the Senator from Washington can vote.

Mr. SQUIRE. Very well. I vote "yea."

The result was announced—yeas 40, nays 23; as follows:

YEAS—40.

Aldrich,	Dubois,	Mills,	Sherman,
Bacon,	Elkins,	Mitchell, Oreg.	Shoup,
Baker,	Frye,	Nelson,	Squire,
Berry,	Gallinger,	Pasco,	Stewart,
Blackburn,	George,	Perkins,	Thurston,
Burrows,	Jones, Ark.	Pettigrew,	Vest,
Butler,	Jones, Nev.	Platt,	Walthall,
Caffery,	Lodge,	Pugh,	Wetmore,
Cameron,	McBride,	Quay,	White,
Cullom,	Mantle,	Sewell,	Wilson.

NAYS—23.

Allen,	Cockrell,	Hawley,	Peffer,
Allison,	Faulkner,	Hill,	Proctor,
Bate,	Gear,	Kyle,	Roach,
Brice,	German,	Lindsay,	Smith,
Brown,	Gray,	Martin,	Vilas.
Chandler,	Harris,	Mitchell, Wis.	

NOT VOTING—26.

Blanchard,	Davis,	McMillan,	Tillman,
Call,	Gibson,	Morgan,	Turpie,
Cannon,	Gordon,	Morrill,	Voorhees,
Carter,	Hale,	Murphy,	Warren,
Chilton,	Hansbrough,	Palmer,	Wolcott.
Clark,	Hoar,	Pritchard,	
Daniel,	Irby,	Teller,	

So the amendment was laid on the table.

Mr. LINDSAY. I offer an amendment to the pending bill, to take the place of the amendment just voted down.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of line 10, page 100, insert:

Provided, That except where otherwise herein specifically authorized, the Secretary of War shall so adjust the contracts provided for by this act that not more than 20 per cent of any one of the appropriations to be expended under a continuing contract shall be expended in any one fiscal year.

Mr. FRYE. I think that there must be a misunderstanding about the limitation which has been proposed in the bill. I think the Senator from Nebraska [Mr. THURSTON] misunderstood it. The bill came from the House of Representatives with a provision only as to those continuing contracts where the sum to be in the end expended exceeded $500,000, that a 25 per cent limitation should be put on. Almost on the second or third page of the bill is a continuing contract for $517,000, and just before it comes one for $500,000. Under that limitation, the $500,000 contract could be completed in a year and paid for, and under the 25 per cent limitation the $517,000 contract would take four years. There is no justice in that; there is no propriety in it. The large majority of these contracts are between $500,000 and $900,000. There is not the slightest difficulty about completing these contracts in two years; and in these contracts time is just as important as money, and yet under the 25 per cent limitation, if it was an $800,000 contract, you would have to take four years about it; and if it was a $700,000 contract four years about it. At the same time, if it was a $4,000,000 contract you could expend $1,000,000 a year. There were several of those—the Hennepin Canal is for nearly $5,000,000, and you could expend a million and a quarter a year; in the Superior and Duluth, $4,000,000, you could spend a million a year. I could name several others where a million dollars a year could be expended, but if it happens to be a $517,000 contract, one very important, and just as important as any other, it would have taken four years to carry it out. There was no justice in that limitation, nor would there be any more justice in the amendment proposed by the Senator from Kentucky. The committee considered that question and made a limitation on all these continuing contracts that no more than $400,000 a year should be expended on any one of them.

Mr. GORMAN. Except those stated in the bill.

Mr. FRYE. The Senator did not let me finish.

Then we excepted—not the Hennepin Canal, for the Senate excepted that—but we excepted Superior and Duluth. Nobody questions the importance of completing that contract at the earliest day possible. We excepted the Delaware harbor of refuge, where thousands and thousands of vessels will seek its shelter every year, because of its great importance, and we excepted the Mississippi River. You must make the appropriations for the Mississippi River annually if you are going to make them at all.

Mr. SMITH. May I ask the Senator from Maine a question?

Mr. FRYE. Certainly.

Mr. SMITH. According to the estimate furnished as to the amount carried by this bill between the continuous contracts and the money directly appropriated the sum total to be appropriated is about $72,000,000 in round numbers. Will the Senator from Maine, the chairman of the Committee on Commerce, inform me as to how much of that money under this bill can be spent for the next fiscal year, provided the Secretary of War should make all the contracts for the amount of money appropriated and that the contractors should be able to perform the work?

Mr. FRYE. I have never figured that, but I imagine it would amount to $25,000,000.

Mr. SMITH. Then, as I understand it, the amendment offered by the Senator from Maryland [Mr. GORMAN], according to his statement, would make the amount to be expended $22,000,000. Do I understand, then, that the only difference between the amount of money under any circumstances that could be spent under the bill as it stands and under the amendment of the Senator from Maryland is $3,000,000?

Mr. FRYE. No. The Senator asked me under the continuing contracts. There is $12,000,000 appropriated here that can be expended.

Mr. SMITH. What I want to get at as near as I can is as to how much of the money, when this appropriation bill shall have been passed, will be called upon or could, under any circumstances, be called from the Treasury to be paid out during the coming year.

Mr. FRYE. I have never estimated it. I hold to a little different opinion from what has been expressed on this floor in relation to this bill. I have never known a time yet when the Secretary of War did not refrain from making an expenditure if he desired to do so. I do not care what the appropriation was nor where it was. Under the law, if he desires not to expend the money, he has the right to refuse, and he has refused to expend it. Take the case of Port Orford, which came up here the other day. There was an appropriation made ten years ago of $170,000 which has not yet been expended. Why? Because the Secretary of War used his discretion and refused to expend it.

I go one step further. I understand that in this bill it is in the discretion of the Secretary of War to make these contracts, or not to make them, and there is where I differ with the Senator from Missouri [Mr. VEST]. I know what the decisions of the courts have been; but heretofore, in nine cases out of ten at any rate, when we have made a continuing contract the language used was: "The Secretary of War is hereby authorized and directed to make a contract"; and in every instance in this bill it is that he "may make a contract." I believe that that language was used by the House committee and by the House itself for the purpose of leaving in the hands of the Secretary of War a discretion as to what of these contracts he shall now enter into, what he shall enter into a year from now, and what he may enter into two years from now, or whether he shall enter into any of them or not. Therefore I voted against the amendment of the Senator from Maryland.

Mr. SMITH. I am sorry to be obliged to interrupt the chairman of the committee for a moment longer. My object, Mr. President, in asking the question I have was simply that on the face of the bill which is now pending it will appear to the public, or it would at least to the ordinary mind, that the bill was carrying an expenditure of $70,000,000, or three or four times the amount ever heretofore appropriated in a similar bill. I think in justice to the members of this body that it should not go out in that form.

I am in favor of fair appropriation bills for river and harbor purposes. But with the present condition of the general business of this country and with the general condition of the receipts and disbursements of the Government Treasury, I say, notwithstanding some of our friends have referred to the large amount which is now in the Treasury, partly there from the sale of bonds, that we are not justified in appropriating an amount of money greater than was ever heretofore appropriated by any Congress for this

purpose. Now, if ever, is the time in the history of our country when we should show to the people, while they are in a state of distress, that we are not going to embarrass them either by additional taxation or by the sale of bonds, by the passage of any bill such as this, which is not necessary at this time.

I speak, Mr. President, on this question, not as I might as a partisan, glad to be able to see the majority of this Senate and of Congress passing a bill unprecedented in the history of this country, but I speak as a Senator, representing no party but the great American people; and I say here that when we undertake to go before the American people with a bill double that of any passed in the best times ever known in the history of our country, I doubt very much whether it will meet their approval.

I hope, if there is any question as to the amount the Treasury will be obliged to pay out on this account for the coming year, that some amendment may be offered to limit the expenditure. I do not care whether it is the Secretary of War or the Secretary of the Treasury upon whom the limitation is placed; but I do feel that I should like to vote intelligently, and I should like to know how much I am going to vote shall be expended in this direction. Without that information I can not see how any Senator can properly be called upon to cast his vote for a measure as to which he is so largely in doubt as to the amount of money it carries.

Mr. LINDSAY. Mr. President, I wish to ask the chairman of the Committee on Commerce whether I understand him to say that so far as where direct appropriations are made this bill is mandatory upon the Secretary of War, but so far as appropriations are to be made under contemplated contracts the making of those contracts and consequent expenditure of the money under those contracts is merely permissive?

Mr. FRYE. I did not say so, Mr. President. I said that both were in the discretion of the Secretary of War and that he had always exercised that discretion.

Mr. LINDSAY. Then, Mr. President, when this bill becomes a law it will be nothing more than an enabling act, which may be carried out by the Secretary of War or suspended at his discretion. I do not believe that any Department of the Government will reach the conclusion that this is a mere enabling act, intended merely to empower the Secretary of War to make or to refuse to make these public improvements at his will or discretion. He will understand that it is his duty to carry out the expressed will of Congress as it appears in this bill, and the only discretion which he can properly exercise will be as to limiting the time within which the money shall be expended.

I think it is the duty of Congress, when it comes to authorize contracts to be made for the expenditure of $65,000,000, to indicate to the Secretary of War its opinion as to what this limitation ought to be; and it does seem to me if he be authorized to make contracts which will involve the expenditure of $13,000,000 a year under the contract system, with the knowledge that each succeeding year other appropriations will be made, Congress should say to the country that not exceeding twenty or twenty-five million dollars a year ought to be taken out of the public Treasury for the purpose of public improvements under existing conditions.

Mr. FAULKNER. I will ask the Senator from Kentucky to permit me to interrupt him. It may be that he has forgotten the limitation already in this bill. There is a limitation in the bill that the Secretary of War shall not contract, as I understand, with reference to any of these continuing contracts for an amount to be paid annually exceeding $400,000. That is a decided limitation; and I think that is in the bill.

Mr. LINDSAY. Is that now in the bill?

Mr. FRYE. Yes, sir.

Mr. FAULKNER. It is in the bill now; and in the construction of these improvements there can not be expended in any one year an amount exceeding $400,000 on any one continuing contract.

Mr. LINDSAY. I will ask if any estimate has been made as to what the amount of the annual expenditure will be if the Secretary of War goes to the extent of $400,000 under these various appropriations?

Mr. FRYE. No estimate has been made.

Mr. LINDSAY. Then the Committee on Commerce can not tell whether the expenditure of the coming year will be fifteen, eighteen, or twenty-five million dollars under that limitation?

Mr. FRYE. I estimated it at $25,000,000; but it was not a careful estimate.

Mr. LINDSAY. For the first year?

Mr. FRYE. Yes.

Mr. LINDSAY. That is, including appropriations that are not to be expended?

Mr. FRYE. No; the second year the bill appropriates about twelve million two or three hundred thousand dollars. My own impression would be that if we made a contract in every single case, next year it would reach at any rate $25,000,000.

Mr. ALLEN. How much expenditure of money would it require to fulfill the terms of the bill if all the contracts authorized to be made were made?

Mr. FRYE. There is a restriction, as the Senator knows, in the bill of $400,000—that in no one contract can there be over that sum expended.

Mr. ALLEN. But that is not the question I asked the Senator. Taking the appropriations altogether, with the money which will be necessary to discharge the obligations which may be incurred under the bill, the contracts which may be entered into, how much money, in round numbers, will it take to exhaust the bill?

Mr. FRYE. It takes about $64,000,000 in continuing contracts, and they all run over four years, and one of them probably will run eight years.

Mr. ALLEN. Is that in addition to the present appropriations?

Mr. FRYE. That is in addition to the appropriation of $12,000,000.

Mr. ALLEN. So it will make about $76,000,000, all told?

Mr. FRYE. I should think so.

Mr. LINDSAY. I think $13,000,000 spent under the continuing-contract system is an excessive sum, after the Senate has decided against the limitation of $10,000,000. I shall therefore insist upon my amendment.

Mr. ELKINS. I should like to hear the amendment read.

Mr. FRYE. I move to lay the amendment on the table.

Mr. ELKINS. What is the amendment?

Mr. ALLISON. Let the amendment be read.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of line 10, on page 100, the following:

Provided, That, except where otherwise herein specifically authorized, the Secretary of War shall so adjust the contracts provided for by this act that not more than 20 per cent of any one of the appropriations to be expended under a continuing contract shall be expended in any one fiscal year.

Mr. ELKINS. There is the same objection to that amendment as to the other.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine [Mr. FRYE] to lay the amendment of the Senator from Kentucky [Mr. LINDSAY] on the table.

Mr. ALLEN. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. HANSBROUGH (when his name was called). I am paired with the junior Senator from Illinois [Mr. PALMER]. If he were present, I should vote "yea."

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL], but he and I agree on this question, and I vote "nay."

Mr. SMITH (when his name was called). I am paired with the Senator from Idaho [Mr. DUBOIS], and therefore withhold my vote.

The roll call was concluded.

Mr. BLACKBURN. I am paired generally with the senior Senator from Michigan [Mr. MCMILLAN], but I am assured by his colleague [Mr. BURROWS] that on this question he would vote "yea," if present, and as I vote the same way I will record my vote. I vote "yea."

Mr. WARREN. I desire to announce that my colleague [Mr. CLARK] is absent from the city. He is paired with the junior Senator from Maryland [Mr. GIBSON].

Mr. CANNON. On this vote I am paired with the senior Senator from Alabama [Mr. MORGAN]. If he were here, I should vote "nay."

Mr. BUTLER. I wish to announce that on this vote my colleague [Mr. PRITCHARD] is paired with the Senator from Virginia [Mr. DANIEL], who is paired generally with the Senator from Washington [Mr. SQUIRE]. By this transfer of pairs the Senator from Washington [Mr. SQUIRE] is at liberty to vote. My colleague would vote "yea," if present.

Mr. SQUIRE. I understand that the exchange of pairs as made is satisfactory, and so my vote in the affirmative may stand.

Mr. PASCO. I wish to announce that my colleague [Mr. CALL] on this vote is paired with the Senator from Colorado [Mr. TELLER]. If my colleague were present, he would vote "yea."

Mr. CHILTON. I am paired on this question with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, he would vote "yea" and I should vote "nay."

Mr. THURSTON. I understand my pair has been transferred, and I therefore vote "nay."

The result was announced—yeas 37, nays 18; as follows:

YEAS—37.

Aldrich,	Elkins,	Nelson,	Stewart,
Bacon,	Faulkner,	Pasco,	Vest,
Baker,	Frye,	Perkins,	Walthall,
Berry,	Gallinger,	Pettigrew,	Warren,
Blackburn,	George,	Platt,	Wetmore,
Burrows,	Jones, Nev.	Pugh,	White,
Butler,	Lodge,	Quay,	Wilson.
Caffery,	McBride,	Sewell,	
Cameron,	Mills,	Shoup,	
Cullom,	Mitchell, Oreg.	Squire,	

NAYS—18.

Allen,	Gear,	Kyle,	Sherman,
Bate,	Gorman,	Lindsay,	Thurston,
Brown,	Harris,	Martin,	Vilas.
Chandler,	Hawley,	Mitchell, Wis.	
Cockrell,	Hill,	Peffer,	

NOT VOTING—34.

Allison,	Davis,	Jones, Ark.	Roach,
Blanchard,	Dubois,	McMillan,	Smith,
Brice,	Gibson,	Mantle,	Teller,
Call,	Gordon,	Morgan,	Tillman,
Cannon,	Gray,	Morrill,	Turpie,
Carter,	Hale,	Murphy,	Voorhees,
Chilton,	Hansbrough,	Palmer,	Wolcott.
Clark,	Hoar,	Pritchard,	
Daniel,	Irby,	Proctor,	

So the amendment was lald on the table.

Mr. HILL. On page 14, line 14, in order that the item there may have further consideration in the conference committee, I move to strike out "five" and insert "ten."

The VICE-PRESIDENT. The amendment proposed by the Senator from New York will be stated.

The SECRETARY. In line 14, page 14, before the word "thousand," it is proposed to strike out "five" and insert "ten"; so as to read:

Improving harbor at Huntington, N. Y.: Continuing improvement, $10,000.

The amendment was rejected.

Mr. BATE. In line 5, on page 65, in the clause relating to the improvement of Cumberland River below Nashville, Tenn., before the word "thousand," I move to strike out "eighty" and insert "two hundred and fifty"; so as to make the appropriation $250,000.

The VICE-PRESIDENT. The amendment of the Senator from Tennessee will be stated.

Mr. BATE. Mr. President, I beg to say that this amendment proposes to provide for a continuing contract for $250,000. The work can be completed, I think, within eighteen months or two years. It is for the removal of an obstacle in the Cumberland River.

It is a very small amount. Its friends went before the Committee on Commerce, but I regret to say they did not allow us but $80,000 for the continuing contract which was appropriated by the House. I trust the Senate will agree to make it $250,000. Though the appropriation involves but a small amount, it is of great interest to our people. The commercial organizations, the boards of trade, and the people generally are much interested in it and ask that I present the matter to the Senate. I do so, and I hope the Senate will accept the amendment which I have offered.

Mr. VEST. Let the amendment be read.

The VICE-PRESIDENT. The amendment submitted by the Senator from Tennessee [Mr. BATE] will be stated.

The SECRETARY. On page 65, line 5, before the word "thousand," it is proposed to strike out "eighty" and insert "two hundred and fifty"; so as to to read:

Improving Cumberland River below Nashville, Tenn.: Continuing improvement, $250,000, etc.

Mr. ALLEN. Mr. President, I am not at all surprised that Republican Senators should support this bill, as it authorizes the making of large contracts for the expenditure of money. I am surprised, however, that Democratic Senators should give aid and comfort to this seeming squandering of the public money. Of course these contracts will be made in the year 1897; they will be made evidently by a Republican Secretary of War, if the present prospects are realized, and no doubt these contracts will be made with a class of gentlemen who will be willing to contribute very largely and very liberally to the support of the Republican party in its campaigns. I can understand, therefore, from a mere party standpoint, why Republican Senators should support this measure. I can not understand, however, why Democrats should do so, nor why Populists should do so.

There is one matter about this bill that we ought to know, and I regret very much that the chairman of the committee has failed thus far to enlighten the country upon the prospect that we have in view at another Congress of appropriating money for the improvement of additional creeks. The bill itself carries an appropriation for the improvement of many creeks and one mill pond, as I recollect it. I do not recall any ditches. I think there is one ditch, however, in New York. But the bill requires estimates to be made for the improvement of 16 different creeks for the improvement of which appropriations have never been made heretofore. The first one is Five Mile Creek, in Alabama. The second is Petaluma Creek, in California. Then there are Cedar Creek, in Delaware; Suisun Creek, in California; Orange Creek, in the State of Florida; Oldmans Creek, Dividing Creek, and Tuckerton Creek, in New Jersey; Catskill Creek and Coney Island Creek, in the State of New York; Potecasi Creek, in North Carolina; Tonawanda Creek, in the State of Pennsylvania; Redwood Creek, California; Mantua Creek, New Jersey, and Whatcom Creek, in the State of Washington.

I think it is important that the country should know that the bill not only improves many creeks and obscure estuaries in the country that are of no earthly account for commercial purposes, but that the contemplated policy is that it will take in all the creeks in all the different States of the Union, especially those States lying along the Atlantic and Pacific Seaboard.

I think the honorable chairman of the Committee on Commerce did not do the country full justice when he failed to enlighten the taxpayers that the bill which carries with it something like seventy-six and a half million dollars of money, immediate and prospective, is to be supplemented by a bill in the Fifty-fifth Congress which shall take in all the creeks from Maine to Florida and from the Atlantic to the Pacific Ocean. I think the people ought to be warned or ought to be informed of an appropriation policy upon the part of the incoming Administration which will take into consideration the creeks.

Let me say one thing more. I observe in the bill that we have made an appropriation to improve what is known as Yellow Mill Pond, in the State of New Hampshire. That is my recollection. It has been several days since I read it.

Mr. FRYE. Connecticut.

Mr. ALLEN. In Connecticut. It is all the same.

Mr. FRYE. Not quite.

Mr. ALLEN. The people can be informed and rest assured that as soon as we get through with the estuaries and the lagoons and the bayous and the creeks we will reach the ditches of the country, and then we will reach the mill ponds.

Mr. FRYE. The Senator from Nebraska [Mr. ALLEN] is talking about things that he knows nothing on earth about.

Mr. ALLEN. Thank you.

Mr. FRYE. He is talking about creeks as if a creek because it is called a creek has no navigation on it. I told the Senator the other day, when the same question was raised, that there is an appropriation here for Newtown Creek, and that there is $67,000,000 of commerce on Newtown Creek.

The play on the word "creek" is old. It smells of antiquity. It has been used over and over again. It is the old talk of running a ship on dew and all that sort of thing. Let me tell the Senator there is no creek appropriated for which has not received the approval of two engineers, first a preliminary examination, next a survey, and then a declaration that commerce requires it. Let me tell him that the farmers all through the South depend upon these very appropriations to get their products of cotton and tobacco to the markets.

Mr. GRAY. In competition with the railroads.

Mr. FRYE. These rivers and bayous and creeks are little arteries of commerce, to be sure; they require only small appropriations, but they go directly to the poor working people and the farmers of the country and not to the great commercial centers. The Senator had better investigate the bill before he undertakes to abuse it by talking about creeks.

Besides, I am sick of having Senators rise on this floor and object to the river and harbor bill when the same Senators come before the committee and demand at the hands of the committee increased appropriations.

Mr. ALLEN. I regret very much that the Senator from Maine should misconstrue my remarks. I am in hearty sympathy with the bill as it exists, of course, and the prospective appropriations, and I was simply saying that I thought the Senator from Maine had failed to discharge his duty only so far as he failed to call the attention of the country to the fact that all the creeks in the country and all the mill ponds after a time are to be improved.

I am perfectly willing that the Senator shall make appropriations to improve the creeks and rivers of the State which I have the honor in part to represent here. I shall not regard it as an offense if he does so, and I think the Senator is premature in his remarks that I am talking about something I know nothing about. I have seen some of the creeks in this country. It is in accordance with the policy of the bill, and I say this at the hazard of what little interest the State of Nebraska may have in it, whether the Senator from Maine may like it or not, to expend thousands and millions of dollars in worthless improvements of creeks and estuaries and bayous. The argument that the Senator from Maine makes here has been made a hundred times before. There never was a reckless and inexcusable expenditure of public money that an artful man could not conjure up a subterfuge or excuse for it.

Mr. BATE. Mr. President, I hope the heated forensic passage between the chairman of the committee and the Senator from Nebraska [Mr. ALLEN] as to creeks and bayous will not divert the Senate from the simple proposition I have made, for it is a just and proper one. It is simply to increase the amount of the House appropriation from eighty thousand to two hundred and fifty thousand dollars.

Upon the question of "creeks" I have no comment to make, except that my proposed amendment is not for a "creek," but for the Cumberland River, navigable 500 miles, and 200 miles of it between the city of Nashville and its mouth. Thousands of tons of freight annually go down its bosom to the Ohio and Mississippi rivers, and is thus transferred around the country. There are

two railroads down that river—one on either bank. They control the rate of transportation of the products grown in the fertile country drained by that river and its tributaries. I propose by the amendment at least to help to check the monopolistic tendency of the railroads that run down the banks of the river and bring them to a sense of propriety in regard to the amount they should charge for the transportation of the farm products raised in that immediate country.

I will not be driven from what I believe to be my duty by the idea that is thrown out by the Senator from Nebraska as to the course to be pursued by Democrats. Mr. President, I do not believe in these extravagant expenditures that increase the burden of taxes upon our already overburdened people. I do not approve of all or even half that is found in the pending bill, but because I do not shall I stand idly by and see others taking the loaf while I can not get even a slice on the meritorious amendment I offer in the interest of the people in my State? The cleaning out of the rivers and harbors is a great advantage to our country, for it brings about much-needed competition; but it should be done with moderation and propriety, and I do not myself approve of the extravagance that is in this bill, and I have voted every time an opportunity has been offered for the reduction of the amount of $70,000,000. I will do so again. But, sir, my proposition should not be defeated simply on account of the declamation of the Senator from Maine [Mr. FRYE] or the Senator from Nebraska [Mr. ALLEN]. It should stand on its merits.

Mr. FRYE. I move to lay the amendment on the table.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine to lay the amendment on the table.

Mr. BATE. I suppose the Senator from Maine will allow me to get through, certainly, before he moves to shelve my motion.

Mr. FRYE. I beg the Senator's pardon. I supposed he had concluded.

The VICE-PRESIDENT. The Chair understood the Senator from Tennessee to yield the floor.

Mr. BATE. I want to have it understood that the Cumberland is not a creek, but a splendid and beautiful river. It is a stream which bears tons of commerce upon its bosom; one which contributes much to the advantage of a half million people who live upon its banks. The appropriation asked for by this amendment would relieve the chief obstruction to its navigation at the mouth of Harpeth River, between the city of Nashville and the Ohio River. It has no connection with the just and proper appropriation applied to this river above the city of Nashville.

Mr. FRYE. For this river there is one item in the bill for $80,000 and in another item there is a continuing contract for $600,000.

Mr. BATE. It is altogether a different proposition. That is above and this is below the city of Nashville. I tried to make it appear that at the mouth of the river, where this applies, there is an obstacle that should be removed, and with that obstacle removed we will have two months' additional regular navigation of the river and help the laborer and the producer transport their products at reasonable rates.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine to lay the amendment on the table.

The motion was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. FRYE. As chairman of the committee I feel that it is my duty to reply to a certain extent to what the Senator from New Jersey [Mr. SMITH] has said in relation to the bill, and therefore I ask unanimous consent that, representing the committee, I may occupy about fifteen minutes of the time of the Senate.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. FRYE. Mr. President, there never has been a time in my experience when there has been such a universal demand for river and harbor improvements as this very year. There is hardly a great harbor in this country hitherto regarded as ample for all requirements of commerce which has not been persistent in its demands for wider and deeper channels to accommodate the great freight ships of the world. It has come from away down in the magnificent harbor of Portland, from Boston, New York, all over the Great Western Lakes—the lakes 2 or 3 feet lower than usual and the ships twice as large as ever. From them this demand has come to Congress. It has been an irresistible demand, for it is the demand of the American people. It is in response to that demand that the bill has been reported by the two committees of the two Houses.

Mr. President, the commerce of this Republic in the last quarter of a century has increased so enormously that it is the marvel of the whole world. It is without parallel in all history. I have heard it estimated—I dare not myself make an estimate—that anywhere from twenty to forty billion dollars' worth of domestic commerce is transported every year over the 175,000 miles of our railroads and by over 8,000,000 tons of documented and undocumented vessels, a fleet three times greater than that of France and Germany and Italy and Spain and England combined engaged in the same business. It is, I say, the marvel of the age. Mr. Depew, in a speech only a short time ago—I remember seeing it in the press—declared that our commerce transported over our railroads 100 miles exceeded by 200,000,000 tons the commerce of the whole world. I take it there is no Senator here who will not be ready to admit that a great factor, a very valuable factor, in that immensely increasing commerce has been the constantly decreasing freight charges.

Twenty years ago we paid our railroads 3½ cents a ton-mile. It cost them 2½ cents a ton-mile. Last year we paid those same railroads seventy-eight one-hundredths of 1 cent a ton-mile, and the cost was about one-half of a cent. You take freights by steam on the ocean and they are only one-fifth of those by rail, while by sail they are only one-tenth. The voyage from California to Europe with a load of wheat is 15,000 miles. The charges of freight on that wheat are from $7.50 to $10 a ton. That is five one-hundredths of a cent a ton-mile up to sixty-seven one-thousandths of a cent.

The people of this country are not content. They are demanding that those freights shall still go down. How can they be further reduced? Can your railroads carry any more cheaply? I assert that they can not unless some new motive power is discovered which economizes in the matter of fuel. Where can you carry it more cheaply? On the water, and nowhere else; and for that reason the people of the United States to-day, the intelligent business men of the country, are everywhere demanding water improvements. Did you notice a few months ago that by an overwhelming vote the people of New York appropriated $9,000,000 to broaden and deepen the Erie Canal? What for? To decrease freight charges, and for nothing else. Have you noticed that there are demands to-day coming from great boards of trade that there shall be dams built to raise the water in the Lakes? What for? To accommodate the great freight ships of the Lakes and make freights cheaper. Have you noticed that the demands are coming from all over the country for great canals and waterways from the Lakes to the ocean? What for? To make freights cheaper. Have you noticed that the people are demanding the building of the Nicaragua Canal? What for? To bring the Pacific and the Atlantic 10,000 miles nearer to each other and to decrease the freights one-half at least and build up the commerce enormously, both domestic and foreign.

Sir, you can see, and if the Senators are in touch with the American people they will feel it, too, that the demand in this country is for accommodations on the water. How will the people get them? The United States has exclusive jurisdiction over navigable streams in this country. There is only one place to obtain those appropriations and to secure those improvements, and that is from Congress. We have been responding for the last ten years and we have been supposed to be responding with a reasonable degree of liberality. Have we been throwing away money? Have we been too extravagant? We have spent millions of dollars on the great Mississippi River. Is it money thrown away? Year before last it took 3,500,000 tons of documented and undocumented vessels to carry the freight on that river alone. I admit it is a vexatious and troublesome river, but can the United States refuse to make appropriations for it and let it become a useless one? We made heavy appropriations for a deep-water harbor at Galveston. Was it money thrown away? Such a harbor will accommodate a portion of this country greater than all the islands of Great Britain. Is that money thrown away? I picked up a moment ago the statement of the local engineer. Let me show you what he says. Colonel Miller says:

The depth at Galveston March 2, 1893, 13 feet; March 2, 1894, 14 feet; March 2, 1895, 15 feet; March 2, 1896, 22 feet. From the date of my arrival here in March, 1893, to the present date the channel has deepened 8½ feet. There is no doubt that 25 feet of water will be obtained in a few months, and ultimately a depth of 30 feet.

Is it wasting the money of the people of the United States to obtain a deep-water harbor at Galveston, floating vessels of a draft of 30 feet and accommodating a third of this great Republic, and that third being the agriculturists of the country?

We have appropriated a large sum of money for a magnificent lock at the Soo. It was placed under a continuing contract. It has taken five or six hundred thousand dollars a year. Is it money wasted? Last year two and a half million of tonnage passed through the Soo Canal in eight months' time, more than passed through the Suez Canal, which carries the commerce of the world, in an entire year. We made great appropriations for a deep channel through the Lakes. Is there a Senator here who will say that money is thrown away to maintain a channel of 21 feet through

those lakes and accommodate the magnificent commerce of that section of the country?

Mr. President, take the Alabama River. I see the Senator from Alabama [Mr. PUGH] sitting here. We placed the Alabama River under the continuing contract system, and the Savannah Harbor also, to obtain, I think, 24 feet of water and a channel 500 feet wide. It has been accomplished. How accomplished? At a cost of 7.7 cents a cubic yard, the lowest price ever paid by the United States for dredging. Now, what will it do? Take the Alabama River alone. You lay out $50,000 more on the Warrior and the Tombigbee rivers, and you will open up to the commerce of the world inexhaustible mines of the best coal on the globe, which can be landed on shipboard at Mobile for $1.25 a ton. One year's business will save the people every single dollar appropriated for that improvement. I might go on almost endlessly in this direction. But I will not trespass on the Senate.

The next question is, Why do you not finish some of these improvements and stop? Why does not commerce stop? We can not complete and stop, because the demands of the people for cheap freights have doubled the size of freight ships in the last ten years, and a channel 300 feet wide and 12 feet deep, ten years ago ample, will not permit the freight ships of to-day to turn around in it nor pass through unless they can walk on the bottom. Another thing, why do you have such large ships? Because small ships are eliminated to-day from the problem. They can not carry at a profit at present rates. It is utterly impossible. It is only the great ships that can be successfully run. Low freights have compelled great ships, and great ships are to-day demanding these improvements.

The Senator from Nebraska [Mr. ALLEN] talks about creeks and bayous. That has been the fashion with river and harbor critics for years. Such talk is stale and such fault-finders have not the facts. To-day under the law how are you to secure an improvement for a harbor? We will suppose the Senator from Montana [Mr. MANTLE] desires to have an improvement for a river in his State. What is the course to be pursued under the law? He comes to the Committee on Commerce and gets a preliminary survey in the bill. What is that? It requires an engineer officer to go to the locality, make a careful and thorough examination into the commerce, present and prospective, then to determine whether or not under all circumstances the locality is entitled to improvement, whether or not the interests of commerce will justify it. He makes his report. If unfavorable, that is the end of it. We hear no more about it. About a third of them are ended in that way.

If, on the contrary, he reports that it is worthy of improvement, then two years from that time there is an item in the next river and harbor bill, providing for a survey, an estimate, and a project. The local engineer makes his survey, his project, and his estimate, reports to the Chief of Engineers, the Chief examines carefully both reports, and then at the end of four years he sends them to Congress with his recommendation. Then the committees in both Houses make their careful examinations, and if they agree with those officers Congress makes an appropriation. Now, pray tell me how a miserable creek or a useless bayou can secure a place in the river and harbor bill through that devious route which it must travel? I say it is absolutely impossible.

There has been extravagance in the use of money for river and harbor improvements. I admit it. But what kind of an extravagance? Too small appropriations. Let me illustrate: The Senator from Mississippi [Mr. WALTHALL] desires a harbor in his State improved. There is a project for dredging. It will cost a million dollars. It has been recommended by the Corps of Engineers, after the first and second examinations, and the local engineer estimates that $200,000 ought to be appropriated for the coming year; that that amount can be profitably expended. The Chief of Engineers looks it over and he finds that adding all the recommendations of the local engineers together will make a river and harbor bill of $70,000,000. So he cuts this item down one-half, and recommends $100,000. Then the two committees of Congress find that the aggregate of the Chief will reach $30,000,000, and they make another cut, and the result is that it gets, say, $50,000 that year. That must suffice for two years. Now, the contractor must bid on a fifty-thousand-dollar job only. It takes all the paraphernalia it would require if it were a million-dollar contract. So he charges double what he would if he had the entire contract.

The $50,000 is expended. The next year he gets nothing because we only have a river and harbor bill once in two years. At the end of the next year the currents, the storms, and the waves have swept away the $50,000, and that is repeated year after year. In twenty years that improvement would not be completed under our old plan of doing business, and every dollar thus appropriated in nine cases out of ten was wasted. We started with Galveston in just that way. We appropriated $500,000 year after year and made no headway at all.

I saw very plainly how that was an extravagance, and a few years ago proposed to the Senate Committee on Commerce that we try an experiment. I knew that in Europe where they wished to make an improvement of any importance they first appropriated the entire amount of money necessary, then made their contracts, and the contractors drew on the money so appropriated until completion was reached. I proposed that we select half a dozen important improvements and direct the Secretary of War to make contracts to complete them. It was done in several instances. We selected, first, Galveston, Philadelphia, Baltimore, St. Marys Lock, Hay Lake Channel. Nobody questions the importance of any of them. Nearly all of them are right on the ragged edge of completion to-day, and under the old plan they would not have been completed within ten years. How about the cost?

Mr. PASCO. Some of them are completed.

Mr. FRYE. Some of them are completed. How about the cost? Our improvements before that time had always cost us more than the estimates. How about it this time? We saved $900,000 on Galveston. I have read to you the result there. We saved on the lock at Sault Ste. Marie $768,000. We saved on Baltimore Channel 15 per cent, on Hay Lake Channel 34 per cent, and in all these cases we saved as much in time as in money. How about Philadelphia? The estimates at Philadelphia were $4,300,000. The entire contract was let for $2,000,000. We saved in that single contract $2,000,000; the work is nearly complete, and the Philadelphians are rejoicing in their great harbor.

Mr. SMITH. Will the Senator excuse me for a question?

Mr. FRYE. Certainly.

Mr. SMITH. May I ask the Senator when he says "saved" does he mean to say that it would have cost that much more under other circumstances?

Mr. FRYE. I mean to say the engineers estimated the cost of removing the islands at Philadelphia at $4,300,000, and that it would have cost every dollar of that, and probably more, as is shown by our experience in the past. But being authorized to make a contract for the entire work, they actually let it for a good deal less than one-half the price the dredgers had ever offered to take it for before. That is what I mean.

Mr. SMITH. In other words, the difference between the estimate of the engineers and the price paid is the difference you claim was saved.

Mr. FRYE. That is a play on words. I do not care anything about that.

Mr. SMITH. It is not a play on words. It is a statement of fact.

Mr. FRYE. In the next bill we inserted the Hudson River; the Charleston Harbor, which has been completed, and is a perfect success; Savannah; St. Johns River; Mobile Harbor, completed, a success; Mobile Bay; the Cascades; ship channel through the lakes 21 feet deep. We saved all the way from 15 to 50 per cent on all of these contracts and saved more in time. Let me give you an illustration. The estimate for the lake ship channel was $3,340,000. We let it for $1,304,000 and the work is about done. We saved one-half the cost and more than one-half the time. Take Mobile Bay. I told you what the dredging was—7.7 cents a cubic yard. Never before have we had it done for less than 12 cents. Take Humboldt Bay, California. The estimate was $1,715,000. We let it for $750,000, a million dollars less than the estimate, and the other day a picture was sent to me which showed a steamer sailing right into the bay, the work being done.

Now, Mr. President, why has the other House provided for continuing contracts in the pending river and harbor bill to the amount of $64,000,000? Why has the Committee on Commerce on the part of the Senate approved of that action? There are items in the bill that I have been against and am against. Yet why am I able to assert in this presence that this bill is a good bill, promotive of the best interests both of commerce and of the working people of this Republic? I hesitate not to make such a declaration because of the lessons taught me during the experience of the last ten years, and he is a foolish man who reads history written and profits nothing from its teachings.

I thank the Senate.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. SMITH. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CLARK (when his name was called). I am paired with the junior Senator from Maryland [Mr. GIBSON]. If he were present, I should vote "yea."

Mr. HARRIS (when his name was called). I am paired with the senior Senator from Vermont [Mr. MORRILL], who is necessarily absent. He and I agreeing upon this question, I record my vote "nay."

Mr. PUGH (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR], but I am assured that if he were present, he would vote "yea," and I cast the same vote. I vote "yea."

Mr. THURSTON (when his name was called). I am paired with the junior Senator from South Carolina [Mr. TILLMAN]. Do I understand that the same transfer heretofore made applies to this vote?

Mr. BLACKBURN. The Senator from Nebraska will make the same transfer made twice before to-day.

Mr. THURSTON. Then I transfer my pair to the Senator from Michigan [Mr. MCMILLAN] and vote "yea."

The roll call was concluded.

Mr. BLACKBURN. Under the transfer of pairs announced by the Senator from Nebraska [Mr. THURSTON] I vote "yea."

Mr. BUTLER. I wish to state that my colleague [Mr. PRITCHARD] is unavoidably absent. If he were present, he would vote "yea." I wish to pair him with the Senator from Virginia [Mr. DANIEL], so that the Senator from Washington [Mr. SQUIRE] can vote.

Mr. BRICE. I have a general pair with the junior Senator from Colorado [Mr. WOLCOTT]. If he were present, I should vote "yea."

Mr. PASCO. I wish to announce that if my colleague [Mr. CALL] were present, he would vote "yea." He is out of the city at the present time and is not paired.

Mr. BERRY. My colleague [Mr. JONES of Arkansas] is absent, but he is paired with the Senator from Maine [Mr. HALE]. If my colleague were present, he would vote "yea."

The result was announced—yeas 57, nays 9; as follows:

YEAS—57.

Aldrich,	Davis,	Mantle,	Shoup,
Allison,	Dubois,	Martin,	Squire,
Bacon,	Elkins,	Mills,	Stewart,
Baker,	Faulkner,	Mitchell, Oreg.	Teller,
Berry,	Frye,	Mitchell, Wis.	Thurston,
Blackburn,	Gallinger,	Nelson,	Turpie,
Burrows,	Gear,	Pasco,	Vest,
Butler,	George,	Peffer,	Walthall,
Caffery,	Gray,	Perkins,	Warren,
Cameron,	Hansbrough,	Platt,	Wetmore,
Cannon,	Hawley,	Pugh,	White,
Carter,	Jones, Nev.	Quay,	Wilson.
Chandler,	Lindsay,	Roach,	
Cockrell,	Lodge,	Sewell,	
Cullom,	McBride,	Sherman,	

NAYS—9.

Allen,	Chilton,	Hill,	Smith,
Bate,	Harris,	Kyle,	Vilas.
Brown,			

NOT VOTING—23.

Blanchard,	Gordon,	McMillan,	Pritchard,
Brice,	Gorman,	Morgan,	Proctor,
Call,	Hale,	Morrill,	Tillman,
Clark,	Hoar,	Murphy,	Voorhees,
Daniel,	Irby,	Palmer,	Wolcott.
Gibson,	Jones, Ark.	Pettigrew,	

So the bill was passed.

Mr. FRYE. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. FRYE, Mr. QUAY, and Mr. VEST were appointed.

ORDER OF BUSINESS.

Mr. MITCHELL of Oregon. I ask the consent of the Senate to proceed to the consideration of the Indian war veterans bill that we had up a few days ago.

Mr. GALLINGER. It was read.

Mr. MITCHELL of Oregon. It was read at that time. I do not think it will take long. Perhaps it can be disposed of in a few minutes.

Mr. VEST. I should be very glad if the Senator from Oregon would let me have a bill passed which has been read, in order to get it into conference. It will not take long, I presume.

Mr. MITCHELL of Oregon. Very well.

Mr. VEST. I ask the Senate to proceed to the consideration of House bill 2698. The bill was read the other day, and at the suggestion of the Senator from Illinois [Mr. CULLOM] the proceeding was suspended.

Mr. CULLOM. The bill was read in full.

Mr. VEST. Yes; it was read in full.

SENATOR FROM DELAWARE.

Mr. TURPIE. Mr. President, I rise to a point of order. By unanimous consent on a former day it was agreed that immediately upon the passage of the river and harbor bill, which has just been passed, the resolution in relation to seating Mr. Du Pont, of Delaware, should be taken up for consideration and be continued until a vote should be reached.

The VICE-PRESIDENT. The Chair will have read from the RECORD the agreement referred to by the Senator from Indiana.

The Secretary read as follows:

The VICE-PRESIDENT. The Senator from Maryland will restate his request.

Mr. GORMAN. It is that upon the passage of the river and harbor appropriation bill, the next morning, immediately after the routine business, the resolution proposing to seat Mr. Du Pont shall be taken up and continued under consideration, and that the vote shall be taken not later than 5 o'clock on the second day.—*Congressional Record*, page 4772.

Mr. TURPIE. I see that I had misapprehended the text of the unanimous-consent agreement. I thought it provided that the resolution should be taken up immediately after the passage of the river and harbor bill.

Mr. MITCHELL of Oregon. I will state to the Senator from Indiana that I was under the same impression until a few moments ago, but in counseling with some gentlemen on the other side of the Chamber my attention was attracted to the RECORD, and I saw it was the unanimous agreement that the next morning after the conclusion of the river and harbor bill that resolution should be proceeded with. So the Du Pont case will come up to-morrow morning under the order heretofore made.

Mr. BLACKBURN. That is right.

Mr. TURPIE. I wish to offer an amendment on the part of the minority of the committee in conformity with the precedents upon the subject. I move to insert "not" before "entitled."

Mr. MITCHELL of Oregon. I ask that the amendment be printed and go over until to-morrow.

The VICE-PRESIDENT. It will be so ordered.

Mr. MITCHELL of Oregon. I now yield to the Senator from Missouri.

MISSISSIPPI RIVER BRIDGE AT ST. LOUIS.

Mr. VEST. I ask the Senate to take up House bill 2698. It has been already read in full.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county, which had been reported from the Committee on Commerce with amendments.

Mr. VEST. I ask the Senate to act upon the committee amendments and we can take up the amendment offered by the Senator from Illinois when that part of the bill is reached.

The VICE-PRESIDENT. The amendments of the committee will be stated in their order.

The first amendment was, in section 1, to insert after line 25 the following proviso:

Provided also, That said proposed bridge shall not be located within one-half mile of any bridge already constructed across said river.

Mr. VEST. The Senator from Illinois has an amendment to propose to the provision. He desires to strike out "one-half" and insert "three-fourths."

Mr. CULLOM. I move to strike out the words "one-half" and insert the words "three-fourths of 1"; so as to read "within three-fourths of 1 mile of any bridge."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Commerce was, in line 1, section 9, after the word "That," to insert "as"; so as to read:

That as a principal reason for giving authority to build the bridge herein contemplated is to secure reasonable rates and tolls to that class of traffic described in this act for passage over the same.

The amendment was agreed to.

The next amendment was, in section 10, line 8, after the word "The," where it first occurs, to strike out "said"; in the same line, after the word "corporation," to strike out "or individuals"; in line 11, after the word "directors," to strike out "or individuals owning" and insert "of the corporation owning or controlling"; so as to read:

That said corporation may transport on said bridge and approaches thereto persons and property of the class described in this act, and may allow others so to do; and said bridge and approaches may be used for the transportation of all that class of persons and property described in this act, under such regulations as the directors of said corporation or the parties owning the said bridge may prescribe. The corporation owning the said bridge may take, receive, and collect such rates and tolls for travel, passage, or transportation over said bridge and approaches as the directors of the corporation owning or controlling said bridge may from time to time fix and establish, etc.

The amendment was agreed to.

The next amendment was, in section 10, line 31, after the word "said," to strike out "directors or individuals owning" and to insert "corporation owning or controlling"; in line 35, after the word "over," to strike out "the same" and insert "said bridge"; and in line 36, after the word "shall," to strike out "in either event"; so as to read:

In case said corporation owning or controlling said bridge shall operate a street-car line or permit any street-car company to operate a street-car line on said bridge and approaches, the fare for a single passenger over said bridge for persons over 5 years of age shall not exceed 5 cents.

The amendment was agreed to.

The next amendment was to strike out section 11, in the following words:

SEC. 11. That said corporation shall have power to acquire title to lands, by condemnation or otherwise, as may be necessary for the construction of said

bridge and approaches thereto, in accordance with the laws of the State or States wherein title to such property may be necessary to the construction of such bridge.

The amendment was agreed to.

The next amendment was to strike out section 12, in the following words:

SEC. 12. That the said corporation, its assigns, successors, grantees, mortgagees, representatives, and successors in interest, may, from time to time, borrow money at any rate of interest and issue bonds or other evidences of indebtedness bearing such rate of interest and payable at such time and at such place or places as may thereby be deemed advisable or proper, and may secure such bonds or other indebtedness by mortgage of such bridge and approaches and such tolls and of the privileges, rights, and franchises given by this act.

The amendment was agreed to.

Mr. GEORGE. I move to amend by inserting at the end of line 20, in section 1, the words "or in the navigation of the river"; so as to read:

And it shall be the duty of the said board to give a public hearing in the city of St. Louis to all parties interested in the construction of said bridge or in the navigation of the river whenever the design and drawings of said bridge and maps of location shall have been submitted to the Secretary of War as herein provided.

Mr. VEST. That is right.

The amendment was agreed to.

Mr. GEORGE. I move to amend, on page 3, section 3, line 3, before the word "unbroken," by inserting the article "an."

The amendment was agreed to.

Mr. GEORGE. In line 4 of section 3 I move to insert the word "single" before the word "spans," and to change the word "spans" to "span," in the singular number; and in the same line I move to strike out all after the word "span" down to and including the word "water," in line 7, on page 4.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 3, line 4, it is proposed to strike out the word "spans" where it first occurs and insert "span"; before the word "span," to insert the word "single"; and in the same line, after the word "span," to strike out "and shall have at least two channel spans of not less than 750 feet clear width, each measured at right angles to the current at any and all stages of water"; so as to read:

SEC. 3. That in case the said bridge shall be built below the bridge heretofore constructed and known as the Eads Bridge, it shall be built with an unbroken and continuous single span, etc.

The amendment was agreed to.

Mr. VEST. What does the Senator make the width of those spans?

Mr. GEORGE. We do not have two spans there. It is to be a single span.

In section 3, line 7, on page 4, I move to strike out the word "spans" and insert "span."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VEST. I move that the Senate insist upon its amendments and ask for a committee of conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. VEST, Mr. ELKINS, and Mr. JONES of Nevada were appointed.

PENSIONS TO INDIAN WAR VETERANS.

Mr. MITCHELL of Oregon. I now ask unanimous consent of the Senate for the present consideration of Senate bill 2281. The bill has already been read.

Mr. COCKRELL. Let me suggest to the Senator that we proceed for the remainder of the evening with the Calendar of unobjected cases.

Mr. MITCHELL of Oregon. I hope the Senator will allow me to have this bill considered and passed.

Mr. COCKRELL. What is the bill?

Mr. MITCHELL of Oregon. It is the Indian war veterans' pension bill, which was unanimously reported by the Committee on Pensions, through its chairman [Mr. GALLINGER].

Mr. COCKRELL. Then, I ask as soon as that bill shall have been disposed of that by unanimous consent we may proceed with the consideration of unobjected cases on the Calendar.

Mr. MITCHELL of Oregon. I have no objection to that.

Mr. COCKRELL. I ask unanimous consent that when the bill in charge of the Senator from Oregon is disposed of the Senate proceed to the consideration of unobjected cases on the Calendar. The only question is, whether we should proceed to the consideration of unobjected House cases or unobjected cases generally.

Mr. SHERMAN. I have one case that I shall ask to have taken up.

Mr. COCKRELL. Is it a Senate bill?

Mr. SHERMAN. No; it is a House bill of only four lines in length, which can be passed in a minute.

Mr. COCKRELL. I ask unanimous consent, then, that we may dispose of unobjected House bills. ["No." "No."]

The VICE-PRESIDENT. The Chair will first ask if there be objection to the request of the Senator from Oregon to proceed to the consideration of the bill named by him.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2281) to amend an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892.

Mr. LODGE. I ask for the reading of the bill.

Mr. MITCHELL of Oregon. The bill has been read heretofore.

The VICE-PRESIDENT. The Chair is advised that the bill has been heretofore read in full. It will be again read if any Senator desires.

Mr. LODGE. Very well. I do not ask for it.

The VICE-PRESIDENT. The amendments reported by the Committee on Pensions will be stated.

The first amendment reported by the Committee on Pensions was, in line 19, after the words "Pacific Coast," to insert "the Florida wars with the Seminole Indians from 1842 to 1858."

Mr. PASCO. That amendment was heretofore agreed to.

Mr. MITCHELL of Oregon. That was agreed to the other day.

The VICE-PRESIDENT. The next amendment reported by the committee will be stated.

The next amendment was, in line 32, after the words "record of," to strike out "enlisted" and insert "enlistment"; and in line 35, after the words "shall be," to strike out "acceptable" and insert "accepted"; so as to read:

And provided further, That where there is no record of enlistment or muster into service in any of the wars mentioned in this act, or the original act of which it is a supplement, the record of pay by the United States shall be accepted as evidence of said service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PORT OF CONNEAUT, OHIO.

Mr. SHERMAN. I ask unanimous consent for the consideration of the bill (H. R. 4787) to establish the port of Conneaut, in the State of Ohio, as a subport of entry, in the district of Cuyahoga, in said State of Ohio.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NETTIE A. CHEEKS.

Mr. BLACKBURN. I ask consent of the Senate to have taken up for consideration at this time Senate bill 2913, granting a pension of $20 a month to Nettie A. Cheeks.

Mr. COCKRELL. I give notice now that I shall object to any more pension bills being taken up until we take them up in regular order. There are a hundred of these cases on the Calendar, and they ought to be disposed of together.

Mr. BLACKBURN. I am sure my friend from Missouri will allow me to remind him and the Senate that this is the first time I have ever asked such an indulgence.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2913) granting a pension to Nettie A. Cheeks, which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Nettie A. Cheeks, widow of Peter O. Cheeks, late a private Company D, Thirteenth Regiment United States Infantry, and a private United States Marine Corps, and pay her a pension of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Nettie A. Cheeks."

CIRCUIT COURT AT HARTFORD, CONN.

Mr. PLATT. I wish to appeal to the Senator from Missouri. I desire to have a bill passed changing the time of holding the United States circuit court at Hartford, Conn. That court has to be held on the third Tuesday of September, and it is desired to

change the time to October. If the bill is not passed now it will not get through the other House.

Mr. COCKRELL. That is all right. I have no objection to the consideration of a bill of that kind.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2859) changing the time for holding circuit court of the United States at Hartford, in the district of Connecticut, which had been reported by the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That a term of the United States circuit court in the district of Connecticut shall be held at Hartford, in said district, on the second Tuesday of October, 1896, and thereafter in each year on the second Tuesday of October, and that after the third Tuesday of September, 1896, the term of said circuit court now by law provided to be held annually on the third Tuesday in September shall be discontinued.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COURT IN INDIAN TERRITORY.

Mr. VILAS. The Judiciary Committee have had under consideration for a considerable length of time, and finally reported, after a good deal of examination, a bill to amend the practice act which governs the court in the Indian Territory. Its passage is very much desired by the judges and the bar of that Territory, and there is really a necessity for some change in respect to the condition there. I ask that the bill may be considered. It is Senate bill 1833.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1833) to amend the act of March 1, 1895, and other acts relating to the United States court in the Indian Territory, and for other purposes.

The bill was reported from the Committee on the Judiciary with amendments. The first amendment was to strike out section 3, as follows:

SEC. 3. That section 2 of said act be further amended so as to provide as follows: The United States marshal in each of the three judicial districts in the Indian Territory may appoint one chief deputy marshal, who shall receive a salary of $2,000 per annum, and each marshal may appoint six deputy marshals in his district, each of whom shall receive a salary of $1,200 per annum and his expenses as now provided by law; and each of said marshals may appoint as many other deputy marshals as he may deem necessary for the enforcement of law and the suppression of crime, and such deputies shall receive for their services the compensation allowed to United States marshals by sections 829 and 830 of the Revised Statutes of the United States: *Provided*, That no such deputy marshal shall receive a greater compensation than $1,200 per annum.

The amendment was agreed to.

The next amendment was, in section [4] 3, line 20, after the word "act," to strike out "be so" and insert "is"; and after the word "amendment," in the same line, to strike out "as to authorize each of the clerks of the United States court in the Indian Territory to appoint one deputy clerk for the courts held at Muscogee, South McAlester, and Ardmore, who shall receive a salary of $100 a month, and one other deputy clerk at each of said places, who shall receive a salary of $60 a month, each of whom shall perform the same duties and be subject to the same provisions of law as the other deputy clerks" and insert "by striking from the third sentence thereof the words 'where he himself does not reside'; so that said sentence will read: 'Each of said clerks shall appoint a deputy clerk for each court in his district'"; so as to make the section read:

SEC. [4] 3. That section 3 of said act is amended by striking from the third sentence thereof the words "where he himself does not reside"; so that said sentence will read: "Each of said clerks shall appoint a deputy clerk for each court in his district."

The amendment was agreed to.

The next amendment was, in section [5] 4, line 7, after the word "That," to strike out "section 4 of said act be so amended as to authorize" and insert "in addition to the number provided by section 4 of said act"; in line 9, after the word "judge," to strike out "of said court"; in line 10, after the word "district," to insert "is authorized"; and in line 16, after the word district," to strike out "so as to provide for eight districts in the manner required in this act" and insert "accordingly"; so as to make the section read:

SEC. 4. That in addition to the number provided by section 4 of said act, the judge for the northern district is authorized to appoint two additional United States commissioners, and two additional United States constables for said district, who shall receive the same salaries, have the same powers, and be subject to the same provisions of law as the commissioners and constables heretofore appointed; and said judge is authorized to re-form the commissioner's districts accordingly.

The amendment was agreed to.

The next amendment was, in section [6] 5, line 8, after the word "Territory," to strike out "(Indian)."

The amendment was agreed to.

The next amendment was to strike out section 8, as follows:

SEC. 8. That section 6 of said act be amended by adding thereto the following: "That nothing contained in any act of Congress heretofore passed applicable to the Indian Territory shall be construed so as to disqualify any member of any Indian tribe, whether by blood or adoption, otherwise qualified, from serving as a juror in any case, civil or criminal, in said Indian Territory, but no person shall be qualified to serve as a juror who does not understand the English language."

The amendment was agreed to.

The next amendment was, in section [9] 7, line 6, after the word "court," to insert "and in furtherance of justice"; and in line 8, after the word "district," to strike out "the place for trial to be fixed where the fairest and most impartial decision can be had and where it shall be most convenient for all concerned, to be determined by the judge"; in line 11, after the word "party," to strike out "to transfer the case from one place to another: *Provided*, That all applications for change of venue, or transfer of cases, both civil and criminal" and insert "which"; so as to make the section read:

SEC. [9] 7. That section 7 of said act be amended by striking out the last sentence of said section and by inserting in lieu of said sentence the following: "All cases shall be tried in the court to which the process is returnable unless a change of venue is allowed, in which case the court shall change the venue to the nearest place of holding court in another district; and any civil case may, in the discretion of the court, and in furtherance of justice, be removed for trial to another place of holding court in the same district on application of either party, which may be contested by the opposing party."

The amendment was agreed to.

The next amendment was, in section [10] 8, line 21, on page 5, after the word "prosecuted," to insert "the said court shall order"; in line 22, after the word "clerk," to strike out "of said court shall" and insert "to"; in line 23, after the word "court," to strike out "of appeals"; in line 25, after the word "and," to strike out "when said papers are so received by the circuit court of appeals they" and insert "the same"; in line 2, page 6, after the word "shall," to strike out "have the same jurisdiction and powers" and insert "proceed"; in line 3, after the word "error," to strike out "as" and insert "with the same powers"; in line 5, after the word "would," to insert "otherwise"; and in the same line, after the word "had," to strike out "said cause been determined therein"; so as to make the section read:

SEC. 8. That section 11 of said act of March 1, 1895, be amended by adding thereto the following: "*Provided*, That in any case in which, for any reason a majority of the judges are disqualified from sitting in said court of appeals in the determination of any cause in which an appeal or writ of error has been taken or prosecuted, the said court shall order the clerk to transmit the record and all the papers filed in said court to the circuit court of appeals for the eighth circuit of the United States, and the same shall be filed therein, and said court shall proceed to hear and determine said appeal or writ of error with the same powers the United States court of appeals in the Indian Territory would otherwise have had. The mandate from the circuit court of appeals in cases under this provision shall be to the court in the Indian Territory from which the appeal or writ of error was taken or prosecuted: *And provided further*, That no appeal or writ of error from the final decision of said appellate court shall be allowed in civil cases unless the value in controversy exceeds $2,000."

The amendment was agreed to.

The next amendment was to strike out sections 11 and 12, as follows:

SEC. 11. That section 11 of said act of March 1, 1895, be further amended so as to provide that writs of error and appeals from any judgment of the United States court in the Indian Territory shall be allowed, and may be taken to the court of appeals of said Indian Territory under the same form of procedure as appeals and writs of error are taken from the circuit courts of the United States in the eighth circuit to the United States circuit court of appeals for said circuit.

SEC. 12. That section 2348 of Mansfield's Digest of the Laws of Arkansas heretofore put in force in the Indian Territory, be so amended as to read as follows:

The amendment was agreed to.

The next amendment was, on page 7, section 9, line 8, after the word "sureties," to strike out "to bind themselves"; so as to make the section read:

SEC. 9. That in all prosecutions in cases less than felony in the United States commissioners' courts in said Indian Territory the commissioner may, in his discretion, require the prosecutor, or some person for him, to enter into bond, with good and sufficient surety, for the payment of all costs which may accrue in said prosecution. Such bond shall be given to the United States, and shall require the principal and his surety to pay all costs in the case if defendant is acquitted.

The amendment was agreed to.

The next amendment was, in section [14] 11, page 8, line 9, after the word "required," to strike out "of the prosecuting witness"; so as to make the section read:

SEC. 11. That jurors in civil cases before United States commissioners' courts in the Indian Territory shall be entitled to a fee of 50 cents for each case in which they may serve. The amount required for their payment shall be advanced by the party to the suit who may demand the jury, and shall be taxed as a part of the costs in the case.

In all criminal cases before United States commissioners' courts in said Territory wherein a jury is impaneled at the demand of the defendant, each juror shall be entitled to 50 cents in each case, but not more than $1.50 shall be allowed to any juror for any day he may serve as a juror in said court. The commissioner shall issue certificates for such compensation as in the case of witnesses in felony cases, and if the defendant is found guilty, execution shall issue immediately for the fine and costs against the defendant, who shall stand committed until such fine and costs are paid, or discharged as provided by law; and if the defendant is acquitted and a cost bond has been required, judgment shall be entered on said bond for all costs in the case.

The amendment was agreed to.

The next amendment was to strike out sections 16 and 17, as follows:

SEC. 16. That the United States commissioners and United States constables in the Indian Territory shall each receive and be allowed to retain, in addition to the salaries which they are allowed by law, all fees earned by them in civil cases cognizable before such commissioners, to be taxed in accordance with the Arkansas laws in force in the Indian Territory.

SEC. 17. That in every criminal case before United States commissioners' courts in the Indian Territory, wherein the defendant is represented by counsel and demands a trial by a jury, the commissioner may appoint any one of the licensed attorneys in the Indian Territory to represent the United States in the case, and may tax against the defendant, if he be found guilty, an attorney's fee of $10 as a part of the costs in the case, and when collected by the commissioner he shall pay the fee so charged to the attorney who represented the United States; but the United States shall not be liable for attorneys' fees in such cases except as herein provided.

The amendment was agreed to.

The next amendment was, in section [18] 13, line 3, page 10, after the word "detainer," to strike out "and" and insert "or"; and in line 4, after the word "detainer," to insert "or of ejectment"; so as to make the section read:

SEC. 13. That concurrent jurisdiction with the United States court in the Indian Territory is hereby conferred upon the United States commissioners in their respective districts in said Territory to enforce the provisions of chapter 67, entitled "Forcible entry and retainer," of said Mansfield's Digest, heretofore put in force in said Territory, and as amended by this act, in all cases, regardless of the value of the property in controversy; and appeals shall be allowed in such cases to the United States court in said Territory as in other cases, upon executing a bond in a sum at least double the value of two years' rent or use of the property in controversy, and in double the amount of the judgment and costs in the case, conditioned as required by law. But appeals from United States commissioners in such cases to the United States court, and from that court in all cases of forcible entry and detainer or unlawful detainer, or of ejectment, to the court of appeals in the Indian Territory, shall not operate to supersede the judgment for the possession of the premises in question unless the judge of the United States court of the district shall so order.

The amendment was agreed to.

The next amendment was to strike out section 19, as follows:

SEC. 19. That it shall not be necessary, in order to sustain an action for unlawful detainer in the Indian Territory, under the provisions of section 3348 of said Mansfield's Digest, heretofore put in force in the Indian Territory, for the plaintiff to prove the relation of landlord and tenant between him and the defendant, but it shall be sufficient to maintain such action if the plaintiff shall establish the fact that he is entitled to the possession of the premises in controversy and that demand was made in writing for the delivery of the possession thereof to him thirty days prior to the commencement of the suit. The bonds heretofore required by law to be given in the Indian Territory in actions of forcible entry and detainer and unlawful detainer shall hereafter be given in a sum at least double the value of two years' rent or use of the property specified in the writ, which value shall be ascertained as provided in said Mansfield's Digest. In all actions for forcible entry and detainer or for unlawful detainer in the Indian Territory in case the finding of the verdict is for the defendant, the court shall give judgment thereon with costs and for any damages that may be assessed in favor of the defendant, and shall also issue a writ of restitution, directed to the marshal, to cause the defendant to be repossessed, to which shall be added a clause commanding the marshal to levy of the goods, chattels, lands, and tenements, subject to execution of the plaintiff, the damages assessed in favor of the defendant, with costs. If the finding and judgment be in favor of the defendant, but from any cause he be not entitled to the repossession of the premises at the time of judgment, then the writ of execution shall only be for the damages and costs that may be awarded him, and in all cases where judgment is rendered, either against the plaintiff or defendant, for any amount of recovery, damages, or costs, judgment shall be rendered against his sureties in the bond given in the case.

The amendment was agreed to.

The next amendment was, in section [21] 15, after line 4, page 12, to strike out the following proviso:

Provided, however, That where two or more defendants are joined in the same bill of indictment and tried without severance, the number of challenges shall be the same as if one defendant were upon trial.

The amendment was agreed to.

The next amendment was, in section [22] 16, line 9, page 12, before the word "be," to strike out "should"; so as to make the section read:

SEC. 16. That if any judge of the United States court in said Territory be interested in any suit pending in the court over which he may preside, or be of counsel or akin to either of the parties to the suit, one of the other judges who may be qualified may preside at the trial of such case.

The amendment was agreed to.

The next amendment was, in section [23] 17, line 16, page 12, after the word "crime," to strike out:

And no person other than a party to the suit or prosecution shall be competent to testify in any case, civil or criminal, in said Territory, who has been convicted in the courts of the United States or of any State or Territory of the crime of perjury, subornation of perjury, larceny, burglary, robbery, rape, or forgery; but no person shall be disqualified as a witness in said Territory who has been convicted of any other crime or misdemeanor.

So as to make the section read:

SEC. 17. That in the courts of the Indian Territory no party to the suit or prosecution shall be excluded as a witness in the case on that account or on account of his conviction of any crime. In all cases the fact of conviction may be shown by the record of conviction or by oral evidences in order to affect the credibility of the witness.

The amendment was agreed to.

The next amendment was, in section [25] 19, line 7, page 13, after the word "may," to insert "by sentence"; so as make the section read:

SEC. 19. That the United States court in the Indian Territory may by sentence require persons convicted of crimes or misdemeanors and confined in the jails in their respective districts to perform manual labor, either within or without the prisons, under such rules and regulations as may be prescribed by the Attorney-General; but no expense which may accrue on this account shall be paid by the United States in excess of the fines which may be collected in each district, respectively, which fines may be used by the Attorney-General for this purpose, and any moneys which may be received for such labor shall be placed in the Treasury of the United States.

The amendment was agreed to.

The next amendment was, in section [26] 20, line 6, page 14, after the word "thirteen," to strike out "conveyances of real estate, chapter 27"; in line 9, after the word "districts," to strike out "corporations, chapter 29"; and in line 11, after "seventy-one," to strike out "medicine and surgery, practices of, chapter 105"; so as to read:

SEC. 20. That in addition to the laws of the State of Arkansas heretofore put in force in the Indian Territory, the provisions of the following chapters and sections of the general laws of the State of Arkansas, in force at the close of the session of the general assembly of said State in 1883, published in 1884 in the volume known as Mansfield's Digest of the Statutes of Arkansas, which are not locally inapplicable or in conflict with any laws of Congress, are hereby extended over and put in force in the Indian Territory, and jurisdiction to enforce the provisions thereof is hereby conferred upon the United States court in said Territory, namely: Apprentices, chapter 4; arbitration and awards, chapter 5; bastardy, chapter 13; coroners, chapter 28, and the United States commissioners in said Territory shall be ex officio coroners in their respective districts; ejectment, chapter 55; estrays, chapter 58; garnishment, chapter 71; partnerships, limited, chapter 116; poisons, sale of, chapter 120, etc.

The amendment was agreed to.

The next amendment was to strike out section 28, as follows:

SEC. 28. That all the provisions of chapter 9 of Mansfield's Digest, entitled "Attachment," heretofore put in force in the Indian Territory, which are in conflict with the provisions of chapter 71, entitled "Garnishment," put in force in said Territory by this act, are hereby repealed in so far as they apply in said Territory: *Provided, however*, That when the plaintiff has a debt or demand against the defendant which is due he may cause a writ of garnishment to be sued out and served as provided by law in such cases, upon the institution of suit by him to recover such debt or demand: *And provided further*, That a judgment shall be rendered in the garnishment proceedings against the garnishee at the same time that judgment is rendered against the defendant.

The amendment was agreed to.

The next amendment was, in section [29] 22, line 13, page 16, after the word "be," to insert "so"; so as to make the section read:

SEC. 22. That nothing in this act or in any previous acts of Congress in reference to the Indian Territory shall be so construed as to repeal or in any way modify section 1024 of the Revised Statutes of the United States; and that said section is hereby declared to be in full force and effect in said Territory.

The amendment was agreed to.

The next amendment was to strike out sections 30 and 31, as follows:

SEC. 30. That any person in the Indian Territory being in failing circumstances who shall make a general assignment for the benefit of all his creditors without preferences, conveying to his assignee all of his property save such as is exempt by law from execution under the laws in force therein, shall be released in full from the claims of all the creditors accepting the benefits of such assignment within six months after the filing and recording of such assignment whenever the proceeds of the assignment shall pay 40 cents on the dollar of the claims of such creditors: *Provided, however*, That this provision is not intended to affect the claims of those creditors who do not accept under such assignment.

SEC. 31. That any person who shall board any railway train in the Indian Territory, whether moving or standing, having no lawful business thereon and not intending in good faith to become a passenger thereon, but with intent to obtain a free ride on such train, however short the distance, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than $5 nor more than $100, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

The amendment was agreed to.

The next amendment was, in section [32] 23, line 14, page 17, after the word "the," to strike out "United States court" and insert "courts created under act of Congress"; so as to make the section read:

SEC. 23. That in all cases of conviction for crime in the courts created under act of Congress in the Indian Territory the judge of said court shall fix the punishment which may be imposed.

The amendment was agreed to.

The next amendment was, to strike out 33, as follows:

SEC. 33. That if any officer in the Indian Territory shall fail to return an execution placed in his hands within the time required by law, he may, in a suit brought against him to recover the amount showed in the execution, show as a defense that the defendant in execution was insolvent at the time the execution was issued, and remained so up to the date of its return.

The amendment was agreed to.

Mr. ALLEN. I offer as a proviso to the last section of this bill what I send to the desk.

The VICE-PRESIDENT. The amendment of the Senator from Nebraska will be stated.

The SECRETARY. It is proposed to add to the last section of the bill the following:

Provided, That in all trials for contempt of court in any United States court, except the Supreme Court of the United States, the accused shall, on demand, be entitled to a trial by jury.

Mr. VILAS. I apprehend the Senator from Nebraska mistakes the bill which is under consideration. This is not the contempt bill which involves that subject and which has been considered, but is a bill relating entirely to the courts in the Indian Territory.

Mr. ALLEN. I did not misapprehend the bill at all. I understand what the bill is. I also understand what the amendment is. I hope the honorable Senator from Wisconsin will accede to the amendment.

Mr. VILAS. I certainly can not, because it is entirely foreign to the bill. I do not want to introduce into this bill, which is merely to regulate the practice of courts in the Indian Territory, a provision as to what shall be the law in cases of contempt. I move to lay the amendment on the table.

Mr. ALLEN. I hope the Senator will not insist upon that motion, and take snap judgment here without a statement in reference to the amendment.

Mr. VILAS. I shall not make the motion if the Senator wishes to address the Senate upon the amendment.

Mr. ALLEN. The Senator from Wisconsin is undertaking to run away from the discharge of an unpleasant duty by assuming that my amendment is not germane to this bill. While I have not been a lawyer so many years as the Senator from Wisconsin, I have been a lawyer pretty nearly thirty years, and I know in a general way what pertains to the practice of courts, and I know a provision with reference to the trial of contempts is germane to a bill which provides for the practice in any court. The Presiding Officer of this body and every Senator in this Chamber knows that.

Mr. President, there is a disposition to shirk any Senatorial or Congressional responsibility with reference to the subject of contempts. It is true the Judiciary Committee have reported a bill which defines what constitutes a direct and also an indirect contempt, but it is no more than declaratory of the common law. There is not a thing in their definition which is new. It is simply an attempt to comply with the wishes of certain classes of citizens of the United States, which it does not comply with, and, in my judgment, a very feeble and ineffectual attempt on the part of the Committee on the Judiciary to escape any legislation on this subject.

A direct contempt of court is a contempt which is committed in the immediate presence of the court by loud and unusual noises, or by any other kind of disturbance which interferes with the orderly administration of justice. It may not be in the court room; it may be so immediately adjacent to the court room as to be a direct contempt. An indirect contempt is a contempt which is committed against the process of the court, and not in the presence of the court, as, for instance, the publication of an article in a newspaper that may undertake to influence the action of a judge or a jury or some officer of the court.

The Federal courts have carried the doctrine of contempt to the extent that they have in many cases stifled the constitutional right of free speech. I can understand quite well how gentlemen feel who are halting between two opinions; that is, between the opinion whether the common man of this country shall have his rights as completely as the most exalted citizen and the opinion whether they as politicians dare to encounter the active hostility of great corporations in the accomplishment of their political ambitions. I think I state it exactly as it is.

A few years ago, Mr. President, under the wise counsel of the senior Senator from Illinois [Mr. CULLOM] there was passed by Congress what is known to the country as the interstate commerce act, the sole purpose of which was to regulate the great corporations in their charges and in the conduct of their business, and to prevent pooling and those things which were hostile to the interests of the people. Yet the most effectual portion of that act, according to the strained judicial construction made in the State of Michigan by a Federal judge—Judge Ricks, I think his name is—was wrested from its primary purpose and applied to the case of men who were employed in the service of the companies. From that time until this moment it has been a common thing in the Federal courts to enjoin men engaged in the service of railroad companies from the commission of certain acts, and then, when the injunctions were violated, to call those men before a Federal court or judge, and without any formal accusation against them, without information or indictment, to try them by an ex parte proceeding, and condemn them to imprisonment. I apprehend the same rule will be followed in the Territory in which this bill is to operate.

This rule has been carried to the extent that it has stifled free speech. It has been carried to the extent that it has produced slavery. But a short time ago, less than three years ago, a Federal court held to the doctrine that it had jurisdiction to enjoin an employee of a railroad company from going to a coemployee in a peaceful and orderly manner and using his power of persuasion upon his neighbor to leave the service of that company.

What distinction is there between the law of injunction thus abused and thus wrested from its original purpose and that law which permits a citizen to put shackles or handcuffs upon the limbs of another man and take him into his own servitude involuntarily or the servitude of some corporation? There is no difference in principle—not the slightest—except that the slavery in the first instance is caused by the criminal use of the writ of injunction, and the slavery in the second case is caused by the brutal power of force. That is all. There is no difference between the chattel slavery which characterized this country thirty-five years ago and that slavery which characterizes it to-day in this respect except in the one instance that the slave answered to the lash of the master, and in this case he answers to the injunction of the court, the judge of which himself is the tool in many instances of the corporations which enforce this condition of affairs. That is all there is to it. It is apparent to everybody. No man will dispute this proposition when you talk with him in private conversation. He will admit it, and admit that it is deplorable; and yet so strong, so powerful, are these corporations in the politics of this country that few men will take the risk of calling up legislation to check them.

I certainly hope that the Senator from Wisconsin [Mr. VILAS] will not insist on taking snap judgment upon us, and by that means run away from the proposition that these persons who are accused of contempt, like the most ordinary criminal, shall have a jury trial with proper restrictions and regulations.

Mr. VILAS. I shall not move to lay the amendment on the table, but will let a vote be taken. It has nothing to do with this bill. There is another bill on which it can be considered fully.

Mr. HILL. I desire to say just a word. I appeal to my friend the Senator from Nebraska [Mr. ALLEN] to withdraw the amendment at this time. I shall endeavor to cooperate with him in the passage of some such provision on the regular bill relating to contempts which has been reported from the Judiciary Committee. I hereby give notice that after the disposition of the joint resolution relating to the election of Senators by the people, of which notice has been given by the Senator from Oregon [Mr. MITCHELL], I shall ask the Senate to take up the bill relating to contempts and proceed to a final disposition of it.

Mr. PUGH. The Du Pont case has the right of way.

Mr. HILL. First comes the Du Pont case, and then the Senator from Oregon [Mr. MITCHELL] has given notice as to the joint resolution proposing a constitutional amendment. After that I give notice I will ask to take up the contempt bill. It is a bill about which there is some difference of opinion; it will lead to considerable debate, and I think it unwise to make a premature fight on an amendment to the pending bill. The Senator from Nebraska has at heart the same cause I have, and we shall undoubtedly cooperate in the passage of the bill I refer to, as I hope it may be amended.

Mr. MITCHELL of Oregon. In this connection I desire to change the notice I gave in regard to the joint resolution proposing a constitutional amendment providing for the election of Senators by the people. The notice I gave was that immediately after the conclusion of all the appropriation bills I should move to take up the joint resolution. I desire to change it, and to give notice that immediately on the conclusion of all the appropriation bills except the general deficiency bill I shall move to proceed to the consideration of that measure.

Mr. ALLEN. With the assurance I have received from the Senator from New York [Mr. HILL], the Senator from Wisconsin [Mr. VILAS], and the Senator from Alabama [Mr. PUGH] that they will heartily——

Mr. PUGH. Yes; and the Senator from Mississippi [Mr. GEORGE].

Mr. ALLEN. And the Senator from Mississippi [Mr. GEORGE] that they will heartily cooperate in the passage of a bill that will provide for a jury trial in case of contempt, I withdraw the amendment at this time.

Mr. HILL. I desire to say right here that if a favorable opportunity occurs between the consideration of the appropriation bills I shall then bring the bill forward.

The VICE-PRESIDENT. The amendment of the Senator from Nebraska [Mr. ALLEN] is withdrawn.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF PROCEDURE.

Mr. COCKRELL. I ask unanimous consent that we may now proceed with the consideration of unobjected House bills on the Calendar.

The VICE-PRESIDENT. Is there objection?

Mr. PASCO. If the Senator from Missouri wishes to bring up any particular House bill I shall not object, but I do think we ought to take up the cases on the Calendar in regular order. There is no reason why House bills should have preference. In another place such preference is not given to Senate bills. Some of us have spent a great deal of time in making reports on Senate bills, and they ought not to be allowed to slumber on the Calendar for weeks and months without attention.

I do think we ought to take up the entire Calendar when we

proceed, giving every bill a fair opportunity, and let it be sent, when passed here, to the other end of the Capitol. Then let the responsibility for its failure, if there is to be any, rest elsewhere than in the Senate.

Mr. COCKRELL. Then the responsibility for the failure of House bills for our own constituents which have been passed elsewhere will rest upon our shoulders. There is but one way to proceed, in my judgment. It has always been the way, when the Senate has proceeded with its business with anything like rapidity and dispatch, that is occasionally to take up House bills and act upon them, and the House in time will become ashamed of itself and will do likewise with Senate bills. I hope the proposition will be agreed to.

Mr. PASCO. I have said that if there are on the Calendar any particular House bills in which the Senator's State or his people are interested, let them be called up, and I shall not object to their being considered.

Mr. COCKRELL. I have no purpose except to transact business, and it is the only way the business can be transacted.

Mr. CHANDLER. I have been requested to call up a House bill granting a pension, but I will refrain from doing so if consent can be given to the request of the Senator from Missouri [Mr. COCKRELL]. If we are going on to call up bills, however, I will ask unanimous consent to call up the bill I refer to. I do not object to the request of the Senator from Missouri.

Mr. PASCO. At the urgent suggestion of the Senator from Missouri I will not object at this time, against his wish. I dislike very much to oppose him, but I do not think it is just toward Senators who have been busy on Senate bills and have got them advanced upon the Calendar that they should be put off indefinitely. But I will not object at the present time. I do hope, however, that when he makes similar requests hereafter it will be to proceed regularly with the Calendar, taking up House and Senate bills as we come to them. I have no objection to the request of the Senator from Missouri.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Missouri? The Chair hears none, and it is so ordered?

INDIAN APPROPRIATION BILL—CONFERENCE REPORT.

Mr. PETTIGREW. I desire to call up the conference report on the Indian appropriation bill.

The VICE-PRESIDENT. The Chair lays before the Senate the conference report on the bill indicated, which will be stated by title.

The SECRETARY. Report of the committee of conference on the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

Mr. PETTIGREW. There has been some mistake in regard to one or two items in the report, and I therefore ask the Senate to disagree to the report.

The VICE-PRESIDENT. The question is on concurring in the report of the committee of conference.

The report was nonconcurred in.

Mr. PETTIGREW. I move that the Senate insist upon its amendments disagreed to by the House, and ask for a further conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent the Vice-President was authorized to appoint the conferees on the part of the Senate at the further conference, and Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL were appointed.

FRANK D. ORME.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 6172) authorizing the sale of the title of the United States in lot 5, square 1113, in the city of Washington.

Mr. CULLOM. This bill is an exact copy of one reported by the Senator from West Virginia [Mr. FAULKNER]. We had it up a day or two ago and the Senator from Nebraska [Mr. ALLEN] objected. He has since looked into the bill and says he has no further opposition. I ask that it may be put upon its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. GEORGE. I should like to have an explanation of the bill.

Mr. CULLOM. The Senator from West Virginia [Mr. FAULKNER] explained it the other day.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CULLOM. I move that the bill (S. 2083) authorizing sale of the title of the United States in lot 5, square 1113, in the city of Washington, be indefinitely postponed.

The motion was agreed to.

PRINTED COPIES OF PATENTS.

The VICE-PRESIDENT. The first case on the Calendar under the order adopted will be announced.

The bill (H. R. 6195) amending the statutes relating to the sale of printed copies of patents was considered as in Committee of the Whole. It proposes to amend section 493 of the Revised Statutes so as to read:

The price to be paid for uncertified printed copies of specifications and drawings of patents shall be determined by the Commissioner of Patents: *Provided*, That the maximum cost of a copy shall be 10 cents.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNCLAIMED FREIGHT IN THE DISTRICT.

The bill (H. R. 6663) relating to the sale of unclaimed freight, baggage, and other property in the District of Columbia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONTRACTS FOR NAVAL SUPPLIES.

The bill (H. R. 4179) to amend section 3719 of the Revised Statutes was considered as in Committee of the Whole.

Mr. GORMAN. I should like to ask the Senator in charge of the bill what it proposes to do.

Mr. CHANDLER. The bill provides that where there is a proposal for supplies, instead of exacting a guaranty signed by individuals, a certified check may be deposited.

Mr. GEORGE. I suggest whether there ought not to be inserted in the bill "certified check on a responsible bank."

Mr. CHANDLER. The bill is well guarded.

Mr. GEORGE. There is nothing of that sort in it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

On motion of Mr. CHANDLER, the title was amended so as to read: "A bill to amend section 3719 of the Revised Statutes relative to guaranties on proposals for naval supplies."

RAILWAY PROPERTY IN INDIAN TERRITORY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5379) making it unlawful to shoot at or into any railway locomotive or car, or at any person thereon, or to throw any rock or other missile at or into any locomotive or car, and for other purposes, which had been reported from the Committee on the Judiciary with amendments. The first amendment was, in section 1, line 7, before the word "missile," to strike out "rock or other" and insert "dangerous"; so as to read:

That every person who, in the Indian Territory, shall willfully and maliciously shoot at or into any locomotive, caboose, postal car, passenger coach, express, or baggage car of any railway train, or at any person thereon, or shall throw any dangerous missile at or into any locomotive, caboose, postal car, passenger coach, express, or baggage car of any railway train, or at any person thereon, or shall derail or attempt to derail any locomotive or train, shall be deemed guilty of a felony.

The amendment was agreed to.

The next amendment was, in section 2, line 4, after the word "throw," to strike out "a stone or," and in line 5, before the word "missile," to strike out "other" and insert "dangerous"; so as to make the section read:

SEC. 2. That any person who, in the Indian Territory, shall willfully shoot at or into any freight, stock, postal, baggage, or other car of any railway train, whether such car is attached to a locomotive or not, or shall throw any dangerous missile at or into such car, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment not exceeding ninety days, or by fine not exceeding $300, or by both such fine and imprisonment.

The amendment was agreed to.

Mr. BERRY. Does the bill come from the Judiciary Committee?

The PRESIDING OFFICER (Mr. BURROWS in the chair). The bill was reported from the Committee on the Judiciary.

Mr. BERRY. By whom was it reported?

The PRESIDING OFFICER. It was reported by the Senator from Minnesota [Mr. DAVIS].

Mr. BERRY. Does it in any way change the jurisdiction of the courts in the Territory at this time, I should like to ask the Senator from Connecticut [Mr. PLATT]?

Mr. PLATT. It does not, I understand. It does not speak of jurisdiction at all.

Mr. BERRY. It does not affect the present jurisdiction and the present status there?

Mr. PLATT. I understand that it does not.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. PLATT, the title was amended so as to read: "A bill making it unlawful to shoot at or into any railway locomotive or car, or at any person thereon, or to throw any rock or other missile at or into any locomotive or car in the Indian Territory, and for other purposes."

STANDARD FOR DRY MEASURES.

The bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other

purposes, was announced as the next business in order on the Calendar, and was read.

Mr. KYLE. I should like an explanation as to why these articles can not be sold in any other way than by weight in the District of Columbia.

Mr. COCKRELL. That is the way they are sold all the time on the market. We are conforming to what is the usual way.

Mr. KYLE. That is true; but I understand that farmers come in from the country round about and bring their bushel measure and endeavor to sell their products on the street.

Mr. FAULKNER. It is to avoid the frauds that are perpetrated upon the people of the District, in which parties have been caught frequently, by having measures that have double bottoms, etc., that the law is proposed to be enacted.

Mr. KYLE. I understand that. I have seen the measures myself. At the same time the bill provides that these measures shall be of certain depth, width, etc. By providing that they shall not be sold in any other way than by weight, it forbids people who come from the country from selling upon the streets. I object to that feature of the bill.

The PRESIDING OFFICER. The Senator from South Dakota objects to the consideration of the bill, and it will be passed over.

DISTRICT WATER-MAIN TAXES.

The bill (S. 3279) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and to insert:

That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed, in all cases not exempted by this act, where water-main taxes or assessments in the District of Columbia have been quashed, set aside, or declared void by the supreme court of said District, or have been otherwise canceled or set aside, by reason of such tax or assessment not having been authenticated by the proper officer, to reassess all lots or parcels of ground in respect of such taxes or assessments, with power to assess and collect the same according to existing law relating to the assessment and collection of water-main assessments or taxes: *Provided*, That in cases where such assessments have heretofore been quashed or declared void by said supreme court, or have been otherwise canceled or set aside for the reason hereinbefore provided, the reassessment herein provided for shall be made within one year from the passage of this act: *And provided further*, That hereafter all water-main taxes or assessments in the District of Columbia shall be levied and authenticated by the Commissioners of the District of Columbia, who are hereby authorized to designate the official whose duty it shall be to notify the owner or agent of any lot or land of any water-main tax or assessment levied against such lot or land.

SEC. 2. That no water-main tax or assessment shall hereafter be assessed or reassessed upon any land without the limits of the city of Washington, held and used exclusively for agricultural purposes, or upon any unsubdivided land not used for business purposes: *Provided*, That this exemption shall not apply to any land into which Potomac water has been or shall be introduced from a public water main in the avenue, street, alley, or road on which the land abuts; and that where Potomac water shall hereafter be introduced said water-main tax or assessment shall be levied or assessed within thirty days after such introduction, and where Potomac water has been heretofore introduced the assessment or reassessment shall be made within ninety days after the passage of this act: *And provided further*, That in case of any land not subdivided into building lots the water-main tax or assessment provided for in this section shall be levied or assessed on a frontage of not exceeding 100 feet for each lot or parcel of land or premises into which Potomac water has been or shall be introduced, and this water-main tax or assessment shall be considered in any subsequent subdivision of such property as having extended on said lot or parcel of land or premises to a depth of 100 feet from the front on which levied or assessed.

SEC. 3. That in any assessment or reassessment made under the provisions of this act, the owner of any lot or parcel of land shall be credited with any amount which may have been heretofore paid upon any water-main tax or assessment levied against such lot or parcel of land.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the reassessment of water-main taxes or assessments in the District of Columbia, and for other purposes."

Mr. PROCTOR. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. PROCTOR, Mr. FAULKNER, and Mr. MCMILLAN were appointed.

MICHAEL M'KENNA.

The bill (H. R. 3596) to remove the charge of desertion from the military record of Michael McKenna was considered as in Committee of the Whole. It proposes to remove the charge of desertion now standing upon the records of the War Department against the name of Michael McKenna, alias David Dunton, late of Company F, First United States Dragoons, and to grant him an honorable discharge, to date July 31, 1848.

Mr. CHANDLER. I will not ask that the report be read, but I will ask whether the evidence shows that the soldier did not desert as a matter of fact?

Mr. COCKRELL. He did not desert. He was simply a boy who had followed the Army all the way through Mexico, and when he got back to New Orleans his father went to him and took him home to stay all night by permission of the officers, and when he got back the next day the command was gone. It was after the close of the war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPT. HENRY S. PRATT.

The bill (H. R. 2451) to correct the records of the War Department in the case of Capt. Henry S. Pratt was considered as in Committee of the Whole. It proposes to issue, in the name of Henry S. Pratt, late captain of Company A, Tenth New York Cavalry, an honorable discharge as of date the 18th day of May, 1863.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DIVORCE CASES IN TERRITORIES.

The bill (H. R. 5217) making one year's residence in a Territory a prerequisite to obtaining a divorce there was considered as in Committee of the Whole.

The bill was reported from the Committee on Territories with amendments, in line 3, after the word "for," to strike out "a" and insert "any"; in line 4, before the word "unless," to strike out "which occurred elsewhere"; and at the end of the bill to insert the following proviso:

Provided, That this act shall not affect any action duly commenced and pending at the date of the passage thereof.

So as to make the bill read:

Be it enacted, etc., That no divorce shall be granted in any Territory for any cause unless the party applying for the divorce shall have resided continuously in the Territory for one year next preceding the application: *Provided*, That this act shall not affect any action duly commenced and pending at the date of the passage thereof.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

THE DEATH PENALTY.

The bill (H. R. 878) to reduce the cases in which the penalty of death may be inflicted was announced as next in order.

Mr. TURPIE. I object to the further consideration of that bill.

The PRESIDING OFFICER. The bill will be passed over.

DRAINAGE OF LOTS IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 7264) to provide for the drainage of lots in the District of Columbia was considered as in Committee of the Whole.

The Secretary read the bill.

Mr. PLATT. I should like to have a part of the first section read again.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

That each original lot or subdivisional lot situated on any street in the District of Columbia where there is a public sewer shall be connected with said sewer in such manner that any and all of the drainage of such lot, whether water or liquid refuse of any kind, except human urine and fecal matter, shall flow into said sewer; and if such original lot or subdivisional lot is situated on any street in said District where there is a public sewer and water main, such original lot or subdivisional lot shall be connected with said sewer and also with said water main in such manner that any and all of the drainage of such lot, whether water or liquid refuse of any kind, shall flow into said sewer.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

APPOINTMENT BY BREVET.

The bill (H. R. 3719) to provide for the appointment by brevet of active or retired officers of the United States Army was announced as next in order.

Mr. SEWELL. The senior Senator from Nebraska [Mr. ALLEN] desires time to look into the bill, and I am willing that it shall go over.

The PRESIDING OFFICER. The bill will be passed over.

RECORD OF INSTRUMENTS OF CONVEYANCE.

The bill (H. R. 227) requiring bills of sale, conditional sales, mortgages, or deeds of trust of chattels in the District of Columbia to be recorded was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIEN FOR FREIGHT ON IMPORTED MERCHANDISE.

The bill (H. R. 6836) to amend section 2961 of the Revised Statutes of the United States as amended by the act of June 10, 1890, was announced as next in order.

Mr. PLATT. That bill seems to have been reported from the Committee on Finance without recommendation and at some time when I was not present. The chairman of the committee is not here, and I think it might as well be passed over. I should like to examine it myself.

The PRESIDING OFFICER. The bill will be passed over.

Mr. PLATT subsequently said: With regard to the bill which I asked to have passed over, I think that it was reported and the Committee on Finance was discharged with the intention of referring it to the Committee on Commerce. I ask that it may be so referred.

The PRESIDING OFFICER. The Senator from Connecticut asks that House bill 6836, which was reported without recommendation from the Committee on Finance, be referred to the Committee on Commerce. If there be no objection, it will be so referred.

THE PINTSCH COMPRESSING COMPANY.

The bill (H. R. 5790) to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington was announced as next in order.

Mr. TELLER. I think that had better go over until there is some one here from the committee.

Mr. FAULKNER. I hope there will be no objection to the bill.

Mr. TELLER. I do not object to it, as there is some one from the committee here.

Mr. FAULKNER. It is a bill that has no purpose except to connect pipes with certain railroads in order to supply to cars a peculiar kind of gas manufactured by this company. Everybody is, I think, in favor of it.

Mr. TELLER. I do not make any objection. I did not see any member of the committee present when I spoke.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALE OF GAS IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 6994) relating to the sale of gas in the District of Columbia was announced as next in order.

Mr. PLATT. We can not pass that bill this afternoon.

Mr. FAULKNER. The bill has been read and all the amendments of the committee have been adopted. The Citizens' Association, through their officers, called on me to-day and appealed to me to try to get it through, and it strikes me that we certainly ought to pass it. It is a very important measure to the people of this District, and the bill ought to be passed.

Mr. GEORGE. Is that the bill to which the Senator from Florida [Mr. CALL] objected?

Mr. FAULKNER. The Senator from Florida objected to it when I was absent. As I was stating, citizens of the District called upon me who have been fighting the gas company all along. Mr. Tucker, who is the attorney of the East Washington Association, and Mr. Frizzell, who I think has been president of it for years, urged me to-day to try to get the bill through.

Mr. GEORGE. What about Mr. Dodge?

Mr. FAULKNER. I have heard of Mr. Dodge on the gas subject for eight years.

Mr. GEORGE. He sent me some very important statistics, which I should like to spread before the Senate.

Mr. FAULKNER. Of course if Senators think they are representing the citizens and do not want the bill to pass, I will not insist.

Mr. KYLE. There will certainly be a great deal of discussion in regard to the bill. The people of the District of Columbia want $1 gas. This bill provides for gas the first year at $1.15 and then a fall to $1.10 and $1.05, covering a period of five years.

Mr. PLATT. I have objected to the bill because I knew it would cause discussion.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

DONATION OF CANNON AND CANNON BALLS.

The bill (H. R. 7172) donating four condemned cannon and four pyramids of condemned cannon balls to the Soldiers' Monument Association of Allegan, Mich., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 8012) donating condemned cannon and cannon balls was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with an amendment, in line 11, after the word "balls," to insert "also, to donate one condemned cannon to the Allen M. Harmon Post, Grand Army of the Republic, at Northville, Mich."; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to Grand Army of the Republic post of Sparta, Ill., 1 condemned cannon and 5 cannon balls for the purpose of decorating the soldiers' monument in said place, and 2 condemned cannon and 5 cannon balls for the Grand Army of the Republic post at Morenci, Mich.; also, to donate to McDowell Post, Grand Army of the Republic, of Enid, Okla., 1 condemned cannon and 15 cannon balls; also, to donate 1 condemned cannon to the Allen M. Harmon Post, Grand Army of the Republic, at Northville, Mich.: *Provided*, That in the judgment of the Secretary of the Navy such articles can be spared without detriment to the public interests: *And provided further*, That the United States shall not be subjected to any expense on account of such donation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The bill (H. R. 7140) granting to A. L. Robeson Post, No. 42, Grand Army of the Republic, of Bridgeton, N. J., 4 condemned cannon and 20 cannon balls was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 8013) donating one condemned cannon and cannon balls to Grand Army of the Republic, L. W. Cooper Post, Department of Missouri, No. 81, of Lathrop, Mo., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 7671) authorizing and directing the Secretary of the Navy to donate one condemned cannon and condemned cannon balls to U. S. Grant Post, No. 72, Grand Army of the Republic, of Washington, Ind., Department of Indiana, was considered as in Committee of the Whole.

Mr. CULLOM. I should like to offer as an amendment to that bill what I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Illinois will be stated.

The SECRETARY. It is proposed to add at the end of the bill:

Also two pieces of condemned cannon and four pyramids of condemned cannon balls to the St. Boniface Union Soldiers' Monument and Memorial Association, of Chicago, Ill., for the soldiers' monument now erected in St. Boniface Cemetery, Chicago, Ill.

The amendment was agreed to.

Mr. CHANDLER. I offer an amendment to come in after the amendment just adopted on the motion of the Senator from Illinois.

The PRESIDING OFFICER. The amendment submitted by the Senator from New Hampshire will be stated.

The SECRETARY. After the amendment just adopted, it is proposed to insert:

Also two cannon and pyramids of cannon balls to the Soldiers' Monument Association at Londonderry, N. H.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill authorizing and directing the Secretary of the Navy to donate one condemned cannon and condemned cannon balls to U. S. Grant Post, No. 72, Grand Army of the Republic, of Washington, Ind., Department of Indiana, and for other purposes."

STANDARD FOR DRY MEASURES IN THE DISTRICT.

Mr. KYLE. When the bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes, was under consideration I raised an objection to it. The bill has been modified so that it is perfectly agreeable to me; and if the amendment be read and adopted I shall be perfectly satisfied with the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 2, line 2, after the word "pounds," to insert "when sold by wholesale and 56 pounds when sold by retail"; and in line 4, after the word "weight," to strike out "be subject to the same penalty as that provided for in section 1" and insert "under a penalty of $5 for each offense, to be recovered in the police court of the District of Columbia, in the name of the said District, in the same manner as other fines and penalties are recovered"; so as to make the section read:

SEC. 2. That the lawful weight of a bushel of potatoes shall be 60 pounds when sold by wholesale and 56 pounds when sold by retail, and that hereafter all sales thereof shall be made by weight, under a penalty of $5 for each offense, to be recovered in the police court of the District of Columbia, in the name of the said District, in the same manner as other fines and penalties are recovered.

The amendment was agreed to.

Mr. KYLE. Now I offer the amendment I send to the desk.

The PRESIDING OFFICER. The proposed amendment will be stated.

The SECRETARY. In section 2, line 1, after the word "That," it is proposed to insert "when potatoes are sold by weight."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

DONATION OF CONDEMNED CANNON.

The bill (H. R. 8077) granting to Budlong Post, Grand Army of the Republic, Westerly, R. I., two condemned mounted brass cannon was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 7100) to donate 8 condemned cannon and 100 cannon shot to the Grand Army of the Republic Cemetery Association of Colorado was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The joint resolution (H. Res. 122) authorizing the Secretary of the Navy to deliver condemned cannon to Chamberlain Post, Grand Army of the Republic, to be posted by the soldiers' monument at St. Johnsbury, Vt., was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN N. QUACKENBUSH.

The bill (H. R. 6739) for the relief of John N. Quackenbush, late a commander in the United States Navy, was announced as next in order.

Mr. PLATT. I have heard so much about that case that I do not think we can act upon it this afternoon.

Mr. COCKRELL. Let it be passed over.

The PRESIDING OFFICER. It will be passed over.

ESTATE OF GEORGE CASE.

The bill (H. R. 2740) to carry into effect a finding of the Court of Claims in favor of the estate of George Case, late of Independence County, Ark., was considered as in Committee of the Whole.

Mr. CHANDLER. I ask that the report made in that case may be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. BURROWS May 5, 1896:

The Committee on Claims, to whom was referred House bill 2740, beg leave to report that the amount carried by the bill was found due the claimant by the Court of Claims, as appears by the following finding of facts:

[Court of Claims. Congressional, No. 575. Sarah Case, administratrix, *vs.* The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that George Case (since deceased), the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed April 29, 1889.

—

[Court of Claims. No. 575. Sarah Case, administratrix of George Case, deceased, *vs.* United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion was transmitted to the court by the Committee on War Claims of the House of Representatives on the 4th day of March, 1886.

Mr. R. A. Berton, esq., appeared for claimant, and the Attorney-General, by Felix Brannigan, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

On a preliminary inquiry the court, on the 29th day of April, 1889, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 14th day of February, 1894. The claimant in her petition makes the following allegations:

That during the war there was taken from the intestate the following stores and supplies of the value stated and of which he was the owner, to wit:

1 mule	$150.00
2 mules	300.00
2 wagons	250.00
1 set double harness	40.00
1 platform scales	40.00
2 pairs counter scales	24.00
6 pairs harness hames	7.50

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDING OF FACT.

There were taken from the claimant's intestate, near Batesville, Ark., as alleged in the petition, during the late war for the suppression of the rebellion, by military authority for the use of the Army, quartermaster stores the reasonable value of which at the time and place of taking was $475.

BY THE COURT.

Filed April 2, 1894.
A true copy.
Test this 4th day of April, 1894.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Your committee report back the bill and recommend its passage.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL UNIVERSITY.

The bill (H. R. 4785) to incorporate the National University was announced as next in order.

Mr. CULLOM. Let that go over.

Mr. KYLE. The Senator from Minnesota asked me to have this bill waived for the time being.

The PRESIDING OFFICER. The bill will be passed over.

HENRY H. SCHRAWDER.

The bill (H. R. 128) for the relief of Henry H. Schrawder was considered as in Committee of the Whole. It directs the Secretary of War to correct the military record of Henry H. Schrawder, late a member of Company E, Second Battalion Fifteenth Regiment United States Infantry, and to grant him an honorable discharge; and vacates and sets aside the proceedings of court-martial finding him guilty of absence without leave and desertion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORT SULLY MILITARY RESERVATION.

Mr. PETTIGREW. I ask the Chair to lay before the Senate the message of the House of Representatives returning House bill 7324.

The PRESIDING OFFICER laid before the Senate the bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation in said State as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes, which had been returned from the House of Representatives in compliance with the request of the Senate.

Mr. PETTIGREW. I move that the Senate reconsider the votes by which the bill was ordered to a third reading and passed.

The motion was agreed to.

Mr. PETTIGREW. I now ask for the immediate consideration of the bill, and I desire to submit an amendment to it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation in said State as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes.

Mr. PETTIGREW. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the words "date of," in line 24, it is proposed to strike out "filing of the plat of survey of any township in any local land office of said State" and insert "the passage of this act."

The amendment was agreed to.

The bill was ordered to a third reading, read the third time, and passed.

RAILROAD BRIDGE NEAR GRAFTON, ILL.

The bill (H. R. 7973) to establish a railroad bridge across the Illinois River near Grafton, Ill., was considered as in Committee of the Whole.

Mr. CULLOM. I desire to inquire if there were any amendments reported to that bill by the Senate committee?

The PRESIDING OFFICER. The Chair is informed that there are no amendments to the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT APPROPRIATION BILL.

The bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, was announced as next in order.

Mr. GALLINGER. That seems to be the District appropriation bill, which I presume we do not wish to consider now.

The PRESIDING OFFICER. The bill will be passed over.

DISTRICT HARBOR REGULATIONS.

Mr. GALLINGER. I wish to call attention to Order of Business 968, which is the bill (S. 2897) to establish certain harbor regulations for the District of Columbia, which the Commissioners are very desirous to have passed. I reported a House bill this morning in identically the same language, which I will ask to

have considered instead of the Senate bill, if there is no objection, and I presume there is none.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8532) to establish certain harbor regulations for the District of Columbia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER. I now move that Senate bill 2987, on the same subject, be indefinitely postponed.

The motion was agreed to.

DONATION OF CONDEMNED CANNON.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

Mr. COCKRELL. I hope the Senator will withdraw that motion. There are a half dozen or more bills in which Senators are interested—I am not interested, nor is my State—but they are simply bills appropriating condemned cannon and they are all in the same form. They are the next ones on the Calendar, and I hope they will be disposed of. They will only consume a few moments of time.

Mr. CARTER. Very well; I withdraw the motion.

The bill (H. R. 7143) granting to the Soldiers and Sailors' Monument Association of the county of Middlesex, in the State of New Jersey, 4 condemned cannon and 30 cannon balls was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 7216) donating one condemned cannon and cannon balls to the Grand Army of the Republic Post, No. 573, of Evans City, Pa., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 8266) donating two condemned cannon to Custer Post, No. 38, Grand Army of the Republic, of Etna, Pa., and two condemned cannon to James G. Clark Post, No. 162, Grand Army of the Republic, of Allegheny, Pa., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 4324) authorizing the Secretary of Navy to deliver one condemned cannon to the city of Elmwood, Peoria County, Ill., was considered as in Committee of the Whole.

Mr. GALLINGER. I desire to offer an amendment to the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to insert after the word "city," in line 6:

And also two condemned cannon and a pyramid of cannon balls to the State Soldiers' Home at Tilton, N. H.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill authorizing the Secretary of Navy to deliver one condemned cannon to the city of Elmwood, Peoria County, Ill., and for other purposes."

The bill (H. R. 4557) authorizing and directing the Secretary of the Navy to donate two pieces of condemned cannon and four pyramids of condemned cannon balls to the St. Boniface Union Soldiers' Monument and Memorial Association, of Chicago, Ill., was announced as the next business in order on the Calendar.

Mr. CULLOM. This is the bill which was attached to another bill in the shape of an amendment. Let this bill be indefinitely postponed.

The PRESIDING OFFICER. The bill will be indefinitely postponed.

The bill (H. R. 6666) granting to Maj. C. A. Angel Post, No. 20, Grand Army of the Republic, of Lambertville, N. J., 4 condemned cannon and 20 cannon balls, was considered as in Committee of the Whole.

Mr. DUBOIS. I move to amend the bill by inserting what I send to the desk.

The SECRETARY. After the word "city," in line 8, it is proposed to insert "and also four condemned cannon and suitable pyramids to the Soldiers' Home at Boise City, Idaho."

The amendment was agreed to.

Mr. SEWELL. I move to amend the bill by inserting "eight condemned cannon and suitable pyramids to the State Soldiers' Home in New Jersey."

Mr. CHANDLER. I should like to ask the Senator from Kentucky [Mr. BLACKBURN] a question. Has the Senator from Kentucky any information that I do not possess—and I confess I have very little—as to the number of condemned cannon which are available by the Navy Department, and also more especially with respect to the number of available cannon compared with the propositions that are pending, either in this or the other House, for donations of such cannon to the various cemeteries and Grand Army posts?

I think that before asking the Senator to answer the question I ought to say that the bills far outnumber the cannon. The Committee on Naval Affairs has reported a general bill, which is upon the Calendar here, authorizing the Secretary of the Navy to give away all the condemned cannon that are possessed by the Navy Department, and notwithstanding the fact that the bill is upon our Calendar we do not pass it. We go on passing special bills. I think there is going to be disappointment somewhere in this connection.

Mr. HILL. Will the Senator from New Hampshire allow me? The general bill referred to has passed the Senate.

Mr. CHANDLER. Is the Senator from New York sure of that?

Mr. HILL. The general bill has passed the Senate and is in the other House. The House has not taken up the bill for divers reasons.

Mr. SEWELL. I will withdraw my amendment under the circumstances.

Mr. CHANDLER. I do not wish to do anything——

Mr. DUBOIS. I desire to state, in reference to what the Senator from New Hampshire [Mr. CHANDLER] and the Senator from New York [Mr. HILL] have said, that I believe it is the desire of the Naval Affairs Committee that a general bill shall be passed leaving it discretionary somewhat with the Secretary of the Navy in regard to these matters. Such a bill would take the place, more or less, of these special bills.

Mr. CHANDLER. I think I ought to say that the Senator from New York is right. The bill that I had in mind is Senate bill 2017.

Mr. HILL. I made the inquiry of members of the House as to why the bill was not taken up. I think really we ought not to pass any more of these special bills, and make an additional pressure upon the other House to take up the general bill and pass it. I am advised that the passage of such special bills can do no harm, and it prevents any great amount of mischief being done by other legislation.

Mr. BLACKBURN. I desire to offer an amendment, but I wish first to answer the question submitted to me by the Senator from New Hampshire [Mr. CHANDLER]. I have no information that is authentic in this matter as to the number of condemned cannon now at the disposal of the Navy Department, but I have information that satisfies me of the fact that it is less than a hundred. I think it is somewhere between eighty and ninety. I do not know; I have not kept a tally sheet this afternoon, but I think we have passed private bills appropriating some seven or eight hundred instead of eighty-odd.

However, I want to offer the amendment in order to assert the loyalty in my State. If these private bills are going through I wish to have 10 cannon for Fort Thomas merely for ornamental purposes. The bill has passed the House, No. 7777, and I offer it as an amendment to the pending bill. I agree with the Senator from New York [Mr. HILL] that the general bill which the Senate has already passed should be dealt with by the other House, and we should leave it to the discretion of the Secretary to apportion the cannon as best he can.

Mr. SEWELL. I withdrew the amendment I offered to the bill after I noticed what the bill is, simply because I want the bill to take effect at as early a day as possible, giving cannon to this post. It is a recent organization, and it desires to have a celebration on the 30th of the month, and if the amendments are inserted it probably will not have them in time, as the bill will not get through the other House as amended in due season.

Mr. BLACKBURN. If the amendment I offered in any way embarrasses the Senator from New Jersey I will ask to withdraw it.

Mr. SEWELL. The Senator is very kind. It does embarrass me. I ask the Chair if any amendment has been adopted.

The PRESIDING OFFICER. The amendment proposed by the Senator from Idaho [Mr. DUBOIS] was agreed to.

Mr. SEWELL. I ask the Senator from Idaho to withdraw it.

Mr. DUBOIS. I will oblige the Senator from New Jersey by withdrawing the amendment.

The PRESIDING OFFICER. The amendment will be considered as reconsidered and withdrawn.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 6256) authorizing and directing the Secretary of the Navy to furnish to George F. Fuller Post, Grand Army of the Republic, of Manistique, Mich., a condemned cannon was considered as in Committee of the Whole.

Mr. DUBOIS. I offer the amendment which I send to the desk.

The SECRETARY. After the word "cannon," in line 7, it is proposed to insert "and also four condemned cannon and a suitable pyramid of cannon balls to the State Soldiers' Home at Boise City, Idaho."

The amendment was agreed to.

Mr. BLACKBURN. Unless it embarrasses some Senator, I will ask to renew the amendment which I heretofore offered.

The SECRETARY. It is proposed to add after the amendment just adopted:

And also 10 pieces of condemned cannon for ornamental purposes for Fort Thomas, Ky.

The amendment was agreed to.

Mr. BAKER. I offer the amendment which I send to the desk.

The SECRETARY. It is proposed to insert after the amendment just adopted:

And also two condemned cannon and four pyramids of cannon balls to the Grand Army post at McLauth, Kans.

The amendment was agreed to.

Mr. WARREN. I wish to say that while we have a number of Grand Army of the Republic posts we have only one Soldiers' Home in our State, that at Cheyenne, and I wish to offer an amendment, a duplicate of that offered by the Senator from Idaho [Mr. DUBOIS], except to make it applicable to the Soldiers' Home at Cheyenne, Wyo.

Mr. CARTER. I offer the amendment which I send to the desk.

The SECRETARY. It is proposed to add after the amendment just adopted:

And also 10 pieces of condemned cannon and 50 cannon balls to the Montana State Soldiers' Home.

The amendment was agreed to.

Mr. CHANDLER. I offer the amendment which I send to the desk.

The SECRETARY. After the amendment just adopted it is proposed to insert:

And all remaining condemned cannon possessed by the Navy Department to the National Grand Army of the Republic.

Mr. HILL. That would exclude Soldiers' Homes throughout the country, would it not? There are a few which are not yet provided for especially by private bills.

Mr. CHANDLER. I do not think there will be any remnant to be disposed of after the bills which have been passed become laws, but I can think of no more appropriate disposition to make of any chance remnant than to give them to the Grand Army of the Republic.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire [Mr. CHANDLER].

The amendment was agreed to.

Mr. WARREN. I offer the amendment which I send to the desk.

The SECRETARY. It is proposed to insert after the amendment just adopted:

And also four condemned cannon and four pyramids of cannon balls to the Soldiers' Home at Cheyenne, Wyo.

The amendment was agreed to.

Mr. KYLE. I offer the amendment which I send to the desk.

The SECRETARY. It is proposed to add after the amendment last adopted:

And also two condemned cannon, with suitable pyramids of cannon balls, to the Soldiers' Home at Hot Springs, S. Dak.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. BAKER, the title was amended so as to read: "A bill authorizing and directing the Secretary of the Navy to furnish to George F. Fuller Post, Grand Army of the Republic, of Manistique, Mich., a condemned cannon, and for other purposes."

UNIFORM SYSTEM OF BANKRUPTCY.

The bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States was announced as the next business in order on the Calendar.

Mr. FAULKNER and Mr. COCKRELL. Let the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

LIFE-SAVING STATION AT PORT HURON, MICH.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8260) to authorize the establishment of a life-saving station at Port Huron, on the coast of Lake Huron, Michigan, which had been reported from the Committee on Commerce with amendments. The amendments were, in line 4, after the word "station," to strike out "on the light-house reservation belonging to the United States"; in line 5, before the word "port," to insert "or near"; and in line 6, after the word "Michigan," to insert "at such point as the General Superintendent of the Life-Saving Service may recommend"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized to establish a life-saving station at or near Port Huron, on the coast of Lake Huron, in the State of Michigan, at such point as the General Superintendent of the Life-Saving Service may recommend.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. NELSON. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. NELSON, Mr. PASCO, and Mr. MCMILLAN were appointed.

MANUFACTURE AND SALE OF FILLED CHEESE.

The bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of filled cheese was announced as the next business in order on the Calendar.

Mr. COCKRELL. Let it be passed over.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

F. ALBERTS & CO.

The bill (H. R. 5388) for the relief of F. Alberts & Co., Muskegon, Mich., was considered as in Committee of the Whole. It proposes to pay $435.67 to F. Alberts & Co., of Muskegon, Mich., for money wrongfully collected from them on a claim timber trespass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN F. JONES.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7161) for the relief of Benjamin F. Jones, which had been reported from the Committee on Post-Offices and Post-Roads with amendments, in line 7 to strike out "97" and insert "50," and in line 8 to strike out all after the word "dollars" and insert:

In full compensation for all services and expenses in carrying and distributing the mails between Wesson and Beauregard, in the State of Mississippi, in 1883.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be paid to the said Benjamin F. Jones, late postmaster at Beauregard, Miss., or to his order, out of such money in the Treasury of the United States not otherwise appropriated, the sum of $50, in full compensation for all services and expenses in carrying and distributing the mails between Wesson and Beauregard, in the State of Mississippi, in 1883.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The Committee on Post-Offices and Post-Roads reported an amendment to strike out the preamble, which was agreed to.

PROTECTION OF TRADE NAMES.

The bill (H. R. 4580) to amend section 3649 of the Revised Statutes was announced as the next business in order on the Calendar.

Mr. CHANDLER. The member of the Committee on Finance who reported the bill is not present. I shall desire an explanation of it when it is taken up, and I therefore object to its consideration at this time.

The PRESIDING OFFICER. Objection being made, the bill will be passed over. That disposes of the order of the Senate.

GROUND MAP OF THE UNITED STATES.

Mr. CANNON. I ask unanimous consent for the present consideration of the joint resolution (S. R. 135) providing for the appointment of a commission to report upon the practicability of establishing near Washington, D. C., a ground map of the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. CHANDLER. I do not object, but I shall object to any further business.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. CANNON. In line 12, page 2, after the word "area," I move to insert "or on such scale as it may be possible to comprise within the reclaimed or Potomac Flats."

Mr. KYLE. Does that carry an appropriation?

Mr. CANNON. It carries no appropriation.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Utah [Mr. CANNON].

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CHANDLER. I move that the Senate proceed to the consideration of executive business.

Mr. COCKRELL. It is very late. It is 6 o'clock; let us adjourn.

Mr. CHANDLER. Very well; I withdraw the motion.

Mr. COCKRELL. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 57 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 14, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 13, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

DONATION OF CONDEMNED CANNON.

Mr. PITNEY obtained the floor.

Mr. WHEELER. I rise to a question of privilege.

The SPEAKER. The gentleman from New Jersey [Mr. PITNEY] has been recognized on a question of privilege.

Mr. PITNEY. I will state the matter which I wish to bring to the attention of the House. On day before yesterday House bill No. 8495 was passed by this House. It is a bill in the usual form donating to John Hill Post, No. 86, of Boonton, N. J., 4 condemned cannon and 20 cannon balls. The bill had been favorably reported by the Committee on Naval Affairs, and was passed by the House, as I have stated. Later in the same day the gentleman from Kentucky [Mr. EVANS] entered a motion to reconsider the vote by which that bill was passed. He having made that motion, the rules gave him the sole right to call it up at any time during the day it was made or during the succeeding day, ended yesterday. He has not done so. I desire now to call it up for the purpose of asking the House to lay the motion to reconsider on the table. If the gentleman from Kentucky [Mr. EVANS], whom I now see in his place, has no objection, I will ask an immediate vote. I do not care to detain the House by any statement unless the gentleman wishes to say something.

Mr. EVANS. I have an objection; but I think the matter can be very easily arranged.

Mr. PITNEY. I am unable to hear the gentleman.

Mr. EVANS. I say that for the present I have an objection, though I think the matter can be very easily arranged between the gentleman and myself, if he will be a little patient and wait, say, until to-morrow morning.

The SPEAKER. The gentleman from New Jersey [Mr. PITNEY] calls up the motion to reconsider. Has any gentleman any motion to make?

Mr. PITNEY. I am ready to make a motion to lay the motion to reconsider on the table. I do not care for any discussion unless the gentleman from Kentucky thinks that some discussion is necessary.

Mr. EVANS. I do not know whether the gentleman from New Jersey understood what I just said or not.

Mr. PITNEY. I did not hear what the gentleman said.

Mr. EVANS. I said that I have an objection to the matter being taken up now, but I think that the gentleman from New Jersey and myself can very easily arrange this matter by to-morrow morning. I entered the motion for reconsideration with the view of calling the attention of the House to certain matters connected with this question; but I do not know that I shall insist even upon that. If the matter be left open until to-morrow morning, it can probably be very easily settled.

Mr. PITNEY. I regret that it will not be convenient for me to be here to-morrow morning.

Mr. EVANS. Well, whether the gentleman be here or not, I think the matter can be arranged by to-morrow morning so that I may withdraw the motion to reconsider.

Mr. MCMILLIN. If the gentleman from New Jersey should not be here, I presume the matter could be postponed until he will be here.

Mr. EVANS. Even if he should not be here, I have no doubt the matter may be arranged so that I can withdraw the motion.

Mr. PITNEY. I prefer that the matter should be disposed of now, without consuming any more of the time of the House than I have already occupied.

Mr. EVANS. If the gentleman prefers to have the matter disposed of now, I shall ask that the action of the House be withheld until I can be heard. If the gentleman is not willing to allow the matter to go over until to-morrow morning, so that he and I may talk it over and so that the motion to reconsider may be withdrawn, as I have no doubt we can arrange it shall be, then I shall ask that the gentleman's motion to lay on the table the motion to reconsider be voted down.

Mr. PITNEY. Several times since the gentleman entered his motion to reconsider I have approached him with the purpose of ascertaining his wishes in regard to the disposition of the motion. He has at no time expressed any preference with regard to it. I can not conceive of any matter involved here that requires any debate or should call for the consumption of ten minutes of the time of the House. The bill in question is a bill granting condemned cannon and cannon balls to a Grand Army post in my district for the purpose of decorating a soldiers' monument in the town of Boonton. It is a bill exactly similar in form to those of like purpose which have passed this House. I can conceive of no objection to it, reasonable or unreasonable. The bill has been passed without objection. The motion to reconsider prevents the bill from being acted on by the Senate. I desire to have the motion to reconsider tabled, in order that the bill may be released, so that it may go over into the Senate.

Mr. DOCKERY. Why not make that motion now?

Mr. PITNEY. I do not wish to cut the gentleman from Kentucky off, and will yield to him if he wants time, retaining the floor myself.

Mr. EVANS. If the gentleman desires it, I will——

Mr. PITNEY (continuing). Because I can not attend to it to-morrow morning.

Mr. EVANS. If the gentleman desires it, I will state to the House what I would have stated to him between now and to-morrow morning, before taking the action which I proposed to take with reference to the motion.

Mr. PITNEY. I do not wish to stifle debate on this question. It has been suggested to me to move now to lay on the table the motion to reconsider. I do not wish to make that motion at once, if the gentleman from Kentucky desires to be heard. If I can do so, I will still retain the floor and yield to the gentleman from Kentucky for an explanation, but not for a motion.

Mr. EVANS. Mr. Speaker, I have no objection whatever to the bill of the gentleman from New Jersey on its merits. When I asked unanimous consent a few days ago for the present consideration of a private bill—a bill concerning the interests of individuals in my district—without what seemed to me to be any adequate reason, the gentleman from New Jersey objected to its consideration, and I was prevented from getting it before the House. I thought, under the circumstance, that it was no more than due to myself and to my people, if he objected to the consideration of private measures concerning them, that I should take precisely the same position with reference to matters in which he and his people were interested; in other words, that the people of my district should have precisely the same degree of justice as his people had. So, when he made a motion or request for the present consideration of a bill I, as I had a right to do, objected to it, and of course without that unanimous consent asked by him the bill could not be considered.

Now, Mr. Speaker, since that objection was entered and the gentleman withdrew from the effort to secure its consideration at that time and I, having business elsewhere, had left the House, shortly afterwards he got a colleague of his to ask unanimous consent for the present consideration of another bill, and when that consent was given for the present consideration of another bill and it was passed, the gentleman asked to substitute this bill for the one that he had already succeeded in getting passed, and in that way the gentleman's bill was given unanimous consent and was passed by the House.

Now, I shall not characterize that proceeding as anything wrong; I do not know whether it was or was not; I do not pretend to say; but I do think that it was due to the House that there should have been perfect frankness about it. When I looked at the RECORD the next day I found none of these things, but I have before me the original notes of the stenographer setting out exactly what occurred as I have stated it.

Now, because of that, and only because of that, I entered the motion to reconsider the vote by which the bill was passed, in order that I might direct the attention of the House to the matter and the manner in which the unanimous consent was obtained. I do not and did not care to indulge in any child's play about this bill or any other bill, but my only object was to protect my district, and to insist that the people whom I represent should have the same privileges on the floor of the House as those represented by the gentleman from New Jersey. And I intended, and shall do it before I sit down—I intended when the matter came up to make this explanation of why I had made this objection, and to say to the people of the Grand Army that the gentleman from New Jersey represents that they would have no obstruction from me in the passage of a simple bill to give them a few condemned cannon. But, as I have said to the gentleman from New Jersey, it was my purpose to have said these things to the gentleman between now and to-morrow morning, and to withdraw the motion for reconsideration, instead of taking the time of the House with this explanation.

Having made that statement, I now do what I intended to and what I would have done if the gentleman had waited until to-morrow morning. I withdraw the motion.

Mr. PITNEY. I will ask the gentleman to let me see the stenographer's notes to which he has referred.

Mr. EVANS (handing them to him). Here they are.

The SPEAKER. The question is on the motion——

Mr. PITNEY. I should like to be heard for a few moments, Mr. Speaker. I yielded the floor to the gentleman from Kentucky for the purpose of an explanation and not for a motion, or the withdrawal of the motion to reconsider, that being now the pending motion.

Mr. RICHARDSON. It is impossible for us back here to hear what is going on.

The SPEAKER. The House will please be in order, and gentlemen will take their seats. The gentlemen in the aisles in front of the Chair will be seated.

Mr. EVANS. Mr. Speaker——

The SPEAKER. The Chair will insist that gentlemen resume their seats.

Mr. EVANS. Mr. Speaker, I only wanted to say, if the gentleman wants to make an explanation, I will withhold my motion to withdraw the motion to reconsider in order that he can make it. I do not desire to cut him off.

Mr. PITNEY. I should not have occupied the time of the House with a discussion about this very small matter, except that the gentleman from Kentucky has deemed it necessary to explain to the House the reason why he objected to my bill, which I had introduced, a bill granting four condemned cannon and a few cannon balls to a Grand Army post in my district. But since he has thought it necessary to explain the reason why he objected to the consideration of that bill, since he has put it upon the ground on which he has put it, and has called attention to other matters concerning the passage of the bill through this House, I deem it necessary to occupy a few moments in an explanation.

The commencement of this episode, as the gentleman from Kentucky [Mr. EVANS] has now explained, and explained in a manner that I should not have taken the liberty to state without his open admission upon the floor of this House, was on a week ago last Monday, when the gentleman from Kentucky asked unanimous consent for the present consideration of a bill introduced by himself for the relief of Samuel McKee. The proceedings which then transpired are found in the CONGRESSIONAL RECORD of May 4, 1896, upon page 4793, and in order that these proceedings may appear now in the RECORD, side by side with the present transaction, I ask unanimous consent, without reading it, to print in the RECORD this extract from the RECORD, relating to the consideration of the bill for the relief of Samuel McKee. If there is objection, Mr. Speaker, I will ask the Clerk to read it in my time.

The SPEAKER. The gentleman asks unanimous consent to print in the RECORD the passage which he has described. Is there objection?

There was no objection.

The matter referred to by Mr. PITNEY is as follows:

SAMUEL M'KEE.

Mr. EVANS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 467) for the relief of Samuel McKee.

The bill was read, as follows:

"*Enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Samuel McKee the sum of $1,718, for expenses incurred by him in a contest for his seat in the Fortieth Congress."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PITNEY. Reserving the right to object, I should like to hear the report or some statement concerning the bill.

Mr. COX. Let the report be read.

The SPEAKER. The Clerk will read the report.

The report (by Mr. COLSON) was read, as follows:

"The Committee on Claims, to whom was referred the bill (H. R. 467) to pay to Hon. Samuel McKee the sum of $1,718 for expenses incurred by him in a contest for his seat in the Fortieth Congress, from the Ninth Congressional district of the State of Kentucky, have had the same under consideration and submit the following report:

"Your committee find that said McKee's right to a seat in the Fortieth Congress was contested by Hon. J. D. Young; that issues were joined, evidence was taken, and a hearing was had before the Elections Committee of the House, and that the seat was awarded to said McKee.

"The committee further find from the proofs in the case that the said McKee in his said contest incurred, necessarily, expenses amounting to the sum of $1,718, as appears from the itemized account of the said McKee duly verified.

"It further appears that no part of said sum has ever been paid.

"The committee also find that Hon. John D. Young has been paid the sum of $2,500 for his expenses incurred in said contest.

"This claim was before the Committee on Elections of the House in the Forty-eighth Congress, and was favorably acted upon by said committee, but no action was had by the House.

"Your committee would therefore report back the bill and recommend that it do pass."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BAILEY. Mr. Speaker, I desire to reserve the right to object.

Mr. EVANS. I should like to explain the bill, because I want everybody to know what it is. I think there will be no objection when the bill is understood.

In the Fortieth Congress the Hon. John D. Young held a certificate of election as a member of this House from the Ninth district of Kentucky, but was never sworn in. McKee contested his right to the seat and was given the place. He presented at the time no account for expenses of contest. Mr. Young was, by resolution of the House, on the 11th of May, 1869, directed to be paid $3,500 for expenses of contest. The Committee on Accounts paid him $1,500. June 24, 1874, an act was passed giving him $1,000, the difference between $2,500 and the $1,500 paid by the Committee on Accounts. Again, on March 3, 1880, by action of that date, he was paid $6,885, his salary as a member of the House up to the date McKee was awarded the seat, although he (Young) had never served. He was never admitted to the Fortieth Congress at all, and on the contest it was held that McKee had a majority of the votes legally cast.

In 1881, Mr. McKee's attention being called to the fact that Mr. Young had been paid the salary and $2,500 for expenses of the election contest, he made out his account and presented it, and it was referred to the Committee on Elections. It was thought that it ought to go to a different committee, and at the next session it was presented to the Committee on Claims. From that date to this, in several Congresses, committees of one House or the other have reported this claim favorably, always recognizing the justice of it.

Mr. SAYERS. Will the gentleman inform the House how it was that Young was not awarded his seat, and yet afterwards received pay as a member? What was the ground of his rejection?

Mr. EVANS. Young was not awarded the seat originally because he did not take the test oath and could not take it. On the subsequent contest McKee was held to have received a majority of the votes.

Mr. MILES. Why could not Mr. Young take the oath?

Mr. EVANS. Because he had given aid and comfort to the rebellion. It was shortly after the war. He was therefore not admitted on the prima facie certificate, and when the contest was subsequently determined it was decided that he was not elected.

Mr. PITNEY. What was the date of this election?

Mr. EVANS. To the Fortieth Congress. It was shortly after the war.

Mr. PITNEY. That would be thirty years ago, now?

Mr. EVANS. But this bill has never been paid.

Mr. PITNEY. And he never presented any claim until 1881?

Mr. EVANS. He has been presenting this claim ever since the Forty-seventh Congress.

Mr. PITNEY. I think it is too stale, and I shall have to object.

Mr. EVANS. I hope the gentleman will not do that. It is a perfectly just claim. I know this man well. He lives in my town, and he needs the money.

Mr. PITNEY. He made no statement of the claim at the time?

Mr. EVANS. He presented his claim as soon as he knew the other man had been paid, who was not entitled to the seat at all.

Mr. PITNEY. Because a previous Congress has passed a wrong bill that is no reason why we should.

Mr. EVANS. This is the only case where the expenses of a contestant have not been paid. I sincerely hope that my friend will withdraw his objection, because this is clearly a perfectly just and proper claim against the Government. The fact that it has not been paid for a long time by no manner of means diminishes the force of the claim.

Mr. MILES. What is the amount of the claim?

Mr. EVANS. About $1,700. I speak with assurance when I say this gentleman is entitled to this money and needs it, and I do sincerely hope no member of this House will object.

Mr. PITNEY. I shall have to object. I do not think the statement is satisfactory.

Mr. BAILEY. I assume from the fact that the committee recommend this bill that the claimant filed properly certified vouchers showing that he incurred this expense.

Mr. EVANS. Perfectly satisfactory to the committee, and the claim has been established satisfactorily to committees of one or the other of the two Houses ever since the Forty-seventh Congress.

Mr. PITNEY. But he never presented his claim until fifteen years after the election. How could he present properly certified vouchers?

Mr. EVANS. It was perfectly satisfactory to those who investigated it.

Mr. PITNEY. Does the gentleman know that he has filed certified vouchers?

Mr. COX. Mr. Speaker, I will answer that. Mr. Speaker, this claim comes from the Committee on Claims. Under the law as it exists now, no party contesting an election is entitled to more than $2,000. It requires that the itemized expenses shall be filed with the committee. The trouble in this claim grows out of the delay, and that is all. But that this man incurred these expenses there is no question about that.

Mr. MILES. He filed his vouchers?

Mr. COX. He has filed a statement of his expenses. Of course he can not file the vouchers—that is, vouchers in the proper shape—but he filed his claim with an itemized statement of the expenses that he incurred, and it passed the Committee on Claims upon that idea entirely.

Mr. TERRY. I would like to ask the gentleman if this gentleman drew $6,000, and that the same amount was also paid to John Young Brown?

Mr. EVANS. He was paid the salary like any other member.

Mr. TERRY. There was a time during which he did not occupy his seat here, and neither one of them occupied the seat. Now, when this man came in did he draw the money for all that time?

Mr. COX. While in the seat he drew the money.

Mr. TERRY. He drew it for a period when neither one was in the seat.

Mr. EVANS. Like every other contestant, he got his pay back to the time when Congress began.

Mr. TERRY. Now, I have had a case of that kind before Congress for several years, and they never paid the man a dollar.

Mr. PITNEY. That is the trouble with such claims as this. We ought not to pay one of them, because it would establish a precedent for the payment of others.

Mr. COX. Now, hold on one minute and let us get it straight. When a man has a contest for his seat and it is decided in his favor that he is entitled to his seat, would it not be right to pay him the salary?

Mr. TERRY. I say it would. I have no objection to that, but the point I am making is this: That here is a man who did not have a seat more than a few months and drew pay for the whole time; and I have one here who occupied the seat half of the time, and is not allowed any pay and has been knocking at the doors of Congress for years.

Mr. EVANS. I am not objecting to his being paid.

Mr. PITNEY. Now, the gentleman from Kentucky [Mr. EVANS] may have an opportunity to move to suspend the rules and pass this bill, but I am not willing to give consent to its consideration. It is too stale.

Mr. EVANS. If I am in order I will move to suspend the rules.

The SPEAKER. The Chair must follow the order of business that has been proceeding.

Mr. EVANS. Do I understand the gentleman to insist on his objection?

Mr. PITNEY. Yes, sir; I am constrained to object.

Mr. PITNEY. Now, Mr. Speaker, that was a bill providing for the appropriation of the sum of $1,718 out of the Treasury of the United States, to pay to Mr. Samuel McKee his expenses of an election contest over an election to the Fortieth Congress. The Fortieth Congress took office thirty years ago, or at least over twenty-eight years ago. The election in question occurred twenty-nine years ago. It appeared from the statement made by

the gentleman from Kentucky [Mr. EVANS] at the time (and I have since verified it by referring to the files of this House, where the statement appears over the signature of Samuel McKee) that he had allowed fourteen years and over to elapse before he made any statement or submitted to any authority any statement of claim for the expenses incurred by him in that election contest; and it also appears in like manner that he made no such claim until he (McKee) accidentally discovered that his contestee, the party whom he had succeeded in unseating, had procured appropriations to defray not only his salary, but also the expenses which he, the contestee, had incurred in that election contest, and that then, in 1881, finding that one or two Congresses, exercising (I think in a very questionable manner) their discretion, had voted to the contestee his share of the expenses of the contest, Mr. McKee presented a claim for $1,718.

I objected to the consideration of the bill for the relief of Samuel McKee, and I beg the gentleman from Kentucky and I beg the House to understand that I had no personal reason for objecting to its consideration. It was not by reason of any personal matter between the gentleman from Kentucky and myself that I objected to it. I objected to the consideration of the claim because it was barred five times over by the statute of limitations; because it was barred by the negligence and laches of Samuel McKee for fifteen years failing to present a claim; because it was barred by thirty years' delay in enforcing the claim; because the statement made upon the floor of this House when the consideration of the bill was asked for showed that he had not presented and could not present to the Committee on Claims any vouchers certified in the manner contemplated by the law and the practice of this House. It seemed to me that the claim was an extraordinarily stale claim, that it was stale by reason of the laches of the claimant, that it was very questionable whether we ought to pass the bill; and inasmuch as no obligation was imposed upon us by any law to pay these election expenses, and as the contestant himself had not urged them until so late a time, I thought that this time, when we are striving by every effort to keep down the expenses of the Government, was a very inopportune moment to pass a bill like that under unanimous consent.

Mr. STEELE. I rise to a question of order. I call for the regular order.

The SPEAKER. This is the regular order.

Mr. STEELE. This general discussion is not a matter of privilege——

The SPEAKER. It is not a matter of privilege, but the subject before the House is the motion to reconsider a certain vote previously taken. That is now before the House.

Mr. STEELE. I understand the motion to reconsider has been withdrawn by the gentleman from Kentucky.

The SPEAKER. The Chair understands not, but that he has withdrawn the withdrawal.

Mr. PITNEY. Mr. Speaker, how much time have I remaining?

Mr. McMILLIN. An hour.

Mr. PITNEY. I think I can get through in a few moments.

The SPEAKER. The gentleman has occupied about nine minutes.

Mr. PITNEY. I will try to get through in a short time. I want the gentleman from Kentucky to be assured that when I objected, when I refused to give my consent to the consideration of the bill he presented, it was because I thought it was my duty as a member of this House, not by reason of any personal feeling against him. On the contrary, it was in spite of a feeling of warm personal friendship between me and the gentleman from Kentucky that I made that objection. The gentleman from Kentucky and I have been personal friends ever since the beginning of this session, sleep nightly under the same roof, and daily meet in our personal relations; and I need not assure him that I had no personal feeling against him.

Now, then, what was the next occurrence? I asked consent two days ago, and one week subsequent to the incident to which I have referred, for the present consideration of this bill of mine, to which the gentleman stated no objection, or at least gave no reason for his objection; and the gentleman now admits he had no objection to it. He now stands upon this floor and states that he raised objection to its consideration only because I had objected to the consideration of a bill in which he says the people of his district were interested. I do not see how the people of his district are interested, beyond one citizen. If it had been a bill which affected the interests of the people of his district, and of which he was a better judge than any other member of this House, I should have hesitated to enforce an objection, although one might reasonably lie against his bill; but, inasmuch as it was a claim against the Government, which we could judge of just as well as the gentleman who introduced the bill, I thought it was my duty to object when I considered that a valid objection lay against it.

And because I objected to the consideration of a bill for his district, and, the gentleman says, without any other reason than that, he objected to a perfectly unobjectionable bill which I introduced for a patriotic object, in order to get a few relics of the war of the rebellion for decorative and ornamental purposes for a post of the Grand Army of the Republic in the district which I have the honor to represent.

Now, I hope the gentleman from Kentucky will reflect for a moment, and he will see that if objections such as he interposed are to be practiced there would result dickers and deals between members for mutual and reciprocal favors in such matters, and——

Mr. MEREDITH. Will my friend permit a question? I only wanted to say how sweet and lovely a thing it is for brethren to dwell together in harmony.

Mr. PITNEY. I think a little clearing of the atmosphere is very good in that direction.

Such a practice, I repeat, would result in "deals" between members which would be better befitting a board of aldermen made up of ward politicians than suitable to the American Congress.

Now, then, the next thing that occurred, as the gentleman has said, was this: After he left the Hall my colleague [Mr. LOUDENSLAGER], at my request, asked unanimous consent for the present consideration of this same bill. That is what he intended to ask for. But, by mistake, a different bill was placed in the hands of the Clerk to be read, and was read. The gentleman from Kentucky says that he has consulted the stenographer's original notes and they show a certain state of facts to exist. I make no contradiction of that. I consulted what were laid before me as the original notes of the stenographer, referring to the proceedings when my bill was passed, and they do not develop the state of facts which the gentleman has said actually occurred. I made no alteration of the stenographer's notes. But be that as it may, the bill which I desired to have passed, House bill 8495, was not substituted surreptitiously, was not substituted unfairly, was not substituted at all until after the Speaker, at the request of my colleague [Mr. LOUDENSLAGER], had called attention to the fact that the wrong bill had been read. Moreover, the second bill was not substituted, as the minutes of the stenographer show, until it had been read at length, and unanimous consent had been asked for its substitution, and unanimous consent had been given. Therefore, if the gentleman, or any other gentleman, had desired to interpose an objection, he had his full and fair opportunity to interpose it pending or after the reading of the second bill—that is, House bill 8495—the same as if that bill had been first read. There was absolutely nothing surreptitious about it.

Now, my colleague [Mr. LOUDENSLAGER], in asking consent for the consideration of that bill, was acting within his rights as a member of this House; but I am free to say, Mr. Speaker, that if I had supposed the gentleman from Kentucky or any other gentleman on the floor had any valid or reasonable objection to the consideration of my bill, I should not have asked my colleague, or any member, to bring it up again before the House at the same session unless assured of the presence of the gentleman who had formerly objected. But I surmised—I should not have stated it, but I surmised—what the gentleman from Kentucky has now deliberately told us, that he had really no objection to the consideration of my bill except that I would not consent to the consideration of a bill which sought to make what I believed an improper charge upon the public Treasury; and therefore I took the course which I did take. I want to say to the gentleman from Kentucky now, in all kindness, that I think the old soldiers in whose interest my bill was introduced would rather I should go back to them without having secured its passage than that I should have bargained for its passage by consenting to the consideration of any bill which I thought was not proper to be brought before the American Congress.

Mr. Speaker, I am sorry to have taken so much time, and if the gentleman from Kentucky does not desire a further hearing, I will now move to lay the motion to reconsider on the table, and will ask the members of the House to support me in that motion. I will, however, yield to the gentleman, if he desires it, for the purpose of an explanation only.

Mr. EVANS. Mr. Speaker, I am quite sure the House will agree with me that this is very much ado about nothing. I have not had the slightest desire to charge anybody with wrongdoing in this matter. I have not felt the slightest inclination to put myself in a position to bargain with anybody. The gentleman from New Jersey objected to the interruption of the proceedings of the House for the purpose of giving unanimous consent to a bill for which I asked consideration. I should not have complained if the gentleman had voted against my bill; all I asked was that it should be considered, and if the House did not care to pass the bill it could have rejected it. But, Mr. Speaker, if my bills ought not to be considered out of order, it seems to me that the bills of the gentleman from New Jersey ought not to be so considered.

This is not a question of bargain; it is a question of comity and good feeling, which, as the gentleman has expressed it toward me, I certainly feel and have felt it toward him. My surprise was that the gentleman should have entertained the idea that he

was bound to guard the Treasury of the United States to such an extent as to object to giving the House an opportunity to consider a bill which had been knocking at the doors of Congress for fourteen years; that he should not have been willing to let the House consider it and pass its judgment upon it, instead of by his single voice debarring the House from the privilege and, I believe, the pleasure of doing justice to the good old soldier for whose relief that bill was introduced.

The gentleman from New Jersey tells us that his bill was intended to serve certain old soldiers in his district; but the beneficiary of my bill also was a good old soldier. He was a man who saw and felt the torments of Libby Prison, and who for fourteen years has felt the torments of seeking consideration by Congress of his just claim, and I was surprised that the gentleman from New Jersey should feel unwilling to permit this House to have the pleasure of considering such a bill. Now, I have been perfectly frank in this matter. I have said that I objected to the consideration of the gentleman's bill because he had objected to the consideration of my bill. I say now that I think that is perfectly proper. I feel that I should have as many rights for my district upon this floor as the gentleman has for his, and if I do not get them it will not be for want of trying.

So far as the other aspects of the matter are concerned, I have no objection to the gentleman's bill, and I told the gentleman that I should have preferred to have had this matter settled outside of the House; but as it has given him the opportunity of making a good speech, I do not regret that he has brought it up here.

Mr. PITNEY. May I ask the gentleman what arrangement could have been made outside of the House?

Mr. EVANS. I should have said to the gentleman outside of the House what I have said now to the House. Mr. Speaker, I withdraw the motion to reconsider.

The SPEAKER. The gentleman from Kentucky withdraws the motion to reconsider. Is there objection?

There was no objection.

THE RECORD.

Mr. WHEELER. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state his question of privilege.

Mr. WHEELER. I offer a privileged resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will read the resolution.

The resolution was read, as follows:

Mr. WHEELER of Alabama moves to strike out of the permanent RECORD the matter inserted by Mr. PAYNE on Tuesday (yesterday), aside from the matter, according to the Reporter's notes, delivered by him in his three minutes' time, said matter being on page 5608.

[Laughter.]

The SPEAKER. Those in favor of the resolution will say "aye."

Mr. WHEELER. Mr. Speaker, I desire to explain that resolution. I have an hour's time under the rule. I shall not occupy all of it, but I do desire a few moments to explain the resolution.

Mr. DINGLEY. Mr. Speaker, is this determined to be a question of privilege?

Mr. WHEELER. Mr. Speaker, the resolution is not presented for the purpose of antagonizing the gentleman from New York——

Mr. DINGLEY. I rise to a question of order. Has it been decided that this is a question of privilege?

Mr. WHEELER. I offered that resolution not for the purpose of criticising the gentleman from New York——

The SPEAKER. One moment. The gentleman from Maine rises to a question of order.

Mr. DINGLEY. My question of order is whether this is a question of privilege.

The SPEAKER. Does the gentleman make the point of order that it is not?

Mr. DINGLEY. I make the point of order that it is not.

Mr. WHEELER. I desire to speak on the point of order. I submit, Mr. Speaker, it is too late to make the point of order. I had been recognized, and commenced the debate on the resolution.

The SPEAKER (after examining the resolution). The Chair thinks that the resolution is in order; and the gentleman from Alabama is recognized.

Mr. WHEELER. I offered the resolution, Mr. Speaker, not for the purpose of criticising the gentleman from New York [Mr. PAYNE], for whom I have the greatest respect and the kindest feeling, but to give myself an opportunity to correct a statement——

Mr. DINGLEY. Mr. Speaker, has the resolution been read?

Mr. WHEELER and others. It has been.

The SPEAKER. The resolution was read.

Mr. WHEELER. To give myself an opportunity to reply to the unwarranted assertions which the gentleman made.

The SPEAKER. The gentleman from Alabama must confine himself to the resolution under discussion.

Mr. WHEELER. I will do so, Mr. Speaker; but I trust you will allow me to approach it——

The SPEAKER. The gentleman must keep within the rules.

Mr. WHEELER. The gentleman from New York [Mr. PAYNE] made a speech yesterday insisting that a member had no right to insert anything——

The SPEAKER. The gentleman must confine himself to the resolution.

Mr. WHEELER. I am trying to state what it is that the resolution sought to reach.

The SPEAKER. It is a proposition to strike out from the RECORD what has been inserted.

Mr. WHEELER. I am trying to state in the plainest language and in the briefest manner what the offense was, and I shall contend that what was done by the gentleman was not a violation of any rule as has always been interpreted by this House prior to 12 o'clock yesterday. Yet almost before the gentleman's eloquent voice had ceased to resound through this Hall, which eloquence more than all else caused the adoption of a resolution putting a new and different interpretation upon the rules, he proceeds with all haste to the stenographers and violates the very rule which his eloquence had caused to be adopted by this House. He was the first man to violate a rule which he largely had caused to be adopted.

It seemed to me that the animus of the gentleman from New York and the gentleman from Iowa was different from what appeared in their remarks. It seemed to me that their purpose was to use the overwhelmingly Republican majority which now controls this body, so far as lay in their power, to put a member of the minority to a disadvantage.

It showed the truth of the old adage:

Satan finds some mischief still for idle hands to do.

Since the controlling majority of this body has determined not to enact legislation and to abandon the purpose for which it was elected it has been getting into mischief. The gentleman from New York in a thoughtless moment of excitement committed a very serious error which I am confident he did not intend. He said that the gentleman from Alabama had inserted—

Not only a page or two, but often dozens of pages of matter never delivered in the House, and has inserted without the consent of the House these lengthy articles in the CONGRESSIONAL RECORD.

Mr. DINGLEY. I make the point of order that the gentleman is not discussing his resolution.

The SPEAKER. The gentleman from Alabama must confine himself to the resolution.

Mr. WHEELER. I am doing so, Mr. Speaker; you will find that I am if I am allowed to proceed with——

The SPEAKER. The gentleman must speak in order.

Mr. WHEELER. The Chair knows that I have great respect for him personally, and I am endeavoring to confine myself strictly within the rules of order.

The SPEAKER. The resolution before the House proposes to strike out what has been inserted by the gentleman from New York in the RECORD.

Mr. WHEELER. And how can I discuss that resolution unless I state what the gentleman said? I want the same privilege which the Speaker allowed to those who made the attack upon me yesterday. No objection was made to their going on in their own way; and now when I am trying to repeat what they said and explain in what particular the rules were violated, I am called to order.

The SPEAKER. That is not the question before the House. It is whether certain things shall be stricken out of the RECORD; not what was said.

Mr. WHEELER. I am trying to state what they are.

The SPEAKER. It is not in order to discuss the merits of what was said at that time, but whether certain things shall be stricken out.

Mr. WHEELER. But how can the House know how to vote upon a question of this sort unless the particular violation of the rule is explained as the matter was explained yesterday? The Speaker very properly allowed a full statement yesterday. He did not limit members at all. They were allowed to go on without limitation.

The SPEAKER. The Chair suggests to the gentleman from Alabama that the time of the House ought not to be occupied except on the resolution itself.

Mr. WHEELER. I think so, too.

The SPEAKER. Nothing else.

Mr. WHEELER. I am trying to confine myself to that.

Mr. DOCKERY (to Mr. WHEELER). State what the gentleman from New York said.

Mr. WHEELER. I was trying to read what the gentleman said, but I was called down—called to order.

The SPEAKER. It is not what the gentleman said that is the question, but what he did not say.

Mr. WHEELER. I am trying to state what he said, and then state what appears in the RECORD. It is impossible for a member to proceed if he is to be called down or to order every time he opens his mouth in trying to explain.

The SPEAKER. The gentleman can not make that complaint against the House. [Laughter.]

Mr. PAYNE. Will the gentleman allow a question?

Mr. WHEELER. Yes, sir.

Mr. PAYNE. Can the gentleman from Alabama point out a single word, in what is printed in the RECORD, that I did not utter on the floor of the House yesterday?

Mr. WHEELER. I can point out words which were not put down by stenographers——

Mr. PAYNE. I ask the gentleman——

Mr. WHEELER (continuing). When I went down to see my remarks yesterday afternoon I found that certain words had been interpolated in the remarks of the gentleman from New York which were in his handwriting.

Mr. PAYNE. Can you point out a single word that appears in the RECORD that I did not utter on the floor of the House in debate on yesterday?

Mr. WHEELER. The rule adopted on yesterday was that we must be confined to what the stenographers put down. [Cries of "Oh, no!"] That is the rule adopted on yesterday; and I ask in my time that the resolution adopted on yesterday be read.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Resolved, That there be stricken out of the permanent RECORD the matter inserted by Mr. WHEELER on Friday last, aside from the matter, according to the reporter's notes, delivered by him in his five minutes' time; said matter being on pages 5472, 5473, 5474, and 5475.

Mr. WHEELER. Now, Mr. Speaker, a word that I see was changed is this: On page 140 of the RECORD copy he puts in the words "to be stopped," which were not written by the stenographers. [Laughter.] He puts in the words "that he has a right," and adds "matter of," according to the RECORD, and none of these words were written by the stenographers. They appeared to have been written by Mr. PAYNE. But the serious feature was the assertion by the gentleman from New York that—

The gentleman from Alabama has seen fit to violate this rule of the House by inserting not only a page or two, but often dozens of pages of matter never delivered in the House.

Now, the stenographer's notes showed that the word "dozen" was used by Mr. PAYNE; but the gentleman from New York appears to have added an "s" to the word dozen; so that this morning it reads in the RECORD "dozens." [Laughter and applause.]

Mr. DINGLEY. I call the gentleman from Alabama to order.

The SPEAKER. The gentleman from Alabama will proceed in order.

Mr. WHEELER. I am trying to explain to the House by reading the words as they appear in the RECORD and then stating in that connection what the gentleman actually did say, as shown by the stenographer's notes. I can not get along without that latitude.

Now, I submit that that sentence to which I have referred was changed in the RECORD. As first stated by the gentleman it was "dozen pages." He inserted an "s" and made it "dozens of pages." [Laughter.] Not satisfied with the grossly unfounded charge that I had put a dozen pages in, he goes and puts an "s" to it, so that it reads "dozens of pages." [Laughter and applause.]

Now, Mr. Speaker, is it not a matter of privilege for a member who is charged falsely by anyone to make a correction——

Mr. DINGLEY. Mr. Speaker, I am compelled to call the gentleman from Alabama to order.

The SPEAKER. The gentleman from Alabama will resume his seat.

Mr. WHEELER. Certainly.

The SPEAKER. The Chair will hear the gentleman from Maine.

Mr. DINGLEY. I wish to say that the gentleman is discussing what took place at some other time, and has no reference to the resolution now before the House. The resolution before the House is to strike from the RECORD what is alleged to have been printed that was not uttered by the gentleman from New York on yesterday. If the gentleman desires to point out the specific thing or language uttered or inserted in the RECORD, the House may be detained for the purpose of considering it, but I insist that the House can not be and should not be detained by totally irrelevant matters.

The SPEAKER. The Chair thinks the point of order is well taken.

Mr. RICHARDSON. I move that the gentleman from Alabama be permitted to proceed in order.

The motion was agreed to.

Mr. WHEELER. Mr. Speaker, I was endeavoring to express my criticism of that part of the RECORD which appears this morning as to the insertion of the letter "s" after "dozen." [Laughter and applause.] That word was not used and does not appear in the stenographer's notes, and then, again, it is a very serious violation of the rules of the House for one member to make an unfounded statement which is derogatory to another——

The SPEAKER. The Chair thinks the gentleman from Alabama should confine himself to the question and proceed in order.

Mr. WHEELER. Is it not in order, if a member has been——

The SPEAKER (continuing). The Chair hopes the gentleman will proceed in order. He knows what is in order.

Mr. WHEELER. I have written it out in such a way that I thought was in order. [Laughter.]

A MEMBER. Better abandon your manuscript. [Laughter.]

Mr. WHEELER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHEELER. Is it not in order when one member of this House interpolates into the RECORD certain statements regarding another which are not true that he can have the right to rise on the floor and politely and courteously state the facts and refute the untrue statements?

The SPEAKER. The Chair, in reply to the interrogatory, will state that under the present proceedings it is not.

Mr. WHEELER. Well, then, I will amend the resolution so as to make it in order and bring it within the rules as prescribed by the Chair.

The SPEAKER. The Chair wants to call the attention of the gentleman from Alabama to the fact that he has risen to a question which suspends the business of the House, that the public business stops until this matter is disposed of, and therefore he should confine himself to points strictly in order with reference to the resolution, which is that certain things shall be stricken out of the RECORD. It is not to fight the battle over again which occurred yesterday or at any other time, but it is to dispose of the question whether certain words should be stricken out, and the Chair hopes that the gentleman from Alabama will remember what the situation is.

Mr. WHEELER. Mr. Speaker, I fully appreciate what the Speaker has said about the importance of time, and I ask unanimous consent to proceed for five minutes, and then I will occupy no further time.

Mr. HENDERSON. You mean on yesterday's performance?

Mr. WHEELER. I want to proceed for five minutes without these constant interruptions.

Mr. PAYNE. Mr. Speaker, I hope there will not be any objection to that.

The SPEAKER. The gentleman from Alabama [Mr. WHEELER] asks permission to proceed for five minutes. Is there objection?

Mr. BREWSTER. I object.

Mr. PAYNE. If the gentleman is compelled to proceed in order he will not have anything to say, because he can not criticise——

The SPEAKER. The gentleman from New York is not in order.

Mr. BREWSTER. If the gentleman's request is limited to five minutes, I will withdraw the objection.

The SPEAKER. Objection is withdrawn. Is there further objection? [After a pause.] The Chair hears none. The gentleman will proceed for five minutes.

Mr. WHEELER. I do not think the gentleman from New York, on cool reflection, would be willing to allow the statement that he made regarding myself to remain in the RECORD. It is utterly unwarranted and without foundation.

The other occasion to which the gentleman must refer was when the gentleman from Maine [Mr. BOUTELLE] criticised a slight change that I made, which only involved a change of twelve words, and that change was made in order to make my statement accurate, and the gentleman from Maine immediately made changes in his own remarks and violated the very rule that he had invoked. Again, in the last Congress a question was brought up, complaining of my extending my remarks, which involved an extension of about two pages. The other occasion where a motion was made to strike out, which did not carry, was where I made a speech in the Forty-seventh or Forty-ninth Congress, and Mr. Kelley of Pennsylvania moved to strike my speech out of the RECORD because it did not suit him [laughter], and it will be remembered that the House would not do it. It is there yet. Those were the only complaints that I can recall that were ever made against myself, and it shows that the gentleman's statement is utterly groundless and without foundation; his first statement, "dozen pages," was utterly unwarranted, and when changed to "dozens of pages" it was astoundingly so.

Now, Mr. Speaker, with the rarest exceptions I am indebted to my Republican brethren on that side of the House for most gratifying courtesy to me, a courtesy which has always been most highly appreciated and valued by myself, and the reason why I confine my remarks and criticism to the speech of the gentleman from New York [Mr. PAYNE] is that I felt that I had reasons to expect more consideration from a fellow committee member with whom I had enjoyed a long and always pleasant service.

Now, the figures which the Republican majority struck out of my speech yesterday were illustrative of a criticism on my part of

what I regarded as improper appropriations, a character of appropriations which I would criticise with equal readiness whether made by party friends or party foes.

Every man in this House knows that while I have been a member of this body I have been one of the foremost advocates of liberal appropriations for proper subjects—carrying on the Government, improving our harbors, improving our rivers. What I oppose and criticise is what are called jobs. It cost no more during the Republican Fifty-first Congress for the legitimate expenses of the Government than it did during the preceding Democratic Congresses, but the jobs thrown in were what caused the extra appropriation. That is what I sought to criticise. That is what seemed to hurt the gentleman who moved to strike out those tables.

Now, Mr. Speaker, with regard to confining the RECORD to what the stenographers write down in their notes: They are most remarkably accurate; so universally and remarkably correct as to elicit our wonder and admiration; but how often have we heard members rise and say, "There is so much tumult in the Hall I can not hear what a man says 2 feet from me." That being the case, how can the stenographers at that desk hear what is said in that noise and tumult? And when I made that speech the other day gentlemen will remember the noise and excitement that there was in this Hall, and that gentlemen filled up the aisle and the space in front of the Clerk's desk so that the stenographers could not possibly have heard all that was said, and yet the resolution adopted yesterday, if insisted upon, would confine the RECORD to what the stenographers succeeded in hearing and omitting all that was said that they did not happen to hear. Now, I wish to say, in closing——

The SPEAKER. The gentleman's time has expired. The question is on agreeing to the resolution.

Mr. WHEELER. I withdraw the resolution.

Mr. COOKE of Illinois. I call for the regular order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to bills and a joint resolution of the following titles:

A bill (S. 2642) to provide for the safety of passengers on excursion steamers;

A bill (S. 730) granting an increase of pension to Mrs. Helen Morrell Carroll; and

Joint resolution (S. R. 15) authorizing the Secretary of the Navy to donate to the Mountain View Cemetery Association, at Oakland, Cal., certain cannon, etc.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Resolved by the Senate (the House of Representatives concurring), That the Committees on Enrolled Bills of the two Houses be authorized to correct the enrolled bill of the Senate (S. 2488) entitled "An act to amend an act entitled 'An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes,'" by striking out the word "nine," in line two of said enrolled bill, and inserting "eight."

The message also announced that the Senate had passed without amendment the bill (H. R. 5105) to abolish days of grace on promissory notes, drafts, etc., in the District of Columbia.

RETURN OF BILL TO SENATE.

The SPEAKER. The Chair will lay before the House a resolution with reference to the business of the House.

Resolved, That the Senate be requested to return to the House its resolution notifying the Senate that the House had agreed to the amendments of the Senate to the bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia.

The SPEAKER. Without objection, the resolution will be agreed to. [After a pause.] The Chair hears none, and it is so ordered.

Mr. COOKE of Illinois. I yield to the gentleman from Washington for a moment.

TWYMAN O. ABBOTT.

Mr. DOOLITTLE. Mr. Speaker, I desire to ask at this time unanimous consent for the consideration in Committee of the Whole of the bill H. R. 7226 on next Friday morning, immediately after the reading of the Journal.

The SPEAKER. The gentleman from Washington asks unanimous consent to consider a bill immediately after the reading of the Journal on Friday.

The bill was read, as follows.

A bill (H. R. 7226) for the relief of Twyman O. Abbott.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Twyman O. Abbott, of Tacoma, State of Washington, his heirs or legal representatives, the sum of $27,748.75, in full and final settlement of his claim for damages sustained by reason of the breach of a certain contract for lease of a building and grounds for post-office purposes.

SEC. 2. That the sum of $27,748.75 is hereby appropriated for the purpose of paying the above claim.

Mr. RICHARDSON. A parliamentary inquiry. Is this a recognition by the Chair or by the gentleman from Illinois?

The SPEAKER. It is a recognition by the Chair.

Mr. DOCKERY. Incidentally.

Mr. DOOLITTLE. Mr. Speaker, I desire to state——

Mr. COX. One inquiry.

Mr. DINGLEY. Before there is any discussion——

The SPEAKER. The gentleman's request is that the bill may be brought up for consideration—substantially made a special order for Friday morning after the reading of the Journal.

Mr. DINGLEY. I think the practice ought not to be adopted of assigning a special bill for a special time. Let the assent be asked at the proper time, and not be made a special order.

The SPEAKER. Objection is made.

Mr. NEILL. I object.

CONTESTED-ELECTION CASE—RINAKER VS. DOWNING.

Mr. COOKE of Illinois. Mr. Speaker, at the conclusion of the session of yesterday I had finished the remarks which I deemed it necessary to make with reference to that branch of this election contest that related to the so-called "assisted voters," and had finished all I had to say with reference to all the other questions in the case except only the questions which arise upon the record growing out of the wrongful issuing of the injunction in the Sixteenth district of the State of Illinois, which prevented the complete opening and recounting of all the ballots which were cast for the parties to this contest at the election of November 6, 1894.

There remains, however, to be considered the injunction, the main question in the case, as I regard it, as the committee regarded it upon both sides, as I believe, and as various members of this House appear to regard it, so far as I am able to judge from private conversations with them. What, then, is the question with reference to the injunction? Briefly stated, that question is this: It was found immediately after the announcement of the result of that election, first, that the plurality in favor of the sitting member was a very small one, only 40 out of a total vote cast in the district of 38,323 votes.

It was found that there had been errors committed here and there throughout the district. It was rumored that to a considerable extent such errors had been discovered here and there, sufficient to overturn the result. Two contests had arisen in two of the counties of the district over local offices, such as treasurer and sheriff. In the course of the contest in those cases it was discovered that the errors which were surmised to exist were actual errors. The contestant in this case gave the usual notice under the statute of the United States that he would contest the certificate of election which had been given in favor of the sitting member [Mr. Downing]. There is no denial that the proper notice was given and that it was given in proper time. There can be no denial but that the statute of the United States gave the right to make the contest. In fact, the United States statute upon the subject is clear and explicit. It is contained in Title II, chapter 8, of the Revised Statutes of the United States, sections 110, 111, and 123 of which provides as follows:

SEC. 110. When any contestant or returned member is desirous of obtaining testimony respecting a contested election he may apply for a subpœna to either of the following officers who may reside within the Congressional district in which the election to be contested was held:

First. Any judge of any court of the United States.

Second. Any chancellor, judge, or justice of a court of record of any State.

Third. Any mayor, recorder, or intendent of any town or city.

Fourth. Any register in bankruptcy or notary public.

SEC. 111. The officer to whom the application authorized by the preceding section is made shall thereupon issue his writ of subpœna, directed to all such witnesses as shall be named to him, requiring their attendance before him, at some time and place named in the subpœna, in order to be examined respecting the contested election.

SEC. 123. The officer shall have the power to require the production of papers; and on the refusal or neglect of any person to produce and deliver up any paper or papers in his possession pertaining to the election, or to produce and deliver up certified or sworn copies of the same in case they may be official papers, such person shall be liable to all the penalties prescribed in section 116. All papers thus produced and all certified or sworn copies of official papers shall be transmitted by the officer, with the testimony of the witnesses, to the Clerk of the House of Representatives.

There, Mr. Speaker, was a clear, explicit, and full authority given under and by virtue of the act of Congress providing for and allowing the ballots and other papers pertaining to the election in the district to be produced before the officer, the notary public, or other person selected under the act of Congress to take the testimony. Immediately upon the notice being given by the contestant that he would proceed under those sections of the statute, the contestee in this case, instead of obeying the authority of the Federal statute, proceeded in the State court, the circuit court of Morgan County, by a bill in chancery, alleging and setting forth in direct terms that the contestant claimed the rights which are guaranteed to him under the sections of the Federal statute which I have read, and setting forth, claiming, and pretending that a

section of the law of the State of Illinois prohibited that from being done. The section of the Illinois law set up in the bill is this:

In all cases of contested election the parties contesting the same shall have the right to have the package of ballots cast at such election opened, and to have all errors of the judges in counting or refusing to count any ballot corrected by the court or body trying such contest; but such ballots shall be opened only in open court, or in open session of such body, and in the presence of the officer having the custody thereof.

Now, such a construction of that section of the Illinois statute was claimed and contended for in the bill for an injunction as would set it in direct opposition to the Federal statute which I have read. I have only to say, Mr. Speaker, that it is the opinion of the majority of the committee that no such construction should be given to the Illinois law, that that statute should be construed to be in harmony with the Federal statute, and that where, under the Federal statute, an officer is given power to proceed with a subpœna duces tecum and to bring in these records and papers, he is a tribunal created by the lawful authority of the United States and clothed with the power to try the contested election to the extent of receiving, recording, and forwarding the evidence to the Congress when it shall convene.

That is the view of the majority of the committee. It commends itself to my mind because it places the statute of my State in harmony with the law of the United States, and does not give to that statute such a construction as would leave upon the statute book of the State of Illinois a law attempting to nullify the Federal law. I believe that is the true construction to make of that statute.

Now, Mr. Speaker, proceeding immediately after this injunction decree had been entered, each one of the different county clerks throughout the district was served with the injunction order; each one of them was made a party to the suit; each one of them was enjoined from producing the ballots, papers, and records pertaining to that election by a strange and peculiar form of order.

Mr. BARHAM. Did the court have jurisdiction to make that order?

Mr. COOKE of Illinois. My opinion is that upon the bill, if it had been demurred to, the demurrer should have been sustained.

Mr. BARHAM. But jurisdiction is never waived for want of a demurrer. That is an elementary proposition. You can not confer jurisdiction by consent. Now, did the court in that case have jurisdiction?

Mr. COOKE of Illinois. Oh, I think the court had jurisdiction, strictly speaking.

Mr. BARHAM. Well, then, is not that judgment or decree an absolute verity?

Mr. COOKE of Illinois. It is to be so taken by the parties to it until reversed by a court of competent appellate jurisdiction; and it is just at that very point that the wrong was done, because no appeal could be taken until the time had expired for taking evidence in this case.

Mr. BARHAM. One question more. Assume that Mr. Downing, the contestee, the seated member, committed any kind of wrong—that he suppressed evidence, for example—will you unseat a member of Congress for any error which he may have committed, and thus deprive the people of their duly elected representative? Whatever error he may have committed, assuming that he committed a most egregious error in getting this injunction, why should the people of that district lose their representative who was in fact elected?

Mr. COOKE of Illinois. I will answer the gentleman in the words of the learned author of Paine on Elections:

SEC. 1009. Under that provision of the Constitution which makes the House of Representatives the judge of the elections, returns, and qualification of its members, the House may adjudicate the question of a right to a seat in either of the four following cases:

(1). In the case of a contest between a contestant and a returned member of the House, instituted in accordance with the provisions of title 2, chapter 8, of the Revised Statutes;

That is the very statute which I have been discussing.

(2). In the case of a protest by an elector of the district concerned.
(3). In the case of a protest by any other person, and
(4). On the motion by a member of the House.

The proceeding in the first of these actions is by the Revised Statutes made a proceeding inter partes, a suit or action in which the contestant is plaintiff and the returned Representative defendant. The management of this suit or action is by law placed in the hands of these parties. They are not only permitted, but required to frame and serve the pleadings which give form to the controversy. They are permitted and required to serve upon each other the notices under which the depositions are taken. They may stipulate to take depositions without notice. In taking the depositions they may appear in person or by agent or attorney. In a word, notwithstanding the controversy involves interests of a public nature, its form and fate are subjected by the law to the control of these parties. Their acts, omissions, diligence, laches, waivers, admissions, and stipulations may under the law always prove decisive of the contest. As between these parties, therefore, the contest provided for in the Revised Statutes is in the strictest sense a suit, an action, a litigated case.

Mr. BARHAM. Right there, will the gentleman permit me? Suppose that Mr. Downing had gone before the notary public and admitted that the contestant was duly elected, would that be conclusive upon Congress?

Mr. COOKE of Illinois. Most decidedly not, under the very authority which I have just read, because the power still resides in Congress to hear the petition of any elector of the district.

Mr. BARHAM. Well, then, does it not follow that any action which Mr. Downing took, by the restraining order or otherwise, does not bind Congress at all and is not a suppression of evidence?

Mr. COOKE of Illinois. If any elector of the district should come here and file a petition it would be the duty of this House and of our committee, if it were referred to us, to act upon the case, as I take it.

Mr. BARTLETT of Georgia. Will it interrupt my colleague on the committee if I should make a suggestion? I do not wish to interrupt his argument if it is at all objectionable to him.

Mr. COOKE of Illinois. As the gentleman knows, I am not in a fit physical condition to speak very long; but I will gladly hear his question.

Mr. BARTLETT of Georgia. Following up the question of the gentleman from California [Mr. BARHAM], I was about to call my colleague's attention to a case decided by this House, the case of Follett *vs.* Delano, which is somewhat in contradiction of the authority just read. I refer to 1 Bartlett on Elections, page 113, where, citing the case of Follett *vs.* Delano, it is stated:

All the electors in the district have a vital interest in the question at issue; and no one of them can be precluded by any laches not his own from insisting that the will of the majority shall be regarded. No confession of the sitting member can place the contestant in the seat, unless he is the choice of the majority, nor deprive that majority of its rightful representation.

I thank my friend for allowing me to read this statement.

Mr. COOKE of Illinois. Mr. Speaker, I prefer the very careful and studied statement given in Paine on Elections to any decision that can be quoted, because that work goes over the entire subject and deals with the different classes of cases in which these controversies may arise and states the law on each class by itself.

Now, Mr. Speaker, as I was about to say, the injunction decree was entered; the injunction order was served on each one of the county clerks in the eight counties of the district. And there the contestant was met by an insuperable objection or difficulty, one which he could not get over, to the opening and counting of the ballots and the production and inspection of these records of the election. It was no fault of the contestant; it was no crime on the part of the contestee. It was, as I claim, a wrongful act, an unlawful act—something prohibited by law which was done by the contestee and which prevented the Federal statute from running and taking effect. It does not involve any moral turpitude; it involves no misdemeanor, no crime, or anything of that nature. It simply involves, as produced against the contestant, a great wrong. It prevented the contestant from having the benefit of a law of Congress, which he was as well entitled to invoke in his favor as the contestee would have been entitled to invoke it in his favor, had he desired to have the ballots opened and inspected in any contest which he might have made, or which might have been made against him.

The subpœnaes were issued by the notary public under the Federal statute to each and every one of the county clerks, requiring them to bring in the books, the papers, the ballots, and all the records pertaining to that election. Each one of the county clerks came forward and replied that he had been enjoined from producing or allowing the ballots to be produced or opened or counted.

Mr. Speaker, speaking with all the sincerity and with all the solemn sense of duty which attended the utterances yesterday of the gentleman from Massachusetts when he spoke of the position in which he found himself in this case, stating substantially that he wished to do no man any wrong, I feel in this case as high a sense of moral responsibility, I trust, as does my friend from Massachusetts. And I say, standing here in my place, that upon a careful examination of these judicial proceedings, this bill, this injunction, these various subpœnas, these various injunction orders, and the returns made by the county clerks in the various counties, and all the proceedings pertaining thereto, I assert upon my responsibility as a lawyer and as a man of fairness and with a just disposition that a very great wrong was done right there. As I have privately said to my friend, Mr. Downing, if it were not for that injunction I would see no way in which to disturb the result in this case.

In friendly conversation I have told him—he knows what I believe on this question—that that injunction produced a very great and serious wrong, and that I am as conscientious, as deliberate, as fair in the expression of my views on this subject as admittedly my friend from Massachusetts is. It is simply a question now, not of fraud, not of crime, not of any intentional wrongdoing. I do not charge it, but it is a simple question as to whether we can in this case give our sanction and approval to a proceeding in a State court which shall attempt to nullify and set at naught the Federal statutes, which are plenary, which are

complete, which cover the subject, which give a certain important right, and which right has been denied.

Not to take up too much time of the House, I will proceed rapidly, Mr. Speaker.

The consequences of evidence being wrongfully suppressed are stated by approved text writers on the law of evidence. There is no mystery about it. We are not without a guide, both of law and precedent, in determining what to do in such a case as this where there has been a wrongful suppression of lawful and legal evidence. We are not without the proper guide as to what the consequences of it should be. Starkie on Evidence, marginal page 846, says:

If, on the supposition that a charge or claim is unfounded, the party against whom it is made has evidence within his reach by which he may repel that which is offered to his prejudice, his omission to do so supplies a strong presumption that the charge or claim is well founded; it would be contrary to every principle of reason, and to all experience of human conduct to form any other conclusion. * * *

(Page 847): Again the maxim of the law is omnia præsumuntur contra spoliatorem.

Greenleaf says, volume 1, section 37:

The presumption of innocence may be overthrown and a presumption of guilt be raised by the misconduct of the party in suppressing or destroying evidence which he ought to produce, or to which the other party is entitled. Thus the spoliation of papers material to show the neutral character of a vessel furnishes a strong presumption, in odium spoliatoris, against the ship's neutrality. A similar presumption is raised against a party who has obtained possession of papers from a witness after the service of subpœna duces tecum upon the latter for their production, which is withheld.

The general rule is omnia præsumuntur contra spoliatorem. His conduct is attributed to his supposed knowledge that the truth would have operated against him. Thus, if some of a series of documents of title are suppressed by the party admitting them to be in his possession, this is evidence that the documents withheld afford inferences unfavorable to the title of the party. Thus, also, where the finder of a lost jewel would not produce it, it was presumed against him that it was of the highest value of its kind. But if the defendant has been guilty of no fraud or improper conduct, and the only evidence against him is of the delivery to him of the plaintiff's goods, of unknown quality, the presumption is that they were goods of the cheapest quality.

Citing 2 Pothier's Obligations (by Evans), Sir Samuel Romilly's argument in Lord Melville's case, 29 Howell's State Trials, 1194, and numerous other cases.

I intended to refer to the point made in the minority report as follows:

Is it just for that reason to deny to Mr. Downing the benefit of the testimony of the ballots which were actually cast for him? Mr. Downing acted upon the advice of counsel, which was confirmed by the decision of the court. If we look beyond Downing to the people who voted for him, how can we justify to them our refusal to ascertain the truth from their ballots simply for the reason that their candidate, in acting upon the advice of counsel, proceeded upon a wrong view of the law?

On this question the law of elections is well settled, as I endeavored to show in reply to the gentleman from California [Mr. BARHAM] a moment ago. Mr. Downing, the contestee, stands in the position of a party litigant. Paine on Elections, section 1009, just read, covers the question entirely, and I need not go into it again.

The elementary rules of evidence amply cover the cases of voluminous documents and records, such as those involved in the evidence furnished by a multitude of ballots or records of returns in an election case. There is no insurmountable difficulty whatever in arriving legally and logically at the result of a mass of ballots brought forward in evidence. There is no mystery about the matter of ascertaining the results from and contents of such legal documents any more than in counting other papers, records, or accounts over which there may be a controversy. The law is well settled as to that class of evidence. I quote from Greenleaf on Evidence, Volume I, sections 82, 91, and 93:

A fourth rule which governs in the production of evidence is that which requires the best evidence of which the case in its nature is susceptible. * * * Its design is to prevent the introduction of any, which, from the nature of the case, supposes that better evidence is in the possession of the party. It is adopted for the prevention of fraud; for when it is apparent that better evidence is withheld it is fair to presume that the party had some sinister motive for not producing it, and that if offered his design would be frustrated. The rule thus becomes essential to the pure administration of justice. * * *

SEC. 91. The rule rejecting secondary evidence is subject to some exceptions; grounded either on public convenience or on the nature of the facts to be proved. * * *

SEC. 93. A further relaxation of the rule has been admitted, where the evidence is the result of voluminous facts, or the inspection of many books and papers, the examination of which could not conveniently take place in court. Thus, if there be one invariable mode in which bills of exchange have been drawn between particular parties, this may be proved by the testimony of a witness conversant with their habit of business, and, speaking generally of the fact, without producing the bills. But if the mode of dealing has not been uniform, the case does not fall within this exception, but is governed by the rule requiring the production of the writings. So, also, a witness who has inspected the accounts of the parties, though he may not give evidence of their particular contents, may be allowed to speak to the general balance, without producing the accounts. And where the question is upon the solvency of a party at a particular time, the general result of an examination of his books and securities may be stated in like manner. (Note 2, Meyer *vs.* Sefton, 2 Stark. R., 274.)

NOTE 2. When books and documents introduced in evidence at the trial are multifarious and voluminous, and of such a character as to render it difficult for the jury to comprehend material facts without schedules containing abstracts thereof, it is within the discretion of the presiding judge to admit such schedules, verified by the testimony of the person by whom they were prepared, allowing the adverse party an opportunity to examine them before the case is submitted to the jury. (Boston and W. R. R. Corp. *vs.* Dana, 1 Gray 83, 104. See also Holbrook *vs.* Jackson, 7 Cushing, 136.)

Starkie on Evidence, marginal page 645, is to the same effect:

Neither is the rule strictly adhered to where a mere negative is to be proved, especially where it results from inspecting documents of a voluminous nature. And although a witness can not give evidence of accounts not produced, he may, it seems, be examined as to the general state of such accounts, or he may give evidence of the general course of trade, as that the practice has been to accept bills in a particular form, according to one invariable course of dealing.

I have read these authorities, Mr. Speaker, for the reason that there seems to be some doubt and obscurity in the minds of some of our friends, not members of the legal profession, as to the mere matter or question of the recount, as though there was something mysterious about the fact of giving evidence of the results of a recount. There is no mystery about it. It is merely the testimony of a witness who swears that he inspected the papers, and who states the numbers of them, with schedules, and the condition in which he found them, the other side having the equal right to put a witness or witnesses on the stand to show the contrary if it can do so.

I might say right here that the best evidence in this case was, of course, the ballots themselves and the original election returns, which were suppressed by the operation of the wrongful injunction, and hence and for that reason only the secondary evidence was admissible. And yet our friends, the minority of the committee, object to the introduction of secondary evidence, because forsooth, it is not the best evidence. Of course it is not. The contestant desired and applied for the best evidence; he proceeded under the Federal statute, which granted him the right to have the best evidence, but it was denied him by the wrongful operation of this injunction, although subpœnas were issued to secure that evidence. Each county clerk when he came in was compelled to make answer that he was under an injunction of the court, preventing him from producing the papers.

I must hasten to a conclusion. The position of the minority of the committee as to a recount of the ballots, shown by the evidence in Macoupin and Cass counties, is substantially that it is quite excusable and to be overlooked that the best evidence, the ballots, was suppressed by the injunction; and when the secondary evidence of the contents of the ballots is offered, that secondary evidence, though the best attainable, is objected to because it is not the best evidence, the evidence which was suppressed by the injunction.

Now, I need not take the time of the House to go into details as to the testimony of Mr. Murphy, Mr. Waggoner, and Mr. Bell as to the details of that recount. It lasted only two or three days. It was a matter of close inspection by Mr. Murphy, sitting at the shoulder of Mr. Waggoner, before whom each of the ballots was opened. Mr. Murphy was selected because of his tried, well-known, and reliable character. Not a breath of suspicion has gone out against him. He sat at the shoulder of Mr. Waggoner with a book in his hand and made the tally as the ballots were opened, and had plenty of time to do so. Mr. Waggoner corroborates his testimony as to the nearness of his position to the ballots and the clear opportunity that he had to make that count. The testimony of Bell has been referred to as indicating that Mr. Murphy was not sitting in such a position as to enable him to make this recount. I have to say that while the minority has quoted somewhat from the testimony of Mr. Bell, it has omitted to quote from Mr. Bell's testimony one statement which he makes, which, in my opinion, shows that he was badly prejudiced and biased in his view of the matter, and that he wished to give his testimony such a turn as to make most strongly against the credibility of Mr. Murphy's count.

I quote from page 507 of the record in this case:

Q. Please state what position Mr. Murphy occupied in keeping that count?
A. I think all the time Mr. Murphy kept the count he sat in the rear of Mr. Waggoner, and I think he sat upon one of those high office stools.
Q. About how far would the ballot be from Mr. Murphy at the time it was read off by Mr. Waggoner—what distance?
A. Well, allowing for the space which must have been occupied by Mr. Waggoner at the end of the table and the location of Mr. Murphy's stool, which must have been about two feet and a half away from the end of the table, and Mr. Murphy was sitting on the edge of that stool.

You see he there placed it at only 2½ feet away. Mr. Waggoner had said that Murphy sat within 1 foot of him, not more than 1 foot away, and this witness is rebutting the testimony of Waggoner. He says, continuing his answer:

No, I will change that. Without unnecessarily crowding, I would say Mr. Murphy's stool would stand about 3 feet or such a matter from the end of the table, and he would be on that high stool above Mr. Waggoner's head, and that would bring Mr. Murphy's eyes 4 or 5 feet from the ballot, and maybe 5 or 6, but it could not have been less than 5 feet, I should think.

Well, how absurd that is, to suppose that an intelligent man, like Mr. Murphy is shown to have been, who was there for the purpose of doing his duty, sat five or six feet away from the ballots when he could easily sit within one foot of Mr. Waggoner, who opened the ballots. I think there has been nothing adduced

to throw the slightest discredit upon the statement made by Mr. Murphy, that he had a full, complete, and ample opportunity to inspect each ballot as it passed before them there, and to make a correct and exact record of it in his book, and he swears to it positively from his book. Mr. Murphy, of course, only had the mere matter of the Congressional vote to inspect. He had no more to inspect than the counters and inspectors there had with reference to the other office which was being contested for.

Now, Mr. Speaker, in conclusion I should like to say that I have postponed until this part of my argument the brief discussion which I desire to make upon the proposition that any State statute or the decision of any State judge construing a State statute can be held to nullify or set at naught or render ineffective a law of the United States, because it is upon that point that the controversy turns, because if the injunction was rightfully entered, no complaint can be made against it, and the secondary evidence which was introduced in this case was illegal, improper, inadmissible, subject to the objections which were made against the same, should not have been considered by the committee, and should not now be considered by the House; and in that case the contestant has no standing here whatever. But, strange to say, this carefully prepared report by the able gentlemen on the opposite side of the question says:

We do not deem it material to the decision of this case to pass upon the merits of this injunction.

Think of that! Not material to pass upon the merits of this injunction. What a strange idea that there is a contestant here seeking a seat upon the floor of this House, relying admittedly upon secondary evidence only, alleging that he had a right to introduce secondary evidence because the best evidence was suppressed by the operation of an illegal injunction, and yet the minority of the committee say they do not regard it as material to pass upon the merits of that injunction. I do not think the injunction has any merits. It is suggested to me that the complainant, who procured the injunction, had the right and the power at any moment from the time he filed the bill down to the time of the meeting of Congress last December to have had the injunction set aside and to have gotten at the ballots and had them counted and to have opened them up and to have allowed them to be inspected, but he never for a moment chose to do so.

This seems to us a late day in the history of the United States for a court in any State, upon any application, to proceed upon a bill or upon a petition or on any form of complaint whatever to erect a State statute into such dignity, power, and conclusive force as that it shall annul a law of the Federal Government. That law is the law of Congress. I have read it in this hearing. It is upon the statute books. It was passed and intended to cover such cases as this; and yet the bill asking for an injunction, and the injunction decree itself, proceeds upon the theory that a State statute of Illinois may be subject to such a construction that a Federal statute as against it shall have no force, operation, or effect. I need not refer to the long history of the struggle for what has been called "State sovereignty"—the right of a State to pass a law in disregard of the provisions of a Federal law. I need not refer to the long controversy over that question, which led, as we all remember, to most unfortunate results when pursued on the field of battle.

I will refer now only to two great authorities upon that subject for the purpose of refreshing the minds of gentlemen who may have forgotten the exact subject. The exact point to which I refer is decided in Tarble's Case, 13 Wallace, United States Supreme Court Reports, page 400. There the following language is used:

The Constitution—

Said Mr. Chief Justice Taney—

was not framed merely to guard the State against danger from abroad, but chiefly to secure union and harmony at home; and to accomplish this end it was deemed necessary when the Constitution was framed that many of the rights of sovereignty which the States possess should be ceded to the General Government and that in the sphere of action assigned to it it should be supreme and strong enough to execute its own laws by its own tribunals without interruption from a State or from State authorities. The two governments in each State stand in their respective spheres of action in the same independent relation to each other, except in one particular, that they would if their authority embraced distinct territory. That particular consists in the supremacy of the authority of the United States when any conflict arises between the two governments. The Constitution and the laws passed in pursuance of it are declared by the Constitution itself to be the supreme law of the land, and that the judges of every State are bound thereby, anything in the constitution or the laws of any State to the contrary notwithstanding.

I have the full opinion here. I have read from the extract in order to make it briefer. I may, I think, with propriety refer to the celebrated debates by Mr. Webster on this great question. He spoke on State nullification of Federal laws on numerous occasions, some of which are as follows: Speech on the subtreasury, January 31, 1838; speech on "The Constitution not a compact between sovereign States"—a reply to John C. Calhoun, February 16, 1833; speech at Pittsburg, Pa., July 8, 1833; speech at Worcester, Mass., October 12, 1832; speech at New York City, March 10, 1831; speech in reply to Hayne, January 26, 1830.

I will read briefly from the latter speech. Mr. Webster said:

I understand the gentleman to maintain that, without revolution, without civil commotion, without rebellion, a remedy for supposed abuse and transgression of the powers of the General Government lies in a direct appeal to the interference of the State governments.

Mr. Hayne here rose and said: "He did not contend for the mere right of revolution, but for the right of constitutional resistance. What he maintained was, that in case of a plain, palpable violation of the Constitution by the General Government, a State may interpose; and that this interposition is constitutional."

Mr. Webster resumed:

So, sir, I understood the gentleman, and am happy to find that I did not misunderstand him. What he contends for is, that it is constitutional to interrupt the administration of the Constitution itself, in the hands of those who are chosen and sworn to administer it, by the direct interference, in form of law, of the States, in virtue of their sovereign capacity. The inherent right in the people to reform their government I do not deny; and they have another right, and that is to resist unconstitutional laws, without overturning the Government. It is no doctrine of mine that unconstitutional laws bind the people. The question is, Whose prerogative is it to decide on the constitutionality or unconstitutionality of the laws? On that the main debate hinges. The proposition that, in case of a supposed violation of the Constitution by Congress, the States have a constitutional right to interfere and annul the law of Congress, is the proposition of the gentleman. I do not admit it. If the gentleman had intended no more than to assert the right of revolution for justifiable cause, he would have said only what all agree to. But I can not conceive that there can be a middle course between submission to the laws, when regularly pronounced constitutional, on the one hand, and open resistance, which is revolution or rebellion, on the other. I say the right of a State to annul a law of Congress can not be maintained but on the ground of the inalienable right of man to resist oppression; that is to say, upon the ground of revolution. I admit that there is an ultimate violent remedy, above the Constitution and in defiance of the Constitution, which may be resorted to when a revolution is justified. But I do not admit that under the Constitution and in conformity with it there is any mode in which a State government, as a member of the Union, can interfere and stop the progress of the General Government by force of her own laws under any circumstances whatever.

Those are the celebrated words of perhaps the greatest exponent of the Constitution of the United States, next, possibly, to John Marshall, that this country has ever produced. His honored remains rest in the State from which my friend hails, and I commend his doctrine to the study of my friend from Massachusetts [Mr. MOODY] who preceded me in this discussion.

Mr. MOODY. I agree to every word of it.

Mr. COOKE of Illinois. I have no doubt of that, but the gentleman does not practice that doctrine.

Now, Mr. Speaker, the gentlemen on the other side, I suppose, are ready to proceed.

Mr. MOODY. I yield fifteen minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, I do not like to disagree with my colleagues upon the floor of this House upon questions involving party policy, but I do not understand that the question in issue is one of party policy. It is true that we have here a contested-election case in which a Republican is making a contest for a seat now occupied by a Democrat, and the Elections Committee on both sides have cleared the way so that there is a single proposition which is conclusive in this case; not conclusive as to the ultimate rights of the parties, but conclusive as to this particular stage of the contest. If the minority is right, the ballots should be recounted before the House acts. If the minority is wrong, the House should take Mr. Murphy's count and let that end the case.

Now, I am not prepared to accept the views of the gentleman from Illinois [Mr. COOKE] who has just taken his seat, that the Illinois statute is in derogation of the Constitution of the United States or of the act of Congress. On the contrary, that statute is a lawful statute, enacted for a proper and laudable purpose, and if it had not been for that statute the very ballots that we desire to count in this case could not have been preserved. We must recollect, Mr. Speaker, first, that there are, I believe, 52 men elected to different offices on that same blanket ballot.

Mr. MOODY. Fifty.

Mr. LACEY. About 50. Now, any one of those candidates might have a contest. One of them did have a contest in Macoupin County. Under the statute of Illinois the candidate for treasurer, or any other candidate, anybody who is named upon the ticket, having a contest, may have the ballots opened and they may be recounted in the presence of the court. After the count is made the court should see that they are sealed up and preserved; preserved in order that any subsequent contest may proceed, notwithstanding the fact that the ballots have been brought into court and examined by the court in one contest. Now, when my friend from Illinois [Mr. COOKE] says that that statute is in derogation of the rights of Congress he certainly does not look at its real purpose. The purpose of that statute is to preserve the rights of General Rinaker, to preserve the rights of Mr. Downing, so that when the treasurer got through with his count the ballots could be reopened and recounted again in the presence of the court. And if Mr. Rinaker on such recount is found to have a majority of those votes, if Mr. Murphy's count is correct and that of the 50 election judges, selected by opposite parties, who were watching each other is wrong, Mr. Rinaker will have the seat.

Now, experience has taught me that in the matter of counting

ballots any man ought to be watched, even in Illinois or any other State of the Union. It makes no difference where such a count is going on, the only safe way is to have some persons on the opposite side, men of intelligence, selected by the respective parties, to see that honesty is observed in the counting of the ballots. Illinois is noted for its honesty. It has a delegation here almost unitedly Republican. I have great confidence in the State of Illinois. I should have been glad if this district had elected General Rinaker; and if he has been elected I shall vote to seat him. But we can not tell whether he has been elected or not until those ballots shall have been recounted, and the statute of Illinois provides a method. In the Fifty-first Congress I had the honor to be a member of the Committee on Elections, and this very question came up before that committee in the case of McGinnis *vs.* Alderson, and I propose to read an extract from the report in that case, showing the view which the committee took of this question.

Mr. HENDERSON. I will ask my colleague to give his attention, if he has not already done so, to the question whether the contestant had the power, notwithstanding the injunction, to have those ballots counted.

Mr. LACEY. He has the power now.

Mr. HENDERSON. Has that question been discussed by you?

Mr. LACEY. I am going to talk about it presently. He has never lost that power. The ballots are still in existence. They were sealed up in the presence of the lawyers on both sides after the treasurer's contest, and in the presence of the election officers, sealed up and put in a trunk, the trunk sealed, and the key put in a sealed envelope, which is in the county clerk's safe, in the custody of a good, honest Republican official.

Mr. HENDERSON. Conceding all that, how could the contestant have reached that count?

Mr. LACEY. I am going to tell you; but in the first place, when I was interrupted by my colleague I was about to make a quotation from the case of McGinnis *vs.* Alderson. In that case there was a recount, under the laws of West Virginia, for the office of governor, as there was in this case in Illinois for the office of treasurer, and there was a recount for the office of Congressman, just as a recount is sought here. I was directed by the majority of the Committee on Elections, a Republican committee, on which were some strong lawyers, Mr. Rowell, of Illinois, was the chairman—I was directed by that committee to prepare a report, from which I will read an extract to show the position that the committee took then as to the effect of State laws upon recounts:

In the West Virginia election cases in the present Congress, and in the famous case in the gubernatorial contest between Fleming and Goff, we have had striking illustrations of the dangers of a recount of the ballots, where a change of a few tickets may affect the result. The law of West Virginia, while it provides for such recount, attempts to throw around the recount such elements of safety as will prevent a fraudulent change of the ballots. Such recount is always viewed with suspicion and is full of danger.

The gentleman from Illinois [Mr. COOKE] says that the statute of Illinois is in derogation of the law of Congress——

Mr. COOKE of Illinois. If the gentleman will permit me, I did not say that the statute was in derogation of the law of Congress. I do not think it is. I think it has been falsely construed to be so, that is all.

Mr. LACEY. Well, I think you have falsely construed it to be in derogation of the United States law, because there is nothing in that statute which interferes at all with an honest count of the ballots cast in the Congressional election. In this report we say further:

The law of West Virginia is as follows:

"They shall, upon the demand of any candidate voted for at such election, open and examine any one or more of the sealed packages of ballots and recount the same; but in such case they shall seal up the same again, along with the original envelope, in another envelope, and the clerk of the county court shall write his name across the place or places where it is sealed, and indorse on the outside: 'Ballots of the election held at ——, the district of ——, and county of ——,'" etc.

The law also provides that the original packages shall be sealed up at the place of voting, as follows:

"When the said certificates are signed, the ballots shall be inclosed by the commissioners in an envelope, which they shall seal up, and write their names across the place or places where it is sealed, and indorse on the outside of the said envelope as follows: 'Ballots of the election held at ——, in the district of ——, and county of ——, the —— day of ——,'" etc.

In order to justify a recount it ought to appear that these requirements have been complied with, or clearly shown that the failure to comply therewith has resulted in no injury.

Mr. HALL. Will the gentleman yield for one question?

Mr. LACEY. I would like to answer my friend from Illinois, but I will yield to the gentleman for a moment. My time is very short.

Mr. HALL. A question has been asked in regard to the recounting of those ballots. I wish to ask this question, which seems to me directly in point: Is it not the fact that if the majority report be adopted, those ballots never can be and never will be recounted? If the minority report is adopted, it simply allows those ballots to be recounted.

Mr. LACEY. By adopting the report of the minority, the case is not ended at all. We are called upon by the majority of the committee to accept the count of Mr. Murphy and seat General Rinaker. I hope the recount, if had, may seat him, because he is of my political party and I am in sympathy with him; he is an honorable gentleman, once, I believe, a distinguished member of this House, and I should be glad to see him occupy the seat. But I do not want to seat him upon the statement of Mr. Murphy as to these ballots when the ballots are where we can see them for ourselves; where the Committee on Elections can see them for themselves.

When I was interrupted I was reading from the report in the McGinnis case, in which the committee goes on further to say that "in order to justify a recount it ought to appear that these requirements," that is, the requirements of the West Virginia statute, "have been complied with or clearly shown that the failure to comply therewith resulted in no injury."

We found in that case that the ballots had not been properly cared for; that the requirements of the West Virginia statutes had not been complied with. In behalf of the Republican in that contest, I said there should be no recount; and I based my position on the statute of West Virginia. Now, under the statute of Illinois, I say there should be a recount. The statute provides for it. The ballots have been preserved. We have a Committee on Elections appointed expressly to investigate matters of this kind and with ample power under the Constitution to recount these ballots.

Let me call the attention of my friend from Illinois to a further fact. He mistakes when he assumes that the notary had power to make a recount. No such power is given under the Federal statute. No such power has ever been given under Federal statute to recount the ballots. That being conceded, we must get our power from the Constitution; and the Constitution gives the House power to determine the elections and qualifications of its own members; and the ballots being in existence, we have the power to make the law in this case and to recount those ballots.

Mr. HOPKINS. Does not the gentleman know that in the last Congress it was decided that the ballots were a part of the papers in the case, and that the notary had the power to recount?

Mr. LACEY. Yes; but you and I voted against that report.

Mr. HOPKINS. Not against that part of it. That part was approved by the honest men of the House.

Mr. LACEY. In the last Congress we saw Charles F. Joy turned out of his seat in disregard of the rights of the parties.

Mr. HOPKINS. I am not speaking of the Joy case.

Mr. LACEY. I am not asking that this House shall now decide the Rinaker case. I am simply asking that we should not shut our eyes to the evidence; that we should not refuse to look at the evidence as it now exists and shelter ourselves behind an injunction, and say that because this contestee unlawfully sued out an injunction (if he did do so) that he shall be deprived of his seat. It will not do to say that because he did a foolish thing that you are going to unseat him. If we undertake to unseat every man in Congress who does some foolish thing, think how hard it will be to maintain a quorum in this House.

Mr. COLSON. I wish to ask the gentleman whether the custody of those ballots since the original count has been such as to preclude the possibility of change?

Mr. LACEY. It is so stipulated in the record.

Mr. HOPKINS. Oh, no; I take issue squarely with the gentleman. There is no such stipulation.

Mr. LACEY. I am following the report of the committee, and the report so states.

Mr. MOODY. If the gentleman from Iowa [Mr. LACEY] will allow me, I can answer that question so that there will be no mistake about it. When this contest was proceeding a stipulation was made by the sitting member, at the request of Mr. Rinaker, that the ballots were then in the condition that they reached the various county clerks, in the condition in which they left the hands of the election officers. The testimony then affirmatively showed that they remained in the hands of the county clerks down to the time of the recount. The testimony further showed affirmatively that after the ballots were recounted in the presence of the county court they were restrung under the direction of the judge of the county court——

Mr. LACEY. In accordance with the statute of Illinois.

Mr. MOODY. In accordance with the statute of Illinois, and were sealed up in a trunk; the trunk was locked; the key was sealed up, and put into a safe; and yesterday there was read on the floor of this House certificates of the clerks that when the record closed those ballots were in that condition.

Mr. LACEY. Those ballots are now in the hands of those county clerks——

Mr. HOPKINS rose.

Mr. LACEY. I decline to yield until I have had an opportunity to finish my statement.

Mr. HOPKINS. I should like to answer the statement of the gentleman from Massachusetts [Mr. MOODY].

Mr. LACEY. I decline to yield for that purpose. The gentleman can make the answer in his own time.

Now, Mr. Speaker, if it is true that the ballots have not been

properly preserved, if it be true that the Republican official who has them locked up in his sworn custody there has not taken proper care of them, that is a matter which the Committee on Elections can ascertain, and if it be so determined they can decline to count them. But it is sought now to accept the count of these ballots by the statement of Mr. Murphy. The count was going on between two candidates for treasurer, and the record shows that when they got through with the recount it made only a difference of either two or three votes.

The SPEAKER pro tempore (Mr. SHERMAN). The time of the gentleman has expired.

Mr. LACEY. I would like to have a few minutes' additional time.

Mr. MOODY. I yield ten minutes longer to the gentleman from Iowa.

Mr. LACEY. The evidence shows, I was proceeding to say, Mr. Speaker, that these ballots have been properly kept. If they have not been, of course they would not be counted.

Now, it is contended that the suing out of the injunction compels us to take the count made by Murphy. Suppose he did make a count. Are we to take his count against the count of 50 honest election officers of the State of Illinois? Why, I am surprises that my friend from Illinois has so little confidence in the officials of his own State as to be willing to impeach the count made by 50 officials of the State and take in preference to their count that of one man——

Mr. HOPKINS. If the gentleman refers to me, I want to say that he entirely misapprehends my position.

Mr. LACEY. I must decline to yield to the gentleman. You will have your own opportunity to explain.

I will only say that this reminds me of an occasion where a client of mine found some thirty or forty witnesses testifying against him, and he told me he knew how to get around them. I asked him how. And he said, "Why, I will go on the stand myself and impeach them all." [Laughter.] That is what Mr. Murphy does. He goes on the stand; he impeaches the testimony of 50 officers of the State of Illinois selected under the statute, one as a Republican, one as a Democrat, sitting on opposite sides of the table keeping count, keeping tally on each other, watching each other as closely as men would watch each other in a game of cards to prevent cheating; and the evidence shows that when they got through with that recount it only made a difference of either two or three votes in the total vote for treasurer.

With such a count as that, Mr. Speaker, I ask if it is likely that Murphy is correct in his count and the officials are entirely wrong? Is it not more probable that election officers counted more accurately, counting the ballots in sequence as they did, and with every facility to secure accuracy, rather than that the count of Mr. Murphy was a correct one?

Now, when we concede that Mr. Murphy may possibly be wrong, and it must be remembered that he only counted 25 precincts out of a hundred and sixty-odd, that he only counted 25 precincts out of this county and omitted 11 more, and when we find that the recount made this difference of 39 votes only in the total of nearly 6,000 votes, it seems to me that if the ballots are where we can get at them, that the Committee on Elections can secure them, they have the power to secure them, and that is the proper way to determine the matter by an examination of the ballots themselves. Mr. Rinaker had power to appear in the injunction case and ask to intervene and by intervening motion move to dissolve the injunction or to be allowed to complete the count in the presence of the court issuing the injunction, as he had a right to do under the law of the State of Illinois.

But, now, suppose the statute of Illinois had not been in force. The count made by the two treasurers in their contest would have left their ballots in inextricable confusion, so that they would have been unreliable for a recount; and, further, the controversy between Mr. Rinaker and Mr. Downing could not have been fairly tried; the ballots would have been counted by some Democratic notary public, for it was a Democratic contest, and he would have to be trusted with the care of them for that purpose. I can not help recalling a remark Mr. Mason, of Illinois, made about the Democrats, that he would be perfectly willing to have a Democrat administer his estate, to have a Democrat act as guardian for his children, but he would not trust a Democrat up a dark alley with a ballot box. [Laughter.]

Mr. CANNON. Or with issuing an injunction, either, to suppress evidence.

Mr. LACEY. Well, this injunction was sued out under the law of the State and in conformity with the statutes of Illinois. It provided that the ballots when opened should be counted and preserved and again sealed up. That was the substance of it, and the evidence is still in existence. This contestee is charged with suppression of testimony in the case. What is the testimony? It is the ballots themselves, not the examination of witnesses before a notary public. That notary was not an officer like a master in chancery to state an account between a Democrat and Republican, with power to send for persons and papers, administer oaths, and cross-examine witnesses. All he could do was to issue subpœna papers, and there was no Federal statute authorizing the recount. Hence, if the recount was made it must be under the requirements of the law of Illinois, and it does not strike me that the injunction was illegal and unfair. But the main fact is that the ballots are there now and are still accessible. This committee can send for them. This Congress will probably be in session until the 1st of June. They can have these ballots here inside of a week. They can count them, and then if General Rinaker is elected—as I hope he will be, as I should be glad to have him—he will be elected, not by me, not by my friend from Illinois [Mr. HOPKINS], who does not live in that district, but elected by the people of his district, and they are the ones who are concerned in this matter. But they say that the same principle applies in this case as though he had suppressed testimony, as though he had made way with a bond or an obligation and concealed it.

Now, the principle does not apply here at all, for this reason: Mr. Downing has no more knowledge of the contents of these ballots than has General Rinaker. All he knows is that under the laws of Illinois he has the certificate, and he does not want to give it up, and he sued out an injunction. That injunction delayed the furnishing of the ballots to the House. It did not prevent it. It simply delayed it, and they can be furnished, and this House, with its 140 Republican majority, can not afford to be unfair about this. Let us send for the ballots, bring them before the Committee on Elections, let them be counted, and then we will determine whether the Republicans, Democrats, and Populists constituting the election board made a mistake or whether Mr. Murphy made a mistake. One or the other made a mistake. I am not prepared to overturn 50 men with one, and that one with a hop-skip-and-jump count like this. Mr. Murphy did not understand that he was making an official count. At that time no injunction had been sued out. He did not know his testimony would be taken. He was simply checking off to see whether it was worth while to have a recount. That is all.

I am not here to advocate the good faith of Mr. Downing in suing out the injunction. I care nothing about it. I think, perhaps, the proper thing for him to have done would have been to have stipulated with General Rinaker, and made some provision for a recount. But that is not the question. The question is whether the ballots are still there; whether the evidence has been suppressed; and this committee says it has not been suppressed; that the ballots are there. The action which Mr. Downing took prevented a Republican notary public from counting the ballots, or certifying the result of a count in his presence, and that, too, when there is no statute authorizing such a recount in the presence of any Federal official under the act of Congress.

But, Mr. Speaker, this whole debate has proceeded upon the theory that the act of Congress authorized a recount before a notary public. I ask my friends upon the other side—and I do not like to speak about Republicans as being on the other side, because I am on their side—I ask those gentlemen who disagree with me upon the question of the law to point out any Federal statute which authorizes a notary public chosen by the contestant to make a recount. There is a law authorizing him to summon persons and papers, but sealed ballots are not papers within the meaning of that law. Ordinarily, under the laws of most of the States, the ballots are destroyed immediately after the count. They are only preserved in some few of the States. They are preserved under the Australian ballot law of the State of Illinois, and no doubt have been carefully and properly preserved. No man here has raised his voice to impeach the honesty and integrity of the officers and the manner of keeping those ballots.

Mr. HOPKINS. Will the gentleman from Iowa yield?

Mr. LACEY. Yes.

Mr. HOPKINS. If I understood the gentleman from Iowa correctly, he says that a notary public could not require the counting of those ballots. A notary public under the Federal law would have the same power and the same authority that a Federal judge would have. Now, I ask the gentleman if it is not in accordance with the spirit and the letter of that law that a Federal judge or a notary public, as the case may be, would have the power to issue a subpœna duces tecum——

Mr. LACEY. I think not.

Mr. HOPKINS. Wait until I get through. I ask the gentleman whether a Federal judge or a notary public would not have the power to issue a subpœna duces tecum to the county clerk and compel him to produce the ballot and then make him swear how many ballots were cast for General Rinaker, and how many for the sitting member, as shown by the ballots themselves?

Mr. LACEY. There is no such provision in the law.

Mr. HOPKINS. Oh, yes; there is.

Mr. LACEY. When you come to speak to the House, I ask you to read the provision of the law. There is a provision for summoning persons. There is authority for the issuing of a subpœna duces tecum to bring in papers, and that is all. When the papers

are produced the notary public has no authority to count them. He should not have. It would not be safe to intrust a partisan notary, with nobody on the other side to watch him, to make this count.

[Here the hammer fell.]

Mr. COOKE of Illinois. I yield to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I have no desire to participate in this debate except for the reason that reference was made by a gentleman in the discussion yesterday, as I understood him, to the necessary action of certain members of this House because of their action upon the case of English against Peelle. As I understood, it was stated yesterday that that case furnished a precedent for this case, and that those gentlemen who voted against the unseating of Peelle would necessarily have to vote against the seating of the contestant in this case.

The reference of the minority of this committee to that case was an unfortunate one. There is nothing similar in the cases. In that case it was sought by a secret arrangement to secure one of a board of three gentlemen who were by the court ordered to recount the votes in the case of the contest in the canvass for sheriff, one gentleman being authorized by the father of the contestant secretly to count the votes cast for Congressman. During the first day 9 precincts were counted. He says that during that count he found that errors amounting to 99 were made in the canvass for Representative. On the morning of the second day it was found that this gentleman was engaged in that recount. Then another of the commissioners associated himself with this gentleman, Brown, and together they counted the other twenty-five or twenty-six precincts. They found that in the recount, when both were counting together, that the vote of Peelle was increased 127 instead of being decreased, as this gentleman had said was the case with reference to the other 9 precincts. This man Brown then said that there was nothing in the recount for English; that he would so advise Mr. English; that he was satisfied that the vote of that county was favorable to the contention of Peelle. But later he went upon the stand and testified that he had discovered errors to the number of 99 in the first 9 precincts. The question determined by the minority of the committee in that case then was of the credibility of this witness Brown, not one of competency. There is not a word in that report, sir, that you can find as to the competency of the proof; but it all turned on the credibility of the witness, and the minority of the committee believed that he had lied.

Mr. MOODY. Will the gentleman permit me? Mr. Speaker, the gentleman seems to misapprehend what I said and I desire now to correct him. I said yesterday that no question of competency of testimony of Brown was involved in the case of English against Peelle, but I said the minority of the committee, the Republican members of the committee, refused to accept the testimony of Brown against the official count.

Mr. HEPBURN. They refused to accept the testimony of Brown because they believed him to be utterly unworthy of belief, because he had made statements out of court contradicting those he had made in court, because he was an impeached witness. That was it, sir; and it is not a precedent for this case.

Mr. MOODY. Will the gentleman again permit me?

Mr. HEPBURN. Again, Mr. Speaker, it is unlike this case in another respect. It differs from that case as to what would be secondary evidence, because there the ballots existed; the ballots were accessible; the ballots could have been resorted to. No injunction existed there. There had been no suppression of proof in that case.

Why, Mr. Speaker, gentlemen are disturbed in this case because they say the proofs here relied upon are incompetent and are secondary. Is that true? What is the rule? The rule requires the production of the best testimony of which the case is susceptible; and that is all. The best attainable; that is all. The deed would be the best evidence of its recitals. Destroy the deed, and a properly certified copy is the best evidence attainable of which the case is susceptible then. Destroy the copy, and then the oral declarations of witnesses as to what the recitals were is the best evidence of which the case is susceptible. Here in this case there was better evidence at one time, that of the ballots. That is put entirely beyond the reach of the contestant in the case by the act of the contestee. He did it. He makes it impossible to get that evidence, and all the environments of the case show that it was done with evil purpose.

What is the experience of lawyers on this floor? I expect some of them at least have at times been willing that competent evidence might not be introduced against their side of a contention, but why were they solicitous? Because they knew harmful results would follow its production. No man seeks to exclude testimony that he knows to be competent, no honest man, except when he knows that it is going to be hurtful to the issue that he is trying to support. This man, after he became satisfied that those proofs were perilous, invoked the aid of an injunction. Look at the reasons given by him—flimsy—not one worthy a moment's consideration. He fears that there will be "a pretended count." Why, Mr. Speaker, the man who conducts that count is for that purpose a court, charged with all the responsibilities that the oath he has taken and the duties prescribed to him by statute can impose—a court to which this contestee had access by himself, by his counsel, by his friends. He states that he feared a "pretended count." Why, Mr. Speaker, it could not be a "pretended count." It is a count to which he is a party; it is a count in his (the contestee's) litigation; it is a count in his presence; it is a count conducted and aided by his attorney and under the sanction of statutes. I think we have a right to look at all these environments, to look at all these reasons assigned.

But, again, he says that his object is to preserve the sanctity of these ballots so that later on they can be used, perhaps. Why, Mr. Speaker, in the case of two of the counties, prior to this oath of his, attached to the petition for the injunction, that sanctity had been destroyed (if it can be) by the handling of the ballots by profane hands. Yet these are the very ballots in issue. These are the ballots to which suspicion attaches. These are the ballots now in controversy.

[Here the hammer fell.]

Mr. COOKE of Illinois. I yield the gentleman such additional time as he may desire.

Mr. HEPBURN. I want only a few minutes more.

Mr. Speaker, this testimony that we have now before this committee is the very best of which the case was susceptible when the record closed. Mark the date provided as the time to which this injunction should extend—March 4, 1895. Why was that? Simply because it overlapped the day when proofs might in proper manner be introduced by the contestant.

Mr. MOODY. Those ballots were not to be reopened and recounted except by order of some court of record of the United States or the State of Illinois or by the House of Representatives before the 4th of March, 1895.

Mr. HEPBURN. What court, I would ask the gentleman, could have made such an order? What House of Representatives could have made such an order? There was no tribunal in existence to make that order; and therefore the restraining order might just as well have been without limitation of any kind.

Mr. MOODY. If the gentleman asks what tribunal could have made such an order, I answer, this House of Representatives.

Mr. HEPBURN. But it did not convene until December last.

Mr. MOODY. It might legally have met as early as March 4, 1895.

Mr. HEPBURN. Now, Mr. Speaker——

Mr. BRUMM. Will the gentleman from Iowa [Mr. HEPBURN] allow me to ask him a question? I should like to know how many votes he claims would have been changed.

Mr. HEPBURN. I am discussing a particular branch of this case——

Mr. BRUMM. I should like to know how many votes would have been changed.

Mr. HEPBURN. Thirty-nine votes, so far as this matter is concerned.

Mr. BRUMM. And would that have been enough to change the result?

Mr. HEPBURN. I am only discussing this phase of the case.

Mr. BRUMM. Would that many votes have been enough to change the result?

Several MEMBERS. Yes.

Mr. HEPBURN. Gentlemen around me say "yes."

Mr. MOODY. Not enough to change the result, without deciding some other questions in favor of the contestant.

Mr. HEPBURN. If the resolution of the minority prevails, we then allow the contestee in this case to take advantage of his own wrong. We allow him to draw his salary up to the convening of the next session of Congress. We are paying him a reward of three or four thousand dollars for a wrong which, in my judgment, he has committed, in the suppression of proof in this case, a suppression which was without warrant, without reason, without justice, without excuse. No gentleman on the other side can give a valid reason why the contestee should have resorted to that injunction. I have wondered why some of these gentlemen who get so warm in defense of the minority have not said something to justify this man in attempting to impede the orderly and proper investigation of the case under the laws of Congress. What was the reason, gentlemen? Will not some of you state it? Will not somebody tell us why it was that the ordinary course of proceeding under the law was not allowed to be pursued? Why was the injunction necessary? Will not some apologist for the contestee tell us?

Mr. HULICK. Will the gentleman allow me a single remark? As a juror in this case, I should like to have that question answered. There is a stumbling block in my mind. If that question can be answered satisfactorily, it will have a very great bearing on my mind, and possibly the minds of others.

Mr. HEPBURN. I have been trying to persuade some gentleman to tell me the reason.

Mr. HULICK. Will not the gentleman suspend his remarks for a moment and let some one satisfactorily answer that question?

Mr. HEPBURN. Do you want me to "pause for a reply"? I will do so. [Laughter.]

Mr. HOPKINS. Let the gentleman from Massachusetts [Mr. MOODY] answer.

Mr. MOODY. I did not hear the question.

Mr. HEPBURN. I want some gentleman to give a reason why the contestee in this case interrupted the orderly procedure of the contest, as prescribed by the Federal law, by a resort to the process of injunction. Why did he do it?

Mr. MOODY. In the first place, I say he did not do it; and in the second place, if he did, the reasons are given in the petition which appears in the record accompanying the case.

Mr. GROUT. What are the reasons?

Mr. HEPBURN. I will read them.

Mr. MOODY. I hope the gentleman will read them all.

Mr. HEPBURN. I will.

And your orator says he has reason to believe and does believe, and so charges, that if such demand is made by said Rinaker said officers will comply therewith and issue his subpœna as aforesaid, and that said county clerks of the county courts of said counties will comply with and obey said subpœna and produce before such officer the said ballots so voted in said county, and that the same will be opened and a pretended recount thereof had.

Your orator says that in case said ballots are taken and opened and a pretended recount of the same be made the same will be in violation of the provision of the statutes of the State of Illinois, and will result in great and irreparable injury to him, in this, that said ballots are the evidence of his election, and if the same be so taken and opened as demanded they will lose their efficacy and virtue as legal evidence of his election, because the said ballots can not legally be opened and recounted except in open court or in open session of the body authorized by law to try said contest.

That is the reason he gives. Now, remember that all of the pleadings had been filed to constitute an issue; remember that the notary public or judge of the Federal court or officer selected was the officer of this body to take these proofs. That officer was acting under the solemnity of an oath, under the obligation of an oath, and for all the purposes of this count he was a court in open session, and he was proceeding to take the testimony in the case, all the parties present. The proofs that were adduced there favorable to the contestee would be favorable to him here; the report made by that officer; the testimony reported here by him would have its effect beneficial to the contestee, if such it necessarily was, no matter who took it. Remember that but forty days were allowed the contestant in the production of his proof. Remember that if the ballots did constitute the contestee's title to the seat it would be brought out in the investigation; it would be preserved in proper form and brought before the court of last resort—the House of Representatives. Who believes in that excuse? Who believes but that this man was trying to prevent the production of testimony until after the forty days expired. An evil purpose—the suppression of proofs—and the criminality comes in when you remember they had to take oath in order to secure his injunction to suppress the testimony, that he had to invoke the aid of the court, that he had to prostitute the means and methods of justice in accomplishing this unholy suppression. And yet it is in the interest of a man that so depicts himself, that assumes that character, that gentlemen are here shedding crocodile tears, and are so fearful that some injustice may come to him when at this time he changes front because the time has expired when it is no longer possible for him to suppress the testimony in the case.

Mr. Speaker, I believe that the report of the majority of the committee ought to be sustained. I believe that this contestant ought to have his seat. I do not believe that the contestee ought longer to be permitted to play with the law and play with the courts and play with this House in order that he may draw his salary at the end of this Congress. [Prolonged applause.]

Mr. COOKE of Illinois. I now yield to the gentleman from Illinois [Mr. CONNOLLY] twenty minutes, or so much time as he may desire.

Mr. CONNOLLY. Mr. Speaker, I wish that this contested-election case was not pending before this House. Both these gentlemen, the contestant and the contestee, are my personal friends. Each one of them lives in a county adjoining the one in which I live. I practice law in the courts of their county; I know their people; I know these men, their character; they are my neighbors at home, and I would most gladly avoid taking any part in the controversy between these two gentlemen.

When I found that this contest was bound to come up here I made up my mind that I would cast no vote and take no part in it until I had carefully read every word of the evidence given by every witness, both for the contestant and contestee. I have done so; every word of it. And I am now ready to cast my vote, which-ever way it must be cast, against a personal friend. It is not a pleasant duty. I do not voluntarily seek this opportunity on the floor to show the reason why I am sure my vote will be right. I have been invited and urged to do it.

Mr. Speaker, it is beyond question that the House of Representatives is the judge of the election and qualifications of its own members. It is without question that the House of Representatives has the right to make rules for the determination of questions as to the election and the eligibility of its members. It may make those rules to-day. It may reverse those rules to-morrow. We are a law unto ourselves within this Chamber, as to our mode of proceeding, to determine whether a man is entitled to a seat in this House or not. But we all recognize that however often we may change these rules we still must always do it in a spirit of fairness to all persons who may be interested in the rule or in its change.

The act passed by Congress is not a rule of the House of Representatives. It is not binding upon this House, I concede; but it is binding upon every man who seeks a seat in this House. General Rinaker was bound by that law that Congress passed. Finis E. Downing was bound by the law that Congress passed. They were bound. This House is not bound. Now, what obligation did that law impose upon General Rinaker and upon Mr. Downing? What obligations were imposed upon General Rinaker by the law, and not only upon him, but upon every citizen who shall contest the right of anyone else to a seat in this House? The law imposed upon him the right that he should, within thirty days after the result of the election was declared, serve a written notice upon the one who had the seat that he claimed, and in that notice advise him of the ground upon which he contested his election. Then, that law which bound Rinaker also bound Downing, within thirty days after that date, to file his answer and to deliver a copy to General Rinaker, making his reply to the charges that Rinaker had made against him. Then that law said to General Rinaker: "Within forty days after Downing serves that answer on you and the issue is made up you must take all your evidence." What would be the result if General Rinaker allowed the forty days to elapse without taking any evidence? His contest would be at an end. He would have failed to do that which the law plainly imposed upon him as a duty. Hence, under the law, he could no further be heard as a contestant in this House.

What further did that law impose upon Downing? After the lapse of Rinaker's forty days, when all his evidence in chief must be in and scrutinized by Downing, Downing must then, within the next forty days, take, on notice to Rinaker, all the evidence he proposes to offer to this House in support of the seat that he holds, and in answer to Rinaker's attack upon his right to that seat. Then what does the law impose upon Rinaker? "In ten days after the expiration of Downing's forty days, you are required to file your evidence in reply to the evidence taken by Downing"; and then not only is the issue made up, but the evidence is all in and the case is prepared for the court of last resort. The record is as complete as is a record from a nisi prius court to the court of appeals, when it is all made up and signed by the judge, and sealed by the clerk and filed in the office of the appellate court. There is the end of making further record in that case. That is the law. We are not bound by it in the House as a House. We can do as we please. We have the power.

> Oh, it is excellent
> To have a giant's strength; but it is tyrannous
> To use it like a giant.

This law, that is put there not only to notify contestants for seats, but to notify the individual voter as well, passed by the Senate and House and approved by the President, should not be ignored by us. We who are here to uphold the majesty of the law should not ignore that law. Remember, then, that Rinaker was bound by the law as written, and so was Downing.

Now, Mr. Speaker, I have been somewhat entertained by the language of the gentleman from Georgia [Mr. BARTLETT] on yesterday, and also by the language of the gentleman from Massachusetts [Mr. MOODY], when they portrayed to this House that here finally was a case in which all men connected with it had acted honestly and fairly—a case in which all the parties had sought to follow the law—and that fraud had never obtruded its hydra head into the record of this case.

Mr. Speaker, I beg leave, from an intimate knowledge of all the surroundings of this case and of the district, to dissent most positively and decidedly from the statement that no fraud has interposed. It may not be a legal fraud, but it is a fraud that honest men regard quite as much as they do legal fraud. It is a moral fraud. It is, by political chicanery and trickery, an attempt, by a new device, to hold a man in his seat in this House for the entire term for which that seat might be held——

Mr. BARTLETT of Georgia. May I ask the gentleman a question? I stated on yesterday, and if I was to be corrected I called on my colleague on the committee [Mr. COOKE of Illinois] to correct me, that there was not a charge in this record, nor was there a sentence of evidence in it, which in any way attacked or impugned the honesty and integrity of the election officials who held this election; and now that that has been contradicted and dissented from, I call upon the gentleman from Illinois [Mr. CONNOLLY] who now has the floor, I call upon any man who is familiar with this record, to name the allegation, to name the witness, or to cite the evidence.

Mr. CONNOLLY. Well, now, if the gentleman had possessed his soul in patience for a few minutes I was coming right to that very thing. I trust he will possess it now, until I get through with it.

Mr. BARTLETT of Georgia. Oh, I am very patient.

Mr. CONNOLLY. That is right; I am glad you are.

Mr. BARTLETT of Georgia. But I will wait a long time before the gentleman makes his assertion good.

Mr. CONNOLLY. Now, Mr. Speaker, I say that there is in this record evidence showing fraudulent chicanery and trickery upon the part of this contestee, upon the part of his advisers, and I say now that this evidence shows that the new scheme hatched and devised, one such as was never exposed in this House before, was hatched and devised in a political party caucus. Now, Mr. Speaker, I will come to that. Let us look at these two contestants. These gentlemen are so much afraid that the people of that magnificent agricultural district shall be deprived of the representative of their choice. Let me call attention to where their hearts were fixed in their choice.

In the first place, the convention that nominated Mr. Finis E. Downing met in the county adjoining my own. It was in session day and night for I do not know how many days, until more than a thousand ballots were taken before the nominee was chosen.

Mr. MILES. Will the gentleman permit me an inquiry?

Mr. CONNOLLY. Why, yes; if it is not for the mere sake of interrupting me.

Mr. MILES. It is not. Is that fact in the record?

Mr. CONNOLLY. No, sir; it is not; but it is before the House now. It is in the circumambient air. [Laughter and applause.] I tell you there are many things that are not in this record; but they are in my mind and knowledge, and I will tell you. I do not propose to let the other side of this House use me as a monkey to pull their chestnuts out of the fire. [Applause.] I am here in this court of last resort.

Mr. BARTLETT of Georgia. May I ask the gentleman a question?

Mr. CONNOLLY. No, sir; I will not submit to any more of this flea-biting. [Laughter and applause.]

Mr. BARTLETT of Georgia. Mr. Speaker——

The SPEAKER pro tempore (Mr. SHERMAN). The gentleman from Illinois declines to yield.

Mr. CONNOLLY. Mr. Speaker, I said there were many things here where we are bound by no law except the law of right, the law of conscience, the law that commands every honest man to bring to his aid in the determination of any question where he is not bound by statute law all the knowledge that he has and all the information he has obtained from every source. I have it; I will use it; I will act upon it. I am justified as an honest man in doing it.

I said here, with reference to the choice of the people of that district, Mr. Downing was nominated after the convention had labored for days and nights, he all the time sitting there with the single vote of his own little county of Cass, while the Congressional timber of the district was being voted for by the great body of the convention, until finally the mountain labored and Mr. Downing was nominated. [Laughter.] They are not without Congressional timber in that district, either Republican or Democratic. The other convention nominated General Rinaker. There were no sessions of days and nights. He stood like Saul among the children of Israel, head and shoulders above all of them; and it was the work of but a moment to select the man upon whom all eyes were turned. There you see the very initiation of this thing. Again, that district has normally between 5,000 and 6,000 Democratic majority. It had never been known to elect a Republican. No Republican was ever able to be heard of in an election in that Congressional district until after that long convention, in which they finally eased themselves off by nominating Mr. Downing.

Now, you talk about the choice of the people of that district. You find first that his own party did not want to nominate Mr. Downing; secondly, after he was nominated, instead of 5,000 or 6,000 majority, that had been common in the district, all they could do, by hook and crook and pencil pointing and ingenious figuring was to count him in by a majority of 40. Do you suppose, then, that the people of that district, the Democrats of that district, are lying awake at nights praying for the success of Mr. Downing in this contest? This history that I have given you, and which is true, indicates that there was no such desire; not by any means.

Now, then, sir, I come to this fraudulent effort, to this political trickery, that has manipulated this case from beginning to end.

The election took place on the 6th day of November, 1894. Under the law, which Rinaker could not escape from, he must give his notice within thirty days after the vote has been declared. He gave notice on the 19th day of December. Mr. Downing filed his answer on the 17th day of January. The same day the answer was filed General Rinaker gave notice to Mr. Downing that he would begin to take the testimony in his case in Calhoun and Jersey counties, fixing the dates. Mark, that was on the 17th day of January.

Now, let me call attention to what the record shows as to the condition of the ballots in that county of Calhoun, which was the first county that Mr. Rinaker's notice stated he proposed to take evidence in. When he subsequently took depositions there in accordance with the notice, the county clerk came on the witness stand and, in reply to questions propounded as to the condition of the ballots, said that there were then in his office two packages, I think, of ballots from two precincts in that county the envelopes of which were not sealed; that the envelopes were open and he did not know who had unsealed them, or whether the ballots in those envelopes were the same ballots that had been returned by the election judges or not. Let me tell you further that on the very night of the election the reporters who were watching the returns sent out a report of the result. They have there, I believe, a telegraph line, but they have no railroad and no ready means of communicating with the outside world. A report was sent out on the night of the election to the Chicago and St. Louis daily newspapers by a gentleman, a Democrat familiar with the politics of the county, that General Rinaker had carried the county by a majority of 26 votes. That is the county where Rinaker, on the very day that Downing served his answer, gave notice that he would begin taking testimony—the county which the first reports stated that he had carried by 26 votes.

Mr. MARSH. What was the official return from that county?

Mr. CONNOLLY. It was forty-eight hours after that before any different report was sent out to the world. Hidden away as they were there in Calhoun County, they were free to do as they pleased; and that county, which was first announced as having been carried by Rinaker, was the county in which two packages of envelopes subsequently turned up open, so that the county clerk could not tell whether they were the ballots that had been cast and had been returned by the judges or other ballots that had been stuffed in there in the interval between the first and the second reports, so as to make the ballots that would be found in the envelope conform to the second report. That was done by somebody in Calhoun County. This gentleman—Mr. Downing—may not have known of it, but he did not devise this plan himself alone, because, while he is a lawyer by admission to the bar, yet by practice he is county clerk and editor of a Democratic newspaper at the county seat, and I do not believe that he devised the trick of the injunction. But does it not appear obviously that the men who did devise it knew something about the condition of things in Calhoun County; knew something about these ballots and how unsafe it would be to have Rinaker go down there and expose those ballots open and show, perhaps, that some of those ballots had not been cast, but had been subsequently stuck into those envelopes, and did not bear the marks of the judges of the precinct in whose envelopes they were found?

At all events, on that 17th day of January, Mr. Rinaker served on Mr. Downing the notice of contest, and within two days after that Downing and his lawyers have devised a plan whereby they will prevent an official examination of those Calhoun County ballots, and they will do it by a new scheme, and will do it before Rinaker can know anything about it. They prepare a bill for an injunction. They do not make Rinaker a party to that bill. Mark you, Rinaker is not in that suit at all. They ignore him, but they include every county clerk in the Congressional district. They apply to the judge at Jacksonville, Judge Epler, who is holding court, but he declines to take part in the scheme. Then they send to a distant county for Judge Lacey. I do not know whether he is any kin to my friend from Iowa who is so voluble in supporting his opinion here or not, but the name is the same. Judge Lacey I know very well. He is a very excellent judge. I have to practice law before him, so I am not going to say anything mean about him here [laughter]; gentlemen will understand that. But in fact there is no occasion to say anything mean about him. He is a good judge and a splendid man, and he is as intense a Democrat as any State ever turned out—clean-cut to the marrowbone. [Laughter.]

Now, I say Judge Epler, who lives in Jacksonville, and who was holding court there at that very time, having declined to have anything to do with the scheme, they sent to the distant county of Mason for Judge Lacey to come to Jacksonville, where the court was in session. Jacksonville is in his circuit. He came, and when Judge Epler had an adjournment of the court, at noon or in the evening, Judge Lacey took the bench and Mr. Downing or his attorney presented the bill setting out the equitable reasons why he claimed that those ballots should not be disturbed. Thereupon Judge Lacey without any difficulty immediately granted an injunction preventing an examination of the ballots. Calhoun County and its open envelopes of ballots from that instant were protected, and the door of inquiry was shut. They succeeded in protecting the men who opened those envelopes in Calhoun County by this infamous injunction—I can not characterize it as anything less.

Now, tell me, is there no evidence in all this of that moral fraud of which I have spoken in the conduct of this gentleman and of his secret advisers? But the gentlemen say, "If he has been guilty of a mistake"—they call it innocently a mistake—"if he has been guilty of a mistake do not punish him or punish the people of the district in consequence of it." Mr. Speaker, it is folly to characterize this as a mistake. The resort to the injunction for the purpose of protecting those ballots from an honest inspection, examination, and recount was for a fraudulent purpose. It was to suppress, to destroy, to make away with the ballots, or to keep them there until their confederates might do what they chose in preparing those ballots for examination, if the day should ever come for such examination. Now, why did he say he wanted those ballots not examined? Here is the act of Congress that says to General Rinaker, "If you want those ballots examined, you must give notice to the men who have them in possession to bring them before your notary and have them there counted, and the result declared by the mouths of witnesses in the presence of Mr. Downing." That is what the law says that Rinaker must do.

Mr. GRAFF. If he had not done that could he ever have had those ballots examined?

Mr. CONNOLLY. As I said before, of course not. The law limited Rinaker to forty days within which to take everything. The oral testimony of witnesses, the examination of the ballots and the tally sheets, and the illegal votes—everything must be done within the forty days. Rinaker was pursuing the law as laid down and as binding upon him. In steps Mr. Downing with this injunction. What was the pretense and excuse for it? Was it honest? I say not. Every candid man who will look at it will say that it is simply a trick and nothing else. Let me read his language. Mark you, he does not make Rinaker a party, but he sets out that he and Rinaker were candidates for Congress; he sets out that he was declared elected; he sets out that Rinaker has given him notice of a contest of his seat. Then he says:

And your orator says he has reason to believe, and does believe, and so charges, that if such demand is made by said Rinaker, said officers will comply therewith.

Of course they would. The law plainly and clearly requires them to do it. He knew they would comply; hence he was safe in swearing to it.

Said officers will comply therewith, and issue the subpœna as aforesaid, and that said county clerks of the courts of said counties will comply with and obey said subpœna and produce before such officer the said ballots so voted in said county, and that the same will be opened and a pretended recount thereof be had.

Do not gentlemen know that for years and years past, in almost every county in the State of Illinois, that very thing has been done? In every contested election case, from a township election up to a legislative election, evidence has been taken before notaries public under the law of Illinois similar to this law of the United States. Ballots have been brought there; their contents examined and stated before witnesses. That is the only way of taking the testimony in the case of legislative contests, just like the contest provided for in this Federal statute.

He goes on further to say:

Your orator says that in case said ballots are taken and opened and a pretended recount of the same be made, the same will be in violation of the provisions of the statutes of the State of Illinois—

It will, eh? What provision, and what provision only, could it be in violation of? That I will show the House in a moment after I get through with what is contained in this bill. He resumes—

and will result in great and irreparable injury to him in this case; that said ballots are the evidence of his election—

He did not rely, then, on the certificate of election. That he already had. That is the evidence required by this House to seat him; but he says here that the ballots are the evidence of his election—

and if the same be so taken and opened as demanded they will lose their efficacy and virtue—

And flavor, he might have added—

as legal evidence of his election, because the said ballots can not be legally opened and recounted—

Now mark this—

except in open court or in open session of the body authorized by law to try said contest.

There is his ground. There, for the first time in the history of election contests, an attempt was made by a cabal of Democratic politicians to put in opposition to the Federal law that provision of the law of Illinois which declares that the ballots can only be opened and counted in the presence of a court or in open session of the body authorized to try the contested election case. There is such a law. The gentleman from Massachusetts [Mr. MOODY] yesterday, when I interpolated into his remarks the suggestion that the injunction did not follow the statute of the State of Illinois, said very promptly to me that it did—that it was in the very terms of the statute of Illinois.

Mr. MOODY. I did not intend to say so.

Mr. CONNOLLY. I think the gentleman said many things which on reflection he will not stand by. But that is one of the things that he distinctly said—that the injunction was in the very language of the statute of the State of Illinois.

Mr. MOODY. The gentleman is in error about my present view as he is about very many things in this case.

Mr. CONNOLLY. About your "present view" I do not know. You may have reformed somewhat since yesterday. But there is the ground taken by Mr. Downing. He says, in order to keep Rinaker from inspecting these ballots and the condition of the envelope in which they are contained, that if the court permitted the ballots to be recounted, it would destroy the evidence of his election.

Well, what had already become at that very time of the evidence of his election in Macoupin County? The evidence shows that every one of these ballots had been opened and counted. What had become of the evidence of his election in Cass County? The record shows that in eight townships of that county the ballots had been opened and counted, right in the very county and under the nose of Mr. Downing himself; and, I have no doubt, from the time the count began and went on he himself wrote editorial articles in his paper to inform the people of his county that the recount of the ballots was going on. And yet he did not think that that affected the evidence of his election. Why did not he seek an injunction then? He did not. General Rinaker suggests to me that the recount in Cass County was after the service of the notice and the taking of testimony. Very good; it was after the granting of the injunction. That was granted on the 19th day of January.

After that date, right in the city in which Mr. Downing lived, in the court-house where for eight years he was the county clerk, and in which I know he entered his appearance every day, right there, and no doubt with him standing by half of the time, a count of these very ballots was going on—the ballots of that county—that were to appear as evidence of his election; a count that was lessening their virtue, where they were vaporing their essence away, disappearing by that recount, and yet he had already obtained the injunction restraining all of the county clerks, the clerk of his own county with the others, from permitting the ballots to be taken and counted at all. Why does he permit them to be taken and counted after the injunction right in his own county and town? Did he want to let the recount run on and see whether he would make or lose by it? I do not know. But it went far enough, at all events, to demonstrate to him that he was losing, and then he either drew the injunction on the clerk and made him shut up the ballots or his party friends advised him that if he let this proceeding go further in that manner that the evidence would unseat him. Therefore he had better keep the door locked and get the Democratic contesting treasurer to close the contest just as quickly as possible. Now, see the juggling which has been going on with reference to the matter. See how this man and his party friends have been juggling with this case and the ballots. After getting out an injunction he permits the clerk to open the ballots in his own county, and no doubt stood by and looked at them as their count progressed.

Now, as to this injunction, what does it say—because undoubtedly it was granted in the very words this gentleman himself and his counsel in their secret cabals drew up and in the words of the affidavit that they deemed to be necessary? What does it say? The language is:

It is therefore ordered, adjudged, and decreed by the court that the said defendants as county clerks of their respective counties, and each of them and their successors in office, and their deputies, assistants, agents, and attorneys, and each of them has, and they are hereby, enjoined and restrained from opening the ballots cast at the election held in their respective counties on the 6th day of November, A. D. 1894, and now in the custody or possession of said defendants, as county clerks of their respective counties, or from permitting the same to be opened or recounted, or from removing or permitting said ballots to be removed from the place where they are now kept, until the same are ordered to be opened or recounted by a court of competent jurisdiction of the State of Illinois or of the United States or by the House of Representatives in Congress of the United States, after the 3d day of March, A. D. 1895.

There is the extent now of the injunction, fraudulently obtained for the purpose, smirched with moral fraud, to say the least of it, all the evidence showing that in Calhoun County the ballots—and in some other county, I forget which now—had been opened, and their validity as evidence in the case practically destroyed. And it does not take many open packages of ballots to overturn a majority of only some 30, 40, or 50, and there are many men who can make the necessary changes with nimble fingers and do the trick very quickly, and Brother LACEY would never discover it.

But the injunction restrained these county clerks. Now, mark you, Mr. Rinaker had nothing whatever to do with that. By law he knows nothing whatever about it. Now, some of these gentlemen learned in the law say, Why did not Mr. Rinaker appeal that case? Why? Have you, my legal friends, ever discovered a way by which you can appeal a case which you are not a party to? I never have. Neither in the State nor in the Federal law have I

ever discovered it, and the gentleman from Massachusetts, who labored long to find a way to permit General Rinaker to appeal that case, found none, first, for the reason that the suit was filed to the May term of Morgan County court, and our statute requires that a bill in chancery shall be filed ten days before the term of court at which the case may stand for trial; and the subpœna shall be issued and served ten days before the term of the court at which the case is to be heard.

Now, this bill was filed and the summons in chancery issued in January, for what term of court? Returnable to the May term of the court. What would be the condition of things when the May term of court arrived? Why, Rinaker's forty days for taking testimony under the law of Congress would have expired long before that. The whole ninety days, indeed, the time given for Rinaker, the time given for Downing, the time given for evidence in reply, would all have expired before the term of court at which these gentlemen so ingeniously made their summons returnable. Was there no trick in that? There was, right in that circuit, a court to begin on the second Monday in February. Why did they not go and file their bill in that court, where there might have been a hearing on the second Monday in February? No; that did not suit their purpose. The purpose was to chop the dog's tail off right behind his ears. It was to completely and effectually shut Rinaker out from having opportunity to comply with the law of Congress.

"And then," said the little cabal of Democratic politicians, with Downing in their midst, "pay no more attention to him, but when Congress meets Rinaker will be there without any evidence. He will beg the House to permit him to take evidence, because you have got in his way. But there will be no trouble. With the united Democratic vote and a few superserviceable mugwumps there will be no trouble to turn Rinaker outdoors and send him back to plod along his weary way in the State of Illinois." That was the scheme, morally tainted with fraud, for the purpose of circumventing the law passed by Congress. Some gentleman, I believe it was a Pennsylvania gentleman, whom I understand to be a lawyer, said to me, "Why did not General Rinaker appeal that case then?" Why, my dear Pennsylvania friend, have you any way by which a stranger to a case could go into a court and appeal that case? When Smith and Brown have a lawsuit, can John Jones come in and appeal the case? Not by any means. "Oh, well," my friend suggests, "Rinaker could have filed a bill of interpleader." These learned lawyers, you know, the worse they are confounded the longer the names of the different things that they are willing to suggest. He might file a bill of interpleader. Yes, he might, when the May term of that court came.

Mr. HOPKINS. Will my colleague allow me?

Mr. CONNOLLY. Yes.

Mr. HOPKINS. Suppose that Democratic judge, who was aiding this Democratic member of Congress to suppress the evidence there, had said that he was not a proper party, that he was simply acting against the clerks, and the clerks only.

Mr. CONNOLLY. I was about to say that. He might file a bill of interpleader when the May term of the court came; but he could not do it without leave of the court. He could not file his bill of interpleader before the May term, and under the law of Illinois you can not file your bill of interpleader in chancery without leave of the court, not leave of the judge. Many of these gentlemen, the gentleman from Massachusetts [Mr. MOODY] among others, have confounded the terms "court" and "judge." They are quite different. When the May term of the court came, he might file his bill of interpleader for the first time.

Mark you, he could not appeal, for he is not a party to the case. He can not become a party until the May term of the court. He can not then become a party without leave of the judge who granted the injunction, sitting in open court. Then, suppose the judge who has so far cut General Rinaker out from his rights under the act of Congress, suppose that judge, in furtherance of the position he has taken, should say to General Rinaker, "You can not have any interest in this proceeding. If injustice has been done you, your remedy is in the House of Representatives at Washington; therefore I will not allow the filing of your bill of interpleader." I am speaking of the facts to show that by this injunction they had effectually bottled Rinaker up, had effectually nullified this act of Congress, and had done it by this injunction, which did not follow the language of the law of Illinois. The gentleman from Massachusetts [Mr. MOODY] a while ago said that I misunderstood him when he declared that the injunction followed the statute of Illinois; but he and the gentleman from Iowa [Mr. LACEY] said the same thing. I read from the RECORD:

Mr. LACEY. Is it not the fact that the injunction simply copies the language of the statute of Illinois?

Mr. MOODY. That is true.

Mr. LACEY. The injunction uses the identical language of the statute; and if there was any violation of the proprieties of the occasion, it arose from simply copying the statute.

Now, I stated, Mr. Speaker, that this injunction effectually bottled Rinaker up. It effectually nullified this act of Congress that required him to get his evidence within forty days. He could not do it with the injunction standing, not against him of course, but against the county clerks. Now, these ingenious gentlemen are driven from the position of saying that he might appeal the case, and they find that that is not true, and that he could not appeal it. They find that he could not file a bill of interpleader, and if for no other reason, the judge would say to him, "Why, you can not count these ballots now. You must count them within forty days after the beginning of the contest. The forty days have expired. Your right is gone, and hence you can not come in by bill of interpleader."

The injunction is granted, not in the language of the statute of the State of Illinois, but quite as effectually nullifying the law of the United States as if it had been in the exact language of the statute of Illinois. Instead of this injunction following precisely the language of the statute of Illinois, it follows precisely the language of the bill filed and sworn to by Mr. Downing.

Mr. STRODE of Nebraska. But did not the gentleman from Massachusetts [Mr. MOODY] state yesterday in answer to the gentleman from Iowa [Mr. LACEY] that it did follow the exact language of the statute?

Mr. CONNOLLY. I have read that from the RECORD. Mr. MOODY and Mr. LACEY both agreed that it did follow the precise language of that statute, and I have shown they were both wrong in that matter.

Now, sir, for the purpose of showing what the statute of Illinois does say about this matter of opening the ballots, and where they shall be opened, I read from the statute itself, first, the provision that the officer shall carefully preserve the ballots for six months, and at the expiration of that time shall destroy them by burning without previously opening the ballots; the ballots shall be destroyed in the presence of witnesses, etc.

Provided, That if any contest of an election of any officer voted for at such election shall be pending at the expiration of said time the said ballots shall not be destroyed until such contest is finally determined. In all cases of contested election the parties contesting the same shall have the right to have said ballots opened.

They have, therefore, the right to have the ballots opened. Mr. Downing said they have not. The law of Congress says they have; the law of Illinois says they have; but the judge to whom he went said they had not.

In case of contested elections the parties contesting the same shall have the right to have said ballots opened and to have all errors of the judges in counting, revising the count, and the ballots corrected by the court or body trying such contest.

Then comes this further provision:

But such ballots shall be opened only in open court or in session of such body, and in the presence of the officer having the custody thereof.

Now, the court granted an injunction under the plan that was agreed upon by those gentlemen, by a literal construction of the law of Illinois; that is, if the House wanted to have these ballots counted, it must conform to the law of Illinois, namely, have them counted in open session. Gentlemen say the injunction did not so say. The injunction does not; the statute does. The statute says they shall not be opened except "in open session of the body trying the case." The Committee on Elections do not try the case. It is the House of Representatives that tries the case. There, then, we come up against a question of conflict between the State and Federal law. There is no doubt that Congress has the right to prescribe laws to regulate the election of members of Congress; and when Congress passes such a law it must be supreme on that subject. In the absence of any law, the State has the right to regulate and make provisions for the election of members of Congress, for the counting of the ballots, for the destruction of the ballots, if you please; but if Congress has passed a law upon any one of those branches, then that law must be supreme.

The Illinois law says the ballot shall only be opened in open session of the house of "the body trying the case." The law of Congress passed in 1851 says that the evidence shall be taken not in open session of the House, but that all ballots, papers, and evidence of every kind shall be taken before a notary or any of those other officers within the first forty days. There the two laws are in conflict. The law of Congress says you must take your evidence in forty days, and then says you must bring your papers. The gentleman from Iowa [Mr. LACEY] says "ballots are not papers." I presume he is the only lawyer in the House who would say that as a matter of law. Ballots are papers. Well, sir, the law of Congress says the ballots must be brought before a notary, and if they are they must be counted within the forty days. Then, Congress having now legislated upon the manner of taking the evidence of the ballots, the law of the State of Illinois is inoperative on that question. But the judge who granted this injunction says clearly the law of the State of Illinois shall prevail and the law of Congress shall be ignored.

Now, my friends on this side of the House, with a large Republican majority, let me say that you are confronted for the first time here in your history with an attempt by a State judge to absolutely nullify this Federal election contest law. If you by

your votes indorse or permit that nullification, in how many contested-election cases in the future coming from the States of the South will you ever be able to get the ballots counted? Not one. The Republican party had its very life and existence by maintaining the doctrine that the laws of the Federal Government are supreme as the law of this land and that no State law should be allowed to interfere with them. We were cradled in that doctrine.

Now, after forty years of successful and splendid service for the nation, we find Republicans on this side of the House forgetting the early teachings of the fathers of the Republican party, forgetting the doctrines that we were cradled in, coming in here and giving effect to an injunction granted by a Democratic judge to impede and obstruct the operation of a Federal law and hold a Democratic member in his seat, which the evidence shows he is not entitled to. The idea of Republicans doing this! Ah, but some one says, somebody may be afraid that we are using our great majority to unseat a man improperly. Are we too cowardly to do right lest we may be criticised by some one for doing it? If so, abdicate your power, pull down the standard of the Republican majority and in its place lift up the palmetto flag of Democracy—and surrender. [Loud applause on the Republican side.]

But gentlemen say that we have successfully seated two Republicans and two Democrats; and it seems that gentlemen are afraid that if we should seat the third Republican that that would be destroying the balance of power. They are as afraid of this House doing this as it is said the nations of Europe are of partitioning Turkey, for fear it would destroy the balance of power. Gentlemen, we can not afford to be cowards. We can not afford here to lower our flag and abandon a doctrine which is one of the great doctrines of the Republican party, namely, that where Congress has passed a law within its constitutional power to pass that law shall be supreme.

As I have said, Mr. Speaker, this injunction was a trick. It was obtained for a purpose morally fraudulent and was carried out by the judge. I charge nothing upon him. He simply carried it out by making an order in accordance with the literal reading of the statute of Illinois, but that injunction tied General Rinaker's hands. Now, the law that is on the Federal statute book bound Rinaker and it bound Downing, but it does not bind us. We can say, "Let the law go." Congress made a law by which General Rinaker was compelled to take the course he did take or else abandon his contest. He could not do otherwise. He would have been foolish to have been taking evidence in the middle of next summer; you would not have received it.

Mr. HENDERSON. Let me ask the gentleman a question. Suppose that Mr. Murphy had not taken these memoranda during the count in the contest for treasurer and that General Rinaker was without any evidence at all, but still believed that he had been elected, what would then be his remedy? And let me follow that thought up with the suggestion that those of us who perhaps do not feel satisfied to let this Murphy count take the place of a formal count, where both parties are represented, might feel like pursuing now the same course of safety to get at the ballots (if the status has not been disturbed) that we would pursue if no memoranda had been taken by Mr. Murphy, and General Rinaker stood knocking at the door of public justice to have a recount made.

Mr. CONNOLLY. I was about to turn to that feature of the case. Passing now, Mr. Speaker, as I do, from all the fraudulent nimbus that surrounds this injunction proceeding, I come to the question of what General Rinaker's attitude would be if he had given notice of a contest, had simply stated that the ballots cast in the several counties when properly counted and enumerated would show a majority of a thousand in his favor rather than 40 in favor of Mr. Downing, and had set up no other cause of contest, except barely that the enumeration of the ballots had been incorrect. In that case, if Downing had gone and done just as he has done—locked up the ballots—how could General Rinaker have obtained a scintilla of evidence to sustain his contest? But if he did not within forty days obtain some evidence to maintain the contest, what would be the result?

Now, suppose that this House meets, and Rinaker's notice of contest is on file, and Downing's answer is on file denying the alleged miscount of ballots, and there is no other question involved and no evidence on file. The case is referred to the Elections Committee. They open the papers; there is the notice of contest and there is the answer. The committee say: "Where is your evidence, General Rinaker?" "Oh, I have no evidence. Mr. Downing prevented the clerk from letting me count the ballots, but I want to count them now." What would have been Mr. Downing's answer in that case? He would have pointed the committee to the act of Congress, and would have said: "That law is binding on you, Mr. Rinaker; that law says that you must furnish your evidence in forty days, and you failing to do that, I am required to do nothing. You are simply in court with a declaration filed, a plea denying it, and no proof to maintain it."

That is what Mr. Downing would say. Does anybody suppose that Mr. Downing and the gentlemen on that side of the House would in such a case have come up generously and said: "Oh, well, let us have Mr. Rinaker's evidence taken now; let us piece it out for him; let us try to make a case for him?" Indeed, they would not. Mr. Rinaker would merely have failed to do his duty under the law and would have to take the consequences. But in fact General Rinaker obeyed the law of Congress, which was made to control his movements in such a case, and Mr. Downing and his cabal stepped in the way. They removed from his reach the evidence that he wanted to take and which was necessary to make out his case, removed it just as effectually as if they had taken those ballots and dumped them into the Illinois River. Suppose that instead of the county clerk being ordered at Mr. Downing's instance to take these ballots and lock them up in his vault Mr. Downing had got the ballots in his own possession and had locked them up in his vault, and had said to General Rinaker when called upon to produce them, "I will not produce them until the House of Representatives in open session orders me to do so," would it be said then that Rinaker was bound to wait until the House did come into session and order those ballots to be counted? The House would undoubtedly order them to be recounted, unless some reliable evidence was supplied to take the place of those ballots. Gentlemen have said that those ballots are in the same condition they were in when they left the hands of the inspecting officers.

Gentlemen, when they reflect upon the evidence in this book, will see that they must revise that statement. No man can read this evidence and fail to see that in certain townships in Calhoun County and one of the others—I forget which—somebody had been tampering with those ballots. My friend from Iowa [Mr. LACEY] said it was stipulated in the record by these parties that the ballots were in the same condition. Can the parties stipulate away the rights of this House? Can the parties by a stipulation impose upon us conditions that are improper, when the evidence shows marks that require explanation, when the evidence shows that the envelopes are not in the condition in which they were when they left the election judges?

Mr. LACEY. In regard to the county in which Mr. Murphy made the recount, do you claim there is any evidence of any kind indicating that the ballots have not been properly preserved and are not in precisely the same condition in which they were when Mr. Murphy made that recount?

Mr. CONNOLLY. I do not think there is such evidence as to that county. That is only one of the eight counties involved.

Mr. LACEY. Then we can safely see whether Mr. Murphy is right as to that county by counting the ballots, can we not?

Mr. CONNOLLY. I do not know whether you can or not.

Mr. LACEY. Let us try it.

Mr. CONNOLLY. There are eight counties in this district. In one of the counties, Calhoun, as I said at the beginning—the one in which Rinaker gave notice to first take testimony—the evidence shows that in two of the townships the ballots had apparently been tampered with after they left the hands of the election judges. That county, on the night of the election, Rinaker was publicly declared to have carried by 26 majority. Forty-eight hours afterwards, when it was found how many votes were necessary to elect Downing over Rinaker, the result as before announced was changed so as to give Downing enough votes to give him the district by 40 majority.

Mr. HALL. Will the gentleman allow me a question?

Mr. CONNOLLY. Yes, sir.

Mr. HALL. If you have in your possession all this evidence of fraud, why did you not testify before the committee instead of testifying before the House?

Mr. CONNOLLY. Are you through? Is that all of it? One attorney in this case, Rinaker, the son of General Rinaker, has testified; and he has been in a most discourteous manner criticised by the gentleman from Massachusetts for presuming to tell the truth in this case. Now, if a man who was simply a lawyer in the case, volunteering to testify, is subject to animadversion on this floor, how much more would a juror who is to try the case be subject to animadversion for volunteering to testify and seeking to influence the report of the committee of this House? My testimony was not lost by keeping my mouth shut before the committee, because I knew I should have a chance to give it before the full jury having the final right to try this case. Does the gentleman understand my position now?

Mr. HALL. I understand your position, of course.

Mr. CONNOLLY. Well, I am glad of it.

Now, sir, this claim of a desire to count these votes is not honest. It is for the purpose of carrying on the scheme that was commenced by an injunction to keep this man in his seat and make the people of this country pay double salaries for that district during the whole length of this Fifty-fourth Congress; because, suppose the scheme that this committee now proposes in order to carry out the injunction project should carry—suppose that this case is recommitted and the committee ordered to take further

testimony and to examine the ballots—when can they report? After the holidays next winter. Then, with all the delays that may be proposed, when will it be possible to get a vote of the House, even though the recount should show Rinaker elected by a thousand majority? Would it be possible to get a vote and unseat this man—to unhorse these schemers—much before the 3d day of March, 1897? And is not this allowing them to carry out their scheme? Is it not giving it the indorsement of this House to permit that sort of thing?

Gentlemen concede the law is well settled that where one suppresses the primary evidence the party who desires to make use of the proof shall have the right to introduce secondary evidence. We all agree about that rule of law. But gentlemen say, in the first place, Downing did not suppress the primary evidence. I have said as much as I think is necessary to be said to show that he has most effectually suppressed the primary evidence—namely, the ballots.

Secondly, gentlemen say conceding that he did suppress the primary evidence, and that the contestant has the right therefore to introduce secondary evidence, yet they do not seem willing to depend on the secondary evidence that he has introduced; they claim that it was a private recount; and the gentleman from Massachusetts cited the case of English *vs.* Peelle to show that this House had held that a private count of that kind could not be depended upon—would not be accepted as evidence. The gentleman from Iowa [Mr. HEPBURN] has shown wherein that case differed from this. It differed because the witness produced to give the secondary evidence was an unreliable and unsafe source to which to look for truth; the House could not believe him. Secondly, in addition to that, there had been no suppression of the primary evidence by the party against whom it was sought to use the secondary evidence; so that under no principle of law could he have been entitled to the use of that secondary evidence.

Mr. TERRY. Will the gentleman answer a question?

Mr. CONNOLLY. Yes, sir; if I can hear it.

Mr. TERRY. The gentleman has referred to the case of Steward *vs.* Childs.

Mr. CONNOLLY. No, sir; I have not.

Mr. TERRY. I thought you referred a while ago to that case.

Mr. CONNOLLY. No, sir.

Mr. TERRY. Well, while I am on my feet let me ask you in regard to that——

Mr. CONNOLLY. That case is not now in the line of discussion I am pursuing, and I do not care to be drawn away from that line.

Mr. TERRY. I would ask the gentleman if he is going to take up the question of the assisted voters?

Mr. CONNOLLY. Indeed, I do not know exactly what I shall take up; but I do not suppose that I will discuss every possible question that anybody may raise in connection with the case. I am confining myself to what I regard as the essential features.

Mr. TERRY. Inasmuch as that is your State, I would like to have your views upon the question.

Mr. CONNOLLY. Well, I will give you my views privately, if you want them; but I do not want to burden the House with my opinions.

Mr. TERRY. Your private views are not what I want. I want the House to have the benefit of your views upon the question, as this is a matter arising in your own State.

Mr. CONNOLLY. I do not think that on that proposition my views or the views of anybody else are of very much account. There is one pivotal point connected with the case, and I wish to keep as near to that as possible and not go off into the clouds.

Mr. TERRY. I would like the gentleman to explain whether it is true that unless Mr. Rinaker has the benefit of all of the assisted voters he could not be considered as elected.

Mr. CONNOLLY. I have not reached that point, although I will say to the gentleman that I propose to refer to it later on.

It has been contended here, Mr. Speaker, in this discussion by gentlemen that a man who gives substantial testimony as to the count of the ballots in Macoupin County, that he did not have an opportunity to make a count that was worthy of consideration; that it was not an accurate count, and that they did not think it was good for any purpose. Who knows best? Is it not more reasonable to believe the man who testifies and says that he did have an opportunity, the man who for three days sat there intentionally observing every vote, and as he says, with a full opportunity to make the count? And yet gentlemen of the House come to us and say, "We do not believe him." Why do you not believe him? He is an honorable man; the record shows that. He was a man who was honored by the people who knew him with numerous public offices; he was sheriff of the county, mayor of the city in which he lived, a reputable and an honorable man; and I may say that General Rinaker, from what I know of him, would employ no other instrument for any purpose; that he would employ no man who was not as clean as a hound's tooth to do work of that kind for him. He is that kind of a man.

Mr. Murphy is shown by the records to be worthy of consideration; and nobody attacks the evidence; and the minority of the committee concede in the report the fact that Murphy for accuracy, reliability, and intelligence, is beyond all question or cavil. Now, there he is, as truthful a man as any man in this House; he sat there three days, and kept a careful tally on this count. It was not expected at that time that this evidence would ever be required. True, Mr. Rinaker was contemplating the contest. He had given notice, but had received no answer, but for the purpose of satisfying himself, without the slightest thought of ever being able to use Mr. Murphy's investigation, he had Murphy do this thing and see how it was running. He found, as the testimony shows, these various mistakes. Was there crime in that? Why, Mr. Waggoner, the county clerk, near whom Mr. Murphy sat while the count was going on, said that it was a well-known fact that he was keeping the count. He said, "We all talked about it in the room"; and here is the reply that this county clerk (Mr. Waggoner), who was opening the ballots, spreading them out, calling off the votes, passing them on to the next member of the counting committee, and so on. He was examined under oath and corroborated what Mr. Murphy had said. This was the question that was propounded to him, and I ask your attention to his answer:

Q. How did you come to pay such close attention to the vote of General Rinaker for Congress?

A. I suppose for the same reason everyone in the room paid attention to it. There was a good deal of talk about this matter then, and there were parties standing near me watching the vote, and, as I called the vote, I naturally looked for that vote part of the time.

There is the testimony of the county clerk (in addition to the testimony of Murphy) that he himself and all the others in the room knew that the count was being kept. Nobody questions it, and nobody comes to say that Murphy's count could not be depended upon; at least that he was not honest in making it.

Now, I want to say here, Mr. Speaker, that the very best corroboration of the truth of Mr. Murphy's count is furnished by the contestee [Mr. Downing]. How? After the forty days in which Mr. Rinaker had to take his testimony had expired, Mr. Downing knew what Mr. Murphy had testified to. Downing was present and heard Murphy's testimony about what the recount in his presence showed. Now, if that count is unreliable, if it could not be depended upon, there were the ballots in the county clerk's office, and all that Mr. Downing had to do to contradict Murphy was to dismiss his injunction, notify the county clerk to produce the ballots with his subpœna duces tecum, and count the ballots there in the presence of himself and Mr. Rinaker. He could do it, but Mr. Rinaker could not. He could dismiss the injunction suit and call for the ballots and contradict Mr. Murphy if he desired to do so.

Mr. MOODY. Will the gentleman permit an interruption just there?

Mr. CONNOLLY. Certainly.

Mr. MOODY. I would ask the gentleman if he is not aware of the fact that in the only other contested-election case under that statute, even without an injunction, the clerks of some of the counties in the State of Illinois declined to produce the ballots?

Mr. HOPKINS. I wish to say to the gentleman right there that in the case the gentleman referred to, in every county except the county of Will, the clerks produced the ballots and they were counted; and in that case no special point was made upon it, but the contestee in that case took the precise position that my colleague takes to-day.

Mr. MOODY. I do not know what position he took, but I know the ballot boxes were not all produced, and some of the clerks at least proceeded on the ground that the law did not authorize it.

Mr. HOPKINS. No point was made on it because it was not decisive in the case.

Mr. CONNOLLY. Now, I hope my friends will let me go ahead and get through. What has that to do here? Why is the gentleman from Massachusetts sitting on nettles so much and so badly when I am suggesting this mode of contradicting Murphy's testimony?

Mr. MOODY. I am not. I submitted to interruptions from the gentleman yesterday, and I have not interrupted him unduly to-day.

Mr. CONNOLLY. The gentleman sought yesterday to insist that the testimony of Mr. Murphy was unreliable, and that this House could not depend on it. If that is true, did not Mr. Downing know that after Mr. Rinaker's forty days had expired, and after Murphy's testimony had been seen and read by Downing? If that was true, you know, gentlemen, every one of you, and it is conceded in this debate, that Downing had the right then, having commenced the injunction suit, to dismiss the injunction suit, serve on Mr. Oeltgen, the county clerk, a subpœna duces tecum to bring forward those ballots, and he himself could have counted the ballots and proved the unreliability and unworthiness of Murphy's count. He did not do it. He never proposed to do it before this committee.

Mr. MOODY. If the gentleman will permit me to correct him, I hold in my hand a brief submitted to the committee at the meeting of Congress. In that brief the contestee says this:

Believing that if a recount is ordered the ballots and his rights under the law will be fully protected, he is willing that a recount be had, and in any assistance he can render in person or by and through his attorney and counsel he is at the call and service of the committee.

Mr. CONNOLLY. And his attorney stated before the committee, in arguing the case, that the ballots now were not worth the paper that they were written on as evidence.

Mr. MOODY. He did not so state.

Mr. CONNOLLY. I have been informed by members of the committee that he did.

Mr. HOPKINS. Why did he not come in with a resolution in the House on the first day of the session, as he had a right to do, and ask for a recount? Mr. Rinaker was an outsider and he could not do it, but your friend was a member of the House and could do so.

Mr. CONNOLLY. As to the matter of a recount, this House this winter has had an example of it. A sitting member, Mr. Tarsney, from Missouri, with a contest pending, desired a recount of the ballots, and in the first or second week of this session he manfully came into the House and on the floor of the House offered a resolution authorizing the Committee on Elections to go to Kansas City and recount the ballots, but this House refused to do it. At the very same time Mr. Tarsney was thus manfully proposing to do that Mr. Downing sat behind him quietly in his seat, never proposing to do the manly thing that Tarsney was proposing to do. No; he sat behind the bulwark of an injunction that had thus far protected him, and he proposed to stay under cover of that injunction just as long as he could; and when smoked out then to have his friends come here, begging of the House to let him go back and do what he might have allowed to be done if he had been open and fair about it or his advisers honest, to get at the truth, more than a year ago—what he might himself have done after Mr. Murphy and Mr. Waggoner had testified as to what the ballots showed.

Tell me, then, you gentlemen who come here and say that Mr. Murphy can not be believed, why did not Mr. Downing say that? Why did not Mr. Downing contradict him? Why did he not produce the ballots, as he might do, that would have contradicted him?

Now, Mr. Speaker, I have gone thus far on that feature of the case concerning this miserable injunction, this scheme to set up the law of the State of Illinois against the law of Congress. Thank God, no Republican of the State of Illinois so far forgets her position here on this question as for one moment to say that the law was intended to nullify a Federal statute, or to impede its operation. It was done by a Democratic judge in the interest of a Democratic contestee, to keep him in Congress in his seat as long as possible.

Now, Mr. Speaker, I turn to another feature of this case briefly. The House has so kindly listened to me for so long that I will be as brief as possible, and will not seek to do full justice to this branch of the subject.

The minority of this committee say in their report:

While we do not agree in all respects with the conclusions arrived at by the majority upon this branch of the case—

That is, about illegal marks of ballots, illegal votes, and so forth—

yet, for the purpose of simplifying the issue between the majority and minority, we accept their conclusion.

So that as to all questions of illegal votes and matters of that kind the majority and minority have agreed.

In determining that the contestant should be seated by a plurality of 30 votes, the majority of the committee have adopted two conclusions from which we dissent:

First. They have allowed a gain of 39 votes to the contestant on account of a private and unofficial recount of the ballots in parts of the two counties of Macoupin and Cass.

Second. They have permitted the parties to retain certain votes which were counted for them by the returning officers. These votes were those of illiterate voters whose ballots were prepared by the officers of election without the voters first having made the oath required by law that they were unable to mark their ballots by reason of their physical disability or inability to read the English language. This ruling benefits the contestant to the extent of 32 votes net.

If either of these disputed conclusions be incorrect, then the report of the majority of 30 shall fail.

Now, there were 39 votes that he received on a miscount in Macoupin and Cass counties, which the majority of the committee think Rinaker is entitled to credit for. So that 39 votes, all but one, wipes out the declared majority for Downing.

Now, then, we come to the other question. The minority say there were 32 votes allowed to Rinaker that there is no question were honestly cast by honest voters, by men entitled to vote, just as the ballots were counted, and by men who were legal voters. Now, these gentlemen who are so anxious to have the legal voters of that district not disfranchised, remember the minority of this committee say to you, we believe that these 32 voters shall not be counted, some of whom were blind, some of whom were in invalid chairs and could not walk into the polling place, all of whom were legal voters—one of them old Professor Turner, of Jacksonville, known to all college presidents and educators from the Atlantic to the Pacific, one of the leading educators of the country for the past fifty years, a man notable among the best minds in the United States, blind and old, who has been living in Jacksonville for fifty years, led by a daughter up to the polling place; but blind as he is, and heavy as the burden of years rests upon him, did not fail in the performance of the last great duty of the citizen to go and do his duty by voting his sentiment at the polls.

Professor Turner, led there by a daughter and confronted by these judges, who have known him since their childhood, who knew of the blindness that is on him—the minority of this committee say that the two judges, one a Democrat and one a Republican, who went into the booth with him and prepared his ticket as they both knew he wanted it, and then marked it and deposited in the box—that those judges did an unlawful thing, and that Professor Turner, rounding out his century of existence, shall, for the first time in his life, be disfranchised by the House of Representatives of this Republic for which he has done so much. Shame upon any committee who would insist upon any construction of the law that would disfranchise a man of that kind!

Another was a crippled old soldier, disabled in his country's service. They would disfranchise him and not count his ballot because, forsooth, he is forced to spend his life in an invalid chair, and, wheeled by loving hands up to the ballot box, he cast his vote as he pointed his gun. [Loud applause.] Disfranchise him! Disfranchise him for what? For the sake of seating the editor of a Democratic newspaper as a Representative in this House. [Applause on the Republican side.] My God! where is the old-time Republican pride? Gone! Crawling on your bellies to men who will criticise you no difference how you vote! You had better stand up like men and vote for the principle that you believe in, and give the voter, the lawful voter, the right to cast his vote once and have that one vote honestly counted.

Now, sir, these gentlemen say to me—two or three members on this side have said to me—in private conversation, "Why, you can not count these ballots for the blind and the illiterate, because your law says that they shall not be counted unless they make an oath that they are blind and illiterate." I said to each of those gentlemen, "Oh, no; our law does no such thing." Now, the gentleman from Pennsylvania [Mr. BRUMM]—I have him in mind—asked a question of my colleague [Mr. COOKE of Illinois] yesterday: "Does not your Illinois law say that a man whose vote is received after it is prepared by the judges, a man who is blind or illiterate, and his ballot is prepared by them, has to make oath to illiteracy and blindness or that vote shall not be counted?" I interposed and said, "No; our statute does not."

Now, I want to show all gentlemen who will give attention to it that our statute does not, and that our statute differs materially from the Kentucky statute, respecting which the gentleman from Massachusetts [Mr. MOODY] read the decision. Now, mark you, the evidence in this case, unlike the Michigan case, unlike the Kentucky case, unlike any case these gentlemen have cited—the evidence in this case shows that all of these assisted voters were lawfully entitled to vote, either that they were blind, that they could not read or write, or that they were otherwise disabled.

Mr. TERRY. Will the gentleman yield for a moment?

Mr. CONNOLLY. I would rather not, for I am taking too much time.

Mr. TERRY. There is no evidence that 21 out of 44 assisted voters were entitled to assistance.

The SPEAKER pro tempore. Does the gentleman from Illinois yield to the gentleman from Arkansas?

Mr. CONNOLLY. I do not. The gentleman is running a side show of his own over there. [Laughter.]

Mr. TERRY. It is not a side show at all; but the gentleman from Illinois was misstating the evidence.

Mr. CONNOLLY. Well, at all events it is not under the main canvas. [Laughter.]

Mr. TERRY. Of course the main canvas is where the gentleman from Illinois pitches his tent. [Laughter.]

Mr. MOODY. Will the gentleman from Illinois yield long enough to see if we can not fix a time for taking the vote?

Mr. CONNOLLY. I shall get through in a few minutes.

Now, Mr. Speaker, here is the law of Illinois which this minority say compels the voter who is unable to prepare his ballot to make the oath before he has the right to vote. Let me say before I read it that the legislature of Illinois could not prevent a man from voting by any law it might make if he was, under the constitution of the State, a voter. The State constitution secures to him the right to vote. The legislature may prescribe the machinery by which the vote shall be taken, but the right to vote is inherent in the voter himself by the constitution. In the election machinery provided by the State the legislature makes provision for the blind and the illiterate or otherwise disabled voters. It provides a mode

by which such a voter may compel the election judges to recognize his constitutional right and accept his vote. It is a section of the law that does not pretend to confer a right or to impose a duty upon the voter, but which imposes a duty upon the election inspectors. What duty? Why, the duty of preparing for such a voter his ballot if he makes the oath. He is not required, however, to even make the oath. Let me read the law, and I will try to read it so that gentlemen can catch the point:

When any elector shall make oath that he can not read English, or that, because of physical disability, he can not cast his ballot, or when such disability shall be made manifest to said inspectors—

[Applause.]

Mr. MOODY. Is the gentleman reading from the Illinois statute?

Mr. CONNOLLY. I am reading from the Illinois statute.

Mr. MOODY. Is the gentleman quite sure?

Mr. CONNOLLY. Quite sure.

Mr. BRUMM. I was going to say that if the gentleman was reading from the Illinois statute, it is different from what is found in the minority report as that statute.

Mr. MOODY. The gentleman from Illinois is certainly mistaken as to the statute.

Mr. CONNOLLY. Well, I will read it now from the statute book. I took it for granted that you had copied it correctly in your report. I have been reading it from the minority report, taking for granted that they had copied it correctly.

Mr. MOODY. The gentleman has been reading the statute of another State.

Mr. CONNOLLY. Very well. I was depending on you. I confess I ought not to have done it, but I did.

Mr. MOODY. I suggest to the gentleman that if he has only just now found out the statute of his State he can not very well instruct the House about it. [Laughter.]

Mr. CONNOLLY. Oh, I am not seeking to instruct. That is within the province of the gentleman from Massachusetts entirely. [Laughter.] I read now from the statutes of Illinois. I will not depend upon your minority report any further.

Any voter who may declare upon oath—

Not that he must, but that he may—

Any voter who may declare upon oath that he can not read the English language, or that by reason of any physical disability he is unable to mark his ballot, shall, upon request, be assisted in marking his ballot by two of the election officers of different political parties, to be selected from the judges and clerks of the precinct in which they are to act, to be designated by the judges of election of each precinct at the opening of the poll. Said officers shall mark the ballot as directed by the voter and shall thereafter give no information regarding the same.

Mr. BRUMM. So you were evidently wrong when you read the statute a while ago.

Mr. CONNOLLY. No, sir; I was not wrong.

Mr. MOODY. Why, the gentleman was wrong. He was reading from the statute of another State.

Mr. CONNOLLY. My dear sir, the wrong, I confess, was in depending on your report for the law of Illinois.

Mr. BRUMM. What you have read now is entirely different from what you read a while ago.

Mr. CONNOLLY. I have read the facts. Does the gentleman understand?

Mr. BRUMM. Yes, sir; but I want to know whether this does not differ from what you read awhile ago.

Mr. CONNOLLY. I do not yield any further; I can not.

Mr. BRUMM. Then you refuse to answer my question?

Mr. CONNOLLY. Why, in the name of common sense, do you want an answer when you say you understand now?

Mr. BRUMM. Your present statement differs from your former statement.

Mr. CONNOLLY. I made no statement. I read the law.

Now, gentlemen will see this statute imposes no new duty upon the voter. A man who can not see has under the constitution of the State of Illinois a right to vote just as much as the man who can see. The legislature would not undertake to say that a man who can not see shall not vote unless he does a particular thing in the way of taking an oath that nobody else is required to take, because a law of that kind would be unconstitutional under a constitution which says that every man of 21 years of age, resident in the State twelve months, shall be a legal voter and entitled to have his vote counted.

Now, if the legislature had said that men 21 years of age who have lived in the State a year and who are blind or lame or illiterate shall not vote unless they make a preliminary oath, while other men may vote without the preliminary oath, do you not see that there would be a test placed upon the blind voter or the lame voter or the illiterate voter which would exclude him from his constitutional right to cast his ballot? All that this section does is to impose a burden, a new duty, upon the judges of election with reference to the blind man or the illiterate man different from the duty which the statute imposes with reference to men who can read and write or who can see. The statute provides that if such a man makes an oath it shall be the duty of two of these inspectors to prepare his ballot for him in the booth.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. MOODY. I rise to a parliamentary inquiry.

The SPEAKER pro tempore (Mr. SHERMAN). The gentleman will state it.

Mr. MOODY. How much time has the gentleman from Illinois now on the floor occupied?

The SPEAKER pro tempore. One hour and fifty-six minutes. The Chair assumed that the gentleman was entitled to only one hour, but did not call him down at the end of that time because——

Mr. CONNOLLY. How can I be taken off the floor by an inquiry as to how much time I have occupied?

The SPEAKER pro tempore. The gentleman from Massachusetts addressed to the Chair a parliamentary inquiry, which was entirely proper, and the occupant of the chair was attempting to answer it.

Mr. CONNOLLY. The question has been answered—one hour and fifty-six minutes; and that ends the matter, I presume.

The SPEAKER pro tempore. It does not end it, if the gentleman from Massachusetts makes the point of order——

Mr. MOODY. I make the point of order that we on this side are now entitled to the floor.

The SPEAKER pro tempore. If the gentleman makes the point of order that the time of the gentleman from Illinois has expired, the Chair will so hold. He was about to state why he so held; but if the gentleman from Illinois does not care to hear the reason he need not. The Chair holds that the gentleman's time has expired.

Mr. COOKE of Illinois. Yesterday I asked for an agreement fixing the amount of time on both sides. Objection came from the other side, the effect of which, as I understand, was practically to allow us to continue this debate to an unlimited extent. For that reason, it seems to me, the time is unlimited.

The SPEAKER pro tempore. The present occupant of the chair fails to find from the RECORD that there was an absolute agreement as to unlimited time. There was simply an agreement not to fix any time, but to allow the time occupied to be controlled on the one side by the gentleman from Illinois [Mr. COOKE] and on the other side by the gentleman from Massachusetts [Mr. MOODY]. Under the circumstances, the time occupied by any particular member would be governed by the rules of the House; and the gentleman from Illinois could have been granted but one hour. He has exceeded that time; therefore his time has expired, and he can not proceed now unless by unanimous consent.

Mr. MCMILLIN. Under the agreement each side would be entitled to an equal amount of time.

The SPEAKER pro tempore. Most certainly.

Mr. MOODY. How much time are we entitled to on this side to make up for what the gentleman from Illinois has occupied?

The SPEAKER pro tempore. Two hours and nineteen minutes more have been consumed or disposed of by the gentleman from Illinois [Mr. COOKE] than by the gentleman from Massachusetts [Mr. MOODY].

Mr. MOODY. Then I ask that the vote be taken at a quarter past 5 o'clock to-day, and that this side control the remainder of the time. We will waive the difference if that be assented to.

Mr. CONNOLLY. I object to being taken off the floor in this way.

Mr. GRAFF. I rise to a parliamentary inquiry. At the time that the gentleman who now has the floor, the gentleman from Illinois [Mr. CONNOLLY], rose to speak did not the gentleman from Illinois [Mr. COOKE] who controls the time say that he would grant him whatever time he desired, and was there, therefore, any limit upon the time? Did not that give to the gentleman now occupying the floor such time as he might see fit to occupy?

The SPEAKER pro tempore. It gives to him such time only as he could be given under the rules of the House, and that is sixty minutes.

Mr. STRODE of Nebraska. But when there is no limit to the time of debate, Mr. Speaker, is a member who occupies the floor limited in that manner?

The SPEAKER pro tempore. Unlimited time was not granted; and there being no limit fixed for the debate, it is covered, of course, by the rules of the House.

Mr. DOLLIVER. But, if the Chair will permit me, the gentleman from Illinois [Mr. COOKE] was given absolute control of the time on his side, and yielded such time as the gentleman from Illinois desired to use.

The SPEAKER pro tempore. He was given the control of the time, but the time was not limited. The gentleman simply controlled such time as was given pending an agreement as to a limitation of the time. Now, when he yields time to another member,

under the rules of the House he can yield but sixty minutes, excepting by unanimous consent of the House. Therefore the gentleman from Illinois is no longer entitled to the floor.

The gentleman from Massachusetts asks unanimous consent that the time of the vote be fixed at 5 o'clock and 15 minutes today, and that the remainder of the time between now and that hour shall be given to that side of the question. Is there objection?

Mr. HOPKINS. I object.

Mr. HULICK. How much time would that give the gentleman from Massachusetts?

The SPEAKER pro tempore. About one hour and thirty minutes less than the time occupied on the other side of the question.

Mr. HULICK. But there has been no consent. How can we, under the rules of the House, give to him time that is not given by the rules of the House, according to the decision of the Chair just now?

The SPEAKER pro tempore. It can be done by unanimous consent.

Mr. HULICK. Then there will be no unanimous consent.

The SPEAKER. If the gentleman from Ohio objects, of course that ends the proposition.

Mr. HULICK. I understand that under the rules of the House only one hour could be given. Now, the gentleman claims more than that time; and under the decision of the Chair it is to be accorded to him?

(The Speaker here resumed the chair.)

The SPEAKER. Whenever the time is under the control of two gentlemen on opposite sides of the question, it is always understood that it is under such control subject to the rules of the House, and the rules of the House limit any member to sixty minutes unless by unanimous consent it is changed.

In the proposition which the Chair heard, allowing a half hour or more of debate, if the House saw fit to agree it would be adopted; if not it is for the House to say when the debate shall close.

Mr. COOKE of Illinois. I ask unanimous consent that the gentleman from Illinois have ten minutes to close his remarks.

Several members objected. [Cries of "Vote!" "Vote!"]

Mr. MOODY. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOODY. If the previous question is ordered (and that would not make up enough time to this side to equalize what has been consumed on the other side), would I be permitted to control the remaining time?

The SPEAKER. The gentleman would control the remaining time with the agreement heretofore made, subject, of course, to the rules of the House.

Mr. MOODY. Then I move that the previous question be considered as ordered at a quarter past 5 o'clock.

Mr. CANNON. I make the point of order against that motion.

The SPEAKER. The gentleman can not make that motion. It can only be done by consent of the House. If the gentleman is desirous of submitting the request for unanimous consent, the Chair will put it to the House.

Mr. MOODY. I do not desire to ask unanimous consent.

Mr. RICHARDSON. I ask, Mr. Speaker, if the gentleman from Massachusetts should use thirty minutes of the time, whether he could not, at the end of that time, if he saw fit, move the previous question?

Mr. CANNON. He has not charge of the measure.

Mr. McMILLIN. That does not matter——

Mr. MOODY. Mr. Speaker, I yield ten minutes to the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Speaker, in the speech of the gentleman from Illinois [Mr. CONNOLLY] who has just taken his seat is found the remarkable instance of a person going beyond the testimony which has been presented to the committee for the purpose of giving his views upon the case. There has been an element in that speech, it seems to me, that ought to meet with the disapproval of every member of this House. When he attempted to bring into this case the question of party and, in the manner he did, to refer to Mugwumps working or voting against the majority report, I submit it is not a proper spirit in which to discuss the important legal questions in a contested-election case before the House of Representatives. [Applause.]

I submit, sir, that the accusations that have been made in this case, accusations as to fraud, which it is claimed had been committed on the part of Mr. Downing, the sitting member, have no foundation from anything that appears in the record of this case. It is not shown that any fraud exists. Those who make them fail at the same time to give any weight whatever to his explanation. They fail to give him credit for any honest intentions in the matter. He says he instituted this suit for the purpose of testing the construction of the statute as to whether a notary public has the power to compel the production of ballots; and when we find, after he gets to a tribunal of his own State, that his views are adopted by that State, I ask where is there any fairness in declaring that there is fraud or conspiracy in getting out that injunction?

Mr. Speaker, the truth is that the whole argument of the gentleman has been to mystify this case. It has been for the purpose of leading the House from the true issue in the case. We find that gentlemen have been talking about the fraud, about the iniquity there was in suing out a writ of injunction, the iniquity in appealing to the courts for the construction of a statute, and they have labored upon that to keep the minds of members of this House from examining into the true merits of the case.

Mr. Speaker, suppose everything they claim were true. Suppose that in every way they have indicated they are correct. How does it leave the situation of these parties? If that injunction suit had even been brought willfully to gain time, what is the legal effect? What is the situation of the parties? It simply permits the introduction of secondary evidence, and that is all. Secondary evidence is permitted to establish what the ballots show in Macoupin County. That is the question. What is that secondary evidence? It is the evidence of a man who, in a contest between the candidates for county treasurer in that county, during a count of the ballots to determine that question, made some sort of a count of the vote for Congressman. That is the man on whose testimony they rely for the purpose of overturning the solemn, sworn statements of the parties who were judges of election. On man sat behind the county clerk and by his pencil marks attempted to count the votes that had been received for Congressmen, Mr. Downing, the sitting member, and General Rinaker, the contestant. He was not there during all of the counting of those ballots. He was simply there while 25 precincts were being counted. We find that when he testified in this case his tally showed a difference of 22 votes in favor of General Rinaker and 13 votes against Mr. Downing, the sitting member, and the result was that those two sums added together make 35 votes, which is more than the majority given by the report of the committee to General Rinaker, and hence decides the question in this case.

Now, then, the question is simply, what does all this talk about the injunction suit amount to? It amounts to laying the foundation for the introduction of secondary testimony only, and that secondary testimony is the evidence of one man, an unsworn person, a member of the same political party as General Rinaker, a man who evidently felt a deep interest in General Rinaker. He was not sworn, his count was not an official count, and it is by this evidence that it is sought to override the official returns made by the officers.

Mr. COX. Will the gentleman yield for a question?

Mr. SHAFROTH. Certainly.

Mr. COX. Was this man who made the count of the Congressional vote placed there by any authority in the world?

Mr. SHAFROTH. None whatever.

Mr. COX. Who put him there?

Mr. SHAFROTH. He was representing General Rinaker.

Mr. COX. Did General Rinaker put him there?

Mr. SHAFROTH. I do not know whether he did or not, but the evidence showed that he was representing General Rinaker.

Mr. COX. He was not employed as an officer of the State at all?

Mr. SHAFROTH. No.

Mr. LACEY. The evidence showed that he was employed by Thomas Rinaker, a son of General Rinaker.

Mr. COX. He was not a State officer at all?

Mr. SHAFROTH. No, sir.

Mr. COX. He was not under oath?

Mr. SHAFROTH. Not at all.

Mr. COX. That is a curious kind of man to make a count of that sort.

Mr. HULICK. When the result of Murphy's count was known to be favorable to General Rinaker, then it was that this injunction proceeding was begun and the counting of the ballot closed against General Rinaker.

Mr. SHAFROTH. I understand that the injunction was sued out first.

Several MEMBERS. Oh, no.

Mr. HULICK. I should like to know that fact.

Mr. SHAFROTH. I do not know whether it was or not. It is immaterial.

A MEMBER. It is very material.

Mr. HOPKINS. Will the gentleman yield?

Mr. SHAFROTH. My time is nearly up.

Mr. HOPKINS. It is right on that point.

Mr. SHAFROTH. I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. SHAFROTH. Now, Mr. Speaker, what is our duty between these two parties? I care not what the result of the injunction suit is. I care not how it locks up the ballot. I care not in what situation it would place the contestant, so long as it preserved the ballots, and we have the right to look at them now.

Now, what is the situation if those ballots are not opened? We have upon the one side a conflict of testimony. This secondary evidence is admissible to show what? To show that this man Murphy examined the count for candidates for Congress, and found by his count a discrepancy. Now, that is the situation, and that is all the evidence upon that side. Mr. Downing, by reason of the injunction suit, can not be deprived of the fact that he holds the certificate of election, can not be deprived of the fact that there were five sworn officers in each precinct, that they in an official capacity passed upon these votes. It then becomes a question of the preponderance of evidence.

Upon one side we have what? Simply one man, unsworn, not an official at all, who had no legal right to examine the ballots, making a count over the shoulder of another man. Now, what do we find in the testimony, and ample testimony, on the other side? We find that every one of these precinct returns was read and examined by five men. We find that in each of the election precincts there were watchers trying to find whether there was any illegal voting. Again, we find that the judges represented the different political parties and the greatest watchfulness was evinced upon each side to determine whether or not there was a single vote that was illegally cast or counted. Then we find that the clerks of the election were of different political parties, every one of them straining every nerve to see that there was no fraudulent vote cast; and notwithstanding these were sworn men; notwithstanding the fact that they were in the performance of their official duty; notwithstanding the fact that they were there to see that no frauds were committed, you are asked by the majority report in this case to set aside their testimony and to say that this was an illegal count, simply on what one man says, and he unsworn, and in the interest of the party who is the contestant in this case.

Mr. Speaker, if we are prepared to do that, it seems to me that there is no Representative in this House whose seat is safe. We are not asking that Mr. Downing be seated. That is not the question that is before this House by the report made by the minority of the committee. That is not what they are claiming. They are claiming that the votes in the precincts in which it is claimed mistakes in the count have been made, namely, the votes in Macoupin County, be recounted. We have the evidence of the county clerk, made at that time, and also made in an affidavit on the 24th day of last April, that these ballots are intact; that by agreement these ballots were placed in two trunks, and the trunks locked; that seals were put upon the locks; that the name of the county clerk was written upon the seals; that the keys were inclosed in an envelope, and sealed and placed in the vault of the county. When we take into consideration the fact that the county clerk himself is of the same political party as General Rinaker, what excuse is there on earth for denying justice to the sitting member? What excuse is there for refusing to find out the truth?

I submit, Mr. Speaker, it is simply saying we are afraid to open the ballots for fear they do not show enough votes for General Rinaker to elect him.

Mr. COOKE of Illinois. Will the gentleman permit me to ask him one question?

Mr. SHAFROTH. Yes, sir.

Mr. COOKE of Illinois. Was not the application for an injunction a clear indication that they were afraid on their side of having the ballots opened and counted?

Mr. SHAFROTH. I do not care whether it was or not. I do not know. It does not make any difference whether it is so or not. You can not elect or unseat a man upon mere fear or suspicion. The bringing of the injunction suit does not prove anything. It simply permits the introduction of secondary evidence, and that is all; and then when you produce that evidence, I submit that there is no member of this House that would want his seat even contested by such testimony as that.

The SPEAKER. The time of the gentleman has expired.

Mr. MOODY. I yield ten minutes to the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. Mr. Speaker, I do not rise at this time to enter into any lengthy discussion of this case. I rise simply for the purpose of explaining to the House the reasons why I can not assent to the conclusions reached by the majority of the committee.

This Congressional district in question was composed of 160 election precincts. At each of those 160 election precincts there were election officers duly chosen in accordance with the law, representatives of both parties. Those 160 election precincts, through the medium of their election officers, made returns—sworn returns; and there is no allegation of any fraud upon the part of a single election officer in all these 160 districts. The sitting member comes here, therefore, with the commission that the law gives him as the result of those election returns, and they are absolutely conclusive and binding until they are overturned by competent evidence.

Have they been so overturned? It is alleged that some time after the election returns were made and the certificate issued a contest arose in a certain county between the Republican and the Democratic candidates for treasurer, and in that contest the ballots were counted. They were counted by officers appointed by law for that purpose, acting under the sanction of an oath, and following the mode of procedure pointed out by the law. At the instance of the contestant, in the interest of the contestant, presumably in the hire of the contestant, a party who, in my judgment, had no business in that room where the ballots were being counted sat behind one of the parties engaged in that count, and as the ballots were passed speedily along, at the rate of from 6 to 16 a minute, made a tally of the Congressional vote. He did that in 25 out of 160 election districts. The proposition here now is that the sworn returns of the legally elected and sworn election officers in the 160 election districts shall be overturned and the title to a seat in this House settled upon the testimony of that hired counter, who counted in this method in these 25 out of the 160 election precincts. That is the question before this House and nothing can obscure it. Now, then, our friends upon the other side will admit, I think, that up to this point, if there were nothing more in the case, the contestant would have no case. I assume that they would concede that. In other words, they would concede that in the absence of something not yet disclosed the testimony of Murphy is insufficient to change the result.

Now, how do they justify the admission of Murphy's testimony? Upon what basis do they give it the weight that enables it to overturn the regular election returns? Upon this basis; the law of Illinois contains this provision:

> In all cases of contested elections the parties contesting the same shall have the right to have the package of ballots cast at such election opened, and to have all errors of the judges in counting or refusing to count any ballot corrected by the court or body trying such contest; but such ballots shall be opened only in open court, or in open session of such body, and in the presence of the officer having the custody thereof. (Election laws of Illinois, 1894, compiled, article 12, section 31, page 46.)

Undoubtedly taking that provision upon the statute book of his own State as a guide for his conduct, the contestee went into a circuit court in Illinois and asked that these ballots be not counted elsewhere than where the statute provided they might be counted, to wit, in open court, and procured an injunction against their being counted anywhere save in a court of competent jurisdiction of the State of Illinois, in a Federal court, or in Congress subsequent to its meeting.

Now, I care nothing about the motive of the contestee in procuring that injunction. It can not in any wise affect the legal result or the legal status of the case as it now stands. I put that consideration, therefore, aside altogether. I care not whether it was a good motive or a bad motive. The question is, Did his procuring of that injunction justify the admission of Murphy's testimony? That is the question to which I now address myself. You can introduce secondary evidence when, after due diligence, the primary evidence has been put beyond the jurisdiction of the court. But those two elements must concur. There must be due diligence to secure the primary evidence, and that evidence must have been put beyond the jurisdiction of the court. Neither of those prerequisites is found in this case.

Mr. HOPKINS. Will the gentleman allow me to interrupt him for a moment?

Mr. DALZELL. Yes, sir.

Mr. HOPKINS. Can the gentleman from Pennsylvania state to this House any court where those ballots could have been legally counted for Rinaker and Downing?

Mr. DALZELL. The gentleman evidently misapprehends the trend of my argument, and it is not necessary that I should answer that question, but I will answer it in a few moments if he desires an answer. I was saying, Mr. Speaker, that neither of the necessary prerequisites required by the rule exists in this case. In the first place, there was no due diligence. What was the situation of the case? The contestee as plaintiff and the various county clerks as defendants were parties to an equity proceeding. The contestant was no party to that proceeding, but the interest of the contestant was the subject-matter of that proceeding, and the doors of that court were open to him. He could have gone into the court, and it was his duty to have gone into the court, and stated that he was a party in interest; that he prayed to be made a party to the proceeding, and moved to dissolve the injunction. Or failing that—and upon this point I do not care to take up much time, because I have not much to spare—failing that, moved to have had the ballots counted.

Mr. HOPKINS. When could he have had the ballots counted under that proceeding? He could not have had them counted until you would be a gray-headed old man.

Mr. DALZELL. It is not material to the case whether he could have had the ballots counted or not. He did not do what he ought to have done.

Mr. HOPKINS. I take issue with you there. I think he did.

Mr. DALZELL. I decline to be interrupted further, especially by the gentleman who has interrupted everybody. [Laughter.]

Mr. HOPKINS. Well, I have never done it without making a point. [Laughter.]

Mr. DALZELL. I say, Mr. Speaker, the first prerequisite is wanting—due diligence. The second prerequisite is also wanting in this case, because the primary evidence was not put beyond the jurisdiction of the court. It was impossible for that court to make an order, if it had attempted to do it, to put those ballots beyond the reach of this Congress. Gentlemen say that the evidence could not be produced within the forty days or the fifty days or ninety days. There is no time binding on this House. There are no rules for the conduct of contested election proceedings that are binding on this House. The source of its authority, the limit of its power, the charter for its exercise, is found in the Constitution of the United States, which makes the House the sole and exclusive judge, according to its own methods, according to the methods of each Congress for itself, as to the election and qualifications of its own members. Those ballots have never been beyond the reach of this House, and they are by this very injunction preserved in their integrity to answer the purpose recommended by the minority of the committee, to wit, an examination by this court of last resort to determine the truth as between the parties.

How much time have I remaining, Mr. Speaker?

The SPEAKER. The time of the gentleman has expired.

Mr. MOODY. I yield the gentleman ten minutes more, or whatever further time he desires.

Mr. DALZELL. Now, Mr. Speaker, I go a step further. The injunction could by no possibility do the contestant any harm, because he was not entitled to a recount unless he acquired that right by a statute of the State of Illinois. The laws of Congress authorize no recount. There is no law anywhere that authorizes the party taking testimony in a contested election case to have a recount of the ballots. The gentlemen who refer to the case of Greevy *vs.* Scull misapprehend the scope and purpose of that case. It did not decide that there could be a recount before the notary. The contestant therefore lost nothing if he was not entitled to a recount. If, on the other hand, he was entitled to a recount, he became entitled thereto by the provisions that are found upon the statute book of Illinois.

Mr. CANNON. Will the gentleman allow me a moment?

Mr. DALZELL. Certainly.

Mr. CANNON. Does the gentleman hold that under the Federal statute it was out of the power of the contestant to examine the county clerk who had the ballots in his custody, and to take evidence touching the ballots themselves, and if necessary, as part of that evidence, to take complete copies of the ballots?

Mr. DALZELL. I do not. There is a vast difference between that and a recount.

Mr. CANNON. That, as I understand (and if I am in error I want to be corrected), is just exactly what the contestant sought to do by the subpœna duces tecum.

Mr. DALZELL. To have a recount?

Mr. CANNON. No: to examine touching those ballots and to take evidence so as to obtain copies of them and spread the results in the record for the consideration of the House.

Mr. DALZELL. Very well; he was prevented for the time being from doing that by the course which was taken.

Mr. CANNON. Precisely.

Mr. DALZELL. But the ballots were not taken out of the jurisdiction of the court; they do not, therefore, come within the rule which allows the admission of secondary evidence.

Mr. CANNON. I only interrupted the gentleman to say that it was not a recount, but the taking of the evidence originally, that was sought to be accomplished by the contestant.

Mr. DALZELL. I submit, then, that no harm could come to the contestant, because he was not entitled to a recount unless pursuant to the provisions of the statute of Illinois. If he was entitled to a recount pursuant to the provisions of that statute and desired to have it, he could only have it in accordance with the terms of the statute; and that recourse was open to him at all times.

But aside from this altogether—aside from the proposition that he was not entitled to a recount generally—he was not entitled to a recount on the pleadings in this case. You can not, without some averment with respect to particular ballot boxes, have a recount in any case except a case where there has been discovery of such general fraud as makes the election void unless the truth can be ascertained by going to the ballot boxes. There is no allegation in the petition in this case; there is no possible ground in the pleadings in this case to justify a recount. Why, sir, I need hardly say to a body made up largely of lawyers that no man upon even a general allegation of fraud, which we have not in this case, could have a recount as an experiment, so as to set off ballot box against ballot box, or ballot box on the one side and judicial findings on the other. An election contest is not an experimental investigation; it is a trial of specific charges; and what is complained of in this case is that the contestant is prevented from going to the ballot boxes of the 160 precincts in that Congressional district to find out whether or not he had not something rightly to complain of.

Now, Mr. Speaker, if my argument thus far has proceeded upon a proper basis this evidence was incompetent. But let us concede that it was competent. I want you gentlemen to face the proposition you are asked to sustain. Suppose, for example, that there were no ballots in existence at all, and the only evidence in the case was on one side the sworn returns of the election officers and on the other Murphy's testimony. I want you to answer the question to your consciences, Could you unseat the contestee and seat the contestant on such evidence?

Mr. HULICK. Will the gentleman allow me to answer that on my own behalf?

Mr. DALZELL. The question was rhetorical. The gentleman can answer it by his vote. I am not anxious to have the gentleman's answer. He has already indicated how he is going to vote, and I do not expect to make a convert of him. I ask you now—and I do not care to prolong the discussion—to consider seriously this proposition: Will you set aside the unimpeached returns of 160 election precincts upon the testimony of Murphy who counted in the manner indicated by the testimony in 25 out of the 160? That is the question; that is the only question. And I want to say to you before I take my seat that the decision of a Republican Congress made by votes cast upon the ground that the contestant is a friend of this party or a friend of that party, or that the contestee is a Democratic newspaper editor—the decision of a Republican Congress made upon such grounds will be a disgrace to a Republican Congress. [Applause.] A decision made upon any ground except in consonance with the facts as presented upon the record and the law applicable thereto will be lacking in glory and will be an infamous one. [Applause.]

Mr. COOKE of Illinois rose.

Mr. MOODY. I believe I have the floor. I would like, before yielding the floor, to inquire of my colleague on the committee, the gentleman from Illinois [Mr. COOKE], whether he will consent to the previous question being now ordered?

Mr. COOKE of Illinois. After the objection which was made to limiting the time, and so long as we are entitled to close the debate, and so long as we have been unable to come to any agreement as to the time at any moment during the progress of the debate, I can not consent.

Mr. MOODY. Mr. Speaker, there are many gentlemen who wish to speak on this side of the question; but the universal demand that comes to me to allow the House to decide whether or not it will close this debate now, compels me, without any wish upon the subject one way or the other, to ask the previous question.

Mr. CANNON. Will the gentleman allow me one word before he does that?

Mr. MOODY. Certainly.

Mr. CANNON. Only a word.

Mr. MOODY. Does the gentleman desire a word with the House or with me?

Mr. CANNON. I wish to make a suggestion to the gentleman from Massachusetts. Three or four of my colleagues, and colleagues of the contestant, would be very glad to have five or ten minutes for the purpose of discussing the law and the facts in connection with this matter as they appear in the record. Therefore I want to appeal to the gentleman from Massachusetts, in all fairness and fair play, not to move the previous question (which seems to me substantially out of order), and not to seek to take the control of the matter from the member who has under the rules and practice control of it. I would suggest to the gentleman that we adjourn now, or let the debate run fifteen or twenty minutes further. [Cries of "Vote!" "Vote!"] Oh, gentlemen, our man has waited a year for his seat. You can certainly wait and let the case be properly presented.

Mr. MOODY. It is insisted here, Mr. Speaker, that the time belonging to the other side of the House, and much more than that time, has been already occupied. If I yielded to my own wishes I should say let the debate go on. But the House can do as they see fit in the matter. I have no wish about it one way or the other. Our desire is, if possible, to take a vote to-night, and while it puts me in a very painful position, indeed, to be in opposition to the distinguished gentleman from Illinois, unless the House otherwise prefers I shall have to insist upon the previous question.

Mr. DINGLEY. If the gentleman will pardon me a moment, in pursuance of the almost universal practice of the House it has been accorded to the gentleman in charge of any bill or resolution before the House to close the debate and move the previous question. I would suggest to the gentleman that the ordinary practice had better not be deviated from in this case.

Mr. MOODY. That is an appeal which, of course, I can not deny to the distinguished gentleman from Maine, but I would like to ask the gentleman if his appeal would be satisfied if we

would allow, say, ten or fifteen minutes, to the other side and then take a vote—allowing them to close the debate?

Mr. DINGLEY. I would simply say, of course, if it is the desire of the House to come to a vote, I think that is only proper, although I think the motion should be made by the gentleman in charge of the matter at the conclusion of the argument.

Mr. MOODY. The difficulty is that the motion will not be made. There will be an attempt to adjourn. The House is here, we are all interested in the matter, and we ought to dispose of it. If they will agree to, say, ten or fifteen minutes, and then move the previous question, I have no objection, and I shall be glad to yield for that motion.

Mr. HOPKINS. I will say to the gentleman that a number of gentlemen have left the Hall under the impression that there would be no vote to-day.

Several MEMBERS. They ought to be here.

Mr. HOPKINS. It is now half past 5 o'clock, and the vote, if we should go to voting now, would take, say, until 7 this afternoon. Nothing can be lost by allowing the matter to go over and permitting gentlemen to present their views on the law and the facts, and take the vote on another day.

Mr. MOODY. I will yield to the appeal of the gentleman from Maine to the extent that I have already indicated. If gentlemen on the other side will take from our time—for this is our time, as we have occupied nowhere near the amount of time that has been occupied by the other side—if they will take fifteen minutes of our time, and then have the previous question considered as ordered at the end of that time, and agree that a single vote on the substitute of the minority shall be final on the whole case, and nothing more, I will grant consent to that programme.

Mr. CANNON. Well, we will not make, I think, if it requires unanimous consent, that agreement.

Mr. MOODY. Then, Mr. Speaker, I demand the previous question.

Mr. CANNON. I rise to a question of order on that motion.

The SPEAKER. The gentleman will state it.

Mr. CANNON. It is not in order for the gentleman from Massachusetts to move the previous question, for the reason that, while the rule may be silent on the subject in that respect, yet it is the practice of the House, an unbroken practice, so far as I know, for years, that the gentleman in charge of the bill or measure should be, as he has been always, recognized at the close of the debate to move the previous question.

The SPEAKER. The Chair does not remember any case where the right to move the previous question has been refused to a member. The remedy seems to be very simple. If the House does not desire the previous question ordered, it can vote the motion down. The gentleman in charge of the bill was recognized originally and was in charge of it. He has not seen fit to move the previous question, but if some one else moves it and the House does not desire to have it ordered it can vote down the motion.

Mr. HOPKINS. Mr. Speaker, inasmuch as a number of gentlemen have gone from the House, supposing there would be no vote on the question to-day——

Mr. MOODY. Mr. Speaker, I have not yielded the floor.

The SPEAKER. The Chair will hear the gentleman from Illinois upon the point of order.

Mr. HOPKINS. Inasmuch as a number of gentlemen have gone, supposing there would be no vote to-day, and inasmuch as there are a number of gentlemen on the side of the contestant who desire still further to discuss the law and the facts, it seems to me that it would be improper to cut off the discussion in this way——

Mr. MILES. Mr. Speaker, is this a point of order?

The SPEAKER. The Chair hardly thinks that is a point of order. These are considerations addressed to the House as to the propriety of ordering the previous question.

Mr. HOPKINS. That was simply a premise to my motion, which is that the House do now adjourn.

Mr. MOODY. I make the point of order that I have the floor.

The SPEAKER. The gentleman has the right to move that the House do now adjourn.

Mr. RICHARDSON. I make the point that that is dilatory.

The SPEAKER. The Chair will overrule the point and put the question. The gentleman from Illinois [Mr. HOPKINS] moves that the House do now adjourn.

Mr. BARRETT. Mr. Speaker, a point of order. I will ask the Speaker to first state the motion of the gentleman from Massachusetts.

The SPEAKER. The gentleman from Massachusetts [Mr. MOODY] has asked for the previous question. That is the matter pending before the House. Pending that, the gentleman from Illinois [Mr. HOPKINS] moves that the House do now adjourn.

Mr. LACEY. A parliamentary inquiry, Mr. Speaker. Should we adjourn, what would be the condition of the case to-morrow, or the next time it comes up? Will it then stand upon the motion for the previous question?

The SPEAKER. It will stand precisely as it does now.

Mr. LACEY. That is, the motion for the previous question will be pending?

The SPEAKER. The motion for the previous question will be pending.

Mr. PICKLER. Mr. Speaker——

The SPEAKER. The question is on the motion of the gentleman from Illinois that the House do now adjourn.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. HOPKINS demanded a division, and pending the division demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 96, nays 139, not voting 120; as follows:

YEAS—96.

Acheson,	Curtis, Kans.	Hooker,	Prince,
Aldrich, Ala.	Curtis, N. Y.	Hopkins,	Reeves,
Aldrich, Ill.	Danford,	Howard,	Reyburn,
Avery,	Daniels,	Hubbard,	Royse,
Baker, N. H.	De Witt,	Hulick,	Scranton,
Barney,	Dingley,	Huling,	Sherman,
Belknap,	Fischer,	Hull,	Smith, Ill.
Bishop,	Foss,	Hunter,	Smith, Mich.
Blue,	Gamble,	Johnson, N. Dak.	Snover,
Brewster,	Gibson,	Joy,	Southard,
Broderick,	Gillet, N. Y.	Kiefer,	Spalding,
Brumm,	Graff,	Leonard,	Sperry,
Burton, Mo.	Griffin,	Linton,	Stewart, Wis.
Calderhead,	Grosvenor,	Long,	Strode, Nebr.
Cannon,	Hadley,	Lorimer,	Sulloway,
Chickering,	Hager,	Marsh,	Tawney,
Connolly,	Hainer, Nebr.	Mercer,	Tracey,
Cooke, Ill.	Halterman,	Miller, Kans.	Van Horn,
Cooper, Wis.	Harris,	Minor, Wis.	Van Voorhis,
Corliss,	Henderson,	Murphy,	Walker, Va.
Cousins,	Hepburn,	Northway,	Warner,
Crowther,	Hermann,	Overstreet,	Watson, Ohio
Crump,	Hill,	Parker,	Wilson, Ohio
Curtis, Iowa	Hitt,	Perkins,	Wood.

NAYS—139.

Abbott,	Eddy,	Loud,	Sparkman,
Allen, Miss.	Elliott, S. C.	Loudenslager,	Spencer,
Allen, Utah	Ellis,	Maguire,	Stahle,
Anderson,	Erdman,	McCall, Mass.	Stallings,
Apsley,	Evans,	McCleary, Minn.	Stokes,
Bailey,	Fairchild,	McCulloch,	Stone, C. W.
Baker, Kans.	Fitzgerald,	McDearmon,	Strait,
Baker, Md.	Gardner,	McLaurin,	Strowd, N. C.
Bankhead,	Hall,	McMillin,	Swanson,
Bartlett, Ga.	Hardy,	McRae,	Taft,
Beach,	Harrison,	Meyer,	Talbert,
Bell, Colo.	Hart,	Miles,	Tate,
Bell, Tex.	Hatch,	Milliken,	Tayler,
Berry,	Heiner, Pa.	Money,	Terry,
Brown,	Hendrick,	Moody,	Towne,
Bull,	Henry, Conn.	Neill,	Tracewell,
Burton, Ohio	Hicks,	Otey,	Treloar,
Catchings,	Jenkins,	Otjen,	Tucker,
Clardy,	Jones,	Patterson,	Turner, Ga.
Clarke, Ala.	Kem,	Payne,	Turner, Va.
Cobb,	Kendall,	Pendleton,	Tyler,
Codding,	Kerr,	Pickler,	Underwood,
Cooper, Fla.	Kleberg,	Pitney,	Updegraff,
Cox,	Knox,	Poole,	Wadsworth,
Crisp,	Kulp,	Powers,	Walsh,
Crowley,	Kyle,	Pugh,	Wanger,
Culberson,	Lacey,	Raney,	Watson, Ind.
Cummings,	Latimer,	Richardson,	Wellington,
Dalzell,	Layton,	Russell, Conn.	Wheeler,
De Armond,	Leighty,	Russell, Ga.	Willis,
Denny,	Lester,	Shafroth,	Wilson, N. Y.
Dinsmore,	Linney,	Shuford,	Wilson, S. C.
Dockery,	Little,	Simpkins,	Wright,
Dolliver,	Livingston,	Skinner,	Yoakum.
Draper,	Lockhart,	Southwick,	

NOT VOTING—120.

Adams,	Doolittle,	Lawson,	Phillips,
Aitken,	Dovener,	Lefever,	Price,
Andrews,	Downing,	Leisenring,	Quigg,
Arnold, Pa.	Ellett, Va.	Lewis,	Ray,
Arnold, R. I.	Faris,	Low,	Robertson, La.
Atwood,	Fenton,	Maddox,	Robinson, Pa.
Babcock,	Fletcher,	Mahany,	Rusk,
Barham,	Foote,	Mahon,	Sauerhering,
Barrett,	Fowler,	McCall, Tenn.	Sayers,
Bartholdt,	Gillett, Mass.	McClellan,	Settle,
Bartlett, N. Y.	Goodwyn,	McClure,	Shannon,
Bennett,	Griswold,	McCormick,	Shaw,
Bingham,	Grout,	McCreary, Ky.	Sorg,
Black, Ga.	Grow,	McEwan,	Steele,
Black, N. Y.	Hanly,	McLachlan,	Stephenson,
Boutelle,	Harmer,	Meiklejohn,	Stewart, N. J.
Bowers,	Hartman,	Meredith,	Stone, W. A.
Bromwell,	Heatwole,	Miller, W. Va.	Strong,
Brosius,	Hemenway,	Milnes,	Sulzer,
Buck,	Henry, Ind.	Miner, N. Y.	Thomas,
Burrell,	Hilborn,	Mondell,	Thorp,
Clark, Iowa	Howe,	Morse,	Walker, Mass.
Clark, Mo.	Howell,	Moses,	Washington,
Cockrell,	Huff,	Mozley,	White,
Coffin,	Hurley,	Newlands,	Wilber,
Colson,	Hutcheson,	Noonan,	Williams,
Cook, Wis.	Hyde,	Odell,	Wilson, Idaho
Cooper, Tex.	Johnson, Cal.	Ogden,	Woodard,
Cowen,	Johnson, Ind.	Owens,	Woodman,
Dayton,	Kirkpatrick,	Pearson,	Woomer.

So the motion to adjourn was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. WILLIAM A. STONE with Mr. SAYERS.

Mr. JOHNSON of Indiana with Mr. BLACK of Georgia.

Mr. MILLER of West Virginia with Mr. WOODARD.

Mr. STEELE with Mr. WASHINGTON.

Mr. MCEWAN with Mr. SULZER.

Mr. WILSON of Idaho with Mr. COWEN.

Mr. HUFF with Mr. MINER of New York.

Mr. MOZLEY with Mr. MOSES.

Mr. FARIS with Mr. SORG.

Mr. MEIKLEJOHN with Mr. ROBERTSON of Louisiana.

Mr. BARTHOLDT with Mr. MADDOX.

Mr. WILLIS with Mr. WILLIAMS.

For this day:

Mr. STEPHENSON with Mr. RUSK.

Mr. MCCALL of Tennessee with Mr. LAWSON.

Mr. LEFEVER with Mr. MAHANY.

Mr. BURRELL with Mr. COCKRELL.

Mr. LOW with Mr. MCCLELLAN.

On this question:

Mr. DOOLITTLE with Mr. MCLACHLAN.

Mr. STRONG with Mr. GILLETT of Massachusetts.

Mr. BLACK of New York with Mr. BARTLETT of New York.

Mr. HENRY of Indiana with Mr. SHAW.

Mr. BENNETT with Mr. OWENS.

Mr. DOVENOR with Mr. BROMWELL.

Mr. MILNES with Mr. MEREDITH.

Mr. QUIGG with Mr. MCCREARY of Kentucky.

Mr. GROUT with Mr. GRISWOLD.

Mr. HURLEY with Mr. GOODWYN.

Mr. LEISENRING with Mr. HUTCHESON.

Mr. HARMER with Mr. BUCK.

Mr. MORSE with Mr. BROSIUS.

Mr. SAUERHERING with Mr. ELLETT of Virginia.

Mr. DAYTON with Mr. OGDEN.

Mr. MCCLURE with Mr. COOPER of Texas.

Mr. SAYERS. Mr. Speaker, I find that I am paired with the gentleman from Pennsylvania, Mr. WILLIAM A. STONE. I withdraw my vote. If he were here, I should vote "no."

Mr. DOOLITTLE. I see that I am paired with the gentleman from California, Mr. MCLACHLAN. I voted "aye," but I desire now to withdraw my vote for that reason.

Mr. STEELE. I voted "aye." I am paired with the gentleman from Tennessee, Mr. WASHINGTON, and withdraw my vote.

Mr. GROUT. I am reminded that I am paired with the gentleman from Pennsylvania, Mr. GRISWOLD, and so withdraw my vote. I voted "aye."

Mr. WILLIS. I am paired with the gentleman from Mississippi, Mr. WILLIAMS, but this case is specially excepted.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on ordering the previous question.

Mr. HOPKINS. A parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. HOPKINS. Pending that motion, would a motion to postpone the further consideration of this contested-election case until Friday be in order?

Mr. LACEY. Would not that be a dilatory motion after the motion just voted upon?

The SPEAKER. The motion would not be in order. The question is on agreeing to the previous question.

The question was taken on ordering the previous question; and the Speaker announced that the ayes seemed to have it.

Mr. HOPKINS. Division.

The House divided; and there were—ayes 145, noes 69.

Mr. HOPKINS. Mr. Speaker, I demand the yeas and nays on this. [Cries of "Oh!"]

The yeas and nays were ordered.

The question was taken; and there were—yeas 143, nays 76, not voting 136; as follows:

YEAS—143.

Abbott,	Catchings,	Ellis,	Jenkins,
Allen, Miss.	Clardy,	Erdman,	Jones,
Allen, Utah	Clarke, Ala.	Evans,	Kem,
Anderson,	Cobb,	Fairchild,	Kerr,
Bailey,	Codding,	Fischer,	Kleberg,
Baker, Kans.	Cooper, Fla.	Fitzgerald,	Knox,
Baker, Md.	Crisp,	Gardner,	Kulp,
Bankhead,	Crowley,	Gillet, N. Y.	Kyle,
Bartlett, Ga.	Culberson,	Hall,	Lacey,
Bell, Colo.	Cummings,	Hardy,	Latimer,
Bell, Tex.	Dalzell,	Harrison,	Layton,
Berry,	De Armond,	Hart,	Leighty,
Bishop,	Denny,	Hatch,	Lester,
Boutelle,	Dinsmore,	Hendrick,	Little,
Brown,	Dockery,	Henry, Conn.	Livingston,
Bull,	Draper,	Howe,	Lockhart,
Burton, Ohio	Eddy,	Howell,	Loud,
Cannon,	Elliott, S. C.	Hunter,	
Loudenslager,	Pendleton,	Sparkman,	Tucker,
Maguire,	Pickler,	Spencer,	Turner, Ga.
McCleary, Minn.	Pitney,	Stahle,	Turner, Va.
McCulloch,	Poole,	Stallings,	Tyler,
McDearmon,	Powers,	Stokes,	Underwood,
McLaurin,	Pugh,	Stone, C. W.	Updegraff,
McMillin,	Raney,	Strait,	Wadsworth,
McRae,	Richardson,	Strowd, N. C.	Walker, Va.
Meyer,	Russell, Conn.	Swanson,	Walsh,
Miles,	Russell, Ga.	Taft,	Wanger,
Milliken,	Shafroth,	Talbert,	Watson, Ind.
Money,	Sherman,	Tate,	Wheeler,
Moody,	Shuford,	Tawney,	Willis,
Neill,	Simpkins,	Tayler,	Wilson, N. Y.
Otey,	Skinner,	Terry,	Wilson, S. C.
Otjen,	Southard,	Towne,	Wright,
Patterson,	Southwick,	Tracewell,	Yoakum.
Payne,	Spalding,	Treloar,	

NAYS—76.

Acheson,	Cousins,	Halterman,	Northway,
Aldrich, Ala.	Crowther,	Henderson,	Overstreet,
Aldrich, Ill.	Crump,	Hepburn,	Parker,
Apsley,	Curtis, Iowa	Hitt,	Perkins,
Avery,	Curtis, Kans.	Hopkins,	Prince,
Baker, N. H.	Curtis, N. Y.	Hulick,	Quigg,
Barney,	Danford,	Huling,	Reeves,
Belknap,	Daniels,	Hull,	Reyburn,
Blue,	De Witt,	Kiefer,	Royse,
Brewster,	Dingley,	Leonard,	Scranton,
Broderick,	Foss,	Linney,	Smith, Ill.
Brumm,	Gamble,	Linton,	Stewart, Wis.
Burton, Mo.	Gibson,	Long,	Strode, Nebr.
Chickering,	Graff,	Lorimer,	Sulloway,
Colson,	Griffin,	Marsh,	Van Horn,
Connolly,	Grosvenor,	Mercer,	Van Voorhis,
Cooke, Ill.	Hadley,	Miller, Kans.	Warner,
Cooper, Wis.	Hager,	Minor, Wis.	Watson, Ohio
Corliss,	Hainer, Nebr.	Murphy,	Wood.

NOT VOTING—136.

Adams,	Downing,	Joy,	Price,
Aitken,	Ellett, Va.	Kirkpatrick,	Ray,
Andrews,	Faris,	Lawson,	Robertson, La.
Arnold, Pa.	Fenton,	Lefever,	Robinson, Pa.
Arnold, R. I.	Fletcher,	Leisenring,	Rusk,
Atwood,	Foote,	Lewis,	Sauerhering,
Babcock,	Fowler,	Low,	Sayers,
Barham,	Gillett, Mass.	Maddox,	Settle,
Barrett,	Goodwyn,	Mahany,	Shannon,
Bartholdt,	Griswold,	Mahon,	Shaw,
Bartlett, N. Y.	Grout,	McCall, Mass.	Smith, Mich.
Beach,	Grow,	McCall, Tenn.	Snover,
Bennett,	Hanly,	McClellan,	Sorg,
Bingham,	Harmer,	McClure,	Sperry,
Black, Ga.	Harris,	McCormick,	Steele,
Black, N. Y.	Hartman,	McCreary, Ky.	Stephenson,
Bowers,	Heatwole,	McEwan,	Stewart, N. J.
Bromwell,	Heiner, Pa.	McLachlan,	Stone, W. A.
Brosius,	Hemenway,	Meiklejohn,	Strong,
Buck,	Henry, Ind.	Meredith,	Sulzer,
Burrell,	Hermann,	Miller, W. Va.	Thomas,
Calderhead,	Hicks,	Milnes,	Thorp,
Clark, Iowa	Hilborn,	Miner, N. Y.	Tracey,
Clark, Mo.	Hill,	Mondell,	Walker, Mass.
Cockrell,	Hooker,	Morse,	Washington,
Coffin,	Howard,	Moses,	Wellington,
Cook, Wis.	Hubbard,	Mozley,	White,
Cooper, Tex.	Huff,	Newlands,	Wilber,
Cowen,	Hurley,	Noonan,	Williams,
Cox,	Hutcheson,	Odell,	Wilson, Idaho
Dayton,	Hyde,	Ogden,	Wilson, Ohio
Dolliver,	Johnson, Cal.	Owens,	Woodard,
Doolittle,	Johnson, Ind.	Pearson,	Woodman,
Dovener,	Johnson, N. Dak.	Phillips,	Woomer.

So the previous question was ordered.

The following additional pairs were announced:

On this question:

Mr. HERMANN with Mr. SNOVER.

Mr. MCCALL of Massachusetts with Mr. HILL.

Mr. CANNON. Mr. Speaker, how am I recorded?

The SPEAKER. The gentleman from Illinois is recorded in the negative.

Mr. CANNON. I desire to change my vote.

The SPEAKER. The Clerk will call the name of the gentleman from Illinois.

The name of Mr. CANNON was called and he voted "yea."

The result of the vote was then announced as above recorded.

Mr. CANNON. Mr. Speaker, I move to reconsider the vote by which the previous question was ordered.

Mr. MOODY. I move to lay that motion on the table.

Mr. RICHARDSON. I make the point of order that the motion is dilatory, Mr. Speaker. The motion is clearly dilatory, after the House has so clearly expressed its opinion upon this matter.

The SPEAKER. The Chair hopes the gentleman will withdraw the motion.

Mr. CANNON. Mr. Speaker, I think I have the right to make this motion. In my judgment—if I may be indulged a moment upon the point of order—I suppose it is proper that I should have just a minute. In my judgment, it is the right, at least at this stage of the proceedings, of any member to move to reconsider the vote. I am aware, sir, that a dilatory motion, and all dilatory motions, are not in order. I am also quite aware that the Speaker is made the judge, in his discretion, as to when a motion becomes dilatory. Having said that, I have said all I care to say; and I

say that it seems to me, considering the extraordinary departure from parliamentary usage by the action of the gentleman who moved the previous question, that I have the right to challenge the attention of the House and of the country by this motion upon the merits.

The SPEAKER. The Chair will entertain the motion. The gentleman from Massachusetts moves to lay the motion to reconsider on the table.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. HOPKINS. Division.

The House divided; and there were—ayes 127, noes 63.

Mr. HOPKINS. Mr. Speaker, I demand the yeas and nays on this vote.

The yeas and nays were ordered.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts [Mr. MOODY] to lay the motion to reconsider on the table.

The question was taken; and there were—yeas 141, nays 69, not voting 145; as follows:

YEAS—141.

Abbott,	Erdman,	Loud,	Spencer,
Allen, Miss.	Evans,	Loudenslager,	Stahle,
Allen, Utah	Fairchild,	Maguire,	Stallings,
Anderson,	Fischer,	McCleary, Minn.	Stokes,
Bailey,	Fitzgerald,	McCulloch,	Stone, C. W.
Baker, Kans.	Gillet, N. Y.	McDearmon,	Strait,
Baker, Md.	Hall,	McLaurin,	Strowd, N. C.
Bankhead,	Hardy,	McMillin,	Swanson,
Bartlett, Ga.	Harrison,	McRae,	Taft,
Bell, Colo.	Hart,	Meyer,	Talbert,
Bell, Tex.	Hatch,	Miles,	Tate,
Berry,	Heiner, Pa.	Money,	Tayler,
Bishop,	Hendrick,	Moody,	Terry,
Boutelle,	Henry, Conn.	Neill,	Towne,
Brown,	Howard	Otey,	Tracewell,
Burton, Ohio	Howell,	Otjen,	Tucker,
Catchings,	Huff,	Patterson,	Turner, Ga.
Clardy,	Hunter,	Payne,	Turner, Va.
Clarke, Ala.	Jenkins,	Pendleton,	Tyler,
Cobb,	Jones,	Pickler,	Underwood,
Codding,	Kem,	Pitney,	Updegraff,
Cooper, Fla.	Kendall,	Poole,	Wadsworth,
Cox,	Kerr,	Powers,	Walker, Va.
Crisp,	Kleberg,	Pugh,	Walsh,
Crowley,	Knox,	Raney,	Wanger,
Culberson,	Kyle,	Richardson,	Watson, Ind.
Cummings,	Lacey,	Russell, Conn.	Wheeler,
Dalzell,	Latimer,	Russell, Ga.	Wilber,
De Armond,	Lawson,	Shafroth,	Willis,
Denny,	Layton,	Sherman,	Wilson, N. Y.
Dingley,	Leighty,	Shuford,	Wilson, S. C.
Dinsmore,	Lester,	Simpkins,	Wright,
Dockery,	Linney,	Southard,	Yoakum.
Eddy,	Little,	Southwick,	
Elliott, S. C.	Livingston,	Spalding,	
Ellis,	Lockhart,	Sparkman,	

NAYS—69.

Acheson,	Cousins,	Halterman,	Perkins,
Aldrich, Ala.	Crowther,	Henderson,	Prince,
Aldrich, Ill.	Crump,	Hepburn,	Reeves,
Avery,	Curtis, Iowa	Hitt,	Royse,
Baker, N. H.	Curtis, Kans.	Hopkins,	Scranton,
Belknap,	Curtis, N. Y.	Hulick,	Smith, Ill.
Blue,	Danford,	Huling,	Smith, Mich.
Brewster,	Daniels,	Hull,	Stewart, Wis.
Brumm,	De Witt,	Johnson, N. Dak.	Strode, Nebr.
Bull,	Foss,	Kiefer,	Sulloway,
Calderhead,	Gamble,	Leonard,	Van Horn,
Cannon,	Gardner,	Linton,	Van Voorhis,
Chickering,	Gibson,	Long,	Warner,
Colson,	Graff,	Lorimer,	Watson, Ohio
Connolly,	Griffin,	Marsh,	Wood.
Cooke, Ill.	Hadley,	Minor, Wis.	
Cooper, Wis.	Hager,	Overstreet,	
Corliss,	Hainer, Nebr.	Parker,	

NOT VOTING—145.

Adams,	Cooper, Tex.	Hill,	Miller, Kans.
Aitken,	Cowen,	Hooker,	Miller, W. Va.
Andrews,	Dayton,	Howe,	Milliken,
Apsley,	Dolliver,	Hubbard,	Milnes,
Arnold, Pa.	Doolittle,	Hurley,	Miner, N. Y.
Arnold, R. I.	Dovener,	Hutcheson,	Mondell,
Atwood,	Downing,	Hyde,	Morse,
Babcock,	Draper,	Johnson, Cal.	Moses,
Barham,	Ellett, Va.	Johnson, Ind.	Mozley,
Barney,	Faris,	Joy,	Murphy,
Barrett,	Fenton,	Kirkpatrick,	Newlands,
Bartholdt,	Fletcher,	Kulp,	Noonan,
Bartlett, N. Y.	Foote,	Lefever,	Northway,
Beach,	Fowler,	Leisenring,	Odell,
Bennett,	Gillett, Mass.	Lewis,	Ogden,
Bingham,	Goodwyn,	Low,	Owens,
Black, Ga.	Griswold,	Maddox,	Pearson,
Black, N. Y.	Grosvenor,	Mahany,	Phillips,
Bowers,	Grout,	Mahon,	Price,
Broderick,	Grow,	McCall, Mass.	Quigg,
Bromwell,	Hanly,	McCall, Tenn.	Ray,
Brosius,	Harmer,	McClellan,	Reyburn,
Buck,	Harris,	McClure,	Robertson, La.
Burrell,	Hartman,	McCormick,	Robinson, Pa.
Burton, Mo.	Heatwole,	McCreary, Ky.	Rusk,
Clark, Iowa	Hemenway,	McEwan,	Sauerhering,
Clark, Mo.	Henry, Ind.	McLachlan,	Sayers,
Cockrell,	Hermann,	Meiklejohn,	Settle,
Coffin,	Hicks,	Mercer,	Shannon,
Cook, Wis.	Hilborn,	Meredith,	Shaw,
Skinner,	Stone, W. A.	Treloar,	Wilson, Ohio
Snover,	Strong,	Walker, Mass.	Woodard,
Sorg,	Sulzer,	Washington,	Woodman,
Sperry,	Tawney,	Wellington,	Woomer.
Steele,	Thomas,	White,	
Stephenson,	Thorp,	Williams,	
Stewart, N. J.	Tracey,	Wilson, Idaho	

The following additional pairs were announced:

On this question:

Mr BRODERICK with Mr. MILLIKEN.

Mr. MERCER with Mr. SKINNER.

For this day:

Mr. BAKER of New Hampshire with Mr. BAKER of Kansas.

Mr. HOPKINS. Mr. Speaker, I ask for a verification of the vote.

The SPEAKER. The gentleman from Illinois asks for a recapitulation of the vote.

Mr. POWERS. Mr. Speaker, I submit that that is dilatory.

Mr. HOPKINS. No; that is a matter of right.

The SPEAKER. The Chair is going to have the House convinced on the subject. The Clerk will recapitulate the vote.

Mr. HOPKINS. I thank the Chair for his candor.

The vote was recapitulated by the Clerk, and the result was announced as above recorded.

Mr. CANNON. Mr. Speaker, I ask consent to make a proposition to the gentleman from Massachusetts, now in charge of this matter. As many gentlemen are gone from the Hall, I suggest that consent be given that the House adjourn, and that the vote be taken to-morrow the first thing after the reading of the Journal. [Cries of "Regular order!"]

Mr. MOODY. Let me suggest to the gentleman from Illinois that if that should be done the time would be taken out of that which has been allotted to pensions, and this case may take an hour or two before we get through. I for one would not feel justified in assenting to the gentleman's proposition.

Mr. CANNON. Let the vote be taken Friday morning, then.

Mr. MOODY. I suggest to the gentleman from Illinois that the House has manifested a purpose to take this vote now, and it is the obstructive tactics upon the other side that prevent it.

The SPEAKER. The question is upon agreeing to the resolutions.

Mr. HOPKINS. Mr. Speaker, I rise for the purpose of making a privileged motion, the motion that the House adjourn.

Mr. DALZELL. I make the point of order that that is dilatory.

Mr. HOPKINS. The Speaker has ruled upon that.

Mr. DALZELL. Not upon this motion.

The SPEAKER. The Chair has not ruled upon that, but he will rule. Does the gentleman insist upon his motion?

Mr. HOPKINS. I should not have made it if I did not propose to insist upon it.

The SPEAKER. The Chair will rule it in order.

The question was taken upon the motion to adjourn; and the Speaker declared that the noes seemed to have it.

Mr. HOPKINS. I ask for a division, Mr. Speaker.

The House divided; and there were—ayes 53, noes 132.

Mr. HOPKINS. Mr. Speaker, I demand the yeas and nays.

The question was taken; and the yeas and nays were ordered, 46 members voting in favor thereof.

The question was taken; and there were—yeas 60, nays 133, not voting 162; as follows:

YEAS—60.

Acheson,	Crowther,	Hainer, Nebr.	Minor, Wis.
Aldrich, Ala.	Crump,	Halterman,	Murphy,
Aldrich, Ill.	Curtis, Iowa	Hepburn,	Otjen,
Avery,	Curtis, Kans.	Hitt,	Overstreet,
Belknap,	Curtis, N. Y.	Hopkins,	Prince,
Bishop,	Danford,	Howard,	Reeves,
Blue,	Daniels,	Hubbard,	Royse,
Brewster,	Dingley,	Hull,	Scranton,
Burton, Mo.	Foss,	Johnson, N. Dak.	Smith, Ill.
Calderhead,	Gamble,	Leonard,	Stewart, Wis.
Cannon,	Gardner,	Linney,	Strode, Nebr.
Connolly,	Gibson,	Long,	Sulloway,
Cooper, Wis.	Graff,	Lorimer,	Van Horn,
Corliss,	Hadley,	Marsh,	Warner,
Cousins,	Hager,	Miller, Kans.	Wood.

NAYS—133.

Abbott,	Bull,	Dinsmore,	Henry, Conn.
Allen, Miss.	Burton, Ohio	Dockery,	Howell,
Allen, Utah	Catchings,	Eddy,	Hunter,
Anderson,	Clardy,	Elliott, S. C.	Jenkins,
Bailey,	Clarke, Ala.	Ellis,	Jones,
Baker, Md.	Cobb,	Erdman,	Joy,
Bankhead,	Codding,	Evans,	Kem,
Barrett,	Cooper, Fla.	Fairchild,	Kerr,
Bartlett, Ga.	Cox,	Fischer,	Kleberg,
Beach,	Crisp,	Fitzgerald,	Knox,
Bell, Colo.	Crowley,	Hall,	Kulp,
Bell, Tex.	Culberson,	Hanly,	Kyle,
Berry,	Cummings,	Harrison,	Lacey,
Boutelle,	Dalzell,	Hart,	Latimer,
Brown,	De Armond,	Hatch,	Layton,
Brumm,	Denny,	Hendrick,	Lefever,

Lester,	Patterson,	Spalding,	Underwood,
Little,	Payne,	Sparkman,	Updegraff,
Livingston,	Pendleton,	Spencer,	Wadsworth,
Lockhart,	Pickler,	Stahle,	Walker, Va.
Loud,	Pitney,	Stallings,	Walsh,
Loudenslager,	Poole,	Stokes,	Wanger,
Maguire,	Powers,	Stone, C. W.	Watson, Ind.
McCleary, Minn.	Pugh,	Strait,	Watson, Ohio
McCulloch,	Raney,	Swanson,	Wheeler,
McDearmon,	Richardson,	Taft,	Wilber,
McLaurin,	Russell, Conn.	Talbert,	Willis,
McMillin,	Russell, Ga.	Tate,	Wilson, N. Y.
McRae,	Shafroth,	Terry,	Wilson, S. C.
Miles,	Sherman,	Tracewell,	Wright,
Money,	Shuford,	Tucker,	Yoakum.
Moody,	Simpkins,	Turner, Ga.	
Neill,	Southard,	Turner, Va.	
Otey,	Southwick,	Tyler,	

NOT VOTING—162.

Adams,	Ellett, Va.	Leighty,	Reyburn,
Aitken,	Faris,	Leisenring,	Robertson, La.
Andrews,	Fenton,	Lewis,	Robinson, Pa.
Apsley,	Fletcher,	Linton,	Rusk,
Arnold, Pa.	Foote,	Low,	Sauerhering,
Arnold, R. I.	Fowler,	Maddox,	Sayers,
Atwood,	Gillet, N. Y.	Mahany,	Settle,
Babcock,	Gillett, Mass.	Mahon,	Shannon,
Baker, Kans.	Goodwyn,	McCall, Mass.	Shaw,
Baker, N. H.	Griffin,	McCall, Tenn.	Skinner,
Barham,	Griswold,	McClellan,	Smith, Mich.
Barney,	Grosvenor,	McClure,	Snover,
Bartholdt,	Grout,	McCormick,	Sorg,
Bartlett, N. Y.	Grow,	McCreary, Ky.	Sperry,
Bennett,	Hardy,	McEwan,	Steele,
Bingham,	Harmer,	McLachlan,	Stephenson,
Black, Ga.	Harris,	Meiklejohn,	Stewart, N. J.
Black, N. Y.	Hartman,	Mercer,	Stone, W. A.
Bowers,	Heatwole,	Meredith,	Strong,
Broderick,	Heiner, Pa.	Meyer,	Strowd, N. C
Bromwell,	Hemenway,	Miller, W. Va.	Sulzer,
Brosius,	Henderson,	Milliken,	Tawney,
Buck	Henry, Ind.	Milnes,	Tayler,
Burrell,	Hermann,	Miner, N. Y.	Thomas,
Chickering,	Hicks,	Mondell,	Thorp,
Clark, Iowa	Hilborn,	Morse,	Towne,
Clark, Mo.	Hill,	Moses,	Tracey,
Cockrell,	Hooker,	Mozley,	Treloar,
Coffin,	Howe,	Newlands,	Van Voorhis,
Colson,	Huff,	Noonan,	Walker, Mass.
Cock, Wis.	Hulick,	Northway,	Washington,
Cooke, Ill.	Huling,	Odell,	Wellington,
Cooper, Tex.	Hurley,	Ogden,	White,
Cowen,	Hutcheson,	Owens,	Williams,
Dayton,	Hyde,	Parker,	Wilson, Idaho
De Witt,	Johnson, Cal.	Pearson,	Wilson, Ohio
Dolliver,	Johnson, Ind.	Perkins,	Woodard,
Doolittle,	Kendall,	Phillips,	Woodman,
Dovener,	Kiefer,	Price,	Woomer.
Downing,	Kirkpatrick,	Quigg,	
Draper,	Lawson,	Ray,	

So the motion to adjourn was rejected.

The following additional pairs were announced:

Mr. HENDERSON with Mr. MEYER, for the remainder of the day.

Mr. HULING with Mr. STROWD of North Carolina, for this day.

Mr. HOPKINS. I ask a recapitulation of the vote.

The SPEAKER. The Chair refuses a recapitulation. [Applause.]

Mr. HOPKINS. I should like to know why. Is not that a matter of right? Mr. Speaker, I demand it, not as a matter of privilege, but as a matter of right.

The SPEAKER. And the Chair denies it.

Mr. HOPKINS. Well, I should like to know how I am recorded. I want to know how I stand, if I can not know how other members stand.

The SPEAKER. The gentleman is recorded in the affirmative.

Mr. HOPKINS. That is the way I voted.

Mr. HEPBURN. I desire to know how I am recorded.

The SPEAKER. The gentleman is recorded in the affirmative.

Mr. LORIMER. My name was called twice, and I do not know whether or not I have been recorded. I should like to know whether I have been recorded or not.

The SPEAKER. The gentleman is recorded in the affirmative.

Mr. NEILL. Mr. Speaker, am I recorded?

The SPEAKER. In the negative.

Mr. NEILL. That is right.

The SPEAKER. On this question the yeas are 60, the nays 133. [Applause.] The motion to adjourn is not agreed to. The question is now on agreeing to the substitute proposed by the gentleman from Massachusetts [Mr. MOODY].

Mr. MOODY. On that question I ask the yeas and nays.

The yeas and nays were ordered.

Mr. MOODY. May the resolution be read?

The SPEAKER. The Clerk will read the resolution.

Mr. HOPKINS. Before that is read, I desire to make a parliamentary inquiry. Is the resolution which the Clerk is now about to read the substitute for the original resolution reported by the majority of the committee?

The SPEAKER. It is. The Clerk will report it.

The Clerk read as follows:

Resolved, That the contested election case of John I. Rinaker *vs.* Finis E. Downing be recommitted to the Committee on Elections No. 1, with instructions either to recount such part of the vote for Representative in the Fifty-fourth Congress from the Sixteenth Congressional district of Illinois as they shall deem fairly in dispute, or to permit the parties to this contest, under such rules as the committee may prescribe, to recount such vote, and to take any action in the premises, by way of resolution or resolutions, to be reported to the House or otherwise, as they may deem necessary and proper.

The SPEAKER. The Chair will state the order of proceeding. If this substitute should be agreed to, a vote will then have to be taken on the resolution of the committee as amended by the adoption of the substitute. Two votes will have to be taken.

Mr. COX. What is the substitute?

The SPEAKER. It has just been read.

The question was taken; and there were—yeas 139, nays 35, not voting 176, present and not voting 5; as follows:

YEAS—139.

Abbott,	Elliott, S. C.	Lockhart,	Spalding,
Allen, Miss.	Ellis,	Loud,	Sparkman,
Allen, Utah	Erdman,	Loudenslager,	Spencer,
Anderson,	Evans,	Maguire,	Stahle,
Bailey,	Fairchild,	McCleary, Minn.	Stallings,
Baker, Md.	Fischer,	McCulloch,	Stokes,
Bankhead,	Fitzgerald,	McDearmon,	Stone, C. W.
Barrett,	Gardner,	McLaurin,	Strait,
Bartlett, Ga.	Hall,	McMillin,	Swanson,
Bell, Colo.	Hardy,	McRae,	Taft,
Bell, Tex.	Harrison,	Miles,	Talbert,
Berry,	Hart,	Money,	Tate,
Bishop,	Hatch,	Mooey,	Tayler,
Boutelle,	Heiner, Pa.	Neill,	Terry,
Brown,	Hendrick,	Otey,	Towne,
Brumm,	Henry, Conn.	Otjen,	Tracewell,
Burton, Ohio	Howell,	Patterson,	Treloar,
Catchings,	Hubbard,	Payne,	Tucker,
Clardy,	Hunter,	Pendleton,	Turner, Ga.
Clarke, Ala.	Jenkins,	Pickler,	Turner, Va.
Cobb,	Jones,	Pitney,	Tyler,
Codding,	Kem,	Poole,	Underwood,
Cooper, Fla.	Kendall,	Powers,	Updegraff,
Crisp,	Kerr,	Pugh,	Walker, Va.
Crowley,	Kleberg,	Raney,	Walsh,
Crowther,	Knox,	Richardson,	Wanger,
Culberson,	Kulp,	Russell, Conn.	Watson, Ohio
Cummings,	Kyle,	Russell, Ga.	Wheeler,
Dalzell,	Lacey,	Scranton,	Wilber,
De Armond,	Latimer,	Shafroth,	Willis,
Denny,	Layton,	Sherman,	Wilson, N. Y.
Dingley,	Leighty,	Shuford,	Wilson, S. C.
Dinsmore,	Lester,	Simpkins,	Wright,
Dockery,	Little,	Southard,	Yoakum.
Eddy,	Livingston,	Southwick,	

NAYS—35.

Acheson,	Cooper, Wis.	Hainer, Nebr.	Prince,
Aldrich, Ill.	Curtis, Kans.	Hopkins,	Reeves,
Avery,	Curtis, N. Y.	Joy,	Smith, Ill.
Belknap,	Danford,	Leonard,	Stewart, Wis.
Blue,	Daniels,	Linney,	Thomas,
Brewster,	Foss,	Lorimer,	Van Voorhis,
Bull,	Gibson,	Marsh,	Warner,
Calderhead,	Graff,	Minor, Wis.	Wood.
Cannon,	Hadley,	Murphy,	

NOT VOTING—176.

Adams,	Doolittle,	Hyde,	Pearson,
Aitken,	Dovener,	Johnson, Cal.	Perkins,
Aldrich, Ala.	Downing,	Johnson, Ind.	Phillips,
Andrews,	Draper,	Johnson, N. Dak.	Price,
Apsley,	Ellett, Va.	Kiefer,	Quigg,
Arnold, Pa.	Faris,	Kirkpatrick,	Ray,
Arnold, R. I.	Fenton,	Lawson,	Reyburn,
Atwood,	Fletcher,	Lefever,	Robertson, La.
Babcock,	Foote,	Leisenring,	Robinson, Pa.
Baker, Kans.	Fowler,	Lewis,	Royse,
Baker, N. H.	Gamble,	Linton,	Rusk,
Barham,	Gillet, N. Y.	Long,	Sauerhering,
Barney,	Gillett, Mass.	Low,	Settle,
Bartholdt,	Goodwyn,	Maddox,	Shannon,
Bartlett, N. Y.	Griffin,	Mahany,	Shaw,
Beach,	Griswold,	Mahon,	Skinner,
Bennett,	Grosvenor,	McCall, Mass.	Smith, Mich.
Bingham,	Grout,	McCall, Tenn.	Snover,
Black, N. Y.	Grow,	McClellan,	Sorg,
Bowers,	Hager,	McClure,	Sperry,
Broderick,	Halterman,	McCormick,	Steele,
Bromwell,	Hanly,	McCreary, Ky.	Stephenson,
Brosius,	Harmer,	McEwan,	Stewart, N. J.
Buck,	Harris,	McLachlan,	Stone, W. A.
Burrell,	Hartman,	Meiklejohn,	Strode, Nebr.
Burton, Mo.	Heatwole,	Mercer,	Strong,
Chickering,	Hemenway,	Meredith,	Strowd, N. C.
Clark, Iowa	Henderson,	Miller, Kans.	Sulloway,
Clark, Mo.	Henry, Ind.	Miller, W. Va.	Sulzer,
Cockrell,	Hepburn,	Milliken,	Tawney,
Coffin,	Hermann,	Milnes,	Thorp,
Colson,	Hicks,	Miner, N. Y.	Tracey,
Connolly,	Hilborn,	Mondell,	Van Horn,
Cook, Wis.	Hill,	Morse,	Wadsworth,
Cooke, Ill.	Hitt,	Moses,	Walker, Mass.
Cooper, Tex.	Hooker,	Mozley,	Washington,
Corliss,	Howard,	Newlands,	Watson, Ind.
Cousins,	Howe,	Noonan,	Wellington,
Cowen,	Huff,	Northway,	White,
Crump,	Hulick,	Odell,	Williams,
Curtis, Iowa	Huling,	Ogden,	Wilson, Idaho
Dayton,	Hull,	Overstreet,	Wilson, Ohio
De Witt,	Hurley,	Owens,	Woodman,
Dolliver,	Hutcheson,	Parker,	Woomer.

PRESENT AND NOT VOTING—5.

Black, Ga.	Meyer,	Sayers,	Woodard.
Cox,			

So the substitute was agreed to.

The following additional pairs were announced:

On this question:

Mr. ROYSE with Mr. GILLETT of Massachusetts.

Mr. OVERSTREET with Mr. WATSON of Indiana.

For the remainder of the day:

Mr. CORLISS with Mr. HOWARD.

Mr. SAYERS. I desire to withdraw my vote. I am paired with the gentleman from Pennsylvania [Mr. WILLIAM A. STONE]. If he were present, I should vote in the affirmative on this resolution. I announce myself as present in order to make a quorum, if necessary.

Mr. BLACK of Georgia. I am paired with the gentleman from Indiana [Mr. JOHNSON]. If he were present, I should vote "aye." I wish my presence recorded.

Mr. COX. While I am paired with the gentleman from Illinois [Mr. HITT] on this vote, I want to be recorded as present.

Mr. MEYER. I am paired with the gentleman from Iowa [Mr. HENDERSON]. I wish to be recorded as present.

Mr. WOODARD. I am paired with the gentleman from West Virginia [Mr. MILLER]. I have answered "present," and desire to be so recorded.

Mr. HOPKINS. Mr. Speaker, can I have a recapitulation of the vote?

The SPEAKER. The gentleman can, because the vote is very close.

The vote was recapitulated.

The SPEAKER. On this question the recorded vote is 139 in the affirmative, 35 in the negative, and present 2. In addition there are present the following gentlemen, 12 in number: Mr. HEPBURN, Mr. PARKER, Mr. LONG, Mr. SAYERS, Mr. WOODARD, Mr. MEYER, Mr. BURTON of Missouri, Mr. BLACK of Georgia, Mr. COX, Mr. COUSINS, Mr. GAMBLE, Mr. TRACEY.

A quorum being present, the ayes have it and the substitute resolution is agreed to. [Applause.]

The question is on agreeing to the resolution as amended.

The question was taken; and on a division (demanded by Mr. HOPKINS) there were—ayes 146, noes 21.

Mr. HOPKINS. No quorum.

Mr. MOODY. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BARRETT. Mr. Speaker, I desire to submit a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. BARRETT. The House having voted to recommit this matter with instructions, which, although proposed by the gentleman from Massachusetts as an amendment or substitute, was not an amendment or substitute, but simply a parliamentary motion, I ask whether or not it is necessary that a vote should be had on the resolution as amended by this motion of the gentleman from Massachusetts?

The SPEAKER. The Chair thinks so.

Mr. ALLEN of Mississippi. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ALLEN of Mississippi. The gentleman from Illinois having failed to vote, and then makes the point of no quorum, is it not a self-evident proposition that it is a dilatory motion? [Laughter.]

The SPEAKER. If it were a motion the Chair would pronounce it dilatory.

The Clerk will proceed with the roll call.

The question was taken; and there were—yeas 137, nays 13, present and not voting 33, not voting 172; as follows:

YEAS—137.

Abbott.	Curtis, Kans.	Jenkins,	Neill,
Allen, Miss.	Curtis, N. Y.	Jones,	Otey,
Allen, Utah	Dalzell,	Joy,	Otjen,
Anderson,	De Armond,	Kem,	Parker,
Bailey.	Denny,	Kendall,	Patterson,
Bankhead,	Dingley,	Kerr,	Payne.
Barrett,	Dinsmore,	Kleberg,	Pendleton,
Bartlett, Ga.	Dockery,	Knox,	Pickler,
Bell, Colo.	Eddy,	Kyle,	Pitney,
Bell, Tex.	Elliott, S. C.	Lacey,	Poole,
Berry,	Ellis,	Latimer,	Powers,
Bishop,	Erdman,	Layton,	Pugh,
Boutelle,	Evans,	Leighty,	Raney,
Brown,	Fairchild,	Lester,	Richardson,
Brumm,	Fischer,	Little,	Russell, Conn.
Bull,	Fitzgerald,	Livingston,	Russell, Ga.
Burton, Ohio	Gardner,	Lockhart,	Shafroth,
Catchings,	Hall,	Loudenslager,	Sherman,
Clardy,	Hardy.	Maguire,	Shuford.
Clarke, Ala.	Harrison,	McCleary, Minn.	Simpkins,
Cobb,	Hart,	McCulloch,	Southard,
Codding.	Hatch.	McDearmon,	Southwick,
Cooper, Fla.	Hendrick,	McMillin,	Spalding.
Crisp,	Henry, Conn.	McRae,	Sparkman,
Crowley,	Howe,	Miles,	Spencer,
Culberson,	Howell,	Money,	Stahle,
Cummings,	Hubbard,	Moody,	Stallings,
Stewart, N. J.	Tayler,	Tyler,	Willis,
Stokes,	Terry.	Underwood,	Wilson, N. Y.
Stone, C. W.	Towne,	Updegraff,	Wilson, S. C.
Strait,	Tracewell,	Walsh,	Wright.
Swanson,	Treloar,	Wanger,	Yoakum.
Taft,	Tucker,	Watson, Ohio	
Talbert,	Turner, Ga.	Wheeler,	
Tate,	Turner, Va.	Wilber,	

NAYS—13.

Acheson,	Danford,	Johnson, N. Dak.	Wood.
Aldrich, Ill.	Daniels,	Marsh,	
Brewster,	Foss,	Minor, Wis.	
Crump,	Gibson,	Warner,	

NOT VOTING—205.

Adams,	Dolliver,	Johnson, Ind.	Prince,
Aitken,	Doolittle,	Kiefer,	Quigg,
Aldrich, Ala.	Dovener,	Kirkpatrick,	Ray,
Andrews,	Downing,	Kulp,	Reeves,
Apsley,	Draper,	Lawson,	Reyburn,
Arnold, Pa.	Ellett, Va.	Lefever,	Robertson, La.
Arnold, R. I.	Faris,	Leisenring,	Robinson, Pa.
Atwood,	Fenton,	Leonard,	Royse,
Avery,	Fletcher,	Lewis,	Rusk.
Babcock,	Foote,	Linney,	Sauerhering,
Baker, Kans.	Fowler,	Linton,	Sayers,
Baker, Md.	Gamble,	Long,	Scranton,
Baker, N. H.	Gillet, N. Y.	Lorimer,	Settle,
Barham,	Gillett, Mass.	Loud,	Shannon,
Barney,	Goodwyn,	Low.	Shaw,
Bartholdt,	Graff,	Maddox,	Skinner,
Bartlett, N. Y.	Griffin,	Mahany,	Smith, Ill.
Beach,	Griswold,	Mahon,	Smith, Mich.
Belknap,	Grosvenor,	McCall, Mass.	Snover,
Bennett,	Grout,	McCall, Tenn.	Sorg,
Bingham,	Grow,	McClellan,	Sperry,
Black, Ga.	Hadley,	McClure,	Steele,
Black, N. Y.	Hager.	McCormick,	Stephenson,
Blue,	Hainer, Nebr.	McCreary, Ky.	Stewart, Wis.
Bowers,	Halterman,	McEwan,	Stone, W. A.
Broderick,	Hanly,	McLachlan,	Strode, Nebr.
Bromwell,	Harmer,	McLaurin,	Strong,
Brosius,	Harris.	Meiklejohn,	Strowd, N. C.
Buck,	Hartman,	Mercer.	Sulloway,
Burrell,	Heatwole,	Meredith,	Sulzer,
Burton, Mo.	Heiner, Pa.	Meyer,	Tawney,
Calderhead,	Hemenway,	Miller, Kans.	Thomas,
Cannon,	Henderson,	Miller, W. Va.	Thorp,
Chickering,	Henry, Ind.	Milliken,	Tracey,
Clark, Iowa	Hepburn,	Milnes,	Van Horn,
Clark, Mo.	Hermann,	Miner, N. Y.	Van Voorhis,
Cockrell,	Hicks.	Mondell,	Wadsworth,
Coffin,	Hilborn,	Morse,	Walker, Mass.
Colson,	Hill.	Moses,	Walker, Va.
Connolly,	Hitt,	Mozley,	Washington,
Cook, Wis.	Hooker.	Murphy,	Watson, Ind.
Cooke, Ill.	Hopkins,	Newlands,	Wellington,
Cooper, Tex.	Howard,	Noonan,	White,
Cooper, Wis.	Huff.	Northway,	Williams,
Corliss,	Hulick,	Odell,	Wilson, Idaho
Cousins,	Huling,	Ogden,	Wilson, Ohio
Cowen,	Hull,	Overstreet,	Woodard,
Cox,	Hunter,	Owens,	Woodman,
Crowther,	Hurley,	Pearson,	Woomer.
Curtis, Iowa	Hutcheson,	Perkins,	
Dayton,	Hyde,	Phillips,	
De Witt,	Johnson, Cal.	Price,	

So the resolution as amended was agreed to.

The SPEAKER. The Clerk will report the names of members present and not voting.

The Clerk read as follows:

Mr. BELKNAP, Mr. MEYER, Mr. REEVES, Mr. SNOVER, Mr. BEACH, Mr. HAINER of Nebraska, Mr. GAMBLE, Mr. SAYERS, Mr. BURTON of Missouri, Mr. STRODE of Nebraska, Mr. WOODARD, Mr. COX, Mr. SMITH of Illinois, Mr. HUNTER, Mr. PRINCE, Mr. MURPHY of Illinois, Mr. LONG, Mr. GRAFF, Mr. CALDERHEAD, Mr. FARIS, Mr. AVERY, Mr. KULP, Mr. BLACK of Georgia, Mr. HICKS, Mr. STEWART of Wisconsin, Mr. CANNON, Mr. HADLEY, Mr. LEFEVER, Mr. HILL, Mr. HEPBURN, Mr. HOPKINS, Mr. HULICK, Mr. LORIMER.

Mr. HILL. I am paired with Mr. MCCALL of Massachusetts, and desire to be recorded as present.

Mr. HULICK. I did not vote when my name was called, but wish to be recorded as present.

Mr. BLACK of Georgia. I am paired with the gentleman from Indiana, Mr. JOHNSON, and desire to be recorded as present.

Mr. MEYER. I am paired with the gentleman from Iowa, Mr. HENDERSON, and desire to be recorded as present.

Mr. SMITH of Illinois. I desire to be recorded as present.

Mr. KULP. I am paired with Mr. HICKS, and withdraw my vote.

Mr. LORIMER. I find, Mr. Speaker, that I am recorded as having voted. I did not vote when my name was called, and desire simply to be recorded as present.

Mr. SAYERS. I withdraw my vote, and wish to be recorded as present.

Mr. HOPKINS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOPKINS. Is a motion to adjourn now in order?

The SPEAKER. The Chair thinks not.

The Clerk will read the names of those voting.

The names of those voting were recapitulated by the Clerk.

The SPEAKER. On this question the yeas are 137, the nays are 13, present and not voting 33. So, a quorum being present, the resolution as amended is agreed to.

Mr. MOODY. I move to reconsider the last vote, and to lay that motion on the table.

The SPEAKER. Without objection, that order will be made.

Mr. HOPKINS. I object.

Mr. LACEY. In that event, Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LACEY. The resolution having been to recommit, and having now been voted on a second time, is not the second vote substantially equal to a reconsideration, the second not having been necessary?

The SPEAKER. The Chair thinks if the point had been raised when the resolution was originally presented as a substitute for this question it might have been good.

Mr. LACEY. I make the point now.

The SPEAKER (continuing). But that point not having been made, and the proposition having been voted upon as a substitute before the question was raised, the Chair thinks that a motion to reconsider is the best way to meet it. As many as are in favor of the motion——

Mr. RICHARDSON. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. As I understand the rule, when a matter has once been before the House and been recommitted, it is not in order to bring that matter again before the House by a motion to reconsider. I think the rule is expressly that way.

Mr. HOPKINS. The Chair has ruled upon that.

Mr. RICHARDSON (continuing). That the matter can not be brought back after it has been once, by a vote of the House, recommitted. I am satisfied the rule is that way.

Mr. DALZELL. Mr. Speaker, I think that matter is covered by a special rule of the House.

Mr. RICHARDSON. I refer, Mr. Speaker, if the Chair will allow me, to item 2 of Rule XVIII.

Mr. DALZELL. Mr. Speaker, I call attention to the second paragraph of Rule XVIII.

The SPEAKER. The Chair has that rule. The Chair does not think that rule applies to a matter like this, unless the gentleman can cite some authority. The Chair will hear whatever authority there is on the subject.

Mr. RICHARDSON. I am very much inclined to be governed by the decision of the Chair, and if the Chair will announce his conclusion in the matter, it may be satisfactory to myself, having raised the question——

The SPEAKER. Without undertaking to decide, if the gentleman desires to cite any authority, the idea of the Chair is that this rule was intended to apply to cases of formal reference, for instance, reference after a first reading. Those matters are not to be brought back upon a motion to reconsider. The Chair thinks the rule was intended to cover a first reference, the policy of the rules of the House of Representatives having always been to cause everything to be referred to a committee before action by the House. The opinion of the Chair is that the rule was intended to cover such cases as that, and not cases where a report has been made by a committee and the matter is sent back with instructions.

Mr. RICHARDSON. It may be that the Chair is correct in the ruling, and I am not now inclined to raise the question any further; but it occurred to me that it came within the provisions of the rule which I have cited, and that, like a motion to adjourn, it would execute itself upon being ordered and not be subject to reconsideration. Still I will not press it.

Mr. BARRETT. Mr. Speaker, I should like to add in this connection that that section of the rule has nothing to do with this motion to reconsider. The paragraph referred to merely says that the papers shall not be brought back into the House upon a motion to reconsider. If a bill had gone to the Senate, for instance, it would have to be brought back before a motion to reconsider could be entertained; but this merely means that the motion to reconsider can be entertained while the papers themselves are literally in the custody of a committee. I suggest that this section of the rule does not refer to the matter under consideration.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts [Mr. MOODY] to lay on the table the motion to reconsider.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. HOPKINS demanded a division.

The House divided; and there were—ayes 130, noes 4.

Mr. HOPKINS. No quorum.

Several MEMBERS. Count, Mr. Speaker.

The SPEAKER (having counted the House). One hundred and eighty present. The ayes have it, and the motion to reconsider is laid on the table.

Mr. HOPKINS. Mr. Speaker, I challenge the correctness of the count and ask for tellers.

The SPEAKER. The Chair disregards the challenge of the gentleman from Illinois. [Applause.]

Mr. MOODY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 8 o'clock and 42 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. MORSE, from the Committee on Alcoholic Liquor Traffic, to which was referred the bill of the House (H. R. 8072) to provide for a commission on the subject of the alcoholic liquor traffic, reported the same without amendment, accompanied by a report (No. 1789); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BISHOP, from the Committee on Military Affairs:

The joint resolution (H. Res. 161) for the relief of James P. Veach. (Report No. 1780.)

The bill (R. R. 6113) granting Gould P. Austin, of Phœbus, Va., permission to erect a building upon the Government reservation at Fortress Monroe, Va. (Report No. 1781.)

By Mr. STALLINGS, from the Committee on Pensions: The bill (H. R. 7314) to increase the pension of John E. Gullett. (Report No. 1782.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 7827) granting a pension to Joseph Buckle. (Report No. 1783.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (S. 2441) entitled "An act granting a pension to George D. Noble." (Report No. 1784.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 8639) granting a pension to Matilda A. Higgins. (Report No. 1785.)

By Mr. POOLE, from the Committee on Invalid Pensions:

The bill (H. R. 1534) granting a pension to Ida Wiederhold. (Report No. 1786.)

The bill (H. R. 7154) granting a pension to Irene M. Chase, dependent sister of Abner W. Chase. (Report No. 1787.)

The bill (H. R. 153) granting a pension to Clara V. Shaw. (Report No. 1790.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 3706) granting a pension to Elizabeth Jordan. (Report No. 1788.)

By Mr. NEILL, from the Committee on War Claims:

A resolution (House Res. No. 327) to refer the bill (H. R. 1053) for the relief of James Erwin, of McBee Landing, Marion County, Ark., with all the accompanying papers, to the Court of Claims, reported in lieu of House bill No. 1053. (Report No. 1791.)

A resolution (House Res. No. 328) to refer the bill (H. R. 5859) to pay Laurena Opp, sole and only heir at law of Reuben Opp, for property taken and destroyed from the said Reuben Opp by the Federal troops at Helena, Ark., during the war of 1861 to 1865, with all the accompanying papers, to the Court of Claims, reported in lieu of House bill No. 5859. (Report No. 1792.)

By Mr. MAHON, from the Committee on War Claims: The bill (S. 814) entitled "An act for the relief of John W. Gummo." (Report No. 1793.)

By Mr. GRAFF, from the Committee on Claims:

The bill (H. R. 6276) to authorize the Postmaster-General to credit the account of James A. Sexton with the amount of funds stolen. (Report No. 1795.)

The bill (S. 1075) entitled "An act for the relief of the heirs of D. Fulford." (Report No. 1796.)

The bill (S. 652) entitled "An act for the relief of Nancy E. Day, administratrix of the estate of James L. Day, deceased." (Report No. 1803.)

By Mr. COLSON, from the Committee on Pensions: The bill (H. R. 7500) to grant a pension to Mrs. Keturah Wilson, widow of James Wilson, deceased. (Report No. 1797.)

By Mr. WILSON of New York, from the Committee on Naval Affairs: The bill (H. R. 5389) for the relief of Robert Kennish. (Report No. 1798.)

By Mr. COX, from the Committee on Claims: The bill (S. 589) entitled "An act for the relief of C. B. Bryan & Co." (Report No. 1799.)

By Mr. HANLY, from the Committee on Claims: The bill (S. 837) entitled "An act making an appropriation for the benefit of the estate of William Moss, deceased." (Report No. 1800.)

By Mr. DENNY, from the Committee on Claims:

The bill (S. 1555) entitled "An act for the relief of the sufferers by the wreck of the United States revenue cutter *Gallatin* off the coast of Massachusetts." (Report No. 1801.)

The bill (S. 1083) entitled "An act for the relief of George H. Plant, of the District of Columbia." (Report No. 1802.)

By Mr. SNOVER, from the Committee on Claims: The bill (S. 338) entitled "An act for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Bros., and others." (Report No. 1804.)

By Mr. WOODARD, from the Committee on Claims: The bill (S. 3121) entitled "An act for the relief of Mrs. Emma D. Larsh and Charles M. Larsh." (Report No. 1805.)

ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. DENNY, from the Committee on Claims, reported adversely (Report No. 1794) the bill (H. R. 4647) for relief of Howard Ellis; which said bill and report were laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FLYNN: A bill (H. R. 8914) providing for the collection of debts on Indian reservations in Oklahoma Territory—to the Committee on Indian Affairs.

By Mr. SPALDING: A bill (H. R. 8915) to donate 4 condemned cannon and 16 cannon balls to Grand Army post of Hudson, Mich.—to the Committee on Naval Affairs.

By Mr. WRIGHT: A bill (H. R. 8916) granting condemned cannon and balls to Kilpatrick Post, No. 71, Grand Army of the Republic, Holyoke, Mass., for monumental purposes—to the Committee on Naval Affairs.

By Mr. EDDY: A bill (H. R. 8917) to protect bona fide purchasers of lands from railroad companies to which the companies have failed to obtain a title—to the Committee on the Public Lands.

By Mr. CURTIS of Iowa: A bill (H. R. 8919) to provide for the payment of final decrees of the supreme court of the District of Columbia under an act entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893, for continuing the system of trunk sewers in the District of Columbia, for completing the system of sewage disposal and protection against floods, and for other purposes—to the Committee on the District of Columbia.

By Mr. LONG: A bill (H. R. 8957) donating condemned cannon and condemned cannon balls to Victor Post, No. 293, Grand Army of the Republic, at Fort Dodge, Kans.—to the Committee on Naval Affairs.

By Mr. LOW: A joint resolution (H. Res. 184) authorizing and requiring the Secretary of War to contract for the building of the Harlem Kills Canal, New York City—to the Committee on Railways and Canals.

By Mr. HENDERSON: A resolution (House Res. No. 325) fixing Tuesday, May 19, 1896, for the consideration of bills reported from the Committee on the Judiciary—to the Committee on Rules.

By Mr. DANFORD: A resolution (House Res. No. 329) asking the Committee on Rules to set apart Monday, May 18, for consideration of bills reported by the Committee on Immigration—to the Committee on Rules.

By Mr. JOY: A resolution (House Res. No. 330) to pay Noah L. Hawk, acting assistant deputy sergeant-at-arms, the sum of $300 per annum in addition to his pay as Capitol policeman—to the Committee on Accounts.

By Mr. FITZGERALD: A memorial of the Commonwealth of Massachusetts in support of the Monroe doctrine—to the Committee on Foreign Affairs.

Also, a memorial of the Commonwealth of Massachusetts relative to the granting of pensions to soldiers and sailors confined in Confederate prisons—to the Committee on Invalid Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BABCOCK (by request): A bill (H. R. 8918) extending to Simon Carmody the provisions of an act approved February 13, 1895, relating to the settlement of outstanding claims against the District of Columbia—to the Committee on the District of Columbia.

By Mr. BANKHEAD: A bill (H. R. 8920) for the relief of William H. Bickerstaff, of Walker County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 8921) for the relief of H. W. Jones, of Tuscaloosa County, Ala.—to the Committee on War Claims.

By Mr. BELL of Colorado: A bill (H. R. 8922) for the relief of Henry C. Smith, late of Company B, Eleventh Regiment Indiana Volunteers—to the Committee on Invalid Pensions.

By Mr. BENNETT: A bill (H. R. 8923) granting a pension to Annie Fowler—to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 8924) for the relief of Samuel Edington, of Monroe County, Tenn.—to the Committee on War Claims.

By Mr. COX: A bill (H. R. 8925) for the relief of the estate of N. E. Perkins, deceased, of Williamson County, Tenn.—to the Committee on War Claims.

By Mr. CURTIS of Kansas: A bill (H. R. 8926) to remove the charge of desertion against Hiram A. Parsons, of Douglass, Kans.—to the Committee on Military Affairs.

By Mr. EDDY: A bill (H. R. 8927) granting a pension to Julia E. G. Lewis—to the Committee on Invalid Pensions.

By Mr. FENTON: A bill (H. R. 8928) to increase the pension of John H. Prather—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8929) granting a pension to Stephen Thompson—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 8930) for the relief of Eva J. Stevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8931) granting a pension to U. L. Daniels—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8932) to increase the pension of W. H. H. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8933) for the relief of Peter C. Lawyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8934) granting a pension to Sophia Kroll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8935) granting a pension to James C. Wilson—to the Committee on Invalid Pensions.

By Mr. HADLEY: A bill (H. R. 8936) to remove the charge of desertion from the record of John R. Butler—to the Committee on Military Affairs.

By Mr. McDEARMON: A bill (H. R. 8937) for the relief of Elam Cooper, of Lauderdale County, Tenn.—to the Committee on War Claims.

By Mr. McRAE: A bill (H. R. 8938) for the relief of Mrs. S. A. Johnson, Desha County, Ark.—to the Committee on War Claims.

By Mr. PATTERSON: A bill (H. R. 8939) for the relief of E. J. Sullivan, of Fayette County, Tenn.—to the Committee on War Claims.

By Mr. PICKLER: A bill (H. R. 8940) granting a pension to Caroline Buehler—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 8941) to increase the pension of Magnus D. Slack, late sergeant, Company K, Thirteenth Michigan Infantry—to the Committee on Invalid Pensions.

By Mr. SPALDING: A bill (H. R. 8942) to pension Ann Maria Meinhoefer, widow of Lewis Meinhoefer, Company B, Forty-first New York Infantry—to the Committee on Invalid Pensions.

By Mr. SPENCER: A bill (H. R. 8943) for the relief of Emmit Hicks, deceased, late of Claiborne County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 8944) for the relief of Mrs. Ann M. Brown, of Claiborne County, Miss.—to the Committee on War Claims.

By Mr. TRELOAR: A bill (H. R. 8945) for the relief of Sarah A. Kempinsky—to the Committee on War Claims.

By Mr. VAN VOORHIS: A bill (H. R. 8946) to grant an honorable discharge to John A. White—to the Committee on Military Affairs.

By Mr. WATSON of Ohio: A bill (H. R. 8947) to increase pension of Mrs. Rhoda A. Connell—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 8948) for the relief of John T. Green—to the Committee on Claims.

Also, a bill (H. R. 8949) for the relief of Isiah Y. Jones, of Franklin County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 8950) for the relief of James Massey, of Franklin County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 8951) for relief of the estate of William J. Thomson, deceased, late of Franklin County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 8952) to refer claim of F. W. Waugh to the Court of Claims—to the Committee on War Claims.

By Mr. WILSON of South Carolina: A bill (H. R. 8953) for the relief of A. O. Garvin, of Union County, S. C.—to the Committee on War Claims.

Also, a bill (H. R. 8954) for the relief of Isaac Peeler, of Union County, S. C.—to the Committee on War Claims.

Also, a bill (H. R. 8955) for the relief of A. J. Byars, of Union County, S. C.—to the Committee on War Claims.

Also, a bill (H. R. 8956) for the relief of William Lockhart, of Union County, S. C.—to the Committee on War Claims.

By Mr. ALLEN of Mississippi: A bill (H. R. 8958) for the relief of David Ingram, of Itawba County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 8959) for the relief of Dr. O. R. Early, of Lowndes County, Miss.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of the United States Maimed Soldiers' League, for an increase of the pensions of those who lost an arm or a leg or were totally disabled in the war of the rebellion—to the Committee on Invalid Pensions.

Also, resolutions adopted by the McKeesport (Pa.) Board of Trade, favoring the erection of a public building at that place—to the Committee on Public Buildings and Grounds.

By Mr. ARNOLD of Pennsylvania: Petition of residents of State College, Center County, Pa., advocating the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. BARHAM: Petition of citizens of Fort Jones, Cal., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter, and bill No. 838, to reduce letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. COUSINS: Petition of the Grand Army of the Republic, Department of Iowa, urging the passage of the bill to establish a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. CURTIS of Iowa: Resolutions of Grand Army of the Republic post, Department of Iowa, favoring the passage of House bill No. 4339, for a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. DINGLEY: Petition of Mrs. M. S. Milliken and others, of Independent Order of Good Templars of Washington, D. C., for the establishment of an inebriate home and hospital in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DRAPER: Petition of 202 composers of music and professional musicians, citizens of the United States, against any change in the copyright law which will compel the manufacture of music in the United States as a condition of copyright security—to the Committee on Patents.

By Mr. FITZGERALD: Petition of the Boston Chamber of Commerce, Boston, Mass., in favor of better immigration laws—to the Committee on Immigration and Naturalization.

Also, resolutions of the Paint and Oil Club of New England; also of the Boston Merchants' Association, favoring the bill which provides for the establishment of a department of commerce and manufactures, introduced in the Senate on March 9, 1896, by Senator FRYE—to the Committee on Manufactures.

Also, resolutions of the Boston Merchants' Association; also of the New York Board of Trade and Transportation, asking for the passage of the Torrey bankruptcy bill—to the Committee on the Judiciary.

Also, resolutions of the Commercial Club of Boston, Mass., favoring a currency immovably founded on the gold standard—to the Committee on Banking and Currency.

Also, petition of the Massachusetts Horticultural Society of Boston; also of the Bay State Agricultural Society of Boston, in relation to the distribution of seeds by the Department of Agriculture—to the Committee on Agriculture.

By Mr. GROUT: Resolutions adopted by the Board of Trade of St. Johnsbury, Vt., favoring the passage of the Southwick convict-labor bill—to the Committee on Labor.

By Mr. GROSVENOR: Papers to accompany House bill for the relief of Eva J. Stevens—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to Sophia Kroll—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to James C. Wilson—to the Committee on Invalid Pensions.

Also, paper to accompany House bill to increase the pension of W. H. H. Adams—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to U. L. Daniels—to the Committee on Invalid Pensions.

By Mr. LEIGHTY: Resolutions of J. H. Danseur Post, Grand Army of the Republic, of Lagrange, Ind., favoring a service pension—to the Committee on Invalid Pensions.

By Mr. McEWAN: Petition of the Congregational Association of New Jersey, comprising churches in New Jersey, Pennsylvania, Maryland, District of Columbia, and Virginia, asking that prompt aid be extended to Armenian Christians—to the Committee on Foreign Affairs.

By Mr. MEREDITH: Petition of Lucy, Kate, and Molly B. Petty, of Culpeper County, Va., praying reference of their war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MILLIKEN: Remonstrance of A. C. Goddard and others, against military training in the public schools—to the Committee on Education.

By Mr. PATTERSON: Petition of J. Henry Baker and William L. Baker, heirs of Moses Baker, deceased, praying reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. SCRANTON: Resolution of the Scranton (Pa.) Clerks' Association, No. 127, favoring Government control of the telegraph—to the Committee on Interstate and Foreign Commerce.

By Mr. SPALDING: Paper to accompany House bill to pension Mrs. Ann Maria Meinhoefer, widow of Lewis Meinhoefer—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: Petition of citizens of Benton, Ill., in favor of the passage of House bill No. 4566, relating to second-class mail matter, and bill No. 838, to reduce letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Michigan: Petition of United States Maimed Soldiers' League, for increase of pensions of maimed veterans—to the Committee on Invalid Pensions.

Also, petition of the Old National Bank, Grand Rapids, Mich., praying for favorable action on House bills No. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. TOWNE: Petition of certain residents of West Duluth, Minn., for legislation against the manufacture of alcoholic beverages in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WHEELER: Papers relating to the claim of B. S. Dempsey, of Floyd County, Ga.—to the Committee on War Claims.

By Mr. WHITE: Petition of citizens of Medora, Ill., favoring the passage of House bills Nos. 4566 and 838, relating to the postal laws—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, *May 14, 1896.*

Prayer by Rev. HUGH JOHNSTON, D. D., of the city of Washington.

On motion of Mr. GIBSON, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

DONATION OF CONDEMNED CANNON.

Mr. BURROWS. I desire to enter a motion to reconsider the vote by which the bill (H. R. 6256) authorizing and directing the Secretary of the Navy to furnish to George F. Fuller Post, Grand Army of the Republic, of Manistique, Mich., a condemned cannon, was passed by the Senate yesterday.

The VICE-PRESIDENT. The motion to reconsider will be entered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, requested the Senate to return to the House the resolution agreeing to the amendments of the Senate to the bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 708) to increase the pension of Albert Ellis;

A bill (H. R. 1185) granting a pension to Rachel Patton;

A bill (H. R. 3189) to increase the pension of John S. Cochenour;

A bill (H. R. 3448) authorizing the county of Navajo, Territory of New Mexico, to issue bonds for the construction of a courthouse and jail at the county seat thereof;

A bill (H. R. 5105) to abolish days of grace on promissory notes, drafts, etc., in the District of Columbia; and

A joint resolution (H. Res. 180) for the relief of Ex-Naval Cadet Henry T. Baker.

VISITORS TO WEST POINT.

The VICE-PRESIDENT appointed Mr. GRAY and Mr. SEWELL members of the Board of Visitors on the part of the Senate to attend the next annual examination of cadets at the Military Academy at West Point, N. Y., under the requirements of section 1327 of the Revised Statutes of the United States.

VISITORS TO ANNAPOLIS.

The VICE-PRESIDENT appointed Mr. BLACKBURN and Mr. HALE members of the Board of Visitors on the part of the Senate to attend the next annual examination of cadets at the Naval Academy at Annapolis, Md., under the requirements of the act of February 14, 1879.

PRACTICE OF MEDICINE AND SURGERY.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives to return to the House its resolution agreeing to the amendments of the Senate to the bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia; and by unanimous consent the request was ordered to be complied with and the resolution returned to the House.

LIEN FOR FREIGHT ON IMPORTED MERCHANDISE.

Mr. FRYE. Yesterday, when we reached on the Calendar the bill (H. R. 6836) to amend section 2981 of the Revised Statutes of the United States as amended by the act of June 10, 1880, the indication on the Calendar was that the bill had been reported from the Committee on Finance without any recommendation, and under those circumstances the Senator from Connecticut [Mr. PLATT] moved the reference of the bill to the Committee on Commerce. The fact is that the Committee on Commerce a long while ago—two months ago, at least—favorably reported the bill.

Mr. PLATT. The Senate bill?

Mr. FRYE. The Senate bill. Later the other House passed a bill exactly like the Senate bill, and when it came from the House I asked that it might take the place of the Senate bill on the Calendar. That was agreed to, and the Senate bill was indefinitely postponed. I now ask that the action of the Senate yesterday, by which reference of the bill was made to the Committee on Commerce, may be reconsidered.

The VICE-PRESIDENT. Without objection, it will be so ordered.

Mr. FRYE. The bill was read yesterday. It is eminently proper and right, being recommended warmly by the Secretary of the Treasury, and as it will take but a minute, I ask that it may be put on its passage.

Mr. HILL. What is the bill about?

Mr. FRYE. It relates to the general average and charges of steamboat carriers.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 13th instant approved and signed the act (S. 1904) to regulate marriages in the District of Columbia.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Daughters of the American Revolution, praying for the publication of the records and papers of the Continental Congress; which was referred to the Committee on the Library.

Mr. SHERMAN presented a petition of the Trades and Labor Assembly of Sandusky, Ohio, praying for the passage of House bill No. 5113 to authorize money-order post-offices to receive money on deposit; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented the petition of Harry Farmer and 11 other citizens of the District of Columbia, praying that Frank J. Metcalf, who was injured in the Ford Theater disaster, be awarded a larger amount for his injuries than that granted to him by the Ford Theater Commission; which was ordered to lie on the table.

PRINTING OF SECRETARY CARLISLE'S SPEECH.

Mr. VILAS. I move that the speech of Hon. John G. Carlisle, made before the workingmen of Chicago, April 15, 1896, a copy of which I hold in my hand, be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MITCHELL of Wisconsin (for Mr. BRICE), from the Committee on Pensions, to whom was referred the bill (H. R. 4275) to increase the pension of Mrs. Annis H. Enochs, widow of Gen. William H. Enochs, from $20 to $50 per month, reported it without amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1601) to amend the military record of John S. Evans, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1381) to remove the charge of desertion from the military record of Patrick Larkin, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2742) for the relief of Charles Fletcher, alias James H. Mitchell, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 756) to correct the military record of William Kiser, of Noble County, Ind., submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 468) granting an increase of pension to Mrs. H. J. Kiernan, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1109) granting a pension to Elizabeth Marshall, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1734) to increase the pension of Ann Catherine Hull, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on the Library, to whom was referred the bill (S. 2509) to authorize the erection of a statue of the late President Abraham Lincoln at Gettysburg, Pa., reported it without amendment, and submitted a report thereon.

Mr. WETMORE, from the Committee on the Library, to whom was referred the bill (S. 3087) to incorporate the National Society of Colonial Dames of America, reported it without amendment.

Mr. DUBOIS, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 248) empowering and directing the Secretary of the Navy to furnish four pieces of condemned cannon to the city of Hastings, Mich., reported it without amendment.

Mr. MARTIN, from the Committee on Finance, to whom was referred the bill (H. R. 7816) for the relief of John S. Burwell, administrator of the estate of A. L. Burwell, deceased, asked that the committee be discharged from the further consideration of the same and that the bill be referred to the Committee on Claims; which was agreed to.

Mr. CHANDLER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 3122) for the relief of Bridget Lane, reported it without amendment, and substituted a report thereon.

DISCRIMINATING DUTIES.

Mr. CAFFERY. I am directed by the Committee on Commerce, to whom was referred the bill (S. 3040) to protect commerce, and for other purposes, to report it back with a recommendation that the committee be discharged from its further consideration, and that it be referred to the Committee on Finance.

Mr. President, the bill in question is substantially a bill to authorize the President of the United States, by proclamation, to levy discriminating duties in certain cases. Those cases are wherever any foreign country levies any discriminating tax or duty against the products of the United States or increases its bounty or premium upon its own exports coming into the United States. It provides that the President be authorized by proclamation to state that fact, and, after the proclamation, that the Secretary of the Treasury be required to ascertain the exact amount of discriminating duty in the one case, or the export bounty or premium in the other, and after the amount and nature of the duty or bounty be accurately ascertained, that the President be authorized to impose just such countervailing duty or tax as will offset or equalize the discriminating duty or bounty levied by the foreign country. I will state that the recent action of the German Reichstag emphasizes, in my opinion, the necessity of some legislation of the kind proposed in the bill reported back by me.

The Committee on Commerce considered that the subject-matter of the bill was one beyond their jurisdiction. The bill relating, although indirectly, to finance and tariff, was, as they considered, beyond their jurisdiction, and came within the jurisdiction of the Committee on Finance.

Mr. President, I will read from Willett & Gray's Daily Sugar Trade Journal, published in New York, of the issue of May 12, 1896, the following:

GERMAN BOUNTY.

The Reichstag passed the new sugar-bounty bill to-day, fixing rates of bounties of 2.50 marks on raws and 3.55 marks on refined per 100 kilograms, in place of 3 marks and 4 marks, respectively, as last proposed by committee. The new rates give bounty on raws of 27 cents per 100 pounds, against present bounty of 13½ cents per 100 pounds, and gives bounty on granulated of 38½ cents per 100 pounds, against present bounty of 21½ cents per 100 pounds.

Taking into account the amount of raw sugar required to make 100 pounds of granulated, the new rate will be equal to 30 cents per 100 pounds on raws, against 38½ cents per 100 pounds granulated, or, say, 8½ cents per 100 pounds more bounty on refined than on raws, against present difference of 6 cents per 100 pounds. With a small saving also in paying duties, the new law shows a total reduction in American refiners' present protection of, say, 3½ cents per 100 pounds, or one thirty-second of a cent per pound, which is sufficient to call for a countervailing duty on the part of the United States.

The immediate effect of the passage of this bill is to increase the value of the present stock and all productions of refined to August 1, when the new law takes effect, as it will cause a heavy demand for refined in Germany meanwhile, to avoid the increased consumption tax from 18 marks to 21 marks per 100 kilograms.

Under the action of the McKinley law, German raw sugar was imported into this country under the stimulus of the export bounty of Germany to a very great extent. Since raws were placed upon the tariff list and a tariff of 40 per cent was made for differentials on refined not so many raws have been exported. The export article of late has mostly been of refined. However, in that statement I do not pretend to be entirely correct, but it is safe to say that under the operation of this new law proposed by the German Reichstag, to take effect upon the 1st of August next, the nascent and growing sugar industry of the Northwest, of Nebraska, California, Utah, and other States, will be entirely destroyed, because the export bounty under this new proposed law of the Reichstag will be increased nearly a hundred per cent.

Mr. GEAR. Is the Senator able to inform us what is the present export bounty or premium on sugar in Germany, and what is the proposed bounty?

Mr. CAFFERY. The present bounty is about 32½ cents, and this increases it 27 cents, about 100 per cent. The present bounty on granulated is increased from 21 marks to 38½ marks.

Mr. GEAR. Thirty-eight marks on how much?

Mr. CAFFERY. On 100 pounds.

Mr. GEAR. That would be four dollars and some cents.

Mr. CAFFERY. I should have said cents instead of marks. This is the quotation:

The new rates give bounty on raws of 27 cents per 100 pounds against present bounty of 13½ cents per 100 pounds, and gives bounty on granulated of 38½ cents per 100 pounds against present bounty of 21½ cents per 100 pounds.

I am authorized by the committee, from which I report the bill back to the Senate, to request prompt action on the part of the Finance Committee on this very important measure. I am not authorized to say, nor do I say, that the committee is entirely in favor of the bill. The only expression is that they are in favor of prompt action, and I think it is due to the industry threatened by the German law that some prompt action be taken by the Congress of the United States.

Mr. President, in view of the fact that I am occupying the floor by the courtesy of other Senators, I shall not detain the Senate long, but I say the whole sugar industry is threatened with destruction by the proposed increase of bounty by the German Reichstag. The sugar industry is already laboring under a great many burdens, and I think it is meet and proper that the Congress of the United States should not permit a great industry like this to be destroyed by the discriminating action of a foreign country. That discriminating action has already driven out of Continental Europe all cane sugars, and if permitted it will destroy in the United States the industry upon which one-half of the people of my State gain their sustenance. Not to say anything about the possibility of the growth of the sugar industry upon the Pacific Slope and in the Northwestern States, there is a State already where this industry has taken deep root whose prosperity is threatened with destruction by the action of the German Reichstag.

I do not propose at this moment to discuss the features of the bill. I do not propose to dwell upon the point whether the Senate of the United States can take cognizance of such a bill. But I do want to direct the attention of the Senate and of the country to the fact that something is due to our home producers in the way of protection against the hostile action of a foreign country.

The VICE-PRESIDENT. The bill will be referred to the Committee on Finance.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 3147) granting a pension to Priscilla Wetterman; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 3148) granting a pension to Susan Buck; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 3149) for the relief of James T. Smith; which was read twice by its title, and referred to the Committee on Claims.

Mr. DUBOIS introduced a bill (S. 3150) authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. ALLEN introduced a bill (S. 3151) granting a pension to Alice V. Cook, of St. Paul, Nebr., invalid daughter of John Y. Cook, deceased, late of Company D, Eighth Regiment Kansas Volunteer Infantry; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. ALLEN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

JOHN S. HARRIS.

Mr. CARTER submitted the following resolution; which was referred to the Committee on Privileges and Elections:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Hon. John S. Harris, late a Senator from Louisiana, the amount due from the beginning of his term on the 4th of March, 1867, until he was paid; said payment to be made from the contingent fund of the Senate.

ORDER OF BUSINESS.

Mr. GIBSON. I ask unanimous consent to call up the bill (S. 2147) establishing additional regulations concerning immigration to the United States, in order that I may submit some remarks upon it.

The VICE-PRESIDENT. The Senator from Maryland asks unanimous consent to call up the bill indicated by him, that he may submit some remarks in accordance with previous notice. Is there objection? The Chair hears none.

Mr. GIBSON. Mr. President——

Mr. MITCHELL of Oregon. If the Senator from Maryland will allow me, I wish to state that the regular order is the Du Pont case, and by unanimous consent it is understood that that will be set aside temporarily in order that the Senator from Maryland may make a speech; but if the discussion should be prolonged, I would have to object.

Mr. ALLISON. As I understand the agreement, it was that after the river and harbor bill was disposed of, and after the routine business of this morning, the Du Pont case was to be taken up and proceeded with and voted upon at 5 o'clock on the second day, unless sooner disposed of.

Mr. FAULKNER. No; at 5 o'clock of the second day.

Mr. GRAY. At 5 o'clock; not sooner. The proposition to vote earlier was rejected, so that everybody might be here at the hour named.

Mr. ALLISON. Very well. I do not see the Senator from Colorado [Mr. TELLER], who is in charge of the District of Columbia appropriation bill, in his seat; but I wish to give notice that if no one wishes to proceed upon the Du Pont case after the Senator from Maryland has finished his observations, that appropriation bill will be called up.

Mr. CULLOM. I should like to make an inquiry before this matter is passed over. There is a dispute as to the exact time we are to vote upon the Du Pont case.

Mr. MITCHELL of Oregon. Five o'clock to-morrow was the time fixed.

Mr. CULLOM. Not before that hour?

Mr. MITCHELL of Oregon. Not before that hour.

Mr. GORMAN. I appeal to Senators to allow my colleague to proceed.

Mr. MITCHELL of Oregon. Certainly; the Senator from Maryland has obtained unanimous consent to submit his remarks, and I ask that then the Senator from Minnesota [Mr. NELSON], who is anxious to make a speech of some three-quarters of an hour on the same subject, be permitted to do so, and after that the Du Pont case will be taken up and proceeded with.

The VICE-PRESIDENT. The Chair will submit to the Senate the request of the Senator from Oregon [Mr. MITCHELL]. The Senator from Oregon requests that the Senator from Minnesota [Mr. NELSON] be permitted to address the Senate after the Senator from Maryland [Mr. GIBSON] shall have concluded.

Mr. GORMAN. With the distinct understanding, Mr. President, that immediately thereafter the Du Pont case is to be taken up and proceeded with according to the agreement entered into several days ago.

Mr. MITCHELL of Oregon. Certainly.

Mr. GORMAN. So that the vote upon the amendment to the resolution and the resolution itself shall be taken at 5 o'clock to-morrow evening.

Mr. MITCHELL of Oregon. That we shall proceed with the Du Pont case until 5 o'clock to-morrow, and then we shall proceed to vote on it; but what particular vote it shall be is a matter to be determined at the time.

Mr. GRAY. It is a vote to dispose of the case of Mr. Du Pont one way or the other; to admit him or reject him. That was the understanding.

RESTRICTION OF IMMIGRATION.

Mr. GIBSON. I ask that the bill (S. 2147) establishing additional regulations concerning immigration to the United States be read.

The VICE-PRESIDENT. The bill called up by the Senator from Maryland will be read.

The Secretary read the bill (reported by Mr. LODGE from the Committee on Immigration February 18, 1896), as follows:

Be it enacted, etc., That section 1 of the act of March 3, 1891, in amendment of the immigration and contract labor acts, be, and hereby is, amended by adding to the classes of aliens excluded from admission into the United States the following:

"First. All persons over 14 years of age who can not read and write the language of their native country or some other language, except that an aged person not so able to read and write who is the parent or grandparent of an admissible immigrant may accompany or be sent for by such immigrant.

"Second. For the purpose of testing the ability of the immigrant to read and write, as required by the foregoing section, the inspection officers shall be furnished with copies of the Constitution of the United States, printed on numbered uniform pasteboard slips, each containing five lines of said Constitution printed in the various languages of the immigrants in double small pica type. These slips shall be kept in boxes made for that purpose and so constructed as to conceal the slips from view, each box to contain slips of but one language, and the immigrant may designate the language in which he prefers the test shall be made. Each immigrant shall be required to draw one of said slips from the box and read, and afterwards write out, in full view of the immigration officers, the five lines printed thereon. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by an inspection officer before another drawing is made. No immigrant failing to read and write out the slip thus drawn by him shall be admitted, but he shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him, as now provided by law. The inspection officers shall keep in each box at all times a full number of said printed pasteboard slips, and in the case of each excluded immigrant shall keep a certified memorandum of the number of the slip which the said immigrant failed to read or copy out in writing."

Mr. GIBSON. Mr. President, with the broad acres of this country yet unsettled and untilled, with a land virtually unredeemed from primeval silence and solitude, with a soil as yet virgin, with an affluence and amplitude of domain adequate to the happiness and maintenance of 500,000,000 people, there is no reason why luxury and want and why capital and labor should look askance at one another.

While we have mountains to tunnel, rivers to bridge, forests to fell, and mines to develop there is no reason to turn back from our shores the offered laborer who asks for a home and opportunity of self-support on our unoccupied fields or in the channels of industry that need his labor.

Immigration is as essential now to our development as it ever was. From 1820 down to the present time the influx of foreign population to the United States has, in all those years, never been beyond 15,000,000 people. We have to-day in the United States a foreign-born population of 9,000,000 people, making an average of one foreigner to every nine native born. Within the period of forty years, from 1850 to 1890, there has been an increase in the census years of only 1 per cent in the foreign immigration to the United States in each ten years.

The following table shows the number and percentage of persons of foreign birth at each census from 1850 to 1890:

Census year.	Number of foreign born.	Per cent of total population.
1850	2,244,602	9.68
1860	4,138,697	13.16
1870	5,567,229	14.44
1880	6,679,943	13.32
1890	9,249,547	14.77

Instead of 72,000,000 people, the United States can accommodate hundreds of millions of people without being overcrowded. One of the most prosperous countries in Europe is Belgium, with a population of 530 inhabitants to the square mile. The next in population is England, with 505 to the square mile. The area of the United States, exclusive of Alaska, in 1890 was 2,939,000 square miles. This area of the United States, exclusive of Alaska, at the same ratio of population as Belgium and England, could support, instead of 72,000,000, the stupendous aggregate of over 1,557,670,000 people; that is to say, 100,000,000 more than the entire population of the whole earth to-day. We have one State, Texas, which is as large as England, France, and Germany combined. And yet with such a capacity and possibilities, when we have only 72,000,000 out of a possible 1,600,000,000, when we have only 21 people to support to the square mile, while Belgium has 530 and England 505 to the square mile, being at the same time the most prosperous nations of Europe, we talk about restricting immigration:

It will be interesting, Mr. President, in this connection to call attention to Mulhall's statistics giving the following table of inhabitants to the square mile in 1890 of the different countries in Europe:

Inhabitants per square mile in 1890.

United Kingdom	184	Portugal	136
England	505	Sweden	28
Scotland	135	Norway	16
Ireland	148	Denmark	133
France	320	Holland	350
Germany	233	Belgium	530
Russia	42	Switzerland	190
Austria	166	Greece	88
Italy	260		
Spain	86	Europe	90

United States, exclusive of Alaska and Indian Territory, 21.31 per square mile.

This shows that the most prosperous nations in Europe are those that have the largest population per square mile.

The Western States have for occupancy and open for settlement, exclusive of Alaska, 579,464,133 acres of land. This would make 3,621,650 homesteads of 160 acres each. On an average of five persons to a family, there is room in these States for 18,000,000 farmers, fruit raisers, wine growers, truck farmers, miners, mechanics, and laborers of all classes, which means 18,000,000 consumers of manufactured products, clothing, shoes, groceries, farming stock, implements, etc., giving labor to other millions of mechanics, miners, and laborers of all classes, adding billions to our national wealth.

The Western States want these lands occupied, and who will occupy them if the European immigrant does not?

But, even more than the West, the great undeveloped South wants immigrants, and is glad to welcome the foreigner, whether educated or illiterate, if he only works.

The Houston (Tex.) Post says that—

Texas can find room for 100,000,000 people and then not be as crowded as many countries are; in fact, not as much as some of the Eastern States in this Union are. And yet she has only 3½ or as much as 4 per cent of this number.

But, Mr. President, while I have here at hand any number of newspaper articles upon this important subject, I will spare the Senate the reading of more of them, but will ask permission that they may appear in the RECORD.

The density of population at the census of 1890, according to States, was as follows:

Density of population at census of 1890.

States and Territories.	1890.	States and Territories.	1890.
The United States	21.31	North Central division—Continued.	
North Atlantic division	107.37	Iowa	34.46
Maine	22.11	Missouri	38.98
New Hampshire	41.81	North Dakota	2.60
Vermont	36.39	South Dakota	4.28
Massachusetts	278.48	Nebraska	13.78
Rhode Island	318.44	Kansas	17.47
Connecticut	154.03	South Central division	18.94
New York	125.95		
New Jersey	193.82	Kentucky	46.47
Pennsylvania	116.88	Tennessee	42.34
South Atlantic division	32.98	Alabama	29.36
		Mississippi	27.83
Delaware	85.97	Louisiana	24.93
Maryland	105.72	Texas	8.52
Virginia	41.27	Oklahoma	1.59
West Virginia	30.95	Arkansas	21.27
North Carolina	33.30	Western division	2.58
South Carolina	38.16		
Georgia	31.15	Montana	.91
Florida	7.22	Wyoming	.62
		Colorado	3.98
North Central division	29.68	New Mexico	1.25
		Arizona	.53
Ohio	90.10	Utah	2.53
Indiana	61.05	Nevada	.42
Illinois	68.33	Idaho	1.00
Michigan	36.46	Washington	5.22
Wisconsin	50.98	Oregon	3.32
Minnesota	16.44	California	7.75

From whence it will be seen, Mr. President, that there is no necessity for this measure under consideration. In my judgment, Mr. President, our present laws, rigidly, conscientiously, and impartially enforced, are sufficient to prevent all the evils of immigration that are complained of. These laws not only prohibit the admission into the United States of Chinese laborers, but add the following classes of aliens:

All idiots, insane persons, paupers or persons likely to become a public charge, persons suffering from loathsome or dangerous contagious diseases, persons who have been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude, or any person whose ticket or passage is paid by the money of another, or who is assisted by others to come.

If this legislation stopped here it would be sweeping enough in its character to meet every emergency in the way of restricting undesirable immigration, but it goes further than this. It provides that no steamship transportation company or owners of vessels shall directly or through agents, under heavy penalties, either by printing or personal solicitation, invite immigration to the United States, except by ordinary circular letters, or other representations stating the terms of transportation, etc.

It is charged that emigration is largely stimulated by steamship agents in Europe, and that the European countries send us their superfluous population. This assertion has no foundation in fact. Immigration to our shores is coming to be counted as a serious loss by the countries from which it is drawn. Indeed, the different governments of Europe do not think they have any surplus population and strive by the strongest laws to make emigration of their subjects as difficult as possible. In Germany, for instance, steamship agents are allowed to act only within a narrow range prescribed by minute police regulations. They must be residents of the district in which they do business and citizens of that country. They must obtain a license for that purpose and deposit a large sum (in Germany 30,000 marks) with the police authorities, and it is then difficult to obtain such a right. Often slight infractions of the police regulations and the emigration laws are at once punished by heavy penalties. No steamship line is permitted to circulate information about foreign countries which might be considered as inciting to emigration. Even a simple comparison, for instance, between Germany and the United States, showing the advantages of the latter, is considered as belonging to this interdicted class of literature.

In addition to these acts of Congress the most thorough sifting process takes place in Europe. When emigrants apply for passage they have to answer very particular and searching interrogatories, a copy of which must be filed with the Commissioner of Immigration in this country.

We have the testimony of the labor organizations of this country that the present laws, if carried out as they are now administered, fully serve the purpose for which they were intended. Let us glance for a moment at what the labor organizations have to say on this subject.

Mr. Samuel Gompers, president of the American Federation of Labor, which has an aggregate membership of 652,300, says:

While, in my opinion, it may be necessary to restrict immigration in some cases, American workingmen are reluctant to impose any restraint upon the natural right of a man to choose his own place of abode.

Mr. Morse, secretary of the International Machinists' Union of America, says:

This trade is not much affected by the influx of alien labor. The foreign elements chiefly affecting the engineering trade are the Swedes and Germans.

"Swedes and Germans" are of the class of immigrants commended by the author of this bill as being those desirable.

Mr. O'Keefe, editor of the Knights of Labor Journal, says that this order does not object to immigration in the abstract, but does object to immigration induced by representatives of steamship companies or their agents.

Mr. Anderson, general secretary of the Philadelphia Operative Bricklayers' Union, with 36,000 members, states that this trade has no strong feeling against immigration. It may injure the trade here and there, but in the mass he thinks it does no harm.

Mr. P. J. McGuire, general secretary of the United Brotherhood of Carpenters and Joiners, says that his society is divided on the subject of foreign immigration, some being in favor of one and some of another bar of restriction; but in his opinion, as he says, the more thoughtful men among the members think that immigration in the past has really made the country what it is. He believes that New York changes its labor population every few years, men who have been there some time moving out and being replaced by newcomers.

Mr. G. W. Perkins, president of the Cigar Makers' International Union, of 30,000 members, says a large number of immigrants have come into the cigar trade. Of these, many are Germans who at first are socialists, but who gradually become good trades-unionists. A considerable number of Russian Jews have of late years come into the trade, but wages do not seem to have been reduced in consequence. On the contrary, they seem to have increased in the well-organized centers of the trade.

The New York State branch of the American Federation of Labor, sitting in Albany, reported among other things the following:

That while believing in the necessity of greater efficiency in the administration of the immigration department, we nevertheless hold that extreme radical measures of restriction would be contrary to the spirit of our times and the welfare of our country. Natural and wholesome immigration has been the source of unbounded benefit to our country, and our vast natural resources are such as would easily support many times our present population. * * * We wish to condemn the old Know Nothing sentiment which uses the immigration question as a pretext. The same spirit attempts to rise from the dead through this blind clamor and again bid defiance to the irresistible tread of industrial and social progress.

The Junior Order of American Mechanics, of 160,000 members, calls itself a patriotic fraternity. In its declaration, among other things, it asserts:

We affirm a warm and hearty welcome to all immigrants who desire to better their condition and become a part and parcel of our nationality, but we have not one square inch of room for the anarchists, the socialists, or nihilists, or for any one who is not willing to vow allegiance to that flag, which is powerful enough to shield and protect them as well as us in the exercise of our religious and civil liberty.

Among the opinions of statesmen and economists on this subject, Dr. Charles W. Eliot, President of Harvard University, has been good enough to say:

I believe every healthy and honest man, woman, or child brought into this country to be an altogether desirable addition to the resources of the United States. Consequently, I think that immigration should not be restricted, except by rules intended to keep out paupers, criminals, and persons afflicted with incurable or contagious diseases. As to the contract-labor law, it seems to me a stupid piece of demagogic barbarism. More laborers, skilled and unskilled, are just what this half-occupied continent needs.

Mr. Edward Atkinson, whose writings on economic questions are well known, in an article the drift of which will be gathered from its title, "Incalculable room for immigrants," says:

It seems almost pusillanimous to refuse a refuge to the oppressed and to the industrious and capable for fear the institutions of this country may suffer. If we can not deal with one-half of this great continent, of which the resources are as yet hardly even known, will not this prove that our capacity is not yet equal to our opportunities?

These labor organizations, therefore, do not favor any such proposed restrictive and prohibitive legislation as proposed by this bill, or a consular inspection, or a high head money tax. They, although subjected to the competition of new labor forces, have no voice to raise against the admission of alien immigration.

This law has been strenuously enforced ever since its enactment, and the good effects of it are discernible each year in the diminishing number of immigrants coming to our shores. By this bill it is proposed to make a new class of excluded immigrants, adding to those who have just been named "the totally ignorant." Paupers, diseased persons, convicts, and contract laborers are already excluded. Three of this class, paupers, diseased persons, and convicts, of course we do not want and will not have under any circumstances. The bill excluding contract laborers has excluded the best of the class of immigrants who would come to this country, the skilled laborers. Whether this is wise it is not my purpose now to consider. Now we propose to exclude the next best class of laborers under the educational test. It is not the learned and the refined, it is not the doctors, lawyers, and professional men, whom we look for in the immigrant ship, nor yet the dilettante of the youth of southern Italy, who frequent the Olympic games, or, breathing fresh perfume from their curly locks, with their lily fingers pat the red brawn of the gladiators in the arena and bet their sesterces upon their head, but we do want the strong, clean-limbed, ruddy-cheeked, vigorous, young, and healthful toilers who are willing and able to carve out with their own good right hands the way to fortune and to favor in the land of their adoption. Uneducated they may be, not able to read or write in their own tongue or in that of any other, but not bad hearted; poor in purse, but not paupers.

We will educate these immigrants when they get here. We will find the task less difficult to make a homogeneous mass of these people, adapting them to our customs and to our purposes, than if they had preconceived notions from the education which they had received abroad. We do not want them partial to the learning and culture of Europe. We do not want an importation of men with ideas hostile to our native civilization. In the composite population of this Republic we will have a nation of Americans, peculiar to our own civilization. While it may not be "home born and home bred exclusively," in their hearts there will have grown up a spirit which will make them the faithful bodyguard of our liberties, who would be "driven into the sea at the point of the bayonet before they would renounce one principle of our Constitution."

Let us for a moment, Mr. President, consider the class of uneducated who came into our ports in the year 1895. Since the passage of this act of Congress referred to there has been a marked decrease in the amount of immigration to this country. Immigration for the fiscal year 1893-94 amounted to 285,631, and for the fiscal year 1894-95 to 258,536, a decrease of 27,095, thus showing the smallest immigration since 1879. Nearly a quarter of the Italian immigrants who have arrived at the port of New York lately have been debarred admittance to the country. Commissioner Senner says the wholesale detentions are having a deterrent effect on Italian immigration. As an instance of this, he says the steamship Hesperia, which has a capacity for 1,500 immigrants, is bringing only 200 to this port. I ask, Mr. President, to have made a part of my remarks Table No. 7 of the report of the Commissioner-General of Immigration, by which it appears that, owing to our healthful laws, immigration has decreased from the countries usually furnishing the greatest number of immigrants.

TABLE NO. 7.—*Showing the increase and decrease, by nationalities, of immigrants arrived during the fiscal years ended June 30, 1894 and 1895.*

Countries of nativity.	1894.	1895.	Increase.	Decrease.
Austria-Hungary:				
Bohemia, Moravia, Galicia, and Bukowina	6,147	6,297	150	.....
Hungary	14,700	15,206	506	.....
Other Austria	17,291	11,898	.....	5,893
Belgium	1,709	1,058	.....	651
Denmark	5,043	3,910	.....	1,033
France (including Corsica)	3,080	2,628	.....	452
Germany	53,989	32,173	.....	21,816
Greece	1,356	597	.....	759
Italy	42,977	35,427	.....	7,550
Netherlands	1,820	1,388	.....	432
Norway	9,111	7,581	.....	1,530
Portugal	2,196	1,452	.....	744
Roumania	729	523	.....	206
Russia (proper)	36,725	33,292	.....	3,433
Finland	2,553	2,675	122	.....
Poland	1,941	790	.....	1,151
Spain	925	501	.....	424
Sweden	18,286	15,361	.....	2,925
Switzerland	2,905	2,239	.....	666
Turkey in Europe	298	245	.....	53
England and Wales	18,748	25,045	6,297	.....
Ireland	30,231	46,304	16,073	.....
Scotland	3,772	3,788	16	.....
Not specified	60	24	.....	36
Total Europe	277,052	250,342	23,164	49,874
Mexico	109	116	7	.....
Central America	32	21	.....	11
Cuba	2,601	2,532	.....	69
Other West Indies	576	564	.....	12
British North American Possessions	194	239	45	.....
South America	39	36	.....	3
China	1,170	539	.....	631
Japan	1,931	1,150	.....	781
Other Asia	1,589	2,802	1,217	.....
Australia	195	89	.....	106
Hawaiian Islands	44	52	8	.....
Other Oceanica	5	.....	.....	5
Africa	24	36	12	.....
Not specified	70	14	.....	56
Grand total	285,631	258,536	24,453	51,548

From the foregoing tables it appears that during the last fiscal year 258,536 immigrants arrived in this country. Of these, 256,117 were landed and 2,419 were debarred and deported at the expense

of the various steamship lines transporting them. Of those deported, 694 were under contract to perform labor in this country made previous to their arrival and 1,725 were deported as coming within the prohibitions of the act of March 3, 1891.

In addition to the above, 177 immigrants who had been landed were returned to the countries whence they came, having become public charges within one year after their arrival in the United States. The latter were returned at the expense of the steamship lines bringing them if the cause of their having become public charges existed prior to landing; otherwise at the expense of the immigrant fund.

It is gratifying, says the Commissioner-General of Immigration, to be able to say that—

We know of no immigrant landed within a year who is now a burden upon any public or private institution. The class of immigrants has been of a good, healthy, and hardy character, well qualified to earn a livelihood wherever their services were required. They comprised both skilled and unskilled laborers.

Now let us see in this last importation of 1895 how poor they were and how many paupers there were because of their illiteracy:

The money we know they actually brought with them amounted to $4,128,723, but as the immigrant is only required to satisfy the inspector as to the amount when under $30, he is not required to disclose any above that amount; yet with some it is reasonable to suppose that the money actually brought very much exceeds that reported, as in many instances they bring comparatively large sums to invest in small business enterprises or to purchase lands and build homes for their families in the New World. Experience shows that this amount could be safely multiplied three or four times.

Multiply, therefore, the four millions, as ascertained that they actually brought, by four, and we find that instead of bringing four millions they brought sixteen and a half millions.

Of the 152,000 immigrants arriving at the port of New York during the six months ended June 30, 1892, more than $3,060,000 was brought in, one man bringing with him $25,000 and another $10,000. Multiply these as stated by Commissioner-General Stump and we have nearly twelve and one-half millions in 1892. An incident showing the amount of money brought to this country by aliens was disclosed at Ellis Island when upon searching an immigrant it was ascertained that he had more than $10,000 in his possession, although at the time of preliminary inspection he had informed the officers that he had no money whatever. The junior Senator from Massachusetts [Mr. LODGE], arguing from the report of the committee, claims that the immigrants who would have been shut out by the illiteracy test are those who bring less money to the country and come most quickly upon public or private charity for support. And yet the class of immigrants coming in within the two years referred to, though largely illiterate, added to the material wealth of the United States twenty-eight and one-half millions.

In summarizing the results of the committee's investigations, which have been fully set forth in their report, as referred to by the distinguished Senator from Massachusetts, it is found that he claims that the illiteracy test will bear most heavily upon the Italians, Russians, Poles, Hungarians, Greeks, and Asiatics. These are the immigrants the educational test will keep out, while the consular-inspection bill could not keep them out; whereas, judging from a letter addressed to me, under date of April 16, 1896, the American Anti-Semitic Association, Brooklyn, N. Y., protests most loudly against the educational test, claiming that this would let in the classes that ought to be kept out, as all of these can read and write. They demand equally loudly the passage of the Stone consular-inspection bill. Now, as between the Russian Jews themselves and the Senator from Massachusetts, on this educational test being effective, who is right and who is wrong? The Russian Jews ought to know!

The letter is as follows:

BROOKLYN, N. Y., *April 16, 1896.*

HONORED SIR: We respectfully beg to call your attention to the inclosed resolutions, passed at the regular monthly meeting of the American Anti-Semitic Association.

Advices received from Washington say that a powerful Jewish lobby, pretending to represent the German-American voters, is at work to prevent the passage of effective laws that would hinder the immigration of their own people; and to our great consternation we noticed that recent proceedings in the House Committee on Immigration seem to indicate.

Public opinion calls for effective measures. The educational-test bill will not exclude the Russo-Polish Jews. They all read and write the Hebrew jargon.

We indorse the consular-certificate bill for the countries of eastern and southern Europe.

Shall the Rothschilds and Hirsches score another victory against the American people?

Yours, very respectfully,

FR. JO. GROSS,
The President of the A. A. A.
E. FINDEISEN,
Chairman of Committee.

To the Honorable Senator CHARLES H. GIBSON,
Washington, D. C.

AMERICAN ANTI-SEMITIC ASSOCIATION,
Brooklyn, N. Y., April 16, 1896.

PROTEST AGAINST THE JEWISH IMMIGRATION.

Resolutions passed at the regular monthly meeting of the A. A. A.

Delegates from branch organizations were present.

Whereas the present laws for excluding the objectionable Russo-Jewish immigration have proven entirely insufficient, and the moral and social danger of a continuous influx of these people is strongly agitating the public mind;

Whereas in a history of over two thousand years the Jews have never shown an example of assimilation with other nations, and the presence of this people, alien in race and religion, striving after the financial and political supremacy in the Christian countries of the world, is creating serious disturbances everywhere:

Resolved, That we protest against the passage of the McCall educational test bill as entirely inadequate to debar these people, nearly all of them being able to read and write the Hebrew jargon.

Resolved, That we favor the Stone consular-certificate bill for the countries sending us this undesirable immigration, namely, Russia, Austro-Hungarian Empire, Italy, Roumania, Servia, Bulgaria, Turkey, Asia, and Africa, with the instructions to the United States consulates abroad.

E. AUG. LEHUERMANN,
The Secretary of the A. A. A.
E. FINDEISEN,
Chairman of Committee.

Mr. President, if the United States intends to close our portals to foreign immigration entirely, if we propose to say that we have enough of foreigners on our shores, and that we do not want any more and will not have any more, well and good; let us say so. No objection under the law of nations can be made to our so doing. If we are going to surround ourselves with a Chinese wall, over which none save the anointed children of education shall climb, under the specious claim of protection to American labor, as in the past we have undertaken to build a like wall for the protection of American manufactures, then let us do it, and take the consequences. But we will not put ourselves, I take it, in such an attitude to the rest of the civilized world.

If our purpose springs from a fervent desire to benefit the people by restricting immigration, then we must look for some more legitimate and practical means than this measure now under consideration. This bill will not accomplish it. Of all the proposed legislation before the Senate of the United States within my experience, nothing is further removed from wisdom and justice than this. It is undemocratic, unrepublican, un-American, and has no health in it. It is barbaric and cruel; in its operation it will separate families and divide those among them who may be able to read and write from those who can not. It is a standing menace to the future of the West and South; it will keep out from the country immigrants who are desired and will admit those who are not.

The uneducated laborer, whose strong muscles and willingness to work we are in need of, will be driven back, while the communist and socialist, and loud-mouthed and filthy anarchists who labor with their tongues, demagogues, et id omne genus, because they are able to read, will be allowed to come in—evil fellows who work not themselves, but who foment discord and discontent among workingmen, who, if left to themselves, would be good citizens. These are the educated class whom this bill would admit.

The question of restricting immigration into the United States is not a new one. It has been the subject of legislation heretofore. We have all the laws we want. In some parts of the world there are too many people for the work there is to be done, and in other parts there are not enough. Whenever these conditions arise the excess of laborers in one part of the world seeks the excess of labor in the other part. The process began with the beginning of time and will continue to its end. Our present position among the nations is greatly due to it. If the increase of our population had been dependent upon the excess of persons born and growing to maturity over those dying, it is quite safe to say that its number would not be more than half, possibly not more than a third, of what it now is. Instead of having more than 70,000,000 of people within our borders we would have only 40,000,000, or perhaps only 30,000,000.

A great part of what has been done to open up our country and develop its resources would have remained undone. It would have been impossible without the aid of the strong and willing laborers coming to us from the old countries to have made a great part of the West fit for the homes of the splendid population which now enjoys it. The thousands of miles of railroads that cross and recross our country in every direction, annihilating distance and making those who live in the remotest parts neighbors to all the rest, could not have been built. The commerce carried by the agency of these roads would not have sprung up and the numerous and happy villages and cities created and supported by it would have no existence. Without the men who have sought homes on our shores our mines would have remained unopened, our canals undug, and many of our useful industrial works unperformed.

Without them our people might still have skirted the slopes of the Alleghanies; the western boundary of our civilization might still be on the east side of the Mississippi, and the wide expanse beyond might still have remained the pasture of the buffalo and the hunting ground of the savage, where the rank thistle nods in the wind, and where the wild fox digs his hole unscared! The downfall of this great and glorious Republic from any cause, at any time to which the most farsighted can now look forward, is not a matter of dread to me. But if in the dim, mysterious future, mercifully made impenetrable to our gaze, there should come a period when this country, the pride of her own people and the

admiration of the world, shall endure the lot of all things perishable, among the causes of its downfall immigration will not be found.

Mr. Jacob Riis says:

The immediate duty which the country has to perform for its own protection is to school immigrant children first of all into Americans, and next into useful citizens. The problems that seem so perplexing in the light of freshly formed prejudices against this or that immigrant yield to the simple solution that discovers all alarms to have been groundless. Yesterday it was the swarthy Italian, to-day the Russian Jew, that excited distrust. To-morrow it may be the Arab or the Greek. The one immigrant who does not keep step or, having fallen out of the ranks, has been ordered to the rear, is the Chinaman, who brought neither wife nor child to push him ahead. He left them behind, that he might not become an American, and by the standard he himself set up he has been judged.

It has been the wise policy of our Government to welcome the immigration of all classes of laboring men. For a time it was wholly unrestricted, and as long as the flow was natural, consisting of a stream of hardy, healthy, and honest men and women, coming of their own accord, no restriction was required; but when advantage was taken by organizations in various parts of Europe of the lack of laws in this country regulating immigration to ship paupers, cripples, diseased persons, whom they wished to get rid of, and criminals, proper measures were speedily taken by our Government.

I am opposed to the passage of this bill and am unwilling for it to become a law. It is not needed. The spirit that presided at its birth and now urges its passage is illiberal and un-American. It is the same spirit that spread its baneful influence over the country some forty years ago, which apparently died out; but which again shows sign of pernicious activity; and the bill is worthy of its originators. It appears to be general in its purpose; but is certainly aimed at the poor and ignorant alone. It is carefully drawn, and is accompanied by a report containing numerous tables prepared to show the necessity for its enactment. The classes especially aimed at by it are the Bohemian, the Russian, the Italian. These are declared to be unfit to land on our shores and to become our fellow-citizens.

But—

Says the New York Journal of Commerce—

experience has shown that no aliens coming here have done the country better service, and they have been among the most peaceable of the people.

Three arguments are presented why this bill should become a law:

First. The selfish one that if the people excluded by the bill are allowed to come in they will compete with Americans for work and lower their wages.

Second. That such immigrants are idle and vicious, and likely to be a plague and burden to the community.

Third. That they are alien and inferior, and if allowed to mix with our people will deteriorate them and lead to national decadence and ruin.

It does not require much consideration of the first argument to arrive at the conclusion that it is wholly groundless and no reason at all. The best proof that unrestricted immigration does not tend to reduce wages is the fact that at the present day, after all these years of unrestricted immigration, the wages of the workingman in this country are higher and the hours of daily labor shorter than ever before. It needs only a superficial acquaintance with the nature of wages to show that they do not decrease as population increases. England has a greater number of inhabitants per square mile than Germany, and yet wages are higher in England than in Germany; and the same relation again exists between Germany and Russia. It is principally the skill and productiveness of the laborer that determines the rate of wages. As long as there is room in this country for both skilled and unskilled labor we should welcome every man that is willing to work.

And again, labor unions, which more than ever before in the world watch over the interests of workingmen, by direct or indirect methods effectually prevent the undercutting of wages. The rise and fall of wages due to obscure causes may occur, and be without remedy, but if it is caused by nothing else than competition among the workingmen themselves, labor unions may be depended upon to regulate it. But competition between laboring men of the class affected by this bill and Americans will never be, for skilled labor and unskilled labor work in different fields, too far apart for the higher class to be interfered with or jealous of the lower. As compared with the laborers of the class affected by this bill, all Americans are skilled laborers. They seek the shops, factories, foundries, machines, railroads, engine rooms, bridge and iron constructions, and other places where special aptitude, training, and acquired skill give larger value to their labor. There is no danger that he will overstock the market or that there will be more of him than there is demand for. In the Iron Trade Review of Cleveland there is an article calling attention to the scarcity of skilled men. And in all the departments where their work is needed there is an increasing instead of a decreasing call for such workmen.

But the Bohemian, Russian, and Italian must take and are glad to take the meaner sort of occupations—street sweeping, sewer cleaning, the digging of ditches and drains, the making of excavations, the outdoor work about mills and factories, which does not require skilled labor or special training, but only strength and industry—menial service, peddling, waiting in hotels and restaurants, fruit selling, knife grinding, toy and image making, and a great many other things which Americans do not seek and will not willingly undertake. All of these, together with many indoor employments, such as cigar and garment making, fall to the share of the newly landed, poor, and illiterate immigrants. Americans do not want such work. Hebrews, Russians, and Italians do want it; and the reason for their coming is that they may get it. They are the only persons to do it, and their presence here is a logical necessity.

The second reason alleged why this bill should pass is that these people are idle and vicious. The argument seems to be that poor and ignorant people are idle and vicious; that these people are poor and ignorant, and therefore are idle and vicious. I admit these people are poor and ignorant both, but even if they are it does not follow as a consequence that they must be vicious. A writer in the Forum of July 1, 1892, well observed—

That no sensible man will deny or underestimate the value of knowledge or education, but they do not form the only criterion to judge the worth of a man. Virtue and patriotism are not privileges belonging exclusively, or even preeminently, to wealth and learning. Scoundrels usually possess a fair education, so far as it can be acquired in schools or from books, and an educational test, in its practical workings, may not prove to be what is expected by its advocates.

Governor John Page, of Virginia, reported Patrick Henry as saying: "Natural parts are better than all the learning on earth."

And, indeed, the experience of all men is that the poor and ignorant are far from being necessarily bad, and it is a cruel and wanton injustice to make such a charge against them.

The tables in the report accompanying this bill show that there are a great many juvenile offenders whose parents, one or both, are foreign. But the census of 1890 shows that one-third of our people are children of parents one or both of whom came from another country. So it does not follow that these juvenile offenders are only of Russian, Bohemian, or Italian origin. They may be of other foreign parentage. In this respect the tables are ambiguous, insufficient, and valueless to prove the charge made by the advocates of this bill against this class of immigrants.

It may also be remarked, in passing, that the term "juvenile offenders" may include little chaps who have been arrested for playing ball in the streets, for being impudent to a majestic cop, or for trespassing upon forbidden grass. The offenses, at any rate, can not be very heinous.

It will be instructive to hear what is said of this class of immigrants by persons who have made a study of them. Tissot, a well-known French writer, says of the Russians:

There is nothing more gentle, more humane, than the Russian peasants, and murders are much less frequent in the Muscovite country districts than in the streets of Berlin and Paris.

In the consular reports published by the State Department in 1890 Italians are thus spoken of:

He gives the police no trouble; the criminal statistics of New York show a diminution in the arrest of foreigners. Only 794 Italians out of a total of 20,000 arrests in the last quarter of 1889, and these mainly for petty offenses. Of the 794 arrests of Italians, but 17 were women. The Italians of New York in some respects may not be a very desirable fraction of the population, but it does not appear to be disorderly or dangerous. The little knowledge of the anarchist is more dangerous than the industrial ignorance of the Latin races. These people are chiefly the peasant farmers of Calabria—vigorous in body; if illiterate, not stupid; if poor, not paupers; intellectually above the average so far as native powers are concerned. I was able to find among 1,075 immigrants not one dweller in an Italian city; all were peasants originally in Italy. As the Irish took the unskilled work off our hands a quarter of a century ago and the French Canadian came to relieve the Irish, it is now the Italians who have come to relieve the Canadian French. It is impossible to develop new country, to open new railways, to build new cities, without unskilled labor. New countries require a larger contingent of raw muscle than old countries. The Italian came because he was wanted.

The Italian beggars do not emigrate. The lazzaroni of Naples can not be induced to go elsewhere, for nowhere is life so easy to him. As a rule, the conditions of life are such that dwellers in cities do not migrate. If we get the illiterate immigrant, we also get the bone and sinew of Europe. What manner of men and women ensue depends in part on the environment which this country supplies.

You in the United States get our better industrial lower class. We could not get our tramps to go if we wanted to. You will find an improvement in the Italian immigrant of the future, I think, because education in Italy is now compulsory, as it is in most of European States to-day. All the younger ones can now read and write.

How easily these immigrants fall into American manners one must have noted who has observed the effect of one or two years of American life on the abject and underfed Italian peasant. Between this adaptability on the one hand and an intense nationality on the other hand, it can easily be seen that Italians who lose their grip of Italy will speedily get a powerful American bias. Their children, at least, are likely to be good citizens of the Republic, perhaps in many cases as valuable as the descendants of Gallic or Teuton stock. Variety of stock must itself strengthen the race whose energies already express the best results of the combination of northern races. As the Latin stock contributed not a little to German vigor, may not the same stock reenforce the new nation on this side the sea?

The largest permanent immigration is from the province of Turin. From Lombardy permanent immigration also tends to increase. Calabrian immigration also increases, but arrivals from Tuscany are diminishing. Rome sends absolutely no Roman, old or young. It is a fact suggestive of the powerful hold of the cellars and attics of crowded European cities that, although

Naples is the most densely populated city in Europe, many a village of Calabria sends to the United States more immigrants. It is not cities that are contributing to the cities.

Mr. Landis, of Vineland, who has had most extensive dealings and intercourse with the Italians, both in their country and in this, says:

In the settlement of Italians of Vineland there is a population of 1,000 Italians, about 6 to 12 in a family. There are in this Italian colony 200 owners of land; the farms average about 20 acres each. I sold the land on credit, mainly. The occupants invariably pay for their places and get on well. Since 1871 these Italian families have averaged about $20 each increase of wealth, so that their industry since 1871 (a period of about twenty years) represents an aggregate of $400,000. There is not an Italian in my county in an almshouse. There is not an Italian begging in the place.

The lesson of my journey in Italy is that the Italians are good farmers, steady, sober, and industrious. The sense of art, which is powerful in the Italian race, crops out even in their agriculture. Their cottages are tastefully treated; their interiors are attractive; their agricultural utensils are primitive, but they move forward on touching land in the New World. One-half the Italians in the Vineland settlement can read and write.

The testimony that I have been able to collect relative to the Hebrews exhibits their character in an equally favorable light. I quote from the Forum, volume 16, page 172:

Those who are willing enough to admit our indebtedness to immigration in the past, object to Jewish immigrants, saying that the character of our immigrants is not what it was twenty years ago, forgetting that twenty years ago the prejudice against Irish immigrants was as strong and unreasoning as that which now exists against Jewish immigrants. * * *

Although the Russian Jews have now for several years taken an active part in the industrial, intellectual, and civil life of New York, few of its citizens know anything of this earnest, intelligent, and intensely interesting people. * * *

The Jews are a temperate people, and the saloon is not likely to become an element in their social or political life. * * *

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Jewish immigration is free from the objection so commonly urged against immigration in general, that it increases crime and pauperism. The Jewish quarters in New York, although more densely populated than any other tenement-house district, is rarely the scene of serious brawls or disturbances. Policemen are rarely seen there, and these find but little demand for their services. The records of police courts are remarkably free from Jewish names. This is principally owing to their temperate habits, while their strong domestic virtues, their love of their wives and children, prevent family troubles, whose settlement forms so large a part of the work of civil courts and police justices.

Statistics show that during the last few years, when Jewish immigration has so largely increased, crime among this nationality has not shown a corresponding increase. The whole number of Jewish prisoners in New York State is 360. This remarkably small number in a State which contains so large a Jewish population is a conclusive proof of their law-abiding character.

In Sing Sing, out of a total of 1,600 prisoners, there are only 72 Jews, and of these 12 are American, leaving only 55 foreign born. In Clinton prison, among 900 there are only 25 Jewish prisoners. In Auburn there are 36 Jews among 1,100. In the workhouse on Blackwells Island out of 1,100 inmates there are only 5 Jews. The superintendent of the workhouse says that a Jew is seldom brought back a second time. There has never been a Jewish woman in the workhouse. In the penitentiary at Albany there are only 2 Jews among 700 prisoners. There is 1 Jew prisoner in each of the penitentiaries of Syracuse, Rochester, and Buffalo.

The Anti-Immigration League of Boston has published a mass of statistics intending to show that Italians, Hungarians, Russians, and Poles are less desirable immigrants than those coming from other European countries, but from the Massachusetts reports the character of these people is doubtless the same here as in other States, so that the facts of their criminality, insanity, and pauperism, compared with the people of other parts of Europe which are found here, will hold all over the country. Take the last report of the Massachusetts State prison, in the official year ended September 30, 1893. There were 140 commitments. Of those committed, 97 were native born, and of those born abroad, 5 came from the British provinces, 15 from Ireland, 7 from England, 1 from Scotland, 1 from Wales, 3 from France, 4 from Italy, 1 from Germany, 1 from Austria, 1 from Sweden, and 1 from Finland. Italy and Austria, the countries complained of as furnishing the worst immigrants, contributed only 5, and Russia and Poland none of those committed. This looks as if these objectionable people were really the desirable ones.

Take the last report of the State reformatory for the same official year. The commitments during the year were 185, of whom only 11 came from Austria, Italy, Poland, and Russia together. There, once more, the case against the south and east of Europe is so much reversed as to make the figures of the league look ridiculous.

Take, once more, the birthplace of prisoners committed to all the jails and houses of correction in the State of Massachusetts for the same year. The total was 11,824, of whom only 177 came from Italy, Russia, Poland, Austria, and Hungary. There, again, is by far the best showing for these people who are principally aimed at by the league as the poorest of our immigrants.

In a notice published last year in a New York paper Mr. William Lloyd Garrison, takes issue with those who regard a restriction of immigration as desirable, quoting the authority of Dr. Senner, the immigration commissioner of New York, who has kept a record of what becomes of the foreigners who land at that port. Mr. Garrison denies that it is the "dregs and offscourings of Europe" that land upon our shores. "On the contrary, it is not the poorer class of European cities who emigrate to America, but the harder working people from the rural districts. But even if all immigration were seriously objectionable, it would still amount to only one family added to a preexisting hundred every five years. Our institutions must have lost their vigor if they can not subjugate 1 per cent of elements the most unruly during the term prescribed as the preparation for citizenship. Even if they come to be massed together in groups that are congruously un-American, they have still the environment of our educational system and our laws, and these have accomplished greater transformations than that of Hungarian miners and Italian laborers into useful American citizens."

If the problem of assimilating the "foreign element" had been an excessively hard one, the effect would be shown in the States where there was a preponderance of the "foreign element"—either foreign born or of immediate foreign descent. Massachusetts had 57 per cent foreign born or of foreign parentage; Maine 77 per cent. Maine is therefore a more representative American State than Massachusetts; but is there any distinction in the institutions or the legislation of those States that would warrant the belief that the "foreign element" in Massachusetts had not been successfully assimilated? In Minnesota there are to each 100 native inhabitants 239 of foreign birth or of foreign parentage, and in Wisconsin the proportion is 100 native to 264 foreign. Is there anything in the government of these States, or in the tendency of their institutions, such as schools, courts, etc., indicating that the foreign element was injuriously affecting the welfare of the country? Is there any higher grade of intelligence, public spirit, or material prosperity in Indiana, Maine, Missouri, or Kansas (States showing strong antiforeign complexion) than in Wisconsin or Minnesota? On the contrary, are these latter not the peers of their sister States in the conditions referred to?

On the 11th of April the same Mr. William Lloyd Garrison, whose remarks I have given above, at a dinner given by the Massachusetts Reform Club in Boston, speaking on the subject of the restriction of immigration, said:

You may prove that in the slums of the city there is an undue proportion of illiterate foreigners. You can not prove that their condition is not bettered by their change of place.

The measures proposed to limit immigration are ridiculously inadequate. The $10 fine will simply be an addition to the passage money, depleting to that extent the scanty possessions of the poor people who need every penny of their hard-earned savings to start the new life. The test of reading and writing is worthless as a safeguard of character.

To stop emigration or to reduce emigration European nations must remove the causes which are behind emigration—land monopoly, landlordism, and militantism, words of golden truth. Our most effective method of stopping this influx will be to cultivate these same devastating causes. These causes are the common enemies upon which the guns of reformers should be trained, not upon fugitives from European and Asiatic oppression. [Great applause.]

The Hon. John E. Russell, ex-governor of the State of Massachusetts, on being called upon to speak upon the same subject, said:

I do not think that the test of illiteracy is of much good as an immigration test. I agree with Mr. Garrison's remark that the country is in more danger from the literate than from the illiterate. It is the cupidity and neglect of the literate which we need to fear most.

This testimony to character comes from those who have studied this class of immigrants, who are fair minded and not infected by the pestilential intolerance that characterizes the real promoters of this bill. It is not among this class of immigrants that the professional disturber of the peace, the avowed enemy of social order, is ever found. They do not furnish the sturdy vagabond, ever ready to commit robbery and murder if his unwarranted demands for money are not at once complied with; the instigators and leaders of riots, the manufacturers and throwers of bombs, or those who penetrate into the homes of prominent citizens to destroy with malignant wantonness lives useful to the state. But it has been asserted that we have already had all or nearly all the immigration required. The examination of this part of the subject will be brief.

The Congressional committee appointed in 1892 to investigate the immigration question in its official report made the following statement:

We welcome with open arms the worthy immigrant who, by himself or with his family, comes to our country to live under its laws, to make it his home, and, together with our yeomanry, by honest toil and labor, seeks to better his condition.

Not less significant was the address of the governors of Southern States, who met in convention at Richmond, Va., at the beginning of the year 1893. This address was directed to the people of the United States and Europe, and contains the following passage:

They (the Southern States) are anxious to have immigrants settle among them. To the worthy immigrant they extend the hand of welcome, with the assurance that he will find an educated, warm-hearted, hospitable, progressive people, among whom he can live in amity and peace, without regard to his religion, his politics, or his nativity.

It seems, therefore, that the hue and cry which has been raised against immigration is confined almost exclusively to a few States where the American Protective Association and the Boston Anti-Immigration League have been able to work upon the feelings of the native element. The people, however, who so vehemently inveigh against foreign immigration because the populous cities of the East are not apparently in need of any increase of population from that source, entirely forget that the West and South possess nearly all the primary wealth of the country; that their natural resources are almost unlimited, and need for their development the brawny arm of the foreign immigrant; and, finally, that the commercial, mercantile, and industrial interests of the East, nay, even the value of property in the Eastern cities, are for the most part dependent on the untrammeled progress of the West and South.

I should be doing injustice to this feature of my theme did I fail to here insert as part of my remarks the following eloquent tribute paid to the immigration question by Rev. De Witt Talmage in a sermon he delivered on Sunday last in the city of Washington:

It is too late now to discuss whether we had better let them come. They are here. They are coming this moment through the Narrows. They are this moment taking the first full inhalation of the free air of America. And they will continue to come as long as this country is the best place to live in. You might as well pass a law prohibiting summer bees from alighting on a field of blossoming buckwheat; you might as well prohibit the stags of the mountain from coming down to the deer lick, as to prohibit the hunger-bitten nations of Europe from coming to this land of bread—as to prohibit the people of England, Ireland, Scotland, Italy, Norway, Sweden, and Germany, working themselves to death on small wages on the other side the sea, from coming to this land where there are the largest compensations under the sun.

Why did God spread out the prairies of the Dakotas, and roll the precious ore into Colorado? It was that all the earth might come and plow, and come and dig. Just as long as the centrifugal force of foreign despotisms throw them off, just so long will the centripetal force of American institutions draw them here. And that is what is going to make this the mightiest nation on the earth. Intermarriage of nationalities! Not circle intermarrying circle, and nation intermarrying nation. But it is going to be Italian and Norwegian, Russian and Celt, Scotch and French, English and American.

The American of a hundred years from now is to be different from the American of to-day. German brain, Irish wit, French civility, Scotch firmness, English loyalty, Italian æsthetics packed into one man, and he an American! It is this intermarriage of nationalities that is going to make the American nation the greatest nation of the ages.

* * * * * * * *

Just open the map of the continent and see how it is shaped for immeasurable prosperities. Navigable rivers, more in number and greater than of any other land, rolling down on all sides into the sea, prophesying large manufactories and easy commerce. Look at the great ranges of mountains, timbered with wealth on the top and sides, and metaled with wealth underneath. One hundred and eighty thousand square miles of coal! One hundred and eighty thousand square miles of iron! The iron to pry out the coal. The coal to forge and smelt the iron. The land so contoured that extreme weather hardly ever lasts more than three days—extreme heat or extreme cold. Climate for the most part bracing and favorable for brawn and brain. All fruits. All minerals. All harvests. Scenery displaying autumnal pageantry that no land on earth pretends to rival. No South American earthquakes. No Scotch mists. No English fogs. No Egyptian plagues. The people of the United States are happier than any people on earth. It is the testimony of every man that has traveled abroad. For the poor more sympathy! For the industrious more opportunity!

The annual increase of our population by immigration is about 300,000 people, and who can compute the increase to our national wealth thereby represented? Dr. Young, the Chief of the Bureau of Statistics in Washington in 1872, made a scientific research as to the pecuniary value of each immigrant, and arrived at the conclusion that the average capital value of each immigrant is $800. Dr. Young, however, emphasizes at the same time that it is wrong to place so low an estimate on a human being as to regard a man only as an automatic machine, computing his productive power minus his running expenses. Besides, all these immigrants bring a little money along, a fair average being $20 per head. At that rate the 300,000 immigrants bring annually $6,000,000 into this country. When here, they must live in houses which must be built and furnished, thus giving employment to a large number of other people, and if the housing of them requires only $15 a head per annum, it would mean an outlay of $4,500,000. They must also buy clothes, and millions of dollars are spent on that. They travel and increase the earnings of our railroads, and last, but not least, they must eat, and if they spend only 20 cents per day per head for that, it means an increase of our home market for food products by nearly $22,000,000 per annum. But the beneficial influence of the foreign-born citizen has been felt in every walk of life, and it is impossible to measure the value of the activity of his brain, of his skill in handicraft, the industrial arts and trade, of his taste as an artisan, of his inventive genius as a mechanic, or of his endurance and frugality as a farmer.

In the year 1839 there arrived a Swedish immigrant, better known as Capt. John Ericsson. What was his value to this country, Mr. President, as estimated on the 9th of March, 1862, when the country watched with bated breath the doubtful issue between the *Merrimac* and the "cheese box" of a *Monitor*, the creation of Ericsson's genius? Was it $800 or $800,000 or $8,000,000? This is only one instance of the part taken by citizens of foreign birth in our long struggle for national unity, which sheds a luster around those whose valor, devotion, and patriotism upheld and strengthened the nation in her hour of greatest need. If the names were reviewed of those to whom the nation owes a debt of gratitude for their sacrifices of life and blood untold thanks would be found due those whose cradles stood on foreign shores and over whose graves on our own shores alien mothers wept bitter tears.

In the report of the president and board of directors of the Board of Trade of the city of Baltimore for the year 1893 I find this expression of opinion:

There should be no impediment to immigration beyond the broad principle of moral, mental, and physical disqualification; no plea of competitive labor which closes our doors to those who would contribute to our wealth and happiness, while we throw them open to the most degenerate of European population.

There is every reason for the exclusion or dismissal of the sunken and degraded. But the deportation of those who, lured by the siren voice of Freedom, have sought the shelter of our laws; the proscription of an entire population of one particular nationality, regardless of individual rights and good behavior, finds no vindication in the spirit of American Government.

To further show the feeling of the people of my State, I quote an article referring to recent legislation in the legislature of Maryland, whose session has just ended, establishing a bureau of immigration. The article is taken from a Baltimore paper of April 6, and epitomizes some of the provisions of the bill. It is in part as follows:

It is also made the duty of the State superintendent to visit Europe once in each year for the purpose of soliciting immigration to this State, and he must remain at least four months visiting different countries in the prosecution of his work. The remainder of his time he may devote to personally soliciting immigration from the other States of the Union and from Canada, in the meantime advertising according to his judgment. He is also empowered to make contracts with railroad and steamship companies for transportation for immigrants, and to make necessary arrangements for their temporary accommodation upon their arrival at Baltimore. The first term of office is to begin May 1, 1896. For the purpose of carrying out this comprehensive scheme the sum of $5,000 per annum for two years is appropriated.

So that in my own State immigration is not only welcomed but great pains are taken and expense incurred to secure it.

The report accompanying this bill shows that questions touching the kind and amount of immigration desired have been addressed to the authorities of twenty-six States, and the replies received are brought forward to sustain the advocates of the bill.

It is evident that one at least of the questions I have referred to was framed so as to draw out a reply showing what class of immigrants was preferred, and naturally a preference was expressed by English-speaking people for immigrants who spoke their own language, and next, for that class of foreigners with which our people were best acquainted. Some of the States, it was thought, needed no more immigration, but by no State, where immigration was desired, was any objection expressed to the incoming of this class of people. Kentucky, it is true, did not want forced immigration, but Kentucky was ready to welcome the class of people affected by this bill, if they came of their own volition.

I have in my hand a number of clippings from newspapers published in numerous and widely separated parts of our country. The tone and sentiment are the same in all of them: Give us more laboring men. We need them to farm our lands and develop our resources. There is no hard limitation laid down that the laboring men shall be of this or that nationality or shall profess this or that creed. Give us the men. We will undertake to environ them with conditions of life whereby both they and their descendants will be made true and faithful Americans.

We need common laborers in this country to develop our splendid resources, to dig or fill in, to build up or tear down, and we do not care whether they are literate or illiterate. Their children feel the stimulus of American life and obtain our common-school education, and, being of healthy stock, become good and valuable citizens, having a sound mind in a sound body.

The great immigration convention at St. Paul in December, the immigration conventions in North and South Dakota, Washington, Oregon, and the county conventions throughout these States emphasize the fact that immigrants to populate these States and till the vacant lands of the Northwest and Western States are much wanted and great efforts will be made to secure them.

With reference to the congestion of immigration in the seaboard States, referred to by the distinguished Senator from Massachusetts [Mr. LODGE], it is natural, perhaps, that the three seaboard States should for a time be overcrowded and include in their population more persons of foreign origin than is desirable. But this condition arises ex necessitate rei. The fact that the three great ports of entry of foreign immigration lie within their borders accounts for this superabundance. Foreign immigration must come there first, but the immigrants do not mean to remain in these States. They come to America to find homes, to go where there is work for them, and as fast as they are able they progress westward, mingle with the people, and lose their identity as foreigners. If these overcrowded States find that their geographical position has been the means of imposing this burden upon them they should remember that the same geographical position has brought them advantages that far more than compensate.

Mr. President, I now approach what has been stated to be the greatest and most serious question of all—that is, the danger of race deterioration if the classes aimed at by this bill should be permitted to come in and mingle with us. The Senator from Massachusetts deals with this question with the seriousness and solemnity it would deserve if the danger were a real one.

It is not complimentary to one acquainted with the American people to ask him to believe that nearly 70,000,000 of such proud, independent, self-reliant, intelligent people as they are can be deteriorated by contact, however intimate, with a few thousand foreign immigrants, even if they were worse than it is claimed these are. No, sir; the Americans are no such pliable, defenseless people. As a race they are not yet formed, it is true; what they may turn out to be at the end of a long series of years yet to come can not be surely known; but it may be safely trusted that the fruit will be worthy of the seed, and the descendants who will enjoy this completed and perfected country will be worthy of the ancestors who, with unparalleled wisdom and justice, devised its plan and laid its foundations. The dread of race deterioration is a monster conjured from the realm of fantasy and without reality. It is intended to terrify the ignorant and mislead the credulous.

Mr. President, the ultimate perfection of the human race depends upon the recognition of the right of every man to be treated as a man, whether he be Jew or Gentile, literate or illiterate. Character is largely the result of environment, and depends more than is generally admitted upon the habitat of the individual. It is hardly possibly to imagine a gay and joyous Puritan or a cold, unbending son of Italy; but it is not too much to say that if the home and the surroundings of the two had been changed long ago, the warmth of the southern skies might have softened the hardness of the Puritan heart, and the solemn mystery of the long night in the wintry north might have entered the soul of the Italian and given it an element of gravity and firmness.

But it is certain that the Latin race is at least one-half Germanic. From the earliest times Italy has been the spoil of the Germans. Brennus had predecessors as well as successors. It surely can not be said that the Romans, who with the Germans commingled make up the present Latin race, were an inferior race. Not the people from whom we derive our civil law; our philosophy; whom we have been taught from childhood to admire. Not the people represented in our recollections by Brutus, by Regulus, by Cæsar, by Cicero, by Virgil, by Horace, by Lucretius, by Marcus Aurelius, and by Justinian. The race that produced these people, that dominated the whole world, that advanced civilization everywhere it went, can not be a bad one. Nor was the amalgamated product bad. At first it struggled for existence in one of those strange periods of man's history when everything seemed to be going to ruin and destruction. Periods which came before in the world's history and will come again—wherefore no man can tell; periods which may be likened to sick spells which do not kill a man, but greatly injure and depress him; periods when the light of civilization flickers and all evil influences predominate. It is not fair to judge a race passing through such times with the same rigor as might be used in piping times of peace.

Italy was the center of the world, and because it was the center the evil of the Dark Ages was most virulent in her midst.

If the condition of the Italian is to be regretted, if he is poor and illiterate, the reason for his being so is not attributable to his own race inferiority. Think what the modern Italian has been and is, and think of Columbus, of Dante, of Galileo, Petrarch, Leonardo, of Volta, of Michael Angelo. Remember that for more than a thousand years no man's education has been considered complete until he has visited Italy and studied its incomparable art in painting, sculpture, and architecture. Remember that banks, life insurance, modern ideas of commercial exchange, were all invented or first generally practiced in Italy; remember that during the whole of the dark period, when literature, learning, and art seemed in danger of being lost to the world, they were preserved and cherished by the Italians. Remember these things, and do not say that the Italians are an inferior race or unfit to mix with ours.

So likewise, in whatever direction we turn our eyes, we find the once despised and for a long time misunderstood Jew, courageously, persistently, and successfully striving to better his condition. "He is no idler or dreamer, but a worker in every field open to him." Almost at the same time Disraeli and Gambetta, men of Jewish stock, ruled—the one England and the other France. Montefiore and Hirsch are in the front rank of philanthropists; Rothschild and Bleichroder in finance. Maimonides in his time and Spinoza later were preeminent in the intellectual world, and Darmstetter, Adler, and Bernstein are now of the highest rank as scholars. Heine's place in poetry remains to be filled, and all musicians are familiar with the names of Mendelssohn and Halevy and Rubinstein. He excels in all the arts that engage the attention of mankind, except in the cruel one of shedding blood, and the civilized world is fast coming to accept the Jew's opinion of war.

I very much question, Mr. President, whether the restriction of immigration is all that is aimed at in this bill. There is more behind it, as it occurs to me. It is contemplated in this bill not simply a seeking to benefit the institutions of this country in the restriction of immigration. It is not prompted by a genuine desire to ameliorate the condition of the workingman, or to prevent the greatest evil of all that is threatened in what the Senator from Massachusetts [Mr. LODGE] calls race deterioration. The promoters and advocates of this bill are not the honest farmers and workingmen of this country. No solicitude for their interest has suggested it. Behind the Anti-Immigration League of Boston there is an influence, subtle and potent to a degree in its character, which finds its opportunity in this bill to give expression to its venomous hatred to the Catholic Church of the United States.

This organization to which I refer, Mr. President, is known as the "American Protective Association"—a secret, oath-bound, red-lettered, left-handed, dark-lanterned organization—organized recently by a resident of Clinton, Iowa, who was the founder of the order and the author of its ritual. "America for Americans," and undying hatred to foreigners, are the first and governing principles, so called, of the order!

The very first in the enumerated order of their public declarations is "Restriction of immigration," added to which, further on in their so-called platform, is the declaration that—

All private schools, convents, nunneries, monasteries, seminaries, hospitals, asylums, and educational or charitable institutions to be open to public inspection and under Government control.

This dangerous organization, Mr. President, which is generally believed to be instigating and urging the passage of this bill, has for its real purpose hostility to the Catholic Church.

It is the child of envy, hatred, and malice—the offspring of a pestilential brood of mischief-makers, who lurk about the doors of legislative halls, and hang on the flanks of political parties, seeking to lure lawmakers from the wide paths and open day of rectitude into the devious ways and darkness of evil doing—breathing threatenings and vengeance where they can not cajole and deceive.

The platform of this organization or its public declaration of its principles is one thing—it is what it pretends to do; what it is sworn to do is quite another thing. Their voice is Jacob's voice, but their hands are the hands of Esau. Let us see, Mr. President, what there is in their claim of patriotism in this so-called "patriotic order."

Every applicant to membership to the councils of this order—the notices of the meetings of which are always sent out in red letters—are required to subscribe to what is called the "scroll." This scroll sets out another declaration of principles from that described in their public declaration. It is as follows:

I hereby declare I am a firm believer in a Deity; nor have I any sympathy with Roman Catholicism; that in my opinion no Roman Catholic should be allowed any part or parcel in the control of or to occupy any position in our public schools. On the contrary, I realize that the institutions of our country are in danger from the machinations of the Church of Rome. I believe that only by the removal of Roman Catholics from office of public trust can justice, right, and true American sentiment be fully subserved, and that by the concerted and continued efforts of lovers of American liberty only can such results be consummated and continued. I pledge myself to defend the Government of the United States and of the State in which I reside against invasion, disorder, treason, or rebellion, either by ecclesiastical or foreign forces, and against the usurpation of temporal or spiritual power whereby men become slaves to party and the Roman Catholic Church.

I am willing to bind myself by a vow sacred and unavoidable. I am a Protestant, and have been for —— years.

I belong to the —— Church and the following societies:

Age ——.
Residence ——.
Occupation ——.
Recommended by —— ——.
Recommended by —— ——.

(Signature.)

Omitting in this connection, Mr. President, the "circumstantia, the paraphernalia" of the council chamber, and the various other oaths the candidates are required to subscribe to in the various stages of their progress to their full membership in this order, I come to that oath subscribed to before what is known as the "department of church" or "ecclesiastical department." Here the candidate is required to take the following oath:

I do most solemnly promise and swear that I will always, to the utmost of my ability, labor, plead, and wage a continuous warfare against ignorance and fanaticism; but I will use my utmost power to strike the shackles and chains of blind obedience to the Roman Catholic Church from hampered and bounden consciences of a priest-ridden and church-oppressed people; I will not allow anyone a member of the Roman Catholic Church to ever become a member of this order, I knowing him to be such; and I will use my influence to promote the interest of all Protestants everywhere in the world where I may be; that I will not employ a Roman Catholic in any capacity if I can procure the services of a Protestant.

I further promise and swear that I will not aid in building or obtaining by my resources any Roman Catholic church or institution of their sect or creed whatsoever, but will do all in my power to retard and break down the power of the Pope in this country or any other; that I will not enter into any controversy with a Roman Catholic upon the subject of this order, nor will I enter into an agreement with a Roman Catholic to strike or create a disturbance whereby the Roman Catholic employees may undermine and substitute the Protestants thereof; that in all grievances I will seek only Protestants and counsel with them, to the exclusion of all Roman Catholics, and will not make known to them anything of any nature matured at such conferences.

I furthermore promise and sweer that I will not countenance the nomination in any caucus or convention of a Roman Catholic for any office in the gift of

the American people, and that I will not vote nor counsel my friends to vote for a Roman Catholic, but will vote for a Protestant, so far as it may lie in my power; should there be two Roman Catholics on opposite tickets, I will erase the name off the ticket I vote; that I will endeavor at all times to place the political positions of this Government in the hands of Protestants to the entire exclusion of the Roman Catholic Church or the members thereof, to the mandate of the Pope.

To all of which I do most solemnly promise and swear. So help me God. Amen, Amen, Amen.

This is the organization, Mr. President, that proposes to play no small part in American politics!

This is the "association" that proposes to "protect" our American institutions!

This is the "patriotic" order—God save the mark—the very first element of which is to deny the first tenet of American liberty—freedom to worship God—and to "punish religious beliefs which it does not share by depriving those who hold them, not only of their political rights, but, if possible, of the means of livelihood as well"!

In a most excellent article in the May number of the Century Magazine, entitled "The mischief of the A. P. A.," the writer says:

There should be no need of warning intelligent citizens against the dangers of such organizations.

They are the deadly enemies of democratic institutions.

The mischief of this movement has lately begun to reveal itself at the national capital. The defeat of the appropriation for Indian schools, because most of these schools are under the care of Roman Catholics, is due to these societies, and it is to their hostility that we owe the shameful proposal to exclude from the national gallery of statuary the effigy of the great pioneer and discoverer, Father Marquette. With respect to the schools, they avail themselves of a sentiment which widely prevails, and which is reasonable enough, but which in this case is greatly overstrained, with the result of depriving the Indian pupils of educational privileges. Not only are Roman Catholics to be refused permission to take part in the defense of their country, but those who decline to ostracize them must themselves be ostracized.

The Père Marquette incident is such an illustration of bigotry as ought to bring a blush to the cheek of every American. That the great French priest was a brave and noble man can be disputed by nobody; that his work among the Indians was one of beautiful devotion is not a matter of controversy; that to him was largely due the discovery of the Upper Mississippi River and the opening of the great Northwest to civilization is the testimony of history. Yet simply because he was a Roman Catholic priest the "patriotic" orders would deny the State which is most closely associated with his beneficent activity the right of celebrating his services to the nation.

The mischief of this association can not find its stronger rebuke than in the eloquent language of the Senator from Wisconsin but a few days ago in this Chamber, in speaking to the resolution of Congress thanking the State of Wisconsin for the statue of James Marquette, the renowned missionary, explorer, and discoverer of the Mississippi.

But, Mr. President, the State of Wisconsin, now a Commonwealth of 2,000,000 freemen, rejoicing in prosperity and happiness on the soil he trod so long ago, in raising this stone in the nation's Hall of Statuary does not merely celebrate a name "illustrious for historic renown," a character whose excellence is worthy of perpetual remembrance. It means still more, that it shall stand there as a testimony and monument to a principle of our social order of the utmost value to mankind—the principle of religious liberty! Sir, this is no rule, as sometimes miscalled, of toleration. I contemn the term. I deny all it implies. It is the right, absolute, uncontrollable, of utter, perfect liberty. It is an inalienable right. The coward, the willing slave, can not divest himself of it. It goes with him in his bondage, however recreant he be to nature.

Sir, he is wrongfully despoiled, his right invaded, a grievous injury done, when to any man is denied any part or share of his social rights or privileges by reason of his religious faith. If property, if place, if honor be his rightful due among his fellows, he who strikes aught away of either because of religious opinion is an enemy to law, to humanity, and all its hopes. Hostis humani generis.

And therefore it is, sir, that this statue of James Marquette will stand as a monument and emblem of religious liberty. The noble right to honor and remembrance among men, which the legislature of Wisconsin and the Congress of the United States have declared to be his, he is not denied. It is sacredly preserved.

The Democratic party of Oregon, in its convention held at Portland a few days ago, set forth in no uncertain terms the views of the Oregon Democrats in reference to this organization, which are as follows:

That religious differences should find no place in American politics, and the Democratic party is opposed to a spirit of intolerant bigotry fostered for political purposes by those who seek to breed discord and animosity among the citizens of this Republic.

Secret political parties are a curse to party, state, and nation.

We heartily welcome the assistance of all good citizens who will cooperate in the suppression of any political movement organized for religious proscription.

Mr. President, secret oath-bound political parties having the enactment of laws and the guidance of public policy for their objects are inimical to the welfare of this Republic and a dangerous menace to its liberties. They should not exist within our land. There is no reason in this country, where there is nothing to prevent the fullest and freest public discussion of any subject, for the existence of secret societies, whose places of meeting are not known, whose proceedings are carefully concealed, whose members are oath bound. There is no kind of honest political work which needs to be thus hemmed in and concealed. Such political associations have been universally condemned wherever in the world they have existed, and most justly. They have the approval of no thoughtful men who have given the subject consideration.

Washington, in his Farewell Address, thus speaks of parties generally, and his remarks apply with still more force to secret societies:

All combinations and associations, under whatever plausible character, with the real design to direct and control the regular deliberation and action of the constituted authorities, are destructive of the fundamental principles of the nation and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community, and according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-conceived and incongruous projects of faction rather than the organ of consistent and wholesome plans digested by common counsels and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely in the course of time and things to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people.

The whole people are equally interested in the welfare of this country, and none should be refused an equal share with the rest in every deliberation and in all legislation affecting it. All political clubs, societies, and associations start on their career with professions skillfully drawn so as to make it appear that their purposes are patriotic and worthy of support; but all of them, as soon as they have obtained power, are used by unprincipled men to do wrong. This is the history of the Carbonari, the Nihilists, the Jacobins, the Anarchists, and the Commune, and this will be the history of the A. P. A. unless its evil tendencies are perceived in time by the American people and its dangerous career stopped by their good sense and judgment. I have faith, Mr. President, without bounds or limits, in the American people, in their moderation, wisdom, justice, and courage. I do not believe that they will submit to the dictation of any such organization as the A. P. A., but that they will promptly and effectively stamp with the seal of their condemnation this impudent and dangerous interference with the interests of this Republic.

Moreover, Mr. President, there is no reason for the assertion that the country is in danger from immigration because of the increase of Roman Catholics to our population.

There is no more danger from such immigration than there is that a man should die of thirst on the shores of Lake Superior!

The following tables show plainly the numerical difference between Catholic and Protestant immigration:

Foreign-born population of the United States, 1890.

Country.	Roman Catholic.	Protestant.	Not classified.
Canada and Newfoundland	392,496	678,442	.....
Mexico	77,853	.....	.....
Central America	1,192	.....	.....
South America	5,006	.....	.....
Cuba and West Indies	23,356	.....	.....
Austria	123,271	.....	.....
France	113,174	.....	.....
Bohemia	118,196	.....	.....
Italy	182,580	.....	.....
Spain	6,185	.....	.....
Portugal	15,996	.....	.....
Ireland	1,871,509	.....	.....
England	.....	908,141	.....
Scotland	.....	242,231	.....
Wales	.....	100,079	.....
Great Britain (not specified)	.....	951	.....
Switzerland	.....	104,069	.....
Germany	.....	2,784,894	.....
Holland	.....	81,828	.....
Belgium	.....	22,639	.....
Luxemburg	.....	2,882	.....
Norway	.....	282,665	.....
Sweden	.....	478,041	.....
Denmark	.....	132,543	.....
Europe (not specified)	.....	.....	12,579
Australia	.....	5,984	.....
Sandwich Islands	.....	1,304	.....
Russia	.....	.....	182,644
Hungary	.....	.....	62,435
Poland	.....	.....	147,449
Greece	.....	.....	1,887
China	.....	.....	106,688
Japan	.....	.....	2,292
India	.....	.....	2,143
Asia (not specified)	.....	.....	2,290
Africa	.....	.....	2,267
Atlantic islands	.....	.....	9,739
Pacific islands	.....	.....	2,065
Turkey	.....	.....	1,839
Born at sea	.....	.....	5,533
Other countries	.....	.....	479
Total	2,840,624	5,866,636	542,230

Summary.

	Totals.	Per cent.
Roman Catholic countries	2,840,624	30.71
Protestant countries	5,866,636	63.43
Not classified	542,230	5.86
Total	9,249,547	100

The immigration statistics, Mr. President, of the United States, since 1890 opened, have amazed all Europe in the spread of the English tongue consequent upon the movement of races.

"Of the 15,000,000 that Europe has sent us since 1820 to develop the resources of this Republic, Great Britain has sent us 6,000,000, Germany 4,500,000, and Ireland 3,500,000. Since that time," says Mr. DINGLEY, "English has advanced from 21,000,000 to 125,000,000 speakers—from 13 to 31 per cent! English is now spoken by twice as many people as any of the other tongues of Europe. English is now the speech of the world of travel and of trade."

I feel that I would do injustice to one of the ablest consular reports ever made to the State Department did I not here refer to the closing remarks of Mr. DINGLEY on this most important subject. He says:

Emigration which begins to travel and passes from transient into permanent characteristics gives rise to commerce, to geography, and to the expansion of all forms of human life.

The Queen of Sheba left locusts and wild honey on becoming an emigrant, just as the Italian gives up coarse bread and curd on becoming an American! It is the blessing of all races and all nations that man is an emigrating animal. The provincial intellect which expands itself in hating foreigners is in the thick skull of prejudice! The nation which wants the foreigner least to-day is least wanted of steam, invention, and social and political progress. The rise of prejudice is the fall of industry!

On this side of the sea and at the close of the nineteenth century a craze against foreign immigration would be irrational, suicidal, anti-American, and antirepublican!

There is no such condition affecting us, Mr. President, as "unrestricted" immigration.

There lies no such peril at the portals of our land; no such danger has begun to threaten us.

The gates which have stood open wide have not been unguarded.

Mr. President, if symptoms of decay in the character of our people should appear, it will not be from "race deterioration due to the influence of immigration." If our people should deteriorate, their morals become corrupt, and their character fall from its present high standard, the influences bringing about so dire a calamity will be found in the idleness and luxury of the very rich, the aping of foreign manners and customs, the evil example of titled adventurers, greed for public notoriety, and to skepticism and the neglect of religious duties.

These and the enervating effect of governmental paternalism may in time threaten the ruin of our country. I do not believe that such can be. But for such ruin, if it should ever come—if in the places where our temples stand the "lean wolf shall unmolested make her lair"—these patient, peaceable, hard-working, frugal immigrants will not be responsible therefor.

When "civic honor and public spirit died," then only did the thronging Goths and Vandals trample Rome; "then only did the barbarians come, as the carrion kite drops from the India sky on the dead beast of the jungle."

Mr. President, over against The Unguarded Gates of the poet Aldrich, so dramatically and forcefully presented by the Senator from Massachusetts, I can not forbear to contrast the glowing words of Emma Lazarus, a daughter of the "Scattered Nation," in her poem addressed to the "New Colossus"—Bartholdi's statue of Liberty Enlightening the World:

Not like the brazen giant of Greek fame,
With conquering limbs astride from land to land;
Here at our sea-washed, sunset gates shall stand
A mighty woman, with a torch whose flame
Is the imprisoned lightning, and her name
Mother of Exiles. From her beacon hand
Flows world-wide welcome; her mild eyes command
The air-bridged harbor that twin cities frame.
"Keep, ancient lands, your storied pomp," cries she,
With silent lips; "give me your tired, your poor,
Your huddled masses, yearning to breathe free,
* * * * *
Send these, the homeless, tempest-tost, to me;
I lift my lamp beside the golden door."

Mr. NELSON. Mr. President, as a member of the Committee on Immigration, I joined the committee in reporting favorably the bill that is now under consideration. I believe it is just and proper as a matter of self-protection that there should be some restriction upon immigration. Those immigrants who are paupers, who are unsound in body or unsound in mind, who are morally and physically unfit to enter this country should be excluded.

The bill only aims to cover a part of the ground. It simply seeks to enforce what is known as the literary test. It simply provides that immigrants who are over 14 years of age shall be required to read and write some language, either that of their own country, the land of their nativity, or of some other country. This is a fair and reasonable test as far as it goes.

It may be conceded that perhaps in some cases it will work a hardship; that sometimes there are good and healthy immigrants, fit to enter this country and become good members of society, who could not pass this test. But it is very difficult in a matter of general legislation to fit all cases. We have to legislate upon general lines and under general principles, and so we can not at all times reach and meet individual cases. Whatever few cases of hardship there may be are more than made up by the great advantages that will accrue to the country from a restriction such as is proposed. I want to disabuse the Senate of the idea that seems to be implied by the remarks of the Senator from Maryland [Mr. GIBSON] that the bill is inspired by anything of an A. P. A. nature, or any opposition to the Catholic Church. Nothing of that kind ever entered my mind, and I do not think anything of the kind entered the minds of the committee.

Mr. President, I do not care about entering into any particular discussion of the merits of the bill more than to state my views in regard to it. I propose rather to make a brief recapitulation or résumé of the immigration to this country during the past years of the Republic, and the effect it has had upon the institutions of this country.

Mr. President, the darker and more unpromising features of the immigration problem have been presented on this floor in eloquent and vivid language. I shall not undertake to question or contradict anything that has been said in favor of restrictive legislation. I shall content myself, and feel that I have done my duty, in presenting to the Senate the brighter and more promising side of the problem, and in calling your attention to the substantial and important benefits that have accrued to our country from the continued flow of immigrants to our shores. By having both sides presented, you will be better able to divest yourselves of all prejudice, better able to judge impartially, and, above all, better able to legislate wisely on a matter of so much importance.

The question should be considered in its economic, its political, its social, and its ethnic features. Our own experience should be scanned and studied, for it will furnish us much information and many valuable lessons. We have been, to a large extent, a nation of immigrants, and a large share of our history is a history of immigration. No nation of modern times has had such a varied and extended experience in this field.

The chief factors in our extraordinary growth and development have been our free system of government, our abundant supply of cheap and fertile lands, and the immense immigration to our shores. The first two have brought about, absorbed, and utilized the third. And the three combined have been a trio, in force and magnitude, such as no other nation ever possessed. Ample space, ample freedom, and ample numbers have given us a force and momentum of growth unknown and unheard of in any other nation, and the evidences of it are palpable on all sides.

We have no statistics of immigration prior to 1820.

It is estimated that from 1783 till 1820 about 250,000 immigrants settled in the country. Our entire population at the latter period was, according to the census then taken, 9,633,822—scarcely 200,000 more than our foreign-born population in 1890. Since that time, up to the beginning of the present year, 18,022,785 immigrants have come to this country. It is claimed that these figures are too high because no account has been taken of immigrants who, having gone back on a visit to their native land, have, on their return, landed a second time at our ports. But whatever discrepancy there may be on this score is more than counterbalanced by the fact that no account has been kept of the immigration through or from Canada since 1885. I append to my remarks a table of the yearly immigration since 1820. It shows a continued and incessant though fluctuating flow.

In 1890, out of a total population of 62,622,250, 9,249,547 were foreign born, 8,085,019 were natives whose parents were both foreign born, and 3,418,656 were natives with one foreign-born parent. It thus appears that 20,753,222, or about a third of our population, was at this time foreign born or directly of foreign parentage. If the same ratio of increase be applied to our entire volume of immigration since 1820—in all 18,022,785—we have evidently had as a result of the same 15,753,737 native born with both parents of foreign birth, and 6,661,071 native born with one parent of foreign birth, or a total of 40,437,593 of foreign immigrants and their children of the first generation.

I shall not take up the time of the Senate to read it, but shall append to my remarks a table which states in detail the countries from whence all our immigrants have come. Only a small proportion of them have belonged to the learned professions or been skilled laborers. The great body have been small farmers, small tradesmen, and agricultural and other unskilled laborers. Nearly all of them have been from the ranks of the common people, the toiling masses of humanity. People of rank and of wealth have little occasion or desire to emigrate, nor, indeed have they been desirable in a country progressing under conditions such as ours.

We have needed men to dig our canals, to build our railroads, to open and exploit our mines, to clear our vast forests, to open, develop, and reduce to a state of cultivation our vast expanse of untilled land; in short, to perform the toil and drudgery and to bear the trials and misfortunes incident to the development of a new and unsettled country. This want has in a large measure been supplied by our foreign-born immigrants. In this field they have not been hostile usurpers, but have merely occupied ground that has most willingly been accorded to them by the native born. And this toiling, struggling mass of humanity, charged to a large extent with the drudgery of our progress and civilization, viewed from an economic and financial standpoint has added millions to the wealth and capital of our country. An immigrant increases our wealth in a twofold way—by the money he brings into the country and by his value as a laborer and producer of wealth.

The average amount of money brought by an immigrant has been variously estimated at from $10 to $100. There are no exact or complete statistics on the subject. I think that on the whole, during all the past, $50 would be a low, safe, and moderate estimate for each immigrant. But his chief value has been his productive labor capacity. Different estimates are put upon this. Friedrich Kapp, a former commissioner of immigration in the State of New York, estimated the economic or labor value of an immigrant at from $1,000 to $1,200. Dr. William Farr, a former head of the statistical department of the registrar-general's office, in England, estimates it at $875. Dr. Becker, the head of the German statistical office, estimates it at from $200 to $225, and Edward Young, chief of the Bureau of Statistics, in 1871, in his special report on immigration made in that year, makes this estimate and statement:

From the foregoing considerations, therefore, the sum of $800 seems to be the full average capital value of each immigrant. At this rate, those who landed upon our shores during the year just closed added upward of $285,000,000 to our national wealth, while during the last half century the increment from this source exceeds $6,240,880,800. It is impossible to make an intelligent estimate of the value to the country of those foreign-born citizens who brought their educated minds, their cultivated tastes, their skill in the arts, and their inventive genius. In almost every walk of life their influence has been felt. Alike in the fearful ordeal of war and in the pursuits of peace, in our legislative halls, and in the various learned professions, the adopted sons of America have attained eminence. Among the many who rendered timely aid to our country during the late war, it may seem invidious to mention a single name, except for the purpose of illustration. In the year 1839 there arrived at the port of New York, in the steamship *British Queen*, which sailed from the port of London, a Swedish immigrant, better known as Capt. John Ericsson. What was his value to the country, as estimated on the 9th day of March, 1862? Was it eight hundred, eight hundred thousand, or eight million of dollars?

The average of these estimates is about $720. But conceding that even this is too high, surely $500 would be a very low estimate of the money brought and the economic value of each immigrant over 14 and under 40 years of age. About 70 per cent are within this age limit, and 70 per cent of our immigration amounts to 12,615,949. At $500 per head the total money or economic value of our immigration equals $6,307,974,500, which is $3,600,000,000 in excess of the value of the entire product of our gold and silver mines from April, 1792, till the end of the year 1894, as estimated by the Director of the Mint. And in this connection let it be noted that these immigrants have been among the chief labor factors in the production of this vast volume of mineral wealth.

The rapid settlement and development of our country and its marvelous increase in wealth and in population is in a large measure due to our extraordinary immigration. The immigrants have settled mainly in the Northern States. In 1860, the year before the great rebellion, our foreign-born population amounted to 4,138,697, and out of this number 3,845,443 were settled in the States that were not in rebellion. Allowing the same proportion of natives of foreign parentage to the foreign born as is given by the census of 1890, there must have been in 1860, in the Northern States, 3,361,297 natives with both parents of foreign birth, and 1,417,568 natives with one parent of foreign birth, or a total of 8,624,308 of foreign birth and of direct foreign parentage. And this total was 41 per cent of the entire population of the loyal States.

The entire immigration to this country from 1793 till July 1, 1861, was 5,383,508, and nearly all of it had settled in the loyal States. These immigrants and their children had, during this period, by their labor and industry produced and created a large portion of the wealth in these States. While no statistics can be found on this point, yet I have no doubt that on the eve of the great rebellion the proportion of the substantial wealth of the North produced by the immigrants and their descendants was equal to the proportion of their number then living. And it was this volume of wealth and numbers resulting from our foreign immigration that gave the North its great preponderance and made it more than a match for the South in men and in resources, and enabled it to preserve and perpetuate the integrity of the Union. Had there been no more immigration to the North than there was to the South since 1793 the two sections would have been nearer on a parity with each other and the struggle would have been more prolonged and more doubtful. And had the wealth and numbers of the immigrants and their children been a part of the South instead of the North the days of a united country might have been numbered.

It was not so much the immigrants who fought in our ranks on land and sea—they bore their share and did their duty as became them—nor so much the gift of the immigrant John Ericsson—his little *Monitor*—that gave us the ascendency as the force, the momentum, the irresistible impact of half a century of immigration. It was this gathered force, gathered in the bosom, and infused with the spirit, the inspiration, and the love of a great nation that hung like a threatening cloud—like a pall—over the scheme for the disruption of the Union. Not only did the immigrants and their children form an important factor in the suppression of the great rebellion, but even in the days of the Revolution, when the great Republic was first brought into being and was in its infancy, they were a most important element of our success. A large portion of the Continental Army was of foreign birth, indeed the very backbone of the men in the ranks were of that class. The historian Lecky says:

No troops had shown themselves more courageous, more patient, and more devoted than the Pennsylvania line. Its privates and noncommissioned officers consisted chiefly of immigrants from the north of Ireland.

From an ethnologic and social standpoint, immigration has, beyond a fair question, infused much vital force of a better kind into the being of the nation. The immigrant has not been a mere inert labor machine, but he has also been a physical, a moral, and a mental factor, that has been responsive, and has brought accessions to the intellectual and moral make-up and instincts of the nation. We are an English-speaking people, of English texture and origin, but of a more cosmopolitan character, of more pronounced elements of strength and energy, and with a greater concentration of force and vigor than was possessed by the English of the England that gave us birth, or even by the English of today. In the eyes of the universal observant world, the Yankee is never confounded with the Englishman, nor is he ever placed in the rear rank. It took England more than fifteen hundred years to produce the Englishmen of the colonists. She began with the Celts, and these, according to Professor Huxley, were only an earlier edition, a more primitive product of the great Teutonic or Germanic race. These are his views on this important question:

All accounts which have been handed down to us by the Romans and the Greeks of the physical character of the Celtic-speaking people known to them, and whom they called Gauls or Kelts, agree in ascribing to these terrible enemies of theirs a tall stature, fair hair, of a reddish or yellow tinge, blue eyes, and fair skins. Such were the Gauls whom Cæsar conquered; such were the Gauls who settled in Asia Minor, to whom the epistle to the Galatians was written; such, again, were the Britons with whom Cæsar fought in northeastern Britain. But all the ancient authors give exactly the same account of the physical character of the ancient Germans. There is not a doubt that they, also, were tall, blue-eyed, fair-haired, and fair-skinned; so, without doubt, were all the other Teutonic-speaking people, whether Angles, Saxons, Danes, or Norsemen. So close was the physical resemblance of the Celts and the Teutons, who in the early days of the Roman Empire inhabited the right and the left banks of the Rhine, that it was and is a matter of discussion whether particular rights belonged to the one division or the other. And we hear of Celtic tribes who tried to pass themselves off as of German origin, an imposture which could not have been attempted had any clear physical difference existed between the two stocks.—*Pall Mall Gazette*, January 10, 1870.

These primitive Celts of Great Britain were, by language—which to some extent represented distinct traits of character—divided into two dialects at the time of the Roman invasion, the Cymric, spoken in England, and the Gaelic, spoken in Ireland. Neither of these dialects were of kin or affinity to any English or Teutonic dialects. While the greater portion of the Celts of England and Ireland were of Germanic origin, there was a considerable element of dark-skinned, black-eyed, dark-haired people found in southwestern England and in certain parts of Ireland, especially the south and west. These are the so-called Milesians, and these are the same as the primitive people of southern France and Spain. In France they were called Basques and in Spain Iberians.

While the language of these people has been lost, their blood has maintained itself among the English race, and is the basis of the darker element among our people. Our earliest forefathers, then, were a mixture of Teutonic and Iberian Celts, in which the former element preponderated. Then came an early infusion of Scandinavian or Germanic origin, called Picts, located in the north of Scotland. This was succeeded by the great Roman invasion under Julius Cæsar. The Romans never occupied Ireland, but were in possession of England for upward of 400 years, and when they departed they had neither impressed their blood nor their language upon the natives of the country. The people were still Celts, speaking two dialects, and of a twofold origin.

Then for over five hundred years there was an outpouring, an invasion, and an infusion from northwestern Germany and Scandinavia of Angles, Saxons, Jutes, Danes, and Norsemen, in the order named, and all of them branches of the great Teutonic family. These invaders infused much of their blood and all of their language into the native Celts. It was during these years of invasion and conquest that the language of the invaders—the

Anglo-Saxon—the mother of our present English, became the language of the country, and it was also during these years that that amalgamation of races took place which gave us the prototype of the Englishman of Elizabeth and Oliver Cromwell. The new language and the new race, thus formed, has ever since remained in the ascendant, and did not succumb to the Norman invasion. The Normans—a people of mixed Gaelic and Norse blood—conquered, and for centuries bore rule, yet they never impressed their blood nor their language in any material degree upon the native races.

But the Normans succeeded in fastening their system of government—feudalism, with all its complications and drawbacks—upon the English people, the traces of which, well marked and defined, remain to this day. Norman architecture, Norman land tenures, Norman jurisprudence, and a Norman gentry and nobility are the legacy of the Norse-Celts. But they also gave the English this legacy: a spirit of resistance to tyranny, a spirit of aggressiveness and belligerency, and a spirit of conquest and imperialism.

We must never forget that it was the Norman barons that forced Magna Charta from King John, and that it was their descendants that inspired and consummated the English revolution of 1688, which, for the first time, settled and made clear the bulwarks of English liberty and the underlying principles of the English constitution. They mapped out and fortified the true ground of constitutional liberty the world over.

Native Celts, liberally infused and amalgamated with Germanic races and duly tempered and hardened by the Normans, constituted the ethnic make-up of the English people who colonized these shores. They were the concentration and quintessence of the Saxon and Celt, the Norman and the Norseman. A blending of all these made the mightiest nation on the face of the earth; and our vast immigration has only measurably enlarged, broadened, and deepened the process. The earlier grafting was upon a Celtic stock; this later grafting has been upon an English stock of the seventeenth century. In both cases the grafts are from the same source, but the Germanic races of the nineteenth century are as much superior in culture and intelligence, in capacity for self-government and refinement to those who succeeded the Romans in Britain as the English of the seventeenth century were superior to the native Celts who confronted Julius Cæsar. There has been in this century a finer graft upon a better stock, and surely the result is a nobler tree.

I have compiled and shall append to the printed copy of my remarks a table, classifying our immigration by races. From this table it appears that the blood of nearly 15,000,000 of Germanic people has been infused into the heart and loins of the American people. And these immigrants have not come to these shores, as their ancestors did to the Celts of Britain, as a scourge, as freebooters, and as pirates, but they have come on a mission of peace, to participate with us and to aid us in evolving from the great undeveloped resources of this country a mighty nation, mighty in wealth and numbers, and above all mighty and noble in the make-up and texture of its people. The new blood is transfused into the old. The sluggishness of ease and plenty is quickened by the unrest of limited opportunities and honest poverty.

The immigrant Nikola Tesla transmits and guides the unutilized force of the American Niagara. In the great realm of human development the one is the lesser though necessary complement of the other. It can not in fairness be said that this great Germanic immigration has been of other than great advantage to our country. The immigrants, however seared and benumbed they may have become from the environment of the land of their birth, have no sooner landed on American soil than they have, intuitively and as if by inspiration, responded in full measure to the intellectual, moral, and political instincts and requirements of the nation, and have become thoroughly assimilated to all that is good and progressive among our people, and the children of these immigrants have become the most intense and emphatic of all Americans within our borders.

But while all this is admitted as to the Germanic races, it is said that people of other and inferior races, wholly unfit for American institutions and wholly unfit for self-government, flock to our shores. And Russians, Poles, Hungarians, and Italians are cited as samples of these races. He who belittles and affects to despise these races knows little of their history and ethnic make-up.

The Italians were a great people in art, literature, and statecraft while our English ancestors were still in a state of barbarism, and though they afterwards, through various causes, sank to a low level, they have in our own day and generation, through many adverse circumstances, restored their country to a higher and better level than it ever occupied before and placed it in the rank of the great nations of the world. The poorer classes are still suffering from some of the evils of the past and it may take a little time for them to become fully emancipated, but the innate vigor of the race will soon dispel all the foggy mists of the past.

The blood that flowed in the veins of Virgil and Dante, Raphael and Michael Angelo, Columbus and Napoleon, Cavour, Garibaldi, Victor Emmanuel, and Crispi surely will not contaminate our English of many strains. And the Russians—Tartar, Slav, and German as they are—who dare accuse them of being an effeminate or stagnant people? Scarcely more than two centuries ago they occupied the outer verge of Europe and the frozen zone along the polar belt of Asia, remote from the navigable sea, and with ports only at Archangel and on the Caspian Sea. Europe looked upon them as a race of barbarous Tartars. To-day their country covers a full third of Europe and almost half of Asia and extends from the Gulf of Finland on the west to the Gulf of Vladivostock on the east, and from the Polar Ocean on the north to Persia, British India, and China on the south. A people who, a half a century ago, on a narrow peninsula in the Black Sea, were almost a match for the united power of England and France, and who to-day are the arbiters of the peace of Europe, and who have, in the hour of our greatest need, given us their effective moral support—will the blood of such a people render us effeminate or denude us of virile vigor and manhood?

And Poland—poor, unfortunate, and dismembered Poland, victim of a worthless nobility and an unkind fate, hemmed in and garroted by the great powers, with many of your best sons and daughters in exile. It can be said of these people, as has been said of the Irish, they have been greater in many other lands than their own. As a nation they have been a failure, but as a people they are full of energy, ability, and fire.

Then we come to the Hungarians—those sons of the ancient Huns, who once overran and held the civilized parts of Europe in their grasp and afterwards stood as a barrier between Europe and the unspeakable Turk. They were a sturdy, headlong, and dominant race in those pregnant days of the past, and such they are still. To-day they are the backbone and furnish the statesmen and the statesmanship for the Austrian Empire. They have infused vigor, energy, and renewed life into the old decrepit House of Hapsburg. They once pined for a separate existence as a nation, but to-day they bear rule in realms greater than they hoped for in the days of Kossuth. The people of this race will never debase our Anglo-Saxon blood, nor render it torpid and stagnant.

And who can say, with his attention fixed upon the Balkan Peninsula, that the Slavs are unfit for free government? Less than a quarter of a century ago the Bulgarians were vassals and serfs of the Turks, and had been such for centuries past. As the outcome of a great war and through the treaty of Berlin they regained their freedom and were erected into an independent state, under the form of a limited monarchy, with a parliament of their own choice. In spite of the machinations of Russia and in spite of the misfortune of imbecile princelings placed at their head, from the days of their freedom till the present moment the Bulgarian people have made rapid and solid strides, politically and economically, both as a people and as a nation, and they have succeeded in placing their Government on such an enduring basis that even the murder of their ablest statesman caused no political upheaval and left no opening for the entrance of the wily Muscovite.

They stand to-day, a young nation, promising, ambitious, fiery, and full of hope, on the outer battlements of Christian Europe, as palpable evidence of the fact that sound, vigorous blood will survive and overcome the servitude of centuries. Who fears contamination from such a people as these? A strain of the irrepressible, hot, riotous blood of these nations of southern Europe infused into our ethnic make-up will certainly do no harm, and may be productive of much good. It may infuse into our stolid and phlegmatic Germanic blood an element of vim, force, and fire now absent, and may give it an effervescence of tone and temper that may dispel much of the prosaic in the drudgery of life. What Professor Huxley has said of the darker people of Spain, Portugal, and southern France is apt and germane in this connection, and I can not forbear to quote it. These are his words:

When the genealogy of the English people is thoroughly worked out, we find that our forefathers are reduced to two stocks—the one, a lightly made, short, dark-complexioned people, the Iberians, who, as far as they can be traced back, talked Euskaldunac, a language which has not the least resemblance to any other spoken in Europe; the other, a tall, big-limbed, fair people, who, as far as we can trace them, have always talked some form or other of the languages of the great Aryan family to which German, Latin, Greek, Persian, and Sanskrit belong, and of which the Celtic tongues are outlying members. In everything which constitutes a race these Aryan or Celtic and Teutonic nations are of one race. In every particular by which races of mankind differ the Iberians and the Aryans are of different races.

Thus English political ethnology offers two problems:

1. Is there any evidence to show that the Iberians and the Aryans differ in their capacity for civilization or in their intellectual and moral powers? All I can say is, that I know of none. Whether in Greece or Rome, in modern Italy, France, Germany, or England, the dark stock and the light have run neck and neck together.

2. Is there any evidence to show that there is what may be called a political difference between the Celtic Aryan and the Germanic Aryan? I must say once more that I can find none. And one of the keenest observers who ever lived, and who had the opportunity of comparing the Celt and the German side by side—I mean Julius Cæsar—tells us especially that the Gauls in former days were better men than the Germans; that they had been corrupted by contact with civilization, and that even in his day the races who held the

Black Forest in possession were the equals of the Germans in frugality, hardiness, and every virtue of man or warrior. Put side by side with this the picture of the Saxon when, England fairly won, he sank into the slothful enjoyment of his possessions; and after the Conquest fell so low that the invective of Giraldus Cambrensis against the Saxons of his day as idle, worthless fellows, cowards and liars, fit only to be drudges and menials, reads just like an extract from an English or American leading article against the low Irish. Do not let what I have said mislead you into the notion that I disbelieve in the importance of race. I am a firm believer in blood, as every naturalist must be, and I entertain no doubt that our Iberic forefathers have contributed a something to the making of the modern Englishman totally distinct from the elements which he has inherited from his Aryan forefathers. But which is the Aryan element and which the Iberian I believe no man can tell, and he who affirms that any quality needful for this, that, or the other form of political organization is present in the one and absent in the other makes a statement which I believe to be as baseless in natural science as it is mischievous in politics.—*Pall Mall Gazette*, January 10, 1870.

It may, however, be urged that our great immigration has depressed, or will depress, the price of labor. This might be true if American labor was content to remain in the rut of mere labor; but our experience in the East and all over the country has demonstrated that the large influx of foreign labor has led American labor to seek higher pursuits and more profitable callings. The result has been, on the whole, the promotion of American labor to greater and more enlarged spheres of usefulness. When the American girl was crowded out of the kitchen and dining room by her foreign-born sister, she entered the schoolroom as a teacher, the store as a cashier or saleswoman, and the countinghouse as an accountant or bookkeeper; and when the American boy was crowded out of the factory, the mine, and the rolling mill by his foreign-born brother, he became a captain or a lieutenant of industry, and sought and assumed higher callings in various directions. And the process that has thus been going on between the native and the foreign born has also been going on among the foreign-born themselves.

High wages and good living under the sunshine of American institutions have rendered an earlier crop of foreign-born laborers fit and anxious to be crowded out of their labor sphere and placed on a higher industrial level by a later arrival of foreign-born labor. And thus it has come to pass that continued immigration, so far from depressing the scale of wages, has rather resulted in gradually promoting labor to a higher level. And this is a great gain.

Brute toil and the almighty dollar is not the chief aim of our existence. All who are fit to survive, fit to stay in the ranks of a great nation, by their very nature aspire to a higher plane of development; and the space above, in the social and economic world, results in a large degree from the pressure below. The crude ore becomes pig iron, and the latter becomes the finished engine. I shall not, however, take up your time any further on this feature of the case, but shall content myself with quoting from the report of the Immigration Investigation Commission for the year 1895 the following evidence as to the effect of immigration upon wages:

The influence of immigration on wages is too large and complex a subject for the commission to discuss with any fulness at the present stage of its investigations. The opinion is widespread that wages have fallen since the great tide of immigration set in. The facts do not bear this out. The statistics of immigration already given (see page 8) show that large immigration has almost invariably been coincident with (not necessarily the cause of) prosperity, and the report of the Senate subcommittee of 1891, which was charged with the duty of ascertaining the course of prices and wages of labor, shows further that wages have been highest during these same periods of prosperity. Not only, according to this report, have wages steadily increased during the last three decades of steadily increasing immigration, but they have been the highest during those years in which immigration has been the largest (page 10).

But finally the objection is made that the immigrants furnish an undue proportion of criminals. A superficial examination of our statistics may lead to this opinion, but a more careful consideration and study of the subject in all its aspects makes it plain that such opinion is incorrect and unfounded, and that the immigrants do not, as a matter of fact, furnish more than their proportionate share of criminals, and, in many localities and places, even less.

A short time ago I requested the Hon. Hastings H. Hart, secretary of the board of corrections and charities of the State of Minnesota (a most excellent authority), to investigate this subject thoroughly, and to give me the result of such examination.

In compliance with this request, Mr. Hart has sent me the following letter, with accompanying tables, which demonstrate and make plain that there is no basis, in fact, for the common notion that foreign-born citizens furnish an undue proportion of the criminal population of the country. I quote his letter, which speaks for itself, and which makes it evident and palpable that the immigrants are as law abiding as the native born:

BOARD OF CORRECTIONS AND CHARITIES, STATE CAPITOL,
St. Paul, Minn., April 27, 1896.

DEAR SIR: * * * The statistics which are published showing the ratios of crime are entirely misleading as applied to foreign immigration, for the reason that the prisoners are compared with the entire population of the country—men, women, and children. The children furnish practically no criminals and are nearly all credited to the native-born population, so that the children of foreign-born parents are credited to the native-born population and used against their own parents.

Of the prisoners of the United States 95 per cent are above the age of 15 years and 84 per cent are above the age of 21 years; so that the children ought to be left out of the count. The women of the country furnish only 9 per cent of the criminals, and they may be left out of the count.

In Table No. 1, which I inclose herewith, I have compared the male prisoners of the United States with the males of voting age, and the result is just the opposite from that which is obtained by comparing the prisoners with the males of voting age.

The native-born population of the United States in 1890 numbered 53,390,600; the native-born prisoners, 65,977; ratio, 1,235 to a million. The foreign population numbered 9,231,381; the foreign-born prisoners, 16,332; ratio, 1,744 to a million, an apparent excess of foreigners over natives of 41 per cent.

But the number of native-born males of voting age was 12,591,852; native-born male prisoners 61,637; ratio 4,895 to a million. The number of foreign-born males of voting age was 4,348,459; foreign-born male prisoners 14,287; ratio 3,285 to a million; showing an actual excess of natives over foreigners of 50 per cent.

In the table I have omitted the Southern States, for the reason that they contain only 7.5 per cent of the foreign-born prisoners in the United States; but if the Southern States were included, it would make the showing worse for the native born on account of the large number of colored prisoners.

It will be seen from the table that the men of foreign birth furnish less prisoners proportionally than those of native birth in each division of the Northern States, as follows—(see columns 2 and 3 of Table No. 1):

Number of prisoners to each million males of voting age.

	Foreign born.	Native born.
Northern States	3,240	4,445
North Central division	1,915	3,550
North Atlantic division	4,615	5,205
Western division	4,360	6,410

By reference to Table No. 1 it will be seen that the showing is in favor of the foreign born in every Northern State and Territory except Maine, New Hampshire, Arizona, and New Mexico. While the showing is more favorable to the native born in the Northern States than for the whole country, the ratio of the native-born criminals is still 37 per cent larger than that of the foreign born.

If we compare the foreign born with the pure native born—i. e., the native born of native parents—the showing is more favorable to the native stock. (See columns 2 and 5 of the table.)

Number of prisoners to each million males of voting age.

	Foreign born.	Native born of native parents.
Northern States	3,240	4,075
North Atlantic division	4,360	4,135
North Central division	1,915	3,715
Western division	4,615	6,050

In the North Atlantic division alone the ratio of foreign-born prisoners exceeds that of the pure native born. The excess is found in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Pennsylvania; but in Rhode Island, New York, and New Jersey the showing is in favor of the foreign born. In the Central and Western divisions the record is in favor of the foreign born in every case except Arizona and New Mexico.

If we compare native born with native born the result is as follows—(see columns 3, 4, and 5, Table 1):

Number of prisoners to each million males of voting age.

	Total native born.	Native born; parents foreign.	Native born; one or both parents native.
Northern States	4,445	5,665	4,075
North Atlantic division	5,205	8,510	4,135
North Central division	3,550	3,005	3,715
Western division	6,410	7,645	6,050

Here there is a marked diversity between the different sections of the country. The children of native-born parents show about the same ratio of criminals in the North Atlantic and the North Central States; but the children of foreign parents show nearly three times as high a ratio in the North Atlantic States as in the North Central States. In every one of the North Atlantic States the showing is against the children of foreign parents; but in every one of the North Central States except Illinois and North Dakota the showing is in favor of the children of foreign-born parents. Of the Western States, five show against the native born and six against the foreign born.

The difference in the showing in different parts of the country is due to the character of the immigration. (See Table No. 2.) We can not compare the criminals with the adults of each country for the reason that the census does not so divide them, and it does not make very much difference as long as we compare foreign with foreign.

The following is the number of prisoners to each million of inhabitants of the same nationalities from the principal countries which send immigrants to this country: Mexico, 7,758; Italy, 3,047; Ireland, 2,970; England, 2,106; Hungary, 2,082; Scotland, 1,977; Canada, 1,611; Austria, 1,403; Germany, 1,061; Denmark, 852; Sweden, 730; Norway, 644; Bohemia, 304.

The result is, as will be seen from the two tables, that those States which have a large Irish and Italian immigration—Massachusetts, Connecticut, New York, and New Jersey—show a high ratio of crime among the foreign-born immigrants, while those which have had a large proportion of Germans, Scandinavians, and Slavs, like Ohio, Wisconsin, Minnesota, Iowa, Nevada, and the Dakotas, show a low ratio of criminality among the foreign immigrants.

Not only that, but in the States of the North Central division the foreign born show a ratio of crime only a little more than one-half as large among the foreign born as among the native born, and the result is to bring the average of crime in these States very low. I believe that it may be said truthfully that Wisconsin, Minnesota, Iowa, North and South Dakota, and Nebraska have

a smaller ratio of criminals to the population than any other territory of equal size or any other portion of equal numbers in the civilized world, and this immunity from crime is due to the high quality of the native and foreign immigration into these States, especially the foreign immigration.

I have no doubt that the excessive ratio of crime among the English-speaking immigrants is not due so much to the character of the nations from which they come as to the fact, of which there is uncontrovertible evidence, that known criminals have immigrated to America from those countries. I believe that the apparent decrease of crime in Great Britain is owing to this fact, in an appreciable measure.

The indiscriminate denunciation of foreign immigration is not only slanderous, but it is suicidal.

It will be easy for any experienced student of statistics to verify the figures which I present in the inclosed table.

I shall take pleasure in furnishing any additional information on request.

I am, Senator, yours, with high respect,

H. H. HART, *Secretary.*

Hon. KNUTE NELSON,
Washington, D. C.

No. 1.—*Number of male prisoners to each million males of voting age in the northern United States.*

	All classes.	Foreign born.	Native alone.		
			Total native born.	Parents foreign born.	Parents native born.
The United States	4,480	3,285	4,895	5,475	4,775
Northern States	4,045	3,240	4,445	5,665	4,075
North Atlantic division	4,920	4,360	5,205	8,510	4,135
Maine	2,380	4,525	2,000	6,200	1,615
New Hampshire	2,515	3,345	2,285	8,475	1,730
Vermont	1,880	2,130	1,815	2,550	1,680
Massachusetts	6,735	5,865	7,285	10,240	4,390
Rhode Island	4,790	3,475	5,685	10,400	4,060
Connecticut	4,195	3,700	4,460	9,035	3,170
New York	5,615	4,310	6,440	8,165	5,580
New Jersey	5,285	4,090	5,655	8,155	4,890
Pennsylvania	4,035	3,765	4,135	5,940	3,675
North Central division:	3,045	1,915	3,550	3,005	3,715
Ohio	2,640	1,550	2,940	2,825	2,975
Indiana	3,155	1,935	3,325	2,620	3,440
Illinois	3,470	2,330	4,120	4,340	4,045
Michigan	3,300	2,270	4,000	3,790	4,060
Wisconsin	2,325	1,735	2,290	2,060	3,970
Minnesota	2,660	1,735	3,960	3,200	4,575
Iowa	1,795	995	2,300	1,570	2,530
Missouri	3,810	2,180	4,145	3,495	4,205
North Dakota	1,680	935	3,060	3,280	2,940
South Dakota	1,800	1,000	2,435	2,175	2,550
Nebraska	2,135	1,125	2,590	1,010	2,960
Kansas	4,940	4,255	5,095	3,165	5,400
Western division	5,660	4,615	6,410	7,645	6,050
Montana	6,440	4,500	8,335	12,050	7,400
Wyoming	2,740	980	3,635	1,610	4,300
Colorado	5,330	4,240	5,820	8,570	5,200
New Mexico	4,250	6,065	3,928	4,200	3,895
Arizona	10,420	12,700	8,760	6,205	9,480
Utah	4,810	3,920	5,535	3,655	6,865
Nevada	7,160	5,105	9,330	7,665	9,945
Idaho	4,760	4,960	4,650	3,825	4,925
Washington	3,650	2,415	3,400	4,765	3,135
Oregon	3,920	3,340	4,210	6,000	3,920
California	7,075	5,275	8,880	9,700	8,580

No. 2.—*Total foreign-born inhabitants and foreign-born prisoners in the United States, 1890, distributed according to country of birth.*

Country of birth.	Foreign-born inhabitants.	Per cent.	Foreign-born prisoners.	Per cent.	Number of foreign-born prisoners to each million foreign-born inhabitants.
Total foreign born	9,249,547	100	16,352	100	1,769
North and South Americans	1,088,245	11.76	2,208	13.50	2,029
Canada and Newfoundland	980,938	10.61	1,580	9.66	1,611
Mexico	77,853	.84	604	3.69	7,758
Cuba, West Indies, and Central America	24,448	.26	13	.08	532
South America	5,006	.05	11	.07	2,200
Great Britain, Ireland, and Australia	3,128,895	33.82	8,099	49.53	2,588
England	909,092	9.83	1,914	11.70	2,106
Scotland	242,231	2.62	479	2.93	1,977
Wales	100,079	1.08	89	.54	890
Ireland	1,871,509	20.23	5,559	34	2,970
Australia	5,984	.06	58	.36	9,693
Germanic nations	3,119,583	33.73	3,371	20.61	1,081
Germany	2,787,776	30.14	2,957	18.08	1,061
Austria	123,271	1.33	173	1.06	1,403
Holland	81,828	.88	61	.37	745
Belgium	22,639	.25	26	.16	1,148
Switzerland	104,069	1.13	154	.94	1,479

No. 2.—*Total foreign-born inhabitants, etc.*—Continued.

Country of birth.	Foreign-born inhabitants.	Per cent.	Foreign-born prisoners.	Per cent.	Number of foreign-born prisoners to each million foreign-born inhabitants.
Scandinavian nations	933,249	10.09	669	4.09	717
Norway	322,665	3.49	208	1.27	644
Sweden	478,041	5.17	348	2.13	730
Denmark	132,543	1.43	113	.69	852
Slav nations	510,625	5.52	486	2.97	951
Russia	182,644	1.97	171	1.05	936
Hungary	62,435	.68	130	.79	2,082
Bohemia	118,106	1.28	36	.22	304
Poland	147,440	1.59	149	.91	1,010
Latin nations	319,822	3.46	875	5.36	2,736
France	113,174	1.22	278	1.70	2,456
Italy	184,467	2	562	3.44	3,047
Spain	6,185	.07	26	.16	4,204
Portugal	15,996	.17	9	.06	562
All others	149,128	1.62	644	3.94	4,318

Many of the immigrants who come to our shores are unskilled laborers of the poorer class. Oppressed by poverty at home, they come here to better their condition, and, above all, to find a better and brighter future for their children. Many of them enter, on their arrival, the field of drudgery and labor, at the foot of the ladder, in our large cities—a place cheerfully accorded to them by the native born. Toil and drudgery, such as is theirs, too often seek relief in the flowing bowl, and this brings crimes of common grades in its wake. This is an incident and misfortune of labor, in the lower strata, the world over, among native as well as foreign born. It comes not from the innate depravity of the race, but from the environment and misfortune of certain classes of its members.

Slums are the human excrescences of rapid and congested growth—an incident of even the highest state of civilization. All large cities have their slums among all nationalities the world over. And the poor, the profligate, and the unfortunate—the men of sheer brute toil, whether native or foreign born—make up a large quota of the slum population. And while the proportion of foreign born in the slums of our large cities may be great—by reason of the original environment and pinched poverty of the immigrants—yet, in numbers and in character the slums of our cities will bear favorable comparison with the slums of the great cities in other parts of the world.

We are all creatures of circumstances. Place these unfortunate sons of toil in the slums of a great city, whether they be native or foreign born, and they are apt in some measure to deteriorate, apt to become drunkards and criminals. Place the same men on farms in the woodlands or on the broad prairies of the West, and they become prosperous and model farmers, and their children become full-fledged Americans to all intents and purposes, as though they were the descendants of generations of native born.

In conclusion, let me draw your attention for a brief moment from the slums of the great cities to the prairies and the woods of the great West. Fifty-five years ago Minnesota was a Territory—an undeveloped wilderness, the home of large bands of roving Indians, with but 6,000 white people within her borders. Eight years later she became a member of the American Union, with a population of over 150,000 people. In 1895, pursuant to a census then taken, she found herself with a population of 1,574,619 people, of whom 517,535 were of foreign birth and 573,783 were natives but of foreign parentage. In 1894 her assessed valuation was $642,903,651, and her permanent school and university fund was $11,746,187, and she expended during the year for educational purposes, in all, $3,945,645; and 337,761 pupils were enrolled in her common, graded, and high schools, 1,839 in her normal schools, and 1,828 students in her State university.

Out of all this population there were but 613 inmates in her State prison and State reformatory—the only places for confinement of adult criminals outside of the jails and workhouses—and out of this prison population 423 were native born, and 190 foreign born. And in the State reform school for incorrigibles and juvenile offenders there were 428 inmates, of whom 339 were native born, and 89 of foreign birth. No State can show a finer record than this; and the foreign born have a prison record better even than the native born. Such is Minnesota. And she is, to a large extent, under the sunshine and dew of her free institutions, the product of the industry, the perseverance, the frugality, and the thrift of her foreign-born citizens and their children. But she is entitled to all and more than all they have brought her.

They came there, most of them, poor and empty handed, with no capital but stout hearts and willing hands, but possessed of

an intense desire and purpose to become good American citizens. She received them with open arms, as though they were to the manor born, and on a parity with her own people. And to-day, after the lapse of half a century, she can truly say that they have not betrayed the trust she reposed in them. As the good wife, though loving her mother, still gives her husband the uppermost place in her affections, so do the foreign-born sons and daughters of Minnesota, though loving the lands of their birth, still place her, and the great country of which she is a part, uppermost and foremost in their love and affection.

"They bear a love for the country of their adoption as if she were their daughter. Smoke her pipe in peace, bear her tomahawk in war."

APPENDIX.

No. 1.—*Total immigration to the United States during each fiscal year since 1819.*

Year.	Number of immigrants.	Year.	Number of immigrants.	Year.	Number of immigrants.
1820	8,385	1847	234,968	1874	313,339
1821	9,127	1848	266,527	1875	227,498
1822	6,911	1849	297,024	1876	169,986
1823	6,354	1850	369,980	1877	141,857
1824	7,912	1851	379,466	1878	138,469
1825	10,199	1852	371,603	1879	177,826
1826	10,837	1853	368,645	1880	457,257
1827	18,875	1854	427,833	1881	669,431
1828	27,382	1855	200,887	1882	788,992
1829	22,520	1856	195,857	1883	603,322
1830	23,322	1857	246,945	1884	518,592
1831	22,633	1858	119,501	1885	395,346
1832	60,482	1859	118,616	1886	334,203
1833	58,640	1860	150,237	1887	490,109
1834	65,365	1861	89,724	1888	546,889
1835	45,374	1862	89,007	1889	444,427
1836	76,242	1863	174,524	1890	455,302
1837	79,340	1864	193,195	1891	560,319
1838	38,914	1865	247,453	1892	623,084
1839	68,069	1866	318,494	1893	502,917
1840	84,066	1867	298,967	1894	314,467
1841	80,289	1868	282,189	1895	279,949
1842	104,565	1869	352,768	Jan. 1, 1896	165,932
1843	52,496	1870	387,203		
1844	78,615	1871	321,350		18,022,785
1845	114,371	1872	404,806		
1846	154,416	1873	459,803		

No. 2.—*Table of immigration by nationalities and countries for each fiscal year since 1820 up to and including the fiscal year ended June 30, 1895.*

The United Kingdom:		
England	1,809,916	
Ireland	4,635,118	
Scotland	371,430	
Wales	37,133	
Other places	560,420	
		6,814,017
Germany		4,976,036
Scandinavia:		
Norway and Sweden together up to 1870	153,928	
Norway since 1820	332,295	
Sweden since 1820	660,193	
Denmark	173,173	
		1,319,559
British North America up to 1885 (no record since)		1,040,925
Austro-Hungary:		
Bohemia	77,247	
Hungary	256,348	
Other parts of Austria, except Poland	384,276	
		717,871
Italy, including Sicily and Sardinia		682,611
Russia, including Finland, but not Poland:		
Russia	470,626	
Finland	34,222	
		504,848
France		384,490
Switzerland		197,408
Poland		145,843
Netherlands		127,672
Belgium		50,725
Spain		37,506
Portugal		21,797
Turkey in Europe, including Roumania, Bulgaria, Servia, and Montenegro		14,122
Unclassified, including Asiatic and African		978,055
Total		18,022,785

No. 3.—*Immigration classified by races.*

Germanic:		
Germany	4,976,036	
England, exclusive of Ireland, Scotland, and Wales	2,370,336	
Scandinavia	1,319,559	
British North America	1,040,925	
German parts of Austria	384,276	
Netherlands	127,672	
		10,219,104
Germanic Celtic:		
Ireland	4,635,118	
Scotland	371,430	
Wales	37,133	
		4,443,681
Latin:		
Italy	682,611	
France	384,490	
Spain	37,506	
Portugal	21,797	
		1,126,404

No. 3.—*Immigration classified by races*—Continued.

Poles, Slavs, Hungarians, and kindred races:		
Hungary	256,348	
Poland	145,843	
Bohemia	77,247	
Turkey in Europe, including Roumania, Bulgaria, Servia, and Montenegro	14,122	
		493,560
Tartar-Slav-Germanic:		
Russia in Europe, exclusive of Finland and Poland	470,626	470,626
Latin-Germanic:		
Switzerland	197,408	
Belgium	59,725	
		257,133
Finnish-Germanic:		
Finland		34,222
Unclassified, including Latin-Indian, negro, and Asiatics		978,055
Total		18,022,785

No. 4.—*Statistics of population, property, education, and crime in the State of Minnesota.*

Item.	1890.	1894.	1895.
Total population	1,301,826		1,574,619
Native born	834,470		1,057,084
Foreign born	467,356		517,535
Native born; both parents foreign	406,808		*450,486
Native born; one parent foreign	111,343		*123,297
Total foreign born, and of foreign parentage	985,507		*1,091,318
Total native born of foreign parentage	518,151		*573,783
Assessed valuation		$642,903,651	
Permanent school fund		10,712,120	
Permanent university fund		1,034,067	
Expended for common and graded schools during year		3,584,488	
Expended for State University		235,157	
Expended for normal and high schools		126,000	
Expended for institutes and training schools		27,000	
Total for education during the year		3,972,645	
Pupils enrolled in common, graded, and high schools		337,761	
Pupils enrolled in normal school		1,839	
Students in State University		1,828	
Number of common school districts		6,111	
Number of high schools		85	
Number of normal schools		4	

*Based on the same ratio as 1890.

CENSUS OF PRISON POPULATION, 1895.

	Number of inmates.	Native.	Foreign born.
State prison	485	337	148
State reformatory	128	86	42
State reform school for incorrigibles and juvenile offenders	428	339	89
Total	1,041	762	279
State public school for dependent and abandoned children	260	244	16

No. 5.—*Population of the United States in 1890.*

Total population		62,622,250
Native born	53,372,703	
Foreign born	9,249,547	
Native born, both parents foreign	8,085,019	
Native born, one parent foreign	3,418,656	
Foreign born and of foreign parentage	20,753,222	
Native of foreign parentage	11,503,675	
Total immigration, 1820-1895		18,022,785
Giving the same ratio of increase as is given to the foreign born by the census of 1890, it would leave of—		
Native, both parents foreign	15,753,737	
Native, one parent foreign	6,661,071	
Total native of foreign parentage		22,414,808
Thus showing that the foreign immigrants and their first generation of children have added to the population since 1820		40,437,593

SENATOR FROM DELAWARE.

The Senate resumed the consideration of the resolution reported by Mr. MITCHELL of Oregon from the Committee on Privileges and Elections February 18, 1896, as follows:

Resolved, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

The pending question being on the amendment of Mr. TURPIE, to insert the word "not" before the word "entitled," and to strike out the last clause; so as to make the resolution read:

Resolved, That Henry A. Du Pont is not entitled to a seat in the Senate from the State of Delaware.

Mr. PLATT. Mr. President, knowing that the Du Pont case would be before the Senate to-day, and having it somewhat in mind, I took up a morning paper and my eyes fell upon this startling headline: "The most marvelous thing in a century." I supposed, of course, that the article which followed referred to the marvelous, the most remarkable and strange occurrences which took place in the joint meeting of the members of the two houses of the legislature in the State of Delaware on the 9th day of May, 1895; and I confess that I was surprised when on reading the article I found it related only to a patent medicine.

The occurrences which took place on the 9th day of May, 1895, in the joint assembly of the State of Delaware constitute the most remarkable thing which has taken place in the last century. I do not know but that I ought to qualify that statement by saying that the arguments which have been used in the Senate to sustain the declared result on that day are even more remarkable; and I do not know but that I ought to qualify it further by saying that if the Senate, by a majority vote, dividing on party lines, should sanction what was declared to be the effect of that day's proceedings, it would be more marvelous still.

What was it that took place on that day? The legislature which met in January previous in the State of Delaware was charged with the duty of electing a United States Senator. The house consisted of 21 members when full and the senate consisted of 9 members. When the legislature came to ballot in the separate houses no election resulted from the ballots thus taken, and on the 16th day of January, I think, 1895, according to the United States statute, the members of the legislature of Delaware met in joint assembly for the purpose of proceeding to elect a Senator. They continued every day from that date until the 9th of May, 1895, meeting in joint assembly and balloting for a Senator without any result.

In the meantime, on the 9th day of April, the governor of Delaware, Joshua Marvil, died. By the constitution of Delaware, to which I shall allude more specifically hereafter, the speaker of the senate, William T. Watson, became the governor of the State, and from that day, the 9th of April, when he became governor of the State, he abandoned the exercise of any duties as senator or as speaker of the senate and assumed the duties and functions of governor of the State. He occupied the executive office. He had not been present in the senate during that whole month. He had not entered the joint assembly of the members of the two houses during that whole month.

On the 9th of May, a resolution having been passed for the final adjournment of the legislature to take place at 3 o'clock p. m. on that day, the joint convention met, having taken a recess from the day before, at 9 o'clock in the morning, and commenced balloting for a Senator, with the usual result, 29 votes cast, no one receiving more than 14, the other 15 being divided among several of the candidates; and it so balloted until 11 o'clock, when a recess was ordered for one hour.

During that morning William T. Watson occupied the executive office; did not come to the senate, did not come to the joint meeting of the members of the legislature; but upon the reassembling of that joint meeting, this governor of the State of Delaware entered the joint meeting of the members of the legislature, assumed to preside over it; did preside over it, assumed to vote in it; did vote in it for some 27 times, and upon each of those ballots Mr. Du Pont received 15 votes and the other candidates received, including the vote of the governor, 15 votes, this governor, acting as presiding officer of the joint meeting of the members, declaring in each instance that there was no election, as no one had received a majority of the votes cast, and when the hour of 3 o'clock came, declared the joint meeting adjourned without day, and the legislature adjourned.

For a hundred years in the State of Delaware it had never been supposed by anyone that a person occupying the position of governor, whether elected by the people or whether called to that position to fill a vacancy occurring by the death of the governor elected by the people, could take part in the senate of the State of Delaware or could be a senator. There had been nine instances in which the speaker of the senate had been called to occupy the position of governor owing to the death or resignation of the governor who had been elected by the people, and in no single instance upon any occasion had the person so called to occupy the position of governor acted as senator, occupied a seat in the senate, acted in a joint convention of the two houses, or a joint meeting of the members of the two houses, or cast any vote. I venture to say, and I think it will not be contradicted, that during that whole one hundred years it had never been supposed that he could do it. It had been the accepted understanding of every man who had occupied the position of governor under those circumstances that he could not do it, and the affidavits here show that on the morning of the 9th day of May, 1895, William T. Watson, occupying the position of governor of the State of Delaware, himself believed that he had no right to do it.

But something occurred during that hour of interval between the morning and noon session of the joint meeting which changed his mind and decided him to act. A member of the house who had been constantly voting for Mr. Addicks as Senator, upon the last day, a Republican, feeling that he could not take the responsibility of preventing an election of Senator in the State of Delaware, gave notice that he proposed in the joint meeting which was to assemble at 12 o'clock to vote for Mr. Du Pont, which would give him 15 votes, a majority of all the votes which had been cast in the joint meeting from the 9th day of April, 1895, to the 9th day of May, 1895. Then it was that Governor Watson was called upon to take a seat in the joint meeting and to vote, and thereby prevent an election; and it is in the sworn affidavits here that he said he could not do it, for he had no right to do it. He was then told that Chancellor Wolcott either had rendered a different opinion or Chancellor Wolcott himself informed him that it was his opinion that he could do so. So, against his own idea of what his duty was, in violation of his own idea of what his power was, he entered that joint meeting and cast his vote 27 times; and, assuming the presidency of the convention or meeting, declared that no election was had.

Mr. President, I venture to say, on this simple statement of the case, there was not only no man in Delaware who up to that hour believed that Governor Watson could do that thing, but until this effort to refine away the plain provisions of the constitution of Delaware occurred upon the consideration of this case there was no man in the United States who would have believed or did believe that Governor Watson could legally do this thing. Am I not justified, therefore, in saying that of all the remarkable performances which have ever occurred relating to the election of a United States Senator in the last century this is the most remarkable of all? The marvel of it will only be exceeded if this Senate allows such a usurpation, such a violation of constitutional law, such a wicked prostitution of power to prevail and prevent the seating in this body of Mr. Du Pont.

The debate in this case has taken a very wide range. The provisions of the Delaware constitution are perfectly plain. Upon looking at that with an unprejudiced eye it would admit of but one construction, and yet this debate has extended over all English and American law. The Constitution of the United States and the constitution of every State in the Union have been discussed with the utmost technicality and, I may say, with exceeding ingenuity. I shall not attempt to follow the Senators who have attempted to argue away and to argue out of sight the plain provisions of the constitution of Delaware by these ingenious, thinly spun, hair-splitting arguments upon the constitutions of other States and upon the Constitution of the United States.

Sometimes I have thought, Mr. President, that I should never be able to establish in this body the reputation of being a great constitutional lawyer, because to establish that reputation it seems to be thought necessary to be able to argue all day—one day, two days, or three days—upon questions which do not affect the main result, which do not affect the main question, and to show a wealth of learning and research which will impress not only this Senate but the entire country. I despair of ever being classed in the ranks of constitutional lawyers if that be necessary to constitute one. I have never learned to—

* * * distinguish, and divide
A hair, 'twixt south and southwest side—

but I do think, as a lawyer, I can understand the plain provisions of the constitution of Delaware which are important to this case. Nay, I think that a layman, one who makes no claim to be learned in the law or distinguished as a constitutional lawyer, may read as he runs and can not err therein. It is only by refinement, by raising false issues, by attracting the attention of the Senate to matters not connected with this case, that there is any possibility of obscuring the result.

As every case contested in a judicial tribunal finally resolves itself into one or at the most two simple propositions over which the contention proceeds, so this case has resolved itself into two simple propositions. Those who claim that Mr. Du Pont was not elected must maintain that William T. Watson, on the 9th day of May, 1895, was not governor of the State of Delaware, or they must maintain that, admitting that on the 9th day of May William T. Watson was governor of the State of Delaware, the Senate has no right to inquire into that legal question as to whether he was or was not. It is to those points that I propose to address the few remarks which I shall make in favor of Mr. Du Pont's claim to a seat in the Senate.

I say, then, that Mr. Watson was a governor of the State of Delaware; and I think nothing shows more clearly the search, the earnest search, which those who oppose Mr. Du Pont's claim to be entitled to a seat here have made to discover what William

T. Watson was if he was not governor; and the very able, learned, and distinguished Senators who have argued this question do not seem to agree as to what he was. The very fact that they can not agree to my mind shows how futile and how untenable is the position that he was not a governor. I had supposed that there was only one kind of a governor in a State or that there could be but one kind of a governor; that a man who was entitled to perform all the functions of the office, that a man who took the oath required for a governor, that a man who exercised all the privileges and prerogatives pertaining to the office of governor, that a man who received the emoluments of the office, was a governor, and only such a man was a governor; and that no matter how he came to occupy the position, if those requisites were present, if he was capable of performing without limitation all the functions and exercising all the powers of the gubernatorial office, if he was entitled to enjoy all the prerogatives of that office, if he had sworn to execute that office, and if he received the salary and emoluments of that office, he was governor. There is no other distinction to be found in any law book, and those questions determine in every case whether a man is the officer that he claims to be.

But it seems that the Senators who have argued this case upon the other side have discovered a variety of governors. It would be amusing, if it were not so serious, to recapitulate the kinds of governors that they think may exist in a State. Counsel against the claim of Mr. Du Pont conceded that he was a governor, but called him an "ad interim governor." That is one kind of a governor which has been invented for this case. The journal of the convention has discovered another kind of a governor, "a speaker-governor," for in the journal of the convention it says: "The hour of 12 o'clock having arrived, the senate, preceded by Speaker-Governor Watson, attended by the clerk and sergeant-at-arms, proceeded to the hall of the house of representatives;" and "Speaker-Governor Watson directed the clerk to call the roll;" and "Speaker-Governor Watson declared the houses adjourned sine die."

Mr. VILAS. Would it interrupt the Senator if I should ask him a question?

Mr. PLATT. Oh, no.

Mr. VILAS. I was just going to ask, has not the constitution of the State of Delaware a right to say what he should be and what he should be called?

Mr. PLATT. I will come to the constitution of the State of Delaware. The constitution of the State of Delaware only recognizes one kind of a governor, and I will show it thoroughly before I get through.

So we have the conceded governor by the counsel against Mr. Du Pont, called "ad interim governor"; we have a "speaker-governor," according to the journal of the joint assembly; we have, according to the Senator from Delaware [Mr. GRAY], a most astonishing kind of a governor—"a stop-gap governor"; we have, according to the Senator from Mississippi [Mr. GEORGE], "a speaker of the senate who ad interim exercises the powers of governor"; and we have, according to the Senator from Indiana [Mr. TURPIE], "no governor at all, but a speaker, and only a speaker."

Mr. GRAY. Now give us what the constitution calls him.

Mr. PLATT. I trust the Senator will allow me to proceed in my own way.

Mr. GRAY. I beg the Senator's pardon for interrupting him.

Mr. PLATT. Is it not remarkable, Mr. President, that those who claim that William T. Watson was not to all intents and purposes governor of the State of Delaware should be driven to the strait of inventing these unheard-of governors, even to the idea which the Senator from Delaware is entitled, I think, to a patent on, the inventing of a "stop-gap governor"? As I said, it would be amusing if it were not so serious.

The constitution of the State of Delaware provides for the election of a governor by the people, who shall hold his office for four years, and it then provides, in section 14, that—

> Upon any vacancy happening in the office of governor, by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified.

Is there anything there which indicates that there may be two kinds, or three kinds, or four kinds of governors in the State of Delaware? But Senators say that because this language is used, "shall exercise the office until a governor elected by the people shall be duly qualified," that that means that the person who at the time of the death of the governor happens to be the speaker of the senate does not become to all intents and purposes governor, but he simply exercises the office of governor. None of the Senators go so far as to say that he is in no sense a governor, except the Senator from Indiana, who says he is a speaker, nothing more, and that this language which I have read from the constitution of Delaware confers upon the speaker, upon that officer, the duty of discharging, while the vacancy continues, the duties of governor, but that he becomes in no sense the governor. Well, Mr. President, that meets the issue squarely. All the other theories that he is not a governor in the full sense, but a governor in a limited sense, an "ad interim governor," "a speaker-governor," "a stop-gap governor"—all those contentions, it seems to me, are simply evasions of the one issue here. The Senator from Indiana meets it boldly, if not successfully.

Senators say that the words "exercise the office of governor" are inconsistent with the idea that he is governor, and they seem very strangely to have overlooked the fact that in this very same constitution and in this very same article the words "exercise the office of governor" are used to denote the man who is elected governor. Section 5, article 3, is as follows:

> No member of Congress nor person holding any office under the United States, or this State, shall exercise the office of governor.

Does not that refer to the elected governor? Does it refer merely to a speaker who, upon the theory of the Senator from Indiana, has thrust upon him the obligation to perform the duties of governor and performs them ex officio? No. This section 5 uses the words "exercise the office of governor" synonymously with the phrase "hold the office of governor." It can not be held by any refinement of reasoning not to apply to the elected governor, and there is no distinction, therefore, to be drawn in this constitution of Delaware between an elected governor and a governor who, under the terms of the constitution, becomes governor in case of a vacancy. It is somewhat remarkable that this phrase has not attracted the attention of the Senators who hold that the words "exercise the office of governor" are incompatible with the idea that the man called upon to assume the position in case of a vacancy is the governor. I will read it again:

> No member of Congress, nor person holding any office under the United States, or this State, shall exercise the office of governor.

Is not that the same thing as saying that no man holding any such office shall be governor—shall be elected governor? Does not this refer to the governor who may be elected? Unless Senators can resort to some more ingenious refinement of reasoning than they have yet resorted to, there is a large stumbling-block which they can not pass over and can not remove out of the way. The language is the same.

> SEC. 14. Upon any vacancy happening in the office of governor, by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office, etc.
>
> SEC. 5. No member of Congress, nor person holding any office under the United States, or this State, shall exercise the office of governor.

But in the very language in the constitution, in section 14 of Article III, the plain implication is that there may be a governor of the State who is not elected by the people, and that the person who assumes the vacant place, who succeeds to the vacancy by reason of having been at the time when the vacancy occurred speaker of the Delaware senate, is a governor, though called to fill a vacancy, as truly as though elected by the people.

> Upon any vacancy happening in the office of governor, by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until—

When?—

> until a governor elected by the people shall be duly qualified.

Why did they put in "elected by the people" if the person who exercises the office is not as fully governor as a governor elected by the people? Why does it not say "until a governor shall be duly qualified"? If a speaker of the senate, occupying the office of governor is not a governor, then the words "elected by the people" are entirely surplusage. You will find that language repeated several times here—a plain implication, as the language to which I have heretofore alluded is a plain declaration—that the person, whoever he may be, who is called to the gubernatorial chair by reason of the death or resignation of the person filling it is governor.

> If there be no speaker of the senate, or upon a further vacancy happening in the office, by his death, removal, resignation, or inability, the speaker of the house of representatives shall exercise the office until a governor elected by the people shall be duly qualified.

Why did it not say "until a governor shall be elected by the people and duly qualified"? If it had used that language there might possibly have been an opportunity to reason by implication that the only governor known to the State of Delaware was a governor elected by the people. If the speaker of the senate or the speaker of the house called to the gubernatorial chair were not the governor, then this language is entirely out of place.

I come now to the third phrase in section 14 of Article III:

> If the person elected governor shall die, or become disqualified before the commencement of his term of office, or shall refuse to take the same, the person holding the office shall continue to exercise it until a governor shall be elected and duly qualified.

Plainly, Mr. President, the term "holding the office" is used synonymously with the term "exercise it," as it is used in section 5.

But here is another provision which I should like to have the Senators explain who say that a person coming to the gubernatorial chair by reason of the provisions of the constitution in case

of the death of the governor is not a governor. It is the last clause in section 14.

Mr. GRAY. Of what article?

Mr. PLATT. Of Article III.

> The governor shall not be removed from his office for inability but with the concurrence of two-thirds of all the members of each branch of the legislature.

We have in the commencement of section 14, Article III, the provision that—

> Upon any vacancy happening in the office of governor by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified. If there be no speaker of the senate, or upon a further vacancy happening in the office by his death, removal, resignation, or inability, the speaker of the house of representatives shall exercise the office until a governor elected by the people shall be duly qualified.

Now, can not the governor who has been called upon because he was speaker of the senate, or, in the next instance, called upon because he was speaker of the house, be removed for inability by two-thirds of the members of the legislature in each branch? If so, it is declared here in the constitution in plain words and terms which can not be overcome that the person so called to the office of governor is governor.

> The governor—

It makes no distinction how he came to be governor—

> shall not be removed from his office for inability but with the concurrence of two-thirds—

And it is already provided in the section that in the case of the inability to discharge the office of the governor who has come from the speaker's chair to the gubernatorial chair the speaker of the house of representatives shall be governor.

I do not think I need go further, Mr. President. These provisions of the constitution of the State of Delaware are simple; they are plain; they are not capable of more than one construction, because the words "exercise the office," when applied to the person who was speaker but who becomes governor, are the same words which are used in section 5, referring to a governor who is elected by the people. In the last clause any kind of a governor is referred to, or rather it precludes the idea that there can be but one kind of governor in the State of Delaware, and when the inability of that governor occurs he can be removed by the concurrent vote "of two-thirds of all the members of each branch of the legislature," and not otherwise.

It is a refinement of ingenuity—I was going almost to say unworthy, I will say it is out of place in this body—to deny that the State of Delaware has a governor to-day, or that he is any less a governor than if he had been elected by the people. The constitution declares that he shall be governor when it declares that he shall exercise the office of governor. The only difference between him and an elected governor is in the length of his term of office. The elected governor holds his office for four years. The governor who comes to the chair because at the time of the death of the elected governor he occupied the position of speaker of the senate holds his office until another governor has been elected and qualified. That may be a longer or shorter time. In the State of Delaware it has been as much, I think, in some instances as two years and a half; in some instances it has only been a few months. It might be more than four years. The person called to the gubernatorial chair under this provision of the constitution that the person occupying the position of speaker of the senate at the time of the death of the governor shall become governor may have a longer term than the elected governor. He may be five years in his place, because under the provisions of the constitution in case there is a contest he would hold until the end of the contest, and if the contest extended over the whole four years of the term of governor he would hold that four years in addition to the months or years that he had held in consequence of the death of the preceding governor. Is there anything in that which detracts from the dignity, the power, or the character of the governorship, assumed, cast upon the person who was speaker of the senate?

There is another provision here. I do not turn to it at this moment, but I can state what it is. It may so happen under the constitution of the State of Delaware, and has so happened, that the person thus called upon under the constitution to become the governor of the State is required to exercise his office after his senatorial term shall have expired. I can not turn to the provision, but there will be no controversy on that subject.

Now, if in the person who becomes governor it be only the casting of certain powers and duties upon another officer, how is it that the person holding that office must, under the constitution of the State of Delaware, continue to hold it after his term of office expires? If anything were needed to make the contention perfectly conclusive that it is the man who becomes governor and not the officer who is called upon to discharge the functions of governor, it seems to me that this fact is irresistible.

I had wondered how that argument would be met. I had wondered how the Senators who said that there was no governor of the State of Delaware under such circumstances would meet it. I do not recollect that the distinguished Senator from Indiana [Mr. TURPIE] attempted to meet that argument. He said, indeed, there was no governor in Delaware to-day; that there was simply a speaker there who was charged by the constitution with performing the duties which the governor, if there were one, would have to perform; and yet, if I am not mistaken, he entirely overlooked the fact that the very same person, who he says is speaker and not governor, will, if I am not misinformed as to the term of his service, be governor, exercise the office, perform the duties of governor, after his senatorial term and speakership shall have expired.

The Senator from Mississippi [Mr. GEORGE] saw the pinch of the case and he invented a way out. He is entitled to great credit for his ingenuity, but I think he exercised it at the expense of his reason. He says that the constitution of the State of Delaware in such a case prolongs the term of the senatorship, and when the constitution says that a senator shall be elected for four years he may possibly have been elected for eight.

Mr. GEORGE. Will the Senator mind if I correct him in that statement?

Mr. PLATT. Not at all.

Mr. GEORGE. I expressly stated that the constitution did not prolong the office of senator; it prolonged the office of the speaker of the senate. I expressly stated that it did not prolong the office of senator, and gave my reasons for it.

Mr. PLATT. Then the Senator is driven to the more absurd contention that a man may be the speaker of the senate of Delaware who is not a senator. He would be obliged to allow that the senate of Delaware might elect an outsider to be its speaker. Is there anything in the constitution which says, except by this remote and ingenious implication, that the speaker of the senate may continue to be speaker of the senate after the senate has dissolved and gone into the dreary past; that he lives on, a sad survivor of the senate of the State of Delaware? Oh, Mr. President, when the necessities of the case require a resort to such arguments the case must be poor indeed!

Now, if a man be governor of the State of Delaware—and for this purpose I do not care what kind of a governor—whether a governor elected by the people, an ad interim governor, or a stop-gap governor—if he be a governor of the State of Delaware he can not be a senator.

Mr. MITCHELL of Oregon. If the Senator from Connecticut will allow me right there, before he leaves the point he has just been discussing so clearly—unanswerably, as I think—I should like to call the attention of the Senator to another absurdity.

Mr. PLATT. I should be very glad if the Senator would do so.

Mr. MITCHELL of Oregon. It seems to me the argument of my distinguished friend from Mississippi leads him——

Mr. GEORGE. If the Senator from Oregon is referring to me, I do not hear what he is saying.

Mr. MITCHELL of Oregon. I was about stating that it seems to me another suggestion can be made in addition to the one suggested by the Senator from Connecticut, which shows the untenability—I said absurdity a moment ago—of the argument of the Senator from Mississippi. If the effect is, as claimed by the distinguished Senator from Mississippi, to extend the office of speaker over and beyond the period when that same speaker ceases to be a senator, and he continues, as he must continue under another provision of the constitution of the State of Delaware, to exercise the office of governor until a governor elected by the people is duly qualified, then it might happen, and undoubtedly would happen in perhaps many cases, that a new senate would come into power and a new speaker would be elected; and you would then have two speakers, not a speaker pro tempore and a regular speaker, but two speakers of the senate of the State of Delaware at one and the same time.

Mr. PLATT. Or the senate would find itself in the remarkable situation that it would have no speaker. It could not elect a new speaker constitutionally and legally, and the old speaker would be governor.

Mr. MITCHELL of Oregon. One of the two would happen.

Mr. PLATT. One of the two.

Mr. President, I was proceeding to say that no matter what kind of a governor William T. Watson may be, if he is a governor, he can not be a senator; because if he is a governor he holds the office of governor, and it is expressly provided in section 12 of Article II that—

> No person concerned in any army or navy contracts, nor member of Congress, nor any person holding any office under this State, or the United States, except the attorney-general, etc., shall, during his continuance in Congress or in office, be a senator or representative.

It would seem as if it could not be contended that William T. Watson was not in the office of governor, was not holding the office of governor; it would seem as if all these provisions of the constitution of the State of Delaware were too plain to admit that

he was not in the office of governor, that he was not holding the office of governor; and if he is, he can not, by the plain prohibition of the constitution, be a senator at the same time. If he is an ad interim governor, he can not be a senator at the same time; if he is even a stop-gap governor, he can not be a senator at the same time; and even if he is only a speaker-governor, he can not be a senator. There is no distinction made. In either of the cases he is holding an office.

The Senator from Indiana [Mr. TURPIE] has taken the only alternative in arguing the case, and that is that he is not a governor in any sense. When counsel admitted that he was a governor, though only an ad interim governor, when the Senator from Delaware [Mr. GRAY] admits that he is a governor, only a stop-gap governor, and when the journal admits that he is a governor, only he is a speaker-governor, his right to be a senator, to act as a senator, is conceded away. The only difficulty with the argument of the Senator from Indiana and the Senator from Mississippi, who also, I think, holds that he is not a governor, but only a speaker who ad interim exercises provisionally the office, was plainly seen by the Senator from Delaware and by counsel in the case, and that is that it is untenable, that the constitution of Delaware calls him governor, provides that he shall be governor, makes no distinction between him and the governor elected by the people, indicates by plain implication of language that a governor elected by the people and a governor called because he occupies the office of senator or speaker of the senate at the death of the governor are the same.

If this be so, Mr. President, there is no use going any further in the case to inquire whether there is an incompatibility in these offices, to inquire what effect the conduct of the people of Delaware, what effect the conduct of former officials, what effect the precedents have upon the construction of the constitution, because once admit that William T. Watson was governor of the State of Delaware, and he can not be a senator of the State of Delaware at the same time. It is utterly needless to go into the question as to whether, in case there is no new election of a senator ordered, he can resume a place as senator when his term of office as governor expires, because he can not be a senator while he is governor, and it is not claimed that he can be if he is governor, as I understand it, when the argument is resolved down to its final analysis.

I might say the argument has been adduced here that the people of the State of Delaware have treated the office of senator as if it existed so that when the person who was called to be governor because he was speaker of the senate ceased to be governor, he could come back and resume his place, and therefore the constitution must be construed as making it proper, constitutional, and compatible that the governor might at the same time be a senator of the State. If that be so, Mr. President, if that has any effect upon the construction of the constitution, then the fact that no governor has ever attempted to exercise the office of senator or speaker of the senate, or, while governor, to perform any duty attaching to the office of senator or speaker of the senate, is equally conclusive that the constitution does not permit it.

I do not need to go into the argument that the constitution of Delaware is not to be construed by or in the light of what has been done by speakers of the senate during the last hundred years. It is utterly immaterial, I think, for the whole case hinges upon the question whether Watson was a governor, any kind of a governor, in any sense a governor in which the constitution of Delaware recognizes that officer. If he was, he could not be a senator. Constitutions can not be construed by what has been done or suffered to be done by the people of a State or even by a legislature. It may be evidence of what people have thought about it, but it can not in any way affect the meaning of the constitution; and if it be true that it evidences the fact that the people of Delaware thought the office still remained, although the man was for the time being taken away from it, so that when his office of governor ceased he could return to the office, then it also evidences the fact that the people of the State of Delaware never believed that while in the office of governor he could attempt to discharge the duties of senator or of speaker of the senate.

That, I think, is quite enough to say upon this branch of the case. I am not on the Committee on Privileges and Elections, and I have not studied carefully every detail and every word in the reports and in the arguments. I have, as I think, given sufficient attention to the case to see where it hinges. It all hinges upon the question whether William T. Watson on the 9th day of May, 1895, was governor of the State of Delaware as he was supposed to be, and I should be very sorry to see the Senate, driven by the necessities of party, to declare, in plain opposition, as it seems to me, to the constitution of Delaware—in plain opposition to what has been thought to be for a hundred years constitutional law in the State of Delaware—that William T. Watson was not governor on that day. I might go into the argument as to the impossibility of his performing the duties of senator at the same time when he performed the duties of governor and was governor. But that has been fully gone into by speakers who have preceded me.

But one illustration comes to my mind which I think shows the entire absurdity of the claim that in the nature of things a man can be a governor and a senator at the same time. It is as impossible as that two particles of matter shall occupy the same space at the same time. I suppose that in the legislature of the State of Delaware, as in every other legislative body, there must be some rule, as there is in this body, to provide for securing the attendance of absent members in the senate and house, and that less than a quorum may compel the attendance of absent members. Just think of the senate in session, not a quorum present, and less than a quorum directing the absent members to be summoned, and a sergeant-at-arms sent after William T. Watson, governor of Delaware, in the field at the head of the army and fighting the battles of the State or in the discharge of any other gubernatorial duty, to bring him into the senate. If he is a senator, it could be done. No, no; he was not senator and he was not speaker of the senate.

The view which I have advanced, namely, that William T. Watson, immediately on the death of Joshua A. Marvil and the taking of the oath of office, became governor of the State of Delaware and remains governor of the State until this time, and that there is no limitation or qualification upon his right to that office, is abundantly justified by the case of Chadwick *vs.* Earhart, quoted by the Senator from Michigan [Mr. BURROWS] in his admirable argument upon this question. The constitution of the State of Oregon provided as follows:

> In case of the removal of the governor from office, or of his death, resignation, or inability to discharge the duties of the office, the same shall devolve on the secretary of state; and in case of the removal from office, death, resignation, or inability both of the governor and secretary of state the president of the senate shall act as governor until the disability be removed or a governor elected. (Constitution of Oregon, Article V, section 8.)

It was claimed that the duties of the office of governor became thereby annexed to the office of secretary of state; in other words, that the duties of the office, but not the office itself, devolved upon the secretary of state. Chief Justice Waldo, in delivering the opinion of the court upon this claim, proceeds to say:

> This position seems to require, first, either that the office of governor should continue vacant during the time the secretary discharges its duties, and that such duties be in some way performed by the secretary of state, as such, consistently with a condition of vacancy; or, second, that the office be filled, and yet he who fills it be in no wise governor, but continue to be merely secretary of state.
>
> In the first place, it is not shown how an office can be vacant and yet there be a person—not the deputy or locum tenens of another—empowered by law to discharge the duties of the office, and who does in fact discharge them. It is not explained how in such a case the duties can be separated from the office so that he who discharges them does not become an incumbent of the office; and, in the second place, how a person can fill the office of governor without being governor.
>
> It is the function of a public officer to discharge public duties. Such duties constitute his office. Hence, given a public office and one who, duly empowered, discharges its duties, and we have an incumbent in that office. Such is the case here. The secretary of state, by force of the function cast upon him, becomes governor, and consequently entitled to the salary appertaining to the office.

In Merriam *vs.* Clinch, 6 Blatch., 9 (1867), Mr. Justice Blatchford said: "Three times since the adoption of the Constitution the President has died, and, under the provision referred to, the powers and duties of the office of President have devolved on the Vice-President. All branches of the Government have, under such circumstances, recognized the Vice-President as holding the office of President, as authorized to assume its title and entitled to its emoluments. The Vice-President holds the office of President until a successor to the deceased President comes to assume the office at the expiration of the term for which the deceased President and the Vice-President were elected."

The case of The People, ex rel. Church, *vs.* Hopkins (35 N. Y., 74) is much in point. In 1859 a law was passed in New York establishing the office of superintendent of insurance. The superintendent was to be appointed by the governor for the term of three years, with authority to appoint clerks, one of whom was to be designated his deputy, and to "possess the powers and to perform the duties attached by law to the office of principal during a vacancy in such office, and during the absence and inability of his principal." The superintendent resigned his office, the duties of which thereupon devolved upon the deputy. The deputy claimed the salary of a superintendent during the time he discharged the duties of the office, and it was held that he was entitled to such salary.

The court, by Grover, J., supported the conclusion reached by references which are especially pertinent in this case: "But there are precedents which, though not judicial, I regard as entitled to be considered as decisive of the question under consideration. In the constitution of the State adopted in 1822 will be found the following provision: 'In case of the impeachment of the governor or his removal from office, death, resignation, or absence from the State, the powers and duties of the office shall devolve upon the lieutenant-governor for the residue of the term, or until the governor absent or impeached shall return or be acquitted.' (Const. 1822, Article III, section 6.) On the 11th of February, 1828, the office of governor became vacant by the death of De Witt Clinton, the then incumbent of the office, and its powers and duties, under the above provision of the constitution, devolved on Nathaniel Pitcher, then lieutenant-governor. The question arose whether he was to be regarded, in the exercise of the powers and performance of the duties so vested in him, as acting governor, or in the performance of the contingent duties of lieutenant-governor, and, as a consequence, whether he was entitled to the salary of the former office, or the compensation given to the lieutenant-governor for his services as such.

"It was held by William L. Marcy, then comptroller, that he was to be regarded as the acting governor and entitled to the salary given by law to that officer. The same questions, under the same provision, again arose in 1829, upon the resignation of the office of governor by Martin Van Buren, and

the powers and duties of the office devolving upon Enos T. Throop, then lieutenant-governor, and were decided the same way by Silas Wright, then comptroller. It will be seen that these questions were identical with that in the present case. 'We surely shall not go far astray in following the precedents established by these able jurists, wise statesmen, and rigid economists.'"

The principle on which the second question is to be decided, namely, whether the appellant shall cease to be governor when he ceases to be secretary of state, seems to be this: If an office be appendant, as the expression is in 1 Leon, 321, to another office, the determination of the first office will determine the second. This is the case where a person holding any office is *ex officio* entitled to some other office. For instance, in City of Portland *vs.* Denny (5 Oreg., 160) the recorder of the city of Portland was *ex officio* a justice of the peace. In that case the office of justice of the peace was appendant to the office of recorder and determined with it.

On the contrary, if the nomination or appointment to an office be by descriptio personæ of one who holds some office by the title of which he is described, and who, on some contingency, is to enter and fill another office, the answering the description at the time the contingency arises designates him as the person who is to enter and fill the office, and when, as thus designated, he enters into the office he holds it in his natural and not in his official capacity. This seems to be the principle which applies when the office of governor devolves on the secretary of state on the happening of any of the events specified in the constitution. That the president of the senate, who holds under a similar title, ceases to be president of the senate when he becomes governor seems evident, for the two offices are incompatible at common law and there is no constitutional implication that both offices shall be held together. It would follow, therefore, that the president of the senate would hold the office of governor, once incumbent, without reference to his office of president of the senate. Now, as two offices may remain distinct which are not incompatible, though the officer is the same person, it would seem that the same principle should govern the holding of the office of governor by the secretary of state.

This question therefore must also be answered in favor of the appellant and judgment be entered accordingly.

Judgment reversed.

Now, the only other branch of the case is one to which I wish to call the attention of the Senate for a few minutes. The Senator from Indiana [Mr. TURPIE], I think, apprehended perhaps better than any of the other Senators what may be called the pinch of the case, and therefore pressed harder home upon the Senate a doctrine from which I utterly dissent, and that is that the Senate can not inquire into this case because each house of the State of Delaware is by the State constitution made the judge of the qualifications and elections of its own members, and that the senate of Delaware had so acted that this matter was res adjudicata, and the Senate of the United States has no power to inquire into it. Indeed, Mr. President, the views of the minority of the committee seem to me to abandon the contention that William T. Watson was not governor of the State of Delaware and therefore could be a senator, and to rely almost wholly upon the supposed doctrine that the Senate can not inquire, because in some mysterious, undefined, vague way the senate of the State of Delaware has passed upon his right to act as a senator and as speaker of the senate, and to enter the joint convention and preside there and vote there and declare there had been no election. That matter has been answered fully by the able Senator from Oregon [Mr. MITCHELL], the chairman of the Committee on Privileges and Elections.

The senate of the State of Delaware never had an opportunity to pass upon that question, according to the testimony in this case, and if it were admitted, which I shall by and by take occasion to deny, and to deny earnestly, that if the senate of the State of Delaware had acted upon it the Senate of the United States would be shut out from making any inquiry, yet the evidence utterly fails to show that the senate of the State of Delaware ever acted on the question as to whether William T. Watson while governor of the State could also act as senator.

Now, what were the facts? As I said in the opening of my remarks, there had been a joint meeting of the members of the two houses in session from 9 o'clock until 11 o'clock on that day. Then there had been a recess of the joint meeting taken until 12 o'clock. At 11 o'clock the senate reassembled, and the speaker elected by the senate when Mr. Watson assumed the office of governor, Mr. Records, presided at the meeting. Bills were passed. The journal does not show that anyone else took the chair. The journal—and I call the attention of the Senator from Indiana to the journal—shows that Mr. Records occupied the chair during the whole session.

Mr. MITCHELL of Oregon. Not only does the journal fail to show that anybody else took the chair, but it shows by the votes taken every few moments that Mr. Records was in the chair and voted.

Mr. PLATT. Yes, and that Mr. Watson was not there. I feel like saying to the Senator from Indiana, from the stress which he laid upon the journal, that I thank him for that word, because the journal not only utterly fails to show that Mr. Watson came to the senate and assumed in the senate to occupy the chair of speaker, but it does show that the chair was occupied by another person who had been chosen to occupy it.

I do not care for the purposes of this case and this argument whether Mr. Watson came at a minute to 12, as the Senate was getting ready to go to the joint assembly and stepped to the chair, or whether he stepped to the head of the procession after it had started for the hall of the house of representatives where the joint meeting was to be held, and marched at the head of the procession of senators into the joint meeting. In neither case had there been an opportunity for the senate to pass upon the question whether he was entitled to occupy the speaker's chair. It is not claimed seriously that the senate ever did pass upon that question either silently or publicly, either by act or by acquiescence.

Now, admit the whole doctrine that is claimed by Senators on the other side, that if the senate of Delaware had acted, if the senate had passed a resolution saying that the governor had a right to come there and take the speaker's chair, or if the senate had acquiesced in it, the Senate of the United States would be obliged to stultify itself, if it thought otherwise, and say it could not inquire into it. Admit that argument to the full extent, and how is it possible for Senators who claim that this case turns upon that point to say there had been any decision and the matter was res adjudicata? Stand by the journal. That seems to be the sacred thing in the minds of those Senators. The journal does not show it. The affidavits do not show it. No evidence points to the fact that the senate ever had an opportunity to consider whether it would permit the governor to come to the senate and occupy the speaker's chair. If there is any evidence tending to show it, remotely looking to it, I have failed to observe it.

The senate could not act in joint meeting of the two houses. The senate could not pass upon that question after it entered the hall where the joint meeting was held, because it was not a joint convention of the two houses. Suppose a protest had been made. Who would decide it? Suppose some senator had challenged the right of Watson to occupy as speaker of the senate the position of presidency of the meeting. Who would decide it? We have had trouble enough of that sort in the discussion as to who would decide questions which might arise when the two Houses of Congress meet to count the electoral vote. But the two houses did not meet. It was, under the statute, a meeting of the members of the two houses, and there could be no protest made there, and there is nothing in this case which prevents the Senate from looking into it even upon the most extreme claim of the limitations of the power of the Senate made by Senators upon the other side. It seems to me that ought to dispose of that branch of the case, and it does dispose of it.

I have heard—I do not know whether in this discussion or outside—a Senator express the opinion that the fact that Mr. Watson marched at the head of the procession of senators into the joint meeting and presided there without protest would govern his vote. Is there anything in the constitution of Delaware which says that a joint meeting of the members of the two houses or the members of the legislature in joint meeting shall have power to decide upon the qualifications of their members? I think not. If there be not, what matter whether there was a protest or not? What matter whether his right was challenged there? The senate could not decide it. There is no constitutional power in the joint meeting of the members of the two houses to decide it. The protest was made in fact and, as I understand, presented before the final adjournment of the joint assembly. But whether it was made or not, what does it matter even upon the extreme claim put forward here of the powerlessness of the Senate to inquire into the validity of the election of persons claiming to be elected Senators? The senate never passed upon the question whether while Watson was governor he could also exercise the office of senator. The joint meeting could not have passed upon it.

But go a little further, Mr. President, although I wish to say that it is outside of this case. If William T. Watson was governor of the State of Delaware, he could not be senator. If the senate had not passed upon that question, the Senate of the United States is not concluded. The joint meeting could not pass upon the question, and therefore it did not pass upon it, and the Senate of the United States is not concluded from making an inquiry. That, as it seems to me, is all that there is in this case. But I desire to go a little further, as I wish to take this occasion to enter my dissent——

Mr. GRAY. May I ask the Senator from Connecticut a question, in order that I may understand his position thoroughly?

Mr. PLATT. Certainly.

Mr. GRAY. Is it the Senator's position that the Senate of the United States, in any case of a contested election for United States Senator, can pass upon the qualifications and right to a seat in a State legislature of any member of that legislature whose qualifications have not been especially passed upon and made the subject of a judgment by the house to which he belongs?

Mr. PLATT. I shall make that claim very soon.

Mr. GRAY. That is the Senator's proposition?

Mr. PLATT. That is my own opinion, differing, perhaps, from what has been supposed to be the accepted doctrine of the Senate. But I do not think that case arises here. That Watson had been a senator, elected and sworn in, is true. That he could be a senator while governor was not passed upon, was not acquiesced in by the senate. That question arose subsequent to the time when he was permitted to take his seat as senator. Something new had

come in; he had gone into a new office. A new question arose—not whether he was elected as senator and entitled to a seat as senator, but whether as another officer he could act in the senate. That question was never settled either by acquiescence or by direct act or passed upon.

Mr. MITCHELL of Oregon. Suppose, instead of succeeding to the office of governor, he had become insane, and thus in the eyes of everyone absolutely disqualified to exercise the office of senator. In such case the fact that his qualifications as senator had been passed upon away back yonder when he took his seat certainly could not apply to the case, could it?

Mr. PLATT. Oh, no.

Mr. VILAS. Will the Senator from Connecticut permit me to ask him a question? I do not understand the Senator as maintaining, except as a matter of personal opinion, that it is necessary, in order to recognize the judgment of a legislative body, that it shall have expressly passed upon the case.

Mr. PLATT. No.

Mr. VILAS. If a body recognizes a member, suffers him to act, is not that the judgment of the body that he is entitled to be there?

Mr. PLATT. The senate of the State of Delaware never did that. That is what I have been trying to show for the last twenty minutes. There is no evidence to show it.

Mr. MITCHELL of Oregon. He did not himself go back.

Mr. VILAS. The Senator from Connecticut, then, is waiving the legal point and addressing himself to a mere question of fact as he supposes it to be from the evidence?

Mr. PLATT. That is precisely what I was saying; that admitting the doctrine to the full extent claimed even by the Senator from Indiana, there was no opportunity for the senate of the State of Delaware to pass either directly or by acquiescence upon the question whether Watson, as governor, could vote in the senate or go into the joint convention.

Mr. VILAS. Will the Senator allow me to ask him one other question? Does it make any difference during what length of time a body recognizes a person as a member of it? Is it not its judgment so long as it recognizes him?

Mr. PLATT. I would hardly want to say that. I think if I had been a member of the senate of Delaware and William T. Watson at 30 seconds of 12 o'clock had appeared there and pushed the speaker whom the senate had elected out of his chair and occupied it for a space of thirty seconds I should have been too dumfounded and startled to have had my acquiescence had any effect upon the situation.

Mr. VILAS. I am not going to debate that proposition now with the Senator, but I wish to ask him a question. If he had been there and that had taken place and he had not recognized it to have been the usage of a hundred years, would he not have protested against it, and does he not suppose that no protest or objection was made to the speaker's resuming his chair for the reason that it was supposed to be right until the necessities of some hours later raised a question which has found courageous debaters in this body?

Mr. PLATT. Do I understand the Senator from Wisconsin to say that during the whole hundred years any governor had come back and assumed the speaker's chair?

Mr. VILAS. No; he has always been recognized as the speaker exercising the office of governor and entitled to resume his seat when the temporary performance was over.

Mr. MITCHELL of Oregon. That is different.

Mr. PLATT. When the temporary performance was over! Did anybody in the State senate suppose that the time for him to cease the discharge of his duties as governor had arrived? Oh, no. The Senate will not stand on any such very narrow technical application of the doctrine, though the doctrine may be admitted. The record——

Mr. CHANDLER. Will the Senator from Connecticut permit me?

Mr. PLATT. In one moment. The record fails to disclose the fact that he came at all. The weight of evidence is to the conclusion that he did not come at all to the speaker's chair.

Mr. CHANDLER. Will the Senator from Connecticut allow me to ask the Senator from Wisconsin a question?

Mr. PLATT. Certainly.

Mr. CHANDLER. I think under the circumstances it is fair that the Senator from Wisconsin should answer this question, and that is whether he considers the acquiescence by the senate of Delaware, for the time specified and shown in the record, in the return by Governor Watson to the senate and his resumption of the duties to have been an adjudication by the senate of Delaware that he was entitled to continue to act as speaker and senator, which is binding upon the Senate of the United States?

Mr. VILAS. I think just this: The senate did not adjudicate, but it recognized him as a member of its body without question on the part of any other one of the senators there.

Mr. CHANDLER. Now, I ask the Senator what force he gives to what took place. Does he say, whether it was a judgment or not, or a vote or not, that it gave Watson rights that he would not otherwise have possessed, and that the Senate of the United States is precluded, by what took place at that time, from inquiring whether as a matter of fact and of law he was then speaker of the senate and a senator?

Mr. VILAS. The senate of the State of Delaware was rightfully composed of nine senators, and when the other eight recognized him as the ninth, they made him so de facto, whatever might be the case.

Mr. CHANDLER. The Senator thinks——

Mr. MITCHELL of Oregon. Will the Senator permit me?

Mr. CHANDLER. In one moment. The Senator from Wisconsin, then, thinks that upon that principle, whether or not Watson had the right to come back and act as speaker of the senate or senator, as a matter of fact and of law what took place precludes the Senate of the United States from inquiring into the title. To put the facts as they were, a few minutes before 12 o'clock, having been absent thirty days, never having undertaken to act as senator or as speaker of the senate during that time, he came back and superseded Speaker Records and marched with the senators to the place of joint meeting. Does the Senator from Wisconsin, as a lawyer, give those transactions the force and effect of a decision by the senate of Delaware that gave Watson title as senator, whether he otherwise had such title or not?

Mr. VILAS. I do not say it was an adjudication, but I say it was the recognition of his being de facto senator and speaker, and as the constitution designates it, and not speaker pro tempore.

Mr. CHANDLER. And the Senator from Wisconsin holds, then, that what took place gave Watson a right to vote for United States Senator whether he had the right before he came in and did this thing or not. That is the Senator's proposition.

Mr. VILAS. He was recognized as a member of that body.

Mr. CHANDLER. Does the Senator hold that by so recognizing him it gave him title, whether he had it or not?

Mr. VILAS. If the senate of Delaware recognized him as their ninth member, the Senate of the United States has not a right to say that there was a vacancy in that membership and that but eight were there.

Mr. CHANDLER. I am inclined to think that what I would call an adjudication by the State senate would be binding. The Senator from Connecticut [Mr. PLATT] argues in favor of a broader right of inquiry on the part of the United States Senate. But I wish to bring home to the Senator from Wisconsin and to the Senator from Delaware [Mr. GRAY], who is aching to get into the discussion again, that to say it was a recognition by the State senate of an intruder as senator, who had no right otherwise, unless recognized by the senate and determined by the senate to be one of its members—to say that because Governor Watson came back there under the circumstances stated in this case is the most extraordinary proposition of constitutional law that I ever heard even two Democrats make.

Mr. GRAY. Will the Senator allow me right there?

Mr. MITCHELL of Oregon. Will the Senator from Delaware allow me to supplement what has been said before he answers?

Mr. GRAY. No; I would rather not, if the Senator from Oregon will allow me. The Senator has the floor.

Mr. MITCHELL of Oregon. I have not the floor. The Senator from Connecticut [Mr. PLATT] has the floor.

Mr. PLATT. I am not through; but I do not object to interruptions.

Mr. GRAY. I beg the Senator's pardon. I wish to reply to him dum fervet opus, as the Senator used to say when at school.

The proposition upon which we rely on this side of the question now before the Senate is that Mr. Watson, like every other member of the senate of Delaware, having once been admitted as senator and his qualifications and election having been certified to as appears upon the journal, he remains a de facto senator until he is ousted by a judgment of the legislature, and the proposition then is, in the words of Mr. Cushing, which I will adopt as more perspicuous and authoritative than any I could use, as to cases of the character to which I have just referred:

> In cases of this kind the existence of the vacancy must be declared by the assembly itself. In cases arising under this and the preceding section there is, in fact, no vacancy until it is so declared or implied by the resolution of the assembly itself.

Until the senate of Delaware had, by resolution or some other action tantamount thereto, declared or implied a vacancy in the seat of Mr. Watson, there was none, and this Senate is not competent to declare such a vacancy.

Mr. MITCHELL of Oregon. If the Senator will allow me right there, that is a different question entirely——

Mr. GRAY. That is the question we are arguing here.

Mr. MITCHELL of Oregon. That is a different question from the one put by the Senator from New Hampshire [Mr. CHANDLER].

Mr. GRAY. Yes; a very different one from the extraordinary position just taken by the Senator from New Hampshire.

Mr. MITCHELL of Oregon. No.

Mr. GRAY. But the one sanctioned by all the authorities is the one I have just put.

Mr. MITCHELL of Oregon. It was argued at length on the other side, and I think by the Senator from Delaware himself, in the able argument he made in this case as to what took place in the senate of the State of Delaware, that if Governor Watson came in and took the chair a few moments before the houses met in joint assembly that was an adjudication of his qualification to sit as a senator, that it was res adjudicata by virtue of what took place there that day. The Senator from New Hampshire desired the Senator from Wisconsin to state whether, in his opinion as a lawyer and as a Senator, what did take place there that day, leaving all other questions out of consideration, and in the absence of any adjudication—Governor Watson would have a right to sit as a senator and whether what took place that day amounted to an adjudication or a judgment?

I say, Mr. President, there are but two kinds of judgments in cases of that character. The one is called actual adjudication, actual judgment; the other is called constructive. Of course it will not be claimed that this was an actual judgment. The only question remaining is, Was it a constructive judgment? It does seem to me that what took place there that day in the few moments that Governor Watson occupied the speaker's chair can not be considered from any possible standpoint as a constructive adjudication of the right of a person who otherwise had no right to be there to sit and act as a senator.

Mr. VILAS. Mr. President, I had not intended at any time to argue this proposition.

Mr. MITCHELL of Oregon. I said from the answer made by the Senator that he would not hold that to be a constructive adjudication.

Mr. VILAS. I rest my opinion of the clear duty of the Senate to reject the claim of Mr. Du Pont to a seat in this body upon a different branch of the case altogether; but since the Senator from Connecticut [Mr. PLATT] was making the discussion he did, I wanted to ask a question as to his view upon the subject; and in response to the Senator from New Hampshire I do wish to say that in such a case as he puts it is of course inconceivable that in a legislative body of the dignity of the senate of the State of Delaware a man with no right, no shadow of right, should be admitted as a member of the body, and take the office of its president or speaker to conduct its proceedings, leading it to a meeting in joint convention with the other house of the legislature, and there to preside for hours unchallenged over that joint convention; and I do say that a recognition of such an important officer as that by such a body as that without a challenge, without a question, was a constitution of that person as, at least, de facto a member of that body.

Mr. CHANDLER. Mr. President, all that is a correct statement of plain constitutional law. There is no doubt that Mr. Watson was once a senator of the State of Delaware. The case starts with that.

Mr. MITCHELL of Oregon. And speaker.

Mr. CHANDLER. He was elected a senator of the State of Delaware and while he was senator he was chosen speaker. The counsel for Governor Watson has taken the pains to put into this case the record of his original election as senator. There was no need of that; that was folly; that fact was not disputed. No one has denied that there was a senate of Delaware with nine members, and that William T. Watson was one of the nine.

Mr. VILAS. It was never otherwise adjudicated, was it?

Mr. CHANDLER. There never was any resolution that he was entitled to his seat. I grant that where a senator takes his seat in the beginning of a session and remains continuously in his seat, without his right being disputed, there grows up a recognition that fairly may be called an adjudication. The Senator from Oregon has stated that not only here and now but has stated it in his report.

But this is the point to which I am coming. Mr. Watson having been unquestionably senator, having been unquestionably speaker of the senate, became governor by the death of Governor Marvil, and the whole claim, the whole contention in this case that has occupied the attention of the Senate in this relation, has been that when Watson became governor, took the oath of governor, and left the senate chamber and acted for thirty days as governor, he ceased to retain the power to act as senator; and we have pointed to the fact that not in a hundred years of the life of the State of Delaware under the constitution has any such governor ever undertaken to act as senator while he was governor; and the contention on our side is that any act as senator of a governor while he is governor is null and void. That is our contention.

Mr. VILAS rose.

Mr. CHANDLER. Shall I yield to the Senator?

Mr. VILAS. I should like to ask the Senator a question. Do I understand him that he still remains a senator, but without the power to act as such?

Mr. CHANDLER. I will answer that question a little later, if the Senator will allow me. We will get through with one question first.

Mr. VILAS. Certainly.

Mr. CHANDLER. When Governor Marvil died, there was no doubt Governor Watson was senator and speaker of the senate, and there is no need of proving that he had been originally elected. He was a senator and speaker of the senate, and he became governor; and we say he became disqualified from acting as senator while he was governor, that he could not act as governor and act as senator at the same time. The proposition of the other side I understand to be this: The proposition which the Senator from Wisconsin made a little while ago was that even if Watson ceased to be senator, or ceased to have the right to act as senator, so that he was without title and without right to act from the time he became governor down to the time when he entered the joint assembly, yet the fact that he entered the senate chamber a few minutes before 12 o'clock, took his seat in the speaker's chair, and went with the eight senators to the joint meeting, was a recognition of Watson as having a right, of his being a senator and having a right to vote as senator, which is conclusive upon the Senate, and gave him the right to cast that vote whether he otherwise possessed it or not. That was the proposition of the Senator from Wisconsin, for he stated distinctly that he held that a recognition of the right of Watson to vote made by the State senate gave him the right to vote whether he otherwise had the right to vote or not, and the senate was precluded from inquiring as to whether he had the actual right or not. That is the contention on the other side, which I characterize, with all due respect, as absurd.

It can not be, if Watson by being governor was disqualified as senator, that the senate determined and decided and adjudicated that he had resumed and had the right to resume his functions simply by what took place in this case, and which has been cited to us all through the debate by the other side as a recognition of Watson's right by the senate, which made his right to act res adjudicata, so that his right can not be any further inquired into.

Mr. VILAS. If the Senator from Connecticut will allow me one moment, I am not going to undertake to state or argue the proposition which has been so very ably argued by other Senators; but in respect to the point as to which the Senator from New Hampshire has with so much force presented the views he entertains, I think he does not yet apprehend the point as they make it. Their point is that, being once a senator, and the title he had as a senator having been once established by recognition to the extent that the Senator says it was unnecessary to prove it, his right continued until there was a judgment of that body that there was a vacancy; and he states that that is based upon a proposition very clearly stated by the distinguished chairman of the Judiciary Committee of the Senate, the Senator from Massachusetts [Mr. HOAR], whose judgment upon a point of law we all respect, in the words quoted by the Senator from Delaware in his remarks. Speaking of those who were received and recognized without special adjudication of their right to a seat, he said:

> Their title is not, as is sometimes carelessly said, a prima facie title. It is an absolute title, continuing until the house itself has adjudicated that some other person be admitted to their place.

The point that is made here, not to undertake to argue it, is that, being there rightfully, he remained a senator until that body had adjudicated a vacancy; and that, instead of adjudicating a vacancy as against him, they recognized him as being there still, as he had been during the portion of the session of the legislature previous to that time, except when temporarily absent.

Mr. PLATT. Mr. President, let us see to what conclusion this argument of the Senator from Wisconsin leads us. There is no force in the argument when it is admitted that Mr. Watson could not, under the constitution of the State of Delaware, be a senator or speaker of the senate. The claim concedes that; but then the claim is made that, it being conceded that the constitution of the State of Delaware says that being governor he could not be senator, yet that office remained open there for him until the senate of Delaware by solemn act declared that it was vacant, and that, although the constitution of the State of Delaware says that he could not come there and be a senator, yet he could come there and be a senator, because the senate of the State of Delaware had not declared the office vacant.

Was ever anything forced to a greater length to save a bad case? Just think of what this position is. Just imagine that the United States Senate is going to give a man a seat, or withhold it from him, upon this argument, this claim as now made. A man who could not vote under the constitution of the State of Delaware voted, and thus defeated the election of the claimant. He was governor of the State, and therefore he could not vote; but the Senate can not look into that at all! It can not inquire whether he could vote, because he came into the senate and assumed the office of speaker one, two, or three minutes before it started for the joint convention; and although there was the constitution plainly against his

doing so, yet because senators sat still and did not protest, therefore the senate of the State of Delaware recognized his power and right to perform an unconstitutional act, and the Senate of the United States is bound by it! That is the contention, and I insist that I never knew a more remarkable one.

Upon the other branch of the case, if they say he was not governor, there they find standing ground, poor though it be; but if it is admitted that he was governor, then he could not be a senator, and it makes no difference, with our power and our right and our duty, whether the senate of the State of Delaware said he could be or not. But certainly no acquiescence, no failure to protest, no failure to declare the seat vacant, can bind the Senate of the United States and defeat the claim of Mr. Du Pont to a seat in the Senate.

Just look for one moment more at this claim. The Senator from Wisconsin says, in effect, if Mr. Watson was governor and could not vote, then he was a usurper, and asked, Would the senate have tolerated a usurper there? But if he was governor and could not vote, the senate did tolerate a usurper there, according to his doctrine, because the senate did not protest; did not then and there in a minute and a half pass a resolution that he could not sit and did not exercise the force of the sergeant-at-arms to tumble him out of his chair. If he had no right there he was a usurper; and yet the claim is put here gravely in the Senate of the United States as a proposition of law to decide this case, that because a usurper sat there and no protest was made and he was not tumbled by force out of the speaker's chair, therefore he had a right to be there, though a usurper.

Mr. VILAS. Suppose they recognized him?

Mr. PLATT. Suppose they did recognize a usurper, suppose there had been a contest going on as to the right of a senator to sit there, a senator who had been admitted, and there had been a case of contest all through that session which had not been decided, and suppose on this last day, as the senate started for the joint meeting, that the contestant came there and by force ousted the senator who had sat there all through from his position in the line, and took it and went into the joint convention and sat there and, as the Senator says, was recognized, would that have made his vote legal? Would it have concluded the senate from inquiring into it? I never heard of such a doctrine, Mr. President.

Mr. VILAS. Nobody claims any such doctrine as that.

Mr. PLATT. It is the same thing.

Mr. VILAS. No.

Mr. PLATT. They were to acquiesce when the man claimed a right to the seat?

Mr. VILAS. Acquiesced in superior force.

Mr. PLATT. But, Mr. President, as to this doctrine of estoppel—I should not call it that, because estoppel is based upon the conduct of the party estopped, and the Senate has done nothing by which it can be estopped from inquiring into the qualifications of the persons voting—but this doctrine that the Senate is precluded from inquiring into the right of persons in the legislature to vote has never until now, except in the single dictum in the Turpie case, been carried to an extent which makes the doctrine at all troublesome in this case. It has never been seriously claimed until now, I think, even if a person who was not entitled under the constitution of the State as a matter of law to cast his vote in the election of Senator, and was permitted in one branch of the legislature to cast that vote, that the Senate of the United States was precluded from inquiring whether he had a constitutional right to vote. I have never heard that doctrine in the Senate. It goes away beyond anything that the Senate has ever said or that any of its committees have ever declared, unless it be in the Turpie case, to which I shall refer.

It can not be in the nature of things, Mr. President, that the Senate may not inquire whether persons casting votes in the election of a Senator in a legislature had the constitutional right to cast those votes, when that question has not been positively determined and adjudicated by either branch of the legislature. That is what we are asked to do here.

The case all turns upon the question whether William T. Watson, governor of the State of Delaware, could, under the constitution of the State of Delaware, cast a vote when the election for United States Senator was taking place. It has never been decided by the senate of Delaware, nor by a joint meeting of the members of the two houses of the State of Delaware, that he could; and yet Senators on the other side say the Senate of the United States can not inquire into it; and if the vote changes the result, that we have got to submit to it. The doctrine never has been pushed to that extreme before, Mr. President. I think it has been pushed very far—very much further than I assent to.

I could safely leave this case, and I can leave it, and do leave it, so far as its merits are concerned, upon the right of the Senate to determine whether under the constitution of the State the vote of Mr. Watson was a legal vote, when neither branch of the legislature nor the joint meeting of the members of the legislature had decided otherwise. It is not necessary to say that we are not concluded by questions of fact or mixed questions of fact and law. Manifestly this Senate has power enough to determine this question for itself when it has not been definitely settled and determined by the legislature, or either house of the legislature; and that disposes of this case.

But, while I am upon it, I want to ask, before I leave this Senate, an opportunity to enter my protest against the doctrine that there is any limitation whatever upon the right and power of the Senate to determine the election of its own members, or persons claiming to be its members. The Constitution of the United States gives the Senate that power. In what I now have to say, I speak for myself; I do not know whether or not what I say represents the views of any other member of the Senate.

Section 5 of Article I of the Constitution of the United States provides that—

> Each House shall be the judge of the elections, returns, and qualifications of its own members.

Is there any limitation upon that power in the Constitution? We are to judge of the elections of our own members; and yet Senators say if a legislature in either house has determined that a man who, under the constitution of the State, had no right to vote, may vote, that we are bound by it, that we can not inquire, no matter how plain the proposition may be, no matter whether the action of the house has been ignorantly taken, or willfully taken, or taken for the purpose of defeating or producing an election, it is the act of the legislature, or one house of the legislature, recognizing the right of a man to vote, and, therefore, we must accept the man who comes to us elected by that vote or fail to seat the man who comes to us defeated by that vote. In other words, it is a proposition that though the vote was illegal, we are so limited in the exercise of our power to judge of the elections of our members that we are bound to accept an illegality, because, forsooth, that illegality has passed without contradiction, or has been accepted by one branch of the legislature of the State.

Is there a limitation upon the power of this Senate to determine the elections of its own members? Where is it to be found? Not in the Constitution of the United States, even by implication; yet we are gravely told that because a State constitution allows either branch of the legislature of that State to be the judge of the qualifications of its own members, we can not be the judge of the elections of our own members, so as to inquire whether the votes cast for them were under the constitution and laws of that State legal or illegal.

Mr. MITCHELL of Oregon. I should like to state in this connection that so far as I am concerned, I agree that the Senator from Connecticut is entirely right in his construction of that clause of the Constitution. There certainly is no limitation or qualification in connection with it. The grant is broad, absolute, unconditional. The limitation, however, that has been placed upon it is simply one which has grown up in practice in the Senate; that is all.

Mr. PLATT. Not all under the Turpie case.

Mr. MITCHELL of Oregon. Not all under the Turpie case, but in other cases the practice has been different. I believe it is pernicious; I believe it is erroneous; but as one member of the Senate and as one member of the Committee on Privileges and Elections I have been disposed to follow it.

Mr. PLATT. Mr. President, what I am claiming now does not affect this case. I state it because there is an opportunity, and I think an occasion, for stating it. To go on. What is an election? We are the judges of the elections of our own members. What is necessary to constitute an election? To constitute an election it must be found: First, that the claimant received upon the deciding vote a majority of the persons present and entitled to vote. That is positive. Second—and this is negative—that the result was not changed or affected by the presence and voting of persons not entitled to vote by bribery, violence, or the prevention of voting by persons who were entitled to vote. That constitutes an election. There can be no election unless a person has received a majority of the votes of the persons present upon the deciding vote and entitled to vote. There can be no election if a person was present upon the deciding vote who was not entitled to vote and was suffered to vote, and his vote changed the result.

Mr. MITCHELL of Oregon. Or if his vote has been purchased.

Mr. PLATT. And the rule is just. There is no distinction to be made in a case where a person was present voting who had no right to vote, and the case of bribery and corruption, or of intimidation or violence to prevent a person from voting who was entitled to vote.

Mr. HILL. Will the Senator from Connecticut allow me a moment?

Mr. PLATT. Yes; I will.

Mr. HILL. I want to see if I can comprehend the argument of the Senator. In a State legislature, where there is one contested seat, the question arises whether a member of the legislature is elected or not. The constitution of the State gives the legislature the power to determine that question. The legislature proceeds and determines that question. It turns out one member of the

legislature and admits another, and upon that question hangs the point as to whether a United States Senator was elected or not. Does the Senator mean to say that under the Constitution of the United States this Senate can review that question thus properly determined by the State legislature? Does the Senator go to that extent? There is no question of legality about it. It is a question of evidence. It is a question of evidence submitted to that legislature and determined by that legislature and which the legislature had the power to determine. Does the Senator say that we can review that question and overrule it? It is to that extent, involving the question of the determination of evidence, not a question of law. I want to see to what extent the Senator goes, so that we can understand his argument.

Mr. PLATT. I hold that there is no limitation whatever on the power of the United States to determine whether any and every vote cast for a Senator or against him was a legal vote under the laws and constitution of the State where the election took place. That is as far as I need to go.

Mr. HILL. How would the Senator answer the proposition that I made?

Mr. PLATT. I do not believe, if the Senator desires a categorical answer, that there is any limitation whatever on the power of the Senate in determining the question of the election of its members. As a question of power and right I hold that there is no limitation whatever; but I freely admit that it is a power which should be exercised with caution and discretion and not arbitrarily, and that upon disputed questions of fact arising in the question of the election of members of a legislature or in the conduct of a legislature in seating or unseating a man, showing a fair question of doubt, it would be impolitic and unwise on the part of the Senate to exercise the power which the Constitution commits to it.

Mr. HILL. And would the Senator go to the still further extent of determining the question as to the legality of the votes given for the member of the legislature originally?

Mr. PUGH. In each precinct.

Mr. HILL. In each precinct?

Mr. PLATT. They do it in the House of Representatives, and by virtue of the same clause in the Constitution.

Mr. HILL. That is a different question. That does not involve this question at all.

Mr. PLATT. That is not an answer, does the Senator say?

Mr. HILL. No. There the people are electors and elect the Representatives; here the legislature elects.

Mr. PLATT. I will come to that argument in a moment. So far as the power is concerned, I say yes; so far as the propriety of it is concerned, I say that the Senate must be governed by the cases which arise.

Mr. HILL. Does not the Senator think that the precedents are all in favor of not exercising that power, if it exists?

Mr. PLATT. There is only one single precedent.

Mr. HILL. Is not that a good one?

Mr. PLATT. No.

Mr. HILL. Does not that commend itself to your judgment?

Mr. PLATT. Not at all; and it will not to the Senator's judgment when I call his attention to that precedent.

Mr. HILL. Do you think it wiser to leave the whole question open and always to be exercised?

Mr. PLATT. I think the most dangerous thing that can be done for the existence of the integrity and purity of this body——

Mr. HILL. I have that confidence in the chairman of the Committee on the Judiciary——

Mr. PLATT. Of the integrity and purity of this body is so to administer the constitutional provisions that we are the judges of our elections so that our hands are bound and that we can not look into anything which a legislature does with reference to the seating or unseating of its members. There can be no doctrine which is more dangerous than that; and the course of legislatures in these last years shows that we must call a halt in the direction which we have been going.

Now, the Senator from New York puts an extreme case where it would appear to be, and I admit would be, impolitic for the Senate of the United States to go into the question. I want to put the other extreme case. Suppose a legislature, being equally divided, or nearly so, one political party having a single majority in a joint meeting, one branch of the legislature, being in position to do it, on the morning of the last day when the members of the legislature must go into joint convention, arbitrarily unseats two of its members and thereby changes the result. They having decided on the right of the parties to vote, am I to be told that under those circumstances, because the legislature is the judge of the qualifications of its own members and has arbitrarily and for the purpose of affecting the result expelled two men, and therefore changed the result of that election, our hands are tied here by the provision in the State constitution? Am I to be told that there is a limitation upon our power, and that we can not investigate it? There is a whole line of occurrences which may take place in a legislature relating to the seating of members, to the admission of members, and the only ground upon which it is safe to stand is that there is no limitation upon our power to determine whether the votes cast in the election of Senators are legal or illegal, but that we should exercise a wise and a prudent discretion as to how far we should go.

Mr. HILL. The State legislature, then, if I may interrupt the Senator, has the unlimited power to determine the question of membership, subject, as far as the election of Senators is concerned, to be overruled by the Senate of the United States. That seems to be where the logic of the argument is.

Mr. PLATT. Why not? For what?

Mr. HILL. Because the State legislature, by virtue of its constitution, is given the sole power to determine the question. That is the reason.

Mr. PLATT. Is no power given to the Senate of the United States?

Mr. HILL. That is one of the rights and powers of the State reserved.

Mr. PLATT. Is no power given to the Senate of the United States by the Constitution of the United States——

Mr. HILL. Yes; to determine——

Mr. PLATT. When a legislature of a State has set up its arbitrary will as to who shall vote for its Senators in its State? Does the Senator go so far as that?

Mr. HILL. The States have that power.

Mr. PLATT. The Turpie case goes as far as that. I admit that case is against me. The Turpie case says, if I understand it, that where it was charged that a person usurped the position of a presiding officer, took away from the man entitled to occupy that position his seat and occupied it as a usurper, and by his vote and action changed the result, although if it were true that if it was done it was a crime the Senate could not inquire into it. I do not believe, Mr. President, that the Senate on reconsideration is going to push the doctrine to that extent. Bribery is a crime. It vitiates an election, or it ought to do so. But suppose the legislature allows the bribed man to vote, knowing of the bribery; or, as the Senator from Wisconsin would say, all the members knowing of the bribery, nobody stands up at the time of the vote to say that the man is bribed, and therefore his vote must be received, and the determination of the legislature as to the qualification and election of its members must determine that question.

Mr. HILL. Will the Senator from Connecticut allow me just one further question?

Mr. PLATT. Certainly.

Mr. HILL. Suppose the whole legislature has elected itself by bribery?

Mr. PLATT. There has never been a claim but that the Senate could investigate the question as to whether there was a legislature or whether there was such fraud as vitiated the entire composition of the legislature. It has never been denied that the Senate could then inquire, though the right of inquiry in such case has been predicated on the power and duty of the Senate to determine whether there was a legislature.

Mr. HILL. Is not that the legislature, the regular legal de facto legislature, for every purpose of enacting laws, for every purpose of electing a United States Senator, and could the laws be attacked or could the title of the Senators elected be attacked?

Mr. PLATT. For the purpose of enacting laws, yes; for the purpose of electing a United States Senator, no.

Mr. HILL. In other words, does the Senator mean to assert the doctrine that if the legislature had been entirely elected by more or less bribery, and the legislature proceeds to enact law, there is any proceeding known to the world by which those laws could be declared illegal and set aside and held for naught?

Mr. PLATT. I hope that I shall have an opportunity during this session in the Alabama case to argue the question which the Senator now presents.

Mr. HILL. I do not understand that it arises in the Alabama case.

Mr. PLATT. In that case it is claimed that the entire legislature was elected by fraud. There is no difference between bribery and fraud in that respect. While I would admit that that legislature was competent to enact laws for the State, I would deny that such a legislature was competent to elect a United States Senator.

Mr. HILL. And those laws would be conclusive upon everybody, would they not?

Mr. PLATT. In the State, undoubtedly.

Mr. HILL. Upon everyone?

Mr. PLATT. In the State, undoubtedly; but this is a question which reaches outside of the State.

Mr. HILL. And those laws would be binding upon the United States, so far as the State has a right to enact legislation?

Mr. PLATT. Mr. President, this doctrine grew up out of the extreme contention of the State-rights men that a State was a sovereign power.

Mr. HILL. I trust the Senator does not wish to have the Senate understand that the honorable and learned chairman of our Judiciary Committee, the Senator from Massachusetts [Mr. HOAR], is rather an extreme State-rights man. That would be certainly news to Massachusetts and news to us.

Mr. PLATT. The Senator scarcely allows me time to finish a sentence. If he has any criticisms to make on the Senator from Massachusetts, the Senator from Massachusetts can answer them.

Mr. HILL. I have no criticism to make.

Mr. PLATT. As I was going on to say, this doctrine grew up out of the idea that the State was sovereign.

Mr. HILL. Is not that so?

Mr. PLATT. No.

Mr. HILL. Is not the State sovereign?

Mr. PLATT. No.

Mr. HILL. Within its sphere?

Mr. PLATT. Yes. But the old idea was that the State was sovereign in all things, and especially in the matter of electing United States Senators. I have stood here upon the floor of the Senate and heard Senators speak of Senators occupying seats here as ambassadors from the States. In this connection I will call attention to the argument of a distinguished son of New York who was a Senator before the present Senator from New York, a name that I think he will recognize as that of one of the ablest lawyers of the State of New York, Silas Wright. When this doctrine was first broached in the Senate of the United States, I think he made the complete argument in answer to it, and the Senate would have done well if it had held to the doctrine which, although he was in the minority in the case of Potter *vs.* Robbins, he laid down so well as the rule which should govern the Senate in relation to the matter of judging of the election of its own members.

Mr. HILL. The Senate decided otherwise, did it not?

Mr. PLATT. Oh, yes. I heard the Senator from Mississippi [Mr. GEORGE] take a quarter of an hour or twenty minutes in commenting upon the great abilities of the men who composed that committee, and he did not omit to speak, though he did not dwell upon it to the same extent, of the great ability of Senator Wright. As often happens in a case, the dissenting opinion in that report, looked at in the light of the lapse of years, is by far the better opinion. The case did not necessarily turn on that question. I do not think the case turned at all on that question. It seems to me to have turned on the question whether an act passed by the legislature of the State of Rhode Island was to prevail against its charter. The claim was set up that the charter of the State was to determine the question, although an act had been passed which extended the period of the time of the session of the legislature. I have no doubt that the question turned upon that feature of the case.

Now I wish to call attention to what Mr. Wright said. I may have to read a little more than I had intended to read. This is from the views of the minority as expressed by Silas Wright, jr.:

The Senate, by the Constitution, is made "the judge of the elections—

Emphasizing the word "elections"—

returns, and qualifications of its own members," and can it, under this power, look into these facts to determine which of the persons claiming the seat as a Senator from Rhode Island is entitled to represent that State in this body?

No question appears to the undersigned to be raised as to the "returns" or "qualifications" of either of the claimants, and he therefore considers that the question of "election" is the only one presented for decision. This question the Senate has the power to determine, because it is made "the judge of the elections" of its own members. The facts in this case show that the legislature of the State of Rhode Island declare, in the solemn form of a law of the State, that Mr. Robbins has not been elected to the Senate; that the proceedings from which his commission proceeded were "null and void, and of no effect," because the body taking them were not authorized to elect a Senator, and that the place was "vacant" at the time when this declaration was made. Still, notwithstanding this solemn declaration by a body conceded to be the legislature of the State, Mr. Robbins produces to the Senate, and there is referred to the committee, a commission in due form, according to the laws and the practice of the government of Rhode Island, to show that Mr. Robbins had been duly elected a Senator to represent that State in the Senate of the United States. Will the Senate look behind this commission to determine whether or not it was properly granted? The undersigned believes that it is not only the right but the duty of the Senate to do so. The commission is only the evidence of the election of a Senator, and if the Senate were to limit its inquiries to the proper form and authentication of the commission it would only make itself the judge of the evidence of an election, not the judge of the election itself. The undersigned supposes that the evidence of an election to an office is, in all cases, prima facie only, and is susceptible of being controverted and contradicted before a tribunal competent to judge of the election—

I want to repeat that sentence—

The undersigned supposes that the evidence of an election to an office is, in all cases, prima facie only, and is susceptible of being controverted and contradicted before a tribunal competent to judge of the election; he therefore supposes that the regularity of the evidence of an election may be one thing and that the election may be a very different thing; and he concludes that, as the senate is constituted not the judge of the evidence of the elections of its members only, but "the judge of the elections" of its members, it may and, in all cases of a contested election where the contest does not arise as to the regularity of the evidence simply, should look behind the evidence and into the election itself, that it may determine what it is constituted the judge to determine, the fact of election, or, in other words, that it may determine whether the prima facie evidence laid before it is the real evidence of facts or is subject to contradiction by the facts.

The terms of the Constitution would seem to confirm this construction of the powers of the Senate. It is "the judge of the elections, returns, and qualifications of its own members." The "returns" must refer to the commissions or other evidences of election of the members of this body as separate from the "elections" or "qualifications," and of the "returns" the Senate is the judge. Again, the "qualifications" must relate to the age, citizenship, residence, and other personal qualifications of the person elected, and of these "qualifications" the Senate is also the judge; and these are matters to be determined separate from the "elections" and "returns." So also the Senate is the judge of the "elections" of its members as separate from the "returns and qualifications." The three enumerations would seem to be separate subjects, upon each of which the Senate is to judge in the performance of its constitutional duty; and as a judgment upon the returns is made a separate matter from a judgment upon the election, the inference would seem to be irresistible that an examination behind the returns was contemplated, that a judgment upon the election, independent of the return, might be formed.

Against this construction of the constitutional powers and duties of the Senate the majority of the committee interpose objections which are of a consequential character mostly, but which will be considered. The committee say—

What? Not that we could not inquire, not that the Senate had no power to inquire, but—

"it would be a dangerous exertion of power to look behind the commission for defects in the component parts of the legislature, or into the peculiar organization of the body for reasons to justify the Senate in declaring its acts absolutely null and void. Such a power, if carried to its legitimate extent, would subject the entire scope of State legislation to be overruled by our decision, and even the right of suffrage of individual members of the legislature whose elections were contested might be set aside. It would also lead to investigation into the motives of members in casting their votes, for the purpose of establishing a charge of bribery or corruption in particular cases."

Mind, the majority of the committee do not deny the power. They say the exercise of it would be dangerous.

Reserving for the present the consideration of the extent to which the consequences of adjudging any act unconstitutional, or illegal, or invalid may be properly used as an argument against such an adjudication, the undersigned respectfully suggests that, in his judgment, the consequences here mentioned do not necessarily follow the decision apprehended. He understands it to be a necessary rule of all legislative bodies empowered to judge of the "elections, returns, and qualifications" of their own members that the person presenting the prima facie evidence of membership is allowed to take his seat, and is fully authorized to act until such prima facie evidence of right is overruled by the judgment of the body; and he never heard it doubted or questioned that the votes of a member so sitting were as valid for all purposes as the votes of a member whose seat was not contested and whose right to a seat was not questioned. Indeed, if it were not so, the admission of a member to a seat in a legislative body until his election, return, and qualifications had been definitely adjudged would be an absurdity. It would be the admission into the body of a voter who might, by the adjudication of the body itself, vitiate its whole proceedings.

So also in the case supposed by the majority of the committee of alleged bribery and corruption. The undersigned has always supposed that a member of a legislative body who should accept a bribe was punishable for the crime, but he has never understood, nor does he now understand, that the vote of the member given under the corrupt influence vitiated the proceeding voted upon or rendered either void or voidable by legal adjudication such proceeding. The member bribed is still constitutionally and legally a member of the body notwithstanding his corruption, and retains all his rights and all his powers as a member until conviction for the crime ousts him from his seat.

* * * * * * * *

Again, the majority of the committee say "such a power does not belong to the Federal Government, and would, if claimed and carried out to its full extent, annihilate all the reserved rights of the States. It is a general principle of national law applicable to all distinct and independent governments, that if there arise any disputes in a State on the fundamental laws and administration, or on the prerogatives of the different powers of which it is composed, it is the business of the State alone to judge and determine them in conformity to its political constitution. No government has a right to intrude into the domestic affairs of another State, and attempt to influence its deliberations, or to control its action.

The paragraph just read is from the majority of the committee. Now, Senator Wright proceeds:

These principles may be perfectly sound when applied to nations wholly disconnected with and independent of each other; but the undersigned respectfully submits that they can not be applicable to governments related to and connected with each other, as are the governments of the States of this Confederacy and the Federal Government, of which the States are component parts.

Senator Wright had not yet come to regard our country as anything more than a confederacy and a Federal Government, and yet he had got far enough to deny the doctrine that because a State undertakes to determine the question as to who shall vote for United States Senator the United States Senate can not look into it.

And especially when the question is the proper representation of the State in that branch of the Federal Legislature where its sovereignty is represented in the particular manner pointed out by the Federal Constitution. Upon such a question that instrument, and not the general principles of international law, must govern the decision. We have already seen that the Constitution makes it the duty of the Senate to judge of the "elections" of its members.

What follows refers to the legality of the legislature.

Mr. MITCHELL of Oregon. It is pretty warm, and I ask whether it will be convenient to the Senator from Connecticut to finish his argument in the morning?

Mr. PLATT. It will be.

Mr. MITCHELL of Oregon. Then I ask that the Du Pont case may be laid aside until to-morrow.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHANNON, Mr. BABCOCK, and Mr. COBB managers at the conference on the part of the House.

The message also announced that the House had agreed to the resolution of the Senate authorizing the Committees on Enrolled Bills of the two Houses to correct an error in the enrolled bill (S. 2488) to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

JOHN BREITLING.

Mr. ALLEN. I ask unanimous consent to call up the bill (S. 2119) for the relief of John Breitling.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to John Breitling, of Nebraska, $738.25 for commissary stores furnished to United States troops.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. I ask unanimous consent that the Senate shall devote thirty minutes to the consideration of pension bills on the Calendar.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire?

Mr. CHANDLER. I do not desire to object, but I wish to have it understood that no other business than pension bills shall be transacted during the remainder of the afternoon.

Mr. PASCO. I have a bill which I desire to call up.

Mr. CHANDLER. Let it come in before the pension bills are considered. Let it be understood that after the pension bills are disposed of no other business is to be transacted.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire [Mr. GALLINGER]? The Chair hears none.

ARREDONDO GRANT, FLORIDA.

Mr. PASCO. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 4255) to provide for settlement of titles and disposition of public lands in the Arredondo grant, in Columbia County, Fla., to report it favorably. It is a matter that relates to our State, and I ask that it may receive immediate consideration.

Mr. GALLINGER. If it does not lead to any debate I have no objection.

Mr. PASCO. I will withdraw it if it leads to debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEFFERSON FUESTON.

Mr. MITCHELL of Oregon. I ask the Senator from New Hampshire [Mr. GALLINGER] to allow me to call up a pension bill, but not in the regular order, as I can not remain. It is only four lines long.

Mr. GALLINGER. All right; I yield for that purpose.

Mr. MITCHELL of Oregon. I ask the Senate to proceed to the consideration of the bill (H. R. 3689) increasing the pension of Jefferson Fueston, of Company M, Tenth Ohio Volunteer Cavalry.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay Jefferson Fueston, late of Company M, Tenth Ohio Volunteer Cavalry, a pension at the rate of $30 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONUMENTS TO GENERALS NASH AND DAVIDSON.

Mr. BUTLER. I ask unanimous consent, with the permission of the chairman of the Committee on Pensions, to call up joint resolution (S. R. 141) to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Gens. Francis Nash and William Davidson, of North Carolina.

Mr. VILAS. Is there not a unanimous-consent agreement that the pension cases shall be taken up in their order?

The VICE-PRESIDENT. That was the agreement of the Senate. The Chair recognized the Senator from North Carolina to make the request.

Mr. BUTLER. I ask permission of the chairman of the Committee on Pensions to have the joint resolution taken up.

Mr. VILAS. Are we executing the unanimous-consent agreement, or what is the arrangement? I understood pension bills were to be considered.

Mr. GALLINGER. I am not quite sure that under the agreement I can yield for other business. I should like very much to accommodate all Senators, I will say.

Mr. BUTLER. This a very short measure. If it leads to any discussion I will withdraw it.

Mr. GALLINGER. If there is no objection I will yield for the consideration of the joint resolution, but after that I shall insist upon the regular order, although several other Senators wish me to yield to them.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to appropriate $5,000 for the erection of a monument in honor of the memory of Brig. Gen. Francis Nash, of North Carolina, and the further sum of $5,000 for the erection of a monument in honor of the memory of Brig. Gen. William Davidson, of North Carolina.

Mr. BUTLER. At the request of a member of his family, I wish to move to amend the name of Brig. Gen. William Davidson by inserting after "William" the name "Lee"; so as to read "Brig. Gen. William Lee Davidson."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. BUTLER, the title was amended so as to read: "A joint resolution to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Gens. Francis Nash and William Lee Davidson, of North Carolina."

SARAH COMLY.

Mr. GALLINGER. I call for the regular order.

The VICE-PRESIDENT. The first pension bill on the Calendar will be proceeded with.

The bill (S. 937) granting a pension to Sarah Comly, widow of Maj. Clifton Comly, was announced as first in order on the Calendar; and the Senate, as in Committee of the Whole, resumed its consideration.

Mr. GALLINGER. The bill has been read at length, and the Senator from Nebraska [Mr. ALLEN] offered an amendment which I trust he will withdraw.

Mr. ALLEN. I think I will withdraw the amendment at this time.

Mr. GALLINGER. Let the committee amendments be stated.

The SECRETARY. The Committee on Pensions reported, in line 7, before the word "dollars," to strike out "fifty" and insert "thirty-five"; and in the same line, after the word "month," to insert "the same to be in lieu of the pension now drawn by her"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Comly, widow of Maj. Clifton Comly, and pay her a pension of $35 per month, the same to be in lieu of the pension now drawn by her.

The VICE-PRESIDENT. The amendments were agreed to when the bill was formerly under consideration.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Sarah E. Comly, widow of Maj. Clifton Comly."

SILAS M. STEVENS.

The bill (S. 2931) granting an increase of pension to Silas M. Stevens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Silas M. Stevens, late of the U. S. S. *Lackawanna*, and to grant him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed

MARGARET A. LUTHY.

The bill (H. R. 4712) granting a pension to Margaret A. Luthy was considered as in Committee of the Whole. It proposes to place on the pension roll at $8 per month the name of Margaret A. Luthy, widow of Franklin Luthy, late of Lieutenant Allen's detachment of recruits, Missouri Mexican Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS HOLADAY.

The bill (H. R. 2326) granting a pension to Thomas Holaday was considered as in Committee of the Whole. It proposes to place on the invalid pension roll the name of Thomas Holaday, late a private in Company C, Kimball's regiment Missouri Volunteer State Militia, at $24 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGIANNA C. HALL.

The bill (H. R. 4182) granting increase of pension to Georgianna C. Hall, dependent mother of Maj. John W. Williams, deceased, late surgeon, United States Army, was considered as in Committee of the Whole. It proposes to increase the pension allowed under the act of January 29, 1887, to Georgianna C. Hall, as the widow of William Hall, of Company B, Third Louisiana Volunteers, in the Mexican war, to $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE A. HOUGH.

The bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough, was considered as in Committee of the Whole. It proposes to place the name of Caroline A. Hough, widow of the late Brig. Gen. John Hough, upon the pension roll, and to grant her a pension of $30 per month in lieu of the pension of $17 per month which she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CULLOM subsequently said: I understand that the rate fixed by House bill 2604 is $30. The rule has been to give widows of generals of General Hough's rank $50. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. CULLOM. I move to amend the bill by striking out "thirty" and inserting "fifty" before the word "dollars," in line 7.

Mr. HAWLEY. The proposition is to make it $50?

Mr. CULLOM. Yes.

Mr. HAWLEY. I should like to know something about that, because we are striving to get what we can for some of these poor people.

Mr. CULLOM. General Hough was a general in the Army, a splendid soldier, and he happened to live in Illinois, and that is the only reason why the rate should not be $50 that I have ever heard of. I want his widow to fare as well as the widows of other men of the same rank and service in the Army.

Mr. HAWLEY. I have no objection.

The PRESIDING OFFICER (Mr. HILL in the chair). The question is on agreeing to the amendment submitted by the Senator from Illinois [Mr. CULLOM].

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

KATE GRANT.

The bill (H. R. 3607) to increase the pension of Kate Grant was considered as in Committee of the Whole. It proposes to increase the pension of Kate Grant, widow of the late Capt. Charles E. Grant, of Company F, Fortieth Regiment New Jersey Infantry Volunteers, to $20 per month, in lieu of the pension now received by her.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTIANA C. QUEEN.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1091) granting a pension to Christiana C. Queen, widow of Walter W. Queen, formerly an admiral in the United States Navy, which had been reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "admiral" and insert "rear-admiral"; and in line 8, before the word "dollars," to strike out "one hundred" and insert "seventy-five"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mrs. Christiana C. Queen, of Washington, D. C., widow of Walter W. Queen, deceased, late rear-admiral, United States Navy, and to pay her a pension at the rate of $75 per month from and after the passage of this act, in lieu of the pension which she now receives.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Christiana C. Queen, widow of Walter W. Queen, rear-admiral, United States Navy."

MARY E. ELY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2133) granting a pension to Mary E. Ely, which had been reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "a brigadier-general of the United States Army" and insert "lieutenant-colonel Eighth Michigan Volunteers"; in line 9, before the word "dollars," to strike out "fifty" and insert "thirty"; and in the same line, after the word "month," to strike out "from and after the passage of this act"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Ely, widow of Ralph Ely, late a lieutenant-colonel Eighth Michigan Volunteers, and pay her a pension at the rate of $30 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET CUSTER CALHOUN.

The bill (S. 2954) to increase the pension of Margaret Custer Calhoun was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Custer Calhoun, widow of Lieut. James Calhoun, late of the Seventh United States Cavalry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY JANE LYNN.

The bill (H. R. 483) for the relief of Mary Jane Lynn, the daughter of John R. Lynn, a Revolutionary soldier, was considered as in Committee of the Whole. It proposes to place upon the pension roll at $12 per month the name of Mary Jane Lynn, the daughter of John R. Lynn, who served as a private soldier from the State of Pennsylvania, under General Wayne, in the war of the Revolution.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIJAH N. PARKHURST.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1946) granting a pension to Elijah N. Parkhurst, which had been reported from the Committee on Pensions with amendments, in line 4, after the word "rate," to strike out "paid for loss of both legs" and insert "of $72 per month"; and in line 7, after the word "Cavalry," to insert "in lieu of the pension he is now receiving"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $72 per month, the name of Elijah N. Parkhurst, late private Company A, Ninth Regiment Indiana Cavalry, in lieu of the pension he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read "A bill granting an increase of pension to Elijah N. Parkhurst."

CARRIE A. MOODY.

The Senate as in Committee of the Whole proceeded to consider the bill (S. 759) granting a pension to Carrie A. Moody, which had been reported from the Committee on Pensions, with an amendment, in line 9, before the word "dollars," to strike out "twenty-five" and insert "twelve"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carrie A. Moody, dependent sister of William H. Moody, late lieutenant-colonel One hundred and thirty-ninth Pennsylvania Volunteers, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEWIS D. BAKER.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2556) granting an increase of pension to Lewis D. Baker, which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis D. Baker, late of Company G, Fourteenth Regiment of New York Volunteer Heavy Artillery, at the rate of $20 a month, in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM GROSE.

The bill (H. R. 515) granting a pension to William Grose was considered as in Committee of the Whole. It proposes to place

on the pension roll the name of William Grose, of Newcastle, Henry County, Ind., late a brigadier-general of the United States Volunteers in the Union Army, at $75 per month, said pension to be in lieu of that which he now receives.

The bill was reported to the Senate without amendment; ordered to a third reading, read the third time, and passed.

JONATHAN SCOTT.

The bill (H. R. 4526) granting a pension to Jonathan Scott was considered as in Committee of the Whole. It proposes to place on the pension roll, at $72 per month, the name of Jonathan Scott, of Oswego, Kans., late of Company M, Sixth Regiment Iowa Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH WATTS KEARNY.

The bill (S. 2357) granting a pension to Elizabeth Watts Kearny, daughter of the late Philip Kearny, major-general, United States Army, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "fifty" and insert "twenty-five"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Elizabeth Watts Kearny, daughter of the late Philip Kearny, major-general, United States Army, and to pay her a pension at the rate of $25 per month during her natural life.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LUCRETIA C. WARING.

The bill (S. 202) to increase the pension of Lucretia C. Waring was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "one hundred" and insert "fifty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the general pension laws, the name of Lucretia C. Waring, widow of the late Lieut. Howard S. Waring, of the United States Navy, and pay her a pension at the rate of $30 a month in lieu of any other pension.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NANCY PIPER.

The bill (S. 2844) granting a pension to Nancy Piper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nancy Piper, widow of Samuel Piper, who was a soldier in Capt. John W. Kendrick's cavalry company, from Troup County, Ga., in the Creek Indian war of 1836, for a period of three months, and who received a land warrant for such services, and to pay her a pension of $8 a month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ELIZABETH RICHARDSON.

The bill (H. R. 3932) granting a pension to Mrs. Elizabeth Richardson was considered as in Committee of the Whole. It proposes to place upon the pension rolls the name of Elizabeth Richardson, mother of Robert F. Richardson, late a private in Company A, in the Eighth Regiment of Missouri State Militia Cavalry, and who was killed during the war, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IDA EMMOTT.

The bill (S. 2983) granting a pension to Ida Emmott, daughter of the late Thomas Emmott, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "daughter," to insert "dependent and invalid"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ida Emmott, dependent and invalid daughter of the late Thomas Emmott, private in the Seventh Battery of Massachusetts Volunteer Light Artillery, at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Ida Emmott, dependent and invalid daughter of the late Thomas Emmott."

WILLIAM T. HILL.

The bill (S. 2312) granting a pension to William T. Hill, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to insert "at the rate of $12 per month"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Hill, late private Company D, Fourteenth United States Infantry, at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HIRAM SANTAS.

The bill (S. 2877) granting a pension to Hiram Santas was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "twenty" and insert "eight"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place the name of Hiram Santas, late a private of Company G, Nineteenth Wisconsin Volunteer Infantry, upon the pension roll at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACKSON LUCUS.

The bill (S. 2439) granting a pension to Jackson Lucus was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "twelve" and insert "eight"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jackson Lucus, late of Company C, Tenth Regiment Indiana Volunteer Infantry, at the rate of $8 per month from the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES E. MANN.

The bill (S. 2880) granting a pension to Charles E. Mann was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twelve"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Mann, late sergeant of Company H, Second Regiment of Massachusetts Volunteers, at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES A. HUTCHINGS.

The bill (S. 2879) granting a pension to Charles A. Hutchings was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "eight"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles A. Hutchings, late private Company H, Third Wisconsin Cavalry Volunteers, at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM F. GOWDY.

The bill (S. 2433) granting a pension to William F. Goudy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "William F.," to strike out "Goudy" and insert "Gowdy"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Gowdy, late captain Company H, Forty-seventh Regiment Illinois Volunteer Infantry, at the rate of $12 per month from the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to William F. Gowdy."

JAMES H. JONES.

The bill (H. R. 4122) granting an increase of pension to James H. Jones was considered as in Committee of the Whole. It proposes to increase to $20 per month the pension of James H. Jones, of Cusseta, Ga., late of the Georgia Volunteers, Indian war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. AMANDA WOODCOCK.

The bill (H. R. 6037) granting a pension to Mrs. Amanda Woodcock was considered as in Committee of the Whole. It proposes to place on the pension roll at $12 per month the name of Amanda Woodcock, of Richmond, Ky., widow of Robert Woodcock, late a private in the Fourth United States Volunteer Infantry, in the Mexican war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL H. J. CROUCH.

The bill (H. R. 5140) for the relief of Michael H. J. Crouch, late of Company M, Sixth Regiment Pennsylvania Cavalry, was considered as in Committee of the Whole. It proposes to place the name of Michael H. J. Crouch, late of Company M, Sixth Regiment Pennsylvania Cavalry, on the pension roll at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CASSIE A. DAVIS.

The bill (H. R. 5814) granting a pension to Cassie A. Davis, widow of James T. Davis and mother of Mary T. Davis, an invalid daughter, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "rate of," to strike out "$30 per month, in addition to the $12 which she is now receiving as a widow; said $30 per month to be in lieu of the $2 per month now paid on account of soldier's helpless daughter, Mary T. Davis, and to be paid so long as said Mary T. Davis remains helpless and is cared for by said Cassie A. Davis," and insert "$24 per month, in lieu of that she is now receiving"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Cassie A. Davis, widow of James P. Davis, late Company E, Third Regiment of Vermont Volunteers, at the rate of $24 per month, in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time, and passed.

HANNAH NEWELL BARRETT.

The bill (S. 1300) for the relief of Hannah Newell Barrett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty" and insert "twelve"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Hannah Newell Barrett, eldest daughter of Noah Harrod, late a soldier in Colonel Shepard's regiment and Captain Webb's company of Massachusetts troops in the war of the Revolution, and pay her a pension at the rate of $12 per month from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time and passed.

The preamble was rejected.

HENRY V. ANDREWS.

The bill (H. R. 2605) granting a pension to Henry V. Andrews, of Fulton County, Ill., a survivor of the Black Hawk war, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry V. Andrews, of Fulton County, Ill., and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN DALTON.

The bill (H. R. 3221) granting a pension to John Dalton was considered as in Committee of the Whole. It proposes to place on the pension rolls the name of John Dalton, of Lamar, Mo., who was employed as a teamster in the Quartermaster-General's Office during the war of the rebellion, and who, while serving as such in the line of his duty, was wounded in the left thigh by a musket ball at and during the battle of Marks Mill, Arkansas, on the 23d day of April, 1864, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAMSON DURLEY.

The bill (H. R. 3234) granting a pension to Williamson Durley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Williamson Durley, of Hennepin, Ill., who was a private in the company of Capt. George B. Willis, Fortieth Regiment, Fourth Brigade, First Division of the Illinois State Militia, and who served as such in the Indian war of 1832, known as the Black Hawk war, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN CASTER.

The bill (H. R. 5854) granting a pension to John Caster was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Caster, late a private in Company A, Thirty-third Missouri Enrolled Militia Cavalry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATHERINE S. M'CARTNEY.

The bill (H. R. 4528) granting a pension to Katherine S. McCartney, widow of William H. McCartney, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Katherine S. McCartney, widow of William H. McCartney, late captain First Massachusetts Artillery, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABEL S. CHASE.

The bill (S. 152) granting a pension to Abel S. Chase was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abel S. Chase, of Logansport, Ind., at $30 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANCES E. WICKWARE.

The bill (H. R. 7983) to pension Frances E. Wickware was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frances E. Wickware, widow of Lieut. Charles Wickware, late of Company I, Sixth Regiment Vermont Volunteer Infantry, at $15 a month and $2 per month for each minor child until they severally arrive at the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPT. JAMES B. LOGAN.

The bill (S. 752) to increase the pension of Capt. James B. Logan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James B. Logan, late captain of Company K, Tenth Regiment of Missouri Infantry, and also a soldier in the Mexican war, and grant him a pension of $20 per month in lieu of $12 per month which was granted him under certificate No. 180959.

The bill was reported to the Senate without amendment; ordered to be engrossed for a third reading, read the third time, and passed.

W. L. FAXON.

The bill (S. 3020) granting a pension to W. L. Faxon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an

amendment, in line 7, before the word "dollars," to strike out "twenty-five" and insert "twelve," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of W. L. Faxon, of Middleboro, Mass., late a surgeon, Thirty-second Regiment Massachusetts Volunteers, and that he receive a pension of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEN. WILLIAM H. MORRIS.

The bill (H. R. 4383) granting a pension to Gen. William H. Morris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Morris, late a brevet major-general of volunteers in the Army of the United States, at $75 per month, in lieu of the pension which he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES P. HURLEY.

The bill (H. R. 3216) granting an increase of pension to James P. Hurley was considered as in Committee of the Whole. It proposes to increase the pension of James P. Hurley, private Company G, Twenty-eighth Regiment Massachusetts Volunteer Infantry, and Company C, Thirteenth Regiment Veteran Reserve Corps, to $30 per month in lieu of that he now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY F. DAVENPORT.

The bill (H. R. 75) granting a pension to Mary F. Davenport was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Mary F. Davenport, widow of Dudley Davenport, late first lieutenant of the steamer *Caleb Cushing*, and to pay her a pension of $25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. KATHERINE GAFFNEY.

The bill (H. R. 4475) granting a pension to Mrs. Katherine Gaffney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Katherine Gaffney, widow of Michael Gaffney, formerly of Company I, Second Kentucky Volunteer Infantry, and to pay her a pension of $12 per month during her life.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIMON D. KOHL.

The bill (S. 2434) granting a pension to Simon D. Kohl was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Simon D. Kohl, late sergeant Company K, Eighth Regiment Iowa Volunteer Cavalry, at the rate of $12 per month from the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AARON B. PAGE.

The bill (S. 1164) granting a pension to Aaron B. Page was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "receive," to strike out "and further, that the Secretary of the Treasury is hereby directed to pay to the said Aaron B. Page back pay from the time of his discharge, at the rate of $30 per month, up to the time this bill shall take effect"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aaron B. Page, late of Company E, Seventy-second Regiment Illinois Volunteers, at the rate of $30 per month, in lieu of the pension now received.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to increase the pension of Aaron B. Page."

MICHAEL CARRON.

The bill (S. 2494) restoring a pension to Michael Carron was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 4, after the word "directed," to strike out "to restore to the pension roll the name of Michael Carron, late a private in Company G, Sixty-first Regiment Ohio Volunteer Infantry, and pay him the pension granted to him by certificate No. 842829 issued under the law of June 27, 1890," and insert "to place upon the pension roll, at the rate of $12 per month, in lieu of the pension he is now receiving, the name of Michael Carron, late a private in Company G, Sixty-first Regiment Ohio Volunteer Infantry"; so as to make the bill read:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, at the rate of $12 per month, in lieu of the pension he is now receiving, the name of Michael Carron, late a private in Company G, Sixty-first Regiment Ohio Volunteer Infantry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to increase the pension of Michael Carron."

JACOB SALADIN.

The bill (S. 3004) granting a pension to Jacob Saladin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Saladin, late of Company E, First Gasconade Missouri Battalion Home Guards, at $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY F. HAWLEY.

The bill (S. 2820) granting a pension to Mary F. Hawley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary F. Hawley, widow of late Capt. John B. Hawley, Company H, Forty-fifth Regiment Illinois Infantry, and to pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELENDER HERRING.

The bill (S. 2535) granting a pension to Elender Herring, of Elsmore, Kans., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elender Herring, mother of the late George W. Herring, who was a private in Company I, Sixty-second Regiment Illinois Infantry Volunteers, and to grant her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CYNTHIA A. LAPHAM.

The bill (H. R. 3001) granting a pension to Cynthia A. Lapham, widow of William B. Lapham, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cynthia A. Lapham, the widow of William B. Lapham, formerly first lieutenant, Twenty-third Maine Volunteer Infantry, first lieutenant Seventh Maine Volunteer Light Battery, and captain and assistant quartermaster, United States Volunteers, at $17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISS JULIETTE BETTS.

The bill (H. R. 4395) for the relief of Miss Juliette Betts was considered as in Committee of the Whole. It proposes to place on the pension roll at $12 per month the name of Juliette Betts, the daughter of Hezekiah Betts, a Revolutionary soldier, she being now 91 years old and dependent.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM H. PALMER.

The bill (S. 2758) granting a pension to Hiram H. Palmer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram H. Palmer, late a private in

Company A, of the Sixth Wisconsin Infantry, and to pay him a pension of $30 per month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA M'NEIL.

The bill (H. R. 2844) granting a pension to Martha McNeil was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha McNeil, widow of John McNeil, late brigadier-general and brevet major-general, United States Volunteers, and to pay her a pension of $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGERET ROWSELL.

The bill (S. 2802) granting a pension to Margeret Rowsell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margeret Rowsell, widow of George Rowsell, late of Company D, Fourth Regiment United States Infantry, at $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JERUSHA HAYWARD BROWN.

The bill (S. 2754) granting a pension to Jerusha Hayward Brown was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 11, before the word "dollars," to strike out "thirty" and insert "twelve"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Jerusha Hayward Brown, destitute daughter of Samuel Hayward, a private under Capt. James Waterbury's battalion, in the year 1781, pensioned June 17, 1833, for service in the Army of the Revolution, died at Stafford, Vt., March 4, 1837, and pay her a pension of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC HARBAUGH.

The bill (S. 2883) granting an increase of pension to Isaac Harbaugh was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Harbaugh, Company A, One hundred and sixty-third Regiment Ohio Volunteers, at the rate of $20 a month in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate adjourn.

Mr. VILAS. I hope the Senator will not ask for an adjournment. There ought to be an executive session this evening.

Mr. GALLINGER. I withdraw the motion.

Mr. VILAS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 53 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 15, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 14, 1896.

PROMOTIONS IN THE ARMY.

Medical Department.

Capt. Samuel Quincy Robinson, assistant surgeon, to be surgeon, with the rank of major, May 2, 1896, vice Caldwell, retired from active service.

To be professor of civil and military engineering.

Capt. Gustav Joseph Fiebeger, Corps of Engineers, United States Army, May 4, 1896, vice Mercur, deceased.

To be post chaplain.

The Rev. Ivory Hovey Bartlett Headley, of Massachusetts, May 8, 1896, vice Kerr, deceased.

CAVALRY ARM.

First Lieut. Daniel Hall Boughton, Third Cavalry, to be captain, April 5, 1896, vice Johnson, Third Cavalry, deceased.

Second Lieut. Andrew Gregg Curtin Quay, Fifth Cavalry, to be first lieutenant, April 5, 1896, vice Boughton, Third Cavalry, promoted.

ASSOCIATE JUSTICE, SUPREME COURT, TERRITORY OF OKLAHOMA.

John C. Tarsney, of Missouri, to be associate justice of the supreme court of the Territory of Oklahoma, vice John H. Burford, whose term expired March 8, 1896.

SECRETARY OF LEGATION, MEXICO.

Robert Ransom, of North Carolina, to be second secretary of the legation of the United States to Mexico, to take effect July 1, 1896.

UNITED STATES CONSUL.

Ernest A. Man, of Florida, to be consul of the United States at Bergen, Norway, vice Frederik G. Gade.

POSTMASTERS.

W. A. Shepard, to be postmaster at Auburn, in the county of Placer and State of California, in the place of Frederick S. Stevens, whose commission will expire May 27, 1896.

Oswald Allen, to be postmaster at Loveland, in the county of Larimer and State of Colorado, in the place of Solomon J. Krouskop, whose commission will expire May 27, 1896.

William Munroe, to be postmaster at Quincy, in the county of Gadsden and State of Florida, in the place of John E. Davidson, whose commission expired May 9, 1896.

W. F. Symons, to be postmaster at Brunswick, in the county of Glynn and State of Georgia, in the place of Franklin McC. Brown, whose commission will expire May 26, 1896.

I. J. Jenkins, to be postmaster at El Paso, in the county of Woodford and State of Illinois, in the place of Louis H. Kerr, deceased.

Moran Scott, to be postmaster at Ardmore, in the Chickasaw Nation, Ind. T., in the place of John S. Hammer, sr., resigned.

James H. O'Toole, to be postmaster at Amesbury, in the county of Essex and State of Massachusetts, in the place of Daniel W. Davis, whose commission will expire May 27, 1896.

W. S. Cornutt, to be postmaster at Culbertson, in the county of Hitchcock and State of Nebraska, in the place of Mrs. Bertha Klevens, removed.

John W. Brown, to be postmaster at Butler, in the county of Butler and State of Pennsylvania, in the place of John T. Kelly, whose commission expires May 20, 1896.

Kate V. Caseber, to be postmaster at Charleroi, in the county of Washington and State of Pennsylvania, in the place of Elmer E. Caseber, deceased.

William H. Smith, to be postmaster at Newport, in the county of Perry and State of Pennsylvania, in the place of William H. Bosserman, whose commission expired March 23, 1896.

Benjamin F. Shaffer, to be postmaster at Canyon City, in the county of Fremont and State of Colorado, in the place of Willard B. Felton, whose commission will expire May 27, 1896.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 14, 1896.

PROMOTIONS IN THE ARMY.

Infantry arm.

Lieut. Col. William John Lyster, Twenty-first Infantry, to be colonel.

Maj. Chambers McKibbin, Twenty-fifth Infantry, to be lieutenant-colonel.

Capt. Mott Hooton, Twenty-second Infantry, to be major.

First Lieut. Frank Beall Jones, Twenty-second Infantry, to be captain.

Second Lieut. Wilson Chase, Twentieth Infantry, to be first lieutenant.

POSTMASTERS.

Mark A. Drane, to be postmaster at Charleston, in the county of Mississippi and State of Missouri.

Walter B. Woodward, to be postmaster at Two Harbors, in the county of Lake and State of Minnesota.

John Laubenthal, to be postmaster at Allegany, in the county of Cattaraugus and State of New York.

Julia H. Bronson, to be postmaster at Clinton, in the county of Oneida and State of New York.

Jacob H. Fank, to be postmaster at Hackensack, in the county of Bergen and State of New Jersey.

Lester B. Colwell, to be postmaster at Friendship, in the county of Allegany and State of New York.

Annie Larrabee, to be postmaster at Oyster Bay, in the county of Queens and State of New York.

Charles E. Rose, to be postmaster at Patchogue, in the county of Suffolk and State of New York.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 14, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

JOURNAL.

The Journal of yesterday's proceedings was read.

The SPEAKER. The question is on approving the Journal.

Mr. PRINCE. Mr. Speaker, I find on page 5207 among other names read by the Clerk as present the name of "Mr. PRINCE." I desire to say to the House that I was not in the building at that time.

The SPEAKER. At what time?

Mr. PRINCE. At the time of the taking of the last vote.

The SPEAKER. The Chair is informed at the Clerk's desk that the gentleman went out after the question was put.

Mr. PRINCE. If the Chair was so informed I desire to say he was misinformed; for this reason, that after the vote was taken on the resolution I supposed that was the end of the matter, and I left; and in company with me was my colleague, Mr. GRAFF. I see we are both recorded as being "present and not voting." I left, believing that was an end of the entire matter. When I saw the RECORD I found that there was a further roll call, upon the amended resolution, at which, neither at the time of putting the question, during the vote, nor at the end of it was I in this building.

The SPEAKER. Without objection, the Journal will be considered as approved. [After a pause.] The Chair hears no objection, and it is so ordered.

ADJUSTMENT OF PENSIONS OF MAIMED UNION SOLDIERS AND SAILORS.

Mr. ANDREWS. Mr. Speaker, I desire to submit a privileged report on the bill (H. R. 8354) to adjust the pensions of maimed Union soldiers and sailors of the late war of the rebellion, and ask that the bill be printed and recommitted to the Committee on Invalid Pensions.

The SPEAKER. The gentleman from Nebraska submits a privileged report on a bill the title of which will be read.

The title was read.

The SPEAKER. The gentleman asks that the bill be printed and be recommitted to the Committee on Invalid Pensions. Without objection, it will be so ordered.

There was no objection.

CONDEMNED CANNON.

Mr. BURTON of Missouri. Mr. Speaker, I desire to ask unanimous consent for the present consideration of a bill which I send to the desk. It will not take two minutes to pass it.

The bill was read, as follows:

A bill (H. R. 7771) authorizing and directing the Secretary of the Navy to donate condemned cannon and condemned cannon balls to certain posts of the Grand Army of the Republic.

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to donate to J. H. Crenshaw Post, Grand Army of the Republic, at Carterville, Mo., 1 condemned cannon and 15 cannon balls, and also to the General Joe Bailey Post, Grand Army of the Republic, at Nevada, Mo., 1 condemned cannon and 15 cannon balls.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended by the committee was read, as follows:

Provided, That in the judgment of the Secretary of the Navy such articles can be spared without detriment to the public interests: *And provided further*, That the United States shall not be subjected to any expense on account of such donation.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BURTON of Missouri, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. PICKLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of bills under the special order.

The SPEAKER. Will the gentleman suspend for a moment until the Chair gets through the necessary business?

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 708) to increase the pension of Albert Ellis;

A bill (H. R. 1185) granting a pension to Rachel Patton;

A bill (H. R. 3189) to increase the pension of John S. Cochenour;

A bill (H. R. 3448) authorizing the county of Navajo, Territory of Arizona, to issue bonds for the construction of a court-house and jail at the county seat thereof;

Joint resolution (H. Res. 180) for the relief of Ex-Naval Cadet Henry T. Baker; and

A bill (H. R. 5105) to abolish days of grace on promissory notes, drafts, etc., in the District of Columbia.

CORRECTION OF ENROLLED BILL.

The SPEAKER laid before the House the following Senate concurrent resolution; which was considered, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Committees on Enrolled Bills of the two Houses be authorized to correct the enrolled bill of the Senate (S. 2488) entitled "An act to amend an act entitled 'An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes,'" by striking out the word "nine," in line 2 of said enrolled bill, and inserting "eight."

Mr. PICKLER. I move that the House resolve itself into Committee of the Whole for the consideration of business under the special order.

CONTESTED ELECTION—CHEATHAM VS. WOODARD.

Mr. PRINCE. Mr. Speaker, I have a privileged report that I would like to make.

The SPEAKER. The Chair begs pardon. The Chair thought the gentleman rose to make a request for unanimous consent.

Mr. PRINCE. It is a report with reference to the contested-election case of Henry P. Cheatham against Frederick A. Woodard. I would like to have the resolutions read to the House, and then I will ask for their adoption.

Mr. PICKLER. A parliamentary inquiry, Mr. Speaker. Under the special order there is nothing to displace this special order except appropriation bills. Is it in order to bring up a contested-election case?

The SPEAKER. The Chair thinks that a privileged matter. The question of the right of a member to his seat has precedence over even a special order of the House. The Chair was not aware that the gentleman from Illinois had a privileged report, but thought he was asking for unanimous consent for the consideration of a bill. The Clerk will report the resolutions.

The Clerk read as follows:

Resolved, That Henry P. Cheatham was not elected a Representative in the Fifty-fourth Congress from the Second Congressional district of North Carolina, and is not entitled to a seat therein.

Resolved, That Frederick A. Woodard was elected a Representative in the Fifty-fourth Congress from the Second Congressional district of North Carolina, and is entitled to retain his seat therein.

The resolutions were agreed to.

Mr. PRINCE. I ask that the report be printed in the RECORD.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

On motion of Mr. PRINCE, a motion to reconsider the vote by which the resolutions were agreed to was laid on the table.

The report of the committee is as follows:

Mr. PRINCE, from the Committee on Elections No. 2, submitted the following report:

The Committee on Elections No. 2, to whom was referred the contested election case of Henry P. Cheatham, contestant, against Frederick A. Woodard, contestee, from the Second Congressional district of North Carolina, respectfully report that, after a careful consideration of the printed evidence and briefs filed in said cause and having heard the oral arguments of counsel for said parties in support of their respective claims, the committee find the following facts, viz: The said district is composed of nine counties, to wit, Bertie, Edgecombe, Greene, Halifax, Lenoir, Northhampton, Warren, Wayne, and Wilson.

Frederick A. Woodard, Democrat, received 14,721 votes, H. P. Cheatham, Republican, received 9,413 votes, and H. F. Freeman, Populist, received 5,214 votes, at the general election held in said district on the 6th day of November, 1894. Contestee received the certificate of election, was sworn in, and is now the sitting member of the House from that district. Contestant, within the time required by law, served upon contestee his notice of contest, alleging various matters as reasons why contestee was not legally elected and claiming that he (contestant) was duly and legally elected.

To this notice contestee served on contestant his answer, specifically denying all of the material allegations in said notice.

From the evidence it appears that contestant and his brother-in-law, George H. White, were rival candidates for the nomination for Congress before the convention of the Republican party, which met in said district in Weldon, on June 27, 1894.

The contest preceding the convention between contestant and George H. White was active, earnest, and bitter. At said nominating convention, owing to contesting delegations, the bitterness between said parties was increased and each insisted that he was the regular nominee of the convention for Congress. Both remained in the field, each declaring himself to be the regular nominee of the party, until September 24, 1894, when the Republican national Congressional committee declared that Mr. Cheatham was the regular nominee of his party in said district. Owing to this unfortunate trouble between contestant and George H. White, as appears from the evidence, a very great many of the colored Republican voters refused to vote for Mr. Cheatham, a few of them even preferred to vote for Mr. Woodard, Democratic candidate, and a great many of them voted for H. F. Freeman, the Populist candidate. Contestant contends that the colored voters are in a

majority in the district and that the colored vote was solid for him. The evidence in the case failed to sustain either of these allegations. It is further alleged by contestant that the election was not conducted fairly and that poll holders were ignorant and corrupt and defrauded him. This allegation is not maintained, except in a few instances, where the poll holders were shown to be ignorant. From the evidence it appears that this is the first contest that has occurred in this district, and it would seem that if the Republican party was united on their candidate the district would be represented in Congress by a Republican. Conceding to contestant the benefit of every reasonable doubt and all legitimate presumptions in the irregularity in the conduct of said election, your committee do not feel warranted upon the facts proved in holding that contestant was elected, because he falls far short of a sufficient number of votes to legally elect him as a Representative in Congress from said district.

The committee therefore recommend the adoption by the House of the following resolutions:

"*Resolved*, That Henry P. Cheatham was not elected a Representative in the Fifty-fourth Congress from the Second Congressional district of North Carolina and is not entitled to a seat therein.

"*Resolved*, That Frederick A. Woodard was elected a Representative in the Fifty-fourth Congress from the Second Congressional district of North Carolina and is entitled to retain his seat therein."

SPECIAL ORDER.

The SPEAKER. The gentleman from South Dakota moves that the House resolve itself into Committee of the Whole for the consideration of bills under the special order.

Mr. PICKLER. Pending that, I yield for a moment to the gentleman from Pennsylvania.

DELEGATE FOR ALASKA.

Mr. SCRANTON. Mr. Speaker, it was the intent to call up to-day the motion to reconsider the motion by which the bill H. R. 3826, the Alaska Delegate bill, was denied a third reading, but I do not desire to interfere with pension matters, and therefore I give notice that I will ask a vote upon the motion to-morrow morning.

The motion to go into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar under the special order, Mr. PAYNE in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of bills under the special order, which the Clerk will report.

The special order was read.

EMILY A. MANN.

The first pension business was the bill (H. R. 3480) for the relief of Emily A. Mann, which the Clerk proceeded to read.

Mr. BISHOP. Mr. Chairman, that is not the first bill in order. There were several bills reported from the Committee on Military Affairs which were passed over the other night and ought to be taken up before this bill is reached.

The CHAIRMAN. The Chair is informed that this bill was pending when the committee rose at the last session for the consideration of pension bills under the special order. The Clerk will complete the reading of the bill.

The Clerk resumed and completed the reading of the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, at the rate of $12 per month, the name of Emily A. Mann, widow of William R. Rogers, late of First Illinois Light Artillery.

Mr. BAKER of New Hampshire. Mr. Chairman, at the close of the session on last Friday evening I had risen to oppose this bill, but gave way for a motion that the committee rise. I do not propose at this time to discuss the bill at any length. I wish merely to state what it is, and then leave it to the members of the Committee of the Whole to decide as they see fit, as they undoubtedly will. This is a case of a soldier's widow who remarried, and is now the widow of a civilian, not of a soldier. This bill proposes to pension her under a name which has not its counterpart upon the rolls of the Army. The soldier served a little less than two months, when he died. His widow was pensioned, but subsequently remarried, and now, after she has voluntarily retired herself from the pension roll, this bill proposes to reinstate her upon that roll. The principal objection to bills of this character lies in the fact, as I have already suggested, that there is no counterpart of service upon which to base the pension. Again, this is the third bill of this kind which has been before this House, and if we pass this bill we shall establish a precedent which will come up here every Friday evening, and probably at every session in the future, to occupy the time of the House and to expend the money of the United States for the benefit of persons who have voluntarily relinquished their claim to pension by their own free act. That is the character and condition of this case, and with these remarks I leave the bill to the judgment of the committee.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with the recommendation that it do pass?

Mr. DINGLEY. Mr. Chairman, after the statement which has just been made that this lady is not the widow of a soldier, as she is described in the bill, I shall move to amend so as to make the bill conform to the fact. It ought to be amended by inserting in line 6, after the word "of," the words "S. K. Mann, and previously widow of." I offer that amendment in order that the fact may appear that this lady was formerly the widow of a soldier. I think we ought not to state in a bill anything that is contrary to the fact.

The Clerk read the amendment, as follows:

After the word "of," in line 6, insert "S. K. Mann, and previously widow of"; so that it will read "widow of S. K. Mann, and previously widow of William R. Rogers."

The amendment was agreed to.

Mr. DINGLEY. This is a bill to pension a remarried widow, and as that is not conformable to the general law, there ought to be some specific reason for making an exception in this particular case, because we have in the country more than 10,000 widows who are exactly in the same position as this one, soldiers' widows who have remarried and who therefore do not come within the general law. I think there ought to be an exceptional reason for passing a bill like this.

Mr. PICKLER. I will yield to my colleague on the committee to reply to the gentleman from Maine.

Mr. KERR. I desire to say, Mr. Chairman, in answer to the suggestion of the gentleman from Maine, that it is rather late to raise the particular question that is now raised by him, inasmuch as it has been the policy of this House to pass every bill recommended by the Committee on Invalid Pensions where the beneficiary was the war widow of a soldier. That I state as the first particular circumstance that ought to recommend this bill to favorable consideration.

Mr. DINGLEY. If that is the policy to be followed, why is it not better for the Committee on Invalid Pensions to report a general bill covering all these cases?

Mr. KERR. I will say to the gentleman from Maine, who knows everything that goes on in this House except the particular thing which he does not appear to know in this instance, that the Committee on Invalid Pensions has recommended the passage of such a bill, and I have had in charge for two or three weeks a bill that does render eligible to pension all widows who were the wives of soldiers for any period during the war.

Mr. DINGLEY. Then the point is this: Would it not be better, if we are to adopt that policy, to take up and pass the general bill rather than to pension a particular widow, unless there are some special or exceptional circumstances?

Mr. KERR. There is no reason why in the case of this poor widow justice should be delayed by waiting for this House to pass a general bill.

Mr. DINGLEY. Is there anything that distinguishes the case of this widow from the case of 10,000 other widows?

Mr. KERR. There is. Although the gentleman is much better able to make an estimate than I am, I will say there are not 10,000 widows or the half of 10,000 widows in a similar situation to this lady. Let me state the particular circumstances; and I do not wish to encroach upon the time of the House by any prolonged discussion of a particular bill.

This widow was remarried in 1865, and thereby forfeited the pension she had been drawing as the widow of William R. Rogers. Rogers died in the service. He was with Grant in front of Donelson and he gave his life for the Union, although he did not die in battle, but from disease contracted in the service. A pension was granted to her. She was a war widow; she was this man's wife long before the war. In 1865, as I have said, she forfeited her pension by remarriage; and, although her second husband died in 1871, she did not for years apply to be reinstated. But in 1887, as the evidence shows, she suffered a fall which injured her spine, and ever since that time she has been confined to her house and for a great part of the time to her bed. She is now entirely penniless. She has no children, and depends upon the charity of friends.

Mr. DINGLEY. I think that the facts the gentleman states are sufficient to justify the passage of this bill; but I want the real reason for granting the pension to appear in the bill. If the gentleman will yield for the purpose, I will move to add as an amendment these words:

This pension being granted, notwithstanding remarriage, for the exceptional reason that said widow is totally disabled and without any means of support.

Mr. KERR. I have no objection to that amendment, except that this bill is now in the exact form of all the bills of this kind coming from the Invalid Pensions Committee.

Mr. DINGLEY. The passage of the bill is entirely proper if that explanation appears.

Mr. KERR. I have no objection to the amendment if——

Mr. DINGLEY. I move to amend in the manner I have indicated.

Mr. PICKLER. We do not want that amendment.

Mr. DINGLEY. I want it to appear distinctly why this widow is picked out from among thousands of others.

Mr. PICKLER. She is a war widow.

Mr. DINGLEY. But it seems to me if we are to pick out one case from among thousands there ought to appear some special reason for it. If this is simply the case of a remarried widow, there are tens of thousands of others in the same situation. But if we state in the bill that this widow is pensioned as being totally disabled and without means of support, that will show the reason why this case has been made an exception.

The CHAIRMAN. The Clerk will read the amendment of the gentleman from Maine.

The Clerk read as follows:

Insert at the end of line 7 the following:

"This pension being granted, notwithstanding remarriage, for the exceptional reason that said widow is totally disabled and without any means of support."

Mr. PICKLER. I think this amendment is wholly unnecessary. The report shows that this is a war widow; that she was the wife of a soldier who contracted at Donelson the disease from which he died. The gentleman from Maine, by his amendment, proposes to get up a new form for our pension bills; he seeks to inject into this bill a new and particular reason for granting the pension.

A MEMBER. An apology.

Mr. PICKLER. Yes; an apology. The amendment proposes to put an argument in the bill; and arguments ought not to be inserted in a bill. The argument of the case is in the report. I know that when the gentleman fully understands the case he will not insist upon the amendment. It is stated in the report that in addition to being a war widow she "is now over 60 years of age, in destitute circumstances, and has no means of support except contributions from friends, and no property."

Mr. DINGLEY. I say that it is proper to pension a remarried widow when those facts appear. But let us not establish a precedent for applications in 10,000 cases where there are not just such circumstances.

Mr. PICKLER. The statement which the gentleman proposes as an amendment ought not to go into the bill.

Mr. DINGLEY. I think it ought. Without some such explanatory statement the bill will be constantly pointed to hereafter as a precedent for pensions in cases not having the same peculiar merit as this.

Mr. BRUMM. I should like to know whether there are any children.

Mr. TALBERT. I hope this amendment will not prevail. I am astonished to see such a discussion as this arise.

The CHAIRMAN. The time allowed for debate on this bill has expired.

Mr. TALBERT. I hope the bill will pass without the amendment. I am astonished at gentlemen raising such a question on a meritorious bill of this kind.

The question being taken on the amendment of Mr. DINGLEY,

The CHAIRMAN. The ayes seem to have it.

Mr. PICKLER. I call for a division.

The question being again taken, there were—ayes 45, noes 74.

Mr. ERDMAN. Mr. Chairman, I demand tellers.

Tellers were not ordered, there being less than one-fifth of the members rising to support the demand.

So the bill was laid aside to be reported to the House with favorable recommendation.

NICHOLAS SWINGLE.

Mr. VAN VOORHIS. Mr. Chairman, at the last Friday night session House bill No. 1175, to remove the charge of desertion from the military record of Nicholas Swingle, was the first bill on the Calendar to be considered——

The CHAIRMAN. The Clerk will report the next bill on the Calendar, which is the bill to which the gentleman refers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Nicholas Swingle, late of Company E, Seventy-eighth Ohio Volunteer Infantry, and that an honorable discharge be issued in lieu thereof, to date September 15, 1864.

Mr. TALBERT. I do not understand, Mr. Chairman, how that bill comes up now.

The CHAIRMAN. The question is, Shall the bill be laid aside with favorable recommendation.

Mr. TALBERT. I would like to have some light on this question. I do not think that this bill ought to be rushed through without discussion like the other was. This bill has no merit whatever, while the other was a meritorious bill. I would like to have the report read or some light thrown upon it some way or other.

Mr. VAN VOORHIS. I ask that the report accompanying the bill be read.

The report (by Mr. BISHOP) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 1175) entitled "A bill to remove the charge of desertion from the military record of Nicholas Swingle," beg leave to submit the following report, and recommend that said bill do pass without amendment:

A similar bill to the one under consideration was introduced in the Fifty-third Congress and favorably reported by your committee, which report your committee hereby affirms and adopts.

The report is as follows:

[House Report No. 1671, Fifty-third Congress, third session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 8017) entitled "A bill to remove the charge of desertion from the military record of Nicholas Swingle," having had the same under consideration, report it back favorably, and recommend its passage.

Nicholas Swingle, private, Company E, Seventy-eighth Ohio Volunteers, was enrolled at Zanesville, Ohio, March 18, 1864, to serve three years. On the muster roll of company for March and April, 1864, his presence or absence is not stated; May and June, 1864, "absent at hospital since June 12, 1864"; July and August, 1864, "absent, sick since June 12." His name is dropped from all subsequent rolls until the muster out of company, dated July 11, 1865, which reports him "deserted from hospital at Big Shanty, Ga., on or about June 15, 1864."

It will be noted that in the above statement of Swingle's military record, furnished by the War Department, it appears that the charge of desertion was not entered against his name until the muster out of his company, July 11, 1865, and then by direction of the chief mustering officer of the Seventeenth Army Corps, and against the judgment of the second lieutenant of his company, who was the acting muster officer of the company.

It appears from affidavits on file in connection with this case that Swingle was wounded in the right knee while on the skirmish line near Big Shanty, Ga., June 11, 1864; was sent to a field hospital, where he remained for some days, and when able to perform duty was discharged and ordered to rejoin his command. Swingle did not reach his company, and from the time of leaving the hospital all trace of him was lost until he appeared at his home in Muskingum County, Ohio, in June, 1865, completely broken in health, unable to speak above a whisper, and so badly shattered mentally as to be unable to give any intelligible account of his wanderings.

The story gathered from him was that after his discharge from the field hospital, and while on his way to his command, he was overtaken by Confederate cavalry, captured, and sent to a military prison, where he was detained until his parole, when he was sent to Annapolis, Md. After remaining there for some time he came home, understanding that the war was over.

It appears that when Swingle entered the service he was a strong, able-bodied man, whose good character and faithfulness as a soldier are testified to by the affidavits of his captain and second lieutenant, both of whom state that, although absent from military control without authority, they did not believe him to be a deserter. In less than a year after his disappearance he returned home shattered in mind and body, and unable to give any consecutive or lucid story that would enable his friends to explain his absence to the authorities.

Under all the circumstances your committee is of the opinion that the relief prayed for in this bill should be granted, and therefore recommend the passage of the bill.

Mr. TALBERT. I just desire to make this statement—I do not wish to detain the committee—but on last Friday evening, when a motion was made to go into Committee of the Whole, on a division it was found that there were but 50 members present. I made the point of no quorum, with the understanding, as stated at the time, that if I could secure unanimous consent that these bills for the removal of charges of desertion and for the correction of military records should be passed over and not brought forward for consideration, but let the committee go on and reach claims upon the Calendar that had some merit in them, I would withdraw the point of order. That agreement was made, and several meritorious bills were passed.

That agreement was made, I thought, in perfect good faith. Certainly it was on my part; and that evening some seven or eight of these desertion bills were passed over and other bills taken up, as I have said, and passed. I believed then that under that agreement these bills would still remain in obscurity, and that we would take up the Calendar to-day, commencing with the meritorious claims, and consider them, or, at least, that we would certainly not go back and take up these bills which were laid aside under that agreement on last Friday night. Now, I hope the House will keep faith with the agreement and not go back.

I make the point that this is not in order, and that the House can not go back and take up these bills out of order in this manner.

The CHAIRMAN. The Chair overrules the point of order.

Mr. ERDMAN. The gentleman from South Carolina has evidently jumped from the frying pan into the fire. On Friday night we could take up and discuss these bills without limit, whereas now we are limited to ten minutes on each bill.

But as to the point of order suggested by the gentleman, if this is the same Committee of the Whole as the committee which acted on these bills on Friday night last—and it seems to have been so determined by the ruling of the Chair on last Friday night—then clearly that faith ought to be kept to which the gentleman refers, and the agreement fixed in the Committee of the Whole ought to be adhered to.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken; and on a division (demanded by Mr. TALBERT) there were—ayes 107, noes 3.

So the bill was laid aside with a favorable recommendation.

WILLIAM F. SONGER.

The next business on the Private Calendar was the bill (H. R. 4193) to correct the military record of William F. Songer.

The CHAIRMAN. The Chair will state that this bill is now brought forward because it was passed over by a mistake.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against William F. Songer, late a private of Company B, Forty-second Regiment of Indiana Volunteers, on the records of the War Department, and to issue to said Songer a certificate of honorable discharge.

Mr. HARDY. I want to offer an amendment to this bill. The name in the bill is wrong. The name is printed "Souger." I move to strike out the letter "u" where it occurs in the bill and insert the letter "n"; so as to read "Songer."

The amendment was agreed to.

Mr. SPALDING. I would like to have the report read which accompanies this bill.

The report (by Mr. WOOMER) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 4193) entitled "A bill to correct the military record of William F. Songer," beg leave to submit the following report, and recommend that said bill do pass:

This is a bill enacting that William F. Songer, private Company B, Forty-second Regiment Indiana Volunteers, be relieved of the charge of desertion.

The evidence shows that he served faithfully during his first enlistment; that in October, 1864, nine months after his second enlistment, he deserted, returning to his home to visit his wife, who was sick, and she remained sick a long time thereafter.

In consideration of his faithful service for three years, the committee are of opinion that this bill should pass.

The question being taken on laying aside the bill, the committee divided, on demand of Mr. TALBERT; and there were—ayes 94, noes 5.

So the bill was laid aside to be reported favorably.

HOMER C. M'CUSKEY.

The next business on the Private Calendar was the bill (H. R. 4872) to correct the military record of Homer C. McCuskey.

The bill was read, as follows:

Be it enacted, etc., That the charge of desertion now standing against Homer C. McCuskey, second lieutenant of the Seventh Regiment of United States Colored Troops, on the records of the War Department, be, and the same is, removed, and the Secretary of War is hereby directed to issue to said Homer C. McCuskey an honorable discharge, the same to date from the muster out of said Seventh Regiment of United States Colored Troops.

Mr. HAGER. I ask for the reading of the report.

The report (by Mr. GRIFFIN) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R 4872) to correct the military record of Homer C. McCuskey, having had the same under consideration, would report thereon as follows:

The object of the bill is to remove the charge of desertion now standing against Homer C. McCuskey, second lieutenant of the Seventh Regiment, United States Colored Troops, and that the Secretary of War be directed to issue to him an honorable discharge, to date from the muster out of such regiment. The records of the War Department show the service of the soldier to be as follows:

That Homer C. McCuskey was enrolled as a private in Company G, Thirty-first Ohio Infantry, to serve three years, and that he was discharged October 29, 1861, because of "chronic enlargement of the liver."

As Homer C. McCuskey he again enlisted as a private in Company D, Sixty-second Ohio Infantry, February 18, 1864, and was discharged by reason of promotion to second lieutenant, Seventh Regiment United States Colored Troops, November 28, 1864.

It is also shown by the records that Homer C. McCuskey, aged 21 years, was enrolled November 30, 1864, and was mustered into service as second lieutenant Company B, Seventh United States Colored Infantry, December 19, 1864, to date November 30, 1864, to serve three years.

He was transferred to Company K, same regiment, December 31, 1865. The muster rolls report him as follows: From enrollment to June 30, 1865, "present"; August 31 and to December 31, 1865, "absent sick in hospital"; February 28 and to June 30, 1866, "absent without authority."

On March 24, 1866, Lieut. Col. O. E. Pratt, commanding the regiment, reported that Mr. McCuskey had been sent to hospital at New Orleans by the surgeon in charge of the post hospital at Indianola, Tex., in September, 1865; that he (Colonel Pratt) had since ascertained from a reliable source that Mr. McCuskey had not entered hospital at New Orleans, but had proceeded to his home in Ohio and thence to Minnesota, where he was engaged in farming; and that he had been reported absent without leave since February 20, 1866. That report having been duly forwarded to the War Department, and Mr. McCuskey's address not being known, he was notified by newspaper publication to make defense to the charge of desertion within thirty days or be subject to recommendation for dismissal. No response or defense having been received, Mr. McCuskey was "dropped from the rolls of the Army for desertion," he "having absented himself from his command since September 1, 1865, without authority," by order of the Secretary of War, in paragraph 1, Special Orders No. 320, War Department, Adjutant-General's Office, August 9, 1866. No medical record of him has been found.

The affidavit of the beneficiary, made on the 4th day of January, 1896, shows that he remained at the hospital at Indianola until September, 1865; that his health continuously grew worse, and that he was informed by the post surgeon that if he recovered he would have to go North, and that such surgeon gave him written permission to go for his health, which written permit both McCuskey and his wife, Emily J. McCuskey, in their affidavits, stated was lost with other of McCuskey's army papers about the time they moved to Iowa; that he went to his home at Somerset, Ohio, and that at the time of leaving the hospital he was unable to get to the boat alone and was assisted thereto; that he continued sick and unable for active duty after his return home, and that he sent in his resignation on account of sickness, and, on the assurance that it would be accepted, supposed it had been until long thereafter; that being in poor health and only a boy in years and experience, he did not give the matter the concern that he should have done or find out just what action was taken as to his resignation or whether it was received.

Accompanying the papers is an affidavit made by John L. Sheridan on the 9th day of October, 1890, stating that he was well acquainted with McCuskey, late a lieutenant in the Seventh United States Colored Infantry, and that McCuskey applied to him in the autumn of 1865 for information as to the method to be pursued to resign from the service of the United States; that, at said McCuskey's suggestion, the said John L. Sheridan wrote to the late General Sheridan, then commanding Department of the Gulf, and was by him informed that the resignation would be accepted for cause, provided such resignation was forwarded through regular channels; that said McCuskey in his affidavit states that said John L. Sheridan was a brother of Gen. P. H. Sheridan, commanding the department in which McCuskey's regiment was then serving, and that said McCuskey, upon forwarding his resignation, relied upon the assurance that it would be accepted. He further states in his affidavit that he did not learn that his resignation had not been accepted or that he was borne on the records of the Army as a deserter until long after his regiment had been mustered out. The affidavit of Mrs. McCuskey, made on the 13th day of August, 1891, corroborates her husband's statement as to his reaching home sick, and also as to seeing the written permission given by the surgeon for him to go to his home.

Your committee, from an examination of the records and papers in the case, are therefore of the opinion that the soldier in this case never intended to desert or believed that he had deserted, but that his absence from his command at the time it was mustered out was due to his ill condition of health, the admonition of the surgeon that if he expected to recover he must go North, the written permission of the surgeon so to do, the subsequent tender of his resignation upon arrival at home after he discovered that he was not recovering his health, and the assurance received by him that such resignation would be accepted for cause such as prompted him to tender the same, which was his illness, and therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with favorable recommendation.

JOHN J. JOHNSON.

The next business on the Private Calendar was the bill (H. R. 3514) granting an honorable discharge to John J. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to grant an honorable discharge to John J. Johnson, late a private in Company D in the Second Regiment of Arkansas Cavalry Volunteers, as of date June 14, 1864.

The CHAIRMAN. The question is upon laying aside the bill with a favorable recommendation.

Mr. DINGLEY. Let us have the report read.

The report (by Mr. TRACEY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3514) to remove the charge of desertion from the military record of John J. Johnson, late a private in Company D of the Second Regiment of Arkansas Cavalry, and grant him an honorable discharge, beg leave to report:

John J. Johnson enlisted as a private in Company D of the Second Regiment of Arkansas Cavalry on the 10th day of February, 1864. Lemuel R. Jones, who was second lieutenant of the same company, testifies to the good character and faithful service as a soldier of Johnson until reports came to the company, in April, then serving at Springfield, Mo., and in the country surrounding Springfield, that the guerrillas were raiding the Union families in Newton County, Ark., where the family of Johnson and of most of his comrades in the company lived. These reports so worked upon the members of the company that they asked permission of the colonel of the regiment to go to the assistance of their families. Permission was refused by the colonel on the ground of the extreme danger of a small party going to such a distance from the command.

During the summer and fall of 1864 about 60 men of said company left the command and went to Newton County to defend and care for their families, and Johnson was among them, and was at the time a sergeant in the company. At the time of leaving he wrote a letter to the colonel of the regiment stating that himself and the men had no intention of deserting, but were going to the assistance of their imperiled families. This letter was given to the colonel with the morning report and the colonel stated that he had promised the men furloughs, but the great danger from the enemy had deterred him from granting them.

In December, 1864, Lieutenant Jones resigned to return home to Newton County, Ark., and was told by the colonel to inform the men that if they would return to the command they should not be molested or punished. When Jones returned to Newton County he found his men scouting the country and doing thoroughly what they had gone home to do. In May, 1865, Lieutenant Jones returned to Springfield and reported to Gen. J. B. Sanborn, commanding the Southwest Military District, and requested that the members of his company then in Newton County should be placed on detached service and allowed to remain there to protect the Union families of the county. The request of Lieutenant Jones was granted, and a general order issued placing said soldiers on detached service and ordering them to remain in Newton County until further orders.

Sergeant Dickey was ordered to take command of the men, which he did, and they performed effective and faithful service. In August, 1865, Sergeant Dickey was ordered to return to his command, which was then at Memphis, Tenn. He did so return with most of the men, but Johnson and some others failed to get the notice of the order, and did not report in consequence, and was not mustered out as were his comrades who received notice of the order to return to the command.

In view of all these facts your committee are of opinion that Johnson did not intend to desert, and did not desert his command, and was only prevented from being mustered out with his command by a failure to receive notice of the order to report at Memphis.

The bill is therefore reported favorably, with a recommendation that it do pass.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

EZRA ABBOTT.

The next business on the Private Calendar was the bill (H. R. 3565) to grant an honorable discharge to Ezra Abbott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to grant an honorable discharge to Ezra Abbott, late of Company I of the Twenty-first Michigan Volunteer Infantry, to date from the 10th day of September, 1863.

Mr. MILNES. Let us have the report read.

The Clerk proceeded to read the report (by Mr. BISHOP), as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3565) to grant an honorable discharge to Ezra Abbott, having considered the same, would respectfully report the same back to the House and recommend that the bill do pass.

The facts relied upon for such recommendation are fully set forth in a report of your committee made in the Fifty-first Congress, hereto attached and adopted as a part of this report. A bill for the relief of such soldiers passed both Houses of the Fifty-first Congress, but because of an error in such bill the act was inoperative for the relief intended. The report of the Adjutant-General on such bill is also hereto attached.

[House Report No. 266, Fifty-first Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 10326) to remove the charge of desertion from the record of Ezra Abbott, late of Company I, Twenty-first Michigan Volunteer Infantry, having considered the same, respectfully report:

That Ezra Abbott, the claimant, enlisted in August, 1862, and served faithfully to July 25, 1863, excepting for a period of four months and eight days, during which time he was in desertion. Had he returned to the service eight days sooner he could have been relieved under the general law.

The report of the Secretary of War, herewith submitted, shows that the claimant deserted from the hospital, where he had been confined for quite a long period with chronic diarrhea. He went home just long enough to recover his health sufficiently to pass medical examination, when he reenlisted in another organization than the one in which he had first served, but without bounty.

Your committee believe the relief asked for should be granted, and recommend the passage of the bill.

Mr. MILNES. Mr. Chairman, I am satisfied with that report.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

PATRICK RAINEY.

The next business on the Private Calendar was the bill (H. R. 2328) for the relief of Patrick Rainey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to remove the charge of desertion from the military record of Patrick Rainey, late of Company K, Fifty-second Regiment Ohio Volunteer Infantry, and issue to said Rainey an honorable discharge.

The CHAIRMAN. The question is upon laying aside the bill with a favorable recommendation.

Mr. TALBERT. Let us have the report read.

The CHAIRMAN. The report will be read in the time of the gentleman from South Carolina.

The report (by Mr. TRACEY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2328) to remove the charge of desertion from the military record of Patrick Rainey, late of Company K, Fifty-second Regiment Ohio Volunteer Infantry, have carefully considered the same and beg leave to report:

Patrick Rainey enlisted in the Fifty-second Ohio Infantry as a private on the 12th day of August, 1862, to serve three years. He was born in Ireland in the year 1848, and hence was but 14 years old at the time of his enlistment. Like many other boys, he ran away from home to enlist. His mother, his father being dead, went with one John Cunningham to Camp Dennison to bring him home. All their arguments failed and the lad remained. Subsequently his older brother, James Rainey, went to Nashville, Tenn., and partly by persuasion, partly by coercion, succeeded in getting Patrick to leave the regiment and go with him to town, where he bought him a suit of citizen's clothes and refused to allow him to return to the regiment.

After getting him back home with difficulty a close guard was kept over him to prevent his return to the regiment until after it was mustered out.

Your committee believe, in view of the facts and the almost extreme youth of the boy, that there is nothing in his conduct to warrant the charge of desertion, and the bill is therefore reported favorably with the recommendation that it do pass.

The question was taken on laying aside the bill to be reported to the House with a favorable recommendation; and the Chairman announced that the ayes seemed to have it.

Mr. STEELE. That man is admittedly a deserter. Let us have a division.

The committee divided; and there were—ayes 68, noes 5.

Accordingly the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

THOMAS S. DAUGHERTY.

The next business on the Private Calendar was the bill (H. R. 3333) granting a pension to Thomas S. Daugherty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to cause to be placed upon the pension roll of the United States the name of Thomas S. Daugherty, late a private in Company A, in the First Regiment of Kentucky Cavalry, and to pay him a pension at the rate of $30 per month.

Mr. MILNES. Let us have the report.

The CHAIRMAN. The report will be read.

Mr. PICKLER. Who wants the report read, Mr. Chairman?

The CHAIRMAN. The gentleman from Michigan.

Mr. MILNES. I should like to hear the report.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3333) granting a pension to Thomas S. Daugherty, submit the following report:

Your committee find that Thomas S. Daugherty enlisted as a private in Company A, First Regiment of Kentucky Cavalry, in the fall of 1864, and was discharged from the service on the 9th day of August, 1865, having been enlisted to serve one year or during the war. In June, 1865, the telegraph wires being down, he was sent with a special message to be delivered to the commanding officer at Midway, Ky., his command being at the time stationed at Bardstown. Upon arriving at Midway the conductor of the train, upon which Daugherty was in the discharge of the duty upon which he had been sent, refused to check the speed of the train to allow him to get off with the message, and, determined to perform the duty upon which he had been sent at all hazards, he jumped off of the train, and in doing so his left foot slipped under a cross-tie, throwing him backward, dislocating his left ankle and knee, striking the extreme lower part of his spinal column, also the back of his head, rupturing the drum membrane of the right ear.

From these injuries he never recovered. His knee was set, but his ankle was not, and a running sore resulted that has never healed. His right ear is totally deaf, and he has suffered much from the shock to his spine. His disabilities have increased with advancing years, and the only reason given by the Pension Bureau for the rejection of his claim for pension is that the First Regiment of Kentucky Cavalry, to which he belonged, was a State organization. There is no dispute as to the facts nor as to the additional fact that he is now totally disabled from the performance of manual labor of any kind. He is an educated physician, but for some years has been wholly unable to practice his profession.

In view of the fact that the injuries from which the claimant suffers were incurred in the service, and in the discharge of an important duty devolved upon him, your committee believe he is entitled to a pension, notwithstanding he belonged to a State military organization, and the bill is therefore reported favorably, with a recommendation that it do pass.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MINNIE PARKER.

The next business on the Private Calendar was the bill (H. R. 6113) granting a pension to Minnie Parker, widow of Bvt. Brig. Gen. Ely S. Parker, late of the United States Army.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Minnie Parker, widow of Bvt. Brig. Gen. Ely S. Parker, late of the United States Army, and to pay her a pension of $50 per month.

The Committee on Invalid Pensions recommended the following amendments:

In line 6, between the words "of" and "Brevet," insert the words "Colonel and."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JERUSHA H. BROWN.

The next business on the Private Calendar was the bill (H. R. 5279) granting a pension to Jerusha H. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, at the rate of $12 per month, Jerusha H. Brown, of St. Paul, Minn., daughter of Samuel Hayward, a soldier in the American Revolution.

Mr. MILNES. Let us have the report.

The report (by Mr. HARDY) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5279) granting a pension to Jerusha H. Brown, have considered the same and respectfully report as follows:

A similar bill was before your committee at the second session of the Fifty-third Congress and was reported favorably. The report of the committee (House Report No. 1458, Fifty-third Congress), fully setting forth the facts, is adopted by your committee as their report, and the bill is returned with a favorable recommendation.

[House Report No. 1458, Fifty-third Congress, second session.]

The Committee on Pensions, to whom was referred the bill (H. R. 7267) granting a pension to Jerusha H. Brown, have considered the same and report as follows:

The claimant is the daughter of Samuel Hayward, who served for a year and four months in Captains Bliss and Dana's companies in the Connecticut Line, war of the Revolution. The service is a matter of record, and the soldier and his widow, Sarah Hayward, were pensioners during their lifetime.

The testimony of Samuel Pennock, Mary J. Patterson, Nathan S. Young, and F. L. Young establishes the identity of the claimant as the only surviving child of the soldier. These witnesses knew Samuel Hayward in his lifetime and were acquainted with the members of his family. Jerusha H. Brown, the beneficiary, is a member of the "Society of the Daughters of the American Revolution," and a copy of a certificate of her membership in that organization is on file with the papers.

The testimony further shows that the claimant is 71 years old, without property or income, and a sufferer from rheumatism to such an extent that she can do no manual labor, and that she is dependent on others for a livelihood.

There are several precedents for the allowance of pensions to the aged and dependent daughters of Revolutionary soldiers—one of them (the case of Hannah Lyons) having become a law at this session of Congress—and in the light of the facts set forth above your committee return the bill with the recommendation that it do pass.

Mr. MILNES. Mr. Chairman, it appears from the reading of this report that this is the daughter of a Revolutionary soldier; that the father and mother of this claimant were borne upon the pension rolls for something like seventy years. Now, I should like to know what is going to be the policy and how long we are

to continue pensions. Is there to be no end to them? It seems to me that we ought not to adopt this policy of pensioning daughters of soldiers who fought in a war more than one hundred years ago. It seems to me like a very bad policy. I am certainly opposed to it.

Mr. LOUDENSLAGER. Mr. Chairman, I will say in reply to the gentleman from Michigan that this is in the line of precedents established not only by this Congress but by former Congresses. In fact, no bill of this kind has been presented to either the Fifty-third or Fifty-fourth Congresses and been defeated. They have all been acted upon favorably. So that this is not the first precedent established in this line. It is only one of a series.

Mr. MILNES. It is a bad precedent.

Mr. LOUDENSLAGER. The evidence is clear as to the relationship of this claimant to the Revolutionary soldier and as to her entire dependence.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELEANOR CARROLL POE.

The next business on the Private Calendar was the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $100 per month, the name of Eleanor Carroll Poe, widow of the late Col. Orlando M. Poe, of the United States Army.

The Committee on Invalid Pensions recommended an amendment, striking out the words "one hundred," in line 5, and inserting in lieu thereof the word "fifty."

The amendment recommended by the committee was agreed to.

Mr. DINGLEY. Let the report be read.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe, having considered the matters in evidence, adopt as their own Senate Report No. 136, and recommend the passage of the bill with an amendment, striking out, in line 5, the words "one hundred" and inserting in lieu thereof the word "fifty."

The Senate report is as follows:

[Senate Report No. 136, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe, after full consideration, make a favorable report thereon.

The bill proposes to pension, at the rate of $100 a month, the widow of an officer who rendered distinguished service both in war and in peace.

For twenty years General Poe was a member of General Sherman's staff. The relations that these two men sustained to each other are set forth by General Sherman with peculiar directness and with much feeling in the following letter:

"HEADQUARTERS ARMY OF THE UNITED STATES,
"*Washington, D. C., October 30, 1885.*

"MY DEAR FRIEND: By reason of circumstances long since revealed, the little group of officers which has daily gathered at these headquarters will soon give place to others, and we will scatter—you to your post of duty at Detroit and I to my home at St. Louis.

"The relation between a general and his personal staff is too intimate, too sacred, to be treated in General Orders. So, according to a habit long since formed, I will address you thus rather than pay a fulsome compliment for publication.

"I construe your personal and official service near my person to have begun in the spring of 1864 at Nashville, and that it will not cease till February 3, 1884, so that you will have been with me twenty years—and twenty most eventful years. In the beginning we were in the throes of a great civil war, with vast armies in motion needing guidance and maintenance, wherein your well-stored mind and sound judgment aided me more than you ever can know.

"We gradually but surely swept our enemies out of existence, and in 1865 rode into this capital of Washington to celebrate a grand victory, and, what was better, a peace founded on principles of truth as lasting as time.

"Most of our comrades went to their homes, but our work was not yet done. Out of the wrecks of the vast armies had to be created smaller ones adapted to the new condition of facts, and these had to be guided and directed so as to prepare the way for the inevitable result—subduing the Indian and making possible the settlement of the vast region west of the Missouri; to cover and protect the great railways which now connect the Atlantic with the Pacific, and bring those most valuable communities into more intimate relations with the remainder of our country. This, too, has been done in our day, and for your most valuable assistance in this connection I am greatly indebted to you. To deal in more particulars would swell this letter to an uncomfortable length, and I will only add that throughout our relations have been so confident that either could anticipate the action of the other without waiting for the conclusion.

"My career is now at an end, but there is no reason why you should not go on to the highest round of the ladder in our profession. I know your partiality to your own special branch; but you have had experience in all, and as to command men in battle is regarded by the world as the highest branch of the military art I would have you bear that in mind should the occasion arise in your life.

"Wishing you and yours all possible honor and happiness,

"I am, truly and sincerely, your friend,
"W. T. SHERMAN, *General.*

"Col. O. M. POE, A. D. C.,
"*Brevet Brigadier-General, United States Army.*"

Mr. PICKLER (interrupting the reading). Mr. Chairman, I think that is sufficient.

Mr. DINGLEY. Mr. Chairman, I should like to ask the chairman of the Committee on Invalid Pensions whether this rate of $50 per month is not higher than the amount usually given to the widows of officers of this rank?

Mr. PICKLER. Yes; it is higher than is usually given.

Mr. DINGLEY. Is there any exceptional reason for raising the amount in this case? It seems to me there ought to be some uniform rule in reference to these cases.

Mr. PICKLER. The gentleman who reported the bill [Mr. THOMAS] does not seem to be present. I was not in the committee when this bill was agreed to. I have to say, however, Mr. Chairman, that this officer rendered very distinguished services. This letter of General Sherman read by the Clerk shows that. I presume the distinguished services rendered by this officer constitute one reason why the bill was reported at this rate. In the cases of some brevet brigadier-generals who commanded a brigade under extraordinary circumstances pensions have been allowed at $50 a month. I will say that this is above the ordinary amount that the committee recommend for officers of this rank.

Mr. HULICK. What would this lady be entitled to under the law?

Mr. PICKLER. Thirty dollars a month.

Mr. LOUD. She is getting $30 a month now, is she not?

Mr. PICKLER. I do not know as to that.

Mr. CURTIS of New York. General Poe was one of the most distinguished engineer officers of the Western army.

Mr. CORLISS. There is no doubt about that.

Mr. MILNES. But his widow is no more distinguished than the widow of many other officers.

Mr. DINGLEY. I notice that in the case of Bvt. Brig. Gen. Ely S. Parker, which just passed the committee, we allowed $30 per month, and that officer was of the same rank.

Mr. CURTIS of New York. But there was this difference: General Poe commanded troops. He was a staff officer, but he was in command of troops.

Mr. DINGLEY. There ought to be a general rule in respect to these pensions.

Mr. CURTIS of New York. General Parker's widow ought to have had $50 a month instead of $30; and the misfortune attached to that case ought not to be visited on this.

Mr. PICKLER. Vote!

The CHAIRMAN. The committee will rise informally to receive a message from the Senate.

The committee accordingly rose; and Mr. GROUT assumed the chair as Speaker pro tempore.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. COX, its Secretary, announced that the Senate had passed with amendments a bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, asked a conference with the House of Representatives on the bill and amendments, and had appointed Mr. FRYE, Mr. QUAY, and Mr. VEST as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county; asked a conference with the House of Representatives on the bill and amendments, and had appointed Mr. VEST, Mr. ELKINS, and Mr. JONES of Nevada as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, and had further insisted upon its amendments disagreed to by the House, had asked a further conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 710) granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka; asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. SHOUP, and Mr. MITCHELL of Wisconsin as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 4787) to establish the port of Conneaut, in the State of Ohio, as a subport of entry in the district of Cuyahoga, in said State of Ohio;

A bill (H. R. 6172) authorizing the sale of the title of the United States in lot 5, square 1113, in the city of Washington;

A bill (H. R. 6195) amending the statutes relating to the sale of printed copies of patents;

A bill (H. R. 6663) relating to the sale of unclaimed baggage and other property in the District of Columbia;

A bill (H. R. 3596) to remove the charge of desertion from the military record of Michael McKenna;

A bill (H. R. 2451) to correct the records of the War Department in the case of Capt. Henry S. Pratt;

A bill (H. R. 7264) to provide for the drainage of lots in the District of Columbia;

A bill (H. R. 227) requiring bills of sale, conditional sales, mortgages, or deeds of trust of chattels in the District of Columbia to be recorded;

A bill (H. R. 5790) to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington;

A bill (H. R. 8077) granting to Budlong Post, Grand Army of the Republic, Westerly, R. I., two condemned mounted brass cannon;

A bill (H. R. 2740) to carry into effect a finding of the Court of Claims in favor of the estate of George Case, late of Independence County, Ark.;

A bill (H. R. 7100) to donate 8 condemned cannon and 100 cannon shot to the Grand Army of the Republic Cemetery Association of Colorado;

Joint resolution (H. Res. 122) authorizing the Secretary of the Navy to deliver condemned cannon to Chamberlain Post, Grand Army of the Republic, to be posted by the soldiers' monument at St. Johnsbury, Vt.;

A bill (H. R. 7140) granting to A. L. Robeson Post, No. 42, Grand Army of the Republic, of Bridgeton, N. J., 4 condemned cannon and 20 cannon balls;

A bill (H. R. 8013) donating one condemned cannon and cannon balls to Grand Army of the Republic, L. W. Cooper Post, Department of Missouri, No. 81, of Lathrop, Mo.;

A bill (H. R. 7172) donating four condemned cannon and four pyramids of condemned cannon balls to the Soldiers' Monument Association of Allegan, Mich.;

A bill (H. R. 7973) to establish a railroad bridge across the Illinois River near Grafton, Ill.;

A bill (H. R. 8532) to establish certain harbor regulations for the District of Columbia;

A bill (H. R. 7143) granting to the Soldiers and Sailors' Monument Association, of the county of Middlesex, in the State of New Jersey, 4 condemned cannon and 30 cannon balls;

A bill (H. R. 7216) donating one condemned cannon and cannon balls to Grand Army of the Republic post No. 573, of Evans City, Pa.;

A bill (H. R. 8266) donating two condemned cannon to Custer Post, No. 38, Grand Army of the Republic, of Etna, Pa., and two condemned cannon to James G. Clark Post, No. 162, Grand Army of the Republic, of Allegheny, Pa.;

A bill (H. R. 128) for the relief of Henry H. Schrawder;

A bill (H. R. 5388) for the relief of F. Alberts & Co., Muskegon, Mich.; and

A bill (H. R. 6666) granting to Maj. C. A. Angel Post, No. 20, Grand Army of the Republic, of Lambertville, N. J., 4 condemned cannon and 20 cannon balls.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. HERMANN. Mr. Speaker, I ask unanimous consent that the House nonconcur in the Senate amendments to the river and harbor appropriation bill, and that the request of the Senate for a conference be agreed to.

The SPEAKER pro tempore. The gentleman from Oregon asks unanimous consent that the Senate amendments to the river and harbor bill be nonconcurred in by the House, and that the conference asked by the Senate be agreed to. Without objection, it will be so ordered.

There was no objection, and it was so ordered.

The SPEAKER pro tempore. The committee will resume its session.

The committee resumed its session.

MRS. ELEANOR CARROLL POE.

Mr. TALBERT. Mr. Chairman——

The CHAIRMAN. The gentleman from Maine is entitled to the floor.

Mr. TALBERT. I just desire to call the attention of the House to this inconsistency in its proceedings. Just a moment ago we passed a bill granting a pension of $30 a month to the widow of a distinguished officer, Mrs. Parker. Now, you propose to give to the widow of another distinguished officer, Mrs. Poe, the sum of $50 a month, $20 more. I have endeavored in my weak way to try to come to some understanding and some common level in the granting of pensions to widows of distinguished officers. It seems to me now, sir, that you ought either to raise the one to $50 or to reduce the other to $30, or to reduce the one to $40 and raise the other to $40, and establish some precedent which will prevent this everlasting harangue about inconsistencies and discriminations.

Mr. McCLELLAN. The gentleman will remember that Colonel Parker was a lieutenant-colonel and General Poe a brigadier-general.

Mr. TALBERT. He was brevetted; they are all brevetted. Whether they ever served in that capacity under such a title or not we do not know. I submit, sir, that we ought to try to arrive at some common level, so as to stop this continual harangue about discriminations. I only desire to say this much. I do not propose to oppose $50 if you agree upon that; but I submit that you ought to reduce this to $30 or to raise the other to $50, so as not to discriminate.

The CHAIRMAN. Debate on this bill is exhausted.

Mr. PICKLER. Mr. Chairman, I will only state that the Senate passed this bill at $100, and we have cut it in half.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANDREW R. LADD.

The next business on the Private Calendar was the bill (H. R. 6468) to increase the pension of Andrew R. Ladd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension now allowed and paid to Andrew R. Ladd so that he shall be allowed and paid the sum of $16 a month. The said Andrew R. Ladd was a private in Company C, Thirtieth Regiment Wisconsin Volunteer Infantry.

The amendment recommended by the committee was read, as follows:

Strike out all after the word "to," in line 4, and insert the following: "Place on the pension roll the name of Andrew R. Ladd, late a private in Company C, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension of $12 per month, subject to the provisions and limitations of the act of June 27, 1890.

Mr. HENDERSON. I desire to offer an amendment to the committee amendment. I want to say for the information of the committee that the bill and amendment both have the letter of his company wrong. It is in the bill and the amendment "C." It should be "E." The purpose of my amendment is simply to make this correction.

The Clerk read as follows:

Strike out the letter "C," in line 9, and insert in lieu thereof the letter "E."

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Iowa will be agreed to.

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the committee.

Mr. DINGLEY. Let the report be read.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, having carefully considered the evidence relating to the bill (H. R. 6468) to increase the pension of Andrew R. Ladd, report as follows:

This soldier served from September 16, 1863, to September 25, 1865. He filed a claim for pension under the general law January 26, 1889, and was pensioned from that date at $4 per month for malarial poisoning. His claim for additional pension on account of injury of right shoulder was rejected August 30, 1894, on the ground of no record and claimant's alleged inability to show same incurred in line of duty by competent testimony.

Medical examination in 1893 rated him eight-eighteenths for piles, eight-eighteenths for injury of right shoulder and resulting rheumatism, and six-eighteenths for malarial poisoning, for which he is pensioned under the general law.

Your committee are of the opinion that this shows a degree of disability entitling the soldier to the rate of $12 per month under the act of June 27, 1890, and they therefore recommend that the bill be amended by striking out all after the word "to," in line 5, and adding the words "place on the pension roll the name of Andrew R. Ladd, late a private in Company C, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension of $12 per month, subject to the provisions and limitations of the act of June 27, 1890," and that as amended the bill do pass.

The CHAIRMAN. The question is on the amendment proposed by the committee.

Mr. TALBERT. Mr. Chairman, I desire to ask the chairman of the committee a question. I see in the latter part of the report it says "pay him a pension at $12 a month, subject to the provisions and limitations of the act of June 27, 1890." Why should you put that provision in? If he is to be subject to that law, does not the law itself say how much he shall get? I only ask for information.

Mr. PICKLER. He may not have served 90 days. He must show that to come under that law; and that the disease is not the result of his own vicious habits.

Mr. HENDERSON. The report shows that he served over two years.

Mr. TALBERT. It seems to me unnecessary to put in the amount if you make his pension subject to the provisions and limitations of that law.

Mr. HENDERSON. That is the usual form.

Mr. LOUD. Mr. Chairman, I would like to ask the chairman of the Committee on Invalid Pensions if this would not give this soldier $18 a month pension? Would not the effect of this bill be to direct the Commissioner of Pensions or the Secretary of the Interior to place him on the pension rolls at $12 a month. He is now on the pension rolls with some other rating, probably from $4 to $6 a month. Would not this give him a pension in addition to the amount that he now has?

Mr. PICKLER. That is not the intention of the committee. The law provides that a man can not receive more than one pension. If there is any ambiguity about it the gentleman can offer an amendment.

Mr. LOUD. I will offer as an amendment the words "in lieu of the pension that he is now receiving."

Mr. HENDERSON. I will agree to that.

The amendment was read, as follows:

Insert at the end of line 13: "*Provided*, That this shall be in lieu of any pension he is now receiving."

The amendment was adopted.

The amendment recommended by the committee as amended was agreed to.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY C. THOMPSON.

The next business on the Private Calendar was the bill (H. R. 3755) to increase the pension of Mary C. Thompson.

The bill was read, as follows:

Be it enacted, etc., That the pension of Mary C. Thompson, widow of Dr. Fillmore Thompson, deceased, be increased from the sum of $12 per month to $20 per month; and the Secretary of the Interior is hereby authorized and directed to place her on the roll at the increased rate of $20 per month, in lieu of the rate of $12.

Mr. MILNES. Let us have the report read.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3755) granting an increase of pension of $20 per month to Mary C. Thompson, widow of Dr. Fillmore Thompson, having carefully examined and considered all the facts and circumstances, respectfully report:

That at the breaking out of the rebellion Dr. Thompson resided at Hot Springs, in the State of Arkansas, and was a thorough and intense Unionist; that as such he secreted and assisted many persecuted and fleeing Union people, white and black; that owing to his loyalty he was obliged to seek refuge and protection within the Union lines at Little Rock, then occupied by Gen. Fred. Steele; that he was employed by General Steele as chief guide to his expedition to Camden, in the spring of 1864, for the purpose of cooperating with General Banks in his Louisiana campaign, and acted as such until the final return to Little Rock of said army upon its retreat.

The character and services of Dr. Thompson are clearly set forth in the following affidavit of Prof. J. B. Wheeler:

"Prof. J. B. Wheeler, of the United States Military Academy at West Point, N. Y., being duly sworn, deposes that he is a resident of West Point, N. Y., and is at the present time the professor of civil and military engineering in the United States Military Academy at that place.

"That during portions of the years 1863 and 1865 and the whole of the year 1864 he held the rank of captain in the Corps of Engineers in the United States Army, and during that time served as the chief military engineer of the United States troops serving in the State and Department of Arkansas.

"That as the chief engineer officer he accompanied the march of the expedition under Maj. Gen. Fred. Steele, which moved south in March, 1864, to cooperate with, and, if possible, to effect a junction with the United States forces under command of Maj. Gen. N. P. Banks, then moving toward Shreveport, on the Red River, in Louisiana.

"That during this march and the return he was daily thrown in contact with the principal guide, one Dr. F. Thompson, a former resident of Hot Springs, Ark., who had sought protection within the United States lines against violence from the inhabitants of that part of the State, with which he was threatened by reason of his well known Union feelings.

"That from his personal knowledge he knows of the peculiar fitness of the said Thompson for the place of principal guide, and attributes largely the successful progress of the expedition, as far south as it proceeded, to said Thompson's thorough knowledge of the roads, the crossing of streams, and the sentiments and opinions of the inhabitants of that part of the country.

"That the return march of the expedition, followed as it was by a victorious enemy, who received a severe check at Jenkins Ferry, was greatly aided by the said Thompson's intimate acquaintance with the roads and character of the country used and crossed by the army in its retreat.

"That during this retreat all the members were more or less sufferers from fatigue and exposure.

"That shortly after the return of the expedition Dr. Thompson was taken sick and very soon thereafter died.

"That the deponent understood at the time of said Thompson's death that it, as well as the sickness, were largely, if not entirely, caused by the fatigues and exposures that said Thompson had undergone during the time he accompanied the expedition as its principal guide.

"J. B. WHEELER.

"Subscribed and sworn to before me this 15th day of September, A. D. 1874.

"[SEAL.] WM. WARD,

"*Notary Public, New York.*"

Dr. Thompson, upon his return to Little Rock, was quite exhausted and prostrated, and appeared to be in a partially delirious condition, and shortly after his return was attacked by erysipelas, which caused his death. He was attended by several physicians, all of whom certify that the disease of which he died was, in their opinion, superinduced by the fatigue, exposure, and injuries incident to his service upon such expedition. The precise nature of the contract under which he acted as guide does not appear in evidence, though his widow—the petitioner—says that his services were paid to the time of his decease. Dr. Thompson left seven children, who, the petitioner says, were dependent upon her for support, their property being taken or destroyed.

Dr. Thompson participated in the battles of Prairie de Ann and Jenkins Ferry, and in many of the skirmishes in which the forces of General Steele were engaged on the expedition to Camden and return, and was wounded at the battle of Jenkins Ferry by the explosion of a shell, making a scaly wound on his face and head. According to the testimony of physicians who attended him, his death in June, 1864, shortly after the return of the expedition to Little Rock, Ark., was due to erysipelas and pneumonia, which resulted from the wound, hardships, and exposure endured in that campaign.

Had the claimant applied in time and made the proof which has been presented to the Pension Bureau, prior to 1874, she could have been pensioned under section 4695 of the Revised Statutes, but knowing her husband was not an enlisted soldier she did not apply.

Dr. Thompson was offered and declined a commission as brigadier-general in the Confederate Army, and was afterwards conscripted, but escaped service by a plea of "over age."

The applicant was married to Dr. Thompson April 26, 1849, and is now in advanced years, and her pension of $12 per month is too meager to give her a decent support, she being too infirm to earn her living by labor and having no other adequate means of maintenance.

Your committee therefore earnestly recommend the passage of the bill.

Mr. LOUD. Mr. Chairman, I would ask the chairman of the Committee on Invalid Pensions what rule of equity has been followed in this case. If this lady were allowed a pension as the widow of an assistant surgeon, she would be entitled, I think, to $17 a month. If she were given a pension as the widow of a full surgeon, she would be entitled to $25. Now, upon what basis of equity does the committee act in recommending a pension of $20?

Mr. CROWTHER. It seems that this man was serving in the capacity of captain of scouts, or chief of guides, for the Army of the Southwest at the time this expedition took place, and he received wounds while so engaged.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL HOLLIDAY.

The next business on the Private Calendar was the bill (H. R. 6546) granting a pension to Samuel Holliday.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Samuel Holliday, late of Company I, Thirty-ninth Iowa Infantry, and pay him a pension of $30 per month.

Mr. DINGLEY. Let the report be read.

The report (by Mr. PICKLER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6546) granting a pension to Samuel Holliday, having carefully considered the facts in the case, respectfully report:

Samuel Holliday enlisted August 2, 1862, in Company I, Thirty-ninth Iowa Infantry, and was honorably discharged June 5, 1865.

On August 2, 1888, he applied for pension under the old law, alleging disabilities contracted in the line of duty. He sustained his declaration by the affidavits of three physicians to the effect that he was totally incapacitated, and that the disabilities were of service origin. Two examining boards found him entitled to a rating of fourteen-eighteenths. He was allowed a pension of but $2, however, to date from the time of filing.

Thereafter he applied under the act of June 27, 1890, and his claim was approved for admission on May 4, 1894, but the medical referee rejected the same on the ground of no pensionable degree of disability. The last examining board reports him "unfit for any manual labor."

It appears from the evidence that in December, 1862, while on the march, the soldier was taken very sick, and that he was left behind and was captured by the enemy. After being held a prisoner for eight or nine months, suffering from scurvy and parotitis and exposed to the elements, with such care and attention as might be expected of a foe, he managed to rejoin his regiment, and then served out the balance of his time. It further appears, as a result of these diseases and hardships, that he has been unable to perform any labor for the past twelve or fifteen years.

In the opinion of your committee the claim is a very meritorious one, and we respectfully recommend the passage of the bill, with the following amendments:

In line 5, after the word "late," insert "sergeant."

In line 6 strike out the word "thirty" and insert in lieu thereof the words "twenty-four."

The amendments recommended in the report were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILBUR F. COGSWELL.

The next business on the Private Calendar was the bill (H. R. 2042) to increase the pension of Wilbur F. Cogswell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilbur F. Cogswell late an assistant engineer in the United States Navy, at the rate of $50 per month, to commence February 4, 1892, deducting the amount paid him since that date.

Mr. DINGLEY. Let the report be read.

The report (by Mr. PICKLER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2042) to increase the pension of Wilbur F. Cogswell, having carefully considered the same, respectfully report:

Wilbur F. Cogswell served in the United States Navy from January 23, 1863, to September 13, 1863, when he was discharged for disability. His disability consisted of fracture of the skull incurred in line of duty, for which he was pensioned at $8 per month from date of incurrence. This rate was increased from time to time until February 23, 1887, when he was allowed $50 per month for dementia, and because he required the frequent aid and attendance of another person. His pension, however, was afterwards reduced to $30, to take effect February 4, 1892, on the ground that he could take care of himself. Thereafter the pensioner filed claim for dementia, fistula, piles, and rheumatism. On this claim the Pension Office, January 17, 1896, reports:

"The pensioner has been informed that his pension of $30, for dementia, is fully commensurate with the degree of disability arising from said cause, and that his claim on account of rheumatism and disease of rectum requires testimony showing origin in the service at date of discharge and since, but that if said disabilities were established it would not increase his rate of pension to more than $30, the amount he now receives."

Many affidavits are on file showing that this man does in fact require the frequent aid and attendance of another person, and on the case made he would be clearly entitled to $50 per month under the law.

Your committee therefore respectfully recommend the passage of the bill with the following amendment:

In line 7 strike out all after the word "month."

The amendment recommended in the report was agreed to.

Mr. ERDMAN. Mr. Chairman, there is something lacking in this report which I think ought to be supplied by a little statement. There ought to be some severe language used against Mr. Bussey and Mr. Raum for reducing this man's pension from $50 to $30 a month. It does not look well to omit that, but our reports are cut down at the instance of the chairman of the committee, so that these important elements are frequently left out. I must express my sympathy with this poor soldier who had his pension reduced from $50 to $30 a month, and why the report does not blame Mr. Bussey and Mr. Raum for it I fail to understand. Something ought to be put into the RECORD to show that they are responsible for this. [Laughter.]

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ALFRED P. BUSS.

The next business on the Private Calendar was the bill (H. R. 2941) granting increase of pension to Alfred P. Buss.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred P. Buss, of Springfield, Mass., and pay him a pension at the rate of $50 per month, in lieu of the pension he now receives. Alfred P. Buss served in the Army of the United States during the late war, in Company D, Fourth Massachusetts Heavy Artillery, and this increase of pension is asked on account of total disability to perform manual labor.

An amendment recommended by the Committee on Invalid Pensions was read, as follows:

Strike out, beginning with the words "of Springfield," in line 6, down to and including "manual labor," in line 12, and insert "late private, Company D, Fourth Regiment Massachusetts Heavy Artillery, at the rate of $30 per month."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ALBERT BUCK.

The next business on the Private Calendar was the bill (H. R. 3389) increasing pension of Albert Buck from $12 to $30 per month.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed and authorized to place on the pension roll the name of Albert Buck, late a private in Company K, One hundred and first Regiment of Illinois Infantry Volunteers, at the rate of $30 per month instead of $12 per month, which he is now drawing under act of Congress of June 27, A. D. 1890.

Mr. DINGLEY. Let the report be read.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3389) increasing pension of Albert Buck from $12 to $30 per month, submit the following report:

The committee have examined the evidence in this case, as well as a report from the Pension Office, and find the following facts to exist, without dispute or controversy:

This soldier enlisted in Company K, One hundred and first Illinois Volunteers, August 22, 1862, and was mustered out at the end of the war, June 7, 1865. He was in good health when he entered the service, and, so far as the evidence shows, in good health when mustered out. He never lost a day during his entire service; he never missed a skirmish or battle in which his regiment was engaged; he never was in a hospital except to go occasionally to see a sick or wounded comrade.

Some years since, in a runaway accident, his right knee was crushed. His leg is entirely disabled, and therefrom he is totally incapacitated for manual labor. He is poor, and the pension of $12 he is now drawing under act of June 27, 1890, is insufficient for his support.

In view of the faithful services of this private and his need, the committee recommend the passage of the bill.

Mr. TALBERT. Mr. Chairman, I am surprised that the gentleman who asked for the reading of this report does not say something about it after having it read. Here is a soldier who is drawing a pension of $12 a month, granted to him under the law, and no doubt rightly and properly granted. Nobody objects to that. The latter part of this report, however, says that—

Some years since, in a runaway accident, his right knee was crushed. His leg is entirely disabled, and therefrom he is totally incapacitated for manual labor. He is poor, and the pension of $12 he is now drawing under act of June 27, 1890, is insufficient for his support.

Now, Mr. Chairman, I submit that it is not right or proper that this soldier should receive an increase of pension on account of the fact that he happened to get into a runaway scrape and got his leg hurt. That was his misfortune, for which we are all very sorry, but the report puts this proposed increase of pension on the ground of charity. Now, gentlemen, if you desire to increase this man's pension from $12 to $30 a month, do so, but do not do it under the pretended head of "pension legislation," because it is not that; it is simply a piece of charity.

Mr. WOOD. Mr. Chairman, I desire to call the attention of the committee to this very remarkable case. This soldier was in good health at the time he enlisted; he was in good health at the time he was discharged. There is no pretense to the contrary. During all the time of his service he never missed a roll call, he never missed a skirmish or an engagement in which his regiment participated. He never was in the hospital a single minute except to go to see some sick comrade who was there.

We have been engaged——

Mr. TALBERT. Will the gentleman allow me a question?

Mr. WOOD. Yes; if the gentleman will not take much time.

Mr. TALBERT. If we establish this precedent, is every old soldier now drawing a pension to have his pension increased if he accidentally gets hurt? What will such a precedent cost us? What will it lead to?

Mr. WOOD. I was approaching the point which the gentleman's question involves. We have been pensioning in this House officers for distinguished services. I ask now whether we can not pension a private soldier for the most distinguished service that any man can render to his country—the distinction of having been always present, always on duty, always ready to discharge his duty. Now, when this faithful soldier is absolutely disabled, I ask whether his meritorious services shall not have some weight with the Representatives in Congress in favor of a bill providing this man some means for taking care of himself in his old age?

Thirty dollars a month is the amount which this man would receive under the regular law for total incapacity; and that is the sum fixed in this bill. I have no special knowledge about the circumstances of the case. The bill was introduced by my colleague [Mr. DOWNING]. But while examining the records in the Pension Office my attention was attracted by the very meritorious and distinguished service which this soldier had rendered. If we vote down his bill, we apply to a private soldier a different principle from that which we apply to an officer of high rank.

Mr. POWERS. Mr. Chairman, if I understand this report aright, it is proposed to pension this soldier, not on account of any disability incurred by him by reason of his service in the Army, but because of a runaway accident that happened to him a few years ago. Now, if you pension him on such a ground, and I should break my leg in a runaway accident, would I have the same claim to a pension that this man has?

Mr. LOUD. Certainly, if you could get it.

Mr. PICKLER. In reply to the gentleman from Vermont [Mr. POWERS] allow me to say that, not only in this Congress, but in other Congresses in years past, where a particularly deserving case has been presented, where it has appeared that a man who has served as a soldier was helpless and wholly incapacitated for manual labor, we have made exceptions. Gentlemen will observe that this is the case of a private soldier; and $30 a month is the amount which would be allowed under the law for total incapacity. Now, neither this Congress nor any other Congress has ever held any such destitute soldier down to the strict letter of the law and required that the disabling injury must have been incurred in the service. In these cases, where the applicant is particularly destitute, not only this committee, but other committees have gone to the extent of placing the applicant upon the same footing which he would occupy if he could prove up his case in the Pension Office. We believe this is one of those deserving cases.

Mr. WOOD. If this man had been a brigadier-general we would pension him at $75 or $100 a month.

The CHAIRMAN. The question is on laying the bill aside to be favorably reported to the House.

The question being taken; there were on a division (called for by Mr. TALBERT)—ayes 59, noes 10.

Mr. TALBERT. No quorum.

The CHAIRMAN (having counted the committee). There are 120 members present; the ayes have it; and the bill is ordered to be laid aside to be reported favorably.

LEMUEL J. ESSEX.

The next business was the bill (H. R. 2985) granting an increase of pension to Lemuel J. Essex.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls the name of Lemuel J. Essex, late of Company B, Eighty-seventh Indiana Infantry, at the rate of $30 per month in lieu of the pension that he is now receiving.

The amendment reported by the committee was read, as follows:

In line 6 strike out "thirty" and insert "twenty-four"; so as to make the amount of pension $24 per month.

Mr. DINGLEY. Let the report be read.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2985) granting an increase of pension to Lemuel J. Essex, having examined the evidence submitted in this case, as also the files in the Pension Office, find—

This soldier enlisted in Company B, Eighty-seventh Indiana, August 4, 1862, for three years; was discharged March 3, 1863, for disability. He was subjected to a rigid medical examination on muster. He appears to have done regular duty as a soldier until October 20, 1862. About October 1, 1862, he contracted disease—diarrhea—which became chronic, and followed by imperfect vision, disease of rectum, and piles. For these diseases he was pensioned at $2 from March 4, 1863, and $4 from November 2, 1887, and $6 from June 15, 1888, and $10 from May 21, 1890, and $12 from July 16, 1890, which he is now drawing. He subsequently, on September 10, 1864, enlisted for one year in Company I, One hundred and seventy-fourth Ohio Volunteers, and was discharged by end of war June 28, 1865. He is now, and has been for some years, suffering from paralysis, or locomotor ataxia, and from disease of back and spine. He is very poor and is totally disabled from manual labor, and his last medical examination, September 13, 1893, shows his disabilities fully equal to the loss of hand or foot. He has made application for increase, but

has been rejected. The Pension Bureau decline to accept the disease of back and spine as incident to the service, claiming it was the result of sickness at the age of 5 years.

The only basis for the contention of disease prior to enlistment rests on the soldier's discharge. It was made out by his captain, who at the time was temporarily sick, the company being in command of the first lieutenant. The soldier was then with his regiment. The discharge states "he is defective in his back and hips, which causes him to stagger and reel as he walks; the soldier was in this condition at the time of his enlistment." The second assistant surgeon certifies that the soldier was incapable of performing service "because of an injury to the spine received in early childhood."

The committee have searched in vain for any evidence that soldier ever received an injury to spine in early childhood. On the contrary, five witnesses who knew him prior to the war, two of whom knew him from childhood and two who lived with him in same house from 1858 to his enlistment, testify to his sound health prior to enlistment. All the evidence of sickness from childhood is from claimant himself, who says all he knows of it is that his mother told him he was very sick at the age of five years; that he was a puny child until about eight years of age, when he became as strong as other children.

The surgeon who certified to an injury to back and spine evidently knew nothing about it, for he has since made affidavit that soldier became sick from diarrhea in November and December, 1862, which became chronic; that he was reduced in flesh and a walking skeleton, and was discharged for that reason. The lieutenant in command when he was discharged swears to the soldier's being sick with some disease unknown to him, his symptoms being diarrhea, staggering gait, and imperfect vision, and that he procured his discharge, during the captain's short illness, to save soldier's life.

The evidence of claimant shows that the diseases, imperfect vision and locomotor ataxia, came upon soldier very suddenly, and have since been steadily growing. The only witness was a comrade who helped soldier to his tent. This soldier was afterwards killed in the battle of Chickamauga.

The committee, in view of the evidence, believe that the disease from which claimant is now suffering is of service origin, and recommend the passage of the bill with the following amendment:

Strike out of line 6 the word "thirty" and insert in lieu thereof the word "twenty-four."

The question being taken, the amendment was agreed to.

The bill as amended was laid aside to be reported favorably.

VISITORS TO NAVAL ACADEMY.

The committee rose informally, when

The SPEAKER announced the appointment of Mr. ROBINSON of Pennsylvania, Mr. LOW of New York, and Mr. MEYER of Louisiana as visitors to the Naval Academy.

CARRIE H. GREENE.

The Committee of the Whole House resumed its session.

The next business was the bill (H. R. 3395) granting a pension to Carrie H. Greene.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Carrie H. Greene, of Lee County, Ala., widow of John W. Greene, late member of Captain Jones's company of Georgia Volunteers, Indian war of 1836, subject to all of the conditions of the act of July 27, 1892.

Mr. HARRISON. Mr. Chairman, this is a meritorious bill. A bill in similar terms passed this House in the Fifty-third Congress, was favorably reported by the Committee on Pensions of the Senate, and failed to become a law simply for want of time. The facts of the case are clearly and briefly set forth in the report of the committee, which I ask may be read.

The report (by Mr. STALLINGS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3395) granting a pension to Carrie H. Greene, have considered the same, and respectfully report as follows:

The claimant is the widow of John W. Greene, late a private in Capt. S. A. H. Jones's company of Georgia Volunteers in the Creek Indian war of 1836.

The soldier in his lifetime made application for a pension under the Indian war act of July 27, 1892, and the records showing that, including fifteen days' travel, he served forty-two days in said war, his claim was allowed, and he remained on the roll until his death on October 29, 1893.

This widow, the beneficiary, then made application under the act referred to, but the fifteen days' travel included in the soldier's case was not allowed in her claim by the Department, and her application was rejected on the ground of insufficient service. The reason for this was that, subsequent to the allowance of the soldier's claim, departmental decisions in what is known as the "Blazer and Bailey" cases declined to accept time consumed in travel to and from the rendezvous of the organization at the time of enlistment and discharge.

As stated above, it is conceded in the soldier's case by the Department that, including the fifteen days' travel referred to above, the period of his service was twelve days more than is required to give title under the general act granting pensions to Indian war veterans and their widows.

Mrs. Greene was married to the soldier in 1856. She is now well advanced in years, an invalid, and wholly unable to do anything toward earning a support; and the pension carried by the bill is greatly needed to provide her a comfortable maintenance.

The passage of the bill is respectfully recommended.

The CHAIRMAN. The question is on laying aside the bill to be reported favorably to the House.

Mr. MILNES. Mr. Chairman, I desire to call attention to the facts in this case. If I understand them correctly from the report, this soldier served but forty-two days, all told. The entire term of service claimed for him, including everything, is forty-two days. It appears that the woman whom we are now asked to pension as his widow married him twenty years after the close of that war.

Mr. HARRISON. No, sir; I do not so understand.

Mr. MILNES. As I understand the report, she married him in 1856, and the war in which he served was fought in 1836.

A MEMBER. What war?

Mr. MILNES. Some Indian war. And now, sixty years after the close of that war, this woman, who married the soldier twenty years after the military service was rendered, comes before this Congress and asks to be pensioned.

Mr. ALLEN of Utah. Do I understand the gentleman to complain because she has waited for sixty years before applying for a pension?

Mr. MILNES. I do not think that the widow of a soldier who married him twenty years after he performed the military service is as deserving of a pension as a widow who was the wife of the soldier during his term of service. I think there is a clear distinction in that respect. It seems to me that we ought not to pass this class of bills, and that the country is not calling for them and will not support this Congress in passing them. For one, I desire to enter my protest against it.

The bill was laid aside to be reported to the House with a favorable recommendation.

ELIZABETH J. COOK.

The next business on the Private Calendar was the bill (H. R. 4755) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert Cook.

Mr. MCRAE. Mr. Chairman, I ask unanimous consent to consider Senate bill 125 instead of the House bill. It is identical with the House bill which has been reached on the Calendar.

Mr. LOUD. I hope the gentleman will allow the House bill to be read first, to see if it has got any merits.

Mr. MCRAE. Of course I have no objection to its being read; but it is unnecessary, as the two bills are identical and the reading of the Senate bill will accomplish the object the gentleman has in view.

The CHAIRMAN. Is there objection to the substitution of the Senate bill for the House bill?

Mr. LOUD. I will object until the House bill is read; not afterwards.

The CHAIRMAN. The Clerk will report the House bill.

The bill was read at length.

Mr. LOUD. Now, let me ask the gentleman why is the beneficiary in this bill not entitled to a pension under the general law?

Mr. MCRAE. For the reason that the records of the War Department do not show the service of the soldier. That service, however, has been clearly proven by an officer of the company in which he served. The committee find that the proof is convincing that the soldier served as alleged.

Mr. LOUD. He did not serve the requisite number of days. Is that the trouble?

Mr. MCRAE. No; he served six or seven months. There is no question as to the length of the service.

Mr. LOUD. But there is no record of service?

Mr. MCRAE. Not in the Department, but the proof is clearly made by Lieut. John C. Peay and other witnesses. There is no question as to the service. These men who have testified are of the highest character and the service notorious. I know the witnesses and applicant personally, and there can be no doubt about the truth of the facts stated by them. The lady herself is an educated, worthy lady and of one of the most distinguished families in our State. She was married to him before the service and is incapable of making a false claim.

Mr. HULICK. What is the rate of pension fixed by the Senate bill?

Mr. MCRAE. The bill passed for $12 a month, but the House committee recommends that it be reduced to $8 a month, just as was done with the House bill.

Mr. HULICK. I understand the request of the gentleman is to substitute the Senate bill for the House bill?

Mr. MCRAE. Yes; but that request, if granted, will carry with it the consideration of the amendment proposed to the Senate bill, which is to reduce the amount to $8 a month.

Mr. HULICK. How will that avail anything in the way of expediting the bill, if it be amended in the House? It will have to go back to the Senate anyhow.

Mr. MCRAE. Certainly; but I expect that the Senate will concur in it without action by the Senate committee.

Mr. HULICK. Why not pass the House bill and let it go to the Senate for adoption?

Mr. LOUDENSLAGER. The Senate bill as amended is $8 a month.

Mr. MCRAE. It is identical with the House bill, and the same amendment is pending to each.

Mr. HULICK. I beg the gentleman's pardon. I misunderstood. I thought the Senate bill was $12 a month.

Mr. MCRAE. It is $12 a month in the bill, but the House committee has recommended a reduction of the amount fixed in the bill to $8 a month, and I presume that amendment will be adopted to either bill that may be considered.

Mr. HULICK. But I understood the gentleman from New Jersey to say that the Senate bill was $8 a month.

Mr. LOUDENSLAGER. The House committee recommends that it be reduced to that sum.

Mr. DINGLEY. Does the gentleman think he will be able to hold down that reduction if it goes back to the Senate?

Mr. LOUDENSLAGER. I think there is no doubt of that. We will endeavor to do it with the best of our ability. These bills have been reduced in every instance to $8.

Mr. MCRAE. And I will state to the gentleman that, so far as I can control it, I will ask the Senate to concur in the House amendment without any conference, because I understand that the House Committee on Pensions will not consent to any higher rate. I prefer $8 to nothing for this deserving widow.

Mr. LOUDENSLAGER. That has been the action of the committee in all of these cases.

The CHAIRMAN. Unanimous consent is asked to substitute the Senate bill for the House bill. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the Senate bill.

The Clerk read as follows:

A bill (S. 125) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook, who, at the town of Washington, Hempstead County, Ark., in the month of July, 1846, volunteered and served as a United States soldier in the war with Mexico in the First Arkansas Mounted Infantry Volunteers, and pay her a pension of $12 per month.

The CHAIRMAN. The Clerk will report the amendment proposed by the House committee.

The Clerk read as follows:

In line 10 strike out the word "twelve" and insert "eight"; so that it will read "$8 per month."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

The CHAIRMAN. In the absence of objection, the House bill will be reported to the House with the recommendation that it lie on the table.

There was no objection.

MARY ANN LAFFERTY.

The next business on the Private Calendar was the bill (H. R. 717) granting a pension to Mary Ann Lafferty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, directed to place on the pension roll of the United States of America the name of Mary Ann Lafferty, the surviving widow of Patrick B. Lafferty, deceased, private in Captain Crawford's company, Second Regiment Tennessee Volunteer M. G. Men, Col. Thomas Williamson commanding, in Seminole Indian war, 1818, at the rate of $8 per month, according to the rules and regulations governing pensions.

Mr. DINGLEY. Let us have the report.

The report (by Mr. BLACK of Georgia) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 717) granting a pension to Mary Ann Lafferty, have considered the same, and respectfully report as follows:

The claimant's deceased husband, Patrick B. Lafferty, is shown by the records of the Second Auditor's Office, Treasury Department, to have served from January 31, 1818, to June 30, 1818, in Capt. Samuel Crawford's company, Second Tennessee M. G. Volunteers, in the Seminole Indian war. In addition to the official record your committee also had before them the soldier's certificate of discharge from said service.

Patrick B. Lafferty died in 1877. His widow, the beneficiary, is extremely old and in dependent circumstances. These facts are sworn to by James P. Baird, of Nashville, Tenn., and William C. Baird, of Hickman County, Tenn., who knew the soldier and have known his widow for many years. Mrs. Lafferty resides at Nashville, Tenn.

The Indian war act passed July 27, 1892, does not reach this case because that act has reference only to the wars from 1832 to 1842, and this claimant's husband served in 1818. Hence the only method of relief open to Mrs. Lafferty at this time lies in a special act of Congress, and your committee, believing the bill to be meritorious, return the same to the House with the recommendation that it do pass.

Amend by striking out the word "twelve," in line 9, and substituting therefor the word "eight," so as to fix the rate of pension at $8 per month.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

HELEN LARNED.

The next business on the Private Calendar was the bill (H. R. 6607) for the relief of Helen Larned.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $50 per month, the name of Helen Larned, widow of the late Frank H. Larned, captain Second Regiment United States Artillery, and pay her a pension on and after the passage of this act.

Mr. TALBERT. I ask for the reading of the report.

The report (by Mr. COFFIN) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 6607) granting a pension to Helen Larned, have had the same under consideration, and report:

Mrs. Larned is the widow of Frank H. Larned, late major First United States Artillery, who entered the service as a second lieutenant of infantry March 8, 1847; promoted to first lieutenant July 1, 1852; to captain April 28, 1861, and to major of artillery January 3, 1867. He was retired from active service on account of disability February 5, 1867, and died January 8, 1891, at Baltimore, Md., of "cancer of the bladder, following the removal of a tumor of long growth, the immediate cause of death being septicæmia and uræmia."

The diseases on account of which he was retired from the service are shown by the official records to have been disease of the eyes and chronic diarrhea, originating from exposure in line of duty.

During the period of his service Major Larned rendered gallant and meritorious service in the war with Mexico and subsequently in the war of the rebellion.

His widow's claim for pension under the general laws, filed March 2, 1891, was disallowed by the Pension Bureau February 11, 1892, on the ground of the claimant's inability to connect the cause of his death with the service, the said disease being of a very obscure nature and difficult of proof.

Hon. Herman Stump certifies that Mrs. Larned was left by the death of her husband without property of any kind, and that she is dependent upon others for her support.

In view of the long and distinguished service of the soldier, embracing two wars, and in the light of the dependent condition of his widow, your committee recommend the passage of the bill with an amendment fixing the rate of pension at $25 per month, the same being the rate allowed by the general laws for widows of soldiers of the rank of major.

Amend by striking out the words "captain Second," in line 6, and substituting therefor the words "major First."

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

JACOB BROWN.

The next business on the Private Calendar was the bill (H. R. 6556) granting a pension to Jacob Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Jacob Brown, late of Company A, Fifteenth Iowa Infantry, and pay him a pension of $24 a month.

The Committee on Invalid Pensions recommended the following amendments:

In line 5, after the word "late," insert "a private."

In line 6 strike out "twenty-four" and insert "thirty."

Mr. DINGLEY. Let the report be read.

The CHAIRMAN. The Clerk will read the report in the time of the gentleman from Maine.

Mr. PICKLER. Mr. Chairman——

Mr. DINGLEY. Or the gentleman from South Dakota can make a statement of the case.

Mr. PICKLER. This report shows that the claimant is now 73 years of age, totally disabled, and nearly blind; has been unable to do any kind of work for the past twelve or fifteen years, and is dependent on a pension of $12, which he draws under the act of June 27, 1890. He still carries in his shoulder the memento of the battle of Shiloh.

He states, under oath, that his hernia and rheumatism were incurred and contracted in the line of duty, but can not locate any of his comrades who have knowledge of this fact. The evidence shows, however, that he is a man of exemplary habits, very truthful, and of excellent character, and an allegation coming from him under existing circumstances is in the nature of an antemortem statement. He is totally incapacitated, and while he swears that this disease was contracted in the service, he can not substantiate that fact to the satisfaction of the Pension Office by the testimony of comrades. I think it is a very meritorious case.

Mr. ERDMAN. Mr. Chairman, this is a very good report to skip—an exceedingly good report to omit.

Mr. PICKLER. I call for the reading of the report, Mr. Chairman.

Mr. ERDMAN. The gentleman is not on the floor now, and I want to call the attention of the committee to the fact that this poor soldier has been struggling along through Republican Administrations from 1863 with a pension of $6 per month. He has made repeated applications to Republican Administrations, and Republican Administrations have repeatedly turned him down. Now he comes to Congress for relief. It is a very good report indeed to omit.

Mr. PICKLER. Mr. Chairman, I call for the reading of the report now, and we will see whose judgment is correct.

The report (by Mr. PICKLER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6556) granting a pension to Jacob Brown, having carefully considered the facts in the case, respectfully report:

The beneficiary named in the bill enlisted in Company A, Fifteenth Iowa Volunteer Infantry, November 16, 1861. At the battle of Shiloh (April 29, 1862) his right shoulder was shattered by a musket ball and he was sent to hospital, where he remained under treatment until October 4 of the same year, when discharged on certificate of disability. A pension of $6 per month was granted him from date of discharge.

June 23, 1863, the examining surgeon reports:

"I find the clavicle of the right shoulder has been badly shattered, and no evidence of ball having passed through, but must remain. The shoulder is very much stiffened."

This soldier was several times examined, and on February 6, 1878, a report shows:

"Ball struck about an inch from the sternal end of the clavicle, fracturing it, and it is now much flattened, with a depression nearly through it."

Again, on September 2, 1885, another board finds:

"Cataract of both eyes. * * * We do not know the rating for disease of eyes, but give the state of his vision, etc., as presented. * * * Three-fourths total rating for disability caused by gunshot wound of right shoulder."

On May 5, 1890, he applied for increase, and the medical evidence in support of his claim shows that his condition was as follows:

"Gunshot wound of right clavicle, which resulted in fracture of said clavicle, with an adherent scar and very painful. Also suffering with varicose veins of both limbs; tendency to ulceration. * * * Also rheumatism of kneejoint. * * * Also find inguinal hernia, oblique and complete. Also find cataract of both eyes. This man is unable to perform any part of a day's labor whatever."

On June 18, 1890, the examining board, after stating the condition of the gunshot wound in shoulder, reports:

"We also find right inguinal hernia complete * * * so bad that it can not be controlled by truss; find also varicose veins in both limbs from both knees down; also find rheumatism in left kneejoint, very much enlarged on comparative measurement. * * * Both eyes, senile pannus. Second grade."

This board gives him a rating of twenty-six eighteenths, and on November 4, 1891, another examining board rates him at thirty-two eighteenths.

The soldier served also in the war of 1846, and appears to have participated in most of the engagements from Vera Cruz to the City of Mexico. He was duly pensioned as a survivor of that war under the act of January 19, 1887.

The claimant is now 73 years of age, totally disabled, and nearly blind; has been unable to do any kind of work for the past twelve or fifteen years, and is dependent on a pension of $12, which he draws under the act of June 27, 1890. He still carries in his shoulder the memento of the battle of Shiloh.

He states under oath that his hernia and rheumatism were incurred and contracted in the line of duty, but can not locate any of his comrades who have knowledge of this fact. The evidence shows, however, that he is a man of exemplary habits, very truthful, and of excellent character, and an allegation coming from him under existing circumstances is in the nature of an ante-mortem statement.

Your committee believe that this claim is unusually full of merit. We will give the veteran the benefit of the doubt, and respectfully recommend the passage of the bill with the following amendment:

In line 5, after the word "late," insert "a private."

In line 6 strike out "twenty-four" and insert in lieu thereof the word "thirty."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

T. CLARKSON INGALLS.

The next business on the Private Calendar was the bill (S. 144) granting an increase of pension to T. Clarkson Ingalls.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of T. Clarkson Ingalls, late of Company E, Thirty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month, in lieu of that he is now receiving.

Mr. DINGLEY. Mr. Chairman, let the report be read.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 144) granting an increase of pension to T. Clarkson Ingalls, having carefully considered the same, adopt the accompanying Senate report (No. 166) as their own, and respectfully recommend the passage of the bill.

[Senate Report No. 166, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 144) granting an increase of pension to Theophilus C. Ingalls, have examined the same and report:

Mr. Ingalls's father was a soldier in the war of 1812, and he was one of three brothers who enlisted in the late war, all of whom had honorable military records. Claimant enlisted August 13, 1862, in his sixteenth year, and was discharged from Hilton Head Hospital June 8, 1865. It is said that soldier might have been pensioned at any time after the close of the war, but he was a patriotic man and did not make application for pension, preferring to earn an independent support for himself and family. Later on, however, he suffered greatly from rheumatism, paralysis of the optic nerve of the right eye supervening, which greatly interfered with his ability to earn a living.

In this emergency he applied for pension under the act of June 27, 1890, which was granted at the rate of $12 per month from June 3, 1891, for rheumatism and loss of vision of right eye. Since that time these disabilities have gradually increased, until now soldier is entirely blind, being led about the village by a small boy. He is also in very straitened circumstances, with no possible relief in the future.

A petition from the leading citizens of Derry, N. H., where soldier resides, has been filed with your committee setting forth the soldier's necessities and praying that his pension may be increased.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MELITA E. WHITE.

The next business on the Private Calendar was the bill (H. R. 7212) to increase the pension of Melita E. White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of Melita E. White, widow of Carr B. White, late colonel of the Twelfth Ohio Volunteer Infantry, and pay her a pension of $12 per month.

Mr. HULICK. Mr. Chairman, I call for the reading of the report in that case.

The report (by Mr. LAYTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7212) for the relief of Ann Eliza White, having carefully considered the same, respectfully report:

The beneficiary named in the bill is the dependent and permanently helpless daughter of Carr B. White, late colonel of the Twelfth Ohio Volunteer Infantry. The soldier served in the war with Mexico, and also during the rebellion. He enlisted October 1, 1861, and was honorably discharged July 11, 1864. September 30, 1871, he died from disabilities contracted in line of duty.

The evidence shows that the claimant has been afflicted with curvature of spine since childhood, being wholly unable to take care of herself or earn a support, being entirely dependent upon her mother. September 6, 1890, she filed application under the act of June 27 of that year as permanently helpless, but on October 21, 1891, the claim was rejected because the applicant was more than 16 years of age at the date of the passage of said act.

The soldier's widow is now drawing a pension of $30 under the general law, but she has little or no property, is extremely feeble, and is likely to die very suddenly at any time.

Your committee do not believe it was the purpose of the act of June 27, 1890, to forever bar the permanently helpless child of a gallant soldier because the unfortunate happened to be over 16 years of age on the day the law was enacted, and several favorable reports have been made on bills introduced to correct this statutory discrimination. We think the case a very meritorious one, and, in view of all the facts, respectfully recommend the passage of the following substitute for the bill:

"A bill to increase the pension of Melita E. White.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of Melita E. White, widow of Carr B. White, late colonel of the Twelfth Ohio Volunteer Infantry, and pay her a pension of $12 per month."

Mr. HULICK. Mr. Chairman, I offer an amendment to that bill, which amendment I send to the Clerk's desk to be read. Before the reading of the amendment I wish to state that this bill is a substitute for one that I offered in behalf of this helpless child. The original bill was to pay her a pension, but the committee thought it the wiser plan to offer a substitute, and have the money paid to the widow, to increase her pension for the benefit of this helpless child. The substitute, therefore, is before the committee for consideration. I offer the amendment now, in view of the fact that the mother is very feeble, and if the daughter were to outlive the mother the pension would cease at the death of the mother. That ought not to be the case and was not the intention of the committee. Upon calling the attention of the gentleman from Ohio [Mr. LAYTON], the member of the subcommittee who had the bill in charge, to this phase of the case, he suggested that there be an amendment, and so I offer this amendment, which I ask the Clerk to read.

The amendment was read, as follows:

Insert in line 8, after the word "month," the following:

"And at the death of the said Melita E. White the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann Eliza White, the dependent and permanently helpless daughter of the said Carr B. White, deceased, and pay her a pension of $20 per month."

Mr. PICKLER. Suppose she dies first?

Mr. HULICK. Then the pension would cease.

Mr. LOUD. Mr. Chairman, I raise a point of order. This amendment seeks to provide for a contingency that I do not think Congress has the power to provide for in the bill now under consideration.

Mr. DINGLEY. It is ingrafting one private bill upon another, really.

Mr. HULICK. Yes; but the substitute really makes ineffective the original bill, which was introduced for the benefit of this helpless daughter.

She was over 16 years of age at the date of the passage of the law of 1890. She was a few months over the age, and for that reason is not entitled to pension.

Mr. PICKLER. The reason why the committee reported the bill as it has is to avoid the objection of the statute that two pensions shall not be paid at the same time for the same service.

Mr. HULICK. This would not be two pensions at the same time for the same service. It is not to go into effect until the death of the mother. The pension is thereafter to be given to the daughter.

Mr. PICKLER. I do not think I have any objection.

Mr. HULICK. This daughter is a helpless invalid, and will always be during her life. The mother is very feeble and doubtless this daughter will be left, if this bill passes in its present shape, on the death of her mother, without friends, without money, and without pension, and therefore I have suggested the amendment, which I think is not subject to the objection.

The CHAIRMAN (Mr. DALZELL). The Chair sustains the point of order. It is not in order to ingraft upon a bill providing for one beneficiary a provision for another.

The bill was ordered to be laid aside with a favorable recommendation.

MARY ARNOLD.

The next business on the Private Calendar was the bill (H. R. 4548) granting a pension to Mary Arnold.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Arnold, of Unadilla, Nebr., mother of Isaac Arnold, late a private in Company B, Thompson's Battalion Six Months Missouri State Militia.

The amendments recommended by the committee were read, as follows:

Amend by making the title of the bill read "Mary L. Arnold," instead of "Mary Arnold," and that all after the enacting clause be stricken out and the following substituted therefor:

"That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Mary L. Arnold, mother of Isaac Arnold, late a private in Company B, Thompson's Battalion Six Months Missouri State Militia, and pay her a pension of $12 per month."

The CHAIRMAN. The question is on agreeing to the amendment recommended by the committee.

Mr. DINGLEY. What is the amendment?

The CHAIRMAN. The Clerk will report the amendment again, without objection.

The amendment recommended by the committee was again reported.

Mr. DINGLEY. What is substituted for it?

The CHAIRMAN. The Clerk has just reported the substitute.

Mr. DINGLEY. Let the report be read.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4548) granting a pension of $12 per month to Mary L. Arnold, mother of Isaac Arnold, late of Company B, Thompson's Six Months Missouri State Militia, having carefully considered the same, respectfully report as follows:

The soldier enlisted as a private in Company B, Thompson's Battalion Six Months Missouri State Militia, and served from October 14, 1861, to February 11, 1862, and died February 25, 1862. The soldier was in hospital sick when he was mustered out, and died before reaching home. There is no question about his having contracted his fatal illness in the service. The evidence shows that three sons and the husband of the claimant, Mary L. Arnold, enlisted in the Union Army; that she herself rendered valuable services to the country during the late civil war. She filed an application for a pension November 29, 1890, which was rejected January 28, 1895, on the ground that the organization in which soldier's services were rendered was a State organization, not in the United States service, and that under the present laws and practice can not be allowed by the Pension Bureau.

The testimony shows, and the Commissioner reports, that the testimony on file in the Pension Office establishes the fact that she has no property other than her labor. She is now 72 years of age. The soldier was a single man at the time of his death and at the time of his enlistment.

Your committee recommend that the bill be amended by making the title of the bill read "Mary L. Arnold" instead of "Mary Arnold," and that all after the enacting clause be stricken out and the following substituted therefor:

"That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Mary L. Arnold, mother of Isaac Arnold, late a private in Company B, Thompson's Battalion Six Months' Missouri State Militia, and pay her a pension of $12 per month."

And that the bill as so amended do pass.

The CHAIRMAN. The question is on agreeing to the amendment reported by the committee.

Mr. DINGLEY. I would like to ask the chairman of the committee a question. This seems to be the case of the widow of a soldier not mustered into the United States service, one of the Missouri militia. There is no general law providing a pension for those who were not so mustered in.

Mr. PICKLER. No, sir.

Mr. DINGLEY. Have there been instances where they have been pensioned?

Mr. PICKLER. Oh, yes; there have been frequent instances. This is in the line of precedent, and we have reported a general bill to cover these cases.

Mr. DINGLEY. Was he in the service ninety days?

Mr. STRODE of Nebraska. I will answer the gentleman's question. This is my bill. The report of the committee shows that he served from October to some time in February—about four months. The evidence shows that he was under the command of a United States officer.

Mr. DINGLEY. Although not mustered in the United States service?

Mr. ERDMAN. Mr. Chairman, this report, in accordance with the policy of the committee, very carefully omits to state what the soldier died of. It says he was sick and died before reaching home, and then draws the conclusion there is no question about his having contracted the disability in the service. There are probably 30,000 or 40,000 people whose husbands died in the militia, and who would like to have pensions on just such evidence as this. You do not allow them to come in, but select a particular one and show favor to her, giving her the bounty of the Government.

The amendment recommended by the committee was agreed to.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. PICKLER. I desire to move to amend, after the word "Arnold," in line 5, by inserting the word "dependent," so as to read "dependent mother."

The CHAIRMAN. The amendment recommended by the committee was agreed to, and the gentleman's amendment is not now in order.

Mr. PICKLER. I ask unanimous consent that the word be inserted. It ought to go in there.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to insert the word "dependent," before "mother," in the fifth line. Is there objection?

Mr. ERDMAN. I object. It does not matter whether we insert the word "dependent" or not.

The CHAIRMAN. Objection is made.

Mr. PICKLER. It is not material.

The bill as amended was laid aside with a favorable recommendation.

The committee informally rose, and the Speaker resumed the chair.

CONFEREES ON RIVER AND HARBOR BILL.

The SPEAKER. The Chair will announce the appointment of the following conferees on the river and harbor appropriation bill: Mr. HOOKER of New York, Mr. HERMANN of Oregon, and Mr. CATCHINGS of Mississippi. The committee will resume its session.

The committee resumed its session.

MRS. JULIA A. JAMESON.

The next business on the Private Calendar was the bill (H. R. 5792) granting an increase of pension to Mrs. Julia A. Jameson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Julia A. Jameson, widow of Brig. Gen. Charles D. Jameson, United States Volunteers, at the rate of $50 per month, in lieu of the pension of $30 per month she is now receiving, to commence from the passage of this act.

The committee recommended an amendment, which was agreed to, striking out, after the word "receiving," in line 9, the words "to commence from the passage of this act."

Mr. DINGLEY. Let the report be read.

The report (by Mr. BAKER of Kansas) was read in part, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5792) granting an increase of pension to Mrs. Julia A. Jameson, having carefully examined the evidence on file in the case, together with the reports from the records of the War Department, report as follows:

Charles D. Jameson served as colonel of Second Maine Volunteer Infantry from May 28, 1861, to August 14, 1861, when he resigned. He was appointed brigadier-general of volunteers September 3, 1861, and commanded a brigade in Heintzelman's Division, Army of the Potomac, from October, 1861, to February, 1862; from March, 1862, to May 31, 1862, he commanded the First Brigade, Hamilton's Division, Third Army Corps. He was granted leave of absence June 13, 1862, for the benefit of his health, and died from the effects of typhoid fever November 6, 1862, at his home in Oldtown, Me. The following letters from Gen. O. O. Howard and Gen. Joseph S. Smith are pertinent:

"CHICAGO, *February 19, 1896.*

"DEAR Mr. BOUTELLE: Mrs. General Jameson's case is so clear that I think she will get her increase. General Jameson was badly hurt at Fair Oaks in the battle, and lay all night on the field without cover. He was never well again. He died in consequence of that terrible exposure.

"Sincerely, yours,

"OLIVER O. HOWARD."

"BANGOR, ME., *March 1, 1896.*

"DEAR SIR: Referring to the Jameson pension case, I would say that at the battle of Fair Oaks, Va., in 1862, General Jameson's horse was killed and fell upon the General during the latter part of the battle, hurting him severely; that the General lay upon the field all night. It was raining very hard. As a result of his exposure typhoid fever set in, which was the cause of his death. I am personally knowing to the above, as I brought him from the field of battle to Washington, D. C., at the time. I sent to Maine for his wife and her father, who came on, and after he gained a little they took him to his home, but he never was able to rally, and soon after died.

"Mrs. Jameson has ever since been a widow, and has no other means of support excepting her pension. She is now nearly 70 years of age, very feeble and infirm. General Jameson gave up a prosperous business to enter the service, and died a bankrupt.

"As to who I am, I can refer to Senator FRYE, Speaker REED, Representatives BOUTELLE, DINGLEY, and MILLIKEN.

"Very respectfully,

"JOSEPH S. SMITH,

"*Late Brevet Brigadier-General, United States Volunteers.*

"Hon. GEORGE M. CURTIS,

"*Member of Congress, Second District of Iowa.*"

In view of General Jameson's gallant services and the necessitous condition of his widow, the committee earnestly recommend the passage of the bill with an amendment striking out all after the word "receiving," in line 9.

Appended is a very full statement in regard to the services of General Jameson, which shows the esteem in which he was held by Gen. Phil Kearny and others.

Military record of Brig. Gen. Charles Davis Jameson, United States Volunteers, war of the rebellion, 1861–1865.

The Second Maine Regiment, Col. Charles D. Jameson, was the first to leave the State for the seat of war, and was among the first of New England regiments that set foot upon the "sacred soil" of Virginia, arriving at Falls Church on the morning of July 1, 1861, where they were encamped three weeks, being the farthest advanced of any regiment toward the enemy.

At the first battle of Bull Run the Second was hotly engaged, and displayed numerous instances of daring and reckless bravery. Upon the retiring of General McDowell's army they were detailed as rear guard and were attacked by the celebrated Black Horse Cavalry, which they routed completely. For this exploit Colonel Jameson was warmly thanked and complimented by General Keyes, commanding the brigade, and by General Tyler, commanding the division. During this battle their loss was 47 killed and wounded and over 100 missing. The Union forces being ordered to fall back the night after the engagement, the Second arrived the following morning, after a severe and tiresome march, at Alexandria, where they remained two days, and then were ordered to the vicinity of Fort Corcoran, directly opposite Georgetown. There they remained some two weeks, when they were placed in possession of the fort, and acted as heavy artillery until the middle of October, during which time they were reviewed by General McClellan, President Lincoln, and Secretary Stanton, the former complimenting them highly for their drill. While in command of the fort Lieutenant-Colonel Roberts, who succeeded to the colonelcy of the regiment after Colonel Jameson was appointed brigadier-general, was twice ordered to get ready for action. (Adjutant General's Report, Maine, 1862, part 1, page 30.)

Maine has been called upon since my last report to mourn the loss of some of her sons whose virtues it will not be unbecoming briefly to describe. It is due to the gallant dead that meritorious service for the public good should have public record.

Gen. Charles D. Jameson was one of the best specimens of the chivalrous gentleman, soldier, and patriot which his native State has sacrificed to the Union during the war. He was a true son of Maine; lived on the banks of

our noblest river, always resident within our borders, engaged in that business which marks our distinctive employment and gives us name. He was in all respects a true child of the Pine Tree State. In all the calls of life he was active and energetic. He was successful in his business and happy in his home. He was generous and genial in his associations with his fellow-men. He had a great readiness of perception, the nicest sense of honor, and a bland and pleasing address. He had no enemies, but the most extended circle of warm and sustaining friends. In politics he was a Democrat whose patriotism and love of liberty blazed high and warm above the limits of party.

It was natural that such a man should have been the colonel of the militia regiment of his vicinity and twice a candidate for governor of the State. The attack upon Sumter brought from his heart the earliest vows upon the altar of his country. He left wife and children, parents, and home and friends, and all that made life cherished and valuable, to share the hardships and dangers of the field. The Second Regiment, raised under his active exertions, made him its colonel, and was the first from Maine at the seat of war. In a few weeks it was launched in battle at Bull Run. Its conduct there gave it glory and a gallant name. Its colonel then won his star as brigadier.

It shows the man that in this conflict, when the regiment had been driven back from batteries of the enemy, leaving their wounded behind, he called for volunteers, and leading back a little band, under steady fire, brought off in their arms the injured and helpless men. As brigadier he had not the fortune to lead men from his own State, but choice regiments from Pennsylvania and New York composed his command. With those he fought at Yorktown, Williamsburg, Fair Oaks, and in other fields of battle. He was first to enter Yorktown, and one of the first to enter Williamsburg.

At Fair Oaks his conduct and generalship won him warmest praise from his superior, that eminently gallant man, the late lamented Kearny. It is believed that Jameson then and there carried the Stars and Stripes and by its side the Pine Tree banner of Maine nearer Richmond than any other, before or since, in this war. A friend once asked him, "What did you intend, with your handful of men, when you received orders at Fair Oaks to fall back?" "But for that order," said he, "I would have been in heaven or in Richmond that night." As a soldier General Jameson was a striking figure. Daring to rashness, exposing himself without sense of danger, he rushed into battle and inflamed with his own dash and ardor the men who followed him.

He asked no man to go where he was not willing to be in advance of the foremost. He was not less noticeable in other fields of duty. He had at all times and in all places the love and admiration of his brigade, which gloried in its leader. He cared for his men tenderly, and counted no labor as hardship which brought them health or comfort. In marches he walked with them. He lived with them in camp and shared their lot, whatever it was. By such labor and exposure he became sick, and in September came home to recruit his health, intending soon to go back to the field again; but it was not so ordered of Providence, and he sank gradually until, on the 6th day of November last, he died. It sums up this narrative that Jameson was the first volunteer and the first colonel in the field from Maine; that he was first at Yorktown and among the first and foremost toward Richmond; one of the first in gallantry, one of the first in the love and admiration of his men. Alas, that he should be the first general of Maine to die. At 35 years of age it was hard for the country to lose such a gallant spirit, but the State has gained the memory of a hero.

The Washington Republican speaks as follows of the qualities which distinguished our gallant general:

"Intrepid, enterprising, but withal judicious and full of resources, General Jameson had before him the prospect of a most brilliant military career. He was one of the fighting generals.

"As he, with others of the salvoed chiefs of fearless men who lately have left us—when we could have better spared others of another mold than theirs—as he, and Kearny, and Stevens shall reach the shores of that dark river, made mournful by Cerberus's ceaseless howl, the waiting hosts of the bravest dead of all the past will recognize their beaming blades, nor will they seek to dispute them place amid their front and foremost ranks."

[General Kearny to General Jameson.]

"DEAR GENERAL: I have signed and forwarded to Mr. Fuller the requisite certificate.

"You have no idea how greatly I miss you socially and militarily, and your last, on the 30th of June, on the Newmarket road, I think, really, the handsomest fight of the war. Our line was very unjustly extended 2½ miles for our weak division.

"The fighting fell entirely on the First Brigade, and I grudged giving General Robinson, a stranger to us, the credit. The enemy tried on us Longstreet's men, who had succeeded on the Chickahominy, but it would not go down. They disregarded our artillery, Thompson's battery; lost men not by scores, but by hundreds, and were only repulsed by Hayes with the Sixty-third and part of the Thirty-seventh and your humble servant. Hayes counted for a legion. As he led them, with his wild, heroic actions, he really looked Homeric; and I trust that I figured for some. * * *

"Oh, how I fancied your being there, with your own fine form and dashing impulsive manner, forming one of our trio. This brigade, which you managed so well and kept in heart, believed in you and followed you with a discipline of the heart. * * *

"I have invariably maintained that you are identified with the division, Williamsburg and Fair Oaks (the great battles of the war) saw you towering o'er the sea of fight, and I acknowledge none other. I have met with too many insulting slights not to count as precious above all other distinctions my noble division as it entered the baptismal stream of fire in that first proof for the idlers of the Potomac—Williamsburg. * * *

"Dear general, may you soon recover and be back in time to head those men who believe in you.

"Very truly, yours, "P. KEARNY, *General.*

"HARRISON'S LANDING, *August 9, 1862.*"

The following letter of General Jameson to his friend and neighbor was accompanied by a pen and ink diagram of the engagement of which he gives a description:

"HEADQUARTERS FIRST BRIGADE, KEARNY'S DIVISION,
"Fair Oaks Station, June 4, 1862.

"DEAR SIR: Thinking you might be interested in a brief description of the great battle of last Saturday, I inclose a rough sketch of that portion of the field that came under my observation during the engagement, and will endeavor to give you some idea of my movements after arriving at the scene of action.

"I came up the Richmond road with three regiments, having sent one, the Fifty-seventh Pennsylvania Volunteers, up the railroad. Upon arriving near the open field where the rifle pits are, on the Richmond road, I filed off to the left to the woods road, and marched up to the abatis. I deployed the Sixty-third Regiment Pennsylvania Volunteers upon either side of the road on the abatis, with orders to drive the rebels out, they (the rebels) having succeeded in getting into the abatis first, driving Casey's division before them like sheep. I succeeded in holding them in check, but they were evidently determined to break our lines on the Richmond road, having been repulsed in their attempt to turn our left flank by Berry's brigade, and were working that way, keeping up a terrific fire. Our troops had all left the abatis, near the Richmond road. That was a critical moment. General Kearny was with me; my brigade had all been used up at different points (the Eighty-seventh New York Volunteers were sent to the right to support General Peck), except 348 rank and file of the One hundred and fifth Pennsylvania Volunteers under Col. A. A. McKnight. There was not a moment to be lost.

"The only way to prevent the torrent from pouring down that road was to move out of the woods where we were standing, charge across the open field, and up the Richmond road. We started at double-quick, General Kearny at the head with me, also Captain Potter, my assistant adjutant-general. We went up the road to the point designated by a multiple mark on the plan, and then deployed, one-half on either side of the road in the abatis. For more than one hour those men fought in that abatis, not more than 8 or 10 rods between the two lines, during which time I rode back and forth in rear of the abatis, and up the road to the line. At last the rebels broke to the rear and toward their left. About that time large bodies of the enemy were seen moving down the Nine-mile road. Couch's division was holding it. They began to give way. Just at that time the troops in the rifle pits broke and ran, leaving me completely out off, the rebels rushing into the open field at the point marked 5, and sweeping everything before them.

"For more than half an hour I was driving the rebels before me toward Richmond, and directly in my rear the rebels were driving our troops toward the Chickahominy. It was a novel sight I can assure you. Before I received orders to fall back I had gone three-fourths of a mile beyond the rebels that were in my rear and the point where the attack was first made on Casey. I immediately moved my men off the left flank, toward the White Oak Swamp, through the woods to the rear. To add to the danger of our situation, our battery (6) opened fire on us, thinking our troops had all fled from that position. To give you an idea of our position while on the Richmond road, I will state the loss: Of 348 men that started up that road 171 were either killed or wounded; and of the 18 commissioned officers 13 were killed and wounded. General Kearny's horse and mine were both killed, mine having three bullets in him before he fell.

"I got back to the open field in rear of the battlefield in time to rally some remnants of regiments and make a charge on the rebel cavalry and infantry that had made their appearance, driving them into the woods. It was then quite dark and firing ceased for the night. This ended the fight for the day. In less than three hours I lost, in killed and wounded, nearly one-third of the force I took into action. The commanders of my four regiments were all disabled—three seriously wounded and one taken prisoner. * * *

"Heavy reenforcements having arrived in the night the rebels were repulsed in every quarter. I was not in the fight on Monday. But for Kearny's division it is hard telling what the consequences might have been.

"Please let father and mother know I have been spared from me. Remember me to Mrs. —— and the children. I feel very anxious to hear from you.

"I remain, yours, etc.,

"C. D. JAMESON.

"Hon. G. P. SEWALL."

[General Kearny to Governor Washburn.]

HEADQUARTERS THIRD DIVISION, HEINTZELMAN'S CORPS,
Camp Berry, Barhamsville, Va., May 10.

SIR: As the commanding general of this division, of which two of the generals commanding brigades (General Jameson and General Berry), as well as two regiments, the Third Maine, Colonel Staples, and the Fourth, Colonel Walker, form part, I take this opportunity of calling to your notice their meritorious conduct in the late fight, and to display the fact that although these regiments were not the sufferers in the late engagement at Williamsburg, having been detached by General Heintzelman to guard the left flank, yet by their steady and imposing attitude they contributed to the success of those more immediately engaged. And I assure you, sir, that with such material, commanded by such sterling officers, nothing but success can crown our efforts when the occasion requires. I have the honor to inclose the report of Gen. D. B. Birney, who commanded the noble brigade of which these two regiments form a part. General Birney commands two New York and two Maine regiments.

It is peculiarly appropriate, after having rendered justice to the regiments, to bring Generals Jameson and Berry to the especial attention of yourself and citizens at home, who look to them for noble deeds to illustrate their annals; and I am proud to state that they have amply filled the full meed of anticipated distinction. General Berry, charged with the left wing of our line of battle, evinced a courage that might be expected from him (when as colonel of the Fourth Regiment of Maine Volunteers he really saved the day at Bull Run), and also a genius for war and a pertinacity in the fight that proved him fit for high command, for he was most severely assailed on the left, and had most difficult rifle pits and abatis to face and carry. General Jameson, who commanded the First Brigade (One hundred and fifth, Sixty-third, Fifty-seventh Pennsylvania Volunteers, and Eighty-seventh New York), forming the rear of the column on the march from camp on the 5th instant, used vigor in bringing up his men under every difficulty, and was with me under severe fire when he arrived, and gave guaranty of a resolution that promised success in case, daylight remaining to us, he had been launched to the attack of Fort Magruder and those works which the enemy evacuated to us during the night, and which he was the first to enter at daylight.

I have the honor, sir, to be your obedient servant,

P. KEARNY,
Brigadier-General, Commanding Third Division, Heintzelman's Corps.

His Excellency ISRAEL WASHBURN, Jr.,
Governor of Maine.

[Report Adjutant-General of Maine, 1862, part 1, pages 132-138.]

Brig. Gen. Charles D. Jameson was one of the best specimens of the chivalrous gentleman, soldier, and patriot which his native State has sacrificed to the Union during the war. He was a true son of Maine; lived on the banks of our noblest river, always resident within our borders, engaged in that business which marks our distinctive employment and gives us name. He was in all respects a true child of the Pine Tree State. In all the calls of life he was active and energetic. He was successful in his business and happy in his home. He was generous and genial in all associations with his fellow-men. He had a great readiness of perception, the nicest sense of honor, and a bland and pleasing address. He had no enemies, but the most extended circle of warm and sustaining friends. In politics he was a Democrat whose patriotism and love of liberty blazed high and warm above the limits of party.

It was natural that such a man should have been the colonel of the militia regiment of his vicinity, and twice a candidate for governor of the State. The attack upon Sumter brought from his heart the earliest vows upon the altar of his country. He left wife and children, parents, home, and friends, and all that made life cherished and valuable to share the hardships and dangers of the field. The Second Regiment, raised under his active exertions, made him its colonel, and was the first from Maine at the seat of war. In a few weeks it was launched in battle at Bull Run. Its conduct there gave it glory and a gallant name. Its colonel then won his star as brigadier.

It shows the man that in this conflict when the regiment had been driven back from batteries of the enemy, leaving their wounded behind, he called for volunteers, and leading back a little band, under steady fire, brought off in their arms the injured and helpless men. As brigadier he had not the fortune to lead men from his own State, but choice regiments from Pennsylvania and New York composed his command. With those he fought at Yorktown, Williamsburg, Fair Oaks, and in other fields of battle. He was the first to enter Yorktown, and one of the first to enter Williamsburg.

At Fair Oaks his conduct and generalship won for him the warmest praise from his superior, that eminently gallant man, the late lamented Kearny. It is believed that Jameson then carried the Stars and Stripes, and by its side the Pine Tree banner of Maine, nearer Richmond than any other, either before or for a long time after. A friend once asked him, "What did you intend, with your handful of men, when you received orders at Fair Oaks to fall back?" "But for that order," said he, "I would have been in heaven or in Richmond that night." As a soldier General Jameson was a striking figure. Daring to rashness, exposing himself without sense of danger, he rushed into battle, and inflamed with his own dash and ardor the men who followed him.

He asked no man to go where he was not willing to be in advance of the foremost. He was not less noticeable in other fields of duty. He had, at all times and in all places, the love and admiration of his brigade, which gloried in its leader. He cared for his men tenderly, and counted no labor as hardship which brought them health or comfort; in marches he walked with them. He lived with them in camp, and shared their lot, whatever it was. By such labor and exposure he became sick, and in September came home to recruit his health, intending to go back to the field again; but it was not so ordered of Providence, and he sank gradually, until, on the 6th of November, 1862, he died.

It sums up this narrative that Jameson was the first volunteer and the first colonel in the field from Maine; that he was first at Yorktown, and among the first and foremost toward Richmond; one of the first in gallantry, one of the first in the love and admiration of his men. Alas, that he should be the first general of Maine to die. At 35 years of age it was hard for the country to lose such a gallant spirit, but the State has gained the memory of a hero.

The Washington Republican speaks as follows of the qualities which distinguished our gallant general:

"Intrepid, enterprising, but withal judicious and full of resources, General Jameson had before him the prospect of a most brilliant military career. He was one of the fighting generals.

"As, with others of the salvoed chiefs of fearless men who lately have left us—when we could have better spared others of another mold than theirs—as he, and Kearny, and Stevens shall reach the shores of that dark river, made mournful by Cerberus's ceaseless howl, the waiting hosts of the bravest dead of all the past will recognize their beaming blades, nor will they seek to dispute them place amid their front and foremost ranks." (Adjt. Gen. Report, Maine, part 1, pages 402, 403.)

Mr. CURTIS of Iowa. Mr. Chairman, I had the honor to introduce this bill. The report, a part of which has been read, is quite full and exhaustive, setting forth the military record of General Jameson, containing letters from the generals under whom he served, and a letter from the adjutant-general of the State of Maine. If, however, it is the desire of the committee to have this information in a condensed form, the gentleman from Maine [Mr. BOUTELLE], who lives in the town from which General Jameson enlisted and is familiar with all the facts of the case, can state them better than I can, and I shall be glad to yield to him for that purpose.

Mr. BOUTELLE. Mr. Chairman, the portion of the report that has been read contains the substance of this case. General Jameson was the first colonel to go to the field from the State of Maine, and the first general officer from that State who died. The letters printed in the report at considerable length show his service to have been remarkably brilliant and valuable. Very early in his military career he was promoted to the rank of brigadier-general, and he rendered distinguished service at the battles of Williamsburg and Fair Oaks. In a conversation a few moments ago with Governor McCORMICK he mentioned the fact of his having entered Williamsburg with General Jameson, who had so distinguished himself by his gallantry in the action preceding the capture that General McClellan assigned him to the command of the city. At the battle of Fair Oaks his horse was shot three times and fell on him and injured him so badly that he was obliged to be taken to his home, where typhoid fever set in and resulted in his death a few weeks later. His widow, who is now advanced in years and in very poor health, has made application for this increase, in accordance with the custom that has prevailed of making provision in cases of this character. The testimonials in this report from General Howard, General Kearny, from the adjutant-general of Maine, and from other sources all combine to set forth the peculiar gallantry and brilliancy of General Jameson's record; and I have no idea that any gentleman on this floor will hesitate a moment in granting the increase that is asked in this case.

Mr. TALBERT. Mr. Chairman, I rise not to oppose the passage of this bill, but to submit a few remarks. Here is the widow of a distinguished general, whose military record, as set forth in this report, I have read with pleasure, including the references made to him by his commanding officers, Generals Kearny and Howard, and the report of the adjutant-general of the State of Maine. They are touching, they are eloquent, and the widow of this distinguished officer deserves the consideration that is proposed to be given to her in this bill, which, as I understand, is at the rate of $50 per month. The gentleman from Iowa [Mr. CURTIS] said that he would not ask more than $50 per month; that he thought that would be sufficient. Now, Mr. Chairman, I only want to repeat that I hope we shall vote unanimously for this bill, and thereby establish the precedent of voting to the widows of distinguished Union generals (of whom there were few more distinguished than the husband of this lady) a regular uniform amount. Let us give this widow $50 a month, and I do not think it likely that we shall be called upon in the future to vote a pension to the widow of any more distinguished officer than General Jameson. I hope the bill will be passed.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LUCINDA RICKARDS.

The next business on the Private Calendar was the bill (H. R. 5393) for the relief of Lucinda Rickards, widow, and the minor children of John D. Rickards, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, at the rate of $12 per month, the name of Lucinda Rickards, the widow, and the names of Henry, Lon, and Frank, the children of John D. Rickards, a private in Company A, Sixty-ninth Regiment of Enrolled Missouri Militia, at the rate of $2 per month each. The pension in the case of widow and children to commence on the 4th day of July, A. D. 1890, the date of the death of said soldier, John D. Rickards, and to be subject to the provisions and limitations of the general pension laws.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, having considered the bill (H. R. 5393) to pension Lucinda Rickards and the minor heirs of John D. Rickards, beg leave to report that a similar bill was introduced in the Fifty-third Congress. It was reported favorably in the following language, which the committee incorporate as a part of this report:

"The petitioner is the widow of John D. Rickards, who served in Company A, Sixty-ninth Missouri Enrolled Militia, in the years 1862, 1863, and 1864. This being a State militia organization, he was not pensionable under the general laws, but on proof that he had been wounded August 23, 1862, in action with the enemy, he was pensioned by special act of Congress approved February 14, 1885, and was rated at $8 per month for gunshot wound of left side. The petitioner was married to him January 24, 1865. The soldier died July 4, 1890, at the State insane asylum at St. Joseph, Mo.

"Dr. A. M. Raines testified May 29, 1894, that he was called to attend John D. Rickards on account of a gunshot wound received in actual service August 23, 1862. The ball, entering the spinal column, passed through one lobe of the lungs, and was extracted by affiant from between the ribs. He was treated by affiant for about six weeks, and his mind failed from the time he was wounded until his death in the asylum. 'I believe and have no doubt his insanity was the result of said wound.'

"Dr. D. V. Van Syckel, of Canton, Mo., testified June 2, 1894, that he examined the soldier and found a gunshot wound of left side of lung, near the vertebra, affecting the great spinal nerves of the back, especially motor and sentient nerves; passed through one lobe of lung and was extracted from between the ribs. 'I am confident, from the appearance of the man at time of examination, his insanity resulted from the wound and finally his death, which took place in the St. Joseph Asylum.'"

The committee recommend that all after the word "each," in the ninth line, to the word "subject," in the twelfth line, be stricken out, and as so amended the bill do pass.

The amendment recommended in the report was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE W. TAYLOR.

The next business on the Private Calendar was the bill (H. R. 6608) to remove the charge of desertion from the military record of George W. Taylor.

Mr. TALBERT. Mr. Chairman, I ask unanimous consent that this and the next bill on the Calendar be passed over for the time being.

Mr. FLYNN. I object.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against George W. Taylor, late of Company C, One hundred and third Regiment Illinois Volunteer Infantry, on the records of the War Department, and to issue to said George W. Taylor a certificate of honorable discharge.

An amendment recommended by the committee was read, as follows:

After the words "honorable discharge," in line 8, add "to date April 3, 1865: *Provided*, That such soldier shall not be entitled to any pay, bounty, or emoluments by virtue of this act."

Mr. FLYNN. Mr. Chairman, I am opposed to the committee amendment. This soldier resides in my district, and I submit that gentlemen who hear the report on this bill read will be inclined to sustain my proposition and to refuse to sanction the amendment of the committee. I ask for the reading of the report.

The report (by Mr. BISHOP) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6608) entitled "A bill to remove the charge of desertion from the military record of George W. Taylor, beg leave to submit the following report, and recommend that said bill do pass with amendments as follows:

Add to line 8 the words "to date April 3, 1865: *Provided*, Such soldier shall not be entitled to any pay, bounty, or emoluments by virtue of this act."

The facts as found by your committee, upon which such soldier relies for the relief provided for in this bill, are as follows:

The soldier enlisted August 18, 1862; was wounded and suffered amputation of left middle finger in December, 1863; wounded in right thigh and groin, May, 1864; was furloughed on account of such wound, July 2, 1864; furlough extended to November 12, 1864. Up to this date the record of such soldier, from date of enlistment up to October, 1864, is most worthy.

The proofs submitted to your committee indicate that while such soldier was seeking to return to his command he was captured with a number of others at Powder Springs, Mississippi, about October 25, 1864. That he attempted to escape in January, 1865, but was wounded and recaptured. That he made a final escape in April, 1865, and rejoined our forces at Ebenezer Church, near Selma, Ala. That he was sent from there to Louisville, Ky., and was given transportation home. Two of the members of the forces who were present when the escaping soldier came inside our lines have testified

as to the facts, which seem to be confirmed by other testimony, that at the very time such soldier was reported to be a deserter he was a prisoner of war and confined within a Confederate prison.

After a careful consideration of this case your committee believe that such soldier never deserted, but had been so diligent in trying to reach his command from his furlough that he refused to turn back when notified of danger and thereby became a prisoner of war.

The report of the War Department is as follows:

Case of George W. Taylor, late of Company C, One hundred and third Regiment Illinois Infantry Volunteers.

It appears from the official records that the soldier named above was enrolled August 18, 1862, for three years. On the roll of his company, dated December 31, 1863, he is reported as absent, "wounded at Chattanooga, November 25, 1863." The rolls dated February 29 and April 30, 1864, show him present with his command, but the rolls dated June 30 and August 31, 1864, show him absent in field hospital near Dallas since May 27, 1864. The roll dated October 31, 1864, reports him absent, wounded in action at Dallas, Ga., May 27, 1864, and the roll dated December 31, 1864, reports him to have deserted while at home on furlough November 20, 1864. The company muster-out roll, dated June 21, 1865, shows him to have deserted November 12, 1864, while on furlough from hospital at Altoona, Ga.

The medical records show that he was admitted to regimental hospital November 25, 1863, with gunshot wound of the left middle finger, which was amputated, and that he was furloughed December 10, 1863.

The medical records also show that he was admitted to regimental hospital May 27, 1864, for gunshot wound (nature not stated), and that he was sent to the corps hospital June 9, 1864, but no record of him in the last-named hospital has been found.

The records of the Fifteenth Army Corps show that he was furloughed from July 2, 1864, to August 1, 1864, but the cause of his furlough is not given.

Nothing has been found of record to show that he was ever captured by the enemy.

Applying for removal of the charge of desertion, this man testified on December 28, 1892, that, having been wounded in the right thigh and groin, he went home on furlough about the 1st of July, 1864, which furlough was extended to November 12, 1864; that he left his home to join his command in October, 1864; that he was captured by the rebels at Powder Springs, Mississippi, about October 25, 1864, and was held as a prisoner until April, 1865, when he escaped to the United States forces at Ebenezer Church, near Selma, Ala.; that he was sent to Louisville, Ky., and there given transportation to his home; that he attempted to escape from the rebels in January, 1865, but was pursued, recaptured, and wounded by a saber stroke.

Jacob Johnson testified, under date of August 18, 1892, that he was a private in Company K, Fourth United States Cavalry, and that he knows that while his command was advancing from Ebenezer Church, Georgia, to Selma, Ala., and had reached the Alabama River, "the said George W. Taylor was on the opposite side of the river, came across in a canoe, and was escaping from the Confederate lines where he was a prisoner," and that he was very weak and emaciated.

Lewis Manker testified, under date of August 18, 1892, that he was a member of Company G, Second Indiana Cavalry, and that on April 3, 1865, George W. Taylor, who had just made his escape from the Confederate lines, where he had been a prisoner, came to Manker's company at Selma, Ala., and remained with it about four days.

Samuel N. Rockhold testified, under date of December 22, 1892, that he was a member of Taylor's company and went home with him on furlough in June or July, 1864, Taylor being wounded. He also testified that he had been "informed" that Taylor did not rejoin his command because he was captured and imprisoned by the rebels.

Under date of April 1, 1893, Taylor made a sworn statement in which he reiterated his previous allegations and detailed at some length the circumstances of his being wounded, attempting to rejoin his command, and his alleged capture and escape, and in addition he declared that after he reached the Union lines he was sent, about April 25, to Memphis and thence to Louisville; that the surgeon in charge of the convalescent camp at Louisville gave him a certificate showing that he was not fit for service; that he was given transportation to Bushnell, Ill., which was near his home, and that he had the surgeon's certificate until 1886, when it was destroyed by the burning of his house.

Bernard Kelly, late captain of Company F, One hundred and third Illinois Infantry, testified, under date of June 17, 1893, that Taylor was a member of his company, was a good soldier, always ready for and attentive to his duty, up to May 28, 1864, when he (Kelly) was last wounded. He gave no testimony with regard to the soldier subsequent to the last-named date.

Charles D. Monroe testified, under date of January 2, 1890 (?), that he was adjutant of the Forty-eighth Illinois Infantry in November, 1864; that on November 9, 1864, when returning from a leave of absence to his command, which was south of Rome, Ga., he found many others on their way to their commands, some of whom were turned back, but others were not, and many of those who were not turned back were captured by the rebels; that "from conversation with" Taylor he believed that he was one of the party that was captured by the rebels at that time; that he does not recognize Taylor as being one of the soldiers who were returning to their commands at the time in question, but from the fact that Taylor recognized him and made statements concerning the affair in question, which statements the affiant, Monroe, knows to be correct, he is satisfied that Taylor was captured by the enemy, as he claims, and that he did not desert.

Francis M. Hunt testified, under date of February 4, 1895, that he was a corporal in Company C, One hundred and third Illinois Infantry; that he knew of Taylor being wounded about May 28, 1864, and receiving a furlough; that he did not see him during the remainder of his service, but that from his acquaintance with him he does not believe he ever deserted, but believes that he was captured by the enemy and held as a prisoner of war, as stated by him.

Christopher C. Holland testified, under date of January 16, 1895, that Taylor employed him in 1882 to file a homestead entry; that in the course of this employment he saw and handled Taylor's "discharge," which he read and examined, and which he knows was in the usual form of such papers; that said discharge, on its face, showed, among other things, that the soldier was honorably discharged from the service of the United States; that the discharge was dated at Louisville, Ky., was issued from a hospital, and was signed by the person in charge of said hospital; and that this discharge was destroyed by fire in the spring of 1886.

Austin L. Thayer testified, under date of January 8, 1895, that he remembers that Taylor showed him "some kind of discharge paper," and that it contained Taylor's name, but that he has no recollection as to the official signature; that he considered the paper good enough evidence of Taylor having been in the service and discharged by some military authority; that he vouched for Taylor in a Grand Army post as having displayed his discharge to him previous to his (Taylor's) being "burned out" in the spring of 1886; that his "impression" is that Taylor had a genuine discharge, and that his "impression" is that it was issued from some hospital, but he can not swear to that fact; that he "heard Taylor speak" of his having served in the Army and of his discharge, and when and where he was discharged, but that he can not remember the date or place of discharge as stated by Taylor.

The application for removal of the charge of desertion in this case has repeatedly been denied, and now stands denied, because repeated and exhaustive searches of the records of both the Union and Confederate armies have failed to elicit any evidence that Taylor was ever captured by or escaped from the enemy, or that he was ever under military control, either with troops in the field at Memphis or Louisville, at any time subsequent to July 2, 1864, on which date he received a furlough for thirty days; and because, further, the only record relative to his final separation from the service that can be found is the clear and positive record which shows that he deserted in November, 1864, while at home on furlough.

Respectfully submitted.

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

RECORD AND PENSION OFFICE,
War Department, March 3, 1896.

The SECRETARY OF WAR.

Mr. FLYNN. Now, Mr. Chairman, it will be seen that the committee find that while the charge of desertion was made against this soldier he was lingering in a Confederate prison. They further find that he never deserted; and in view of that fact I say the amendment of the committee should not be sanctioned by the House.

The question being taken, the amendment was rejected.

Mr. FLYNN. I desire to offer an amendment. There is a mistake in describing the company in which this man served. I move to strike out, in line 5, the letter "C" and insert "F."

The amendment was agreed to.

Mr. TALBERT. I think this bill ought not to pass. I move, therefore, that it be laid aside to be reported to the House unfavorably. Let us get bills of this character out of the way, in order that bills which ought to pass may come in.

The question being taken on the motion of Mr. TALBERT, it was not agreed to; there being on a division—ayes 5, noes 68.

The bill was then laid aside to be reported favorably to the House.

OSCAR A. BULETTE.

The next business was the bill (H. R. 5407) to remove the charge of desertion now standing against Oscar A. Bulette, late private in Company E, Fifty-second Illinois Infantry Volunteers, during late war.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the record of desertion now standing against Oscar A. Bulette, late private in Company E, Fifty-second Illinois Infantry Volunteers, during the late war, and instead thereof to grant him an honorable discharge.

Mr. DOOLITTLE. I move to amend the bill by inserting, after the name "Bulette," in line 5, the words "known in his military record as Austin Bulette"; also to amend the title by inserting the same words after the name "Bulette." My reason for offering this amendment is that in the records of the company and regiment the name appears as Austin Bulette.

Now, in regard to the circumstances of this case, I will make a statement so as to avoid the necessity of reading the report. This was a French boy who enlisted from Wisconsin, going over the line, however, into the State of Illinois. He had been brought up on a farm; and, fired with the patriotism which, as we all remember, swept over the country in those days, he ran away from home and enlisted. His people were very anxious about him and sought in different ways to obtain his discharge from the Army. Finally President Lincoln was petitioned by the father of the boy, and in some manner—just how it was accomplished the record does not state; the petition does not appear in the record, but there is an affidavit showing that there was a petition—in some way the prayer of that petition was carried out, and the boy was taken out of the Army. He states in his affidavit that an officer came to him at St. Louis, took him from his company with the knowledge of the officers of the company, and started him on his way home. He went home and remained there for several months—perhaps for more than a year; but, at all events, as soon as he became old enough he reenlisted and served out the time of his enlistment.

Mr. PICKLER. And was honorably discharged?

Mr. DOOLITTLE. And was honorably discharged. [Cries of "Vote!" "Vote!"]

Mr. TALBERT. I should like to hear the report read in this case.

Mr. DOOLITTLE. I have attempted to state the substance of the report.

Mr. TALBERT. But the report may state the facts more explicitly.

The Clerk proceeded to read the report (by Mr. GRIFFIN), but was interrupted by

Mr. TALBERT. I have no desire to hear that report further. I move that the bill be laid aside to be reported unfavorably.

The CHAIRMAN. The question is, first, on the amendment submitted by the gentleman from Washington.

The amendment of Mr. DOOLITTLE was agreed to.

The CHAIRMAN. The question is now on the motion of the

gentleman from South Carolina [Mr. TALBERT] that the bill be laid aside to be reported unfavorably.

The question being taken, the motion was rejected; there being on a division (called for by Mr. TALBERT)—ayes 4, noes 71.

The bill was then laid aside to be reported favorably.

RHODA AUGUSTA THOMPSON.

The next business on the Private Calendar was the bill (H. R. 6826) granting a pension to Rhoda Augusta Thompson, daughter of the late Thaddeus Thompson, a private in the Revolutionary war.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Rhoda Augusta Thompson, daughter of the late Thaddeus Thompson, a private in Colonel Lamb's regiment of artillery and in Captain Joseph Thomas's company of artillery, and to pay her a pension at the rate of $12 per month during her natural life.

Mr. SPERRY. This lady, who is well known to me, is the daughter of a Revolutionary soldier, and as such her father was on the pension roll. She is now 75 years of age; is infirm, with no one to care for her except her friends. This is a statement of the case. I think it is one well worthy of a pension.

The bill was laid aside to be reported favorably.

ANNA M. NEWTON.

The next business on the Private Calendar was the bill (H. R. 1508) granting a pension to the widow of Gen. John Newton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name Anna M. Newton, widow of John Newton, late major-general of volunteers and brigadier-general of the United States Army, and pay her a pension at the rate of $100 a month.

Amend the title so as to read: "A bill granting a pension to Anna M. Newton, widow of Gen. John Newton."

The Committee on Invalid Pensions recommended the adoption of the following amendment: Strike out "one hundred," in line 7, and insert "seventy-five"; so that it will read "at the rate of $75 a month."

Mr. DINGLEY. We ought to have some statement with the bill or have the report read.

Mr. TALBERT. I would like to have the report read.

Mr. CURTIS of New York. Mr. Chairman——

Mr. DINGLEY. If the gentleman will allow me, I desire to make this suggestion simply: I think it but just to the committee and to the House that there should be some brief statement made as to the merits of each of these cases as they come up, and this would be better than the reading of the report, as it would consume less time. If no one volunteers to make the statement concerning the bill, it will be necessary to have the report read in each case.

Mr. CURTIS of New York. Mr. Chairman, in view of the remarks of the gentleman from Maine——

The CHAIRMAN. The gentleman from South Carolina has demanded the reading of the report. Does he yield to the gentleman from New York?

Mr. TALBERT. Certainly.

Mr. CURTIS of New York. I was going to say that, in view of the suggestion of the gentleman from Maine, I would make a brief statement respecting this case, which will take less time than the reading of the report.

This bill proposes to pension the widow of Maj. Gen. John Newton. He was one of the most distinguished graduates of West Point before the war in a class nearly all of whom went into the Confederacy, and he, with Gen. George H. Thomas, were the conspicuous exceptions among the Virginians at that time who remained in the Union Army.

He was one of the most competent engineers of his day, graduated second in his class, and received promotions on account of his skill in the science of engineering, first to the rank of brigadier-general, and later, because of his military genius, to a higher grade. He served through the war most gallantly and won honorable distinction, and later on he was in charge of the most important Government works, especially the improvement in New York Harbor, and particularly in arranging for the safe navigation at what is known as the "Hell Gate Channel" leading into the sound. His widow is left in destitute circumstances and has to care for an invalid daughter.

The Senate passed this bill at $100 a month, and, Mr. Chairman, there is no bill on the Calendar that appeals more strongly to the sense of justice of this House than does this bill. Because of the action of the committee in reducing the amount proposed by the Senate bill I am reluctant to ask an increase, although my sense of justice would warrant me in so doing.

Mr. LOUD. I would like to ask the gentleman from New York if this officer did not receive, while performing the eminent services he describes, during his military life a compensation of from five thousand to seven thousand dollars a year for at least twenty or twenty-five years.

Mr. CURTIS of New York. Mr. Chairman, General Newton received such compensation as the law gives to the officers of the rank he held. Because of his peculiar talent and skill he was often charged with more responsible duties than other officers of like grade. But to raise the question whether his compensation was large or small raises the question of the propriety of the salaries given by law to officers in the service of the United States, and is a question upon which I do not care to enter as germane to the subject under consideration.

General Newton left no property to his family. He had to live in a very expensive city while receiving the compensation referred to by my friend from California, and his salary was exhausted. His widow, now an aged lady, nearly 70, past 65 years, comes to the House under these circumstances for its favorable consideration. Congress has expressed over and over again in measures for the relief of widows of officers of distinction who served the country as well as General Newton did its purpose to provide suitable support, and I am sure that there can be no disposition to grant his widow less than this bill requires.

Mr. TALBERT. Mr. Chairman, I move to strike out "seventy-five" and insert "fifty," and I do this simply on the same ground that I advocated a few moments ago—the pension to the widow of another general officer, General Jameson. I dislike very much to make this motion affecting the bill of my amiable friend from New York, on whose first visit to my part of the country we treated somewhat badly, but in justice to myself and to this class of pensions I think that they should go on a common ground, and for that purpose I move to strike out "seventy-five" and insert "fifty."

Mr. CUMMINGS. Mr. Chairman, I have listened with great interest to what my distinguished friend on my right [Mr. LOUD], who was himself a gallant soldier in the Union Army, has said with regard to the compensation received by General Newton from the Government for services rendered in the war and elsewhere. When application was made here for a pension to the widow of General Grant, if my friend from California had been a member, I think he would not have been found asking such a question concerning her pension. I speak on behalf of the widow of Gen. John Newton. He has a record of services taking in the battles on the Peninsula, Antietam, Fredericksburg, Chancellorsville, and Gettysburg. It reaches to the great armies of the West. His widow has far less of this world's goods than the widow of General Grant. She is entitled to at least the poor pittance of $75 a month. [Applause.] The Senate gave her a hundred. I was surprised to hear that the House committee had reduced it to $75.

John Newton became a major-general not through political or other influences. He won his double-starred shoulder straps on the field of battle. [Applause.] He was as modest and as undemonstrative in his bearing as General Grant himself.

General Newton was not only useful to his country when our great civil war was raging, but he was useful to her in the paths of peace and commerce after the war. He blasted a highway from Long Island Sound into the great port of New York. As president of the Panama Railroad Company he maintained for commerce that iron link between the Atlantic and the Pacific. He deserved well of his country from the day that he entered her service up to the day that he died, not only in war but in peace. His widow, now in straitened circumstances, asks only what has been granted to widows of major-generals in the Union service who died before her husband.

Mr. Chairman, Mrs. Newton will not receive under this bill what has been granted to the widows of former major-generals who were in far better circumstances. I do hope that my friend from South Carolina [Mr. TALBERT] will not insist upon his amendment, which reduces the amount still lower. I know that if he had fought with General Newton, as I have done, with others on this floor, and if he was acquainted with the circumstances of the case as they know them, he would be the last man here to gravely move to reduce this proposed pension. We have with us here on my left an officer, and a brave officer, who was upon General Newton's staff. I refer to my friend and colleague, Colonel SHANNON. He knew General Newton. He has seen him on the bloody field, and can testify to his meritorious services and the needs and necessities of the case. Mr. Chairman, this House will simply stultify and disgrace itself if it reduces this pension from $75 to $50 per month.

Mr. TALBERT. Will the gentleman say something for the widows of the privates who followed General Newton?

Mr. CUMMINGS. I am voting for pensions for them whenever I have an opportunity. Votes are at least as good as words.

Mr. LOUD. Mr. Chairman——

The CHAIRMAN. Time for debate on this bill is exhausted.

Mr. LOUD. The opposition to this bill have not consumed sixty seconds.

The CHAIRMAN. The time for debate upon this bill has expired.

Mr. LOUD. I hope that the gentleman will give me an opportunity to reply——

The CHAIRMAN. The Chair can not give the gentleman an opportunity when the time is exhausted.

Mr. CUMMINGS. I ask unanimous consent that the gentleman be allowed five minutes?

Mr. MILNES. I ask unanimous consent that the gentleman from California be heard.

The CHAIRMAN. Unanimous consent is asked that the gentleman from California be allowed five minutes.

Mr. POOLE. I object.

Mr. LOUD. Oh, I can get time on the next bill. I want nothing except what I am entitled to by right, and I will get it on some other bill.

Mr. HULL. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HULL. As I understand the rule, debate is limited to five minutes on a side.

The CHAIRMAN. Debate is limited to ten minutes, to be divided between the friends and opponents of the measure.

Mr. HULL. Can a man take the floor and occupy the ten minutes on one side, and thus cut off the other side entirely?

The CHAIRMAN. Two or three members can take the floor and occupy the whole ten minutes on either side, unless some member objects or raises the point of order. The question is on the amendment offered by the gentleman from South Carolina [Mr. TALBERT] to strike out "seventy-five" and insert "fifty."

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. TALBERT demanded a division.

The committee divided: and there were—ayes 44, noes 55.

Mr. TALBERT. I demand tellers.

Tellers were refused, 9 members (not a sufficient number) voting in support of the demand.

Accordingly the amendment was rejected.

The amendment recommended by the committee, to strike out "one hundred" and insert "seventy-five," was agreed to.

The question was taken on laying aside the bill as amended to be reported to the House with a favorable recommendation.

The CHAIRMAN announced that the ayes seemed to have it.

Mr. TALBERT demanded a division.

The committee divided; and there were—ayes 76, noes none.

Mr. TALBERT. No quorum.

The CHAIRMAN (having counted the committee). One hundred and fifty-three gentlemen are present. The ayes have it, and the bill is laid aside to be reported to the House with a favorable recommendation.

CATHARINE LEARY.

The next business on the Private Calendar was the bill (S. 819) granting a pension to Catharine Leary.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Catharine Leary, a nurse in the war of the rebellion, and to pay her a pension at the rate of $8 per month on and after the passage of this act.

The Committee on Invalid Pensions recommended an amendment striking out the word "eight," in line 6, and inserting in lieu thereof the word "twelve."

Mr. LOUD. Mr. Chairman, I should like to remind the chairman, before I proceed, that the Chair has repeatedly called the attention of members to the fact that they can not determine when a member's time has expired, and I want to call the attention of the Chair to the position in which a member is placed in this House. The House, or a member of the House, can not determine when a member's five minutes have expired. Hence a member must retain his seat until another member has used up the whole time, either in favor of or in opposition to the bill.

Now, then, in relation to the last case. When I suggested an inquiry to the gentleman from New York as to what salary had been received by General Newton, whose widow this House has just put upon the pension roll at $75 a month, the gentleman from New York worked himself into an imaginary frenzy—and when I say the gentleman from New York I mean Mr. CUMMINGS, who turned to me and said the "gentleman upon his right," meaning, I suppose, me, because he could not have meant anyone else—and asserted that if I had been in this House at the time that the widow of General Grant was pensioned I would not have raised my voice against the pension granted to that widow. Now, permit me to say to the gentleman——

Mr. CUMMINGS. I beg the gentleman's pardon. I said that he would not have applied the same argument to that case.

Mr. LOUD. I think I have quoted the gentleman's exact language. Permit me to say that the statement is entirely gratuitous on the part of the gentleman from New York. He is talking about something that he knows nothing about, as he quite frequently does. I deny to him or to anyone else the right to assume what position I would take. I think I have been consistent in my position in this House. I have endeavored to show favoritism to no one. I assert here that General Newton was paid for his services during his entire service, and he was educated at the expense of the Government.

Mr. Chairman, I was led to believe a fact, which I subsequently discovered to be true, which perhaps influenced the gentleman in the matter, and that was that General Newton was a Democrat.

Mr. CUMMINGS. If the gentleman will allow me, he was an anti-Tammany Democrat, and my political enemy.

Mr. McCLELLAN. And put out of office by Tammany.

Mr. LOUD. I do not care anything about that. I was led to believe that, Mr. Chairman. So that it was wholly unnecessary for the gentleman to suggest what position I would have occupied. But I will state that if I had the power to prevent the pensioning of widows of officers beyond the amount allowed by law I would do so in the case of every widow in this country, not excepting the widow of General Grant. I do not believe that it is in the province of Congress to be charitable to any person. I say again, and I am sincere and earnest in what I say, that if I had it in my power I would defeat every one of these cases. I have been consistent in my course. I know I can not defeat them, and hence I keep my seat.

Mr. DINGLEY. Let us hear the report read or some explanation given of the bill.

Mr. PICKLER. The only point there is in this case is——

The CHAIRMAN. Does the gentleman from Maine yield to the gentleman from South Dakota?

Mr. DINGLEY. Certainly.

Mr. PICKLER. In the general army nurse bill, which is now the law, certain authority is defined in the law for the engagement of these nurses. This woman filed her application, but they decided that her employment was not under such authority as was defined by the general statute. She served six months. The record of this nurse's service shows that they were valuable. They were given during an epidemic of smallpox or cholera, and the only point in the case is that her employment was not under such authority as is defined in the law as it now stands. She is worthy of her pension. She served six months and did valiant service. There is no doubt about that.

Mr. DINGLEY. Is it the same amount of pension as given to nurses?

Mr. PICKLER. Yes, sir; it is the same as given to other nurses.

Mr. ERDMAN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Maine yield to the gentleman from Pennsylvania?

Mr. DINGLEY. I do.

Mr. ERDMAN. Mr. Chairman, I understand that this woman did not enter the army service until a year after the war. A parliamentary inquiry. Is it within the jurisdiction of the Committee on Invalid Pensions to report a bill of this character?

The CHAIRMAN. In the opinion of the Chair that point comes too late. The bill has already been under consideration by the committee and has been debated for several minutes. [Cries of "Vote!" "Vote!"]

Mr. PICKLER. This woman was in the hospital service after the war was closed.

Mr. ERDMAN. I rise to a point of order. I make the point of order——

The CHAIRMAN. The gentleman will state the point of order.

Mr. ERDMAN. My point of order is that this bill is not properly reported from the Committee on Invalid Pensions.

The CHAIRMAN. The Chair is of the opinion that the point of order comes pretty late, after the bill has been under consideration by the committee.

Mr. ERDMAN. I do not understand that that would make any difference on the point of order. The question of jurisdiction in a court of justice can be made in the appellate tribunal, even if not made before.

The CHAIRMAN. The Chair overrules the point of order.

Mr. ERDMAN. Then I only want to say, Mr. Chairman, that from the affidavits on file it appears that this party was employed as a domestic in the family of Private Gillis at the time she was alleged to be a hospital nurse.

Mr. TALBERT. Mr. Chairman, I want to raise my voice here. [Laughter.] I want to try to bring to my assistance the distinguished gentleman from New York [Mr. CUMMINGS], who came very near falling in his tracks a while ago in the interest of the widow of a distinguished officer. I want to call to my assistance the Democrats who stood here and voted for that appropriation. I want them to help me to get a little pittance now for a poor woman. I want to appeal to the distinguished gentleman from New York who shed some of his crocodile tears a while ago; I want to appeal to him in the interest of this poor woman. It is a sad condition of affairs that whenever you gentlemen make an appeal for the officers' widows you have to come to the Democratic side to get those bills through. I am ashamed of it. Let those

gentlemen get up here now and say something in the interest of the poor people as well as in the interest of the rich.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL D. GILMAN.

The next business on the Private Calendar was the bill (H. R. 7127) granting a pension to Samuel D. Gilman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is herebys authorized and directed to place on the pension roll, subject to the provision, and limitations of the pension laws, the name of Samuel D. Gilman, late of the Strafford Guards, New Hampshire Volunteers, and pay him a pension of $50 per month.

Mr. DINGLEY. I hope we shall have a brief statement of the merits of this bill.

A MEMBER. Let the report be read.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7127) granting a pension to Samuel D. Gilman, having carefully considered the same, respectfully report:

Samuel D. Gilman enlisted May 5, 1864, as a member of Strafford Guards, New Hampshire Volunteers, and went into service at Fort Constitution. While on duty in the service he took cold from exposure in a drenching rain, and rheumatism in his feet and ankles immediately followed, rendering him unfit for duty, and in a short time erysipelas of head and face. He had, up to that time, been a vigorous man, seldom lost a day by reason of illness, and was industrious and of good habits.

A special examiner, under date of January 24, 1896, says:

"The diseases named have resulted in his present wretched condition. There can be no question of his entire disability to do manual labor, and he has been in that condition for six or seven years or longer. The uncontradicted testimony is that he did have rheumatism when at Fort Constitution and erysipelas a few weeks later. The only question, it seems to me, is, was the man sound when he enlisted? Claimant's witnesses are some of the most reliable citizens of Dover, N. H., and he is a conscientious and honest man. He is 70 years of age."

In October, 1894, the examining board reports:

"This man is totally unable to do any work and can not take care of himself. Has to have a constant attendant."

In view of all the facts, your committee respectfully recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

AUGUSTUS G. CARY.

The next business on the Private Calendar was the bill (H. R. 4405) granting a pension to Augustus G. Cary.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Augustus G. Cary, late a lieutenant, United States Revenue Marine, serving on the revenue cutter *Forward* in November, 1863, at which time, by order of the President of the United States, the said cutter *Forward*, together with its officers and crew, was detached from the Revenue-Marine Service and attached to the naval forces, and served as a naval vessel for eleven months, during which time the said Augustus G. Cary acted as a lieutenant. Therefore the said Augustus G. Cary shall be paid such pension as he may then be entitled to according to law.

The committee recommended amendments striking out "a," after the word "late," in line 6, and substituting the word "first"; also striking out all after the words "revenue marine," in line 7, down to and including the words "according to law," in line 15, and substituting therefor the words "and pay him a pension at the rate of $30 per month."

Mr. DINGLEY. Let the report be read.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4405) granting a pension to Augustus G. Cary, have had the same under consideration, and after a thorough and careful examination report the same back with the following amendments, and recommend that it do pass when so amended:

Strike out, in line 6, after the word "late," the word "a" and insert in lieu thereof the word "first." Strike out all after the word "marine," in line 7, and add "and pay him a pension at the rate of $30 per month."

The reasons for this recommendation were submitted to the Senate at the first session of the Fifty-second Congress in a report presented by Senator Sawyer, and again to the Senate at the Fifty-third Congress, second session, in a report presented by Senator VILAS, embodying the report of the preceding Congress, and to the House during the Fifty-second Congress. Said reports are hereunto attached and made a part of this report.

[House Report No. 2401, Fifty-second Congress, second session.]

The Committee on Invalid Pensions have had under consideration Senate bill 2648, and report the same with amendment, and when so amended recommend that it do pass.

Amend by striking out all after the word "pension," in line 7, and insert the following:

"Subject to the provisions and limitations of the pension laws as provided by the act of June 27, 1890, and that said pension shall be paid out of the naval pension fund."

During the war Mr. Cary was lieutenant in the Marine Revenue Service on the revenue-cutter *Forward*. In November, 1863, the *Forward*, with its crew, was transferred by order of the President from the marine to the naval service, and was in the naval service until July, 1864. The record shows that Mr. Cary was lieutenant on the revenue cutter, and that it was under orders from the President, and cooperated with the Navy at Beaufort, N. C., and at other points during that period.

He continued in the marine service for some time afterwards, where, he claims, he contracted the ailment from which he is now suffering. The evidence shows that he has been under treatment of physicians for sixteen years or more, and has undergone operations, which have failed to relieve him. He is now a confirmed invalid, wholly disabled, and has been so for several years. He is sick and in need of medical attendance, and he is dependent on his wife for care and support. His family consists of a wife and several small children.

[Senate Report No. 590, Fifty-third Congress, second session.]

The Committee on Pensions, to whom was referred the bill (S. 1948) granting a pension to Augustus G. Cary, have examined the same, and recommend that the bill be passed.

The reasons for this recommendation were submitted to the Senate at the second session of the Fifty-second Congress in a report of which a copy is appended.

[Senate Report No. 1068, Fifty-second Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2648) granting a pension to Augustus G. Cary, have examined the same, and report:

The beneficiary, Augustus G. Cary, was, at the commencement of the war and subsequently, a lieutenant in the United States Revenue-Marine Service, and his claim for a pension is based upon his services in connection with the Navy. The committee have taken some pains to ascertain the facts in regard to Lieutenant Cary's claim, and have been informed by an official letter from the Secretary of the Treasury that the records of the Department show that "Lieutenant Cary served on the revenue cutter *Forward* at Beaufort, N. C., from November, 1863, to July, 1864, and that said vessel was under orders by the President to cooperate with the Navy during the period this officer served thereon."

Information from other sources shows that he rendered active and valuable service during the time his vessel cooperated with the Navy, and he is clearly entitled to a pension, inasmuch as he was practically an officer in the Navy during the prevalence of the President's order.

He is now advanced in years, very much disabled, and in reduced circumstances. His attending physician makes affidavit that he has a complication of diseases, and has had for a long time.

The bill is reported favorably, with a recommendation that it do pass.

This committee, after a careful examination of the documents and other reliable evidence in this case, find the following state of facts:

The beneficiary, Augustus G. Cary, was, at the commencement of the war, and for some time prior thereto, a lieutenant in the United States Revenue-Marine Service, and his claim is based upon his services in connection with the Navy. The committee have taken some pains to ascertain the facts in regard to Lieutenant Cary's claim, and have been informed by an official letter from the Secretary of the Treasury that the records of the Department show that Lieutenant Cary served on the revenue cutter *Forward* at Beaufort, N. C., from November, 1863, to July, 1864, and that said vessel was under orders by the President to cooperate with the Navy during the period this officer served thereon.

Information from other sources shows that he rendered active and valuable service during the time his vessel cooperated with the Navy. Prior to the date on which the cutter *Forward* was transferred to the Navy by order of President Lincoln, viz, May, 1862, Lieutenant Cary was on the *Miami* at the taking of Norfolk, Va. Mr. Cary's first voyage in the service was on the *Varina*, which left New York in April, 1861, after rebel privateers. While on this vessel he was acting as third lieutenant, sailing master, and pilot. He was also on the *Stevens Battery*, a submerging monitor. Mr. Cary seems to have been a very efficient man and a thorough pilot, and his services were in great demand, hence his transfer from one boat to another from 1861 to 1864.

Your committee are clearly of the opinion that Lieutenant Cary is entitled to a pension, inasmuch as he was practically an officer of the Navy during the time his vessel was attached to the Navy by order of the President.

The affidavits filed by his attending physician show that he has a complication of diseases and for some years has suffered therefrom. He is now advanced in years, absolutely disabled, and so long as he lives will not again be able to perform manual labor. He is now confined to his bed, his property exhausted after continued illness covering a period of sixteen years, and he lives to-day as the result only of careful nursing and faithful service rendered to him by a devoted and noble wife.

Mr. DINGLEY. Is this man to be pensioned as of the Revenue-Marine Service or for naval service?

Mr. MINOR of Wisconsin. For naval service.

Mr. DINGLEY. I thought this person whom it is proposed by this bill to pension was in the Revenue-Marine Service and was transferred to the naval service. Of course we should be very careful not to pension anyone simply for being in the Revenue-Marine Service.

Mr. MINOR of Wisconsin. If the gentleman will look at the finding of the committee I think he will be satisfied.

The amendments recommended in the report were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. HAINER of Nebraska. Mr. Chairman, I ask unanimous consent to take up the bill (H. R. 7740) granting an increase of pension to Lewis Keiser, of Hubbell, Nebr.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

Mr. CORLISS. It seems to me, Mr. Chairman, that we ought to follow the rule, unless there is some special reason why this bill should be taken up out of its course.

Mr. HAINER of Nebraska. I trust the gentleman will not object to taking up this bill. The case is a very peculiar and meritorious one. The beneficiary of this bill is 74 years of age, helpless, bedridden, and paralytic—one of the most pitiable cases on record.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

Mr. SHERMAN. I object. I have a case just like this myself.

MRS. CHRISTINA GRAHAM.

The next business on the Private Calendar was the bill (H. R. 4268) granting a pension to Mrs. Christina Graham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at $12 per month, subject

to the provisions and limitations of the pension laws, the name of Mrs. Christina Graham, of Baltimore, Md., daughter of Wendel Laurentz, deceased, late a private in the Revolutionary war.

The report (by Mr. COFFIN) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4268) granting a pension to Mrs. Christina Graham, have considered the same, and respectfully report as follows:

The claimant is the daughter of Wendel Lawrentz, a Revolutionary soldier, whose service is shown in the following report from the Pension Bureau:

"DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS
"*Washington, D. C., February 28, 1896.*

"SIR: In response to your request, herewith returned, for a statement of service of Wendel Lawrentz, a Maryland soldier in the Revolutionary war, I have the honor to inform you that it appears from the papers in the claim of his widow, Ann Lawrentz, for pension (No. 9115), that he enlisted as a private "in the German regiment," in July, 1776, and served under Capts. Philip Graykill and Christopher Myers, Colonels Houseggor and Weltner, until July 20, 1779, when he was discharged. He was engaged in the battles of Trenton, Princeton, Brandywine, Germantown, and Monmouth.

"Very respectfully, "WM. LOCHREN, *Commissioner.*

"The CHAIRMAN OF COMMITTEE ON PENSIONS,
"*House of Representatives.*"

The relationship of the claimant to the soldier is certified to by the officers of Avalon Chapter, Daughters of the Revolution, of Baltimore, Md.; and it is shown by the claimant's sworn statement, and by the certificate of Hon. JOHN K. COWEN, M. C., who is personally acquainted with the facts, that she is now 72 years old, without any means whatever, and dependent on friends for the necessities of life.

There are several precedents for the allowance of pensions to the aged and destitute daughters of soldiers of the Revolution, and, believing this case to be a worthy one, your committee respectfully recommend the passage of the bill.

Mr. DINGLEY. One word, Mr. Chairman. This seems to be a bill to pension the daughter of a Revolutionary soldier. Is it understood that daughters of Revolutionary soldiers, provided they can show need, are to be granted pensions?

Mr. LOUDENSLAGER. In reply to the gentleman from Maine I will say that that has been the attitude and action of the committee in the Fifty-third Congress, of which I was a member, and also in this Congress. The rule has been to report favorably upon all bills of that character.

Mr. DINGLEY. I simply wanted to know what the practice was to be and whether we were going into that business, because I have a dozen applications of that kind.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN R. ROW.

The next business on the Private Calendar was the bill (H. R. 3380) granting an increase of pension to John R. Row, of Toronto, Kans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of John R. Row, of Toronto, Kans., late of Company B, Third Illinois Infantry, Mexican war, and pay him a pension of $12 per month in lieu of the pension now received by him, and increase of pension to be paid subject to the provisions and limitations of the pension laws.

An amendment recommended by the committee, striking out the word "seventy-two," in line 6, before the word "dollars," and inserting "thirty," was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JACOB M. HAMBURGER.

The next business on the Private Calendar was the bill (H. R. 948) to remove the charge of desertion against Jacob M. Hamburger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove charge of desertion standing against the name of Jacob M. Hamburger, late musician in Company G, First Battalion, Twelfth United States Infantry, and issue him an honorable discharge.

Mr. CORLISS. Mr. Chairman, the report in this case is short and covers all the facts. I ask that it be read.

The report (by Mr. TRACEY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 948) entitled "A bill to remove charge of desertion against Jacob N. Hamburger," beg leave to submit the following report, and recommend that said bill do pass.

It appears from the petition, proof filed with the committee, and official records of the War Department, that Jacob N. Hamburger enlisted at the age of 15 years as a musician in the Twelfth United States Infantry, at the city of New York, on the 29th day of February, 1864, for a term of three years. He continued in the service until January, 1866, when he was reported as deserted at Richmond, Va. The official records also show that William Lowe was principal musician of the Twelfth United States Infantry, and had control of the musician, Hamburger, who was a frail boy, less than 16 years of age. It is claimed, and there is sufficient evidence to establish the reasonableness of petitioner's claim, that after Mr. Hamburger had served about a year he was most severely punished with a rawhide by the chief musician, Lowe, who, it is claimed, inflicted the punishment at a time when he was intoxicated. The punishment was so violent as to cause the cheek bone of the petitioner to be broken and his eye affected, from which he has since lost sight. The records show that the petitioner was taken to the hospital for treatment of lacerated wounds, and that the principal musician was placed under arrest, but there is no record of his trial.

The records further show that the petitioner returned to his service and continued until 1866, under the command, however, of a different principal musician. It appears that in January, 1866, Mr. Hamburger was transferred to Richmond, Va., and again placed under the command of William Lowe, who had inflicted such severe punishment, and in consequence thereof deserted the ranks and returned to his home, alleging as a reason therefor the fear of his life, in consequence of the repeated threats made by said Lowe.

The claimant was, upon his own application, furnished, in August, 1891, a deserter's release under General Orders No. 55, Adjutant-General's Office, 1890, which protects him from arrest and trial by general court-martial and closes his military record.

There is no record that this musician, during his service prior to date of desertion, was ever absent without leave for two days or for any other period.

The merits of this case, and extreme youthful appearance of the boy at the time, his age, and his good conduct during his entire service in the Army, constrain the committee to recommend the relief desired, and therefore urge that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES WILLIAMSON.

The next business was the bill (S. 807) granting a pension to Charles Williamson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Williamson, late assistant surgeon of the Twelfth Regiment Kansas State Militia Volunteers.

Mr. MILNES. Let us hear the report.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 807) granting a pension to Charles Williamson, having carefully considered the same, adopt as their own the following Senate report, and recommend the passage of the bill:

[Senate Report No. 140, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 807) granting a pension to Charles Williamson, have examined the same and report:

The petitioner, Charles Williamson, was assistant surgeon in the Twelfth Regiment Kansas State Militia Volunteers. He was enlisted July 8, 1864, and discharged October 25, 1864. He bases his claim upon double inguinal hernia incurred October 23, 1864, between Independence and Westport, Mo.

From the evidence submitted it appears that he was an able, strong-bodied man and perfectly sound at the time of his enlistment.

At the time of his discharge he was ruptured substantially as claimed by him in his declaration. He received the rupture while riding on horseback and attempting to cross a small ravine, occasioned by the jumping and stumbling of the horse. Immediately afterwards he was removed from the horse to the ambulance.

At the time of the injury he was in actual service and in the discharge of his duties. He presented proof of his claim and it was rejected because (as it was claimed) his proof failed to show his injury while in actual service. This claim on the part of the Government appears to be unfounded. Although the evidence furnished by the claimant and taken by the special examiner of the Department does not show by actual direct evidence the origin of claimant's double inguinal hernia, yet the testimony of bodily and physical soundness prior to his entering the service is positive, direct, and conclusive to the fact that the claimant was physically and bodily sound when he entered the Army, and the evidence is equally direct and conclusive that he did suffer from such hernia when he was discharged from the service, and the circumstances surrounding the origin of his disability, supported by strong circumstantial and corroborating evidence, lead to the conclusion of the correctness of his claim that he was injured while in the line of duty. The presumption is very strong and almost conclusive in his favor, and in accordance with the rulings of the Secretary of the Interior heretofore made, "that where strong circumstantial and corroborative evidence is given in favor of the claimant, he should be given the benefit of the doubt and the burden of proof changes from the claimant to the Government," and as the Government presents no proof overthrowing this claim of presumption, your committee, to whom was referred the bill, return the same with recommendation that it do pass with an amendment.

Amend by striking out all after the word "volunteers," in line 7.

The bill was laid aside to be reported favorably.

WILLIAM GREER.

The next business was the bill (H. R. 6590) granting a pension to William Greer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of William Greer, late of Company A, One hundredth Pennsylvania Veteran Volunteer Infantry, and pay him a pension of $50 per month.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6590) granting an increase of pension to $50 per month to William Greer, late private Company A, One hundredth Pennsylvania Infantry Volunteers, having carefully examined and considered all the facts and circumstances in evidence in this claim, respectfully report:

William Greer enlisted February 15, 1864, and was honorably discharged August 16, 1865. He was wounded in the battle of Weldon Railroad, near Petersburg, Va., August 19, 1864, being struck with three balls about 2 inches below the elbow in right arm and passing through both bones of forearm, and one ball deflecting into the elbow joint, or through it.

He was pensioned at $8 from August 17, 1865; increased to $12 from April, 1886; afterwards a reissue at $30 from April 14, 1886, to correct the rating, and $36 from April 6, 1887; this was reduced to $18 from June 4, 1888; increased to $24 from July 23, 1889, and to $30 from December 30, 1889 (date of amputation).

The Pension Bureau sent a special examiner to inquire why the arm was amputated so far above the elbow, and Drs. Bond and Drake explained:

"The reason that we cut the arm as high above the elbow joint as we did was to get above the diseased tissue. The examination of the arm before amputation disclosed the fact of diseased tissue, and after the amputation the arm suppurated, showing that we had not gotten above that diseased portion. On opening the joint after the amputation we found necrosis of the elbow joint. The bones of the joint were denuded of cartilage, and fragments of the bullet were embedded in the bones of the forearm and arm through the joint. There were several suppurating sinuses both above and below the joint. We not only found that the bones of the lower arm had been injured by the ball as it entered and passed through the forearm, but also injured the humerus as it passed out of the arm above the elbow joint. We found fragments of lead in the bones of the forearm and cartilage of the humerus. Most of the cartilage of the humerus had necrosis. The condition of the arm as we found it to exist at that time, we believe, could not have been produced by any other cause than the gunshot wound as alleged."

The last medical examination had by the board at Kansas City, Mo., February 15, 1893, and which is in line with the previous examinations, and which was made very carefully under instructions from the Pension Bureau, the soldier being stripped and subjected to every test known to the science of medicine and surgery, clearly demonstrates the merits of applicant's claim that his present paralysis and loss of sight is due to the gunshot wound. The board reports as follows:

"Upon examination we find the following objective conditions: Pulse rate, 90 to 108; respiration, 20; temperature, 98¼; height, 5 feet 9 inches; weight, 157 pounds; age, 48 years. The right arm amputated 7 inches below the acromion; right shoulder is 2½ inches smaller than the left. The right arm, 4 inches below acromion, is 3 inches less in size than its fellow. The stump is tender, the bone is well covered. There is enlargement of the end of the bone, which is also rough and irregular in outline. Violent paralysis agitans in the right arm, still more severe in the left arm and entire body, including the head, and affecting speech. The lower limbs are involved; violent muscular twitching of arms and trunk. Hyperæsthesia along the entire spine, also hyperæsthesia of scalp and face, with tender points on left side; tongue tremulous; incoordination of left arm—does not come within 1 foot of a point (with closed eyes)—incoordination of lower limbs, less marked than in the upper; great tenderness over the ulnar nerve in right axilla—the nerve, with its sheath, is many times its normal size.

"Pupils of eyes 4½ millimeters in size, but little affected by strong reflected light; atrophy of disks, pale retina (spinal amourosis); vision is indefinite; tests do not apply; he sees very well for all his purposes, however. No increase of cardiac dullness, but by reason of the palsy agitans we can not differentiate any of the cardiac sounds. The body is in a constant tremor. Claimant was nude while being examined, and the examination was long and careful. Employed all needed tests, such as asthesiometer, dynamometer, electrical tests (in three forms), opthalmoscope, etc.

"Claimant has lost an arm above the elbow; a bad stump with diseased bone and extensive muscular atrophy remain, results of the original gunshot wound; ascending neural sclerosis as shown by the condition of ulnar nerve in the axilla. The condition of the spine and all nerves emanating therefrom is shown by the palsy agitans and the amourosis.

"This condition of the eyes may be due to either meningeal thickening at base of brain, or the disease of spine may thus affect the retina through the sympathetic, or both. The loss of coordinating power is very marked. Claimant, by reason of this, is totally unable to walk or stand alone (eyes open or shut); he can not dress or undress himself or cut up his food. He reaches his mouth by making an effort, working along till he reaches it. Claimant is so totally and permanently helpless from result of gunshot wound affecting spine and nervous system that he requires the personal aid and attention of another person for a larger portion of the time and for nearly all purposes. Rate, total first grade, $72 per month."

The Pension Bureau refuses to accept the paralysis agitans and amourosis as result of the gunshot wound, notwithstanding the ample medical testimony by those who had the soldier before them from time to time and made careful and painstaking examination.

Your committee place more reliance on the medical testimony showing the deplorable condition of this old veteran than upon the action of the Pension Office, and therefore urgently recommend the passage of this bill.

The bill was laid aside to be reported favorably.

HELEN M. MALLERY.

The next business was the bill (S. 724) granting an increase of pension to Helen M. Mallery.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Helen M. Mallery, widow of Garrick Mallery, late captain and brevet lieutenant-colonel, United States Army, and lieutenant-colonel Thirteenth Pennsylvania Cavalry and brevet colonel, United States Volunteers, to $50 per month, and pay her a pension hereafter at that rate.

Mr. DINGLEY. Let the report be read.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 724) granting an increase of pension to Helen M. Mallery, having carefully examined the evidence presented, report as follows:

Her late husband, Garrick Mallery, entered the Army as captain in the Seventy-first Pennsylvania Volunteer Infantry June 4, 1861, and served in that regiment until February 16, 1863, when he was promoted lieutenant-colonel of Thirteenth Pennsylvania Cavalry, and served as such to June 15, 1864, when he became lieutenant-colonel in the Veteran Reserve Corps, and served in that capacity until appointed a captain in the Thirteenth United States Infantry, to date from July 28, 1866. He was retired with the rank of captain July 1, 1873, on account of wounds received at the battle of Peach Orchard, Virginia. He was brevetted colonel of volunteers for gallant and meritorious services during the war, and major and lieutenant-colonel in the Regular Army for gallant services in a skirmish at Garnett's Farm and in the battle of Peach Orchard, Virginia.

He was engaged in actions at Lewinsville, Munsons Hill, Falls Church, Balls Bluff, Fair Oaks, Seven Pines, and at Savage Station, where he was taken prisoner, having received two severe wounds, and left on the field, from whence he was taken to Libby Prison at Richmond, Va. The effects of these wounds and the privations of Libby Prison reduced Colonel Mallery to such extremity that his life was despaired of, when he was exchanged and sent to Philadelphia, Pa., where he was restored to comfortable health, though never again a well man.

The interest taken in this young officer by the great War Secretary is shown by the accompanying letter, sent to him at the time of his exchange.

He was honorably mentioned in the records of the rebellion in the report of the Seven Days Fight, and his services were conspicuous, not only for his gallantry in battle, but for his marked ability as an executive officer. He died October 24, 1894, from diseases contracted in the service.

The beneficiary of this bill is entirely without income for her support, except the pension which she is now receiving, of $30 per month. She is a lady of high culture and refinement, but broken down in health and unable to engage in any occupation for her support. She has no relatives to whom she can turn for aid, hence the urgent need of the relief proposed by this bill, the passage of which is earnestly recommended by your committee.

WAR DEPARTMENT,
Washington City, D. C., July 23, 1862.

Capt. Garrick Mallory, Seventy-first Pennsylvania Volunteers, has leave of absence for thirty days, with privilege of returning to his home, for the restoration of his health.

EDWIN M. STANTON,
Secretary of War.

Indorsed: Paid for May and June, 1862. David Taggart, paymaster, U. S. A.

DEAR SIR: I inclose with the above furlough $100 of my own private funds to enable you to get home comfortably, as I understand from Mr. Nidi that you are short. You can replace it at your convenience. Congratulating you on your safety and honorable service, with respects to your father, with whom I have the pleasure of an acquaintance,

I am, yours, truly,

EDWIN M. STANTON.

A true copy.

A. W. SULLY, *Surgeon, U. S. A.*

The bill was laid aside to be reported favorably.

PRICILLA R. BURNS.

The next business was the bill (H. R. 5938) for the relief of Pricilla R. Burns.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Pricilla R. Burns, widow of the late Gen. William W. Burns, of the United States Army, on the pension roll at the rate of $75 per month, in lieu of the amount she now receives.

The amendments reported by the committee were read, as follows:

In line 5 strike out "General" and insert "Brigadier-General."

In line 7 strike out "seventy-five" and insert "fifty"; so as to make the pension $50 per month.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5938) for the relief of Pricilla R. Burns, submit the following report:

Pricilla R. Burns is the widow of Brig. Gen. William W. Burns. The bill as introduced gave her a pension of $75 per month.

Her husband had an especially meritorious military career, and he received several brevets and many testimonials for his gallant services in the war of the rebellion.

He commanded a company in the war with Mexico and a brigade in the Shenandoah Valley and a division in the Rappahannock campaign in the late war.

At the battle of Savages Station General Burns was severely wounded in the face, but notwithstanding his wound he continued in the field in command until the enemy had been repulsed and the battle was over. For his gallant and meritorious conduct on this field he was recommended by Major-General Sedgwick for appointment as major-general of volunteers.

The following letters are appended:

"Brig. Gen. L. THOMAS,
"*Adjutant-General United States Army, Washington, D. C.:*

"I have the honor to present to the honorable Secretary of War for his consideration the name of Brig. Gen. W. W. Burns for the appointment of major-general of volunteers. General Burns commanded a brigade in my division at the siege of Yorktown, the affair at West Point, and the battles of Fair Oaks and Allyns Farm. At the battle of Savages Station he commanded at the point of attack and handsomely repulsed the enemy, receiving a severe wound in the face. On the next day at the battle of Glendale he was warmly engaged. At these two engagements I consider his services were brilliant and well merit promotion.

* * * * * * *

"JOHN SEDGWICK,
Major-General Volunteers.

"I very cordially agree with General Sedgwick in his recommendation. I have known General Burns well, and know he has fairly earned his promotion.

"E. V. SUMNER,
Commanding Corps."

"As the commander of the Army of the Potomac during the period referred to in the preceding letters, I feel it a pleasure as well as a duty to bear testimony to the worth of General Burns and the value of his services. General Sumner in his indorsement, and General Sedgwick in his report of July 5 and letter of July 6, 1862, have not overrated the importance of the services rendered by General Burns during the period from June 29 to July 2, 1862. General Burns was severely wounded on the 29th, but nevertheless, retained his command. The conduct of General Burns at Savages Station and at Glendale on the 29th and 30th was something more than that display of gallantry which every brigadier commander ought to possess. In both instances the successes achieved were against large odds and (especially in the latter case) under very trying circumstances, and one of vital importance to the success of the movement then in progress. During the entire period that General Burns served in the Army of the Potomac under my command his services were eminently satisfactory, as they also were on my staff in western Virginia.

"GEORGE B. McCLELLAN."

Mrs. Burns is poor and without other means of support than her pension of $30 per month.

The committee recommend the following amendments, and that as amended the bill do pass:

Amendments: In line 5, before the word "General," insert "Brigadier," and in line 6 strike out the word "seventy-five" and insert "fifty."

Mr. TALBERT. I move to amend this bill by striking out "$75" and inserting "$50."

The SPEAKER. That is the pending amendment reported by the committee.

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably.

WILLIAM LORING SPENCER.

The next business was the bill (S. 1699) for the relief of William Loring Spencer.

Mr. PICKLER. I ask that this bill may be passed over. A House bill for the relief of Mrs. Spencer has already been passed by the Committee of the Whole and is now on the Calendar as unfinished business.

The CHAIRMAN. Without objection, this bill will be passed over informally.

Mr. STEWART of New Jersey. I object. I desire to have this bill disposed of.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of William Loring Spencer widow of George E. Spencer, late colonel First Regiment Alabama Cavalry, at the rate of $75 per month.

The amendment reported by the committee was read, as follows:

In line 8 strike out "seventy-five" and insert "thirty," so as to make the pension $30 a month.

Mr. STEWART of New Jersey. Mr. Chairman, when the House bill corresponding to this was up for consideration the other day the distinguished chairman of the Committee on Military Affairs insinuated that the statements made with reference to the physical condition of Mrs. Spencer were not true. Since that time I have at considerable trouble obtained certificates from physicians and from other sources corroborative of those statements—showing, indeed, that many of the statements then made were not as strong as they should have been. I will first read the doctor's certificate:

WINNEMUCCA, NEV., *May 7, 1896.*

I hereby certify that Mrs. W. Loring Spencer is suffering from angina pectoris and chronic pen paralysis.

H. HAGAR, M. D.

Subscribed and sworn to before me this 8th day of May, 1896, by H. Hagar, who is a practicing physician in the town of Winnemucca, Humboldt County, Nev.

[SEAL.] L. F. DUNN,
County Clerk and ex officio Clerk of the Second Judicial District Court of Nevada, in and for Humboldt County.

I also call attention to the following:

UNITED STATES SENATE, *Washington, D. C., May 11, 1896.*

U. H. PAINTER, *Washington, D. C.*

MY DEAR SIR: I am sorry that I did not see you when you called at my committee room this afternoon.

You ask me to say a kind word about General Dodge. I have known him for more than thirty years. He entered the military service at the beginning of the war and continued to the end, being a major at the beginning and a major-general at the end. He was one of the most trusted corps commanders under General Grant in the Western Army. He is a man of splendid judgment, accurate observation, and always knows what he is talking about, and is truthful in every statement he makes. So, if he has made any statement as respects the military record of any one, I should regard it as a valuable statement for the purpose he may have in view.

Very truly, yours,

W. B. ALLISON.

Knowing General Dodge intimately, I earnestly concur in all of the foregoing.

D. B. HENDERSON.

We all know who HENDERSON is and who ALLISON is.

I have known Gen. G. M. Dodge over thirty years. He is one of Iowa's most foremost men, and any statement made by him would be considered by those who know him to be true. He is a man of high sense of honor and a personal friend.

JOHN W. GEAR.

We know who GEAR is.

I ask attention also to the following:

NO. 1 BROADWAY, NEW YORK, *May 12, 1896.*

DEAR SIR: Replying to your letter of May 11 in relation to Gen. George E. Spencer, I do not see how I can write anything stronger than in my letter dated St. Louis, May 9, 1865, where I recommended him for promotion to the rank of brigadier-general.

On my staff he took part in all the engagements which my command was in up to Kenesaw Mountain, and you will find him mentioned in my official report with proper credit.

Whilst in command of the Alabama cavalry, in the District of Corinth, he took part in several noted raids, and no doubt his official reports of this are on file.

When he left me in June, 1864, to resume command of his regiment, he fell under the direct command of General Van Dever, at Rome, Ga., a detached portion of my corps. After that he fell directly under the command of General Sherman and took part in all the engagements up to the Carolinas, commanding a brigade in Kilpatrick's division, and whatever battles he took part in while in that division no doubt his official reports will show.

There is no doubt as to General Spencer's standing as an officer, his courage, and the ability with which he handled his men on the battlefield.

He had good judgment, and was an officer that great discretion could be given when sent with orders. In addition to this, during the time I held the country and protected Grant's flank in the Vicksburg campaign, General Spencer was sent with some very important communications to the enemy, penetrating far into their lines and territory. He also was with me when I made the campaign to Bragg's rear, destroying his supplies in the Tennessee Valley. He performed all these duties with great credit, never failing to accomplish what he was sent for.

I am, truly, yours,

G. M. DODGE.

U. H. PAINTER, Esq., *Washington, D. C.*

Now, in view of these corroborative proofs I ask that the Senate bill be passed without the amendment of the House committee. We ask the paltry amount of $75 a month for the widow of General Spencer, who for twelve years served his State in the United States Senate and who for gallantry upon the field of battle was brevetted a major-general. We ask simply for $75 a month. Over and over again we have seen instances where this amount has been given in this House to the widows of undistinguished and unknown men. I ask for the destitute widow of General Spencer simple justice.

Mr. CROWTHER. I wish to say in reply to my friend from New Jersey [Mr. STEWART] that we are proposing to pension the widow not of General Spencer but of Colonel Spencer, for the rank of colonel was the highest he ever attained during the war. Nor are we engaged in pensioning ex-Senators of the United States or their widows. We are proposing to pension the widow of Colonel Spencer at the highest figure that the law allows in such cases—$30 a month. A House bill granting that amount has been passed. The committee have carefully considered this question, and they have unanimously recommended that this Senate bill be reduced in amount from $75 to $30 a month, which is what the law would give her if she could prove that her husband's death originated from army service.

Mr. BAKER of New Hampshire. Mr. Chairman, in this case, though it may be true that the highest actual rank held by General Spencer was that of colonel, yet it is not by any means true that the committee or the House has confined the rate allowed on pensions to that fixed by the law.

Here is one of those meritorious cases where this widow should receive such a pension as the committee has been accustomed to give the widows of other officers of like grade. I can not understand how the committee, in view of its other recommendations, should recommend the cutting down of this pension to $30 a month. At least there should have been $50 to make it at all commensurate with what the committee has very frequently done in other cases, and at the proper time I shall move to strike out "thirty," if that amendment of the committee is insisted upon, and insert "fifty."

Mr. CROWTHER. Mr. Chairman, I move, as a substitute for the pending amendment, that the Senate bill lie on the table. The House bill has been passed for the same beneficiary.

Mr. DINGLEY. The motion should be, that the bill be reported to the House with the recommendation that such action be taken.

The CHAIRMAN. The gentleman moves that the committee recommend that the bill lie on the table.

Mr. SHERMAN. I make the point of order that that can not be done. It can not be laid on the table in committee.

Mr. PICKLER. What is the parliamentary status of the bill now? Will the Chair be kind enough to explain?

The CHAIRMAN. The only question is with reference to this bill. It is a Senate bill——

Mr. PICKLER. But this same bill, or a bill pensioning the same party, passed the committee last week and is among the unfinished business yet on the Calendar. This bill or the other bill ought to lie on the table.

The CHAIRMAN. The Chair understands that the other was a House bill. This is a Senate bill. But it is competent for this committee to recommend either or both favorably or otherwise.

Mr. CROWTHER. In order to facilitate the granting of pension to this party, I will withdraw my motion to recommend that it lie on the table and let the bill of the Senate be passed with the amendment recommended by the committee.

Mr. PICKLER. The House passed the bill for $30 a month the other day.

Mr. ALLEN of Utah. I do not understand whether this is a bill for General Spencer or his widow.

The CHAIRMAN. The Chair is unable to give any other information than that appearing in the bill.

Mr. ALLEN of Utah. Gentlemen are talking of a pension to a widow in this case, but on the Calendar it seems to be a pension for General Spencer himself.

Mr. STEWART of New Jersey. The name given in the title of the bill is the name of this lady herself.

Mr. MILNES. I move that that part of the bill be read again, to see who is the beneficiary.

The CHAIRMAN. Without objection, that order will be made.

There was no objection; and the bill was again reported.

Mr. BAKER of New Hampshire. Now, Mr. Chairman, I move to amend the committee amendment by striking out "thirty" and inserting "fifty."

Mr. STEWART of New Jersey. I accept that amendment.

The question being taken on the amendment to the amendment, the committee divided; and there were—ayes 41, noes 46.

Mr. STEWART of New Jersey. I ask for tellers.

Tellers were ordered.

The Chairman announced the appointment of Mr. BAKER of New Hampshire and Mr. PICKLER as tellers.

Mr. TALBERT. I rise to a parliamentary inquiry. As I understand it, the motion of the gentleman from New Hampshire is to strike out "thirty" and insert "fifty." Now all of those voting in favor of that amendment express themselves in favor of fixing $50 by the House as against the rule fixed in the Senate, whereas those who vote against it are practically in favor of $75 a month pension in these cases.

The CHAIRMAN. The Chair can only state that the amendment of the committee is to strike out "seventy-five" and insert "thirty," to which the gentleman from New Hampshire moves an amendment by striking out the amendment proposed by the committee—that is, "thirty"—and inserting "fifty."

Mr. TALBERT. Exactly; and if we do not get the fifty we will have to take the seventy-five.

The committee divided; and the tellers reported—ayes 81, noes 43

So the amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The CHAIRMAN. The question is on laying aside the amended bill with a favorable recommendation.

Mr. MILNES. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MILNES. If I understood the bill when it was read a moment or two ago it was to pension "William" Somebody. I understand the object is to pension a widow——

Mr. WHEELER. That is her name—William Loring Spencer.

Mr. BARRETT. That is her correct name.

The CHAIRMAN. The Chair can only state what the bill contains.

The bill was laid aside to be reported to the House with a favorable recommendation.

Mr. PICKLER. Mr. Chairman, I move that the committee recommend that the House bill lie on the table.

The CHAIRMAN. The Chair understands that the House bill has been reported to the House. Under those circumstances the committee would have no jurisdiction, and the motion would be out of order.

Mr. PICKLER. I thought it was in the committee, but I believe it has been reported to the House.

The CHAIRMAN. The Clerk will report the next bill.

ALEXANDER C. MORRISON.

The next business on the Private Calendar was the bill (H. R. 6552) granting increase of pension to Alexander C. Morrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Alexander C. Morrison, late a corporal in Company E, Fourth Iowa Veteran Volunteer Cavalry, and pay him a pension of $30 per month.

The report (by Mr. PICKLER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6552) granting increase of pension to Alexander C. Morrison, having carefully considered the facts in the case, respectfully report:

The soldier enlisted September 23, 1861, in Company E, Fourth Iowa Cavalry, and was honorably discharged August 8, 1865.

The records show that from December 9, 1864, to June 16, 1865, he was in hospital under treatment for injury to leg, diarrhea, and other complications, incurred and contracted in line of duty.

October 3, 1876, he was pensioned at $2; March 30, 1880, increased to $4; December 1, 1881, to $6; July 22, 1885, to $8; June 13, 1888, to $17.

The gradual aggravation of claimant's disabilities during this time is indicated by the reports of the examining boards, as follows:

February 1, 1878, one-half total; March 30, 1880, "a difficult case to rate"; December 1, 1881, three-fourths total; July 22, 1885, total; June 14, 1888, sixteen-eighteenths.

In 1890 he filed an increase claim, alleging disease of eyes, scurvy, piles, deafness, and general debility, in addition to injury to leg, varicose veins, and ulcers.

January 6, 1892, the examining board rates him thus: Injury and ulceration of left leg, ten-eighteenths; varicose veins, four-eighteenths; deafness, six-eighteenths; scurvy, two-eighteenths; piles, two-eighteenths.

February 16, 1894, the claim was approved for disease of eyes, deafness, piles, scurvy and results, the examiner saying:

"Disease of eyes, piles, and impaired hearing of both ears can not be rejected on medical grounds."

The medical referee, however, found other grounds on which to disallow the claim, and uses this language:

"Injury to left leg and resulting varicose veins and ulcers, seventeen-eighteenths; no increase. Piles, four-eighteenths—rate for combined disabilities not to exceed seventeen-eighteenths. Reject claim for disease of eyes and deafness; no ratable disability since filing."

The rating for scurvy and results seems to have been lost sight of entirely.

Claimant is 60 years of age, and the medical and lay evidence on file in the Pension Bureau shows that he has been for several years and is now totally disabled.

Your committee believe that the soldier is justly entitled to $30 per month, and therefore respectfully recommend the passage of the bill.

Mr. PICKLER. Mr. Chairman, I desire to call attention to the action which the committee has just taken in regard to the pensioning of generals' widows. I want to state in behalf of the Committee on Invalid Pensions, and I want it understood, that this Committee of the Whole on last Wednesday and to-day have repeatedly and persistently put up the amounts recommended by the Committee on Invalid Pensions in pensioning generals' widows. Last week the bill to pension Mrs. Spencer passed the Committee of the Whole at $30 on the recommendation of the Committee on Invalid Pensions. To-day this Committee of the Whole disregard that recommendation and pass the same bill at $50. And so in regard to other bills. I do not refer particularly to the case of Mrs. Spencer, but I am speaking generally on the subject. The Committee on Invalid Pensions were criticised early in the session for reporting bills which were alleged to be for large amounts; but I desire to call the attention of the Committee of the Whole to the fact that the Committee of the Whole is persistently going above the recommendations of the Committee on Invalid Pensions in the cases of brigadier-generals and major-generals. I hope that the Committee on Invalid Pensions will not be criticised hereafter by anybody on this floor in that regard.

Mr. TALBERT. Mr. Chairman——

Mr. PICKLER. Mr. Chairman, I can not yield now.

The CHAIRMAN. The gentleman from South Dakota declines to yield.

Mr. PICKLER. It seems in every case, as I stated here the other evening, that when a bill comes from a State in which gentlemen reside they forget all about the theory which they advocate as to other bills. I merely desire to call attention to the fact that the Committee on Invalid Pensions are proving to be the conservative body connected with this House, and that this Committee of the Whole are voting up and increasing the recommendations of the Committee on Invalid Pensions in the case of generals and generals' widows.

Mr. TALBERT. I desire to second the motion of the gentleman in his endeavor to establish a uniform rate of pensions for officers and officers' widows. I have gone hand in hand with the gentleman in that respect; but I want to say that I have failed to control the Democratic party on this side of the House, who rush through like stall-fed horses and vote for $75 and $100 every time when $50 is proposed. I will do all I can to help the gentleman, but I can not control the boys on this side. [Laughter.]

Mr. WOOD. Mr. Chairman, I desire to call the attention of the committee, and of the country as well, to the fact that the chairman of the Committee on Invalid Pensions [Mr. PICKLER] voted to disregard the action of the committee in reducing the pension of Mrs. Spencer from $75 to $30 per month and to put it up to $50.

Mr. PICKLER. I beg the gentleman's pardon. He is mistaken. I did not do any such thing. The Committee on Invalid Pensions recommended that bill at $30 a month.

Mr. WOOD. And the gentleman got up and accepted an amendment providing $50.

Mr. PICKLER. No; we cut the Senate bill down to $30.

Mr. WOOD. I understand that, but I am speaking of what occurred here on the floor.

Mr. PICKLER. I would not misrepresent the committee.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

GIDEON L. M'GINNIS.

The next business on the Private Calendar was the bill (H. R. 6549) granting a pension to Gideon L. McGinnis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Gideon L. McGinnis, late of Company K, Thirteenth Illinois Cavalry, and pay him a pension of $30 per month.

The Committee on Invalid Pensions recommended inserting in line 5, after the word "late," the words "a private."

The amendment recommended by the committee was agreed to.

The report (by Mr. PICKLER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6549) granting a pension to Gideon L. McGinnis, having carefully considered the facts in the case, respectfully report:

Claimant enlisted April 1, 1862, in Company D, Thirteenth Illinois Cavalry, and was honorably discharged April 4, 1865.

He applied for pension under the old law, alleging diarrhea, piles, and rheumatism contracted in line of duty. His allegation as to origin is substantiated by the testimony of one comrade, and the records report him sick during July and August, 1862, and show that he was in hospital under treatment for fever and dysentery in August and October, 1864. Continuance of disability is satisfactorily proved down to the year 1870, after which time and until about 1885 the claimant did not reside long enough at any one place to allow acquaintances to gain a knowledge of his infirmities.

December 17, 1890, the examining board gives him a rating of sixteen-eighteenths.

He is now drawing a pension of $12 under the act of June 27, 1890.

Since his last examination his disabilities have greatly increased, and the affidavits of several neighbors show him to be a man of good habits, worthy of belief, almost destitute, and totally disabled at the present time. If he could prove continuance he would undoubtedly be entitled to $30 per month, and in view of all the facts your committee respectfully recommend the passage of the bill with the following amendment:

In line 5, after the word "late," insert "a private."

Mr. GROSVENOR. Mr. Chairman, I hope the Committee of the Whole House will be admonished by the chairman of the Committee on Invalid Pensions not to interfere with the reports of that committee. The fact about it is, I do not know why this Committee of the Whole is here. I do not know any earthly use that it fills. There is no demand for it that I know of. The Committee on Invalid Pensions alone is quite sufficient to do this business, I find. In point of fact, if I had my way about it, I would leave the whole subject to the chairman of the Committee on Invalid Pensions.

Mr. PICKLER. You would do well. I am always here, and that is more than the gentleman from Ohio can say.

Mr. GROSVENOR. Yes; one of the most efficient men on earth is the chairman of that committee. I know it, for he has admitted it to me [laughter], and admissions are competent proof in cases of that character.

Mr. PICKLER. They ought to be.

Mr. GROSVENOR. The gentleman admits that he is always here, and now he reprimands the boys for undertaking to have a voice in this matter. I advise that hereafter there be no interference with the reports of the Committee on Invalid Pensions. They understand it, and you do not know anything about it. Now, let us go ahead and get this thing through as fast as we can. I want to get to some bills a good deal farther down on the Calendar than we are now.

Mr. PICKLER. You are in favor of going above the recommendations of the Committee on Invalid Pensions in the cases of generals.

Mr. GROSVENOR. Oh, I am opposed to any interference with the reports of the Committee on Invalid Pensions.

Mr. PICKLER. The gentleman from Ohio is a great deal better on blackboard exercises than he is on pensions. [Laughter.]

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 2281) to amend an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892;

A bill (S. 2913) granting a pension of $20 a month to Nettie A. Cheeks;

A bill (S. 2859) changing the time for holding circuit court of the United States at Hartford, in the district of Connecticut;

A bill (S. 1833) to amend the act of March 1, 1895, and other acts relating to the United States court in the Indian Territory, and for other purposes;

Joint resolution (S. Res. 135) providing for the appointment of a commission to report upon the practicability of establishing near Washington, D. C., a ground map of the United States; and

A bill (S. 2237) providing for the appointment of a guardian for pensioners in certain cases in the District of Columbia.

The message also announced that the Senate had passed bills of the following titles, with amendments; in which the concurrence of the House was requested:

A bill (H. R. 4179) to amend section 3719 of the Revised Statutes;

A bill (H. R. 5379) making it unlawful to shoot at or into any railway locomotive or car, or at any person thereon, or to throw any rock or other missile at or into any locomotive or car, and for other purposes;

A bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation, in said State, as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes;

A bill (H. R. 7671) authorizing and directing the Secretary of the Navy to donate one condemned cannon and condemned cannon balls to U. S. Grant Post, No. 72, Grand Army of the Republic, of Washington, Ind., Department of Indiana;

A bill (H. R. 8012) donating one condemned cannon and balls to Grand Army of the Republic post of Sparta, Ill.;

A bill (H. R. 4324) authorizing the Secretary of the Navy to deliver one condemned cannon to the city of Elmwood, Peoria County, Ill.;

A bill (H. R. 5217) making one year's residence in a Territory a prerequisite to obtaining a divorce there;

A bill (H. R. 6298) to correct military record of Charles K. Jenree, etc.;

A bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes; and

A bill (H. R. 7161) for the relief of Benjamin F. Jones.

The message also announced that the Senate had passed without amendment the bill (H. R. 6836) to amend section 2981 of the Revised Statutes as amended by the act of June 10, 1880.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to return to the House, in compliance with its request, its resolution agreeing to the amendments of the Senate to the bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia.

The message also announced that the Senate had passed with amendments the bill (H. R. 3279) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes, asked a conference with the House on the bill and amendments, and had appointed Mr. PROCTOR, Mr. FAULKNER, and Mr. MCMILLAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 8260) to authorize the establishment of a life-saving station at Port Huron, on the coast of Lake Huron, Michigan, asked a conference on the bill and amendments, and had appointed Mr. NELSON, Mr. PASCO, and Mr. MCMILLAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county, asked a conference with the House of Representatives on the bill and amendments, and had appointed Mr. VEST, Mr. ELKINS, and Mr. JONES of Nevada as the conferees on the part of the Senate.

The committee again resumed its session.

SARAH A. STACEY.

The next business on the Private Calendar was the bill (H. R. 6046) granting a pension to Mary A. Stacey, dependent mother of Manley T. Stacey, late private Company D, One hundred and eleventh Regiment New York Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll of the United States at the rate now authorized to be paid to pensioners of a similar class the name of Mary A. Stacey, dependent mother of Manley T. Stacey, late a private of Company D, One hundred and eleventh Regiment New York Infantry Volunteers.

Mr. POOLE. Mr. Chairman, I move to amend by striking out the word "Mary" and inserting the word "Sarah"; also to change the title in the same way.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 6, strike out the word "Mary" and insert the word "Sarah"; so as to read "Sarah A. Stacey."

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection, and it was so ordered.

Mr. POOLE. Mr. Chairman, I can state briefly the contents of the report, if I may be permitted to do so. The bill proposes to pension Sarah A. Stacey as the dependent mother of Manley T. Stacey, who was accidentally killed while in the Army. He was accidentally shot, and the Pension Office decided that it was not in the line of duty. The fact is that he and several comrades were scuffling, and in the course of the scuffle they picked up a revolver that was supposed to be empty, and one of the boys pointed the revolver at this man and fired. The result was that he was instantly killed. The Pension Office can not grant a pension to the woman on that ground. She is now about 70 years old and very poor. The bill is a very meritorious one, and I hope there will be no opposition.

Mr. ERDMAN. Let the report be read.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6046) to pension Mary A. Stacey, after duly considering the same, together with the evidence submitted in support thereof, respectfully report as follows:

Manley T. Stacey enlisted August 6, 1862, in Company D, One hundred and eleventh Regiment New York Volunteers, and died in the regimental hospital at or near Brandy Station, Va., on the 6th day of December, 1863.

On the latter date he, with two of his comrades, was in the tent of their captain, and one of the party, Catlin by name, picked up an old revolver and began playfully snapping it at young Stacey. Unknown to Catlin, one of the chambers of the revolver was loaded and the charge exploded, the bullet lodging in the brain of young Stacey, who died in less than half an hour thereafter. The only persons who were actual witnesses of the accident were Charles M. Catlin and Luther Rogers, the latter now deceased.

The evidence as to the circumstances attending the accident varies in some particulars, but in the main is very plain and convincing.

In a letter to his wife, written at the date of the accident and published in the Lyons (N. Y.) Republican of January 1, 1864, Capt. Sebastian Holmes, of Company D, One hundred and eleventh New York Volunteers, says:

"Only a few moments since Sergeants Catlin, Rogers, and Stacey were in my quarters chatting together, when Catlin picked up Lieutenant Green's revolver (which he did not know was loaded) and went to snapping it. There happened to be two loads in it and one of them went off, the ball hitting Stacey in the corner of his eye, killing him almost instantly."

In an affidavit made in January last he says he was not present at the time of the accident, but was in a tent just in rear; that as reported to him at the time by those present, Stacey was blacking his boots at the time when Catlin fired the revolver.

Charles M. Catlin, when examined by a special examiner of the Bureau of Pensions, November 29, 1895, said that he and Rogers and Stacey were in the quarters of Lieutenant Green; that they were fooling with each other; that they found an old revolver; that he can not tell who handled the revolver first, but thinks they all had hold of it; that they were fooling with each other; that he could not tell how many times he snapped the revolver at Stacey before it went off; that both Captain Holmes and Lieutenant Green were on the scene within a few moments of the accident.

Lieutenant Green, examined in November, 1895, testified that he heard the shot fired and ran to the scene of the accident immediately; that he heard at the time from those present that Catlin and Rogers had been fooling with firearms; that he never heard that Stacey had any in his hands; that the only firearms in the tent were his [Lieutenant Green's] revolver and Rogers's musket; that Catlin got the revolver down and began snapping it at Stacey; that Stacey would each time the revolver was snapped at him fall and pretend he was hit, until finally Catlin came to the loaded chamber and the revolver was fired, hitting Stacey in the forehead.

Sarah A. Stacey, the beneficiary named in this bill, is shown to be the dependent mother of the victim of this accident. She is 75 years of age and in feeble health. The special examiner who was detailed by the Pension Bureau to examine as to the question of her dependence reports as follows:

"They [Mrs. Stacey and her daughter] are in straitened circumstances, and are borrowing money of friends to live on. About all the income they have is what a poor, sickly daughter can earn by teaching music."

In 1893 Mrs. Stacey filed her claim with the Pension Bureau, and after exhausting her ability to furnish further testimony submitted her case. Her claim was rejected upon the ground that the soldier's death did not occur in the line of duty.

Your committee are of the opinion that the circumstances of this case are of such a character as to warrant the intervention of Congress for the relief of this widowed mother. The evidence clearly shows that the victim of this

distressing accident was wholly blameless. There is no evidence tending to show that this party of comrades were wrongfully in the tent of their captain; indeed, it appears from the evidence that one of the party (Rogers) tented with Captain Holmes. Nor does it appear that Stacey was violating any order or military regulation at the time he was shot, but was presumably conducting himself as a soldier not on duty might properly conduct himself. The evidence does not bear out the conclusion that he in any way contributed to the negligence which was the cause of his death.

Your committee therefore respectfully recommend that this bill do pass.

The bill was ordered to be laid aside with a favorable recommendation.

OLIVE M. LEWIS.

The next business on the Private Calendar was the bill (H. R. 6472) granting a pension to Olive M. Lewis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Olive M. Lewis, widow of John B. Knight, late of Company C, Second New Jersey Volunteer Infantry, and pay her a pension of $12 dollars per month.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6472) granting a pension of $12 per month to Olive M. Lewis, as widow of John B. Knight, late of Company C, Second New Jersey Infantry Volunteers, having examined and fully considered all the facts and circumstances in evidence, respectfully report as follows:

John B. Knight enlisted as corporal, Company C, Second New Jersey Infantry Volunteers, May 27, 1861, and died in hospital at Philadelphia, Pa., September 3, 1862, from dysentery contracted in service. He had been previously married, and three children, Edward L., born September 23, 1850; Ida M., born July 29, 1852, and Sarah, born November 17, 1854, were the fruits of this prior marriage. His first wife died September 7, 1858.

He was married to the claimant December 29, 1861, by whom he had no children, but claimant brought up, cared for, and educated his children by the previous marriage of her husband.

Her stepson, Edward L. Knight, enlisted in the United States Navy, on U. S. S. *Portsmouth*, March 16, 1865, and faithfully served until July 16, 1870, when he was honorably discharged. He was sick at date of discharge with chronic disease of lungs, contracted while in the service, and speedily became more weak and helpless, and died with consumption on September 28, 1870, about two months after discharge.

Applicant applied for pension as dependent upon this stepson, Edward L. Knight, who had recognized his obligation to contribute to her support and maintenance, on July 25, 1890, under the act of June 27, 1890; but the claim was rejected February 16, 1893, on the ground that she was not the mother of the soldier.

She is now 62 years of age, in destitute circumstances, having cared for, brought up, and educated her husband's children (including her stepson, Edward L. Knight, kindly laboring for him in his last illness, contracted while he was in the service) until they could care for themselves.

Your committee believe she should be pensioned, and recommend that the bill be amended by striking out all after the word "Lewis," in the fifth line, and adding in lieu thereof the following: "Dependent stepmother of Edward L. Knight, late of the U. S. S. *Portsmouth*, of the United States Navy, and pay her a pension of $12 per month," and as so amended urgently favor the passage of the bill.

Mr. TALBERT. Mr. Chairman, it seems to me that this is an entirely new departure. This is to grant a pension in the interest of a stepmother. I do not think there is any precedent for it; and if this House passes this bill it will be establishing a precedent, so that stepmothers can come in and draw pensions.

Mr. PICKLER. That has always been the case, let me say to the gentleman from South Carolina.

Mr. TALBERT. I will ask the gentleman if that has been done before?

Mr. PICKLER. If the stepmother had the care of the child, and the boy then became a soldier, pension has been granted.

Mr. TALBERT. Is there any precedent?

Mr. PICKLER. If in the early years of the child's life she takes the place of a mother, Congress has time and again granted a pension.

Mr. TALBERT. But the precedent is by a special bill.

Mr. PICKLER. It is by special bill.

Mr. TALBERT. There is nothing in the general law that allows this.

Mr. PICKLER. There is nothing in the general law that allows it.

Mr. TALBERT. I would like to ask the chairman of the Committee on Invalid Pensions, and I am only asking for information, Why does she not draw a pension as the widow of her husband?

Mr. PICKLER. This is the case of a stepmother. Her husband was not a soldier. It was her stepson that was the soldier. The boy she took when a child went into the service.

Mr. TALBERT. Then this is a case of step all around, is it?

Mr. PICKLER. It is the case of a stepmother. The soldier was a stepson.

Mr. TALBERT. They propose to step into a pension?

Mr. ERDMAN. Allow me to call the attention of the gentleman to the fact that John B. Knight was the husband of this woman and he enlisted as corporal in Company C of the Second New Jersey Infantry Volunteers, and died from dysentery contracted in the service. The stepson, Edward L. Knight, is the one on account of whose service she is asking for a pension. Why not pension her as the widow of the husband instead of as the stepmother of a stepson?

Mr. PICKLER. I do not know.

Mr. ERDMAN. Is she going to draw two pensions?

Mr. PICKLER. No; she is not drawing a pension.

Mr. LOUD (to Mr. ERDMAN). Probably she remarried.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. PICKLER. I am informed by the clerk of the committee that she remarried.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSIAH P. BRADBURY.

The next business on the Private Calendar was the bill (H. R. 5852) to increase the pension of Josiah P. Bradbury.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized to increase the pension of Josiah P. Bradbury, late private in Company M, First Maine Heavy Artillery, and pay him at the rate of $30 per month in lieu of the pension now paid him by certificate No. 65366.

Mr. PICKLER. Mr. Chairman, I desire to say that I will move that the committee rise at fifteen minutes past 5, and then move that the House adjourn.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5852) to increase the pension of Josiah P. Bradbury, having very carefully considered the evidence on file here, as well as the Pension Office papers, report as follows:

This soldier served in Company B, Eleventh Wisconsin Volunteer Infantry, from September 18, 1861, to April 10, 1863, when he was discharged on surgeon's certificate of disability, which shows that he was incapable of performing the duties of a soldier, because of—

"Exposure to malaria at Helena, Ark., in August, 1862, in consequence of which he has dysentery and intermittent fever, which first has become chronic, still continues, and is incurable (in the Army). He is otherwise physically incompetent for the duties of a soldier. He again enlisted January 2, 1864, this time in Company M, First Maine Volunteer Home Guards, and was again discharged for disability September 20, 1865, on account of a wound received in battle before Petersburg, June 18, 1864; ball passed through right leg just below the knee transversely. Necrosis and much lameness have resulted. Unfit for the Veteran Reserve Corps. Degree of disability, three-fourths.

"Soldier is pensioned at $17 for gunshot wound of right knee and malarial poisoning. Certificate of medical examination by board of United States examining surgeons, made on June 5, 1865, shows: Right knee, extension complete; flexion not possible beyond a right angle. Has depressed, adherent, very tender cicatrix (depression, three-fourths inch below general surface); inner side head of tibia, one-half inch by 2½ inches, showing recent scab of oozing pus. Right patella movable, irregular in conformation, with distinct separation of old fracture lines; depressions about one-fourth inch wide. Right leg also a mass of varices; very few varices on left leg. Uses crutches constantly. It is our opinion that claimant is disabled as result of this injury equivalent to the loss of the leg at the knee joint, the varices increasing the amount of suffering to such an extent that labor is impossible, while the appearance of the cicatrix is of angry recurrences of necrotic processes."

It is apparent from this description that the soldier is in a worse condition and more disabled than if his right leg were amputated below the knee, and as this condition is found to be due to the wound for which he is pensioned by the board of surgeons, who had the man before them and had a chance to see for themselves just how he is affected, your committee are inclined to be governed by their judgment rather than by that of the medical referee of the Pension Office, who has not seen the soldier, especially as the finding of the local board is corroborated by other medical evidence showing that claimant is wholly disabled for manual labor, and they therefore recommend the passage of the bill.

The bill was ordered to be laid aside with a favorable recommendation.

JENNIE E. MOORE.

The next business on the Private Calendar was the bill (H. R. 6247) to grant a pension to Miss Jennie E. Moore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Miss Jennie E. Moore, orphan, invalid daughter of Charles E. Moore, late of Company K, Twenty-fifth Regiment Illinois Volunteer Infantry, and Lovina J. Moore, his wife, now both dead, and grant her a pension of $30 per month.

The report (by Mr. WOOD) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6247) to grant a pension to Miss Jennie E. Moore, submit the following report.

The evidence in this case shows that Charles E. Moore, private, Company K, Twenty-fifth Illinois Volunteers, was enlisted June 1, 1861, and discharged March 31, 1865, for disability. Kind of disability not shown by the record. He does not appear to have drawn any pension. He died February 22, 1873, from inflammatory rheumatism and chronic diarrhea.

Lavinia J. Moore, mother of claimant, was legally married to soldier March 2, 1869. The claimant was born January 2, 1873. Lavinia J. Moore, the mother, was pensioned under act of June 27, 1890, at $8 per month from May 15, 1891. She was adjudged insane December 18, 1894, a conservator appointed for her, and she died in insane hospital at Kankakee, Ill., March 1, 1895. Her pension was drawn by conservator to January 4, 1895.

No person whatever is, or has been since widow's death, drawing a pension on account of this soldier.

Jennie E. Moore is the only child by this marriage. She has no means or property or income whatever. By reason of rheumatism, the outgrowth of typhoid fever, she is a helpless invalid, requiring the constant attention of a nurse. Since January, 1887, she has not been able to sit up, even in bed. Spinal disease has resulted, and she has only the use of her arms, hands, and head, and can only be moved upon a sheet. She lives with her grandparents, old people, aged 75 and 73 years, respectively. She has two half brothers by the former marriage of her father. She is now living on charity. Nobody is legally bound to support her, or appears to be able to support her.

In view of these circumstances the committee recommend the passage of this bill with amendments, inserting after the word "orphan," in line 6, the words "permanently helpless," and in line 7, after the word "late," the word "private."

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LEWIS KEISER.

Mr. SHERMAN. Mr. Chairman, I withdraw the objection which I made a while ago to the request of the gentleman from Nebraska for the consideration of a bill which he desired to call up.

Mr. HAINER of Nebraska. Mr. Chairman, I ask unanimous consent to take up for consideration at this time the bill (H. R. 7740) granting an increase of pension to Lewis Keiser, of Hubbell, Nebr.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

Mr. HICKS. Regular order.

The CHAIRMAN. The regular order is demanded, which is equivalent to an objection. The Clerk will report the next bill.

CATHERINE DILLON.

The next business on the Private Calendar was the bill (S. 148) granting a pension to Catherine Dillon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine Dillon, of Logansport, Ind., widow of Patrick Dillon, deceased, late a private of Company E, Ninth Regiment of Illinois Cavalry, and pay her a pension at the rate of $12 per month.

The report (by Mr. WOOD) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 148) granting a pension to Catherine Dillon, submit the following report:

Patrick Dillon was a private soldier in Company E, Ninth Illinois Cavalry. He served from October 3, 1861, to February 9, 1864, without the loss of a day, so far as the record shows. He is presumed to have been a good soldier. There is nothing on record to the contrary during this time. He died while in the service, March 10, 1864, at regimental hospital, according to the record, from delirium tremens; according to other testimony, of fever brought on by excessive use of whisky.

His widow, the claimant, Catherine Dillon, is 66 years of age; was married to the soldier in 1845; she is without property and needy, and is supported by charity—in fact, is a county charge. She is not entitled to a pension under the general laws on the facts shown. The Commissioner of Pensions holds that death is not equivalent to an honorable discharge under act of June 27, 1890, and has rejected her claim.

The Senate committee are of opinion that soldier's death was "due to his military service." Your committee do not so believe, but do regard his nearly three years' faithful services and death as entitling his widow to a pension the same as if he had been "honorably discharged."

We therefore recommend that the bill do pass.

Mr. TALBERT. Mr. Chairman, I see that the report in this case states that the record shows that this soldier died of delirium tremens, and I want to ask the chairman of the Committee on Invalid Pensions whether it is the opinion of the committee that he contracted that disease in the service. [Laughter.]

Mr. PICKLER. I do not profess to be a doctor. He died in the service, and his widow is now asking for this pension.

Mr. TALBERT. I suppose the gentleman from South Dakota, being a prohibitionist, does not know anything about matters of that kind, but the gentleman from Illinois [Mr. WOOD] is in charge of the bill, and I will ask him the question.

Mr. WOOD. Mr. Chairman, this is a Senate bill, introduced by Senator TURPIE. There is nobody, I believe, on this floor who is specially interested in it. I have examined the evidence, and am prepared to tell this committee, in not more than two minutes, the whole case. The husband of this claimant was an Irishman. He loved his adopted country. For many months he had worn its uniform and followed the fortunes of its flag. He loved liberty, too. He was willing to risk his life that the poor and oppressed of another race might be free. During all the time he was in the service there is no record that he was absent a day from his command or that he missed a battle. He loved to fight, as is shown by the fact that he was always present when fighting was to be done. He had enlisted, and then he reenlisted to serve, not for three months or six months or a year, but during the war—until the last battle should be fought and peace should be restored.

I think it is fairly deducible from the evidence that he loved whisky. [Laughter.] If that be a sin, the Lord have mercy on some other Irishmen, and a good many Americans, and a few officers of high rank to whom previous Congresses have given pensions by special acts. [Laughter.] After serving two years or more, nearly his full time, he reenlisted as a veteran soldier. He served until a few days before his death. There is no reason to doubt that he got on "a bit of a spree" and was taken to the hospital where he died. His widow was married to him away back on the Old Sod in 1845. She was comparatively a young woman when he died, but she has remained true to his name and to his memory through all these long and dreary years. She has never remarried. She is now old and helpless and friendless, a county charge. She applied to the Commissioner of Pensions, but was told that the death of her husband in the Army after almost three years of faithful service was not an honorable discharge.

Mr. Chairman, the Power that planted in the breast of that poor Irishman the love of liberty and of country, and the love of combat as well, and permitted his frailties and imperfections, mustered him out of that service, and it hardly lies in the mouth of a petty officer of the great Government that he served so long and faithfully to pronounce that muster out or that discharge a dishonorable one; and while I do not know, I am just believing that the Great Disposer of all events has been more just and more merciful to poor Pat Dillon than the Commissioner of Pensions has been to his old widow. The facts are all before you, gentlemen. I believe that this House is entitled to all the facts of the case, and I have given them as they appear to me. This man served nearly three years honorably and faithfully, and I believe that his old and helpless widow ought to have this pension. [Loud applause.]

Mr. ERDMAN. Mr. Chairman, of course it was a Republican Administration that refused this pension; for under the present rulings death in the service is held to be an honorable discharge where there has been a previous enlistment of thirty days. But as this Committee of the Whole has just voted to pension a servant girl as a quasi nurse, I do not think we ought to scruple at pensioning this widow, even if her husband did die of delirium tremens. She could not help it, poor woman. But it does grate a little to accept that as a disease of service origin. Still the responsibility, gentlemen, rests with you; and you are equal to it.

The question being taken, the bill was ordered to be laid aside to be reported favorably.

WILLIAM GROSE.

The next business was the bill (H. R. 515) granting a pension to William Grose.

Mr. PICKLER. It has been suggested to me that the gentleman from Indiana [Mr. JOHNSON] called this bill up and had it passed by unanimous consent ten days ago. I ask, therefore, that it be passed over for the present without losing any rights.

The CHAIRMAN. The Chair is informed that the bill has passed the House. Without objection, the request of the gentleman from South Dakota [Mr. PICKLER] will be agreed to.

There was no objection.

LUE R. BROWN.

The next business was the bill (S. 1672) granting a pension to Lue R. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lue R. Brown, widow of the late William A. Brown, formerly first lieutenant and adjutant of the Sixth Indiana Cavalry, and pay her a pension at the rate of $25 a month from and after the passage of this act; which pension shall be in lieu of the pension she now receives.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1672) granting a pension to Lue R. Brown, having carefully considered the same, adopt the accompanying Senate report (No. 130) as their own, and respectfully recommend the passage of the bill.

[Senate Report No. 130, Fifty-fourth Congress, first session.]

It appears that William A. Brown was enrolled July 24, 1862, at Greencastle, Ind., for three years, and was mustered into service August 18, 1862, to date from July 24, 1862, as a private of Company C, Seventy-first Indiana Infantry, the designation of which regiment was subsequently changed to the Sixth Indiana Cavalry. He was promoted to be sergeant-major August 19, 1862, and to be first lieutenant and adjutant of the regiment to date from December 13, 1862. He was mustered out of service and honorably discharged while holding the grade of first lieutenant and adjutant, to date from July 27, 1865, having been rendered supernumerary by the consolidation of the regiment. He appears to have been present with his command or properly accounted for during the entire period of his service.

It further appears that he was appointed consul to San Juan del Norte, Nicaragua, in December of 1884, where he served until January of 1892. The severity of the climate of Nicaragua entirely destroyed his health, which was much impaired by exposure and a wound he received in the shoulder during the war; and when he returned to his home and family he was a complete physical wreck, requiring constant care and attention until his admission to the Hampton Military Home in the spring of 1892, where he was admitted in a deplorable physical condition, and where his shattered and broken health still further failed him until death relieved him of his sufferings February 18, 1895. Claimant receives a pension of $8 a month under the widows' pension act of June 27, 1890, but the amount is totally inadequate for the support of herself and her young daughter of 16 years, and her present needs are very pressing. In view of the long and honorable military services of her husband, and the utter destruction of his health and final loss of life in another branch of the Government service, claimant has been deprived of her only protection and support.

The following letter from Hon. D. W. VOORHEES, who personally knew the soldier and has knowledge of the petitioner and the facts in the case, is also submitted:

"JANUARY 24, 1896.

"MY DEAR SENATOR: I introduced a bill a day or two ago granting a pension of $25 a month to Mrs. Lue R. Brown. I knew the husband of this lady well and intimately; he was mayor of Greencastle, in my own State, at one time, and a man of high standing and character. He was as gallant and true a soldier as ever drew sword in defense of the Union during the late war, and was as modest in the discharge of his duty as he was brave and patriotic, and never sought in the plain discharge of his duty as a soldier any preferment or advancement to which his services did not justly entitle him. He was among the first to respond to the call to arms, having enlisted as a private in the Seventy-first Indiana Volunteers as early as August 28, 1862, and served continuously throughout the entire war, and was finally mustered out as first lieutenant and adjutant July 27, 1865. His rapid promotion from the ranks shortly after his enlistment to the grade of first lieutenant was but a small recognition of his worth and merit. He was subsequently assigned to duty as adjutant of his regiment, the Sixth Indiana Cavalry, which had been formed from the Seventy-first Regiment of Volunteers. The history of the services performed by that regiment are too familiar for me to undertake to rehearse here.

"I can not speak too strongly of this gentleman, for he was my friend and I knew him intimately. That he was mustered out with no higher grade than that of first lieutenant and adjutant of his regiment should not militate in any way against the claim of his widow for the amount of the pension for which she now applies; for had her husband been advanced in grade commensurate with his bravery, patriotism, and ability, his death would have entitled his widow to a pension of at least $30 a month. He was never absent from his command during the entire period of the war, as his record will show, and some recognition of such fidelity could well be shown his widow now in her need. Mr. Brown was appointed United States consul to Greytown, in Nicaragua, in December, 1884, and served there until January of 1892. The exposure and hardships of the war, together with a severe wound he received in the shoulder, had greatly impaired his health, and the severity of the climate of Nicaragua completed its wreck. He was in a most deplorable condition when he came back from there, and in the spring of 1892 was admitted to the Hampton Military Home, where he subsequently died, in February, 1895. I can conceive of no more meritorious or deserving case than this; his widow has been left in an absolutely destitute condition, with a daughter 16 years of age and the mere pittance she now receives under the widows' pension act of June 27, 1890, of $8 per month.

"I feel constrained to add that I have a strong conviction in my own mind, arising from my intimate personal relations with Adjutant Brown, that his breakdown in health and his premature death were due to the injuries and exposures he incurred in the line of duty while in the Army more than to all other causes combined.

"With great respect, I am, very truly, yours,

"D. W. VOORHEES.

"Hon. J. H. GALLINGER."

In view of all the facts in the case your committee recommend the passage of this bill.

The bill was laid aside to be reported favorably.

GREENVILLE PUCKETT.

The next business was the bill (H. R. 5880) granting an increase of pension to Greenville Puckett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Greenville Puckett, late a corporal in Company D, Forty-fifth Regiment Kentucky Mounted Infantry, upon the pension rolls, with an increase of pension to $72 per month.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5880) granting an increase of pension to Greenville Puckett, having given the matter careful consideration, report:

This soldier served in Company D, Forty-fifth Kentucky Mounted Infantry, from September 7, 1863, to December 24, 1864, when he was honorably discharged. While in the service he contracted chronic diarrhea, for which he has been pensioned as of service origin. He is now pensioned under act of June 27, 1890, for chronic diarrhea and partial paralysis. He filed a claim under the general law for paralysis as a result of chronic diarrhea, but the medical officers of the Pension Office decline to accept it as a pathological result, and therefore the claim was rejected.

Examination by a board of pension surgeons in 1890 showed that soldier was then totally disabled and required constant aid and attendance, entitling him to a first-grade rating of $72 per month for chronic diarrhea and paralysis. Another examination, made in August, 1891, shows a similar condition arising from the same causes.

The evidence presented to this committee shows that the soldier is now in a state of utter helplessness and in absolute destitution.

In view of this and the fact there appears no other cause for the paralysis than the chronic diarrhea which has been sapping his vitality for over thirty years, in spite of the fact that the medical officers fail to see the pathological connection, this committee recommend the passage of the bill.

The bill was laid aside to be reported favorably.

ELISE BLENKER.

The next business was the bill (H. R. 4410) to increase the pension of Elise Blenker from $30 to $50.

The bill was read, as follows:

Be it enacted, etc., That the pension of Elise Blenker, widow of Gen. Louis Blenker, late brigadier-general of the United States, be, and the same is hereby, increased from $30 per month to $50 per month, and the Secretary of the Interior be, and he is hereby, authorized and directed to place her name on the pension roll at the rate of $50 per month, subject to the provisions and limitations of the pension laws.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4410) to increase the pension of Elise Blenker from $30 to $50, submit the following report:

This bill gives to Elise Blenker a pension of $50 per month as the widow of Brig. Gen. Louis Blenker. General Blenker entered the war of the rebellion at the beginning of hostilities and served until the battle of Cross Keys, where he was injured by a fall of his horse. His injury was wholly disabling, rendering him unfit for further military duty, and caused his death in September, 1863.

General Blenker's service at the first battle of Bull Run was conspicuous for gallantry. His regiment, the Eighth New York Volunteers, held one of the important positions in the Union line at Centerburg, and was the last to leave the field.

The evidence seems to show satisfactorily that the General's death was caused by an injury received while in the line of duty.

His widow is now over 70 years old and very poor. She has no means of support save her pension of $30 per month, and no property.

It seems to the committee that this is a proper case for the intervention of Congress, and that $50 a month is not more than a reasonable amount for the Government to bestow upon the poor widow of a brave and gallant soldier.

The passage of the bill is therefore recommended.

The bill was laid aside to be reported favorably.

LENA D. SMITH.

The next business was the bill (S. 1342) granting pension to Lena D. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Lena D. Smith, widow of Green Clay Smith, late colonel Fourth Kentucky Cavalry and brigadier-general United States Volunteers, and to pay to her a pension of $50 per month from and after the date of the passage of this act.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, having carefully considered the bill (S. 1342) to pension Lena D. Smith, report as follows:

Green Clay Smith, the husband of this claimant, was mustered into service June 9, 1846, as second lieutenant Company H, First Kentucky Cavalry Mexican War Volunteers, to serve for twelve months, and was mustered out June 8, 1847. He was mustered in as colonel Fourth Kentucky Cavalry April 4, 1862; was seriously wounded in the leg in action at Lebanon, Tenn., May 5, 1862. He was promoted to the rank of brigadier-general of volunteers June 12, 1862. In September, 1862, he was commanding the Second division United States forces near Covington and Newport, Ky. He continued in active service, commanding a part of the time a brigade and some of the time a division, until December 1, 1863, when his resignation was accepted. He has a record of treatment for chronic diarrhea of two months' standing in 1863. He was brevetted major-general of volunteers to date March 13, 1865, for meritorious services during the war.

As is well known, General Smith died in this city a short time ago, and the evidence presented to this committee shows that he left his widow without means of support.

In view of his well-known services, he having rendered gallant and meritorious services in two wars, and of the need of the widow, your committee recommend the passage of the bill.

The bill was laid aside to be reported favorably.

ROBERT SMALLS.

Mr. RICHARDSON. I should like to inquire of the gentleman from South Dakota [Mr. PICKLER] whether it is not time now for the committee to rise? It is a quarter past 5 o'clock.

Mr. PICKLER. I will make that motion in a moment. As the concluding bill this evening, I desire to ask unanimous consent (which I do by direction of the Invalid Pensions Committee, the only such request they have directed to be made to the House) for the consideration of the bill (H. R. 1874) to place the name of Robert Smalls on the pension rolls. Mr. Smalls, as will be remembered by all gentlemen here, was once a Representative on this floor.

Mr. RICHARDSON. Is this a bill to pension him?

Mr. PICKLER. Yes, sir.

Mr. RICHARDSON. Has it been reported regularly?

Mr. PICKLER. It has.

Mr. RICHARDSON. Has it been reached regularly on the Calendar?

Mr. PICKLER. No, sir. I have been directed by the Committee on Invalid Pensions to ask unanimous consent that it be considered by the Committee of the Whole out of its order.

Mr. ERDMAN. May I inquire when that was done by the Committee on Invalid Pensions?

Mr. PICKLER. About two weeks ago.

The CHAIRMAN. The bill will be read, subject to objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension rolls the name of Robert Smalls, late a pilot in the United States Navy, and to pay him a pension at the rate of $25 per month.

The amendment of the Committee on Invalid Pensions was read, as follows:

In line 6, strike out "twenty-five" and insert "thirty"; so as to make the pension $30 a month.

There being no objection, the Committee of the Whole proceeded to the consideration of the bill.

Mr. PICKLER. Mr. Chairman, I will read a portion of the report in this case:

Robert Smalls, the beneficiary of this bill, on the night of May 12, 1862, assisted by seven other contrabands, took the Confederate steamboat *Planter* from the wharf at Charleston, S. C., and carried her safely past the forts outside and turned her over to the officers of the blockading squadron. He was then employed as a pilot in the United States Navy, and later as a pilot in the employ of the Quartermaster's Department and as captain of the *Planter* until the end of the war. No record of his having been commissioned as captain can be found, but the records show that he served and was recognized and paid as such. He claimed and was allowed a pension under act of June 27, 1890, but under recent construction of that act, as set forth in the Bennett decision, he was dropped from the rolls on the ground that his was not a pensionable service under said act.

This committee by reporting and the House by passing the bill (H. R. 8271) have declared that such service as his while a pilot is pensionable under the act of June 27, 1890; but your committee are of opinion that such recognition is not adequate for the valuable services rendered by this brave man and gallant officer, but hold that he should be pensioned at total of rank of a captain in the Navy. They therefore recommend that the bill be amended by striking out the word "twenty-five," in line 6, and inserting in lieu thereof the word "thirty," and that as amended the bill do pass.

Mr. Smalls is now nearly blind, or has very deficient vision, is suffering with rheumatism, and is totally incapacitated from any manual labor. He would be entitled, if totally incapacitated for manual labor, even as a private, to this pension. He has been a member of Congress, as most gentlemen here know, and has rendered very distinguished services to the Government, and deserves the thanks of the country. Only two days ago I was reading an oration of Mr. George William Curtis, and intended to bring the book up here with me, but neglected to do so, where he pays a very high tribute to Mr. Smalls.

Mr. LOUD. Let me ask the gentleman if he is cognizant of the fact that this gentleman now has a good big claim and is asserting it anxiously before Congress—a claim for five thousand, ten thousand, fifteen or twenty thousand dollars?

Mr. PICKLER. I do not think he has; but if he has, it ought to be paid.

Mr. LOUD. Does not the gentleman know that he has?

Mr. PICKLER. I have heard so, but I do not know. I ask a vote upon the amendment.

The amendment of the committee was agreed to.

The bill as amended was laid aside with a favorable recommendation.

ORDER OF BUSINESS.

Mr. PICKLER. I move that the committee now rise and report the bills for the consideration of the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole, having had under consideration bills on the Private Calendar, under the special order, had directed him to report with amendments bills of the House of the following numbers: 6549, 6046, 6472, 6247, 1874, 3480, 4193, 6166, 6468, 6546, 2042, 2941, 2985, 717, 6607, 6556, 4548, 5792, 5393, 6608, 5407, 1508, 4405, 3380, and 5938; and Senate bills of the following numbers: 804, 125, 819, and 1699, with the recommendation that the amendments be concurred in and the bills as amended passed.

Also, that he had been directed to report back, without amendment, and with favorable recommendation, House bills of the following numbers: 6590, 6552, 5852, 4410, 3389, 3395, 7212, 6826, 7127, 4268, 948, 1175, 4872, 5279, 3333, 2328, 3565, 3514, 3755, and 5880; and Senate bills of the following numbers: 807, 724, 148, 1672, 144, and 1342.

Also, that he had been directed to report back the bill H. R. 2755, with the recommendation that it lie on the table.

QUESTION OF ORDER—RIVER AND HARBOR BILL.

Mr. HEPBURN. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HEPBURN. Two hours ago, while in Committee of the Whole, the committee informally rose, as I am informed, for the purpose of receiving a message from the Senate, and at the same time took some action upon the river and harbor bill, or the Senate amendments thereto, disposing of them in some manner. I submit, Mr. Speaker, that there is no authority on the part of the committee to do that; and that it was not a proper disposition of that bill.

I want to call the attention of the Speaker for a moment to Rule XXIII, which provides:

1. In all cases, in forming a Committee of the Whole House, the Speaker shall leave his chair after appointing a chairman to preside, who shall, in case of disturbance or disorderly conduct in the galleries or lobby, have power to cause the same to be cleared.

Mr. LOUD. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. LOUD. I make the point of order that the gentleman from Iowa is not in order. He has presented no point of order; and if he should, the time has passed for it to be done.

Mr. DOCKERY. But the gentleman is only stating now his point.

Mr. HEPBURN. I am presenting the question now. Possibly if the gentleman from California can contain his soul in patience a while he may change his views.

Mr. LOUD. Oh, I can do it. I have had to do it lots of times. [Laughter.]

Mr. HEPBURN. I take the position that after the committee has been formed, after the Speaker has left the chair, that it is not competent for the Speaker again to resume the chair until, through the action of the committee, it is determined that the committee shall rise, at which time it becomes competent for him to assume control of the body, which is then the House.

I know that for certain purposes, such, for instance, as receiving a message from the Senate, it has been the custom of the committee to informally rise; and I am not quarreling with that mode of procedure. But I am trying to complain against the action of the committee which was indulged in on the occasion to which I now refer. It had been my purpose, if I had been in the House at that time, to raise the point of order on the Senate amendments making additional appropriations; that they must, under the rule, be considered in a Committee of the Whole House on the state of the Union. But I expected nothing of the kind to be done, of course, while we were in committee under a special rule. I was in the lobby when the procedure was had, and I think it competent for the Chair now to consider, and so hold, that that message from the Senate is on the Speaker's table undisposed of.

Mr. HERMANN. Mr. Speaker, I desire to make the additional point of order that there is nothing before the House to which the gentleman's point refers; that the conferees have been appointed, the amendments of the Senate have been nonconcurred in, the message has been transmitted from this House to the Senate, and the bill has now gone to the printer. Consequently there is nothing before the House to which the gentleman's point relates.

Mr. PAYNE. Mr. Speaker, the usual announcement was made by the chairman of the Committee of the Whole—the Secretary of the Senate appearing—that the committee would rise informally and receive a message from the Senate, and thereupon the committee did rise, and one of the members of the House took the chair, and the Secretary of the Senate made his report. While in the House, the river and harbor bill having come in with amendments, a member of the House rose in his place and asked the Chair for the unanimous consent of the House to consider the Senate amendments as disagreed to and to concur in the Senate's request for a committee of conference. The question was then put, and there was no objection, and the committee resumed its session. I state this to give the entire history of the transaction, because I was present and witnessed it.

Mr. HEPBURN. That is as I understood it, Mr. Speaker, but I insist that the committee had informally risen for the purpose of receiving that message, and it can not be considered that the House was then in session for the transaction of business. By a formal vote of the House it had resolved itself into a Committee of the Whole House and was in that condition; but by consent, following a precedent, it rose for a specific purpose. In the contemplation of our rules, in my judgment, the House was not a House of Representatives for any other purpose than to receive that message, not to act upon it. The injustice of that action is apparent when the suggestion is made that there were Senate amendments upon that bill that were subject to the point of order. Now, by this action—snap judgment, if you choose to call it—they have passed that stage, and it seems to me that a wrong has been done to the House, and one that the Speaker can right by declaring the nullity of the procedure.

The SPEAKER. The Chair will examine into the matter and announce to the House his opinion about it to-morrow. The transaction, however, as the Chair recollects, is not an unusual one.

Mr. RICHARDSON. I only want to say, Mr. Speaker, while I sympathize with the gentleman from Iowa [Mr. HEPBURN] on the merits of the proposition, that it occurs to me that his point of order now comes too late. I agree with him that when the Committee of the Whole rose, and the Speaker took the chair, as he says, informally, that it would not have been in order for the House then to have gone on with legislative business, provided the point of order was then made; but a quorum being present, the House duly organized, the Speaker in the chair, no one objecting, unanimous consent being given, I think it was in order for the House to dowhat was done, and that it comes too late for the gentleman to raise the point of order at this stage, at this hour. I think it was waived. I think that whenever the House is organized, that is, when the Speaker is in the chair and a quorum is present, by unanimous consent the action could be taken that was taken. That is my idea of the matter.

The SPEAKER. The Chair is of the opinion that there are numerous precedents on the subject; but he wishes to give it due consideration.

Mr. HEPBURN. Mr. Speaker, in view of that fact, will the Chair permit me now to enter a motion to reconsider the vote by which that reference was made, subject to his decision upon the case? I do not want to lose my right to do that.

The SPEAKER. The Chair will not undertake to entertain the motion, but will regard it as notice of a motion to enter a reconsideration; because the matter has gone to the Senate.

Mr. McRAE. Mr. Speaker, I understand the procedure upon the river and harbor bill was taken by unanimous consent, and I think it can only be changed in the same way. I do not consent to anything that will waive any right as to the status of that bill. I insist that the House was in session for the purpose of considering that bill, or any other appropriation bill that was presented for consideration, and I do not agree to the proposition stated by the gentleman from Tennessee that it was only by unanimous consent that it could be done. If it was proper to receive it, then it was in order to consider it, by motion or by consent. The order was made in the usual way.

Mr. CANNON. If the Chair will indulge me for just a minute, I am not vain enough to think that I can throw any light upon this situation, but it seems to me that upon the merits the river and harbor bill has quite sufficient legs to proceed regularly. Now, I think generally members supposed under the order, and had a right to suppose, under the special order to-day, that when the House went into Committee of the Whole the only business transacted would be in the Committee of the Whole.

Of course it is competent in the committee to informally rise, by universal precedent, to receive a message from the Senate; and I suppose it was quite competent for a motion to rise, and for the House to have taken up other business. While I apprehend that from time to time orders of this kind have been made under precisely similar circumstances without any challenge, it

seems to me that, without imputing blame to anybody, it has the appearance of a suspicion of sharp practice that on the bare suggestion no friend of the bill ought to hesitate to have corrected; and while I am not clear about the point as to whether the Speaker, under the circumstances, would have the right to annul the order that was taken, yet, as a friend of the court, so to speak, I am glad that it has been brought to the attention of the House; and as the Speaker has indicated that to-morrow he might make a decision in the matter, I would be glad that it go over.

Mr. DOCKERY. Let me suggest to the gentleman that it would be competent to reconsider the action of the House and request a return of the bill from the Senate.

Mr. CANNON. Oh, yes. That, however, would depend upon a majority vote; and while the majority has the right to take any step it may choose, yet it ought to be taken rightly, openly, and fairly.

Mr. HERMANN. Mr. Speaker, I desire to say this: That it comes with rather poor grace from the gentleman from Illinois to make the insinuation that the motion which was made this morning for the consideration of that bill, that is to say, so far as nonconcurrence in the Senate amendments was concerned, was made in bad faith.

Mr. CANNON. The gentleman certainly does not apply that interpretation to my remarks; and if he will get a copy of them as taken down he will find that he has made haste to misinterpret them.

Mr. HERMANN. The intimation was broad enough to include just exactly what I have said.

Mr. CANNON. With the statement——

Mr. HERMANN. I wish to say this further——

Mr. CANNON. With the statement that the gentleman misinterprets my remarks, I taking especial pains to hedge so that it could not be done, if the gentleman proceeds upon that line, I can not help it.

Mr. HERMANN. The gentleman is very well aware of the fact, as everyone else who is acquainted with the business of this House is, that the public business is being transacted in such a manner as to tend to an early adjournment. He is well aware of that; and as one of the leaders of the House he has been advising toward that end. It is, therefore, natural that those interested in the waterway improvements of this country should desire to have an early consideration of this bill. It may require three, four, or five days to consider the bill in committee of conference. Then it will have to be reported to the Senate and to the House; and that may be the last time it will come before the House before it may come back with a Presidential veto. Therefore it is the duty of every member of this House to do all he possibly can to expedite the consideration of the bill and bring it to its final conclusion. When I looked around the House and saw a quorum was present and the Speaker in his proper place, I concluded that I had the right, as I have observed other members doing under the same circumstances, to call up a measure of this character and ask action upon it. And when gentlemen rise in their places and solemnly make the point of order upon this question, I say that it is not the first instance in which it has been done. There are many precedents for this action, which I have known not only in this Congress, but in previous Congresses under similar rules. The measure is right in the line of the demands of the country.

Inasmuch as nothing further can be done until the conference report is submitted to the House by the managers, gentlemen will have ample opportunity to examine as to the propriety of the Senate amendments. The House will then have an opportunity again, for the last time, to consider the bill; so that if a gentleman has any objection to any portion of the bill, and deems it necessary in the performance of his duties faithfully to call attention to it, he will have an opportunity to rise in his place and make such objection as the occasion may call for.

I will state further to the gentleman from Illinois that the motion which has been made was made in the very best faith, and made in the interest of what I believe to be the public business of this Congress, and in the interest of the country; and I say to him, with reference to this very bill, he is mistaken in the conclusions that he has come to.

Mr. DINGLEY. Mr. Speaker, I desire simply to call attention to one important fact bearing upon this question of order. That is, that the resolution adopted by the House, on the report of the Committee on Rules, setting apart this day for the consideration of pension business, contained an express reservation that general appropriation bills, of which the river and harbor bill is one, might be considered.

Mr. HEPBURN. Undoubtedly; but——

The SPEAKER. The Chair has his impression about this matter, but it being near the moment of adjournment, he thought it might be as well to be certain about it, and therefore made the suggestion with regard to to-morrow, as no change would take place in the rights of anybody, the message having been transmitted to the Senate.

Mr. HERMANN. Mr. Speaker, if it is understood that the motion of the gentleman from Iowa [Mr. HEPBURN] to reconsider is now pending, I desire to make a point of order against it.

The SPEAKER. That is understood. All rights are reserved.

GEN. JOSEPH R. WEST.

Mr. PICKLER. Mr. Speaker, I am directed by the Committee on Invalid Pensions to report back the bill (S. 673) granting a pension to Joseph R. West, brigadier and brevet major general, United States Volunteers, with the recommendation that the House insist upon its amendment to the Senate bill and agree to a conference.

The SPEAKER. The Clerk will read the bill.

The bill was read in full.

The House insisted on its amendment and agreed to a conference; and the Speaker appointed as conferees on the part of the House Mr. PICKLER, Mr. THOMAS, and Mr. ERDMAN.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 488) for the relief of the legal representatives and devisees of James W. Schaumburg—to the Committee on Claims.

A bill (S. 1265) for the relief of Emmart, Dunbar & Co.—to the Committee on the District of Columbia.

A bill (S. 2415) for the relief of B. J. Van Vleck, administrator of Henry Van Vleck, deceased—to the Committee on Claims.

A bill (S. 2978) to provide an American register for the steamer *Menemsha*—to the Committee on Merchant Marine and Fisheries.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 730) granting an increase of pension to Mrs. Helen Morrell Carroll;

A joint resolution (S. R. 15) authorizing the Secretary of the Navy to donate to the Mountain View Cemetery Association, at Oakland, Cal., certain cannon, etc.; and

A bill (S. 2642) to provide for the safety of passengers on excursion steamers.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WILSON of Idaho, for one week, on account of important business.

To Mr. WOODMAN, for five days, on account of important business.

To Mr. COOPER of Texas, indefinitely, on account of important business.

To Mr. DINSMORE, indefinitely, on account of illness.

To Mr. HULL, indefinitely, on account of important business.

To Mr. LORIMER, for ten days, on account of sickness in his family.

To Mr. THORP, for ten days, on account of important business.

REPRINT OF A BILL.

Mr. PICKLER, by unanimous consent, obtained an order for a reprint of the bill H. R. 8271.

The House then, on motion of Mr. PICKLER (at 5 o'clock and 46 minutes p. m.), adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Lucius Hough against The United States was taken from the Speaker's table and referred to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LITTLE, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 1741) entitled "An act to authorize the Muskogee, Oklahoma and Western Railroad Company to construct and operate a line of railway through Oklahoma and the Indian Territory, and for other purposes," reported the same without amendment, accompanied by a report (No. 1811); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HILBORN, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 8894) granting to Lafayette Post, No. 217, Department of Pennsylvania, Grand Army of the Republic, of Easton, Pa., 2 condemned cannon and 35 cannon balls, reported the same without amendment, accompanied

by a report (No. 1812); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MORSE, from the Committee on Alcoholic Liquor Traffic, to which was referred the bill of the House (H. R. 1888) to further amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved the 3d day of March, A. D. 1893, reported the same with amendment, accompanied by a report (No. 1813); which said bill and report were referred to the House Calendar.

Mr. BOWERS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 7256) for the relief of owners and claimants to lands within the national parks and forest reservations in the State of California, reported the same with amendment, accompanied by a report (No. 1814); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LINTON, from the Committee on Ventilation and Acoustics, to which was referred the House resolution No. 186, reported in lieu thereof a bill (H. R. 8967) to provide for an improved system of heating and ventilation of the House (south) wing of the Capitol, accompanied by a report (No. 1825); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PUGH, from the Committee on War Claims:

A resolution (House Res. No. 331) to refer the bill (H. R. 5900) for the relief of the administrator of the estate of Thomas K. Ball, deceased, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 5900. (Report No. 1806.)

A resolution (House Res. No. 332) to refer the bill (H. R. 3788) for the relief of Mrs. E. Taylor, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 3788. (Report No. 1807.)

By Mr. CURTIS of Kansas, from the Committee on Indian Affairs: The bill (S. 229) entitled "An act for the relief of Robert McGee." (Report No. 1810.)

By Mr. BRUMM, from the Committee on Claims:

The bill (H. R. 5539) for the relief of John W. Arnold. (Report No. 1822.)

The bill (H. R. 5062) to reimburse D. D. Brennan for expense incurred in travel from Yokohama, Japan, to Haverstraw, N. Y., after his summary discharge as paymaster's clerk in the United States Navy. (Report No. 1815.)

By Mr. MINOR of Wisconsin, from the Committee on Claims:

The bill (S. 2415) entitled "An act for the relief of B. J. Van Vleck, administrator of Henry Van Vleck, deceased." (Report No. 1816.)

The bill (H. R. 5204) for the relief of Capt. George W. Goethals. (Report No. 1824.)

By Mr. HANLY, from the Committee on Claims:

The bill (H. R. 7109) for the relief of the heirs and legal representatives of those who were killed by the explosion of the guncotton factory at the United States torpedo station at Newport, R. I. (Report No. 1819.)

The bill (S. 488) entitled "An act for the relief of the legal representatives and devisees of James W. Schaumburg." (Report No. 1820.)

By Mr. COX, from the Committee on Claims: The bill (S. 768) entitled "An act for the relief of James A. Moore." (Report No. 1821.)

By Mr. HYDE, from the Committee on Indian Affairs: The bill (S. 1828) entitled "An act to authorize the Auditor for the Interior Department to settle and adjust the accounts of E. C. Chirouse, Indian Agent at the Tulalip Agency, Wash." (Report No. 1823.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. MINOR of Wisconsin, from the Committee on Claims, reported adversely bills of the following titles; and they were thereupon laid on the table:

The bill (H. R. 376) for the relief of John Scott. (Report No. 1817.)

The bill (H. R. 5195) for the relief of Charles T. Brant. (Report No. 1818.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MONDELL: A bill (H. R. 8960) donating condemned cannon and condemned cannon balls to Custer Post, No. 1, Department of Colorado and Wyoming, Grand Army of the Republic, at Laramie, Wyo.—to the Committee on Naval Affairs.

By Mr. HARRISON: A bill (H. R. 8961) to authorize the construction of a bridge across the Warrior River by the Mobile and Ohio Railroad Company—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 8962) to authorize the construction of a bridge across the Cahaba River, in Bibb County, Ala., by the Mobile and Ohio Railroad Company—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 8963) to authorize the construction of a bridge across the Alabama River by the Mobile and Ohio Railroad Company—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWE (by request): A bill (H. R. 8964) to authorize experimental coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. BERRY: A bill (H. R. 8965) to provide for mounting cannon at Fort Thomas, Ky.—to the Committee on Military Affairs.

By Mr. REYBURN: A bill (H. R. 8966) to authorize Commander E. S. Houston, United States Navy, to accept a portrait from His Majesty the Emperor of Germany—to the Committee on Foreign Affairs.

By Mr. LINTON: A bill (H. R. 8967) to provide for an improved system of heating and ventilating the House (south) wing of the Capitol—to the Committee on Ventilation and Acoustics.

By Mr. LOUDENSLAGER: A resolution (House Res. No. 333) to compensate Robert A. Stickney for services performed as a clerk in the Clerk's office—to the Committee on Accounts.

By Mr. LESTER: A resolution (House Res. No. 334) to refer certain bills to the Court of Claims for a finding of facts under the act of March 3, 1887, and generally known as Tucker Act—to the Committee on War Claims.

By Mr. PERKINS: A resolution (House Res. No. 335) for a special order to the Committee on the Territories for the consideration of certain measures—to the Committee on Rules.

By Mr. MILLIKEN (by request): A resolution (House Res. No. 336) to pay James Hall for extra services performed in the Doorkeeper's department—to the Committee on Accounts.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on the Merchant Marine and Fisheries was discharged from the consideration of the bill (H. R. 1272) authorizing the Secretary of the Treasury to appoint commissioners to estimate damages done to planted oysters and oyster beds in Raritan Bay and adjoining waters in New York and New Jersey and to make compensation therefor; and the same was referred to the Committee on Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BROMWELL: A bill (H. R. 8968) for the relief of the widow of Adolph Rauch—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 8969) for the relief of Leroy Q. Webber—to the Committee on Military Affairs.

By Mr. CRUMP: A bill (H. R. 8970) pensioning Mrs. Kate Crawford—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 8971) for the relief of M. A. Shelton, of Bates County, Mo.—to the Committee on War Claims.

By Mr. FARIS: A bill (H. R. 8972) to pension William H. Arbuckle—to the Committee on Invalid Pensions.

By Mr. HEINER of Pennsylvania: A bill (H. R. 8973) to remove the charge of desertion from the military record of N. B. Wesner, of Parkers Landing, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 8974) for the relief of the widow and heirs of Thomas H. Reynolds, deceased—to the Committee on War Claims.

By Mr. KULP: A bill (H. R. 8975) for the relief of Capt. McCurdy Tate, late captain Company H, Fifty-third Pennsylvania Volunteers—to the Committee on Military Affairs.

By Mr. MILLER of Kansas: A bill (H. R. 8976) for the relief of Francis Knapp, late a corporal in Company B, Tenth Kansas Veteran Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8977) for the relief of Harriett Camp, of Kansas City, Wyandotte County, Kans.—to the Committee on War Claims.

Also, a bill (H. R. 8978) granting a pension to Nancy Mefford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8979) for the relief of Allison J. Pliley, late a scout in the Eighteenth Kansas Cavalry Volunteers—to the Committee on War Claims.

Also, a bill (H. R. 8980) to increase the pension of William H. Banguess—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8981) granting a pension to Sophisa Buford, of Garnett, Kans.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8982) to increase the pension of Ethan A. Drake, Company G, Forty-seventh Illinois Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8983) to increase the pension of Stephen H. Parish, late of Company E, First Ohio Battery, Light Artillery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8984) granting a pension to Ann M. Relgin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8985) to increase the pension of William Baber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8986) granting a pension to Cyrus E. Pruitt, late of Company G, One hundred and thirty-third Illinois Volunteers—to the Committee on Invalid Pensions.

By Mr. NOONAN: A bill (H. R. 8987) granting a pension to Philip Barnhart—to the Committee on Invalid Pensions.

By Mr. SKINNER: A bill (H. R. 8988) for relief of S. R. Fowle & Son, Washington, N. C., importers of molasses and salt, to reimburse them for import duties wrongfully collected—to the Committee on Claims.

By Mr. SPERRY: A bill (H. R. 8989) granting a pension to Honora Redmond—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: A bill (H. R. 8990) increasing pension of William H. Nevitt from $12 to $30 per month—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 8991) for the relief of John W. Beatty, late of Company C, Seventh Tennessee Cavalry Volunteers—to the Committee on Military Affairs.

By Mr. TAWNEY: A bill (H. R. 8992) removing the charge of desertion from the military record of Ashley C. Cameron—to the Committee on Military Affairs.

By Mr. BULL: A bill (H. R. 8993) for the relief of the heirs at law of the late Duncan H. Campbell—to the Committee on Patents.

By Mr. CHICKERING: A bill (H. R. 8994) for the relief of Mary Walker, M. D.—to the Committee on War Claims.

By Mr. SPENCER: A bill (H. R. 8995) for the relief of the estate of James S. Winters, deceased, late of Hinds County, Miss.—to the Committee on War Claims.

By Mr. WHEELER: A bill (H. R. 8996) for the relief of Benjamin Richardson, of Lauderdale County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 8997) for the relief of William Cunningham, of Courtland, Ala.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARRETT: Resolutions of the citizens of Revere, Mass., remonstrating against the passage of the so-called Pasco amendment to the Post-Office appropriation bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BELL of Colorado: Two petitions of citizens of the State of Colorado, favoring the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, remonstrances of citizens of the State of Colorado; also of Council No. 74, American Protective Association, of Hotchkiss, Colo., against the acceptance of the Marquette statue—to the Committee on the Library.

Also, petition of citizens of the State of Colorado, in favor of the passage of a service-pension act—to the Committee on Invalid Pensions.

Also, petition of the Denver Board of Trade, favoring the passage of House bill No. 1, relating to the classification and salaries of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. BROMWELL: Petition of the United States Maimed Soldiers' League of Philadelphia, for increase of pensions of maimed veterans—to the Committee on Invalid Pensions.

By Mr. CANNON: Petition of M. W. Thompson and 38 others, citizens of Danville, Ill., against the continuance of the Père Marquette statue in the Capitol—to the Committee on the Library.

By Mr. CLARK of Missouri: Petition of Lewis County (Mo.) Grand Army Post, No. 412, favoring the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. DANIELS: Petition of George E. Mann and others, of Buffalo, N. Y., in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. FITZGERALD: Resolution of the Boston Chamber of Commerce, in favor of the passage of the bill to remove discriminations against American vessels in coastwise trade—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the board of directors of the Manufacturers and Producers' Association of California, relating to the importation of convict-made goods, and favoring the protection of free labor from competition with convict labor—to the Committee on Labor.

By Mr. FOSS: Petitions of Burke & Storms, of Antioch, Ill., People's Health Journal Company, of Chicago, Ill., and of the North American Practitioner of Chicago, Ill., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petitions of C. M. Henderson & Co. and others, in favor of the passage of House bills Nos. 838, 4566, and 5560, for 1-cent letter postage and the amendment of the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. GROUT: Resolutions adopted by the Paint and Oil Club of New England, in favor of Senate bill No. 2447, to establish a department of commerce and manufactures—to the Committee on Manufactures.

Also, petition of S. J. Somerville and 51 others, of St. Johnsbury, Vt., favoring the immediate removal of the Père Marquette statue from Statuary Hall—to the Committee on the Library.

By Mr. HEMENWAY: Petition of William M. Collins and others, of the State of Indiana, for the passage of House bill No. 6851, appropriating unclaimed pension and bounty money due the estates of deceased colored soldiers to military and educational purposes for the colored people—to the Committee on War Claims.

By Mr. HITT: Memorial and petition of the Manufacturers and Producers' Association of California, in favor of the passage of House bill No. 6116, to protect free labor from competition with convict labor, and restraining the sale of convict-made goods to the State in which they are produced—to the Committee on Labor.

By Mr. JOHNSON of California: Petition of citizens of Clarksville, El Dorado County, Cal., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. LINTON: Petition of citizens of Wilkes County, N. C., against the appropriation of public moneys for sectarian undertakings and for a constitutional amendment against making appropriations for ecclesiastical purposes—to the Committee on the Judiciary.

Also, remonstrances and petitions of citizens of Philadelphia, Pa.; also of citizens of Buena Vista, Pa., regarding the Marquette statue—to the Committee on the Library.

Also, a paper to accompany House bill to increase the pension of Frank A. Rockwith—to the Committee on Invalid Pensions.

By Mr. McEWAN: Petition of Irish societies and citizens of Hudson County, N. J., asking Congressional action in urging the liberation of Irish prisoners in England—to the Committee on Foreign Affairs.

By Mr. MEREDITH: Papers relating to the claim of Richard Pinn, next friend of Sallie Pinn, of Fauquier County, Va.—to the Committee on War Claims.

Also, papers relating to the claim of Charles R. Carder, of Rappahannock County, Va.—to the Committee on War Claims.

Also, papers relating to the claim of Lucy Kate Petty and Mollie B. Petty, of Culpeper County, Va.—to the Committee on War Claims.

Also, papers relating to the claim of James S. Dean, of Fauquier County, Va.—to the Committee on War Claims.

Also, petition of Margaret A. Proctor (now Tapscott) for herself and minor children of her late husband, Samuel K. Proctor, deceased—to the Committee on War Claims.

By Mr. TAWNEY: Papers to accompany House bill removing the charge of desertion from the military record of Ashley C. Cameron—to the Committee on Military Affairs.

By Mr. TERRY: Petition of W. C. Hull and 34 other citizens of Johnson County, Ark., protesting against the passage of bill No. 4566, to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WANGER: Petition of Keasby & Mattison Company, F. A. Comly, John J. Houghton, and 33 other citizens of Montgomery County, Pa., for the passage of House bill No. 3618, to organize and increase the efficiency of the personnel of the Navy, etc.—to the Committee on Naval Affairs.

Also, petition of W. E. Megargee, Henry F. Stem, and other citizens of Wyndmoor, Pa., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. WHEELER: Papers relating to the claim of James C. Newman, executor of Alexander F. Newman, deceased, of Warren County, Miss.—to the Committee on War Claims.

Also, papers relating to the claim of John A. Ducournan, of Natchitoches, La.—to the Committee on War Claims.

Also, papers relating to the claim of Martha C. Brooks, executrix of Aaron T. Brooks, deceased, of Marshall County, Miss.—to the Committee on War Claims.

follows:

By Mr. MONDELL: A bill (H. R. 8960) donating condemned a scout in the Eighteenth Kansas Cavalry Volunteers—to the Committee on War Claims.

mittee on the Merchant Marine and Fisheries.

to the Committee on War Claims.

SENATE.

FRIDAY, *May 15, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. ALLEN, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

RIGHT OF WAY FOR PIPE LINES.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2032) to grant right of way over the public domain for pipe lines in the States of Colorado and Wyoming; which were, in lines 3 and 4, to strike out "and reservations"; in line 12, to strike out "fifty" and insert "twenty-five"; and in line 15, to strike out all after "line" down to and including line 20.

Mr. CLARK. I move that the amendments of the House of Representatives be concurred in.

The motion was agreed to.

NAVAL APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. In the absence of the Senator from Maine [Mr. HALE], who has charge of the bill here, I move that the Senate insist upon its amendments and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. QUAY, and Mr. GORMAN were appointed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of Local Assembly, No. 3861, Knights of Labor, of St. Louis, Mo., praying for the passage of the so-called Phillips bill, authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which was referred to the Committee on Education and Labor.

He also presented a memorial of the Lambert Pharmaceutical Company of St. Louis, Mo., relative to the rebate on alcohol; which was ordered to lie on the table.

Mr. FRYE presented a petition of the Independent Order of Good Templars of the District of Columbia, praying for the establishment of an asylum and hospital in the District of Columbia for the treatment of inebriates; which was referred to the Committee on the District of Columbia.

He also presented petitions of the Real Estate Exchange and Auction Board of Boston, Mass.; of the Paper Trade Association of Boston, Mass.; of the Retail Grocers' Purchasing Association of Rochester, N. Y.; of the Grocers and Importers' Exchange of Philadelphia, Pa., and of the Chamber of Commerce of Nashville, Tenn., praying for the establishment of a department of commerce and manufactures; which were referred to the Committee on Commerce.

He also presented a petition of the Military Order of the Loyal Legion of the United States, Commandery of the State of Maine, of Portland, Me., praying for the enactment of legislation reviving the grade of lieutenant-general in the Army; which was referred to the Committee on Military Affairs.

Mr. HAWLEY presented a memorial of the Entomological Society of Washington, D. C., remonstrating against the passage of Senate bill No. 1552, relating to vivisection; which was referred to the Committee on the District of Columbia.

Mr. CULLOM presented a petition of the Manufacturers and Producers' Association of California, praying for the enactment of legislation to protect free labor from competition with convict labor and confining the sale of convict-made goods to the States in which they are made; which was referred to the Committee on Education and Labor.

Mr. PLATT presented a memorial of the board of directors of the Connecticut State prison, remonstrating against the interstate transportation of articles manufactured in penal institutions; which was referred to the Committee on Interstate Commerce.

Mr. ALLEN presented the petition of D. L. Geer, of Columbia County, Fla., praying that all homestead settlers on the Arredondo Spanish grant in that county be protected in their homes and lands entered since 1882; which was referred to the Committee on Public Lands.

He also presented a petition of the Manufacturers and Producers' Association of California, praying for the enactment of legislation to protect free labor from competition with convict labor and confining the sale of convict-made goods to the States in which they are made; which was referred to the Committee on Education and Labor.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. ALLEN. I ask to have printed in the RECORD a short letter from A. Wolcott, of Wolcott, Ind., on the subject of the pending bankruptcy bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

IN OPPOSITION TO HOUSE BILL NO. 8110.

Hon. W. V. ALLEN:

DEAR SIR: As opposed to the bankruptcy bill, House bill No. 8110, may I be allowed to offer some suggestions?

First, and generally. There have been not less than three bankruptcy laws since the Government of the United States was established; and all after mature trial have been repealed, for the reason that in their practical effects more harm than good resulted from them. The expenses of a bankruptcy court and the sacrifices of the estate of bankrupts in the hands of court officers, under summary laws for closing out and realizing on the estates of bankrupts, with lack of special knowledge of the properties constituting the estates, and the mere formal manner of performing their official duties by the court officers, have resulted uniformly in but pecuniary benefit to creditors. The histories of the courts of bankruptcy show always little and often no dividends to creditors from the estates of bankrupts. Industrious and useful men have been destroyed, and no one has been benefited. The work has heretofore been ruin without compensation. The same character of laws, if enforced, in the future will be followed by the same real destruction of the usefulness of men and the impoverishment, sufferings, and degradation of their families.

Fifty years ago, by the laws then prevailing in the various States of the Union, debtors could be imprisoned for debts. No matter how honest, no matter how unfortunate the debtor, no matter what suffering would be inflicted on his family, under the inexorable laws for imprisonment for debt the exacting creditor could put his debtor in jail. This law of barbarism has passed away as civilization has advanced. The especially cruel features of the bill No. 8110 relate to insolvency, as expressed in subdivision 2 of section 2, and subdivisions 8 and 9 of said section 2, as a cause of bankruptcy proceedings. Only an allegation of insolvency is required to bring the debtor into a court of bankruptcy. This proceeding against a debtor would alone so discredit him and embarrass his affairs as to create insolvency, though otherwise no insolvency would have existed. Ordinarily, if a man slander or libel the credit or financial standing of another he is liable in a suit at law for all damages.

But under this bankruptcy bill, if it shall become a law, a creditor may libel his debtor, by commencing, without legal cause, a bankruptcy proceeding, and do his debtor untold damages, without incurring legal responsibility for the outrage. The law should provide that if in any case a creditor shall commence in bankruptcy court without just grounds, the creditor shall pay all costs, and triple the damages the debtor may sustain by the unwarranted proceedings. In relation to the proceedings before referred to, in section 2 and its quoted subdivisions, the debtor may be a man of all honesty, and of every virtue, and a useful man, much respected in his community; yet if insolvent by any accident, or unfortunate condition of things, as for instance, a merchant who has trusted his farmer neighbors, that by adverse seasons have lost their crops, and are on that account unable to pay the merchant, he may be proceeded against and ruined. For this ruin, as in the case of the imprisoned debtor under former laws, the creditor would have a dividend only of gratified spite. But the question has other facts that in equity are entitled to controlling consideration.

No man is required to give credit to any person. If a man does give credit it is his free and voluntary act, and the laws of all the States and of the United States give ample remedies for the collection of debts. If frauds have been practiced by any person, and he has obtained property under false pretenses, the debtor is also liable to be prosecuted and punished under the criminal laws.

The destructive process of force or involuntary bankruptcy of honest debtors under any condition is a barbarism fully equalling the old law of imprisonment for debt, long since obsolete for its useless cruelty. As the creditor gives credit of his own free will, let him be satisfied with the collection and criminal laws under which he has given his credits, for he justly can claim no more. Wreckage and destruction of a debtor under involuntary, enforcing bankruptcy laws have no moral right, and should have no legal right. The highest interests of the public consist in the elevation and self-sustaining character of our people. Financial and industrial distress prevail generally throughout the country. Their artificial increase by force of coercive bankruptcy laws would be evil, and only evil.

A. WOLCOTT.

WOLCOTT, IND., *April 24, 1896.*

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM. If it is not contrary to the agreement, I should be very glad to submit a conference report this morning. I think it will take no length of time to dispose of it.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 142, 309, 310, and 314.

That the House recede from its disagreement to the amendments of the Senate numbered 11, 12, 13, 19, 108, 109, 144, and 313; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "three laborers at $840 each; twenty-two"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$120,784"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the number proposed insert "30"; and on page 9 of the bill, after the word "each" where it first occurs in line 5, insert "7 privates, at $960 each"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$52,120"; and on page 9 of the bill, at the

end of line 8, insert the following: "And hereafter the Capitol police, under the direction of the Sergeants-at-Arms of the Senate and of the House of Representatives and of the Architect of the Capitol, shall police the Capitol building and the Capitol Grounds"; and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 36 and 37, and agree to the same with an amendment as follows: Strike out the amended paragraph constituting lines 12, 13, 14, and 15 of page 18 of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For register of copyrights, $2,500, who shall be selected on or after June 1, 1896, by the Joint Committee upon the Library of Congress, consisting of the Committee on the Library of the Senate and the Committee on the Library of the House of Representatives, and who shall give good and sufficient bond to the United States in such sum, not less than $20,000, as the Secretary of the Treasury may direct, and to be approved by him, faithfully to account for all public moneys and property which he may receive. He shall have and exercise all the rights and duties touching copyrights now devolved upon the Librarian of Congress. He shall, without additional compensation, disburse the sums appropriated for the salaries and expenses of his office, and also the salaries and expenses appropriated for the Library of Congress. He shall have an official seal of such pattern and design as he shall designate, and it shall contain the words 'Register of Copyrights, United States of America'; and by this seal all records and papers issued from the office of the register of copyrights shall be authenticated. He shall be provided with suitable rooms in the building for the Library of Congress.

"For one clerk, at $1,600, and for twelve clerks, at $900 each, necessary for the execution of the copyright law, to be appointed by and employed under the direction of the register of copyrights; in all, $12,400.

"For salaries for the month of June, 1896, of the register of copyrights; one clerk at the rate of $1,600 per annum and one clerk at the rate of $900 per annum, $112.10, or so much thereof as may be necessary.

"The assistants in the Library of Congress now employed on work relating to the execution of the copyright law shall continue to be so employed, in the discretion and under the direction of the register of copyrights, until the close of the fiscal year 1897."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"*Provided*, That the next session of the legislative assembly of the Territory of New Mexico shall commence on the third Monday in February, 1897, and each succeeding session thereof shall commence on the third Monday in February of every odd-numbered year thereafter: *Provided further*, That no other officer of either house of said legislative assembly shall be elected or appointed or paid out of any moneys appropriated by the Congress of the United States, or by the legislative assembly of said Territory, than such as may be provided for by the laws of the United States, except a translator and an interpreter."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 253, and agree to the same with an amendment as follows: In lieu of the sum proposed insert $5,500; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 265, and agree to the same with an amendment as follows: Restore the section proposed to be stricken out by said amendment, amended to read as follows:

"SEC. 19. That the terms of office of all commissioners of the circuit courts heretofore appointed shall expire on the 31st day of December, 1896; and such office shall on that day cease to exist, and said commissioners shall then deposit all the records and other official papers appertaining to their offices in the office of the clerk of the circuit court by which they were appointed. All proceedings pending, returnable, unexecuted, or unfinished at said date before any such commissioner shall be continued and disposed of according to law by such commissioner, appointed as herein provided, as may be designated by the district court for that purpose. It shall be the duty of the district court of each judicial district to appoint such number of persons, to be known as United States commissioners, at such places in the district as may be designated by the Attorney-General, which United States commissioners shall have the same powers and perform the same duties as are now imposed upon commissioners of the circuit courts. The appointment of such United States commissioners shall be entered of record in the district courts, and notice thereof at once given by the clerk to the Attorney-General. That such United States commissioners shall hold their offices, respectively, for the term of four years, but they shall be at any time subject to removal by the district court; and no person shall at any time be a clerk of a United States court and a United States commissioner without the approval of the Attorney-General: *Provided*, That all acts and parts of acts applicable to commissioners of the circuit courts, except as to appointment and fees, shall be applicable to United States commissioners appointed under this act.

"Warrants of arrest for violations of internal-revenue laws may be issued by United States commissioners upon the sworn complaint of a United States district attorney, assistant United States district attorney, collector or deputy collector of internal revenue, or revenue agent or private citizen, but no such warrant of arrest shall be issued upon the sworn complaint of a private citizen unless first approved in writing by a United States district attorney.

"That United States commissioners and all clerks of United States courts are hereby authorized to administer oaths."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 306, and agree to the same with an amendment as follows: Restore the section proposed to be stricken out by said amendment, amended to read as follows:

"SEC. 20. That no marshal or deputy marshal, or deputy clerk of the circuit or district court, attorney or assistant attorney of any district, jury commissioner, clerk of marshal, no bailiff, crier, juror, janitor of any Government building, nor any civil or military employee of the Government, and no clerk or employee of any United States justice or judge shall have, hold, or exercise the duties of the United States commissioner. And it shall not be lawful to appoint any of the officers named in this section receiver or receivers in any case or cases now pending or that may be hereafter brought in the courts of the United States."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 307, and agree to the same with an amendment as follows: Restore the section proposed to be stricken out by said amendment amended to read as follows:

"SEC. 21. That each United States commissioner shall be entitled to the following-named fees, and none other: Drawing a complaint, with oath and jurat to same, 50 cents; copy of complaint, with certificate to same, 30 cents; issuing warrant of arrest, 75 cents; issuing a commitment and making copy of same, $1; entering a return, 15 cents; issuing subpœna or subpœnas in any one case, with 5 cents for each necessary witness in addition to the first, 25 cents; drawing a bond of defendant and sureties, taking acknowledgment of same and justification of sureties, 75 cents; for administering an oath (except to witness as to attendance and travel), 10 cents; recognizance of all witnesses in a case, when the defendant or defendants are held for court, 50 cents; transcripts of proceedings, when required by order of court and transmission of original papers to court, 60 cents; copy of warrant of arrest, with certificate to same, when defendant is held for court, and the original papers are not sent to court, 40 cents; order in duplicate to pay all witnesses in a case: For first witness 30 cents, and for each additional witness 5 cents, and for oath to each witness as to attendance and travel, 5 cents; for hearing and deciding on criminal charges and reducing the testimony to writing when required by law or order of court, $5 a day for the time necessarily employed: *Provided*, That not more than one per diem shall be allowed in a case, unless the account shall show that the hearing could not be completed in one day, when one additional per diem may be specially approved and allowed by the court: *Provided further*, That not more than one per diem shall be allowed for any one day: *Provided further*, That no per diem shall be allowed for taking a bond or recognizance and passing on the sufficiency of the bond or recognizance and the sureties thereon when the bond or recognizance was taken after the defendant had been committed to prison under a final commitment, or has given bond or been recognized for his appearance at court, or when the defendant has been arrested on a capias or bench warrant, or was in custody under any process or order of a court of record. For the examination and certificate in cases of application for discharge of poor convicts imprisoned for nonpayment of fine or fine and costs, and all services connected therewith, $3; for attending to a reference in a litigated matter, in a civil cause at law, in equity, or in admiralty, in pursuance of an order of the court, $3 a day; for taking and certifying depositions to file in civil cases, 10 cents for each folio; for each copy of the same furnished to a party on request, 10 cents for each folio; for issuing any warrant under the tenth article of the treaty of August 9, 1842, between the United States and the Queen of the United Kingdom of Great Britain and Ireland against any parties charged with any crime or offense set forth in said article, $2; for issuing any warrant under the provision of the convention for the surrender of criminals between the United States and the King of the French, concluded at Washington November 9, 1843, $2; for hearing and deciding upon the case of any person charged with any crime or offense, and arrested under the provisions of said treaty or of said convention, $5 a day for the time necessarily employed.

"Such commissioners shall keep a complete record of all proceedings before them in criminal cases in a well-bound book, which record book shall be delivered to and preserved by the clerk of the district court for such district on the death, resignation, removal, or expiration of term of the commissioner, for which record the commissioner shall receive no compensation."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 348, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 22. That it shall be the duty of the Attorney-General of the United States to make an investigation as respects the compensation to be paid by salary or otherwise to clerks of United States circuit and district courts; and he shall report on the first day of the next session of the present Congress a plan for fixing such compensation for the clerks of the several courts of the United States as he may deem just, and he shall also recommend with his report such provisions as may to him seem proper touching their appointment and the performance of their duties."

And the Senate agree to the same.

S. M. CULLOM,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

HENRY H. BINGHAM,
ALEXANDER M. DOCKERY,
JOHN E. MCCALL,
Managers on the part of the House.

Mr. HILL. I suggest to the Senator from Illinois that the report be printed and that its further consideration be postponed until to-morrow.

Mr. CULLOM. I always like to accede to a request made by the Senator, but I would a little rather not do that to-day for the reason, if I may be allowed to refer to the fact, that the chairman of the House conferees desires to be absent, and he is very anxious that the bill shall be disposed of before he has to leave. I venture to mention this circumstance as the only reason why I should prefer to dispose of the report to-day. I think there is nothing in the bill referring to the commissioners, with two or three little exceptions which can be mentioned, that will not be found in the original bill as passed by the House of Representatives, if that is the portion of the bill to which the Senator desires to give attention.

Mr. HILL. Yes; that is the very matter complained of. For instance, the Senate committee struck out all the provisions relating to United States commissioners which had been inserted in the House. When the bill came into the Senate the Senate adopted that view and concurred with the committee. I called the attention of the Senate then to the importance of the provision, and I was assured by the distinguished Senator from Iowa that the proposition of the committee to strike out would not be yielded in conference if he could have his way. The Senate had not discussed the propriety of the House provision, but our conferees have in their wisdom seen fit to yield the point. That is the very question I want to examine. I do not desire to take up the time of the Senate to-day, when we are acting substantially under a special order.

Mr. CULLOM. I see that the Senator is disposed to discuss the question some time, at any rate, and in view of the common-consent arrangement for to-day I hardly feel at liberty to insist upon the consideration of the report this afternoon. I will therefore allow it to go over until to-morrow morning and be printed.

The VICE-PRESIDENT. The report will be printed and go over.

labor and confining the sale of convict-made goods to the States

ate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$52,120"; and on page 9 of the bill, at the

of same, $1; entering a return, 15 cents; issuing subpœna or subpœnas in any

STANDARD FOR DRY MEASURES.

Mr. GALLINGER. I move that the bill (S. 2359) defining the standard shape and size for dry measures to be used in the District of Columbia, and for other purposes, now on the Calendar, be indefinitely postponed, a House bill identical in terms having passed the Senate.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 4598) granting a pension to Mary Cray, reported it without amendment, and submitted a report thereon.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (S. 2583) for the relief of Leonard I. Brownson, late first lieutenant Company K, Fifth Vermont Volunteers, reported it without amendment, and submitted a report thereon.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 1488) appropriating $6,332.30 in payment of the claim of C. M. Kirkpatrick for paving the street adjacent to the United States arsenal at Indianapolis, Ind., reported it with amendments, and submitted a report thereon.

Mr. HARRIS, from the Committee on the District of Columbia, reported an amendment providing for an appropriation for the paving of certain streets leading to the Zoological Park, intended to be proposed to the District of Columbia appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. SHOUP, from the Committee on Education and Labor, reported an amendment providing that skilled mechanics employed in the Government Printing Office be paid at the rate of 50 cents per hour for time actually employed, intended to be proposed to the District of Columbia appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. GEAR, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1961) to authorize the purchase of the property known as the Corcoran Art Gallery, in the city of Washington, D. C., reported it without amendment, and submitted a report thereon.

Mr. HAWLEY. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 2402) to authorize the sale of a part of the Fort Niobrara Military Reservation, in the State of Nebraska, to ask to be discharged from its further consideration, and that it be referred to the Committee on Public Lands. But two days ago, while the bill was still pending in the Committee on Military Affairs, this land was assigned to the Interior Department by proclamation as an abandoned military reservation. The bill should properly go to the Committee on Public Lands.

The VICE-PRESIDENT. The Committee on Military Affairs will be discharged from the further consideration of the bill, and it will be referred to the Committee on Public Lands.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 130) to extend the rights and privileges granted by an act entitled "An act authorizing the construction of a railway upon the Government Reservation at Fortress Monroe" to the Newport News, Hampton and Old Point Railway Company, in the State of Virginia, reported it without amendment, and submitted a report thereon.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. 1438) for the relief of the estates of Daniel Woodson and of Ely Moore, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred a letter of the Acting Secretary of the Treasury, in response to the resolution of April 10, 1896, transmitting a list of cases of Kentucky claimants for rents for barracks and quarters allowed by the accounting officers of the Treasury and reported to Congress January, 1895, and not appropriated for, asked to be discharged from its further consideration, and that it be referred to the Committee on Appropriations; which was agreed to.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 225) to provide for the transfer of Fort Omaha Military Reservation to the State of Nebraska, reported it with amendments, and submitted a report thereon.

DIRECTOR IN CHIEF OF SCIENTIFIC BUREAUS.

Mr. GORMAN, from the Committee on Printing, to whom was referred the resolution submitted by Mr. PROCTOR on the 13th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed 3,000 extra copies of the arguments before the Committee on Agriculture and Forestry in favor of the proposition for a director in chief of scientific bureaus in the Department of Agriculture, together with all the appendixes accompanying the same as published for the use of said committee; 1,500 of which shall be for the use of the Secretary of Agriculture and 1,500 for the use of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOOKER, Mr. HERMANN, and Mr. CATCHINGS managers at the conference on the part of the House.

The message also announced that the House insisted upon its amendment to the bill (S. 673) granting a pension to Joseph R. West, brigadier and brevet major-general, United States Army Volunteers; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PICKLER, Mr. THOMAS, and Mr. ERDMAN managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 7771) authorizing and directing the Secretary of the Navy to donate a condemned cannon and condemned cannon balls to certain posts of the Grand Army of the Republic; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 730) granting an increase of pension to Mrs. Helen Morrell Carroll;

A bill (S. 2488) to amend an act entitled "An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes";

A bill (S. 2642) to provide for the safety of passengers on excursion steamers; and

A joint resolution (S. R. 15) authorizing the Secretary of the Navy to donate to the Mountain View Cemetery Association, at Oakland, Cal., certain cannon, etc.

BILLS INTRODUCED.

Mr. ROACH introduced a bill (S. 3152) granting an increase of pension to Ransom S. Angell, late private of Company G, First Regiment Wisconsin Cavalry; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEAR introduced a bill (S. 3153) granting a pension to Mary R. Henderson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3154) granting an increase of pension to Barnabas A. Bonham; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TURPIE (for Mr. VOORHEES) introduced a bill (S. 3155) for the relief of Barzilla C. Hudson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 3156) to increase the pension of Lorenzo Thomas; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 3157) for the relief of those suffering from the destruction of the salt works near Manchester, Ky., pursuant to the orders of Maj. Gen. Carlos Buell; which was read twice by its title, and referred to the Committee on Claims.

Mr. WETMORE introduced a bill (S. 3158) for the relief of the heirs at law of the late Duncan H. Campbell; which was read twice by its title, and referred to the Committee on Patents.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. MANTLE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GRAY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. 7771) authorizing and directing the Secretary of the Navy to donate a condemned cannon and condemned cannon balls to certain posts of the Grand Army of the Republic was read twice by its title, and referred to the Committee on Naval Affairs.

TRIAL OF CITIZENS ARRESTED IN CUBA.

Mr. MORGAN. I desire to submit a resolution, which I ask to have read and printed, and that it go over until to-morrow, when I shall ask the privilege of submitting some remarks upon it.

The resolution was read, and ordered to lie over and to be printed, as follows:

Resolved, That the Committee on Foreign Relations is directed to inquire and report to the Senate what are the rights of the United States, under our treaties with Spain, as to the trial of our citizens arrested in Cuba and now under condemnation and sentenced to death by the Spanish military tribunals for alleged offenses of a political or other character against the Spanish laws or Government, and to report on that subject by bill or otherwise.

2. That the Secretary of State is directed to send to the Senate literal copies of the original text of a protocol of conference and declarations concerning judicial procedure, signed by Caleb Cushing, as minister of the United States, and Señor Don Fernando y Collantes, minister of the King of Spain, on January 12, 1877, as the same was executed and interchanged, both in the English and Spanish languages; and that he will inform the Senate whether the established or agreed original text of said protocol is in the English or the Spanish language.

3. That the Secretary of State is further directed, if it is not incompatible with the public service, to communicate to the Senate copies of any correspondence that has taken place between the Governments of Spain and the United States respecting the said protocol and its bearing or effect upon the trial and condemnation of citizens of the United States who were recently captured on or near the vessel called the *Competitor*, that was seized under Spanish authority in Cuban waters, or near to that island.

PROPOSED TARIFF REVISION.

Mr. GALLINGER. I submit a resolution. After it is read I shall make a request concerning it.

The resolution was read, as follows:

Resolved, That the widespread business depression and rapid increase of the public debt demonstrate that the existing tariff law does not produce sufficient revenue, and that a revision of the law is imperatively demanded in the interests of the people of the United States.

Mr. GALLINGER. I ask that the resolution lie upon the table subject to my call, as I desire to address myself either to the resolution or to some bill that may be before the Senate on the tariff question before the adjournment of the present session.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

IMPORTATIONS OF ORIENTAL PRODUCTS.

Mr. MILLS. The Senator from Rhode Island [Mr. ALDRICH] reported a resolution the other day from the Committee on Finance and it went over. He dropped a note to me and asked me to have it called up. I made some objection, as did the Senator from Nebraska [Mr. ALLEN], to the resolution. I ask that the resolution be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution indicated by the Senator from Texas.

The Secretary read the resolution reported by Mr. ALDRICH from the Committee on Finance on the 12th instant, as follows:

Resolved, That the Committee on Finance, under the provisions of the Senate resolution of March 3, 1891, is hereby directed to inquire whether American labor and industries are suffering from or threatened with injurious competition through importations of oriental products, and if so, to investigate the causes which have made such competition possible.

Mr. ALLEN. I move to amend the resolution by adding at the end the following proviso:

Provided, That in ascertaining the relative efficiency of oriental and American labor the committee shall report to Congress the labor cost of products per unit of quantity in both countries.

Mr. MILLS. That amendment, I beg to say, the Senator from Rhode Island said he would accept.

The amendment was agreed to.

The resolution as amended was agreed to.

JOHN S. EVANS.

Mr. ALLISON. As I am obliged to be absent much of the time during the sessions of the Senate, I ask unanimous consent at this time to call up the bill (H. R. 1601) to amend the military record of John S. Evans.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to restore to the muster rolls of Company E, Twenty-seventh Ohio Volunteer Infantry, the name of John S. Evans, and to grant him an honorable discharge from the service.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PERSONAL EXPLANATION.

Mr. KYLE. Mr. President, in the Post of this morning I notice a reference to the bill passed day before yesterday regulating the standard shape and size of dry measures. The Post extract is as follows:

The bill related to a standard shape and size for dry measures. It was on the point of being passed when Senator KYLE, a Populist of South Dakota, offered an amendment which proposed that 60 pounds should be equivalent to a bushel of potatoes when sold at wholesale and 56 pounds when they were sold at retail. In other words, the wholesale dealer gained one-fifteenth of a bushel of potatoes on every bushel that he sold. In 15 bushels he made a clear profit of a bushel under the law. The proposition, too, came from a Populist, who would hardly be supposed to side with the large dealer and discriminate against the workingman, the boarding-house keeper, and the housewife in such fashion, etc.

I wish merely to state in this connection that the provision, as indicated in this communication, was the committee amendment, placed in the bill by the Committee on the District of Columbia of this body. It reads as follows:

SEC. 2. That the lawful weight of a bushel of potatoes shall be 60 pounds when sold by wholesale and 56 pounds when sold by retail, and that hereafter all sales thereof shall be made by weight, under a penalty of $5 for each offense, to be recovered in the police court of the District of Columbia, in the name of the said District, in the same manner as other fines and penalties are recovered.

I merely by my amendment moved to strike out the provision that all potatoes should be sold by weight, and the recommendation for the discrimination making 60 pounds the wholesale weight and 56 pounds the retail weight was from the Commissioner of the District of Columbia, John W. Ross. He says in his report:

I recommend that the wholesale weight of a bushel of potatoes be made 60 pounds, but the retail weight be made 56 pounds. This difference is fully equalized by the amount of dirt shoveled up when putting potatoes in sacks for wholesale delivery and the care taken when preparing them for sale by retail.

I will state that the reporter of the Post assured me that it was by mistake that he connected my name with the matter. The responsibility for the amendment rests with the District Committee, and the authority for their action is District Commissioner John W. Ross.

REGULATION OF BOND ISSUES.

Mr. BACON. Mr. President, several days since I gave notice that to-day I would ask the unanimous consent of the Senate to call up the bill (S. 3101) to prohibit the issuance of bonds or other interest-bearing obligations of the Government by the Secretary of the Treasury, or other officer of the Government, without the authority of Congress, in order that I might submit some remarks upon it. I now make that request.

The VICE-PRESIDENT. The Senator from Georgia asks unanimous consent that the bill indicated by him may be taken up for the purpose of submitting some remarks. Is there objection? The Chair hears none.

Mr. BACON. I desire to state, what I should have stated before, that prior to making this request I conferred with the Senator from Connecticut [Mr. PLATT] and had his approval of the course I have taken.

The VICE-PRESIDENT. The Senator from Georgia will proceed.

Mr. BACON. I ask that the bill may be read at length.

The Secretary read the bill (introduced by Mr. BACON on the 8th instant), as follows:

Be it enacted, etc., That from and after the passage of this act neither the Secretary of the Treasury nor any other officer of the Government shall issue any bonds or other interest-bearing obligations of the Government, except hereafter expressly thereto authorized by Congress.

Mr. BACON. Mr. President, the bill which has just been read is of a general character and would prohibit, should it be enacted into law, the issuance of any bonds in the future by the Secretary of the Treasury unless thereto specifically authorized by act of Congress. It is a fact, however, that there is at present but one law upon the statute books under which bonds can be issued by an executive officer of the Government without the specific authority of Congress. That is the act of 1875, commonly known as the resumption act. The effect of the bill if it should become a law would be to repeal practically one portion of the act of 1875, to wit, that portion of it which authorizes the Secretary of the Treasury to sell bonds for the purpose of raising what is known as the redemption fund, for the redemption of greenbacks when presented for payment. I shall, therefore, discuss this bill as if it were specifically an act to repeal that particular portion of the act of 1875, and when in the course of my remarks I speak of the law I am referring to the act of 1875 and that portion of it which gives this authority to the Secretary of the Treasury.

The fact that within the past two years the interest-bearing debt of the United States has been increased by $262,000,000 of bonds issued through orders of the executive department of the Government under a general existing law, is sufficient to challenge the attention of the Senate to this bill as one of most serious import.

The urgent importance of taking away from executive officers this immeasurable power to create public debt is emphasized by the further fact that neither of the several issues of bonds aggregating this stupendous amount would have been authorized or consented to by Congress at the several times of their issuance. On the contrary, it is beyond doubt that if the consent of Congress had been asked to either of these issues of bonds, such consent would have been most emphatically refused.

To this fact, which has only ceased to be startling because from its continued repetition we have grown familiar with its enormity, must be added the recognized certainty that in the future operation of a system of finance which under the present construction of existing law is the most vicious and suicidal that ever cursed a government and a people, there will inevitably be additional issues of bonds unless Congress, in the exercise of its power and in the performance of what I believe to be its duty, shall say it must not be done. Mr. President, it is no light matter to clothe one man with the power to burden the people with hundreds of millions

of dollars of indebtedness. If in the opinion of Congress it is a proper thing to invest any one man with such power, or to permit him to remain invested with such power, it is a great responsibility which Congress assumes when it forms that opinion and acts upon it.

If, on the contrary, it is in the opinion of Congress a thing not proper to be done, it is an abandonment of the highest duty if it fails to prohibit the exercise of such power in the future in the most commanding and effective manner known to its powers. It is a responsibility which can not be escaped by Congress—this responsibility for the issuance of bonds at the will of one man. It is within the power of Congress to prevent the future issuance of bonds by the executive department without the direct authorization of the lawmaking power. If it defeats the bill which prohibits such issuance of bonds in the future by the executive department, by such action Congress takes the responsibility of justifying such future issuance. If Congress refuses or fails to take any action one way or the other, and by such refusal or failure permits to stand unrepealed the existing law under which the power to issue bonds without limit is claimed and exercised by the executive department, it is practically an approval by Congress of the continued exercise of such power. We can not escape the responsibility. We can not screen ourselves under the plea that it is the act of the executive department and that it is not done by Congress. The bonds are issued by the executive department under a law which it is within the power of Congress to repeal. Without that law the executive department will have no power in the future to make further issues of bonds. If we permit the law to stand on the statute book, we sanction the future issues of bonds by the Executive, and the responsibility is ours. If we repeal the law, the bonds will not be issued hereafter. If we do not repeal the law, they will be issued. Therefore, either in our action or nonaction the question whether these bonds shall be issued in the future is to be determined by us, and the responsibility is the responsibility of Congress. If this session closes and this law remains unrepealed, Congress will say to the people we approve the law, and we will further say to the people that, as we are certain that the executive officer will under this law issue more bonds in the future in the same manner as has been done in the past, we approve what this officer has done in the issuance of bonds under this law, and we justify and warrant his doing the same thing time and again in the future.

If the law under which this two-hundred-and-sixty-two-million-dollar bond issue has been made had now expired by limitation of time, would Congress now pass a law giving to an executive officer the unlimited power by his mere order to issue bonds, which is now claimed and exercised under the present law? How many Senators, in the light of the experience of the last two years, would vote for a law which conferred upon an executive officer, or any other one man, the power, in his single judgment and at his individual discretion, to issue bonds, and in all reasonable probability increase the public debt, principal and interest, to the enormous amount of one thousand million dollars?

That there are some Senators in this Chamber who would support such a measure may be possible, but that a large majority of Senators would refuse their assent to the enactment of such a law I can not doubt. If so, no Senator can shut his eyes to the logical conclusion that in refusing to give his aid to the repeal of the present law, the responsibility upon him is the same as if he were now by his vote to enact a new law to the same effect.

If the time shall ever come when it shall be recognized as the permanent policy of this Government that one man shall be clothed with the power at his own unbridled will to determine when and in what amounts and upon what terms the bonded debt of the people shall be increased, it will be the heaviest and most fatal blow ever struck at representative government. The responsibility for so great and so fateful a revolution in our institutions should not be left in doubt, and upon the records of this Senate should be spread the names of those who favor it and the names of those who oppose it to the uttermost.

Every day that the existing law is allowed to remain in force is a recognition of its propriety. Every such day is an advance in the direction of the perpetuation of the system by which the people can be loaded down with enormous indebtedness without the consent and against the will of their chosen representatives. Every time there is an issue of bonds under the existing law, the loyalty of the people to republican representative government is weakened and they become more and more familiar with submission to one-man power.

The requirement for the repeal of the existing law is not the demand of sentiment. It is not for the promotion of the interests of any one particular political party, except in so far as such interest may be affected by the support of, or the opposition to, the repeal by such political party. It is demanded by the immeasurable interest and the conceded right of the people that they should not be burdened with debt except by the votes of their chosen representatives in Congress. It is demanded by the experience of the last two years—the great object lesson by which is shown the consequences of such royal power when placed in the hands of any one man. It is, above all, demanded that there may be preserved the bounds set by the Constitution upon executive power, and that the legitimate duties and powers and responsibilities devolved by the Constitution upon Congress shall be exercised by Congress, and shall not be delegated to any other department of the Government, or to any one man, whoever he may be, or whatever office he may hold.

If there is one thing in the Constitution clearer than any other one thing, it is the intention that Congress alone shall have the power to create a debt, or levy and collect taxes for the payment of debt, or for any other purpose. There is no line or syllable in that instrument indicating the intention that the executive department shall exercise in any degree either of these powers. There is not a line in it looking to the idea that the Chief Executive should have any connection with, or influence upon, the exercise of such powers except in the power of the veto as on any other proposed legislation.

The plain, emphatic, indisputable design of the Constitution is that the lawmaking power alone shall create debt, levy taxes, direct or indirect, make appropriations, and control the disbursement of the public treasure. A departure from such direct intention is a violation and a defeat of the purpose of the fundamental law.

There is no room for contention or successful dispute of this proposition. There is nothing either in the plain reading or the hidden meaning of the Constitution which will justify any other construction. There has never been the dictum of a respectable commentator on this instrument, never a judicial decision, and, so far as I am informed, never the utterance of a publicist upon which could be rested a contention in conflict with this proposition.

In the history of the English-speaking race there is nothing more important than the achievement, through the struggles of centuries, of the right of the people to control taxation and expenditure through their representatives. No cost and no sacrifice have been deemed too great a price for this inestimable right. And, sir, I think it may be safely said that no part of the English-speaking people has ever voluntarily surrendered this right. No part of this liberty-loving, self-ruling race has ever intentionally conferred upon the executive head of its Government the power to levy and collect taxes, and to expend the revenues derived therefrom, regardless of the wishes, and in opposition to the will of their representatives.

The Constitution of the United States most carefully guards and limits to Congress the right and the duty to create debt, to levy and collect taxes, and to make and control expenditure of the public money. After the preamble, the first line in the Constitution is as follows:

> All legislative power herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

The creation of debt, the levy of taxes, and the appropriation of the public money are among the highest legislative powers. But not content with this general authorization, the Constitution, in that magnificent enumeration of the great powers of Congress, in the first clause of such enumeration provides that Congress shall have power "to lay and collect taxes" and "to pay the debts" "of the United States."

In the second clause of these enumerated powers is that "to borrow money on the credit of the United States."

The final clause of this enumeration confers upon Congress the duty "to make all laws which shall be necessary and proper to carry into execution the foregoing powers."

What powers? Why, undoubtedly the powers conferred on Congress. It is made the duty of Congress to pass all laws which may be necessary to enable Congress to exercise the great powers therein conferred upon it. There is nothing which can be construed into authority to Congress to pass laws by which these great powers, the execution of which is devolved upon Congress, may, by delegation thereof, be exercised by the executive branch of the Government. They are to be exercised by Congress, and by Congress only. Any device by which the great powers of creating debt, or levying taxes, or appropriating money, are practically taken away from Congress, and practically conferred upon the executive branch of the Government, is a violation of the letter and of the spirit of the Constitution.

The enumeration of the powers of the Executive contains nothing looking to the creation of debt, the levying of taxes, or the appropriation of the public money. Outside of the appointment of officers and the official intercourse with foreign governments, almost all of the duties of the Executive head may be included in the one sentence in the Constitution, "He shall take care that the laws be faithfully executed."

It is not for any executive officer to make law, nor is it for Congress to confer upon any executive officer powers the discharge of which enables him in his discretion to determine what amount of

public debt shall be incurred and what amount of taxes shall be levied and collected for the payment of such debt. Such power and the duty to exercise it belongs to Congress only. It can not be constitutionally delegated to the executive branch of the Government.

Despite this careful constitutional limitation of legislative powers, and particularly of the debt-creating power, to Congress, it is not to be denied that the power is now by law, under its present construction, lodged in the executive department, and in one officer of that department, at his single will and in his sole discretion, to enforce taxation and expenditure practically without limit, and under this law this autocratic power is exercised not only in the absence of the assent of the people but directly in opposition to their wishes and to the wishes of their chosen representatives. Congress practically has nothing to do in the premises but to obediently, and as a matter of formality, levy the taxes and appropriate the money which the executive officer has himself already practically levied and appropriated in the contraction of a debt which must be paid without hesitation and without question.

But for the credit of the American people I am glad to be able to say, as I shall attempt to prove, that in the passage of the act of 1875 there was no intention to confer such a power on an executive officer, and that there was nothing in the terms of the act under the conditions then existing which would justify the contemplation of the exercise of such power under it at any time.

The act of 1875, as modified by the act of 1878, does not, it is true, confer in terms upon the Secretary of the Treasury the power to levy taxes and to appropriate and disburse the money collected from the people through such taxation. But it is in effect practically the same thing. Under the law as construed by the executive department, the Secretary of the Treasury has the power, in his discretion, to create debt and to issue interest-bearing bonds as the evidence thereof. When he issues in the name of the Government one hundred millions of bonds, it is no longer a question in the discretion of Congress whether the hundred million dollars, with the amount of the interest thereon, shall be collected from the people for their payment. The bonds thus issued must be paid, principal and interest. The money must by Congress be collected from the people by taxation, and the money thus collected must be appropriated by Congress for the payment of the debt, however unwillingly it may be done. So that, I repeat, the law empowering the Secretary of the Treasury to issue bonds of the Government practically without limit, in effect confers upon this officer, or upon the President who may direct and control him, the power, in thus contracting a public debt, at his own will and in his own discretion, to tax the people without limit. This law also practically empowers him to the same extent to make appropriations and disbursement of the public treasure without their wish or consent.

Mr. President, if Senators realize the enormity of a statute conferring such power upon an executive officer, can they possibly hesitate in the recognition of the duty of Congress to promptly reclaim and retake to itself the high prerogative of determining what amount of money shall be collected from the people, and to what public uses that money shall be appropriated after it has thus been collected?

Sir, it would seem that sufficient reason would be found for the repeal of this law in the fact that in its presence upon the statute book there is a practical abdication by Congress of the most important functions conferred upon the legislative branch by the Constitution. But this constitutional objection to this law has much additional force if it be true, as I think can be clearly shown, that in its enactment Congress never designed to confer upon the executive branch the power now exercised under it. While the law as construed by the executive department undoubtedly now confers upon the executive officer the power to create debt practically without limit, and while it is equally true that this law in its present operation practically confers on him the additional power to enforce the levying of taxes and the disbursement of the public money in accordance with his unrestrained discretion and will, it is nevertheless also true that it was not the original intent or contemplation of the statute to confer such power, and that there was nothing in its terms, under the conditions then existing, to justify the anticipation that any such power could be exercised under it by an executive officer.

The ministerial act of signing and issuing the bonds of the Government has always been delegated to the executive department, but the determination of what bonds should be issued, and when and in what amount, has always been kept within the control of Congress. It may be safely said that from the foundation of the Government the issuance of bonds has been either for the purpose of borrowing money or for the funding or renewal of an existing debt. In either case the discretion has been exclusively exercised by Congress in the issuance of such bonds. If a certain sum of money was to be borrowed, the executive department was directed to negotiate and issue bonds in the amount necessary to procure the same. If a debt was to be funded, or refunded, the executive department was directed in the same manner to issue the amount of bonds required for the purpose. In each instance the executive department, in issuing the bonds, was but the agency of the legislative department, and acting strictly within the limits prescribed by the latter department.

The act of 1875 was when enacted no exception to this general rule. The purpose of the act was to provide a fund by which the legal-tender notes of the Government should be paid in coin when presented for redemption.

The amount of these legal-tender notes was known, and when the law authorized the Secretary of the Treasury to negotiate and issue bonds at not less than par to an extent necessary to redeem all legal-tender notes presented for payment, it was in the contemplation of that act an authority to issue bonds in an amount not exceeding the total amount of legal-tender notes then outstanding. In the enactment of that law Congress never intended to clothe the Secretary of the Treasury with unlimited power to issue bonds in his discretion, and there was nothing in the conditions then existing to warrant the contemplation of Congress that the law could ever have such effect. If the original act had been carried out as designed, there would have been simply the exchange of one form of indebtedness for another by the Government, without increasing the amount of such indebtedness. For the legal-tender notes bonds in equal or less amount would have been substituted.

Under this act a portion of the legal tenders were redeemed and canceled. Finding that the cancellation of the legal tenders was too violently contracting the currency, the act of 1878 was passed requiring that the legal-tender notes when redeemed should not be canceled, but should again be reissued by the Treasury Department. By this latter act the whole nature of the act of 1875 was changed. From an act authorizing an issue of bonds which could not exceed the amount of the greenbacks, it was converted into an act which put into the hands of the Secretary of the Treasury practically unlimited power to issue bonds in his discretion. The effect in this regard of this act of 1878 was not foreseen by Congress at the time of its enactment, or doubtless at the same time the act of 1875 would have been further amended by withdrawing from the Secretary of the Treasury the power to issue bonds and reserving to Congress, to whom it legitimately belonged, to authorize thereafter such specific issues of bonds, upon such terms and under such conditions, as might be required for the redemption of the greenbacks. The possibilities of bond issues under this act of 1875 as modified by the act of 1878 did not become apparent for many years thereafter. Such possibilities never would have been developed if the Department had adhered to what was recognized for years as the law, and which I conceive still to be the law, that the authority to issue bonds was given by the statute only to be exercised when there was not in the Treasury, derived from any source, legal-tender coin in sufficient amount with which to redeem the greenbacks presented for payment. Not only is it plainly the correct construction of the resumption act that the Government should exercise the option as to which legal-tender coin it would use in the payment of its obligations, but this construction was recognized in the practice of the Government for more than fifteen years. Not only so, but the right and intention of the Government to exercise such option is emphatically announced in the act of July 14, 1890, commonly known as the Sherman Act. I will ask the Secretary to read the portion of the act of 1890 which is marked.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

> That upon demand of the holder of any of the Treasury notes herein provided for the Secretary of the Treasury shall, under such regulations as he may prescribe, redeem such notes in gold or silver coin, at his discretion, it being the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio or such ratio as may be provided by law.

Mr. GRAY. Would it interrupt the Senator if I should call his attention to the act repealing the so-called Sherman law, and the duty that by that repealing law was imposed upon the Government?

Mr. BACON. Not in the least.

Mr. GRAY. The law is in these words:

> And it is hereby further declared that the efforts of the Government should be steadily directed to the establishment of such a safe system of bimetallism as will maintain at all times the equal power of every dollar coined or issued by the United States in the markets and in the payment of debts.

It seems to me, I submit to the Senator, that that imposes a duty in a somewhat different light upon the Government and the administration of the fisc of this country than that read by the Senator from the so-called Sherman law.

Mr. BACON. I am very glad of the interruption by the distinguished Senator. I think so far from that being in any manner a change, it is directly in the line of that law. In response to the inquiry of the honorable Senator from Delaware, I desire to call attention with a little more particularity to the act of 1890 for the purpose of emphasizing the proposition that the act of

1890 did not simply do what all the political platforms have done and what several statutes and resolutions of Congress have done, to wit, announce the policy of the Government to maintain the parity, but it went further to indicate the particular way in which that parity was to be maintained. I confess that I have read this law a number of times, and only within the past few days has this exact language been called to my attention.

It is plain that the act of 1890 announced it as the policy of the Government, and as the direct law as to Treasury notes issued under that law, that the Government should exercise the option and that the creditor should not exercise it. There is no other proper construction to it. It is true the law does not use the word "option"; it uses the word "discretion," but there is no other construction which can be put to it.

Mr. GRAY. Read it again.

Mr. BACON. At the request of the Senator from Delaware I will read the clause again.

Mr. GRAY. I mean just those words.

Mr. BACON. It says:

That upon demand of the holder of any of the Treasury notes herein provided for the Secretary of the Treasury—

Not "may"—

shall, under such regulations as he may prescribe, redeem such notes in gold or silver coin, at his discretion.

Mr. GRAY. Is there anything following that clause?

Mr. BACON. Yes.

It being the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio—

Which is 16 to 1.

Mr. GRAY. I ask the Senator——

Mr. BACON. Wait a moment—

or such ratio as may be provided for by law.

If the Senator will pardon me a moment, I should like to state my proposition before he answers it. I say that no court in the construction of that language could come to any conclusion but that the use of the words "at his discretion" meant that the Government should exercise the option.

Now, it may be said that discretion of the Secretary might be exercised in permitting the creditor to choose, but there would certainly be no correct reasoning in that contention. That would defeat it, as is suggested to me by the Senator from Nebraska [Mr. ALLEN]. When the law says that the Secretary of the Treasury shall redeem in either gold or silver coin at his discretion, it does not mean that he shall exercise that discretion by permitting the other party to exercise a discretion. It can not do that.

Mr. GRAY. I think that is right. Now, what I want to submit to the fair, legal mind of my friend the Senator from Georgia is the question whether the subsequent clause of the Sherman Act, the one following the clause just read, does not impose upon that discretion a limitation in the nature of describing the object for which the discretion shall be exercised?

Mr. BACON. In this law?

Mr. GRAY. Yes, in the Sherman Act.

Mr. BACON. The one I have just read?

Mr. GRAY. Yes.

Mr. BACON. By no means. The Senator's question simply anticipates what I intended myself to discuss.

Mr. GRAY. I beg pardon.

Mr. BACON. I think every Senator here, even the distinguished Senator from Delaware himself, admits the correctness of the proposition I have just announced as to what is the true construction of the language so far as I went. The Senator from Delaware assents to it.

Now, what is the meaning of the continuing language? The continuing language does not in any manner change the nature of the language already used, but simply goes on to state the purpose to be effected by that language which it had already used. It says, in other words, practically, in order that the parity between gold and silver may be maintained, the Secretary of the Treasury, when he pays the demand obligations of the Government, shall exercise the option whether he will pay gold or silver, and he shall not leave that option to be exercised by the creditor.

Mr. ALLEN. It being in the nature of a public trust, he must exercise it in the interest of the public.

Mr. GRAY. I do not want to interfere with the Senator from Georgia.

Mr. BACON. It does not interfere with me in the least. I am happy to hear the Senator from Delaware.

Mr. GRAY. What I contend is, it seems to me, what the Senator has frankly stated, that the succeeding words do modify the use of the discretion by describing the end to be accomplished by the exercise of that discretion.

Mr. BACON. Certainly.

Mr. GRAY. There we agree.

Mr. BACON. We agree.

Mr. GRAY. What is that end? The end is:

To maintain the two metals on a parity with each other upon the present legal ratio——

Mr. BACON. Yes.

Mr. GRAY. To go further—

or such ratio as may be provided by law.

Therefore it is not an unlimited discretion, but it is a discretion to be exercised in that way which will best accomplish this purpose.

If the Secretary of the Treasury should believe, in the honest exercise of that discretion, that it was necessary, in order to preserve the parity of the two metals, to pay an obligation of the United States in gold, surely it would not be a departure from the command of the law for him to pay in gold.

Mr. BACON. Most undoubtedly not, if he has both.

Mr. GRAY. Very well; then we agree.

Mr. BACON. But the departure is in the Secretary of the Treasury entirely surrendering his own judgment as to whether gold or silver coin would best promote the parity, and permitting the creditor to say in his discretion whether he will have the one or the other, regardless of what may be the opinion of the Secretary.

Mr. GRAY. The Senator from Mississippi [Mr. GEORGE] suggests that that is a complete answer. It seems to me, if I may be pardoned for trespassing on the indulgence of the Senator from Georgia [Mr. BACON]—

Mr. BACON. The Senator is not trespassing.

Mr. GRAY. It seems to me that where the end in view is described by the law, that is, to preserve parity, and discretion given to the Secretary of the Treasury to accomplish that end, it is beside the case, and the reason that underlies the case, to say that he has surrendered the discretion to a party who demands gold, where the Secretary chooses to pay gold in order that there may be no difference in the action of the Treasury Department in its use of the two metals, in order that whatever is demanded may be paid, for the moment one metal is discriminated against, or has a discrimination made in its favor, that moment, it seems to me, there is a departure from the plain end of the law. Now, as is admitted everywhere, it seems to me, by persons who are cognizant of the methods of doing business, a demand note of the Government has to be paid in that metal which the creditor prefers at the time, in order that that duty may be properly performed by him, for the moment he refuses to do that he compels the acceptance of a metal which is not preferred by the creditor, and the discrimination between the two coins commences and the parity begins to disappear.

Mr. ALLEN. Discrimination causes disparity.

Mr. BACON. The entire proposition as stated by the honorable Senator from Delaware, so far as I can analyze it and reduce it to a single proposition, is that the Secretary of the Treasury would be justified in surrendering his own discretion and in permitting the creditor to exercise the discretion, or the option, to use the other term, in case the Secretary of the Treasury thought it the best policy to do so. The law gives him no such power. The law gives him power to say, "I will pay in gold, because I think that will best produce parity," if he wishes to do so.

Mr. GRAY. Yes.

Mr. BACON. It gives him power to pay in silver, if that will the more surely tend to produce parity. It does not give him power to say, "I think it is the policy of this Government, regardless of what may be my opinion as to the interest of the Government, to let the creditor exercise the option when he comes and says 'I will take gold.'" There would be no such power. The Secretary might think it better for the Government that the creditor should take silver.

Mr. GRAY. It is the desire of the creditor for gold that operates upon and is the reason for the exercise of the discretion.

Mr. BACON. That does not make parity. Gentlemen talk upon this floor and on the stump about parity. Because a man can with a silver dollar get a gold dollar does not make parity. Parity is where either metal will stand of itself without the support of the other; where either will accomplish the same result as the other without the assistance of the other. That is all there is in parity.

Mr. ALLEN. The law of equality.

Mr. BACON. It is the law of equality, as the distinguished Senator from Nebraska says.

I am glad this interruption has occurred, because it emphasizes the fact which escaped my notice up to within the past few days, and which I have never heard presented before, although it is on the plain surface of the law, that the act of 1890 laid upon the Secretary of the Treasury the absolute obligation to exercise his option in behalf of the Government if he thought the paying of one rather than the other coin would tend to produce parity between the two coins.

Mr. President, what can more tend to produce disparity than for the Government to admit that a coin, which it itself says is a

legal coin, is not an equal coin with the other, and that therefore a man has a right to discriminate between the two? I think that much we have heard on the coinage question would never have been heard if it had not been for the fatal mistake made by the Secretary of the Treasury in allowing that discrimination to be made. If he had said in the beginning, "Under the law these two coins are equal; under the law when you present one to me in payment for the debt due to the Government I do not ask you to give me the other. I accept either one; and under the law when you present an obligation to me for payment you must take either one, and I will exercise my judgment as to which is the one that it is more in the interest of the Government to pay"—if he had said that there would have been parity, parity not because one leans against the other or derives its support from the other, but parity because one is as strong and as tall as the other and will bear as much burden as the other. That is parity. So long as the Government admits the claim of the creditor that one is not so good as the other, and permits the creditor to say, "I will select what I will take," so long there will not be parity, certainly not under existing law.

Mr. GRAY. All that I meant to say, and I do not believe the Senator from Georgia will differ with me in that respect, is that where the Secretary of the Treasury has two coins in his possession, in maintaining the parity of which he is commanded to exercise a discretion he can only use that discretion by saying to a creditor, "Whichever of these coins you want you can have," for if he says, "You shall take one and not the other," then there is not parity maintained between them on the part of the Government. He says, "You can take either of these two coins, and therefore we show that we regard them precisely alike."

Mr. BACON. The mistake which the distinguished Senator from Delaware makes and which a great many others who think as he thinks also make is this: They confuse the idea of the parity which exists between the gold dollar and the paper dollar, which is not parity in the sense that we are talking about when we speak of the parity of two legal-tender coins. You say the legal-tender paper dollar is on a parity with gold. You use the expression "is on a parity with gold" simply because it is redeemable in gold.

The distinguished Senator and those of his school in this particular branch of politics think that all that is needed with reference to the silver dollar is that it shall have the same relation to the gold dollar that the paper dollar has to-day. I say that there is a fatal vice in that position, and that the relation which those recognize who occupy the position I do is that it shall be a parity not because one can be exchanged for the other, except so far as equality will promote exchange, but because one is as powerful as the other and will do as much as the other without reference to any support from the other.

Mr. GRAY. Then we mean different things by the word "parity."

Mr. BACON. We certainly do.

Mr. GRAY. I think it comes down to that.

Mr. BACON. We certainly do; and I am only sorry that the country at large and the men who do not have the time to investigate this matter are misled in that regard by the arguments of those who agree with the distinguished Senator from Delaware. They are confused upon the question of parity and made to believe that the question of parity between gold and silver is the same thing as the parity between gold and paper. They are as wide apart as the poles.

Mr. BUTLER. Will the Senator from Georgia permit me for a moment?

Mr. BACON. Certainly.

Mr. BUTLER. If we admit what the Senator from Delaware says, that the Secretary of the Treasury has exercised his option, then certainly the Senator from Delaware must admit that he has used his discretion badly, because the result of his option and his discretion as he has used them has been to cause a disparity and to make the disparity greater with each exercise of that option.

Mr. GRAY. On the contrary, I believe that the use by the Secretary of the Treasury of his discretion has thus far maintained the parity, and is the only thing which has maintained it.

Mr. BUTLER. He has succeeded in making the bullion value of silver come down by discriminating against it, for the Senator knows that the only way to increase the bullion value is by treating it equally and fairly with gold, and in this connection I quote the distinguished Senator from New York [Mr. HILL] in his Elmira speech, when he laid down the proposition that nothing had ever made the bullion value of silver equal to gold but treating it equally and fairly at the mints with gold.

Mr. BACON. Referring again to the act of 1890—and I say that the act of 1893 was practically a repetition of the same declaration on the part of the Government—it directly asserts the policy of the Government to maintain at the present ratio, 16 to 1 (that much-derided phrase in the act of 1890—it does not say 16 to 1, but it says present legal ratio, and that is 16 to 1), the parity between the legal-tender gold coin and the legal-tender silver coin by the exercise of this option on the part of the Government, and by refusing to permit the creditor to exercise his option in the premises. It not only asserts the general public policy as to the payment of all its obligations, but it unqualifiedly commands the Secretary of the Treasury to exercise that option in the payment of the Treasury notes to be issued under that act.

The recent contention is that parity between the gold legal-tender coin and the silver legal-tender coin is to be only maintained in the same way that parity is maintained between a gold dollar and a paper dollar, and that is by giving to the creditor the right to choose which of them he will receive in payment of his debt. But the recognized construction of the law for more than fifteen years and the plain assertion and command of the act of 1890 was that parity between the gold dollar and the silver dollar was to be maintained by treating each as standard money and by requiring the creditor to receive either which the Government in its discretion might choose to offer him.

With all respect to those who differ with me, it is to my mind an absurdity to call that a parity between two coins which permits a creditor to refuse to receive the one and gives him the right to demand the other. But however this may be in theory, the law recognized in practice by the executive department, which gives to the public creditor the right to demand and receive gold to the exclusion of legal-tender silver, is law made by the executive department and not by the constitutional lawmaking department. The making of this law by Executive order and the enforcement of it in practice, is a plain, palpable, undeniable usurpation of legislative functions by the officer of the executive department. It is not only without the sanction of the legislative department, but is directly in conflict with the laws which it has passed and with the resolutions which it has adopted.

It is not, however, my purpose in this connection to discuss at length the question whether the Secretary of the Treasury has or has not violated the spirit and intent of the law in the issuance of bonds to procure gold for the public creditor when there was at the time of such issue legal-tender coin in the Treasury with which to redeem the greenbacks. For the purposes of this argument that is not an essential question for determination at this time. Whatever may be the proper construction of this bond law in this regard, the reason and the necessity for its repeal are none the less imperative.

If it be conceded for the purposes of this argument that he has strictly pursued the law and has in no manner departed from its intent, the proposition is none the less beyond successful dispute that the exercise by an executive officer of the power in his discretion to create debt, and compel taxation, and force appropriations by Congress, is a violation of the plain intent of the Constitution. For Congress to permit such a statute to remain unrepealed is an abdication of its high prerogatives and an abandonment of its duty. Nay, more; to stand inert and submissive while the executive department, undisguisedly indifferent to the will of Congress, issues bonds and piles up debt upon the people to the amount of hundreds of millions of dollars, must necessarily bring into disrepute the legislative branch of the Government, and utterly destroy the respect to which its high office and its legitimate authority rightfully entitle it in the public esteem.

The great distinguishing feature between a despotism and a free government is the presence of a representative legislative branch, freely chosen by the people, and acting in the discharge of its legitimate legislative functions without hindrance, restraints, or attempted encroachment by the executive department. In every government, however despotic, there is found the executive department, and, as a practical necessity, also a judicial department. But a free representative legislature, free in its selection and free in the exercise of its powers, is only found in a free government, and wherever found there exists free government. The presence of the one insures the existence of the other. To the degree in which the executive department encroaches upon the legislative powers, or in which the legislative department voluntarily or carelessly surrenders its powers to the executive department, to the same degree is there a departure from the standard of a free representative government. It is a delusion to conclude that free government is assured by the mere existence of a representative branch, nominally and formally performing legislative functions. It has been my fortune to look upon a legislative assembly in which the members had been practically designated and chosen by the executive, and in which during several sittings witnessed by myself the bills which were presented for action, and which had been prepared by the executive department, elicited from no member present either motion, or suggestion, or comment. When these bills were put upon their passage, the roll call in every instance failed to show a single negative vote. And more than that, during those several sittings there was never, by any member, a motion, a suggestion, or a discussion upon any subject or measure. They did not meet to deliberate, or to discuss, or to legislate, but only to obey the executive orders. They simply voted unanimously in the affirmative upon the bills which had

been prepared for them, and adjourned. Although nominally a representative legislative body, they were in fact but the agents to register in the form of law the arbitrary edicts of the executive.

Now, Mr. President, it is not to be feared that any legislative body in the United States will ever be reduced to such slavish subserviency to Executive will and dictation. Such a condition is an impossibility to men of our race. There is certainly no present indication that they will be reduced to silence. But while it is not to be apprehended that we will ever reach such an extreme, it is not to be denied that whenever there is a surrender by the legislature to the Executive of any of the power belonging to the former, to that extent there is such subserviency. In the domain of Federal legislation, among the most important subjects are the creation of public debt, the levying and collection of taxes, and appropriation to expenditure of the money thus collected from the people. And when we permit to stand unrepealed the law which in a very large measure practically abandons to the executive department the legislative functions in regard to these important subjects, we stand in our subserviency, as repects them, in no better position than does the legislative body of which I have spoken, and which as to all measures of legislation simply obeys the command of the Executive.

At this very session, and I am glad to see the chairman of the Committee on Appropriations sitting before me when I make the assertion, in the appropriation bills are found $10,000,000 in round numbers to pay the annual interest on the $262,000,000 of bonds which within the past two years have been issued by the executive department under this law. Can it be said that in the appropriation of this $10,000,000 of interest Congress has done anything more than carry out the edict of the executive department?

Mr. ALLISON. Will the Senator from Georgia yield to me for a moment?

Mr. BACON. Certainly.

Mr. ALLISON. None of the appropriation bills provides interest on the public debt. That interest is provided by a law passed in 1862, which carries continuous appropriations for interest on the public debt without any intervention of Congress.

Mr. BACON. I understand that.

Mr. ALLISON. So we have not dealt with that question at all.

Mr. BACON. I understand that. What I mean is that the whole matter of appropriations is within the control of Congress, and that act as well as any other act is within the control of Congress, and whenever the Congress makes no change in the act appropriating money, of course it recognizes the propriety of payment under the act, because if there were an impropriety it would certainly recognize it and correct it.

Mr. ALLISON. It is not within the province of the Committee on Appropriations, except by the consent of the Senate, to propose new legislation.

Mr. BACON. I did not say the Appropriations Committee did this. The Senator from Iowa misunderstood me.

Mr. ALLISON. I understood the Senator to say we had put these provisions in appropriation bills.

Mr. BACON. I am simply calling attention to the fact that a large amount of money, to wit, $10,000,000, which will represent in round numbers the interest accruing upon the $262,000,000 of bonds issued, is an amount of interest that this Congress is bound to recognize, and it has to make provision for the payment of it. It can not exercise any discretion, either to interfere with any existing law or to make any new provision which would interfere with it in any way. That law is under the control of Congress, as any other law is. I think it ought to stand. The Senator from Iowa [Mr. ALLISON] must not misunderstand me about that. I am speaking of the fact that this is a debt which has been created by Executive order; that it did not originate in any specific legislative enactment. I am simply illustrating the fact that in the creation of the debt by Executive order there is the practical absorption of the legislative functions by the executive department; that when it creates the debt, which must be paid, Congress no longer has any discretion as to whether it will pay it, and it is the same thing as if the executive department had power to order its payment. That is the purpose for which I alluded to it.

The national honor requires that this interest on these bonds shall be paid. Whenever the principal debt is created by the Executive in issuing bonds, Congress has no discretion, but is under compulsion to appropriate money for the purpose, and is under equal compulsion to collect from the people by taxation the necessary amount of money. And so on to the end, until the maturity of these bonds issued by the Executive, Congress, without the exercise of any discretion and under compulsion, must each year levy taxes and practically make appropriation to the amount of $10,000,000 to pay this annual interest until the aggregate of interest will amount to more than $250,000,000. And at the end, the principal debt of $262,000,000 must also be paid, and the people must be taxed to this amount without the exercise of any discretion or will on the part of Congress, but under direct, absolute compulsion to levy the taxes and appropriate the money.

Mr. President, of course it must be recognized that not only in the case of these particular bonds issued through Executive order, but also in the case of bonds issued by specific act of Congress, the national honor is pledged and the principal and interest must be paid, that there can be the exercise of no discretion by Congress as to such payment, and that the Congress in office at the time of their maturity is under an obligation which can not be disregarded to provide the necessary money and to appropriate the same to such payment.

But the two cases are radically different. In each case it is the obligation of the original contract which takes away from Congress any future discretion as to the appropriation of money for its payment. In the latter case the obligation of the contract is the creation of Congress, and this obligation is subsequently discharged by Congress. The original obligation to pay, contracted through the exercise of the discretion and will of Congress, and the final payment by Congress, are in their beginning and ending the acts of the legislative department, acting throughout within its constitutional functions.

But in the former case, where the executive officer acts in his discretion under a power delegated by a general law, the executive department alone exercises the discretion and the will by which the obligation is created, and under which the compulsion of payment is laid upon Congress.

It is too plain for serious dispute that in the issuance of bonds under this existing law, and in the exercise of his discretion and will in such issuance, asking neither yea or nay of anyone, the executive officer practically performs the legislative functions in the creation of debt, and in the taxation and appropriation required for the discharge of that debt.

In a great matter vitally affecting the interest of the people, the protection of which has by the Constitution been particularly and exclusively confided as a duty to the legislative department, the Executive commands, and Congress has but to obey. In truth, Mr. President, the office performed by Congress in this regard hardly rises to the dignity of obedience. This highest legislative body becomes scarcely more than the pawn moved upon the governmental chessboard by the Executive hand.

The legislative is, under the Constitution, the highest branch of this Government. To it the officers of all other branches of the Government are answerable as to a tribunal of final power. To it have been committed by the Constitution the great governmental functions and powers, with the particular design and intent that they shall not be exercised by the Executive; that, wrested as they were from the grasp of kings, these powers should never again be within the control of any one man. Upon those clothed with these high prerogatives rests the strongest obligation to carefully see to it that the exercise of these great powers, or of any one of them, shall not intentionally, or through inadvertence, pass from the legislative to the executive department.

It may seem idle to seriously discuss the encroachment by the Executive upon the legislative department; but it is not without significance not only that Congress should contentedly acquiesce in the practical and continued exercise of the most important legislative functions by the executive department through the means of this bond law, but that a subaltern in the Treasury Department should openly set at naught the commands of regularly enacted law, and no movement be made in Congress to return him by the shortest route to the avocations of private life.

It bodes no good to the constitutional limitations of the great departments of our Government that such things can be. The cloud on the horizon may not be larger than a man's hand, but it is plainly discernible, and it may in time overspread the entire heavens.

From exercising legislative functions by the executive department it is but one step to the influence and control of elections by the same department, and the control of the elections by the executive department means the absolute domination and dictation of legislation.

The time when encroachment upon right should be resisted is in its beginning. The point at which to grapple with an invader is where he first sets foot upon the border.

Mr. President, what has been already done under this bond law can not be undone. The evil which has already been accomplished must be endured. The mountain of debt which has been piled up on the people must be borne for the period of a generation, and every year during that full period the earnings of every branch of industry must be taxed for its payment. This enormous and unnecessary debt has added not one dollar of value to the products of the field, of the mine, of the factory, or of the fruits of any other productive enterprise. And yet it must be paid by the people of this country to the last dollar, principal and interest, aggregating the vast sum of more than $500,000,000; and among all the people there is no one who is personally so poor or whose avocation is so humble but what he will each year pay his portion of it. Out of the pittance of the poor as well as out of the abundance of the rich the Government will each year collect a tax for the

payment of the principal and interest of this bonded debt thus created by Executive order. No one will escape. Each and every one in the whole land must pay his portion.

But however fixed and irretrievable is this calamity of the past, the fact can not be too strongly emphasized that if this bond law is permitted to stand unrepealed, Congress, in so doing, with the full knowledge of its practical operation, is deliberately and designedly surrendering to the executive department for the future the legislative power over the great and vital subjects of contraction of debt, the levying of taxes, and the appropriation of money. Not only so, but in refusing to repeal this bond law, Congress will furthermore be consenting that for the sole purpose of maintaining the gold standard, a still further bonded debt of hundreds of millions of dollars is hereafter to be added to the five hundred millions of principal and interest already contracted through Executive order to be paid for this purpose. And yet more; in refusing to repeal this bond law Congress will be also consenting that the greenback currency shall be withdrawn from circulation to the same amount for which bonds are issued. Congress must be assumed to consent to that which it knows will certainly occur when it refuses to exercise the power it has to prevent it.

There is no one so credulous as to believe that with this bond law unrepealed the issuance of bonds by the executive department has ended. It is not to be doubted that more bonds are to be issued for the same purpose that they have been issued for in the past. We have the word of the Chief Executive that these bonds have been issued to maintain the gold standard, and not for the purpose of paying the expenses of the Government. I have, upon a former occasion in the Senate, quoted this statement of the President, and I quote it again, because, in my opinion, the fact can not be too strongly or too often pressed home to the knowledge and the realization of the people that this stupendous debt of $262,000,000, which with the interest will amount to more than $500,000,000, has been laid upon their weary shoulders, not to pay any debt of the Government, not to pay any expenses of the Government, but solely and exclusively to maintain the gold standard. Whatever may have been the disposition made of any part of the proceeds of these bonds, the assertion of the President is that they were issued to maintain gold payments.

The President in his last annual message, sent in December, at the opening of Congress, said what I will insert in my remarks. I shall not take the time of the Senate to read it. I have the passage marked here, and any Senator can see it. I shall incorporate it in my speech.

Mr. ALLISON. It seems to me the Senator from Georgia should at this point state that from $136,000,000 to $139,000,000 of the money thus borrowed has gone to pay the current expenses of the Government.

Mr. BACON. In a subsequent part of my speech, which I have nearly reached, I will discuss that very question; and I think that furnishes one of the very strongest arguments which can be used in favor of the repeal of the law.

Mr. ALLISON. The reason why I call the Senator's attention to it is because I understood him to say a moment ago that all the money had been used for the maintenance of the gold standard.

Mr. BACON. No, sir; the Senator from Iowa misunderstood me. I said that whatever disposition had been made of the money, the issuance of the bonds had been for the purpose solely of maintaining the gold standard. I have here marked the extract from the President's last annual message in which he makes that statement, and which I did not propose to occupy the time of the Senate in reading, because I am satisfied everybody recollects it, and I simply proposed to incorporate it in my remarks. I think, however, that the suggestion of the distinguished Senator from Iowa is one of the most pertinent ones connected with the whole question, and I hope I may have the opportunity before concluding to present some views to him upon that subject. This is what the President said in his last annual message:

> It is possible that the suggestion of increased revenue as a remedy for the difficulties we are considering may have originated in an intimation or distinct allegation that the bonds which have been issued ostensibly to replenish our gold reserve were really issued to supply insufficient revenue. Nothing can be further from the truth. Bonds were issued to obtain gold for the maintenance of our national credit. As has been shown, the gold thus obtained has been drawn again from the Treasury upon United States notes and Treasury notes. This operation would have been promptly prevented if possible; but these notes having thus been passed to the Treasury, they became the money of the Government, like any other ordinary Government funds, and there was nothing to do but to use them in paying Government expenses when needed.
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> At no time when bonds have been issued has there been any consideration of the question of paying the expenses of Government with their proceeds. There was no necessity to consider that question. At the time of each bond issue we had a safe surplus in the Treasury for ordinary operations, exclusive of the gold in our reserve. In February, 1894, when the first issue of bonds was made, such surplus amounted to over $16,000,000; in November, when the second issue was made, it amounted to more than $42,000,000, and in February, 1895, when bonds for the third time were issued, such surplus amounted to more than $100,000,000. It now amounts to $98,072,420.20.
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> Besides all this, the Secretary of the Treasury had no authority whatever to issue bonds to increase the ordinary revenues or pay current expenses.

This relates to the first three bond issues and states the amount of surplus in the Treasury at the date of each of them. Since the date of that message $100,000,000 more of bonds have been issued for the same purpose, and at the date of that last issue the Treasurer's account showed the balance in hand of about $180,000,000. So that even if we had the guaranty of a large continuing balance in our favor in the Treasury, it would be no defense against the future issue of bonds if this law remains in force. One hundred and eighty millions of dollars in the Treasury in February last did not protect the people against the issue of $100,000,000 of bonds, and a like amount in the Treasury in the future will be equally impotent to protect them against an equal or greater issue of bonds within the next few months.

It can not be too often repeated that the people of the United States have been, through an Executive order, loaded with a debt of $262,000,000, besides an equal amount in interest, as the money price they have been required to pay for maintaining the gold standard for a little more than two years; and there is every indication that in the succeeding twelve months there will be added to this another payment by the people of certainly $100,000,000 of bonds, and probably twice that amount. This tribute which the people have already been compelled to pay in time of peace, solely to maintain the gold standard, added to the additional payments which, in all probability, will be exacted of them in another year, will, with the accruing interest, equal the amount which Germany, with the pent-up animosity of a century, exacted as a ransom from France when she lay crushed and helpless at the mercy of her hereditary foe.

While one creditor has as much right as another to demand gold, it is nevertheless true that, with one exception, all the creditors of the Government, excepting only one class, are content to be paid in silver, and, with that exception, practically all of them are now paid in silver or silver certificates. But whenever this favored class of public creditors, those who seem to be the chief objects of the concern and solicitude of the Government, those who toil neither in the field, nor in the mine, nor in the factory, nor in the workshop, but who each year gather untold wealth for themselves out of the products of the toilers in these and other spheres of productive industry, when they demand gold it is given them, and then more bonds are issued to gather in more gold, to be again paid to this class when they call for it. Under this law and its practical operation as administered by the executive department, our people are to be buried neck deep in debt in order that we may say to this favored class, and through them to all the world, "Here is gold; come and get it."

Each time the gold is drawn out the load of public debt is increased in fabulous amounts; each time the greenbacks and Treasury notes to an equal amount are locked up in the Treasury. At the same time that the public indebtedness is increased, the currency of the country is contracted. When the last bond issue was made in February, one hundred millions of the paper currency of the country was withdrawn from the circulation of the country and locked up in the Treasury, and more than that amount is there to-day, practically useless for the business needs of the country, while a corresponding amount of interest-bearing debt is demanding and exacting increased tribute from the people. There has already begun the outflow of the gold gathered into the Treasury but yesterday at such stupendous cost. Thirteen million dollars of it has gone, and of this $8,000,000 went in the past week.

Is there a Senator who doubts the fact that this drain of gold will continue and that within a few months it will be gone, and that under the existing law and the established practice of the executive department another hundred millions of bonds is again to be soon issued? It is not to be denied that in the withdrawal of the gold another hundred millions of greenbacks will be locked up in the Treasury. This hundred millions added to the amount already there and to the reserves will make more than $250,000,000 which, if this bond law stands unrepealed, will within the next few months be hidden away in the Treasury vaults and practically destroyed to the business purposes and necessities of the country. This is one-half of the whole paper currency of the Government. There is a most powerful and active element in the country, under the lead of the Chief Executive of the Government, openly advocating the retirement and cancellation of all the greenbacks and Treasury notes without any provision of law substituting any other currency therefor. To lock this currency up in the Treasury will effect their purpose as thoroughly as would be accomplished by their cancellation. When thus withdrawn from circulation and hidden away in the Treasury vaults, these bills are as effectually destroyed for all business purposes as if given to the flames and reduced to ashes.

Those who favor the retirement of our paper currency have the pecuniary means with which to accomplish this practical retirement by two or three successive withdrawals of the gold reserve, at each time paying into the Treasury a like amount of greenbacks and Treasury notes to be added to the hidden store in the Treasury vaults. The bond law remaining unrepealed upon the

statute book gives the opportunity for this practical destruction of the paper currency of the Government. It has already been partially accomplished. Unless in the repeal of this bond law we arrest the further progress, it can not be doubted that in the near future it will be accomplished in a much larger degree, if not in its totality.

In his last annual message the President recommended to Congress the retirement and cancellation of the greenbacks and the issuance of interest-bearing bonds in lieu thereof. The proposition was unqualifiedly condemned by the utterances of Senators and Representatives of every political party in Congress, and never commanded sufficient support to secure even the introduction of a bill to carry it into effect.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The Senator from Georgia will suspend a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A resolution reported by Mr. MITCHELL of Oregon, from the Committee on Privileges and Elections, "That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895."

Mr. PLATT. If there is no objection, I should hope that the resolution might be laid aside temporarily to allow the Senator from Georgia to conclude.

The PRESIDING OFFICER. Without objection, it will be so ordered.

Mr. BACON. I am much obliged for the courtesy of the Senator from Connecticut. I will state that I have occupied very much more time than I anticipated because I have been led off into side discussions, to which I had no objection except in the interest of time.

What Congress refused to do by legislation, and what ordinarily could not have been accomplished without legislation, the executive department has, under the existing bond law, accomplished to the amount of one hundred millions of dollars by an executive order. The tide has already turned; the process of repetition has already begun, and in a brief period of time another hundred of millions of greenbacks will be retired by another Executive order, not only without legislative enactment, but in the face of the refusal of Congress to make such legislative enactment. And here again we have, in the practical operation of this unrepealed bond law, the legislative power practically put into the hands of the Executive, and the practical abandonment by Congress of the high legislative functions exclusively confided to it by the Constitution. Under this law not only has the Executive the powers properly belonging exclusively to the legislative branch—to contract debt, to force the levying of taxes, and the making of appropriations—but also the power to retire and practically destroy for business purposes the greenback currency as effectually as if canceled by an act of Congress. This is the practical exercise by the executive department of the highest legislative functions.

There is still another feature of this bond law in its practical operation under which the executive department exercises powers properly and exclusively belonging to the legislative department.

And now I come to the particular part to which the distinguished Senator from Iowa [Mr. ALLISON] called my attention, and I beg his attention to the suggestion which I have to make upon it, because it seems to me to be of the most vital character for the consideration of Congress.

Under the provisions of this law all money arising from the sale of bonds is paid into the general fund in the Treasury and is subject to be paid out by the Secretary under any appropriation made by Congress. That is recognized by everybody. There is no denial of the fact that money arising from the sale of bonds is so deposited in the general fund and has been paid out for general purposes.

The Senator from Iowa states that $139,000,000 of it has been so paid. Senators on this floor within the past few days in the discussion of the appropriation bills have warned the Senate that excessive appropriations would result in the issuance of more bonds, thus recognizing that the Executive in the issuance of bonds under the existing law is, indirectly by this means, through a mere Executive order, contracting debt, the money arising from which is devoted to the payment of the expenses of the Government. The President in his last annual message emphatically states that there is no authority in the Secretary of the Treasury to issue bonds for this purpose, and yet under the existing law now sought to be repealed, there is the exercise of this authority by which, through an Executive order, debt is contracted and the money realized from the same is applied to the payment of the current expenses of the Government.

Now, here is the important consideration which I suggest in this connection: There can be no question that under the Constitution it is the duty, and exclusive power of Congress, to provide the money with which the expenses of the Government are paid, and it matters not in this regard whether the money is provided by loan, or by revenue from taxation. In either case the power and the duty and the responsibility in this regard are those of Congress alone. Any law, or device, or evasion by which this money is provided by the executive department, without direct legislative authority for that purpose, is an encroachment upon the legislative power, and is distinctly a violation of the Constitution, both in its letter and in its spirit.

Sir, I have said that a free representative branch is the distinguishing feature of a free government. I will go further and say that a fundamental principle in every such free government is that the legislative department shall control the raising of all the money needed by the government, and that the executive head shall not have the power to raise a dollar by taxation, forced loan, or otherwise, except by the consent of the representative branch of the government. It is of the very essence of free government that this should be so. It is the vital principle that the hand which wields the sword shall not control the purse. In the maintenance of this great principle those from whom we have derived our laws and our free institutions, have counted treasure as but dross, and blood as no more than water.

A denial of this principle and its practical overthrow, is an attack which passes the outer works and assaults the inner defenses of free representative government.

From the highest official source in this Government, and upon an historic occasion during the present week, we have heard the following:

> The perpetuity of our popular government depends upon our fidelity to the principles upon which it rests.

It was the utterance of a great political truth, and there is no principle more fundamental to those free institutions than that which requires that the executive head shall have no power to raise any money for the support of the Government, or for the payment of its expenses, but that all such power shall be exercised alone by the legislature.

Mr. PEFFER. Allow me to interrupt the Senator just at this point. I wish to call attention to the fact that whatever responsibility may rest upon the Senate in this matter, two years ago and more, immediately after the first issue of bonds, I took occasion to call attention to the matter in the Senate. I delivered an address of some length, pursuing the same line of argument that the Senator has to-day. So whatever responsibility may rest upon the Senate, the Populists are clear.

Mr. BACON. I regret that I have not had the opportunity to read the speech of the distinguished Senator from Kansas, otherwise it might not have been necessary for me to occupy so much of the time of the Senate in repeating what probably the Senator has already better said.

Mr. PEFFER. I did not intend to make such an allusion. I am delighted with the Senator's remarks. I am very much interested.

Mr. BACON. I am much obliged.

Mr. President, there is a wide difference in the views of various Senators relative to the issuance of bonds, and especially with reference to the issuance of bonds to maintain the gold standard. There are those who think bonds should be issued and sold whenever the gold in the Treasury has, under our suicidal system, with recurrent periodicity been drawn out below a certain point. There are others of us who think that no bonds should be issued in time of peace, except perhaps in making provision for the public defense, where the emergency may demand it. And especially do those of this class think that no debt of hundreds of millions of dollars should be heaped up on the people of this and future generations through the issuance of bonds to replenish a gold reserve, so long as there is in the Treasury a sufficiency of legal-tender coin which the Government itself receives in the payment of all dues to it.

But, Mr. President, it matters not, so far as the question now under consideration is concerned, whether Senators are of opinion that bonds should or should not be issued. The point is, that even if it be proper that bonds should be issued, their issuance should be authorized and controlled by Congress alone, and that the executive department should not have the power which is now exercised to issue bonds without restraint and without limit. Why, sir, when the last issue of one hundred millions was about to be made, it was generally reported that the executive department contemplated the issuance of either one hundred millions, or two hundred millions of bonds. The public and Congress were in doubt which amount it would be. The Congress of the United States, invested by the Constitution with the duty and the responsibility of all legislation of every kind and degree, and especially charged with the direct control of all matters affecting the contraction of debt and the expenditure of money, sat here while this question so gravely affecting the public interest was being decided at the other end of the Avenue. Senators and Representatives, clothed with the high functions giving the right and imposing the duty to control this matter in its every detail, had no more connection with it, and no more influence over it, than the Lords and Commons of the British Parliament. And if to-morrow morning, or the day

after we shall have adjourned and hurried away to attend political conventions, it were announced that the executive department had determined to issue one hundred millions, or two, or even three hundred millions of bonds, so long as this bond law remains unrepealed, where is the power to say it nay?

Mr. President, is it to be recognized as the permanent policy of this Government that the executive department is to exercise in its discretion the power to contract debt and to issue bonds? Is Congress for all time to surrender to the executive department this high legislative prerogative which the Constitution says shall be exercised only by Congress? If not, there is no time like the present for the repeal of this law. If the propositions I have discussed are sound, the time can not come too quickly when Congress shall reassume its constitutional legislative functions, and confine the executive department within its legitimate sphere of duty and of power. I repeat, that either in our action or nonaction the responsibility for the future issuance or nonissuance of bonds is upon us, and can not be escaped by us.

Mr. President, we spend days and weeks discussing questions of appropriation and of expenditure. Shall we be silent, either in speech or in vote, when there is presented the great issue—shall any one man be invested for the future with the more than royal power, in his discretion and without limit, to burden the people with debt to untold millions, and shall the executive department be clothed with the most important legislative functions conferred by the Constitution upon Congress! Let the record show in their votes how Senators and Representatives, and how the political parties they represent, stand upon this vital question.

TO PROHIBIT THE FURTHER ISSUE OF BONDS WITHOUT THE ADVICE AND CONSENT OF CONGRESS.

Mr. BUTLER. Mr. President, we have just heard from the distinguished Senator from Georgia [Mr. BACON] a very able, timely, and patriotic speech on a very important question. His argument showing that the Secretary of the Treasury has no power under existing law to issue bonds is conclusive to my mind; but a number of Senators, or rather only a few, I trust, including the Senator from Delaware [Mr. GRAY], claim that the Secretary of the Treasury has that power. As the Senator from Georgia, however, has shown, even the President of the United States himself admits in an official document that the authority is not clear, that it is doubtful authority, and that he hesitated to issue bonds under such questionable legal authority.

But there are other points in the Senator's speech which are beyond controversy. When he proceeded to show that when Congress——

Mr. BACON. I will say to the Senator from North Carolina that in each instance where I spoke of the power of issuing bonds under the bond law I qualified it by saying "as construed by the executive department."

Mr. BUTLER. Exactly. I fully concur with the argument which the Senator made upon that point, and I have no doubt his argument was conclusive; but there is controversy on that point, though there is no controversy on the point made by the Senator, to the effect that Congress is responsible for the issue of those bonds so long as we sit still and allow the Executive to use the questionable authority to issue bonds. Not only that, but the Senator from Georgia made it clear that it was the duty of every Senator upon this floor, whether he favored or opposed the issue of bonds, to take back this power and responsibility to the legislative branch of the Government in Congress, where they belong, and prohibit the Executive from piling up a limitless amount of debt upon this country to be paid by future generations. In my opinion Congress has no power under the Constitution to delegate such power to the Executive, and if it has done so we should make haste to correct such a grave and dangerous error.

Another point which the Senator made clear was that if Congress did not act, if Congress did not by positive enactment tell the Executive he should not issue further bonds, before the next session of Congress we shall have another issue of bonds of $100,000,000; and possibly $200,000,000 of bonds.

The Senator called attention to how much gold was being drawn out of the Treasury by the exercise of this "endless chain" business that has been started up. He truthfully called attention to the fact that over $1,000,000 a day is now being drawn out without anything to show for it. I have here a statement from an Associated Press dispatch, under date of May 13, which shows that over $49,000,000 has been drawn out through this endless-chain process since February 1. I will ask the Secretary to read that press dispatch.

The PRESIDING OFFICER. The Secretary will read as requested, in the adsence of objection.

The Secretary read as follows:

TREASURY GOLD RESERVE $114,000,000—LOSS SINCE FEBRUARY 1, $49,000,000.

WASHINGTON, *May 13.*

The withdrawals of gold from the Treasury to-day were $1,535,000, which reduces the Treasury gold reserve to $114,456,281. The last bond issue of $100,000,000 in February raised the reserve to $128,000,000, but since that point was touched the reserve has steadily declined. All the gold due from that bond issue—$111,000,000—with the exception of $600,000 has been paid into the Treasury. Since February 1 last the Treasury has lost $49,000,000 in gold. The loss this month has been $11,800,000, and since the beginning of the fiscal year, July 1, 1895, $140,000,000.

Mr. BUTLER. Mr. President, every Senator receives a statement issued by the Treasury Department every morning. If he will notice the first figures to the right, marked with a star, he will observe that for the last week or more there has been more than a million dollars of this gold reserve withdrawn every day, and there is every indication that that will increase. How long will it be, with this drain of gold from the Treasury, before the Executive will issue more bonds? Will Congress sit still? Shall we adjourn this session without putting some check upon the Executive in this matter? If we at least do not make some effort, as the Senator from Georgia has so ably and timely said, then every Senator who does not go on record against this monstrous business stands responsible with the Executive for such action.

The Senate has passed a resolution, introduced by the Senator from Kansas [Mr. PEFFER], to investigate the last bond deals. This was proper. Now let us prohibit the further issue of bonds without the consent of Congress, so that there will be no more bond scandals to investigate.

The Senator from Kansas [Mr. PEFFER] timely called attention to the position of the People's Party on this question. We stand ready at any hour to give six votes to either side that will stop this debt-increasing and currency-contraction infamy; and in order to test this matter, I ask now, Mr. President, that a day be fixed when this body will take up the bill which I have introduced and pass it, or at least consider it. I ask the Secretary to read the bill, so that Senators will know what it is.

The Secretary read the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress, as follows:

> *Be it enacted, etc.*, That the issuance of interest-bearing bonds of the United States for any purpose whatever without further authority of Congress is hereby prohibited.

Mr. BUTLER. I ask the Secretary to state when that bill was introduced.

The SECRETARY. Introduced January 3, 1896, by Mr. BUTLER.

Mr. BUTLER. I gave notice that I should call up that bill for consideration on the 11th of March. At that time there were several privileged questions before the Senate, one of those being the Du Pont case, which is now before the body and will be decided this evening at 5 o'clock.

Mr. President, out of consideration for the appropriation bills and the questions of privilege before the Senate I have not called up this bill heretofore, but I wish now to ask unanimous consent to call up the bill to-morrow morning for consideration immediately after the finishing of the morning routine business.

Mr. HILL. Mr. President, the Senator from Oregon [Mr. MITCHELL] has given notice that he will call up his joint resolution to amend the Constitution, unless prevented by the consideration of an appropriation bill. I have already given notice that at the conclusion of that matter I should bring forward a bill, which has been on our files for some time, relating to the punishment for contempts. Those are notices which have been given here, and I therefore shall object to anything else coming in between them.

Mr. BUTLER. Mr. President, the notice given by the Senator from Oregon places the consideration of his joint resolution after House bill 8109, which is the appropriation bill for fortifications and other defenses. Therefore, I ask for this bill to come up to-morrow at 2 o'clock. This will not interfere with the notice given by the Senator from Oregon.

Mr. HILL. I have also given notice that I should move, if there is any opportunity between appropriation bills, to take up another bill. I ask that the Secretary read my notice.

The PRESIDING OFFICER. The notice given by the Senator from New York will be stated.

The Secretary read as follows:

> May 13, 1896.—By Mr. HILL: That at the first opportunity he would call up for consideration S. 2984, in relation to contempts of court.

Mr. HILL. Therefore I shall object to the request of the Senator from North Carolina.

Mr. BUTLER. Then, Mr. President, I wish to make another proposition for unanimous consent. I ask that when the pending appropriation bill——

Mr. MITCHELL of Oregon. I wish to say to the Senator that I shall be compelled to call for the regular order on which we have agreed to vote to-day.

Mr. BUTLER. I will make one other request, and then I shall give way. The last appropriation bill now before the Senate is the appropriation bill providing for the expenses of the District of Columbia. The others are still in committee, and have not been reported. I ask unanimous consent that the bill I have introduced shall be taken up immediately after the disposition of the District appropriation bill. The Senator from New York will have an opportunity between now and then——

Mr. HILL. I object to farming out the time of the Senate in

advance. The Senator can at some interval move to take up his bill, and test the sense of the Senate upon that proposition; but I object to a unanimous-consent agreement, which must give way to appropriation bills, and give way to other notices which have been given in advance. I shall not only object to the consideration of the Senator's bill, but to the consideration of any other bill which purports to put measures so far in advance.

Mr. BUTLER. Then, I wish to ask the chairman of the Committee on Appropriations when he wishes to take up the District appropriation bill, which is the next appropriation bill now before us?

Mr. TELLER. I am in charge of the District appropriation bill, and I desire to have it taken up very soon, in a few moments, if there is no objection to it.

Mr. BUTLER. Does the Senator desire to take it up to-day?

Mr. TELLER. If I can.

Mr. BUTLER. Then, I give notice now that I shall move after——

Mr. TELLER. I will say to the Senator that I have agreed to yield to the Senator from West Virginia [Mr. FAULKNER] to call up a bill concerning gas and electric lighting in the District, because of the importance of that being disposed of before we pass the District appropriation bill. We wish to have that bill passed, because we have undertaken to deal with the matter in the District appropriation bill, and it is better that we should have that bill acted upon so as to be able to deal with the subject more intelligently on the appropriation bill.

Mr. BUTLER. Then, I give notice that, at the conclusion of the District appropriation bill or when that bill goes into conference, I shall move to take up for consideration and final action the bill which I have just had read.

Mr. MITCHELL of Oregon. I ask for the regular order.

Mr. ALLEN. I rise for the purpose of asking a question, if the Senator from Oregon will permit me.

Mr. MITCHELL of Oregon. I yield for a moment.

Mr. ALLEN. Not particularly to ask a question, but to state a little matter of history in conjunction with the bill which has just been under discussion.

This measure is not new in this Chamber. In 1894, before the first bond issue, which was in February following, I introduced a bill in the Senate and had it referred to the Committee on Finance, to repeal the provisions of the resumption act of 1875 authorizing the issuance of bonds. The Committee on Finance at that time was in the hands of the Democratic party. The bill was never reported; it was never either reported favorably or reported unfavorably; it did not meet the dignity of a report one way or the other in that committee. I introduced before that time a resolution, and discussed it in January, 1894, with the Senator from Ohio [Mr. SHERMAN], declaring that the resumption act of 1875 had been repealed by fulfillment, and expressly repealed by the act of May 31, 1878. No action was taken. The Democratic party then was in possession of this Chamber.

Mr. BUTLER. I have read the Senator's very able argument on that question, and it seems to me it ought to have convinced the Senate.

Mr. ALLEN. During this Congress, not to exceed five or six weeks ago—I do not recall the bill; it was one of the appropriation bills, however—I offered an amendment to that bill, declaring that the President or the Secretary of the Treasury should not issue bonds without Congressional action, which, of course, amounted to an implied repeal of the act of 1875, and Democrats and Republicans alike joined in voting down that amendment. Now, it is a singular discovery that the junior Senator from Georgia [Mr. BACON] has made over two years after I pointed out in this Chamber that this system of redemption which Mr. Cleveland now calls——

Mr. MITCHELL of Oregon rose.

Mr. ALLEN. I shall not disturb the Senator from Oregon, as I shall be through in a moment.

As to the system which Mr. Cleveland now calls "the endless chain," I had pointed out before that time, in 1894, the consequences that would follow this system of redemption; and with the permission of the Senate, I desire to refer briefly to what was said on that occasion. I read from the CONGRESSIONAL RECORD of January 25, 1894, page 1379, as follows:

Let me illustrate the monstrous result of such a construction—

Speaking of the construction of the resumption act of 1875—

Suppose the banks of New York, Boston, and Philadelphia should combine to deplete the Treasury of its gold, as they could and are likely to do, and each week purchase and present at the Treasury Department for redemption the entire volume of outstanding legal-tender notes. Under the construction given the law by the Secretary of the Treasury these notes are redeemable in gold. It would be the duty of the Secretary to pay the entire sum in gold, which would take $346,681,016 weekly. In one year they would be able to take out, by this weekly redemption, $18,027,413,832, and in the four years that cover the term of office of the Secretary of the Treasury they would be able to take out $72,109,651,328, and the Secretary of the Treasury would be compelled to issue interest-bearing bonds to this amount to replace the coin thus paid out. This is the position to which every Senator who opposes Mr. Carlisle's construction of the statute is driven.

Mr. MITCHELL of Oregon. I feel obliged to call for the regular order. The Senator will remember there is to be a vote at 5 o'clock.

Mr. ALLEN. I will speak to the regular order just a moment, then.

Mr. MITCHELL of Oregon. There are some speeches to be made on the Du Pont case.

Mr. PLATT. I believe I have the floor on the regular order.

Mr. ALLEN. I had just a word more which I wanted to quote. However, let it go. I did not suppose the Senator from Oregon would want to chop this important history up into bits.

Mr. MITCHELL of Oregon. Of course not; but the Senator from Nebraska knows that there is an order, by unanimous consent, that we shall take an important vote or votes this evening at 5 o'clock. The Senator from Connecticut [Mr. PLATT] has the floor on that question, the Senator from Wisconsin [Mr. VILAS] desires to address the Senate, and perhaps there may be some other remarks. Under the circumstances stated, the Senator certainly can not object.

Mr. ALLEN. I understand. I do not need to be catechised.

Mr. MITCHELL of Oregon. I am not catechising; but the Senator comes back at me as if I had been guilty of some discourtesy.

Mr. ALLEN. I do not know but that I think so.

SENATOR FROM DELAWARE.

The Senate resumed the consideration of the resolution reported by Mr. MITCHELL of Oregon, from the Committee on Privileges and Elections, February 18, 1896, as follows:

Resolved, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

The pending question being on the amendment of Mr. TURPIE, to insert the word "not" before the word "entitled," and to strike out the last clause of the resolution; so as to read:

Resolved, That Henry A. Du Pont is not entitled to a seat in the Senate from the State of Delaware.

Mr. PLATT. Mr. President, I had nearly concluded last evening all that I desired to say upon the proposition which I was discussing when I was asked to yield for the consideration of pension bills. I shall not occupy the time of the Senate to any great length this morning. The importance of that proposition seems, in my own opinion at least, to justify me in stating a little more fully what I conceive to be the power and the right of the Senate of the United States to make inquiry with regard to the election of its own members.

I had said that in my opinion there was no limitation upon the right and power of the Senate to make any inquiry relating to any essential question as to whether a person claiming a seat in the Senate had been properly or legally elected. The issue which is made by the minority of the committee in this case is, stated briefly, that the Senate can make no inquiry whatever as to the right of a member of the legislature of a State in either branch to have voted for a Senator, and by implication would go so far as to hold that we can not even inquire as to whether that vote was purchased or secured by any corrupt or fraudulent means.

I had said that, although the doctrine had never been pushed so far as claimed here except in one case, which is called the Turpie case, there had been in the utterances of majority and minority members of the Committee on Privileges and Elections a tendency to concede to some extent the doctrine that there was a limitation upon the power of the Senate to investigate and inquire and judge of the election of its own members. I do not think that any election case in the Senate has turned upon that question, however, except the Turpie case, to which I have alluded, and shall allude somewhat hereafter.

I had said last evening, or started to say, that I thought this tendency to remit to the State legislature or the separate houses thereof the exclusive right to determine who might vote and who was entitled to vote for a Senator grew out of a mistaken idea which prevailed in the early history of this country with regard to what was supposed to be the sovereignty of the States; that it was an utterance of the extreme doctrine of State rights; and the case from which I read, the case of Potter *vs.* Robbins, and the citations which I made from the majority of the committee and also from the views of the minority of the committee show that that doctrine was placed upon that idea of the absolute sovereignty of the States and the rights of the States. Admitting that the House of Representatives might inquire into the primary capacity, into the right of suffrage, the majority of the committee in the case of Potter *vs.* Robbins say that—

The right of the House of Representatives to judge of the elections of its own members "opens a much wider field of inquiry and investigation than a like contest for a seat in the Senate, which is a body wholly federative in its character and organization, and whose members hold their appointments from and represent the States as political sovereignties."

Mr. President, that is no longer the doctrine of the Republic. This Government is no longer a federation. It never was, strictly

speaking, a federation. The idea that a Senator represents nothing but the political sovereignty called a State is no longer the doctrine of the Senate or of the Nation. "A body wholly federative in its character." What does "federative" mean? The word "federal" is synonymous with, or at least relates to, a treaty, a league, a compact, a confederacy. In the early history of our Government it was supposed that in its constitution and character it was simply a confederacy of States, a league, a compact between States, and not a Nation; but little by little that view has been combated in the Houses of Congress, before the people, and at last by the grand arbitrament of war, so that there is no longer an opportunity to say that this is a federative body merely. This is one branch of a National Government—admitted so now—and Senators do not, in the strict sense in which it was formerly asserted, represent merely the political sovereignty of the States.

The idea may have prevailed in earlier days that Senators represented what may be called the quasi corporation named a State; the political entity as distinguished from the people of the State; but Senators represent to-day, I think it will be admitted, as truly the people of a State as the member of the House of Representatives represents the people of the district from which he is elected. When a Senator comes here from a State he becomes something more than the mouthpiece of the corporation called a State or that thing which is designated as a political sovereignty. He becomes a member of a branch, which is a part of the National Legislature, and which has to do with every interest and with every man and with every question which may arise within the bounds of a great and magnificent Nation or affecting any one of its great number of people.

So it was, while it was thought necessary in those early days to assert the absolute sovereignty of the States and the limited character of representation by Senators of those political sovereignties, that this doctrine had its start. The circumstances which gave rise to it have disappeared; and yet it is sought here, after the disappearance of the circumstances and the opinions which gave rise to it, to insist upon its application to an extent that it has never been insisted upon in the history of the Senate. Gradually that idea thus contended for and, as Senators say, adopted in the case of Potter *vs.* Robbins, has been broken down in other respects. For instance, the majority of the committee claimed in that case, and the minority sanctioned the claim, that to admit that the Senate had power to judge of the legality of the votes cast for Senator—

Would also lead to investigation into the motives of members in casting their votes for the purpose of establishing a charge of bribery or corruption in particular cases.

* * * * * * *

These matters—

Referring to bribery and corruption—

your committee think, properly belong to the tribunals of the State, and can not constitute the basis on which the Senate could, without an infringement of State sovereignty, claim the right to declare the election of a Senator void who possessed the requisite qualifications and was chosen according to the forms of law and the Constitution.

That was insisted upon just as truly and firmly as it was insisted that the question whether votes were legal or illegal, cast by members of the legislature, must be left to the legislature itself, and, if anything was decided, just as truly decided, and yet the Senate has abandoned that doctrine. In many cases we have considered the question whether Senators were elected by bribery, notably in a case in Kansas, where we investigated the question whether Pomeroy was elected by bribery, and in many other cases.

Mr. GRAY. May I ask the Senator from Connecticut whether in that case investigation was not as to whether it was by bribery of the members of the legislature?

Mr. PLATT. Bribery of the people who cast their votes for him. There is no sanctity attaching to the phrase "member of a legislature" any more than there is to the phrase "an elector." The members of the legislature are, it is true, the electors who take part in the election of a Senator, and now, to-day, this doctrine is sought to be carried to the extent that any person who is allowed to vote in a legislature upon the election of a Senator is entitled to vote because the legislature or the branch of the legislature will allow him to do so. Boiled down, as we say, that is the position which is stated here.

The proposition may be stated thus: That when one branch of a State legislature allows a person to vote for Senator the United States Senate has no power under the Constitution to inquire whether that person was legally entitled to vote, and if one branch of a State legislature prevents any person from voting the United States Senate has no power under the Constitution to inquire whether the vote of that person ought to have been received. This makes a single branch of a State legislature the sole judge of the election of United States Senators except that the mere formalities only of an election may be inquired into by this body. All inquiry as to the essentials of an election is thus denied to the United States and committed exclusively and conclusively to a single house of the State legislature.

I think I have not overstated the proposition which is contended for here, and the mere statement of it ought to be sufficient to excuse any further argument of its unsoundness. It is a proposition so at variance with the power committed to the Senate by the Constitution of the United States that it may be thought that I have overstated the doctrine as contended for here, and I shall therefore, without detaining the Senate at any length, call attention to some phrases to be found in the views of the minority of the committee, signed by Senators TURPIE, PUGH, GRAY, and PALMER.

We think that the senate of the State of Delaware, whereof he was member, is the sole tribunal which could either hear or determine lawfully these objections to the qualifications of Senator Watson.

* * * * * * *

The judgment of the [Delaware] senate is a finality.

* * * * * * *

We have no authority to originate, hear, or determine any objections to the qualifications of those who acted and voted as members of the senate of the State, or to revise or review their action or nonaction in the premises.

Speaking of the case of Clark and McGinnis *vs.* Sanders and Power:

These decisions and judgment of the Senate are founded upon the principle that the States, by constitutional ordinances, have made each house of the State legislature the judges of the elections and qualifications of their own members; it is ultra vires of our powers to revise, review, consider, or pass upon any questions of this character.

* * * * * * *

Any adjudication by the Senate of the United States upon such a subject is beyond our province. Such action upon our part would be an intrusion, an interference, an unwarrantable usurpation of power vested in another body, ruinous to the autonomy of the States, and disastrous to the character of this body, whose members purport not to be chosen by their own action, but by that of the legislatures of the States.

And in summing up:

Second. The senate of the State of Delaware had paramount and exclusive jurisdiction to adjudge such questions, and, whether they exercised such jurisdiction or not, the Senate of the United States has no jurisdiction in the premises.

Now, is it not the first essential of an election that nobody shall have cast a vote for the man claiming his seat which affected or changed the result who had not the constitutional right, under the laws of the State, to cast a vote; and are we to be denied jurisdiction of the essential element of an election, not because it has been actually passed upon by one of the houses of the legislature, but because one house of a legislature allowed that vote to be cast? Illustrations might be adduced here to show how futile and unfounded the claim is. The constitution of the State of Delaware requires, I think, without turning to it, that members of the legislature shall not be aliens, shall be male persons, shall be of a certain age. There are three constitutional qualifications without which a man can not be a member of either branch of the legislature of Delaware, without which he can not legally vote as a member of either branch of the legislature of Delaware.

Now, suppose that in the senate of the State of Delaware there was admitted a person who was notoriously but 18 years of age, and the senate, notwithstanding that fact, known and proved and admitted, allowed that person to vote; that under the latest development of the doctrine of woman's rights a woman had been elected in one of the senatorial districts or voted for by a majority of the electors of that district and had been received and sworn in the senate of Delaware and allowed to cast a vote for Senator; and an alien, notoriously an alien, about whose foreign allegiance there was no question, no claim that he had ever been naturalized, was allowed, with full knowledge of the senate of Delaware, to cast a vote in the election of a United States Senator; and that those 3 votes decided the result. The doctrine of the minority of the committee and those who oppose Mr. Du Pont's claim to a seat is that the United States Senate, because the senate of Delaware allowed those votes to be cast, in open violation of the constitutional requirements of the State of Delaware, must accept them as constituting the election of the Senator who comes here with the credentials of the State, and that, to use the language of the report, we can not inquire; it is beyond the province of the Senate; the Senate has no jurisdiction to make such inquiry.

It is said, however, that the Senate can not inquire because it is a right reserved to the State that each house shall be the judge of the qualifications, elections, and returns of its members. But is it a reserved right of the State of Delaware that the senate shall not only be the judge of the qualifications of the members of the State senate of Delaware, but shall be the judge, and the sole judge, of the election of two members of this Senate? For to that extent does the claim proceed. The Constitution of the United States says that the Senate of the United States is the judge of the elections of its members. The minority of the committee and those who oppose the claim of Mr. Du Pont here insist that the senate of the State of Delaware is to determine the question whether or not Mr. Du Pont was legally elected, whether the votes cast against him and preventing his election were cast in accordance with the constitution of the State of Delaware, and that no

case can exist; that neither fraud nor corruption, nor bribery, nor violence, can invest the Senate with jurisdiction to inquire into a vote, the legality of it, the honesty of it, the integrity of it, if the senate of Delaware permitted that vote to be cast.

Mr. President, that doctrine will lead us eventually into great trouble. That I do not overstate it I want to read a sentence or two from the speech of the Senator from Indiana [Mr. TURPIE]. He says, in one part of his speech:

> The Senator from Oregon thinks that a small error in the State senate is binding, but a very gross error is not binding. There is no error, large or small, that we can revise.

If the senate of Delaware allows an alien to vote, a person under age to vote, a woman to vote, we can not revise that error. If the senate of Delaware allows open bribery in the senate chamber, sees a vote purchased and paid for and counts that vote, we can not inquire.

Mr. GRAY. The Senator from Indiana is not so contending. He made no such contention.

Mr. PLATT. Let us see what he says. Speaking of the Turpie case and upon the claim which was made by the contestants, not acknowledged to be true, of course, he says:

> Here was one person lawfully elected and sitting in actual occupancy of his seat, and another, whom they claimed not to have been elected at all, was given that seat and the lawful incumbent ousted for the express purpose of effecting the election of a person as a member of this body. Where shall relief be given if not in such a case? If relief was refused in that case where shall we grant it? Was there ever a more monstrous case, violative of every principle of morality, of propriety, than this case as made, than this case as given? Yet the Senate of the United States decided that they would not inquire into that judgment.

The report of the majority of the committee, made by the distinguished Senator from Massachusetts [Mr. HOAR], did say that the Senate could not inquire into it; but if the facts alleged were true a monstrous crime was committed in the senate of the State of Indiana, but this body was precluded from inquiring.

Mr. GRAY. Will the Senator allow me? I do not wish to interrupt him again. I may have misunderstood him. I thought the Senator from Connecticut said that the Senator from Indiana contended that the Senate had no right to inquire into a charge of gross corruption of a member of the legislature in the election of a Senator. That he did not contend for.

Mr. PLATT. Upon what ground can an inquiry into a charge of bribery be put unless the inquiry can be made where the crime has been committed, like that of ousting a member who is entitled to his seat for the purpose of controlling the election? What difference is there between the two cases? Bribery is investigated because it goes to the essentials of an election.

Mr. TURPIE. The Senate investigate the charge of bribery with a view always of affecting the Senator-elect. If it is found that they can not trace or connect the person claiming a seat here with the bribery the investigation must fall. It goes to the disqualification of the person claiming the seat.

Mr. GRAY. That was the doctrine in the Pomeroy case.

Mr. TURPIE. Yes, and it was the doctrine in the Ingalls case. It has always been the doctrine. No other ground has ever been taken. It is a disqualification of the Senator-elect. It has nothing to do with the members of the legislature unless their action is traceable to the person who is claiming a seat.

Mr. PLATT. Do I understand it to be claimed that the election of a Senator is legal notwithstanding there was bribery; but that having come here by a legal election, because the legislature received and counted the votes, the Senate can then inquire into it, because it will not have a man here who has been guilty of bribing anyone?

Mr. TURPIE. That is the ground it has always been put upon, and because it can not be traced in the case named the investigation was ended.

Mr. PLATT. So the Senator holds that no matter how great may have been the bribery, the election is valid if the bribery was winked at, suffered, condoned by a branch of the legislature. He is driven to take that ground.

Mr. TURPIE. No, sir; that is not the manner in which I put it. No matter how great the bribery may have been among members of the legislature, unless it can be traced directly or indirectly to the person who is benefited by it and claiming a seat, the Senate of the United States will not make inquiry into it. That is not my holding only, but the holding of the Senate.

Mr. PLATT. But still, if I understand the claim of the Senator, it is that no matter how much bribery there is, no matter how much of corruption, no matter how much of fraud or crime there is in an election, we can not inquire into it for the purpose of determining whether there was an election or not; but if we find such a man here we may then take him in hand and deal with him and expel him, because he was a very wicked man when elected.

Mr. President, that shows the absurdity—I will not use that word—but it shows the desperate straits to which Senators who claim this exclusive jurisdiction in one house of a legislature to determine all questions as to whether or not votes cast are legal, are driven.

Mr. TURPIE. It shows nothing in regard to Senators. The record has taken the form of a decision. It does not show the absurdity of any Senator nor the untenability of the position of any Senator. If it shows anything, it shows the absurdity of the decisions of the Senate of the United States in repeated cases on record as claimed by the Senator from Connecticut, but I do not think any judgment of the Senate is an absurdity.

Mr. PLATT. The Senator commented upon a word which slipped from my lips unintentionally and which I took back. He says again:

> There is no escape from this grant of absolute power to a legislature to judge of the elections, qualifications, and returns of its own members. That power is continuous. It continues with the member through his whole term; it allows no question as to the member's title to be raised in the Senate of the United States, nor in any court or tribunal, except in the house of the State legislature to which he belonged. There the question may be raised and decided. If it be decided, the decision can not be reviewed or revised, and if no question be raised, the member holds under the first adjudication when he was admitted upon his credentials.

I have only read these extracts to show to what extent this doctrine is claimed. The difficulty about the doctrine is that for all the purposes of the State the conclusions and judgment of either house are conclusive, just as for all question of the United States the judgment of the Senate or the House of Representatives is conclusive upon the question of the election of its members. But it is setting up the State above the General Government; it is setting up the State above the Nation when the claim is made that the State can allow anybody it chooses to vote, whether elected or not, whether qualified or not under its constitution, whether observing the laws of the State or not, and the Senate must accept the conclusion, the conduct, the allowance of the one branch of the State as final.

I said yesterday that it was final, so far as all questions affecting the State were concerned, but not final so far as questions concerning the United States are concerned. When the Senator claiming to be elected takes his credentials and comes and presents them at our desk, he becomes a member of one body of the National Legislature. What he does affects every individual in this great Nation, and it therefore becomes important for this body to determine for itself, under the express power committed to it by the Constitution of the United States, whether the alleged election of that person is supported by all the essentials requisite to constitute a valid election to this body. The doctrine that no matter what may have been done in either house of the legislature, so it is allowed by that house, can not be reviewed by this body will lead to trouble.

Legislatures are not immaculate. They are not exempt from the charge of acting improperly and corruptly, and year by year, I am sorry to say, under the influence of political excitement, when it runs high, when the passions of men are aroused, party spirit overrides conscience more and more, and the legislatures of the States are doing things with reference to the election of Senators which if allowed, which if held to be exclusive and conclusive will bring this body into discredit and disrepute much more than anything that has been done in the past has tended to bring it into discredit and disrepute. If you can not inquire whether a person was legally qualified under the constitution and laws of a State to cast a vote for Senator because he was allowed to do so by one branch of the legislature of the State, you can not inquire whether men who were entitled under the constitution and laws of a State to cast votes were by force prevented from casting those votes if that force is overlooked and the votes were not received by the House to which the member belonged. There are no limitations or qualifications to the doctrine as it was placed here; the action, the nonaction even, of either branch of the legislature is held to be conclusive, final, ultimate, and not subject to be reviewed by court or Senate. That no matter how faulty the election may be we have no right to inquire is not the doctrine of the Constitution.

What does the word "election" mean in the Constitution of the United States? It means and implies everything that is essential to a valid election. It means first, as I said yesterday, that a man must have received a majority of votes from the persons legally entitled to vote for him as Senator, and no person legally entitled to vote for him as Senator must have been prevented from voting if that prevention would change the result. That is the first essential of an election; and it will not do to say that any man, whether he was elected or not, whether he was a usurper or not, whether he has the constitutional qualifications required in order to become a member of one branch of a legislature, was entitled to vote simply because that branch of the legislature allowed him to vote. If that doctrine be pursued to its legitimate end, if it does not overthrow this body entirely, it will so detract from its high character, its integrity, its dignity, its honor, and its fair fame that this Senate will have little respect among the people of the United States.

It is for the dignity and the character, the integrity, the honor, and the fair fame, of this body that I insist upon it there is no limitation whatever upon the power of this body to inquire into the election of its own members and into everything which an election implies. It is not necessary to this case that I should have thus stated my views and entered my dissent to what I consider a monstrous and dangerous doctrine. The case is clear without the argument which I have made, but I have felt that it was my duty to leave upon record my views, my dissent, my denial, that the Senate can be compelled to stultify itself and admit here a man to sit in a seat beside ours whom we know was not elected by persons who were entitled under the laws and constitution of the State to vote for him or who was elected by bribery, fraud, corruption, intimidation, or violence.

Mr. VILAS. Mr. President, the political arrangement of the State of Delaware gives a legislature of 30 members. They recognize in both houses the equality of representation of the three counties which compose that State, and thus awarding 3 senators and 7 representatives to each, the senate consists of 9 members, the house of representatives of 21. The legislature of the State of Delaware is composed of two bodies; but the Constitution of the United States has created a single Federal agency to elect Senators to represent that State in this body and has composed that Federal agency of 30 persons, the same persons who constitute the legislature of Delaware.

The constitution of that State is singular in the respect that it provides for the election of no person to take the place of a governor in case death, resignation, or other accidental occurrence shall remove the governor from his office. The theory of the State constitution is that there shall be a governor elected by the people only, and that in case of an interruption some other officer shall temporarily exercise the duties of the office of governor until the people at the next general election can supply themselves with a constitutional governor.

It happens that the governor of Delaware died while the electoral college of that State was in the vain throes of an effort to choose a Senator of the United States last year. Thereupon the constitution imposed upon the speaker of the senate the obligation to exercise the duties of the office of governor. Did it remove him thereby from the senate? That is the first question to be determined, and according to the view which I take of the law applicable to this case the determination of that question in the negative, as I think it necessarily must be determined—and the argument upon both sides of this Chamber has so established it—settles this question.

I therefore purpose to address, first, a few remarks to the proposition that Mr. Watson, a senator and the speaker of the senate of Delaware, did not lose his office as senator by reason of the accidental and temporary superimposition of the duties of the office of governor upon him, but remains, and until the expiration of his senatorial term will continue, one of the nine senators of the State, one of the three from the county of Kent.

I do not intend to go so deeply into the argument supporting that proposition as to repeat at any length what has already been so abundantly and so satisfactorily demonstrated by the distinguished Senator from Indiana [Mr. TURPIE], the distinguished Senator from Mississippi [Mr. GEORGE], and the learned and able Senator from Delaware [Mr. GRAY], who is peculiarly interested as one of the Senators entitled to represent his State. I mean rather to sum up the argument to support the primary proposition than to expand it and elaborate it.

The facts are undisputed, and therefore the proposition is determinable only from the constitution of Delaware, as all agree.

Now, we start with Mr. Watson as a senator, on every hand conceded to have been duly elected, to have been recognized by the senate of Delaware in such a way that his right to be there was unquestionable. The duty therefore lies upon them who would say that he lost his office by entrance on the performance of the duties of governor to show it from the constitution. Unless they establish that he remains senator and speaker of the senate.

The first argument to answer their claim that he lost his senatorship is a very simple one, that the constitution of Delaware does not say so. If the constitution of Delaware, when it said that the speaker of the senate should exercise the office of governor until a governor elected by the people should be duly qualified, had intended that he should thereby lose his office as senator and speaker, is it conceivable that it would have been omitted from express declaration? Consider the instrument, the constitution of a State, which was providing, as is perfectly obvious upon the mere reading of it, simply for the temporary performance of the duties of an office from which the officer had been unexpectedly and suddenly removed. Is it conceivable that when it was said some other officer shall temporarily perform those duties it would not have added, if that had been meant, and another person shall be chosen to his place, or, in some phrase, that a vacancy should be thereby created? The constitution shows that the very point was in the minds of the constitution makers, for they took the careful precaution to declare that when the speaker should exercise the office of governor the senate should choose a speaker pro tempore. Therefore it is to my mind conclusive that they did not intend that the senator who thus was called upon for a temporary duty should lose his office, because they did not say so.

Mr. MITCHELL of Oregon. Is that omission any more strange than the omission of the framers of the Constitution of the United States in not declaring when the Vice-President succeeded to the office of President that he should no longer hold the former office?

Mr. VILAS. Mr. President, if you take up the case of the Vice-President of the United States and reason upon it from the Constitution I think it will be found that the interpretation which prevails is the result of a practical construction quite as much as of reasoning upon the language. But I do not wish to be diverted into a discussion of that subject, for my time will be very limited—suggesting in what I have said the line which I should like to take, if time served me, to present something I think might be said upon it.

Now, observe next the practical justice, the convenience of the interpretation which I have suggested. Sir, it might easily happen that the speaker of the senate of Delaware would be called upon under this provision to exercise the office of governor during a period of no more than seventy days, and during which the legislature was not in session. Is it to be supposed that, without particular declaration, the constitution makers meant to say that if that duty fell upon a senator—whose term of office is four years—during the first year of his term, so that at a time when he was discharging no legislative duties he temporarily took the place of a deceased governor for sixty or seventy days, that therefore his office as senator, his office of speaker of the senate, was taken from him? Of course the plain inconvenience and injustice of such a contingency was enough of itself to show that they intended no consequence of that character unless they meant to express the intention in unmistakable terms. Their omission to so declare, therefore, very strongly appeals to my judgment.

Besides, it would be necessary that an election should be provided for; and it seems to me it is quite improbable that the constitution would not have made some provision or direction for that when it was so careful to provide for the election of a speaker pro tempore.

But, sir, there is another consideration which, to the mind of a lawyer, is so overwhelming in support of this interpretation that I am sure the force of it has been recognized by the Senator from Oregon [Mr. MITCHELL], who, with such great ability, has maintained the desperate legal argument which was imposed upon him by the necessities of the case and the side he espoused, and that is the same argument which I a moment ago alluded to with reference to the Constitution of the United States, the argument of contemporaneous and continuing practical interpretation, extending in Delaware for more than a hundred years.

Mr. President, Delaware had this precise constitution in this particular adopted in 1792, and it happened that four cases like this occurred under that constitution of 1792. Five times the speaker of the senate was called upon to exercise the office of governor under the constitution of 1792. In every one of those cases the senate and all the people of Delaware considered that acting governor to be still a senator from the county from which he was originally chosen, and the senate caused no election to be held to fill the vacancy, but the acting governor himself served out the term as senator. It is true, sir, that during the time he was acting as governor he was not habitually present in the senate, perhaps not present at all——

Mr. MITCHELL of Oregon. Never.

Mr. VILAS. Although the negative of the proposition is not perfectly established as to all those cases; but I will grant it for the sake of this argument that he was not there. In four of the five cases the senatorial term extended beyond the gubernatorial service and the seat as senator was actually occupied after performance of that service.

Mr. MITCHELL of Oregon. Will the Senator allow me to ask him a question?

Mr. VILAS. Certainly.

Mr. MITCHELL of Oregon. I should like to ask the Senator at that point if the fact that four of these gentlemen who succeeded to the office of governor resumed their seats in the senate at the expiration of their terms as governor is to be considered a construction that they still remained senators? Is not the fact that a single instance can not be pointed out where any person succeeding to the office of governor ever undertook to exercise the office of senator or speaker of the senate while he exercised the office of governor a construction on the other branch of our case, namely, that the two offices could not be exercised by the same person at the same time?

Mr. VILAS. The Senator states the proposition a little stronger in his concluding sentence than I am willing to admit; but I admit that, according to my opinion, the constitution of the State

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of Delaware did not expect the acting governor to remain in the senate, and that was the reason why they caused a speaker pro tempore to be chosen to take his place, and the fact that he did not remain is an interpretation that he was not bound to remain in the senate, and that perhaps his legislative function ought not in propriety to be exercised by him during the time he was acting as governor.

I am willing to go so far as that. I am now of the opinion, and am arguing only, that he remained both speaker and senator, neither office being taken from him. Doubtless a certain sense of official propriety besides the exaction of the duties of the office of governor would take him from the senate during the time he was acting; but the Senator from Oregon will agree that when the temporary performance was over he did not return to take his seat as senator unless he had been all the time a senator. I think, then, the Senator from Oregon will recognize that the construction placed upon that instrument of 1792 was the determination in every one of those four cases that the acting governor still remained a senator of the State. If I am not right that that is the true interpretation to be placed upon that part of it, I should like to have the Senator challenge me for the error now.

Sir, the Constitution of the United States has had an interpretation, as I remarked, and that interpretation is perfectly certain with reference to that Constitution, and the meaning of that Constitution to-day must be regarded as perfectly unchallengeable because four Vice-Presidents have become Presidents. But more instances to establish this interpretation under the constitution of Delaware of 1792 occurred while it was in force.

Let me advance one step further. With that interpretation thus grafted into every word of that instrument, as much a part of it as if it were written in as explicit terms as I have stated it, Delaware caused another constitutional convention to assemble in the year 1831, and then, in totidem verbis, reenacted the self-same provisions which had thus received that fixed and definite interpretation. It is that reenacted constitution, reenacted with this construction a determined and fixed part of it, that we are called upon again to construe; not the original one, but that one which the people have themselves accepted in that State, with all the force of contemporaneous and continuing and universal interpretation during a period of forty preceding years. Since that time this reenacted constitution, reenacted with the interpretation which it had derived from practical construction, has been itself six or seven times practically construed by the legislature in similar instances, and with precisely the same result. Thus it came down to the year 1895, perfectly determined that the constitution of Delaware did not mean a senator should lose his office because he entered upon the performance of these temporary, accidental, and extraordinary duties which were imposed upon him in some exigency.

But, Mr. President, Delaware does not stand alone in the same legislative determination of this question. A similar constitution existed in the State of Pennsylvania, and though it did not last so long there, and that State has since assimilated its constitutional arrangement more nearly to other States, yet it did happen that a similar question arose in that State, and again it was decided in the same way. There was a constitution in the State of Maine which, though slightly different, yet substantially was like this; and under that constitution a question was addressed to the judges of that State, as is there provided for, and the judges held that the senator did not lose his office, but only that he could not perform, and that by reason of peculiar words in that constitution, distinguishing it from that of Delaware, the legislative function of a senator while he also performed the gubernatorial function. In other words, there is no instance before this time in more than a hundred years of experience when anybody ever asserted that a speaker of a senate thus called upon to act as governor for the time being lost his office as senator. The novelty of decision which this Senate is asked to render is the extreme urgency of necessity from partisan demand, nothing less.

I do not need to discuss, and I shall not spend a moment of time in collating authorities as to the value and the obligation of such interpretation. Every lawyer recognizes it. So vigorous is the rule of the law that it has been held over and over again in various States of the Union that if one State adopts and enacts a statute which had previously been enacted in some other State, and had there received interpretation before it was enacted in the other State, that interpretation goes with its words and as a part of it; as obligatory as if it were correct, for the correctness of the interpretation can not be challenged any more than the plain meaning of words can be thwarted by being denied their effect.

Mr. President, there is not a particle of difficulty about this when you read that constitution in the simple way in which any man reading an instrument and seeking only with perfect honesty to extract its fair purpose should understand it. Read the language for a moment:

Upon any vacancy happening in the office of governor, by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified. If there be no speaker of the senate * * * the speaker of the house of representatives shall exercise the office. * * * If the person elected governor shall die or become disqualified * * * the person holding the office shall continue to exercise it until a governor shall be elected and duly qualified. If, upon a vacancy happening in the office of governor, there be no other person who can exercise said office within the provisions of the constitution, the secretary of state shall exercise the same until the next meeting of the general assembly, who shall immediately proceed to elect by j nt ballot of both houses a person to exercise the office until a governor ele ed by the people shall be duly qualified.

How simple and plain it all is, most obviously to a common intent, so that the wayfarer, though he be a fool, need not err therein. The arguments that have been urged against the proposition I am maintaining, themselves, in my mind, add force and strength to its clear, lucid interpretation. The only such arguments derived from the constitution are raised from two sections: First, section 12 of article 2, which declares that—

No person concerned in any army or navy contracts, nor member of Congress, nor any person holding any office under this State or the United States * * * shall, during his continuance in Congress or in office, be a senator or representative.

The other one is section 5 of article 3, which says:

No member of Congress, nor person holding any office under the United States or this State, shall exercise the office of governor.

These were two general provisions incorporated with the constitution, the one in relation to the legislature, the other in relation to the governor, both of them preceding in point of time of expression this section which makes the particular provision for someone to act as governor when there is no governor.

Mr. President, the explicitness of the effect declared by those two sections is undeniable. The question is only whether they relate to a speaker of the senate or of the house or the secretary of state when called upon thus temporarily to perform the duties of the vacant office of governor. That is all the question for consideration.

We heard yesterday the distinguished Senator from Connecticut [Mr. PLATT] spend an hour or more in refined and minute discussion upon words, mere words, for the purpose of endeavoring to establish an opposition between these two sections, which are general in nature, and the later one, which is particular. His argument was ingenious, but was purely a verbal argument. His point was that this acting governor was really governor.

Now, Mr. President, we must begin by observing that one can not exercise the office of governor without doing in it the same things which the governor himself will do when he is there. The governor exercises the office of governor, and the acting governor exercises the office of governor, but one is governor and the other is acting in the place where a governor constitutionally should be. That is the difference between the two cases.

But I wish to make another line of remark before noticing this nice weighing of words and syllables, and that is that the rules of interpretation, established as the result of much human controversy and great experience, recognize two things which human nature is incapable of obviating: First, the poverty of human language, and, next, the infirmity of human foresight. It is impossible, or fairly to be said impossible, to express within the compass in which a constitution is to be written all the various shades of meaning which may be necessary to anticipate all the possibilities of future occurrence, and human foresight is unequal to the task of that anticipation if it were within the reach of language to compass its possibilities.

Words themselves manifest this weakness; and thus we are obliged to use almost all the principal ones in our language for more than one meaning. Some words will be found in the dictionary with as many as six or eight distinctive meanings defined by the lexicographer. Therefore, at times, when a law or constitution is written, a word must be used in one place in one sense, and again the same word elsewhere in another; and it is left to the honesty and justice and fairness of interpretation to accept the word in either place in the sense in which it was obviously and fairly intended to be used. Therefore, if, as the Senator from Connecticut seemed to do yesterday, you first argue that this word "governor" should be applied to this state of things, and then say, "Therefore this state of things is identical with another in reference to which the constitution has used that word," when it is fairly obvious that different meanings were intended, it is perverting the language which perhaps human power could hardly have made more explicit than it is, in advance of controversy.

So the first rule of interpretation is, having reference to these limitations on the human intellect, that every word used in an instrument of this kind shall be read to serve the purpose obviously discernible from the whole context of the instrument. Here it is so plain from the words and the context that the language employed for this case meant that the speaker of the senate, when acting as governor, should remain a senator in the legislature, that nobody ever dreamed of the contrary for more than a hundred years.

But we find this effort on the part of Senators to establish an opposition of meaning between these two first sections that I have

mentioned and this other section in relation to the particular case. Let us first grant all they ask for argument's sake. Let us grant that those two provisions do stand in opposition to the provision relating to the acting governor. Which will prevail? Why, sir, the rules of interpretation govern that subject as perfectly as the necessity should require. First, when a provision is general and it comes in contact or into opposition with one which is particular, the particular expression always governs. If, therefore, the arguments of the Senator from Connecticut and the Senator from Oregon were successful in establishing the fact that there was a contrariety between these two sections, it would have helped their cause no more, for the contrariety being established, this particular section prevails, not those upon which their case must depend.

But, sir, there is another principle of interpretation equally established and equally decisive. It is this: When two contrary provisions are found in the same instrument, the later written prevails over the earlier, unless there be particular reasons for the contrary, such as might happen in the case I have just alluded to, if the later provision were a general one, and the former were a particular one. But here the later provision is the particular one, and, as the latest expression of the thought in the mind of the constitution makers, it governs by this particular rule.

Now, let me illustrate for a moment the curious way in which a verbal argument like that, so ingenious and subtle and so skillfully presented yesterday by the Senator from Connecticut, can create seeming opposition that would destroy the life of the spirit. It made me think of some of the old discussions reported in the time of the school men. The Senator said—and it was the whole foundation of his argument—that this acting governor becomes and is the governor, and he sought to reach in a roundabout way that conclusion which, if it had been the purpose of the constitution makers, they could have expressed by simply saying so, but which they obviously avoided by labored phrases. He argued that that was the meaning of the instrument from placing in juxtaposition different provisions in the constitution. Sir, let me put two together to show him the contrary. A speaker of the senate need be but 27 years old. The constitution requires only that a senator shall have attained the age of 27 years, and any senator may be elected speaker. But turn over the leaf, and here is section 4 of Article III, which begins thus upon the qualifications of a governor:

He shall be at least 30 years of age.

Therefore the argument of the Senator that the acting governor is governor is at once overthrown, for he need not be 30 years of age, but only 27 years of age.

This illustrates the rule which I have been drawing attention to, that in reading an instrument like a constitution, or indeed any other, the effort must be to reconcile with kindly fairness all the different provisions, not to create antagonisms, but to remove the seeming antagonisms which words might create contrary to the clear purpose; thus to read in one place the same word with a different meaning from what you give it in another place, it being obvious that from poverty of language the makers of the instrument were compelled to select that word for use in one sense here and in another sense there.

I think I have shown by familiar principles that if this antagonism existed between these sections the particular one would prevail upon which we rest. But it must be borne in mind that the interpretation of practical usage for a hundred years just as much applies to this possible antagonism as to every other part of the instrument or to the particular section. Every part of it is controlled and governed by that uniform, undeviating, unquestioned, acknowledged usage.

There is, however, little difficulty in regard to this. These two sections, relied on to affect Watson's right, have no reference to an acting governor. Let me illustrate this by the one that relates to the office of governor, for that is the only one which is really important here—"No member of Congress, nor person holding any office under the United States or this State, shall exercise the office of governor." Unless a senator of the legislature is an officer holding an office he is not within the meaning of that section. So plain has been the common popular understanding that a member of the legislature is not an officer that when this question was mooted in the Senate, and the Senator from Oregon and others were in colloquy over it, the distinguished Senator from Ohio [Mr. SHERMAN] answered at once, according to the fact, that a senator is not considered an officer. Let me call attention to a very singular proof of that idea in this very instrument itself. Article IX says:

Members of the general assembly and all officers, executive and judicial—

Omitting any view of legislative as possible—

shall be bound by oath or affirmation, etc.

It disregards a class of officers that we might call legislative. It speaks of officers as judicial and executive, illustrating that at the time when the constitution was adopted the condition and character of a senator or member of the house of representatives was esteemed to be different from what nowadays we are more inclined to regard them. Doubtless that grew out of the English system, where a member of Parliament is not a paid officer, but is a representative of the commons in one house, summoned to aid his sovereign by advice and to give money, and in the other one of the peers of the realm. In this country we have made the legislative office as distinctive an office, perhaps, as the judicial or the executive, but that was not the common idea at the time when the Delaware constitution was written; and it is not yet so freely accepted as perhaps a lawyer might regard it, as was plainly indicated by the remark of the distinguished Senator from Ohio. So that, undoubtedly, if you read the provision in that spirit of fair understanding to which I have referred, it must be recognized that the makers of the constitution did not intend to prohibit a senator or a member of the house of representatives from exercising the office of governor independently even of this particular direction, which expressly requires it in case of vacancy.

Now, sir, there was another argument advanced by the distinguished Senator from Oregon, and I need not say that it was presented with that abundance of learning, that research into all authorities which could throw a cast of light upon it from far or near, which always distinguishes his arguments of legal propositions in this body. It was that by the common law there was an incompatibility between a legislative office and the gubernatorial office; and therefore if one acted as governor he could not act as legislator. How easy it is to answer that. Is the common law superior to the constitution, or is the constitution superior to the common law?

The people of Delaware made a constitution, and by it they could as easily trample upon the common law as they could trample upon any of the preexisting systems of institutions for which they substituted a republican form of government.

Mr. MITCHELL of Oregon. Will the Senator allow me? Nobody denies that, of course; but the Senator will agree with me, I presume, that it is a proper thing to do to take into consideration what the common law is on a given subject in reference to which there is statutory law or constitutional provision, especially if there is any doubt at all in reference to the proper construction of any of those provisions.

Mr. VILAS. I recognize that it is one of the principles of interpretation that you are to consider what the law was when you are considering what changes made in it were intended to make it to be. I agree to that. To that extent it would be well enough to look into it.

Mr. MITCHELL of Oregon. It was with that view that I discussed the common law.

Mr. VILAS. But that is a very feeble light to throw upon an instrument which has been construed with undeviating fixity for a hundred years, and after so long a period has passed. That light of the common law comes from too far back—from the mists of antiquity—and is refracted by too much fog.

So with this theory of the American system which the Senator has presented. The whole question is, What have the people of Delaware done for themselves? They have made their constitution; and when you attempt to declare what is the American system you must begin by looking for what that constitution is, to the extent that Delaware is one of the components of the American Government, out of which the American system may be said to have arisen; not construe the constitution to your ideas of an American system. But I do not think the Senator laid much force upon that argument. It might be addressed to a lodge of a certain kind, perhaps to a school of protection, or some company of jingoism that was striving to cry, without very definite meaning, some slogan to arouse the people. It hardly has force among a body of lawyers seeking to interpret a constitution.

Mr. President, I wish to call attention to one argument more which I take from the Senator from Oregon. When he gave us the pleasure of the discussion with which this matter was opened and was dwelling upon this point I put to him this question:

I should like to ask the Senator from Oregon whether he is contending now that Mr. Watson was not a senator from the time he took the oath of office of governor? Is the Senator contending that he lost his office as senator?

Mr. MITCHELL of Oregon. The Senator from Wisconsin will see before I conclude precisely what I am contending for upon that subject. I shall evade nothing. I have nothing to keep back in discussing this question. I have fixed opinions in regard to it, and I shall present them to the Senate as fully, fairly, and frankly as I am able, and in the course of my remarks I will answer the question of the Senator from Wisconsin fully.

I have not a doubt that the Senator from Oregon expressed just what he meant and what was in his mind, and I will turn now to page 44 of his speech as printed, and afterwards to pages 60 and 61, to show how he answered that question. His sixth proposition was:

That when William T. Watson, as speaker of the Delaware senate, took the gubernatorial oaths and entered upon the exercise of the office of governor, he became the governor of the State in the full constitutional sense of that term, and not merely governor ex officio or ad interim as speaker of the

senate, and his acceptance of such office was ipso facto a resignation in law, either—

Either—

absolutely of his office as senator, or at least of his right to exercise the office of senator so long as he exercised the office of governor.

That was the carefully written proposition of the Senator. Later, and at page 60, the Senator from Mississippi [Mr. GEORGE] again asked the Senator from Oregon [Mr. MITCHELL] a similar question, and the Senator from Oregon again made a similar answer to that he made me. Then the Senator from Mississippi [Mr. GEORGE] said:

It is either vacation or suspension. It can not be both.

Then the Senator from Oregon [Mr. MITCHELL] replied:

I say it is one or the other.

Mr. GEORGE. Oh, yes; all right.

Mr. MITCHELL, of Oregon. And, so far as this case is concerned, it does not make one particle of difference.

And then later in the answer he says:

I do not care whether you say that the seat becomes absolutely vacant or whether the right to exercise the office of senator and speaker of the senate is merely suspended.

Thus the Senator from Oregon did not at any time in his speech, and never has in my hearing in the Senate, answered the question which was propounded, or denied what I affirm as my proposition. He has never affirmed, and I give him due credit for not affirming, that Mr. Watson lost his office as senator.

Mr. MITCHELL of Oregon. I think I stated more than once, perhaps two or three times, perhaps not in my opening speech, but during colloquies with other Senators, especially with the distinguished Senator from Mississippi [Mr. GEORGE] while he was speaking, what I believe to be the true construction of the constitution of Delaware upon that point. I believe the true construction is just as stated in the first part of the proposition, that the moment Speaker Watson succeeded to the office of governor that moment ipso facto there was a resignation of the office of speaker of the senate. I believe that is the correct interpretation of the constitution.

But I claim further and with propriety, as I take it, that if I am wrong about that I am not wrong in the other proposition, namely, that there was a resignation of the right to exercise the function of senator and the function of speaker while exercising the functions of governor.

Mr. VILAS. The legislative function?

Mr. MITCHELL of Oregon. The legislative function.

Mr. VILAS. The Senator from Oregon, under the stress of debate, has advanced then to the point of assertion which his careful preparatory study and consideration of this case did not enable him to make in his first speech on the subject.

Mr. MITCHELL of Oregon. Not at all. I know the distinguished Senator from Wisconsin does not wish to place me in any false position regarding the matter.

Mr. VILAS. No.

Mr. MITCHELL of Oregon. I have from the first, perhaps not so distinctly in my first speech, but I certainly did on several occasions, in interlocutory remarks, state what I believed to be the true construction of the constitution of Delaware on that point, and that is that there was an absolute resignation of the office of speaker and senator upon his entering on the office of governor.

Mr. VILAS. I was very particular, because I had the argument I am now making in my mind, to put that question to the Senator from Oregon when he was making his speech, hoping to get a distinct declaration. It was again presented to him by the Senator from Mississippi [Mr. GEORGE] at least, and with the result which I have indicated. In his first speech the Senator certainly reserved to himself at every point at which he spoke of it the right to have it either one or the other.

Mr. MITCHELL of Oregon. I do yet.

Mr. VILAS. Without declaring which one or the other he considered to be the right one.

Mr. MITCHELL of Oregon. It is not necessary and never has been necessary since we entered upon this debate, so far as our side of the case is concerned, to say which it is, because whichever one it is, if either, our case is made. If they are both wrong, then the Senator has the case.

Mr. VILAS. I hope to satisfy the Senator that he has to take one or the other horn of the dilemma. I am content to say that Mr. Watson was a senator and his legislative function was suspended—his function as a legislator. I will give the Senator the benefit of that proposition for the argument I am about to make.

Mr. MITCHELL of Oregon. If that is the fact, the Senator gives away his case.

Mr. VILAS. Oh, no; I do not. I am not changing any facts. I am making argument; and for myself I have no fear of it.

I start with the proposition, then, as established, that Mr. Watson is to-day a senator of the State of Delaware and will remain until the end of his senatorial term a senator of the State of Delaware. I do not care about his legislative function under the constitution of the State of Delaware, whether suspended, in abeyance, or otherwise dormant. I accept that branch of the dilemma, and give the other to the Senator from Oregon.

Watson, then, is a senator—one of the 30 members of the Delaware legislature; one of the 9 members of the senate. Now, I call the attention of Senators to this, that the function which Mr. Watson exercised in voting for a United States Senator he did not derive from the constitution of Delaware, he did not possess as a legislative function. He derived it wholly from the Constitution of the United States. The Constitution of the United States provides that the Senate shall be composed of two Senators from each State, chosen by the legislature, and it also provides that the regulation of the time and manner of choosing Senators may be made by Congress by law. The right to choose a Senator comes wholly from the Federal Constitution. The regulation of it is wholly a matter of Federal law. What is the law?

The legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected—

I should like to call the attention of the Senator from Connecticut [Mr. PLATT] to the next words—

to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each house shall openly, by a viva voce vote of each member present, name one person.

And so on. If both houses choose the same person the next day the choice is recorded.

But if the same person has not received a majority of the votes in each house, or if either house has failed to take proceedings as required by this section, the joint assembly shall then proceed to choose—

How?—

by a viva voce vote of each member present, a person for Senator, etc.

By virtue, therefore, of the law of the United States this Federal agency for the choice of Federal Senators is composed of the several persons who are members of the senate and lower house, whatever it may be called, of the State. In Delaware there were 30 persons who were members of the lower house and of the senate. Those 30 members were invested by the Constitution and the laws of the United States with the power to choose a Senator. Who can take it away from them? The constitution of Delaware did not confer it. The constitution of Delaware can not take it away. All that is allowed to the State is to choose and determine the various members who compose the senate and the house of representatives of its legislature, and when they are known, when their right properly to sit in that body as representatives of the people is settled by the State, the Constitution of the United States vests those persons with this function, which is not a State function, which does not come from the State, but from the Federal Government—the function of electors. It is not a legislative function. As legislators they exercise their power only as members of the two separate houses. As legislators they may in the house of representatives pass a law which the senate independently may veto. As members composing the senatorial electoral college, each person elected to either house is one elector entitled to exercise the privilege which is given by the Constitution of the United States to him as one of the whole number.

The only question referable to the constitution of Delaware is, was this person who claims to be an elector a senator? If he was a senator, he was an elector in that electoral college. The State of Delaware could impose no qualifications. The State of Delaware could not suspend his function given to him by the Constitution of the United States. It could suspend his function as a legislator in the State of Delaware, but it could not suspend that function of a Senatorial elector which the Constitution of the United States alone bestowed upon him. To interrupt his right to vote on bills, to interrupt his right to sit and consider bills or to make speeches, was no lawful interruption of his right to act as an elector when the electoral college convened under the authority of the Constitution and laws of the United States to perform a duty enjoined upon it by the Federal Constitution.

Mr. MITCHELL of Oregon. The Senator holds, then, if I understand his argument, that a person may be a member of the State senate, have no right whatever to exercise any legislative function, no right to make laws, no right to vote, and yet at the same time have the right to go into the joint assembly and vote for a United States Senator.

Mr. VILAS. Yes, sir. If he is a senator of the State legislature he is one of the electoral college. It does not make any difference what, for purposes of its own internal State administration, the State constitution may have provided or the State laws may have provided. All the qualification which by the Constitution and the law of Congress is requisite to the exercise of the office of elector is that he shall be a senator or a member of the lower house. If he possesses that qualification, Delaware can impose no other. It can take nothing from his power, it can add no further qualification or disqualification. This proposition has

been determined over and over again in the Senate in another aspect. We had once from my State an illustration of it. We had it in the case of the distinguished Senator from West Virginia [Mr. FAULKNER].

Many a State has put into its constitution the provision that no judge shall be elected a Senator of the United States during the term of his office as judge in the State. Has the Senate ever regarded it? Not the least. The very fact that he was a judge was an additional reason, perhaps, why he should be chosen to this body. And if this case is not to be decided in accordance with the firm principles of law, it might be necessary to choose more judges to sit here; for we are now considering not a political question, not a question of administration, but acting in our judicial capacity, that same capacity in which under the presidency of the Chief Justice we might sit here to try the dearest rights and determine the honor of the highest citizen of the land. We are sitting as judges, and we are as much bound by the Constitution and by our oaths to determine according to law as the judges of the Supreme Court in another part of this Capitol.

Mr. TELLER. That is correct.

Mr. VILAS. Yes; I am sure Senators will recognize it. The Senate has adjudged—beyond all question correctly—over and over again that a State can add no qualification or disqualification to any function which is given by the Constitution of the United States. The Constitution of the United States requires but one qualification for a senatorial elector, and that is that he shall be a member of the legislature. The constitution of Delaware may, if you please, declare that a senator or member of its legislature shall not vote in certain cases; that he shall refrain from speaking in certain cases; that he shall not act as a legislator in cases where he is interested, or in any other cases. The people there may impose as many such limitations as they choose and of what character they choose. They may provide that he may do certain things as a legislator which we should not regard to be a part of a legislator's duty. That is all for the people of Delaware to decide.

Mr. CHANDLER. Will the Senator from Wisconsin allow me a question?

Mr. VILAS. With pleasure.

Mr. CHANDLER. I understand the Senator to be arguing, very clearly and distinctly, that although all Governor Watson's other legislative function may have been suspended while he was governor, yet that still he might enter the legislature and vote for United States Senator, because the power and duty of electing a United States Senator is imposed upon the legislature of a State. Do I understand the Senator correctly?

Mr. VILAS. Because the several members of the legislature of the State constitute an electoral college for the choice of United States Senator.

Mr. CHANDLER. And the Senator holds (he is arguing certainly, and therefore is assumed to hold) that although Governor Watson might not have been authorized to act as a member of the legislature in any other capacity, he might still vote for United States Senator?

Mr. VILAS. Most assuredly so.

Mr. CHANDLER. Then the Senator asserts that Governor Watson may have possessed a function as legislator which was not a legislative function? Is not that the Senator's proposition?

Mr. VILAS. That he does not possess it as a legislator, but by reason of being a legislator; that he is given a function which is not legislative.

Mr. CHANDLER. Very good. Then he had a power as a legislator which was not a legislative power? He had a function as a legislator which was not a legislative function?

Mr. VILAS. No.

Mr. CHANDLER. Is not that the Senator's statement?

Mr. VILAS. He had this by reason of being a legislator of the State of Delaware. He had a Federal power or agency conferred upon him which was not legislative within the State of Delaware.

Mr. CHANDLER. Then he had a function as a member of the legislature, solely as a member of the legislature, which was not a legislative function.

Mr. VILAS. Yes; he had a function by reason of his being a member of the legislature which was not legislative.

Mr. CHANDLER. Now, if the Senator will allow me, that is the proposition I wanted to understand, that we may know hereafter that a member of a legislature may have a power and a function solely by virtue of the fact that he is a member of the legislature, which is not the legislative function.

Mr. VILAS. Certainly. The Constitution of the United States chose to select a certain class of officers in Delaware as an electoral college for Senators. It has also created another of a single executive officer. In case that body can not act, when a vacancy occurs while that body is not in session, the Constitution gives that authority to the governor. But it is not a gubernatorial function of the State strictly.

Mr. CHANDLER. But they say the legislature——

Mr. VILAS. He does not derive it as governor from the constitution of Delaware, but because he happens to be governor; he takes it from the Constitution of the United States.

Mr. GRAY. If I may be allowed at this point, in the line of what the Senator is saying, and apropos to the question of the Senator from New Hampshire, when the amendment to the Constitution proposed and advocated by the Senator from Oregon [Mr. MITCHELL] shall have been adopted, if indeed it shall ever be, that the Senators of the United States shall no longer be elected by the legislatures, but shall be elected by the people at large, that function—not a legislative function—will be taken away from the members of the State legislature, and yet their legislative function will remain intact.

Mr. CHANDLER. By the same reasoning, then, a Senator may vote for President and exercise the functions of the people, which is not a popular function. There is the same difference. I ask the Senator from Wisconsin whether when Governor Watson voted he did not perform the function of a legislator?

Mr. VILAS. None whatever.

Mr. CHANDLER. Did he not perform the act by virtue of his membership of the legislature?

Mr. VILAS. Yes.

Mr. CHANDLER. Then a member of the legislature?

Mr. VILAS. By virtue or rather by reason of his membership and the investure in him by the Constitution of the United States of that agency.

Mr. CHANDLER. As a member of the legislature?

Mr. VILAS. Because he was a member of the legislature.

Mr. TELLER. He had to be a member of the legislature.

Mr. VILAS. Yes; he had to be a member of the legislature in order to receive——

Mr. CHANDLER. If the Senator will allow me, the law does not say the members of a State legislature as members, as individuals, shall elect a Senator. It says that each State shall appoint through its legislature its United States Senators. How the Senator can make it out that any person when he votes for a United States Senator (which he only does because he is a member of the legislature) is not in the exercise of the function of a member of the legislature I can not understand.

Mr. VILAS. I do not know that I can make that plain to the Senator, but let me say this: That question was one which I touched in discussing the Dubois and Claggett case. It arose there incidentally, and I made the same argument substantially that I am making now, only the case required a different application of it. There was from the beginning of this Government a question whether under the Constitution the legislature chose the Senator as a legislative act or whether the electoral college as a distinct official agency was composed and created of the several persons who had the right to sit in the legislature; and the latter interpretation of the Constitution has prevailed. It has prevailed in the Senate whenever it has been discussed, and it prevailed in the passage of the law of 1866, which is now written in the Revised Statutes, from which I read a part of section 15.

So, I repeat, the function which Mr. Watson or any other member of the Delaware legislature exerted in the choice of a Senator of the United States was not a legislative function of the State of Delaware, but it was a function given to him and each of them by the Constitution of the United States. We decided similarly in the case of Senator CALL since I have been in the Senate. It is not the two houses which elect a Senator; it is only a majority of those persons who happen to constitute the two houses. In the case of Senator CALL the legislature of Florida, in both houses, numbered 100 members, and 51 members convened. The question was whether those 51 members had a right to elect a Senator, and we held that they did.

Mr. TELLER. Why?

Mr. VILAS. Because they constituted a quorum of the senatorial electoral college, not a quorum of each house or of either house. The houses of the legislature are no longer regarded; the legislative character has nothing to do with the act. Simply the several persons who compose the legislature constitute an electoral body, of whom a majority is a quorum.

Mr. TELLER. I understand this whole controversy has gone on the question whether this man was a member of the senatorial college.

Mr. VILAS. Ah, Mr. President, the distinguished Senator from Colorado, with his clarity of legal perception, could not take any other ground. But he mistakes. It is contended that, although a member of the senate, his function was suspended, and he was not a member of the electoral college.

Mr. TELLER. Of course he was.

Mr. VILAS. But if he were a senator (and he was) that is all I have been arguing on this point, and there is no escape from the conclusion. You can not wabble over this question by saying he was either a resigned senator or he had resigned his function for the time being, or that he was a senator in abeyance. He was not in abeyance as an elector of a United States Senator. He was either an elector in the electoral body or he was not a senator in

the legislature at all, or in any sense. You can recognize him, then, as an elector or you can take the other course and deny his being a senator. Under the stress of that necessity you can trample Delaware, her constitution, her interpretation of her own constitution for more than a hundred years unchallenged in the mire of partisanship.

Mr. President, I wanted to have added some more things possibly on this subject. They are not necessary to present the case. I have stated the points and I think I have made them clear. I think I have summed up the reasons which show Mr. Watson was a senator, and if he was, he was surely entitled to sit in that electoral body.

There is another aspect of this case, entirely independent of the one which I have been discussing, that I wish I could have argued. The Senator from Indiana [Mr. TURPIE], the Senator from Mississippi [Mr. GEORGE], and the Senator from Delaware [Mr. GRAY] have already made so clear that it seems to me there is little need for further argument upon it, the proposition that the question of the membership of the Delaware senate was one solely for the Delaware senate to decide. The Senator from Connecticut [Mr. PLATT] argued that it is within the power of the Senate to inquire ad libitum into any circumstance that goes to the election or qualification of a Senator. So it is. It is in the power of the Supreme Court of the United States to decide any case that comes before them for plaintiff or defendant at their merely personal will. But it is in the rightful power neither of the Senate nor of the Supreme Court to decide any case in judgment before them except as the law requires it to be decided. The Supreme Court of the United States might just as well refuse to the supreme court of the State of Delaware the interpretation fixed by a line of decisions of that court to a State statute as the Senate of the United States sitting in this tribunal refuse to award to the judgment of the senate of Delaware the full measure of faith and credit to which it is entitled.

It might be, according to the argument of the Senator from Connecticut [Mr. PLATT], that the Supreme Court of the United States should say that some person who is admitted here as a Senator was not a Senator, and might hold that he was not entitled to receive his pay, notwithstanding his admission here is a final judgment of his right. They have the power when two parties are before them to decide contrary to law. But it would be as unheard of in that court as anything which it is possible for the human mind to conceive. They are invested with power to decide according to the law. So is this Senate, and that law requires the recognition by the Senate of every judgment which the court of a State or either house of its legislature is authorized finally to decide.

But I wish to add another point. By virtue of that principle Mr. Watson stands before this senate de jure a senator. He has been adjudged so by the proper tribunal. But there is another principle which has not been adverted to, and that is that he was de facto a senator. There were rightfully 30 members of that electoral college; 9 members of that senate entitled to participate. He was one of them, recognized as being such. Nobody contested it. No other was excluded.

Mr. President, who ever dreamed of challenging the action of a de facto member under such circumstances until necessity made this? The Senator from Connecticut said yesterday it was one of the marvels of the age, drawing his inspiration, as he told us, from a patent-medicine advertisement, that such a case was presented. Is it not more marvelous that that whole electoral body, with a considerable majority of Republicans in it, interested to the last degree in this question, struggled through twenty-eight ballots to elect a Senator without raising a single question that that man who was sitting there as one of the 30, presiding over their assemblage, was a rightful officer there? Not until that legislature was adjourned, or on the very moment of adjournment, when the last ballot had been taken and the failure to elect had become complete, was the desperate claim asserted that an election had been made by the first ballot of the twenty-eight.

And now why is this question here? The Republicans of the State of Delaware did not elect this man. They had the power in that legislature. They were not satisfied to elect Colonel Du Pont. But 14 had voted for him until that last afternoon, when I more did. There was a great respect for the rights of property, or something else, which held back certain Republicans from this candidate. They could not be made to vote for Mr. Du Pont, or for but one candidate. But here, now, because the Republicans of the State of Delaware failed to exercise the power which they possessed, because they could not agree, they come here asking the United States Senate to seat a man who had only half of the Delaware legislature and not a majority, and therefore to absolutely nullify the vote of Mr. Watson, acting in his place as one of the 30 lawfully entitled to be there, de facto one of a rightful 30, whether he himself was entitled or not, if there had been a contestant. Would an act of the legislature have been invalid because he had so acted in legislation, though his vote had passed the bill through the senate? No. Like every officer acting de facto he is to be recognized as a valid officer, not to be challenged but by the only authority which was entitled to demand his place if he were wrongfully in it, the State of Delaware.

Mr. President, I regret that I have been detained quite so long with this discussion. I have been greatly hurried in making it, and I hoped to have given way fifteen minutes ago.

The VICE-PRESIDENT (at 5 o'clock p. m.). The question is upon the amendment submitted by the Senator from Indiana [Mr. TURPIE] to the resolution reported by the Senator from Oregon [Mr. MITCHELL].

Mr. MITCHELL of Oregon. Let the resolution and the amendment be read.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution reported by Mr. MITCHELL of Oregon, from the Committee on Privileges and Elections, February 18, 1896, as follows:

Resolved, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

The VICE-PRESIDENT. The amendment proposed by the Senator from Indiana will be read.

The SECRETARY. Before the word "entitled" insert the word "not," and strike out the last clause of the resolution; so as to read:

Resolved, That Henry A. Du Pont is not entitled to a seat in the Senate from the State of Delaware.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Indiana.

Mr. GORMAN and Mr. MITCHELL of Oregon. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GALLINGER (when Mr. ALDRICH's name was called). I am authorized to state that the senior Senator from Rhode Island [Mr. ALDRICH] is paired on this vote with the Senator from Florida [Mr. CALL].

Mr. PASCO (when Mr. CALL's name was called). My colleague [Mr. CALL], as already announced, is paired with the Senator from Rhode Island [Mr. ALDRICH]. If my colleague were present, he would vote "yea."

Mr. GEAR (when his name was called). I have a standing pair with the senior Senator from Georgia [Mr. GORDON]. If he were present, I presume he would vote "yea." I should vote "nay."

Mr. HARRIS (when his name was called). I have a standing pair with the Senator from Vermont [Mr. MORRILL]. If he were present, he would vote "nay" and I should vote "yea" upon this question.

Mr. GALLINGER. That it may not be overlooked, I desire to state that if the senior Senator from Rhode Island [Mr. ALDRICH] were present, he would vote "nay."

I desire further to state that the Senator from Maine [Mr. HALE] is paired on this vote with the Senator from South Carolina [Mr. IRBY]. If the Senator from Maine were present, he would vote "nay."

The Senator from North Dakota [Mr. HANSBROUGH] is absent from the Senate in consequence of sickness, and is paired with the Senator from Illinois [Mr. PALMER]. If the Senator from North Dakota were present, he would vote "nay."

Mr. HILL (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE].

Mr. BURROWS (when Mr. MCMILLAN's name was called). My colleague [Mr. MCMILLAN] is paired with the Senator from Kentucky [Mr. BLACKBURN]. If my colleague were present, he would vote "nay."

Mr. GALLINGER (when Mr. MORRILL's name was called). The senior Senator from Vermont [Mr. MORRILL], who is necessarily absent from the Chamber, desired me to announce that he is paired on this vote with the Senator from Tennessee [Mr. HARRIS].

Mr. HARRIS. The pair has already been announced.

Mr. NELSON (when his name was called). I am paired with the Senator from Missouri [Mr. VEST]. If he were present, he would vote "yea" and I should vote "nay."

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR]. If he were present, I should vote "yea."

Mr. SQUIRE (when his name was called). I have a general pair with the senior Senator from Virginia [Mr. DANIEL]. Were he present, I should vote "nay."

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. TELLER. My colleague [Mr. WOLCOTT] is paired. His regular pair is with the Senator from Ohio [Mr. BRICE]. I understand that his pair has been transferred to the Senator from

Nevada [Mr. JONES]. I do not know how that was done. It has been done, I understand. If my colleague were present, he would vote "nay."

Mr. GALLINGER. Having charge of the pairs upon this side on this vote, I desire simply to state that no information has come to me concerning the transfer of the pair of the Senator from Colorado [Mr. WOLCOTT], but I presume it has been done upon authority. I have no information on the point.

Mr. ALLISON. On this vote I am paired with the Senator from Ohio [Mr. BRICE] at his special request. If he were present, I should vote "nay."

Mr. DUBOIS. I am paired with the senior Senator from New Jersey [Mr. SMITH]. If he were present, he would vote "yea" and I should vote "nay."

Mr. BLACKBURN. I am paired generally with the senior Senator from Michigan [Mr. MCMILLAN]. That pair is transferred to the senior Senator from Indiana [Mr. VOORHEES], and I vote "yea."

Mr. BUTLER. I wish to state that my colleague [Mr. PRITCHARD] is absent, and is paired on this question with the Senator from Louisiana [Mr. BLANCHARD].

Mr. CHANDLER. On this question I am paired with the junior Senator from New York [Mr. MURPHY]. I suggest to the senior Senator from New York [Mr. HILL] that the pair of his colleague be transferred to the junior Senator from Massachusetts [Mr. LODGE], so that the Senator from New York and myself can vote.

Mr. HILL. That is satisfactory.

Mr. CHANDLER. I vote "nay."

Mr. HILL. I vote "yea."

Mr. ALLISON. I think I should state further, in view of what the Senator from New Hampshire [Mr. GALLINGER] has just said, that my pair with the junior Senator from Ohio [Mr. BRICE] was made at his special request, and I think in conversation he stated to me—in fact, I remember he did—that the Senator from Colorado [Mr. WOLCOTT] was paired with some other Senator.

Mr. PASCO. I will state that before the Senator from Ohio [Mr. BRICE] left he told me of the special arrangement which had been made with reference to his pair; that the Senator from Nevada [Mr. JONES] would vote on this proposition against the seating of Mr. Du Pont; and that he had accordingly transferred his pair with the Senator from Colorado [Mr. WOLCOTT] to the Senator from Nevada [Mr. JONES].

Mr. MITCHELL of Oregon. I take it for granted that the Senator in charge of the pairs on the other side of the Chamber has consent directly from the Senator from Nevada [Mr. JONES] that he should be paired in favor of the pending amendment.

Mr. PASCO. I had it upon the authority of the Senator from Ohio [Mr. BRICE]. He notified me of the pair and stated that it had been made.

Mr. HARRIS. The Senator from Idaho [Mr. DUBOIS] I believe announced a pair with some Senator on this side.

Mr. DUBOIS. I am paired with the senior Senator from New Jersey [Mr. SMITH].

Mr. HARRIS. If agreeable to the Senator from Idaho, as I am paired with the senior Senator from Vermont [Mr. MORRILL], we will transfer our respective pairs and record our votes.

Mr. DUBOIS. Very well.

Mr. HARRIS. I vote "yea."

Mr. DUBOIS. I vote "nay."

The result was announced—yeas 31, nays 30; as follows:

YEAS—31.

Allen,	Cockrell,	Jones, Ark.	Peffer,
Bacon,	Faulkner,	Kyle,	Roach,
Bate,	George,	Lindsay,	Stewart,
Berry,	Gibson,	Martin,	Turpie,
Blackburn,	Gorman,	Mills,	Vilas,
Butler,	Gray,	Mitchell, Wis.	Walthall,
Caffery,	Harris,	Morgan,	White.
Chilton,	Hill,	Pasco,	

NAYS—30.

Baker,	Cullom,	Mantle,	Sherman,
Brown,	Davis,	Mitchell, Oreg.	Shoup,
Burrows,	Dubois,	Perkins,	Teller,
Cameron,	Elkins,	Pettigrew,	Warren,
Cannon,	Frye,	Platt,	Wetmore,
Carter,	Gallinger,	Proctor,	Wilson.
Chandler,	Hawley,	Quay,	
Clark,	McBride,	Sewell,	

NOT VOTING—28.

Aldrich,	Gordon,	McMillan,	Smith,
Allison,	Hale,	Morrill,	Squire,
Blanchard,	Hansbrough,	Murphy,	Thurston,
Brice,	Hoar,	Nelson,	Tillman,
Call,	Irby,	Palmer,	Vest,
Daniel,	Jones, Nev.	Pritchard,	Voorhees,
Gear,	Lodge,	Pugh,	Wolcott.

So the amendment was agreed to.

The VICE-PRESIDENT. The question recurs upon agreeing to the resolution as amended.

Mr. MITCHELL of Oregon. Let us have the yeas and nays, Mr. President.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GALLINGER (when Mr. ALDRICH's name was called). I rise, Mr. President, to announce the pair of the senior Senator from Rhode Island [Mr. ALDRICH] with the Senator from Florida [Mr. CALL]. If the Senator from Rhode Island were present, he would vote "nay" and I presume the Senator from Florida would vote "yea."

Mr. ALLISON (when his name was called). I desire to repeat that on this question I am paired with the Senator from Ohio [Mr. BRICE], otherwise I should vote "nay."

Mr. BLACKBURN (when his name was called). I ask to repeat the announcement heretofore made, that my pair with the senior Senator from Michigan [Mr. MCMILLAN] has been transferred to the senior Senator from Indiana [Mr. VOORHEES]. I vote "yea."

Mr. CAFFERY (when Mr. BLANCHARD's name was called). My colleague [Mr. BLANCHARD] is paired with the Senator from North Carolina [Mr. PRITCHARD]. If present, my colleague would vote "yea."

Mr. DUBOIS (when his name was called). By arrangement with the Senator from Tennessee [Mr. HARRIS], he and I have transferred our pairs, so that the Senator from New Jersey [Mr. SMITH], with whom I am paired, will stand paired with the Senator from Vermont [Mr. MORRILL], who was paired with the Senator from Tennessee. I vote "nay."

Mr. GEAR (when his name was called). I have a general pair with the Senator from Georgia [Mr. GORDON]. If he were present, I should vote "nay."

Mr. GALLINGER (when Mr. HALE's name was called). I will again announce that on this vote the Senator from Maine [Mr. HALE] is paired with the Senator from South Carolina [Mr. IRBY].

Mr. GALLINGER (when Mr. HANSBROUGH's name was called). I will announce again that the Senator from North Dakota [Mr. HANSBROUGH] stands paired on this vote with the Senator from Illinois [Mr. PALMER].

Mr. HARRIS (when his name was called). My pair with the senior Senator from Vermont [Mr. MORRILL] having been transferred to the Senator from New Jersey [Mr. SMITH], I record my vote "yea."

Mr. HILL (when his name was called). I am paired with the Senator from Massachusetts [Mr. LODGE], but that pair has been transferred by arrangement with the Senator from New Hampshire [Mr. CHANDLER] to my colleague [Mr. MURPHY], and I therefore vote "yea."

Mr JONES of Arkansas (when his name was called). I have a general pair with the Senator from Maine [Mr. HALE], but that pair has been transferred to the Senator from South Carolina [Mr. IRBY]. I vote "yea."

Mr. BURROWS (when Mr. MCMILLAN's name was called). My colleague [Mr. MCMILLAN] has a general pair with the Senator from Kentucky [Mr. BLACKBURN], but that pair has been transferred to the Senator from Indiana [Mr. VOORHEES]. If my colleague were present, he would vote "nay."

Mr. NELSON (when his name was called). I am paired with the Senator from Missouri [Mr. VEST]. If he were present, he would vote "yea" and I should vote "nay."

Mr. BUTLER (when Mr. PRITCHARD's name was called). My colleague [Mr. PRITCHARD] is absent, paired with the Senator from Louisiana [Mr. BLANCHARD]. If present, my colleague would vote "nay."

Mr. PUGH (when his name was called). I again announce my pair with the senior Senator from Massachusetts [Mr. HOAR]. If he were present, I should vote "yea" and he would vote "nay."

Mr. SQUIRE (when his name was called). I again announce my pair with the Senator from Virginia [Mr. DANIEL]. If he were present, I should vote "nay."

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "nay."

The roll call having been concluded, the result was announced—yeas 31, nays 30; as follows:

YEAS—31.

Allen,	Cockrell,	Jones, Ark.	Peffer,
Bacon,	Faulkner,	Kyle,	Roach,
Bate,	George,	Lindsay,	Stewart,
Berry,	Gibson,	Martin,	Turpie,
Blackburn,	Gorman,	Mills,	Vilas,
Butler,	Gray,	Mitchell, Wis.	Walthall,
Caffery,	Harris,	Morgan,	White.
Chilton,	Hill,	Pasco,	

NAYS—30.

Baker,	Cullom,	Mantle,	Sherman,
Brown,	Davis,	Mitchell, Oreg.	Shoup,
Burrows,	Dubois,	Perkins,	Teller,
Cameron,	Elkins,	Pettigrew,	Warren,
Cannon,	Frye,	Platt,	Wetmore,
Carter,	Gallinger,	Proctor,	Wilson.
Chandler,	Hawley,	Quay,	
Clark,	McBride,	Sewell,	

NOT VOTING—23.

Aldrich,	Gordon,	McMillan,	Smith,
Allison,	Hale,	Morrill,	Squire,
Blanchard,	Hansbrough,	Murphy,	Thurston,
Brice,	Hoar,	Nelson,	Tillman,
Call,	Irby,	Palmer,	Vest,
Daniel,	Jones, Nev.	Pritchard,	Voorhees,
Gear,	Lodge,	Pugh,	Wolcott.

So the resolution as amended was agreed to.

MERCHANT MARINE ENGINEER SERVICE.

Mr. FRYE submitted the following conference report; which was read:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3013) to amend section 4131 of the Revised Statutes of the United States, to improve the merchant marine engineer service, and thereby also to increase the efficiency of the Naval Reserve, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with amendments as follows:

In the second and third lines of section 2 strike out the word "three" where it occurs in each of said lines and insert in lieu thereof the word "five."

After the word "renewal," at the end of the first paragraph in section 2, insert the following:

"And in all cases where the issue is the suspension or revocation of such licenses, whether before the local boards of inspectors, as provided for in section 4450 of the Revised Statutes, or before the supervising inspector, as provided for in section 4452 of the Revised Statutes, the accused shall be allowed to appear by counsel and to testify in his own behalf."

WILLIAM P. FRYE,
WATSON C. SQUIRE,
Managers on the part of the Senate.

S. E. PAYNE,
A. J. HOPKINS,
C. M. COOPER,
Managers on the part of the House.

The report was concurred in.

DES MOINES RIVER LAND SETTLERS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in accordance with the provisions of the sundry civil appropriation act of August 18, 1894, the report of Robert L. Berner, special commissioner to investigate the claims of the so-called Des Moines River land settlers; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

Mr. ALLISON. I ask unanimous consent that 500 extra copies of that document may be printed.

The VICE-PRESIDENT. Without objection, that order will be made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had passed the following bills:

A bill (S. 177) granting an increase of pension to Sophia D. Clendennin;

A bill (S. 246) granting a pension to Nancy Carson Blunt;

A bill (S. 247) granting a pension to Wallace McGrath;

A bill (S. 466) granting an increase of pension to William Brown;

A bill (S. 705) granting a pension to Emily B. Muncey;

A bill (S. 746) granting a pension to Elizabeth E. Donohue;

A bill (S. 1051) granting a pension to Elizabeth New, widow of Jethrow New;

A bill (S. 2175) granting a pension to James Lloyd Young, late of Company A, Sixth Regiment Kentucky Volunteers;

A bill (S. 2357) granting a pension to Elizabeth Watts Kearny, daughter of the late Philip Kearny, major-general, United States Army; and

A bill (S. 2936) to authorize the construction of a bridge across the Niagara River, in the town of Lewiston, in the county of Niagara, State of New York.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 1181) for the relief of Maria E. Wilson;

A bill (H. R. 900) to provide for the payment of the claim of William H. Mahoney;

A bill (H. R. 3426) granting an increase of pension to Eugenia R. Sweeney, widow of Brig. Gen. Thomas W. Sweeney, deceased;

A bill (H. R. 5814) granting a pension to Cassie H. Davis, widow of James P. Davis, and mother of Mary T. Davis, an invalid daughter;

A bill (H. R. 6298) to correct the military record of Charles K. Jenree, etc.;

A bill (H. R. 7161) for the relief of Benjamin F. Jones;

A bill (H. R. 7671) authorizing and directing the Secretary of the Navy to donate one condemned cannon and cannon balls to U. S. Grant Post, No. 72, Grand Army of the Republic, of Washington, Ind., Department of Indiana; and

A bill (H. R. 8012) donating condemned cannon and cannon balls.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution:

A bill (S. 2032) to grant right of way over the public domain for pipe lines in the States of Colorado and Wyoming;

A bill (H. R. 128) for the relief of Henry H. Schrawder;

A bill (H. R. 227) requiring bills of sale, conditional sales, mortgages, or deeds of trust of chattels in the District of Columbia to be recorded;

A bill (H. R. 2451) to correct the records of the War Department in the case of Capt. Henry S. Pratt;

A bill (H. R. 2740) to carry into effect a finding of the Court of Claims in favor of the estate of George Case, late of Independence County, Ark.;

A bill (H. R. 3596) to remove the charge of desertion from the military record of Michael McKenna;

A bill (H. R. 4787) to establish the port of Conneaut, in the State of Ohio, as a subport of entry in the district of Cuyahoga, in the State of Ohio;

A bill (H. R. 5388) for the relief of F. Alberts & Co., Muskegon, Mich.;

A bill (H. R. 5790) to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington;

A bill (H. R. 6172) authorizing the sale of the title of the United States in lot 5, square 1113, in the city of Washington;

A bill (H. R. 6195) amending the statutes relating to the sale of printed copies of patents;

A bill (H. R. 6663) to authorize and regulate the sale of unclaimed freight, baggage, and other property in the District of Columbia;

A bill (H. R. 6666) granting to Major C. A. Angel Post, No. 20, Grand Army of the Republic, of Lambertville, N. J., 4 condemned cannon and 20 cannon balls;

A bill (H. R. 6836) to amend section 2981 of the Revised Statutes as amended by the act of June 10, 1880;

A bill (H. R. 7100) to donate 8 condemned cannon and 100 cannon shot to the Grand Army of the Republic Cemetery Association of Colorado;

A bill (H. R. 7140) granting to A. L. Robeson Post, No. 42, Grand Army of the Republic, of Bridgeton, N. J., 4 condemned cannon and 20 cannon balls;

A bill (H. R. 7143) granting to the Soldiers and Sailors' Monument Association, of the county of Middlesex, in the State of New Jersey, 4 condemned cannon and 30 cannon balls;

A bill (H. R. 7172) donating four condemned cannon and four pyramids of condemned cannon balls to the Soldiers' Monument Association, of Allegan, Mich.;

A bill (H. R. 7216) donating one condemned cannon and cannon balls to Grand Army of the Republic Post, No. 573, of Evans City, Pa.;

A bill (H. R. 7264) to provide for the drainage of lots in the District of Columbia;

A bill (H. R. 7973) to establish a railroad bridge across the Illinois River near Grafton, Ill.;

A bill (H. R. 8266) donating two condemned cannon to Custer Post, No. 38, Grand Army of the Republic, of Etna, Pa., and two condemned cannon to James G. Clark Post, No. 162, Grand Army of the Republic, of Allegheny, Pa.;

A bill (H. R. 8532) to establish certain harbor regulations for the District of Columbia;

A bill (H. R. 8013) donating one condemned cannon and cannon balls to Grand Army of the Republic, L. W. Cooper Post, Department of Missouri, No. 81, of Lathrop, Mo.;

A bill (H. R. 8077) granting to Budlong Post, Grand Army of the Republic, of Westerly, R. I., two condemned mounted brass cannon; and

A joint resolution (H. Res. 122) authorizing the Secretary of the Navy to deliver condemned cannon to Chamberlain Post, Grand Army of the Republic, to be posted by the soldiers' monument at St. Johnsbury, Vt.

DISTRICT APPROPRIATION BILL.

Mr. TELLER. I move that the Senate proceed to the consideration of the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes.

The motion was agreed to.

Mr. HARRIS. If the Senator from Colorado will yield to me for the purpose I have in view, I will move that the Senate do now adjourn.

Mr. BLACKBURN and Mr. FAULKNER. Let us have an executive session.

Mr. HARRIS. Then I move that the Senate proceed to the consideration of executive business.

Mr. BLACKBURN. Has the appropriation bill been taken up?

Mr. HARRIS. The bill is before the Senate.

Mr. BLACKBURN. I rise to a parliamentary inquiry. I desire to know whether the motion of the Senator from Colorado prevailed, and the bill indicated by him to make appropriations for the support of the government of the District of Columbia has been taken up and is now before the Senate?

Mr. TELLER. I understood the bill had been taken up.

Mr. HARRIS. Unquestionably.

The VICE-PRESIDENT. The Chair so understands. The Senator from Colorado made the motion, and it was agreed to without objection.

Mr. BLACKBURN. I only wanted to know whether the bill was before the Senate.

Mr. TELLER. The bill is before the Senate.

The VICE-PRESIDENT. The bill is before the Senate. The question is on the motion of the Senator from Tennessee, that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 41 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 16, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 15, 1896.

CONSULS.

John Fowler, of Massachusetts, to be consul of the United States at Chefoo, China, to take effect July 1, 1896.

Robert Lee Jenkins, of North Carolina, to be consul of the United States at Patras, Greece, vice Edward Hancock.

UNITED STATES DISTRICT JUDGE.

William Lochren, of Minnesota, to be United States district judge for the district of Minnesota, vice Rensselaer R. Nelson, resigned.

COMMISSIONER OF PENSIONS.

Dominic I. Murphy, of Philadelphia, Pa., now First Deputy Commissioner of Pensions, to be Commissioner of Pensions, vice William Lochren, resigned.

FIRST DEPUTY COMMISSIONER OF PENSIONS.

Napoleon J. T. Dana, of Portsmouth, N. H., to be First Deputy Commissioner of Pensions, vice Dominic I. Murphy, nominated for appointment as Commissioner of Pensions.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 15, 1896.

CONSUL.

Ernest A. Man, of Florida, to be consul of the United States at Bergen, Norway.

APPOINTMENT IN THE REVENUE-CUTTER SERVICE.

Samuel A. W. Patterson, of Pennsylvania, to be a third lieutenant.

PROMOTIONS IN THE ARMY.

Cavalry arm.

First Lieut. Daniel Hall Boughton, Third Cavalry, to be captain.

Second Lieut. Andrew Gregg Curtin Quay, Fifth Cavalry, to be first lieutenant.

To be post chaplain.

The Rev. Ivory Hovey Bartlett Headley, of Massachusetts.

To be professor of civil and military engineering.

Capt. Gustav Joseph Fiebeger, Corps of Engineers, United States Army.

Medical Department.

Capt. Samuel Quincy Robinson, assistant surgeon, to be surgeon.

EXAMINER IN CHIEF, PATENT OFFICE.

John H. Brickenstein, of Lititz, Pa., to be an examiner in chief in the Patent Office.

POSTMASTERS.

W. F. Symons, to be postmaster at Brunswick, in the county of Glynn and State of Georgia.

William Munroe, to be postmaster at Quincy, in the county of Gadsden and State of Florida.

Amos Kendall Jones, to be postmaster at Union, in the county of Union and State of Oregon.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 15, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

PERSONAL EXPLANATION.

Mr. CANNON. Mr. Speaker, in justice to the gentleman from Tennessee [Mr. MCCALL], I desire to make a brief statement. On the 8th day of May I voted for the House resolution to pay clerks to members during vacation. I am also announced in the RECORD as paired with the gentleman from Tennessee [Mr. MCCALL], I being in favor of the resolution and he against it. I recollect now having agreed to pair with him and the announcement was properly made, but I am so rarely paired that it did not occur to me at the time, and I voted. I make this statement in justice to the gentleman from Tennessee.

QUESTION OF PERSONAL PRIVILEGE.

Mr. HOWARD. Mr. Speaker, I rise to a question of personal privilege. It refers to charges made by members of the press gallery about three months ago, and I will read an extract from the St. Louis Republic, as it contains perhaps the most dastardly and willfully false statement to be found in any of the papers on this subject. This is the extract:

On the 3d of March, 1895, Senator Riddleberger, a Virginia Republican, being drunk and disorderly in the Senate of the United States, was, by direction of the President pro tempore, Ingalls, forcibly ejected from the Senate Chamber. Not for many years before and not since then has such a spectacle presented itself of national disgrace as the taking of HOWARD from the House of Representatives to-day. HOWARD, it seems, has been on a spree for four or five days, and to-day entered the Chamber and went to sleep on a lounge back of the seats, in plain sight of the galleries. He had not changed his linen in several days, and his appearance was that of a disreputable tramp. A couple of the House porters were instructed to lift him up and take him out. This was done by two colored men, who half lifted and half led him out in the presence of the House and a large concourse of disgusted spectators.

Now, Mr. Speaker, I have not before attempted to trespass upon the time of this House, nor would I to-day, sir, but for the fact that I feel it is due to the people whom I represent, due to the children who bear my name, to brand this lie and slander here. It is well known by members on this floor and has been testified to by my physician and by Dr. Stafford, one of the most eminent ministers of this city, who was in constant attendance by my bedside, that at the very time these cowardly words were penned I was hovering between this shore and that bourn from whence no traveler has ever returned. And, sir, I am informed that the correspondent of the St. Louis Republic sent a private message to a gentleman in my district on the same evening making this same charge against me. Sir, he—

Who steals my purse steals trash; 'tis something, nothing;
'Twas mine, 'tis his, and has been slave to thousands;
But he that filches from me my good name
Robs me of that which not enriches him
And makes me poor indeed.

Sir, no matter what feeling may exist against me, no matter what political party I may belong to, I am a member of this House, and so long as I am a member I am entitled to its protection. The attack made upon me by the press of this country is outrageous and should be stamped with condemnation. Gentlemen on this floor, members of the press, who made this charge, knew that I was lying at death's door, and for a month I was unable to leave my bed; and only day before yesterday was I able to come here and resume my duties.

Some of the papers have charged, sir, that there is a great feeling against the members of the Populist party on the part of Southern Democrats. I do not know whether this be true or false; but, sir, if my party and if the principles and ideas I represent are wrong, abuse and vilification and vituperation will never get the deluded people back into the right fold. Why, gentlemen, the very name "Democrat" was first given to your party as a name of reproach, yet that party gave to this country an Andrew Jackson. And the Abolition party, hated and despised and maligned, sowed the seed from which sprang the greatest patriot, the best friend of the poor man the world ever saw, Abraham Lincoln. [Applause.] It may be, sir, that this People's Party has "fanatics" in it; it may be that we are "wild-eyed lunatics." But the free-silver Democrats and the free-silver Republicans are also classed as "wild-eyed lunatics," except that they are harmless, and we are not. [Laughter.] Sir, I do not feel that in this body there should be such a distinction made. And I am here to say, further, that no member of the People's Party has ever been seen on this floor under the influence of whisky, and you can publish that to the world.

With these remarks, sir, I have nothing more to say. I deny the charge most specifically. It is absolutely unfounded and false; and the men who made it knew that it was untrue.

I will add the remark (suggested to me by a friend near me) that I came here to vote for the silver bill. I came against the wishes of my physician. Friends on the floor saw, when I came here, my feeble condition. The gentleman from South Carolina [Mr. MCLAURIN], who sat by my side, saw that I was extremely and desperately ill and advised me to return to my hotel. I do think, sir, in the name of justice, in the name of all that is fair and right, this House ought to protect members when they are sick against such charges as these. [Applause.]

But I do not fear the consequences. Already the reaction has come. The newspapers said, "Here comes the end of the career of HOWARD." The wish was father to the thought. Sir, that will never be, so long as I stand by the common people of this country; and I have nothing to fear, because—

Truth crushed to earth shall rise again—
The eternal years of God are hers;
But Error, wounded, writhes with pain,
And dies among his worshipers.

[Applause.]

BRIDGE ACROSS NIAGARA RIVER.

Mr. WADSWORTH. I ask unanimous consent for the present consideration of the bill (S. 2936) to authorize the construction of a bridge across the Niagara River, in the town of Lewiston, in the county of Niagara, State of New York.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. I reserve the right to object. There was so much confusion during the reading of the bill that I could not hear distinctly its provisions. I should like to know whether the bill carries any appropriation.

Mr. WADSWORTH. No, sir. It is a bill which has been passed by the Senate, and reported favorably by the Committee on Commerce of this House.

Mr. TALBERT. And it makes no appropriation?

Mr. WADSWORTH. No, sir. Mr. Speaker, I ask for the passage of the bill.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. WADSWORTH, a motion to reconsider the last vote was laid on the table.

ADJOURNMENT TILL MONDAY.

Mr. DINGLEY. I desire to make a privileged motion. I move that when the House adjourn to-day it adjourn to meet on Monday next.

The motion was agreed to.

MUSKOGEE, OKLAHOMA AND WESTERN RAILROAD COMPANY.

Mr. MCRAE. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk proceeded to read the bill (S. 1741) to authorize the Muskogee, Oklahoma and Western Railroad Company to construct and operate a line of railway through Oklahoma and the Indian Territory, and for other purposes.

Mr. MAHON (before the reading was concluded) called for the regular order.

DELEGATE FROM ALASKA.

Mr. SCRANTON. I rise to a parliamentary inquiry. I gave notice yesterday that to-day I would call up the motion to reconsider the vote by which the bill (H. R. 3826) to provide for the election of a Delegate from Alaska was defeated on its third reading. It has since been suggested to me that, this being private-bill day, the consideration of such a motion as I indicated would not be in order. I should like to have the opinion of the Chair on that point.

The SPEAKER. The Chair thinks it would not be in order to-day, as it is not private business.

Mr. SCRANTON. Then I give notice that I will call up the motion to reconsider at the first opportunity.

Mr. PERKINS. Mr. Speaker, I would like to raise a question of order on this matter.

The SPEAKER. The gentleman will state it.

Mr. PERKINS. On the 1st day of May the House had under consideration the bill No. 3826, and after discussion rejected it. The following evening, just before adjournment, the gentleman from Massachusetts [Mr. KNOX] entered a motion——

The SPEAKER. The bill is not up now.

Mr. PERKINS. I know. He entered a motion for reconsideration. My point is as to whether the gentleman from Massachusetts, having acted and voted with the minority, is competent to enter a motion for reconsideration or whether in fact——

The SPEAKER. The question is not now before the House. The Chair will state, however, that the uniform decisions are, where there is no record vote, that a gentleman entering such motion is assumed to have acted with the prevailing side.

Mr. PERKINS. But the gentleman made a record on the floor——

Mr. KNOX. Evidence can not be introduced on that question.

The SPEAKER. The matter is not now before the House.

Mr. PICKLER. I demand the regular order.

ADA J. SCHWATKA.

The SPEAKER laid before the House the bill (S. 710) granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka, with House amendment, disagreed to by the Senate, and a request for a conference thereon.

Mr. LOUDENSLAGER. This bill, Mr. Speaker, was passed by the House at $17 a month. The Senate bill fixed it at thirty.

The SPEAKER. What motion does the gentleman make?

Mr. LOUDENSLAGER. I move that the House insist on its amendment, and agree to the conference asked by the Senate.

Mr. DINGLEY. One moment before action is taken. Did the House cut the amount down?

Mr. LOUDENSLAGER. Yes; the Senate passed the bill for $30 a month and the House committee recommended seventeen.

Mr. DINGLEY. So the House cut down the pension to $17 a month?

Mr. LOUDENSLAGER. Yes.

Mr. DINGLEY. What is the object of the conference?

Mr. LOUDENSLAGER. To insist on the House amendment.

Mr. DINGLEY. Very well; if that is the object, all right.

Mr. LOUDENSLAGER. That is the object.

The motion of Mr. LOUDENSLAGER was agreed to.

DONATION OF CONDEMNED CANNON.

The SPEAKER also laid before the House the bill (H. R. 7671) authorizing and directing the Secretary of the Navy to donate one condemned cannon and cannon balls to U. S. Grant Post, No. 72, Grand Army of the Republic, of Washington, Ind., Department of Indiana, with amendments by the Senate.

The amendments were read at length and concurred in.

The SPEAKER also laid before the House the bill (H. R. 8012) donating condemned cannon and cannon balls.

The bill was read at length.

The SPEAKER. The Clerk will report the Senate amendments.

The amendments of the Senate were read at length.

The SPEAKER. The question is on concurring in the Senate amendments.

Mr. PICKLER. Pending that, Mr. Speaker, I would like to inquire, if there is a member of the Committee on Naval Affairs here this morning, in regard to what action the committee has taken, if any, upon the resolution of the gentleman from Ohio [Mr. GROSVENOR] in regard to the distribution of these condemned cannon?

I think it must be nearly two or three months ago when, during a discussion of one of these bills here, the gentleman from Ohio suggested that this matter had better be referred to that committee with instructions, or an indication, at least, of a desire on the part of the House that a general bill should be reported on this subject. I have not heard anything from that committee, although I have heard a number of the members inquiring about what had become of that bill. If there is a member of the committee present, I would like to know what action they have taken or contemplate taking with reference to it.

The SPEAKER. The question is on concurring in the Senate amendments.

Mr. GROSVENOR. Mr. Speaker, I introduced that resolution, or motion, referred to by the gentleman from South Dakota, by reason of the expression of opinion made in the House, and I myself am somewhat at a loss to know why that general proposition seems not to have been acted upon, or is wholly ignored, while all of these little matters of special bills have been very rapidly introduced into the House and passed. I think the expression of the House is decidedly in favor of having some general distribution of these matters.

I see the gentleman from Ohio [Mr. HULICK] is present, a member of the Naval Committee, and I would like to inquire of him whether any action has been taken upon the general proposition in regard to the disposition of these condemned cannon in some systematic manner?

Mr. HULICK. In answer to the gentleman's inquiry I will state that a bill of that kind was before the committee, and referred to the subcommittee, but no action was taken by that subcommittee. The matter has been discussed generally, but no report has been made. I think it is the sentiment of the committee, however, that a general bill should be reported, and when private bills have been referred to the committee they have discouraged the introduction and reporting of them for the reason that they favor a general bill. Nevertheless the committee have not as yet reported that general bill.

Mr. GROSVENOR. Then, Mr. Speaker, I do not know that there is any remedy for it, except that if anybody desires to obstruct and object to the passage of these local bills or special bills

he may do so. I have no feeling about it. I want to get two or three cannon in my district for a special purpose, but I withheld my local matter simply for the purpose of having this general proposition acted upon.

Mr. HULICK. I will state further to the gentleman that I think, in view of the expressions which have already been made in the committee, that a general bill will be reported, and I will bring the matter before the committee myself at the next meeting.

The Senate amendments were concurred in.

On motion of Mr. SPALDING, a motion to reconsider the last vote was laid on the table.

CHARLES K. JENREE.

The SPEAKER also laid before the House the bill (H. R. 6298) to correct the military record of Charles K. Jenree, etc., with Senate amendments thereto.

The amendments of the Senate were read and concurred in.

CONDEMNED CANNON, ELMWOOD, ILL.

The SPEAKER also laid before the House the bill (H. R. 4324) authorizing the Secretary of the Navy to deliver one condemned cannon to the city of Elmwood, Peoria County, Ill., with Senate amendments thereto.

The Senate amendments were read.

Mr. GROSVENOR. I desire to offer an amendment to that bill, substituting a Senate bill of a general character, which has already passed the Senate and been favorably reported from the Military Committee of the House. Otherwise I shall not consent to pass these single bills, because they are a complete reversal of the order of the House upon that question. I have sent for the Senate bill, and I ask that this bill may be laid aside long enough for me to get the bill that I want to substitute.

The SPEAKER. The Chair does not think the amendment to substitute a general bill would be in order.

Mr. GROSVENOR. That is the question that has troubled me. [Laughter.]

The SPEAKER. The question is on agreeing to the amendments of the Senate.

Mr. GROSVENOR. I do not think I ought to oppose this bill under the circumstances, but I hope it will be laid aside and that some general arrangement will be made about this matter. The first thing we know these bills that go through without any consideration will have absorbed all of these cannon, probably a large portion of them in one or two States. I think there ought to be a fair and equitable distribution of these cannon.

Mr. DOCKERY. I will ask the gentleman if the Senate has not already passed some general bill, which will soon be here?

Mr. GROSVENOR. They have passed such a bill and it is here, and I am trying to see if it is in order to substitute that bill for this.

Mr. DOCKERY. For a private bill?

Mr. GROSVENOR. This is not a private bill necessarily.

Mr. DOCKERY. That would not be in order. I should like to act in harmony with the views of the gentleman, but I do not see how he can accomplish his purpose on this bill.

Mr. GROSVENOR. Well, I do not know myself. [Laughter.] I hope the bill will not pass. I hope the House will take interest enough in this matter to suspend the consideration of these single bills.

Mr. DOCKERY. Why not ask unanimous consent that the bill lie on the Speaker's table?

Mr. GROSVENOR. I ask unanimous consent that the bill lie on the Speaker's table without losing its place until the matter can be investigated.

The SPEAKER. The gentleman from Ohio [Mr. GROSVENOR] asks unanimous consent that the bill before the House be laid aside and retain its place on the Speaker's table until the further order of the House. Is there objection?

There was no objection.

BENJAMIN F. JONES.

The SPEAKER also laid before the House the bill (H. R. 7161) for the relief of Benjamin F. Jones, with Senate amendments thereto.

The Senate amendments were read and concurred in.

On motion of Mr. SPENCER, a motion to reconsider the last vote was laid on the table.

WILLIAM H. MAHONY.

The SPEAKER laid before the House the bill (H. R. 900) to provide for the payment of the claim of William H. Mahoney, with Senate amendments changing the spelling of the name of the beneficiary in the body of the bill and title.

The Senate amendments were read and concurred in.

On motion of Mr. BARHAM, a motion to reconsider the vote by which the Senate amendments were concurred in was laid on the table.

MARIA E. WILSON.

The SPEAKER laid before the House the bill (H. R. 1181) for the relief of Maria E. Wilson, with a Senate amendment.

The bill and the Senate amendment were read.

Mr. DINGLEY. Mr. Speaker, let the words to be stricken out be reported.

The Clerk read as follows:

And that her pension be rated from the date of the soldier's death as the widow of a captain instead of first lieutenant.

The Senate amendment was concurred in.

EUGENIA R. SWEENY.

The SPEAKER laid before the House the bill (H. R. 3426) granting an increase of pension to Eugenia R. Sweeney, widow of Brig. Gen. Thomas W. Sweeney, deceased.

The bill and Senate amendments were read, changing the spelling of the word "Sweeney" in body of bill and title to "Sweeny."

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendments.

The Senate amendments were concurred in.

BRIDGE OVER MISSOURI RIVER AT ST. LOUIS.

Mr. MURPHY of Illinois. Mr. Speaker, I desire to ask unanimous consent to call up the bill H. R. 2698, which passed the Senate with amendments, and ask the House to nonconcur in the Senate amendments, and that a committee of conference be appointed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. DINGLEY. Let the title of the bill be read.

The Clerk read as follows:

A bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county.

Mr. HENDERSON. I would like an explanation of the Senate amendments before that is acted upon.

Mr. MURPHY of Illinois. The material amendment of the bill of the Senate is by placing a three-quarter-mile limit in the bill. The bill provides that the location shall be left to river engineers, and for that purpose we desire a conference.

Mr. HENDERSON. That is, three-quarters of a mile from the other bridges.

Mr. MURPHY of Illinois. That is it.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. MCRAE. Mr. Speaker, I do not know anything about the merits of this bill, but I want to say that the unanimous consents allowed appear to me to be distributed very unfairly. The regular order is usually called against the requests from this side.

Mr. CANNON. This is merely to put the bill in conference.

Mr. MCRAE. I know; but there are a great many bills of like character not so far advanced as this which are desired to be passed by members on the Democratic side. We have been unable from some cause to get anything like a just proportion of consideration for bills of this character or other usually passed by unanimous consent.

Mr. MURPHY of Illinois. Allow me to explain to you——

Mr. MCRAE. Now, let me say to the gentleman that I do not know anything about his bill, and I have no objection to its consideration; but there must also be some consideration given to those of us on this side of the Chamber who want to secure for our constituents legislation to which there can be no reasonable objection. The regular order is not often demanded when consents are asked for on your side, but the call is quite frequent when we obtain recognition for such purpose upon this side. Now, almost all of the legislation of this Congress has been passed by unanimous consent and the committees have not been called more than once or twice. There has been no unreasonable objection to legislation which has been favorably reported by a committee——

Mr. MAHON. Regular order.

Mr. MCRAE (continuing). Such as bridge bills and rights-of-way bills, of which there are many in our section of the country. This morning one bill of that character was passed on the motion of a Republican, when immediately following it, at the request of my colleague [Mr. DINSMORE], who is in bed sick, I asked for the consideration of a Senate right-of-way bill which has been favorably reported to the House, and to which there can not be any reasonable objection, the regular order was demanded from that side.

Mr. PICKLER. Was not that a very long bill?

Mr. MCRAE. It would be no longer than this bill if this is read in full, as it might be.

Mr. CANNON. This will not require to be read.

Mr. MCRAE. It will not require to be read if the House

consents to dispense with it. I do not know of any objection to the bill and I do not want to assume any unfriendly attitude toward it, but I do want to give you notice that from now on unanimous consent must be fairly distributed between the two sides or the regular order will be called and the business transacted under the rules.

Mr. PICKLER. I think you have had your full share of recognitions.

Mr. HENDERSON. Is this a lecture to the gentleman from Illinois or to the presiding officer of the House?

Mr. MURPHY of Illinois (to Mr. MCRAE). After I get this bill through I will have leisure to help the gentleman.

Mr. MCRAE. I say I have no objection to this bill, and shall not interpose an objection to its consideration, but I do insist that the treatment of this side this morning and for several days within the last two weeks has been unfair. You all know that this morning unanimous consent was given for the consideration of a bridge bill for a railroad company, and when I asked unanimous consent for the consideration of a right-of-way bill on behalf of my colleague [Mr. DINSMORE] the regular order was promptly demanded. These right-of-way bills are formal, but often are very important, equally as much so as bridges.

Mr. STEELE. I desire to know if there is any record kept, so as to know whether the assertions made by the gentleman are backed up by facts?

The SPEAKER. The Chair has caused a record to be made, but has no recollection about the number, and he has not examined with reference to this class of bills; but his memory is that a full proportion has been allowed. In fact, he has never failed to allow a bridge bill to have an opportunity to be brought up before the House, and he regards that as business eminently suitable for unanimous consent, because it is business to which there can be no objection. It is formal in its character and absolutely necessary for the improvement of the country.

Mr. MCRAE. Mr. Speaker, the Chair misapprehends the complaint that I made. It was not that recognition had not been accorded by the Chair. There may have been some discrimination in that regard, but the criticism I made was that the regular order has been demanded against your recognitions given to this side or just before they expect to secure them, and that it has not been demanded when recognition was given to the other side. I insist that common fairness requires that if members of the majority, who are responsible for legislation, think it proper to demand the regular order, they should do so before any bills have been passed for their political friends and not wait until the Speaker had given recognition to this side, as was the case this morning.

Mr. STEELE. Now, Mr. Speaker, I would like to know, further, if it is not a fact that the Democratic side has had as many unanimous consents and has had as many bills passed in that way, in proportion to the number of members on that side, as we have had, or more than we have had?

The SPEAKER. The Chair does not think that is so. The Chair has endeavored to apportion recognitions in proportion to the number of members on each side, which, of course, is accurate and proper, because the number of members represents, in a general way, the business of the country.

Mr. STEELE. I do not think there has been any disposition at all to discriminate against that side.

Mr. MCRAE. I remember two occasions within the last ten days when on one day I think there were four recognitions and on another six on the Republican side and only one on this side.

The SPEAKER. The Chair desires to say, moreover, that there have not been so many demands for recognition on the Democratic side. On some days the Chair has looked over there and has found nobody rising; and therefore, of course, could not give recognition.

Mr. MCRAE. Well, I sit away back in the Hall, Mr. Speaker, and perhaps the Chair did not always see me when I rose; but we will try to make the demand if that is the reason we have not gotten more than we have.

The SPEAKER. Possibly. Is there objection to the present consideration of the proposition?

Mr. MAHON. Regular order, Mr. Speaker.

Mr. CANNON. I hope the gentleman from Pennsylvania will not insist on that.

The SPEAKER. The gentleman from Pennsylvania demands the regular order, which covers this question.

Mr. HENDERSON (to Mr. PICKLER). Now, go ahead with your pension business.

HOGE VS. OTEY.

Mr. DE ARMOND. Mr. Speaker, I am directed by the Committee on Elections No. 3 to call up for action by the House the resolutions submitted unanimously by the committee in the contested-election case of Hoge vs. Otey.

The SPEAKER. The Clerk will read the resolutions.

The resolutions were read, as follows:

Resolved, That J. Hampton Hoge was not elected and is not entitled to a seat in the House as the Representative in Congress from the Sixth district of Virginia.

Resolved, That Peter J. Otey was duly elected and is entitled to a seat in the House of Representatives as the Representative in the Fifty-fourth Congress from the Sixth district of Virginia.

The resolutions were adopted.

On motion of Mr. DE ARMOND, a motion to reconsider the vote by which the resolutions were adopted was laid on the table.

ORDER OF BUSINESS.

Mr. PICKLER. Regular order, Mr. Speaker.

The SPEAKER. The order is the unfinished business. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 986) for the relief of Hiram P. Pauley.

Mr. PICKLER. I demand the previous question.

Mr. RICHARDSON. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. I understood the Chair to call for the unfinished business. I would inquire of the Chair by what order this bill comes up as unfinished business?

The SPEAKER. The Chair intended to call for the bills reported from the Committee of the Whole, of which the Chair understands this to be one.

Mr. RICHARDSON. This being Friday, private-bill day, would not bills on the Private Calendar be in order if the motion were made to go into Committee of the Whole?

The SPEAKER. A motion can be made for that purpose after the unfinished business is disposed of.

Mr. RICHARDSON. When was this bill reported from the committee? Is it a bill that has been considered at a Friday night session?

The SPEAKER. It is the first bill on the unfinished Calendar.

Mr. PICKLER. The first unfinished business on the Private Calendar.

Mr. RICHARDSON. When did it receive consideration in Committee of the Whole?

Mr. PICKLER. On Friday, May 8.

The SPEAKER. It appears to have been considered at a Friday night session.

Mr. RICHARDSON. Is it the opinion of the Chair that measures so reported would take precedence over the Private Calendar on Friday?

The SPEAKER. Not at all. This is the Private Calendar. But, in the opinion of the Chair, this bill takes precedence of the motion to go into Committee of the Whole.

Mr. PICKLER. That is the rule.

Mr. MCMILLIN. I would ask the chairman of the Committee on Invalid Pensions whether there are not a good many of these bills?

The SPEAKER. There is a large number of them——

Mr. MCMILLIN. I was going to make this suggestion: The House, out of kindness and charity toward the old soldier, sets apart every Friday night for the consideration of pension bills. It has been the custom until recently to dispose of such bills on Friday night; but I submit to the chairman of the Invalid Pensions Committee that if we pursue the course now proposed—I am inclined to think the Chair has ruled correctly as to the business entitled to take precedence; I am not making any complaint of the ruling in that regard, for, though the question has been ruled both ways, the weight of authority is probably with the Chair—but if the course now proposed be pursued, I submit to the gentleman who has charge of this class of business, the result will be that if pension bills are not finished up at the Friday evening session by the action of the House upon them, if the whole of the evening session is consumed in considering bills in Committee of the Whole and reporting them to the House, business of that character will be piled up to such an extent as to take the whole of each succeeding Friday to dispose of it. I submit to the gentleman whether he thinks it fair that the whole Private Calendar, including numbers of different classes of claims, should stand in abeyance on account of the kindly order which has been made giving Friday nights to these pension claims.

Mr. PICKLER. In the regular course of business the Committee of the Whole on Friday nights would rise, and the bills acted on in Committee of the Whole would be passed; but we have been unable to have bills passed on Friday nights, because gentlemen have raised the point of no quorum. The bills passed on Friday night would not ordinarily occupy on the succeeding Friday more than thirty minutes of the time of the House to pass them; and then, of course, the motion to go into Committee of the Whole for the regular business on the Private Calendar would be in order. But as we have had pension bills under consideration for two days, the list of bills requiring the action of the House is longer to-day than usual and the disposition of those bills will necessarily take up a little more time.

Mr. MCMILLIN. Why were not these bills disposed of during those two days which were given by the House for the consideration of this class of business?

The SPEAKER. The two days were given for the consideration of pension business in Committee of the Whole; and it is somewhat questionable whether——

Mr. MCMILLIN. I have no complaint to make except to call the attention of the House to the fact that by this method of proceeding, Friday night being given to the consideration of pension cases, the business coming over from that session comes in and consumes practically the next Friday, the result of which must be that no consideration can be given to any other class of claims. This I regard as wholly unjust. I would not do injustice to the soldier, but I do not think that the whole of the time appropriated to private business ought to be given to this class of legislation.

Mr. PICKLER. I think that both the gentlemen from Tennessee [Mr. MCMILLIN and Mr. RICHARDSON] will bear me out in the statement that I have never antagonized private-bill day for the consideration of ordinary claims.

Mr. RICHARDSON. Not at all. I have no complaint to make of the gentleman in that regard. But I understood that bills considered on Friday evenings—pension bills considered in Committee of the Whole and reported therefrom—were not in order on a succeeding day unless the previous question had been ordered upon them at the Friday night meeting, in which case they would be considered at the next session of the House. But I understand in these cases the previous question has not been ordered.

The SPEAKER. It has not been; but these bills remain on the Calendar as unfinished business.

Mr. RICHARDSON. Would they not be unfinished business for Friday evening?

The SPEAKER. Unfinished business for Friday.

Mr. RICHARDSON. How could that be? They are not in order on Friday, as I understand.

The SPEAKER. The Chair has ruled on that point once or twice this session; and ruled on it in the Fifty-first Congress in the same way.

Mr. RICHARDSON. I was not aware of the fact that this particular question had been ruled on by the Chair. I would not undertake to argue against the ruling which the Chair has made; but I do not remember that in the Fifty-first Congress bills of this kind were ever brought over where the previous question had not been ordered.

The SPEAKER. The fact that so large a number of these bills are brought forward to-day is owing, as the Chair understands, to two circumstances. In the first place there has been difficulty at the night sessions in procuring a quorum—a House quorum—to pass the bills. Another difficulty has arisen from the fact that two days have recently been given under a special resolution of the House for the consideration of pension business in Committee of the Whole. That is what has caused the accumulation of these bills at the present time. The result of these various causes is that the whole session's work on bills of this character, or at least a large portion of it, has been crowded into to-day.

Mr. RICHARDSON. I wish to ask whether the language of the special rule giving the Committee on Pensions and the Committee on Invalid Pensions two days for the consideration of their bills provided only for the consideration of such bills in the Committee of the Whole? Did it not mean, at least by implication, that such bills, after being considered in Committee of the Whole, should be brought up in the House—not that the entire day should be used for the consideration of such bills in the Committee of the Whole?

The SPEAKER. The Chair thinks that, perhaps, is the way the order ought to have been drawn, but upon examination it seems that it was not so drawn.

The Clerk will proceed with the reading of the bill.

The bill was read at length, and also the amendment.

Mr. PICKLER. Mr. Speaker, I demand the previous question on the bill to its passage.

The previous question was ordered; under the operation of which the amendment recommended by the Committee of the Whole was agreed to, and the bill as amended ordered to be engrossed and read a third time.

Mr. TALBERT. Mr. Speaker, I make the point that the engrossed bill is not present. I demand the reading of the engrossed bill.

The SPEAKER. The bill will be laid aside to be engrossed.

Mr. TALBERT. I desire to make this statement now to save time——

The SPEAKER. The previous question having been ordered, no statement can be made now.

The Clerk will report the next bill.

HATTIE A. BEACH.

The next business reported from the Committee of the Whole was the bill (H. R. 4903) for the relief of Hattie A. Beach, child of Erastus D. Beach, late a private in Company H, One hundred and forty-third New York Volunteers.

Mr. PICKLER. I demand the previous question.

The previous question was ordered, under the operation of which the amendment was agreed to, and the bill as amended ordered to be engrossed and read a third time.

Mr. TALBERT. Now, Mr. Speaker, I make the same point on this bill—that it has not been engrossed.

The SPEAKER. The gentleman demands the reading of the engrossed bill.

Mr. TALBERT. I do.

The SPEAKER. The bill will be laid aside to be engrossed.

Some time subsequently,

Mr. TALBERT. Mr. Speaker, I desire to ask unanimous consent to recur to House bill No. 4903. I want to state that when I objected on the ground of its not being engrossed my impression was that it was a bill for the removal of a charge of desertion. I find on examination that it is a bill for pension to the child of Erastus D. Beach, and I ask unanimous consent that the question be taken upon its passage.

The SPEAKER. The objection of the gentleman from South Carolina is withdrawn. Is there further objection.

There being no further objection, the bill was read the third time, and passed.

LAMBERT L. MULFORD.

The next business was the bill (H. R. 4753) reported from the Committee of the Whole without amendments.

Mr. PICKLER. I ask the previous question.

The previous question was ordered, under the operation of which the amendments were agreed to and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ELIZABETH SADLER.

The next business was the bill (H. R. 3421) granting a pension to Elizabeth Sadler.

Mr. PICKLER. I demand the previous question.

The previous question was ordered, under the operation of which the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ARMINDA WHITE.

The next business was the bill (H. R. 2358) for the relief of Arminda White, reported from the Committee of the Whole with amendments.

Mr. PICKLER. I demand the previous question on the bill and amendments.

The previous question was ordered, under the operation of which the amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time, and it was accordingly read the third time, and passed.

HELEN M. JACOB.

The next business was the bill (S. 149) granting a pension to Helen M. Jacob, reported with amendments.

Mr. PICKLER. I demand the previous question.

The previous question was ordered, under the operation of which the amendments were agreed to, and the bill as amended ordered to a third reading; and it was read the third time, and passed.

ELIZA SANFORD.

The next business was the bill (S. 1189) granting a pension to Eliza Sanford, reported from the Committee of the Whole with amendments.

Mr. PICKLER. I demand the previous question.

The previous question was ordered, under the operation of which the amendment was agreed to, and the bill as amended ordered to a third reading; and it was read the third time, and passed.

MRS. VIRGINIA TURTLE.

The next business was the bill (H. R. 3264) to increase the pension of Mrs. Virginia Turtle, of the District of Columbia, reported with amendments.

Mr. PICKLER. I demand the previous question.

The previous question was ordered, under the operation of which the amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ELIZABETH W. SUTHERLAND.

The next business was the bill (S. 1420) granting a pension to Elizabeth W. Sutherland.

On motion of Mr. PICKLER, the previous question was ordered, under the operation of which the amendment was agreed to, and the bill as amended ordered to a third reading; and it was accordingly read the third time, and passed.

MRS. WILLIAM LORING SPENCER.

The next business was the bill (H. R. 4020) granting an increase of pension to Mrs. William Loring Spencer, reported from the Committee of the Whole with amendments.

Mr. PICKLER. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PICKLER. Mr. Speaker, this bill was recommended at $30 a month by the Committee of the Whole on Wednesday a week ago. On yesterday a Senate bill for the same beneficiary was passed at $50 a month. I am at a loss to know just what to do. Can the last act of the committee be substituted for the first.

The SPEAKER. The Chair thinks the gentleman can amend this bill if desired so as to conform to the Senate bill.

Mr. PICKLER. Individually this bill at $30 a month is my judgment and was the original judgment of the committee; but on yesterday the Senate bill at $50 a month was passed.

The SPEAKER. When that bill comes up the Chair thinks it can be substituted by consent.

Mr. PICKLER. The gentleman interested in this bill does not seem to be here, and I do not want to take any advantage of his absence. Could the Senate bill by unanimous consent be substituted for this bill now?

The SPEAKER. It could by unanimous consent.

Mr. HEPBURN. I ask unanimous consent that this bill be laid aside.

Mr. PICKLER. I think that would be better, until the gentleman is present.

The SPEAKER. The gentleman asks unanimous consent that this bill be laid aside. It will go to the foot of the Calendar.

Mr. HEPBURN. I will withdraw the request.

Mr. PICKLER. Then I demand the previous question.

The previous question was ordered, under the operation of which the amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The SPEAKER. Without objection the title will be amended to conform to the amendment incorporated in the body of the bill.

There was no objection.

JAMES LLOYD YOUNG.

The next business was the bill (S. 2175) granting a pension to James Lloyd Young, late of Company A, Sixth Regiment Kentucky Volunteers.

On motion of Mr. PICKLER, the previous question was ordered.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The bill (H. R. 358) to pension James L. Young was ordered to lie on the table.

SILAS S. WHITE.

The next business was the bill (H. R. 4547) to pension Silas S. White.

On motion of Mr. PICKLER, the previous question was ordered.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

HARRIET C. GREGG.

The next business was the bill (H. R. 2006) to pension Harriet C. Gregg.

On motion of Mr. PICKLER, the previous question was ordered.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MARTHA LINDSAY.

The next business was the bill (H. R. 126) for the relief of Martha Lindsay.

On motion of Mr. PICKLER, the previous question was ordered.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

EMILY B. MUNCEY.

The next business was the bill (S. 705) granting a pension to Emily B. Muncey.

On motion of Mr. PICKLER, the previous question was ordered.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS BREWER.

The next business was the bill (H. R. 3857) granting a pension to Thomas Brewer.

The previous question was ordered.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CYRUS THOMAS.

The next business was the bill (H. R. 4910) to pension Cyrus Thomas.

On motion of Mr. PICKLER, the previous question was ordered.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ELIZABETH E. DONOHOE.

The next business was the bill (S. 746) granting a pension to Elizabeth E. Donohoe.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HANNAH NEWELL BARRETT.

The next business was the bill (H. R. 3229) for the relief of Hannah Newell Barrett.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CELESTIA R. BARRY.

The next business was the bill (H. R. 1891) granting a pension to Celestia R. Barry.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

LYDIA BOYNTON FERRIS.

The next business was the bill (H. R. 1511) for the relief of Lydia Boynton Ferris.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

KATHERINE ZIEGENHEIM.

The next business was the bill (H. R. 2359) granting a pension to Katherine Ziegenheim, of Louisville, Ky., with an amendment.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NANCY B. PRINCE.

The next business was the bill (H. R. 1827) granting a pension to Nancy B. Prince, widow of Albert Prince.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY PRINCE.

The next business was the bill (H. R. 1826) granting a pension to Henry Prince.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEN. JAMES C. PARROTT.

The next business was the bill (H. R. 5226) to give increased pension to Gen. James C. Parrott, with amendments.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CAROLINE E. PURDUM.

The next business was the bill (H. R. 6134) granting an increase of pension to Caroline E. Purdum.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCES E. HELFENSTEIN.

The next business was the bill (H. R. 979) granting a pension to Frances E. Helfenstein, with an amendment.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 4255) to provide for settlement of titles and disposition of public lands in the Arredondo grant, in Columbia County, Fla.;

A bill (H. R. 3689) increasing the pension of Jefferson Fuston, of Company M, Tenth Ohio Volunteer Cavalry;

A bill (H. R. 4712) granting a pension to Margaret A. Luthy;

A bill (H. R. 2326) granting a pension to Thomas Holaday;

A bill (H. R. 4182) granting increase of pension to Georgianna C. Hall, dependent mother of Maj. John W. Williams, deceased, late surgeon United States Army;

A bill (H. R. 3607) to increase the pension of Kate Grant;

A bill (H. R. 483) for the relief of Mary Jane Lynn, the daughter of John R. Lynn, a Revolutionary soldier;

A bill (H. R. 515) granting a pension to William Grose;

A bill (H. R. 4526) granting a pension to Jonathan Scott;

A bill (H. R. 3932) granting a pension to Mrs. Elizabeth Richardson;

A bill (H. R. 4122) granting an increase of pension to James H. Jones;

A bill (H. R. 6037) granting a pension to Mrs. Amanda Woodcock;

A bill (H. R. 5140) for the relief of Michael H. J. Crouch, late of Company M, Sixth Regiment Pennsylvania Cavalry;

A bill (H. R. 2605) granting a pension to Henry V. Andrews, of Fulton County, Ill., a survivor of the Black Hawk war;

A bill (H. R. 3221) granting a pension to John Dalton;

A bill (H. R. 3234) granting a pension to Williamson Durley;

A bill (H. R. 5854) granting a pension to John Caster;

A bill (H. R. 4528) granting a pension to Katherine S. McCartney, widow of William H. McCartney;

A bill (H. R. 7983) to pension Frances E. Wickware;

A bill (H. R. 4383) granting a pension to Gen. William H. Morris;

A bill (H. R. 3216) granting an increase of pension to James P. Hurley;

A bill (H. R. 75) granting a pension to Mary F. Davenport;

A bill (H. R. 4475) granting a pension to Mrs. Katherine Gaffney;

A bill (H. R. 3001) granting a pension to Cynthia A. Lapham, widow of William B. Lapham;

A bill (H. R. 4395) for the relief of Miss Juliette Betts;

A bill (H. R. 2844) granting a pension to Martha McNeil; and

A bill (H. R. 1601) to amend the military record of John S. Evans.

The message also announced that the Senate had passed bills of the following titles, with amendments in which the concurrence of the House was requested:

A bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough; and

A bill (H. R. 5814) granting a pension to Cassie A. Davis, widow of James T. Davis and mother of Mary T. Davis, an invalid daughter.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. QUAY, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 2119) for the relief of John Breitling;

A joint resolution (S. R. 141) to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Gens. Francis Nash and William Davidson, of North Carolina;

A bill (S. 937) granting a pension to Sarah Comly, widow of Maj. Clifton Comly;

A bill (S. 2931) granting an increase of pension to Silas M. Stevens;

A bill (S. 1091) granting a pension to Christiana C. Queen, widow of Walter W. Queen, formerly an admiral in the United States Navy;

A bill (S. 2133) granting a pension to Mary E. Ely;

A bill (S. 2954) to increase the pension of Margaret Custer Calhoun;

A bill (S. 1946) granting a pension to Elijah N. Parkhurst;

A bill (S. 759) granting a pension to Carrie A. Moody;

A bill (S. 2556) granting an increase of pension to Lewis D. Baker;

A bill (S. 2357) granting a pension to Elizabeth Watts Kearny, daughter of the late Philip Kearny, major-general, United States Army;

A bill (S. 202) to increase the pension of Lucretia C. Waring;

A bill (S. 2844) granting a pension to Nancy Piper;

A bill (S. 2983) granting a pension to Ida Emmott, daughter of the late Thomas Emmott;

A bill (S. 2312) granting a pension to William T. Hill;

A bill (S. 2877) granting a pension to Hiram Santas;

A bill (S. 2439) granting a pension to Jackson Lucus;

A bill (S. 2880) granting a pension to Charles E. Mann;

A bill (S. 2879) granting a pension to Charles A. Hutchings;

A bill (S. 2433) granting a pension to William F. Gowdy;

A bill (S. 1300) for the relief of Hannah Newell Barrett;

A bill (S. 152) granting a pension to Abel S. Chase;

A bill (S. 752) to increase the pension of Capt. James B. Logan;

A bill (S. 3030) granting a pension to W. L. Faxon;

A bill (S. 2434) granting a pension to Simon D. Kohl;

A bill (S. 1164) granting a pension to Aaron B. Page;

A bill (S. 2494) restoring pension to Michael Carron;

A bill (S. 3004) granting a pension to Jacob Saladin;

A bill (S. 2820) granting a pension to Mary F. Hawley;

A bill (S. 2535) granting a pension to Elender Herring, of Elsmore, Kans.;

A bill (S. 2758) granting a pension to Hiram H. Palmer;

A bill (S. 2754) granting a pension to Jerusha Hayward Brown;

A bill (S. 2883) granting an increase of pension to Isaac Harbaugh; and

A bill (S. 2802) granting a pension to Margaret Rowsell.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2032) to grant right of way over the public domain for pipe lines in the States of Colorado and Wyoming.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and a joint resolution were taken from the Speaker's table and referred by the Speaker, as follows:

A bill (S. 2237) providing for the appointment of a guardian for pensioners in certain cases in the District of Columbia—to the Committee on the District of Columbia.

A bill (S. 1833) to amend the act of March 1, 1895, and other acts relating to the United States court in the Indian Territory, and for other purposes—to the Committee on the Judiciary.

Joint resolution (S. R. 135) providing for the appointment of a commission to report upon the practicability of establishing, near Washington, D. C., a ground map of the United States—to the Committee on the Library.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (S. 2488) to amend an act entitled "An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes"; when the Speaker signed the same.

ABRAM H. PARKER.

The next business was the bill (H. R. 5946) granting an increase of pension to Abram H. Parker, with an amendment.

Mr. ERDMAN. Mr. Speaker——

Mr. PICKLER. I ask for the previous question.

The previous question was ordered.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The amendment to the title was agreed to.

MARY PRINCE.

The next business was the bill (H. R. 1825) granting a pension to Mary Prince.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. ERDMAN. Mr. Speaker——

Mr. PICKLER. I demand the previous question upon the engrossment, third reading, and final passage of the bill.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MRS. F. E. MARSHALL.

The next business was the bill (H. R. 4090) granting an increase of pension to Mrs. F. E. Marshall, reported from the Committee of the Whole with the recommendation that the bill do lie on the table.

The SPEAKER pro tempore. The question is, Shall this bill lie on the table?

The recommendation of the Committee of the Whole was concurred in.

SARAH WEEDON.

The next business was the bill (H. R. 1178) to pension Sarah Weedon.

Mr. PICKLER. I demand the previous question.

Mr. ERDMAN. I rise to a question of order. The point of order is that this bill has been improperly reported from the Committee of the Whole. It is one of the bills considered in one Committee of the Whole, under certain rules, regulations, and restrictions, and reported by that committee on a different occasion. I make the point of order, at this time, that the bill has been improperly reported from the Committee of the Whole.

The SPEAKER pro tempore. The Chair overrules the point of order.

The previous question was ordered, and under the operation

thereof the amendment recommended by the Committee of the Whole was agreed to; and the bill as amended was ordered to be engrossed for a third reading.

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed bill.

The SPEAKER pro tempore. The bill will be laid aside for engrossment.

Mr. PICKLER. Regular order.

WILLIAM WALDRUP.

The next business was the bill (H. R. 4001) to reinstate William Waldrup on the pension roll.

Mr. PICKLER. I demand the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. ERDMAN. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. ERDMAN. To demand the reading of the engrossed bill.

The SPEAKER pro tempore. The gentleman rose too late.

Mr. ERDMAN. The Chair did not put that motion.

The SPEAKER pro tempore. The Chair put that motion and it was decided, the third reading was ordered, and the House was dividing on the final passage of the bill when the gentleman rose.

CASSIE A. DAVIS.

Mr. POWERS. Mr. Speaker, I ask consent to take from the Speaker's table House bill No. 5814, granting a pension to Cassie A. Davis. This bill has been amended by the Senate cutting down the amount of the pension from $30 to $24 a month, and I ask to take it up for the purpose of moving that the House concur in the amendment.

The Senate amendment was concurred in.

ISAAC H. WHETSEL.

The next business on the Private Calendar reported from the Committee of the Whole was the bill (H. R. 4720) granting an increase of pension to Isaac H. Whetsel, of Louisville, Ky.

The bill was read.

On motion of Mr. PICKLER, the previous question was ordered.

The amendment reported from the Committee of the Whole was agreed to.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania demands the reading of the engrossed copy of the bill. The bill will be laid aside to be engrossed.

SARAH ANN WIBLE.

The next business on the Private Calendar reported from the Committee of the Whole was the bill (H. R. 5311) granting a pension to Sarah Ann Wible.

The bill was read.

On motion of Mr. PICKLER, the previous question was ordered.

The amendments reported from the Committee of the Whole were agreed to.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania demands the reading of the engrossed copy of the bill. The bill will be laid aside to be engrossed.

Mr. PICKLER. If the statesman from Pennsylvania is going to demand the reading of the engrossed bills in all these cases, we might as well quit. It takes a man of great ability to do that.

The SPEAKER pro tempore. The Clerk will report the next bill.

Mr. CROWTHER. Will the gentleman from Pennsylvania please withdraw his objection to this bill? The woman is 84 years of age, and is now lying upon what will in all probability prove to be her deathbed. Will the gentleman withdraw his objection?

Mr. ERDMAN. Mr. Speaker, is this question open to debate? If it is, I am willing to debate it or any other question with the gentleman.

The SPEAKER pro tempore. Debate is not in order.

Mr. CROWTHER. This is in accordance with the action of the gentleman from Pennsylvania on other occasions, which is a disgrace to the State.

The SPEAKER pro tempore. The Clerk will report the next bill.

DR. HARRISON WAGNER.

The next business on the Private Calendar reported from the Committee of the Whole was the bill (H. R. 6789) granting a pension and for the relief of Dr. Harrison Wagner.

The bill was read.

On motion of Mr. PICKLER, the previous question was ordered.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania demands the reading of the engrossed copy of the bill. The bill will be laid aside to be engrossed.

GEORGE HAGER.

The next business on the Private Calendar was the bill (H. R. 4888) for the relief of George Hager.

The bill was read.

On motion of Mr. PICKLER, the previous question was ordered.

The amendment reported from the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time.

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania demands the reading of the engrossed copy of the bill. The bill will be laid aside to be engrossed.

ELIZABETH WATTS KEARNY.

The next business on the Private Calendar reported from the Committee of the Whole was the bill (H. R. 6283) granting a pension to Elizabeth Watts Kearny, daughter of the late Philip Kearny, major-general, United States Army.

The bill was read.

The amendment reported from the Committee of the Whole was read.

Mr. PICKLER. Mr. Speaker, I ask consent for the substitution of the Senate bill (S. 2357), which is for the same beneficiary and for the same amount.

There was no objection.

The Senate bill (S. 2357) was ordered to a third reading; and it was accordingly read the third time, and passed.

The House bill (H. R. 6283) was laid on the table.

ELEANOR L. CURTIS.

The next business on the Private Calendar was the bill (H. R. 5710) granting a pension to Eleanor L. Curtis.

The bill was read.

The amendments reported from the Committee of the Whole were agreed to.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed copy of the bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania demands the reading of the engrossed bill. The bill will be laid aside for engrossment.

THOMAS D. WALKER.

The next business on the Private Calendar was the bill (H. R. 6483) granting increase of pension to Thomas D. Walker.

The bill was read.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed copy of the bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania demands the reading of the engrossed copy of the bill. The bill will be laid aside for engrossment.

CARRIE L. YEATON.

The next business on the Private Calendar was the bill (S. 1924) granting a pension to Carrie L. Yeaton.

The bill was read.

The amendments recommended, reported from the Committee of the Whole, were agreed to.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

NEIL M'NEIL.

The next business on the Private Calendar was the bill (H. R. 1820) granting a pension to Neil McNeil.

The bill was read.

On motion of Mr. PICKLER, the previous question was ordered.

The amendments reported from the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time.

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania demands the reading of the engrossed copy of the bill. The bill will be laid aside for engrossment.

OLIVER DODGE.

The next business on the Private Calendar was the bill (H. R. 3496) for the relief of Oliver Dodge, and to place him on the

pension roll, reported from the Committee of the Whole with the recommendation that it lie on the table.

The bill was accordingly laid on the table.

JOSEPH J. HUDSON.

The next business on the Private Calendar was the bill (H. R. 4263) to increase the pension of Joseph J. Hudson.

The bill was read.

On motion of Mr. PICKLER, the previous question was ordered.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed copy of the bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania demands the reading of the engrossed copy of the bill. The bill will be laid aside for engrossment.

SOPHIA D. CLENDENIN.

The next business on the Private Calendar was the bill (S. 177) granting an increase of pension to Sophia D. Clendenin.

The bill was read.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The next business on the Private Calendar was the bill (H. R. 1894) granting a pension to Sophia D. Clendenin, reported from the Committee of the Whole with the recommendation that it do lie on the table.

The bill was accordingly laid on the table.

ELLEN KINGSLEY.

The next business on the Private Calendar was the bill (S. 1215) granting a pension to Ellen Kingsley.

The bill was read.

On motion of Mr. PICKLER, the previous question was ordered.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SAMUEL GOLDWATER.

The next business was the bill (S. 404) granting a pension to Samuel Goldwater.

The bill, with the amendment reported from the Committee of the Whole House, was read, the amendment agreed to, and the bill as amended ordered to a third reading, read the third time, and passed.

WILLIAM BROWN.

The next business was the bill (S. 466) granting an increase of pension to William Brown.

The bill was read, ordered to a third reading, read the third time, and passed.

MARY NEWMAN.

The next business was the bill (S. 1044) granting a pension to Mary Newman.

The bill, with the amendment reported from the Committee of the Whole House, was read.

The amendment was agreed to.

The question being taken on ordering the bill as amended to a third reading,

Mr. ERDMAN called for a division.

The question being again taken, there were—ayes 79, noes none.

Mr. ERDMAN. Mr. Speaker, there appears to be no quorum.

The SPEAKER pro tempore (after counting the House). There are 180 members present.

So the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

C. E. PHILBROOK.

The next business was the bill (S. 739) granting an increase of pension to C. E. Philbrook, widow of Alvah Philbrook, major of Twenty-fourth Regiment Wisconsin Volunteers.

The bill, with the amendment reported from the Committee of the Whole House, was read.

The amendment was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

NANCY CARSON BLUNT.

The next business was the bill (S. 246) granting a pension to Nancy Carson Blunt.

The bill was read, ordered to a third reading, read the third time, and passed.

ELIZABETH A. SARGENT.

The next business was the bill (H. R. 6111) granting a pension to Elizabeth A. Sargent.

The bill, having been read, was ordered to be engrossed and read a third time.

Mr. ERDMAN. I demand the reading of the engrossed bill.

The SPEAKER. The bill, not having been engrossed, will be laid aside for that purpose.

ELIZABETH NEW.

The next business was the bill (S. 1051) granting a pension to Elizabeth New, widow of Jethrow New.

The bill was read, ordered to a third reading, read the third time, and passed.

WALLACE M'GRATH.

The next business was the bill (S. 247) granting a pension to Wallace McGrath.

The bill was read.

Mr. PICKLER. I call for the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to a third reading, read the third time, and passed.

MRS. ANNIE E. COLWELL.

The next business was the bill (S. 2514) granting an increase of pension to Mrs. Annie E. Colwell.

The bill was read, ordered to a third reading, read the third time, and passed.

The next business was the bill (H. R. 1931) granting an increase of pension to Mrs. Annie E. Colwell.

Mr. PICKLER. This House bill, similar in its effect to the Senate bill just passed, has been reported from the Committee of the Whole House with the recommendation that it lie on the table.

The SPEAKER. Without objection, this bill will be laid on the table.

There was no objection.

MARY L. ALESHIRE.

The next business was the bill (H. R. 4724) to increase the pension of Mrs. Mary L. Aleshire.

The bill, with the amendment reported from the Committee of the Whole House, was read.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time.

Mr. ERDMAN. I demand the reading of the engrossed bill.

The SPEAKER. The bill, not having been engrossed, will be laid aside for that purpose.

MRS. SARAH MARTIN.

The next business was the bill (H. R. 4994) for the relief of Mrs. Sarah Martin.

The bill was read, and was ordered to be engrossed and read a third time.

Mr. ERDMAN. I call for the reading of the engrossed bill.

The SPEAKER. The bill has not been engrossed, and it will be laid aside for that purpose.

ELMIRA E. DUSTIN.

The next business was the bill (H. R. 3578) granting a pension to Elmira E. Dustin.

The bill was read.

Mr. PICKLER. I demand the previous question.

The previous question was ordered on the bill to its passage.

Under the operation of the previous question the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

FREDERICK GRAMM.

The next business was the bill (S. 61) for the relief of Frederick Gramm.

The bill was read.

Mr. PICKLER. I demand the previous question.

The previous question was ordered, under the operation of which the bill was read the third time.

The question recurred on the passage of the bill; and on a division (demanded by Mr. TALBERT) there were—ayes 82, noes 3.

Mr. TALBERT. No quorum.

The SPEAKER (having counted the House). One hundred and seventy-nine members are present, a quorum.

So the bill was passed.

PATSEY E. BROADDUS.

The next business was the bill (H. R. 4481) granting an increase of pension to Patsey E. Broaddus, of Marion, Kans.

The bill was read.

Mr. PICKLER. I demand the previous question to the passage of the bill.

The previous question was ordered, under the operation of which the bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. I demand the reading of the engrossed bill.

The SPEAKER. The bill, not having been engrossed, will be laid aside for that purpose, and the Clerk will report the next bill.

MARY MARTIN.

The next business was the bill (H. R. 1890) granting a pension to Mary Martin, reported from the Committee of the Whole with an amendment.

The bill was read.

3496) for the relief of Oliver Dodge, and to place him on the

Mr. PICKLER. I demand the previous question to the passage of the bill.

The previous question was ordered, under the operation of which the amendment was agreed to, and the bill as amended ordered to be engrossed and read a third time; and being read the third time, it was passed.

ELVIN BROWN.

The next business was the bill (H. R. 2373) granting a pension to Elvin Brown, reported from the Committee of the Whole with an amendment, and also with recommendation to amend the title.

The bill was read.

Mr. PICKLER. I ask the previous question on the passage of the bill.

The previous question was ordered, under the operation of which the amendment was agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The title was amended to conform to the recommendation of the Committee of the Whole.

MATILDA GRESHAM.

The next business was the bill (S. 616) granting a pension to Matilda Gresham, widow of the late Walter Q. Gresham.

The bill was read.

Mr. PICKLER. I demand the previous question on the passage of the bill.

The question was taken; and on a division (demanded by Mr. TALBERT) there were—ayes 100, noes 1.

Mr. TALBERT. No quorum.

The SPEAKER (having counted the House). One hundred and eighty-one members are present, a quorum; and the previous question is ordered.

The bill was ordered to a third reading; and it was accordingly read the third time.

The question recurring on the passage of the bill, on a division (demanded by Mr. TALBERT) there were—ayes 120, noes 15.

Mr. TALBERT. No quorum.

The SPEAKER. Does the gentleman make the point of order that there is no quorum voting?

Mr. TALBERT. I do, and no quorum present also.

The SPEAKER. That is the point that the Chair wanted to get at. [After counting the House.] One hundred and eighty-one gentlemen are present; a quorum.

So the bill was passed.

MRS. MARY A. FREEMAN.

The next business was the bill (H. R. 2189) granting a pension to Mrs. Mary A. Freeman.

The bill was read.

Mr. PICKLER. I demand the previous question on the passage of the bill.

The previous question was ordered, under the operation of which the bill was ordered to be engrossed and read a third time.

Mr. MILES. I demand the reading of the engrossed bill.

The SPEAKER. The bill not being engrossed, the Chair will cause it to be laid aside for that purpose, and the Clerk will report the next bill.

RUSSELL N. REYNOLDS.

The next business was the bill (S. 1100) granting a pension to Russell N. Reynolds.

The bill was read.

The bill was ordered to a third reading; and being read the third time, was passed.

MARY CLARE KELLY.

The next business was the bill (S. 1493) granting a pension to Mary Clare Kelly.

The bill was read.

The bill was ordered to a third reading; and being read the third time, was passed.

GEORGE W. BAGLEY.

The next business was the bill (H. R. 1500) granting a pension to George W. Bagley, reported from the Committee of the Whole with amendments.

Mr. PICKLER. I demand the previous question to the passage of the bill.

The previous question was ordered, under the operation of which the amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

NATHAN KIMBALL.

The next business was the bill (S. 1435) granting an increase of pension to Nathan Kimball.

The bill was read.

Mr. PICKLER. I ask the previous question on the passage of the bill.

The previous question was ordered; under the operation of which the bill was read three times, and passed.

MARGARET A. KIDWELL.

The next business was the bill (H. R. 3113) granting a pension to Margaret A. Kidwell, reported from the Committee of the Whole with amendments.

Mr. PICKLER. I ask the previous question to the passage of the bill.

The SPEAKER. Without objection, the previous question will be ordered.

The previous question was ordered; under the operation of which the amendment was agreed to, and the bill as amended ordered to be engrossed and read a third time.

Mr. ERDMAN. I ask that the engrossed copy of the bill be read.

The SPEAKER. The bill not having been engrossed, it will be laid aside for that purpose, and the Clerk will report the next bill.

CATHERINE SMITH.

The next business was the bill (S. 1522) granting a pension to Catherine Smith.

The bill was read.

Mr. PICKLER. I demand the previous question to the passage of the bill.

The previous question was ordered, under the operation of which the bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

RANSOM C. HAZELIP.

The next business was the bill (H. R. 5050) for the benefit of and granting a pension to Ransom C. Hazelip, late a private soldier of Company G, Eleventh Regiment Kentucky Infantry Volunteers, and first lieutenant of Company B, Thirty-fifth Regiment Kentucky Mounted Infantry Volunteers.

On motion of Mr. PICKLER, the previous question was ordered on the bill to its passage.

The amendments recommended by the committee were agreed to.

The bill was ordered to be engrossed and read a third time.

Mr. MILES. I demand the reading of the engrossed bill.

The SPEAKER. The gentleman demands the reading of the engrossed bill. The bill will be laid aside for the purpose of engrossment.

MAUD ARDELLE BLISS.

The next business was the bill (S. 145) granting a pension to Maud Ardelle Bliss.

Mr. PICKLER. Mr. Speaker, I desire to call attention to the fact that this raising of objection to bills being passed without the engrossed bills being here simply results in the passage of all the Senate bills and in keeping back the bills introduced by members of this House. That is just the distinction. I move the previous question on this bill.

The previous question was ordered.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LEVI T. E. JOHNSON.

The next business was the bill (H. R. 2317) to increase the pension of Levi T. E. Johnson.

On motion of Mr. PICKLER, the previous question was ordered on the bill to its passage.

The amendments recommended by the committee were agreed to.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed bill.

The SPEAKER. The bill will be laid aside to be engrossed.

CHARLOTTE A. WELTON.

The next business was the bill (H. R. 3152) granting a pension to Charlotte A. Welton.

On motion of Mr. PICKLER, the previous question was ordered on the bill to its passage.

The amendments recommended by the committee were agreed to.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. I demand the reading of the engrossed bill.

The SPEAKER. The bill will be laid aside for engrossment.

GEORGE WILLIAM HODGDON.

The next business was the bill (H. R. 3890) granting a pension to George William Hodgdon.

On motion of Mr. PICKLER, the previous question was ordered.

The amendments recommended by the committee were agreed to.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. I demand the reading of the engrossed bill.

The SPEAKER. The gentleman demands the reading of the engrossed bill. It will be laid aside for engrossment.

Subsequently

The SPEAKER said: The Chair understands that the objection in regard to the engrossed bill H. R. 3890 not being here is withdrawn. Is that correct?

Mr. ERDMAN. I withdraw the demand.

The SPEAKER. The gentleman consents. The question is on the passage of that bill.

The bill was read the third time, and passed.

SARAH A. BOYD.

The next business was the bill (H. R. 6808) granting a pension to Sarah A. Boyd.

On motion of Mr. PICKLER, the previous question was ordered.

The amendment recommended by the committee was agreed to.

The SPEAKER. The Chair desires to call the attention of the gentleman from South Dakota [Mr. PICKLER] to the fact that the Senate bill covering the same ground has been passed. Does the gentleman desire to pass this bill also?

Mr. PICKLER. I ask to substitute the Senate bill for this bill.

The SPEAKER. The Senate bill has already passed, so the Chair is informed.

Mr. PICKLER. That the bill has passed the House?

The SPEAKER. The Chair is so informed by the Clerk.

Mr. PICKLER. Then I ask that this bill lie upon the table.

The SPEAKER. If there be no objection, the bill will lie on the table.

There was no objection.

THEODORE V. PURDY.

The next business was the bill (H. R. 3306) to increase the pension of Theodore V. Purdy.

Mr. PICKLER. Mr. Speaker, I desire to substitute Senate bill 2822, which is precisely the same as this bill, in the place of this bill, and to recommend that this bill lie upon the table.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota? [After a pause.] The Chair hears none. The Senate bill is accordingly substituted.

The bill S. 2822 was ordered to a third reading; and it was accordingly read the third time, and passed.

The bill H. R. 3306 was ordered to lie on the table.

GEORGE V. BARNARD.

The next business was the bill (H. R. 6466) to increase the pension of George V. Barnard.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

HENDERSON MARPLE.

The next business was the bill (H. R. 3877) granting a pension to Henderson Marple.

The previous question was ordered on the bill to its passage.

The amendment recommended by the committee was agreed to.

The bill was ordered to be engrossed and read a third time.

Mr. MILES. Mr. Speaker, I ask for the reading of the engrossed bill.

The SPEAKER. The gentleman demands the reading of the engrossed bill. The bill will be laid aside for engrossment.

MRS. MARY GOULD CARR.

The next business was the bill (H. R. 4354) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. Gen. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased.

Mr. PICKLER. I move the previous question on this bill to its passage.

The SPEAKER. The gentleman from South Dakota demands the previous question. Without objection, it will be considered as ordered.

Mr. TALBERT. I object, and demand a vote.

The question was taken; and on a division (demanded by Mr. TALBERT) there were—ayes 111, noes 2.

Mr. TALBERT. No quorum, Mr. Speaker. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TALBERT. My object in making the point of no quorum here is to get an opportunity to offer an amendment. I ask if that will be in order? I am willing to withdraw the point of no quorum if the chairman of the Committee on Invalid Pensions will consent, or if it is in order to entertain a motion to amend. I ask if it will be in order?

The SPEAKER. It would not be in order, pending the demand for the previous question.

Mr. PICKLER. Mr. Speaker, I have no objection to that.

The SPEAKER. The gentleman says he has no objection to the offering of an amendment.

Mr. TALBERT. With that understanding I will withdraw the point of no quorum.

The SPEAKER. The point is withdrawn.

Mr. PICKLER. That is, that the previous question shall be considered as ordered?

Mr. TALBERT. The previous question may be considered as ordered, and I withdraw the point of no quorum with that understanding.

Mr. PICKLER. Offer your amendment.

Mr. TALBERT. I move to amend by striking out "$75" and inserting "$50."

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. TALBERT. Division.

The House divided; and there were—ayes 84, noes 38.

So the amendment was agreed to.

The SPEAKER. The Chair understands that this is an amendment to the committee amendment, which will, as amended, be reported to the House.

The Clerk read as follows:

In line 7, strike out the word "seventy-five" and insert "fifty."

Mr. POOLE. Mr. Speaker, I ask that that bill be laid aside, as my colleague [Mr. BLACK], who has it in charge, is out of town.

The SPEAKER. The gentleman from New York asks unanimous consent that the bill be laid aside. Is there objection?

Mr. TALBERT. I object.

The amendment as amended was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time.

The SPEAKER. The question is on its passage.

Mr. POOLE. Mr. Speaker——

The SPEAKER. Debate is not in order.

The bill was passed.

DELIA A. MARSH.

The next business was the bill (H. R. 4283) granting a pension to Delia A. Marsh.

Mr. PICKLER. Mr. Speaker, I demand the previous question.

The SPEAKER. The gentleman from South Dakota demands the previous question on the bill to its passage.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

ORLEINA J. CLARK.

The next business was the bill (H. R. 4721) granting an increase of pension to Orleina J. Clark, of Louisville, Ky.

Mr. PICKLER. Mr. Speaker, I ask for the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed; and being engrossed, it was accordingly read the third time, and passed.

PHŒBE M. WOOLLEY PALMETER.

The next business was the bill (H. R. 1599) granting a pension to Phœbe M. Woolley Palmeter.

Mr. PICKLER. I ask for the previous question, Mr. Speaker.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. NESBITT.

The next business was the bill (H. H. 4361) to pension William H. Nesbitt, with an amendment.

Mr. PICKLER. I ask for the previous question.

The previous question was ordered; and under the operation thereof the amendment reported from the Committee of the Whole was agreed to, and the bill as amended was ordered to be engrossed.

Mr. ERDMAN. I demand the reading of the engrossed bill.

The SPEAKER pro tempore (Mr. DINGLEY). The bill will be laid aside for engrossment.

MRS. LUCY A. ALLEN.

The next business was the bill (H. R. 2969) to grant a pension to Mrs. Lucy A. Allen.

Mr. PICKLER. I demand the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed.

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed copy of the bill.

The SPEAKER pro tempore. The bill will be laid aside for engrossment.

MARIA GIBBONS.

The next business was the bill (H. R. 2405) granting a pension to Maria Gibbons, with an amendment.

Mr. PICKLER. I ask for the previous question.

The previous question was ordered, and under the operation thereof the amendment reported by the Committee of the Whole was agreed to, and the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELLEN EWING.

The next business was the bill (S. 1867) granting a pension to Ellen Ewing, widow of Bvt. Maj. Gen. Thomas Ewing, with an amendment.

Mr. PICKLER. I demand the previous question on the bill to its passage.

The SPEAKER pro tempore. The question is on ordering the previous question.

Mr. TALBERT. Mr. Speaker, I ask consent to offer an amendment.

The question was taken; and the previous question was ordered.

The SPEAKER pro tempore. The previous question is ordered, and an amendment is not in order. [Cries of "Vote!"] The question is on agreeing to the amendment reported by the Committee of the Whole.

Mr. TALBERT. I demand a division upon that. I move to amend by striking out "seventy-five" and inserting "fifty."

The SPEAKER pro tempore. That would not be in order.

Mr. TALBERT. I ask unanimous consent to offer that amendment.

Several MEMBERS. I object.

Mr. PICKLER. Regular order.

The question was taken on agreeing to the amendment recommended by the Committee of the Whole.

Mr. TALBERT. Division.

Mr. EVANS. What is the committee amendment?

The SPEAKER pro tempore. It has been reported once.

The House divided; and there were—ayes 51, noes 3.

Mr. TALBERT. No quorum, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from South Carolina makes the point of no quorum. The Chair will count.

Mr. TALBERT (during the count). A parliamentary inquiry. I want to state that my object is not to block legislation. My only object is to offer an amendment.

Mr. GROSVENOR. I make the point of order that that is not in order.

Mr. TALBERT. I desire to say that if I can accomplish that I will withdraw the point of no quorum.

Mr. GROSVENOR. I object to any debate.

Mr. TALBERT. My friend can not manage me quite as well as he manages the McKinley vote.

Mr. GROSVENOR. The gentleman has demanded a quorum; now wait until a quorum is here.

Mr. TALBERT. Now crack your whip! I only desired to make a statement, and I got my statement in notwithstanding Mr. Santa Claus.

The SPEAKER pro tempore (after counting). One hundred and seventy-nine gentlemen are present, a quorum; the ayes have it, and the amendment is agreed to.

Mr. TALBERT. I move to recommit the bill, with instructions that the committee bring it in amended, reducing the amount from $75 to $50.

The SPEAKER pro tempore. That is not in order yet. The question is on the third reading of the Senate bill.

The bill as amended was read the third time.

The SPEAKER pro tempore. The question is on its passage.

Mr. TALBERT. I demand the reading of the engrossed bill.

The SPEAKER pro tempore. This is a Senate bill.

Mr. TALBERT. Knocked out again!

The SPEAKER pro tempore. The question is on the passage.

Mr. TALBERT. I now move to recommit the bill——

The SPEAKER pro tempore. The Chair had put the question on the passage of the bill.

Mr. TALBERT. I rose in time, Mr. Speaker.

The SPEAKER pro tempore. The gentleman rose some time ago, and did not repeat his motion at the proper time.

Mr. HOPKINS. I submit that the gentleman signified to the Chair that he desired to make a motion to recommit, and it is but fair that he should have the opportunity.

Mr. LAYTON. And then he made another motion.

Mr. TALBERT. I know.

The SPEAKER pro tempore. The Chair will not be critical about the matter.

Mr. TALBERT. I now move to recommit the bill with instructions to bring it in for $50 instead of $75 a month.

Mr. LAYTON. I make the point of order that it is too late to make that motion.

The SPEAKER pro tempore. With the statement that is made by the gentleman, that he rose in season for the purpose, the Chair will accept it and put the motion.

The question was taken on recommitting the bill; and the Speaker pro tempore announced that the noes seemed to have it.

Mr. TALBERT. Division!

The House divided; and there were—ayes 63, noes 65.

Mr. TALBERT. I demand the yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER pro tempore. Eight gentlemen have arisen—not a sufficient number, and the yeas and nays are refused.

Mr. TALBERT. No quorum, Mr. Speaker.

The SPEAKER pro tempore (after counting). One hundred and eighty-six gentlemen are present, a quorum; the noes have it, and the motion to recommit is rejected. The question now is on the passage of the bill.

Mr. TALBERT. Division, Mr. Speaker.

The question was taken on the passage of the bill.

The SPEAKER pro tempore. On this question the ayes are 94, the noes 16. The ayes have it, and the bill is passed.

Mr. TALBERT. No quorum.

Mr. PICKLER. I make the point that the point came too late. The Chair had announced that the bill was passed.

The SPEAKER pro tempore. The Chair has just counted a quorum on this vote. A quorum is present; and the bill is passed.

WILLIAM H. NESBITT.

Mr. BURTON of Missouri. Mr. Speaker, recently, when the House had under consideration the bill (H. R. 4361) to pension William H. Nesbitt, the gentleman from Pennsylvania [Mr. ERDMAN] objected to the consideration of it because the bill had not been engrossed. The gentleman is now willing to withdraw his objection, and I ask that the bill be put upon its passage.

Mr. ERDMAN. That is correct.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. TALBERT. I object. [After a pause.] I withdraw the objection.

Mr. PICKLER. I object.

The SPEAKER pro tempore. Objection is made. The Clerk will report the next bill.

CARRIE L. GREIG.

The next business on the Private Calendar was the bill (H. R. 2962) granting a pension to Carrie L. Greig, widow of Theodore W. Greig, brevet major of volunteers.

The bill was read.

On motion of Mr. PICKLER, the previous question was ordered.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

WILLIAM H. NESBITT.

Mr. BURTON of Missouri. Now, Mr. Speaker, I ask consent to return to the bill (H. R. 4361) to pension William H. Nesbitt.

There was no objection.

The bill was accordingly read the third time, and passed.

RICHARD P. PILKINGTON.

The next business on the Private Calendar was the bill (H. R. 5711) granting a pension to Richard P. Pilkington.

The bill was read.

On motion of Mr. PICKLER, the previous question was ordered.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

PATRICK F. REYNOLDS.

The next business on the Private Calendar was the bill (H. R. 6603) to pension the minor children of Patrick F. Reynolds.

The bill was read.

On motion of Mr. PICKLER, the previous question was ordered.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MARY CHAMBERLAIN.

The next business on the Private Calendar was the bill (H. R. 6221) granting an increase of pension to Mary Chamberlain.

The bill was read.

On motion of Mr. PICKLER, the previous question was ordered.

The amendments reported from the Committee of the Whole were agreed to.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania demands the reading of the engrossed bill. The bill will be laid aside for engrossment.

DANIEL D. JENNINGS.

The next business on the Private Calendar was the bill (H. R. 2947) increasing the pension of Daniel D. Jennings, late of Company C, Sixty-fifth Ohio Volunteers.

The bill was read.

On motion of Mr. PICKLER, the previous question was ordered.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

SARAH A. BULL.

The next business on the Private Calendar was the bill (S. 2014) granting an increase of pension to Sarah A. Bull.

The bill was read.

On motion of Mr. PICKLER, the previous question was ordered.

The bill was read the third time, and passed.

ELVIRA BACHELDER.

The next business on the Private Calendar was the bill (S. 147) granting a pension to Elvira Bachelder.

The bill was read.

On motion of Mr. PICKLER, the previous question was ordered.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY COLLINS.

The next business on the Private Calendar was the bill (H. R. 158) granting a pension to Mary Collins.

The bill was read.

The amendments reported from the Committee of the Whole were agreed to.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania demands the reading of the engrossed bill. The bill will be laid aside for engrossment.

CHARLOTTE A. WELTON.

Mr. HARDY. Mr. Speaker, I ask unanimous consent to take up the bill (H. R. 3152) granting a pension to Charlotte A. Welton, which was laid aside a while ago because of its not being engrossed. I understand that my friend from Pennsylvania will withdraw the objection which he made on that ground.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana [Mr. HARDY] that the bill indicated by him be now taken up?

Mr. PICKLER. Mr. Speaker, this is taking up a great deal of time, and, besides, the gentleman from Pennsylvania has no right to dictate that one member's bill shall pass while another's shall not pass. I do not want to object in this case, but this method is occupying a good deal of time.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The bill (H. R. 3152) granting a pension to Charlotte A. Welton was passed.

MRS. HELEN FUNKHOUSER.

The next business was the bill (H. R. 6236) to grant a pension to Mrs. Helen Funkhouser.

Mr. PICKLER called for the previous question on the bill to its passage.

The previous question was ordered.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The amendment to the title as reported from the Committee of the Whole House was agreed to.

CATHARINE DARRAGH.

The next business was the bill (H. R. 1892) granting a pension to Catharine Darragh.

Mr. PICKLER called for the previous question on the bill to its passage.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JANE FISHER.

The next business was the bill (H. R. 4604) granting a pension to Jane Fisher, colored, of Madisonville, Ky.

The amendment reported from the Committee of the Whole House was read.

Mr. PICKLER called for the previous question on the amendment and on the bill to its passage.

The previous question was ordered, and under the operation thereof the amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

EMILY E. CASH.

The next business was the bill (H. R. 8248) to increase the pension of Mrs. Emily E. Cash.

The amendment reported from the Committee of the Whole House was read.

Mr. PICKLER called for the previous question on the amendment and on the bill to its passage.

The previous question was ordered, and under the operation thereof the amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JESSE M'MILLAN.

The next business was the bill (H. R. 8184) granting a pension to Jesse McMillan.

The amendment reported from the Committee of the Whole House was read.

Mr. PICKLER called for the previous question on the amendment and on the bill to its passage.

The previous question was ordered, and under the operation thereof the amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

EMILY A. MANN.

The next business was the bill (H. R. 3480) for the relief of Emily A. Mann.

The amendment reported from the Committee of the Whole House was read.

Mr. PICKLER called for the previous question on the amendment and on the bill to its passage.

The previous question was ordered; and under the operation thereof the amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time.

Mr. ERDMAN. I ask for the reading of the engrossed bill.

The SPEAKER. The bill will be laid aside to be engrossed.

NICHOLAS SWINGLE.

The next business was the bill (H. R. 1175) to remove the charge of desertion from the military record of Nicholas Swingle.

The amendment reported from the Committee of the Whole House was agreed to.

Mr. PICKLER called for the previous question on the amendment and on the bill to its passage.

The previous question was ordered; and under the operation thereof the amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time.

Mr. TALBERT. I make the point that this bill has not been engrossed.

The SPEAKER. The bill will be laid aside for engrossment.

WILLIAM F. SOUGER.

The next business was the bill (H. R. 4193) to correct the military record of William F. Souger.

Mr. PICKLER called for the previous question on the bill to its passage.

Mr. TALBERT. I demand a vote on ordering the previous question.

The question being taken, there were on a division (called for by Mr. TALBERT)—ayes 80, noes 1.

Mr. TALBERT. No quorum.

Mr. PICKLER. I should like to know what the object of the gentleman from South Carolina is? Is it this class of bills that he is objecting to?

Mr. TALBERT. Yes, sir, of course, or I would not have made the point.

The SPEAKER (having counted the House). There are 179 members present.

So the previous question was ordered; and under the operation thereof the amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time.

Mr. TALBERT. I make the point that this bill is not engrossed.

The SPEAKER. The gentleman demands the reading of the engrossed bill. The bill will be laid aside for engrossment.

ORDER OF BUSINESS.

Mr. EVANS. The gentleman from Pennsylvania [Mr. ERDMAN] has withdrawn his demand for the reading of the engrossed bill in the case of——

The SPEAKER. The Chair thinks the orderly conduct of business requires that no matter should be taken up out of its order after objection is made.

Mr. POOLE. Mr. Speaker, I ask that we return to Calendar No. 106. It has been objected to, but the objection is now withdrawn.

The SPEAKER. The Chair thinks that the best method of conducting business will be to go on regularly.

HOMER C. M'CUSKEY.

The next business was the bill (H. R. 4872) to correct the military record of Homer C. McCuskey.

Mr. PICKLER called for the previous question on the bill to its passage.

The previous question was ordered, there being on a division (called for by Mr. TALBERT)—ayes 101, noes 3.

The bill was ordered to be engrossed and read a third time.

Mr. TALBERT. I make the point that the bill has not been engrossed.

The SPEAKER. The gentleman demands the reading of the engrossed bill. The Clerk will lay it aside for engrossment.

JOHN J. JOHNSON.

The next business was the bill (H. R. 3514) granting an honorable discharge to John J. Johnson.

The bill was read.

Mr. PICKLER. I ask the previous question.

The previous question was ordered to the passage of the bill;

under the operation of which the bill was ordered to a third reading.

Mr. TALBERT. I ask the reading of the engrossed copy of the bill.

The SPEAKER. This bill not having been engrossed, the Chair will direct it to be laid aside for that purpose, and the Clerk will read the next bill.

EZRA ABBOTT.

The next business was the bill (H. R. 3565) granting an honorable discharge to Ezra Abbott.

Mr. PICKLER. I demand the previous question to the passage of the bill.

The previous question was ordered; under the operation of which the bill was ordered to be engrossed and read a third time.

Mr. TALBERT. This bill has not been engrossed, Mr. Speaker, and I ask for the reading of the engrossed copy.

The SPEAKER. The bill, not having been engrossed, will be laid aside for that purpose, and the Clerk will report the next bill.

PATRICK RAINEY.

The next business was the bill (H. R. 2328) for the relief of Patrick Rainey.

The bill was read.

Mr. PICKLER. I demand the previous question.

The question was taken; and on a division (demanded by Mr. TALBERT) there were—ayes 109, noes 9.

Mr. TALBERT. No quorum.

The SPEAKER. The Chair has but recently counted the House and found a quorum present, and does not think the House has diminished since. [Applause.]

The House will be in order. The gentleman has a right to demand the presence of a quorum.

So the previous question was ordered; under the operation of which the bill was ordered to be engrossed and read a third time.

Mr. TALBERT. I ask for the reading of the engrossed bill.

The SPEAKER. The bill not having been engrossed, the Chair will direct that it be laid aside for that purpose, and the Clerk will report the next bill.

THOMAS S. DAUGHERTY.

The next business was the bill (H. R. 3333) granting a pension to Thomas S. Daugherty.

Mr. PICKLER. I demand the previous question to the passage of the bill.

The previous question was ordered; under the operation of which the bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. I ask for the reading of the engrossed copy of the bill.

The SPEAKER. The bill not having been engrossed, the Chair will direct that it be laid aside for that purpose, and the Clerk will read the next bill.

MINNIE PARKER.

The next business was the bill (H. R. 6166) granting a pension to Minnie Parker, widow of Bvt. Brig. Gen. Ely S. Parker, late of the United States Army, reported with amendments.

The bill was read.

Mr. PICKLER. I demand the previous question.

The previous question was ordered, under the operation of which the amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. LOUD. There should be an amendment to the title of this bill apparently.

The SPEAKER. Without objection, the title will be amended so as to conform to the amendment recommended by the Committee of the Whole.

JERUSHA H. BROWN.

The next business was the bill (H. R. 5279) granting a pension to Jerusha H. Brown.

The previous question was ordered on demand of Mr. PICKLER, under the operation of which the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MRS. ELEANOR CARROLL POE.

The next business was the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe, reported from the Committee of the Whole with amendments.

The bill was read.

Mr. PICKLER. Mr. Speaker——

Mr. TALBERT. I ask the gentleman to allow me to offer an amendment before he moves the previous question.

Mr. PICKLER. I ask the previous question.

Mr. TALBERT. I thought the gentleman gave me permission. I ask him to withdraw the demand.

Mr. PICKLER. I do not see how I can do that.

Mr. TALBERT. Well, I see how you can do it, if you will. [Laughter.]

Mr. PICKLER. I must insist on the demand.

The previous question was ordered, under the operation of which the amendments were agreed to, and the bill as amended ordered to a third reading; and it was accordingly read the third time, and passed.

ANDREW LADD.

The next business was the bill (H. R. 6468) to increase the pension of Andrew Ladd, reported from the Committee of the Whole with amendments.

The bill was read.

Mr. PICKLER. I ask the previous question.

The previous question was ordered, under the operation of which the amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MARY C. THOMPSON.

The next business was the bill (H. R. 3755) to increase the pension of Mary C. Thompson.

The bill was read.

Mr. PICKLER. I ask the previous question.

The previous question was ordered, under the operation of which the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

SAMUEL HOLLIDAY.

The next business was the bill (H. R. 6546) granting a pension to Samuel Holliday, reported from the Committee of the Whole with amendments.

The bill was read.

Mr. PICKLER. I demand the previous question.

The previous question was ordered, under the operation of which the amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read a third time, and passed.

WILBUR F. COGSWELL.

The next business was the bill (H. R. 2042) to increase the pension of Wilbur F. Cogswell, reported with amendments.

The bill was read.

Mr. PICKLER. I ask the previous question.

The previous question was ordered, under the operation of which the amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ALFRED P. BUSS.

The next business was the bill (H. R. 2941) granting an increase of pension to Alfred P. Buss, reported from the Committee of the Whole, with amendments.

The bill was read.

Mr. PICKLER. I ask the previous question.

The previous question was ordered, under the operation of which the amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ALBERT BUCK.

The next business was the bill (H. R. 3389) increasing the pension of Albert Buck from $12 to $30 per month.

The bill was read.

Mr. PICKLER. I ask the previous question.

The previous question was ordered, under the operation of which the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

LEMUEL J. ESSEX.

The next business was the bill (H. R. 2985) granting an increase of pension to Lemuel J. Essex, reported from the Committee of the Whole with amendments.

The bill was read.

Mr. PICKLER. I ask the previous question.

The previous question was ordered, under the operation of which the amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CARRIE H. GREENE.

The next business was the bill (H. R. 3395) granting a pension to Carrie H. Greene.

On motion of Mr. PICKLER, the previous question was ordered on the bill to its passage.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ELIZABETH J. COOK.

The next business was the bill (S. 125) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook.

On motion of Mr. PICKLER, the previous question was ordered on the bill to its passage.

The amendment recommended by the committee was agreed to.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. PICKLER, the corresponding House bill (H. R. 4755) was ordered to lie on the table.

Mr. McRAE. Mr. Speaker, would it be in order to move to reconsider and table on the vote by which the Senate bill passed?

The SPEAKER. The Chair thinks that will be done on all these bills together.

MARY ANN LAFFERTY.

The next business was the bill (H. R. 717) granting a pension to Mary Ann Lafferty.

The previous question was ordered on the bill to its passage.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

HELEN LARNED.

The next business was the bill (H. R. 6607) for the relief of Helen Larned.

On motion of Mr. PICKLER, the previous question was ordered on the bill to its passage.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JACOB BROWN.

The next business was the bill (H. R. 6556) granting a pension to Jacob Brown.

On motion of Mr. PICKLER, the previous question was ordered on the bill to its passage.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

J. CLARKSON INGALLS.

The next business was the bill (S. 144) granting an increase of pension to J. Clarkson Ingalls.

On motion of Mr. PICKLER, the previous question was ordered on the bill to its passage.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MELITA E. WHITE.

The next business was the bill (H. R. 7212) to increase the pension of Melita E. White.

On motion of Mr. PICKLER, the previous question was ordered on the bill to its passage.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. I demand the reading of the engrossed bill.

The SPEAKER. The gentleman demands the reading of the engrossed bill. The bill will be laid aside for engrossment.

MARY ARNOLD.

The next business was the bill (H. R. 4548) granting a pension to Mary Arnold.

On motion of Mr. PICKLER, the previous question was ordered on the bill to its passage.

The amendment recommended by the committee was agreed to.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. I demand that the engrossed copy of the bill be read.

The SPEAKER pro tempore (Mr. PAYNE). The gentleman demands the reading of the engrossed bill. The bill will be laid aside for engrossment.

MRS. JULIA A. JAMESON.

The next business was the bill (H. R. 5792) granting an increase of pension to Mrs. Julia A. Jameson.

On motion of Mr. PICKLER, the previous question was ordered on the bill to its passage.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

LUCINDA RICKARDS.

The next business was the bill (H. R. 5393) for the relief of Lucinda Rickards, widow, and the minor children of John D. Rickards, deceased.

On motion of Mr. PICKLER, the previous question was ordered on the bill to its passage.

The amendment recommended by the committee was agreed to.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. I demand the reading of the engrossed bill.

The SPEAKER pro tempore. The bill will be laid aside for engrossment.

GEORGE W. TAYLOR.

The next business was the bill (H. R. 6608) to remove the charge of desertion from the military record of George W. Taylor.

Mr. PICKLER. Mr. Speaker, I move the previous question on the bill to its passage.

The SPEAKER pro tempore. The gentleman from South Dakota demands the previous question on the bill to its passage. If there be no objection, the previous question will be considered as ordered.

Mr. TALBERT. I call for a vote upon the previous question.

The question being taken, Mr. TALBERT demanded a division.

Mr. PICKLER. If we allow these bills for the removal of the charge of desertion to lie over, will the gentleman be willing to extend the time——

Mr. TALBERT. I would rather take a vote now.

The House divided; and there were—ayes 94, noes 4.

Mr. TALBERT. No quorum, Mr. Speaker.

The SPEAKER pro tempore (after counting the House). One hundred and seventy-nine members, a quorum, are present, and the previous question is ordered.

The amendment recommended by the committee, to strike out, in line 5, the letter "C" and insert the letter "F," was agreed to.

The bill as amended was ordered to be engrossed and read a third time.

Mr. TALBERT. I demand the engrossed bill.

Mr. PICKLER. I ask that the bill be laid over.

The SPEAKER pro tempore. The gentleman from South Carolina demands the reading of the engrossed bill. The bill will be laid aside for engrossment.

LUCINDA RICKARDS.

Mr. CLARK of Missouri. Mr. Speaker, a few minutes ago when the bill (H. R. 5393) was under consideration objection was made to its passage. The objection is withdrawn, and I ask that it be now passed.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent for the passage of the bill H. R. 5393. Is there objection?

Mr. TALBERT. I object.

OSCAR A. BULETTE.

The next business was the bill (H. R. 5407) to remove the charge of desertion now standing against Oscar A. Bulette, late private in Company E, Fifty-second Illinois Infantry Volunteers, during the late war, with an amendment.

Mr. PICKLER. I ask for the previous question.

The SPEAKER pro tempore. Without objection, the previous question will be considered as ordered.

Mr. TALBERT. I object. I demand a vote.

The question was taken; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. TALBERT. Division!

The House divided; and there were—ayes 80, noes 1.

Mr. TALBERT. No quorum.

The SPEAKER pro tempore. The Chair overrules the point. The Chair has just counted the House.

Mr. PICKLER. Regular order.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed for a third reading.

Mr. TALBERT. I demand the reading of the engrossed bill.

The SPEAKER pro tempore. The bill will be laid aside to be engrossed.

RHODA AUGUSTA THOMPSON.

The next business was the bill (H. R. 6826) granting a pension to Rhoda Augusta Thompson, daughter of the late Thaddeus Thompson, a private in the Revolutionary war.

Mr. PICKLER. I demand the previous question on the bill to its passage.

The SPEAKER pro tempore. Without objection, the previous question will be considered as ordered.

There was no objection.

Under the operation of the previous question the bill was ordered to be engrossed; and being engrossed, it was accordingly read the third time, and passed.

WIDOW OF GEN. JOHN NEWTON.

The next business was the bill (H. R. 1508) granting a pension to the widow of Gen. John Newton, with an amendment.

Mr. TALBERT. I will ask the gentleman if he will withhold his demand for the previous question until I can offer an amendment.

Mr. PICKLER. I think we can vote the amendment down, and I yield for an amendment.

Mr. TALBERT. I move to strike out "seventy-five" and insert "fifty."

Mr. PICKLER. I demand the previous question on the bill and amendment.

Mr. MILES. Mr. Speaker, can that be done without unanimous consent?

The SPEAKER pro tempore. The gentleman demands the previous question on the bill and amendment to its passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from South Carolina, which is an amendment to the amendment of the committee.

The question was taken; and the Speaker pro tempore announced that the noes seemed to have it.

Mr. TALBERT. Division.

The House divided; and there were—ayes 41, noes 53.

So the amendment was rejected.

Mr. TALBERT. No quorum.

The SPEAKER pro tempore. The Chair thinks a quorum is present.

Mr. PICKLER. The gentleman from South Carolina ought not to do that.

The SPEAKER pro tempore. The question is on the amendment recommended by the committee.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed for a third reading.

Mr. TALBERT. I make the point that the bill has not been engrossed, and demand the reading of the engrossed bill.

The SPEAKER pro tempore. The bill will be laid aside for engrossment.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 8013) donating one condemned cannon and cannon balls to Grand Army of the Republic, L. W. Cooper Post, Department of Missouri, No. 81, of Lathrop, Mo.;

Joint resolution (H. Res. 122) authorizing the Secretary of the Navy to deliver condemned cannon to Chamberlain Post, Grand Army of the Republic, to be posted by the soldiers' monument at St. Johnsbury, Vt.;

A bill (H. R. 6663) to authorize and regulate the sale of unclaimed freight, baggage, and other property in the District of Columbia;

A bill (S. 2032) to grant right of way over the public domain for pipe lines in the States of Colorado and Wyoming;

A bill (H. R. 8532) to establish certain harbor regulations for the District of Columbia;

A bill (H. R. 6666) granting to Major C. A. Angel Post, No. 20, Grand Army of the Republic, of Lambertville, N. J., 4 condemned cannon and 20 cannon balls;

A bill (H. R. 128) for the relief of Henry H. Schrawder;

A bill (H. R. 7100) to donate 8 condemned cannon and 100 cannon shot to the Grand Army of the Republic Cemetery Association of Colorado;

A bill (H. R. 6836) to amend section 2981 of the Revised Statutes as amended by the act of June 10, 1880;

A bill (H. R. 7973) to establish a railroad bridge across the Illinois River near Grafton, Ill.;

A bill (H. R. 2451) to correct the records of the War Department in the case of Capt. Henry S. Pratt;

A bill (H. R. 5790) to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington;

A bill (H. R. 7264) to provide for the drainage of lots in the District of Columbia;

A bill (H. R. 7172) donating four condemned cannon and four pyramids of condemned cannon balls to the Soldiers' Monument Association of Allegan, Mich.;

A bill (H. R. 4787) to establish the port of Conneaut, in the State of Ohio, as a subport of entry in the district of Cuyahoga, in said State of Ohio;

A bill (H. R. 6195) amending the statutes relating to the sale of printed copies of patents;

A bill (H. R. 5388) for the relief of F. Alberts & Co., Muskegon, Mich.;

A bill (H. R. 227) requiring bills of sale, conditional sales, mortgages, or deeds of trust of chattels in the District of Columbia to be recorded;

A bill (H. R. 8266) donating two condemned cannon to Custer Post, No. 38, Grand Army of the Republic, of Etna, Pa., and two condemned cannon to James G. Clark Post, No. 162, Grand Army of the Republic, of Allegheny, Pa.;

A bill (H. R. 7143) granting to the Soldiers and Sailors' Monument Association of the county of Middlesex, in the State of New Jersey, 4 condemned cannon and 30 cannon balls;

A bill (H. R. 3596) to remove the charge of desertion from the military record of Michael McKenna;

A bill (H. R. 2740) to carry into effect a finding of the Court of Claims in favor of the estate of George Case, late of Independence County, Ark.;

A bill (H. R. 7216) donating one condemned cannon and cannon balls to Grand Army of the Republic Post, No. 573, of Evans City, Pa.;

A bill (H. R. 6172) authorizing the sale of the title of the United States in lot 5, square 1113, in the city of Washington;

A bill (H. R. 8077) granting to Budlong Post, Grand Army of the Republic, of Westerly, R. I., two condemned mounted brass cannon; and

A bill (H. R. 7140) granting to A. L. Robeson Post, No. 42, Grand Army of the Republic, of Bridgeton, N. J., 4 condemned cannon and 20 cannon balls.

The SPEAKER (during the reading of the report from the Committee on Enrolled Bills). The Chair desires the consent of the House to sit until this report be finished, and until one or two other matters necessary for the business of the House shall be disposed of. Is there objection?

Mr. PICKLER. Mr. Speaker, pending that, I ask consent that the remaining bills on the Unfinished Business Calendar——

The SPEAKER. Is there objection to the proposition made by the Chair?

There was no objection.

Mr. PICKLER. I ask consent that the previous question be considered as ordered on the remaining bills on this Calendar, with ten minutes' debate on each side.

Mr. TALBERT. I object.

The SPEAKER. Objection is made.

The Clerk resumed and completed the reading of the report of the Committee on Enrolled Bills as above.

HOUSE CONFEREES APPOINTED.

The SPEAKER appointed as conferees on the part of the House on the bill S. 710, Mr. LOUDENSLAGER, Mr. COLSON, and Mr. STALLINGS.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. STAHLE, for four days, on account of business.

Mr. WALSH, by unanimous consent, was excused from attending the evening session.

MITCHELL VS. WALSH.

Mr. LONG. Mr. Speaker, I desire to present the report of the Committee on Elections No. 2 in the contested-election case of Mitchell *vs.* Walsh.

Mr. MAGUIRE. Mr. Speaker, on behalf of the minority of the committee, we ask five days in which to present the views of the minority.

Mr. LONG. That is until Wednesday next?

Mr. MAGUIRE. Until and including Wednesday of next week.

There was no objection, and it was so ordered.

The SPEAKER. Under the rule, the House is now in recess until 8 o'clock p. m., and the gentleman from Pennsylvania, Mr. DALZELL, will please act as Speaker at the evening session.

EVENING SESSION.

The recess having expired, the House reassembled at 8 p. m. Mr. DALZELL took the chair as Speaker pro tempore, and directed the reading of paragraph 2 of Rule XXVI; which was read by the Clerk, as follows:

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. PICKLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar under the special order.

The question being taken, the Speaker pro tempore declared that the ayes seemed to have it.

Mr. TALBERT. I ask for a division.

The House divided: and there were—ayes 34, noes none.

Mr. TALBERT. No quorum, Mr. Speaker.

Mr. NEILL. Mr. Speaker, I hope the gentleman from South Carolina will withdraw that point.

The SPEAKER pro tempore. It is perfectly apparent that at this time there is no quorum present, but the Chair hopes that within a short time there will be a quorum.

Mr. TALBERT. Mr. Speaker, I desire to make a brief statement, if I may be permitted to do so.

The SPEAKER pro tempore. The gentleman can make a statement by unanimous consent.

Mr. TALBERT. I ask unanimous consent that all bills for the removal of charges of desertion and for the correction of military records be passed over to-night and take their place at the foot of the Calendar, where they belong. With that request granted I would be willing to withdraw the point of no quorum.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent that bills relating to the removal of charges of desertion and the correction of military records be passed over to-night and put at the foot of the Calendar.

Mr. PICKLER. I ask the gentleman to let them retain their places.

Mr. TALBERT. They ought to be at the foot of the Calendar, and then when we have disposed of meritorious pension bills we can see whether there is any merit in any of these cases. There may be merit in some exceptional instances. I think that is a reasonable request.

Mr. CURTIS of New York. Mr. Speaker, as I understand the suggestion of the gentleman from South Carolina, it is not to put those bills at the foot of the Calendar, but to pass them over, leaving them in their places.

The SPEAKER pro tempore. That was not the gentleman's suggestion.

Mr. CURTIS of New York. I think my friend from South Carolina would be satisfied to have them passed over, retaining their places.

Mr. TALBERT. No, sir. My request is that they be put at the foot of the Calendar, where they belong.

Mr. LACEY. Of course the gentleman's request is for this evening's session only, and I do not see that there is any serious objection to that. Those bills would go to the foot of the Calendar only for this evening. We are of course making an arrangement for only one night's business.

Mr. HALTERMAN. I shall object to that, Mr. Speaker.

Mr. BROMWELL. I shall object to the suggestion of the gentleman from South Carolina, unless he agrees that these bills for the removal of charges of desertion shall retain their places on the Calendar. I do this, not being interested in a single one of them, simply to secure justice.

The SPEAKER pro tempore. The Chair will state to the House that if the request of the gentleman from South Carolina is granted, these bills will go to the foot of the Calendar, not for this evening only, but generally. There ought to be no misunderstanding about that.

Mr. STRONG. Then I must object, Mr. Speaker.

Mr. LACEY. I ask the gentleman from South Carolina to consent to modify his request, so that these bills shall be simply passed over for this night only, retaining their places.

Mr. TALBERT. I make the request only for to-night.

The SPEAKER pro tempore. The Chair wants to understand distinctly what the request of the gentleman from South Carolina is.

Mr. TALBERT. Mr. Speaker, I will state again my request and my reason for making it. I ask unanimous consent that to-night all bills of this character which we may reach—I do not mean all such bills on the Calendar, but all which we may reach to-night—be passed over and take their places at the foot of the Calendar. Let me state my object. I do not make the point of no quorum for the purpose of blocking pension legislation; but I do submit that these cases are not deserving. There are other cases on the Calendar that ought to be considered, and to put these measures continually in the front is wrong. For that reason I make this request, and I hope it will be granted. Then, and not till then, shall I be willing to withdraw the point of no quorum. As a matter of course, you can get a quorum, but you must do as you please; then the responsibility will rest with you. I am always governed by the majority without kicking.

Mr. LOUDENSLAGER. The gentleman is willing, I presume, that worthy cases shall be considered.

Mr. TALBERT. After we have considered the other cases we can take up these and sift them, and if any are deserving they can be passed. But I do not think these bills ought to be placed in front of the claims of true, loyal, brave soldiers.

Mr. LOUDENSLAGER. Will the gentleman insist on his point as against the worthy cases of this class?

Mr. TALBERT. We can not tell which are worthy until we consider them.

Mr. BISHOP. I shall certainly object to the making of this arrangement. There are just as worthy bills reported from the Committee on Military Affairs as from any other committee of the House.

Mr. TALBERT. I do not withdraw the point of no quorum unless that request be granted.

Mr. CURTIS of New York. Mr. Speaker, I am one of the members of the Military Committee, and I think if the House will hear me for a very short time I can satisfy my friend from South Carolina, whose attention I desire, that he ought to modify his request.

Mr. TALBERT. I do not think I am unreasonable.

Mr. CURTIS of New York. I trust the gentleman will listen to what I have to say.

Mr. TALBERT. Certainly I will, with pleasure.

Mr. CURTIS of New York. I am sure no one will complain that the Committee on Military Affairs have not exercised care and industry in the consideration of the bills which have been referred to them. Each and every bill so referred has been considered with great care, first by a subcommittee, and secondly by the whole committee. We have reported to the House for its favorable consideration bills which we regard as meritorious. Upon the passage of those bills depends the pensions of widows and orphans. If my friend from South Carolina had full knowledge of the labor which has been bestowed by our committee upon these bills, I do not think he would take the position he now occupies. But if he insists that this discrimination shall be made against our committee, let him at least so modify his request as to meet the suggestion of the chairman of the Committee on Invalid Pensions, that bills of the character that he objects to be merely passed over, not placed at the foot of the Calendar. That is asking too much. Let them merely be passed over when reached and let this night, if the gentleman so insists, be given to the consideration of reports from the Committee on Invalid Pensions and the Committee on Pensions.

This arrangement, if made, will be a great concession to the power which our friend from South Carolina is able to exercise over the House by making the demand he has made for a quorum. I am sure that a moment's reflection, taking into consideration the merits of these bills and the desire of the House to have them acted on promptly in view of the early adjournment of Congress, will satisfy my friend that he should modify his request and consent that bills from the Military Committee be passed over without prejudice, in order to consider exclusively to-night bills from the Committee on Pensions and the Committee on Invalid Pensions.

Mr. TALBERT. Of course I do not wish to be considered unreasonable. I am not unreasonable. My record here in regard to pensions and other subjects will not justify anyone in saying that I have been unreasonable. But, Mr. Speaker, last Friday night I made this same request. I thought it would be acceded to in good faith. But to-day the very first bills that were taken up were bills of this character, laid aside on last Friday night. I did not think that was right. Therefore, Mr. Speaker, I can not yield anything further. My request is a reasonable one. There are not many bills of this class that we can possibly reach. I do not include in my request all bills on the Calendar—only those that we may reach to-night. I make this request. Gentlemen can either agree to it or not. I do not entreat gentlemen to accept it. I do not beg. I simply assert and demand my just rights and privileges. If they are not granted, I accept the consequences, and go along my way the best that I can.

Mr. CURTIS of New York. My happy and genial friend stands up here and says that he "begs" nothing; yet he knows that the simple words which he has pronounced are a veto upon all business to-night; and that is the position he takes in the face of every member of the House.

Mr. TALBERT. Oh, no, my friend; I only wish to object to the consideration of those matters which I have been fighting since I have been a member of this House.

Mr. CURTIS of New York. Then why not accept the proposition that they be passed over?

Mr. TALBERT. I have made my request. The gentlemen can accept it or not as they see fit. I have nothing more to say.

Mr. HALTERMAN. I wish to say, Mr. Speaker, on looking over the Calendar, that there is but one bill which will lead to discussion, which came from the Committee on Military Affairs, of the character to which the gentleman from South Carolina refers, and I notice that the man to whom it refers is a man who died on the battlefield thirty-three years ago, and his family and his son request to have his military record corrected. There is no doubt that this bill will be passed.

The gentleman from South Carolina will admit it is a proper bill and advocate it when the report is read. This is the only bill of that character which will be reached to-night.

Mr. MORSE. Mr. Speaker, I do not share the views expressed by the gentleman from South Carolina. The gentleman asserts that these bills in regard to the removal of the charges of desertion and for the correction of military records have no merit. I believe that there are no more meritorious cases on the Calendar than some of the cases coming from the Committee on Military Affairs to remove charges of desertion. I have several such cases

in my own mind now, and one in particular, where the man undoubtedly was shot dead on the field of battle, and yet is borne on the rolls as a deserter. He had written affectionate letters to his wife up to the very date and hour of the battle, and I have seen the letters myself; but suddenly he disappeared—it was impossible to find out what had become of him, although there can be no doubt in the world that he was left dead on the battlefield, and he is borne on the rolls of the War Department as a deserter. I do not believe there can be any doubt from the testimony that he was killed in battle at the hands of the enemy. However, the facts can not be established by proof, but the Committee on Military Affairs, looking over the whole matter, after a careful investigation, believe that the charge of desertion ought to be removed; and hence, I repeat, I do not share the sentiments of the gentleman that these bills are unfair and unjust and that they ought not to be passed, and that the charges of desertion should not be removed.

I trust the condition made by the gentleman from South Carolina, that these bills should take their place at the foot of the Calendar, will not be accepted. I submit that consent ought not to be given to such an arrangement, because if it is given he will probably raise another objection in some other way and defeat the passage of bills.

Mr. PICKLER. I object, Mr. Speaker, to further debate. The gentleman from South Carolina makes the point of no quorum. Let us determine the point one way or the other now.

The SPEAKER pro tempore. The Chair will submit the modified request of the gentleman from South Carolina. The gentleman asks unanimous consent that all bills relating to desertion that are reached during the consideration of business this evening shall be passed over and go to the foot of the Calendar. Is there objection?

Mr. MAHANY, Mr. MORSE, Mr. BROMWELL, and others objected.

Mr. HERMANN. Mr. Speaker, I desire a moment to appeal to my friend from South Carolina.

Mr. PICKLER. I do not want to interrupt the gentleman, but there is nothing before the House.

Mr. HERMANN. I ask unanimous consent to be permitted to say a few words to the gentleman.

The SPEAKER pro tempore. The Chair will state that debate is proceeding only by unanimous consent.

Mr. HERMANN. I so understand, Mr. Speaker.

I desire the attention of my friend from South Carolina for a moment. I thought that perhaps the gentleman did not hear the very convincing few words uttered by the gentleman from Pennsylvania [Mr. HALTERMAN], who stated to the House that among the 30 or 40 bills on the first part of the Calendar, which will probably be reached this evening—and 40 bills will be probably more than we can consider at the session to-night—there is but one bill, I think, for the removal of the charge of desertion, and that bill is to remove the charge of desertion from a soldier's record who died on the field of battle thirty-odd years ago.

Now, the gentleman assures us that the testimony is convincing that he died on the field of battle, and his widow and his children are asking the American Congress to remove that stain of dishonor from the memory of a beloved husband and father. I ask my friend from South Carolina whether he will block legislation all this evening by making the objection he does in view of that fact?

Mr. TALBERT. My friend, I am not blocking the way of legislation. I have suggested a very easy way to prevent its being blocked. It is the gentlemen who make objection to my request. If they want to block it, they can take the responsibility. It is not upon me, but upon them.

Mr. HERMANN. Will the gentleman, in the face of the representation I have made, continue to block legislation as to these 40 cases to-night? I ask the gentleman from South Carolina whether, in the face of this statement, he will continue to urge the suggestion he has made?

Mr. TALBERT. I maintain I am not blocking legislation—it is the other fellows.

Mr. HERMANN. If the gentleman will not consent, in view of the statement of the gentleman from Pennsylvania, to withdraw his objection, I do not think that anything can induce him to do it.

Mr. WOOD. Mr. Speaker, I desire to renew the request of the gentleman from South Carolina. I wish to call the attention of the House to this one fact: There is not a bill to remove the charge of desertion that will be reached to-night.

Mr. LOUDENSLAGER. Oh, yes, there is.

Mr. WOOD. There is one to correct a military record, but not a bill to remove the charge of desertion. There is nothing in this bill to which any objection can be made. I read the title:

A bill to complete the military record of Caleb L. Jackson.

Under the rules that could not be taken up to-night. That has been held. So I hope, as it will do no harm to consent to it, that the request which I now renew——

Mr. DOCKERY. What is the request?

Mr. WOOD. That all such cases may go to the foot of the Calendar may be consented to. We shall not reach any such case at all to-night, and hence it does not become a practical question.

Mr. DOCKERY. I understand there is but one case——

Mr. WOOD. There is not one.

Mr. DOCKERY. But one case involving a charge of desertion.

Mr. WOOD. It is to complete a military record.

Mr. DOCKERY. I most heartily concur in the request of the gentleman from Illinois. This is a practical question, and it seems to me that it would be better to accept the proposition of the gentleman from South Carolina [Mr. TALBERT]. The gentleman in charge of that one bill can reach consideration of it in some other way at some other time.

Mr. PICKLER. I ask the Chair to submit the request of the gentleman from South Carolina again; and if it is objected to, we might just as well adjourn. I hope that the request of the gentleman from South Carolina will again be submitted, and I hope gentlemen will not object. The point is just here: It makes little difference where these bills go so far as the Calendar is concerned. When we have a quorum here in the House in the daytime, at any time, the House can do as it pleases with these bills.

Mr. BROMWELL. By unanimous consent.

Mr. LOUDENSLAGER. Or by suspension of the rules.

Mr. COX. If the gentleman will allow me to interrupt him for one moment, I do not think we shall have any trouble about this——

Mr. PICKLER. We are having a good deal of trouble.

Mr. COX. Let us get out of it.

Mr. PICKLER. We have lost twenty minutes of time now.

Mr. COX. I make this request for unanimous consent, that any bill that is on the Calendar to be reached to-night which embraces the charge of desertion be passed over for to-night and let the pension claims be considered. I am satisfied that my friend from South Carolina [Mr. TALBERT] has no motive in the world except to do what he thinks is his duty, and if this is done there will be no trouble, because we can take up the pension bills to-night and go back to these other bills afterwards.

The SPEAKER pro tempore. The Chair will submit the request of the gentleman from South Carolina [Mr. TALBERT] again.

Mr. COX. Mr. Chairman, I should like to have the request submitted which I have made.

The SPEAKER pro tempore. It is substantially the same thing.

Mr. PICKLER (to Mr. COX). Will the gentleman from South Carolina accept your request?

Mr. TRACEY. He tells me that he will not.

Mr. COX. Then I withdraw it.

Mr. LACEY. There is but one bill that can possibly be affected by the order asked by the gentleman from South Carolina. If that is a meritorious bill, I think there will be no trouble at all for the Committee on Rules to take care of that bill. So let us accept his proposition.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. TALBERT] asks unanimous consent that all bills relating to the charge of desertion reached during this evening session shall be passed over and go to the foot of the Calendar. The Chair understands that there is only one such bill within reach to-night. Is there objection? The Chair hears none.

Mr. BROMWELL. Mr. Speaker, I object.

Mr. PICKLER. It is too late.

Mr. BROMWELL. I think not. I rose to object, and I have objected.

Now, I want to be heard on this, Mr. Speaker. I have not a single case of military record correction upon this Calendar, so that I am not personally interested in this question at all.

Mr. TAYLER. But the rest of us have cases which we want to have considered.

Mr. BROMWELL. But I want to say that I have got tired of coming here every Friday night and having the business of this House, with over a hundred men here who ought to have manhood enough to assert their manhood, dictated to by one member. [Applause.]

I want to say that to my mind these cases of removal of charges of desertion and the correction of military records are just as important as any pension cases that we pass upon. There is something that is higher, something that appeals more to us, in the case of an unjust charge of desertion against a man, which has been hanging over him and blighting his record and his fair name, and that has been a disgrace and a shame to his family for thirty years, than there is in the mere question of whether we shall vote eight or ten or twelve dollars per month to maintain a man who has suffered injuries in the Army.

The injury to his fair name and reputation is as much to him as

the dollars and cents that we so lavishly and profusely bestow on pensions. I want to say, much as it will disappoint me to stand in the way of legislation, I propose to assert my manhood and my right to stand here and say that I will object, and continue my objection, to any such resolution as this gentleman offers. If he will agree to allow the bills relating to military desertion cases to keep their places on the Calendar, so that they may be considered at some other proper time, I would not object; but when he undertakes to pick out these particular cases that have been carefully examined by the Committee on Military Affairs, and favorably reported, I for one will not submit to such dictation. You may do so, but I, too, can block such proceedings, and the responsibility will rest with him and not with me. [Applause.]

Mr. TRACEY. Mr. Speaker, I want to state to my friend here—and he is my friend—that while it is asserted by the gentleman that he does not intend to do anything unreasonable, and I do not think he deliberately does intend to do anything unreasonable, yet he is doing what is unreasonable when the facts are taken into consideration. I am satisfied he does not deliberately intend to do that; but in a case to which he objected to-day, in which I happen to know the facts, the charge of desertion is as absolutely false as it is possible to assert a falsehood; yet the charge of desertion appears of record against the soldier, and it ought to be removed. It appears to me impossible that a gentleman should oppose the consideration of a case of this sort and yet say that he is not unreasonable. There may be cases—but no such case has been reported to the House by the present Committee on Military Affairs—in which a man would be reasonable in making objection to their present consideration, or to any consideration except at the foot of the Calendar.

The Committee on Military Affairs of the present House has taken great pains in the consideration of every case that has come before it in which they have made a favorable report. I am able to say to the House, and to the gentleman from South Carolina, that no case has been reported to this House favorably unless the testimony warranted the conclusion that the charge had been improperly made against the soldier. We have made no other sort of report to the House. Therefore it is wrong to the soldier, whose character is at stake, as it is wrong to the committee, that has spent its time investigating these cases. Therefore I sincerely trust that my friend will see how unreasonable he is to pursue this course, and I hope he will withdraw the point of no quorum.

Mr. PICKLER. I renew my motion that the House resolve itself into Committee of the Whole House under the special order.

Mr. WHEELER. I would like to say a word or two.

The SPEAKER pro tempore. The point of no quorum is still pending.

Mr. PICKLER. But a large number of members have come in since.

The SPEAKER pro tempore. The Chair will consider that fact, too.

Mr. WHEELER. Mr. Speaker, I do not wish to detain the House, but I wish to say——

Mr. HARDY. I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HARDY. The gentleman from South Carolina made a motion that all bills upon the Calendar for consideration this evening that had anything to do with desertion should go to the foot of the Calendar. That required unanimous consent. Objection has been made, and I believe after objection has been made debate is not in order.

The SPEAKER pro tempore. It is not in order except by unanimous consent, and debate has been proceeding by unanimous consent.

Mr. HARDY. I object to further debate.

The SPEAKER pro tempore. The Chair will state the situation. The gentleman from South Carolina makes the point of no quorum, but agrees to withdraw that point upon a certain proposition, which has been submitted to the House, and to that objection has been made. The Chair will therefore count those present. [After a count.] One hundred and twenty-nine gentlemen are present; not a quorum.

Mr. PICKLER. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk proceeded to call the roll.

Mr. PICKLER (during the call). Mr. Speaker, I move to dispense with further proceedings under the call.

Mr. BROMWELL. Mr. Speaker, under conditions which have been suggested to me by the chairman of the Committee on Invalid Pensions, and without withdrawing from my view or my position in this matter, I understand that the gentleman from South Carolina [Mr. TALBERT] is willing to accept the suggestion that has been made if I will withdraw my objection to his request. If my understanding of the suggestion is correct, I will withdraw my objection; otherwise I will renew it.

Mr. TALBERT. The gentleman is mistaken about my withdrawing anything. I stated that if the gentleman would withdraw his objection to my request, I would then withdraw my point of no quorum.

Mr. BROMWELL. It is as broad as it is long. I will do that.

The SPEAKER pro tempore. Does the gentleman from South Dakota insist upon his motion to dispense with the call?

Mr. PICKLER. Yes, sir.

The SPEAKER pro tempore. The gentleman from South Dakota moves to dispense with further proceedings under the call.

Mr. TALBERT. I do not withdraw my request at all, Mr. Speaker.

The question being taken on the motion of Mr. PICKLER, the Speaker pro tempore announced that the noes seemed to have it.

Mr. PICKLER. I ask for a division. [Loud cries of "No!" "No!"]

Mr. PICKLER. Mr. Speaker, I insist upon my motion to dispense with further proceedings under the call. I desire to say, by unanimous consent, that I suppose gentlemen who voted against the motion just now understand that when the roll is called and the record is closed with no quorum present we are "out" for this night session. Now, I want to avoid that. If you want not to do any business this evening, gentlemen, and to have your record show no quorum present, then vote down my motion.

The question being taken on the motion of Mr. PICKLER, the Speaker pro tempore declared that the ayes seemed to have it.

Mr. BROMWELL. I ask for a division.

The House divided; and there were—ayes 84, noes 9.

So the motion of Mr. PICKLER was agreed to, and further proceedings under the call were dispensed with.

Mr. PICKLER. Now, Mr. Speaker, I renew my motion that the House resolve itself into the Committee of the Whole for the consideration of bills on the Private Calendar under the special order.

Mr. TALBERT. Mr. Speaker, I rise to a point of order. I submit that the House has been found without a quorum. I have made the point of no quorum. You have not ascertained that there is a quorum present; and therefore I submit that the motion of the gentleman from South Dakota is out of order.

The SPEAKER pro tempore. The Chair sustains the point of order.

Mr. PICKLER. Then I misunderstood what the gentleman from South Carolina had said. I move a call of the House, Mr. Speaker.

Mr. POWERS. Mr. Speaker, I move that the House do now adjourn.

The question being taken on the motion of Mr. POWERS, the Speaker pro tempore declared that the noes seemed to have it.

Mr. BISHOP. I call for a division.

The House divided; and there were—ayes 2, noes 70.

So the House refused to adjourn.

Mr. PICKLER. I move a call of the House. [Loud cries of "No!" "No!"]

Mr. DOLLIVER. Mr. Speaker, I suggest that the Chair again state to the House the request for unanimous consent made by the gentleman from South Carolina. I think an arrangement can be made.

The SPEAKER pro tempore. The gentleman from South Dakota has moved a call of the House.

Mr. PICKLER. I withdraw my motion.

Mr. BROMWELL. Mr. Speaker, information was brought to me by gentlemen who had been advising and consulting with the gentleman from South Carolina that if I would withdraw my objection to his request he on his part would withdraw his request that the cases indicated by him be put at the foot of the Calendar. That is all I have been contending against, and with that understanding I will and I do withdraw my objection to his request. But if the gentleman insists upon his original request, then I shall renew the objection.

Mr. TALBERT. The gentleman still misunderstands what I told his friends. What I said was this: They stated to me that the man my friend from Ohio [Mr. BROMWELL] had spoken of had been killed on the battlefield and that his case was a meritorious one, and I told them to say to the gentleman that if he would withdraw his objection and let me have unanimous consent, then, when we got to that case, I would make an exception of it and would ask that it be considered and passed. That was my proposition. That is what I stated; that if the gentleman would withdraw his objection I would make that agreement. I do not wish to block pension legislation. The gentleman is mistaken when he says that one man has been blocking pension legislation here. I deny that I have been blocking legislation. No gentleman can point to a single instance where I have done it during this session of Congress or at any time.

Mr. DOLLIVER. I renew my suggestion, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent that all cases relating to desertion and to the correction of military records that are reached at this evening's session be passed over and go to the foot of the Calendar. Is there objection?

Mr. BROMWELL. I object.

Mr. CURTIS of Kansas. I move that the House adjourn.

The motion was not agreed to.

Mr. PICKLER. I move a call of the House.

The motion of Mr. PICKLER was agreed to.

Mr. PICKLER. Pending that, I hope the gentleman from Pennsylvania [Mr. HALTERMAN] will be allowed to make a statement.

Mr. HALTERMAN. Mr. Speaker, I wish to say in regard to the only bill that can be reached——

The SPEAKER pro tempore. A call of the House has been ordered, and no debate is in order.

Mr. PICKLER. The gentleman who is interested in this bill proposes to withdraw it.

Mr. CUMMINGS. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CUMMINGS. Will it be in order to ask unanimous consent that the roll call be resumed where it was left off——

Mr. PICKLER. No; that will not do.

The SPEAKER pro tempore. The Chair is of opinion that there being no quorum present, and the point being insisted on, nothing is in order but to proceed with the call of the House pursuant to the motion just adopted.

Mr. LACEY. But the gentleman from Pennsylvania, who is in charge of the only bill which will be affected by the proposed order, has been trying for some time to get an opportunity to make a statement by unanimous consent.

The SPEAKER pro tempore. But the Chair will state to the gentleman from Iowa that in the absence of a quorum no business of any kind can be done while the point is insisted upon.

Mr. LACEY. Can not the gentleman make a statement of the situation for the benefit of the House?

The SPEAKER pro tempore. He can, by unanimous consent.

Mr. LACEY. His bill is the only one involved, and I suggest that he have an opportunity to explain, so that an arrangement may be made about that bill.

The SPEAKER pro tempore. There is nothing now in order except to proceed with the call of the House.

Mr. PICKLER. I insist on the regular order.

The SPEAKER pro tempore. The Clerk will proceed with the call of the roll.

The roll was called; and the following-named members failed to answer:

Acheson,	Ellett, Va.	Loud,	Richardson,
Adams,	Elliott, S. C.	Low,	Robertson, La.
Aitken,	Fairchild,	Maddox,	Robinson, Pa.
Aldrich, Ill.	Fitzgerald,	Maguire,	Rusk,
Allen, Miss.	Fletcher,	Mahon,	Russell, Conn.
Anderson,	Foote,	McCall, Mass.	Russell, Ga.
Apsley,	Gillet, N. Y.	McCleary, Minn.	Sauerhering,
Arnold, Pa.	Goodwyn,	McClure,	Scranton,
Arnold, R. I.	Grosvenor,	McCormick,	Settle,
Bailey,	Grout,	McCreary, Ky.	Shaw,
Baker, Md.	Grow,	McDearmon,	Sherman,
Barney,	Hall,	McEwan,	Sparkman,
Barrett,	Hanly,	McLachlan,	Spencer,
Bartlett, N. Y.	Harmer,	McLaurin,	Stahle,
Beach,	Harris,	McMillin,	Steele,
Bell, Tex.	Harrison,	Meiklejohn,	Stephenson,
Bennett,	Hart,	Mercer,	Stone, W. A.
Berry,	Heiner, Pa.	Meredith,	Strait,
Bingham,	Henderson,	Meyer,	Sulzer,
Black, Ga.	Hendrick,	Miller, Kans.	Swanson,
Black, N. Y.	Henry, Ind.	Miller, W. Va.	Taft,
Boutelle,	Hepburn,	Milliken,	Tawney,
Bowers,	Hitt,	Miner, N. Y.	Thorp,
Brosius,	Hooker,	Mondell,	Tucker,
Buck,	Hopkins,	Money,	Turner, Ga.
Cannon,	Howard,	Moses,	Turner, Va.
Catchings,	Howell,	Mozley,	Tyler,
Chickering,	Huff,	Murphy,	Underwood,
Clarke, Ala.	Hulling,	Newlands,	Updegraff,
Cobb,	Hull,	Odell,	Van Horn,
Cockrell,	Hurley,	Ogden,	Wadsworth,
Coffin,	Hutcheson,	Otey,	Walker, Mass.
Cooper, Fla.	Hyde,	Overstreet,	Walker, Va.
Cooper, Tex.	Johnson, Ind.	Owens,	Walsh,
Cooper, Wis.	Johnson, N. Dak.	Parker,	Washington,
Cousins,	Joy,	Patterson,	White,
Cowen,	Kendall,	Payne,	Wilber,
Crisp,	Kleberg,	Pearson,	Williams,
Crowley,	Knox,	Pendleton,	Willis,
Dayton,	Lawson,	Perkins,	Wilson, Idaho
Denny,	Leisenring,	Phillips,	Wilson, S. C.
Dingley,	Lester,	Pitney,	Woodard,
Dinsmore,	Lewis,	Price,	Woodman,
Doolittle,	Linton,	Quigg,	Woomer.
Dovener,	Livingston,	Raney,	
Downing,	Lockhart,	Ray,	
Draper,	Lorimer,	Reyburn,	

The SPEAKER pro tempore. The roll call has been completed, and discloses the lack of a quorum. The doors will now be closed——

Mr. HARDY. A number of gentlemen are here ready to answer to their names.

The SPEAKER pro tempore. Under the rule, gentlemen who come in after this call has been completed can report their names to the Clerk. The doors will now be closed, and the names of the absentees will be called for the presentation of excuses. Gentlemen desiring to offer excuses for absent members will please pay attention.

The Clerk proceeded to call the roll of absentees.

Mr. TATE (when the name of Mr. BARTLETT of Georgia was called). Mr. Speaker, my colleague, Mr. BARTLETT, is unwell to-night. I ask that he be excused on account of sickness.

There being no objection, Mr. BARTLETT of Georgia was excused.

Mr. POOLE (when the name of Mr. BROSIUS was called). Mr. Speaker, the gentleman from Pennsylvania, Mr. BROSIUS, was taken sick this afternoon, and is unavoidably absent to-night. I ask that he be excused.

There being no objection, Mr. BROSIUS was excused.

Mr. TATE (when the name of Mr. CRISP was called). Mr. Speaker, I ask that my colleague, Mr. CRISP, be excused on account of sickness.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. TATE] asks that his colleague, Mr. CRISP, be excused on account of sickness. Is there objection?

Mr. CROWTHER. I object. I am tired of this thing of excusing these gentlemen who avoid these Friday night sessions.

Mr. TATE. It is well known to this House that my colleague, Mr. CRISP, has been unwell for some time, and that is the reason I have asked that he be excused.

The SPEAKER pro tempore. Objection is made.

Mr. LACEY. I move that the gentleman from Georgia [Mr. CRISP] be excused.

The motion was agreed to.

Mr. LITTLE (when the name of Mr. DINSMORE was called). I desire to announce that my colleague, Mr. DINSMORE, is confined to his room and unable to attend the sessions of the House. I believe he has already been excused.

The SPEAKER pro tempore. The gentleman from Arkansas, Mr. DINSMORE, has leave of absence.

Mr. HICKS (when the name of Mr. HUFF was called). Mr. Speaker, my colleague is absent by leave of the House.

The SPEAKER pro tempore. He does not require an excuse.

Mr. KEM. I ask that Mr. HOWARD of Alabama be excused on account of ill health.

There was no objection.

Mr. HICKS. The gentleman from Illinois who sits near me [Mr. HITT] is not yet in very robust health, and it is imprudent for him to be out at night. I ask that he be excused also.

There was no objection.

Mr. WELLINGTON. Mr. Speaker, my colleagues, Mr. BAKER of Maryland and Mr. COFFIN, have been called out of the city. I ask that they be excused.

There was no objection.

Mr. KIEFER (when the name of Mr. MCCLEARY of Minnesota was called). Mr. Speaker, my colleague, Mr. MCCLEARY, was very ill this afternoon with a severe headache. I walked part of the way home with him and know he was suffering severely. I ask that he be excused.

There was no objection.

Mr. MAHANY. I ask that my colleague, Mr. CHICKERING, who has been called out of the city, be excused.

There was no objection.

Mr. KULP. I ask that my colleague, Mr. LEISENRING, be excused, as he is out of the city.

There was no objection.

Mr. PUGH. My colleague, Mr. LEWIS, is detained at his home in Kentucky attending a session of court on very important legal business. He expected to have been here before now, but was detained. I ask that he be excused.

The SPEAKER pro tempore. The Chair is informed that the gentleman already has leave of absence.

Mr. WRIGHT. The gentleman from New York [Mr. FAIRCHILD] has been suddenly called out of town, and I ask that he be excused.

Mr. CROWTHER. Mr. Speaker, I object.

Now, here is an illustration of the way this thing works: The gentleman from Georgia [Mr. BARTLETT] was excused in the early part of the session to-night, but must have been cured by electricity, for he is here now. [Laughter.]

Mr. JOHNSON of California. I think the House ought to give thanks for the miraculous restoration to health of the gentleman from Georgia [Mr. BARTLETT]. I simply ask that we do so by proceeding at once to business. [Applause.]

Mr. BARTLETT of Georgia. Mr. Speaker, I do not know what the gentleman from California means. I know this, that when I left the House this afternoon I requested my colleague [Mr. TATE] to represent me in a matter that I thought might come up, as I was not feeling very well. I did not come out to the night session, not being well enough, but having received information that there was a call of the House proceeding, and that no quorum was here, in order to help to make a quorum as far as I could, and at very great inconvenience and discomfort to myself, I came, believing it to be my duty to do so. [Applause.]

The SPEAKER pro tempore. The Chair desires to state to the House that Mr. BARTLETT of Georgia is marked present on the first call. The Chair has no recollection of anybody asking that he be excused. So it seems that the gentleman from California and the gentleman from Missouri are both in error.

Mr. JOHNSON of California. The gentleman from Georgia [Mr. TATE] did ask that his colleague, Mr. BARTLETT, be excused on account of illness to-night. I know Mr. BARTLETT to be a gentleman who would come here if he could in the performance of his duties, and I am satisfied that everything that he has said is absolutely correct. He has set a first-class example to the Republicans of this House about attending these sessions. [Applause.]

Mr. SIMPKINS. Mr. Speaker, I ask that my colleague, Mr. MCCALL of Massachusetts, who has been called home on account of important business, may be excused.

There was no objection.

The Clerk resumed the call of the roll.

Mr. GARDNER. I ask that my colleague, Mr. PITNEY of New Jersey, be excused. He is absent from the city, in New Jersey. I think he has leave of absence, although I am not sure.

The SPEAKER pro tempore. The Chair is informed that the gentleman has leave of absence.

Mr. GARDNER. And I ask, also, that Mr. MCEWAN and Mr. HOWELL, my colleagues, who are both out of the city, be excused.

There was no objection.

The Clerk resumed the reading of the names of the absentees.

Mr. JOHNSON of California. The gentleman from Idaho [Mr. WILSON] has leave of absence, Mr. Speaker.

The SPEAKER pro tempore. The gentleman has leave of absence already, and needs no excuse.

Mr. MAHANY. I ask that my colleague, Mr. MCCORMICK, be excused on account of illness.

There was no objection.

Mr. MAHANY. I also ask that my colleague, Mr. WILBER, be excused. He is out of the city.

There was no objection.

Mr. WANGER. I ask that my colleague, Mr. MAHON, be excused. As is well known, he is one of the most constant in attendance on these Friday night sessions. He was in attendance here this afternoon, and left here suffering with a severe headache. I have no doubt that is the cause of his absence this evening.

There was no objection.

Mr. BELKNAP. My colleague, Mr. LORIMER, is absent on account of serious illness in his family. I ask that he be excused.

The SPEAKER pro tempore. He is already excused, as the Chair is advised.

Mr. PICKLER. I ask that the gentleman from Iowa [Mr. HEPBURN] be excused, on account of important business. This is the only night session during the present Congress from which he has been absent.

There was no objection.

Mr. HILL. I ask that my colleague, Mr. RUSSELL of Connecticut, be excused.

There was no objection.

Mr. HOWE. I ask that my colleague, Mr. HURLEY, be excused.

There was no objection.

Mr. FARIS. I do not know whether my colleague, Mr. JOHNSON of Indiana, is excused or not. It is well known that he is absent from the city, sick.

The SPEAKER pro tempore. The Chair understands he has leave of absence.

Mr. POOLE. I ask that my colleague, Mr. FAIRCHILD, be excused.

There was no objection.

The SPEAKER pro tempore. The call of the roll and the responses of those who came in after the roll call show that there are 166 gentlemen present. The Chair is ready to entertain any motion.

Mr. PICKLER. I offer the following resolution.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms is hereby authorized and directed to arrest and bring to the bar of the House all members absent without leave of the House.

The resolution was agreed to.

Mr. CURTIS of New York. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CURTIS of New York. I wish to ask as to how short a time is probably the least time in which absent members may be found and be brought here, and at what expense per member?

The SPEAKER pro tempore. The gentleman has propounded a conundrum which the Chair is utterly unable to answer.

Mr. CURTIS of New York. I think in the last session——

Mr. PICKLER. Regular order.

The SPEAKER pro tempore. There is nothing now in order except a motion to dispense with further proceedings under the call, or a motion to adjourn.

Mr. CURTIS of New York. I move that the House do now adjourn.

The motion was rejected.

Mr. NORTHWAY. Mr. Speaker, it is evident that we can not get a warrant issued before the time at which we are compelled to adjourn. Therefore I move to dispense with further proceedings under the call.

Mr. PICKLER. Regular order.

Mr. NORTHWAY. That is the regular order. I move to dispense with further proceedings under the call.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. NORTHWAY] moves to dispense with further proceedings under the call.

The question was taken; and on a division (demanded by Mr. MILNES) there were—ayes 39, noes 78.

So the motion to dispense with further proceedings under the call was rejected.

Mr. DOLLIVER. Mr. Speaker, if the House will permit just a word, I understand the record shows that these proceedings in the last eight years have never resulted in bringing in more than nine members. In view of the lateness of the hour and the expense of the proceedings under a call, I move that the House do now adjourn.

Mr. PICKLER. I make the point of order that there has been no business done since that motion was made before.

The SPEAKER pro tempore. The Chair would suggest that no business can be done in a House that is without a quorum.

Mr. PICKLER. But there has been no other motion made.

The SPEAKER pro tempore. A motion to dispense with further proceedings——

Mr. PICKLER. The last business was a motion to adjourn.

The SPEAKER pro tempore. No; the last motion was to dispense with further proceedings under the call.

Mr. DOCKERY. The motion to adjourn is in order.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. DOLLIVER] moves that the House do now adjourn.

The question was taken.

Mr. NORTHWAY demanded a division.

Mr. DOLLIVER. I call for the yeas and nays.

On the call for the yeas and nays there were—ayes 30, noes 51.

Accordingly (one-fifth voting in favor thereof) the yeas and nays were ordered.

Mr. PICKLER. I move to reconsider the vote by which the yeas and nays were ordered.

The SPEAKER pro tempore. The House having ordered the yeas and nays on the motion to adjourn, the gentleman from South Dakota moves to reconsider the vote by which the yeas and nays were ordered.

Mr. MILNES. Mr. Speaker, I move to lay that motion on the table.

Mr. BISHOP. I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BISHOP. The motion of the gentleman from South Dakota is not in order. It is the privilege of the minority to demand the yeas and nays, and it can not be taken away from them.

Mr. PICKLER. Yes; it can.

Mr. DOCKERY. Mr. Speaker, under the practice the majority can reconsider a vote——

The SPEAKER pro tempore. The House will please be in order. The Chair will hear the gentleman from Missouri.

Mr. DOCKERY. Under the uniform practice, as I recollect it, the majority can reconsider the vote by which the yeas and nays were ordered; but then on reconsideration one-fifth of those present can again demand the yeas and nays.

Mr. PICKLER. I demand the regular order.

Mr. MILNES. The regular order is to lay your motion on the table.

The SPEAKER pro tempore. The Chair will suggest to the gentleman from Missouri that a motion is pending to lay on the table the motion to reconsider.

Mr. NORTHWAY. Mr. Speaker——

The SPEAKER pro tempore. The question now is——

Mr. DOLLIVER. Mr. Speaker, I do not think that a motion

to reconsider the vote by which the yeas and nays were ordered

Mr. PICKLER. I demand tellers. I believe I have the floor.

The bill (H. R. 6368) for the relief of Thomas J. Sheppard,

to reconsider the vote by which the yeas and nays were ordered is in order.

Mr. PICKLER. I demand the regular order.

Mr. DOLLIVER. The Constitution provides that one-fifth of those present can demand the yeas and nays.

Mr. PICKLER. I demand the regular order.

The SPEAKER pro tempore. The Chair will hear the gentleman from Iowa.

Mr. PICKLER. The gentleman is out of order.

The SPEAKER pro tempore. The Chair will hear the gentleman from Iowa.

Mr. PICKLER. He has not risen to a point of order. The gentleman from Iowa has not stated that he rose to a point of order.

Mr. DOLLIVER. I rise to a question of order; and my point of order is that the motion of the gentleman from South Dakota, to reconsider the vote by which the yeas and nays were ordered, is not in order. The taking of the yeas and nays is a mere form of counting the vote, and after the yeas and nays have been ordered no motion of that sort is pertinent.

The SPEAKER pro tempore. The Chair overrules the point of order.

Mr. PICKLER. Regular order.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Michigan to lay on the table the motion of the gentleman from South Dakota to reconsider the vote by which the yeas and nays were ordered.

Mr. POWERS. On that motion I demand the yeas and nays. [Laughter and applause.]

The SPEAKER pro tempore. The Chair holds that that demand is not in order. The Chair will state the parliamentary situation. The question is——

Mr. TERRY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. TERRY. I just want to suggest a parliamentary inquiry along here. A call for the yeas and nays has been made and was sustained by thirty-odd members. There were 60 on the other side. Now, if you can reconsider a vote of that kind, 60 can deny to 30 the constitutional right to demand the yeas and nays.

The SPEAKER pro tempore. The Chair will state to the gentleman from Arkansas that the decisions are clear on the subject as they appear at the desk. The Chair will now state the parliamentary situation. The yeas and nays having been ordered, the gentleman from South Dakota [Mr. PICKLER] moves to reconsider the vote by which the yeas and nays were ordered, and the gentleman from Michigan [Mr. MILNES] moves to lay that motion on the table. Those in favor of the latter motion will say "aye."

The question was taken; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. KIRKPATRICK and others. Division!

The House divided.

The SPEAKER pro tempore. On this question the yeas are 48, the nays 48; and the motion is lost.

Mr. PICKLER. Regular order!

Mr. POWERS. On that question I demand the yeas and nays, and I insist that that is in order. If it is competent for this House to divide and take a vote with no quorum present, it is entirely competent under the circumstances for one-fifth of those present to demand the yeas and nays.

The SPEAKER pro tempore. The Chair had already decided that the motion was lost. The Chair understands that the demand of the gentleman from Vermont now is that the yeas and nays be taken on the motion to reconsider.

Mr. POWERS. On either question.

Mr. PICKLER. It is too late.

The SPEAKER pro tempore. The Chair has already decided the other question, and has seen no reason to change that decision.

Mr. POWERS. Then I will ask for the yeas and nays on the original motion.

The SPEAKER pro tempore. The Chair will suggest to the gentleman from Vermont that this is a mere question of the method of taking a vote in the House in which there is no quorum, and the Chair is of the opinion that the yeas and nays are not properly demanded.

Mr. PICKLER. Regular order.

Mr. POWERS. I do not want to embarrass the situation, so I withdraw the demand.

The SPEAKER pro tempore. The question is on the motion of the gentleman from South Dakota to reconsider the vote by which the yeas and nays were ordered.

The question was taken; and the Speaker pro tempore announced that the noes seemed to have it.

A division was demanded by several members.

The House divided; and there were—ayes 43, noes 56.

So the motion to reconsider was rejected.

Mr. PICKLER. I demand tellers on this motion.

Mr. MILNES. Mr. Speaker, I move that all the absentees be now excused.

Mr. PICKLER. I demand tellers. I believe I have the floor, Mr. Speaker, or ought to have it. [Laughter.]

Mr. MILNES. The gentleman from South Dakota thinks he ought always to have the floor.

Mr. PICKLER. I demand tellers.

Tellers were ordered, 39 members voting in favor thereof; and Mr. PICKLER and Mr. TALBERT were appointed.

Mr. MILES (during the count by tellers). Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The House is dividing, and the gentleman is not in order.

The House having again divided, the tellers reported—ayes 62, noes 48.

The SPEAKER pro tempore. The House decides to reconsider the motion whereby the yeas and nays were ordered, and the question now recurs on ordering the yeas and nays.

Mr. MILNES. Mr. Speaker, I move that the House adjourn.

Mr. McRAE. Is not that the pending question, Mr. Speaker?

Mr. PUGH. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. PUGH. While we are laboring here with closed doors in this dense atmosphere in the presence of this magnificent assemblage of ladies who grace with their presence this kindergarten performance in the national schoolhouse, I would like to know whether a call of the House suspends the rule against smoking in the Hall?

The SPEAKER pro tempore. It does not. If any gentleman smokes in the Hall he infringes the rule.

Mr. PUGH. Not only one, but quite a number of those present have been infringing the rule, and while it may be fun for the boys on the floor, it must be very disagreeable to the ladies and other visitors in the galleries.

The SPEAKER pro tempore. The Chair will state to the gentleman from Michigan [Mr. MILNES], who has just made a motion to adjourn, that the question before the House is on the motion to adjourn, and the pending question is whether the House will order the yeas and nays on that motion.

The question being taken, the yeas and nays were ordered.

Mr. PICKLER. Mr. Speaker, I move to reconsider the vote by which the yeas and nays have been ordered.

The SPEAKER pro tempore. The Chair holds that motion to be out of order. The Clerk will call the roll.

Mr. PICKLER. From that decision of the Chair I appeal.

The SPEAKER pro tempore. The Chair declines to entertain the appeal. [Applause.]

The question was taken; and there were—yeas 27, nays 119, not voting 209; as follows:

YEAS—27.

Aldrich, Ala.	Cummings,	Hager,	McClellan,
Avery,	Curtis, Iowa	Hainer, Nebr.	Milnes,
Bartlett, Ga.	Curtis, N. Y.	Hicks,	Northway,
Broderick,	Daniels,	Hunter,	Shannon,
Calderhead,	Dolliver,	Lacey,	Snover,
Clardy,	Erdman.	Latimer,	Spalding.
Codding,	Griswold,	Long,	

NAYS—119.

Allen, Utah	Evans,	Kirkpatrick,	Southard,
Andrews,	Faris,	Kulp,	Southwick,
Atwood,	Fenton,	Layton,	Sperry,
Babcock,	Fischer,	Lefevor,	Stallings,
Baker, Kans.	Foss,	Leighty,	Stewart, N. J.
Baker, N. H.	Fowler,	Leonard,	Stewart, Wis.
Belknap,	Gamble,	Little,	Stone, C. W.
Bell, Colo.	Gardner,	Loudenslager,	Strode, Nebr.
Bishop,	Gibson,	Mahany,	Strong,
Blue,	Gillett, Mass.	Marsh,	Strowd, N. C.
Bromwell,	Graff,	McCulloch,	Talbert,
Brumm,	Griffin,	McRae,	Tate,
Burrell,	Hadley,	Miles,	Tayler,
Burton, Mo.	Halterman,	Minor, Wis.	Terry,
Burton, Ohio	Hardy,	Moody,	Thomas,
Clark, Iowa	Hatch,	Otjen,	Towne,
Clark, Mo.	Heatwole,	Pickler,	Tracey,
Colson,	Hemenway,	Poole,	Van Voorhis,
Cook, Wis.	Henry, Conn.	Powers,	Wanger,
Cooke, Ill.	Hermann,	Prince,	Warner,
Corliss,	Hilborn,	Pugh,	Watson, Ind.
Crowther,	Hill,	Reeves,	Watson, Ohio
Crump,	Howe,	Royse,	Wellington,
Curtis, Kans.	Hubbard,	Sayers,	Wheeler,
Danford,	Hulick,	Shafroth,	Wilson, N. Y.
De Armond,	Johnson, Cal.	Shuford,	Wilson, Ohio
De Witt,	Jones,	Simpkins,	Wood,
Dockery,	Kem,	Smith, Ill.	Wright.
Eddy,	Kerr,	Smith, Mich.	Yoakum.
Ellis,	Kiefer,	Sorg,	

NOT VOTING—209.

Abbott,	Bailey,	Bennett,	Buck,
Acheson,	Baker, Md.	Berry,	Bull,
Adams,	Bankhead,	Bingham,	Cannon,
Aitken,	Barham,	Black, Ga.	Catchings,
Aldrich, Ill.	Barney,	Black, N. Y.	Chickering,
Allen, Miss.	Barrett,	Boutelle,	Clarke, Ala.
Anderson,	Bartholdt,	Bowers,	Cobb,
Apsley,	Bartlett, N. Y.	Brewster,	Cockrell,
Arnold, Pa.	Beach,	Brosius,	Coffin,
Arnold, R. I.	Bell, Tex.	Brown,	Connolly,

Cooper, Fla.	Hopkins,	Mercer,	Shaw,
Cooper, Tex.	Howard,	Meredith,	Sherman,
Cooper, Wis.	Howell,	Meyer,	Skinner,
Cousins,	Huff,	Miller, Kans.	Sparkman,
Cowen,	Huling,	Miller, W. Va.	Spencer,
Cox,	Hull,	Milliken,	Stahle,
Crisp,	Hurley,	Miner, N. Y.	Steele,
Crowley,	Hutcheson,	Mondell,	Stephenson,
Culberson,	Hyde,	Money,	Stokes,
Dalzell,	Jenkins,	Morse,	Stone, W. A.
Dayton,	Johnson, Ind.	Moses,	Strait,
Denny,	Johnson, N. Dak.	Mozley,	Sulloway,
Dingley,	Joy,	Murphy,	Sulzer,
Dinsmore,	Kendall,	Neill,	Swanson,
Doolittle,	Kleberg,	Newlands,	Taft,
Dovener,	Knox,	Noonan,	Tawney,
Downing,	Kyle,	Odell,	Thorp,
Draper,	Lawson,	Ogden,	Tracewell,
Ellett, Va.	Leisenring,	Otey,	Treloar,
Elliott, S. C.	Lester,	Overstreet,	Tucker,
Fairchild,	Lewis,	Owens,	Turner, Ga.
Fitzgerald,	Linney,	Parker,	Turner, Va.
Fletcher,	Linton,	Patterson,	Tyler,
Foote,	Livingston,	Payne,	Underwood,
Gillet, N. Y.	Lockhart,	Pearson,	Updegraff,
Goodwyn,	Lorimer,	Pendleton,	Van Horn,
Grosvenor,	Loud,	Perkins,	Wadsworth,
Grout,	Low,	Phillips,	Walker, Mass.
Grow,	Maddox,	Pitney,	Walker, Va.
Hall,	Maguire,	Price,	Walsh,
Hanly,	Mahon,	Quigg,	Washington,
Harmer,	McCall, Mass.	Raney,	White,
Harris,	McCall, Tenn.	Ray,	Wilber,
Harrison,	McCleary, Minn.	Reyburn,	Williams,
Hart,	McClure.	Richardson,	Willis,
Hartman,	McCormick,	Robertson, La.	Wilson, Idaho
Heiner, Pa.	McCreary, Ky.	Robinson, Pa.	Wilson, S. C.
Henderson,	McDearmon,	Rusk,	Woodard,
Hendrick,	McEwan,	Russell, Conn.	Woodman.
Henry, Ind.	McLachlan,	Russell, Ga.	Woomer.
Hepburn,	McLaurin,	Sauerhering,	
Hitt,	McMillin,	Scranton,	
Hooker,	Meiklejohn,	Settle,	

The SPEAKER pro tempore. On this question the yeas are 27 and the nays are 119, and the House refuses to adjourn.

The hour of 10.30 having arrived, the Chair, under the rule, announces the House adjourned until Monday next at 12 o'clock. [Applause.]

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MORSE, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 7083) to prohibit the sale of intoxicating liquors in the Capitol building, and for other purposes, reported the same with amendment, accompanied by a report (No. 1831); which said bill and report were referred to the House Calendar.

Mr. CURTIS of New York, from the Committee on Military Affairs, to which was referred the joint resolution of the Senate (S. R. 7) authorizing the issue of duplicate medals where the originals have been lost or destroyed, reported the same without amendment, accompanied by a report (No. 1834); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHAFROTH, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 4985) to authorize the Secretary of the Interior to convey to the State of Colorado, etc., reported the same with amendment, accompanied by a report (No. 1847); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COLSON, from the Committee on Claims, to which was referred the joint resolution of the Senate (S. R. 91) providing for the adjustment of certain claims of the United States against the State of Tennessee, and certain claims of Tennessee against the United States, reported the same with amendment, accompanied by a report (No. 1848); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. TRACEY, from the Committee on Military Affairs:

The bill (S. 506) entitled "An act to correct the military record of John Fox, of Albany, Oreg." (Report No. 1826.)

The bill (H. R. 2995) to remove the charge of desertion from the military record of John Willoughby, of Washington, Kans., and grant him an honorable discharge. (Report No. 1827.)

The bill (H. R. 6557) for the relief of Daniel Martin. (Report No. 1828.)

The bill (S. 65) entitled "An act for the relief of J. E. Gillingwaters." (Report No. 1829.)

By Mr. FENTON, from the Committee on Military Affairs:

The bill (H. R. 4093) for the relief of Samuel D. Hubbard. (Report No. 1830.)

The bill (H. R. 6368) for the relief of Thomas J. Sheppard. (Report No. 1832.)

The bill (H. R. 5036) for the relief of James H. Smith, of Manchester, Ohio. (Report No 1833.)

By Mr. UNDERWOOD, from the Committee on the Public Lands: The bill (S. 1320) entitled "An act to confirm the title to certain lands in William Morgan and Harrison Moore, and to require the issue of patents therefor." (Report No. 1835.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 8788) granting a pension to Mary A. Widdoes. (Report No. 1836.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 8451) granting an increase of pension to Samuel McConaughey. (Report No. 1837.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 8162) to increase the pension of William H. Dyer. (Report No. 1838.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 6535) granting a pension to Lovezila L. Patterson. (Report No. 1839.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 7153) increasing the pension of George W. Peters, Company I, Twelfth Regiment Tennessee Volunteer Cavalry. (Report No. 1840.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 3691) granting a pension to Catharine Kelley, widow of John Kelley. (Report No. 1841.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 4967) granting an increase of pension to Joseph P. Harmon, late private in Company K, Fifth Maine Volunteers, and Company B, Seventh Maine Volunteers. (Report No. 1842.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 7582) granting a pension to Mrs. Martha A. Avery. (Report No. 1843.)

By Mr. WILSON of New York, from the Committee on Naval Affairs: The bill (H. R. 8197) for the relief of John T. Guerin. (Report No. 1844.)

By Mr. COLSON, from the Committee on Claims: The bill (H. R. 5409) for the relief of J. T. Taylor. (Report No. 1845.)

By Mr. ALLEN of Utah, from the Committee on the Public Lands: The bill (H. R. 6260) to provide compensation for a bridge and for buildings and other improvements constructed by certain persons upon public lands afterwards set apart and reserved as the Yellowstone National Park. (Report No. 1846.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SOUTHWICK: A bill (H. R. 8998) to establish a dollar-and-a-half-a-day standard of wages for labor—to the Committee on Labor.

By Mr. SKINNER: A bill (H. R. 8999) to prohibit the further issuance of interest-bearing bonds without the consent of Congress—to the Committee on Ways and Means.

By Mr. HEINER of Pennsylvania: A bill (H. R. 9000) for the erection of a monument to Gen. U. S. Grant in the city of Washington, D. C.—to the Committee on Public Buildings and Grounds.

By Mr. SPALDING: A bill (H. R. 9001) to regulate the payment of import duties—to the Committee on Ways and Means.

By Mr. BABCOCK: A bill (H. R. 9023) to prevent the spread of contagious diseases in the District of Columbia—to the Committee on the District of Columbia.

By Mr. JOHNSON of California: A joint resolution (H. Res. 185) declaratory of the intent and meaning of a certain act named therein—to the Committee on the Judiciary.

By Mr. GROSVENOR: A concurrent resolution (House Con. Res. No. 48) for the printing of copies of the report of the Joint Committee on the Dedication of Chickamauga and Chattanooga National Park—to the Committee on Printing.

By Mr. DRAPER: A resolution (House Res. No. 338) requesting the Committee on Rules to fix an early date for the consideration of the bills reported by the Committee on Patents—to the Committee on Rules.

By Mr. FITZGERALD: A memorial of the Commonwealth of Massachusetts, relative to the navigation of the Connecticut River—to the Committee on Interstate and Foreign Commerce.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on War Claims was discharged from the consideration of the bill (H. R. 6648) for the relief of Mrs. Celia Ford, late a laundress in Battery F, Second Regiment, United States Artillery; and the same was referred to the Committee on Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BROSIUS: A bill (H. R. 9002) for the relief of the heirs of H. E. Muhlenberg, late collector of the Ninth United States internal-revenue district of Pennsylvania—to the Committee on Claims.

By Mr. DOOLITTLE: A bill (H. R. 9003) to remove the charge of desertion standing against the name of John M. R. Scott—to the Committee on Military Affairs.

By Mr. DOWNING: A bill (H. R. 9004) to place the name of Charles S. Devine on the pension roll—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 9005) to pay J. E. Blue for grain and stock taken from him by United States troops in July, 1864—to the Committee on War Claims.

By Mr. HUBBARD: A bill (H. R. 9006) to pay to James E. Blue for grain and stock taken from him by United States troops in July, 1864—to the Committee on War Claims.

By Mr. KULP: A bill (H. R. 9007) granting a pension to William Ogden—to the Committee on Invalid Pensions.

By Mr. LAYTON: A bill (H. R. 9008) for the relief of Dieterick Glander—to the Committee on Claims.

By Mr. LIVINGSTON: A bill (H. R. 9009) granting a pension to William Barrett—to the Committee on Pensions.

By Mr. McCALL of Tennessee: A bill (H. R. 9010) for the relief of the estate of Dr. J. M. Walker, deceased, late of Madison County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 9011) for the relief of the estate of Samuel Hayes, deceased, late of Madison County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 9012) for the relief of T. M. D. Coln, of McNairy County, Tenn.—to the Committee on War Claims.

By Mr. MONDELL: A bill (H. R. 9013) granting an increase of pension to J. F. Crawford—to the Committee on Invalid Pensions.

By Mr. NOONAN: A bill (H. R. 9014) granting a pension to Elise Marsteller—to the Committee on Invalid Pensions.

By Mr. PUGH: A bill (H. R. 9015) for the relief of T. P. Salyer, of Lawrence County, Ky.—to the Committee on War Claims.

By Mr. SORG: A bill (H. R. 9016) to remove the charge of desertion from the record of Frank Miller, Company K, Fifth Regiment Ohio Cavalry Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 9017) to pension Mrs. Mary A. Tupper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9018) to remove the charge of desertion from record of Allen Moore—Company K, Eighty-second Regiment Ohio Infantry Volunteers—to the Committee on Military Affairs.

By Mr. SWANSON: A bill (H. R. 9019) for the relief of Daniel Wingate—to the Committee on Claims.

Also, a bill (H. R. 9020) for the relief of A. P. McIntosh—to the Committee on Claims.

By Mr. WOOD: A bill (H. R. 9021) to increase the pension of George Gaylord—to the Committee on Invalid Pensions.

By Mr. KERR: A bill (H. R. 9022) to correct the military record of George Schell—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BLUE: Petition of Mayor A. L. Selig and 50 other citizens of Lawrence, Kans., asking for the passage of a bill to pension Hiram Hopson, to accompany House bill No. 2808—to the Committee on Invalid Pensions.

By Mr. BROWN: Petition of citizens of Chattanooga, Tenn., for the relief of book agents of the Methodist Episcopal Church South—to the Committee on War Claims.

By Mr. BULL: Petition of Annie Campbell to accompany House bill No. 8993, for the relief of the heirs of the late Duncan H. Campbell—to the Committee on Patents.

By Mr. DINSMORE: Petition of Margaret E. Gates, formerly Margaret E. Springfield, widow of J. F. Springfield, deceased, late of Crawford County, Ark., asking reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. DOOLITTLE: Remonstrances and petitions of A. J. Bale and others; also of J. Fred Miller and others; also of citizens of Kalama, Tacoma, and other cities in the State of Washington, regarding the Marquette statue—to the Committee on the Library.

Also, of the faculty of the State University of Washington; also memorial of the citizens of Tacoma, Wash., favoring the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of citizens of South Tacoma, Wash.; also resolutions of Stedman Post of Whatcom; also petition of Plummer Post, Grand Army of the Republic, of New Whatcom, Wash., favoring a service pension—to the Committee on Invalid Pensions.

Also, petitions of citizens of Tacoma and Vancouver, State of Washington, in favor of the passage of House bills Nos. 838 and 4566, for 1-cent letter postage and the amendment of the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Seattle Lumber Exchange, favoring the passage of Senate bill No. 1214, to appropriate funds for investigations and tests of American timber—to the Committee on Agriculture.

By Mr. EVANS: Petition of George W. Wheedon and others, of railroad department of the Young Men's Christian Association, favoring the passage of House bills Nos. 838, 4566, and 5560, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. FITZGERALD: Petition of the New York Board of Trade and Transportation, urging Congress to give "a wise and careful consideration of our currency and finances"—to the Committee on Banking and Currency.

Also, resolution of the National Association of Manufacturers adopted at a convention in Chicago, Ill., for a uniform classification of freight rates throughout the United States—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Nuttall Ornithological Club of Cambridge, Mass., favoring the creation of the office of director in chief of scientific divisions in the Department of Agriculture—to the Committee on Agriculture.

Also, petition of the National Association of Manufacturers of Cincinnati, Ohio, for an immediate and complete consular inspection, which shall determine the present condition of the service, and also recommend in what manner it can be without delay made most effective—to the Committee on Foreign Affairs.

By Mr. HALL: Petition of numerous citizens of the State of Missouri, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HENDERSON: Resolutions of the board of directors of the Manufacturers and Producers' Association of California, asking for legislation to prevent competition from the cheap labor of other countries—to the Committee on Labor.

By Mr. HILL: Petition of Patquoque Council, No. 9, Order United American Mechanics, of Danbury, Conn., unanimously indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. LINTON: Remonstrances and petitions of citizens of New York, N. Y.; also of citizens of Newark, Ohio; also of citizens of Escondido, Cal., against the continuance of the Père Marquette statue in the Capitol—to the Committee on the Library.

By Mr. LITTLE: Petition of citizens of Auburn, Ark., protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MAHON: Petition of citizens of Peters Township, Franklin County, Pa., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLEARY of Minnesota: Resolutions of a mass meeting in St. Paul, Minn., favoring interference by the United States in behalf of the Armenians—to the Committee on Foreign Affairs.

By Mr. ROBINSON of Pennsylvania: Petition of Kennett Council, No. 182, of Chester County, Pa.; also of John P. Crozer Council, No. 187, of Chester, Pa., Order United American Mechanics; also of Washington Camp, No. 335, Patriotic Order Sons of America, favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. RUSSELL of Connecticut: Resolution of directors of the Connecticut State prison, in opposition to House bill No. 6116, forbidding the interstate transportation of articles manufactured in penal institutions—to the Committee on Labor.

By Mr. SORG: Paper to accompany House bill removing the charge of desertion from the military record of Frank Miller—to the Committee on Military Affairs.

Also, letter of the Stomps-Burkhardt Company, of Dayton, Ohio, in favor of the passage of House bill No. 6116, to protect free labor from competition with convict labor, and restricting the sale of convict-made goods to the State in which they are produced—to the Committee on Labor.

Also, resolution of the Wholesale Liquor Dealers' Protective Association of Dayton, Ohio, relative to the payment of tax on distilled spirits in distilleries or other bonded warehouses—to the Committee on Ways and Means.

Also, petition of Iron Molders' Union, No. 283, of Hamilton, Ohio, favoring the nationalization of telegraph lines—to the Committe on Interstate and Foreign Commerce.

By Mr. STEWART of Wisconsin: Remonstrance and petition of 31 citizens of Wausau, Wis., urging the immediate removal of the Père Marquette statue from Statuary Hall—to the Committee on the Library.

SENATE.

SATURDAY, *May 16, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. GALLINGER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

ENROLLED BILLS SIGNED.

The signature of the Vice-President was announced to the following bills and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

A bill (S. 2032) to grant right of way over the public domain for pipe lines in the States of Colorado and Wyoming;

A bill (H. R. 128) for the relief of Henry H. Schrawder;

A bill (H. R. 227) requiring bills of sale, conditional sales, mortgages, or deeds of trust of chattels in the District of Columbia to be recorded;

A bill (H. R. 2451) to correct the records of the War Department in the case of Capt. Henry S. Pratt;

A bill (H. R. 2740) to carry into effect a finding of the Court of Claims in favor of the estate of George Case, late of Independence County, Ark.;

A bill (H. R. 3596) to remove the charge of desertion from the military record of Michael McKenna;

A bill (H. R. 4787) to establish the port of Conneaut, in the State of Ohio, as a subport of entry in the district of Cuyahoga, in the State of Ohio;

A bill (H. R. 5388) for the relief of F. Alberts & Co., Muskegon, Mich.;

A bill (H. R. 5790) to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington;

A bill (H. R. 6172) authorizing the sale of the title of the United States in lot 5, square 1113, in the city of Washington;

A bill (H. R. 6195) amending the statutes relating to the sale of printed copies of patents;

A bill (H. R. 6663) to authorize and regulate the sale of unclaimed freight, baggage, and other property in the District of Columbia;

A bill (H. R. 6666) granting to Major C. A. Angel Post, No. 20, Grand Army of the Republic, of Lambertville, N. J., 4 condemned cannon and 20 cannon balls;

A bill (H. R. 6836) to amend section 2981 of the Revised Statutes as amended by the act of June 10, 1880;

A bill (H. R. 7100) to donate 8 condemned cannon and 100 cannon shot to the Grand Army of the Republic Cemetery Association of Colorado;

A bill (H. R. 7140) granting to A. L. Robeson Post, No. 42, Grand Army of the Republic, of Bridgeton, N. J., 4 condemned cannon and 20 cannon balls;

A bill (H. R. 7143) granting to the Soldiers and Sailors' Monument Association of the county of Middlesex, in the State of New Jersey, 4 condemned cannon and 30 cannon balls;

A bill (H. R. 7172) donating 4 condemned cannon and 4 pyramids of condemned cannon balls to the Soldiers' Monument Association, of Allegan, Mich.;

A bill (H. R. 7216) donating 1 condemned cannon and cannon balls to Grand Army of the Republic Post, No. 573, of Evans City, Pa.;

A bill (H. R. 7264) to provide for the drainage of lots in the District of Columbia;

A bill (H. R. 7973) to establish a railroad bridge across the Illinois River near Grafton, Ill.;

A bill (H. R. 8266) donating 2 condemned cannon to Custer Post, No. 38, Grand Army of the Republic, of Etna, Pa., and 2 condemned cannon to James G. Clark Post, No. 162, Grand Army of the Republic, of Allegheny, Pa.;

A bill (H. R. 8532) to establish certain harbor regulations for the District of Columbia;

A bill (H. R. 8013) donating 1 condemned cannon and 4 cannon balls to Grand Army of the Republic, L. W. Cooper Post, Department of Missouri, No. 81, of Lathrop, Mo.;

A bill (H. R. 8077) granting to Budlong Post, Grand Army of the Republic, of Westerly, R. I., 2 condemned mounted brass cannon; and

A joint resolution (H. Res. 122) authorizing the Secretary of the Navy to deliver condemned cannon to Chamberlain Post, Grand Army of the Republic, to be posted by the soldiers' monument at St. Johnsbury, Vt.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, in response to a resolution of the 9th instant, calling for a careful and thorough inquiry to be made regarding the number of aliens employed in the Department of Justice, stating that there are no aliens employed in that Department; which was ordered to lie on the table and to be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 15th instant approved and signed the following acts:

An act (S. 1365) for the relief of the National New Haven Bank of the State of Connecticut; and

An act (S. 2870) to permit Rene C. Baughman to lay pipes in a certain street in the city of Washington.

IMPROVEMENTS IN YELLOWSTONE NATIONAL PARK.

Mr. CARTER. I ask unanimous consent for the present consideration of the bill (S. 2540) to provide compensation for a bridge and for buildings and other improvements constructed by certain persons upon public lands afterwards set apart and reserved as the Yellowstone National Park.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Territories with an amendment, in line 21, before the word "thousand," to strike out "four" and insert "one"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the several persons in this act named the several sums mentioned herein, to be received and accepted in each case as full and final compensation for a certain bridge, buildings, and other improvements constructed and made by said persons upon public lands afterwards reserved and set apart as the Yellowstone National Park by the act of March 1, 1872, namely:

To C. J. Baronett, of Gardiner, Mont., for the bridge known as "Baronett's Bridge," over the Yellowstone River, and the approaches thereto, $5,000.

To James C. McCartney, of Gardiner, Mont., for certain buildings at or near Mammoth Hot Springs taken and used by the United States, $3,000.

To Matthew McGuirk, of Los Angeles, Cal., for certain buildings at or near Mammoth Hot Springs taken and used by the United States, $1,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DENVER, CRIPPLE CREEK AND SOUTHWESTERN RAILROAD.

Mr. TELLER. I am directed by the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (H. R. 8590) granting to the Denver, Cripple Creek and Southwestern Railroad Company a right of way for a railroad through the South Platte and Plum Creek forest reserves, in the State of Colorado, to report it favorably without amendment, and as it is a local bill, I ask that it may be put upon its passage now.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATRICK LARKIN.

Mr. GALLINGER. I ask unanimous consent for the consideration of the bill (S. 1381) to remove the charge of desertion from the military record of Patrick Larkin. It is a bill of only a few lines and will take but a moment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to remove the charge of desertion standing against the name of Patrick Larkin, late a private in Company K, Fourth Regiment of Vermont Infantry Volunteers, and to issue an honorable discharge as of date February 17, 1864.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HISTORICAL DOCUMENTS IN DEPARTMENT OF STATE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, on motion of Mr. GALLINGER, was ordered to lie on the table and be printed:

To the Senate:

I transmit herewith, in response to the resolution of the Senate dated the 9th instant and addressed to the Secretary of State, a report of that officer, accompanied by copies of printed documents containing the information desired respecting the historical archives deposited in the Department of State.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, May 16, 1896.

PUBLIC BUILDING AT M'KEESPORT, PA.

Mr. QUAY. I ask unanimous consent to call up a brief public building bill, the bill (S. 3105) to provide for the erection of a public building at McKeesport, Pa.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the

United States post-office and other Government offices at McKeesport, State of Pennsylvania, the cost of site and building, including the vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed $200,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TRIAL OF CITIZENS ARRESTED IN CUBA.

Mr. MORGAN. I ask leave to call up the resolution of instruction to the Committee on Foreign Relations, relative to the trial of citizens arrested in Cuba, which I submitted yesterday morning.

Mr. PLATT. I should like to make a report from a committee.

Mr. HAWLEY. Will not the Senator allow morning business to be transacted?

Mr. MORGAN. I merely want to take the floor.

Mr. TELLER. I suggest that the Senator from Alabama be allowed to call up the resolution, and then he will yield.

Mr. TURPIE. I should like to call up a bill. I do not think it will lead to any debate.

Mr. MORGAN. I have submitted a resolution of instruction to the Committee on Foreign Relations upon a matter that is of vital importance to this country. It will take me but a little while to express my views upon it and inform the Senate of the grounds upon which I proceed and the necessity for it. I have not had even the opportunity of disturbing the Senate or annoying it for a long while, and I trust I shall not be deprived of a very brief moment in which to express my views on this question.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The resolution indicated by the Senator from Alabama will be read for information.

The Secretary read the resolution submitted yesterday by Mr. MORGAN, as follows:

Resolved, That the Committee on Foreign Relations is directed to inquire and report to the Senate what are the rights of the United States, under our treaties with Spain, as to the trial of our citizens arrested in Cuba and now under condemnation and sentenced to death by the Spanish military tribunals for alleged offenses of a political or other character against the Spanish laws or Government, and to report on that subject by bill or otherwise.

SEC. 2. That the Secretary of State is directed to send to the Senate literal copies of the original text of a protocol of conference and declarations concerning judicial procedure, signed by Caleb Cushing, as minister of the United States, and Señor Don Fernando Y. Collantes, minister of the King of Spain, on January 12, 1877, as the same was executed and interchanged, both in the English and Spanish languages; and that he will inform the Senate whether the established or agreed original text of said protocol is in the English or the Spanish language.

SEC. 3. That the Secretary of State is further directed, if it is not incompatible with the public service, to communicate to the Senate copies of any correspondence that has taken place between the Governments of Spain and the United States respecting the said protocol and its bearing or effect upon the trial and condemnation of citizens of the United States who were recently captured on or near the vessel called the *Competitor*, which was seized under Spanish authority in Cuban waters, or near to that island.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? The Chair hears none, and the Senator from Alabama will proceed.

Mr. MORGAN. Mr. President, the recent action of Congress relating to the civil war in the Island of Cuba has not been received by the Government or people of Spain as a rightful declaration of the attitude of the Government and people of the United States upon this subject, in which the rights and welfare of our country are vitally concerned.

In that declaration of our opinions as to the existence of public war in Cuba, and that the parties engaged in it should be recognized as belligerents, there is no just cause of complaint on the part of the Government of Spain that Congress has in any act or declaration either overstepped their plain rights or that they have exhibited an unfriendly disposition toward that Government.

And in the further and more decisive step proposed to be taken under the resolution referred to the Committee on Foreign Relations that I offered in the Senate, if it is adopted by Congress, there can be no just deduction or inference of our unfriendliness to Spain as a nation.

It is the right of the Government of the United States to declare the status and define the duties of its citizens as they relate to and are affected by the existence of a state of war in any foreign country. If the motive is just, no nation can be called in question for such a declaration. This duty becomes imperative when the rights of our people demand that such a formal declaration shall be made to define their international status, for their own regulation and protection in their intercourse with a country in which war is flagrant. We are not fixing the status of Cuba, but of our own people. Our proximity to the Island of Cuba, our important commercial relations with those people, the ownership of valuable property that our people have acquired in Cuba under the sanction of treaty agreements with Spain, the actual residence of many of our people in Cuba, and the resort of a great number of Cubans to the United States seeking hospitality, create relations of such an intimate nature with that island that we are compelled to examine into the condition of their people and to determine for ourselves whether they are at peace or engaged in war. Our extradition treaties with Spain make such an inquiry an unavoidable duty.

In the performance of this duty we regret that a long series of events in Cuba that it would not be profitable to enumerate, but are extremely painful to our conceptions of humanity, has so excited the sympathies of our people that our action as a Government, however impartial, will be attributed by Spain to an inimical feeling on the part of the United States. We do not disavow our share in that state of feeling that animates the people of the United States, but we base our proposed action upon our strict right under the laws of nations, and solely upon the duty that the Government owes to the people of the United States.

The laws of nations clearly establish the right of any neutral power to define its neutrality and the duties thereby enjoined under those laws by declaring that, as to its government and people, it will recognize the existence of a state of war in a foreign country and will accord equal rights to both belligerents.

The instances in which this right has been exercised are so numerous as to remove the subject of its legitimacy from the field of discussion, and its honest exercise is no just cause of offense to any nation. If Spain denies us this right, it can only be upon the ground that it is not honestly exercised. In the case that is quite analogous in principle and in the facts, of the recognition by Spain of the belligerency of the Confederate States government, before any of the great battles of our civil war had been fought, the United States did not assume that the action of Spain was influenced by any unfriendly spirit or purpose of hostility, and did not dispute the right of Spain to perform that important act.

It was then conceded to Spain that the proximity of Cuba to the Southern States and the existence of negro slavery in both the neighboring countries was a just cause for her precaution in declaring that public war existed in the United States, that the parties engaged were lawful belligerents, and that she would maintain a strict neutrality between them. If the United States had known that Spain was then contemplating the invasion of Santo Domingo and had formed a league with other powers to execute that purpose on the pretext that the United States had designs upon that island, intending to acquire a right to the Bay of Samona, her recognition of the belligerency of the Confederate States would have been justly regarded as being unfriendly to the United States.

When the designs as to the Bay of Samona, so attributed by Spain to the United States, were found to be untrue, and Spain still pushed the occupation of Santo Domingo with the purpose of conquest, and was moved to this invasion by the ulterior design of establishing in that island a military occupancy that would hold the United States in check and endanger her frontiers, the unfriendly act of Spain was manifest.

Allusion is made to these facts, not to justify the future action of the United States with reference to Cuba by a spirit of retaliation for the past, but to present a contrast which, at least, is not disparaging to the United States in her attitude toward the Cuban people. The United States, chiefly for the purpose of avoiding difficulties with Governments whose colonies are near us and whose subjects are under monarchic rule, to which our people and their institutions are opposed, in the early days of the Republic enacted very stringent laws, added to the laws of nations, for preventing our people from interfering in the local affairs of neighboring States.

At great cost and under circumstances of a most trying character we have carefully performed this self-imposed task. No just charge of indifference or delinquency has been made by any of these neighboring powers against the United States respecting the faithful execution of our own laws on this subject.

For reasons that relate exclusively to the dissatisfaction of the Cubans with Spanish rule under the Spanish monarchy, which we have in no way incited or promoted, insurrection, attended with violence, war, and rapine, has, on several occasions, spread through the island, and has included in its disastrous progress every interest and every human being in Cuba. Not one of these commotions has failed to draw into its vortex many citizens of the United States, and very important rights of persons and property have been frequently exposed to serious danger. At the close of each of these outbreaks the United States have been compelled to present to Spain many large and just claims for compensation for very heavy losses sustained by our people. Some of the most important of these claims have been the price of the blood of our people that was shed, oftentimes under circumstances of cruelty that were shocking to humanity, and by the order of the Spanish authorities in Cuba.

It has been and is still a most trying and difficult task to restrain the wrath of our people when they have seen their own Government, restrained by the supposed duty of nonintervention, stand by while these unchristian barbarities were being perpetrated. Our people have been naturally impatient while their Government has

been deliberately waiting for the opportunity to measure the worth of these wrongs in dollars, at the end of protracted delays and finessing by the diplomatic agents of the Spanish Government. The American people have been the anxious witnesses of this terrible series of wrongs for many years, and have the record of them stored up in their memory. They are written in the indignant declarations of every American President and statesman who has ever made an official utterance on the subject, and yet these wrongs have been repeated and endured until our right to resent them is scornfully disputed by Spain. None of our representatives have expressed either an opinion or a doubt to the contrary in the past, and whatever doubts are now expressed, the facts will forever remain unchanged. They can not be changed until Spain changes her harsh policy. Our just pride in the principles of our Government, which embody the essence of human liberty and encourage the aspirations of all who crave that element and condition of responsible manhood, and our recollections of the price at which this great blessing has been obtained, alike impel us to indulge our active sympathy for all men who are engaged in a struggle for the right of local self-government. But the people of the United States, while they are conscious of the claims of our system of government upon the hearts of all enlightened people, are not propagandists of their free institutions. They respect the right of every people to settle for themselves all matters that relate to their internal affairs. This sacred duty has held them in check in every case where wars in foreign states have occurred, unless in the conduct of such wars the rights of humanity, as they are recognized in Christian countries, are flagrantly violated by the belligerents.

It is not incumbent on them, nor do they feel or admit that it is their duty, to witness at their doors the use of barbarous means for the repression of the demand of a people for liberty and for stifling the outcries of the victims of arrogant and cruel despotism, whoever may be the despot or however ancient may be his title. If the dealing of the Spanish Government with the people of Cuba was such as to challenge the approval of the public opinion of the world there could be no need for the suppression of information as to the conduct of hostilities and the results of conflicts of arms after their occurrence, such as is practiced by that Government with such rigid energy. Other nations from which the truth is excluded are not the enemies of Spain, nor are they spies upon her military operations. The island is guarded along the entire coast with numerous and powerful war vessels, so that there is little opportunity for access to the interior, and a strict censorship of the press and mails and telegraphic communications excludes the world from knowledge of the truth in respect of current events in Cuba. American newspaper correspondents who write anything that is not derogatory to the Cuban army or people are expelled from the island. This close censorship is only an imputation upon the people of the United States, and is based upon the assumption that they are Spain's secret enemies. Our people are incapable of disguising their opinions or sentiments, either through fear or for the sake of secret advantage.

Notwithstanding these difficulties and the vigilance of the Spaniards, enough has transpired to prove beyond denial that a great civil war has been waged in Cuba since the autumn of 1894 that has increased in magnitude with startling rapidity and strength.

The remotest and least informed nations of Christendom know that public civil war exists in Cuba and that it is conducted by armies in the field, regularly organized, equipped, and commanded by commissioned officers, in which are enlisted 150,000 Spanish troops, and more than 50 war vessels, and not less than 50,000 Cuban troops.

It is utterly preposterous to assert that a state of war does not exist in Cuba in the face of such facts and when there is not an important town or village where the Spaniards have possession that is not held as a military camp or post. Yet it is upon this denial by Spain that a state of war exists in Cuba that she is demanding of the United States that we shall assume the false attitude that we have no right, even for the protection of the rights of our own people, to assert the truth and act upon that assertion. It is required of us that we shall recognize a state of perfect peace as existing in Cuba, when every human life in the island is in constant peril and no place there that is not exposed constantly to deadly warfare with torch and sword. We are warned by Spain that if we formally acknowledge the fact that war exists in Cuba, and regulate the conduct of our people accordingly, she will consider such a declaration as an unfriendly act and, at her option, a just cause of war.

If we were a Spanish dependency or province our position would scarcely be assigned to us with a more exacting assertion of royal authority than Spain sets up, as her right, to compel us to deny the truth of the situation as it is in Cuba. Our Government is required by Spain to ignore or deny the truth as to the war in Cuba. The recognition of the existence of open, public war in any country or between any two countries can not be made in accordance with the laws of nations without the necessary predicate that there are at least two belligerent parties.

If the collision and struggle of arms is a riot or insurrection, it is not a state of war. But no nation can arrogate to itself the exclusive right, by its mere affirmation and contrary to the fact, to say that a strife that begun in insurrection, and continues without abatement for more than a year, has not assumed the proportions of a public war, when that fact concerns the rights or interests of the people of a foreign government.

It is no breach of the peace of nations for such a foreign government to know, acknowledge, and declare the truth.

If the strife originated in open rebellion, with an organized provisional government that declares its right to political autonomy and independence, and is not a mere insurrection intended to secure a redress of grievances from a government whose authority is acknowledged, the state of public war will be attributed to such an outbreak when it has assumed the phase of de facto government, and it should be so recognized when it has attained to the power and authority of a government de facto over the region that it assumes to govern. In either of these cases, however, any foreign government may, when its interests are affected, recognize such a government as being rightful while its power continues, although it is an insurrection, without giving just ground of offense to the mother government. In the case of Cuba there has not been a day since Spain lost her other American possessions that a large number of native Cubans have not felt deeply the desire and the necessity, as they view their condition, of entire independence of the Spanish Crown.

This spirit and motive have alone caused the frequent attempts at revolution that have made Cuba a battle ground, consecrated to liberty, and the common cemetery of worthy patriots.

While grievances, political and personal, and the domination of greedy despoilers set over them in authority by a power that was foreign to them in every interest and sympathy have aroused the native Cubans to violent resistance, in the wars that have ensued the aspiration for freedom and independence has been the great moving impulse in all these numerous attempts at revolutions. More distinctly than ever before the present war in Cuba is a war for independence and a determined purpose to establish a republican form of government.

The fact of the existence of such a war in Cuba may escape the vision of men in authority or elude their recognition of the truth, but it shocks the common sense of mankind that we are to be compelled, by some diplomatic oversight or deception, to admit as a nation that peace prevails in Cuba. This diplomatic fallacy has for its support several technical apologies and excuses that only make its allowance less agreeable to a truth-loving people. Among these diplomatic evasions is the alleged fact that the Cubans have no fortified towns or military defenses in their occupation. This grave suggestion is answered by the military saying that "Forts are strongholds that are made to be taken," and the Cubans do not choose to build them for that purpose; but more fully by the fact that the wise strategy of Cuban generalship causes them to avoid such situations and thereby deprive the enemy of the advantages of his superiority in artillery.

It is further alleged as a reason why the Republic of Cuba can not be a lawful belligerent that she has no seaports and no fleet. The attempt to hold a seaport without heavy artillery and strong defenses would only be an invitation to the entire Spanish navy to beleaguer the place. Such folly may be chivalric and charming to dilettante warriors and carpet knights, but it can not mislead a Cuban general. To a diplomat such a situation in Cuba would dispense with the loneliness of feeling that afflicts him when precedents can not be found to settle his doubts, but to a sensible military leader it would be the climax of absurdity. It is not the lines of precedent that Cuba is trying to establish, but independence. Another supposed impediment to a recognition of the belligerency of Cuba is that she has no ship or flag on the seas.

If Spain, with the support of the United States and other powers, can lawfully hold such armed vessels to be pirates, and that Cuban merchantmen are confiscable for sailing under Cuban registry or commissions, the assertion that they have no ships is equivalent to the declaration that the Republic of Cuba will not be permitted to have ships that may navigate the ocean under her own flag. If she is not a belligerent power, her war ships are pirates and her merchantmen are contraband of the seas. This is the condition that we are helping Spain to fix, irrevocably, on Cuba. If war exists, the rights of war are of the same nature on the sea as on the land, and that fact being established, no honorable nation can refuse to Cuba the rights of war on sea or land, if the decision of the question becomes material. If, for this reason, we deny belligerent rights to Cuba, it is not because she has no ships, but because we will not permit her to sail them. If war actually exists between Spain and a body of people in Cuba the United States is bound by the laws of nations to impartial neutrality as to each belligerent. If, under such conditions, a

Cuban vessel, duly documented, should enter the port of New York on a commercial errand the United States could not refuse to protect her without assuming the rôle of an ally of Spain. We are not bound in honor or duty to aid Spain in putting down the Cuban struggle for liberty, and the people of the United States who are so severely censured by the Queen Regent for their alleged difference in sentiment and opinion from our President as to Cuba, would refuse to support him if, in any way, he should become the virtual ally and helper of that cruel monarchy.

While none of our Presidents have been influenced by such a purpose, and all of them who have dealt with this subject have only been controlled by a sense of duty, it is still true that, in their zeal to do right, they have often been the most potent force in aiding Spain in her persistent course of cruelty and bloodshed toward the people of Cuba. And in this mistaken zeal they have often inflicted severe and unnecessary wrongs upon our own people by failing to use their power to prevent them. If Spain had understood three years ago that, under the exact conditions that now exist in Cuba, the United States would recognize the belligerency of both parties, the Cubans would have been at least as free today as the Canadians are. But Spain has regarded the United States as being so far committed in the opposite direction that now she becomes insolently arrogant in denying to us that right.

Our zealous efforts to prevent our people from expressing, in their conduct, the sympathy for Cuba that is honorable to them and responsive to their most cherished principles has met with no other recognition from Spain than a demand that we shall continue in that rôle, as a duty we owe to her, without regard to any cruelties she may choose to inflict, even upon our citizens, when they fall into her hands as prisoners of war and are massacred by her relentless and unchristian agents as traitors and pirates. Our people have not forgotten the *Virginius* tragedy.

If it were possible to suppose that a condition of affairs could exist in Canada similar to that which is frequently recurring and now exists in Cuba, the United States would hasten to vindicate the Anglo-Saxon race from the dishonoring stigma, and the whole world would applaud our intervention. But Canada is a happy colony because the Anglo-Saxon rules with justice, and the Crown of Great Britain honors and loves its subjects. The United States have not at any time proposed a single step in the direction of actual intervention in Cuban affairs except by a tender of friendly offices between Spain and Cuba. These overtures having been repelled as an insulting interference, we now propose to take care of our own people by defining our attitude toward the contending forces in Cuba as that of absolute neutrality between belligerent powers. We have not heretofore been actually or properly neutral in these long-continued and frequently occurring wars in Cuba.

All our power as a Government has been exerted with extraordinary vigilance in the direction of preventing the Cubans from all opportunity to supply themselves with arms and war material and even hospital stores from the United States. At this time the objection that Spain urges against our recognition of Cuban belligerency is based upon the fact that it would open our markets equally to Cuba and Spain for the purchase of munitions of war. We are required to deny to suffering patriots what we gladly supply to Weyler and Spain. Spain can purchase in our markets whatever arms and munitions she desires with the full knowledge of our Government that they are to be used in making war against her own people under the thin pretext of suppressing insurrection, and no opposition is made to the cruel work.

Spain can send her ships to New York and load them with boxes of guns and ammunition and label them there as being intended to slay Cubans who are fighting for liberty in organized armies, while a Cuban general would be seized and tried in our courts if he dared to purchase like munitions for making war in defense of his native land. Spain threatens us with her serious displeasure if we accord to the Cubans such privileges.

If an American sends powder or dynamite to his own iron mines in Cuba to be used in his business, Spain limits the quantity until the work must be abandoned, or entirely forbids the importation, if that Government has a fear or apprehension that possibly these explosives may fall into the hands of the Cubans. If an American merchant should ship arms or cartridges to his agent or consignee in Habana for sale in the general market, it would be seized as contraband of war in the absence of a special permit. It is the frequent practice in Cuba to declare articles imported as being contraband, while Spain is declaiming with indignation that no war exists in Cuba. What laws, except the laws of war, exclude contraband goods from commerce?

If, for any just cause, the United States should be compelled to declare war against Spain, as the situation is now that declaration would make of every Cuban our national enemy, although the cause of such a declaration might be the cruelty of Spain toward the Cuban people, or some interference with the rights of some Cuban ship in our ports, or a demand for the extradition of a Cuban charged with being engaged in a riot, which we know to be a political offense, because it was a participation in a public civil war.

If our people are captured or are held liable to capture by Spain for landing military supplies in the ports or on the coasts of Cuba, and are claimed to be liable to the death penalty as pirates or insurgents or rebels, either under the municipal laws of Spain or under the international law, as has been done during the present war and also in the former ten years' war in Cuba, it is a national shame that such a condition of affairs is permitted by the United States out of friendly deference to a power that insists that peace prevails in that island, when all the world knows and Congress has declared that open public war is flagrant there. When these dangers that are practically unavoidable and beyond the power of the Government are a constantly impending peril to the peace of the country, and when they can be removed by our just declaration that the laws of war apply to such conduct and not the laws of treason, piracy, insurrection, or rebellion, it is almost inconceivable that our Government should be so derelict in its duty to our own people as to refuse to them this protection.

Some of our citizens are now in Spanish prisons, condemned to death for an offense that is no more than mere smuggling under the laws of nations, if Cuba is now in a state of peace. If war exists in Cuba, the offense is no more than a futile effort to run a blockade.

Under our treaties with Spain these people, whatever may be the grade of their alleged offense, are not amenable to trial by a military tribunal. Such a court can have no jurisdiction of them in respect of the offense with which they are charged.

No decent government can demand or accept a pardon for its citizens as a satisfaction of their wrongs, or for the national insult, when the tribunal that sentences them to death has no jurisdiction to arraign and try them. Especially is this true where it is agreed between the powers, in express treaty stipulations, that such a tribunal shall not exercise jurisdiction over our people in such cases.

When wrongs so flagrant are inflicted upon our people, the demand should be peremptory that the parties so convicted should first be discharged from arrest under such a sentence and then a demand for a civil trial if Spain desires their further prosecution. Until that sentence is set aside upon the disclaimer on the part of Spain of any right to impose it as the judgment of a court-martial the United States can not, in duty or honor, enter into any discussion with Spain as to a trial of the accused before any other tribunal. Until it is set aside every day that these men suffer imprisonment is a day of national humiliation to us as a people. All this complication would have been avoided if the United States had been as prompt in declaring the belligerent rights of Cuba as Spain was in declaring the belligerent rights of the Confederate States in 1862.

The comparison of the action of the two Governments on these occasions is more to the credit of Spain's courageous sense of national right and duty than it is to our supposed magnanimity. Spain's conduct did not forfeit our friendship toward that nation in 1862. Why should our recognition of Cuban belligerency be now regarded by Spain as an unfriendly act? It can only be for the reason that it disappoints the expectation of Spain that the United States will always be, as they have been, Spain's most efficient ally in the suppression of Cuba's struggle for independence.

The rights of citizens of the United States in Cuba are at this time dependent, in almost every way, upon the attitude of their Government on the question whether that island is in a state of peace or war. As the Government of the United States regards this question, so must their conduct be regulated while in Cuba. If insurrection exists in Cuba, our people must not take part in it against the Government of Spain. They may assist Spain in its repression. If their property is destroyed or damaged by insurrectionists that Spain has the power to repress, but neglects or fails to do so, they may claim damages from that Government and, if they are fortunate, the damages may be compensated at a future time.

If the insurrection is so powerful that Spain is unable to prevent the damage done to our people resident in Cuba, their losses stand credited to the chances that occur in a state of imperfect war, and reason demands the sacrifice under the international law. So that, in a war of such magnitude as that which now prevails, although Spain may declare that it is peace, disturbed by insurrection, the claim for damages suffered by our people is, in like manner, relegated to very doubtful prospects of future recognition or payment.

It would be morally intolerable that, after this terrible struggle for the dominion of Cuba, the United States should make war upon Spain for her inability to pay or her refusal to recognize the claims of our people who have suffered in the throes of so great a convulsion. No friendly state would be likely ever to press such demands upon so unfortunate a country. Our own experience in making such reclamations must inform us of the

extreme improbability of success in making such demands, even when the injuries are inflicted, under such trying circumstances, by the direct act of Spanish officials.

If, however, as is the case in Cuba, the insurrectionists embody almost the entire rural population of the island, and occupy it, except in towns, cities, and military camps actually held by Spanish troops, and thus possess, hold, and control two-thirds of the area of the island, and if the large majority of the native population are engaged in the military control and defense of that area, and their country thus held is invaded by armies imported from Spain, there arises a presumption—such as arose in the Revolutionary struggle of 1776 in the United States—which has the sanction of the laws of nations and the cordial approval of mankind, that the Spaniards have become the invaders and the Cubans are the true defenders of their native land.

Can we so far forget the history of our own struggle for liberty, justice, honor, duty, life, and humanity in our Revolutionary war as to be indifferent to the heroic struggles and sufferings of the Cuban people who are fighting with organized armies and marvelous success in a cause so nearly identical with that cause which in its triumph has been rewarded with results that now comprise the chief glory of the world?

Massachusetts from 1675 to 1730 was in almost every respect as much insulated as Cuba is. With powerful tribes of hostile Indians in the midst of the white settlements and occupying the continent to the west, she had little support from her feeble colonial neighbors. With resources of war that consisted of the powder horns, shot bags, and hunting knives that belonged to her men individually, and with scant stores of provisions even for the families of the colonists, they protected themselves at once against King Philip and the King of England.

In 1684 the high court of chancery in England declared the charter of Massachusetts forfeited, and Joseph Dudley was appointed governor. He was quickly succeeded by Sir Edward Andros. This governor and his council decreed tax laws against the people that were arbitrary and oppressive, just as Spain has done in Cuba, only that the burden laid upon the people of Massachusetts bears no comparison with the enormous exactions laid upon the people of Cuba.

Andros was submitted to for two years, while Cuba has been ground down for nearly a century. In April, 1689, the people of Massachusetts rose in arms, and "the men of Boston," aided by the men with the powderhorns and hunting knives from the back settlements, seized Andros and imprisoned him, seized the frigate *Rose*, stormed the British fortifications and took them, restored the old magistrates to office, and mended the seal of the old charter, which Andros had broken, and restored their ancient liberties.

That was insurrection. It was successful, but it was a battle for restoration of just government and not a war for independence. Great Britain had the good sense and the self-respect to give heed and due consideration to the will of the people, expressed even in acts of violent resistance to oppression. That was not a case for the recognition of the rights of belligerency in favor of the people of Massachusetts, because they were not waging war for independence, but for their rights under the British constitution. This insurrection gave peace and harmony to the relations between the Crown and the colony for nearly one hundred years. A later occupant of the throne, surrounded by an arbitrary ministry, undertook to repeat these aggressions in a different and milder form, and claimed the right to tax the colonies to pay the expenses of the war with France for the sovereignty of the Continent. These and other forms of asserting absolute power over the colonies in violation of their chartered rights created the fixed conviction among the people—not all of them, but the great majority—that independence of the British Crown was their only hope for justice, liberty, honor, and peace.

In this progress also Cuba is only repeating the history of our deliverance, with this difference in the surrounding conditions—that our wrongs were mere scratches on the surface as compared with those which mutilate the vitals of Cuba.

Our next arousing was with arms in the hands of the people who, without a general government and in scattered detachments, opened the war for independence and fought battles, led by colonels and captains, before independence had been declared by the thirteen colonies and before they had a general in the field. Again Cuba is found following painfully in the pathway to glorious liberty that our fathers marked out. Again Massachusetts came to the front and drove Hutchinson, the governor of the colony, into disgraceful retirement, rebelled against his government, but failed to overthrow it.

General Gage, with the British army and navy to support his authority, succeeded him as governor and maintained in theory, as Spain is doing in Cuba, the sovereign supremacy of the Crown. This time it was open rebellion, not insurrection. Boston was closed to all commerce as a seaport, and Marblehead was made the seaport of the colony.

But Gage was driven out, and Massachusetts took control of her own affairs and joined the general congress of the colonies. At that time her population, exclusive of slaves, did not exceed 250,000 souls.

The nations of the earth were so impressed with the heroism of the struggle and the grand purpose of independence for which these scattered peoples were fighting, that several of the leading powers hastened to recognize, not their belligerency merely, but their independence. Those powers did not stop to compare the battles that had been lost or won by the rebels, nor the number and equipment of the armies in the field, nor the ships on the sea, nor the size of the town that gave temporary shelter to their fugitive civil authorities, nor did they wait for the rebels to win some decisive battle, nor to feel the pulse of European monarchs to ascertain their wishes or to consult with them as to diplomatic precedent or propriety.

Men lived and acted in those days with a sense of duty toward God and a feeling of sympathy for the oppressed. If Cuba could find a race or nation in which such honest manhood has a courageous recognition, the fetters of Spain, now ready to fall from her limbs, would no longer offend against all humanity and the sacred cause of liberty and independence. While we dare to remember the history of Massachusetts, Virginia, North Carolina, Maryland, and their sister colonies without a feeling of self-reproach, we will not be found engaged in the humiliating task of searching for technical and frivolous excuses for debarring Cuba, by our action, from the power of self-defense against tyrants such as Weyler.

A citizen of the United States residing in a rural district of Cuba would deserve the regard and care of his own Government if he should refuse to espouse the divine right of the Spanish monarchy to conduct such a war as is flagrant there, under the false pretense that it is only a legitimate effort to suppress insurrection. If he should witness, as he does and is compelled to do, the most inhuman butcheries of innocent noncombatants—old men, women, and children—by the Spanish invaders and the death penalty or other infamous punishment inflicted upon enlisted men who are captured in battle, he would have the right to insist that his Government, for his protection, should declare that he was living in the presence of war, instead of licensed rapine and murder under the pretext of suppressing insurrection. And his country would be derelict if it refused to listen to his plea under such circumstances.

If the Cubans, under such conditions, should take his property, or compel him to pay tribute or taxes, or should compel him to enlist in their army, he would only yield, as every man may lawfully do, to the vis major, and his justification would be perfect. Even if captured in battle, after such an enlistment, the power of the United States under the laws of nations would, if it were exerted in time, be rightfully sufficient to save him from a felons' death or imprisonment for life at the hands of the Spaniards.

Just at this point, and to meet such emergencies, this citizen of the United States should find the law of protection that all men and all nations are bound to respect. It is the right and duty that is all pervading, which shelters those from the crime of treason, rebellion, piracy, or insurrection, who yield to the authority of a government de facto, and are not officially connected with its conduct.

Nations are bound by this law, and must respect it for the sake of humanity.

If there can be any legal test by which to determine when a body of people engaged in hostilities in a given area of country are entitled to the rights of belligerency, to exempt them from personal exposure to the penalties of insurrection, it is this test: "Does the government they are conducting, whether it is civil or military or both, in fact exclude the former government from its dominion over a region of country that is capable of demarcation by boundaries with reasonable certainty, or an area that corresponds with a known political or geographical division or district?"

If such a government exists, while it continues in authority, it is a lawful belligerent under the laws of nations, and may be so recognized without offense to the opposing party.

When a government is so lawfully entitled to a belligerent character, it is because of the rights of the people within its jurisdiction to protection, and not because of any element of legitimacy that its rulers may assume or possess. From whatever source its power may come, it is only the existence of the power and not the method or plan of its administration that entitles it to recognition.

The people it controls must obey a de facto government, because they can not resist it, or because they are under no obligation to do so.

It can not be denied that the Cuban organization, now engaged in war with Spain, exercises jurisdiction, either military or civil or both, over much the larger area of the island, and that it exercises authority over the great body of native Cubans in the rural districts of the island. Nor can it be denied that our citizens in that area, or enlisted in those armies, are subject to that de facto government.

It is their right to have their home government recognize the belligerency of the de facto government in that part of Cuba, because they can not otherwise escape the penalties of insurrection against Spanish authority if Spain chooses to enforce them. If we declare that war exists between Spain and the de facto government that commands the obedience of our people in Cuba who are within its power, the laws of war, as they are defined in the laws of nations, become applicable to them, and forbid Spain to treat them as insurrectionists.

As between Cuba and Spain and the United States, considered as Governments, the demand for such recognition is a matter of mere policy, in which our course is purely discretionary, but when the rights of our citizens are involved the question that we must settle is whether a state of public war exists in that island. If such is the fact neither of the belligerents can insist that our people there, who fight in either army, and their property may be treated as being subject to punishment or forfeiture for the offense of insurrection or rebellion against either Government.

Nothing could be more cruel than that the Government of the United States should say to a citizen enlisted in the Cuban army that he must wait until Cuba has won her independence before we can interpose to save his life or property if he is captured in war. If war exists in Cuba the American citizen residing there within the military command of the Cuban armies should not be required to remain subject to the laws of Spain and liable to its heavy penalties until the Cuban government de facto has become the government de jure by the success of its arms nor until it has a fixed capital, fortified posts, open ports under its authority, and ships bearing its flag on the seas.

If open, public war exists in Cuba, the fluctuations of success in battles furnish no reason for delaying the declaration of the fact and placing our people within the control and protection afforded by the laws of war.

If war exists in Cuba, Spain has no right to compel the United States to aid in blockading the ports and coasts of Cuba against our own people and subjecting them to the penalty of death under Spanish law if they are captured in the attempt to smuggle arms into Cuba. If Spain is involved in actual war with opposing armies in Cuba, she must conform her conduct to the laws of war and guard her coasts against those who would enter with their commerce, and such persons when captured must be treated as prisoners of war.

The war in Cuba is political, as contradistinguished from a riot or insurrection not having in contemplation the change of the sovereign dominion of the island from a government by the monarch to a republic in which the people are soverign. This distinction, with all its consequences, is admitted by both Governments in the treaty of extradition concluded between them in 1877, which provides that—

The provisions of this convention shall not import claim of extradition for any crime or offense of a political character, nor for acts connected with such crimes or offenses.

The Government of the United States, on a demand of Spain for the extradition of a soldier enlisted in the Cuban army who is charged with the murder of a Spanish soldier slain by him in battle, would act without hesitancy and without the proof of any specific facts to prove the existence of a public, political war in Cuba, and would refuse extradition upon the undeniable facts that are known in every country in Christendom. She would not wait to count the respective forces, or the ships, or the fortified posts, or the size of the capitols to ascertain if war exists in Cuba and is conducted by governments. If the crime charged is piracy, incendiarism, robbery, or the destruction of property, and is shown to be "connected with any crime or offense of a political character," the demand for extradition would be refused under the terms of that treaty. After providing this sort of hospitality for political refugees from Cuba to our shores, only 90 miles distant, we can not refuse them the protection to which we invite the Cubans when they fly to us for shelter in order to escape death, inflicted as a penalty for the breach of Spanish laws against treason and insurrection, when they have engaged in open, public, political war against Spain. This treaty of extradition was concluded on the 5th of January, 1877, and the Cushing-Collantes protocol "as to the effect of existing treaties in certain matters of judicial procedure" was signed on January 12, 1877, both Governments being represented by the same ministers in each instance.

These agreements were made at the close of the ten years of civil war in Cuba, in which we had many serious controversies with Spain—such as the *Virginius* affair—the future provision for which, by regular judicial proceedings in the civil courts, was a sine qua non in the preservation of peace between the treaty powers whenever in the future there might be war or insurrection in Cuba.

This protocol applied to the same classes of persons found in either country who are accused of crime and included them, with a single exception, in the enjoyment of the same rights of trial in all respects by the civil courts that are applied to the citizens of the locality in which the proceeding is had. The exception is in respect of citizens of the United States who are taken with arms in hand.

In section 1 of the Spanish concession in this protocol the words used are: "No citizen of the United States residing in Spain," etc., shall be subject to trial, etc., while in the fourth article of the American concession like immunities are granted under the laws of the United States, to "extend to and comprehend all Spaniards residing or being in the United States."

The intent to shelter the same classes of persons under both concessions is clear, and it is essential to the mutuality and equality of the provision for the security of the citizens or subjects of each Government. The discrepancy in the language of these concessions, if it is real and not merely accidental, must be the result of a mistranslation or the imperfect expression in the Spanish idiom of the words "residing or being." It is incredible and absurd to suppose that the United States intended to expose a mere visitor to the Island of Cuba to trial by court-martial for an alleged offense, while its citizens who are resident in Cuba should have a trial by the civil courts with many important rights that are denied to one who is arrested while visiting the Island of Cuba. Spain, however, sticks in the bark in construing this treaty as a stipulation on our part that she may condemn visitors to death by the judgment of a court-martial for offenses that are not military in character.

If such is the true construction of this protocol, it can not be too soon repealed, nor can we be in too great haste to demand that the laws of war shall apply in favor of human life to our people who are captured on suspicion of treason or insurrection while visiting Cuba.

A declaration of belligerency in invitum—as such a declaration is not possible to be made otherwise—can not be the subject of diplomatic intercourse between the United States and Spain. It is not a matter that can be accomplished through a treaty, and can not, therefore, be included in that category of powers.

The Senate can not act upon a mere declaration of belligerency that the President might make by an agreement with Spain, or upon his own executive authority. This subject is not, therefore, among the diplomatic powers of the President. He has no other powers derived from the Constitution in which the function of declaring belligerence is included as a separate or exclusive executive power. If he can touch the subject except as he is empowered by Congress to do, it can only be through his concurrent action with Congress in considering and approving a bill or resolution that has passed the Houses or in returning it with his objections, to the House in which it originated. It would be a dangerous absurdity, if the fact should ever occur, that the President would not be bound by a statute enacted, notwithstanding his veto, that declared the existence of a state of war in this country or in any foreign country, or the existence of a legal state of peace, notwithstanding the occurrence of hostilities, as was once the case in our experience with France.

Our Constitution requires that Congress shall present to the President "every bill which shall have passed the House of Representatives and the Senate before it becomes a law." It also requires that "every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States."

In case of his disapproval of any such "bill, order, resolution, or vote he shall return it to the House in which it shall have originated" with his objections, "who shall enter the objections at large on their Journal and proceed to reconsider it." No such action can have the effect of law in such a case until it has been reconsidered; and if "approved" by two-thirds of each House "it shall become a law." Such proceedings are merely imperfect legislation and are still pending for final action, after a veto by the President, until the Houses have reconsidered their vote. If upon such reconsideration the measure is passed by a two-thirds vote, "it shall become a law."

In our country the President is oath bound and conscience bound to obey the laws and to execute them. It is inconceivable that he would refuse to execute a law that is passed over his veto, unless it is such an enactment as Congress has no right or power to make. In a case of disputed power between the Executive and Congress the Supreme Court could settle the question, unless it is merely a political question. In that category the Supreme Court would decide whether the President or Congress is the political department of the Government, and has declared that it will follow that department, and thus possibly the Government would be saved from wreck by such a declaration in the case supposed.

This difficulty is capable of being avoided, so far as Congress is concerned, by tendering to the President the opportunity of coinciding with or vetoing the act of Congress. If he exercises the power to force a reconsideration by the use of his veto power, he participates in the legislation and thereby concedes the power of Congress, under the Constitution, to legislate upon the subject.

If he denies such power and refuses to consider the question, he removes the question practically from the decision of the Supreme Court and assumes to reject their arbitrament. That this course would unsettle the foundations of the Government is a proposition that is scarcely open to discussion.

It is, therefore, the proper course for Congress to observe, to send a joint resolution to the President declaring that a state of public war exists in Cuba and that parties engaged in that war are belligerents, to each of whom the laws of nations equally apply, if such is the opinion of Congress.

This is a duty of wise and sincere patriotism, although it may not be otherwise imperative, for the reason that such a declaration is not a legislative act, and is not, therefore, required to be sent to the President for his approval. Congress can waive that question, and should not raise it in a matter that does not necessarily involve the status of the constitutional distribution of the powers of our own Government, whether it is in a state of war or peace, but only concerns a duty we owe to our own people in determining for ourselves whether a state of war or a condition of peace exists in Cuba.

It was for these reasons and upon this view of the duty of the Senate, as I consider it, that I had the honor to offer the resolution to submit to the President of the United States the joint declaration of the two Houses as to the rights of Cuba, touching the question of belligerency and neutrality. If the President, acting on the assumption that a declaration of the existence of war in Cuba and a recognition of the rights of the parties engaged in that war as belligerents falls within his exclusive constitutional powers in conducting diplomatic intercourse with foreign governments, should choose to ignore the existence of such a war, Congress, after the almost unanimous expression of opinion on that subject, owes it to the honor of the body to devolve the responsibility upon the President. Under existing circumstances some department of the Government must become responsible to our own people and to the judgment of mankind for continuing to permit the falsehood to remain unrebuked that peace prevails in Cuba and that war does not exist there. Whether it is Congress or the President that denies the facts and repudiates the appeal to the sentiments of our people and the honorable duty of our Government, there will be a just account to render in the end for the blood that patriots are shedding every hour in the cause of human liberty that a word from Congress or the President would stop.

I therefore, Mr. President, ask the adoption of this resolution of instruction to the Committee on Foreign Relations, so that we may have the judgment of that committee, after an examination of the original text of the treaty, both in the English and in the Spanish languages, as to what is the meaning of the protocol entered into between Mr. Cushing and the minister from Spain.

The PRESIDING OFFICER (Mr. BACON in the chair). The question is on agreeing to the resolution submitted by the Senator from Alabama.

Mr. CULLOM. Is that merely a resolution of reference?

Mr. MORGAN. No, sir; it is a resolution of instruction to the Committee on Foreign Relations to make thorough inquiry as to the text of the treaty and the protocol and what may be the meaning of them.

Mr. CULLOM. The chairman of the committee is not present, and I do not know whether the Senator from Alabama and he have an understanding about the resolution or not.

Mr. MORGAN. Not at all.

Mr. CULLOM. I suggest to the Senator from Alabama that the resolution lie upon the table until the chairman of the committee comes in.

Mr. MORGAN. I have no objection to taking the resolution up later, but if this matter goes over the country is going to be in trouble about it.

Mr. CULLOM. I suppose the chairman of the committee will be in the Chamber in a few moments, and I shall then call his attention to it.

The PRESIDING OFFICER. What is the suggestion of the Senator from Illinois regarding the resolution?

Mr. CULLOM. I suggest that it lie on the table until the chairman of the Committee on Foreign Relations comes in.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it will be so ordered.

Mr. CULLOM subsequently said: The Senator from Ohio [Mr. SHERMAN], the chairman of the Committee on Foreign Relations, is now in the Chamber.

Mr. MORGAN. The chairman of the Committee on Foreign Relations having come in, and the resolution having been changed to suit his views, I ask its adoption. Let the modification I have made of the resolution be stated.

The PRESIDING OFFICER. The modification will be stated.

The SECRETARY. The resolution has been modified in section 3, line 1, after the words "That the," by striking out "Secretary of State is further directed" and inserting "President is requested."

The PRESIDING OFFICER. The question is on the adoption of the resolution as modified.

Mr. HILL. Let the text of the section be read as modified.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

SEC. 3. That the President is requested, if it is not incompatible with the public service, to communicate to the Senate copies of any correspondence that has taken place between the Governments of Spain and the United States respecting the said protocol and its bearing or effect upon the trial and condemnation of citizens of the United States who were recently captured on or near the vessel called the *Competitor*, which was seized under Spanish authority in Cuban waters, or near to that island.

Mr. SHERMAN. The resolution merely requests the President to communicate certain information.

Mr. HILL. Very well.

The PRESIDING OFFICER. The question is on the adoption of the resolution as modified.

The resolution as modified was agreed to.

JOHN VEELEY.

Mr. TURPIE. I ask the unanimous consent of the Senate for the present consideration of the bill (S. 1335) for the relief of John Veeley.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, in line 8, after the words "to wit," to strike out:

United States note No. 85953, Series A, dated March 10, 1863; United States note No. 99331, Series C, dated March 10, 1863; one year 5 per cent note No. 22310, Series D, dated February 23, 1864; three years 6 per cent note No. 27128, Series A, dated December 15, 1864, and three years 6 per cent note No. 27229, Series C, dated December 15, 1864, each for the sum of $100.

And insert:

United States note, March 10, 1862, No. 85953, check letter A; United States note, March 10, 1862, No. 99331, check letter C, both of the foregoing bearing no interest; compound-interest note, August 15, 1864, No. 27128, check letter A; compound-interest note, August 15, 1864, No. 27229, check letter C, both of last named bearing interest at the rate of 7.3 per cent per annum and redeemable three years after date; one year 5 per cent note, act of March 3, 1863, No. 22310, check letter D, bearing interest at the rate of 5 per cent per annum and redeemable one year from date, according to the description of said notes set forth in the letter of the assistant treasurer dated March 28, 1896, each of the said five notes being of the denomination of $100: *Provided*, That in ascertaining the value of the notes there shall be added to the principal of those bearing interest all unpaid interest thereon, according to their terms, to the date when said notes became redeemable, and such amount shall be paid and received in full satisfaction of the claim of the said John Veeley.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John Veeley, out of any moneys in the Treasury not otherwise appropriated, the value of five certain Treasury notes found by said Veeley and forwarded to and now in the hands of the Treasurer of the United States, to wit: United States note, March 10, 1862, etc.

Mr. COCKRELL. Why have those notes not been paid?

Mr. TURPIE. Because the Treasurer of the United States declined to pay them on the ground that they were mutilated. Since then, however, they have found the numbers and check letters of the notes and are ready and willing to pay them. The Secretary of the Treasury reports that it is a just claim. It is not a large one, only for five notes of $100 each, with three years' interest on them.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PETITIONS AND MEMORIALS.

Mr. HAWLEY presented a memorial of the National Association of Military Surgeons, remonstrating against the passage of Senate bill No. 1552, relating to vivisection; which was referred to the Committee on the District of Columbia.

Mr. SHOUP presented a petition of typographical union No. 271, of Boise City, Idaho, praying for the Government ownership and control of the telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Typographical Union, No. 271, of Boise City, Idaho, praying for the free and unlimited coinage of silver at the ratio of 16 to 1, without waiting for international agreement; which was ordered to lie on the table.

Mr. CAMERON presented a petition of sundry citizens of Honeybrook, Pa., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union, No. 295, Cigar Makers' International Union, of Scranton, Pa., praying for the passage of the so-called Lodge immigration bill; which was referred to the Committee on Immigration.

He also presented a petition of the Grocers and Importers' Exchange of Philadelphia, Pa., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Pennsylvania, praying for the passage of the so-called Stone immigration bill; which was referred to the Committee on Immigration.

DISTRIBUTION OF SEEDS.

Mr. PROCTOR. I have a letter from the Secretary of Agriculture, which I ask to have read from the Secretary's desk and then printed for the information of the Senate.

The PRESIDING OFFICER. The letter will be read.

The letter was read, and ordered to be printed, as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., May 16, 1896.

SIR: The law authorizes the distribution by the Secretary of Agriculture of one-third of the seed purchased "to those who apply for the same" directly to the Department. Owing to the lateness of the season it is desirable that all the seed be distributed immediately in those more northern districts where they may still be used, or wherever they may be sought for by the people.

A careful inventory completed to-day shows that there will be, of the Secretary's quota, about 2,000,000 packets of vegetable seed and 100,000 packets of flower seed remaining undistributed on the 20th instant, after all regular orders have been filled.

In order that these seeds may be promptly forwarded to such districts as need them, I have the honor to request that you inform each member of the Senate that 1,000 mail packages of vegetable seed and 40 mail packages of flower seed have been allotted to each one of them as an additional quota, and that they are respectfully requested to cause to be sent to this Department immediately addressed franks to be attached thereto.

Since the 1st of May is the limit for the distribution of the regular quota, and it is important that these seeds be immediately distributed in order to be used this season, this present allotment will hold until the 21st instant, on which date the entire surplus of 400,000 mail packages will be sent out in accordance with existing law to those persons "whose names and addresses have been furnished by Senators and Representatives in Congress and who have not before during the same season been supplied by the Department." In case, then, some members do not take their additional quotas, there will be an opportunity for others to get an additional supply. These will be forwarded in the order in which the franks are received until the entire surplus is exhausted. For these reasons it will be necessary to receive all franks for the additional allotments before the close of business on Wednesday, May 20.

Very respectfully, yours, CHAS. W. DABNEY, JR.,
Acting Secretary.

Hon. REDFIELD PROCTOR,
Chairman Committee on Agriculture and Forestry,
United States Senate.

REPORTS OF COMMITTEES.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (S. 2384) for the relief of David O. Burleigh, reported it without amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, who were instructed by a resolution of the Senate adopted February 4, 1896, to inquire into the propriety of purchasing Analostan Island for the erection of a contagious hospital, and for such other purposes as the Government may require, etc., submitted a report thereon; which was ordered to be printed.

Mr. MITCHELL of Oregon, from the Committee on Claims, to whom was referred the amendment submitted by Mr. HILL on the 9th instant, intended to be proposed to the general deficiency appropriation bill, the amendment providing for the settlement with James M. Willbur for excess in weight of material, etc., on and around the New York City post-office, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 3656) providing for free homesteads on the public lands for actual and bona fide settlers, and reserving the public lands for that purpose, reported it with amendments, and submitted a report thereon.

Mr. PERKINS, from the Committee on Naval Affairs, to whom was referred the bill (S. 2753) authorizing and directing the Secretary of the Navy to donate one condemned cannon to the Lake Madison Veteran Association, Grand Army of the Republic, of the State of South Dakota, reported it without amendment.

DONATION OF CONDEMNED CANNON.

Mr. PERKINS. I am directed by the Committee on Naval Affairs to ask that the bill (S. 2017) authorizing and directing the Secretary of the Navy to donate one condemned cannon to the Allen M. Harmon Post, Grand Army of the Republic, at Northville, Mich., be taken from the Calendar and postponed indefinitely, as the object the bill desires to obtain has already been reached by the passage of a House bill by the Senate.

The PRESIDING OFFICER. The bill will be postponed indefinitely.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 3159) granting a pension to Hannah McDaniel; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3160) for the relief of the heirs of Lemuel J. Bowden, late a Senator from the State of Virginia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Privileges and Elections.

Mr. PERKINS introduced a bill (S. 3161) amending and extending the provisions of an act of Congress entitled "An act approving with amendments the funding act of Arizona," approved June 25, 1890, and the act amendatory thereof and supplemental thereto, approved August 3, 1894; which was read twice by its title, and referred to the Committee on Territories.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. HILL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, was referred to the Committee on Appropriations.

NORTHERN PACIFIC RAILROAD COMPANY.

Mr. JONES of Arkansas submitted an amendment intended to be proposed by him to the joint resolution (S. R. 124) to facilitate the reorganization of the Northern Pacific Railroad Company; to secure to actual settlers the right to purchase at a price not exceeding $2.50 per acre the agricultural lands within its grant, and to prohibit said company or any successor company from giving by consolidation, sale, or other corporate action control of its railroad to any corporation, company, person, or association of persons owning, operating, or controlling a parallel or competing railroad; which was ordered to lie on the table, and to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House insisted upon its amendment to the bill (S. 710) granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. COLSON, and Mr. STALLINGS managers at the conference on the part of the House.

The message also announced that the House had passed the following bills:

A bill (S. 144) granting an increase of pension to T. Clarkson Ingalls;

A bill (S. 145) granting a pension to Maud Ardelle Bliss;

A bill (S. 147) granting a pension to Elvira Bachelder;

A bill (H. R. 2014) granting an increase of pension to Sarah A. Bull; and

A bill (H. R. 2822) to increase the pension of Theodore V. Purdy.

The message further announced that the House had passed the following bills, with amendments in which it requested the concurrence of the Senate:

A bill (S. 739) granting an increase of pension to C. E. Philbrook, widow of Alvale Philbrook, major of Twenty-fourth Regiment Wisconsin Volunteers;

A bill (S. 1420) granting an increase of pension to Elizabeth W. Sutherland; and

A bill (S. 1924) granting a pension to Carrie L. Yeaton.

HOUSE PENSION BILLS.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 126) for the relief of Martha Lindsay;

A bill (H. R. 717) granting a pension to Mary Ann Lafferty;

A bill (H. R. 979) granting a pension to Frances E. Helfenstein;

A bill (H. R. 1500) granting a pension to George W. Bagley;

A bill (H. R. 1511) for the relief of Lydia Boynton Ferris;

A bill (H. R. 1599) granting a pension to Phœbe M. Woolley Palmeter;

A bill (H. R. 1825) granting a pension to Mary Prince, widow of Ellis Prince;

A bill (H. R. 1826) granting a pension to Henry Prince;

A bill (H. R. 1827) granting a pension to Nancy B. Prince, widow of Elbert Prince;

A bill (H. R. 1890) granting a pension to Mary Martin;

A bill (H. R. 1891) granting a pension to Celestia R. Barry;

A bill (H. R. 1892) granting a pension to Catharine Darragh;

A bill (H. R. 2006) to increase the pension of Harriet C. Gregg, widow of Col. John Irvin Gregg, from $30 to $50 per month;

A bill (H. R. 2042) to increase the pension of Wilbur F. Cogswell;

A bill (H. R. 2358) for the relief of Arminda White, widow of Israel White;

A bill (H. R. 2359) granting a pension to Katherine Zeigenheim, of Louisville, Ky.;

A bill (H. R. 2373) granting a pension to Elvin J. Brown;

A bill (H. R. 2941) granting increase of pension to Alfred P. Buss;

A bill (H. R. 2962) granting a pension to Carrie L. Greig, widow of Theodore W. Greig, brevet major of volunteers;

A bill (H. R. 2985) granting an increase of pension to Lemuel J. Essex;

A bill (H. R. 3152) granting a pension to Charlotte A. Welton;

A bill (H. R. 3229) for the relief of Hannah Newell Barrett;

A bill (H. R. 3264) to increase the pension of Mrs. Virginia E. Turtle, of the District of Columbia;

A bill (H. R. 3389) increasing pension of Albert Buck from $12 to $30 per month;

A bill (H. R. 3395) granting a pension to Carrie H. Green;

A bill (H. R. 3755) to increase the pension of Mary C. Thompson;

A bill (H. R. 3421) to grant a pension to Elizabeth Sadler;

A bill (H. R. 3857) granting a pension to Thomas Brewer;

A bill (H. R. 3890) granting a pension to George William Hodgdon;

A bill (H. R. 4001) to reinstate William Waldrup on pension roll;

A bill (H. R. 4020) granting an increase of pension to Mrs. William Loring Spencer;

A bill (H. R. 4283) granting a pension to Delia A. Marsh;

A bill (H. R. 4354) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased;

A bill (H. R. 4361) to pension William H. Nesbitt;

A bill (H. R. 4547) granting a pension to Silas S. White;

A bill (H. R. 4604) granting a pension to Jane Fisher;

A bill (H. R. 4758) granting an increase of pension to Lambert L. Mulford;

A bill (H. R. 4721) granting an increase of pension to Orlenia J. Clark, of Louisville, Ky.;

A bill (H. R. 4903) for the relief of Hattie A. Beach, child of Erastus D. Beach, late a private in Company H, One hundred and forty-third New York Volunteers;

A bill (H. R. 4910) granting a pension to Cyrus Thomas;

A bill (H. R. 5279) granting a pension to Jerusha H. Brown;

A bill (H. R. 5711) granting a pension to Richard P. Pilkington;

A bill (H. R. 5792) granting an increase of pension to Mrs. Julia A. Jameson;

A bill (H. R. 6134) granting an increase of pension to Caroline E. Purdum;

A bill (H. R. 6166) granting a pension to Minnie Parker, widow of Col. and Bvt. Brig. Gen. Ely S. Parker, late of the United States Army;

A bill (H. R. 6236) to grant a pension to Mrs. Helen A. Funkhauser;

A bill (H. R. 6466) to increase the pension of George V. Barnard;

A bill (H. R. 6468) to increase the pension of Andrew R. Ladd;

A bill (H. R. 6546) granting a pension to Samuel Holliday;

A bill (H. R. 6556) granting a pension to Jacob Brown;

A bill (H. R. 6603) to pension the minor children of Patrick F. Reynolds;

A bill (H. R. 6607) for the relief of Helen Larned;

A bill (H. R. 6826) granting a pension to Rhoda Augusta Thompson, daughter of the late Thaddeus Thompson, a private in the Revolutionary war;

A bill (H. R. 8184) granting a pension to Jesse McMillan; and

A bill (H. R. 8248) to increase the pension of Mrs. Emily E. Cash.

[The above-named bills were severally read twice by their titles, and referred to the Committee on Pensions.]

SALE OF GAS IN THE DISTRICT OF COLUMBIA.

Mr. FAULKNER. I ask unanimous consent for the resent consideration of the bill (H. R. 6994) relating to the sale of gas in the District of Columbia.

I will state that this is a bill involving the question of the price of gas, which has been fully considered by the committee, and passed upon by the Senate almost to the point of taking final action upon it.

I desire to state further, before the question is submitted by the Chair, that it is really necessary to pass upon this bill, as the whole subject-matter involved in the bill is partially involved in the District of Columbia appropriation bill, which is really now before the Senate; and this matter ought to be decided by the Senate before the appropriation bill for the District of Columbia is reached. I therefore ask that it be taken up for consideration. I will state that the bill has been read, all the amendments proposed by the committee have been adopted, and the bill is still as in Committee of the Whole.

Mr. GEORGE. I was going to state that the bill is still in Committee of the Whole.

Mr. KYLE. There will certainly be objection to the bill. We all understand that there will be precipitated upon this bill the discussion upon the price of gas, which otherwise would occur later upon the District appropriation bill when that item is reached.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill indicated by the Senator from West Virginia?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6994) relating to the sale of gas in the District of Columbia, the pending question being on the amendment of Mr. ALLEN, in section 5, on page 5, line 13, after the words "may be," to strike out "or one of them"; so as to read:

Also if either of the said corporations shall desire hereafter to issue bonds upon their property, secured by mortgage or otherwise, upon petition therefor to said court, setting forth the necessity thereof and the amount of stock issued and outstanding, it may and shall be lawful for said court, or the chief justice and justices thereof, as the case may be, upon public notice, to be prescribed by the rules of said court, to permit the issuance of such bonds and mortgage as desired.

Mr. FAULKNER. There is no objection to that amendment.

The amendment was agreed to.

Mr. GEORGE. There are several amendments of the committee which were adopted the other day without any debate, which I desire to have amended. I move to reconsider the amendments reported by the committee on pages 1 and 2. They are all about the same thing.

Mr. KYLE. Mr. President, I am not a member of the Committee on the District of Columbia, though I have been interested for many years in the subjects committed to and considered by that committee, notably the subject of municipal ownership and control of some of our public enterprises.

I have been led to take a deep interest in the gas question in the District, and have become thoroughly convinced by my investigations that there should be a lowering of the price and an improvement of the quality of the gas. Complaints have been made to Congress for some twenty years, both as to the price and quality of gas, that the price was exorbitant, that very few, only the well to-do-classes, could afford to use it, and that the quality was such as to be at once injurious to the sight of those who were compelled to read by it at night and destructive to furniture and house fittings.

These complaints have crystallized into various forms. Resolutions have been passed by several organizations and societies throughout the District of Columbia. Here is one clipped from a newspaper February 28, 1896, representing the Columbia Heights Citizens' Association of the city of Washington:

THE CITIZENS' VOICE—MUNICIPAL OWNERSHIP DEMANDED—THE ONLY WAY TO SECURE CHEAP GAS AND TELEPHONE SERVICE.

At the last meeting of the Columbia Heights Citizens' Association the following resolutions were unanimously adopted:

"*Resolved*, That in the opinion of the Columbia Heights Citizens' Association the only real solution of the illumination problem in this city lies in the direction of municipal ownership of the source of supply; that all attempts to regulate gas and electric light monopolies are failures; that alleged reductions in price do not result in reductions in the size of the bills, and that competing companies, so called, instead of competing, combine.

"*Resolved*, That this association most cordially indorses the position taken by the District Commissioners in their proposal that the District shall furnish its citizens with cheap and good illumination, honestly measured, and control the conduits for an efficient and cheap telephone service.

"*Resolved*, That we invite the other citizens' associations, and particularly the press of the District, to an active and persistent agitation of this subject, with the end in view of securing municipal ownership of the gas and electric light supply and municipal control of the telephone service.

"*Resolved*, That a copy of these resolutions be furnished the chairmen of the two District Committees in Congress and sent to the press."

A resolution embodying the same idea has been passed by the East Washington Citizens' Association, and by various others.

These complaints, Mr. President, are well founded. They were considered well founded by the Senate fully ten years ago, and a special committee was then appointed to investigate the gas question. Upon that committee were the late Senator from Nebraska, Mr. Van Wyck, the Senator from Kentucky, Mr. BLACKBURN, and Mr. Spooner, then a Senator from Wisconsin. After summoning expert witnesses from various quarters and giving the subject very careful consideration, and after a full investigation of the methods of the gas company, the committee made a report that "the people are certainly entitled to have put in operation in this city for their benefit the best and most approved appliances and methods for making gas cheap and pure, whatever revolution that may require in the methods now here in use. Economy and the public health alike demand it."

Though the report was presented here some ten years ago, nothing so far has been done by Congress in the way of relief for the people, although we are the board of aldermen for this District, and it is our duty as that board to act when the citizens of the District call upon us for an investigation of this kind. Bills have been introduced, to be sure, from time to time since 1886 and have been referred to the District Committee—bills that provided for a cheaper and a better gas, and bills like the one introduced by the Senator from Kansas [Mr. PEFFER], providing for municipal ownership of the gas plant. But those measures to-day sleep the sleep of the just in the District Committee.

A year ago a new company was organized for the purpose of furnishing gas to the District of Columbia. It was a responsible company. The members of the company were willing to place themselves under $200,000 bonds to furnish a better quality of gas, 22 candlepower as against 16 candlepower that we get at the present time, and instead of $1.50 the price to be 75 cents to the citizens and 60 cents to the city at large. That bill also went to

the committee, and after receiving some discussion, I believe, it was allowed to sleep. During the present year I reintroduced the bill. It was considered in the committee and a short time since was reported adversely. I believe this was done bécause the present bill had passed the House, and the committee thought it possible to effect a compromise, the provisions of which we now have before us in House bill 6904 as amended.

Mr. President, I believe that the proper solution of the question lies in municipal ownership. This is entirely a business proposition, and should be settled by the same principles which men adopt in the conduct of their private business. A business man would be considered foolish to farm out his business by private contract when he could do it better himself. Merchants, farmers, bankers, railroad men, mine operators, all adopt business methods as being the best economic methods. Europe has taken up the question as an economical proposition. Our own cities are being forced to that position by the results of their investigation in European cities.

I recognize that there are some objections, but the chief objection in the mind of many people to-day is a political one. The objection upon the part of the Senators and Members is largely political. We have got it into our heads that the moment we yield a jot or tittle to the question of municipal ownership we are traveling in the direction of paternalism and socialism, and all you have to do to scare some legislators is to hold up before them the red flag of paternalism or socialism. The Populist party is now accused of adopting these ideas because they are in line with paternalism and socialism.

THE PEOPLE'S PARTY AND SOCIALISM.

I grant, Mr. President, that municipal ownership is in the line of socialism; but the Republican party, the Democratic party, the Populist party, and all good citizens are in favor of a modified form of paternalism and socialism. Populism is not socialism. The adoption of a modified system of socialism such as we have under consideration does not brand us as socialists. Our insane asylums are socialistic. Our system of public schools in the United States is socialistic. Our standing armies, our system of post-offices—all these are socialistic. Socialism, in the modified sense of the word, as applied to great American enterprises, means that the American people can better do these things than they can be done by private corporations. In that sense the Republican and Democratic parties are socialistic in kind, as well as the Populist party. We differ only in degree. The Republican party is a little more socialistic than the Democratic party, which believes that all things should be done by the States or by individuals as far as possible.

The Republican party to-day is responsible for a large number of so-called socialistic enterprises which have been of great benefit to the people of the United States. Now, the Populist party merely aims to add to the list a few more of these public functions or enterprises, in order that the people shall be relieved from the burdens of taxation and extortion. The Populist party in their St. Louis platform declared for individualism, but asked that the Government ownership of public enterprises be extended to the railroads and telegraphs, and to municipal ownership of gas, electric-light, and water works.

It is very easy for Senators to charge the Populist party with running at a headlong gait toward socialism. The Senator from Colorado [Mr. WOLCOTT], whom I do not see in his seat, mounted his high horse a few days ago and charged roughshod into the Populist camp, declaring to the world that he was willing to stand by the record of the Republican party, come what would in the next convention at St. Louis. He was not willing to go to the Populist party. He would go anywhere rather than to that party, because they were the exponents of socialism.

Mr. President, the Senator from Colorado and other Senators misjudge the Populist party by making certain extremists the exponents of our doctrine. Governor Waite, of Colorado, and other men of like views do not represent the solid sentiment of the Populist party of the United States.

The Populist party as a body believes in the fundamental principles as taught in the Republican party as far as the preservation of individualism is concerned. We believe through and through, heart and soul, in individualism, and we number in our ranks the honest, hardy yeomanry of the nation.

I have taken the trouble, Mr. President, to make inquiry of some of the prominent socialists of the United States as to what is meant by a particular plank in their platform. I have done this in order to set the Populist party right before the people in regard to the question of socialism, and to show the people that socialism is no part of the fundamental planks of the Omaha platform. I have a letter from James Seldon Cowdon, a prominent member of the Socialistic Labor party of the United States, a resident of the city of Washington, in reply to my question as to what was meant by "Plank No. 10," so called, of the Chicago Socialistic platform, which declared for the "Government ownership of all means of production and distribution." I have had my ideas for some time as to what was meant by this plank, but I wished to have it from the pen of their own leaders to see whether they held doctrines in common with the declarations of the Omaha platform.

Mr. Cowdon says:

ROOM 17, 524 TENTH STREET NORTHWEST,
Washington, D. C., May 6, 1896.

DEAR SIR: Your inquiry of this date as to my interpretation of the famous plank 10 of the Socialist platform is at hand.

In reply would say that "we kickers" want the public to own and operate "public industries" coextensive and contemporaneously, if not to the ultimate exclusion of all legitimate "private industries."

He winds up by saying:

In further explanation of my interpretation of the legislation that will be needed to interpret our plan 10 you are very respectfully referred to plans 5 to 41 of my own book on Public Cooperation, herewith handed your private secretary.

Very respectfully,
JAMES SELDON COWDON.

Hon. JAMES H. KYLE,
United States Senate.

The PRESIDING OFFICER. The Senator from South Dakota will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes.

Mr. TELLER. I ask that the unfinished business may be laid aside temporarily, and that the Senate may proceed with the bill that has been under consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from South Dakota will proceed.

Mr. KYLE. I have here Mr. Cowdon's book upon Public Cooperation. Mind you, these men do not claim to be advocates of pure socialism or communism. They call themselves the "Socialistic Labor party" of the United States. His plans 5 to 41 are bills, so to speak, for the reconstruction of the Government upon the lines of the Socialistic Labor party.

The first bill that he proposes to have introduced is a bill to establish an executive department of public labor; second, a department of public land; third, a department of public transportation; fourth, a department of public communication; fifth, a department of public education; then a department of public insurance; next, a department of public printing; then a department of public periodicals—that the Government shall publish all the periodicals. The Senator from Nebraska [Mr. ALLEN] asks me what I am reading from. It is a book representing the plans of the Socialistic Labor party of the United States for public cooperation; something that we think does not belong to the Populist party. I am trying at the present time to eliminate this from the Populist doctrine.

Mr. PEFFER. It has never been there.

Mr. KYLE. No; it has never been there.

Next a department of public documents, a department of public elections, a department of public roads, a department of public farms, a bill for a department of public fisheries, a bill to establish an executive department of public forests, a department of public fluids, a department of public forces, a department of public mines, a department of public manufactures—that the Government shall do all the manufacturing; next for public products. In this he states:

First, to establish as many classes of public stores, shops, and places of merchandising as may be necessary to supply the wants of the people.

It is proposed that the Government shall manage all the stores; next a department of public works, a department of public methods, a department of public statistics, a department of public surveying, a department of public measures, a department of public inventions, a department of public science, a department of public fairs, a department of public libraries, a department of public lectures—that the Government shall furnish all the lectures for the people; next a department of public amusements, a department of public comfort—the Government shall furnish all the comforts possible; next a department of public health, a department of public hotels, a department of public baths—that the Government shall give everybody a bath; next a department of public laundries—that the Government shall do the laundry work of the people of the United States; next is a department of public records, and the last one is a department of public buildings.

This, Mr. President, represents the views of the practical men of the Socialistic Labor party of the United States; but in order to be perfectly sure as to the doctrines taught by this organization I addressed a letter to the leader of the party in the United States, Mr. De Leon. Mr. De Leon is the editor of The People, the Socialistic Labor organ published in New York. I asked him the same question, namely, what was his interpretation of the so-called plank No. 10 of the Chicago platform, which declared for the

"Government ownership of the means of production," and he replied as follows:

NEW YORK, *May 8, 1896.*

DEAR SIR: I have yours of yesterday.

By this mail I forward to you copy of this paper, on the fourth page of which you will find the national platform of the Socialist Labor party.

"Plank 10" is no part of our platform, as such. The Chicago organization of socialists is affiliated with our national executive organization. Its platform is ours and ours is its.

His interpretation, of course, would be considered good.

The history of "plank 10" is this: At the Chicago convention (December, 1893) of the American Federation of Labor a delegate presented a platform of several planks. The tenth demanded the national ownership of the means of production and distribution. This, generally speaking, condenses the socialist demands.

The Socialist Labor party aims at bringing under public ownership, control, and operation the whole land of the country on which and the whole capital (machinery, factories, shops) with which to produce the necessities of life, understanding under necessities all that civilized man needs.

This programme embraces the bulk of the industries, agriculture included.

Very truly, yours,
D. DE LEON, *Editor The People.*

Hon. JAMES H. KYLE,
Washington, D. C.

Such men, Mr. President, will not find a home in the Populist party. They have hoped to use the party as a stepping-stone for the attainment of their plans and schemes, but they will fail. It is true they have made a call for a convention of their followers at St. Louis at about the time of our national convention. Perhaps it may not be known to my colleague from Nebraska [Mr. ALLEN] that there is a call for a national cooperative congress to be held at St. Louis July 24, 1896. They ask all who believe in any form of cooperation to join with them, and state:

All who believe in the practicability of federating existing cooperative institutions, in the desirability of a large expansion of municipal and national cooperation, and are prepared to engage in such other work as may be necessary to the ultimate establishment of the cooperative commonwealth are cordially invited to attend. All socialist, nationalist, and cooperative societies in the United States, whether State, county, district, or general in their nature, are earnestly requested and invited to send delegates. Cooperative societies in Canada and foreign countries are also urged to send fraternal representatives.

This is signed by a large number of prominent socialistic labor men of the United States, only two or three of whom I know personally—Alonzo Wardell, of Kansas, and H. L. Loucks, of South Dakota.

Mr. President, this, let me say, is not Populism. It has nothing in common with Populism. In my judgment, and in the judgment of all who may listen to the reading of these declarations, it means the destruction of individualism. It means the destruction of private enterprises, and the people of the United States are not ready for such an innovation.

MUNICIPAL OWNERSHIP THE BEST BUSINESS METHOD.

But, Mr. President, municipal ownership of gas, electric-light, and water works and street railways is not socialism to the extent of destroying individualism. It is merely the application of business sense and business methods to these great public functions and enterprises for the purpose of serving the people economically and well along these lines.

I have before me an editorial from the Twentieth Century, a very strong editorial, putting the whole question upon a purely business basis. The editor, after commending the scheme of municipal ownership, goes on to state that Berlin, in Germany, has had the advantage of municipal ownership for a number of years. They own their electric-light and water works and their gas and street railways and telephones; in fact, all public improvements. The city makes a profit of 5,000,000 marks, or $1,250,000, per year above all expenses, and that is turned into the city treasury. Paris has turned $40,000,000 into the treasury in ten years by the same means.

The writer goes on to state that in consequence of municipal ownership of the street railways in the city of Berlin a laboring man can ride three hundred and sixty-five days in the year back and forth as many times as he chooses for the sum of $4.50, while in the city of New York to ride once a day to his work and back again upon the street cars will cost him $36 a year. Further, that in the city of Glasgow, Scotland, the railroad fare is but 2 cents per passenger; that the city of Denver does its own street cleaning at an expense of $8.75 per mile per day, while it costs the city of Chicago for the same sort of enterprise $22 per mile per day; that in the city of Staunton, Va., which owns its own electric-light plant, they burn every night during the year for $24 per light per annum, while it costs the city of Peoria, Ill., $145 under private ownership. He states further that in the city of Bloomington, Ill., which has 240 lights burning all night, without regard to the moon, and where they own their own plant, the cost is but $50 per light per year, and that the city of Dunkirk, N. Y., which owns its own plant, furnishes light all night and every night for $36.50 each per year.

The average price paid to private parties by the various cities is $105.13 per light per year, while the average where the municipalities own these great public enterprises is $53.13½. Boston pays a private corporation the enormous sum of $180 per lamp, but Chicago, which owns its own plant, pays for the same service $95 per year, a good deal less than one-half. So he goes on through a list of cities, making the comparison, and he closes up his article by saying:

A report of the New York senate shows that the people of New York City, under private ownership, have been bled in the last ten years to the extent of $20,074,715.27 above what they ought to have paid. Municipal ownership in the United States shows a net saving of 40 per cent. City ownership of all public utilities is a necessity.—*Twentieth Century.*

I have here an article of the same kind from the Star, an editorial of April 20, 1896. They take up the city of Peabody, Mass., and discover the same sort of economy from municipal ownership, and wonder why we can not have this introduced in the city of Washington.

Mr. BUTLER. Will the Senator from South Dakota allow me a few moments?

Mr. KYLE. Certainly.

Mr. BUTLER. I should like to call attention in this connection to the fact that the position of the People's Party with reference to monopolies is precisely the position taken by the founders of our Government and the framers of our Constitution, neither more nor less. The framers of our Constitution, the patriots whose names will be honored and reverenced as long as the Republic endures, took exactly the position with reference to monopolies that the People's Party takes. The People's Party stands to-day as the defender of the people and the supporters of the Constitution on that question. The People's Party came into existence to protest against the action of the old parties in deserting the position of the founders of our Government and framers of the Constitution. It came into existence because there was a demand for a party to stand for the principles advocated and represented by Jefferson, Jackson, and Lincoln. It stands between the people and the rule of monopolies and trusts.

Mr. KYLE. That is as I understand it.

Mr. BUTLER. The only natural monopoly in existence when our Government was formed, the only natural monopoly that appeared to the framers of the Constitution, was what? The Post-Office Department. What was the position of the framers of our Constitution? They said here is a natural monopoly, here is a monopoly per se, a monopoly by nature, here is a monopoly that must be used by the agent of the people for the benefit of all the people and for the public good at cost, for if allowed to go into private hands it would be used by private individuals for private gain and to the detriment of the public. What position did they take? They laid it down in the Constitution as a fundamental law that the Post-Office Department, being a natural monopoly, was a public function, a function of Government, and should be used by the Government for the public good. Henry Clay took the same position in 1844, when the question was raised as to whether electricity should be used by the Post-Office Department as a function of the Government to facilitate the postal service; and Hon. Cave Johnson, the Postmaster-General under President Polk, a strict construction Administration, took the same position; and John C. Calhoun, another strict constructionist, a Democrat of Democrats (not the modern kind, thank God, but the good old original Jefferson kind), took the position that it should be used, not by private corporations, but as a part of the Post-Office Department as a public function, according to the Constitution.

The Ways and Means Committee of Congress in 1845 took the same position in an able argument reported to this body. That is the position of the People's Party on this question, and if the other natural monopolies we have to-day had been in existence when the Constitution was formed the framers of that instrument would have laid it down as a part of the written fundamental law that those natural monopolies should be used for the public good as a government function, and every man who is a true American, who sincerely believes in a republican form of government, must take that position with reference to all natural monopolies.

Mr. KYLE. Will the Senator from North Carolina allow me?

Mr. BUTLER. Pardon me. Just one word further. I think it is important to get this matter straight since the subject is up, with the Senator's permission.

The position of the People's Party is simply the position of Thomas Jefferson. He feared the danger of natural monopolies, those functions which are by nature monopolies, going into the hands of private individuals. That is where the People's Party stands to-day; and any man who does not stand with the People's Party for that doctrine is a monopolist. He is a monarchist; he is opposed to the fundamental principles of free government and republican institutions. He is an enemy to the welfare and prosperity of our people. If there is a Senator on this floor who will stand in his place and say he is opposed to that doctrine, opposed to that fundamental principle on which our Government is founded, then he is antagonistic to our form of government; he is out of line with the Constitution and the spirit of the Constitution. That is where the People's Party stands. It does not go one step further nor recede one step from it. That is what the

I have read from the report of the mayor of Philadelphia, and

Senator from Mississippi suggests the want of a quorum. The

platform calls for, simply a strict adherence to the Constitution in letter and spirit.

Any man who is opposed to the position of the People's Party on this fundamental question would to-day, if he had his way, put our Post-Office Department in the hands of the telegraph monopoly, or express company, or railroad combine. Let the people beware of such men. Next to an agent of the British gold trust, the most dangerous enemy to a republican form of government and to the welfare and prosperity of the people is the monopolist. And when the gold trust and the monopolies combine, as they have now, they are the arch enemies of the liberty and happiness of the human race. The People's Party is the only organization that can be trusted to defend the rights of the people and fight these curses of humanity and civilization.

Mr. KYLE. Mr. President, the municipal ownership of these public enterprises is no untried theory. I stated a moment ago that it has been adopted in many countries in Europe and in many American cities. I have a list before me of some cities in England which own their own plants—Birmingham, Bolton, Carlisle, Leicester, Manchester, Nottingham, Oldham, Salford, etc.

Two-thirds of all the municipalities in Great Britain own their gas plants, and the revenue derived from them, according to statistics, is from one hundred to two hundred and fifty thousand dollars per annum, and they sell pure coal gas at from 50 to 55 cents per thousand feet.

The same is true of Germany. In the United States we have cities like Henderson, Ky.; Huntsville, Mo.; Bellefontaine, Ohio; Hamilton, Ohio; Philadelphia, Pa.; Alexandria, Va.; Charlottesville, Va.; Danville, Va.; Fredericksburg, Va.; Wheeling, W. Va., and so on, which have adopted the principle, and it has proved, let me say, a great source of revenue to the treasuries of those respective cities. I have some facts before me showing this.

In 1893, of the 44 largest towns in Germany 29 owned their own gas works. Leipsic owns its own gas works and returns annually into the treasury the sum of $280,000. Breslau turns into the treasury $100,000 per annum. Berlin turned in in that year $1,793,518. Berlin from the waterworks turned in $380,000. Paris from the gas works in 1892 turned into the treasury $2,260,000; Birmingham, England, $150,000; Dresden, $187,000; Bolton, England, $140,000; Manchester, $250,000; Salford, $187,000; Leicester, $135,000; Nottingham, $125,000.

Mr. HARRIS. Will the Senator from South Dakota allow me to ask him for information, because I really do not know, whether the amounts turned into the treasury purport to be profits in that particular business or simply the amounts collected from private consumers, irrespective of what it cost the government to run those various enterprises?

Mr. KYLE. They represent the profits.

Mr. HARRIS. The net profit?

Mr. KYLE. The net profit.

Mr. HARRIS. Over and above the cost of production?

Mr. KYLE. Yes, sir; and turned into the treasury.

I have here the report of the mayor of the city of Philadelphia. I wish to read a short statement showing the profit in that city from the city's ownership of the gas works, which is right in line with the remarks of the Senator from Tennessee [Mr. HARRIS]. This is from the report of the mayor of Philadelphia for 1895, Edwin S. Stuart. On page 12 of the report, speaking of the bureau of gas, he says:

> The total expenditures of the bureau of gas from 1891 to 1894, inclusive, for material, maintenance, labor, supplies, coal, etc., were $10,858,910.58, and for extensions and permanent improvements $1,050,248.81; a total of $11,909,159.39. During the past four years there have been turned into the city treasury as receipts from this bureau $14,790,404.25, or very nearly $3,000,000 in excess of the entire expenditures.

"In excess of the entire expenditures."

> This is in the face of the fact that the price of gas in 1894 was reduced from $1.50 to $1 per thousand feet, a decrease of 33⅓ per cent in the price.

Mr. FAULKNER. What city does the Senator refer to?

Mr. KYLE. Philadelphia. I read from the mayor's report. He goes on to state:

> It is but just to the bureau of gas to state clearly that the money received by the city for its operation during the past four years not only equaled the entire sum appropriated to it during that period, including the cost of permanent improvements, but that it returned a profit over and above these expenditures of nearly $3,000,000.

He gives the number of gas lamps for 1891 as 16,649, and making the computation at $1 per thousand for these lamps, the amount saved by furnishing their own city street lamps would be $3,299,122, making the total as follows:

Receipts over expenses for furnishing to the city	$3,931,594
From gas supplied for public use	3,299,122
Making a total profit to the city of Philadelphia in four years of	7,230,716
Or an annual profit of	1,807,679

The same is true with reference to municipal ownership of electric lights.

From Advance Club Leaflets No. 2, published at Providence, R. I., by the Advance Club, I find a list of 189 cities of the United States given which are furnished electric lights by private companies for street purposes. The price charged is on the average $110.98 for 2,000-candlepower arcs and $55.49 for 1,000-candlepower arcs. Following this is given a list of 24 cities where electricity is furnished by the municipality, and the price charged for 2,000-candlepower arcs (average) is $52.40, and for 1,000-candlepower arcs $26.20 Washington pays a private company, I believe, $146 for 1,000 candlepower. Here is another list of cities furnished electricity by private companies and a list furnished by municipal control. This confirms the statements made in the club leaflet just referred to:

OWNED AND OPERATED BY MUNICIPALITIES.

Cities operating electric-lighting plants.	No. of arc lights.	Candle-power.	Period of illumination.	Total cost of plant with buildings.	Cost per arc light per year.
Little Rock, Ark	111	2,000	8 hours	$35,000	$54.00
Aurora, Ill	81	2,000	7 hours 35 minutes	43,000	66.69
Bloomington, Ill	240	2,000	All night	80,000	50.00
Decatur, Ill	61	2,000	Dark nights	21,000	49.18
Elgin, Ill	80	2,000	10 hours	23,000	43.00
Moline, Ill	80	2,000	All night	21,000	53.00
Paris, Ill	60	2,000	7 hours	9,600	40.00
Madison, Ind	85	2,000	Moon, all night	25,000	58.50
Topeka, Kans	184	2,000	All night	50,000	97.50
Bowling Green, Ky	60	2,000	Moon, all night	15,000	50.00
Bangor, Me	140	2,000	All night	35,000	45.00
Lewiston, Me	100	2,000	Moon, all night	15,000	54.75
Bay City, Mich	143	2,000	Moon, all night	30,000	58.00
Ypsilanti, Mich	80	2,000	Moon to 1 a. m	24,000	23.60
St. Joseph, Mo	208	2,000	8 hours	55,000	72.00
Galion, Ohio	73	2,000	Moon, all night	23,000	est. 35.00
Marietta, Ohio	65	2,000	Dark to midnight	13,000	38.00
Chambersburg, Pa	62	2,000	6 hours	34,500	45.00
Easton, Pa	82	2,000	All dark nights	20,000	87.00
Meadville, Pa	74	2,000	7 hours	20,000	47.43
Titusville, Pa	60	2,000	10 hours	9,000	est. 40.00
Galveston, Tex	175	2,000	7 hours	40,000	87.60
Staunton, Va	50	1,200	10 hours	17,000	24.00

Average cost per light per year of arcs operated by 23 cities, $53.04.

OWNED AND OPERATED BY PRIVATE COMPANIES.

Cities supplied by private companies.	Number of arc lights, 2,000 candle-power.	Period of illumination.	Contract price per arc light per year.
Texarkana, Ark	31	All night	$160.00
Danville, Ill	80	As ordered	80.00
Jacksonville, Ill	71	Moon, all night	96.00
Joliet, Ill	121	All night	124.00
Peoria, Ill	233	Moon, all night	145.00
Springfield, Ill	130	...do	137.00
Streator, Ill	60	All night	96.00
Kokomo, Ind	56	...do	100.00
Logansport, Ind	85	Moon, all night	100.00
Arkansas City, Kans	35	To 12 p. m	72.00
Fort Scott, Kans	75	Moon schedule, 1 a. m	80.00
Owensboro, Ky	32	...do	110.00
Augusta, Me	68	Nine hours	76.33
Bath, Me	31	To 1 a. m	125.00
Grand Rapids, Mich	120	All night	109.50
Lansing, Mich	100	Moon, all night	100.00
Kansas City, Mo	128	All night	200.75
Sedalia, Mo	92	Moon, all night	87.00
Springfield, Mo	54	...do	136.00
Bellaire, Ohio	52	...do	90.00
Fremont, Ohio	70	All night	90.00
Hillsboro, Ohio	63	Moon, all night	70.00
Allentown, Pa	98	All dark nights	100.00
Lebanon, Pa	60	To 12 p. m	80.00
Newcastle, Pa	50	All night	80.00
South Bethlehem, Pa	55	Moon to 12 p. m	81.82
Dallas, Tex	165	All night	95.85
Houston, Tex	92	...do	150.00
Parkersburg, Va	58	...do	102.00

Average cost per light per year of arcs operated by 29 private companies, $108.01.

These facts, Mr. President, seem to me to be conclusive evidence as to the expediency and wisdom of a municipality owning such enterprises.

MUST BE CONTENT WITH PRIVATE CORPORATION.

But I realize that at the present time, probably, we must confine ourselves to the control of the present private corporation in this city. I do not know whether the good sense of the American Congress can be aroused to such a point that they will enact into law what they feel and know to be for the general good of the people of this city. Though we might show them figures from 100 European cities, though we might show them such figures as

I have read from the report of the mayor of Philadelphia, and from many prominent cities even larger than Washington, yet they will not believe, and we shall go on year after year voting our subsidies or our privileges to these private corporations.

I do not know why it is. I do not know why the gas company in the District of Columbia and the street-railway companies should have such a hold upon the United States Congress. Sometimes I feel charitable and say it is because of our neglect. What is everybody's business seems to be nobody's business, and so the corporations get what they please. But at the same time I do know that lobbyists are abroad in the land, that lobbyists are around the House and around the Senate corridors every day during the consideration of these bills; that stockholders in these companies, stockholders in the Washington Gas Company, have been lobbying with members of the House and Senate and appealing to them in the name of the widows and orphans of this city who hold the stock not to deprive them of their bread. One man appealed to a member of Congress, so the member told me this morning, and said, "I own $20,000 worth of gas stock in this city, which is paying 20 per cent per annum—$4,000 per year," and when asked if the 20 per cent was not rather exorbitant, he said he did not think it was any more than he ought to have.

The Board of Trade, I understand, has taken up this question. I have before me here an editorial from one of the city papers of March 10, 1896, which states that the Board of Trade did consider the matter at that time. They appointed a committee to investigate the question of gas and electric-light, etc. The committee made the investigation, and reported that both forms of illumination were retailed at exorbitant rates, and advised in favor of a campaign which should have for its object municipal ownership and conduct of the gas and electric light plants in the District of Columbia. Mind you, Mr. President, that report is not by a few disgruntled citizens in the District who feel that their gas bills are too high, but by a representative body—the Board of Trade of the city:

> Since then the House has enacted legislation cheapening the price and improving the quality of the gas, and the District appropriation bill, which is fixed so far as these items are concerned, contains such legislation in respect both to gas and electric lighting.
>
> Congress has indicated a disposition to furnish a measure of relief to the people by directly regulating the existing companies, and the practical common-sense present action on the part of this community is to back up vigorously the procedure which has found favor with the House. Municipal ownership of illuminating plants may well be viewed as the ideal condition; but in view of the heavy initial expense which it will involve and the extent of education on the subject which our legislation would require before there was any possibility of the enactment of this radical legislation, the project is not a practical one for this year or the immediate future. We should not neglect the opportunity to obtain immediate though partial relief through excessive and exclusive devotion to the brilliant but remote project of municipal ownership. The House has declared in favor of cheaper gas and electric light, an improved quality of gas, and more thorough inspection. The Board of Trade and its special committee can do good work in impressing upon the Senate the wisdom of speedy concurrence in the House propositions.

Therefore the editor goes on to argue in favor of the dollar-gas bill. I feel just about the same way; that it will be impossible at the present time to secure municipal ownership. Therefore I advocate with all my heart the reduction of gas by the present company to the lowest possible figure. At the same time I do not wish to cut it down to a point where the company can not make a legitimate profit. I am willing that the corporation shall be allowed a legitimate percentage upon its investment.

We are to-day living under corporation rule in the District, and for that reason I am afraid we can not accomplish a great deal even now in reducing the price of gas. The present gas company has got to be an octopus. It reaches out by its officers and by its stockholders, and has taken in many influential men hereabouts who have become interested in the question of gas. The company was organized in the year 1848, I believe.

Mr. FAULKNER. Will the Senator from South Dakota allow me?

Mr. KYLE. Certainly.

Mr. FAULKNER. I should like to ask the Senator, when he speaks about the company taking in a number of prominent men in Congress——

Mr. KYLE. I did not say in Congress.

Mr. FAULKNER. Ah, well; the Senator did not. I want to ask the direct question, then, whether the Senator has information that any member of the District Committee is in any way directly or indirectly interested in the stock or other securities of the Washington Gas Light Company?

Mr. KYLE. I will state to the Senator from West Virginia that I do not think any member of the District Committee is interested in the stock of the gas company.

Mr. GEORGE. Mr. President, these are very interesting facts which the Senator from South Dakota is now putting before the Senate, and this is a very important question. There should be a full Senate. I suggest the want of a quorum.

The PRESIDING OFFICER (Mr. BACON in the chair). The Senator from Mississippi suggests the want of a quorum. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Allen,	Chilton,	Harris,	Pettigrew,
Allison,	Clark,	Hawley,	Platt,
Bacon,	Cockrell,	Jones, Ark.	Proctor,
Baker,	Cullom,	Kyle,	Pugh,
Bate,	Davis,	Lindsay,	Quay,
Berry,	Dubois,	Martin,	Roach,
Blackburn,	Elkins,	Mills,	Sherman,
Brown,	Faulkner,	Mitchell, Oreg.	Squire,
Butler,	Gallinger,	Morgan,	Teller,
Caffery,	Gear,	Nelson,	Turpie,
Carter,	George,	Peffer,	Walthall,
Chandler,	Hansbrough,	Perkins,	White.

The PRESIDING OFFICER. Forty-eight Senators have responded to their names. A quorum is present.

Mr. KYLE. In regard to the question put to me by the Senator from West Virginia, I will state that I have not made inquiry as to whether or not Senators or Members of Congress are holders of stock in this company, but there are prominent men in the city and the cities hereabouts who are stockholders and who are men of influence.

THE WASHINGTON GAS LIGHT COMPANY.

The company, as I stated, was organized, I believe, in 1848, with a capital of $50,000, of which $42,500 was paid in for 2,500 shares of the par value of $20. In 1852 the capital was increased to $300,000, which was paid in cash. In 1855 the capital was increased $150,000 and the stock taken up by stockholders. In 1866 another $500,000 was added and issued to shareholders, share for share. In 1872 the stock was increased to $1,000,000, with the privilege of increasing it another million, which has been done. In 1887 $600,000 of 6 per cent bonds were issued; and $600,000 of certificates of indebtedness have also been issued, which are convertible into stock if the stock shall be increased. On the stock a dividend of 10 per cent is paid and on the bonds and certificates 6 per cent. It is claimed that the $600,000 of certificates were a gift to the stockholders. In 1892 they paid an additional dividend of $3 per share, making 25 per cent. By their sworn statement the average per cent from 1848 to 1881 is 16⅞. From 1881 to 1886, 20 per cent, and for the year 1895, 30 per cent, which is pretty good for hard times. The par stock—$20—has been worth $51 and is now worth $44 and a fraction.

This is the history of the company. All but $500,000 of the present capital stock of $2,000,000 has been added from the profits of the concern. The authority for this statement as to all above $500,000 being profits I get from the Senate committee's report, No. 1460, a report of the investigation, and where Mr. McIlhenny, the president, I believe, upon being interrogated by Senator Van Wyck, admits that that was the fact. I do not see any reason why the company should be given the privilege, as under the present bill, of issuing a million and a half more stock. This company, let me say, are a power in the District and are a power in Congress. They have charged the highest rates possible. They have never yielded to a reduction of price except where they have been compelled to do so through fear of some legislation being enacted by Congress.

Mr. FAULKNER. I ask the Senator whether he has examined the report of the Commissioners on that subject, in which they enumerate a number of instances of voluntary reduction by the company?

Mr. KYLE. I recognize the fact and have read it that they voluntarily reduced the price; but I say, in my judgment, it was under fear that some bill would be passed by Congress.

Mr. FAULKNER. I should like the Senator to state his reasons for that statement, because I never heard of it before and I have been investigating this question for at least seven years.

Mr. GEORGE. Will the Senator from West Virginia allow me to ask him a question?

Mr. FAULKNER. Certainly.

Mr. GEORGE. The Senator said he has been investigating this matter. Has he discovered that in 1866 the company voluntarily burned its books?

Mr. FAULKNER. No, sir; I have not discovered any such thing.

Mr. GEORGE. It is the fact.

Mr. FAULKNER. No, sir; I differ with the Senator from Mississippi entirely in his statement of the fact. I am ready to answer it on the floor.

Mr. KYLE. I presume their willingness at the present time to reduce the price of gas is voluntary. They show a willingness to reduce the price of gas at the present time because they fear that Congress is going to pass a law bringing the price down to a dollar or to 75 cents. That is all there is about it. And so it was in the other instances.

As to whether this company destroyed its books, let me quote here from the report made by Senator Spooner, Report No. 1460,

first session, Forty-ninth Congress. The company deliberately destroyed its books. The committee says:

It is a significant fact that the destruction of these books blotted out from the public and from investigation the detailed transactions of this corporation up to the time in 1886 when the company distributed among its then stockholders, as representing corporate earnings theretofore put into an extension of the plant, $500,000 of stock, making altogether $1,000,000 of capitalization.

FEW CAN AFFORD TO USE GAS.

Mr. President, the company having a monopoly of the gas, as they do in this District, have reduced the price gradually, as they have been forced to do so by Congress; but at the present time gas is held at $1.25 per thousand feet to those who pay promptly and $1.50 per thousand to those who do not pay their bills, I believe, within ten days. The result is that fully one-half, I might say, of the people of the District of Columbia can not afford to use gas; and it is stated upon authority that while there are in the city 52,000 houses, only 25,000 or 26,000 of those houses use gas. In other words, the poor people of the city are not able to use gas at the figures charged by the company. Much of our population, white as well as colored, are compelled to use coal oil or the tallow candle, or to sit in darkness.

Mr. President, without attempting to instruct the gas company of the District of Columbia, let me say that they are pursuing a policy according to best experts which is detrimental to their own interests. The testimony of those who have examined this question in Europe and in the cities of the United States is that the lower the price of gas the more people use it, and the result is increased income to the companies.

Upon this question I have some very valuable testimony given by Mr. Henry M. Whitney before the Massachusetts legislature in the month of March last. Mr. Whitney is an authority upon this question, and was before the committee, I believe, for certain rights and privileges with reference to the use of the by-product of gas. He makes this statement before the committee:

You will see, Mr. Chairman, that by far the larger number of your people—probably more than 15 to 1, and I should think it fair to say 20 to 1—are not now customers of the gas companies—

That is in the State of Massachusetts—

They have never been customers, and under existing circumstances and conditions never can be.

The reason is entirely apparent. It is because the price of gas is so high and has remained so high for the last generation as absolutely to put it out of the power of these people to have it.

I am surprised, as I look at these statistics, that any well-managed gas company familiar with these conditions should have allowed this condition of things to exist; for I hold that these companies, like all quasi-public corporations, owe it to the community to keep abreast of the state of the art in all countries. It does not answer for them, nor for any other corporation holding quasi-public rights, to rest upon their laurels and make no improvement in their condition, nor seek to supply the people who are not now using gas and whom they ought to have supplied for the last thirty years. Had I been in management of one of these corporations I should have considered that a dangerous position to be in.

* * * * * * *

Now, very much has been said about the city of Manchester, England. The city of Manchester contains about the same population as the city of Boston. It contained in 1890, according to the statement I have, a population of 505,000, which is not far from the population of the city of Boston. The city of Manchester sends out more gas than is sent out in the whole State of Massachusetts. It furnished in the year 1893, 3,636,000,000 feet of gas, which is absolutely more gas than is furnished by all the gas companies in the State of Massachusetts; and Manchester sold that gas for 60 cents per thousand feet. That is the reason why the consumption was so large.

Taking the average of the large companies in foreign cities like Glasgow, Manchester, Birmingham, and in all these places where the population is large, you will find that the price is about uniform, and that the proportion of meters to this population is nearly 1 to 5. That is, substantially every family uses gas, and uses it in considerable quantities.

One meter to every 5 of the population, 5 representing a family, while in the State of Massachusetts they have 1 meter to every 20 in population.

So he summarizes the whole situation that as a consequence of the reduction in the price of gas more people use it and there is a greater income to the companies.

Mr. President, in view of what is charged in other cities of the United States and of the world, the charge made for gas by the Washington Gas Light Company is exorbitant. The whole question, it seems to me, for the Senate to consider is whether gas under the existing circumstances can be furnished to the people of this District for a less figure. That is all there is to it.

CAN THE PRICE BE REDUCED?

I have taken a great deal of pains to collect data upon this point. I have communicated with and received letters from the city clerks in the prominent cities of the United States, and the general report is that the price of gas is far below the price charged in the city of Washington. Here are the figures from a number of these cities: The city of New York furnishes gas for $1.25 per thousand; Chicago, $1.13. The price in Chicago is now down to a dollar. I will say before I give the figures that many of them are subject to change, because cities are frequently changing the price of gas, and generally taking the downward course.

Mr. GALLINGER. If the Senator will permit me, I should like to ask him if he is aware of the fact that there are some thirty or forty different gas companies in the city of New York, and that some of them are charging for gas very much more than is charged in the city of Washington?

Mr. KYLE. I am aware of that fact, and the same is true of the cities in the State of Massachusetts and other States.

Mr. GALLINGER. My point is that the Senator quotes, as he says, that gas is furnished in New York for $1 per thousand feet.

Mr. KYLE. For $1.25.

Mr. GALLINGER. I understood the Senator to say $1.

Mr. KYLE. The price in Chicago is $1.

Mr. GALLINGER. Even at $1.25 the price is the same as it is in Washington; but the fact is that there are a great many companies in New York which charge $1.50 per thousand feet, and in some instances as high as $1.75; and the statistics will show that fact.

Mr. KYLE. I have here the statistics of the cities of Massachusetts, which I might place in the RECORD, but shall not, which show the price charged in 1886 and 1894, and in every case there has been a great fall of the price of gas between 1886 and 1894; and so it extends over the country. These figures, as I said, are subject to change.

New York	$1.25	Newark	$1.40
Chicago	1.13	Minneapolis	1.60
Philadelphia	1.00	Jersey City	1.75
Brooklyn	1.25	Louisville	1.29
St. Louis	1.50	Omaha	1.75
Boston	1.08	Rochester	1.25
Baltimore	1.25	St. Paul	1.70
San Francisco	2.00	Kansas City	1.60
Cincinnati	.96¼	Providence	1.20
Cleveland	.80	Indianapolis	1.25
Buffalo	1.00	Allegheny	.95
Milwaukee	1.00	Washington	1.25

Chicago has made provision for one-dollar gas.

The following is a list of cities owning and controlling their own gas works:

	Population.	Price per 1,000 feet.
Henderson, Ky	14,000	$1.00
Huntsville, Mo	2,000	2.00
Bellefontaine, Ohio	7,000	.80
Hamilton, Ohio	20,000	1.00
Philadelphia, Pa	1,200,000	1.00
Alexandria, Va	18,000	1.44
Charlottesville, Va	10,000	1.00
Danville, Va	11,000	1.25
Fredericksburg, Va	5,000	1.50
Richmond, Va	80,000	1.25
Wheeling, W. Va	40,000	.75

Mr. FAULKNER. Charlottesville owns its gas works.

Mr. KYLE. Yes; and the price there is $1.

In many of these cases the price in cities where they manufacture their own gas is as high or higher than in the city of Washington, but the point is that all the proceeds above the cost of producing and supplying the gas goes to the city treasury, and thereby reduces the amount of taxes to be paid by the people.

The following is a list of cities where the price of gas is $1 per thousand feet or less:

Boston	$1.00	Cincinnati	$1.00
Columbus	1.00	Atlanta, Ga	1.00
Dayton, Ohio	1.00	Taylorsville, Ill	1.00
Centerville	1.00	Henderson, Ky	1.00
Elyria, Ohio	1.00	Sandusky, Ohio	1.00
Troy, Ohio	1.00	Youngstown, Ohio	1.00
Greenville	1.00	Meadville, Pa	1.00
Pittsburg, Pa	1.00	Grafton, W. Va	1.00
Milwaukee, Wis	1.00	Hamilton, Ohio	1.00
Allegheny County	.95	Grand Rapids	.90
Cleveland	.80	Wheeling	.75
West Point	.60	Kokomo	.75
Bellefontaine	.80	Jackson, Mich	.50
St. Joseph	.50	Terre Haute	.50
Chicago, 1 company	.50	Lakewood, N. Y	.30

Mr. FAULKNER. I ask the Senator what is the price of gas in his own State?

Mr. KYLE. In South Dakota I have not investigated beyond my own town, where we have to pay a private company $2.50 per thousand feet for gas.

Mr. MILLS. What is the population?

Mr. KYLE. The population is about 6,000.

Mr. FAULKNER. I believe the average cost in the whole State is about $2.20.

Mr. KYLE. We pay $2.50 in my town, which we have always considered exorbitant. It is exorbitant, and the company know it is exorbitant, in my judgment. The people should take the matter into their own hands and operate the plant in the interest of the taxpayers and citizens generally.

The following summary as to gas companies I extract from the New York World, without quoting it literally:

The cost of gas in Cleveland is 80 cents, and the company pays the city 6½ per cent on their gross receipts, amounting to $50,000 per annum. The gas costs the company from 50 to 55 cents per

1,000 feet, and after paying the city 6½ per cent it leaves to the company a profit of 20 to 25 cents per thousand, and pays 8 per cent on its $3,000,000 of stock.

In Cincinnati the price is $1 net, and less for the city lamps, and the company pays 10 per cent dividend.

Chicago experts say the cost of gas there is from 50 to 55 cents, including interest on the investment in plant, etc. The price to consumers is from $1 to 50 cents.

In Brooklyn the price is $1.25, and the officers refuse to state the cost.

Mr. C. E. Staples, a dealer in gas stocks, states that it costs to make water gas, such as we have here, from 35 to 37½ cents per 1,000 feet.

In Pittsburg the price is $1 per thousand feet, and the company supply the street lamps first to the amount of 12,500,000 feet. For all over that the city pays 75 cents per thousand feet. The officers of the company refuse to state what it costs to make gas.

In Bellefontaine, Ohio, as stated by Professor Bemis, the city has made its own gas since 1873—twenty years—at a cost for manufacture and distribution of 30 cents. The price in 1893 was 80 cents.

In Lakewood, N. Y., they furnish their own gas at 30 cents per thousand feet. In Bellefontaine and Lakewood they make water gas, the same as most of our gas.

West Point furnishes its own gas at 60 cents per thousand feet, which is all coal gas, and the nominal price is 75 cents.

The Louisville (Ky.) company sold gas at $1 per thousand until bought out by another company. The price is now $1.30 per thousand, and they refuse to give any information as to the cost.

In Albany, N. Y., the president of the gas company refuses to state the cost or the profit.

These are some facts as to what gas is being furnished for in the various cities of the United States. I might go a little further and give you a few of the companies abroad:

AN ANALYSIS OF THE ACCOUNTS OF THE PRINCIPAL GAS UNDERTAKINGS IN ENGLAND, SCOTLAND, AND IRELAND FOR 1893.

Gas statistics of Great Britain, 1893.

Municipal corporations.	Population.	Number of consumers.	Output.	Price per 1,000.	Candle-power.
			Cubic feet.	*Cents.*	
Birmingham	500,009	58,053	4,222,667,000	60	17.28
Bolton	115,000	28,506	783,380,000	66	17.99
Carlisle	39,000	6,391	228,200,000	56	19.16
Leicester	142,000	25,836	1,125,641,000	58	16.65
Manchester	505,000	81,433	3,636,000,000	62	19.11
Nottingham	211,000	38,005	1,502,510,000	60	19
Oldham	131,000	44,787	871,177,000	56	19.30
Salford	198,000	28,005	1,111,798,000	58	18.54
PRIVATE COMPANIES.					
Bath	51,844	7,463	306,003,000	66	16
Brighton	115,873	17,439	962,828,000	68	14.57
Bristol	221,578	22,000	1,578,856,000	70	16.56
Derby	94,146	14,900	446,929,000	64	16.50
Liverpool	517,980	73,200	3,391,873,000	75	21.59
Newcastle-on-Tyne	186,300	30,144	1,955,223,000	41	16
Plymouth	84,248	10,722	698,588,000	43	14.50
Portsea	159,278	10,400	649,911,000	58	14.82
Preston	107,573	23,283	403,730,000	77	18.75
Sheffield	324,243	48,956	1,874,790,000	45	17.88
London				*66	16
				†54	16

* Average. † Street lights.

All these range along from 14.50 to 21.59 candlepower, and not one of them comes to the dollar mark. They use coal to make gas.

Mr. GALLINGER. If the Senator will permit me, will he restate what he just said as to the candlepower in those cities?

Mr. KYLE. They range along from 14.50 to 18, 19, and 21 candlepower.

Mr. GALLINGER. The Senator will, of course, observe that in the bill now under consideration we propose to make the Washington Gas Light Company furnish gas of 24 candlepower.

Mr. KYLE. I understand that, and I will prove before we get through that it is not over 16 candlepower, because you are changing the test from the Argand burner to the Bray slit burner.

Mr. GALLINGER. We are adopting the test in use in every city in this country.

Mr. KYLE. I understand that.

Mr. FAULKNER. The Senator says we are changing the test, and I assert that the burner used in every city the Senator refers to is only 16, 17, 18, and 19 candlepower, and is the improved modern Parliamentary Argand burner, which gives a similar light to the burner we have adopted.

Mr. GALLINGER. There is no doubt about it.

Mr. KYLE. That is a question, because different cities have different methods of testing their own gas. But there is a difference between the new Parliamentary Argand burner and the Bray slit flat-flame burner, as I shall show.

Mr. FAULKNER. In England they have but one burner, and that is the parliamentary burner, by which they test all lights.

Mr. KYLE. But not the Bray flat flame burner. I have here a statement in reference to the city of Philadelphia. I made the statement that the city of Philadelphia furnishes gas to its consumers for $1 per thousand, and turns into the city treasury millions of dollars; that during the last four years it turned in the neighborhood of $7,000,000 into the city treasury. The gas monopoly of the city of Philadelphia, if it may be so termed, is a great bonanza to the city, and private companies in that section of the country understand this. I have before me an article from the Pittsburg Times of February 21, 1896, which says:

A syndicate to-day formally offered the city $20,000,000 cash for the gas works. The syndicate agrees to charge from 45 cents to $1 a thousand feet for gas, and after ten years to give the city 5 per cent of the profits of the gas works, and in 15 years 10 per cent of the profits. The city now makes all the gas used here, and sells it for $1 a thousand feet. Last year the city's profits on the plant was about $1,500,000.

The city can not afford to part with such a franchise. The thousands of poor there owning their own homes should congratulate themselves on the reduction in taxes and contend for the municipal ownership of the street railways, which are an oppression and a political power in that city.

The city of Philadelphia is not able to furnish all its own gas. The city being so large, they are compelled to purchase a certain amount of gas from private gas companies. I believe they have bought about 3,000,000 or more cubic feet of gas, and they made a contract with private companies for this purpose. I have the contract before me, and it will be a surprise to many to know the figure at which gas is furnished by a private company. The contract states:

We will furnish three million (3,000,000) cubic feet of gas, and as much more as is required, upon six months' notice, by the Bunsen and Lindley "W" process, of more than twenty-two (22) candlepower, delivered as required to your station meter, at thirty-seven (37) cents per 1,000 cubic feet for the first year, and for any subsequent year at thirty-seven (37) cents per 1,000 cubic feet.

Mr. GALLINGER. If the Senator will permit me again, there is no doubt they can afford to do that, for that is simply to furnish the gas at their own works. It does not include the cost of the mains and of distributing the gas and all that sort of thing. It is simply for the gas itself.

Mr. KYLE. The cost of distribution is estimated generally at 40 per cent, which would add about 12 cents more.

Mr. GALLINGER. That is not admitted by any gas man with whom I have ever talked. The Senator may know all about the details of gas distribution. The Committee on the District of Columbia, however, have had a great many hearings and have had experts before them, and no man there has ever ventured to make a suggestion such as the Senator has made.

Mr. KYLE. I have seen the statement made many times over by experts in the United States that the cost of distribution is 40 per cent of the cost of production; so, taking 37 cents and adding 40 per cent to it, the aggregate amount would be 13 or 14 cents more.

I may not know so much about the question as the Senator from New Hampshire, but I have been investigating the subject of gas somewhat for twenty years. The District Committee do not have a monopoly of knowledge.

Mr. GALLINGER. The only point I would make is, Mr. President—I do not care to get into a controversy with the Senator, and I know I am trenching upon his time—that I chance to be a member of the committee which has had very lengthy and very numerous hearings on this question, and they have heard all sides of it. We have had experts from New York and Boston and other cities, and presumably a member of the committee knows something as to what has been investigated by the committee; and that is all I claim.

Mr. KYLE. I understand what has been presented to the committee; but a great deal has been presented to the committee which is not true.

Mr. GALLINGER. Very likely so.

Mr. GEORGE. I desire to ask the Senator from New Hampshire a question. Have the hearings before the committee been printed in extenso?

Mr. FAULKNER. All of them.

Mr. GALLINGER. There is a document here that is accessible containing the recent hearings before the Committee on the District of Columbia, entitled "Gas."

Mr. GEORGE. When were the hearings had?

Mr. GALLINGER. Beyond a doubt the Senator can get a copy of the document by sending to the document room for it.

Mr. HARRIS. The hearings were held at various times.

Mr. GEORGE. I applied this morning at the document room and could not get a copy of the testimony.

Mr. FAULKNER. I will state that the hearings were published for the use of the committee, and any Senator who will apply to the clerk of the Committee on the District of Columbia will be able to secure a copy of the hearings as printed.

Mr. GEORGE. Why was it not printed for the use of the Senate?

Mr. FAULKNER. Simply because the committee never ordered

Mr. HARRIS. That was one of the objections, and I am sure that was but one of the objections. It was not the only one.

Mr. HARRIS. Will the Senator allow me to state to him——

Mr. KYLE. Wait until I get through with this correspondence.

Washington Gas Light Company were given free and full hearings to oppose our bill, and even after I was told (see page 64 of report) that the expert hearing was ended, and had left the committee room, an advocate of the

Mr. GEORGE. Why was it not printed for the use of the Senate?

Mr. FAULKNER. Simply because the committee never ordered it, and no one else asked that the hearings be published. Hearings before committees are not generally printed for public distribution except when the committee submits a written report embodying the hearings by the committee; but they do not generally publish hearings on matters which are purely local.

Mr. KYLE. I have stated here that the prices charged in the District of Columbia are exorbitant, and that the prices in many cities are below what they are here. The former president of the old company stated:

The public do not know how cheap gas can be made, and we do not propose to tell them. Of course we can sell gas cheaper, but we do not propose to do so until we are compelled to.

Almost invariably in estimating cost of gas they include the cost of enlarging the plant, extending mains, etc. At a meeting of the American Gas Light Association when a member in reading a paper attempted to include in cost of gas extension of mains and other improvements he was stopped by President Harbison, who said:

The cost of enlarging the plant should be charged to the capital account, and not to the cost of providing gas.

At a meeting of the association in 1880, Mr. Eugene Vanderpool, M. A., C. E., of the Newark Gas Light Company, and whom the Washington Gas Light Company asked to have brought here during the Spooner investigation in 1886, stated that cost of water gas was 42 cents per 1,000 feet, coal gas 35⅝ cents per 1,000 feet. This when coal was selling for $4.50 per ton and coke at 6 cents per bushel. The highest British authority, according to the Gas Light Journal, Mr. G. W. Stevenson, C. E., F. G. S., in his work, Precedents in Private Legislation Affecting Gas and Water Companies, 1879, gives the cost of coal gas, everything included, and the gas delivered to the burner of the consumer, at 51 cents per 1,000 feet. Take Mr. Vanderpool's estimate of 35⅝ cents in the holder and add 14 cents (40 per cent) for distribution, and we have 49⅝ cents per 1,000 feet, or a little more than a cent less than in Great Britain. Since then the residuals have come to be almost as valuable as the gas, and the price must have very materially fallen. Here are some facts from official sources as regards the cost of gas in the United States and Great Britain:

According to the best authorities in the United States and Great Britain gas in the holder, in 1886, cost but 35 cents, and since then the cost of production has been reduced very materially.

Hon. Orestes Cleveland—

Ex-mayor of Jersey City, I believe—

in a letter to the Senate committee in 1886, stated that to his personal knowledge it was then put in the holder at 30 cents per 1,000. The cost of distribution is given at 40 per cent of the cost of production, which would be 12 cents, thus making the cost of gas at the burner 52 cents per 1,000.

The cost of gas in Great Britain in 1890 was 30 cents per 1,000, and the engineer of the Leeds gas works says that "recent improvements in the process have greatly cheapened the cost of manufacture, so that now coal gas in the holder costs but 22 cents."

I hope the Senator will listen to this.

Mr. GALLINGER. I am listening very attentively.

Mr. KYLE. The letter of Hon. Orestes Cleveland continues:

In 19 cities in Great Britain the average cost was 37¼ cents, and the average price charged consumers was 53¼ cents.

Mr. GALLINGER. We had representatives of the so-called Rose-Hastings process before the committee, and they claim to make gas cheaper than by any other process on the face of the earth; but they did not pretend to say that they could make it for less than 35 cents a thousand.

Mr. KYLE. I do not presume that any company will tell you what they are able to make their gas for.

Mr. GALLINGER. But this company were trying to make it appear that they could manufacture gas and furnish it cheaper than it could be furnished by the old process, and it was to their interest to make the figures as low as possible.

Mr. KYLE. But they made the figures enough lower to show that they could furnish gas to the citizens here for 75 cents, and to the city itself at 60 cents.

Mr. GALLINGER. They did not do so to the satisfaction of the committee.

Mr. KYLE. The Senator's committee did not act upon the bill, I understand, because they did not want the city streets torn up.

Mr. HARRIS. I do not want the Senator to proceed upon that idea. During the Fifty-third Congress, and up to a late day in the Fifty-fourth Congress, I was an earnest advocate of the bill introduced by the Senator himself, because of its proposition to furnish cheaper gas. The investigations before the committee, where we had experts from various surrounding cities, at least produced a state of doubt upon my mind as to the possibility of producing gas upon their methods at these lower rates and of their ability to do what they proposed, which caused me to pause in the advocacy of their proposition. I was as earnestly in favor of it as the Senator in the Fifty-third Congress and up to a late day in the Fifty-fourth Congress.

Mr. KYLE. But I understand that the objection of the Commissioners was that they did not like the streets torn up.

Mr. HARRIS. That was one of the objections, and I am sure that was but one of the objections. It was not the only one. But this investigation went very much further than as to the tearing up of the streets. I totally disregarded that recommendation as against laying down other mains and other pipes, and other facts controlled my action—the utter failure of the new company to show its ability to produce gas at these lower rates, and, perhaps, its ability in financial and other respects.

Mr. KYLE. I do not care to go over the discussion of the 75-cent gas bill at this time——

Mr. GALLINGER. I ask the Senator for a moment more of his time. The Senator, of course, wants to be accurate on this point.

Mr. KYLE. I want to get through with my remarks soon.

Mr. GALLINGER. Just one moment. Mr. Thomas P. Worrall, who is president of the Westchester Gas Company, under the Rose-Hastings process, which undertook to get into the city of Washington under the bill which the Senator has championed, and still champions, and has had put on the Calendar after it had been adversely reported by the committee, said——

Mr. KYLE. I do not know that I can admit that now.

Mr. GALLINGER. I shall be through in a moment.

Mr. KYLE. I understand, but there is a great deal of rebuttal testimony which I should feel like putting in.

Mr. GALLINGER. Very well; I will read what Mr. Worrall said in my own time.

Mr. KYLE. I do not understand the matter as the Senator states it. I do not think that the attorney of the Rose-Hastings Company, Mr. Sands, had a proper hearing before the District Committee.

Mr. GALLINGER. Mr. President, that is a very serious charge.

Mr. KYLE. The experts on the line of the Rose-Hastings Company were heard, but after that, when the attorney who represents that company asked for his final hearing before the committee of this branch of Congress he was refused.

Mr. GALLINGER. That attorney had four or five or six hours of the committee's time.

Mr. FAULKNER. That is so.

Mr. KYLE. Not for his own argument.

Mr. GALLINGER. The Senator is making a very serious accusation, and it is not true.

Mr. KYLE. I have the correspondence right here.

Mr. GALLINGER. That may be; but you are accusing the Committee on the District of Columbia now.

Mr. HARRIS. Does the Senator mean Mr. Sands?

Mr. KYLE. Yes; I mean that he has not had a full final hearing.

Mr. HARRIS. When he makes such a statement he is wholly unjustified, and states a falsehood.

Mr. GALLINGER. That is true.

Mr. HARRIS. He has been heard over and over——

Mr. GALLINGER. And over again.

Mr. HARRIS. And heard to a greater extent than the representative of any other gas company in existence.

Mr. KYLE. His final argument I referred to, which he wished to make before the committee, and he was not given a hearing in regard to it.

Mr. FAULKNER. Mr. President——

Mr. KYLE. If the Senator from West Virginia wants to ask me a question I will hear him.

Mr. FAULKNER. If the Senator will permit me, I will state that he had a final hearing, and at that hearing he put in all the papers, he said, that would bear on the subject, and they are found here, as the Senator will see when he gets the printed record.

Mr. KYLE. I have seen the printed record, and I have the correspondence with the chairman of the District Committee. I have here a letter from Mr. Sands to the chairman of the committee, which is as follows:

WASHINGTON, D. C., *January 14, 1896.*

SENATOR: The bill No. 1408 to incorporate the National Capital Gas Light, Heat, and Power Company has been referred to your committee for consideration and report.

The incorporators, for whom I appear as counsel, are anxious to be heard before your committee, prepared to show to them their readiness and ability to carry out every provision of that bill, and thus to give to the people of this District the relief for which they have been petitioning Congress so many years.

Two of our experts, whose statements it is of the highest importance for each member of the committee to hear, are absent in the West, but can be here by Wednesday, January 22, instant.

There are several new members on your committee, and it is just to them, as well as to us, that they also hear us upon the merits of our bill.

Therefore, I request that you name a day when we can be heard by the full committee—

"By the full committee"—

when they can be here, and that no action be had without our being heard.

The great importance of this bill to the people calls for such action, and asking such hearing, I am, yours, respectfully,

F. P. B. SANDS, *Counsel.*

Hon. JAMES MCMILLAN,
Chairman Committee on District of Columbia,
United States Senate.

Mr. HARRIS. Will the Senator allow me to state to him——

Mr. KYLE. Wait until I get through with this correspondence.

Mr. HARRIS. That as often as twice upon my motion——

The PRESIDING OFFICER (Mr. CARTER in the chair). The Senator from South Dakota declines to yield.

Mr. HARRIS. Of course, if the Senator declines to yield I will take my seat.

Mr. KYLE. I should like to finish the correspondence. Here is a letter from the chairman of the committee [Mr. MCMILLAN] to Mr. Sands:

JANUARY 16, 1896.

DEAR SIR: Replying to your letter of January 14, I would say that the bill to incorporate the National Capital Gas Light, Heat, and Power Company will be referred in the usual way, and when the subcommittee is ready to take up the measure you will be notified of the date arranged for a hearing.

Yours, truly, JAMES MCMILLAN.

F. P. B. SANDS, Esq.,
Adams Building, Washington, D. C.

Then on February 12 Mr. Sands writes again:

WASHINGTON, D. C., *February 12, 1896.*

MR. CHAIRMAN: On January 14 ultimo, as counsel for the incorporators named in the bill (S. 1408) to incorporate the National Capital Gas Light, Heat, and Power Company, I requested a hearing before the full committee in behalf of that measure.

I see that your committee has given a hearing before the full committee to the representatives of a citizens' association to speak upon that bill.

May I be permitted to request, in the name of simple justice, that the hearing before the full committee asked for be soon given to us, with forty-eight hours' previous notice, that our absent parties may have time to reach the city to be able to attend?

With respect, I am, yours, truly, F. P. B. SANDS,
Of Counsel.

Hon. JAMES MCMILLAN,
Chairman District Committee, United States Senate.

No answer was vouchsafed to this letter.

Then, February 14, Mr. Sands again writes the chairman as follows:

WASHINGTON, D. C., *February 14, 1896.*

DEAR SIR: I was informed yesterday that the committee had set Wednesday, February 26, at 2 p. m., for a hearing upon Senate bill No. 1408, to incorporate the National Capital Gas Light, Heat, and Power Company.

Will you kindly inform me whether such is the fact and what is to be the scope of the hearing, that I may notify our experts, who are in Pennsylvania and desire to be present, and to whom I think the date named will be satisfactory?

Asking of your courtesy an early reply, I am, respectfully, yours,

F. P. B. SANDS,
Of Counsel for Incorporators.

Hon. JAMES MCMILLAN,
Chairman Committee on District of Columbia,
United States Senate.

The reply of the chairman, dated February 15, is as follows:

SENATE OF THE UNITED STATES,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D. C., February 15, 1896.

DEAR SIR: Replying to your letter of yesterday, I would say that at the request of Senator HARRIS the committee arranged to hear some experts from Boston on the subject of gas. I will see that you and your friends have an opportunity to be heard before the bill (S. 1408) is disposed of, and of course you are entirely at liberty to be present at any hearing on the subject.

"To be present"—

Doubtless Senator HARRIS will tell you whom he expects to be present at the hearing arranged for the 26th.

Yours, truly, JAMES MCMILLAN.

F. P. B. SANDS, Esq.,
No. 1333 F street NW., Washington, D. C.

Mr. GALLINGER. Now——

Mr. KYLE. I am not through yet. I have a letter from Mr. Sands dated April 24, which is as follows:

WASHINGTON, D. C., *April 24, 1896.*

MY DEAR SIR: The foregoing correspondence shows what earnest efforts I made to secure a hearing on behalf of the incorporators in Senate bill No. 1408.

To prevent any snap judgment being taken against me I notified the experts we relied upon to attend on February 26, the date set for the hearing. They came on at great inconvenience to themselves, and on reaching the committee room we were informed by the chairman that the hearing was postponed until March 5.

They attended again on March 5 and on March 17.

On those dates I, as counsel, introduced the expert evidence to convince the committee that we were prepared with processes which enabled us to carry out the propositions in the bill as to gas to be supplied at the low rates named in the bill.

I confined myself to presenting my witnesses and proofs, except when required to answer questions put by members of the committee.

That is what he confined himself to.

When through with my experts I again asked that a day be fixed when I could have thirty minutes to explain the merits of that bill.

The chairman answered that if the committee desired to give me a hearing I would be notified.

I secured subsequently from the clerk of the District Committee a copy of the published report of the evidence taken by the committee, and after a perusal of it I saw the necessity of explaining a few of the facts touched upon by some of the opposing experts.

I therefore wrote again on March 27 to the honorable chairman of the committee, asking a hearing, and I submit a copy of my request and his answer thereto.

Considering the very great importance of that bill to my clients, as well as to the whole people of this community, I have reason to feel that we have been treated unfairly and that there has been a determination to prevent a full and free hearing in behalf of the bill. The officers and advocates of the Washington Gas Light Company were given free and full hearings to oppose our bill, and even after I was told (see page 64 of report) that the expert hearing was ended, and had left the committee room, an advocate of the Washington Gas Light Company was permitted to make his speech against our bill in our absence, and we have been deprived of an opportunity to answer him.

Respectfully, F. P. B. SANDS,
Counsel for Incorporators, Bill 1408.

Hon. JAMES KYLE,
United States Senate.

On the 27th day of March Mr. Sands wrote the following letter to Mr. MCMILLAN:

WASHINGTON, D. C., *March 27, 1896.*

SENATOR: A perusal of the printed report of the "gas" hearing on bill No. 1408 makes it clear that the committee will welcome a résumé of the expert evidence submitted to save the labor to the committee that must follow from an examination of it.

There are points in the conflicting statements of the witnesses on both sides that should be elucidated and explained, and in the interest of justice and fairness I ask for a brief hearing before the committee in regard to the experts' testimony.

I feel confident that you will appreciate the propriety of this and will fix an early day and a convenient hour for the hearing.

Respectfully, yours, F. P. B. SANDS.

Hon. JAMES MCMILLAN,
Chairman District Committee, United States Senate.

The reply is as follows:

SENATE OF THE UNITED STATES,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D. C., March 30, 1896.

DEAR SIR: Replying to your letter of March 27, asking for another hearing on the bill (S. 1408) I would say that the committee has decided to hold no more hearings on the subject of gas.

Yours, truly, JAMES MCMILLAN.

Mr. F. P. B. SANDS,
35 Adams Building, City.

Mr. HARRIS. If the Senator from South Dakota will allow me——

Mr. KYLE. I think the correspondence speaks for itself as far as the last final hearing and the argument he wished to make is concerned.

Mr. HARRIS. Will the Senator allow me to make a statement?

Mr. KYLE. Certainly.

Mr. HARRIS. As I have already stated, during the whole of the Fifty-third Congress and up to a late date in the Fifty-fourth, I was decidedly the advocate of the bill introduced by the Senator from South Dakota in favor of this new proposed gas company. I have known nothing of the correspondence the Senator has read, but knowing, as I was informed, that the company desired a hearing before the full committee, on my motion the full committee agreed to meet on a named day for the hearing of all the gas companies and all the experts from any and everywhere whom they proposed to bring before the committee, and we adjourned one hearing to another, and another, and another, and in those hearings I am safe in saying that the new gas company favoring the bill introduced by the Senator from South Dakota consumed two or three days, as much time as any other gas company claiming to be heard. This statement I deem it proper to make in answer to the complaint of that company.

Mr. KYLE. Mr. President, just a word more until I finish the particular point I was on. The cost of gas, as I asserted a while ago, I think, in the District of Columbia in the holder is about 35 cents a thousand. The cost of gas in Great Britain in 1890 was 30 cents a thousand, and so on. Let me read:

In 19 cities in Great Britain the average cost was 37¼ cents, and the average price charged consumers was 52¼ cents. One reason why gas can be produced so much cheaper now is the fact that the residual products are so utilized as to command much higher prices. Indeed, so much have the conditions changed in this respect, that, as stated in a letter from a prominent gentleman in Great Britain, the distillation of coal for the residual products alone is very profitable.

There is a most remarkable statement, that "the distillation of coal for the residual products alone is very profitable," corresponding to the testimony of Mr. Whitney and others with reference to the great value of the by-products to-day. Here is the statement made:

"There are three extensive plants operated on the gas-works plan situated at and in the vicinity of Stoke-on-Trent, England. The tar from these works is sent to New York; the benzole goes to Germany. I have reliable information that the business is very profitable, and yet they sell no gas."

Since the introduction of asphalt pavements, in which refined coal tar is used, the demand has largely increased, and by chemical methods the other residual products are utilized with still larger profit.

With such experience at home and abroad, there is no room left for doubt. There is not a shadow of a question but that it would be greatly for the benefit of the public for the District to furnish the light, both electrical and gas, not only for the streets, but for private use also.

Mr. MILLS. Mr. President, at the hour of half past 3 the Senate had resolved heretofore to proceed to hear eulogies on the late Representative WILLIAM H. CRAIN, of Texas. That hour has arrived.

Mr. KYLE. I yield to the Senator from Texas.

Mr. GEORGE. With the permission of the Senator from Texas, I ask the Senate to have reprinted, for the use of the Senate, Report No. 1460 of the Forty-ninth Congress, first session, being the report by Mr. Spooner, from the Committee on the District of

Columbia, upon this very question. I find at the document room that there is not a single copy of the report left. It is a very important report, and I should like to have it before the Senate on Monday. I do not want the hearing reprinted, but only the report.

The PRESIDING OFFICER (Mr. CARTER in the chair). In the absence of objection, it will be so ordered.

Mr. MILLS. I yield to my colleague [Mr. CHILTON].

EULOGIES ON THE LATE REPRESENTATIVE CRAIN.

Mr. CHILTON. Mr. President, I submit the resolutions which I send to the desk and ask for their adoption.

The PRESIDING OFFICER. The resolutions submitted by the Senator from Texas will be read.

The Secretary read the resolutions; and they were unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. W. H. CRAIN, late a Representative from the State of Texas.

Resolved, That the business of the Senate be now suspended, in order that fitting tribute be paid to his memory.

Resolved, That the sympathies of the members of the Senate be tendered to the family of Mr. CRAIN in this bereavement, and that the Secretary of the Senate transmit to them a copy of these resolutions.

Mr. CHILTON. Mr. President, I did not know Mr. CRAIN as intimately as some of those who, like my colleague, served with him in the other branch of Congress. We lived in different sections of our far-reaching Texas, and I believe he had been both district attorney and State senator before I made his personal acquaintance.

I remember well, sir, the occasion when I first saw him. It was at a Democratic State convention in Texas in 1880. A large crowd had assembled, and at some peculiarly stormy moment in the proceedings a tall and handsome man arose in the rear part of the hall, with a tone and manner which attracted instant attention, and addressed himself to the work of extricating the convention from its confusion. Some one who sat near me gave the name of the speaker as that of CRAIN, and the impression which the episode made upon my mind has never been effaced. In thinking of him I always like to look back to that day. I never saw a brighter face or keener eye; I never saw a presence more imperial; I never heard a diction more felicitous and clear. His speech was short, but it was complete. There was no waste of gesticulation, no waste of language, no waste of opportunity. It was all over quickly. Other scenes rapidly succeeded as the business of the convention was transacted, but none which are recalled with the vividness of that which I have described. I was then a young practitioner of the law, held no office, and was barely beginning a limited experience in politics, but I remember that the conclusion was then fastened upon my mind that Mr. CRAIN was suited to and sure of an eminent career.

It is always to me, sir, a most interesting study to analyze the lives of public men and endeavor to single out the particular qualities which have been the sources of their distinction. In Mr. CRAIN's case I would say it came, first, from that accomplishment which has been noticed by so many, his mastery of undiluted English expression; next, from his voice of music and of power; and, lastly, from an overflow of animal spirits developed into constant vivacity and creating a social charm which, according to my observation of mankind, neither study nor learning nor experience nor even good temper alone can altogether supply.

Possessing this combination of personal and oratorical gifts to which I have alluded, it may well be supposed that Mr. CRAIN was specially strong as a political canvasser. He could interest in private conversation, he could electrify in public debate, and thus it was that, though his adversaries were many, he was triumphantly elected to Congress term after term, and continued to his death a favorite of the people.

Mr. CAFFERY. Mr. President, to adequately portray the character and fittingly eulogize the virtues of the dead require an intimate acquaintance with the individual while alive. I lack the essential element of that acquaintance to do full honor to the memory of WILLIAM HENRY CRAIN. The only time I was thrown in contact with Mr. CRAIN was on the train from New Orleans to Washington several years ago. During that journey there was between us a free interchange of thought and a candid expression of opinion on many of the leading topics of the day.

The Southern character is distinguished for absence of form and freedom from restraint. When intelligent gentlemen of high social or official position are casually brought together, with rapid insight they correctly estimate each other's character; with sagacious confidence they lay the foundation for a friendship which in time frequently warms into the closest intimacy. There is neither that reserve which repels advance nor that caution which seeks seclusion.

During the journey referred to I observed in Mr. CRAIN a character that was chivalric, an intellect that was solid yet brilliant. His versatility was remarkable; his power of description graphic; his opinions just. In his bearing there was an urbanity of manner which charmed his companions; in his discourse a poetry of expression which almost glowed into verse.

But, sir, I was not fortunate enough to enter the sanctuary where mind fully discloses itself to mind, and heart to heart, the sacred sanctuary devoted to human friendship. And, therefore, tenderer hands than mine have laid their tribute on his grave, and more loving hearts than mine have done honor to his memory. Though this be so, a Louisianian brings this sincere offering to his name and fame and lays it on the grave of the noble Texan.

Mr. President, "Noscitur a sociis" is a maxim as true in ethics as in law. Judged by this maxim, the young and promising statesman was only unfortunate in his untimely death. He had "won golden opinions from all sorts of men." His associates in the House of Representatives with one accord honor his memory and grieve for his loss. With affectionate zeal they stamp his character and his ability with the seal of their love and respect.

Where he lived and where best known there were tears for the death "that did sit on his brow like an untimely frost"; there was love for the citizen and praise for the Representative, and there the memory of his worth will long outlive the generation which cherishes it.

Mr. MILLS. Mr. President, on the 10th day of February last, in the hours of the early morning, WILLIAM HENRY CRAIN, a Representative from the Eleventh Texas district, in the forty-eighth year of his age, joined the innumerable caravan that is ever journeying toward the unknown land. For twelve years he had been honored by the people of his district as their Representative in the National Legislature. It is useless to inquire how well he discharged the duties of the high station he occupied. His constituents have answered all such questions by their cordial indorsement at each recurring election. From the beginning to the sad ending of his public career he held without one wavering moment not only the confidence, but the affection of the people among whom he lived, for whom he labored, and beside whose departed loved ones he has been laid to sleep until the gray dawn of another morning, when those that sleep shall awake, and awake, as he believed, to another, a higher, and a better life. When one's life has been rounded out to hoary hairs and furrowed cheeks, and his head is then bowed upon the bed of death, there is a consolation that comes to the hearts of loved ones and friends in the consciousness of the fact that he has accomplished the work that the Master assigned. But when we stand by the open grave of a faithful public servant who has fallen in the full vigor of physical manhood and great intellectual endowments, there is a touch of deeper sadness, a pang of keener grief. It is in the shadow of that grief all Texas stands to-day. From the Sabine to the Rio Grande, and from No Mans Land to the Gulf of Mexico he was known to all.

In the interesting and sometimes angry contentions in reference to the adjustment of public questions he was always a participant, and one who was always ready to give a reason for the faith that was in him. In an intellectual encounter he was not an adversary to be despised, and the foeman who made the mistake of underestimating his strength always paid the penalty for his rashness before the encounter ended. At 24 years of age he was elected district attorney of the district in which he lived. This position presented to him a splendid field for the display of his intellectual gifts and attainments. In this arena he was constantly pitted against the ablest and best lawyers of his district. It would be fulsome flattery to say that he always came off first best in encounters with such a bar as that district had. But daily battle with strong men improved and whetted his own intellect and enabled him to mount faster and higher the eminence whose summit he was struggling to crown. In the exercise of his official duties as an officer of the State he was in constant touch with the people. The circle of his acquaintance was ever expanding and as it widened his hold grew stronger. He was endowed with a bright, quick mind, and with an ever-present wit and a generous warmth of disposition. He could prosecute without persecuting. He could differ sharply without offending those from whom he differed. There was genial sunshine and warmth displayed in his intercourse with all that attached his fellow-citizens to him, and he died without knowing how strong that attachment was.

In 1884 he was chosen the Representative in Congress of the district, which then bristled with men of ability, the constant friendship of all of whom he held to the last moment of his life; and when he announced some weeks before his death his determination to retire to private life his resolution met their remonstrance from every part of his district. They believed, as did all his friends, that the theater of his usefulness was widening; that there were higher altitudes to which fortune was inviting him and on which the pride and affections of his people were anxious he should stand. But he felt that twelve years of the very vigor of his life he had given to his country, and he should now look to the interests of those who were dependent on him for support. His earthly

goods were limited, and he felt that before he died he should better the pecuniary situation of his loved ones. In a conversation with him only a few days before his death he told me of his purpose to quit public life. In common with other friends I remonstrated with him against his decision. But he was immovable. In a few days after our conversation he was taken away from his people, his family, and his friends. He fell at his post and in the discharge of the duties imposed upon him by his fellow-citizens. When his death was announced there were no mourners more sincere than those among whom he was born and reared. They were not only proud of him as their representative, but they loved him, and loved him with an intensity and depth of feeling that is not often the fortune of public servants. While he had every evidence of their confidence in his integrity and fidelity in his discharge of public trusts, yet he never knew how deep was that tenderness of personal attachment that bound them to him. These are virtues that only manifest their full strength when the cherished object is destroyed and the image passes forever from our sight. Then the foundations are torn up and all hearts pour their grief into the grave of the loved and lost and speak only with flowers and shrouds and tears.

Mr. CRAIN had the advantages of a thorough education. To these he added the forces acquired by a life of reading and study. His mind was strong, active, and bright. When his brain was aroused in earnest discussion he commanded the clearest and most forceful words in the English tongue, and, like a skilled archer, shot every arrow to the mark he meant. When he felt it necessary by ridicule to puncture a fallacy he made his arrows laugh as they flew. When it was necessary he was logical, analytical, and serious, and developed an idea with faultless argument. He had what men call moral courage, that power that enables a man to stand by convictions when enveloped in clouds as well as when in sunshine. An open, frank, and happy disposition attracted friends, and held them when they came. His hold upon them was manifested when his remains were carried to his home for interment. His constituents, without regard to party, met in public assemblies and expressed their sorrow at his loss. From every part of his district they came with flowers to cover the grave in which was to rest the neighbor, the friend, and faithful public servant.

And there we leave him to sleep on till the mortal shall put on immortality and the dead shall wake to sleep no more.

I move, as an additional mark of respect to the memory of the deceased, that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 3 o'clock and 50 minutes p. m.) the Senate adjourned until Monday, May 18, 1896, at 12 o'clock meridian.

SENATE.

MONDAY, *May 18, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on motion of Mr. MITCHELL of Wisconsin, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting information relative to the imposition of retaliatory duties upon merchandise imported from foreign countries which discriminate against the importation to or sale therein of manufactures or products of the United States as provided for in Senate bill No. 3040, to protect commerce, and for other purposes; which was ordered to lie on the table, and to be printed.

C. E. PHILBROOK.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 739) granting an increase of pension to C. E. Philbrook, widow of Alva Philbrook, major of Twenty-fourth Regiment Wisconsin Volunteers.

The amendment of the House of Representatives was, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-five."

Mr. MITCHELL of Wisconsin. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

CARRIE L. YEATON.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1924) granting a pension to Carrie L. Yeaton.

The amendments of the House of Representatives were, in line 4, to strike out "subject"; in line 5, to strike out "to the provisions and limitations of the pension laws"; and in line 8, to strike out "eight" and insert "twelve."

Mr. GALLINGER. I move that the Senate concur in the amendments made by the House of Representatives.

The motion was agreed to.

ELIZABETH W. SUTHERLAND.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1420) granting an increase of pension to Elizabeth W. Sutherland.

The amendments of the House of Representatives were, in line 8, before the word "dollars," to strike out "seventy-five" and insert "fifty"; and in line 9, before the word "dollars," to strike out "seventy-five" and insert "fifty."

Mr. GALLINGER. I move that the Senate nonconcur in the amendments of the House of Representatives, and ask for a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. HANSBROUGH, and Mr. VILAS were appointed.

PUBLIC BUILDING AT DEADWOOD, S. DAK.

Mr. PETTIGREW. I ask unanimous consent for the immediate consideration of the bill (S. 266) to provide for the purchase of a site and the erection of a public building thereon at Deadwood, in the State of South Dakota.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States courts, post-office, and other Government offices, in the city of Deadwood, S. Dak., the cost of the site and building, including vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed $200,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAY OF NONCOMMISSIONED OFFICERS.

Mr. SEWELL. I ask unanimous consent to call up the bill (S. 3420) to regulate the pay of noncommissioned officers of the Army.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

The first amendment was, in line 6, before the word "dollars," to strike out "thirty-four" and insert "thirty"; in line 8, before the word "dollars," to strike out "thirty-four" and insert "thirty"; in line 9, before the word "dollars," to strike out "thirty-four" and insert "thirty"; in line 10, before the word "dollars," to strike out "twenty-five" and insert "twenty-three"; and in line 11, before the word "dollars," to strike out "eighteen" and insert "seventeen"; so as to read:

That on and after the 1st day of July, 1896, the pay per month of the following noncommissioned officers of the line of the Army shall be as follows: Sergeant-major, artillery, cavalry, and infantry, $30; regimental quartermaster-sergeant, artillery, cavalry, and infantry, $30; first sergeant, artillery, cavalry, and infantry, $30; sergeant, artillery, cavalry, and infantry, $23; corporal, artillery, cavalry, and infantry, $17.

The amendment was agreed to.

The next amendment was to add at the end of the bill the following proviso:

Provided, That nothing in this act shall be construed to prevent the increase of pay to noncommissioned officers of the Army by reason of longevity service now provided by law: *Provided further*, That nothing in this act shall be construed to increase the pay of noncommissioned officers of the Army on the retired list July 1, 1896.

The amendment was agreed to.

Mr. PEFFER. I wish to inquire of the Senator from New Jersey how the rates in the bill compare with the present pay?

Mr. SEWELL. I will state to the Senator from Kansas that while the rates in the bill are not as high as I asked for from the committee, the pay of a sergeant-major has been increased $7 a month, the pay of regimental quartermaster-sergeant $7 a month, the pay of first sergeant $5 a month, the pay of sergeants $5 a month, and the pay of corporals $2 a month.

Mr. PEFFER. It is not proposed to decrease the pay in any case?

Mr. SEWELL. No, sir.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

YOSEMITE NATIONAL PARK.

Mr. KYLE. I ask for the present consideration of the bill (S. 3064) authorizing the purchase by the United States and the making free of the toll roads passing over the Yosemite National Park, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read.

Mr. PEFFER. I observe that the language of the bill is such that the Government shall purchase certain toll roads in the Yosemite Park. Am I correct in that understanding?

Mr. KYLE. That is correct.

Mr. PEFFER. Then I ask the Senator whether the language ought not to be changed? I think the Government now owns those roads, and probably the object of the bill is to pay for the work that has been done upon them. I understand that the Yosemite Park is a Government reservation and belongs to the Government of the United States now, and hence the people own the roads. I suppose what the Senator wants to do by the bill, and I think it is a proper step to be taken, is to pay the private parties who have built the roads for the work they have done on them. If I am correct, I think the phraseology of the bill ought to be changed so as to incorporate that idea.

Mr. WHITE. I will state to the Senator from Kansas that a portion of the roads are within the State park. A part of the park belongs to the State, and those roads have already been bought and paid for by the State and are public. The bill only refers to the portion of the roads outside of the State park. The bill has been examined and approved by the Interior Department.

Mr. KYLE. I will state that the bill was reported from the Committee on Forest Reservations and the Preservation of Game after having been examined very carefully.

Mr. PEFFER. In whom is the title to the ground used as a right of way vested?

Mr. WHITE. These roads were located by private individuals and are owned as such under the provisions of law existing prior to the making of the reservation.

Mr. PEFFER. I have no objection to the bill.

Mr. KYLE. It had the approval of Secretary Noble, of the Interior Department, some years ago, and also of the present Secretary of the Interior. I think there can be no objection to the bill, as it merely empowers a board of army engineers to investigate and report to Congress the probable expense of the purchase. It is not proposed to purchase the roads outright.

Mr. PETTIGREW. I should like to ask my colleague if it is the purpose of the bill to make these roads free to the public in connection with the roads in the State park?

Mr. WHITE. Yes, sir.

Mr. KYLE. Absolutely free.

Mr. PETTIGREW. Is there any estimate as to their cost?

Mr. KYLE. It is thought by some that the four toll roads complete would cost in the neighborhood of $200,000.

Mr. PETTIGREW. I should like to ask further if these are not toll roads, or are they pieces of abandoned roads for which somebody wants to get paid?

Mr. KYLE. They are toll roads, being used by all the visitors who go to Yosemite Park.

Mr. PETTIGREW. Then the roads are free in the State only, and when they get to the line of the national park they charge toll?

Mr. WHITE. That is the situation.

Mr. KYLE. That is it.

Mr. COCKRELL. I move to amend the bill, in section 2, line 13, by inserting after the word "nay" the words "if it approve"; so as to make it clear that the appropriation will only be made by Congress if Congress shall approve the report.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGET LANE.

Mr. CHANDLER. I ask unanimous consent to call up the bill (S. 3122) for the relief of Bridget Lane.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Postmaster-General to give credit to Bridget Lane, postmaster at Summit, Union County, N. J., in the sums of $5,342.60 for postage stamps stolen from that office, $605.22 for postal funds and key-deposit fund, all of which were stolen on the 20th day of November, 1895, through no fault of Bridget Lane.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a memorial of the Produce Exchange of Toledo, Ohio, remonstrating against the enactment of legislation providing for a change in the penalties for violation of the provisions of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. DAVIS presented a petition of the Chamber of Commerce of Minneapolis, Minn., and a petition of sundry citizens of Minneapolis, Minn., praying for the passage of House bill No. 260, providing for an increase in the pay of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. TURPIE presented a petition of Encampment No. 142, Union Veteran Legion, of Jeffersonville, Ind., praying for the passage of a per diem pension law; which was referred to the Committee on Pensions.

Mr. PASCO presented the petition of C. H. Newell and sundry other citizens of Lake County, Fla., praying for the enactment of legislation to amend the postal laws relating to second-class mail matter, and also to reduce the rate of letter postage to 1 cent per half ounce; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER. A few days ago I presented a petition from the Boot and Shoe Workers' Union of Manchester, N. H., in favor of the free and unlimited coinage of silver. I now present a petition from the same organization, stating that they desire the bill for the purpose of nationalizing the telegraph lines to be enacted into law, and they represent that they wish the Senators from New Hampshire "to work and vote for that bill to secure Government ownership and control of the telegraph lines, which has secured the indorsation of the International Typographical Union."

This petition is signed by Earle Payne, president, and George Keller, secretary. These gentlemen have addressed the petition to "Senators GALLINGER and SMITH of the State of New Hampshire." I presume the mistake in the name of my colleague [Mr. CHANDLER] occurs from the fact that it has not been prominently before the American people of late. [Laughter.]

I move that the petition be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. GALLINGER presented a memorial of the American Medical Association, remonstrating against the passage of Senate bill No. 1552, to regulate vivisection in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of Charles T. Mitchell, M. D., of Canandaigua, N. Y., favoring the passage of the bill restricting vivisection, now before Congress; which was referred to the Committee on the District of Columbia.

PREVENTION OF CRUELTY TO ANIMALS.

Mr. GALLINGER presented a communication from Charles W. Dabney, jr., Acting Secretary of Agriculture, stating why that Department should be excepted from the provisions of the bill (S. 1552) providing for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. PERKINS. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 8109) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, to report it with amendments, and submit a report thereon. I desire to give notice that immediately after the bill now under consideration, making appropriations for the expenses of the District of Columbia, has been concluded, I shall ask the Senate to consider the bill I have just reported.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. PLATT, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 485) for the relief of Kate Eberle, an Indian woman, reported it without amendment.

Mr. BURROWS, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1500) for the relief of William M. Masi, ex-postmaster, and Benjamin Hellman, Lawrence R. Bresnahen, John W. Griffen, George W. Hoyt, and Charles W. Riner, as sureties upon his official bond as postmaster at Cheyenne, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Claims, to whom was referred the amendment submitted by Mr. COCKRELL May 12, 1896, intended to be proposed to the general deficiency appropriation bill, the amendment providing for the payment of the several amounts found due by the accounting officers of the Treasury Department by Treasury settlements Nos. 9672, 9686, etc., reported it without amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. MARTIN, from the Committee on the District of Columbia, to whom the subject was referred, reported a bill (S. 3162) in relation to taxes and tax sales in the District of Columbia; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 1517) in relation to taxes and tax sales in the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

Mr. THURSTON, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 2892) to incorporate "The National Plant, Flower, and Fruit Guild," reported it with an amendment, and submitted a report thereon.

Mr. ALLEN. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 3051) defining the rights and privileges of mixed-blood Indians under the treaties and statutes of the United States, confirming the title of said Indians to their lands, allowing the same to be alienated under certain circumstances, and for other purposes, to report it with an amendment and submit a report thereon. It is proper that I should state that the Senator from Connecticut [Mr. PLATT] does not agree to this report.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

INVESTIGATION OF BOND SALES.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. MORRILL on the 9th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That for the purpose of making the investigation and report ordered by Senate resolution of May 7, 1896, the Committee on Finance be, and they are hereby, authorized to sit by subcommittee or otherwise, to summon witnesses, and to administer oaths during the sessions or recess of the Senate, at such times and places as they may deem advisable, to employ stenographers and such clerical and other assistance as may be necessary, the expense of such investigation to be paid from the contingent fund of the Senate.

EMPLOYEES ON THE MALTBY ROLL.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. HANSBROUGH on the 1st instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay any employees of the Senate now or hereafter borne on the Maltby roll at the salaries now assigned to the places on said roll until otherwise ordered.

INVESTIGATIONS IN ALASKA.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. SHERMAN April 22, 1896, reported it favorably, without amendment, as follows:

Resolved, That a committee of five Senators, to be designated by the President of the Senate, is hereby instructed to proceed to Alaska after the adjournment of Congress, and there inquire into and report to the Senate:

First. The condition of the fishery industry on the coast and waters of Alaska, and such measures as will protect such industry from waste and destruction.

Second. The present condition of the fur-seal fisheries, and such regulations as may be adopted, consistent with the treaty with Great Britain, to preserve the life of female seals on the islands and adjacent waters of Alaska.

Third. Such measures as may be deemed expedient to promote the progress and development of the people of Alaska in population, industry, education, and good order, and especially the mineral resources of Alaska.

Fourth. And the committee shall ascertain and report the progress made in defining the boundaries between Alaska and the British Possessions.

Resolved further, That the Secretary of the Treasury is requested to furnish the committee, when it arrives at Sitka, with a suitable vessel to convey its members to such points on the coast of Alaska as they may deem necessary for this investigation. And the committee may appoint a clerk now in the employ of the Senate to attend said committee; and the necessary expenses incurred in complying with these resolutions shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. CHANDLER. I ask that the resolution may be placed upon the Calendar.

The VICE-PRESIDENT. It will be so ordered.

STEAMER KAHULUI.

Mr. WHITE. I ask unanimous consent to call up the bill (S. 206) to provide an American register for the steamer *Kahului*.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN CALIFORNIA.

Mr. CLARK. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 270) changing the time of holding terms of the circuit and district courts of the United States in the northern district of California, to report it favorably, without amendment, and I ask unanimous consent that it may be put upon its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILHELM SPIEGELBURG.

Mr. MITCHELL of Wisconsin. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 2871) to amend "An act for the correction of the military record of Wilhelm Spiegelburg," approved July 21, 1892, to report it without amendment, and I ask for its consideration at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 3163) to grant an increase of pension to Alanson Hamilton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. COCKRELL (by request) introduced a bill (S. 3164) to permit W. W. Wheeler to prosecute a claim; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 3165) relating to the probate of wills in the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. BLACKBURN introduced a bill (S. 3166) to increase the limit of the appropriation for a public building at Newport, Ky.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BAKER (by request) introduced a bill (S. 3167) to grant to the Hudson Reservoir and Canal Company of Arizona the right of way through the Gila River Indian Reservation; which was read twice by its title, and referred to the Committee on Indian Affairs.

AMENDMENT TO DISTRICT APPROPRIATION BILL.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

NATIONAL SOCIETY OF COLONIAL DAMES.

Mr. WETMORE. I move that the bill (S. 3087) to incorporate The National Society of Colonial Dames of America, now on the Calendar, be recommitted to the Committee on the Library.

The motion was agreed to.

NICARAGUAN CANAL HEARINGS.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the hearings before the Committee of the House of Representatives on Interstate and Foreign Commerce, on House bill 95, relating to the Nicaraguan Canal, be printed for the use of the Senate.

JOINT TRAFFIC ASSOCIATION.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be directed to inform the Senate of the condition of the legal proceedings commenced in New York City to restrain the operation of the Joint Traffic Association of the railroads between Chicago and the seaboard, giving all official correspondence relative to the institution of such proceedings; a full copy of the court record of all proceedings down to this date, including, however, the answer of only one defendant where the answers of different defendants are alike, and omitting the briefs of counsel; a statement of the names of the counsel employed or appearing on each side, and of the judge or judges before whom the proceedings have been or are pending, and of the delays and adjournments which have already taken place, and, further, the opinion of the Attorney-General as to the length of time which may elapse before a final decision.

PACIFIC COAST EXPOSITIONS.

Mr. PERKINS. I submit a resolution, and ask that it may be considered at this time.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be, and hereby is, directed to transmit to the Senate the report of the officer in charge relating to the administration of customs at the California Midwinter International Exposition, San Francisco, Cal., and at the Northwest Interstate Exposition, Tacoma, Wash., and that the same be printed when received.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. COCKRELL. I move to strike out the words "and that the same be printed when received," so that we may determine the question of printing after we receive the report.

Mr. PERKINS. I have no objection to that amendment.

The VICE-PRESIDENT. The resolution will be so modified.

The resolution as modified was agreed to.

LOTS IN THE CITY OF WASHINGTON.

Mr. PROCTOR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas it appears that as the result of the division of lots in the city of Washington between the United States and the original owners of the land now embraced in said city the title of certain lots is still in the United States,

although such lots are assessed for taxes as belonging to individuals: Therefore,

Be it resolved, That the Attorney-General of the United States be, and he is hereby, directed to report to the Senate on the first Monday of December next a list of all such lots claimed by private individuals the title to which is in the United States; and also the draft of a bill authorizing and providing a proper method by which the United States may dispose of such lots.

INDIAN DEPREDATION CASES.

Mr. WILSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General of the United States be, and he is hereby, requested to transmit to the Senate a list of all judgments rendered by the Court of Claims in favor of claimants since the 6th day of April, 1896, in Indian depredation cases, including the names of claimants, the amount claimed, and the amount of judgment recovered in each case.

THE LEWIS RANGE AND POSITION FINDER.

Mr. DUBOIS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to transmit to the Senate a complete copy of the record of the action of the range finder board and the Board of Ordnance and Fortification in relation to the Lewis range and position finder.

MESSENGER AT MALTBY BUILDING.

Mr. PEFFER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the janitor now employed at the Maltby Building shall hereafter be designated as assistant messenger on the Maltby roll, and the Secretary of the Senate, from and after the 1st day of July, 1896, until otherwise ordered, shall pay said messenger on said roll at the rate of $1,200 per annum.

SALE OF GAS IN THE DISTRICT OF COLUMBIA.

Mr. FAULKNER. I ask unanimous consent to call up the bill (H. R. 6994) relating to the sale of gas in the District of Columbia, in order that the Senate may proceed with its consideration, the Senator from South Dakota [Mr. KYLE] having the floor.

The VICE-PRESIDENT. Is there further morning business?

Mr. FAULKNER. Of course I will yield, if the bill is taken up now, for morning business.

The VICE-PRESIDENT. The Chair hears no objection to the request of the Senator from West Virginia.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had passed the following bills:

A bill (S. 61) for the relief of Frederick Gramm;

A bill (S. 616) granting a pension to Matilda Gresham, widow of the late Walter Q. Gresham, at the rate of $100 per month;

A bill (S. 1100) granting a pension to Russell N. Reynolds;

A bill (S. 1435) granting an increase of pension to Nathan Kimball;

A bill (S. 1498) granting a pension to Mary Clare Kelly;

A bill (S. 1522) granting a pension to Catherine Smith;

A bill (S. 1865) to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, and cannon balls in their respective Departments;

A bill (S. 2508) to establish customs ports of delivery at Pueblo, Durango, and Leadville, Colo., and for other purposes; and

A bill (S. 2514) granting an increase of pension to Mrs. Annie E. Colwell.

The message also announced that the House had passed the following bills, with amendments in which it requested the concurrence of the Senate:

A bill (S. 125) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook;

A bill (S. 149) granting a pension to Helen M. Jacob;

A bill (S. 404) granting a pension to Samuel Goldwater;

A bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe;

A bill (S. 1044) granting a pension to Mary Newman;

A bill (S. 1215) granting a pension to Ellen Kingsley;

A bill (S. 1189) granting a pension to Eliza Sandford; and

A bill (S. 1837) granting a pension to Ellen Ewing, widow of Bvt. Maj. Gen. Thomas Ewing.

The message further announced that the House had agreed to the concurrent resolution of the Senate to print 10,000 copies of the report made by Messrs. Ludlow, Endicott, and Noble upon the Nicaragua Canal.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2405) granting a pension to Maria Gibbons;

A bill (H. R. 2947) increasing the pension of Daniel D. Jennings, late of Company C, Sixty-fifth Ohio Volunteers;

A bill (H. R. 3578) granting a pension to Elmira E. Dustin;

A bill (H. R. 5226) to give increased pension to Gen. James C. Parrott; and

A bill (H. R. 5946) granting an increase of pension to Abraham H. Parker.

The message further announced that the House has passed a concurrent resolution to print 15,000 additional copies of the Messages and Papers of the Presidents, RICHARDSON'S compilation; in which it requested the concurrence of the Senate.

REPUBLICAN FORM OF GOVERNMENT IN ALABAMA.

Mr. ALLEN. I ask unanimous consent to call up Order of Business 445, being a resolution for the appointment of a select committee to make inquiry whether there is, and for the last two years and a half has been, a republican form of government in the State of Alabama.

The VICE-PRESIDENT. The Senator from Nebraska asks unanimous consent for the present consideration of a resolution which will be read.

The Secretary read the resolution as reported from the Committee on Privileges and Elections March 3, 1896, as follows:

Resolved, That a select committee of five Senators shall be appointed to investigate the facts and circumstances of the election in the State of Alabama on the first Monday of August, 1894, resulting in the setting up of a State government, consisting of a governor, and of a legislature which elected a United States Senator; and especially to inquire whether the election of said State government was accomplished by false and fictitious returns, or by other fraudulent or dishonest methods, or by violent practices, and if so, what were the nature and extent of the wrongs committed, and the character and motives of any conspiracy to commit the same; and also whether the Constitution and laws of the United States were in any way violated in connection with said election; and further into all other matters and things in any way injuriously affecting the political autonomy of said State, or now or at any time impairing or destroying the right of said State government to recognition as the lawful government, or the competency of said legislature to elect a United States Senator. Said committee may sit as a full committee or by subcommittees, as it may elect, and in vacation or during the sessions of Congress, and at such times and places in said State or elsewhere as it may see proper; and said committee, or any subcommittee, shall have power to send for persons and papers, employ a stenographer, swear and examine witnesses, take and report testimony and evidence; and said committee shall make due report by bill or otherwise.

Mr. HILL. We have already taken up the bill relating to the sale of gas in the District of Columbia, and it is now being considered. The Senator from West Virginia simply yielded for matters to be brought up by unanimous consent. This is an important matter, and in the absence of the Senator from Delaware [Mr. GRAY], who has charge somewhat of the opposition to the resolution, I do not think it ought to be taken up now. In fact, I do not see how it can be taken up unless the gentlemen interested in the gas bill will consent.

Mr. ALLEN. This is a privileged question. It is not a question requiring unanimous consent. It concerns the political autonomy of a State, and is a question of the very highest privilege.

Mr. FAULKNER. I will state to the Senator from Nebraska that I should like, of course, to accommodate him in anything I possibly could, but the Committee on Appropriations and the Committee on the District of Columbia are insisting that the measure now before the Senate shall be considered, so that the District appropriation bill can be proceeded with. I can not agree with the Senator from Nebraska that this is a privileged motion in any sense whatever, and I do not think that the Chair can hold that it is. I hope the Senator will let us get through with the gas bill, which will not take more than three or four hours anyway, I think now, before insisting upon taking up the resolution.

Mr. ALLEN. I am perfectly willing to take the ruling of the Chair as to whether this is a privileged question or not.

Mr. CHANDLER. Before the ruling is made I should like to have the privilege of making a suggestion. I think I ought to say something in justice to the Senator from Nebraska.

The resolution for which the one reported by the committee is a substitute was introduced, I think, early in December. The Senator from Nebraska made various efforts to get it up, and at last it was referred to the Committee on Privileges and Elections.

Mr. ALLEN. If the Senator from New Hampshire will permit me, I will state that the resolution was introduced in the last Congress and debated over a year ago, and then reintroduced at the beginning of the present Congress.

Mr. CHANDLER. Either the Senator or myself has been introducing resolutions to investigate the condition of affairs in Alabama for the last two years, but as long as the Senator from New York is on the floor there does not seem to be any opportunity of getting resolutions of inquiry through this body. However, this particular resolution, which I hope both the Senator from Maryland and the Senator from New York will support when we get it before the Senate, was introduced by the Senator from Nebraska early in December. It was reported by the Committee on Privileges and Elections the 3d day of March, with an understanding that the views of the minority were to be submitted. After much delay and many inquiries, within a very short time, on the 8th day of May, the minority report against the passage of the resolution was submitted to the Senate. There has been delay,

which we have been glad to grant, on account of the sickness and absence of the senior Senator from Alabama [Mr. MORGAN], but here, now, is the resolution, with a report for it and a report against it, and it is a resolution that I think ought to be considered privileged. The reasons for and against its passage are stated in the two reports, and so far as the friends of the resolution are concerned they are willing to have it voted upon without any debate. I will say so for myself, and I think I may speak for the Senator from Nebraska.

Mr. HILL. Will the Senator allow me a moment? I understood the Senator from New Hampshire to say that the resolution ought to be regarded as privileged, but I do not understand the Senator to say, while he thinks that possibly as a matter of policy it ought to be regarded as such, that he thinks it is such under our rules. I do not understand the Senator from New Hampshire, who I concede is a good parliamentarian, to assert that under any interpretation of our rules the resolution can be regarded as privileged.

Mr. CHANDLER. If the Senator will excuse me, I intended to make a proposition which would obviate any discussion of the question whether it is privileged, by asking unanimous consent to vote within a few days upon the resolution without debate. Unless the Senator from Nebraska differs with me, I ask that on Wednesday, at 5 o'clock in the afternoon, there may be a vote on this resolution without debate. I ask unanimous consent for such an agreement.

Mr. HILL. Mr. President, there are two ways to progress with the public business. The usual and ordinary way in the Senate is when a matter is in condition to be moved, as this has not been until very recently. The majority report has been here for some time, but the minority report has been presented only recently, and the resolution has only just now been put in a status where it can be moved. When a measure gets in that condition the usual course is for a Senator to rise in his place and give notice that on such a day in the future he will move to take it up. There has been no such notice given, and now, right in the midst of a speech almost, when another measure is pending before the Senate, for the Senator to ask for the consideration of an important matter like this it does not strike me is, at least, the wisest course to pursue.

We must take these things up in their order. I gave notice the other day of a bill in which I am very much interested, in the public interest, to have passed. It is a bill relating to punishment for contempt—to remedy some abuses that are claimed to exist. I gave notice that at the first opportunity, on the first lull in the proceedings, not to antagonize appropriation bills, I would ask to have that bill taken up. I do not see why we should consent to have some semipolitical-investigation resolution take the place of that which is a public matter, demanding action from this body before we adjourn. The Senator from North Carolina [Mr. BUTLER] gave notice of another subject which he desires to have considered.

If my friend from Nebraska desires to address the Senate, and will give notice that at some future day he proposes to call up his resolution, so that we can all have notice of it, that would be in order; but I can not, as one Senator, in the light of the notices which I have given, consent that the resolution be now taken up, and a day fixed for its consideration by unanimous consent. Let us proceed regularly and in order. That is my idea about it, not wishing especially to antagonize the resolution of the Senator from Nebraska, whenever the proper time arrives for its consideration.

I dissent entirely, I wish to say right here, from the resolution, and I wish to be heard upon that question if it is to be pressed, upon the theory that it is a privileged matter, to be taken up and displace any other matter before the Senate. I do not think it can be done, and certainly I shall desire to be heard on that question. But I appeal to the Senator from Nebraska simply now to give notice that on such a day, not antagonizing appropriation bills, or in the interval of appropriation bills, he will ask to take this matter up, when we can proceed with it.

Mr. CHANDLER. Did the Senator from New York take note of the fact that there have been majority and minority reports in this case, and that my request was that we might vote on Wednesday, at 5 o'clock in the afternoon, without debate? That proposition does not interfere with the Senator's contempt bill, nor any of the other matters to which he has alluded, and expedites public business.

Mr. HILL. It would be so unprecedented in this Senate to have a matter of such importance disposed of without debate that in the interests of the traditions of the Senate I should have to object to that course.

Mr. ALLEN. I desire to say a word before the question is submitted to the Senate. I do not want my silence to be construed by the Senator from New York into agreeing with him that this is not a privileged question. Of course I am not a parliamentarian like the Senator from New York, and therefore it might be natural for him to suppose that I would not know whether the question were a privileged one or not. I take it, however, that no man who is familiar in the slightest degree with our form of government will deny that it is a question of the very highest privilege. Our Constitution provides that the Government of the United States shall guarantee to every State in the Union a republican form of government; and it is of the highest privilege to know whether the people of a State of this Union have, as a large portion of the people of Alabama claim, been deprived of a republican form of government. If there can be a question of higher privilege than that, I have no knowledge of it. I am satisfied that thoughtful men everywhere will agree that it is of the very highest order of privileged questions.

I do not want to detain the Senate this morning upon this matter unnecessarily, or to consume the time of the Senate needlessly. I want to say in answer to what I hear around me, however, that no one of whom I have any knowledge has any desire to secure the seat of the honorable Senator from Alabama [Mr. MORGAN], which seems to be involved in some way in this investigation. The purpose of this resolution is not aimed at the honorable Senator from Alabama. It is aimed at the broad question whether the people of the State of Alabama are deprived of a republican form of government. Certainly my relations with the honorable Senator from Alabama are such that I would not have any purpose in questioning his right to occupy his seat here.

I have information, Mr. President, from Alabama, by telegraphic dispatches and in the form of letters from representative men, that can not be denied or ignored, that the great majority of the people of that State are deprived of a republican form of government by what is known as the Organized Democracy. With this statement I am perfectly willing that the Chair shall determine, so that we may know and the country may know whether this is a privileged question or not.

Mr. FAULKNER. Of course, Mr. President, the admission of the Senator that he did not mean to question or involve the seat of the Senator from Alabama of itself negatives at once all idea of the resolution being a question of privilege or that it affects the privileges of the Senate. That is all I have to say in reply to the Senator.

Mr. ALLEN. Mr. President, I do not want to characterize the remarks of the Senator from West Virginia as pettifogging; I would not do that. I would not break the courtesy of the Senate by doing that; but I do hope the Senator from West Virginia, in self-respect, will not undertake to palm off upon as intelligent gentlemen as those composing the Senate an argument of that kind.

Mr. MILLS. Mr. President, I have never known a question of privilege to extend beyond the body of the House or the individual member of the body. It relates to the honor of the assembly or the honor of an individual member. It relates to the safety of a member, as was decided in the House of Representatives when somebody got on top of the House and shook down the glass some years ago, which fell near some members of the House. I have here in the Manual of the House of Representatives a large number of decisions about what is a privileged question, and, so far, I have not been able to discover a single one of the numerous decisions which does not affect either the body as a whole or one of its members in some form.

The question of whether there is a republican government in Alabama, or in any State in the Union, certainly can not be a question of privilege in any legislative body in this country. What is a republican form of government is determined by the constitution of a State and by an inspection of the constitution; and this body has no right to go outside of that, even if it were made a proper court to determine that question.

Congress by law must guarantee a republican form of government to each State. What is a republican form of government? Everybody understands that. It is a democratic form of government. There are various forms of government. There is the despotic or the autocratic, where one man governs alone; there is the aristocratic, where the wealthy class govern alone; and there is the democratic, where all the people govern, and a republican government is a democratic government, governing through representatives chosen by the people.

Where do you go to ascertain whether the form of government provided by the constitution of a State is republican? By an inspection of the charter which creates the State government, and by nothing else; and you can not go to see whether that has been correctly administered, because it belongs to the government itself to determine that question, and there can be no question about the privilege of this body to determine whether the form of government in Alabama is republican when its constitution upon its face, of which this body must take judicial notice if it has any jurisdiction at all, shows that it is a republican form of government.

Mr. HILL. Do I understand the Senator from Nebraska to withdraw his motion?

Mr. ALLEN. No, Mr. President; I am waiting for the ruling of the Chair upon this question, after which I shall guide myself accordingly.

Mr. HILL. I submit that the question can not be taken up except by unanimous consent, the gas bill being before the Senate. I want to dispose of the gas bill, so that we may get on with the appropriation bills and expedite the session of the Senate if we can. Therefore I object to taking up the resolution in place of the gas bill, which has the right of way.

Mr. ALLEN. To obviate all question and to relieve the Chair of all embarrassment, I move to take up the resolution.

The VICE-PRESIDENT. The Senator from Nebraska [Mr. ALLEN] asked unanimous consent to take up for present consideration the resolution indicated by him. Pending the discussion upon that the Senator from New Hampshire [Mr. CHANDLER] asked unanimous consent that the resolution be taken up at a certain time.

Mr. HILL. I objected to that, Mr. President, upon the ground that I wanted other matters, of which I had given notice, first considered.

The VICE-PRESIDENT. The Chair will state the question. The Senator from Nebraska having withdrawn his request and moved to take up for present consideration the resolution indicated by him, that motion the Chair entertains.

Mr. FAULKNER. I merely wish to say that, of course, a motion of that kind means to set aside the appropriation bill at this time.

Mr. ALLEN. I should yield for the consideration of appropriation bills.

Mr. HILL. The motion also sets aside the District of Columbia appropriation bill and other bills.

The VICE-PRESIDENT. The Chair is not determining the effect of the motion, but the Chair entertains the motion of the Senator from Nebraska and submits it to the Senate.

Mr. ALLEN. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the senior Senator from Michigan [Mr. MCMILLAN], who is absent. Not knowing how he would vote, I withhold my vote. If he were present, I should vote "nay."

Mr. CAFFERY (when Mr. BLANCHARD'S name was called). My colleague is paired with the Senator from North Carolina [Mr. PRITCHARD]. If present, my colleague would vote "nay."

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH].

Mr. FAULKNER (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS], which pair I transfer to the Senator from Indiana [Mr. VOORHEES], and vote "nay."

Mr. HILL (when his name was called). I am paired with the Senator from Massachusetts [Mr. LODGE].

Mr. MARTIN (when his name was called). I am paired with the Senator from Montana [Mr. MANTLE]; otherwise I should vote "nay."

Mr. MORGAN (when his name was called). Mr. President, I ask to be excused from voting on this question.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Senator from Alabama is excused.

Mr. NELSON (when his name was called). I am paired with the Senator from Missouri [Mr. VEST].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "yea."

Mr. PROCTOR (when his name was called). I am paired with the Senator from Florida [Mr. CALL].

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "nay."

Mr. TURPIE (when his name was called). I am paired with the senior Senator from Minnesota [Mr. DAVIS]. He is not present, and therefore I withhold my vote.

Mr. VILAS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL]. In his absence I withhold my vote. If he were present, I should vote "nay."

Mr. WHITE (when his name was called). I am paired with the Senator from Idaho [Mr. SHOUP]. Not observing him present, I will not vote. If he were here, I should vote "nay."

The roll call was concluded.

Mr. BLACKBURN. I announced a pair with the senior Senator from Michigan [Mr. MCMILLAN], but that pair has been transferred to the junior Senator from New York [Mr. MURPHY], and I therefore desire to vote. I vote "nay."

Mr. CLARK. I desire to announce that my colleague [Mr. WARREN] is unavoidably detained from the Chamber.

Mr. MCBRIDE. My colleague [Mr. MITCHELL of Oregon] is absent from the Chamber on account of illness in his family. A pair with him has already been announced by the Senator from Wisconsin [Mr. VILAS].

Mr. GEAR. I have a general pair with the senior Senator from Georgia [Mr. GORDON], and withhold my vote. If he were present, I should vote "nay."

Mr. THURSTON. I am informed that the junior Senator from South Carolina [Mr. TILLMAN], with whom I am paired, if present, would vote "nay." I therefore vote "nay."

Mr. HANSBROUGH. I am authorized to announce that if the Senator from Utah [Mr. CANNON] were present, he would vote "nay."

The result was announced—yeas 6, nays 41; as follows:

YEAS—6.

Allen,	Frye,	Morrill,	Peffer.
Chandler,	Gallinger,		

NAYS—41.

Allison,	Clark,	Jones, Ark.	Sherman,
Bacon,	Cockrell,	Lindsay,	Squire,
Baker,	Cullom,	McBride,	Teller,
Bate,	Daniel,	Mills,	Thurston,
Berry,	Faulkner,	Mitchell, Wis.	Vest,
Blackburn,	George,	Pasco,	Walthall,
Burrows,	Gorman,	Perkins,	Wetmore,
Caffery,	Hale,	Platt,	Wilson.
Cameron,	Hansbrough,	Quay,	
Carter,	Harris,	Roach,	
Chilton,	Hawley,	Sewell,	

NOT VOTING—42.

Aldrich,	Gibson,	Martin,	Smith,
Blanchard,	Gordon,	Mitchell, Oreg.	Stewart,
Brice,	Gray,	Morgan,	Tillman,
Brown,	Hill,	Murphy,	Turpie,
Butler,	Hoar,	Nelson,	Vilas,
Call,	Irby,	Palmer,	Voorhees,
Cannon,	Jones, Nev.	Pettigrew,	Warren,
Davis,	Kyle,	Pritchard,	White,
Dubois,	Lodge,	Proctor,	Wolcott.
Elkins,	McMillan,	Pugh,	
Gear,	Mantle,	Shoup,	

So the motion was not agreed to.

Mr. ALLEN. Mr. President, I desire unanimous consent to say a word before this vote passes into history. This vote discloses to me what I have long suspected and that of which I have long been convinced—that there was no sincerity on the Republican side of this Chamber, outside of the chairman of the committee and one or two other Senators, ever to make any inquiry into the condition of affairs in Alabama. I want to give the honorable Senator from New Hampshire, the chairman of that committee [Mr. CHANDLER], credit for having done all a man could do to bring about an investigation of the condition of affairs in Alabama; but I was quite well convinced, and I am not at all surprised, that when it came to a show down a majority of the Republican party would join the Democrats in defeating this resolution. I have simply urged the matter now that the country might be convinced that when our Republican friends say they are in favor of an honest election and a fair count, that statement does not accord with the truth.

Mr. HILL. I insist upon the regular order.

Mr. SHERMAN. I wish to say a word, Mr. President.

The VICE-PRESIDENT. Is there objection?

Mr. HILL. Mr. President——

Mr. SHERMAN. Have I the floor, Mr. President?

Mr. HILL. I was going to insist upon the regular order. I do not know for what purpose the Senator from Ohio rises, and I now insist upon the regular order, which is the gas bill.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Ohio to address the Senate on the matter pending. Is there objection?

Mr. SHERMAN. Only for a moment.

The VICE-PRESIDENT. The Chair hears no objection, and the Senator from Ohio will proceed.

Mr. SHERMAN. Mr. President, the Senator from Nebraska entirely misapprehends the motive which guided a number of us, perhaps nearly all of us, in voting against taking up his resolution. In the first place, the question can not properly come before the Senate until after the 4th of March next. The next Senate must pass upon the credentials, elections, and qualifications of its own members. This Senate expires on the 4th of next March, if not in terms, in effect; at least one-third of the body changes at that time, and that Senate, when it convenes, is the proper and only tribunal to determine any question which affects the election of a Senator of the United States whose term begins in that Congress. As to the election of members of the other House, we have not the right to inquire at all.

As to general elections in the State of Alabama, whether they are fraudulent or not, we have no right to interfere or examine unless such elections affect the election of members of Congress. Our jurisdiction is confined to the question of whether or not this fraud or alleged fraud enters into the election of a Senator so as to defeat the Senator claiming election, and that only in case of a contest. Unless there is a contest as to the election of a Senator

now sitting here, and who claims to be elected to the Senate of the United States, we have no jurisdiction. If an election is challenged, then it is the duty of the Senate, as a matter of course, to inquire into and examine it; but the universal custom and the universal rule from the foundation of our Government has been, if a Senator presents credentials in regular form showing that he has been elected Senator he is sworn in without any question. Then if any allegation is made that he was not fairly elected, that allegation is examined into in the most careful way, and the question is determined for or against the sitting Senator.

I wished to say this much because the Senator from Nebraska seems to treat us as being necessarily an addendum of the Populist party, and I do not want to place myself in that position at any time.

Mr. ALLEN. If the Senator will permit me, I am satisfied he does not want to state to the Senate that which is incorrect. Upon that provision of the Constitution which requires Congress to guarantee to every State a republican form of government the resolution and the evidence submitted to the committee shows that the State of Alabama is deprived of a republican form of government.

I say the Senator from Ohio, the leader of his party, and the majority of his party in this Chamber have the liberty to refuse to carry out that which was recommended in this case, and therefore to abandon their claim to champion the cause of a pure ballot.

Mr. FAULKNER. I now ask for the regular order.

Mr. CHANDLER. I ask the Senator to allow me to say a word.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire?

Mr. FAULKNER. I dislike to be discourteous, but I really think we ought to proceed with the regular order.

Mr. CHANDLER. What I wish to say will sound far better now than upon the gas bill.

The VICE-PRESIDENT. Is there objection to the Senator from New Hampshire proceeding? The Chair hears none.

Mr. CHANDLER. Mr. President, it is the custom of the Senate to discuss votes after they have been taken. Therefore, I make no apology for saying a few words.

I wish to say to the Senator from Nebraska, who has given me credit for being heartily in favor of this resolution, but has made some imputations upon my Republican associates, that I think the vote upon this side of the Chamber was based largely, if not entirely, with the exception of the honorable Senator from Ohio [Mr. SHERMAN], who has peculiar reasons for his vote apparently, upon an unwillingness to take up the resolution pending an appropriation bill. I was not aware that the Senator from Nebraska intended to have a yea-and-nay vote taken upon it this morning. I would have advised against taking a vote at this time if the Senator had consulted me as to the wisdom of taking the vote. Nevertheless I voted for the resolution. I believe it should have been adopted, and I think under other circumstances, with no appropriation bill directly before the Senate, a large majority, if not all, the Senators upon this side of the Chamber would vote for the resolution.

As I have said, the object for which I rose was to call the attention of the Senator from Nebraska and others to the fact that, in my judgment, the vote upon this side of the Chamber was based largely, if not entirely, upon the fact that Senators on this side are unwilling at this time to displace the appropriation bill.

Mr. ALLEN. I am willing that the apology shall go for what it is worth.

SALE OF GAS IN THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT. The morning business has closed.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6994) relating to the sale of gas in the District of Columbia.

Mr. FAULKNER. The Senator from South Dakota [Mr. KYLE] has the floor.

The VICE-PRESIDENT. The Chair recognizes the Senator from South Dakota on the pending bill.

Mr. HARRIS. I ask the Senator from South Dakota to yield to me for a moment.

Mr. KYLE. I yield to the Senator.

Mr. HARRIS. Mr. President, when the pending bill was under consideration on Saturday last, in the course of the remarks of the Senator from South Dakota [Mr. KYLE] upon it, he introduced a correspondence between Mr. Sands and himself, which contained copies of a correspondence between Mr. Sands and the chairman of the Committee on the District of Columbia [Mr. MCMILLAN]. Understanding from the statement made by the Senator from South Dakota, and so far as he had read in that correspondence, that Mr. Sands charged that the committee had refused to grant a hearing to the gas company represented by Mr. Sands, I characterized that statement as absolutely false, having not seen the correspondence between the chairman of the committee and Mr. Sands, and drawing the inference from what was said on the floor and the reading of the correspondence, so far as it had gone, and the line of argument of the Senator from South Dakota. I understood that Mr. Sands charged that the committee had refused to give the company that he represented a fair hearing. If the statement had been as I then understood it to be, I would have been fully justified in characterizing the statement as absolutely false, because it would have been false, for upon my own motion I secured to that company the fullest and fairest hearing before the full committee.

But upon examining the correspondence, as I have done this morning, I find that Mr. Sands did not charge that the company he represented had been denied a hearing, but he simply charges that he had requested the chairman to give an additional day's hearing, in order that he might sum up and make a concluding speech or argument upon the testimony that the committee had taken. The correspondence shows that that fact is true. He did make the request, and the chairman of the committee, as I think properly, declined to grant it. The correspondence shows that he did not charge that a full and fair hearing had been refused to the company he represented; that his charge was that he had simply asked for another hearing in order that he might submit an argument upon the facts that the hearings had developed.

The correspondence shows that he did not make the statement I understood him to make, and the statement he made was true. Therefore I deem it due to myself, due to common justice, that I make this statement, because the statement I made under a misapprehension did Mr. Sands an injustice from which I deem it my duty to relieve him.

Mr. GALLINGER. Will the Senator from Tennessee permit me to make a suggestion?

Mr. HARRIS. Of course, if the Senator from South Dakota yields.

Mr. GALLINGER. I desire merely to inquire of the honorable Senator from Tennessee if it is not likewise a fact that the Committee on the District of Columbia had substantially agreed to report the bill adversely in which Mr. Sands was interested when the declination was made to hear his final argument.

Mr. HARRIS. My recollection is that it was.

Mr. KYLE. Mr. President, I had almost closed my remarks upon last Saturday when I yielded the floor to the Senator from Texas [Mr. MILLS]. The particular question then under consideration was the probable cost of gas in the District of Columbia. As I stated at the beginning of my remarks, I feel that justice should be done to this corporation, as justice should be done to all individuals who are engaged in business enterprises. I am willing to grant them a reasonable and just dividend upon their investment, but I do not think exorbitant charges should be made upon the people of the District.

The whole question, as I stated, the location of the city and the cost of materials being taken into consideration, is whether gas can be produced at a cheaper rate than $1.15 per thousand feet. My argument all the way through has been that it can be produced at a less figure. Much may turn upon the kind and quality of gas produced by the company. I think it is universally conceded by gas companies that the cost of producing what is called water gas is very much less than the cost of producing coal gas. The company established in Washington is making, I believe, two-thirds water gas and one-third coal gas, according to the report of the House committee in 1894. The term "water gas" may probably not be understood by all. The process in Washington is what is called the Wilkinson process. It consists in passing steam through a generator containing limestone, fire brick, or similar material highly heated, thereby decomposing the steam and forming hydrogen gas, which gives heat, but very little light. Coal oil or naphtha is then added to the hydrogen gas and the compound heated to make it a fixed gas. The carbon added in the form of crude oil or naphtha gives color to the flame and therefore light.

It is a very simple process and can be understood by anyone.

The other kind of gas, coal gas produced by the District company, is the old-fashioned gas, as I understand it, produced from the burning of coal. The question is whether by this process they can make gas as cheaply as they can in other cities. On this point I think there can be little question, as Washington is not located far from the coal fields, and the residuals here are the same as the residuals in any other city and command as good prices in the market. I have before me a report of the Secretary of the Interior in which he gives the price per ton of coal for the various years from 1886 to 1893 paid by the Washington Gas Light Company. The average price per ton June 10, 1886, was $4.08⅔; August 3, 1886, $4.275 per ton; May 10, 1887, $4.13½ per ton; May 31, 1888, $3.979; May 31, 1889, $4.094; May 15, 1890, $4.087; May 21, 1891, $4.124; May 17, 1892, $4.244; May 15, 1893, $3.97 53 per ton.

Mr. President, I can not see, comparing the cost of materials in Washington, Philadelphia, Pittsburg, Cleveland, and Chicago, that there is a very great difference on the whole; certainly not

enough to account for the difference in the prices charged for gas

the testimony right in the same line of Mr. McIlhenny, who

enough to account for the difference in the prices charged for gas. The cost of gas, from the figures of experts which I gave on Saturday, has been brought down to a minimum; and the reports, mind you, were made in 1886, when the cost of producing gas was a great deal more than it is at the present time. When the Spooner investigation was made water gas was a new thing. It was argued by many then that it was more expensive to make than coal gas. But the price of water gas at that time was very inconsiderable as compared with the price charged by the Washington Gas Light Company now.

I introduced in evidence a Mr. Vanderpoel, who, I believe, was the engineer in charge of the Newark Gas Company, at Newark, N. J., giving the cost at 35.8 cents placed in the holder in that city, and he thought it could be placed in the holder in the city of Washington just as cheaply as it could there. Adding what the Senate committee thought was a very reasonable price for the cost of distribution, 18 cents per thousand, it would make the cost of gas about 53 cents per thousand in the city of Washington. But the cost of distribution, being about 40 per cent of the cost of production, would make the actual cost of gas in the District of Columbia about 49 cents and a fraction. This is not the statement of a theorist not well informed, but a man acknowledged to be a practical expert by the Washington Gas Light Company, and who, I believe, were instrumental in bringing him before the Spooner committee in 1886.

I introduced also the report of a prominent expert in Great Britain, Mr. G. W. Stevenson, who has written a book touching upon the subject, which was reviewed in 1879 approvingly by the gas journals of Great Britain. He estimates the cost of production and distribution in England to be 51 cents per thousand, a difference, you see, of about 3 cents per thousand in favor of Great Britain, and both of them come down to a great deal less than one-half of the price charged for gas in the District of Columbia.

But, Mr. President, in summing up this argument I wish to embody in my remarks concisely the conclusions of the investigating committee of 1886, which I believe is the most thorough investigation that has ever been made by Congress. They summoned experts and went into the subject as carefully as it was possible to do. The report is a very voluminous one, giving the hearings in full, and I believe that if the members of the Senate were to read this testimony carefully they would be convinced, as were Mr. Spooner and the Senator from Kentucky [Mr. BLACKBURN], that the price charged by the Washington Gas Light Company is exorbitant and that some steps should be taken to secure a reduction in the price of gas in the District. On page 5 of the report the chairman states:

From all that the committee has been able to learn of the cost of gas in this city, it believes it safe to say that $1 per thousand cubic feet will afford to this company a dividend on its capital stock which will at no time fall below 7 per cent per annum.

Some well-informed persons think 20 per cent.

I turn again to page 8 of the same report, and I find very strong recommendations to Congress:

Thus it will be observed—

Says Mr. Spooner—

that Mr. Vanderpoel, a coal-gas expert, speaking to gas experts in 1879, figured the net cost of pure coal gas per thousand cubic feet at 35.8 cents. He estimated coal at $5.50 a ton—

And, mark you, the average price, as I read from the report of the Secretary of the Interior, is about $4 per ton—

while the statement before the committee is that in Washington the gas coal purchased by this company—

That is, the Washington Gas Light Company—

last year was $3.35 a ton, and this year will be $4.10 a ton, a great difference in favor of this company. The price of residuals is figured a little lower by Mr. Vanderpoel than the proof shows they sell at in Washington.

Then coming on down a little further:

It is, in the opinion of the committee, all things considered, certainly a generous concession to this company to assume that 35.8 cents, the net cost in 1879, as found by Mr. Vanderpoel, would at least cover the net cost for the same item in Washington to-day.

Then on page 9 I find this statement:

We doubt much if the fair cost of distribution here is 28.8 cents per 1,000 cubic feet—

This figure was named by a member of the company, I believe—

Colonel McCarty testifies that the usual cost is 18 cents per 1,000 cubic feet. Take it, however, for the purpose of the argument, as the company gives it, at 28 cents. This added to the 35.8 cents cost in the holder, calculated in 1879 on the basis of coal at $5.50, would make the actual cost per 1,000 cubic feet of coal gas of requisite candlepower 64.6 cents in Washington.

The committee is not now prepared to believe, with due respect to the Washington Gas Light Company, that the fair cost per 1,000 cubic feet of gas in Washington is above this sum—

That is, 64 cents per thousand cubic feet as the cost of production and distribution in the city of Washington—

On the contrary, we think that if we err it is considerably in favor of the company.

This is no random statement. It is the report of ex-Senator Spooner, known to all of us, a man who commanded respect for his fairness in the consideration of such problems. We also have the testimony right in the same line of Mr. McIlhenny, who was president of the company at that time, that they could sell gas at $1 per thousand feet and make 15 cents per thousand. I think that is quite a remarkable statement and is worthy of being read here. On page 9 of the committee's report, in reply to a question put by the Senator from Kentucky [Mr. BLACKBURN], Mr. McIlhenny says:

Mr. MCILHENNY. If we sold the gas for a dollar we should make about 15 cents a thousand on it.

His figure was for the year 1886, since which time we all know the price has been reduced considerably in the United States. Fifteen cents a thousand is about 17 per cent upon the cost of production, which is a very fine dividend.

The matter drifted along for several years and no investigation was made. Just why I can not tell. In 1894 a committee was appointed in the House of Representatives for the purpose of investigating the question. They went very carefully into the matter and came to the same conclusion. Mr. Heard says in his report, page 5:

But after a careful examination into the financial condition of the Washington Gas Light Company, as shown by the statement made by its president and secretary before your committee, covering its business operations for several years past, an examination of witnesses as to cost of making and supplying gas, we conclude that it is practicable for said company to furnish gas of the quality now being supplied to the public at $1 per 1,000 cubic feet, net, and pay a reasonable profit on the capital invested in the business.

This is the second committee which has advised the Senate in behalf of one-dollar gas.

DIVIDENDS DECLARED.

As I said, I am willing that this company shall have a fair, just, and reasonable dividend; but I think if anybody will take up the reports for the past few years he can not help being convinced that the dividends have been exorbitant. The press of this city have been making a noble effort in behalf of cheaper gas for the District. I have introduced extracts from those papers. I might read others with reference to the declaration of dividends, but I come now directly to the report of Mr. Spooner, because I wish all to know that what I read is from an official source.

On page 3 of Mr. Spooner's report I find these words:

The following is believed to be a reasonably accurate summary of the dividends paid by the company since its organization: It paid 6 per cent in 1850. In 1851 and 1852 no dividends were paid. In 1853 it paid 8½ per cent on $350,000 capital; in 1855 it paid 10 per cent on $500,000 capital; in 1856, 10 per cent; 1857, 10 per cent; 1858, 10 per cent; 1859, 10 per cent; 1860, 10 per cent; 1861, 10 per cent; 1862, 10 per cent, and in 1863, 10 per cent. It is alleged that no dividends were paid in 1864 or 1865. Whether this is true or not we can not tell. In February, 1866, 5 per cent was paid on $500,000, and in August 5 per cent was paid on $1,000,000. In 1867 10 per cent was paid; in 1868, 10 per cent; in 1869, 20 per cent was paid on $1,000,000; in 1870, 10 per cent; in 1871, 15 per cent; in 1872, 15 per cent; in 1873, 15 per cent; in 1874, 55 per cent; in 1875, 20 per cent; in 1876, 65 per cent; in 1877, 15 per cent; in 1878, 15 per cent; in 1879, 15 per cent, and in 1880, 15 per cent.

Here we have thirty-one years of dividends, and the average, when it is all put together, is 16.8 per cent on the capital invested. I have the testimony covering the period for the years 1881 to 1886. On page 24 of the hearing there are these words:

In the meantime the capital stock has been increased from $500,000 to $2,000,000, and on this watered stock for the past five years—

That is, from 1881 to 1886—

the dividends have amounted, according to their own sworn statement, to almost 100 per cent—to 95 per cent.

In other words, they have taken from the public and paid out in dividends in the last five years $2,000,000, according to that. That is an annual average of 18½ per cent, at a time, too, when the Government could get all the money it needed at 3 per cent.

In addition to this it has expended for fixtures, including a plant for making water gas, $394,942.58; has paid for land that it does not use $42,136.35, and has cash on hand $103,189.17, $25,000 of which is in Government 4-per-cent bonds, drawing interest, or a total of $540,268.10. That is in the sworn statement presented in answer to Senator Van Wyck's resolution.

This gives the gas company during these long years sixteen and a fraction per cent for thirty-one years and eighteen and a fraction per cent from 1881 to 1886. Since then I have not the figures before me, but I understand the dividends have been very large. I have seen a communication in the Star that the company declared a dividend in 1895 of 30 per cent, 10 per cent at one time and subsequently an additional dividend of 20 per cent.

In view of this, in view of the fact that the stock has gone from $20, the par value of the shares, to $50 at one time, though now about forty-four dollars and a fraction per share, which indicates in a measure the dividends that are declared upon the stock, I conclude that the charges made by the Washington Gas Light Company are exorbitant and that a reduction to $1 would still afford them a just and fair income.

These earnings, as indicated by the reports, are enormous. They are only equaled perhaps by the dividends declared by the Washington and Georgetown Railroad Company. I do not know of any other corporation in the District of Columbia or anywhere else in the United States, unless it be other gas companies, that declare such enormous dividends, and I can not understand how any Senator upon the floor, who feels it his duty to defend the interests of the District over which we preside, can stand here and argue against the reduction of gas to $1 a thousand cubic

feet. The people of the District have investigated the matter very carefully and understand that it can be produced for less than a dollar a thousand, and though Senators upon the floor here might possibly be elected United States Senators by advocating such a proposition, if we had home government in the District of Columbia they could not be elected to the board of aldermen.

We do not know yet even the dividends that have been declared. Some years have been passed over, and we can only surmise. We do understand from the sworn statements of Mr. Bailey and others that the books were destroyed which covered the expense account of the company from 1848 to 1866.

Now, Mr. President, just a word in regard to street lamps. Washington has 6,138 street lamps, which cost the city $20.50 per lamp per year, burning 3,000 hours, according to the report of the Commissioners. New York furnishes the same street lamps for from $12 to $17 per lamp per year, burning from 2,220 to 4,000 hours, showing a striking contrast between New York and the city of Washington.

OBJECTIONS TO THE COMPROMISE BILL.

The question with many is, Why not accept the present compromise bill? I would be glad to accept some compromise. I would be glad to accept the compromise that is offered to us by the bill as it came from the House, namely, $1. Though I should like very much to see gas in the District of Columbia come down to 75 cents, and at that figure I think the company would make a very reasonable profit, I am opposed to this bill, which makes some reduction, because of the continuation of the contract over a period of five years.

Mr. FAULKNER. Will the Senator permit me? There is no provision for a contract unless the Commissioners deem it in the interest of the city. It is not obligatory at all.

Mr. KYLE. I understand that the bill provides for gas at $1.15 per thousand feet, with a sliding scale for five years.

Mr. FAULKNER. I thought the Senator spoke of a provision for a five-years contract.

Mr. KYLE. The bill allows them to make a contract.

Mr. FAULKNER. There is no contract at all. We fix it and Congress can repeal it. By the last provision in the bill Congress at any session, if it deems proper, may amend, modify, or repeal the law.

Mr. KYLE. Does not the Senator know how difficult it is to get a bill or any portion of it repealed? We want one-dollar gas to start with and no contract.

It is proposed that the Washington Gas Light Company shall begin with $1.15 per thousand cubic feet for the first year until July 1, 1898, and then $1.10 from that time to 1900, and from 1900 to 1901 it is not to exceed $1 per thousand cubic feet, and so as to the continuation of the contract with the Georgetown Gas Light Company. They provide also, I believe, that the company can make a contract for lighting the streets for a period of five years. They also provide for an increase of the capital stock to a certain amount. These provisions, Mr. President, I am not satisfied with, and the quality of the gas is not improved in my judgment. A question was raised on Saturday as to the burner test, that by the present bill they expect to make the quality better than it was before, because it raises it from 16 candlepower to 24 candlepower. It is provided in the bill that—

The illuminating power of the gas furnished by any gaslight company, person, or persons in the District of Columbia shall be equal to 24 candles by the Bunsen photometer, using the Bray slit union burner No. 7, consuming 5 cubic feet of gas per hour.

In other words, changing from the Argand burner, which has formerly been used, to the Bray flat-flame test. I have not had very much experience in regard to those things, but I have the testimony of Mr. William C. Dodge here in the District of Columbia, who is one of the best experts in the line of invention, I presume, whom we have in the country. He makes the statement that there is no practical increase in the quality of the gas at 24 candlepower as tested by the Bray process. They get no more result as far as the light is concerned.

That calls up the question put by the Senator from New Hampshire [Mr. GALLINGER]. He maintained that the quality of the gas would be improved by the provisions of this bill.

There is no law in the States of the United States, I believe, as regards the burner test, but the whole matter is left to the contract which is made by a private company with the particular city. The burner ordinarily used, I believe, is the Bray flat burner, as suggested by the Senator from New Hampshire. It was stated by the Senator that English gas was tested by the flat flame, the same as in this country. I have investigated the matter since last Saturday, and I find that in England they formerly used the same burner used in the District of Columbia, the Argand round-flame burner test of 15 holes, but that by act of Parliament they have changed that and now use the Argand burner, but with 24 holes instead of 15.

Mr. FAULKNER. The only difference, I will state in correction of the Senator, is that the Argand burner is used for illuminating gas which does not go over 20 candlepower, and for all gas over 20 candlepower the flat-flame burner is used.

Mr. KYLE. The candlepower of gas in the list of English cities which I read last Saturday was measured by the Argand burner of 24 holes. The contention is that there is a very great difference between the Argand round-flame burner test and the Bray flat test, as indicated in the bill. In other words, we claim that the Washington gas, which, tested by the Argand round burner, is about 19 candlepower, if tested by the Bray flat-flame burner would be about 8 candlepower more. So that we gain nothing. Substantiating this I have the testimony of Mr. McIlhenny:

In New York the law gives the inspector the right to use the burner best adapted to the quality of the gas and the kind of gas. Hence he uses a plain flame burner. That makes a very thin, flat flame, which is presented sidewise to the disk of the photometer. Our burner is an Argand burner, and only a certain amount of radius can be presented to the disk, and then the glass over it excludes perhaps 16 or 17 per cent of the light. As I say, I got Professor Love to come down here and asked him to bring the same burners that he tested the New York gas with, so that he might test our gas with the same burners. He tested our gas first with the lawful burner here, the Argand burner, and made it about the same as the inspector does, about 17 candles and a fraction that day, I think. He afterwards tested it with the New York burner, the Empire burner, and he made it 25 candlepower.

There is a difference, you see, there of 8 candlepower.

So as compared with the New York gas, our gas would be about equal to theirs. We have Professor Love's certificate to that effect.

Then over on page 72 I find corroborative testimony:

For very rich gas they use a very thin plate burner. In the photometer there is a disk that slides on the bar that is transparent. When that disk is moved to where both lights are equal, or this transparent substance shows no difference, then the light at that point is considered equal.

The candle test is 16 wax candles, according to the old law.

With our system, the Argand burner, we use, of course, a glass with it, and that obstructs the light about 16 per cent; and then the burner is round, and the surface behind it is dead black and a great absorbent of light, as coal would be of heat. The round surface of this burner is presented to the disk; but with the flat-flame burner you stand right out flat against the disk and make it as wide as you can and thin as you can, because the thinner you make it the more oxygen you consume and the more perfect combustion you get. Consequently you get a great deal better illuminating result in that way than you can get from the Argand burner with the same quality of gas.

Our gas when tested with this flat-flame burner—

That is, Washington gas—

showed a difference of 8 candles. * * *

Mr. MCILHENNY. If we had the privilege of testing by some burners we could make it 24 candles.

Then I have the testimony given before the House committee on February 12, 1896. This pamphlet is published by the Washington Gas Light Company.

Mr. Leech, the manager, says:

In the city of New York, where they rate the gas at 28 candles, they use a flat-flame burner. It has been stated here and repeated that the candlepower in New York is 26 or 28. When Mr. Love, the expert from the city of New York, came here, he found that the gas rated here at 18 candles would be rated by his standard at about 20.4 candles. He was the gas inspector for the city of New York. When you have gas here rated at 19 candles, which is about the usual standard of it, the usual quality of it, you will find that the gas according to the New York rating is about 27 or 28 candles.

Now, this seems to me abundant testimony upon the question as to whether we are to get better gas under the present bill or not. The bill as you read it seems to furnish the people of the District better gas, and in a measure to compensate for the high price. They are mounting at one jump from 19 candlepower to 24 candlepower, a difference of about 5 or 6 candlepower. But from the evidence there is a difference between the Argand round-flame burner and the Bray flat-flame burner test of about 8 candlepower, and when you subtract you will find we get no better gas, but probably a little less candlepower, than they had under the old system.

Now, Mr. President, I wish to close this discussion.

It is shown, I think, by the facts set forth, that the charge for gas in the District of Columbia is clearly exorbitant, and that a large profit will accrue to the company by one-dollar gas, as provided in the House bill.

The complaints of the people are well founded, and there is good reason in the general demand for municipal ownership of this plant.

Washington is not an out-of-the-way place, but conveniently near the great sources of material supply, and there is no valid reason why gas should be higher than in Philadelphia and similar cities. The president of the Washington Gas Light Company admitted in 1886 that by selling gas at $1 they can make 15 cents per 1,000 feet. The testimony of the best American experts, approved by the gas companies, prove that gas can be furnished to the consumer for a fraction under 50 cents per thousand.

The testimony of experts in England, approved by the gas journals, prove that gas in that country can be delivered to the consumer for 51 cents per 1,000 feet.

Based on such testimony, the reports of the investigating committee in 1886 and of the House committee in 1894 are very conservative in recommending one-dollar gas. We have had this

question before us for years, Mr. President, and still nothing is done. Citizens daily and yearly make their complaints, and yet we do not act. In my judgment the Senate amendment to the House bill should not be adopted. The bill as it came from the House is extremely liberal to the Washington Gas Light Company.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes.

Mr. GALLINGER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. It will be so ordered, without objection.

Mr. GALLINGER. Mr. President, it is a matter of regret to me that in the discussion of the very important bill that is now before the Senate the Senator from Michigan [Mr. MCMILLAN] who is chairman of the Committee on the District of Columbia, and who perhaps is better qualified to discuss the matter than any other member of the committee, is necessarily absent from the Senate Chamber.

The Committee on the District of Columbia is composed of 13 honorable Senators representing sovereign States of the American Union. Their names are: Senator MCMILLAN, of Michigan; Senator GALLINGER, of New Hampshire; Senator HANSBROUGH, of North Dakota; Senator PROCTOR, of Vermont; Senator PRITCHARD, of North Carolina; Senator BAKER, of Kansas; Senator WETMORE, of Rhode Island; Senator HARRIS, of Tennessee; Senator FAULKNER, of West Virginia; Senator GIBSON, of Maryland; Senator SMITH, of New Jersey; Senator MARTIN, of Virginia, and Senator BACON, of Georgia.

Mr. President, with one possible exception, that of the Senator from New Hampshire, the committee is certainly composed of intelligent, honorable, and high-minded men whose findings are entitled to the fair and unprejudiced consideration of their colleagues in this body. That committee spend at least one-half of their time in the consideration of questions that in the other cities of the Union are largely attended to by boards of aldermen or the common council. They are expected to regulate the practice of medicine, the charges for gas, for electric lighting, for telephone service; to recommend legislation concerning street railroads, steam railroads, markets, bridges, and a great variety of other things, including the extension of streets, the building of sewers, the opening of alleys, etc.

In the present Congress that committee has had under consideration all these questions, and has given numerous hearings to all the parties in interest. Especially has the committee patiently listened to all the parties who appeared before them and asked to be heard on the bill relating to gas. The citizens' committee appeared in opposition to the existing gaslight company and were heard at length; the Washington Gas Light Company was also heard through their attorneys, and the representatives of a new company which sought to secure a charter were repeatedly before the committee and made lengthy arguments. Everbody was treated courteously, and certainly no man or interest has any right to complain of the treatment accorded by the committee.

And yet, notwithstanding all this, on Saturday last the Senator from South Dakota arraigned the committee for dereliction of duty and plainly intimated that the action of the committee was influenced by lobbyists, who, he said, are swarming around the Capitol. It was an extraordinary and uncalled-for accusation, which I resented at the time, and concerning which I will add a word at the proper time to-day.

Mr. KYLE. Will the Senator from New Hampshire allow me?

Mr. GALLINGER. Certainly.

Mr. KYLE. Does the Senator know of any language which I used accusing the committee of being affected by lobbyists?

Mr. GALLINGER. I know the Senator suggested that lobbyists were about the Capitol, and that some undue influence was being exerted in reference to this matter.

Mr. KYLE. I did not refer to the committee.

Mr. GALLINGER. Inasmuch as this matter has only passed beyond the hands of the committee, and has not been acted upon by the Senate, I can not for the life of me understand who were influenced unless it was the Committee on the District of Columbia. No vote has been taken in the Senate on the question. Hence the Senator's accusation could not be applied to the Senate, but must be applied to the committee of the Senate.

Mr. KYLE. I referred in my remarks to other persons outside of the District Committee. A member of Congress who was not on the District Committee of either House told me about a certain person approaching him, not seeking to bribe him at all in voting, but asking him to use his influence against dollar gas. But I do not know a man who has approached any member of the District Committee—not one. I have never heard of anything of the kind.

Mr. GALLINGER. That is not very important. I have no anxiety concerning myself so far as lobbyists are concerned, and I simply state the fact that the Senator did make the broad statement that lobbyists were about the corridors of the Capitol.

Mr. KYLE. And they are.

Mr. GALLINGER. And inasmuch as this question, as I said before, is on the Calendar of the Senate, I could not for the life of me understand who had been influenced had it not been the committee that reported the bill.

Mr. President, in the discussion of the bill the honorable Senator from South Dakota [Mr. KYLE] entertained us on Saturday with a lengthy discussion of Socialism and Populism. I do not think that that discussion has very much to do with the practical question that is before this body for consideration and for settlement to-day. The Senator from North Carolina [Mr. BUTLER] interrupted the Senator from South Dakota to deliver a panegyric on the principles of the Populist party, in which he gave the Senate and I presume the country to understand that the Populist party, when it comes into power in this country, is going to remedy all the evils that the body politic is suffering from to-day; that it is going to fix the price of gas, I presume, in every municipality in the United States; and that it is going to lift the burdens from the shoulders of the people that have been imposed upon them by the great Republican party and the great Democratic party of this country.

Mr. President, I do not expect to live to see that time. I do not expect to live to see the time when the people will not have burdens upon them, and when even the Congress of the United States may be somewhat at a difficulty in relieving those burdens and giving the people every right that possibly they can demand under the Constitution and the laws of the country.

I think we are doing in the matter of legislation for the District of Columbia the best that can be asked of us. It is a peculiar, an anomalous, an extraordinary, an un-American government under which the people of the District of Columbia are living to-day. This committee of ours, burdened with other duties, coming here to represent their own constituencies and their own constituents, have this mass of business thrust upon them, and it is demanded of them that they shall give the most careful consideration to every question that comes before that great committee, and which they are trying to the utmost of their abilities to do from week to week and day to day. The Senator from South Dakota also entertained us with a discussion of the municipal ownership of corporations, including gas-light plants. That question is not before the Senate in any form. There is no proposition before Congress to-day that the Government shall buy the Washington Gas Light Company, and hence it is idle for us to waste time in discussing the question whether it would be best, all things considered, for the Government to own this plant or to allow it to remain in the hands of private parties, who to-day control the stock and have paid their money into that great corporation. I am not quite sure that the Senator from South Dakota, if the proposition were presented to-day, would vote in favor of the Government purchasing the Washington Gas Light Company.

Mr. KYLE. Indeed I would, Mr. President.

Mr. GALLINGER. He would, Mr. President; and yet upon every proposition that has come before the Senate to put sewers in the District of Columbia to save the health and lives of the people the Senator has always voted against issuing bonds for the purpose of raising money to secure those improvements.

Mr. KYLE. For the purpose of helping out real estate men in the suburbs.

Mr. GALLINGER. He and his colleagues of the Populist party have been consistent in this matter; now, here is a great corporation, owning property that has cost them $4,000,000. If the Government is to own that property, the Government must raise $4,000,000 to pay for that property, and it can only be done by the issuance of bonds. So, I say, if this proposition to-day were before the Senate of the United States, the Senator from South Dakota, if he desires to have his record remain consistent, would cast his vote against that proposition.

Now let us turn to the provisions of the bill and see what they are. The Committee on the District of Columbia had before it a bill that proposed to reduce the price of gas to the people of the District of Columbia to $1 per 1,000 feet. I think I can safely say that every member of that committee was as anxious as the Senator from South Dakota to give the people of the District of Columbia the greatest degree of relief that it could consistently do and yet be just to the men who have invested their money in this plant and who must look to dividends to pay them for the investment they have made. The committee gave very careful attention to the bill. They spent many weary hours in its consideration. It was up before them day after day and week after week, and they neglected their other duties in their great desire to do what was right in this matter and to report a bill that could pass the Senate of the United States and that, at the same time, would give as great a degree of relief to the people as was consistent with the

other interests involved. After very lengthy consideration and hearings, they reported a provision, the first section of which, relating to the Washington Gas Light Company, is that gas shall be furnished at a rate not exceeding $1.15 per thousand cubic feet until July 1, 1898; at a rate not exceeding $1.10 per thousand cubic feet from July 1, 1898, until July 1, 1900; at a rate not exceeding $1.05 per thousand cubic feet from July 1, 1900, until July 1, 1901; after which last-named date the rate shall not exceed $1 per thousand cubic feet.

It is proposed to decrease the earnings of the Washington Gas Light Company for the first two years from July 1, 1896, at the rate of about $90,000 per year. It is proposed to decrease its earnings for the next two years at the rate of about $135,000; for the next year at the rate of $180,000 per year, and after that time the decrease over their present earnings will be $200,000 per year under the provisions of the pending bill.

Mr. President, I think it is desirable in the discussion of this question that we should go to the record and find out if we can whether the committee have done the best they could under the circumstances and have made wise recommendations to the Senate of the United States. I turn to page 32 of the recent hearing before that committee and I find there quotations from Brown's Directory for 1894, which is a recognized authority upon the subject of gas plants in the United States. From that I discover the fact that in Illinois there are 53 gas companies. Out of this number 4 sell gas at $1, 8 at $1.15, 1 at $1.20, and 42 at from $1.25 upward, per 1,000 cubic feet.

Indiana has 38 companies, 32 of which sell for over and only 5 below $1.25 per 1,000 cubic feet.

Maine has 11 companies, all selling from $1.50 upward.

Massachusetts has 72 companies; only 4 sell below $1.25.

Michigan has 36 companies; only 3 sell below $1.26¼, including Detroit, which sells gas for $1.

Missouri has 26 companies, only 4 selling below $1.50, the remainder for $1.50 and above.

New Jersey has 48 companies; only 2 as low as $1.25.

New York has 117 companies, only 7 below $1.25, 4 of which are in Buffalo, at $1 per 1,000.

Ohio has 75 companies; only 9 report less than $1.20.

Rhode Island has 7 companies; only 1—Providence—as low as $1.20.

Pennsylvania has 106 companies; 12 report at $1, 5 at $1.10, 3 at $1.20, and 86 at $1.25 and upward.

Virginia has 12 companies, 5 of which are owned by the cities. Of these 5 Richmond, Charlottesville, and Danville sell at $1 per 1,000 cubic feet, Alexandria at $1.45, and Fredericksburg at $1.50. Only 1 of the other 7 sell as low as $1.25.

It is a fact that I might stop and enumerate almost every city in the American Union——

Mr. PEFFER. Will the Senator from New Hampshire allow a question at this point?

Mr. GALLINGER. Certainly.

Mr. PEFFER. Has the Senator any returns from gaslight plants owned by cities?

Mr. GALLINGER. The Senator from South Dakota [Mr. KYLE] very learnedly and leangthily elucidated that question. I must confess that I have not taken the pains to get the exact data concerning the matter.

Mr. PEFFER. I only wanted to know what is the rate at which gas is furnished by such plants.

Mr. GALLINGER. I am willing that the testimony the Senator from South Dakota gave on that question should for the present stand, because, as I before said, we are not now considering the question of municipal ownership of gas companies. When we come to that, we will endeavor to discuss it intelligently on both sides of the question.

Mr. GEORGE. Will the Senator from New Hampshire allow me to interrupt him?

Mr. GALLINGER. Certainly.

Mr. GEORGE. Is there any return in the book to which the Senator refers as to the dividends declared by these companies?

Mr. GALLINGER. There is not, I will say to the Senator.

Mr. GEORGE. Then allow me another question. The committee in coming to a conclusion as to what ought to be the proper charges for gas by the company so as to allow them reasonable dividends must have had in their minds some particular rate of dividends which they regarded as reasonable for the company to declare. What dividend was that?

Mr. GALLINGER. I will say to the Senator that my recollection of that matter is that, inasmuch as it is an acknowledged fact that the manufacture of gas is an extra hazardous business, and they can not get any insurance on their property in any city in this Union, it is generally conceded that somewhere from 8 to 10 per cent dividend is a very fair dividend on the capital stock invested in gas plants.

Mr. GEORGE. From 8 to 10 per cent?

Mr. GALLINGER. I think that is conceded. But I will show the Senator before I get through that the stockholders of the Washington Gas Light Company can not hope for any such dividend as that under the bill the committee has reported to the Senate and which they hope the Senate will pass.

I was about to say, when interrupted, that if I should go through every State in the American Union the same condition of facts would be found; that the proportion of gaslight companies which are furnishing gas to-day at a price less than $1.25 per thousand cubic feet is absolutely infinitesimal as compared to the entire number. In my own city, where we have agitated the gas question for a considerable length of time, our people are felicitating themselves to-day, and the newspapers are felicitating the people of that city, that the gaslight company has recently made a reduction from $1.80 to $1.50 per thousand cubic feet; and I understand that at that rate the stockholders in that company are not getting enormous dividends, but are getting a fair return upon the money they have invested in the extra hazardous business of the manufacture of gas.

There are a great many elements entering into the manufacture of gas. It is a question, too, that much rhetoric can be employed in discussing. If we simply listen to the clamor of some unthinking people on the outside, almost any Senator could grow eloquent in his defense of the rights of the dear people, and in denunciation of the greedy and outrageous imposition of this great corporate power, as it is represented by these outside parties; but we ought to consider practical things in this discussion. I say there are a great many elements entering into the question of the cost of gas. Coal is the chief element of cost; and while I at first could not understand why the people of Washington should have to pay more for coal than the people of most other cities of the Union, I was driven to the conclusion, in view of the testimony which was presented to the committee and which was not controverted, that that was an actual fact, and that this gas company is laboring under the burden of paying a larger price for its coal than is paid in almost all other American cities. For that reason this company should have some degree of consideration in the legislation of Congress. It was shown to us that in Pittsburg coal was bought for $1 a ton; in Detroit for $1.75; in Cleveland, Ohio, for $2; in Allegheny, Pa., for 80 cents; in Cincinnati, Ohio, for $1.25; in Providence, R. I., for $3.25; while in the city of Washington this company pays $3.90 for every ton of coal it uses in the manufacture of gas.

Mr. FAULKNER. I should like to have the Senator state if that is not the cheapest price they have ever paid, as reported by the company to the Secretary of the Interior?

Mr. GALLINGER. I understand it to be the very cheapest price they have ever been able to secure coal for, and that ought to be taken into consideration by Senators in discussing this question and in casting their votes upon this important matter.

Mr. President, there is one other thing in that same connection, a matter which I could not understand until the testimony was given before us; and if Senators will take the trouble to go through the testimony they will find that I very closely interrogated the gentlemen before the committee on all these points. It was made to appear to the committee that in this city the residuals sell for very much less than they do in any other city of the country. This is not a manufacturing city, and in cities where they have large manufacturing establishments everything in the nature of residuals of a gas plant is sold readily at a very good price, while in the city of Washington the coke and other residuals from the manufacture of gas are practically given away.

I have not a particle of undue sympathy for the Washington Gas Light Company; I do not know a man connected with it, except one gentleman from my own State, who happens to have a little stock in that company, a resident of the city of Washington, but it is well enough for us to remember that the Washington Gas Light Company has recently made a contract for two years for the single article of naphtha, and that they are to pay $13,000 a year more than they have heretofore paid for that one single article consumed in the manufacture of gas.

Mr. FAULKNER. Thirty-seven thousand dollars.

Mr. GALLINGER. I am glad to be corrected. It was merely a matter of recollection on my part, and I thought I would state it low enough.

Very much more might be said along this same line, but as I do not care to weary the Senate and I am very anxious to get a vote on this bill, I will merely call attention for a moment to the matter of burners, concerning which the Senator from South Dakota, who possesses a great deal of information and possibly an equal amount of misinformation upon the gas question, entertained the Senate a moment ago. The Senator read from Mr. Love, a New York expert, in reference to the change of burner from the old-fashioned English Argand burner to the Bray slit burner, which it is proposed to adopt if this bill becomes a law. Mr. Love was before the committee only a few weeks ago and was interrogated. Senator MCMILLAN asked him:

You do not approve of this English Parliamentary burner?

Mr. LOVE. No; that burner is an antique.

Mr. Love went on to say that the burner which was provided for in the bill which came over from the House of Representatives was not used in any city in the United States; that it was an old-fashioned English burner that had practically gone out of use in the British Empire itself.

Senator McMILLAN. Then you would strike out this provision?

Mr. LOVE. Yes. In the first place, no consumer can get the English Parliamentary standard Argand burner; and you should place in the hands of the consumer just such a burner as the inspector uses.

Senator FAULKNER. So that the test in his house would be the same as the test made by the inspector?

Mr. LOVE. So that he can get just as much candlepower as the inspector, and if he does not it is his own fault.

Senator BAKER. Do you say that with the higher candlepower there is more liability of smoke?

Mr. LOVE. Yes, sir.

Senator BAKER. If you get above 27 candlepower there is liability of smoking?

Mr. LOVE. Yes, sir.

Mr. Love went on to say that in New York they had 26 candlepower, and he thought 24 candlepower or 25 candlepower was a better candlepower than 26 candlepower, because there was no danger of smoking, and, as he said, destroying the ceilings and walls of the homes of Washington.

Senator GALLINGER. How would it do to raise it to 26, the point at which you have it in New York?

Mr. LOVE. The difficulty about that would be that the average of 26 is made up by taking an average of a great number of water gases and of very little coal gas. In Washington you have a gas which is composed of one-third coal gas. I think you would find that, on the whole, 24 or 25 candle gas, with a flat-flame burner, would be more satisfactory than 26-candle gas.

And yet we put this bill 26 candlepower, because we wanted to compel the Washington Gas Light Company to give the people of this city as good gas as is made anywhere in the country.

Mr. KYLE. Will the Senator allow me right there?

Mr. GALLINGER. Certainly.

Mr. KYLE. I was not complaining in my remarks of the test of 26 candlepower by the Bray flat burner. I think if they use the Bray flat burner they will not give any better gas than 19 candlepower measured by the old-fashioned Argand burner. It means about the same sort of gas, but the pretension on the part of the company and of the committee of giving us better gas because it is 25 or 26 burner I think is without foundation.

Mr. GALLINGER. I have not heard of any such pretension; certainly I have not made it. But let us continue with Mr. Love, whom the Senator from South Dakota quotes so approvingly:

Senator BAKER. What do you say about what the candlepower should be?

Mr. LOVE. I have tested it for two weeks, and I think the average would be about 24½ by that burner.

Senator FAULKNER. Throwing out of consideration the interests of this company, what, in your judgment, would be the best candlepower, give the best illumination, and give the best satisfaction with a gas manufactured of one-third coal and two-thirds water?

Mr. LOVE. I should say 24 candlepower by a Bray burner.

Senator GALLINGER. That would be just what we have now?

Mr. LOVE. Just about what you have now. You must bear in mind that the company must carry the power a margin above that. It will have to run it up to 25.

Senator GALLINGER. You think that would give the best results?

Mr. LOVE. It would not give as much light as a 30-candle gas, but with a 30-candle gas the consumer would be very much annoyed with smoke. I think the best practical results would be obtained by 24 or 25 candle gas.

* * * * * * * *

Senator FAULKNER. I would like to know why they could not make as good gas in Washington as they do in New York. The proposition here is to give us 24 candlepower by that burner.

Mr. LOVE. As I have already stated, the average in New York for the first two months of this year was 26 candles. You would get perhaps 25 candles, and no man on earth can tell the difference between the two in the illumination.

Senator FAULKNER. That would give a good, practical light?

Mr. LOVE. It would give a good light. In addition to that, you have a very rigid test here. Outside of New York, I do not know of any city where they have so rigid a test. In Boston they do not make more than 52 tests a year, a once-a-week test; but in Washington you have a daily test, the same as we have in New York.

And again, it is worth while to remind the Senate that the committee put in the bill 26 candlepower—a higher test than the Senator's expert advised.

Mr. President, the Senator from South Dakota dwelt with a great deal of emphasis on the relative price for street lamps paid in the city of Washington and other cities of the country. I have before me a report made in the Fifty-third Congress, giving the price for street lamps in the several cities of the country, or in the leading cities of the country, those containing a population of over 200,000. I wish I might have had time to have looked up a late report on this subject, if one exists, as we want the best and latest obtainable information. The record shows that in Milwaukee they charge $22 for each street gas lamp; in San Francisco they charge $36; in Boston it is sold by the thousand; in Baltimore, $23.25; in St. Louis, $37; in Chicago, $20; in Brooklyn, $29.93; in New York, $18.41; and in Washington, $21.50.

So that even on that point the city of Washington is furnished its street light for a considerable less average than is paid in the other large cities of the country.

The question of competition has been discussed a great deal in connection with gas companies in this and other cities of the United States. Theoretically I am in favor of competition always; and two years ago it was my opinion that it might be well for us to have another gas company in the city of Washington. I joined in that view with my distinguished friend the senior Senator from Tennessee [Mr. HARRIS] and one or two other members of the committee; but evidence has been furnished to us which has entirely changed my mind on that question. I have gone over this matter of competition in furnishing gas in all the different cities, and I find that competition does not last very long. In the city of Baltimore, I think, they have had six gas companies, and possibly more, but the plants are all controlled to-day, as I am informed, by a single company. That has been the fate of rival gas companies all over our country. When this matter was before the committee I called attention to the fact that in the city of Boston there were two large and powerful gas companies doing business in that city and that they had actual competition. One of those companies was the Bay State Gas Company. I shall not undertake to say what the capital of that company was, because it is notorious that more than one-half of it was water, and nothing else, but I think it was in the neighborhood of $20,000,000.

It is a company that has been manipulated by a gentleman well known to Delaware politics. The other company was the Brookline Gas Company, with a capital of $4,000,000. As before said, I think the Bay State Gas Company had a capital of something like $20,000,000; and those companies were competing in the manufacture and sale of gas. I quoted that before the committee as one illustration where actual competition existed in this country in the manufacture and sale of gas; but, lo and behold, a few days ago the newspapers brought us the intelligence that the Brookline Gas Company, with a capital of $4,000,000, had absorbed the Bay State Gas Company, with a capital of $20,000,000, or thereabouts, and there is only one gas company in the city of Boston to-day, and the people will have to pay tribute to that enormous and fictitious capitalization.

Mr. President, I had intended to say a word in this connection in answer to the suggestion of the Senator from South Dakota that there were undue influences about the Capitol in this matter of legislation as to gas. I have been here longer than the Senator from South Dakota, and for some reason or other, very likely because I have not been of sufficient consequence to be approached, I have not been troubled by lobbyists upon any question that has been before either House of Congress. The Senator from South Dakota was, according to his own testimony, once troubled by a lobbyist, and the Senator proved himself to be an honorable and a virtuous man, and I am sure he will accord to every other Senator, whether he be Democrat, Republican, or Populist, equal virtue with himself.

Beyond a doubt the Washington Gas Light Company made very large profits years ago; beyond a doubt the Washington Gas Light Company made enormous profits some years ago. It ought then and there to have been regulated by the Congress of the United States, but the fact is that this company, under the absolute control of Congress, has gone along year by year regulated as Congress chose to regulate it so far as its charges were concerned, until to-day the stock of the company is almost entirely owned by men, women, and children who had no connection whatever with it in the years when it made these enormous profits.

Now, does the Congress of the United States propose, Mr. President, to take by the throat these innocent holders of stock, who have paid a very high price for every share that they hold, and by arbitrary legislation confiscate or destroy the investment they have made, simply because those who owned that stock twenty-five, thirty, or forty years ago made enormous profits on the investments they had made in this gas plant? I do not believe that Congress will do anything of the kind. I believe that Congress will deal justly with the people who hold the stock to-day, and that they will not be swayed by prejudice or other considerations which are not fair and just to the people who have invested their money in good faith in this corporation, believing, as they had a right to believe, that they would receive fair play at the hands of the Congress of the United States.

Mr. President, the Senator from South Dakota complained that Mr. Sands, who was the attorney of a new gaslight company that was seeking to become incorporated in the District of Columbia, had not been fairly heard before the committee. I know Mr. Sands well; I have listened to him for a great many hours, and he always talks intelligently. I listened to Mr. Sands in the last Congress; I listened to Mr. Sands for many hours in the present Congress. Mr. Sands is paid for his services. He represents outside capital that, very likely, properly sought an opportunity to come into the District of Columbia and establish a gaslight company in competition with and in opposition to the existing plant.

I noticed that the letters the Senator from South Dakota had read on Saturday, the correspondence between Mr. Sands and the

chairman of the District Committee, the Senator from Michigan [Mr. McMILLAN], were dated some time in February last. I think I do not mistake the date when I say that those letters were written in February last.

Mr. KYLE. In February and March.

Mr. GALLINGER. February and March. I am sure, Mr. President, that if the Senator from Michigan were here to-day he could give an explanation that would be even more satisfactory than the one I shall attempt to give in his behalf concerning this matter.

It struck me on Saturday last when that correspondence was read that it was a very remarkable thing for an attorney who by courtesy is permitted to appear before a committee of the Congress to place in the hands of any Senator the correspondence between himself and the chairman of the committee to be read to the Senate in the absence of the chairman. It may be that there is nothing in that that is either discourteous or improper, but it impressed me that it was both discourteous and improper. But, however that may be, that correspondence took place largely, if not wholly, in February last. Now, I turn to this book, and I find that on March 5, 1896, Mr. Sands was heard before the committee. The chairman had taken the trouble to summon the full committee during the hours when the Senate was in session, which is always a great inconvenience to Senators; it certainly is always a great inconvenience to me to attend a committee meeting when the Senate is in session.

Mr. KYLE. Will the Senator allow me a moment just there?

Mr. GALLINGER. With pleasure.

Mr. KYLE. I do not think there will be any point of difference between us on that when we have an understanding in regard to it.

Mr. GALLINGER. I will endeavor to make the explanation, and if I do not make it satisfactorily, the Senator can supplement it.

Mr. KYLE. Mr. Sands had placed witnesses upon the stand and had examined them before the committee; he had answered a great many questions put to him by members of the committee, as well as by the chairman, and, as a lawyer always does before a jury, he wished the privilege of a half hour at another time to sum up the evidence, to show the fallacies of his opponents, and to set forth his own argument. That is what he wished, and he was denied a final summing up of the hearings. He does not contend that he was denied a hearing.

Mr. GALLINGER. Very likely there will not be any difference between us when I get through. If there is, I will let the Senator supplement it in his own words.

On the 5th day of March, Senator McMILLAN summoned the committee to the committee room of the Committee on the District of Columbia, and there were present Senators McMILLAN, GALLINGER, HANSBROUGH, PRITCHARD, BAKER, HARRIS, FAULKNER, GIBSON, and MARTIN. Mr. Sands was heard. The first 33 pages of this book containing the hearings show what Mr. Sands and the witnesses he brought with him had to say to the committee. We gave him a very full hearing. We then heard very briefly a representative of the Washington Gas Light Company, a representative of the Georgetown company, and two experts, Mr. Love and Mr. White, of New York. When that hearing closed Mr. Sands made the request that he should be permitted to appear before the committee and make a final argument, as he said, in favor of his company. He was not promised such a hearing, and very shortly after that the committee by consent, without a dissenting voice, came to the conclusion that they would not charter this company, and for that reason it was unnecessary and it would have been foolish under these circumstances to have had Mr. Sands waste his valuable time and the money of the men for whom he was working in making an argument before the committee, and it was declined. That is the story of that.

Mr. President, we are hearing a great deal at the present time about making gas more cheaply. My judgment is if there is and process that will improve the manufacture of gas known to the human mind, that the men who are now engaged in the business, having tens and hundreds of millions of dollars invested in gas plants over this country, will be the first ones to get possession of it. I do not think it will be floating around the country in the brains or the minds or the imaginations of a few men who want to tear up the streets of Washington to establish a new gaslight company that would not exist, in my judgment, as an independent organization for twelve months; that very likely would never be installed at all, because the old company would purchase it before the new company commenced operations. But we have some testimony on that point. Mr. Sands was here in advocacy of a company that proposed to manufacture gas by the Rose-Hastings process, which he claimed was a much cheaper process than was known to any other body of men, and he called attention to the fact that the chief existing plant working under the Rose-Hastings process was the Westchester Gas Company, of New York; and he claimed that they were making gas very much more cheaply than it was being made here in Washington or in any other city by the well-known and well-recognized processes that are used in the manufacture of this article. The committee called Mr. Worrall, the president of the Westchester Gas Company, and had some testimony from him. I asked Mr. Worrall this question:

Senator GALLINGER. What do you get for your gas?

Mr. WORRALL. We get $1.50 for gas for lighting, and $1 for gas for fuel, averaging $1.25.

When the question of furnishing gas in holders came up, Mr. Worrall testified that it cost them to put the gas in the holder 41 cents for a thousand cubic feet; and yet the Senator from South Dakota insists that it can be done for 30 cents or less per thousand cubic feet. The result of that inquiry was that Mr. Worrall gave it as his deliberate conviction that it cost more to manufacture gas by the Rose-Hastings process than it cost to manufacture gas by the process that is in use by the Washington Gas Light Company; and upon the testimony of Mr. Worrall, the president of the Westchester Gas Light Company, the committee took adverse action upon that proposition, and did so upon his testimony alone.

The Washington Gas Light Company may be a very bad corporation; I am not quite sure as to whether it is as good as it ought to be; my judgment is that it is not half so bad as it is painted to be. But however this may be, the records show that the Washington Gas Light Company has made a great many reductions in the price of gas. I turn to the record and I find that on January 1, 1867, gas was being furnished to the citizens of Washington at $4 per thousand, less 7½ per cent; net, $3.70. They made a reduction in July of that same year to $4 per thousand, less 12½ per cent; net, $3.50. July 1, 1868, they reduced the price to $4 per thousand, less 15 per cent, or $3.40 net. August 1, 1872, they reduced the price to $3.75, less 20 per cent; net, $3. May 1, 1876, they reduced the price to $2.50, less 25 cents; net, $2.25; and they reduced the cost for street lamps to $36.70. January 1, 1880, they reduced the price to $2.25, less 25 cents; net, $2; and the price for street lamps was reduced to $28.70. On July 1, 1881, the price for street lamps was reduced to $25. January 1, 1882, they reduced the price to $2, less 25 cents; net, $1.75. July 1, 1883, they reduced the price to $1.75, less 25 cents; net, $1.50; and the price for street lamps was reduced to $22. October 1, 1886, the price was reduced to $1.50, less 25 cents; net, $1.25; and November 1, 1893, the price was reduced to $1.25.

It is a matter of record, Mr. President, that almost every one of those reductions were voluntary reductions, only two of them having been made by virtue of legislation by the Congress.

Concerning the cost of gas I am not so well informed, possibly, as some other men; but, as I have said before, Washington is being furnished its gas at a very much cheaper average than it is being furnished to the people of the great cities of the country.

I turn to a table here of the Dominion of Canada, and I find that in the Dominion of Canada the highest price per thousand for gas is $3, and the lowest price in any city of that Dominion is $1.20. There is not a single city in the Dominion of Canada that furnishes gas to-day for less price than $1.20 per thousand feet; and we propose to give it to the people of Washington for $1.15, with a gradual reduction in five years to a dollar, and we are found fault with because, as it is charged, we are legislating in the interests of a monopoly and against the best interests of the people of the District of Columbia!

Mr. President, there are very many other things to which, if I had time, I would call the attention of the Senate in connection with this subject. It is an important matter. The people of the District of Columbia have a right to get their gas as cheaply as it can be furnished. I suppose it is the duty of Senators coming from their sovereign States to give all the time they can spare to the consideration of these questions which affect not their own constituents but the citizens of this great District. I am willing to give my time very graciously and very freely; but after I have given my time, after I have listened to all the testimony that can be offered before our committee, and have reached a conclusion in which every member of the committee joins, I have a right to ask that those findings shall have some weight in the determination of the question that is now under consideration.

As regards dividends, I am not quite sure what the average rate of dividends would be if we should go back to the formation of the company and figure them to the present time. I apprehend it would be large. I know, as I before stated, that in the early years of the existence of this corporation they did make enormous profits; but I know also, as I have already said, that that stock has almost entirely changed hands. It is to-day largely in the hands of small owners. It is in the hands of people of moderate means. They paid the market price for the stock when they bought it, which was largely above par, and they have a right to ask of Congress that their property shall not be confiscated or their investments destroyed, but that in the regulation of this matter their interests, as well as the interests of the people of the District, shall be taken into careful consideration.

It is estimated, and it has been stated to the committee over and

over again, that under the pending bill the Washington Gas Light Company will be fortunate if next year it can pay a dividend of 10 per cent upon its capital stock. But I wish to call the attention especially of the Senator from Mississippi [Mr. GEORGE] who is honoring me with his attention, because I presume he will make a reply, to the fact——

Mr. GEORGE. And because I want to learn.

Mr. GALLINGER. I thank the Senator, and I wish to call the attention of the distinguished and always just Senator from Mississippi to the fact that 10 per cent upon the capital stock of the Washington Gas Light Company is 10 per cent upon $2,000,000, while it is before the committee in testimony that has never been refuted or undertaken to be refuted that the company has $4,000,000 invested in the plant to-day. So if it makes 10 per cent dividend next year under the provision of this bill on the capital stock, it will be making but 5 per cent on the actual investment that has been made in the property of that great corporation.

Mr. President, I am always willing to stand for the rights and the interests of the people of the United States, and especially of those of this great capital of the nation, of which we are all so proud, but I am not willing to-day, nor will I be willing at any time, to cast my vote simply because there is clamor outside, whether it be newspaper clamor or the clamor of unthinking men in favor of a measure that will to any extent rob the men who have invested in good faith their hard-earned savings in the stock of any corporation. I will not do that simply because we are told that if we do not we will be regarded as the friends of monopoly and aggregated capital rather than of the interests of the plain people of the United States.

Mr. President, I have given very careful attention to this matter. I am not a gas expert, and do not pretend to know much beyond what I have learned in the committee room on the subject, but I have come to the deliberate, the honest, the conscientious conviction that the bill which the Committee on the District of Columbia has reported and which it asks the Senate to pass to-day is a bill that will do equal and exact justice to every interest involved in this controversy, to the people of the District, and at the same time to the men, women, and children who have invested their money in the stock of this corporation. Believing this, I urge the passage of the amended bill.

Mr. GEORGE. Mr. President, I am impressed that nothing can be said at this time which will change the result of the vote of the Senate upon this proposition. The Senate have shown by their unmistakable conduct during the debate so far, when very interesting and able speeches have been made on both sides of the question, that they are disposed to leave this matter of local detail to the committee which has it in charge. The committee has been very well described by the Senator from New Hampshire [Mr. GALLINGER] as being an able and conscientious committee and entitled to the respect of the Senate. In all he said about the committee, with one exception, I fully agree, and that is when he excepted himself from the very just praise which he gave to the other members of the committee. I think he is entitled to it as much as any of the rest.

My attention was called to this matter of very serious public interest to the people of the District several days ago by one of the citizens who has an interest and feels an interest in the proper settlement of the question. Since that time I have given somewhat of careful consideration to the matter now before the Senate, and while I agree, as I have just stated, with what the Senator from New Hampshire said is the weight entitled to be given to the Committee on the District of Columbia, I must also call the attention of the Senate to the fact that the present committee, able and distinguished as it is, is not the only committee of Congress, or of this body, which has given careful consideration to the subject.

As early as 1886 a committee of this body, the Committee on the District of Columbia, which so far as I know was equally as able, equally as distinguished as the present committee, gave this matter very full consideration. Mr. Spooner of Wisconsin was chairman of the committee; and that committee made a report reaching the conclusion that the House committee and the House itself reached in the bill now before the Senate, that $1 per thousand cubic feet was a fair and a just price to be charged by this company to the citizens who use gas. That committee was unanimous. There was no dissent. But, as usually happens when we undertake to destroy an abuse, especially an abuse which is fostered by a rich corporation, the report of the committee came to naught. Afterwards a committee of the House of Representatives, of which Mr. Heard of Missouri was chairman, also gave the matter very careful consideration and unanimously came to the conclusion that $1 per thousand cubic feet was a fair price to be charged. Then afterwards the Committee on the District of Columbia of this body gave it further consideration, and very full consideration. Mr. Hunton, then a Senator from Virginia, made the report. That committee was not unanimous. A majority of the committee, for very singular reasons, and reasons which ought not to have weight in this body, reached the conclusion that $1 per thousand cubic feet was an insufficient charge. If I can turn my eye to the report of that committee and to the place I have marked, I will read to the Senate the reasoning upon which the committee proceeded, and which I think the Senate will perceive at once ought not to control the deliberation of this body. Says the report:

Looking to the future development of this Federal city——

Mr. HARRIS. Does the Senator from Mississippi read from the Hunton report?

Mr. GEORGE. Yes, sir; from the Hunton report, page 7:

Looking to the future development of this Federal city and the reasonable demands of the public, is it not the true policy to allow a price for gas which will meet operating expenses, a reasonable dividend, not on the value of the plant, but on the $2,000,000 of capital stock, and a fund—

That is what I desire to call the attention of the Senate to—

equal to the average charge of $96,500 for expenses attending—

Not for expenses for operating the plant—I want to call the attention of the Senate to that—but—

attending the extension of its works, rather than to increase the capital stock or the bonded indebtedness of this company.

The basis upon which the majority of the committee decided that there should not be a reduction in the price of gas was that the company should have the reasonable opportunity of increasing the value of their plant over and above fair and reasonable dividends to the amount of $96,000 a year. So when I call the attention of the Senate to that, they will see that the committee acted upon an improper basis, because as the value of the plant is extended so also is the increase in the proceeds of the plant, and that is manifestly capital to be furnished by the stockholders and not to be charged to the people of the District.

That committee, as I said, was not unanimous. I find attached to it a dissenting report with the names of John Martin, of Kansas, not now a member of this body; Mr. HANSBROUGH, now a member of this body, and Mr. GALLINGER, who just addressed the Senate upon the subject. It is a very elaborate report. They resisted the conclusion to which a majority of the committee came and insisted that $1 per 1,000 feet was the proper price to be charged for gas. I will read a short extract from the minority report.

Mr. KYLE. Will the Senator from Mississippi pardon me? May I ask what the report is?

Mr. GEORGE. It is the Hunton report.

Mr. KYLE. A minority report?

Mr. GEORGE. A minority report.

Mr. KYLE. Did the Senator from New Hampshire [Mr. GALLINGER] argue for dollar gas there?

Mr. GEORGE. That is the way I understand it.

The enormous profits—

Says the minority of the committee—

which it is reaping from day to day as a result of this monopoly lead to the inevitable conclusion that it is the duty of Congress to give its affairs careful scrutiny. It is contended that it would be useless for the committee to extend its investigation to a period in the history of this corporation when its management was the subject of general remark and bordered on the scandalous, and when its earnings were so great as to suggest the existence of oppressive charges.

When we come now to authorities, I want the Senate to understand that we had a unanimous committee of this body in favor of dollar gas in 1886. We had a committee, the Hunton committee, in 1895, a majority opposed to dollar gas upon the grounds that I have just read to the Senate, and we have the report of three eminent members of that committee dissenting entirely from the views of the majority. We have two unanimous reports from the committee of the House of Representatives, who, after careful investigation, as they say, reached the same conclusion that the Spooner committee reached in 1886. Therefore, upon the question of authority, if we do not weigh the members, if we merely count them—which I reckon is the proper way to do in a legislative body—we have about three to one in favor of the proposition that the price of gas in this city should be fixed at $1 per thousand feet.

Mr. President, a very short retrospect of the operations of this company, which were somewhat alluded to in the report of the minority of the District of Columbia Committee, will not be out of place. The company was chartered in 1848 with a capital of $50,000. It has been increased from time to time until now it is $2,000,000. I desire to call the attention of the Senate to the fact that of the $2,000,000, which is the only money ever paid by the stockholders of the company, or is said to be, it is admitted by the majority in the Hunton report that only about $1,490,000 was ever paid by the stockholders. Call it a million and a half, as it is very near that. The Spooner committee say: "We are unable to ascertain how much money has been paid by the stockholders," for a

very sufficient reason, as detailed by that committee. I will read it to the Senate, so that the Senate may understand exactly what we are dealing with here. The committee of which Mr. Spooner was chairman undertook to find out all about the operations of this company from the very beginning.

It has been stated—

Say the committee—

heretofore in reports to Congress that the first $500,000 of capital was paid in in cash, and this was stated by the present officers of the company at the outset of the investigation to be true, and it may be true, but upon examination of them it was developed that their information is based upon inference and hearsay.

A very singular statement to be made by officers of a company which, though private in its ownership, is public in its use. They could not tell how much money had ever been put into the treasury of the company by the stockholders, and here is the reason for it:

The professed inability of the company to furnish this information finds explanation in a fact most extraordinary—

As everybody will see—

and almost unprecedented in the history of corporate management. On the —— day of ——, 1883, the board of directors of this company passed the following resolution or order—

A very extraordinary order—

"*Ordered*, That the secretary be directed to destroy or dispose of such books and papers as are no longer of use to the company."

"As are no longer of use to the company." So the president, Mr. Bartol, under that authority sold to a paper maker in the city of Philadelphia all the books of the company up to 1866, at which date an addition of five or six hundred thousand dollars was made to the capital stock of the company. Therefore there is not now the slightest record in that company among the papers or its books of the transactions of the company from 1848 up to 1866.

I said the other day in a short colloquy I had here that the manifest purpose of that was to destroy the evidence of the transactions of the company. Here is what the committee say:

The only explanation which is offered of the sale of these books is that some of them were moldy and damp, and some of them had been somewhat irregularly kept.

It is a very remarkable fact that a great corporation, a corporation whose use is public, responsible to the public for the way in which it transacts its business, should allow its books to get into the condition where they can be moldy or damp. I must suggest as my opinion upon the subject that they could not have got in that condition except with the same intent that was afterwards manifested when they sold them—they wanted to get rid of them.

It is a significant fact—

Says the committee—

that the destruction of these books blotted out from the public and from investigation the detailed transactions of this corporation up to the time in 1866 when the company distributed among its then stockholders, as representing corporate earnings theretofore put into an extension of the plant, $500,000 of stock, making all together $1,000,000 of capitalization.

The committee say—and I will read it, and that is all I will read on the subject:

Just what purpose was to be subserved it is probably unprofitable even to conjecture. The maxim of the law, "In odium spoliatoris omnia præsumuntur," is perhaps fairly applicable to the case. One thing is certain; the $500,000 of capital distributed in 1866 was not paid for by the stockholders who received it, except, perhaps, by the investment of money received by the company in the preceding years.

Thus, when we come to investigate this company, which is but the servant of Congress, an agency employed by Congress for the purpose of furnishing to the people of the District illuminating gas, we are met at the very first step with the startling, extraordinary, and scandalous fact that the company just preceding the issuance of $500,000 worth of stock in 1866 destroyed its books, so that everything prior to 1866 which can now be brought out by an investigating committee rests on inference and on inference alone. That is the institution with which we are dealing to-day. It has paid, according to the majority of the Hunton committee, not the dissenting members, a little less than one million and a half for its stock of two million dollars, and the remainder of this immense plant now held up before us as a matter to be protected comes from what the reports say and what the Senators when this case was under discussion in this body a few days ago said were the enormous profits of this corporation.

Mr. KYLE. The Senator states that it is worth about $4,000,000.

Mr. GEORGE. They claim that. So we find, according to the statements of these committees on both sides, that not only have the dividends been enormous, such as to suggest scandalous management, but also in addition to that this great plant has been secured. That is the situation before us.

I am not going to discuss how much it costs to manufacture gas or how much it costs to distribute the gas. I have before me a document, and I wish every member of the Senate who is going to vote upon this question would read the document, which settles beyond controversy, beyond doubt, that the passage of the bill as it came from the House is not only just and right, but that it is absolutely demanded of the Senate.

The committee of the House, of which Mr. BABCOCK was chairman, which investigated this matter, made a report March 7, 1896, and as a result of that report a bill was passed which fixed the price of gas in the future in the District, to commence at once, at $1 per thousand feet. The committee of the Senate, and I want the Senate to bear this in mind, dissent from that conclusion only to this extent: They do not say that $1 a thousand feet is too little, but they say and affirm that it is sufficient, only that it shall not go into effect for five years. So the committee of the Senate, upon whose work we are now deliberating, have asserted to the Senate in the most solemn manner that $1 per thousand cubic feet for gas is a proper and reasonable charge if only we allow the company to charge a little more than that up to the year 1901. The committee, and I desire to call the attention of the Senate to the fact, give us no reason, they give us no fact, upon which we can act which shows that $1 per thousand feet will be a reasonable charge five years from now and not a reasonable charge now. They ought to have explained to us why a reduction of 10 cents a thousand immediately is right and not too high and then 15 cents and so on up for the five years until you get down to a dollar, if the company can not, as the company claims it can not, make gas at a price which will enable them to sell it at $1 a thousand feet.

What is to happen in the next five years—the committee have not told us—which will make the manufacture of gas in this city cheaper than it is to-day? Not a word is said upon that subject. We hear a great deal about the extra cost of coal in the city of Washington to-day above that of other cities, and no suggestion is made that in five years coal will be cheaper than it is now.

By the way, I think I am authorized to state what was said here in public debate a few days ago, that, although this report on its face is the unanimous report of the committee, there were dissenters in the committee who acceded to it as a mere matter of compromise. Now I go to this paper and I call the especial attention of Senators who take any interest in the matter to it. It is headed as follows: "Statement of the Washington Gas Light Company in response to inquiry of the Hon. J. W. BABCOCK, chairman of the Committee on the District of Columbia, February 3, 1895," and it shows the disbursements and receipts for the year 1895. That is the last year of its operations. I have made an analysis of the report and it shows the figures of the company itself, the statement made by the company through its officers to the chairman of the Committee on the District of Columbia in the other House. If Senators will take this paper and analyze it for themselves they will see not only that the reduction to $1 is just and proper but that it ought to be reduced more.

This account shows that at the commencement of the year 1895 there was $58,166 of cash on hand in the company's treasury. They started operations on the 1st day of January, 1895, with $58,166 in the treasury. The balance on hand at the end of the year was $89,922.38, showing a cash gain during the year of $31,755, or over 1½ per cent on the capital stock of the company reserved as a cash fund at the end of the year, not only reserved as a cash fund, but surplus or excess reserved over that which they had in the beginning of the year. The company sold bonds during the year to the amount of $368,663. They made permanent extensions, and excluding the two items of $36,059 for repair of plants and $26,130 for street lamps, items which are not brought out at all in the calculation which I make hereafter for extension—that is, for making more plant, extending their works, extending their business, extending the capital upon which they propose to do business for the future, they spent $198,305.86. This expenditure of $198,305.86 was less than the bond sales. They sold, remember, $368,000. It was less than the bond sales by $170,357.89. So let the Senate understand that when they paid for these extensions and when they put the sales of the bonds in the treasury they had in the treasury from the sales of bonds $170,357.89, which went to their general fund.

The next thing they did, as shown by this report, was the payment of $600,000 of dividends for the year 1895, or 30 per cent upon the capital stock of the company. That is not way back in the past, when the books were destroyed; it is not way back in the past, when it is supposed that the management of this company was scandalous and when they made enormous profits; but right here in our last fiscal year, the last year of the operations of this company. The $600,000 was not all profit, because I have just stated to the Senate (and I want to be exactly fair with this company) that $170,357.89 remained in the treasury of the company out of the proceeds of the sales of the bonds after they had paid for the permanent extensions. So I deduct that amount. They

paid dividends to the amount of $600,000, all profit, except the $170,357.89, leaving for full profit $429,642.91. That is, just on that transaction.

Then, Mr. President, I go back. The cash was increased $31,-755.85 during the year; that is, they started out with $58,000 and concluded with $89,000. So I add that to the profit of $429,000, making the total profits, after paying all repairs, and so forth—$62,-189.45—to which I called the attention of the Senate some time ago, $461,398.76. Now, that is not gross profit; that is net profit which this company made in the year 1895. This was the actual profits made by the company, as extensions—enlargements of the plant—were profits in every sense. The profit, counting the extension as a part of the profits, was a little over 22 per cent; a long way from the 10 per cent which the Senator from New Hampshire said was a reasonable profit.

Now I want to make this so plain that nobody can misunderstand me. I will go now upon the basis suggested by the Hunton committee, that we ought to leave the extensions as a part of the fund of the company and not treat them as profits. We will see how it stands then. If we take out the permanent extensions—$198,135—we have $263,000 as profits, 18 per cent in money, and $198,000 not divided, which was expended in the extension of the plant.

But here, Mr. President, I think I ought to call the attention of the Senate to one item of this $198,000, which I have in this last calculation given them. One hundred thousand dollars of the $198,000 was for a mole and a wharf bought of the canal company and was no part of the gas-extension plant. Taking out that $100,000 we have $363,093.90 as profit, or about 18 per cent on the capital, after allowing them for all they had paid out in extending the plant. That is an analysis of their report for the year 1895, with gas at a dollar and a quarter. It shows a profit of 18 per cent after allowing them $98,000 for extending their gas mains in the suburbs of the city and other places.

Mr. KYLE. For the year 1895?

Mr. GEORGE. For 1895, the last year.

Mr. KYLE. I think it is recorded that they declared that year 10 per cent first and then 20 per cent after that, making 30 per cent.

Mr. GEORGE. I have stated that they declared 30 per cent, but I also showed that a part of that was from the sale of bonds. I want to bring that out so as to be fair and right and just. Now, these are the fact: A profit of 18 per cent on the capital stock made during the year 1895, after allowing them for every dollar paid out in repairs, buying new street lamps, and allowing them $98,000 for an extension of that plant. I do not want to comment upon these facts. I have put them in the RECORD, so that the public may know upon what basis we are acting when we vote upon this measure.

Now, one more remark rather in application of what I have before said on one point, and then I will have said all I desire to say. The House committee and the House of Representatives came to the conclusion that $1 was a fair price. Any man who will pay attention to the figures which I have put before the Senate will agree that it was not only fair, but that it was a very liberal price. Now the Senate committee come in and do what? I repeat now what I said before. They bring the price down to a dollar and take five years to do it in, by gradual descent. No man has explained, and no man can explain, I suppose, on business principles, or else he would have done so, why they make that reduction. How can they predict that if the company can not make money at a dollar a thousand cubic feet of gas in 1896 they can make money at that price in 1901? I do not know whether the Senator from New Hampshire said that the committee had fixed any sum or not, but he at least stated as his own figures that 8 or 10 per cent upon the capital was fair remuneration for the company. I have shown that they made last year 22 per cent, not counting as profits, which ought to be counted, the $98,000 which they spent in extending their plant. I have shown that they made and handed over to their stockholders 18 per cent after taking out of the earnings of the company every cent that they had paid for betterments of every kind whatever and for extensions.

With that statement, Mr. President, I submit the case, so far as I am concerned, to the Senate, being absolutely certain that the figures which I have presented to the Senate are correct and can not be overturned unless you overturn the statement made by the company itself.

Mr. FAULKNER. Mr. President, I crave the indulgence of the Senate for a short time to reply to some of the suggestions made by the distinguished Senator from Mississippi [Mr. GEORGE]. I will state that I act in this capacity more for the reason that the bill having been in charge of the chairman of the Committee on the District of Columbia, who was necessarily called away to his State, he insisted that if there was an opportunity of getting it up I should take charge of it and urge its passage, as he feels great pride in the passage of the bill and the settlement of this gas question which has been before Congress for the last eight or nine years; in fact, for a longer period.

I wish to be very brief, and therefore I will reply to the suggestions made by the Senator from South Dakota [Mr. KYLE] and the Senator from Mississippi [Mr. GEORGE] in a practical way, I hope, so that the Senate will see exactly the question before it. The Committee on the District of Columbia have no interest whatever in this matter, except to reach a fair and equitable conclusion.

Mr. GEORGE. Nobody claims that they have.

Mr. FAULKNER. Of course not. They stand as impartial judges between two great interests. On the one side stand the consumers, who are anxious to reduce the price of gas, of course, as low as possible. It is the natural inclination of the human mind and the human heart to get the best bargain possible in any dealings. On the other side stand the gas company, who are as anxious to get as good a price for their gas as the conditions will permit and the authority of Congress will allow.

We have, therefore, to examine the interest of both of these parties impartially, sift their evidence, and examine into the earnings of the company to ascertain what would be equitable and just on the part of Congress in regulating this subject. There is no question that Congress has an absolute and exclusive right to regulate the price of gas in the District of Columbia. We entered into this investigation with a spirit and determination to do what we believe to be just between the two contending interests.

It may be proper and right, in order that the Senate shall have all the views the committee had before them, to allude to the new company that sought legislation from Congress by presenting a bill and asking the incorporation of that company to furnish gas both for fuel and lighting purposes in the District of Columbia, guaranteeing to do it at the sum of 75 cents per thousand cubic feet. That question was investigated most thoroughly and exhaustively. Opportunity was given to everyone to present all the facts bearing upon the subject, and when the examination was concluded, although the committee started out with a division of 6 to 7 or 7 to 6 in favor of the proposition, when it came to a test vote I do not think there was a single member of the committee who, under his responsibility as a Senator, acting as a common alderman of this city, was willing to cast his vote for the chartering of that company. Why, sir? Not because the committee did not want 75-cent gas for the citizens of the District, but simply because the evidence demonstrated beyond all question that the proposition made was impossible of execution. As stated by a distinguished expert who was before the committee, "Gentlemen, show me any man who has an invention that will reduce the cost of gas 5 cents on the thousand and I will pledge you my word within twenty-four hours to assemble all the capital that is necessary to purchase the patent right of the process." He said further: "There is not a single gas company now in operation in this country that would not be crowding at the doors of such a company to secure the right and the privilege of its patent in the manufacture of gas."

There are engaged in the gas business some of the ablest and most distinguished scientists in this country. They are working every day trying for some improvement in order to reduce the price of gas. They realize that there is a new and great light coming in as a competitor to gas, and which forces them to a realization that they must furnish gas at the very lowest figure possible. I allude to electricity, which is the great competitor to-day of gas. Its processes are being improved and its cost of production is being rapidly reduced, and gas has to meet that competition in every city and town in the country. Consequently they are experimenting at all times in all these works for improvements that will reduce the cost of gas. But up to this time they have been able to discover nothing better than the processes used by the Washington Gas Light Company.

We made a full examination of that subject. As the Senator from South Dakota said, Washington, being the capital city of the nation, has a right to the most perfect plant that can be established. It should be devised and planned upon the most scientific principles that will yield the greatest result from the amount of money involved for the cost of material used. It was the unanimous sentiment of every expert before us, uncontradicted by anyone, that the Washington Gas Light Company, in its new plant, was unsurpassed by any plant in the United States. The gentleman at the head of this company, who is known to almost every Senator, Hon. John R. McLean, has given them carte blanche to adopt every improvement and the latest scientific results secured at any other place, that he may improve the quality of the gas and produce the best results at the lowest cost. The experts gave it as their unanimous opinion that this plant was equal to any plant in the United States.

As to the question of candlepower, Senators who have not been engaged in the examination of these questions can not understand

all the details involved in this question as we who are members of the committee have necessarily acquired them by reason of the position in which we have been placed. Washington has suffered—yes, I say, has suffered—in the estimation not only of its own citizens but in that of the people of the country from the existence of a law which provides that gas of 16 candlepower shall be furnished by the gas company. Sixteen candlepower tested by what? By the argand burner of 15 holes. What is that burner? Where did it originate? It originated in England in 1823; it was called the English Parliamentary burner and has been discarded by England and it is discarded by every city in the world at this date; and yet here is the capital of this great Republic using as a test that which the whole civilized world has come to regard, as one expert said, "a mere antique." They have adopted the new Parliamentary Argand burner in England of 20 holes for low-candlepower gas. What is English gas? It is gas of 16, 17, 18, and 19 candlepower as a rule, but it is provided in England that wherever the candlepower exceeds 20 it shall be tested by the flat burner, the use of which is proposed by this bill. The burner described in this bill to test the candlepower of gas in Washington is the burner recognized by all commercial cities and towns where such tests are made.

I want to say further, Mr. President, that it has been conclusively demonstrated before the committee that the test of the quality and candlepower of gas in this city is superior to that of any other city in the Union, except the city of New York. Under the law here a Federal official is appointed by the President and confirmed by the Senate, who tests the gas supplied to this city every twenty-four hours, with heavy penalties upon the company for a failure to comply with the law. He tests it, of course, by the 15-hole Argand burner, and for the last five or six years it has fallen below the 16 candlepower only on three tests. The ordinary range or test in this city by the old English parliamentary burner has been from 16 to 18 and 19, but generally about 17 candlepower, which would give by the flat-flame burner about 22 candlepower.

As a committee we determined that we must discard this old antique piece of brass and select a burner by which the light can be tested not only in the office of the inspector but in every man's house; we must adopt the same burner by which to test gas as the one which the people themselves use in their private consumption. Then, if any consumer complains of the candlepower of the gas furnished you can say to him: "Have your light tested through the same burner as that used by the inspector in his official tests." We therefore adopted the Bray slit Union burner, No. 7, the flat-flame burner, for the reason that those burners can be purchased for 50 cents a dozen, a price at which every man can procure that burner for his own house and test the question of whether the candlepower of the gas furnished him is equal to that which the law requires.

We then determined what should be the highest candlepower that the people of this District should have, in order to give them a candlepower which would equal the candlepower in any other city in this Union for the purposes of light.

What do all the experts concur in? They unanimously concur in the proposition that 24 candlepower is the best practical candlepower that can be used in this city. They say if you put it at 24 the company will be bound to make the gas equal to about 25 candlepower in order to maintain the 24. They declare that the consumer, in fact, gets 25 candlepower, because there are heavy penalties when the test shows that the company has failed to reach what the law requires; and so 25 candlepower will be secured. The light from that will not smoke, but if you make it higher than that you have to put more of the oils into its manufacture, and the result will be a smoking gas instead of a clear gas. Consequently the experts all concur in the opinion that this candlepower is the best. We therefore changed the House bill from 22 to 24 candlepower.

Mr. MILLS. Is there any certain test about the quantity of gas that is used?

Mr. FAULKNER. We provide that the company shall not put any meter in any consumer's house until it has been tested by the Government inspector and he has sealed it, which insures to the consumer that it is a true and accurate meter. That was for the protection of the people. We have looked in every way that was possible to the interests of the consumer.

Let me observe here, Mr. President, that there are many causes for bad gas of which we hear complaint in this city which do not obtain in a great many other cities. You must remember that in this city, and nowhere else in the United States, has the gas company the slightest control over the American citizen when building a house as to its proper piping. The result is that we find in many houses in this city extremely bad gas, for the reason that the pipes are too small for the amount of gas necessary to properly light the house. There are old pipes, which I myself have seen, as a member of the District Committee, taken out so filled with rust that the aperture through which the gas must pass was not much larger than a darning needle.

Then we find the tips that are used here are inferior in many instances. As an illustration, one of the experts, when he arrived here, called upon a lady, and she said to him: "I am very glad you have come, as we have miserable gas in the District, and I want you to remedy it as far as you can." He said he examined the burners and found them very defective. When he went down town that evening he bought a set of burners and sent a man up to the house of this lady, and had them put on just to see what would be the effect. He said on the next visit he made to the house she said, "You have improved our gas very much; it is now simply perfect"; and it was merely because proper burners had been put on her gas fixtures. It was for no other reason, as nothing else had been done in the case.

The chairman of the committee, Senator MCMILLAN, called attention in the examination, which the Senator from Mississippi and the Senator from South Dakota I dare say have read, to the fact that in the rear portion of his house he could not get good illumination. The experts said, "It must be the fault of your pipes." The chairman then said, "Send a man there to correct it." A man was sent and he corrected the piping, and then the gas was again turned on. It was just as fine then in the rear part of the house as in the front part. It was found that the pipes had filled up with rust and the aperture had become too small for the gas to pass through. The pipes were too small for a house of that size in the first instance. These complaints will come. It is really absurd that we should be required to argue and bring in all these details here in order to convince the Senate that this question has been honestly and elaborately examined in detail by the committee who have now for the first time in eight years reached a unanimous conclusion in support of a measure.

Mr. KYLE. I ask for information; is there any provision to prevent an insufficient flow of gas by cleaning out the pipes?

Mr. FAULKNER. There is no provision made for that. That is a matter that the gas company does at the request of parties, at least, I so understand; but there is no obligation by law upon the company to do it, and it is not done in any other city of the Union by such companies. Very frequently, however, in order to satisfy the consumer, if word be sent to the company that there is a defective flow of gas, they put their pumps on the pipes and blow them out. This I am told by consumers—I do not know it from the gas company or from any of the hearings we have had.

The Senator from Mississippi says: "You have proposed to give us dollar gas in five years, which is an admission of the fact that you ought to furnish gas at a dollar now, and your committee does not give us any reason why dollar gas is not given at the present time." I will give the Senator the reason which influenced me as a member of the committee, and, I believe, influenced other members, in favor of this sliding scale.

We are trying an experiment with the object and purpose of accomplishing what the citizens of Washington desire. We are trying an experiment, and, under the figures presented to us, we doubt whether it will be absolutely just or right to the company; but we know, in the growth of this magnificent city and in its development, that if we lower the price of gas, necessarily there will be additional consumption, and that the consumption will increase, without perhaps largely increased cost for any additions to the plant. If that proves correct the larger the consumption the cheaper the price at which the gas can be sold, and we hope by gradually coming down to a dollar that increased consumption will follow and that an increased development of the city in population will also assist in making a larger consumption of the output of this company and thereby enable them to meet the demands of this bill.

There is no city in the Union that compares with this, Mr. President, as to the cost of the gas plant. In other cities the companies place their mains in the center of the streets, but the Commissioners do not allow it here. They do not propose to allow the gas company, every time they have to make a connection with a house, or when they have to examine for a leak, to cut up these great and magnificent avenues, and tear up the asphalt from the curbing to the center of the street. They therefore require the company to incur a double expense in piping the city. The company is required to lay their mains on both sides of the streets, near the curbing, so that when they make connections, or when they are seeking for a leak, they do not interfere with travel or destroy the asphalt on the streets to the extent which would be required if laid in the center. The company is, of course, always required to replace it. These are the reasons, I will state to the Senator from Mississippi, why we hope that in five years this company can meet the demands imposed upon them by this bill.

There is another question upon which the Senator from Mississippi and the Senator from South Dakota have laid great stress; that is, as to what they call the enormous profits of this company. This statement has confronted every Committee on the District

of Columbia since I have been in the Senate. It was presented to us and has prejudiced and biased my mind and the minds of other Senators until through an investigation of it we were enabled to distinguish between the past and the present. Any person who will look over the records of these investigations will find from 1862 up to 1881, when large profits were accruing to the gas company, the price of gas was running from $4 a thousand for private consumption and $40 for street lamps, down to $2.75 to consumers and $32 for street lamps. There was then only a small capital invested; for up to 1867 the capital of the company was only $350,000, which enabled the payment of these large profits.

These prices, even at that time, were too high, and, in my judgment, the profits were inequitable and unjust. It was done, however, as you earn your salaries, by virtue of law, under regulations by Congress. They charged not one dollar more than the law authorized them to charge, Human nature is the same in a gas company as it is in a Senator. My distinguished friend from Mississippi may say that $5,000 a year is too high for the salary of a Senator; that it is too much to be paid; but I do not think he will be criticised for accepting what the law authorizes him to receive. If so, then you have no right to criticise this company. If high prices were charged, it was the fault of Congress that the subject was not better regulated in the interests of the people residing here, which had then, as it has now, jurisdiction of the subject.

It is said that $500,000 in stock in 1867 was distributed by this company. The testimony before the present Committee on the District of Columbia and before all the committees as to that question was that the cost of the plant to the stockholders at the time of the giving of that $500,000 of stock was $937,000, money which they had expended in developing the plant, and this represented money advanced by the stockholders or to which they would otherwise have been entitled. It was simply squaring the account; and I say that there is no evidence here or in any report of any similar distribution.

That is the only amount of stock that has been distributed by this company that was not earned; and its capital stock now reaches to $2,000,000 on an actual plant which, in any State in this Union, would be capitalized at $4,000,000, which plant has been created by money advanced by its stockholders or borrowed through the issuing of bonds which are now a lien upon it, aggregating in value $1,200,000. The stock of this company is at 41 on the market, because the people know that back of that stock there is a valuable plant, and every man who is a stockholder in that company and who has bought within the last seven or eight years has had to pay $41 on every $20 par value of the stock of the company. When, therefore, a dividend is declared of 10 per cent upon the capital stock, it means 5 per cent upon the actual value of the money put into the stock by the men who bought it. Who owned this stock from 1867 to 1880 I do not know, nor do I care; but I am convinced that those who manage and control the company now are to a large extent recent stockholders, and that they have paid $41 for every $20 of stock, and are only receiving a 5 per cent dividend on the actual money which has been paid in.

Mr. THURSTON. May I ask the Senator a question?

Mr. FAULKNER. Certainly.

Mr. THURSTON. I inquire for information what is the bonded indebtedness of this company?

Mr. FAULKNER. It is $1,200,000.

Mr. THURSTON. Are there any other fixed charges on which the company is required to pay interest?

Mr. FAULKNER. None that I know of. Those are the fixed charges.

Mr. GEORGE. I desire to call the attention of the Senator from Nebraska to the report.

Mr. FAULKNER. I am going to refer to that, if the Senator will permit me. He need not think that I am going to avoid it.

Mr. GEORGE. I hope the Senator will refer to it, but I do not care whether he does or not.

Mr. FAULKNER. I shall certainly do so.

Mr. GEORGE. Very well; do so.

Mr. FAULKNER. There is another question which the Senate ought to understand, and which the committee took into consideration. Are you aware, Senators, that under the law of the District whenever a street is laid out within the District of Columbia the Commissioners have the right to require this company to lay their mains, thus requiring it at times to make an expenditure of thousands and thousands of dollars in laying pipes on such streets years before there will be a dollar of income to the gas company from consumption along the line of those streets? This is a wise provision, Mr. President, and I heartily indorse it. Why? When those streets are laid out and graded, before they are paved or asphalted, it is the right and duty of this Government to see that the gas pipes are put down, so that the streets shall not be torn up after they have been paved. But it puts a burden on this company which is put on no other company in the United States. Even, to accommodate the demand from Takoma, last year the gas company put one of the large mains to Takoma, within the District of Columbia, 6 miles, to accommodate the people there; and yet there is but little return for the cost of that main, as it passes through mere woods, you may say, from the fire limits to Takoma itself, there being no consumption of gas whatever along the line.

These are obligations resting upon this company that the committee have had to take into consideration. I hold that the report heretofore made in 1895, which has been commented upon, was, in my judgment, correct. I regret that I was overruled by the committee. I maintain that it should be the policy of the Government in the District of Columbia to keep the capital stock and bonded indebtedness of every corporation at the lowest possible amount, and to allow them to have an income annually from receipts to make the extensions which are essential in the development of this city. I hold that it is a true business proposition that if you keep the capital stock down dividends will be kept down. But the committee overruled me in that, and it was only for that reason that I would consent to the reduction made here, because if the privilege were not given to the courts of this District to allow that extension by the increase of the capital stock it would be an absolute impossibility for the company to carry out the provisions of this bill.

Mr. President, what enters into the cost of gas? How are you going to ascertain its cost? These gentlemen have gone into finespun theories about the matter; they have presented some very scientific authorities, but that is not the practical way to arrive at a conclusion as to what is a proper charge by this company for the gas it manufactures. I take the simple receipts of the company, and I take its disbursements, and ascertain the amount of gas they sell, and then I can tell myself by a simple calculation the cost of gas to that company during a given year; and I assert here that during the last six years the average cost of gas to the gas company, taking its receipts and its disbursements into consideration, as sworn to by the officers of the company, has been $1.17, and this very first reduction that we make brings it down to $1.15.

Mr. KYLE. Will the Senator allow me?

Mr. FAULKNER. Yes, sir.

Mr. KYLE. How is it, then, that Mr. McIlhenny made a statement that by selling gas at $1 he could make 15 cents per thousand feet on it?

Mr. FAULKNER. If he ever made that statement I have never seen it. I do not care what Mr. McIlhenny or what any other gas man or expert says. I know when I have taken the receipts of that company and its disbursements and ascertained the amount of the output of gas, I can tell myself what is the cost to that company of its gas, and you will find that in 1889 it was $1.39.

Mr. WHITE. Will the Senator permit me a question?

Mr. FAULKNER. Certainly.

Mr. WHITE. Has the company referred to in this bill indicated its willingness to acquiesce in these changes of rates?

Mr. FAULKNER. Of course they say they can not do this, but they will try to do it, as the committee has determined to make an effort to test their ability to do so.

Mr. WHITE. The object of my interrogatory was this: From the statement of the Senator from West Virginia the conclusion inevitably follows that the manufacture of gas hereafter will be at a loss if the Senator's estimate of the cost of making gas is correct. That is the reason I asked the question.

Mr. FAULKNER. I think they will have to curtail expenses somewhere in order to accomplish it.

In 1889 the cost of gas was $1.39; in 1890 it was $1.21; in 1891 it was $1.06; in 1892 it was $1.08; in 1893 it was $1.18; I have not the figures for 1894; and in 1895 it was $1.10. That makes an average in the six years in the cost of the manufacture of gas, taking the output of the company and its disbursements, of $1.17; and I think that is accurate, because I have never seen it controverted, though it has been before the public since the Hunton report.

Mr. President, as to the cost of the manufacture of gas, the Senator from South Dakota read numerous statistics from various cities. There are not over seven cities in this Union to which the Senator can point where gas is sold at a dollar, and he unfairly presented the comparison between those cities and Washington to the Senate when he stated that this company was able to furnish dollar gas. He failed to state the difference in the cost of material at the points he named and this city. He referred to Allegheny, where the cost of coal is 80 cents, while the cost here is $3.94; he named Cleveland, where the cost of gas is $1 and coal costs $2. Is that a fair comparison? Is that giving any light to the Senate as to whether we ought to reduce the cost of gas here?

Mr. KYLE. How about Chicago and Detroit?

Mr. FAULKNER. I think I can give the price at Detroit, but I do not think I can at Chicago. In Detroit it is $2.35 a ton.

Mr. KYLE. How much?

Mr. FAULKNER. It is $2.35 a ton in Detroit, and at Detroit, in order to come down to dollar gas, they entered into a contract with the gas company to give it the exclusive privilege of the city for thirty years.

Mr. KYLE. It starts at a dollar and goes down to 90 cents.

Mr. FAULKNER. The city had to give the company a thirty-year exclusive contract in order to secure a reduction in the price of gas in Detroit to $1. None of the cities named are as far away from the coal fields as is Washington. The Senator from South Dakota can not name a city where the cost of coal and material is as high as here where they have dollar gas.

Mr. KYLE. I have named two or three of them.

Mr. FAULKNER. Name one. I challenge him to do it. He has all the information before him that I have, and he can not do it.

Mr. CHANDLER. May I ask the Senator from West Virginia where the coal does come from from which gas is made in this city? Can the coal that comes down the canal be used for that purpose?

Mr. FAULKNER. No; it is not gas coal. It is from the farther western mines. That comes from Georges Creek and the other mines around Cumberland. The coal the company uses is the gas coal of West Virginia and the Youghiogheny coal of Pennsylvania.

Mr. CHANDLER. Those coals have to be brought a long distance by rail?

Mr. FAULKNER. They have to be brought by rail. They are not in direct water connection. The Baltimore and Ohio controls the Chesapeake and Ohio Canal, and as the road goes up to the gas-coal fields of West Virginia, they do not make any special arrangements to let a transfer be made at Cumberland, where the canal stops, in order to transfer coal.

A most remarkable fact was developed in the investigation of this question, and I think the Senate ought to take notice of it through its proper committee. To bring a ton of gas coal from the coal fields to this city the railroads charge $2.50, whereas in reference to other coal I think it is $1.60 or $1.90 freight. They make a discrimination as to gas coal.

Mr. KYLE. Will the Senator from West Virginia allow me? I notice that Mr. Vanderpoel, in his testimony, figures out the cost of producing a thousand feet of gas in the holder at 35.8 cents, and he figures his coal at $5.20 a ton, whereas the price of coal in Washington is from $3.25 to $4 a ton.

Mr. FAULKNER. I can not follow my scientific friend, the Senator from South Dakota. I am a very plain man.

Mr. KYLE. It is not science. Let me say that this man was brought here at the instance of the Washington Gas Light Company.

Mr. FAULKNER. I will put the expert against the statement of the president of the new company which the Senator was seeking to have come into the city, in which he said that the gas from his improved process cost 62 cents to put it into the holder, without cost of distribution. I can not discriminate between these scientists who differ so widely. It is utterly impossible.

Mr. KYLE. Here is another man, Mr. Patton, now in the service of the Government in the Patent Office, who testifies that he was the engineer of the water-gas company at Harrisburg, and that he made water gas by the Lowe process, the same as here, and distributed it at a cost of 40 cents a thousand.

Mr. FAULKNER. See, to an unsophisticated man like myself, if I had not been on the committee, how misleading would have been the statement of the gentleman.

Mr. KYLE. Make allowance——

Mr. FAULKNER. Let me show the Senate how absolutely misleading he would be. Does he not know that there is no gas from coal consumed for gas purposes in making water gas?

Mr. KYLE. Two-thirds of the gas here is water gas.

Mr. FAULKNER. In making water gas the only use of coal is to heat the retorts.

Mr. KYLE. According to the report, two-thirds of the gas made here is water gas.

Mr. FAULKNER. Of course it is, but when they make water gas the only purpose of the coal is to heat up the furnace.

Mr. KYLE. I understand that.

Mr. FAULKNER. It makes no gas. No gas comes from the coal whatever, and when that portion of the gas which is made here is made by the water process it is a combination of water and oil that makes the illuminating gas.

Mr. KYLE. So it is there.

Mr. FAULKNER. Of course it is; but there they use the anthracite coal. They do not use at all the coal I am talking about. When they make water gas they use anthracite coal, which is a more heating coal than that which I speak of, which is bituminous or gas coal. The anthracite is used for water gas, and it is simply to heat the retorts.

Mr. KYLE. How does the Senator explain the difference between 46 cents a thousand and $1.15?

Mr. FAULKNER. I will explain it, I suspect, like the Senator's friend did. He said that by the process he wished to introduce in the District they were selling gas in Louisville at 35 cents. "Well," it was said, "how is that? That is mighty cheap." "Oh, well," he said, "part of it is natural gas, and that we mix with what we make; and we do not distribute it at all. We sell it at 35 cents a thousand to a company that already has mains in Louisville for the purpose of distribution."

Mr. KYLE. How does the Senator explain about Philadelphia? There they have no natural gas. A private company there furnishes gas to the city in the holder at 37 cents.

Mr. FAULKNER. That is pure water gas.

Mr. KYLE. Of course.

Mr. FAULKNER. They furnish it for a certain price; I do not know exactly what.

Mr. KYLE. Thirty-seven cents.

Mr. FAULKNER. They furnish it for 37 cents in the holder, and then all the cost of distribution comes on the city.

Mr. KYLE. Twelve to fourteen cents.

Mr. FAULKNER. Whatever that is we do not know. Nobody, even the distinguished Senator from Pennsylvania, has been able to get behind the records of the common council of Philadelphia and to find out what the fact is in reference to that and other matters.

Mr. KYLE. The best experts put it as high as 28 cents.

Mr. FAULKNER. It is easy to guess.

Mr. KYLE. The Spooner committee granted 28 cents, and then it only made the price of gas 64 cents.

Mr. FAULKNER. An expert's opinion is the expression of the opinion of a man who is familiar with the process or science as to which he is testifying. In other words, he is making a guess without any practical test whether his guess is right or whether it is wrong. It is like the friend of my distinguished friend the Senator from South Dakota, who came here two winters ago asking us to grant similar privileges to this same corporation. He testified before us that it had the finest process that had ever been devised for reduction in the price of gas. The same gentleman came before us this year with the same bill, but he says he found that the process of two years ago is of no account. "But we have now adopted another process which we know is all right." In other words, it was a guess by our friends, the experts, and when they try to put their process of two years ago into operation, which the Senator was seeking to have introduced here, and 400 miles of street torn up to experiment with it, they demonstrate the fact that they made a mistake.

There is another question here to which I wish to allude. I should like to get on to this branch of the question and settle it. The Senator from Mississippi [Mr. GEORGE] takes up the report made by the House committee in this matter, and it shows an enormous amount of profit realized by this company. He says they distributed $600,000 of dividends of the earnings of last year.

Mr. GEORGE. I did not say that.

Mr. FAULKNER. What did the Senator say?

Mr. GEORGE. I said they distributed $600,000 last year.

Mr. FAULKNER. I think if the Senator will notice his remarks in the RECORD to-morrow he will find that it was of the earnings of last year.

Mr. GEORGE. I said they distributed $600,000 last year, and then I went on to show it was not all from earnings and to show exactly what it was.

Mr. FAULKNER. We investigated that, and we found that a part of it was from the sale of bonds which had been in the hands of the company for years, and that the remainder of it had been little accumulations running over twelve years, and they therefore distributed last year more than we think is a fair amount to allow them by $400,000, but it was through the sale of these bonds, which were their own. I do not mean that they issued bonds and sold them. But in years past they had bought some bonds, and they sold those bonds last year, and then from little dribs of accumulations for the last twelve years this amount was received.

I say you can take that report, and I venture the assertion that I am correct, because the committee examined it thoroughly before they passed upon the bill, and if you reduce the price of gas to $1.15, taking as the basis of the calculation the returns of last year, and allow a dividend of 10 per cent simply upon the $2,000,000 of capital stock, it leaves the surplus for that year for all contingencies $14,903.21.

Gentlemen who are not engaged in these large undertakings involving science and also involving purchases from monopolies can not conceive what threatens these companies at all times. The contract for naphtha and oil expires on the 1st day of July or the 1st day of June, I do not remember which, and the Standard Oil Company, the exclusive owners and sellers of these oils, raised the price upon this company aggregating $38,500 a year on

the single item alone. They raised the price; and within thirty days another contract has been signed for two years increasing the cost in the manufacture of gas in the District just exactly by that amount for the next year.

Mr. GEORGE. What is the statement made by the Senator from West Virginia?

Mr. FAULKNER. I said that the contract being about to expire for naphtha and the Standard Oil Company controlling the entire output in this country it raised the price upon the company in Washington, so that the contract they entered into within the last thirty days increased the cost of the production of gas actually $38,500, based on the output of last year.

Mr. GEORGE. Is that stated in the report of the committee anywhere?

Mr. FAULKNER. No, sir; it is not.

Mr. GEORGE. How did the Senator get the fact?

Mr. FAULKNER. I got the fact by a letter addressed to the committee, which was not put into the hearing.

Mr. GEORGE. From whom?

Mr. FAULKNER. From Mr. McLean, president of the company, who stated that he has signed a contract to that effect. I want to say to Senators here that no one who has come in contact with John R. McLean in the investigation of this question will hesitate for one moment to say for him that he has done everything to give the committee information, to throw his books wide open to their investigation, so that they could reach a fair, proper, just, and equitable conclusion on the subject. A more honorable, straightforward, thorough business man it has never been my pleasure to come in contact with than Mr. McLean, and he has attempted to conceal nothing from the investigation of the committee.

I want to state frankly how I arrive at the conclusion which I announce here, as it differs with that arrived at by my friend the Senator from Mississippi [Mr. GEORGE]. One vital error in all his calculations is that he takes a balance of last year's proceedings into this year's. When you want to find out how a company is doing you do not ascertain how much they have on hand. You ascertain what were the receipts for last year; what were its disbursements properly chargeable to that year. That is the way to ascertain what the profits were on the year's work, and it is the only way you can ascertain it.

Mr. GEORGE. Let me show the Senator that he is wrong.

Mr. FAULKNER. The Senator can not show me.

Mr. GEORGE. How does the Senator know I can not?

Mr. FAULKNER. Simply because I am acting upon a good common-sense business principle which any man, it seems to me, ought to recognize.

Mr. GEORGE. The Senator will allow me to make a statement to show how absolutely wrong he is?

Mr. FAULKNER. Oh, yes.

Mr. GEORGE. The cash on hand, after all disbursements, at the end of the year was $89,000. In order to be fair with the company, I took from the company the cash they started with. I think that is fair.

Mr. FAULKNER. The receipts, as shown by the House report, were $1,583,808.18. To show here yearly receipts, deduct the following items: Balance January 1, 1893, $58,166.53; interest on sinking fund, $19,758.89; sale of bonds, $368,666.75. It aggregates $446,589.17, leaving——

Mr. GEORGE. What is the second item?

Mr. FAULKNER. Interest on sinking fund. The Senator did not deduct that amount.

Mr. GEORGE. Interest on what?

Mr. FAULKNER. Sinking fund.

Mr. GEORGE. Nineteen thousand dollars?

Mr. FAULKNER. Yes; $19,758.89.

Mr. GEORGE. They charged $72,000 for interest, and I supposed when they charged $72,000 interest paid out, they ought to be credited with $19,000 they received.

Mr. FAULKNER. The Senator is mistaken in his accounting. He is a distinguished jurist.

Mr. GEORGE. I am not such an accountant as is the Senator from West Virginia.

Mr. FAULKNER. Of course not.

Mr. GEORGE. Because the Senator counts it all in favor of the company.

Mr. FAULKNER. We will see if I do. I have taken out items in disbursements that the Senator did not deduct, as he will see when he comes to it. Gentlemen do not understand that when you receive interest from a sinking fund that interest and that fund are sacred. The interest is applied to reinvestment for the sinking fund, and therefore does not enter into the actual receipts or disbursements of the company as showing the business of the year.

Mr. GEORGE. It does not say interest on sinking fund.

Mr. FAULKNER. That is what it is.

Mr. GEORGE. How does the Senator know?

Mr. FAULKNER. Because I have investigated it.

Mr. GEORGE. Here, Mr. President, is the account made out by the company. The company show they received as interest $19,758; and they show that they paid for interest $72,000. If one is charged, the other ought to be, I should think.

Mr. FAULKNER. Oh, no. That fund is a special fund. It is the sinking fund to discharge a liability and is looked to by the holders of these obligations. They have $250,000 in the fund.

Mr. GEORGE. I do not think it is very material whether it is a sinking fund or anything else; but there is no evidence before the Senate that it is a sinking fund.

Mr. FAULKNER. There is my evidence, Mr. President.

Mr. GEORGE. How does the Senator know it?

Mr. FAULKNER. I assert it is a fact that it is the interest on the sinking fund.

Mr. GEORGE. If the Senator is a witness in the case I should like to cross-examine him.

Mr. FAULKNER. I am a witness. I am a witness for the District of Columbia Committee; what I have heard there and what I have ascertained from my investigation is subject to the demand of the Senate or its members at any time.

Mr. GEORGE. Let me ask the Senator a question. Has the company a bonded debt?

Mr. FAULKNER. Of course it has; and naturally it has a sinking fund.

Mr. GEORGE. Does it pay interest on it?

Mr. FAULKNER. Of course it does.

Mr. GEORGE. Is the $19,000 interest on bonded debt?

Mr. FAULKNER. Of course not. It is the interest on what they have invested for its discharge.

Mr. GEORGE. In making out their statement they do not take any notice of the interest on the sinking fund.

Mr. FAULKNER. The Senator himself just stated to the Senate that they took account of $72,000.

Mr. GEORGE. I mean as receipts.

Mr. FAULKNER. They take account of it as interest paid on bonded indebtedness. In the receipts they put it in because the committee called upon them for every item of receipts and disbursements of every character and description, whether they were receipts for the year's work or any other sort, and they made a complete exhibit of every dollar of receipts—from whatever source it was derived—or disbursements as paid by the company, that Congress might investigate and ascertain the facts as plainly as any member of that corporation could in the examination of its books.

Take the disbursements. In the House report the disbursements are put at $1,583,808.18. Deducting extraordinary expenses and balance, included in the report, the balance is $89,992.38. Purchase of property, $100,000. The Senator from Mississippi has not deducted that in his statement, and yet that is an extraordinary expense that ought not to be charged at all to the disbursements during the year.

Mr. GEORGE. What is that?

Mr. FAULKNER. One hundred thousand dollars for the purchase of property.

Mr. GEORGE. I took that out.

Mr. FAULKNER. I did not hear the item.

Mr. GEORGE. The Senator did not pay attention to what I was saying.

Mr. FAULKNER. Yes, I did. It may have been because some one diverted my attention at the time.

Mr. GEORGE. That is for what property?

Mr. FAULKNER. That is what they bought from the Chesapeake and Ohio Canal Company.

Mr. GEORGE. Is that the item you are speaking of?

Mr. FAULKNER. I think that is the only piece of property they bought—the Chesapeake and Ohio wharf.

Mr. GEORGE. I took that out.

Mr. FAULKNER. All right. Dividends in excess of 10 per cent, $400,000. Those items aggregate $589,992.38, leaving a disbursement for expenses during the year by the company of $993,815.80.

Receipts from year's earnings	$1,137,219.01
Disbursements from year's earnings	993,815.80
Receipts over expenditures	143,403.21
With a reduction to one-dollar gas	225,000.00
Surplus last year	143,403.21
If, therefore, you reduce to one-dollar gas the deficit in the company's receipts for last year would be	81,596.79

Now, the surplus last year was		$143,403.21
Reduced to $1.15	$90,000	
Increased cost of naphtha	38,500	
		128,500.00
Which shows a surplus, at $1.15 per 1,000 feet, of		14,903.21

Now, that is what the report shows if you bring it down to $1.15 per thousand for the first year. So the committee, after an investigation of all these questions in all their ramifications, said, "This matter must be settled. We must agree on something." And although there were some opposing a reduction at all, and some in favor of dollar gas, they said, "We will do the best we can; we will report a bill that will ultimately reduce the cost to $1 if it is possible to do so in the light of future events. We will make the law so that if the company desires to change before it is reduced to dollar gas they will have to come to Congress and show by the most conclusive proof that can be produced that they can not furnish gas at that rate and make a fair profit for an enterprise of that hazard."

So we agreed on this proposition. We raised all the other requirements. What will be the additional cost to the company in making 2 or 3 candlepower extra I do not know and never heard it stated. The committee came to the conclusion that to accomplish this purpose and relieve Congress of the controversy we would bring in this report and test the correctness of our conclusions by actual experiment.

There is one other point to which I wish to call the attention of my friend the Senator from South Dakota [Mr. KYLE], especially as he has discussed that question, and I think it is well for the whole Senate, especially those Senators who are looking forward to voting on the appropriation bill, to remember it. This bill does not apply to or affect the question to which I shall refer, as that is controlled by the annual appropriations. The proposition is in reference to street lighting in this city. The cost of gas for street lamps is $20.50 a lamp. Now, I want to say to the Senator from South Dakota that that is the lowest price for street lighting in the United States with the exception of two cities—Allegheny and Cleveland. The cost of lighting lamps is lower in the city of Washington than it is in any other city in the United States, except the cities named, where the coal is far cheaper.

In order to contrast the price of street lamps in this city and in other cities, we must know what amount of gas the street lamps are contracted to burn. If they burn only 3 feet of gas an hour, then you can not contrast the lamps with a city where under the contract the lamps are required to burn 6 feet an hour. In other words, when you want to contrast the cost of lighting in this city with that of any other city, you must find out whether the other city requires the company to furnish 18,000 feet of gas per lamp per year for the same price the company does here.

I assert that the lowest price for street lamps in any city in the United States, except those two, is in the city of Washington, and that is calculated on furnishing gas at $20.50 per lamp. Do you know, sir, that that is not what is paid for gas here? The actual pay for gas in this city is only $15.94 for 18,000 feet of gas a year.

The Commissioners of the District report to the District Committee that under the appropriations here the gas company have to clean and keep in repair and in perfect condition all the lamp posts, and that after a most thorough investigation they have ascertained the cost of keeping them in repair is $4.56 a post. Consequently the actual cost of gas to the city of Washington for its street lamps is only $15.94 for 18,000 feet of gas per year. It is really below Allegheny and Cleveland, the only two cities that are lower, based on the other calculation.

We have examined every question involved in the controversy very thoroughly, and I do not think there is any point which we have not investigated in the interest of both the consumers and the gas company, and this bill is the final conclusion of the District committee as a settlement of the matter, with the hopes of taking it out of legislation, where we are annoyed by it every year here. I sincerely hope, therefore, that it will be the pleasure of the Senate to adopt this bill; but before I take my seat I will state that I found in reading the bill this morning that there is an error on page 3. I call the attention of Senators to it. They will see that it is clearly an error. It is desired to reenact a law of June 23, 1874, and amend it, and instead of doing so they have used the language of that law, only that it is amended so as to read as follows:

That from and after the 30th day of June, 1874, the illuminating power of the gas furnished by any gaslight company, person, or persons in the District of Columbia shall be equal to 24 candles.

It ought to be changed, and in line 10, page 3, the word "seventy-four" should be stricken out and "ninety-six" put in; so that the illuminating power of the gas after the 30th day of June, 1896, not 1874, shall be so and so.

Mr. WHITE. If the Senator from West Virginia will permit me, I should like to ask him a question. I notice that on page 23 of the District appropriation bill there is an amendment striking out the following provision of the bill as passed by the House:

Provided, That all of said lamps shall burn every night, on the average, from forty-five minutes after sunset to forty-five minutes before sunrise.

And in lieu thereof is substituted the following by the Senate committee:

And said lamps shall burn not less than three thousand hours per annum.

Is that a reduction, I will ask the Senator?

Mr. FAULKNER. It is exactly the same.

Mr. WHITE. It is the same?

Mr. FAULKNER. It is the same. The provision is in the District appropriation bill, and it was for that reason that the Committee on Appropriations wanted the pending bill passed upon before we take up that bill. I ask that the amendment which I suggested be stated and acted upon.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 10, section 3, strike out "1874," and insert "1896."

The amendment was agreed to.

Mr. FAULKNER. I wish to offer one more amendment from the committee, on page 4, section 4, and will then explain it. The question was suggested by the Senator from Texas. Section 4 provides—

That any gas company or person placing a gas meter in service in the District of Columbia that has not been inspected, proved, and sealed, as provided for by the act of March 3, 1873, entitled "An act making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1884, and for other purposes," for each and every such violation of said act shall be subject to a penalty of $100, to be recovered before the proper tribunal of the District of Columbia.

That is the way the House sent the bill to the Senate. Since it has been reported we notice the fact that there was no discretion there, and, upon calling on the Washington Gas Light Company for an explanation of the subject, they stated to the committee that they have a call sometimes for as high as 150 meters a day, or within a day or two, and that, with the force now in the control of the office of the inspector of gas, they can not possibly test more than from 20 to 30 meters a day, so that if this provision is adopted without any modification of course they can not put meters in houses when demanded by people until they were sealed, and perhaps for a night or two the people in those houses would have to go without a meter. We have therefore drawn up the following amendment:

Provided, That if the United States inspector of gas meters is unable, through press of business or any accidental cause, to test and inspect and seal meters proposed to be set, then the company shall be at liberty to place an unsealed gas meter on any premises, the same to be replaced by a sealed meter as soon as practicable.

I think the latter part of the amendment had better be modified so as to read "as soon as a sealed meter can be procured from the inspector."

The PRESIDING OFFICER. The amendment will be stated.

Mr. ALLEN. Why not fix a certain time?

Mr. FAULKNER. Suppose, for example, that to-day 50 meters are demanded. They could put 30 in, and to-morrow they would be able to put the other 20 in. There would be no excuse for not doing it; but if there were 150 to be put in they would have two or three days to do it in. I do not want to put in any limitation that would not work practically.

Mr. ALLEN. I do not want to participate in this particularly interesting discussion, although I suggest that the language of the amendment is very indefinite. Why not say within twenty-four, thirty, or forty-eight hours, fixing a time within which the meter shall be placed in the house?

Mr. FAULKNER. I thought the modification which I suggested limited the company more than the original amendment would, because I think they ought to be required to put the sealed meter there just as soon as the inspector of gas meters, who is a Federal official, shall be able to deliver them unsealed, if it is only for twelve hours.

Mr. ALLEN. I suggest that the amendment be supplemented with a provision "not later than" such and such a time.

Mr. FAULKNER. I have no objection to the modification. Say, forty-eight hours.

Mr. ALLEN. Forty-eight hours, or some particular time.

Mr. FAULKNER. Or, not to exceed thirty-six hours.

Mr. ALLEN. Let the latter part of the amendment be read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 4 add to section 4 the following proviso:

Provided, That if the United States inspector of gas meters is unable through press of business or any accidental cause to test and inspect and seal meters proposed to be set, then the company shall be at liberty to place an unsealed gas meter on any premises, the same to be replaced by a sealed meter as soon as sealed meters can be procured from the inspector.

Mr. ALLEN. "Not later than forty-eight hours."

Mr. FAULKNER. Let the amendment be so modified. I think that makes it more practical.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. GEORGE. Mr. President, a little from me will clear up the mist which the Senator from West Virginia throws around this account. I wish to call the attention of the Senate to the account, and I will have to read some of the items so that the Senate may understand how it is made out. It is the account of the transactions of the company for a year. Coal is the first item of disbursement. That is expense. Then oil; then coal again; wages; then taxes; then United States inspectors; new laboratories; water rent; expense of law, and insurance. By the way, I desire to call the attention of the Senate to that item of insurance, $2,290, especially as the Senator from New Hampshire said that they could not get insurance on gas plants. Lime and purifying materials; rent; repair of street lamps; distribution; dividends; interest on bonds; employees' relief association; then the extension of work.

Now, with the disbursements, there is a credit to the company for the disbursement of $72,000 extra.

On the other side, the receipts, the interest is $19,000. In making an accurate account of the transactions of the company on gas, both items, the $72,000 and the $19,000, ought to have been excluded, but in order to be fair to the company I will let them both stand, which makes in favor of the company $52,241.11. Then they have credit for a disbursement of $72,000 when they were only charged with $19,000, so that so far as the difference is concerned the way I have worked it out is in favor of the company. I saw it at the time, but in order to be fair to the company I let them both stand, the $72,000 as paid out and the $19,000 as received. Every man can see that I am right about that.

I do not believe that the Senator from West Virginia took any exception to any other point I made except the one that I have before explained. He said the balance from the last year ought not to have been brought into this account. Possibly it ought not, but then there was brought into it the balance remaining at the end of the year. They started out with a balance of cash of $52,000. They ended with a balance of cash of $89,000. If we strike out both, as the Senator said, it would be against the company. I let them both stand.

Mr. KYLE. Mr. President, I shall say only a few words in closing.

The Senator from New Hampshire [Mr. GALLINGER] has replied to the remarks I made on Saturday and on to-day, but I do not see anything in his speech that is really in the line of argument. I do not know that he made clearly one point. In fact, I do not see how a Senator who has made a magnificent report upon the other side could make a good speech upon the side of the gas company. I was glad to hear the Senator from Mississippi read from this report of the Senator. He then argued very logically and strongly that the people of the city should have dollar gas, but now he turns around and informs the Senate that the only complainants on the outside are "unthinking" people of this city.

I want to ask him whether the citizens of the city who appeared before the committee during the past year are unthinking men? I want to ask the Senator from New Hampshire whether men like William C. Dodge, of the city of Washington, one of the finest patent lawyers in the United States, is an unthinking man? And I should like to ask him why it was that William C. Dodge did not appear before the District of Columbia Committee this year and give his testimony? I understand that Mr. Dodge appeared before the committee ten years ago and showed himself one of the best-posted men in the world upon the subject of gas. He is a patent lawyer of thirty or forty years' experience, and knows the ins and outs of every piece of machinery that has been introduced during that time in the line of gas. This I know, and yet I believe when he applied this winter as a citizen of the District of Columbia to give his testimony before that committee he was refused. He is one of the "unthinking men" of the city of Washington, who, as the Senator from New Hampshire says, are making complaints about $1.25 gas.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from New Hampshire?

Mr. KYLE. Certainly.

Mr. GALLINGER. Will the Senator restate the statement he just made as to who was refused a hearing before the committee?

Mr. KYLE. William C. Dodge.

Mr. GALLINGER. Oh, yes. Well, I will call the attention of the Senate, when the Senator gets through, to the fact that William C. Dodge has given us a great many hours of information.

Mr. KYLE. I presume he has at times; but I do not know that he did during the recent hearings. Everything that Mr. Dodge has given, let me say to the Senate, embodied in the report of ten years ago, of which Senator Spooner, of Wisconsin, was chairman, is the most valuable testimony on the subject ever presented to this body. Now, there are other "unthinking" men. I have a pocketful of letters from intelligent men of the city. Here is one from a most distinguished physician. I presume physicians are "unthinking men."

Mr. GALLINGER. Some of them are.

Mr. KYLE. The Senator probably knows who are the "unthinking" men in the city when he makes such remarks as he made a little while ago.

Mr. President, I listened very carefully to the argument made by the Senator from New Hampshire. About all he was able to give in the way of argument was a list of cities in the United States that charged more for gas than does the city of Washington. Why, a small boy can see there is not a particle of argument in that. Of course there may be hundreds of cities that charge more than is charged in the city of Washington, but it proves nothing whatever, except that they have been more exorbitant in their charges than they are here. But when we show you numbers of cities in the United States and scores of them abroad that charge a great deal less than they do in the city of Washington, then it is incumbent upon you to prove that our statements are wrong and that gas can not be furnished at a less price than it is furnished in the city of Washington. When we put before the Senate, as we have done to-day, the testimony of the best experts in the United States that gas can be produced for as low as 35 cents a thousand in the holder, as low as 46 cents to the consumer, then it becomes incumbent upon you to prove that it can not be done in the city of Washington at that price, or at certainly less than $1.25.

I listened very carefully to the evidence given by the Senator from West Virginia [Mr. FAULKNER]. I waited for his explanation of the fact that these experts before the Spooner investigation proved that gas could be furnished for 35.8 cents per thousand, and how it was that Harrisburg gas is furnished for 46 cents a thousand, and how he could explain away the statement of the president of the Washington Gas Company, who said that gas could be furnished for 85 cents a thousand and still make 15 cents a thousand upon it, I believe. These statements were within reach of the Senator from West Virginia. He turns them off in a very smooth sort of a way and says that these experts are merely theorists as to the price of gas. I should like to know how the Senate of the United States is to be informed as to the probable cost of a thousand cubic feet of gas unless it be by experts.

Mr. FAULKNER. I will tell the Senator from South Dakota, if he will permit me.

Mr. KYLE. Very well.

Mr. FAULKNER. Let him take the amount of disbursements and receipts by the company. Let him see whether he can eliminate any item of disbursement. If he can not, then he must admit they are correct and proper charges against the assets of the company. Then let him take the disbursements and divide into two the amount of the product of the gas made by the company and sold, and he will find exactly, without any expert testimony, what is the actual cost of the gas to the particular company. That is the only practical way that I know how to get at it. That will give it to a cent.

Mr. KYLE. As to the price at which gas may be furnished in particular places we have the testimony of experts. They are not theoretical men, as the Senator would seem to indicate by his remarks a little while ago, but Mr. Vanderpoel, I presume, is known to the Senator from Delaware [Mr. GRAY] before me now. Mr. Vanderpoel, the engineer, is in charge of the gas works at Newark, Del. He is one of the most distinguished experts, acknowledged to be so by the Washington Gas Light Company. They had him summoned here to the investigation ten years ago. He stated to the committee that he put into the holder gas at a cost of 35.8 cents a thousand. He is not a theoretical man, but a man who is doing the work. He knew what it was to put the gas in the holder. So with the man who testifies that he ran the gas works up here at Harrisburg, Pa. He was doing the work, and putting it into the retorts and furnishing it to the consumer at 46 cents.

Mr. SEWELL. Will the Senator from South Dakota allow me to interrupt him?

Mr. KYLE. Certainly, if I can hear on this side what the Senator says.

Mr. SEWELL. Does the Senator refer to Newark, Del., or Newark, N. J.?

Mr. KYLE. I think it is in Delaware. Did I say New Jersey?

Mr. SEWELL. There is a distinguished gentleman of that name connected with the Newark gas works in my State. If you would ask him what the charge would be for gas under those circumstances he would tell you $1.50 per thousand.

Mr. KYLE. I did not catch what the Senator from New Jersey said, but I presume——

Mr. SEWELL. I say if you ask that gentleman, Mr. Vanderpoel, what he would charge for gas he would, no doubt, say $1.50.

Mr. KYLE. It must be Newark, N. J., then, I presume. This testimony he gives in the article written for the American Gas Light Journal, where the whole question is discussed as to the cost of producing a thousand cubic feet of gas. All Senators have a copy of the report of the Spooner investigation on their desks, and I think it would be well for them to read it. This gentleman, Mr. Vanderpoel, in the American Gas Light Journal of January 2, 1880, made a complete statement, giving the items of material used in the production of gas. He gives the cost of the coal, and in order to be on the safe side he puts the coal at $5.50 a ton, when it is selling, I believe, at only about $4 a ton in the city of Washington.

Mr. ALLEN. Will the Senator read the article?

Mr. KYLE. It is a long statement. Here is the closing up: The cost per thousand is 35.8 cents placed in the holder. We must add to that, of course, in order to get the correct cost of a thousand feet of gas, the cost of distribution. The best experts in the United States testify that the cost of distribution is 40 per cent of the cost of production. That is 12 or 14 cents. When this matter was before the investigating committee in 1886 there were many experts who testified as to the cost of distribution. One man stated that the cost was 28 cents and a fraction, but the committee go on to say that Colonel McCartney testifies that the usual cost is 18 cents, and Colonel McCartney is an expert. But in order to give them the benefit of all the doubt they add the 28 cents to the original cost, which makes it 64.6 cents per thousand as the actual cost in the city of Washington.

Mr. President, after finding that 64.6 cents is the cost delivered in the burner of the consumer, we must add a small amount in order to insure just dividends to those who own the stock. That is all there is of it. Now, the question comes as to whether we are unjust to the widows and orphans the Senator from New Hampshire is talking so much about; whether we are taking bread from the mouths of the widows and orphans who are the innocent holders of this stock in the District of Columbia. If the statements are true as set forth in the newspaper editorials during the past year and as indicated in the report read by the Senator from Mississippi a short time ago, that during the year 1895 this company declared in dividends 30 per cent, we are not taking bread out of the mouths of anyone if we cut the price of gas down to $1 per thousand. As the Senator from Mississippi has well remarked, the several committees that have investigated this subject thoroughly, the investigating committee of ten years ago, of which Mr. Spooner was chairman; the one of two years ago, of which Mr. Hurd of Missouri was the chairman; the committee of last year in the Senate, of which the Senator from New Hampshire was one, all declared that there should be dollar gas in the District of Columbia.

Now, I do not know, as I said a while ago, how we are going to arrive at this conclusion unless it be by the testimony of experts, those men who have been instrumental in producing gas in the other great cities of the United States and throughout the world; and I think when you have read through the testimony carefully as given in this report, you will come to the conclusion, as I have done, that the price of gas can very easily be reduced to $1 per thousand and still leave them fully 18 or 20 per cent in the way of dividends.

Mr. THURSTON. Mr. President, I have been called upon for many years last past to examine the balance sheets of some of the largest corporations in this country, and in that way I have become accustomed to and can perhaps more readily scan the balance sheet of a great corporation than most men who have not had the same experience.

I knew nothing about this issue of the price of gas in the District of Columbia until my attention was arrested by the debate of to-day and by the reference to the items in this balance sheet for the year 1895 as referred to first by the Senator from Mississippi [Mr. GEORGE] and again by the Senator from West Virginia [Mr. FAULKNER]. But as an attorney who has had much to do with the affairs of great corporations and who has made an examination of a great number of balance sheets of great corporate transactions, I confess that I was startled this afternoon when I came to scan the balance sheet of the business operations of this gas company for the year 1895. I feel it my duty to call the attention of the Senate and of the country to some of the figures on either side of this balance sheet.

The cash receipts of that company for the year 1895 were $1,583,808.18. That was all for their charges for gas and for other items of proper receipts, except cash on hand at the beginning of the year, $58,166.53; secondly, the sale of bonds, $368,663.75. The Senator from Mississippi [Mr. GEORGE] is right in insisting that the interest receipts of nineteen thousand and some odd dollars that the company received from interest on bonds held in its sinking fund should remain upon the credit side of that ledger, because the interest account of that company on its bonded indebtedness proper, stated as it would be by any other corporation, is to take its entire bonds outstanding, $1,200,000 in amount, the interest on which is paid at 6 per cent, $72,000, and deducting from that the amount of interest it received from bonds in its treasury to the credit of that outstanding total indebtedness.

Mr. FAULKNER. If the Senator will permit me, nobody doubts where that fund ought to be in the receipts and disbursements; but that does not go to show anything at all as to the receipts of the company and the work of the company in the manufacture of gas during that year.

Mr. THURSTON. It only goes to show that the total derived from the comparisons of the two sides of this ledger will be accurate by leaving both of those items standing.

Mr. FAULKNER. Of course that would be so if you were simply getting at receipts and disbursements during the year; but I say it is not correct to put that in any more than to put in the charge of $100,000 for the purchase of property at Georgetown from the Chesapeake and Ohio Canal Company. But that would not enable us to ascertain what the cost to the company was in the manufacture of gas, taking the receipts and the disbursements of the company, during that year.

Mr. THURSTON. The interest payment of that company last year was not $72,000; it was $72,000 less $19,000. That was its real interest payment, and there is no question about it.

Mr. FAULKNER. I ask the Senator, who seems to have charge of great corporations and understands these things thoroughly, when a great corporation, such as he has been connected with, sets aside a certain amount for a sinking fund, and that amount is bearing interest, whether the amount derived from that sinking fund is not reinvested the subsequent year so as to increase the aggregate of the interest-bearing fund and increase the surplus fund to meet the obligations of the company?

Mr. THURSTON. Unquestionably; but it ought to be taken into account as a part of the earnings of the company, and the real interest payment of the company is the total interest payment, less the amount of earned interest on the bonds in the sinking fund standing against the total outstanding bonded indebtedness.

Mr. FAULKNER. I understand the Senator agrees with me that that is the way in which that is done; that the company reinvest that interest, which does not reduce the amount of $72,000 of the bonded indebtedness at all. It is paid out of the receipts of the company regardless of what they receive on the bonds which are in the sinking fund.

Mr. THURSTON. The sinking fund of this company is provided for, I presume, out of the surplus earnings, after paying whatever dividends the company may decide to pay, and therefore, if this company, instead of applying upon its $72,000 annual interest the $19,000 of interest it receives from the sinking fund, reinvests it, and adds it to its sinking fund, it is not thereby entitled to charge as against these earnings the $72,000 unless it also includes as a part of its earnings the $19,000 on the other side of the ledger.

Taking that report, Mr. President, we find the annual statement for 1895, as I think, the most remarkable corporate earnings statement which was ever presented for the examination of the American public. Fifty-eight thousand and some odd dollars was the cash on hand at the beginning of 1895; eighty-nine thousand and some odd dollars was the cash on hand at the end of the year. Therefore the cash on hand has increased thirty-one thousand and some odd dollars in the year. That company paid out $600,000 in dividends on a capital stock of $2,000,000. That is 30 per cent dividend on its entire capital stock for that year. That dividend was paid out of the earnings of 1895, with the exception of one item on the credit side of that ledger. The company received from the sale of bonds three hundred and sixty-eight thousand and some odd dollars, and the Senator says, and probably with justice, that that amount should be deducted from the $600,000 paid out as dividend in order to ascertain the real amount that was paid out as dividends on $2,000,000 of stock. I challenge the Senator to find in this entire side of the ledger another item which can fairly be offset to reduce the amount of that dividend payment for 1895, and deducting that from the $600,000 paid in dividends, there was paid as dividends out of the earnings of that year two hundred and thirty-one thousand and some odd dollars; and there was left a balance on hand at the end of the year, as I have shown, of $31,000 more than there was at the beginning of the year; and the surplus earnings, without changing any item on the debtor side of that ledger, were two hundred and sixty-two thousand and odd dollars for the year 1895, a profit at least of 13 and a fraction per cent out of the transactions of that year.

But that is not all, Mr. President. I know something about what can fairly be charged as against the earnings of the company in the way of operating expenses. The debtor side of this ledger not only charges all operating expenses, but out of the earnings of last year there has been invested in a permanent purchase—not an operating expense—$100,000 for the purchase of a wharf and other property here in the city. There has also gone to

the extension of the plant in the way of street mains and new improvements almost another $100,000—about $90,000—and that real ledger account stands this way—and no man can challenge it in my judgment—that that company earned $262,000 profit, and in addition invested in permanent betterments and improvements $190,000.

Mr. GALLINGER. Will the Senator permit me?

Mr. THURSTON. Certainly.

Mr. GALLINGER. When the gas company spends $100,000 on the extension of mains, or $50,000, as the case may be, is it not the fact that the deterioration in existing improvements equals that amount?

Mr. THURSTON. Ah, Mr. President, all the expenses of keeping up that plant, the same as in a railroad company, are found in the items on the other side of the ledger year after year.

Mr. GALLINGER. Yes; but there must be a constant deterioration.

Mr. THURSTON. There undoubtedly is; but that constant deterioration is provided for in the operating expenses of every year. These items of investment I have pointed out are extensions; they are not in the way of repairs; they are enlargements of the plant; they are increasing it for future increase of business. Not only did that company earn, according to their own ledger, a clear profit of $452,000 in addition to paying their interest on $2,000,000 capital, but what else? Where did they get the $368,000 of bonds that they sold and that I have excluded from this comparative statement of mine? I do not know, but I can hazard a guess. Whatever bonds that company had to sell are the purchases from the profits of previous years over and above the annual allotment of dividends to their shareholders, and I venture to state that the representatives of this gas company will not contend that there has been any year for the past ten or fifteen or twenty years when they failed to pay a good, liberal, profitable investment upon their capital stock. Therefore, if in addition to the payment of liberal dividends upon their capital stock they had additional surpluses to invest in interest-bearing bonds, which they in the year 1895 sell and distribute to their stockholders, it follows as a matter of course that the annual average dividend that the stockholders of this company have received on their stock is actually increased by this distribution to them of $368,000 additional in the year 1895.

From an examination of that account it seems to me that it is capable of mathematical demonstration that no loss can come to this company by putting the price of gas in the District of Columbia at $1 per thousand feet. Not only that, but I insist that you never can fairly determine by the method that this company has used what will be the result upon earnings by a reduction of the amount that it is permitted to charge. Railroads in this country, ever since the question of legislation has been presented affecting their right to charge tolls, have always met every attempt at legislative reduction of their tariffs by elaborately prepared statements, showing that if you apply the percentage of reduction proposed to the tariffs of next year on the basis of the last, great net loss would follow; but I stand here to insist that never once has that character of demonstration been proven true when the lower tariffs have been fixed and the business of the next year has gone upon the balance sheet; and I insist here today that no Senator on this floor can tell—human foresight can not tell from a comparison of the receipts of last year and the application of the percentage reduction proposed to the business of the next year in advance of the statement of that business—what the actual result will be.

Mr. President, there is no way to test this question except by reducing the price of gas in the District of Columbia now and taking account of the balance sheet at the end of the next year. Demonstrated facts will satisfy the people; theories never can.

I insist that there is enough of a surplus remaining in the treasury of this company or in the pockets of its stockholders out of their extravagant and unreasonable profits for the last few years so that they can well afford, if such be the result, to receive a little lower dividends on the transactions of the coming year, and when this price of $1 per thousand feet has been applied and has been tested by a year's experience, will not the Congress of the United States then be better prepared to legislate upon this question and do justice to this interest if it has been wronged than it is now to foreclose the rights of the people of this District, to take this unjustifiable charge out of their pockets and put it where the remedial legislation of Congress can never restore it to the people?

Mr. President, as a straight business proposition based on that balance sheet, which, I say, is one of the most extraordinary balance sheets that has ever been made public in the United States, I insist that this company ought to accept at once and now the one-dollar rate for gas, and let it be demonstrated by the balance sheets at the end of the next year if they have not received a fair return upon their capital.

Mr. PROCTOR. Mr. President, I do not propose to discuss this question, which has already developed more illuminating power than any gas standard with which I am familiar. I merely want to state in two or three minutes how the question presented itself to the committee.

At the last session there were one or more applications for the charter of new gas companies, the promoters promising 75-cent gas. The committee did not believe in the chartering of these companies. They questioned somewhat the possibility of so cheap a production, and they considered that an old company, with a good plant and mains, could certainly furnish gas cheaper than a new company that had all this expense to make, and that the result would be that the gas consumers finally, instead of paying a fair interest on the plant that was already in existence, would have to support two plants, for the history of these competing companies all over the country has been that they do not compete for a long time, but that they combine, and the consumer has to pay an increased price in consequence.

At that session I favored a reduction in the price of gas by the old company and proposed a reduction to one and one-eighth. At the present session I earnestly favored dollar gas; but after very full hearings—and I wish to state that I think all parties had, as they always have, a fair hearing in that committee—and considering the rights of stockholders, that many of them had invested recently and at a high price, the committee unanimously agreed upon this sliding scale, which will bring the price of gas to the consumer to a dollar within five years. I believe it was a fair compromise of conflicting interests.

I am not inclined to question the figures of the Senator from Nebraska [Mr. THURSTON]. He is experienced in sinking funds, as he has dealt with railroads, as all stockholders know to their sorrow [laughter]; but there have been great changes in the stock of the Washington Gas Light Company, and there are many stockholders who invested recently at a high price. So the committee were finally unanimous in their opinion that this was a fair arrangement; and I certainly hope the Senate will ratify it.

Mr. GALLINGER. Mr. President, a single word before this discussion closes, which I trust may be very soon. I was occupied during a portion of the time that the Senator from South Dakota [Mr. KYLE] was addressing himself to me. I therefore did not hear all he said. I did catch the statement that I at some time during my service here had advocated dollar gas in the District of Columbia.

Mr. KYLE. Last year in the report.

Mr. GALLINGER. I do not dispute that. I would simply say in reply that so far as I know there is only one animal in the world who never changes his mind, and I do not belong to that class. I have changed my mind on the subject of gas in the District of Columbia. I changed it, as I stated a moment ago, after listening to arguments from men who knew a great deal more about this matter than I do and after being persuaded that my position last year was not a correct one.

Mr. President, we have had eloquence that I have enjoyed, both from the Senator from South Dakota [Mr. KYLE] and the Senator from Nebraska [Mr. THURSTON], on the gas question, but it is a remarkable fact that, according to Brown's Directory for the year 1892, the people of South Dakota are paying an average of $2.20 per thousand feet for gas in that State. In the State of Nebraska they are paying $1.90 per thousand feet. It may be that those Senators representing States in which a much higher price is charged for gas than is being charged to-day in the District of Columbia, not taking into account the reduction we propose, are better qualified to judge of this matter than the committee which gave those patient hearings and which have conscientiously tried to reach a wise conclusion.

The committee did not confine itself to unthinking people. I do not mean to say, and I trust I did not say (the RECORD will speak for itself), that all the people of the District who were clamoring for dollar gas are unthinking people. My judgment is that there is a great deal of misinformation on this subject in the District. If there is any place on the face of God's green earth which contains a population with so large a proportion of chronic grumblers and kickers as the District of Columbia I have never come across it. We were beset in the District of Columbia, I think, three years ago to appropriate for a contagious-diseases hospital in the District, and the Commissioners of the District of Columbia have been trying from that day to the present to locate that hospital, and they have been unable to do so because of the grumblers and kickers in the District of Columbia. That it is true of everything else we have undertaken to do for the people of the District of Columbia. It is impossible to satisfy them in regard to these matters, and so in the matter of gas I say there have been a great many unthinking men who have without accurate knowledge said that the gas company can furnish gas at $1 a thousand, and who have insisted that it was true without knowing the real facts in the case.

We called before our committee some of the wisest and most qualified experts this country affords. Among those experts was Mr. William Henry White, a gas engineer of New York City, a

man who has a national and international reputation as a gas engineer, who has established gas plants, who has been educated in the business, and who has the most accurate possible information on this question. Mr. White had no interest in this matter. He has studied the Washington gas plant as he has studied every other gas plant in the United States, and here is what he says about it:

Now, gentlemen, I hold that it is impossible for the Washington Gas Light Company to make gas and sell it in the city of Washington and make a reasonable profit upon it at $1 per thousand.

Washington is a city which is peculiarly situated. It pays more than the usual prices for all its materials. It is paying very liberal wages. It is a peculiar city in many respects. Washington, after all, may be looked upon somewhat in the light of our large summer resort cities on the Eastern coast. This city does a large business while Congress is in session. A great many people are here, the hotels are filled, the boarding houses are running over, and the stores are doing more or less business incident to this crowd. They concentrate in that part of the year a great portion of their business.

But so far as the Washington Gas Light Company is concerned the rest of the city has to be cared for just the same during the remainder of the year. This 300 miles of pipe has to be laid and cared for, so that everybody around the outer edges of the city can be supplied with gas. The standard here must be kept equally good during the remainder of the year. There is no letting down in the quality of the gas during the slack period.

This expert goes on to say:

I have studied this plant of the Washington Gas Light Company for a number of years. I have seen it grow from very small proportions. I know that it has always been the ambition of the management of this company to be in the forefront, not only as regards the character of its apparatus, but also as regards the character of light furnished and the treatment of the general public.

Mr. George McIlhenny, who was for many years chief engineer, and afterwards the president and engineer of this company, was one of the most distinguished men in our profession, and a gentleman of rare ability. This company was the pride and ambition of that man's useful life. There was nothing known in our profession that was not had in this company. Nothing existed elsewhere that he did not have when we were making nothing but coal gas. When we began to make use of the oil process Mr. McIlhenny was one of the first gentlemen in the field to take up the subject and carefully study it. He met, step by step, all the advances in our profession, until when these new works were built he embodied in that last plant, as a monument to him, the very latest and best ideas of our profession. It is one of the finest plants in the United States; and when I say that I mean the world; for we are as much ahead of our foreign friends in gas plants as we are in railroads. Mr. McIlhenny left here, at the time of his death, a plant which I am frank to say is second to none.

This company can make, and does make, as fine gas as any company in the world. The fact that there is a trifling difference between the illuminating power of the gas in New York City and the gas in Washington is so trifling that it is simply not worth talking about. In other words, if you fix the illuminating power at 24, as suggested by Professor Love, this company would be making it equal to 25 or 25½, as a matter of safety.

We fix it at 26 in the bill now under consideration. Mr. White goes on to say:

Of course they can sell gas at a dollar, if this Congress says they must; but it means the immediate cutting down of the wages of employees, the cutting out of every man they can possibly do without; it means hardship all along the line. The wages of the clerks must be reduced. They must buy materials at a lower grade. When extensions are made they will be made in a more penurious way. It means the absolute crippling of this enterprise all along the line. Therefore, I, as a man skilled in this work, both in construction and in the operation of gas works, having been closely associated with their management all my life, feel that here in Washington the Washington Gas Light Company can not afford to sell gas at a dollar and maintain a high standard of everything in connection with its business, although I believe in dollar gas and in high illuminating power.

That is the kind of testimony that persuaded me. That is the kind of testimony that caused me to change my mind and to conclude that if we could not have dollar gas for the next two years we ought to have $1.15 gas in the city of Washington. I am not qualified, as is the Senator from Nebraska [Mr. THURSTON], to go into the debit and credit statement made by the company and to technically and scientifically point out the various items, but it does seem to me that some items to which the Senator has called attention are not in the nature of permanent improvements. I take it that a gas company must necessarily construct new buildings, as this company have constructed new buildings, but they are to take the place of old ones. I take it they must necessarily lay new pipes, but they take the place of old pipes. I am not quite sure that this wharf has not taken the place of an old wharf. I have no accurate information on that point. But even if it be not true I have no information that the wharf will bring a dollar of added revenue to the company during the next two years, and so it seems to me that the Senator has been very technical in his elucidation of this very interesting debit and credit statement of the Washington Gas Light Company. I believe, and all the testimony that was before the committee led the committee to believe, that under ordinary circumstances the best that could be done and the fairest thing that could be done was to agree upon the bill that the committee has reported to the Senate.

The Senator from Nebraska says, "Let us give one-dollar gas and then find out whether the company can afford to furnish it or not, and if they can not afford to furnish it at that price we will give them further legislation next year." I have had very little to do with legislation concerning corporations, but I think it would be a novel principle to incorporate into a law. I think it would be a novel principle to compel a corporation to furnish its product at a price less than it can afford to furnish it, and when that is demonstrated and dividends are taken from innocent stockholders say they may come to Congress and ask that we shall legislate further to protect them from our own folly. I do not think that is wise legislation. I think it is wisdom to give the people $1.15 gas, which everybody concedes will enable the company to pay dividends, buy good material, lay down first-class lines, as they have always done, and pay as high wages as are paid anywhere in the United States, as they are paying to-day. If in another year we find that their credit sheet is too large, we can further reduce the price by legislation of the National Congress. I think that is the wise kind of legislation, and I trust that that is what Congress will do in reference to this matter.

Mr. KYLE. I offer an amendment before the vote is taken upon the other proposition. At the end of line 24, page 5, I move to add what I send to the desk. I have submitted it to the Senator from West Virginia and I think he will accept it without debate.

Mr. FAULKNER. It is satisfactory to me. I do not see any objection to it.

Mr. KYLE. It is merely requiring a report to Congress.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of line 24, page 5, it is proposed to insert:

Provided, That the Washington Gas Light Company, through its president, shall make a full report to Congress annually on the 1st day of January, stating in detail the gross receipts and expenditures, the cost of materials used in making gas, the amount used and consumed, the dividends declared, the extensions and improvements made in the plant, the surplus and cash on hand, and how the surplus funds of the company are invested.

Mr. HARRIS. Are those reports made by the calendar year or by the fiscal year?

Mr. FAULKNER. The reports are made by the railroad companies on the 1st of January.

Mr. HARRIS. I speak of the gas company.

Mr. FAULKNER. The last report was to the 1st of January, and I suppose that is their fiscal year. I will state that we have a law now which requires a report of the coal only to the Secretary of the Interior; and as we do that in reference to other corporations in this city I see no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from South Dakota [Mr. KYLE].

The amendment was agreed to.

Mr. BACON. Mr. President——

Mr. KYLE. I hope we may get a vote on the bill this evening.

Mr. BACON. I simply desire to say one word before the vote is taken.

Mr. President, as a member of the District Committee I was very earnestly in favor of fixing the rate at $1 for gas, and I think I can say with propriety that I was the last member of the committee to yield on that question. I did so, not because my opinion had been changed, but because I thought it was to the interest of the consumers that there should be an agreement on the part of the committee, and that something practical should come out of the matter. As I am in part responsible for that report, I feel it my duty to contribute what I can to sustain it. In view of my opinion and contemplated vote I feel it my duty to make this statement.

The PRESIDING OFFICER. The question is on the motion of the Senator from Mississippi [Mr. GEORGE] that the votes by which the amendments on pages 1 and 2 of the bill were agreed to be reconsidered.

Mr. PASCO. I should like to have the amendments reported.

Mr. FAULKNER. The amendments are very long. I will state to the Senator that one of them strikes out one-dollar gas and makes a sliding scale from $1.15 down to $1 in five years, applying to the Washington Gas Light Company, and the other makes a gradual sliding scale as to the Georgetown Company running from $1.50 down to $1.25.

Mr. KYLE. I wish we might divide the question and have the vote taken first on the motion to reconsider the first amendment. I do not care particularly about the other one.

Mr. HARRIS. It is divisible.

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider the vote by which the first amendment was agreed to.

Mr. KYLE. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. NELSON. I should like to understand the parliamentary question. Is the amendment which it is proposed to reconsider the one making the price of gas $1.15?

Mr. KYLE. The motion is to reconsider the committee amendment which has been adopted for a sliding scale, adopted a few days ago.

Mr. NELSON. What is the amendment?

Mr. FAULKNER. The amendment is to reduce the price first to $1.15, then to $1.10, then to $1.05, and finally to $1.

Mr. KYLE. It has been adopted by the Senate.

Mr. NELSON. We who want dollar gas want the vote reconsidered?

Mr. KYLE. We want to vote to reconsider it.

Mr. NELSON. That is right.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. GEORGE (when his name was called). I am paired with the Senator from Oregon [Mr. MCBRIDE]. I do not see him present. If he were present, I should vote "yea."

Mr. HARRIS (when his name was called). I have a standing pair with the senior Senator from Vermont [Mr. MORRILL]. He and I agree upon these questions, however, and I will vote. I vote "nay."

Mr. KYLE (when his name was called). I was requested to pair with the Senator from Wisconsin [Mr. VILAS]. If he were present, I understand he would vote "nay" and I should vote "yea" upon this proposition.

Mr. MARTIN (when his name was called). I am paired with the Senator from Montana [Mr. MANTLE]. If he were present, I should vote "nay."

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON].

Mr. PRITCHARD (when his name was called). I have a general pair with the Senator from Louisiana [Mr. BLANCHARD]. On this vote I transfer my pair to the senior Senator from Michigan [Mr. MCMILLAN] and vote "nay."

Mr. PROCTOR (when his name was called). I am paired with the Senator from Florida [Mr. CALL]. If he were present, I should vote "nay."

Mr. QUAY (when his name was called). I am paired generally with the Senator from Alabama [Mr. MORGAN]. If he were present, I should vote "nay." I do not know how he would vote, and therefore withhold my vote.

Mr. THURSTON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. TILLMAN], with a distinct understanding with him that the pair is not to apply in any case which can in no wise be considered political. I will therefore vote. I vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. BLACKBURN. I am generally paired with the senior Senator from Michigan [Mr. MCMILLAN], but I am informed that my pair has been transferred to the Senator from Louisiana [Mr. BLANCHARD]. I therefore vote "nay."

Mr. GALLINGER (after having voted in the negative). I have a general pair with the senior Senator from Texas [Mr. MILLS], who has not voted. I transfer my pair to the senior Senator from Ohio [Mr. SHERMAN] and allow my vote to stand.

Mr. DUBOIS. I am paired with the senior Senator from New Jersey [Mr. SMITH].

Mr. GEAR. I have a general pair with the Senator from Georgia [Mr. GORDON]. I transfer my pair to the Senator from Connecticut [Mr. HAWLEY] and vote "nay."

Mr. HANSBROUGH (after having voted in the negative). I voted inadvertently. I am paired with the junior Senator from Illinois [Mr. PALMER]. I transfer my pair to the Senator from Utah [Mr. CANNON] and allow my vote to stand.

The result was announced—yeas 14, nays 31; as follows:

YEAS—14.

Allen,	Carter,	Pugh,	Vest,
Bate,	Chilton,	Teller,	White.
Berry,	Nelson,	Thurston,	
Butler,	Peffer,	Turpie,	

NAYS—31.

Allison,	Cockrell,	Gray,	Pritchard,
Bacon,	Cullom,	Hale,	Roach,
Baker,	Davis,	Hansbrough,	Sewell,
Blackburn,	Faulkner,	Harris,	Shoup,
Brown,	Gallinger,	Jones, Ark.	Squire,
Caffery,	Gear,	Mitchell, Wis.	Stewart,
Chandler,	Gibson,	Perkins,	Wetmore.
Clark,	Gorman,	Platt,	

NOT VOTING—44.

Aldrich,	George,	McMillan,	Proctor,
Blanchard,	Gordon,	Mantle,	Quay,
Brice,	Hawley,	Martin,	Sherman,
Burrows,	Hill,	Mills,	Smith,
Call,	Hoar,	Mitchell, Oreg.	Tillman,
Cameron,	Irby,	Morgan,	Vilas,
Cannon,	Jones, Nev.	Morrill,	Voorhees,
Daniel,	Kyle,	Murphy,	Walthall,
Dubois,	Lindsay,	Palmer,	Warren,
Elkins,	Lodge,	Pasco,	Wilson,
Frye,	McBride,	Pettigrew,	Wolcott.

So the Senate refused to reconsider the vote by which the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi [Mr. GEORGE] to reconsider the vote by which the amendment on page 2 was agreed to.

Mr. GEORGE. I withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. KYLE. I think it is very evident that the Senate does not wish to give the city dollar gas, and I withdraw all opposition to the amendments.

Mr. GRAY. That is right.

Mr. GALLINGER. That is generous.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. FAULKNER. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. MCMILLAN, Mr. FAULKNER, and Mr. GALLINGER were appointed.

ELLEN KINGSLEY.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1215) granting a pension to Ellen Kingsley, which was, in line 4, after the word "roll," to insert "at $8 per month."

Mr. SHOUP. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

ELIZA SANFORD.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1189) granting a pension to Eliza Sanford, which was, in line 11, to strike out "twenty-five" and insert "twelve."

Mr. GALLINGER. I move that the Senate nonconcur in the amendment of the House of Representatives and request a conference with the House on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. PRITCHARD, Mr. GALLINGER, and Mr. ROACH were appointed.

ELIZABETH J. COOK.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 125) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook, which was, in line 10, to strike out "twelve" and insert "eight."

Mr. BERRY. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

MARY NEWMAN.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1044) granting a pension to Mary Newman, which was, in line 10, to strike out "twenty-four" and insert "twelve."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

SAMUEL GOLDWATER.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 404) granting a pension to Samuel Goldwater, which was, in line 5, to strike out "fifteen" and insert "twelve."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

MRS. ELEANOR CARROLL POE.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe; which was, in line 5, to strike out "one hundred" and insert "fifty."

Mr. GALLINGER. I move that the Senate nonconcur in the amendment of the House of Representatives and request a conference with the House on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. MITCHELL of Wisconsin, and Mr. BAKER were appointed.

HELEN M. JACOB.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 149) granting a pension to Helen M. Jacobs, which was, in line 9, to strike out "sixteen" and insert "twelve."

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 2405) granting a pension to Maria Gibbons;

A bill (H. R. 2947) increasing the pension of Daniel D. Jennings, late of Company C, Sixty-fifth Ohio Volunteers;

A bill (H. R. 3578) granting a pension to Elmira E. Dustin; and

A bill (H. R. 5946) granting an increase of pension to Abraham H. Parker.

MESSAGES AND PAPERS OF THE PRESIDENTS.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed 15,000 additional copies of the Messages and Papers of the Presidents, Richardson's compilation, of which there shall be 5,000 copies for the Senate and 10,000 copies for the House of Representatives, to be distributed and disposed of, including the fraction in each case, as provided in the House joint resolution numbered 170, approved on the 30th day of April, 1896.

DISTRICT APPROPRIATION BILL.

Mr. TELLER. I ask that the District appropriation bill be laid before the Senate.

Mr. GEAR. I ask leave to call up a bill.

Mr. TELLER. Let the appropriation bill be first taken up.

Mr. GEAR. Very well.

The PRESIDING OFFICER. The Chair lays before the Senate the District appropriation bill, which will be stated.

The SECRETARY. A bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes.

Mr. GEAR. I ask unanimous consent to call up the bill proposing to pension General Parrott.

Mr. TELLER. Let the appropriation bill be laid aside informally.

Mr. GEAR. Very well. I ask that the appropriation bill be laid aside temporarily.

The PRESIDING OFFICER. It will be so ordered, without objection.

GEN. JAMES C. PARROTT.

Mr. GEAR. I ask unanimous consent to call up from the table the bill (H. R. 5226) to give increased pension to Gen. James C. Parrott.

The bill (H. R. 5226) to give increased pension to Gen. James C. Parrott was read twice by its title.

Mr. GEAR. I wish to state that General Parrott is nearly 81 years of age. He is confined to his bed and, in my judgment, will not live ninety days. It is proposed to pension him at the rate the medical board estimated, $50 per month. The bill passed the other House unanimously, and I am certain that it will pass the Senate. Therefore, I ask that the bill be put upon its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of James C. Parrott, late colonel of the Seventh Iowa Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. DAVIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 19, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 18, 1896.

COMMISSIONER FOR ALASKA.

Kenneth M. Jackson, of Juneau, Alaska, to be a commissioner in and for the District of Alaska, to reside at Wrangell, vice William A. Kelly, term expired.

RECEIVER OF PUBLIC MONEYS.

Henry C. Fink, of Montrose, Colo., to be receiver of public moneys at Montrose, Colo., vice Edward H. Smith, whose term of office will expire June 30, 1896.

POSTMASTERS.

Adrian P. Jordan, to be postmaster at Leesburg, in the county of Lake and State of Florida, in the place of Asa L. Hardman, whose commission expired April 4, 1896.

Bernard Monnich, to be postmaster at Hooper, in the county of Dodge and State of Nebraska, in the place of Edward W. Renkin, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 18, 1896.

CONSUL.

Robert Lee Jenkins, of North Carolina, to be consul of the United States at Patras, Greece.

SECRETARY OF LEGATION.

Robert Ransom, of North Carolina, to be second secretary of the legation of the United States to Mexico.

DISTRICT JUDGE.

William Lochren, of Minnesota, to be United States district judge for the district of Minnesota.

POSTMASTERS.

Benjamin Steward, to be postmaster at Birdsboro, in the county of Berks and State of Pennsylvania.

James L. Lincoln, to be postmaster at East Weymouth, in the county of Norfolk and State of Massachusetts.

Charles E. Brady, to be postmaster at Sandwich, in the county of Barnstable and State of Massachusetts.

Ulysses G. Swartz, to be postmaster at Whiting, in the county of Lake and State of Indiana.

Frank W. Joplin, to be postmaster at Elizabethtown, in the county of Hardin and State of Kentucky.

Henry F. Shannon, to be postmaster at Bedford, in the county of Cuyahoga and State of Ohio.

John Q. Baker, to be postmaster at Middletown, in the county of Butler and State of Ohio.

William Rodearmel, to be postmaster at Harrisburg, in the county of Dauphin and State of Pennsylvania.

REJECTION.

Executive nomination rejected by the Senate May 18, 1896.

POSTMASTER.

R. A. Freeman, to be postmaster at Burlington, in the county of Alamance and State of North Carolina.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 18, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Friday was read and approved.

MESSAGES AND PAPERS OF THE PRESIDENTS.

Mr. PERKINS. Mr. Speaker, I desire to present a privileged report from the Committee on Printing.

The report was read, as follows:

Your committee, having had under consideration House concurrent resolution No. 47, to print 15,000 additional copies of the Messages and Papers of the Presidents, recommend that it be agreed to.

This compilation is by Hon. JAMES D. RICHARDSON, of Tennessee, and all the members of the House are familiar with the work so far as it has been published.

The Public Printer estimates the cost of these additional copies at 75 cents per volume.

Mr. DOCKERY. Mr. Speaker, this compilation, as members know, is exceedingly valuable, and I desire to congratulate the committee on having reported the resolution so promptly. The gentleman from Tennessee [Mr. RICHARDSON] is entitled to high commendation for the ability manifested in the preparation of this publication.

The concurrent resolution was agreed to.

REPORT ON THE NICARAGUA CANAL.

Mr. PERKINS. Mr. Speaker, I desire to present another privileged report.

The report was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 copies of the report made by Messrs. Ludlow, Endicott, and Noble, of date October 31, 1895, upon the Nicaragua Canal, together with all the appendixes, maps, plans, and profiles accompanying the same, as submitted by them; 6,000 of which shall be for the use of the House of Representatives and 4,000 for the use of the Senate.

Your committee, having had under consideration Senate concurrent resolution No. 245, to print 10,000 copies of the report made by Messrs. Ludlow, Endicott, and Noble, of date October 31, 1895, upon the Nicaragua Canal, together with all the appendixes, maps, plans, and profiles accompanying the same, as submitted by them, recommend that the same be agreed to. The Public Printer estimates the cost at $15,325.

The concurrent resolution was agreed to.

On motion of Mr. PERKINS, a motion to reconsider the several votes by which the two concurrent resolutions were agreed to was laid on the table.

NATIONAL SOCIETY OF COLONIAL DAMES.

Mr. QUIGG. I ask unanimous consent to report from the Committee on the Library, for immediate consideration, the bill which I send to the desk—House bill 8673, to incorporate the National Society of Colonial Dames of America.

The SPEAKER. The Clerk will read the bill.

Mr. QUIGG. Before the reading proceeds I wish to say that the names of the incorporators occupy about a page and a half of print. I suggest that time may be saved by omitting the reading of the names.

The SPEAKER. If there be no objection, the names will be omitted in the reading.

There was no objection.

The Clerk proceeded with the reading of the bill, as follows:

Be it enacted, etc., That Justine Van Rensselaer Townsend (Mrs. Howard Townsend), of New York; Elizabeth Duane Gillespie (Mrs. E. D. Gillespie), of Pennsylvania; Eleanore Kinsey Gordon (Mrs. W. W. Gordon), of Georgia; Britannia Wellington Kennon (Mrs. Beverly Kennon), of Washington, D. C.; Elizabeth Banning (Mrs. Henry G. Banning), of Delaware; Emily K. Reed (Mrs. William Reed), of Baltimore, Md.; Esther Jackson (Mrs. J. J. Jackson), of Baltimore, Md.; Elizabeth Byrd Nicholas, of Washington, D. C.; Letitia Green Stevenson (Mrs. Adlai E. Stevenson), of Illinois; Ellen Sever Hale (Mrs. George S. Hale), of Boston, Mass.; Mary Adams Quincey (Mrs. H. P. Quincey), of Boston, Mass.; Sara Putnam Lowell Blake (Mrs. George Baty Blake), of Massachusetts; Grace Parkman Coffin (Mrs. C. P. Coffin), of Massachusetts; Elizabeth Rebecca Lowell Sprague (Mrs. F. P. Sprague), of Massachusetts; Mrs. Samuel G. Colt, of Connecticut; Mrs. Charles Dudley Warner, of Connecticut; Bettie Andrews Atkinson (Mrs. John Wilder Atkinson), of North Carolina; Lucy Wright Giles (Mrs. Clayton Giles), of North Carolina; Belle De Saussure, of South Carolina; Eleanore Van Rensselaer Fairfax (Mrs. Hamilton B. Fairfax), of New York; Catharine Parker Beekman (Mrs. William Bedloe Beekman), of New York; Katherine Euphemia Turnbull, of New York; Susan de Peyster Livingston (Mrs. Robert E. Livingston), of New York; Maria Duane Bleecker Miller, of New York; Alice Elizabeth Chapin Brewster (Mrs. Henry Colvin Brewster), of New York; Cornelia Jones Chadwick (Mrs. French Ensor Chadwick), of New York; Alice Claypole Vanderbilt (Mrs. Cornelius Vanderbilt), of New York; Anna Livingston Reade Street Morton (Mrs. Levi Parsons Morton), of New York; Florence Bayard, of Delaware; Elizabeth D. Knight, of Delaware; Mary Floyd Delafield Neely (Mrs. Henry Adams Neely), of Maine; Abigail Adams Johnson Seymour (Mrs. Horatio Seymour), of Michigan; Sara Cotton Smith Perry (Mrs. William Stevens Perry), of Iowa; Evelyn Byrd Cabell Robinson (Mrs. William Russell Robinson), of Virginia; Elizabeth Henry Lyons (Mrs. James Lyons), of Virginia; Lucy Carter Trent (Mrs. Peterfield Trent), of Virginia; Isabella Dixon Mays (Mrs. Peter H. Mays), of Virginia; Edith Bucklin Hartshorn Mason (Mrs. Livingston Mason), of Rhode Island; Florence Madeline Bridgham (Mrs. —— Bridgham), of Rhode Island; Jeannie Lippit Weeden, of Rhode Island; Mary Jesup Blair (Mrs. James P. Blair), of Washington, D. C.; Henrietta Greely (Mrs. Adolphus W. Greely), of Washington, D. C.; Maria Stockton Dayton (Mrs. William Clarke Dayton), of New Jersey; Mary Dickinson, of New Jersey; Florence Hill Kidder (Mrs. George Wilson Kidder), of North Carolina, and their associates and successors, are hereby created a body corporate and politic in the United States of America by the name of The National Society of Colonial Dames of America, for patriotic, historical, and educational purposes, to perpetuate the memory and spirit of the men and women who, in the colonial period, by their rectitude, courage, and self-denial, prepared the way for success in that struggle which gained for the country its liberty and Constitution, by acquisition and protection of historical spots, and the erection of monuments; by the encouragement of historical research into the colonial records, and the publication of the results; by the preservation of documents and relics, and of the records of the individual patriots, and to encourage in all who come under their influence true patriotism, built on a knowledge of the self-sacrifice and heroism of those men of the colonies who laid the foundation of this great nation.

SEC. 2. That said society is authorized to hold real and personal estate in the United States, so far only as may be necessary to its lawful ends, to an amount not exceeding $500,000, and may adopt a constitution and make bylaws not inconsistent with law, and may adopt a seal. Said society shall have its headquarters or principal office at Washington, in the District of Columbia.

SEC. 3. That said society shall report annually to the Secretary of the Smithsonian Institution concerning its proceedings, and said Secretary shall communicate to Congress such portion thereof as he may deem of national interest and importance. The Regents of the Smithsonian Institution are authorized to permit said national society to deposit its collections, manuscripts, books, pamphlets, and other material for history in the Smithsonian Institution or in the National Museum, at their discretion, upon such conditions and under such rules as they shall prescribe.

The amendment proposed by the Committee on the Library was to strike out, in lines 13 and 14, page 3, the words "United States of America" and insert in lieu thereof the words "District of Columbia"; so as to read "a body corporate and politic in the District of Columbia."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. McMILLIN. I was not able to hear the whole of the bill as read. I wish to inquire whether it does not appropriate space in Government buildings to private uses.

Mr. QUIGG. Not at all.

Mr. McMILLIN. It struck me that it did so.

Mr. QUIGG. It permits the trustees of the Smithsonian Institution to accept such manuscripts and other collections of the society as may be offered to them.

Mr. McMILLIN. As donations?

Mr. QUIGG. As donations.

There being no objection, the House proceeded to the consideration of the bill.

The amendment of the Committee on the Library was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. QUIGG, a motion to reconsider the last vote was laid on the table.

DONATION OF CONDEMNED CANNON.

Mr. PRINCE. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 7171) authorizing and directing the Secretary of the Navy to donate four condemned cannon and four pyramids of condemned cannon balls to James T. Shields Post, No. 45, Grand Army of the Republic, of Galesburg, Knox County, Ill., and for other purposes.

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to donate four condemned cannon and four pyramids of condemned cannon balls to James T. Shields Post, No. 45, Grand Army of the Republic, of Galesburg, Knox County, Ill., for the soldiers' monument to be erected in said city: *Provided*, That in the judgment of the Secretary of the Navy such articles can be spared without detriment to the public interest: *And provided further*, That the United States shall not be subjected to any expense on account of such donation.

There being no objection, the House proceeded to the consideration of the bill.

Mr. CANNON. Mr. Speaker, I rise to say a word, and only a word, about this bill; I will not delay the House. I should be glad if the House would give unanimous consent to devote so much of an hour as may be necessary to the disposition of these bills making donations of condemned cannon. I will frankly state that I have one such bill myself. [Laughter.] Let me say—and I want the Speaker's ear as well as that of the House—that it is probably an important matter personally to many members here that bills of this kind from their districts should pass; that their Grand Army posts asking for these condemned cannon should receive them. Measures of this kind are the one thing, thank God, that can be passed without costing the Government a cent. We have large quantities of condemned cannon—not more valuable to the Government than scrap iron—indeed, not so valuable. Under the operation of these bills these condemned cannon are shipped away from the custody of the Government at the expense of the respective posts. The passage of these bills gives us an opportunity to gratify a great many people and to meet a sentiment existing throughout the country. It seems to me a little thing that by unanimous consent we should devote an hour to business of this kind, especially when we can authorize upon a single bill, and without debate except during thirty minutes—I am not criticising the action of the House—an expenditure of $80,000,000. I am not saying that such an expenditure is not wise. But I wish to say, if the Speaker will recognize me, I will ask unanimous consent that for an hour, or so much thereof as may be necessary, bills of this character now on the Calendar may be called up and considered.

Mr. BARTLETT of New York. Will the gentleman allow me a question?

Mr. CANNON. Yes, sir.

Mr. BARTLETT of New York. I should like to ask the distinguished gentleman from Illinois why the Committee on Rules does not bring in a special rule setting apart an hour or two hours for the consideration of these bills?

Mr. CANNON. I can not speak for the Committee on Rules. I do not know that the matter has been brought to their attention. But it is not necessary that the proposition should come here in that way. If it is in the mind of the Speaker to submit a request for unanimous consent, and if it is in the mind of the House to do this thing, which involves no expense to the Government, I should be very glad.

Mr. BARTLETT of New York. One other question.

Mr. CANNON. Certainly.

Mr. BARTLETT of New York. I wish to ask the gentleman whether he knows of any instance of these bills being objected to; and whether by taking them up in this way, singly, under unanimous consent, we may not do a good thing by preventing the consideration of other bills which might be injurious to the public interest.

Mr. CANNON. I was not looking at the question from that standpoint. This is a little matter, as gentlemen will see, which looks to meeting a patriotic sentiment in the country, while at the same time imposing no pecuniary disadvantage on the Government.

And I avail myself of the recognition, under the rules, to submit this matter to the House, and if the Speaker will recognize me when this bill is passed I will ask the House to give unanimous consent for the passage of these bills on the Calendar.

Mr. HULICK. Will the gentleman from Illinois allow me a question?

Mr. CANNON. Certainly.

Mr. HULICK. I wish to ask a question in regard to the cost of transportation of these guns.

Mr. BARTLETT of New York. I will object——

Mr. HULICK (continuing). In regard to the cost of transporting these cannon to different posts——

Mr. CANNON. That expense is paid by the different posts themselves.

Mr. HULICK. It has been stated that in some instances the cost of transportation is worth a great deal more than many of these posts can afford to pay. The evidence before the Naval Committee when this matter was under consideration, before reporting a general bill on the subject, showed that the expense

of transporting the guns would cost some of these posts ten times, perhaps fifty times, more than any post would be able to pay. In one instance it was reported, I recollect, that the cost of the transportation, as given by the Secretary in response to an inquiry, would amount to some $500 for this one post.

Mr. CANNON. That is from the Mare Island Navy-Yard. But there are a great many guns outside of the Mare Island Navy-Yard, in more accessible positions.

Mr. FAIRCHILD. I would like to suggest to the gentleman from Illinois that a bill has already been reported from the Committee on Military Affairs which authorizes the Secretary of War and the Secretary of the Navy, on request, to donate these very cannon to Grand Army posts and to municipal corporations for soldiers' monuments.

Mr. CANNON. Is that bill on the Calendar?

Mr. FAIRCHILD. It is; and I have a copy in my hand, with the report.

Mr. CANNON. Then I will ask the Speaker to recognize me at the proper time for consent to consider that bill.

Mr. FAIRCHILD. And I will state also that the Senate has already passed the bill, and it is before the House now as a Senate bill.

Mr. CANNON. Then I will ask that we take up the Senate bill for consideration.

Mr. FAIRCHILD. In addition to that, the Senate refuses, I am informed, to pass any more local bills.

Mr. CANNON. Well, when this bill is disposed of, if I can get recognition, I will ask unanimous consent to consider the Senate bill to which the gentleman from New York refers.

Mr. ERDMAN. Mr. Speaker, I desire to move an amendment to this bill. I propose to add, after the last word in the bill, the words "*Provided*, That said cannon be well spiked before delivery." This morning I understand the Pension Committee has placed a veteran on the roll at $30 a month because of an explosion of one of these very guns, and I think it is well to provide in time for any other such contingencies. [Laughter.]

Mr. HOPKINS. Is that amendment made in the interest of the life of my colleague? [Laughter.]

The SPEAKER. The gentleman not having sent the amendment to the Chair, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. PRINCE, a motion to reconsider the last vote was laid on the table.

MORTGAGES IN THE INDIAN TERRITORY.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8298) relating to mortgages in the Indian Territory.

The bill was read, as follows:

Be it enacted, etc., That section 4742 of Mansfield's Digest of the Laws of Arkansas, heretofore put in force in the Indian Territory, is hereby amended by adding to said section the following:

"*Provided*, That if the mortgagor is a nonresident of the Indian Territory the mortgage shall be recorded in the judicial district in which the property is situated at the time the mortgage is executed. All mortgages of personal property in the Indian Territory heretofore executed and recorded in the judicial district thereof in which the property was situated at the time they were executed are hereby validated."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BARTLETT of New York. I would like to have some explanation of this bill before consent is given.

Mr. BAILEY. Mr. Speaker, when Congress first established a court for the Indian Territory, it put in force certain sections of Manfield's Digest of the Laws of the State of Arkansas. Among these was a provision for the recordation of mortgages, which provided that mortgages on real estate should be recorded in the county where the real estate was situated, and mortgages on personal property should be recorded in the county where the mortgagor resided. It being obviously impossible, under that provision, to record a mortgage on personal property where the mortgagor resided outside of the State, the State of Arkansas amended that section of its code; and provided in substance for the provision incorporated in this bill.

I will state to the House frankly that I have some question about attempting to validate mortgages which have heretofore been given.

I have no interest in the matter myself, but introduced the bill at the request of a judge of one of the courts, to whose attention I had called the defect in the law. I introduced the bill by request, and call it up by request, but I think the bill ought to pass.

There being no objection, the bill was considered, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BAILEY, a motion to reconsider the last vote was laid on the table.

DISPOSITION OF CONDEMNED CANNON.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the Senate bill which I send to the Clerk's desk, to take the bill from the Calendar, to put the same upon its passage.

The bill was read, as follows:

A bill (S. 1865) to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, and cannon balls in their respective Departments.

Be it enacted, etc., That the Secretary of War and the Secretary of the Navy are each hereby authorized, in their discretion, to loan or give to soldiers' monument associations, posts of the Grand Army of the Republic, and municipal corporations condemned ordnance, guns, and cannon balls which may not be needed in the service of either of said Departments. Such loan or gift shall be made subject to rules and regulations covering the same in each Department, and the Government shall be at no expense in connection with any such loan or gift.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The bill was ordered to a third reading.

Mr. HENDERSON. I should like the gentleman from Illinois to explain the bill to us before it is passed. I did not hear it read.

Mr. CANNON. It is a Senate bill authorizing the Secretary of War and the Secretary of the Navy to loan or donate condemned ordnance to Grand Army posts or municipalities without expense to the Government.

Mr. HENDERSON. That does away with the necessity for these private bills?

Mr. CANNON. Precisely.

Mr. HENDERSON. That is what I wished to know.

Mr. RICHARDSON. Is it entirely in the discretion of these two officers?

Mr. CANNON. Oh, entirely.

Mr. RICHARDSON. There is no limit on their discretion?

Mr. HENDERSON. That gives them precisely the power that these private bills give, as I understand?

Mr. CANNON. Precisely.

Mr. PICKLER. I think it is going a little further than we have heretofore gone. The bill authorizes the donation of cannon to municipal corporations.

Mr. CANNON. Very well——

Mr. BLUE. That word "municipal" should be stricken out.

Mr. PICKLER. The donating of cannon to municipalities ought not to be allowed, unless it is for the use of soldiers' organizations.

Mr. CANNON. The provision that we put upon private bills, and which is upon this bill, that the transportation charges shall be paid by the corporation or organization receiving the cannon, is quite enough of a guard. I hope the gentlemen will allow the bill to pass. It is within the discretion of these officers to donate or loan the condemned ordnance.

Mr. BLUE. Mr. Speaker, that word "municipal" ought to be stricken out, so as to leave simply the word "corporation." A cemetery corporation is not a municipal corporation, but most cemetery organizations are corporations. I think the word "municipal" is an unfortunate word.

Mr. CANNON. The Grand Army posts will take care of the cemeteries. There is no trouble about it.

Mr. PICKLER. What I fear about this is that this bill will let every little municipality in the country apply for these cannon, whether there is any Grand Army post or cemetery connected with the municipality or not. It seems to me there will be a scramble for these cannon, and there will be none left for the Grand Army posts and cemeteries.

Mr. BARTLETT of New York. Is this discussion or debate in order after the bill is on its passage?

The SPEAKER. The debate is in order.

Mr. PICKLER. Are amendments in order now?

The SPEAKER. Amendments are not in order now, unless the vote by which the bill was ordered to be read a third time is reconsidered.

Mr. CANNON. I will ask for a vote on the passage of the bill.

Mr. PICKLER. Mr. Speaker, I ask unanimous consent to put in an amendment including State or Territorial departments of the Grand Army of the Republic.

Mr. CURTIS of New York. The provisions of the bill are ample now.

Mr. CANNON. There is no trouble about it.

Mr. PICKLER. There will not be enough of these cannon to go around to nearly all of these posts, and some States will not get anything under this law.

Mr. CANNON. It costs from $300 to $500 to pay the freight on these cannon. There are plenty of them to supply the demand, and we get rid of all the private bills if we pass this one. I ask for a vote.

Mr. WILLIS. I ask unanimous consent to offer an amendment.

Mr. HILL. I ask unanimous consent to offer an amendment.

Mr. BARTLETT of New York. I object.

Mr. PICKLER. I move to reconsider the vote by which the bill was ordered to be engrossed and read a third time.

Mr. CANNON. I move to lay that motion on the table.

The motion of Mr. CANNON was agreed to.

The bill was passed.

On motion of Mr. CANNON, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT ST. LOUIS.

Mr. MURPHY of Illinois. Mr. Speaker, I desire to call up the bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county, which has passed the Senate with amendments.

The SPEAKER. The Chair desires to say to the gentleman from Illinois that his bill will come up in the regular order very soon.

PUEBLO, DURANGO, AND LEADVILLE, COLO., PORTS OF DELIVERY.

Mr. BELL of Colorado. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2508) to establish customs ports of delivery at Pueblo, Durango, and Leadville, Colo., and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That Pueblo, Durango, and Leadville, all in the State of Colorado, be, and are hereby, made customs ports of delivery, and attached to the port of Denver, in said State, with all the rights and privileges now accorded by law to said port of Denver, the surveyor of customs of which port shall supervise the customs business at said Pueblo, Durango, and Leadville in the same manner and to the same extent as at Denver.

SEC. 2. That such other places in the State of Colorado as the Secretary of the Treasury may designate from time to time shall be ports of delivery, with all the privileges now accorded by law to the port of Denver, Colo., the surveyor of customs of which port shall supervise the customs business transacted at such places in the same manner and to the same extent as at Denver.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DOCKERY. Has this bill been reported by a committee?

Mr. BELL of Colorado. It has been reported.

The SPEAKER. The Chairs hears no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BELL of Colorado, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BELL of Colorado. Mr. Speaker, there was a House bill reported including the name of one of the places. I move that that bill (H. R. 7257) be laid on the table.

There was no objection, and it was so ordered.

JOHN M. DAVIS.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 56) for the relief of John M. Davis.

The SPEAKER. The engrossed bill is not here.

Mr. CLARK of Missouri. It has passed the Senate.

The SPEAKER. But the engrossed bill is not here.

MRS. CLIFFORD NEFF FYFFE.

Mr. DRAPER. I ask unanimous consent for the present consideration of the bill (S. 2600) granting a pension to Mrs. Clifford Neff Fyffe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Clifford Neff Fyffe, widow of Joseph Fyffe, late a rear-admiral, United States Navy, at the rate of $75 per month.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. I would like to ask the gentleman if that bill has been considered at a Friday night session?

Mr. DRAPER. It has not.

Mr. TALBERT. Then I reserve the right to object, pending the reading of the report.

Mr. DRAPER. I think the gentleman will not object when he hears the report. This agrees to the amount that the gentleman is willing to grant to the widow of a most distinguished officer.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2600) granting a pension to Mrs. Clifford Neff Fyffe, having carefully considered the same, respectfully submit the following report:

Mrs. Fyffe, the applicant herein, is the daughter of the late Rev. Granville Moody, one of the most distinguished volunteer colonels of the late war. Her brother, William Moody, was a soldier in the late war, and died as the result of a disease contracted in the Army.

These facts are mentioned, not as material or constituting the basis for a pension, but merely as preliminary to the consideration of the more distinguished services of her husband, the late Rear-Admiral Fyffe.

This officer's services, both in the war with Mexico and also in the late war, were of the most distinguished character, covering a period of almost half a century, commencing on the 7th of September, 1847, when, at the age of 15, he was appointed a midshipman, and ending with his death, on the 25th of February, 1896. His death resulted from a disease contracted while in the service in tropical countries.

Mrs. Fyffe is very poor, with no income, the property left by her distinguished husband having been encumbered for more than its value. She is wholly dependent and without means of support.

The circumstances of the petitioner appear, by papers submitted herewith, to be as follows:

She is about 56 years of age, being quite deaf, and is disabled by a disease of the veins which has prevented her from working or even standing for five months during the past year. She is entirely dependent upon the pension she is now asking, having no income whatever. It appears that when the Admiral was retired from the active list of the Navy he felt that, being an exceptionally strong, vigorous man, he might reasonably count upon ten or twelve years in which to carry out a long-cherished plan for opening, improving, and stocking land he owned in Nebraska, 160 acres granted him for services in the Mexican war. He began this undertaking last spring, and had he lived doubtless would have been successful in his plans. It absorbed all his reasonable means and required the mortgaging of the land itself. Much was expended on which there could be no speedy return. All farm products were phenomenally low the last year of his life, but that did not discourage him, as he expected to reap a good income, as well as a business for his son and a provision for his family.

By his sudden death the undertaking became a disaster instead of a provision to his widow and those he has left. She states that she can not carry it on for a single month, and his pay ceasing with his death prevents her from being able to carry the mortgage on the land. All must be closed to stop expenses and satisfy the mortgage. It is estimated that there will not be sufficient even to free her from the obligations of her husband, and all should have been sold.

The bill passed the Senate at $75 per month, and the foregoing is the substance of Senate Report No. 656, which contains a lengthy statement as to the Admiral's services, and to which reference is hereby made.

Your committee recommend the passage of the bill, with the following amendment:

In line 6 strike out the word "seventy-five" and insert in lieu thereof the word "fifty."

Mr. TALBERT. Mr. Speaker, the only chance we have to discuss these bills is during a Friday night session. They will not allow even an amendment; and upon these grounds I object.

The SPEAKER. Objection is made.

J. C. RUDD.

Mr. CLARDY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 1502) for the benefit of J. C. Rudd.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay James C. Rudd the sum of $3,500, out of any money in the Treasury not otherwise appropriated, being the amount due said Rudd for the rent of a post-office building in the city of Owensboro, Ky.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BARTLETT of New York. Mr. Speaker, I ask for the reading of the report.

The SPEAKER. The gentleman from New York asks that the report be read.

The report (by Mr. PUGH) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1502) for the relief of J. C. Rudd, submit the following report:

The proof in this case shows that J. C. Rudd, of Owensboro, Ky., was the owner of a building at said town which was used and occupied by the postmaster at Owensboro from 1861 to 1875 for the distribution of United States mail. At the time of the occupation of said property by the postmaster at Owensboro there was no definite agreement between him and said Moore, the postmaster, as to the amount of rent to be paid by the Government for the use of said property.

Your committee attach hereto letters from the Post-Office Department in relation to this claim and ask that they be printed as a part of this report.

Your committee is of the opinion that the claimant is entitled to $600 for three years' rental for his property, and recommend the passage of the bill with the following amendments:

In line 4, after the word "Rudd," insert the words "of Owensboro, Ky.," and in lines 4 and 5 strike out the words "three thousand five hundred" and insert in lieu thereof the words "six hundred."

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., March 20, 1896.

SIR: I beg to acknowledge the receipt of your favor of the 10th instant relative to a claim for rent of premises occupied by the post-office at Owensboro, Ky., from 1861 to 1875, which has been presented by Mr. J. C. Rudd, and to inform you, in reply thereto, that prior to April, 1865, the said post-office belonged to the fourth class; that from that date until July 1, 1872, it belonged to the third class, and that since the latter date it has belonged to the second class.

There has never been any provision made by Congress for payment of rent by the Government for premises occupied by post-offices of the fourth class, nor was there any authority in law under which the Department could allow for rent of premises occupied by post-offices of the third class until October 1, 1888, when the act of July 24, 1888, became operative.

Upon the advancement of this post-office to the second class (July 1, 1872) an allowance of $200 per annum was made by the Department for payment of rent for premises in which the said post-office was then located. This allowance was unchanged until April 1, 1879.

Very respectfully,

WM. L. WILSON, *Postmaster-General.*

Hon. T. M. MAHON,
Chairman Committee on Claims, House of Representatives.

POST-OFFICE DEPARTMENT,
OFFICE FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., April 3, 1896.

SIR: I send you herewith for your information a copy of a letter which I have this day addressed to the Hon. J. D. CLARDY.

Very respectfully,

F. H. JONES,
First Assistant Postmaster-General.

Hon. T. M. MAHON,
Chairman Committee on Claims, House of Representatives.

APRIL 3, 1896.

SIR: In reply to your letter of the 31st ultimo, I beg to inform you that I find by an examination of the records of the Auditor's office that the late postmaster at Owensboro, Ky., was not charged with any expenditure from

the allowance made by the Department for rent of premises occupied by the said post-office prior to July 1, 1875.

Very respectfully,

——— ———,
First Assistant Postmaster-General.

Hon. J. D. CLARDY,
House of Representatives.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CANNON. I would like to ask the gentleman a question. As I understand, there was an allowance of $200 a year for rent after this became a second-class post-office?

Mr. CLARDY. Yes, sir; after it became a second-class post-office.

Mr. CANNON. When did it become a second-class post-office?

Mr. CLARDY. In 1872; and this covers up to 1875. Previous to that time he had furnished the office for years, but of course that is all shut out, because there was no allowance.

Mr. CANNON. This is after the office became a second-class office in 1872?

Mr. CLARDY. Yes; from 1872.

Mr. CANNON. How long did he pay the rent?

Mr. CLARDY. For three years, since 1875, the money has been paid, but from 1872 to 1875 the rent was allowed by the Post-Office Department, as I show by these letters here, but was not paid.

Mr. CANNON. Was it actually paid out?

Mr. CLARDY. After 1872 there was an allowance of $200 a year.

Mr. CANNON. Was the $200 per annum actually paid out from 1872 to 1875 for rent?

Mr. CLARDY. It was not paid, but it was allowed.

Mr. CANNON. Nothing was paid?

Mr. CLARDY. Nothing was paid the postmaster. At the end of that time the postmaster died and could not make any request for its payment. This bill passed last year.

Mr. CANNON. Then, this covers from 1872 to 1875, after the office was made a second-class post-office; and you say nothing has ever been received, and it is $200 a year for rent paid by the postmaster.

Mr. CLARDY. It was allowed, but has never been paid.

Mr. LOUD. Well, Mr. Speaker, it seems to me that this claim should not be allowed. There is nothing here to show what the agreements were between this postmaster and the party who owned the building. He had occupied this building from 1861 to 1875. There is no evidence as to any contract or any agreement. Possibly there was a consideration—very probably there was a consideration—if you can get at the facts in this case, and the probability is that this rent should never have been paid.

Now, this gentleman comes to Congress not for $600, but finding that an allowance of $200 a year has been made, he comes and seeks to secure $200 a year from 1861 to 1875; and while the amount of money is not very great, permit me to say that from the evidence before the House this claim has not a particle of merit. There is no evidence here to show that this man should receive anything.

Mr. CLARDY. The committee investigated this matter, and the proofs show that this gentleman did furnish the building, that it was rented from him, and that the money never was paid.

Mr. LOUD. I do not doubt that, but there is evidently a consideration somewhere. That building was not occupied in that way from 1861 to 1875 unless there was some consideration that does not appear here.

Mr. CLARDY. But he never got anything.

Mr. LOUD. I understand that; but I repeat, there was some consideration that does not appear here—perhaps the benefit of having the post-office in his building.

Mr. CLARDY. But it does appear that the Department allowed $200 a year for those three years, and also that the money never has been paid; and the evidence before the committee distinctly showed that the gentleman furnishing the house never received any rent. It seems to me that if there ever was a just claim against the Government, this is one.

Mr. HULICK. Let me ask the gentleman from Kentucky a question. I do not recall the amount of the original claim presented——

Mr. CLARDY. Of course he made a claim at first for all the time, not knowing but that the Department had made the allowance for the whole time; but when we came to investigate the matter we found that no allowance had been made previous to 1872, the time when the office was made a second-class office.

Mr. HULICK. I rose to ask why it was that when this gentleman presented so large a claim the committee allowed only about $600 instead of $2,000, as claimed?

Mr. CLARDY. I have just explained that. He was not aware that no allowance had been made for rent until 1872. That being the fact, of course the committee rejected all of the claim for the period preceding 1872, the time when the Department first made the allowance. In 1872 the office became a second-class office, and it was only then that the allowance was made. Now, we propose to pay only for the three years for which the letter of the Department shows that allowance was made, it appearing distinctly from the evidence that the money, although allowed, was never paid over.

Mr. HULICK. And I understand that but for the death of the postmaster the money would have been paid?

Mr. CLARDY. Certainly.

Mr. LOUD. That is merely an assumption.

Mr. HULICK. And the committee recommend now that that amount be paid?

Mr. CLARDY. Yes, sir.

Mr. LOUD. Mr. Speaker, I have expressed my objection to this bill to the House and to the gentleman personally, and I see no reason to change my view.

Mr. CLARDY. I understood the gentleman to acquiesce.

Mr. LOUD. Oh, no; I never told the gentleman so.

Mr. CLARDY. Do I understand the gentleman to say that he objects to the consideration of the bill?

The SPEAKER. Objection is made.

GEORGE JOHNSON.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4281) granting a pension to George Johnson, of Lenox, Iowa.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. TALBERT. I would like to ask the gentleman if this bill has been considered at a Friday night session?

Mr. HEPBURN. It has not, because it has not yet been reached; but it is a case that ought to receive attention.

Mr. TALBERT. If it has not been considered at a Friday night session I object.

The SPEAKER. Objection is made.

WITNESSES IN LAND CASES.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3268) to facilitate the procurement of evidence and to compel the attendance of witnesses in matters before the registers and receivers of the local land offices of the United States.

The bill was read, as follows:

Be it enacted, etc., That when, in any hearing ordered to be had before the register and receiver of any local land office of the United States, it shall be stated to the register in writing by either party to such hearing that the testimony of any person is material and necessary to the conduct of the case of said party, it shall be lawful for the register of said office, and it is hereby made his duty, to issue a notice in writing, directed to such witness or person, requiring him to appear at the time and place to be in said notice specified and stated, provided the same shall not be at a greater distance than 200 miles from the place of residence of said witness, and then and there to testify, by deposition or otherwise, as a witness in the matter of said hearing. Such notice may be served by the marshal of the United States for the district in which the witness resides, or by any deputy by him thereunto authorized, or by any person designated and appointed in writing by the register by whom said notice shall have been issued. Any person who, being served with notice to appear and testify as herein provided, refuses or neglects to appear at the time and place designated in said notice, or who, after appearing, refuses to testify, he not being privileged from giving testimony, shall be guilty of a misdemeanor, and upon conviction thereof, in the district court of the United States, or the Territory, holden in the district in which such person so served with notice to appear and testify resides, shall be punished by a fine not to exceed the sum of $500, or be imprisoned not to exceed six months, or both, at the discretion of the court. The fees and mileage for witnesses notified to appear as herein provided shall be the same as those provided by law for witnesses in the courts of the United States; and no person notified to appear as a witness under this section shall be compelled to obey any such notice unless his fees for one day and mileage to and from the place where his evidence is to be taken shall have been tendered or shall have been waived by him at the time of service of such notice, nor shall the witness be required to remain in attendance at the taking of testimony longer than one day unless his per diem shall be tendered from day to day.

SEC. 2. That all officers authorized by the laws of their respective States or Territories to take deposition are hereby authorized to administer oaths to witnesses and take testimony, by way of deposition or otherwise, to be used at hearings in cases involving public lands, and any witness swearing falsely in any such case shall be deemed guilty of perjury, and shall, upon conviction thereof, be liable to punishment prescribed for that offense by the laws of the United States.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. McMILLIN. Reserving the right to object, I call for the reading of the report.

Mr. LACEY. I think I can explain the bill in less time than it will take to read the report.

Mr. McMILLIN. Very well.

Mr. LACEY. Repeatedly for a number of years the Secretary of the Interior and the Commissioner of the Land Office have requested the passage of a bill of this character. This bill provides for securing the attendance of witnesses in contests before registers and receivers of the local land offices. This bill was drafted in the Interior Department and was introduced by me, and has been unanimously reported by the Committee on Public Lands. At present there is no way by which the attendance of witnesses can be compelled in land contests, and frequently the result is the miscarriage of justice, and in some cases the bribery of witnesses, who are hired to stay away. That is all there is in the bill.

Mr. MCMILLIN. Mr. Speaker, I have no objection to the passage of a bill on this subject, but I think the gentleman from Iowa will agree with me that this bill is pretty drastic. It provides for the imprisonment of a witness if he fails to attend. I think that provision ought to be stricken out. I think the fine is sufficient, especially as in many instances the amount involved is not likely to be so much as the fine. I hope the gentleman will have no objection to striking out the provision for imprisonment. We are a little "handy" with imprisonment by the Federal courts at any rate.

Mr. LACEY. The bill has simply been adapted to the method of compelling the attendance of witnesses before committees of Congress and other bodies which have no power to issue subpœnas.

Mr. MCMILLIN. I think the provision for imprisonment ought to be stricken out, and I will offer an amendment to that effect. I think the fine is enough, and that there ought not to be any imprisonment unless the party is in contempt of court, in which case he can be reached by a different process.

The SPEAKER. Will the gentleman indicate his amendment?

Mr. LACEY. The amendment of the gentleman from Tennessee would be to strike out, on page 2, commencing with the matter after the word "dollars," on line 28, down to and including the word "both," on line 29.

Mr. JOHNSON of California. Mr. Speaker, I hope the amendment will not be adopted. The only way of enforcing the attendance of witnesses in these cases is by giving the officials power to imprison recalcitrant witnesses. A fine, or the threat of a fine, will receive very little attention; and the power to attach a person's property for a fine will also amount to little, because a very large number of these persons have no property. The threat of a fine to be enforced by attachment would be in most cases a mere brutum fulmen. I think the provision for imprisonment is a good thing and ought to be retained. I hope the amendment will be voted down.

Mr. MCMILLIN. I understood the gentleman from Iowa [Mr. LACEY] to accept my amendment.

Mr. LACEY. Personally I have no objection whatever to the amendment. I appreciate, of course, the point made by my friend from California; and as the bill was originally drawn——

Mr. MCMILLIN. If I had not thought the amendment acceptable the gentleman would have been obliged to get up his bill in a different way. I consented to the consideration of the bill on the condition that this amendment would be made.

Mr. LACEY. Then I hope my friend from California will not insist on his objection to the amendment.

Mr. MCMILLIN. I do not believe that the process of these local land officers should carry with it a five-hundred-dollar fine and imprisonment, at the discretion of the court.

Mr. JOHNSON of California. At the suggestion of my friend from Iowa [Mr. LACEY], I withdraw my objection to the amendment.

The amendment was agreed to.

Mr. PICKLER. Will this bill change the rule which now obtains, where, by the consent of parties, the testimony of witnesses is taken at the county seats?

Mr. LACEY. Not at all. It provides only for the compulsory attendance of witnesses. At present there is no way by which a witness can be compelled to appear and testify.

Mr. PICKLER. I understood that the bill went only so far as to make it compulsory that the witnesses attend at the land offices.

Mr. LACEY. At the land offices or before officers authorized to take testimony. The receiver or register issues the subpœna, which, under this bill, the witness must obey or subject himself, as the bill is now amended, to fine.

Mr. PICKLER. The process may be made returnable at any point that the register or receiver designates?

Mr. LACEY. Yes, sir.

Mr. PICKLER. If that is so, it is all right.

Several MEMBERS. That is so.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

CHARITY HOSPITAL, BILOXI, MISS.

Mr. DENNY. I ask unanimous consent for the present consideration of the bill (H. R. 7919) providing for the erection and maintenance of a charity hospital by the city of Biloxi, Miss.

The bill was read, as follows:

Be it enacted, etc., That there is hereby given, granted, and conveyed to the city of Biloxi, in the county of Harrison and State of Mississippi, those certain lots, pieces, or parcels of land lying and being in the county and State aforesaid, and described as follows, to wit: Fractional section 19, in township 7 south, range 9 west; northwest quarter of section 30, in township 7 south, range 9 west, and south half of section 24, in township 5 south, range 10 west, St. Stephens meridian; with full and complete right and authority to occupy, improve, own, and control said lands for the purpose of erecting and maintaining thereon by said city a hospital for the use and benefit of the poor and indigent sick and those with contagious and infectious diseases: *Provided*, That said city of Biloxi is hereby authorized and empowered to lease, rent, or sell any and all parts or portions of said lands not required for the buildings and grounds of said hospital, which fact shall be determined by the mayor and board of aldermen of said city of Biloxi; and the proceeds of such rents, leases, or sales shall be applied exclusively to the maintenance of said hospital.

The amendments reported by the Committee on the Public Lands were read, as follows:

In line 5, after the word "Mississippi," insert the words "a tract not exceeding 160 acres in extent, to be selected by said city from."

In line 16, after the word "*Provided*," insert the word "*however*."

Strike out all of line 16 after the word "Biloxi," and all of lines 17, 18, 19, 20, 21, and 22, and insert in lieu thereof the following words:

"Shall, within five years from and after the passage of this act, accept this grant, and that whenever said lands shall cease to be used by said city for the purposes herein mentioned, the same shall revert to the United States."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. CANNON. I listened to the reading of the bill and amendments; but on one point I wish to ask a question. Does this measure propose merely to grant a site now owned by the Government upon which to build a hospital?

Mr. DENNY. Yes, sir.

Mr. CANNON. What is the extent of the site?

Mr. DENNY. One hundred and sixty acres.

Mr. CANNON. Where is it?

Mr. DENNY. On the Back Bay of Biloxi, about 2 miles from the city of Biloxi.

Mr. CANNON. What is its value?

Mr. DENNY. Its value, as I am informed, is merely nominal. It is valueless for agricultural and other purposes. It is suitable for this hospital, but I believe valueless for any other purpose.

Mr. CANNON. Does the bill as amended give authority to sell any portion of the site?

Mr. DENNY. No, sir. The grant is made for the express purpose named; and when the ground ceases to be used for that purpose the whole tract will revert to the Government.

Mr. CANNON. The Government has no use for this site?

Mr. DENNY. No, sir. It is a part of what was known as the "naval reservation," the whole of which I believe was by the last Congress transferred to the Interior Department for homestead purposes.

Mr. CANNON. I do not know that I have any objection to granting a bare site.

Mr. DENNY. That is all that this bill grants.

Mr. CANNON. One hundred and sixty acres make a pretty large grant. A bill looking to a grant of lands to endow a hospital I should object to, unless we went into that business generally. I have a hospital in my own town which I should be glad to have the Government endow.

Mr. DENNY. This would be a rather large tract, if it were all to be occupied; but a great deal of the land is covered with marsh and water. It is, as I have stated, on the borders of the Back Bay of Biloxi. The land is really valueless for any other purpose; and I am informed that very little of it is high land.

Mr. CANNON. Is this a House bill or a Senate bill?

Mr. DENNY. A House bill.

Mr. CANNON. If this bill, after going to the Senate, should return here in the closing hours of the session upon a conference report, I indulge the hope that full attention will be called to any provision which may look toward a grant of land in aid of the establishment of a hospital.

Mr. LACEY. I will state that the original proposition was to grant 600 acres, more or less.

Mr. DENNY. Yes, sir.

Mr. LACEY. But the committee cut down the amount to what they thought the actual necessities for hospital purposes.

Mr. DENNY. That is correct.

There being no objection, the House proceeded to the consideration of the bill.

The amendments reported by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. CANNON. The bill having been amended, it seems to me the title should also be amended so as to read "A bill granting a site for the erection of a charity hospital," etc., instead of "A bill providing for the erection and maintenance of a charity hospital," etc.

The SPEAKER. Without objection, the title will be amended as proposed.

There was no objection.

On motion of Mr. DENNY, a motion to reconsider the vote by which the bill was passed was laid on the table.

SOPHIA AND JULIA C. SPARKS.

Mr. COFFIN. I ask unanimous consent for the consideration of the bill (H. R. 956) for the relief of Sophia Sparks and Julia C. Sparks, of Annapolis, Md.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay jointly to Sophia Sparks and Julia C. Sparks, of Annapolis, Md., the sole heirs and surviving children of Edward Sparks, deceased,

late of the same place, the sum of $670.58, in full payment for sundry supplies furnished by said Edward Sparks at various dates between January, 1863, and July, 1866, to the United States Naval Academy.

The SPEAKER. Is there objection?

Mr. BARTLETT of New York. I would like to hear the report.

The report (by Mr. SNOVER) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 956) for the relief of Sophia and Julia C. Sparks, have duly considered the same and submit the following report:

The facts out of which this bill arises are in substance as follows:

Sophia Sparks and Julia C. Sparks, the claimants named in this bill, are the sole heirs and surviving children of Edward Sparks, who died at Annapolis, Md., in 1868, and who during his lifetime was a storekeeper at the United States Naval Academy, in said city and State.

At sundry dates between January 15, 1863, and July 10, 1866, said Edward Sparks furnished to said Naval Academy sundry supplies, consisting of scientific, text, blank, and other books; histories, grammars, Bowditch tables, atlases, geographies, surveying and other instruments, scales, rulers, drawing paper, pens, towels, soap, brooms, pails, shades and fixtures for gas burners, and other miscellaneous articles for the public use of said Academy, aggregating a total value of $670.58, all duly certified in triplicate vouchers issued therefor, reciting the name and value of each article and the date when same was so furnished, said certificate reciting that said "supplies so furnished were suited to the ends in view, and charged for at reasonable rates," and on July 10, 1866, the same were duly signed by the secretary of said Academy, and on the same date were all duly approved by the superintendent in charge of said Naval Academy, and in triplicate.

Thereafter, two copies of each of said vouchers, so certified and approved, being in the possession of the Navy Department, said Sparks made frequent demands upon the United States for the payment of the sums of money so due him therefor; but he was never paid the same because of a want of appropriation of money with which to pay the same.

After the death of said Edward Sparks, his children duly brought these claims to the attention of Congress, through their then Representative, and who, on February 18, 1874, filed the petition of said children in the House, praying payment, but from then till now said petition has ever remained of record in the files of the House unacted upon.

A copy of a similar bill (H. R. 5472) was, on January 30, 1894, duly referred to the Navy Department for its examination and report, and by it was, in February, 1894, also duly referred to the superintendent of said Naval Academy at Annapolis, Md., for similar purposes.

The correspondence had in these premises is now in the record of this case, and shows that said articles were so duly furnished at the dates as recited in said vouchers; that the same were never paid for, and under date of February 16, 1894, the Secretary of the Navy reported favorably as to said claim.

The United States having received in due manner the articles furnished by said Edward Sparks and no payment having heretofore been made therefor, payment should now be made to his said surviving children in the sum of $670.58.

And we recommend that said bill do pass.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. LOUD. Permit me say, Mr. Speaker, that I remember this case before the Committee on Claims, when I had the honor to be a member of that committee, and recollect opposing it very strenuously at that time. What the reasons were have now escaped my memory. But the facts in the case do not appear of record here. I know I must have had good reasons for the opposition I made.

And I wish to say now that I do object to the committee making reports favoring claims of this character, and referring to something said or written by a Department, without publishing the letter or the communication. They are as a rule short, and we ought to have the information before taking action on these matters. I would like to have the letter of the Secretary of the Navy (the report says he reported favorably February 16, 1894, in this matter)—I would like to have that letter presented to the House.

Mr. COFFIN. It is in the file room, and was in my possession. I have seen it. In addition to that, I wrote to the Secretary of the Navy myself, asking him in regard to the matter, and he replied on May 14, in which he says:

The same were considered by the Department to be just claims against the Government.

Mr. LOUD. What else does he say?

It is not desirable, Mr. Speaker, for me to object to all of these cases. I dislike to do so, because gentlemen are very apt to regard it as a personal matter. But when you investigate the majority of them, permit me to say, when you have the evidence before you, you find but little to recommend them.

Now, in this case, I know this party has furnished supplies to the Naval Academy at Annapolis; but I recollect very well that it was a disputed claim. There was some question about it which raised doubt in my mind as to its validity, and for that reason I opposed it when I was a member of that committee. Certainly there ought to be good reason shown for passing the claim at this day, so long after these supplies were furnished. My recollection is that on an investigation the supplies were either not ordered by the Department or were not accepted by the Department. There was some good reason, I am sure.

Mr. COFFIN. I have the letter here from the Secretary of the Navy, in which he says it is a just claim against the Department.

Mr. LOUD. Why was it not paid, then?

Mr. COFFIN. That I do not understand. I do not know why many just claims are not paid. In fact, a just claim against the Department is by no means a sure thing.

But I send the letter up to the desk and ask to have it read.

The letter was read, as follows:

NAVY DEPARTMENT, *May 11, 1896.*

SIR: Referring to your letter of the 11th instant, receipt of which was acknowledged on the 12th, relative to the Department's answer of the 16th of February last, to a request from the House Committee on Claims for information and an expression of opinion concerning the matters mentioned in the bill (H. R. 5472) "for the relief of Sophia and Julia C. Sparks, of Annapolis, Md.," in which you state that "the Speaker will not let it (said bill with report thereon of Committee on Claims) come before the House unless the Navy Department acknowledges that it owes the bill and that it ought to be paid," I have the honor to state that the second paragraph of the letter of the 16th of February last, above mentioned, was intended to mean that inasmuch as the claims of the heirs of Edward Sparks, late storekeeper at the United States Naval Academy, as set forth in the bills therein referred to, for books and other supplies furnished to the Naval Academy by Mr. Sparks, appeared to be certified to by the secretary of the said Academy, the same were considered by the Department to be just claims against the Government.

With regard to the claim in the sum of $273 for hair pillows and mattresses alleged to have been furnished the United States Hospital at Annapolis in 1861 for the use of certain regiments of New York and Massachusetts militia then quartered in that city, the Department had no information, and consequently made no recommendation, a fact which emphasizes the meaning of the second paragraph of its letter above referred to.

HILARY A. HERBERT,
Secretary of the Navy.

Hon. CHARLES E. COFFIN,
House of Representatives.

Mr. LOUD. Well, that is a very politic letter, Mr. Speaker; it does not say anything.

Mr. BARTLETT of New York. I would like to ask the gentleman if the second item referred to in the letter of the Secretary of the Navy is included in this bill?

Mr. COFFIN. No; it is not. It was included in the first bill, but the committee left it off of the bill, and it was not included in the bill of the last session. This bill does not include it.

Mr. LOUD. The Speaker knows, and the House knows, that it is regarded as a personal matter when objection is made to these things.

The SPEAKER. The Chair thinks it ought not to be so considered. The question is submitted with entire freedom for every individual man to object or not. If a member has reason to object, he should exercise his right without question.

Mr. LOUD. I opposed this matter in the committee. That was three or four years ago, and I do not now recollect the reason; but there must have been some lack of merit in it, for it did not commend itself to me at that time. But, as I have said, I dislike very much to interpose an objection for the reasons stated.

The SPEAKER. The gentleman, or any other gentleman, is at perfect liberty to object without it being a matter of reproach to him; and it ought to be so understood in the House.

Is there objection to the present consideration of the bill?

There was no objection.

Mr. DINGLEY. Now, Mr. Speaker, since consent has been given, I wish to make a single statement. Here were certain supplies furnished to the Naval Academy at Annapolis between 1861 and 1865, and, as it appears by the report of the committee, there were vouchers filed, but no satisfactory reason is given as to why payment was not made. Now, the Secretary of the Navy sends a communication here saying that this claim is just and proper, but without any explanation whatever as to why it was not paid at the appropriate time.

The only reason for nonpayment is that the appropriation for that purpose was exhausted. What was the duty of the Department then under the circumstances? Simply to send to Congress, when in session, an estimate of the necessary deficiency to meet the claim; not to oblige the claimant to come here and press a claim, but a legitimate, appropriate thing to be paid by the Department in the proper way, and if there was no money, to ask Congress for a deficiency. Not a single excuse is given for deferring the payment for a series of years.

Now, it seems to me that the Secretary of the Navy ought to have said something more than he did say in this communication. He ought not to simply turn it off on Congress and say that Congress has not made any appropriations. He ought to have added that the Department would at once send an estimate to Congress for a deficiency. That is what should have been done by the Secretary of the Navy. If the case is as he has stated, and there are no other facts, I see no reason why the claim should not be paid, and no reason why it should not have been paid years ago, by the action of the Navy Department in sending to Congress an estimate for a deficiency appropriation.

It seems to me that any Department which allows claims, if they are just claims, as stated in this letter, to run along from year to year and does not communicate to Congress the fact that there are certain deficiencies unpaid, and which does not ask an appropriation for their payment, is derelict in its duty, and it puts Congress in a bad position to send communications in this way, and put the responsibility upon Congress, as though Congress had been derelict, and not the Navy Department.

Mr. BARTLETT of New York. Does the distinguished gentleman from Maine arraign the present Secretary of the Navy or all his predecessors?

poor and indigent sick and those with contagious and infectious diseases: *Provided*, That said city of Biloxi is hereby authorized and empowered to lease, rent, or sell any and all parts or portions of said lands not required for

authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay jointly to Sophia Sparks and Julia C. Sparks, of Annapolis, Md., the sole heirs and surviving children of Edward Sparks, deceased,

But I send the letter up to the desk and ask to have it read.

his predecessors?

Mr. DINGLEY. I arraign no one. I simply say that if this was a claim that ought to have been paid, as stated in that communication, and if it was not paid simply through lack of appropriations, that the Navy Department—no matter who was at the head of it, for it makes no difference in that respect—ought to have sent an estimate to Congress for a deficiency appropriation, and then it would have been appropriated for and paid long ago.

Mr. BARTLETT of New York. I ask the gentleman if the person to blame was not the one who filled the office of Secretary of the Navy in 1864 or 1865?

Mr. DINGLEY. I should think so, from the information which we have. I think the fault was away back in 1865, if this information is correct.

Mr. CANNON. If the claim is as the gentleman says, the claimant himself might have presented this account to the accounting officers of the Treasury, and they, finding it correct, might have certified it to Congress for consideration and appropriation, it being an audited account for a public service authorized by law, where there was no appropriation.

Mr. DINGLEY. That is true. It occurs to me that there are probably some facts connected with this matter which have not yet been made public.

Mr. LOUD. There is no doubt about that.

Mr. DINGLEY. Facts that do not appear in this communication.

Mr. LOUD. And they are easy to be had, too.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. COFFIN, a motion to reconsider the last vote was laid on the table.

LIFE-SAVING STATION, MARYLAND.

Mr. MILES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The bill was read, as follows:

A bill (H. R. 7255) providing for the establishment of a life-saving station on the coast of Maryland.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station on the coast of Maryland, between the Fenwick Island and the Ocean City life-saving stations, at such point as the General Superintendent of the Life-Saving Service may recommend.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. Is this simply an authorization?

Mr. MILES. That is all. It has been favorably reported. I should like to have the report read.

Mr. LOUD. Has it been recommended by the Department?

Mr. MILES. It has been recommended by the Department, and the recommendation is a very strong one.

Mr. DOCKERY. As I understand, this bill only authorizes it.

Mr. MILES. That is all.

Mr. DINGLEY. It only authorizes the Secretary of the Navy, in his discretion.

Mr. MILES. That is all.

The report (by Mr. WANGER) is as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 7255) entitled "A bill for the establishment of a life-saving station on the coast of Maryland," beg leave to submit the following report, and recommend that said bill do pass without amendment:

This is a bill enacting that the Secretary of the Treasury be authorized to establish a life-saving station on the coast of Maryland, between the Fenwick Island and the Ocean City life-saving stations, at such point as the General Superintendent of the Life-Saving Service may recommend.

The bill was referred to the Treasury Department for examination and consideration, and from the letters of the Acting Secretary and of the General Superintendent of the Life-Saving Service it clearly appears that a life-saving station is necessary near the place designated in the bill. These letters are appended hereto as part of this report:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., April 6, 1896.

SIR: I have the honor to acknowledge the receipt by your reference of bill H. R. 7255, "providing for the establishment of a life-saving station on the coast of Maryland," for suggestions touching the merits of the bill and the propriety of its passage.

In reply I would state that the matter was referred to the General Superintendent of the Life-Saving Service for report, which has been received and is herewith transmitted with my concurrence.

Respectfully, yours,

S. WIKE, *Acting Secretary.*

The CHAIRMAN COMMITTEE ON
INTERSTATE AND FOREIGN COMMERCE,
House of Representatives.

TREASURY DEPARTMENT,
OFFICE GENERAL SUPERINTENDENT LIFE-SAVING SERVICE,
Washington, D. C., April 6, 1896.

SIR: I have the honor to acknowledge your reference for report of the letter of the Committee on Interstate and Foreign Commerce of the House of Representatives, transmitting bill H. R. 7255, "providing for the establishment of a life-saving station on the coast of Maryland," for "suggestions touching the merits of the bill and the propriety of its passage."

The stretch of coast between the Fenwick Island and the Ocean City life-saving stations, referred to in the bill, is one of the most dangerous on the entire line of the Atlantic coast. It consists of a sandy beach, outside of which, at a distance varying from 200 to 400 or 500 yards, a sand bar extends the whole length, upon which vessels frequently strand.

The two stations are 10½ miles apart, and upon the establishment of the latter of the two a patrol was established to cover the distance, a surfman from each station being required to travel to a point midway and return in four hours. The entire journey had to be made through soft, yielding sand, in which the foot sank several inches at every step. The effect upon the surfmen was soon found to be so exhausting as to tell severely upon their strength and health and the beats had to be shortened. They were so far reduced as to leave a gap of 1½ miles uncovered by the patrol. This patrol was maintained for some time, when the district officers recommended a still further reduction as indispensable. The following is an extract from a joint letter of the district superintendent and the inspector relating to the matter:

"The distance suggested will aggregate 6 miles in a watch in four hours to go and return a beat, and as it often occurs that the beach is patrolled night and day, it is, in our opinion, as great as should be exacted, from the fact that the surfmen are breaking down on account of the present length of the patrol, and will, if the distance is not shortened, materially increase the pension (disability) rolls of the service. The beaches over which the surfmen patrol are generally soft sand, and walking is very laborious, bringing undue strain upon the muscles of the lower limbs and rendering the present task practically impossible and unfitting the men, in case of wreck, for performing duty."

Accordingly the beats were shortened to 3 miles from each station, leaving a strip of coast midway between the stations (and therefore most remote from them) unguarded, whereby vessels stranding in this dangerous locality in the night or in thick weather are deprived of the advantage, often vital, of early discovery.

In view of these considerations, the establishment of the station proposed by the bill is, in my judgment, very desirable.

Respectfully, yours,

S. I. KIMBALL,
General Superintendent.

The SECRETARY OF THE TREASURY.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DINGLEY, the title was amended so as to read: "A bill authorizing the establishment of a life-saving station on the coast of Maryland."

On motion of Mr. MILES, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMERICAN REGISTRY FOR BARK VILA.

Mr. BENNETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6776) to provide American registry for the bark *Vila*.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built vessel owned by James McAllister, a citizen of the United States, to be registered as a vessel of the United States under the name *Vila*.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. Let the report be read.

The report (by Mr. MCCORMICK) was read, as follows:

The Committee on the Merchant Marine and Fisheries, to which was referred House bill 6776, to provide an American register for the bark *Vila*, has considered the same and makes the following report:

The evidence filed with the committee shows that the *Vila* was presumably wrecked and found within American waters; that she was taken in tow by an American steamer—the *Breidablik*—and towed to the port of New York, where she was sold, by due course of law, for the sum of $450. A contract for repairs and alterations, at a cost of $3,365, was entered into, and said repairs and alterations have been made and paid for. The committee, believing that the requirements of the law have been complied with in this case, recommends the passage of the bill.

The SPEAKER. Is there objection?

Mr. DINGLEY. I should like to ask the gentleman a question. On the face of the facts stated, this vessel might have been registered by the Treasury Department. Why was it not done?

Mr. BENNETT. She could not receive registry in that way because they could not tell whether she was wrecked in American waters or not. She was found, after having drifted into American waters, by this vessel, the *Breidablik*. If she had been wrecked in American waters the Treasury Department, as I understand it, would have been privileged to register her.

Mr. DINGLEY. Are these facts sustained by affidavit?

Mr. BENNETT. By affidavits in the hands of the committee.

Mr. DINGLEY. Do you know the tonnage of this vessel?

Mr. BENNETT. The tonnage is very small.

Mr. DINGLEY. The circumstances must be very peculiar where a vessel which sells for $400 requires but $3,000 to put it in condition.

Mr. BENNETT. The evidence was all in the hands of the committee, and the report is unanimous.

Mr. MCCORMICK. It is a unanimous report from our committee. I made the report.

Mr. LOUD. Permit me to say, Mr. Speaker, that the evidence must be misleading. It ought to be easy to ascertain where the vessel was wrecked. As a rule, it is easy to ascertain.

Mr. BENNETT. The vessel had drifted into American waters, and was found by an American vessel and brought to the port of New York. For that reason she had drifted to the place where she was found, and they were unable to say that she was wrecked in American waters.

Mr. LOUD. The assumption is that she was wrecked out of American waters, but that is made a part of the report to mislead, because if she was wrecked in American waters the parties owning her could go to the Secretary of the Treasury and get a register.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BENNETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

BENJAMIN MARCH.

Mr. APSLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 6198, a bill authorizing the Secretary of the Treasury to issue a duplicate bond to Benjamin March, guardian of Ruth March.

The bill was read.

The report (by Mr. GRAFF) was read, as follows:

The Committee on Claims, having under consideration the bill (H. R. 5740) authorizing the Secretary of the Treasury to issue a duplicate bond to Benjamin March, as guardian of Ruth March, an insane person, find the following facts from the sworn proofs in the case:

That Ruth March lives in Ashley, a small town in Massachusetts, and has resided there for many years; that she is 84 years of age and has become insane. She owned a United States registered bond, issued under the acts of July 14, 1870, and January 20, 1871, for the sum of $1,000, and collected the interest on the said bond from time to time down to and including the interest due July 1, 1895.

Benjamin H. March, of Ashley, Mass., her nephew, was duly appointed guardian of said Ruth March on July 17, 1895. A thorough search through all her papers and effects has been made for said bond and it has not been found. It was shown that she shortly before burned some of her papers. It is not known whether or not said bond was then burned.

The affidavits by her neighbors and those with whom she came in contact rebut the presumption that the bond has been assigned, but tend to prove and proves, in the opinion of the committee, that said bond is lost or destroyed, although the evidence is circumstantial on that point. The woman is in such a condition mentally as not to be able to furnish any information on the subject.

The committee recommend that the bill be amended by striking out the words "equal to," in the thirteenth line of said bill, and inserting in lieu thereof the words "in double," and as thus amended the bill do pass.

The Comptroller of the Treasury, upon a hearing before that Department, recommended that no duplicate issue, for the reason that no one except Ruth March is known to have knowledge as to whether she assigned the bond when she was mentally competent to do so.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BARTLETT of New York. I should like to ask the gentleman if this bill has been favorably reported by a committee?

Mr. APSLEY. It has been reported favorably by a committee.

Mr. BARTLETT of New York. What committee?

Mr. APSLEY. The Committee on Claims.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. APSLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

Some time subsequently,

The SPEAKER. The gentleman from Massachusetts called up the bill H. R. 6198, but the report which was read was the report on the bill H. R. 5740. The bill 5740 as proposed to be amended by the committee is identical in terms with the bill H. R. 6198. If there be no objection, the Chair will cause to be substituted the bill H. R. 5740, which is precisely the same, so as to have a uniformity in the records. The Chair hears no objection.

The bill H. R. 5740 as amended is as follows:

A bill (H. R. 5740) authorizing the Secretary of the Treasury to issue a duplicate bond to Benjamin March, guardian of Ruth March.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and instructed to issue a duplicate in the name of Benjamin March, guardian of Ruth March, an insane person, in lieu of a United States 4 per cent registered bond issued under the acts of July 14, 1870, and January 20, 1871, No. 68830, for $1,000, inscribed in name of Ruth March, and alleged to have been lost or destroyed: *Provided*, That the said Benjamin H. March shall first file in the Treasury a bond in a penal sum in double the amount of the said missing bond and the interest which would accrue thereon until the principal thereof becomes due and payable, with two good and sufficient sureties, residents of the United States, to be approved by the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any claim because of the lost or destroyed bond.

ROBERT M'GEE.

Mr. DOCKERY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 229) for the relief of Robert McGee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to investigate the claim of Robert McGee, to be paid out of interest money due to the Sioux Nation of Indians from the Government of the United States, the sum of $10,000 in compensation for damages sustained by him by reason of having been scalped and otherwise injured by the Brule Sioux Indians while serving as a teamster with a train conveying Government supplies to Fort Union, N. Mex., July 18, 1864; and if said Secretary, after giving a hearing or an opportunity to be heard to said Sioux Nation of Indians, shall find said claim to be equitable and just, he shall pay or cause to be paid said sum of $10,000 or such part thereof as he shall decide to be justly and equitably due to the aforesaid Robert McGee.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. Mr. Speaker, I would like to have the report read.

Mr. DOCKERY. I ask that the report be read, Mr. Speaker.

The report (by Mr. CURTIS of Kansas) was read, as follows:

The Committee on Indian Affairs, to whom was referred Senate bill 229, have carefully considered the same, and report it back with the recommendation that it do pass.

The Senate report is made a part of this report.

[Senate Report No. 572, Fifty-fourth Congress, first session.]

The Committee on Indian Depredations, to whom was referred the bill (S. 229) for the relief of Robert McGee, report the same favorably to the Senate, with recommendation for its passage, and adopt as their report the statements and report made by the committee during the Fifty-second Congress.

Considering the large number of affidavits presented, there seems to be no question as to the helpless condition of the claimant, Mr. McGee, or as to the statements made that he received his injuries at the hands of roaming bands of the Sioux tribe of Indians. In the judgment of your committee the Secretary of the Interior, after hearing the arguments pro and con, can safely be trusted under the provisions of the bill to pay this man from such funds of the moneys of the Sioux Nation as may be available.

[Senate Report No. 1230, Fifty-Second Congress, second session.]

Your committee, to whom was referred Senate bill 3562, respectfully report the same favorably with amendments.

It appears that in July, 1864, a supply train started from Fort Leavenworth, Kans., for Fort Union, N. Mex., in charge of one J. L. Riggs. When they had arrived at the Great Bend of the Arkansas River, Walnut Creek Station, Kans., the party was attacked by a band of the brule Sioux Indians under the leadership of the chief, Little Turtle. The massacre which followed was one of the most bloody, nearly all being killed or wounded. Of those wounded was one Robert McGee, now of Excelsior Springs, Mo., a boy, being then about 15 years of age, who was pierced by ten arrows, scalped, and tomahawked in a most brutal manner. He was taken to Fort Larned, where, by the skill of physicians and careful nursing, he was partially restored to health, though suffering greatly from contusions of the skull, which have made his life a struggle against suffering to the present time.

The statements here made as to his identity and present condition are supported by the affidavits of many reliable citizens who knew him then and who know him now. Among these are Hulbert H. Clark, M. D., of Santa Cruz, Cal., attending surgeon of hospital at Fort Larned, Kans., in 1864, and who cared for Mr. McGee. He says:

"In the matter of Robert McGee, I, Hulbert H. Clark, M. D., a resident of Santa Cruz, Cal., hereby certify that while in the United States service as acting assistant surgeon, being stationed at Fort Larned, Kans., as post surgeon, did, on or about the 16th day of July, 1864, receive into the United States post hospital Robert McGee, a boy about 16 years old, who had been wounded in numerous places, including the almost complete (entire) removal of the scalp, his wounds and injuries being inflicted by the Brule Sioux Indians, led by Chief Little Turtle, in their attack upon a Government supply train then en route westward, being on the day of the attack, which, I believe, was July 14, 1864, at or near the Great Bend of the Arkansas River, from which point the wounded reached Fort Larned two days later. The said Robert McGee remained in my charge about three months, during which time he was visited by General Curtis, who instructed me to give him special care; also gave McGee an order on the quartermaster for such clothing as was necessary for his comfort.

"When he left the hospital he was very weak and fully two-thirds of the surface of the skull was not healed, being covered by a very delicate coat of granulation and which bled upon the slightest friction; also a wound of the left elbow and in left groin was still open. How he survived is unaccountable. When he reached the hospital he was unconscious from shock, loss of blood, and want of food. It was several days before he could whisper so as to be understood. He was handled by raising him in the sheet; his many wounds—some 14 in number—about chest, arms, and abdomen prevented us grasping in the ordinary manner. I have not seen him since he left Fort Larned.

"I made a report of all the cases that came to my charge at that time, making McGee's special because of his youth and its severity. I have no interest in any claim he may make upon any Department of the United States Government.

"H. H. CLARK, M. D.,
"*Ex-Acting Assistant Surgeon, United States Army.*

"Subscribed and sworn to before me this 29th day of November, 1892.

"ED. MARTIN, *Clerk.*
"By D. J. MILLER, *Deputy.*"

Other affidavits of a like character are furnished by Nathan Swan, of Klova, Colo.; James L. Riggs and Martin Brown, of Pike County, Mo.; D. B. Gresham, of Meriden, Kans.; Miss Martha Sapp, of Wyandotte, Kans.; Jasper A. Hanna, of Brunswick, Mo., who was a private soldier at Fort Larned and acted as nurse to Mr. McGee during his sickness; J. R. Tuhks, of Caldwell, Mo., who also acted as nurse for a short period. A letter from Mr. Belt, Acting Commissioner of Indian Affairs, under date of November 7, 1892, states that, under treaties of April 8, 1868, and agreements of February 28, 1877, and March 2, 1889, the Brule Sioux Indians, of Rosebud Agency, S. Dak., were made sharers of the beneficiary appropriations made to the Sioux Nation.

Your committee therefore recommend the passage of the bill as amended, so as to authorize the Secretary of the Interior to investigate the claim of Mr. McGee for $10,000 compensation for his injuries, and to pay the same, if just and equitable, from the interest money due the Sioux Nation.

Mr. LOUD (during the reading of the report). Mr. Speaker, I do not care to hear any more.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JOHNSON of North Dakota. Mr. Speaker, I should like to hear some explanation of this bill. I have no doubt as to the truth of the historical facts recited, but my inquiry is as to the principle, the legal principle, involved of the right to take money that belongs to the Sioux Indians and pay for injuries that were inflicted in war really by a former generation of Indians; and I would like to know further whether the beneficiary of this fund proposes to afford them an opportunity to see whether their rights have been defended.

Mr. DOCKERY. I will simply state, Mr. Speaker, there seems to be no doubt of the fact that the beneficiary was scalped by this band of Sioux Indians.

Mr. JOHNSON of North Dakota. When did it take place?

Mr. DOCKERY. In 1864. The claim has been pending before Congress for some years. I will further say that the bill makes

no appropriation, but simply authorizes the Secretary of the Interior to investigate the claim and to award to this man, after such investigation, $10,000 or so much thereof as he in his judgment thinks the claimant justly and equitably entitled to. The claimant has resided in my district for about five years, and prior to that time was a resident, I believe, of the State of Kansas. I know him personally. His condition is absolutely pitiable.

Mr. JOHNSON of North Dakota. I have no doubt as to the accuracy of the historical facts; but this seems to me a new principle—at least it is new to me in this House—that of taking the money of a trust fund of the Indians and paying it to an individual for injuries he received in war. It is simply on that point of the law principle that I would like to hear the gentleman.

Mr. DOCKERY. I quote from the report:

A letter from Mr. Belt, Acting Commissioner of Indian Affairs, under date of November 7, 1892, states that under treaties of April 8, 1868, and agreements of February 28, 1877, and March 2, 1889, the Brule Sioux Indians of Rosebud Agency, S. Dak., were made sharers of the beneficiary appropriations made to the Sioux Nation.

Mr. Speaker, I am not familiar with the precedents. I know the matter has been thoroughly investigated at the other end of the Capitol, and that it was fully considered there. It passed the Senate unanimously after some consideration, formal and informal.

Mr. CURTIS of Kansas. I would suggest to the gentleman that nothing is to be paid until after an investigation shall have been had.

Mr. DOCKERY. That is true; nothing is to be paid until after an investigation. This bill, as heretofore stated, does not make any appropriation. The amount to be paid, if any, is to be determined by the Secretary of the Interior.

Mr. GAMBLE. As I understand, this bill simply authorizes payment to be made if it be found the party is legally entitled to it.

Mr. DOCKERY. If he is legally entitled to it he is to be paid $10,000, or so much thereof as may be found just and equitable.

Mr. GAMBLE. I am a member of the Committee on Indian Affairs, but I did not happen to be present when that bill was considered, and I do not care to object to the consideration of a bill which has been reported by the committee——

Mr. DOCKERY. It has been reported by the Committee on Indian Affairs.

Mr. GAMBLE. At the same time, the question occurs to me, as stated by the gentleman from North Dakota. Here is an occurrence thirty years ago. Trust funds have come to the Sioux Indians since that time; and to pay for a private injury, taking that amount out of the general funds of the tribe, is a matter which impresses me that the criticisms made by the gentleman from North Dakota are just; but if the question is to be determined upon a proper hearing, and upon evidence, I do not care to object.

Mr. DOCKERY. It is. One of the Senators from South Dakota, as I am informed, objected to this bill, basing his objection somewhat upon the grounds suggested by the gentleman from North Dakota [Mr. JOHNSON]; but I think the bill as prepared meets the objection he made, because it refers the whole matter to the Secretary of the Interior for investigation and allowance.

Mr. CONNOLLY. These Indians were not entitled to any part of this fund at the time the injury was inflicted, as I understand?

Mr. DOCKERY. I can not say whether or not that is true.

Mr. CONNOLLY. The report states that they were made participants in the fund of the Sioux Indians in 1887.

Mr. GAMBLE. I do not like to object to the gentleman's bill, but I will ask him to let it go over until to-morrow.

Mr. DOCKERY. I trust the gentleman will not object to the bill. It is reported from his committee, and while it is true that the Indians live in the gentleman's State, the people of the United States have a general interest in the question.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PICKLER and Mr. JOHNSON of North Dakota objected.

ORDER OF BUSINESS.

Mr. KEM. Mr. Speaker, under what order are we now acting? Are we proceeding by unanimous consent?

The SPEAKER. By unanimous consent.

Mr. KEM. I call for the regular order.

The SPEAKER. The regular order is called for. The regular order is the pension bills upon which the previous question has been ordered to their passage.

PENSION BILLS.

Bills of the following titles, upon which, on Friday last, the previous question was ordered to their passage, and which were laid aside pending engrossment, were severally taken up, read the third time, and passed:

A bill (H. R. 1178) granting a pension to Sarah Weedon;

A bill (H. R. 4720) granting an increase of pension to Isaac H. Whetsel, of Louisville, Ky.;

A bill (H. R. 5311) granting a pension to Sarah Ann Wible;

A bill (H. R. 5710) granting a pension to Eleanor L. Curtis;

A bill (H. R. 1820) granting a pension to Neil McNeil;

A bill (H. R. 986) for the relief of Hiram P. Panley;

A bill (H. R. 3113) granting a pension to Margaret A. Kidwell;

A bill (H. R. 5050) for the benefit of and granting a pension to Ransom A. Hazelip;

A bill (H. R. 2317) to increase the pension of Levi T. E. Johnson;

A bill (H. R. 3877) granting a pension to Henderson Marple;

A bill (H. R. 6221) granting an increase of pension to Mary E. Chamberlain;

A bill (H. R. 158) granting a pension to Mary Collins;

A bill (H. R. 3480) for the relief of Emily A. Mann;

A bill (H. R. 4193) to correct the military record of William F. Souger;

A bill (H. R. 4548) granting a pension to Mary Arnold (amendment to title agreed to);

A bill (H. R. 5393) for the relief of Lucinda Rickards, widow, and the minor children of John D. Rickards, deceased;

A bill (H. R. 6608) to remove the charge of desertion from the military record of George W. Taylor;

A bill (H. R. 5407) remove the charge of desertion now standing against Oscar A. Bulette, late private in Company E, Fifty-second Illinois Infantry Volunteers, during the late war (amendment to title agreed to);

A bill (H. R. 1508) granting a pension to the widow of Gen. John Newton;

A bill (H. R. 7212) to increase the pension of Melita E. White;

A bill (H. R. 1175) to remove the charge of desertion from the military record of Nicholas Swingle;

A bill (H. R. 4872) to correct the military record of Homer C. McCuskey;

A bill (H. R. 3333) granting a pension to Thomas S. Daugherty;

A bill (H. R. 2328) for the relief of Patrick Rainey;

A bill (H. R. 3565) to grant an honorable discharge to Ezra Abbott;

A bill (H. R. 3514) granting an honorable discharge to John J. Johnson;

A bill (H. R. 6111) granting a pension to Elizabeth A. Sargent;

A bill (H. R. 6789) granting a pension and for the relief of Dr. Harrison Wagner;

A bill (H. R. 4888) for the relief of George Hager;

A bill (H. R. 6483) granting an increase of pension to Thomas G. Walker;

A bill (H. R. 4363) to increase the pension of Joseph J. Hudson;

A bill (H. R. 4481) granting an increase of pension to Patsey E. Broaddus, of Marion, Kans.;

A bill (H. R. 2189) granting a pension to Mrs. Mary E. Freeman; and

A bill (H. R. 2969) granting a pension to Mrs. Lucy A. Allen.

The following bills, on which the previous question had not been ordered to their passage, were taken up and the previous question by unanimous consent ordered; and under the operation thereof the bills were severally read the third time, and passed:

A bill (H. R. 4994) for the relief of Mrs. Sarah Martin; and

A bill (H. R. 4724) to increase the pension of Mrs. Mary L. Aleshire.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3013) to amend section 4131 of the Revised Statutes of the United States, to improve the merchant marine engineer service, and thereby also to increase the efficiency of the Naval Reserve.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3105) to provide for the erection of a public building at McKeesport, Pa.;

A bill (S. 2540) to provide compensation for a bridge and for buildings and other improvements constructed by certain persons upon public lands afterwards set apart and reserved as the Yellowstone National Park;

A bill (S. 1381) to remove the charge of desertion from the military record of Patrick Larkin; and

A bill (S. 1335) for the relief of John Veeley.

The message also announced that the Senate had passed without amendment the bill (H. R. 8590) granting to the Denver, Cripple Creek and Southwestern Railroad Company a right of way for a railroad through the South Platte and Plum Creek forest reserves, in the State of Colorado.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1420) granting an increase of pension to Elizabeth W. Sutherland, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. HANSBROUGH, and Mr. VILAS as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the bill (H. R. 270) changing the time of holding terms of the circuit and district courts of the United States in the northern district of California.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

A bill (S. 1924) granting a pension to Carrie L. Yeaton; and

A bill (S. 739) granting an increase of pension to C. E. Philbrook, widow of Alvah Philbrook, major of Twenty-fourth Regiment Wisconsin Volunteers.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. W. H. CHAIN, late a Representative from the State of Texas.

Resolved, That the business of the Senate be now suspended, in order that fitting tribute be paid to his memory.

Resolved, That the sympathies of the members of the Senate be tendered to the family of Mr. CHAIN in this bereavement, and that the Secretary of the Senate transmit to them a copy of these resolutions.

Resolved, That as an additional mark of respect to the memory of the deceased the Senate do now adjourn.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the bill (S. 2420) to regulate the pay of noncommissioned officers of the Army; in which the concurrence of the House of Representatives was requested.

MERCHANT MARINE ENGINEER SERVICE.

Mr. PAYNE submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 3013, "An act to amend section 4131 of the Revised Statutes of the United States, to improve the merchant marine engineer service, and thereby also to increase the efficiency of the Naval Reserve," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same with amendments as follows:

In the second and third lines of section 2, strike out the word "three" where it occurs in each of said lines and insert in lieu thereof the word "five."

After the word "renewal," at the end of the first paragraph in section 2, insert the following:

"And in all cases where the issue is the suspension or revocation of such licenses, whether before the local boards of inspectors as provided for in section 4450 of the Revised Statutes, or before the supervising inspector as provided for in section 4452 of the Revised Statutes, the accused shall be allowed to appear by counsel and to testify in his own behalf."

S. E. PAYNE,
A. J. HOPKINS,
C. M. COOPER,
Managers on the part of the House.

WM. P. FRYE,
WATSON C. SQUIRE,
Managers on the part of the Senate.

The following statement of the House conferees was read:

The managers of the conference on the part of the House on the amendment of the Senate to the bill amending section 4131 of the Revised Statutes, to improve the merchant-marine engineer service, etc., H. R. 3013, submit the following written statement in explanation of the effect of the action agreed upon, and recommended it in the accompanying conference report, viz., to agree to the Senate amendment with certain amendments thereto.

Although the Senate amendment is a substitute for the entire House bill, it makes but one important change. The House bill requires that all engineers and assistant engineers on American vessels shall be American citizens. The Senate substitute requires only that chief engineers and each assistant engineer in charge of a watch shall be American citizens.

The principal reason for applying this rule to all assistant engineers was because of the four ships of the American Line, which are auxiliary to the Navy. It was thought that all the assistant engineers on these vessels should, from motives of public and national policy, be citizens of the United States. But it appearing that 75 per cent of the assistant engineers are already citizens and that the balance will soon become so, the conferees on the part of the House concluded to concur in the Senate amendment.

The other amendments to the Senate amendment consist in extending the length of an engineer's license from three to five years, and to allow him the privilege of counsel and of testifying in his own behalf in cases when the issue is the suspension or revocation of licenses.

S. E. PAYNE,
A. J. HOPKINS,
C. M. COOPER,
Managers on the part of the House.

The report of the committee of conference was agreed to.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and joint resolution were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 2119) for the relief of John Breitling—to the Committee on War Claims.

A joint resolution (S. R. 141) to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Gens. Francis Nash and William Davidson, of North Carolina—to the Committee on the Library.

A bill (S. 2931) granting an increase of pension to Silas M. Stevens—to the Committee on Invalid Pensions.

A bill (S. 1091) granting a pension to Christiana C. Queen, widow of Walter W. Queen, formerly an admiral in the United States Navy—to the Committee on Pensions.

A bill (S. 2133) granting a pension to Mary E. Ely—to the Committee on Invalid Pensions.

A bill (S. 1946) granting a pension to Elijah N. Parkhurst—to the Committee on Invalid Pensions.

A bill (S. 759) granting a pension to Carrie A. Moody—to the Committee on Invalid Pensions.

A bill (S. 2556) granting an increase of pension to Lewis D. Baker—to the Committee on Invalid Pensions.

A bill (S. 202) to increase the pension of Lucretia C. Waring—to the Committee on Pensions.

A bill (S. 2844) granting a pension to Nancy Piper—to the Committee on Pensions.

A bill (S. 2983) granting a pension to Ida Emmott, daughter of the late Thomas Emmott—to the Committee on Invalid Pensions.

A bill (S. 2312) granting a pension to William T. Hill—to the Committee on Invalid Pensions.

A bill (S. 2877) granting a pension to Hiram Santas—to the Committee on Invalid Pensions.

A bill (S. 2439) granting a pension to Jackson Lucus—to the Committee on Invalid Pensions.

A bill (S. 2880) granting a pension to Charles E. Mann—to the Committee on Invalid Pensions.

A bill (S. 2879) granting a pension to Charles A. Hutchings—to the Committee on Invalid Pensions.

A bill (S. 2433) granting a pension to William F. Gowdy—to the Committee on Pensions.

A bill (S. 1300) for the relief of Hannah Newell Barrett—to the Committee on Pensions.

A bill (S. 152) granting a pension to Abel S. Chase—to the Committee on Pensions.

A bill (S. 752) to increase the pension of Capt. James B. Logan—to the Committee on Invalid Pensions.

A bill (S. 3020) granting a pension to W. L. Faxon—to the Committee on Invalid Pensions.

A bill (S. 2434) granting a pension to Simon D. Kohl—to the Committee on Invalid Pensions.

A bill (S. 1164) granting a pension to Aaron B. Page—to the Committee on Invalid Pensions.

A bill (S. 2494) restoring pension to Michael Carron—to the Committee on Invalid Pensions.

A bill (S. 3004) granting a pension to Jacob Saladin—to the Committee on Invalid Pensions.

A bill (S. 2820) granting a pension to Mary F. Hawley—to the Committee on Invalid Pensions.

A bill (S. 2535) granting a pension to Elender Herring, of Elsmore, Kans—to the Committee on Invalid Pensions.

A bill (S. 2758) granting a pension to Hiram H. Palmer—to the Committee on Invalid Pensions.

A bill (S. 2754) granting a pension to Jerusha Hayward Brown—to the Committee on Pensions.

A bill (S. 2883) granting an increase of pension to Isaac Harbaugh—to the Committee on Invalid Pensions.

A bill (S. 2802) granting a pension to Margaret Rowsell—to the Committee on Pensions.

A bill (S. 2711) granting a pension to Ira Harris—to the Committee on Invalid Pensions.

A bill (S. 2787) granting a pension to Simpson Everett Stilwell—to the Committee on Pensions.

A bill (S. 2913) granting an increase of pension to Nettie A. Cheeks—to the Committee on Invalid Pensions.

A bill (S. 937) granting an increase of pension to Sarah E. Comly, widow of Maj. Clifton Comly—to the Committee on Pensions.

CORRECTIONS OF REFERENCE.

The SPEAKER. The Chair will submit the following corrections of reference:

The bill S. 1974 from the Committee on Foreign Affairs to the Committee on Claims.

The bill S. 1465 from the Committee on Invalid Pensions to the Committee on Pensions.

LIFE-SAVING STATION, PORT HURON, MICH.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 8260) to authorize the establishment of a life-saving station at Port Huron, on the coast of Lake Huron, State of Michigan.

The bill and the Senate amendments were read at length.

The Senate amendments were concurred in.

BRIDGE ACROSS THE TALLAHATCHIE RIVER, MISSISSIPPI.

The SPEAKER also laid before the House the amendments of the Senate to the joint resolution (H. Res. 137) declaring a certain bridge across the Tallahatchie River, in Tallahatchie County, State of Mississippi, a lawful structure.

The Senate amendments were read at length, one amendment changing the joint resolution to a bill (H. R. 9030).

The Senate amendments were read and concurred in.

FORT SULLY MILITARY RESERVATION, S. DAK.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation, in said State, as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota

into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes.

The Senate amendments were read at length.

Mr. GAMBLE. I move that the Senate amendments be concurred in.

The motion was agreed to.

BRIDGE ACROSS THE MISSISSIPPI AT ST. LOUIS.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north point of St. Clair County, Ill., and the northwest line of said county.

The amendments of the Senate were read at length.

Mr. MURPHY of Illinois. Mr. Speaker, I move that the House nonconcur in the Senate amendments, and agree to a conference on the disagreeing votes of the two Houses on this bill.

The motion was agreed to.

DIVORCES.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 5217) making one year's residence in a Territory a prerequisite to obtaining a divorce there.

The Senate amendments were read at length, and on motion of Mr. GILLETT of Massachusetts they were concurred in.

DRY MEASURES, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 6833) defining the standard shape and size for dry measures for use in the District of Columbia, and for other purposes.

The amendments of the Senate were read at length.

Mr. BABCOCK. I move to nonconcur in the Senate amendments and agree to a conference on the disagreeing votes on this bill.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. CURTIS of Iowa, Mr. MILNES, and Mr. COBB as conferees on the part of the House.

WATER-MAIN TAXES, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 3279) to authorize the reassessment of water-main taxes, District of Columbia, and for other purposes.

The amendments of the Senate were read at length.

Mr. BABCOCK. I ask unanimous consent that the reading of the House bill be dispensed with. It has been considered in the House, and I move to nonconcur in the Senate amendments.

Mr. KEM. I object.

The House bill was read at length.

Mr. BABCOCK. Mr. Speaker, I move to nonconcur in the Senate amendments and agree to a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. HULICK, Mr. BABCOCK, and Mr. RICHARDSON as conferees on the part of the House.

CAROLINA A. HOUGH.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 2604) to increase the pension of Carolina A. Hough, widow of Brig. Gen. John Hough.

The amendment of the Senate was read. It proposes to strike out "thirty" and insert "fifty"; so as to read "$50 a month."

The SPEAKER. The question is on concurring in the Senate amendment.

The Senate amendment was nonconcurred in.

SAFETY OF RAILWAY TRAVEL.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 5379) making it unlawful to shoot at or into any railway locomotive or car or at any person thereon or to throw any rock or other missile at or into any locomotive or car, and for other purposes.

The Senate amendments were read at length, and concurred in.

SECTION 416, REVISED STATUTES.

The SPEAKER also laid before the House the bill (H. R. 4452) to amend section 416 of the Revised Statutes of the United States relating to the District of Columbia, with a Senate amendment thereto.

Mr. BABCOCK. Mr. Speaker, this is a mere formal amendment changing the wording. It does not change the character of the bill, and I ask that the reading be dispensed with.

The SPEAKER. The gentleman asks unanimous consent that the reading of the bill be dispensed with.

Mr. KEM. I object.

The bill was read.

The Senate amendment was read, and concurred in.

BILLIARD AND POOL TABLES IN THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes, with a Senate amendment thereto.

The bill was read.

The section amended by the Senate originally read as follows:

SEC. 4. That it shall not be lawful for the proprietors of billiard tables, pool tables, bagatelle tables, jenny lind tables, or other tables of the kind mentioned in the first section of this act, shuffleboards, and bowling alleys, kept for public hire and gain in the District of Columbia, to sell or to allow to be sold in the same room or a room connected with and opening out of or adjacent to such room spirituous, vinous, or malt liquors; and all such places shall be closed during the entire twenty-four hours of each and every Sunday, and also during the hours that barrooms are required to be closed.

The amendment of the Senate struck out the following:

To sell or to allow to be sold in the same room or a room connected with and opening out of or adjacent to such room, spirituous, vinous, or malt liquors.

And inserted in lieu thereof the following:

To allow any person under the age of 21 years to play at any game of billiards, pool, shuffleboard, or any game that may be played on such tables or boards, or play at bowls on said alleys, or permit such person to come into or remain in their pool or billiard rooms, saloons, or bowling alleys, where spirituous, vinous, or malt liquors are sold.

Mr. DINGLEY. Mr. Speaker, this is a very important amendment to the last section of this bill, entirely changing the character of it. The House, after a thorough discussion, passed a bill containing a section forbidding the sale of intoxicating liquors in any billiard or pool room that might be licensed in this city. The Senate has stricken that provision out entirely and inserted an amendment simply forbidding persons under 21 years of age from entering a billiard or pool room where intoxicating liquors are sold. That is an entire change of the character of the bill. I think, after the House took the position which it did take, that intoxicating liquors ought not to be sold in a billiard room or a room opening out of it, that it ought to insist upon its action and not concur in the action of the Senate, striking that out entirely and leaving billiard rooms to sell intoxicating liquors. I think it is a correct principle that where there is an amusement room like a billiard room there ought not to be a rum shop connected with it. If that is to be tolerated by law let it be a separate establishment.

Mr. Speaker, I do not know but it may be desirable to have a conference upon this matter. The House has expressed itself very thoroughly, and I am unwilling to have the House recede from its action. I think it is not in the interest of good morals that it should do it.

Mr. BABCOCK. I ask that the Senate amendment be again read. I think it is very full and clear.

The Senate amendment was again read.

Mr. DINGLEY. I think the House should nonconcur and insist upon its action, or, if the gentleman desires a conference, I have no objection to that.

Mr. BABCOCK. This amendment of the Senate provides that no minor shall be allowed in any room where there is a billiard table and where liquors of any kind are sold.

Mr. MILNES. The House bill provided that no liquor should be sold in any billiard or pool room.

Mr. DINGLEY. The House voted that a billiard room should not also be a rum shop, and I think, having taken that position, it should insist upon it. A billiard room should be simply a place of amusement, and a rum shop should not be joined with it. Let each stand on its own footing.

Mr. BABCOCK. I ask for a vote on the motion that the House concur in the Senate amendment.

Mr. DINGLEY. Do you desire to concur?

Mr. BABCOCK. To concur in the Senate amendment.

Mr. DINGLEY. Which, of course, would allow a billiard room to be also a rum shop.

Mr. BABCOCK. Yes, it would allow the sale of liquors in a billiard room; but it would not allow the presence of minors.

Mr. DINGLEY. The House expressed itself fully on that, and I hope it will insist on its former action.

Mr. MORSE. Mr. Speaker, I certainly hope that the House will not concur in the Senate amendment. We recently had an exhaustive hearing before the Committee on Alcoholic Liquor Traffic, and many citizens of this District were heard upon that occasion. They made loud, long, and bitter complaints against the combination of a billiard saloon and a liquor saloon, and they said that great numbers of young men were inveigled and enticed into these places by the attraction of the billiard room. These people were very earnest in demanding that the House bill as agreed upon here should be insisted upon. In the interest of good morals and in the interest of the young men of this city, I certainly hope that the Senate amendment will not be concurred in, but that the House will insist upon the bill as it left the House.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin [Mr. BABCOCK] to concur in the Senate amendment.

The question was taken; and the Speaker announced that the noes seemed to have it.

On a division (demanded by Mr. BABCOCK) there were—ayes 9, noes 72.

Mr. DINGLEY. I move that the House nonconcur and insist on its disagreement to the Senate amendment.

The SPEAKER. The vote of the House not to concur is equivalent to a vote of nonconcurrence.

Mr. BABCOCK. I ask for a conference.

A conference was ordered.

Mr. DINGLEY. Mr. Speaker, I move the adoption of the following resolution of instructions to the committee of conference.

The Clerk read as follows:

Resolved, That the House conferees on House bill 5490 are hereby instructed to insist on so much of the House bill as forbids the sale of intoxicating liquors in billiard or pool rooms, or in rooms opening out of any such billiard or pool rooms.

The resolution of instructions was agreed to.

SECTION 3719 OF THE REVISED STATUTES.

The SPEAKER laid before the House the bill (H. R. 4179) to amend section 3719 of the Revised Statutes, with Senate amendments to bill and title.

The amendments of the Senate were concurred in.

DELIVERY OF IMPORTED PARCELS AND PACKAGES.

Mr. DALZELL. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DALZELL. I rise to move to suspend the rules and pass a bill.

The SPEAKER. By direction of a committee?

Mr. DALZELL. By direction of the Committee on Ways and Means, I move to suspend the rules and pass the following bill.

The Clerk read as follows:

A bill (H. R. 6259) to expedite the delivery of imported parcels and packages not exceeding $500 in value.

The bill was read, as follows:

Be it enacted, etc., That any articles other than precious stones, jewelry, explosives, and articles whose importation is prohibited by law, not exceeding $500 in value, imported in packages not exceeding 100 pounds in weight, in vessels of the United States, may be appraised on the wharf under such regulations as the Secretary of the Treasury may prescribe, and after such appraisement and assessment of duties by the collector may be delivered immediately under the bond provided for in this act to express companies or other duly incorporated inland carriers bonded for the transportation of appraised or unappraised merchandise between the several ports in the United States; *Provided*, That not more than one such consignment to one ultimate consignee from the same consignor shall be imported in any one vessel: *And provided*, That the original appraisement and liquidation of such importations shall be final against the owner, importer, agent, or consignee, except in the case of manifest clerical errors, as provided for in section 24 of the act of June 10, 1890, and no protest or appeal therefrom to the general appraisers shall be allowed.

SEC. 2. That such express companies or other inland carriers shall be responsible to the United States under bond for the safe delivery of such articles to the ultimate consignee and for the collection and payment to the collector of customs at the port of arrival of the duties assessed thereon: *Provided*, That if any package shall not be delivered to the consignee by the express company or other inland carrier, but shall be returned to the collector within ninety days from the date of importation, with the seals provided for in section 3 of this act intact, the collector shall take charge of such package and dispose of it as unclaimed merchandise, and the express company or other inland carrier shall be relieved of any liability therefor under its bond; and before any express company or other inland carrier shall be permitted to receive and transport any such articles they shall become bound to the United States in such bonds of such form and amount and with such conditions not inconsistent with law and such security as the Secretary of the Treasury may require.

SEC. 3. That articles transported under the provisions of this act shall be corded and sealed in such manner as shall from time to time be prescribed by the Secretary of the Treasury, and the collector of the port of first arrival shall retain in his office a permanent record of such merchandise so forwarded.

SEC. 4. That such packages may be consigned to and entered by the agents of the express company or other inland carrier or steamship company, who shall at the time of entry state the ultimate consignee, and in all cases where a certified or other invoice is now required by law such invoice may be attached to the package under such regulations as the Secretary of the Treasury may prescribe, and the delivery of such articles to the express company or other inland carrier shall not be delayed because of the nonarrival of the triplicate invoice, but the ultimate consignee shall be liable for any increased duty found due on receipt of such triplicate invoice, and the provisions of section 2857, Revised Statutes, shall not apply to importations under this act.

The SPEAKER. The motion is to suspend the rules and pass the bill. Is a second demanded?

A second was not demanded.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and the Speaker announced that in the opinion of the Chair (two-thirds voting in the affirmative) the rules were suspended and the bill was passed.

BOTTLING DISTILLED SPIRITS IN BOND.

Mr. EVANS. Mr. Speaker, I am directed by the Committee on Ways and Means to move to suspend the rules and pass the following bill with the amendments recommended by the committee.

The bill was read, as follows:

A bill (H. R. 8582) to allow the bottling of distilled spirits in bond.

Be it enacted, etc., That whenever any distilled spirits deposited in the warehouse of a distillery having a surveyed daily capacity of not less than 20 bushels of grain, which capacity, or not less than 20 bushels thereof, is commonly used by the distiller, have been duly entered for withdrawal upon payment of tax, or for export in bond, and have been gauged and the required marks, brands, and tax-paid stamps, or export stamps, as the case may be, have been affixed to the package or packages containing the same, the distiller of said distilled spirits, if he has declared his purpose so to do in the entry for withdrawal, may remove such spirits to a separate portion of said warehouse, which shall be set apart and used exclusively for that purpose, and there, under the supervision of a United States storekeeper or storekeeper and gauger, in charge of such warehouse, may immediately draw off such spirits, bottle, pack, and case the same: *Provided*, That for convenience in such process any number of packages of spirits of the same kind, differing only in proof, may be mingled together in a cistern provided for that purpose; but nothing herein shall authorize or permit any mingling of different products, or of the same products of different distilling seasons, or the addition or the subtraction of any matter or material or the application of any method or process to alter or change in any way the original condition or character of the product except as herein authorized; nor shall there be at the same time in the bottling room of any bonded warehouse any spirits entered for withdrawal upon payment of the tax and any spirits entered for export: *Provided also*, That under such regulations and limitations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, the provisions of this act may be made to apply to the bottling and casing of fruit brandy in special bonded warehouses.

Every bottle when filled shall have affixed thereto and passing over the mouth of the same such suitable adhesive engraved strip stamp as may be prescribed, as hereinafter provided, and shall be packed into cases to contain 6 bottles or multiples thereof, and in the aggregate not less than 2 nor more than 5 gallons in each case, which shall be immediately removed from the distillery premises. Each of such cases shall have affixed thereto a stamp denoting the number of gallons therein contained, such stamp to be affixed to the case before its removal from the warehouse; and such stamps shall have a cash value of 10 cents each, and shall be charged at that rate to the collectors to whom issued, and shall be paid for at that rate by the distiller using the same.

And there shall be plainly burned on the side of each case, to be known as the Government side, the proof of the spirits, the registered distillery number, the State and district in which the distillery is located, the real name of the actual bona fide distiller, the year and distilling season (whether spring or fall) of original inspection or entry into bond, and the date of bottling; and the same wording shall be placed upon the adhesive engraved strip stamp over the mouth of the bottle.

And no trade-marks shall be put upon any bottle unless the real name of the actual bona fide distiller shall also be placed conspicuously on said bottle.

SEC. 2. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may, by regulations, prescribe the mode of separating and securing the additional warehouse or portion of the warehouse hereinbefore required to be set apart, the manner in which the business of bottling spirits in bond shall be carried on, the notices, bonds, and returns to be given and accounts and records to be kept by the persons conducting such business, the mode and time of inspection of such spirits, the accounts and records to be kept and returns made by the Government officers, and all such other matters and things as in his discretion he may deem requisite for a secure and orderly supervision of said business; and he may also, with the approval of the Secretary of the Treasury, prescribe and issue the stamps required.

The distiller may, in the presence of the United States gauger, remove by straining through cloth, felt, or other like material any charcoal, sediment, or other like substance found therein, and reduce, by the addition of pure water only, such spirits as are withdrawn for bottling purposes below the original proof, but to not less than 80 per cent proof, under such rules and regulations as may be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury; and no spirits shall be withdrawn for bottling under this act until after the period shall have expired within which a distiller may request a regauge of distilled spirits as provided in section 50 of the act of August 28, 1894.

SEC. 3. That all distilled spirits intended for export under the provisions of this act shall be inspected, bottled, cased, weighed, marked, labeled, stamped, or sealed in such manner and at such time as the Commissioner of Internal Revenue may prescribe; and the said Commissioner, with the approval of the Secretary of the Treasury, may provide such regulations for the transportation, entry, reinspection, and lading of such spirits for export as may from time to time be deemed necessary; and all provisions of existing law relating to the exportation of distilled spirits in bond, so far as applicable, and all penalties therein imposed, are hereby extended and made applicable to distilled spirits bottled for export under the provisions of this act, but no drawbacks shall be allowed or paid upon any spirits bottled under this act.

SEC. 4. That where, upon inspection at the bonded warehouse in which the spirits are bottled as aforesaid, the quantity so bottled and cased for export is less than the quantity actually contained in the distiller's original casks or packages at the time of withdrawal for that purpose the tax on the loss or deficiency so ascertained shall be paid before the removal of the spirits from such warehouse, and the tax so paid shall be receipted and accounted for by the collector in such manner as the Commissioner of Internal Revenue may prescribe.

SEC. 5. That where, upon reinspection at the port of entry, any case containing or purporting to contain distilled spirits for export is found to have been opened or tampered with, or where any mark, brand, stamp, label, or seal placed thereon or upon any bottle contained therein has been removed, changed, or willfully defaced, or where upon such reinspection any loss or discrepancy is found to exist as to the contents of any case so entered for export, the tax on the spirits contained in each such case at the time of its removal from warehouse shall be collected and paid.

SEC. 6. That any person who shall reuse any stamp provided under this act after the same shall have been once affixed to a bottle as provided herein, or who shall reuse a bottle for the purpose of containing distilled spirits which has once been filled and stamped under the provisions of this act without removing and destroying the stamp so previously affixed to such bottle, or who shall, contrary to the provisions of this act or of the regulations issued thereunder, remove or cause to be removed from any bonded warehouse any distilled spirits inspected or bottled under the provisions of this act, or who shall bottle or case any such spirits in violation of this act or of any regulation issued thereunder, or who shall, during the transportation and before the exportation of any such spirits, open or cause to be opened any case or bottle containing such spirits, or who shall willfully remove, change, or deface any stamp, brand, label, or seal affixed to any such case or to any bottle contained therein, shall for each such offense be fined not less than $100 nor more than $1,000, and be imprisoned not more than two years, in the discretion of the court, and such spirits shall be forfeited to the United States.

SEC. 7. That every person who, with intent to defraud, falsely makes, forges, alters, or counterfeits any stamp made or used under any provision of this act, or who uses, sells, or has in his possession any such forged, altered, or counterfeited stamp, or any plate or die used or which may be used in the

manufacture thereof, or who shall make, use, sell, or have in his possession any paper in imitation of the paper used in the manufacture of any stamp required by this act, shall on conviction be punished by a fine not exceeding $1,000 and by imprisonment at hard labor not exceeding five years.

SEC. 8. That nothing in this act shall be construed to exempt spirits bottled under the provisions of this act from the operations of chapter 728 of the public laws of the Fifty-first Congress, approved August 8, 1890.

Mr. MORSE. Mr. Speaker, I demand a second on that bill.

The SPEAKER. A second is demanded. The Chair will appoint the gentleman from Massachusetts [Mr. MORSE] and the gentleman from Kentucky [Mr. EVANS] to act as tellers.

The House divided; and the tellers reported—ayes 109, noes 10.

So a second was ordered.

The SPEAKER. There are forty minutes for debate, twenty minutes on either side, one-half under the control of the gentleman from Kentucky [Mr. EVANS], and the other half under the control of the gentleman from Massachusetts [Mr. MORSE].

Mr. MORSE. Mr. Speaker, I do not desire to debate the bill. I want an explanation from the other side.

Mr. EVANS. Mr. Speaker, I do not believe that when the House hears even a slight explanation of this bill there will be anybody who will oppose it any more than there was in the Committee on Ways and Means. The bill has been very carefully considered, not only from the standpoint of those who desired its passage, but it was also very carefully considered from the standpoint of the Government. Its provisions meet the approval of the Secretary of the Treasury and the Commissioner of Internal Revenue, with whom, under the directions of the committee, the subcommittee on internal revenue consulted upon every point in the measure. The purpose of the bill is to permit the bottling of spirits when they have reached the age of four years in such a manner as that anybody who is so unfortunate, or fortunate, as the case may be, to want a bottle of whisky or other spirits can knowto a certainty that he is getting a pure article. That is all.

The existing law requires that spirits when distilled shall be put into a bonded warehouse, and the proposed bill requires that after they shall have been in bond four years, after they have matured, after the tax has been fully paid to the Government, they may be bottled under such circumstances and under such supervision as will insure that there is no foreign substance whatever put into those spirits, so that if there are any pure spirits they can be found in bottles filled as required by this bill.

Understand, Mr. Speaker, that this does not interfere, nor is it intended to interfere, with anybody bottling spirits as he pleases outside of the distillery premises or outside of the distillery warehouse. Anybody may bottle there if he chooses. Anybody can bottle elsewhere, and put his goods on the market as he chooses; but there is a certain trade that desires some assurance, some guaranty of official supervision, that the sort of spirits they buy are pure spirits; that, in fact, there is no admixture with them of poisonous or other foreign substance.

The purpose of this bill is to permit those who make whisky to put it in bottles under Government supervision, instead of waiting until it goes out from under Government supervision, where parties can put whatever stuff they please into it. Not only is this so, but upon another ground there is a necessity for this bill, which arises largely from the fact that nearly all so-called pure spirits come from Canada. The only spirits bottled under Government supervision that are in the market are marked as "Canada Club" whisky. It comes in from Canada and is sold in large quantities. Gentlemen who travel on the cars, as perhaps all of you know, and who buy that whisky, buy it because it is supposed to be pure on account of being under a government bottling stamp. Now, by virtue of that fact, Canada has sent into this country large quantities of very inferior spirits, and they are selling them to our people and keeping the American producer out of his home market, although American producers are allowed no such privileges in Canada, they not being permitted to carry our spirits over there in quantities less than 120 of our gallons.

If you will take the trouble to read the report, you will find that one of the chief reasons given by the committee for the passage of this bill is that it tends to give to the home producer the home market instead of allowing it to the Canadians with an extremely inferior variety of spirits. These are the objects of this bill. I do not desire to take up all of my time in discussing it now, but if the gentleman from Massachusetts [Mr. MORSE] or anybody who is associated with him in objecting to the bill has anything to say, I shall be glad to hear it, reserving the remainder of my time.

Mr. HEPBURN. Mr. Speaker, I remember that a year or two ago, when an argument was being made in favor of extending the bonded period for whisky, we were told that it ought to be eight years, in order that the ripening process might go on—what was claimed to be a process of manufacture—namely, the elimination of fusel oil by evaporation while the liquor was in wood. Now I understand the gentleman to propose by this bill to arrest this ripening process, this elimination of fusel oil, by putting the liquor into bottles, where it will be impossible for the oil to escape. Will he please explain that? [Laughter].

Mr. EVANS. My genial friend from Iowa need not have any apprehension on that point. I am not a maker of whisky and I know but little about the practical operation of making it. From slight casual connection with the business, however, I do know that three years is the period required for ripening. The Wilson bill, among other incongruities, extended the bonded period to eight years, but in three or four years whisky is about as pure as it ever gets to be.

Mr. HEPBURN. I know, of course, how insolent it must appear for me to undertake to give instruction with regard to whisky to a gentleman from Kentucky [laughter], but I do remember very distinctly that when gentlemen were insisting on extending the bonded period, not only in the last Congress, but earlier, when the attempt was made to make the period five years, we were told first that five years and later that eight years was absolutely essential to the ripening of whisky, and that it would continue to undergo the ripening process—a process of manufacture, as they said—until the end of that period. Now, this bill seems to be intended to undo the work of that bill.

Mr. EVANS. No; the gentleman is mistaken. I think I know what I am talking about. At the time to which he refers they were very anxious to get some indulgence on account of the extremely depressed condition of the trade, and inasmuch as the tax was to be increased to $1.10 per gallon, they wanted some concession in the way of a lengthened bonded period, but that period was not necessary for the maturing of the whisky. Everybody knows that. Four years would do for that.

Mr. HOPKINS. Everybody but the gentleman from Iowa. [Laughter.]

Mr. EVANS. Everybody but the gentleman from Iowa.

Mr. DINGLEY. It was intended to "mature" the pockets of the distillers. [Laughter.]

Mr. EVANS. Yes. Inasmuch as you were going to increase the tax they wanted an increase of the bonded period.

Mr. COLSON. I will ask my colleague if it is not a fact that the greatest improvement in whisky occurs in the first four years?

Mr. EVANS. Undoubtedly.

Mr. TATE. Why do you put the limit at 20 bushels of grain?

Mr. EVANS. Because it was supposed that where a less amount than that was used they would not be likely to have such warehouse facilities as to enable them to bottle the spirits under such supervision and safeguards against frauds as was necessary and as contemplated by the bill.

Mr. TATE. Is not this the same old story of giving the large manufacturers the monopoly of the business?

Mr. EVANS. That limitation was fixed by the Commissioner of Internal Revenue upon the idea that the public interest could not be preserved if you gave this privilege to the very small distilleries.

I reserve the balance of my time.

Mr. MORSE. Mr. Speaker, I did not ask for a second for this bill for the purpose of debating it, but for the purpose of getting an explanation from the committee reporting the bill. I submit to my friend from Iowa [Mr. HEPBURN] that he ought not to be too hard upon the gentleman from Kentucky [Mr. EVANS] in asking an explanation from him as to the effect of whisky, because everybody knows that people drink Kentucky whisky in summer to keep them cool and drink it in the winter to keep them warm. [Laughter.] There is no explanation of this stuff in bottles or barrels. It is the devil's own drink. It is the fruitful source of taxation, pauperism, crime, insanity, disease, and death. In this country 60,000 men annually go down to a drunkard's grave; 100,000 men crowd our almshouses and swell our taxes in consequence of strong drink; 500 murders and 500 ghastly suicides look up to heaven as the result of this blasting, withering traffic. Of all the engines the devil ever invented to destroy the bodies and souls of men and the peace of families, strong drink beats them all. It is the enemy of heaven and the ally of hell. I do not think it makes much difference whether you bottle whisky or whether you barrel it, the bill is unimportant. To my mind it makes very little difference which way you ship or sell the poison. I do submit again that the gentleman from Kentucky ought not to be questioned too closely in regard to its composition or its effects. [Laughter.]

Mr. LEWIS. The gentleman has undertaken to tell us how many people die annually from the effects of Kentucky whisky; will he now tell us how many die annually from other causes?

Mr. MORSE. In answer to the gentleman from Kentucky, I want to say that the indirect effects of Kentucky whisky are probably far in excess of any statistics I have given. The indirect effects of Kentucky whisky God alone knows. It would take a large vessel to contain the tears of the orphans and widows, the men and the women that have been reduced to poverty and misery by Kentucky whisky. If I could have my say about it, I would see the whole accursed stuff in the Atlantic Ocean and

never have another drop of it made, barreled, or bottled. [Laughter and applause.] I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield three minutes to my colleague, Mr. COLSON.

Mr. HENDERSON. I would not attempt to shift the responsibility, Colonel EVANS. [Laughter.]

Mr. EVANS. Mr. Speaker, I wish to say that there is no export trade of any sort of whisky from Kentucky to the devil; so that if he gets it he gets it from Canada. [Laughter.] Furthermore, I am not here asking any favor for Kentucky whisky. I am here speaking seriously in behalf of a large industry in many States that certainly furnish a large amount of revenue to help pay our pensions. I am asking nothing for or against whisky. All I want is to give the distillers the privilege of bottling their whisky under the protection of the law. The existing law gives the right to produce. This bill neither enlarges nor takes away that right. It only allows their bottling after being produced. That is all.

I now yield three minutes to my colleague [Mr. COLSON].

Mr. COLSON. Mr. Speaker, the criticisms of the gentleman from Massachusetts [Mr. MORSE] on this bill do not go to its merits. The question of temperance is not directly involved in this measure. This bill simply seeks to give such protection to the public that they may know, when they do drink, whether they are drinking pure whisky or something else which may be a compound from the use of which the injurious effects follow of which the gentleman from Massachusetts [Mr. MORSE] complains.

Mr. MILES. Does the gentleman speak from experience? [Laughter.]

Mr. COLSON. Only in part, but not from any experience that has occurred within the last few years.

Mr. Speaker, men will drink whisky; and I submit it is better for them when they do so to know that they are drinking straight Kentucky whisky. [Laughter.] If this bill should become a law, a man when he takes a drink can know whether he is drinking pure Kentucky whisky. You can not now go into a saloon in this or any city or town in this country and purchase a bottle of whisky and drink it feeling assured that it is straight whisky. It may be a very injurious compound. The rectifying houses all over the country are putting upon the market goods labeled as straight whisky, but not such in fact, but an article far more injurious than straight Kentucky whisky, and a person intoxicated by it is ready to kill anybody, not excepting even his mother-in-law. [Laughter.]

I need say nothing as to the merit of Kentucky whisky; that stands without any comment. I am opposed to the use of whisky; but if we have it, make it possible for the consumer to know he is getting the pure article. And, sir, those who are opposed to the use of whisky ought to favor such legislation as will insure the consumption of the pure article, which is the least injurious of all the whiskies consumed. That is all there is of this question.

Mr. MORSE. Mr. Speaker, how much time have I remaining?

The SPEAKER. Eighteen minutes.

Mr. MORSE. I yield two minutes to the gentleman from Georgia [Mr. TATE].

Mr. TATE. I offer the amendment indicated in the bill which I send to the desk.

The SPEAKER. An amendment is not in order.

Mr. TATE. I ask that it may be read for information.

The SPEAKER. It will be read as part of the gentleman's remarks.

The Clerk read as follows:

After the word "distillery," in line 4, strike out the words "having a surveyed daily capacity of not less than 20 bushels of grain, which capacity, or not less than 20 bushels thereof, is commonly used by the distiller."

Mr. TATE. I hope the gentleman in charge of the bill will accept this amendment.

Mr. EVANS. Personally I should have no objection to it; but the bill as offered is in the shape which the officers of the Treasury Department insist is necessary as a safeguard for the interests of the Government.

Mr. TATE. Would it be in order to strike out "20 bushels of grain" and insert "5"?

Mr. EVANS. I make the point that the amendment is not in order.

The SPEAKER. It is not in order.

Mr. TATE. Mr. Speaker, I hope that if this bill be not amended in such a way as indicated in the proposition just read it will be voted down. I see no reason why this House should continue to legislate for the interest of the large distilleries, as has been done in the past.

No man unless he distills 20 bushels of grain daily is allowed the benefit of this measure. I see no reason for any such discrimination between the different distillers of the country. If a man who is legitimately engaged in distilling uses only 5 bushels of grain daily, why should he not be allowed to bottle his product in the same way as a man in Kentucky who uses 20 bushels? That is my objection to this bill, and it is one which my friend from Kentucky should readily appreciate. I do not see why he should not assent to the amendment I have proposed. It is perfectly fair. It gives the small distiller the same rights that this bill gives the large distiller. This bill is so palpably unfair that it should not pass unless the amendment suggested by me is agreed to.

Mr. MORSE. Mr. Speaker, my friend from Kentucky [Mr. EVANS] has urged as an argument in favor of drinking that large revenue is raised by the Government from this source and that this helps to pay the taxes. Mr. Speaker and gentlemen, I believe there would be as much statesmanship, and sense, and philosophy in inoculating men with smallpox and then laying a tax on coffins to raise revenue as in raising revenue by licensing men to carry on this business of making paupers, and beggars, and suicides, and murderers. [Applause.] Why, Mr. Speaker, did you read the confession of that poor, miserable wretch—Irving Ford—whose trial was entered upon to-day? Did you read his confession that on the morning of the day on which he committed the terrible deed and murdered Elsie Kreglo he says he bought a bottle of whisky and drank it? Perhaps it was Kentucky whisky. It certainly was bottled, as proposed by the pending bill.

Mr. COLSON. The trouble is that he got hold of the wrong kind. If he had got pure Kentucky——

Mr. MORSE. Now, I do not know anything about that. I do not know what State it came from. I only know the fact that before he did that awful deed he drank a bottle of this vile, damning, blasting poison that has destroyed and is destroying the bodies and souls of men. I verily believe he would not have committed the crime had his brain not been fired with this poison; and so I charge, Mr. Speaker, that that poor, miserable colored man, who is now awaiting his execution in the prison here for that crime, committed the crime in consequence of drink; and I charge that the man who sold him that bottle of whisky—I charge here and now, in the presence of God, men, and angels, that that saloon keeper was a party to that crime, and is in part responsible for that awful murder of an innocent girl and the grief and sorrow to that family.

Do you know that when John Wilkes Booth, when he was dying, kept looking at his hands and crying there was blood upon his hands. The attendant said to him, "No; Mr. Booth. We have washed your hand carefully; there is no blood on your hands." But he insisted there was blood on his hands. The blood of the martyred Lincoln was crying to heaven and the dying murderer thought he saw blood on his hands. And I charge the man who sold that bottle of whisky to this colored man that the blood of this poor girl is on his hands, and that he is in part responsible for that crime.

I notice down here on Pennsylvania avenue, in walking back and forth to the Capitol—I notice a large sign which bears in letters of fire the words "Hunter's Pure Rye." I do not know whether that means pure Kentucky whisky, or what kind of whisky it is; but, Mr. Speaker, it is a fitting emblem—those letters of fire. They stand for the fire that is never quenched, for the second death, for "eternal burnings," for the loss and the ruin and the destruction of souls caused by this blasting, withering, damning poison. The sign over every rum shop ought to be in fire, and there ought to be a skull and crossbones over the door for a trademark. [Applause.]

The gentleman from Kentucky says that strong drink is a large source of revenue to the Government. I hope the argument will never be advanced in this Congress that it is good policy and sound, wise statesmanship to raise revenues for the support of the Government by licensing men to make beggars, suicides, paupers, and murderers of their fellow-men. [Applause.] God pity the community, town, city, State, or nation that raises revenue that way. [Renewed applause.]

I reserve the remainder of my time.

Mr. EVANS. Mr. Speaker, I do not know that it is necessary to pursue the argument further——

The SPEAKER. The gentleman has eight minutes of his time remaining.

Mr. EVANS. I see no necessity for further debate, and will ask a vote.

Mr. HEPBURN. Before the gentleman yields the floor I would like to ask him a question.

Mr. EVANS. Certainly.

I only want to add this, Mr. Speaker. I have not said anything about Kentucky whisky. I speak for all the States, and all the manufacturers in the States, who are interested as well as the people of the country generally in this legislation, some from the standpoint of trade, others from the standpoint of the revenue.

Mr. HEPBURN. I wish to ask the gentleman where, or in what section of the bill, is to be found that provision to which he has alluded that secures to the purchaser a knowledge that the article he purchases from the distiller under the circumstances mentioned in this bill is pure? I do not find anything in the bill of that character.

There is no provision so far as I have been able to find either as to what the particular adhesive stamp is to be, or what its functions are, or how it is going to guarantee to a purchaser all that the gentleman from Kentucky claims for the bill.

Mr. EVANS. I wish to say that it is not my idea that the Government has anything to do with guaranteeing anything to the purchaser in any contract sense. But, in answer to the gentleman from Iowa, the bill provides that all spirits in the distillery or bonded warehouse when the tax is paid may be bottled under the supervision of a United States officer. The adhesive stamp is affixed to the bottle over the mouth of it, which shows that the distiller has complied with the law, that it is his product, the proof strength of it, its age, and the act expressly provides that the bottle can not be opened without destroying the stamp, so that it can not be used over again for a fraudulent article. A provision is also made for punishing any person who attempts to alter or counterfeit such stamp.

Mr. HEPBURN. The gentleman's answer does not meet the inquiry. I understood him to say that this would secure some kind of a guaranty for the purchaser that the article he purchases is a genuine article. Now, on the contrary, there is a provision in this bill which authorizes the mixture of different grades of whisky.

Mr. EVANS. Oh, no; I think the gentleman is mistaken in that.

Mr. HEPBURN. The provision is that they shall be of the same vintage or of the same year. But you may mix them of different proofs and there is no guaranty, there is no surety, no requirement that the stamp shall indicate anything except what the gentleman suggested, that it was the product of a certain establishment; but there is no assurance of purity, no assurance of inspection, no assurance of any kind. This only authorizes the mixing and bottling of whiskies which have been in bond for four years.

Mr. EVANS. Why, it is absolutely certain, to anybody who understands anything of the business, that what I said at the outset is perfectly correct. The object of the bill is to have the bottling done under Government supervision. It is to be in the distillery warehouse; it is to be done before the spirits are taken from the distiller's premises; it is to be done under Government supervision, and the most stringent provisions for the protection of the purchaser are inserted in the bill.

But it is true it does say that the distiller may mix the same goods. That is to say, where there are two barrels of the same product produced in the fall, say of 1892, he may mix them. You can not expect that the bottling will just exactly exhaust the barrel, and in order to complete the filling of bottles it may be necessary to begin on a new barrel of precisely the same product. It does allow the mingling of two barrels of exactly the same sort of spirits, made by the same maker, of the same age, and all to be done under Government supervision.

Mr. HEPBURN. Does it allow the mixture of two barrels of different proofs?

Mr. EVANS. Of course; there are no two barrels of the same proof, except by accident. But it all may be reduced, by the admixture of pure water only, to a proof of 80 per cent. There is not a particle of difficulty on that subject. When that is done under the supervision of the officers, and that stamp is put over the mouth of the bottle, stating all the facts that this bill requires to be stated, it is as good a guaranty as any human mind can conceive of, unless the Government makes a contract——

Mr. HEPBURN. Your bill does not even require the proof to be stated, does it?

Mr. EVANS. Undoubtedly it does. You have got to state all that on the stamp.

Mr. HEPBURN. Will you turn to it?

Mr. EVANS. It is easy enough to do that—

And there shall be plainly burned on the side of each case, to be known as the Government side——

Mr. HEPBURN. That is on the box, not on the barrel.

Mr. EVANS (reading)—

The proof of the spirits, the registered distillery number, the State and district in which the distillery is located, the real name of the actual bona fide distiller, of the year and distilling season thereof, whether spring or fall, of original inspection or entry into bond, and the date of bottling, and the same wording shall be placed upon the adhesive engraved strip stamp over the mouth of the bottle.

It is always intended that the evidence of proof strength shall be there. It is positively, plainly, unquestionably so. Now, the Ways and Means Committee, let me say, had no thought about this as a Kentucky bill, a Pennsylvania bill, a Maryland bill, or a Missouri bill. It is only something that it seemed to us the distillers were fairly entitled to, to enable them to bottle their goods in a pure state, under Government inspection, to give them a market as against the Canadian article. That is the whole of it. I believe that there is not a member here who, when he understands it, will disapprove of this. The temperance question has nothing to do with it. I am as good a temperance man, I suppose, as my friend from Massachusetts [Mr. MORSE]. I have been as seldom drunk as any man in this House. I have nothing to say upon that; but this is only a question of business, that is all.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. TATE) there were—ayes 113, noes 20.

Mr. TATE. No quorum, Mr. Speaker.

The SPEAKER. The gentleman makes the point of no quorum present.

Mr. CROWTHER. What gentleman makes the point of no quorum?

The SPEAKER. The gentleman from Georgia makes the point.

Mr. TATE. I make the point of no quorum present.

The SPEAKER (after counting the House). One hundred and ninety-nine gentlemen are present; a quorum. Two-thirds having voted in the affirmative, the bill is passed.

Mr. EVANS. Mr. Speaker, my motion was to pass the bill with the amendments suggested by the Committee on Ways and Means, which were largely formal.

The SPEAKER. The Chair so understood it.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his clerks, announced that the President had approved and signed bills and joint resolutions of the following titles:

On May 6, 1896:

An act (H. R. 7200) for the relief of A. T. Hensley.

On May 8, 1896:

An act (H. R. 3544) empowering and directing the Secretary of the Navy to furnish not more than four pieces of condemned cannon to the village of New Rochelle, N. Y.

On May 9, 1896:

An act (H. R. 5853) granting a pension to Arminda Stucker, of Gallatin, Mo.

On May 11, 1896:

An act (H. R. 145) for the relief of J. J. Lints;

An act (H. R. 1191) to provide for the disposal of public reservations in vacated town sites or additions to town sites in the Territory of Oklahoma;

An act (H. R. 4456) to authorize and direct the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to the cemetery association in the city of St. Paul, Minn., to be used at or near the foot of the soldiers' monument in said cemetery;

An act (H. R. 572) for the relief of James Duke; and

An act (H. R. 1889) granting an honorable discharge to F. L. Taylor from December 2, 1864.

NOTE.—The following bill was presented to the President April 29, 1896, and, not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without his approval:

An act (H. R. 3852) to amend the record of William H. De Freest.

On May 13, 1896:

An act (H. R. 8820) making provision for the deportation of refugee Canadian Cree Indians from the State of Montana and their delivery to the Canadian authorities;

An act (H. R. 6605) to revive and reenact an act to authorize the construction of a free bridge across Arkansas River, connecting Little Rock and Argenta; and

An act (H. R. 2735) for the relief of Enoch Davis.

On May 14, 1896:

An act (H. R. 3018) to amend the act approved March 3, 1891, granting the right of way upon the public lands for reservoir and canal purposes; and

An act (H. R. 152) granting a pension to Mary Ann Tracy.

On May 15, 1896:

An act (H. R. 4887) granting a pension to Sarah G. Ives;

An act (H. R. 4968) granting a pension to Helen A. Jackman, dependent daughter of Lieut. William Jackman, late of Company I, Fourteenth Regiment of Maine Volunteers;

An act (H. R. 491) granting an increase of pension to Francis Walsh, of Stockham, Nebr.;

An act (H. R. 6104) for the relief of Anton Gloetzner;

An act (H. R. 3046) for the relief of Frederick Van Guilder;

An act (H. R. 1743) for the relief of Thomas L. Young;

An act (H. R. 175) authorizing the Secretary of War to make certain uses of national military parks; and

An act (H. R. 6431) to pay Peter P. Ferguson $1,765.

REGISTRATION OF TRADE-MARKS.

Mr. CORLISS. Mr. Speaker, I am directed by the Committee on Interstate and Foreign Commerce to move to suspend the rules

and ask for the present consideration of the bill which I send to the Clerk's desk.

The bill was read, as follows:

A bill (H. R. 7477) to provide for the registration of trade-marks on bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, and other receptacles and vessels used in commerce with foreign nations, or among the several States, or with the Indian tribes, or among or in the Territories of the United States, or with or in the District of Columbia, and to prevent the fraudulent use of the same in such commerce.

Be it enacted, etc., That any and all persons, firms, and corporations engaged in manufacturing, bottling, packing, or selling soda water, mineral or aerated waters, porter, ale, beer, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer, or other beverages, or medicines, medical preparations, perfumery, compounds, mixtures, or other articles of merchandise in bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, or other receptacles or vessels, with his, her, its, or their name or names or other marks or devices branded, stamped, engraved, etched, blown, impressed, or otherwise produced upon such bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, or other receptacles or vessels used by him, her, it, or them in commerce with foreign nations, or among the several States, or with the Indian tribes, or among or in the Territories of the United States, or with or in the District of Columbia, may obtain registration of such name or names or other marks or devices so used, as follows: Any such person, firm, or corporation may file in the Patent Office of the United States, to be recorded, a written statement specifying the name, domicile, citizenship, place or places of business and post-office address of such person, firm, or corporation, and giving a description and a facsimile of the name or names, or other marks or devices so used by him, her, it, or them, respectively, and the usual name of the article or articles manufactured, bottled, packed, or sold by such owner in such bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, boxes, kegs, tins, other receptacles, or vessels, said statement declaring that such person, firm, or corporation is, at the time of such filing, the owner of such bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, or other receptacles or vessels, and that the same are used in commerce with foreign nations, or among the several States, or with the Indian tribes, or among or in the Territories of the United States, or with or in the District of Columbia, and that such person, firm, or corporation has at the time a right to the use of such name or names, or other marks or devices, sought to be registered, and that no other person, firm, or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as might be calculated to deceive; and said statement shall be sworn to by such person, or by a member of such firm, or an officer of such corporation before a notary public or other officer competent to administer oaths, who shall attach his official seal to the same: *Provided, however*, That for each such statement so filed, and at the time the same is filed, the person, firm, or corporation filing the same shall pay into the Treasury of the United States the sum of $25 as a fee for such registration, and shall comply with such regulations as may be prescribed by the Commissioner of Patents: *Provided further*, That no registration shall be allowed under this act except by persons, firms, or corporations domiciled in the United States or located in any foreign country, or tribes which, by treaty, convention, or law, afford similar privileges to citizens of the United States.

SEC. 2. That when any registration has been made as provided in section 1 of this act the Commissioner of Patents may issue a certificate in the name of the United States of America, under the seal of the Department of the Interior, and signed by said Commissioner, stating and specifying the name, place or places of business, and post-office address of the person, firm, or corporation obtaining such registration as owner, and giving a description of the registered name or names, or other marks or devices, so used on such bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, or other receptacles or vessels fully as set forth in said statement filed under section 1 of this act, and such certificate shall state that such name or names, or other marks or devices, have been registered by such owner in accordance with this act, giving the title and date hereof. Such certificate of the Commissioner of Patents shall, in any prosecution under this act, be prima facie evidence of registration in accordance with this act, and also prima facie evidence that the person, firm, or corporation so registered as owner is the true owner of the bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, or other receptacles or vessels, the name or names, or other marks or devices, on which have been so registered.

SEC. 3. That after the name or names, or other marks or devices, which appear on any bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, or other receptacles or vessels have been registered as provided in section 1 of this act, any person, firm, or corporation who shall use in traffic any such bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, or other receptacles or vessels, or make the same the subject of commerce with foreign nations, or among the several States, or with the Indian tribes, or among or in the Territories of the United States, or with or in the District of Columbia, shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not more than $300, or be imprisoned not more than four months, or both, at the discretion of the court.

SEC. 4. That nothing in this act contained shall prevent, lessen, impeach, or avoid any remedy at law or in equity which any party aggrieved by any wrongful use or sale of such bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, or other receptacles or vessels might have had if this act had not been passed.

SEC. 5. That the Commissioner of Patents is authorized to make rules and regulations and prescribe forms for the transfer of the said certificates of registration, and for recording the said transfers in his office.

The SPEAKER. Is a second demanded?

There was no demand for a second.

Two-thirds voting in favor thereof, the rules were suspended and the bill passed.

ORDER OF BUSINESS.

Mr. HENDERSON. Mr. Speaker, I submit the following privileged report from the Committee on Rules, and move its adoption.

The Clerk read as follows:

The Committee on Rules, to whom was referred House Resolution No. 329, have had the same under consideration, and beg leave to report the following substitute therefor:

Resolved, That immediately after the adoption of this rule, and until 4 o'clock, Tuesday, May 19, the time of the House shall be given to the consideration of such bills on the House Calendar as have been reported by the Committee on Immigration and Naturalization, and that at 4 o'clock, May 19, the previous question shall be considered as ordered on the pending bill and pending amendments to the passage: *Provided, however*, That nothing in this resolution shall be construed as interfering with general appropriation bills and conference reports.

Mr. HENDERSON. Mr. Speaker, on that I demand the previous question.

Mr. BARTHOLDT. Before the previous question is ordered I should like to suggest that at the time this resolution was agreed upon by the Committee on Rules it was intended to give us to-day and to-morrow for the consideration of immigration bills. The day having been consumed by other business, I suggest that the Committee on Immigration and Naturalization be given another day (to-morrow and the day after) for the purpose of considering these bills. There are so many gentlemen who have signified to me their desire to occupy the floor that it will be impossible to get through by to-morrow at 4 o'clock. I would offer as amendment, Mr. Speaker, that to-morrow and Wednesday be devoted to the consideration of immigration bills.

Mr. HENDERSON. Mr. Speaker, I have no authority to accept that amendment. The request of the gentleman was for one day, and we give one day plus what is used this day. If to-morrow the House feels like an extension should be given, that could be done by unanimous consent, if it is the uniform judgment of the House; but we have other matters pressing from the Committee on Labor and the Committees on Elections; and inasmuch as this gives the day asked for and what is left of to-day, I think we ought to go ahead with the order.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. BARTHOLDT and others. Division.

The House divided; and there were—ayes 75, noes 36.

So the previous question was ordered.

Mr. BARTHOLDT. Mr. Speaker, I now ask unanimous consent that the vote be taken on Wednesday at 4 o'clock instead of Tuesday.

Mr. HENDERSON. I want to say a word right here. We may as well be square with each other. The gentleman from Missouri is opposed to the consideration of the bill at all, and does not represent the views of his committee. He asked for one day before he went away. We have given him one day, and he can have an hour during this day, and he has been spending to-day trying to prevent us from bringing up this bill at all.

Mr. BARTHOLDT. I will say to the House, in answer to the gentleman from Iowa, that he is entirely mistaken in his statement. I stand here fathering, favoring, and advocating the passage of the educational test bill.

Mr. HENDERSON. Does the gentleman deny that he has been laboring with me not to bring up this rule?

Mr. BARTHOLDT. I deny that.

Mr. HENDERSON. That is all I claim.

Mr. BARTHOLDT. I deny it. I only stated that there were quite a number of members of this House who had come to me and told me that it might not be policy to bring up this matter, and I simply reported to the gentleman from Iowa what those gentlemen told me, reserving my own individual view upon that question.

Mr. HENDERSON. I certainly understood the gentleman to be opposed this morning to bringing up the rule to-day, and several other members told me he had spoken to them. Now, Mr. Speaker, if we are going to treat this question at all, let us treat it, and have the manhood and the courage to do so. The gentleman knows we are planning to give two days to the Committee on Labor, and then there are several election cases to be considered, and no one knows at what hour the gavel of adjournment may fall.

Mr. PICKLER. I have had a resolution before the Committee on Rules for some time for the Committee on Invalid Pensions. [Laughter.] Last Friday night we were cut out of the time.

Mr. CORLISS. I would like to ask the gentleman from Iowa if it is not true that this is one of the most important questions now pending in this country, and one in which a great mass of persons are interested? And as the representative of the committee I think he ought to yield the time, and yield it gracefully.

Mr. HENDERSON. I am very much obliged to the gentleman. I am simply attempting to represent the action taken by the committee.

Mr. JOHNSON of California. Mr. Speaker, is there any way in which we can get a vote extending the time of this debate? Is it in order to move an amendment?

Mr. HENDERSON. No, I do not see that that can be done. But I want to say this: The question is on the request for unanimous consent and I have not objected to it. I only wanted the House to understand the position of the chairman of the Committee on Immigration, because he seems to be fighting for more time.

The SPEAKER. The gentleman from Missouri asks unanimous consent that debate be extended until Wednesday at 4 o'clock.

Mr. PICKLER. Mr. Speaker, I object. [Cries of "Oh, don't!"] I want a day for pensions.

Mr. MILNES. That is not the way to get it.

Mr. BARTHOLDT. Is a motion in order?

The SPEAKER. A motion will not be in order.

Mr. JOHNSON of California. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of California. Would it be in order to move to recommit this resolution to the Committee on Rules with instructions to strike out "19th" and insert "20th"?

The SPEAKER. It would.

Mr. JOHNSON of California. Then I move to recommit the resolution.

The SPEAKER. But not at this time.

Mr. HENDERSON. There are twenty minutes for debate on each side. I reserve my time.

Mr. PICKLER. Mr. Speaker, I withdraw the objection.

The SPEAKER. The gentleman from South Dakota withdraws his objection. Is there further objection?

Mr. KEM and Mr. BROWN. I object.

The SPEAKER. The question is on the motion to recommit.

Mr. DOCKERY. I hope that some agreement may be reached by which we can have more time to debate this important bill.

Mr. BARTHOLDT. Mr. Speaker, I desire to make a brief statement by unanimous consent.

The SPEAKER. The gentleman from Missouri is entitled to twenty minutes.

Mr. BARTHOLDT. Mr. Speaker, I wish the House to understand that there is not merely one bill to be discussed, but there are four or five different bills, three of which have been reported by the Committee on Immigration to the House. I understand that the authors of those several bills desire to be heard. It is also customary that each member of a committee having a measure before the House for consideration shall have time in which to discuss it, and if that custom is to be complied with it will, of course, be impossible to properly debate this important measure to-morrow between the expiration of the morning hour and 4 o'clock in the afternoon. This is a very important question, the only one, by the way, upon which a caucus has been called during this session of Congress.

Now, if we are going to have this question up for discussion, my friend from Iowa, let us have it out, and let us have time enough in which to make the discussion thorough. For these reasons I hope the motion to recommit to the Committee on Rules with instructions to insert "Wednesday" instead of "Tuesday" will be adopted by the House. I yield now to my colleague [Mr. DOCKERY].

Mr. DOCKERY. Mr. Speaker, having just come into the Hall, I learn that a rule has been reported from the Committee on Rules providing for the consideration of the immigration bill and allowing only four hours for debate. This is a very important question, and, aside from the members of the Committee on Immigration, I suppose that the members of the House generally will be disposed to discuss it thoroughly. Therefore, inasmuch as we have a good deal of time on hand, it seems to me that the gentleman from Iowa in charge of this report should consent to allow another day for this debate, and I hope he will do so.

Mr. DALZELL. Mr. Speaker, without expressing any opinion at all as to whether or not the time proposed in the rule should be extended, it seems to me that the chairman of the Committee on Immigration is putting the Committee on Rules in a false position. For the last three or four weeks I have been approached by a number of gentlemen, both inside and outside of the House, with respect to getting "a day for immigration," but until the gentleman from Missouri rose a while ago I never heard an intimation that he or anybody wanted more than one day. When the chairman of that committee was with the Committee on Rules this morning he did not intimate that he wanted more than one day.

Mr. BARTHOLDT. If the gentleman will permit a brief interruption at that point, I want to suggest to him that he, as an old member of the House, knows very well that when a question is likely to come up for discussion is the time when members seek for an opportunity of debating it, and I myself had no idea that there were so many gentlemen desirous of discussing this matter until now, when there is an immediate prospect of its coming before the House.

Mr. DALZELL. Mr. Speaker, this matter has been discussed in this House, pro and con, day in and day out, for the last two weeks, and, as I have already said, I have been approached by a great many gentlemen with reference to the subject, but until a moment ago I never heard an intimation that more time than one day was desired.

Mr. HENDERSON. If my colleague on the committee will allow me, I hold in my hand the original resolution introduced by the gentleman from Ohio [Mr. DANFORD], for which we have brought in a substitute. That original resolution reads:

Resolved, That Monday, the 18th day of May, 1896, be set apart by the Committee on Rules for the consideration of reports from the Committee on Immigration of this House.

There is the official record. Now, by this rule we give them one day, and, in addition to that, all that can be saved out of this day.

Mr. DALZELL. In addition to that, Mr. Speaker, a petition in relation to this matter has been in circulation in this House for two weeks, and no suggestion has been made by anybody that more than one day was desired. The chairman of the committee says there are four bills to be considered, but all those four bills can be considered at the same time. One of them may be presented by the chairman of the committee and each of the others may be offered as an amendment; and even if we consider that the whole four of them are to be before the House for discussion at one time, they contain propositions which require no lengthy discussion. Each bill embodies a single, solitary principle. For instance, the bill known as the McCall bill provides for an educational test. It embodies that single principle. The bill presented by the gentleman from Ohio [Mr. DANFORD], known as the Stone bill, provides for consular certification. The other bills, the one introduced by the gentleman from Michigan [Mr. CORLISS] and the one proposed by the gentleman from New York [Mr. MAHANY], provide for the keeping out of alien labor, of aliens who come here to work and then go back to their own country, carrying their money with them.

Now, those three simple principles cover the whole ground, and there is no necessity for any very lengthy discussion unless, possibly, to get into the RECORD and send out matter for the benefit of our constituents, all of which can be done by obtaining leave to print, which I have no doubt will be given. Now, I end as I began. I am not expressing any opinion as to whether the time ought to be extended, and if the House is disposed to give more time I am not saying that I will not yield; but I want it to be understood that the Committee on Rules have reported in favor of giving the gentleman from Missouri all the time that he or anybody speaking on behalf of his committee has asked.

Mr. BARTHOLDT. Mr. Speaker, I wish to say that I am certainly under obligations to the Committee on Rules because of their courtesy in not calling this matter up during my absence. I desire to go on record as saying that much. The chairman of each committee of the House, as I understand, is entitled to one hour. I have been informed by about six members of our committee that each of them desires from thirty to forty minutes. The gentleman from Michigan [Mr. CORLISS], the author of one of these bills, desires from thirty to forty minutes, and a number of other gentlemen desire to be heard; and I submit that it would be impossible for all of these gentlemen to be accommodated between the expiration of the morning hour and 4 o'clock to-morrow. One hour will be consumed by the morning hour, so that it will probably be 1 o'clock before we reach this important matter, leaving for it only three hours, one of which I shall certainly have to occupy, no matter how the rest of the House may fare. I shall insist upon it. [Laughter.]

I yield to the gentleman from California [Mr. JOHNSON].

Mr. JOHNSON of California. Mr. Speaker, I look on this as one of the most important matters that can come before Congress. I do not think we are very much rushed for time. Why, sir, it is only a week since we adjourned over Saturday so as to allow members to go to a planked shad dinner down the Potomac somewhere, and nobody objected. Only last Friday we adjourned over because there was not any business to attend to. Yet the gentleman on the other side says we are so rushed with business that we must curtail this discussion. Here are two Saturdays that we have wasted in play. Now, why not devote one or two days to the discussion of a matter of this importance? Why, sir, I remember that we devoted four or five or six days to discussing the pension question. I remember, too, that liberal time was given to the consideration of other matters, such for instance, as the bankruptcy bill, on which, as is suggested to me, five days were occupied.

It is suggested by the gentleman from Pennsylvania [Mr. DALZELL] that members can print their speeches on this subject and in that way send them to their constituents. That may be; yet, sir, members naturally want to discuss this question before the House, for it is an important question, and its discussion ought not to be limited to three hours.

Are you afraid to discuss it? Is there anything in this question that scares anybody on this floor? Is the Republican party afraid to discuss it? Is the Democratic party afraid to discuss it? Is the Populist party afraid to discuss it? Is there any individual member here afraid to discuss it? If not, why not give plenty of

time for its discussion? I repeat, it is an important question. The conventions of nearly all the States in the Union have passed resolutions in regard to it. It is a question we have got to meet. We can not suppress it; we can not put it under our feet. When a caucus was called upon this matter some of you gentlemen succeeded in suppressing it by staying away, so that there was not a quorum. Now, why not meet this matter boldly? Why not discuss it?

Three hours to discuss the immigration measure, which affects the whole United States, when we had five days to discuss the bankruptcy bill and when we have been able to adjourn over two successive Saturdays in order to have a good time! I do not object to such adjournments; I am simply urging that we have plenty of time. We are not going to adjourn within a week, or two weeks, or three weeks. Gentlemen need not worry about adjournment. We are bound to stay here for at least two weeks more, and they might as well understand it first as last. In my judgment, speaking from what I have heard to-day, we are bound to be here at least four weeks longer. We will be here three weeks at any rate; and we can not put in three or four days any better than in discussing this immigration question. [Applause.] It is a question that affects every city, every county, every State in the Union; it affects the whole country. The evils of immigration are striking a blow at the heart of the nation; they are affecting us most deeply when we attempt to deal with the different problems of citizenship and statesmanship in this land. We ought to discuss this question, and we ought to discuss it among ourselves—not merely print our speeches in the RECORD to send them to our constituents.

I am informed by the gentleman from Indiana [Mr. TRACEWELL] that more petitions have been filed in this House in favor of action on the immigration question than upon all other matters put together. That shows that the American people are waking up in reference to this subject, that they are beginning to understand that this immigration question is the question of the day. Therefore we ought to take hold of it and act upon it. If in order, therefore, I will move, unless the motion shall be made by the gentleman from Missouri [Mr. BARTHOLDT]—and I desire to give notice of the motion now—that this resolution be recommitted to the Committee on Rules with instruction to strike out "19th" and insert "20th."

Mr. BARTHOLDT. Mr. Speaker, I am getting a little scared at finding myself in the same boat with a gentleman who is entirely opposed to immigration. Therefore I submit as a compromise proposition the request that the House permit these various immigration bills to be discussed to-morrow until 5 o'clock, and that the vote be taken on Wednesday immediately after the reading of the Journal.

Mr. HENDERSON. That will be agreeable to me, and I am satisfied that my colleagues on the committee will agree to it.

Mr. JOHNSON of California. I object to it.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. BARTHOLDT]?

Mr. JOHNSON of California and others objected.

Mr. PARKER rose.

Mr. HENDERSON. We will give the gentleman a chance to be heard after a while.

Mr. PARKER. I do not want to talk after a while; I want to talk now. I want to talk on this question of time.

Mr. HENDERSON. That is all right.

Mr. PARKER. Mr. Speaker, when there are three propositions, three several bills before the House——

A MEMBER. Four.

Mr. PARKER. Four different bills, involving as many different plans of settling one of the most important subjects that can come before this House for disposition, I submit that we should trust the House to discuss each measure successively and to come to a conclusion on deliberation. [Applause.] If we are to go into this question at all, I deprecate going into it in any such way as we have disposed of other measures. If we are going into the question at all, let us understand it and probe it to the bottom, and let us see and know what we are dealing with. The great throngs of honest, straightforward, earnest men and women, families striving to better their condition, whom we may keep out by any plan that is not exactly right, is a matter of serious moment. Let us take time and consider it in all of its details. [Applause.]

Mr. HEPBURN. Mr. Chairman, if the gentleman from Missouri will yield to me for a moment, I would like to say a word.

The Committee on Rules, with reference to the measures that come from one committee, have provided for ten days of debate. Neither one of the propositions was of that importance to receive the attention of any of the national conventions; yet this question that now presents itself, that has received the attention of every national convention assembled in 1892, and was declared by them to be one of the burning questions that ought to be considered, this question is to be disposed of with but three or four hours' debate. I do not believe that such a question ought to be disposed of in that time. [Applause.] It is one of the utmost consequence; and, as has been said here, there are four radically different propositions. They are reported here by four different gentleman; and if each one is given an hour to discuss his proposition, that consumes all the time the Committee on Rules propose to give for the consideration of this entire matter.

I hope the gentleman from Missouri will withdraw his compromise proposition, and that the House will insist on the matter being recommitted, with instructions to the Committee on Rules to give proper time for the consideration of a measure of such vital importance as this. [Applause.]

Mr. WILLIAM A. STONE. Will the gentleman from Iowa [Mr. HENDERSON] yield to me for a moment?

Mr. HENDERSON. I would ask how much time is remaining, Mr. Speaker, on each side?

The SPEAKER. The gentleman from Missouri has nine minutes and the gentleman from Iowa fourteen.

Mr. HENDERSON. I yield to the gentleman from Pennsylvania for a few minutes.

Mr. WILLIAM A. STONE. Mr. Speaker, I have been, perhaps, as much engaged in endeavoring to get the consideration of immigration bills as any other member of the House, and while I am perfectly willing, and would, in fact, desire more time than the rule gives, yet I feel it to be my duty to the House to say that the Committee on Rules has treated the petitioners on this subject with absolute fairness and has not intended to report any insufficient time. It has taken the requests submitted to it and accorded the time in pursuance of them.

Now, I am not opposed to extending the time, but I do not think there is the slightest room for criticism of the Committee on Rules.

Mr. BARTHOLDT. We do not mean to make any such criticism.

Mr. HENDERSON. I yield to my colleague from Iowa a few moments.

Mr. LACEY. I only wish to make a suggestion. The House has already practically agreed to extend the debate until 5 o'clock. There seems to be no objection to that. I would suggest, therefore, that unanimous consent be had that at 5 o'clock to-morrow evening a recess be taken until 8 o'clock, and the evening session be devoted to debate only. [Cries of "No!" "No!"]

A MEMBER. The weather is entirely too hot for that.

Mr. LACEY. That would give about three hours' additional time for debate.

The SPEAKER. The Chair will submit the proposition of the gentleman from Missouri [Mr. BARTHOLDT] that the time be extended under the resolution until 5 o'clock, and that a vote be taken on Wednesday immediately after the reading of the Journal. Is there objection?

Mr. BLUE and others objected.

Mr. BARTHOLDT. Mr. Speaker, if we can get unanimous consent to that, I would be willing to accept the proposition of the gentleman from Iowa [Mr. LACEY] to have an evening session. [Cries of "No!" "No!"]

Mr. HENDERSON. Mr. Speaker, now let us understand each other if we can. I have read the resolution sent to the Committee on Rules asking for one day. We had before us the chairmain of the committee this morning before acting, and Colonel STONE, the author of the Stone bill, and anybody else that we could find that was interested in the matter who was near, and concluded to give them to-morrow and what we could save of to-day. We gave all that was asked and more. A good hour could have been saved to-day if we had gone promptly to work on this bill.

I can not agree with my friend from California [Mr. JOHNSON] as to the length of the session, although I do not pretend to be anything of a prophet in that direction or any other But, from the best evidence we have, we ought to be away from the 7th to the 10th of June beyond question. In the meantime we have four election cases ready for consideration. We feel that the Committee on Labor should have two days, and we have other matters pressing upon the committee. We are trying to divide the time. Now, when we have given this committee all that it asked and more, I simply want the House to understand that your Committee on Rules, with whom it is very easy to find fault, are doing the best that we can to keep matters moving in the House, in the most prudent way that we can, after taking counsel from the membership of the House; and when we have done all that, we do not want to be put in a false light by the committee for which we have been acting, especially in this instance.

Now, Mr. Speaker, one or two requests have been made for unanimous consent——

Mr. CROWTHER. I should like to suggest to my friend——

Mr. HENDERSON. Just let me finish my remarks and see if we can not get to work. I will take the responsibility, after consultation with two other members of the Committee on Rules, the gentleman from Tennessee [Mr. MCMILLIN] and my colleague from Pennsylvania [Mr. DALZELL]—I have not had the time to

consult with the Speaker—of making the proposition that the committee have to-morrow and until 3 o'clock on the following day and take a vote at that time, under the operation of this rule.

Several MEMBERS. That is all right.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

Mr. KEM. I object.

Mr. HENDERSON. It is perfectly evident that objection will be made to any proposition of this sort. If the Speaker will recognize me, I will amend the resolution and endeavor to get it passed under suspension of the rules.

Mr. Speaker, I move to suspend the rules and to pass the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That immediately after the adoption of this rule, and until 4 o'clock, Wednesday, May 20, the time of the House shall be given to the consideration of such bills on the House Calendar as have been reported by the Committee on Immigration and Naturalization——

Mr. JOHNSON of California. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of California. I want to know what that means. Does it mean that debate will cease to-morrow at 4 o'clock——

A MEMBER. The day after to-morrow.

Mr. JOHNSON of California. And then that the debate shall begin again the next day and run until 3 o'clock? As I understand, it was to be all day to-morrow.

Mr. McMILLIN. The gentleman will see that the proposition is not to limit to-morrow's session.

Mr. PICKLER. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PICKLER. What becomes of the resolution from the Committee on Rules on which the previous question was ordered?

The SPEAKER. The action of the House upon this, if there were no objection, would suspend it.

Mr. PICKLER. I do not want to object to the Committee on Immigration having the time, but I am very much in earnest in behalf of the Committee on Invalid Pensions that they may have some time for the consideration of pension bills, and I ask this in behalf of 300 gentlemen here on this floor.

The SPEAKER. Does the gentleman object to this proceeding?

Mr. PICKLER. No; I do not object to this.

Mr. BARTHOLDT. I ask that the rule be read.

Mr. PITNEY. I should like to have the rule again reported.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That immediately after the adoption of this rule, and until 4 o'clock, Wednesday, May 20, the time of the House shall be given to the consideration of such bills on the House Calendar as have been reported by the Committee on Immigration and Naturalization; and that at 4 o'clock, May 20, the previous question shall be considered as ordered on the pending bill and pending amendments to the passage: *Provided, however*, That nothing in this resolution shall be construed as interfering with general appropriation bills and conference reports.

Mr. JOHNSON of California. That is all right.

Mr. PICKLER. That gives them two days.

The SPEAKER. Is a second demanded?

Mr. HENDERSON. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Unless a second is demanded, the Chair will put the question to a vote. The question is on suspending the rules and passing the resolution.

Two-thirds voting in favor thereof, the rules were suspended and the resolution was passed.

REPRINT OF IMMIGRATION BILLS.

Mr. BARTHOLDT. Mr. Speaker, I ask a reprint of all the reports on the immigration bills reported by the committee and now upon the House Calendar.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. KEM. I object.

Mr. WILLIAM A. STONE. I ask unanimous consent for the reprint of the bill H. R. 58, and the report, which are exhausted.

The SPEAKER. The gentleman from Pennsylvania [Mr. WILLIAM A. STONE] asks unanimous consent for the reprint of House bill 58, and the report thereon. Is there objection?

Mr. KEM. I object.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 3105) to provide for the erection of a public building at McKeesport, Pa.—to the Committee on Public Buildings and Grounds.

A bill (S. 2420) to regulate the pay of noncommissioned officers in the Army—to the Committee on Military Affairs.

A bill (S. 1335) for the relief of John Veeley—to the Committee on Claims.

A bill (S. 1381) to remove the charge of desertion from the military record of Patrick Larkin—to the Committee on Military Affairs.

A bill (S. 2540) to provide compensation for a bridge and for buildings and other improvements constructed by certain persons upon public lands afterwards set apart and reserved as the Yellowstone National Park—to the Committee on Claims.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 247) granting a pension to Wallace McGrath;

A bill (S. 466) granting an increase of pension to William Brown;

A bill (S. 705) granting a pension to Emily B. Muncey;

A bill (S. 746) granting a pension to Elizabeth E. Donahoe;

A bill (S. 1051) granting a pension to Elizabeth New, widow of Jethrow New;

A bill (S. 2175) granting a pension to James Loyd Young, late of Company A, Sixth Regiment Kentucky Volunteers;

A bill (S. 2936) to authorize the construction of a bridge across the Niagara River, in the town of Lewiston, in the county of Niagara, State of New York;

A bill (S. 147) granting a pension to Elvira Bachelder;

A bill (S. 2822) to increase the pension of Theodore V. Purdy;

A bill (S. 145) granting a pension to Niana Ardelle Bliss;

A bill (S. 144) granting an increase of pension to T. Clarkson Ingalls;

A bill (S. 2357) granting a pension to Elizabeth Watts Kearny, daughter of the late Philip Kearny, major-general of the United States Army;

A bill (S. 2014) granting an increase of pension to Sarah H. Bull;

A bill (S. 177) granting an increase of pension to Sophia D. Clendenin;

A bill (S. 246) granting a pension to Nancy Carson Blunt;

A bill (H. R. 5854) granting a pension to John Caster;

A bill (H. R. 3607) to increase the pension of Kate Grant;

A bill (H. R. 515) granting a pension to William Grose;

A bill (H. R. 2326) granting a pension to Thomas Holaday;

A bill (H. R. 4255) to provide for settlement of titles and disposition of public lands in the Arredondo grant, in Columbia County, Fla.;

A bill (H. R. 5140) for the relief of Michael H. J. Crouch, late of Company M, Sixth Regiment Pennsylvania Cavalry;

A bill (H. R. 8012) donating condemned cannon and cannon balls;

A bill (H. R. 6298) to correct the military record of Charles K. Jenree, etc.;

A bill (H. R. 3426) granting an increase of pension to Eugenia R. Sweeny, widow of Brig. Gen. Thomas W. Sweeny, deceased;

A bill (H. R. 483) for the relief of Mary Jane Lynn, the daughter of John R. Lynn, a Revolutionary soldier;

A bill (H. R. 2844) granting a pension to Martha McNeil;

A bill (H. R. 7671) authorizing and directing the Secretary of the Navy to donate one condemned cannon and condemned cannon balls to U. S. Grant Post, No. 72, Grand Army of the Republic, of Washington, Ind., and for other purposes;

A bill (H. R. 5814) granting a pension to Cassie A. Davis, widow of James P. Davis and mother of Mary T. Davis, an invalid daughter;

A bill (H. R. 4182) granting increase of pension to Georgianna C. Hall, dependent mother of John W. Williams, deceased, late surgeon, United States Army;

A bill (H. R. 6037) granting a pension to Amanda Woodcock;

A bill (H. R. 7161) for the relief of Benjamin F. Jones;

A bill (H. R. 4712) granting a pension to Margaret A. Luthy;

A bill (H. R. 4528) granting a pension to Katherine S. McCartney, widow of William H. McCartney;

A bill (H. R. 1181) for the relief of Maria E. Wilson;

A bill (H. R. 4526) granting a pension to Jonathan Scott; and

A bill (H. R. 900) to provide for the payment of the claim of William H. Mahony.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted:

To Mr. LATIMER, for six days, on account of important business.

To Mr. BRUMM, for three days, on account of important business.

To Mr. MEYER, for one week, on account of important business.

To Mr. OGDEN, for one week, on account of important business.

To Mr. SNOVER, for two weeks, on account of important business.

To Mr. COX, for ten days, on account of important business.

And then, on motion of Mr. DINGLEY (at 5 o'clock and 9 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MURPHY of Arizona, from the Committee on the Territories, to which was referred the bill of the House (H. R. 8676) to enable the town of Flagstaff, in the Territory of Arizona, to issue

bonds to construct a water system, reported the same without amendment, accompanied by a report (No. 1866); which said bill and report were referred to the House Calendar.

Mr. PAYNE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 1424) entitled "An act to amend an act entitled 'An act to amend section 4178, Revised Statutes, in relation to the marking of vessels' names at bow and stern, and also to provide for marking the draft,' approved February 21, 1891," reported the same without amendment, accompanied by a report (No. 1867); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6399) to amend the laws relating to American seamen, reported the same with amendment, accompanied by a report (No. 1868); which said bill and report were referred to the House Calendar.

Mr. ELLIS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 1683) granting to the State of Kansas the entire remaining portion of the abandoned Fort Dodge Military Reservation in said State as an addition to and for the use of the State Soldiers' Home, reported the same without amendment, accompanied by a report (No. 1869); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. QUIGG, from the Committee on the Library, to which was referred the bill of the Senate (S. 1188) entitled "An act to provide for the erection of a monument to Gen. Nathanael Greene on the battlefield of Guilford Court-House," reported the same without amendment, accompanied by a report (No. 1870); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 6889) for the removal of the remains of Joel Barlow to the United States, reported the same with amendment, accompanied by a report (No. 1871); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. SNOVER, from the Committee on Claims:

The bill (H. R. 3754) for the relief of the estate of Richard Lawson. (Report No. 1852.)

The bill (S. 532) entitled "An act for the relief of H. W. Shipley." (Report No. 1855.)

The bill (H. R. 4617) to pay W. C. Gilbert $150. (Report No. 1856.)

By Mr. WATSON of Indiana, from the Committee on Claims: The bill (H. R. 3535) to reimburse the city of New Albany, Ind. (Report No. 1857.)

By Mr. DENNY, from the Committee on Claims: The bill (S. 1860) entitled "An act for the relief of John M. Guyton, late postmaster at Blacksburg, S. C." (Report No. 1853.)

By Mr. BRUMM, from the Committee on Claims: The bill (H. R. 2040) authorizing additional compensation to the assistant commissioners to the industrial exhibition at Melbourne, Australia. (Report No. 1854.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions:

The bill (S. 2542) entitled "An act granting a pension to Stephen Maines." (Report No. 1858.)

The bill (H. R. 7128) granting a pension to Anna P. Johnson. (Report No. 1859.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 7424) granting a pension to John Deming. (Report No. 1860.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 3581) granting an increase of pension to James Blakeman. (Report No. 1861.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (S. 2290) entitled "An act granting a pension to Hester A. Robinson." (Report No. 1862.)

By Mr. THOMAS, from the Committee on Invalid Pensions:

The bill (H. R. 5782) granting an increase of pension to Mrs. Anna Wedel. (Report No. 1863.)

The bill (H. R. 3844) to restore to the pension roll the name of Cyrenius Dennis. (Report No. 1864.)

The bill (S. 1883) entitled "An act to grant a pension to Charlotte O. Van Cleve, widow of Gen. Horatio P. Van Cleve." (Report No. 1865.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 7132) granting a pension to Elizabeth Peaslee. (Report No. 1872.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 6391) to restore to the pension roll Levi Goens. (Report No. 1873.)

By Mr. COFFIN, from the Committee on Pensions: The bill (H. R. 8483) to increase the pension of Caroline S. Baker. (Report No. 1874.)

By Mr. BISHOP, from the Committee on Military Affairs:

The bill (H. R. 1301) for relief of Julius A. Morrill. (Report No. 1875.)

The bill (H. R. 1296) to correct the military record of Henry L. Franklin. (Report No. 1876.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred, as follows:

The bill (H. R. 8904) to increase the pension of Sarah Montgomery—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 8933) for the relief of Peter C. Lawyer—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CURTIS of New York: A bill (H. R. 9024) to amend an act entitled "An act to promote the administration of justice in the Army," approved October 1, 1890, and for other purposes—to the Committee on Military Affairs.

By Mr. HART: A bill (H. R. 9025) granting to Colonel John Nyce Post, No. 439, Department of Pennsylvania, Grand Army of the Republic, at Milford, Pike County, Pa., 2 condemned cannon and 2 pyramids of cannon balls—to the Committee on Naval Affairs.

By Mr. WILSON of Ohio: A bill (H. R. 9026) to establish a retreat for homeless mothers, wives, and widows of ex-Union soldiers and sailors—to the Committee on Military Affairs.

By Mr. QUIGG: A bill (H. R. 9028) to prevent the importation of impure and unwholesome tea—to the Committee on Ways and Means.

By Mr. MURPHY of Arizona: A bill (H. R. 9029) to grant to the Hudson Reservoir and Canal Company the right of way through the Gila River Indian Reservation—to the Committee on Indian Affairs.

By Mr. BLUE: A bill (H. R. 9031) to pay the Seneca band of Indians at the Quapaw Agency, Ind. T., the trust funds belonging to them and remaining in the United States Treasury—to the Committee on Indian Affairs.

By Mr. BROSIUS (by request): A joint resolution (H. Res. 186) empowering the Secretary of War to purchase the bronze bust of Secretary of War Edwin M. Stanton for the War Department—to the Committee on the Library.

By Mr. CURTIS of New York: A resolution (House Res. No. 340) requesting the Secretary of War to transmit to the House of Representatives a list of publications relative to the battles, campaigns, and military movements at or near Chattanooga, Chickamauga, etc., for the use of the Military Committee—to the Committee on Military Affairs.

By Mr. ANDREWS: A resolution (House Res. No. 341) relating to private pension bills—to the Committee on Invalid Pensions.

By Mr. LITTLE: A resolution (House Res. No. 342) asking consideration of House bill No. 7083, to prohibit the sale of intoxicating liquors in the Capitol building, and for other purposes—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause I of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. McRAE: A bill (H. R. 9027) for the relief of Lucinda Hitchcock—to the Committee on Pensions.

By Mr. BROMWELL: A bill (H. R. 9032) for the relief of Winifred Connelly—to the Committee on Invalid Pensions.

By Mr. BUCK: A bill (H. R. 9033) for the relief of J. M. Charpentier, of St. Mary's Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9034) for the relief of William Rose, of Iberia Parish, La.—to the Committee on War Claims.

By Mr. CANNON: A bill (H. R. 9035) for the relief of Mrs. Margaret J. Young—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 9036) for the relief of Mrs. Elizabeth Dabney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9037) for the relief of Lieut. I. L. Crow—to the Committee on Invalid Pensions.

By Mr. COLSON: A bill (H. R. 9038) granting an increase of pension to Bennett E. Huffman—to the Committee on Invalid Pensions.

Affairs.

enable the town of Flagstaff, in the Territory of Arizona, to issue

Also, a bill (H. R. 9039) for the relief of George R. Lankford—to the Committee on Military Affairs.

Also, a bill (H. R. 9040) granting an increase of pension to Ida B. Harmon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9041) granting a pension to Jessie C. Lay of Meadersville, Whitley County, Ky.—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 9042) for the relief of Frank Lincoln—to the Committee on Claims.

By Mr. DOLLIVER: A bill (H. R. 9043) for the relief of the heirs of Edwin D. Breed—to the Committee on Claims.

By Mr. ELLETT of Virginia: A bill (H. R. 9044) for the relief of Mrs. Ellen H. Smith, of King William County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 9045) for the relief of John Bowers, of Henrico County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 9046) for the relief of R. W. Elsom—to the Committee on Claims.

By Mr. HAINER of Nebraska: A bill (H. R. 9047) granting an increase of pension to Aurelius Roberts—to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 9048) granting an increase of pension to Sawyer Sugs—to the Committee on Pensions.

Also, a bill (H. R. 9049) granting a pension to Hiram Runyan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9050) granting a pension to Elias W. Gresham, late second lieutenant, Indiana militia—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9051) for the relief of Alfred Bridwell—to the Committee on Military Affairs.

Also, a bill (H. R. 9052) granting an honorable discharge to Richard Christian—to the Committee on Military Affairs.

Also, a bill (H. R. 9053) granting a pension to Rachael McCart—to the Committee on Invalid Pensions.

By Mr. HARMER: A bill (H. R. 9054) for the relief of Frank Edwards, Philadelphia, Pa.—to the Committee on Claims.

By Mr. HOWE: A bill (H. R. 9055) granting a pension to Eliza J. Britton—to the Committee on Invalid Pensions.

By Mr. JOHNSON of California: A bill (H. R. 9056) to place the name of Mrs. Rosa G. Thompson, formerly Mrs. Rosa G. Edwards, upon the pension rolls—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9057) to restore James W. Murray, jr., to the pension roll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9058) to place the name of Samuel J. Dunlap upon the pension roll—to the Committee on Pensions.

Also, a bill (H. R. 9059) to increase the pension of Frederick Kleiber—to the Committee on Invalid Pensions.

By Mr. LAYTON: A bill (H. R. 9060) granting a pension to Mary A. Kibele—to the Committee on Invalid Pensions.

By Mr. McCALL of Tennessee: A bill (H. R. 9061) for the relief of the estate of Charles Dumanet, late of Perry County, Tenn.—to the Committee on War Claims.

By Mr. POOLE: A bill (H. R. 9062) granting a pension to Mary M. Walrath, widow of Ezra L. Walrath, late lieutenant-colonel, One hundred and fifteenth Regiment New York Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. ROYSE: A bill (H. R. 9063) to relieve James M. Wilson, late private Company C, First Mississippi Marine Brigade, from the charge of desertion—to the Committee on Military Affairs.

By Mr. VAN HORN: A bill (H. R. 9064) granting a pension to Albert G. Stark—to the Committee on Invalid Pensions.

By Mr. WATSON of Ohio: A bill (H. R. 9065) granting a pension to Cornelius L. Leport—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 9066) granting a pension to John Haynes, of Salina, Kans.—to the Committee on Invalid Pensions.

By Mr. CHICKERING: A bill (H. R. 9067) for the relief of De Estang Shepard—to the Committee on Military Affairs.

By Mr. LINTON: A bill (H. R. 9068) granting an increase of pension to Charles F. Coles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9069) granting an increase of pension to Charles Robinson, alias Robbins—to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 9070) granting a pension to Florence N. Waldron, helpless daughter of Capt. Samuel F. Waldron, Company I, Thirty-third Regiment New Jersey Infantry Volunteers—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 9071) for the relief of William M. Underwood, of Lauderdale County, Ala.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN of Utah: Petitions of citizens of Kaysville, Kanab, and Salt Lake City, all of the State of Utah, for favorable action on House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. ANDREWS: Sundry petitions of citizens of Nebraska, praying for the passage of House bills Nos. 4566 and 838, relating to postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. APSLEY: Petition of Thomas McCutchins and 16 other citizens of Natick, Mass., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BAKER of New Hampshire: Petitions of citizens of Whitfield and Nashua, N. H., in favor of the passage of House bills Nos. 838 and 4566, for 1-cent letter postage and the amendment of the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BARHAM: Petition of citizens of Petaluma, Cal., for the passage of House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BARRETT: Resolutions of Boot and Shoe Cutters' Union, No. 3662, of Lynn, Mass., favoring the passage of House bill No. 6119, for a nonpartisan labor commission—to the Committee on Labor.

By Mr. BLACK of New York: Petition of citizens of Troy, N. Y., asking for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BOUTELLE: Petitions of citizens of Portland, Belfast, Dexter, Hallowell, Eastport, and Norridgewock, Me., praying for favorable action on House bill No. 838, to reduce letter postage, and bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BOWERS: Petitions of citizens of Riverside, Hollister, San Diego, Redlands, and Tustin, for favorable action on House bills No. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. CANNON: Petitions of citizens of Danville, Ridge Farm, and Armstrong, in Vermilion County; also Juliet and Lockport, in Will County; also Buckley and Clifton, in Iroquois County; also of citizens of the counties of Kane, Grundy, Kendall, Dupage, and Dekalb, all in the State of Illinois, favoring the passage of House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. CLARKE of Alabama: Petition of citizens of Mobile, Ala., asking for the passage of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. COLSON: Petition of the Congregational church of Williamsburg, Ky., favoring the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. COOPER of Wisconsin: Petitions of citizens of South Wayne, Clinton, Delavan, Blanchardville, Argyle, and Racine, Wis., praying for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. CRUMP: Petition of William D. Gordon and 58 other citizens of Midland City, Mich., asking favorable consideration of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DOLLIVER: Papers to accompany House bill for the relief of the son of Edwin D. Breed—to the Committee on Claims.

By Mr. DOOLITTLE: Petition of citizens of Uniontown, Wash., asking for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLETT of Virginia: Petition of heirs of Sarah E. Chadwick, deceased, late of New Kent County, Va., praying reference of her war claim to the Court of Claims—to the Committee on War Claims.

By Mr. ELLIOTT of South Carolina: Petition of Thomas F. Walsh and other citizens of Beaufort, S. C., asking for favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIS: Petition of citizens of Portland, Oreg., asking for favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. FOSS: Petition of the Legal Adviser Publishing Company, favoring the passage of House bills Nos. 838, 4566, and 5560, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Farmers' Review, of Chicago, Ill., for favorable action on House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the board of directors of the Chicago Board of Trade, opposing the passage of House bill No. 8536 and Senate

bill No. 2967, to amend the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. GAMBLE: Petition of Burton V. Robertson and 25 others, of Custer County, S. Dak., protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAFF: Petition of citizens of Peoria and Pekin, Ill., asking for favorable action on House bill No. 838, to reduce letter postage, and House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. GROUT: Petition of 72 business men of the District of Columbia, against the enactment into law of the amendment to the District appropriation bill (page 19, Senate copy of bill) for the repeal of the legislation providing a way for patrons of suburban lines of street railways to reach the business centers of the city without change of cars—to the Committee on the District of Columbia.

Also, resolutions adopted by the Trades League of Philadelphia, Pa., against the passage of House bill No. 8536 and Senate bill No. 2967, to amend the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of Bethel, Hyde Park, and St. Johnsbury, all in the State of Vermont, for favorable action on House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HADLEY: Petitions of citizens of Litchfield, Alton, Cowden, and Windsor, Ill., asking for favorable action on House bill No. 838, to reduce letter postage to 1 cent per half ounce, and House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HAINER of Nebraska: Sundry petitions of citizens of Nebraska, relating to House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HARTMAN: Petition of citizens of Belt, Mont., asking for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HILBORN: Petition of citizens of Vallejo, Cal., asking favorable action on House bill No. 838, to reduce letter postage to 1 cent per half ounce, and on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HILL (by request): Petitions of citizens of Bridgeport and Littlefield, Conn., for favorable action on House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: Preamble and resolutions unanimously adopted by the directors of the Board of Trade of Chicago, protesting against the passage of House bill No. 8536 and Senate bill No. 2967, proposing amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWE: Petition of the Trades League of Philadelphia, protesting against the passage of House bill No. 8536 and Senate bill No. 2967, to amend the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. HUNTER: Petitions of citizens of Allensville, Covington, Glasgow, and Carrollton, Ky., asking for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. JENKINS: Petitions of citizens of Maiden Rock, Prescott, Spring Valley, St. Croix Falls, West Superior, Washburn, Rice Lake, and Superior, State of Wisconsin, favoring the passage of House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. JOHNSON of California: Six petitions of residents of Stockton, Cal., for additional appropriation for the post-office building at Stockton, Cal.—to the Committee on Appropriations.

Also, petition of residents of Haywards, Alameda County, State of California, recommending the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

Also, petitions of citizens of Sacramento and Butte, Cal., favoring the passage of House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. KEM: Petitions of citizens of Nebraska residing in the towns of Gothenburg, Gerwig, St. Paul, Wallace, Chappell, Miller, Long Pine, Johnstown, Ansley, Broken Bow, and Butte, favoring the passage of House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LATIMER (by request): Petitions of citizens of Pendleton, Newberry, Greenwood, and Westminster, S. C., asking favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LAYTON: Resolutions of the Trades League of Philadelphia; also of the Board of Trade of Chicago, protesting against the passage of House bill No. 8536 and Senate bill No. 2967, amending the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. LEWIS: Petition of citizens of Bradenburg and Lebanon, Ky., asking favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUD: Petition of citizens of Palo Alto, Redwood City, and San Francisco, asking for favorable action on House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLEARY of Minnesota: Petition of Peter Harriar and other citizens of New Ulm, Minn., protesting against the passage of House bill No. 6668, to raise the license fee for the sale of intoxicating liquors in the District of Columbia from $400 to $800—to the Committee on the District of Columbia.

By Mr. McCREARY of Kentucky: Petition of citizens of Nicholasville, Ky., asking favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. McCULLOCH: Petitions of citizens of Augusta and Pocahontas, Ark., asking for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. McRAE: Petition of Lucinda Hitchcock, widow of Lorenzo Hitchcock, late of the New York militia in the war of 1812, asking for an increase of pension, to accompany House bill No. 9027—to the Committee on Pensions.

Also, petitions of citizens of Center Point and Hampton, State of Arkansas, for favorable action on House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. MINOR of Wisconsin: Petitions of citizens of Hortonville, Ahnopee, Amherst, and Waupaca, Wis., asking for favorable action on House bill No. 838, to reduce letter postage to 1 cent per half ounce, and House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. OTJEN: Petition of citizens of Milwaukee, asking for favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. PENDLETON: Remonstrance of citizens of Temple, Tex., against the acceptance of the Marquette statue—to the Committee on the Library.

By Mr. ROBINSON of Pennsylvania: Petition of Farmers' Council, No. 953, Junior Order United American Mechanics, of Marshallton, Pa., asking that a bill to restrict immigration be passed—to the Committee on Immigration and Naturalization.

By Mr. RUSSELL of Connecticut: Petition of citizens of Griswold, Conn., for favorable action on House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SAUERHERING: Petition of 78 farmers of Clyman; also of 24 citizens of Williamstown; also of 46 citizens of Dodge County; also of 138 voters of the Second Congressional district, all in the State of Wisconsin, favoring the passage of House bill No. 8315, for the manufacture of pure beer—to the Committee on Ways and Means.

By Mr. SCRANTON: Resolution of the Trades League of Philadelphia, Pa., protesting against the passage of House bill No. 8536 and Senate bill No. 2967, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. SOUTHARD: Petition of John McLain and others, of Grand Rapids, Ohio, praying for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolutions of the Produce Exchange of Toledo, Ohio, opposing House bill No. 8536 and Senate bill No. 2967, proposing amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, protest of the Toledo Brewing and Malting Company and others, against the passage of House bill No. 8315, relating to the use of rye and corn in the making of beer—to the Committee on Ways and Means.

Also, petition of citizens of Bowling Green, Ohio, in favor of House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Petition of citizens of East Haddam, Conn., asking for favorable consideration of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. STOKES (by request): Petition of citizens of Sumter, S. C., praying for favorable action on House bills No. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAM A. STONE: Resolution of union meeting of the Daughters of Liberty, held in Pittsburg, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. STRODE of Nebraska (by request): Petitions of citizens of South Auburn, Lincoln, Table Rock, University Place, and Dawson, Nebr., asking for favorable action on House bill No. 838, to reduce letter postage to 1 cent per half ounce, and House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also (by request), petition of members of the faculty of the Nebraska State University, of Lincoln, Nebr., in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. SULLOWAY: Petitions of citizens of Rochester and Deery, N. H., asking favorable action on House bill No. 838, to reduce letter postage, and House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. TERRY: Petitions of citizens of Atkins, Little Rock, Russellville, Greenwood, and Hot Springs, State of Arkansas, for favorable action on House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. TRACEWELL: Petition of the Union Veteran Legion, No. 142, of Jeffersonville, Ind., praying for the passage of the per diem pension bill (No. 3727)—to the Committee on Invalid Pensions.

Also, protest of the Board of Trade of Chicago, against the passage of House bill No. 8536 and Senate bill No. 2967, amending the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. UNDERWOOD: Petition of citizens of the cities of Marion and Birmingham, Ala., for favorable action on House bills Nos. 4566 and 838, proposing amendments to the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WALKER of Virginia: Petition of citizens of Floyd, Va., asking favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WATSON of Ohio: Papers to accompany House bill granting a pension to Cornelius L. Leport—to the Committee on Invalid Pensions.

By Mr. WHEELER: Petition of Mrs. Virginia Clay Clopton, president of Alabama League for Female Suffrage; also of citizens of Madison County, Ala., in favor of a sixteenth amendment to the Constitution conferring the right of suffrage on women equally with men—to the Committee on the Judiciary.

Also, petition of citizens of Sheffield, Ala., asking for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WRIGHT: Petition of citizens of Adams, Mass., asking for the passage of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

SENATE.

TUESDAY, *May 19, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

ELLEN C. EWING.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1837) granting a pension to Ellen Ewing, widow of Bvt. Maj. Gen. Thomas Ewing.

The amendments of the House of Representatives were, in line 6, after the word "Ellen," to insert the letter "C."; in line 7, before the word "dollars," to strike out "one hundred" and insert "seventy-five"; and to amend the title so as to read: "A bill granting a pension to Ellen C. Ewing, widow of Bvt. Maj. Gen. Thomas Ewing."

Mr. GALLINGER. I move that the Senate concur in the amendments made by the House of Representatives.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3013) to amend section 4131 of the Revised Statutes of the United States, to improve the merchant marine engineer service, and thereby also to increase the efficiency of the Naval Reserve.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 3279) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULICK, Mr. BABCOCK, and Mr. RICHARDSON managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two House thereon, and had appointed Mr. CURTIS of Iowa, Mr. MILNES, and Mr. COBB managers at the conference on the part of the House.

The message also announced that the House had agreed to the amendments of the Senate to the following bills and joint resolution:

A bill (H. R. 4179) to amend section 3719 of the Revised Statutes;

A bill (H. R. 4452) to amend section 416 of the Revised Statutes of the United States relating to the District of Columbia;

A bill (H. R. 5217) making one year's residence in a Territory a prerequisite to obtaining a divorce there;

A bill (H. R. 5379) making it unlawful to shoot at or into any railway locomotive or car, or at any person thereon, or to throw any rock or other missile at or into any locomotive or car, and for other purposes;

A bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation in said State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes;

A bill (H. R. 8260) to authorize the establishment of a life-saving station at Port Huron, on the coast of Lake Huron, Michigan; and

A joint resolution (H. Res. 137) declaring a certain bridge across the Tallahatchie River, in Tallahatchie County, State of Mississippi, a lawful structure.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 144) granting an increase of pension to T. Clarkson Ingalls;

A bill (S. 145) granting a pension to Maud Ardelle Bliss;

A bill (S. 147) granting a pension to Elvira Bachelder;

A bill (S. 177) granting an increase of pension to Sophia D. Clendenin;

A bill (S. 246) granting a pension to Nancy Carson Blunt;

A bill (S. 247) granting a pension to Wallace McGrath;

A bill (S. 466) granting an increase of pension to William Brown;

A bill (S. 705) granting a pension to Emily B. Muncey;

A bill (S. 746) granting a pension to Elizabeth E. Donahoe;

A bill (S. 1051) granting a pension to Elizabeth New, widow of Jethrow New;

A bill (S. 2014) granting an increase of pension to Sarah A. Bull;

A bill (S. 2175) granting a pension to James Lloyd Young, late of Company A, Sixth Regiment Kentucky Volunteers;

A bill (S. 2357) granting a pension to Elizabeth Watts Kearny, daughter of the late Philip Kearny, major-general, United States Army;

A bill (S. 2822) to increase the pension of Theodore V. Purdy;

A bill (S. 2936) to authorize the construction of a bridge across the Niagara River, in the town of Lewiston, in the county of Niagara, State of New York;

A bill (H. R. 483) for the relief of Mary Jane Lynn, the daughter of John R. Lynn, a Revolutionary soldier;

A bill (H. R. 515) granting a pension to William Grose;

A bill (H. R. 900) to provide for the payment of the claim of William H. Mahony;

A bill (H. R. 1181) for the relief of Maria E. Wilson;

A bill (H. R. 2326) granting a pension to Thomas Holaday;

A bill (H. R. 2844) granting a pension to Martha McNeil;

A bill (H. R. 3426) granting an increase of pension to Eugenia R. Sweeny, widow of Brig. Gen. Thomas W. Sweeny, deceased;

A bill (H. R. 3607) to increase the pension of Kate Grant;

A bill (H. R. 4182) granting increase of pension to Georgianna C. Hall, dependent mother of John W. Williams, deceased, late surgeon, United States Army;

A bill (H. R. 4255) to provide for settlement of titles and disposition of public lands in the Arredondo grant, in Columbia County, Fla.;

A bill (H. R. 4526) granting a pension to Jonathan Scott;

A bill (H. R. 4528) granting a pension to Katherine S. McCartney, widow of William H. McCartney;

A bill (H. R. 4712) granting a pension to Margaret A. Luthy;

A bill (H. R. 5140) for the relief of Michael H. J. Crouch, late of Company M, Sixth Regiment Pennsylvania Cavalry;

A bill (H. R. 5814) granting a pension to Cassie A. Davis, widow of James P. Davis and mother of Mary T. Davis, an invalid daughter;

A bill (H. R. 5854) granting a pension to John Caster;

A bill (H. R. 6037) granting a pension to Amanda Woodcock;

A bill (H. R. 6298) to correct the military record of Charles K. Jenree, etc.;

A bill (H. R. 7161) for the relief of Benjamin F. Jones;

A bill (H. R. 7671) authorizing and directing the Secretary of

the Navy to donate one condemned cannon and condemned cannon balls to U. S. Grant Post, No. 72, Grand Army of the Republic, of Washington, Ind., and for other purposes; and

A bill (H. R. 8012) donating condemned cannon and cannon balls.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of Local Assembly, No. 1239, Order of the Knights of Labor, of Circleville, Tex., praying for the passage of the so-called Phillips bill, authorizing the appointment of a nonpartisan commission to collate information, and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which was referred to the Committee on Education and Labor.

He also presented a petition of Local Assembly, No. 2672, Order of the Knights of Labor, of Washington, D. C., praying for the passage of Senate bill No. 3008, authorizing the employment of day laborers in the construction of public buildings and works in the District of Columbia; which was referred to the Committee on Education and Labor.

He also presented a memorial of the Board of Trade of Chicago, Ill., remonstrating against the adoption of certain proposed amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. MITCHELL of Wisconsin presented a petition of Cream City Typographical Union, No. 23, of Milwaukee, Wis., praying for the Government ownership and control of telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PRITCHARD presented a memorial of the Philosophical Society of Washington, D. C., remonstrating against the enactment of legislation restricting animal experimentation in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SHERMAN presented petitions of the Board of Trade, of the Farmers' Bank, of the J. H. McLain Company, of B. Dannemiller & Sons, of the Steel Roofing Company, of the Dueber Watch Case Manufacturing Company, of the Gilliam Manufacturing Company, of the Wrought Iron Bridge Company, of the Novelty Iron Company, of the Aultman Company, of the Bucher & Gibbs Plow Company, of the City National Bank, and of Elbel & Co., all of Canton, in the State of Ohio, praying for the enactment of legislation reducing letter postage to 1 cent per half ounce; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLISON presented the petition of W. U. Waddell and sundry other citizens of Richland City, Wis., praying for the passage of the so-called filled-cheese bill; which was ordered to lie on the table.

He also presented a petition of the Grand Army of the Republic, Department of Iowa, praying for the enactment of legislation to establish a military park to commemorate the campaign, siege, and defense of Vicksburg; which was referred to the Committee on Military Affairs.

He also presented petitions of David McEwan and sundry other citizens of Traer, Iowa; of A. L. Davidson and sundry other citizens of Washington, Iowa; of Mrs. M. J. Huidman and sundry other citizens of Marion, Iowa; of John Dows and sundry other citizens of Armstrong, Iowa; and of Rev. T. G. Aten and sundry other citizens of Hillsdale, Iowa, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

CALIFORNIA STATE CLAIMS.

Mr. WHITE. I present a communication from the Secretary of the Treasury, relative to the payment of certain claims of the State of California, and transmitting the report of the Auditor for the War Department on the subject. I move that the communication be printed as a document, and referred to the Committee on Appropriations.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. 19) for the relief of John L. Rhea, executor of Samuel Rhea, deceased, and John Anderson, administrator of Joseph R. Anderson, deceased, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (H. R. 1261) for the relief of John Kehl and to restore him to his former rating, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 685) granting a pension to Mrs. Alice Martin, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3133) granting an increase of pension to Betsey B. Olin;

A bill (H. R. 6298) to increase the pension of Peter Rafferty;

A bill (H. R. 5792) granting an increase of pension to Mrs. Julia A. Jameson;

A bill (H. R. 1891) granting a pension to Celestia R. Barry;

A bill (H. R. 7334) granting an increase of pension to William T. Applegate;

A bill (H. R. 3033) to increase the pension of Elizabeth T. Beall, widow of Benjamin L. Beall, late colonel First United States Cavalry;

A bill (H. R. 3007) granting an increase of pension to Michael S. Pettit; and

A bill (H. R. 8184) granting a pension to Jesse McMillan.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 2006) to increase the pension of Harriet C. Gregg, widow of Col. John Irving Gregg, from $30 to $50 per month, reported it with amendments, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (H. R. 2042) to increase the pension of Wilbur F. Cogswell, reported it without amendment, and submitted a report thereon.

Mr. CAMERON, from the Committee on Naval Affairs, reported an amendment providing for the compensation for the appointment clerk in the Navy Department, intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 2401) granting a pension to Mrs. Hattie E. Redfield, of Omaha, Nebr., reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3001) granting a pension to Alfred Bigelow, of Norfolk, in the State of Nebraska, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2999) granting a pension to William L. Grigsby, of Belvidere, in the county of Thayer, Nebr., reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2507) granting a pension to John N. Corgan, of McPherson, Kans., reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1689) granting a pension to John F. Hathaway, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 138) granting an increase of pension to Mary E. Hazlip, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4753) granting an increase of pension to Lambert L. Mulford, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Pensions, to whom was referred the bill (H. R. 5711) granting a pension to Richard P. Pilkington, reported it without amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on the District of Columbia, to whom was referred the bill (S. 886) to provide a home for aged and infirm colored people, reported it with an amendment in the nature of a substitute, and moved that it be referred to the Committee on Education and Labor; which was agreed to.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2602) for the relief of Solomon Hyams;

A bill (H. R. 5225) for the relief of Mrs. Elizabeth M. Williams, of Monroe County, Tenn.;

A bill (H. R. 5175) granting a pension to Nancy Gentry; and

A bill (S. 2477) granting an increase of pension to Robert P. Wild.

Mr. CANNON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6132) granting an increase of pension to Thomas M. Scott; and

A bill (H. R. 6134) granting an increase of pension to Caroline E. Purdum.

Mr. BURROWS, from the Committee on Claims, to whom was referred the bill (S. 2988) for the relief of W. J. Tapp & Co., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 315) for the relief of Thomas Antisell, reported it with amendments, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the amendment submitted by Mr. ALLEN on the 14th instant, providing for the payment to Henry T. Clark for the use of Bellevue rifle range, in the State of Nebraska, intended

to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 5675) authorizing the construction of a wagon and motor bridge over the Missouri River at St. Charles, Mo., reported it with amendments.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 1434) for the relief of the legal representatives of John W. Branham, late an assistant surgeon in the United States Marine-Hospital Service, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7816) for the relief of John S. Burwell, administrator of the estate of A. L. Burwell, deceased, reported it without amendment, and submitted a report thereon.

GEORGE M'FARLAND.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 7285) for the relief of George McFarland, to report it favorably without amendment. It is a House bill of but a few lines and a clear case. I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to issue duplicates to George McFarland, of McArthur, Ohio, in lieu of United States 4 per cent coupon bonds issued under acts of Congress approved July 14, 1870, and January 20, 1871, No. 54972, for $50, and No. 105451, for $100, with interest coupons attached, dated January 1, 1893, and subsequently, the bonds and interest coupons having been destroyed by fire.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KENNEBEC RIVER IMPROVEMENT.

Mr. FRYE. A recent freshet in the Kennebec River has so injured the channel of the river that the Boston boats can not go up to the city of Augusta, the capital of the State. The local officer in charge rules that he has no right to use the money which has been hitherto appropriated because it was appropriated to carry out certain projects. The Committee on Commerce authorize me to report a joint resolution and to ask that it may receive consideration now.

The joint resolution (S. R. 147) concerning the improvement of the Kennebec River, Maine, was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That the Secretary of War is hereby authorized to use so much of the money heretofore appropriated for the improvement of the Kennebec River, in the State of Maine, as may be necessary for the repair of the works and the restoration of the channel damaged by the recent freshet.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I submit a conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes. I ask that the report may be printed in the RECORD and printed as a document as well, and I give notice that to-morrow morning or as early thereafter as possible I shall ask for the consideration of the report.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

The report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20, 26, 34, 36, 40, 41, 45, 46, 47, 49, 50, 51, 52, 58, 60, 75, 80, 81, 85, 86, 104, 107, 118, 121, 130, 148, 149, 151, 152, 153, 154, 158, 159, 184, 185, 186, 188, and 189.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 21, 27, 29, 30, 31, 35, 42, 43, 48, 53, 54, 55, 56, 59, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 77, 78, 79, 82, 83, 87, 88, 89, 90, 95, 99, 100, 101, 102, 105, 106, 108, 110, 113, 114, 116, 117, 119, 131, 132, 136, 137, 150, 155, 156, 157, 162, 163, 169, 176, 179, 180, 181, 182, and 183, and agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Fire Island light vessel, New York: For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel, with steam fog signal, $40,000; and the total cost of said steam light vessel, with a steam fog signal, under a contract which is hereby authorized therefor, shall not exceed $80,000."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"San Francisco Harbor light vessel: For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel, with steam fog signal, $40,000; and the total cost of said steam light vessel, with a steam fog signal, under a contract which is hereby authorized therefor, shall not exceed $80,000."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Tender for the Second light-house district: For constructing, equipping, and outfitting, complete for service, a new steam tender for buoyage, supply, and inspection in the Second light-house district, Massachusetts, $37,500; and the total cost of said steam tender, under a contract which is hereby authorized therefor, shall not exceed $75,000."

And the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Tender for the Seventh and Eighth light-house districts: For constructing, equipping, and outfitting, complete for service, a new steam tender for buoyage, supply, and inspection in the Seventh and Eighth light-house districts, $37,500; and the total cost of said steam tender, under a contract which is hereby authorized therefor, shall not exceed $75,000."

And the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert:

"For constructing two revenue steamers of the first class, under the direction of the Secretary of the Treasury, for service on the Great Lakes, $200,000; and the total cost of said revenue steamers, under a contract which is hereby authorized therefor, shall not exceed $300,000 each."

And the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: On page 27 of the bill, in line 3, strike out the following: "for extra engraving and drawing"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$67,000"; and the Senate agree to the same.

Amendment numbered 76: That the house recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$110,000"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$131,000"; and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the city of Bismarck, in the State of North Dakota, by and through its regular city council, shall have authority to use, upon lease from the Government by the Secretary of the Interior, Sibley Island, an island in the Missouri River near said city of Bismarck, for a public park: *Provided*, That nothing herein contained shall be construed to authorize the felling of timber on said island for sale or consumption, nor shall any timber be cut save for the purpose of improving or beautifying the grounds."

And the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000"; and the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000"; and the Senate agree to the same.

Amendment numbered 134: That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000"; and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000"; and the Senate agree to the same.

Amendment numbered 144: That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: In line 1 of the matter inserted by said amendment strike out the word "For" and insert in lieu thereof the words "In full for," and in lieu of the sum named in said amendment insert "$1,500"; and the Senate agree to the same.

Amendment numbered 160: That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert $2,470,478.75; and the Senate agree to the same.

Amendments numbered 164 and 165: That the House recede from its disagreement to the amendments of the Senate numbered 164 and 165, and agree to the same with an amendment as follows: Strike out all of the amended paragraph constituting lines 22 to 25, inclusive, on page 93 of the bill, and lines 1 to 4, inclusive, on page 94 of the bill, and insert in lieu thereof the following:

"For payment of salaries, fees, and expenses of United States marshals and their deputies, $1,000,000, to include payments for services rendered in behalf of the United States or otherwise."

And the Senate agree to the same.

Amendments numbered 166, 167, and 168: That the House recede from its disagreement to the amendments of the Senate numbered 166, 167, and 168, and agree to the same with an amendment as follows: Strike out the amended paragraph constituting lines 5, 6, and 7, on page 94 of the bill, and insert in lieu thereof the following:

"For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, $275,000."

And the Senate agree to the same.

Amendment numbered 170: That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$85,000"; and the Senate agree to the same.

Amendment numbered 171: That the House recede from its disagreement to the amendment of the Senate numbered 171, and agree to the same with

an amendment as follows: In lieu of the sum proposed insert "$220,000"; and the Senate agree to the same.

Amendment numbered 172: That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$225,000"; and the Senate agree to the same.

Amendment numbered 173: That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$533,000"; and the Senate agree to the same.

Amendment numbered 174: That the House recede from its disagreement to the amendment of the Senate numbered 174, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,006,000"; and the Senate agree to the same.

Amendment numbered 175: That the House recede from its disagreement to the amendment of the Senate numbered 175, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$460,000"; and the Senate agree to the same.

Amendment numbered 177: That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ", and such payments shall be allowed the marshal in the settlement of his accounts with the United States"; and the Senate agree to the same.

Amendment numbered 178: That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,000"; and the Senate agree to the same.

Amendment numbered 187: That the House recede from its disagreement to the amendment of the Senate numbered 187, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"*Provided*, That hereafter the reports of the Geological Survey in relation to the gauging of streams and to the methods of utilizing the water resources may be printed in octavo form, not to exceed 100 pages in length and 5,000 copies in number; 1,000 copies of which shall be for the official use of the Geological Survey, 1,500 copies shall be delivered to the Senate, and 2,500 copies shall be delivered to the House of Representatives for distribution."

And the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment insert, after the word "company," the following: To reimburse said company for expenses incurred and paid in connection with the Government building and exhibit; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 28, 32, 61, 91, 92, 93, 94, 96, 97, 109, 111, 112, 115, 120, 122, 123, 124, 125, 126, 127, 128, 129, 138, 139, 140, 141, 142, 143, 145, 146, 147, 161, and 190.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.

J. G. CANNON,
E. J. HAINER,
JOSEPH D. SAYERS,
Managers on the part of the House.

DONATION OF CONDEMNED CANNON.

Mr. PETTIGREW. I ask unanimous consent for the present consideration of the bill (S. 2573) authorizing and directing the Secretary of the Navy to donate one condemned cannon to the Lake Madison Veteran Association, Grand Army of the Republic, of the State of South Dakota.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I ask unanimous consent for the present consideration of Senate bill 2384.

Mr. TELLER. I suggest to the Senator from New Hampshire that we get through with the morning business.

Mr. GALLINGER. Very well.

The VICE-PRESIDENT. Objection is interposed to the request of the Senator from New Hampshire.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 3168) to pension Frances A. Jones; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HILL introduced a bill (S. 3169) to amend sections 4488 and 4489 of the Revised Statutes of the United States, relating to lifeboats, etc., on ocean, lake, and sound steamers, and the penalty for refusing to provide such; which was read twice by its title, and referred to the Committee on Commerce.

Mr. QUAY introduced a bill (S. 3170) to authorize the Butler and Pittsburg Railroad Company to construct and maintain a bridge across the Allegheny River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DAVIS introduced a bill (S. 3171) for the relief of Dr. John Benjamin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. COCKRELL (by request) introduced a bill (S. 3172) to authorize and empower the Secretary of the Interior to adjust and settle the accounts of the Kaskaskia, Peoria, Piankeshaw, and Wea Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also (by request) introduced a bill (S. 3173) to amend an act entitled "An act to provide for allotment of land in severalty to United Peorias and Miamis in Indian Territory, and for other purposes," approved March 2, 1889; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. THURSTON introduced a bill (S. 3174) for the relief of Charles L. Wood, of North Platte, Nebr.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3175) donating condemned cannon and condemned cannon balls to S. A. Douglas Post, No. 69, Grand Army of the Republic, Department of Nebraska; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3176) granting an increase of pension to Lewis Keiser; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 3177) granting a pension to Oscar A. Palmer, Tabor, Iowa; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3178) granting a pension to Mrs. Catharine Emory; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. LINDSAY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HILL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on the Library, and ordered to be printed.

BALTIMORE AND POTOMAC RAILROAD.

Mr. PRITCHARD submitted an amendment intended to be proposed by him to the bill (S. 1702) to provide for doing away with certain grade crossings on the lines of the Baltimore and Potomac Railroad in the city of Washington, D. C., and for other purposes; which was referred to the Committee on the District of Columbia, and ordered to be printed.

PROPOSED SUNDAY-REST LAW.

On motion of Mr. KYLE, it was

Ordered, That the Committee on the District of Columbia be discharged from the consideration of sundry petitions praying for the enactment of a Sunday-rest law in the District of Columbia, and that they be referred to the Committee on Education and Labor.

Ordered, That the petitions on the files of the Senate praying for the enactment of a Sunday-rest law in the District of Columbia be taken therefrom and referred to the Committee on Education and Labor.

SOUTHERN STATES EXPOSITION AT CHICAGO.

Mr. BACON submitted the following concurrent resolution; which was referred to the Select Committee on International Expositions, and ordered to be printed:

Whereas an exposition of the economic and industrial resources of the Southern States is to be held in the city of Chicago during the months of August, September, October, and November of the current year, whose purpose is to assist the development of the South by displaying the variety, extent, and distribution of its useful raw materials and their possible utility; and

Whereas various departments of the United States Government have heretofore collected and are now in possession of material adapted for the purpose named, namely, specimens of agricultural, forest, and mining products of the South, and other materials adapted to illustrate their use, value, and the conditions affecting them: And now, therefore

Be it resolved by the Senate of the United States (the House of Representatives concurring), That the Secretaries of the various Executive Departments, the Smithsonian Institute, and the Fish Commission be authorized to permit the use of suitable material, within their control, for the purpose of the Southern States Exposition at Chicago under the following conditions:

1. That permission shall not be granted for the removal of any specimens, collections, or materials whose temporary absence would impair the public service.

2. That all expenses of every sort and nature, connected with the removal and replacement of the property loaned by the Government, shall be paid by the agent of the Southern States Exposition at Chicago; and that due guaranty shall be given for the safe-keeping and return in its original condition of said property.

UNIVERSITY OF THE UNITED STATES.

Mr. FRYE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed, for the use of the Committee to Establish the University of the United States, 5,000 copies of Senate Report 439, first session Fifty-fourth Congress, including the report of the minority.

ALLOWANCE OF CLAIMS, ETC.

Mr. HALE. I ask for the adoption of the resolution which I send to the desk. It is connected with the business of the Committee on Appropriations in the consideration of the deficiency appropriation bill.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate a schedule of all claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act approved June 20, 1874, since the allowance of those embraced in House Document No. 322, of the present session, up to and including the 21st instant; also a list of judgments rendered by the Court of Claims and by United States courts not heretofore reported to Congress at its present session.

NAVAL APPROPRIATION BILL.

Mr. HALE. I submit from the Committee on Appropriations the conference report on the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes. I ask that it may be printed in the RECORD and also as a document. After the disposition of the

conference reports on the legislative bill and the sundry civil bill I shall ask the Senate to consider this report.

The VICE-PRESIDENT. The report will be printed as indicated by the Senator from Maine.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 23, 30, and 55.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 28, 29, 31, 50, and 54, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Add at the end of the matter inserted by said amendment the following: "And the Secretary of the Navy shall detail a clerk of class 1 to perform clerical services in the Navy Department necessary to carry on the work incident to this appropriation;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Strike out the comma (,) after the word "laboratory," in line 3, page 22 of the bill, and restore the matter stricken out by said Senate amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: Strike out, in lines 4 and 5 of said amendment, the words "made for the same" and insert in lieu thereof the word "completed"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with amendments as follows: Strike out the words inserted by said amendment and insert in lieu thereof the following: "At $2,500 each; one of English studies, history, and law (after thirty years' service), $2,500"; and strike out, in lines 22 and 23, page 36 of the bill, the words "at $2,500 each"; and the Senate agree to the same.

On amendments numbered 2, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, and 53 the committee of conference have been unable to agree.

EUGENE HALE,
M. S. QUAY,
A. P. GORMAN,
Managers on the part of the Senate.

C. A. BOUTELLE,
JOHN B. ROBINSON,
AMOS J. CUMMINGS,
Managers on the part of the House.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 18th instant approved and signed the following act and joint resolution:

An act (S. 137) granting an increase of pension to William W. French; and

A joint resolution (S. R. 15) authorizing the Secretary of the Navy to donate to the Mountain View Cemetery Association, at Oakland, Cal., certain cannon, etc.

DISTRICT APPROPRIATION BILL.

The VICE-PRESIDENT. The morning business has closed.

Mr. TELLER. I ask the Senate to take up the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes.

The VICE-PRESIDENT. The Chair lays before the Senate the bill called up by the Senator from Colorado.

Mr. GALLINGER. I ask the Senator from Colorado if he will allow me to have passed the bill which I asked to have considered a little while ago? It will take but a moment.

Mr. TELLER. I yield to the Senator from New Hampshire.

DAVID O. BURLEIGH.

Mr. GALLINGER. I ask the Senate to proceed to the consideration of the bill (S. 2384) for the relief of David O. Burleigh. There will be no discussion upon it, I will say to the Senator from Colorado.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that David O. Burleigh shall be held and considered to have been honorably discharged from the military service of the United States as a captain of Company I, Fourth New Hampshire Infantry Volunteers, on the 4th day of June, 1864, and directs the Secretary of War to revoke the order cashiering Burleigh, and to issue to him a certificate of honorable discharge as of that date.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEONARD I. BROWNSON.

Mr. PROCTOR. I ask unanimous consent to call up the bill (S. 2583) for the relief of Leonard I. Brownson, late first lieutenant Company K, Fifth Vermont Volunteers. It is a bill of only a few lines.

Mr. TELLER. I will yield to the Senator from Vermont if there is no discussion upon it. If there is, I must object.

Mr. PROCTOR. I ask for its consideration with that understanding. A similar bill passed the Senate in the Fifty-second Congress, and it was favorably reported in the other House.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President of the United States to revoke and set aside so much of General Orders, No. 21, Headquarters Middle Military Division, dated September 18, 1864, as dismissed First Lieut. Leonard I. Brownson, Company K, Fifth Vermont Volunteers, for absence without leave and for conduct prejudicial to good order and military discipline, and to grant and cause to be issued to him a certificate of honorable muster out of the service as of the date of September 18, 1864.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4324) authorizing the Secretary of the Navy to deliver one condemned cannon to the city of Elmwood, Peoria County, Ill.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. HULING, and Mr. MILNES managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WOOD, Mr. SULLOWAY, and Mr. BAKER of Kansas, managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. STEWART of New Jersey, Mr. JOY, and Mr. PATTERSON managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 158) granting a pension to Mary Collins;

A bill (H. R. 956) for the relief of Sophia Sparks and Julia C. Sparks, of Annapolis, Md.;

A bill (H. R. 986) for the relief of Hiram P. Pauley;

A bill (H. R. 1175) to remove the charge of desertion from the military record of Nicholas Swingle;

A bill (H. R. 1178) granting a pension to Sarah Weedon Jones;

A bill (H. R. 1508) granting a pension to Anna M. Newton, widow of Gen. John Newton;

A bill (H. R. 1820) granting a pension to Neil McNeil;

A bill (H. R. 2189) granting a pension to Mrs. Mary A. Freeman;

A bill (H. R. 2317) to increase the pension of Levi T. E. Johnson;

A bill (H. R. 2328) for the relief of Patrick Rainey;

A bill (H. R. 2969) granting a pension to Mrs. Lucy A. Allen;

A bill (H. R. 3113) granting a pension to Margaret A. Kidwell;

A bill (H. R. 3268) to facilitate the procurement of evidence and to compel the attendance of witnesses in matters before the registers and receivers of the local land offices of the United States.

A bill (H. R. 3333) granting a pension to Thomas S. Daugherty;

A bill (H. R. 3480) for the relief of Emily A. Mann;

A bill (H. R. 3514) granting an honorable discharge to John J. Johnson;

A bill (H. R. 3565) to grant an honorable discharge to Ezra Abbott;

A bill (H. R. 3877) granting a pension to Henderson Marple;

A bill (H. R. 4193) to correct the military record of William F. Songer;

A bill (H. R. 4481) granting an increase of pension to Patsey E. Broaddus, of Marion, Kans.;

A bill (H. R. 4548) granting a pension to Mary L. Arnold;

A bill (H. R. 4724) to increase the pension of Mrs. Mary L. Aleshire;

A bill (H. R. 4872) to correct the military record of Homer C. McCuskey;

A bill (H. R. 4888) for the relief of George Hager;

A bill (H. R. 4994) for the relief of Mrs. Sarah Martin;

A bill (H. R. 5050) granting a pension to Ransom C. Hazelip;

A bill (H. R. 5311) granting a pension to Sarah Ann Wible;

A bill (H. R. 5393) for the relief of Lucinda Rickards, widow, and the minor children of John D. Rickards, deceased;

A bill (H. R. 5407) to remove the charge of desertion now standing against Oscar A. Bulette, known in his military title as Austin Bulette, late private in Company E, Fifty-second Illinois Infantry Volunteers, during late war;

A bill (H. R. 5710) granting a pension to Eleanor L. Curtiss;

A bill (H. R. 5740) authorizing the Secretary of the Treasury to issue a duplicate bond to Benjamin March, guardian of Ruth March;

A bill (H. R. 6111) granting a pension to Elizabeth A. Sergent;

A bill (H. R. 6221) granting an increase of pension to Mary E. Chamberlin;

A bill (H. R. 6259) to expedite the delivery of imported parcels and packages not exceeding $500 in value;

A bill (H. R. 6608) to remove the charge of desertion from the military record of George W. Taylor;

A bill (H. R. 6776) to provide an American register for bark *Vila;*

A bill (H. R. 6789) granting a pension and for the relief of Dr. Harrison Wagner;

A bill (H. R. 717) authorizing and directing the Secretary of the Navy to donate four condemned cannon and four pyramids of condemned cannon balls to James T. Shields Post, No. 45, Grand Army of the Republic, of Galesburg, Knox County, Ill., and for other purposes;

A bill (H. R. 7212) to increase the pension of Melita E. White;

A bill (H. R. 7255) authorizing the establishment of a life-saving station on the coast of Maryland;

A bill (H. R. 7477) to provide for the registration of trade-marks on bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, and other receptacles and vessels used in commerce with foreign nations, or among the several States, or with the Indian tribes, or among or in the Territories of the United States, or with or in the District of Columbia, and to prevent the fraudulent use of the same in such commerce;

A bill (H. R. 7919) granting a site for the erection and maintenance of a charity hospital by the city of Biloxi, Miss.;

A bill (H. R. 8298) relating to mortgages in the Indian Territory;

A bill (H. R. 8582) to allow the bottling of distilled spirits in bond; and

A bill (H. R. 8673) to incorporate the National Society of Colonial Dames of America.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 61) for the relief of Frederick Gramm;

A bill (S. 125) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook;

A bill (S. 149) granting a pension to Helen M. Jacob;

A bill (S. 404) granting a pension to Samuel Goldwater;

A bill (S. 616) granting a pension to Matilda Gresham, widow of the late Walter Q. Gresham, at the rate of $100 per month;

A bill (S. 739) granting an increase of pension to C. E. Philbrook, widow of Alvah Philbrook, major of Twenty-fourth Regiment Wisconsin Volunteers;

A bill (S. 1044) granting a pension to Mary Newman;

A bill (S. 1100) granting a pension to Russel N. Reynolds;

A bill (S. 1215) granting a pension to Ellen Kingsley;

A bill (S. 1435) granting an increase of pension to Mason Kimball;

A bill (S. 1493) granting a pension to Mary Clare Kelly;

A bill (S. 1522) granting a pension to Catherine Smith;

A bill (S. 1865) to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, and cannon in their respective Departments;

A bill (S. 1924) granting a pension to Carrie L. Yeaton;

A bill (S. 2508) to establish customs ports of delivery at Pueblo, Durango, and Leadville, Colo., and for other purposes; and

A bill (S. 2514) granting an increase of pension to Mrs. Annie E. Colwell.

DISTRICT APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. TELLER. I ask that the bill may be read for the purpose of acting upon the amendments of the committee, and that the amendments be acted upon as they are reached in the reading.

The VICE-PRESIDENT. Without objection it is so ordered.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, on page 2, line 13, before the words "assistant inspectors," to strike out "three" and insert "four"; in line 19, after the word "thousand," to insert "two hundred"; on page 3, line 1, before the word "assistant," to strike out "four" and insert "five"; in line 4, before the word "and," to strike out "forty-nine thousand eight hundred" and insert "fifty-two thousand"; and in line 5, after the word "dollars," to insert:

Provided, That the accounting officers of the Treasury are authorized to credit the accounts of the ex-Boards of Commissioners of the District of Columbia with all disbursements and expenditures which have heretofore been suspended or disallowed in the settlement of their accounts wherein it shall satisfactorily appear that the money was paid in good faith for goods sold and delivered, work and labor done, materials furnished, or services actually rendered for the benefit of the District: *Provided further*, That in crediting and allowing said disbursements and expenditures no money on account thereof shall be paid out of the Treasury of the United States.

So as to make the clause read:

For executive office: For two Commissioners, at $5,000 each; Engineer Commissioner, $924 (to make salary $5,000); secretary, $2,160; two assistant secretaries to Commissioners, at $1,000 each; clerk, $1,500; clerk, $1,400; three clerks, one of whom shall be a stenographer and typewriter, at $1,200 each; messenger, $900, stenographer and typewriter, $720; driver, $480; laborer, $365; inspector of buildings, $2,400; assistant inspector of buildings, $1,200; four assistant inspectors of buildings, at $1,000 each; clerk, $1,600; clerk, $900; messenger, $480; janitor, $700; steam engineer, $900; one fireman, $480; property clerk, $1,600; deputy property clerk, $1,200; clerk, $720; messenger, $900; two elevator operators, at $360 each; messenger, $480; three watchmen, at $480 each; inspector of plumbing, $2,000; five assistant inspectors of plumbing, at $1,000 each; harbor master, $1,500; two laborers, at $360 each; in all, $52,089: *Provided*, That the accounting officers of the Treasury are authorized to credit the accounts of the ex-Boards of Commissioners of the District of Columbia with all disbursements and expenditures which have heretofore been suspended or disallowed in the settlement of their accounts wherein it shall satisfactorily appear that the money was paid in good faith for goods sold and delivered, work and labor done, materials furnished, or services actually rendered for the benefit of the District: *Provided further*, That in crediting and allowing said disbursements and expenditures no money on account thereof shall be paid out of the Treasury of the United States.

The amendment was agreed to.

The next amendment was, on page 3, after line 16, to insert:

The Secretary of the Treasury is hereby authorized and directed to repay to the Protestant Episcopal Cathedral Foundation of the District of Columbia the sum of $1,322.08 paid by that corporation to the District of Columbia as a water-main tax assessed against land of the said first-named corporation unsubdivided and not used for business purposes, the assessment of the said tax being illegal under a decision of the court of appeals of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 4, line 4, after the word "each," to strike out "special assessment clerk, $1,700"; and in line 16, before the word "dollars," to strike out "thirty-five thousand" and insert "thirty-three thousand three hundred"; so as to make the clause read:

For assessor's office: For assessor, $3,500; three assistant assessors, at $2,000 each; two assistant assessors, at $1,600 each; two clerks, at $1,400 each; three clerks, at $1,200 each; draftsman, $1,200; three clerks, at $1,000 each; assistant or clerk, $900; clerk in charge of records, $1,000; clerk to board of assistant assessors, $1,200; clerk, $900; license clerk, $1,200; inspector of licenses, $1,200; messenger and driver for board of assistant assessors, $900; in all, $33,300.

The amendment was agreed to.

The next amendment was, on page 4, line 18, after the word "dollars," to insert "deputy collector, $2,000"; in line 22, after the word "each," to strike out "one clerk, $1,000"; and in line 24, before the word "thousand," to strike out "fifteen" and insert "sixteen"; so as to make the clause read:

For collector's office: For collector, $4,000; deputy collector, $2,000; cashier, $1,800; bookkeeper, $1,600; two clerks, at $1,400 each; two clerks, at $1,200 each; clerk and messenger, $1,000; messenger, $900; in all, $16,300.

The amendment was agreed to.

The next amendment was, on page 5, line 4, before the word "hundred," to strike out "five" and insert "six"; and in line 7, before the word "hundred," to strike out "seven" and insert "eight"; so as to make the clause read:

For auditor's office: For auditor, $3,000; chief clerk, $1,800; bookkeeper, $1,800; clerk, $1,600; disbursing clerk, $1,600; two clerks, at $1,400 each; three clerks, at $1,200 each; clerk, $1,000; messenger, $900; in all, $17,800.

The amendment was agreed to.

The next amendment was, on page 5, line 20, before the word "dollars," to insert "two hundred"; in line 23, before the word "dollars," to strike out "three hundred and twenty" and insert "four hundred"; in line 24, before the word "dollars," to strike out "nine hundred and sixty" and insert "one thousand two hundred"; in line 25, before the word "dollars," to strike out "three thousand eight hundred and sixty" and insert "four thousand five hundred"; so as to make the clause read:

For market masters: For two market masters, at $1,200 each; one market master, $900; for hire of laborers for cleaning markets, at rate not exceeding $400 per market, $1,200; in all, $4,500: *Provided*, That hereafter all rents, fees, and income derived from the markets herein appropriated for shall be paid to the collector of taxes, and no person employed by the District of Columbia in or about the said markets shall receive any fees or compensation of any kind in addition to the salary provided by law.

The amendment was agreed to.

The next amendment was, on page 6, line 16, before the word "dollars," to strike out "six hundred" and insert "seven hundred and twenty"; so as to make the clause read:

For engineer's office: Record division: For chief clerk, $1,800; clerk, $1,600; two clerks, at $1,400 each; three clerks, at $1,200 each; messenger clerk, $720; two messengers, at $480 each.

The amendment was agreed to.

The next amendment was, on page 6, line 2, before the word "dollars," to strike out "three hundred and thirty-two" and insert "four hundred and fifty-two"; so as to make the clause read:

Subsurface division: For inspector of asphalt and cements, $2,400; inspector of gas and meters, $2,000; assistant inspector of gas and meters, $1,000; messenger, $480; superintendent of lamps, $1,000; three inspectors of gas and electric lighting, at $900 each; inspector of sewers, $1,200; superintendent of sewers, $2,400; general inspector of sewers, $1,200; two assistant engineers,

at $1,200 each; draftsmen, $1,200; leveler, $1,200; three rodmen, at $720 each; three chainmen, at $660 each; clerk, $1,200; two clerks, at $1,050 each; two inspectors of property, at $900 each; two sewer tappers, at $1,000 each; permit clerk, $1,200; one assistant permit clerk, $840; in all, $27,492.

The amendment was agreed to.

The next amendment was, on page 8, after line 2, to insert:

Special assessment office: For special assessment clerk, $1,700; seven clerks, at $1,200 each; two clerks, at $900 each; in all, $11,900.

The amendment was agreed to.

The next amendment was, on page 8, after line 7, to insert:

Street sweeping office: For superintendent, $1,800; assistant superintendent and clerk, $1,600; clerk, $900; chief inspector of streets, $1,200; three inspectors, at $1,200 each; ten inspectors, at $1,100 each; three assistant inspectors, at $900 each; foreman of public dumps, $900; messenger and driver, $600; in all, $24,000.

The amendment was agreed to.

The next amendment was, on page 9, line 17, before the word "dollars," to strike out "two hundred" and insert "eight hundred and fifty"; and in line 18, before the word "dollars," to insert "six hundred and fifty"; so as to make the clause read:

For surveyor's office: For surveyor, $3,000; assistant surveyor, $1,800; for such employees as may be required, in accordance with the provisions of the act of Congress making the surveyor of the District of Columbia a salaried officer, $5,850; in all, $10,650.

The amendment was agreed to.

The next amendment was, on page 10, line 3, before the word "inspector," to strike out "office of the" and insert "offices of the inspector of gas and meters and the"; in line 9, after the word office," to insert "sealer of weights and measures' office"; in line 11, before the word "dollars," to strike out "twenty-two thousand five hundred" and insert "twenty-four thousand"; and in line 14, after the word "purposes," to strike out:

And provided further, That the whole cost of maintaining and keeping in good order the laboratory and apparatus in the office of the inspector of gas and meters shall hereafter be paid by the Washington Gas Light Company.

And insert:

And provided further, That the recorder of deeds shall make no charge for reporting to the assessor of the District of Columbia for entry upon the tax books transfers of real estate as required by law.

So as to make the clause read:

For contingent expenses of the government of the District of Columbia, namely: For printing, checks, books, stationery; detection of frauds on the revenue; repairs of market houses, painting; surveying instruments and implements, drawing materials; binding, rebinding, repairing, and preservation of records; maintaining and keeping in good order the laboratory and apparatus in the offices of the inspector of gas and meters and the inspector of asphalt and cement; damages; care of horses not otherwise provided for, horseshoeing; fuel, ice, gas, repairs, insurance, repairs to pound and vehicles, and other general necessary expenses of District offices, including the sinking-fund office, office of the superintendent of charities, harbor master, health department, surveyor's office, sealer of weights and measures' office, and police court, $24,000; and the Commissioners shall so apportion this sum as to prevent a deficiency therein: *Provided*, That horses and vehicles appropriated for in this act shall be used only for official purposes: *And provided further*, That the recorder of deeds shall make no charge for reporting to the assessor of the District of Columbia for entry upon the tax books transfers of real estate as required by law.

Mr. SHERMAN. I wish to call the attention of the Senator from Colorado to the last provision. It is very proper indeed, but it ought to go a little further and make it the duty of the recorder of deeds to report the transfer of property to the proper officer of the District of Columbia. This provision does not seem to make it the duty of the recorder of deeds to make such a report, and I know a good deal of difficulty has occurred by the failure to give notice of transfers.

Mr. COCKRELL. We can not hear upon this side one word the Senator from Ohio is saying.

Mr. SHERMAN. I am referring to the amendment on page 10, beginning in line 18, which provides "that the recorder of deeds shall make no charge for reporting to the assessor of the District of Columbia for entry upon the tax books transfers of real estate as required by law." I wish to inquire whether there is any law which requires the recorder of deeds to give notice of the transfer of real estate, because I know a good deal of difficulty has occurred by a failure to give proper notice. I therefore suggest to add: "And it shall be the duty of said recorder to make such report."

Mr. TELLER. I can not state whether there is any such law. The Commissioners suggested this amendment, and I supposed there was a law which required the recorder to make the report. But there can be no objection to the amendment suggested by the Senator.

Mr. SHERMAN. The recorder of deeds is mentioned. Let it read:

And it shall be his duty to report to the Commissioners of the District all transfers of real estate when made.

Mr. TELLER. If it is not exactly right it can be fixed in conference.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. At the end of line 21 add:

And it shall be the duty of the recorder of deeds to report to the Commissioners of the District all transfers of real estate when made.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 11, line 6, to increase the appropriation for rent of District offices from $7,000 to $10,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 20, to insert:

For purchase of site and erection of morgue, $12,000.

The amendment was agreed to.

The next amendment was, on page 11, line 25, before the word "hundred," to strike out "one thousand nine" and insert "two thousand five"; so as to make the clause read:

For general advertising, authorized and required by law, and for tax and school notices and notices of changes in regulations, $2,500.

The amendment was agreed to.

The next amendment was, on page 12, line 4, before the word "thousand," to strike out "seven" and insert "eight"; so as to make the clause read:

For advertising notice of taxes in arrear July 1, 1896, as required to be given by act of March 19, 1890, $8,000, to be reimbursed by a charge of $1.20 for each lot or piece of property advertised.

The amendment was agreed to.

The next amendment was, on page 12, line 11, before the word "thousand," to strike out "two" and insert "four"; and in line 12, after the word "available," to insert:

Provided, That the employees in the office of the assessor may be assigned to duty in the preparation of said numerical books in addition to their regular duties, and may be allowed a reasonable compensation for said additional services from said appropriation.

So as to make the clause read:

To enable the assessor to transcribe the general assessment and prepare the numerical book, $4,000, the same to be immediately available: *Provided*, That the employees in the office of the assessor may be assigned to duty in the preparation of said numerical books in addition to their regular duties, and may be allowed a reasonable compensation for said additional services from said appropriation.

The amendment was agreed to.

The next amendment was, on page 12, line 21, after the word "dollars," to insert "to be immediately available"; so as to make the clause read:

To enable the Commissioners to have plats of subdivisions of the squares in that portion of Washington formerly known as Georgetown photolithographed, $346, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 13, line 6, to increase the appropriation for plats of subdivisions outside of Washington and Georgetown from $1,500 to $2,500.

The amendment was agreed to.

The next amendment was, on page 13, after line 7, to insert:

Extension of highways: To pay the expenses of completing a plan for the extension of a permanent system of highways in conformity with the "Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893, $12,500, to be paid wholly out of the revenues of the District of Columbia: *Provided*, That of this sum so much as may be necessary may be expended by the Commissioners of the District of Columbia for the preparation of plans, in part, and for reports by Frederick Law Olmstead, or other eminent landscape architect, on the said extension of a permanent system of highways. And the Commissioners of the District of Columbia are authorized, in preparing such plan, to lay out parkways leading toward or connecting grand parks, and to so modify the recorded plan of the first section that the Piney Branch and Spring Road parkway may be of width not exceeding 250 feet.

Mr. CHANDLER. I ask that the words of the amendment after the word "highways," in line 20, may be reserved.

Mr. TELLER. Then let the amendment be passed over.

Mr. CHANDLER. The first part may be adopted.

Mr. TELLER. Then I will ask to have the first part adopted down to the word "highways," in line 20, and the rest will be left open.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee to the word "highways," in line 20.

The amendment was agreed to.

The VICE-PRESIDENT. The last clause of the amendment will be read.

The Secretary read as follows:

And the Commissioners of the District of Columbia are authorized, in preparing such plan, to lay out parkways leading toward or connecting grand parks, and to so modify the recorded plan of the first section that the Piney Branch and Spring Road parkway may be of width not exceeding 250 feet.

The VICE-PRESIDENT. This amendment will be passed over at the request of the Senator from New Hampshire [Mr. CHANDLER].

The next amendment was to insert at the top of page 14:

For advertising and court expenses necessary for the execution of the act entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893, $14,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 5, to insert:

Payment for lots, Potomac River Flats: For payment of the owners of the lots and parts of lots referred to in the decrees passed by the supreme court of the District of Columbia, in the case of the United States vs. Morris and others, and located in squares 63, 89, 129, and 148, in the city of Washington, in said District, which lots and parts of lots have been included within the

limits of the improvement of the Potomac River and its flats, in charge of the Secretary of War, $36,684.09; which payment shall be made to and received by the respective owners of such lots and parts of lots in full discharge, acquittance, and release by such owners to the United States of all their right, title, interest, and claims of every description, as well in the soil of such lots and parts of lots, as of all claim of such owners on account of impairment or injury to any rights whatsoever therein claimed or suffered by such owners from the filling in of such lots and parts of lots and their inclusion within the limits of said improvement; and which payment shall be made upon orders of the said court to the persons who have already been determined by the said court to be the owners of some of the said lots and parts of lots, and also to the persons who shall hereafter be determined by said court to be the owners of the residue of said lots and parts of lots; such orders to be passed from time to time upon application to the court therefor, by the several persons so determined, or who may be hereafter determined to be such owners; the appropriation herein made to be immediately available for the purposes specified.

Mr. TELLER. By direction of the committee I offer an amendment to the amendment, to come in directly after the word "specified," in line 10.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After the word "specified," in line 10, page 15, it is proposed to insert:

That the entire area formerly known as the Potomac Flats and now being reclaimed, together with the tidal reservoirs, be, and the same are hereby, made and declared a public park, under the name of the Riverside Park, and to be forever held and used as a park for the recreation and pleasure of the people.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 15, line 13, to increase the appropriation for assessment and permit work from $125,000 to $165,000.

The amendment was agreed to.

The next amendment was, on page 15, under the head of "Improvements and repairs," in line 17, to increase the appropriation for work on streets and avenues named in Appendix X, Book of Estimates, 1897, from $100,000 to $284,000.

The amendment was agreed to.

The next amendment was, on page 15, line 22, to increase the appropriation for the Georgetown schedule from $9,000 to $22,720.

The amendment was agreed to.

The next amendment was, on page 16, line 1, to increase the appropriation for the northwest section schedule from $30,000 to $107,920.

The amendment was agreed to.

The next amendment was, on page 16, line 4, to increase the appropriation for the southwest section schedule from $15,000 to $36,920.

The amendment was agreed to.

The next amendment was, on page 16, line 6, to increase the appropriation for the southeast section schedule from $23,000 to $53,960.

The amendment was agreed to.

The next amendment was, on page 16, line 8, to increase the appropriation for the northeast section schedule from $33,000 to $62,480.

The amendment was agreed to.

The next amendment was, on page 16, after line 11, to insert:

For paving Florida avenue, south side, from Connecticut avenue to Eighteenth street, $6,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 13, to insert:

For paving P street northeast, from North Capitol street to Florida avenue, $7,500.

The amendment was agreed to.

The next amendment was, on page 16, line 19, before the word "cents," to strike out "seventy-five" and insert "ninety," and on page 17, line 2, after the word "dollars," to insert "and fifteen cents"; so as to make the clause read:

That under appropriations contained in this act no contract shall be made for making or repairing concrete or asphalt pavement at a higher price than $1.90 per square yard for a quality equal to the best laid in the District of Columbia prior to July 1, 1893, and with same depth of base: *Provided*, That these conditions as to price and depth of base shall not apply to those streets on which, in the judgment of the Commissioners, by reason of heavy traffic, poor foundation, or other causes, a pavement of more than ordinary strength is required, in which case the limit of price may be increased to $2.15 per square yard.

The amendment was agreed to.

The next amendment was, on page 17, in line 16, to increase the appropriation for cleaning and repairing sewers and basins from $45,000 to $50,000.

The amendment was agreed to.

The next amendment was, on page 17, line 22, to increase the appropriation for suburban sewers from $18,520 to $121,000.

The amendment was agreed to.

The next amendment was, on page 17, after line 22, to insert:

For constructing the Fifteenth street and F street portion of the F street and Easby's Point intercepting sewer, $67,000.

The amendment was agreed to.

The next amendment was, at the top of page 18, to insert:

For sewer in Fifteenth street extended, between Columbia road and Kenesaw avenue, $1,000; and authority is hereby given the Commissioners of the District to lay a water main in said street between the points named if found necessary.

The amendment was agreed to.

The next amendment was, on page 18, line 9, to increase the appropriation for the continuation of the Rock Creek and B street intercepting sewer from $40,000 to $190,000.

The amendment was agreed to.

The next amendment was, on page 18, line 11, after the word "dollars," to insert "to be immediately available"; so as to make the clause read:

For completion of the Eckington Valley sewer, $17,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 18, line 14, to increase the appropriation for the completion of the Kenesaw avenue sewer from $4,000 to $5,000.

The amendment was agreed to.

The next amendment was, on page 18, line 17, to increase the appropriation for condemnation of rights of way for construction, maintenance, and repairs of public sewers from $1,000 to $2,000.

The amendment was agreed to.

The next amendment was, on page 19, line 5, after the word "collected," to insert:

Provided, That no street railroad company in the District of Columbia shall be permitted to run cars over any part of the route of any underground electric or cable road by a route or routes not specified in its charter or specifically described in amendments thereto, except by authority of Congress hereafter to be granted.

Mr. HARRIS. I ask the Senator from Colorado to allow this amendment to be passed over for the present. The District Committee may wish to express a desire to put the amendment into somewhat different form.

Mr. TELLER. We will let the amendment be passed over.

The VICE-PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 19, line 15, to increase the appropriation for repairs to county roads from $40,000 to $60,000.

The amendment was agreed to.

The next amendment was, on page 19, line 24, under the head of "Construction of county roads," to increase the appropriation for grading and regulating Sherman avenue and Roanoke and Irving streets from $10,000 to $12,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 8, on page 20.

Mr. TELLER. After the word "that," in line 5, page 20, I move to insert what I send to the desk.

The SECRETARY. In line 5, page 20, after the word "that," it is proposed to insert:

No part of the amount hereby appropriated shall be expended on Sherman avenue until.

So as to make the proviso read:

Provided, That no part of the amount hereby appropriated shall be expended on Sherman avenue until the owners thereof dedicate to the District of Columbia the ground for widening Sherman avenue in conformity with the adopted and recorded plans of highway extensions.

Mr. SHERMAN. There ought to be some provision, if this clause is adopted, requiring the United States—because it owns a large portion of the land along Sherman avenue—to surrender a portion of its land in order to widen the street.

Mr. TELLER. The attention of the committee was not called to the necessity of anything of that kind.

Mr. SHERMAN. There is a necessity——

Mr. TELLER. The Senator from Ohio can move an amendment to cover it. I have no knowledge on the subject myself.

Mr. ALLISON. Does the Senator from Ohio allude to the particular tract which is set aside for the hospital?

Mr. SHERMAN. Yes.

Mr. ALLISON. That belongs to the District of Columbia.

Mr. SHERMAN. It belongs to the District of Columbia or the United States of America.

Mr. ALLISON. It belongs to the District of Columbia.

Mr. TELLER. The amendment I have just offered was suggested by the Commissioners. They suggested no further amendment.

Mr. SHERMAN. I have no objection to the amendment. I merely mention this difficulty. There ought to be authority in some one, the District Commissioners or the President——

Mr. TELLER. If the District owns the land, it is all right. If the United States owns it, there ought to be some such provision.

Mr. SHERMAN. My impression is that it is owned by the Garfield institution, which is a corporation.

Mr. TELLER. If it is the property of the Garfield Hospital, it will come under the provision we put in.

Mr. CHANDLER. I should like to ask the Senator from Ohio

whether the adopted and recorded plans of highway extensions described in the last line of the clause do not take in the District land which he thinks should be included? I have an impression that the adopted and recorded plats of highway extensions cover the land which the Senator from Ohio desires to see made a part of the avenue, but that this clause is necessary to compel the land-owners within the recorded limits to convey their title in order that the avenue may be opened to the full width. If the recorded plats cover the District land, they take it. If they cover United States land, they take it. It is only the private owners who are required to convey.

Mr. TELLER. It appears from an examination of the last act that the hospital own this land, and it was provided that they should dedicate it. They did so, and we have gone through a building, and there is an item of $7,500 in the bill for the damage done to the building.

Mr. SHERMAN. That has been done under existing law?

Mr. TELLER. Under the law of last year.

Mr. SHERMAN. Probably that covers it.

Mr. TELLER. There does not seem to be any necessity for further action.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Colorado [Mr. TELLER].

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 20, after line 8, to insert:

For taking down brick building on the northeast corner of Garfield Memorial Hospital grounds, the removal of which has been made necessary by reason of the widening and grading of Sherman avenue at that point, and constructing another building on said premises to take its place, $7,500.

The amendment was agreed to.

The next amendment was, on page 20, after line 14, to insert:

For grading and regulating Columbia road, Sixteenth street northwest extended, Prospect street, Crescent street, Superior street, Erie street, Central street, Meridian and Ontario avenues, Meridian Hill: Continuing improvement, $5,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 19, to insert:

For paving Connecticut avenue and Columbia road between Florida avenue and Wyoming street, $6,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 22, to insert:

For grading Massachusetts avenue extended, $10,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 24, to insert:

For grading and graveling Albemarle street and opening same by purchase or condemnation to Grant road: Continuing improvement, $9,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 2, to insert:

For grading Illinois avenue, $2,500.

Mr. TELLER. I am directed by the committee to move to amend the amendment by striking out "$2,500" and inserting "$5,000"; so as to read:

For grading Illinois avenue, $5,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 21, after line 4, to insert:

For grading Michigan avenue, $5,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 5, to insert:

For paving Harewood avenue from Maple to Spruce street, $3,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 7, to insert:

For grading Twenty-second and Twenty-fourth streets, Langdon, $4,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 9, to insert:

For grading and regulating Twelfth street extended from Florida avenue to Mount Olivet road, $10,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 12, to insert:

For grading and graveling Pierce and High streets, Anacostia, from Jefferson to Maple, provided the land necessary to unite these streets be first dedicated, $3,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 15, to insert:

For grading and graveling Pennsylvania avenue extended and Branch avenue, $10,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 17, to insert:

For grading and regulating Emporia and Frankfort streets, $4,500.

The amendment was agreed to.

Mr. TELLER. After line 19, page 21, I am directed by the committee to offer the amendment which I send to the desk.

The PRESIDING OFFICER (Mr. THURSTON in the chair). The amendment will be stated.

The SECRETARY. On page 21, after line 19, it is proposed to insert:

For grading and graveling Kenesaw avenue and Park road, $5,000: *Provided*, That Park road, or Park highway, between Kenesaw avenue and Kline'e road be dedicated to the District of Columbia for conformity with the adopted and recorded plans of highway extensions.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 21, after line 19, to insert:

For paying court expenses and fees of commissioners and paying for ground taken and damages to property to open and extend Thirty-seventh street, between Back street and Tennallytown road, at or near Schneider lane, as per plat and proceedings already had in the supreme court of the District of Columbia and award of court commissioners made therein, $9,000, or so much thereof as may be necessary, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 22, line 6, after the word "all," to strike out "twenty-five thousand" and insert "one hundred and fifteen thousand five hundred"; so as to make the clause read:

For grading and regulating Yale, Bismark, Princeton, Harvard, and Columbia streets, between Seventh and Fourteenth streets, $15,000; in all, $115,500.

The amendment was agreed to.

The next amendment was, on page 22, line 10, to increase the appropriation for sprinkling, sweeping, and cleaning streets, etc., from $146,000 to $165,450.

The amendment was agreed to.

The next amendment was, on page 22, line 18, to increase the appropriation for contingent expenses of the parking commission from $17,000 to $22,000.

The amendment was agreed to.

The next amendment was, on page 23, line 1, before the word "thousand," to strike out "twenty-two" and insert "seventy-five"; in line 3, before the words "per annum," to strike out "$16" and insert "$20.50"; in line 5, after the word "act," to strike out:

Provided, That all of said lamps shall burn every night, on the average, from forty-five minutes after sunset to forty-five minutes before sunrise.

And insert "and said lamps shall burn not less than 3,000 hours per annum"; in line 9, after the word "*Provided*," to strike out "*further*"; and in line 15, after the word "hour," to strike out:

Provided further, That the entire service of gas lighting authorized under this appropriation shall be let, after due advertisement, to the lowest responsible bidder therefor: *Provided further*, That no contract shall be made for gas lighting at a price exceeding the rates hereinbefore specified.

So as to make the clause read:

Lighting: For illuminating material, lighting, extinguishing, repairing, and cleaning public lamps on avenues, streets, roads, and alleys; purchasing and expense of erecting new lamp-posts, street designations, lanterns, and fixtures; moving lamp-posts, painting lamp-posts and lanterns; replacing and repairing lamp-posts and lanterns damaged or unfit for service; for storage and cartage of material, $175,000: *Provided*, That no more than $20.50 per annum for each street lamp shall be paid for gas or oil, lighting, extinguishing, repairing, painting, and cleaning, under any expenditure provided for in this act, and said lamps shall burn not less than three thousand hours per annum: *Provided*, That before any expenditures are made from the appropriations herein provided for the contracting gas companies shall equip each street lamp with a self-regulating burner and tip, so combined and adjusted as to secure, under all ordinary variations of pressure and density, a consumption of 6 cubic feet of gas per hour.

The amendment was agreed to.

The next amendment was, on page 23, after line 20, to strike out:

That the Washington Gas Light Company and all other gaslight companies doing business in the District of Columbia are authorized to charge and collect, after the passage of this act, for illuminating gas furnished to and paid for by the Government of the United States and other consumers in the District of Columbia at the rate of not exceeding 75 cents per thousand cubic feet, except that gas consumed in public lamps for lighting streets, highways, and public grounds in the District of Columbia shall be paid for at such rates as Congress may from time to time prescribe: *Provided*, That if consumers other than the Government shall not pay monthly any gas bill within ten days after the same shall have been presented, said company may charge and collect from said consumer so failing to pay said bill as aforesaid $1 per thousand cubic feet for the gas furnished to said consumer during said month.

Mr. KYLE. I should like to ask the Senator from Colorado [Mr. TELLER] if an amendment is to be offered at this point by the committee. I understood that the result of yesterday's vote was to be incorporated in the pending bill.

Mr. TELLER. No; I do not suppose that, being a House bill, anything is to be done as to this bill by the committee. I do not know what individual Senators may choose to do.

Mr. KYLE. I understood the Senator from West Virginia [Mr. FAULKNER] to say so. That is all.

Mr. FAULKNER. I stated that it was necessary, before the consideration of this bill was begun, to pass upon the question as embodied in the House bill, which was then before the Senate. That bill is now in conference, and we hope to have it become a law in a very short time. But that bill does not affect the question of street lighting. That is always controlled annually by the appropriations made by Congress.

Mr. KYLE. I understand that. I refer to the latter part of the amendment on page 23.

Mr. FAULKNER. Of course we expect that the subject will be controlled by the bill which has passed both Houses as to private consumers.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 24, line 17, before the word "dollars," to strike out "forty-three thousand six hundred" and insert "fifty-nine thousand one hundred and seventy"; in line 18, before the word "cents," to strike out "38" and insert "38"; in line 19, after the word "burning," insert "on an average"; and on page 25, line 2, after the word "Washington," to strike out:

Provided further, That the entire service of electric lighting authorized under this appropriation shall be let, after due advertisement, to the lowest responsible bidder therefor: *Provided further*, That no contract shall be made for electric arc lighting at a price exceeding the rate hereinbefore specified.

So as to make the clause read:

For electric arc lighting, including necessary inspection, in those streets now lighted with electric arc lights in the city of Washington, and for necessary extensions of such service, $59,170: *Provided*, That not more than 38 cents per night shall be paid for any electric arc light burning on an average from forty-five minutes after sunset to forty-five minutes before sunrise, and operated wholly by means of underground wires; and each arc light shall be of not less that 1,00 actual candlepower, and no part of this appropriation shall be used for electric lighting by means of wires that may exist on or over any of the streets or avenues of the city of Washington.

Mr. KYLE. I should like that to be left as the House put it, 28 cents per night for each arc light. At 28 cents per night it figures out $102.20 a year for an arc light of 1,000 candlepower. At 38 cents, the price fixed by the Senate committee, the price would be $138.70 per arc light of 1,000 candlepower. I have a list of 131 cities in the United States where private companies operate, the same as they do here, and the average price is one hundred and twenty-one dollars and a fraction for lights of 2,000 candlepower.

Mr. TELLER. The representatives of the company appeared before the committee, and the committee did not think it was wise to put it down to 28 cents. They did not believe it could be done.

Mr. KYLE. If it is done in other cities it ought to be done here.

Mr. TELLER. I think it can be done at 38 cents. I should doubt whether it could be done with any profit at 28 cents.

Mr. GALLINGER. The matter will be in conference.

Mr. KYLE. What is the present figure, may I ask?

Mr. TELLER. Forty cents.

Mr. KYLE. Forty cents would be nearly $145 per year for a thousand candlepower. If the average price in 131 cities, by private companies remember, is but $121 for 2,000 candlepower, I do not understand why it can not be done here with a thousand candlepower for $102.

Mr. HARRIS. If the Senator from South Dakota will allow me, I would suggest to him that the gas bill which passed the Senate yesterday passed with various amendments which have gone to conference.

Mr. KYLE. This amendment refers to electric lighting.

Mr. HARRIS. I though it was in reference to the gas question, and I was going to suggest to the Senator that, that bill having gone to conference, this bill will necessarily go to conference, and it is to be hoped that the other matter will be disposed of before this bill is disposed of, and then this bill be made to conform, I take it for granted, to what may be the result of the legislation on the gas question. I thought we were dealing with the gas question, and not with the question of electric lighting.

Mr. TELLER. I would say that it was supposed by the committee that both the question of gas and electric lighting in the District would be disposed of by the action of the two Houses of Congress outside of the District appropriation bill. That, of course, will govern us, and we shall try to conform the appropriation bill, as far as possible, to the action taken on that bill.

Mr. FAULKNER. Let me state to the Senator from Colorado that there has never been any bill before the District Committee on the subject of electric lighting, I mean as to the price of electric lighting, or anything of that kind. In fact, I think it never heard any complaint in reference to the cost of electric lights in the city of Washington; and for that reason, I suppose, there has never been any bill before the District Committee on that subject.

Mr. GORMAN. If the Senator from South Dakota will permit me, I will state that during the last Congress this very question came up when I had charge of the District of Columbia appropriation bill, and I went through the matter very thoroughly as to the cost of electric lighting here compared with the other cities in the immediate vicinity, and I am perfectly satisfied that at 38 cents per thousand a night it will be impossible for this company, on a fair capital, with the actual capital invested, and with the cost they are obliged to incur for laying conduits, to make a profit of over 7 or 8 per cent. Judging from the price paid here compared with that paid in the adjoining city of Baltimore, this is about the same rate, taking into consideration the fact that the company here are required in all cases to put their wires under ground, which will cost $10,000 a mile in this city, which we require them to expend, as we do in the case of the gas company, not as a matter of business policy for themselves, but as directed by the Commissioners, so as to have the conduits laid in advance of the improvement of the streets.

I think this is a very low rate, and I will say to the Senator there is no human being in the District of Columbia who uses electricity who has complained of the price.

Mr. KYLE. I presume not. I merely referred to the street arc electric lighting, for which all the people of the United States are taxed; it is a matter which concerns all the taxpayers; and it occurred to me as a question of economy, if other cities were furnished this light for $121 for 2,000 candlepower, it ought to be furnished here at a similar rate.

Mr. GALLINGER. It is desirable that we should have accurate information on this subject.

Mr. KYLE. I have accurate information from 131 cities.

Mr. GALLINGER. I want to call the attention of the Senator from South Dakota to some later information than he has. The National Electric Convention was held in New York City from the 3d to the 6th day of May, 1896—only a few days ago. In that convention there were 10,000 electric light companies represented. If the Senator will go to the record he will find that it was shown that the average price for arc lights with overhead wires of those 10,000 companies is 41.7 cents per night. That is precisely what was developed in that meeting in New York City a few days ago.

Mr. KYLE. If the Senator will allow me just there, the average price, he says, given in that journal is 41 cents and a fraction.

Mr. GALLINGER. Forty-one and seven-tenths.

Mr. KYLE. That is the same sort of argument the Senator indulged in yesterday, arguing that as other cities had charged more, therefore more should be charged here.

Mr. GALLINGER. I will take care of my own argument. I do not require any supervision on the part of the Senator from South Dakota.

Mr. KYLE. Let me say that that argument amounts to nothing.

Mr. GALLINGER. The Senator said that yesterday, but it did not affect the vote.

Mr. KYLE. If we prove that in other cities the charge is less, then certainly we have a right to ask you to prove that a lower charge than is proposed shall be made here.

Mr. GALLINGER. I desire to restate my statement, and the Senator in his own time can make his own speech. I do not care to have him inject it into mine.

I want to repeat that in the electric light convention in New York City, held from the 3d to the 6th day of May, 1896, there were 10,000 electric light companies represented, and it was shown there that the average for every arc light per night for those 10,000 companies is 41.7 cents, while in Washington we have been paying 40 cents, and it is proposed by the Senate committee to reduce it to 38 cents.

The Senator from Maryland [Mr. GORMAN] has well said that in the city of Washington our electric-light wires are in conduits under ground, and that it has cost the company here some $10,000 a mile to place them there, while in the other 10,000 cities there is scarcely an instance of a single mile of electric-light wire under ground, and it seems to me extraordinary—this company doing business here, and having placed their wires under ground because Congress commanded them to do so, and having very courteously and very gracefully obeyed the mandate of Congress in this respect—that we should undertake to make them furnish electric lights for 13 cents for every arc light per night less than the average in the 10,000 cities of the country represented in that convention, where their wires are strung overhead at $10,000 a mile less than it cost to put them under ground.

Mr. KYLE. I do not intend to argue this question at length to-day, as I argued the gas question, because I know everything goes here as the companies want them to go; but here are some facts: I do not care whether 10,000 electric light companies gather together and hold a national convention or not; I do not care whether they arrange for a combination of prices all over the United States or not. I presume the greater the convention the more liability there is to be a combination to fix higher prices in the cities of the United States. I do know, though, from investigation and from authoritative sources, that in 131 cities in the United States there is an average charge of $121 per year for 2,000 candlepower, which is twice the candlepower required of this company by this bill.

I know also by investigation that in 24 cities in the United States which own their electric-light plants—municipal ownership—that the prices there, not for 1,000 candlepower, but for 2,000 candlepower, is $26 per year, as against $138 required in this bill. Making due allowance, if need be, for putting all the wires under ground in conduits at $10,000 a mile, I think the difference between $26 per year for each light and $138 per light is sufficient to cover it. That is all I care to say.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of

the Committee on Appropriations was, on page 25, after line 7, to strike out:

That hereafter the United States Electric Light Company or any other electric light company doing business in the District of Columbia shall not charge or collect from the United States or any other consumer of electric arc or incandescent lights or electricity for power prices exceeding 75 per cent of prices charged for such lights and power on the 1st day of January, 1896, in the said District of Columbia.

The amendment was agreed to.

The next amendment was, on page 25, after line 20, to strike out:

For new sponsons, new deck, and raising house on harbor boat, $900.

The amendment was agreed to.

The next amendment was, on page 25, after line 22, to insert:

For new fire, ice, and wrecking boat, $50,000.

The amendment was agreed to.

The next amendment was, on page 26, line 12, to increase the appropriation "for purchase, replacement, and repair of public pumps" from $7,000 to $10,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 21, under the head of "Washington Aqueduct," to insert:

For protecting the inlet to the aqueduct at Great Falls, $5,000.

The amendment was agreed to.

The next amendment was, at the top of page 27, to insert:

Washington Aqueduct tunnel: The Secretary of War is hereby authorized and directed to resume work on the Washington Aqueduct tunnel and its accessories and the Howard University Reservoir, authorized by section 2 of the act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes," and to prosecute and complete the same; the work on the said tunnel and accessories to be carried on in accordance with the plans of the board of experts as set forth in its report dated January 17, 1896, House Document No. 166, Fifty-fourth Congress, first session, which plans have been approved by the Chief of Engineers and the Secretary of War. And to carry out the provisions of said act and this paragraph the balance remaining unexpended from the appropriations made by the said act of July 15, 1882, and by subsequent acts for said purpose, amounting to $266,746.38, is hereby reappropriated, to be advanced out of the revenues of the United States, and not subject to the conditions of the capital account created by the act of July 15, 1882, and the sum of $266,746.38 is also hereby appropriated out of the surplus general revenues of the District of Columbia, to be applied to such parts of the works, and in such order as to time, as the Secretary of War may deem necessary to promote as soon as practicable the completion of the entire system of said works: *Provided*, That the sum herein set apart and appropriated shall be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers; and the work shall be carried on by contract or otherwise, as the Secretary of War may deem best for the public interests.

Mr. TELLER. I desire to amend the amendment of the committee in line 20, on page 27, by striking out the word "seven," before the word "hundred," and inserting "five," that being the amount of the surplus, and there being an error in the amendment. Then, in line 25 of the amendment, on the same page, before the word "hundred," I move to strike out "seven" and insert "five"; on page 28, line 3, after the word "Columbia," to insert "said sums"; and in line 6, to change the word "sum" to "sums."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to amend the amendment on page 27, line 20, before the word "hundred," by striking out "seven" and inserting "five"; in line 25, before the word "hundred," by striking out "seven" and inserting "five"; in line 3, on page 28, after the word "Columbia," by inserting "said sums"; and at the end of line 6, after the words "that the," by striking out "sum" and inserting "sums"; so as to read:

And to carry out the provisions of said act and this paragraph the balance remaining unexpended from the appropriations made by the said act of July 15, 1882, and by subsequent acts for said purpose, amounting to $266,546.38, is hereby reappropriated, to be advanced out of the revenues of the United States, and not subject to the conditions of the capital account created by the act of July 15, 1882; and the sum of $266,546.38 is also hereby appropriated out of the surplus general revenues of the District of Columbia, said sums to be applied to such parts of the works, and in such order as to time, as the Secretary of War may deem necessary to promote as soon as practicable the completion of the entire system of said works: *Provided*, That the sums herein set apart, and appropriated shall be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Public schools," on page 28, line 17, before the word "hundred," to strike out "two" and insert "four"; and in line 22, after the word "thousand," to insert "two hundred"; so as to make the clause read:

For officers: For superintendent first six divisions, $3,200; superintendent seventh and eighth divisions, $2,250; clerk to superintendent of first six divisions and secretary to board of trustees, $1,400; clerk to superintendent of seventh and eighth divisions, $900; messenger to superintendent first six divisions, $800; messenger to superintendent seventh and eighth divisions, $360; in all, $9,110.

The amendment was agreed to.

The next amendment was, on page 29, line 6, after the word "For," to strike out "twenty" and insert "twenty-four"; so as to make the clause read:

For twenty-four, at $1,200 each.

The amendment was agreed to.

The next amendment was, on page 29, line 9, after the word "For," to strike out "sixty-one" and insert "fifty-eight"; so as to make the clause read:

For fifty-eight, at $1,000 each.

The amendment was agreed to.

The next amendment was, on page 29, line 11, after the word "For," to strike out "nineteen" and insert "eighteen"; so as to make the clause read:

For eighteen, at $900 each.

The amendment was agreed to.

The next amendment was, on page 30, line 11, to increase the total appropriation for maintenance of public schools from $734,875 to $735,775.

The amendment was agreed to.

The next amendment was, under the head of "For janitors and care of buildings and grounds," on page 30, after line 21, to insert:

For janitor, who shall be an engineer and machinist, of manual training school, Central High School, $1,200.

The amendment was agreed to.

The next amendment was, on page 32, line 4, before the word "hundred," to strike out "five" and insert "six"; so as to make the clause read:

Of the Adams, Addison, Ambush, Amidon, Anthony, Bowen, Arthur, Bancroft, Bell, Blair, Blake, Bradley, Brent, Briggs, Buchanan, Carberry, Corcoran, Cranch, Fillmore, Garrison, Giddings, Harrison, Jackson, Johnson, Jones, Lenox, Logan, McCormick, Madison, Magruder, Maury, Monroe, Morse, Patterson, Phelps, Pierce, Phillips, Polk, Slater, Smallwood, Taylor, Towers, Twining, Tyler, Van Buren, Weightman, Wormley, and Wilson buildings, and the 6 new eight-room buildings, 53 in all, at $600 each.

The amendment was agreed to.

The next amendment was, on page 32, line 17, to increase the total appropriation for care of smaller buildings and rented rooms from $57,731 to $64,231.

The amendment was agreed to.

The next amendment was, on page 32, line 19, to increase the appropriation for rent of school buildings and repair shop from $12,500 to $13,100.

The amendment was agreed to.

The next amendment was, on page 32, line 21, to increase the appropriation for repairs and improvements to school buildings and grounds from $31,000 to $33,000.

The amendment was agreed to.

The next amendment was, on page 32, line 24, to increase the appropriation for the purchase of tools, machinery, material, and apparatus to be used in connection with instruction in manual training from $8,000 to $10,000.

The amendment was agreed to.

The next amendment was, on page 33, line 1, to increase the appropriation for fuel from $35,000 to $36,500.

The amendment was agreed to.

The next amendment was, on page 33, line 22, to increase the appropriation for text-books and school supplies for use of pupils of the first eight grades from $35,000 to $40,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 2, to insert:

For additional ground and reconstructing Anthony Bowen School building, $32,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 4, to insert:

For one four-room school building, Langdon, $10,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 6, to insert:

For one four-room addition to Benning School (white), $10,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 8, to insert:

For one four-room school building, Hillsdale, to be erected on the Binney site, $10,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 10, to insert:

For additional amount for construction of school building, sixth division B, Giesboro, so as to make same an eight-room building, $14,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 13, to insert:

For one new two-room building and site on or near the line of Connecticut avenue extended, $5,000.

Mr. TELLER. I am directed by the Committee on Appropriations to move an amendment to the amendment on line 15, page 34, before the word "thousand," by striking out "five" and inserting "ten"; so as to make the amount $10,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 34, after line 15, to insert:

The appropriation of $8,000 for one new four-room building, sixth division A, Conduit road, made by the District appropriation act approved March 2, 1895, is hereby authorized to be used for the purchase of a site and the erection of said building.

The amendment was agreed to.

Mr. HAWLEY. I ask the Senator in charge of the bill whether

the provisions in italics on page 34 are the only provisions in the bill for new school buildings?

Mr. COCKRELL. Oh, no.

Mr. TELLER. The House of Representatives inserted provisions for some new buildings in the bill as it was sent to us.

Mr. HAWLEY. I do not refer to the Western High School building just below, where the appropriation is increased from $50,000 to $100,000; but I do not see any other provisions for new buildings except those which have been added by the Senate committee.

Mr. TELLER. If the Senator will look at the bottom of page 33 he will find a provision for reconstructing and adding to the Wallach School building, $22,000.

Mr. HAWLEY. Yes; I see that provision as to the Wallach School.

Mr. TELLER. The Senator will find a provision for a building in eighth division B of $1,400 a little higher up on page 33.

Mr. COCKRELL. There is also a provision at the top of page 34 for one eight-room building, northeast, $39,000.

Mr. HAWLEY. I see, beginning at the top of page 33, these provisions:

For furniture for new school buildings and additions to buildings, as follows: Eighth division B, eight rooms, $1,400; Tenley, Brightwood, Brookland, and Congress Heights, four rooms, at $700 each, $2,800.

I think these are all the additions—only some three or four. I wish to ask the Senator about how many scholars these additions will provide for?

Mr. TELLER. I can not say how many they will provide for; but I am sorry to say they will not provide for as many children as ought to be provided for. The superintendent of public instruction states that there are now 10,000 children in the District who can only attend school part of the time because of the lack of educational facilities.

Mr. HAWLEY. Only half time.

Mr. TELLER. Yes; only half time. I would say that they are the smaller and younger children. We have heard considerable complaint about this matter, but whether this appropriation will be sufficient to provide the additional accommodations necessary I am not quite able to say, but this seems to be about all we can get.

Mr. HAWLEY. I think it is lamentable that this goes on from year to year, and we are continually met with the complaint that there is not room in the school buildings for the children of the city. The growth of the city is great in one sense, but it is not beyond our means to provide for it. If there be anything we ought to do, everybody will acknowledge it, is to provide school accommodations for all of the children of the District.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 34, line 23, before the word "construction," to strike out "toward the"; in line 24, before the word "thousand," to strike out "fifty" and insert "one hundred"; and on page 35, line 1, after the word "site," to strike out "under a contract which is hereby authorized therefor"; so as to make the clause read:

For site for and construction of a new building for the Western High School, $100,000, and the total cost of said Western High School building, including cost of site, shall not exceed $100,000.

The amendment was agreed to.

The next amendment was, under the head of "For Metropolitan police," on page 35, line 24, before the word "lieutenants," to strike out "three" and insert "four"; on page 36, line 10, before the word "privates," to strike out "two hundred and sixty-one" and insert "three hundred and six"; in line 12, before the word "privates," to strike out "one hundred and ninety-four" and insert "two hundred and twenty-four"; in line 21, before the word "drivers," to strike out "twenty-one" and insert "twenty-three"; and in line 23, after the word "all," to strike out "$553,480" and insert "$628,840"; so as to make the clause read:

For major and superintendent, $3,300; captain, $1,800; four lieutenants, inspectors, at $1,500 each; chief clerk, who shall also be property clerk, $2,000; clerk, $1,500; clerk, $900; four surgeons of the police and fire departments, at $540 each; for additional compensation for twelve privates detailed for special service in the detection and prevention of crime, $2,880, or so much thereof as may be necessary; nine lieutenants, at $1,320 each; thirty-one sergeants, at $1,140 each; three hundred and six privates, class 1, at $900 each; two hundred and twenty-four privates, class 2, at $1,080 each; twenty station keepers, at $720 each; eight laborers, at $480 each; laborer in charge of the morgue, $660; messenger, $700; messenger, $500; major and superintendent, mounted, $240; captain, mounted, $240; forty-three lieutenants, sergeants, and privates, mounted, at $240 each; twenty-three drivers, at $420 each; and three police matrons, at $600 each; in all, $628,840.

The amendment was agreed to.

The next amendment was, on page 36, line 25, after the word "dollars," to insert the following proviso:

Provided, That for a deficiency in the police or firemen's relief fund, the Commissioners of the District of Columbia are authorized and directed to deposit with the Treasurer of the United States, out of the receipts from fines in the police court, in order to meet such deficiency, a sum not to exceed $6,000 for the police fund, and $2,000 for the firemen's relief fund.

Mr. GORMAN. I offer as a substitute for the proviso the following:

Provided, That hereafter the Commissioners of the District of Columbia are hereby authorized and directed to deposit with the Treasurer of the United States, out of the receipts from fines in the police court, a sufficient amount to meet any deficiency in the police fund or the firemen's relief fund.

It will be observed by the Senate that the provision from the committee is for a specific amount, not to exceed $6,000 for the police fund and $2,000 for the firemen's relief fund, to be paid out of the fines of the police court; and on page 39 a provision has been inserted for the firemen's relief fund by assessing the firemen $1 a month each.

Mr. PLATT. There is no provision for assessing policemen?

Mr. GORMAN. No; but there is a rule by which they do assess them. For the firemen's relief fund there is an assessment of $1 from each of these men, who get a very small compensation, much less than in any of the other cities on the Atlantic Seaboard, and much less than in cities of less population, and where the responsibility is less than in Washington. Last year the Senate inserted a provision giving them a sufficient amount from the fines in the police court to have made a fund to have provided for these brave and gallant men; but we were not permitted by a coordinate branch to continue it longer than one year.

The sad and terrible catastrophe that occurred last night in view of us all makes it absolutely necessary that the provision which I have offered should be made permanent here, as it has been made permanent in all other cities that are well governed. I trust that the amendment will not only be adopted unanimously by the Senate, but that at the risk of the loss of the pending bill the Senate will stand by the provision and give this relief to the families of the gallant men who recently lost their lives and those who were injured, and of those who may be killed or maimed hereafter.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Maryland to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 37, line 20, to increase the appropriation for miscellaneous and contingent expenses, including stationery, etc., from $18,500 to $20,750.

The amendment was agreed to.

The next amendment was, on page 37, after line 21, to insert:

For extending the patrol system and changing the location of certain boxes, $3,500.

The amendment was agreed to.

The next amendment was, on page 38, line 1, to increase the total appropriation for Metropolitan police from $23,250 to $29,000.

The amendment was agreed to.

The next amendment was, under the head of "For the fire department," on page 38, line 12, before the word "watchmen," to strike out "six" and insert "ten"; in line 14, before the word "hundred," to strike out "forty thousand nine" and insert "forty-three thousand three"; so as to make the clause read:

FOR THE FIRE DEPARTMENT.

For chief engineer, $2,000; fire marshal, $1,000; clerk, $900; two assistant chief engineers, at $1,200 each; fifteen foremen, at $1,000 each; ten engineers, at $1,000 each; ten firemen, at $840 each; four tillermen, at $840 each; sixteen hostlers, at $840 each; one hundred and one privates, at $800 each; ten watchmen, at $600 each; in all, $143,300.

The amendment was agreed to.

The next amendment was, on page 38, line 14, after the word "dollars," to insert the following proviso:

Provided, That hereafter the Commissioners of the District of Columbia shall deduct $1 per month from the pay of each fireman, which sum so deducted shall be kept as a firemen's relief fund and be invested in United States or District bonds, and held in the manner provided by existing law in respect to the policemen's fund, and shall be used for the relief of any fireman who, having served not less than twelve months, shall by reason of injuries received or disease contracted in the line of actual fire duty, going to, at, or returning from a fire, or having served not less than fifteen years, shall become so permanently disabled as to be discharged from service therefor; and in the case of the death of such fireman from such injury or disease, leaving a widow or children under 16 years of age, for their relief: *Provided*, That no fireman shall be entitled to any of the benefits of this relief fund who may by reason of his own indiscretion bring on any injury or disease which may incapacitate him from the performance of his duties as a member of the fire department, or who shall be retired for such cause or causes: *Provided further*, That such relief shall not exceed, for any one fireman or his family, the sum of $50 per month; and a sum not exceeding $75 may be allowed from such fund to defray the funeral expenses of any fireman dying in the service of the District.

The amendment was agreed to.

The next amendment was, in the items for the fire department, on page 39, line 14, to increase the appropriation for repairs to engine-houses from $3,000 to $4,000.

The amendment was agreed to.

The next amendment was, on page 39, line 16, to increase the appropriation for repairs to apparatus, and new appliances, from $3,000 to $3,500.

The amendment was agreed to.

The next amendment was, on page 39, line 17, to increase the appropriation for purchase of hose from $6,000 to $7,000.

The amendment was agreed to.

The next amendment was, on page 39, line 18, to increase the appropriation for fuel from $3,000 to $4,000.

The amendment was agreed to.

The next amendment was, on page 39, line 24, to increase the total appropriation for maintenance of the fire department from $37,000 to $40,500.

The amendment was agreed to.

The next amendment was, on page 40, after line 8, to insert:

For one aerial truck, $3,500.

The amendment was agreed to.

The next amendment was, on page 40, after line 10, to insert:

To exchange old-style straight-frame engine for modern upright, $4,000.

The amendment was agreed to.

The next amendment was, on page 40, after line 12, to insert:

For one new engine to be placed in house now occupied by chemical engine No. 2 at Mount Pleasant, $4,500.

The amendment was agreed to.

The next amendment was, on page 40, after line 15, to insert:

For house, lot, and furniture to be located in the vicinity of Brightwood to accommodate chemical engine company No. 2, now in service at Mount Pleasant, $15,000.

The amendment was agreed to.

Mr. HAWLEY. I ask whether the Commissioners of the District estimated for or requested any additional fire engines?

Mr. TELLER. They did. All these appropriations are made on estimates.

Mr. HAWLEY. I want to know whether they asked for more than are granted in the bill?

Mr. TELLER. I do not remember about that.

Mr. GORMAN. Yes; they estimated for two more, the Senator will remember, but we did not give them.

Mr. HAWLEY. It is rather late to get them for the fire that occurred yesterday, but we may have another one. I have heard complaints for years that they were not sufficient in number when you consider the extent to which the city has spread.

Mr. GORMAN. I think the Senator from Connecticut is quite right. In this city, with all the territory covered, we have only nine engines that are available. I am told that at the fire last night every engine in the city, except one or two chemical engines out at Mount Pleasant, was in use, and they were not sufficient. The Senate committee have said from time to time that the number was not sufficient, and we made provision last year for two and secured one. This year the committee have provided for one new engine to be placed in the house now occupied by the chemical engine at Mount Pleasant, and for some trucks. I think myself we ought to have at least two more. Our fire department is one of the most efficient in the country, but the Commissioners insist that two more engines are required that the service may be properly distributed in this city.

Mr. HAWLEY. I beg leave to move to insert after line 15, on page 40:

For two new engines, to be placed at the discretion of the Commissioners of the District, $9,000.

Mr. TELLER. I suggest to the Senator from Connecticut, if that is done we shall have to provide for an increase of the force somewhat.

Mr. GORMAN. Of course.

Mr. TELLER. Perhaps the Senator had better take a little time and offer the amendment later, so that the force can be increased in proportion. I do not know, myself, just what additional force would be required.

Mr. HAWLEY. Very well.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, on page 41, line 10, under the head of "Telegraph and telephone service," to increase the appropriation for general supplies, repairs, etc., from $11,000 to $13,000.

The amendment was agreed to.

The next amendment was, on page 41, line 16, after the word "dollars," to insert:

Provided, That the Commissioners of the District are hereby empowered to authorize the erection and use of poles for telephone and other purposes in the public streets, avenues, and roadways of the District of Columbia outside of the city of Washington, and the permits for this purpose heretofore granted are hereby ratified: *Provided, however*, That all such poles so erected shall be subject to use by the said District for the stringing of wires thereon to be used for fire-alarm and police purposes without any charge therefor to the said District, such privileges as may be granted hereunder to be revocable at the will of Congress without compensation: *Provided further*, That all poles so erected shall be located and constructed in such manner as the Commissioners of the District shall prescribe, but in any case the Commissioners shall require all electric-light wires or power wires to be carried in underground conduits when the same shall cross any street, avenue, or roadway.

Mr. HANSBROUGH. I make a point of order against the amendment just read. It is clearly general legislation, and gives extraordinary powers to an executive department.

Mr. HILL. It was put on by the committee, was it not? The point of order can not lie, then.

Mr. TELLER. I did not hear what the Senator from New York said.

Mr. HILL. I said that against an amendment which was put on by the Committee on Appropriations the point of order does not lie.

Mr. GALLINGER. Oh, yes; it does.

Mr. TELLER. I do not know about that.

Mr. GALLINGER. Of course it does.

Mr. TELLER. The committee can not put everything on. I suppose the committee can not put on general legislation nor a claim. I am myself inclined to think that the amendment is general legislation.

Mr. COCKRELL. There is not any doubt about it.

The PRESIDING OFFICER. Objection being made, the Chair holds that the amendment is objectionable under the rule. The proviso will be stricken out.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, on page 42, after line 8, to strike out:

That from and after the passage of this act it shall be unlawful for any person or any telephone company doing business in the District of Columbia to charge or receive more than $50 per annum for the use of a telephone on a separate wire; $40 for each telephone, there being not more than two on a wire; $30 for each telephone, there being not more than three on a wire, and $25 for each telephone, there being four or more on the same wire.

The amendment was agreed to.

The next amendment was, on page 43, after line 17, to insert:

For incinerating all combustible waste collected in the District of Columbia and delivered at the furnaces, $15,000: *Provided*, That said Commissioners may, on and after the passage of this act, enter into contract, after due advertisement as required by law, under such regulations and specifications as they may establish, for incinerating such combustible waste for a period not exceeding four years, to terminate June 30, 1900: *Provided further*, That said Commissioners are hereby authorized to make necessary regulations for the collection, transportation, and delivery of such refuse in the District of Columbia, and to annex to said regulations such penalties as will enable them to secure the enforcement thereof.

The amendment was agreed to.

The next amendment was, on page 44, line 10, under the head of "Health office," to increase the appropriation for the prevention of the spread of scarlet fever and diphtheria in the District of Columbia from $5,000 to $8,000.

The amendment was agreed to.

The next amendment was, on page 45, line 2, after the word "dollars," to insert:

Provided, That the United States marshal shall hereafter be entitled to receive the same fees for the service of process in all matters of condemnation of land as he is allowed by law in other cases.

So as to make the clause read:

Miscellaneous: For United States marshal's fees, $1,400: *Provided*, That the United States marshal shall hereafter be entitled to receive the same fees for the service of process in all matters of condemnation of land as he is allowed by law in other cases.

Mr. HANSBROUGH. I make the point of order against this amendment also. I think Congress has passed a bill providing salaries for United States marshals. This is clearly out of order.

Mr. TELLER. I suggest to the Senator that the bill to which he refers does not include the marshal of this District. The marshal here still gets fees.

Mr. HANSBROUGH. Does it not include all United States marshals?

Mr. TELLER. No; the exception is here in this District. We made an exception because the marshal of this District performs not only the duties of United States marshal, but the duties of sheriff as well.

The PRESIDING OFFICER. Does the Senator from North Dakota insist upon his point of order?

Mr. HANSBROUGH. I was not aware of that fact. I withdraw the point of order.

The PRESIDING OFFICER. The point of order is withdrawn. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 45, line 6, under the head of "Courts," to increase the appropriation for witness fees from $6,000 to $7,000.

The amendment was agreed to.

The next amendment was, on page 45, line 8, after the word "furniture," to insert "and replacing the same"; so as to make the clause read:

For repairs to police-court furniture and replacing same, $200.

The amendment was agreed to.

The reading of the bill was continued to line 23 on page 45.

Mr. TELLER. I desire to go back to the amendment near the top of page 45. The Senator from Illinois [Mr. CULLOM] calls my attention to the fact that finally we did not leave the marshal for this District out of the bill, but put him in. We left out the district attorney of this District and we gave the marshal a salary. My recollection is that there was some controversy about it. I want to correct the statement I made. The marshal is now a salaried officer of this District.

Mr. CULLOM. The salary was fixed at $5,500.

Mr. HANSBROUGH. Then I renew the point of order.

Mr. TELLER. The proviso first agreed to was put in the bill pending the question as to what would be done with the marshal.

Mr. PLATT. It was not in the bill as it passed the Senate, I think.

Mr. CULLOM. Yes.

Mr. TELLER. The Senator from Illinois has the bill as it was finally agreed upon.

Mr. CULLOM. There was a good deal of controversy in the conference committee of the two Houses on that bill in reference to the district attorney and marshal for the District of Columbia. It was finally agreed that the district attorney should be taken out of the operation of the bill, but as to the marshal the amount of his salary was fixed at $5,500 instead of a statutory limitation as heretofore.

Mr. GORMAN. Then the proviso at the top of page 45 ought to go out.

Mr. CULLOM. Yes.

Mr. TELLER. I move to reconsider the vote by which the amendment was adopted, so that the amendment may be disagreed to.

The PRESIDING OFFICER. The Senator from Colorado moves to reconsider the vote by which the proviso at the top of page 45 was agreed to. The amendment will be read.

The Secretary read as follows:

Provided, That the United States marshal shall hereafter be entitled to receive the same fees for the service of process in all matters of condemnation of land as he is allowed by law in other cases.

The motion to reconsider was agreed to.

Mr. TELLER. Now, I ask that the amendment may be disagreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GORMAN. It goes out on the point of order, I understand. It is new legislation.

Mr. CULLOM. If it goes out on a point of order, there is no question before the Senate.

The PRESIDING OFFICER. Does the Senator from North Dakota insist on his point of order?

Mr. HANSBROUGH. I do.

The PRESIDING OFFICER. The Chair holds that the point of order is well taken, and the proviso is stricken out.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 47, line 1, after the word "dollars," to insert "to be expended under the direction of the Attorney-General"; so as to make the clause read:

Court-house, District of Columbia: For the following force necessary for the care and protection of the court-house in the District of Columbia, under the direction of the United States marshal of the District of Columbia: One engineer, $1,200; three watchmen, at $720 each; three firemen, at $720 each; five laborers, at $480 each; and seven assistant messengers, at $720 each; in all, $12,900, to be expended under the direction of the Attorney-General.

The amendment was agreed to.

The next amendment was, on page 47, after line 2, to insert:

Jail grounds, District of Columbia: For the erection, under the direction of the Attorney-General, of a brick or stone wall to inclose the grounds upon which the jail in the District of Columbia now stands, including the purchase of material and the employment of such skilled and other labor as may be necessary for the purpose, $20,000.

The amendment was agreed to.

The next amendment was, on page 47, line 11, after the words "District of Columbia," to strike out "$1,800" and insert "$2,000, to be expended under the direction of the Attorney-General"; so as to make the clause read:

Warden of the jail: For warden of the jail of the District of Columbia, $2,000, to be expended under the direction of the Attorney-General.

Mr. PLATT. What does this amendment mean? As it read in the bill originally it was "For warden of the jail of the District of Columbia, $1,800." The amendment is to strike out "$1,800" and to insert "$2,000, to be expended under the direction of the Attorney-General." I should like to know just what that means.

Mr. TELLER. The jail and its expenditures have been under the superintendence or direction of the Department of Justice, and this is simply what the present law is, except that the salary of the warden has been raised.

Mr. PLATT. It reads as if the warden of the jail of the District of Columbia had to expend his salary for something.

Mr. TELLER. That is exactly what the present law is.

Mr. PLATT. It is not what is intended to be paid under——

Mr. TELLER. It is simply intended that he shall be paid through the Department of Justice. That is all there is to it. He has to be paid through some Department. Somebody has to get the money out of the Treasury.

Mr. PLATT. It seems to me the word "expended" is a very peculiar word to use in that connection.

Mr. TELLER. That is the present law, and under the conservatism that governs the committee we have not changed it.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 48, line 2, before the word "overseers," to strike out "five" and insert "six"; in line 4, after the word "dollars," to insert "night watchman, $548; carpenter, $600"; and in line 15, before the word "dollars," to strike out "fourteen thousand four hundred and fifteen" and insert "sixteen thousand one hundred and sixty-three"; so as to make the clause read:

For Washington Asylum: For intendant, $1,200; matron, $900; visiting physician, $1,080; resident physician, $480; clerk, $720; clerk, $900; baker, $420; overseer, $900; six overseers, at $600 each; engineer, $900; assistant engineer, $600; second assistant engineer, $300; night watchman, $548; carpenter, $600; five watchmen, at $365 each; blacksmith, $300; hostler and ambulance driver, $240; female keeper at workhouse, $300; female keeper at workhouse, $180; four cooks, at $120 each; two cooks, at $60 each; trained nurse, $420; five nurses, at $60 each; in all, $16,163.

Mr. SHERMAN. I call the attention of the Senator from Colorado to the provision fixing the salaries of five nurses at $60 each. Is it $60 monthly? Certainly it is inadequate if those are annual salaries. The others are annual salaries. It does not say that these are monthly salaries. Sixty dollars per nurse a year would be inadequate.

Mr. TELLER. These are people who are receiving training for the purpose of becoming nurses.

Mr. SHERMAN. "Two cooks at $60 each." Is that an annual salary or monthly salary?

Mr. TELLER. An annual salary.

Mr. SHERMAN. It seems to me it is totally inadequate.

Mr. TELLER. These are the people who are living in the asylum and who are allowed something for the service they render besides their board and home. The nurses are people who are being trained for some form of service. The provision comes to us from the House in that form. That is the way we understand it.

Mr. ALLISON. They can be taken from the inmates as well.

Mr. TELLER. They may be inmates.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 48, after line 21, to insert:

For painting and repairs of almshouse and workhouse, $1,500.

The amendment was agreed to.

The next amendment was, on page 49, line 8, before the word "dollars," to strike out "four thousand seven hundred" and insert "five thousand and forty"; so as to read:

For Reform School: For superintendent, $1,500; assistant superintendent, $900; teachers and assistant teachers, $5,040.

The amendment was agreed to.

The next amendment was, under the head of "Reform School," to increase the total appropriation for salaries from $15,902 to $16,240.

The amendment was agreed to.

The next amendment was, on page 50, after line 10, to insert:

For new bake oven, including brick building for same, $2,600.

The amendment was agreed to.

The next amendment was, under the head of "For charities," on page 51, after line 3, to strike out:

For the relief and care of the poor and destitute, and for such charitable and reformatory work, and such care and medical and surgical treatment of poor and destitute patients in the District of Columbia as have been heretofore usually provided for by direct appropriations to private institutions, and as the District Commissioners may deem necessary, the sum of $94,700, to be expended under the direction of said Commissioners, either under contract with responsible and competent persons or institutions or by employing for the purpose the public institutions or agencies of said District, where practicable: *Provided*, That no such contract shall extend beyond the 30th day of June, 1897, and that no payment shall be made under any such contract except for service actually rendered, for which compensation shall be provided in said contract; and that said Commissioners shall report to Congress on or before the first Monday of December in each year a detailed statement of their expenditures theretofore made under this appropriation, and of all contracts made by them hereunder, giving the names of the persons and institutions contracted with, and stating what further expenditures will be required thereunder: *And provided further*, That no part of the money herein appropriated shall be paid for the purpose of maintaining or aiding, by payment for services or expenses, or otherwise, any church or religious denomination, or any institution or society which is under sectarian or ecclesiastical control.

And insert:

For relief of the poor, $13,000.

For Temporary Home for ex-Union Soldiers and Sailors, Grand Army of the Republic, $2,500.

For the Women's Christian Association, maintenance, $4,000.

For Central Dispensary and Emergency Hospital, maintenance, $15,000.

For Children's Hospital, maintenance, $10,000.

For the National Homeopathic Hospital Association of Washington, D. C., for maintenance, $8,500.

For the Washington Hospital for Foundlings, maintenance, $6,000.

For the Church Orphanage Association of St. John's Parish, maintenance, $1,800.

For the German Orphan Asylum, maintenance, $1,800.

For the National Association for the Relief of Destitute Colored Women and Children, maintenance, including repairs, $9,900.

For St. Ann's Infant Asylum, maintenance, $5,400.

For Association for Works of Mercy, maintenance, $1,800.

For House of the Good Shepherd, maintenance, $2,700.

For the St. Rose Industrial School, maintenance, $4,500.

For St. Joseph's Asylum, maintenance, $1,800.

For Young Women's Christian Home, $1,000.

For Hope and Help Mission, maintenance, $1,000.

For Newsboys' and Children's Aid Society, maintenance, $1,000.

For Eastern Dispensary, maintenance, $1,000.

For Washington Home for Incurables, maintenance, $2,000.

Mr. HILL. I said that against an amendment which was reported by the Committee on Appropriations the point of order does not lie.

Mr. GALLINGER. Oh, yes; it does.

think.

Mr. CULLOM. Yes.

out "fourteen thousand four hundred and fifteen" and insert "six-

For Washington Home for Incurables, [illegible]

Mr. PLATT. I should like to have from the committee some explanation of this amendment and of the subsequent amendment to be found on page 57, for the appointment of a joint select committee. Before the Senator from Colorado [Mr. TELLER] replies, I should like to say with regard to it that I think it would be very much better to leave this matter as the House fixed it. I do not want to go into a discussion of the subject, but I think I am permitted under the rules to say that this provision was not adopted in the other House without discussion, and that the House came to this conclusion, and it seems to have been, as the bill comes to us from the House of Representatives, a settlement of a much-discussed, not to say vexed, question. It seems to me that the amendment proposed by the committee leaves the whole question open for future discussion, and that it would have been better for the Senate committee to accept the bill as it came from the other House, which, I am permitted under the rules to say, was the deliberate conclusion of the House and made a settlement of this matter, and not to leave it open to disturb future Congresses.

The exact point to which I wish to call attention as showing that the whole subject is left open, that nothing is settled about it by the amendment as proposed by the committee of the Senate, is this: The House provided for the appropriation of a round sum of $94,700 to be expended under the direction of the Commissioners under contract with the respective competent persons or institutions or by employing for the purpose the public institutions or agencies of the District where practicable. Then it was provided—

That no part of the money herein appropriated shall be paid for the purpose of maintaining or aiding, by payment for services or expenses, or otherwise, any church or religious denomination, or any institution or society which is under sectarian or ecclesiastical control.

The Senate committee in its proviso on page 54 adopts a part of the House proviso, but it declines to adopt what may be said to be the essential part of the proviso and the one upon which all the controversy has been raised. It provides—

That no part of the money herein appropriated for charities shall be paid for the purpose of maintaining or aiding, by payment for services or expenses or otherwise, any church or religious denomination.

It does not provide that the money shall not be expended for aiding, by payment for services or expenses or otherwise, any institution or society which is under sectarian or ecclesiastical control. It leaves the whole question open and just where it was before the discussion in the House and the adoption of the House provision. The amendment for a joint select committee amounts to nothing as affecting the question with respect to what is to be the policy of Congress in this respect.

I do not wish to go into any lengthy discussion of the question of the appropriation of money in aid of sectarian or denominational charitable institutions. The matter has been very thoroughly and fully discussed not only in the other branch of Congress, but throughout the country, and I believe that the better sentiment of this country is that governments, State or national, ought not to appropriate money to be paid out of State or national treasury in aid of private charitable institutions, whether sectarian or denominational or otherwise. But the practice of aiding them has grown up in the District of Columbia and has been increasing all the while, so much so that when charitably inclined persons think there is room for another charitable institution here they immediately proceed to organize it upon the expectation that they are to come to Congress for an appropriation to aid them in carrying it on.

I think that is all wrong. These views of mine are not recently formed views. I introduced a petition, I think three Congresses ago, for the adoption of an amendment to the Constitution of the United States prohibiting the appropriation of money for any sectarian or denominational purposes or aiding any sectarian or denominational institution. I believe such a clause is to be found in the constitutions of nearly half of the States in the Union. I believe that at the present day, without any reference to religious ideas or religious tests or anything of that sort, it is the well-settled opinion of a great majority of the people of the United States.

The reason why I think the amendment of the Senate committee had better not have been proposed is that, so far as the District of Columbia is concerned, the provision of the bill as it came from the House would settle it that hereafter it was to be the policy of Congress not to make appropriations for such purposes. The amendment opens the whole question again to discussion, and I regret that it should have been proposed by the committee. I wish it to be understood that my vote is to be in opposition to the committee amendment.

Mr. TELLER. Mr. President, the committee found some difficulty in dealing with this question as it came to the Senate from the other House. The House provision was exceedingly sweeping; and it was pretty certain that, without amendment, it could not be carried out without injustice to some of the institutions which we have relied upon here for charitable work. A majority of the committee concluded that it was best to return to the system of last year, and also to provide for the commission which the Senator from Connecticut [Mr. PLATT] thinks will not amount to anything.

So far as I am concerned, I agree with the Senator that these matters should be conducted by the Government and not by private establishments. I shall myself be pleased whenever, without doing injustice to the infirm and dependent, we can adopt a system which will allow the Government to have absolute control over all the moneys that we expend for charitable purposes. I believe we might do it now, but that was not the opinion of the majority of the committee, and I think it was not the opinion of very many good people who are engaged in charitable work. They seem to think that the plan as provided for by the House would work great hardship and great injustice, and therefore the majority of the committee, as I say, resolved to take the course which has been taken.

Mr. PLATT. But some time this matter will have to be settled, and if it is settled in the way the House proposed to settle it, it will be said then that it works injustice and hardship. Very likely it may be hard upon some of these institutions which have been organized supposing, as a matter of course, that they would come to the Government and get an annual appropriation. I know just how charitably inclined people in the District of Columbia feel. They come to regard it as a settled matter that whenever a charitable institution is organized here Congress is going to appropriate for it. They are never satisfied with the amount. They think it ought to be more. So it is continually a cry of "give," "give" to charitable institutions. I think it is all wrong, and we had better leave it as the other House put it.

Mr. TELLER. I do not think the interest exhibited by the charitable people who came before the committee was so much in reference to the institutions or the organizations as it was to the beneficiaries. I think there was a very general feeling among the people who have been engaged in charitable work that without those agencies at this time there would be much want of efficiency in the expenditure of this money. It would not, perhaps, reach the beneficiaries as it is intended by Congress that it shall.

I admit that there was a great deal of embarrassment about the matter. I think it was much more embarrassing than the question of schools which we had up here some time ago. It seems to me that it rests on precisely the same principle, that the Government agencies should be conducted by Government agents, and that as soon as possible the Government should disconnect itself from the assistance of that class of people unless we should adopt a system such as is in vogue in some countries, particularly in Germany. There citizens volunteer to carry out the Government wish and to supervise the expenditure of the money. Under that system the very best people of Germany come to the assistance of the authorities in determining who are entitled to receive the benefits, looking up the proper cases for governmental charity, and assisting in a general way. That would not be objectionable. It is a beneficial system. If we should adopt such a system I think the Government might then avail itself of such agencies, but unless it does that, it seems to me we shall have eventually to say to the charitable institutions in the District: "The National Government must have control of all the money that it puts out, and the whole proceedings. The payment and direction and all must be under the control of the Government." But we were not fully agreed in the committee upon any method of doing that at this session, and hence we reported as the provision is found in the bill.

Mr. PEFFER. Mr. President, I think the amendment proposed by the committee ought not to be agreed to. The point made by the Senator from Colorado [Mr. TELLER] that injustice is or may be done to certain private institutions is an objection that is continually being raised in like cases. It has been raised from the beginning, and it will be raised until we have entirely done away with the whole business of pampering private institutions by public patronage. We have found the same trouble in my own State, and within the range of my limited observation the experience has been the same in other States. Persons of charitable disposition, but not of unlimited pecuniary resources, will organize a private charitable institution with the expectation of its ultimately being maintained out of the public treasury, and from year to year those institutions multiply, until finally they have become a weight, an incubus upon public treasuries.

We find that all over the country, in every State of the Union, the subject is being discussed, and perhaps more in the year 1896 than in any preceding year of our history; but that only goes to show the intensity and the extent of the feeling upon the subject which prevails among the people. I think it is time that the subject was dealt with heroically and that all appropriations for private institutions were cut off. To say that these people have had no notice that such a thing might be done is to state a purely imaginary case. We had the same thing to deal with in Kansas. The people have had the same thing to deal with in the State of Maine, in Vermont, indeed, I believe, in all of the New England States. They are now dealing with it in the State of New York. Persons who invested money in the manufacture and sale of intoxicating liquors believed their property was endangered by

reason of the enactment of prohibitory laws and the adoption of prohibitory amendments to constitutions, and hence appealed to the courts for remedy. But the courts very wisely hold that there is no remedy in such cases; that the people have all the time had notice from the beginning that the reserved rights of the people might some day be asserted to the injury of these particular individuals. So it is in this case. These private institutions which are now conducting charitable establishments have had notice from the beginning that the public rights might some day, at any time, be asserted; so that there is a constant, standing, perpetual notice. As I said in the beginning, I think it is time the subject was dealt with heroically; and I hope the amendment will not be agreed to.

Mr. GALLINGER. Mr. President, a single observation before the vote is taken. My attitude on this question is a matter of record. I believe the committee of the Senate have made a mistake in changing the provision that was incorporated in the bill by the House of Representatives. I understand that a Senator is naturally, perhaps properly, criticised if he objects to almost anything that relates to charitable work here or elsewhere, and yet back of all this, at the bottom of all this, is the principle which we have to meet in the Congress of the United States, as it is being met elsewhere.

I do not know how it may be in other States, but I know that if in the little State of New Hampshire a proposition should be made to the legislature of the State or should be presented to the common council or board of aldermen of any city of the State to appropriate money for a sectarian institution, whether its work was charitable or otherwise, it would get no support whatever, because such a proposition would be abhorrent to the sense of our people, and I think that is the growing sentiment in the country. It is the old doctrine which, as I have said before, was fought out in other countries a long time ago, which for some reason or other we have allowed to creep into our system, and which we have in some way or other to get rid of.

Now, Mr. President, I am not going to make a speech on this subject, nor am I going to give utterance to a single suggestion that is not kindly and that is not well intended, but I do hope that in some way, whether it be this year or next year or some other year, the Congress of the United States will get rid of this proposition to appropriate money for institutions, whether they are educational or charitable, that are directly under the control of any religious society, I care not whether it is the society that I chance to be connected with or otherwise. It is a principle that I have in some way imbibed, that I have such an intense belief in, that I would be doing myself an injustice if I did not on every occasion utter my protest against it; and that, Mr. President, is all I care to say to-day.

The VICE-PRESIDENT. The question is on the amendment proposed by the Committee on Appropriations.

Mr. GEORGE. Let the amendment be read.

The VICE-PRESIDENT. The amendment will be stated.

Mr. PLATT. May I inquire whether the striking out and inserting are all one amendment, that is, whether it is all one amendment from line 4, on page 51, to the end of line 22, on page 53?

The VICE-PRESIDENT. The Chair understands that it is all one amendment. The Secretary will read the amendment proposed.

The SECRETARY. The Committee on Appropriations report to strike out, beginning in line 4, on page 51, as follows:

For the relief and care of the poor and destitute, and for such charitable and reformatory work and such care and medical and surgical treatment of poor and destitute patients in the District of Columbia as have been heretofore usually provided for by direct appropriations to private institutions, and as the District Commissioners may deem necessary, the sum of $94,700, to be expended under the direction of said Commissioners, either under contract with responsible and competent persons or institutions or by employing for the purpose the public institutions or agencies of said District, where practicable: *Provided*, That no such contract shall extend beyond the 30th day of June, 1897, and that no payment shall be made under any such contract except for service actually rendered, for which compensation shall be provided in said contract; and that said Commissioners shall report to Congress on or before the first Monday of December in each year a detailed statement of their expenditures theretofore made under this appropriation, and of all contracts made by them hereunder, giving the names of the persons and institutions contracted with, and stating what further expenditures will be required thereunder: *And provided further*, That no part of the money herein appropriated shall be paid for the purpose of maintaining or aiding, by payment for services or expenses, or otherwise, any church or religious denomination, or any institution or society which is under sectarian or ecclesiastical control.

Mr. ALLISON. That is one amendment.

Mr. SHERMAN. Mr. President, I have taken a great deal of interest in many of the associations for charitable purposes named in the bill. Many of these institutions have been founded now for many years. I know that when I was a member of the other House, some forty years ago, I took a great deal of interest in the subject of the distribution of money for charitable purposes. There were in existence here then some admirable charitable institutions, all of them, I think, more or less under sectarian influence. Many of them were Catholic institutions, because a large proportion of the population of this District belonged to that church. We thoroughly examined the very question that is now before us and concluded, on the whole, that it was better to encourage the organization of these societies and to help them as we could with appropriations from time to time. That system has now grown so that Government aid is rendered to perhaps twenty or thirty institutions, and one or two of them have done a wonderful amount of good. One Catholic institution I know of myself has not only expended the money appropriated for charitable purposes carefully and judiciously, but has expended a vast amount of money contributed by charitable people in the city.

I believe in the principle which has been stated by the Senators who have already spoken, that it would be better to have this charity disbursed directly by the Government of the United States; but the Government, in order to do that, must have sites, must have buildings, and must have proper facilities for taking care of the sick and the disabled. Many persons who come to this city come in such a condition that they must be sent immediately to some charitable hospital, some place where they can be cared for, generally by women who are employed at very small wages to take care of them. These institutions, as a rule, are conducted with great economy.

It seems to me, before we break down this system, we ought to provide another to take its place. Neither this District nor the Government of the United States has any buildings to which persons can be sent, and the District or the General Government ought to be in possession of such buildings before we undertake to distribute these small charities, and to take care of persons who are sick or diseased or poor or needy. We are in no condition to do it. Therefore it seems to me that the proposition made by the committee of the Senate is a wise one. I think that we had better postpone the matter of organizing these charities, and not turn them over to the Commissioners of the District, who are men actively employed, with plenty to do to manage the affairs which properly come under their control. They are generally prominent citizens, and they have not the time, they have not the opportunity, nor have they the means to find shelter and support so as to care for and aid and supply with medicine and surgical assistance the poor and the feeble in this District. So it seems to me we ought not to strike down the system which has been built up for thirty or forty years until we have provided another.

I should be willing to appropriate large sums of money for buildings for the use of charitable institutions here, and we ought to have them here in this city, as nearly all cities have them, and have them under the control of the Government, but until we provide the buildings and the other necessary means of organization to distribute the money that we are willing to appropriate, we ought not to change the present system.

So far as I am concerned, I make no distinction between one branch of religion and another. Any religion is better than no religion, and I have confidence in any form of religious worship which requires of its adherents obedience to Almighty God, and any form of religious worship which recognizes the general theories of the Bible I believe to be good. When organizations of this kind have been built up by charitable and religious people, and they have contributed their funds to erect buildings and have been encouraged by the annual appropriations of Congress now for more than forty years, this aid should not be suddenly cut off from them. It should only be done after the Government has prepared itself to deal charitably and kindly and well with the poor, the sick, the feeble, and the needy.

I therefore am of opinion that the conclusion arrived at by the Committee on Appropriations on this bill is a wise one. They simply postpone this matter and direct an inquiry. It seems to me that is the best thing to be done. The provision made here is as follows:

That a joint select committee is hereby authorized, to consist of three Senators to be appointed by the presiding officer of the Senate and three Members of the House of Representatives to be appointed by the Speaker of the House, which select committee shall make investigation of the charities and reformatory institutions of the District of Columbia, and especially of those for which appropriations are made by this act, as respects their relations to the government of the District of Columbia and to the United States, whether by special charter or otherwise, their efficiency, their management and resources, etc.

Is it not better that representatives from the two Houses of Congress should take this matter up carefully and see whether or not any of these institutions can be purchased or new buildings can be erected for the purpose of taking care of the feeble and the sick who happen to be here in the city of Washington? In a population now of over 300,000 there will always be a certain proportion in trouble who ought to be cared for, and it seems to me we ought not to dispense with the provisions already made for their care until we find some better plan than is proposed in the House proposition to turn all the sick and feeble and indigent and careless, and perhaps reckless, people over to the District Commissioners—three men who have plenty of business to attend to without this. They are not in a condition to deal with, and they are not able to deal with, this question. I would rather take three, four, five, or six women to manage this matter of looking after the poor and the suffering than all the men who are likely to

be Commissioners of the District of Columbia. A matter of this kind ought to be turned over to the kindly charity of good people, and the committee here provided for might, no doubt, examine into the condition of the various institutions which are now used and aided by us by the appropriation of money, and make proper arrangements. Some of the institutions, probably, are not well prepared for this work, and they might be dropped from the list, but until the Government does provide some means of taking care of the poor people we ought not to disturb the present arrangement.

I remember, among others, that Thaddeus Stevens, who was supposed to be a stern, unyielding man, bitter in his hatreds and warm in his friendships, took the greatest possible interest in the charitable institutions here, and went around among them one after another in order to find out how they were conducted. During his lifetime he did all he could to maintain them, although he was regarded as a cynical old bachelor, and everybody, except those who knew him intimately, thought he had no heart. That is the way I would deal with this question. Let a committee be appointed; let them go and examine these institutions and see how the poor and the sick are cared for, and if they can find a better way let them report to the next session of Congress. But to stop suddenly all the appropriations made for this purpose and to turn the entire matter over to the Commissioners of the District, who are overworked, does not seem to me wise, and therefore I shall vote to support the proposition made by the Committee on Appropriations.

Mr. PEFFER. Mr. President, I think, under the provision of the bill as it came from the House of Representatives, that which the Senate committee proposes to strike out provides for all that the Senator from Ohio has in contemplation.

Mr. SHERMAN. It turns the matter over to the District Commissioners.

Mr. PEFFER. The provision reads in this way:

For the relief and care of the poor and destitute, and for such charitable and reformatory work, and such care and medical and surgical treatment of poor and destitute patients in the District of Columbia as have been heretofore usually provided for by direct appropriations to private institutions, and as the District Commissioners may deem necessary, the sum of $94,700, to be expended under the direction of said Commissioners, either under contract with responsible and competent persons or institutions or by employing for the purpose the public institutions or agencies of said District, where practicable.

I have been reading the first part of the paragraph, beginning at line 4, on page 51, which proposes to leave the entire subject under the control and subject to the discrimination and management of the Commissioners of the District of Columbia, that they may, in their discretion, provide for by contract with private institutions or with public institutions, whichever in their judgment may be necessary.

In connection with that I do not see why the commission the Senator speaks of may not be appointed, and why it is not a good suggestion; but, at the same time, I think all that is required for the present situation is provided for in the language which I have read; and I think it is an excellent way of taking the preliminary steps to get rid of this troublesome question.

Mr. SHERMAN. What the Senator has read only shows that what I said was correct, that it is proposed by the bill as it came from the House for a single year to confer this power upon the District Commissioners. They having no care now of this matter, are to be suddenly called upon to take this duty for one year, and it provides that only for one year shall they have this charge. What is to be done after that? It seems to me the District Commissioners are not the proper persons to do it. I would rather for this purpose take any one or any dozen or any thirty of the charitable institutions which are referred to in this bill as the beneficiaries of the bounty of the people of the United States. The money has been fairly distributed among these various organizations which now exist, including almost every denomination, from the largest to the smallest. I had rather leave the expenditure of the money to the judgment and kindness and good feeling of the people who manage these institutions than to turn it over to the overworked Commissioners of the District of Columbia as an experiment for one year, disturbing all the appropriations which have been made, all the arrangements, and all the precautions which have heretofore been adopted in the management of the various associations mentioned in the bill.

Mr. TELLER. Let the question be first put on striking out what the Secretary has read.

The VICE-PRESIDENT. The Chair will submit the motion to strike out the portion of the bill which has been read by the Secretary.

Mr. GORMAN. Does that embrace all the charities?

Mr. PEFFER. The question is on agreeing to the amendment, is it not?

Mr. SHERMAN. The question is to be taken on agreeing to the entire amendment.

The VICE-PRESIDENT. The Chair will submit first, as suggested by the Senator from Colorado [Mr. TELLER], the motion to strike out what has been read by the Secretary.

Mr. GORMAN. I suggest to the Senator that it is practically all one amendment.

Mr. TELLER. It is not. If we strike out what has been read, I suppose there will be no objection to the words in italics; and if we refuse to strike out, of course the words in italics must go out of the bill.

Mr. SHERMAN. The question ought to be on agreeing to the amendment proposed by the committee, striking out and inserting, and it ought to be taken as one question.

Mr. TELLER. Very well.

Mr. GORMAN. I trust by unanimous consent that that may be done, because the whole scheme of charities is involved.

The VICE-PRESIDENT. The Chair will submit the entire motion to strike out and insert.

Mr. ALLISON. I understand the Chair to state that the question is to strike out what has been read and insert what is proposed on pages 52 and 53, down to line 22.

Mr. PLATT. That is it.

Mr. GORMAN. That will embrace the whole subject.

I desire to say, Mr. President, only a word in addition to what has been so well said by the distinguished Senator from Ohio [Mr. SHERMAN]. The system of charities in the District of Columbia has grown up from time to time, and appropriations have been made, until four years ago we authorized the appointment of a superintendent of charities. The work of that officer has very much simplified the system and has corrected many abuses, until the result was reached last year of making provisions somewhat similar to those contained in these amendments, making an absolutely fair distribution of the amounts appropriated by Congress, from which excellent results have been obtained. There may be, and there possibly are, improvements yet to be made, all of which can be ascertained and reported upon by the joint select committee which is proposed in this bill. I trust that the amendment recommended by the committee will be adopted.

Mr. GEORGE. Mr. President, I do not desire to argue this proposition, but for fear that the yeas and nays may not be called, so that I may not go on record as I stand, I simply desire to say that I am opposed to the amendment, and opposed to any provision of law by which public money is appropriated for sectarian purposes of any character whatever.

Mr. COCKRELL. Mr. President, I want to say that I indorse the last sentiment which the distinguished Senator from Mississippi [Mr. GEORGE] has uttered, yet that drives me irresistibly to support this amendment. I do not believe in appropriations for sectarian purposes. We have further in this amendment a clause which distinctly announces that doctrine:

Provided, That no part of the money herein appropriated for charities shall be paid for the purpose of maintaining or aiding, by payment for services or expenses or otherwise, any church or religious denomination.

Not a dollar under that provision can go to any church or religious denomination for its support. We simply put in the hands of certain charitable organizations under religious and denominational control a certain sum of money, which they may expend in relieving humanity, and not in promoting and building up their denominational principles. That is all there is about it, Mr. President. You can not make anything else out of it. It is for the relief of human suffering, of humanity, through the instrumentality of these religious organizations, and not for the purpose of building them up nor for the purpose of promoting their denominational or ecclesiastical or religious views.

Mr. JONES of Arkansas. There being no other way to do it.

Mr. COCKRELL. Why do we do this? Because the bill as it came from the House is simply impossible of execution. We have no alternative, in my judgment, left us. Let us see where Senators who insist upon this House provision would leave the charities of the national capital. What does the bill say?

The sum of $94,700—

For what?—

for the relief and care of the poor and destitute, and for such charitable and reformatory work, and such care and medical and surgical treatment of poor and destitute patients in the District of Columbia as have been heretofore usually provided for by direct appropriations to private institutions, and as the District Commissioners may deem necessary, to be expended under the direction of said Commissioners—

How?—

either under contract with responsible and competent persons or institutions or by employing for the purpose the public institutions or agencies of said District, where practicable.

Every Senator knows as well as he knows his existence that there are not in this District public institutions or agencies which can provide for the unfortunate. No Senator dare say upon this floor that there are public institutions or agencies here, created either by the District of Columbia or by the Government of the United States, sufficient to care for the suffering, the poor, the

destitute, the sick, the wounded, the disabled. No one can pretend to make that proposition. Then, how must it be done? By contract! Now, think of the ridiculous absurdity of making contracts for the distribution of charity. Contract with a hospital for the treatment of patients! How could you make such a thing as a contract with the Emergency Hospital here, where people are taken—some with a finger cut off, some with a little bruise, some with a terrible wound that will require medical and surgical aid for hours and hours at a time—how are you going to make a contract for those cases? Think of it! An absolute contract having to be made for every act of charity and mercy performed in the District of Columbia. Yet Senators want that provision retained in the bill.

Mr. GRAY. And advertise for the lowest bidder.

Mr. COCKRELL. Yes; and advertise for the lowest bidder for the dispensation of charities and mercies and blessings!

And no such contract—

Mark you—

shall extend beyond the 30th day of June, 1897—

Here is a further restriction—

and that no payment shall be made under any such contract except for service actually rendered, for which compensation shall be provided in said contract.

I should like some Senator to draw a contract which would enable the Emergency Hospital to secure compensation for every little aid that it renders. Human ingenuity could not possibly provide a contract for this kind of a surgical operation, and for this kind of a dose of medicine to a sick child who may be brought there by its poverty-stricken mother. And yet not a dollar is to be paid unless it was specifically stated in the contract in advance, and then the contract price charged. No, no, Mr. President, this House provision is utterly impracticable of execution. You had better withhold your $94,700; better keep it and not give a dollar of it, because it can not be used if this provision is to be carried out.

What have we done, Mr. President? We have done the only thing which was left us to do. What is that? We have simply restored the charities as they have been for years, and we have put in the provision that not a dollar of this money shall be used for the purpose of building up or maintaining any church or religious denomination; and, therefore, it shall only be used for charitable and beneficent purposes. Then, we have provided a joint committee of Senators and Representatives, three of whom are to be appointed by the presiding officer of the Senate and three by the Speaker of the House of Representatives. They are to investigate the whole field of charities in the District, and report at the next session of Congress the system and the means which Congress ought to adopt in order to afford the relief which our laws, our institutions, and our holy religion require at our hands.

Mr. GALLINGER. Mr. President, I think the Senator from Missouri, in his honest zeal in this matter, has somewhat overstated, to say the least, the situation. I do not suppose there is a Senator in this Chamber who desires that in dealing with the hospitals of the city of Washington the principle which the Senator says we advocate should be applied. If the Senate committee had eliminated or had individualized the hospitals and provided in the amendment that they should have a direct appropriation, and then should have allowed the House provision to stand so far as the sectarian institutions are concerned, it would have received my most cordial approbation and support.

Of course we can not make a contract with the Emergency Hospital; but I will call the attention of the Senator from Missouri to the fact that when, on a former occasion, I made the suggestion concerning Providence Hospital, in the city of Washington, I was met with the statement that we did make a contract with that hospital for the performance of a certain duty, for which they received a specified sum. I think the District Commissioners can properly make contracts, if there is no better way, for the care of the indigent poor of the city of Washington. At the same time, I should deal differently with the established hospitals of the city; and I have never yet found anybody to object to the appropriation of public funds to aid in the charitable work which is carried on in great public hospitals. It is done all over the country, and nobody objects. The hospitals are not connected with religious institutions; they are not sectarian; they are managed for the alleviation of human suffering and the good of the general public. The cities make appropriations, and I think in some instances the States, for great public hospitals, and that policy receives the support and the approval of everybody. The States make contracts with hospitals, as the Senator from Connecticut [Mr. PLATT] says, and correctly says.

Mr. President, I have not called attention to any one of these institutions. In whatever I have said in the Senate during the present Congress I have never mentioned the name of a church. Those who have, as I think, sometimes unfairly attempted to put us in what I believe would be a false position have named certain religious bodies and said that we were endeavoring to discriminate against a particular religious organization. I have no such feeling myself. Whatever my faults may be, I am not so narrow as to desire to do an injustice, to cast a vote, or to put in the way of any religious association or organization one single particle of an obstacle to operate against their carrying out their benevolent and charitable purposes. I have no such feeling as that, and I hope I may never become so warped as to cast a vote or utter a word in that direction.

But there are in this list certain institutions that are manifestly sectarian. I will not name them. Senators can read them for themselves. The Senator from Ohio says that these institutions are managed by all the religious denominations of the country. That is not true. The Senator was mistaken about that, but I am not going to discuss that feature of the case.

Mr. President, I have said more than I intended to say on this subject. I would be very glad, indeed, to have, even though it be an experiment, the proposition that the House of Representatives put in the bill tested for one year, and see if we can not dispense the funds that we vote here for charitable purposes to better advantage than we have been doing in the past. If it should fail, then we could devise some better plan than is incorporated in the provision that comes to us from the House of Representatives.

It occurs to me that the very fact that the Senate committee proposes an investigation of the subject is a concession that we have been going possibly in the wrong direction in appropriating public funds for purposes of this kind. If the amendment suggested by the Senate committee shall go in the bill, as I presume it will, then I shall certainly hope that the other amendment providing for an investigation of this matter will likewise go in the bill, because I think it will be well for us to see what a joint select committee will say to the Congress of the United States on this great question, for it is a great question.

I would be one of the last men in this body to do any harm to any poor waif or any suffering child or man or woman in the District of Columbia who needed the beneficence of individuals or of the Government to relieve human suffering. But, Mr. President, I have been brought up in an atmosphere where the churches take care of their poor; where they do not go either to the cities or to the treasury of the States; and they ought not to come to the Treasury of the National Government to ask for public funds to help them carry on their charitable work. I know of no reason why the State of New Hampshire or any other State of the American Union should be taxed for the purpose of helping religious organizations and ecclesiastical concerns to carry on work of any kind, whether it is charitable or otherwise.

The VICE-PRESIDENT. The question is on the amendment of the committee. The amendment will be stated.

The SECRETARY. It is proposed to strike out all of the bill after the word "charities," in line 3, page 51, down to and including line 5, on page 52, and insert from line 6, on page 52, to line 22, on page 53.

Mr. PLATT. I ask that the vote may be taken by yeas and nays.

The yeas and nays were ordered.

Mr. ALLISON. Mr. President, before the vote is taken, as the yeas and nays have been ordered, I think I should say one word in addition to what has already been said respecting these charities.

It was the disposition, so far as I know, of the Committee on Appropriations to meet as far as practicable the views of the House of Representatives as presented by the paragraph in the bill as it came to us, but it seemed to the committee impracticable to execute the provisions in such a way as not to cripple many of the most worthy and necessary charities in this District. For example, the first paragraph in the amendment proposed to be inserted is "For relief of the poor, $13,000." It will be remembered that the provision as it came to us from the other House came in a lump sum of $94,700, which absolutely embraces every item contained in the details of the Senate committee's amendment. It was said to us in explanation of the provision as it came to us from the other House that it was intended to provide for these charities as they now exist. It was contended by some of those who advocated the appropriation of a lump sum that in fact there was embraced in the detailed statement but one single charity that was under religious or ecclesiastical control. So it was claimed for the House provision that there would be under it no material change in the management of these charities.

The first question that confronted the Committee on Appropriations was, if that be true, how could the money be expended under the House provisions? The first item to be provided for is "For relief of the poor, $13,000." This is and has been for many years a pressing charity, or what is called an emergency appropriation, distributed usually in the late winter or spring months, in the discretion of the Commissioners, for the relief of those people of the District who are found by press of necessity at the close of winter or during the extreme cold weather to be in need of immediate relief.

The next item is "For Temporary Home for ex-Union Soldiers and Sailors, Grand Army of the Republic, $2,500." That is an

appropriation which has been made for a great many years to that worthy organization in this District, who by personal contributions of their own, by the Grand Army posts of this District, and by this little aid given to them are enabled to take care of the veterans of the Republic who, owing to one cause or another, find themselves stranded in this city.

The fourth item is "For Central Dispensary and Emergency Hospital, maintenance, $15,000." That hospital is well known to the members of the Senate to be one of the most important and necessary hospitals in the city. It is under the direction of many of our best citizens. It was erected at a cost of several thousand dollars by contributions from distinguished people of this city who had the means to contribute to it; and each year from their private resources, as I remember now, speaking without having the figures before me, they contribute from fifteen to twenty thousand dollars for the maintenance of this dispensary and Emergency Hospital. The demands upon the hospital are so great that some years ago we were appealed to by those then in control to provide from the Treasury of the United States a small appropriation for the purpose of aiding them. The first appropriation, I think, was $10,000. Later on it was increased to $15,000.

I do not need to enumerate these several items in detail further than I have gone to show the character of some of the institutions which are the recipients of these appropriations. When you turn, in the light of these facts, to the provision of the bill as it passed the House, you will find that this sum is "to be expended under the direction of said Commissioners, either under contract with responsible and competent persons or institutions, or by employing for the purpose the public institutions or agencies of said District, where practicable." That led me and the committee to inquire what are the public agencies or institutions in this District that the Commissioners could resort to in case they found it impossible to execute these provisions under a contract. We found that there are but two. One of them is the almshouse, lying in the eastern portion of the city, and which is provided for in the present bill. I was not surprised that the Senator from Ohio rose in his place and said he noticed that one of the employees of that institution, one of its nurses, was receiving $60 per annum. He thought that must be a mistake, that it must be $60 a month. Yet the almshouse takes care of from two to three hundred of the destitute people of this District at all times. The average attendance there is from two to three hundred. I should like to have some Senator who has a carriage and rides over the fine pavements of this city visit for an hour that almshouse as I have visited it and see the character of the destitute men and women who are held there and cared for by the Commissioners of the District of Columbia under appropriations that we make. The inmates are in poverty and destitution; they are as illy prepared for all the affairs of human life as you will find the destitute in any city in the United States. Now, for one I would not desire that any greater number of destitute persons in this city who could be better cared for elsewhere, at least, should be consigned to the almshouse of the District of Columbia.

The other agency of the District of Columbia is the Freedmen's Hospital, which is familiar to Senators, and which is filled to its capacity every day and every week and every hour of the year with the destitute colored and white men and women of this city. So I find it would be impossible to execute these provisions of the House in public institutions, and therefore it would be necessary, in order that the destitute here might be cared for by somebody, that we should make some provision other than that provided by the House.

I ask the Senator from Connecticut [Mr. PLATT] to tell me how it is possible to make a contract for a destitute child or a destitute man or woman who is disabled either by the cable cars or by some accident on Pennsylvania avenue and is carried to the Emergency Hospital? A leg may be broken, an arm may be broken, or there may be some still greater injury to that person.

Mr. GRAY. Half a dozen firemen were carried there last night who were injured at the fire.

Mr. ALLISON. Yes; firemen, I am told, were carried there last night. How is it possible to make a contract for such emergencies?

Mr. PLATT. Will the Senator allow me?

Mr. ALLISON. Certainly.

Mr. PLATT. I am not familiar with this subject, but I will reply by asking the Senator another question.

Mr. ALLISON. That may furnish a good answer.

Mr. PLATT. If the $94,000 which the other House proposed to appropriate had been appropriated in that way, does the Senator believe that there would have been any failure to take care of the persons and to expend the amounts which are provided in the item in taking care of them by contract?

Mr. ALLISON. Under the provisions of the paragraph as it came to us?

Mr. PLATT. Yes; would they not have been able to make some arrangement for the expenditure of $3,500 for the Temporary Home for ex-Union Soldiers and Sailors, for instance? In other words, does the Senator understand that the word "contract" means a contract for bathing the person who happens to be sick, or anything of that sort? The idea advanced by the Senator from Missouri was that every little service must be contracted for.

Mr. ALLISON. I do not go into that.

Mr. PLATT. Is there not any other way to make a contract for the care of people who go to these hospitals? Could there not be some terms or some general arrangement by which they would all be taken care of?

Mr. ALLISON. I have been trying to show that it is impossible to make a contract with the Emergency Hospital, for which there is an appropriation of $15,000 in the amendment of the committee.

Mr. HAWLEY. I think I can suggest a way to do it, and to model every paragraph upon the idea.

Mr. ALLISON. How?

Mr. HAWLEY. To make a contract with the Central Dispensary and Emergency Hospital to go on just as they have been going on at $15,000 a year. That is a contract.

Mr. ALLISON. That would be making a contract, but it would not be making a contract such as is required by the House provision, which is "that no payment shall be made under any such contract except for service actually rendered, for which compensation shall be provided in said contract."

Mr. PLATT. I will suggest, then, if that is the only difficulty, it might very easily have been arranged by striking out so much of the House paragraph.

Mr. ALLISON. Undoubtedly; and if the paragraph is to remain in the bill I hope the Senator from Connecticut will move to so amend it as to make it effectual. I am not in controversy as respects what the Senators from Connecticut and other Senators want to accomplish, but as to what the committee has done.

Mr. HAWLEY. I do not object.

Mr. ALLISON. I understand, but other Senators object to what the committee has done, and it is for them to show some other way whereby the thousands of people who are aided somewhat by these appropriations shall be provided for. We found much difficulty as respects all these questions, and as respects the sectarian or religious control. Now, I want to ask the Senator from Connecticut another question. The committee propose to insert on page 54:

Provided, That no part of the money herein appropriated for charities shall be paid for the purpose of maintaining or aiding, by payment for services or expenses or otherwise, any church or religious denomination.

We propose to retain that provision, which is a part of the House provision proposed to be stricken out.

Mr. GALLINGER. I do not think that was ever done. Was an appropriation ever made for a church or a religious denomination?

Mr. ALLISON. In aid of it. That was the claim made before our committee.

Mr. GALLINGER. I think not.

Mr. WOLCOTT. May I ask the Senator from Iowa a question? What is the sense of leaving in the provision that none of this money shall be used as an appropriation for a church when there is no pretense in the committee amendment that it is to go for that purpose? It seems as if it was likely to befog somebody. The amendment, in fact, provides a specific appropriation for certain definite hospitals and other institutions. Then the committee has put at the end of those items a proviso that none of the appropriations shall go to support a church. I should like the chairman of the committee to explain the purpose of putting in that provision.

Mr. ALLISON. I will answer the Senator. It was said before our committee by a person who is quite reputable, I have no doubt, that it was the habit of certain of these hospitals to contribute of their own funds to the erection and maintenance of churches; that although we were giving them funds for charitable purposes they were using the aggregate of their funds by making subscriptions in aid of church government, and that the employees, the people about the institution, were aiding the church by means of their employment. So we covered that ground, or we thought we did, in order that these appropriations might be applied to the proper purposes of charity, as we propose in the bill.

Mr. WOLCOTT. Will it interrupt the Senator if I call his attention to the provision for a moment?

Mr. ALLISON. Not at all.

Mr. WOLCOTT. I still fail to understand it. These appropriations are exactly as they have been made in former years?

Mr. ALLISON. Yes, sir.

Mr. WOLCOTT. So no additional safeguard is thrown around the appropriations from the safeguard that must have been thrown around them in other years?

Mr. ALLISON. Except as I have stated.

Mr. WOLCOTT. If this amendment is to have that effect, I

should like to ask the Senator how it does it. There is certainly nothing here to prevent St. Joseph's Asylum, which gets $1,800 for maintenance, appropriating a part of it to constructing a St. Joseph's Church, if there is one. Is there such a church?

Mr. ALLISON. I do not know that there is.

Mr. WOLCOTT. I am only seeking to ascertain the purpose of putting in this clause. I do not quite see where it comes in.

Mr. ALLISON. I am stating the purpose. Whether it will be effectual for the purpose I do not know. Of course, I have my own belief that no such thing has ever been done or that no such thing is likely to be done, but in order to meet the objection which appeared elsewhere and before our committee we wished to make the provision perfectly certain or as nearly certain as we could.

Mr. President, having an imperfect knowledge as respects the organization, method, resources, and receipts of these institutions, or most of them, sympathizing with the general expression of opinion here upon the subject of dealing with charities in the District of Columbia, we thought before we undertake to make an appropriation as the Senator from Connecticut and the Senator from New Hampshire propose, and ourselves providing for the care of these destitute people, we should ascertain, in the first instance, the situation and condition of these institutions now; and therefore it was that the committee proposed the appointment of a joint select committee of six, three members of the House and three members of the Senate, to deal with the question and ascertain all the facts. I was glad to hear the Senator from Kansas say that that provision ought to be retained whether we amend the text of the bill or do not amend it. I think it should be retained. I think we should investigate the question not only of the charities which are embraced here, but the numerous charities in the District which never have received, so far as I know, or, if at all, only at widely separated intervals, any portion of the public money of the United States.

Mr. TELLER. Several of them have received nothing.

Mr. ALLISON. Several of them have received nothing. There are large charitable institutions in the District, now taking care of great numbers of people, which have never been the beneficiaries of the Government of the United States unless it has been temporarily.

The Committee on Appropriations have done the best they could with the question, with a view of eliciting the fullest information respecting it, and in the meantime doing the best possible. If the Senate can do better no one will be more contented than I.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Committee on Appropriations, on which the yeas and nays have been ordered.

Mr. CHILTON. Let the amendment be stated.

The SECRETARY. It is proposed to strike out all after the word "charities," in line 3, page 51, down to and including the word "control," in line 5, page 52, and to insert what is printed in italics after line 5, on page 52, down to and including line 22, on page 53.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. GEAR (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. GORDON]. I do not see him present; therefore I withhold my vote.

Mr. MARTIN (when his name was called). I am paired with the Senator from Montana [Mr. MANTLE]. If he were present, I should vote "yea." I do not know how he would vote, and therefore withhold my vote.

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL]. If he were present, I should vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "nay."

Mr. PROCTOR (when his name was called). I am paired with the Senator from Florida [Mr. CALL].

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. SHERMAN (when his name was called). I am paired on this vote with the Senator from Oregon [Mr. MITCHELL]. He would vote "nay," if present, and I should vote "yea."

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "nay."

Mr. WOLCOTT (when his name was called). I am paired with the Senator from Ohio [Mr. BRICE]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. McBRIDE. My colleague [Mr. MITCHELL] is absent on account of illness. He is paired with the Senator from Wisconsin [Mr. VILAS]. If my colleague were present, he would vote "nay."

Mr. HANSBROUGH. I am paired with the Senator from Illinois [Mr. PALMER]. If he were present, I should vote "yea."

Mr. SMITH. I have a general pair with the Senator from Idaho [Mr. DUBOIS]. I do not know how he would vote. If he were here, I should vote "yea."

Mr. BLACKBURN. I am advised by the Senator who has charge of the pairs on this side of the Chamber that the senior Senator from Indiana [Mr. VOORHEES] is absent without a pair. I will transfer my pair with the senior Senator from Michigan [Mr. McMILLAN] to the Senator from Indiana [Mr. VOORHEES] and vote. I vote "yea."

Mr. HILL. I am paired with the junior Senator from Massachusetts [Mr. LODGE], but I transfer my pair to the Senator from South Carolina [Mr. IRBY], who is not otherwise paired, and vote "yea."

The result was announced—yeas 35, nays 13; as follows:

YEAS—35.

Aldrich,	Carter,	Hawley,	Shoup,
Allen,	Chandler,	Hill,	Stewart,
Allison,	Cockrell,	Jones, Ark.	Teller,
Bacon,	Cullom,	Kyle,	Vest,
Bate,	Faulkner,	McBride,	Walthall,
Berry,	Gorman,	Pasco,	Wetmore,
Blackburn,	Gray,	Perkins,	White,
Caffery,	Hale,	Pettigrew,	Wilson.
Cameron,	Harris,	Rosch,	

NAYS—13.

Baker,	Chilton,	Mills,	Warren.
Brown,	Clark,	Nelson,	
Burrows,	Gallinger,	Peffer,	
Cannon,	George,	Platt,	

NOT VOTING—41.

Blanchard,	Gordon,	Mitchell, Wis.	Smith,
Brice,	Hansbrough,	Morgan,	Squire,
Butler,	Hoar,	Morrill,	Thurston,
Call,	Irby,	Murphy,	Tillman,
Daniel,	Jones, Nev.	Palmer,	Turpie,
Davis,	Lindsay,	Pritchard,	Vilas,
Dubois,	Lodge,	Proctor,	Voorhees,
Elkins,	McMillan,	Pugh,	Wolcott.
Frye,	Mantle,	Quay,	
Gear,	Martin,	Sewell,	
Gibson,	Mitchell, Oreg.	Sherman,	

So the amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 53, line 23, after the word "yard," to insert "including rent"; so as to make the clause read:

For municipal lodging house and wood and stone yard, including rent, $4,000.

The amendment was agreed to.

The next amendment was, on page 54, line 1, after the word "dollars," to insert:

For repairs to building, $5,000; in all, $25,000: *Provided*, That no part of the money herein appropriated for charities shall be paid for the purpose of maintaining or aiding, by payment for services or expenses or otherwise, any church or religious denomination.

So as to make the clause read:

For the Columbia Hospital for Women and Lying-in Asylum, maintenance, $30,000; for repairs to building, etc.

The amendment was agreed to.

Mr. TELLER. I offer an amendment to come in on page 54, after line 6.

The SECRETARY. After line 6, page 54, it is proposed to insert:

Provided, That no member or members of any board or boards of trustees or directors of any charitable institution, organization, or corporation in the District of Columbia which is supported in whole or in part by appropriations made by Congress shall engage in traffic with said institution, organization, or corporation for financial gain; and any member or members of such board of trustees or directors who shall so engage in such traffic shall be deemed now and hereafter legally disqualified for service on said board or boards.

The amendment was agreed to.

Mr. HAWLEY. I have the consent of the Senator in charge of the bill to return to page 40, and to propose again the amendment I presented concerning fire engines. I withdrew it at the time that I might get it phrased correctly and find out precisely what the Commissioners of the District recommended in their annual estimates. I have submitted the amendment to the Senator in charge of the bill. I move to add, after line 19, on page 40, the amendment I send to the desk.

The SECRETARY. After line 19, page 40, it is proposed to insert:

For two additional engines, and the lots, houses, and furniture therefor, the location thereof to be selected by the Commissioners of the District, $55,000.

Mr. HAWLEY. Perhaps I had better explain why I give that figure. The engines will cost $4,500 each, making $9,000. In the estimates of the Commissioners, careful estimates, the sum for lot, house, and furniture for an engine is fixed at $23,000. I double that, making it $46,000, and I double the cost of an engine, making $9,000, the total being $55,000, all of which is a matter of estimates governed by experience.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Connecticut [Mr. HAWLEY].

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 55, line 11, after the word "*Provided*," to strike out:

That before this appropriation shall become available the board of managers of said Industrial Home School shall transfer the control and management of said institution, with all its right, title, and interest in and to the same, to the board of children's guardians, who shall thereafter control and manage said institution as an industrial home school and for such other child-caring work as shall be approved by the Commissioners of the District of Columbia, drawing moneys for supplies and maintenance of said institution by requisition upon said Commissioners and paying over all income of said institution to the said Commissioners. Said transfer shall include a surrender of the charter and corporate franchises of said institution, and the filing of an irrevocable release and surrender of all control of the same with the said District Commissioners.

And insert:

That the board of managers of the Industrial Home School, on or before the 30th day of June, 1896, shall transfer said school to the Commissioners of the District of Columbia, and said Commissioners shall thereupon appoint a board of trustees of said school, consisting of nine members, whose terms of office shall be, for the first appointment, three members for one year, three members for two years, and three members for three years, and thereafter all appointments shall be for a term of three years, except appointments to fill out unexpired terms. The board of trustees so appointed by the Commissioners shall manage the school under such regulations as now exist or may hereafter be made by said board, subject to the approval of the Commissioners of the District of Columbia. All designations for employment in said school made by said board of trustees shall be subject to the approval of the Commissioners of the District of Columbia, and, in the event of disapproval by said Commissioners of any selection by said board of trustees, the said Commissioners shall make the appointment. All supplies for said school shall be obtained by requisition upon said Commissioners, and all moneys received at said school as income thereof from sale of products and from payments for board and instruction, or otherwise, shall be paid over to said Commissioners to be expended by them for the support of the school as herein provided: *Provided further*, That wards of the board of children's guardians committed to the Industrial Home School shall be supported by said school without charge to said board.

So as to make the clause read:

Industrial Home School: For maintenance, including repairs, $9,900: *Provided*, That the board of managers of the Industrial Home School, etc.

Mr. TELLER. I move to amend the amendment in line 3 by striking out "ninety-five" and inserting "ninety-six"; so as to read:

The 30th day of June, 1896.

The amendment to the amendment was agreed to.

Mr. TELLER. In line 25, beginning with the word "*Provided*," I move to amend the amendment by striking out the remainder of the amendment down to the word "board," in line 3, on page 57.

The SECRETARY. It is proposed, after the word "*Provided*," where it first appears in line 25, to strike out the remainder of the amendment down to and including the word "board," in line 3, page 57, as follows:

Provided further, That wards of the board of children's guardians committed to the Industrial Home School shall be supported by said school without charge to said board.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 57, after line 17, to insert:

That a joint select committee is hereby authorized, to consist of three Senators, to be appointed by the presiding officer of the Senate, and three members of the House of Representatives, to be appointed by the Speaker of the House, which select committee shall make investigation of the charities and reformatory institutions of the District of Columbia, and especially of those for which appropriations are made by this act, as respects their relations to the government of the District of Columbia and to the United States, whether by special charter or otherwise, their efficiency, their management, and resources, whether by appropriations, investments, or otherwise, and also what portion, if any, of appropriations heretofore made to them have been used for the purpose of maintaining or aiding by payment for services, expenses, or otherwise any church or religious denomination; whether such charitable or reformatory institutions are effective and economical in their organization, methods, and expenditure to provide for the poor and destitute in the District of Columbia; whether it is practicable for the Commissioners or other authority in the District to make contracts for such care of the poor and destitute with any of said institutions, and if so, which of them and to what extent.

Said committee shall make report as soon as practicable after the beginning of the next session of the present Congress, including in such report any changes by them deemed advisable as respects the methods of dealing with the charities and the reformatory institutions of said District.

Said committee is authorized to sit during the recess, to employ a clerk and stenographer, and payment for such services and the necessary expenses of the committee shall be paid out of the contingent funds of the Senate and House of Representatives jointly on the certificate of the chairman of the committee.

Mr. GALLINGER. I desire to ask the Senator in charge of the bill whether he has any objection to the insertion, in line 13, after the word "contracts," of the words "or otherwise to provide." Of course they can be dropped out in conference if it is found desirable.

Mr. TELLER. No; I have no objection to the insertion of those words.

Mr. GALLINGER. I ask that the amendment be amended in that way.

Mr. TELLER. I think that is a good suggestion.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "contracts," in line 13, it is proposed to insert "or otherwise to provide"; so as to read:

Whether it is practicable for the Commissioners or other authority in the District to make contracts or otherwise to provide for such care of the poor, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 59, line 20, under the head of "Militia for the District of Columbia," to increase the appropriation for expenses of rifle practice and matches, etc., from $2,500 to $3,500.

The amendment was agreed to.

The next amendment was, on page 59, line 25, after the word "dollars," to insert:

Provided, That hereafter all leases and contracts involving expenditures on account of the militia shall be made by the Commissioners of the District of Columbia; and appropriations for the militia shall be disbursed only upon vouchers duly authorized by the Commissioners, for which they shall be held strictly accountable;

So as to make the clause read:

For general incidental expenses of the service, $300: *Provided*, That hereafter all leases and contracts, etc.

The amendment was agreed to.

The next amendment was, on page 60, line 17, under the head of "Water department," before the word "inspectors," to strike out "six" and insert "seven"; so as to make the clause read:

For revenue and inspection branch: For chief clerk, $1,800; two clerks, at $1,400 each; two clerks, at $1,000 each; chief inspector, $936; seven inspectors, at $900 each; messenger, $600.

The amendment was agreed to.

The next amendment was, on page 60, line 21, before the word "hundred," where it occurs the second time, to strike out "two" and insert "four"; and on page 61, line 10, after the word "all," to strike out "thirty-seven thousand" and insert "thirty-eight thousand one hundred"; so as to make the clause read:

For distribution branch: For superintendent, $1,800; draftsman, $1,500; foreman, $1,400; two clerks, at $1,000 each; timekeeper, $800; assistant foreman, $900; tapper and machinist, $900; assistant tapper, $600; three steam engineers, at $1,100 each; blacksmith, $750; two plumbers, at $750 each; two assistant machinists, at $864 each; property keeper, $900; three firemen, at $730 each; two flushers, at $540 each; driver, $480; two watchmen, at $480 each; hostler, $480; calker, $730; in all, $38,134.

The amendment was agreed to.

The next amendment was, on page 62, line 9, after the word "ninety-seven," to strike out:

Provided, That not exceeding $300,000 of the surplus general revenues of the District of Columbia remaining on the 1st day of July, 1896, shall be transferred to the water fund, to be applied in payment in full of the balance of the principal of the debt incurred for the 48-inch and Fourteenth street water mains, and in part of the principal of the debt incurred for increasing the water supply as provided in the act of July 15, 1882.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. COCKRELL. Let the amendment which I intended to propose on page 15, at the end of line 10, which was passed over, be read:

The VICE-PRESIDENT. The amendment will be stated.

Mr. TELLER. Will the Senator allow me to go back to pages 13 and 19, where we have passed over two committee amendments?

Mr. COCKRELL. Certainly.

Mr. TELLER. The Senator from New Hampshire [Mr. CHANDLER] has asked to have an amendment on page 13 reserved.

Mr. CHANDLER. I have no objection to the language in the part from line 20 to line 25, inclusive, with the addition of what I send to the desk and move as an amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. At the end of line 25, on page 13, it is proposed to insert:

Provided, That said Spring road parkway shall conform to the present recorded map thereof, prepared by said Commissioners.

Mr. CHANDLER. I want to say that, as I understand the case, I have no objection to the widening of Spring road parkway to 250 feet, provided it is done according to the present map prepared by the Commissioners of the District, which is in their office. I have heard that there is a purpose, if the authority is granted, to change that laying out and to widen it wholly on the south side of the present roadway.

Mr. TELLER. The Senator can strike out the whole of that provision if he desires, so far as I am concerned.

Mr. CHANDLER. I do not desire to strike it out. The committee may strike it out if they desire. I only suggest the amendment, and I have given the reasons why I want it made. I do not wish the Commissioners to have the authority to change the present map.

Mr. TELLER. I shall not object to the amendment. Let it go.

The amendment was agreed to.

Mr. TELLER. On page 19 there is a provision in relation to street railways to which the Senator from Tennessee [Mr. HARRIS] called my attention——

Mr. GORMAN. Before the Senator proceeds to that, will he permit me to offer an amendment, to come in after the word "granted"?

Mr. TELLER. Certainly.

Mr. GORMAN. I move to insert the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Maryland will be stated.

The SECRETARY. It is proposed to insert after the word "granted," in line 11, on page 19, the following proviso:

Provided, That this provision shall not be construed to affect rights heretofore acquired either by contract or under any order of court made under authority of law.

Mr. TELLER. I see no objection to that amendment.

The amendment was agreed to.

Mr. HARRIS. Mr. President, I shall not ask the Senator from Colorado to delay, though I had asked him to allow the amendment to which he has just referred to be passed over this morning. I had hoped to be able to have some conference with members of the District Committee, because the present form of the amendment is not satisfactory to me; but as the whole amendment will be open to consideration in conference, I shall not ask for any further delay at present. If hereafter the District Committee shall come to a conclusion, we can present it to the committee of conference, and it may then be considered according to whatever merit it may have.

Mr. TELLER. Let the committee amendment be adopted.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "collected," in line 5, on page 19, the Committee on Appropriations reported an amendment, to insert:

Provided, That no street railroad company in the District of Columbia shall be permitted to run cars over any part of the route of any underground electric or cable road by a route or routes not specified in its charter or specifically described in amendments thereto, except by authority of Congress hereafter to be granted.

The amendment was agreed to.

Mr. COCKRELL. Now let the amendment I have proposed be read.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 15, after line 10, it is proposed to insert:

For payment for the lots and parts of lots condemned in the supreme court of the District of Columbia, in case No. 419, district court, for the extension of Sixteenth street, $22,380.56.

The amendment was agreed to.

Mr. HARRIS. I offer the amendment which I send to the desk, to come in after line 15, on page 16.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 15, on page 16, it is proposed to insert:

For paving with sheet asphaltum Eighteenth street extended and Cincinnati street from the intersection of Eighteenth street with Columbia road to the east entrance of the bridge crossing Rock Creek, near the Zoological Park, $15,000.

The amendment was agreed to.

Mr. STEWART. I offer three amendments, all of which are to come in after line 2, on page 22.

The VICE-PRESIDENT. The amendments will be stated.

The SECRETARY. On page 22, after line 2, it is proposed to insert:

For grading and regulating Twentieth street extended to the southeasterly entrance to the Zoological Park, $2,500: *Provided*, That the owners of the Cliffburn tract shall dedicate the ground covered by such extension through such tract.

Mr. COCKRELL. There should be inserted in the amendment the words "for public use."

Mr. HARRIS. Insert the words "to the public use" after "dedicate."

Mr. STEWART. Very well.

The VICE-PRESIDENT. The modification will be stated.

The SECRETARY. After the word "dedicate" it is proposed to insert "to the public use"; so as to read "shall dedicate to the public use the ground covered by such extension," etc.

The amendment as modified was agreed to.

Mr. STEWART. Let the next amendment, which I have sent to the desk, be read.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the amendment just adopted, it is proposed to insert:

For improving and protecting Connecticut avenue extended, beyond Rock Creek, $10,000.

The amendment was agreed to.

Mr. STEWART. I move to add after the amendment just adopted what I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Nevada will be stated.

The SECRETARY. After the amendment just adopted it is proposed to insert:

For continuing the macadamizing of the road extending from the Broad Branch road to Chevy Chase Circle, $5,000; and authority is given to the District Commissioners to reconvey to the original owners any portion of said road upon receiving a conveyance of an equivalent, in conformity with the new plan of highways.

The amendment was agreed to.

Mr. ALLISON. On page 20, at the end of line 22, I move to insert the proviso which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "dollars," in line 22, on page 20, it is proposed to insert:

Provided, That Connecticut avenue shall be extended straight from Leroy place to the District line, on the line of Connecticut avenue as now established in the city of Washington, and that a suitable grade on said avenue shall be established.

Mr. ALLISON. The object of that is to establish a line between those two points.

The amendment was agreed to.

Mr. ALLISON. On page 22, line 5, before the word "dollars," I move to strike out "fifteen" and insert "twenty-five." My belief is that that sum will be required for grading and regulating those streets. We can examine the subject further in conference.

The VICE-PRESIDENT. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. In line 5, on page 22, it is proposed to strike out the word "fifteen" and insert "twenty-five"; so as to read:

For grading and regulating Yale, Bismark, Princeton, Harvard, and Columbia streets, between Seventh and Fourteenth streets, $25,000.

The amendment was agreed to.

Mr. ALLISON. I do not know whether the Senator from Colorado has called attention to the fact that the various amendments which have been made necessitate a change of the totals in the bill. The clerks should be authorized to make the change in the various provisions.

Mr. TELLER. I ask that the clerks may be authorized to make the necessary changes in the totals throughout the bill to correspond with the amendments which have been made.

The VICE-PRESIDENT. Without objection, it will be so ordered.

Mr. PEFFER. On page 36 I ask the attention of the Senator from Colorado to line 21. After the word "at," in that line, I move to strike out the words "four hundred and eighty" and insert "six hundred"; so that it will make the annual salary of the drivers $600 instead of $480.

The VICE-PRESIDENT. The amendment submitted by the Senator from Kansas will be stated.

The SECRETARY. In lines 21 and 22, on page 36, it is proposed to strike out the words "four hundred and eighty" and insert the words "six hundred"; so as to read:

Twenty-three drivers, at $600 each.

Mr. PEFFER. I desire to state to the Senator and to the Senate that on the 9th day of April I offered an amendment to be proposed to the District appropriation bill, which was referred to the Committee on the District of Columbia and reported favorably by that committee on the 25th day of April; but it seems that the Committee on Appropriations have not taken any action upon it, certainly not any affirmative action. If the Senator who has charge of the bill is willing to accept the amendment without any discussion, I shall of course be gratified.

Mr. TELLER. I will say that I do not think the Senator's amendment was presented to the committee. If it was, I have no recollection of seeing it.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Kansas.

The amendment was agreed to.

Mr. GALLINGER. I submit an amendment to the bill, which I desire to have read.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 26, after line 18, it is proposed to insert:

For the purchase of Analostan Island, in the Potomac River, $112,500, or so much thereof as may be necessary.

Mr. GALLINGER. I will not detain the Senate to discuss this amendment, Mr. President, if there is a disposition to allow it to go into the bill without discussion.

The VICE-PRESIDENT. The question is upon agreeing to the amendment submitted by the Senator from New Hampshire.

Mr. ALLEN. I should like to ask the Senator from New Hampshire where this island is, and what necessity there is for its purchase by the Government?

Mr. GALLINGER. I will read from the report. I will say that this matter was referred to the Committee on the District of Columbia, and, under date of May 16, 1896, the Senator from Vermont

[Mr. PROCTOR] made a written report in favor of the proposition, in which he says:

Analostan Island lies in the Potomac River, directly opposite the mouth of Rock Creek and opposite also the reclaimed flats which will become a part of the park system of the District of Columbia. Situated above the main portion of the city, Analostan Island might easily become the property of persons who would use it for business purposes of an offensive nature. Moreover, it is probable that at some day in the near future a memorial bridge will be constructed at the foot of New York avenue. Such bridge will pass directly over the marshes which form the lower part of Analostan Island.

The committee understand that the island can now be purchased for a moderate sum, probably for $112,500. It contains about 54 acres of solid ground above the ordinary level of the tides, and about 24 acres of swamps at about the level of low tide. Besides this, there are a number of acres partially submerged, which could easily be reclaimed. Also, the Government owns the land on the Virginia side of the river between the Arlington Cemetery and the water, so that the island really lies between two portions of Government property, and its situation makes it inevitable that some day it must become Government property. In the opinion of the committee, it would be both wiser and more economical to hasten rather than postpone that day.

Mr. President, as a question has arisen on this amendment, I will occupy just a moment in its discussion. Analostan Island lies in the Potomac River almost immediately opposite Georgetown. There are to-day 75 acres of land in sight, 54 acres that rise to a considerable height above the tide, and 24 acres that are to-day about on a level with the tide, and it is estimated by those who examined it—I have made a personal examination of the property, but on this point I am not qualified to speak—it is estimated that when the Government reclaims those flats, as the Government will have to do some day, there will be there 150 acres of good land.

My attention was called to this matter in connection with the location of the proposed hospital for contagious diseases, and I visited the island with the view of examining it as to its availability for that purpose.

Mr. COCKRELL. Let me ask just one question there.

Mr. GALLINGER. Certainly.

Mr. COCKRELL. As a matter of course, there is no means of conveyance to the island now except by water?

Mr. GALLINGER. Certainly not.

Mr. COCKRELL. And it is contemplated in the future to build a bridge there?

Mr. GALLINGER. I think not. I think that the contemplation that would be more proper would be to do what is done in Boston and in New York Harbor, where their public institutions are on islands, to have ferryboats. I think that would be the better and cheaper way. It is a very short distance from the shore.

Mr. COCKRELL. If a bridge should be constructed, resting upon that island and then extending to Arlington, could it be so constructed that access could be had to the island by vehicles, and everything of that kind?

Mr. GALLINGER. I think there is no question about that; and it is suggested that if we are to build a bridge to Arlington, one of the piers will undoubtedly rest upon Analostan Island.

Mr. COCKRELL. If a pier were resting there vehicles would not be enabled to get down on the island.

Mr. GALLINGER. That, of course, could be very readily obviated. I think there would be no engineering difficulty in the way of getting down to the island from that bridge. I should judge not. I think that will be conceded by everybody.

I visited this island with a view of determining whether it would be a desirable place for the purpose of locating the contemplated contagious diseases hospital; and I am free to say that in its present condition, in my judgment, it would not be desirable to put a hospital of that kind there on that island; but in the future, after the Government has reclaimed that land, and after the Government has added to the 74 acres now there almost as much more land as is purchased by the reclamation, which must at some time be made by the Government—and there is a clamor for it already—in my judgment it would then be an ideal place for all the public institutions of the District of Columbia, and not only could be put there the contagious diseases hospital, about which there is such a controversy to-day, but we could put there our workhouses and our penal institutions of all kinds, and eliminate from the District of Columbia all the institutions of that character which to-day are located in the District.

I will say in this connection that Dr. Busey, who stands at the head of his profession in the District of Columbia, being at the head of the Medical Association, argues that the island ought to be purchased for that purpose. He thinks the hospital for contagious diseases might now be erected there, although he is not clear as to its sanitary condition, not recently having visited it.

Dr. William W. Johnston, a very distinguished physician of Washington, says that no doubt this island ought to be bought by the Government for the purpose of putting these institutions there.

There is a very interesting article in the Washington Post of March 25, 1896, discussing this matter, in which it is said:

It is advanced that all such institutions will necessarily have to be isolated in the future, and that it would be wise, both on the part of the District and the United States governments, to buy the island before it becomes more valuable. If the property were purchased now and the swamps filled, it is said by army officers that the sanitary condition of Fort Myer would be improved 50 per cent. It is considered one of the most unhealthy army posts in the East, and if the plan suggested by the committee which examined the island were carried out the District would have about 150 acres of valuable land, which could be used to isolate any institution objectionable in the city, and the health of Fort Myer and all the surrounding country would be improved.

I notice that Mr. John McElroy, a well-known citizen of the District, and Mr. A. S. Solomons have also given their testimony; and recently Governor Shepherd, who is very highly regarded by the people of the District at the present time, whatever may have occurred in the past, and whose judgment upon this question I think would be taken by almost any Senator, when he was asked a question about the desirability of the Government purchasing Analostan Island, said:

I say, "Yes," unhesitatingly. They should own it for its connection with and partial control of the river improvements, which can not be properly brought to a conclusion save through the ownership of this island.

Furthermore, it is most desirable that the Government should own it in view of the proposed memorial bridge, of which it will form an important feature.

It is also needed for the improvement of the sanitary condition of the heights on which Fort Myer is situated, as well as the surrounding section of Washington City.

In every way it is a wise thing for the National Government to do, and it can never be done so cheaply and well as now.

Mr. President, in my judgment, if an island such as Analostan Island was in close proximity to any other large city in the American Union, it would be immediately purchased for public purposes. When you go into the harbor of Boston or New York you see what they have done there in the purchase of islands for the purpose of establishing upon them the public institutions.

Analostan Island, I will say, is to-day mortgaged in the vicinity of $70,000. I do not state the exact amount, but it is not far from $70,000. It is estimated by some people to be worth $150,000, and even more. The District Commissioners have given their opinion that $112,500 is a very reasonable price for the island, but it will certainly never be worth any less than it is to-day; and, as I before said, in the near future the Government will have to expend money to make the very improvements which, when made, will almost double the acreage of that island, and it is desirable that the Government in that view should own it so that it will come in possession of that added territory.

I am not an expert in real estate matters, and I would not want to put my opinion against that of Senators who know more about these things than I do, but, in my opinion, this is a matter that ought to engage the serious attention of Congress.

I sincerely trust that this amendment will be permitted to go in the bill to-day, and not only that, but I trust the conferees on the part of the Senate will insist upon it remaining in the bill, because it is in the line of good public policy and the economical use of the public money.

Mr. TELLER. I should like to inquire of the Senator from New Hampshire what is the price of this property?

Mr. GALLINGER. One hundred and twelve thousand five hundred dollars.

Mr. TELLER. It has been asserted that the property could be bought for $75,000.

Mr. GALLINGER. That was an entire mistake. The Senator who made that suggestion has written a letter to the Committee on the District of Columbia saying that he was laboring under a misapprehension when he made that suggestion to the committee.

Mr. FAULKNER. I will state to the Senator from Colorado that the island has a mortgage on it now of $70,000.

Mr. TELLER. I only wanted to know whether we were paying an exorbitant price for the property. I agree with the Senator from New Hampshire that the Government ought to buy it.

Mr. GALLINGER. The amendment provides that only so much shall be expended as may be necessary; so if the amount named would seem to be too large, when we come to negotiate, if we can get it for less, the whole amount will not be necessary.

Mr. PETTIGREW. I move to strike out "$112,500" and insert "$75,000" as the price for this property.

Mr. GALLINGER. If that should be seriously contemplated by the Senate the amendment had better be withdrawn, because the property can not be purchased for that money and ought not to be purchased for that money. I hope the amendment to the amendment will be voted down.

Mr. PETTIGREW. Mr. President, I had occasion to look at this island but a few days ago. It is a low island, unoccupied, yielding no revenue, and $500 an acre, it seems to me, would be an enormous price for it if a person were going to buy it as an investment. The amendment I offer proposes paying $1,000 an acre for this island. I have heard that within thirty days the property could have been purchased for $75,000, and now $37,500 has been added since the idea arose of selling it to the Government. I do not doubt but what this island can be purchased readily for $75,000, and I believe the owners will be glad to take that price, and take it very quickly. I think there is not a particle of doubt about it.

They certainly will take that sum if they are not very foolish people.

Mr. GALLINGER. I am informed, and I think by reputable parties, that $100,000 has been offered for the island. The Senator from South Dakota says it is a low island Fifty-four acres stand, I think, on an average of about 20 feet above high tide. It is not a low island, except that there are 34 acres that are now somewhat swampy, and there are 60 or 70 acres that can be reclaimed.

Mr. PEFFER. I wish to inquire of the Senator, purely for information, whether the waters surrounding the island are not Government waters, that is, waters that come in from the river, navigable waters, over which the United States has exclusive jurisdiction? Am I not right about that?

Mr. GALLINGER. I presume so.

Mr. PEFFER. Then, I inquire, where have the present owners secured their title?

Mr. GALLINGER. I will not go into that subject. If this island is sold, of course a good title will be given, and the property has been in the hands of private individuals from time immemorial.

Mr. STEWART. The question of title will be examined by the Attorney-General under the general law.

Mr. GALLINGER. I meant to say, in connection with this matter, that there is an unsanitary condition, because the flats that surround this island to-day affect Fort Myer, but, in my judgment, they affect more seriously the city of Washington than Fort Myer, because the currents of air come from the south more often than from the north. I have no doubt that many men who are suffering from malaria are suffering from it because of the conditions surrounding that island.

Mr. ALLEN. Will the Senator permit me?

Mr. GALLINGER. Certainly.

Mr. ALLEN. The question propounded by the Senator from Kansas [Mr. PEFFER] has a deeper significance than seems to have been given to it. If the waters of the Potomac are navigable waters, tide waters on both sides of that island, by what authority does any private individual obtain title to it?

Mr. GALLINGER. I think that would not hold true on both sides of the island. There is on the Virginia side of the island a stream or waterway that is called Little River, but I do not imagine that anything, unless it may be a rowboat, has ever been on that Little River. Between the island and the shore of the city it is navigable water, I think, as high up as Georgetown, and this island is directly opposite to Georgetown.

Mr. ALLEN. But we come back to this question: There must have been a time in the history of the Potomac River when the waters on the west side, or the Virginia side, were navigable in fact. They are navigable in law now, as I understand.

Mr. GALLINGER. That may be so.

Mr. ALLEN. This island has been made from the wash of the river.

Mr. STEWART. Oh, no.

Mr. GALLINGER. The island has not been made from the wash of the river. It may have been made from the descent of a glacier over the country at some time. I do not know what made it; but it was not made by the wash of the river.

Mr. ALLEN. It is in the channel of a navigable stream. Now, I should like to know by what authority or whence private individuals obtain title to that island?

Mr. GRAY. May I ask the Senator from Nebraska what difference it makes whether the stream is navigable or not?

Mr. ALLEN. It makes a great deal of difference.

Mr. GRAY. I should like to ask what difference it makes as to the question of title?

Mr. ALLEN. It makes this difference: A navigable stream and everything that belongs to that stream and is a part of it is by the public law of nations a highway, just exactly the same as the tree that grows in the highway is part of the highway; and whenever anyone claims that he has title to an island of that kind he must show some cession on the part of the sovereign to him, investing him with title to it.

Mr. GRAY. No more than the land on the banks of a stream.

Mr. ALLEN. There is all the difference that there is between daylight and darkness.

Mr. STEWART. I do not suppose it is necessary to settle that question now, because the Attorney-General will pass upon the title before the property is purchased. I was not aware that islands were any more public property than land of any other character. If there is any such theory as that, of course the Attorney-General will examine it. If the purchase is made, it will be made subject to examination by the Attorney-General as to title.

Mr. ALLEN. I guess that is true; I suppose there is no doubt about it.

Mr. STEWART. Of course the provision for the purchase will amount to nothing if the parties claiming title have no title.

I wish to make this remark: This movement resulted from an effort of certain persons to find a place for a contagious diseases hospital, and a good deal of attention was given to the subject. My attention was called to it on that account, and I have come to the same conclusion as the Senator from New Hampshire, after having examined it, that it is a very desirable purchase for the United States and that the United States ought to own the island.

The United States has got to improve the land about it, and a place is needed for such purposes, as suggested by the Senator from New Hampshire.

The Senator from Delaware [Mr. GRAY] tells me that he is ready to vote with me if I quit. I certainly do not want to lose a vote by continuing the discussion, and I will quit.

Mr. GALLINGER. By consent, I desire to amend the amendment by adding to it:

The validity of the title to be determined by the Attorney-General of the United States.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question is on the amendment as amended.

Mr. CARTER. Let the amendment as amended be stated.

The VICE-PRESIDENT. The Secretary will read the amendment as amended.

The SECRETARY. On page 26, after line 18, insert:

For the purchase of Analostan Island, in the Potomac River, $112,500, or so much thereof as may be necessary, the validity of the title to be determined by the Attorney-General of the United States.

Mr. CARTER. Mr. President, the proposition is here presented to purchase an island in the Potomac River for the sum of $112,500. It is suggested, and probably with much force, that the title to this property is now in the United States.

Mr. GORMAN and Mr. GALLINGER. Oh, no.

Mr. CARTER. That question has been raised on this floor in the course of this discussion. I submit that the passage of an act by Congress providing for the purchase of the island would be a recognition of the title in some other party than the United States. As has been aptly suggested by the Senator from Nebraska [Mr. ALLEN], the proposition of the United States to purchase would be equivalent to a waiver of any right or interest the United States may now have in that property.

But from no source does a suggestion come indicating any demand by the General Government for the use of the property. It is suggested that unhealthy sanitary conditions exist upon the island. If such be the fact, let the District authorities in execution of the law suppress the nuisance and compel the parties who claim title to remove the obnoxious conditions there existing. It is not needful that we purchase all the swamps adjacent to or in the river, in order to get rid of unhealthy conditions.

To pay the sum of $112,500 for an island the value of which no one has pretended to fix by appraisement or otherwise, with no proposition made here to condemn the property; with no existing need for it on the part of the Government or the District of Columbia, seems to me very much like placing a premium on the assiduous efforts of enterprising real estate agents who seek to sell to the Government a piece of property for this enormous sum, which, as has been suggested, could be purchased by private individuals for one-third of the sum named in the amendment.

In view of the fact that no necessity exists, in view of the fact that the United States may be at this time the owner of the property, and in view of the fact that we have not an overflowing Treasury, as Senators have borne testimony to on this floor from time to time during the present session, it seems to me that the real estate agents who represent this property should be politely requested to wait until the next session of Congress.

Mr. GALLINGER. If the Senator from Montana will permit me, I will say that I have no knowledge of any real estate agent who is at all interested in this matter. The only parties I know of who are interested in it are the owners of the property, and I think any suggestion that has come has come directly from them.

Mr. GRAY. I suggest to the Senator from New Hampshire that an amendment to his amendment be incorporated at some appropriate place which would make the purchase subject to the opinion of the Attorney-General as to the title.

Mr. GALLINGER. Instead of the amendment that I had incorporated just now let the Senator's amendment be substituted.

Mr. GRAY. What is the language of the provision already there?

The VICE-PRESIDENT. The Secretary will read the amendment to the amendment, which has been adopted.

The Secretary read as follows:

The validity of the title to be determined by the Attorney-General of the United States.

Mr. GRAY. That is the same thing.

Mr. GALLINGER. I think so.

Mr. BURROWS. Mr. President, as I was out of the Chamber at the time this matter came up, I should like to have the Senator from New Hampshire or some other Senator explain the pressing necessity at this time for the purchase of this island for $112,500

when the Treasury is running behind every day. What is it proposed to do with it?

Mr. GALLINGER. Mr. President, I do not care to occupy any unnecessary time upon this subject. I will endeavor to answer the Senator from Michigan in a few words. I did not argue that there was any pressing necessity for the purchase; I argued that it is good public policy to buy the island. I suggested that after the Government had done what the Government will necessarily have to do in the near future, reclaim the surroundings of that island, instead of being 74 acres of land as there are now, there will be 150 acres, and it will be an admirable place to put all the public institutions of the District of Columbia; besides which, very likely the pier of the proposed memorial bridge, if it is ever built, will rest upon that island.

Three years ago or thereabouts we made an appropriation for a contagious-disease hospital in this city and the District Commissioners have been unable to locate it up to the present time. They have tried to locate it in, I presume, forty different places, and there has been a rebellion against the proposed location. It is still in the air. It is my honest conviction, and I am glad to know that the medical profession of the District are in sympathy with my view in the matter, that this purchase will be a solution of that problem in the near future. In addition to that, all our penal institutions can be placed there, just as they are put on islands in Boston and New York harbor and some of the other great harbors of the country.

This is all I care to say upon the amendment. The Senate can do as it pleases about it. I have no interest in it either through real estate agents or anybody else.

Mr. CARTER. I desire to inquire of the Senator in charge of the bill whether any estimate was submitted in the regular estimates of the Department for the purchase of this property?

Mr. TELLER. I am not aware that there was any estimate for it.

Mr. CARTER. Then I submit that the amendment is subject to a point of order.

Mr. GALLINGER. Inasmuch as the amendment has been reported from a standing committee of the Senate, I submit that it is not obnoxious to a point of order.

Mr. WHITE. I should like to hear the amendment read again. I do not know that I understand it.

The VICE-PRESIDENT. The Secretary will again read the amendment.

The SECRETARY. After line 18, page 26, insert:

For the purchase of Analostan Island, in the Potomac River, $112,500, or so much thereof as may be necessary, the validity of the title to be determined by the Attorney-General of the United States.

Mr. WHITE. The amendment means, I presume, that if the Attorney-General finds there is any title to the property then the money is to be paid to somebody. I presume, of course, there must be a title to the property, so that the question will be answered in the affirmative. It seems to me the amendment is very peculiarly drawn.

Mr. GALLINGER. Any suggestion that the Senator from California as a lawyer will make to improve the amendment will be accepted by the Senator who submitted it. We have no disposition at all to play on words in this matter. It is a plain business proposition.

Mr. ALLEN. Why not have the amendment call for a fee simple title?

Mr. GALLINGER. If the lawyers can settle that point among themselves it will be agreeable to me. I will say that I am not a lawyer.

Mr. ALLEN. I suggest the propriety of amending the proposed amendment so that it will require a fee simple title. If we have got to purchase the island, instead of having such a title as the Attorney-General may approve of we want a fee simple title. The Attorney-General may be mistaken in the title. We would be bound by his judgment. However, we may be bound by it anyway.

Mr. GALLINGER. I suggest to the Senator that there is not much danger of the District Commissioners or any other authority of the United States or of this District making a purchase involving $112,500 or any part of that amount without getting a good title to the property. It seems to me it is a reflection upon their good sense and business judgment. But still, as I before said, I am entirely willing to have the amendment changed in any way that may be agreeable to the legal gentlemen of this body who know more about the matter than I do.

Mr. ALLEN. It is not my purpose to reflect upon the character or the ability of anyone, if I can avoid doing so. It is no pleasure for me to do so. I raised a question as to the propriety of purchasing this island. I have not been convinced by anything said by the Senator from New Hampshire that we should purchase it. The same argument that has been used by the Senator from New Hampshire can be used with reference to every piece of private property in the District of Columbia. I suppose the time never will come in the history of the city of Washington when the real estate agents will not have some desirable piece of property here that they will want to sell to the Government at an exorbitant price. It is known, and I am surprised that the Committee on the District of Columbia do not put a check upon it to some extent, that there are men here organized for the express purpose of selling to the Government pieces of property at fabulous prices.

At this time, when there is such widespread distress among the people, when the Government is going in debt from month to month and from year to year to obtain money to pay the running expenses of the Government, why should we indulge in the needless luxury of purchasing an island for which there is no present demand? It is not claimed by the Senator from New Hampshire or the Committee on the District of Columbia that there is any pressing demand for this island. Why not wait until there is a demand for the construction of a hospital for contagious diseases; and possibly in the meantime the ingenuity of the Washington real estate syndicate will find a much more desirable place than this island.

Mr. KYLE. Will the Senator from Nebraska allow me to make a suggestion at this point?

Mr. ALLEN. Certainly.

Mr. KYLE. The question was raised by the Senator from Montana [Mr. CARTER] as to whether the enactment of a law to purchase the island is not a quasi recognition of the fact that the parties claiming to own the land have a good title.

Mr. ALLEN. I do not know; I could not say that the passing of a bill of that kind would recognize their title. It would not be an estoppel, because the Government, being the sovereign power, can not be estopped. But I do submit this proposition, which seems to be treated somewhat lightly here by some of my legal brethren: An island that is situated in the channel of a navigable stream and has been formed by the wash of that stream is an incident of the public highway itself, a part of it, and it belongs to the sovereign power to which the channel itself belongs. I submit that as an elementary proposition of law.

Mr. STEWART. The Senator makes that suggestion upon a misapprehension of the fact. It is a rocky island and it has been there as long as the river has been there. It has not been formed in the way the Senator suggests.

Mr. ALLEN. I did not speak of the island in its incipiency. I do not recognize the Senator's interpretation of the law at all. I regret very much that I can not agree with him.

Mr. STEWART. It is not a question involving an interpretation of law; it is a question of fact.

Mr. ALLEN. Some time in the history of this navigable stream an island was formed in its center, when the waters were navigable in fact on both sides of the island, and are navigable in law to-day, and yet some person or persons claim to own a title to that island without showing, as I am informed, any cession on the part of the Government to them or to their grantors, immediate or remote. Now we propose to authorize the expenditure of one hundred and twelve and a half thousand dollars for the purchase of the island at this time without the specification of a solitary immediate use to which it is to be put.

Mr. President, we might as well anticipate at this moment that at some time in the history of the city of Washington it will have a million of population and the demand for public buildings will be double what it now is. I have no doubt in my own mind that that time may come if the Republic stands, and I hope it will. Yet would it not be perfectly idle now to authorize the expenditure of public money in the purchase of sites for imaginary or contemplated public improvements so far in advance of the actual demands of the Government? How many men who lie around this city get rich off of transactions of this kind? How many such things pass through Congress that smell to heaven of a job, of a transaction in which there is private gain to private individuals, and sometimes the stench reaches the garments of officials. I am opposed to the amendment.

Mr. STEWART. Mr. President, I am in favor of this proposition, and I do not want to have it understood that there is any stench about it. I believe it is a good purchase, and I believe if the Government of the United States had done a good deal of purchasing of land for public purposes when it could have got it cheap it would not have paid out the millions and tens of millions of dollars in the way of condemnation that have been paid. Look at the price paid for the site for the city post-office building and all the other sites which have been bought. There has been an effort for years to obtain a place for crematories to dispose of garbage, and for various other municipal establishments.

Mr. HAWLEY. And a Printing Office.

Mr. STEWART. And a Printing Office. We are met with high prices, with speculation and opposition every time. Here is an island situated precisely with regard to this city as islands are with regard to other cities which are always purchased as being convenient for many purposes. It can be obtained now for an extremely low price. I am credibly informed that these heirs

were offered some time ago $100,000 cash for this property. It is mortgaged for something over $70,000. There have been no real estate people connected with this transaction. It is not brought here by real estate agents at all.

Mr. PETTIGREW. I should like to ask the Senator from Nevada a question.

Mr. STEWART. Certainly.

Mr. PETTIGREW. Can the Senator state who offers the island for sale, and to whom it is mortgaged?

Mr. STEWART. I can not.

Mr. PETTIGREW. And the date of the mortgage?

Mr. STEWART. I can not tell you.

Mr. PEFFER. Will the Senator allow me a question?

Mr. STEWART. I know there are some heirs connected with it. I have not gone into the details, because the question of the title will be disposed of by the Attorney-General. I believe it is a proper purchase to make. That the United States will have to reclaim the flats about it, is certain. That is admitted on all hands. The Government has commenced this work and reclaimed the flats about the other islands below. Those were made islands. This is a high island, but it has flats about it in such a position that they affect Washington City and Georgetown. There is a clamor to have it improved. It is within the plan of improvements to improve the island and reclaim the land about it, which will belong to the mainland if that is done. It will then be private property, and the time is not far distant when, if purchased, it will have to be purchased at a much higher price. I believe the sum named is extremely low and that ultimately the Government has got to have it. It is a great deal better policy to buy those places that it is obvious the Government will want to use than to wait and pay ten prices when you have to force the sale by condemnation.

Mr. ALLEN. Would the Senator from Nevada permit an amendment to the bill providing for the purchase of this island by silver coined at a ratio of 16 to 1?

Mr. STEWART. Oh, let us have a vote.

Mr. GORMAN. Mr. President, I merely want to say, in reply to the Senator from Nebraska [Mr. ALLEN], that so far as the title to the property of all the islands in the Potomac River is concerned, that has all been adjudicated long since. The grant to Lord Baltimore included all the islands in the river from its source to the mouth and to low water on the Virginia shore. A suit involving the whole question came up and went to the Supreme Court. A commission was appointed to settle the title and the title was determined to be in the State.

Mr. HAWLEY. We can not hear the Senator at all on this side.

Mr. GORMAN. I say to the Senator from Nebraska, in reply to his suggestion, that there is no question whatever as to the title of this property. The grant to Lord Baltimore included all the islands in the Potomac River from its source to the mouth. Afterwards the question came up; there was a controversy between the two States, and it went through the examination of a commission, and finally to the Supreme Court of the United States. So as to the title there is no question whatever. The parties who hold it at present are, I think, in the third or fourth generation from the original grantee. There can not be any question as to the title. As to the propriety of the purchase of the island, that is another matter.

Mr. MILLS. Was the island ever conveyed to the United States by the District of Columbia?

Mr. GORMAN. No; it was never conveyed to the United States. No private property within the District of Columbia was conveyed to the United States except within the limits of Georgetown and the city of Washington proper, where the owners conveyed by deed to the commissioners on behalf of the United States every other square and all the streets and avenues. As I said, there is no question about the title of the island. The question as to the riparian rights on this side was recently decided by the supreme court of the District of Columbia, the case growing out of the improvement of the flats on this side. All of that title is in the United States; but there is no question in the world about the title to the island.

As to the propriety of the purchase of the island, we have been engaged for a good many years in ascertaining where it would be possible to find a place for a contagious diseases hospital, and it has been almost impossible to locate it. It was located in the northern section of the city some three or four years ago, and all the property holders in that region rebelled and said it would not do to have such a hospital with cases of scarlet fever there, and we gave way to them, and the same feeling has been manifested in every section of the city. The only contagious hospital we have located is immediately east of the present jail, and it appears that this island is actually the only place that is so isolated as to give no one any trouble. As to the property itself, I am perfectly familiar with it.

Mr. PETTIGREW. I should like to ask the Senator from Maryland if it is a suitable place for a hospital?

Mr. GORMAN. I think the testimony of all the medical fraternity and everybody connected with the location of a hospital is that it is the most desirable place for it in the District. It seems to be the ideal place for it.

In addition to that, we will be compelled to fill up the flats in front of it for the health of this city and the health of the soldiers at Fort Myer, as we have done on this side. In doing that, if we acquire the property prior to filling it up we will in addition have about 100 acres that will be utilized.

Then there is the other project of crossing the river by a great bridge, as a memorial to General Grant. A bill has passed the Senate for that purpose. One of the piers, at least, of that bridge will rest upon this property.

Mr. PETTIGREW. I should like to ask the Senator if the island will be suitable for hospital purposes previous to reclaiming the land around it?

Mr. GORMAN. Unquestionably, in my judgment.

Mr. PETTIGREW. I understood the Senator from New Hampshire to say it would not.

Mr. GORMAN. The Senator from New Hampshire made a very frank statement. There is difference among the medical fraternity as to whether it ought to be done immediately or a little later on. I think this is the cheapest piece of property that has ever been offered to the Government since I have had the honor of a seat on this floor.

Mr. PETTIGREW. I wish to state that as I understand it there are about 74 acres in the island; that 50 acres are above water; that 24 acres are partially under water and are overflowed when there is any material rise whatever in the Potomac River.

Mr. GALLINGER. How many acres?

Mr. PETTIGREW. Twenty-four acres are sometimes overflowed.

Mr. GALLINGER. Yes.

Mr. PETTIGREW. I understand that the island is of no use; it produces no revenue, and no one can buy it and make a living out of it in any way. It is an out-of-the-way piece of ground. The price, it seems to me, although I am not very familiar with the value of Washington real estate, at $500 would be so excessive that no man of judgment who wished to make an investment would touch it.

It seems that no one can tell anything about the island. Senators can not tell us who wants to sell it to the Government. They can not tell us who holds the mortgage. They say there is a mortgage of $70,000 upon it. It is very easy to mortgage a piece of miserable property like that for two or three hundred thousand dollars and then come and try to sell it to the Government above the price of the mortgage. That is no indication of value at all. They have not told us who has taken the mortgage or who has given it. There is no proof as to the value of the property at all, and I submit I do not believe any man would give $37,500 for the property.

Mr. GALLINGER. Mr. President, just a single word. I am sorry that the hearing of the Senator from South Dakota [Mr. PETTIGREW] is so defective. I said that there are 54 acres of this land which rises 20 feet above high tide. There are 24 other acres level with high tide which, when reclaimed, will be good land. It is estimated, not by myself, but by competent authorities, that there will be 150 acres in all when the improvements are made.

I do not think it important to ascertain precisely who owns the land or who took the mortgage. I have personal knowledge of the fact that some very reputable people have title to the land, just as reputable people as there are in the District of Columbia. I have no question at all as to the Government getting good title. I have every reason to believe, my own mind is satisfied, that the property has been mortgaged for the amount stated in good faith and for a proper consideration. I think it is begging the question to talk about some swindling operation going on here. Nobody but the Senator from South Dakota has discovered that, unless it should be the Senator from Montana [Mr. CARTER]. They seem to have made a discovery which certainly is unknown to those of us who have taken a little interest in this matter and have given it careful consideration.

Mr. KYLE. There is no objection to telling the name of the owner.

Mr. GALLINGER. I am very free to say to the Senator from South Dakota that I do not at this moment recall it.

Mr. FAULKNER. The Senator from Vermont [Mr. PROCTOR] can tell.

Mr. GALLINGER. The Senator from Vermont [Mr. PROCTOR] can tell the names.

Mr. KYLE. There is no need of mystification. Senators have asked who owns the land and who has the mortgage.

Mr. GALLINGER. What difference does it make who owns it?

Mr. GRAY. The Senator from Vermont can tell.

Mr. PROCTOR. I do not know the name of the male heir. I think a Mrs. Dewey, the wife of a naval officer, is interested in the matter. I have seen no one else. I have heard of no real estate agent. I am sure nobody has been before the committee. This lady, with the wife of a Senator, I think, called on one or two members of the committee, but the committee considered it entirely by themselves, without any outside influence from any party. It was stated that there was a mortgage upon the property. There is no question about the title. The Senator from Maryland [Mr. GORMAN] has made that very clear indeed.

Mr. GRAY. The title is in two persons, heirs at law?

Mr. PROCTOR. The title is in two or three persons. I am not sure whether there are one or two brothers.

Mr. FAULKNER. I think there is only one brother. I so understood from this lady, the only person I have ever met in connection with it. The brother is either in very delicate health or a cripple—I can not remember now which she said; and my recollection is that she has transferred her interest entirely to him, looking forward to the surplus over and above the mortgage indebtedness for an amount sufficient to support him during the rest of his life.

Mr. PROCTOR. It appeared to the committee that within a short time we would probably be obliged to pay for a portion of the island for the proposed bridge to Fort Myer and Arlington, and that it would be a matter of economy to purchase the whole island while we could do so for a very reasonable sum.

Mr. CARTER. I should like to ask the Senator from Vermont [Mr. PROCTOR] a question before he sits down. Upon what basis was the amendment presented by the Senator from Vermont on the 25th of April, providing for the purchase of this property for the sum of $75,000? I observe that such an amendment was presented to the Senate on that day for this purpose, and that the sum of $75,000 is named as the purchase price of the property.

Mr. PROCTOR. I had an impression (and it was because there was no hearing before the committee that I derived the impression in some way) that it might be purchased for that sum. I very soon found my mistake, and the change was made in the committee at a meeting when I was not present.

Mr. MILLS. Mr. President, it seems to me that the proper plan to pursue in reference to this island is to provide in the bill for its condemnation by regular course of law. We seem to be fixing a price on the property without knowing whether we can get it for one-half that sum or not. If it is necessary for the Government to have the island, let us get it, and get it in the proper way. Let us go into the courts, hear testimony as to the value of the property, and proceed regularly to its condemnation and the divestiture of the title out of its present owner and its investment in the District of Columbia or in the Government of the United States.

I do not think it is the proper course to pursue to make an appropriation of a lump sum, hit or miss, in the light or in the dark, without knowing anything about the proper value of the land.

Mr. GALLINGER. Will the Senator from Texas permit me?

Mr. MILLS. Certainly.

Mr. GALLINGER. That very matter was before our committee and very fully discussed, and it was stated to the committee by some of the oldest Senators in this body that the Government has fared very badly in condemnation proceedings; that it has paid three and in some instances, I think, ten times the amount that the property was considered to be worth when it started out to condemn it. I think the amount paid for the land where the new post-office building is going up is a case in point. I will not undertake to state the increased value under the condemnation proceedings, but it seems to me that it was ten times or thereabouts. The Senator from Maryland [Mr. GORMAN] nods his head. I am inclined to think it was even much higher than that, and the Government, in all its condemnation proceedings, as I have been informed and as the committee was satisfied, has fared very badly.

Mr. MILLS. It is rather a strange commentary on trial by jury if we can not get a fair assessment of the value of property, and if the Government has to be plundered every time we submit a question of that sort to a sworn jury. It is rather calculated to shake our faith in one of the most ancient of all our institutions. I remember, when we were condemning property for the new Library building, a gentleman told me that for one of the lots that was condemned the Government paid him $10,000 less than he had been offered for the property. At least that is what a gentleman told me who knew of the fact. I thought it was a very great hardship. The thing was going the other way.

Mr. HARRIS. Will the Senator from Texas allow me to remind him of the fact that the act which authorized the condemnation of property for the new Library building fixed a maximum limit and that limit of appropriation was simply apportioned between the various property holders?

Mr. MILLS. That was very unjust to the property owners.

Mr. HARRIS. So I thought at the time and so I have thought ever since.

Mr. MILLS. I do not want to do injustice to anybody. If it is necessary to have the island we want to get it in the proper way and to pay what it is worth, and nothing more.

Mr. ALLISON. I do not know but that this may be a wise purchase. I only know that it is a new matter which has been brought to the attention of the Senate within the last few months. I do not believe that the price of the land will greatly enhance before we can have an opportunity to make a thorough examination in respect to title and the value of the property.

I know the amendment comes here with the sanction of the Committee on the District of Columbia, and I have great respect for the examinations and investigations made by that committee. It came as an amendment from the Committee on the District of Columbia to the Committee on Appropriations. We gave such investigation to the matter as we could. In fact, we made considerable inquiry upon the subject. We did not find that the Commissioners of the District of Columbia were prepared to give us any accurate or exact information respecting it. The Engineer Commissioner did not seem to know the extent or area of the island and its reclaimability or the cost of it.

I submit to Senators that, with so many important amendments already in the bill beyond what is proposed by the House of Representatives, it is unwise at this late hour to propose on the pending bill an amendment involving so large a sum of money to the taxpayers of the District of Columbia and the Treasury of the United States; and unless we can have a vote immediately upon the merits of the question I shall move to lay the amendment on the table.

Mr. GALLINGER and others. Let us vote.

The VICE-PRESIDENT. The point of order is made upon the amendment by the Senator from Montana [Mr. CARTER]. The amendment, as the Chair understands, was reported from the Committee on the District of Columbia and referred to the Committee on Appropriations.

Mr. GALLINGER. That is correct.

The VICE-PRESIDENT. The Chair thinks that takes it out of the rule, and the point of order is overruled. The question is on agreeing to the amendment of the Senator from South Dakota [Mr. PETTIGREW] to the amendment.

Mr. STEWART and others (to Mr. PETTIGREW). Withdraw it.

Mr. PETTIGREW. Very well; I withdraw the amendment to the amendment.

The VICE-PRESIDENT. The amendment to the amendment is withdrawn. The question is on agreeing to the amendment submitted by the Senator from New Hampshire [Mr. GALLINGER] as amended.

Mr. MILLS and Mr. GALLINGER. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEORGE (when his name was called). I am paired with the Senator from Oregon [Mr. MCBRIDE]. If he were present, I should vote "nay."

Mr. HARRIS (when his name was called). Being paired with the senior Senator from Vermont [Mr. MORRILL], and not knowing how he would vote, I will withhold my vote. I should vote "yea" if the senior Senator from Vermont were here.

Mr. MARTIN (when his name was called). I am paired with the Senator from Montana [Mr. MANTLE]. If he were present, I should vote "yea."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD].

Mr. SEWELL (when his name was called). I am paired with the Senator from Wisconsin [Mr. MITCHELL].

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN], but upon the express understanding that it is not to apply to cases having no political interest. I therefore exercise my discretion and will vote. I vote "nay."

Mr. TURPIE (when his name was called). I am paired generally with the senior Senator from Minnesota [Mr. DAVIS]. He is absent, and I withhold my vote.

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON]. I transfer my pair to the senior Senator from Indiana [Mr. VOORHEES] and will vote. I vote "nay."

The roll call was concluded.

Mr. QUAY. I have a general pair with the Senator from Alabama [Mr. MORGAN]. I am not aware how he would vote on this question, and therefore I withhold my vote. If he were present, I should vote "nay."

Mr. BLACKBURN. I am paired with the senior Senator from Michigan [Mr. MCMILLAN]. I am assured that if he were present, he would vote "yea." Therefore I will vote. I vote "yea."

Mr. HARRIS. Being informed by the junior Senator from Vermont [Mr. PROCTOR] that if the senior Senator from Vermont [Mr. MORRILL] were here, he would vote "yea," I will record my vote. I vote "yea."

The result was announced—yeas 21, nays 27; as follows:

YEAS—21.

Bacon,	Faulkner,	Hill,	Stewart,
Blackburn,	Gallinger,	Jones, Ark.	Teller,
Brown,	Gibson,	Perkins,	Vest.
Caffery,	Gorman,	Platt,	
Chandler,	Gray,	Proctor,	
Cockrell,	Harris,	Smith,	

NAYS—27.

Aldrich,	Carter,	Kyle,	Shoup,
Allen,	Chilton,	Mills,	Thurston,
Allison,	Cullom,	Nelson,	Walthall,
Baker,	Dubois,	Pasco,	Warren,
Bate,	Frye,	Peffer,	Wetmore,
Berry,	Hale,	Pettigrew,	White.
Burrows,	Hawley,	Roach,	

NOT VOTING—41.

Blanchard,	George,	Martin,	Sherman,
Brice,	Gordon,	Mitchell, Oreg.	Squire,
Butler,	Hansbrough,	Mitchell, Wis.	Tillman,
Cull,	Hoar,	Morgan,	Turpie,
Cameron,	Irby,	Morrill,	Vilas,
Cannon,	Jones, Nev.	Murphy,	Voorhees,
Clark,	Lindsay,	Palmer,	Wilson,
Daniel,	Lodge,	Pritchard,	Wolcott.
Davis,	McBride,	Pugh,	
Elkins,	McMillan,	Quay,	
Gear,	Mantle,	Sewell,	

So the amendment was rejected.

Mr. CHANDLER. I have one or two amendments which I desire to offer for regulating and paving streets which were estimated for by the Commissioners, but which have been omitted from the bill. I send the amendment to the desk.

The SECRETARY. On page 20, after line 19, it is proposed to insert:

For paving Massachusetts avenue extended from Twenty-second street to Sheridan Circle, $5,000.

The amendment was agreed to.

Mr. CHANDLER. I offer another amendment to come in on page 21, after line 12.

The amendment was read and agreed to, as follows:

For grading and regulating Belmont and Kalorama streets between Eighteenth street and Columbia road, $1,000.

Mr. HAWLEY. On page 42, under the subhead of "Health department," in line 24, before the word "hundred," I move to strike out "two" and insert "eight"; so as to read:

Sanitary and food inspector, who shall also inspect dairy products, and shall be a practical chemist, $1,800.

I move this amendment because I know something of the man who was sought for as a capable chemist. He was getting $1,800 a year. He came here at $1,200, because that is all they could give him under the appropriation, with a promise that they would try to get it raised to $1,800, and every year for several years, I do not know how many, the District Commissioners have put into the estimates $1,800 for his salary. I think he deserves it.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Connecticut [Mr. HAWLEY].

The amendment was agreed to.

Mr. DUBOIS. I move the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of line 7, on page 37, it is proposed to insert:

Each of the members of the Metropolitan police force shall be entitled to twenty days' leave of absence each year, with pay, the time of leave in each instance to be determined by the District Commissioners.

Mr. TELLER. I will say that I understand the police here have now ten days' leave of absence, and all of the Government employees have thirty days. I think the amendment is reasonable, and I do not desire to object to it.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

A bill (H. R. 158) granting a pension to Mary Collins;

A bill (H. R. 986) for the relief of Hiram P. Pauley;

A bill (H. R. 1178) granting a pension to Sarah Weedon Jones;

A bill (H. R. 1508) granting a pension to Anna M. Newton, widow of Gen. John Newton;

A bill (H. R. 1820) granting a pension to Neil McNeil;

A bill (H. R. 2189) granting a pension to Mrs. Mary A. Freeman;

A bill (H. R. 2317) to increase the pension of Levi T. E. Johnson;

A bill (H. R. 2969) granting a pension to Mrs. Lucy A. Allen;

A bill (H. R. 3113) granting a pension to Margaret A. Kidwell;

A bill (H. R. 3333) granting a pension to Thomas S. Daugherty;

A bill (H. R. 3480) for the relief of Emily A. Mann;

A bill (H. R. 3877) granting a pension to Henderson Marple;

A bill (H. R. 4481) granting increase of pension to Patsey E. Broaddus, of Marion, Kans.;

A bill (H. R. 4548) granting a pension to Mary L. Arnold;

A bill (H. R. 4724) to increase the pension of Mrs. Mary L. Aleshire;

A bill (H. R. 4888) for the relief of George Hager;

A bill (H. R. 4994) for the relief of Mrs. Sarah Martin;

A bill (H. R. 5050) granting a pension to Ransom C. Hazelip;

A bill (H. R. 5311) granting a pension to Sarah Ann Wible;

A bill (H. R. 5393) for the relief of Lucinda Rickards, widow, and the minor children of John D. Rickards, deceased;

A bill (H. R. 5710) granting a pension to Eleanor L. Curtiss;

A bill (H. R. 6111) granting a pension to Elizabeth A. Sergent;

A bill (H. R. 6221) granting an increase of pension to Mary E. Chamberlin;

A bill (H. R. 6789) granting a pension and for the relief of Dr. Harrison Wagner; and

A bill (H. R. 7212) to increase the pension of Melita E. White.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 1175) to remove the charge of desertion from the military record of Nicholas Swingle;

A bill (H. R. 2328) for the relief of Patrick Rainey;

A bill (H. R. 3514) granting an honorable discharge to John J. Johnson;

A bill (H. R. 3565) to grant an honorable discharge to Ezra Abbott;

A bill (H. R. 4193) to correct the military record of William F. Songer;

A bill (H. R. 4872) to correct the military record of Homer C. McCuskey;

A bill (H. R. 5407) to remove the charge of desertion now standing against Oscar A. Bulette, known in his military title as Austin Bulette, late private in Company E, Fifty-second Illinois Infantry Volunteers, during late war; and

A bill (H. R. 6608) to remove the charge of desertion from the military record of George W. Taylor.

The following bills were severally read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. 5740) authorizing the Secretary of the Treasury to issue a duplicate bond to Benjamin March, guardian of Ruth March;

A bill (H. R. 6259) to expedite the delivery of imported parcels and packages not exceeding $500 in value; and

A bill (H. R. 8582) to allow the bottling of distilled spirits in bond.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 6776) to provide an American register for bark *Vila;* and

A bill (H. R. 7255) authorizing the establishment of a life-saving station on the coast of Maryland.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. 7919) granting a site for the erection and maintenance of a charity hospital by the city of Biloxi, Miss.; and

A bill (H. R. 3268) to facilitate the procurement of evidence and to compel the attendance of witnesses in matters before the registers and receivers of the local land offices of the United States.

The bill (H. R. 8298) relating to mortgages in the Indian Territory was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 956) for the relief of Sophia Sparks and Julia C. Sparks, of Annapolis, Md., was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 7477) to provide for the registration of trade-marks on bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, and other receptacles and vessels used in commerce with foreign nations, or among the several States, or with the Indian tribes, or among or in the Territories of the United States, or with or in the District of Columbia, and to prevent the fraudulent use of the same in such commerce, was read twice by its title, and referred to the Committee on Patents.

The bill (H. R. 717) authorizing and directing the Secretary of the Navy to donate four condemned cannon and four pyramids of condemned cannon balls to James T. Shields Post, No. 45, Grand Army of the Republic, of Galesburg, Knox County, Ill., and for other purposes, was read twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. 8673) to incorporate The National Society of

Colonial Dames of America was read twice by its title, and referred to the Committee on the Library.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM. I move that the Senate proceed to the consideration of the conference report on the legislative, executive, and judicial appropriation bill. I wish to get it before the Senate, so that it may be the unfinished business for to-morrow.

Mr. COCKRELL. I have no objection to the conference report being taken up, but I want to move an executive session.

Mr. GORMAN. It is not necessary to take up the conference report to-night, but it can be taken up in the morning as a privileged question.

Mr. CULLOM. Very well. Then I shall not ask to have it taken up to-night, but give notice that I shall call it up to-morrow morning.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, May 20, 1896, at 12 o'clock meridian.

NOMINATION.

Executive nomination received by the Senate May 19, 1896.

POSTMASTER.

Harriet L. Hastings, to be postmaster at Port Gibson, in the county of Claiborne and State of Mississippi, in the place of Frank H. Foote, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 19, 1896.

TERRITORIAL ASSOCIATE JUSTICE.

John C. Tarsney, of Missouri, to be associate justice of the supreme court of the Territory of Oklahoma.

POSTMASTERS.

Simon B. Guthrie, to be postmaster at Gorham, in the county of Cumberland and State of Maine.

James Hudson, to be postmaster at Guilford, in the county of Piscataquis and State of Maine.

Fred M. Noyes, to be postmaster at Gardiner, in the county of Kennebec and State of Maine.

John H. Keelin, to be postmaster at East Greenwich, in the county of Kent and State of Rhode Island.

Cheney E. Parker, to be postmaster at Phillips, in the county of Franklin and State of Maine.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 19, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

APPOINTMENT OF CONFEREES.

The SPEAKER announced as conferees on the disagreeing votes of the two Houses on the bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes, Mr. BABCOCK, Mr. HULING, and Mr. MILNES.

The SPEAKER also announced as conferees on the disagreeing votes of the two Houses on the bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county, Mr. STEWART of New Jersey, Mr. JOY, and Mr. PATTERSON.

CONDEMNED CANNON.

The SPEAKER laid before the House the bill (H. R. 4324) authorizing the Secretary of the Navy to deliver one condemned cannon to the city of Elmwood, Peoria County, Ill., with Senate amendments.

The Senate amendments were concurred in.

CONTESTED ELECTION CASE—RINAKER VS. DOWNING.

Mr. DANIELS. Mr. Speaker, on behalf of the Committee on Elections No. 1, I submit a resolution which the committee desires to have passed, for the purpose of regulating the proceedings in the case of Rinaker against Downing.

The Clerk read as follows:

To the Speaker and House of Representatives of the Fifty-fourth Congress:

The Committee on Elections No. 1 hereby respectfully submit to the House for its approval in the case of the contested election in the Sixteenth Congressional district of the State of Illinois, wherein John I. Rinaker is the contestant and Finis E. Downing is contestee, the resolution approved by said committee, as follows:

"*Resolved*, That F. J. Robinson, county clerk of the county of Cass, State of Illinois; Charles Flamm, county clerk of the county of Calhoun, State of Illinois; D. J. Murphy, county clerk of the county of Jersey, State of Illinois; William A. Hubbard, county clerk of the county of Greene, State of Illinois; Fred G. Oeltgen, county clerk of the county of Macoupin, State of Illinois; F. J. Heinl, county clerk of the county of Morgan, State of Illinois; V. A. Grimes, county clerk of the county of Pike, State of Illinois, and Charles Crisp, county clerk of the county of Scott and State of Illinois, be, and they are hereby, each ordered to be and appear before Elections Committee No. 1 of this House forthwith, then and there to testify before said committee, or such commission as shall be appointed, and the truth to speak touching any matters then to be inquired of them by said committee in the contested election case of John I. Rinaker *vs.* Finis E. Downing, now before said committee for investigation and report; and that they, and each of them, respectively, as such county clerks, bring with them all the ballots and packages of ballots cast in each of said counties at the general election held in said counties on the 6th day of November, A. D. 1894, for the election, among other officers, of Representative in the Fifty-fourth Congress from the Sixteenth district of Illinois, now in their custody, respectively; and that they each also bring with them, respectively, in addition to said packages of ballots, all poll books and tally sheets, and such other books and papers as relate to said election in their respective counties now in their custody or under the control of either of them, respectively; that said ballots be brought in the packages in which the same now are; that said ballots, poll books, and tally sheets be examined, and said ballots counted by or under the authority of said Committee on Elections in said case; and to that end, that subpœnas be issued to the Sergeant-at-Arms of this House, commanding him to summon said persons to appear with said papers as witnesses in said case, and that the expenses of executing such process, including necessary subsistence and mileage of said witnesses and all other expenses of this proceeding, be paid out of the contingent fund of this House; and that said committee be, and hereby is, empowered to send for all other persons and papers as it may find necessary to the proper determination of said controversy; and also be, and it is, empowered to select one or more competent committees to take the evidence and count said ballots or votes, and report the same to this Committee on Elections, under such regulations as shall be prescribed for that purpose; and that the aforesaid expenses be paid on the requisition of the chairman of said committee after the auditing and allowance thereof by the said Elections Committee No. 1."

Mr. DANIELS. Mr. Speaker, I ask for the adoption of the resolution.

Mr. RICHARDSON. I desire to ask the gentleman a question. Is this the unanimous report of the committee?

Mr. DANIELS. Yes, sir; the resolution is the unanimous agreement of the members of the committee. I ask for the adoption of the resolution.

The resolution was agreed to.

On motion of Mr. DANIELS, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

Mr. DANIELS. Mr. Speaker, I desire to have 100 copies of the resolution printed.

The SPEAKER. The Chair understands the gentleman moved to reconsider the vote by which the resolution was agreed to.

Mr. DINGLEY. The gentleman wants to have printed 100 copies of the resolution already passed.

The SPEAKER. The gentleman from New York asks unanimous consent that 100 copies of the resolution be printed. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

FRANCIS E. HOOVER.

Mr. KIRKPATRICK, from the Committee on Invalid Pensions, submitted a report upon the bill (H. R. 1094) granting a pension to Francis E. Hoover (vetoed by the President and referred to the committee with the accompanying veto message), and asked that the report be printed and recommitted; which was ordered.

ORDER OF BUSINESS.

Mr. KEM. Mr. Speaker, I call for the regular order.

DENNY VS. OWENS.

Mr. TURNER of Virginia. Mr. Speaker, I desire to present a privileged report from the Committee on Elections No. 1. The report is in the contested-election case of George Denny, jr., *vs.* W. C. Owens, and is the unanimous report of the committee. I ask that the resolutions be read.

The resolutions were read, as follows:

Resolved, That George Denny, jr., was not elected a member of the Fifty-fourth Congress from the Seventh district of Kentucky and is not entitled to a seat therein.

Resolved, That W. C. Owens was elected a member of the Fifty-fourth Congress from the Seventh district of Kentucky and is entitled to a seat therein.

Mr. TURNER of Virginia. I move the adoption of the resolutions.

The resolutions were adopted.

On motion of Mr. TURNER of Virginia, a motion to reconsider the vote by which the resolutions were adopted was laid on the table.

ADDITIONAL EMPLOYEES OF HOUSE POST-OFFICE.

Mr. ODELL. Mr. Speaker, I desire to present a resolution on behalf of the Committee on Accounts.

The resolution was read, as follows:

Resolved, etc., That the Postmaster of the House is hereby authorized to employ two laborers at $3 per day for such time—not exceeding thirty days—as shall be necessary to distribute and deliver to the members of this House the garden and flower seeds, which are arriving in large quantities, said laborers to be paid out of the contingent fund of the House.

The SPEAKER. Is this from the Committee on Accounts?

Mr. ODELL. This is by authorization of the chairman of the committee, who requested me to offer it. I ask for its consideration.

Mr. MCMILLIN. Mr. Speaker, I did not hear the gentleman's statement.

The SPEAKER. The gentleman states that the resolution is not from the Committee on Accounts, but he asks unanimous consent for its present consideration.

Mr. MCMILLIN. Was not a resolution similar to this passed a short time ago?

Mr. ODELL. The resolution passed a short time ago provided for the employment of four assistants in the post-office. Only two were employed, and this is to continue those two without any extra expense beyond that provided in the first resolution. The time for which they were authorized to be employed expires to-day.

Mr. MCMILLIN. The twenty days?

Mr. ODELL. The twenty days.

Mr. MCMILLIN. And you want now to continue their employment for thirty days.

Mr. ODELL. This is to continue the employment of those two men.

Mr. MCMILLIN. Is this reported from the Committee on Accounts?

Mr. ODELL. It has received informal consideration by the members of the Committee on Accounts.

Mr. MCMILLIN. I think these matters ought to be a little more formal than that; but I shall not object.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. KEM. I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 5226) to give increased pension to Gen. James C. Parrott; and

A bill (H. R. 7285) for the relief of George McFarland.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

A bill (S. 1215) granting a pension to Ellen Kingsley;

A bill (S. 125) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook;

A bill (S. 404) granting a pension to Samuel Goldwater;

A bill (S. 1044) granting a pension to Mary Newman;

A bill (S. 149) granting a pension to Helen M. Jacobs; and

A bill (S. 1837) granting a pension to Ellen Ewing, widow of Bvt. Maj. Gen. Thomas Ewing.

The message also announced that the Senate had passed with amendments the bill (H. R. 6994) relating to the sale of gas in the District of Columbia, asked a conference with the House on the bill and amendments, and had appointed Mr. MCMILLAN, Mr. FAULKNER, and Mr. GALLINGER as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 1189) granting a pension to Eliza Sanford, asked a conference with the House on the bill and amendment, and had appointed Mr. PRITCHARD, Mr. GALLINGER, and Mr. ROACH as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe, asked a conference with the House on the bill and amendment, and had appointed Mr. GALLINGER, Mr. MITCHELL of Wisconsin, and Mr. BAKER as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 266) to provide for the purchase of a site and the erection of a public building thereon at Deadwood, in the State of South Dakota;

A bill (S. 3064) authorizing the purchase by the United States and the making free of the toll roads passing over the Yosemite National Park, and for other purposes;

A bill (S. 3122) for the relief of Bridget Lane;

A bill (S. 206) to provide an American register for the steamer *Kahului;* and

A bill (S. 2871) to amend "An act for the correction of the military record of Wilhelm Spiegelburg," approved July 21, 1892.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 3122) for the relief of Bridget Lane—to the Committee on Claims.

A bill (S. 3064) authorizing the purchase by the United States and the making free of the toll roads passing over the Yosemite National Park, and for other purposes—to the Committee on Public Lands.

A bill (S. 2871) to amend "An act for the correction of the military record of Wilhelm Spiegelburg," approved July 21, 1892—to the Committee on War Claims.

A bill (S. 266) to provide for the purchase of a site and the erection of a public building thereon at Deadwood, in the State of South Dakota—to the Committee on Public Buildings and Grounds.

A bill (S. 1189) granting a pension to Eliza Sandford, with House amendment—to the Committee on Pensions.

A bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe, with House amendment—to the Committee on Invalid Pensions.

A bill (S. 1420) granting an increase of pension to Elizabeth W. Sutherland, with House amendments—to the Committee on Invalid Pensions.

CAROLINE A. HOUGH.

Mr. PICKLER. Mr. Speaker, on behalf of the Committee on Invalid Pensions, I move that a conference be asked for on the bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough, the Senate amendments to which were nonconcurred in by the House yesterday.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. WOOD, Mr. SULLOWAY, and Mr. BAKER of Kansas.

IMMIGRATION.

The SPEAKER. The Clerk will read the special order adopted yesterday.

The Clerk read as follows:

Resolved, That immediately after the adoption of this rule, and until 4 o'clock Wednesday, May 20, the time of the House shall be given to the consideration of such bills on the House Calendar as have been reported by the Committee on Immigration and Naturalization; and that at 4 o'clock May 20, the previous question shall be considered as ordered on the pending bill and pending amendments to the passage: *Provided, however*, That nothing in this resolution shall be construed as interfering with general appropriation bills and conference reports.

Mr. DOCKERY. Mr. Speaker, allow me again to prefer a request for a reprint of the bills and reports under consideration, as I am informed that they are all exhausted.

The SPEAKER. The gentleman from Missouri asks unanimous consent for a reprint of the various bills to be before the House under the order just read and the accompanying reports. This requires unanimous consent. Is there objection?

Mr. KEM. I object.

Mr. MCMILLIN. Mr. Speaker, if the gentleman in charge of this measure will pardon me for the suggestion, I think he may obviate at this time a difficulty that he will be likely to encounter later. The order was adopted in haste yesterday afternoon, and it does not provide any time for the consideration of this bill under the five-minute rule.

Now, there is danger, I fear, if the gentleman does not make some provision of this kind, that the whole time up to the last moment may be consumed by debate, allowing no opportunity whatever for amendment. I submit to the gentleman whether it would not be well to provide that the last hour or two hours devoted to the consideration of this bill to-morrow be assigned to the consideration of the bill by sections for the purpose of amendment.

Mr. DINGLEY. As I understand, these bills are on the House Calendar, and are therefore subject to amendment at any moment as the debate progresses. They will not be considered under the five-minute rule.

Mr. MCMILLIN. I did not know but that the bill carried an appropriation, and would be subject to the rule requiring the consideration of such bills in the Committee of the Whole.

Mr. DINGLEY. An amendment may be offered at any time and acted on.

The SPEAKER. The gentleman from Missouri [Mr. BARTHOLDT] will send up to be read the bill which he desires to have considered.

Mr. BARTHOLDT. I send it to the Clerk.

The Clerk read as follows:

A bill (H. R. 7864) to amend the immigration laws of the United States.

Be it enacted, etc., That section 1 of the act of March 3, 1891, in amendment of the immigration and contract-labor acts, be, and hereby is, amended by adding to the classes of aliens thereby excluded from admission to the United States the following: All male persons between 16 and 60 years of age who can not both read and write the English language or some other language. But no parent of a person now living in, or hereafter admitted to, this country shall be excluded because of his inability to read and write.

Sec. 2. That the provisions of the act of March 3, 1893, to facilitate the enforcement of the immigration and contract-labor laws, shall apply to the persons mentioned in section 1 of this act.

Sec. 3. That this act shall take effect three months after its passage.

Mr. BARTHOLDT. Mr. Speaker, a reprint of the report having been objected to by the gentleman from Nebraska, I ask that the report be now read, so that it may be incorporated in the RECORD,

and that members may thus have an opportunity to see it in print to-morrow morning.

The SPEAKER. The report may be read as part of the gentleman's remarks.

The report (by Mr. BARTHOLDT) was read, as follows:

The Committee on Immigration and Naturalization, to whom was referred the bill (H. R. 9) entitled "A bill to amend the immigration laws of the United States," beg leave to submit the following report, and recommend that in lieu of House bill No. 9 the substitute do pass without amendment.

This is a bill enacting that three months after its passage no male person unable to read and write his own language shall be admitted to the United States, excepting children under the age of 16 years and parents of persons now living in or hereafter admitted to this country.

While the committee is unanimously of the opinion that good immigration is still beneficial and necessary for the development of the vast resources of our country, a regard for public sentiment as to the undesirability of certain classes has prompted them to favor the addition of the so-called illiterates, with the restrictions indicated, to the classes excluded under existing laws. A cursory examination of the figures bearing upon the question of an educational test will demonstrate that such a test will not materially affect the immigration from Great Britain, Germany, Scandinavia, and other countries of northern Europe, which countries as a rule send us the most desirable class of immigrants, while under it the immigration from southern Europe, now looked upon as more or less undesirable, will be considerably restricted.

The following table, showing the percentage of illiterates by nationalities, will give an idea of the effect of this bill on immigration from the countries furnishing the largest quota of immigrants:

Nationalities.	Percentage of illiterates in total immigration from each country.	Nationalities.	Percentage of illiterates in total immigration from each country.
Portugal	67.35	Spain	8.71
Italy	52.93	Ireland	7.27
Galicia and Bukowina	45.68	Finland	3.58
Poland	39.82	France (including Corsica)	3.50
Hungary	37.69	England	3.49
Russia (proper)	36.42	Netherlands	3.38
Other Austria	32.70	Scotland	2.83
Greece	25.18	Germany	2.49
Roumania	17.75	Norway	1.02
Belgium	15.22	Sweden	.74
Turkey in Europe	14.79	Switzerland	.60
Wales	10.43	Denmark	.49
Bohemia and Moravia	8.98		

The original bill provided for the exclusion of male and female illiterates, but in view of the conceded scarcity of female white servants in nearly all parts of the country, the committee deemed it wise to exempt females from the illiteracy test and admit them as heretofore. The reason for the exemption of parents whose children have preceded them hither is obvious, and this provision requires no explanation further than that it was prompted by humane considerations.

Mr. CORLISS. Mr. Speaker, I rise to a parliamentary inquiry. I wish to know whether it would not be in order at the present time, with the consent of the gentleman occupying the floor, to move an amendment to the bill just reported, in order that the House may be fully informed as to the different propositions on which we desire a vote. If it is in order, I believe I have the consent of the chairman of the committee to offer the amendment now and have it read.

Mr. BARTHOLDT. I have no objection.

Mr. McMILLIN. I hope there will be general assent to this arrangement, for then the amendment will be published in the RECORD and we can have it before us in printed form when we vote upon it.

Mr. DINGLEY. I think the amendment, if offered, had better be read.

Mr. WILLIAM A. STONE. I should like, also, to offer an amendment. I suggest that probably it would be well that the bills which it is proposed to offer as amendments to the one already read be presented now, so that the House may understand them.

Mr. BARTHOLDT. There is no objection to printing all these bills and amendments if it is in order.

Mr. WILLIAM A. STONE. I wish to offer as an amendment to the pending bills what is known as House bill No. 58. I wish to offer it as a third section to the pending bill.

The SPEAKER. If the gentleman from Missouri yields for the purpose——

Mr. WILLIAM A. STONE. I understand that he does.

Mr. CORLISS. I ask that the amendment I have sent to the desk be first read.

Mr. DINGLEY. I hope the amendments will only be offered as they are in order, so that we may avoid confusion.

Mr. WILLIAM A. STONE. My proposition is to insert as section 3 of the pending bill what is known as bill No. 58.

Mr. DINGLEY. Is your proposition an amendment to the amendment?

Mr. WILLIAM A. STONE. Oh, no.

Mr. DINGLEY. Then it is an amendment to the original bill?

Mr. WILLIAM A. STONE. Yes, sir.

Mr. DINGLEY. There can be pending but one amendment to the original bill, an amendment to that amendment, then a substitute, and an amendment to the substitute.

Mr. WILLIAM A. STONE. I do not offer this as a substitute, but as an amendment to be inserted after the second section of the pending bill.

The SPEAKER. The gentleman from Michigan [Mr. CORLISS] offers the amendment which will be read.

Mr. WILLIAM A. STONE. I will offer mine as an amendment to that amendment.

The amendment of Mr. CORLISS was read, as follows:

At the end of section 2, line 4, page 1, add after the word "act" the following:

"SEC. 3. That it shall be unlawful for any alien who resides or retains his home in a foreign country to enter the United States for the purpose of engaging in any mechanical trade or manual labor within the borders thereof while residing or retaining his home in a foreign country: *Provided*, That the Secretary of the Treasury may permit aliens to come into and enter this country for the purpose of teaching new arts or industries, under such rules and regulations as he may provide.

"SEC. 4. That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ in any manner whatsoever in the United States any alien who resides or retains his home in a foreign country: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels navigating the Great Lakes or the rivers tributary thereto, or railroad-train hands, such as conductors, engineers, brakemen, firemen, or baggagemen, whose duties require them to pass over the frontier to reach the termini of their roads.

"SEC. 5. That it shall be unlawful for any alien to enter the United States, except subjects of the Dominion of Canada and other American countries, except at the places where the United States maintain an immigrant inspection board.

"SEC. 6. That any violation of the provisions of this act shall be deemed a misdemeanor, punishable by a fine not exceeding $500 or by imprisonment for the term of not exceeding one year, or both such fine and imprisonment, in the discretion of the court. That all persons convicted under this act shall be deported to the country from whence they came."

Mr. DINGLEY. I would like to ask the gentleman from Michigan if he has included American vessels engaged in foreign trade? I notice that he refers to vessels navigating the Great Lakes or the rivers tributary to the Great Lakes.

Mr. CORLISS. I will state that the amendment was proposed by the committee, and did not embrace all seamen, although I have no objection to the modification covering all seamen. The reason why the committee limited it to the seamen on the Great Lakes was because the lakes and rivers tributary thereto are between Canada and the United States, and are so interwoven that there might be violations which it would be impossible to reach.

Mr. DINGLEY. They are no more interwoven, I will state to the gentleman, than vessels engaged in the coastwise trade or near-by foreign trade.

Mr. CORLISS. I have no objection to striking out that provision of the bill and making it applicable to all vessels of the United States.

Mr. DINGLEY. I suggest that the gentleman modify the amendment by saying "vessels of the United States."

Mr. CORLISS. I will do so. I will so modify the amendment.

Mr. DINGLEY. Because, of course, there ought not to be such a limitation upon vessels engaged in foreign trade.

Now, do I understand that the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] has offered an amendment to the amendment or simply given notice of his intention to do so?

Mr. WILLIAM A. STONE. I have offered my bill as an amendment to the amendment.

Mr. DOCKERY. It has not been read yet.

Mr. HOPKINS. It is not proper now to offer it as an amendment in that degree, is it?

Mr. CORLISS. I think an amendment to an amendment would be in order.

Mr. WILLIAM A. STONE. My motion is to amend the bill by adding three or four additional sections.

Mr. DINGLEY. The amendment of the gentleman from Pennsylvania seems to be on an entirely different subject, as I understand it. However, it ought to be read. There may be some question as to the propriety of offering it at this time.

Mr. KIEFER. I object.

Mr. WILLIAM A. STONE. I desire to offer my bill as a substitute, then, Mr. Speaker, if in order.

The SPEAKER. It can be offered as a substitute.

Mr. WILLIAM A. STONE. I offer it as a substitute for the remainder of the pending bill after the first section.

Mr. KIEFER. I have objected——

The SPEAKER. The gentleman has a right to offer it as a substitute.

Mr. WILLIAM A. STONE. Then, Mr. Speaker, I send the bill to the desk and offer it as a substitute for the entire bill of the committee, which is offered by the gentleman from Missouri [Mr. BARTHOLDT], to follow the first section of his bill.

Mr. HOPKINS. There seems to be some misunderstanding as to the proposed action of gentlemen offering the amendments. Are these bills offered as amendments to be considered now, or are they simply giving notice of their intention to offer them when the proper time comes?

The SPEAKER. The Chair understands that they are offered now.

Mr. HOPKINS. Is that proper at this time?

The SPEAKER. The Chair would like to know why it is not?

Mr. HOPKINS. I am asking for information.

The SPEAKER. The Chair misunderstood the gentleman. The Chair thought the gentleman was making a point against offering them at this time. In the opinion of the Chair they are admissible.

Mr. McCREARY of Kentucky. Mr. Speaker, there is so much confusion it is utterly impossible to hear a sound on the floor.

A MEMBER. The storm outside is the trouble.

Mr. MORSE. I suggest that the Speaker can not control the thunder.

Mr. McCREARY of Kentucky. I am not asking him to control the thunder, but to control the members of the House.

Mr. WILLIAM A. STONE. I send the substitute to the desk and ask to have it read.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

SECTION 1. That section 1 of the act of March 3, 1891, in amendment of the immigration and contract labor acts, be, and hereby is, amended by adding to the classes of aliens thereby excluded from admission to the United States the following: All male persons between 16 and 60 years of age who can not both read and write the English language or some other language; but no parent or a person now living in, or hereafter admitted to, this country shall be excluded because of his inability to read and write.

SEC. 2. That no alien immigrant shall be admitted within the United States unless, in addition to other requirements and provisions of law, he or she shall exhibit to the United States inspectors of arriving immigrants at the place of admission a certificate, signed by the United States consul or other authorized representative of the United States at the place nearest where said immigrant last resided, setting forth that the said consul or other United States representative has made an investigation concerning said immigrant, and that said immigrant does not belong to the class or classes of alien immigrants excluded from admission into the United States under the provisions of the act of Congress approved March 3, 1891, entitled "An act in amendment to the various acts relative to immigration and the importation of aliens under contract or agreement to perform labor, its amendments or supplements," or by any other law of the United States that now exists or may hereafter be passed. Said immigrant shall, in addition, conform to all present requirements of law.

It shall be the duty of United States consuls and United States representatives in other countries to investigate and grant or withhold certificates, as shall be disclosed on investigation under the directions and instructions of the State Department, according to the laws of the United States, as aforesaid. Nothing herein contained shall be construed as in any wise limiting, releasing, or discharging any of the liabilities or obligations of any person, company, partnership, or corporation under laws now existing or hereafter enacted relative to immigration or importation of aliens.

SEC. 3. That it shall be unlawful for any alien who resides or retains his home in a foreign country to enter the United States for the purpose of engaging in any mechanical trade or manual labor within the borders thereof while residing or retaining his home in a foreign country: *Provided*, That the Secretary of the Treasury may permit aliens to come into and enter this country for the purpose of teaching new arts or industries, under such rules and regulations as he may provide.

That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ in any manner whatsoever in the United States any alien who resides or retains his home in a foreign country: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels navigating the Great Lakes or the rivers tributary thereto.

SEC. 4. That it shall be unlawful for any alien to enter the United States, except subjects of the Dominion of Canada and other American countries, except at the places where the United States maintain an immigrant inspection board.

SEC. 5. That any violation of the provisions of this act shall be deemed a misdemeanor, punishable by a fine not exceeding $500 or by imprisonment for the term of not exceeding one year, or both such fine and imprisonment, in the discretion of the court.

SEC. 6. That all persons convicted under this act shall be deported to the country whence they came.

Mr. DINGLEY. Is this offered as a substitute?

The SPEAKER. This is offered as a substitute for the original bill.

Mr. DINGLEY. And the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] has included in that substitute the original McCall bill——

Mr. WILLIAM A. STONE. Yes, and the Corliss bill.

Mr. DINGLEY. The bill offered by the gentleman from Michigan [Mr. CORLISS]——

Mr. WILLIAM A. STONE. Yes.

Mr. DINGLEY. As well as his own?

Mr. WILLIAM A. STONE. Yes.

Mr. MAHANY. I offer as an amendment to the amendment the bill which I ask the Clerk to read.

The SPEAKER. The gentleman from New York [Mr. MAHANY] offers the following amendment to the amendment offered by the gentleman from Michigan [Mr. CORLISS].

The Clerk read as follows:

Be it enacted, etc., That all contracts or agreements, express or implied, to perform labor or service of any kind by an alien in the United States, made in the United States or elsewhere, by or in behalf of such alien, with any citizen or resident of the United States or other country, knowing him or her to be such alien, prior to the coming of such alien to the United States, shall be illegal, null, and void; and the parties thereto, within the jurisdiction of the courts of the United States, shall be deemed guilty of a misdemeanor and punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or by both such fine and imprisonment: *Provided*, That nothing in this section contained shall be construed as repealing section 5 of act of February 26, 1885, as amended by section 5 of act of March 3, 1891.

SEC. 2. That it shall be a misdemeanor, punishable by fine of not less than one hundred nor more than three hundred dollars, or by imprisonment for not less than three nor more than six months for each offense, for any person to perform labor in the United States who has become a citizen of the United States and returned to a foreign country, making the same his home and retaining the same as such thirty days after the passage of this act.

SEC. 3. That it shall be a misdemeanor, punishable by fine not exceeding $100 or by imprisonment not exceeding ninety days, or by both such fine and imprisonment, for any alien who has not immigrated to the United States, and who retains his or her home in a foreign country, to labor in the United States.

SEC. 4. That section 6 of the act of March 3, 1891, be, and is hereby, amended by adding to said section 6 the words "And any person or persons encouraging or soliciting the immigration or importation of any alien or aliens not related by ties of consanguinity or affinity to said person or persons into the United States to perform labor, either for himself or any other known or certain person or persons, shall be deemed guilty of a violation of said section of the act of March 3, 1891, and the penalties prescribed by said section shall be imposed for every such offense."

SEC. 5. That section 5 of the act of February 26, 1885, be, and is hereby, amended so as to exclude from said section 5, in the first proviso, the words "nor to persons employed strictly as personal or domestic servants."

SEC. 6. That it shall be a misdemeanor, punishable by fine not exceeding $500 or by imprisonment not exceeding six months, or both, for any person to enter the United States along the borders of Canada or Mexico to perform labor or service of any kind except at the places known as the United States custom ports of entry, whether by vessel or otherwise.

SEC. 7. That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ in any manner whatsoever in the United States any alien who resides or retains his home in a foreign country: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels navigating the Great Lakes or the rivers tributary thereto.

SEC. 8. That when any person has been deported from the United States under the provisions of act of February 26, 1885, and acts amendatory thereof, and thereafter returns thereto to perform labor for the person, company, or corporation whose contract or agreement with such alien had been the cause of his or her deportation, then such person, company, or corporation shall be deemed guilty of a misdemeanor and punished by fine of $2,000 or by imprisonment for two years, or by both such fine and imprisonment: *Provided, however*, That this section shall not apply to cases where the alien returns to the United States under the provisions of law and becomes naturalized.

SEC. 9. That all United States immigrant inspectors shall have power to take into custody any alien convicted of a crime or misdemeanor within two years after his or her arrival in the United States and cause him or her to be deported to the country whence he or she came, and should he or she again return to the United States such officers shall rearrest said alien and bring him or her before a court having jurisdiction, and said alien shall be imprisoned for a period of not less than three months and not more than six months, and at the expiration of his or her sentence he or she shall be deported to the country whence said alien came; and any woman who shall within two years after her arrival in the United States become a prostitute shall be subject to such deportation and penalties as are herein provided for said convicted aliens.

SEC. 10. That every person who assaults, resists, impedes, or interferes with any immigrant inspector in the execution of his duties shall be deemed guilty of a misdemeanor and be fined not less than $100 nor more than $1,000, or be imprisoned for a term of not less than sixty days nor more than one year.

SEC. 11. That all criminal proceedings under this act shall be had and taken before any United States commissioner; and said commissioners are hereby invested, under this act and acts supplementary thereto and amendatory thereof, with power and authority to try and determine all such criminal proceedings hereunder where the fine imposed does not exceed $300 and the imprisonment does not exceed six months; and it shall be the duty of any immigrant inspector to make complaint of any violation of this act to said commissioner, who shall thereupon issue his warrant for the arrest of such offender or offenders.

SEC. 12. That there shall be levied, collected, and paid a duty or head tax of 50 cents for each and every alien entering the United States along the borders of Canada and Mexico to perform labor, or immigrating to the United States, whether said alien comes by land carriage or otherwise. The said duty shall be paid to the collector of customs of the port to which such alien shall come, and the collector of such port shall pay the money so collected into the United States Treasury, such money to constitute a fund for the general purposes and expenses of carrying this act into effect; and the Secretary of the Treasury is hereby empowered to establish such regulations and rules, not inconsistent with law, as he shall deem best calculated for the enforcement of this act.

SEC. 13. That all acts or parts of acts in conflict with any of the provisions of this act are hereby repealed.

SEC. 14. That this act shall take effect on and after its passage.

Mr. JOHNSON of California. Mr. Speaker, I should like to offer either an amendment or a substitute.

Mr. DINGLEY. Is this proposition of the gentleman from New York [Mr. MAHANY] offered as an amendment to the amendment offered by the gentleman from Michigan [Mr. CORLISS]?

The SPEAKER. The Chair so understands it.

Mr. DINGLEY. Strictly speaking, it is not an amendment. It covers half a dozen subjects.

Mr. MAHANY. The only part that is an amendment is the part not contained in the Corliss bill, the provisions of which are similar to most of the provisions of my bill. Therefore I can not see how my proposition can fail to be germane.

Mr. BARTHOLDT. I desire to reserve all points of order.

The SPEAKER. Gentlemen must state their points of order.

Mr. BARTHOLDT. I desire to reserve points of order as to all the amendments and the substitute.

The SPEAKER. The gentleman must present his points of order.

Mr. BARTHOLDT. Can not points of order be reserved without being stated now?

Mr. JOHNSON of California. Mr. Speaker, I think I was recognized a while ago.

The SPEAKER. The gentleman can not be recognized while a point of order is suggested with regard to an amendment already pending.

Mr. BARTHOLDT. I do not propose to make a point of order now. I desire to reserve all points of order.

The SPEAKER. The gentleman can reserve a point of order by unanimous consent only.

Mr. DOCKERY. I hope that will be done, Mr. Speaker, because the amendments have been read so hurriedly that it is impossible at this time for some of us to determine whether they are subject to points of order or not.

Mr. BARTHOLDT. The bills have been read so hurriedly that I think half of the members of the House do not understand what they contain.

Mr. WILLIAM A. STONE. Will the gentleman state his point of order?

Mr. BARTHOLDT. I believe, from what I have heard during the reading, that some of the bills are not germane to the main bill. That is the point of order I should like to submit.

Mr. WILLIAM A. STONE. That is not a good point of order to a substitute. It may be a good point of order to an amendment. If the gentleman will state his points of order and let us understand what they are, that is one thing. If unanimous consent is asked to reserve points of order, I object.

Mr. HOPKINS. Then I think it would be well for us to vote on these amendments, so that we may get down to some single proposition. Various bills have been offered, and the members of the House can not understand what the parliamentary situation is.

Mr. DOCKERY. It is utterly impossible to understand it at this time.

The SPEAKER. The matter stands now in this way, that the bill is presented, and the gentleman from Michigan [Mr. CORLISS] has offered an amendment. The gentleman from Pennsylvania [Mr. WILLIAM A. STONE] has offered a substitute, and the gentleman from New York [Mr. MAHANY] offers an amendment to the amendment. That is as far as the matter has gone now.

Mr. McCREARY of Kentucky. In order to make the explanation of the Chair clear, I desire to know if the bill that is under consideration is the bill offered by the gentleman from Missouri [Mr. BARTHOLDT]?

The SPEAKER. That is the bill which he offers, and which was reported to the House.

Mr. McCREARY of Kentucky. Then there was an amendment offered by the gentleman from Michigan [Mr. CORLISS] and a substitute by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE], as I understand it.

The SPEAKER. And to the amendment offered by the gentleman from Michigan [Mr. CORLISS] the present amendment is now offered by the gentleman from New York [Mr. MAHANY].

Mr. DINGLEY. Mr. Speaker, it seems to me that the amendment to the amendment is not such in reality. It is an entire bill, with 14 sections in it, with some slight reference to the amendment of the gentleman from Michigan [Mr. CORLISS]; but an amendment to an amendment should be some modification of the proposition which is contained in that amendment and not a proposition covering a dozen different things.

The SPEAKER. The Chair will hear the gentleman from New York [Mr. MAHANY] on the point, if he desires to be heard.

Mr. MAHANY. I have not time at the present moment to go into the presentation and discussion of the points wherein my bill does amend and modify the amendment of the gentleman from Michigan.

The SPEAKER. But there is a large portion of it that does not so modify and amend it.

Mr. MAHANY. There are some portions of it amplifying the principles of the Corliss measure.

The SPEAKER. That is why the point is made. If those parts are not germane, then the whole is not germane.

Mr. DINGLEY. Now, I would suggest to the gentleman from New York that he should not offer this at the present time as an amendment to the amendment of the gentleman from Michigan, but after that amendment is disposed of, or some other amendment is disposed of, then he might offer it as a substitute, perhaps, for the whole bill in some other form. While it does cover some of the points in the amendment of the gentleman from Michigan, it is not an amendment to the amendment of the gentleman from Michigan, but covers far wider ground.

The SPEAKER. That is what the Chair is inclined to think, but will hear the gentleman from New York, if he has anything to offer.

Mr. HOPKINS. Just one further word about that. If the substitute of amendment offered by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] should be adopted that would preclude the offering of this bill entirely, would it not?

Mr. DINGLEY. Oh, certainly.

Mr. HOPKINS. I wanted the gentleman from New York to understand that.

Mr. MAHANY. I want to say that this is a bill that has been favorably reported by the Committee on Immigration. This is a bill that has the united indorsement of all the labor federations of this country.

The SPEAKER. But that does not have much to do with the point of order.

Mr. MAHANY. And I wish to say that it is a modification of the bill introduced by the gentleman from Michigan [Mr. CORLISS], since it amends that bill by adding thereto subjects which are germane to the purpose and intent of his measure, and to that degree it is in the spirit of the bill, and should therefore be regarded as an amendment to the amendment of the gentleman from Michigan.

The SPEAKER. But the difficulty about regarding this as an amendment to the amendment is that the greater part of the bill does not treat of that subject at all.

Mr. MAHANY. It treats in a general way of the exclusion of alien contract labor, which is the purpose of the bill introduced by the gentleman from Michigan, whose measure aims simply to regulate Canadian immigration along the lake frontiers, while my amendment strikes at the root of the whole alien contract evil; and it seems to me, therefore, that if any bill is germane to another, this bill introduced by me is germane to the measure introduced by the gentleman from Michigan; and I sincerely trust that the gentleman from Maine [Mr. DINGLEY] will withdraw his point of order. I will ask the gentleman if he has read the Corliss bill?

Mr. DINGLEY. Oh, certainly; I have read both of them. What occurs to me on the matter of its being germane is this. Of course I do not know that I have any objection to the bill proposed by the gentleman from New York, but it seems to me that it covers so many different points that it ought to be separately treated and not included with this bill, which is simply a bill dealing with the question of immigration. I think the subjects are distinctly different in your measure.

Mr. MAHANY. It covers several points of the same subject, the subject now under consideration in this House, and the very points of this measure must in the nature of things come up during the course of this debate; and I sincerely hope, in the interest of fairness, justice, and equity to the laboring people of this country that this point of order will not be insisted upon, even if by torturing the spirit of the rule the provisions of this bill might be regarded as not in accordance with the letter.

Mr. DINGLEY. Mr. Speaker, I have simply to say, with reference to that, that this is a question of orderly parliamentary procedure, with which the merits of a bill have nothing at all to do.

Mr. MAHANY. But I am standing on the rights of the bill from the standpoint of that very procedure.

Mr. DINGLEY. I may be in favor of a protective tariff, but would hardly care to offer it as an amendment to this bill.

Mr. MAHANY. Very likely, because that subject has nothing to do with the present matter.

Mr. DINGLEY. And although that should even arise on the very subject, we should not enter or wander out into other fields because we should like to.

The SPEAKER. The gentleman reserves the point of order. The Chair sustains the point of order.

Mr. MAHANY. A parliamentary inquiry. If the substitute of the gentleman from Pennsylvania is voted down, could I then offer this in its stead?

The SPEAKER. There are circumstances under which the gentleman could and there are others under which he could not. The Chair can not anticipate at what time that would be. The gentleman from California [Mr. JOHNSON] desires to present an amendment.

Mr. JOHNSON of California. Mr. Speaker, I wish to offer the bill which I send to the desk as a substitute for all the pending bills, or as an amendment, whichever is in order.

The SPEAKER. One substitute has already been offered.

Mr. JOHNSON of California. Then I offer this as an amendment to the bill of the gentleman from Pennsylvania [Mr. WILLIAM A. STONE].

The amendment offered by Mr. JOHNSON of California was read, as follows:

Be it enacted, etc., That from and after August 1, 1896, it shall be unlawful for any foreign-born laborer to enter the United States. The words "foreign-born laborer" shall be construed to mean, wherever used in this act, skilled and unskilled laborers and laborers employed in mining.

SEC. 2. That all captains and masters of vessels entering the ports of the United States are hereby made responsible for the character of their passengers. It is hereby made the duty of all such captains and masters to file with the collector of the port of the United States into which their vessel enters an affidavit setting forth fully the character and names of the passengers by them brought in their said vessels, and also setting forth that none of them are foreign-born laborers and that they have not brought into the said port any foreign-born laborers on their said vessels. A violation of the provisions of this section shall be deemed a misdemeanor and shall be punished by fine not less than $500 or by imprisonment not less than six months, or by both such fine and imprisonment.

SEC. 3. That any foreign-born laborer coming into the United States after August 1, 1896, shall be subjected to immediate deportation, and shall in addition thereto be deemed guilty of a misdemeanor, punishable as provided by law.

SEC. 4. That it is hereby made the duty of the Secretary of the Treasury to prepare and distribute to the proper officers the necessary instructions and blanks and reports for the proper enforcement of this law, and it is hereby made the duty of all United States officers to promptly and thoroughly enforce the provisions of this statute, to the end that this law may be fully complied with and foreign-born laborers be prevented from entering the United States.

SEC. 5. That the sum of $60,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses of enforcing this law.

Mr. BARTHOLDT. Mr. Speaker, I make the point of order against that amendment that it is not germane to the original bill or to the substitute. I also make the point that it has not been reported by the Committee on Immigration.

Mr. JOHNSON of California. So far as the second proposition of the gentleman from Missouri is concerned, that this bill has not been reported by the Committee on Immigration, I do not suppose that committee has any control over the business of this House or over points of order, and I do not know of any rule which makes a bill amenable to a point of order simply because it has not met the approval of the Committee on Immigration. The object of the Stone bill is to prevent foreign laborers from coming into the United States except under certain conditions, and it provides for a consular inspection, and it seems to me that my amendment is germane to that, because it prohibits foreign labor from coming into the United States. If the part of the amendment which makes an appropriation renders the bill amenable to the point of order, then I ask permission to strike out that section, so as to leave simply the question whether my amendment is not germane to the proposition of the gentleman from Pennsylvania. His bill seeks to make it onerous for a certain class of persons to come to the United States, while my bill prohibits them from coming, and therefore it seems to me that my amendment is clearly germane.

Mr. BARTLETT of New York. Mr. Speaker, I was about to raise a point of order, and I do raise it, that this bill involves an appropriation, and I object to that part of it being stricken out.

Mr. JOHNSON of California. I ask that that section of the amendment be stricken out,

Mr. KIEFER. Mr. Speaker, I shall object to the proposition that that part of the gentlemen's amendment be stricken out.

The SPEAKER. The gentleman can modify his amendment until it is put to the House.

Mr. JOHNSON of California. Then I do modify it by striking out the section which makes an appropriation.

The SPEAKER. The Chair will hear the gentleman from Missouri [Mr. BARTHOLDT] on the point of order.

Mr. BARTHOLDT. Mr. Speaker, I merely wish to state that, as I understand the rule adopted by the House yesterday, only such bills were to be considered as had been reported by the Committee on Immigration and Naturalization. Now, the gentleman from California offers as an amendment a bill which has not been so reported to the House, and under the rule as adopted yesterday I claim that this House has no authority to consider that bill. My second point is that this is not germane to the main bill pending, the measure under discussion.

Mr. WILLIAM A. STONE. As to the first point, Mr. Speaker, the committee has called up only one bill, which is, of course, subject to amendment and to have a substitute for it offered. On the second point I do not care to make any remark.

The SPEAKER. To which of the bills does the gentleman from California offer this bill as an amendment?

Mr. JOHNSON of California. I offer it as an amendment to the substitute of the gentleman from Pennsylvania. I understood the Chair to say that I could not offer it as a substitute, because there was one substitute already pending, but that I could offer it as an amendment.

The SPEAKER. In what shape does the gentleman propose to offer it as an amendment?

Mr. JOHNSON of California. As an addition to the Stone bill. I offer it as an addition to the substitute offered by the gentleman from Pennsylvania.

The SPEAKER. The substitute of the gentleman from Pennsylvania, as the Chair understands it, simply provides for the method of certifying as to persons who shall be admitted into the United States.

Mr. JOHNSON of California. It also provides for a consular inspection, and it contains a provision for the exclusion of certain alien laborers. The gentleman from Pennsylvania in his bill has provided for the exclusion of certain alien laborers as well as for consular inspection. My bill provides for the exclusion of all of them.

The SPEAKER. Does the gentleman propose to add his bill to the other as an amendment?

Mr. JOHNSON of California. Yes, sir.

The SPEAKER. The Chair thinks that a bill providing that nobody shall come into the United States can hardly be germane as an addition to a bill which provides that only those who can read and write shall come in and provides for consular certificates as to those who may come in.

Mr. JOHNSON of California. All right. The Chair is the one to decide.

Mr. BARTHOLDT. Mr. Speaker, I wish some arrangement could be made as to the control of the time. I understand that the gentleman from Louisiana [Mr. BUCK], a member of the committee, desires to control the time on the part of the opponents of the measure.

Mr. JOHNSON of California. I submit that that is scarcely fair.

The SPEAKER. It requires unanimous consent.

Mr. JOHNSON of California. I object.

The SPEAKER. Objection is made. The gentleman from Missouri [Mr. BARTHOLDT] is recognized to proceed with the debate.

Mr. BARTHOLDT. Is it understood that none of the pending amendments are to be voted upon until the debate is exhausted?

The SPEAKER. The Chair knows of no such understanding.

Mr. BARTHOLDT. I should like to submit, as a request for unanimous consent, that no vote be taken on any one of the pending amendments until the debate is exhausted.

Mr. WILLIAM A. STONE and others objected.

The SPEAKER. The House will be in order.

Mr. WILLIAM A. STONE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAM A. STONE. I desire to ask unanimous consent to have the substitute offered by me printed.

The SPEAKER. Is there objection?

Mr. KEM. I object.

The SPEAKER. Objection is made.

Mr. BARTHOLDT. Mr. Speaker, there is no problem confronting the American people more talked about and less generally understood than the problem of immigration. In prosperous times these waves of humanity are permitted to come to our shores unmolested, but in periods of industrial depression every shipload of newcomers is regarded, more or less, in the light of a hostile invasion or a curse. Then the spirit of nativism, omnipresent, if not always active, becomes rampant, and, uniting with liberty-loving labor, asks Congress to deny the right of asylum to those who come here to cast their lot with us, and demands of us to cast away, like a worn-out garment, the traditional policy of the fathers, a pearl in the diadem of free institutions, and to adopt, under the spur of passionate impulses, plans which patriots and thinkers know can not be carried out without serious injury to the interests of our common country.

The shocking cry of infuriated Chinese mobs, "Kill the foreign devils!" is still resounding in the ears of the civilized world. No other cause can be assigned for these outbreaks than that the people of the Celestial Empire, reared in prejudice against all foreigners, were afraid of us and of our civilization and religion, which, evidently, they regard as inferior to theirs. Looking for a further explanation of these lamentable riots, we might also find a sentiment of retaliation, because we have erected the same Chinese wall against the Celestials the removal of which from their own domain compelled them to use their fists and weapons against the "foreign devils." But they are heathen Chinese, they are barbarians. They would be apt to translate the words "all men are born equal," that grandest and most fearless declaration ever made by mortal man, into "all Chinese are born equal, to the exclusion of every other human being." And what do they know of Christian love and charity and tolerance, and of the great precepts of that faith, "Love thy neighbor as thyself," or "Do unto others as you would wish others to do unto you"? And what do these barbarians know of the brotherhood of man, that beautiful dream which the annihilation of distances by modern inventions brings nearer and nearer its realization, and of the genius of an independent, free, and humane people? No, Mr. Speaker, no grosser insult could be offered to the American people than by an attempted comparison, or by the assertion that even a dozen of our citizens were animated by the same spirit that caused the Chinese riots.

Four different and distinct reasons are being advanced for the further restriction of immigration, and in a candid, dispassionate discussion of these reasons can be said all that is to be said on the subject. They are: First, nonassimilation of many immigrants and the evils resulting therefrom; second, overcrowding; third, the competition of immigrants with our own labor; and fourth, the recent increase of arrivals of less desirable elements of Europe's surplus population. After a twenty-year study of this question, extending to all its bearings and carried on here as well as on the other side of the Atlantic, during several visits to the Old World made for that purpose, I feel competent to discuss it with some degree of knowledge of detail, and while doing so I ask the kind indulgence of the House. Let me say at the outset that of all the reasons enumerated above the only valid one, in my judgment, is the fourth or last, which relates to the deterioration, so to speak, noticeable of late in the character of our immigration.

The bill under discussion and which the committee asks the House to pass is based on this point.

NONASSIMILATION.

On this phase of the question I will first quote from some remarks I made to my own constituents in the last campaign, and which, as far as I could see, had their entire approbation:

"When the plain people of all the earth, of every tongue and race and clime, were seen crowding the ocean's pathways leading to the promised land of a new dispensation, then a great problem came—how to remove the barriers which prejudice, ambition, and the tyranny of kings had erected, how to harmonize and unify where centuries of strife had nurtured only hatred? The solution of this problem was to be one of the proudest boasts of our great flag. The solution of this problem was to be worked out in the valleys of the Connecticut, the Hudson, and the Mississippi, in the shadow of the Alleghanies and the Rockies, and out upon the great and silent prairies of the West. America, true to the mission of the flag, to the genius of her people, began to grapple with the problem, and at last the light broke in. The schoolhouse was planted upon all the hillsides and in every valley of the great Republic. Education solves the problem. All our varied nationalities have been welded and blended into one mighty unit of patriotic American citizenship. We are no longer German, English, Irish, Scandinavian. Under the great flag we are nothing unless, one and all, heart and soul, we are Americans." [Applause.]

Such are the sentiments, Mr. Speaker, of a vast majority of our adopted citizens to-day. The history of the late war bears witness. Taking the Germans alone, they furnished a larger quota to the armies of the North, in proportion to their number, than did the native citizens, and if it had not been for the immigrants that fought, bled, and died for their adopted country the Union might have been rent asunder. Let us respect history. On the 10th of May, 1861, the Germans of St. Louis, by capturing Camp Jackson, frustrated the conspiracy of Governor Jackson with the rebel chiefs and saved Missouri to the Union. On the march from the city to the camp they were jeered and hooted, but these "d——d Dutch," as they were called, were inspired by love of country and devotion to the flag, and they won. And, mind you, the majority of them at that time could hardly speak the English language, which shows conclusively that patriotism is not a matter of tongue, but of heart and sentiment. It is true that these patriots and their descendants, like other immigrants and their offspring, love to speak their mother tongue to-day, but in this they are merely true to themselves; and I hold that the citizen who is not true to himself can be true neither to anybody else nor to his country. In this respect they are, unfortunately, like the only genuine Americans, the Indians, who will have to learn English before they can make themselves understood to the American people. But in this I can see no danger, for whatever tongue European immigrants may speak, they are being rapidly assimilated, and soon become thoroughly Americanized in spirit. They are almost without exception representatives of civilized nations.

They are no Chinese. Fairness will compel us to admit that they come to better their social and economic condition, or from love of liberty and to escape the despotism of the Old World, or for both purposes, but for no other. In each case they give us an equivalent for what they receive, and they certainly render us material aid in the development of the country. What these willing workers contribute to the general growth of the country by coming hither and earning their daily bread in the sweat of their brow may not be a large percentage of the grand total, but it is infinitely more than what both our own bonanza kings and the alien landowners who are living in London, Paris, and the Riviera, and are now supporting a European pauper nobility with the millions earned for them by the American people, can boast of doing for the good of the Republic. If we could stop this exodus of American dollars there would be no need of minding the influx of human beings. But perhaps we can not stop it, and in our impotent rage we turn upon the poor immigrant who comes to help us earn the money our nabobs lavishly spend abroad. And yet, Mr. Speaker, this poor immigrant in search of employment or peacefully laboring is, in my judgment, a better American from the first day than those who prefer the glitter of courts and crowns to the resplendent glory of a Government of the people, for the people, and by the people. While the latter, in drifting away from us, boast of their dissimilarity to us, the former strive to assimilate with us, and in this, as experience teaches, succeed so well that you will hardly be able to distinguish their children and grandchildren from your own. Go and see in our public schools the children of German, Irish, Bohemian, and Italian parents waving the Stars and Stripes on the glorious Fourth, and you will fully appreciate the meaning of my statement, that education is solving the problem. [Applause.]

OVERCROWDING.

There is no politics in the immigration question, and I have no hesitancy in quoting on this subject a gentleman who belongs to another party and holds political and economic views in many respects differing from my own. At a recent dinner of the Massachusetts Reform Club at Boston, Mr. William Lloyd Garrison said:

A nation of immigrants and the children of immigrants, having obtained possession of the continent, are considering the feasibility of barring out other immigrants. They assume to have the right to determine who shall be admitted hereafter and who shall not. It is pertinent to demand the evidence of their authority. The United States is a considerable fraction of the habitable globe, sparsely settled, with a population of 21 to the square mile, compared with 311 in Great Britain, 234 in Germany, and 187 in France. Its resources are as yet measureless; and, to use Mr. Atkinson's words, it contains "incalculable room for immigrants." Indeed, he figures that all the inhabitants of the nation can find standing room in the town of Brookline, the mothers holding their babes in their arms, and still have room to spare. Conclusively, it is not on the ground of overcrowding that danger arises from the incoming of foreigners. Your authority, gentlemen of the restricted persuasion, for this enormous assumption of power. Show us your title deed. If a nation has a right to keep out aliens, tell us how many people constitute a nation, and what geographical area they have a right to claim? In the United States where a thousand millions can live in peace and plenty under just conditions, who gives to 70,000,000 the right to monopolize the territory? How few can justly own the earth and deprive those who are landless of the right to life, liberty, and the pursuit of happiness? And what becomes of the rights of the excluded? Is there any justification of such assumption except the ground of might? It is the simple power of force and not of justice.

These sentiments, Mr. Speaker, uttered by an unterrified patriot, are identical with those which inspired the founders of this Republic, when in the Declaration of Independence they hurled the following indictment against a British tyrant:

He has endeavored to prevent the population of these States, for that purpose obstructing the laws for naturalization of foreigners, refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

It is true that conditions have changed since the Declaration of Independence electrified the world. In 1790, when that great instrument had become the inspiration of the French Revolution, our first census was taken, which showed a population of 3,231,930. Now we have 70,000,000, but still I deny the proposition that this free country should not be able to support as many people to the square mile as the military despotisms of the Old World. I claim that that country represents the highest type of civilization which supports decently and comfortably the largest number of people to the square mile of its territory. If we are able to rise to the European level in this respect, and I insist with every patriot that we are, then we have room in this country for more than five times the present population, or 386,000,000 people. Alarmists and pessimists who are constantly at work conjuring up the specter of overpopulation and reforming the policy of the fathers will profit by a study of the following facts and figures:

According to the census of 1890 we had a population of 62,622,250. If that whole population of the country should have moved into Texas that State would not be populated much more densely than Germany and not half as densely as Belgium is to-day. Have you ever thought of that? Figure it out yourselves by dividing the population by 265,780, the area of that State in square miles. Texas has a population of 2,235,523, or eight souls to the square mile; the whole United States has 16 inhabitants to the square mile, having an area of 3,602,250 square miles, while Germany has 235, Belgium 530, and the whole of Europe 107 heads to each square mile of territory. The United States, if populated as densely as Belgium, would have a population thirty-one times the present number, or over nineteen hundred millions of people! But in order to enable gentlemen to make their own calculation I shall insert in my remarks a table showing the area and population of these countries:

	Area in square miles.	Population.	Per square mile.
United States	3,602,990	62,622,250	16
Europe	3,555,000	380,200,000	107
Texas	265,780	2,235,523	8
Germany	211,108	49,421,084	235
Belgium	11,373	6,030,043	530

The rate of our natural increase of population is, according to the census, 1.38 per cent; in other words, about a million a year. Add thereto, if the present rate of immigration is maintained, an annual increase from that source of 250,000, and we will have, with a total annual increase of 1,250,000, about 75,000,000 people at the time of the next census and the end of the present century. At this rate not less than twenty-five generations will have gone down into their graves before this country will see a population as dense as that of Belgium is to-day.

Are we not capable, I ask again, of supporting as large a population relatively as the countries of Europe; and if not, why not?

Germany is rejoicing in her lastest census returns, because they reveal an increase of population from forty-nine to fifty-two millions in five years. France has put a premium on fecundity by granting tax exemptions to fathers who are blessed with a certain number of children. Every State, county, and city in the United

States is exultant over every census return showing an extraordinary increase of population. The reason for this is apparent. It is because the value of land and investments is fixed by population. Its decrease lessens that value and its increase augments it. Take away one-half of New York's population and each front foot on Broadway will lose half of its value, while land in Texas, which is now sold at $5 per acre, will gradually sell at $500 if you attract a sufficient number of people there. Our abnormal growth, the marvelous increase in values and national wealth, is due to abnormal causes, not to the natural surplus of births over deaths, but to immigration.

COMPETITION WITH AMERICAN LABOR.

If the arguments of those are correct who are advocating further restriction because of the competion of immigrants with American labor, then, Mr. Speaker, partial restriction would afford but partial protection. In that case nothing short of total prohibition would cure the evil, and as a friend of the wage worker I should be the first to advocate such radical legislation. It might be a violation of principle, of morals, of the spirit of liberty, and of international comity, but self-preservation, being the first law of nature with nations as well as with individuals, would justify the closing of the doors of the Republic. But how easy it is to prove the fallacy and absurdity of these arguments!

In the fifties, and more especially under Buchanan's Administration, when the Know-Nothing movement was at its height, this country witnessed the same outcry, even more furious than now, against the admission of foreigners. Then, as now, the country passed through a crisis, many factories were closed, and labor was unemployed. Congress was asked to stop immigration, which was erroneously regarded as the source of the trouble. But the appeal was unheeded, and how fortunate for us to-day that it was; because the forty years which have elapsed since, no one will deny, were destined to be the most glorious, the most prosperous period in our history, in spite of—some will even assert because of—the fact that immigration had practically remained unrestricted. This object lesson is within the memory of nearly all of us, and we also know that the change from hard to good times, then wrought in spite of continued immigration, was due to a change of our economic policy from free trade to protection. Since 1856 nearly 14,000,000 people came from foreign shores, and it is not partisanship, but a candid regard for facts, which prompts me to ask these pertinent questions: If their coming tends to a reduction of wages, and to an increase of the number of unemployed, and is generally detrimental to the country, why is it that during the last forty years, the period of the largest immigration, wages were higher than ever before, labor more universally employed, and the American people more prosperous than at any previous time? Answer these questions in your own mind, and you will be irresistibly led to the conclusion that the present depression, with its evil consequences to labor, must be due to causes other than immigration.

It is, perhaps, excusable in our free-trade friends, who are anxious to assign reasons other than their own policy for the recent industrial depression, to eagerly point to the influx of foreigners as one of the main causes; but an investigation conducted by the three highest officials of the immigration service, all Democrats, fails to bear them out. In his instructions to this commission Secretary Carlisle calls for information on this point, among others:

What effect, if any, has immigration had upon the wages of labor or opportunities for employment in the United States, and whether or not the existing industrial condition of the country is attributable in any degree to the influx of laborers from abroad?

After an investigation, perhaps the most thorough ever made on the subject, the commission made a report covering 183 printed pages, and containing the following conclusive answer to the above query (page 10):

The opinion is widespread that wages have fallen since the great tide of immigration has set in. The facts do not bear this out. The statistics of immigration already given show that large immigration has almost invariably been coincident with (not necessarily the cause of) prosperity, and the report of the Senate subcommittee of 1891, which was charged with the duty of ascertaining the course of prices and wages of labor, shows further that wages have been highest during these same periods of prosperity. Not only, according to this report, have wages steadily increased during the last three decades of steadily increasing immigration, but they have been the highest during those years in which immigration has been the largest. * * * The Commission does not believe immigration to have been responsible for the depression, except in so far as the arrival of immigrants just before it and during its continuance swelled the number of its victims. * * * But to say that a financial depression which started in South America several years back and gradually spread over the whole financial world was due to immigration to the United States is absurd.

This phase of the question, Mr. Speaker, can not be discussed without direct reference to the economic policy obtaining in the United States. When, under free trade, Europe manufactures to a greater extent for the American market, then the influx from abroad always decreases, because Europe itself furnishes better opportunities for employment, while under the protective system and the consequent better times Europe's idle laborers are naturally attracted hither. This is frequently forged into a weapon against the protective system. We exclude the fabrics, it is said, but let the hands that make them come in. Suppose this is so. Is it not infinitely better than if we were to admit the fabrics and leave the hands that make them in Europe to spend their money there? It must be remembered that every immigrant is not only a producer but a consumer at the same time. Every newcomer brings—as our great leader in the Speaker's chair once tersely expressed it—his job with him. In the first place, he will have to eat; then he needs clothing and shelter. Breathing the free air of this continent, he expands physically and intellectually; his eyes, dimmed by the narrow and perhaps unhappy surroundings of his mother country, and then blinded after his arrival here by the sunshine of free institutions, gradually begin to reflect self-assertion and manhood. How long before he thinks, acts, and lives like those who are already assimilated? The vast majority of the newcomers enter upon their new life here by performing menial labor. They work in the mines, dig ditches and canals, build railroads—in short, do work which the American and even German and Irish immigrant, after having undergone a certain Americanizing process, no longer engage in. And another very important observation is that the immigrant, as soon as he finds that he has to pay American prices for American goods, will demand American wages, even if he should have been temporarily willing to offer his own labor cheaper than others. So the competition with our own labor is ridiculously small, at least on the part of what are termed common laborers, and these form, as we all know, the great bulk of our immigrants.

The total immigration during the last fiscal year, including that via Canada, was 258,563, and of that number fully five-sixths were farm and common laborers and women and children, and only one-sixth mechanics, skilled laborers, and professionals, who, by the way, with the exception of the last named, are usually absorbed by the trades unions very soon after their arrival. If their coming does result in some competition with American skilled labor, is not this counterbalanced threefold by the fact that the needs and necessities of an additional quarter of a million of people are to be supplied by the American market?

There was a time when workingmen were inclined to smash the machines which temporarily threw them out of employment. To-day they ridicule the idea, because they have learned, first, that hands are required to construct the machines, and, second, because all labor-saving inventions have so increased the consumption of the articles manufactured by their aid as to leave just as much work to be done as before. It is exactly the same with immigration. The increase of productive power caused by it is practically neutralized by augmented consumption. So the machine and the immigrant bring their own salvation with them. When the time comes, however—and no doubt it will come—that labor-saving appliances will be so perfected as to bring about a continuous excess of the world's supply over the world's demand, then the only logical remedy is a reduction of the hours of labor. But never will I believe that the voice of labor—of intelligent American labor—will in seriousness be raised against the downtrodden of the Old World who knock at our doors, begging for the privilege of breathing under the sun of a free country. American labor cherishes its constitutional rights of "life, liberty, and the pursuit of happiness," and will never deny them to others. It will never kick shipwrecks, while attempting to board our well-supplied craft, back into the roaring sea. [Applause.]

CHANGE OF CHARACTER IN IMMIGRATION.

There remains, then, only one plausible reason for restriction, and this is the increase of late of what are called undesirable immigrants, and the corresponding decrease of the more desirable. This change is not as marked as many suppose, last year's returns showing an immigration of about 150,000 from northern Europe, as against 100,000 from southern Europe; yet, judging from the present springtide, this year's figures bid fair to reverse this condition. Call it race prejudice or by any other name, but there is no denying the fact that the Anglo-Saxon feels an aversion against the Latin races, and their strong influx accounts, undoubtedly, for the present anti-immigration feeling. I am willing to make a concession to that sentiment. Not from race prejudice, for whoever knows me knows that that is something entirely foreign to my nature, but for another, a better, reason. My whole argument in favor of liberal immigration laws is based upon the supposition that the newcomer will soon be one of us, will have the same needs and require as much for his existence; in short, will live as we do. It is claimed that this is not the case with the man from southern Europe. While the German, the Scandinavian, the Englishman, and Irishman not only identifies himself thoroughly with our institutions, but also, and this is the point, makes the same claims upon the comforts and even luxuries of life as the average American, a vast majority of the immigrants of other nationalities, it is claimed, maintain a wretched existence and live far below the American standard of living. This undoubtedly makes them less desirable immigrants than others are, and

accounts for the public demand that Congress throw new obstacles in the way of their coming. The question arose, how to accomplish this by legislation? We certainly can not, in making laws, discriminate against specific nationalities, and I take it for granted that there is no desire to bar the unobjectionable immigrant. In my judgment, the bill under discussion answers the purpose exactly. It provides, in simple, self-enforcing terms, for an educational test, and requires of each male immigrant between the ages of 16 and 60 years the ability to read and write his own language as a condition of his admission to the country.

The total number of arrivals at United States ports during the year ended June 30, 1895, was 245,581, while 4,761 came via Canadian ports, making the grand total 250,342. The countries of their nativity were as follows:

Austria-Hungary.		Russia (proper)	33,232
Bohemia and Moravia	1,973	Finland	2,675
Galicia and Bukowina	4,324	Poland	790
Other Austria	11,898	Spain	501
Hungary	15,206	Sweden	15,361
Belgium	1,058	Switzerland	2,239
Denmark	3,910	Turkey in Europe	245
France (including Corsica)	2,628	United Kingdom:	
Germany	32,173	England	23,443
Greece	597	Ireland	46,304
Italy	35,427	Scotland	3,788
Netherlands	1,388	Wales	1,602
Norway	7,581	Not specified	24
Portugal	1,452		
Roumania	523	Total	250,342

The following table, showing the percentage of illiterates in total immigration from each country by nationalities, will give a clear idea of the effect of this bill on immigration from the countries furnishing the largest quota of immigrants:

Nationalities.	Percentage of illiterates.	Nationalities.	Percentage of illiterates.
Portugal	67.35	Spain	8.71
Italy	52.93	Ireland	7.37
Galicia and Bukowina	45.68	Finland	3.58
Poland	39.82	France (including Corsica)	3.50
Hungary	37.69	England	3.49
Russia (proper)	36.42	Netherlands	3.38
Other Austria	32.70	Scotland	2.83
Greece	25.18	Germany	2.49
Roumania	17.75	Norway	1.62
Belgium	15.22	Sweden	.74
Turkey in Europe	14.79	Switzerland	.60
Wales	10.43	Denmark	.49
Bohemia and Moravia	8.98		

A cursory examination of these figures will demonstrate that the illiteracy test provided for in this bill will not materially affect the immigration from Great Britain, Germany, Scandinavia, and other countries of northern Europe, which countries as a rule send us the most desirable class of immigrants, while under it the immigration from southern Europe, now looked upon as more or less undesirable, will be considerably restricted. The original bill provided for the exclusion of male and female illiterates, but in view of the conceded scarcity of female white servants in nearly all parts of the country, the committee deemed it wise to exempt females from the illiteracy test and admit them as heretofore. The reason for the exemption of parents whose children have preceded them hither is obvious, and this provision requires no explanation further than that it was prompted by humane considerations.

Existing immigration laws, as is well known, prohibit the admission into the United States of Chinese laborers and the following classes of aliens:

All idiots, insane persons, paupers, or persons likely to become a public charge, persons suffering from loathsome or dangerous contagious diseases, persons who have been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude, or any person whose ticket or passage is paid by the money of another, or who is assisted by others to come.

The bill under discussion adds to the excluded classes another, the illiterates. I am not unmindful of the fact that grave objections may be raised against such a provision. The illiteracy in our own country may be referred to as showing that we are trying to impose qualifications upon the immigrants which many of our own citizens do not possess; or it may be urged that education, or at least the ability to read and write, is in no wise a test of character and moral worth; but we certainly have the right to guard against the swelling of the number of our own illiterates by immigration; and as to the merits of an educational test it is fair to assume that persons who have attended school and whose parents have had sufficient regard for the requirements of civilized life to have their children educated, come from better surroundings and are more desirable immigrants than the totally illiterate.

But I sincerely trust, Mr. Speaker, that in the matter of restriction we go no further than this. Let us give this new law a fair trial before we enter upon such doubtful and objectionable experiments as consular inspection, etc. As defenders of an educational test we may face the country; but as advocates of a measure which, in its effect, will bar the bone and sinew of Scandinavia and Germany we should certainly come to grief. We are here legislating for the whole country, but what, in the matter of restriction, may suit Pennsylvania and some of the congested districts of the East will not be the fair thing and the right thing for Texas, that empire of the future, or the wide and unsettled plains of the great West and Northwest. Let us continue to adhere to the great doctrine, the genuine American doctrine, that the man who comes to us with two strong arms and a healthy mind, with a determination to better his condition in life by honest labor, and a willingness to identify himself with us and our institutions, is a valuable and welcome addition to our population. I have not the time to remind you here what we owe to immigration; how since 1840 it has changed the face of this continent; how it has turned deserts into flower gardens, forests into thriving towns; how it has removed the line of civilization from the Mississippi to the Pacific Ocean; how it has aided, by hard manual work, by energy and untiring effort, to make this nation the greatest industrial nation of the world. "The American of a hundred years from now," says Rev. De Witt Talmage, "is to be different from the American of to-day. German brain, Irish wit, French civility, Scotch firmness, English loyalty, Italian æsthetics, packed into one man, and he an American! It is this intermarriage of nationalities that is going to make the American nation the greatest nation of the ages."

Remember also that beside its brain and muscle, which represent untold amounts of capital, immigration brings millions upon millions of cash to our shores, and let no one forget that the wealth of this country in land, forest, and mountain is barely scratched; that where some now think we have room for no more will in the future be found the happy homes of hundreds of millions of people.

Just open the map of the continent—

Says the same gentleman quoted above—

and see how it is shaped for immeasurable prosperities. Navigable rivers, more in number and greater than of any other land, rolling down on al, sides into the sea, prophesying large manufactories and easy commercel Look at the great ranges of mountains, timbered with wealth on the top and sides and metaled with wealth underneath. One hundred and eighty thousand square miles of coal! One hundred and eighty thousand square miles of iron! The iron to pry out the coal. The coal to forge and smelt the iron. The land so contoured that extreme weather hardly ever lasts more than three days—extreme heat or extreme cold. Climate for the most part bracing and favorable for brawn and brain. All fruits. All minerals. All harvests. Scenery displaying autumnal pageantry that no land on earth pretends to rival. No South American earthquakes. No Scotch mists. No English fogs. No Egyptian plagues. The people of the United States are happier than any people on earth. It is the testimony of every man that has traveled abroad. For the poor more sympathy! For the industrious more opportunity!

[Great applause.]

Mr. Speaker, I reserve the remainder of my time.

Mr. BRUMM. Will the gentleman before he takes his seat permit a question?

Mr. BARTHOLDT. Yes, sir.

Mr. BRUMM. I did not hear the whole of the gentleman's remarks; but I wish to ask him why what is known as the consular system will operate especially against the Germans and Scandinavians?

Mr. BARTHOLDT. I did not explain that for this reason——

Mr. BRUMM. Will not the gentleman be kind enough to tell us why?

Mr. BARTHOLDT. I intended to wait until the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] had made his argument in favor of that bill, after which I proposed to explain why the bill is objectionable and should not pass.

Mr. TRACEWELL. Mr. Speaker, I desire to preface the few impromptu remarks I shall make upon the pending questions by saying I am not a member of the order known as the American Protective Association. I know nothing concerning the order except what I see in the daily prints. I further desire to say that I am not in sympathy with the rule-or-ruin policy of some of our labor organizations, but I am the friend of the American laboring man here and elsewhere.

I have the honor to represent upon this floor a district more than one-third of whose voters are German-American citizens. In view of this constituency I wish now to declare that I heartily favor the passage (if it be possible under the rules of this House) of each of the bills reported by the Committee on Immigration and Naturalization.

The sun shines upon no better class of citizens than the German-American citizens of my district. I know that they have the same interest in the welfare of our common country that I have, and what is good for me is good for them, and what is evil for me is evil for them. They were once Germans; they are now Americans in the true sense of the word.

Being a member of the committee which reported the bills now before the House, and somewhat familiar with their provisions, I do not think I could make a better use of a few minutes of time than by briefly giving to the gentlemen who manifest their interest in this matter by remaining in the Hall to hear and take part

in the debate now in progress the salient points of the different bills upon which we will be called upon to cast our votes on to-morrow.

My distinguished friend from Missouri [Mr. BARTHOLDT], whose name is attached to the first bill reported, and who stands as a sponsor for it, the bill being known as the Bartholdt bill, and as such it will go down into the history we are now making, has, if we are allowed to judge from the argument he has just closed, experienced a change of heart since he affixed his signature to the bill, for his whole argument has been directed against the advisability of passing this or any other bill seeking to restrict undesirable immigration to this country.

The Bartholdt bill provides in substance that no male persons between the ages of 16 and 60 who can not read and write the English or some other language shall be eligible to enter our country as immigrants, with the proviso that the parents of any person now in this country or who shall hereafter come into this country as immigrants shall not be debarred from entry.

As I understand the parliamentary situation, the gentleman from Michigan [Mr. CORLISS] has introduced as an amendment to the Bartholdt bill his bill, which is known as the Corliss bill. I will not consume time by having this bill read by the Clerk, for I think I can in a few words give you its main features.

It provides that it shall be unlawful for a person maintaining his domicile in a foreign country to engage in mechanical labor in this country while so maintaining his domicile in the foreign country, and makes it also unlawful for anyone knowingly to employ him.

The provisions of this bill do not apply to persons employed on the steamers of the Great Lakes or the rivers tributary thereto or to the employees of railroads having termini outside of our country.

The gentleman from Pennsylvania [Mr. WILLIAM A. STONE] introduced as a substitute his bill, known as the consular inspection bill, and also the original McCall bill, which provides for the educational test and does not limit it to males and makes no exception as to parents.

I presume it is known—at least it ought to be known—to the members of this body that we have in this country what are called immigrant inspection stations, the principal one being situated at Ellis Island, an island situate in New York Harbor and in plain view of old Castle Garden.

It is also known to all present that a corps of Government officers are stationed at these points, and it is made their duty and business to see that no person is allowed to land as an immigrant who is forbidden by existing law.

I shall, in the discussion of these bills, direct my principal remarks to the Stone bill, or the consular inspection bill.

Its main features can be gathered from the following extract from the bill:

No alien immigrant shall be admitted within the United States unless, in addition to other requirements and provisions of law, he or she shall exhibit to the United States inspectors of arriving immigrants at the place of admission a certificate, signed by the United States consul or other authorized representative of the United States at the place nearest where said immigrant has last resided, setting forth that the said consul or other United States representative has made an investigation concerning said immigrant and that said immigrant does not belong to the class or classes of alien immigrants excluded from admission into the United States under the provisions of the act of Congress approved March 3, 1891.

Under existing law, the Chinese as a class are excluded. The maimed, crippled, paupers, idiots, contract laborers, persons suffering from loathsome diseases, and the criminal classes of all lands and climes are now debarred from admission to this country. It is made the duty of our officers of immigration to enforce this law. But under present facilities the laws are not enforced, and, moreover, they are incapable of proper enforcement. The census reports of 1890 show that nearly 50 per cent of the inmates of our almshouses are foreigners, and about the same proportion of the convicts of our penitentiaries are from the same class, and the foreign population represents only about 15 per cent of the total population. This state of affairs could not exist if the immigration laws were properly enforced.

The primary consideration of this House should then be whether the great mass of the people are demanding a law for the more rigid enforcement of the laws restricting immigration and whether this demand, if it exists, is based upon right and justice.

This Congress has been flooded with petitions from every section of the country demanding the passage of legislation of this character, and it has come from every section of the country. In fact, more petitions have been presented on this one subject than all the other matters pending before Congress.

I apprehend that no man on the floor of this House, the distinguished chairman of our committee excepted, will insist that the best interests of our common country will be subserved by the dumping of a mass of illiterates upon our shores. Mr. Speaker, if it be true that illiteracy is not a curse to any country, then our idea of government is all wrong and the millions of dollars we are annually spending to educate the youth of the land and raised by taxation is wasted.

By common consent we are agreed that this class of immigration is undesirable. If undesirable it should be restricted by laws that in fact restrict. The McCall-Bartholdt bill aims at this evil in particular. These bills are drawn upon judicious and diplomatic lines. I am not prepared to say now, nor do I think I will be prepared to say in the future, that it would be in good form for our Government to say by its laws to Italy or any other power that its citizens shall not immigrate to this country. It would be such a distinction and discrimination as would be sure to offend, and rightfully, such nation discriminated against by our laws.

In my judgment all the bills reported by this committee are diplomatic in their language, excluding the citizens of no country by name, but dealing with a class.

The bills just referred to provide that no immigrant who can not read or write the English language or some other language shall be received into this country.

The Corliss bill provides that an alien who is maintaining his domicile in a foreign country while thus maintaining his domicile shall not engage in mechanical labor in this country.

Can any man who loves his country, be he native or foreign born, and who has at heart the interest of the laboring people of his country, have any serious objection to the provisions of this bill? I ask why should a man maintaining his residence in Canada or Mexico be permitted to come for the day or the season into this country and compete with the American laborer who bears his full proportion of the expense and burden of government?

He comes here only to earn American wages; he comes into direct competition with our own wage earner, and he takes his wages earned here back to his foreign home at the end of the day or season and spends them at home, where he can buy cheap foreign-made goods.

I digress for a moment to say that I am a protectionist from the crown of my head to the sole of my foot. I have not a lingering doubt as to the justness of this doctrine. I believe protection inures to the benefit of the laborer who makes the article upon which we lay a protective duty. This duty is not laid primarily for the benefit of the manufacturer. I am perfectly willing that he should have a fair and legitimate return for his capital invested and enterprise, but the primary object of all protective duties is, as I understand the theory of protection, to enable the manufacturer to pay the men who make and produce the article such wages as represent the difference in the cost of the production of the article made here and made abroad by pauper labor.

I can not have it in my heart to go back to my people and meet them face to face and say I voted to protect the article but I did not vote to protect the man who made the article. The manufacturer will procure his labor just as cheaply as he can, and the laborer will procure just as much as he can for his labor. The price will be greatly influenced by the supply of laborers and their present necessities. If a hundred men are applying for one job we can not expect the one man who receives the job to insist on large wages or to receive them if he does insist. If a man has a hundred days' work to give and there are only 10 men to do the work we would not expect the 10 men to be content with starvation wages.

We as Republicans can not go back to our people and say we are willing to protect the article from foreign competition but are not willing to protect the man who makes the article from foreign competition.

It is insisted by some that we are on the eve of a Presidential election and it is not good politics to pass legislation of this character.

The immortal Clay said he would rather be right than President. It would be better for the Republican party to go down in honest defeat than to succeed at the cost of the American workingmen. We went down in defeat in 1892 on account of the McKinley bill, but its author is now the idol of the people.

Truth crushed to earth shall rise again;
The eternal years of God are hers.

Let the Republican party heed the great heart of the people, listen to the demands of the common people, and it has nothing to fear.

We sometimes say, and I am proud that we are in the condition to say it, that this country has been the home of the oppressed of every clime. I am and have been willing to share our prosperity with the more unfortunate of other countries. The foreigners who come to our shores are laboring men, and come to better their worldly condition. They come to share our prosperity. When times are prosperous in this country immigration largely increases. But we have no prosperity for our own people now, nor have we had for some time. I could probably assign good and sufficient reasons for this state of affairs. The people in this country know what, to a large extent, has brought about this deplorable condition. Population has congested in the large cities of the country and is every day becoming more congested. Men and women have been for more than three years walking the streets of our cities, imploring work at any price. There are more laborers than jobs.

Mr. Speaker, it has resulted in this: Shipload after shipload of paupers from southern Europe have been dumped in our cities, induced to come here by the shipowners for the profit of their carriage, and they have come into competition with our own wage earners. They had to work, starve, or be fed by our people.

Now, Mr. Speaker, the Stone bill does not provide for any additional excluded classes. It simply provides that our consular officers shall ascertain at the port nearest to where the immigrant comes from whether he is within the prohibited class.

I have practiced law, with varying success, for more than twenty years, and our present immigration laws are the most novel in their character that it has been my good fortune to see or have occasion to examine. They stand alone in this particular, that it was left to their author to devise a law which in its administration separated the court from the vicinage of the witnesses a distance of 3,000 miles and over and left the entire fact as to whether the immigrant applying for admission to our country fell under the prohibition of our laws to be determined by the statement of the immigrant alone and unsupported.

It is utterly impossible for our immigration officers at Ellis Island or our other immigrant stations to ascertain whether the applying immigrant falls within the prohibited class. You can not always tell a criminal by his looks.

Under existing law, Mr. Speaker, we institute an inquiry by our officers of inspection at these immigrant stations 3,000 miles from where the witnesses are who are in possession of the facts which we are seeking to ascertain. What is the result? Our laws as they exist at present are a farce. The paupers, criminals, and the contract labor of southern Europe have driven our native laborer from the proud position he used to occupy to the level, in a great many instances, of those with whom he has been forced to compete.

The present system is not only unfair to the American laborer, but if it were possible to enforce the law, which it is not, it is not only unfair to the immigrant but is inhuman.

If he fails to land as an immigrant, under existing law he is deported to the country from whence he came by the steamship company which brought him to our shores.

These companies for gain and greed have induced him to sell his little all and invest it in tickets to come to this, the promised land. If the law is enforced and he is within the prohibited class he is huddled like cattle in the dark hold of some ship of the company that brought him over and returned to his native country without a cent.

The officers of immigration are human. When they see the immigrant at Ellis Island, thousands of miles from whence he came, with his wife and little brood around him and not a dollar in the world, what are the natural human instincts? Violation of law or not, it is to permit him to land. I confess, Mr. Speaker, I would be tempted to say to the poor devil, "Go your way." I saw these things with my own eyes when I visited this immigrant station during this session of Congress. The remedy for this evil is plain and simple. Pass the Stone bill. It provides for the ascertainment of these facts by our consul at the nearest point to where the immigrant lives.

If I want to ascertain whether a man is a criminal, whether he is a pauper, if, in other words, he is eligible to become a citizen of the United States, I certainly would not go to Ellis Island for this information, but I would seek it where he lived, in his hamlet, village, or city. That, Mr. Speaker, is what the Stone bill will do. It will not keep out of the country a single person entitled to land under existing laws, but it will keep out those not entitled to land under our laws.

Before this debate is over you will see more stones and clubs hurled at the Stone bill by the opponents of the restriction of immigration than at all the other bills. The Stone bill, if passed, will restrict. If you go into an apple orchard and find a great number of sticks and stones under a certain tree, you ask no questions, but know at once that that tree bore fruit, and you are able to judge of the amount by the number of stones and sticks found under its branches. The advocates of this bill are not claiming it will cure our system of immigration laws of all their defects or prove perfect in its execution, but that its passage will materially restrict the undesirable immigration flocking to our shores. [Applause.]

With these desultory remarks, Mr. Speaker, I now yield the remainder of my time to the gentleman from Pennsylvania [Mr. WILLIAM A. STONE].

Mr. WILLIAM A. STONE. I regret, Mr. Speaker, that my voice will not permit me to address the House as I should like to upon this question.

Mr. LINNEY. Mr. Speaker, will the gentleman from Pennsylvania allow me to offer an amendment to his bill?

Mr. WILLIAM A. STONE. I will yield to the gentleman to let the amendment be read.

The SPEAKER pro tempore (Mr. MCCALL of Massachusetts). The Clerk will read the amendment.

The Clerk read as follows:

Insert in line 21, page 2, after the word "law," the following:

"And shall before he is admitted within the United States, to become a citizen thereof, pay the sum of $200 in gold to the Secretary of the Treasury of the United States as a tax for the privilege of becoming a citizen of the United States."

Mr. DINGLEY. Mr. Speaker, I should like to inquire whether what has just been read by the Clerk is offered as an amendment?

Mr. WILLIAM A. STONE. No; it was just read by consent, in my time.

Mr. DINGLEY. Just read for information?

Mr. WILLIAM A. STONE. As I understand, it was read in my time for information.

The SPEAKER pro tempore. Read for information.

Mr. WILLIAM A. STONE. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has forty-four minutes remaining.

Mr. WILLIAM A. STONE. Mr. Speaker, I have listened to the remarks of the chairman of the committee; but when I come to consider that his speech is made in support of an immigration bill ostensibly to restrict immigration, although his speech is a very able one, I fail to see any argument in it except an argument against the restriction of immigration.

Mr. Speaker, if there is one thing in this country more than another that is burdensome to the people to-day it is unreasonable immigration. We, as a country, have been for years inviting immigrants to come here and live with us. The difficulty is that they have all accepted our invitation, and to-day there are more immigrants coming into the country than the country can assimilate. Whenever that occurs in any nation it must necessarily injure that nation. They will either assimilate us or we will assimilate them. That is the rule with all immigration movements. You can easily imagine a state of things where the number of immigrants coming into a country is larger than the natural increase of the country. In that event they would assimilate us. We would conform to their ways instead of their conforming to our ways.

Mr. Speaker, the fact is that between the years 1880 and 1890 nearly as many foreigners came to this country as there were children born within the territory of the country.

Mr. BARTHOLDT. I dislike to interrupt the gentleman. I dislike to do so very much.

Mr. WILLIAM A. STONE. Very well; what is it you want?

Mr. BARTHOLDT. Will you permit me just a word?

Mr. WILLIAM A. STONE. Yes, sir.

Mr. BARTHOLDT. The natural increase, according to our census reports, is a million a year exactly, or 1.38. That is the natural increase. That makes a million a year according to our present population. Now, immigration only amounts to 250,000, or a quarter of a million, and consequently your statement that the immigration is larger than the natural increase is not accurate.

Mr. WILLIAM A. STONE. I stated that during the years 1880 to 1890, those ten years, nearly as many foreigners came into this country as there were children born in the country.

Mr. BARTHOLDT. Why, certainly not.

Mr. WILLIAM A. STONE. I understand you have denied it.

Now, Mr. Speaker, take the gentleman's own figures. There is an increase of a million a year in population. The average immigration into this country during those ten years was nearly half a million a year instead of 250,000. So that, by the census returns for those ten years—I do not speak with absolute accuracy, but in the main—the immigration between 1880 and 1890 was nearly or quite as large as the number of births in this country, or else the census reports have stated what is not correct. During those years there was a large immigration into this country, averaging about half a million per year. Since 1890, especially beginning with 1893, the immigration largely fell off, owing to the fact of hard times in this country. The people who came here, attracted by all the advantages which the country has by the high wages which grew out of protected industries in this country, when they found the mills and workshops shut down, when they found that there were hard times in this country as well as in others, ceased to come here; therefore the immigration, beginning with 1893, fell off largely, and in the latter part of 1892. But with returning prosperity and with the prospect of better wages and better times immigration is now largely increasing to what it was during 1893 and 1894.

You will observe that the increasing immigration for the year 1895 was largely over that of 1894, and for the months of this year it is still increasing, so that this year we will have probably over 300,000 immigrants; and for next year they will approach the figures of 1891 and 1892, which was nearly or quite half a million. The question is whether, with an increase in population, counting every ten years, of a million a year, we can stand an immigration ranging from 400,000 to 500,000 annually. Why, Mr. Speaker, that question is answered in very many sections of my own State. You may go into certain sections of my State and you will find no newspapers printed in the English language;

you will find scarcely any or but few people who speak the English language. They have already assimilated the people in those sections, and in those sections we are becoming like unto and of them.

Well, now, I do not object to immigration. I welcome immigration; but I stand upon this principle, that immigration faster than we can Americanize the immigrants is unwholesome in this country. [Applause.] This country is the first object of my solicitude. As far as we can assimilate the children of other countries, in God's name let them come to us; but when they come in such large numbers that we can not assimilate them and make them American citizens, why, we can not stand it. No nation on earth can stand it. No nation ever has stood it. Talk of our prairies and the places where immigrants may go! If they would only go there, Mr. Speaker, the curse of undesirable immigration would not be felt so heavily; but nearly 70 per cent of the immigrants coming into this country stay in the already overcrowded Eastern States, and a very small percentage of them go into the far West.

I admit that the very best of them do go into the far West and that the very worst of them do stay with us. Take the State of Pennsylvania. Why, sir, that State is suffering to-day in various localities from a large, a too large, immigration. Of all the Hungarians that have come to this country during the last year 54 per cent have remained in Pennsylvania. In that State we have whole towns and villages of them, and now and then in our coke regions there occurs what is known as a Hungarian riot, when they "run amuck," and no law and no police regulation can withstand them. Men are killed, property is destroyed, and there is nothing that can prevent it.

Now, Mr. Speaker, I come to discuss the provisions of the substitute which I have had the honor to offer. I understand that my friend the chairman of the committee [Mr. BARTHOLDT] reserves his remarks in reply to what I may say upon the feasibility of this measure. I have very little to add or to offer in support of the proposition. It is not mine. It has been in this House for more than twenty years. Nearly every man who has made a study of the immigration question has presented a bill similar to this. It has been the judgment of the very best men who have investigated the question that consular inspection is almost the only remedy that can cure this evil. Of course my friend [Mr. BARTHOLDT] is opposed to it, because the difference between him and me is this: He does not recognize any evil to be corrected, and I do. There is no complaint which he wishes to cure, while I think there is one that ought to be cured.

Mr. SAYERS. Will the gentleman permit a question?

Mr. WILLIAM A. STONE. Yes, sir.

Mr. SAYERS. If I understand correctly the bill introduced by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE], it contains a requirement that no alien immigrant shall be admitted in the United States unless he shall exhibit to the United States inspectors of arriving immigrants at the place of admission a certificate signed by the United States consul at the port from which he sailed. That is the substance, I understand, of the proposition. Now, let me suppose a case. Take the case of a German citizen who has not performed the required military service, or who has been engaged in a revolution like that of 1848, which swept all over Europe, and who desires to leave Germany and come to this country, does the gentleman believe that it would be practicable for such a man to go to any United States consul in Germany and secure from that consul a certificate which would entitle him to land in this country?

Now, it occurs to me, Mr. Speaker, if this bill should become law, that, under the contingencies which I have suggested, it would be practically impossible for such a man to come to this country, whatever might be his fitness in other respects, and I would like to hear from the gentleman from Pennsylvania on that point.

Mr. WILLIAM A. STONE. Mr. Speaker, I suppose that all countries, when they are engaged in war, do all within their power to prevent the emigration of their citizens who are liable to military duty.

Mr. SAYERS. But the case I have supposed may occur in the time of peace.

Mr. WILLIAM A. STONE. In times of peace the returns of the Bureau of Immigration show that the Germans do come and have been coming to this country, and that men liable to do military duty in Germany have been coming here. Now, as I understand the gentleman's question, it is this: Will this bill which I have proposed, if it should become a law, be an obstruction in the way of a German who is liable to military duty and desires to emigrate to this country?

Mr. SAYERS. Or a German who has been engaged in a revolution in that country. And I take Germany only as an instance. My proposition applies to any other country in Europe as well.

Mr. WILLIAM A. STONE. In the first place, the existing immigration laws do not exclude any person from admission to this country who has committed what is called a political crime in Europe. The bill which I offer as a substitute simply seeks to have the inspection, which is already made under our laws, made on the other side of the water instead of here. The gentleman asks whether such an enactment will not create an obstacle in the way of desirable immigrants coming into this country. Now, all countries, this country included, have laws which make their citizens liable to do military duty between certain ages. I do not understand that the investigation which is required to be made by the consul is to be conducted with a brass band. I do not understand that the consul is going to give public notice of days of hearing for intended emigrants. I do not see why any person should not be able to come to this country who was eligible to come, if this bill were law, as well as he can come now.

Mr. SAYERS. I do not wish to interrupt the gentleman, but this is a vital point in his proposition. Suppose that a person is evading the law requiring military service in his country in time of peace, or desires to evade it, or suppose that a revolution is going on in that country and a citizen desires to escape from it and come to the United States, does the gentleman believe that the Government from whom this citizen is seeking to escape would permit an American consul to remain there who should be engaged in giving certificates authorizing such persons to come to this country and live here?

Mr. WILLIAM A. STONE. Most certainly.

Mr. SAYERS. The gentleman thinks so?

Mr. WILLIAM A. STONE. I do think so, and I do not know of anybody who has thoroughly investigated the subject and the questions of international law involved who thinks to the contrary.

Mr. JOHNSON of North Dakota. Why should not the consul, as the gentleman says, "employ a brass band" just as well as have the flag flying over the consulate? Does the gentleman suppose that the consul could do this thing in secret?

Mr. WILLIAM A. STONE. I do not propose to have him do it in secret. I propose to have some system by which immigration will be restricted to those who are eligible under the law. Perhaps this system may now and then act to some extent as an obstacle to legitimate immigration, but not to the extent claimed.

Why, Mr. Speaker, there will be no difficulty in a person getting to this country if he is able to come. The trouble is now that people get here who are ineligible. This whole system, as it now exists, by which we undertake to restrict immigration by investigating immigrants as they come to this side of the water—while I admit the system may be as well carried out as it can be under existing laws—is necessarily a legal farce. Apart from immigrants who are returned or debarred from entrance on account of disabilities or on account of not being qualified under the labor laws—apart from those whose entrance into the country is debarred on account of their violating the labor-contract laws, the number of persons returned under the present system are so few that the system is absolutely a farce. At the same time our poorhouses, our jails, our penitentiaries are filling up with incapables—men unable to earn a livelihood. Why, Mr. Speaker, more than 50 per cent of the people confined in our penitentiaries, according to the census of 1890, came to this country from abroad.

Now, what are you going to do? It may be that the law proposed may operate severely on some occasions; but are we to go on feeding and supporting the criminals of the world? Forty per cent, or nearly 40 per cent, of the inmates of our poorhouses and alms asylums are born in foreign countries.

Mr. Speaker, it has been the custom of European nations for years, until the last three or four years, to devote a portion of the public funds to sending to this country their paupers. Often a criminal is condemned as a part of his sentence to leave the country. You have heard of the "ticket-of-leave man." Do you not know that when a man is ordered out of his country he is necessarily ordered into another? And the only country that will receive such a one, if it knows it, is ours. We have been receiving the criminals and the paupers of Europe for years—feeding them and clothing them. Are we to go on doing it? This country of ours, lying between the two great oceans, is the rendezvous, the objective point, of all the people in the Old World who wish to better their condition.

Mr. SAYERS. Right here the gentleman will allow me to say, we have had a great deal of foreign immigration into Texas—Germans, Bohemians, and Swedes; and these people always feed and clothe themselves; they are here only but a short time until they acquire by their industry and economy comfortable homes. The great majority of them settle in the country and make most excellent and successful farmers. They constitute a splendid citizenship.

Mr. WILLIAM A. STONE. Why, sir, no one objects to that class of people coming to Texas or any other part of this country. This bill does not prevent them. It simply proposes to keep out paupers, insane people, diseased persons, criminals; that is all. Certainly they do not want that sort of people in Texas.

Mr. SAYERS. Certainly not; but are not the classes just named by the gentleman excluded by our present laws?

Mr. WILLIAM A. STONE. Certainly our present laws aim to exclude them.

Mr. SAYERS. Do we not have all along our coasts and borders inspectors who are required to inspect every immigrant; and if any improper person presents himself, is he not excluded, and is not the ship that brought him here required to take him back at its own expense?

Mr. WILLIAM A. STONE. He is not, under the operation of the present law, excluded with any certainty. How are you going to examine a man coming to this country in order to determine whether he is a criminal or not? He may look like a criminal; but he is going to say he is not such a person. Do you suppose he will stand up and admit that he is a criminal?

Mr. BARTHOLDT. Will he admit it to the consul?

Mr. WILLIAM A. STONE. If he does not admit it to the consul, the consul has the means at hand of verifying the man's statement. Under the system proposed here there will be such means at hand.

Mr. BARTHOLDT. Let me say to the gentleman that an American consul abroad has no right to administer oaths. Consequently, when a man appears before him as an applicant for such a certificate as the gentleman contemplates, he can tell the consul absolutely what he pleases, and the consul, having no power to call witnesses or administer oaths, has no way of testing the truth of his statements.

Mr. WILLIAM A. STONE. In reply to that statement I wish to have read a letter from a member of this House, the gentleman from Illinois [Mr. HITT]. I ask members of the House not to be hasty in the passage of such a measure as this, but to hear what Mr. HITT says before taking the statement of a gentleman who stands here reporting an immigration bill and making a speech against it.

Mr. BARTHOLDT. I hope the gentleman does not mean any personal reflection.

Mr. WILLIAM A. STONE. Oh, no; I do not think the gentleman is correct; that is all. I ask that the letter of Mr. HITT be read.

The Clerk read as follows:

MOUNT MORRIS, ILL., *September 5, 1894.*

DEAR SIR: Your letter forwarded here after I left W. has been received. There is no more reason to believe that consular inspection of immigrants would lead to international complications than other functions of consuls. Every consul is required to have from the local government an exequatur or permission before he can exercise any consular function. I notice that this objection to your bill is not raised by the Secretary of State, who has charge of foreign affairs, but by Mr. Carlisle, Secretary of the Treasury. This also answers your second question, whether the duties conferred by the House bill would be recognized by international law. Third, as to dual administration of law, there is and has long been a dual administration of the revenue laws.

The consular certificates and the invoices of importations go to the Treasury Department officers often in the same mail in which they send their regular reports to the State Department. Then, too, the Treasury Department appoints special agents who go abroad on almost the same business as part of the consuls-general. It might be that at certain ports the consular employees would have to be increased, as there would be more to do. This will of course be resisted if there is no increase of pay; but if, for instance, a fee were attached to this duty, you would hear at once from Liverpool, Hamburg, etc., that it was an excellent, beneficient measure. I know we have some poor material just now in the consular service, but they are better than Mr. Carlisle implies in contrasting consular inspection with the haphazard inquiries of ticket agents for steamer lines.

How can it be "a hindrance to able-bodied men who desire to migrate" to enable such men to secure in advance of coming a certificate that will absolutely secure their free admission at our ports?

Very truly, yours, R. R. HITT.

Hon. WILLIAM A. STONE, *Allegheny, Pa.*

Mr. HENDRICK. Will the gentleman from Pennsylvania allow a question in connection with that point, a pertinent question?

Mr. WILLIAM A. STONE. Yes.

Mr. HENDRICK. Under your bill will the visitors and tourists who come from abroad simply to visit this country be required to furnish consular certificates?

Mr. WILLIAM A. STONE. No.

Mr. HENDRICK. Then what will the consular examination of immigrants amount to? All an immigrant would have to do would be to say that he was coming to America on a visit; that is all; and how can you reach that class of people under the operation of your bill?

Mr. WILLIAM A. STONE. Well, the gentleman makes an imaginary suggestion. The immigrant is not likely, for instance, to take a first-class or even a second-class cabin passage. As a rule they have not money enough for that.

Mr. WILSON of South Carolina. And if the gentleman from Pennsylvania will allow me to make an additional suggestion, your bill does not repeal in any respect the existing conditions of law which restrict certain classes of people. The immigrant laborer can not come in under the amendment of the gentleman from Pennsylvania any more than under the existing law.

Mr. WILLIAM A. STONE. Mr. Speaker, I ask the clerk to read now the letter of Mr. Smith upon the subject. It will be remembered, perhaps, that he was minister to Russia while Mr. HITT was secretary of legation in France for many years.

The Clerk read as follows:

THE PHILADELPHIA PRESS, OFFICE OF THE EDITOR, *Philadelphia, August 28, 1894.*

DEAR SIR: The imperative necessity of some more stringent measure for the inspection of immigrants has become plain within the past few years, and now commands general assent. Your bill providing for such inspection by United States consuls seems to me admirably adapted to the purpose. It has been suggested in some quarters that the inspection should be made by officers specially appointed for that purpose, but I think reflection will confirm the conviction that your proposed method is much better. Every objection as to the amount of labor involved which can be directed against the plan of consular inspection would apply with no less force to the other method, while, on the other hand, the former plan would have all the advantage of a more responsible official character. In my judgment it would be more effective and impressive. There can be no difficulty in the way of making the equipment of the consular office equal to the requirements of such an investigation; and I believe that in its moral effect and in its practical results it would be most efficacious. I earnestly hope that you will press your measure, and that it may find the general favor which it deserves.

Very truly, yours, CHAS. EMORY SMITH.

Hon. WILLIAM A. STONE.

Mr. WILLIAM A. STONE. Mr. Speaker, I desire here to make perhaps a little correction in my statement in reference to the proportion of immigrations to births. I find by the report of the commission appointed to investigate immigration that the number of immigrants coming into this country between 1880 and 1890 (this will be found on page 8, I will say, of the report), was 5,246,613. Now, as I understand from more recent examination, the amount of increase during that decade was about twelve millions. So I was a little in error in making the statement I did. But still I think even the fact given, the corrected statement, shows too large an immigration.

Mr. HAINER of Nebraska. If the gentlemen will allow me. The increase of foreign population from 1880 to 1890, as shown on page 30 of the abstract of the Eleventh Census, is 2,569,604; while on page 3, of the same abstract, I find the increase of the total population is 12,466,467. In other words, the difference is four times as great as the gentleman from Pennsylvania first stated.

Mr. WILLIAM A. STONE. That would be entirely true if your statement was correct; but it is not a correct statement.

Mr. HAINER of Nebraska. Well, I hand the gentleman the figures. He can examine them for himself. It is the abstract of the Eleventh Census.

Mr. WILLIAM A. STONE. I have seen the figures, and have compared them with my own investigations, and also with the statement of the commission appointed to investigate this subject. I take the report of that commission, which was appointed to investigate this very subject, as decidedly more correct, and they report the number during that decade as over 5,000,000.

However, we will leave that, at least for the present. The gentleman from Nebraska may be right or I may be. I do not wish to spend time discussing figures. In any event, it is large enough to reduce, and it is growing steadily larger.

I desire now to call the attention of the House to the statement of the report of the commission to which I have just referred. This commission, which is opposed to consular inspection—and I may say that everyone connected with the Immigration Bureau under this Administration is opposed to it—this Commission fears a dual administration of the laws; and that the consuls under the State Department will in some manner interfere with them or their system. They have been cordial advocates of the present law; and the Stump law of 1893 is a fair sample of the thought which the Immigration Bureau entertains on the subject. That was a law which undertook to restrict immigration. The only restriction it has effected is in the claims of the Immigration Bureau, who claim that it has prevented many people from applying to come to this country; in other words, that it has scared away many who wanted to come. That is the only indication of any restriction which it has ever effected. This commission, composed of the head of that Bureau and two other people employed in the Bureau, report as follows:

It will be noticed that for the last decade, from 1880 to 1890, it was nearly twice as much as it had been for any previous decade, and over one-third what it was for the entire period. In fact, nearly two-thirds of the entire immigration movement of the world in 1890 was directed to the United States.

Now let us for a moment stop and consider that statement. Nobody denies it. Something has got to be done evidently in view of the fact. It may be that the bill which I have introduced will not accomplish it. It certainly will do no great harm. In my judgment it will have a tendency in that direction, which will restrict immigration to a certain extent. The bill of my friend Mr. BARTHOLDT, the educational bill, is a good one so far as it goes, but it will only keep out a few illiterate Italians. It is not the medicine for the disease. It will not restrict immigration.

Now, let us face up to this question. Are we satisfied that immigration ought to be restricted? If we are, then why should we hesitate? I will admit there are some localities which want immigration, but we are here to legislate for the greatest number—the greatest good to the greatest number. The Eastern States are overrun. There is too much immigration, and there is going to be more, increasing all the while.

Now, let me call your attention to another statement made by this commission. For the period from January 1 to September 1, 1895, there was an increase of 36,270 at the port of New York over the same period of 1894. My friend from Texas [Mr. SAYERS] does not know anything about the enormity of this evil. The people who are going to his part of the country are desirable. If we could send all these immigrants to Texas, Pennsylvania might get along nearly as well——

Mr. SAYERS. And you would not be asking the passage of this bill, I suspect.

Mr. WILLIAM A. STONE. They probably will not do as much harm in Texas as they do in Pennsylvania.

Furthermore, the returns show an increase of 51 per cent for the month of July, 1895, over July, 1894; a little over 60 per cent for August, 1895, over August, 1894, and of more than 55 per cent for September, 1895, over September, 1894. With returning good times we have an increase of immigration. In bad times immigration decreases. This bill, reported by the Commissioner of Immigration when he was a member of this House, was only efficacious during the hard times of 1893. As soon as returning prosperity begins to appear, that moment the laws which now exist are found utterly powerless to accomplish anything.

The educational test is all right. I do not object to it. I hope to be able to vote for it; but it is evident that that will only reach a very small percentage. I think the total immigration for the given period reported here, if both males and females were excluded, which this bill does not do, would be only about 7,000 of these Italians. Nearly all the immigrants from other countries read and write. So that we are not going to reach any restriction of immigration by that test. It is going to restrict some people, but it is a very harmless bread pill, and will be like all the rest of our legislation—simply throw something out to quiet the clamor of the people and allay this demand for restricted immigration. It is a bread pill, and that is all there will be of it. It will not materially restrict immigration; but in as far as it does we all welcome it. If we can only at present keep those people out of this country who are not eligible under our present laws—and that is all I seek to do now—if we can keep out the sick, the insane, the criminals, those whom the law at present intends to keep out of this country, then we shall have accomplished something. You will see at a glance that either one of two things exists. Either the laws are deficient, or else the census reports are incorrect. If the laws were efficient, and kept undesirable people out of this country, there would not be over 50 per cent of foreigners among the inmates of our penitentiaries, and there could not be 40 per cent of foreigners among the inmates of our poorhouses, because the total percentage of foreigners in this whole country is not quite 15 per cent, and there is no reason why there should be any greater percentage of foreigners in the penitentiaries and poorhouses than the percentage of foreigners in the whole country. There should not be more than 15 per cent.

Now, this is no argument against foreigners. We are all foreigners, for that matter, and there are no Americans except those fast-decreasing bands of Indians which are mostly fed at the expense of the Government. It does not make any difference whether my friend came from Germany himself, or whether his parents came from Germany seventeen or eighteen or twenty or thirty or fifty years ago. We are all foreigners. Now, the argument is this: I do not claim that the fact that there are over 50 per cent of foreigners who are inmates of our penitentiaries is any reflection on foreigners. On the contrary, it is simply an illustration of the fact that the laws of this country do not keep foreign criminals out of this country, as they are intended to do. Foreigners are not all criminals. Their moral range is as high as our own, and if the good people would come here there would be no objection to them. But here is the fact, and I see no escape from it: If you admit that the penitentiaries contain over 50 per cent of foreigners among their inmates, and that the poorhouses contain between 26 and 40 per cent of foreigners among their inmates——

Mr. BARTHOLDT. That is not admitted.

Mr. WILLIAM A. STONE. If you admit that, you must admit the further fact that these foreigners come to this country—because they are not born here; and you must admit, secondly, they come in spite of the laws of this country which pretend to keep them out. All I want is to enforce the law, and I come now to the proposition, Will this substitute which I have offered do it? Will it help to do it? I claim that it will.

Mr. SAYERS. Mr. Speaker, I understand that the gentleman does not desire to go further than to provide methods by which the present laws can be the better enforced.

Mr. WILLIAM A. STONE. That is all.

Mr. SAYERS. I understand such only to be his proposition.

Mr. WILLIAM A. STONE. That is the proposition in my bill. I start out with this suggestion: They are examined in this country when they come here, or are supposed to be, by the Inspection Bureau.

The SPEAKER. The time of the gentleman has expired.

Mr. SAYERS. I ask that the gentleman's time may be extended ten minutes, he has been interrupted so much.

The SPEAKER pro tempore (Mr. SHERMAN). The gentleman from Texas asks unanimous consent that the time of the gentleman from Pennsylvania be extended ten minutes. Is there objection?

Mr. BARNEY. I object.

Mr. HOWELL. Mr. Speaker, I yield the gentleman thirty minutes of my time.

Mr. WILLIAM A. STONE. The gentleman from New Jersey [Mr. HOWELL] is a member of the committee and yields me a part of his time.

Mr. HOWELL. Mr. Speaker, I yield thirty minutes of my time to the gentleman from Pennsylvania.

The SPEAKER pro tempore. The gentleman from New Jersey claims sixty minutes, and yields thirty minutes to the gentleman from Pennsylvania. The gentleman from Pennsylvania is recognized for thirty minutes.

Mr. WILLIAM A. STONE. Mr. Speaker, under the present laws an immigrant is inspected by the Commissioner or Superintendent of Immigration. He is inspected on Ellis Island, or supposed to be. That inspection takes place in our country. My proposition is to inspect him in the old country. I can see no reason why a man should be brought 3,000 miles before he can be inspected. My bill is for the benefit of the immigrant. If he is ineligible it is fair that he should be told that before he starts from home. It is not only impracticable, but it is a great hardship on the immigrant to encourage him or allow him to convert his little property into money and expend it all for tickets for himself and his wife, we will say, to come, perhaps, 4,000 miles, and then be told that he is ineligible.

Why, Mr. Speaker, the statement of my friend from Indiana [Mr. TRACEWELL] has just been made that Ellis Island is to-day overcrowded with people who have been ordered to be deported. This is not difficult to understand. They are crowded into the steerage of vessels. The average amount of money brought into this country by each immigrant is only $16. They are poor people. They go and sell their little property and invest it in tickets and come across the water. They come here after they have been kept down in the hold of a vessel, without light and without a proper amount of air, with food of the coarsest quality and most insufficient quantity, and then when they land at Ellis Island they are like all other people. A man who has crossed the water in the hold of a vessel can attribute any illness he may appear to have to seasickness. If the doctor who feels his pulse or looks at his tongue tells him he has got this or that disease, his ready answer is that he has been on the water and that he is seasick, and common sympathy admits him.

These men who inspect them have sympathies like all other people. They admit nearly all the immigrants. That is what is filling up our poorhouses and our jails. Now, why bring him all this distance? "Well," you say, "we did not invite him to come." I know; but he is being invited. We know that the steamship companies have thousands of agents in the old countries selling tickets and soliciting foreigners to buy tickets; that millions of dollars have been expended in the construction of these great vessels that bring from 500 to 1,000 immigrants at a load, and that they have their agents and their solicitors scattered all over Europe soliciting these poor immigrants to purchase tickets. The railroads carry them from New York City out on the Western prairies for a dollar apiece, and the men who own the stock in the railroads pretty generally own the stock in the steamship companies. And within the last few years they have built great steamers, and to-day are engaged in the business of bringing poor, helpless people into this country, people who are ineligible to come in under our laws, and that is what I want to stop. If you do not do it immediately, it is only a question of a few years.

Mr. ADAMS. Mr. Speaker, I desire to ask the gentleman a question.

The SPEAKER pro tempore. Does the gentleman yield to his colleague?

Mr. WILLIAM A. STONE. Yes; if it is only a question.

Mr. ADAMS. I want to know if you have made any provision in your bill for the extra work you propose to put upon the consuls of our country?

Mr. WILLIAM A. STONE. I simply put into my bill a provision that the Secretary of State shall form such regulations as are necessary.

Now, Mr. Speaker, I must go on. If you do not pass a restrictive measure to-day, you will do it in the next few years. It is going to come. Here we are accessible from both sides, from the Pacific and from the Atlantic. We are a raft put within reach of a wreck for drowning men to get on. In many countries emigration to this country has only been thought of in the last few years. We have got to do something. We have got to stop it or we cease to be what we have ever hoped to be and have supposed

we were—an American nation. In a few years, if immigration is not restricted, this country, of which we are so proud as Americans, will be everybody's country.

Mr. HEPBURN. Will the gentleman yield?

Mr. WILLIAM A. STONE. For a question.

Mr. HEPBURN. What reason has the gentleman to expect that the duty which his bill imposes upon the consuls will be performed in any other than the perfunctory way in which the same consuls perform the duty of certifying invoices? That certification is a mere form which amounts to nothing, and which is always made whenever the $2.50 fee is paid.

Mr. WILLIAM A. STONE. I expect, Mr. Speaker, that this bill, if it passes, will furnish a very good reason and occasion for renovating our whole consular service. There is no reason on earth why a consul of the United States in a foreign country should not perform his duty as well as any Government officer performs his duty here.

Mr. HEPBURN. Does not the gentleman know that the certification of invoices, a somewhat similar duty to that which this bill imposes, is regarded universally as merely perfunctory, and that you find the certificate in full and proper form in cases where the officer has never seen the inside of the invoice or the merchandise that he certifies to?

Mr. WILLIAM A. STONE. I do not admit that the duties are similar. They are very dissimilar.

Mr. ADAMS. Will the gentleman permit me a question?

Mr. WILLIAM A. STONE. I can not yield, Mr. Speaker, for any more questions.

Mr. ADAMS. The only way we can get at the merits of this bill is by asking questions.

Mr. WILLIAM A. STONE. Go ahead.

Mr. ADAMS. What possible knowledge can the consul at a seaport have of an emigrant who comes from a place 300 miles in the interior, and how can he possibly obtain any trustworthy information upon which to certify intelligently, truthfully, and correctly to the standing of such an emigrant? How is the consul in such a case going to know anything about the emigrant?

Mr. WILLIAM A. STONE. The conclusion from the gentleman's question is that if the emigrant lives 300 miles away from the consul the information necessary for certifying may not be accessible, but that if the emigrant comes from a place 3,000 miles away from the inspector, then the inspector can properly certify. That is how the business is done now. Immigrants come from places more than 3,000 miles away, and the inspector has no knowledge whatever of them, yet he undertakes to inspect and pass them. Surely it would be easier for the consul to obtain trustworthy information about an emigrant living even 300 miles away from his city than it is for our inspectors to obtain such information 3,000 miles away. I admit that in some instances this bill, if it were a law, might work hardship to some emigrants, in requiring them to come 300 miles to obtain their certificates; but surely it is a great deal better to have them come 300 miles than it is to have them come 3,000 miles before they are inspected, as they do under the present system.

Mr. ADAMS. In answer to that objection I will say that if a United States consul performs his duty now under the statutes of the United States he has all he can attend to, whereas the immigration agent here has this specific duty to perform and can take time to examine into any given case. I object to this extra duty being put upon consuls of the United States, because if they attend to their duties under the laws they have all they can do.

Mr. WILLIAM A. STONE. Oh, well, it is a very easy matter to increase the consular service.

Mr. ADAMS. No, it is not.

Mr. WATSON of Ohio. The gentleman, as I understand, proposes to annihilate the distance which the emigrant must travel before he is subject to examination and inspection.

Mr. WILLIAM A. STONE. It is one argument in favor of my proposition that it does lessen the distance.

Mr. WATSON of Ohio. How is the consul to ascertain intelligently and truthfully the facts? How do you expect to accomplish your object in that respect?

Mr. WILLIAM A. STONE. If the emigrant lives in the same city or town where the consul is stationed it is a very easy thing for him to ascertain the facts.

Mr. WATSON of Ohio. But suppose the emigrant lives elsewhere?

Mr. WILLIAM A. STONE. Then let him furnish the necessary evidence.

Mr. WATSON of Ohio. In other words, the consul is to do the best he can.

Mr. WILLIAM A. STONE. Yes, sir. And bear in mind that the fact that the emigrant brings a certificate does not necessarily admit him into this country. If he deceives the consul or commits a fraud upon him, the immigration inspectors, when he reaches this side, will still have the right to bar him out. This simply provides an additional protection to the country, an additional remedy against the influx of undesirable immigrants. And, Mr. Speaker, I want to call attention to the fact that the consuls of the United States do already perform this or similar service. Under the quarantine bill which we passed in 1892, we provided, in the second section, that no vessel should be permitted to leave any port when it was defective or when any disease was on board until a consul of the United States had made an inspection and had given the vessel a clearance.

Mr. SAYERS. Before the gentleman from Pennsylvania sits down I wish he would inform the House as to whether or not the Bureau of Immigration makes any objection to his bill, and if so, what the objection is. I ask merely for information.

Mr. WILLIAM A. STONE. I understand that in the last Congress, when this same bill passed the House and went to the Senate, the Bureau of Immigration did object to it, mainly on the ground that it created a dual service between the Secretary of State and the Secretary of the Treasury. As I have said, the law of 1892, which regulates quarantine service, already imposes a similar duty on our consuls. There is no use in sending out additional agents into foreign countries under direction of the Treasury Department; none whatever. This service can be performed by the consuls under the State Department, and the only real argument against this bill is that it does restrict immigration if I understand the definition of the words. It does throw obstacles in the way of immigration; it does put restrictions on immigration. That is one of the things I am trying to do.

Mr. HYDE. Is it not one of the strong arguments against the measure that it is not restrictive enough, but is only restrictive to a very small extent?

Mr. WILLIAM A. STONE. Well, it does not restrict anybody from coming to this country who is not already restricted under the law. It provides for the enforcement of the present law; it provides an additional means of enforcement. It does not repeal any part of the present law.

It is said that this measure is going to work hardship; that it is going to deny worthy foreigners the privilege of coming to this country and becoming citizens. Sir, I can see no hardship upon anybody in subjecting him to an examination on the other side of the water when under the existing law he is subjected to a similar examination on this side. If it is charged that this bill will operate to keep out any eligible person, that is another question. It does not do so. I claim that it will operate beneficially to the immigrant as well as to this country. If the man proposing to come to this country is eligible, is capable under our laws, he ought to know it before he converts his property into money and invests it in a ticket. Why, sir, these steamship agents pervade the whole extent of foreign territory, soliciting anybody to come to this country. They have solicited people to come who were excluded by law, but who succeeded in passing the examination. And such persons will always pass the examination so long as the only examination they undergo is the one on this side of the water.

Now, Mr. Speaker, I wish to reply to a challenge which will be made here. I wish to give an answer to a question of my friend from Texas [Mr. SAYERS] in reference to Germany. I have tried very hard to ascertain whether there was any real opposition to this measure among the Germans, inasmuch as it has been charged that there was. I have a large number of German-Americans in my district. There are some newspapers there published in German that have opposed this bill, one in particular, the proprietor of which—the man who furnishes the money to operate it—is and has been for many years a steamship agent, selling tickets to persons who wish to go to Europe and to the friends of those who wish to come here from Europe. I received a telegram from him dated May 7, to which I replied. His telegram and my reply were published not only in his paper, but in nearly all the principal papers of Pennsylvania. And from the time of that publication not one person has ever written to me or telegraphed me or in any manner to my knowledge raised any objection to the restriction of immigration—certainly not one German. I ask the Clerk to read that telegram and my reply.

The Clerk read as follows:

PITTSBURG, PA., *May 7, 1896.*

WILLIAM A. STONE, M. C.:

You are mistaken in believing that German-Americans favor your bill. Only recently the Turners of this section, numbering over 5,000, adopted resolutions of gratitude to Mr. BARTHOLDT, and protested against restrictive measures.

VOLKSBLATT.

HOUSE OF REPRESENTATIVES, U. S.,
Washington, May 7, 1896.

PITTSBURG VOLKSBLATT:

GENTLEMEN: I am in receipt of your telegram of the 7th instant, in which you say that I am mistaken in believing that German-Americans favor my bill restricting immigration, and that the Turners of Pittsburg have passed resolutions protesting against restrictive measures, etc.

I can well understand how one of the proprietors of the Volksblatt, as agent for several steamship companies engaged in the business of bringing immigrants into this country, is opposed to restricting immigration, and I can see how, through the columns of the Volksblatt and other papers similarly interested, many honest Germans are led to oppose the restriction of immigration, but I do not believe that the majority of the intelligent German-Americans of this country desire to see the shipping of such large numbers of undesirable immigrants into this country continue. The Germans are a frugal, saving, hard-working class, and make good American citizens. The immigrant pauper laborer from southern Europe enters into direct competition with the German laborer as well as others here and gluts the labor market. This is what keeps the price of common labor down and puts it at the mercy of capital.

I, with many others who have been working to restrict immigration, am of German descent, and have a common right to speak for the German-Americans. Those engaged in the business of bringing cheap labor into this country shrewdly think that if they array the German-Americans against the movement to restrict immigration they will so frighten the two great parties in this country that they will not dare to pass a restrictive law. They have so far succeeded that if such legislation fails in this Congress it will be because the German-Americans are believed to be against it, and to that end the Volksblatt and some other German newspapers have succeeded. I do not believe that the German-Americans are against it. While there are many Germans in my district, the Volksblatt has so far made the only protest to me against such legislation, and I hereby invite the German-Americans of my district and of the State to write to me and to other members of Congress giving their views upon this question. I would like to know if they are really opposed to restricting immigration.

Very truly, yours,

WM. A. STONE.

Mr. WILLIAM A. STONE. Now, I wish the Clerk to read two letters which I have received.

The Clerk read as follows:

Yours of April 14, 1896, to hand. I am at a loss how to answer your inquiries in regard to the opinions or feelings of the Germans on the question of immigration and the pending bill. I have heard very few comments or expressions in regard to the passage of such a law. There are always different opinions; some favor and others condemn, but I believe—not saying more than I can answer for—that a great many Germans who have the welfare of our country at heart are not opposed to any bill that would restrict and more safely guard against immigration that would be a detriment to the interests of our country. I am well aware that there are many Germans who are hasty in opposing every attempt at legislation of this kind, as though there was a feeling of hatred against their nationality and a reviving of the bygone nativism. I am unable to find anything in the bill proposed that would be, as far as the German element is concerned, a hardship, preventing them from emigrating this country. In regard to the German press in our section, they have not been saying very much about the proposed legislation. The German Turnverein of the Pittsburg district, at a meeting held last Sunday, passed a resolution declaring against the Stone bill and passed a vote of thanks to Congressman BARTHOLDT for his opposition to the measure. This resolution was printed in last Monday's Pittsburg Post. The Freiheits Freund, of last Monday, giving the proceedings of the Turnvereins, makes no mention of the resolution, believing that some law should be passed that will prohibit such immigration that will not be a blessing to our country, but not closing the doors against admitting all those who will make good and faithful citizens. The bill presented to the House of Representatives by WILLIAM A. STONE appears to me to be fair. It will have the effect of notifying the countries from where the immigration comes that those who wish to come to our shores must prove themselves worthy and be such as comply with our laws.

Yours, respectfully,

HENRY GERWIG.

GREENVILLE, PA., *May 14, 1896.*

DEAR SIR: Do you remember me as pastor of the German Congregation at Warren, Pa., over twenty years ago? Well, the Pittsburg Times of May 9, 1896, contained an article, a reply to the Volksblatt. As far as I know German-Americans are in favor of restricted immigration judiciously managed. As far as I know you personally and your standpoint on this vital question, so far I would indorse your position. Educated Germans oppose the fanaticism against foreigners and so-called knownothingism, compelling a foreigner, irrespective of age or education, to wait twenty-one years before he can be naturalized. We do not want to be classed with the vilest Huns or Italians. If the law be made with good judgment, discriminating between honest and educated men and the uneducated and immoral people, then you will have the indorsement of every loyal German-American. During our civil war one-third of our Army consisted of foreigners. I, too, took part in it. We resent the tendency of the Order of the United Workmen of America. A hundred years ago and more the Government's friend sent a good-for-nothing fellow to America, which then used to be regarded as the garden spot for just such people. But this is no longer the case. Since quite a number of years the German Government has restricted immigration. Practically I believe a mistake has been and is being made. The consulates in the different foreign countries could attend to all requirements for restriction. No steamship company should be allowed to land anyone on the soil of the United States without the certificate from the consul of that district.

How much I would like to converse with you on the subject!

Another feature presents itself since about thirty years. Capitalists and corporations have sent out a host of agents inducing people to immigrate to this country, often under false pretenses. Thousands have been disappointed, but had no means to return with. This mean business of securing some of the worst population ought to be stopped at once. American greed has largely invited cheap labor.

Hoping that I may have the pleasure of seeing you some time this summer at Warren, and that these few thoughts may serve as an encouragement to you,

I am, with kindest and highest regards, sincerely, yours,

G. A. BOURGEL,
Professor, Thiel College.

Hon. WILLIAM A. STONE, M. C.

I should be glad to have what is published on the subject. Please inform Congressman Col. GEORGE HUFF, of Greensburg, of this when you see him.

Mr. BARTHOLDT. Will the gentleman allow me one minute?

Mr. WILLIAM A. STONE. I will yield for a question.

Mr. BARTHOLDT. Are you not in receipt of a letter signed by the first speaker of the district committee of the Turners of Pittsburg, and also signed by the secretary, in which they protest energetically against your bill and make arguments against it——

Mr. WILLIAM A. STONE. No; I am not.

Mr. BARTHOLDT. And in which they tell you the Germans in your district, as well as in Pittsburg, are a unit against your bill? If not, the mail has miscarried the letter, for here is a copy of it.

Mr. WILLIAM A. STONE. Has the gentleman finished his question?

Mr. BARTHOLDT. Yes, sir.

Mr. WILLIAM A. STONE. I have received no such letter. I suppose my answer settles that point. I presume that if I misrepresent the Germans in my district I am the one who will suffer by it. I will take the chances on that. I say that while some Germans may be against my bill, I have had no intimation from them, except through the Pittsburg Volksblatt, to which I have referred, which is owned by people engaged in the steamship business.

Mr. KIEFER. I have heard that statement denied.

Mr. WILLIAM A. STONE. Well, I have just heard you deny it. It does not change my conviction of its truth.

Now, Mr. Speaker, the broad statement that the Germans of this country are opposed to restricting immigration is a libel on the German citizens resident in our country. No more loyal, patriotic class of people exist within the borders of the United States than our German population. They are not opposed, in any sense of the word, to restricting immigration in a proper way. And I claim, sir, that while it may be that sympathy or public sentiment may be worked up in some localities in opposition to it, the Germans as a class are not opposed to restricting immigration to able-bodied, self-supporting foreigners. That is all I claim ought to be done. That, I think, the country will demand shall be done.

But incidentally let me mention the fact that, as will be seen by the statistics compiled by Senator HILL, which is a feature my bill does not take up—none of the bills do except the Corliss bill—under these statistics, which are not denied, but which are reported by this commission on investigation in this country, there was sent from the United States in the year 1893 to Italy alone, by men who came from Italy to our land and earned wages here, between twenty-five and thirty millions of dollars of their earnings. Every year this country and the industries of the country not only support the laboring people of our own land, but the laboring people to a large extent of the whole world. Our wages go to Italy and to all foreign countries; and if this country to-day should cease its industries, if it should suspend its manufacturing, its mining and railroad building, and all the wheels of industry be suddenly stopped, it is a serious question whether these foreign countries who receive so much money annually from the United States, of wages earned by their citizens, would not suffer from it nearly as much as we would.

Now, sir, our people are suffering. There is more competition to-day in common labor in this country than in any other business. Common labor stands right where it did twenty years ago. You put a tariff on a machine to keep it out of this country, so as to force its construction within our own borders and give the labor upon it to the laboring men of this country. But you put no tariff, no obstruction, no protection on the able-bodied worker from abroad. He may come in competition with our labor. You let him come here with his tools, set himself down, and come into direct competition with our own labor.

Mr. SMITH of Michigan. He is a consumer.

Mr. WILLIAM A. STONE. He is a consumer! Why, Mr. Speaker, nearly a hundred thousand men come annually from Canada alone into this country. They are men who are called "birds of passage." They work for a season and then go back home, taking their earnings home with them. I tell you this country is not only supporting to-day its own laborers, but to a large extent the laboring people of the world.

Now, sir, this bill does not aim at curing that condition of affairs; but I warn you that this question will never cease until you give to our laboring people that protection which you seek to give to the capital of the country. [Prolonged applause.]

Mr. BARNEY. I yield twenty minutes to the gentleman from Michigan [Mr. CORLISS], reserving the remainder of my time.

Mr. CORLISS. Mr. Speaker, I shall address myself to the amendment which I propose to the original bill, offered by the chairman of the committee.

This measure is intended as a protection to American labor.

It seeks to preserve the fruits of our labor for those who carry the burdens of American institutions and stand ready to defend the honor of the nation.

It does not affect any man, woman, or child who now lives in this country, nor does it prevent any person from seeking and securing a home on American soil and enjoying the blessings and advantages of the labor markets of this country.

It is estimated that from 50,000 to 100,000 human beings every year leave their homes and families in foreign countries and come to the United States with no intention of making this country their permanent home, and engage in competition with our laboring men during the most active business periods and building seasons in all the avenues of labor, and at the end of the season or prosperous period return to their foreign homes and there spend with their families the fruits of American labor.

Mr. Speaker, the Secretary of the Treasury appointed a commission to investigate and report what changes were deemed necessary in the rules and regulations in force with reference to immigrants, and I find on page 40 of that report the following recommendation:

Your commissioners would respectfully suggest that Congress should by appropriate legislation enact laws for the following purposes:

1. A law regulating immigration into the United States from contiguous foreign countries by water or land carriage, which will protect our workmen from the importation of transient cheap labor across the frontier.

Provision should also be made therein to exclude aliens coming year after year to perform labor in the United States with no intention to settle therein.

I desire to say that in my judgment the present administration of the Immigration Bureau is the one bright star in the unfortunate Cleveland Administration. It stands out as the one department of this Government seeking earnestly and faithfully to execute the laws with reference to immigration; and I want to congratulate my Democratic friends that they have, in this department at least, worthy and efficient men.

Now, Mr. Speaker, for the information of members of this House I will ask the Clerk to read two letters, one of them addressed to the Commissioner-General from his subordinate officer at Sault Ste. Marie and the other from the inspector at Boston, with reference to the very subject I am discussing. I want to say that every inspector of immigration in the United States has appealed to the Commissioner-General for a correction of this evil.

The Clerk read as follows:

TREASURY DEPARTMENT,
UNITED STATES IMMIGRATION SERVICE,
Sault Ste. Marie, Mich., April 29, 1896.

SIR: While we on this side of the border of Canada are praying for Congress to relieve us from the influx of alien labor, at the busy periods of the year here, the Canadians (not by any legislative action, but actuated by a hostile feeling toward United States citizens) are discharging and excluding our mechanics and laborers from their country very effectually. For example: A few days ago a Canadian steamer was fitting out at Owen Sound, Ontario. One of the firemen, engaged for the season, was discovered to be a United States citizen, and was promptly discharged, for that reason only.

Again, directly opposite this city is situated the town of Sault Ste. Marie, Ontario, where a Philadelphia syndicate are developing the water power. The syndicate built a wood-pulp mill there last year and have last week let a contract for the building of another mill. The contractors will not and do not employ any United States citizens as bricklayers, stone masons, or laborers. On the other hand, Canadian carpenters, masons, and laborers flood our home market and, as they work cheaper, take the work away from our residents. Even the United States Government public work is being done by dredges, drills, and tugs manned almost entirely by aliens. The above is a mild statement of the situation, for I have said nothing about the numberless clerks, stenographers, school-teachers, and bookkeepers, both male and female, who annually invade the United States.

If consistent and in your opinion proper, I should like this statement of the situation to be laid before the Committee on Immigration of the House of Representatives.

Respectfully, CHAS. C. WILLIAMS,
Immigration Inspector.

Hon. HERMAN STUMP,
Commissioner-General of Immigration, Washington, D. C.

OFFICE OF UNITED STATES COMMISSIONER OF IMMIGRATION,
No. 70 Long Wharf, Boston, May 13, 1896.

DEAR SIR: I beg to acknowledge the receipt of yours of the 11th instant, requesting me to write you, giving the evil effects, as observed in this section of the country, in consequence of the lack of restriction of immigration affecting what is known as "birds of passage," parties seeking admission into the United States with no intention of making it their permanent abode.

In reply, I beg to inform you that about 35,000 passengers arrive at this port from Halifax and Yarmouth, Nova Scotia, annually by water, all of whom have to pass the inspection of the immigration officers under my direction. Of this number about 25,000 are aliens, some of whom are permanent residents in this country, returning home after visiting their native country.

From February 1 to May 13, inclusive, of this year 4,792 aliens arrived at this port by these two lines, about 75 per cent of whom would come under the head "birds of passage." Their occupations, principally, are fishermen, farmers, carpenters, masons, and stonecutters, whose domicile is Nova Scotia, and who have no intention of making their abode in the United States, and who come in direct competition with our native-born citizens and those who have adopted this country as their permanent abode, and whose coming has a tendency to reduce the rate of wages, especially those employed in the building trades.

They come year after year in the spring and return in the fall when the season is over. This class of men thoroughly understand the contract-labor laws of the United States and know how to evade them upon their arrival.

A number of others who are classed as American citizens come here annually, having taken out naturalization papers for the purpose of getting employment as masters of American vessels and at other occupations which none but American citizens can occupy under our navigation laws, whose families are domiciled in Nova Scotia and who have no permanent abode in the United States. This has become a common practice, and is a menace to our citizens. In addition to the above, large numbers of these classes come to this section of the country by rail.

Respectfully, yours, THOMAS F. DELHANTY,
Commissioner.

Hon. JOHN B. CORLISS, *M. C.*,
House of Representatives, Washington, D. C.

Mr. CORLISS. Mr. Speaker, those letters indicate the opinion of men who have had experience with reference to our immigration laws. I hold in my hand copies of resolutions certified to by the president and secretary of every labor organization in my city, embracing a membership of 15,000 American citizens who have asked this Congress to adopt this particular measure for their protection. They ask it for protection to American labor.

This class of competition with American labor is not confined to the subjects of Canada.

They come from Italy, Austria, Hungary, and other foreign countries. They bring with them nothing but physical force, capable of performing work upon the low standard of other countries, and prey upon the labor markets until they have accumulated a goodly sum for a laboring man in a foreign country, and return to their homes and families abroad.

While here they add nothing to the value, prosperity, progress, or genius of the people of this nation.

In advocating this measure I desire to most emphatically disclaim any intention to prevent any capable, honest, industrious, law-abiding person from seeking a home on American soil and obtaining the blessings and advantages of this country for himself and his family.

The associations of my life have been among an admixture of foreign-born and native citizens.

My affiliations in social, business, and secular life have never been determined by any test of nationality.

Many of my closest friends and companions are of foreign birth.

I believe our foreign-born citizens who have come to this country and adopted it as a home for themselves and their families are as loyal to the flag of their adoption as the man who was born beneath it. [Applause.]

The foreign born have added to the material wealth and prosperity of the nation, and, what is of far greater value, they have contributed to its moral and intellectual welfare.

In my judgment the genius of the American people, the prosperity and liberality of American institutions, and the superiority of the American nation has been achieved by the association of the best physical, moral, and intellectual men and women of all nations.

But the sad experience of our people in want, idleness, and misfortune during the past three years under the free-trade provisions of the Wilson bill has demonstrated the wisdom of the Republican principles of protection.

Protection not only to American manufacturing industries and farm products, but protection to American labor. We have always contended that the protective tariff maintained high wages and benefited the laboring man as well as the capitalist. If that be true—and I am one who believes in the principles of protection—then we should assure the laboring men of our fidelity to their interests by the adoption of this measure.

By this law we would stop the skilled mechanics and laborers from annually coming into the large cities along the Canadian border and competing with our artisans in the building and other trades.

This bill in no way affects the Canadian who has or may hereafter come to this country with the intention of making it his home.

I recognize the value and intelligence of the Canadian people, and hope that our country may be blessed with more of them.

I number among my best friends and business associates American citizens born in Canada.

In the city which I have the honor to represent, there are many thousands of noble men and women born in Canada who are loyal American citizens, and by their thrift and natural genius have become successful merchants, bankers, lawyers, doctors, and mechanics, and in recognition of their value as citizens many of them have been honored by my city and State with public office, and one of them to-day honors my State as a Senator of the United States.

Every protective barrier that is erected by this country for the welfare of the people helps to advance the spirit of freedom that is lurking in the hearts of the Canadian people.

The tariff law of 1890, embracing the most wise provisions of reciprocity incorporated therein by the plumed genius of this age, Hon. James G. Blaine, was rapidly forcing the Canadian people toward annexation and away from the influence of England.

The election of 1892 and the adoption of the free-trade Wilson law has opened our markets to the Canadian lumber and farm products, restored England's influence, and sent the lumber barons of my own and other States with their capital into the pine woods of Canada to feed the cheap labor and give prosperity to the Canadian people, to our great loss and detriment.

Mr. Speaker, it has been said by some sapient economist, "Show me the laws of a nation and I will tell you the condition of its people." How clearly this wise saying has been demonstrated during the past three years under the evil effects of the Wilson-Gorman free-trade act, repudiated and condemned by the people in the election of 1894.

The same demoralizing free-trade principles have heretofore permitted the indiscriminate immigration of the degraded classes of other nations into our fair land.

The effect upon American character may be likened to the effects upon a great river of pure water which has poured into its depths the refuse and débris that flows from the sewers of our large cities. At first its effects are not noticed; the decayed, poisonous matter naturally sinks and is scattered along the bottom of the

river unobserved; but in time the people along such streams will begin to find among the rocks and stones on the bottom and along the shores a dark, unhealthy, fungous growth containing dangerous poisons. Life will be gradually exterminated from such waters, and disease and death will at last arouse the people to action and compel a remedy for such evils. Already a measure is pending in Congress looking to the investigation and correction of these evils.

How much more important is it to preserve the human blood and manhood of the American character by the exclusion of depraved human beings.

Mr. Speaker, I believe in a pedigree not only in the animal, but in the human family, and I hope to see some day a law enacted prohibiting the marriage of any person who has been convicted of a heinous crime or who is afflicted with an incurable or hereditary blood disease or insanity.

Why is it that we find the prisons, asylums, and almshouses throughout our land filled to overflowing? Why is it that these menial institutions have been flooded with unfortunate humanity in recent years until the maintenance thereof has become a burden to the cities, counties, States, and nation? Why is it in all our large cities we find a large increase in the beggars, paupers, and criminals preying upon the people and demoralizing by their influence and association the character of American manhood? In my judgment it is because the Old World has been forcing upon us every pauper, criminal, and degraded human being that was within their power to control, and using this fair and enlightened country as a dumping ground.

Mr. Speaker, I most heartily favor the educational test proposed to be adopted by this Congress. In this country we maintain public schools and in most States compel the education of all children, and thus elevate mankind by the most powerful means known to civilization.

In my judgment the enlightenment of the people, the liberality of the public institutions, and the power and prosperity of the nation are largely due to the associations of the best blood and character of all nations under the elevating influence of the free public schools of America.

I do not believe in upholding the maintenance of foreign missions. My method is to foster, care for, educate, civilize, and Christianize the people of America, and thereby so exalt the American character and the American nation that by its enlightened people and the noble character of its citizens it shall civilize and Christianize by example and contrast the people and nations of the earth. [Applause.]

Mr. Speaker, I repeat, that I believe in the principles of protection to American industries, protection to American labor, and also protection to American character and humanity. I would not weaken the power of the Republic by the adoption of monarchical laws and customs.

I would not injure the industries of this nation by opening its commercial doors to the competition of the manufactured products of cheap labor of foreign nations.

I would not reduce the wages of our working people by longer permitting the transient birds of passage from other countries to periodically infest the labor markets, steal its fruits, and return to foreign lands with the bounty that belongs to American labor.

Mr. Speaker, I would to God that the large number of our best citizens, who yearly go to Europe and spend an average of $500,000,000 in recreation throughout European countries, thereby fostering the people of the other nations, adding to their wealth, and taking the gold that is needed to conduct the business affairs of this nation, might be prohibited from such pleasure and recreation for a period of at least three years and induced to expend the same amount of money viewing the beautiful scenery, examining the vast resources, and exploring the wonderful natural advantages of our land, and give to the people of this country the benefit of such expenditures for the prosperity and happiness of our own people. [Applause.]

Mr. Speaker, I realize that this country has vast uncultivated fields, wonderful natural resources, and boundless undeveloped wealth; that we could with proper laws for the protection of American labor double our population and thereby enjoy greater prosperity. But, sir, the barriers of protection have been torn down; the doors to immigration have been indiscriminately left open, until suffering humanity cries for relief. [Applause.]

Under the present conditions and unwise laws the laboring masses are gradually being driven into idleness, want, and misery.

The gold-bond brokers and money lenders are stealthily obtaining supremacy and silently directing measures in their interests with heartless energy, while the devil of bankruptcy is gradually absorbing the lifeblood of the business men, and driving the workingmen into idleness and want.

Some one has said: "To enjoy a good reputation give publicly and steal privately." The bond brokers of Wall street, under the present Administration, have been using this principle and proclaiming themselves philanthropists while robbing the Treasury of our nation.

Laws should be enacted for the elevation of the masses and not the classes, laws that will destroy special privileges in the hands of the favored few and level them to the plain of equity and justice to all humanity.

The people of this country love courage and action upon honest conviction, and with divine charity forgive an honest error of judgment; but, sir, they despise a coward, a straddler, or sycophant in public life.

Oh, ye representatives of the people, I beseech you to pause; hark! put your ear down to the ground and listen to the tramp of the footsteps of the army of honest, industrious people wandering through the streets earnestly seeking employment. [Applause.]

The primary cause for this idleness is not, in my judgment, the invention of new mechanical devices, labor-saving machinery, overproduction, or overpopulation, but rather the bad effects of evil legislation and want of good laws.

Mr. Speaker, the test that should be applied to every human being seeking a home upon American soil should be: Does this human being possess a character and mind sufficiently honorable and intelligent to become amalgamated with the spirit of American institutions and American manhood?

We want no half-baked characters—human beings who are seared and scorched by contact with hot, withering sin, who are blasted with blood taints, cradled in degradation, or cursed with hopeless ignorance. [Applause.]

Mr. Speaker, when the Lord commanded to "love thy neighbor as thyself" He evidently had in mind a man who had some respect for himself and love of his own character, intelligence, and manhood; otherwise the love for the neighbor would be unworthy, and in my judgment the Grand Architect of the Universe never intended that this divine doctrine should be extended by the enlightened people of this nation to the hopelessly ignorant and depraved human beings of all the world.

Mr. Speaker, the destiny of a nation must depend upon the character of its people, and our greatest duty is to preserve by wise laws not only the honor and prosperity of the nation, but the intelligence and character of American citizens and American workmen, and the adoption of this measure is a noble step in the progress of humanity. [Applause.]

Mr. BARNEY. Mr. Speaker, I yield ten minutes to the gentleman from Massachusetts [Mr. MORSE].

Mr. MORSE. Mr. Speaker, I have never seen a parliamentary tangle like the present during my service in Congress.

It seems to me as though the Committee on Immigration had made a serious error in bringing in three bills here to be voted on at the same time.

If we desire to pass any of them we must concentrate on some one of the pending bills. Undoubtedly they all have merit, but to divide between all the bills offered means the passage of none.

It seems to me as though the friends of this important measure should concentrate their votes upon one measure to save any of them. Which measure shall it be?

I am sure the McCall bill will command more votes than any other. I trust, therefore, that the House will vote down all amendments and pass that bill.

Mr. Speaker, in these closing years of the nineteenth century we are witnessing an influx of peoples, nations, and tongues such as the world never saw. Fully half a million of immigrants, enough to people a large city, are yearly coming to these shores.

Wise, thoughtful, and patriotic men are justly alarmed at this wholesale immigration, which many believe to be a menace to our free Government and free institutions. It is important to notice that the voice of the people has found expression not only on the rostrum, in the pulpit, and in the press, but political conventions as well in many parts of the country have repeatedly memorialized Congress upon this important subject.

Mr. Speaker, it is not words that the country wants upon the subject now under consideration, but it is action. I believe there is a loud, long, earnest, importunate demand throughout the country for radical legislation for the restriction of immigration.

The substitute now under consideration for the bill (H. R. 9), known by the name of my honored colleague, Representative McCALL of Massachusetts, was introduced early in this session by Congressman McCALL of Massachusetts and by myself December 6, 1895—H. R. 168. It originated with the Massachusetts Immigration Restriction League, and at their request we both introduced it.

The bill is the result of much careful and thoughtful consideration which that society has given the subject, after exhaustive examination and extensive correspondence, and was thought by the officers of that society to be the most feasible and practical method, and one that was likely to succeed if it should reach consideration in the House.

One has only to examine the statistics of the class of immigrants that are now coming to these shores—enough to create a large and first-class city every year—to be convinced of the necessity of the pending legislation.

The Fourth of July orators in my boyhood used to declaim

about this glorious land of liberty and asylum for the downtrodden and oppressed of every land; but in these later years it has come to be the dumping ground for the scum of all God's creation.

I submit, Mr. Speaker, that we have as many Mormons, communists, anarchists, nihilists, bomb throwers, paupers, idiots, lunatics, criminals, and illiterates as we can digest at present; and it is believed that the educational qualifications, as contemplated in what is known as the Lodge-McCall bill, added to the existing restrictions, if rigidly enforced, would exclude a large number of these undesirable immigrants.

There are grave reasons why this legislation for the further restriction of immigration should be had. A fountain will not rise higher than its source, and under our free republican form of government the citizen is the ruler, and upon the character of the citizen depends the character and stability of the government; and surely it is a question deserving the serious attention of the patriot, philanthropist, and statesman as to how much further our country can go in incorporating into its body politic the ignorant, criminal, dangerous, and hostile elements that are now being emptied upon these shores.

All history confirms the lesson that our form of government can not continue to exist except upon the basis of the education and intelligence of the people.

The experience of France, Spain, Central America, the South American Republics, and Mexico, where republics have frequently gone down in blackness, darkness, blood, and shame, and where the chronic state of many of these countries is revolution—I say these illustrations admonish us of the foes of the Republic and that our form of government can not long continue with an ignorant, criminal, vicious, and degraded populace.

The Apostle Paul said that "He who refused to provide for his own household was worse than an infidel and hath denied the faith." What is true of the family, the individual, is true of the community, the town, city, State, and nation.

And that brings me to my second argument in favor of the restriction of immigration; that is, we owe this legislation to the country for the protection of the American home, for the protection of American labor from the competition of the pauper labor of Europe as well as the Mongolian labor of China.

It is a beautiful theory that all the world is a band of brothers, and free trade and unrestricted immigration would be a good doctrine if the wants and living necessities of all peoples, nations, and tongues were alike.

But they are not. A Chinaman can live on a little rice a day; an Italian can live on a piece of dry bread without meat or butter. The American laborer has been accustomed to wholesome food, education for his children, comfortable raiment, medical attendance when sick, and ten thousand comforts and luxuries that are unknown to these degraded people who are now competing with him in the labor markets of the country.

When the wants and mode of living of these foreign immigrants has reached the American standard, then it will be time, and not till then, to throw down the bars to unrestricted immigration.

On the one hand, it is argued that the Stone bill, which proposes consular inspection and certification before the immigrant starts, would prevent his being turned back thousands of miles after reaching this country, and he would know before he started whether he was admissible or not.

On the other hand, it is claimed, and I think with a good deal of force, that the consular inspection would give notice to foreign governments of the intended immigration of the young men liable to military duty, and would prevent their leaving the country, and thus deprive us of the best and most desirable class of immigrants.

So, on the whole, I incline to favor the McCall bill, on the ground of success and expediency, as the most simple, feasible, and practical restriction upon objectionable immigrants. [Applause.]

To my mind the following are some of the advantages of the educational test as a measure to restrict undesirable immigrants:

1. It excludes the people we wish to exclude; i. e., those who are degraded, ignorant alike of their own language and of any occupation, incapable of appreciating our institutions and standards of living, and very difficult of assimilation.

2. It adds to the excluded classes.

3. In practice it would be applied at places where tickets were bought and applied by steamship companies, therefore

4. It does not imply any great change in existing machinery or any large increase in consular service and expense.

5. Inspection is not committed to persons in remote countries, where surveillance is difficult, but remains a uniform system, which is public and easily controlled.

6. It is exact and definite in its operation; easily and simply applied, and therefore

7. It diminishes the labor of the boards of special inquiry and gives the immigration officials opportunity for a more thorough inspection.

8. It secures rudimentary education on the part of all foreigners applying for naturalization papers and American citizenship.

9. It promotes education among those who desire to emigrate, and to that extent improves the social condition of Europe.

10. It saves the hardship to the immigrant of making the voyage in doubt as to his admission or exclusion, and therefore

11. It does away in large part with the separation of families and with a temptation to a lax enforcement of inspection in order to prevent such separation. Intending immigrants can tell before starting whether they are eligible or not, and can decide whether to separate or not. [Applause.]

Mr. BARNEY. I reserve the balance of my time.

The SPEAKER pro tempore (Mr. SHERMAN). The gentleman has twenty-five minutes remaining. The Chair will now recognize some gentleman in opposition to the bill.

Mr. BUCK Mr. Speaker, I have yielded fifteen minutes of my time to other gentlemen. I do not think I shall consume all of the remainder, but if I should be tempted to go beyond the limit I desire to be reminded of it by the Chair.

Mr. Speaker, when the naturalized citizen of this great Republic presumes to rise in the House of its Representatives to discuss a question of this kind, I fear that whatever he may say may perhaps lose what effect it might otherwise be entitled to by two suggestions that may naturally come to the mind of the American-born citizen. The first is that, being himself a foreigner, his sense of duty to this country may be clouded, even unwittingly, by the sympathy which he naturally may feel for those who, like himself, may wish to come and reap the benefits and enjoy the glories of this country. The other is that his natural devotion, springing from the instincts of blood, may prevent him from the performance of the fullest and most unimpaired duty to the country of his adoption. I make reference to this, because I wish to emphasize the sentiment and the fact that if there is any citizen in the United States of America who values the glory and the grandeur of our citizenship it is the foreign-born citizen, and the more so because he has it not as a matter of right, but by the grace of the laws and the humanity of the people of these United States. [Applause.]

But, Mr. Speaker, coming to the subject before the House, one would think from the expressions of alarm and dread that Pyrrhus was at the gates of Rome. The argument is presented that the Republic is in danger; that our laboring men are clamoring for protection; that our morality is about to be impaired and degraded; that our citizenship is to be lowered in its standard; all by the coming of new immigrants to this land. I will not weary this House with statistics. The history of this country furnishes statistics grander than the dome of this Capitol; and when you reflect for a moment, gentlemen, that in a period of one hundred years the original population of this country, which was 3,000,000 in 1790, has increased twenty-one fold, without detriment to our institutions, without degradation of our morality, without impairment of our standard of education and of civilization—I say there is something more than the good of the Republic behind the arguments that are now made here to exclude the poor and the labor seekers of other countries, who, like ourselves and yourselves, see across the Atlantic the rising star of the West, which bids them elevate themselves, emancipate themselves, and seek to find there a field where they can apply the energies of their hearts and the light of their intelligence. [Applause.]

There is no need for statistics. Forty millions of the 70,000,000 white people of this country have come here since 1790 and are foreigners or the descendants of foreigners. The immigration ten, twenty, thirty, or forty years ago was, in proportion to our population, greater than it is now. Where is the danger? There is no danger. Why? Because the principles upon which this American Government rests are the principles of all humanity; and every man who comes here comes to be an American, because to be an American is to be a citizen of the world—a cosmopolitan. [Applause.]

It is said that the German-American citizens are not opposed to restriction of immigration from southern Europe. I know the Germans; they are sometimes clannish and selfish, but for myself I would be untrue to my humanity as a German-American citizen if I were to utter a sentiment or make a stroke of the pen that would deny to the humblest lazaroni in the streets of Venice the privileges and the benefits that I have acquired at the hands of the people and the institutions of this country. [Applause.]

Mr. Speaker, we are told that an educational test is the panacea for the evils of immigration. Why, sir, what was it with which the serpent tempted the woman in the Garden of Paradise? "Erites sicut Deus, scientes bonum et malum"—the knowledge of good and evil. Knowledge is not a protection against immorality; it is not a "test of character." The man who knows not how to write and read—who has grown up under those ancient and oppressive institutions which forbade his development—may have the heart of a Julius Cæsar in his breast, and, coming to this country, become one of its great achievements—one of the manifestations of the civilization of the New World. [Applause.]

My friend the gentlemen from Michigan said: "We need send no missionaries abroad." True. I tell you, sir, that American Christianity enlightened by American principles of humanity—the two going together—will emancipate the world. And those poor devils that you speak of—those Italians, Hungarians, Poles, Russians, or whatever they be—may reap here the benefits of a civilization which is for them as well as for you and for me. [Applause.] "America for Americans" is all well and good; but it is a barbaric heresy. "America for the world" is what Washington and Jefferson taught. We are big enough to take in all who want to come.

Mr. Speaker, this educational test (which, by the way, Mr. William Lloyd Garrison says is "no test of character") is aimed at the races of southern Europe. My friend the gentleman from Missouri [Mr. BARTHOLDT], whose argument I admired and watched with intense interest to see how he would apply his conclusion to his reasons, said that there may be a just prejudice between the Germanic and the Latin races. No; there is no prejudice in the heart of the Germanic races against the prosperity, much less against the aspirations, of any people; and if we are to go into the ethical history of the nations of the world it would be an easy matter to prove that Italy and Hungary and Poland and any of those nations have produced specimens of the highest standard of humanity—equal in their possibilities to the greatest of the earth.

It is wrong, sir, to reason from special cases. Exceptions but intensify the rule. It is a paradox in the history of the world that the two great Republics, France and the United States, should have furnished the assassins of Presidents who were the chosen representatives of the people. Yet would it occur to any man to say that the Americans are a nation of assassins because a Lincoln and a Garfield and a Carter Harrison died by the hand of the assassin?

There is no just way to look at this question except by the rule of principle. Why should we depart from that and inaugurate this discriminating legislation of educational tests and consular inspection? Why, gentlemen, let us be candid. Let us say at once that the American people are great enough unto themselves; that they are ready to defy the providence of God and say: "This country shall belong to us alone; we want no others to feed upon our soil and clear our forests and build new railroads; we have enough of all." There is an absurdity in the very statement of the proposition.

The relations of the American laborer and the different classes of labor adjust themselves. You want the scavenger in the streets as well as the skilled secretary and the stenographer and the telegraph operator. You must have them all. They are all "logical necessities," as has been said, in the various stages of our civilization. And each man will find his place; each one will take his station according to his ability, according to his light, according to his environment and his opportunities.

There is no danger to us. Is there danger to any of you or to your wives and children? Are you not so far above any such considerations that you are bound to confess that what you talk about lives but in your imagination, that it is what you think and not what you know. The American laborer! There is one way to protect the American laborer greater than that of keeping out his brother, which he himself does not ask. The honest American laborer is a cosmopolitan; he sympathizes with his brother wherever he comes from, and history and statistics prove it. I deny the assertion made here that the laborers of the United States of America demand the restriction of immigration because it impairs their chances for livelihood, their opportunities in the race for life. [Applause.]

It has been said by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE], "Give to the American laborer the same protection that you give to American capital." Yes, Mr. Speaker and gentlemen; the capital that comes from the other side is an infinitely greater menace to our liberty and to our prosperity than the labor that comes with its "toiling masses." [Applause.] What is it that drains our Treasury? Why is it that our Government issues its bonds from month to month, or from year to year, if it be not that foreign capitalists drain our Treasury by the interest they take upon our securities, by the revenue they get from our property, and from the investments which they have made in our railroads, and other great enterprises? Cure that evil, keep that money in our country, and you will build up a prosperity that will rival the beauties of a paradise of glory and peace. Educational tests!

Mr. McCALL of Tennessee. Will the gentleman allow a question?

Mr. BUCK. Certainly.

Mr. McCALL of Tennessee. I understand you oppose this measure because it restricts foreign immigration by applying an educational qualification test before the immigrant can be admitted?

Mr. BUCK. That is right.

Mr. McCALL of Tennessee. How does the gentleman reconcile that with the proposition that the several Democratic States of the South impose an educational qualification upon their own citizens, who are born and reared on the soil, before they are permitted to vote?

Mr. BUCK. The question of citizenship is one thing, and the question of immigration is quite another. And whatever sentiment may exist with reference to the question of which the gentleman speaks, or whatever political conventions may have declared, I am now stating my own sentiments before the House.

I submit, Mr. Speaker, that an educational test accomplishes no purpose. If the immigrant is educated, so much the better; if not, he still brings his labor and his honest purpose, and these have their value. However ignorant a man be, provided he be healthy, sensible, and willing to work, the statistics show that he is worth to this country $200 on an average. It has been calculated, as nearly as it is possible to calculate such things, that the 200,000 or 300,000 immigrants that came to this country in 1895, for instance, represented a value to this country of $285,000,000, and those of the half century over $5,000,000,000, twice as much as the products of the gold and silver mines of the entire country. And as to education, do these poor men who have grown up under systems of European oppression live forever?

Why, Mr. Speaker, they rapidly pass away or assimilate themselves with our population; and if not, their children do. These go into our public schools—our public schools our grandest institution—the workshop that turns out the great American citizens; and in these schools, which are great enough and big enough for everybody, they imbibe an infinite love of country and an admiration of its institutions and of its greatness which breeds in their heart a loyal patriotism that perhaps does not exist so keenly in the heart of the native citizen—for to the foreigner citizenship involves at once duty, consecration, and gratitude.

It is said our prisons and our charitable institutions are taxed for the criminal and the needy of other countries.

America is great in her material industries and in all the development that make up an advanced civilization, and she is as great in her charities as in her power. These charities are the growth of her humanity; they have made her the great civilizer of the world, the vanguard of all the nations of the earth. In doing this "charity," gentlemen, do not forget, when you cast your votes on these measures, that you are following out and realizing the logic of history.

You are but paying your obligation to mankind. It is true that the Declaration of Independence went out from American soil, but it is equally true that its spirit goes far back into the history of the world. It is equally true that the emancipation of the human race began after the light of Christianity was thrown on the world; when Arminius defeated the Roman legions in the German forest; and it grew from the valley of Runnymede, in England; it had found its most emphatic expression when a German monk in the little village of Wittenburg posted on his church door the theses and philosophy of the liberty of human thought. [Applause.] You have it not all from yourselves. Do not forget those from whom it came.

The Congress of the United States sits twice every twelve months, and if a great wave of migration should come and threaten to engulf us—in other words, if "Pyrrhus reaches the gates of Rome"—it will be time enough for us to close them. [Applause.] If the flood comes, if we ever see cause enough to withdraw the hand we have extended to the whole world, we shall have time, right, and power to say, "Now let it stop." But to stop at this time for no urgent reason but, as the committee gently and delicately express it, in honor and "regard for a public sentiment," what kind of statesmanship is that? Public sentiment may be as wrong as it may be right. Vox populi is vox Dei only when the voice comes spontaneously from some great demand of the human heart. [Applause.] It is an evil and treacherous sophism when it comes up as an appeal to selfishness. [Renewed applause.]

I have abstained from wearying the House with statistics and figures. They prove nothing.

I have shown that the history of the nation is an argument greater than all statistics, and the facts before our eyes provideon argument which we can not ignore—which duty to our fellow-man and to humanity forbid us to ignore—that this country, with a faculty of absorption and assimilation of which the history of the world knows no parallel, and furnishes no similar example, has grown great by absorbing more than forty millions of foreigners who came here after 1790—I may say after 1830—because foreign immigration up to that period was substantially insignificant.

A nation that could do this, a manhood that combines within its great heart and its brilliant intellect the faculties of the American people, is great enough to absorb more and grow in the absorption. Do not believe, as has been said, that contact with so-called inferior races will degrade the superior. They are not inferior races. They are lower in the standard of intelligence and the measure of actual achievement, but they are not lower in the

possibility of development. The very moment the light of your liberties and the philosophy of your great promises and teachings enter into their hearts, there are born upon these shores new men, new beings, with new aspirations and new hopes.

Do not cut them off. There may be failures as there are everywhere. There are failures in great families and in great nations. The laws of God are miraculous and inscrutable to us, and many who stand to-day in the pride of intelligence and achievement may mourn in their own decendants a decay which is inexplicable to us, but which for some wise providence is put there to place us upon our guard and put a check upon the pride which otherwise human nature would arrogate to itself. So it is a panorama of progress and of decay. It is a constant ascending stage, ever, toward which all in this world who have the instincts of humanity aspire. In God's economy this Western Continent was given to the world by Columbus, the compatriot of those whom you say you would exclude, as if to open not only new fields for bread and meat but the avenue of a new civilization through which the millennium must come of a regenerated and enfranchised world.

The gentleman says we need no missionaries, but you do send them abroad. You send them to Africa and to China and to Persia, and everywhere to preach the Gospel in obedience to the command to spread the Word of God "among the nations of the world." How inconsistent is it, if you do that, to do no charity and no missionary work at home by refusing to receive into the bosom of your family those whom you should help to elevate and those whom you should help, not with your own, but with that which has come to you through the efforts of centuries and the ambition of men like yourselves before you.

I know, gentlemen, that this is perhaps merely an appeal to sentiment, and it may have little effect upon the final vote; but practically an educational test is absolutely valueless. I do not think there is a man upon this floor who values more highly than I do the benefits of an education; but I am willing to enter the library and the domain of statistics and contend with any man upon this floor and prove that the great crimes of the world, the assaults upon civilization, are committed not by the ignorant, but by those whose vicious tendencies and natures are made more powerful by the light of knowledge. Not to speak of the anarchist and the socialist and those "unhinged" people who are highly educated, but who have that education which only furnishes a dangerous power, I appeal to my friend the gentleman from Missouri if it be not his experience, as it is mine, at home, there is barely a week, not to say a day, that some genteel, educated German, who has his knowledge of Latin from the gymnasia, and perhaps has been a teacher or a professor, comes and pleads that he is in poverty and want, because he finds no employment suitable to his education and condition? He is a pauper and a beggar until charity finds a place for him in some church or parochial school. Those men are the most miserable of the people who come here.

The man who expects nothing, who comes with nothing but his stout heart and his strong arm, gets work upon the streets if necessary, and makes a beginning, from which he and his descendants at once grow into American life.

Mr. Speaker, I believe that pandering to this so-called sentiment which requires the restriction of immigration will turn out a fallacy and a misfortune, because in the first place it is wrong and no wrong can ever lead to good. If it could be demonstrated that immigration is practically injurious, that it does threaten the labor or the capital or the morality or the civilization of the United States, I should not have one word to say; but how is it that when immigrants came to these shores at the rate of 400,000 and 500,000 a year, nothing was ever said or done, and there were no fears abroad that the liberty of the country or the morality of the people were in danger? It is a mere sentiment. It is a mere notion, impracticable, injurious to the interests of the country, and hostile to the spirit of our institutions and to the civilization of the age.

I wish to say but one word more. I am told that this is not a party question. True, it may not be, and I have no desire to offend the most delicate sensibilities of any man upon the floor of this House, be he upon that side or upon this; but the fact is, and I as a Democrat, and a German-American Democrat, must bear witness to the truth of history, that under Democratic administration and Democratic government the shores of this land have always been open to the foreigner, and he has come here ever since the day that Thomas Jefferson in his great and magnificent fight against the "alien and sedition laws," under the Administration of Adams, established the principle in this country that the foreigner was welcome, and after a probation of five years should be entitled to the privileges of American citizenship.

Under that privilege you have grown great, and you can not deny it. Therefore I say it is wrong in principle, and for that reason must be bad statesmanship, to legislate against the course of the movement of the history which has developed this country, made it great, and promises to make it greater—so great that nothing in the history of the human race can compare with or aspire to it. This is not a mere compliment. It is a truth taken from the logic of events. This continent, with all its resources, as shown by the chairman of the committee to be sufficient for a billion or two of people, is yet in its infancy.

When Herodotus, in the very prime of Grecian civilization, returned to Athens from his voyage among the Egyptians, the only compliment he gave to his countrymen was, "Athenians, you are yet children." Who will say that this country, with the history of but a century, is not still in its infancy? And who would cripple its possibilities and its great, enormous, and unbounded opportunity for good to the whole human race by closing the shores of this bounteous, God-gifted land to the peoples of the earth who wish to come here to benefit themselves? And let me say, too, in conclusion, of those people who do come, be they Italians, Polanders, Hungarians, Russians, the sturdy Swede or Norwegian, or the patient and industrious German, no matter who they may be, they are, as a rule, of the stuff of noble manhood. Imagine yourselves in the condition of thinking of emigrating from your homes, from the memories of your childhood and the surroundings of a lifetime, to look for your fortune and new destinies in foreign lands!

It takes a stout heart and a strong will and a faith in God and one's own ability to undertake the task. I stood some years ago on the gallery of Castle Garden in New York and saw these poor families—fathers and mothers, with their little ones huddled about them—having left the home of their birth, left the memories of their youth and childhood, coming here to this great God's land of liberty. Was it pleasure to them? Was it happiness? It was to them a tragic climax in the history of their lives that forced them, the old people, not for themselves but for love of their little ones, to come to this country. They knew that their sand was soon to run out; but they saw for their children a future and a hope which they never could realize or could expect at home.

I say, therefore, that as to criminals and beggars and paupers the laws are already sufficient, and properly so, to exclude them. But for the rest, Mr. Speaker, their work proves what immigrants have done in and for this country, and it is a testimonial and object lesson that can not be forgotten when the vote is taken on this question. What they have done shows the purpose for which they came, and the spirit which animated their souls and nerved their arms. They came to give work, and work is the highest capital of the human race. Work is the dignifying grace and crown of the efforts of mankind; work in all avenues, be they low or high, in which man happens to be cast. And he who faithfully cleans the streets of Washington and is honest and honorable is as worthy as the man who cashes bank checks or keeps the Treasury of the United States of America. [Loud applause.]

Work is what these people came for. They did not come to beg. There are unfortunates among them, but they came not to beg. They came to work, and they came to be made men, because they have heard of our manhood; they have learned of our country; they know its promises and its greatness, and they came to us and are grateful to us for having received them; and the foreign citizenship of this country has proved this from day to day and year to year as the waves of progress have rolled on and the principles of government have developed and the manhood of America has become grander and become more exalted than that of all the nations of the world; and we have the faculty and the breadth and the scope to continue, to develop, and absorb, and yet retain and build up a characteristic individuality embodying within itself the ultimate and greatest possibilities of the human race. I thank the House for its attention. [Loud and long-continued applause.]

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives, by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed bills and joint resolutions of the following titles:

On May 18, 1896:

An act (H. R. 953) for the relief of William Gray;

An act (H. R. 1602) for the relief of A. P. Brown, late postmaster at Le Mars, Iowa;

Joint resolution (H. Res. 167) authorizing foreign exhibitors at the Tennessee Centennial Exposition, to be held in Nashville, Tenn., in 1897, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits, and allowing articles imported from foreign countries for the sole purpose of exhibition at said exposition to be imported free of duty, under regulations prescribed by the Secretary of the Treasury;

An act (H. R. 7865) to allow the return free of duty of certain articles exported from the United States for exhibition purposes;

An act (H. R. 1980) to provide a life-saving station at or near Point Bonita, at the Golden Gate, in the State of California;

An act (H. R. 6) constituting Syracuse, N. Y., a port of delivery;

An act (H. R. 3462) to regulate the business of storage in District of Columbia;

An act (H. R. 3448) authorizing the county of Navajo, Territory of Arizona, to issue bonds for the construction of a courthouse and jail at the county seat thereof; and

Joint resolution (H. Res. 180) for the relief of Ex-Naval Cadet Henry T. Baker.

VETO MESSAGE.

The SPEAKER. The Chair lays before the House the following message of the President of the United States.

The Clerk read as follows:

To the House of Representatives:

I return herewith without approval House bill No. 1139, entitled "An act granting a pension to Caroline D. Mowatt."

The beneficiary mentioned in this bill was married in 1858 to Alfred B. Soule, who served as major of a Maine regiment of volunteers in the war of the rebellion from September 10, 1862, to July 15, 1863, when he was mustered out of the service. He died in February, 1864, and in 1866 a pension was granted to the beneficiary as his widow at the rate of $25 a month, dating from the time of her husband's death, two years before.

The widow continued to receive the pension allowed her until June 17, 1869, when she was married to Henry T. Mowatt, which, under the law, terminated her pensionable right. It appears, however, that a small pension was allowed two minor children of the soldier at the time of their mother's remarriage, which continued until 1876, more than seven years after such remarriage, when the youngest of said children became 16 years of age.

In 1878, nine years after he became the second husband of the beneficiary, Henry T. Mowatt died.

Though twenty-seven years have passed since the beneficiary ceased to be the widow of the deceased soldier, and though she has been the widow of Henry T. Mowatt for eighteen years, it is proposed by the bill under consideration to again place her name upon the pension roll "as widow of Alfred B. Soule, late major of the Twenty-third Regiment Maine Volunteers."

Of course the propriety of the law which terminates the pension of a soldier's widow upon her remarriage will not be questioned. I suppose no one would suggest the renewal of such pension during the lifetime of her second husband. Her pensionable relation to the Government as the widow of her deceased soldier husband, under any reasonable pension theory, absolutely terminated with her remarriage.

If she is to be again pensioned because her second husband does not survive her, the transaction has more the complexion of an adjustment of a governmental insurance on the life of the second husband than the allowance of a pension on just and reasonable grounds.

Legislation of this description is sure to establish a precedent which it will be difficult to disclaim, and which, if followed, can not fail to lead to abuse.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 19, 1896.*

Mr. PICKLER. Mr. Speaker, I ask that the message and bill be referred to the Committee on Invalid Pensions.

The SPEAKER. Without objection, the message and accompanying bill will be referred to the Committee on Invalid Pensions.

There was no objection, and it was so ordered.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles: when the Speaker signed the same:

A bill (S. 61) for the relief of Frederick Gramm;

A bill (S. 2508) to establish customs ports of delivery at Pueblo, Durango, and Leadville, Colo., and for other purposes;

A bill (S. 1865) to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, and cannon balls in their respective Departments;

A bill (S. 2514) granting an increase of pension to Mrs. Annie E. Colwell;

A bill (S. 1924) granting a pension to Carrie L. Yeaton;

A bill (S. 1522) granting a pension to Catherine Smith;

A bill (S. 1493) granting a pension to Mary Clare Kelly;

A bill (S. 1435) granting an increase of pension to Nathan Kimball;

A bill (S. 1215) granting a pension to Ellen Kingsley;

A bill (S. 1100) granting a pension to Russel N. Reynolds;

A bill (S. 1044) granting a pension to Mary Newman;

A bill (S. 739) granting an increase of pension to C. E. Philbrook, widow of Alvah Philbrook, major of Twenty-fourth Regiment Wisconsin Volunteers;

A bill (S. 616) granting a pension to Matilda Gresham, widow of the late Walter Q. Gresham, at the rate of $100 per month;

A bill (S. 404) granting a pension to Samuel Goldwater;

A bill (S. 149) granting a pension to Helen M. Jacob; and

A bill (S. 125) for the relief of Elizabeth J. Cook, of Arkadelphia, Cook County, Ark., widow of Robert T. Cook.

REPRINT OF IMMIGRATION BILLS.

Mr. DINGLEY. Mr. Speaker, I ask unanimous consent for a reprint of the several bills reported by the Committee on Immigration and the reports thereon, as they seem to be exhausted.

The SPEAKER. The gentleman from Maine asks unanimous consent for a reprint of the several bills reported from the Committee on Immigration and the reports thereon. Is there objection?

Mr. KEM. I object.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Public Buildings and Grounds was discharged from the further consideration of the bill H. R. 7044; and it was referred to the Committee on the Public Lands.

REPRINT OF IMMIGRATION BILLS.

Mr. DINGLEY. Mr. Speaker, I have sent a joint resolution to the Committee on Printing for a reprint of the several bills now under consideration, and have asked that committee to have a meeting, if possible, so that the matter will be privileged in the morning.

BOARD OF VISITORS TO WEST POINT.

The SPEAKER announced the appointment of Mr. STEELE, Mr. COUSINS, and Mr. MCCLELLAN as the Board of Visitors to West Point.

POST-OFFICE BUILDING, WASHINGTON, D. C.

Mr. MILLIKEN, from the Committee on Public Buildings and Grounds, presented the following report:

The Committee on Public Buildings and Grounds, having had under consideration the joint resolution (S. R. 126) requiring the roof of the new post-office building, Washington, D. C., to be fireproof, report that the roof above referred to, as now being constructed, will be practically fireproof when finished; that the expense to the Government of changing it to a metallic or noncombustible roof would be, as estimated by the Secretary of the Treasury, approximately $300,000, and that the change in the construction contemplated by said resolution would cause a delay of at least six months in the completion of the building. We therefore report that the resolution ought not to pass.

On motion of Mr. MILLIKEN, by unanimous consent, the joint resolution was laid on the table.

Mr. WILLIAM A. STONE. Mr. Speaker, I move that the House do now adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was granted as follows:

To Mr. CRISP, indefinitely.

To Mr. HILL, for two days, on account of important business.

To Mr. GOODWYN, for one week, on account of important business.

To Mr. BOWERS, indefinitely, on account of sickness.

The motion of Mr. WILLIAM A. STONE was then agreed to; and the House accordingly (at 5 o'clock and 4 minutes p. m.) adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BARTLETT of New York, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 1722) entitled "An act to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company," reported the same with amendment, accompanied by a report (No. 1883); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1726) entitled "An act to approve and ratify the construction of a bridge across the Red River, between the States of Arkansas and Texas, at a point above the town of Fulton, in Arkansas, on said river, built by the Texarkana Northern Railway Company, but now owned and operated by the Texarkana and Fort Smith Railway Company, and to authorize the latter company to maintain said bridge over said waterway, subject to certain stipulations and conditions," reported the same with amendment, accompanied by a report (No. 1877); which said bill and report were referred to the House Calendar.

Mr. MCCORMICK, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 2978) entitled "An act to provide an American register for the steamer *Menemsha*," reported the same without amendment, accompanied by a report (No. 1885); which said bill and report were referred to the House Calendar.

Mr. CURTIS of Kansas, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 7569) authorizing the issue of patents to the Swan Creek and Black River Chippewas and the Munsee or Christian Indians of Kansas, and for the sale of their reservation in Kansas, and for other purposes, reported the same without amendment, accompanied by a report (No. 1892); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURTIS of New York, from the Committee on Military

Affairs, to which was referred House resolution No. 340, requesting the Secretary of War to transmit to the House a list of publications relating to the battles and campaigns near Chattanooga, Tenn., and Chickamauga, Ga., reported the same without amendment, accompanied by a report (No. 1904); which said bill and report were referred to the House Calendar.

Mr. ELLIS, from the Committee on the Public Lands, to which was referred House bill No. 791, reported in lieu thereof a bill (H. R. 9098) to amend an act entitled "An act for the relief of certain settlers on the public lands and to provide for the payment of certain fees, purchase money, and commissions paid on said entries of public lands," accompanied by a report (No. 1905); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 2593) entitled "An act granting the American Invalid Aid Society of Boston, Mass., the abandoned Fort Marcy Military Reservation, in New Mexico, for the purpose of a national sanitarium for the treatment of pulmonary diseases," reported the same with amendment, accompanied by a report (No. 1907); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MAHON, from the Committee on War Claims: The bill (S. 1590) entitled "An act for the relief of Edward H. Murrell." (Report No. 1878.)

By Mr. WILSON of Ohio, from the Committee on War Claims: A resolution (House Res. No. 347) to refer the bill (H. R. 597) for the relief of Charles Waterhouse, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 597. (Report No. 1879.)

By Mr. LESTER, from the Committee on War Claims: A resolution (House Res. No. 348) to refer the bill (H. R. 8638) for the relief of Patrick G. Meath, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 8638. (Report No. 1880.)

By Mr. HURLEY, from the Committee on War Claims: The bill (H. R. 2489) for the relief of William Moseley, jr., administrator of the estate of Mrs. Temperance Moseley. (Report No. 1881.)

By Mr. HALTERMAN, from the Committee on Pensions: The bill (H. R. 3398) for relief of Augusta Tuller. (Report No. 1884.)

By Mr. HILBORN, from the Committee on Naval Affairs: The bill (H. R. 3876) to correct the naval record of G. K. Knowlton, late of the United States Navy. (Report No. 1888.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (S. 1611) entitled "An act granting a pension to Clarissa E. Hobbs." (Report No. 1889.)

The bill (S. 2341) entitled "An act granting a pension to George E. Tuttle." (Report No. 1890.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 6765) to increase the pension of David N. Thompson. (Report No. 1891.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 763) granting additional pension to James W. Curmody. (Report No. 1893.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 4313) to increase the pension of Mrs. Charlotte B. Cozzens. (Report No. 1894.)

By Mr. MILES, from the Committee on Invalid Pensions: A bill (H. R. 9075) granting a pension to William H. Keating, reported in lieu of House bill No. 7296. (Report No. 1895.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 6418) pensioning H. C. Bedell, Company A, One hundred and ninety-first New York Volunters. (Report No. 1896.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 94) increasing the pension of Melancthon McCoy, of Company K, One hundred and forty-eighth Illinois Infantry. (Report No. 1897.)

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 1317) to correct the military record of Collin P. Leiter. (Report No. 1898.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (S. 2913) granting an increase of pension to Nettie A. Cheeks. (Report No. 1899.)

The bill (H. R. 5867) to increase the pension of Caroline V. English. (Report No. 1900.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions: The bill (H. R. 4387) granting a pension to Edward Stanley. (Report No. 1901.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 2931) granting an increase of pension to Silas M. Stevens. (Report No. 1902.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 6877) granting a pension to Grace Gudgell. (Report No. 1903.)

ADVERSE REPORT.

Under clause 2, Rule XIII, Mr. BISHOP, from the Committee on Military Affairs, reported adversely (Report No. 1886) the bill (S. 541) entitled "An act for the relief of Orin R. McDaniel"; which said bill and report were laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. WILLIAM A. STONE: A bill (H. R. 9072) to authorize the Butler and Pittsburg Railroad Company to construct a bridge across the Alleghany River—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: A bill (H. R. 9073) providing for the erection of an addition to the United States custom-house and post-office building in the city of Dubuque, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. KULP: A bill (H. R. 9074) donating 4 condemned cannon and 4 pyramids of condemned cannon balls to General W. H. Ent Post, Grand Army of the Republic, Bloomsburg (Pa.) Monumental Association—to the Committee on Naval Affairs.

By Mr. FENTON: A bill (H. R. 9097) for the relief of telegraph operators who served during the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. GRISWOLD: A joint resolution (H. Res. 187) relating to lake levels—to the Committee on Rivers and Harbors.

By Mr. ODELL: A resolution (House Res. No. 346) authorizing the Postmaster of the House of Representatives to employ two additional laborers in that department for the distribution of seeds—to the Committee on Accounts.

By Mr. CHARLES W. STONE: A resolution (House Res. No. 349) requesting of the Secretary of the Treasury certain information as to material for our minor coins—to the Committee on Coinage, Weights, and Measures.

By Mr. MONEY: A resolution (House Res. No. 350) to allow the several Executive Departments to lend material in their control to the Southern States exposition at Chicago for a short time without expense to the Government—to the Committee on Ways and Means.

By Mr. LINTON: A resolution (House Res. No. 351) to compensate W. W. Blackmar for services on the Committee on Ventilation and Acoustics—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ALLEN of Mississippi: A bill (H. R. 9076) for the relief of the estate of Richard D. Fieider of Tishomingo County, Miss.—to the Committee on War Claims.

By Mr. ARNOLD of Pennsylvania: A bill (H. R. 9077) granting an honorable discharge to James Garrabrant, late of Company I, One hundred and forty-eighth Pennsylvania Volunteers—to the Committee on Military Affairs.

By Mr. CURTIS of Kansas: A bill (H. R. 9078) for the relief of Thomas J. Cockrell—to the Committee on Military Affairs.

By Mr. DOOLITTLE: A bill (H. R. 9079) to place the name of Emma H. Wood on the pension roll at the rate of $75 per month—to the Committee on Invalid Pensions.

By Mr. FARIS: A bill (H. R. 9080) for the relief of William H. Wood—to the Committee on Military Affairs.

By Mr. HUNTER: A bill (H. R. 9081) to correct the military record of James Westbrook—to the Committee on Military Affairs.

Also, a bill (H. R. 9082) granting a pension to John Stilts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9083) for the relief of R. G. Potter—to the Committee on War Claims.

By Mr. McCALL of Tennessee: A bill (H. R. 9084) to muster in certain members of Col. Frank W. Harrison's regiment of West Tennessee recruits and to grant them an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 9085) to increase the pension of Elisha Tate—to the Committee on Invalid Pensions.

By Mr. MEREDITH: A bill (H. R. 9086) for the relief of the

estate of Maria Gibson, deceased, late of Culpeper County, Va.—to the Committee on War Claims.

By Mr. MILLIKEN: A bill (H. R. 9087) granting a pension to Susan W. Newell—to the Committee on Invalid Pensions.

By Mr. PICKLER: A bill (H. R. 9088) granting a pension to Patrick H. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9089) granting a pension to Benjamin F. Whitehouse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9090) granting an increase of pension to Jacob Stebler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9091) granting an increase of pension to Joshua B. Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9092) granting a pension to Adra A. Spaulding—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 9093) granting a pension to Andrew R. Hayes—to the Committee on Invalid Pensions.

By Mr. WATSON of Ohio: A bill (H. R. 9094) for the relief of Peter Kramer—to the Committee on Military Affairs.

By Mr. WHEELER: A bill (H. R. 9095) for the relief of Mrs. Lelia Seaton Welder—to the Committee on Invalid Pensions.

By Mr. WRIGHT: A bill (H. R. 9096) to remove the charge of desertion against the military record of James Sullivan, late of Company H, Twenty-first Regiment Massachusetts Volunteer Infantry, and Troop K, Second United States Cavalry—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH of Alabama: Petition of citizens of Piedmont and Montevallo, Ala., asking for favorable action on House bill No. 838, to reduce letter postage, and House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ALDRICH of Illinois: Petition of residents of Chicago, Ill., praying for favorable action on bill to amend the postal laws relating to second-class matter and bill to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. BABCOCK: Petition of citizens of Dodgeville, Montfort, Hillsboro, and Prairie du Sac, Wis., for favorable action on House bills Nos. 4566 and 838, proposing amendments to the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BISHOP: Petition of citizens of Ludington and Bengonia, Mich., asking favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BLUE: Sundry petitions containing a total of 1,048 names of citizens of the State of Kansas, asking for favorable action on House bill No. 838, to reduce letter postage to 1 cent per half ounce, and House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CANNON: Petition of citizens of Lasalle and Woodford counties, Ill., praying for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. CLARK of Missouri: Sundry petitions of citizens of the First Congressional district of Missouri, praying for favorable action on House bill No. 838, to reduce letter postage, and bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. COBB: Petition of citizens of St. Louis, Mo., for the passage of House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. CONNOLLY: Petitions of citizens of Emden, Pawnee, Maroa, and Pleasant Plains, Ill., asking favorable action on House bill No. 838, to reduce letter postage, and House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIS of Iowa: Petition of citizens of Delmar, Lone Tree, and Davenport, Iowa, asking for favorable consideration of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Resolutions of the Trades League of Philadelphia, Pa., opposing House bill No. 8536 and Senate bill No. 2967, proposing amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. DOCKERY: Petition of citizens of Holt, Cowgill, Maysville, and Grant City, Mo., asking for favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DOOLITTLE: Remonstrance of citizens of Hockinson, Wash., against the acceptance of the Marquette statue—to the Committee on the Library.

Also, petition of citizens of Pullman, Spokane, and Ritzville, Wash., asking for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. FENTON: Petition of R. G. Shaw Post, No. 589, Grand Army of the Republic (colored), of Cincinnati, Ohio, in favor of House bill No. 6851, to aid Wilberforce University, located in Greene County, Ohio—to the Committee on Military Affairs.

By Mr. FLYNN: Petitions of citizens of Alva, Kildare, Newkirk, Okardel, Oklahoma City, Pawnee, Perry, Shawnee, and Ponca City, Okla., asking for favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. FOSS: Petition of certain residents of Evanston, Ill., praying for favorable action on bill to amend the postal laws relating to second-class matter and bill to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. GAMBLE: Petition of J. R. Sovereign and others, in favor of House bill No. 6119, relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and the District of Columbia—to the Committee on Labor.

By Mr. GILLETT of Massachusetts: Petition of citizens of Athol and Orange, Mass., asking for the passage of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. GRIFFIN: Petitions of citizens of Whitehall, Gale, and Arcadia, of the State of Wisconsin, in favor of the passage of House bills Nos. 838 and 4566, for 1-cent letter postage and the amendment of the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HENDERSON: Petition of citizens of Greeley, Greene, Janesville, Fairbank, Waterloo, Cedar Falls, New Hartford, and Union, State of Iowa, asking for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HEPBURN: Petition of citizens of Davis City, Mount Ayr, Moravia, Lamoni, Hamburg, and New Market, Iowa, asking favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HILBORN: Memorial of the Board of Trade of Oakland, Cal., recommending the passage of a uniform law on the subject of bankruptcy throughout the United States—to the Committee on the Judiciary.

Also, memorial of the Pacific Coast Marine Firemen's Union, composed of over 1,800 men, praying for the passage of House bill No. 3618, to organize and increase the efficiency of the personnel of the Navy, etc.—to the Committee on Naval Affairs.

By Mr. HURLEY: Petition of Knights of Labor of Washington, D. C., favoring the passage of House bill No. 6119, for a nonpartisan labor commission—to the Committee on Labor.

By Mr. HUBBARD: Petition of citizens of Long Lane, Mo., favoring a service pension—to the Committee on Invalid Pensions.

Also (by request), sundry petitions of citizens of the State of Missouri, asking for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. KIEFER: Petition of Cigar Makers' Union, No. 98, of St. Paul, Minn., favoring the nationalization of telegraph lines—to the Committee on Interstate and Foreign Commerce.

By Mr. LAYTON: Protest of the Toledo Produce Exchange, against the passage of House bill No. 8536 and Senate bill No. 2967, amending the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. LEISENRING (by request): Remonstrance and petition of 61 citizens of Luzerne County, Pa., urging the immediate removal of the Père Marquette statue from Statuary Hall—to the Committee on the Library.

By Mr. LINTON: Remonstrances and petitions of citizens of Temple, Tex.; also of citizens of Perry, Mich.; also of citizens of Syracuse, N. Y.; also of citizens of Fort Worth, Tex., against the continuance of the Père Marquette statue in the Capitol—to the Committee on the Library.

Also, petitions of citizens of St. Charles, Unionville, Wacousta, and Vernon, of the State of Michigan, praying for the passage of House bills Nos. 4566 and 838, relating to postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLEARY of Minnesota: Petition of B. A Campbell and other citizens of the State of Minnesota, for the prohibition of the manufacture and sale of intoxicating liquor in the District of Columbia—to the Committee on the District of Columbia.

By Mr. McRAE: Petition of J. W. Baker and 16 other citizens of Columbia County, Ark., protesting against the passage of House

bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MERCER: Resolutions of the Democratic State convention at Lincoln, Nebr., favoring an exposition to be held at Omaha, Nebr., during 1898—to the Committee on Ways and Means.

By Mr. PICKLER: Petition of George L. Houghton, of Aberdeen, S. Dak., praying that he may be allowed an investigation by Congress for a redress of grievances—to the Committee on the Judiciary.

Also, petition of citizens of Wakonda, S. Dak., for favorable action on House bill No. 5213, to amend the laws relating to taxing and regulating the sale and manufacture of filled cheese—to the Committee on Ways and Means.

Also, petitions of citizens of Bridgewater, Sioux Falls, Brooking, Aberdeen, Wilmot, Madison, Volga, Chamberlain, De Smet, Esteltine, Gettysburg, Groton, Hurley, Irene, Meiller, and Rapid City, S. Dak., for favorable action on House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SAUERHERING: Petition of citizens of Madison, Sun Prairie, and Portage, Wis., in favor of House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SCRANTON: Petition of Moses Taylor Council, No. 151, Junior Order United American Mechanics, of Scranton, Pa., unanimously indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Illinois: Petition of citizens of Carrier Mills and Cairo, Ill., asking favorable consideration of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SNOVER: Petition of citizens of Ubly, Pigeon, Sand Beach, Elkton, and Minden City, Mich., for favorable action on House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. CHARLES W. STONE: Memorial of the United Presbyterian church of Utica, Pa.; also of the Presbyterian church of Utica, Pa.; also of the Methodist Episcopal church of Utica, Pa.; also of the Methodist Episcopal church of Rockland, Pa., favoring the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. TAWNEY: Petitions of citizens of Dexter, Hayfield, Eyota, and Kasson, Minn., favoring the passage of House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS: Petitions of citizens of Nashville, Hastings, Constantine, Centerville, Bangor, Pow-Pow, and Otsego, Mich., asking for favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. TRACEY: Petitions of citizens of Arrow Rock, Sedalia, Springfield, New Franklin, and Nelson, State of Missouri, for favorable action on House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. VAN HORN: Petitions of citizens of Concordia and Kansas City, Mo., favoring the passage of House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WATSON of Ohio: Papers to accompany House bill for the relief of Peter Kramer—to the Committee on Military Affairs.

By Mr. WHEELER: Papers relating to the claim of Eli Compton, of Cherokee County, Ala.—to the Committee on War Claims.

By Mr. WILSON of Idaho: Petition of Knights of Labor of Wallace, Idaho, in favor of House bill No. 6119, for the appointment of an impartial committee to investigate the labor problem and suggest remedy—to the Committee on Labor.

Also, petition of Boise Typographical Union, No. 271, of Boise, Idaho, praying for Government ownership of telegraph lines—to the Committee on Interstate and Foreign Commerce.

Also (by request), resolution of the board of directors of the Manufacturers and Producers' Association of California, relating to the importation of convict-made goods, and favoring the protection of free labor from competition with convict labor—to the Committee on Labor.

Also, resolution of the Trades League of Philadelphia, opposing the passage of House bill No. 8536 and Senate bill No. 2967, to amend the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, petition of Wardner Assembly, Knights of Labor, for the passage of a bill to provide for the better manning and equipment of vessels on the Northwestern Lakes—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD: Petitions of citizens of Marshall, Casey, and Sumner, Ill., for favorable action on House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

SENATE.

WEDNESDAY, *May 20, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. DAVIS, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

VISITORS TO ANNAPOLIS.

Mr. BLACKBURN. Mr. President, public duties that I can not control make it impossible for me to discharge the duty assigned me as a member of the Board of Visitors on the part of the Senate to the Naval Academy at Annapolis. Whilst I very much regret this, I feel impelled to ask the Senate to excuse me from service on that Board, in order that the Vice-President may indicate some other Senator to take the place.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Senator from Kentucky is excused.

CAROLINE A. HOUGH.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendment and accede to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. GALLINGER, Mr. VILAS, and Mr. CANNON were appointed.

STANDARD FOR DRY MEASURES IN THE DISTRICT.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6883) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PRITCHARD. I move that the Senate insist upon its amendments and accede to the request of the House for a conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. MCMILLAN, Mr. BACON, and Mr. PRITCHARD were appointed.

LICENSING OF BILLIARD AND POOL TABLES.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PROCTOR. I move that the Senate insist upon its amendment and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. PROCTOR, Mr. HARRIS, and Mr. WETMORE were appointed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Union Congregational Church, of Jacksonville, Fla., praying for the speedy recognition as belligerents of the Cuban patriots in their struggle for freedom; which was ordered to lie on the table.

Mr. GORMAN presented a petition of the Baltimore (Md.) Annual Conference of the Methodist Episcopal Church, praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on Education and Labor.

He also presented a petition of the Baltimore (Md.) Annual Conference of the Methodist Episcopal Church, praying for the enactment of legislation raising the age of consent from 16 to 18 in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Baltimore (Md.) Annual Conference of the Methodist Episcopal Church, praying for the enactment of legislation to prevent nullification of State anti-gambling laws by extending to interstate gambling by telegraph the penalties provided for interstate gambling by mail and express; which was referred to the Committee on Education and Labor.

He also presented a memorial of the Baltimore (Md.) Annual Conference of the Methodist Episcopal Church, remonstrating

against the appropriation of money for sectarian institutions; which was ordered to lie on the table.

Mr. FAULKNER presented a petition of Local Union, No. 59, of Wheeling, W. Va., praying for the Government ownership and control of the telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Bridgeport Council, No. 30, Junior Order United American Mechanics, of Bridgeport, W. Va., praying for the passage of the so-called Stone immigration bill; which was referred to the Committee on Immigration.

Mr. TURPIE presented a petition of the Central Labor Union of Indianapolis, Ind., praying for the Government control and ownership of the telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CANNON presented a memorial of sundry citizens of Utah, remonstrating against the passage of the bill (H. R. 4566) to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HAWLEY presented a memorial of the Anthropological Society of Washington, D. C., remonstrating against the passage of Senate bill No. 1552, relating to vivisection; which was referred to the Committee on the District of Columbia.

Mr. PROCTOR presented a memorial of the Medical Society of Pennsylvania, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Columbia Heights Citizens' Association of the District of Columbia, relative to the price of gas in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of the Columbia Heights Citizens' Association of the District of Columbia, relative to party walls in the District of Columbia; which was ordered to lie on the table.

He also presented the memorial of Dr. Walter Wyman, Supervising Surgeon-General Marine-Hospital Service, relative to Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

PREVENTION OF CRUELTY TO ANIMALS.

Mr. PROCTOR. I present a communication from Charles W. Dabney, jr., Acting Secretary of Agriculture, calling attention to certain provisions of the bill (S. 1552) for the further prevention of cruelty to animals in the District of Columbia. I move that the communication lie on the table and that it be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PERKINS, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 2777) authorizing and directing the Secretary of the Navy to donate condemned cannon and condemned cannon balls to certain posts of the Grand Army of the Republic, reported it without amendment.

Mr. JONES of Arkansas, from the Committee on Indian Affairs, to whom was referred the bill (S. 1529) for the payment of arrears of interest on Chickasaw trust funds, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 423) to amend section 7 of the act entitled "An act to regulate the civil service of the United States," approved January 16, 1883, asked to be discharged from its further consideration, and that it be referred to the Committee on Civil Service and Retrenchment; which was agreed to.

Mr. BURROWS, from the Committee on Post-Offices and Post-Roads, reported an amendment intended to be proposed to the general deficiency appropriation bill, the amendment authorizing the Auditor for the Post-Office Department to credit the account of John W. Ross, late postmaster at Washington, D. C., with the sum of $141, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. GALLINGER. On the 3d day of December, 1895, a resolution was referred to the Committee on the District of Columbia in reference to farmers and truckmen in the city of Washington. The committee have given consideration to the matter, and submit a written report with an accompanying joint resolution, which they recommend for adoption.

The joint resolution (S. R. 148) for the relief of farmers and truckmen in the city of Washington, D. C., was read twice by its title.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 4910) granting a pension to Cyrus Thomas, reported it without amendment, and submitted a report thereon.

Mr. VILAS, from the Committee on Public Lands, to whom was referred the bill (H. R. 1436) to quiet title to lands in persons who purchased the same in good faith without notice and for a valuable consideration, and to enable the Government to issue patents on such lands, and that commutations of homestead entries shall take effect from date of settlement, and not from date of entry, reported it with amendments, and submitted a report thereon.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (H. R. 7919) granting a site for the erection and maintenance of a charity hospital by the city of Biloxi, Miss., reported it without amendment.

Mr. BACON, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 2054) to correct the military record of Charles W. Reinhardt and to grant him an honorable discharge, reported it with an amendment, and submitted a report thereon.

VICTOR HUGO M'CORD.

Mr. DAVIS, from the Committee on Foreign Relations, to whom was referred the message of the President of the United States, transmitting in response to a resolution of December 18, 1895, a report of the Secretary of State, with the accompanying correspondence, in relation to the arrest and imprisonment of Victor Hugo McCord at Arequipa, Peru, reported the following resolution; and it was considered by unanimous consent, and agreed to:

Be it resolved, That the President is hereby requested to continue the investigation and efforts heretofore made by the United States in the matter of the claim of Victor Hugo McCord, a citizen of the United States, against the Government of Peru, to the end that such an adjustment of said claim may be made as may be warranted by the facts in the case and by the law applicable thereto.

BILLS INTRODUCED.

Mr. ALLEN. I introduce a bill which I ask to have read at length and referred to the Committee on the Judiciary.

The bill (S. 3179) defining the jurisdiction of the Supreme Court in the determination of constitutional questions was read the first time by its title and the second time at length, and referred to the Committee on the Judiciary, as follows:

Be it enacted, etc., That from and after the passage of this act no bill or joint resolution that has passed Congress and received the approval of the President and become a law, or that has become a law by not being returned by the President with his approval to the House of Congress in which it originated, within the time prescribed by the Constitution, or that has become a law by Congressional action, notwithstanding the President's veto thereof, shall be held or adjudged to be unconstitutional by the Supreme Court except where all the judges concur in an opinion to that effect.

Mr. BURROWS introduced a bill (S. 3180) relating to the jurisdiction of the Court of Claims in certain cases; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MORRILL (by request) introduced a bill (S. 3181) granting an increase of pension to Annie J. Bassett, widow of Lieut. Commander Wesley W. Bassett; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. GORMAN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BUTLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. STEWART submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. NELSON (for Mr. HANSBROUGH) submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

BIOGRAPHY OF CONGRESS.

Mr. MORRILL. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That Benjamin Durfee be, and he is hereby, directed (in addition to his other duties and without extra compensation) to prepare an alphabetical biography of Congress from the foundation of the Government to the present time.

Mr. MORRILL. The dictionary of Lanman was brought down to 1876. Since that time some person in New York, I think, has published a later edition, a copyrighted edition, but there is no necessity to have a copyrighted edition, as all or nearly all the biographies have been published in the Congressional Directory from year to year. The resolution proposes to authorize a clerk now in the employ of the Senate to compile this work with no addition to his salary, and when it is completed all the cost will be merely that of having it printed at the Government Printing Office.

Mr. HILL. I ask that the resolution may lie over for the present.

The VICE-PRESIDENT. The resolution will go over under the rule.

UNITED STATES NAVAL ACADEMY.

Mr. GORMAN submitted the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That the Secretary of the Navy be, and hereby is, requested to transmit to the Senate the report of the commission appointed under the resolution unanimously adopted by the Board of Visitors of the United States Naval Academy, 1895, "to examine and report upon the condition of the grounds and buildings and sanitary condition of said Academy," and that said report, when received, together with the report of the Board of Visitors to the United States Naval Academy for 1895, and appendix thereto (pages 61 to 74, House Document No. 3, Fifty-fourth Congress, first session), be printed as a Senate document.

ADDITIONAL MEN FOR THE NAVY.

Mr. GORMAN. Some weeks ago I entered a motion to reconsider the vote by which the Senate passed the bill (S. 1404) authorizing the Secretary of the Navy to enlist additional men for service in the United States Navy, and for other purposes. I desire to have that motion now taken up and agreed to so that the bill may go upon the Calendar.

The VICE-PRESIDENT. The question is on agreeing to the motion to reconsider the vote by which the bill was passed.

Mr. SHERMAN. What is the object?

Mr. GORMAN. The Senate passed the bill authorizing an increase in the number of the enlisted men in the Navy. Since then the naval appropriation bill provided for an increase of 1,000 enlisted men and 500 marines. I desire to have the bill reconsidered, that it may go on the Calendar to be taken up later. If it ever does come up for consideration I want to discuss it and to offer some amendments to it.

Mr. CHANDLER. I shall not object to the motion, but the Senator well knows that there are other provisions in the bill which were not incorporated in the appropriation bill. I supposed the Senator had been able to make upon bills that have already been considered by the Senate the remarks which he so long intended to make upon this bill. This is a very important measure. I believe it ought to be made a law and go upon the statutes.

Mr. GRAY. The bill has passed the Senate?

Mr. CHANDLER. It has passed the Senate. If it is reconsidered the Senator knows very well how little opportunity there will be to give it consideration at this hour in the session. It seems to me the Senator ought to have pressed his motion earlier.

Mr. GORMAN. I did not press it because the main features providing for an increase of enlisted men in the Navy had already been disposed of. There are other features in the bill that I desire to discuss, and I wish to offer some amendments to it. I trust there will be no opposition to having it reconsidered and placed on the Calendar.

Mr. CHANDLER. I shall not object to a reconsideration. Let the bill go upon the Calendar.

The VICE-PRESIDENT. Without objection, the vote by which the bill was passed will be reconsidered, and the bill will be placed on the Calendar.

PROPOSED SUNDAY-REST LAW.

Mr. KYLE. I ask for a reconsideration of the vote by which the petitions on the Sunday-rest bill before the Committee on the District of Columbia were transferred to the Committee on Education and Labor. I have since understood from the Senator from West Virginia [Mr. FAULKNER] that those petitions refer to a different bill. There were two orders adopted yesterday. The latter order may stand. I move a reconsideration of both orders, and that the first order relating to the petitions before the Committee on the District of Columbia be stricken out.

Mr. FAULKNER. We have two bills on the subject before the Committee on the District of Columbia, and there has been considerable investigation already and a report from the Commissioners of the District as to the propriety of passing such a bill. I hope the motion to reconsider will be passed.

The VICE-PRESIDENT. Without objection, the motion to reconsider is agreed to.

Mr. KYLE. I move, then, the adoption of the second order as printed in the RECORD.

Mr. MILLS. What is the order?

Mr. KYLE. To transfer all the petitions relating to a Sunday-rest bill that are now in the office of the Secretary of the Senate to the Committee on Education and Labor.

Mr. MILLS. I wish to ask whether anybody has ever petitioned for a Monday-rest bill or a Tuesday-rest bill or a Thursday-rest bill?

Mr. KYLE. The bill is before the Committee on Education and Labor.

Mr. MILLS. I just wanted to know why it is that Sunday has been set apart as a day for a rest bill.

The VICE-PRESIDENT. The Chair will request the Senator from South Dakota to state again his motion, so that it may be understood.

Mr. KYLE. I merely request that the petitions relating to a general Sunday-rest bill which have been filed during the past two or three years in the office of the Secretary of the Senate be now transferred to the Committee on Education and Labor, where the bill is under consideration.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

COURT ROOM AT HARRISONBURG, VA.

Mr. DANIEL. I move that the Committee on Public Buildings and Grounds be discharged from the further consideration of the joint resolution (H. Res. 174) granting permission to the circuit and county courts in Rockingham County, Va., to occupy the Federal court room in Harrisonburg, Va., and that it be referred to the Committee on the Judiciary.

The motion was agreed to.

W. R. AUSTIN & CO.

Mr. BURROWS. I ask unanimous consent to call up the bill (S. 1822) for the relief of W. A. Austin & Co.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments, in line 4 to strike out the initial "A" and insert the initial "R"; in line 5, before the word "thousand," to strike out "fifty" and insert "thirty-five"; and in line 7 to strike out the initial "A" and insert the initial "R"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to W. R. Austin & Co. the sum of $35,000, out of any money in the Treasury not otherwise appropriated, for materials furnished to the Interior Department by said W. R. Austin & Co. for use in the Eleventh Census of the United States, the same to be in full for all said materials and all vested rights.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of W. R. Austin & Co."

MOBILE AND OHIO RAILROAD BRIDGES.

Mr. BACON. There are three little bills on the Calendar which have been reported favorably from the Committee on Commerce, authorizing the Mobile and Ohio Railroad to build bridges across certain rivers in Alabama. There is no objection to the bills, and there will be no debate upon them. I ask that they may be taken up. They should be acted upon, because it is important that the work should be done without delay.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Georgia? The Chair hears none, and the bills will be proceeded with in their order.

The bill (S. 2943) to authorize the construction of a bridge across the Warrior River by the Mobile and Ohio Railroad Company was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, to add at the end of the bill the following additional section:

SEC. 13. That the act approved February 9, 1893, entitled "An act to authorize the construction of a bridge across the Warrior River by the Montgomery, Tuscaloosa and Memphis Railway Company," is hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 2944) to authorize the construction of a bridge across the Cahaba River, in Bibb County, Ala., by the Mobile and Ohio Railroad Company was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, to add as an additional section:

SEC. 13. That the act approved February 11, 1893, entitled "An act to authorize the construction of a bridge across Cahaba River, in Bibb County, Ala., by the Montgomery, Tuscaloosa and Memphis Railway," is hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 2945) to amend an act approved August 6, 1888, entitled "An act to authorize the construction of a bridge across the Alabama River," was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 7, after the words "eighteen hundred and eighty-eight," to insert "together with all the duties and conditions thereby imposed"; in line 9, after the word "hereby," to insert "taken from the said railway company and"; in line 10, after the word "to," to strike out "and"; and after the word "in," in the same line, to insert "and imposed upon"; so as to make the section read:

That the rights, powers, and privileges granted to the Alabama Great Northwestern Railway Company by the act of Congress entitled "An act to authorize the construction of a bridge across the Alabama River," and approved August 6, 1888, together with all the duties and conditions thereby imposed, be, and the same are hereby, taken from the said railway company and in all respects extended to, vested in, and imposed upon the Mobile and Ohio Railroad Company.

The amendment was agreed to.

The next amendment was, in section 2, line 1, after the word "time," to strike out "within which said railway company was authorized to complete" and insert "for completing"; in line 3, after the word "of," to strike out "said" and insert "the"; after the word "bridge," in the same line, to insert "authorized by said act"; and in line 4, after the word "begun," to strike out "in accordance with the provisions of said act"; so as to make the section read:

SEC. 2. That the time for completing the construction of the bridge authorized by said act, which construction has already been begun, be, and the same is hereby, extended for three years from the date of the passage of this act.

The amendment was agreed to.

The next amendment was to insert, as an additional section, the following:

SEC. 3. That section 3 of the said act is hereby amended so as to read as follows:

"SEC. 3. That the Secretary of War is hereby authorized and directed, upon receiving any such plans and map and other information, and upon being satisfied that a bridge built on such plan and with such accessory works and at such locality will conform to the prescribed conditions of this act, to notify the company that he approves the same; and upon receiving such notification the said company may proceed to an erection of said bridge, conforming strictly to the approved plan and location, but until such notification has been received the bridge shall not be commenced or built; should any material change be made in the plan of the bridge or said accessory works during the progress of the work thereon, such change shall be likewise subject to the approval of the Secretary of War. The Secretary may at any time, when, in his judgment, necessary, require the company owning or controlling said bridge to change the same in any respect, or to entirely remove the structure, all such changes or the entire removal to be at the expense of said company."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the construction of a bridge across the Alabama River by the Mobile and Ohio Railroad Company."

WASHINGTON AND GREAT FALLS ELECTRIC RAILWAY.

Mr. PERKINS. I am directed by the Committee on Appropriations to call up the fortifications appropriation bill, but at the request of the Senator from Tennessee [Mr. HARRIS], I yield to him to call up a bill which I am assured will give rise to no debate.

Mr. HARRIS. I am greatly obliged to the Senator from California. I had risen to ask the unanimous consent of the Senate that the bill (S. 2499) to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway Company" be now considered. I do not think it will lead to any debate. I think a statement I can make in two minutes will satisfy the Senate as to the propriety of the passage of the bill.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and the bill will be read as in Committee of the Whole.

Mr. HARRIS. Before the reading of the bill, I will make a brief statement.

The bill proposes to amend the charter heretofore granted to what is known as the Washington and Great Falls Electric Railway Company. That company has an act of incorporation within the limits of the District of Columbia from Congress. The railroad is already constructed some miles beyond the limits of the District and the only interest the District has in this bill is that it provides for granting the company a little short branch running from a point opposite the Chain Bridge, some 2 or 3 miles west of Georgetown, to a junction with the Tennallytown road. But as this road parallels the Conduit road clear to Great Falls, the Government is interested only to take care of the conduit that is owned by the Government.

The bill was referred to the War Department and amended in many respects by the engineers of that Department looking to the care of the Conduit road. The bill is reported in the exact form in which the engineers of the War Department returned it to the committee.

That much I deemed it proper to state.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

Mr. HARRIS. I suggest that the amendments reported by the Committee on the District of Columbia may be acted upon as they are reached in the reading of the bill.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on the District of Columbia was, in section 1, line 18, after the word "route," to insert "exterior to and"; in line 19, after the word "road," to insert "except in the vicinity of Washington Aqueduct boundary stone No. 31, as hereinafter described"; in line 4, on page 3, after the word "road," to strike out "on grade" and insert "at right angles and on the grade of this road"; so as to read:

Section 1 shall be amended to read as follows, commencing with the word "beginning," in line 17:

"Beginning at a passenger station to be erected and maintained on the square bounded by Prospect, Thirty-fifth, M, and Thirty-sixth streets northwest, as hereinafter provided for; thence westerly along Prospect street to or near Thirty-eighth street northwest; thence westerly and northerly on land to be acquired, except at street crossings, by said company, to and across the Foxhall road; thence westerly along the top of the bluff on the north side of the Canal road, and outside and south of the southern boundary of the land of the Washington Aqueduct pertaining to the distributing reservoir, to a point on said boundary not more than 600 feet from the western boundary of said land; thence across said land, but at no point less than 200 feet from the outer crest of the dam of said reservoir, to said western boundary; thence westwardly on a route exterior to and on the south side of the land of the United States pertaining to the Conduit road to the land of the said aqueduct pertaining to the receiving reservoir; thence through said land to a point on the land of said aqueduct near the westerly foot of Dalecarlia Hill; thence westwardly on a route exterior to and on the south side of the land of the United States pertaining to the Conduit road, except in the vicinity of Washington Aqueduct boundary stone No. 31, as hereinafter described, to Cabin John Creek, returning thence along the same line by return tracks to the place of beginning, with the privilege of constructing a branch line, with a single or double track, from the Conduit road lands south to Chain Bridge, and a branch line north, beginning and connecting at a point on its main line, about opposite said Chain Bridge; thence running northerly on land to be acquired by said corporation to the Conduit road; thence across the Conduit road at right angles and on the grade of this road."

The amendment was agreed to.

The next amendment was, on page 4, line 13, after the word "and," to strike out:

For that purpose said railroad may run over and across any of the lands of the United States, or any accessory works of the Washington Aqueduct, upon such conditions as shall be approved by the Secretary of War and accepted by said company.

And insert:

The said railroad may cross, under such conditions as the Secretary of War may impose, the lands of the United States at Chautauqua, between Washington Aqueduct boundary stone No. 31 and a planted stone south 38° 43' west, and distant 206.5 feet from Washington Aqueduct boundary stone No. 67, at which place the inner rail of the tracks shall be not less than 65 feet from the middle of the paved portion of the Conduit road.

So as to read:

The inner rail of said Washington and Great Falls Railway shall not, at any place on the line of said railway, be less than 100 feet from the middle of the paved portion of the Conduit road, except in the county of Montgomery, in the State of Maryland, in which county said inner rail shall not be less than 50 feet from the middle of the paved portion of the Conduit road; and the said railroad may cross, under such conditions as the Secretary of War may impose, the lands of the United States at Chautauqua, between Washington Aqueduct boundary stone No. 31 and a planted stone south 38° 43' west, and distant 206.5 feet from Washington Aqueduct boundary stone No. 67, at which place the inner rail of the tracks shall be not less than 65 feet from the middle of the paved portion of the Conduit road.

The amendment was agreed to.

The next amendment was, on page 6, line 13, after the word "dollars," to insert "or such other sum as the Secretary of War may deem proper"; so as to read:

Said company shall, before commencing work on said railway, deposit with the Treasurer of the United States to the credit of the Washington Aqueduct the sum of $5,000, or such other sum as the Secretary of War may deem proper, to defray all the expenses that may be incurred by the United States in connection with the inspection of the company's work on the lands of the United States, etc.

The amendment was agreed to.

The next amendment was, on page 7, line 18, after the word "State," to strike out:

And the said Washington and Great Falls Railway may cross the projection of the United States land at a point on the south side of the Conduit road just west of the distributing reservoir.

So as to read:

The provisions of this act, as far as applicable, shall apply to any extension of this railway in the State of Maryland that may be granted by said State; and the provisions of section 15 of the act of Congress approved February 26, 1891, entitled "An act to incorporate the Washington and Arlington Railway

Company, of the District of Columbia," shall control and govern all the privileges granted by this act to the Washington and Great Falls Electric Railway Company, etc.

The amendment was agreed to.

The next amendment was, on page 8, line 18, after the word "across," to insert "the Conduit road or"; and in line 19, before the word "road," to strike out "other"; so as to read:

And the said Washington and Great Falls Railway Company shall, where its tracks run on or across any street or road which is under the jurisdiction of the Commissioners of the District of Columbia, or across the Conduit road or any road outside of the District of Columbia, pave the same between the rails and sets of rails and 2 feet outside thereof, with such material and in such manner as shall be approved by such proper authorities, etc.

The amendment was agreed to.

The next amendment was, on page 9, line 23, after the words "United States," to insert "and also at such places along the Conduit road as the Secretary of War may deem necessary"; and on page 10, line 1, after the word "suitable," to insert "cattle guards"; so as to read:

The said corporation shall erect and maintain, subject to the approval of the Secretary of War, at its own expense, a neat, well-painted, and substantial fence, 4 feet in height, on each side of its tracks, through the lands of the United States, and also at such places along the Conduit road as the Secretary of War may deem necessary, with suitable cattle guards, openings, and crossings for roadways, and at such places as the Secretary of War shall consider to be required for the safety of the use of said roadways.

The amendment was agreed to.

The next amendment was, on page 10, line 9, after the word "which," to strike out "it shall pass" and insert "the railway shall pass and such other points along the proposed route as the Secretary of War shall direct"; so as to read:

That the said corporation shall, at its own expense, maintain electric lights during the hours after nightfall that its cars shall run, and at least until 12 o'clock a. m., which lights shall be located so as to light all roads on and across which the railway shall pass and such other points along the proposed route as the Secretary of War shall direct.

The amendment was agreed to.

The next amendment was, on page 10, line 13, after the word "act," to insert:

The crossings over the Conduit road shall be made to conform to all changes of grade of this road.

The amendment was agreed to.

The next amendment was, on page 11, line 3, after the word "apparatus," to insert:

Efficient signals, by gong or bell, shall be made by every car before and during the crossing of the Conduit road, and, if the Secretary of War shall deem necessary and shall so direct, every car shall, before crossing this road, be brought to a full stop.

The amendment was agreed to.

The next amendment was, on page 12, line 7, after the word "Foxhall," to strike out "road" and insert "and Conduit roads"; so as to read:

The said Commissioners shall also have the power to make such regulations as to the rate of speed, the use of tracks, the removal of ice and snow from off the tracks, as the public interests may require; failure to comply with any such requirement or regulation, or failure to stop cars before crossing the Foxhall and Conduit roads, shall subject the company to a fine of $50 for each such failure, which fine may be recovered in any court of competent jurisdiction.

The amendment was agreed to.

Mr. HARRIS. I move to amend by the addition of a new section, as follows:

That the right to alter, amend, or repeal this act is hereby reserved.

The VICE-PRESIDENT. The amendment submitted by the Senator from Tennessee will be stated.

The SECRETARY. It is proposed to add as a new section:

SEC. 3. That Congress reserves the right to alter, amend, or repeal this act.

The amendment was agreed to.

Mr. GORMAN. I wish to call the attention of the Senator from Tennessee to the provision of the bill on page 4, where it is provided that "matters in dispute between the companies respecting railways on the Canal road shall be determined upon the application of either road to any court in the District of Columbia having competent jurisdiction." The road runs into Maryland. Is the Secretary of War to have authority to determine questions arising in Maryland?

Mr. HARRIS. This road is to be constructed under a charter granted by Congress out to the District line, and the remainder of it is to be constructed under a charter granted by the State of Maryland. I have no objection to an amendment that questions in dispute may be referred to any court in Maryland upon that part of the road in Maryland, and think such an amendment would be proper; but if any controversy arises between the companies occupying the same line of road within the District, of course it would be referred to the District court. If the Senator will suggest some amendment which will refer to a court in Maryland any question that occurs in that State, I shall consent to it.

Mr. GORMAN. I would suggest to simply strike out the word "whether," on page 3, line 25; and also the words "or in Maryland," in line 1, on page 4.

Mr. HARRIS. Let those words be stricken out.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, line 25, after the word "same," it is proposed to strike out "whether"; and on page 4, line 1, after the words "District of Columbia," to strike out "or in Maryland."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. FRYE. Mr. President——

The VICE-PRESIDENT. The Senator from California [Mr. PERKINS] is entitled to the floor.

Mr. PERKINS. I will state that I will yield the floor for a time, but I want to premise that by saying that the senior Senator from Maryland [Mr. GORMAN], who has taken a deep interest in the fortifications appropriation bill, will be obliged to leave the city this afternoon, and we wish to consider the bill before he leaves. Therefore I trust Senators will not call up other bills until we dispose of the appropriation bill.

Mr. FRYE. I submit the conference report on the river and harbor bill, and ask for its present consideration.

The VICE-PRESIDENT. The report will be read.

Mr. GORMAN. I suggest to the Senator from Maine, to save time, that the report be printed.

Mr. FRYE. There is no necessity of that. I think I can explain to any Senator who desires to make an inquiry about any particular item in the report, and I do not wish the delay of printing.

Mr. GORMAN. The only reason I have in making the suggestion is that the fortifications appropriation bill is now before the Senate, and for reasons which the Senator from California [Mr. PERKINS] gave, but which perhaps the Senator from Maine did not hear, I should like very much to have that bill disposed of to-day. I suggest, therefore, that the conference report on the river and harbor bill be printed, as its consideration may consume considerable time.

Mr. SHERMAN. We can not hear what is said on the other side of the Chamber, but I suggest that the conference report had better be printed.

Mr. FRYE. There is no need, let me state to the Senator from Ohio, for printing the report. Two-thirds of the amendments are mere amendments of form, and I can explain to any Senator if he desires to make any inquiry as to a particular improvement. It is very important that this conference report should be promptly disposed of.

Mr. SHERMAN. I do not want to delay, but only wish to expedite it. I think the report should be printed.

Mr. FRYE. The conference committee has disagreed and there has to be a further conference, and I want to dispose of the amendments as to which we have agreed.

Mr. CHANDLER. I ask the Senator to make an explanation.

Mr. SHERMAN. As I understand, there is a necessity for a further conference.

Mr. FRYE. There will be a necessity for a further conference, because we have disagreed as to some items.

Mr. CHANDLER. I ask the Senator from Maine to make an explanation as to how far the conferees have agreed.

Mr. FRYE. The conferees have agreed as to everything except the San Pedro continuing contract, the Senate amendment in relation to Santa Monica, and the item for a further survey of Wilmington Harbor. Everything is agreed to with the exception of those three items.

Mr. GRAY. Those in California?

Mr. FRYE. Those in California. It is all really the Santa Monica question.

Mr. WHITE. As I understand, it is a disagreement as to the matter of the inner harbor at San Pedro?

Mr. FRYE. A disagreement as to that.

Mr. WHITE. And even as to the proposed survey there is a disagreement?

Mr. FRYE. Yes.

Mr. WHITE. I have nothing to say at present.

Mr. BACON. Mr. President, I do not know what time would best suit the convenience of the Senate and the distinguished chairman of the Committee on Commerce, but if my information is correct as to one item upon which the conference committee has agreed, I shall certainly ask the Senate that I may be heard in opposition to that agreement. I simply make that statement as the chairman speaks of it as a mere matter of form.

Mr. FRYE. No; what I said was that there was no necessity for printing the report, because whatever any Senator desired to know in relation to any particular amendment, in my opinion, I could

inform him. As to the amendment of which the Senator speaks, I can inform him in relation to that. So there is no need of printing the report. I do not want the delay of printing, because it is very important that this bill shall be finally passed, if it is going to pass at all, before a great while.

Mr. BACON. I should very much prefer not to have the report taken up to-day, if I can avoid it. I had no anticipation that such would be the direction given by the Commerce Committee. I supposed from the action taken by the Senate Committee on Commerce and by the action of the Senate that the provision made for Brunswick Harbor would be very strenuously maintained on the part of the conferees representing the Senate. As it is a matter of extreme importance to my State, not only to the immediate harbor of Brunswick, but to the State at large, I shall ask to be heard at length on it. I have not had the opportunity to gather the data which I wish to present to the Senate on that subject. I regard it as something very much more than a matter of form. Of course, if the Senator from Maine insists upon going on with the report to-day, I shall ask to be heard; if he does not, I shall ask to be heard at such time as the report is taken up.

Mr. FRYE. It seems to me to be my duty to insist on going on. Every Senator here knows why this bill ought to be disposed of, without my saying it.

Mr. BACON. I presume that the same reasons which relate to this bill relate to all others on the question of expedition.

Mr. FRYE. No; I think not.

Mr. BACON. There are other important bills beside this one, and it ought not at any time, if the Senator from Maine will pardon me, to be disposed of improperly. Why ought the Senate be called upon to dispose of it until it shall have opportunity to judge of what is proper to be done in the matter? I do not understand that there is any such great public exigency, or private interest, as demands the immediate and hurried adjournment of this session of Congress before it shall have properly discharged the grave duties which devolve upon it. I understand, of course, that we all have private interests, which make it important that we should adjourn, and we also have some public interests which make it desirable that this session should not be unnecessarily prolonged, and they vary in degree in the cases of different individuals. But at the same time, I do think that in a matter which relates to the second harbor in my State and to one of the best harbors on the whole Atlantic coast, one which has commercial relations with every important commercial harbor or city upon the Atlantic Coast—I do think that it ought not to be disposed of hastily nor as a mere matter of form, and I think I ought to have the opportunity to be heard.

Mr. FRYE. The Senator is misquoting me. I said two-thirds of the amendments made to the bill were mere matters of form, and that as to the remainder I could inform Senators if they desired to know what disposition had been made of them. I never said all the amendments were matters of form. I do not understand that the amendment to which the Senator from Georgia refers is a matter of form.

Mr. BACON. I do not recall the Senator's language, but that was the impression made upon my mind. I do not know that this bill is any more important than the fortifications appropriation bill, especially in view of the notice which has been given by the distinguished Senator from Maryland [Mr. GORMAN] as to amendments which he intends to offer to it. I simply ask, as this is a matter which I understand the conference committee have agreed upon adverse to the interests which I have the honor to represent here, that I may have a reasonable opportunity to present it to the Senate. I can not very well do that to-day. I shall do it, however, if required.

Mr. FRYE. I move that the Senate proceed to the consideration of the conference report.

The VICE-PRESIDENT. The Chair submits to the Senate the motion of the Senator from Maine that the Senate proceed to the consideration of the conference report on the river and harbor bill.

The question being put, there were on a division—ayes 24, noes 13; no quorum voting.

The VICE-PRESIDENT. No quorum having voted, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Cullom,	Lindsay,	Roach,
Bacon,	Davis,	Lodge,	Sewell,
Baker,	Dubois,	McBride,	Sherman,
Bate,	Elkins,	Martin,	Shoup,
Berry,	Faulkner,	Mills,	Smith,
Brown,	Frye,	Mitchell, Wis.	Stewart,
Burrows,	Gallinger,	Morgan,	Teller,
Butler,	Gear,	Morrill,	Thurston,
Caffery,	George,	Nelson,	Vest,
Cameron,	Gorman,	Pasco,	Vilas,
Cannon,	Gray,	Peffer,	Walthall,
Carter,	Hale,	Perkins,	Warren,
Chandler,	Hawley,	Platt,	Wetmore,
Chilton,	Hill,	Pritchard,	White,
Cockrell,	Jones, Ark.	Proctor,	Wolcott.

The VICE-PRESIDENT. Sixty Senators have answered to their names. A quorum is present. The question recurs upon the motion of the Senator from Maine to proceed to the consideration of the conference report indicated by him.

Mr. BACON. Mr. President, as a number of Senators are now present who were not present when this matter came before the Senate at the time the previous vote was taken, I beg leave to again state briefly my reasons for asking that this conference report be not taken up to-day.

Mr. FRYE. My impression is that this question is not debatable. I do not care to intervene, however.

The VICE-PRESIDENT. The Chair will state the motion is not debatable except by unanimous consent. Is there objection to the Senator from Georgia proceeding?

Mr. FRYE. I shall not object to the Senator making his remarks, but I do not want a general debate on this matter.

The VICE-PRESIDENT. The Senator from Georgia will proceed.

Mr. BACON. When this conference report was presented several distinguished Senators, those who are recognized as having as much experience as any other Senators present, suggested that the report be printed. The Senator from Maine objected and asked the Senate to proceed to its immediate consideration. The fact is, as I understand it, that the usual course is to print these reports, and there now lie upon our tables two or three reports of other conference committees which have been printed.

The purpose I have in asking that we do not proceed with the immediate consideration of the report is that the conference committee have agreed to strike out that portion of the bill which relates to the harbor of Brunswick. It is a most important matter, not only to that immediate locality, but to all of the commercial interests of my State. It is a matter of considerable complication; it is a matter which I wish to have the opportunity to present to the Senate; it is a matter which, if improperly determined now, is going to very injuriously affect not only that particular community, but a very large part of the State of Georgia. I do think that it is not an unreasonable request which I make. I had no anticipation up to within a few hours that such would be the case; certainly not until late yesterday afternoon. There is a great deal of matter which I wish to present to the Senate to show the importance of this work. I want to show its feasibility and its practicability, and I want to show that it is to the interest of the country at large that the work should be done. I can not properly do it to-day. If forced to proceed, I must do the best I can.

I have not the papers, I have not anything with which to go before the Senate on this question and contest with the distinguished gentlemen who have had it under consideration and who are entirely familiar with everything upon their side. I have nothing here except such as I can use in the way of recollection of what I have seen and heard and read and know.

Why should this thing be rushed, I want to know? What is the great controlling reason why this bill should have precedence of all other bills? What is the great controlling reason why this Congress has the urgent necessity to break up and rush away from here before it has discharged its duties? Is there any reason? I ask is there anything in the way of emergency which stands above the obligation to properly discharge the duties of this session and to properly dispose of important questions which are before us?

I do think that with this great bill, which we are told has dealt so liberally with all commercial ports and rivers, there should certainly be no haste. It is as important that proper consideration should be given to one interest as to another, and I hope that Senators will extend this courtesy to me personally in order that I may properly present to the Senate the interests which I have the honor here to represent. I can not do it properly to-day.

Mr. FRYE. If the Senate is willing, I will consent that the report shall go over until to-morrow morning, immediately after the reading of the Journal.

Mr. BACON. Meanwhile to be printed?

Mr. FRYE. If Senators desire it to be printed. There is no need of printing it, however, not the slightest.

Mr. BACON. So far as I am personally concerned I care nothing about that part of it, but there are other Senators who do.

Mr. FRYE. I am entirely willing that it shall be printed, only it is a waste of money.

The VICE-PRESIDENT. Will the Senator from Maine indicate his request?

Mr. FRYE. I ask that the conference report on the river and harbor bill may be taken up to-morrow morning, immediately after the reading of the Journal.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. BUTLER subsequently said: Do I understand that the conference report on the river and harbor bill has gone over and is to be printed?

The VICE-PRESIDENT. The conference report will be printed in the RECORD, the Chair will state.

Mr. BUTLER. It is to be printed in the RECORD to-morrow morning?

The VICE-PRESIDENT. It will be so ordered.

Mr. BUTLER. I should like to ask, as it will not delay the matter, that the report shall also be printed in pamphlet form, so that Senators may see exactly what has been done. Nearly every Senator is interested in the bill.

The VICE-PRESIDENT. Does the Senator from North Carolina make that request?

Mr. BUTLER. I make that request.

The VICE-PRESIDENT. Is there objection?

Mr. GORMAN. What is the request?

The VICE-PRESIDENT. That the conference report upon the river and harbor bill be printed as a separate document.

Mr. GORMAN. And in the RECORD also?

The VICE-PRESIDENT. And in the RECORD also. Is there objection? The Chair hears none, and it is so ordered.

The report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20, 36, 38, 48, 49, 67, 69, 73, 74, 75, 80, 83, 104, 118, 126, 138, 139, 142, 157, 158, 160, 172, 207, 208, 222, 223, 250, 251, 333, 385.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 39, 40, 41, 42, 43, 44, 46, 47, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 68, 70, 72, 78, 79, 81, 82, 84, 85, 88, 89, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 108, 112, 113, 114, 115, 116, 117, 119, 120, 121, 122, 123, 124, 125, 127, 129, 131, 133, 134, 135, 140, 141, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 159, 161, 162, 163, 164, 165, 166, 168, 169, 170, 171, 173 (but to be inserted at the end of the item for the Potomac River, instead of that for the Appomattox River, as erroneously printed), 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 200, 201, 202, 203, 205, 206, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 246, 247, 248, 252, 253, 254, 255, 256, 257, 258, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 325, 326, 327, 328, 329, 330, 331, 332, 334, 335, 336, 337, 338, 339, 340, 341, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 377, 378, 379, 380, 381, 382, 384, 387, 388, 389, 390, 391, 392, and agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the language proposed to be inserted insert the following: "*And provided further*, That in making such contracts the Secretary of War shall not obligate the Government to pay in any one fiscal year, beginning July 1, 1897, more than 25 per cent of the whole amount authorized to be expended"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the language stricken out insert the two following paragraphs:

"For the purpose of strengthening and improving the bulkheads and pier along the property belonging to the estate of J. P. Robinson, which abuts on the channel known as Gowanus Creek Channel, the said estate of J. P. Robinson, its heirs, their successors, or assigns, are hereby authorized to construct and maintain the bulkhead distant 30 feet southerly from the present bulkhead line, beginning 470 feet from the southerly side of Bryant street and the easterly side of Court street, and said bulkhead shall then continue westerly parallel with the present bulkhead to a point distant 45 feet from the present easterly line of the pier at present owned by the estate of J. P. Robinson, and extending thence southerly in a straight line distant 45 feet from said pier line to the present bulkhead line continued, a distance of about 305 feet.

"Improving Gowanus Creek Channel, New York, by deepening the same to 26 feet at mean low water, from the foot of Percival street to its junction with the Red Hook Channel, $25,000."

And the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the language stricken out insert the following paragraph:

"Improving harbor at Mamaroneck, N. Y.: Continuing improvement, in accordance with report of Chief of Engineers, 1887, $10,000."

And the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000,000"; and strike out the words "recommended in said"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: Strike out the word "report," proposed to be inserted; and the Senate agree to the same.

Amendments numbered 86 and 87: That the House recede from its disagreement to the amendments of the Senate numbered 86 and 87, and agree to the same with an amendment as follows: In lieu of the sum proposed insert $80,000; and strike out all the remainder of the paragraph, being the proviso, including amendment numbered 87; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: After the word "improvement," in the second line of the paragraph, strike out the word "fifty" and insert seventy-five; and after the word "million," in the seventh line of the paragraph, insert the words "and fifty thousand"; and the Senate agree to the same.

Amendments numbered 107, 108, 109, 110, and 111: That the House recede from its disagreement to the amendments of the Senate numbered 107, 108, 109, 110, and 111, and agree to the same with an amendment as follows: Strike out the entire paragraph and insert in lieu thereof the following paragraph:

"Improving harbor at Manistee, Mich.: Continuing improvement and dredging the interior channel, $15,000; and all moneys heretofore appropriated and now unexpended may be used for dredging such interior channel at the discretion of the Secretary of War. Any limitations on such former appropriations are hereby repealed."

And the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,000,"; and the Senate agree to the same.

Amendment numbered 136: That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: Restore the language proposed to be stricken out, and at the end of it insert the following: "If in the opinion of the Secretary of War the interests of commerce demand such expenditure"; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: From the language proposed to be stricken out except the words "ten thousand dollars"; and the Senate agree to the same.

Amendment numbered 167: That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: In the twelfth line of the language proposed to be inserted strike out the word "but," after the word "Point," and insert in lieu thereof the word "until"; and in the fourteenth line of said proposed language strike out the words "through the Secretary to the next Congress," and insert in lieu thereof the words "to the Secretary of War on the first Monday in December of the current year"; and at the end of the language proposed insert the following:

"And the Secretary of War is hereby authorized to carry out the recommendations of said board, and to modify the present contract, if necessary, and adjust any loss with the contractor occasioned by the provisions of this act, and to pay the same out of the appropriation under which the said contract was made; also to expend the additional sum of $25,000, in his discretion, for such dredging as may be necessary for the maintenance of channels from the mouths of the Appoquinimink River and Blackbird Creek to the channel of the Delaware River through the dike now being constructed from Reedy Island to Liston Point for the improvement of the Delaware."

And the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000"; and the Senate agree to the same.

Amendment numbered 199: That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 204: That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment as follows: Restore the language proposed to be stricken out, and in the next to the last line of the same strike out the word "dams" and insert in lieu thereof the word "locks"; and the Senate agree to the same.

Amendment numbered 245: That the House recede from its disagreement to the amendment of the Senate numbered 245, and agree to the same with an amendment as follows: After the word "war," in the fourth line of the language proposed to be inserted, insert the following: "not exceeding $50,000, or so much thereof as maybe necessary"; and after the word "river," in the following line, strike out the words "such amounts as may be necessary" and insert in lieu thereof the word "and"; and the Senate agree to the same.

Amendment numbered 248: That the House recede from its disagreement to the amendment of the Senate numbered 248, and agree to the same with an amendment as follows: After the word "otherwise," proposed to be inserted, insert the words "not exceeding $50,000, or so much thereof as may be necessary"; and the Senate agree to the same.

Amendment numbered 249: That the House recede from its disagreement to the amendment of the Senate numbered 249, and agree to the same with an amendment as follows: In the language proposed to be inserted strike out the words "such amounts as may be necessary"; and the Senate agree to the same.

Amendment numbered 259: That the House recede from its disagreement to the amendment of the Senate numbered 259, and agree to the same with an amendment as follows: After the word "dollars," at the end of the first proviso, insert the words "exclusive of the amount herein appropriated"; and the Senate agree to the same.

Amendment numbered 260: That the House recede from its disagreement to the amendment of the Senate numbered 260, and agree to the same with an amendment as follows: Before the word "obtaining," next preceding the words proposed to be inserted, insert the word "ultimately"; and the Senate agree to the same.

Amendment numbered 265: That the House recede from its disagreement to the amendment of the Senate numbered 265, and agree to the same with an amendment as follows: Strike out of the language proposed to be inserted all after the word "Commission" and insert in lieu thereof the following:

"For the purpose of improving the channel by preventing erosion of the banks, not exceeding $70,000 at Omaha and Council Bluffs, or so much thereof as may be necessary; at Rocheport, not exceeding $50,000, or so much thereof as may be necessary; at Glasgow, and for protecting the shore line above Glasgow from the foot of Bowling Green Bend to the head of Harrisons Island, not exceeding $80,000, or so much thereof as may be necessary; at Miami, not exceeding $65,000, or so much thereof as may be necessary; at St. Charles, not exceeding $30,000, or so much thereof as may be necessary; at and near the mouth of the Little Blue, in Jackson County, Mo., not exceeding $20,000, or so much thereof as may be necessary; on the banks of the river opposite Leavenworth and Atchison, not exceeding $15,000 at each of said localities, or so much thereof as may be necessary; at Nebraska City, not exceeding $25,000, or so much thereof as may be necessary: *Provided*, That the Commission may also expend such amounts as may be absolutely necessary at any time in the improvement of the channel by preventing erosion of the banks at other harbors and localities on the river."

And the Senate agree to the same.

Amendment numbered 280: That the House recede from its disagreement to the amendment of the Senate numbered 280, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,000"; and strike out all of the proposed language following said sum, being the proviso; and the Senate agree to the same.

Amendment numbered 297: That the House recede from its disagreement to the amendment of the Senate numbered 297, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,000"; strike out all of the first proviso proposed, and strike out the word "further," after the word "*Provided*," in the second proviso; and the Senate agree to the same.

Amendment numbered 303: That the House recede from its disagreement to the amendment of the Senate numbered 303, and agree to the same with an amendment as follows: In lieu of the section proposed to be inserted insert the following:

"SEC. 6. That the Secretary of War is hereby authorized and directed to cause to be made and transmitted to the first session of the Fifty-fifth Congress a compilation giving a complete list of all the preliminary examinations that have heretofore been made, date of report, with a statement as to each, whether favorable or unfavorable for survey; also a complete list of all surveys that have heretofore been made, with a statement as to each, whether favorable for adoption or unfavorable, and date of report, amount recommended for completion and amount recommended for each, to be expended during the fiscal year beginning July 1, 1896, by both the Chief of Engineers and the engineer in charge; also a complete list of all projects now under construction or maintenance, together with the year when adopted, and if modified, when; the total amount expended on each project and estimate of amount required to complete the same, and amount recommended by the Chief of Engineers and by the engineer in charge to be expended during the fiscal year beginning July 1, 1896, the amount appropriated for each project by this act, making reference to the report of the Chief of Engineers, where report of each project is given, together with a statement containing the amount of the unexpended balance to the credit of each project July 1, 1895, whether under construction, work suspended, or appropriation made and work not commenced; also the total amounts appropriated heretofore for the improvement and maintenance of the rivers, and the total amounts heretofore appropriated for the improvement and maintenance of harbors in each river and harbor act; also the total amount of appropriation, by States, for the improvement of rivers and harbors."

And the Senate agree to the same.

Amendment numbered 324: That the House recede from its disagreement to the amendment of the Senate numbered 324, and agree to the same with an amendment as follows: In lieu of the language stricken out insert the following:

"The Secretary of War is hereby directed to cause to be made accurate examinations and estimates of cost of construction of a ship canal, by the most practicable route, wholly within the United States, from the Great Lakes to the navigable waters of the Hudson River, of sufficient capacity to transport the tonnage of the lakes to the sea."

And the Senate agree to the same.

Amendment numbered 360: That the House recede from its disagreement to the amendment of the Senate numbered 360, and agree to the same with an amendment as follows: In lieu of the language proposed to be inserted insert the following:

"Delaware River, with a view to obtaining a channel 600 feet wide and 30 feet deep from a point at or near the city of Philadelphia to the deep water of Delaware Bay."

And the Senate agree to the same.

Amendment numbered 375: That the House recede from its disagreement to the amendment of the Senate numbered 375, and agree to the same with an amendment as follows: In addition to the language proposed insert the following new paragraph:

"Removal of dam in upper Allegheny, near Corydon, and all the dams on the Conewango Creek, and the rapids at or near Waterboro, in the Conewango Creek, a tributary of the Allegheny River."

And the Senate agree to the same.

Amendment numbered 376: That the House recede from its disagreement to the amendment of the Senate numbered 376, and agree to the same with an amendment as follows: After the language proposed to be inserted insert the following paragraph:

"Gowanus Creek, with a view of obtaining a depth of 30 feet at mean low water."

And the Senate agree to the same.

Amendment numbered 383: That the House recede from its disagreement to the amendment of the Senate numbered 383, and agree to the same with an amendment as follows: In the line after the language proposed to be inserted strike out the word "from," before the word "modified," and insert in lieu thereof the word "for"; and the Senate agree to the same.

Amendment numbered 386: That the House recede from its disagreement to the amendment of the Senate numbered 386, and agree to the same with an amendment as follows: After the word "refuge," in the next paragraph but one preceding, insert a new paragraph, as follows:

"Inner harbor at Point Judith Pond."

And the Senate agree to the same.

Amendments numbered 130, 132, and 342: The committee of conference have been unable to agree on the amendments of the Senate numbered 130, 132, and 342.

WM. P. FRYE,
M. S. QUAY,
G. G. VEST,
Managers on the part of the Senate.

W. B. HOOKER,
BINGER HERMANN,
T. C. CATCHINGS,
Managers on the part of the House.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS. I move that the Senate proceed to the consideration of the bill (H. R. 8109) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The motion was agreed to.

Mr. BUTLER. Will the Senator from California yield to me to give a notice?

Mr. PERKINS. Certainly.

REGULATION OF BOND ISSUES.

Mr. BUTLER. The fortifications appropriation bill is now before the Senate. I gave notice several times that I should call up the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress. I have given way on account of privileged questions before the body, the Du Pont case and various appropriation bills. The other day I gave another notice that immediately after the conclusion of the appropriation bill for the District of Columbia I should call up this bill for consideration and final action.

Mr. ALDRICH. What is the bill?

Mr. BUTLER. To prevent the further issue of bonds without the consent of Congress, in about those words. The bill is two lines long, but very important.

I intended under that notice to call up the bill this morning. The Chair has recognized the Senator from California [Mr. PERKINS], and he has called up the appropriation bill. I dislike to move to displace it, because I understand there are several Senators who are interested in the fortifications bill who agree with me; but I feel that I have given way in this matter, which is very important, long enough. I certainly consider that the fortification of the Treasury of the country is more important than the fortifications referred to in the fortifications bill. We certainly should stop the drain upon our Treasury, with nothing to show for it, before we make defenses against a foreign enemy when there is no enemy in sight.

The newspapers tell us that over a million dollars in gold went out yesterday. We all know that another issue of bonds is just ahead of us if we do not stop this proceeding, and not only an issue of bonds, but an issue of bonds without the consent of Congress—without Congress being consulted as to how they shall be issued, to whom they shall issue, at what price, and for what purpose. There is nothing before the people more important than this question. It is the duty of Congress to take up the constitutional right which, without any constitutional warrant, it has surrendered. I feel it is more important than the fortifications bill, but I will give way now and give another notice. Immediately after the conclusion of the fortifications bill I will ask the Senate to take up the bill I refer to. I suppose the appropriation bill will be disposed of to-day. I ask the Senator from California whether it will not be?

Mr. PERKINS. Probably. It ought not to take more than two hours, but of course I do not speak advisedly in that respect.

Mr. BUTLER. Then, at the conclusion of the fortifications bill I shall move and insist, and I will not give way if an appropriation bill comes up unless the Senate by a vote so decides (and there is no appropriation bill before the Senate except this one, because the next bill is still before the committee and has not been reported), that the Senate take up the bill (S. 1341) to prevent the further issuance of interest-bearing bonds without the consent of Congress.

TRIAL FOR CONTEMPT OF COURT.

Mr. HILL. I give notice that at the first lull in the consideration of appropriation bills I shall move to take up the bill (S. 2964) in relation to contempts of court.

MANUFACTURE AND SALE OF FILLED CHEESE.

Mr. SHERMAN. I take this opportunity to give notice that after the fortifications bill is disposed of I will ask the attention of the Senate, if possible, to what is called the filled-cheese bill.

Mr. VEST. The minority of the committee had leave the other day to file a minority report in the case, and I have been endeavoring to get time to prepare it, but I have been a conferee on the river and harbor bill all the time, and I have actually not had the time or the strength to do the work.

Mr. SHERMAN. I will state to the Senator from Missouri that the majority of the committee did not write out a report. They have taken the report of the House committee and will no doubt use it as their own report.

Mr. VEST. I so understand.

Mr. SHERMAN. But if the Senator from Missouri wants any reasonable time there is no objection to granting it. I think it is important, however, to have the matter disposed of as soon as possible—in a day or two—and I will postpone the notice. I do not want to take advantage of anybody.

Mr. VEST. I shall not be prepared to have the bill taken up to-morrow, I will tell the Senator from Ohio, for I have not had time to examine the papers that came from the other House, which are quite voluminous—the testimony taken there and the report of the committee of the House. It is an important question.

Mr. SHERMAN. The Senator has no desire to object to the bill being taken up?

Mr. VEST. Not at all. I merely want time to look into it. I have been so engaged that I could not do it. One or two of my colleagues have spoken to me about the report and have asked me to prepare it, and I have had to say to them, as I now state publicly, that I have actually not had the time to do so.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4368) to increase the pension of Joseph J. Hudson;

A bill (H. R. 4720) granting an increase of pension to Isaac H. Whetsel, of Louisville, Ky.; and

A bill (H. R. 6483) granting increase of pension to Thomas D. Walker.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 1837) granting a pension to Ellen C. Ewing, widow of Bvt. Maj. Gen. Thomas Ewing;

A bill (H. R. 270) changing the time of holding terms of the circuit and district courts of the United States in the northern district of California;

A bill (H. R. 3013) to amend section 4131 of the Revised Statutes of the United States, to improve the merchant marine engineer service and thereby also to increase the efficiency of the Naval Reserve, and for other purposes;

A bill (H. R. 4179) to amend section 3719 of the Revised Statutes, relative to guaranties on proposals for naval supplies;

A bill (H. R. 4324) authorizing the Secretary of the Navy to deliver one condemned cannon to the city of Elmwood, Peoria County, Ill., and for other purposes;

A bill (H. R. 4452) to amend section 416 of the Revised Statutes of the United States relating to the District of Columbia;

A bill (H. R. 5217) making one year's residence in a Territory a prerequisite to obtaining a divorce there;

A bill (H. R. 5226) to give increased pension to Gen. James C. Parrott;

A bill (H. R. 5379) making it unlawful to shoot at or into any locomotive or car, or at any person thereon, or to throw any rock or other missile at or into any locomotive or car in the Indian Territory, and for other purposes;

A bill (H. R. 7285) for the relief of George McFarland;

A bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation, in said State, as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes;

A bill (H. R. 8260) to authorize the establishment of a life-saving station at Port Huron, on the coast of Lake Huron, Michigan;

A bill (H. R. 8590) granting to the Denver, Cripple Creek and Southwestern Railroad Company a right of way through the South Platte and Plum Creek forest reserves, in the State of Colorado; and

A bill (H. R. 9030) declaring a certain bridge across the Tallahatchie River, in Tallahatchie County, State of Mississippi, a lawful structure, and for other purposes.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS. Now let the appropriation bill be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8109) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. PERKINS. I ask that the formal reading of the bill be dispensed with, and that the committee amendments be acted upon as they are reached in the reading of the bill.

The VICE-PRESIDENT. Without objection, it will be so ordered.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the head of "Gun and mortar batteries," on page 1, line 9, before the word "dollars," to strike out "$1,885,000" and insert "$5,000,000"; and in the same line, after the word "dollars," to strike out:

Provided, That contracts may be entered into, under the direction of the Secretary of War, for materials for construction of fortifications, to be paid for as appropriations may from time to time be made by law, to an additional sum, in the aggregate not to exceed $3,375,000.

So as to make the clause read:

Gun and mortar batteries: For construction of fortifications, $5,000,000.

Mr. GORMAN. I wish to call the attention of the Senate, so that it may understand precisely what we are doing with this provision, to the fact that as the bill came from the other House it appropriated $1,885,000 for the construction of gun and mortar batteries, and authorized contracts to be made for a sum aggregating not to exceed $3,375,000. The committee recommend striking out the provision for contracts and appropriating a round sum of $5,000,000 on this account. It will unquestionably be a saving to the Government to have a direct appropriation made, and it will greatly facilitate the work. At the same time it will not embarrass the Treasury to any greater extent than the provision as it came from the other House, and because of that fact I for one have agreed to the amendment.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 2, to increase the appropriation for sites for fortifications and seacoast defenses from $250,000 to $500,000.

The amendment was agreed to.

The next amendment was, under the head of "Armament of fortifications," on page 3, line 4, after the word "caliber," to strike out "and forgings for one type 16-inch gun"; and in line 8, before the word "thousand," to strike out "three hundred and thirty-two" and insert "ninety"; so as to make the clause read:

Oil-tempered and annealed steel for high-power coast-defense guns of 8-inch, 10-inch, and 12-inch caliber, in quality and dimensions conforming to specifications, subject to inspection at each stage of manufacture, and including all parts of each caliber, $1,090,038:

Mr. PERKINS. I will state, in explanation of the amendment proposed in this clause, that the committee, after hearing the testimony of the Chief of Ordnance and the Chief of Engineers, United States Army, decided that it would be expedient to defer the building of the 16-inch gun until some later period. The estimated cost of the forging is $115,000. The Chief of Ordnance, after reviewing the estimates for the forgings which are necessary for the construction of these guns of various caliber, decided that he could reduce the figure $127,000, which he did, making the total reduction $242,000, reducing the amount from $1,332,038 to $1,090,038.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 3, line 9, after the word "dollars," to insert the following proviso:

Provided, That no contract for oil-tempered and annealed steel for high-power coast-defense guns and mortars shall be made at a price exceeding 24 cents per pound.

Mr. GORMAN. I wish to call attention to this proviso. It is a very important one. Heretofore the Secretary of War and the Secretary of the Navy have been authorized to make contracts for the purchase of tempered annealed steel for all purposes, for the purpose of manufacturing guns as well as for armor and ships and so on. To the naval appropriation bill the Naval Affairs Committee reported an amendment limiting the amount which was to be paid for armor, and limiting it, I think, to a point where possibly we will not be able to procure any first-class armor.

In this case it appears, as Senators will find in the copy of the hearing, that we have paid heretofore for steel for the manufacture of these guns, beginning in 1889, 30¼ cents a pound. In 1895 the price went down to 27.3 cents. Now, the committee propose an amendment prohibiting a contract being made for a price exceeding 24 cents a pound, which I think is very liberal. So far as I am concerned, with the best information I could get, I would have limited the cost of it to 22 cents a pound. But strange to say, we could not get any information from the Department which showed the cost of the like character of steel in any other country during last year. It is due to the officers to say that they were somewhat disinclined to have any limitation whatever upon the price.

I merely wish to call the attention of the Senate to what is being done in this matter. I think it is a liberal provision. As I said a moment ago, I should be prepared to reduce the amount to 22 cents a pound.

Mr. PERKINS. I simply desire to supplement that which has been so well stated by the Senator from Maryland [Mr. GORMAN] that we absolutely had no official data whereby we might limit the cost of producing the forgings of these guns. It is a secret, so to speak, which the manufacturers do not give to the public. But we ascertained the fact that when the guns were manufactured in years gone by at a cost of 30 cents per pound for the steel forgings delivered to our Government, and later at 27.3 cents average cost, the steel billets or steel ingots were worth from thirty to thirty-five dollars per ton. At the present time ingot steel is selling as low as $17 a ton. Labor is from 10 to 15 per cent less. Therefore the reduction which we have made, from 27.3 to 24 cents per pound, is about 12½ per cent, while the reduction in the cost of the raw material, in pig iron and Bessemer steel and also in labor, has averaged fully 17½ per cent.

The committee believed that in making this reduction the Department would be able to secure the guns forged at this price or even perhaps at a lower figure. We therefore trust that the amendment proposed by the committee will meet the approval of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of

the Committee on Appropriations was, on page 4, line 1, after the word "million," to strike out "eight hundred and ninety-six thousand two hundred" and insert "six hundred and fifty-five thousand"; and in line 5, after the word "fortifications," to strike out "up to March 1" and insert "for the fiscal year"; so as to make the clause read:

In all, $3,655,076: *Provided*, That the following sums, which are estimated to meet the necessary expenditures for the aforementioned objects under armament of fortifications for the fiscal year 1897, are hereby appropriated, namely:

Mr. PERKINS. I will state, in explanation of the amendment, that the bill as it came from the other House only provided for an expenditure of money up to the 1st of March. It has been the custom of Congress heretofore to make appropriations for the fiscal year ending June 30. The committee believed we should not depart from that well-established custom and usage of Congress. They therefore asked the Chief of Engineers and the Chief of Ordnance to make an estimate of the amount required for the four months from March 1 to July 1. This is an increase for that period of time. Had we not done this, when Congress shall convene next December it would be necessary for us to supply the deficiency. We believed it better to dispose of it at this time. The committee were unanimous, and we trust their views will meet the approval of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 4, line 9, after the word "10-inch," to insert "and"; in the same line, after the word "12-inch," to strike out "and 16-inch"; and in line 13, before the word "thousand," to strike out "four hundred and ninety" and insert "eight hundred and fifty"; so as to make the clause read:

For oil-tempered and annealed steel for high-power coast-defense guns of 8-inch, 10-inch, and 12-inch caliber, in quality and dimensions conforming to specifications, subject to inspection at each stage of manufacture, and including all parts of each caliber, $850,000.

The amendment was agreed to.

The next amendment was, on page 4, line 15, to increase the appropriation for carriages for mounting seacoast guns of 8-inch, 10-inch, and 12-inch caliber from $680,000 to $875,000.

The amendment was agreed to.

The next amendment was, on page 4, line 18, to increase the appropriation for steel breech-loading mortars of 12-inch caliber from $216,000 to $426,000.

The amendment was agreed to.

The next amendment was, on page 4, line 21, to increase the appropriation for carriages for mounting steel mortars of 12-inch caliber from $168,000 to $250,000.

The amendment was agreed to.

The next amendment was, on page 5, line 2, to increase the total appropriation for necessary expenditures in armament of fortifications from $1,729,000 to $2,576,000.

The amendment was agreed to.

The next amendment was, on page 5, line 14, to increase the appropriation for 8, 10, and 12 inch guns manufactured by contract under the provisions of the fortifications acts approved August 18, 1890, and February 24, 1891, from $497,449 to $1,000,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 24, to insert:

For machine guns, including $15,000 for purchase of machine guns of approved musket caliber, of American manufacture, $85,000.

The amendment was agreed to.

The next amendment was, on page 7, line 11, before the word "dollars," to strike out "sixty-six thousand five hundred" and insert "fifty thousand"; so as to make the clause read:

For projectiles, including shrapnel, for issue to the service, $50,000.

The amendment was agreed to.

The next amendment was, on page 7, line 20, after the word "dollars," to insert:

And the ordnance storekeeper now on duty in Washington as disbursing officer and assistant to the Chief of Ordnance, United States Army, shall hereafter have the rank of major.

The amendment was agreed to.

The next amendment was, on page 10, line 10, to increase the appropriation to enable the Board of Ordnance and Fortification to make all needful and proper purchases, experiments, and tests, etc., from $100,000 to $150,000.

The amendment was agreed to.

The next amendment was, at the top of page 11, to insert:

To enable the Board of Ordnance and Fortification to procure and test one 10-inch counterpoise carriage of the type patented by Commodore J. A. Howell, United States Navy, the Secretary of War is hereby authorized and directed to contract with the licensee of said Howell patents for said carriage, without advertising, which shall be constructed according to the plans and specifications prepared by said J. A. Howell, and said carriage shall be capable of an all-round fire, and the details of said plan may be modified, changed, and improved in the discretion of the contractors: *Provided*, That the 10-inch carriage herein authorized to be contracted for shall be subjected to the same tests that the Buffington-Crozier 10-inch carriage will be subjected to with respect to ease of maneuvering, rapidity of firing, of traversing, and raising to the firing position, and that it shall operate to the satisfaction of the Board of Ordnance and Fortification before payment is made therefor; and the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated for the purchase of said Howell 10-inch carriage, including the erection of foundations and platform, the expense incident to its mounting, and the ammunition for its test.

Mr. PERKINS. I offer in behalf of the committee an amendment to the amendment. I move to strike out, in lines 15, 16, and 17, "and that it shall operate to the satisfaction of the Board of Ordnance and Fortification before payment is made therefor" and insert after the words "for its test," at the end of the paragraph, the words:

Eighty-five per cent of the amount herein appropriated shall be paid in partial payments as the work progresses, and the remainder upon the completion and test of said carriage by the Board of Ordnance and Fortification and the work found to be done according to contract.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 11, after line 22, to insert:

That in the act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, approved February 16, 1892, the paragraph beginning with the words "Of the $110,000" and providing for terms of payment for the 12-inch elevating gun carriage to be contracted for with A. H. Emery under the provisions of said act be, and is hereby, amended to read as follows:

"Of the $110,000 to be paid for the carriage and its foundation, 85 per cent shall be paid in partial payments as the work progresses, in accordance with the proposals submitted by A. H. Emery to the Board in his letter of January 21, 1893; and no bond shall be required for the return of this money if the carriage is not accepted, nor shall the said Emery be required to return the money paid, and the carriage shall belong to the United States when the tests are completed. The balance of the $110,000 shall be paid as soon as the test is completed and the work found to be done according to contract. Of the $20,000 to be paid for the testing of the carriage, three-eighths shall be paid the contractor when the preliminary tests are completed, and the other five-eighths shall be paid to him proportionally as the 50 rounds for proof are furnished. And the Secretary of War is hereby authorized and directed to enter into a supplemental contract with the contractor for this carriage for the supply by him of a loading apparatus to go with and belong to the carriage and to be furnished therewith as a part thereof; and the carriage shall be so constructed that a part of the work of recoil can be used for the horizontal traverse of the carriage and the working of the loading apparatus; and the payment for the work so furnished under this supplementary contract shall be $20,000, which sum shall be due and payable when the carriage is erected, to make which payment the sum of $30,000 is hereby appropriated."

The amendment was agreed to.

The next amendment was, on page 13, after line 11, to insert:

To enable the Board of Ordnance and Fortification to procure and test one 8-inch caliber high-power gun and one sample 12-inch steel mortar, cast in one piece, on the plan of R. J. Gatling; and the Secretary of War is hereby authorized and directed to contract with said Gatling for said gun and mortar without advertising, which gun and mortar shall be constructed according to the plans and specifications prepared by said Gatling and under his supervision, and to be subjected to the same test now applied to the built-up gun and mortar of the same caliber, and the sum of $65,000 is hereby appropriated to pay for said gun and mortar, and in the following proportions: Fifty thousand dollars for said gun and $15,000 for said mortar, of which sums 85 per cent shall be paid in partial payments as the work progresses, in accordance with the contract to be entered into between the Secretary of War and the said Gatling, and the remainder upon the completion and test of said gun and mortar: *Provided*, That before said contract is entered into the plans and specifications for said gun and mortar shall be deposited with the Secretary of War, which plans and specifications may be modified, in the discretion of said Gatling, from time to time as the work progresses.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. GORMAN. I gave notice when we had the naval appropriation bill under consideration that in view of the condition of the Treasury I should propose an amendment to this bill providing for the issue of 3 per cent certificates to pay the indebtedness of the Government as it may be due from time to time. I desire to have now read an amendment which I propose as an additional section to the bill.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Add as an additional section the following:

SEC. —. That in order to provide the moneys not supplied from current revenues and miscellaneous receipts, and necessary for the execution of this act and necessary for the execution of any act, or all the other acts passed or to be passed during the present Congress appropriating money to be paid out of the Treasury for the fiscal year ending June 30, 1897, and also in order to provide the moneys necessary to be paid out of the Treasury on account of appropriations heretofore made for the fiscal years ending June 30, 1894, June 30, 1895, and June 30, 1896, and not covered into the Treasury, the Secretary of the Treasury, with the approval of the President, be, and is hereby, authorized to, from time to time, borrow on the credit of the United States such sums of money as may be necessary to meet said expenditures, and to issue, sell, and dispose of, at not less than par, for lawful money of the United States, such an amount of certificates of indebtedness, payable to the bearer, of the denominations of twenty, fifty, and one hundred dollars, or any multiple of $100 not exceeding $1,000, as may be needed for said purposes, bearing interest at the rate of not exceeding 3 per cent per annum, payable semiannually, and redeemable at the pleasure of the United States after three years from their date; and the Secretary of the Treasury is hereby authorized, with the approbation of the President, to cause such portion of said certificates as may be deemed expedient to be issued by the Treasurer in payment of warrants in favor of public creditors, or other persons lawfully entitled to payment, who may choose to receive such certificates in payment at par.

And the Secretary of the Treasury may, in his discretion, under rules and regulations to be prescribed by him, sell and dispose of the certificates herein

authorized at designated depositories of the United States and at such postoffices as he may select; and the Secretary shall use the moneys received for such certificates for the purposes herein prescribed, and for none other: *Provided*, That the total amount of such certificates shall not exceed $100,000,000.

The PRESIDING OFFICER. The question is on the adoption of the amendment submitted by the Senator from Maryland.

Mr. ALLEN. Mr. President——

Mr. MILLS. I raise the point of order on the amendment.

Mr. GORMAN. I wish to say a few words. I have not yielded the floor. Senators will have ample time to make all the points against the amendment that they desire.

Mr. MILLS. Very well.

Mr. GORMAN. Mr. President, I do not intend to detain the Senate five minutes in this matter. I have heretofore stated very fully my views upon the condition of the Treasury. I have called the attention of the Senate to the recommendation of the Secretary of the Treasury asking that this identical provision might be made to enable him to provide for any deficiency. I have attempted to show, and I think I have shown, that with the appropriations which we have made and which we are making, with the bills pending before Congress which are likely to become laws, if the executive department carries out the will of Congress and disburses the amounts appropriated there will be a shortage in the Treasury before July, 1897.

I feel that I have discharged my full duty, Mr. President, as a Senator in calling the attention of the Senate to these facts. I am perfectly well aware that we on this side of the Chamber are not responsible for the result of the legislation. I have submitted the amendment to the committee of this body in charge of the appropriations. The majority of that committee did not vote for the amendment. Therefore it comes before the Senate now simply as my individual proposition. A single objection or a point of order, which three or four of my friends are ready to make at once, will, of course, exclude it from consideration. The Senate may determine this question as it sees proper, and each of us must take our responsibility for the result that in my judgment is bound to follow.

Mr. MILLS. Mr. President——

Mr. ALLEN. I make the point of order against the amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mr. MILLS. I made the point of order against the amendment. I only wish to submit a few remarks. It is very true, as the Senator from Maryland [Mr. GORMAN] has stated, that our deficiency is growing, and that we shall not be able to meet the necessary expenditures of the Government unless some measures are adopted by which to get more money into the Treasury.

But, Mr. President, the measures contemplated by the Constitution, and the only legitimate ones, are measures of taxation. Congress is still in session, and it is the duty of Congress before it adjourns to provide for the raising of sufficient revenues to support the administration of the Government. It was never contemplated by its founders or by any of those who have followed its founders in the administration of the Government that it was to be supported by borrowing money and paying interest on it. If an exigency should arise when it is not possible to have Congress in session, there might be a law authorizing the issue of noninterest-bearing Treasury notes to tide over a contingency of that kind, but no excuse of that sort now exists. We are here, both branches of Congress, with the power of taxation in our hands, and we ought not to leave the capital of the nation with a Treasury in the condition it is in without making provision to raise a sufficient revenue to support its administration. But I am unalterably opposed to borrowing money and paying interest on it in order that it may be expended in carrying out the necessary measures of administration.

Mr. SHERMAN. Mr. President, the proposition now made is an extremely important one, suddenly brought to the attention of the Senate. I think we ought to have a quorum. I wish to say something upon it. I do not think that any Senator ought to be absent when a proposition is made to increase the public debt a hundred million dollars. I therefore suggest the want of a quorum.

The PRESIDING OFFICER. The want of a quorum being suggested, the Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Chandler,	Hawley,	Sherman,
Allen,	Chilton,	Kyle,	Shoup,
Allison,	Clark,	Lodge,	Smith,
Bacon,	Cockrell,	Martin,	Stewart,
Baker,	Daniel,	Mills,	Teller,
Bate,	Dubois,	Pasco,	Thurston,
Berry,	Faulkner,	Peffer,	Vest,
Blackburn,	Frye,	Perkins,	Viles,
Brown,	Gallinger,	Pettigrew,	Walthall,
Butler,	Gear,	Platt,	Warren,
Caffery,	George,	Pritchard,	Wetmore,
Cameron,	Gorman,	Proctor,	White,
Cannon,	Gray,	Pugh,	Wilson,
Carter,	Harris,	Quay,	Wolcott.

The PRESIDING OFFICER. Fifty-six Senators having responded to their names, a quorum of the Senate is present. The question is on the adoption of the amendment proposed by the Senator from Maryland [Mr. GORMAN], upon which a point of order has been made by the Senator from Texas [Mr. MILLS]. The Chair is ready to rule upon the point of order. Does the Senator from Ohio desire to speak to the point of order?

Mr. SHERMAN. I will waive what I have to say until after the point of order has been settled.

The PRESIDING OFFICER. The amendment being a proposition to provide money to carry out the appropriations contained in the bill, it is the opinion of the Chair that the amendment is in order.

Mr. MILLS. I appeal from the decision of the Chair.

The PRESIDING OFFICER. The Senator from Texas appeals from the decision of the Chair. The question before the Senate is, Shall the decision of the Chair stand as the judgment of the Senate? Upon that question the Chair recognizes the Senator from Ohio.

Mr. SHERMAN. Mr. President, I doubt whether in the history of the United States such a proposition as this has ever been made to meet current deficiencies in a time of profound peace. Here is a proposition to issue not exceeding $100,000,000 of 3 per cent certificates to be issued merely to meet current expenditures made by the two Houses of Congress at a time when the Government of the United States is amply able to pay enough money collected by taxes to meet the current expenses. There is no question about that. I could name, and so could any Senator here name, items upon which a reasonable tax could be levied that would cover all the manifold appropriations made by the present Congress. The idea of issuing $100,000,000 of certificates to be paid within three years to meet these deficiencies is, as I said, unexampled in the history of our country.

It seems to me that we have arrived at a time and that we are in a position when Senators, laying aside all party influences or all party divisions, should make provision in the ordinary way by an increase of taxation for the expenses of the Government. The condition of affairs which now confronts us comes from the absolute want of sufficient revenue to carry on the Government under the existing law, under the law which was only recently passed, and which has been tried, and under which there have been accruing deficiencies occurring every hour, every day, and every year since its passage.

The failure of Congress to furnish sufficient revenue to carry on the Government led to a political revolution in this country only a year or two ago, which brought into the House of Representatives a two-thirds majority of a party opposed to the existing law, which was a warning from the people of the United States that they would not be content to support and live under a law the operations of which would every year increase the public debt.

When the House of Representatives convened it passed a bill the terms of which I do not care to discuss, for I do not approve of that bill in many of its details nor in the general proposition on which it is founded, and yet the House of Representatives did feel it to be its duty among the first acts of the present Congress to pass a bill which, in my judgment, would supply sufficient money to prevent the deficiencies which have accrued and are accruing day by day. Perhaps that bill does not go far enough; it does not go so far as I should like to have it go. According to the statement of the Treasury Department, if that bill had become a law it would have yielded additional revenue to the amount of forty or fifty million dollars, and the appropriations already made by Congress show very clearly that the present law will create a deficiency of at least $50,000,000 a year, and even the measure sent to us by the House of Representatives would probably not create revenue enough to fill that vacuum.

That bill was sent to the Committee on Finance of the Senate, where both political parties were fairly represented. By the Constitution the House of Representatives is the proper forum in which should be originated all measures of taxation. The Senate of the United States has no right to originate a bill creating taxes, but such bills must originate with the representatives of the people. All we can do with such a bill is to amend it according to our judgment to meet the exigencies of the occasion.

Sir, there is no remedy for insufficient revenue except to levy taxes sufficient to meet the expenses of the Government, and a Congress would be cowardly that would neglect this duty. But instead of providing for taxation and providing for the payment of debts, the Senate neglected to act. No such occasion as that had ever before arisen in the history of our country. The House of Representatives have sent us a bill which has met a harsh and decisive refusal in this Senate Chamber. Instead of taking up that bill and amending it, either by increasing taxes or diminishing or changing them in some way, a political measure was proposed, a measure which had no connection whatever with the question of taxation—that is, a measure for the free coinage of silver was thrust upon that bill, the whole of the bill was stricken

out, and provision made for the free coinage of silver as a substitute. That would not have provided additional revenue. The silver on hand could not have been paid out for that purpose, because every silver dollar in the Treasury is now represented by an outstanding debt of the Government of the United States, and the public faith is pledged on every silver certificate that there shall be a dollar in the Treasury of the United States to cover it and provide for the payment of that silver certificate, and yet the proposition which was adopted here hastily in the Senate would have violated the express obligation of the Government of the United States, which is printed on every silver certificate now outstanding. We have no more right to take that money pledged for the redemption of the silver certificates to pay the current liabilities of our Government than we have to take any other fund which is sacredly pledged for another purpose, and yet that was proposed to be done.

It seems to me in the Senate of the United States we have come to that condition where the two great parties in this country should solve this question without regard to any minor considerations. It does seem to me now that the House bill is still pending in the Senate. True, it has been practically defeated for the time being by a rider providing for the free coinage of silver, but there is no difficulty whatever in our taking up that bill, going over its details, withdrawing the amendment which has been proposed, which defeats the whole bill, and then making provision in that bill for sufficient revenues to carry on the Government.

I am willing to take that bill as it came to us from the House, and if it is not sufficient to supply the necessary revenues, let us add a tax on tea, a tax on coffee, or a tax on anything; for, as I said on a former occasion, I would vote for a tax on anything; I would take the last shirt off the backs of the people of the United States rather than to violate the public faith of the Government.

We have ample resources. Our country is rich beyond expression. Every member of this body knows that a bill can be framed which will supply all the deficiencies produced by enormous appropriations. The condition in which we are now placed ought to teach the Senate a lesson that they can not increase appropriations without providing money to meet them. When appropriation bills come to us from the House of Representatives they are uniformly increased here and large additions are made to all of them in many details. We have no right to do this. We have no right to impose obligations upon the people of the United States unless we also impose upon them the burden of taxation so as to meet those obligations.

It seems to me that it is simple and clear that the Senate, freed from all party bias or party feeling, should take up the bill sent to us by the House of Representatives, a bill which comes from the proper authority to create taxation, and enlarge the sphere of the taxation proposed by that bill, and, if you please, add to it other items. If there are any provisions in that bill which are so obnoxious to a majority of this body that they will not consent to them, let them be stricken out, and if the other House has not taken the proper subjects of taxation, let us take the proper subjects of taxation.

We have only the right to propose amendments to prevent the House of Representatives from passing unreasonable bills or imposing unreasonable taxation. We have no right to originate tax bills, as I have said before. If every Senator here will discard his sense of party obligation and will meet the duty of the hour to provide revenue to meet these various expenses, such a bill can be passed in two or three days. There can be no difficulty about it. The appropriations that we are now making do not commence until the 1st of July. Before the 1st of July, and even before the 1st of June, we could pass legislation which would relieve us from all the danger of deficiencies hereafter.

Sir, that should be done; the Congress of the United States should perform its duty in this respect. I have faith in the President of the United States, although he belongs to a party very different from my own. Although I do not sympathize with him in his political opinions, if I were in his place I would do as I think he will do, namely, refuse to spend one dollar of these sums which are appropriated here if there is not sufficient money in the Treasury for the purpose. The appropriations are merely permissive. They are merely authority to the executive department to use so much money for such and such objects, and the President is not bound to expend the money if he has it not, nor ought we to undertake to issue notes, certificates of deposit, of credit, certifying to our inability to pay the current expenses of the Government.

Sir, we are not so poor as that. The people of the United States were never so rich as they are now; they were never better able to bear taxation; and the public voice of our countrymen will be in favor of paying as we go; not borrowing money to meet ordinary current liabilities, but raising the money by taxation, which may be easily levied in the form of tariff duties.

I, therefore, am perfectly willing to take up that bill as it was referred to the Committee on Finance of this body as it stood before the riders had been put upon it, and then make ample provision to meet all the expenses authorized by the laws of Congress.

Unless you do that, our country will be practically embarrassed, will be practically bankrupt by expending more money than its income, and borrowing money to meet the ordinary current expenses of the Government, a position of shame and degradation which I believe that no country in Europe, not even the feblest, would allow itself to be placed in. In the Parliament of Great Britain they would not allow a single increase of expenditures without providing some necessary taxation to meet them; and they would know precisely the amount of the expenditure over or under the taxation provided for by the proposed law.

Therefore it seems to me that not only this point of order should be sustained, but from the very fact that the question is presented in this form of no appropriation or no taxation, or the issue of more paper money, more certificates, I think it is far better for us at once to go back to the proper position and make provision for these accruing appropriations. I should myself like it to be understood that the bill which is still pending before the Senate may be taken up, and then that we shall proceed in the ordinary way to make such additional provisions as are necessary, beyond the possibility of doubt, to cover all expenditures.

Why, sir, from the close of the war until the beginning of this Administration there never was an hour or a day or a year when the revenues did not exceed the expenditures. Only at the end of one year during that time did that amount fall to $2,000,000; but during every other year from 1865 to 1893 there was a surplus of revenue, the surplus during that period exceeding the sum of $1,700,000,000, and the lowest during any one year was $2,000,000; and now, at a time when the people of the United States are as flourishing as ever they were, when we have untold riches piling up around us and our country is growing with marvelous rapidity—more rapidly than any country in the world has ever grown before—for us to propose to expend large sums of money, and to issue in a single year certificates of $100,000,000 indebtedness, it seems to me is a shame and a reproach, not so much to those who offer such propositions as to those who have made it necessary to apply such remedies.

I do not wish to say anything more about this matter, but I say I would tear up every appropriation bill pending in this Senate and refuse to appropriate the money rather than issue $100,000,000 of certificates of indebtedness in a single year.

Mr. GORMAN. Mr. President, I am somewhat surprised at the opening statement of the distinguished Senator from Ohio [Mr. SHERMAN], "that this is a most extraordinary provision" which I have offered, "one never before heard of in legislation." The memory of the Senator from Ohio is defective. Less than four years ago, when the party to which the distinguished Senator belongs was in power, during the last year of President Harrison's Administration, the Senator from Ohio, speaking for the great Committee on Finance, of which he is a prominent member, reported to this Senate, and actually obtained its adoption on an appropriation bill, a provision almost identical with the one which I have offered except as to the amount. His proposition provided for the issue of $50,000,000 of short-term bonds, to meet a deficiency in the Treasury under that Administration.

Mr. SHERMAN. The Senator is entirely mistaken. At the very time of which he speaks, at the close of President Harrison's Administration, there was a surplus in the Treasury. The 3 per cent bonds then proposed by the Committee on Finance were not to meet deficiencies. There were no deficiencies up to the close of that Administration. That provision was for the purpose of reducing the rate of interest on bonds which were issued for the protection of the resumption fund, and for nothing else.

Mr. GORMAN. Mr. President, again the Senator is at fault. The then Secretary of the Treasury, Mr. Foster, a distinguished resident of the State of Ohio, came before a committee of Congress and said that it was necessary for him to have an increased amount of money to meet the current expenses of the Government. On the face of the reports made then, as now, there was an insignificant balance in that year of about $2,000,000; but the fact confronted the Secretary of the Treasury then, as it does now, that after the passage of the McKinley law, the law which the party of the Senator from Ohio threatens the country with again, that law did not furnish enough revenue to pay the current expenses of the Government, and the only way in which a balance could be shown was by the Treasury Department refusing to expend the amount appropriated by Congress in 1891, 1892, 1893, and 1894, to the extent of $296,868,547.41. This amount included the sinking fund; but after deducting the amount due the sinking fund for those years there still remained unexpended balances of about $189,000,000. It was before the Presidential election of 1892, before the country knew that the Democratic party was to succeed, that that shortage occurred. It was not officially presented to Congress, because the executive branch did not believe it was wise to present it to the country pending that Presidential election. The accounts then, as now, did not show the entire indebtedness of the Government. I say there can be no question

about this fact. I have before me the statement made by Mr. Foster himself before a committee of the other House, where he appealed to them for aid. The following inquiry was put to him by a member of the Committee on Ways and Means, Mr. TURNER:

Taking into consideration all these conditions which you anticipate, what in your judgment would be a fair conjecture of the condition of the Treasury at the end of the next fiscal year?

Mr. GEORGE. What is the date of that?

Mr. GORMAN. I will give it to the Senator. It was February 25, 1893, before the inauguration of Mr. Cleveland. The Democratic party had not touched this question at that time.

This was the reply of Mr. Foster:

Secretary FOSTER. I should say the next fiscal year would show a deficit.

Mr. SHERMAN. That was the next fiscal year, which commenced on the 1st of July, 1893?

Mr. GORMAN. Yes, Mr. President; but that was under the McKinley law and under the operations of the Treasury Department when it was in the hands of the Republican party, the President and the Senate being under their control. The Democratic party had nothing whatever to do with it. Here is more of Mr. Foster's testimony:

Mr. TURNER. Can you give an approximate estimate according to all the data accessible to you?

Secretary FOSTER. I will only say this, that if I was to have the management of the Treasury I should insist upon an increase of revenue to the extent of $50,000,000.

Mr. TURNER. In order to meet those conditions which you anticipate?

Secretary FOSTER. Not only those conditions, but the gold conditions as well.

* * * * * * *

Secretary Foster was asked by Mr. Wilson:

Did I understand you to express a general opinion awhile ago that in addition to the present sources of revenue the revenues of the Treasury Department ought to be advanced $50,000,000 more a year?

Secretary FOSTER. Yes, sir.

Mr. MCMILLIN. Would you make that for one year or a permanent increase of revenue?

Secretary FOSTER. As things are going now a permanent revenue, for two reasons. I would increase the gold reserve at least $25,000,000 if I had the money to do it with.

Mr. TURNER. But your answer just now seemed to contemplate an annual increase?

Secretary FOSTER. I think an annual increase of $50,000,000 would make the Treasury easy, and if I were going to manage it I would want to have it.

The response to that request from the then Secretary of the Treasury was the action of the Senator from Ohio placing upon an appropriation bill, as I now propose to do, $50,000,000—to do what? To pay the current expenses of the Treasury; to pay amounts which the Government owed, and only incidentally to protect the gold reserve. Mr. President, there can be no question as to this fact.

Mr. SHERMAN. Will the Senator allow me to interrupt him?

The PRESIDING OFFICER (Mr. BACON in the chair). Does the Senator from Maryland yield to the Senator from Ohio?

Mr. GORMAN. Certainly.

Mr. SHERMAN. What Secretary Foster said was absolutely true.

Mr. GORMAN. Yes.

Mr. SHERMAN. But it was not to meet deficiencies in the current expenses; it was to maintain the sinking fund and also to maintain the fund for the resumption of specie payment. The sinking fund is expressly stipulated for, and the $50,000,000 alluded to by Mr. Foster, as shown over and over again by his statement, is to cover the sinking fund. The sinking fund had fallen until the surplus, in July following the incoming of Mr. Cleveland, was still in excess of our expenditures $2,000,000, but the sinking-fund provision had not been complied with.

Mr. GORMAN. Mr. President, the sinking fund had never been taken into account at all by Mr. Foster in this matter. He paid on the sinking fund in 1891 $44,006,111.37, and in 1892 he paid $37,574,179.98.

Mr. SHERMAN. Yes.

Mr. GORMAN. Leaving a balance of $5,071,190 in 1891 and $11,488,934.34 in 1892; and from that day to this there has been scarcely anything paid upon the sinking fund. It was not the sinking fund for which he wanted the money, but he wanted the money to pay the appropriations which had been made by Congress.

I will insert at this point the following table as to the sinking fund:

SINKING FUND.

Fiscal year—	Annual requirement.	Annual application.	Balance.
1885	$47,393,186.83	$45,604,035.43	$1,789,151.40
1886	44,872,710.64	44,551,043.36	321,667.28
1887	46,537,849.00	47,903,248.15	*1,365,398.55
1888	46,818,149.18	43,732,950.00	3,085,199.18
1889	47,804,172.99	39,066,173.35	8,737,999.64
1890	48,321,127.76	39,847,839.50	8,473,288.26
1891	49,067,301.37	44,006,111.37	5,071,190.00
1892	49,063,114.32	37,574,179.98	11,488,934.34
1893	48,712,683.86	6,708,744.50	42,003,942.36
1894	48,704,283.02	221,587.20	48,482,695.82
1895	49,571,338.15	1,136,366.43	48,434,971.72

* In excess of requirement.

Mr. President, during the Administration of President Harrison we appropriated nearly $300,000,000 more than the whole revenues of the Government derived from the McKinley law. The fact remains that the deficit goes back, and during President Harrison's Administration your McKinley law cut the revenue down $50,000,000 a year, and your appropriations increased nearly $75,000,000. The actual payments by the Treasury during 1891, 1892, 1893, and 1894 were in excess of receipts $119,219,213.72.

Mr. SHERMAN. Still we had a surplus of $2,341,000 on the 1st of July, 1893.

Mr. GORMAN. Yes, and you left unpaid when President Harrison went out of office $189,000,000, the greater part of which had to be paid under this Administration.

I desire to be entirely fair about this matter, and I will say that, following the advice of the Senator from Ohio, Secretary Foster and his predecessor and Secretary Carlisle have acted as the Senator from Ohio says they ought to act, as patriotic men, and when they have not money to pay the debts of the Government they should refuse to expend money appropriated. That is what has been done under your Administration, and it is precisely what is occurring under this Administration.

Now, in order to meet the obligations of the Government and no longer to make its creditors wait for their money, I propose that they shall have 3 per cent certificates, so that they may pay current expenses and avoid in future, if we can, the use of long-term bonds bearing a high rate of interest.

Mr. SHERMAN. I have before me a table taken from the last statement of Secretary Carlisle, which shows that in 1893 the receipts of the Government were $385,000,000—I leave the odd numbers out—and the total expenditures were $383,000,000, leaving a surplus on hand of $2,341,000, which goes to show that at that time the expenditures of the Government were paid and there was still left this balance of $2,000,000 after the McKinley law went into operation.

Mr. GORMAN. To what year does the Senator refer?

Mr. SHERMAN. The year 1893.

Mr. GORMAN. Ending in 1893?

Mr. SHERMAN. The fiscal year ending June 30.

Mr. GORMAN. June 30, 1893.

Mr. SHERMAN. Yes. At the end of that year, which was four months after Mr. Cleveland became President of the United States, the excess of revenue over expenditures was $2,341,674.

Mr. GORMAN. That was a book account.

Mr. SHERMAN. Another remark which the Senator makes is that this amount did not cover outstanding liabilities. It did more than cover all outstanding liabilities, for in the next year, when the Senator says they paid $100,000,000, the expenditures were only $356,000,000.

Mr. GORMAN. At the end of the year 1893, to which the Senator refers, in which he says there was a balance of $3,000,000——

Mr. SHERMAN. Two million dollars.

Mr. GORMAN. There was due the sinking fund that year $42,003,942.36. In addition to the great amounts which had been appropriated by Congress during the whole of Mr. Harrison's Administration, besides the sinking fund, there were unadjusted claims against the Treasury which, if they had been paid, would have required nearly $200,000,000.

Mr. TELLER. Will the Senator from Maryland allow me to make a suggestion to him?

Mr. GORMAN. Yes.

Mr. TELLER. I suggest that in the month of October, 1892, there was a deficiency. The expenditures for that month were more than the revenues. The same was true of the months of November, December, and February following. For the four months preceding the 1st day of March, 1893, there was a deficiency of over $4,000,000, commencing with October.

Mr. SHERMAN. In other words, the moment Mr. Cleveland was elected the deficiencies commenced.

Mr. TELLER. I would suggest that they began before Mr. Cleveland was elected. They began in October, and he was not elected until November.

Mr. GORMAN. Mr. President, let us see what further Mr. Foster says about this matter. Mr. Cleveland was not then President. This was in February, 1893. Mr. Wilson asked Mr. Foster this question:

Mr. WILSON. Did I understand you to express a general opinion awhile ago that in addition to the present sources of revenue the revenues of the Treasury Department ought to be advanced $50,000,000 more a year?

This was under the McKinley law.

Secretary FOSTER. Yes, sir.

Mr. MCMILLIN. Would you make that for one year or a permanent increase of revenue?

Secretary FOSTER. As things are going now a permanent revenue, for two reasons. I would increase the gold reserve at least $25,000,000 if I had the money to do it with.

Mr. TURNER. But your answer just now seemed to contemplate an annual increase?

Secretary FOSTER. I think an annual increase of $50,000,000 would make the Treasury easy, and if I were going to manage it I would want to have it.

There is no sinking fund referred to here, and yet Secretary Foster wanted $50,000,000 of revenue more than he had; and the Senator from Ohio and the Republican Finance Committee of this body and this Senate voted to give $50,000,000 of short-term low-interest bonds to meet this deficiency, because it was impossible at that time to pass a revenue bill increasing taxation.

The Senator from Ohio and the Senator from Iowa [Mr. ALLISON] and all those in charge on the other side of the Chamber held at that time that it was improper, that is to say, it was outside of the intention of Congress in the passage of the act of 1875, authorizing the issue of those bonds to keep up the gold reserve, to use the proceeds of the bonds for current expenses of the Treasury. Everybody on both sides of the Chamber desired to avoid that, and it was because of the shortage of revenue, stated by the Secretary of the Treasury at $50,000,000, and to prevent the use of the proceeds of the sales of 4 and 5 percents, that we placed that provision in the bill.

I append a table showing the unexpended balances of appropriations, exclusive of the sinking fund and Indian trust funds, from 1885 to 1895, inclusive:

Unexpended balances of appropriations, exclusive of sinking fund and Indian trust funds, at close of years 1885 to 1895.

Fiscal year—	Civil establishment.	Military establishment.	Naval establishment.	Indians.	Pensions.	Total.
1885	$22,725,925.28	$10,248,855.65	$4,602,270.73	$1,573,564.64	$21,787,167.17	$60,937,783.47
1886	20,726,016.11	6,793,214.49	6,495,358.54	1,690,085.96	23,954,659.69	59,659,314.79
1887	26,416,191.85	15,714,848.36	20,916,771.55	1,848,164.87	4,088,915.54	68,984,892.17
1888	22,501,707.83	9,624,377.90	17,876,717.89	2,065,937.68	6,800,802.09	59,259,543.39
1889	32,020,109.14	27,479,872.42	27,190,292.24	5,618,950.00	7,401,883.96	99,711,087.76
1890	29,622,850.01	16,242,476.64	18,760,979.27	2,185,923.45	896,614.44	67,708,843.81
1891	38,818,366.67	40,405,305.69	19,574,603.53	9,320,808.27	3,924,627.48	112,043,711.64
1892	28,098,207.45	26,491,821.05	22,760,731.74	7,261,324.88	11,596,316.84	96,208,401.96
1893	30,429,419.56	47,835,964.49	16,981,232.48	4,268,213.56	4,459,261.96	104,074,092.07
1894	24,020,969.74	26,260,678.90	7,253,161.21	4,027,054.90	28,057,409.97	89,619,274.72
1895	26,655,142.12	39,208,700.22	9,123,145.89	5,311,618.29	35,986,519.71	116,285,126.23

Now it comes, in the course of time, when the Democratic party is in power; and I frankly admit, as I have before, and I think as the Senator from Ohio and those who agree with him on the other side should admit, that neither the McKinley Act nor the bill we recently passed produces revenue enough to meet the expenditures that Congress has directed the Executive to make. Both sides should admit these stubborn facts. It is the manly way, in my judgment, to meet this case. It is a deficiency. It occurred with you because you placed your rates so high as to prohibit the importation to a great extent. It has occurred with us because we have placed the duties possibly too low or placed too many items upon the free list. It has occurred with us because of a most extraordinary decision of the Supreme Court of the United States eliminating from our revenues from thirty to fifty million dollars that would have accrued under the income-tax provisions.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Ohio?

Mr. GORMAN. I do.

Mr. SHERMAN. The Senator from Maryland charges a deficiency of revenue to the McKinley Act, and yet the Democratic party, the moment it came into power, reduced largely the revenue derived from imported goods by an act I believe they would be very glad to get rid of.

Mr. MILLS. Does the Senator from Ohio mean it reduced revenue or reduced duties?

Mr. SHERMAN. If we were responsible for passing a bill which left a surplus of only $2,000,000 a year, they have passed a bill which creates a deficiency of from thirty to fifty million dollars a year. That is the difference.

Mr. GORMAN. I am trying to deal with this question from the present condition. Therefore I was amazed at the distinguished Senator from Ohio opposing any proposition looking to the relief of the Treasury. The Republican party, as I have tried to show, by the McKinley Act and by the appropriations made when you were in power in another branch of Congress, aided to bring about this condition of affairs. The present law is inefficient, I admit. We want to meet the condition and apply the remedy. The Senator from Ohio talks of the McKinley Act and what it produced. During the first twelve months of its existence it produced $371,932,536.81. The present act during the last twelve months produced $320,379,654.66. I submit a statement giving the details of the receipts under the two acts for certain specified periods:

Receipts under the McKinley and the Wilson tariff acts.

Under the McKinley tariff act:		
During the first twelve months		$371,932,536.81
During the last twelve months		316,061,069.01
Under the Wilson tariff act:		
Receipts from Sept. 1, 1894, to June 30, 1895	$237,038,627.57	
Receipts for July, 1895	29,069,697.89	
Receipts for August, 1895	28,952,696.70	
Total during first twelve months		295,061,022.16
Receipts during last twelve months		320,379,654.66

If there had not been stricken from the Wilson Act the provision known as the income-tax law, that act with its present rates would have produced more revenue than the McKinley Act. No man will question that who will look at the Treasury figures. That was a matter which Congress could not control. But now the condition confronts us. What shall we do? You will have appropriated at the present Congress, when we shall have finished, $520,000,000 for the next fiscal year, besides your contracts of from seventy to eighty million dollars. I have not the exact figures now, because the bills are in process of passage through both Houses of Congress, but it is safe to say the direct appropriations and the obligations will be $600,000,000.

What is to be done? Can you by any method of taxation meet that deficit? It seems impossible. What do you desire to do? To spend the money that is in the Treasury which came from the sale of 4 and 5 per cent bonds? That will follow unless the executive branch of the Government will go to a greater extent than ever heretofore by simply thwarting the will of Congress and refusing to expend the money you have directed them to spend.

I propose by the amendment not to use a dollar of 4 per cent or 5 per cent long-term bonds, but to issue short-term certificates in 20s, 50s, and 100s, and to put them on sale at post-offices designated by the Secretary of the Treasury, or to pay them out for the current expenses. They would not be legal tenders, but any creditor of the Government would be glad to have them. The taxpayers would be delighted, in my judgment, to see such short-term certificates issued, redeemable in one or two or three years, as Congress may provide, so that when we shall have revenue enough they may be taken up and not remain a mortgage upon their industries for the next twenty years.

The Senator from Ohio says meet it by taxation. I once before suggested to the Senator and to the Senate that the bill that came here to increase taxation satisfied nobody; that it never was intended to pass. The authors of it, its sponsors and supporters, knew that it never could become a law.

Mr. GRAY. It would not have produced the revenue if it had become a law.

Mr. GORMAN. And if it had become a law I do not believe it would have produced revenue enough to meet the requirements of the Government.

The Senator from Ohio and his friends on the other side of the Chamber know perfectly well that a bill which comes here to increase the prohibitory rates in the McKinley Act never can have the support of any Democrat. It can not now, but I suggest to the Senator from Ohio that if he and his party are in earnest to relieve the Treasury let us agree to do three things. Let us repeal that provision of the present revenue law which piles up claims on account of alcohol to the extent of a million or a million and a half a month; that nobody defends; that got in by an accident by way of an amendment offered from the other side of the Chamber that is incapable of being executed. It only embarrasses the Government. Let us save the Government $15,000,000 a year by repealing that provision. Then let us put a tax upon tea, which everybody should agree to; a revenue duty of 10 cents a pound, which will bring in $20,000,000 a year without adding to taxation a single cent. Let us place a duty upon coffee, which will not increase the cost to the consumer anything. With those three items we would give the Treasury from thirty to forty million dollars a year and would save these claims of twelve or fifteen million dollars a year.

Now, if the Senator from Ohio will agree to a nonpartisan proposition as this is, one that does not trench upon the Republican idea of high protection or interfere with the Democratic idea of low taxation, we can unite, in my judgment, or at least I will be glad to unite with him to relieve the Treasury. If you will do that, with this provision which I propose, to be used only in case of emergency, used as the Secretary of the Treasury in his annual report says he ought to have the power in case of emergency, the Treasury will be in condition to meet any ordinary demands.

* In excess of requirement.

Secretary Foster. Funds are in the Treasury easy, and if I were going to manage it I would want to have it.

Look at it, Mr. President. From the day the McKinley Act went into operation and the bill known as the Sherman silver law was put upon the statute book down to this gold has ceased coming in from customs duties, the revenues have run down, the expenditures have increased, and whenever the balances have been at a low ebb there have been raids on the Treasury for its gold, and more bonds have been sold. When the Treasury has been strong, as it is now, the gold reserve is apparently safe, and there is no demand for the redemption of greenbacks.

I call upon Senators on the other side of the Chamber to pass some act for the relief of the Treasury. The distinguished Senator from Ohio, if we are to believe newspaper reports, is soon to be the great premier leading another Administration which is pledged to prohibitory duties, which is pledged to protection until it excludes; whose party in this Congress seems to be pledged to vote all the money that can be put into appropriation bills, a party of high protection, of extravagance in expenditures. I call upon Senators on the other side to make some effective provision that will make it unnecessary to sell more long-term bonds.

Mr. President, I have no more interest in these matters than any other Senator upon this floor; but I have had only one view of my duty, and that is to vote for sufficient revenue to pay the current expenses of the Government. When we have found a deficiency in that regard I have advocated a reduction in the expenditures. I have been unalterably opposed to the issue of bonds to pay the current expenses in time of peace. I have labored to the best of my ability in that direction. But so far as cutting down expenditures is concerned I admit I have failed.

The appropriations stand to-day greater than ever before. If the present Congress adjourns without making provision for the Treasury, whether by taxation or by some such provision, the responsibility must be with those who control legislation in both branches of Congress. If you attempt to escape by telling us that we voted against the revenue bill as it came here from the House of Representatives, I say, "Yes; we voted against it." We are prepared to go to the country upon that vote. It is a bill which does not satisfy Senators on the other side of the Chamber. The distinguished Senator from Montana [Mr. CARTER] has rendered the country a service by the manly speech he made exposing the bill. It is unfair in its structure. It would not produce revenue. It was drawn to antagonize the Democratic thought, and I am delighted to know that it antagonized the liberal Republicans who want fair dealing in the matter of taxation.

Mr. STEWART. Mr. President, I like the amendment of the Senator from Maryland [Mr. GORMAN] with a slight modification. We have in the Treasury impounded something over $100,000,000 of current money, mostly greenbacks, which is doing the world no good. It is a surplus. The country is suffering for the use of that surplus, and I wish the Senator from Maryland would modify his amendment so as to issue $100,000,000 of greenbacks to take the place of the $100,000,000 of greenbacks that are impounded, unlawfully as I contend. That would do something toward relieving the country. But I am opposed to borrowing money and paying interest on it for the purpose of producing contraction and hard times.

I am totally at variance with the Senator from Ohio [Mr. SHERMAN] in his assertion that this country is rich and better able to pay taxes than ever before. Never in the history of this country has it been so difficult for the people to pay taxes as it is to-day. Never in the history of this country were bankruptcies increasing as they are now. Read Bradstreet's report for the last three months, and it presents an alarming situation as to bankrupts, suicides, insane people, criminals, tramps—everything indicating distress in the country.

That we are on the road to bankruptcy is to me as clear as day. We are traveling the road that Turkey traveled before she reached the goal of insolvency. We are in the tracks of Spain while she was spending her patrimony. We are following the example of bankrupt Italy. We are agreeing to deliver gold when we have not the gold to deliver. We are borrowing gold to pay interest on obligations as those nations did. It will be but a short time before we are in the same situation. We are issuing bonds not, they say, to carry on the Government, not for the purpose of raising revenue, but there are two things to be accomplished by the issuance of bonds. One is more debt, more taxation, more inability to pay. The other is less circulation, more hoarding. There ought to be some way to get that money out of the Treasury. I know of no way except by liberal appropriations. Now is the time to pass your appropriation bills to relieve the country, and put $150,000,000 of idle money into circulation. We have no other way of doing it.

But to those who think that we are not on the road to bankruptcy let me point to the situation. Our fixed annual foreign obligations are estimated, at the lowest figure, at $400,000,000. We are not selling enough of our commodities all told to pay for what we buy abroad. We did not do so during the last year. How are we to meet the fixed obligations annually? By more debt. The Government is borrowing money to pay its portion of these obligations and to supply gold to the gold gamblers. Private corporations are borrowing money. We are piling up this debt annually, and no man points out any legislation whereby the people of the United States can get out of this difficulty. The Senator from Ohio says more taxation. Will putting more money in the Treasury relieve us of our foreign obligations? On the contrary, it will make it more difficult to pay existing obligations, because there will be less money in circulation with which to do business. If you retire the greenbacks and Treasury notes as suggested, if you buy them with interest-bearing bonds, it will increase your gold obligations, if you pay in gold. It will not diminish them. If the gold standard is to be maintained there will be $15,000,000 more a year. The Government has no means of obtaining gold unless it legislates to send gold to a premium, for whenever the Government of the United States demands gold in payment of taxes instead of other money, gold will be at a premium. When you demand gold for customs duties gold will go to a premium. When you did it once before you sent gold to a premium the very next day. You will do it now if you make the discrimination. Everybody knows it.

The Government has no means of getting gold except by borrowing it. If the Government is relieved of redeeming greenbacks by converting them into gold obligations, into bonds, it will have to borrow money to pay interest on the gold obligations which are out. Then how are individuals to get gold if they can not get it from the Treasury? How are the corporations, who have unfortunately entered into gold obligations, to get gold? They have foreign obligations. The Government of the United States has none. But they have entered into those obligations. The gold can not be got out of the Treasury. Individuals must raise it, and they will have to pay a premium on it. The only way to maintain the gold standard is to refuse to pay. Bankruptcy is the only way to maintain it, for whenever you struggle to get it you will send gold to a premium.

When the Government of the United States ceases to sell bonds, when it can do that no longer, gold will go to a premium. If it shifts the responsibility on the people, if it sells no more bonds, it will be compelled to demand its revenue in gold, and gold will go to a premium. If there is no means of going to the Treasury for gold, if the credit of the Government can no longer be pledged for that, individuals who owe gold must have it. How will they get it? By buying it at a premium or they will repudiate their obligations. The only way that the gold standard can be maintained is by universal bankruptcy. You must refuse to pay. When the Government ceases to sell bonds to buy gold, and if citizens buy gold to pay gold obligations, gold will then go to a premium. The gold standard means bankruptcy. Bankruptcy is the only way it can be maintained. The struggle to keep up the gold standard will send gold to a premium. If that struggle ceases, then we have bankruptcy. That is what the gold standard means. That is what it meant in all other countries. That is what it meant in Italy, in Spain, in Austria, in the Turkish Empire. Gold standard means repudiation. There is no doubt about that, and here we are higgling about getting the money out of the Treasury in order to give the people some relief.

If my friend the Senator from Maryland would put out greenbacks to take the place of the greenbacks retired, so as to let business revive in this country, he would do a great deal of good. I hope he will modify his amendment to that extent. But I wish to reiterate my remark that the gold standard can not be maintained in this country without bankruptcy, for the attempt to get gold to pay our gold obligations will send gold to a premium. There is not gold enough to go around. It is impossible for us to get it. Where is it? It is pooled.

They say there are four thousand million dollars of gold in the world; that seven or eight hundred million dollars of it are in Asia; that $500,000,000 of it are in Russia's war chest; that $150,000,000 of it are in the reserves of Austria, and that $900,000,000 of it are in France. You can not get it from France, because France takes care of her people by paying in silver as well as gold, and gives them an ample circulating medium to do business. She secures the balance of trade and accumulates gold. You can not get it from her for that reason and for another. If you attempt to export it, France will pay in silver. You can not get it away from Germany, because she will pay in silver. You can not get it from England, because she is paying a bounty for gold.

Where, then, will you get the gold? They say there is $600,000,000 in this country. There is probably $400,000,000. The $100,000,000 you have in the Treasury is the result of your borrowing, and it will stay there until somebody wants it. We are the only country in the world that borrows money for the benefit of all the world, for the benefit of gold gamblers. We do that and pay interest on borrowed money. To maintain the gold standard for a debtor nation, in debt as we are now and going in debt year after year at a geometrical ratio, is impossible.

The fact that the money of the world is pooled is recognized by all. We daily see in the newspapers threats. They say if

William McKinley will not declare himself for the gold standard they will make times tight; that the banks will make times tight during the Republican convention. They will break some more of our fellows. They talk about making times hard and easy with as much flippancy as anybody ever did. It is common talk that they will squeeze the community. They have the gold pooled, and they laugh and talk about the calamity to the country. Your real estate in this country is not worth 33⅓ cents on the dollar at sheriff's sale of what it was worth thirty years ago. Your farmers are living on closer rations, scrimping and eking out a miserable existence as never before in this country. Business is paralyzed. The country is full of tramps, and the money is being hoarded in the Treasury, and there is objection to making appropriations to get out the money and let the people have the use of it.

I am for appropriations. I am for this appropriation, and much perhaps for the same purpose, to get the money out of the Treasury; but if my friend the Senator from Maryland will rise to the occasion and say that the people of this country shall not be strangled in their business, but we will put out $100,000,000 of greenbacks to take the place of the greenbacks unlawfully impounded, we will relieve the country. It would not be so aggravating if there were any law for impounding the greenbacks. There is no law for it. It is done without authority of law. We owe no gold obligations except the gold certificates for which the money is in the Treasury. Every dollar the Government owes is payable in either gold or silver. Still the present Administration and the Republican party declare that silver shall not be used as money. They say it is not good money for the creditor, that he shall have his option.

The silver in the Treasury is doing no duty, it is paying no debts. It might as well be lead; it might as well be iron; it is not money. You have $1,100,000,000 of paper and silver out and no gold with which to redeem it except to rely upon the precarious business of borrowing it from foreigners, and loading up the debt. You will not pay out the silver that is in the Treasury. Let the Administration declare that the silver in the Treasury is money by law and it will be paid for all coming obligations; that the silver bullion will be coined that is there. Then $50,000,000 will be covered into the Treasury. Let them declare that they will comply with the law and there will be no more raids on the Treasury. Then the gold gamblers would not come to us any more than they go to France or Germany. They would not come to the Treasury now if the Administration did not connive with them and give to them the option reserved by the Government for the benefit of the people.

Never in all history was a people ever so robbed and wronged as by the raids on the Treasury for gold when there was an ample supply of silver, which these raiders would not take and which, if they would take, there would be no disturbance at all. If the Treasury Department had executed the laws there would not have been a word said and the country would now be prosperous. But the Administration says that the silver in the Treasury is not fit to pay debts with, that the only basis we have for our circulation is what gold we can borrow, and it continues to borrow money for the benefit of gold gamblers and to tie up the money in the Treasury and keep it from the people. While this policy is pursued times will grow worse and worse. It seems to me that it is the object of the ruling classes to make times worse and worse, the people poorer and poorer, hoping that the time will soon arrive when resistance to tyranny will be impossible and the people will be reduced to serfdom. I do not believe that that can be done in this country. It has been done in other countries, I know, but the transition from prosperity to degradation is too rapid, and I believe the people of our country will arouse themselves before it is too late.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the decision of the Senate?

Mr. MILLS. Mr. President, I withdraw the appeal from the decision of the Chair and move to lay the amendment on the table.

The PRESIDING OFFICER. The appeal is withdrawn. It is moved by the Senator from Texas to lay the pending amendment on the table.

Mr. MILLS. On that question I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON]. If he were present, I should vote "yea."

Mr. GEORGE (when his name was called). I am paired with the Senator from Oregon [Mr. MCBRIDE].

Mr. MARTIN (when his name was called). I am paired with the Senator from Montana [Mr. MANTLE]. If he were present, I should vote "yea."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "yea."

Mr. GALLINGER (when Mr. PROCTOR's name was called). I have been requested by the Senator from Vermont [Mr. PROCTOR] to announce that he is paired with the Senator from Florida [Mr. CALL].

While I am on my feet I will announce a pair between the Senator from North Dakota [Mr. HANSBROUGH] and the Senator from Illinois [Mr. PALMER], both of whom are absent from the city.

Mr. QUAY (when his name was called). I have a general pair with the Senator from Alabama [Mr. MORGAN]. If he were present, I should vote "yea."

Mr. PUGH. So would he.

Mr. QUAY. Then I will vote. I vote "yea."

Mr. SHOUP (when his name was called). I have a general pair with the Senator from California [Mr. WHITE].

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "yea."

Mr. WOLCOTT (when his name was called). I am paired with the Senator from Ohio [Mr. BRICE]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. PASCO. I am paired with the Senator from Washington [Mr. WILSON]. I transfer that pair to the Senator from South Carolina [Mr. IRBY] and vote "yea."

Mr. BLACKBURN. I am paired with the senior Senator from Michigan [Mr. MCMILLAN]. I am not advised as to how he would vote. I withhold my vote.

Mr. FAULKNER. I am paired with the Senator from West Virginia [Mr. ELKINS]. I transfer my pair to the Senator from Indiana [Mr. VOORHEES] and vote "yea."

Mr. TURPIE. I inquire whether the senior Senator from Minnesota [Mr. DAVIS] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. TURPIE. I withhold my vote, being paired with that Senator.

Mr. SHOUP. I observe that the Senator from California [Mr. WHITE] is present, and I wish to record my vote. I vote "yea."

Mr. WETMORE (after having voted in the affirmative). I inquire if the Senator from Georgia [Mr. BACON] has voted?

The PRESIDING OEFICER. He has not voted.

Mr. WETMORE. I withdraw my vote. If he were present, I should vote "yea."

Mr. VILAS (after having voted in the negative). I voted inadvertently. I am paired generally with the Senator from Oregon [Mr. MITCHELL]. I suggest to the Senator from Rhode Island [Mr. WETMORE] that we might exchange our pairs, in which case I can let my vote stand and he will have an opportunity to vote.

Mr. WETMORE. Very well. I vote "yea."

Mr. MCBRIDE. My colleague [Mr. MITCHELL] is absent from the Chamber on account of illness in his family. He is paired, as has been announced, with the senior Senator from Wisconsin [Mr. VILAS]. If present, my colleague would vote "yea."

The result was announced—yeas 42, nays 9; as follows:

YEAS—42.

Allen,	Chandler,	Lodge,	Sewell,
Allison,	Chilton,	McBride,	Sherman,
Baker,	Clark,	Mills,	Shoup,
Bate,	Cullom,	Nelson,	Squire,
Berry,	Dubois,	Pasco,	Stewart,
Burrows,	Faulkner,	Peffer,	Teller,
Butler,	Gallinger,	Perkins,	Vest,
Caffery,	Hawley,	Pettigrew,	Walthall,
Cameron,	Jones, Ark.	Platt,	Wetmore.
Cannon,	Kyle,	Pugh,	
Carter,	Lindsay,	Quay,	

NAYS—9.

Cockrell,	Gorman,	Hill,	Smith,
Daniel,	Gray,	Mitchell, Wis.	Vilas.
Frye,			

NOT VOTING—38.

Aldrich,	George,	Mantle,	Thurston,
Bacon,	Gibson,	Martin,	Tillman,
Blackburn,	Gordon,	Mitchell, Oreg.	Turpie,
Blanchard,	Hale,	Morgan,	Voorhees,
Brice,	Hansbrough,	Morrill,	Warren,
Brown,	Harris,	Murphy,	White,
Call,	Hoar,	Palmer,	Wilson,
Davis,	Irby,	Pritchard,	Wolcott.
Elkins,	Jones, Nev.	Proctor,	
Gear,	McMillan,	Roach,	

So the amendment was laid on the table.

The PRESIDING OFFICER. The bill is still as in Committee of the Whole and open to amendment.

Mr. PEFFER. Mr. President, I desire to offer an amendment. I voted to lay the last amendment upon the table for the reason that I am opposed to increasing our interest-bearing debt. But inasmuch as nearly three years ago we stopped the coinage of silver, and also stopped the manufacture of all new money by that legislative action, and therefore, by reason of an increase in population and business, we are constantly having a relative contraction of currency, I think we ought to make the debt created by this bill

payable in Treasury notes. It would have two good effects. One is that it would certainly effect the payment of the debt, and the other is that it would give the people that much more currency. I move that the amendment I offer be inserted at the proper place. I have not a copy of the bill by me, but let the amendment follow the amount of money appropriated, whatever it is.

The PRESIDING OFFICER. The amendment proposed by the Senator from Kansas will be read.

The SECRETARY. It is proposed to add to the bill:

Payable in Treasury notes to be issued by the Secretary of the Treasury from time to time as they shall be required.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas.

Mr. PEFFER. I do not care to discuss the amendment at all, and so far as I know no friend of the amendment does propose to discuss it, but I am anxious to see how the Senate feels about it.

The PRESIDING OFFICER. The Chair inquires of the Senator from Kansas to what particular appropriation in the bill he desires his amendment applied?

Mr. PEFFER. Where the Senator from Maryland proposed to insert his amendment.

The PRESIDING OFFICER. On page 16, at the end of the bill, the clause reads as follows:

For one-half of said sum, to be supplied by the United States, $3,425.

Mr. PEFFER. No; there is a specific sum appropriated somewhere.

The PRESIDING OFFICER. The last appropriation in the bill, the Senator will notice, is a specific sum of one-half of $3,425.

Mr. GORMAN. Let the amendment be read again.

The SECRETARY. It is proposed to insert the following:

Payable in Treasury notes to be issued by the Secretary of the Treasury from time to time as they shall be required.

Mr. ALLEN. I desire the attention of the Senator from Kansas a moment. I suggest the propriety of modifying the amendment so that it shall read "that all appropriations made under this bill" or "by virtue of this bill" shall be payable in legal-tender notes.

Mr. PEFFER. I will accept the suggestion of the Senator from Nebraska.

The PRESIDING OFFICER. The amendment as modified will be read.

Mr. GORMAN. I suggest that the amendment be inserted at the end of the bill.

Mr. ALLEN. Let it be inserted at the end of the bill.

Mr. BLACKBURN. Let the amendment be read.

Mr. PEFFER. That will do. I thought there was a specific sum appropriated by the bill, and I desired my amendment to be inserted immediately after the amount stated.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

Mr. ALLEN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KYLE. I have not heard the amendment read yet.

The PRESIDING OFFICER. The amendment will be again read.

The SECRETARY. Add to the bill the following proviso:

Provided, That all appropriations made in this bill shall be payable in Treasury notes to be issued by the Secretary of the Treasury from time to time as they shall be required.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment of the Senator from Kansas [Mr. PEFFER].

The Secretary proceeded to call the roll; and Mr. ALDRICH answered "nay."

Mr. TURPIE. Mr. President, I call for the reading of the amendment.

Mr. ALDRICH. It is too late.

The PRESIDING OFFICER. The Chair informs the Senator from Indiana that a name has been called and a response has been recorded at the desk.

Mr. GEORGE. I should like to hear the proposition read which we are to vote upon.

Mr. GORMAN. I ask unanimous consent that the amendment may be again read.

The PRESIDING OFFICER. By unanimous consent, the roll call will be discontinued. The amendment will be again read.

The SECRETARY. At the end of the bill insert the following proviso:

Provided, That all appropriations made in this bill shall be payable in Treasury notes to be issued by the Secretary of the Treasury from time to time as shall be required.

Mr. HILL. Mr. President——

Mr. ALLEN. The question is not debatable pending the roll call. I rise to a point of order.

The PRESIDING OFFICER. The Senator from Nebraska will state his point of order.

Mr. ALLEN. The roll call had been begun and one response had been made.

The PRESIDING OFFICER. By unanimous consent the roll call was discontinued.

Mr. ALLEN. By unanimous consent the roll call was discontinued at the request of the Senator from Indiana [Mr. TURPIE] to permit the reading of the amendment, and no further.

The PRESIDING OFFICER. The Senator from Nebraska is mistaken. The Chair understood the Senator from Indiana to request that the question be divided. It is in order to call for a division of the question, if the Senator from Indiana desires to do so. Will the Senator from Indiana indicate how he desires to have the amendment divided?

Mr. TURPIE. I did not ask for a division of the question; I simply asked to have the amendment read.

Mr. LINDSAY. Mr. President, I desire to make the point of order that the amendment is new legislation.

Mr. PEFFER. I submit that it is too late to raise a point of order.

The PRESIDING OFFICER. The Chair thinks that the point of order is made too late. The roll call will be resumed.

The Secretary resumed the calling of the roll.

Mr. BLACKBURN (when his name was called). I am paired with the senior Senator from Michigan [Mr. MCMILLAN]. I do not know how he would vote if present.

Mr. BURROWS. I think my colleague would vote "nay."

Mr. BLACKBURN. Then I will withhold my vote. If he were present, I should vote "yea."

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON]. If he were present, I should vote "nay."

Mr. GALLINGER (when Mr. HANSBROUGH's name was called). I again announce the pair of the Senator from North Dakota [Mr. HANSBROUGH] with the Senator from Illinois [Mr. PALMER].

Mr. MARTIN (when his name was called). I am paired with the Senator from Montana [Mr. MANTLE]. If he were present, I should vote "nay."

Mr. PASCO (when his name was called). I make the same transfer of my pair as before and vote "nay."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "nay."

Mr. GALLINGER (when Mr. PROCTOR's name was called). I desire to again announce the pair of the Senator from Vermont [Mr. PROCTOR] with the Senator from Florida [Mr. CALL].

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR]. If he were present, he would vote "nay" and I should vote "yea."

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN]. If he were present, I should vote "nay."

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "nay."

Mr. TURPIE (when his name was called). I am paired generally with the senior Senator from Minnesota [Mr. DAVIS]. As he is absent, I withhold my vote.

Mr. WOLCOTT (when his name was called). I am paired with the Senator from Ohio [Mr. BRICE].

The roll call was concluded.

Mr. FAULKNER (after having voted in the negative). I have already voted. I desire to announce the transfer of my pair with the Senator from West Virginia [Mr. ELKINS] to the Senator from Indiana [Mr. VOORHEES].

The result was announced—yeas 12, nays 43; as follows:

YEAS—12.

Allen,	Daniel,	Mills,	Roach,
Butler,	George,	Peffer,	Stewart,
Cameron,	Kyle,	Pettigrew,	Vest.

NAYS—43.

Aldrich,	Chandler,	Gray,	Sewell,
Allison,	Chilton,	Hawley,	Sherman,
Bacon,	Clark,	Hill,	Shoup,
Baker,	Cockrell,	Jones, Ark.	Smith,
Bate,	Cullom,	Lindsay,	Squire,
Berry,	Dubois,	Lodge,	Teller,
Brown,	Faulkner,	McBride,	Vilas,
Burrows,	Frye,	Nelson,	Walthall,
Caffery,	Gallinger,	Pasco,	Wetmore,
Cannon,	Gibson,	Perkins,	White.
Carter,	Gorman,	Platt,	

NOT VOTING—34.

Blackburn,	Hansbrough,	Mitchell, Wis.	Thurston,
Blanchard,	Harris,	Morgan,	Tillman,
Brice,	Hoar,	Morrill,	Turpie,
Call,	Irby,	Murphy,	Voorhees,
Davis,	Jones, Nev.	Palmer,	Warren,
Elkins,	McMillan,	Pritchard,	Wilson,
Gear,	Mantle,	Proctor,	Wolcott.
Gordon,	Martin,	Pugh,	
Hale,	Mitchell, Oreg.	Quay,	

So the amendment was rejected.

Mr. LODGE. I desire to offer an amendment to be inserted after line 9, on page 14, to come in after the amendment reported by the Committee on Appropriations.

The PRESIDING OFFICER. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. After line 9, on page 14, it is proposed to insert:

To enable the Board of Ordnance and Fortification to procure and test one controllable torpedo of the type patented by Lieut. Nicholas J. Halpine, United States Navy, the Secretary of War is hereby authorized and directed to contract with the licensee of said Halpine patent for said torpedo, without advertising, which shall be constructed according to the plans and specifications prepared by said N. J. Halpine, and the details of said plans may be modified, changed, and improved, in the discretion of the contractors.

The sum of $9,500, or so much thereof as may be necessary, is hereby appropriated for the purchase and experiments of the said Halpine torpedo.

Upon the completion and tests of the Halpine torpedo herein referred to, a report shall be made to Congress by the Secretary of War at the next session of Congress after said tests, in which shall be stated in detail the performance of this type of torpedo in maneuvering and firing and the merits and defects of the same and the price for which the type can be furnished in large numbers, and time of delivery of the same, together with the price for which the United States patents may be obtained.

Mr. ALLEN. I should like to ask the Senator from Massachusetts if this proposed amendment has received the approval of any committee?

Mr. LODGE. It was referred to the Committee on Appropriations.

Mr. ALLEN. Only the Committee on Appropriations?

Mr. LODGE. It was referred to that committee.

Mr. ALLEN. I make the point of order on the amendment that it has not been reported by any committee.

The PRESIDING OFFICER. The Senator from Nebraska makes the point of order on the amendment.

Mr. LODGE. Mr. President, I only desire to say a few words in regard to the point of order. I wish to express my surprise, after so many hundreds of thousands of dollars have been appropriated for so many other torpedoes, that this amendment, which only carries an appropriation of $9,500, should have been rejected by the committee.

Of course, if the point of order is made, I do not propose to discuss the merits of the case, although I will state to the Senate that I feel perfectly able to do so. I do not, however, desire to delay the Senate.

The PRESIDING OFFICER. The Chair would like to hear from the Senator on the point of order as to whether the amendment has been reported by a committee or is otherwise in order.

Mr. ALLEN. If the Chair will permit me to interrupt him, I would state that, under the peculiar circumstances of the case, I will withdraw the point of order.

The PRESIDING OFFICER. The point of order is withdrawn; and the question is on the adoption of the amendment submitted by the Senator from Massachusetts.

Mr. LODGE. Then, Mr. President, as the Senator from Nebraska has been kind enough to withdraw the point of order, I will say a few words in regard to the amendment, which is framed in precisely the same manner as the amendment reported by the Committee on Appropriations in regard to the Howell carriage, which is in the usual form.

The amendment relates to a controllable torpedo, a most important device, if it can be obtained, for modern warfare, and it calls for a very small appropriation. The committee have appropriated $50,000 for the Howell gun carriage; $20,000 for the A. H. Emery gun carriage, and $65,000 for the test of the Gatling gun carriage; and the amount asked for in the amendment as to the Halpine torpedo is but $9,500. Some of those for which the committee has appropriated these large sums for experiment have hardly got beyond the stage of drawings—the specifications, I think, are hardly made in some cases—whilst the Halpine torpedo has been passed upon favorably by nine foreign boards, and has been already bought by one foreign Government.

I have no desire even to put the Government to the expense of this extra $9,500 if the committee will admit it by name in the general appropriation for torpedoes. I should be entirely content with that; but I think that device deserves an examination by the Government, and there is no other way of securing that examination that I am aware of except by a provision in this bill. If the Senator in charge of the bill objects to making the additional appropriation, I suggest that he allow the Halpine torpedo to come in under the general head in line 16. If he would agree to insert, after the word "torpedoes," the words "including the Halpine torpedo," that would cover the matter entirely.

Mr. HAWLEY. On what page is that?

Mr. LODGE. That is on page 9. I offered the amendment making an appropriation, but if the Senator in charge of the bill will simply admit in the general clause, after the words "explosives, torpedoes," the words "including the Halpine torpedo," that will be satisfactory. I simply want to secure for that device a proper examination, which, as I said, has been tried successfully by nine foreign boards and has been bought already in its imperfect form by the Government of Brazil; and we are putting in the bill $150,000 for schemes which have hardly got beyond paper, and yet will not allow $9,500 to go into the bill for this torpedo, which has been tested by practical experiments.

Mr. PERKINS. Lieutenant Halpine appeared before the subcommittee of the Committee on Appropriations, and made a lengthy and exhaustive statement. The committee were favorably impressed with his device. While we had some technical knowledge of electricity, and propelling vessels through the water, yet we thought that the Board of Ordnance and Fortification, which has been created by an act of Congress, far more competent to pass upon the utility of his device than a committee of the Senate.

Mr. LODGE. Then, if the Senator will allow me——

Mr. PERKINS. In one moment; but I will anticipate, I think, what the Senator is about to say.

We were favorably impressed with Mr. Halpine, who is an educated gentleman, educated by the Government at our naval school, who, with many others, appeared before the committee, and they saw only their own inventions through their own glasses, being color-blind as to the merits of all other inventions. But the committee, as I said, though favorably impressed with that and other devices which were presented to them, thought it proper to leave it to the Board of Ordnance and Fortification, which, as is well known by the Senator from Massachusetts, is composed of the Commanding General of the Army, the Chief of Engineers, an artillery officer, the Chief of Ordnance, and a distinguished civilian. The committee therefore recommended the increase of the appropriation that was placed at the disposal of this Board from $100,000 to $150,000; and the Senate to-day has concurred in the recommendation that the amount be increased $50,000. Lieutenant Halpine will appear before that Board, I assume, in due time, will there present his device to them, and if the Board believe it superior to any other device of the kind they will undoubtedly adopt it; but if we place in this bill the name of Lieutenant Halpine, we should also place in it the names of a dozen or more others who desire their inventions to be tried.

Mr. LODGE. That is precisely the point I was going to make. The committee have picked out certain persons and made appropriations for certain devices. If you will refer all these devices to the Board of Ordnance and Fortification, strike out these amendments for specific inventions that you have now put in, I should not have one word to say; that would be all right; but you pick out three inventions and you make appropriations for them, and then you exclude another. Let them all go to the Board or else direct the Board as to those which it is desired to have examined.

Mr. PERKINS. The three cases referred to by the Senator from Massachusetts are entirely different from this. As to one of them especially, that for the creation of a gun carriage, the inventor has rendered valuable service to this Government in years past; and perhaps through the testimony he gave to our committee or the committees that preceded it in other Congresses we have been enabled to save the Government a large amount of money.

The Howell gun carriage was recommended to the committee by the Chief of Ordnance, with the statement that the Board would like to try it; that they believed it had intrinsic merit; and that if provision was made in the bill they believed that they could build one carriage, and that satisfactory results would inure from that. But this is simply an invention for propelling a torpedo through the water with a man astride of it. When I asked the inventor where the man would be in an engagement he said, "Humanity does not shoot a man in the water." [Laughter.] Well, perhaps not; but experience in naval warfare refutes that statement.

I do not, however, wish to go into the details about this matter. We believe this invention has merit, and the Board of Ordnance and Fortification have the money to purchase a dozen of these devices if they desire to do so; and if the inventor can show them that it has the merit he claims for it they will undoubtedly accept the invention of the friend of my friend from Massachusetts, and it will become a part of the armament of this great Government.

Mr. LODGE. I only desire to say that the gentleman in question is not my constituent. He is the son of Halpine, who was well known as a writer some years ago under the name of Miles O'Reilly. He has been a naval officer, was educated at Annapolis, and retired on account of the failure of his health. He showed me his invention, which does not require a man to ride astride of it, as the Senator from California stated.

Mr. PERKINS. Pardon me one moment. If the chairman of the Committee on Appropriations, after the Senator from Massachusetts has traced the genealogy of this distinguished gentleman, will agree to admit the provision in the bill without any appropriation I shall not object that it be recommended for trial.

Mr. LODGE. Say "including the Halpine torpedo." That is all I desire to insert. I ask for no appropriation.

The PRESIDING OFFICER. The Senator from Massachusetts withdraws his amendment and submits another amendment, which the Secretary will state.

The SECRETARY. At the end of line 16, on page 9, after the word "torpedoes," it is proposed to insert "including the Halpine torpedo."

Mr. ALLISON. As the Senator from California [Mr. PERKINS] in charge of the bill refers to me, I think I ought to say that the committee expended as much time as they could expend upon this young lieutenant of the Navy, and we all agree that he had a most ingenious invention. Of course we knew very little about its effectiveness. We also inquired, as I remember, of the Chief of Ordnance respecting it, but he had not made such investigation as would enable him to express an opinion regarding it. I have no doubt that the Board of Ordnance and Fortification will test this torpedo. If they find on looking it over that it has merit, and certainly if it be true, as stated by the Senator from Massachusetts, that nine foreign governments have already tested and adopted it, I should think that our Board of Ordnance and Fortification would be derelict in their duty if they did not also test it. I should think, however, that this young officer, if he has such a valuable invention, could himself afford, or in some way get his friends to assist him in making a torpedo, so that it could be tested without expense to the Government. But I have no objection. I will say to the Senator from Massachusetts, to incorporating the amendment in the way he now proposes.

I want, however, to say one thing as to the criticism made by the Senator from Massachusetts in regard to three special appropriations which are made in this bill. The first is for Commodore Howell, who has invented a disappearing carriage, which he regards as of high value, and the Chief of Ordnance stated that he also regarded it as valuable, and therefore expressed a wish that it should be tested.

The next provision is one for Mr. Emery, a well-known inventor of the highest attainments, who had secured some two or three years ago an appropriation for $110,000 for the erection of a 12-inch disappearing carriage. That appropriation was made under such conditions and limitations as made it impossible for him to proceed with the construction of that carriage.

The other is an appropriation providing for the test of a gun that is proposed by Mr. Gatling, who is a well-known inventor, and who has invented many valuable guns for the Army.

Mr. PERKINS. A gun and a mortar.

Mr. ALLISON. A gun and a mortar. Our present guns and mortars are being made of steel. Mr. Gatling believes that he can make a gun of a composite character which, as to its value, will far exceed those now being manufactured, and which can be made at a much less expenditure.

Mr. PERKINS. One-half, he says.

Mr. ALLISON. At one-half the present expenditure.

These three appropriations are made for the purpose of testing the chief element in the cost of our fortifications. Two or three years ago we made appropriations for what were known as lifts to elevate high-power guns, at an expense of $225,000 each, the gun itself only costing $60,000 or $70,000. Then, there have been a number of people who have been engaged in the invention of disappearing carriages. The officers of the Ordnance Department themselves have made and tested a disappearing carriage which was satisfactory to them.

Senators will remember that we have by this bill entered actively upon an expenditure for our fortifications which will, if carried out as here proposed and as proposed by the ordnance and engineer officers, cost more than $100,000,000, and of this cost guns and gun carriages and the appliances of those guns and gun carriages will amount to fifty or sixty million dollars. Therefore it was that the committee believed that it was wise to make these expenditures specifically, especially as the expenditures were to be made for the purpose of testing gun carriages and guns of the most distinguished inventors of our country, who have hitherto demonstrated their ability as inventors by making valuable inventions.

So I trust the Senator from Massachusetts will not think that we have inserted these amendments in the bill merely for the purpose of pleasing this, that, or the other inventor.

Mr. LODGE. Mr. President, I have no objection in the world to the appropriations for the specific inventors named by the Senator from Iowa. They have received a great deal of money from the Government already, and one of them has invented a torpedo which the Government uses, and which is a very unsuccessful torpedo indeed. I have no objection to the appropriation of money for experiments in all these important implements of war; I think they are right; but here are men named in this bill, whom the Senator from Iowa has just described, who have had thousands and thousands of dollars; and when a young man comes along with an invention, which seems a reasonable one, in the most important implement of war now being considered, the controllable torpedo, it is asked why he does not pay his own expenses for its construction. I can say to the Senator from Iowa that the small savings which that young man has been able to make from the pay of a naval officer have been entirely expended by him in perfecting his invention so far as it has gone.

I did not mean to say that his invention had been adopted by foreign governments. I say it has been passed by nine different foreign boards, passed with approbation, and also the torpedo invented by him, in its first and most imperfect form, has been purchased by the Government of Brazil. It is supposed to be a controllable torpedo, not ridden by a man in the water, as the Senator from California described it, but controlled by electricity. I am not an expert in those matters: I have not the faintest idea whether it is a device that is likely to succeed or not; but I do think that there is no reason why we should not spend a few thousand dollars in experimenting with this device when we are very wisely expending $150,000 in experimenting with the devices of Commodore Howell and Mr. Gatling and Mr. Emery. It seems to me that that is the only way we shall ever get such implements of warfare as we desire.

Mr. ALLISON. I intended no reflection on this young officer of the Navy. I only meant to suggest to the Senator from Massachusetts that if this invention has the merit which he ascribes to it, the Board of Ordnance and Fortification will have sense enough to see it, and we have provided ample means to enable this young officer to test his torpedo, without naming him specifically, and if the Board of Ordnance and Fortification should realize, as we have a right to suppose they will, the merits of his invention, then it would cost but a small sum to manufacture this controllable torpedo by the inventor himself, whereas, as to these other provisions which we have put in the bill, they involve large expenditures which can only be made by the Government itself.

Now, I want to say, as I said in the beginning, that I have no objection to inserting the name of Mr. Halpine, if the Senator from Massachusetts desires to have his name inserted, but I only wanted, so far as I could, to vindicate the committee as to the charge of their failure to specifically put in this small invention, costing only $9,500; but instead of the committee proposing a general sum of $50,000, to cover this and others like it, making the amount altogether $150,000. That was the point I made. I desired only to reply to the criticisms of the Senator from Massachusetts as to the liberality of the committee in one direction and its economy in another.

Mr. LODGE. I have no desire to criticise the committee. I merely desire that this torpedo shall be tried by the Board. I have great respect for the opinion of this Board. I have no doubt that it is an excellent one. I have not any question of that whatever, and have no doubt that they are great experts; but still they are not infallible. Boards of experts in the Army and Navy are not infallible, and everyone who is familiar with the history of the *Monitor* knows that the naval experts said it would never do; and if it had not been for the civil department of the Government it would never have been tried, and yet the invention of the *Monitor* revolutionized naval warfare. Therefore expert boards are not always right, though they are right in a great majority of cases undoubtedly. But there is no reason why Congress should not recommend to them, as it has done substantially in hundreds of other cases, a device which it thinks worthy of trial.

Mr. GRAY. Let me ask the Senator from Massachusetts a question before he takes his seat.

Mr. LODGE. Certainly.

Mr. GRAY. Does the Senator's amendment make it mandatory upon the Board to make the experiment?

Mr. LODGE. It simply says they are authorized to do so.

Mr. HAWLEY. It enables the Board to make the experiment suggested.

Mr. PERKINS. Inasmuch as my friend from Massachusetts challenged the correctness of a statement which was made by me, I will read an extract from the testimony taken before the committee:

Senator PERKINS. Have you practically demonstrated the utility of your invention?

Lieutenant HALPINE. This has been in use two years.

Senator PERKINS. Have you demonstrated that you can guide it wherever you please?

Lieutenant HALPINE. Yes, sir; that is the one we sent to Brazil.

Senator CULLOM. Where is the man stationed who operates the apparatus that guides the torpedo?

Lieutenant HALPINE. He has this board in his hands.

Senator PERKINS. Is he under cover on shore?

Lieutenant HALPINE. No, sir; he moves away from the shore. Here is a picture of the man who rides it. [Produces photograph.] After the man gets out a certain distance he loads the torpedo by putting in a fresh can and gets on top of this [indicating], and when he gets within a mile range of the vessel he wishes to attack he starts the machinery by turning this little rear key, and runs it up on this speed. [Indicating.] Meantime he is riding there. [Indicating.]

Senator PERKINS. What is there to protect the man from sharpshooters on board the ship?

Lieutenant HALPINE. Humanity does not shoot a man in the water.

I only wanted to satisfy the Senator that I was correct in my former statement on this point.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Massachusetts.

The question being put, there were on a division—ayes 13, noes 16.

The VICE-PRESIDENT. No quorum having voted, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Clark,	Jones, Ark.	Quay,
Allison,	Cullom,	Kyle,	Roach,
Bacon,	Daniel,	Lindsay,	Sewell,
Baker,	Dubois,	Lodge,	Shoup,
Bate,	Elkins,	Martin,	Squire,
Berry,	Faulkner,	Mills,	Stewart,
Blackburn,	Frye,	Nelson,	Teller,
Brown,	Gallinger,	Pasco,	Thurston,
Burrows,	Gear,	Peffer,	Vest,
Butler,	George,	Perkins,	Walthall,
Cannon,	Gorman,	Pettigrew,	Wetmore,
Carter,	Gray,	Platt,	White,
Chandler,	Hawley,	Pritchard,	Wilson,
Chilton,	Hill,	Pugh,	Wolcott.

The VICE-PRESIDENT. Fifty-six Senators have answered to their names. A quorum is present. The question recurs upon the amendment submitted by the Senator from Massachusetts [Mr. LODGE].

Mr. GORMAN. On that let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the senior Senator from Michigan [Mr. MCMILLAN]. I do not know how he would vote if present. If he were here, I should vote "nay."

Mr. FAULKNER (when his name was called). I make the same transfer I made on a previous roll call. I transfer my pair with the Senator from West Virginia [Mr. ELKINS] to the Senator from Indiana [Mr. VOORHEES] and vote "nay."

Mr. GEAR (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON]. If he were present, I should vote "yea."

Mr. MARTIN (when his name was called). I am paired with the Senator from Montana [Mr. MANTLE]. If he were present, I should vote "nay."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "yea."

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN].

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN], but with the distinct understanding that it shall not apply to questions which have no possible political significance. On this motion I vote "yea."

Mr. VILAS. I suggest to the Senator from Nebraska [Mr. THURSTON] that we exchange our pairs. I am paired generally with the Senator from Oregon [Mr. MITCHELL]. Let the Senator from Oregon [Mr. MITCHELL] stand paired with the Senator from South Carolina [Mr. TILLMAN]. Then the vote of the Senator from Nebraska [Mr. THURSTON] may stand and the pair will be observed.

Mr. THURSTON. Generally, during the absence of those Senators?

Mr. VILAS. That will relieve the question in any case.

Mr. THURSTON. Very well.

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON].

Mr. WOLCOTT (when his name was called). I am paired with the Senator from Ohio [Mr. BRICE]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. TURPIE. I am paired with the Senator from Minnesota [Mr. DAVIS]. He being absent, I withhold my vote.

Mr. DUBOIS. I inquire whether the senior Senator from New Jersey [Mr. SMITH] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. DUBOIS. I am paired with the senior Senator from New Jersey.

The result was announced—yeas 24, nays 27; as follows:

YEAS—24.

Aldrich,	Chandler,	Lodge,	Shoup,
Allison,	Frye,	McBride,	Squire,
Baker,	Gallinger,	Perkins,	Teller,
Brown,	Hale,	Pettigrew,	Thurston,
Burrows,	Hawley,	Platt,	Wetmore,
Cannon,	Hill,	Sewell,	Wilson.

NAYS—27.

Allen,	Clark,	Gray,	Pasco,
Bate,	Cockrell,	Jones, Ark.	Peffer,
Berry,	Cullom,	Kyle,	Roach,
Butler,	Daniel,	Lindsay,	Vest,
Caffery,	Faulkner,	Mills,	Vilas,
Carter,	George,	Mitchell, Wis.	White.
Chilton,	Gorman,	Nelson,	

NOT VOTING—38.

Bacon,	Gibson,	Mitchell, Oreg.	Smith,
Blackburn,	Gordon,	Morgan,	Stewart,
Blanchard,	Hansbrough,	Morrill,	Tillman,
Brice,	Harris,	Murphy,	Turpie,
Call,	Hoar,	Palmer,	Voorhees,
Cameron,	Irby,	Pritchard,	Walthall,
Davis,	Jones, Nev.	Proctor,	Warren,
Dubois,	McMillan,	Pugh,	Wolcott.
Elkins,	Mantle,	Quay,	
Gear,	Martin,	Sherman,	

So the amendment was rejected.

Mr. SQUIRE. I offer an amendment to come in on page 10, after line 19.

The SECRETARY. After line 10, on page 19, it is proposed to insert:

The sum of $50,000 to be appropriated for the purchase of the Lewis range and position finder: *Provided*, That the Government shall have the privilege of buying the exclusive right for the United States to this invention. And the Secretary of War is hereby authorized and directed to purchase at once said range finder to the amount of this appropriation.

Mr. SQUIRE. Mr. President, I do not care to discuss this question at any length. I wish merely to make an explanation. I have in my hand a copy of an extract from the report of the Board of Ordnance and Fortification dated February 7, 1896, in which it is stated that the Board approves the findings of the range-finder board and recommends that the Lewis depressed range finder be adopted. It also recommended that steps be taken to acquire the right to use this invention by appropriating such sum as may to the Secretary of War seem just and equitable. The report is signed by General Miles, president of the Board, and by the recorder, and it is approved by the Secretary of War.

I believe it is important that we should have a larger number of range finders than are in existence in this country. We are providing in the pending bill for the purchase of a large number of high-power, long-range guns; we are providing for a large payment to the Bethlehem Iron Company under the contract already existing, and we are providing for the manufacture by the Government of 48 additional direct-fire guns of 8-inch, 10-inch, and 12-inch calibers, besides many 12-inch steel-rifled mortars during the present year. All these great guns are to be for harbor defense.

It is well known that the range finders are essential in ascertaining the position of a ship in a harbor. It is also well known that harbors are laid out in artificial squares, charted. This plan of defense is illustrated in the report of the Chief of Ordnance, showing how the shots fired from the steel mortars in depressed pits and sent a mile or two high can be so aimed by the use of the range finder as to come down on the deck of an attacking vessel. The range finders are necessary in ascertaining the position of a ship, only a few seconds being required for that purpose. I understand that there are very few of them now on hand. I do not know the exact number, but I do not believe there are as many as six——

Mr. FAULKNER. I ask the Senator from Washington whether the Ordnance Department do not think they have as many now as they have need for?

Mr. SQUIRE. I do not understand that the Ordnance Department are indisposed to acquire a further number. I do understand that the Ordnance Department are not disposed to ask for any very large number now, but I think we ought to have at least a few more; and that is the reason I reduced the amount named in the amendment below what the Senator from Florida proposed.

Let me say by way of explanation that I introduced this amendment in the absence of the Senator from Florida [Mr. CALL], who gave notice of his intention to propose the amendment, and in his amendment the sum fixed was $250,000. He being absent to-day, I have, by request, introduced the amendment, and I have cut it down from $250,000 to $50,000, because I think we ought to have a number of these range finders provided for in the pending bill.

If you are going to spend all this money for fortifications (I believe we are right in doing it; I believe the Senate is acting just right in this respect); if we are going to spend this money for guns and projectiles, we ought to have range finders, not all that are required for the future, but let us have a reasonable number provided.

I hope the committee will be disposed to accept the amendment, but if they are not willing to make it $50,000, let us make it $30,000. I know we have some of these range finders. It is not fair to the service that it should be without a reasonable complement of the range finders that have been amply tested, and such as have been in the service for three years. It seems somewhat neglectful that, in such a liberal bill as this, we should omit to provide for the purchase of a single range finder, the range finder that has been recommended and adopted by the Board of Ordnance and Fortification.

Mr. PERKINS. In the fifth report of the Board of Ordnance and Fortification there is quite a treatise upon range finders and locators. There are some three or four different ones mentioned. The Lewis range finder is yet in its incipiency; that is, they are

trying three of them, one on a low altitude, one upon a high altitude, and one upon a medium range. They think well of them. In New York Harbor there is also another new range finder, and they are experimenting with it. We already have three Lewis range finders, for each of which the Government has paid about $2,000. If all our fortifications are constructed on the lines proposed by the Board, we would have only about 60 batteries, and there is no necessity of purchasing any more range finders at this time. Let us first construct the mortars and the cannon, get them in position, and then it will be time enough for us to experiment with more range finders. It will require but from thirty to sixty days to make one of them, and when we want them we can choose them from all the different designs. I do not want to weary the Senate at this time, but the testimony of the Chief of Ordnance was that there was no necessity at this time for making any appropriations other than those we have already provided for in the general bill.

Mr. SQUIRE. By the courteous invitation of the subcommittee on appropriations it was my privilege to be present at the hearing before the subcommittee in its consideration of the fortifications bill. I heard what the Chief of Ordnance said. I do not understand that he is actually antagonistic to any appropriation for this, but he did not think it was necessary to accumulate any large number of the range finders at the present time. That is the reason why I have reduced the number proposed to be purchased to only one-fifth. It occurs to me we ought to provide for a certain small number. I should be willing to reduce the amount, if the committee think best, and make the sum appropriated twenty-five or thirty thousand dollars instead of fifty thousand dollars. There ought to be a small number of range finders secured. It is probably an inaccurate statement that they can be prepared in thirty days. Everybody who has been in the business of manufacturing knows that it can not be done unless these machines are made by hand. Then it would probably be impracticable to supply any considerable number of them, duly tested and accepted, in less than six or eight months.

Mr. PERKINS. General Flagler's testimony is here, and I wish to read his testimony as taken by a shorthand writer. He said:

In my judgment it is not at all improbable that a better range finder may be arrived at than the one under consideration. If so, we do not want to purchase that right and be confined to that particular one. The $250,000 ought to buy at least 150 range finders.

Senator ALLISON. Where you need only 60?

General FLAGLER. It ought to buy 150, and we may not need more than 60.

Do you regard it important—

The Senator from Illinois [Mr. CULLOM] asked—

that we should make an appropriation on that subject now?

General Flagler replied:

I do not.

Upon that testimony and upon the report of the Board of Ordnance and Fortification the committee declined to recommend that any sum should be appropriated for range finders.

Mr. SQUIRE. The Board of Ordnance and Fortification——

Mr. ALDRICH. I make the point of order.

Mr. SQUIRE. And I have their report here——

Mr. ALDRICH. I make the point upon the amendment that it is not in order.

The VICE-PRESIDENT. The Senator from Rhode Island will state his point of order.

Mr. ALDRICH. It is an amendment adding a new item of appropriation to the bill; it is not recommended by any committee, and it is not included in any estimate.

The VICE-PRESIDENT. The Chair sustains the point of order.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 4363) to increase the pension of Joseph J. Hudson;

A bill (H. R. 4720) granting an increase of pension to Isaac H. Whetsel, of Louisville, Ky.; and

A bill (H. R. 6483) granting increase of pension to Thomas D. Walker.

CAPITAL RAILWAY COMPANY.

Mr. FAULKNER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the first amendment of the House and agree to the same with an amendment as follows: Also, in section 1, line 7, strike out the word "for" and insert the word "have"; so that the phrase shall read, "have a common seal"; and the House agree to the same.

That the Senate recede from its disagreement to the second amendment of the House and agree to the same amended to read as follows: "Also continuing from said Eleventh and M streets north on Eleventh street to the south building line of East Capitol street"; and that the House agree to the same.

That the Senate recede from its disagreement to the third and fourth amendments of the House and agree to the same.

That the Senate recede from its disagreement to the fifth amendment of the House and agree to the same with an amendment so that section 4 shall read as follows:

"That the portions of the company's routes from Congress or Pencote Heights to Shepherds Landing and the Harrison street branch east to the District line shall be completed within two years from the passage of this act: *Provided*, That failure to complete the said portions of the routes as provided for in this section, and also failure to complete the extension on Eleventh street east, shall operate to repeal the authority to build said portions, and shall not repeal the charter of said company."

And that the House agree to the same.

CHARLES J. FAULKNER,
REDFIELD PROCTOR,
Conferees on the part of the Senate.
J. W. BABCOCK,
G. M. CURTIS,
JAMES D. RICHARDSON,
Conferees on the part of the House.

The report was concurred in.

Mr. CULLOM. I move that the Senate proceed to the consideration of the conference report on the legislative, executive, and judicial appropriation bill.

Mr. DANIEL. I ask the Senator from Illinois to yield to me for a moment.

Mr. CULLOM. I yield to the Senator from Virginia, but I hope no other Senator will call upon me to yield to him.

COURT ROOM AT HARRISONBURG, VA.

Mr. DANIEL. I am instructed by the Committee on the Judiciary, to whom was referred the joint resolution (H. Res. 174) granting permission to the circuit and county courts in Rockingham County, Va., to occupy the Federal court room in Harrisonburg, Va., to report it favorably.

I am also instructed to ask for the immediate passage of the joint resolution. I will state, in explanation, that the county of Rockingham contemplates building a new court-house and asks permission, during the time of its construction, not in any event to exceed three years, for its courts to occupy the Federal court room at that place. The cities and towns in our State have always granted like comity to the Federal Government.

Mr. CULLOM. If there is no debate upon the joint resolution, I shall not object to its present consideration.

Mr. DANIEL. There will be no debate upon it and I think no objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PLATT. I ask the Senator from Illinois to yield to me for a moment.

Mr. CULLOM. I yield to the Senator from Connecticut, and in view of the lateness of the hour and the disposition on the part of many Senators to call up unobjected bills, I am inclined to let the report go over until to-morrow morning, if it is agreeable to the Senate, but otherwise I should like to go on with it at once.

The VICE-PRESIDENT. Without objection, it will be so ordered.

KATE EBERLE.

Mr. PLATT. I wish to call up the bill (H. R. 485) for the relief of Kate Eberle, an Indian woman.

I desire to state that a similar bill passed the Senate and the House at the last session, but it did not get to the President in time to receive his signature. I think there will be no objection to it.

Mr. COCKRELL. Why can we not proceed——

Mr. PLATT. Let me dispose of this bill, please.

Mr. COCKRELL. I was just going to state, before anybody else should ask unanimous consent, that we might have some understanding that as soon as this bill is disposed of we should take up the Calendar of unobjected cases and dispose of them.

Mr. CULLOM. I hope this case will not be interfered with.

Mr. COCKRELL. I do not propose to do that.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. I should like to hear a concise statement of the facts in that case. It is a very remarkable case.

Mr. PLATT. The statement is contained in the preamble. This is an aged lady, who is now both aged and poor. When 6 or 7 years of age——

Mr. COCKRELL. Is she still living?

Mr. PLATT. She is still living.

Mr. COCKRELL. Where?

Mr. CULLOM. She is a poor washerwoman living in East Dubuque, in the northern part of Illinois. It is a case that has passed the Senate and House both once or twice. It passed the Senate, at least, the year before last; and the last time it passed both Houses of Congress it passed within an hour of final adjournment and did not reach the President.

Mr. PLATT. When this Indian woman was a child she was

separated from the tribe, and therefore was prevented from receiving her pro rata share, to which she would have been entitled under the provisions of the treaty if she had remained with the tribe. She was ignorant of her rights and did not rejoin her tribe. She is now old and poor, and the committees of the two Houses of Congress have formerly thought it no more than right that she should receive from the funds of the tribe her fair share as an Indian and as a member of the tribe.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

NORTHERN PACIFIC RAILROAD INDEMNITY LANDS.

Mr. CARTER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2221) for the relief of settlers on the Northern Pacific Railroad indemnity lands having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That in lieu of the Senate bill and the House amendment thereto the following substitute be passed:

"An act for the relief of settlers on the Northern Pacific Railroad indemnity lands.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That those persons, their heirs, or legal representatives, who, between the 15th day of August, A. D. 1887, and the 1st day of January, A. D. 1889, settled upon and made final proof and entry, under the homestead or preemption laws, of lands within the so-called second indemnity belt of the Northern Pacific Railway Company's grant in the State of Minnesota, which entries were afterwards, without their fault, canceled, upon establishing these facts before the register and receiver of the local land office, in such mode and under such rules as may be prescribed by the Secretary of the Interior, shall be allowed to make final homestead entry, and receive a patent therefor of a quantity of land of any of the unappropriated public lands of the United States subject to homestead entry equal in acreage to the land proved up and entered in the said second indemnity belt as aforesaid, without being required to make any settlement or improvement upon or cultivation of such land so entered prior to such entry; and those persons, their heirs or legal representatives, who, within the period aforesaid for the space of six months settled upon, improved, and cultivated any of said indemnity lands with a view of entering the same under the homestead or preemption laws, being competent to make such entries, and who were not permitted to make such entries, upon establishing these facts before the register and receiver of the local land office, in such mode and under such rules as the Secretary of the Interior may prescribe, shall be allowed to enter, under the homestead laws of the United States, a quantity of land of the unappropriated public lands of the United States subject to homestead entry equal in amount to the land settled upon, improved, and cultivated, as aforesaid, and under the homestead entry so made shall, when making proof and final entry, receive credit for the settlement, improvement, and cultivation made upon the said indemnity land as aforesaid: *Provided*, That the law in force in 1889 governing the commutation of homestead entries shall apply to the commutation of entries under this section."

"SEC. 2. That those who are entitled to make the homestead entries prescribed in the preceding section may make such entries of any of the agricultural lands embraced in the provisions of an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889, upon condition of paying for such lands the price prescribed in said act.

"SEC. 3. That the right of homestead entry conferred by the provisions of this act shall not be assignable, and no conveyance, sale, or transfer of the land so entered shall be valid or of any effect if made before patent has issued."

THOMAS H. CARTER,
FRED. T. DUBOIS,
J. H. BERRY,
Conferees on the part of the Senate.
JOHN F. LACEY,
EDGAR WILSON,
O. W. UNDERWOOD,
Conferees on the part of the House.

The report was concurred in.

PUBLIC BUILDING AT DURHAM, N. C.

Mr. BUTLER. I wish to call up the bill (S. 1338) to provide for the purchase of a site and the erection of a public building thereon at Durham, in the State of North Carolina.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 13, before the word "thousand," to strike out "fifty" and insert "twenty-five"; so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and to cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Durham and State of North Carolina, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $125,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT ABERDEEN, S. DAK.

Mr. KYLE. I ask leave to call up the bill (S. 105) for the erection of a public building at Aberdeen, S. Dak.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to purchase or acquire, by condemnation proceedings or otherwise, a site for, and cause to be erected thereon, a suitable building, with fireproof vaults therein, for the accommodation of the post-office and other Government offices at the city of Aberdeen, S. Dak., the plans, specifications, and full estimates for the building to be previously made and approved according to law, and the cost for the site and building complete not to exceed $100,000.

Mr. COCKRELL. Is there a report in that case? If so, let it be read.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report submitted by Mr. SQUIRE on the 11th instant, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 105) for the erection of a public building at Aberdeen, S. Dak., have considered the same and recommend its passage.

Appended hereto is the report from the Secretary of the Treasury, which is adopted by this committee and made a part of this report:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 8, 1896.

SIR: In compliance with the request contained in letter dated December 7, 1895, from your committee, I have the honor to submit the following report upon Senate bill No. 105, introduced December 3, 1895, by Hon. JAMES H. KYLE, to provide for the acquisition of a site and the erection thereon of a suitable building, with fireproof vaults therein, for the accommodation of the post-office and other Government offices at Aberdeen, S. Dak., at a cost not to exceed $100,000.

Upon receipt at this Department of a copy of said bill, letters were written to certain Federal officials for information in regard to the past, present, and probable future needs of the different branches of the public service at Aberdeen, the estimated value of land for site, rents paid, population of city, etc.

The Postmaster-General states:

"Gross postal receipts, year ended June 30, 1895, $6,451; net receipts, year ended June 30, 1895, $3,831; number of persons employed, including postmaster, 1; gross receipts, year ended June 30, 1895, $13,279; net receipts, year ended June 30, 1895, $5,610; number of persons employed, including postmaster, 7; present allowance for rent, per annum, $900."

The postmaster states:

"Receipts for 1895, $6,435; for 1895, $13,279; estimated increase for the next ten years, at 25 per cent; number of employees in 1895, 2; in 1895, 4; number of boxes and drawers in use, 831; floor area now occupied, 1,500 square feet; annual rental paid, $900; population in 1885, 3,000; in 1895, 4,500; price of land, $1,500 to $3,000 for lots 25 by 145 feet."

From computations made, based upon the data received, it is estimated that a suitable site, 134 by 140 feet in size, and which would allow for the 40-foot fire limit required by the bill, and also allow for a 30-foot extension to the building in the future, can be secured for about $13,000, and that a building two stories high, with basement, about 84 by 60 feet in size, with a total floor area of 10,080 square feet, which will allow 3,000 square feet for post-office purposes, 5,000 square feet for United States courts, and 2,000 square feet for the United States land office, built of brick, with stone trimmings, fireproof or nonfireproof construction, as may be determined, and including heating apparatus, vaults, and approaches, can be erected for—

Estimated cost of site (six lots, at average price, $2,250)	$13,000
Estimated cost of building (fireproof)	96,000
Total	109,000
or—	
Estimated cost of site	13,000
Estimated cost of building (nonfireproof)	74,000
Total	87,000

Respectfully, yours,

S. WIKE, *Acting Secretary.*

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TAXATION OF ALLOTTED INDIAN LANDS.

Mr. PETTIGREW. I ask unanimous consent for the present consideration of the bill (S. 265) extending relief to Indian citizens, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, to add at the end of the bill the following as an additional section:

SEC. 3. That all agreements hereafter made for the purchase of the unallotted lands in any Indian reservation shall provide a fund for the payment of taxes upon inalienable allotments in the manner provided by this act.

Mr. COCKRELL. There is a report in that case. Please let it be read.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The report will be read.

The Secretary proceeded to read the report submitted by Mr. PETTIGREW, from the Committee on Indian Affairs, February 10, 1896, and read as follows:

The Committee on Indian Affairs report the bill (S. 265) extending relief to Indian citizens, and for other purposes, with an amendment adding a section to the bill, as follows:

"SEC. 3. That all agreements hereafter made for the purchase of the unallotted land in any Indian reservation shall provide a fund for the payment of taxes upon the inalienable allotments in the manner provided by this act."

And with the recommendation that as amended the bill do pass.

This bill has been twice reported to the Senate from this committee, and there is every reason of justice and equity why it should become a law.

The attached papers are made a part of this report, including the report made by this committee to the Senate in 1893:

DEPARTMENT OF THE INTERIOR,
Washington, February 4, 1896.

SIR: Senate bill 265, entitled "A bill extending relief to Indian citizens, and for other purposes," submitted with your letter of the 24th ultimo, with

request for a statement of the number of acres allotted in each State, and my opinion as to the expediency of passing the bill, was referred to the Commissioner of Indian Affairs, and a copy of his report with its inclosures, is transmitted herewith.

Mr. HALE. I am informed that the bill will give rise to debate. So I must ask that it go over.

Mr. PETTIGREW. I want to say with regard to the bill that I shall make an effort to get it up regularly and have it discussed and passed before the present session closes. I shall undertake to do it to-morrow.

Mr. HALE. I have no objection to such a course, but I was told that it would give rise to debate.

The PRESIDING OFFICER. The bill is objected to, and will go over, retaining its place on the Calendar.

JUDGE-ADVOCATE-GENERAL OF THE NAVY.

Mr. HALE. I ask the Senate to take up from the table House bill 3337, in reference to the duties of Solicitor and Judge-Advocate-General of the Navy. There is no objection to it.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3337) amending the act of June 8, 1880, entitled "An act to authorize the President to appoint an officer of the Navy or the Marine Corps to perform the duties of Solicitor and Judge-Advocate-General, etc., and to fix the rank and pay of such officer," and for other purposes.

Mr. HALE. The bill has been already read.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Montana [Mr. CARTER].

Mr. COCKRELL. There was a bill of that kind to which some Senator objected who is not now present and whom I can not recall.

Mr. HALE. All objections have been withdrawn to the bill.

Mr. COCKRELL. Let the bill be read again, so that we may know what it is.

The Secretary read the bill.

The PRESIDING OFFICER. The amendment submitted by the Senator from Montana [Mr. CARTER] will be stated.

The SECRETARY. Strike out the proviso at the end of the bill in the following words:

Provided, That this amendment shall take effect from July 19, 1892, the date on which the present incumbent entered on duty, and that the amount herein appropriated shall be payable from the appropriation "Pay of the Navy."

Mr. HALE. That amendment is not insisted upon, and I ask to have it voted down.

The PRESIDING OFFICER. If there be no objection, the amendment will be disagreed to. It is disagreed to.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Order of Business 520 on the Calendar, being the bill (S. 1996) amending the act of June 8, 1880, entitled "An act to authorize the President to appoint an officer of the Navy or the Marine Corps to perform the duties of Solicitor and Judge-Advocate-General, etc., and to fix the rank and pay of such officer," and for other purposes, will be indefinitely postponed.

LEGAL REPRESENTATIVES OF JOHN W. BRANHAM.

Mr. GORMAN. I ask for the present consideration of the bill (S. 1434) for the relief of the legal representatives of John W. Branham, late an assistant surgeon in the United States Marine-Hospital Service.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the legal representatives of John W. Branham, late an assistant surgeon in the United States Marine-Hospital Service, who died of yellow fever at his post of duty August 20, 1893, the sum of $4,160, being the amount of salary and allowances for two years.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

MUSTER AND PAY OF VOLUNTEER FORCES.

Mr. HAWLEY. I ask unanimous consent for the present consideration of the bill (S. 2101) to extend the provisions of an act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That any person who was duly appointed or commissioned to be an officer of the volunteer service during the war of the rebellion, and who was subject to the mustering regulations at the time applied to members of the volunteer service, shall be held and considered to have been mustered into the service of the United States in the grade named in his appointment or commission from the date from which he was to take rank under and by the terms of his said appointment or commission, whether the same was actually received by him or not, and shall be entitled to pay, emoluments, and pension as if actually mustered at that date: *Provided*, That at the date from which he was to take rank by the terms of his said appointment or commission there was a vacancy to which he could be so appointed or commissioned, and his command had either been recruited to the minimum number required by law and the regulations of the War Department, or had been assigned to duty in the field, and that he was actually performing the duties of the grade to which he was so appointed or commissioned; or if not so performing such duties, then he shall be held and considered to have been mustered into service and to be entitled to the benefits of such muster from such time after the date of rank given in his commission as he may have actually entered upon such duties: *Provided further*, That any person held as a prisoner of war, or who may have been absent by reason of wounds, or in hospital by reason of disability received in the service in the line of duty, at the date of issue of his appointment or commission, if a vacancy existed for him in the grade to which so appointed or commissioned, shall be entitled to all the benefits to which he would have been entitled under this act if he had been actually performing the duties of the grade to which he was appointed or commissioned at said date: *Provided further*, That this act shall be construed to apply only in those cases where the commission bears date prior to June 20, 1863, or after that date when the commands of the persons appointed or commissioned were not below the minimum number required by then existing laws and regulations: *And provided further*, That the pay and allowances actually received for the period covered by the recognition extended under this act shall be deducted from the sums otherwise to be paid thereunder.

SEC. 2. That the heirs or legal representatives of any person whose muster into service shall be recognized and established under the terms of this act shall be entitled to receive the arrears of pay and emoluments due and the pension, if any, authorized by law, for the grade to which recognition shall be so extended.

SEC. 3. That the pay and allowances of any rank or grade paid to and received by any military or naval officer in good faith for services actually performed by such officer in such rank or grade during the war of the rebellion, other than as directed in the fourth proviso of the first section of this act, shall not be charged to or recovered back from such officer because of any defect in the title of such officer to the office, rank, or grade in which such services were so actually performed.

SEC. 4. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. GRAY. Will the Senator from Connecticut state the object of that bill?

Mr. HAWLEY. I will. I will illustrate it by taking the case of A B, an officer of the New York State Volunteers, who was down with his regiment somewhere in the South during the war. The governor did not know where he was. There was a vacancy in the command of his company, his company was up to the limit, and he was on duty with it. A commission started from Albany to find him, but he was moving about. The mails were irregular. Perhaps he had been taken prisoner; perhaps he was in a hospital and did not get his commission into his hands, and the mustering officer could not find him to muster him for two or three or four months. In the meantime he was a captain in all respects except that he had not been mustered. This simply gives him his pay as captain during the time he was actually captain, though he had not received his commission.

A law to provide for such cases was first passed in 1884, which was amended and extended by subsequent acts, which finally expired by limitation on the 3d day of June, 1895. It was supposed that all entitled to the benefits of these acts would have presented their claims by that time. Through ignorance of the law and from other causes they did not, however, and a number have since applied for this equitable adjustment, and now we propose to extend the law for that purpose. Colonel Ainsworth has gone very carefully over the subject in an elaborate report and drawn this substitute, which puts no limit upon the time. If we put a limit of five years on it, somebody will come along after a while with a special bill. The number to be provided for is not large now. There are but few left. The bill has been carefully drawn, and I do not think any one man can get this pay who is not fairly entitled to it.

The PRESIDING OFFICER. The question is on the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the relief of certain officers and enlisted men of the volunteer forces."

PUBLIC BUILDING AT SALEM, OREG.

Mr. McBRIDE. I ask unanimous consent for the present consideration of the bill (S. 2394) to provide for the construction of a public building at Salem, Oreg.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate not exceeding $100,000 for the purchase of a site and the erection thereon of a suitable building for the accommodation of the post-office and other Government offices at the city of Salem, in the State of Oregon.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADMINISTRATOR OF THE ESTATE OF A. L. BURWELL.

Mr. MARTIN. I ask unanimous consent for the present consideration of the bill (H. R. 7816) for the relief of John S. Burwell, administrator of the estate of A. L. Burwell, deceased.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to John S. Burwell, administrator of the estate of A. L. Burwell, deceased,

such sum of money, not exceeding $1,499.56, as shall be shown to the satisfaction of the Commissioner of Internal Revenue to have been expended by him, or by Thomas and John Peale as agents for him, in the purchase of tobacco stamps used to stamp tobacco held by said agents for him and inventoried according to law; but the Commissioner is to be satisfied that the tobacco was manufactured prior to July 20, 1868, and that the internal-revenue tax imposed by law prior to that date had actually been paid thereon.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M. MASI AND OTHERS.

Mr. WARREN. I desire to call up for present consideration the bill (S. 1500) for the relief of William M. Masi, ex-postmaster, and Benjamin Hellman, Lawrence R. Bresnahen, John W. Griffin, George W. Hoyt, and Charles W. Riner as sureties upon his official bond as postmaster at Cheyenne.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Post-Offices and Post-Roads with an amendment to strike out all after the enacting clause and insert:

That upon the receipt by the Secretary of the Treasury of the full amount of all dividends heretofore paid or hereafter to be paid by the receiver of the Cheyenne National Bank, in the administration of the assets of said bank, upon the claim of William M. Masi all further liability of said William M. Masi and of his sureties to the United States of America, upon his official bond as postmaster at Cheyenne, Wyo., shall cease and determine as to and to the extent of certain funds belonging to the United States which were deposited and upon deposit by the said Masi in said Cheyenne National Bank at the time it closed its doors and ceased to do business and went into the hands of the receiver: *Provided, however*, That nothing in this act contained shall operate as a release to the said Masi and his sureties on his official bond of any liabilities to the United States which may have been incurred by said Masi while acting as postmaster at Cheyenne, other than as to the amount so deposited and on deposit in said bank as aforesaid.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE ACROSS RED RIVER OF THE NORTH.

Mr. NELSON. I ask unanimous consent to call up for present consideration the bill (H. R. 8167) to authorize the construction of a bridge across the Red River of the North.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT COURT IN MONTANA.

Mr. CLARK. I ask unanimous consent to call up the bill (S. 2473) to amend an act entitled "An act to provide for holding terms of court in the district of Montana," approved July 20, 1892.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments, in section 1, line 6, after the words "Gallatin County," to insert "and"; and in the same line, after the words "Deerlodge County," to strike out "and Jefferson County"; so as to make the section read:

That the territory embraced within the following counties in the district of Montana, to wit, Beaverhead County, Madison County, Silverbow County, Granite County, Ravalli County, Gallatin County, and Deerlodge County, shall hereafter constitute and be known as the southern division of the district of Montana, and regular terms of the circuit and district courts of the United States for said district may be held at Butte, Mont., on the first Tuesday in February and the first Tuesday in September of each year; and the said courts so sitting at Butte shall have and exercise the same jurisdiction and authority in all civil actions, pleas, or proceedings and in all prosecutions, informations, indictments, or other criminal or penal proceedings conferred by the general laws on the district and circuit courts of the United States; and where one or more defendants in any civil cause shall reside in said division, and one or more defendants to such cause shall reside out of said division, but in said district, then the plaintiff may institute his action either in the court having jurisdiction over the latter or in the said division.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CHANDLER. I move that the Senate do now adjourn. ["Oh, no!"]

Mr. STEWART. I hope the Senator will not press that motion. Let us pass a few more bills.

Mr. CHANDLER. I feel compelled to withdraw the motion, Mr. President.

The PRESIDING OFFICER. The motion is withdrawn.

PUBLIC BUILDING AT TACOMA, WASH.

Mr. SQUIRE. I ask unanimous consent to call up the bill (S. 163) providing for the erection of a public building at the city of Tacoma, in the State of Washington.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $400,000 for the purchase of a site and the completion of a building at the city of Tacoma, in the State of Washington, for the use and accommodation of the United States courts, the post-office, and other Government offices, with fireproof vaults extending to each story; the building to be completed according to plans and specifications previously made and approved by the Secretary of the Treasury.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM J. BRYAN.

Mr. STEWART. I ask unanimous consent for the present consideration of the bill (S. 1831) for the relief of William J. Bryan.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to allow William J. Bryan, late postmaster of the post-office of San Francisco, State of California, in settlement of his postal money order fund account, a credit for $9,601.73, being the sum now charged to him as postmaster for moneys received for the sale of foreign money orders between the 30th day of September, 1889, and the 22d day of March, 1890, by one James S. Kennedy, late a clerk at the international desk in the money-order division of said post-office, whose duty it was to receive, safely keep, and account for the proceeds of the sale of foreign money orders, but who embezzled and appropriated the same to his own use, and has wholly failed to account for the same; the defalcation and misappropriation having been committed without the fault or negligence of William J. Bryan, late postmaster.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NICOLAI BROS.

Mr. BAKER. I ask unanimous consent for the present consideration of the bill (S. 3011) for the relief of Nicolai Bros.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Commissioners of the District of Columbia to grant permission to Nicolai Bros. to use the pipes heretofore laid by them under a permit dated December 22, 1893, along I street southeast from Half street to South Capitol street, South Capitol street from I street to K street, K street from South Capitol street to corner of K and Half streets southwest, under such regulations and rental as may be made by the Commissioners with regard thereto.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AUGUSTUS BOYD.

Mr. QUAY. I ask the Senate to take up the bill (S. 594) for the relief of Augustus Boyd.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments, in line 10, to insert "and all laws and parts of laws in conflict herewith are suspended for this purpose only"; and after the word "confirmation," in line 14, to insert "and that thereafter no pension shall accrue or be paid to him"; so as to make the bill read:

Be it enacted, etc., That the President be, and hereby is, authorized to nominate and, by and with the advice and consent of the Senate, to appoint and place on the list of retired officers of the United States Army the name of Augustus Boyd, with the rank of captain of staff, this being the actual rank in the Regular Army held by him when, in the service, he received the injury from which he suffers permanent disability; and the retired list is hereby increased in number to that extent, and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That no pay or allowances shall accrue or be paid to said Augustus Boyd under this act prior to his confirmation, and that thereafter no pension shall accrue or be paid to him.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the time, and passed.

DAY LABOR ON MUNICIPAL WORKS.

Mr. GALLINGER. I ask unanimous consent for the consideration of the bill (S. 3008) authorizing the employment of day labor in the construction of certain municipal buildings or works in the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED BIGELOW.

Mr. ALLEN. I ask unanimous consent to call up the bill (S. 3001) granting a pension to Alfred Bigelow, of Norfolk, in the State of Nebraska.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place the name of Alfred Bigelow, late of Company A, Nineteenth New York Cavalry, on the pension roll at the rate of $18 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FORT OMAHA MILITARY RESERVATION.

Mr. THURSTON. I ask unanimous consent for the present consideration of the bill (H. R. 225) to provide for the transfer of the Fort Omaha Military Reservation to the State of Nebraska.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments, in section 1, line 6, after the word "to," to strike out "transfer and turn over" and insert "lease at a nominal rent"; and in line 12, after the word "said," to strike out "transfer" and insert "lease"; so as to make the section read:

That the Secretary of War is hereby authorized and directed, when Fort Crook, near the city of Omaha, Nebr., is ready for occupancy by the troops of the Army of the United States, to lease at a nominal rent to the State of Nebraska the possession of Fort Omaha Military Reservation, containing about 80 acres, with all the buildings, appurtenances, and improvements thereof; the said reservation being the same tracts and parcels of land heretofore donated to the United States by the citizens of Omaha, Nebr. The purpose of said lease is that the said Fort Omaha Military Reservation shall be used by the State of Nebraska as a place of rendezvous and school of instruction for the National Guard of said State of Nebraska and is made conditional upon its use for that purpose, and that the adjutant-general of said State shall annually report to the Secretary of War in detail the uses of said reservation. The said State of Nebraska is privileged to establish on said reservation a State military school, with not less than two military instructors.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. SEWELL, the title was amended so as to read: "A bill to provide for the lease of Fort Omaha Military Reservation to the State of Nebraska."

Mr. THURSTON. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. WARREN, Mr. SEWELL, and Mr. WALTHALL were appointed.

PROTECTION OF DRAMATIC COPYRIGHTS.

Mr. HILL. I ask the Senate to take up the bill (S. 2306) to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Patents with amendments.

The first amendment was, in line 7, before the word "composition," to strike out "operatic" and insert "musical"; in line 9, before the word "composition," to strike out "operatic" and insert "musical"; in line 14, to strike out "and if it be determined that such unlawful performing and representation was willful and for profit, in addition thereto" and insert "if the unlawful performance and representation be willful and for profit"; and in line 18, after the word "and," to strike out "liable to imprisonment" and insert "upon conviction be imprisoned"; so as to read:

That section 4966 of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4966. Any person publicly performing or representing any dramatic or musical composition for which a copyright has been obtained, without the consent of the proprietor of said dramatic or musical composition or his heirs or assigns, shall be liable for damages therefor, such damages in all cases to be assessed at such sum, not less than $100 for the first and $50 for every subsequent performance, as to the court shall appear to be just. If the unlawful performance and representation be willful and for profit, such person or persons shall be guilty of a misdemeanor and upon conviction be imprisoned for a period not exceeding one year."

The amendment was agreed to.

The next amendment was, in line 21, before the word "judge," to strike out "any" and insert "a"; and in line 23, before the word "composition," to strike out "operatic" and insert "musical"; so as to read:

Any injunction that may be granted by any circuit court of the United States, or by a judge thereof, restraining and enjoining the performance or representation of any such dramatic or musical composition may be served on the parties against whom such injunction may be granted anywhere in the United States."

The amendment was agreed to.

The next amendment was, in line 31, before the word "composition," to strike out "operatic" and insert "musical"; and in line 32, before the word "such," to insert "upon"; so as to read:

But the defendants in said action, or any or either of them, may make a motion in any other circuit in which he or they may be engaged in performing or representing said dramatic or musical composition to dissolve or set aside the said injunction upon such reasonable notice to the plaintiff as the circuit court or the judge before whom said motion shall be made shall deem proper.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE OVER MISSOURI RIVER AT ST. CHARLES, MO.

Mr. COCKRELL. I ask for the present consideration of the bill (H. R. 5675) authorizing the construction of a wagon and motor bridge over the Missouri River at St. Charles, Mo.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 3, after the word "That," to strike out "Theodore Bruere, Henry B. Denker, A. F. Mispagel, O. J. Marten, C. W. Prosser, W. F. Bloebaum, B. L. Emmons, L. Ringe, A. Runge, J. F. Rauch, and Henry F. Pieper" and insert "the St. Charles and St. Louis County Bridge Company, a corporation duly created under the laws of the State of Missouri, its successors and assigns"; in line 17, after the word "said," to strike out "parties" and insert "corporation, its successors or assigns"; in line 18, before the word "approved," to strike out the words "to be"; in line 20, after the word "said," to strike out "parties" and insert "corporation"; in the same line, before the word "successors," to strike out "their" and insert "its"; and in line 28, before the word "successors," to strike out "parties, or their" and insert "corporation, its"; so as to make the section read:

That the St. Charles and St. Louis County Bridge Company, a corporation duly created under the laws of the State of Missouri, its successors and assigns, are hereby authorized to construct and maintain a bridge and approaches thereto across the Missouri River, between the city of St. Charles, Mo., and St. Louis County, Mo., at a point to be selected consistent with the interests of river navigation. Said bridge shall be constructed to provide for the passage of wagons and vehicles of all kinds, street-railway cars, motor cars, animals, foot passengers, and for all road travel, for such reasonable rates of toll and under such reasonable rules and regulations as may be prescribed by the said corporation, its successors or assigns, and approved from time to time by the Secretary of War: *Provided*, That the said corporation, or its successors and assigns, shall build and maintain at all times, as accessory works to said bridge, such booms, piers, dikes, guard fences, and similar devices as may be necessary, in the judgment of the Secretary of War, to insure at all times a permanent channel for a sufficient distance above and below the bridge site, and for the guiding of rafts, steamboats, and other water craft safely under said bridge: *Provided further*, That the said corporation, its successors and assigns, shall maintain on said bridge, from sunset to sunrise, such lights and other signals as the Light-House Board shall prescribe.

The amendment was agreed to.

The next amendment was, in section 2, line 7, before the word "successors," to strike out "parties or their" and insert "corporation, its"; and in line 11, before the word "successors" to strike out "parties, or their" and insert "corporation, its"; so as to read:

That said bridge shall not be built or commenced until the location and plans have been approved by the Secretary of War as hereinafter provided for; and any change in the construction or any alteration of said bridge and accessory works that may be directed at any time by Congress or the Secretary of War shall be made at the cost and expense of the said corporation, its successors and assigns; that the said bridge shall be constructed without interference with the security and convenience of navigation of said river, and in order to secure that object the said corporation, its successors and assigns, shall submit to the Secretary of War, for his examination and approval, a design and drawings of said bridge.

The amendment was agreed to.

The next amendment was, in section 3, line 1, after the word "built," to insert "either"; in line 2, before the word "bridge," to insert "or low," and after the word "bridge" to insert "and if built as a high bridge it shall be"; so as to read:

That said bridge shall be built either as a high or low bridge, and if built as a high bridge it shall be with unbroken and continuous spans.

The amendment was agreed to.

The next amendment was, in section 3, line 8, after the word "river," to insert:

If built with pivot drawspan, it shall have one drawspan, affording two clear openings of not less than 200 feet each, which drawspan shall be maintained over the main channel of the river at an accessible and navigable point, and if with fixed span or spans, they shall be not less than 200 feet in length in the clear, and the headroom under each span shall not be less than 10 feet above the standard high-water grade line, and the piers of said bridge shall be parallel with and the bridge itself at right angles with the river: *Provided also*, That said drawspan shall be opened promptly by said corporation, its successors and assigns, upon reasonable signal for the passage of boats and rafts: *And provided further*, That the said corporation, its successors and assigns, shall, at their own expense, build and maintain, under the direction and supervision of the Secretary of War, when so required, such wing dams, booms, and other necessary work to maintain the channel within the drawspan of said bridge, and shall, at their own expense, maintain a depth of water through said drawspan not less than now existing, as shown by the records of the War Department, at the point where said bridge may be located: *And provided further*, That said corporation, its successors and assigns, shall maintain, at their own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

The amendment was agreed to.

The next amendment was, in section 4, line 6, after the word "said," to strike out "parties" and insert "corporation, its successors or assigns"; so as to read:

That the Secretary of War is hereby authorized and directed, upon receiving the report of the Board of Engineers, and upon being satisfied that the bridge to be built will conform to the requirements of this act, to notify the parties authorized to build the same that he approves of the same; and upon receiving such notification the said corporation, its successors or assigns, may proceed to erect said bridge, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. COCKRELL. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. VEST, Mr. QUAY, and Mr. NELSON were appointed.

SALLY HARDMOND.

Mr. BURROWS. I ask the Senate to proceed to the consideration of the bill (S. 1122) for the relief of Sally Hardmond.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Martha A. Boywell, executrix of Sally Hardmond, deceased, the sum of $4,850, being the balance due said Sally Hardmond on account of her personal services as a nurse in the Bureau of Freedmen, Refugees, and Abandoned Lands, district of Virginia, and for rent of a dwelling house in the city of Richmond, in the State of Virginia, and for one house hired by and used for the purposes of said Bureau, and for money expended by her in and for said Bureau.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REMOVAL OF PENSION DISABILITIES.

Mr. PRITCHARD. I ask unanimous consent for the present consideration of the bill (S. 901) amending section 4716 of the Revised Statutes.

Mr. HILL. What is the effect of the bill?

Mr. HAWLEY. What is the bill?

Mr. HILL. Will the Senator from North Carolina explain what the bill proposes to do? I am not familiar with existing law and can not tell exactly what the amendment proposed is.

Mr. PRITCHARD. I will state for the information of the Senate that under the act of June, 1890, the Commissioner holds that any person who served in the Confederate army and subsequently joined the Union Army is not entitled to a pension. The bill simply amends the act so as to enable any party who served in the Confederate army and subsequently joined the Union Army prior to the 1st day of September, 1864, and was honorably discharged, to receive a pension. That is all there is in it.

Mr. CHANDLER. Provided he served in the Union Army for what length of time?

Mr. PRITCHARD. Provided he served in the Union Army for ninety days.

Mr. HAWLEY. I hope the Senator from North Carolina will forgive me, but I wish that the bill might lie over a day, as I would like to look at it a little.

Mr. PRITCHARD. I will state that the matter was before the Committee on Pensions and was thoroughly considered there. I first offered the bill so as to repeal the section entirely. I believed it ought to be repealed. I now believe it ought to be repealed, but at the suggestion of the Senator from Illinois [Mr. PALMER] the bill was amended so as to entitle only those who joined the Federal Army prior to the 1st day of September, 1864, to participate in its benefits. I trust the Senate will let the bill pass, because great injustice has been done to the people of the South—those who first were compelled to go into the Confederate army and afterwards at the first opportunity joined the Federal Army. I take it that if the Government accepted the service of these people, as it did, and they made good soldiers—as they did in every instance—it is nothing but right that Congress should pay them a pension as well as every other individual who served in the Army. I trust the Senator from Connecticut will withdraw his opposition.

Mr. HAWLEY. I should like to have it lie over for a day. I will assist in getting it up after a day.

Mr. PRITCHARD. If the Senator from Connecticut will permit me, I will state that the House has already passed a bill during this session (the Pickler bill), which absolutely repeals this section without any qualification whatever. The only objection that was urged before the Pension Committee was that these men went into the Union Army after they saw that the South had lost the day. But this provision guards against that class of persons. This provision does not put in the man who joined the last day. It only includes those who went into the Confederate army under force of circumstances and at the first opportunity went through the lines and fought in behalf of the Union.

It seems to me if there is a class of people on earth who ought to have a pension it is those men who had the nerve and the manhood at the first opportunity, having been coerced into the Confederate army, to risk their lives and go and fight in defense of the Union.

Mr. HAWLEY. What is the limitation? The 1st of September, 1864?

Mr. PRITCHARD. The 1st of September, 1864.

Mr. CHANDLER. I should like to ask the Senator from Connecticut whether we could fairly have accepted the services of those men, enlisting them in the Union Army, without condoning any prior service in the Confederate army. Could we make any distinction? Can we to-day make any distinction between the men who were enlisted?

Mr. HAWLEY. There is very great force in that view. I remember very well, not to say much about my own personal experience, that men came over with a considerable degree of rapidity in the latter part of 1864. A number of them asked leave to go into the United States Army provided they could go off west of the Mississippi, so that they might not be caught by their old comrades. I think the date is hardly early enough, but I shall not fight against the bill. I would rather have the date earlier.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That section 4716 of the Revised Statutes be amended so as to read as follows:

"SEC. 4716. No money on account of pension shall be paid to any person or to the widow, children, or heirs of any deceased person who in any manner voluntarily engaged in or aided or abetted the late rebellion against the authority of the United States, except to such persons and the widows of such persons as before the 1st day of September, 1864, voluntarily, or as a substitute for any other person, and without a bounty or the promise of a bounty for so doing, enlisted in the service of the United States and actually served for ninety days."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The Committee on Pensions report to strike out the preamble. The question is on agreeing to the amendment striking out the preamble.

The amendment was agreed to.

SETTLERS UPON UNSURVEYED PUBLIC LAND.

Mr. CARTER. I call up the bill (S. 2284) for the relief of homestead settlers in Gregory County, S. Dak. The bill is on the Calendar under Rule VIII. It has been read.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill, which had been reported from the Committee on Public Lands with an amendment, to strike out all after the enacting clause and insert:

That in all cases, including those arising on ceded portions of Indian reservations, where persons duly qualified to enter land under the homestead laws have heretofore or may hereafter settle, improve, and continuously reside upon unsurveyed public land with the bona fide intention of entering the same under the homestead laws when surveyed and opened to entry shall, upon presenting final proof as required by law, be entitled to credit for residence, improvement, and cultivation made prior to the approval of such survey and the acceptance of filings. All acts and parts of acts in conflict herewith are hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of homestead settlers on unsurveyed public land."

Mr. CHANDLER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 58 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 21, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 20, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

REPRINT OF IMMIGRATION BILLS.

Mr. RICHARDSON. Mr. Speaker, I desire to submit a privileged report.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The Committee on Printing having had under consideration resolutions providing for the reprinting of 500 copies each of House bills 58, 7864, 7415, and 8474, with the reports thereon, for the use of the House of Representatives, having considered the same, recommend that the same do pass.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That there be printed for the use of the House of Representatives 500 copies each of the bills H. R. 58, 7864, 7415, and 8474, with the accompanying reports thereon.

The resolution was agreed to.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

CONSIDERATION OF BILLS FROM THE COMMITTEE ON LABOR.

Mr. HENDERSON. Mr. Speaker, I offer the following privileged report from the Committee on Rules.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The Committee on Rules, to whom was referred resolution No. 318, having had the same under consideration, beg leave to report the following substitute therefor:

Resolved, That Thursday and Friday next shall be allotted to bills from the Committee on Labor, as follows:

Thursday, May 21, 1896, the House shall, immediately after the reading of the Journal, resolve itself into Committee of the Whole on the state of the Union for the consideration of House bill 6119, entitled "A bill authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital," and that at 4 o'clock p. m. on the same day the committee shall rise and report the bill, with such amendments as may have been adopted, to the House, whereupon the previous question shall be considered as ordered upon the amendments to the bill to its passage.

And, further, that on Friday, May 22, after the disposal of unfinished business, the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 228) entitled "A bill concerning carriers engaged in interstate commerce and their employees," and at 4 o'clock p. m. on that day the committee shall rise and report the bill to the House with such amendments as shall have been adopted, and thereupon the previous question shall be considered as ordered upon the amendments and bill to the passage: *Provided, however*, That nothing in this resolution shall be construed as interfering with general appropriation bills and conference reports.

Mr. HENDERSON. I ask the previous question on the adoption of the order.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

Mr. RICHARDSON. I desire to ask the gentleman——

Mr. HENDERSON. I will explain briefly to the House the purpose of the order, as all present may not have observed its reading. It gives two days to the Committee on Labor for the consideration of the two bills named in the order, Thursday for the consideration of what is known as the commission or Phillips bill, and Friday, after the disposal of the unfinished business, to the consideration of the arbitration bill, known as the Erdman bill; to-morrow to be devoted to the disposition of the commission bill and Friday to the arbitration bill.

Mr. RICHARDSON. What I desired to ask the gentleman was, if he will permit me, whether the adoption of this rule setting apart Friday will not, in his opinion, do away with any consideration of bills on the Private Calendar?

Mr. HENDERSON. It will do away with the consideration of bills on the Private Calendar, except the unfinished business. There are about 21 bills——

Mr. RICHARDSON. Pension bills?

Mr. HENDERSON (continuing). Pension bills, reported from the Committee of the Whole, which will be first disposed of.

Mr. RICHARDSON. The gentleman does not think, then, that the war claims would have any chance whatever on Friday if the rule is adopted?

Mr. HENDERSON. I think not.

Mr. RICHARDSON. I only wanted the House to understand that.

Mr. CANNON. Do I understand the gentleman has reported a special rule?

Mr. HENDERSON. Yes.

Mr. CANNON. I will ask the gentleman if election cases are to be taken into consideration? I am not on any one of the committees, and have no authority to speak for them, but I understand that there are a number of cases ready for disposition by the House.

Mr. HENDERSON. We do not make provision for them this week, I will say to the gentleman, but they will be given the right of way at the proper time.

Mr. MAHON. Mr. Speaker——

Mr. HENDERSON. We felt that labor ought to be heard before this House, and at once.

Mr. DOCKERY. I hope the gentleman from Pennsylvania, the chairman of the Committee on War Claims, will be allowed to present his views in opposition to this rule.

Mr. MAHON. Mr. Speaker, I have no objection to the consideration of the bills to which the gentleman refers. It does seem to me, however, that during the six months that this Congress has been in session the Committees on Claims and War Claims ought to have had some consideration at the hands of the House. Now, you may decry war claims, but as chairman of that committee let me say we have scanned carefully the bills reported to the House, and out of some 1,800 sent to the committee about 200 are reported favorably and are on the Calendar. Many of these are meritorious bills, claims honestly due from the Government to its citizens, and ought to be paid.

Now, Mr. Speaker, I can not see why Friday should not be excluded from this order.

Mr. RICHARDSON. Will the gentleman allow me to ask him a question? I believe he is chairman of the Committee on War Claims. I want to ask him if that committee have had for consideration of bills reported by them more than one day during this Congress?

Mr. MAHON. We have had about an hour and a half.

Mr. RICHARDSON. Is that all the Committee on War Claims have had accorded to them during this Congress?

Mr. MAHON. About an hour and a half.

Mr. DALZELL. I should like to ask my friend a question. Does he believe that if all of to-morrow were devoted to the consideration of bills relating to war claims there would be a single one passed?

Mr. MAHON. That is not the question, Mr. Speaker. This House ought to have an opportunity to either pass these bills or reject them.

Mr. STEELE. That is true as to every bill.

Mr. MAHON. I appeal to all the members of this House who have bills upon this Private Calendar for claims due to their constituents. This is nothing to me personally. If you do not want to have a hearing in this House, why, pass this order. If you have bills on the Private Calendar, and you want to have a hearing on them, then vote it down.

Mr. RICHARDSON. Will the gentleman allow me to ask him a further question?

Mr. MAHON. Yes.

Mr. RICHARDSON. I do not want to interrupt the gentleman in his argument, but I should like to ask him a further question. How much time has the Committee on War Claims devoted to the consideration of measures reported from that committee and now on the Calendar? Have you had any meetings of your committee?

Mr. MAHON. We have had two meetings every week during the whole session.

Mr. RICHARDSON. Have you reported measures that are on the Calendar?

Mr. MAHON. Yes; a great many. Now, Mr. Speaker, I have no reflections to make on the Committee on Rules. I know the great pressure that has been brought upon that committee to consider various bills; but I want to serve notice on this House that at the next session of this Congress, and perhaps in the following Congress, three or four committees of this House intend to relieve the Speaker of that constant annoyance to which he is put every morning by requests for unanimous consent. We propose to force this House to consider bills on the Calendars of the House, under the rules of the House. [Applause.]

Now, I say that I have no reflection to make personally. I know that to the Speaker of this House it is one of the greatest annoyances to which he is put. We have passed three or four hundred private bills here, and have never touched the Calendars of the House, either the Calendar of the Whole House on the state of the Union or the Calendar of the House. We have ignored them altogether. I want to serve notice on the members of this House who want to get their bills through by unanimous consent to get them through within the next fifteen days; for you will not get them through in the next session, because we intend that after the reading of the Journal the regular order shall be called. There will be a committee appointed from these committees to call for the regular order every morning after the reading of the Journal; and if any private bills are passed by this House, they must be passed on the Calendar and not by unanimous consent. [Applause.]

Mr. RICHARDSON. In view of the applause that is manifested at this statement, I want to ask why this rule was not put in force some three or four months ago?

Mr. MAHON. We have been trying some other method. We can not expect the presiding officer of this House to recognize 356 members here upon private bills. It creates a feeling of injustice, a feeling perhaps against him; but hereafter, in the next session and in the next Congress, private bills will be passed through this House when the regular Calendars are before the House, and not in any other way. I want to serve notice now, so that gentlemen will remember that there is nothing personal in it. Now, if you want to pass these bills or consider them on the Private Calendar on Friday, vote this order down. If you do not want to go to the Private Calendar, pass this rule.

Mr. MILES. I wish to ask the gentleman from Pennsylvania whether that notice applies to the remainder of this session?

Mr. MAHON. No.

Mr. WALKER of Massachusetts. Mr. Speaker, I move to strike out so much of the order as relates to Friday.

Mr. HENDERSON. Mr. Speaker, the previous question has been ordered, and that motion is not in order.

Mr. HOPKINS. Can we have the order read again?

Mr. WALKER of Massachusetts. Mr. Speaker, I believe I have the floor?

The SPEAKER. The gentleman from Massachusetts has the floor, but as to the motion which he makes, the point of order has been raised against him.

Mr. WALKER of Massachusetts. I am informed that it is not in order to move to strike out so much of this rule as refers to

Friday; but I want to call the attention of this House to the sneers of contempt that are visited upon the chairman of the Committee on War Claims by the leaders of this House when that committee seeks to have the debts of this Government honestly paid, or at least considered in this House.

This House has been growing worse and worse for years in refusing to consider claims conceded to be due to citizens of this country. We can sympathize with Cuba, we can sympathize with Venezuela, but we can rob citizens of this country; and when some of us who have constituents robbed by this Government seek a day for consideration, the gentleman from Pennsylvania [Mr. DALZELL], the gentleman from Missouri [Mr. DOCKERY], and the gentleman from Maine [Mr. DINGLEY] can move to adjourn over from Friday until Monday. They can throw away the time of this House, instead of treating private citizens decently. I want to say that if God spares my life and my constituents return me to the Fifty-fifth Congress, this thing will end. [Applause.]

Mr. RICHARDSON. Will the gentleman allow me to ask him a question?

Mr. WALKER of Massachusetts. I will yield to a question.

Mr. RICHARDSON. The gentleman from Massachusetts has the honor of being chairman of the Committee on Banking and Currency. I will ask him if any measure reported from that committee has had consideration in the morning hour or on any special day?

Mr. WALKER of Massachusetts. I want to say, in answer to that, in view of the Presidential election, there is a disinclination upon both sides of this House to consider a question so serious as finance or banking. [Laughter and applause.]

Mr. RICHARDSON. I hope the gentleman will not include this side of the House in that suggestion.

Mr. WALKER of Massachusetts. That is the feeling which pervades both sides of this House and the leading citizens of this country who are interested in these questions. And let me say here that the contempt and contumely that is visited upon men because they take some interest in public affairs, because they happen to be known as politicians, is miserable and contemptible on the part of those who visit upon them such characterization.

Mr. McMILLIN. Will the gentleman allow me?

Mr. WALKER of Massachusetts. I must have a few minutes of my time. [Laughter.] We may condemn politicians as much as we like, but they are the only men who have any interest in public affairs of any value to the country. The bankers are not politicians. Bankers will not do anything in the matter unless they are at the same time politicians; and they are not going to do anything in the matter in view of a Presidential election. But let me tell you and the country that the Committee on Banking and Currency will be heard from in this Congress yet.

In the second session of this Congress and in the next Congress the rules of this House will either permit us to do the business of the private citizens, or there will be no business done. We have got to a place where reform in our rules is necessary; and there are some members in this House who are going to have it. I want to say to the three or four men who are ruling this House with a rod of iron that their peculiar rule will end at the end of this Congress; at any rate, if a dozen or twenty of us shall be returned to the next Congress, better rules must be had. Members who have been eight and ten years here have been unable to get honest claims considered by this House. It is very easy to sneer at these private citizens who are being robbed by the General Government, men whose robbery is perpetuated and smiled upon, and we are treated with contempt by the leaders of this House when we try to get a day to consider their bills. As long as I have been cut off from making this motion, I have made my protest; and there are fifty men in the House of the same opinion, not cheap men, not cheap-johns, seeking to make speeches here for buncombe to be consumed at their homes, but men striving strenuously to honestly do the public business.

Mr. MAHON. I move to recommit.

Mr. HENDERSON. I want to say to the House that this rule simply gives two days to the Committee on Labor, with the exception of such time as will be needed on Friday to dispose of the unfinished business on the Private Calendar. That will embrace the pension bills that have been reported from the Committee of the Whole. I hope that no one will question the propriety of giving the Committee on Labor a day or two in this House. The commission bill is supported by the united voice of labor in this country——

Mr. WALKER of Massachusetts. Will you allow me a question?

Mr. HENDERSON. And the arbitration bill—excuse me a moment—has also the support of the labor interests and the railroad interests of this country; substantially on the part of the railroads, but not entirely so. Both are bills that have received the almost unanimous approval of the country. The Committee on Labor have been pressing us to give them a day or two, and we have given them two. I hope the propriety of letting the Committee on Immigration have the time that has been allotted it will not be questioned.

Mr. WALKER of Massachusetts. Will the gentleman permit a question?

Mr. HENDERSON. In a moment. Now, we of the Committee on Rules are not here as dictators. We are assigned to committees, as the gentleman from Massachusetts is assigned to a committee, and our obligation is to discharge our duty to this House as best we know how.

Everybody knows the situation of this country in respect to payment of claims. Even before the present business condition came upon the country, the other side, when in control of this House, did not dare to allow claims to be passed and sent to the Treasury for payment.

Mr. MAHON. The Republicans always did.

Mr. HENDERSON. When you know, gentlemen, that the money is not in the Treasury to pay these claims, and when we have work to do which will tell in benefit to the country, why spend the time of this House in considering claims that you have not the money to pay? It is not a theory, it is an absolute condition, that confronts us, and I believe, with all due respect to every gentleman—and there is no sneer or taunt in anything that I say—I believe that the judgment of this House on both sides is against spending our time in the consideration of private claims or war claims in this period in the history of the country.

Mr. RICHARDSON. Will the gentleman allow me to ask him a question?

Mr. HENDERSON. If I am going to yield at all, I will yield to the gentleman from Massachusetts, who first made the request.

Mr. WALKER of Massachusetts. I would like to ask the gentleman why the leaders of this House can adjourn over day after day and day after day, and thus consume time, and then tell us that we have not time to consider these claims? And I want to ask another question on top of that.

Mr. HENDERSON. One at a time, please.

Mr. WALKER of Massachusetts. This country has all the money that there is in the country to pay its honest debts [applause], and this Congress is culpable, and both parties are running neck and neck in the meanest business ever engaged in by legislators, cheating citizens who have just claims against the Government. [Applause.]

Mr. HENDERSON. I did not yield for a speech. The gentleman from Massachusetts refers to the adjournment over Saturday. The leaders of this House can not adjourn the House.

Mr. WALKER of Massachusetts. They can, and they have done it. [Laughter.]

Mr. HENDERSON. I do not know what the gentleman means by "leaders." He is chairman of a great committee of this House and one of the leaders of the House on questions of banking and currency, but the leaders can not adjourn this House. One man can make a motion to adjourn on Saturday, but it takes the "leadership" of 356 members to adjourn this House.

Mr. WALKER of Massachusetts. That is nonsense. [Laughter.]

Mr. HENDERSON. Do not plead the baby act, gentlemen. If you are in your seats, this House can not be adjourned without the consent of a majority of you. But why have the majority adjourned over Saturday? You all know perfectly well that toward the end of a session it is difficult to get a quorum to do business on Saturday. Frequently that day is devoted by members to bringing up their Department work, which the business of the week has forced them to neglect. Frequently members go home and stay over Sunday.

Mr. WALKER of Massachusetts. "Do not plead the baby act." [Laughter.]

Mr. HENDERSON. I am not pleading the baby act. I never plead the baby act.

Mr. WALKER of Massachusetts, Well, I do not plead the baby act either.

Mr. HENDERSON. But, Mr. Speaker, I want to say that I am tired of this talk about "leaders." I for one am willing to become a bumper, if you please, for people to hit and sneer at, but I will continue to do my duty the best I know how, and if the chairman of the Committee on Banking and Currency will do the same he will retain his own self-respect, even if other people do sneer at him, which I do not know of their doing.

Mr. WALKER of Massachusetts. That is exactly the business you are engaged in now. [Laughter.]

Mr. HENDERSON. Now, it is true that this country is rich. We have money, but we know perfectly well that we are mortgaging the country and that the absolutely necessary appropriations of this Government, which are being given with courage and with wisdom, great as the portfolios from the Committee on Appropriations are—we know, I say, that the absolutely necessary appropriations to carry on the Government tax us, under present conditions, as far as we ought to be taxed in the judgment of the people of the country.

Now, Mr. Speaker, I yield to the gentleman from Illinois [Mr. CANNON], if he desires to be heard.

Mr. CANNON. Mr. Speaker, I only want to say a word or two. I think that when the record of this session of Congress comes to be made up, taking into consideration all the surroundings, it will be found in efficiency and wisdom second to that of none other of recent years. With a great membership of 356, it is impossible to do all the business that ought to be done. We have had much of pension business this session, yet with all the time that has been devoted to it the Pension Office, when under proper administration, could in three days have done the same business; could do and ought to do in that time more business than this Congress—both House and Senate—will have done at this session. So with claims. If we should undertake to consider and dispose of all the claims that are pending there would be no time for the public business. Now, I want to say again that the matters of complaint from time to time among ourselves—and I do my full share of complaining and "kicking"—arise out of the system. The country has grown to be so great, that it is practically impossible to do the public business in the time of a session of Congress, let alone the business that individuals are interested in, and it taxes and it will tax the best wisdom of Congress to devise some means to dispose of claims and all that class of business with justice to the claimant and to the Government other than the methods which have been heretofore applied.

Mr. DANIELS. In view of the gentleman's statement, and in view of the large number of private claims before the House, does he not think it would be wise to assign an evening every week, as we do to pensions, to consider and dispose of those claims?

Mr. CANNON. Possibly so; yet even by that method you would not make any great impression upon that class of business. Private claims, depending upon the action of Congress, I take it, can not in the future receive due attention under existing conditions, and while gentlemen may chafe at it, as we all do chafe at it, there is the fact, and the best way is to keep our temper and devise some proper general legislation by which this business can be done outside of Congress, with justice to the claimant and safety to the Government. [Applause.]

Mr. MAHON. Will the gentleman permit a question?

Mr. CANNON. If I have time; I have but a minute.

Mr. MAHON. I wish to ask you this question: Whether we can pass many private claim bills or not, do not you think the proper way is to go to the Private Calendar instead of proceeding by unanimous consent?

Mr. CANNON. I am perfectly content; but unanimous consent means the consent of every one of 356 members, and the necessity for resorting to it in some cases is obvious in view of the crowded condition of the Calendar.

Mr. BAKER of New Hampshire. The gentleman has referred to the necessity of a tribunal outside of Congress for the adjustment of these claims. When that has heretofore been done, has the Committee on Appropriations appropriated the money to pay them?

Mr. CANNON. Oh, such findings under the law were referred for the further consideration of Congress, and under the rules of the House the Committee on Appropriations has no jurisdiction. The Appropriations Committee, I will say, have done their work to the best of their ability in reporting measures for the consideration of Congress under the rules of the House.

Mr. BAKER of New Hampshire. But they have given no opportunity for the consideration of these claims when reported back.

Mr. CANNON. The Appropriations Committee are the servants of the House under the rules made by the House. Let us keep our heads, gentlemen, and go ahead and perform our business under present conditions. With a House that is Republican, with a Senate that is not Republican but worse than Democratic [laughter], and with a President whom the Democrats in part repudiate, it is impossible to enact proper economic and financial legislation. Let us keep our heads and do the public business as best we can—and we are doing it, so far as the House is concerned, pretty well [laughter]—and let us appeal to the people for complete power, House, Senate, and President; and with power, let us bring to our duties clear and wise heads, and adopt proper legislation to cure existing ills. That is all I want to say.

Mr. HENDERSON. Mr. Speaker, let us understand about the time. The gentleman from Illinois [Mr. CANNON] and myself have spoken in the time in favor of this resolution; the other gentlemen in opposition to it. How much time have I remaining?

The SPEAKER. Seven minutes.

Mr. HENDERSON. How much time is there on the other side?

The SPEAKER. Ten minutes.

Mr. HENDERSON. I reserve the residue of my time for the present.

The SPEAKER. The Chair recognizes the gentleman from Massachusetts [Mr. WALKER].

Mr. WALKER of Massachusetts. Mr. Speaker, I am not complaining of the record of this Congress as it is made up; I do not say it will not compare favorably with the record of other Congresses. I am complaining that there is a design upon the part of the leaders that has been executed with an unrelenting hand in the four Congresses of which I have been a member to hinder and prevent the consideration of the honest claims of private citizens to whom this Government is justly indebted, and the postponement of whose claims is bringing embarrassment and injury to those citizens. The leaders of this House on the Republican side and on the Democratic side, whichever party may be in the majority, have been determined that those claims should not be considered and should not be paid. Whenever under the rules even there have been days assigned for the consideration of such claims, means have been taken to continue useless and frivolous debates, with the distinct purpose of defeating consideration and action upon those claims.

It is conceded that our system is a bad one. Certainly it is; but it is continued Congress after Congress by the leaders of whichever party may be in the majority, to their discredit. Shall it never end? Shall men be answered by saying they are losing their heads because they demand that this villainous system shall end? We are here giving notice now that in the next Congress rules shall be devised that will give fair consideration to bills of this character. We know that bills which have passed this House at one session and then passed the Senate, and for want of time failed to receive the President's signature—bills which have passed committees of the two Houses unanimously session after session—receive no more consideration, have no more chance of passage, than bills that are brought into this House for the first time and by a divided committee—by the vote of a bare majority. Bills that every committee of this House, every committee of the Senate, every member of Congress whose attention is called to them, session after session, say ought in justice to be passed, have no precedence, have no standing, have no consideration. And the leaders of both parties connive against passing them to keep down appropriations. Why? Because they say we have not money enough in the Treasury. When we have been paying off our public debts by hundreds of millions, we have no money for the honest private citizen of this country who is the creditor of this Government.

I want to say, as I have said before on this floor, with as cool a head as any man ever had, that it is a burning shame that this Government should present to the world a spectacle such as no other government presents of abusing and robbing her own citizens. And Representatives on this floor can get no chance for the consideration of honest claims due their constituents. If there is any love of justice in this House, if there is any genius for legislative business, why not so fix our rules that these claims can be considered and paid? No money in the Treasury! There is always money in an honest man's hands to pay an honest debt, or else he is willing to compromise like an honest man, and not deny the existence of the debt and put off his creditors, saying, "Go, and come again, and to-morrow I will pay, when thou hast it by thee," which is damned by every honest man and condemned by every principle of honesty. [Applause.]

Mr. HENDERSON. I yield the residue of my time to the gentleman from Pennsylvania [Mr. DALZELL], my colleague on the Committee on Rules.

Mr. MAHON. How much time remains to the other side?

The SPEAKER. Five minutes.

Mr. DALZELL. I reserve my time.

Mr. MAHON. Mr. Speaker, I will make no complaint. I am standing here simply as the chairman of a committee demanding the rights of that committee. That is what I am asking at the hands of this House and its leaders; and when the time comes I will make a motion to recommit this resolution with instructions to strike out the word "Friday" and insert "Monday." I have no inclination to deprive the Labor Committee of the right to consider important measures which it has reported; but I want to emphasize the fact that there are upon the Private Calendar bills for the payment of money honestly due by this Government to its citizens, for property taken by the officers of the Army of the United States, to feed your soldiers on the field or in camp; for property, too, taken since the war closed, which has gone to supply the Army and other departments of the Government.

I stand with the gentleman from Massachusetts [Mr. WALKER] when I say that up to the Fifty-first Congress, a Republican Congress, which passed bills of over $600,000 for the payment of these honest claims—prior to that no Republican Congress ever repudiated honest and just claims of private citizens. The Fifty-second and Fifty-third Congresses for some reason did refuse to make provision for these claims.

Now, I appeal to this House to give us Friday for the consideration of these measures, the only day fixed by the rules on which bills on the Private Calendar can be considered. I repeat, and I say it without any reflection upon any member of the House, that this way of picking out this or that private claim and passing

it by unanimous consent is an outrage upon two-thirds of the members of this House, whose constituents are absolutely denied a hearing because we can not reach the Calendar.

I make no complaint of anyone. I have been treated with as much kindness as any other member of the House by the presiding officer. But I want to say as a member of Congress that this method of securing consideration for private claims is distasteful to me; I do not like it. I feel in such a case that I am trespassing on time that belongs to others, and that I am making myself an annoyance, and possibly a nuisance, to the presiding officer of the House. I believe that we ought to insist that the rules of the House should be enforced and that all bills on the Private Calendar should be considered and passed in the regular way and not as individual bills singled out and passed by unanimous consent. I give notice now to you gentlemen who want Friday appropriated for the consideration of these private bills that I shall make a motion to recommit this resolution with instructions to strike out "Friday" and insert "Monday"; and if you want your bills considered, vote for this motion; if not, vote against it.

Mr. RICHARDSON. Why not name Tuesday instead of Monday? Monday is set apart by the rules for other purposes; it is District day.

Mr. MAHON. I should have no objection to naming Tuesday instead of Monday. Personally, I have no interest in this matter; but I say we should do justice to these people to whom the Government is indebted. We can pass bills here appropriating $70,000,000 for rivers and harbors; we can pass other bills running into the millions. Why not do justice to private claimants? If it is said we have not money to pay these private citizens, then let the Government borrow money from people who are glad to lend it, and with the proceeds pay the honest debts due these claimants, who have already been kept waiting far too long. [Applause.] We may as well issue bonds to pay honest indebtedness of the Government due to private citizens as provide in that way for general expenses.

Mr. DALZELL. Mr. Speaker, it must be apparent to every fair-minded man in this House who is not carried away by his temper——

Mr. WALKER of Massachusetts. To whom do you allude? [Laughter.]

Mr. DALZELL (continuing). That the Committee on Rules can by no possibility have any personal interest in this matter. The members of that committee are not the leaders of the House in the sense in which that term has been used here to-day, but the servants of the House.

Mr. PICKLER. They are the controllers so far as legislation is concerned.

Mr. DALZELL. They are the servants of the House, to see that its business is carried on in an orderly manner, and the controversy here to-day, if there be a controversy between any two parties, is a controversy between the Committee on Labor seeking to pass legislation demanded by the interest of both capital and labor in this country upon the one hand and the gentlemen who seek consideration of private claims on the other hand.

Mr. WALKER of Massachusetts. That demagogy will not go.

Mr. DALZELL. Mr. Speaker, I will not suffer myself to be interrupted by the impudence of the gentleman from Massachusetts.

I say that the controversy that you gentlemen are to settle, if there be a controversy, is between the Committee on Labor and those who desire the consideration of private claims. Now, what does that controversy amount to? How much is involved in this question about which we are having a tempest in a teapot? Two hours, and only two hours. All that it is proposed to give to this committee on Friday is what may remain of that day after the unfinished business shall have been disposed of. I venture the assertion that it will not amount to two hours. And what would you do in those two hours if this resolution be not adopted?

I appeal to members of this House who have had experience here, do you mean to say that in those two hours of Friday you would accomplish anything with the Private Calendar? Do you mean to say there is any possibility of passing a single bill upon it? You know there is no possibility of any such thing. Those two hours that you gentlemen propose to waste we propose to utilize in the interest of the laboring men of this country.

Now, suppose we yield this matter; suppose the House, instead of the Committee on Rules, in these the closing days of the session, shall undertake to arrange a programme; then what are you to do with the business of importance that yet remains undisposed of? The Judiciary Committee will require at least one day, perhaps two, for the transaction of very important business pending before it. There are four election cases ready to be argued, involving questions of the highest possible privilege, the right to a seat in this House; and it would be a disgrace, Mr. Speaker, to Congress if it should adjourn with these election cases on the Calendar undisposed of. There are other important committees clamoring for time.

So I end, as I began, with the statement that the controversy is one over only two hours that we propose to utilize and you propose to waste. It is a controversy which, if carried against the Committee on Rules, means simply that you and not they must arrange the programme of business for the balance of the session.

Mr. PICKLER. Will the gentleman yield for a question?

Mr. DALZELL. Certainly.

Mr. PICKLER. I understand that this order gives to-morrow and what is left of Friday to the consideration of bills from the Committee on Labor. That precludes the Committee on Invalid Pensions from having any more time this session, does it not?

Mr. DALZELL. Why, the committee will have Friday nights, I suppose.

Mr. PICKLER. Oh, well; Friday night! There are 300 bills and 300 members clamoring for them——

Mr. WILLIAMS. Why not substitute Saturday for Friday in this order?

Mr. DALZELL. Because another bill has been provided for consideration on that day.

Mr. MILLIKEN. What is that?

Mr. DALZELL. To repeal section 61 of the Wilson bill.

Mr. PICKLER. Well, we generally find ourselves on Saturday without enough members to transact business.

Mr. MILLIKEN. If you repeal the whole of that bill we will be glad to give all the time necessary.

Mr. DALZELL. And we would be very glad to do so if we could. I can assure the gentleman, though, that when the next Congress convenes we will proceed—in special session—to do so.

Mr. WALKER of Massachusetts. Do you suppose the Senate would pass that bill if you did?

Mr. DALZELL. Now, Mr. Speaker, I ask a vote.

Mr. MAHON. Mr. Speaker, I move to recommit the resolution to the Committee on Rules, with instruction to substitute Tuesday of next week for Friday, so that it will read Thursday of this week and Tuesday of next week.

Mr. DALZELL. Mr. Speaker, I rise to a parliamentary inquiry. Is the rule subject to such a motion?

The SPEAKER. The Chair thinks so.

Mr. MAHON. That will have the same effect; it will give the committee two days.

Mr. PICKLER. I desire to offer an amendment to the amendment. I move to substitute whatever days the gentleman wants next week—Tuesday and Wednesday—for the Committee on Labor, and that Thursday of this week be assigned to the Committee on Invalid Pensions.

The SPEAKER. That motion will not be in order.

Mr. PICKLER. Why?

The SPEAKER. Because you can not accomplish by a motion to reconsider what could not be accomplished by an amendment. The question is on the motion of the gentleman from Pennsylvania to recommit, with instructions to substitute Tuesday next for Friday in the order.

Mr. DALZELL. That will cut out the consideration of an election case if adopted.

The question being taken on the motion of Mr. MAHON, the House divided; and there were—ayes 65, noes 128.

So the motion to recommit with instructions was rejected.

Mr. WATSON of Ohio. Mr. Speaker, I desire to submit a question for information. If this rule is adopted, will it prevent another day from being given to the consideration of private pension cases?

Mr. PICKLER. Yes; undoubtedly.

The SPEAKER. The gentleman from South Dakota says "yes," and the Chair says "no." [Laughter and applause.]

Mr. HENDERSON. I demand the regular order.

The SPEAKER. It will not prevent the committee from having another day, provided the House under proper circumstances shall choose that way. Otherwise it will.

Mr. PICKLER. I desire to offer an amendment.

The SPEAKER. An amendment is not in order at this time.

Mr. PICKLER. My amendment is similar to that offered by the gentleman from Pennsylvania.

The SPEAKER. It is not in order. But one motion to recommit can be entertained.

The question being taken on the adoption of the resolution, the Speaker announced that it was agreed to.

On motion of Mr. HENDERSON, a motion to reconsider the last vote was laid on the table.

Mr. WILLIAM A. STONE. I demand the regular order.

Mr. BARTHOLDT. Mr. Speaker, I call for the regular order.

CHANGE OF CONFEREES.

The SPEAKER. The Chair desires, in the first place, to submit to the House some changes in regard to conferees. The gentleman from Wisconsin [Mr. BABCOCK], one of the conferees on the pool-table bill, desires to be excused from serving, and if there be no objection his request will be complied with, and the Chair will appoint the gentleman from Iowa [Mr. CURTIS] as a substitute.

On the bill H. R. 2648, the gentleman from Missouri [Mr. JOY] desires to be excused. Without objection, the request will be granted, and the gentleman from Illinois [Mr. MURPHY] will be appointed in his stead.

There was no objection.

ORDER OF BUSINESS.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Ohio [Mr. GROSVENOR] asks unanimous consent for the present consideration of a resolution which will be read.

Mr. KEM. I call for the regular order.

The SPEAKER. The gentleman from Nebraska demands the regular order.

Mr. GROSVENOR. This will only take a moment.

Mr. KEM. Regular order.

The SPEAKER. The gentleman from Nebraska [Mr. KEM] insists upon the regular order. The Chair understands that there is a conference report to be submitted.

CAPITAL RAILWAY COMPANY, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I desire to present the conference report which I send to the Clerk's desk.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the first amendment of the House, and agree to the same with an amendment as follows: Also, in section 1, line 7, strike out the word "for" and insert the word "have," so that the phrase shall read, "have a common seal"; and that the House agree to the same.

That the Senate recede from its disagreement to the second amendment of the House, and agree to the same amended to read as follows: "Also continuing from said Eleventh and M streets, north on Eleventh street to the south building line of East Capitol street"; and that the House agree to the same.

That the Senate recede from its disagreement to the third and fourth amendments of the House, and agree to the same.

That the Senate recede from its disagreement to the fifth amendment of the House, and agree to the same, with an amendment, so that section 4 shall read as follows:

"That the portions of the company's routes from Congress or Pencote Heights to Shepherd's Landing and the Harrison street branch east to the District line shall be completed within two years from the passage of this act: *Provided*, That failure to complete the said portions of the routes as provided for in this section, and also failure to complete the extension on Eleventh street east, shall operate to repeal the authority to build said portions, and shall not repeal the charter of said company."

And that the House agree to the same.

J. W. BABCOCK,
G. M. CURTIS,
JAMES D. RICHARDSON,
Managers on the part of the House.

CHARLES J. FAULKNER,
REDFIELD PROCTOR,
Managers on the part of the Senate.

The conference report was agreed to.

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

IMMIGRATION.

Mr. BARTHOLDT. I call for the regular order, the consideration of the immigration bill.

The SPEAKER. The question before the House is the bill relating to immigration. The gentleman from South Carolina [Mr. WILSON] is recognized.

Mr. WILSON of South Carolina. Mr. Speaker, neither of the great political parties of this country can claim as its own peculiar product the laws upon our statute books in restriction of immigration. They are the result of the combined wisdom and patriotism of both parties, extending over a period of more than fourteen years.

The subject is wholly nonpolitical. It is national in its scope, in its bearings, and in its effects, as much so as the Monroe doctrine or the cause of Cuba. It is too high and too broad to be made the hobby of the politicians. Its necessity and its justification is in the maintenance of the standard of American citizenship and the protection of American labor.

In the beautiful and eloquent speech to which we listened yesterday afternoon I was surprised to hear that the record, the traditions, and history of the great Democratic party in this country should be stated to be in opposition to bills of this character. Why, Mr. Speaker, from the beginning of our history, from the days of Jefferson, the great slogan of that party has been "America for Americans," the protection of this isolated land for the benefit of its own citizens; and only in our last national convention, in 1892, we find a plank in the platform upon which every Democrat can stand, one upon which I stand, and against which I believe no Democrat in this building raises objection, in these words:

SEC. 12. We heartily approve all legitimate efforts to prevent the United States from being used as the dumping ground for the known criminals and professional paupers of Europe, and we demand the rigid enforcement of the laws against Chinese immigration, or the importation of foreign workmen under contract to degrade American labor and lessen its wages, but we condemn and denounce any and all attempts to restrict the immigration of the industrious and worthy of foreign lands.

There is nothing in any of these bills now pending before this body that is in contravention of that principle of the platform adopted in 1892. Nor, Mr. Speaker, is this question to be solved by appeals to sentiment. It is sweet to talk of liberty. The very name of it is music to the ears of every child on our soil; but when it attempts to lure us from the true path that we should take in legislation it loses its melody, and becomes the voice of the siren.

Why, Mr. Speaker, I should like to read here in this connection, as bearing appropriately upon the sentiment, an extract from the article of Mr. Rood, in the Forum, volume 14, page 114:

When a stranger visits the anthracite regions [of Pennsylvania], he is filled with sympathy for the poor Italian and Slav. He considers the American residents heartless in the extreme. He is amazed at the way the foreigners are regarded. But a single year spent in that land will show him the truth, no matter how tender-hearted he is. He will then know that disgust should take the place of surprise. He sees a thousand idle Americans and a like number of foreigners slaving for 80 or 90 cents per day. He sees the Americans sending their children to school, supporting churches, living in decent houses, trying to be cleanly and to wear presentable clothing. He also sees the scum of Europe taking the place of the former, content to swarm in shanties like hogs, to contract scurvy by a steady diet of the cheapest salt pork, to suffer sore eyes and bodies rather than buy a towel and washtub, to endure typhoid fever rather than undergo the expense of the most primitive sanitary apparatus.

Now, that is the class in whose behalf liberty is apotheosized! Why, Mr. Speaker, if we are all sensitive to appeals made in the name of humanity, every high impulse in us prompts us to sympathize with the poor and oppressed and to pity the fallen, the degraded, and the criminal, but that is all we can do. We might indulge in the innocent pastime of happy children chasing shadows and pursuing the flitting butterfly by thinking that on this great earth there should be some sacred spot where the weak, the heavy laden, and the oppressed might find an asylum; where the decrepit, the worthless, the thriftless, the degraded, the outcast, the discharged from prisons should find a refuge or a reformatory; but I do not believe there is any man on this broad continent who would ask us to constitute this country such an asylum. There is a liberty that belongs to our own people, a liberty to earn an honest livelihood here.

Now, Mr. Speaker, there are times when it is appropriate to appeal to liberty, beneath the folds of the Star Spangled Banner, fanned by the breezes that sweep "from the ocean that roars to the ocean that sleeps," while the band plays "Sweet Marie"; but here, in this body, assembled for the purpose of enacting legislation for the benefit, the advantage, and the preservation of the rights of American labor, I say it is not the place for sentiment. We must deal, and are dealing, with actual reality. We have the facts facing us. We have a condition presented to us that demands action on the part of this body. In the closing scenes of this session, within the last two weeks, we are at last accorded the privilege of placing before the country a bill which, if adopted by the Senate, will be a source of gratification, a source of untold joy to thousands of laborers now waiting for employment, and to whose hearts every gale that sweeps from Ellis Island brings the sad tidings that their lives are to be made more miserable, their chances of employment lessened, and their wages reduced by the great tide of this worthless immigration that is flowing from the shores of Europe.

And what do they tell us? Why do they say that this bill should not pass? They assert that this country is big enough and grand enough to welcome the refugees of all lands. I say it is not true, Mr. Speaker. I say that while we have countless thousands of acres of uncultivated land, while throughout the great West there is a domain sufficient to accommodate hundreds of thousands of the unfortunates of Europe, yet, as a practical matter of fact, they do not go there. They do not want to go there. They come across the ocean in ships by thousands and hundreds of thousands. They reach our Atlantic Coast and they stop there.

Now, in view of the shortness of the time remaining for this debate, I shall have to hurry through my remarks in order to give other gentlemen an opportunity to be heard, but before I take my seat I wish to read a few figures for the information of the House. I have culled them from reliable sources. Fifty-eight per cent of the objectionable races of immigrants live in the cities. The North Atlantic and North Central States contain nearly five-sixths of the city population of this country. That section also contains 40 per cent of the total foreign population of the Union.

In 124 of the principal cities of the United States 29 per cent of the total population is foreign born. In the rest of the country it is only 10½ per cent. Very little immigration has gone south of the Ohio and the Potomac, or in the transmississippi country south of the thirty-seventh degree of latitude. Three-fourths of the Poles are in the cities of New York, Pennsylvania, Illinois, Michigan, and Wisconsin. Two-thirds of the Italians are in the North Atlantic States. Two-thirds of the Russians are in New York, Pennsylvania, Connecticut, North Dakota, Michigan, Illinois, and Kansas. Two-thirds of the Austro-Hungarians are in the

North Atlantic States. Of 1,000 immigrants landing at the port of New York during three days of last December, 90 per cent of the illiterates remained on the North Atlantic Seaboard, and during this year since the 1st of January, 95 per cent of those immigrants have remained in the same section of the country. And yet, Mr. Speaker, we are told not to put up the bars against this immigration because there is plenty of room in the great West! That is literally true, but, for all practical purposes in the consideration of this question, the great West might as well be in the same crowded condition as our Northeast, because these immigrants never seek that section.

Mr. Speaker, there is another thought which ought to be brought to the attention of this body. It is that if there is a country anywhere on the face of this globe that should deliberately guard the admission of foreign elements into its citizenship, into the citizenship that goes to make the character of its people, it is these United States, because this beyond all other countries is most wholly dependent upon the character of its citizenship for the character of its Government. It is not a little thing that every year and every week and every day we are admitting into our ports this scum of Europe which is pouring, like numberless rivulets, into the stream of our national life and polluting it from its source to its mouth. And the effect has been already seen, Mr. Speaker.

This is not an idle fancy. It is not theorizing. I am dealing in facts. The records here show that our prisons and our poorhouses and our asylums are largely monopolized by this class, imposing an additional tax upon our people and giving an idea of how the life of the great body politic is being poisoned by their admission. One-third of the insane are foreign-born immigrants. One-half of our criminals and our paupers are foreign born. And yet we are told, in the name of Liberty, that we must admit these classes. Gentlemen say, "Let not this great country raise the flag of proscription against any of the poor sons and daughters of Eve." Why, Mr. Speaker, it is an almost criminal enlargement and perversion of the idea of liberty to say that the laborers of this country should be deprived of the opportunity to earn an honest livelihood simply because, in the name of Liberty, we are invoked to allow every son and daughter of Eve upon this earth to come in.

If this country wanted immigration we would hear a demand for it. The commission appointed to investigate that question have made the investigation and submitted their report. Twenty-seven States have made answer to the inquiry whether they wanted immigration, such as this bill proposes to exclude. Of those 27 States, these 11 want no labor immigration at all: California, Idaho, Illinois, Iowa, Massachusetts, Mississippi, Nebraska, New York, North Dakota, Pennsylvania, Rhode Island. Of the remaining 14 States there is only 1 that wishes the undesirable immigration that I have mentioned, consisting of Italians, Poles, Austro-Hungarians, and Russian Jews. Of all the States of this Union that have made response to the inquiry addressed to them, Oregon alone desires laborers of that kind.

Mr. JOHNSON of North Dakota. Will the gentleman state who answered for the State of North Dakota?

Mr. WILSON of South Carolina. I will tell the gentleman later on, or he can take the book and ascertain for himself. He will find it in the commissioners' report.

Therefore I say, Mr. Speaker, that there is no demand anywhere in this country for this class of laborers. Now, I am not inveighing against the admission of immigrants into this country. I know that immigrants, as was said here yesterday, have made this country. We are all immigrants or the descendants of immigrants. We have no objection to the introduction or the admission of producers, of farmers, of those who do not come in competition with our American labor, or of those who do not constitute themselves a tax upon the resources of this country by filling its asylums and its prisons.

Why, Mr. Speaker, I do not know what we should do in the absence of our German and Irish friends; we should have no one then to run our politics. Our best citizens, many of them, are immigrants who have landed here and made their homes among us, who have recognized that their destiny is to be linked with ours. But who is talking about the restriction of that kind of immigration? Where is the objection to it? To suppose such an objection is putting up a man of straw.

My distinguished friend from Louisiana asked yesterday why not at once make an iron wall and declare that henceforth no foreigner shall enter upon American soil. I say no one ever dreamed of such a thing. There is nothing in these bills to warrant such a proposition. As I shall show when I come to the consideration of these several bills, they are only directed to that class of laborers who are undesirable, according to the consensus of opinion as expressed from all sections of the country where the subject has been thoughtfully considered. If we admit citizens of this objectionable class, what are we going to do with them? Where are we going to send them? There is already a surplus of labor in this country. I take it no man on this floor will controvert that fact. It is impossible to get statistics, because the census does not touch upon that topic. What we have been able to do is to take the statistics from one or two States. Massachusetts in 1893 took a census on this subject, and the result showed that 29 per cent of the males in that State were unemployed. We all know that in every State of this Union, in every city, perhaps, there are numbers of persons unemployed.

As long as that state of affairs continues how is it to be relieved, what remedy is to be applied under the present condition of financial depression and distress throughout the country if we are to continue to admit without limit this stream of pauper labor from Europe? Every industry that we can think of—mining, manufacturing, and all the avenues of life where labor finds its employment and makes its living—is filled to overflowing now. Yet every day, as the newspapers show us, as the reports authoritatively tell us—every day is bringing thousands of Italian, Polish, Hungarian, and Austrian laborers to this country to come into competition with the labor already out of employment.

Mr. Speaker, the one danger to this country, in the judgment of every writer who has given his forebodings as to the life of the Republic, consists in the surplus of labor, which, when it can find no other avenue by which it can support itself, will resort to violence. And we are admitting this turbulent, lawless, violent, dangerous class of people, reckless of the future, and the attempt that is now made to put a bar against it is characterized as a deprivation of liberty to those who are entitled to it wherever living.

We are told that immigration does not decrease wages. We were told yesterday by the distinguished chairman of the committee that the Commissioner's report so states. Well, sir, I have seen the Commissioner's report, and it distinctly states that wages have been lowered in those localities where there has been congestion of Italians, Hungarians, Slavs, and Canadians—the very class of people against whom this bill is directed.

Now, the inquiry has doubtless occurred to some members on this floor, why am I interested in this matter? Well, sir, aside from my general interest in the country at large, because whatever affects any section of the country affects the South and affects me, I am particularly interested that that fair land, with its boundless possibilities, should not be made the dumping ground of this class of labor which has proven so injurious and destructive to the labor interests of the North and the Northwest. Thus far we have been free from it. We have a contented class of agricultural labor, perhaps as good as the world has ever seen. We do not wish that labor to be brought in contact with this lawless, violent, anarchistic element of Europe. Our factories, which are growing to be such a marvelous development of industry in our Southland, and other labor-employing institutions, are operated by a class of people who are our bone and sinew, who come from our midst, whose lives are linked with ours, who make an excellent class of labor, and who are entitled to the protection of the laws of the country. We do not want that labor brought in competition with the pauper labor of Europe.

I have no hesitation in saying, Mr. Speaker, that while we have stood the devastation of war, while we endured eight years of negro domination, misrule, and corruption, while we have survived the cyclone and the pestilence and the earthquake, yet we do not wish to be subjected to the trial of having this mass of European corruption dumped upon the land and into the factories and workshops of our Southland. If for no other reason, I would ask those of the members of this House whose interests are similar to ours to see to it that the wall is erected against such a calamity. This is the only protection we shall have, because in a few years this mass of labor that is now surcharging the cities of the North and the Northwest will turn its way southward, and then will come the avalanche from which there will be no protection, unless there be some restrictive legislation adopted by Congress.

Now, Mr. Speaker, has the time come for us to adopt restrictive legislation? I want to give the House some figures to show how rapidly this evil is growing and with what fearful strides it is increasing. I want to show you that the deluge is almost upon us. In 1892, 2,801 immigrants were debarred out of a total of 579,663; in 1893, 1,630 out of 440,739; in 1894, 2,389 out of 288,020.

Under the present laws only 2,211 were debarred or returned, as follows:

Debarred as likely to become paupers	1,833
Debarred as insane	4
Debarred as contract laborers	765
Returned within one year after landing	109
Making a total of	2,211

Now, of this number, 2,211, debarred or returned last year as inadmissible under the immigration laws of the country, Austria-Hungary, Italy, and Russia contributed, as likely to become paupers, 1,087; insane, 2; contract laborers, 626; returned within one

year, 27; or 1,742 in all from these countries—making from all the other nations of the world combined only 469 who were inadmissible to land in this country under the laws now in existence, showing the class of labor that now comes in and is so objectionable under the existing laws of the country, and showing how utterly impossible it is to prevent the influx of these people under our existing laws.

We admit the families of immigrants already here, and of the 229,304 steerage passengers arriving during the last year 84,339 were admitted as going to join their immediate families. From July 1, 1894, to June 30, 1895, Austria-Hungary, Italy, and Russia contributed 35,934, who were admitted as going to join their immediate families.

From 1821 to 1890 the total immigration to this country was 15,427,667. Of this number 5,246,613 came between 1881 to 1890, or over one-third of the total number. From 1890 to June, 1895, 2,658,797 more have come; and of this last number nearly one-half, or 1,002,183, came from Russia, Austria-Hungary, Italy, Poland, and Turkey in Europe.

Prior to that the immigration was as follows: From 1861 to 1870, 24,064 only; from 1871 to 1880, 180,082; from 1881 to 1889, 926,116; or for these three decades, 1,131,162. The last five years have introduced nearly as many of this class as the thirty preceding years. In 1861 they were 0.51 per cent of the total population; in 1870 it numbered 1.44 per cent of the population; in 1880 it reached 3.38 per cent of the population, and in 1890 it had increased to 7.5 per cent, which shows the rapidity, the tremendous increase of immigration of this very undesirable class of people, and I believe, Mr. Speaker, that my friend from Louisiana [Mr. BUCK] and my friend from Missouri [Mr. BARTHOLDT], in their opposition to the bill in behalf of their German friends, are unwittingly speaking against the best interest of their own friends, because the German element of the country is just as much interested as anyone else—as any other class of the laboring people of the country—in the exclusion of the worthless class of pauper labor with which they must come in competition. Anything that affects the laboring element anywhere in the United States affects the German element as well as any other; and this legislation is directed against that element which is obnoxious only.

How do they get here? In the steerage. Now, if any gentleman here could see one of these great ships, with 800, 900, or 1,000 people packed away in the hold of the vessel like so many cattle; if he could see some of these miserable specimens of humanity, which by reasonable calculation it will take sixteen generations of American civilization to develop into reasonably fair specimens of humanity, and would consider that every ship that comes into this country unloads hundreds of these creatures on our shores, he would realize the tremendous strain that is being brought to bear on our body politic, and the outrageous imposition that is being practiced on the labor of the country in being forced to compete with this foreign element.

Who bring them here? The ships. Are the shipowners interested in the liberties of this country? Why, Mr. Speaker, the only liberty they worship is that which is engraven upon the almighty dollar. They are not concerned in the character of American citizenship so long as they can pack these people away in the holds of their vessels and get $20 a head for bringing them over here. They are those who are interested in opposing this legislation, as explained by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] yesterday.

I believe, Mr. Speaker, that the commission appointed to investigate this matter should have an opinion worth something, and I find in their report the following statements:

Through the United States consul at the latter place (Liban) Mr. Stump obtained valuable confirmatory information, and learned that the principal steamship lines landing immigrants at our ports have agents engaged in soliciting business there. He also learned that a firm in Hamburg controlled the letting of contracts for transporting these immigrants in numbers to the steamship lines offering the most reasonable terms per capita.

From Liban the United States has received the most undesirable immigration landed here during the present Administration. All were most carefully inspected upon arrival, and many were ordered deported and returned. A large proportion of them, however, were landed, it appearing that they were coming to fathers, husbands, children, or well-to-do relatives already here, who were able and willing to assist and give them employment.

Numbers came on prepaid tickets which were procured in the United States and paid for on the installment plan. A man sending for his wife and children would contract with an agent here to pay a few dollars each week until the ticket was paid for. In the meantime word would be sent to the agent in Hamburg or Liban to procure transportation, and upon payment of the last installment they would be embarked, arriving here destitute and penniless.

Innumerable frauds were practiced upon the inspectors by persons pretending to be relatives, and some not entitled to land escaped detection, while a few, probably, were returned who should have been landed, but were unable to establish their right to do so to the satisfaction of the United States immigration officials.

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In the investigation of this subject by the Senate Committee on Immigration (Senator HILL, chairman) in May, 1893, it was developed that in an average year the Italian bankers of New York City alone send to Italy $25,000,000 to $30,000,000. All this money can not be regarded as a loss to this country, inasmuch as the work done by those who have earned it has added in some measure to its wealth. Nevertheless, the net result would be very different were the same work done by persons permanently residing in this country and spending their money here.

* * * * * * *

The Italian laborer comes now, not under direct contract, perhaps, but with the knowledge that he need only go to the Italian quarter in the port of his arrival to get work, as his countrymen have done before him. Once in this quarter he falls under the influence of the padrone, and thereafter is at his disposition. The padroni still manipulate immigrant labor very much as they please, and it is thus still possible for a contractor to secure within a few hours any number of Italian laborers, skilled or unskilled, at wages 33 to 50 per cent below the American standard. This is an injury as serious, perhaps even more serious, to the latter than direct importation, because of the greater ease and quickness with which their labor can be supplanted.

* * * * * * *

The constant influx of foreign labor is naturally and undeniably one of the chief causes of labor depression in this country at present. It is a well-known fact that this importation of the lower classes of Huns, Slavs, and Italians has been the principal cause of violence and dissatisfaction, as every 100 immigrants necessarily force a corresponding number of United States citizens to either accept lower wages or go on a strike and join the already too large army of unemployed.

While other countries have their Discharged Prisoners' Associations for the purpose of unloading this class of criminal and pauper laborers upon other countries, we, through these steamship companies, have agents soliciting the immigration of these people into our country. No wonder that labor all over this country is rising in outraged indignation and calling upon Congress to come to its rescue. Why, Mr. Speaker, I believe that even thus late in the session, when perhaps it is too late to get a bill enacted, this Congress should heed that cry of labor; because they of all the people of this country are most dependent upon the laws for their protection. They are entirely dependent upon us to establish the bar that no other power can establish for their protection.

How does this bill propose to do it? I intended to present to the House the immigration legislation of the country as it now stands. It would be trespassing too much upon the time of the House, and I will incorporate it in my remarks.

The excluded classes now are dissolute women, contract laborers, persons morally, mentally, or physically diseased, paupers, polygamists, and assisted immigrants.

Now, what does the bill of the gentleman from Massachusetts [Mr. MCCALL], reported by the chairman of the committee [Mr. BARTHOLDT], propose to do? It has been found that this class of immigration to which there is such objection, lower Europe, as it is called, has a percentage of illiteracy ranging from 57 to 30 per cent, as will be shown by tables which I will insert in my remarks.

Of the classes that make good citizens in this country, the north of Europe, the Irish, the Spanish, in those countries the illiteracy does not amount to over 3 per cent. So this test will be a practical application of a bar to the very races that it is our desire and our interest to keep from our shores. We can not mention them by name, by statute, on grounds of public policy and of comity between nations, but we can establish the bar provided in this act, which will accomplish the same purpose.

Now, the bill of the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] does not add any other class to those who are already barred. It simply provides for the enforcement of the laws we now have—to provide for the inspection in Europe instead of inspection in our ports. If a man is a worthy immigrant, if he is an immigrant who does not come under any of the debarred classes, why, then, this inspection can not injure him. No damage can be done to the friends of my friend from Louisiana [Mr. BUCK] or of the gentleman from Missouri [Mr. BARTHOLDT]. Those men are not barred by the Stone bill provision. Provision is simply made whereby, if it had been in force during the past four months, 2,147 Italian immigrants would have been denied entrance at the port of New York.

I do not see how anyone can object to the McCall bill, because when my friend from Missouri [Mr. BARTHOLDT], the chairman of this committee, comes in and reports it as his bill, I think everyone else ought to be satisfied with it. He vouches for it, and the remarks which he has submitted in his very careful and able presentment show that he is opposed to unreasonable restrictions upon immigration. So I take it there will be no serious objection to the McCall bill.

I can not see how any serious objection can be made to the Stone bill, for it simply provides for the enforcement of laws we already have on the statute books, and we certainly all wish that to be done.

Now, as to the Corliss bill, that affects only the Canadian line. It is simply designed to protect the American laborer from competition with the Canadian laborer who resides in cheap Canada, who comes over here and works at reduced wages and takes his wages across the line with him. So I think this House can very safely pass all of these bills. I do not see how, in justice to American labor or to the citizenship of this country at large, it can do less. [Applause.]

Mr. Speaker, I reserve the balance of my time.

APPENDIX.

[Containing documents and tables referred to in Mr. WILSON'S remarks.]

IMMIGRATION LEGISLATION.

First act, August 3, 1882. Imposes a head tax of 50 cents upon each immigrant, to be collected from the vessel bringing him or her. This was increased to $1 by act of 1894, August 8. Empowers Secretary of Treasury with making arrangements with State commissioners to prevent the landing of and to deport foreign convicts (nonpolitical), lunatics, idiots, and persons liable to become public charges.

Authorizes Secretary of Treasury to make rules and regulations to carry act into effect.

Second act, June 26, 1884. Exempt passengers on vessels exclusively employed in the trade between the ports of the United States and of Canada and Mexico, until immigration laws are extended to land carriage.

Third act, February 26, 1885. Prohibits prepayment of transportation, or the assistance or encouragement to immigrate, of any alien under any kind of contract or agreement, declares the contract void, provides a penalty against contracting parties and against the transporter having knowledge of the contract. Exempts professional persons, and personal and domestic servants, and any member of the family or any relative or personal friend.

Fourth act, February 23, 1887. Empowers Secretary of Treasury to secure the deportation of aliens coming in violation of the contract labor law of 1885.

Fifth act, October 19, 1888. Authorizes such deportation within one year after arrival.

Sixth act, March 3, 1891. Declares the classes excluded (in addition to the Chinese) to be: Idiots, insane persons, paupers, or persons likely to become a public charge, persons suffering from a loathsome or a dangerous contagious disease, those convicted of a felony, or other infamous crime or misdemeanor involving moral turpitude (but not political offenses), polygamists, and anyone who is assisted to come with the money of another, unless such person shows that he does not belong to one of the above classes and is not a contract laborer excluded under the act of 1885; but persons living in the United States are not prohibited from sending for a relative or friend who is not of the excluded classes, under rules and regulations to be prescribed by the Secretary of the Treasury.

Amends the act of 1885 (contract-labor act) by removing the exemption in favor of "any relative or personal friend," and by extending the exemption to "ministers, professional men, and professors." Prohibits the assistance or encouragement of the importation or migration of any alien by any promise of employment either orally or by advertisements, except by State and immigration bureau advertisement, and any alien coming in consequence of such advertisement is to be treated as coming under a contract.

Prohibits vessels from seeking immigrants except in the usual commercial letters, advertisements, etc., stating the sailings of the vessels, the terms, and kind of transportation.

Punishes by fine of not more than $1,000, or imprisonment not more than one year, persons or vessels bringing or aiding in bringing into the United States an inadmissible alien.

Provides for deportation of an alien coming in violation of law, or likely to become a public charge, within one year after arrival.

Seventh act, March 3, 1893. Requires each commander of vessels to make out lists in groups of 30, sworn to by himself and surgeon, giving name, age, sex, married or single, occupation, ability to read or write, nationality, last residence, seaport of landing in United States, destination, whether having a ticket to such destination, whether passage paid by himself or by others, amount of money on hand if under $30, if going to join relative, name and address; whether ever before in United States, if so when and where; whether ever in prison or almshouse or supported by charity; whether a polygamist; whether under labor contract, express or implied; condition mentally and physically.

WHAT OUR IMMIGRANTS ARE DOING FOR US.

Prisoners.

The Census of 1890, Part II, page 169, says: "Taking into account only the 105,885 parents whose nationality is known, 43.19 per cent of crime committed by white persons in the United States is chargeable to native white; 56.81 per cent to foreign element."

	Census of 1880.	Census of 1890.
Total prisoners in United States	59,255	82,329
Total white prisoners	42,294	57,310
Native white prisoners	29,377	40,471
Foreign-born prisoners	12,917	15,932

By Census of 1890, Part II, page 182, number of native-born white convicts in penitentiaries was 12,842; number of foreign born or with foreign parentage was 15,598, or 54 per cent of the total. Thus a foreign-born and foreign-parent population which is 38 per cent of the total white population, furnishes over one-half of the white convicts of the United States.

Insane.

[Not including feeble minded and idiots.]

	1880.	1890.
Total insane in United States	91,997	106,254
Total native white	59,494	64,419
Total foreign born	26,346	35,300

Thus, in 1880, 28.8 per cent of total insane persons were foreign born. In 1890, 33.2 per cent were foreign born. So that a foreign-born population, which is only 14.77 per cent of the total population, furnishes one-third of all the insane in the United States.

Paupers.

The census of 1890, Part II, page 174, says: "Taking into account only 108,862 parents whose nationality is known, 41.56 per cent of white inmates in the almshouses of the United States is native white; 58.44 per cent is of foreign element."

	Census of 1880.	Census of 1890.
Total paupers in United States	67,067	73,045
Total white paupers	61,316	66,578
Total native white	38,349	36,646
Total foreign born	22,961	27,648

Thus in 1880 37.4 per cent of total white paupers were foreign born. In 1890, 41.5 per cent were foreign born.

Thus a foreign population which is 17 per cent of the total white population furnishes nearly one-half of the white paupers in the United States.

Year.	Immigrants from Austria-Hungary, Italy, Poland, and Russia.		Immigrants from United Kingdom, France, Germany, and Scandinavia.	
	Number.	Per cent of total.	Number.	Per cent of total.
1879	3,515	0.9	260,083	73.8
1880	36,812	8.5	262,993	64.5
1886	71,734	.....	240,770	.....
1887	124,781	.....	332,748	.....
1890	154,873	34	262,749	57.7
1891	222,029	39.6	262,059	52.1
1892	259,067	44.8	312,502	53.9
1893 *	188,149	42.7	212,169	48.2
1894 †	122,834	42.6	137,217	47.9

* Cholera year. † Panic year.

In 1869 the immigrants from Austria-Hungary, Italy, Russia, and Poland were about one one-hundredth of the number from the United Kingdom, France, Germany, and Scandinavia; in 1880, about one-tenth; in 1894, nearly equal to it. In 1889-1894 the former class amounted to 1,057,229, or 38.8 per cent of the total immigration.

Percentages of illiterates, by nationalities, arranged in order of percentages.

Nationalities.	Percentage of illiterates in total immigration from each country.	Nationalities.	Percentage of illiterates in total immigration from each country.
Portugal	67.35	Spain	8.71
Italy	52.93	Ireland	7.27
Galicia and Bukowina	45.68	Finland	3.58
Poland	39.82	France (including Corsica)	3.50
Hungary	37.69	England	3.49
Russia (proper)	36.42	Netherlands	3.38
Other Austria	32.70	Scotland	2.83
Greece	25.18	Germany	2.49
Roumania	17.75	Norway	1.02
Belgium	15.22	Sweden	.74
Turkey in Europe	14.79	Switzerland	.60
Wales	10.43	Denmark	.49
Bohemia and Moravia	8.98		

Number of illiterate persons among those excluded in 1895 under the present law by reason of their being public charges, contract laborers, convicts, and diseased persons.

Country.	Public charge.	Contract laborers.	Country.	Public charge.	Contract laborers.
Austria-Hungary	.....	.....	Spain	1	.....
Other Austria	104	193	Turkey in Europe	2	.....
Hungary	32	13	England	2	.....
Belgium	1	4	Ireland	8	.....
Greece	13	3	Turkey in Asia (Arabia and Syria)	26	1
Italy	349	193			
Roumania	1	.....			
Russia proper	216	98			
Finland	2	.....	Total	758	505
Poland	1	.....			

Of the 32,557 illiterates who arrived during the year ended June 30, 1895, at the port of New York, there were from—

Galicia and Bukowina	1,440
Other Austrian countries (except Bohemia and Moravia)	2,526
Hungary	4,159
Total	8,125
Italy	14,742
Russia	6,398
Turkey (Asia)	1,445
Total	30,710

PRACTICAL ILLUSTRATION TO DATE.

Total arrivals of Italian immigrants at the port of New York.

[From figures furnished by Assistant Commissioner of Immigration.]

Total immigration, January 1 to April 30, 1895	52,565
Italian immigration, January 1 to April 30, 1895	11,896
Per cent which Italian was of total immigration	22.6
Total immigration, January 1 to April 17, 1896	66,290
Italian immigration, January 1 to April 17, 1896	*19,946
Per cent which Italian was of total immigration	30.0
Italian immigration, January 1 to March 31, 1896	13,946
Illiterate Italians, January 1 to March 31, 1896	7,001
Per cent of illiteracy among Italians	50.2
Approximate number of Italians who were already on the way or about to embark for the port of New York on April 18, 1896	7,797
Approximate number of Italians who will have arrived at New York, January 1 to April 30, 1896	27,000

* The number from April 1 to April 17 was approximately 6,000.

Illiteracy of Italian immigrants.

[From manifests of 3,174 immigrants over 14 years of age arriving at the port of New York during April, 1896, on four steamers from Genoa and Naples. This is not the total number so arriving during the month, but is believed to present a fair average of the entire Italian immigration.]

Total immigrants examined	3,174
Percentage of males	89.2
Percentage of females	10.8
Total illiterates	2,147
Per cent of total immigrants who were illiterate	67.6
Percentage of male illiteracy	66.5
Percentage of female illiteracy	75.7
Number debarred under existing laws	197
Percentage debarred of total immigrants	6.2
Number which would have been debarred by the League's bill	*2,147
Or a percentage of	*67.6
Percentage of those who have been in the United States before	27.7
Percentage of total immigrants who were laborers	†85.8

Destination of Italian immigrants.

Boston	150	
Other Massachusetts	34	
Total Massachusetts		184
Maine		7
Rhode Island		8
Connecticut		85
Total New England		304
New York State and city		2,276
New Jersey		70
Philadelphia	137	
Other Pennsylvania	176	
Total Pennsylvania		313
Ohio		45
Chicago	34	
Other Illinois	10	
Total Illinois		44
Other States and Canada		62
Total		3,174

With but few exceptions these immigrants were bound either to the large cities or to manufacturing and mining centers. Thus, those destined for New York State were going to New York City, Brooklyn, Buffalo, Syracuse, etc. It is probable that a small number of those giving New York City as their destination are ultimately distributed to other places.

From the above table it appears that 95.3 per cent were destined for New England, New York, New Jersey, and Pennsylvania.

Of those destined for "other States," 31—or less than 1 per cent—were bound to States west of the Mississippi River, and only 11 to States south of Pennsylvania and the Ohio River, while only 3 were going to the Southern States proper.

The padroni.

JANUARY 11, 1895.

SIR: Complying with your instructions of January 10, 1895, we proceeded to the Astor House, where, by appointment, we met Joseph Desabadia, an Italian padrone principal, who has recently been engaged, with 86 Italians, in cutting sugar cane for a Mr. Addison, of St. Cloud, Fla. In the course of the conversation with Mr. Desabadia we learned that he had returned from St. Cloud, Fla., via the Mallory Line steamship *Rio Grande*, arriving in New York on Monday, January 7. At that time he was accompanied by 47 Italians, all of whom had been engaged under his direction in cutting sugar cane at the aforementioned place for the said Mr. Addison. Mr. Desabadia informed us that he was regularly engaged in supplying Italian laborers in any numbers to contractors or others desiring labor done; that he was prepared now to furnish from 200 to 600 men, Italians, for work of any nature; that he could furnish stone masons, carpenters, or men of almost any of the building occupations.

Asked as to recent importations of this labor from Italy, he said that the men had principally been here for some time; that he did not send, nor did he know of any case in which Italian principals or bosses here had sent, to Italy for laborers. The customary proceeding was, upon the arrival of a vessel, for the boss to approach the Italian immigrant passengers and offer to secure them work. In this way they attached to themselves large bodies of Italians, who regarded this man as principal in securing them employment. He stated that there were numbers of these persons in New York, each one having a large following of Italian laborers whom they in a measure controlled.

In the employment of these men in sugar-cane cutting, Mr. Desabadia stated that the before-mentioned Addison had telegraphed to an Italian banker named Licelone, of 113 Mulberry street, New York, to secure for him a large body of Italians and send them to Florida. This request was turned over to Desabadia, who proceeded, with 86 men, to St. Cloud. As the agent, Desabadia received a commission of $25 from the Mallory Steamship Line for the sale of the transportation tickets each way, and as a compensation from Addison a salary of $2 per day as foreman. At the conclusion of the work these men all returned to New York. At White Plains, N. Y., with a large body of Italians, Mr. Desabadia had previously performed a considerable amount of street and road grading for a New York firm.

Respectfully submitted.

STIRLING BIRMINGHAM,
CHAS. M. HINKLE,
Immigrant Inspectors.

Mr. EDWARD F. MCSWEENEY,
Secretary Immigration Investigating Commission.

A typical instance of the workings of the padrone system has been thoroughly investigated by the Commission.

In the fall of 1893 work was begun on a sewerage contract at Brunswick, Ga. Local labor was employed at $1 per day, and 7 miles of sewerage had been completed by the spring of 1894, when work was discontinued in obedience to a local ordinance forbidding the turning up of earth during the warm season. When the contractor was ready to resume operations the following October he offered the local laborers only 90 cents per day, payment to be made in cash every two week or in scrip on demand. The laborers were mostly obliged to take the scrip, which, on being presented to the local traders, was found to be worth but 80 to 90 per cent of its face; that is, the wages of those paid in scrip amounted to no more than 80 cents per day. One of these scrip orders, redeemable at 10 per cent discount, was purchased by a representative of this Commission, and a facsimile is attached hereto:

No. 0966. BRUNSWICK, GA., *December 19, 1894.*

Pay to 255 $2 in merchandise.

Subject to agreement between party accepting this order and the undersigned.

HERBERT TATE.

This scrip system naturally caused dissatisfaction, and, although no strike was declared, many stopped work. Notwithstanding the fact that the current rate of wages for sewer work in that section was $1 to $1.25 per day, the contractor refused to consider any compromise, claiming that he could get plenty of Italian laborers at the same or even a cheaper rate than he was paying. And he proceeded to make good his claim.

The last of October the Commission learned that a large number of Italian laborers were about to be sent to Brunswick by an Italian banker of New York City, and a representative of the Commission was on the wharf the 2d of November, when the first load of laborers was shipped. They were 215 in number, and each of them paid the banker $1 for finding the employment. They were stowed away in the hold, which had been fitted with temporary bunks of rough pine boards for this purpose. Their passage money, $7 per head, was paid by the banker, with the understanding that the sums thus advanced were to be deducted from their wages. Whether the steamship company allowed the banker a commission on the passage tickets was not ascertained.

November 5 the men were landed at Brunswick by the banker's agent and installed in nine negro huts of three rooms each on the outskirts of the city. A tenth hut was used as a dwelling and provision store by the agent. For the ten houses the agent paid only $25 a month, but each laborer paid the agent for his quarters in them $1 a month, $215 in all, a clear profit of $190. All supplies had to be bought at the agent's store, the penalty for disobedience being a fine of $5.

The following tables show the food prices current in Brunswick and the prices paid the agent:

Article.	Prevailing prices in the city of Brunswick.	Prices paid by Italians for supplies.
	Cents.	*Cents.*
Bread ... per loaf	5	10
Meat ... per pound	8 to 10	*10 to 12
Lard, 3 pounds for	25	30
Macaroni ... per pound	8	9
Cheese (the best) ... do	20	22
Beer ... per bottle	5	7

* The price paid for this meat at wholesale in the city was 4½ cents per pound.

Tea, coffee, and sugar were not bought at all, as being too expensive. Purchases were entered in a pass book by the storekeeper, and at the end of each month the total was deducted from the wages. Purchases for this period averaged $5 per man. The banker made still further profit by sending money to Italy for the men.

The native laborers suffered many hardships by this displacement of their labor. Some had come to Brunswick from the adjacent country especially for this work, and not only these but many Brunswick citizens were obliged to go to Savannah and elsewhere to find employment for the winter. The feeling against the hiring of the Italians was very bitter among all classes in the city, but particularly among the business men. (For further facts regarding the padrone system, see Appendix E.)

There is little doubt that a similar padrone system exists among Poles, Hungarians, Greeks, Armenians, and Syrians, and that many hardships have come to native laborers in several localities by the transportation thither of gangs of laborers of these nationalities. This subject demands a far more thorough investigation than the Commission has yet been able to make, but, if continued, the Commission hopes to give it the attention it deserves.

Mr. MAHANY. Mr. Speaker, I have yielded half of my time to the gentleman from Massachusetts [Mr. MCCALL] and I desire to be notified if, in the course of my remarks, I should trespass beyond the limits of half an hour.

While listening yesterday to the eloquent and inspiring address of the gentleman from Louisiana [Mr. BUCK], the distinguished chairman of the Committee on Ways and Means [Mr. DINGLEY] remarked to me: "If the principles involved in the speech of the gentleman from Louisiana are correct, why should we not throw open our doors also to Chinese immigration? If our citizenship is for the people of the world, why should the Chinese be excluded?" That query from the distinguished Representative from Maine brought up the whole question of the emigration history of humanity. It is no reproach to either species that the tiger does not mate with the lion. The reason why we exclude the Chinese from the ports of the United States is that by the very nature of their blood and instincts, they are unfitted to assimilate with our civilization.

I apprehend I am saying nothing new or strange to the members of this House when I recall the fact that human kind is divided into three great families, the Aryan, the Mongolian, and the Turanian. The Aryan family is comprised of those five great branches of the human race—the Grecian, the Italian, the Germanic, the Slavic, and the Celtic. I say, with some pride in the race from which my forefathers sprang, that it was the Celtic race which first pushed its way westward in the march of civilization beyond the table-lands of central Asia. Following the banners of human advancement and human progress came the Italian or Romanic race,

* Very few arriving were over 60 years of age, and this small number is included in the above figures.

† A very large proportion of those not laborers were sailors, and the balance chiefly stonecutters, shoemakers, and barbers.

against which we have heard so many accusations and criticisms in the course of this debate; a race that produced the foremost man that ever walked this earth, the great democratic soldier of antiquity, Julius Cæsar; a race that gave us the Renaissance when humanity seemed to have fallen into utter wreck and ruin; that gave us a Michael Angelo, a Raphael, and a Dante. I wish to say, in passing, that the Celtic race, although it needs no eulogy from me or any other source, has, in the first or second generation, given five Presidents to the United States, and seems now upon the point of giving us another.

Following in the track of the Italic or Romanic wave of emigration, came the Grecian or Hellenic wave, which gave us—and let me say to the gentlemen who object to immigration from the southern shores of Europe that those people and their kindred who colonized southern Italy and Sicily belonged to the Hellenic race—gave, I say, to art the sculptures of Phidias; to government the statesmanship of Pericles; to pure reason the philosophy of Socrates, and transmitted to us in the best sense the noblest elements of modern civilization.

From the standpoint of popular development we owe an equal obligation to the Germanic race, which formed the fourth wave of emigration in the great western march of the Aryan family. From the early village communities of that race we draw, from the principles of their town councils, those democratic ideas which are the historic foundation of this very House now deliberating on this question. We are indebted to the gentleman from Louisiana [Mr. BUCK] for having raised this discussion above the domain of petty individual selfishness into its proper sphere as a great national consideration. We are not here as aldermen of a city or supervisors of a ward. We are here legislating for the foremost government of history, a government not for Americans merely, but, according to the very principles established by the fathers of that Government, the trustee of liberty for all humanity.

I have no patience with that kind of statesmanship which regards a point of order in the procedure of this House as superior to a great and ever-living principle. The Committee on Immigration reported for the consideration of the Representatives upon this floor four bills, but, by an injustice upon which I will not elaborate at the present time, one bill was excluded. We have three bills now in discussion, all of which restrict, in one direction or another, the immigration that is seeking larger possibilities and nobler opportunities in this land of promise.

The McCall bill provides an educational test. I would like to ask how many men there are upon the floor of this House whose ancestors would have been admitted to this Republic if that bill had been in operation at the time of their advent upon these shores? There is not a Representative in this Chamber but in his district has numbers and numbers of constituents unable to read or write, yet grounded in the great principles of human liberty, loyal to the flag, firm in the faith of this Republic, substantial, admirable, and prosperous citizens of the United States. Yet there is not an anarchist that comes to our ports with his hand raised against all civilization who would not be able to pass the civil-service examination of the McCall bill. It is a little late for Massachusetts to attempt to monopolize the patriotism and direct the possibilities of this country. It is futile for a few people in a self-constituted center of American culture to imagine that they can bind with the Lilliputian threads of their theories the forward march of this Republic. I speak within my knowledge, because I spent four years in the academic halls of Harvard University, and I am familiar with Massachusetts conditions. I have stood within the shadow of Bunker Hill Monument, amid the glorious memories of the Revolution, and wondered how, among such associations, the people of Massachusetts should prefer to be New English rather than old American. [Applause.] The assumption that the Immigration League of Boston has a monopoly of correct ideas on this subject is like the attempt to corner the Presidency of the United States. It must necessarily fail, because the spirit and the instinct of this people are against that which would bind their free will or impede their destined development.

I wish to say in regard to the Stone bill that every man who has had any experience in consular or diplomatic affairs must know the absolute absurdity of that measure. It provides for the establishment of an Ellis Island at every consulate of the United States. The great value of consular and diplomatic officers is their agreeability to the people to whom they are accredited; but if you place upon a consul or a diplomatic officer the necessity of discriminating between the applicants from the region in which his consular or diplomatic post is established, you immediately destroy his popularity, and consequently his usefulness. I have before me the letter of the distinguished chairman of the Foreign Affairs Committee [Mr. HITT] to the gentleman from Pennsylvania [Mr. WILLIAM A. STONE], in which the chairman says:

If a fee were attached to this duty, you would hear at once from Liverpool, Hamburg, etc., that it was an excellent, beneficent measure.

Mr. Speaker, I think no more sweeping condemnation of the Stone bill was ever penned than is found in that sentence of Chairman HITT, because a consular or diplomatic officer who would permit a mercenary advantage to influence his public action would be, by the essential theory of the State Department, a useless and a discreditable official. This bill would open the door to all sorts of corruption among dishonest consular officers. It would place a pecuniary premium upon evasions of the laws. On the other hand, if you do not establish some compensation for the consular or diplomatic officer so empowered to give certificates, you heap upon the already overworked and underpaid consular and diplomatic corps a new and onerous burden utterly out of proportion to the compensation they receive. I do not believe it necessary to speak further upon the Stone bill. I think the simple statement of these propositions, aside from the consideration of the enormous expense involved for the establishment of the necessary machinery to carry out the provisions of that bill, sufficiently proves its futility and absurdity.

The Corliss bill in its inception was a valuable measure. But under the action of the Committee on Immigration and Naturalization a section was incorporated which seems to me to destroy the usefulness of that bill. I will say here, in order that I may not seem to be inconsistent in opposing a measure which originally had my support, that the committee, contrary to my vote, incorporated also in the bill introduced by me and favorably reported by that committee a similar provision permitting the lake shipowners by a kind of special license to hire foreign seamen to man American vessels. The plea for this proposition is that, owing to the alleged scarcity of American sailors, it would be a serious disadvantage to the merchant marine of the Great Lakes to insist upon the exclusive employment of American citizens on American ships. In regard to that let me say that the demand and the necessity will produce the service. If we insist upon Americans manning American vessels, we shall soon have a seafaring class which in time of war might be of the same value as those who in 1812 upheld the supremacy of the United States upon the seas. In the present condition of the Corliss bill, it is brutum fulmen. Its purpose is good, but its provisions weak.

It is a pity that these bills have been jumbled together in what seems to be a hopeless confusion. Had deliberation commensurate with the importance of this subject guided their presentation, I believe we could have evolved out of this tangle of immigration theories some measure that would have been of benefit and utility to the American people.

Let me say briefly in regard to the bill which I introduced that it had and has the united indorsement of all the American associations and federations of labor. It does not create any new class of excluded immigrants. It simply aims to enforce existing laws by the imposition of penalties for violations of those statutes.

At this point I desire to observe in regard to the immigration bureaus at the various ports of this country, and especially in New York City, that I agree with the statement made yesterday by the gentleman from Michigan [Mr. CORLISS] that if there is one bright spot in the dark gloom of present Democratic misrule it is the administration of the immigration laws. But, under the wording of the present statutes, United States district attorneys refuse to arraign violators of these enactments, and the bill which I presented for consideration provides a remedy for that condition of affairs and enables the district attorney to carry out in spirit and letter those provisions of immigration statutes which protect American labor. And, Mr. Speaker, I say to the Republican party, as a loyal member of that party, that these laboring people of the United States do not ask for the exclusion of any new classes of immigrants. They simply ask for the better enforcement of the existing laws. They came to a Democratic Congress and asked for bread but received a stone. It remains for the Republicans of this House to say whether this Republican Congress shall treat them with the same indifference and neglect.

We have before us the most important subject that has been presented at this session of the Fifty-fourth Congress. As the gentleman from Iowa [Mr. HEPBURN] said, it is the only question that has assumed the dignity of a plank in two Presidential platforms. It remains for you, gentlemen of the House, to determine whether we shall go before the people in November next and say to them, "We have done nothing for your interests; we have passed the McCall bill to exclude your friends and relatives, because under the tyranny of European governments they have been beaten down into ignorance, from which they are struggling to emerge"; or whether we shall tell them that "under the provisions of the Stone bill fantastic requirements will impede the path of those whose steps are toward the morning"; or whether we shall take up this labor measure, presented here by the united indorsement of labor in the United States, and pass a bill which, while it excludes the unworthy and unfit, throws wide the doors of our Republic to every immigrant honestly desiring to cast in his lot with the great forward march of human liberty as exemplified in our national progress.

Gentlemen, this is a question which you can not decide upon the basis of pleasing this or that vote. It must be settled on the broad plane of highest American thought, which, while conserving our interests, recognizes our strength, understands our possibilities, and is true to our mission and our destiny. A measure framed in this spirit will exclude none who are worthy to share in the unequaled benefits, the glory, and the grandeur of this Republic. [Applause.]

Mr. MCCALL of Massachusetts. Mr. Speaker, I understood that the gentleman from New York [Mr. MAHANY] was to yield to me half an hour.

Mr. MAHANY. I yield half an hour to the gentleman.

Mr. MCCALL of Massachusetts. Mr. Speaker, I do not stand here to claim that the bill which I had the honor to introduce will exclude all bad men from this country; I do not claim that occasionally a good man will not be kept out and a bad one let in; but I think it is a rational and on the whole the best test that we can apply to the conditions that exist to-day.

I am perfectly well aware that there are some people in this country who do not believe that we should have any restrictions whatever upon immigration. They would be entirely willing that this country should be made even a penal colony, which is the obvious and one of the first uses to which newly discovered countries have been put in the past. I shall not attempt to convince such persons. I shall assume that when a people have conquered a new country, have reclaimed it from the wilderness, and have set up therein their institutions and their laws, they are under some obligation to the body politic into which they are organized. I shall assume that it is their right to protect themselves against the intrusion of hostile or alien or inferior races and to prevent their entrance to an extent which may degrade their citizenship and impair their civilization. Otherwise the destruction of the savage men and the savage beasts which they supplanted would be absolutely inexcusable, if they were to permit their civilization and their country to be tamely given over to the first race that came along, however degraded it might be. So I say, Mr. Speaker, that I shall take that for a starting point in what I have to say.

On the broad principles laid down in this debate, we should admit every immigrant, no matter what his character might be or how our own power of assimilation might be overtaxed. On these principles the exclusion of the Chinese was a wanton outrage. I, however, believe that even if our ancestors did come from abroad, yet, having set up a government for ourselves, it is our duty to look out for its welfare just as much as if we had spontaneously sprung from this soil. To say that because we are a nation of immigrants, as nearly all other nations have been, we should place no restriction on immigration, is a good deal like saying that because Rome was founded by bandits it should therefore forever have been an asylum for the criminals of every nation. We are to do all those things which are necessary to preserve our liberties and our civilization. Even if we are, as might be inferred from some of the broad principles laid down here, a great charitable organization, an international soup kitchen, for the benefit, primarily, of the rest of the world, we should yet do what is necessary to keep our charity shop running to the best advantage and not adopt such utterly loose and unbusinesslike methods as would speedily make us the objects and not the dispensers of charity. [Applause.] But while I believe, Mr. Speaker, that what is best for this nation will broadly, and in the long run, be the best for the world, I shall not waste time to vindicate my action from an international standpoint. It is enough for me that I sit in this American assembly, representing with you the interests of the American people, and I am willing to leave to others those lofty flights into the affairs of the universe, excepting the United States. I think we should try to keep our feet firmly planted on American soil.

Now, Mr. Speaker, one word as to this educational bill, which, whatever it may be christened, I had the honor to introduce here. It was principally prepared and has been especially advocated by the Immigration Restriction League of Boston. As some preposterous statements have been made in this Capitol concerning this league, perhaps I should say a word about its composition. Its president is John Fiske, of Harvard University, whose name is known and honored among scholars the world over. Among its other officers are Samuel B. Capen, Hon. James R. Dunbar, Hon. George F. Edmunds, George S. Hale, Henry Lee, Richmond Mayo-Smith, Robert Treat Paine, Robert Treat Paine, jr., Hon. Henry Parkman, Thomas F. Ring, Nathaniel S. Shaler, Robert De C. Ward, and Prescott F. Hall. A more reputable set of gentlemen were never associated together for the promotion of a great public end. In this list of names both of the great political parties and the Protestant and Catholic churches are represented. These men freely have given their time and money to secure the most careful and scholarly investigation that could be made of the immigration question, and as a result of their labors they have adopted as the most rational and effective measure the educational bill which I had the honor to introduce. I come now, Mr. Speaker, to the reasons for the bill.

During the first century of our existence our immigration was almost entirely made up of the races kindred with ours and kindred with the men who established the independence of this country. And at the end of that century we formed a compact and homogeneous people admirably adapted to our institutions. But at that particular time a great change was seen to take place in our immigration. In 1869 substantially three-fourths of our immigrants came from Great Britain, France, Germany, and Scandinavia, while less than one one-hundredth of them came from Austria-Hungary, Italy, Russia, and Poland. But in 1880—between 1869 and 1880—a space of ten years, this immigration had grown from less than 1 per cent to nearly 9 per cent, while in the same time the immigration from the other group of countries to which I have referred had diminished and gone down from 73 to 64 per cent. In 1890 the Hungarian, Italian, Polish, and the Russian immigration had increased to 34 per cent, or 35 times as much as in 1869, while the immigration from Great Britain, Germany, and Scandinavia had declined to nearly 50 per cent. Thus from one set of countries and from one class the immigration was rapidly increasing—running up; and from the other the immigration in the same proportion was running down.

Mr. Speaker, we can see that this immigration comes in competition not merely with our own people, but these immigrants come in competition with each other. If we open our doors broadly to the Chinese, on the principle that they are a law-abiding people—which they are—or on the principle that they are skillful and cheap laborers—as they are—then the laborers from the higher civilizations, which require more to support and maintain them, can not compete with them; and in the proportion as you admit more Chinese or more of the cheap-labor races you thereby diminish the immigration of or exclude the better races. And this law is demonstrated practically and clearly in the working of the figures which I have cited, so mathematically and so scientifically that it can not be denied.

Now, the figures show that the races that are so well suited to our institutions and civilization have been in the last twenty-five years becoming less and less factors in our immigration, while the other nations, those races which are not suited to our civilization, which are so radically different from us in education, habits of life, and institutions of government, are taking their place and have been coming in more and more. Let us see how the educational test would work on these conditions. It has been believed by the people of the United States, at least until within a short time, that our republican institutions and our republican form of government rest upon the intelligence of the people as one of the main pillars which support them. I know that there has been within a few days a different doctrine promulgated in this country.

A distinguished citizen in my own State has put forth the doctrine that we are in more danger from the literate classes than from the illiterate classes. I do not think the line of illiteracy will divide the morally good from the morally bad; but if that distinguished gentleman will only make an effort to have his ideas promulgated in the platform of the party to which he has the honor to belong, and to which I do not have the honor to belong, and have it proclaimed as a doctrine of his party that we shall establish illiteracy as the sovereign test of citizenship, and that only the man who can not read and can not write shall be permitted to vote, while those who can read and write shall not be permitted to vote, then we may possibly see the spectacle of a great Republic established on ignorance and witness the result of this beautiful theory of his in actual practice. [Applause.]

So I say, Mr. Speaker, that we have been going on the assumption that intelligence was necessary to the maintenance of our free institutions. In the State of Massachusetts, in a single year, we levy taxes to the amount of more than $10,000,000 to be expended in the maintenance of the public schools. That is a per capita which is almost equal to the per capita tax on the people of this country to maintain our national expenditures. We not merely thereby provide for the education of the rich and well-to-do, but every child who desires an education has access to the schools; and in addition to that we have a compulsory system of education, and it is necessary under our system, in order that any child shall graduate into citizenship and become a voter, that he shall be able both to read and write, and I may say that this is a principle which governs largely amongst the great body of the Anglo-Saxon races. They have a system of public education in Germany, Great Britain, and the other north countries which practically banishes illiteracy, and this is clearly reflected in the statistics with regard to the immigration from those countries.

Of the total number of immigrants from Portugal 67.35 per cent were illiterates, from Italy 52.93 per cent were illiterates, from Poland 39.82 per cent, from Hungary about 38 per cent, from Russia 36 per cent, from Austria-Hungary 32 per cent, and so on down through Greece, Turkey, and other races, until we find when we reach Ireland the percentage of illiteracy is only 7 per cent, and on account of the rapid development of the school system there that percentage will every day be dwindling. In France the percentage of illiteracy is 3½ per cent, in England 3.49 per cent,

in the Netherlands 3.38, in Scotland 2.8, in Germany less than 2½ per cent, in Norway 1 per cent, in Sweden three-fourths of 1 per cent, in Switzerland six-tenths of 1 per cent, and in Denmark less than one-half of 1 per cent.

So we see a clear line of demarcation between these peoples. We see that the Anglo-Saxon races are able to read and write, and that this bill will practically not apply to them. We know that they are the people out of whose loins this nation sprang; that our institutions will be adapted to them, and that they will be supports to uphold it. On the other hand, we see that the immigration from the Mediterranean ports and from those nations which, however excellent their characteristics may be, have yet peculiarities very different from ours, is in the main illiterate, and that this bill will especially apply to them.

Mr. Speaker, as bad, as adverse as these facts are which I have been citing, an examination of statistics as to recent immigration will show that the degree of illiteracy is even greater among those races than it has been heretofore. In the first three and one-half months of the present year, according to statistics furnished by the Superintendent of Immigration, there arrived in the city of New York more than 19,000 Italians. One year ago there were 11,869 Italians who landed between the 1st of January and the 30th of April. This year, from the 1st of January to the 17th of April, there were 19,946 Italians who landed. Basing the computation upon those who had already embarked, and the probable number that would arrive by the 30th of April of this year, the total number for the four months of this year would be 27,000, as against less than 12,000 during the corresponding months of last year.

Now, let us see how these people are on the question of illiteracy, and how they would be affected by the bill which I have introduced. Three thousand one hundred and seventy-four of these immigrants were examined. The test was actually applied to them. They were not taken, a few from this ship and a few from that, but they were all of the immigrants upon four steamers that sailed from Genoa and Naples during the month of April last. Of these 3,174 immigrants there were 2,147 who were absolutely illiterate. That is 67.6 per cent, or more than two-thirds of this immigration which, as compared with last year, has more than doubled, were illiterate, and would have been kept out under the pending bill. And of those who came we find this significant fact, that 28.7 per cent had been in the United States before, showing that they do not come here to become citizens and cast their lot with us, but that they come here like birds of passage, in great flocks, to pick up whatever they may be able to get and bear it back with them again across the sea.

Mr. Speaker, this is not the worst of this class of immigration. We have gentlemen saying to us that we need people in this country, that we have vast areas of unoccupied territory in Texas and other States, and that we want those territories to be filled up with new settlers. But the great difficulty is that this particular class of immigrants do not go to Texas, do not go to our unoccupied territory, but they settle down in our large cities, in our congested districts. They add to the labor problems that are vexing them, and most of them go into the dangerous slums of our Eastern cities. The destination of these particular 3,174 immigrants of which I have been speaking to you was taken. One hundred and fifty of them were going to Boston. To other parts of Massachusetts there were 34; to the rest of New England there were 180. To New York State and New York City there were 2,276; to New Jersey, 79; to Philadelphia, 137; to Pennsylvania, 176; to Chicago, 34; to other parts of Illinois, 10. And only 62 of this whole number were destined for the other portions of the United States and for Canada. Of those that were going to New York State outside of the city of New York nearly all were destined for Buffalo, Brooklyn, Syracuse, and the other large cities, and of those destined for the other States, 31, or less than 1 per cent, were bound for States west of the Mississippi River, only 11 to States south of Pennsylvania and the Ohio River, while only 3 were going to the Southern States proper.

Now, if our friends from Texas are not particular about the character of their immigration, then I do not think I should object to having it populated, if they insisted upon it, with these races; but the difficulty is that when we admit them to New York and Boston from the decks of our immigrant ships the statistics show absolutely that they do not go to Texas, and that they have no effect whatever in settling unoccupied territories.

And this is simply illustrated, too, by the labor statistics from the special report of the United States Commissioner of Labor for 1894. That report shows that of the population of the slums of Baltimore 77 per cent were foreigners; of Chicago, 90 per cent; of New York, 95 per cent, and of Philadelphia 91 per cent were of foreign birth or parentage. This same report also shows very significantly the nationality of these populations. In the city of Baltimore less than 2 per cent of the total population came from this Austria-Hungary, Italy, Poland, and Russia group of countries. Although they constitute but two one-hundredths of the population of that city, yet 12.72 per cent of the population of these slums is composed of them. Six times as great a percentage of these people live in the slums as they bear to the population of the whole city.

In the city of Chicago this first group of nationalities contribute 6.41 per cent to the total population of the city, and they have 44.44 per cent of the slum population of the city. About seven times the proportion of them live in the slums that live in the whole city, and practically every one of them who lives in Chicago lives in the slum precincts. On the other hand, of the immigration from the United Kingdom, France, Germany, and Scandinavia 30 per cent of the total population of Chicago is made up of them, and only 10 per cent of the slum population comes from them, showing that less than one-third of the proportion of this group of immigrants live in the slums of that city. In New York about 9 per cent of the total population is from the first group of races to which I alluded, and yet 51 per cent of the slum population is their record there; while of the other group the United Kingdom, France, Germany, and Scandinavia give 31 per cent of the total population, while of the slum population they are only 8 per cent. I say that these statistics demonstrate beyond any question whatever that the immigration that this bill would keep out congregates in the slums of our great cities, where resort those dangerous, festering, and explosive elements which more than anything else threaten the destruction of our whole social fabric.

The danger of the slums was eloquently portrayed by Lord Macaulay in his speech upon "Reelection to Parliament," when he said:

> * * * In the very heart of great capitals, in the neighborhood of splendid palaces and churches and theaters and libraries and museums, vice and ignorance might produce a race of Huns fiercer than those who marched under Attila and of Vandals more bent on destruction than those who followed Genseric.

I say that the slum problem, made so formidable by the conditions to which I have referred, may yet sadly justify the prediction of Lord Macaulay that as Rome was destroyed by the Huns of the fifth century so this great Republic may be destroyed by the Huns of the twentieth century, except that the Huns of the twentieth century would come from within and be engendered by our own institutions.

Mr. Speaker, there is another very high authority upon this question of the undesirability of having alien races who do not speak our language, who do not care to become and remain a part of us, and who are not accustomed to our institutions settling down by themselves, living by themselves, and forming separate parts of our community. When this nation was established we had an immense territory and few people. We had no large cities. There was every inducement to encourage immigration, and the wisdom of that far-sighted statesman who established this Republic and who was the equal in practical statesmanship of any man ever set to watch over a state, was never more conspicuously shown than upon this very question. In his letter to John Adams of November 27, 1794, George Washington said:

> My opinion with respect to emigration (immigration) is that except of useful mechanics and some particular descriptions of men and professions, there is no need of encouragement, while the policy or advantage of its taking place in a body (I mean the settling of them in a body) may be much questioned; for by so doing they retain the language, habits, and principles, good or bad, which they bring with them.

We see here developed to its full extent precisely the very condition which George Washington saw with the eye of a prophet, and in the slums of our great cities can be found hundreds of thousands of people of alien races who settle there with no intention of becoming American citizens, who maintain separate and apart their habits of life, and as far as possible their laws and institutions, and who constitute a great menace to our civilization.

Mr. Speaker, this situation, so clearly shown by the statistics, is also attended with other great practical dangers, and it brings up for our consideration a question which is of vital importance. I can not present this point better than by this illustration in the report of a special investigating commission sent out by the Secretary of the Treasury, which was printed a few months ago:

> When a stranger visits the anthracite regions [of Pennsylvania], he is filled with sympathy for the poor Italian and Slav. He considers the American residents heartless in the extreme. He is amazed at the way the foreigners are regarded. But a single year spent in that land will show him the truth, no matter how tender-hearted he is. He will then know that disgust should take the place of surprise. He sees a thousand idle Americans, and a like number of foreigners slaving for 80 or 90 cents per day. He sees the Americans sending their children to school, supporting churches, living in decent houses, trying to be cleanly and to wear presentable clothing. He also sees the scum of Europe taking the place of the former, content to swarm in shanties like hogs, to contract scurvy by a steady diet of the cheapest salt pork, to suffer sore eyes and bodies rather than buy a towel and washtub, to endure typhoid fever rather than undergo the expense of the most primitive sanitary apparatus.

Mr. Speaker, that is something that every man in this House who has observed anything at all has noticed in the section of country in which he may happen to live. With vast numbers already out of employment, we have thousands more added by

the competition of immigrants in our overstocked labor market, and who work for wages upon which an American can not live.

I say that it is the duty of the men responsible for the government of this country to protect our civilization against any such a destructive competition, and if we shut our eyes to this condition and permit the degradation of those millions of our fellow-citizens who labor with their hands, and are to-day the pillars upon which our institutions rest, then I say we are false to our trust. We owe it to those who are here and to the millions who are to come to us in the future to maintain the high character of our civilization and to preserve this country for the institutions of America.

Mr. Speaker, this bill which I have introduced will not forever solve the problem of immigration, but I think it will meet the present situation, and if we pass it we will have taken a substantial step.

If I may be permitted just a moment more, as my time has expired, I will close what I have to say by quoting from one of the broadest-minded men who ever lived, and one who never uttered a word that was not instinct with the love of liberty and of his fellow-man, Bishop Phillips Brooks, who said only a short time before he died:

No nation, as no man, has a right to take possession of a choice bit of God's earth, to exclude the foreigner from its territory that it may live more comfortably and be a little more at peace. But if to this particular nation there has been given the development of a certain part of God's earth for universal purposes; if the world, in the great march of centuries, is going to be richer for the development of a certain national character, built up by a larger type of manhood here, then for the world's sake, for the sake of every nation that would pour in upon us that which would disturb that development, we have a right to stand guard over it. We are to develop here in America a type of national character, we believe, for which the world is to be richer always. It may be the last great experiment for God's wandering humanity upon earth. We have a right to stand guard over the conditions of that experiment, letting nothing interfere with it, drawing into it the richness that is to come by the entrance of many men from many nations, and they in sympathy with our Constitution and laws.

[Loud applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 7285) for the relief of George McFarland.

The message also announced that the Senate had passed with amendments the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, in which the concurrence of the House was requested.

The message also announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 2384) for the relief of David O. Burleigh;

A bill (S. 2583) for the relief of Leonard I. Brownson, late first lieutenant Company K, Fifth Vermont Volunteers;

Joint resolution (S. R. 147) concerning the improvement of the Kennebec River, Maine; and

A bill (S. 2753) authorizing and directing the Secretary of the Navy to donate one condemned cannon to the Lake Madison Veteran Association, Grand Army of the Republic, of the State of South Dakota.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. VILAS, and Mr. CANNON as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, and had further insisted upon its amendment, and asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL as the conferees on the part of the Senate.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCMILLAN, Mr. BACON, and Mr. PRITCHARD as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PROCTOR, Mr. HARRIS, and Mr. WETMORE as the conferees on the part of the Senate.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GROUT. Mr. Speaker, I ask unanimous consent that the House nonconcur in the Senate amendments to the bill making appropriations for the District of Columbia——

Mr. HENDRICK. I object, Mr. Speaker.

The SPEAKER pro tempore. The Chair would say to the gentleman that this is a privileged matter.

Mr. HENDRICK. I withdraw the objection.

Mr. GROUT. I ask unanimous consent that the House nonconcur in the Senate amendments to the District of Columbia appropriation bills and ask for a conference.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

Mr. KEM objected.

Mr. GROUT. Then, Mr. Speaker, I move that the House nonconcur in the Senate amendments to the District of Columbia appropriation bill and ask for a conference.

The motion was agreed to.

Mr. GROUT. I take it for granted, Mr. Speaker, that the amendments will be printed.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I present the conference report on the Indian appropriation bill, and, in order to expedite the matter, I desire to say that this is the same report that was adopted by the House last week, with the exception of a single item. After the report was adopted here it went back to the Senate and was there disagreed to because of a single item. That item has now been left out, and we come back to the House with the same report that has once been adopted here, omitting that particular item.

A MEMBER. What is that?

Mr. SHERMAN. That is in relation to appointing commissioners to negotiate with the Fort Hall Indians with regard to their reservation. Mr. Speaker, I move that the report be adopted.

Mr. MOODY. Has the gentleman conferred with the gentleman from Nebraska [Mr. HAINER]?

Mr. SHERMAN. I will say to the gentleman that this has nothing whatever to do with the school question.

Mr. HERMANN. Does this include the Klamath item?

Mr. SHERMAN. It does not. This contains what the House adopted in the report last week, with the Fort Hall item left out.

Mr. HERMANN. The Klamath item was not in the report adopted last week?

Mr. SHERMAN. It was not, and it is not in this.

Mr. HERMANN. What is its status?

Mr. SHERMAN. It is still in conference. I move that the conference report be adopted, and that the House insist on its disagreement to the other amendments and a conference be agreed to.

The motion was agreed to.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the conference report was adopted was laid on the table.

The SPEAKER pro tempore appointed as conferees on the part of the House Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON.

IMMIGRATION.

Mr. HENDRICK. Mr. Speaker, so far as I am concerned, I shall ask the indulgence of the House but a very few moments while I attempt to discuss the measures now under consideration, and during that time I promise to confine myself to the bills which are being considered by the House. A great deal of sentimentality and declamation has been indulged in by gentlemen who have preceded me, but when we come to the sober consideration of this subject it will be agreed by everybody that we can not receive much benefit from that character of speaking.

Now, Mr. Speaker, I come to a discussion of this question unbiased and unprejudiced. There is no considerable foreign element in my community. What few we have are among our best citizens, and there has been no great interest awakened there recently on this subject, so that I think I am in an attitude to discuss the question without any bias or partiality whatever. Mr. Speaker, I believe that I can prove to every lawyer upon the floor of this House beyond a reasonable doubt that the enactment of the Stone bill would be the sheerest folly. This House is a great deliberative body, and it can not afford to indulge in empty legislation; it can not afford to indulge in legislation that would not amount to anything after it was placed upon the statute book. Let me see if I can make my declaration good. I suppose the members of this House when they come to vote upon this question desire to vote intelligently. They desire to do that which they deem best for the whole country and to act from an intelligent standpoint.

Let us see what laws we have on this subject already. We now have laws excluding (1) idiots, (2) insane persons and lunatics, (3) paupers or persons liable to become a public charge, (4) persons

who have a loathsome or dangerous contagious disease, (5) persons guilty of a felony or other infamous crime or misdemeanor involving moral turpitude, (6) bigamists, (7) assisted emigrants, unless after careful examination they are found not to fall within any of the excluded classes, (8) contract laborers, (9) women imported here for immoral purposes, (10) anarchists, (11) Chinese. These are the classes that are now excluded by the laws of the United States as they exist to-day. I think any reasonable man will agree with me in the opinion that if these laws are properly enforced they are ample to protect every American interest and American institutions generally. But whether that be true or not, I assert, without fear of successful contradiction, that the Stone bill would not assist us in the execution of these laws one iota. Let us see. His bill proposes what? It provides that we shall have consular inspection. With the indulgence of the House, I will read that section of the bill:

SEC. 2. That no alien immigrant shall be admitted within the United States unless, in addition to other requirements and provisions of law, he or she shall exhibit to the United States inspectors of arriving immigrants at the place of admission a certificate, signed by the United States consul or other authorized representative of the United States at the place nearest where said immigrant last resided, setting forth that the said consul or other United States representative has made an investigation concerning said immigrant, and that said immigrant does not belong to the class or classes of alien immigrants excluded from admission into the United States under the provisions of the act of Congress approved March 3, 1891, entitled "An act in amendment to the various acts relative to immigration and the importation of aliens under contract or agreement to perform labor, its amendments or supplements," or by any other law of the United States that now exists or may hereafter be passed. Said immigrant shall, in addition, conform to all present requirements of law.

I contend that this bill does not tend in the least to restrict immigration. It only creates thousands of foreign offices, because we know that the present force can not do the work, to go abroad under large salaries, for which the people will have to be taxed to pay. I believe it would necessitate the appointment of at least 10,000 extra consuls or assistants. Surely we have enough offices to burden the people with taxes without creating them by the wholesale.

Let us pass the Corliss bill. There is something real in its provisions. It excludes effectually, I think, that class of immigrants which has become commonly known as "birds of passage"—persons who do not desire to become citizens, but simply drop in from foreign countries during the working season, prey upon our workingmen by destroying their wages and regular employment, causing innumerable strikes, labor disturbances, bloodshed, and violence, returning after the working season is over, carrying with them millions of dollars to foreign countries, and leaving nothing but discontent and the memory of unsavory lives behind. The Stone bill does nothing of this kind; it does not even suggest a remedy, as we shall see from further analysis.

I have recited what classes are excluded from the United States. The Stone bill then proposes that the consul at the port of entry of the immigrant, or the other officer who may be designated, shall make an examination of the immigrant—for what purpose? To ascertain if the immigrant is an idiot, or an insane person, or a lunatic, or a pauper, or is liable to become a public charge upon the people of the United States, or has been convicted of a felony or other infamous crime or misdemeanor, or is a contract laborer, or is a polygamist, or an anarchist, or a Chinese. That is what the consul will be required to do.

Now, I submit this question to every lawyer in this House, and I ask its fair consideration—not with a view to pleasing anybody or pandering to any outside influence, but with a view of doing that which is right from a legal and just standpoint: If those questions are to be passed upon in a foreign country, what use is there in having an immigrant station here to pass upon the very same questions again? Do you wish to have them passed on twice? Will you accredit your consuls or other parties abroad to transact certain business, and then say they are not competent to transact that very business fully and completely, that they are not competent to give a certificate which ought to admit the immigrant into the United States without further examination? If you are prepared to so declare, do so; because it is certain that if this bill is adopted either the consul abroad or the immigration officers on this side—one or the other—must be disregarded in the event of a conflict of opinion.

The very officer upon whom this extraordinary power is to be conferred is directed to examine the immigrants with the distinct understanding that another and similar examination is to be made after the immigrant arrives in the United States; hence, I desire to ask the lawyers in this body the further question—and I would like to hear even the sanguine gentleman from Pennsylvania answer it—If these two different authorities should conflict in their opinion as to the eligibility of the immigrant desiring admission, what will the immigrant do? Whose opinion will prevail? Suppose the consul across the waters, for instance, at Liverpool, or at Naples, should declare a man fully competent to enter the United States, should pronounce him not to come within the inhibition against the excluded classes, and give him a certificate to that effect, and on the arrival of this immigrant at the port of New York the Commissioner of Immigration should make a second examination and say, "I disagree with the consul or other United States authority abroad," in such a case tell me what would become of that immigrant? And what part of your laws would be enforced in that event—that part applying to the examination in the United States, or that part applying to the examination abroad? One examination will be of as much force and dignity as the other.

When we come to consider legislation of this kind these are pertinent questions which address themselves to our intelligence and calm deliberation, unless you intend to bring about a conflict of authority between different officers.

The gentleman from Indiana and the gentleman from Pennsylvania said yesterday that they felt great sympathy for the poor immigrant; that there are many persons detained now on Ellis Island in New York waiting to be transported to the countries from which they came. Let us consider that matter for a moment. Suppose that a conflict should arise between the authorities, as I have suggested, if this bill passes. Would not your immigrant still be detained at Ellis Island or somewhere else until the question of his eligibility for admission had been adjudicated by somebody, and that somebody not known or even hinted at in the measure before us? There is no authority given in this bill for anybody to pass upon that question in the event of a disagreement between the different officers, and no appeal from either is granted.

Mr. STEWART of New Jersey. Will the gentleman allow me a question?

Mr. HENDRICK. No, sir; I can not yield. I have given away nearly all my time, and have but a few moments in which to discuss the provisions of the bill. The gentleman, therefore, will excuse me, I hope.

Gentlemen forget to tell us that great benefits are claimed from the fact that persons are detained at Ellis Island. Why, sir, when an immigrant is detained at that point or elsewhere waiting to be deported back to the country whence he came he is so detained at the expense of the steamship company which brought him here; he is not only supported during his stay at the island at the expense of that company, but when he is carried back to the home from which that company brought him his expenses are also defrayed by that company. You ask me, What of that? I say it means much. It induces the shipowners and persons interested in navigation not to bring persons here without careful examination and inspection. Gentlemen talk about consular inspection. If they will examine the law, they will see that these very shipowners to whom the gentleman from Indiana and the gentleman from Pennsylvania referred are sworn to make an inspection before bringing immigrants here or else return them at their own expense in case of a mistake. They are compelled to ascertain whether the immigrants whom they propose to land here belong to any of the prohibited or excluded classes; they are compelled to ascertain whether the person proposing to come to this country is an idiot, a lunatic, a pauper, whether he proposes to come here as a contract laborer, whether he has been assisted by anybody, whether she, if woman, is coming for immoral purposes, whether the person is a Chinese or an anarchist, etc.

Mark you, this requirement of the law makes the steamship owner personally interested in this matter. He is sworn to look after it. And if a mistake should be made there is a way of correcting it by making the company bear the expenses of the correction. There is no conflict of authority between him and somebody else, both being equally recognized by law.

Gentlemen have talked about the character of the examinations that will be made in foreign countries by our consuls, and about the value of knowledge that will be thus disseminated among foreign nations showing the great trouble of emigrating to America, and all that sort of thing. Answer me in all sincerity. Do you believe there is any character of information that could be furnished to people abroad so potent as the returned immigrants? His rejection here and return would be a perfect object lesson.

Let us see how these examinations resulted last year. We sent back from the ports of the United States to foreign countries 2,419 immigrants. Do you not know that every one of them, when they go among the people of their respective countries, their neighbors and friends, will tell them they could not remain in the United States; that the laws there were so constructed that they could not be permitted to remain? "Why," they would say, "2,419 of us have been there, have been examined, and have been returned to our homes because the laws are so strict as to exclude us." Do not gentlemen know that such deported immigrants will deter more people from coming, if that is what you want, than all the advertising you can do in years and years? It is the most efficient system of advertising that could be devised, if you simply desire to deter immigrants from coming. The gentleman from Pennsylvania says he sympathizes with the poor immigrants; that his bill is for the benefit of the immigrants.

In this connection I want to ask this very pertinent question, and I want the House to consider it well. I have heard it claimed

that the German Government, from whence comes a very large, desirable immigration to the United States, have laws requiring military service of the young men between certain ages, and that law prohibits these young men from leaving Germany when that service is due to the Government, unless they come away clandestinely. I do not know whether such is the law in Germany.

Mr. BARTHOLDT. That is a fact.

Mr. HENDRICK. The chairman of the committee, who is a German, says it is true. That being the case, then, the question I desire to submit is, Will Germany permit the United States to set up examining boards right in her own territory and select emigrants to come to the United States when the law of Germany declares that the most desirable part of her population shall not emigrate, because they owe military service to the mother country? Indeed, is not France, England, Germany, Italy, and all other civilized powers directly interested in keeping their good and desirable citizens at home, and sending the bad and undesirable ones away? And if we pass this bill and attempt to convert our consulates into examining boards, is it not a great incentive to foreign Governments to look after the best part of their population and take steps to prevent their emigrating, and at the same time to do all that can be done to force on us their criminal and undesirable classes? I think before we pass this bill that these questions should be considered well and with great deliberation.

Let us suppose that this bill has been enacted into law. It is a very violent presumption, but we will indulge in it for the present in order to ascertain if possible the exact relationship which we would occupy toward foreign countries.

Let us for the purpose of appreciating the situation consider what we would do if a foreign Government should attempt to enforce a law similar to this if the situation were reversed. If England, for instance, should attempt to give her consuls extraterritorial jurisdiction by ordering them to examine every subject within the United States when he should attempt to embark for a foreign country.

What would the United States do? Why, to ask that question is to answer it. We all know what would be done. The United States within less than twenty-four hours would send to England an unconditional demand to remove such agents and spies from among our people, and it would not be a good government or one worthy of respect if it failed to do it. And yet we are proposing here, under the provisions of the bill we are considering, to send a consular agent into every foreign port and have him inspect the citizens of other countries to determine the question of the right of admission to our shores.

How could we possibly adjust our consular service so as to work in harmony with the provisions of this bill? Last year, for example, we only had 250,000 emigrants to this country, while during previous years we have had as high as 800,000. Some years the immigration has been very light from some foreign countries, and probably the very next year exceedingly heavy from that same country. It seems to me that unless we had the power to foretell future events we would not know how to meet the demands which might be made upon us for examiners.

In some ports our consuls would have to be supplemented with hundreds of assistants, while in others a very few would suffice.

The trouble would be that we could never tell where the extra force would be needed until the rush came, and then it would be too late.

The fact of the business is that all this bill does is to force upon the people thousands of extra officials at high salaries to perform labors in foreign countries, and probably over the protests of foreign governments, that will have to be performed again by home officials, and that, too, when this double performance can only serve to promulgate a conflict of opinions between two sets of United States officials.

It has been contended during this entire discussion by gentlemen advocating the passage of the bill that the United States Government has power to confer extra territorial jurisdiction by empowering her consuls to administer oaths to the subjects of foreign countries who might contemplate emigrating to the United States. No man who has license to practice law should indulge in such wild assertions upon this floor. A good lawyer can not entertain such an opinion. Suppose the United States should pass a law providing that if anyone should be guilty of murder in England he should be incarcerated in a penitentiary in the United States for life. Does it need a legal interpreter to say that such a law would be void and without effect? Suppose we pass a law providing that if a consul of the United States swears anybody in a foreign port, and the party so sworn makes a false oath, he shall be guilty of perjury and subject to punishment. Is it possible that there is a lawyer here who does not know it would be simply an enactment without any effect whatever, not meriting the least consideration in any court? And yet that is exactly what is sought to be done by this bill.

But I want to invite your consideration to one or two other objections. I asked the distinguished gentleman from Pennsylvania [Mr. WILLIAM A. STONE] on yesterday if he proposed to have visitors and tourists, when they come to the United States, inspected or examined by the consul abroad before starting. He said no, he did not, and added that my objection was an imaginary objection. Let us see if it is. If it is an imaginary objection, then the bill is an imaginary thing. Why, if the gentleman is right, and nobody is to be examined who is coming here simply as a visitor, all that would be necessary for an emigrant who desired to avoid the effects of this bill would be to walk aboard a ship and say, "I am not an emigrant; I am going on a tour or visit." I simply point out this objection to show how frivolous the bill is and how futile it would be to attempt to execute it. We can not afford to pass a bill that does not apply to every citizen of a country alike. All must be equal before the law.

I know that the Republican party does not usually favor laws which treat everybody alike, but no Democrat can afford to pursue that course.

If the Republican party had not for thirty years dealt in such class legislation as to teach the people to rely on the Government for support instead of on their own manly, individual exertions, there would not be such a constant clamor for legislation in favor of particular classes. It will ruin our country if it is not stopped. But let us go back to the Stone bill. Does the distinguished gentleman know that during the World's Fair at Chicago we had over 70,000 visitors who came here from foreign countries, and every one of them spent money and left it here with us? That is a fact, and the records show it. How would the gentleman have examined those 70,000 people? If he admits that under his bill they could come without examination, he must admit also that the same number of immigrants could have done likewise. If not, how would he have managed them? He says no examination whatever would have been made. Very well, then, he virtually admits that the whole number could have remained here under his bill as immigrants, and could thus have avoided the bill which I have read to you.

Is not that true? Is there any possible escape from it? I think, gentlemen, that before we adopt such legislation as this, before we go in simply to gratify the caprices and the whims of some particular section, we should look into the merits of the measure and have the manhood to condemn it if it is wrong, and to stand by it if it is right. No great deliberative body like this can legislate properly and promulgate wholesome laws if it undertakes to pander to any section of the country or to any class of the people in any section. I suppose everybody on the face of the earth will agree with me in that declaration. We must treat everybody and every section alike if we wish the law to be respected.

But I want to examine a little further into this question of immigration while I am upon it. When did the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] become so thoroughly aroused to the dangers of immigration? We have grown from 3,000,000 to 70,000,000 of united and happy freemen. Our territory has extended from 13 sparsely settled British colonies to 45 free, independent, and happy States. Our borders have extended from those same little colonies, across the continent—from the Atlantic Ocean on the east to the Pacific on the west, from the frozen lakes of the North to the sunny isles of the South—and during all this time we have never been threatened by this inundation from foreign countries to overwhelm, to crush, and to blot us out, as he would now have us believe is about to be done. As was said by the gentleman from Louisiana [Mr. BUCK] yesterday, there is something more behind it than what has been proclaimed on this floor. If I could, without wishing my country harm, I would wish to see you put such statutes as this upon the statute books. With all your boasted majority, you would see where that majority would go at the next election; but even for the sake of hoping to see Republicans defeated I could not wish such a calamity to my country.

It was in 1856 that the other great howl was raised by the Know-nothings and by parties opposed to immigration. Suppose we should banish from our shores the immigrants who have come in since then and their children. What would be the result? Instead of being the great and powerful civilized nation that we are we should be a mere stranded hulk on the outskirts of respectability. How much would be taken from our vaunted wealth? Why, in a little more than a hundred years our wealth has grown from five billions to over $94,000,000,000, and during all that time the immigration to our shores has been steady and continuous, year in and year out.

Some of the greatest men we have ever had have come here under the privileges accorded to immigrants. James Beck, one of the greatest Senators who ever adorned the other end of the Capitol, was an immigrant, and when he came to Kentucky he was uneducated. Lafayette came over here to help us fight our battles. Judah P. Benjamin was a foreigner. So is Carl Schurz. Take away from us the long list of those who have glorified our country and who have fought its battles, both civic and military, and I will tell you we would not have a great deal to brag about. I am not very much afraid of any immigrant getting ahead of me

in the race of progress. If he does, instead of pulling him back I want to say godspeed to him. Any other view is narrow and selfish.

Now, Mr. Speaker, this much in regard to the Stone bill. I desire to answer a few suggestions made by the gentleman from South Carolina [Mr. WILSON]. Before I do that, however, I wish to ask the gentleman from Pennsylvania [Mr. STONE] this question: Does he think it was right and proper to enfranchise the negroes of the South? Did he vote for the fourteenth and fifteenth amendments, providing that they should not only have the right of citizenship, but that they should be officeholders? Certainly he did. I am not upbraiding him for it. I am not criticising him. But will he now turn on the white race and say that he honestly believes that the immigrants who are coming to our shores from foreign countries are worse than the uneducated negroes of the South who were raised in slavery? We all know that he will not say it. We all know that he can not say it truthfully. I dislike to think that anybody is forcing on us and advocating a bill so foolish as this because of some unknown, outside pressure, some sinister power behind it, but I declare when I consider the measure I am irresistibly driven to that conclusion.

Now, let us see. The gentleman from South Carolina [Mr. WILSON] says that nobody in the South wants immigration.

Mr. WILSON of South Carolina. What I said was that nobody in the South wants immigration of the class that will be affected by these bills—these excluded classes from southern Europe.

Mr. HENDRICK. Well, I understood the gentleman to say that the South did not desire immigration. I may have been mistaken in that. I do not wish to do him any injustice. I remember that a few years ago committees were sent all over the State of Kentucky for the purpose of raising funds to send to foreign countries to induce immigrants to come to Kentucky, and I was one of those who tried to promote the movement. Many other States did the same thing, and it will not be many years before the question will again be agitated and immigration solicited.

Immigration has heretofore been regarded as very beneficial to America. Not only is that——

Mr. BRUMM. Do you discriminate as to what immigration you want? Is that done by the scheme now practiced?

Mr. HENDRICK. As a matter of fact, that was not discussed, as I now recollect, but I know English, Germans, and French would have been preferred; but I am now discussing the Stone bill. What does the Stone bill prefer? That is the thing that is under consideration.

Mr. BRUMM. It prefers the enforcement of the laws as they are, since you have asked the question.

Mr. HENDRICK. I have just made the point, if you had listened to me, that you can not enforce the law which we now have if this foolish bill should be adopted.

Mr. BRUMM. I have listened to you, but you failed to prove that.

Mr. HENDRICK. I am not responsible for your failure to understand.

Mr. BRUMM. But there are many things which you are responsible for that you have not proven.

Mr. HENDRICK (continuing). And which nobody could do to your satisfaction. That is all I intend to say to you. I do not yield for an interruption. Here is a document furnished to me by the Immigration Commissioner, and comes down as late as January, 1896. I desire to read from it what some of the governors of the States say about immigration:

Arkansas.—We prefer American, German, and English immigrants—farmers.

You will notice that nearly every one of these governors here says that there is a dearth of farm hands and that they need farm hands all over the South. Why should we not be permitted to have them through immigration? Simply because a few cities are overcrowded with undesirable immigrants?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MAHANY. I yield the gentleman five minutes of my time.

Mr. HENDRICK. No. I have more time. I promised to yield some time to other gentlemen; but I will not detain the House much longer.

California——

The SPEAKER pro tempore. Very well.

Mr. HENDRICK. I understand, Mr. Speaker, that I have an hour.

The SPEAKER pro tempore. The gentleman is a member of the committee, the Chair understands, and has an hour. The Chair understood the gentleman only desired to speak for thirty minutes.

Mr. HENDRICK. I desired to be informed by the Speaker when I had spoken thirty minutes; but I did not think that I would be precluded from going on further if I desired.

The SPEAKER pro tempore. The Chair simply advises the gentleman that thirty minutes has expired.

Mr. HENDRICK (continuing):

California.—All desirable immigrants of the classes indicated (farmers, horticulturists, etc.) who have the capacity and determination to become good American citizens will be gladly received.

Colorado.—Colorado desires first-class immigrants in nearly every portion of the State. * * * For horticulture and agriculture we prefer Germans and Scandinavians.

Florida.—The first preference as to race is given to the English-speaking people.

Georgia.—We prefer Germans, French, Hollanders, Belgians, Scandinavians, Swiss.

Idaho.—Scandinavians or Germans are preferable.

Illinois.—Just at present the State of Illinois is not seeking to have further immigration.

Iowa.—As to the immigration of any class of foreigners to this State at the present time, I should say that it is very undesirable.

Kansas.—The preference of immigrants would be in about the following order: Germans, English, French, Swedes, and Norwegians.

Kentucky.—In Kentucky there is less disposition just now to secure immigrants direct from foreign countries than from other States.

So far as the governor of Kentucky is concerned, I happen to know better myself. I can say that there is a great desire in Kentucky to have a character of labor brought there that can be relied on, such as farm hands; not men who will work in the fall and sponge on you all the winter and desert you when working time comes in hot weather. Farm hands are needed that can be relied on to work and not to loaf. I know what Kentucky desires as to immigration, the governor to the contrary notwithstanding.

I will read the remainder of his statement:

The nationalities preferred are British, Germans, Swiss, and Scandinavians.

So, then, Mr. Speaker, in nearly all of the States in this Union answering to this inquiry the governors say that immigration is desired. Why, what is it that has made the great cities but immigration? What is it that has made the property of this capital city worth hundreds of dollars a foot but immigration? What is it that has made a foot of ground in New York City worth as much or more than a whole farm in the Western country? It is immigration. Are you willing to stop it here? Are you willing to shut it off and say that other men shall not enjoy the same privileges which were enjoyed before you by your forefathers and has been likewise enjoyed by you? Thomas Jefferson, Patrick Henry, and George Washington, all of them, encouraged immigration instead of retarding it.

I am astonished, in view of the past history of political parties in this country, to see so many gentlemen over there hugging the delusion to their bosoms that they will get any consolation from the Republican party. There you sit shivering behind its shadow, many of you foreign born, representing a foreign-born constituency in a great measure, and yet you are afraid to open your mouths. The Democratic party stands to-day right where it stood in 1856, when an effort was made by Know-Nothings to deprive our foreign-born citizens of their rights under the Constitution, and right where it stood when the alien and sedition laws were put in force. The Democratic party believes in making this the grandest and the most glorious Government beneath the sun. That is what it ought to be and will be if we do not permit the fanatics and cranks to destroy it; and while the Democratic party is saving it let our foreign population not sit back shivering behind the shadow of the Republican party, hoping that it will reform and come to their rescue and give them a chance. Let me tell you, gentlemen, you are hoping in vain.

If you depend on the Republican party you are lost. It is high time you were showing your gratitude to the Democratic party, the party which has fought your battles from the organization of the Government down to the present time.

If the pampered kings of protected monopolies had not gone to foreign countries and imported labor, "scum," if you please, into this country, there would be no such complaints as are now going on. You gentlemen upon the other side are the ones who have fostered classes in this country. You have nurtured the men who have brought this objectionable immigration upon us, if we have such, and now you ought to stand up like men and reap what you have sown and not try to cut off the development of the whole country, simply because there are a few cities overcrowded with unworthy immigrants brought here by your tariff barons. If they are criminals, enforce the laws against them. If, as some one has said here, half are in the penitentiary and the other half will not obey the laws, put the other half there also [applause]; but in God's name, where a man seeks to better his condition by coming to a new country and taking a new start in the race of human progress, do not cut him off and say that he shall not enjoy the same rights and the same privileges that you have enjoyed. [Loud applause.]

I reserve the balance of my time.

Mr. DANFORD. Mr. Speaker, I desire to say a word at the outset as to the parliamentary situation, and I do this at the suggestion of other gentlemen. There are pending in the House, reported from the Committee on Immigration, three bills, familiarly

known, respectively, one as the McCall bill, providing for an educational test of immigrants; another, known as the Corliss bill, aimed at labor coming in from Canada; and the other, the Stone bill, providing for consular inspection. Those three bills are all incorporated in the substitute offered by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] on yesterday; those three measures are all pending as a substitute for the three bills reported by the committee—the substitute, in fact, includes them all.

Now, Mr. Speaker, I do not intend to make any appeals to sentiment or to anybody's passions, but I want to call the attention of the House to a condition of things which exists in this country, and which demands of the representatives of the people immediate consideration. Much has been said here as to the progress of our country in the past and our growth from a few insignificant colonies to a great and mighty power among the nations of the earth. Prior to the civil war we were in the main a pastoral people, engaged mostly in agriculture. We had no considerable number of large cities and no congestion of population in particular districts. It is only since the close of the civil war, and, in fact, within the last two decades, that the subject of immigration and kindred subjects have begun to plague the American people.

The very next matter to be considered by this House—a matter which has been assigned for consideration immediately after the pending measure—is a bill reported from the Committee on Labor, authorizing the appointment of a nonpartisan commission "to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital," and in the report upon that bill the committee say that they report the bill "because there is a widespread dissatisfaction with the laws governing labor, as shown by discontent, strikes, and violence, causing great misery and danger to society."

That labor bill, I repeat, is the next measure that is to be taken up for consideration by the representatives of the people here. The questions that grow out of the relations of capital and labor did not trouble the American people years ago, but to-day there are no questions that press more urgently or with more persistency upon the consideration of the lawmakers of this country than the questions growing out of the relations of capital and labor. We have been in the habit of saying in the past that capital and labor would adjust themselves in this country, and until very recently there was no necessity for legislation on the subject, no necessity for any interference on the part of the State or the National Government for the purpose of keeping the peace between capital and labor. But in the last few years all this has changed and these questions have continued to grow in urgency until they have demanded consideration and are to be given consideration by this House as against other questions that seek and demand our attention during the short time that we have remaining of this session of Congress.

The conditions in this country have greatly changed even within the last twenty years. Let me call attention to a significant fact which will be found in the report of the Census Commissioner, a volume issued and distributed to members only recently. It contains the social statistics of the United States. By examining those statistics it will be found that while the population of this country increased but 24 per cent from 1880 to 1890, yet the population of our cities of 10,000 and upward increased in the same decade 60 per cent, showing the disposition of our people to gather and congest in the centers of population. And it must be remembered that the 60 per cent includes only those who live in cities having a population above 10,000, and that there is a great deal of the same kind of congestion in mining towns and manufacturing towns which are not included in these figures.

The same condition of things which grew up between 1880 and 1890 is going on in this decade. It is clear, then, that we are no longer dealing with a people who are mostly agricultural. We are brought face to face with a condition of things which demands our attention and demands it imperatively. I do not undertake to express any opinion as to the various questions of difference between capital and labor. I speak only of the fact that such differences exist. Within the last two years I have seen the guns of our State militia trained upon the camps of labor in order to keep the peace. I have seen the officers of the United States Government, the marshals and their deputies, taking possession of persons and property in the same district for the purpose of keeping the peace.

Let me say further that, whilst years ago labor was in demand in the mining regions and in the mills in the manufacturing communities, and whilst at that time the laborer could in a calendar month make from thirty to thirty-five days' work, the condition of things is so changed that now in our mines and in our mills the laborer is fortunate if he can make from twelve to fifteen days' work in the calendar month. That is the condition of things in this country to-day, with the labor question pressing not only upon State legislatures, but upon Congress. And a proposition comes from the Committee on Immigration which we think will aid very largely in the solution of this question—the solving of the problem that we are called upon to meet.

Mr. BARTHOLDT. Will the gentleman allow me a question?

Mr. DANFORD. I will yield for a question.

Mr. BARTHOLDT. Does not the gentleman think that the free-trade policy and the present Democratic Administration of the Government have something to do with the hard times?

Mr. DANFORD. I will answer the gentleman in this way: I am, as he is, a protectionist of the most pronounced character and type. About two years ago or less I met a Welshman, a man whom I had known for many years, a laborer in one of our iron mills. He was out of work; his employment was gone. I undertook to talk to him in the same direction that the chairman of the committee [Mr. BARTHOLDT] now suggests. I spoke of the tariff, of the changed legislation. But he said to me, "Oh, Mr. DANFORD, that is not the great trouble"; and, pointing across to the mill where he had worked, he said: "There is the great trouble; there is the camp of Italians that have taken my job away from me." [Applause.] He went on to say, "I am trying to raise my children and make good American citizens of them; I am sending them to school; I am trying to make out of them just as good citizens as those of the native-born population. But I can not work against those people; I can not educate my children and make good Americans of them and work against those people." That was his answer to the proposition that I made, that the trouble was the tariff.

Now, I agree with my friend the chairman of this committee, as a matter of opinion, that the change of the revenue policy of the country has done much to bring about the present conditions; but I am talking about a remedy for this condition of things, and I believe that a good way to begin is to stop to some extent, and to the full extent that these several measures go, immigration into this country.

Mr. Speaker, I am not hostile to naturalized American citizens; I am not hostile to those who come to this country to make homes here. I am speaking of a condition of things with which we are confronted and one for which we must find a remedy, and find it in the very near future. I could not be hostile—and that is one of the unfair things about the argument on the other side, that those of us who favor this measure are held up as being opposed to foreigners, as being hostile to that class of our citizens who were born across the water—I could not be hostile to these people. In the brigade in which I served in the Army there was a gallant regiment composed entirely of Germans, the Thirty-second Indiana, as good a regiment as ever carried muskets; and in the same brigade there was a regiment composed entirely of Norwegians, the Fifteenth Wisconsin, as good men as ever followed the flag anywhere. I could not be hostile to these people, and I am not. But I am speaking for my country, for a condition of things that I find existing; and I believe a remedy, a partial remedy at least, will be found in passing these bills.

I do not know what views other members may have of the various measures proposed here and incorporated in this substitute. Much has been said against the Stone bill, the bill requiring consular inspection abroad. I favor that measure along with the rest. I reported it to the House. I believe that it would be a good bill to pass; that it would restrict immigration; that it would go further to do so than any other measure now pending.

Something has been said here as to the Germans who perhaps owe military service to the German Empire. It has been urged that such persons would be unable to get away from their Government if this test were required. I do not know that we have statistics on that subject; we are perhaps without means of learning anything as to the exact facts. But I do not believe there are many men owing military service to the German Empire who embark for this country from German ports. My information is that they generally seek some other country; they cross the lines into France or countries lying north of Germany, and in that manner get away from the vigilance of the German police. It is very well known that Germany is one of the best policed nations on the face of the earth—possibly, next to Russia, the very best. I do not see how the mere matter of consular inspection or a consular certificate can in any way interfere with the passage of a German from his own country to this, especially if, as I believe is generally the case, he goes out of his own country across the line into France or some other country for the purpose of embarking. It would be but a very small matter for the surveillance of the German police to follow up persons intending to emigrate, to ascertain who were proposing to embark for this country and whether they owed military service or not.

As to the educational test, I am fully in favor of it, although I do not expect as much from it as many of our friends do.

I do not know—it is not my opinion—that men get their morals out of the spelling book or arithmetic, altogether. They are good things to know about, and they are good things to study. But I believe in that test. And it has been already said in the debate: Why not apply it to those who come here as immigrants from foreign countries between 16 and 60 years of age? We are applying it in our own country to our own people. In my State every parent must educate his child, and we have our truant officers to

enforce education. Germany does the same. She stands, so far as education is concerned, perhaps without a peer in the whole world.

Now, let me say that this educational test, as was shown clearly by the gentleman from Massachusetts [Mr. MCCALL], the author of this bill, will cut off many undesirable immigrants—undesirable for other causes than simply the want of education. I believe in that test, and believe it will be something toward a solution of the troubles that confront us in this country at the present time. I believe in the American schoolhouse with the American flag waving over it, Mr. Speaker.

This cry for restrictive legislation comes to us mainly from a portion of the New England States, from New Jersey, Rhode Island, Pennsylvania, New York, and from the North Central States. The statistics that I referred to a moment ago show that of the total population of Massachusetts 66 per cent of her people are in her large cities. New York, a great broad empire as she is, has 58 per cent almost of her population living in the large cities and towns, and the cry comes to us from them to stop this immigration. And I want to say here that there has been sent to the Committee on Immigration many thousands of petitions in favor of the passage of the Stone bill. I want to say that many petitions have been received in favor of the passage of all of these measures. They have come to us from almost every section of the country; and I desire to say in this connection that while I represent many Germans, many men of foreign birth, I have not received, although I think it is well known in my district that I am a member of the Committee on Immigration—I have not received one single protest from a single citizen in my district against the passage of the bill, nor has any been received that I know of.

About the first I knew of any opposition to the measures of restriction proposed by the committee came from the great steamship lines of this country. Their representatives have been vigilant before the committee and the House, and before the country, in attempting to defeat the passage of restrictive measures. As has been already said, great steamships have been built for almost the sole and express purpose of carrying immigrants from other countries to our shores, and one of the agents of these companies in talking before our committee said, when speaking of the consular inspection system, that their steamship companies had agents in every village in Europe. They are there for the purpose of inducing immigration to this country. We had in 1890 and 1891 500,000, I believe, of these people thrown upon our shores, and that immigration has been stimulated by these great corporations. They are in Europe for this purpose. They are there for the purpose of stimulating immigration, and they dilate upon the higher and better wages paid in this country than in European countries, and one gentleman said before the committee that these men who come across with their families know as much, or more, about the organized charities of New York, Boston, Philadelphia, and the cities of the country generally—as much or more than the citizens of these cities themselves. They are informed by the agents of the great corporations—the steamship lines—of the charities of this country, as well as the labor conditions, and they come here thus stimulated and come, as the statistics report, soon to find themselves in these very charitable institutions.

I said a moment ago that the country had changed greatly since the civil war. Population has gathered largely toward the great industrial centers, and these are being largely populated by persons who come here stimulated, as I have just said, to seek labor in the mines, mills, and factories of this country everywhere.

Mr. BRUMM. If the gentleman will permit me, I would like to ask unanimous consent at this time that the time for debate be extended to 5 o'clock.

Mr. NORTHWAY. That would be too late for a vote.

The SPEAKER pro tempore (Mr. DALZELL). The Chair can hardly recognize the gentleman to make that request in the time of the gentleman from Ohio.

Mr. DANFORD. Now, Mr. Speaker——

Mr. MORSE. Will the gentleman yield for a question?

Mr. BARTHOLDT. Before the gentleman from Ohio proceeds, I will suggest that if the gentleman yields for a moment or two, the gentleman from Pennsylvania would make the motion he has suggested.

Mr. DANFORD. I must decline to yield, Mr. Speaker.

Much sentiment has been indulged in in this debate as to this country being an asylum for the oppressed of all nations. Well, when our forefathers announced that as the principle upon which the States and colonies would be built up they had reference, if you will examine history, to political offenders, to those who were driven from the old countries by religious persecutions; but our forefathers never contemplated that this country should be an asylum for the paupers, for the criminals, and for the undesirable people of the whole world. I know very well, Mr. Speaker, that sentiment sometimes strikes higher than the logic of events; but on this occasion our sentiment should be directed, if we have any, in the consideration of this case, to our own people, to those who are demanding of us some relief from the present condition of things, some relief from the clouds that gather every few months over some labor center in the country, some relief for those who are without labor in this country.

This legislation will inure to the benefit not of the native born alone but of the naturalized as well—to those who are here now, to those who have already made this country their home. Their appeal is certainly stronger than the appeal which comes to us from any other quarter.

Quoting from the same authority which the gentleman from Massachusetts [Mr. MORSE] quoted on yesterday, "He that careth not for his own household hath denied the faith and is worse than an infidel." That doctrine is as good now as it was when it was proclaimed nineteen centuries ago. It is a doctrine that the American people ought to consider as being brought home to us, and we ought to consider it in connection with this very measure.

I have already said that the great complaint comes to us from the Atlantic Seaboard cities, from that portion of the country where our mills and our factories and our mines are situated. What part of the country asks for immigration? Is it the agricultural portion? Well, Mr. Speaker, we are not getting very many agriculturists from our foreign immigrants at this time. We are getting very few in fact. There is no very great encouragement for men engaged in agriculture at this time in the United States. With 16-cent wool, with 45-cent wheat, and with other agricultural products about in the same proportion, there is no great demand for adding to our agricultural products at this time. I have already said that our mills and our mines are overcrowded; that those who are not out of employment are working on short time, and that there are threatenings from the labor conditions of the country. I believe that the questions that grow out of the differences between capital and labor should be reconciled among themselves; but if it becomes necessary to reconcile those differences in some other way, I shall very much deprecate the hour or the day when American labor is to be beaten down at the end of American guns. That is not the policy at which we should aim. If there is relief in any other direction, we should give it in that other direction and not in the direction of force.

Now, it has been said here that the time to apply the educational test is when the foreigner makes his application to become naturalized. I do not believe in that policy. I do not believe that we should have in this country, working in our mines and our mills and on our farms, any considerable number of people who have not at least declared their intention to become citizens of the United States. We should extend the time as far at least as present legislation goes, before full citizenship is acquired; but the intention to become a citizen of the United States, to take a part in this Government, to be a part of our people, the intention on the part of the alien to remain with us as one of our people, that intention should be present when he first lands upon our shores and makes his domicile among us.

Now, Mr. Speaker, in conclusion, for my time has about expired, I desire to repeat what I have already said, that it is an unfair thing to attempt to array those who are in favor of this legislation against foreigners as a class, or as against the naturalized citizen. There is no feeling of that kind here. There is nothing of that sort in the country, I think; no such feeling of exclusiveness, as is intimated, on the part of those who are pressing these bills before the House and before the country. I do not believe that there is in the Committee on Immigration a single member who has any other feeling than simply a desire to protect the people of this country against the evils that seem to be threatening us from this foreign immigration that has been pouring upon our shores during the last twenty years. I do not know how many immigrants will come into the country during this year; but whenever the burdens are lightened, whenever the fires in our factories are lighted, whenever the mines are opened, then the agents of these great steamship companies and others interested in encouraging immigration throw them by hundreds and thousands upon our shores. In the beginning of this year it was supposed that the number would reach fully 300,000, far more than in 1893 and in 1894. The number swells whenever prosperity comes.

I say, then, Mr. Speaker, that these bills that are now before the House would, if passed, shut out a great proportion of this undesirable population, and would ease up the labor question. It would save this country from a very great amount of illiteracy, save it from a great amount of pauperism and of crime, and I believe that the people of this country demand such legislation as this. As was said yesterday, if it does not come now it will come later. It is a question that will not down as long as the labor question is before the country. It is a question that will not rest as long as questions growing out of capital and labor are before the country. This question goes along with them, hand in hand; and when times are hard, when adversity presses upon the country, these questions grow closer and closer, and we shall be compelled

before very long to give relief in some direction. I know of no direction in which relief can be had more readily than by the passage of these bills.

Now, Mr. Speaker, I yield the remainder of my time to the gentleman from Delaware [Mr. WILLIS].

Mr. BARTHOLDT. Mr. Speaker, the gentleman from Ohio having concluded his remarks, as chairman of the committee I desire to call the attention of the Chair to the fact that I have nine minutes remaining to me, and I would like to close debate.

The SPEAKER. The gentleman will proceed.

Mr. GROSVENOR. Has the gentleman from Ohio, my colleague, any time to reserve?

Mr. PARKER. Mr. Speaker, I desire to ask unanimous consent that the time for this debate be extended.

Mr. MILNES. I object.

Mr. PARKER. There are four or five members of the committee who desire to participate in the debate.

Mr. GROSVENOR. My colleague reserved his time, supposing, apparently, he had time to reserve. How is the fact?

The SPEAKER. The Chair thinks he has some time to reserve; but the gentleman from Missouri is entitled to the floor to conclude debate, having reserved nine minutes.

Mr. PARKER. Mr. Speaker, I ask unanimous consent that the time of this debate be extended.

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM].

Mr. BARTHOLDT. Mr. Speaker——

Mr. WILLIAM A. STONE. Mr. Speaker, I ask that gentlemen may be allowed to print remarks upon this subject.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that gentlemen may be permitted to print remarks in the RECORD on this subject. Is there objection?

Mr. KEM. I object.

The SPEAKER. The gentleman from Nebraska [Mr. KEM] objects.

Mr. BARTHOLDT. Mr. Speaker, in closing the debate on this question I do not desire to take up the time of the House and to again enter into a general discussion of the subject, but I desire to more particularly address myself to the bill proposed as an amendment by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] and to some of his statements made upon this floor yesterday. I do not think it is the intention of this House to slander the naturalized citizens of this country, and for that reason I take it upon myself to answer some of the palpable misstatements made by my friend from Pennsylvania. Among other things he said that 50 per cent of the inmates of the penitentiaries and prisons of this country were foreigners. The statement, Mr. Speaker, almost took my breath away, and even to-day I can hardly find language to express my surprise at such a statement, the accuracy or inaccuracy of which every member of this House can ascertain within ten minutes. The fact is, as the census shows, that in the prisons and in all institutions of the kind in the country—the total number being 82,329—the native-born prisoners number 40,471 and the foreign born 15,932. Percentage of natives, 71.75; of foreign born, 28.25. Then as to paupers: I find in the Compendium of the Census—and that is in the possession of every member of this House—that the percentage of purely native paupers is 82.61; paupers of purely foreign origin, 13.75 per cent, and of mixed origin, 3 per cent.

Mr. PARKER. Will the gentleman permit a question?

Mr. BARTHOLDT. No; I have not time. I have but a few minutes.

Another statement made by the gentleman from Pennsylvania was that the immigration exceeded the number of births in this country during the years from 1880 to 1890. The fact is, Mr. Speaker, that the increase of population, not the births of children, but the excess of births over deaths between 1880 and 1890, was 14,000,000, while the immigration was only 5,000,000.

Another statement made by the gentleman was that the Germans of this country were in favor of the consular inspection bill. I desire to read here from a telegram sent to me by the editor of the most high-toned, most influential, and the greatest daily Republican German newspaper of the country. The editor of the Westliche Post, Dr. Emil Preetorius, has this to say about the Stone bill:

GERMAN PRESS A UNIT AGAINST STONE BILL.

ST. LOUIS, MO., *April 11, 1896.*

Hon. RICHARD BARTHOLDT, *House of Representatives:*

German press a unit against Stone bill. Compare Tuesday's paper.

EMIL PREETORIUS.

And he follows it by a letter of his associate editor, which reads as follows:

ST. LOUIS, *April 13, 1896.*

DEAR SIR: I take it for granted that the author and the friends of the Stone bill would never advocate that measure if they were as well informed in regard to its unavoidable effect on German immigration as every intelligent German-American is. If they could be convinced that the consular inspection will only help Germany to unload its worst elements on the United States and to prevent the immigration of the most desirable class of Germans, of course the bill would be withdrawn at once. I am sure that every United States consul in Germany, as well as the United States ambassador at Berlin, agrees in this matter with the German-American press, which, if it were less American and more German, might hail with delight a bill that would bring blessings to Germany, bad immigrants to the United States, and fees to our consuls.

Yours, truly, FERDINAND HARRSEN,
Managing Editor Post.

Hon. RICHARD BARTHOLDT, M. C., *Washington.*

Mr. Speaker, I have here reports made by the Secretary of State and the Secretary of the Treasury on the so-called Stone bill in response to a letter of Senator HILL in the last Congress. The then Secretary of State, Mr. Gresham, said:

In brief, I do not believe the State Department could execute so much of the proposed statute as would devolve upon that Department with the present consular force, or even with that force very largely increased.

The Secretary of the Treasury said:

The commission—

A commission appointed to report on the consular-inspection bill—

made its report, which is exhausted, and contains valuable information on the subject embraced in this bill, from which report it appears that the system of consular inspection was not considered with favor.

Mr. Speaker, I wish I had time to read these official documents in full, but I have not. In conclusion, permit to me to say, let us pass a clean-cut bill, let us make a plain issue, which we can explain to our people when we go out for reelection this fall—a bill which every man, woman, and child can understand in two minutes, an educational-test bill—and do not let us permit others to befog the issue and confuse the minds of the people by amendments which few will understand and will put us on the defensive in the great campaign before us.

The SPEAKER. The hour of 4 o'clock having arrived, the previous question is now ordered. The question is first on the amendment of the gentleman from Michigan [Mr. CORLISS] to the original bill presented by the gentleman from Missouri [Mr. BARTHOLDT]. After that is disposed of, a vote will be taken on the bill presented by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] as a substitute. The question is first on the amendment of the gentleman from Michigan.

Mr. CORLISS. Mr. Speaker, I ask that it be read.

The SPEAKER. It can be read, without objection.

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM]. [Laughter.]

Mr. RICHARDSON. Mr. Speaker, a parliamentary inquiry. Has not the House a right to have the amendment read?

The SPEAKER. It has been read to the House.

Mr. RICHARDSON. Not to be voted upon.

The SPEAKER. It was read to be voted on. The question is on agreeing to the amendment.

The question being taken, the Speaker declared himself in doubt as to the result.

Mr. CORLISS. I ask for a division.

The House divided; and there were—ayes 121, noes 45.

Mr. MAHANY called for the yeas and nays, but almost immediately withdrew the demand.

So the amendment of Mr. CORLISS was adopted.

Mr. QUIGG. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. QUIGG. Suppose the substitute adopted; where does that leave the proposition upon which we have just voted?

The SPEAKER. It leaves it attached to the original bill.

A MEMBER. Is an amendment in order?

The SPEAKER. It is not.

Mr. WILLIAM A. STONE. Mr. Speaker, I should like to have the substitute read.

The SPEAKER. It can be read, without objection.

There was no objection; and the Clerk read the substitute at length.

The question being taken on the adoption of the substitute, the Speaker declared that the noes seemed to have it.

Mr. WILLIAM A. STONE. I ask for a division.

The House divided; and there were—ayes 75, noes 131.

Mr. WILLIAM A. STONE. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused, only 24 members voting in favor thereof. [Applause.]

The SPEAKER. The question is now upon the engrossment and third reading of the bill.

Mr. BRUMM. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRUMM. The bill as it is before the House and on which we are to vote is now practically the McCall bill with the Corliss amendment attached.

The SPEAKER. The Chair thinks that perhaps describes it. [Laughter.]

Mr. POOLE. Mr. Speaker, is an amendment now in order?

The SPEAKER. It is not in order.

Mr. QUIGG. Will the Chair please state what we are voting upon?

The SPEAKER. Upon the bill presented by the gentleman from Missouri [Mr. BARTHOLDT] as amended by the House on motion of the gentleman from Michigan [Mr. CORLISS].

Mr. FITZGERALD. Mr. Speaker, I call for the reading of the bill.

The SPEAKER. The gentleman from Massachusetts asks consent that the bill be read.

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM]. [Laughter.] The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time.

Mr. LEWIS. Mr. Speaker, I understood the announcement to be that the question was on the third reading of the bill. I desire to hear the bill as amended read.

The SPEAKER. The Clerk will read the bill.

The bill as amended was read, as follows:

Be it enacted, etc., That section 1 of the act of March 3, 1891, in amendment of the immigration and contract-labor acts, be, and hereby is, amended by adding to the classes of aliens thereby excluded from admission to the United States the following: All male persons between 16 and 60 years of age who can not both read and write the English language or some other language. But no parent of a person now living in, or hereafter admitted to, this country shall be excluded because of his inability to read and write.

SEC. 2. That the provisions of the act of March 3, 1893, to facilitate the enforcement of the immigration and contract-labor laws, shall apply to the persons mentioned in section 1 of this act.

SEC. 3. That it shall be unlawful for any alien who resides or retains his home in a foreign country to enter the United States for the purpose of engaging in any mechanical trade or manual labor within the borders thereof while residing or retaining his home in a foreign country: *Provided*, That the Secretary of the Treasury may permit aliens to come into and enter this country for the purpose of teaching new arts or industries, under such rules and regulations as he may provide.

SEC. 4. That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ in any mechanical trade or manual labor in the United States any alien who resides or retains his home in a foreign country: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels of the United States, or railroad-train hands, such as conductors, engineers, brakemen, firemen, or baggagemen, whose duties require them to pass over the frontier to reach the termini of their roads.

SEC. 5. That it shall be unlawful for any alien to enter the United States, except subjects of the Dominion of Canada and other American countries, except at the places where the United States maintain an immigrant inspection board.

SEC. 6. That any violation of the provisions of this act shall be deemed a misdemeanor, punishable by a fine not exceeding $500 or by imprisonment for the term of not exceeding one year, or both such fine and imprisonment, in the discretion of the court. That all persons convicted under section 3 of this act shall be deported to the country from whence they came.

SEC. 7. That this act shall take effect three months after its passage.

The question being taken on the passage of the bill, the Speaker declared that the ayes seemed to have it.

Mr. FITZGERALD. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 195, noes 26.

Mr. FITZGERALD. I call for the yeas and nays.

The yeas and nays were refused, only 36 members voting therefor. [Applause.]

On motion of Mr. BARTHOLDT, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BINGHAM. Mr. Speaker, I desire to ask a question for information. Will the McCall bill, with the Corliss amendment, as passed, be printed in the RECORD? It is impossible to respond to the requests of our constituents for that bill, and as I understand the House has refused to reprint it, I trust it will be printed in the RECORD.

The SPEAKER. The House ordered a reprint of the bill this morning, the Chair thinks. [After a pause.] The Chair understands that the bill will be printed in the RECORD.

Many MEMBERS. All right.

Mr. GROSVENOR. Is it in order to move that a larger number of copies of this bill be printed than the rules require?

The SPEAKER. It is not in order except by consent of the House.

Mr. GROSVENOR. Then I ask unanimous consent that double the number of copies required by the rules be printed in this case.

The SPEAKER. Is there objection?

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM].

Mr. BARTHOLDT. I ask unanimous consent that the privilege be given to every member to either extend his remarks in the RECORD or to print what he has not spoken on the floor, this privilege to continue for ten days.

The SPEAKER. The gentleman from Missouri [Mr. BARTHOLDT] asks unanimous consent that gentlemen may be allowed within ten days to print remarks in the RECORD or to extend their remarks.

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM].

Mr. BARTHOLDT. I move, then, to suspend the rules in order to grant this leave.

The SPEAKER. That motion is not in order. It would be if it were certain that we are within six days of the end of the session.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

An act (H. R. 7395) to authorize the Secretary of the Treasury of the United States to reconvey to the former owners a certain tract of land in Valverde County, Tex.

An act (H. R. 5481) to restore the lands embraced in the Fort Lewis Military Reservation, in the State of Colorado, to the public domain;

An act (H. R. 5105) to abolish days of grace on promissory notes, drafts, etc., in the District of Columbia;

An act (H. R. 5790) to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington;

An act (H. R. 8532) to establish certain harbor regulations for the District of Columbia;

An act (H. R. 7364) to provide for the drainage of lots in the District of Columbia;

An act (H. R. 6663) to authorize and regulate the sale of unclaimed freight, baggage, and other property in the District of Columbia;

An act (H. R. 6195) amending the statutes relating to the sale of printed copies of patents; and

An act (H. R. 4787) to establish the port of Conneaut, in the State of Ohio, as a subport of entry in the district of Cuyahoga, in said State of Ohio.

LYDIA A. TAFT.

The SPEAKER. The Chair lays before the House a message from the President of the United States, which will be read.

The Clerk read as follows:

To the House of Representatives:

I return herewith without approval House bill No. 577, entitled "An act granting a pension to Lydia A. Taft."

In 1858 the beneficiary named in this bill became the wife of Lowell Taft, who afterwards enlisted in the Union Army as a private in a Connecticut regiment, and served from August, 1862, until June, 1865. The records of the War Department show that he was captured by the enemy June 15, 1863, and paroled July 14, 1863.

No application for a pension was ever made by him, though he lived until 1891, when he died at a Soldiers' Home in Connecticut.

No suggestion is made that he incurred any disability in the service, or that his death was in any manner related to such service.

In 1882, nearly twenty-four years after her marriage to the soldier and seventeen years after his discharge from the Army, the beneficiary obtained a divorce from him upon the grounds of his habitual drunkenness and failure to afford her a support.

It is now proposed, five years after the soldier's death, to pension as his widow the wife who was divorced from him at her own instance fourteen years ago.

A government's generous care for widows deprived of a husband's support and companionship by the casualties or disabilities of war rests upon grounds which all must cheerfully approve; but it is difficult to place upon these grounds the case of this proposed beneficiary, who has renounced a wife's relation, with all its duties and all its rights, and who by her own act placed herself beyond the possibility of becoming the widow of her soldier husband.

If, as stated in the report of the House committee on this bill, the beneficiary, for some reason, contributed something toward the soldier's support after her divorce and paid the expense of his burial, the fact still remains that this soldier died in a Soldiers' Home wifeless and leaving no one surviving who, claiming to be his widow, should be allowed to profit by his death.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 20, 1896.*

Mr. PICKLER. I move that this veto message be referred to the Committee on Invalid Pensions.

The motion was agreed to.

HOMESTEAD ENTRIES.

Mr. LACEY submitted a conference report; which was read, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2221) having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That in lieu of the Senate bill and the House amendment thereto, the following substitute be passed:

"An act for the relief of settlers on the Northern Pacific Railroad indemnity lands.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That those persons, their heirs, or legal representatives, who, between the 15th day of August, A. D. 1867, and the 1st day of January, A. D. 1889, settled upon and made final proof and entry, under the homestead or preemption laws, of lands within the so-called second indemnity belt of the Northern Pacific Railway Company's grant in the State of Minnesota, which entries were afterwards, without their fault, canceled, upon establishing these facts before the register and receiver of the local land office, in such mode and under such rules as may be prescribed by the Secretary of the Interior, shall be allowed to make final homestead entry, and receive a patent therefor, of a quantity of land of any of the unappropriated public lands of the United States subject to homestead entry, equal in acreage to the land proved up and entered in the said second indemnity belt, as aforesaid, without being required to make any settlement or improvement upon or cultivation of such land so entered prior to such entry; and those

persons, their heirs or legal representatives, who, within the period aforesaid for the space of six months settled upon, improved, and cultivated any of said indemnity lands with a view of entering the same under the homestead or preemption laws, being competent to make such entries, and who were not permitted to make such entries, upon establishing these facts before the register and receiver of the local land office, in such mode and under such rules as the Secretary of the Interior may prescribe, shall be allowed to enter under the homestead laws of the United States a quantity of land of the unappropriated public lands of the United States, subject to homestead entry, equal in amount to the land settled upon, improved, and cultivated, as aforesaid, and under the homestead entry so made shall, when making proof and final entry, receive credit for the settlement, improvement, and cultivation made upon the said indemnity land as aforesaid: "*Provided*, That the law in force in 1889 governing the commutation of homestead entries shall apply to the commutation of entries under this section.

"SEC. 2. That those who are entitled to make the homestead entries prescribed in the preceding section may make such entries of any of the agricultural lands embraced in the provisions of an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889, upon condition of paying for such lands the price prescribed in said act.

"SEC. 3. That the right of homestead entry conferred by the provisions of this act shall not be assignable, and no conveyance, sale, or transfer of the land so entered shall be valid or of any effect if made before patent has issued."

THOS. H. CARTER,
FRED T. DUBOIS,
J. H. BERRY,
Managers on the part of the Senate.

JOHN F. LACEY,
EDGAR WILSON,
O. W. UNDERWOOD,
Managers on the part of the House.

Mr. LACEY. I ask that the statement of the House conferees be read.

The Clerk read as follows:

The substitute reported for the bill and the amendment thereto, while preserving the general form of the Senate bill as to administrative process, embodies the principles embraced in the House amendment in that it permits the persons for whose relief the bill provides to select lands subject to homestead entry in the State of Minnesota or anywhere else on the public domain, and it likewise gives unto said settlers the benefits of the commutation feature of the homestead law as it existed at the time they made their filings on the indemnity lands of the Northern Pacific Railroad.

Mr. LACEY. I move the adoption of the conference report.

Mr. McRAE. I should like to be heard for a few minutes on that question.

The SPEAKER. The gentleman is recognized.

Mr. McRAE. Mr. Speaker, this Senate bill was amended in the House by the adoption of a proposition in the nature of a substitute, recommended by the Committee on Public Lands. The Senate disagreed to that amendment, and the matter went into conference without any discussion. We are now asked by this conference report to vote upon a new substitute for the two other propositions. As I have not had an opportunity to examine this new proposition, I am not, of course, prepared to point out fully the objections to it; but I am to some extent familiar with the bill as passed by the Senate, and if this substitute is substantially the original Senate bill, it is a dangerous precedent and it ought not to pass.

The act of which this proposition is in the nature of an extension was passed October 1, 1890, by the Fifty-first Congress. It allowed to certain settlers within the second indemnity limits of the Northern Pacific Railroad grants, who had made final proof and entry and afterwards lost the land, to make a new entry, and fixed a time within which they should initiate and perfect these new entries. That time was permitted to lapse and some of the entries were not transferred under that law. The gentleman from Minnesota [Mr. TOWNE] introduced a bill which was perhaps too broad in its scope; but in order to reach a deserving class of people the committee saw fit to recommend it as an amendment in the nature of a substitute. As I understand it, the pending Senate bill goes very much farther than this Congress has ever gone in the direction of allowing new entries to be made upon the public lands. It requires no residence and cultivation.

As I have already stated, not having had a chance to examine carefully the changes which have been made by the amendment, I will not be able to state as clearly and concisely as I should like to do the objections to the proposition and the difference between the two; but in substance it provided that those persons, their heirs or legal representatives, who settled upon, improved, and cultivated with a view of entering, although they had initiated no claim and acquired no rights under any of the public-land laws, should be allowed the same rights as those who were permitted under the ruling of the Department to initiate such rights. This gives these squatters a legal status they never had, and I am unable to see how it can be justified.

Mr. McMILLIN. Are we to understand from the gentleman's statement that the measure upon which he is commenting allows to the squatter who has never declared any purpose to enter the land under the general entry laws the same privileges as those given to persons who comply with the law?

Mr. McRAE. That is the effect of the bill, as I understand it. Now, if the conferees are able to state just what the conference bill provides I should be glad to have it done, so as to obviate, if possible, the criticisms I make on the Senate bill.

Mr. LACEY. Will the gentleman allow me to ask him to point out the objectionable features of the bill as proposed in the substitute?

Mr. McRAE. As I have just said, I have had no opportunity to read the bill; my attention has not been called to it; and the statement made by the conferees is only six or eight lines and furnishes no explanation. It does not afford the information that I think we ought to have. I am now examining the report itself to ascertain precisely what it proposes. I have pointed out the main objection to the bill as I understand it.

Mr. McMILLIN. In view of the importance of this question and the brevity of the report—no adequate explanation having been furnished as to the changes in the two bills—would the gentleman from Iowa not allow it to be printed in the RECORD and go over until to-morrow?

Mr. LACEY. I have no objection in the world. I am satisfied my colleague would not make the remarks he has been making after he has had an opportunity of examining it.

Mr. McMILLIN. That would be the most satisfactory way.

Mr. LACEY. I ask unanimous consent that it go over until to-morrow morning.

Mr. McMILLIN. That would save time.

Mr. KEM. I object.

The SPEAKER. The gentleman from Nebraska [Mr. KEM] objects.

It can be withdrawn, however, and brought up to-morrow.

Mr. LACEY. Then I will withdraw it. Having been read, it will of course be printed in the RECORD anyhow.

The SPEAKER. The report is withdrawn temporarily.

Mr. LACEY. I am satisfied my colleague on the committee will make no objection when he examines it.

STANDARD SHAPE AND SIZE OF DRY MEASURES IN THE DISTRICT OF COLUMBIA.

Mr. CURTIS of Iowa. Mr. Speaker, I wish to submit a privileged report—a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6838) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the first and third amendments of the Senate, and agree to the same.

That the Senate recede from its second amendment.

G. M. CURTIS,
A. MILNES,
S. W. COBB,
Managers on the part of the House.

A. O. BACON,
J. A. PRITCHARD,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The effect of the conference report is to make it optional whether potatoes shall be sold by weight or by measure, the House having made it mandatory that potatoes shall be sold by weight.

The second amendment of the Senate provided a different standard of measure for potatoes when sold by retail from the weight when sold by wholesale, and from this amendment the Senate recedes.

The third amendment refers simply to the phraseology of the bill.

The report of the conference committee was agreed to.

On motion of Mr. CURTIS of Iowa, a motion to reconsider the last vote was laid on the table.

PRACTICE OF MEDICINE, DISTRICT OF COLUMBIA.

Mr. SHANNON. Mr. Speaker, I send a conference report to the desk for immediate action.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 573) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 25, 26, 27, 29, 31, 32, 33, 34, 35, 36, and 37, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same amended to read as follows: On page 8, section 7, line 22, strike out "examination" where it occurs the second time; and that the Senate agree to the same.

That the House recede from its disagreement to the thirtieth amendment of the Senate, and agree to the same amended to read as follows: On page 11, section 12, line 9, strike out "any" where it occurs the first time; and that the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 20, 21, 22, 23, and 24, and agree to the same with an amendment, so that section 10 shall read as follows:

"SEC. 10. That the board of medical supervisors of the District of Columbia may, by a vote of four members, refuse to grant or may revoke a license, and may cause the name of any person to be removed from the record of the supreme court of the District of Columbia and from the register of the

health office for any of the following causes, to wit: The employment of fraud or deception in passing the examinations provided for in this act, chronic inebriety, the practice of criminal abortion, conviction of crime involving moral turpitude, or unprofessional or dishonorable conduct. In complaints under this section the accused shall be furnished with a copy of the complaint and given a hearing before said board in person or by attorney, and witnesses may be heard for and on behalf of the accused, and for and on behalf of the said board. Appeal from the decision of said board may be taken to the court of appeals of the District of Columbia, and the decision of said court shall be final. Said board may at any time within two years from the refusal or revocation of a license, or the cancellation of registration under this section, by a vote of four members, issue, without examination, a new license to the person so affected, restoring to him or her all the rights and privileges of which he or she had been deprived by said board."

And that the Senate agree to the same.

That the Senate recede from its amendments numbered 4 and 28.

R. C. SHANNON,
J. W. BABCOCK,
S. W. COBB,
Managers on the part of the House.

J. H. GALLINGER,
CHAS. J. FAULKNER,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The House recedes from its disagreement to certain amendments of the Senate designed to correct the phraseology of the bill.

The House also recedes from its disagreement to the amendments of the Senate to section 10, and agrees to the same with an amendment, by which a physician inserting an advertisement in a newspaper would not come under the provisions of the law.

The Senate recedes from amendments delaying the time when the act shall take effect, and leaving it to take effect from its passage.

The report was adopted.

REPRINT OF A BILL.

Mr. PHILLIPS. Mr. Speaker, I ask unanimous consent for a reprint of the bill H. R. 6119 and the report thereon.

Mr. CANNON. What bill is that? Is that the labor bill?

Mr. PHILLIPS. That is the bill to be considered to-morrow.

The SPEAKER. The gentleman from Pennsylvania [Mr. PHILLIPS] asks unanimous consent for a reprint of the bill to be considered to-morrow, reported from the Committee on Labor. Is there objection?

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM].

Mr. DOCKERY. The gentleman from Pennsylvania [Mr. PHILLIPS] can introduce a resolution and have it referred to the Committee on Printing.

CHANGE OF REFERENCE.

The SPEAKER. The Chair desires to make a change of reference. The bill S. 1420 should go to the Committee on Pensions instead of to the Committee on Invalid Pensions.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation in said State as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes;

A bill (H. R. 4324) authorizing the Secretary of the Navy to deliver one condemned cannon to the city of Elmwood, Peoria County, Ill., and for other purposes;

A bill (H. R. 8590) granting to the Denver, Cripple Creek and Southwestern Railroad Company a right of way through the South Platte and Plum Creek forest reserves, in the State of Colorado;

A bill (H. R. 5226) to give increased pension to Gen. James C. Parrott;

A bill (H. R. 5217) making one year's residence in a Territory a prerequisite to obtaining a divorce there;

A bill (S. 1837) granting a pension to Ellen C. Ewing, widow of Bvt. Maj. Gen. Thomas Ewing;

A bill (H. R. 4452) to amend section 416 of the Revised Statutes of the United States relating to the District of Columbia;

A bill (H. R. 8260) to authorize the establishment of a life-saving station at Port Huron, on the coast of Lake Huron, Michigan;

A bill (H. R. 7285) for the relief of George McFarland;

A bill (H. R. 4179) to amend section 3719 of the Revised Statutes, relative to guaranties on proposals for naval supplies;

A bill (H. R. 9030) declaring a certain bridge across the Tallahatchie River, in Tallahatchie County, State of Mississippi, a lawful structure, and for other purposes;

A bill (H. R. 270) changing the time of holding terms of the circuit and district courts of the United States in the northern district of California;

A bill (H. R. 5379) making it unlawful to shoot at or into any locomotive or car, or at any person thereon, or to throw any rock or other missile at or into any locomotive or car in the Indian Territory, and for other purposes; and

A bill (H. R. 3013) to amend section 4131 of the Revised Statutes of the United States, to improve the merchant-marine engineer service and thereby also to increase the efficiency of the Naval Reserve, and for other purposes.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and resolutions were taken from the Speaker's table, and referred by the Speaker as follows:

A bill (S. 2753) authorizing and directing the Secretary of the Navy to donate one condemned cannon to the Lake Madison Veteran Association, Grand Army of the Republic, of the State of South Dakota—to the Committee on Naval Affairs.

A bill (S. 2583) for the relief of Leonard I. Brownson, late first lieutenant Company K, Fifth Vermont Volunteers—to the Committee on Military Affairs.

A bill (S. 2384) for the relief of David O. Burleigh—to the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOY, for one week, on account of important business.

To Mr. MILLER of Kansas, indefinitely, on account of important business.

To Mr. WHEELER, for four days, on account of death in his family.

CONFEREES ON THE DISTRICT OF COLUMBIA APPROPRIATION BILL.

The SPEAKER announced as conferees on the part of the House on the District of Columbia appropriation bill Mr. GROUT, Mr. PITNEY, and Mr. DOCKERY.

CONTESTED-ELECTION CASE—MITCHELL VS. WALSH.

Mr. MAGUIRE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MAGUIRE. I have an agreement with the Committee on Elections No. 2 that the views of the minority may be filed to-morrow in the contested-election case of Mitchell *vs.* Walsh.

The SPEAKER. The gentleman asks unanimous consent for an extension of time for filing the minority report in the contested-election case of Mitchell *vs.* Walsh, with the consent of the committee.

Mr. DINGLEY. How long an extension?

Mr. MAGUIRE. For one day.

The SPEAKER. Is there objection?

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM].

Mr. MAGUIRE. I move, then, that the time in which to file the views of the minority in that case be extended one day. That request is agreed to by the committee. It is a complete surprise that there should be any objection.

The SPEAKER. The Chair thinks that is not a privileged question, the gentleman from Nebraska [Mr. KEM] having objected.

Mr. RICHARDSON. I submit that the question involves the right of a member to his seat, and that any motion in connection with that or incidental to it ought to be privileged.

The SPEAKER. The time has already been agreed upon by the House. The Chair would be glad to afford relief, but it is not possible under the circumstances.

Mr. RICHARDSON. It is a question incidental to the matter of the right of a member to his seat.

The SPEAKER. The Chair does not think it extends to that.

And then, on motion of Mr. DINGLEY (at 4 o'clock and 51 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred House bill No. 5356, reported in lieu thereof a bill (H. R. 9101) to authorize the Montgomery Bridge Company to construct and maintain a bridge across the Alabama River near the city of Montgomery, Ala., accompanied by a report (No. 1914); which said bill and report were referred to the House Calendar.

Mr. WILSON of New York, from the Committee on Naval Affairs, to which was referred House bill No. 4072, reported in lieu thereof a bill (H. R. 9102) to amend section 5 of an act to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion, approved August 14, 1888, accompanied by a report (No. 1915); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. LESTER, from the Committee on War Claims: A resolution (House Res. No. 334) to refer to the Court of Claims bills of the following titles: A bill (H. R. 1051) for the relief of the estate of Henry C. Toms, deceased; a bill (H. R. 1571) for the relief of the estate of Richard Higgins; a bill (H. R. 1002) for the relief of the estate of Needham Bullard, deceased; a bill (H. R. 1003) for the relief of the trustees of St. Phillip's Church, of Atlanta, Ga.; a bill (H. R. 2745) for the relief of Thomas S. Lutterloh and Cape Fear Steamboat Company; a bill (H. R. 933) for the relief of the owners of the steamer *Clara Bell;* a bill (H. R. 932) for the relief of Mrs. Catharine Barry Meeha; a bill (H. R. 1276) for the relief of the legal representatives of Ann D. Holsey, deceased; a bill (H. R. 5716) for the relief of the legal representatives of Alfred Duplantier, deceased; a bill (H. R. 5611) for the relief of the estate of Phillip W. Engs, deceased, and Enoch M. Marshall; a bill (H. R. 7025) for the relief of the estate of William I. Way, deceased; a bill (H. R. 1055) for the relief of Charles T. Hyde; a bill (H. R. 1800) for the relief of Francis Millet; a bill (H. R. 7159) for the relief of the heirs of Henry Ruby, deceased; a bill (H. R. 6935) for the relief of the personal representatives of Mitchell J. Childress; a bill (H. R. 6296) for the relief of H. W. Rookwood; a bill (H. R. 5878) for the relief of the heirs of Silas Burke, deceased; a bill (H. R. 561) for the relief of the estate of Jane Taylor, deceased; a bill (H. R. 1900) for the relief of Mary E. Hughes, heir of D. L. Pritchard, deceased; a bill (H. R. 6682) for the relief of the estate of Joshua Hill, deceased; a bill (H. R. 6912) for the relief of David Hogan; a bill (H. R. 7752) for the relief of the owners of the steamer *Leesburg;* a bill (H. R. 8335) for the relief of Jacob Cohen; a bill (H. R. 3563) for the relief of J. H. Sparks; a bill (H. R. 6943) for the relief of Sarah Friedman; a bill (H. R. 5460) for the relief of James Lindsay; a bill (H. R. ——) for the relief of Rudolphus Minton; a bill (H. R. 6596) for the relief of George S. Ayre; a bill (H. R. 7550) for the relief of Nimrod D. Keneaster; a bill (H. R. 8142) for the relief of Gertrude A. Leftwich, widow of John W. Leftwich, deceased; a bill (H. R. 2076) for the relief of Abner D. Lewis; a bill (H. R. 3680) for the relief of the heirs of Joseph B. Seabrook, deceased; a bill (H. R. 4772) for the relief of the estates of John Flower and Thomas B. Flower, deceased; a bill (H. R. 7123) for the relief of George S. Ayre; a bill (H. R. 3781) for the relief of Jacob R. Smith; a bill (H. R. 8837) for the relief of the heirs or legal representatives of Anton Borchert; a bill (H. R. 3788) for the relief of Mrs. E. Taylor; a bill (H. R. 5900) for the relief of the administrator of Thomas K. Ball, deceased. (Report No. 1912.)

By Mr. COLSON, from the Committee on Claims: The bill (H. R. 1047) for the relief of Harriet A. Phillips. (Report No. 1913.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 7627) granting an increase of pension to Michael Lochard. (Report No. 1916.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (H. R. 7885) granting a pension to Evan Schriver. (Report No. 1917.)

The bill (H. R. 7883) granting a pension to Barney Schriver. (Report No. 1918.)

The bill (H. R. 6966) granting an increase of pension to William T. March. (Report No. 1919.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (S. 1898) entitled "An act granting a pension to Mrs. Marietta Hayes." (Report No. 1920.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (S. 2711) entitled "An act granting a pension to Ira Harris." (Report No. 1921.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table as follows:

By Mr. WILSON of Ohio, from the Committee on War Claims: The bill (H. R. 1789) for the relief of Daniel W. Boutwell. (Report No. 1910.)

By Mr. GIBSON, from the Committee on War Claims: The bill (H. R. 2073) for the relief of Emanuel Faust, late Company B, Forty-sixth Illinois Infantry. (Report No. 1911.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 9099) for the regulation of cemeteries and the disposal of dead bodies in the District of Columbia—to the Committee on the District of Columbia.

By Mr. STRAIT: A bill (H. R. 9100) authorizing Joseph J. Kinyoun, passed assistant surgeon of the Marine-Hospital Service, to accept a gold medal from the President of the Republic of Venezuela—to the Committee on Foreign Affairs.

By Mr. DOOLITTLE: A bill (H. R. 9103) for the reopening and improvement of the mouth of the Quillayute River, in the State of Washington—to the Committee on Rivers and Harbors.

By Mr. LOUDENSLAGER: A resolution (House Res. No. 354) to amend Rule XXVI, section 2—to the Committee on Rules.

By Mr. GROSVENOR: A resolution (House Res. No. 355) directing the Secretary of Agriculture to furnish certain information concerning the employees in his Department—to the Committee on Reform in the Civil Service.

Also, a resolution (House Res. No. 356) directing the Postmaster-General to furnish certain information concerning the employees in his Department—to the Committee on Reform in the Civil Service.

Also, a resolution (House Res. No. 357) directing the Secretary of the Treasury to furnish certain information concerning the employees in his office—to the Committee on Reform in the Civil Service.

Also, a resolution (House Res. No. 358) directing the Secretary of War to furnish certain information concerning the employees in his Department—to the Committee on Reform in the Civil Service.

Also, a resolution (House Res. No. 359) directing the Secretary of the Navy to furnish certain information concerning the employees in his Department—to the Committee on Reform in the Civil Service.

Also, a resolution (House Res. No. 360) directing the Secretary of State to furnish certain information concerning the employees in his Department—to the Committee on Reform in the Civil Service.

Also, a resolution (House Res. No. 361) directing the Secretary of the Interior to furnish certain information concerning the employees in his Department—to the Committee on Reform in the Civil Service.

Also, a resolution (House Res. No. 362) directing the Attorney-General to furnish certain information concerning the employees in his Department—to the Committee on Reform in the Civil Service.

By Mr. LOUDENSLAGER: A resolution (House Res. No. 365) to print 10,000 copies of the immigration bill—to the Committee on Printing.

By Mr. STRONG: A resolution (House Res. No. 363) to authorize the Clerk to pay E. J. Totten for services as clerk of the Clerk's document room—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BURTON of Missouri: A bill (H. R. 9104) for the relief of William L. M. Patterson—to the Committee on Military Affairs.

By Mr. CURTIS of Kansas: A bill (H. R. 9105) for the relief of J. M. Wertz—to the Committee on Military Affairs.

By Mr. DOOLITTLE: A bill (H. R. 9106) for the relief of James McGinnis—to the Committee on Pensions.

By Mr. FAIRCHILD: A bill (H. R. 9107) for the relief of James S. Logan—to the Committee on Claims.

By Mr. FOSS: A bill (H. R. 9108) for the relief of Peter Casey, late captain, Company H, Ninetieth Regiment Illinois Volunteer Infantry—to the Committee on Military Affairs.

By Mr. KIEFER: A bill (H. R. 9109) for the relief of Andrew Defiel—to the Committee on Military Affairs.

By Mr. LINTON: A bill (H. R. 9110) granting an increase of pension to Hiram Speer—to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 9111) for the relief of Mrs. Mary L. Bryan, of Grant County, Ark.—to the Committee on War Claims.

By Mr. McEWAN: A bill (H. R. 9112) granting an additional pension to Henry Van Gelder, of Jersey City, N. J.—to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 9113) for the relief of Leonard I. Brownson, late first lieutenant Company K, Fifth Vermont Volunteers—to the Committee on Military Affairs.

By Mr. ROBINSON of Pennsylvania: A bill (H. R. 9114) to remove the charge of desertion from the military record of Patrick Barrett, Battery F, Fourth United States Artillery—to the Committee on Military Affairs.

By Mr. TAFT (by request): A bill (H. R. 9115) for the relief of Joseph Schmitt—to the Committee on Military Affairs.

By Mr. THOMAS: A bill (H. R. 9116) granting a pension to Hannah A. Gray—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 9117) for relief of the estate of John Dear, deceased, of Attala County, Miss.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAKER of Maryland: Petition of citizens of Westminster, Md., in favor of House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BANKHEAD: Papers relating to the claim of Randolph Simpson—to the Committee on War Claims.

By Mr. BURTON of Missouri: Petitions of certain residents of Sheldon, Golden City, Joplin, and Carthage, Mo., praying for favorable action on bill to amend the postal laws relating to second-class matter and bill to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. CLARDY: Petition of 50 citizens of Owensboro and Hartford, Ky., asking for the passage of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. CLARK of Iowa: Petitions of citizens of Salem and Fort Madison, Iowa, in favor of the passage of House bills Nos. 838 and 4566, for 1-cent letter postage and the amendment of the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. COUSINS: Petitions of citizens of Onslow, Garrison, Gladbrook, and Conrad Grove, Iowa, asking for the passage of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. CROWTHER: Petitions of citizens of Camden Point, Easton, and Burlington Junction, Mo., for favorable action on House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DOOLITTLE: Memorial of the Seattle (Wash.) Chamber of Commerce, favoring legislation which will secure a 1-cent postage rate—to the Committee on the Post-Office and Post-Roads.

By Mr. FAIRCHILD: Resolutions adopted at a public meeting in Mount Vernon, N. Y., urging vigorous measures to prevent the outrages in Armenia—to the Committee on Foreign Affairs.

By Mr. FENTON: Petitions of citizens of Jackson and Gallipolis, Ohio, favoring the passage of House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. FLYNN: Resolution of John Noble Assembly, No. 1394, Knights of Labor, of Pawnee, Okla., praying for the independence of Cuba—to the Committee on Foreign Affairs.

By Mr. GROSVENOR: Petition of citizens of Glouster, Ohio, asking for favorable action on House bill No. 838, to reduce letter postage, and House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. GROUT: Resolutions of the Board of Trade of Chicago, protesting against the passage of House bill No. 8536 and Senate bill No. 2967, amending the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. HYDE: Petition of citizens of Spokane County, Wash., in opposition to the passage of a funding bill—to the Committee on Pacific Railroads.

By Mr. KIEFER: Petition of Knights of Labor General Assembly, in favor of House bill No. 6119, for the appointment of an impartial committee to investigate the labor problem and suggest remedy—to the Committee on Labor.

By Mr. LACEY: Petitions of citizens of New Sharon, Oskaloosa, Grinnell, Brooklyn, Kellogg, and Ottumwa, Iowa, asking favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LAYTON: Petition of 21 citizens of Lima, Ohio, for favorable action on House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LINTON: Petitions of citizens of Bancroft, Cass City, Chesaning, Mayville, and Kingston, Mich., favoring the passage of House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. McCORMICK: Petitions of citizens of Southold, N. Y., and vicinity, favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. McEWAN (by request): Petition of Alfred S. Franklin, of West Hoboken, N. J., asking consideration of his former memorial—to the Committee on Labor.

By Mr. MILLER of West Virginia (by request): Petition of citizens of Sistersville, Ronceverte, Williamson, St. Marys, and Berkeley, W. Va., asking favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. NORTHWAY: Petitions of citizens of Conneaut and Orwell, Ohio, in favor of House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SHAFROTH: Sundry petitions of numerous citizens of the State of Colorado, in favor of better immigration laws—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Michigan: Petitions of citizens of Sparta, Grand Rapids, and Clarksville, Mich., for favorable action on House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. STRAIT: Petitions of citizens of Union and Lancaster, S. C., asking for favorable action on House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany House bill relating to Joseph J. Kinyoun—to the Committee on Foreign Affairs.

By Mr. STRONG: Petitions of citizens of Ada and Mechanicsburg, Ohio, for favorable action on House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. TAFT: Petition of citizens of Cincinnati, Ohio, for favorable action on House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. TAYLER: Petitions of citizens of Youngstown, Minerva, and Canal Fulton, Ohio, asking for favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. TRELOAR: Papers to accompany bill to remove the charge of desertion from the military record of John Ziegler—to the Committee on Military Affairs.

By Mr. VAN VOORHIS: Petition of James Rummer and 229 other citizens of Morgan County, Ohio, asking that a bill to restrict immigration be passed—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Dyson, Ohio, favoring the passage of House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WATSON of Ohio: Petition of citizens of Westerville, Ohio, asking favorable consideration of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAMS: Paper to accompany House bill for the relief of John Dear—to the Committee on War Claims.

By Mr. WILSON of Ohio: Petition of citizens of Springfield and Washington, Ohio, asking for favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WOOMER: Remonstrance of Daniel G. Miller and 50 citizens, of Lebanon, Pa., against the acceptance of the Marquette statue—to the Committee on the Library.

SENATE.

THURSDAY, *May 21, 1896.*

Prayer by Rev. W. L. WATKINSON, of London, England.

The Vice-President being absent, the President pro tempore took the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. ALLEN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will, without objection, stand approved.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had, on the 19th instant, approved and signed the act (S. 2642) to provide for the safety of passengers on excursion steamers.

RIVER AND HARBOR APPROPRIATION BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate the conference report on the river and harbor bill.

Mr. CULLOM. If there is no morning business, I desire to call up the conference report on the legislative, executive, and judicial appropriation bill.

The PRESIDENT pro tempore. The Chair lays the conference report on the river and harbor bill before the Senate by virtue of the unanimous-consent agreement made yesterday.

Mr. CULLOM. I did not hear anything of such an agreement. All right, however.

Mr. SHERMAN. Let the report be read.

The Secretary read the report of the committee of conference on the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, as printed in the Senate proceedings of yesterday.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The question is, Will the Senate concur in the report of the committee of conference?

Mr. PLATT. May I be permitted to put in some morning business?

The PRESIDING OFFICER. Without objection, the Chair will receive routine morning business.

PETITIONS AND MEMORIALS.

Mr. PLATT presented a petition of the Buffers and Polishers' Organization of Meriden, Conn., praying for the free and unlimited coinage of silver and gold at the ratio of 16 to 1; which was ordered to lie on the table.

Mr. McMILLAN presented a petition of the Maryland Christian Endeavor Union of Baltimore, Md., praying for the enactment of legislation raising the age of consent from 16 to 18 years in the District of Columbia; and also for the enactment of a Sunday-rest law in the District of Columbia, and remonstrating against the enactment of legislation to promote race-track gambling in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Woman's Christian Temperance Union of Onekama, Mich., remonstrating against the introduction of military training in the public schools of the country; which was referred to the Committee on Military Affairs.

He also presented a petition of Detroit Lodge, No. 82, International Association of Machinists, of Detroit, Mich.; a petition of Mineral King Lodge, No. 129, Brotherhood of Locomotive Firemen, of Escanaba, Mich., and a petition of the Council of Trades and Labor Unions, of Detroit, Mich., praying for the Government control and ownership of the telegraph lines; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PRITCHARD presented the petition of J. W. Howard and 113 other members of the Sixth life-saving district, praying that their salaries be paid to them monthly; which was referred to the Committee on Commerce.

Mr. VEST presented a memorial of the Merchants' Exchange of St. Louis, Mo., remonstrating against the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. BRICE presented a memorial of the Produce Exchange of Toledo, Ohio, remonstrating against the enactment of legislation to amend an act entitled "An act to regulate commerce," approved February 4, 1887; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Civil Engineers' Club of Cleveland, Ohio, praying for the enactment of legislation providing for the establishment of engineering experiment stations in connection with colleges in the several States; which was referred to the Committee on Education and Labor.

Mr. QUAY presented a memorial of the Medical Society of the State of Pennsylvania, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of Chapter II, Colonial Dames of America, of Philadelphia, Pa., remonstrating against the passage of Senate bill No. 3087, to incorporate the National Society of Colonial Dames of America; which was referred to the Committee on the Library.

The PRESIDENT pro tempore presented a memorial of the Washington Chemical Society, of Washington, D. C., remonstrating against the enactment of any legislation on the subject of vivisection; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Rhode Island Business Men's Association, of Providence, R. I., praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented the memorial of Alice May Douglass and 44 other citizens of the United States, and the memorial of S. J. Fernald and 12 other citizens of Portland, Me., remonstrating against the introduction of military training in the public schools of the country; which were referred to the Committee on Military Affairs.

He also presented a memorial of the National Convention of Railroad Commissioners, of Washington, D. C., remonstrating against the adoption of certain proposed amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6111) granting a pension to Elizabeth A. Sargent;

A bill (H. R. 3857) granting a pension to Thomas Brewer; and

A bill (H. R. 4283) granting a pension to Delia A. Marsh.

Mr. McMILLAN, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 2753) authorizing and directing the Secretary of the Navy to donate 1 condemned cannon to the Lake Madison Veteran Association, Grand Army of the Republic, of the State of South Dakota;

A bill (H. R. 8495) granting to John Hill Post, No. 86, of Boonton, N. J., 4 condemned cannon and 20 cannon balls;

A bill (H. R. 8324) authorizing and directing the Secretary of the Navy to donate 4 pieces of condemned cannon and 4 pyramids of condemned cannon balls to the Grant County Union Soldiers' Monument and Memorial Association of Wisconsin; and

A bill (H. R. 7771) authorizing and directing the Secretary of the Navy to donate condemned cannon and condemned cannon balls to certain posts of the Grand Army of the Republic.

Mr. McMILLAN, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 8262) authorizing and directing the Secretary of the Navy to furnish condemned cannon to certain Grand Army posts, a monument association, and army post, reported it with amendments.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the amendment submitted by Mr. ALDRICH April 30, providing for the purchase of Lookout Point Park, Lookout Mountain, Tennessee, intended to be proposed to the deficiency appropriation bill, reported it favorably and submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 3582) to remove the charge of desertion now standing against Henry H. Bailey, reported it without amendment, and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2) disposing of two condemned cannon, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 5280) for the relief of George W. Freeman, reported it without amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2048) for the relief of Rufus Betz, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL of Wisconsin, from the Committee on Military Affairs, to whom was referred the bill (H. R. 5999) to correct the military record of Elbridge McFadden, reported it without amendment, and submitted a report thereon.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 795) for the relief of John Little and Hobart Williams, of Omaha, Nebr., reported it without amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (H. R. 7255) authorizing the establishment of a life-saving station on the coast of Maryland, reported it without amendment, and submitted a report thereon.

Mr. HARRIS submitted a report to accompany the bill (S. 3088) to authorize the extension of the lines of the Potomac Electric Light and Power Company, heretofore reported.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 1589) in relation to refunding certain sums to port wardens, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

WILLIAM H. FOSTER.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 33) for the relief of William H. Foster, of Boston, in the Commonwealth of Massachusetts, receiver of the Union Steamship Company, reported it with amendments, and submitted a report thereon, accompanied by the following resolution; which was read:

Resolved, That the bill S. 33, as amended, entitled "A bill for the relief of the legal representatives of William H. Foster, of Boston, in the Commonwealth of Massachusetts, receiver of the Union Steamship Company," together with all the papers accompanying, be, and the same is hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887; and the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

Mr. WARREN. I ask for the present consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. SHERMAN. I wish to inquire whether this is the claim involving importations by ship agents?

Mr. WARREN. No; it is not.

Mr. SHERMAN. Then I have no objection to the resolution.

Mr. PASCO. I suggest to the Senator from Wyoming that it should read: "In pursuance of the fourteenth section of an act entitled," etc., instead of in pursuance of the provisions of the act generally. I think that is the usual form.

Mr. WARREN. I accept the suggestion of the Senator from Florida, and ask that the resolution be so modified.

The PRESIDING OFFICER. The resolution will be so modified. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

WILLIAM F. JOHNSON.

Mr. SEWELL. I move that the vote by which the bill (S. 2184) granting a pension to William F. Johnson was indefinitely postponed be reconsidered, and that the bill be placed on the Calendar.

The motion was agreed to.

BILLS INTRODUCED.

Mr. PLATT introduced a bill (S. 3182) granting a pension to Susan E. Cunningham; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 3183) granting a pension to Harriet Clarissa Mercur, widow of James Mercur, late professor of civil and military engineering in the United States Military Academy at West Point, N. Y.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PRITCHARD introduced a bill (S. 3184) granting an increase of pension to James H. Kile; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3185) granting an increase of pension to John McGrath; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3186) granting a pension to Mrs. Cornelia Grant; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 3187) for the relief of Hattie A. Phillips; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3188) to ratify an agreement with the Indians of the Shoshone or Wind River Reservation, Wyo., and making an appropriation to carry the same into effect; establishing the Wyoming Hot Springs Reservation, and making an appropriation for the survey thereof; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. ALLEN introduced a bill (S. 3189) to remove the charge of desertion from the name of Emanuel Schamp; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BRICE introduced a bill (S. 3190) granting a pension to Amos L. Hood; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3191) granting a pension to Milton T. Bedford; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3192) granting a pension to Annie C. Dodd; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. QUAY (by request) introduced a bill (S. 3193) for the relief of Isaac Newton, of Washington, D. C.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. TURPIE introduced a bill (S. 3194) for the relief of William McFarland; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CANNON introduced a bill (S. 3195) to amend the military record of Temple Short; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3196) granting an increase of pension to George W. Walton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BAKER introduced a bill (S. 3197) for the relief of Capt. M. J. Grealish; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3198) granting a pension to Edward Stanley; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3199) granting a pension to Jackson Osborn; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. TELLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. PRITCHARD (by request) submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. WARREN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. LODGE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims.

He also submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations.

Mr. SQUIRE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Education and Labor, and ordered to be printed.

TRADE NAMES OF LIQUORS.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 4580) to amend section 3449 of the Revised Statutes; which was ordered to be printed.

EXECUTIVE COMMUNICATION.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, transmitting supplemental estimates of appropriations required by the various Departments of the Government to complete the service of the fiscal year ending June 30, 1896, and for prior years, amounting to $356,115.59; and for the postal service, payable from the postal revenues, amounting to $18,669.95; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. MITCHELL of Oregon. I desire to give notice that to-morrow morning, immediately after the conclusion of the routine business, I shall move that the Senate proceed to the consideration of the joint resolution reported from the Committee on Privileges and Elections (S. R. 6) proposing an amendment to the Constitution of the United States providing for the election of Senators by the votes of the qualified electors of the States.

Mr. SHERMAN. I wish to state that I have already given notice that I shall move to take up what is called the filled-cheese bill. I hope that bill will be taken up to-morrow morning.

Mr. WHITE. We can not hear the Senator from Ohio on this side.

Mr. SHERMAN. I stated that I have already given notice (and I hope it will not be interfered with) that I shall try to call up the filled-cheese bill to-morrow. The Senator knows the bill by that name. There is a great mass of people who take an interest in that measure.

Mr. MITCHELL of Oregon. Of course, if notice has been previously given by the Senator from Ohio, I do not wish to interfere with his notice. I was not aware that such a notice had been given. I will change my notice, then, to Saturday morning, immediately after the conclusion of the morning business. I give notice that I shall move at that time that the Senate shall proceed to the consideration of the joint resolution which I have indicated.

Mr. FAULKNER. I suppose that is with the implied understanding, of course, not to interfere with appropriation bills.

Mr. MITCHELL of Oregon. I gave notice some time ago of my intention to move the consideration of the joint resolution. I take it there will be no appropriation bill for that time.

Mr. FAULKNER. I think there will be one here for that time, unquestionably.

Mr. CULLOM. I should think the Senator from Oregon had better except appropriation bills. The conference report on the legislative, executive, and judicial appropriation bill will perhaps be up for consideration by the Senate. I suggest to the Senator that he except conference reports and the deficiency appropriation bill.

Mr. ALDRICH. I suppose there is nothing in the rules to prevent a Senator from giving a notice as to what he intends to do in the future?

Mr. CULLOM. Of course not.

Mr. FAULKNER. I thought it better to have a proper understanding of the matter.

Mr. MITCHELL of Oregon. I have given the notice, and I shall be governed by circumstances when the time comes.

Mr. FRYE. I call for the regular order.

The PRESIDING OFFICER. The Chair has been recognizing Senators to present morning business.

Mr. FRYE. I call the attention of the Chair to the fact that morning business is not the regular order.

The PRESIDING OFFICER. The morning business had not been declared closed, but a conference report is privileged at all times according to the rule.

Mr. FRYE. Unanimous consent was given that the conference report should be taken up immediately after the reading of the Journal, and now half an hour is gone and it is hardly up.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GROUT, Mr. PITNEY, and Mr. DOCKERY managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, further insisted upon its disagreement to the amendments of the Senate numbered 33, 37, 46, 47, 48, 49, 51, 52, 55, 64, 66, 69, 70, 71, 76, 77, 78, 83, 84, 85, 86, 87, and 94 to the said bill, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON managers at the further conference on the part of the House.

RIVER AND HARBOR APPROPRIATION BILL.

The Senate resumed the consideration of the report of the committee of conference on the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BACON. Mr. President, as stated by me to the Senate yesterday, I shall ask the Senate to disagree to so much of the conference report on the river and harbor bill as relates to the harbor of Brunswick, Ga. I recognize, of course, the rule that the motion can only be made as to the entire report; in other words, the disagreement has to be made as to the whole report in order that the particular item to which I refer may be remitted to the conference committee.

Since I had the opportunity to address the Senate on the subject yesterday I have had conference with some of the members of the conference committee and have agreed to some very liberal concessions, or, rather, I have made some very liberal concessions, which, I think, will put the matter in a condition where the conference committee will deal with it satisfactorily both to themselves and to those whom I represent. If, however, this is to be accomplished, it can only be done by a disagreement on the part of the Senate, in order that the whole matter may be returned to the conference committee. In view of that fact, I shall not make the detailed speech which I expected to make in the presentation of this question to the Senate, and I shall give only such an outline of it as will put the Senate in possession of the facts necessary to enable them to act advisedly upon the question whether the report should be recommitted to the conference committee.

The harbor of Brunswick is one which is recognized as among the best upon the whole Atlantic coast. The water within it is deep and it is very extensive. The commerce from this harbor is one in which all of the prominent Atlantic seaports are very much interested. In other words, ships from all the other seaports find at Brunswick cargoes which they are anxious to get if they can find sufficient water to enable them to enter the harbor.

Up to the year 1890 there had been a continuous shoaling of the water upon the bar, which is situated some 5 miles out of the harbor, so that it had been reduced to a depth of about 18 feet at mean high tide. The consequence was that with the constantly increasing size of ships the harbor was becoming practically closed to those vessels which would naturally engage in the trade of that port. The result was that the commerce of that city ran down to an insignificant figure, and it was evident that as a port it was to be permanently closed to the ordinary commerce of the country.

There being no appropriation by Congress for the opening of the harbor, some public-spirited citizens, in the hope to save their town from what would be equivalent to its destruction, conceived the plan of removing the obstructions from the bar by dynamite. At the head of those was the gentleman who afterwards made a contract with the Government under an act of Congress, Mr. Goodyear. In the absence of any appropriation by Congress these gentlemen went forward and spent some six or seven thousand dollars of their private means in the necessary expenses in making a test as to whether the explosion of dynamite upon the bar would remove the obstructions. The test made, although a very partial one, was so successful that they came to Congress, and under an act of Congress made a contingent contract. A certain amount was to be paid if a certain depth of water was obtained.

The first contract made by the Government with Mr. Goodyear was for a certain depth, 21 feet, I think, for which when obtained the United States would pay to him as contractor the sum of $10,000. That contract was made in utter inexperience as to what would be the cost of it, and he was guided in making it by the large success which he had had in the expenditure of the $6,000, which, of course, related to work which was much cheaper than the work subsequently performed, because it was on the surface. Mr. Goodyear went forward and got some 20 or 21 feet (I have forgotten which) and came to Congress and showed the amount of money which had been expended and the results which had been accomplished; and although the contract was for $10,000, Congress paid him $30,000 on a quantum meruit. Congress also entered into an additional contract by which upon the procurement of the depth of 23 feet there would be $30,000 additional paid.

The contractor under this act of Congress has gone forward and it is in controversy whether or not the 23 feet have been obtained. The engineers of the Government claim that the amount obtained has been over 22 feet and less than 23 feet. The engineers for the contractor presented evidence to the effect that they have procured the entire 23 feet. In addition to the measurements of the contractors, there is the evidence of all the pilots at that port and all of those who are engaged in commerce that ships drawing 23 feet have repeatedly passed over the bar and through the channel thus made.

I have a list here which has been before the committee, but it is not necessary that I should detain the Senate with a discussion of the question whether the 23 feet have or have not been obtained. The matter was before the other House, and upon a full examination by the committee of the House and by the House itself, the bill was sent to the Senate with a provision in the nature of a compromise as to the particular question whether the contractor was entitled to be paid the $30,000 which would be due when 23 feet were obtained. The bill provided that the contractor should go on and continue to deepen the harbor, and that when he had procured 24 feet he should then be paid not only for the 23 feet the $30,000 which had been provided by the previous act, but that he should be paid a certain additional amount for making the 24 feet.

In that shape the bill came from the other House. When it came to the Senate the representation was made, which I think is a very reasonable one, that a 100-foot channel is entirely inadequate to the proper safety of vessels passing in and out of that harbor. It was shown that a vessel in attempting to go through the narrow channel by reason of its failure to obey its rudder had at one time run outside of the channel and had run aground, although there was plenty of water there inside of the narrow channel. For that reason it was sought to get authority to extend, or rather to widen, the channel to the extent of 300 feet, and that was the amendment put on by the Senate making payment at the same rate for the extra 200 feet that was given for the first 100 feet. That was the amendment put upon the bill by the Senate, and it was that amendment upon which the conference committee was engaged, and which they finally reported as one from which the Senate ought to recede.

There are two aspects in which I think this matter is entitled to the very serious consideration of the Senate. In the first place, that of the public interest; that this is a bar which should be removed from one of the most important harbors upon the South Atlantic coast. If the legislation stands as it would stand with a simple consent on the part of the Senate to recede from this amendment there would be no appropriation whatever for the Brunswick Harbor; it would have to go without any work whatever except upon the original 100-foot channel. That is a consideration which affects the public. The other consideration—and I will state that I am not going to detain the Senate with any lengthy discussion; I simply desire to present the facts——

Mr. PLATT. May I make an inquiry?

Mr. BACON. Certainly.

Mr. PLATT. How is this matter to get back to the consideration of the conference committee? I was not present when the Senator began his remarks.

Mr. BACON. I recognize the fact. I will state in reply to the distinguished Senator from Connecticut, that the only way in which it can get back is by a disagreement to the entire report, and in that way send it back in order that the conferees may again act upon it.

Mr. PLATT. Then, as to the other items with respect to which the conferees have agreed, the disagreement is considered as being merely formal for the purpose of allowing them to consider this item?

Mr. BACON. That is all, so far as I understand.

Mr. DUBOIS. If the Senator from Georgia will allow me, I will state to the Senator from Connecticut that an exactly similar proceeding was had in regard to the Indian appropriation bill a few days ago; precisely the same. The entire report was disagreed to in order to correct an error.

Mr. PLATT. I am very much interested in it, and I want to get the item before the conferees again.

Mr. BACON. I am obliged to the Senator. I have alluded to the public interest in this matter, which I think is really an important one. There is not a port on the Atlantic coast that is not interested in having the Brunswick Harbor in a condition where ships from those ports can go in. There is one single article of commerce from that port in which the entire country is interested. It is one of the largest ports, if not the largest port, from which yellow pine lumber and timber are shipped, which are used all through the country; and unless the Government does properly attend to this bar the port will be practically closed for the entrance of ships of the size which it is now profitable to use in that commerce.

But to return to the question of the private interest of the contractor, I think his action in this matter is one which should appeal to the careful consideration of Congress. As I said, he has not only put in his private money and has spent all the money which he has obtained from Congress, $30,000, but in addition he has spent all the money he could borrow and he has mortgaged every particle of property he could lay his hands on that he could not sell. He has expended, as I am informed, about $100,000 in this improvement. If the Government drops it where it is he is absolutely a bankrupted man. There is no doubt about it in the world. Not only that, but this important work must stop. He can not even get the credit which will be necessary for him to complete the hundred-foot channel he is on, because he has exhausted all resources and all credit. He has certainly done that which I think should commend him to the generous treatment of the Congress of the United States in this matter.

Mr. FRYE. Of course the Senate understands that in order to have any correction made in the report there must be a disagreement to the entire report. It must go back to the conferees. As a matter of course the conferees can in a very few moments report again.

The trouble, and the principal trouble, with the amendment referred to by the Senator from Georgia [Mr. BACON] was that there was a provision in it which authorized a departure from the experiment which is being tried and the obtaining of this channel by the old methods of dredging. The committee of conference never could agree to that proposition under any circumstances. The whole thing was entered into as an experiment. If it was a successful experiment, it was important for the Government. If it was an unsuccessful one, as a matter of course it was a misfortune of the man who was making the experiment.

Mr. BACON. Will the Senator from Maine permit me to make one statement which I have made to him in private; and that is, I did not even know that that feature was in the amendment. I had not charge of the details of it, and as soon as the distinguished Senator from Maine called my attention to it in private conversation I said to him that I would yield it, and without hesitation.

Mr. FRYE. All I have to say about it is simply that if the Senate thinks the Senator from Georgia is entitled to a change in this matter all it has to do is to disagree to the report, and the conferees will immediately meet and make another report.

Mr. SHERMAN. Is it not a quicker way to disagree to that item of the report?

Mr. FRYE. That can not be done. There must be a disagreement to the whole report or none.

Mr. SHERMAN. If the Senator from Maine thinks this particular item ought to go back, we had better send the whole report back.

Mr. FRYE. The Senator from Maine was persuaded by the Senator from Georgia, after he had made the great concessions in the amendment which he did, to favor the proposition of the Senator from Georgia.

Mr. WHITE. Mr. President, I think the Senator from Georgia [Mr. BACON] ought to have another opportunity in this matter, but I wish more particularly to say that I observe in the report of the conferees that there is a disagreement as to three items affecting the Santa Monica-San Pedro matter in California. One of those items as it came to the Senate was for the improvement of Wilmington Harbor, in accordance with the proposition of Colonel Benyaurd, $50,000. That item was in the bill as it came from the other House. To that proposition the Senate merely added a continuing contract, the House having adopted the Benyaurd project. The conferees on the part of the House object, as I understand, to that item.

The other provision, regarding which there was extended debate in this body, with reference to a deep-sea harbor, is also the subject of a disagreement, and then a third provision inserted in the survey portion of the bill, providing for an examination with a view to ascertaining whether a depth of 25 feet could be obtained in the Wilmington or San Pedro inner harbor is also included in the disagreement.

I presume that at this time it is unnecessary to make any motion with reference to this matter, since the whole report is to be disagreed to. I desire, however, to state that I will request the Senate to insist upon its amendments and make the matter the subject of further conference, if I am right in my view of the parliamentary situation.

Mr. FRYE. That will have to be done when the committee reports again, providing it reports to the same effect.

Mr. WHITE. I so understand it, and desiring to have no trouble hereafter I make this statement now.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was nonconcurred in.

Mr. FRYE. I move that the Senate request a further conference with the House of Representatives on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. FRYE, Mr. QUAY, and Mr. VEST were appointed.

BRIDGE ACROSS ALLEGHENY RIVER.

Mr. CULLOM. I desire to call up the conference report on the legislative, executive, and judicial appropriation bill, which is now upon the table.

Mr. VEST. I am authorized by the Committee on Commerce, to whom was referred the bill (S. 3170) to authorize the Butler and Pittsburg Railroad Company to construct and maintain a bridge across the Allegheny River, to report it with an amendment, and to ask for its immediate consideration. It is a formal matter, and I ask the Senator from Illinois to yield for the consideration of the bill.

Mr. CULLOM. Is it a long bill?

Mr. VEST. It is an ordinary bridge bill and is not very long.

Mr. CULLOM. As the Senator from Pennsylvania [Mr. QUAY] has appealed to me and says it is an important bill, which should be passed at once, I yield for that purpose, if there will be no debate.

Mr. QUAY. If there is any debate it can go over.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was, at the end of section 4, to insert the following proviso:

Provided, That all railroad companies desiring the use of the bridge authorized by this act shall have and be entitled to equal rights and privilege relative to the passage of trains or cars over the same and over the approaches thereto upon the payment of a reasonable compensation for such use, and in case the owner or owners of such bridge and the several companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid and upon the rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties. And equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM. I hope we may now proceed with the consideration of the conference report on the legislative, executive, and judicial appropriation bill.

Mr. SHERMAN. Will the Senator from Illinois allow the filled-cheese bill to be taken up?

Mr. CULLOM. I can not afford to do that. The conference report has been laid aside two or three times to accommodate other appropriation bills. The filled-cheese bill will be discussed and opposed.

Mr. SHERMAN. To some extent, but not much.

Mr. CULLOM. I think the Senator ought not to ask me to

yield for a general bill of this sort which will delay a very large appropriation bill.

Mr. SHERMAN. I give notice that after the report is disposed of I will ask the Senate to take up the filled-cheese bill.

Mr. CULLOM. The report, which is the third one on this bill, was read some days ago and laid on the table and printed, so that everybody in the Senate, I suppose, has seen it. All that I desire is that the report shall be acted upon.

The PRESIDING OFFICER. The Chair lays before the Senate the conference report indicated, which will be stated by title.

The SECRETARY. Report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

Mr. PLATT. Mr. President, there are two matters in the conference report to which I think the attention of the Senate ought to be called, and, as it seems to me, the Senate ought not to agree to the conference report, basing its objection to an agreement upon two grounds. In the bill as it came from the House originally there was a provision similar to what has been agreed to here—and I do not know but that it was precisely the same—relating to the matter of commissioners of the circuit courts. That matter was considered in the Judiciary Committee in connection with the matter of providing fees for district attorneys and marshals of the United States courts, and the opinion of the Judiciary Committee was unanimous against the provision of the House with reference to the appointment of commissioners.

Then the Appropriations Committee refused to consider favorably the proposition which the House had made with reference to commissioners. My recollection is that when the matter came up on the passage of the bill in the Senate the Senator from New York [Mr. HILL] practically asked whether the Senate conferees intended to give away the amendment by which the provision relating to commissioners was stricken out. Perhaps I do not state it exactly as it was put in the Senate, but substantially I think that was the effect of what the Senator from New York said.

Mr. HILL. The Senator from Connecticut will permit me. While the question was being discussed, I called attention to the fact of the impropriety of legislating upon an appropriation bill, and instanced the fact that the Judiciary Committee had recommended that the whole matter relating to United States commissioners should be stricken out. The Committee on Appropriations struck it out. Therefore it was not discussed at all in the Senate.

I then called attention to the fact that if the conference committee should agree to the amendment of the House, it would be done without ever having been discussed in the Senate at all. I was then assured in the most positive language, and it can be found in the RECORD, that there would not be an agreement to that effect.

Mr. PLATT. That is my recollection.

Mr. CULLOM. I perhaps ought to say a word in reference to this point, as there seems to be an effort to put the committee in the attitude of going back upon its word.

Mr. PLATT. Not that I know of.

Mr. CULLOM. The truth about it, if the Senator from Connecticut will allow me to interrupt him, is that the whole subject involving attorneys, marshals, and commissioners came before the Senate in the consideration of the bill. The question as to what should be done with them was discussed at some length in the Senate before the bill was taken up for consideration by the Committee on Appropriations at all, as I remember it. It then went to the Committee on Appropriations. That committee referred the whole subject to the Committee on the Judiciary of the Senate. They made their report, leaving out as a matter of fact the commissioners, and the Committee on Appropriations proceeded with the consideration of the bill and reported it, leaving out the commissioners, but reporting finally in favor of an arrangement with reference to attorneys and marshals.

It then got into conference, after the bill had passed the Senate and gone back to the other House, and action was taken by the conferees of the two Houses, a disagreement resulting at first, as I remember, by the conferees of the two Houses in reference thereto. But finally an agreement was had between the conferees of the two Houses as to attorneys and marshals, the conferees of the Senate still disagreeing to any provision in reference to commissioners.

The House conferees insisted upon the regulation of commissioners as well, and in the third conference which has been had upon the bill there was an agreement on the part of the conferees. In every report before this the Senate has known very well exactly the state of the case as it progressed before the conferees of the two bodies.

Mr. PLATT. I wish to state that I am not finding fault with the conference committee. I trust the Senator from Illinois will not think I am.

Mr. CULLOM. I only felt that it was probably due from me to state exactly the history of the matter, so that the Senate might not feel that we have not been strongly disposed to stand by the action of the Senate so long as it seemed at all proper that we should do so with regard to this item.

Mr. PLATT. In reference to that, it seems to me that if the action of the Senate now taken is such as to show that the Senate had decided opinions upon this subject it may not be impossible that the conferees may not agree with the House in accordance with the views of the Senate.

I wish to say that it is hardly the proper way to determine the question of even the salaries of marshals and district attorneys and of the law relating to the commissioners of the United States by disposing of it on an appropriation bill. The effect of it is, and has been so far, that the House has had its own sweet way and will upon the whole matter. I do not mean to say that in every instance the Senate conferees have given up to the House conferees as to salaries of attorneys and marshals, but I do mean to say that with very few exceptions in the matter of marshals' salaries the conferees receded from the position taken by the Senate as to those salaries. Looking at the former report, Senators will see a hundred items from which the Senate receded and agreed to the House bill. I speak now of marshals, and although that matter is passed, I can not help saying that I think very great injustice has been done in some of the districts, my own district especially, in reference to this matter. The truth is that the conferees simply had to take the sums fixed by the House or they could not have an appropriation bill, or thought so. It comes to that again. Practically, the Senator from Illinois [Mr. CULLOM] tells us that the Senate conferees had to recede; they must recede. The House insisted upon this provision with regard to commissioners.

Mr. CULLOM. The Senator is making another statement a little strong. Neither the Senate conferees nor the Senate have to do anything because the House asks them to do it, but it is a question of practicability, of what is right and proper, under all the circumstances. These items in the hands of the conferees of the two Houses must be settled in some way, and if we are to agree to the passage of a bill at all somebody must yield. We must give and take, to use a common expression. That is the usual rule. We have simply tried to do the best we could, and we thought that under the circumstances perhaps what we had done was the best that could be done in reporting the result of the conference.

Mr. PLATT. I beg again to assure the Senator from Illinois that I am not criticising the conference committee. I am criticising the result which is reached when we undertake to deal with questions of this sort upon appropriation bills. The very language which the Senator uses—and he uses it because it is absolutely true—that when you go into conference you have to settle things by giving and taking, shows the impropriety and the difficulty of legislating upon subjects of this sort in that way, because all the while the House has the advantage of saying to the Senate conferees, "If you do not do this, you simply get no appropriation bill." The Senate conferees are therefore under coercion to give up things which they know, or ought to know, the Senate does not want them to give up, because the House conferees are in a position to say, "Take this or you do not have any appropriation bill." That is the real truth of the matter plainly stated, without exaggeration and without prevarication.

The Senator says they have had to give and take on this matter of marshals, attorneys, and commissioners. Mr. President, they may have taken a little, but they have given a great deal. I do not think that in relation to the marshals' salaries the House provision has been changed in more than ten or twelve cases; in all the others they remain precisely as the House fixed them in the first place, and in many cases are manifestly unjust. That is so also with reference to the attorneys' salaries. When it comes to the matter of commissioners, it is all given up to the House to fix it just as they had it in the first place. That may be giving and taking, but it is receiving very little, and giving away the lion's share.

With reference to this matter of changing the law as to commissioners, I see no reason for it as proposed in the bill as it came from the House and agreed to by the committee of conference. It has been rejected by two committees of the Senate upon deliberation and investigation, and yet it is given away. What we take is altogether more shadowy than what is given in this legislative game of give and take.

What does this propose to do? I want to call attention to it for a moment, though first I want to call attention to the fact that there is a technical objection to it, which, I suppose, was overlooked by the conferees.

In the Indian Territory we have officers who are called United States commissioners. We have a great many of them, necessarily, for the administration of justice in that Territory. They are clothed with the powers of circuit court commissioners. This bill proposes to legislate all circuit court commissioners out of office, and to confer upon commissioners who are to be appointed by the district courts the powers which are now conferred upon United States circuit court commissioners; but it will leave the

commissioners in the Indian Territory without any powers whatever, because the office of circuit court commissioner is abolished, all power is taken away from them, and no power is, by this act, conferred upon the United States commissioners in the Indian Territory. So, if this becomes a law and there is no further legislation—and it is highly improbable that we can get any further legislation at this session—on the 1st day of January next, or whenever it is, all the powers of the United States commissioners in the Indian Territory to have any preliminary examination and to hold for bail in cases of offenses against the United States law will be entirely swept away. But that, I say, is a formal objection, perhaps, to the provision.

This is remarkable legislation, Mr. President. It proposes to legislate out of office every circuit court commissioner in the United States. I do not think any such sweeping provision was ever enacted by Congress, legislating out of office, I do not know how many, but probably four, five, or six hundred court officers in the United States.

Mr. GRAY. What necessity is alleged for that provision of the bill?

Mr. PLATT. Nobody has advocated it; there has not been even one word of discussion of it on this floor.

Mr. GRAY. Does the Senator know what reason is alleged for such action?

Mr. PLATT. I have heard that there are some United States commissioners somewhere in some of the States who are supposed to be using their offices to make too much money out of them; but that is all that I have ever heard suggested anywhere. I want to say, if that is true, it is local and not general. I want to say that in the older settled States in the country that does not apply at all.

Mr. TELLER. Will the Senator allow me to interrupt him?

Mr. PLATT. Certainly.

Mr. TELLER. I understand that the complaint is that a large number of these commissioners were appointed some time since, and that the authority which appointed them—the judges—are very loath to remove them, although the Attorney-General has complained in some instances that they were not discharging their duties properly; that they were attempting to make too much money out of their offices, and in that way were annoying and robbing the citizens; yet the judges have declined to make any changes. The feeling is, unless we legislate upon the subject, some of them will remain in office and continue such practices.

Mr. PLATT. That is a reflection upon the judges of the United States courts.

Mr. HILL. If the Senator will allow me to interrupt him, the power to remove exists for any good cause, does it not?

Mr. PLATT. It certainly does.

Mr. HILL. It is purely within the discretion of the circuit court judges, if they desire to make removals.

Mr. PLATT. It seems to me an astonishing argument that the judges of the circuit court will not remove a man who is improperly exercising the duties of his office when their attention is called to it by the Attorney-General. I am not going to speak to the question of fact, but it is a very remarkable statement to make in support of this legislation. But however that may be——

Mr. TELLER. I do not make the charge. I say that is the complaint made, and that is the ground upon which this legislation was proposed in another body.

Mr. PLATT. I think it is an insufficient grounnd, because I take it that it can not exist to any considerable extent that a United States commissioner anywhere is discharging the duties of his office in such a reckless manner as would justify and make proper his removal, and that the judges of the circuit court will not remove him when their attention is called to it by the Attorney-General.

Now, I want to look at the matter once more with regard to the arbitrary character of this legislation. It is a pretty dangerous thing to commence, Mr. President. I suppose we have in Congress in particular instances legislated one or two men out of office somewhere; but here we propose a wholesale legislation of incumbents out of office because there are two or three or half a dozen people somewhere in the United States who are improperly discharging the duties of their offices, as it is claimed, though it has never been alleged on the floor of the Senate, because we have had no discussion of it. That of itself is enough to condemn this legislation, and it is enough to make the Senate take a firm stand that it will not submit at the dictation of the House conferees that such an arbitrary, unjust, and uncalled-for act as the legislating out of office of all the commissioners of the circuit courts in the United States, good and bad.

What is proposed to be done? Having legislated them out of office, we must provide such officers in some way. So it is proposed that the district courts shall appoint district commissioners, who shall perform the same duties which are now performed by the United States circuit court commissioners by law; that is to say, they take away the appointing power from the circuit courts and confer it upon the district courts, whose judges are inferior in rank. It is not only a reflection upon all the United States commissioners in the country but a reflection on all the circuit judges in the country. I do not want to use harsh language about it, though I am tempted to do so. I say it is an utterly unjustifiable method of legislation.

Then, again, it creates a new term of office of United States commissioners. I think that is all wrong. Mr. President, from the foundation of the Government, from the enactment of the judiciary act, it has been the settled practice of this country that these commissioners should be appointed by the circuit judges, and to remain commissioners until the circuit judges found reason to remove them. Now it is proposed to revolutionize the whole system and have these men appointed no longer by the circuit courts, but by the district courts, which is synonymous with saying the district judges, and gives them a term of four years. What does that do? It makes the office a political office, an office to be scrambled for, an office which a man will have to leave on account of his political standing every time there is a change made in the office of district judge and a judge of another political faith takes the place of the person who for any reason goes out.

Mr. HILL. Will the Senator allow me a moment?

Mr. PLATT. Certainly.

Mr. HILL. The Senator has given considerable attention to this subject, and I should like to ask him whether there is any provision whatever for those United States commissioners holding over after the expiration of their terms until their successors are appointed or whether their terms absolutely expire? I do not discover, upon a hasty examination, any provision for their holding over at all.

Mr. PLATT. Unless there is something in the general law or the common law which permits them to hold over; there is certainly no provision for it in this proposed legislation.

That is all unnecessary; it is arbitrary; it can not be justified. It turns the office of clerk of the courts, district and circuit, into an office to be scrambled for as the political situation in the country changes. It does away with men of experience, and, except upon the idea that the persons who now occupy the positions and who are legislated out of office, are to be reappointed, it will induct into these very important offices a lot of men who have had no experience whatever. Is there any ground upon which this can be justified? Has there been any such complaint, or is there any such evil as requires it, or even excuses it?

I remember something in Blackstone that in the construction of laws we should consider the old law, the mischief, and the remedy. This is not the construction of a law, but it is quite well to consider the old law, the mischief, and the remedy. In this matter the old law is all right, the mischief is but a minimized mischief, if at all, and the remedy is tenfold worse than the disease. So I say that it seems to me upon this matter the Senate ought to take a firm stand.

It might be supposed there was a great reform here in the matter of fees, but there is no reform in the matter of fees of the commissioners which justifies this extreme and arbitrary legislation. There is a provision here to which I should like to call attention.

And no person shall at any time be a clerk of a United States court and a United States commissioner without the approval of the Attorney-General.

It may be said that the Attorney-General, when it is quite proper that the clerk of the court should be a commissioner, will approve. Perhaps he will and perhaps he will not. I do not think Congress ought to commit any such authority as that to the discretion of the Attorney-General, which may be exercised even according to his whim or according to any misinformation he may have as to the character of the clerk.

Mr. President, in all the Eastern States, in the State of New York, the State of Pennsylvania, and in all the older States of the country, the acting commissioner, the commissioner who does the business, almost always is the clerk of the court. Ever since I have known anything about the practice of law, in the State of Connecticut the clerk of the United States district and circuit courts has been the acting commissioner there; and I venture to say that during that whole time there has not been a complaint of his action. He is the most proper man in the State to perform that duty. I might refer to the clerk and commissioner in the southern district of New York, Mr. Shields, who has achieved a national reputation as clerk and commissioner, who, I might say, is almost as well qualified to judge of offenses arising under our treaties with foreign countries as the Secretary of State himself, yet he can not be a commissioner unless he comes down and begs the Attorney-General to continue him as commissioner, if indeed he should happen to be appointed as commissioner.

I did not intend to spend half so much time on this subject as I have, but it is a matter of too much importance to pass the Senate simply because the conference committee says so, and without any investigation and discussion.

There is one other thing in the report of which I do not speak so earnestly, but to which I wish to call attention. This report provides for the appointment of a register of copyrights, and I wish to call attention to the method of appointment provided for by the report.

Prior to 1870, I think, copyrights were obtained by entering the thing for which a copyright was required in the office of the district court of the United States in the respective districts. You take up an old copyrighted book, and you will find "Entered according to act of Congress in the district court of the district of Delaware," for instance, and signed by the clerk. In 1870, upon the revision of the patent and copyright laws, the duty of receiving and registering copyrights was transferred to the Librarian of Congress, with whom it still remains; and the copyright law requires that the person desiring to procure a copyright shall deposit two copies of the work to be copyrighted with the Librarian of Congress, and he is then entitled to receive from him an official certificate, which is prescribed in the statute.

Now it is proposed to take that duty away from the Librarian of Congress and give it to a register of copyrights. That register of copyrights is to be appointed, I think, in a method unknown to the Constitution. He is to be appointed—no, it does not say appointed—but he is to be "selected * * * by the Joint Committee upon the Library of Congress, consisting of the Committee on the Library of the Senate and the Committee on the Library of the House of Representatives." They are to select him. There is no provision that he shall be appointed at all. It is of the highest importance that the person who has charge of copyright matters shall be an officer of the Government.

Mr. GRAY. A legal officer?

Mr. PLATT. Yes, a legal officer, because the title to every copyright in the country depends upon his official act.

Mr. GRAY. I will ask the Senator from Connecticut if that method has been decided upon, that the register of copyrights is to be selected by a joint committee?

Mr. PLATT. It is so stated in this report.

Mr. GRAY. In the conference report?

Mr. PLATT. Yes; it is in the conference report, and I will call attention to it.

Mr. GRAY. That seems to be a most amazing provision.

Mr. PLATT. I call attention to it. Here is the provision:

> For register of copyrights, $2,500, who shall be selected on or after June 1, 1896, by the Joint Committee upon the Library of Congress, consisting of the Committee on the Library of the Senate and the Committee on the Library of the House of Representatives, and who shall give good and sufficient bond to the United States in such sum, not less than $20,000, as the Secretary of the Treasury may direct, and to be approved by him, faithfully to account for all public moneys and property which he may receive.

Here is something from which it will appear that if these powers are conferred upon him they are conferred very crudely:

> He shall have and exercise all the rights and duties touching copyrights now devolved upon the Librarian of Congress.

It will be observed that this takes him away from the Library. He is not an officer of the Library except as he gets connected with it by this clause:

> He shall, without additional compensation, disburse the sums appropriated for the salaries and expenses of his office and also the salaries and expenses appropriated for the Library of Congress.

That is all that connects him with the Library. Now, it is claimed, as I understand it, that he can be appointed in this way because the Library of Congress is an institution of Congress, solely within the charge of Congress. It might be interesting to go into the history of how the Library has been built up.

Mr. GRAY. The Houses of Congress, if I may interrupt the Senator, do not undertake to appoint the Librarian of Congress, but he is appointed by the President.

Mr. PLATT. Congress does not appoint him. I was coming to that in a moment. The Librarian is appointed by the President. That was ordered by a statute away back in 1802, I think, before we had very much of a library. The Library started when Congress was coming from Philadelphia to Washington by an appropriation to purchase $5,000 worth of books for the use of Congress, and when Congress came here they provided for the appointment of a Librarian; that he should be appointed solely by the President, and the President for the first few years appointed the Clerk of the House as Librarian ex officio. Then President Monroe appointed a Librarian of Congress as the Library grew, and that is the way it comes about; that is the way the appointment has been continued up to the present time.

How can Congress appoint an officer under the Constitution? I do not say that it may not appoint agents under the Constitution to perform certain duties, and, if money is appropriated for the purpose, to pay them legally. I do not say a Capitol policeman can not be appointed by the joint action of the Architect of the Capitol and the Sergeant-at-Arms, but when you are talking about a legal and constitutional officer, I doubt very much—I will not put it any stronger than that—whether Congress can appoint, or, if they can appoint, whether they can delegate the appointment to a joint committee of the two Houses. The Constitution is familiar to everyone.

Mr. GRAY. Congress is not the head of a Department.

Mr. PLATT. Section 2 of Article II of the Constitution provides that the President—

> Shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

Under that provision of the Constitution there was vested, as it might constitutionally have been, the appointment of the Librarian in the President alone. I do not know of the case of any other officer where the appointment has been vested in the President alone. But Congress can not appoint a legal officer of itself. You will find here under the head of the Senate and the House of Representatives——

Mr. TELLER. I should like to ask the Senator if he thinks that that is an unconstitutional provision?

Mr. PLATT. What is an unconstitutional provision?

Mr. TELLER. The one providing for the appointment of a register of copyrights by a joint committee, as provided in the conference report.

Mr. PLATT. That is just the argument I am trying to make.

Mr. TELLER. I should like to have the Senator answer the question categorically. I am not expressing any opinion about it myself, but I want to get his view of it.

Mr. PLATT. I think there is no power under the Constitution giving Congress the right to appoint a legal and constitutional officer of this Government.

Mr. GRAY. I should like to ask the Senator from Connecticut this interesting question in the hearing of the Senator from Colorado [Mr. TELLER]: I ask, if Congress may appoint this officer, who is to be clothed with these important and responsible duties, what limit is there on the power of Congress to appoint officers in every Department of the Government?

Mr. PLATT. I do not find any power in this Constitution giving to Congress the right to appoint an officer. That is what I was trying to argue.

Mr. TELLER. Then I will put the question, does the Senator from Connecticut think the register of copyrights is an officer?

Mr. PLATT. No.

Mr. TELLER. He is not an officer?

Mr. PLATT. I think I said some time ago that I supposed Congress might appoint an agent to attend to any of the duties of Congress, but he does not become a constitutional and legal officer. It will be observed, the Constitution having provided that the Vice-President shall be President of the Senate, that—

> The Senate shall choose their other officers, and also a President pro tempore in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

Mr. GRAY. Its officers.

Mr. PLATT. Its officers, but they are constitutional and legal officers of the Senate, and the same thing is true with regard to the House of Representatives. The provision of the Constitution as to the House of Representatives is:

> The House of Representatives shall choose their Speaker and other officers.

So they become officers of the Senate and of the House, but you might just as well commit to the janitor of Congress—whom I agree that the two Houses can appoint—you might just as well commit to the janitor of Congress the power to act in this copyright matter as to the person whom it is proposed to call register of copyrights.

I am not going to say that it will invalidate the copyrights of the United States not to have a constitutional and legal officer who shall discharge the duties of the copyright law, but I am going to say that it is not seemly, and it is not proper, and we had better not begin this matter. It will be observed that this man is taken thoroughly out from the Library, the only ground for this appointment being that Congress, having charge of the Library, can make appointments of persons to take charge of matters in the Library of itself, without authorizing it to be done by the President; but Congress never yet has done it, though it is said it can do it.

This man, too, is pretty far removed from the Library. It is only by a very thin, elastic, and well-stretched cord that he is connected with the Library at all. The duties of this person regarding copyrights are taken entirely away from the Librarian, and so far as he is a register of copyrights he has no connection with the

Library; he is only connected with the Library because he is made disbursing officer for the Library.

I submit that he is not and can not be, under this appointment, a constitutional and legal officer, and that we ought to have one to attend to this copyright business, and that we ought not to commit the important matters which have heretofore devolved upon the Librarian to a mere agent or employee of Congress.

Having said this much, I have said all I desire to say about this report. I think I have said enough to show that the Senate ought to send it back to the committee and insist upon its action in regard to the appointment of commissioners and for some other method of appointment of the register of copyrights.

Mr. MILLS. Mr. President, I wish to submit a few remarks in continuation of the argument made by the Senator from Connecticut [Mr. PLATT] in closing. The conference report provides, as he says, for the appointment of a register of copyrights by the joint action of the Committees on the Library of the Senate and House of Representatives. I maintain that the Constitution confers upon the Executive alone the power to appoint every officer in this Government except as to those which are given to the heads of Departments and to the courts.

Mr. GRAY. By law.

Mr. MILLS. By the Constitution, the supreme law.

Mr. GRAY. The Constitution says Congress may invest that duty.

Mr. MILLS. When Congress makes a law it passes through both branches of Congress and is submitted to and receives the approval of the President of the United States, or it is passed over his veto and then becomes a law. The law creates the office, but the Constitution has placed the appointment alone either in the President of the United States or in the head of one of the Executive Departments or in the courts of the country.

Now, this is no Congressional Library. It has the name of Congressional Library, but the property belongs to the nation. It is the United States Library, created by the law of the United States, and its officers must be appointed by the President. There are no heads of Departments who can have jurisdiction of this appointment. Courts can not have it. I suppose that under the Constitution, calling this an inferior office, we might confer upon the head of a Department the power to make this appointment.

Mr. President, I find in one provision of the Constitution the power given to Congress "to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." In this one single paragraph of the Constitution provision is made for patents and copyrights.

When the Congress established a Patent Office Bureau they provided for the appointment of a Commissioner of Patents. Will anyone contend that Congress could have conferred that appointment upon the Joint Committee on Patents of the Senate and House of Representatives? If they can do that, they can create ambassadors, and they can confer upon the Joint Committee on Foreign Relations of the two Houses the appointment of those ambassadors.

Mr. President, if Congress can do this thing, they can emasculate the Executive of all the appointing power. It is his duty under the Constitution to see that Congress shall not so encroach upon the Executive as to destroy the Constitution. All officers of the Government are required to support the Constitution and to take an oath to that effect. Every one of us has taken it. Every State officer from governor to constable has taken that oath by the command of the Constitution of the United States and of every State in the Union. Why is that? Why were the founders of republican government so anxious about the Constitution as to require every officer in the national and State governments to take an oath to support it? Such a thing is a novelty in governments. No other government upon earth that I know anything about ever required of its officers, executive, legislative, and judicial, an oath to support the constitution of its government. It was the jealousy for liberty and free government that laid that down and required the officers in all the departments of the Government to observe a limitation and not cross it.

Mr. President, we ought to observe the distinction drawn by our fathers in the Constitution where they required each officer to swear to support the Constitution. But when the President is inducted into that high office he is charged not only to see that the laws are faithfully executed, but to take care—that is a strong expression—to take care that the laws are faithfully executed. What law? The Constitution is the highest law; the laws of Congress and treaties after it. But he is sworn not to support, he is sworn to protect, to preserve, and defend the Constitution. When we are sworn to support the Constitution we are confined to our own action; we are to govern our own action; but the President is sworn to see that we do not transcend that action, and he is invested with the power to prevent it as far as the Executive veto can accomplish it.

Mr. President, if this office is created by the proposed act of Congress it will be a nullity. If the officer is inducted by the appointment of the committees of the two Houses, I say his appointment will be a nullity. He is a disbursing officer, charged with the disbursement of all the moneys both in the copyright and in the library department, and is not responsible for a single, solitary dollar of it. If I were Comptroller of the Treasury and had to pass upon the moneys to be placed in this officer's hands under this appointment, having sworn to support the Constitution by my own action, and that obligation appearing to me as it does now, I would never pass one of his accounts. I never would put a dollar into his hands until by the mandamus of a court I was compelled to do it.

This is all I desire to say on the constitutional argument. But this same provision, to which the Senator from Connecticut [Mr. PLATT] referred a while ago, has a remarkable conclusion:

> The assistants in the Library of Congress now employed on work relating to the execution of the copyright law shall continue to be so employed, in the discretion and under the direction of the register of copyrights, until the close of the fiscal year 1897.

Mr. President, why are these people to be turned out at the end of the fiscal year 1897? Why is there a provision of law that invests this officer, even though he be appointed by the President, with the power to sweep without cause every officer under him out of existence and appoint his own friends and favorites or the friends and favorites of some other person after the 30th day of June, 1897? I am opposed to such a sweeping provision. I am opposed to giving power to any officer of the Government to turn everybody out of his department at his pleasure without giving some good cause.

Subordinate officers in all departments of our Government are secure in their places as long as they discharge their duties faithfully and are efficient and faithful officers; but these people are not secure even though they perform all their official duties correctly. Though no cause whatever can be assigned for their removal, it is in the discretion of this newly appointed officer under the control of the two Houses of Congress to sweep all these people out of existence and appoint his own favorites at his pleasure.

For these reasons, Mr. President, I am opposed to agreeing to the conference report.

Mr. CHANDLER. Mr. President, I agree in a general way with the proposition made by the Senators from Connecticut and Texas that Congress can not appoint an officer of the United States. I have been a great advocate of the proposition and I do not consider my devotion to that correct principle of constitutional law as less than that of the Senators from Connecticut, and Texas. But I submit that the argument does not apply in this case. This is not such a question, in my belief, as they have stated. The register of copyrights is not to be an officer of the United States in the constitutional sense. He is only an appointee in the Library of Congress.

The whole question resolves itself into this, whether Congress can constitutionally have a Congressional Library and appoint all the officers in that library. If it can not, then the argument of the Senators is sound. But if it can have a Library of Congress, belonging solely to Congress, and can provide that copyright publications shall be deposited in that library, with the legal effect of giving the owners of the publications the protection which the law intends to give them, then the whole argument of the Senators is gone.

Can Congress have a Library of Congress, and can it require copyrights to be registered there and nowhere else? One fact is certain. We in fact have a Library of Congress. To be sure, there is a provision that the President shall appoint the Librarian; but I hold and I think the correct position is that Congress can appoint its own Librarian. Why not? No other branch of the Government has any control over this Library. It was the intention of the two Houses in creating a library that it should be absolutely within the control of the two Houses and not in the control of the Executive, and not even in the control of the Supreme Court. The law provides distinctly for a Congressional Library under the sole management and control of Congress.

How is it controlled by Congress? By the two Committees on the Library in the two Houses of Congress? The Library is carried on under the management of those committees. I do not propose to argue at any length the proposition that this is the Library of the two Houses, because here it is established in chapter 6 of the Revised Statutes, and every provision in this chapter shows the intention of Congress to keep the Library of Congress as an institution belonging to Congress in a special sense, and not belonging in any sense to any other branch of the Government.

Now, Mr. President, what is the copyright law? It is found on page 957 of the statutes. The first section is headed "Copyrights to be under charge of Librarian of Congress."

> SEC. 4948. All records and other things relating to copyrights and required by law to be preserved shall be under the control of the Librarian of Congress and kept and preserved in the Library of Congress, and the Librarian

of Congress shall have the immediate care and supervision thereof, and, under the supervision of the Joint Committee of Congress on the Library, shall perform all acts and duties required by law touching copyrights.

Then follow all the other provisions as to copyright, requiring the deposit of books and everything for which a copyright is desired with the Librarian of Congress, and there is no other officer of the Government who has anything to do with copyrighting except the Librarian of Congress and his assistants.

Mr. GRAY. And he was appointed by the President.

Mr. CHANDLER. And he was appointed by the President; but if my argument is good for anything, it is that the Librarian of Congress by law may be appointed by the two Houses of Congress.

Mr. GRAY. May I ask the Senator, under his view of the power of Congress to invest this appointee of the two Houses with this function, what limit is there upon the power of Congress to invest any of the employees of the House or the Senate with any function entirely outside of their duties to the House or to the Senate? Why can not we invest the assistant doorkeeper of the Senate with the functions of a United States commissioner?

Mr. CHANDLER. Any extreme case can be supposed. I am not arguing that Congress might take the functions of the Government for collecting revenue or connected with the Army or the Navy into the Library of Congress. I am only arguing that it is within the fair discretion of Congress to make the Librarian of Congress the keeper of the copyright publications; that it is competent for Congress to require copyrighted books to be deposited in the Library of Congress. The desire to do this was one of the causes of the transfer of the depositing of copyrighted books from the circuit courts, where the books were of no use, to the Library of Congress, where the publisher is not only obliged to register the title of the book, but is also obliged to deposit a copy of the book itself. Whatever may be said as to an extreme case, no one can read this statute without seeing the absolute intention of Congress to connect the copyrighting of books and publications with the Library of Congress. It seems to me that it is impossible to contend that it is the exercise of an unconstitutional power for Congress to make the Librarian of Congress or a subordinate of the Librarian of Congress a register of copyrights.

Mr. GRAY. I ask the Senator from New Hampshire whether he would consider it an extreme case if I suggested that under the same contention we might appoint the Commissioner of Patents, for instance, who is the officer invested by law with the judicial power of deciding upon a patent and issuing that privilege under the Constitution to the person who has made a valuable invention.

Mr. CHANDLER. I am not certain that we could not. I do not argue that we could. I say an extreme case may be supposed where a constitutional line ought to be drawn. I do not think the governor of a State can vote for a United States Senator under any circumstances. The Senator from Delaware thinks he can. That is a very extreme case. But I say here, first, that it is a very weak argument to say that we can not have a Library of Congress solely under our control, and to say further that having such a library, we can not make it the copyright office of the United States.

Mr. PLATT. May I ask the Senator a question? Whoever has charge of the copyrights, whether it be the Librarian of Congress or some man who shall be appointed for that purpose, has to exercise judical functions with regard to determining who is entitled to a copyright. If he issues a certificate it gives a man a copyright. If he refuses to do it the man gets no copyright. Does not the Senator think that a man charged with that duty ought to be something more than an employee of Congress?

Mr. CHANDLER. The Senator does not argue that the register of copyrights is a judicial officer?

Mr. PLATT. In one sense.

Mr. CHANDLER. It is not necessary that he shall be even an executive officer.

Mr. PLATT. He is.

Mr. CHANDLER. He is not, I think.

Mr. PLATT. The Librarian of Congress is made an executive officer of the United States, exercising judicial functions.

Mr. CHANDLER. Congress, through some notion such as the Senator from Connecticut has been arguing in favor of, after it had made a Library of Congress, which it was perfectly competent for it to keep under its sole control, did say that the President should appoint the Librarian of Congress, but it was an unnecessary concession, as it seems to me, to an unsound opinion. Read the whole statute as to the Library of Congress, and no man can doubt that it is perfectly competent for Congress to establish that Library. Then read the whole statute as to copyrights, and no one can doubt that it is competent for Congress to place the copyright office of the United States in the Office of the Librarian of Congress. If you concede these two things, then the whole constitutional argument falls to the ground, because the register of copyrights is not an officer of the United States within the provision of the Constitution, which says that the appointing power shall be given the President. He is an officer of Congress, performing his duty, as the Librarian of Congress now does, under the direction of the Joint Committee on the Library, and he may be appointed just as Congress chooses to provide for his appointment.

Mr. PLATT. If the Senator will permit me right here, conceding all that he says, that Congress may establish a Library and Congress may make that Library the depository of copyrights, I insist that what he says follows does not follow and we do not give away our case. When the Library was established there was no copyright business committed to it; but in 1870 Congress found a Librarian of Congress appointed by the President who was an officer of the Government, and then they committed the issuing of copyrights to that officer of the Government. I insist that whether it be the Librarian or whether it be a register of copyrights, he exercises both judicial functions and executive functions with relation to the issue of copyrights, and he must under the statute.

Mr. CHANDLER. He has not any discretion about anything.

Mr. PLATT. Certainly he has.

Mr. CHANDLER. What is it?

Mr. PLATT. He rejects applications over and over again.

Mr. CHANDLER. He has no power to do it.

Mr. PLATT. He certainly has; and he does.

Mr. CHANDLER. He has no power, whatever, except to take a document and file it.

Mr. PLATT. How does a man get a copyright? Can a man get a copyright which is valid under the law simply by sending something to the office which he is not entitled to copyright?

Mr. CHANDLER. Most certainly he can get into the court with the copyright. He is obliged to do nothing but make his deposit with the Librarian.

Mr. PLATT. Most certainly he can not. He can not get into court unless he has upon the article which he says is copyrighted these words: "Entered according to the act of Congress in the year ——, by A B, in the Office of the Librarian of Congress at Washington"; or at his option the word "copyrighted," together with the year when the copyright was entered.

Mr. CHANDLER. He can put that on himself.

Mr. PLATT. He would be thrown out of court very quickly if he had not a certificate of the Librarian.

Mr. CHANDLER. I think the Senator is mistaken about that.

Mr. PLATT. The Librarian rejects applications for copyright over and over again.

Mr. CHANDLER. He has no right whatever to do it. Is it possible that the Senator seriously thinks the provision for the appointment of the register of copyrights by Congress is contrary to the Constitution? He argues that, does he not?

Mr. PLATT. I have not said that we can not appoint any person in connection with the Library. What I say is that in appointing a person to have charge of the copyright system and the registration of copyrights, and the decision whether a thing is entitled to a copyright, we should have a legal and constitutional officer of this Government, and that we can not appoint such an officer.

Mr. CHANDLER. I again reply that the register of copyrights, the Librarian of Congress, has nothing whatever to do with deciding whether anyone is entitled to a copyright or not. But I am opposing the argument that it is unconstitutional for Congress to provide for the appointment of a register of copyrights. If that is so, then I ask the Senator whether a certain clause that I am about to read is not also unconstitutional:

All records and other things relating to copyrights and required by law to be preserved shall be under the control of the Librarian of Congress, and kept and preserved in the Library of Congress; and the Librarian of Congress shall have the immediate care and supervision thereof, and, under the supervision of the Joint Committee of Congress on the Library, shall perform all acts and duties required by law touching copyrights.

Now, is it an unconstitutional law which provides that the copyright business shall be done under the supervision of a joint committee of Congress on the Library?

Mr. GRAY. I think it is.

Mr. PLATT. It may not be, for the reason that the Librarian of Congress was a constitutional officer when the law was enacted.

Mr. CHANDLER. But if as an appointee of the President he belongs to the executive and not to the legislative department of the Government, then it is unconstitutional to put such an appointee of the President in the performance of his duties under the supervision of a joint committee on the Library of Congress.

Mr. GRAY. I do not see how the constitutionality of that can be defended. I accept the logic of the situation.

Mr. CHANDLER. The Senator from Delaware always follows his constitutional theories to the uttermost limit; the Senator from Connecticut wants to run away from his, whereas I take the Library of Congress as I find it on the statute book, and I take the copyright law as I find it on the statute book, and

I say it was a solecism to authorize the President of the United States to appoint the Librarian of Congress. I think the provision for his appointment grew out of a notion that had no foundation in correct constitutional law, and that the provision might be repealed to-morrow, and I say that it ought to be repealed to-morrow, and the Librarian of Congress ought to be appointed by Congress itself, because if it is the Library of Congress, if it is our Library, the President has nothing to do with it, and we should appoint the Librarian and all other subordinate officers. I have no doubt about it as a matter of constitutional law.

I have no doubt, further, that Congress can impose the functions of register of copyrights upon the Librarian of Congress. It is a constitutional statute. It is a very natural and judicious and proper procedure. Congress can, moreover, provide not only for the appointment of the Librarian of Congress, but for every subordinate of his, and necessarily, therefore, it can provide that the register of copyrights shall be appointed by the joint committees.

On this point I end, as I began, by saying that I have very strict notions myself as to the interference of one branch of the Government with another branch of the Government. I remember that Congress once sent a committee of the two Houses to the State, War, and Navy Department building to divide the rooms in that great building equitably between the War Department, the State Department, and the Navy Department. I had the honor then to be the Secretary of the Navy. I welcomed the committee with courtesy, but I took occasion to protest all the time that they were in the performance of an unconstitutional function; that they could not be sent there for that purpose. Congress might have divided the building as it chose by explicit law, but it had no business to send a committee of the two Houses to survey the building and make an adjudication how it should be divided. That was an unconstitutional act, and this would be an unconstitutional act if Congress had no power to establish a Library of Congress under the sole control of Congress. Congress has done that very thing, and the total control of the Library and of the copyright office is with Congress.

Having argued against my friend the Senator from Connecticut on this point, I take occasion to say, before finishing, that I concur entirely with him on the other branch of the case which he argues. I hope that the conference report will be disagreed to, for it is one of the most astonishing pieces of legislation that I ever heard of to provide by a rider on an appropriation bill for the removal of all the district and circuit court commissioners at one fell swoop.

Mr. THURSTON. Mr. President, I have very high respect for the Constitution of the United States, and I have not yet been long enough in the Senate to have it blunted or dulled by my greater respect for the powers of this body or of Congress. The report of the committee provides an appropriation for a "register of copyrights," and I call the attention of the Senate to some of the provisions with respect to the character and duties and actions of this officer. In the first place, he is to give "good and sufficient bond to the United States in such sum, not less than $20,000, as the Secretary of the Treasury may direct, and to be approved by him, faithfully to account for all public moneys and property which he may receive."

What are the public moneys and property that he may receive? If he is a mere employee of the Congress of the United States, why require him to give bond to the United States to account for the moneys of the United States to be received officially by him? The moneys he is to receive are not the moneys of Congress. They are not received by him for Congress, but under the proposed act he is vested with the power to demand from the citizens of the United States money for acts performed as register, for the registry of copyrights by the United States, and the moneys he receives become the moneys of the United States, and he must account for them as such.

Not only that, but he shall have an official seal containing the words "Register of Copyright, United States of America," and there in the proposed act is an official designation of his title. For it will not be contended by the Senator from New Hampshire [Mr. CHANDLER] that a mere employee of the Congress of the United States is to use a seal with any other than his official designation and character, and if upon that seal he is authorized to have inscribed, and to record upon every certificate, "Register of Copyright, United States of America," it seems to me it puts beyond all question the proposition that under the proposed act Congress is creating an officer of the United States.

I do not pretend to say that Congress may not employ a Librarian to take charge of its Congressional Library, to look after all the property that is within the possession of or designed for the use of the Congress of the United States, but even if Congress provides a Librarian I do not believe that he becomes an officer of Congress, for in my judgment there is no such thing under the Constitution of the United States as an officer of Congress. The Constitution expressly provides that the Senate may choose its officers; it expressly provides that the House may choose its officers, and it expressly provides that all officers of the United States must be appointed by the President of the United States by and with the consent of the Senate.

Mr. PLATT. The President has to commission them.

Mr. THURSTON. Yes; there is another provision in the Constitution which requires that the President must commission all officers of the United States, and we are driven to the irresistible conclusion, it seems to me, that if the two Houses of Congress, acting jointly, for the care and preservation of its property, for the custody and safe-keeping of the buildings and institutions which are provided for its use, selects a man to perform a service for it, he is not an officer of the Senate nor an officer of the House. He is not and can not be an officer, but he must remain a mere employee of Congress.

I do not believe it is contemplated under the Constitution of the United States that there shall be conferred upon a mere employee, who is not a constitutional officer under any section or provision of the Constitution, the performance of those public duties and of those acts which ought to be and must be in the truest sense of the word official with respect to matters and things not in any wise connected with the Senate of the United States. I do not believe there should be given to such an employee these official duties which have been reserved under the Constitution for those officers and those alone who are commissioned and created officers under its provisions.

Mr. CHANDLER. Will the Senator from Nebraska allow me?

Mr. THURSTON. Certainly.

Mr. CHANDLER. The Senator admits that the Senate might have a library and might appoint a librarian who would not be an officer of the United States within the meaning of the clause relative to the appointing power; and of course he admits that the House of Representatives may have a library of the House which would be its own.

Mr. GRAY. Allow me to interrupt the Senator from New Hampshire, and to say we have such a Librarian.

Mr. CHANDLER. Very good. Does the Senator from Nebraska contend that when Congress proposes to have a library belonging to the two bodies jointly it thereupon becomes necessary that the appointees to take charge of such joint library shall be appointed by the President of the United States because they become officers of the United States?

Mr. THURSTON. Not at all; I have just stated the contrary. But even if we concede that a Librarian can be appointed by Congress and is an employee of Congress, the Constitution does not permit Congress to give him any of those official or executive powers which the Constitution intends shall be exercised alone by an officer of the United States. I say you are proposing to confer upon this mere employee of Congress executive and official powers with relation to the performance of duties that in no wise pertain to the business of Congress or to its affairs, but pertain solely to the business and affairs of the American people.

Mr. CHANDLER. Then I conclude that the Senator from Nebraska thinks that the provision of the copyright statute that the Librarian of Congress shall do his work in reference to copyrights under the direction of the Joint Committee on the Library is unconstitutional?

Mr. THURSTON. I do not understand that that provision is of the character stated. I see nothing extraordinary in providing by act of Congress, approved by the President of the United States, that a committee of this body or of the other House or a joint committee may make rules and regulations for the administration of some certain office. But however that may be——

Mr. CHANDLER. Will the Senator allow me for a moment?

Mr. THURSTON. Certainly.

Mr. CHANDLER. The Senator certainly does not contend that a mere act of Congress can authorize a committee of this body to perform an executive act or to supervise the performance of an executive act which he argues is exclusively within the function of the Executive?

Mr. THURSTON. No; but I do hold that Congress may by act authorize any individual to make mere rules and regulations for the administration of one of the offices of the Government.

Mr. CHANDLER. If the Senator will allow me, he does not quite meet the case.

Mr. THURSTON. If the Senator will pardon me, for instance, Congress can by act authorize a judge of the circuit court of the United States to make rules and regulations governing the performance of the duties of a commissioner of the United States. It can not be contended that by mere delegation of authority to prescribe regulations there has been vested any of the powers of Congress.

Mr. CHANDLER. I wish to keep the Senator to the exact case

which is contained in section 4948. It is not a provision that

chosen by these distinguished judges of ours and are in office. No

The Library remained in charge of the Congress of the United

which is contained in section 4948. It is not a provision that regulations may be made, but it says:

The Librarian of Congress, * * * under the supervision of the Joint Committee of Congress on the Library, shall perform all acts and duties required by law touching copyrights.

Now, the word "supervision," as the Senator from Nebraska knows, is one of the broadest words. It gives control and it gives direction; it authorizes participation, and it creates superiority. If the Senator's argument is good for anything it must be unconstitutional.

Mr. THURSTON. If it is intended by the act that the committee of Congress shall arrogate to itself any of the powers or functions of that office, then it is unconstitutional.

Mr. CHANDLER. I ask the Senator whether it does not?

Mr. THURSTON. I do not so believe.

Mr. CHANDLER. What power has the Joint Committee of Congress on the Library over the operations of the copyright law under section 4948?

Mr. THURSTON. I can conceive of many mere directory rules and regulations which the committee of Congress might prescribe for the orderly and proper transaction of the business of that office——

Mr. CHANDLER. Does the Senator contend——

Mr. THURSTON. But I will go to the extent——

Mr. CHANDLER. Will the Senator allow me?

Mr. THURSTON. But I will go to the extent the Senator asks me to go, and I say if that provision requires that the committee of Congress shall perform as a directing force or otherwise any of those duties, then I believe it is unconstitutional.

Mr. CHANDLER. The Senator must admit that it is, then, because he says that if the power to direct is given to the committee it is unconstitutional.

Mr. GRAY. I suppose, if the Senator will allow me, he means that if the word "supervision" means control it is unconstitutional.

Mr. THURSTON. Unquestionably. I do not concede and I have not conceded and I expressly refused to concede the proposition made by the Senator from New Hampshire that under that provision there is any absolute power of control given to the committee of Congress.

Mr. CHANDLER. Then the Senator contends that when an officer is to perform his duties under the supervision of another body, there is no power of direction or control given under the power to supervise. Does the Senator say that?

Mr. THURSTON. I do contend that the power of supervision given is not a power of control with reference to the discretionary exercise of any function given to that officer by the law of the land.

Mr. CHANDLER. Then the power to supervise is not the power to supervise.

Mr. THURSTON. I say it is entirely unnecessary for us to determine the constitutional construction of that section, but if that power is given under that language then I do insist it is clearly unconstitutional.

Mr. CHANDLER. I do not want to be unreasonable with the Senator, but I should like him to give me an opinion without an "if" as to whether the power reserved to the joint committee of Congress in section 4948 is or is not unconstitutional.

Mr. THURSTON. I do not care to act judicially here upon the construction of an act of Congress which is in no wise necessary to the proper determination of the matter before the Senate.

All I say, and all I care to say, is that if Congress, in some previous act, has given to a committee of this body the performance of official duties entirely outside of the line of Congressional action, that provision is unconstitutional.

Mr. President, on the other matter involved in this report, our judicial system is composed of judicial circuits and districts, the circuit comprising several districts. There are the circuit courts of the United States, having jurisdiction throughout the circuits, and the district courts, limited to jurisdiction in the several districts. All district judges are also judges of circuit courts within their districts. The old law providing for the appointment of commissioners of those circuit courts therefore gave the authority to all the district judges acting as circuit judges, and also to circuit judges, to participate in the selection of those commissioners. In other words, heretofore the commissioners have been officers of the circuit courts of the United States, to be appointed by those courts.

The judges of the circuit court of the district in which I reside are the justice of the Supreme Court of the United States assigned to that circuit, the three circuit judges, who now constitute the circuit court of appeals therein, and the district judge for the district of Nebraska. All of them are judges of the circuit court of that district of Nebraska, and in the selection of the present commissioners for that district the action has been by the court, and the joint judgment and the joint wish of all those judges could be exercised in the selection of those commissioners. They have been chosen by these distinguished judges of ours and are in office. No complaint is made against them. They are honorable, capable, distinguished men.

Now, why is it that it is proposed to take away from one of the supreme judges of the United States and from each of the circuit judges the power to participate in the selection of commissioners of the courts of the United States? I think, sir, it is a reflection on the highest judicial officers in the land. No wrong is pointed out in the present system except that it is suggested that some of the men now in office are unduly exercising the power of their office to secure too much emolument for themselves. If that be true, then the same practice will grow up under whatever individuals are selected to become their successors by the proposed act.

Without entering into any extended argument upon the subject, as a practicing attorney of one section of this country, acquainted with the men who are now in office in that part of the country in these important positions, who have been selected as the choice of the highest judges of the highest court, I protest against this unwarranted, unreasonable, unexplained, and unnecessary attempt to legislate out of office a whole class of men against whose actions, characters, standing, and manner of selection there has as yet been no official complaint.

Mr. WHITE. Mr. President, I desire to state that I heartily concur in the last portion of the remarks of the Senator from Nebraska [Mr. THURSTON]. I think the legislation of the character last criticised by him is wholly uncalled for. If there are certain incompetent commissioners of the United States, it is little less than an outrage to remove all the commissioners in the country in order to get at two or three men who are supposed to be incompetent and whose names, as far as I know, are still sub rosa.

As far as the proposition is concerned regarding the appointment of a register of copyrights, I think the legislation is, to say the least, ill advised. It will be remembered that during the latter part, in fact about the close of the Administration of President Harrison, a bill passed both Houses of Congress providing for the Record and Pension Office of the War Department, and for other purposes, and in that bill there was contained this clause:

The President is hereby authorized to nominate and, by and with advice and consent of the Senate, to appoint the officer now in charge of said Record and Pension Division to be a colonel in the Army and chief of said office.

When the bill was presented to the President he returned it with his objections, and among other things he said as follows:

It is fairly to be implied from the bill that in the opinion of Congress the public interest would be promoted by making the contemplated change in the grade of this office and by giving the rank and pay of a colonel in the Army to the chief. A new and rather anomalous office is therefore created, that of "colonel in the Army and Chief of the Record and Pension Office of the War Department," but upon the condition that the President shall nominate a particular person to fill it. I do not think it is competent for Congress to designate the person who shall fill an office created by law, and practically nothing remains of the bill under consideration if this person is not to be appointed. The office is an important one, connected with the active civil administration of the War Department. I can not agree that the selection of the officer shall be taken out of the discretion of the Executive, where the responsibility for good administration necessarily rests.

There are other arguments contained in the veto message. So far as the record discloses, there was no action taken upon this message, but a bill was passed authorizing the President to appoint, and an appointment was afterwards made, by and with the advice and consent of the Senate. It is needless, I think, to indulge in refined argument and close distinction for the purpose of ascertaining whether or not the provision in the present bill is or is not constitutional. It is sufficient for me to know that it approaches so near the brink as to be, in my judgment, dangerous.

Mr. COCKRELL. Mr. President, I am very sorry that my distinguished friend the Senator from California [Mr. WHITE] gets so scared when he approaches the Constitution. I say, and I think I can show conclusively, that this is no infringement of the Constitution. The Constitution gives to the President this power:

He * * * shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

This is not a United States officer. Therefore the President has no exclusive right to his appointment. The Library of Congress is not a library of the United States. No one connected with it is an officer of the United States. It was established by the act of April 24, 1800. That act reads as follows:

That for the purchase of such books as may be necessary for the use of Congress at the said city of Washington, and for fitting up a suitable apartment for containing them and for placing them therein, the sum of $5,000 shall be, and hereby is, appropriated; and that the said purchase shall be made by the Secretary of the Senate and the Clerk of the House of Representatives, pursuant to such directions as shall be given, and such catalogue as shall be furnished by a joint committee of both Houses of Congress to be appointed for that purpose; and that the said books shall be placed in one suitable apartment in the Capitol in the said city, for the use of both Houses of Congress and the members thereof, according to such regulations as the committee aforesaid shall devise and establish.

The Library remained in charge of the Congress of the United States, and no constitutional lawyer will dare to say that it was not under the exclusive control of Congress and that the President had the right to appoint a Librarian or any other person connected with it.

Mr. GRAY. Unless Congress clothed him with that power.

Mr. COCKRELL. I mean under this language, as a Library of Congress, the President had no authority under the Constitution, pure and simple. That is the point.

Mr. GRAY. I will say to the Senator, although I differ with him there, that undoubtedly Congress or either House may appoint a librarian for itself.

Mr. COCKRELL. It can establish a library, and the establishment of a library does not vest in the President any executive authority to make an appointment.

Mr. GRAY. The Senator from Missouri is right.

Mr. COCKRELL. I knew the distinguished Senator from Delaware would admit that proposition.

Now, then, the Library was established, a Congressional Library, with full power in Congress to appoint, to select, to designate, to elect a librarian, and every subordinate officer. Congress in 1802 (I have not been able to hunt up the history as it occurred just at the time, but it is represented to me that it was in consequence of a difference between the Senate and House with regard to who should be librarian)—Congress passed the following law:

That the books and maps purchased by direction of the act of Congress passed the 24th of April, 1800, together with the books or libraries which have heretofore been kept separately by each House, shall be placed in the Capitol, in the room which was occupied by the House of Representatives during the last session of the Sixth Congress.

SEC. 2. *And be it further enacted*, That the President of the Senate and Speaker of the House of Representatives for the time being be, and they hereby are, empowered to establish such regulations and restrictions in relation to the said library as to them shall seem proper, and from time to time to alter or amend the same: *Provided*, That no regulation shall be made repugnant to any provision contained in this act.

SEC. 3. *And be it further enacted*, That a librarian, to be appointed by the President of the United States solely—

Why solely by the President? That the Senate should have no more power in the selection than the House, and because between them they had not adjusted the method of selecting the Librarian—

shall take charge of the said Library, who, previous to his entering upon the duties of his office, shall give bond, payable to the United States.

Here is a Congressional Library, the creature of Congress, with full legal and constitutional right and power in Congress to control it as they choose. Here is the Librarian whom Congress have a right to select, and they delegate that right to the President solely, without the advice and consent of the Senate. That power Congress can resume at any time it chooses. It is not a power parted with never to be regained or recalled. To-day we have the absolute power and authority to displace the incumbent, to create a vacancy, and to select another Librarian.

Mr. WHITE. Will the Senator from Missouri permit me to ask him a question?

Mr. COCKRELL. Certainly.

Mr. WHITE. Do I understand the Senator from Missouri to claim that the officer to be selected by the joint committee is one of the inferior officers referred to in the Constitution in section 2, Article II?

Mr. COCKRELL. Not at all. He is an officer of Congress, not of the United States; a member of the library staff, an employee of Congress, just as much so as any other employee, just as much so as the employee who is in charge of the Senate library. You can not make any distinction between them. He is not a United States officer.

Mr. THURSTON. May I ask the Senator a question?

Mr. COCKRELL. Certainly.

Mr. THURSTON. Under this proposed provision, what is it that this officer or his employees are to do for the business of Congress, and how are they connected with the affairs of Congress, except that they are given a side room in its Library? Are not all the powers and all the duties imposed upon them under this provision those of a public character with respect to the general public, concerning which Congress has no exclusive right?

Mr. COCKRELL. That makes no difference. I want to bring to the attention of the Senator a recent resolution of Congress, which was passed without these distinguished constitutional lawyers having discovered it, and that was the appointment of the superintendent of the Congressional Library here by its own act, without any reference to the President. If we can appoint a superintendent for the construction of a building costing millions of dollars, who is to supervise the entire construction, can we not select a subordinate to go into that Library and perform the duties which Congress may impose upon him? It is hairsplitting, it is worse than hairsplitting, it is hairsplitting improperly, and drawing distinctions where they do not exist. No, sir; this is not a violation of the spirit nor the letter of the Constitution. If we have not the power to maintain this Library, if we have not the power to cause that building to be erected, and if we have not the power when we have done that, to say who shall be the Librarian and who shall be his subordinates, then let us abjectly surrender every particle of power in the Senate and in the House of Representatives to the President and ask him to appoint our officers, our Sergeant-at-Arms, our Librarian, our clerks, and all our subordinates. Let us simply give up all our power and be done with it, or, upon the other hand, let us assert and exercise the power which belongs to us as a coordinate and coequal branch of this Government.

Mr. FAULKNER. Will the gentleman permit me to ask him a question?

Mr. COCKRELL. Certainly.

Mr. FAULKNER. I wish to ask the Senator whether there would not be a distinction which would be very clear to his mind in such a case as this: If, for instance, it be conceded that we can impose upon subordinates in the Library the duty of taking care of copyrights deposited there as we impose upon them the duty of caring for the books, still, if we should authorize a subordinate official to grant certificates in behalf of the United States as to the fact of registration of copyrights in accordance with the provisions of the law and of the Constitution, would not the imposition of that particular duty upon that official create and give him the powers of an officer of this Government?

Mr. COCKRELL. He issues a certificate. This simply devolves upon him the duties of registering copyrights. Why were copyright duties imposed upon the Librarian of Congress? It was because this was a library within the jurisdiction and control of Congress. We permit other branches of the Government to reap the benefit of the Library by reference to it; we determined to make every author or publisher of every book furnish two copies of that book; we made the issuing of copyrights a part and parcel of our Congressional Library institution partly for the purpose of supplying it with books. We provided that to every book published which it was desired to copyright that copyright should be issued by the Librarian, and the law requires two copies of every such publication to be placed in the Library. We have a right to impose by law upon our officers duties not directly connected with either the Senate or the House of Representatives. As we appoint this officer, we have a right to impose upon him the discharge of the duties of Librarian or assistant librarian or register of copyrights in the Library of Congress, and we place the office under the control of the Joint Committee on the Library of the Senate and House of Representatives.

Mr. GRAY. May I ask the Senator a question?

Mr. COCKRELL. Certainly.

Mr. GRAY. If I understand the Senator's contention, then, it is that, having the authority to provide for a library for the use of Congress, and of course to provide for a librarian, therefore we have the right to impose the duty specified by this provision of law of issuing copyrights upon the Librarian or upon any other officer whom he chooses to appoint and give accommodations to in the library building.

Mr. COCKRELL. We have the right to impose it upon any officer of the Library in connection with the functions of the Library. We have joined the two together.

Mr. GRAY. Does the Senator think that under that contention we should have the right to impose the duties of Commissioner of Patents upon the Librarian of Congress?

Mr. COCKRELL. Not at all.

Mr. GRAY. Or upon any employee of the Senate?

Mr. COCKRELL. No.

Mr. GRAY. And yet a certificate to an inventor of a useful invention is provided for by law under the same constitutional provision by which copyright is issued to an author. They both derive their authority from the same section and clause of the Constitution, and the laws providing for the issuance of patents and the laws proving for the issuance of copyrights derive their constitutional authority from precisely the same source.

Mr. COCKRELL. I understand the proposition of the Senator. I am speaking with reference to existing conditions. The laws now would not permit us to devolve those duties upon the Librarian. We have chosen to devolve them upon a Commissioner of Patents. This is the Library of Congress; and we have the right to replenish it with books. We have the right to appropriate directly or indirectly for securing books; but the issuing of patents has nothing to do with the Library.

Mr. GRAY. We might provide, might we not, if I may ask the Senator, that a copy of every diagram of a useful invention be deposited in the Library?

Mr. COCKRELL. Yes; we could do that.

Mr. GRAY. And that would give a certain connection with the Library?

Mr. COCKRELL. Not at all.

Mr. GRAY. That would not give us the right to appoint a Commissioner of Patents, would it?

Mr. COCKRELL. Not at all; and yet we could require the de-

power conferred on the Houses separately to appoint each its own

confer the appointing power. We might require, as I said in in-

States, we know that he is an officer of Congress

exercised in the selection of those commissioners. They have been aforesaid shall devise and establish.

we have not the power to maintain this Library, if we have not | missioner of Patents, would it?

Mr. COCKRELL. Not at all; and yet we could require the deposit of such diagrams in the Library. Here we have placed in that Library for the purpose of adding to its volumes the control of copyrights, and we designate the officer who shall have charge of them; and I say he is an officer of the Library and not an officer of the United States—that the Senate and House have a perfect right to have him appointed or selected in the manner indicated by this provision.

In addition to that, we can require our own officers to give a bond to the United States. The fact of a man having to give a bond to the United States does not make him a United States officer.

Mr. CHANDLER. Will the Senator allow me right there to ask him a question?

Mr. COCKRELL. Certainly.

Mr. CHANDLER. The argument was that the register of copyrights had to do something. I have examined the copyright law carefully, and I find that all he has to do is, after the title of a book has been deposited with him, to give a copy to the person depositing it. This is the language:

And he shall give a copy of the title or description, under the seal of the Librarian of Congress, to the proprietor whenever he shall require it.

The person taking out a copyright gets his rights, whatever they are, by the mere deposit of the title, and the Librarian of Congress does nothing whatever about it, except to give him a certificate.

Mr. COCKRELL. There is no doubt about that.

Mr. CHANDLER. There is no judicial function whatever, and hardly any executive function.

Mr. COCKRELL. None in the world.

Mr. CHANDLER. If the Senator will allow me, I will read what is now the method of procedure.

Mr. COCKRELL. I am through, Mr. President.

Mr. CHANDLER. I read from a copy of the certificate of copyright issued by the Librarian:

No. —— AA. LIBRARY OF CONGRESS,
Copyright Office, Washington.

To wit: Be it remembered that on the —— day of ——, 1895, ——, of ——, has deposited in this office the title of a ——, the title or description of which is in the following words, to wit: ——, the right whereof —— claim as —— in conformity with the laws of the United States respecting copyrights.

——,
Librarian of Congress.

The Librarian does not do anything except certify that the book has been deposited there. He performs no function whatever, except as the receiver of the claim of the man who wants a copyright.

Mr. GRAY. Mr. President, I do not think there ought to be much embarrassment about determining this question. Certainly I have none in determining it for myself. The power to appoint officers to fill offices created by law is lodged by the Constitution in the President of the United States—

But the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments.

So all the officers contemplated by the Constitution, absolutely all, are included within these three categories: Those whom the President may appoint by and with the advice and consent of the Senate; those he may appoint solely under authority of Congress, and those that by authority of law may be appointed by the heads of Departments or by the courts of law. There are no other officers in a legal constitutional sense known to our scheme of government.

The executive function thus described in the Constitution does not belong in any wise or in any fashion to Congress, and Congress can not assume it without a usurpation, which I think we all would condemn, or ought to condemn. If this office is an office within the meaning of the clause to which I have just referred, then clearly it is not within the competence of Congress to appoint it, unless Congress can derive its power and authority to create, and not only create this office, but to fill it, from that provision of the Constitution which confers upon each House of Congress the right and power to choose its presiding officer and appoint all their other officers respectively. Unquestionably each House may appoint its own officers, but those officers must be confined to perform duties which are owing to the House by which they are appointed, and certainly it could not be contended that they can be compelled to perform duties, or invested with power to perform duties, as officers which do not belong in any wise to the functions of Congress or to the due administration of the business of each House.

I quite agree with the Senator from Missouri [Mr. COCKRELL] that either House of Congress can provide a library for its own use, and can provide for a custodian of that library as one of its officers; and perhaps the two Houses jointly, by law or otherwise, may provide for a Congressional Library and provide for an officer to take charge of it. If they can do it, it is by virtue of this power conferred on the Houses separately to appoint each its own officers; but that certainly does not confer upon Congress the right to invest any of those officers so appointed for the convenience of the two Houses with powers and authorities that are not germane or in any way related to those special functions; for, if it were so, then there would be no limit to the power of Congress to invest officers of the two Houses with the powers which belong to the administration of government in any of its multiform phases. They could invest the Sergeant-at-Arms with the duties of a United States commissioner; they could invest the assistant doorkeeper with the power and responsibility that belongs to some executive officer; and I do not care whether the office is executive or judicial for the purpose of my argument now. But, if it be not an office with functions that relate to the convenience and to the due administration of the duties of each House, then it is not an office which the House can, under the Constitution, fill.

So, Mr. President, I can quite readily admit, as I do and did, that while Congress has the right and either House has the right to provide for a librarian, it has no more right to invest that librarian or any of his subordinates with powers which concern the administration of governmental functions than it has the right to invest any other of its employees with such; and yet the contention of the Senator from Missouri [Mr. COCKRELL], it seems to me, and of the Senator from New Hampshire [Mr. CHANDLER], must go to the logical extreme of declaring that when officers are appointed for the convenience of either House we can invest them with any governmental function whatever. That, of course, would be absurd, and would overthrow all the distinction between Executive and Congressional functions which was intended to be so clearly demonstrated in the Constitution.

This officer which this provision of law seeks to create and appoint is an officer who has nothing to do, so far as this function is concerned, with the administration of the duties of either House or of both Houses jointly. He does not perform any functions necessary to the organization of the House, to its convenience, or to its proper duties. We have created an office here in order to fulfill an intent of the Constitution, to provide for the protection of authors and inventors. The same clause provides for both. That is a public function which concerns the grant of legislative power to Congress; that is a function which concerns the whole country, not Congress, and unless we shall contend, as I said a while ago, that we can invest any of these wide governmental functions in the mere employees of either House, then, it seems to me, we must give up the claim that we have a right to invest this Librarian of Congress, or to create a man, call him what you will, and give him accommodations in the Library building, and thereby attach a jurisdiction to make him a complete officer in the constitutional sense. That I do not think can be done. What is he to do? I do not care whether he has a judicial function or merely a ministerial function. It is provided:

For register of copyrights, $2,500, who shall be selected on or after June 1, 1896, by the Joint Committee upon the Library of Congress, consisting of the Committee on the Library of the Senate and the Committee on the Library of the House of Representatives.

What right have we to confer upon one of our committees the power to appoint to an office? The committee is nowhere recognized in the Constitution. It is one of the instrumentalities of legislation, to be used for our own convenience. How can we erect a committee into a governmental agency? We can not do it. Much less can we confer upon it the executive power of appointment.

And who shall give good and sufficient bond to the United States in such sum, not less than $20,000, as the Secretary of the Treasury may direct, and to be approved by him, faithfully to account for all public moneys and property which he may receive. He shall have and exercise all the rights and duties touching copyrights now devolved upon the Librarian of Congress.

He is not the Librarian of Congress, even according to the contention of the Senator from Missouri, who seems to think the question is solved when we have created a library, and that we can then confer upon this officer any duties we choose, or only confer upon him duties in reference to copyrights, which heretofore have been performed by the Librarian of Congress, appointed by the President.

He shall, without additional compensation, disburse the sums appropriated for the salaries and expenses of his office and also the salaries and expenses appropriated for the Library of Congress.

That is the only connection that he has with the Library.

He shall have an official seal of such pattern and design as he shall designate, and it shall contain the words "Register of Copyrights, United States of America"; and by this seal all records and papers issued from the office of the register of copyrights shall be authenticated. He shall be provided with suitable rooms in the building for the Library of Congress.

The issuance of a copyright has no more to do with the establishment of a library or the convenience of either House of Congress than the issuance of a patent—not a particle. The mere fact that the copyright law requires two copies of each copyrighted publication to be deposited with the Librarian can not

confer the appointing power. We might require, as I said in interrogation of the Senator from Missouri, that two copies of each model from the Patent Office, or each drawing, or each publication of the Patent Office report, should be deposited there. That would not confer jurisdiction to appoint a Commissioner of Patents, nor is the deposit of two volumes or two copies of each publication meant or intended in any wise to build up a library, for, if it did, it would be a taking of private property without just compensation.

What right have we to require for the establishment of a library that authors shall contribute? Now, think of it for a moment. The Senator from Missouri gravely contended that authors should contribute copies of their publications, for what purpose? To build up a library. That may commend itself on the score of economy to Congress, but it can not commend itself in any other wise that I know of. We have no more right to levy upon the authors of publications in order to build up a library than we have a right to take the books out of the library of the Senator from New Hampshire [Mr. CHANDLER] to fill our shelves. If that provision of law has any justifiable purpose at all, it is to file there as an exhibit, precisely on the same ground that a diagram of an invention is filed with the Commissioner of Patents.

Mr. CHANDLER. As a matter of fact, we do require it.

Mr. GRAY. We do require it.

Mr. CHANDLER. But the Senator says we do not require it from a particular motive, because if we did that motive would be unconstitutional. That may be so; but does the Senator dispute the constitutionality of the present copyright law of Congress, which makes the place for making an entry for copyrights the Library of Congress?

Mr. GRAY. Mr. President, I am not disputing it now. I only say that if the Senator from Missouri were right, then he would be taking private property without just compensation, put it upon what grounds you please, either as a part of the fee charged for a copyright or as an exhibit to be filed there for all time for identification. As to what is copyrighted, that is quite another question. So that all I want to say about that is that the mere requirement of the law that two copies of each publication shall be filed in the Library of Congress has no relation to the question that we are now discussing as to the power sought to be conferred upon committees of Congress to appoint to an office to which are attached wide and important and constitutional governmental functions.

Mr. MILLS. Mr. President, a few moments ago the Senator from Missouri [Mr. COCKRELL] contended that the register of copyrights was not a United States officer. There are two kinds of officers known to this Constitution—the State officer and the United States officer. This Constitution requires all United States officers and all State officers to take an oath to support this Constitution.

Mr. CHANDLER. If the Senator will excuse me, he forgets that there is another class of officers, and that is, officers of the Senate and of the House of Representatives.

Mr. MILLS. They are officers of the United States also, and required to take an oath of office.

Mr. CHANDLER. They are not officers of the United States.

Mr. MILLS. Will the Senator tell me whether they are required to take an oath to support the Constitution of the United States?

Mr. CHANDLER. The Senator did not let me finish my sentence. I say these are not officers of the United States within the clause of the Constitution which provides that the appointing power shall be in the President alone. They are officers of the United States who may be appointed by the two Houses of Congress.

Mr. MILLS. I never disputed that.

Mr. CHANDLER. The only question is whether Congress can run a library and appoint that class of officers.

Mr. MILLS. I never disputed that these officers were not provided for by the Constitution and that their appointment is given to the Houses of Congress under the power to regulate their rules of procedure. That is a very different proposition; but, at the same time, they are officers of the United States, and required to take an oath to support the Constitution.

Mr. CHANDLER. Will the Senator state again what his two classes of officers are? He stated there were only two classes.

Mr. MILLS. State officers and United States officers.

Mr. CHANDLER. Then everyone who serves the United States, whether in the executive, legislative, or judicial branch of the Government, is an officer of the United States? That may be true, but that does not help us along in this discussion at all.

Mr. MILLS. Mr. President, the last clause of the sixth article of the Constitution says:

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution.

Then, if this register of copyrights is not an officer of the United States, we know that he is not an officer of a State government, and he is not required to take an oath to support the Constitution of the United States. Every one of the officers at the desk of the Senate, every officer at the desk of the House of Representatives, and all the other officers created by the Houses of Congress in pursuance of the special provision of the Constitution giving them power to make rules to govern their own procedure, are all officers of this Government of the United States; and every one of them has taken the oath to support the Constitution in accordance with its prescription.

Mr. CHANDLER. Are Senators and Members of the House of Representatives officers of the United States in the same sense?

Mr. MILLS. They are either officers of the State or of the United States, and they are required to take an oath to support the Constitution.

Mr. CHANDLER. I am glad the Senator is making progress in that direction.

Mr. MILLS. Mr. President, the Senator from Missouri [Mr. COCKRELL] contended that the Congressional Library belonged to the Congress of the United States—the Senate and House of Representatives. I want to know by what provision of the Constitution these two Houses of the legislative branch are empowered to purchase and own property? They can not hold a nickel's worth of property. This Hall in which we meet is under the jurisdiction and power and regulation of this body, but it belongs to the United States, and can be sold, or torn down, or dealt with as the United States pleases to deal with it.

Mr. GRAY. It is provided for by law.

Mr. MILLS. It is provided for by law, and it takes both Houses of Congress to make a law.

Mr. GRAY. And the President.

Mr. MILLS. And with the approval of the President, or, in case of his disapproval, by a two-thirds majority of the two legislative branches. The United States can own property; the United States can own a library; but the Senate can not own a library beyond the jurisdiction and control of the lawmaking power of the United States. We have a library that we call the Senate library; we have some books, but they have been bought by virtue of appropriations made in an appropriation bill of the United States. She gave us the money—or they gave us the money, to speak correctly, for the United States are plural and not singular—the United States gave to this body the money to buy these books. They are called the Senate's books, but they belong to the United States. The policemen who are appointed to keep order around this body, in the galleries, or anywhere else around here, are appointed in accordance with the rules of the Senate, under the power given to it to protect itself in its deliberations. But the Senate itself is a part of the United States, and is not an independent power. There is no imperium in imperio here. Both branches together are limited in the exercise of their power and both of them constitute the two legislative arms of the United States. The United States own the Library of Congress, and the United States, in pursuance of its Constitution, which its people made, says that the Executive shall appoint these officers and not the two branches of Congress.

The PRESIDENT pro tempore. Is the Senate ready for the question on concurring in the report of the committee of conference? [Putting the question.] By the sound the noes have it.

Mr. CULLOM. I supposed the Senator from New York [Mr. HILL] desired to make some remarks.

Mr. HILL. I do not care to say anything if the decision of the Chair stands.

Mr. CULLOM. I should like to make a few remarks myself before the final vote is taken.

Mr. HILL. Then I prefer to hear the Senator from Illinois first.

Mr. CHANDLER. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum is suggested, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Cockrell,	Hill,	Platt,
Bacon,	Cullom,	Kyle,	Pritchard,
Baker,	Daniel,	Lodge,	Quay,
Bate,	Davis,	McBride,	Roach,
Berry,	Dubois,	McMillan,	Stewart,
Brice,	Faulkner,	Martin,	Thurston,
Brown,	Frye,	Mills,	Tillman,
Burrows,	Gallinger,	Mitchell, Oreg.	Vilas,
Butler,	George,	Mitchell, Wis	Walthall,
Caffery,	Gray,	Nelson,	Warren.
Chandler,	Hale,	Peffer,	
Clark,	Hawley,	Perkins,	

The PRESIDENT pro tempore. Forty-six Senators having answered to their names, there is a quorum present.

Mr. CULLOM. Mr. President, I did not expect to detain the Senate for more than a very few minutes, and I do not propose to do so now. I supposed that the chief opposition to this report would come from the Senator from New York [Mr. HILL], and therefore when the question was put to a vote I was not observing

particularly, supposing that that Senator would follow the Senator who had just spoken.

I merely desire to refer to the action of the Senate and of its conferees in the disposition of the bill so far as it has gone. I desire to say in the outset, in referring to the remark of the Senator from Connecticut [Mr. PLATT] in reference to this kind of legislation, that it is extraneous to an ordinary appropriation bill. I do not believe in it myself; and I would have much preferred, when the bill came from the other body to the Senate and was under consideration before it went to the conferees at all, that the Senate had taken positive ground against entertaining any such legislation as was proposed in the bill. But Senators will remember that there was a very strong feeling on the part of Senators and members of the other body in favor of some reforms touching attorneys and marshals especially, and on the part of the other body in favor of changing the law with reference to commissioners.

The conferees practically were ordered to do the best they could with reference to these three different classes of officials. There were but two classes at first, but subsequently the other came up. While the Senator from Connecticut has intimated that the Senate conferees have given up almost everything which was in controversy in relation especially to these Government officials, the truth is that we did not. I may say that there was a disposition on the part of the conferees of the Senate (and I want to be absolutely truthful about it) to feel that the Senate itself had perhaps put up the salaries of district attorneys and marshals a little above what the people of the country expected we would do; and I am inclined to think that many Senators themselves felt that we had increased the salaries of those officers too much above the amounts fixed by the House. But, however that may be, when we got into conference about these items we were disposed to meet the members of the House generally about halfway upon the question of salaries of marshals and district attorneys, and the salaries relating to those officers have passed out of the present consideration, because they were disposed of by the Senate in the adoption of the second conference report upon the bill. So I do not need to refer to those items now except to state the historical fact as I remember it. While there are some Senators who are disposed to feel that the salaries of marshals and district attorneys of their States or districts were a little too low, it was the best that the Senate conferees could do. The report has been ratified by the Senate and House, and it will be very easy, as we have felt, where there were mistakes made (and it is a pretty extensive and important subject to deal with in conference) to have it righted by legislation at a future session of Congress, when we can see definitely how the operation of the law affects the interests of the people in different districts and States and the interests of the officers holding these positions. So the consideration of those officials has passed.

During the last conference, the third conference upon the bill, after we had refused to consider the commissioners in the first conferences, we found that it seemed to be the proper thing for us to do. I do not wish it to be understood that the Senate or the Senate conferees are under duress in any sense, but we and the representatives of the other body find ourselves in dealing with this question compelled to do what seems to be right in the premises when we get to the point where a decision is necessary to be made.

I desire to say that so far as the commissioners are concerned we had the approbation of the Attorney-General. I am not sure that it is the fact, but I am inclined to think that the provision incorporated in the proposed law is the production of the Attorney-General's Office. However, I am not certain that I am stating the exact fact in reference to that point.

Mr. CHANDLER. I should like to ask the Senator whether that may not account for the fact that a district judge can not appoint a commissioner in any place unless the Attorney-General first names the place? It is one of the most extraordinary provisions I ever heard of in any law.

Mr. CULLOM. I do not know as to that. I am inclined to think that I ought not to state that the Attorney-General is responsible for the exact provisions of the proposed law touching the commissioners; but I desire to call the attention of the Senate to that point. In the first place, as everybody knows, the court commissioners are appointed by the circuit courts of the United States, and everyone who has anything to do with courts knows substantially as well that the circuit judges of the United States practically do not hold trial courts at all any more in the different circuits of the country. In other words, the district judge of a district substantially holds all the time both the district court and the circuit court as well. Therefore it is that these commissioners, who are to be appointed as heretofore by the circuit judge, are substantially under the supervision and control of the district judge, because the district judge holds the court, and it is seldom that anyone sees a circuit judge at a place where a district court is being held.

So it was the judgment of the other body, as I take it, and it was the judgment of the conferees, so far as they have had anything to do with it, such being the state of facts, that it was better perhaps that the district judge should appoint the commissioner than that it should be left to the control of the circuit judge, who seldom comes to the place where the court is held. So the terms of office of the commissioners of circuit courts heretofore appointed was made to expire on the 31st day of December, 1896, under the provision as reported by the conferees. When the provision came to the Senate it provided that those terms should expire, I think, on the 1st of July, 1896.

Mr. GEORGE. Will the Senator from Illinois allow me to ask him a question?

Mr. CULLOM. Certainly.

Mr. GEORGE. What is the tenure of office of the commissioners as now fixed? Is it during good behavior, for life, or what is the term?

Mr. CULLOM. Under the present law, under which they have all been appointed, they have no term of office. They are appointed subject to removal simply by the circuit court under the present law.

Mr. GEORGE. Unless removed they hold for life?

Mr. CULLOM. Unless they are removed they do not go out of office until they resign or die, as I understand it. The conferees of the two Houses thought it was proper that the term of office should be limited to four years. That is the ordinary term of an officer nowadays who is not appointed for life. In view of the fact that they are subordinate to and supervised by the district judge more especially than any other, the conferees thought it was wise legislation that the district judge should have the appointment of the new commissioners after the terms of the old ones should expire.

Now, it seems to me that there is nothing wrong in that provision. It appears to me that it is a fair one. Some Senators have indicated that it is a great wrong to make a term for an officer of the United States circuit or district court, and that it brings the office into politics. I do not see that at all. Take, for instance, the district in which I live, where the court is held in my own little city. The United States judge under this proposed law would appoint all the commissioners in that district when the term of the present incumbents expire. I am perfectly certain that that district judge will reappoint every man there who has performed his duty as the judge may deem he ought to perform it. When he is appointed once he has the same judge over him as when he receives his first appointment, and of course the same judge will keep his own appointee so long as he performs his duty. So practically the point made that it makes a partisan office of the commissioner of the court is entirely, it seems to me, without foundation.

Now, referring to the provision which authorizes the Attorney-General to pass upon the question of the appointment of these men, or at least that he shall be notified—I forget the exact terms of the provision—when the appointments are made, I think there is force in that proposition, because the Attorney-General is the law officer of the whole United States, and all the clerks, marshals, district attorneys, and commissioners are in a degree under the surveillance and control and are to be called to account by the Attorney-General of the United States. It seems to me proper that it should be so. Otherwise nobody knows when he would get the accounts of the marshals and attorneys or of the commissioners settled, if they have any accounts to render, as I understand they have.

I would have much preferred myself if the commissioners had been left out of the bill and that we should not have been required to legislate about them. But it seemed to be the judgment that we were called upon to do something in regard to the commissioners. In the first place, as the Senate will remember, we had a provision, a portion of which is in the conference report made, requiring the Attorney-General to report at the meeting of the next Congress, after an investigation, as respects the compensation to be paid, by salary or otherwise, to clerks of the United States circuit and district courts and to the commissioners of the circuit courts. I preferred the provision the Senate in the first place inserted in the bill, but it seemed that that could not be agreed upon, and subsequently, after changing the fees to an extent in the provisions of the bill as it came from the House, the conferees on the part of the Senate agreed to it.

I do not care to take up any more time in referring to that, but I desire to say a word in reference to the copyright provision, which has claimed the attention of the Senate so much, and upon the question of the constitutionality or unconstitutionality of the provision as inserted in the bill. I desire to be perfectly frank. I will say that personally I had some doubt as to the constitutionality of that provision, but my colleagues on the conference believed that it was sound; that it was within the purview of the Constitution, and we agreed to the provision. When Senators refer to the statute, as has been done by my colleague on the conference, the Senator from Missouri [Mr. COCKRELL], it seems to

me that all through the statute referring to the appointment of a Librarian, if you please, who is given the power to act as register of copyrights, the distinction was kept up by Congress in the enactment of that law different from the ordinary provision for the appointment of an officer of the Government to perform any particular line of duty. The provision of the law relating to the appointment reads as follows:

> The President solely shall appoint from time to time a Librarian to take charge of the Library of Congress.

Why did Congress put that provision in as it reads in the law that is now in force? In my judgment it was because Congress was seeking to keep within its own control, its own power, the Librarian of Congress, and as a matter of convenience they delegated the power to the President to name the Librarian, and the gentleman occupying that position was in that way appointed. Now, why should Congress have used the word "solely"? I do not remember seeing it in any statute creating any other office.

Mr. GEORGE. Will the Senator allow me to interrupt him?

Mr. CULLOM. Certainly.

Mr. GEORGE. The Constitution of the United States permits expressly that Congress may vest the appointment of officers in the President alone or in the heads of Departments and in the courts.

Mr. CULLOM. I am perfectly well aware of that provision of the Constitution, but have never had my attention called to any other statute on the books providing that Congress alone or solely should have the appointment of anybody.

Mr. GEORGE. Was not the Venezuelan Commission appointed in that way, by the President alone? The names were not submitted to the Senate.

Mr. CULLOM. That is true, I believe. They were not required to be confirmed; but I do not think those Commissioners were regarded as officers in any proper sense. A law was passed placing the duty upon the President to appoint a set of men to perform a particular duty of investigation as to a line, and I do not think that anybody regarded them as officers in the constitutional sense of the term.

I do not believe another law can be found in the statute book where, when a man was to be appointed and called an officer, the Congress of the United States said that the President alone or solely should make the appointment; and I reason from that and from other provisions of the same statute that Congress was attempting to give the President the power to do this merely as a matter of convenience and to accommodate Congress in the selection of a Librarian, being in the proper sense under the control of the Congress of the United States.

Now, let us go a little further to show that the Joint Library Committee of Congress has much to do with the subject. In the same act where the President solely is to make the appointment it is provided:

> The Joint Committee upon the Library may from time to time, appoint such agents as they deem requisite, to carry into effect the donation and exchange of documents and other publications placed at their disposal for the purpose.

And so along all through the statute. Again:

> The Joint Committee upon the Library is authorized to establish regulations, not inconsistent with law, in relation to the Library of Congress or either department thereof, and from time to time to alter, amend, or repeal the same.

Then it says:

> And until they impose new regulations or restrictions, the care and business of the Library shall continue to be regulated by such rules as may have been heretofore imposed by any lawful authority.

So the whole theory of the law, it seems to me, is that the Congress of the United States is the sole controller of the Library of Congress, and they give the President power, simply as a matter of convenience to themselves, to designate the man who shall be Librarian of Congress.

Upon the question of giving bond and all that, of course the language of the provision raises a sort of impression that it is an office, because the word "office" is used; but, if Senators will observe, the provision reads:

> For register of copyrights, $2,500, who shall be selected—

We do not use the word "appointed"—

> on or after June 1, 1896, by the Joint Committee upon the Library of Congress, consisting of the Committee on the Library of the Senate and the Committee on the Library of the House of Representatives, and who shall give good and sufficient bond, etc.

I do not care to take up the time of the Senate in discussing this matter. I am very anxious to get a vote upon it. I wish to say in perfect candor that the conferees on the part of the Senate are not undertaking to be, and do not desire to be understood as assuming to be, above the men who appointed them. We are simply trying to carry out the will and the wishes of the Senate as nearly as we can do so, and if we have agreed to any provisions which in the judgment of the Senate are not right or are not satisfactory, the Senate has a right to say so, and either to appoint the same or a new set of conferees to deal with the subject further. But we have had a good deal of trouble over the bill, growing out of the numerous provisions in it that are extraneous, I may say, to the ordinary legislation which ought to be upon an appropriation bill. The conferees have dealt with the subject as fairly and as seriously and as assiduously as we could in an endeavor to arrive at correct conclusions and as nearly in harmony with the Senate to which we belong and to which we account as we were able to do.

If the Senate does not believe that this report is right, I am perfectly willing that it shall dispose of it in that way. If it believes it is right, in view of all the facts, after a third conference has been held—the first agreeing to a large number of items about which there was not any great dispute, the second agreeing to a large number about which there was very serious controversy between the conferees on the part of the two Houses, including the provisions as to attorneys and marshals, and the last conference agreeing upon the few provisions that remained in the bill—I shall be glad to have the report sustained.

It might be well enough for me to call attention, before I sit down, as I do not care to occupy the attention of the Senate again, to what we have agreed to. The House conferees agreed to the amendments of the Senate in relation to clerks to committees and also as to clerks to Senators; also as to the item providing for messengers and skilled common laborers; also as to the police and watchmen force of the Capitol, with an amendment providing that hereafter the Capitol police force shall consist of 30 policemen at $1,100 each and 7 at $960 each (8 watchmen were provided for in the original bill), and dispensing with 7 watchmen who were substantially under the control of the Architect of the Capitol; also providing that the police force as herein provided shall be under the direction of the Sergeants-at-Arms of the Senate and of the House and of the Architect of the Capitol.

There were, I may say, seven watchmen under the present law especially under the control of the Architect of the Capitol. His testimony was that they could be dispensed with if these other provisions could be enacted, and those were agreed to by the conferees of the two Houses. They are in the conference report which is to be acted upon by the Senate. The conferees also agreed to the provision with respect to the register of copyrights, about which I have been talking, and I shall not detain the Senate longer upon that question. The New Mexico provision I shall not take any time to discuss. The salary of the marshal for the District of Columbia, which was in dispute in the two former conferences, was finally fixed at $5,500, and it was agreed to by the conferees of the two Houses.

The item as to commissioners of the circuit courts is the only other one involved in this controversy, and I suppose the only matters which will involve any controversy hereafter, if the Senate should not agree to the report, will be the provision as to copyrights and the question as to the particular form to be adopted in reference to the commissioners of the circuit courts. I hope we shall have the report agreed to. There are now three or four other conference reports waiting for the disposition of this one besides an additional appropriation bill.

Mr. PLATT. I desire to state that in all I have said in regard to the register of copyrights I must not be understood as in any way criticising the committee, because there was an amendment inserted in the bill by the Senate itself——

Mr. CULLOM. Certainly.

Mr. PLATT. In relation to this matter, which I think was worse even than the one under consideration.

Mr. CULLOM. I do not think it was worse, but it involved exactly the same question, whether Congress by its committees could appoint the man, and the Senate passed upon it favorably.

Mr. HILL. Mr. President, I intend to detain the Senate only a few moments. There are three principal questions involved in the report, two of which have been very fully and ably discussed. I intend simply to allude to the first question involved, which is the authority to create the office and substantially to appoint an officer known as register of copyrights in the form provided for by the bill. At the most it is a very doubtful power. It presents a very difficult constitutional question, and Senators seem to differ in regard to it. I think it is unwise in the report of a conference committee to go to the extent of creating a new officer where the authority is of doubtful constitutionality. That ground alone would justify the Senate in rejecting the report.

The next point is the unprecedented legislation, legislating out of office all the United States circuit court commissioners throughout the land without charges, without trial, without petition, without any public demonstration in regard to it. I called attention to this fact when the bill was under consideration. The subject has not been debated in the Senate. I wish to suggest to the conference committee, if the report shall be rejected, certain amendments which the people of my city, its judges and its officials, desire to have incorporated in the provision. We had no time to discuss it in the Senate. It is a serious question, affecting officials in New York City and throughout our State. I have before me letters from the

United States commissioners, letters from judges of our United States courts, protesting against the change.

I do not think it is wise to change the life tenure, which has characterized those holding offices of this class in the past, to a term of four years. Every four years these judicial or semi-judicial officers are to have a scramble for reappointment. I do not think it is a reform. I think it is going in the wrong direction. These offices are much sought for, and applicants will be appealing every four years to our district judges. Men of both parties will apply. There will be a scramble for the offices. I do not think it is a wise provision. Whether I would be justified absolutely in rejecting an appropriation bill upon that ground alone I do not know. I think the subject ought to have further consideration than it has had.

They have provided that a clerk of a court may be appointed United States commissioner, provided the Attorney-General approves. That is an important provision so far as New York City is concerned. If he approves in the first instance, must you get the approval of the Attorney-General four years from that time and every four years thereafter? I have letters from judges, some of them in Pennsylvania, protesting against it. They think it unwise. If it is thought proper in the first instance that the same person shall hold the office of United States commissioner and clerk, should not one approval of the same man be sufficient? Should this officer be required every four years to apply to the Attorney-General for his approval?

In the second place, there are some places where a deputy clerk is United States commissioner, and very properly so. It is a great convenience to suitors at the court. This proposed act forbids it, even with the approval of the Attorney-General. I should like to have the conference committee, in whom I have great confidence, to consider again this question and to see if they can not provide some modification of the sweeping provisions which will be more satisfactory to the country. I am satisfied that the report will be rejected. The good sense of the Senate will prevail. There is another provision to which I will simply allude. I do not intend to discuss it.

On the 27th day of March last the Senate by a decisive vote, after two days' debate, resolved to strike out the provision changing the date of the meeting of the legislature in the Territory of New Mexico. The question was gone over in all its various phases, political and otherwise, and the Senate carefully considered the question and expressed its deliberate voice. I do not think the Senate desires to retract or to change it. A mere change of the date from May to February does not cure the point. There is no good reason, unless it be a political one, why the change should be made; and I think that upon further consideration of the subject an agreement can possibly be arrived at. It is very objectionable in its present condition. A political or semipolitical provision of this character ought not to be inserted in an appropriation bill. If the matter shall again be submitted to the consideration of the conferees I think a better provision can be arrived at which will be satisfactory.

Having said this much, I desire to say that the rejection of this report——

Mr. CULLOM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Illinois?

Mr. HILL. Certainly.

Mr. CULLOM. I simply desire to state that so far as I am concerned there has never been a particle of politics involved in any controversy between the two Houses in connection with this bill. I supposed when the last report was made upon the question just referred to by the Senator from New York the subject was settled to the entire satisfaction of everybody concerned. The honorable Senator from Missouri [Mr. COCKRELL], one of the conferees who joined in the report, supposed the same thing.

Mr. HILL. Undoubtedly; and he simply labors under a misapprehension. That is all. I do not care about discussing it. The Senator labored under a misapprehension. It is not satisfactory to Democrats of New Mexico. I do not think it is satisfactory to the Democrats of the Senate. We ought not be quarreling over such a question at this stage of the session on an appropriation bill, and I am satisfied that the patience and courtesy which have thus far been displayed by the conference committee can adjust this matter satisfactorily if it can be recommitted to them. I desire to bear testimony to the patience with which they have considered these difficult questions. Further consideration, I am sure, will provide a better result than this and one much more satisfactory.

That is all I have to say.

The PRESIDENT pro tempore. The question is on concurring in the report of the committee of conference.

Mr. CULLOM. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS]. I transfer my pair to the senior Senator from Indiana [Mr. VOORHEES] and vote "nay."

The PRESIDENT pro tempore (when Mr. FRYE'S name was called). The present occupant of the chair is paired with the senior Senator from Maryland [Mr. GORMAN].

Mr. GALLINGER (when Mr. HANSBROUGH'S name was called). I rise to announce a pair between the Senator from North Dakota [Mr. HANSBROUGH] and the Senator from Illinois [Mr. PALMER]. They are both absent from the city.

Mr. BERRY (when the name of Mr. JONES of Arkansas was called). My colleague [Mr. JONES] is paired with the Senator from Maine [Mr. HALE]. If my colleague were present, he would vote "nay."

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL]. If he were present, I should vote "nay."

Mr. BERRY (when Mr. MORGAN'S name was called). I wish to announce that the senior Senator from Alabama [Mr. MORGAN] is paired with the Senator from Pennsylvania [Mr. QUAY]. The senior Senator from Alabama would vote "nay" if present.

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "yea."

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN].

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "nay."

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. MARTIN (after having voted in the negative). I voted without observing that the Senator from Montana [Mr. MANTLE] is absent. I am paired with that Senator, and therefore withdraw my vote.

Mr. WALTHALL. I transfer my pair with the Senator from Pennsylvania [Mr. CAMERON] to the Senator from South Carolina [Mr. IRBY] and vote "nay."

Mr. MITCHELL of Wisconsin. I transfer my pair with the Senator from New Jersey [Mr. SEWELL] to the Senator from New York [Mr. MURPHY], and vote "nay."

Mr. MITCHELL of Oregon. I am paired with the Senator from Rhode Island [Mr. ALDRICH] on this vote. If he were here, he would vote "nay" and I should vote "yea."

Mr. GEAR. I am paired with the Senator from Georgia [Mr. GORDON]. I transfer my pair to the Senator from Rhode Island [Mr. ALDRICH] and vote "yea."

Mr. DUBOIS (after having voted in the affirmative). I desire to inquire if the senior Senator from New Jersey [Mr. SMITH] has voted?

The PRESIDENT pro tempore. He has not voted.

Mr. DUBOIS. I am paired with the senior Senator from New Jersey, and therefore withdraw my vote.

Mr. CARTER (after having voted in the affirmative). Being paired with the Senator from Maryland [Mr. GIBSON], I withdraw my vote.

Mr. MITCHELL of Oregon. I understand another pair has been arranged with the Senator from Rhode Island [Mr. ALDRICH], and I will therefore vote. I vote "yea."

Mr. HALE (after having voted in the affirmative). I am informed that a pair has been announced for me with the Senator from Arkansas [Mr. JONES], and I therefore withdraw my vote. Has the Senator from Alabama [Mr. PUGH] voted?

Mr. PUGH. No; I have not.

Mr. HALE. Then I transfer my pair with the Senator from Arkansas [Mr. JONES] to the Senator from Massachusetts [Mr. HOAR], and that will enable the Senator from Alabama and myself to vote.

Mr. PUGH. Very well. I vote "nay."

Mr. HALE. I vote "yea."

The result was announced—yeas 26, nays 33; as follows:

YEAS—26.

Allen,	Davis,	Mitchell, Oreg.	Stewart,
Allison,	Gallinger,	Nelson,	Teller,
Burrows,	Gear,	Perkins,	Warren,
Butler,	Hale,	Pettigrew,	Wetmore,
Cannon,	Hawley,	Sherman,	Wilson.
Cockrell,	Lodge,	Shoup,	
Cullom,	McMillan,	Squire,	

NAYS—33.

Bacon,	Clark,	McBride,	Turpie,
Bate,	Daniel,	Mills,	Vest,
Berry,	Faulkner,	Mitchell, Wis.	Vilas,
Blackburn,	George,	Pasco,	Walthall,
Brice,	Gray,	Peffer,	White,
Brown,	Harris,	Platt,	Wolcott.
Caffery,	Hill,	Proctor,	
Chandler,	Kyle,	Pugh,	
Chilton,	Lindsay,	Roach,	

NOT VOTING—30.

Aldrich,	Frye,	Jones, Nev.	Quay,
Baker,	Gibson,	Mantle,	Sewell,
Blanchard,	Gordon,	Martin,	Smith,
Call,	Gorman,	Morgan,	Thurston,
Cameron,	Hansbrough,	Morrill,	Tillman,
Carter,	Hoar,	Murphy,	Voorhees.
Dubois,	Irby,	Palmer,	
Elkins,	Jones, Ark.	Pritchard,	

So the report was nonconcurred in.

Mr. CULLOM. I move that the Senate insist upon its amendments and ask for a further conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate at the further conference, and Mr. CULLOM, Mr. TELLER, and Mr. COCKRELL were appointed.

INDIAN APPROPRIATION BILL.

Mr. BUTLER. I move that the Senate proceed to the consideration of the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. PETTIGREW. I rise for the purpose of submitting a conference report.

The PRESIDENT pro tempore. The report is privileged, and the Chair recognizes the Senator from South Dakota.

Mr. PETTIGREW. I submit the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

I will state that the report has been read and printed in the RECORD. It was afterwards withdrawn, and an item stricken from it, and it is now returned to the Senate without any other change whatever. It is not necessary to read it. I move its adoption.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent that the reading of the report may be dispensed with. Is there objection? The Chair hears none.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 6, 7, 11, 21, 22, 29, 30, 34, 35, 43, 62, and 90.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 8, 9, 10, 12, 13, 15, 17, 18, 19, 23, 24, 25, 27, 28, 32, 36, 38, 39, 40, 41, 42, 44, 50, 53, 54, 55, 58, 59, 60, 61, 63, 65, 72, 73, 74, 75, 79, 80, 81, 82, 88, and 89; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with amendments as follows: Strike out, in line 19, page 20, of the bill, the word "Kickapoos" and insert in lieu thereof the words "Kickapoos in Kansas"; and in lieu of the matter inserted by said amendment insert the following:

"KICKAPOOS IN OKLAHOMA.

"To enable the Secretary of the Interior to assist the Kickapoo Indians of Oklahoma Territory who have not accepted their allotments to make improvements upon said allotments as fast as accepted, and to purchase seed, grain, and subsistence for said Indians, $5,000, to be immediately available. The sum of money now in the Treasury of the United States belonging to said Indians shall be retained as a permanent fund, upon which the Treasurer shall pay to said Indians annually interest at the rate of 5 per cent per annum from July 1, 1895."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "And sections 669, 670, and 671, of chapter 27 of Mansfield's Digest of the laws of Arkansas covering deeds, mortgages, liens, and instruments of writing pertaining to real estate are hereby extended over and put in force in said Quapaw Agency, Indian Territory. That the allottees of land within the limits of said Quapaw Agency are authorized to lease the same for a term not exceeding three years for farming purposes or five years for mining or business purposes"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with amendments as follows: Strike out from said amendment the word "Santee," and add at the end of said amendment the following: "And North and South Dakota"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "And charge against any funds belonging to said Lower Brule Indians now in the Treasury of the United States"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out, in line 12, page 39 of the bill, the word "divided" and insert in lieu thereof the word "expended"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with amendments as follows: Add at the end of said amendment the following:

"And not exceeding $1,500 for necessary traveling and incidental expenses of such persons.

"For completing the work of the Puyallup Indian Commission appointed under the act of March 3, 1893, to select and appraise such portions of the allotted lands within the Puyallup Indian Reservation, Wash., as are not required for homes for the Indian allottees, and also that part of the agency tract exclusive of the burying ground not needed for school purposes, and for the purpose of defraying the expenses of said Commission, $4,000, to be reimbursed to the United States out of the proceeds of the sale of the agency tract and allotted lands as provided in said act, to be immediately available; and said Commission shall conclude its work and terminate on or before the 1st day of December, 1896."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with amendments as follows: Strike out, in line 3 of said amendment, the word "three" and insert in lieu thereof the word "two"; and strike out, in line 42 of said amendment, the words "sufficient proof" and insert in lieu thereof the word "conviction"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "And said sum shall be in full payment and satisfaction of all claims of the said Campbell or his representatives for said money and lands and interest therein, and the receipt of said Campbell for said sum shall so specify"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with amendments as follows: Strike out, in line 4 of the last paragraph of the amendment, the words "section 2 of this act" and insert in lieu thereof the words "this section"; and add at the end of said paragraph the following:

"*Provided, however*, That any person who in good faith prior to the passage of this act has discovered or opened or located a mine of coal or other mineral shall have a preference right of purchase for ninety days from and after the official filing in the local land office of the approved plat of survey provided for by this section."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with amendments as follows: Strike out, in line 4 of the last paragraph of the amendment, the words "section 2 of this act" and insert in lieu thereof the words "this section"; and add at the end of said paragraph the following:

"*Provided, however*, That any person who in good faith prior to the passage of this act had discovered and opened or located a mine of coal or other mineral shall have a preference right of purchase for ninety days from and after the official filing in the local land office of the approved plat of survey provided for by this section."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with amendments as follows: Strike out, in line 4 of the last paragraph of the amendment, the words "section 2 of this act" and insert in lieu thereof the words "this section"; and in line 12 of said paragraph, after the word "opened," insert the words "or located"; and strike out, in the last line of said paragraph, the words "section 2 of this act" and insert in lieu thereof the words "this section"; and the Senate agree to the same.

On amendments numbered 33, 37, 46, 47, 48, 49, 51, 52, 56, 64, 66, 68, 69, 70, 71, 76, 77, 78, 83, 84, 85, 86, 87, and 94 the committee of conference has been unable to agree.

R. F. PETTIGREW,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.
J. S. SHERMAN,
CHARLES CURTIS,
GEORGE C. PENDLETON,
Managers on the part of the House.

Mr. LODGE. I should like to know what became of amendment numbered 69.

Mr. PETTIGREW. This is a partial report.

The PRESIDENT pro tempore. The Chair is informed that the amendment referred to by the Senator from Massachusetts is among the amendments upon which the conferees of the two Houses have been unable to agree.

The question is on concurring in the report of the committee of conference.

The report was concurred in.

Mr. PETTIGREW. I move that the Senate still further insist upon its amendments disagreed to by the House of Representatives, and ask for a further conference with the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL were appointed.

PRACTICE OF MEDICINE AND SURGERY.

Mr. GALLINGER. I rise to present a privileged report, being the conference report on House bill 5731, to regulate the practice of medicine, surgery, etc.

The PRESIDENT pro tempore. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 25, 26, 27, 29, 31, 32, 33, 34, 35, 36, and 37, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same amended to read as follows: "On page 8, section 7, line 22, strike out 'examination' where it occurs the second time"; and that the Senate agree to the same.

That the House recede from its disagreement to the thirtieth amendment of the Senate, and agree to the same amended to read as follows: "On page 11, section 12, line 9, strike out 'any' where it occurs the first time"; and that the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 20, 21, 22, 23, and 24, and agree to the same with an amendment, so that section 10 shall read as follows:

"SEC. 10. That the board of medical supervisors of the District of Columbia may, by a vote of four members, refuse to grant or may revoke a license, and

may cause the name of any person to be removed from the record of the supreme court of the District of Columbia, and from the register of the health office for any of the following causes, to wit: The employment of fraud or deception in passing the examinations provided for in this act, chronic inebriety, the practice of criminal abortion, conviction of crime involving moral turpitude, or unprofessional or dishonorable conduct. In complaints under this section the accused shall be furnished with a copy of the complaint and given a hearing before said board in person or by attorney, and witnesses may be heard for and on behalf of the accused, and for and on behalf of the said board. Appeal from the decision of said board may be taken to the court of appeals of the District of Columbia, and the decision of said court shall be final. Said board may at any time within two years from the refusal or revocation of a license or the cancellation of registration under this section, by a vote of four members, issue, without examination, a new license to the person so affected restoring to him or her all the rights and privileges of which he or she had been deprived by said board."

And that the Senate agree to the same.

That the Senate recede from its amendments numbered 4 and 28.

J. H. GALLINGER,
CHAS. J. FAULKNER,
Managers on the part of the Senate.

R. C. SHANNON,
J. W. BABCOCK,
S. W. COBB,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on concurring in the report.

The report was concurred in.

STANDARD FOR DRY MEASURES IN THE DISTRICT OF COLUMBIA.

Mr. McMILLAN. I present a conference report, which I ask may be considered at this time.

The PRESIDENT pro tempore. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the first and third amendments of the Senate and agree to the same.

That the Senate recede from its second amendment.

A. O. BACON,
J. C. PRITCHARD,
Managers on the part of the Senate.

G. M. CURTIS,
A. MILNES,
S. W. COBB,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on concurring in the report.

The report was concurred in.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I now ask that the conference report on the sundry civil appropriation bill may be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the report referred to by the Senator from Iowa; which will be read.

The Secretary read the report; which was printed in the RECORD of the 19th instant.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The question is on concurring in the report.

Mr. PASCO. Mr. President, there is an amendment made by the Senate, No. 144, which I should like to have read at the desk.

The PRESIDING OFFICER. The amendment referred to by the Senator from Florida will be read.

The Secretary read Senate amendment No. 144, as follows:

Military Cemetery at Key West, Fla.: For the purchase and use of land included in the military cemetery adjacent to the reservation of Key West Barracks, Fla., as recommended in a letter from the Secretary of War, dated February 7, 1896 (House Document No. 221, Fifty-fourth Congress, first session), $2,058.

Mr. PASCO. Mr. President, I see by the report that the amount inserted in the bill, which was the amount contained in the report of the Secretary of War, has been stricken out, and $1,500 inserted in lieu thereof. I do not know any reason why this reduction has been made. It will prevent any settlement of this matter, which has been standing for a long time.

This piece of land in Key West referred to in the amendment was taken by the United States military authorities for cemetery purposes during the war, and more than 200 soldiers were buried there. The property belonged and still belongs to a Mrs. Maloney. Through her husband she endeavored for years to get a settlement by a sale of the land or a recovery of its possession. The United States held and used it for cemetery purposes and the Government failed to make any arrangement to purchase it or to pay for its use. Subsequently a part of it upon which no interments had been made was returned to her, and it was proposed that the Government should pay the amount specified in the amendment as it stood in the bill. Mr. Maloney was always unwilling to accept that amount, because it was claimed that the property was worth three or four times as much, and it was claimed also that Mrs. Maloney should receive a fair compensation for the use of the property which was at first taken and held by the military authorities. A little less than an acre is still retained by the Government, and it was for the purchase of this piece that the amendment provided.

I have made many efforts to get the matter settled under different Secretaries of War since I came to the Senate, and my colleague had made similar efforts before that time. The Secretaries, one after another, had proposed this same settlement, but Mr. Maloney was always unwilling to take it, and refused to take it, and said that it was no use to propose any settlement for the land and its use upon those terms.

During the last year, or perhaps a little more than a year ago, Mr. Maloney died, and his widow, feeling unable to cope any longer with the Government and to continue the contention for a larger amount, agreed that she would take the sum named in the bill. She is needy, and the amount would be a great help to her in her present situation. The Secretary of War, upon being notified that the proposed settlement would be accepted, prepared the letter upon which I offered the amendment read at the desk and sent it to the House of Representatives. The amendment was adopted by the Senate, but for some reason which I do not understand the amount has been reduced to $1,500 by the committee of conference of the two Houses. It will not lead to a settlement, because the amount proposed is less than the actual value of the land, according to the opinion of the owner; and it is not right that the Government should continue in possession of this little piece of land without paying for it.

It is not possible to remove the bodies of the men who have been buried there, for the city authorities, for sanitary reasons, have always refused to allow that to be done when the proposition has been made. Even if such removal were practicable, the estimated cost of removing the remains and restoring the boundary wall would, according to the statements accompanying the Secretary's letter, be more than the amount to be paid for the land according to the terms of the amendment.

On the last page of the report which I hold in my hand it is stated that—

The estimated cost of removing the remains and restoring the boundary wall, made by several parties in Key West, is as follows:

Removing and reinterring 214 bodies, at $10 each	$2,140.00
Removing old wall and rebuilding 130 feet new wall	195.00
Moving picket fence and building 90 feet new fencing	100.00
Total	2,435.00

So, if the United States should pursue that remedy and turn the property back to this lady, it will cost more than the amount named in the report of the Secretary of War, which is $2,058, besides leaving her without compensation for the use of the land.

It would perhaps be asking too much to move that this conference report be rejected on account of this single item; but I think the matter ought to be brought to the attention of the Senate, and perhaps the Senator having charge of the conference on this side may be able to suggest some remedy. It does seem to me that there can not have been proper consideration of the matter, and it looks like a very small piece of economy to deprive this lady of five or six hundred dollars of the amount recommended in the report submitted by the Secretary of War.

Mr. ALLISON. Mr. President, only a word in response. The Senator from Florida was kind enough to hand the papers from which he has taken extracts to me and to the Committee on Appropriations, with a view of having the item referred to inserted in the sundry civil bill. It had such merit in the mind of the committee that we agreed to its insertion, and the amount named in the bill was provided for. When we came in contact with the conferees on the part of the House of Representatives, they insisted that it had no place upon the sundry civil bill, it being a claim; and when I endeavored to impress upon the conferees the nature and character of the case they insisted that the amount suggested by the Senate was entirely too large; that the tract in question embraced a small area of land in rather a remote region, which was not worth one-tenth of what we had appropriated. Finally, however, with the view of getting rid of the whole question, they were willing to allow $1,500, and said there would be no difficulty in closing it up for that sum. Of course, if the owner of this property is not willing to take the $1,500, then it will be a matter of consideration at the next session of Congress or by the Committee on Claims. So I concur with the Senator from Florida that it is not wise to delay the progress of this bill on account of this amendment.

Mr. HILL. I desire to ask the chairman of the committee if anything was done with the item of appropriation for changes in the New York post-office for the accommodation of the Federal courts?

Mr. ALLISON. Nothing was done with that. That is still in disagreement. The conferees of the House of Representatives believed that that matter could very well lie over until next winter. We endeavored to impress upon them the importance of the immediate expenditure which we had provided for in the bill; but we could not agree, and the matter is still in conference.

Mr. HILL. I trust the conferees on the part of the Senate will

continue their good efforts in the direction of having an immediate appropriation.

Mr. ALLISON. I assure the Senator we shall do the best we possibly can in that regard.

I might say one word as respects the public-building appropriations generally. The House of Representatives would not agree to any of the appropriations and increases which we had proposed in the Senate as to public buildings, and especially they would not agree to the suggestion of any increase of limit in appropriations made for various public buildings.

Mr. MITCHELL of Oregon. I desire to ask the chairman of the committee what, if anything, has been done with regard to the Senate amendment making an appropriation for the improvement of the Cascades of the Columbia?

Mr. ALLISON. That also is still in disagreement, the House conferees insisting that the provision was also found in substance in the bill known as the river and harbor bill, and the Senate conferees, of course, insisting that we should make the provision a part of the sundry civil bill, leaving the matter open for the present.

Mr. MITCHELL of Oregon. Then, Mr. President, I hope that the Senate conferees will insist on maintaining that provision in the sundry civil bill. As has been said in the Senate more than once, that appropriation is absolutely essential to the early opening of the great work on the Cascades of the Columbia, and if anything should happen to the river and harbor bill, which I hope will not, we shall be left then in the unfortunate condition of having a work upon which there has been nearly $2,000,000 expended tied up for another year for lack of a few thousand dollars to enable the work to be opened to shipping. It can do no possible harm to have the provision, as the chairman of the committee will agree, in both bills, though it would not look very well, I admit, and would be bad legislation; but in view of the conditions and all the circumstances surrounding us, I hope the provision will be retained in the sundry civil bill, which we all know will become a law, and not take the chance of having it in a bill which may or may not eventually become a law.

Mr. PASCO. I think the conferees on the part of the Senate were entirely correct in insisting that this was not a mere claim, and that it did have a proper place upon this bill. It is among the items for national cemeteries, and is as much in place as any of those other items, in my judgment. It is necessary to extend the cemetery in order to protect the remains of the soldiers buried there. It is not right that they should be disturbed, and the Government certainly ought to enlarge the cemetery and make this purchase so that these remains may not be disturbed. I do not think there can be any doubt that the item properly belongs upon the sundry civil bill, particularly when it is accompanied by the reference to the letter of the Secretary of War, and it does seem to me that the conferees should have felt safe in accepting the report which came from the War Department with reference to the actual value of the land.

But, as I said before, I do not feel justified in asking that the entire report containing these numerous items should all be thrown back into conference on account of this unfavorable action on the part of the conferees. I shall hope if the Secretary of War finds, as I feel sure that he will, that he can not carry out this instruction of Congress to settle this matter with the amount placed at his disposal, that he will come back and ask for the additional amount at the next session of Congress, and then I shall endeavor to have it included in one of the great appropriation bills.

With these remarks I shall leave the subject, hoping that the views suggested by the chairman of the committee will cause the matter to receive proper attention when it next comes before the Senate.

Mr. WHITE. I desire to call the attention of the Senate conferees to an item which is still in conference under this report, providing for an appropriation of $12,000 for the improvement of the post-office at Los Angeles, Cal. The circumstances which induced me to offer that amendment here were the following: The building is quite small; it is a Government building. The business of the office has increased so much that it is impossible to transact it any longer in this building unless the cellar is improved and certain other improvements are made, which the Treasury Department estimate will cost about $12,000. If the appropriation is not made at once, the building, so far as the post-office is concerned, will have to be abandoned. It was with difficulty that I induced the Department to refrain from advertising for and receiving bids for a new site.

The revenue of the office is very large. Last year the Government netted from it $90,000, the gross revenue being $164,000; and the postmaster there informs me that the revenue for the first quarter of this year has increased $5,000, which would indicate something in the neighborhood of one hundred and eighty-odd thousand dollars gross revenue during the year. The matter can not wait, as I have said, the action of future Congresses, because of the crowded condition of the edifice now. I introduced a bill for an additional public building at that place, but recognizing the condition of the Treasury, I did not press it. I hope the conferees will bear in mind that there is on record a letter from the Department showing the necessity for this improvement, and the urgency of it will be manifest from what I have said.

Mr. PERKINS. I should like to ask the chairman of the committee in relation to the revenue cutters for the Pacific coast. Is there a disposition to eliminate the revenue cutters from the appropriations?

Mr. ALLISON. I will say to the Senator from California that the appropriation for a revenue cutter on the Pacific coast is eliminated from the bill by the conference report. The House conferees would not consent to the construction of another revenue cutter on the Pacific coast this year, one being now under construction. They asked us to state what we regarded as the most important, the light vessel at San Francisco Harbor or a revenue cutter; and believing that we would have the sanction and approval of the Senator from California, we claimed that the light-ship is the most important, and the light-ship is retained in the report.

Mr. PERKINS. Mr. President, we are very grateful for the retention of the light-ship to guide mariners into the great port of San Francisco, and I felt assured that the conferees on the part of the Senate would insist upon that amendment.

The revenue cutters, however, are not for California. They are for Oregon, Washington, and Alaska. They are a necessity to the Government for the protection of its revenues. Two cutters were recommended by the Secretary of the Treasury, and the Superintendent of that Service says it is most important that the additional one which the Senate put in should be provided for at the present session of Congress. I hope the Senate conferees will not recede from their demand for the additional revenue cutter. While California is grateful for the favors that it has received, the cutter which the Senate provided for is not for California, as I have said, but for the whole Pacific coast; and I earnestly hope that the chairman of the committee with his persuasive logic will convince our friends on the conference committee from the other House that the construction of this cutter is an absolute necessity for the protection of the revenues of our country.

Mr. SQUIRE. Mr. President, I wish to add a few words in favor of an additional revenue cutter for the Pacific coast. I looked into the question very carefully and conferred with the officials of the Treasury Department. I know they are very earnestly in favor of it. I know the condition of the Revenue-Marine Service on the Pacific coast. We have a few old, antiquated vessels there that are really unfit for service. All of them put together to-day are not worth $150,000; probably they are not worth $100,000. The service there is very exacting. There is a great deal to be done in connection with the Bering Sea fisheries, as we all know, and we are absolutely without a single revenue cutter that is fit for service.

When one of the vessels was supposed to be lost in a storm, and it was found eventually to have been lost, there was an attempt made to rescue it, and the revenue cutter was ordered out by the Secretary of the Treasury. It made the attempt, but remained out only a few hours. The condition of the vessel was such that it had to put back into port and allow the vessel to be lost. There is absolutely not a single vessel there capable of going out to the relief of a vessel in distress. The Department is very emphatic in its views on the subject. I had the honor to introduce a bill providing for this additional revenue cutter, and it was favorably recommended, and in very strong terms, by the Department. It seems to me this item ought to be included in the bill.

I could talk at length on the subject, but I wish only to emphasize at this time what the Senator from California has stated. To deny this appropriation would be a very great injustice to the customs service and to all that relates to the service on the Pacific Coast. We have no patrolling vessel. There are half a dozen vessels patrolling from Hatteras to Maine on the Atlantic coast. Not a single vessel patrols the Pacific shore. We ought to have a vessel of such a character as will endure the weather in those seas.

Mr. CHANDLER. Mr. President, I can understand that the Senator from Washington [Mr. SQUIRE] and the Senator from California [Mr. PERKINS] feel disturbed that the committee of conference has reduced somewhat the appropriations for the Pacific Coast. They should, however, be somewhat reconciled from the fact that other appropriations have been cut down by the conference committee in its desire to promote economy. The Senator from Florida [Mr. PASCO] has called our attention to one of the cases where the committee has acted with great zeal and fidelity. That is the case of Mrs. Maloney's graveyard. It seems that the Government has taken a woman's land at Key West for a graveyard. An estimate was put upon the value of it and the amount was agreed upon—some few hundred dollars; I could not distinctly hear the statement of the Senator from Florida as to the amount—but the conference committee felt so pressed by considerations of economy that it cut in two the price of this poor

woman's graveyard and reduced the amount some hundreds of dollars. If the Senator from Florida will kindly tell me how much has been saved by the reduction made by the committee of conference I shall be obliged to him.

Mr. PASCO. About $500.

Mr. CHANDLER. Under those circumstances, when the price of a graveyard is reduced in the case of a poor Southern widow, I should not suppose that the Senators from California and Washington would expect that they could possibly retain both a revenue cutter and a light-ship. The committee could not cut the price for the light-ship in two or cut the price for the revenue cutter in two. So it left out one and retained the other. But in the case of the cemetery at Key West it cut the amount in two and made a saving of some $500, which is not much, but it is so much, Mr. President, in these Democratic times, when the Treasury is empty and the public welfare languishes on account of the kind of government we have in the White House and at the Treasury Department.

It seems to me that there should be no hurry, and that it would be well for the Senators from the Pacific Coast and the Senator from Florida to make a motion to vote down this conference report and see whether we can not get full pay for the cemetery, and perhaps get additional provision made for the public good on the Pacific Coast. We have already voted down one conference report. There is time. We are likely to remain here some days before the river and harbor bill is signed by the President, and the time might as well be devoted to discussing somewhat fully these details. If the Senator from Florida, instead of retiring in the face of the conference committee, had insisted upon voting down the conference report, or if the Senator from Washington had spoken at length on the subject, as he might have done, and appealed to the Senate for an adverse vote, I am sure that the report might have been voted down and we might have got an appropriation for these necessary and important objects at the present session, instead of waiting a year or two longer in order to get justice done to the Pacific Coast and to Mrs. Maloney.

The PRESIDING OFFICER. The question is on concurring in the report of the conference committee.

The report was concurred in.

Mr. ALLISON. I move that the Senate still further insist upon its amendments disagreed to by the House and ask for a further conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate at the further conference, and Mr. ALLISON, Mr. HALE, and Mr. GORMAN were appointed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. TELLER. I move that the Senate insist upon its amendments and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. TELLER, Mr. ALLISON, and Mr. COCKRELL were appointed.

REGULATION OF BOND ISSUES.

Mr. BUTLER. I move that the Senate now proceed to the consideration of the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

The PRESIDING OFFICER. The bill will be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the issuance of interest-bearing bonds of the United States for any purpose whatever without further authority of Congress is hereby prohibited.

Mr. HILL. Does the Senator from North Carolina desire to make some remarks upon the bill?

Mr. STEWART. I object to any remarks pending the motion to take up the bill.

Mr. BUTLER. After the bill is taken up I intend to submit some remarks. I have some very interesting remarks to submit with reference to the question.

Mr. HILL. That may be, Mr. President.

Mr. BUTLER. I wish now to have the Senate take up the bill and make it the unfinished business.

Mr. HILL. Not to debate the question at all, I was simply going to suggest to the Senate whether it was worth while to enter upon a discussion——

Mr. STEWART. I rise to a point of order. I object to debate upon the motion to take up the bill.

The PRESIDING OFFICER. The Senator from Nevada rises to a point of order.

Mr. HILL. I trust the Senator does not object to unanimous consent that I may make a statement.

Mr. STEWART. I object to any kind of debate on the motion to take up the bill.

Mr. HILL (at 4 o'clock and 55 minutes p. m.). I move that the Senate adjourn.

The PRESIDING OFFICER. Pending the motion of the Senator from North Carolina [Mr. BUTLER], to proceed to the consideration of the bill which has been read, the Senator from New York moves that the Senate adjourn.

Mr. STEWART. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York that the Senate adjourn.

Mr. HILL. Let us have the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will call the roll on the motion that the Senate do now adjourn.

The Secretary proceeded to call the roll.

Mr. BURROWS (when his name was called). I am paired with the senior Senator from Louisiana [Mr. CAFFERY]. I do not see him in his seat, and I withhold my vote.

Mr. CARTER (when his name was called). I am paired with the junior Senator from Maryland [Mr. GIBSON]. Not knowing how he would vote on this question, I withhold my vote.

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH].

The PRESIDING OFFICER (when Mr. FAULKNER's name was called). The present occupant of the chair is paired with the Senator from West Virginia [Mr. ELKINS].

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. GALLINGER (when Mr. HANSBROUGH's name was called). I announce the pair between the Senator from North Dakota [Mr. HANSBROUGH] and the Senator from Illinois [Mr. PALMER].

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL].

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "nay."

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "nay."

Mr. WOLCOTT (when his name was called). I announce my pair with the Senator from Ohio [Mr. BRICE].

The roll call having been concluded, the result was announced—yeas 13, nays 35; as follows:

YEAS—13.

Allison,	Hale,	McMillan,	Wetmore.
Baker,	Hawley,	Platt,	
Davis,	Hill,	Proctor,	
Gray,	Lodge,	Vilas,	

NAYS—35.

Allen,	Chilton,	Lindsay,	Roach,
Bacon,	Clark,	Martin,	Shoup,
Bate,	Cockrell,	Mills,	Stewart,
Berry,	Cullom,	Mitchell, Oreg.	Teller,
Blackburn,	Daniel,	Nelson,	Turpie,
Brown,	Gallinger,	Peffer,	Walthall,
Butler,	George,	Perkins,	Warren,
Cannon,	Jones, Ark.	Pettigrew,	White.
Chandler,	Kyle,	Pugh,	

NOT VOTING—41.

Aldrich,	Frye,	Mantle,	Smith,
Blanchard,	Gear,	Mitchell, Wis.	Squire,
Brice,	Gibson,	Morgan,	Thurston,
Burrows,	Gordon,	Morrill,	Tillman,
Caffery,	Gorman,	Murphy,	Vest,
Call,	Hansbrough,	Palmer,	Voorhees,
Cameron,	Harris,	Pasco,	Wilson,
Carter,	Hoar,	Pritchard,	Wolcott.
Dubois,	Irby,	Quay,	
Elkins,	Jones, Nev.	Sewell,	
Faulkner,	McBride,	Sherman,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from North Carolina [Mr. BUTLER], that the Senate proceed to the consideration of Senate bill 1341, which has been read.

Mr. BUTLER. On that I ask for the yeas and nays.

Mr. HILL. Let us have the yeas and nays on that question.

The yeas and nays were ordered.

Mr. CHANDLER. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. Pending the motion of the Senator from North Carolina, the Senator from New Hampshire moves that the Senate proceed to the consideration of executive business.

Mr. BUTLER and Mr. HILL. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CARTER (when his name was called). I again announce my pair with the junior Senator from Maryland [Mr. GIBSON].

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH]. I will transfer that pair to the Senator from Nevada [Mr. JONES] and vote "nay."

The PRESIDING OFFICER (when Mr. FAULKNER's name was called). The present occupant of the chair is paired with the Senator from West Virginia [Mr. ELKINS]. The pair will be transferred to the Senator from Indiana [Mr. VOORHEES], and the present occupant of the chair votes "yea."

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. HILL (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE], and I withhold my vote.

Mr. PASCO (when his name was called). I again announce, and for the day, my pair with the Senator from Washington [Mr. WILSON].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "nay."

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. CARTER. I desire to announce the transfer of my pair with the junior Senator from Maryland [Mr. GIBSON] to my colleague [Mr. MANTLE], and I vote "nay."

Mr. MITCHELL of Oregon. I wish to inquire whether the senior Senator from Wisconsin [Mr. VILAS] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. MITCHELL of Oregon. Then I transfer my pair with that Senator to the senior Senator from Rhode Island [Mr. ALDRICH], who is absent. I vote "nay."

The result was announced—yeas 10, nays 32; as follows:

YEAS—10.

Baker,	Cullom,	Frye,	Wetmore.
Brown,	Davis,	Gallinger,	
Chandler,	Faulkner,	McMillan,	

NAYS—32.

Allen,	Chilton,	Mills,	Shoup,
Bacon,	Clark,	Mitchell, Oreg.	Stewart,
Bate,	Daniel,	Nelson,	Teller,
Berry,	Dubois,	Peffer,	Turpie,
Blackburn,	George,	Perkins,	Vest,
Butler,	Jones, Ark.	Pettigrew,	Walthall,
Cannon,	Kyle,	Pugh,	Warren,
Carter,	Martin,	Roach,	White.

NOT VOTING—47.

Aldrich,	Gordon,	Lodge,	Quay,
Allison,	Gorman,	McBride,	Sewell,
Blanchard,	Gray,	Mantle,	Sherman,
Brice,	Hale,	Mitchell, Wis.	Smith,
Burrows,	Hansbrough,	Morgan,	Squire,
Caffery,	Harris,	Morrill,	Thurston,
Call,	Hawley,	Murphy,	Tillman,
Cameron,	Hill,	Palmer,	Vilas,
Cockrell,	Hoar,	Pasco,	Voorhees,
Elkins,	Irby,	Platt,	Wilson,
Gear,	Jones, Nev.	Pritchard,	Wolcott.
Gibson,	Lindsay,	Proctor,	

The PRESIDING OFFICER. Not a quorum of the Senate having voted, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Cullom,	Lindsay,	Pugh,
Bacon,	Daniel,	McBride,	Roach,
Baker,	Davis,	McMillan,	Shoup,
Berry,	Dubois,	Martin,	Squire,
Blackburn,	Elkins,	Mills,	Stewart,
Brown,	Faulkner,	Mitchell, Oreg.	Teller,
Burrows,	Frye,	Mitchell, Wis.	Thurston,
Butler,	Gallinger,	Nelson,	Turpie,
Cannon,	Gear,	Pasco,	Vest,
Carter,	George,	Peffer,	Vilas,
Chandler,	Harris,	Perkins,	Walthall,
Chilton,	Hawley,	Pettigrew,	Warren,
Clark,	Jones, Ark.	Pritchard,	White.
Cockrell,	Kyle,	Proctor,	

The PRESIDING OFFICER. Fifty-five Senators have responded to their names. A quorum of the Senate is present. The question recurs upon the motion of the Senator from New Hampshire [Mr. CHANDLER], to proceed to the consideration of executive business.

Mr. PETTIGREW. I rise to submit a report from the committee of conference on the Indian appropriation bill. I ask that it be printed and lie over until to-morrow.

The PRESIDING OFFICER. The Chair rules that the Senator from South Dakota can not ask for the reception of the conference report while a motion is pending to proceed to the consideration of executive business.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the President of the United States having returned to the House of Representatives in which it originated the bill (H. R. 1094) granting a pension to Francis E. Hoover, with his objections thereto, the House proceeded, in pursuance of the Constitution, to reconsider the same; and it was

Resolved, That the bill pass, two-thirds of the House of Representatives agreeing to the same.

The message also announced that the House had passed a bill (H. R. 7864) to amend the immigration laws of the United States; in which it requested the concurrence of the Senate.

The message further announced that the House further insisted upon its disagreement to the amendments numbered 11, 12, 13, 14, 16, 19, 22, 23, 36, 37, 38, 83, 108, 109, 142, 144, 233, 305, 306, 307, 308, 309, 310, 313, and 314 to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; agreed to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BINGHAM, Mr. MCCALL of Tennessee, and Mr. DOCKERY managers at the conference on the part of the House.

The message also announced that the House insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, agreed to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOOKER, Mr. HERMANN, and Mr. CATCHINGS managers at the conference on the part of the House.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I ask unanimous consent at this time to present a conference report on the Indian appropriation bill and to ask that it be printed, to be considered to-morrow.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent to submit a conference report upon the Indian appropriation bill. Is there objection? The Chair hears none, and the same will be printed in the RECORD and also as a document.

Mr. HILL. Unanimous consent has been given to present the report. That is all right. I am entitled to have it read.

Mr. GALLINGER. It is not required.

Mr. HILL. It does not make any difference. I want it read.

Mr. STEWART. I object.

Mr. HILL. The Senator can not object.

Mr. BUTLER. I object.

Mr. HILL. I am entitled to have it read. It has been presented, and I am entitled to have it read.

The PRESIDING OFFICER. The Chair rules that the Senate having given unanimous consent that the report should be presented, any Senator has a right to have the report read. The reading can only be dispensed with by the action of the Senate.

Mr. PETTIGREW. I will state that the request for unanimous consent embraced also a request that the report shall be printed in the RECORD and considered to-morrow.

The PRESIDING OFFICER. The Chair so stated.

Mr. HILL. No such request was made when you last put it.

Mr. PETTIGREW. Let the notes be read.

The PRESIDING OFFICER. The Chair will state that the Senator from South Dakota made the request, and the Chair did not put in the part in reference to its being considered to-morrow.

Mr. HILL. They are separate propositions.

Mr. STEWART (to Mr. PETTIGREW). Then withdraw the report.

Mr. HILL. The Senator from South Dakota can not withdraw it now. He has presented it, and the Senate has given unanimous consent.

The PRESIDING OFFICER. Does the Senator from New York insist upon the reading of the report?

Mr. HILL. Yes; I do.

The PRESIDING OFFICER. The Secretary will proceed to read the report.

Mr. BUTLER. Mr. President——

Mr. HILL. I object to debate.

Mr. BUTLER. I rise to a parliamentary inquiry.

Mr. HILL. I wanted to make a simple statement, and I was ruled out.

The PRESIDING OFFICER. The Chair understands that the Senator from North Carolina [Mr. BUTLER] rises to a parliamentary inquiry.

Mr. BUTLER. I rise to a parliamentary inquiry, and that is, that the matter not being disposed of, objection can be interposed at any time before it is finally disposed of. I therefore object to the acceptance or consideration of the report.

Mr. GALLINGER. Another parliamentary inquiry, Mr. President, for the guidance of the Senate. I desire to ask the Chair if unanimous consent is necessary to present a conference report? Is not a conference report a privileged matter?

The PRESIDING OFFICER. The Chair will state that unanimous consent is necessary during the pendency of a motion to proceed to the consideration of executive business. That motion is now pending, and it requires unanimous consent in order to present a conference report.

Mr. GALLINGER. I supposed that the motion had been disposed of.

The PRESIDING OFFICER. The Senate was dividing at the time, and the report could only be received by unanimous consent.

Mr. BUTLER. I call attention to the fact that the Senator from South Dakota [Mr. PETTIGREW] stated distinctly that he simply asked unanimous consent to present the report and would ask for its consideration to-morrow. It was on that understanding and that statement that unanimous consent was given. Otherwise I should have objected. I claim that that statement having been made, I have the right now to object to the acceptance of the report.

Mr. HILL. I must take the request as it was presented through the Chair. The Chair simply asked, "Is there objection to the present presentation of the report?" There was no objection, and the report was presented. Then I have a right, as the Chair has already ruled, to have the report read. The Senator can not now, after intervening matters have come up, object to its presentation or reading. I am strictly in order.

Mr. STEWART. At all times in considering the effect of unanimous-consent agreements we refer to the RECORD to inquire what the request was. It is always determined by the request. The request was distinct. The consent was given on the request. The request was not for anything more than the printing of the report, and consent was not given for anything further than that. I object to the consideration of the report. It is contrary to the request and contrary to the consent.

The PRESIDING OFFICER. The Chair would have to rule, even under the statement of the Senator from South Dakota, as understood by the Senate, that the report be received and printed in the RECORD, that any Senator has a right, when the report is once received, to call for the reading of it.

Mr. ALLEN. I ask that the unanimous-consent agreement be read, if there is to be a violation of it.

Mr. PETTIGREW. I ask to have my request read.

Mr. STEWART. I should like to have the rule relating to unanimous-consent agreements read. Before it is accepted any Senator can object.

The PRESIDING OFFICER. The Chair will state that there is no rule of the Senate in reference to unanimous-consent agreements. The Chair only ruled that the request of the Senator from New York [Mr. HILL] for the reading of the report must be complied with.

Mr. ALLEN. I call for the reading of the unanimous-consent agreement.

Mr. CULLOM. Mr. President——

Mr. ALLEN. Let the stenographer read.

Mr. CULLOM. I simply wanted to suggest to the Senator from Nebraska that the stenographer can not take what is being said and read his notes at the same time.

Mr. ALLEN. I understand that; and I do not expect him to do it. I do not expect him to accomplish impossible things unless he has more ability than I suppose he has. Before the Chair directed the reading of the report I called for the reading of the language of the unanimous-consent agreement.

The PRESIDING OFFICER. If the Senator from Nebraska will yield the floor, the Chair will direct that the words be read. The stenographer will read to the Senate the request of the Senator from South Dakota [Mr. PETTIGREW] and the statement of the Chair.

The Reporter read as follows:

Mr. PETTIGREW. I ask unanimous consent at this time to present a conference report on the Indian appropriation bill, and to ask that it be printed, to be considered to-morrow.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent to submit a conference report upon the Indian appropriation bill. Is there objection? The Chair hears none, and the same will be printed in the RECORD and also as a document.

Mr. ALLEN. Mr. President, I do not expect to be able to say anything or to do anything that will put an end to the filibustering that is going on at this time and the evident desire not to take up the bill of the Senator from North Carolina [Mr. BUTLER], but I wish to call attention to the fact that with one exception, a single exception during the present Congress, since I have been here there has never been a violation of a unanimous-consent agreement. Certainly the Populists in this Chamber have never violated one, and I have never known such an agreement to be violated except in one instance. I hope the Senate will not feel itself at liberty to violate this unanimous-consent agreement and to abandon the principles and honor of manhood in failing to observe it.

Mr. HILL. What is the question before the Senate that gives——

Mr. ALLEN. I do not yield.

Mr. HILL. What is the question before the Senate that gives the right to one Senator beyond what other Senators have?

Mr. ALLEN. I do not yield to the Senator.

Mr. HILL. I rise to a point of order. The Senator from Nebraska has no right to speak.

Mr. ALLEN. I have a right to speak.

Mr. HILL. What gives the Senator the right more than anyone else, I should like to know?

Mr. ALLEN. I think I shall speak, too.

Mr. HILL. That may be.

The PRESIDING OFFICER. The Senator from Nebraska will suspend until the Chair can pass upon the point of order raised by the Senator from New York [Mr. HILL].

Mr. HILL. Others have rights here as well as the Senator.

The PRESIDING OFFICER. The Chair will state very frankly that having ruled upon the question which was submitted, there is now nothing before the Senate except the motion of the Senator from New Hampshire [Mr. CHANDLER] to proceed to the consideration of executive business. The Senator from Nebraska [Mr. ALLEN] has the floor, as the Chair understood, by the unanimous consent of the Senate.

Mr. HILL. Did he request it?

The PRESIDING OFFICER. He did not.

Mr. ALLEN. I raised a point of order, and I am still standing on the point of order.

Mr. HILL. It is pretty light standing.

The PRESIDING OFFICER. The Chair having understood that no objection was made, recognized the Senator from Nebraska.

Mr. ALLEN. Does the Senator from New York object?

Mr. HILL. I raise the point, When did he request unanimous consent to speak?

The PRESIDING OFFICER. The Senator from Nebraska did not make a request, but neither the Chair nor any Senator having called him to order for proceeding, the Chair assumed he was speaking by the unanimous consent of the Senate, and he will so hold until the Senator from Nebraska surrenders the floor.

Mr. HILL. And a point of order will not lie?

The PRESIDING OFFICER. Not after unanimous consent, either indirectly or directly, has been given.

Mr. ALLEN. When I was interrupted by the Senator from New York, who, of course, is a great parliamentarian and is now manifesting his great knowledge of parliamentary tactics, I was proceeding simply to make the observation that unanimous-consent agreements not having been violated, having been observed on both sides, with a single notable exception, which I think we all remember, during this session of Congress, I hope the Democrats and Republicans will not feel themselves at liberty to violate the unanimous-consent agreement that has been obtained, because the Senator from North Carolina [Mr. BUTLER] happens to be a member of the Populist party and because this can be said to be in some degree a Populist measure.

Mr. HILL. I am glad to hear it announced as a Populist measure.

Mr. ALLEN. Yes, sir.

Mr. BUTLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from North Carolina?

Mr. ALLEN. I yield to the Senator from North Carolina.

The PRESIDING OFFICER. Is there objection to the Senator from North Carolina taking the floor?

Mr. HILL. Now, Mr. President——

The PRESIDING OFFICER. The question before the Senate is the reading of the report submitted by the Senator from South Dakota [Mr. PETTIGREW].

Mr. HILL. I so understand.

Mr. GEORGE. Let us have it read. We would have been through with it by this time.

Mr. HILL. I have no objection to the Senator from Nebraska talking, but I do not believe in both Senators having the floor.

Mr. BUTLER. I wish to make a correction.

Mr. ALLEN. I yield simply for a correction or a statement. I do not yield the floor entirely.

Mr. BUTLER. This filibustering is not due to the Populist party. It would take place if a Democrat or Republican had

taken it up. The filibustering takes place because the bill is right, because some Senators here do not want it to pass——

Mr. ALLEN. I think that is true.

Mr. BUTLER. Because the country wants it. It is because it is a just measure. That is why the filibustering is indulged in.

Mr. HILL. Let them have all the rope between them.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. ALLEN. I think what the Senator from North Carolina says is true. I understand quite well that my talking here assists the Senator from New York. I am his assistant in helping to kill time. I realize that fully; but I can not understand and I do not understand, and I never expect to live to be old enough to understand, how a distinguished Senator who occupies a seat in this Chamber can feel himself at liberty in a public manner and openly to violate the courtesies of a unanimous-consent agreement because it does not happen to originate with the party of which he is a member.

Mr. HILL. I desire to know whether the Senator from Nebraska intends to refer to me in stating that a Senator has violated a unanimous-consent agreement?

Mr. ALLEN. What does the Senator want to know for?

Mr. HILL. Simply for curiosity.

Mr. ALLEN. Mr. President, I meant the Senator from New York.

Mr. HILL. Mr. President, I desire to state right now that the statement is false. I have violated no agreement of the Senate; none whatever. I simply insisted upon my rights, and I have been sustained by the Chair.

Mr. ALLEN. I do not propose to say that it is false or anything of that kind, but the Senator from New York will never live long enough to convince me that his conduct was honest in making the objection.

Mr. HILL. That may be. I never care to live long enough to convince the Senator from Nebraska. I stand upon my parliamentary rights. I have violated no unanimous-consent agreement. I have always maintained them where I could, and I maintain this one now. The Senator from South Dakota made the request, presented the report, and I simply asked to have it read, just as has been done hundreds of times.

The PRESIDING OFFICER. The Senator from New York is occupying the floor by unanimous consent.

Mr. GRAY. What is the question before the Senate?

The PRESIDING OFFICER. The reading of the conference report.

Mr. HILL. I demand that it be proceeded with.

The PRESIDING OFFICER. The Secretary will read the report.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 46, 51, and 56.

That the House recede from its disagreement to the amendments of the Senate numbered 71, 76, 86, 87, and 94; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For purchase of seed and grain and for subsistence for the Ponca Indians in Nebraska, under the direction of the Secretary of the Interior, and for payment for such supplies heretofore purchased during the current fiscal year, $5,000, to be immediately available."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 47, 48, and 49, and agree to the same with amendments as follows: Strike out the matter inserted by said amendments and strike out the amended paragraph and insert in lieu thereof the following:

"The Secretary of the Interior is hereby authorized to appoint a commission to consist of three persons, not more than two of whom shall be of the same political party, and not more than one of whom shall be resident of any one State, to negotiate with the following Indians, namely: With the Crow and Flathead Indians, in the State of Montana, for the cession of portions of their respective reservations; with the Northern Cheyenne and Crow Indians, for the removal of said Northern Cheyenne Indians from their present reservation on the Rosebud River at Lame Deer Agency to the southern portion of the Crow Reservation; with the Indians residing on the Fort Hall Indian Reservation, in the State of Idaho, and with the Indians residing upon the Uintah Reservation, in the State of Utah, for the surrender of any portion of their respective reservations, or for such modification of existing treaties as may be deemed desirable by said Indians and the Secretary of the Interior; and with the Yakima Indians, in the State of Washington, for the surrender of a portion of their reservation lands, and for such modification of existing treaties as may be deemed desirable by said Indians and the Secretary of the Interior, any agreement thus negotiated being subject to subsequent ratification by Congress; and for the expenses of such commission and negotiations hereunder the sum of $10,000 is appropriated: *Provided*, That the time for the completion of the canal, or any part thereof, authorized by an act entitled 'An act granting to the Columbia Irrigation Company a right of way through the Yakima Indian Reservation in Washington,' be, and is hereby, extended two years from July 24, 1896."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with amendments as follows: Insert after the word "persons," in lines 2 and 3 of said amendment, the following: "two of whom shall be practical surveyors"; and insert after said amendment the following: "To enable the Attorney-General to employ a special attorney for the Mission Indians of southern California, upon the recommendation of the Secretary of the Interior, $1,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,235,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: Insert after the word "Dakota," in line 2 of said amendment, the words "in full of all demands and claims upon the Government"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: Insert after the word "Company," in line 1 of said amendment, the words "in full of all demands and claims upon the Government"; and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 83, 84, and 85, and agree to the same with amendments as follows: Strike out the matter inserted by said amendments, and strike out the amended paragraph and insert in lieu thereof the following:

"For support of Indian industrial school at Pierre, S. Dak., at not to exceed $167 per annum for each pupil, and for general repairs and improvements, $27,050; for pay of superintendent of said school, $1,500; in all, $28,550: *Provided*, That hereafter no Indian child shall be taken from any school in any State or Territory to a school in any other State against its will or without the written consent of its parents."

And the Senate agree to the same.

On amendments numbered 37, 64, 66, 69, and 70 the committee of conference has been unable to agree.

R. F. PETTIGREW,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.
J. S. SHERMAN,
CHARLES CURTIS,
GEORGE C. PENDLETON,
Managers on the part of the House.

The PRESIDING OFFICER. The report will go over and be printed.

ORDER OF BUSINESS.

Mr. CHANDLER. Mr. President——

The PRESIDING OFFICER. The question before the Senate is on the motion of the Senator from New Hampshire [Mr. CHANDLER] to proceed to the consideration of executive business.

Mr. CHANDLER. Mr. President, I rise to a privileged question. I ask the Chair to lay before the Senate the message recently received from the House of Representatives.

Mr. BUTLER. I object, Mr. President.

The PRESIDING OFFICER. The Chair will rule that that is not a privileged question, and can not be laid before the Senate as a matter of right at this time.

Mr. CHANDLER. Then I move that it be laid before the Senate.

The PRESIDING OFFICER. The Senator can not now do that, as there is a question pending before the Senate.

Mr. CHANDLER. I ask the Presiding Officer——

The PRESIDING OFFICER. The Senator from New Hampshire has moved that the Senate proceed to the consideration of executive business, which motion is pending.

Mr. CHANDLER. I wish to call the attention of the Chair to paragraph 5 of Rule VII, and ask the Chair to read it. If I am wrong I will withdraw my motion.

The PRESIDING OFFICER. The Chair will state to the Senator from New Hampshire that the Senate is now dividing upon the motion made by the Senator to proceed to the consideration of executive business; and consequently during the pendency of that question nothing can intervene except by unanimous consent.

Mr. CHANDLER. Does the Chair hold that any question pending at the time can not be suspended for the purpose of having a message laid before the Senate?

The PRESIDING OFFICER. When the Senate is dividing nothing can be received by the Senate except by unanimous consent; and the Chair will so hold.

Mr. CHANDLER. Does the Chair hold that all the recent transactions were by unanimous consent?

The PRESIDING OFFICER. The Chair so stated as each question was submitted to the Senate.

Mr. HILL. Mr. President, I suggest the lack of a quorum.

The PRESIDING OFFICER. The Chair will state that the Senate is now dividing. The question is on the motion submitted by the Senator from New Hampshire, which will decide the question as to whether there is a quorum or not.

Mr. HILL. That may be, Mr. President, but since the conference report has been read, intervening business having taken place, I have the right at any time to suggest the absence of a quorum, and I appeal to the good sense of the Presiding Officer and to the rules to sustain me.

The PRESIDING OFFICER. The Chair differs in opinion with the Senator from New York. The Senate is now dividing, and the vote upon that division will test the question as to whether there is a quorum present or not; and during that time no suggestion whatever is proper.

Mr. BUTLER and Mr. STEWART called for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered. The Secretary will call the roll.

Mr. SHOUP. What is the question?

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire that the Senate proceed to the consideration of executive business.

The Secretary proceeded to call the roll.

Mr. BURROWS (when his name was called). I am paired with the senior Senator from Louisiana [Mr. CAFFERY].

Mr. CARTER (when his name was called). My pair with the junior Senator from Maryland [Mr. GIBSON] has been transferred to the Senator from Montana [Mr. MANTLE] for the day only, and I vote "nay."

Mr. DUBOIS (when his name was called). I announce that my pair with the senior Senator from New Jersey [Mr. SMITH] has been transferred to the Senator from Nevada [Mr. JONES], and I vote "nay."

The PRESIDING OFFICER (when Mr. FAULKNER's name was called). The present occupant of the chair is paired with the Senator from West Virginia [Mr. ELKINS].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. HILL (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE], who is temporarily absent.

Mr. NELSON (when his name was called). I am paired with the Senator from Missouri [Mr. VEST].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "nay."

Mr. THURSTON (when his name was called). I am advised that the junior Senator from South Carolina [Mr. TILLMAN], with whom I have a general pair, would, if present, favor the present consideration of the bond bill; and I therefore exercise my discretionary right, and vote. I vote "nay."

The roll call was concluded.

Mr. MITCHELL of Wisconsin. I announce for the rest of the day that I am paired with the Senator from New Jersey [Mr. SEWELL].

The result was announced—yeas 12, nays 34; as follows:

YEAS—12.

Baker,	Davis,	Hawley,	McMillan,
Chandler,	Gallinger,	Lindsay,	Vilas,
Cullom,	Gray,	Lodge,	Wetmore.

NAYS—34.

Allen,	Chilton,	Mills,	Stewart,
Bacon,	Clark,	Mitchell, Oreg.	Teller,
Bate,	Daniel,	Peffer,	Thurston,
Berry,	Dubois,	Perkins,	Turpie,
Blackburn,	George,	Pettigrew,	Walthall,
Brown,	Jones, Ark.	Pugh,	Warren,
Butler,	Kyle,	Roach,	White.
Cannon,	McBride,	Shoup,	
Carter,	Martin,	Squire,	

NOT VOTING—43.

Aldrich,	Frye,	Jones, Nev.	Proctor,
Allison,	Gear,	Mantle,	Quay,
Blanchard,	Gibson,	Mitchell, Wis.	Sewell,
Brice,	Gordon,	Morgan,	Sherman,
Burrows,	Gorman,	Morrill,	Smith,
Caffery,	Hale,	Murphy,	Tillman,
Call,	Hansbrough,	Nelson,	Vest,
Cameron,	Harris,	Palmer,	Voorhees,
Cockrell,	Hill,	Pasco,	Wilson,
Elkins,	Hoar,	Platt,	Wolcott.
Faulkner,	Irby,	Pritchard,	

So the Senate refused to proceed to the consideration of executive business.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. FRYE. I submit a conference report.

Mr. BUTLER. I object.

Mr. STEWART. That can not be done pending another motion.

Mr. BUTLER. There is a motion pending, Mr. President.

Mr. FRYE. The rule says "pending a vote," I believe.

Mr. HILL. There is no vote pending; and the Senator from Maine has the right to present his report.

Mr. FRYE. I ask to have the rule read in reference to conference reports. I think the rule says "pending a vote."

The PRESIDING OFFICER. The Secretary will read Rule XXVII.

The Secretary read as follows:

RULE XXVII.

REPORTS OF CONFERENCE COMMITTEES.

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

The PRESIDING OFFICER. Under that rule the Chair will be compelled to decide that the motion having been made by the Senator from North Carolina simply to proceed to the consideration of a particular bill, and the Senate not having yet divided upon that question by proceeding to vote, the reception, not the consideration, of a conference report would be in order.

Mr. BUTLER. Then, Mr. President, under that rule I object to the consideration of the report. I raise the point of consideration.

Mr. FRYE. I do not think the Senator will do that, for I do not think the report will take any time. I am very anxious to get the report before the Senate, and I wish to have it agreed to to-night, because the committee will have to meet to-morrow. The report has been read.

Mr. BUTLER. I do not like to be disobliging, but after all the trouble we have had here this evening I think I am justified in insisting on my motion.

Mr. STEWART. Let the bond bill be taken up, and then the Senator from Maine can make his report.

Mr. FRYE. I do not think the report will take a moment.

Mr. BUTLER. Let us first take up the bond bill.

Mr. STEWART. Let the motion be put to take up the bond bill.

Mr. BUTLER. It will only take a moment to have the motion put to take up the bond bill.

I want to state for the information of the Senate that all I desire is a vote. I am not going to make a speech on the bill, though I had prepared some matter regarding it, but I do not desire to speak, and if no other Senator desires to speak there will be no time consumed except the time consumed in voting. A vote is all I ask for. I hope everybody understands that.

Mr. HILL. The bill will lead to debate, Mr. President.

The PRESIDING OFFICER. The Chair will ask Senators to be in order until the Chair calls attention to the latter part of the rule in relation to conference reports:

And when received, the question of proceeding to the consideration of the report, if raised—

Which question is raised by the objection of the Senator from North Carolina [Mr. BUTLER]—

shall be immediately put, and shall be determined without debate.

So the question before the Senate under that rule is, Will the Senate proceed to the consideration of the conference report submitted by the Senator from Maine? [Putting the question.] The ayes have it, and the conference report is before the Senate for consideration.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20, 36, 38, 48, 49, 67, 69, 73, 74, 75, 83, 104, 142, 157, 158, 160, 172, 207, 208, 223, 250, 251, 333.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 39, 40, 41, 42, 43, 44, 46, 47, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 68, 70, 72, 78, 79, 81, 82, 84, 85, 88, 89, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 127, 129, 131, 133, 134, 135, 137, 138, 139, 140, 141, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 159, 161, 162, 163, 164, 165, 166, 168, 169, 170, 171, 173 (but to be inserted at the end of the item for the Potomac River, instead of that for the Appomattox River, as erroneously printed), 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 200, 201, 202, 203, 205, 206, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 246, 247, 252, 253, 254, 255, 256, 257, 258, 261, 262, 263, 264, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 325, 326, 327, 328, 329, 330, 331, 332, 334, 335, 336, 337, 338, 339, 340, 341, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 377, 378, 379, 380, 381, 382, 384, 385, 387, 388, 389, 390, 391, 392, and agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the language proposed to be inserted insert the following: "*And provided further*, That in making such contracts the Secretary of War shall not obligate the Government to pay in any one fiscal year, beginning July 1, 1897, more than 25 per cent of the whole amount authorized to be expended"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the language stricken out insert the two following paragraphs:

"For the purpose of strengthening and improving the bulkheads and pier along the property belonging to the estate of J. P. Robinson, which abuts on the channel known as Gowanus Creek Channel, the said estate of J. P. Robinson, its heirs, their successors, or assigns, are hereby authorized to construct and maintain the bulkhead distant 30 feet southerly from the present bulkhead line, beginning 470 feet from the southerly side of Bryant street and the easterly side of Court street, and said bulkhead shall then continue westerly parallel with the present bulkhead to a point distant 45 feet from the present easterly line of the pier at present owned by the estate of J. P. Robinson, and extending thence southerly in a straight line distant 45 feet from said pier line to the present bulkhead line continued, a distance of about 393 feet.

"Improving Gowanus Creek Channel, New York, by deepening the same to 26 feet at mean low water, from the foot of Percival street to its junction with the Red Hook Channel, $25,000."

And the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the language stricken out insert the following paragraph:

"Improving harbor at Mamaroneck, N. Y.: Continuing improvement, in accordance with report of Chief of Engineers, 1887, $10,000."

And the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000,000"; and strike out the words "recommended in said"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: Strike out the word "report," proposed to be inserted; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the language proposed to be inserted insert the following:

"And that when said C. P. Goodyear, his heirs and assigns, have procured a 200-foot channel of a minimum depth of 23 feet at mean high tide, $30,000 shall be paid therefor; and when he has secured a channel 200 feet wide, 24 feet deep at mean high tide, an additional $40,000 shall be paid therefor; and that all of said deepening of said bar shall be completed within three years from the date of the passage of this act: *Provided*, That no payment shall be made to said Goodyear or his legal representatives except upon a certificate of the Secretary of War, made after personal survey by an experienced officer of the Coast and Geodetic Survey, selected by him for that purpose, that such depths and widths have severally been obtained by him or them; and said officer shall make to Congress a report in detail of the amount of work done, its cost, and its value to the Government."

And the Senate agree to the same.

Amendments numbered 86 and 87: That the House recede from its disagreement to the amendments of the Senate numbered 86 and 87, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80,000"; and strike out all the remainder of the paragraph, being the proviso, including amendment numbered 87; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: After the word "improvement," in the second line of the paragraph, strike out the word "fifty" and insert "seventy-five"; and after the word "million," in the seventh line of the paragraph, insert the words "and fifty thousand"; and the Senate agree to the same.

Amendments numbered 107, 108, 109, 110, and 111: That the House recede from its disagreement to the amendments of the Senate numbered 107, 108, 109, 110, and 111, and agree to the same with an amendment as follows: Strike out the entire paragraph and insert in lieu thereof the following paragraph:

"Improving harbor at Manistee, Mich.: Continuing improvement and dredging the interior channel, $15,000; and all moneys heretofore appropriated and now unexpended may be used for dredging such interior channel at the discretion of the Secretary of War. Any limitations on such former appropriations are hereby repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: Restore the language proposed to be stricken out, and after the word "*Provided*" in the first line of the language proposed to be inserted, insert the word "further"; and the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 136: That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: Restore the language proposed to be stricken out, and at the end of it insert the following: "If in the opinion of the Secretary of War the interests of commerce demand such expenditure"; and the Senate agree to the same.

Amendment numbered 167: That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: In the twelfth line of the language proposed to be inserted strike out the word "but," after the word "Point," and insert in lieu thereof the word "until"; and in the fourteenth line of said proposed language strike out the words "through the Secretary to the next Congress," and insert in lieu thereof the words "to the Secretary of War on the first Monday in December of the current year"; and at the end of the language proposed insert the following:

"And the Secretary of War is hereby authorized to carry out the recommendations of said board, and to modify the present contract, if necessary, and adjust any loss with the contractor occasioned by the provisions of this act, and to pay the same out of the appropriation under which the said contract was made; also to expend the additional sum of $25,000, in his discretion, for such dredging as may be necessary for the maintenance of channels from the mouths of the Appequiniminik River and Blackbird Creek in the channel of the Delaware River through the dike now being constructed from Reedy Island to Liston Point for the improvement of the Delaware."

And the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000"; and the Senate agree to the same.

Amendment numbered 199: That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 204: That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment as follows: Restore the language proposed to be stricken out, and in the next to the last line of the same strike out the word "dams" and insert in lieu thereof the word "locks"; and the Senate agree to the same.

Amendment numbered 245: That the House recede from its disagreement to the amendment of the Senate numbered 245, and agree to the same with an amendment as follows: After the word "war," in the fourth line of the language proposed to be inserted, insert the following: "not exceeding $50,000, or so much thereof as may be necessary"; and after the word "river," in the following line, strike out the words "such amounts as may be necessary" and insert in lieu thereof the word "and"; and the Senate agree to the same.

Amendment numbered 248: That the House recede from its disagreement to the amendment of the Senate numbered 248, and agree to the same with an amendment as follows: After the word "otherwise," proposed to be inserted, insert the words "not exceeding $50,000, or so much thereof as may be necessary"; and the Senate agree to the same.

Amendment numbered 249: That the House recede from its disagreement to the amendment of the Senate numbered 249, and agree to the same with an amendment as follows: In the language proposed to be inserted strike out the words "such amounts as may be necessary"; and the Senate agree to the same.

Amendment numbered 259: That the House recede from its disagreement to the amendment of the Senate numbered 259, and agree to the same with an amendment as follows: After the word "dollars," at the end of the first proviso, insert the words "exclusive of the amount herein appropriated"; and the Senate agree to the same.

Amendment numbered 260: That the House recede from its disagreement to the amendment of the Senate numbered 260, and agree to the same with an amendment as follows: Before the word "obtaining," next preceding the words proposed to be inserted, insert the word "ultimately"; and the Senate agree to the same.

Amendment numbered 265: That the House recede from its disagreement to the amendment of the Senate numbered 265, and agree to the same with an amendment as follows: Strike out of the language proposed to be inserted all after the word "Commission" and insert in lieu thereof the following:

"For the purpose of improving the channel by preventing erosion of the banks, not exceeding $70,000 at Omaha and Council Bluffs, or so much thereof as may be necessary; at Rocheport, not exceeding $50,000, or so much thereof as may be necessary; at Glasgow, and for protecting the shore line above Glasgow from the foot of Bowling Green Bend to the head of Harrisons Island, not exceeding $80,000, or so much thereof as may be necessary; at Miami, not exceeding $65,000, or so much thereof as may be necessary; at St. Charles, not exceeding $50,000, or so much thereof as may be necessary; at and near the mouth of the Little Blue, in Jackson County, Mo., not exceeding $20,000, or so much thereof as may be necessary; on the banks of the river opposite Leavenworth and Atchison, not exceeding $15,000 at each of said localities, or so much thereof as may be necessary; at Nebraska City, not exceeding $25,000, or so much thereof as may be necessary: *Provided*, That the Commission may also expend such amounts as may be absolutely necessary at any time in the improvement of the channel by preventing erosion of the banks at other harbors and localities on the river."

And the Senate agree to the same.

Amendment numbered 280: That the House recede from its disagreement to the amendment of the Senate numbered 280, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,000"; and strike out all of the proposed language following said sum, being the proviso; and the Senate agree to the same.

Amendment numbered 297: That the House recede from its disagreement to the amendment of the Senate numbered 297, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,000"; strike out all of the first proviso proposed, and strike out the word "further," after the word "*Provided*," in the second proviso; and at the end of the language proposed to be inserted insert the following: "Said canal to be constructed either by the Smiths Cove route or by the Shilshole Bay route, in the discretion of the Secretary of War"; and the Senate agree to the same.

Amendment numbered 308: That the House recede from its disagreement to the amendment of the Senate numbered 308, and agree to the same with an amendment as follows: In lieu of the section proposed to be inserted insert the following:

"SEC. 6. That the Secretary of War is hereby authorized and directed to cause to be made and transmitted to the first session of the Fifty-fifth Congress a compilation giving a complete list of all the preliminary examinations that have heretofore been made, date of report, with a statement as to each, whether favorable or unfavorable for survey; also a complete list of all surveys that have heretofore been made, with a statement as to each, whether favorable for adoption or unfavorable, and date of report, amount recommended for completion and amount recommended for each, to be expended during the fiscal year beginning July 1, 1896, by both the Chief of Engineers and the engineer in charge; also a complete list of all projects now under construction or maintenance, together with the year when adopted, and if modified, when; the total amount expended on each project and estimate of amount required to complete the same, and amount recommended by the Chief of Engineers and by the engineer in charge to be expended during the fiscal year beginning July 1, 1896, the amount appropriated for each project by this act, making reference to the report of the Chief of Engineers, where report of each project is given, together with a statement containing the amount of the unexpended balance to the credit of each project July 1, 1897, whether under construction, work suspended, or appropriation made and work not commenced; also the total amounts appropriated heretofore for the improvement and maintenance of the rivers, and the total amounts heretofore appropriated for the improvement and maintenance of harbors in each river and harbor act; also the total amount of appropriation, by States, for the improvement of rivers and harbors."

And the Senate agree to the same.

Amendment numbered 324: That the House recede from its disagreement to the amendment of the Senate numbered 324, and agree to the same with an amendment as follows: In lieu of the language stricken out insert the following:

"The Secretary of War is hereby directed to cause to be made accurate examinations and estimates of cost of construction of a ship canal, by the most practicable route, wholly within the United States, from the Great Lakes to the navigable waters of the Hudson River, of sufficient capacity to transport the tonnage of the lakes to the sea."

And the Senate agree to the same.

Amendment numbered 360: That the House recede from its disagreement to the amendment of the Senate numbered 360, and agree to the same with an amendment as follows: In lieu of the language proposed to be inserted insert the following:

"Delaware River, with a view to obtaining a channel 600 feet wide and 30 feet deep from a point at or near the city of Philadelphia to the deep water of Delaware Bay."

And the Senate agree to the same.

Amendment numbered 375: That the House recede from its disagreement to the amendment of the Senate numbered 375, and agree to the same with an amendment as follows: In addition to the language proposed insert the following new paragraph:

"Removal of dam in upper Allegheny, near Corydon, and all the dams on the Conewango Creek, and the rapids at or near Waterboro, in the Conewango Creek, a tributary of the Allegheny River."

And the Senate agree to the same.

Amendment numbered 376: That the House recede from its disagreement to the amendment of the Senate numbered 376, and agree to the same with an amendment as follows: After the language proposed to be inserted insert the following paragraph:

"Gowanus Creek, with a view of obtaining a depth of 30 feet at mean low water."

And the Senate agree to the same.

Amendment numbered 383: That the House recede from its disagreement to the amendment of the Senate numbered 383, and agree to the same with an amendment as follows: In the line after the language proposed to be inserted strike out the word "from," before the word "modified," and insert in lieu thereof the word "for"; and the Senate agree to the same.

Amendment numbered 386: That the House recede from its disagreement to the amendment of the Senate numbered 386, and agree to the same with an amendment as follows: After the word "refuge," in the next paragraph but one preceding, insert a new paragraph, as follows:

"Inner harbor at Point Judith Pond."

And the Senate agree to the same.

Amendments numbered 130, 132, and 342: The committee of conference have been unable to agree on the amendments of the Senate numbered 130, 132, and 342.

WM. P. FRYE,
G. G. VEST,
Managers on the part of the Senate.
W. B. HOOKER,
BINGER HERMANN,
T. C. CATCHINGS,
Managers on the part of the House.

Mr. FRYE. Now, I desire to say a single word. The report of the conference committee has been entirely read.

Mr. HILL. This report?

Mr. FRYE. This report, which was simply sent back to the committee on account of a disagreement, in order that the matter to which the Senator from Georgia [Mr. BACON] called attention might be adjusted to his satisfaction, which has been done, and in order to correct one or two errors which were discovered in the report, so that the Senate has the entire report.

Mr. MILLS. How about the survey of Sabine Lake?

Mr. FRYE. That survey was restored. Everything that has been called to the attention of the chairman of the committee by Senators has been agreed to, and has been restored to its place.

Mr. WHITE. I presume there is still a disagreement as to the items I referred to this morning.

Mr. FRYE. We have not disposed of California at all; the same items are there now. I hope the Senate will agree to the report.

The PRESIDING OFFICER. The question is on concurring in the report of the conference committee, which has been submitted by the Senator from Maine.

The report was concurred in.

Mr. FRYE. I move that the Senate further insist upon its amendments disagreed to by the House of Representatives, and ask for a further conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate at the further conference, and Mr. FRYE, Mr. QUAY, and Mr. VEST were appointed.

REGULATION OF BOND ISSUES.

Mr. BUTLER. Mr. President, what is now before the Senate?

The PRESIDING OFFICER. The question before the Senate is on the motion submitted by the Senator from North Carolina [Mr. BUTLER] to proceed to the consideration of the bill in relation to the regulation of bond issues.

Mr. HILL. I suggest the absence of a quorum.

Mr. STEWART. On the motion to take up the bill I call for the yeas and nays.

The PRESIDING OFFICER. The Chair did not hear the sugtion of the Senator from New York.

Mr. HILL. I suggested the lack of a quorum.

The PRESIDING OFFICER. The Senator from New York suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Davis.	McMillan,	Squire,
Bacon,	Dubois,	Martin,	Stewart,
Bate,	Faulkner,	Mills,	Teller,
Berry,	Frye,	Mitchell, Oreg.	Thurston,
Blackburn,	Gallinger,	Nelson,	Turpie,
Brown,	George,	Pasco,	Vest,
Burrows,	Gray,	Peffer,	Vilas,
Butler,	Harris,	Perkins,	Walthall,
Cannon,	Jones, Ark.	Pettigrew,	Warren,
Carter,	Kyle,	Pritchard,	White.
Clark,	Lindsay,	Pugh,	
Cockrell,	Lodge,	Roach,	
Cullom,	McBride,	Shoup,	

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum of the Senate is present.

Mr. HILL. I move that the Senate do now adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York.

Mr. HILL. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. CHANDLER. I call for a division.

Mr. BUTLER, Mr. STEWART, and others. Question! Question!

The PRESIDING OFFICER. The question is on the motion of the Senator from New York that the Senate adjourn. [Putting the question.] The noes appear to have it.

Mr. CHANDLER. I ask for a division.

Mr. STEWART. Let us have the yeas and nays first.

Mr. GEORGE. Oh, no; do not let us have the yeas and nays. It will be a waste of time.

The PRESIDING OFFICER. Is there a second to the demand for the yeas and nays?

Mr. STEWART. I withdraw the demand.

Mr. HILL. I ask for a division.

The Senate refused to adjourn; there being on a division—ayes 10, noes 36.

FRANCIS E. HOOVER—VETO MESSAGE.

Mr. CHANDLER. I move that the Chair lay before the Senate the message received from the House of Representatives.

Mr. BUTLER. I raise the point of order that it is out of order. I am entitled to the floor on the pending question.

Mr. CHANDLER. I wish to say to the Senator from North Carolina, with all due respect, that he is not entitled to the floor. He made a motion. Various other subjects have been considered. He is not holding the floor to speak. I make a privileged motion, which takes the place of his motion.

Mr. TELLER. It is not a privileged motion.

Mr. CHANDLER. If the Senator will look on page 7 of the rules he will see. The Senator should be more gentle when he contradicts me.

Mr. HARRIS. What is the motion of the Senator from New Hampshire?

Mr. STEWART. I understand that when a motion is made to take up a bill, and when a privileged motion intervenes and fails, the original motion is in order and is pending.

Mr. GEORGE. That is right.

The PRESIDING OFFICER. The Chair will have section 5 of Rule VII read.

The Secretary read as follows:

5. The presiding officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

The PRESIDING OFFICER. Under this rule the Chair feels under obligation to lay before the Senate the message from the House of Representatives.

Mr. BUTLER. I object to its present consideration.

Mr. HILL. It has not been laid before the Senate.

The PRESIDING OFFICER. The question is not up for consideration at this time. It is simply the laying of the message before the Senate. That is as far as the Chair has ruled is in order.

Mr. CULLOM. Let us hear what it is.

The Secretary read the message of the House of Representatives, as follows:

IN THE HOUSE OF REPRESENTATIVES, *May 21, 1896.*

The President of the United States having returned to the House of Representatives in which it originated the bill (H. R. 1094) granting a pension to Francis E. Hoover, with his objections thereto, the House proceeded in pursuance of the Constitution to reconsider the same; and

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Mr. HILL. I ask to have the whole proceedings laid before the Senate. I ask to have the bill and message read through.

Mr. GEORGE. I object.

Mr. TELLER. That can not be done.

Mr. HILL. I have a right to have the President's message considered.

Mr. GEORGE. We can not do that.

Mr. BERRY. It requires a motion.

Mr. HILL. It can be done.

Mr. BUTLER. I object to its consideration.

Mr. HILL. I submit that we must proceed with the President's veto message unless the Senate otherwise orders.

Mr. CULLOM. That is right.

Mr. HILL. We have a right to proceed with the consideration of that message unless the Senate otherwise orders.

Mr. STEWART. We will otherwise order when we can vote on the motion to take up Senate bill 1341.

Mr. HILL. That may be. You may otherwise order, but you will do it in accordance with the rules.

Mr. CHANDLER. I suggest to the Senator from New York that two or three other measures have come over from the House, one of which I am very anxious to reach, and that is the immigration bill. I desire to have that bill read and referred to the Committee on Immigration to-night.

Mr. CULLOM. The veto message is first to be disposed of.

Mr. HILL. The veto message is the first thing. We have a right to have it considered, unless the Senate by a vote postpones it.

Mr. CULLOM. Or refers it to a committee.

Mr. STEWART. Or takes up some other bill. That is always in order.

Mr. COCKRELL. Let the bill and message be referred to the Committee on Pensions.

Mr. GALLINGER. I trust that the bill will be referred to the Committee on Pensions. It is an important matter, and I trust it may go there by consent.

The PRESIDING OFFICER. If there be no objection, the bill will be referred, with the accompanying message, to the Committee on Pensions. It is so referred.

RESTRICTION OF IMMIGRATION.

Mr. CHANDLER. I ask that the bill from the House of Representatives concerning immigration may be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate a bill from the House of Representatives.

The SECRETARY. A bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. CHANDLER. I ask that the bill may be read in full.

Mr. STEWART. I object.

The PRESIDING OFFICER. The Secretary will read the bill in full.

Mr. STEWART. Read it in full! That is the consideration of the bill.

The PRESIDING OFFICER. No; the reading of the bill does not involve its consideration.

Mr. COCKRELL. It is the first reading of the bill.

The PRESIDING OFFICER. When a bill is presented to the Senate any Senator has a right to require it to be read in full. It is the first reading of the bill.

Mr. CHANDLER. It is not very long.

The bill was read the first time at length, as follows:

Be it enacted, etc., That section 1 of the act of March 3, 1891, in amendment of the immigration and contract-labor acts, be, and hereby is, amended by adding to the classes of aliens thereby excluded from admission to the United States the following: All male persons between 16 and 60 years of age who can not both read and write the English language or some other language. But no parent of a person now living in, or hereafter admitted to, this country shall be excluded because of his inability to read and write.

SEC. 2. That the provisions of the act of March 3, 1885, to facilitate the enforcement of the immigration and contract-labor laws, shall apply to the persons mentioned in section 1 of this act.

SEC. 3. That it shall be unlawful for any alien who resides or retains his home in a foreign country to enter the United States for the purpose of engaging in any mechanical trade or manual labor within the borders thereof while residing or retaining his home in a foreign country: *Provided*, That the Secretary of the Treasury may permit aliens to come into and enter this country for the purpose of teaching new arts or industries, under such rules and regulations as he may provide.

SEC. 4. That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ in any mechanical trade or manual labor in the United States any alien who resides or retains his home in a foreign country: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels of the United States, or railroad train hands, such as conductors, engineers, brakemen, firemen, or baggagemen, whose duties require them to pass over the frontier to reach the termini of their runs.

SEC. 5. That it shall be unlawful for any alien to enter the United States, except subjects of the Dominion of Canada and other American countries, except at the places where the United States maintain an immigrant inspection board.

SEC. 6. That any violation of the provisions of this act shall be deemed a misdemeanor, punishable by a fine not exceeding $500 or by imprisonment for the term of not exceeding one year, or both such fine and imprisonment, in the discretion of the court. That all persons convicted under section 3 of this act shall be deported to the country from whence they came.

SEC. 7. That this act shall take effect three months after its passage.

Mr. LODGE. I ask that the bill may be referred to the Committee on Immigration.

The PRESIDING OFFICER. Does the Senator from Massachusetts ask unanimous consent?

Mr. STEWART. I object to any unanimous consent.

Mr. CHANDLER. I move that the bill be read the second time and referred to the Committee on Immigration.

Mr. STEWART. I object to any motion.

The PRESIDING OFFICER. The Chair will state that there is a motion now pending before the Senate to proceed to the consideration of Senate bill 1341.

Mr. CHANDLER. The bill now before the Senate must be disposed of before——

Mr. STEWART. I object to discussion.

Mr. CHANDLER. The bill is before the Senate and it must be disposed of.

The PRESIDING OFFICER. Does the Chair understand the Senator from Nevada to object to the second reading of the bill?

Mr. STEWART. I do.

The PRESIDING OFFICER. The bill will lie on the table.

ORDER OF BUSINESS.

Mr. GRAY (at 6 o'clock and 4 minutes p. m.). I move that the Senate adjourn.

Mr. HILL. On that I demand the yeas and nays.

The yeas and nays were not ordered.

Mr. CHANDLER. I ask for a division.

The PRESIDING OFFICER. A division is demanded upon the motion to adjourn.

The Senate refused to adjourn, there being on a division—ayes 8, noes 35.

The PRESIDING OFFICER. A quorum of the Senate not having voted on the division, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names.

Allen,	Cullom,	Lindsay,	Pugh,
Bacon,	Daniel,	McBride,	Roach,
Bate,	Dubois,	Martin,	Shoup,
Berry,	Faulkner,	Mills,	Stewart,
Blackburn,	Gallinger,	Mitchell, Oreg.	Teller,
Brown,	George,	Nelson,	Vilas,
Butler,	Gray,	Pasco,	Walthall,
Carter,	Harris,	Peffer,	Warren,
Chilton,	Hawley,	Perkins,	White.
Clark,	Jones, Ark.	Pettigrew,	
Cockrell,	Kyle,	Pritchard,	

The PRESIDING OFFICER. Forty-two Senators have answered to their names. There is not a quorum present.

Mr. STEWART. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. HILL. Is that motion debatable?

Mr. STEWART. It is not.

Mr. HILL. I asked the Chair.

The PRESIDING OFFICER. The Chair is of opinion that the motion is not debatable.

Mr. HILL. I ask for the yeas and nays. We should like to have a vote on that question.

The PRESIDING OFFICER. Of course the Senator from New York has a right to the yeas and nays, but the motion does not involve the question of a quorum. The Senator from Nevada moves that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. HILL. Upon that motion I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada, that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. HILL. I ask for a division on that question.

The motion was agreed to; there being on a division—ayes 29, noes 4.

The PRESIDING OFFICER. The Sergeant-at-Arms will execute the order of the Senate.

Mr. PEFFER. Mr. President, I rise for the purpose of making an effort to ascertain——

Mr. HILL. I ask that the Senator from Kansas be permitted to make an effort. [Laughter.]

Mr. CHANDLER. I ask to have the rules of the Senate enforced pending the execution of the order.

The PRESIDING OFFICER. Pending the execution of the order, no quorum being present, nothing can be done except by unanimous consent.

Mr. PEFFER. I ask unanimous consent.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

Mr. STEWART. What does the Senator propose?

Mr. PEFFER. I propose to ascertain whether we can not agree by unanimous consent upon some particular time when we shall take up Senate bill 1341 and dispose of all this trouble.

Mr. CHANDLER. I object to debate while the Senate is endeavoring to get a quorum. The rule is imperative.

The PRESIDING OFFICER. The Senator from New Hampshire objects to debate.

Mr. CHANDLER (at 6 o'clock and 10 minutes p. m.). I request to have my name called.

The PRESIDING OFFICER. The Secretary will call the name of the Senator from New Hampshire.

Mr. CHANDLER answered to his name.

Mr. BURROWS answered to his name.

Mr. GALLINGER (at 6 o'clock and 21 minutes p. m.). I move that the Senate adjourn.

Mr. BUTLER. Mr. President——

Mr. GALLINGER. I withdraw my motion, Mr. President.

Mr. BUTLER. I do not desire to put Senators to inconvenience so late in the evening. It will probably take some time for the Sergeant-at-Arms to secure the attendance of absent Senators. Therefore I give notice——

Mr. CHANDLER. I object to notice.

Mr. HILL. Let the Senator give his notice; that is right.

Mr. CHANDLER. I should like the Senator to make a motion; but he can not make a speech.

Mr. WHITE. He can give a notice, I presume.

Mr. BUTLER. I will make a statement, then, if the Senator from New Hampshire objects to a notice being given. I will make a statement that I shall call up Senate bill 1341 early to-morrow morning; and therefore I will move that the Senate take a recess until——

Mr. HAWLEY. A motion for a recess is not in order.

Mr. CHANDLER. Such a motion is not in order.

The PRESIDING OFFICER. The Chair will state to the Senator from North Carolina that until a quorum appears it is impossible to entertain any motion except a motion to adjourn.

Mr. BUTLER. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 24 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 22, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

meeting of the Ways and Means Committee, and the statement

from Nebraska [Mr. EWE]

the question.] Then the noes appear to have it.
Mr. CHANDLER. I ask for a division.
Mr. STEWART. Let us have the yeas and nays first.

Mr. GALLINGER. I trust that the bill will be referred to the Committee on Pensions. It is an important matter, and I trust it may go there by consent.

swered to their names.

p. m.) the Senate adjourned until to-morrow, Friday, May 22, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 21, 1896.*

The House met at 12 o'clock m. The following prayer was offered by the Chaplain, Rev. HENRY N. COUDEN:

We invoke Thy blessing, Almighty God, our Heavenly Father, upon all the proceedings of this House to-day; that everything may be done decently and in order; that the interests of the people of this great nation may be faithfully and efficiently served by these their chosen representatives.

Especially do we ask Thy blessing upon the member of this Congressional household who has been called upon to give up his companion to the Angel of Death. Comfort him in the thought of a happy reunion in a land where there shall be no parting. This we ask in the name of Christ. Amen.

The Journal of yesterday's proceedings was read and approved.

QUESTION OF PRIVILEGE.

Mr. HOPKINS. Mr. Speaker——

Mr. GROSVENOR. Mr. Speaker, I rise to a question of privilege. I send to the Clerk's desk and ask to have read the following special publication made in the Cincinnati Tribune of last Tuesday.

The Clerk read as follows:

SURPRISED AT GENERAL GROSVENOR—HE VOTES AGAINST REPORTING A RECIPROCITY BILL AND SIDES WITH REED MEN—MUCH COMMENT CAUSED BY HIS UNEXPLAINED ACTION.

[Special to the Tribune.]

WASHINGTON, *May 18.*

The House is willing to abide by the decision of the Ways and Means Committee on the subject of reciprocity.

Speaker REED, Chairman DINGLEY, and the committee are in favor of shelving all bills of this character, and the protectionists of the House do not see it that way.

At the last meeting of the Ways and Means Committee the question of reporting any kind of a reciprocity bill this session was quickly disposed of.

By a vote of 6 to 4—all Republicans—the matter was laid over. HOPKINS, chairman of the subcommittee, refused to vote for any kind of a report unless upon his bill. When the final question was put, TAWNEY of Minnesota, STEELE of Indiana, EVANS of Kentucky, and RUSSELL of Connecticut voted to report some kind of a bill without delay.

They were opposed by Chairman DINGLEY, General GROSVENOR, PAYNE, DALZELL, DOLLIVER, and HOPKINS, with JOHNSON, who favored a report, absent.

SURPRISED AT GROSVENOR.

General GROSVENOR'S vote was depended upon for a support, and it would have been sufficient. Last week he informed Representative KERR, of the Mansfield district, that he would cheerfully support his bill.

But to the surprise of all, General GROSVENOR at the last moment lined up with the Reed faction.

[Laughter and applause.]

His action has occasioned a vast deal of comment, for it is yet unexplained. As the manager of the McKinley movement in Washington he was thought to be the last man who would vote to prevent legislation along McKinley lines.

[Laughter.]

True, there is grave doubt whether any kind of a reciprocity measure could be put through in the few remaining days of this session, and it is possible, as REED contends, that business might be unsettled somewhat.

But the friends of McKinley are disappointed in the action of the committee, because they desired to show the people that they were willing to enact legislation that would promote better trade relations with foreign countries.

ASKING A REPORT.

Representative KERR refused to accept the action of the committee as final. To-day he passed a petition through the House asking that some kind of a report, not necessarily on his bill, be made on reciprocity. It was readily signed. Perhaps to-morrow he will present it to the Ways and Means Committee.

Under the Reed system it has become necessary to petition committees for reports, but despite the prejudicial action of the Ways and Means Committee, the Ohio members remain undaunted, and hope to get the Kerr bill, or one similar, up for consideration before adjournment.

Mr. GROSVENOR. Mr. Speaker, I do not very often weary this House with comments upon matters of this character; and if there was no charge here other than that I had "lined up with the Reed men"—— [Laughter.]

Mr. HENDERSON. That is so serious that you must explain.

Mr. GROSVENOR (continuing). I would try to stand that; and now I do not know that I could be found in any better company [loud applause]; but left to my own choice I would select a different location for myself just at this time.

But this is a matter of some serious importance, Mr. Speaker, and I propose to refer to it. The gentleman who made this report has doubtless been grossly imposed upon by somebody; and it is not the first time that publications of this character, from various sources, have found their way into public prints, for the purpose, apparently, of disparaging the Ways and Means Committee and impressing upon the country that somehow or other there was a great contest going on here between various and different factions of the Republican party. Now, in the first place, as to how much of truth there is in this article: This special was written, apparently, on the 18th day of May, which was Monday, and a reference was made to a meeting of the Ways and Means Committee at which this subject was discussed.

In the first place, there has been no meeting of the Ways and Means Committee of the character spoken of here. There was no meeting of the Ways and Means Committee, and the statement, therefore, is without foundation in fact, or any justification in the records of the committee itself. There was a conference of the Republican members of the Ways and Means Committee for a proper and special purpose, and I may as well state, and I am sure that the gentlemen on the committee will not criticise it, that it was for the purpose of hearing the report which was to be presented from the subcommittee on reciprocity, of which the distinguished gentleman from Illinois [Mr. HOPKINS] is chairman. That report was submitted and gone over with great care, and approved with absolute unanimity by every Republican member of the committee.

Mr. FARIS. Mr. Speaker, I rise to a question of order. There is so much confusion behind us that we can not hear.

The SPEAKER. The House will be in order.

Mr. GROSVENOR. The whole history of the subject and the development of reciprocity was discussed in the report; and, at the end of the reading and practical adoption of the report, there was some discussion about whether it was wise to report some measure other than the report itself and of the feasibility or probability of a resolution declaring the unalterable purpose of the Republican party to carry to ultimate triumph the great doctrine of reciprocity, which is a doctrine of the Republican party. [Applause.] There was no difference of opinion among the gentlemen present——

Mr. RICHARDSON. Mr. Speaker, I rise to a question of order. I raise the point that this is not a question of privilege. I do not think the gentleman has stated a question of privilege.

Mr. GROSVENOR. I think if the gentleman had read the paragraph he would not have made that point. There is a charge here that a member of this House pledged his vote for a certain matter and was relied upon for the passage of it, and then changed his vote to the other side and defeated it. That is a charge of dishonor in the conduct of a member of Congress.

Mr. RICHARDSON. I withdraw the point, if that is the point.

Mr. GROSVENOR. I will address myself right along that line. There was a discussion—I have been thrown off the exact language I was using—as to whether it was wise to bring in more than a report or a resolution. I heard no word of Mr. KERR'S bill, and no word was said. If there was anything said it was in general terms in regard to all the bills relating to reciprocity. Then a proposition was made to report the third section of the McKinley law and present it here in the House, and a very distinguished member of that committee, to whose opinion I always give very great weight, suggested that under the circumstances, and in view of the present tariff law, the third section of the McKinley Act would not be applicable, could not be made to fit, as it were, and the reason suggested was a very simple one.

At the time of the enactment of the McKinley law sugar was put on the free list, as were all the articles that were included in the reciprocal terms of that act. Sugar is now on the dutiable list, and the suggestion was that there would have to be a reconstruction of the tariff law in order to make that section applicable. Then the question came up whether at this time, near the close of the session, we would undertake to pass a tariff law. There was some talk upon that line, and possibly some expression of opinion, and I do not hesitate to say that I expressed my opinion in opposition to the attempt to pass the third section of the McKinley Act at this time, and I take the responsibility for that without any regard to where I am "lining up"—whether I am lining up with one faction or with another faction, if there are any factions. It was my deliberate judgment that the announcement which we are going to make of the policy of the Republican party was the ultimate result that could grow out of the legislation of this Congress at this time. I do not know how other gentlemen expressed their opinions. I do not remember that there was a formal vote. There may have been a formal expression of opinion, but if there was it related to the third section of the McKinley law, and did not relate to the milling act embodied in Mr. KERR'S bill or any other bill.

Pending that, this same insidious course has been pursued, and at the convention of millers on yesterday in the city of Cleveland this same misinformation was sent to them, that one faction of the Republican Ways and Means Committee had opposed reciprocity in the interest of the millers. Therefore it is that I stand here to state more explicitly than I ordinarily would the inside history (as we sometimes say) of the conference that was had at that informal meeting of members of the Ways and Means Committee. Nothing final was concluded. The report had to be rewritten in some particulars, revised in some respects, and then it was to be submitted to the full committee in the usual way, and every question of reporting a bill—either the Hopkins bill, which is the most comprehensive and far-reaching of the reciprocity bills, and which would embody and carry with it the Kerr bill and all the other bills—every question of that kind was left open, to be decided hereafter when the ultimate action of the committee upon this report should be had; and so it stands now.

Now, Mr. Speaker, if I can have permission, if the gentleman

from Nebraska [Mr. KEM] will permit me, to save the time of the House, I desire unanimous consent to print with my remarks a statement sent out a few days ago by the distinguished chairman of the Ways and Means Committee, Mr. DINGLEY, relating to this very question, making plain to the country the action of the Ways and Means Committee, making plain to the country the reasons why we have done what we have done and why we have not done some things that it was thought in some quarters we ought to have done. I ask consent to embody the statement of the chairman of the Ways and Means Committee in my remarks.

The SPEAKER. If there be no objection, the gentleman will be permitted to print the statement to which he refers in connection with his remarks.

Mr. KEM. I object, Mr. Speaker. [Laughter.]

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM].

Mr. GROSVENOR. A man ought to know what is futile and what is not futile. I send the statement to the desk and ask to have it read in my time.

The statement was read, as follows:

Chairman DINGLEY of the Ways and Means Committee, in reply to an inquiry as to whether the committee has not been in receipt of many requests from Western millers for legislation looking to an immediate renewal of the reciprocity agreements with countries of this continent which were ended by the tariff act of 1894, said:

"We have had many such requests, just as we have had urgent requests from those interested in almost every industry in the United States for legislation to restore the protective duties repealed by the same act. Those requests show how seriously the industries of this country were injured by the tariff act of 1894, and how urgent the people are to undo the great mistake they made in 1892 in voting to place the Democratic party in complete power under their pledge to overthrow protection in order (as they claimed) to benefit the country.

"But, of course, everyone familiar with legislative work understands that there can be no repeal of the tariff act of 1894 until both the Senate and the President shall become Republican, so as to act in unison with the Republican Honse.

"Conscious of this fact, the Republican members of the Ways and Means Committee, as soon as they were appointed late in December last, unanimously concurred in the view that it would be useless for the Republicans to attempt to frame and pass through the House at this session a general tariff bill, including the reciprocity provisions, which are necessarily part of a tariff bill or any tariff legislation looking mainly to a restoration of protective conditions on anything, because the Democrats and the Populists, who have 1 majority in the Senate, would not vote for a general tariff bill or tariff legislation framed on thorough protective lines, and the Democratic President would not approve it. Moreover, any bill restoring full protection as to one industry, whether reciprocal or not, would be open to tariff amendments in behalf of other interests.

"In view of the immediate and pressing necessity of more revenue to meet current expenses and maturing liabilities, instead of occupying months in making an attempt to pass through the House a bill to generally revise the tariff as a mere indication of Republican purposes, the Republican majority of the Ways and Means Committee promptly framed a simple exigency tariff measure to continue only for two years and a half on a basis looking principally to obtaining at once forty million more revenue, in the hope that, notwithstanding the effect of the bill would be to materially aid the farmers by placing some duties on wool and all other industries to some extent by increasing temporarily the duties on competing imports 15 per cent, yet that it would be patriotically accepted by the Senate and the President in order to avoid the necessity of issuing bonds in time of peace to pay current expenses.

"We were disappointed in this hope, as every Democrat and Populist Senator, comprising 1 majority of the Senate, refused even to consider the measure. Five so-called silver Republican Senators joined the Democrats and Populists in refusing to consider the bill, giving notice that they would support no bill looking in any way to protection unless it should be accompanied with free-silver legislation.

"In this situation it was obviously useless to talk of any tariff and reciprocity legislation at this session. Hundreds of interests each asked that the Committee on Ways and Means would report and pass through the House some tariff bill to relieve its distress, but of course such an action was impracticable. Indeed, if one such bill had been reported every other industry would have had friends to offer amendments on the ground that no one industry was entitled to preference.

"Of course it is impossible to legislate for reciprocity arrangements except as a part of tariff legislation, because the articles to be used in such arrangements and the duties to be imposed should be indicated by Congress, even if we had a Republican President, and much more so when Mr. Cleveland is President. With the Senate and President hostile to protective legislation any action by the House in that direction would be useless and probably troublesome in the future.

"There have been some suggestions that a bill might be passed clothing the President with power to meet what is regarded as discriminating legislation by foreign countries against American flour. The authority the President now has under the act of August 30, 1890, goes as far as any one would care to place discretion in the hands of President Cleveland. That act authorizes the President to prohibit the importation of such articles as he thinks proper when coming from a country which in his judgment unjustly discriminates against any American product.

"The Committee on Ways and Means has investigated the workings of reciprocity agreements made under the tariff act of 1890, and will present a report showing the benefits of such reciprocity, and declaring (unanimously, as far as the Republicans are concerned) for a return to reciprocity and protection as soon as the people shall elect a Republican Senate and President to cooperate with a Republican House. This seems to be all that is practicable until the Republicans secure the President, as well as the Senate."

Mr. GROSVENOR. Now, so far as my own position in this matter is concerned, I have no fear. I have been recognized, ever since I was old enough to vote, as a Republican and in favor of the protective-tariff system. I have not felt that it was my duty to constantly rise in my place and shout that I was a protectionist, because everybody knew I was a protectionist. And now a single additional proposition and I am through. I have not been informed, so as to make any impression upon my mind, that there have been factions in the Ways and Means Committee, or in the general Republican membership of the House of Representatives, upon any of these questions. In the very earliest days of this session it was decided without dissent in the Ways and Means Committee that the Dingley bill should be passed and sent to the Senate as a tentative measure in the interest of upholding the Treasury and protecting the credit of the Government.

Mr. DINGLEY. So far as the Republican members were concerned.

Mr. GROSVENOR. So far as the Republican members were concerned; and, so far as the Republican members were concerned, there were no two opinions in the Ways and Means Committee upon that question. Whatever was right about it, or whatever was wrong about it, I take my share of the responsibility irrespective of the action of any other man or any other set of men, and I stand by it now.

Mr. DINGLEY. Neither was there any difference of opinion among the Republicans of the House. Every Republican member voted solidly in favor of it.

Mr. GROSVENOR. I was just going to say that when it came into the House it was passed without dissent. Nobody waived his views upon the subject of the protective tariff in voting for that bill; nobody undertook to modify the platforms or the declarations of the Republican party; but in a spirit of patriotism we passed the act and inaugurated an effort to secure relief to the bankrupt Treasury of the country. Since that time, if there have been any factions I have not heard of them. I have differed upon questions of policy with some of the members of the committee and of the House, but there have been no lines drawn; the points of difference, if any existed, are immaterial, and I would not, if it had not been put in plain print, have even referred to it.

I have never understood that the Speaker of this House has attempted in any manner to influence the Ways and Means Committee upon any one of these questions, nor have I understood that he has attempted to invade the independence of any other man; and I would scorn to admit that I belonged to the American Congress if it was composed of a body of men without manhood enough to assert their personal independence on this floor, but would be compelled to follow the dictates of anybody or any set of men on the floor or elsewhere. [Applause.]

Mr. Speaker, I do not believe in factions in politics. There should be no factions in politics. The Republican party of the country is charged with the duty of rising above factions, of rising above partisanship, in an effort to improve the condition of affairs and to save the country from bankruptcy and a ruined Treasury, from a debased currency and overthrown credit, and to restore confidence and prosperity to the country in every feature. [Applause.]

I therefore condemn this article as having misrepresented myself in particular, as having misrepresented the Ways and Means Committee wholly and absolutely, and as having sent out to the country the idea that the Speaker of this House had formed factions within this body and was undertaking to dictate the legislation of the House of Representatives. When you believe that, you believe in the degradation, the absolute degradation, of every member of the Ways and Means Committee. When you publish such a statement as that, you publish to the world the assertion that the gentlemen composing that committee have not the manhood demanded of an American Congressman or of an American statesman. And I denounce the publication from that standpoint.

Now a word as to the young man who made the publication. He has doubtless been misled by somebody, or has misinterpreted the statement he got. And doubtless with zeal overstepping the bounds of discretion he made the publication that he ought not to have made. And I have said what I have said, first, for my own protection; second, in defense of the gentlemen with whom I am associated; third, in defense of the honor and the integrity of the House of Representatives, and fourth, in order that the country may not believe that there are such things as factions here, which for personal ends or for the purpose of rewarding friends or otherwise undertake to control legislation on the floor of the House of Representatives. [Applause.]

VETOED BILL—FRANCIS E. HOOVER.

Mr. KIRKPATRICK. Mr. Speaker, I desire to call up for present consideration the veto message of the President on the bill (H. R. 1094) granting a pension to Francis E. Hoover. I desire that the bill shall be read first and then the veto message of the President accompanying it.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls, at the rate of $50 per month, the name of Francis E. Hoover, late a private of Company I of the Sixty-fourth Regiment of Ohio Infantry Volunteers, in lieu of the pension now being drawn by him.

The veto message was read at length.

Mr. KIRKPATRICK. Now I desire to have read the report of the Committee on Invalid Pensions on this message.

Mr. DOCKERY. Will the gentleman have the original report also read?

Mr. KIRKPATRICK. I have no objection to its being read.

Mr. DOCKERY. I hope it will be read, inasmuch as it has

made familiar with the conditions and circumstances surrounding this unfortunate comrade that not one of them can be found that will feel that the grant-

On account of the terrible suffering of this soldier and the necessity for

examination. But on receipt of this message and on reexamining

Mr. KIRKPATRICK. I have no objection to its being read.

Mr. DOCKERY. I hope it will be read, inasmuch as it has been referred to in the veto message.

Mr. KIRKPATRICK. I ask first the reading of the report on the message.

Mr. DOCKERY. If the gentleman will permit me, I would suggest that he have the original report read first and then the report on the message, so that we can have the case stated in consecutive order.

Mr. KIRKPATRICK. I have not in my possession the original report, but I have no objection to its reading. I ask the reading of the final report by the committee.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred the message of the President of the United States vetoing House bill No. 1094, entitled "An act granting a pension to Francis E. Hoover," submit the following as a result of its investigation:

The President justifies his veto of this measure upon the ground that the present unfortunate condition of this soldier is not due to his army service, and that such legislation is an unfair discrimination against many thousand worthy soldiers similarly situated.

Your committee, after a most patient and thorough consideration of the reasons urged by the President for withholding his signature to this bill, are clearly of the opinion that the justification urged is wholly untenable.

Legislation of this character is by no means new. It is found in the records of every Congress from the organization of the Government to the present time, and since the close of the war similar acts are quite frequent.

There is no constitutional inhibition on the power of Congress to grant pensions by special bills, nor is it essential that the disability for which the pension is granted should be of service origin. We could cite many precedents where special pensions have been granted and approved by the Executive without reference to the origin of the disability.

The pensions granted to our distinguished generals and their widows by special acts of Congress are not always based upon disabilities directly traceable to the military service of the soldier. In many of these cases the disability or death of the soldier can not be shown to have resulted from his army service, yet none of these measures have encountered the Executive veto.

Under these circumstances we can not conclude that the passage of this bill is an unjust discrimination against thousands of deserving soldiers, but to refuse to grant relief in this case, in our opinion, would be an unwarranted discrimination against the private.

If we are to follow the rule laid down in this case by the President, Congress must turn a deaf ear to the appeal of every soldier, however pitiable and distressing his condition may be, regardless of the merit of his service or the privations he endured, unless he can show that his helpless and distressed condition is due to his army service. We can not yield our assent to this proposition. It is manifestly unjust to thousands of the truest and bravest soldiers in our Army.

The writer of this report has in mind one of these cases. The soldier was a strong, healthy, and robust young man, full 6 feet tall, and with an iron constitution in 1861. The firing upon Fort Sumter filled his young heart with patriotism, and he entered the service with five of his companions and continued therein until the surrender of Lee at Appomattox. During all that time he was in the front rank and participated in every battle in which his command was engaged. He never shirked a duty nor sought refuge in time of danger. He was always first to respond to a call for volunteers to perform some deed of daring or heroism. He was never in a hospital except to visit some sick or wounded comrade during all of his service. He walked every step from Atlanta to the sea, and from the sea back through the Carolinas to Washington. He was first in line at the bugle's call, ready to march when the command was given. In sunshine and storm he kept his place and followed where duty led; whether wading swamps or climbing mountains it was all the same to him. He slept in the mud and rain, and, in fact, endured all the hardships and privations of a soldier's life without a murmur.

When the war was over he returned to his home apparently free from disease and disabilities. Fifteen years later the hardships and exposures to which he had been subjected commenced to manifest themselves, and were evidenced by his bent form and feeble step. When exposed to damp or cold weather, excruciating pains coursed down his back and spine. He was at a loss to account for these unless they were due to an injury received while assisting to recapture a cannon at Lookout Mountain, where he was thrown violently upon the ground and the wheel of the caisson passed over the small of his back. He remembered that his injury caused him much pain in his back and spine for many days after receiving it, and that these pains would occasionally return when exposed to the wet and cold, but never supposed that the injury was serious or that it was calculated to follow him through life.

As time passed on these pains became more frequent and persistent, rendering it difficult at times to perform manual labor on his farm. Finally, in 1887, he was visited with a slight stroke of paralysis, rendering further manual labor impossible and confining him to his bed for weeks at a time.

In his distressed condition he applied for a pension and sought to show that his spinal affection was due to the injury received at Lookout Mountain; but where was he to obtain the proofs? One of his five companions was killed at Atlanta, another died in Andersonville, the third was reported missing at Resaca and never returned. The remaining two returned home with him. One of these soon died of a wound received while on the march to the sea, while the most diligent search failed to reveal the whereabouts of the other, and it is possible he also is dead. After endeavoring for years to furnish the required testimony he was at last forced to make his application under the act of 1890, and was soon granted a pension at $12 per month.

His diseases progressed until now he is as helpless as a babe, and requires a constant attendant day and night; his means are all exhausted, and this small pension and the charity of neighbors is all that stands between him and starvation. In his wretched condition he confesses his inability to show that his disability is due to his long and arduous service in the Army, while he knows that it can be traced to another source, and he also appeals to that Government he offered his life to save to protect him and his family from the poorhouse, and your committee, on behalf of that Government, answers "It will," while the President, if he adheres to the rule enunciated, must answer "No."

We can not but express the hope that the President, on a more thorough consideration of this matter, will reach the conclusion irresistibly forced upon your committee, that it is not always essential to trace the disability to army service as a prerequisite to granting a pension. We also find ourselves unable to agree with the President that the granting of a pension of $50 a month to Mr. Hoover is an unjust discrimination against many thousand deserving soldiers similarly situated. Cases of this character must be rare, indeed, and we doubt very much if one can be found equaling it in all of its distressing details.

With our knowledge of and intimate relations with the old soldiers of this country and their sense of justice, we feel warranted in saying that when made familiar with the conditions and circumstances surrounding this unfortunate comrade that not one of them can be found that will feel that the granting of this pension is any discrimination against him. When this bill was presented to us in the first instance, the testimony offered was directed in the main to the distressed condition of the soldier and his honorable service, and we did not deem it essential that the proof should show his disability due to his army service to justify us in granting relief, nor do we think so now; but inasmuch as the evidence then offered did not establish to a certainty the connection between the soldier's service and his disability, we concluded that we were fully warranted by many precedents in recommending the passage of the bill at $50 per month under the circumstances of his case. Had this connection been shown to our satisfaction our recommendation would have been $72 a month.

Since filing our first report much additional testimony has been submitted, and a reexamination of the case convinces us that the soldier's disability is fairly traceable to his army service, and that he is therefore justly entitled to $72 per month.

Francis E. Hoover, the claimant, enlisted in Company I, Sixty-fourth Regiment of Ohio Volunteers, in February, 1864, when he was but 16 years of age. Without being acclimated or in any way inured to the hardships of a soldier's life, he was at once put into active service with General Sherman, and participated in the battles and skirmishes of that vigorous campaign resulting in the capture of Atlanta. After General Sherman had started on his march to the sea the claimant's regiment was ordered to support General Thomas. Mr. Hoover was with his regiment on that tiresome and perilous march back to Nashville. He participated in the battles of Spring Hill and Franklin, and then in the two days' struggle with Hood at Nashville. He joined in that active pursuit of the remnant of Hood's army, and as a result of his extreme hardships and exertion varicose veins appeared in both of his legs. This condition gave rise to distressing ulcerations. After these ulcers were healed they would remain in that condition but a short time, when they would again break out in festering sores. This has continued at intervals ever since his army service. How much of the poison from these festering sores passed into the circulation and was absorbed into the system it is quite difficult to tell; but that much of this did take place is evident from the fact that the ulcers when once healed would not remain so, but would break out again, with equal, if not greater, violence.

It also appears from the statements of the physicians who have examined him that the legs are badly swollen and discolored. They also tell us that structural changes have taken place in the articulation of the joints. This would hardly have been looked for if the blood current had been pure. Had there been no other complications it is quite evident that this disease alone would have ultimately rendered the soldier helpless, and perhaps ere this. But in 1886 he was attacked with rheumatism, from which he never recovered. There were periods of partial relief from the effects of this disease, but there were recurrences of the attack, and each time with greater severity. About four years ago this disease assumed a permanent and most distressing form. Every joint in the body became ankylosed. He can not now move hand or foot. He has no use of any of the joints of the body. The spinal column has become perfectly rigid, and there is no power of rotation of the head—it is permanently fixed in one position. He can not turn himself in his bed, and would perish with hunger with victuals all around him. A more distressing condition can not be imagined. How much of this rheumatic condition is due to the ulceration of his legs we are not fully prepared to say; but should it be assumed that his rheumatism is an independent disease, having no connection with the ulcerations, still we are thoroughly convinced that a system so weakened and debilitated by ulcerations, and whose blood current had been contaminated by poisons absorbed from these festering sores, was in a poor condition to resist the attacks of disease, especially one of such prostrating persistence as rheumatism. Dr. Hoopingarner, a reputable and eminent physician of Elkhart, Ind., who, after examining the soldier and making himself acquainted with the history of his case, makes the following statement under oath:

"There can be no doubt, at least to my mind, that the causative factor to this diseased condition, heumatoid arthritis, is to be traced and placed to the exposure incident to military life; the damp ground upon which he slept, the poor food, the mental strain and excitement produced a poor condition of body, which in after years was unable to resist the ravages of disease, and in this broken-down condition of body this essentially chronic disease found an easy victim."

This statement is corroborated by four other physicians residing in Elkhart. The proof abundantly shows that the soldier has always been an upright man and addicted to no vicious habits. Neither has he exposed himself to any influences calculated to produce these diseases, and we are at a loss to account for them unless they resulted from the fatigues and exposures incident to a soldier's life.

With the evidence now before us we think, as we have before stated, that the present disabilities of this soldier are fairly attributable to his army service. We find him in a most pitiable condition, utterly helpless, requiring the attendance of a strong man. He is entirely destitute of all worldly means, and has no income aside from the small pittance of $12 per month. This will not support him, much less pay his necessary attendant. All hope of recovery is gone. He has suffered and must continue to suffer untold tortures until death relieves him. He gave the best days of his vigorous youth to his country, and out of his helplessness he asks us for bread and support. If Congress does not give relief he must go to the poorhouse and there end his days. Your committee can never assent to this, so long as there is a dollar in the Treasury. We feel that this unfortunate soldier has claims upon his country to which Congress ought not to turn a deaf ear. We therefore earnestly recommend that the bill do pass, the President's veto to the contrary notwithstanding.

Mr. DOCKERY. Mr. Speaker, I understand that the gentleman from Kansas [Mr. KIRKPATRICK] kindly yields that the original report of the Committee on Invalid Pensions may be read, so that the whole case may be before the House.

Mr. KIRKPATRICK. I have no objection to that.

Mr. DOCKERY. I understand this to be the report on which the President rested his veto.

Mr. KIRKPATRICK. Yes, sir.

Mr. STEELE. The President had before him the other papers in the case, in addition to the report.

The Clerk read as follows:

The soldier served one year, nine months, and nine days in Company I, Sixty-fourth Regiment Ohio Volunteer Infantry, and was honorably discharged from the service. Nothing appears of record derogatory to his character as a soldier. He was pensioned at the rate of $8 per month for rheumatism from August 25, 1890. This pension was increased to $12 in 1893. The testimony does not show the disease of the soldier to be of service origin. During the past two years this soldier has been bedridden, absolutely unable to assist himself, requiring the constant assistance of an attendant. He can not be moved without suffering the most excruciating pain from head to foot, with no hope of recovery.

On account of the terrible suffering of this soldier and the necessity for constant assistance, taken in connection with his poverty, your committee believe the case is one calling for the special intervention of Congress. If the soldier's disease was of service origin he would undoubtedly be entitled to $72 per month under the law, and his case is so extraordinary your committee believe that he should receive said sum. It therefore reports the bill back with the recommendation that it do pass, with the following amendment: Strike out the word "seventy-two," in line 5, and insert in lieu thereof the word "fifty."

Mr. KIRKPATRICK. Mr. Speaker, when this bill was first presented to the Committee on Invalid Pensions it was proposed to pay a pension of $72 per month to Mr. Hoover. The testimony offered at that time in support of the measure was confined in the main to the helpless and pitiable condition of the soldier and his honorable service. With reference to the origin of the disease the testimony was quite meager; and the committee, following many precedents and concluding that the testimony failed to show conclusively that the disability of the soldier was directly due to his army service, recommended the passage of the bill with an amendment fixing the pension at $50 a month. In that form the bill was recommended by our committee and subsequently passed. The President bases his veto upon the ground that the disability of the soldier was not due to his army service, and that its passage would be an unjust discrimination against hundreds and thousands of deserving soldiers similarly situated. Now, I apprehend that there is not to be found in the United States a case parallel to this—not one; and therefore I am not persuaded that the granting of this pension would be an unjust discrimination against any other soldier.

Then, again, the records of every Congress from the organization of this Government to this day contain precedents for legislation of this character. There is no constitutional or other limitation, so far as I know, upon the power of Congress to grant pensions. Nor is it essential in such cases that the disability be directly traced to the army service of the soldier. In cases of this kind the whole matter is left to the good judgment and sound sense of Congress itself. The power thus confided to Congress has been exercised, as I have just remarked, all along the line from the organization of this Government to the present day, and was never called in question until this message of the President was sent to the House—never.

Let me invite your attention, Mr. Speaker, to a few cases, not with the view of criticising Congress or anyone else for the passage of the measures to which I am about to refer, but as sustaining my contention. Who will contend for a moment that the death of Ulysses S. Grant was directly traceable to his army service? Was any claim of that kind made? A similar question might be asked with reference to General Logan and numbers of other distinguished generals of the late war. In nine cases out of ten when pension bills on behalf of our distinguished generals or their widows were passed no claim was made that the soldier had died of diseases contracted in the service or that his disability was traceable to service origin. The matter was left to the sound judgment of Congress; and those pensions were granted because of the patriotic services of those distinguished officers, not because they had contracted disabilities in the service of the United States.

This message presents an important question to this Congress; and if it should be sustained it places upon the power of Congress a limitation that has never existed prior to this time. The limitation sought to be applied here is a direct thrust at the private soldier, and imposes upon him burdens not imposed upon the officer. If the private soldier must trace his disability to his army service, why not the general or his widow? Need I say, Mr. Speaker, that a precedent of this kind is manifestly unjust to some of the bravest and best soldiers this country ever saw? It not unfrequently happens that such a soldier is unable to prove that his disability is directly traceable to his army service. It most frequently happens that the man who has a good hospital record is able to trace his disability to the service rather than the man who was every day upon the field in the performance of his duty.

Is it to be said that Congress shall be limited in its power to grant pensions to deserving soldiers because, through the peculiar circumstances of the case perhaps, the soldier may be unable to prove that his disability originated in the service? If that is to be the rule, I repeat, it is a limitation that has never existed heretofore. So far as this case is concerned, it matters but little; but as a precedent it is of the highest importance to the soldiers of the United States.

When this message of the President pointing out his objections to this bill reached our committee, we concluded that we would reexamine the case for the purpose of ascertaining, if possible, whether this soldier's disability was traceable directly to his army service. We secured a large amount of testimony that had not previously been filed before us——

A MEMBER. Some of it had been filed with the Senate.

Mr. KIRKPATRICK. Yes; a large amount of testimony that was filed in the Senate had not been placed before us. There was also testimony in the Pension Office that had been accessible to us all the while, but we had not deemed it necessary to go into its examination. But on receipt of this message and on reexamining the case we went over all this testimony. We took that on file in the Pension Office and that on file with the Senate Committee on Pensions, and also the additional testimony which had reached our committee by that time. As a result of this reexamination we are able to say beyond any sort of controversy that this soldier's deplorable condition is directly traceable to his army service.

But I want to be distinctly understood that we are not conceding for one moment that it is necessary as a prerequisite to granting a pension to this man that this fact should be shown. It is a matter within the sound discretion of Congress and does not depend upon proof showing the disability due to the soldier's army service. And although we have reexamined this case for the purpose of satisfying ourselves and the country that this man's disability is directly due to his army service, we are here protesting that that is not essential to the power of Congress to grant a pension.

Why, Mr. Speaker, we passed a general act in 1890, perhaps one of the most liberal pension bills to be found upon the statute books of any country in the civilized world. That bill does not equalize the services of all of the soldiers, but it simply permits each man to draw $12 a month under certain conditions. One man under that bill may be able to receive $12 per month whose disabilities are insignificant in proportion to the disabilities of another soldier. Is it to be said that because we passed this bill we thereby placed a limitation on the power of Congress to take up a deserving case of extreme hardship and treat it specially? That would seem to be true if the precedent established by this message is to be enforced in the future. We contend that the Congress of the United States in its power may take up any individual case of any soldier, whether a general or a private, or of the widow of a general or a private, look into the hardships of the case, into the military service of the soldier, and grant such relief as we, in our judgment, think proper. It is not the province of the President of the United States to place a limitation upon that power. It is not an injustice to hundreds and thousands of other soldiers. Why, take this pitiable case, if you please. Here is a man on his back, with his hand in a sling the principal part of the time. He is absolutely unable to move hand or foot or finger, and would starve to death with victuals all around his bed. He served but a year and nine months, and yet there are men who served three, four, and five years. Is it to be said under these circumstances that Congress can not step in and administer relief in this extraordinary case simply because it will not or can not place every man upon the rolls at the same identical rate? I do not believe that proposition at all. It is always in the power of Congress itself, and I do not believe that the Congress of the United States will sit idly by and tamely submit to the limitation upon its power that must follow if this message becomes a precedent in the future. I believe that Congress should exert its power, and that its members should exert that power conferred upon them, and determine by their vote to-day in passing upon this message whether or not an extra constitutional limitation shall be placed upon the power of Congress.

I appeal to the members of this House to stand up and insist upon the principle that Congress has the power to determine the amount that shall be paid to any poor, unfortunate soldier, and they may do that regardless of whether they make the bill general or special. [Applause.] One man may serve in the army three years and suffer no serious disability. Another man may serve two days and two nights and receive a disability that must follow him all through life. Consequently, are you able to even this matter up in a general bill? It is utterly and absolutely impossible. We should meet all of these general cases by a general bill, but the extraordinary cases must be met by special legislation; and I am unable to understand upon what principle the President of the United States can approve of a pension to a widow of a general, where it is not contended that the soldier's death is due or attributable to his army service, and at the same time deny us the right to give this poor Indiana private $50 a month. The truth is that this man should have $72 a month under the general law. There is no doubt about it, under the testimony that is submitted to our committee.

Under the testimony submitted when we made our first report he would not have received that sum under the general law, but the committee, exercising that power heretofore always exercised, recommended the passage of the bill at $50 a month, $22 less than the rate which the soldier would be entitled to receive in case he could have established that fact.

But the strong point I wish to urge here upon this House is that there is no limitation on the power of Congress in granting pensions, and that this message, if it becomes a precedent, will fix a limitation not known to the Constitution or to the law, and will deprive Congress of the power to administer relief and justice in hundreds, yea, thousands, of deserving cases that can not be reached in any other way. I therefore hope that this House will vote solidly to pass this bill for this poor soldier, the veto of the President to the contrary notwithstanding. [Applause.]

Mr. Speaker, I reserve the balance of my time.

Mr. ERDMAN. Mr. Speaker, the only information accessible to the President when he received this bill was the report of the Committee on Invalid Pensions and such evidence as was on file in the Pension Bureau. I have caused an abstract to be made of the evidence there, and I send that to the Clerk's desk to be read.

The Clerk read as follows:

[Francis E. Hoover, Company I, Sixty-fourth Ohio Infantry. Certificate No. 668808.]

STATEMENT OF FACTS.

This claimant filed a declaration under the act of June 27, 1890, on the 25th of August, 1890, alleging chronic rheumatism and disease of kidneys. The War Department reports that he enlisted in the above-named organization February 21, 1864, and was discharged December 3, 1865.

He was examined by the board of surgeons of Salem, Oreg., May 13, 1891, which reported a rating of five-eighteenths (5/18) for "rheumatic disability." It will be observed that the rate recommended by the board was less than the minimum rate allowed under the act of June 27, 1890, yet the claim was allowed and certificate issued October 7, 1891, at the rate of $8 per month from August 25, 1890, date of filing application.

He filed a claim, under the same act, for increase September 24, 1892, in which he alleged chronic rheumatism and varicose ulcers due to varicose veins.

In an affidavit filed November 13, 1893, he states: "I became aware that I had varicose veins in 1891, and that these ulcers were caused from them, but the ulcers date back to December, 1864. When the first one appeared I was not then aware that it was caused from varicose veins, as physicians now inform me."

He was examined under this application February 27, 1893, by the board of surgeons at Goshen, Ind., which reported a rate of eight-eighteenths for rheumatism and seventeen-eighteenths for varicose veins and results, yet the board states in that report that the claimant "is three-fourths disabled from manual labor." Notwithstanding this the claim for increase was allowed and certificate issued January 23, 1894, at the liberal rate of $12 per month (maximum under the act of June 27, 1890, for total disability) from February 22, 1893, the date of the examination, for rheumatism and varicose veins and resulting ulcers.

The claimant never filed an application under the general law, and has never stated whether the disabilities for which he is pensioned are due to and caused by his military service.

Mr. ERDMAN. Now, Mr. Speaker, in the report filed by the committee it is expressly stated that the disease is not of service origin. The testimony on file in the Pension Bureau corroborates that, and the applicant never believed that he had any just cause and never made any application for a pension under the general law. It is simply idle and silly to attempt to do what is attempted in the second report filed by the Committee on Invalid Pensions, viz, to set up the plea that the disease is owing to service origin, or that his present condition is attributable to it in any way.

There are more than the usual absurdities of a plea of confession and avoidance in the second report of the committee.

I yield such time as he may want to the gentleman from California [Mr. LOUD].

Mr. LOUD. Mr. Speaker, I opposed this case in Committee of the Whole when it was up for consideration, and did so upon the report presented by the committee; assuming, of course, that the committee when it takes nothing but ex parte testimony would present to the body that has to pass upon their labors at least as good a case as they could make out. Now, the committee at that time stated emphatically in their report:

The testimony does not show the disease of the soldier to be of service origin.

Upon that testimony this House acted. Now, then, if this House is to assume the position that was assumed by the adoption of this report in the granting of this pension, permit me to say to you in all candor that it is a species of special legislation that will not receive the commendation, in my mind, of the sober second thought of the American people. There are in this country hundreds and thousands of men who were in the service who are to-day totally incapacitated from performing any species of labor. If one man who is now disabled is entitled to a pension of $50 or $72 a month, then they all are. Let me show you what a special system you are here seeking to promote. It has been stated upon the floor of this House that there have been introduced so far something over 3,000 pension bills, during this session of six months; thirty or forty of them have become law, and at the time this Congress shall close possibly a hundred will have become law. At that time I assume there will have been introduced at least 10,000 cases for special pensions; and I base that estimate on the rate they are coming into the Halls of Congress to-day; because the action of this body has invited every man in the country who was in the service to come to Congress and apply for a special pension. You pension some because there is an imaginary connection between their disability and their service; you pension others because of special meritorious services, and there is not a case presented here that some special argument is not urged in its behalf.

I do not appear here as the special advocate of the President. There are very few questions upon which we agree; and I regret, with the gentleman from Kansas [Mr. KIRKPATRICK], that the President has seen fit in all cases so far presented to veto only the pensions of private soldiers. I believe that every case that has passed Congress giving an increase of pension to the widow of an officer, or an increased pension to an officer himself, should have received the veto of the President; but we are urged in the case of officers, and it is urged upon all sides, that we must recognize the extraordinarily meritorious services they have rendered the country, because they occupied positions as general officers.

I differ with the House in that position, because a general officer was paid a salary commensurate with the extraordinary services he rendered his country—from $5,000 to $7,500 a year. They gave their talent, they gave their time, they gave all they had; and so did you and I, sir, who served in the ranks and received but $16 a month. [Applause.] We gave all we had to give to this country; and there should be no distinction.

Perhaps if the facts presented by the committee in this subsequent report were true this case might receive my approval; but the gentleman in drawing this report has shown that he has an imaginative mind that would surpass that of Don Quixote. On the top of page 2 the gentleman says:

The writer of this report has in mind one of these cases. The soldier was a strong, healthy, and robust young man, full 6 feet tall, and with an iron constitution in 1861. The firing upon Fort Sumter filled his young heart with patriotism, and he entered the service with five of his companions.

[Applause.]

Subsequently he talks about "marching through the mud from Atlanta to the sea, and from there up through the Carolinas." I thought when I read this report the gentleman was talking about Francis E. Hoover, but when I got down to Francis E. Hoover, at the bottom of page 3, I found that he enlisted in February, 1864, and never could have marched through this mud from Atlanta to the sea, because the gentleman says that he went back to Nashville; and false in part might perhaps be assumed to be false in whole. But I will say here, Mr. Speaker, that if the report now presented had been made when the case was first presented to this House I should, perhaps, have given it my approval; but the President acted upon the report of the committee, and could not have gotten information beyond the evidence in the Pension Office.

There is not a line or a scrap that goes to show that this soldier's present disability is the result of his service. To illustrate that point, this man never applied for a pension under any of the prior acts. He never applied for a pension until after the act of 1890, which is prima facie evidence that his present condition is not the result of his service. The President took the evidence before him. He said, as I would say and as others would say even on the eve of a great political campaign, that it is not right, that it is not proper, that it is not becoming the representatives of the great American people to pick out a particular case, present ex parte testimony, and give the soldier a pension of $50 a month. If the position which the gentleman assumes in his subsequent report is correct; if he has abundance of testimony to show that the present disability of this man is the result of his service, then I say it is unbecoming for him to try to pass this bill over the President's veto. What he ought to do is to bring before this Congress a bill pensioning this soldier at $72 a month, the amount to which, in his present condition, he would be entitled if the gentleman's position is correct.

Of course, Mr. Speaker, I know how members of Congress feel on pension cases. I know that in 1888 we made all that could be made out of the poor soldier. I know that we vilified, and I might say falsified, and made all we could out of the pension record of Grover Cleveland, but in 1892 evidently the sober second thought of the American people did not condemn that record, at least not to a sufficient extent to defeat him in his campaign for reelection. I believe, Mr. Speaker and gentlemen of the House, that the sober second thought of every man here will conclude that the position of the President in this case is right, whatever it may be or may have been in some other cases. He reviewed the testimony before him and came to the conclusion, as I believe, as any fair-minded man must do, that this was a case of special pernicious legislation; and let me add, as I have already said, our pension legislation here has done more to debauch the sentiment of the American people than the action taken upon any other questions that have come before Congress.

Mr. KIRKPATRICK. Mr. Speaker, I yield ten minutes to the gentleman from Illinois [Mr. WOOD].

Mr. WOOD. Mr. Speaker, the question in regard to this veto message presents very fairly the issue that is made by the President with the Congress. The question is, Whether we shall apply one rule of evidence to a private soldier and to his widow, and another to an officer of high rank and to the widow of such an officer; whether in the one case we shall require proof of disability from army service, and in the other case shall exempt the applicant from that requirement. That is the question, and it is upon that which I desire the attention of the House for a few moments.

Let me say in the outset that I do not agree entirely with the report of the committee that has been filed in the case of this veto. I think the President was entitled to have the case as it was made up in Congress and to pass upon it as it was presented to him. I think that any subsequent evidence which went before the committee ought not to have any weight with the House on this occasion, and I therefore address myself to the condition as it existed when the bill was reported by the committee and as it was when passed by this House. It has been said that an officer is entitled

to a pension of larger amount than the private soldier, and is entitled to have that pension upon less proof, on account of his distinguished service. That is the issue which is made here. The President so far has vetoed no bill granting or increasing pensions to officers of high rank or to their widows, although the evidence failed to show death or disease as results of army service. Pension vetoes seem only to be the portion of the soldiers and officers of the line.

This soldier, Francis E. Hoover, enlisted at the age of 16 years. Something has been said to the effect that he did not enter the service early in the war, but evidently he got into the Army as early as he could be admitted. He was in the memorable campaign in middle Tennessee in 1864, which resulted—the only instance in the history of the struggle from 1861 to 1865—in the destruction of a Confederate army in a pitched battle. There have been a great many criticisms upon the generalship of that campaign. On the eve of the battle of Franklin there was crimination and recrimination between the Confederate commander and his lieutenants, Pat Cleburne, the Stonewall of the Western Confederate army, went out of that stormy council into the fiery charge and to his death; but I ask you who has ever criticised the soldierly conduct of either the Union or the Confederate private soldiers on that bloody field?

There has been criticism of the whole campaign that led up to the siege and battle of Nashville. The Confederate commander has been criticised. The Union commander—that sturdy Virginia patriot and incomparable soldier, George H. Thomas—was on the point of being relieved. He was criticised and misunderstood by the country; misunderstood by the silent commander of the Army; misunderstood by the President—understood only by the privates of the Army of the Cumberland, who always trusted in him. There has been much military criticism upon that entire campaign. It has been claimed that the stand should have been made at Pulaski, or at Columbia, or at Franklin, rather than at Nashville. But who has ever criticised the soldierly conduct of the privates of that army; of the cavalrymen who charged and carried breastworks and forts, or even of that black line—men with black faces, but white souls—who charged up Overton's Hill and left their dead and wounded thickly strewn along the slope?

There has been criticism as to the following up of the Confederate army after that battle. One officer of considerable rank made a mistake and sent the pontoons on another road; but who has ever criticised the energy or persistence of the private soldiers who bore a part in that relentless pursuit? In that campaign and in those battles was Francis E. Hoover. He fought by day and he marched by night. At Pulaski, at Columbia, at Spring Hill, at Franklin, at Nashville, he was in the fight, he was in the pursuit. Through mud and rain and sleet and storm he marched and did his duty. There is not a record of dishonorable conduct against him. What is his condition to-day? Helpless—more helpless than an infant. If water were within arm's length of him he might perish from thirst, because he could not carry the goblet to his lips. If food were placed in his hands he might die of starvation, because the arms that once supported his country's flag and carried the musket in its defense are no longer under the control of his will and could not carry the food to his mouth.

I can think of nothing more helpless than the condition of this soldier as disclosed by the evidence which came before the committee, unless it was the condition of his own country early in 1861, when there were foes without the capital and foes within. The country was affected then with a more deadly disease than paralysis. Our Navy—where was it? Our Treasury—where was the money that ought to have been there? What was the condition of our Army then? Loyalty among the privates; treason among the officers of high rank. And then the country in its weakness, its utter helplessness, reached out and leaned upon such men as Francis E. Hoover. It leaned upon their strength, and they gathered to its support. They saved its life. But now that country is strong and vigorous and powerful; and Francis E. Hoover turns his heart and his eyes toward it—he can not turn his helpless body—and asks for relief in his utter want and destitution. He asks the President of the United States—shall I say it?—he asks the Commander-in-Chief of the Army in which he once valiantly and honorably served, for relief; and he is told that while the officer who made mistakes shall be exempted from proving disabilities of service origin, a private of honorable record, who made no mistakes, shall be required to prove the pathological connection between the disease of his army service and his present condition, and that he shall make out his case beyond the possibility of a doubt and to a moral certainty.

Mr. Speaker, something has been said about other similar cases, and it has been urged that to grant relief to this soldier would be an unjust discrimination against others. Sir, so far as the duty of this House in the present hour is concerned there is only one case, and that is the case of Francis E. Hoover. We ought to pension him for the same reason that we have pensioned generals and the widows of generals—on the ground of previous honorable service and present absolute helplessness, destitution, and want.

It may not be very long, Mr. Speaker, before the Republic will have occasion to summon again its young men into the ranks of its armies. It is a good thing at this time to show that the nation is not ungrateful to its private soldiers. If there were but $50 in the Treasury the best investment that could be made of that money would be to draw it out and pay the first month's pension to Francis E. Hoover under this act, which I hope will soon become a law, "the objections of the President to the contrary notwithstanding." [Loud applause.]

Mr. KIRKPATRICK. Mr. Speaker, I hope now that gentlemen on the other side will use some time.

Mr. BARTLETT of New York obtained the floor.

Mr. KIRKPATRICK. Well, Mr. Speaker, as there seems to be nobody desiring to talk further, I will move the previous question.

The SPEAKER pro tempore. The gentleman from New York [Mr. BARTLETT] has been recognized.

Mr. KIRKPATRICK. The gentleman will excuse me; I did not observe it.

Mr. BARTLETT of New York. Mr. Speaker, I have learned for the first time that I am a negative quantity in this body, for the gentleman from Kansas has just told us, upon my rising, that he had noticed that no one else wished to be heard on this bill.

Mr. HARDY. He did not know that you wanted to be heard.

Mr. BARTLETT of New York. It seems to me, Mr. Speaker and gentlemen, that the question before the House is whether this veto message of the President of the United States in reference to this particular measure is proper or not. There is no question as to our sympathy with the men who fought and won in the late civil war. There would seem to me to be no occasion for eloquent or patriotic addresses such as that to which we have just listened from the gentleman from Illinois [Mr. WOOD]. There would seem to me to be no occasion for the reading of a report such as that which was framed by the gentleman from Kansas [Mr. KIRKPATRICK]. That report in favor of this bill contains two or three pages referring to some hypothetical case, some case radically different from the case now under consideration.

This bill, providing for the granting of pension or additional pension to Francis E. Hoover, was passed on one of those Fridays in April last when the distinguished gentleman from South Dakota [Mr. PICKLER] obtained control of this body, when all debate was silenced, when the gag rule was applied, and pension bill after pension bill was forced through this House without any consideration. If gentlemen will look at the RECORD of April 3, 1896, they will find that no debate was allowed on this bill and that it was passed under the operation of the previous question.

Now, let that be the general rule which obtains in reference to pension bills. You of the majority here are all-powerful; and if the distinguished Committee on Rules—for the ability of whose members I have the highest respect and esteem—if that distinguished committee sees fit at any time to grant the prayer of the gentleman from South Dakota you can have one day or two days or three days devoted entirely to the consideration of these pension bills. But the next time that you bring in a rule do not give us ten minutes for debate; do not give us five minutes for debate; do not give us one minute for the consideration of any pension bill, but let the previous question be considered as ordered at once, and let each and every pension bill be passed without regard to its merit.

Let me for a moment or two call your attention to the existing legislation, or the present system of legislation, which obtains with reference to pensions. We have the general pension law, which is all right, under which some eighty-one or eighty-two millions of dollars a year are paid out of the national Treasury; we have the dependent pension act of 1890, under which some sixty-one millions are paid annually; and in addition to these general laws we have passed during the present session a law for the benefit of the bounty jumpers, the deserters, and for the benefit of the ex-confederates—a general law which requires some six or seven millions more per annum for its payment.

Now, Mr. Speaker, let the House understand exactly your pension legislation. While you may gain in the main a few votes from the soldiers, the ex-soldiers, or the veterans, you will find if you persist in the enactment of this extravagant legislation united against you all the toilers and wage earners of this nation. The people at large are perfectly willing that you should pay full and adequate pensions. They have never objected to that. They are perfectly willing that a sum such as that advocated by General Garfield in the years past should be paid to the veterans of the war; and you will remember that General Garfield said, if I mistake not away back in 1872 or 1874, that he thought we had then reached the high-water mark of pension appropriations; and unless in the future there were wanton and extravagant pension legislation there would be no greater sum appropriated than the sum appropriated at that time.

But, in addition to the general pension law to which I have already referred, we have the act of June 27, 1890, known as the dependent pension act, and the iniquitous act of the present session, which is known as the Pickler bill. We have thousands of

private pension bills to which the attention of the House is drawn from day to day. The minority is powerless to check the passage of any one of these private pension bills, however iniquitous it may be in scope, in intent, or in operation; and it is only at long intervals that our attention is called to some particularly objectionable measure by the fact that the Chief Magistrate of this nation has exercised his veto power in reference to it.

Now, gentlemen, I say that I believe the veto of this particular bill, granting a pension to Francis E. Hoover, is an admirable act. I believe it to be a most praiseworthy act on the part of the President of the United States, and I, gentlemen, have failed ever to read any message of Grover Cleveland on a pension bill which has not been able and honest and praiseworthy, and in the best interests of the people of this country—the veterans or the non-veterans—and for the due and proper administration of the pension laws.

There is no question, gentlemen, before you to-day as to the power of the President to veto a bill, or as to the power of Congress to pass a special pension bill. The gentleman from Kansas [Mr. KIRKPATRICK] misapprehends in toto the situation. It is conceded that Congress has the power to pass these pension bills, however pernicious they may be. It is conceded, on the other hand, that the President of the United States has, under the Federal Constitution, the power to veto a bill not only in cases where he thinks the Congress of the United States has proceeded ultra vires, or has transcended its powers, but in other cases where he considers the legislation, for any cause whatever, to be unwise or improper; and in the case under consideration the question is, Is the legislation wise? Is this a proper bill for you, all-powerful gentlemen of the majority, to impose on the people of the United States? No matter to what extent you may go in your approval of existing law in reference to pensions, I ask you to pause and hesitate before you vote to override the veto of the President of the United States in reference to this particular measure.

In June, 1890, when the dependent pension act was passed, what was said virtually to the people of this country at that time? "Give us this dependent pension act with a limit fixed at a certain amount," and you know that the greatest limit of pension that can be granted under that act is $12 per month. If a man is suffering to such an extent as to be incapacitated from earning a livelihood either by mental or physical disease, under the act of June 27, 1890, he can receive a pension of $12 per month and no more. Now, if you pass this bill over the veto you will virtually enlarge the scope—the entire scope—of the dependent pension act of June 27, 1890.

If you give this soldier $50 or $72 a month—and you might just as well vote him $72 as $50 a month—on the theory that he is incapacitated to such a degree as would entitle him to $50 a month had the disease been of service origin, you will open the door so that every man in the like situation, so that every man suffering from disease admitted not to be of service origin, can come in and demand a pension of $50 or $72 a month.

Mr. NORTHWAY. Will the gentleman permit me a question?

Mr. BARTLETT of New York. Certainly.

Mr. NORTHWAY. Will not every solitary special act pensioning a soldier set a precedent, to be followed by everybody, just as much as this, and hence will not your argument apply to every special act just as well as to this?

Mr. BARTLETT of New York. Mr. Speaker, that is a question somewhat broad, and I shall endeavor to answer the gentleman on some future occasion; but I do not think it does apply to other special bills to the same extent that it applies to this particular measure.

Mr. PICKLER. Will the gentleman yield to me for a question?

Mr. BARTLETT of New York. Yes.

Mr. PICKLER. How can you defend the President's veto on principle when his position is directly contrary to the act of 1890, by which we pension soldiers not for disability incurred in the service, but for disability wherever incurred? All that we have done in this case and all that we claim is that instead of this man getting $12 a month he should have more. Now, how can you sustain the veto when we are acting on that very line and upholding every principle of the law of 1890?

Mr. BARTLETT of New York. Mr. Speaker, I consider that this is in contravention of the spirit and of the language of the law of 1890.

Mr. PICKLER. The law of 1890 is for disabilities, no difference where incurred. Now, even if it should be conceded that this man did not get these disabilities in the Army, still he has the disability and he is helpless. Now, how does it violate the principle of the law of 1890?

Mr. BARTLETT of New York. The law of 1890 fixes a certain limit. The idea is that the pension system under the act of 1890 has been extended further, by the Congress of the United States, than in any other country in the world at any period of history. The principle established in the act of 1890, the promise held out to the people of this country on June 27, 1890, was, "If you will give these men who fought in the war a certain sum when the disability was not incurred in the line of duty, we shall be content with that. If you will give us $8 or $12 as the maximum, we pledge ourselves to ask no more of the Congress of the United States." And Senator DAVIS, who had that bill in charge in the Senate, stated that the maximum expense or cost to be imposed upon the taxpayers of the United States would be only $35,000,000 per annum. Was that promise kept? It is true that in the debate it was enlarged to forty-one or forty-two million dollars. Has that promise been kept? Do you not all know that to-day it costs the people of this country some sixty-one or sixty-two million dollars per annum to pay the pensions under the act of June 27, 1890?

Mr. PICKLER. Now, I know the gentleman is a humanitarian. I put it to him now, what would he do in a case of this kind, with this old soldier in this helpless condition, when the question is before us as to whether we shall give him more than $12 a month or send him to the poorhouse? The gentleman is certainly not in favor of sending this old soldier to the poorhouse, is he?

Mr. BARTLETT of New York. Mr. Speaker, I am always very glad to listen to the gentleman from South Dakota, and I shall always endeavor to treat him with the courtesy and amenity which sometimes is absent from his treatment of me.

Mr. PICKLER. Not intentionally.

Mr. BARTLETT of New York. I am never in favor of sending any soldier to the poorhouse; but I say that, in these exceptional circumstances, let the man's own State provide for him. Do not call upon the Federal Congress, not to make law, but to break law, in favor of one individual.

Mr. PICKLER. He came to this condition by defending and upholding the Federal Government. Why should it not sustain him, when he helped to save it?

Mr. BARTLETT of New York. I am perfectly willing to yield to the gentleman from South Dakota for five or six questions, provided they are all strung together, but it is impossible for me to address this House and to have these constant interruptions.

Mr. Speaker, the gentleman from South Dakota has said that this disability was occasioned because this man fought in the war. Now, if that be so, the report of the Committee on Invalid Pensions is incorrect; because in their first report they say that the disability was not of service origin. You are all well aware that if the wound had been received or the disease incurred in the service, in the line of duty, then, if all these facts stated as to the disease and the condition of the man be true, all that he would be required to do in order to receive $72 a month would be to file his application with the Commissioner of Pensions.

It must be taken as a conceded or admitted fact that the disease under which this man is now alleged to be suffering is due entirely to something outside and apart from his service in the civil war, and it is for that reason that I say that the veto message of the President of the United States should be upheld by all fair-minded men on either side of this House. I am very sorry that any man should be in the condition in which it is alleged that Francis E. Hoover is in to-day, but because a man is suffering from illness is it any part of the duty of the Congress of the United States to vote away, not your money, gentlemen, or my money, but the money which is wrung from the people at large by taxation? And unless you use your power properly and justly, unless you are wise in your disposition of these pension bills, the time will shortly come when the people of the United States will rise in their power and express their disapproval of careless or negligent or wanton pension legislation.

What does the President of the United States say to us in reference to this particular measure? He says:

> The value of pension legislation depends as much upon fairness and justice in its administration as it does upon its liberality and generosity.

Now, I am in favor of being liberal and generous only in the cases where we should be liberal and generous, and I do not believe in unjust discriminations. I do not believe in passing such a bill as this which has been vetoed by the President of the United States and in establishing dangerous precedents for all time to come. You will have not this one applicant coming in here on ex parte affidavits and hastily conceived evidence and asking for a pension of $50 a month, but you will have hundreds and thousands of men who served ninety days coming in and asking for, say, $50 to $72 a month, on the theory that they would be entitled to such an amount if they had incurred the disability in the service in the line of duty. There must be, gentlemen, some logical distinction. There must be some distinction, in common fairness, between the man who was wounded on the field of battle or incurred disease in the active service of his country in the line of duty and the man who served but ninety days and never left his native town, and came out of the war unharmed and uninjured. Consider for one moment the dangerous practical operation of the act of 1890. Reflect on the fact that in one Ohio regiment 495 pensions are now being drawn under the dependent act of 1890, while that regiment never left the town in which it was recruited, and was in the service but a few months; and there are many other cases like the cases of the members of that Ohio regiment.

So it would seem to me, gentlemen, that whatever your views

may be of general pension legislation and of special pension legislation, in this particular case the veto of the President of the United States should be sustained. He gives us his reasons in terse and happily selected language. He says:

> It seems to me [it] would result in an unfair discrimination as against many thousand worthy soldiers similarly situated, and would invite applications which, while difficult to refuse in the face of such a precedent, must certainly lead to the breaking down of all the limitations and restrictions provided by our laws regulating pensions.

Mr. MORSE. Will the gentleman permit me to ask him a question?

Mr. BARTLETT of New York. Yes, sir.

Mr. MORSE. I would like to ask my friend from New York a question. He argues against this case, as I understand him, on the ground that it is favoritism and special legislation?

Mr. BARTLETT of New York. Yes, sir.

Mr. MORSE. Now, would the gentleman vote for a general law to cover cases like this, of total disability—would he vote for a general law to cover all such cases throughout the country giving a substantial increase under the act of 1890?

Mr. BARTLETT of New York. Mr. Speaker, I will answer the question propounded by the distinguished gentleman from Massachusetts. If a man were totally disabled by a wound which had been received in the service in line of duty, I should be willing to vote to increase the sum of $72 now allowed to $100, or a sum larger than $100. If a man has lost an arm, or a leg, or an eye in the service, or has been in any way wounded or maimed, I should gladly vote for an amendment to the general law increasing the amount which should be allowed to the soldier; and I know no one who will go further than I in according the meed of praise and the amount of justice or bounty, whichever you may please to term it, to the men who were wounded or incurred disease or disability in the service in the line of duty. I do not think you can do too much for those men. But here we have another line of cases. Here we have a class of men in reference to whom it is admitted that their disabilities were not incurred in the service in line of duty, but that, as in this case, they arose at some subsequent period in the man's life, probably ten, or fifteen, or twenty years after the close of the civil war.

Now, in reference to these men, the soldiers who served for ninety days and who have filed, or are entitled to file, applications under the act of June 27, 1890, they have received, in the sixty-one million or sixty-two million dollars which we now pay them, all that we ought to pay them in view of our duty to the people of this country at large, the taxpayers, the wage earners, the toilers of this land. But if you wish to enlarge the scope and operation of the dependent pension act of 1890, bring in an amendment to that act, bring in a general bill and let us debate it here. Perchance you will pass it. You have the power, and I dare say that you would all vote for it, and pass it; but in that case you would not be subject to the same criticism to which you will be subjected if you pass this bill over the President's veto, because this is special legislation, because this is discriminating in favor of one individual by passing a measure which can apply to no other man in the same class.

Mr. Speaker, should our views of general legislation be hampered or controlled by the fact that we have passed one bill which might be cited against us as a dangerous precedent? I have the greatest sympathy for this soldier, but I say that, in view of all the facts of the case—and I say it in all temperance and in a spirit of moderation—in view of all the facts of the case it seems to me that we ought not to override the veto of the President of the United States.

Mr. MORSE. Then, Mr. Speaker, if I understand the distinguished gentleman from New York, his position is——

Mr. KIRKPATRICK. Mr. Speaker, I yield ten minutes to the gentleman from Delaware [Mr. WILLIS], and after that I will ask for a vote.

Mr. MORSE. The gentleman from New York yielded to me for a question. If I understand the position of the gentleman, he is willing to vote to increase the pensions of soldiers who were wounded in the service in the line of duty, but he is not willing to increase the pension of any soldier who incurred a disability, even though it be as great as the disability in this case, if it was not incurred in the Army in the line of duty. That I understand to be the gentleman's position.

Mr. BARTLETT of New York. Mr. Speaker, I do not know that it is necessary for me to issue a manifesto to-day as to what I propose to do in reference to pension legislation in the future. I state with perfect frankness that I am opposed to the passage of any such bill as this, and that I am against overriding the veto of the President of the United States by passing this bill granting a pension to Francis E. Hoover.

Mr. PICKLER. If this House sustains the President's veto, then it lays down the principle that the House of Representatives can not increase any soldier's pension above the amount allowed by the general law. Now, we can not afford to take that position.

Mr. BARTLETT of New York. Mr. Speaker, it pains me to differ with the gentleman from South Dakota, who always couches his statements in such moderate and modest language. The mere statement of a proposition by the gentleman from South Dakota carries conviction. [Laughter.]

Mr. PICKLER. Not with the gentleman from New York. I am an utter failure in that quarter. [Laughter.]

Mr. BARTLETT of New York. Now, Mr. Speaker, I do not concede that the position taken by the gentleman from South Dakota is sound. If we sustain the veto of the President with reference to this particular case, we do not lay down any rule as to what we shall do in future when a general proposition on this subject is brought before us. We do not commit ourselves at all as to that. We simply say that this special discrimination is improper. We say that we ought not to pass this particular bill and that this bill having been vetoed for proper reasons, we ought not to override the veto of the President of the United States.

Mr. DINGLEY. Mr. Speaker, I hope that the gentleman in charge of this bill will move the previous question. The Labor Committee has had this day assigned for the consideration of its business and this is delaying that business.

Mr. KIRKPATRICK. I am under a promise to the gentleman from Delaware to yield him ten minutes before I move the previous question.

Mr. WILLIS. Mr. Speaker, I shall probably occupy eight minutes of that time, and the other two minutes I will yield to the gentleman from New York [Mr. FAIRCHILD] to present to this House the opinion of ex-Governor Chauncey F. Black with regard to the veto power. I must say that I join hands with the distinguished gentleman from New York [Mr. BARTLETT] with regard to the immortality which the distinguished gentleman who occupies the Executive Mansion seems to be earning for himself as he sits in the quiet and splendid seclusion which he so much enjoys and vetoes these little pension bills in which are involved the peace and the comfort and the lives of men who risked all that they had and all that they knew in defense of their country in the hour of its peril. Here is the case of a boy who, before his beard had time to grow, enlisted in the army and followed Sherman from Nashville to Atlanta and fought in every battle throughout that memorable campaign for the upholding of that flag and the preservation of the principles of this Government to which the gentleman from New York so felicitously refers in many instances.

Now, at the very meridian of his life—poor and sick and helpless—he comes here and asks us to overstep the rigid limitations of the pension laws and allow him enough to make him comfortable through the few remaining months that he may have on these sublunary shores. And lo and behold! the great man who occupies the chief office at the head of the nation has found out—digging down through a great mountain of business, perhaps—has found out that in connection with this particular bill no special evidence has presented itself that the disability with which this man is dying can be definitely and circumstantially traced as having originated in the military service.

I say, sir, with what little knowledge I have of the Constitution and the history of its adoption, that the veto power was never intended to be applied to a case like that; that it is an abuse and degradation of the veto power to apply it to a case of this sort. [Applause.] It is something like a reassertion of that idea that came from the President of the United States when he said he had "Congress on his hands," to come here and in the face of the overwhelming majority by which this bill was passed send us this veto. I congratulate him on having so noble a defender and so successful an advocate as the gentleman from New York. It occurs to me that their minds are cast somewhat in the same mold, and I do not want the gentleman from New York to consider himself in a great degree complimented by that remark either. [Laughter.] But in considering the various subterfuges that have been resorted to under the name of "arguments" and the excuses that have been made for opposing these pension bills, I was especially struck with the remarks of the gentleman from New York in his speech against the pension bill which was before the House a week or two ago. After mauling this House for a good solemn hour with his platitudes on that subject, he treated us to a little extract from the immortal words of Fitz-Greene Halleck. He quoted for us Marco Bozzaris, and this was the excuse he made for not helping these men in the last hours of their earthly strife. He said they had their compensation, and he recited the lines—

> But to the hero, when his sword
> Has won the battle for the free,
> Thy voice sounds like a prophet's word;
> And in its hollow tones are heard
> The thanks of millions yet to be.

That was the gentleman's excuse for not supporting pension legislation. He intended to comfort these poor fellows with "the thanks of millions yet to be." [Laughter and applause.]

Mr. MORSE. They could not get any bread and butter in that way.

Mr. WILLIS. I wish he had commenced with that beautiful stanza preceding the one which he quoted:

Come to the bridal chamber, Death!
Come to the mother, when she feels,
For the first time, her firstborn's breath;
Come when the blessed seals
That close the pestilence are broke,
And crowded cities wall its stroke;
Come in consumption's ghastly form,
The earthquake shock, the ocean storm;
Come when the heart beats high and warm,
With banquet song, and dance, and wine;
And thou art terrible—the tear,
The groan, the knell, the pall, the bier,
And all we know, or dream, or fear
Of agony are thine.

Yes, sir; here is a woman in the loneliness of her widowhood, facing death in its most solemn and aggravated form, her hungry children around her. What would the gentleman do, as indicated in the very apt and beautiful quotation that he used on that occasion? He would clothe the orphan with "the thanks of millions yet to be"! He would comfort the broken-hearted widow with "the thanks of millions yet to be"! He would shed a light in that deserted household with "the thanks of millions yet to be"! He would stand by the bedside of this poor fellow who is ready to go to the poorhouse, sick and hungry, and he would tell him that the soldier has something else to console him, for in the "hollow tones" of death are heard "the thanks of millions yet to be"! [Loud laughter and applause.]

Now, sir, I congratulate Grover Cleveland and the honorable gentleman from New York [Mr. BARTLETT] on the unity of spirit which they manifest in a case like this. [Renewed applause.]

Mr. KIRKPATRICK. I now call for the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is, "Will the House on reconsideration agree to pass this bill?" on which, as required by the Constitution, the yeas and nays will be taken.

The question was taken; and there were—yeas 196, nays 47, not voting 112; as follows:

YEAS—196.

Acheson,	Curtis, Iowa	Huff,	Reeves,
Adams,	Curtis, Kans.	Hunter,	Royse,
Aldrich, Ala.	Danford,	Hyde,	Sauerhering,
Aldrich, Ill.	Daniels,	Jenkins,	Shafroth,
Allen, Utah	Dayton,	Johnson, Cal.	Shannon,
Anderson,	De Witt,	Johnson, N. Dak.	Sherman,
Andrews,	Dingley,	Kem,	Shuford,
Arnold, R. I.	Dolliver,	Kiefer,	Simpkins,
Atwood,	Doolittle,	Kirkpatrick,	Skinner,
Avery,	Dovener,	Lacey,	Smith, Ill.
Babcock,	Eddy,	Layton,	Smith, Mich.
Baker, Kans.	Ellis,	Ledeve,	Sorg,
Baker, Md.	Evans,	Leighty,	Southard,
Baker, N. H.	Fairchild,	Leonard,	Spalding,
Barham,	Faris,	Lewis,	Sperry,
Barney,	Fenton,	Linney,	Stahle,
Barrett,	Fischer,	Linton,	Steele,
Belknap,	Foss,	Long,	Stewart, N. J.
Bell, Colo.	Fowler,	Low,	Stokes,
Bingham,	Gamble,	Mahany,	Stone, C. W.
Bishop,	Gardner,	Mahon,	Strait,
Blue,	Gibson,	Marsh,	Strong,
Brewster,	Gillett, Mass.	McCall, Mass.	Strowd, N. C.
Broderick,	Graff,	McCall, Tenn.	Sulloway,
Bromwell,	Griffin,	McClure,	Taft,
Brosius,	Griswold,	McCormick,	Talbert,
Brown,	Grosvenor,	McEvan,	Tawney,
Brumm,	Grout,	McLachlan,	Tayler,
Bull,	Grow,	Mercer,	Thomas,
Burrell,	Hadley,	Milliken,	Towne,
Burton, Mo.	Hager,	Milnes,	Tracewell,
Burton, Ohio	Hainer, Nebr.	Minor, Wis.	Tracey,
Calderhead,	Halterman,	Mondell,	Treloar,
Cannon,	Hardy,	Moody,	Updegraff,
Chickering,	Harmer,	Morse,	Van Horn,
Clark, Iowa	Harris,	Murphy,	Van Voorhis,
Clark, Mo.	Hartman,	Newlands,	Walker, Mass.
Cockrell,	Hatch,	Northway,	Walker, Va.
Codding,	Heatwole,	Odell,	Wanger,
Colson,	Hemenway,	Otjen,	Warner,
Connolly,	Henderson,	Overstreet,	Watson, Ind.
Cook, Wis.	Henry, Conn.	Parker,	Watson, Ohio
Cooke, Ill.	Hermann,	Payne,	Willis,
Cooper, Wis.	Hicks,	Pearson,	Wilson, Idaho
Corliss,	Hilborn,	Phillips,	Wilson, N. Y.
Cousins,	Hitt,	Pickler,	Wilson, Ohio
Crowther,	Hooker,	Poole,	Wood,
Crump,	Hopkins,	Powers,	Woodman,
Cummings,	Howell,	Prince,	Wright.

NAYS—47.

Abbott,	Denny,	McCreary, Ky.	Richardson,
Allen, Miss.	Dockery,	McCulloch,	Sayers,
Bankhead,	Elliott, S. C.	McDearmon,	Spencer,
Bartlett, N. Y.	Erdman,	McMillin,	Sulzer,
Bell, Tex.	Harrison,	McRae,	Swanson,
Berry,	Hart,	Money,	Tate,
Buck,	Hendrick,	Neill,	Terry,
Clardy,	Lester,	Otey,	Tyler,
Cobb,	Little,	Owens,	Wadsworth,
Cooper, Tex.	Loud,	Pendleton,	Williams,
Culberson,	Maguire,	Quigg,	Yoakum.
De Armond,	McClellan,	Raney,	

NOT VOTING—112.

Aitken,	Foote,	Leisenring,	Rusk,
Apsley,	Gillet, N. Y.	Livingston,	Russell, Conn.
Arnold, Pa.	Goodwyn,	Lockhart,	Russell, Ga.
Bailey,	Hall,	Lorimer,	Scranton,
Bartholdt,	Hanly,	Loudenslager,	Settle,
Bartlett, Ga.	Heiner, Pa.	Maddox,	Shaw,
Beach,	Henry, Ind.	McCleary, Minn.	Snover,
Bennett,	Hepburn,	McLaurin,	Southwick,
Black, Ga.	Hill,	Meiklejohn,	Sparkman,
Black, N. Y.	Howard,	Meredith,	Stallings,
Boutelle,	Howe,	Meyer,	Stephenson,
Bowers,	Hubbard,	Miles,	Stewart, Wis.
Catchings,	Hulick,	Miller, Kans.	Stone, W. A.
Clarke, Ala.	Huling,	Miller, W. Va.	Strode, Nebr.
Coffin,	Hull,	Miner, N. Y.	Thorp,
Cooper, Fla.	Hurley,	Moses,	Tucker,
Cowen,	Hutcheson,	Mozley,	Turner, Ga.
Cox,	Johnson, Ind.	Noonan,	Turner, Va.
Crisp,	Jones,	Ogden,	Underwood,
Crowley,	Joy,	Patterson,	Walsh,
Curtis, N. Y.	Kendall,	Perkins,	Washington,
Dalzell,	Kerr,	Pitney,	Wellington,
Dinsmore,	Kleberg,	Price,	Wheeler,
Downing,	Knox,	Pugh,	White,
Draper,	Kulp,	Ray,	Wilber,
Elliott, Va.	Kyle,	Reyburn,	Wilson, S. C.
Fitzgerald,	Latimer,	Robertson, La.	Woodard,
Fletcher,	Lawson,	Robinson, Pa.	Woomer.

So (two-thirds having voted in favor thereof) the bill was passed.

The following pairs were announced:

Until further notice:

Mr. DALZELL with Mr. CRISP.

Mr. JOY with Mr. COWEN.

Mr. ROBINSON of Pennsylvania with Mr. TURNER of Georgia.

Mr. DRAPER with Mr. BAILEY.

Mr. WOOMER with Mr. BARTLETT of Georgia.

Mr. STEPHENSON with Mr. DINSMORE.

Mr. ARNOLD of Pennsylvania with Mr. LIVINGSTON.

Mr. MOZLEY with Mr. MOSES.

Mr. MEIKLEJOHN with Mr. ROBERTSON of Louisiana.

Mr. JOHNSON of Indiana with Mr. COX.

Mr. SNOVER with Mr. MADDOX.

Mr. WILBER with Mr. JONES.

Mr. BOWERS with Mr. MINER of New York.

Mr. HULL with Mr. OGDEN.

Mr. WILLIAM A. STONE with Mr. BLACK of Georgia.

Mr. APSLEY with Mr. MILES.

Mr. COFFIN with Mr. LAWSON.

Mr. MILLER of West Virginia with Mr. WOODARD.

Mr. HULICK with Mr. PRICE.

For this day:

Mr. HEINER of Pennsylvania with Mr. CATCHINGS.

Mr. KULP with Mr. CLARKE of Alabama.

Mr. CURTIS of New York with Mr. RUSK.

Mr. LEISENRING with Mr. KENDALL.

Mr. MILLER of Kansas with Mr. CROWLEY.

Mr. PERKINS with Mr. HALL.

Mr. RUSSELL of Connecticut with Mr. MEREDITH.

Mr. WOODMAN with Mr. WILSON of South Carolina.

Mr. HILL with Mr. PATTERSON.

Mr. BEACH with Mr. WASHINGTON.

Mr. BOUTELLE with Mr. TUCKER.

Mr. BENNETT with Mr. LOCKHART.

Mr. GILLET of New York with Mr. MCLAURIN.

Mr. BARTHOLDT with Mr. MEYER.

The result of the vote was then announced as above recorded. [Applause.]

LABOR COMMISSION.

Mr. HENDERSON. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is the special order assigning this day for the consideration of a bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 6119) authorizing the appointment of a nonpartisan commission to collect information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital.

The SPEAKER. Under the order of the House, the House will now resolve itself into Committee of the Whole.

The House accordingly resolved itself into Committee of the Whole, Mr. PAYNE in the chair.

The CHAIRMAN. The Clerk will report the bill H. R. 6119.

The bill was read at length.

Mr. PHILLIPS. Mr. Chairman——

Mr. MCMILLIN. Before the gentleman from Pennsylvania begins I would suggest if it is not possible that we might be able to make some arrangement by which there would be an extension of time allowed for debate. Under the rule the debate must terminate on the bill at 4 o'clock. An unexpected debate on a veto message has consumed all of the time allowed for the consideration of this bill excepting one hour and seven minutes.

This is one of the most important matters; it is a very expensive commission, one of the most expensive that has been authorized

for years past, the salaries for which alone amount to over a hundred thousand dollars, and we ought to be able to make some arrangement to have adequate time for the discussion of the matter.

The CHAIRMAN. The Chair would suggest to the gentleman that that could not be done in Committee of the Whole. We are now acting under an order of the House.

Mr. MCMILLIN. I beg pardon. I had not observed that the House had resolved itself into Committee of the Whole.

Mr. HENDERSON. I desire to state for the information of the gentleman, and for the House, that every effort has been tried to induce a member of the House to waive objection to unanimous consent in this matter, but he declines to do so. There is no hope, therefore, in the direction of unanimous consent. It is the intention of the gentleman from Pennsylvania to consume a few minutes only in explaining the bill, then ask the committee to rise and go back into the House for the purpose of securing an order to limit the debate to a very short time so that we may have the consideration of amendments and a vote upon them with as little delay as possible, and I hope that arrangement will be accepted by the members of the House.

Mr. MCMILLIN. Anything looking to an adequate consideration of the matter I will heartily concur in. I have no desire to consume any time, but it is a question of so much importance that there ought to be some method by which we could secure an adequate extension of the time allowed for debate.

Mr. PHILLIPS. Mr. Chairman, the bill now before the House is designed to better our industrial system. No demand of the people in any age has met with such general response as the demand for a better industrial and social organization of society.

No sentiment has attracted such widespread attention or has had such rapid growth. Our Government is republican; and to be effectual and durable it must have proper regard for all departments of human activity. Legislation must have just respect for the wage earner and for the wage payer, for the producer and consumer. This Government can not endure if more than one-half of its people are discontented, distressed, and suffering, for it is a Government of all and by all.

Mr. Chairman, this bill calls attention to the fundamental principle of our Government—the equality of man—and seeks a more equitable distribution of the burdens and benefits of our free Government. While it is not the function of the State to guarantee individual happiness, it is its function to guarantee each individual the right to pursue happiness, and so enact laws that one class may not be compelled of necessity to work solely for another class, regardless of their personal comfort and improvement. Rights do not belong to one class and duties to another. Physical, intellectual, and moral ability can not be made equal, but each capacity may be met; each cup, be it large or small, may be filled. Circumstances can not be made equal, but law can be adapted to circumstances.

Mr. Chairman, the danger to this Government is not external, but internal. In the progress of human society the battles of the world are shifting from conflict with nations to a conflict within nations for better government and more equitable laws. We must recognize the fact that more are now peacefully organized and enlisted in the cause of industrial equity than in all the armies of the world. The people of civilized nations will not always continue to fight for national honor and supremacy while their individual rights are not protected within the nation. National glory must henceforth be based more and more upon the prosperity and happiness of the individual citizen. After more than six thousand years of experience the people are beginning to learn that government belongs to them; that they are not owned by the government, but that they own the government, and that it must respect their rights by meeting their just demands.

If laws are derived from the governed, they should meet the just demands of all the governed. This nation took the most advanced stand in civilization, and is the best prepared to meet the industrial issues of to-day by building on the foundation it laid more than one hundred years ago by conforming law to its declared principles of right, freedom, and equality, and thus organize our social and industrial system upon a more just and equitable basis than has yet obtained in the world.

Mr. Chairman, in entering upon the discussion of the subject-matter of this bill I wish to make three observations in regard to man, which are stated in the first chapters of Genesis.

First, the unity of the race and equality of man was shown in creation; God created man and gave him dominion as man. He was to "subdue the earth," and "have dominion over the fish of the sea, over the fowls of the air, and over every living thing that moveth upon the earth." But he was not given dominion over his fellow-man.

Second, before God created man it was said: "And there was not a man to till the ground."

In the third place, man was told by the Creator: "In the sweat of thy face shalt thou eat bread till thou return unto the ground." To all, therefore, who believe in the Bible account of creation, which I believe is also in strict accord with science, fact, and history, these three things are indisputable:

First. That when God created man, he gave him dominion as man, not over his fellow-man, but over beast and bird and fish; over all animate nature below him.

Second. That he was to till the soil as his chief occupation.

Third. That his life was to be sustained by labor.

All this agrees with reason; shows equality in creation; that sustenance comes from the ground; that labor is the normal condition of man; and it is a fact that no man enters into rest unless it is upon his own labor or the labor of others. The government, therefore, that does not strive to meet these three great cardinal principles of reason and revelation in the highest possible degree will perish from the earth.

Mr. Chairman, this bill provides for the appointment of a nonpartisan commission, to be composed of five members representatives of labor, five representatives of agriculture, five of manufacturing, and five of business and professions. The importance of labor to our being and well-being can not be overstated. Labor is one of the foundation principles upon which organized society rests. All kinds of labor is necessary, from digging in the ditch to measuring space and counting the stars, yet the lower forms of labor are more intimately connected with our existence and needs. The most despised is often the most useful. The man who digs the foundation is more important to the structure than he who frescoes its walls. Without the grading of the roadbed there would be no stockholders, no locomotive, or railroad president. If all manual labor were to stop, if all wage earners were to cease work, there would be no value in property and a large part of the race would perish.

That our relations are most intimately bound up with the wage earner is shown by the many strikes and lockouts in recent years which have entailed great suffering and loss of property, as well as the sacrifice of life.

I submit a summary from Hon. Carroll D. Wright, Commissioner of Labor, on the subject of strikes and lockouts from January 1, 1881, to June 30, 1894, being a period of thirteen and a half years. For this period it will be seen that there were 14,390 strikes; that there were 69,167 establishments involved; that there were 3,794,406 employees thrown out of employment.

It will be also seen that the loss to strikers was	$163,807,866
For the same period in lockouts the loss to employees was	26,685,516
Assistance to strikers by labor organizations	10,914,406
Assistance in lockouts	2,524,298
Total loss to employees	203,932,076
Loss to employers for the same period by reason of strikes	82,590,386
Loss to employers for the same period by reason of lockouts	12,235,451
Total loss to employers	94,825,837
Total loss to both employees and employers	298,757,913

These figures represent the actual loss to the parties engaged, and do not represent the enormous loss which incidentally came to the community by reason of such disturbances; but the injury to society, the demoralization, suffering, and death, can not be estimated. All admit that something must be done, and a commission composed of those directly interested in this great labor problem, in my judgment, is the proper means through which to seek the cause of this violent disturbance and propose a remedy, as our legislative bodies are not meeting the issue. Again, Mr. Chairman, the agricultural industry is the most important of all industries. All civilized life depends upon the products of the soil. All food and clothing come from the soil; yet this most important industry is greatly depressed. The constant settling in the value of farm products and farm lands in recent years in a large portion of the United States has made great discontent and unrest among farmers. Many of them can not hope to have their children succeed them in husbandry, and they are exhausting their limited means to fit them for pursuits in the crowded town or city.

In 1870 the value of farm lands in the United States was	$9,262,803,861
In the same year the total value of all property in the United States was	30,068,000,000

The value of farm lands was, therefore, about 33 per cent of the value of all property.

In 1880 the value of farm lands in the United States was	$10,197,096,776
In the same year the total value of all property in the United States was	43,600,000,000

The value of farm lands was, therefore, only about 24 per cent of the value of property in 1880.

In 1890 the value of farm lands in the United States was	$13,279,252,649
In the same year the total value of all property in the United States was	65,000,000,000

The value of farm lands was, therefore, only about 19 per cent of the value of property in this later period. Thus in twenty years the farm lands settled from 33 to 19 per cent as compared with the total value of all property, and this notwithstanding the opening up of millions of acres rich in soil.

These are startling figures when we consider that the value of farm lands is not increasing in due proportion to all other property; that agriculture is the foundation of all other industries, and that 40 per cent of the toiling people are engaged in tilling the soil.

No country can prosper when the agricultural interest is suffering. This commission is needed by the farmers not only because of these facts, but on account of their growing discontent as shown by their various organizations and protests against unequal burdens and discriminating laws. Even if the agriculturists had nothing of which to complain or to adjust, they are needed in such a conference as this to aid in seeking a way out of the manifold labor troubles which so vitally affect their interests as well as those of the whole population.

In regard to the importance of the manufacturing industry, I will state that in 1890 the number of persons 10 years of age and upward engaged in all occupations was	22,735,661
Of this number there were engaged in manufacturing	4,712,622
Of this number there were engaged in agriculture	8,303,000
The total wage receivers of all classes were	14,920,525
The number of manufacturing establishments in 1890 was	355,415
Capital employed was	$6,139,397,785
Total number of employees was	4,476,884
Total wages paid was	$2,283,516,529
Cost of materials used was	$5,162,044,076
Total value of manufactured products was	$9,372,437,283

It will be seen from this statement that of the 22,735,661 of all occupations 4,712,622 were engaged in manufacturing and mechanical industries. More people are engaged in this industry than in any other, with the exception of farming. The greatest per cent of actual loss by reason of strikes and lockouts comes to those engaged in manufacturing and their employees. Great good should ultimate to those engaged in this industry by wise consideration of the violent disturbances which so vitally affect all concerned.

This commission is designed also to benefit all other business pursuits and the professions. The disturbed condition of affairs has entailed great loss upon the business community. The loss of $298,757,913, as shown in table quoted, in thirteen and one-half years to the laborers and the employers of labor is but a fractional part of the loss sustained by transporters, merchants, and others engaged in business pursuits. Business men have and will continue to suffer great depreciations in value and increasing losses unless a better adjustment is made. Business men need and business interests require a just and more satisfactory settlement of differences with those with whom they deal and upon whose labor and products successful business must depend. The better labor is protected in all its rights the greater will be the security for earnings. No intelligent business man can oppose any just and fair effort to harmonize conflicting interests in a legal and peaceable way, for all such must know and see from the history of the recent past that the great industrial problem may shortly be met by violence if not worked out in peace by law.

Mr. Chairman, this bill is designed to give an impartial hearing to those who complain of discriminating laws and unequal burdens. It is expected that it will be composed of the ablest and best of each class named. It will bring into conference representative men of labor, agriculture, manufacturing, and business, thus bringing together the aggrieved and those against whom the grievance is made, whose duty it will be to consider the disturbing causes and recommend laws looking toward a more just distribution of the burdens and benefits of our free Government. It is designed to be impartial, nonpartisan, seeking exact facts and conditions, and to conform legislation to the foundation principles of our Government—to place all men on an equal footing before the law.

I believe such a commission the most practical way to meet the issue. Our national and State legislative bodies are not so constituted as to give proper time to the consideration of the industrial questions presented in this bill. They have not met and are not meeting them, as discord, strikes, and violence are constantly increasing. These bodies are not made up equally of representative men, such as are proposed by this bill; they are besieged by men lobbying for special privileges, while none are lobbying for the good of all. If, therefore, such representative men as are proposed—men who suffer most from the great conflict of interest—can not agree in recommending more equitable laws looking to a peaceful solution of the question involved, it can not be solved by a free government in a peaceful way.

Mr. Chairman, I believe Congress is the proper body to authorize the appointment of such a commission, as it is composed of members coming from all parts of every State. However jealous we may be of the rights of the States, no one can object to such a commission making recommendations to Congress and furnishing information to the States which may be of the greatest value.

Again, the commission could utilize a large amount of statistical information gathered at great cost by various agricultural and labor organizations, and especially could use to great advantage the information collected by the various labor committees appointed in recent years, both State and national, in our own country, and by other nations most advanced in civilization. The facts so ably compiled by the Hon. Carroll D. Wright, Commissioner of Labor for the United States, would be of incalculable value. This, together with the findings of similar commissions appointed by 32 of our different States, could be utilized. It would also have the benefit of the completed work of the English royal commission of labor, and also the progressing work of the higher council of labor established in France, and the higher council of labor appointed in Belgium. Not only would it have the benefit of all such recently accumulated facts, but it would be in position to study the best laws of civilization and the best thoughts of the age, and thus be able to recommend more equitable laws than now exist, looking to the solution of the most vital and pressing political and economic questions of the age.

Labor statistical bureaus are of recent origin, and were first established in the United States—the first one in Massachusetts in 1869. They have since been established in 32 of our States, The first Commissioner of Labor, the Hon. Carroll D. Wright, was appointed under the General Government in 1885. The English royal labor commission was appointed by royal warrant dated April 2, 1891, and was composed of 27 members. The fifth and final report of this commission was made to both Houses of Parliament in June, 1894. The German commission of labor statistics was appointed in 1891, and it consists of 14 members, 168 civil servants, and 84 assistants. The higher council of labor was established in France in 1891. It consists of 50 members, chosen from among manufacturers, workingmen, and persons well informed upon economics and social questions. The Belgians' higher council of labor was appointed in 1892. It consists of 48 members, chosen in equal numbers from workingmen, employers, and specialists in economic science. Both these latter are authorized to examine into and recommend legislation. These foreign commissions are cited as precedents and to show that civilized nations are progressing along the line of our declared principles of equality which are recalled by this bill.

Mr. Chairman, after referring to these foreign commissions I wish to state that some of the most important results in our own history have been accomplished through the instrumentality of commissions, notably among which was the production of the Constitution of the United States. On the 28th day of March, 1785, the joint commissioners of the States of Virginia and Maryland met at Mount Vernon, under the auspices of Washington. These commissioners prepared the terms of a compact between the two States for the jurisdiction over the waters of Chesapeake Bay and the rivers that were common to both States, and, conforming to the wishes of Washington, they requested Pennsylvania to grant the free use of the branches of the Ohio River within its limits for establishing the connection between that river and the Potomac. The preliminary object of the commission being fulfilled, they took up matters of general policy and recommended to the two States uniform duties on imports, a uniformity of commercial regulations, and a uniformity of currency. George Mason was charged with a report of their doings to the legislature of his State—Virginia.

In pursuance with this, the legislature of Virginia invited all the States to appoint commissioners to meet at Annapolis on the first Monday in September, 1786. This convention became the ground of hope of the nation. No State north of New York was represented or south of Delaware, save Virginia. It was a meeting of central States, and it resulted in calling a convention of all the States to meet at Philadelphia on the second Monday of May, 1787. The result of this convention of commissioners was the forming of the Constitution of the United States which saved and perpetuated the Union.

There was great disturbance and distress then, and Congress and the States were powerless to meet the situation. It should not, therefore, be forgotten that it was a commission, an advisory body and not a legislative one, that wrought this great change and perpetuated this Government.

Now, under the Constitution, as then, under the Articles of Confederation, neither Congress nor the State governments are meeting the disturbed condition of our new industrial environments,

and the only road open to us now, as then, is through a commission, an advisory body.

Mr. Chairman, the Committee on Labor did not consider the commission too large to represent a continent such as ours, with its vast and varied industries. The difference in climate, the difference between plain and mountain, the difference between North and South, East and West, give rise to great industries in one section that are not well understood in another; all of which should have representative men serve on the commission. Even the number provided for will not represent all, but it is believed that it will have reasonable knowledge of all the great pursuits of our country, and will be in full sympathy with all, so as to hear and recommend for the greatest good of the greatest number. [Applause.]

Again, the Committee on Labor do not think the appropriation required by this bill too large to secure and compensate such representative men as it requires. While the Government is appropriating millions of dollars for internal improvements, for material development, for defense on land and sea, it should not hesitate to grant such a comparatively small sum to investigate the industrial questions and recommend some remedial legislation for its industrial classes to prevent violent disturbances which cause so many million dollars of loss to the people.

Mr. Chairman, the question is one of equality. The equality of man was shown in creation, affirmed in redemption, and first declared as the foundation of human government in this new world one hundred and twenty years ago. This is the greatest political question of the nation and of the world. The barbarous ages are passed, feudalism is gone, serfdom has been destroyed, and slavery has perished from the earth, but the question of equality has come to the front, and is pressing for solution with irresistible power.

The history of the world teaches that God holds nations responsible to the standard they set up. Our standard was the highest erected since the dawn of time, yet it must now be apparent that this nation has been as false to its declared principle of equality as it was to its declared principle of freedom. [Applause.]

Mr. Chairman, when this nation was founded and equality declared there were only 3,000,000 of inhabitants who owned this continent, capable of sustaining in comfort one-half of the inhabitants of the civilized globe; yet in a hundred years we have exploited it and distributed its land and wealth most unequally. We have wantonly destroyed many of its forests, its animals, fish, and birds, instead of utilizing them for the benefit of man, and are now trying to replace them. We have unequally divided the public domain; have been prodigal of land, giving it by the millions of acres for development. This waste fitly ended in a great scramble for the last public lands in Oklahoma, where the strong bore down the weak and the man with the swiftest horse took possession not in right, justice, or mercy, but by physical force and endurance.

Mr. Chairman, with a continent vast in extent, incomparably rich in soil and mineral, teeming with vegetable and animal life; with its mechanically multiplied labor forces, capable of sustaining hundreds of millions of inhabitants; and yet with only 65,000,000 there have been and are yet large numbers out of work, seeking employment and finding none; many needy, hungry, and poor; all this with granaries and storehouses full of all the commodities of life; yet millions of laborers can not earn and have no money to buy. We have thus recently presented the anomalous condition that in the time of the greatest abundance we have had the greatest want. This can only be accounted for upon the ground of unequal opportunities, unequal privileges, and unequal distribution.

We have been as brave and patriotic as any people; we have fought three foreign wars and the greatest civil war in recorded time; we have been as generous to forgive as we were brave in battle; yet in business we have been prodigal of our inheritance and unjust in its distribution.

Mr. Chairman, the massing of capital and labor which has been caused by the discovery and use of steam and electric power and invention of modern machinery has brought us to face a new industrial problem of the greatest magnitude. History furnishes us with no precedent or example for its solution. This age is one of concentration, corporation, and centralization. It is an age of organization; and if organized capital deals with labor it must expect to deal with organized labor. Organization on the one hand implies organization on the other, so that there may be two equal parties to the agreement, otherwise the first party would dictate and the other submit. Ours is the contract system. While this is the best order of society that has yet obtained in the world yet men will not continue to contract as freemen while believing that they must submit as slaves.

There must be two parties to the contract.

Industrial corporations largely control the production and exchange of this continent. Massed capital and massed labor are largely controlling production, manufactures, and transportation, the very sources of supply and demand upon which all depend. These are now so frequently in conflict that all the relations of life are being disturbed. Society has rights which must be respected by both these contending forces, and its good order and peace demand a settlement which should be equitable, just, and durable. [Applause.]

Again, this centralization of capital and labor has produced a world-wide war of competition in which labor suffers, fortunes are wrecked, and homes are destroyed. Honorable competition is considered the life of trade, but the weapons which are more and more being used are cruel; they are reduction of wages and adulteration and counterfeiting. Low bids are made to secure large contracts, with no other hope to meet them than by the reduction in wages, and labor has lost in all these battles. Another weapon in this competitive battle is adulteration. This occurs in medicine, food, and raiment. There are adulterations and counterfeiting in all we eat, drink, and wear, thus endangering health, comfort, and life. While we have adequate laws to punish the counterfeiting of money, the more dangerous and damaging counterfeiting of the commodities of life goes unpunished. If passing pewter for silver or brass for gold is punished, the other should be more severely punished. The first means only loss in value, the latter means loss in value and endangers health and life. Dishonest men engaged in the war for gain grow rich in selling counterfeit commodities, while many honest competitors fail and their fortunes are wrecked.

Mr. Chairman, the war of competition, as now waged, instead of being the life of trade, too frequently means the death of one of the contending parties or a combination in which the people lose. Property won by fair competition or honest toil will be respected; but won by special privileges, unjust competition, or fraud in adulteration can not be respected, and the time is fast approaching when such methods of acquisition will not be tolerated. The holder of such property can not atone in acts of charity, returning a part to the few that which he has wrongfully taken from the many. [Applause.] Philanthropy is one of the noblest traits of man; but it should be expended in teaching, in lifting up the race, in caring for the disabled, the suffering, and the helpless. All that others require is an equal chance in the race of life, with none to hinder and none to handicap. They require justice, not charity. [Applause.]

Mr. Chairman, it is most apparent that our laws have in no sense kept pace with the new discoveries, inventions, and developments of the age. The world has made more advancement in physical development and scientific discovery in the last one hundred years than it did in the preceding six thousand. While the founders of this Republic declared new principles, yet the laws they adopted were largely taken from a monarchy, and belonged to a darker age, when labor was oppressed, had no voice in the Government, and had not even the right of organization. We thus put our "new wine into old bottles," and they are bursting.

We say, "Government exists for the people," yet we adopted the laws of those who say that "the people exist for the government." New conditions confront us on every hand, in the concentration of capital and organized labor, in new improvements, in the instruments of husbandry, in the mode of manufacturing, transportation, travel, and communication. All these have been revolutionized within a generation. We have been offering premiums for inventions, discovery, and development, for labor-saving machines and devices of all kinds, until we have changed the whole order of industrial pursuits, of production and distribution. While we have had thousands inventing and discovering, we have offered no premiums for talent or energy; have had no men studying these new conditions and adjusting laws to our new environments; hence there is friction, discontent, and violence, destroying peace, property, and life.

Max Müller has stated that the word mankind is not found in human language before Christ. There was nothing in language to express the kinship of the race. It was Mede, Persian, Grecian, Roman, bond and free. But since the human race has learned its kinship and the word mankind has expressed this relation—this brotherhood—the laws of society must more and more recognize the obligations and rights growing out of this relation. Our Government is one government, our body politic being one body; when, therefore, any "one member suffers, all members suffer with it." When a number of the members of the human body suffer, and are not speedily healed, the body dies; so eventually will the body politic die if many members suffer. By not caring for others, we injure ourselves, as, for example, poverty and the want of sanitary conditions breed physical disease. This is true in a community, in a nation, and in the world. Even the world is bound together by ties of humanity which may not be disregarded without injury. Pestilence follows famine. This was recently demonstrated by the outbreak of cholera in Russia, which caused many deaths in other nations, and for a time affected the commerce of the world. If a small portion of the loss sustained by other nations had been spent in promptly relieving want, and caring for the afflicted in Russia, millions of money

men, such as are proposed by this bill; they are besieged by men ing the disturbed condition of our new industrial environment,

would have been saved, and the angel of death would not have spread its wings over the world. It must not be forgotten that in our body politic when one member suffers all the members suffer.

In the last analysis of human government it will be found that it must be based upon principles which meet the highest wants and guarantees the best good of all in view of our common origin, common interests, and common destiny. No self-government can exist without a community of interests. Equality can not be denied nor favors granted. Every man according to his ability must contribute part, otherwise he becomes a privileged person. No man can obtain true success who lives and acts solely for self. A purely selfish existence is worse than no existence. The highest happiness is to be and do for others, and no government of the people and for the people can fulfill its mission unless it has constantly in view the highest good of all. We in this self-government have plighted faith to each other. Every loyal citizen must be protected in all his rights, because he is a citizen and a part of this Government. No discrimination in favor of any individual, company, or class can be tolerated in such a Government, yet the cry of discrimination comes to us from every State and district over the whole continent, and it demands prompt consideration and just action. [Applause.]

Mr. Chairman, the Fifty-third Congress spent the larger part of two sessions discussing the silver question and the tariff issue, and a considerable portion of this session has been spent discussing the same subjects. These two questions, important as they are, constitute only a part of the great industrial issues; yet upon this fractional part Congress has consumed all this time, leaving the greater needs of the people unanswered. It will be found that when this labor question—the industrial issue—equality, which is the final problem of the world—is understood, that tariff and the coinage of silver are only a small part of it. In fact, we have been doing like the Pharisees of old, "Tithing mint, anise, and cummin," and have omitted the weightier matter of the law, "judgment, mercy, and faith." "These we ought to have done, and not left the others undone." As important as tithes, tariff, or silver may be, they are not all-important. The laborer and agriculturist are not organizing and protesting on account of the coinage of silver or the tariff issue, but on a question of right; and right, like truth, is eternal and will prevail. The levying of tariff will not settle it.

Protection against the product of the underpaid labor of Europe can never settle the question of equality and just distribution among our people. This has been demonstrated in both tariff and free-trade countries. In European countries, which are not disturbed by tariff agitation or the free coinage of silver, we find the industrial question to the front and threatening the very existence of nations. In all our discussions how often have we heard the rights of the laborer, the farmer, the manufacturer, and business man spoken of except in connection with tariff and free trade or the free coinage of silver? Yet their rights are superior to both, and the disturbed condition of the country can not be settled by the adjustment of these questions. I believe in protection, and have advocated it in this House upon both moral and economic grounds. I believe in bimetallism; in the widest possible use of silver with safety to our business interests, and that all dollars should be equal in value, but do not believe in either one or both of these measures as a cure for all the ills of society. I do not, therefore, believe in "cure-alls," but do believe in "all cures." [Applause.]

Again, too much of our law is made up of compromise measures. All compromise laws, from the Missouri Compromise to the present time, if not in all time and in all nations, have been disappointing if not disastrous. If there be any great compromise law in nature scientists have not yet discovered it. If there be any great compromise law in the Bible theologians have not yet expounded it. We can not compromise truth or principle, facts or figures. If there be no great compromise principle in nature, reason, mathematics, or revelation, compromises should not enter so largely into our law.

I believe that in the last analysis of this industrial problem, in view of our common origin, interests, and destiny, the golden rule will be its solution, and that a large per cent of existing laws will be stricken from the records by inserting, "All things whatsoever ye would that men should do to you, do ye even so to them." This is in strict accord with our declared principles of freedom and equality, and we must return and build again upon this everlasting foundation of justice, mercy, and right.

Mr. Chairman, the rights of woman must be more fully recognized in the future than they have been in the past. She is constantly entering new industrial fields and meeting their requirements with fidelity and ability. Her advancement in intellectual and moral pursuits is without a parallel in history. She is beginning to dominate along all the lines that lead to the betterment of the race. She has built and endowed more institutions of benevolence and charity for the relief of want and suffering in the past fifty years than were established by both sexes in all preceding time. Yet, notwithstanding all this, many of her sex still toil in sweat-shops, fighting an uneven battle for child and home with avarice and greed. This blot upon civilization must be removed, and woman's rights and influence be recognized in any future movement for the betterment of our industrial system. [Applause.]

The requirements of this enlightened age for a better industrial and social system must be met. Too many of the toiling millions are not properly housed, fed, clothed, and educated.

They must have homes, not hovels; must have proper food, clothing, education; must, in our unlimited fields of industry, have a chance to sow and reap and rest after toil; must share in the comforts of life, if they endure its burdens.

Mr. Chairman, it is painful to live in a land of such bounty and see so much suffering. It is distressing to feast while so many are hungry; to be clothed in comfort while many are clad in scanty garments or rags; to be sheltered in pleasant homes while so many live in hovels; to meet distress on every hand and be unable to relieve it. Individual effort can accomplish but little; only by united effort, upon principles of humanity and by doing unto others as we would have them do unto us, can our Government be established upon a foundation which no storm can move?

Mr. Chairman, all this can be done and more; not out of our abundance, but out of our superabundance. This is sufficient to meet every physical want and relieve all distress that comes from man's inhumanity to man.

Mr. Chairman, while this bill seeks to meet the just demands of all classes, it must, however, be borne in mind that this is not a class government, not a government of laborers, farmers, manufacturers, transporters, or business men, but is a government of the people.

No one class established this government in eight years of war; no one class saved it in four years of rebellion, and no one class can ever govern it unless it be by despotic rule.

Mr. Chairman, as this nation was the first on earth to declare the true principles of government, my greatest desire is that it shall be true to these principles and go on winning new fame and glory, living through the ages, and that wherever its flag floats on sea or land it may be the symbol not only of freedom but of equality. [Loud applause.]

I wish to call attention to the general wish of the people, especially of the labor and farm interest of our country, in favor of this measure, as shown by petitions, resolutions, and letters addressed to the Labor Committee of the last Congress, and also to the Labor Committee of this Congress, some of which I append:

NEW YORK, *January 7, 1895.*

MY DEAR SIR: It is with more than ordinary pleasure I note that House bill 7756 has been referred to the Committee on Labor, of which you are the honored chairman, and that the prospects are good for a favorable report from the committee to the House.

In my report as president of the American Federation of Labor, to the fourteenth annual convention, recently held at Denver, Colo., I took occasion to say the following in reference to the bill:

"A bill was introduced by the Hon. THOMAS W. PHILLIPS in the House for the purpose of creating a commission, to be appointed by the President, for the purpose of inquiring into the condition of industry, and to what extent the people have been deprived of the rights guaranteed by the Constitution of the United States and the Declaration of Independence. The bill prescribes that representatives from organized labor, business men, and farmers shall be appointed.

"The executive council indorsed the bill and organized labor generally approved it, forwarding resolutions to their respective Congressmen and Senators certifying to that effect. It is desirable that the bill before its final passage should receive the consideration of this convention to say whether any amendments may be required.

"Copies of the bill will be laid before the appropriate committee to which this subject may be referred."

The subject-matter was referred to the committee on president's report, which subsequently requested that a special committee be appointed for the purpose of expressing the sentiments of the convention thereon. The special committee reported in favor of the bill and recommended its indorsement by the convention. It also made the following recommendations:

"We would also recommend that, in case the said bill becomes a law, all matters indorsed by this body requiring Congressional action shall be submitted to the representatives of labor provided for in the bill, and that efforts be put forth by the executive council to secure the appointment of union men as such representatives.

"We would further recommend that all bodies affiliated with the American Federation of Labor petition their respective Senators and Representatives in Congress to vote for the passage of the above-named measure."

The report of the committee, I take pleasure in saying, was adopted by the convention by an overwhelming majority.

In all likelihood I may be in Washington during the coming week, and if I am I shall deem it both a pleasure as well as a duty to call upon you in connection with this bill and other measures in which the organized wage workers of our country are interested.

Truly, yours, SAML. GOMPERS.

Hon. LAWRENCE E. MCGANN,
Chairman Committee on Labor,
House of Representatives, Washington, D. C.

PHILADELPHIA, PA., *December 11, 1894.*

SIR: Understanding that your committee have now under consideration H. R. 7756, introduced by Congressman PHILLIPS of Pennsylvania, being "A bill authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problem presented by labor, agriculture, and capital," I beg leave to offer my personal and official indorsement of the propositions therein contained. It is not possible within the prescribed limits of a letter to give all my reasons therefor,

but suffice to say for the present that it seems to me this would be a practicable way, not only of securing the best information as a basis for the making of laws conserving the interests of all classes, but would, to a considerable extent, do away with the necessity for various organizations of labor, capital, and agriculture sending committees to Washington to influence legislation and lobbying in the interest thereof. The prosperity of the urban working classes is so closely interwoven with that of the agriculturist and the manufacturer that I doubt very much if any of us know where the interests of each begin or end. Such a commission as proposed by the bill would have the combined advantage of being representative of all classes, and securing information hardly accessible under other conditions.

The weight of recommendations from such a commission to the lawmaking power of states and nation would certainly be much greater than similar recommendations coming from any other source, inasmuch as it would be nonpartisan and representative of all classes.

Believing I voice the hearty concurrence of the large constituency I have the honor to be affiliated with and represent in the above indorsement, I am,

Very truly, yours,

JNO. W. HAYES,
General Secretary-Treasurer.

Hon. LAWRENCE MCGANN,
Chairman Committee on Labor, Washington, D. C.

HARRISBURG, PA., *December 22, 1894.*

DEAR SIR: My attention having been called to House bill No. 7756, Fifty-third Congress, second session, entitled "A bill authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital," and having examined the said bill with much care, I had it laid before the Farmers' Alliance council of this country, where it met, after discussion, with unanimous approval.

This week it was laid before the council of the Pennsylvania State Farmers' Alliance and Industrial Union, its provisions discussed, and the measure was practically unanimously approved.

The bill has been laid before a majority of the members of the executive committee of the National Farmers' Alliance and Industrial Union, and has their approval.

Personally, I hope it will become a law at a very early day, as the agricultural element of the United States, I am sure, will be greatly benefited by the labors of a commission appointed in the manner proposed by the bill referred to.

Very respectfully, H. C. DEMMING,
Secretary Executive Committee
National Farmers' Alliance and Industrial Union.

Hon. LAWRENCE E. MCGANN, M. C.,
Chairman of the Congressional Committee on Labor.

DES MOINES, IOWA, *December 18, 1894.*

DEAR SIR: H. R. 7756 having been called to my attention, I take great pleasure in informing you that it meets my most hearty approval.

It seems to me that the bill promises more for the harmony of conflicting interests at this time than any other measure now pending in Congress.

Thanking you for the introduction of so just and timely a measure, and trusting for its immediate passage, I am,

Respectfully, yours, J. R. SOVEREIGN,
Grand Master Workman.

Hon. T. W. PHILLIPS, M. C.,
Washington, D. C.

WASHINGTON, D. C., *February 7, 1896.*

A bill, known as the "industrial commission bill" (H. R. 21), has been introduced in the first session of the Fifty-fourth Congress. The position of the National Farmers' Alliance and Industrial Union on the proposition is as follows:

We favor the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital. Inasmuch as it is to be preliminary to proposed wholesome national legislation, and as the work of such a commission will gather many facts and figures into official form, all at the expense of the General Government, we indorse such legislative action.

In indorsing such a commission, however, we are firmly of the opinion that the appointment of the commission should be surrounded by such safeguards as to insure the appointment of members favorable to the industrial classes. The expenses of such a commission should be kept within the limits of strict economy.

J. W. BOWDEN, *Chairman.*
C. R. WHITE,
E. M. WARDALL,
Conference Committee N. F. A. and I. U.

Certified copy. J. W. BOWDEN, *Chairman.*

OFFICE OF GENERAL ASSEMBLY, ORDER OF KNIGHTS OF LABOR,
Washington, D. C., January 20, 1896.

GENTLEMEN: We, the undersigned general officers of the Knights of Labor, acting on behalf of the entire organization, cordially commend to your favorable and prompt consideration the bill H. R. 21, introduced by Hon. T. W. PHILLIPS, of Pennsylvania, which is entirely acceptable to our members.

Most respectfully,

J. R. SOVEREIGN, G. M. W.,
M. J. BISHOP, G. W. F.,
JNO. W. HAYES, G. S. T.,
C. A. FRENCH,
T. B. MCGUIRE,
J. M. KENNEY,
H. B. MARTIN,
Members of General Executive Board.

The COMMITTEE ON LABOR,
House of Representatives, Fifty-fourth Congress.

From the report of the committee on the president's report, made to the fifteenth annual convention of the American Federation of Labor, held at New York, N. Y., December 9 to 17, inclusive, 1895, the following extract is taken:

"Renewed efforts should be made to secure the passage of the Phillips bill, which was defeated at the last session of Congress, and a committee should be appointed by this convention to urge the passage of this bill."

WASHINGTON, D. C., *March 18, 1896.*

DEAR SIR: We have carefully considered the bill H. R. 21, commonly known as the bill creating a commission to inquire as to what legislation is necessary to the best interests of the people, and as it goes to the House from your committee we gladly lend it our indorsement.

It appears to us as a strictly nonpartisan and impartial measure, and we commend it because it singles out no class, creed, or party to conduct said investigation and proposes no legislation in favor of any class, creed, or party. Were it otherwise we would not feel that we could lend it our indorsement or approval.

Very truly, yours,

E. E. CLARK,
Order of Railway Conductors.
F. P. SARGENT,
Brotherhood of Locomotive Firemen.
P. H. MORRISSEY,
Brotherhood of Railroad Trainmen.
P. M. ARTHUR,
Brotherhood of Locomotive Engineers.
W. V. POWELL,
Order of Railroad Telegraphers.

Hon. THOMAS W. PHILLIPS,
Chairman Committee on Labor,
House of Representatives, Washington, D. C.

[Mr. PHILLIPS having yielded the floor temporarily, the following proceedings took place:]

Mr. HENDERSON. Mr. Chairman, I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker resumed the chair.

Mr. HENDERSON. Mr. Speaker, I am directed by the Committee on Rules to present a privileged report, and move its adoption.

The SPEAKER. The report will be read.

The Clerk read as follows:

Resolved, That the order of the House adopted on May 20 be so modified as to allow the consideration of House bill No. 6119 to continue until Friday, May 22, at 4 o'clock. General leave to print remarks on said bill is hereby given for ten days.

The resolution was agreed to.

On motion of Mr. HENDERSON, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

A bill (S. 1822) for the relief of W. A. Austin & Co.;

A bill (S. 1338) to provide for the purchase of a site and the erection of a public building thereon at Durham, in the State of North Carolina;

A bill (S. 105) for the erection of a public building at Aberdeen, S. Dak.;

A bill (S. 1434) for the relief of the legal representatives of John W. Branham, late an assistant surgeon in the United States Marine-Hospital Service;

A bill (S. 2101) to extend the provisions of an act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces;

A bill (S. 1500) for the relief of William M. Masi, ex-postmaster, and Benjamin Hellman, Lawrence R. Bresnahen, John W. Griffin, George W. Hoyt, and Charles W. Riner, as sureties upon his official bond as postmaster at Cheyenne;

A bill (S. 163) providing for the erection of a public building at the city of Tacoma, in the State of Washington;

A bill (S. 1831) for the relief of William J. Bryan;

A bill (S. 594) for the relief of Augustus Boyd;

A bill (S. 1122) for the relief of Sally Hardmond; and

A bill (S. 901) amending section 4716 of the Revised Statutes.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses thereon to bills of the following titles:

A bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895; and

A bill (S. 2221) for the relief of settlers on the Northern Pacific Railroad indemnity lands.

The message also announced that the Senate had passed with amendments the bill (H. R. 225) to provide for the transfer of the Fort Omaha Military Reservation to the State of Nebraska, asked a conference with the House on the bill and amendments, and had appointed Mr. WARREN, Mr. SEWELL, and Mr. WALTHALL as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 5675) authorizing the construction of a wagon and motor bridge over the Missouri River at St. Charles, Mo., asked a conference with the House on the bill and amendments, and had appointed Mr. VEST, Mr. QUAY, and Mr. NELSON as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills and joint resolution of the following titles:

A bill (H. R. 485) for the relief of Kate Eberle, an Indian woman;

A bill (H. R. 3337) amending the act of June 8, 1890, entitled "An act to authorize the President to appoint an officer of the Navy or the Marine Corps to perform the duties of Solicitor and Judge-Advocate-General, etc., and to fix the rank and pay of such officer," and for other purposes;

fifty years than were established by both sexes in all preceding time. Yet, notwithstanding all this, many of her sex still toil in

sonal and official indorsement of the propositions therein contained. It is not possible within the prescribed limits of a letter to give all my reasons therefor,

mittee we gladly lend it our indorsement.

A bill (H. R. 7816) for the relief of John S. Burwell, administrator of the estate of A. L. Burwell, deceased;

A bill (H. R. 8167) to authorize the construction of a bridge across the Red River of the North; and

Joint resolution (H. Res. 174) granting permission to the circuit and county courts in Rockingham County, Va., to occupy the Federal court room in Harrisonburg, Va.

The message also announced that the Senate had passed with amendments the bill (H. R. 8109) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; in which the concurrence of the House was requested.

The message also announced that the Senate had disagreed to the report of the committee of conference, and had further insisted upon its amendments to the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, disagreed to by the House of Representatives, asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FRYE, Mr. QUAY, and Mr. VEST as the conferees on the part of the Senate.

FORTIFICATIONS APPROPRIATION BILL.

Mr. HAINER of Nebraska. Mr. Speaker, I ask unanimous consent that the House nonconcur in the amendments of the Senate to the bill H. R. 8109—the fortifications appropriation bill—and agree to a conference on the disagreeing vote thereon.

The SPEAKER pro tempore (Mr. DALZELL in the chair). Is there objection to the request of the gentleman from Nebraska?

There was no objection, and it was so ordered.

CONFERENCE REPORT ON RIVER AND HARBOR BILL.

Mr. HOOKER. Mr. Speaker, I desire to present at this time a conference report on the river and harbor bill, which will take very little time to dispose of. I will not ask the reading of the report. The situation is this: There are two amendments about which there was some mistake, and in order to correct them the Senate disagreed to the report of the conference committee. I desire for the present, therefore, to disagree to the entire report.

The SPEAKER. The report will be read.

Mr. HEPBURN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEPBURN. The gentleman, I understand, reports an entire disagreement on the part of the conferees of the two Houses.

Mr. HOOKER. Not an entire disagreement.

Mr. HEPBURN (continuing). The question I wish to ask is this: That places the bill, as I understand it, in the position that it was in prior to the appointment of the conferees on the part of the House. If that be true, I desire to raise the point of order upon the amendments of the Senate, under Rule XX——

The SPEAKER. The Chair does not think it does place it in that position.

The Chair ought to state in regard to the question brought up in connection with this matter a few days ago, that so far as the Chair has been able to find there is no objection, in point of parliamentary law, to asking unanimous consent that the action that was taken should be taken under the circumstances. The Chair thought also that the question of reconsideration could not be raised because at the time it was presented the order was partially executed.

Mr. HEPBURN. Well, now, Mr. Speaker, that order having entirely failed, as I understand the situation, it requires some further action of the House to continue the conferees of the House in their position. In other words, the river and harbor bill, after the report made by the gentleman [Mr. HOOKER], is precisely in the situation which it was when it lay upon the Speaker's table as a message from the Senate, and in that view of the matter I now raise the point of order that under Rule XX all of the amendments of the Senate must be considered in the Committee of the Whole on the state of the Union.

Mr. DINGLEY. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DINGLEY. I understand that a conference report is presented on which there is an agreement reported as to all the items but six?

The SPEAKER. So the Chair understands.

Mr. HEPBURN. I understood the gentleman to say that there was an entire disagreement between the two Houses?

Mr. HOOKER. Oh, no; that is not so.

Mr. HEPBURN. That is what the gentleman stated.

Mr. HOOKER. Oh, no.

The SPEAKER. The Chair did not so understand it.

Mr. HEPBURN. And it was upon that statement that I based what I have said.

Mr. HOOKER. Mr. Speaker, there has been an entire agreement on the part of the committee of conference on all the amendments proposed by the Senate to the House bill except six.

Mr. HEPBURN. I did not so understand the gentleman.

Mr. HOOKER. Now, I stated that there were two items in the bill about which an error had been made, and the Senate, for the purpose of correcting that error, asked a disagreement as to the entire report; and they having made that disposition of it, I thought proper to take the same course here, and to move a conference for the purpose of correcting those two items.

Mr. HEPBURN. That is as I understood the gentleman. He reported an entire disagreement between the two committees, and if that is the case I want to make and insist upon my point of order.

Mr. CANNON. I understand the gentleman reports an agreement.

Mr. HEPBURN. He has not yet officially reported an agreement. He has reported a total disagreement.

The SPEAKER. The report will be read.

Mr. HEPBURN. Mr. Speaker, I desire to call the attention of the Chair to Rule XX——

The SPEAKER. The Clerk will read.

The Clerk began reading the conference report.

Mr. HOOKER (interrupting the reading). Mr. Speaker, that has all been printed in the RECORD.

Mr. HEPBURN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEPBURN. I want to know whether we are acting on the verbal report made by the chairman of the committee or upon some document?

The SPEAKER. The gentleman presented a conference report. Is the Chair correct? The Chair asks the gentleman from New York.

Mr. HOOKER. Yes; a conference report.

Mr. HEPBURN. There was no statement of that kind.

The SPEAKER. And the Chair had ordered the Clerk to read the conference report. It is impossible for the House to know what is before it until it is read at the Clerk's desk.

Mr. HEPBURN. But I want to call the attention of the Chair to this matter and ask that the notes of the reporter be read, if necessary. The gentleman made his report as a verbal one, and he made the statement that there was an entire disagreement between the two committees. That made a different parliamentary situation of his bill from the one that he is now seeking to make.

Mr. PAYNE. Mr. Speaker, it seems to me that we ought to have the regular order.

Mr. HEPBURN. If he in fact made a verbal report, if he reported an entire disagreement between these two committees, then this bill occupies the parliamentary status which it had prior to the appointment of the conferees.

Mr. HOOKER. I think we had better have the report read.

The SPEAKER. The Clerk will read the report. The gentleman sends up a report which the Clerk will read.

The Clerk resumed the reading of the report.

Mr. CANNON (interrupting the reading). Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. CANNON. As this takes time from the special order, and as I understand from the gentleman's statement that he is going to ask the House to disagree to the conference report, I rise for the purpose of asking unanimous consent that the further reading of the report may be dispensed with, and the gentleman then can make his motion.

Mr. HOOKER. I have no objection to that.

The SPEAKER. If there be no objection, the reading of the conference report will be dispensed with.

Mr. KEM. I object, Mr. Speaker.

The SPEAKER. The gentleman from Nebraska [Mr. KEM] objects.

The Clerk resumed and concluded the reading of the conference report.

[For text of conference report, see Senate proceedings of May 20.]

Mr. HEPBURN. Mr. Speaker, I desire to call the attention of the House to the recent message from the Senate, showing that this conference report has been disagreed to by the Senate. Then I want to call the attention of the Chair to the report made by the gentleman—the verbal report. I want further to call the attention of the Chair to the fact that any report from a conference committee dissolves the committee of conference, and that there is no conference committee after the report has been made. Now, in view of these propositions, I submit to the Chair that the parliamentary status of this bill is precisely the same as it was when it came here from the Senate as a message from the Senate, and that the amendments made by the Senate are in precisely the same condition as they were before action of any kind was taken by the House.

Mr. DINGLEY. Mr. Speaker, if the gentleman will pardon me at this point——

Mr. HEPBURN. Let me make my point a little further.

The SPEAKER. The gentleman declines to be interrupted.

Mr. HEPBURN. Then let me further suggest that these amendments of the Senate, being appropriations of money, must, under Rule XX of this House, be first considered in Committee of the Whole House on the state of the Union. I make that point now, that this bill, being in the situation that it was when it was returned with the Senate amendments, when it first came from the Senate, that those amendments, under our rule, must first be considered in Committee of the Whole House on the state of the Union.

The SPEAKER. What does the gentleman do with the action of the House in nonconcurring in the Senate amendments?

Mr. DINGLEY. That is what I desired to call attention to.

Mr. HEPBURN. I take it, Mr. Speaker, that that action, so far as it can be removed——

The SPEAKER. So far as it can be removed; but can it be?

Mr. HEPBURN. It seems to me by subsequent action it can.

The SPEAKER. How about the action the House has taken when it refused to concur in the Senate amendments? That is the action of the House of Representatives, and it can not be overruled by the Speaker.

Mr. HEPBURN. Now——

The SPEAKER. The Chair will hear the gentleman from Iowa on that point.

Mr. HEPBURN. I suppose, Mr. Speaker, if the Chair has already reached a conclusion, it is not worth while for "the gentleman from Iowa" to try to move it. [Laughter.]

The SPEAKER. Perhaps not, after the statement the Chair has made.

Mr. HOOKER. Mr. Speaker, I move to disagree to the conference report and agree to the conference asked by the Senate.

The SPEAKER. The Chair suggests that the gentleman's motion be to insist on the disagreement of the House to the Senate amendments and agree to the conference.

The gentleman from New York moves that the House insist on its disagreement to the amendments of the Senate and agree to the conference asked.

The motion was agreed to.

The SPEAKER. The Chair will appoint the same gentlemen as conferees.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed acts of the following titles:

On May 20, 1896:

An act (H. R. 708) to increase the pension of Albert Ellis; and

An act (H. R. 3189) to increase the pension of John S. Cochenour.

NOTE.—The following bill was presented to the President on May 8, 1896, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without approval:

An act (H. R. 5254) granting an increase of pension to Ebenezer G. Howell, late a private Company F, One hundred and sixtieth New York Volunteers.

LABOR COMMISSION.

Mr. PAYNE. Mr. Speaker, the Committee of the Whole House on the state of the Union has had under consideration the bill H. R. 6119, and has come to no resolution thereon. [Laughter.]

Mr. HENDERSON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the special order.

The SPEAKER. Does the gentleman desire to limit the debate?

Mr. HENDERSON. Not at this stage.

The motion to go into Committee of the Whole House was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PAYNE in the chair.

Mr. PHILLIPS resumed and concluded his remarks as printed above.

The CHAIRMAN. If no other gentleman desires to address the committee, the Clerk will read the bill by sections.

The Clerk proceeded to read the preamble.

Mr. LOW. Mr. Chairman, I ask the status of this bill at the present time and the condition of the debate? I understood that there were two or three gentlemen on the other side who intended to speak on this subject.

The CHAIRMAN. The Clerk is now reading the bill by paragraphs for amendments. The Chair waited for gentlemen to speak in general debate, and no one seemed to claim the floor.

Mr. LOW. We can have the same privilege to-morrow, as I understand it.

The CHAIRMAN. No.

Mr. HEPBURN. Certainly that must not have been understood by gentlemen. There are a number of gentlemen who propose to indulge in the general discussion.

The CHAIRMAN. Does the gentleman from New York desire to take the floor?

Mr. LOW. Not to-day. I propose to take it to-morrow. I yielded to gentlemen on the other side.

The CHAIRMAN. If no gentleman desires to take the floor all general debate so far as the bill is concerned will be closed, and the bill will be read by paragraphs for amendments. [After a pause.] The Clerk will read.

Mr. LOW. Mr. Chairman, I will take the floor.

The CHAIRMAN. The gentleman from New York.

Mr. LOW. This Congress since convening has considered revenue bills, bond bills, appropriation bills; it has discussed international questions and other important business, all of which were national in character and of vital importance to our country. Now we have been presented with a question of great importance—one that touches the relation between capital and labor.

It is not my purpose, Mr. Chairman, in advocating the passage of the bill, to portray distressing scenes nor oppressions which the toilers have had to endure while battling in the field of labor for the necessities of life; neither do I propose to call your attention to the imposition capitalists have had to suffer and put up with by and through the despotic rules of labor unions.

Capital and labor have been in conflict time and time again for many decades, disturbing the peace and prosperity of our business centers. It does seem to me with all the intelligence that the people of these United States possess, remedial legislation ought to be secured with a view of harmonizing these two great interests which have made the world what it is to-day. It is a fact, and it can not be controverted, that the human race, whether it is in this or any other country, is composed of classes ranked according to their training, education, and peculiar fitness for the sphere in which they live, and no law, no legislation, or sentiment can change these conditions while the world exists. There must be leaders, there must be hewers of wood and carriers of water, and there will always be the rich and the poor, but happiness and contentment ought to be within the reach of every person living, without regard to class. In this great Government of ours legislation is a potent factor in guarding the people's interest; therefore it seems wise and proper that we should take into consideration one of the greatest questions that confronts the people of the United States, and that question is the labor question. It is one that has been growing in importance, spreading in influence, until its agitation is felt in every section of the country; it slumbers at times, only to awaken with renewed vigor. Any time spent by this House in considering this bill will be devoted to a measure in which every American citizen is interested.

The many disturbances in the labor field, such as discontent and strikes, which often culminate in violence, bloodshed, and loss of life, evince that there is a demand for something more than a superficial investigation of these twin interests—labor and capital.

The agitation between employer and employee has been going on throughout the world for years, entailing loss of time and money to both. The very fact that there has been so much trouble between the two shows a power and strength on the part of both that can not be overlooked or ignored.

Unsettled public questions will ever be present and continue to vex us until changes of a proper character take place. This requires reasoning from an unselfish standpoint.

There has been a growing disposition on the part of the employer and employee to adjust their differences amicably. The subject is a deep one for legislation, requiring much thought and study and consideration at the outset. It is not expected that members can do more than consider the bill; after that turn the matter over to a committee as suggested in the measure, and leave it to them to analyze. They will have the power to examine men in every grade and condition in life. They will follow business of all kinds from the laborer's work up to the employer and capitalist. When the masses see that the Government is interesting itself in the importance of contentment among all classes, then there will be no need of a labor candidate in the field of politics, for he who is chosen by the people will represent all classes.

If you have a chance sit down and talk with the workingman. With few exceptions you will find him interesting; experience in life has given him many ideas. Severe trials may have warped his opinions on some questions, for his is a nature more to be touched by things seen than things told. He knows that his capital is labor and that it can not draw interest unless employed; an idle day means no income for that day; for unlike other capital it can not be hoarded, hence idleness at any time can not be made up, and the toiler is the loser. When you talk over the situation with him you find that his demands are not extravagant. He does not want to usurp the position of the capitalist; he has no desire to live in the same luxurious manner as that of his employer, but he does want to be able at all times to pay the rent of his humble home and provide for himself and family the necessities and ordinary comforts of life and have a dollar left in his pocket when Monday morning comes around.

officer," and for other purposes;

With an intelligent, active, and determined board of commissioners, I firmly believe that excellent results will reward their labors, productive of great benefit to the masses, and go a long way toward formulating some remedy for existing evils in the labor field, at the same time giving full protection to capital.

We want contentment among all classes, and in order to obtain that people must broaden their views. This bill suggests an open field to enter upon, where candid men can have an opportunity, free from politics, to discuss questions and theories which sooner or later we must meet. In considering this bill we must not lose sight of the fact that the remedial legislation suggested is for our own people—citizens of the country, the masses who support and maintain our form of government. Among the masses is the wealthy capitalist, one who employs labor in carrying out his plans. Who is he? An American citizen, an upholder of our laws. We have also among the masses the laborer, toiling to complete the plans of the former. Who is he? An American citizen, ever ready, too, to uphold the laws of our land. Both American citizens, both in the busy arena of life, both have their missions to fulfill, and both want their country to prosper. The nation depends upon them both, not only in time of peace but in time of war. Thus far the disadvantage has been with the toiler, whose opportunities for employment have not always been within his reach. Wages are often so small that when he is forced into idleness he has nothing saved with which to bridge over a dull time. He looks around his humble home and sees want and poverty; then he compares it with that of his employer near him, who enjoys not only the comforts of life but the luxuries; then he thinks and thinks, and while he knows that he lacks the training and the executive ability to plan, to carry out industries as a leader, yet he feels that the gap between himself and employer is too great. Busy times come around again and we find him employed. He sees busy times ahead, and with the remembrance of his deprivations of the past his inclination is to get higher wages, sometimes more than his employer can pay.

On the other hand, the employer is striving to make all he can out of his employees; hence there exists a conflicting element within an industry, and prosperity can not thrive under those circumstances. Harmony and success can be reached only through the avenue of reciprocity which ought to exist between capital and labor. Withdraw capital from an industry for any length of time and it will suffer. Without labor supplies of all kinds would stop, and absolute want would follow, affecting rich and poor alike; hence capital and labor are coordinate interests. Neither can live any length of time without the other.

Capital is a purchasing power. There its function ceases, for it has neither brain nor thought, but both are requisite in preserving and keeping it safe. Labor has both brain and thought, and through their agencies capital is produced. The prosperity of any nation depends upon rich men, the skilled workman, and the toiler.

What workingmen want is not charity; they do not ask for gratuities, but merely an opportunity to fairly fight the battle of life. They do not want aggregation of wealth on one side without some consideration on the other, for that is the side that aids in the production of wealth.

History has proven that in countries where the common people are doing well the nation is prosperous, and that nation is most great and powerful. [Applause.]

With all due respect to capital, and giving it the fullest measure of consideration, let me say that it is to the toiler that we are indebted for many of the comforts and luxuries of life; hence his wants merit our earnest consideration.

Capital can seek unlimited fields for investment, but labor has its special sphere, divided among the masses. The bricklayer can not take up any other calling, neither can the carpenter, painter, or blacksmith.

The CHAIRMAN. If no other gentleman desires to address the committee the Clerk will read the bill for amendment.

The Clerk read as follows:

SEC. 1. *Be it enacted, etc.*, That the President of the United States is hereby authorized and directed to appoint a commission, to be called the industrial commission, composed as follows: Five men representative of labor, five men representative of agriculture, and five men representative of business; but a majority of this commission shall not belong to any one of the political parties which took part in the last Presidential election.

Mr. PHILLIPS. On behalf of the committee I desire to offer an amendment to this section.

The Clerk read as follows:

Strike out, in lines 5, 6, and 7 of section 1, the words "five men representative of labor, five men representative of agriculture, and five men representative of business"; and insert instead thereof, "three men representative of labor, three men representative of agriculture, three men representative of manufacturing, and three men representative of business and the professions."

Mr. TRACEY. I move to amend the amendment by striking out the word "three" wherever it occurs and inserting "two."

Mr. PHILLIPS. I object to that amendment. The amendment which I have offered has been submitted by the authority of the committte, who have given the bill very careful consideration. In view of the vast and varied industries of our country a commission of smaller number than that which the committee propose would not meet the requirements of the case. I trust that the amendment which I have offered will be adopted.

Mr. BARTLETT of New York. Mr. Chairman, I rise to a parliamentary inquiry. Is another amendment in order?

The CHAIRMAN. Two amendments to this section are already pending. A substitute would be in order.

Mr. BARTLETT of New York. I desire, then, to offer the following as a substitute: After the words "President of the United States," in line 3, insert the words "by and with the advice and consent of the Senate," and let the following part of the section provide as at present for 5 men representative of labor, 5 men representative of agriculture, 5 men representative of manufactures, and 5 men representative of business, so that the section will provide for a body of 20 men in all.

Mr. PHILLIPS. Mr. Chairman, this commission as originally proposed was to consist of 7 representatives of labor, 7 representatives of agriculture, and 7 representatives of business, making 21 in all. As now proposed to be amended by the committee, it will be composed of 5 men representative of labor, 5 representative of agriculture, 5 representative of manufacturing, and 5 representative of business and the professions. Thus we shall have 4 divisions of 5 members each instead of 3 divisions of 7 members each. As amended, the commission will consist of 20, instead of 21 members, and there will be a new division, that of manufactures. It was thought that in view of the vastness and importance of our manufacturing industries they should be distinctly and separately represented.

This amendment was adopted after correspondence with gentlemen representing that branch of industry. The gentleman from Maine [Mr. DINGLEY] also suggested this amendment. I hope, therefore, that the amendments will remain as they are recommended by the committee; that is to say, five in each group, three of whom are to be appointed by the President, and two to be selected by each division after it is appointed. The reason for requiring these subsequent appointments was for the purpose of supplementing any talent that might be lacking.

The bill provided originally for seven representatives of labor, five of them to be appointed by the President and two by each division of the commission after their appointment. We have reduced the number to three who are be appointed by the President and two in each group to be selected by the commission, in order, as I have said, to supplement any talent that might be lacking.

Mr. BINGHAM. Are they to be confirmed by the Senate?

Mr. PHILLIPS. No, sir; the bill does not require confirmation by the Senate.

I hope the gentleman will yield, therefore, and not press the amendment. We have made a careful investigation of the subject, and we are satisfied that the great interest of agriculture could not be properly represented on this commission with three men.

Mr. BRUMM. Will you permit a question? Has the committee made an estimate of the probable cost of the whole business?

Mr. TRACEY. It will cost $252,000 for salaries for the two years alone.

Mr. PHILLIPS. We have not made any exact estimate.

Mr. BRUMM. Well, have you any estimate—an approximate estimate?

Mr. PHILLIPS. It will be about $300,000 for the whole commission for its full term of two years.

Mr. BRUMM. That I understand only includes salaries?

Mr. PHILLIPS. No; that includes the whole expense.

Mr. BRUMM. Does that include the cost of acquiring information outside, sending for persons, papers, and so on?

Mr. PHILLIPS. Yes; $50,000 is set apart for that purpose.

Mr. BRUMM. Why not allow the President to appoint two, and these two another, thus making in all 12 rather than 20 men?

Mr. PHILLIPS. I will explain that again. You take, for instance, the agricultural industries of the country—the Pacific Coast, the great West, the Northwest, the South, and the East, and the Middle States. How can three representatives of the agricultural interest represent such a diversity of interest and such a vast continent as this? Take, if you please, all of the varied industries—the mining, the manufacturing, the iron, the coal, the shipping, and the railroad interests. We want these industries fairly represented, and we do not think the commission is too large to represent a continent so vast as this, with interests so vast and varied. And while we are spending millions of dollars for defenses on land and sea, we should not hesitate to spend such a small sum to investigate and recommend remedial legislation for the benefit of our industrial interests. It should be remembered, also, that the expense and loss involved in one great strike would pay the cost of such a commission a dozen times over. [Applause.]

I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the

Whole House on the state of the Union, having had under consideration the bill H. R. 6119, had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate still further insisted upon its amendments to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, numbered 11, 12, 13, 14, 16, 19, 22, 23, 36, 37, 38, 83, 108, 109, 142, 144, 233, 305, 306, 307, 308, 309, 310, 313, 314, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULLOM, Mr. TELLER, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various tribes of Indians for the fiscal year ending June 30, 1897, and for other purposes.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3011) for the relief of Nicolai Bros.;

A bill (S. 3008) authorizing the employment of day labor in the construction of certain municipal buildings and works in the District of Columbia;

A bill (S. 3001) granting a pension to Alfred Bigelow, of Norfolk, in the State of Nebraska;

A bill (S. 2945) to authorize the construction of a bridge across the Alabama River by the Mobile and Ohio Railroad Company;

A bill (S. 2944) to authorize the construction of a bridge across the Cahaba River, in Bibb County, Ala., by the Mobile and Ohio Railroad Company;

A bill (S. 2943) to authorize the construction of a bridge across the Warrior River by the Mobile and Ohio Railroad Company;

A bill (S. 2499) to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway Company";

A bill (S. 2473) to amend an act entitled "An act to provide for holding terms of court in the district of Montana," approved July 20, 1892;

A bill (S. 2394) to provide for the construction of a public building at Salem, Oreg.;

A bill (S. 2306) to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights; and

A bill (S. 2284) for the relief of actual settlers on unsurveyed public lands.

LEGISLATIVE APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I see that the Senate has disagreed to the conference report; and I move that the House further insist on its disagreement and agree to the request for further conference on the part of the Senate on the bill H. R. 6248, the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

The SPEAKER announced as conferees Mr. BINGHAM, Mr. MCCALL of Tennessee, and Mr. DOCKERY.

RACHEL PATTON.

The SPEAKER. The Chair lays before the House a veto message from the President of the United States, which the Clerk will read.

The Clerk read as follows:

To the House of Representatives:

I herewith return without approval House bill No. 1185, entitled "An act granting a pension to Rachel Patton."

John H. Patton, the husband of the beneficiary, was a captain in an Illinois regiment, and was killed in action June 25, 1863.

In December, 1863, the beneficiary was pensioned as his widow at the rate of $30 a month.

She received this pension for thirteen years and until 1876, when she married one William G. Culbertson. Thereupon, because of such marriage, her name was dropped from the pension rolls pursuant to law.

In 1889, thirteen years after her remarriage and the termination of her pension, she procured a decree of divorce against her second husband on the ground of desertion.

She has a small income, but it does not appear that alimony was allowed her in the divorce proceedings.

It is proposed by this bill to pension her at the same rate which was allowed her while she remained the widow of the deceased soldier.

It can not be denied that the remarriage of this beneficiary terminated her pensionable relation to the Government as completely as if it never existed. The statute which so provides simply declares what is approved by a fair and sensible consideration of pension principles. As a legal proposition the pensionable status of a soldier's widow, lost by her remarriage, can not be recovered by the dissolution of the second marriage. Waiving, however, the application of strictly legal principles to the subject, there does not appear to be any sentiment which should restore to the pension rolls as the widow of a deceased soldier a divorced wife who has relinquished the title of soldier's widow to again become a wife, and who, to secure the expected advantages and comforts of a second marriage, has been quite willing to forego the provision which was made for her by the Government solely on the grounds of her soldier widowhood.

EXECUTIVE MANSION, *May 21, 1896.* GROVER CLEVELAND.

Mr. PICKLER. Mr. Speaker, I move to refer the bill, with the message, to the Committee on Invalid Pensions.

The motion was agreed to.

PRINTING OF IMMIGRATION BILL.

Mr. RICHARDSON. Mr. Speaker, I desire to submit a privileged report from the Committee on Printing.

The Clerk read as follows:

Your committee, having had under consideration House resolution No. 365, providing for the printing of 10,000 copies of the immigration bill which passed the House May 20, 1896, for the use of the House of Representatives, recommend that the same do pass.

Resolved, That 10,000 copies of the immigration bill passed this day be printed for the use of the House.

Mr. RICHARDSON. I ask a vote upon the resolution.

The resolution was agreed to.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

Mr. ODELL. Mr. Speaker, I wish to present a report from the Committee on Accounts.

The Clerk read as follows:

The Committee on Accounts, having had under consideration House resolution No. 346, authorizing the employment of two additional laborers by the Postmaster for a period not exceeding thirty days, at a salary of $3 per day, respectfully report in favor of the resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Postmaster of the House is hereby authorized to employ two laborers, at $3 per day, for such time, not exceeding thirty days, as shall be necessary to distribute and deliver to the members of this House the garden and flower seeds which are arriving in large quantities, said laborers to be paid out of the contingent fund of the House.

The resolution was agreed to.

CONTESTED-ELECTION CASE—MITCHELL VS. WALSH.

Mr. MAGUIRE. Mr. Speaker, I have prepared the views of the minority in the contested-election case of Mitchell *vs.* Walsh. The report is now presented within the time agreed upon between the members of the minority and the majority of the committee. I ask leave now, by unanimous consent, to file the views of the minority.

The SPEAKER. The gentleman from California [Mr. MAGUIRE] asks unanimous consent to file the views of the minority in the contested-election case of Mitchell *vs.* Walsh.

Mr. KEM. Regular order, Mr. Speaker.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM].

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 1434) for the relief of the legal representatives of John W. Branham, late an assistant surgeon in the United States Marine-Hospital Service—to the Committee on Claims.

A bill (S. 1338) to provide for the purchase of a site and the erection of a public building thereon at Durham, in the State of North Carolina—to the Committee on Public Buildings and Grounds.

A bill (S. 1122) for the relief of Sally Hardmond—to the Committee on Claims.

A bill (S. 901) amending section 4716 of the Revised Statutes—to the Committee on Invalid Pensions.

A bill (S. 594) for the relief of Augustus Boyd—to the Committee on Military Affairs.

A bill (S. 163) providing for the erection of a public building at the city of Tacoma, in the State of Washington—to the Committee on Public Buildings and Grounds.

A bill (S. 105) for the erection of a public building at Aberdeen, S. Dak.—to the Committee on Public Buildings and Grounds.

A bill (S. 1831) for the relief of William J. Bryan—to the Committee on Claims.

A bill (S. 1822) for the relief of W. A. Austin & Co.—to the Committee on Claims.

A bill (S. 1500) for the relief of William M. Masi, ex-postmaster, and Benjamin Hellman, Lawrence R. Bresnahen, John W. Griffin, George W. Hoyt, and Charles W. Riner, as sureties upon his official bond as postmaster at Cheyenne—to the Committee on Claims.

A bill (S. 2101) to provide for the relief of certain officers and enlisted men of the volunteer forces—to the Committee on Military Affairs.

ELEANOR CARROLL POE.

Mr. PICKLER. I desire to present a privileged report from the Committee on Invalid Pensions on the bill S. 804, and move that the House agree to the conference asked by the Senate.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *May 18, 1896.*

Resolved, That the Senate disagrees to the amendment of the House of Representatives to the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe, and asks a conference with the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. GALLINGER, Mr. MITCHELL of Wisconsin, and Mr. BAKER be the conferees on the part of the Senate.

ment which I have offered has been submitted by the authority of the committte, who have given the bill very careful consideration. In view of the vast and varied industries of our country a com-

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the

the grounds of her soldier widowhood.

EXECUTIVE MANSION, *May 21, 1896.*

GROVER CLEVELAND.

two Houses thereon.

Ordered, That Mr. GALLINGER, Mr. MITCHELL of Wisconsin, and Mr. BAKER be the conferees on the part of the Senate.

The SPEAKER. The gentlemen from South Dakota moves to nonconcur in the amendments of the Senate, to insist on the disagreement of the House, and to agree to the committee of conference asked by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. THOMAS, Mr. CROWTHER, and Mr. LAYTON.

Mr. DINGLEY. I move that the House do now adjourn.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FAIRCHILD, for two days, on account of important business.

To Mr. BLACK of Georgia, indefinitely, on account of sickness.

To Mr. TURNER of Georgia, indefinitely, on account of sickness.

To Mr. DRAPER, indefinitely, on account of sickness in his family.

To Mr. MILES, for the rest of the week, on account of sickness.

To Mr. BARTLETT of Georgia, for ten days, on account of important business.

Mr. DINGLEY. I withdraw the motion to adjourn.

FORT OMAHA MILITARY RESERVATION.

Mr. MERCER. Mr. Speaker, I desire to move that the House agree to the conference asked by the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 225) to provide for the transfer of the Fort Omaha Military Reservation to the State of Nebraska.

The bill and amendments were read.

The SPEAKER. The gentleman moves that the House agree to the conference requested by the Senate.

Mr. DINGLEY. Before that is done, I should like to understand the amendments of the Senate. Are there any changes of importance?

Mr. MERCER. Oh, no; the amendments only consist of changes in four or five words.

Mr. DINGLEY. Is there anything in the bill that makes the United States liable?

Mr. MERCER. Oh, no; the general tenor of the bill is as it passed the House.

Mr. DOCKERY. This bill transfers the reservation to the State of Nebraska, does it not?

Mr. MERCER. It did that when it passed the House.

Mr. CROWTHER. By a lease simply.

Mr. DOCKERY. How much land is involved?

Mr. CROWTHER. Eighty acres.

Mr. DOCKERY. What is the value?

Mr. MERCER. The report says forty thousand or fifty thousand dollars.

Mr. DOCKERY. Has the United States reserved the right to resume possession and control at any time?

Mr. MERCER. Oh, yes; at any time the Secretary of War desires.

The motion of Mr. MERCER was agreed to; and the Speaker appointed as conferees on the part of the House Mr. BISHOP, Mr. TRACEY, and Mr. MCCLELLAN.

And then, on motion of Mr. DINGLEY (at 5 o'clock and 12 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MILNES, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 8726) to provide for the payment of certain claims against the District of Columbia by drawback certificates, reported the same with amendment, accompanied by a report (No. 1923); which said bill and report were referred to the House Calendar.

Mr. HARRIS, from the Committee on the Territories, to which was referred the bill of the House (H. R. 8885) amending and extending the provisions of an act of Congress entitled "An act approving with amendments the funding act of Arizona," approved June 25, 1890, and the act amendatory thereof and supplemental thereto, approved August 3, 1894, reported the same without amendment, accompanied by a report (No. 1931); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FISCHER, from the Committee on Indian Affairs, to which was referred House bill No. 8893, reported in lieu thereof a bill (H. R. 9118) to ratify an agreement with the Indians of the Shoshone or Wind River Reservation, Wyo., and making an appropriation to carry the same into effect, establishing the Wyoming Hot Springs Reservation and making an appropriation for the survey thereof, accompanied by a report (No. 1932); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HILBORN, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 2271) to authorize a retired list for enlisted men and appointed petty officers of the United States Navy, reported the same with amendment, accompanied by a report (No. 1934); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHAFROTH, from the Committee on the Public Lands, to which was referred the concurrent resolution of the Senate (Senate Con. Res. No. 38) relating to patents to lands sold by the Union Pacific Railroad Company to bona fide purchasers, reported the same with amendment, accompanied by a report (No. 1949); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. STEWART of Wisconsin, from the Committee on Indian Affairs: The bill (H. R. 3470) for the relief of Arra M. Farnsworth. (Report No. 1922.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 7460) to increase the pension of Sarah E. Jackson, widow of Richard H. Jackson, late brigadier-general of United States Volunteers, to $50 per month. (Report No. 1924.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions: The bill (H. R. 6968) granting a pension to John Carr. (Report No. 1925.)

By Mr. COLSON, from the Committee on Claims:

The bill (H. R. 2610) for the relief of A. H. Sympson. (Report No. 1926.)

The bill (H. R. 6595) for the relief of Smith R. Mershon. (Report No. 1948.)

The bill (H. R. 464) for the relief of W. J. Tapp & Co. (Report No. 1927.)

By Mr. DE WITT, from the Committee on Claims: The bill (H. R. 8252) for the relief of Lizzie Hagny, as administratrix of the estate of Frank B. Smith, deceased. (Report No. 1928.)

By Mr. GRAFF, from the Committee on Claims:

The bill (S. 3122) entitled "An act for the relief of Bridget Lane." (Report No. 1929.)

The bill (S. 308) entitled "An act for the relief of Daniel W. Perkins." (Report No. 1935.)

By Mr. COUSINS, from the Committee on Foreign Affairs: The bill (H. R. 8966) to authorize Commander E. S. Houston, United States Navy, to accept a portrait from His Majesty the Emperor of Germany. (Report No. 1930.)

By Mr. MAHON, from the Committee on War Claims: The bill (S. 34) entitled "An act for the relief of Clara A. Graves, Lewis Smith Lee, Florence P. Lee, Mary S. Sheldon, and Florence P. Lee, legal representative of Elizabeth Smith, deceased, heirs of Lewis Smith, deceased." (Report No. 1936.)

By Mr. LOUDENSLAGER, from the Committee on Pensions:

The bill (S. 1857) entitled "An act granting a pension to Nathan Mitchell." (Report No. 1937.)

The bill (S. 996) entitled "An act to increase the pension of Capt. Isaac D. Toll." (Report No. 1938.)

The bill (S. 341) entitled "An act granting an increase of pension to Napoleon B. Breedlove." (Report No. 1939.)

The bill (S. 760) entitled "An act granting a pension to Rhoda Chick." (Report No. 1940.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (S. 1946) entitled "An act granting an increase of pension to Elijah N. Parkhurst." (Report No. 1942.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 1944) to pension Catharine C. Goodrich according to the military rank of her husband. (Report No. 1943.)

By Mr. PICKLER, from the Committee on Invalid Pensions:

The bill (H. R. 9139) granting a pension to Margaret J. Young, reported in lieu of House bill No. 9035. (Report No. 1944.)

The bill (H. R. 9138) granting an increase of pension to Maria Kelly, reported in lieu of House bill No. 8789. (Report No. 1945.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 1148) entitled "An act granting a pension to Celesthia A. Whitney." (Report No. 1946.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (S. 2133) entitled "An act granting a pension to Mary E. Ely." (Report No. 1947.)

ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. MINOR of Wisconsin, from the Committee on the Merchant Marine and Fisheries, reported adversely (Report No. 1941) the bills (H. R. 6058 and H. R. 6126) for the purchase of letters patent of the Dickenson self-righting and self-bailing lifeboat; which said bills and report were laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WOODMAN: A bill (H. R. 9119) to provide an elastic currency—to the Committee on Banking and Currency.

By Mr. EVANS: A bill (H. R. 9120) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Iowa: A bill (H. R. 9121) to extend North Capitol street to the Soldiers' Home—to the Committee on the District of Columbia.

By Mr. BULL: A bill (H. R. 9122) granting condemned guns and cannon balls to the Soldiers' Home at Bristol, R. I.—to the Committee on Military Affairs.

By Mr. SHAFROTH: A bill (H. R. 9123) to prevent forest fires on the public domain—to the Committee on the Public Lands.

Also, a bill (H. R. 9124) to protect the forests on the public domain from destruction by fire—to the Committee on the Public Lands.

By Mr. PAYNE: A resolution (House Res. No. 366) providing that Wednesday, May 27, 1896, be allotted to bills reported from the Committee on the Merchant Marine and Fisheries—to the Committee on Rules.

By Mr. TAWNEY: A resolution (House Res. No. 368) for the relief of Lauretz Olson—to the Committee on Accounts.

By Mr. MAGUIRE: A resolution (House Res. No. 369) to print the views of the minority in the contested-election case of J. Murray Mitchell *vs.* James J. Walsh—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ANDERSON: A bill (H. R. 9125) for the relief of Edmond B. Miller, of Tennessee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9126) for the relief of Nelson McLaughlin, of Tennessee—to the Committee on Claims.

By Mr. BELL of Colorado: A bill (H. R. 9127) for the relief of W. A. Procter—to the Committee on Claims.

By Mr. DAYTON: A bill (H. R. 9128) for the relief of George Koonce, of Jefferson County, W. Va.—to the Committee on War Claims.

By Mr. HADLEY: A bill (H. R. 9129) granting a pension to Emma T. Martin—to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 9130) for the relief of William R. Davidson, alias Harmon Davidson—to the Committee on Military Affairs.

By Mr. JOHNSON of North Dakota: A bill (H. R. 9131) to have George Itzkine honorably discharged from the United States service—to the Committee on Military Affairs.

By Mr. JOHNSON of California: A bill (H. R. 9132) for the relief of W. D. Catlett, of West Virginia—to the Committee on Claims.

By Mr. MERCER: A bill (H. R. 9133) granting a pension to Capt. J. Francis Hopper—to the Committee on Invalid Pensions.

By Mr. OTEY: A bill (H. R. 9134) for the relief of Charles T. Plunkett, of Lynchburg, Va.—to the Committee on Claims.

By Mr. SHERMAN: A bill (H. R. 9135) to pension Napoleon B. Marsh—to the Committee on Invalid Pensions.

By Mr. SKINNER (by request): A bill (H. R. 9136) to reimburse the depositors of the Freedman's Bank—to the Committee on Claims.

By Mr. WATSON of Ohio: A bill (H. R. 9137) granting an increase of pension to George F. Davenport—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARRETT: Petition of certain residents of Melrose, Mass., praying for favorable action on bill to amend the postal laws relating to second-class matter and bill to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. CRUMP: Petitions of citizens of Bay City, West Branch, Cheboygan, Standish, and Rogers City, Mich., for favorable action on House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DANFORD: Petitions of citizens of Bellaire, Bridgeport, and Toronto, Ohio, favoring the passage of House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DANIELS: Petitions of citizens of Colden and Buffalo, N. Y., for favorable action on House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DAYTON: Petition of George S. Harness and 20 other citizens of West Virginia, praying for relief for the Presbyterian Church at Petersburg, W. Va.—to the Committee on War Claims.

By Mr. FENTON: Petition of citizens of West Union, Ohio, asking for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. FOOTE: Petition of citizens of Franklin, N. Y., asking for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HALL: Petitions of citizens of Salisbury, Brunswick, Green City, and Bucklin, Mo., asking favorable consideration of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HOOKER: Petitions of citizens of Salamanca, Franklinville, and Gowanda, N. Y., for favorable action on House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HULICK: Petition of citizens of Mason, Ohio, asking favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HULL: Petitions of citizens of Des Moines, Pella, Swan, Knoxville, Nevada, and Milo, Iowa, asking for favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. JOHNSON of North Dakota: Petitions of citizens of Reynolds, Lisbon, St. Thomas, Dickinson, Ardoch, Buffalo, Pembina, and Churchs Ferry, N. Dak., for favorable action on House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. KYLE: Petitions of citizens of Charleston and Oxford, Miss., in favor of House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LAYTON: Petition of Knights of Labor of Washington, D. C., in favor of House bill No 6119, for the appointment of an impartial committee to investigate the labor problem and suggest remedy—to the Committee on Labor.

By Mr. MCCORMICK: Petitions of citizens of Riverhead and Glen Cove, N. Y., asking favorable action on House bill No. 838, to reduce letter postage, and House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNE: Petition of citizens of Williamson, N. Y., favoring the passage of House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. RAY: Petition of George E. Green and 46 other citizens of Binghamton, N. Y., urging the passage of House bill No. 260, to increase the pay of letter carriers—to the Committee on Rules.

By Mr. REED: Resolution of the national convention of railroad commissioners, held at Washington, D. C., May 19 and 20, 1896, protesting against the passage of House bill No. 8536 and Senate bill No. 2967, to amend the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. STRONG: Petition of citizens of Delaware, Ohio, asking for favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. TRELOAR: Petition of citizens of Vandalia, Mo., asking for favorable consideration of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WADSWORTH: Petitions of citizens of Oakfield and city of Niagara Falls, N. Y., favoring the passage of House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WALKER of Massachusetts: Petitions of citizens of Spencer and Southbridge, Mass., asking for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WATSON of Ohio: Paper to accompany House bill to increase the pension of George F. Davenport—to the Committee on Invalid Pensions.

By Mr. WILBER: Petition of Schenectady Technical Association, of Schenectady, N. Y., in regard to House bill No. 7251, relating to the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of citizens of Schenectady, N. Y., in favor of House bills Nos. 4556 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

SENATE.

FRIDAY, *May 22, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The VICE-PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 18th instant, a list of all judgments rendered by the Court of Claims in favor of claimants since the 6th day of April, 1896, in Indian depredation cases, including the names of claimants, the amount claimed, and the amount of judgment recovered in each case; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 19th instant, a schedule of all claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act approved June 20, 1874, since the allowance of those embraced in House Document No. 322 of the present session, up to and including the 21st instant, amounting to $63,214.89; which was read.

Mr. COCKRELL. I move that that communication and accompanying papers be printed and referred to the Committee on Appropriations, and that a special order be made that it be printed forthwith and returned from the Printer. It ought to be done in the course of two hours.

The motion was agreed to.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 9th instant, a statement showing the number of aliens employed in the Navy Department; which was ordered to lie on the table, and to be printed.

Mr. GALLINGER. I wish to submit a conference report.

Mr. CHANDLER. My colleague will allow the immigration bill to be referred?

Mr. GALLINGER. Certainly.

HOUSE BILL REFERRED.

The bill (H. R. 7864) to amend the immigration laws of the United States was read the second time by its title, and referred to the Committee on Immigration.

JOSEPH R. WEST.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 679) granting a pension to Joseph R. West, brigadier and brevet major-general, United States Army Volunteers, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted insert "seventy-five"; and the House agree to the same.

J. H. GALLINGER,
W. N. ROACH,
GEORGE L. SHOUP,
Managers on the part of the Senate.

J. A. PICKLER,
HENRY F. THOMAS,
C. J. ERDMAN,
Managers on the part of the House.

The report was concurred in.

REGULATION OF BOND ISSUES.

Mr. BUTLER. I move that the Senate proceed to the consideration of the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. GALLINGER. I trust the Senator from North Carolina will permit us to go through with the morning business.

The VICE-PRESIDENT. The Chair will recognize the Senator from North Carolina after the morning business is concluded.

Mr. BUTLER. Very well; I do not want to interfere with routine business.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the General Conference of the Methodist Episcopal Church of Cleveland, Ohio, remonstrating against the sale of spirituous liquors in the Capitol building at Washington, D. C.; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the General Conference of the Methodist Episcopal Church of Cleveland, Ohio, remonstrating against the manufacture or sale of liquor in any building under Government control; which was referred to the Committee on Public Buildings and Grounds.

Mr. McMILLAN presented a petition of the Mount Pleasant Citizens' Association, of Washington, D. C., praying for the passage of Senate bill No. 3123, relative to highways in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. GEAR presented the petition of W. F. Merrick and 69 other citizens of Iowa, praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. HARRIS presented a petition of sundry citizens of Nashville, Tenn., praying for the enactment of legislation giving relief to the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 3395) granting a pension to Carrie H. Greene, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4724) to increase the pension of Mrs. Mary L. Aleshire, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2373) granting a pension to Elvin J. Brown, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3182) granting a pension to Susan E. Cunningham, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3229) for the relief of Hannah Newell Barrett, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2143) granting a pension to Mrs. Emily M. Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4354) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased, reported it with an amendment, and submitted a report thereon.

Mr. DAVIS, from the Committee on Territories, to whom was referred the bill (S. 3161) amending and extending the provisions of an act of Congress entitled "An act approving, with amendments, the funding act of Arizona," approved June 25, 1890, and the act amendatory thereof and supplemental thereto, approved August 3, 1894, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 3071) to authorize the construction of a bridge over the Monongahela River from the borough of Braddock to the township of Mifflin, Pa., reported it with amendments.

Mr. KYLE, from the Committee on Education and Labor, to whom was referred the amendment submitted by Mr. GALLINGER on the 21st instant, intended to be proposed to the general deficiency appropriation bill, the amendment providing that hereafter all printers and bookbinders and all skilled mechanics, such as carpenters, machinists, etc., employed in the Government Printing Office shall be paid at the rate of 50 cents per hour for time actually employed, reported favorably thereon, and moved that it be referred to the Committee on Appropriations; which was agreed to.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 5258) granting an honorable discharge to John B. Besler, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the joint resolution (S. R. 138) for the relief of James P. Veach, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the joint resolution (S. R. 68) for the relief of James P. Veach, reported adversely thereon, and the joint resolution was postponed indefinitely.

Mr. NELSON, from the Committee on Commerce, to whom was referred the joint resolution (S. R. 137) granting a life-saving medal to Henry Adsit Woodruff, of New York City, N. Y., reported adversely thereon, and the bill was postponed indefinitely.

Mr. CULLOM, from the Committee on Interstate Commerce, to whom the subject was referred, reported a bill (S. 3205) directing the Interstate Commerce Commission to prepare a uniform freight classification; which was read twice by its title.

MESSAGES AND PAPERS OF THE PRESIDENTS.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed 15,000 additional copies of the Messages and Papers of the Presidents, Richardson's compilation, of which there shall be 5,000 copies for the

Senate and 10,000 copies for the House of Representatives, to be distributed and disposed of, including the fraction in each case, as provided in the House joint resolution numbered 170, approved on the 30th day of April, 1896.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 3200) to enable the personal representative of E. M. Shield to bring suit against the United States; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3201) to remove the charge of desertion from William Repp; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. McMILLAN introduced a bill (S. 3202) for the regulation of cemeteries and the disposal of dead bodies in the District of Columbia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. THURSTON introduced a bill (S. 3203) granting an increase of pension to Aurelius Roberts; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 3204) granting an increase of pension to Sylvester Walters; which was read twice by its title, and referred to the Committee on Pensions.

REGULATIONS CONCERNING FILLED CHEESE.

Mr. SHERMAN. I move that the Senate proceed to the consideration of what is commonly called the filled-cheese bill. I hope it will be acted upon promptly, without further delay.

The VICE-PRESIDENT. The morning business has not been concluded, the Chair will state.

Mr. SHERMAN. I will ask the unanimous consent of the Senate after the morning business is over that the Senate proceed to the consideration of the bill.

The VICE-PRESIDENT. The Chair will state that the Senator from North Carolina [Mr. BUTLER] addressed the Chair to submit a motion to proceed to the consideration of Senate bill 1341, and the Chair stated to that Senator that he would be recognized for that purpose at the conclusion of the morning business. The Senator from Ohio asks unanimous consent, as the Chair understands, that the Senate proceed to the consideration of a bill which will be read by title.

Mr. BUTLER. What is the bill?

Mr. SHERMAN. It is the bill commonly known as the filled-cheese bill.

The SECRETARY. A bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of filled cheese.

Mr. BUTLER. That bill will lead to discussion, and I feel compelled to object.

The VICE-PRESIDENT. Objection is interposed to the request of the Senator from Ohio.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. McMILLAN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MORGAN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. TELLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

BIOGRAPHY OF CONGRESS.

Mr. MORRILL. I move that the resolution which I submitted day before yesterday be referred to the Committee on Printing.

The motion was agreed to; and the resolution was referred to the Committee on Printing, as follows:

Resolved, That Benjamin Durfee be, and he is hereby, directed (in addition to his other duties and without extra compensation) to prepare an alphabetical biography of Congress from the foundation of the Government to the present time.

REGULATION OF BOND ISSUES.

The VICE-PRESIDENT. Morning business has closed.

Mr. BUTLER. I move that the Senate proceed to the consideration of Senate bill 1341.

Mr. TURPIE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana rise to present morning business?

Mr. TURPIE. I appeal to the Senator from North Carolina to permit me to call up a bill to relieve Charles W. Rinehardt from the charge of desertion. It is a House bill, that has been pending during the whole session, and I should like to have it considered. It will not be a subject of discussion.

Mr. SHERMAN. I can not hear a word the Senator says.

The VICE-PRESIDENT. The Senator from Indiana will repeat his request.

Mr. TURPIE. I appeal to the Senator from North Carolina to allow me to call up the bill (H. R. 2054) to correct the military record of Charles W. Rinehardt and to grant him an honorable discharge. It is a House bill, and all that is lacking is action on the part of this body. It will not lead to any discussion.

Mr. BUTLER. I will state to the Senator from Indiana that as soon as Senate bill 1341 is taken up I will give way for that purpose.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Indiana?

Mr. BUTLER. I object now. I shall not object when Senate bill 1341 is taken up.

The VICE-PRESIDENT. Objection is interposed. The question is on the motion of the Senator from North Carolina to proceed to the consideration of the bill (S. 1341) to prohibit the further issue of interest-bearing bonds without the consent of Congress.

Mr. HILL. This being an important question, I desire a full Senate. I suggest the want of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Davis,	McBride,	Sewell,
Allison,	Dubois,	McMillan,	Sherman,
Bacon,	Faulkner,	Martin,	Stewart,
Baker,	Gallinger,	Mills,	Teller,
Bate,	Gear,	Mitchell, Oreg.	Thurston,
Berry,	Gray,	Morrill,	Turpie,
Blackburn,	Hale,	Nelson,	Vest,
Brown,	Hansbrough,	Pasco,	Vilas,
Burrows,	Harris,	Peffer,	Walthall,
Butler,	Hawley,	Perkins,	Warren,
Chilton,	Jones, Ark.	Pettigrew,	Wetmore,
Cockrell,	Kyle,	Pritchard,	Wilson.
Daniel,	Lindsay,	Pugh,	

The VICE-PRESIDENT. Fifty-one Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from North Carolina to proceed to the consideration of Senate bill 1341.

Mr. HILL. On that question I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH], but I will transfer that pair to the Senator from Utah [Mr. CANNON] and vote. I vote "yea."

Mr. FAULKNER (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS].

Mr. HANSBROUGH (when his name was called). I am paired with the Senator from Illinois [Mr. PALMER], but I will transfer that pair to the Senator from Montana [Mr. MANTLE] and vote. I vote "yea."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD], but I am informed that he is in favor of this measure. I therefore exercise my discretion and vote "yea."

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN], but as I am advised that he is in favor of the present consideration and passage of the measure now sought to be brought before the Senate, and with that understanding, upon all matters affecting its consideration I shall exercise my discretion and vote. I vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. GEAR. I am paired with the senior Senator from Georgia [Mr. GORDON]. If he were present, I should vote "nay."

Mr. SEWELL. On this question I am paired with the Senator from Wisconsin [Mr. MITCHELL]. If he were present, I should vote "nay."

Mr. TELLER. My colleague [Mr. WOLCOTT] is paired with the junior Senator from Ohio [Mr. BRICE]. If my colleague were present, he would vote "yea."

The result was announced—yeas 34, nays 20; as follows:

YEAS—34.

Allen,	Daniel,	Mitchell, Oreg.	Teller,
Bacon,	Dubois,	Pasco,	Thurston,
Bate,	George,	Peffer,	Turpie,
Berry,	Hansbrough,	Perkins,	Vest,
Blackburn,	Harris,	Pettigrew,	Warren,
Brown,	Jones, Ark.	Pritchard,	White,
Butler,	Kyle,	Pugh,	Wilson.
Chilton,	Martin,	Shoup,	
Cockrell,	Mills,	Stewart,	

NAYS—20.

Allison,	Davis,	Hawley,	Morrill,
Baker,	Frye,	Hill,	Nelson,
Burrows,	Gallinger,	Lindsay,	Sherman,
Caffery,	Gray,	McBride,	Vilas,
Chandler,	Hale,	McMillan,	Wetmore.

NOT VOTING—35.

Aldrich,	Elkins,	Lodge,	Roach,
Blanchard,	Faulkner,	Mantle,	Sewell,
Brice,	Gear,	Mitchell, Wis.	Smith,
Call,	Gibson,	Morgan,	Squire,
Cameron,	Gordon,	Murphy,	Tillman,
Cannon,	Gorman,	Palmer,	Voorhees,
Carter,	Hoar,	Platt,	Walthall,
Clark,	Irby,	Proctor,	Wolcott.
Cullom,	Jones, Nev.	Quay,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. HILL. Mr. President——

Mr. TURPIE. I ask the Senator from New York to yield to me for the purpose of asking unanimous consent to call up House bill 2054.

The VICE-PRESIDENT. The Senator from Indiana asks unanimous consent for the present consideration of a bill, which will be read for information.

Mr. PEFFER. Would it not be better to lay the pending bill temporarily aside for the purpose of considering the bill? I ask that that may be done.

Mr. BUTLER. Will the Senator from Kansas pardon me a moment?

Mr. PEFFER. Yes, sir.

Mr. BUTLER. I should like to ask the Chair whether that would prejudice in any way the bill the Senate has just voted to take up?

The VICE-PRESIDENT. The Senator from Kansas asks unanimous consent that the pending bill be temporarily laid aside for the purpose of considering the bill indicated by the Senator from Indiana.

Mr. BUTLER. Such consent will retain the pending bill in its proper place as soon as that bill is disposed of?

The VICE-PRESIDENT. It will. Is there objection? The Chair hears none.

CHARLES W. RINEHARDT.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2054) to correct the military record of Charles W. Rinehardt and to grant him an honorable discharge, which had been reported from the Committee on Naval Affairs with an amendment, in line 3, to strike out the word "War" and insert the words "the Navy"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and is hereby, authorized and directed to correct the military record of Charles W. Rinehardt, late third-class musician in the United States Marine Corps band, by removing the charge of desertion against him therefrom and granting him an honorable discharge as of date August 15, 1882.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

COMMUTATION OF HOMESTEAD ENTRIES.

Mr. VILAS. I should like to ask the Senate to consider, without prejudice to the bill which has just been taken up, House bill No. 1436, which the Committee on Public Lands have reported, and it is desirable to have it passed soon in order to effect its object.

The VICE-PRESIDENT. The Senator from Wisconsin asks unanimous consent that the pending bill be laid aside temporarily for the purpose of considering the bill indicated by him. Is there objection?

Mr. BUTLER. Will it lead to debate?

Mr. VILAS. It will take but a few moments, and it can be passed without the least interference with the pending bill.

Mr. BUTLER. Will it lead to any discussion?

Mr. VILAS. I think not.

Mr. BUTLER. If it leads to any discussion the Senator will not press it?

Mr. VILAS. Oh, no; I shall not press it; I will give way.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1436) to quiet title to lands in persons who purchased the same in good faith without notice and for a valuable consideration, and to enable the Government to issue patents on such lands, and that commutations of homestead entries shall take effect from date of settlement and not from date of entry, which had been reported from the Committee on Public Lands with amendments, in section 1, line 12, after the word "proofs," to insert "and that no other reason why the title should not vest in the entryman exists except that the commutation was made less than fourteen months from the date of the homestead settlement, and that there was at least six months' actual residence in good faith by the homestead entryman on the land prior to such commutation"; in line 18, after the word "heirs," to insert "and"; in line 19, after the word "representatives," to strike out "assigns, grantees, mortgagees" and insert "as of the date of such final certificate of entry"; and in line 21, after the word "thereon," to insert "and the title so patented shall inure to the benefit of any grantee or transferee in good faith of such entryman subsequent to the date of such final certificate"; so as to make the section read:

That whenever it shall appear to the Commissioner of the General Land Office that an error has heretofore been made by the officers of any local land office in receiving premature commutation proofs under the homestead laws, and that there was no fraud practiced by the entryman in making such proofs, and final payment has been made and a final certificate of entry has been issued to the entryman, and that there are no adverse claimants to the land described in the certificates of entry whose rights originated prior to making such final proofs, and that no other reason why the title should not vest in the entryman exists except that the commutation was made less than fourteen months from the date of the homestead settlement, and that there was at least six months' actual residence in good faith by the homestead entryman on the land prior to such commutation, such certificates of entry shall be in all things confirmed to the entryman, his heirs, and legal representatives, as of the date of such final certificate of entry and a patent issue thereon; and the title so patented shall inure to the benefit of any grantee or transferee in good faith of such entryman subsequent to the date of such final certificate: *Provided*, That this act shall not apply to commutation and homestead entries on which final certificates have been issued, and which have heretofore been canceled when the lands made vacant by such cancellation have been reentered under the homestead act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill relating to commutation of homestead entries, and to confirm such entries where commutation proofs were received by local land officers prematurely."

WILBUR F. COGSWELL.

Mr. MITCHELL of Oregon. I ask the Senator from North Carolina to yield to me a moment that I may call up House bill 2042, a pension bill. The beneficiary is a resident of my town, and it is a very meritorious case.

Mr. BUTLER. Let the Senator couple with that a request that the pending bill be temporarily laid aside, so that it will not be prejudiced.

Mr. MITCHELL of Oregon. I ask that the pending bill be temporarily laid aside for that purpose.

The VICE-PRESIDENT. The Senator from Oregon asks unanimous consent that the pending bill be laid aside temporarily for the purpose of considering a bill, which will be read for information.

The Secretary read the bill (H. R. 2042) to increase the pension of Wilbur F. Cogswell; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Wilbur F. Cogswell, late an assistant engineer in the United States Navy, at the rate of $50 per month.

Mr. MILLS. I give notice that I shall object to any further unanimous consent after this bill is disposed of.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I ask leave to call up the conference report on the Indian appropriation bill. I move the adoption of the report.

Mr. BUTLER. In order that there may be no misunderstanding, I ask unanimous consent that the pending bill be temporarily laid aside in order that the conference report may be considered.

The VICE-PRESIDENT. The Chair was unable to hear the Senator from North Carolina.

Mr. BUTLER. I should like to inquire of the Chair whether the consideration of the conference report will affect in any way or displace the bill before the Senate?

The VICE-PRESIDENT. It will not displace the pending bill, the Chair thinks.

The Senate proceeded to consider the report of the committee of conference on the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department, and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, as printed in the Senate proceedings of yesterday.

Mr. PETTIGREW. The report has been read. I ask that it be concurred in.

The report was concurred in.

Mr. PETTIGREW. I move that the Senate insist upon its

amendments and ask for a further conference with the House on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 673) granting a pension to Joseph R. West, brigadier and brevet major-general, United States Army Volunteers.

The message also announced that the House insisted upon its amendment to the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. THOMAS, Mr. CROWTHER, and Mr. LAYTON managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 225) to provide for the transfer of the Fort Omaha Military Reservation to the State of Nebraska; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BISHOP, Mr. TRACEY, and Mr. MCCLELLAN managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; further insisted upon its disagreement to the amendments of the Senate numbered 130, 132, and 342 to the said bill; agreed to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOOKER, Mr. HERMANN, and Mr. CATCHINGS managers at the conference on the part of the House.

REGULATION OF BOND ISSUES.

Mr. MILLS. I demand the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. HILL. Mr. President, I appreciate the anxiety of my friend from Texas [Mr. MILLS] to hear my remarks upon the pending measure. Perhaps there are some other Senators who do not feel that interest in what I may say on this subject.

Mr. President, the crime, the alleged "crime of 1873," is nothing compared with the crime that will be perpetrated if this bill shall pass the present Congress and become a law. Stripped of all its unnecessary verbiage, condensed as it is, it is a bold proposition for the repeal of the resumption act of 1875, a repeal of the only provision of law that exists for the successful maintenance or redemption of the paper currency of the country. It does not in so many words or express terms repeal the law of 1875, but by declaring that for no purpose whatever, no matter what necessity may exist therefor, shall there be moneys provided by the issuing of bonds for the redemption of the greenback currency of the country, it is in effect a repeal of the resumption act of 1875.

Mr. President, it is a startling proposition. Such repeal will not solve the silver question. It will not solve the financial question. That will still confront the Senate and confront the country. It will simply embarrass the Government. It simply puts in peril the finances of the country. It is a measure leading in the wrong direction.

Of those who in the days of 1875 opposed the resumption of specie payments I have nothing to say. There were those who opposed such resumption in 1875. There are those in the Senate to-day who think any resumption act whatever is unnecessary. There are those in the Senate to-day who seem to think that the Government can maintain a paper currency without anything provided for its redemption. There are those who vote for the issue of Treasury notes without providing anything with which to redeem them. There are those who think it is the province of this Government simply to issue its promises to pay without providing any fund whatever for redemption. To these paper-money men I have no appeal whatever to make. To the men who want to establish a paper currency without any redemption fund with which to maintain it I have nothing to say. It is a part of their creed; it is a part of their theory; it is a part of the system of finance which they want inaugurated in this country. They are fiat-money men.

Mr. President, it was appropriately announced by the sponsor of this bill and by the leader of the Populist party upon this floor yesterday that it is a Populist measure. So be it. So it is. Let there be no misunderstanding of it. It is boldly avowed to be a Populist measure.

What is the effect of this proposed act? What is the act of 1875? The act of 1875 simply provided the method and manner of redeeming the paper currency known as the United States notes. There were greenbackers in those days as now who thought that no redemption fund was necessary, who wanted an irredeemable paper currency, who said that the simple fiat of the Government is sufficient for its money and nothing else is needed, that there shall be no hard money back of it, nothing that requires labor and wealth to produce. That is their theory. They can consistently, of course, support this measure. It is part of their principles, a part of their creed, a part of their policy.

Mr. President, I am not one of those who believe that it is either good policy or that it is right for this Government to put afloat its promises to pay without something substantial back of them, something that is money in fact, something of intrinsic value, something that will take labor to produce, something that possesses all the ingredients of money, of hard money.

Mr. President, I do not now propose to review any of the decisions of the courts of our country as to what constitutes money. The subject is an old story. I know not what the courts might decide now if the question were presented anew. I am opposed to the issuing of greenback currency or paper money to circulate as money, especially in the absence of a proper and complete and full redemption fund always ready to redeem such paper money upon presentation at the Treasury.

As I said a few moments ago, there were those who thought and who still think that no redemption fund is necessary for paper money. They prefer the "battle-scarred greenbacks," and want nothing back of them. They want no fund provided with which to redeem paper money; they want to compel by decree of law that the people shall take it as a legal tender for the payment of debts. They do not want any redemption now or hereafter. This is the theory of finance upon which this bill is based. This is the theory of those who clamor and have recently clamored for the repeal of the resumption act of 1875.

Of course the Senate may pass this bill. I do not believe there is a Senator here who thinks it will pass the other House. I do not believe there is a Senator here who thinks that the President can consistently approve of the measure. It is not because I am anticipating that the bill is to become a law, but because I dislike to see good friends, with whom I agree upon many financial problems, place themselves upon record as they do by this vote in favor of an irredeemable paper currency, for that is what this scheme is, that I am opposing this unwise and dangerous measure. In substance and in effect it repeals the only act upon the statute books of the United States that provides securely and safely for a redemption fund.

What is the argument? The friends of the bill assert that we need no redemption fund; we want none. The fact that it will cripple the Government does not concern them in the least.

What is the effect of this proposed repeal? The revenues of the Government are now insufficient even to meet its ordinary expenses. We keep constantly making appropriations from the Treasury, extraordinary appropriations as well as ordinary appropriations, which will soon exhaust its funds. Senators upon this floor have justified their votes in favor of large appropriations by pointing to the funds in the Treasury, placed there by the sale of bonds. We can not refuse to look at the situation that confronts us. A tariff bill has been passed—no matter how or why passed—which does not realize sufficient moneys for the support of the Government. When you exhaust your reserve fund as well as your annual revenues, in the end there will come a time when there is nothing left for the floating of your paper currency—nothing for redemption purposes. What is then to be done?

If your revenues do not bring you sufficient moneys, how are you to provide a fund with which to keep your paper currency afloat except by borrowing, when your revenues will not even support the ordinary expenses of Government? This bill is nothing more nor less than plain, open, bald repudiation. Repudiation is what this bill means. Dishonor is what this bill means. Degradation of your currency is what this bill means. The "crime of 1873," so called, pales into insignificance compared with the enormity of this contemplated measure.

We have now over $100,000,000 in gold in the Treasury, and about $168,000,000 of other funds. The presentation of greenbacks, which can be made under existing laws, will, of course, if they are redeemed, reduce either the gold reserve or silver funds in the Treasury. The payment of the appropriations made at this session of Congress will largely reduce the amount of money on hand. The contracts entered into for the future, authorized by legislation here enacted, will draw largely upon these funds and in the near future exhaust them.

It may be said that this is a safe measure to pass, because in the future there will be provided sufficient revenues to meet all these required expenditures. When the reserve funds are drawn it will

be said. "We shall provide a tariff which will furnish ample revenues for the expenses of the Government, and also for the redemption fund." Let Senators be not deceived. You know the political complexion of this Senate; you know how it is divided upon the financial question, and divided in reference to other questions. The man who expects any tariff legislation of any consequence in the next year or two will be disappointed. The very make-up of this Senate, the very lines upon which it is divided, and upon which it is likely to be based for the next two years, will prevent any sufficient revenue legislation to adequately replenish the Treasury.

Assuming, then, for the purposes of this argument, that the Wilson bill, so called, will not do better in producing revenue than it has done during the past two years, the question is presented, What is to be done? How is the situation to be met? By repealing all laws for the issue of bonds. Is that the answer? Is it then expected that Congress is to provide some other mode or method of redemption? Is that the theory; is that the idea? Every time during an interval of Congress when the reserves are so low that redemption must stop is there to be an extra session of Congress called? What are we to do during next September or next October? Is Congress to be convened to pass a revenue bill—a revenue bill which will take weeks and months to pass? Is that an adequate remedy? No; this measure, this infamous scheme, takes the Government by the throat; it "holds up" the Government; it substantially paralyzes the Treasury, makes your greenbacks irredeemable, and it destroys the only fund and means provided by which your greenbacks can be redeemed.

I need not enter into any discussion of the question of the authority to issue bonds under the act of 1875. Those who have zealously favored this bill have doubted the legality of the issue of bonds for the purposes of redemption. I might say, if there is no authority now existing, why expressly prohibit such issue? Why do an unnecessary thing? Mr. President, it is because they believe and are convinced that the authority exists now under the act of 1875 that they want to further embarrass and strangle the Government. If there shall be no tariff legislation enacted in the next year and this bill should be passed, how are you to redeem your paper currency that will be presented? It is not the silver question which is here involved; it is more than that. It is the integrity of your Government; it is the honor of the Government. The question involved here is the preservation of the good faith of the Government, which demands that our paper currency shall always be redeemable in the coin of the Government.

I hear some good friends say, "Oh, pay in silver. That is the solution of the difficulty." Is it? Let us see. Suppose to-day that the Secretary of the Treasury should proceed to coin the seigniorage—that is, all that is available, for against the remainder of the bullion in the Treasury notes have been issued, and they are outstanding among the people. You have therefore pledged, you have mortgaged that bullion fund, and you can not reissue or use it without taking up your Treasury notes.

There seems to be a prevalent idea in the minds of some that there is a fund of two or three hundred million dollars of bullion which the Government has which can be coined and the coined money put right back into the Treasury for the uses of the Government. That is not true. That is a false notion, a false idea. If every particle of the bullion in the Treasury was coined, the most that could be realized for the uses of the Government for the payment of its expenses, or for redemption purposes, would be about $55,000,000 additional, and that is all; and that is the seigniorage, so called. That whole sum, if coined, would pay but a small portion of the appropriations already made and to be made by the present Congress. It would be but a "drop in the bucket" toward an adequate redemption fund. This is an important fact which is not generally understood.

Mr. GEORGE. Will the Senator allow me to ask him a question?

The PRESIDING OFFICER (Mr. BACON in the chair). Does the Senator from New York yield to the Senator from Mississippi?

Mr. HILL. Yes, sir.

Mr. GEORGE. I ask the Senator from New York if he believes, under the act of 1875, or under any other act now in force, money can be raised for the purpose of paying the ordinary expenses of the Government or for any purpose other than the redemption of greenbacks?

Mr. HILL. Mr. President, I have answered that a dozen times before. Money can be raised for the purpose simply of redeeming the greenbacks, of course, and for no other express specific purpose. But need I again elucidate the point? When your greenbacks are presented for redemption and they are redeemed in gold, need I tell the Senator from Mississippi that then those greenbacks are funds of the Government? A law has been passed, to which I propose to call the attention of the Senate before I am through, which compels the Secretary of the Treasury to reissue those very greenbacks again to pay the appropriations which you have made.

Mr. GEORGE. Mr. President, that may be true.

Mr. HILL. It is true.

Mr. GEORGE. That may be true, yet it is no justification to retain upon the statute books a law authorizing the issuance of bonds for the purpose and intent of securing money to run the Government upon.

Mr. HILL. Mr. President, nobody is proposing to issue bonds with which to pay the expenses of the Government. I said it before, and I repeat it. Senators, it seems to me, must be able to comprehend the distinction which I make. The act of 1878, passed after the act of 1875, defined this question, defined the status of redeemed greenbacks, and I should have supposed, when the law of 1875 said that money should be provided with which to redeem greenbacks, that of course it meant their subsequent cancellation. I should have supposed that one redemption would have ended the question; that it of course would have ended it; that when they were redeemed they were paid; they were no longer obligations of the Government; as when a man pays a note, ordinarily that would be a cancellation of it; he would not keep that same note in his possession to reissue it to the next man who came along. But you passed a law in 1878 which said that when the greenbacks were paid it should be the duty of the Secretary of the Treasury to reissue them; that he should not cancel them, he should not retire them, but should reissue them to pay the expenses of the Government.

Mr. LINDSAY. That is good Democratic doctrine.

Mr. GRAY. Mr. President, will the Senator from New York allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Delaware?

Mr. HILL. Certainly.

Mr. GRAY. The act of 1878, taken in connection with this provision of the act of 1875, imposed upon the Government and upon the Treasury a continuing duty from time to time to pay in coin the greenbacks as they should be presented, even those that were reissued and were coming back in this endless chain which has been so often spoken of.

Mr. HILL. Between 1875 and 1878 there was a considerable amount of greenbacks redeemed, and the question arose what was the legal status of those greenbacks; a very interesting and novel question. The strict constructionists claimed, and I think properly so, that the United States notes were in effect canceled; that they were paid; they were virtually exhausted; that they were done away with; that there ought not to have been anything afterwards done with them except that the Secretary of the Treasury might properly destroy them. That was the contention. While that question was being discussed, about which there were conflicting opinions, the old Greenbackers, of whom there are still remnants in the Democratic party, were clamoring for the reissue of these greenbacks. They wanted an irredeemable currency; they wanted a paper currency that was circulating; they did not want any true redemption, and finally the act of 1878 was passed, a most unfortunate measure, because it perpetuated the existence of paper money in this country and has led to the difficulties which confront us to-day.

I will tell the Senator from Mississippi how you can absolutely prevent the Secretary of the Treasury from using any of these greenbacks thus redeemed for the expenses of the Government. All you have to do is to add a little amendment to the pending bill, which I intend to propose, in order to carry out your scheme in full and reach the alleged difficulty of which you complain:

> It is further provided that upon the redemption of any United States notes the Secretary of the Treasury shall not reissue the same.

Mr. GRAY. They ought to be destroyed.

Mr. HILL. I do not care very much what becomes of them.

Mr. President, what is the complaint of those who now wish to repeal the last vestige of legislation for the protection of the Treasury in the redemption of greenbacks? When I ask them, Do you want to keep up an irredeemable paper currency? some say they do, and some do not know whether they do or not. The law of 1878 says that United States notes must be reissued. That is a duty imposed upon the Secretary of the Treasury, a duty which he can not escape, which no—if I may use that expression—silver Secretary of the Treasury could escape. If Congress makes an appropriation, and the Secretary of the Treasury has not other funds, he, of course, takes any funds which may be in the Treasury to meet the appropriation.

The complaint is further made that after the greenbacks are redeemed and are placed back in the Treasury, subject to all appropriations and all expenses of the Government, the Secretary of the Treasury does use these redeemed greenbacks for the payment of appropriations for the expenses of the Government. Mr. President, there is no law to prevent it. On the contrary, there

is a law absolutely requiring it to be done. Yet, instead of bringing in a bill proposing to repeal the law of 1878, which would keep this fund of redeemed greenbacks intact and prevent the use of these redeemed greenbacks in the future, they bring in this measure, which absolutely stops the accumulation of any redemption fund. If my friends here with whom I differ upon this question want to stop what they call the use of the redemption fund for the payment of the expenses of the Government, if that is the complaint, if that is the wrong which is being done, then let them accept the amendment which I may suggest, which will absolutely prevent the use of these greenbacks for any such purpose.

Mr. GEORGE. I ask the Senator from New York would it not be better for Senators on both sides of the Chamber, seeing the trouble in which the Treasury is placed, to lay aside partisan views and pass, as suggested by the Senator from Ohio [Mr. SHERMAN], a revenue bill for the purpose of raising the necessary funds? I think that would be the way to meet this difficulty, rather than using funds raised by the sale of bonds for an entirely distinct and separate purpose.

Mr. HILL. Those will be welcome words to the ears of the Senator from Ohio.

Mr. SHERMAN. I did not hear a word the Senator from Mississippi uttered. [Laughter.]

Mr. HILL. I will inform the Senator from Ohio, in behalf of my friend from Mississippi, that he suggests whether, in the interests of pure, unadulterated patriotism, we should not on both sides accept the suggestion of the Senator from Ohio to proceed immediately to prepare a revenue bill which will provide ample revenues for the support of the Government, and I say——

Mr. GEORGE. Will the Senator from New York allow me?

The PRESIDING OFFICER. Does the Senator from New York yield?

Mr. HILL. Yes, sir.

Mr. GEORGE. I prefer to be the organ to express my own opinions rather than to have even the distinguished Senator from New York do so for me.

It was stated by the leader—I believe he is called the leader—of the Democratic side of this body that the Secretary of the Treasury laid great stress upon the fact that there was a large deficit. The Senator from Ohio agreed with that—and he is the leader on the other side—and suggested a mode which was very agreeable to me, that the Senate on both sides agree on some nonpartisan, fair revenue bill for the purpose of meeting the necessary expenses of the Government. If those words from me are welcome to the Senator from Ohio, as suggested by the Senator from New York, then I am very glad to have so distinguished an authority to be in consonance with my views upon that subject.

Whilst I am up, if the Senator will allow me, I will repeat in public what I have said privately—and what I believe has been said by some members of this body—that it appears to me to be an absolute shame, when it is acknowledged on all hands that there is a deficit, and a very large deficit, in the revenues of the Government as compared with the expenditures, that we should sit idly here and quarrel with each other as to who is responsible for this unfortunate state of affairs rather than devote our time and attention for the purpose of formulating a measure which will produce the necessary revenue.

Mr. SHERMAN. Will the Senator from New York allow me to say a few words, if it will not interfere with what the Senator is about to say now?

Mr. HILL. Does the Senator want to ask me a question?

Mr. SHERMAN. No; I wanted to answer very briefly the remarks made by the Senator from Mississippi [Mr. GEORGE].

Mr. HILL. I yield.

Mr. SHERMAN. I said yesterday and I say to-day in all seriousness that I think for the Congress of the United States to adjourn without some provision being made to meet the current expenses of the Government would be an outrage, a shame, and a disgrace that would fall upon both branches of Congress, but more especially upon the Senate.

We have gone on in the most affluent way, like a spendthrift who has just come into the possession of a fortune, and we have made appropriations to the extent, as near as I can gather from the Committee on Appropriations, of somewhere from fifty to one hundred million dollars more than the current revenues of the Government that will accrue during the next fiscal year. The President of the United States has no power to borrow money except for a single purpose, and undoubtedly he will not do it except for that purpose. This Senate has refused to give him the power to borrow money at a lower rate of interest, and it refuses in this bill, in the most ignominious manner, to provide any measure whatever to redeem United States notes. It is the act of a bankrupt, and of a dishonest bankrupt at that. What I have suggested ought to be done, and everybody knows it ought to be done.

This bill proposes to repeal the only provision by which is maintained the parity of silver and gold, and that is the purpose of it. Those who advocate the measure know there is no other way of doing it. This measure is now mere moot-court talk in the Senate, because the House of Representatives will not pass such a law, thank God, and therefore we are wasting our time and exposing ourselves badly before the people of the United States, because everybody knows this bill can not pass the House of Representatives. We are taking it up at this inopportune time merely to debate old questions over again.

Mr. President, I think it would be wise if the Democratic party—I would leave out our Populist friends, who have notions that I do not believe they will advocate in a year or two—I think it would be wise if the Democratic party, one of the great political organizations of this country which has existed for a long period of years and was in power almost from the time of Jefferson down, except during and since the war, could demonstrate that it was strong enough and powerful enough to free itself from the popular whims and passions of the moment and take up and consider measures for the relief of the Treasury.

The Republicans of the House of Representatives have sent you a bill. It may not please you; it does not please us; but it was a bill intended to meet the very difficulty that we shall encounter on the 1st day of July next, a temporary bill, made so purposely, and not a bill framed upon the theories and arguments of the Republican party nor upon the theories and arguments of the Democratic party. It may not be a good bill; but the Democratic members, joining with the Populists without even a hearing, laid it on the table by striking out all of it after the enacting clause and substituting a provision for the free coinage of silver.

The Democratic party can not escape the responsibility in this matter, and the people of the United States will remind them of it over and over again. The conservative element, especially in the Eastern States, will know that whatever difficulties occur by a deficiency of revenue must rest upon the Senators here who destroy this bill when they might have taken it up, removed its errors, and made provision, and ample provision, for various sources of income to supply the deficiency.

I said before, and I say now, that in order to supplement and add to the provisions contained in the House bill which was sent to us I would vote for a moderate tax on tea and a moderate tax on coffee, and I would increase the tax on sugar if it was thought to be necessary. That would depend entirely upon the figures. Suppose you should get the figures from the Committee on Appropriations, and they should tell us that it would be necessary to raise fifty, or sixty, or seventy million dollars more than the existing revenue law provides for, it would be our duty to provide increased revenue. The House bill would raise about thirty or forty million dollars, and the Senate should take up that bill and add to it increased taxes.

That is the business of the Senate. It is their constitutional prerogative to make amendments to revenue bills and change them as they may deem necessary. If we do not do that, it seems to me that the Senate of the United States will fall below the high standard it has so long held in the history of the country, and that it will grossly neglect the duties which we are sworn to perform. If we do not do that, we can not help but feel that on the 1st day of July next the President of the United States will be justified in calling us back here to do what we ought to have done in the past. That is my position.

In expressing these opinions I have no party feeling whatever. I think on this side we have done the best we could. We have attempted to change the revenue bill sent to us by the House of Representatives. We sent it to the Committee on Finance, where it could be considered fairly; but that bill was summarily disposed of, first in the Committee of Finance and then in the Senate. Now, we have no jurisdiction in the way of securing additional revenue unless we take up that rejected bill and act upon it, because we have no other bill upon which we can formulate a tariff. The House of Representatives must originate such bills, and we have not the power to do it. The only bill which we could utilize for that purpose is the bill which has been ignominiously rejected and laid upon the table and is there to-day.

That is all I desire to say.

Mr. GRAY. Will the Senator from New York pardon me a moment?

Mr. HILL. Certainly.

Mr. GRAY. Mr. President, I agree with the Senator from Ohio [Mr. SHERMAN] in regarding this as a crisis in the history of this country and in the history of the Senate of the United States. I believe with him that to adjourn without some remedial legislation for the evils with which we are threatened and the evils which we are now suffering would be, in his language, an outrage and a shame.

Mr. MITCHELL of Oregon. May I ask the Senator a question?

Mr. GRAY. In one moment. I shall be through in a moment.

Mr. President, I want to say to the Senator from Ohio that if his committee, or if he will give the assurance that it is supported on his side of the Chamber sufficiently, will propose a measure for

through, which compels the Secretary of the Treasury to reissue | President, there is no law to prevent it. On the contrary, there

This bill proposes to repeal the only provision by which is maintained the parity of silver and gold, and that is the purpose of it. | his committee, or if he will give the assurance that it is supported on his side of the Chamber sufficiently, will propose a measure for

increasing the revenue, a measure to reasonably increase the revenue, such as he last indicated, of which there can be no doubt at all as to its effect—I mean a small duty on tea and a small duty on coffee and an increased duty, to use the words of the Senator, if necessary, upon sugar—he will find enough votes on this side, I believe, to pass such a measure, and I make that offer now with that belief.

Mr. SHERMAN. Mr. President, the Democratic party is in the minority compared with the Republicans of the Senate.

Mr. GRAY. Of course we are. We are not responsible for legislation.

Mr. SHERMAN. The House of Representatives is nearly three-fourths Republican, and I do not know but more. There is in that House a majority so large that you can hardly measure it. The Senator's proposition is that on the only measure of relief upon which we can act we will disregard the action of the House of Representatives, the only body that has the power to originate taxes, that we will tear their manuscript bill into pieces and disregard it, in order to take up the idea of purely a revenue tariff. A great majority of the other House believe as I do that every tax ought to be levied with a view if possible to promote an American industry while it produces revenue.

Mr. GRAY. Ah!

Mr. SHERMAN. Yet the proposition now made by a minority of this body is that we, who at least constitute a plurality in the Senate and a great majority in the House of Representatives, shall entirely ignore the action of the House and select three or four items of taxation on the food of the poor. They would have us confine the taxes to tea, coffee, and sugar. I say that a more liberal spirit and a broader spirit must prevail. We must take into consideration the views of the House of Representatives, and if they have not provided enough means, I will join with the Senator in any tax—yes, I would levy a tax on your coat or your clothes or anything you have to secure adequate revenues.

Mr. GRAY. All right.

Mr. DANIEL. Will the Senator from Delaware permit me?

Mr. GRAY. In just one moment. I was afraid that the Senator from Ohio did not thoroughly understand himself when he made the offer. He spoke of a patriotic nonpartisan offer, and in that regard I desired to cooperate with him; but now he modifies his proposition, and says we must accept in addition the measure that came from the House, which, in my opinion, is demonstrably a purely protective measure that would produce no increased revenue, but would be much more likely to decrease, as the McKinley Act, its prototype, did decrease, the revenues received from customs taxation.

Mr. SHERMAN. Why could not the Senator, then, propose amendments? Let us take up the bill in the Senate; you can propose your amendments, and if you have a majority——

Mr. GRAY. I want a revenue measure proposed on a nonpartisan basis; a measure that will produce revenue and not one in which we are compelled, in order to get revenue, to pay toll for the benefit of interested classes who wish to use this exigency of the Government in order to benefit their own pockets.

Mr. DANIEL. Will the Senator from Delaware allow me?

The PRESIDING OFFICER. The Chair calls attention to the fact that the Senator from New York [Mr. HILL] is entitled to the floor.

Mr. HILL. I was simply going to suggest that the tariff bill which is on the table had better be laid before the Senate.

The PRESIDING OFFICER. The Senator from New York has the floor, and unless he yields to some other Senator he is entitled to proceed.

Mr. DANIEL. I only rose for the purpose of asking the Senator from Delaware a question.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Virginia?

Mr. HILL. Certainly.

Mr. DANIEL. I merely rose to ask the Senator from Delaware, who was upon his feet tendering the good offices of the Democratic side to the Republican leader to support one of their measures, if he would vote for a Democratic proposition to coin the seigniorage in order to furnish the depleted and broken-down Treasury with a little money?

Mr. GRAY. I did not stand here and make a tender of the Democratic side. I said there would be cooperation on this side in the direction indicated by the Senator from Ohio, for the Senator from Mississippi [Mr. GEORGE] has just asserted the same thing. I undertake to assert that there will be support enough on this side of the Chamber for such a measure, if it should be introduced, to enact it into a law.

Mr. DANIEL. Will the Senator vote for a proposition to coin the seigniorage and give a little money to the Government?

Mr. GRAY. That is not the way to get money.

Mr. CHANDLER. Will the Senator from New York allow me for a moment?

Mr. HILL. I yield to my good friend the Senator from New Hampshire.

Mr. CHANDLER. I wish to make a suggestion to the Senator from Delaware. The motion has been made once or twice to take up in the Senate the House bill upon the Calendar, and it has failed. I now suggest to the Senator, in view of the tender he has made of his own assistance—we know not whose else as yet—that he now move to take up the bill (H. R. 2749) to temporarily increase revenue to meet the expenses of the Government and provide against a deficiency.

Mr. GRAY. No; I will move to take up an honest measure, but I never will agree to take up a fraud.

Mr. CHANDLER. It has been reported to the Committee on Finance with an amendment. This business must come down to some specific proposition at some time, and the conversations between the Senator from Ohio [Mr. SHERMAN] and the Senator from Delaware [Mr. GRAY] will not bring us to anything specific. If we can get this bill up and can reject the free-coinage amendment which is proposed by the majority of the Finance Committee, we can arrange all these other details with the aid of the Senator from Virginia [Mr. DANIEL] and the Senator from New York [Mr. HILL] and other Senators, and make actual progress in the business of getting the country out of the crisis which the Senator from Delaware appreciates so fully, but does not seem to be ready to help to dissipate.

Mr. GRAY. The difficulty with the proposition of the Senator from New Hampshire——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Delaware?

Mr. GRAY. I will be through in one moment.

Mr. HILL. I yield.

Mr. GRAY. The difficulty with the proposition of the Senator from New Hampshire is that the bill to which he refers is a bill to increase the revenue of the protected classes of this country and not a bill to increase revenue to the Treasury of the United States.

Mr. CHANDLER. It is a bill which we can amend, if the Senator from New York will allow me.

Mr. GRAY. If the Senator from New Hampshire will agree to amend it in a way different from that I will join with him.

Mr. CHANDLER. I will agree to vote to amend it. I will make a tender—I think I will have about as many Republicans with me as the Senator from Delaware has Democrats when he makes an offer on the floor—I make a tender to the Senator of my own support and the support of many Senators upon this side of the Chamber in the direction of amending the bill in the interest of patriotism.

Mr. GRAY. I will be glad to cooperate with the Senator from New Hampshire in that direction.

Mr. HILL. The Senator from New Hampshire says he makes a tender. The trouble is, it is not a legal tender, and it can not be accepted on this side.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Mississippi?

Mr. HILL. I hope the Senator from Mississippi will not forget the main proposition involved here.

Mr. GEORGE. Mr. President, I desire to say a word or two in relation to the condition of the Treasury. I represent nobody in what I say but myself. I am the humblest member of this body, and I do not pretend to control its proceedings. I have been profoundly impressed by what has been said by the Senator from Ohio [Mr. SHERMAN], as well as by what has been said heretofore by the Senator from Maryland [Mr. GORMAN], as to the unfortunate condition of the Treasury. I believe we have reached a point where, to appropriate an idea expressed by the Senator from Ohio, we ought to lay aside partisan motives and undertake the patriotic duty of furnishing the necessary money to pay the expenses of the Government.

I desire to say to him, and to Senators on the other side of the Chamber, who only lack one of having a majority in this body, that if they will propose any measure along the lines I shall indicate they will have one accession on that question, which will give them a majority, whether anybody else goes that way or not. I do not think they ought to present us with a protective measure now. That will not do. I do not think they ought to undertake to pass a measure here which will excite partisan debate. I think we ought to pass a temporary measure for the purpose of raising revenue, and in order to do that I will indicate some of the measures for which I am willing to vote.

I am willing to vote for a tax on beer. I am willing to vote for a revenue tax on wool. I think that ought to have been put in the bill that we passed in 1894. I am willing to vote for a revenue tax, the very same tax that was incorporated in the act of 1883, on lumber. I am willing to vote for a tax, a fair revenue tax, on tea and on coffee. I am willing, also, to increase the tax on certain species of tobacco, on cigars, manufactured and imported, and on cigarettes. I am willing, also, to vote for a revenue duty on any agricultural product that is imported from Canada into the United States.

Mr. MITCHELL of Oregon. May I ask the Senator from Mississippi what he would figure a revenue duty on wool?

Mr. GEORGE. I should say about 30 or 40 per cent ad valorem. I would not be particular about it, however, so it was not protective.

I am willing, also, to go to the free list and put a tax on statuary. I am willing to put a tax on the fine paintings which are introduced here, and if there be any other article upon the free list which is used generally by the people of this country, not confined to consumption by the poor alone, I am willing to vote for a tax upon it. I will do that upon my own responsibility without reference to what action is taken by any other Senator on this side of the Chamber. I believe we ought to raise revenue.

I voted to amend the tax bill from the House in a way which, if we had so amended it, I believe we would have had plenty of revenue. I believe that if we had substituted the free and unlimited coinage of silver for the bill which came from the other House there would have been such an advance in the prosperity and business of the country as would have resulted in bringing us an increased revenue—sufficient revenue. But as it is certain that such a bill can not pass, I will vote to reconsider that, and to take it away from the tariff bill, provided only we can get a fair, nonpartisan, and reasonable revenue measure which will yield sufficient money to pay the expenses of the Government. I think it is our duty to do that.

Mr. MITCHELL of Oregon. Will the Senator from Mississippi, then, join with the Republicans on this side, or as many of them as will vote that way, to take up the House tariff bill and see if we can not amend it in such a way that we can agree to it and pass it?

Mr. GEORGE. I hesitate to answer in that way for the reason that I think there ought to be some understanding before that question is mooted as to what is to be done.

Mr. STEWART. I should like to make an inquiry of the Senator from Mississippi. He speaks of additional taxes to raise revenue. I can not comprehend what is the immediate necessity for revenue. There is $270,000,000 cash balance in the Treasury, and it seems to me what afflicts the country now is a surplus and not a want of revenue. With the present deficit going as high as thirty to thirty-five million dollars a year, it will take several years to draw down the surplus to a healthy amount. I do not see any immediate necessity for revenue. The difficulty is that we have impounded our money and we get too much revenue into the Treasury.

Mr. GRAY. It got there by issuing bonds.

Mr. HAWLEY. By borrowing.

Mr. STEWART. Stop issuing bonds and then there will be enough for two or three years.

Mr. GEORGE. I had assumed that it was the general understanding, both on this side of the Chamber and on the other side, that there was a large deficit in the revenues. I am willing to make that deficit good along nonpartisan lines, so that there will be no necessity to borrow money to pay the appropriations of Congress. I have said all I desire to say upon that question.

Mr. LINDSAY. I should like to ask the Senator from Mississippi a question.

The PRESIDING OFFICER. The Senator from Kentucky will suspend. The Senator from New York [Mr. HILL] is entitled to the floor. Permission must be asked from him.

Mr. HILL. I yield.

Mr. LINDSAY. I should like to ask the Senator from Mississippi if he does not think it would be a simpler line of procedure to reduce the appropriations rather than to increase taxation under existing circumstances?

Mr. GEORGE. I have been on that line all the time. I always thought that when a man got into financial difficulties there were but two ways to get out of them—one to reduce expenses and the other to increase profits. I do not see any chance to reduce expenses. On the contrary, as far as I see the tendency is to increase them.

Mr. DUBOIS. Will the Senator from New York yield to me for a moment?

Mr. HILL. Certainly.

Mr. DUBOIS. Mr. President, it seems to me there will not be much trouble for Senators to come together by making just a few concessions here and there. I do not profess to speak for anyone but myself, but I will state that I will vote for any reasonable revenue bill which is designed to raise revenue to conduct the Government, provided it is coupled with the free coinage of silver.

Senators will recollect that five Senators voted here not long ago against taking up the Dingley tariff bill, so called. Those Senators have been indorsed almost unanimously by their people on that issue. Every one of them will be a delegate to the national convention. I myself, for instance, received every vote but five in our State convention, with the distinct understanding on the part of the delegates, as I read the instructions, that I shall not vote for any tariff bill now or hereafter unless it is coupled with the free coinage of silver. Now, with this condition confronting us here, just these few and trifling differences of opinion among Senators around the Chamber, I see no reason why we should not go ahead and adjust the tariff bill in accordance with the convictions of each of us, raise revenue for the Government, and adjourn and go home.

Mr. HILL. The proposition to go home will meet with the entire approval of the American people. [Laughter.] In the language of a distinguished gentleman from Alabama in the other House, "Where were we at," Mr. President, when I submitted to an interruption in regard to the tariff?

The side discussion which has been had—and I was very glad to permit it, even to the extent of hearing the views of the Senator from Nevada [Mr. STEWART], who was not so kind to me last evening when I wanted to make a few brief observations—has illustrated the difficulty which confronts us. The very discussion which has been had, the tenders upon each side of votes which nobody can control, show the difficulties that are in the way of agreeing upon a tariff bill.

First came the startling proposition of my rash friend the Senator from Mississippi [Mr. GEORGE], who rushed pellmell into the arena with the declaration that he is anxious, earnestly desirous, of cooperating with the great Republican leader upon the other side. I was rebuked the other day by the distinguished Senator from South Carolina [Mr. TILLMAN], whose State stands by him as well as the State of Idaho stands by the Senator from that State [Mr. DUBOIS], because I spoke a few words of commendation of the distinguished Senator from Ohio [Mr. SHERMAN], and I was substantially sought to be read out of the pure old Jacksonian-Calhoun party.

Here comes my friend the Senator from Mississippi, who tenders his vote, his voice, and his influence in this Chamber for the purpose of enacting a nonpartisan tariff bill, and immediately the distinguished Senator from Ohio nibbles at the bait, and he welcomes him with open arms. He says, "Of course, we want to have a tariff bill," and then he gets into a discussion with my friend the Senator from Delaware [Mr. GRAY], who rather "calls" him. Then the Senator from Ohio retracts and says, "Of course, I mean a bill satisfactory to the great Republican House, which must be largely consulted." So, immediately, all their nonpartisan professions go to the wind, and after all each stands upon his fundamental party principles.

The Senate as it is at present constituted contains an element, a bold, vigorous, I will not say unscrupulous minority of silver Republicans, ready to take a great tariff measure by the throat in order to procure the free coinage of silver. They are true to their convictions. They seem to think that the free coinage of silver is just as important to the great Republic and to the Republican party as is the tariff. They are acting consistently from their standpoint in taking the position they do. There are four or five of those Senators, and I think upon a muster they could get several more who sympathize with them, but do not have quite the courage they have. In the light of all those Senators being sustained at home, I think in the near future, next December, when the next Congress meets, they will rally more upon that side than now. This side is divided upon the financial question to some extent. The other side is divided, both sides differing as to what should constitute a nonpartisan tariff bill. How is a tariff bill to be formed, then?

Mr. President, the experience of the past is that tariff bills are framed by political parties. They are not perfect; necessarily they are imperfect; but in the main there has been no such thing in the history of this country from an early day as a patriotic nonpartisan tariff bill. We are governed by parties, and we will continue to be governed by political parties as time rolls on. These proffers of Senators are all right enough for political effect. I am sorry the distinguished Senator from Ohio is not here. I think I recollect an interview with him after the election last fall, when he was flushed with the victory that resulted from the efforts of his party. He said, "Yes; there must be tariff legislation; but I shall insist that in any tariff bill that is enacted by the next Congress there shall be a duty upon wool."

He knew that the Democratic party had in the main championed the idea of free raw materials. He knew that the Democratic party were unanimous upon this side of the Chamber in favor of free wool. He knew that it was utterly impossible for us to agree upon any such tariff, and it was very easy, therefore, for him to tender to Democrats upon this side a tariff bill which he knew they could not consistently accept. Had they not just passed (I do not refer to myself, because my own personal record upon the subject is of no special consequence) the Wilson tariff bill after great deliberation, putting wool upon the free list? If the party was committed to anything upon that subject it was committed to that. It could not retreat in less than a year and a half—before the experiment had been fully tried. Therefore I do not take much stock in these nonpartisan professions of willingness to prepare and agree upon a nonpartisan bill.

for a moment?

Mr. HILL. I yield to my good friend the Senator from New Hampshire.

and on cigarettes. I am willing, also, to vote for a revenue duty on any agricultural product that is imported from Canada into the United States.

vote for any tariff bill now or hereafter unless it is coupled with

pare and agree upon a nonpartisan bill.

No, no, Mr. President; be not deceived. There will be no tariff bill passed at this session. If the President calls an extra session, there will be no tariff bill passed. Next session there will be no tariff bill passed, and a year from now there will be no tariff bill passed. Do not these very differences of opinion which we have here disclosed prove it? Need I call other witnesses here? I might imitate the course pursued once by a distinguished Senator when he called Senators as witnesses here and there to give their testimony. What kind of a hotchpotch tariff bill would we have here if every Senator got up and stated what he wanted? Tariffs can not be constructed that way.

Therefore the point I make is that with the Senate constituted as it is, with no prospect of any material change in the future upon this subject, with this Senate divided among Republicans, Populists, and Democrats, they also in turn divided—a faction of the Republican party divided upon the propriety of passing any tariff bill at all unless coupled with the free coinage of silver—how can any man outside of an insane asylum think there is any prospect of agreeing upon a tariff bill to produce revenue? Yet with that situation staring us in the face, and in the meantime with the country pledged to the maintenance and redemption of your greenback paper currency, when you have not adequate revenue, when you can not practically provide means except by borrowing to redeem the pledges which you have given out to the people, you propose to take the Government by the throat and repeal the only safeguard there is for the protection of the honor and the credit of the Government.

That is the situation. It can not be disguised. The Senator from Virginia [Mr. DANIEL] made a suggestion and said, "Coin the seigniorage." If coined it would not last a month, and you could not coin it in a whole year. The coinage of the seigniorage would afford but little relief—a mere trifle. But it is said, "Open your mints to the free coinage of silver, and there will be money enough." You can not get any money into the Treasury in that way. As I said before, some people think there is a bullion fund of two or three hundred million dollars, and that all you have to do is to coin it and put it right into the Treasury to the credit of the Government. It is not true. Suppose to-morrow a bill for the free coinage of silver should pass. What would be the effect of it?

Mr. GEORGE. Will the Senator from New York allow me to ask him a question?

Mr. HILL. Not now. What would be the effect of it? Everybody who has silver bullion would take it to the Treasury and have it coined into silver dollars, and take his dollars away with him. Where does the Treasury get any benefit? How does that replenish the Treasury? Some gentleman suggested that it would improve to some extent the general prosperity of the country. That may be. I will not discuss that question now. That is an indirect benefit. It might, or it might not. Free coinage does not specifically put any money into the Treasury, and you have to have either gold or silver, and you have not enough of either to redeem the paper currency. You have to earn it. You have to receive it from revenue, and you can not get revenue if you do not have taxation. Yet, with this situation confronting us, you propose to take the Government by the throat and stop redemption. When there is a deadlock here, by men adhering to their convictions, it is proposed to refuse to allow the President to borrow the money necessary to keep your greenbacks afloat. That is the situation.

Mr. GEORGE. Will the Senator from New York allow me?

Mr. HILL. Certainly.

Mr. GEORGE. I understand the Senator from New York to assert with some confidence that there will be no such change in the political personnel of the Senate at the next session, even as will enable the Senate to pass or agree upon a tax bill.

Mr. HILL. That is my view.

Mr. GEORGE. With the acknowledged inability on the part of the present Senate and on the part of the next Senate to pass any revenue bill to increase our receipts, does the Senator propose that we must get in the condition and remain in the condition during all the next Congress, two years beyond this, of relying upon the act of 1875 as the means of procuring revenue to pay the expenses of the Government?

Mr. HILL. Mr. President, the situation is indeed a grave one. If we are running behind at a rate of $30,000,000 for annual expenses, which is about the figure, and with the large appropriations made by this Congress in pending bills in addition, and you can not agree upon a tariff measure necessary to produce it, and I think you can not, notwithstanding the offers and professions which have been made here, then I say, sir, that it is prudent—it is, in fact, the height of wisdom—to leave upon the statute book the measure which gives you authority to redeem the greenbacks which may be presented, and after they are redeemed gives you funds with which you can legitimately pay the expenses of the Government. In other words, if you can not agree upon a tariff bill to get your revenues, shall you stop the Government or shall you borrow? It is honorable to borrow, and notwithstanding the stabs that have been made at the credit and honor of the Government it can borrow and borrow cheaply even now. Therefore I say there are but two courses to pursue. Either provide your revenues upon the one hand, or if you are so situated politically that it can not be done, then borrow your money. But I would not strike off from the statute book the only authority you have got to keep your Government afloat.

Mr. PEFFER. Will the Senator from New York allow me a question at that point?

Mr. HILL. Yes.

Mr. PEFFER. Does the Senator from New York pretend to represent the views of the Administration in the remarks he has just made?

Mr. HILL. Mr. President, I supposed that even the Senator from Kansas comprehended my position upon this floor. I have repeatedly said that I do not assume to represent the present Administration. I sustain that Administration when I think it is right; I oppose it when I think it is wrong. I am not identified with its interests. I am not even consulted by it.

Mr. President, I fail to see the significance of the question "whether I represent the Administration." Sir, Senators upon this side of the Chamber, with whom my personal relations are the most pleasant, and I hope they will continue to be, although we differ upon this subject, I have seen vote for appropriation after appropriation for which I could not conscientiously vote, piling up enormous appropriations and pointing to the very fund in the Treasury realized from the sale of bonds as the place where they are going to get the money to meet the appropriations.

Sir, if I represented this Administration, if I were the President of the United States, which I suppose, Mr. President, from the present outlook, I never will be [laughter], I would tell my party friends, "If you do not give the Treasury some relief I will stop paying out the moneys to meet these appropriations." I would exercise the discretionary power vested in the Chief Magistrate in regard to these appropriations for great public works, and I would stop them until Congress should provide moneys necessary for them and necessary for redemption also. I would not let the paper currency which was provided by my predecessors in office, and for the existence of which I was not responsible, go to protest. I would take the last dollar in the Treasury—I was almost going to say rightfully or wrongfully—to redeem such currency. I would maintain the honor and credit of the Government at all hazards, and I should expect the people to sustain me.

Sir, I misjudge the character and the courage and the firmness of the present President of the United States if he does not take substantially that position. I believe, sir, that he will insist at all hazards, at all risks, at all times, that our paper currency of the country shall be redeemed in coin, in something of value, in something that labor and wealth will produce; and he will see that when we declared away back in 1869 that the Government would redeem its paper money in coin such pledge shall be kept. Mr. President, I would not sanction the programme of refusing to raise adequate revenue, of refusing to strengthen our necessary reserve, and then tolerate extravagant appropriations and spend them for the benefit of particular localities. I would stop these appropriations, as he has a right to do, although undoubtedly, sir, reluctant to do it.

Mr. BUTLER. Will the Senator from New York yield to me for a moment?

Mr. HILL. Yes.

Mr. BUTLER. Will the Senator from New York tell me that if he were President of the United States he would stand by the doctrine expressed by him in his speech at Elmira, N. Y., December 4, 1892, to pay out silver coin to bring it to a parity, or favor the free coinage of silver to bring it there, as he said in that speech it would do, and that nothing else would do it but that?

Mr. HILL. Is that your question?

Mr. BUTLER. That is the question.

Mr. HILL. Mr. President, all the information the Senator has upon the silver question he seems to have derived from that Elmira speech. I will simply say to the Senator——

Mr. BUTLER. I want to say to the Senator from New York that it is very good doctrine and I am sorry that the Senator will not stand by it. He was a candidate for President then. He said a few days ago that the South had declared for Grover Cleveland and the free coinage of silver; that they did not get the free coinage of silver, but they got Grover Cleveland.

Mr. HILL. That is ancient history.

Mr. BUTLER. It seems if they had gotten DAVID BENNETT HILL they would not have gotten free coinage.

Mr. HILL. Mr. President, a word about that Elmira speech. Every time I rise to speak, or somebody else does, my friend from North Carolina grabs that Elmira speech. "Did the Senator from New York say this?" "Did the Senator from New York say that?" He absolutely threatened the other day to put that Elmira

speech in the RECORD. Let me tell my dear, good friend from North Carolina I myself put that Elmira speech in the RECORD a year or two ago, and it is there now.

Mr. BUTLER. Then you are right on the record.

Mr. HILL. It will stand. It has nothing inconsistent in it with any position that I have taken here to-day. Study it, my good friend, and you will understand the silver question a great deal better than you do now. [Laughter on the floor and in the galleries.]

The PRESIDING OFFICER. There must be order in the galleries.

Mr. HILL. Now, Mr. President, here is the situation: Last evening when this bill was moved I recognized the fact that probably a majority of the Senate desired to pass it, probably at this session. I thought it would be unwise to take it up. The moot discussion which has been spoken of by the Senator from Ohio [Mr. SHERMAN] I presumed would be inaugurated; perhaps nothing new could be said upon the subject; and I was going to suggest that possibly some arrangement might be made by which a vote might be had upon it. But the moment I proceeded to make a single suggestion the impetuous Senator from Nevada [Mr. STEWART] jumped to the front and would not let me say a single word, and I concluded that I would take a course whereby I would be enabled to say something, if not last night, at least to-day.

Now, if the Senate desires to pass this measure, well and good; it has the power to do so. We all know the complexion of the other body; we all know the views of the President of the United States. It can not become a law. I do not think it is a wise measure, my Democratic friends, and I speak to you in all candor. I do not think it is a good measure on which to go before the people. It actually injures the silver cause. It has nothing to do specially with the silver cause. With the free coinage of silver to-morrow secured, as I have explained, you will still have to get the money with which to redeem your paper currency, and you have got to get that money, not by the free coinage of silver, because the silver belongs to the men who own the bullion—you have got to get that silver or you have got to get that gold from taxation, and if you can not agree upon a tariff bill, you have got to get it under the law of 1875.

Now, shall we go to the country upon this proposition? A majority of the Democrats upon this side of the Chamber, I regret to say, want us to go to the country on a proposition upon which we can not get a solitary vote in the Northern States. The old Democratic State of New York, which was Democratic and I hope it will be Democratic again, stood by our good friends in the South and West in all the fights they made in the past for their rights and endeavored to sustain the Democratic cause. We are asked now to go to the country with a majority of Democrats sustaining such a measure as this to repeal the last piece of legislation left with which to sustain the honor and credit of the Government. Do you expect us, with such a measure, to keep up our party in the Northern States? It is clearly unwise legislation. It is foolish legislation. It is unnecessary legislation. It is a Populist measure, and you have espoused it.

Mr. President, it is the height of folly. It is 1860 and 1861 over again. It will surely divide the old Democratic party as it was divided in the past. I am not now in this part of my argument complaining of your advocacy of the free coinage of silver. It is a question which, I have frankly stated over and over again, is a matter about which good men may honestly differ, but I do think and feel that it is a mistake to plant ourselves upon the issuance of an irredeemable paper currency and call ourselves hard-money Democrats. No, no, Mr. President, we have enough to contend against in the North now, with a tariff bill which cuts down the revenues of your Government greater than was ever anticipated. We have hard enough work to keep up the old Democratic party in the North without having this legislation imposed upon us. It makes my friend from Kansas [Mr. PEFFER] smile. Usually, with that sober countenance of his, he listens to all we have to say, but when I picture the fact that the old Democratic party can not stand this strain he even indulges in a smile. Of course it suits the Populists. Just such measures suit those who want to destroy the Democratic party.

Now, Mr. President, what good will it do? Why, it is said we are making a record. Yes, that is true. We are making a record, such as it is. It is a record which will bring dishonor and defeat. Our friends would have us pass this bill and go into the fall campaign in the months of August, September, and October with the greenbacks presented at your Treasury repudiated. With such a result we could not carry a single State in this Union. Talk about previous follies of the party; talk about our tendencies toward greenbackism; this would be the worst step ever taken, Mr. President. The Democratic party can stand a good deal, but it can not stand this. We must see to it that when the notes of the Government, for which its honor is pledged, are presented for payment they shall be met—met in the coin of the Government; met in hard money, and redeemed. That is the Democratic theory. That is the true theory of our Government. That is the honest policy. It is the only policy we can pursue.

Mr. BAKER. Will the Senator from New York yield to me a moment to make a brief statement with reference to the bill?

Mr. HILL. Yes, I yield for a few moments.

Mr. BAKER. Mr. President, this bill appears to be harmless upon its face; but at the present time and under existing circumstances I regard it as one of the most dangerous bills ever presented to any legislative body.

It is quite evident that on the 4th day of March, 1897, we shall have a Republican President, Major McKinley, or some other equally good, honored, and trusted Republican. And in order to maintain the honor and credit of the country it is essential that we have sufficient revenue to pay the current expenses of the Government. It is admitted by all parties represented in this body that the Gorman-Wilson bill does not produce revenues sufficient to pay ordinary current expenses; that under such bill there is, and will be so long as it remains on the statute book, a deficiency of from fifty million to one hundred million of dollars annually in the national revenues. And no method is provided with which to raise money to supply this deficiency. The Senate of the United States, by its action at this session, has refused to place upon the statute book any law increasing the revenues, although Democrats, Populists, and Republicans alike admit that we need more revenue.

The Democratic Senators, the Populist Senators, and five silver Republican Senators have gone into the RECORD as opposed to any tariff legislation. Thirty-nine Democrats, six Populists, and five free-coinage silver men have voted against tariff legislation. These Senators combined constitute a large majority of this body and dominate all legislation, and that they will continue so to conduct themselves I have no doubt; and if they do, and the President is shorn of all power to sell bonds to raise money to protect the credit of the nation, then bankruptcy and repudiation are inevitable.

Under existing conditions and circumstances this bill, if enacted into a law, will be, in my judgment, the greatest crime of the nineteenth century. The years of sorrow and trouble through which we have and are now passing will be nothing in comparison to the evils the legislation proposed by this bill will produce.

A government long without revenue can not exist; a free people will not long submit to such condition. Revolution will come, peaceably, I hope—forcibly, if necessary—to maintain the honesty and integrity of the nation. This bill attacks the financial honesty and integrity of the Government; it foreshadows panic, disturbance, and repudiation.

It at once seeks to unsettle the finances of this country and to destroy the equality of our circulating medium, composed of gold, silver, and paper money, all as good as gold.

We need money to maintain the credit of the nation. This bill seeks to destroy the only method left to maintain the credit of the nation.

That Congress, as now constituted, will not cooperate in raising sufficient revenue to pay the expenses of the Government has been established by the deliberate act of the Senate; and that it will not maintain the present monetary system is apparent by the advocacy of the present bill by free-silver Democrats, free-silver Republicans, and paper-money Populists.

For the reasons herein given I shall cast my vote against this bill.

Mr. TELLER. I should like to ask the Senator from Kansas a question before he closes. Does the Senator from Kansas approve of the issue of bonds by the Government under the present Administration?

Mr. BAKER. I will answer that question in this way: When I first came to the Senate of the United States at the present session I would have voted for this measure, because I then was under the impression and thoroughly believed that the Republican party, aided and assisted by a sufficient number of patriotic men from the other side, would place upon the statute book a revenue law that would give us the money requisite to pay the current expenses of the Government. When I saw that effort defeated, when I saw the Senator from Colorado and four other Republicans joining their forces with the free-silver Democracy and refusing to take up any tariff legislation, then I changed my mind upon the subject. As I believe that there will be a Republican President in 1897, and that we must have revenue in order to carry on the expenses of the Government or else go into shame, disgrace, and bankruptcy, I changed my mind, and I am now in favor of leaving this little vestige of power where it exists, because when that time comes the Democratic party and the ardent free-silver men will combine again and hold up this great Government and say it shall have no legislation at all. For these reasons I am in favor of leaving this little vestige of power right where it is now.

Mr. TELLER. I should like to ask the Senator from Kansas one more question.

The PRESIDING OFFICER. The Senator from Colorado will

suspend for a moment. The Chair is compelled to call attention, under the rule, to the order of business. The hour of 2 o'clock having arrived, and there being no unfinished business and no special order, under the ninth rule the consideration of the Calendar is in order.

Mr. BUTLER. I ask unanimous consent that the Senate shall proceed with the consideration of the bill that is now before the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. WILSON. I object.

Mr. BUTLER. I move to take up Senate bill 1341, the bond bill, which has been under consideration.

The PRESIDING OFFICER. The Senator from North Carolina moves that the Senate proceed to the consideration of Senate bill 1341.

Mr. HILL. Is it proper to take me off the floor in the midst of my speech?

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it certainly was the duty of the Chair, under the rule, so to do.

Mr. HILL. The clock is to blame, not the rule.

The PRESIDING OFFICER. No, sir; the clock was right. So was the Chair. The question is on agreeing to the motion of the Senator from North Carolina [Mr. BUTLER].

Mr. SHERMAN. I call for the yeas and nays on the motion.

Mr. WILSON. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH], but will transfer that pair to the Senator from Utah [Mr. CANNON]. If the Senator from Utah were present, he would vote "yea." I vote "yea."

Mr. FAULKNER (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS], but I transfer my pair to the Senator from Indiana [Mr. VOORHEES] and vote "nay."

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON]. If he were present, I should vote "nay."

Mr. HANSBROUGH (when his name was called). I will transfer my pair with the Senator from Illinois [Mr. PALMER] to the Senator from Montana [Mr. MANTLE]. I vote "yea."

Mr. McMILLAN (when his name was called). I announce my pair with the Senator from Kentucky [Mr. BLACKBURN].

Mr. NELSON (when his name was called). I am paired with the junior Senator from Missouri [Mr. VEST]. If he were present, I should vote "nay."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD], but I am informed that he is in favor of this measure, and I therefore exercise my discretion and vote. I vote "yea."

Mr. PUGH (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR], which I transfer to the senior Senator from South Carolina [Mr. IRBY] and vote "yea."

The roll call was concluded.

Mr. GEAR. I transfer my pair to the senior Senator from Rhode Island [Mr. ALDRICH] and vote "nay."

Mr. BRICE. I have a general pair with the junior Senator from Colorado [Mr. WOLCOTT]. I do not know how he would vote on this question. I presume he would vote "yea."

Mr. TELLER. I will state that my colleague [Mr. WOLCOTT] would vote "yea," if he were here.

Mr. BRICE. I am informed that the junior Senator from New York [Mr. MURPHY] is not paired, and I will transfer my pair to that Senator and vote "nay."

Mr. MORGAN. I am paired with the Senator from Pennsylvania [Mr. QUAY]. I will transfer that pair to the Senator from Indiana [Mr. TURPIE], who is not in the Chamber, and vote "yea."

Mr. DANIEL (after having voted in the affirmative). I have recorded my vote, but I inquire if the Senator from Washington [Mr. SQUIRE] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. DANIEL. Then I will withdraw my vote.

Mr. TELLER. The Senator from Washington voted "yea" on the former vote.

Mr. STEWART. He voted "yea."

Mr. DANIEL. Very well; I will let my vote stand.

Mr. BATE (after having voted in the affirmative). Is the vote of the Senator from Utah [Mr. BROWN] recorded?

The PRESIDING OFFICER. The Chair is informed that his name is not recorded.

Mr. BATE. Then I will withdraw my vote. I am paired with that Senator.

Mr. BUTLER. I call the attention of the Senator from Tennessee to the fact that the Senator from Utah [Mr. BROWN] voted "yea" on the former vote.

Mr. BATE. I am informed that the Senator from Utah voted "yea." I will then let my vote stand.

The result was announced—yeas 29, nays 27; as follows:

YEAS—29.

Allen,	Daniel,	Mitchell, Oreg.	Roach,
Bacon,	Dubois,	Morgan,	Stewart,
Bate,	George,	Pasco,	Teller,
Berry,	Hansbrough,	Peffer,	Thurston,
Butler,	Jones, Ark.	Perkins,	White.
Chilton,	Kyle,	Pettigrew,	
Clark,	Martin,	Pritchard,	
Cockrell,	Mills,	Pugh,	

NAYS—27.

Allison,	Davis,	Hawley,	Platt,
Baker,	Faulkner,	Hill,	Sewell,
Brice,	Frye,	Lindsay,	Sherman,
Burrows,	Gallinger,	Lodge,	Vilas,
Caffery,	Gear,	McBride,	Wetmore,
Chandler,	Gray,	Mitchell, Wis.	Wilson.
Cullom,	Hale,	Morrill,	

NOT VOTING—33.

Aldrich,	Gibson,	Murphy,	Turpie,
Blackburn,	Gordon,	Nelson,	Vest.
Blanchard,	Gorman,	Palmer,	Voorhees,
Brown,	Harris,	Proctor,	Walthall,
Call,	Hoar,	Quay,	Warren,
Cameron,	Irby,	Shoup,	Wolcott.
Cannon,	Jones, Nev.	Smith,	
Carter,	McMillan,	Squire,	
Elkins,	Mantle,	Tillman,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

The PRESIDING OFFICER. The Senator from New York will proceed.

Mr. HILL. Mr. President, before this pleasant interruption which we have had, we were discussing the question as to the probability of agreeing upon a patriotic, nonpartisan tariff bill, and I expressed some apprehension that possibly we might not be able to agree. The question then occurs, if we shall be unable to agree upon any increase of revenue in the immediate future, and this bill should become a law, what would be done in regard to the redemption of United States notes? Mr. President, I pause for a reply from any friend of this bill who wants to explain the situation in which the Government would be, and what course would then be pursued.

Mr. PLATT. I am not a friend of the bill, but does not the Senator understand that the object of this bill is to prevent the possibility of the redemption of United States notes in gold?

Mr. LINDSAY. Or at all.

Mr. HILL. Mr. President, the same difficulty will exist of redeeming them in silver. It is not a question of redeeming them in gold or silver; it is a question of redeeming them at all.

Mr. PLATT. That is very true.

Mr. HILL. It is the question where you would get the silver, let alone where you would get the gold. The President of the United States could not issue silver bonds if this bill should pass. Assuming, then, that this bill is to pass Congress and become a law; assuming, as it has been clearly demonstrated, that you are to have no change in your revenue system for the next two years, which is clearly shown by the attitude of this Senate, what is to be done with the Treasury notes when they are presented for redemption?

Mr. PEFFER. Will the Senator allow me a question at that point?

Mr. HILL. Yes, sir.

Mr. PEFFER. I submit to the Senator, in case the Secretary of the Treasury changes his present policy to one which is strictly legal, and proposes to redeem the greenbacks and Treasury notes with silver coin, in my judgment that would immediately stop all application for further redemption.

Mr. STEWART. We have $50,000,000 for that purpose.

Mr. HILL. The $50,000,000, I have already explained, will last but a short time. The difficulty with the explanation of the Senator from Kansas is that it does not explain. For whom does he speak? Does he speak for the holders of greenbacks?

Mr. PEFFER. No.

Mr. HILL. I think not. He has heretofore in this Chamber disclaimed the idea that he represented the holders of greenbacks, and now is he to step forward and say that they will not be presented for redemption? If they are presented, is the question I put to the Senator. The right to present them is an option which exists not with the Senator from Kansas; it exists with the owners of the greenbacks, and when they present them for redemption with your Treasury exhausted, and with neither silver nor gold, and no means to provide revenue, pray tell me what kind of a

spectacle would then be presented? In what dilemma would the Government then be placed?

Mr. PEFFER. Mr. President——

Mr. SHERMAN. If the Senator will allow me to read him a statement——

Mr. PEFFER. I ask permission to be heard for a moment.

Mr. HILL. The Senator from Kansas seems to have the right of way.

Mr. PEFFER. I will yield to the Senator from Ohio in a moment, but what I wish to say comes in properly at this point.

The Senator from New York speaks about discretion and states that the discretion in this matter of redemption in one coin or the other belongs to the creditor. I insist, in the presence of the Senator from New York and in the presence of our history, that there is no such discretion allowed, and there never has been any such discretion allowed; that the discretion is upon the part of the Government and not upon the part of the holders of these notes. If I made a mistake in the use of the words before I beg pardon, but what I wish to say is this, that the debtor, when he has several different kinds of legal-tender money, has always had in banking history, in business history, in Government history, the right to determine for himself which he will offer in payment; that he may make his own selection and choose the money with which to pay. If that policy were adopted and the interests of the Government would prevail instead of the interests of the speculators and the gold gamblers, then this business of redeeming Treasury notes in gold would stop immediately, and the country would have no further trouble on this subject.

Mr. SHERMAN. I want to read to the Senator from New York a statement in regard to the silver certificates.

The silver dollars in the Treasury are pledged specifically by law for the redemption of the silver certificates. The amount of standard silver dollars to-day in the Treasury is $363,590,000; the amount of standard silver dollars outstanding and in circulation among the people is $348,322,504, leaving only a margin of about $15,000,000. Those silver dollars are all pledged for the redemption of silver certificates alone, silver certificates being payable expressly in silver.

Mr. TELLER. I should like to suggest to the Senator from Ohio, if he will allow me, that we have bullion to the amount of $178,000,000 and more.

Mr. SHERMAN. Bullion purchased by the Treasury notes, which are outstanding.

Mr. TELLER. We have $55,000,000 of silver bullion, which does not represent notes or anything else; and under the system of redeeming the notes in gold there is no sense in maintaining that silver; but there is $55,000,000 of free silver bullion in the Treasury.

Mr. HILL. Mr. President, a portion of the statement of the Senator from Colorado [Mr. TELLER] is a very fair one. All that the Government has——

Mr. TELLER. I would inquire what is not fair in it? The statement is absolutely true.

Mr. HILL. I was referring to the statement in reference to the seigniorage, so called; I mean that it is fair to this question involved. I did not mean to accuse the Senator of any unfairness. Of course he does not suppose I would. The proposition is this: For the purpose of redemption of any kind we have only, first, what we realize from revenue and, second, what we have on hand. That is a very clear proposition. From only two sources have we any redemption fund. First, what we have on hand, realized from revenues and from the sale of bonds, which will in the near future be exhausted by appropriations of the Government. No one denies that. In the second place, you can realize about $55,000,000 seigniorage, which, when coined, belongs to the Government. That is your capital, and that is all. When you use the seigniorage you have nothing left with which to redeem your Government obligations when your gold reserve and other moneys have been exhausted. Now, the question—and I state it again—is not a question of redeeming in gold or silver; it is a question of redeeming at all in either metal.

Mr. STEWART. Will the Senator allow me?

Mr. HILL. I will be more kind to the Senator than he was to me last evening. Yes; I will yield to him.

Mr. STEWART. Mr. President, we have in circulation nearly $350,000,000 now of silver certificates.

Mr. HILL. I would suggest to the Senator not to go clear back to the A B C of the question.

Mr. STEWART. I shall be brief. Those silver certificates remain in circulation and constitute the only good money we have out in circulation.

Mr. HILL. What is the amount?

Mr. STEWART. Nearly $350,000,000 of silver certificates now, which, as I say, is the only good money. It does not come back; it is not necessary to redeem it; it stays out among the people, and does, I think, three-fourths of the entire business of the country.

What would be the condition if we took away the royal prerogative of the Executive to carry on the Government by raising revenue through the issuance of bonds? What would be the situation? That is the question. In the first place, we know very well that silver certificates stay out; that they do not come in for redemption, because they are redeemable in silver. Greenbacks and Treasury notes are also redeemable in silver, and we could convert them into good money if we redeem in silver according to law.

We have now in the Treasury, I believe, about $114,000,000 of gold. We have in the Treasury, which it is the duty of the Secretary to coin, $55,000,000 worth of silver bullion. That would be a pretty good fund to start on and to pay out the silver first. The gold we have got there will last as long as the present law remains if it be kept there. But that is not all. Those silver certificates being such good money that when they come into the Treasury they can be converted by the Treasury, they can be exchanged for the silver itself, and the Government can take the current revenues ad libitum, as they come into the Treasury constantly, and pay out silver certificates, which are coming in daily; They can be exchanged by the Secretary for silver and the silver which is in the Treasury can be used in that way for the redemption of Treasury notes and greenbacks.

The resumption act provides, in the first instance, that the Secretary of the Treasury shall redeem these greenbacks with any money in the Treasury which comes in by way of revenue and is applicable to the redemption of greenbacks. Having in the Treasury one hundred and ten or one hundred and fourteen millions of gold, having a surplus of $55,000,000 of silver bullion, and $35,000,000 more, making $90,000,000, we have over $200,000,000 of available coin for the redemption of outstanding greenbacks and Treasury notes. Inasmuch as a large portion of our revenue is paid in silver certificates, as they come in they are exchangeable at the counter for silver coin, and an abundance of silver coin is constantly coming into the Treasury in that way; and so you have got an endless chain of supply, an unlimited supply, as the revenues come in with which to redeem your greenbacks.

All this act proposes to do is to resume the function of Congress, which has been usurped by the Executive, to provide for the current revenues of the Government. How ridiculous the idea that it is unusual or prejudicial to the credit of this Government that the function provided in the Constitution shall be maintained, that the independence of the coordinate branches of the Government shall be observed, that Congress shall provide revenue; and the idea that Congress is not as patriotic as the Executive and will not attend to it, or that the credit and honor of the Government will not be preserved, is absurd. There can be no question about the duty of taking from the Executive this power, this dangerous power, the exercise of which by Charles I was the principal cause of his overthrow. The raising of revenue by the Secretary of the Treasury without the sanction of Congress was unheard of in a republican form of government until the recent usurpation.

Mr. HILL. Mr. President, I always like to listen to my friend from Nevada. He seems to believe what he says, while some of those, I think, who argue upon the other side hardly can be charged with that. I want to ask my friend from Nevada a question or two.

Mr. STEWART. Then I stand up.

Mr. HILL. Does the Senator see any reasonable prospect of any new revenue legislation?

Mr. STEWART. At this session of Congress, to increase taxes?

Mr. HILL. At this or the next session.

Mr. STEWART. To increase taxes?

Mr. HILL. Yes.

Mr. STEWART. We already have a surplus in the Treasury.

Mr. HILL. About what time will it be, does the Senator think, before we shall have any revenue legislation?

Mr. STEWART. We ought to go on for two or three years; but if it be necessary, before there is any more revenue legislation, with the present law we ought to draw out the $150,000,000 of surplus in the Treasury before we put any more in and take it away from the people. The Constitution has trusted Congress by providing that Congress shall have power over this matter.

Mr. HILL. I did not know but the Senator would be willing to fix some date, say two or three years hence, when there will be a likelihood of some additional tariff legislation.

Mr. STEWART. There will not be any necessity to raise more revenue during this century under the existing law. It will take the balance of the century to draw down the surplus to reasonable proportions. That is settled; and I think we can trust the Congress of the United States in the next century as well as we can trust ourselves.

Mr. HILL. Mr. President, exactly how the Senator from Nevada is going to figure, with no increase of revenue for the next three or four years, with simply the amount of money we have on hand, and with the ordinary present revenues coming in from the sources which the Government has, that we are going to survive,

I can not see, because the amount of money in your Treasury will be substantially exhausted within the next year. That has already been demonstrated over and over again. Bear in mind that if this bill passes we can secure no borrowed money. All the money received by the Government must be from revenues; and I say within the next year your revenues will be exhausted.

Mr. STEWART. Does the Senator anticipate that the deficiency during the next year will be $170,000,000?

Mr. HILL. All the appropriations have not been yet made by this Congress, but the deficiency will be very large. I ask the Senator within what period does he himself think this fund will be exhausted?

Mr. STEWART. I think it will be about four or five years.

Mr. HILL. Mr. President, my friend is very confident; but it will be but a very short period, under existing conditions, when, if greenbacks are presented, the gold reserve will be drawn down. My friend sees no difficulties or dangers to the country in that. Be that as it may, the point I am making is, that while the present deadlock continues, and it is likely to continue for the next year or so, and the Treasury funds become substantially exhausted, what will you do with the greenbacks which are presented? It is not a question of paying in silver. You will not have the silver with which to pay, because, as the Senator from Colorado [Mr. TELLER] says, all the silver that you can possible procure, aside from taxation, is the $55,000,000 of seigniorage in the Treasury.

Mr. STEWART. Oh no.

Mr. HILL. What would you have on hand, then?

Mr. STEWART. We should have the silver certificates coming into the Treasury every day.

Mr. HILL. The silver certificates come in simply as part of your revenue that is all.

Mr. STEWART. Certainly.

Mr. HILL. Precisely. That does not change the situation. The silver certificates must be redeemed in something; and the bullion in the Treasury, other than the seigniorage, is mortgaged for your silver certificates. It does not really belong to the Government. In other words, it is an even thing. They both represent the same thing. The bullion must meet the silver certificate and the silver certificate the bullion. It is not an available fund for the Government for purposes of redemption.

That, Mr. President, is the situation; and there is no Senator who will rise in his place and tell us what is to be done if this bill is passed when the present redemption moneys are exhausted and you have no new revenues coming into the Treasury.

Mr. PEFFER. I asked the Senator a question a moment ago—which I have no doubt he overlooked in the tumult we had here—whether or not in his opinion, if the Secretary of the Treasury should exercise his lawful discretion and say to the people, "We will redeem your greenbacks in silver when we have more silver than we have gold"—if the Secretary of the Treasury would exercise that discretion, if he were to pursue that course, does the Senator believe that there would be any drain upon the Treasury?

Mr. HILL. The difficulty is not as to the question of redemption in gold or silver; the difficulty is that when the Government is constantly running behind it becomes a mere question of time when all the redemption funds will be exhausted.

Mr. PEFFER. The Senator either does not get my meaning or else he is evading an answer. I do not know which. The Senator himself can tell.

I put this proposition first, that the Secretary of the Treasury has the lawful discretion to redeem greenbacks and Treasury notes in silver whenever he wishes to do so in the interest of the Government. Now, I put the question directly to the Senator whether, in his opinion, if the Secretary were to pursue that policy and proposed to redeem these Government notes in silver, would not that course immediately have the effect to stop all runs upon the Treasury? If the Senator answers that question "Yea," then I ask whether or not the revenues which are now being received from year to year would not be sufficient for the next four or five years, at any rate, without a change of the tariff law?

Mr. HILL. The mere fact that the Secretary of the Treasury would announce that he was going to pay the greenbacks in silver would not affect the question one way or another. It is a question of funds, and not a question as to what particular coinage he shall pay in.

Mr. PEFFER. But, again, if this policy is pursued the greenbacks and the Treasury notes——

Mr. HILL. Will the Senator allow me to put to him a question?

Mr. PEFFER. Undoubtedly.

Mr. HILL. About how much are we annually running behind now?

Mr. PEFFER. I do not think we are running behind now. I think we are catching up, to use a schoolboy's expression—that our deficits from year to year are less than they have been in the past two or three years.

Mr. HILL. I will commend that statement to my friends on this side of the Chamber, who would be very glad to have that statement established as a fact. I have heard it disputed upon the other side.

Mr. PEFFER. The best authority in the world that we can have is the President of the United States, who has told us several times within the last year that it is not a question of revenue with the Treasury. The language in one of his messages, if I remember correctly, was this, that we have a comfortable surplus of some sixty-three millions on hand, but it is not gold, and the difficulty is as to gold. The President wants to pay greenbacks in gold.

Mr. HILL. The difficulty will not be with payments in gold or silver in the future. It is a question whether we shall have any adequate fund of either gold or silver. So long as we are running behind our ordinary expenses at the rate of $30,000,000 a year, and with appropriations that are being made here in excess of our revenues far beyond that sum, if we do not have more revenue it is a question of bankruptcy in the end, unless the President calls a halt and refuses to recognize these large appropriations as available at present.

Mr. PEFFER. Again, if the Senator from New York will allow me, the Senator from Ohio [Mr. SHERMAN] has repeatedly expressed the idea that the Secretary of the Treasury has the power, and has frequently exercised the power, and is doing it now, and some of his subordinates are doing the same thing, of refusing to make contracts where there is not sufficient revenue in the Treasury or in process of coming in with which to pay the indebtedness that would be incurred thereby.

Mr. HILL. I am very glad my friend has spoken about that. This, then, is his expectation, that if there is no new tariff legislation, if the revenue law does not produce more than it seems likely to produce now, and if there are no new receipts coming into the Treasury, the public works are to be suspended. That is the way you are going to get money with which to redeem your paper currency. That does it; that solves the difficulty, it is true. Is that the spectacle to which we are invited? Is that the feast to which we are asked to sit down? Is that the way this Government is to be continued, by cutting off the expenditures on account of appropriations which have been made?

Of course that is a remedy. All the President has to do is to stop all the works, to stop every appropriation, to absolutely dispense with them, although Congress has solemnly voted these moneys. What will the Senator's constituents say to that course? That may be the only course left for the Administration of this Government to pursue. That, Mr. President, of course can be done, and all these appropriations cut off. Then of course you will have moneys with which to redeem; but who expects to do that, Mr. President?

Mr. PEFFER. That would be better than selling bonds.

Mr. HILL. Mr. President, it is not better than selling bonds. There is not a dollar of your bond money wasted. If there are public works to be constructed, and you have not got the revenue with which to construct them, you must borrow the money. Of course you must pay some interest upon it. You can not issue your irredeemable Treasury notes, as the Senator voted to do the other day. Of course it is an easy way when you want money to simply issue Treasury notes. That proposition was voted for by several Senators the other day, as though that was a remedy, as though those notes did not represent a debt, as though they had not to be met at some time in the future and be redeemed.

No, no, Mr. President; the stoppage of all the public works in this country will give you adequate moneys to redeem when the source of revenue from bonds shall be cut off. But is that the kind of administration you want? No, Mr. President. An Administration that would voluntarily follow that course must be driven from power.

Now, I appeal to my Democratic friends to observe what the Senator from Kansas, one of the leaders of the Populist party on this floor, wants us to do. He wants to crowd the Democratic party into the condition of cutting off the possibility of raising money by the issuance of bonds, and cutting off the revenues. Then he wants to stop the public works of the country. What show would we then stand against the Populist party or any other party in the Government? And yet some Democrats seem bent upon following just such a course as that, and think they are going to preserve and strengthen the Democratic party. It is folly. It is madness. It is political suicide.

Mr. PEFFER. If the Senator will allow me, he undertakes to state my view, and I have no object in view——

Mr. HILL. You have undoubtedly some patriotic policy in view.

Mr. PEFFER. The Senator is in the habit of coming in between my sentences at such a point as to make them ridiculous.

Mr. HILL. I do not know anybody more to blame for that than the Senator himself. [Laughter.]

Mr. PEFFER. If the Senator will allow me for a moment, he

assumes that my object is to destroy the Democratic party by dishonorable means. I do not want to destroy the Democratic party by such means.

Mr. HILL. I do not accuse the Senator of using dishonorable means.

Mr. PEFFER. I do desire to destroy the Democratic party, and I also desire to destroy the Republican party, but I want it to be done on high grounds, honorable grounds. I want the people themselves to take care of this thing. The old parties will in a very short time disintegrate. The Democratic party now is disintegrating on the money question. It is simply a question of time.

If the Senators who are represented in this matter by the distinguished Senator from New York and their friends would take the course laid down and advised by the Populist party, it would eventually redeem both the Democratic party and the Republican party and bring all the governing forces of the country back to where the fathers used them.

Mr. HILL. And then the millennium will come. [Laughter.] No, no, Mr. President, I do not accuse the Senator of endeavoring to destroy the Democratic party by any dishonorable means on his part; not at all. But he is not doing all this for fun. He has not that intense desire to serve the public that he wants us to believe. He is a shrewd Kansas politician, and a good one at that, and he thinks he can drive the Democratic party into a false and wrong position, that is all, and he is trying to do that; and therefore day after day he is speaking against bonds, bonds, bonds, and not a word about preserving the honor of the Government.

Not a word about insufficient revenue; not a word about the difficulties that confront this Administration. He asserts that this Administration is dishonoring the Government by its course, ruining the people, overtaxing them. Then he says that "we will not agree upon any revenue bill; we will prevent the issue of bonds, and then if you can not run the Government successfully, why, stop all your public works"; and then he expects us to appeal to the people for support. That is a fine scheme mapped out by the Populist Senators. Democratic Senators seem to be following in their lead and apparently expect to be sustained by the Democratic party. No, Mr. President, an unwise policy is sought to be pursued here by those who support this measure.

The other day the argument was made that it was wrong for the President to use the proceeds of the bond sales—that is, the redeemed greenbacks—to pay the current expenses of the Government. After you have used up the $50,000,000 seigniorage coined what would you do then to pay the expenses of your Government? There is no answer to that. There can not be any answer to it. I have suggested a way by which gentleman, if they want to, can stop the use, directly or indirectly, of any of the proceeds of the sales of bonds to pay the current expenses of the Government; and yet you will not adopt that course. You want to keep these greenbacks afloat. You want them issued and reissued. You want an irredeemable paper currency.

I suggested an amendment providing further that upon the redemption of any United States notes the Secretary of the Treasury shall not reissue the same. That settles it. If you object to the President using directly or indirectly the proceeds of bonds with which to pay the current ordinary expenses of the Government, then amend this bill by stopping the reissue of greenbacks, and that settles the question. No, no, Mr. President, they want the greenbacks to be reissued. Under existing law they compel the President to reissue them, and then they cut off the only means, except a limited and insufficient revenue, that he has to properly redeem them. The free coinage of silver does not settle this question of redemption at all, as I have repeatedly explained. It will not fill the coffers of the Treasury. It will simply enable the owners of silver bullion to take the bullion to the Treasury and get money therefor. It does not help the Government one penny. You can coin your seigniorage, and that is all.

Mr. President, as I have said before, there is not any prospect of tariff legislation being enacted—none whatever—now or in the near future. The same combination that prevents it or the same influences that have prevented it in the past will prevent it in the future. Therefore we must meet this question and meet it squarely. This is simply a scheme whereby the President of the United States shall be prevented from redeeming greenbacks as they are presented. That is all there is of it. It is repudiation, pure and simple and undisguised. It can not be evaded. Of course if you had revenues and plenty of them, then it could be done; but when your revenues are exhausted, your money on hand is exhausted, and you can not borrow money, your greenbacks must go unredeemed.

From a party point of view I object to this course. I do not wish to detain the Senate after I have expressed my views fully upon this question. If the Senate wants to pass the bill, it has a right to pass it, and I would not have objected last evening to a vote being had after I had made a few remarks if I had not been suddenly cut off by my impetuous friend the Senator from Nevada [Mr. STEWART], who seems to think he is in league with this side of the Chamber, and he has actually taken a seat here on the Democratic side. My Populist friend the Senator from Nebraska [Mr. ALLEN] announced that this is a Populist measure. My friend from Colorado is over here getting Democratic votes to sustain a Populist measure.

Mr. PEFFER. We always have pickets in a fight.

Mr. HILL. They are trying to pick off the Democrats in the fight. That is the business of the Populists. I do not blame them for being over here trying to disorganize our party, trying to make them follow false gods and false teachers, but I object to Democrats going off and following these men, crazy as they are upon the subject of finance. A man may sincerely believe in the free and unlimited coinage of silver and not believe in this bill. He is not obliged to believe in the pending bill. The most earnest friends of silver can consistently oppose the bill. A sincere friend of silver can well say, "These obligations of the Government must be redeemed in something."

If the revenues are insufficient and there is no prospect of tariff legislation, why forbid the President from borrowing? What will be the result? He can well say from his standpoint that at every opportunity he will vote for the free and unlimited coinage of silver. That is a different thing. That relates to establishing a new system of finances for the country. That affects the volume of money. That affects our general business relations. It may directly or indirectly aid business. That may be true. I am not now going to discuss the silver question proper. But free coinage will not bring you revenues with which to take care of this large volume of paper currency which is afloat.

As I said at the outset, there are those who think that paper money should not be redeemed. There are those who opposed any specie resumption in 1875. There are those who think that bonds are an invention of Wall street. There are those who think that all the money in the country is owned by Wall street instead of by the people. It is useless to address argument to such men. But this bill presents an entirely different question from the gold and silver question proper. It is a question of paper money. It is a question of taking care of that paper money. It is a question of keeping the paper money at a parity with your gold and your silver. You must always keep a fund sufficient to redeem those notes whenever they are presented, and when you cut off these sources of redemption it is repudiation, unless at any time when a man presents one of these notes you are prepared to give him coin in place of it. That is the true position; that is the right position; that is the correct position; that is the true Democratic doctrine.

I have detained the Senate longer than I expected upon this question. If Senators think this is a proper bill, they will exercise their own judgment in voting for it. I wash my hands of the whole business. I think it was unwise to inject it at this session. I think it was unwise for the Democrats to support it in view of the present delicate situation of the party upon the financial question. I have avoided as far as I could any discussion of the gold-and-silver question proper, which I say is not involved in this matter. We have difficulties enough to contend with without adding this.

Mr. President, let it once be understood that the party to which we belong is attempting to cripple the business of the country by not maintaining a sufficient fund with which to redeem the paper currency, and there is an end to our prospect of success. We may as well count the days until we shall retire permanently from power. Sir, all my ambitions and all my hopes are involved in the success of that party to whose support I have given the best days of my life. It is said I represent in part a great financial center of the country. I beg to remind my Democratic friends that the city of New York but once in its recent history has given a Republican majority, and that was upon a local issue. In the days of our distress, when other localities disappointed our expectations, the great stronghold of Democracy has been the city of New York. It has saved the country by its immense majorities on many an occasion. Thousands and thousands of business men, its bankers and its merchants, have maintained their fidelity to the Democratic cause. They differ with you upon the details of the financial question, but they are loath to believe that you are in favor of irredeemable money. Do not attempt to convince them that they are wrong.

Mr. President, we can not maintain our party in the North—in the Middle or Eastern States—upon any such theory. Let it be understood that we shall provide ample funds at all times with which to redeem our paper currency, and then we will solve the gold and silver question satisfactorily thereafter, and we can maintain the grand old Democratic party, which in the history of the country has done so much for its glory and its honor.

Mr. HAWLEY. Mr. President, we should consider this question as if we were the only legislative body, the supreme and final authority, in the United States. It is altogether wrong and quite useless to be thinking of some cooperative body or of some executive

officer who shall remedy the wrong we do. We are responsible, and shall be held to be responsible. We shall deserve just as much of glory or of infamy as if we alone had passed and executed such a law.

Now, what is this great deliberative body, which has managed to keep the respect of the country for a hundred years, about to do by the coming vote? What is the situation? This is the bill:

That the issuance of interest-bearing bonds of the United States for any purpose whatever without further authority of Congress is hereby prohibited.

It is a short, absolute, sweeping, thorough bill. What are the obvious facts, that need not be dwelt upon? Everybody, every intelligent boy, knows that the revenue is largely insufficient, and that it has been for some years. In the next place, the Senate refuses even to consider a revenue bill. I am disregarding party lines. I am talking about the Senate and not the Democratic party or the Populist party or the Republican party. The Senate refuses to consider even for a moment a revenue bill.

In the third place, the Senate is about to forbid the Government from borrowing money for any purpose whatever. Does anybody need to be told what these things mean? Now, the Senate, I say, can not avoid the responsibility which will remain upon us; and, in my judgment, if we carry this bill through, whether it becomes a law or not, it will be one of the foul spots—the foul spot, the only foul spot, I may say—on the record of this great body, that in the opinion of the Senate it is for the good of the country that the bill shall become a law.

I positively, with all respect for my honored colleagues, can not believe that that is the real belief of the Senate. It is horrible; it is altogether impossible. I would resent the charge if I were on the other side of the globe and heard somebody say the Senate was about to do such a thing. We might just as well say that we will not pay bonds as to say we will not issue bonds; for we can not redeem existing bonds; we can not pay them without issuing others, for our revenue is deficient.

Now, Mr. President, this is repudiation—and nobody has shown it better than has the distinguished Senator from New York [Mr. HILL]—this is bankruptcy; this is anarchy; it would be infamy.

I have nothing to add, desiring only to place on record my total and earnest disapproval of the measure.

Mr. MILLS. Mr. President, I have listened to-day to two of the most extraordinary addresses I have ever heard in my life. I have heard a three hours' argument made by the Senator from New York [Mr. HILL] to the effect that it is the duty of the Government to borrow money to carry on its ordinary expenditures. I have heard a plea from him and an impassioned exhortation by the Senator from Connecticut [Mr. HAWLEY] denouncing the effort to take out of the hands of one man in this country the extraordinary power to enslave its whole population, that the greed of foreign and domestic money changers may be satisfied.

It has been seriously maintained in this body that the American people are incapable of sending representatives to their Legislature who will have the integrity and the capacity and the patriotism to levy taxation to obtain revenue to carry on the Government. It is assumed and gravely assumed by the distinguished Senator from New York that the present Congress, the Congress to come, and the one to come after that, and all the other Congresses, I suppose, will pass no law for the raising of revenue by taxation to meet the current expenses of the Government, and it is argued that this extraordinary power must remain upon the statute book, allowing the Secretary of the Treasury to sell a thousand or two thousand millions of bonds, or three or five thousand million dollars of bonds, the limit only to be defined by the measure of the greed of those who wish to have investments in the blood and sweat of the American people.

Mr. President, if such a scheme had been proposed a hundred years ago to our fathers, they would have denounced it in the Senate of the United States.

Mr. HILL. Will the Senator from Texas allow me?

Mr. MILLS. Certainly.

Mr. HILL. Does the Senator think that the present Congress is likely to agree upon some revenue bill?

Mr. MILLS. It does not make any difference about what the present Congress is going to do. If the present Congress does not do its duty to the people of the United States, the people are still sovereign and every element of their power is unwasted, and they will send to Congress those who will do it.

Mr. President, when the Constitution was formed it placed the power in the Congress to lay and collect revenues for what purpose? To pay the debts, to provide for the common defense and general welfare of the Union. One of the grandest of all the statesmen this country ever produced said he would make but one amendment after the Constitution was formed, and that was to take from the Government of the United States altogether the power to borrow money. Why is it that the Senator from New York and the Senator from Connecticut do not help us to lay and collect some duties, some excises, in order to pay the debts and provide for the common defense and general welfare of the United States? Why do they not support propositions to raise revenue by taxation to carry on the Government, and why have both of them and the forces behind them opposed at all times all efforts to lay just and equitable duties and excises upon the property-owning people of the United States to help to support the burdens of this Government?

The Senator from New York has been a conspicuous advocate and defender of the moneyed interests of this country. He refused to vote for the tariff bill which is now upon the statute books. He would not vote for an income tax. The Senator from Connecticut would not vote for an income tax. He would not vote to put an internal-revenue tax on manufactured articles which brought in a hundred and thirty-odd million dollars a year during the last years of the war and just after it was over; but it was swept away. It was said that it was an inquisitorial tax, because it struck the wealth of this country. I will vote with him to-day and every day that I stay here, and I will vote with the Senator from Connecticut every day to put a direct tax on these protected manufactures and take a part of the protected price from those goods and put it into the public Treasury. But I will not get any support from the Senator from Connecticut, nor will I get the vote of my distinguished friend the Senator from New York. They will not vote for any tax on wealth. They will pile the tax to exhaustion on consumption, which falls on the poor people of this country, which falls by indirection, so that they do not see it when it comes. They only know there are hard times. They only know there is a want of employment for labor. They can not see how the blow is coming, but it comes because this is the only Government on earth which excuses all wealth from taxation and puts the whole burden upon the backs and shoulders of the laboring people of the country.

Mr. HILL. I understood the Senator from Texas to say that I would not second his efforts to pass a proper revenue bill. I think that is the charge, is it not?

Mr. MILLS. Let the Senator make his charge.

Mr. HILL. Is not that it in substance?

Mr. MILLS. Let the Senator make his charge, whatever it is, and I will answer it.

Mr. HILL. I am asking if that is not the charge.

Mr. MILLS. I do not know what the charge is. Let the Senator himself make it.

Mr. HILL. I suggest to the Senator whether in his patriotism he would be willing to vote for a duty on wool, as the Senator from Mississippi [Mr. GEORGE] said he would?

Mr. MILLS. I do not want to vote for a duty on wool, and I do not want to vote for a duty on woolen goods.

Mr. HILL. That shows the difficulty there is in agreeing upon our own side.

Mr. MILLS. No, the Senator is not talking about me. He is talking about the Senator from Mississippi. He is avoiding the issue.

Mr. HILL. I am simply showing the difficulty of agreeing upon a tariff bill and the unlikelihood of any bill being passed at this session or the next session of Congress.

Mr. MILLS. Very well. There is just as much difference between the Senator from New York and the Senator from Mississippi as there is between him and myself. We differ about those things. The Senator from Mississippi feels that wool ought to be taxed. I do not, and I have my reasons for it. I know very well that if you put a tax on wool, you have to put what is called a compensatory duty on woolen goods; and I know the whole of it goes to the manufacturer and that the woolgrower does not get a cent of it, and he never has.

The Senator from Mississippi perhaps does not think so. He has not investigated the question as much as I have. It does not occur to him that if we put a tax on wool we have to raise woolen goods in the same proportion. If you do not do it, and permit wool to come in untaxed and woolen goods to come in untaxed, you destroy all the woolen manufactures in this country, and our wool will have to be exported to a foreign market to be manufactured, and instead of having the advantage over the foreign woolgrower that he has to pay the cost of transportation to the United States in order to compete with us, we shall have to pay the cost of transportation to the foreign market to compete with him there.

Mr. GRAY. It all falls on the consumer.

Mr. MILLS. I do not want to be drawn off to these side questions.

All this most remarkable plea, all this most revolutionary and un-American plea, for bond sales are based upon the assumed proposition that you can not pay the Treasury notes of the United States in anything but gold, notwithstanding they are made payable in coin by the declaration of law. It is said if we pay in silver the silver will soon be exhausted. We have had day by day for months, for a year, a surplus of some twenty-five or thirty million standard silver dollars in the Treasury, over and above all the outstanding silver certificates, which may be applied in the

redemption of these notes; and, as I said once before, $1,000,000 is enough.

Do you suppose, Mr. President, or does any other sensible man suppose, that the holders of the greenback notes will present them for redemption in silver? The greenback is every bit as good in the whole circulation of this country as the silver dollar. What object could there be in the exchange? There would be an object in asking for gold. Paper is more convenient than silver, and that is one of the first requisites of circulation. Nobody will come to the Treasury to exchange a Treasury note, which a man can put in his vest pocket, for a thousand dollars in silver that he will have to hire a conveyance to transport. No, sir; that is not in the play. What he wants is gold, and he wants the gold because the Government has not got it. He wants the gold because he can compel the Government to sell him bonds. He wants the gold because if he can get the Government to agree that he shall be paid in gold alone he can compel the Government to pay him interest, and he can secure a profitable investment for his idle money; and for large capital there is no such investment as the bonds of an honest government, a rich government, and a powerful and prosperous people like ours.

Mr. President, does it not seem a most absurd contention on the part of the Senator from New York and those who agree with him that these notes must be redeemed in gold and gold alone, and the power to sell bonds for gold shall remain upon the statute books in order to provide the country with revenue for its current administration, when it has been denounced to us by high authority as an endless chain; that it takes the gold out of the Treasury; that it puts back the gold again when the bonds are sold, and the endless chain puts out the gold again, and day by day and month by month and year by year this monumental pile is heaped upon the shoulders of the American people and upon their children, born and unborn, in order to constitute an investment to the bondholders, foreign and domestic? It does not serve the purpose for which it is contended here. The President has said to us that he does not need any money for current expenditures. He has said that he had a comfortable surplus. I do not agree with him. I agree that money is needed. At one time it seemed as if the deficit was falling away and that we would come to a par between expenditures and receipts by the 30th of June, 1895. But that has been dissipated, and we do need more revenue to meet the current expenditures of the Government. If this Congress does not afford it the next one will. The people will speak, and speak so as to be heard, and speak so as to be obeyed. If they do not, then all of our theories about the capacity of the people for self-government will have been exploded, when they permit their Government to fall because it has not energy enough in its legislative branch and has not power and virtue enough in the constituency to send men to Congress who will make the proper levies of taxation and appropriation to run the Government.

But, Mr. President, it is a strange sort of contention for a Democrat on this floor to become the enthusiastic advocate of bonds. I was prepared to see the Senator from Connecticut [Mr. HAWLEY] get up and denounce as repudiation the effort to repeal this most extraordinary war power placed upon our statute books, that gives to one man the power at his pleasure to enslave the whole nation, because by the sale of bonds for thirty years, as he has been doing, he can sell a thousand million or ten thousand million dollars' worth; and there would be a cry of repudiation, indeed, if the people could not pay the interest and pay the principal of that debt. But the Democratic people who originated the party to which the Senator from New York and myself belong began early in this century to teach to their children and to teach to the people of the United States the great evil of a bonded debt. They have told us that one generation has no right or power to bind another; that each generation comes upon the earth and is entitled to its enjoyment as long as it lasts, but that it must leave the earth to its successors unencumbered.

They have told us of the facility and warned us against the evil of increasing the bonded indebtedness. The bonded indebtedness of this country in the earlier stages of the Republic was paid rapidly. The bonds ran for only short periods, and it was made the duty of the legislature to lay and impose a tax consecrated to the extinguishment of that debt within a reasonable time and emancipate the American people. But, strange to say, when one century has gone, we see rising in the Senate of the United States a great leader of the Democratic party, who tells us it is one of the main features of the Democracy that we must obtain the money to support the current Administration of the Government by selling interest-bearing bonds, and argues to say that we can not pass a tariff-tax measure; that we can not pass an internal-revenue-tax measure; that we can not pass any measure of taxation that raises revenue of any kind at all; that we are utterly incapable; and assuming that as a fact, he labors for three mortal hours to impress upon the Senate of the United States the importance of selling bonds to meet the current Administration of the Government and continue to do it. If we should adopt that policy, the fool killer ought to be turned loose on the Senate; we are unworthy of the position we occupy here; we are unworthy to be called Senators by a free American people; and the American people will not be long in discovering that we are unworthy to hold the position to which they have accredited us.

I am not to be alarmed, Mr. President, by the denunciations of the Senator that this is Populist doctrine. This was the doctrine of the Democratic party before the Populist party was in the egg-shell, before it was ever dreamed of. It was advocated by Democrats eighty years ago—sixty, fifty, forty, thirty, twenty years ago; and it has come down to us as good American doctrine, the doctrine of the people. I am not to be driven away from the cardinal doctrines of free government and just government by the characterization of the Senator from New York that I am following the leadership of the Populists. The Populist people I do not think are entirely beyond the hope of recovery. They do some things and they advocate some things, and many things, to which I disagree, but they do occasionally fall in line with some good old-fashioned Democratic doctrine, and whenever they do I am willing to meet them and to share with them the honors of carrying into effect the Democratic policies of our fathers. The Populist people do not believe in irredeemable national-bank notes; they do not believe in a currency issued by corporations for the benefit of corporations; they do not believe in giving to corporations the power to contract and expand the currency. They sat at the feet of Democracy and learned in those lessons the doctrine of the fathers of Democracy. It was the doctrine of Andrew Jackson, and it was the doctrine before Andrew Jackson. Yet, with all the strong denunciation and the long denunciation of irredeemable paper money by the Senator from New York, he confined himself to the Treasury notes and never once spoke about the irredeemability of national-bank circulation. Is not that as irredeemable as the Treasury notes? It is redeemable by law in the Treasury note, and if the Treasury note is irredeemable, the bank note that is redeemable in an irredeemable note must be irredeemable, too.

Yet the Senator did not give us the benefit of his opinion upon the subject of national-bank notes. The Senator wants a monumental national debt. He wants it as a pedestal, as a foundation, upon which to erect a mammoth and monumental system of national banking in this country and turn the whole circulation of the country into the hands of corporations with the power to contract and expand as much as they please and when they please, and they always will please whenever it is to the interest of their pockets either to expand or contract, to expand and put prices up and contract and tear them down, and sell out the country and pocket the profits of the transaction. Yet there is no condemnation of that. He was as "gentle as any sucking dove" when he was talking about irredeemable paper money.

Now, the great value of the Treasury note is that the power to contract and expand is in grasp of the representatives of the people. It is a power that can not be exerted without the representative feeling the strong cord of responsibility that ties him back to his constituency. He has got to be called to account for his action in that respect. But the national bank corporations are responsible to nobody but to the stockholders. They want to drive the silver out of circulation; they want to drive the greenbacks out of circulation; and then they will occupy the whole field with gold as the only basis. But tell me when in the history of this country the banks did not drive the gold out too? When, in the history of this country, since banks have been created with a power to contract and expand the currency at their will, did it not drive both metals out of circulation and give the people wildcat currency worth 10, 15, 20, 30 cents, sometimes nothing, in the dollar? Prices go away yonder and then they commence contracting. They hold their annual association. They agree about what they are going to do. They understand their business thoroughly. It is a very intelligent corps of people. They do not fight upon that question because they know that they are very vulnerable upon it, and they direct all their shots on the credit of the country, pleading for the maintenance of the national credit; demanding bonds in order to keep up the credit of the country.

Suppose you carry on the business of selling bonds until you can not pay what you owe; you can not pay your principal, and your bonds go to protest. Your people are too poor because the whole wealth of the country is excused from taxation. Not a dollar rests upon land, not a dollar upon personal property, not a dollar upon railroad and bank stocks, and all those things, in order to support an Administration that requires from five to six hundred million dollars a year. It all falls upon consumption, on food, on raiment, on shelter. This whole burden falls on the strong arm of the laborer, the mechanic, the cabinetmaker, the blacksmith, and the farmer at his plow.

It is a very easy thing to get up in the Senate of the United States and talk in great, round, eloquent numbers about public credit while you are enslaving the people. What is all this aggregation of wealth in the East, from whence the Senator from

Connecticut comes, who denounces our action here as repudiation? His face was almost swollen with rage while he denounced the effort to emancipate ourselves from this most extraordinary power as an act of repudiation. How is it that that is the money-lending section of the country? Is it as rich as your delta of the Mississippi? Is it as rich as your fertile lands in Alabama? Texas raises about one-third of the cotton of the whole United States and one-fourth of the whole world, and yet with all of these advantages she can not accumulate wealth; but New England, New York, the great manufacturing centers, are the money-lending and the banking sections of the country.

They have got the money. It is through legislation, it is by the infamous system of taxation that excuses the wealth and property of the country and puts all the burden upon labor, that destroys our markets and grants them a monopoly to sell at exorbitant prices. How sickened we are occasionally when we see an account in our newspapers of some American girl being sent to Europe to be sold for a title, despising the institutions of the country where she was reared, despising the people from whose pockets she has been enriched, so that she becomes an object of sale, her father and mother exposing her to the highest bidder all over Europe to be bid for by dukes and counts and earls and nobodies, whoever they may be, who have a title. All this business of piling up great bonds and concentrating great wealth and establishing a system here by which the poor are made poorer and the few are made richer is tending all the time to undermine the institutions of the country. It is tending to let down the whole great democratic fabric of this Government, and it is one that as long as I stay in public life I shall oppose with all my might.

Mr. President, all this extraordinary devotion to the enslavement of the American people by piling upon them interest bonds I would have expected from the other side of the Chamber—the men who come here to represent the great corporations, manufacturing and banking and others; but of the men who come here confessing the creed of equal and exact justice to all as the first and fundamental element of a Democrat, I am a little surprised that my distinguished friend from New York should be the advocate and defender of the system. It is the duty of the American people, through their representatives in the Senate and House, to pay their bonded debt and stop the interest as rapidly as possible. When my friend from Ohio gets up his filled-cheese bill, I give him notice now that I am going to test the sincerity of some of our people on this floor by offering to fill in a little more of that bill, and to put an internal-revenue tax on the manufactures of iron, and steel, and copper, and lead, and zinc, and all the metals, and cotton, and wool, and flax, and hemp, and jute. All these are protected. You have enormous duties levied upon the people that places an enormous amount of revenue in the pockets of these protected classes. I want you to pay some of them into the public Treasury, and there I want it to remain, pledged as a fund for the purchase and redemption of the bonded debt of the United States. We shall then see who is in favor of equal and exact justice to all; who is in favor of emancipating the people from this cancer (Jefferson called it a cancer) which is eating at the vitals of the people. The people want that debt paid. They want the interest stopped. They want the requirements of the sinking fund religiously observed until that debt is extinguished. They want to see the expenditures of this Government on account of its debt lessened, and all its expenditures lessened, and they want to see it come down to an honest, economical administration of public affairs, and the money to support it taken by a just system of taxation.

Mr. STEWART. Mr. President, in discussing this question it may be well to understand what the law and the facts are. That will have something to do with this question as well as rhetoric. By the law certain duties are imposed upon the Secretary of the Treasury in the redemption of United States notes. I read now from the resumption act. After providing for resumption, or making it the duty of the Secretary of the Treasury to redeem Treasury notes on the 1st day of January, 1879, the resumption act provides:

And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus revenues, from time to time, in the Treasury not otherwise appropriated, and to issue, sell, and dispose of at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect, and to use the proceeds thereof for the purposes aforesaid.

The act of 1890, under which the Sherman notes were issued, makes those notes redeemable in gold or silver coin at the option of the Secretary of the Treasury, but the third section of the act declares that the Secretary of the Treasury shall coin sufficient of the bullion purchased under the act to provide for the redemption of the notes issued thereunder. So all the obligations of the United States are redeemable in coin.

The bonds are expressly payable in coin, principal and interest. It was so declared, ex industria, in the act of July 14, 1870. It was provided in that act that the bonds authorized therein to be issued should be paid in coin of the then standard value. The coin at that time consisted of silver dollars containing 412½ grains of standard silver, and the silver dollar was the unit of account at that time. The gold coin was of a larger denomination. That was the law, and that is printed on every one of the bonds of the United States now outstanding. There is no mistake about what the law is. Then the Secretary is authorized to sell bonds to buy coin when there is not sufficient coin in the Treasury coming from the ordinary revenue with which to redeem these greenbacks.

There never has been any authority to issue bonds to redeem Treasury notes of the act of 1890. On the contrary, there is a prohibition against selling bonds for that purpose, because the act provides how coin shall be obtained. It is to be obtained by the coinage of the silver in the Treasury, and that by implication excludes any other mode of obtaining coin for that purpose. That he may sell bonds to buy coin to redeem the greenbacks when there is not enough in the Treasury there can be no doubt.

Now, what is the condition of the coin in the Treasury? In the first place, the cash balance in the Treasury, in round numbers, is $270,000,000. Of that $270,000,000 there is about $114,000,000 of gold coin. I can not state the exact amount, because gold is going out every day. There is about $114,000,000 of gold coin. The Treasury statements show that there has been issued $350,000,000 of silver certificates—I speak only in round numbers—that there is in the Treasury some 374,000,000 silver dollars, leaving 24,000,000 silver dollars in the Treasury for which no certificates have been issued. There is also in the Treasury, say, $11,000,000, speaking in round numbers, of silver certificates. These silver certificates may be exchanged by the holders for silver dollars. The Government can exchange them for silver dollars whenever it is convenient to do so. That makes 35,000,000 silver dollars available for redemption. In addition to that, there is $55,000,000 of uncoined silver in the Treasury, which it is the duty of the Secretary to coin, making, in round numbers, $90,000,000 of available silver and about $114,000,000 of available gold for redemption purposes.

The President of the United States informs us that there is abundant revenue; that there is no necessity to sell bonds except to get gold. We say that there is no necessity for that purpose, because the law expressly provides that these obligations may be paid in silver. That question was solemnly decided by nearly a three-fourths vote of the two Houses of Congress in 1878. It is plainly written in the law. No man can mistake the law in that regard.

Then we find ourselves with $270,000,000 cash balance, nearly $100,000,000 of which is silver and over $100,000,000 gold. Can anybody suggest a possible reason for the sale of more bonds? There was no necessity for the last sale of bonds, or the one before it. There was a surplus then in the Treasury, as the President of the United States informs us. The reason for selling bonds is to discriminate between the two coins and violate the platforms of both parties. Both parties have declared over and over again in their national platforms that they were in favor of the use of both gold and silver as money, without discrimination; and the only reason for selling bonds now is to enable the Secretary of the Treasury to violate the law. He is only authorized to sell bonds to the extent necessary to buy coin when there is a deficiency in the Treasury. There being no deficiency in the Treasury, it is a bald violation of law, and he has been violating the law.

The other reason I have given for selling bonds is to discriminate between gold and silver and to degrade silver. If the law on the statute book had been observed there would have been no panic in 1893; there would have been no raid on the Treasury to get gold for the gold gamblers, because there has been at all times ample provision for silver to meet all the Government obligations. We know very well that if the law had been executed there would not have been a word said; nobody would have made or pretended to have made a raid upon the Treasury, any more than they did upon the French treasury or the German treasury, which were situated precisely as our Treasury. There they have the option to pay in either gold or silver. They tell all comers, "If you demand gold for export we will pay you in silver." Their credit was not injured. If this law had been executed, the credit of the United States would have been preserved. It is the repeated violations of law, after the Secretary has piled up the money of the country to lie idle in the Treasury, thus ruining business, and the scandals which have been created by the sale of bonds, which have affected the credit of the country more than anything else. The scandals with regard to the mode of disposing of these bonds have gone on from year to year.

After all this, Senators say it would be repudiation to stop this Executive usurpation; it would be repudiation for Congress to assert its power under the Constitution. Nobody believes that Congress does not have the credit of the nation at heart as much as the Executive. Besides that, legislation is delegated to Congress as a coordinate department of the Government, and it is its duty, from which it can not shirk. The idea, the pretext here,

that Congress will not do its duty, and therefore we must abdicate our duty and let usurpation go on in the land, is not to be entertained.

I have heard statements here this morning about the revenue and the passage of bills for its increase. It was said that parties in this Chamber could not agree upon particular methods, and therefore we should allow the President of the United States to exercise the same powers which Charles I and other usurpers have exercised—to raise revenue without authority of law. I say that no Senator can maintain for a moment that there is not sufficient revenue in the Treasury; and if the Secretary of the Treasury has any power to issue bonds, either for gold or silver, it is only to the extent necessary to get coin. Does anybody say that with $270,000,000 in the Treasury—$200,000,000 of coin or bullion convertible into coin—there is any necessity to issue bonds to buy coin to redeem those notes? Everybody knows there is no such necessity; and when it is admitted that there is no such necessity then it follows that there is no such power.

We have allowed this to go on without rebuke. At whose behest has it been done? It is not the people who are suffering for coin, not the people who are suffering for a circulating medium, not the people who are ground to powder by the gold gamblers and the money changers who manage the affairs of this country, who want these bonds sold. It is those who speculate in them, those who make their $10,000,000 out of them, who want bonds sold. They control the banking fraternity on the other side of the Atlantic, and the banking fraternity on this side of the Atlantic controls this Government and compels it to violate the most sacred laws, compels it to issue bonds when we have a surplus in the Treasury, compels it to issue bonds for speculative purposes contrary to the plain provisions of the law.

This is a dangerous power. It never was intrusted by the Constitution to the Executive; it never can be intrusted in any free government to an executive. It is the highest legislative function to raise revenue either by taxation or by borrowing money. Place in the Executive the power to borrow money, and your liberties are gone. Liberty can not exist where that power exists, because it makes the Executive supreme. He is the Commander-in-Chief of the armies and navies. Give him command of the revenues of the Government by the unlimited power to borrow money and you have a despotism as rank and as extensive as any other ever created on the earth. There never was a more bold defiance of law and usurpation of power than the issue of bonds to buy coin and to redeem the greenbacks when there was ample coin in the Treasury and when there was no authority to issue the bonds, because they can only be issued to the extent necessary to provide coin.

Now, the plain proposition is, Will Congress assert its legislative function, or will it go on and let the Executive issue more and more bonds and have more scandals?

Talk about the credit of the Government! The credit of the Government has been more injured by violation of law than by any other cause. All that has injured the credit of this Government for the last five years has been the violation of law and the declaration that we were insolvent. The Governments of France and Germany were not injured by executing the law. If we had executed the law there would have been no raids on the Treasury.

These bond dealings are bringing the Government into disrepute. See how the bankers of Europe distrust this country, distrust our finances, distrust our solvency, because we proclaim ourselves insolvent—with a Government like ours, with $1,100,000,000 of circulating medium in silver and in paper, dependent upon what gold we can borrow. Of course we have no credit. Our credit has been destroyed by the administration of the Government, and our credit will never be restored until Congress makes laws and sees that they are executed—sees that they are not violated. There is power in the two Houses of Congress to require the Executive to obey the law. The machinery is provided when usurpation occurs; and to stand idly by and give up these powers to the Executive is entirely wrong.

I tell you, Senators, there is nothing which shocks the people of the United States so much as the issue of bonds by the Executive without Congressional sanction. There is nothing which alarms patriotic men so much as this. Can anybody believe that Congress will not make proper preparation and provision for emergencies? I claim the provisions of law are sufficient, are ample, that the revenues of the Government will be sufficient for years, according to the present rate of deficiency, and that this surplus ought to be drawn out of the Treasury. I say that the suggestion which has been made in the Senate that we tax the shirts off the backs of the American people so as to make them pay something they did not agree to pay in order to maintain the credit of this Government is an outrage, when the Executive declares that we have no credit, when the Executive makes his own laws, and when we lie supinely by and do not resist his usurpations.

It would be hailed with delight if Congress should pass this bill and put an end to these scandals and to these usurpations. Let the legislative department of this Government assert its independence. We must have three departments or we have no free Government. Everything now is done at the other end of the Avenue; nobody dares speak out against this usurpation. I am glad this question is before the Senate face to face, and I believe it will be answered manfully and independently.

Mr. LODGE. Mr. President, I have no desire to protract this debate; but on a bill which seems to me as dangerous as this bill, I desire to state my own position very clearly. I do not think the question is one that lends itself to much debate. The use of gold or silver, the question of money standards is not involved, still less is the question of the proper policy to be pursued in regard to the tariff. It is a plain question here of honesty and good faith. We know, as a matter of fact, that the Government revenues are short and show a monthly and annual deficit; we know that the Senate is unable and unwilling to pass a bill to give the Government additional revenues. If this bill passes it means that we shall not only be placed in a position where we can not redeem our coin obligations, but that we shall be unable to meet the just debts incurred in the ordinary running of the Government. This bill means the practical repeal of the resumption act, for it takes away the power to sustain the reserves of the Treasury given by that act. It will amount in six months to a virtual repudiation.

Mr. President, I am well aware that this bill, if it passes the Senate, will not pass the House of Representatives. It is true that a Republican House would kill this bill if it ever allowed it to come to a vote. It is equally true that a President, at least nominally Democratic, would veto it if it ever reached him. It is also true that the performances of the United States Senate in regard to the great question of revenue and the great question of the public obligations have been such as to prevent people from giving much weight to what the Senate does. But when business is in the condition that it is now men do not stop to reason too carefully; and it will go out to the world, if this bill passes, that the United States Senate has deliberately voted to put the Government in such a position that it can by no means whatever meet its current obligations or pay its coin notes. That is what this bill means.

Mr. BUTLER. I should like to ask the Senator a question at that point.

Mr. LODGE. I decline to be interrupted. I should like to finish what I have to say.

The VICE-PRESIDENT. The Senator from Massachusetts declines to yield.

Mr. LODGE. It amounts to a direct repudiation. That will be the effect. Business is very bad, it has been very bad; men are very sensitive; business is very sensitive. The action of passing this bill will be another blow to the business of this country. If it passes here to-day or to-morrow you will see a repetition of the alarm, the fear, the panic, which have beset business at different times during the last two or three years.

The only plea I desire to make at this moment is that the Senate should spare this blow to the business of the country. We know here, if it is not understood elsewhere, that this bill can never become law; that it can not pass the House of Representatives; that it can not, if it passes that House, get by the President's veto. We know that it is merely an exhibition of a certain power in this Senate; and although it is a miscellaneous Senate, without party cohesion or party responsibility anywhere on these questions, nevertheless this action will be disastrous and injurious to the already stricken business of the country.

I hope, Mr. President, that the Senate will at least spare the country this last blow to its business. Why should we alarm business further by taking this perfectly useless and yet menacing and dangerous action?

I have nothing further to say, Mr. President. I only wished to make my earnest plea that the Senate would not pass this dangerous and dishonest bill, which can do infinite harm by its passage here, although it can by no possibility become law.

Mr. CLARK. Mr. President, I rise for information only. I am impressed by the speeches that I have heard with the importance of this vote. I do not desire to give my vote to any bill or any policy that means repudiation; I do not desire to give my vote for anything that means dishonor to the credit of this nation; I do not desire to give my vote to anything that savors of anarchy. I care nothing for prophecies of evil to come. I am impressed by the reasons which have been given against this bill; and if they have their foundations in fact, I desire to vote against the bill, and I should be glad to ask the Senator from Connecticut [Mr. HAWLEY] if he were in his seat; but, as he is not, I take the liberty of asking the Senator from New York in good faith if there is anything in this bill, from the Calendar number at the top of it until the bill closes with the word "prohibited," that prevents the Government of the United States from borrowing every dollar that is necessary not only to redeem the greenbacks, but to pay the current obligations of the Government?

Mr. HILL. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from New York?

Mr. CLARK. I asked a question for information, hoping that it might be answered.

Mr. HILL. The act of 1875 is the only authority upon the statute book which gives to the Secretary of the Treasury the right to issue bonds for any purpose whatever; and if that act shall be wiped out, no bonds can be issued for any purpose. I state that upon my investigation of this subject. The Secretary of the Treasury a year ago suggested to Congress, and the House passed, a measure which provided that there should be authority in the Secretary of the Treasury at all times to issue certificates of indebtedness for the purpose of meeting temporary deficiencies in revenue. The recommendation of the Secretary of the Treasury was not complied with. A bill did pass the House of Representatives in reference to that subject, but it did not pass the Senate, and therefore there is no authority whatever for the purpose of raising money to supply temporary deficiencies.

Mr. CLARK. I am obliged to the Senator for the candor of his answer, because it convinces me of my own opinion as to the necessity of the passage of this bill and as to its passage at this time. In voting for this bill I shall vote as though the Senate of the United States were the final arbiter of this question. I will not assume to say that the Republican House of Representatives will not stop an Administration in its mad career of selling bonds upon every provocation without the consent of Congress.

I understand that this bill means to cut off from the Chief Executive and from the Secretary of the Treasury the right, at their own will and at their own pleasure, whenever they shall see fit, to sell interest-bearing bonds of the United States for the purposes of resumption, or for any other purposes whatever. To that I have been unalterably opposed, and I am now unalterably opposed to it. I believe, if it has never been a bad policy for this Government before, that the circumstances, that the scandal, that the infamy, if I may say so, of selling bonds within the last twelve months should appeal to the Congress of the United States to take that power from the Executive here and now and forever.

The Congress of the United States has patriotism enough, Mr. President, in my judgment, to see that no repudiation shall come upon this Government. Our obligations having been issued by the authority of Congress, Congress will see to it that they are not repudiated.

Mr. HILL. Will the Senator permit me a moment?

Mr. CLARK. Certainly.

Mr. HILL. Does the Senator have that confidence in the judgment and ability of this Congress to agree, that if to-morrow there should be a raid made upon the Treasury for the redemption of greenbacks, and there should not be sufficient money in the Treasury to meet it, this Congress would give authority to the President to issue bonds?

Mr. CLARK. I am not prepared to answer for Congress.

Mr. HILL. Then what would be done?

Mr. CLARK. I am prepared to answer for myself; and while the silver question, in my judgment, enters not into the consideration of this matter, and while I bow to no man in my allegiance to silver, I will say to the Senator from New York that, so far as I am concerned, if the exigency should arise that we were on the brink of bankruptcy, as he says—and it can not arise with that suddenness—my voice and my vote would be given to save the country by any reasonable measure that might be presented to Congress; and I have no reason to believe and I have no reason to intimate that any other member of either House of Congress would fail in his duty to his country on an occasion of that kind.

Mr. HILL. Has not the Senator heard here repeatedly from the lips of almost a majority of the members of this Senate that under no circumstances would they vote to issue bonds in time of peace?

Mr. CLARK. I have not.

Mr. HILL. And yet, how do you expect this Congress to give relief, if the President should send in a message asking for it?

Mr. CLARK. Mr. President, I have never heard the statement; I have never seen the vote recorded to which the Senator alludes. I believe in the patriotism of Congress to meet any great emergency, because the history of my country teaches me that Congress always has been patriotic in emergencies. The country never has been bankrupt, although it has often been threatened worse than it is threatened at this moment. There never has been a time in the history of this nation, Mr. President, when our country has been so threatened by usurpation of the Executive power as it is threatened now.

Mr. HILL. What is the usurpation of which the Senator complains?

Mr. CLARK. I complain of many things, not in a querulous manner, as the Senator intimates in his question, but I say, Mr. President, that there never has been a time in the history of this nation when the executive power of this Government so overshadowed the legislative power, to the great danger of the country, in my judgment, as at the present time.

Take any of the constituted committees of this body; take the Committee on Public Lands, of which the distinguished Senator from Idaho [Mr. DUBOIS] is chairman, take the committees of which any of the Senators may have cognizance. If a matter of legislation affecting certain States comes before the Committee on Public Lands, what is the first question that is asked by that committee? Is it the question that this bill ought to become a law? Is it a question as to the policy which should be pursued in relation to the public lands? Not at all. The question is: Had we not better, and must we not, send this bill to the Secretary of the Interior or to the Commissioner of the General Land Office to get his opinion as to whether it ought to become a law or not?

Mr. HILL. Does not the Senator know that the custom of asking the opinion of the Departments of the Government in relation to measures affecting the particular Departments has existed for a great number of years?

Mr. HAWLEY. Permit me to say that it is more for the sake of getting facts on record than for the sake of getting opinions.

Mr. HILL. Of course.

Mr. CLARK. Yes, it is for the purpose of getting the facts. For the purpose of getting facts inquiry is permissible; but show me the report that comes from one of the Executive Departments of this Government. It is not the facts that are given; it is an opinion as to how the law will operate if the bill should be passed into law.

Mr. President, I intended to make no extended remarks. I can only say that, believing as I do that the object and intent and purpose of this bill is to curtail the powers of the Executive of the Government in the control of our financial affairs, and believing that Congress alone, under the present conditions and circumstances, should have the right and the power and the authority to say when and where and what kind of bonds and paper of this Government shall be issued, I am in favor of the bill.

Mr. GRAY. Mr. President, if there was ever any necessity on the part of the Government of the United States for adopting a measure to resume specie payments and enacting into law the provisions of the act of 1875, commonly called the resumption act, that necessity exists to-day and now. Under the provisions of that act we did resume specie payments, and this country was extricated under the Administration then in power from all the disasters and troubles that menaced the country from an irredeemable paper currency.

It is true, sir, that there was a provision in a subsequent act, the act of 1878, which was utterly at variance with the theory and principle of the act of 1875, which was not entitled to be called wise finance, making it obligatory upon the Treasury of the United States, after the demand obligations of the Government had been redeemed in coin, to reissue them. After that law was put in force there grew up a practice in the Treasury of the United States, afterwards recognized by law, of providing and setting aside a sum in gold coin, established at $100,000,000, in order to secure the speedy redemption of all the demand obligations of the United States and to give confidence to the business of the country. That policy has been pursued from that time to this by all Administrations, and this Administration, in its management of the fisc of this country, has thought it obligatory upon it to maintain that policy and to keep in the Treasury of the United States a sum in gold coin that should not be less than the $100,000,000 recognized by law as necessary to the stability of the constantly reissued greenbacks and the paper currency payable in coin that was accumulating from time to time by virtue of enactments of Congress.

But, Mr. President, that is not all. That is not the full measure of the duty imposed by law upon the Administration. In 1890, by the law known as the Sherman law, which provided for the purchase of 4,500,000 ounces of silver bullion every month, and the issuance and payment therefor of Treasury notes to be redeemed in coin, these demand obligations of the United States were enormously increased, and yet the gold reserve remained at the old figure of $100,000,000. Still more, that law made it the duty of the United States and of the Executive Department to maintain the "two metals on a parity with each other upon the present legal ratio or such ratio as may be provided by law." That was a duty imposed by Congress after due consideration, after exhaustive debate, and it has been lived up to from the time it was enacted until this day; and because of those obligations imposed upon the Treasury of the United States, because of this unwise financial method, of paying obligations and then reissuing them, thereby putting the Treasury of the country in a position anomalous, I will venture to say, among all the treasuries of the civilized world, we find the Government now struggling under conditions that have never been paralleled in the history of civilized government on the face of the earth.

I admit, sir, that the machinery of the law of 1875 for the maintenance of the gold reserve is awkward, expensive, extravagant,

and that it imposed undue burdens upon the American people; but the law is there, and Congress has refused with one of its little fingers to touch the burden which it placed upon the Treasury of the United States. When the law of 1890 was repealed, what did we do? Did we reform in any respect this anomalous, this unfortunate condition? Not at all. We repealed the purchase clauses of the act of 1890, it is true, but we again declared in a form of law that—

> The efforts of the Government should be steadily directed to the establishment of such a safe system of bimetallism as will maintain at all times the equal power of every dollar coined or issued by the United States.

Where? At the Treasury, as the Senator from Mississippi [Mr. GEORGE] said the other day when I was speaking on this subject in an interlocution with some one who had the floor? No, No, but "in the markets" of the world. How is that to be done? Senators say here it must be done by paying out silver to a creditor who demands gold and paying out gold to one who demands silver. Instead of pursuing the only course that a wise man would pursue under this obligation of duty to maintain the parity of the two coins in the markets of the world by indifferently paying either at the demand of the creditor, Senators say it was the duty of the Secretary of the Treasury to pay in the coin that was not demanded, to discriminate against the creditor, and thereby maintain the parity of the coins.

I can not believe that Senators are sincere when they say they have confidence that that plan and that practice would have maintained the parity which to-day, and up to this hour, happily exists throughout all the borders of the United States. Why is it that this boasted parity which our silver friends on both sides of the Senate sometimes speak of is maintained to-day? Why is that 50 cents or thereabouts of silver, measured in gold, when coined is maintained at a parity with a gold dollar of 100 cents? It is because the Treasury of the United States up to this time has held itself out as willing to pay indifferently either coin as it may be demanded in order that the parity may be preserved, not as an equality at the counters of the Treasury, but in the markets of the world.

Mr. GEORGE. Will the Senator from Delaware allow me?

Mr. GRAY. I will hear the Senator from Mississippi.

Mr. GEORGE. I ask the Senator, if a silver dollar is on a parity with a gold dollar and just as good as a gold dollar, why the creditor of the Government should demand gold instead of silver?

Mr. GRAY. The very fact that that duty was enjoined by Congress upon the Administration testifies to the anomalous condition existing at the time when those laws were enacted. Never before in the history of this country, or in any other that I know of, was such a duty imposed upon an executive. And why was it? It was because the commercial ratio between the silver dollar and the gold dollar was not what the mint ratio was. It was because an ounce of silver was not worth in the markets of the world and commercially 129 cents. It was not worth more than 70 or 80 cents, as the market might happen to be at the time.

Mr. MILLS. Does my friend the Senator from Delaware think that the parity of the two dollars is kept and preserved alone by the action of the Secretary of the Treasury?

Mr. GRAY. I do.

Mr. MILLS. Then the Senator has no objection to the unlimited coinage of silver? It would not disturb the parity, would it?

Mr. GRAY. I do not understand the Senator. I have objections to the unlimited coinage of silver.

Mr. MILLS. Why?

Mr. GRAY. Because it would put us upon a monometallic silver basis, in my belief.

Mr. MILLS. Would that disturb the parity?

Mr. GRAY. Of course.

Mr. MILLS. Then the Secretary of the Treasury has nothing to do with the parity?

Mr. GRAY. He could not maintain it with free coinage. I hope I do not have to teach such a distinguished leader of my party as the Senator from Texas what, it seems to me, with all deference to him, are the A B C's of monetary science, that when a metal is coined at a ratio not corresponding with its commercial ratio, nothing but the limitation of that coinage and the discretion given to the Secretary of the Treasury can maintain the parity.

Mr. MILLS. I agree with the Senator from Delaware, but that is not the question. The Senator says the Secretary of the Treasury may either maintain or disregard the parity of the two metals by the manipulation of the two dollars, gold and silver. I deny his power to disturb the parity by any manner of payment.

Mr. GRAY. Suppose a silver half dollar or two quarters containing less silver together than is contained in the half of a silver dollar should be brought to the Treasury and other money demanded for them, and the Secretary of the Treasury should announce the policy that hereafter he would only exchange for those silver coins weight for weight, instead of money exchangeable with all the current coins of the United States, what would those coins be worth in the market? You could not buy a bag of peanuts with them without a discount.

Mr. MILLS. Suppose Congress should make two half dollars legal tender in payment of every gold obligation for a dollar of the United States; then they would be just as good as gold.

Mr. GRAY. Very well. I acknowledge the tyrannical force that is contained in a legal-tender act. You can force me to scale my debt by compelling me to take a depreciated coin for a debt that I contracted when that coin perhaps was at par with the most valuable coin current in the country. When you come to the execution of legal-tender laws, it is one thing, but I am talking about men upon whom the shackles of such a law do not rest, and when we are free to accept or decline, then there is another condition and there is another question as to the currency of the common coin of the country.

Mr. BUTLER. If the Senator admits that the law can force him to scale down his debts and take one half dollar on payment for a dollar, he admits at the same time that the law can force the debtor to pay two dollars for every one that he agreed to pay, by laws that have appreciated the standard of value.

Mr. GRAY. I have already, in such fashion as I was able, discussed the matter of the depreciation of silver and the appreciation of gold. It is a question of monetary economics, and I do not care to discuss it now.

All I want to say in regard to the proposition of the Senator from North Carolina [Mr. BUTLER] is, that we are to repeal the resumption act of 1875 and put nothing in its place. It seems to me to be an act of political suicide and that we ourselves are bankrupting our own Treasury, stabbing and destroying the life of our own Government, and repudiating the faith that the Government has pledged to the people of the country and to the creditors of the Government.

Mr. BUTLER. May I tell the Senator from Delaware what I propose to put in the place of it? This puts in the place——

Mr. GRAY. I do not see anything in the place of it in the Senator's bill.

Mr. BUTLER. The Senator can interpret the plain reading of the English language. It puts the power and responsibility upon Congress, upon the two Houses, in place of the will of one man. Does the Senator think that the President of the United States is more patriotic than Congress, and that Congress can not be trusted to represent the wishes of the people?

Mr. GRAY. I think he is quite as patriotic.

Mr. BUTLER. Quite as patriotic. Then let us have Congress consulted before the debt of this country is increased for any purpose. This is a constitutional duty of Congress, and Congress never has had the power to delegate it to the Executive or to anyone else.

Mr. GRAY. Since these bond issues have commenced for the purpose of maintaining the parity of the two coins in the markets of this country, nearly two years have elapsed; Congress has been in two sessions in this city, and it has failed to withdraw that power from the Executive. If it had chosen, or if it had been willing, it could have passed a law similar to the one proposed by the Senator from North Carolina at any moment of its existence.

Mr. BUTLER. It is a pity it did not do it.

Mr. GRAY. It never has done so, and the Executive of this country was authorized to accept that nonaction as the will of Congress; that they did not intend to restrain him from acting upon the will of Congress as expressed in the act of 1875.

Mr. BUTLER. So much the greater reason for acting now.

Mr. GRAY. Very well. It is perfectly within the competence of Congress to repeal the act now. The Senator had a right to introduce his measure, and we are now debating it, and when Congress expresses its will in accordance with the bill of the Senator from North Carolina that power will cease to be exercised by the President, and all the consequences that I and many on this floor who agree with me believe will happen will fall upon the people of this country. Panic, business stagnation, wretchedness, and want will stalk like specters all over this broad land of ours. If it had not been for the agitation of the unwise, uneconomic, unphilosophical free coinage of silver we would have been to-day, in my belief, on the highway to that prosperity of which we hear now that the advance agent has started from the banks of the Ohio River. No, sir; it will not come with that or any other advance agent. It will not come until the people of this country, through their representatives, bring about——

Mr. ALLEN. Mr. President——

Mr. GRAY. One moment. It will not come about until the people of the country, through their representatives, bring about that repose, that confidence in the stability of the great measure of value in all the markets of the world which can only be brought about by a standard that is stable and fixed, and not liable to be attacked by parties either in or out of this Chamber.

Mr. ALLEN. The Senator predicts disaster if this act is repealed. I should like to ask the Senator from Delaware what

there has been in the history of this country, from its formation down to this time, that leads him to believe there would be any disparity between gold and silver if they were both admitted upon terms of equality to the mint?

Mr. GRAY. I do not intend to be led aside into all the excursions that questions of that kind might lead to, but I will say to the Senator from Nebraska that there is this in the history of the country, there is this in the monetary experience of the world, that the one essential to business prosperity, to the prosperity of a country civilized as is ours, is a monetary stability, stability in the measure of value——

Mr. ALLEN. I agree with the Senator from Delaware.

Mr. GRAY. And confidence that when a dollar is put into a business enterprise a dollar of similar standard value will be returned, and not a depreciated one.

Mr. ALLEN. I agree to that; but I call the attention of the Senator—I do not want to interrupt him unnecessarily—to the fact that there never was a disparity between gold and silver as coins in this country until that disparity was made by legislation, and even under the partial disparity made by the legislation of 1873 we accumulated from 1878 to 1890 about $236,000,000 of gold, notwithstanding we were coining silver under the Bland-Allison Act and the Sherman Act.

Mr. GRAY. We went on coining silver; and because the disparity did not come at once, or because the difficulty of maintaining the parity was not immediately apparent, does not argue that it would not have come under the Bland-Allison Act, a conservative act in comparison with anything that came afterwards. But $2,000,000 a month was coined, and there was no accumulation of silver at that time upon which to pile those dollars.

So we went on, until the act of 1890 more than doubled the coinage of silver and in addition to that provided for the increase of the legal-tender demand obligations of the United States, dollar for dollar, for every dollar's worth of silver that was bought. Because a reservoir of water into which a pipe or stream is leading does not overflow its banks in a single hour or a single week or a single month does not argue that it will not go on until it does overflow, when the disastrous flood will come.

Mr. ALLEN. It never has come.

Mr. GRAY. It came, I think, in 1893, when we were called here to repeal the Sherman Act providing for the purchase of the silver and the issuance of the Treasury notes, which then had displaced gold to such an extent that it was leaving the country and depleting the reserve that had always been held in the Treasury to maintain the paper issues of the country.

Mr. ALLEN. Will the Senator from Delaware allow me to call his attention to a fact?

Mr. GRAY. Certainly.

Mr. ALLEN. I call the attention of the Senator to the fact that from colonial days down to early in 1893 there had been no disparity between gold and silver in this country until Mr. Harrison announced to the world that he would redeem all forms of paper money in gold. Thereupon began the panic which has continued from that time ever since.

Mr. GRAY. The time is too short for me to undertake to answer——

Mr. ALLEN. It is a historical fact.

Mr. GRAY. I do not agree with the Senator's statement of what is a historical fact. I have no doubt he thoroughly believes it is a historical fact.

Mr. ALLEN. I think I can prove it.

Mr. GRAY. I certainly do not believe—for that is not a historical fact, it is a matter of opinion—that the consequences of those transactions were such as he states.

Mr. ALLEN. When did our gold begin to leave us? The Senator must confine himself to facts.

Mr. GRAY. It began to leave us shortly after the passage of the act of 1890. I have not the figures now.

Mr. ALLEN. It never started to leave us in the world——

Mr. GRAY. Oh, yes, it did.

Mr. ALLEN. Until Mr. Harrison declared it his policy to make every dollar as good as every other dollar, meaning that he would redeem all forms of money in gold.

Mr. GRAY. The argument post hoc, propter hoc can be made by anybody. I do not believe in cause and effect such as stated by the Senator from Nebraska, and I have not the time now, for it would only be consuming time unnecessarily, and be a diversion from my purpose when I rose, to answer him. My purpose was to point out that the proposition of the Senator from North Carolina [Mr. BUTLER] to repeal the resumption act leaves the Government stripped stark naked and helpless before the money sharks and gold gamblers of New York, about whom the Senator from Nebraska has so much to say.

As long as we have these anomalous conditions confronting the administration of our fiscal system, as long as we have the demand notes, not only greenbacks but Treasury notes, outstanding, all of them authorizing the holders to draw upon the pile of gold in the Treasury, it seems to me it is madness, it is folly on the part of the Senate of the United States to attempt to take away from the Executive the only power he has to meet and defend the Treasury against such attacks. Repeal, then, if you will, but take away from the President and the Administration the command of law that now exists on the statute books that he shall maintain the parity. Take off from him the burden which you have placed upon him if you are going to disable him from maintaining that burden, paralyzing his arm, defeating every purpose he has to carry out the will of Congress as enacted into law in 1890 and again in 1893.

Mr. SHERMAN. Mr. President, I do not intend to detain the Senate long this evening or to engage at any length in this debate. I merely wish to express my conclusion.

I am very sorry that this bill has been introduced, not that it will do any harm in the one sense of the word, for it is a harmless project. It will fall dead as soon as it passes the Senate. It will not be acted upon by either the House of Representatives or the President of the United States, in my judgment. The evil which will be done by the bill will be that it will excite agitation, create alarm among the most timid of all people in the world, those who are conducting the business of banking and those who engage largely in other business where they are either compelled to borrow or where they are enabled to lend money. This little bill, which seems to some of you so harmless and so plain, will create a great deal of trouble, a great deal more distress than we are aware of, and will probably lead to grave doubts as to our ability to maintain specie payments.

Now, there is another thing. The law of 1875 is just as much a contract between the United States and the holders of its bonds as a contract between two individuals by which one individual borrows money and agrees to give a mortgage to secure the repayment of the money. This was done in the act of 1875. It must be remembered that the act of 1875 was the beginning of the process of resumption. It did not accrue until four years afterwards, but the details and the mode and the manner of resumption were pointed out by the resumption act. That act is a contract made between the people of the United States and every holder of a United States note—just as much a contract as one between two individuals for the loaning or borrowing of money.

That contract contained the stipulation that the United States would after a fixed period redeem those notes in coin at the will of the holder of the note. It is a stipulation which is expressed on every note of the United States. It is an obligation of the United States expressed fully in a law defining the form of the contract and printed on the face of every note issued. It is just as much the obligation of the United States as if the law were written over and over again on paper and signed and re-signed as the most formal business paper that could be drawn up. It is the law. It is the contract, and that contract is between every individual holder of a note and the United States of America.

The United States can not violate that contract in any of its terms. If it does, it stands in the position of a person perfectly able to pay, but seeking to avoid the obligations of his contract. That is the position of the United States. By the terms of that contract it was the agreement of Congress that the Secretary of the Treasury, an officer always at his post, an officer who is charged with these financial duties and not Congress, should pay the notes when presented, and in order to enable him to do so, it authorized him to sell certain classes of bonds to pay them, and he was authorized to say which of those classes of bonds should be sold in order to provide the money. That is a contract, an obligation with terms and details, and we are bound by it. The means of paying the notes and the authority to issue bonds of a particular description to secure their payment is as much a part of the contract as if it was printed on the face of the note.

The people of the United States are bound by contract, and for more than fifteen years that contract has subsisted. It was passed in 1875. It went into operation the 1st of January, 1879. From that day to this that contract has been preserved inviolate, and this is the first time, I believe, in the history of our country when it is proposed to violate such an obligation.

Now, sir, you repeal this authority conferred upon the Secretary of the Treasury to issue bonds. Who else can issue them? Congress, it is said, may authorize their issue. The Secretary of the Treasury is a public officer who is always at his post. The character of the bonds is defined by law. Every man when that law took effect knew that a 4½ per cent bond, or a 4 per cent bond, or a 5 per cent bond, either of which might be sold, should be used, and those particular classes of securities were set aside and mortgaged to the holder of these notes. You have no right to change them. You have no right to take away the power from the Secretary of the Treasury—I mean in the broad, moral sense. It is the duty of every man to fulfill his obligations; especially is it the duty of every government to fulfill its obligations. There the

stipulations are made. You propose to repeal all authority to issue any of this character of bonds and leave it for Congress.

Suppose, sir, no such law as that had been upon the statute books when the bonds were sold here in the spring of 1895. Suppose it had occurred then, in the midst of excitement, when people were alarmed. It was believed that we were going down to the silver standard and that everything would be in chaos. Why, sir, it was with great difficulty and only at a sacrifice that even the Secretary of the Treasury and the President were able to arrest the torrent. If Congress had been in session it would have taken them six months to decide what should be done. Congress is not an executive power; it has no executive duties. It is a legislative power. It passes laws, and those laws must be obeyed literally and strictly by the executive officer, but Congress is totally incompetent to execute any law except that which relates to its own rules and regulations.

The executive and legislative powers are necessarily dissevered and entirely inconsistent with each other. Is it the idea that these notes should not be paid until Congress is in session and then that a bill should be introduced to say what kind of security shall be given, whether it would be paid in silver or gold, whether the Democratic party is in power, or the Republican party is in power, or the Populists are sufficiently strong to make the two great parties utterly unable to do anything? Is that the condition you desire?

Why, Mr. President, the more I think of this proposed measure the more it seems to me indefensible and wrong, as violating the public faith, as in every respect undesirable. Now, we must redeem our notes. We must maintain our contracts. We can not do otherwise. If the Government of Great Britain would violate one of its contracts with its people we would denounce them in unmeasured terms. We have from the foundation of our Government preserved the public credit with untarnished faith. From the time of Alexander Hamilton and Thomas Jefferson, when they first provided for the coinage laws, and from the time they provided for the funding of the public debt up to this hour, the public debts of the United States and the public contracts made by Congress have been religiously observed.

This is a gross violation of the public faith, pledged to creditors at home and abroad. I do not say that the notes will not be paid, that Congress will not be compelled by public opinion to sell bonds to pay them, but the difficulties of convening Congress, the uncertainty of their action, their effort to pay in silver, the disregard of express provision for their payment—all these and many other causes will impair the credit of our securities, and is apparent to everyone. Therefore, I say this is a repudiation of a public debt. I denounce it as a repudiation. It is as bad as if we should pass an act that we will not pay the public debt. It is just as bad to violate any one of the stipulations made in that contract as to violate the main one, that we will pay these notes in coin whenever presented. So the public mind will be disturbed by even the fact that the Senate of the United States has taken this action, the place where, of all others, the obligations of contracts ought to be preserved, that serene body of old men, as it was supposed the Senate would be when this Government was formed.

It was supposed that this Senate would be the conservative check upon a numerous and tempestuous body of Representatives, and prevent unwise and hasty legislation, and yet we here, the part of the Government of the United States which it was thought could be most safely relied upon, violate the most sacred contracts made by the people of the United States. You strike out the resumption law; you leave these outstanding notes without defense or protection; then you will have your silver certificates, which are paid in silver dollars, and there are but little more silver dollars here than enough to pay the silver certificates. You will then have forced upon the people, to the extent of the amount now coined and in the Treasury, 370,000,000 silver dollars, when we have been unable, with all the efforts that have been made by the executive department, to hold in circulation more than $60,000,000 at any time. Now about $50,000,000 are outstanding in circulation.

So with your Treasury notes issued for the purchase of silver bullion. They are being gradually paid off, as they ought to be; but do you say that no provision shall be made for the United States notes, the most sacred obligations of all, that they shall be dishonored? Do you say that they shall travel all over the world with only the promise to pay? Sir, during the war we had to issue those notes. The United States promised to pay $1, but did not say when or where, and the result was that our notes went down, down, until they were worth only 40 cents on the dollar. The pride and honor of the people of the United States, the general sentiment of the country, gradually raised those notes up to the par of gold by the promise to pay them on demand when presented at the Treasury of the United States. And when power was given to a Chief Executive officer to sell bonds, to sell the credit of the United States and to pay these notes in that way, in coin, at that time in 1875 there was no controversy between silver and gold. Silver had been dropped out by the act of 1873, and in 1875 it began to be perceived that silver was falling below the margin of gold.

In 1878 what is called the Bland-Allison Act was passed. But this contract was made at a time when both silver and gold were at par with each other, and now it is proposed to violate the faith by which we pledged to redeem those in coin. The United States exacted for their bonds gold coin, and now it is proposed to pay both bonds and notes in silver worth but 50 per cent in gold.

It is proposed to repeal this law; it is a direct, open, papable violation of the law. It is a crime to be denounced, and not a measure to be voted on. It may pass the Senate here in the hurry of the closing days of its session, but I believe every man who votes for it will feel the injury that he has done to his standing and to his character. I say now that it is as much a crime for any agent of the United States to violate a public engagement as it is for him to violate his own obligation, whatever may be its terms. I regard this simply then as a violation of public faith, a thing that ought not to pass. It will only injure the Senate of the United States. Thank God the House of Representatives still stands on the right side, and the President of the United States will aid that House in preventing any such action. [Applause in the galleries.]

Mr. TELLER. Mr. President, the Senator from Ohio [Mr. SHERMAN] dwells at some length upon a contract which he says we made with the bill holders, but the Senator does not state truthfully what that contract is. He knows, and everybody here knows, that we never made a contract to pay in gold.

Mr. SHERMAN. I said in coin.

Mr. TELLER. Certainly, but the Senator assumes that it was gold. That misrepresents this question to the American people, as it has been done by the Senator from Ohio for many days and many years. He knows very well that the letter and the spirit of that law is preserved when we pay in silver coin, and he knows, as every other man knows, that every dollar of silver coin in this country in circulation is the equal of every gold dollar. Now, upon what theory, upon what ground, that is not an insult to the intelligence of the American people, can the Senator stand here and say that we are violating the pledged faith of the Government? That is arrant nonsense, and it is untruthful. The Senator knows that we violate no moral or legal obligation when we pay according to the letter of the contract.

Mr. President, I do not intend to discuss this question now, but I can not allow statements of that kind to go unreproved and unrebuked. The whole argument of the Senator is that the people of this country can not trust the legislative department, but can trust the executive. It is the argument of the Senator from Delaware [Mr. GRAY] in extenso that the people can not leave the question of raising money to meet the obligations, whether they are the current obligations or the plighted obligations with reference to the redemption of paper, to the legislative department, but must leave it to the executive.

It has been a fundamental principle of English law for hundreds of years, which we incorporated into our Constitution, that the appropriations for current expenses and to meet Government obligations were to be provided by the legislative department. It is an abandonment of the legislative function when we turn it over to the executive. That a Democrat from the Democratic State of Delaware should present such a doctrine is most astonishing, except upon the fact that the craze to maintain the gold standard has destroyed all sorts of honest politics and all sorts of honest opinions, and is, I think, rapidly destroying the Democratic party, as it will undoubtedly destroy the Republican party before the craze ends.

Mr. President, the Congress of the United States is bound by the Constitution, it is bound by the demands that the people will make upon it to meet every obligation. If there is an obligation to meet the greenbacks with coin, the people of the United States will see to it that Congress meets it. There is no attempt to repudiate on the part of the silver men.

The Senator from Ohio talks about the sacredness of contracts. I remember when the Senator from Ohio declared that the person who would not take a 40-cent greenback in exchange for any debt that the Government owed him was a robber and a thief. Mr. President, he changed his mind very soon after that.

Mr. SHERMAN. I do not think I used those words.

Mr. TELLER. He used the words "robber" and "extortioner"; that it was extortion.

Mr. SHERMAN. Not "thief."

Mr. TELLER. He was a robber. He could hardly be a robber without being a thief.

Mr. President, I am entirely willing, so far as I am concerned, to trust the legislative department of the Government. The Senator from Ohio knows, however, that there would be no necessity

whatever for legislative interference if the letter and spirit of the act of 1875 had been carried out. He knows, as I said before, that that act meant silver coin as well as gold coin, and he knows that to-day the Government has $55,000,000 of seigniorage coin that can be made into silver dollars which every holder of a greenback will take, unless he be an exporter of coin. There is not a business man in this whole country who wants a gold dollar in exchange for a greenback except for export. The Senator is speaking in the interest of the exporter of coin, and not in the interest of the honest holder of the greenback. No one pretends that that $55,000,000 of seigniorage is pledged for any purpose; we have that in addition to the silver certificates and silver dollars in the Treasury.

We have enough to make up the amount of $178,000,000 that lies idle in our Treasury. The Senator says it is pledged for the support of the Treasury notes. The Senator knows that under the present system, as conducted by the late Administration, and conducted by this Administration, and as he will insist shall be conducted by the next, that $178,000,000 will perform no more money function and be no more valuable to the American people than if it had been dumped into the sea. Yet with a people to-day staggering under burdens such as no free people ever did stagger under, with our industries depressed and destroyed as had never been the case since our flag floated, he is willing to borrow $178,000,000 more of money, and put the cost of that borrowed money upon the American people, that he may accommodate the exporters of gold to European markets.

Mr. President, I shall not go into a discussion of this measure. I want to vote on it. I want to cast my vote in favor of saying, in the first place, that I will trust the American Congress to maintain the credit of the American Government, and in the second place, that I will trust no Executive, whatever may be his name or character or to whatever party he belongs, to perform the disgraceful acts which have been performed within two years with reference to the issue and sale of American bonds.

The Senator from Delaware talks about what will happen. He talks about the alarm. So does the Senator from Ohio. That is their stock in trade. That is the black beast that is held up to frighten the American people from having a fair and decent monetary system established in this country. Whom are you going to frighten? The bankers in New York City, he says. In 1893 they created a panic to compel the Congress of the United States to accede to their demands, and they have indicated very plainly within a few days in the public press, the great public press of New York City, that they intend to repeat that thing again.

Mr. President, let them do it; and if we should ever get a man at the head of the Treasury Department who has the nerve of a Jackson, and the honesty of his predecessors as a general thing, he will put every one of those banks in liquidation, as might have been done in 1893, to pay them for the dastardly act by which they brought upon the country the panic of that year, uncalled for and unnecessary, that is still following the American people with its dire results and the effect of which is likely to be felt for years to come.

Mr. President, I repudiate the suggestion of the Senator from Ohio that I am any less honest than he. No act of mine upon this floor or anywhere else justifies him in saying that I have less regard for the integrity of our credit than he has; nor can this be said of the men who voted with me for a decent monetary system that would bring back to this country prosperity and with it maintain the credit of the American Government.

Mr. BUTLER. Mr. President, I think that the Senate and the country would be at a loss to understand the very great excitement of the Senator from Ohio [Mr. SHERMAN] upon this question without some information that I hold in my hand, and which will, I think, explain his great concern. This is a circular [exhibiting] sent out by a syndicate of the national banks. This is the first copy that has gotten to the public. It explains why they want to keep this power to burden the country with debt in the hands of the Executive. It shows a conspiracy on the part of these bankers and bondholders to capture the national conventions of the two old parties and nominate men for President whom they can control. Here are their instructions sent out to the banks over the country calling upon them to control the two old party conventions and put up men who will stand for their infamous and thieving processes and methods.

Mr. President, I am going to have this circular read and put in the RECORD, but before doing it I want to reply to something said by the Senator from Ohio [Mr. SHERMAN]. He said that he denounced this bill of mine as an attempt at repudiation, and to tarnish the honor and credit of the country. It is astonishing how a man who has been one of the chief actors in committing so many financial crimes against our people, a man who has gone into a conspiracy to rob his own people for the benefit of foreign shylocks, can have the face to stand up here and attempt to defend his actions. He knows that this bill is right and honest. He knows that the present policy of the Treasury Department is not. Mr. President, I denounce the action of the present Secretary of the Treasury as dishonest in trying to maintain the parity by discriminating against silver coin and paying out the other exclusively. He is trying to create a disparity. I denounce it, and I denounce equally the action of those who support it, as being detrimental to the best interests of the American people. I ask that this bank circular sent out, which was handed to me by a bank official, may be read, and that it be put in the RECORD in full, heading, signature, and all. Thank God, there are a few bank officers who will not become tools and agents of the gold trust to oppress and damn their own people.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

THE AMERICAN BANKERS' ASSOCIATION,
2 WALL STREET AND 90-94 BROADWAY,
New York, March 23, 1896.

[President, Eugene H. Pullen, vice-president National Bank of the Republic, New York; first vice-president, Robert J. Lowry, Lowry Banking Company, Atlanta, Ga.; chairman executive council, Joseph C. Hendrix, president National Union Bank, New York; treasurer, William H. Porter, vice-president Chase National Bank, New York; secretary, James R. Branch, 2 Wall street, New York.]

To the Bankers of the United States:

At a meeting of the executive council of the American Bankers' Association, held in this city on March 11, 1896, the following declaration was made by unanimous vote:

THE EXISTING STANDARD OF VALUE.

"THE EXECUTIVE COUNCIL OF THE AMERICAN BANKERS' ASSOCIATION DECLARE UNEQUIVOCALLY IN FAVOR OF THE MAINTENANCE OF THE EXISTING GOLD STANDARD OF VALUE AND RECOMMEND TO ALL BANKERS AND TO THE CUSTOMERS OF ALL BANKS THE EXERCISE OF ALL OF THEIR INFLUENCE AS CITIZENS IN THEIR VARIOUS STATES TO SELECT DELEGATES TO THE POLITICAL CONVENTIONS OF BOTH THE GREAT PARTIES WHO WILL DECLARE UNEQUIVOCALLY IN FAVOR OF THE MAINTENANCE OF THE EXISTING GOLD STANDARD OF VALUE."

Your influence is earnestly requested to give practical effect to this action.

THE NEXT CONVENTION.

The next annual convention of the association is to be held in St. Louis, Mo., on September 22, 23, and 24, 1896, and it is intended to make the convention of unusual interest to bankers, and to devote the programme chiefly to the discussion of banking questions by members. To this end short, compact questions involving banking practice or problems are solicited from all parts of the country.

ARE YOU A MEMBER?

The association seeks to unite all banks and bankers in one efficient national organization, and it solicits all national and State banks, savings banks, and banking firms to become members. For the current year ending September 1, 1896, the dues are $10 for banks with a capital of $100,000 and more, and $5 for banks having less than $100,000 capital and for private bankers. The advertisement in the association's proceedings, sent to all banks and bankers, is alone worth the cost of membership. If you desire to join, kindly sign and return inclosed blank.

WAR UPON BANK CRIMINALS.

Special attention is called to the protective feature of the association, which is developing into great practical benefit. Through it the association becomes the aggressive agent of its members against professional bank criminals.

Every bank in the United States should cooperate in this important work. This association recently captured the forgers who swindled a bank in San Francisco out of $20,000 in gold. It has ample evidence to show that criminals know who are members of the association, and are selecting nonmembers for attack. Ten burglaries, yielding over $50,000, were recently committed against nonmembers, and in one instance a burglary was abandoned because of the discovery that the bank involved was a member of the association.

EUGENE H. PULLEN, *President.*
JAMES R. BRANCH, *Secretary.*
JOSEPH C. HENDRIX,
Chairman Executive Council.

Mr. GRAY. May I ask the Senator from North Carolina a question about that circular?

Mr. BUTLER. You may.

Mr. GRAY. Where did the Senator discover that secret and criminal missive?

Mr. BUTLER. It speaks for itself.

Mr. GRAY. I say where did the Senator discover it?

Mr. BUTLER. Where did I discover it?

Mr. GRAY. Yes, sir.

Mr. BUTLER. I do not think it is my duty to tell the Senator who furnished it to me; but I challenge him or any other man who stands for the bankers on this floor to say that that is not a true copy of the resolution passed, a copy of which was sent to every banker in America.

Mr. GRAY. I hope it is a true copy, but I do not understand, and I want to understand, about this conspiracy, among other things, to punish forgers, bank thieves, and other criminals against the public.

Mr. BUTLER. I simply had it read in full to show that it was genuine and referred to bank matters as well as to other matters; but if the Senator from Delaware will look at it, he will see that the resolution directing the bankers of the country to use their efforts to capture the two old parties is put in black type and in big letters at the head of the circular, and everything else is in small type as to the matter of details.

Mr. GRAY. Is this meeting to be held at night and in secret?

Do they propose to meet in darkness, or is it to be a meeting in open daylight, as American citizens are entitled to meet?

Mr. BUTLER. I do not know whether in the night or in the day; but these actions are so damnable that they ought to meet in midnight darkness; and I can not see how any honest man in the day or in the night can indorse it.

Mr. GRAY. I am not indorsing it yet until I can find out what are the special matters the Senator from North Carolina finds fault with. If it is not a dark-lantern and secret organization, not one that indicates a conspiracy against somebody, but is to meet in open daylight, in the presence of their fellow-citizens, exercising the right of American citizens, as manufacturers, for instance, get together and devise means of electing Mr. McKinley or somebody who represents the protective idea, I am at a loss to know what it is the Senator condemns in these American citizens exercising the right of association and combination. And I wish to know whether we live under a tyranny that is to be created by the Senator from North Carolina, and a junta of such as he who are to sit in judgment upon what American citizens may or may not do?

Mr. BUTLER. It is under the tyranny of a majority of the American voters.

Mr. GRAY. You have not got that majority yet.

Mr. BUTLER. And under the tyranny of common justice, which is a terror to all evil doers.

Mr. President, I want to say in this connection that the more I study the question of the demonetization of silver and every act which has been passed on finance by this Government from 1869 to 1870 and 1875 and since, the more I believe that every one of those acts was inspired by the bondholders. I believe that free silver was struck down to increase the value of their bonds, to increase the purchasing power of the money in which the bonds will be paid. I believe that silver was struck down in the interest of the bondholder. There have been many other effects to follow it, but it was done with one purpose, and it was backed by one set of men and one focalized influence, and that was the holders of wealth, who conspired to rob the American people to make themselves richer.

Mr. President, I call that a conspiracy, because it is a united effort of the gold power of this country to control both the old party conventions and to nominate a man who will do their bidding. If the Republican party should elect their candidate for President (Mr. McKinley, or whoever he may be), and he should call to be Secretary of the Treasury the Senator from Ohio [Mr. SHERMAN], as he probably would, then I suppose that the next Secretary of the Treasury would pursue the same policy which the present Secretary pursues in defiance of law and the spirit of law, and pay coin obligations in gold alone, when he knows and the present Secretary of the Treasury knows, that that appreciates gold and depreciates the other coin, silver. It not only appreciates gold, but it puts down the price of products, puts down the price of American labor, and makes the standard which measures values grow shorter, causes money to get scarcer, debts to get bigger, while the people suffer and the bondholder grows fat and rich.

Can it be possible that we are to have the next Secretary of the Treasury carrying out that criminal and infamous policy as the present one is? I fear from the speeches that we have heard from him to-day, and the great concern that he shows that this power shall be left in the hands of the President, that if the Republican party should elect the next President we shall have Mr. SHERMAN for Secretary of the Treasury and that the Carlisle policy will continue.

This endless-chain robbery was first started by the Republican party under Secretary Sherman; it has been indorsed and continued by the Democrats under Mr. Carlisle, and now we are threatened (with the help of the banks) with a return of Mr. SHERMAN to the Treasury Department to continue and consummate this evil and direful wrong.

The gold power may not be able to capture both Houses of the next Congress, but they are determined to own the President, and therefore the Senators from New York and Ohio are anxious to keep this power to issue bonds in the hands of the President.

Mr. ALLEN. Mr. President. I think it is entirely proper before this imporant bill shall pass——

Mr. HILL. I call the attention of the Senator from Nebraska, with his permission, of course——

Mr. ALLEN. Certainly.

Mr. HILL. To the assurance made by the distinguished Senator from North Carolina [Mr. BUTLER] that the friends of the measure were not intending to participate in the debate.

Mr. ALLEN. I do not think we will participate to any very great extent, and yet I do not think I shall be prevented from saying what I desire to say by the remark of the Senator from New York.

Mr. HILL. I have no objection to the Senator's doing so; on the contrary, I welcome the Senator into the debate. I merely called his attention to the fact.

Mr. ALLEN. Mr. President, I think this is a good time to begin to tell the truth respecting this important bill, and I want to review very briefly some of the arguments that have been made by the Senator from Ohio [Mr. SHERMAN] and the Senator from Delaware [Mr. GRAY].

The Senator from Ohio became quite indignant and characterized this bill as a measure of repudiation and those who advocate it as repudiators, because it was intended to take from the Chief Executive the power to issue the bonds of the Government ad libitum. The Senator from Ohio said, with his peculiar kind of logic, that seems to be made to fit every occasion, that it was a part of the contract when the resumption act of 1875 was passed that the notes that had been issued by this Government, the greenbacks, should be redeemed in coin. I agree entirely with the Senator from Ohio that that statement is true. When the Congress passed the act of 1875, the resumption act, it did pledge the faith of the Government and the revenues to the redemption of all forms of paper money that had been issued; and while it can not be said in a strict legal sense to be a part of the contract, because the notes had been issued before the resumption act became a law, yet the Government by the passage of that act became morally bound to redeem the outstanding notes in coin.

The Senator from Ohio also characterized any person who disputes his statement as a repudiationist. He visits all such persons with the full weight and power of his wrath, and yet I say the Senator from Ohio has himself given more aid and comfort to repudiation and has been a greater repudiationist than any Senator in this Chamber for a quarter of a century. He has encouraged the policy which converted the coin-resumption act of 1875 into a gold-resumption act and has helped wrest it from its original purpose and meaning. His aid was given to this work as Secretary of the Treasury a few years ago; his voice and his vote have been given to it in this Chamber; and I have been told that the Senator has been the chief adviser of the present Administration respecting the financial policy it has pursued. At any rate, he has been a visitor at the White House and was a visitor there in 1893 more times as an adviser than the distinguished chairman of the Finance Committee of the Senate.

Mr. President, if it is important to observe the provisions of the resumption act of 1875 and redeem our outstanding notes in coin, was not the Senator from Ohio a repudiationist when he advised the President to refuse to redeem them in both gold and silver coin? Of course, redemption in gold and silver coin does not answer the purpose of the power which moves the Senator from Ohio and the Senator from New York.

Then the Senator from Delaware [Mr. GRAY] sings the old song that has been sung here for three years to my knowledge, with that peculiar air of superiority of knowledge that characterizes the gold advocates, that the two coins are kept at a parity now by the construction given the law by the Secretary of the Treasury. The Senator from Delaware tells us that the parity is maintained between gold and silver now by the construction placed on the Sherman Act of 1890 and the previous coinage acts. There is not a school child 10 years of age who does not know that the parity has been stricken down and does not exist to-day. There is no parity. Why stand in the presence of the American people, then, and say to them that a parity exists between gold and silver when one has been made the chief and the other subsidiary metal? Silver was stricken down by the criminal action of Congress in 1873, the chief mover in which event was the senior Senator from Ohio. There never has been a parity between the two metals from that time to this, and yet the Senator from Delaware tells us that if we resume the redemption of our notes in silver we shall go to a condition of silver monometallism and destroy the parity between gold and silver.

Mr. President, that statement is a mere dream of the Senator, and it is a bad dream at that. There is not the slightest thing in our history to prove or to support the assertion. We coined silver in our colonial days, and that silver stood at a parity with gold until the crime of 1873. There had never been a disparity between the two coins until that time. In 1873, when the crime—for that is what it was, a crime against civilization and the happiness and prosperity of our country—was committed by the demonetization of silver, silver was at a premium over gold almost 4 per cent. Of course it was a nice thing to do to demonetize silver. It was an honest thing to do to strike down one-half of the money of the country and increase the indebtedness of the people one-half and correspondingly depreciate the prices of labor and products. Having obtained advantage by this criminal act, it is proposed to hold it, to the detriment of the country.

Then the honorable Senator from Delaware fails to note that after the partial remonetization of silver in 1878 by the Bland-Allison Act, instead of gold coin taking to its heels and fleeing the country, as he assumes it would now under free coinage, we actually accumulated $236,000,000 in gold more than we had from 1878 until 1893, at the time of the unconditional repeal of

the purchase clause of the Sherman Act. The history of the country is against the assumption and the assertion of the Senator from Delaware.

Have we any right to suppose that under a system of free coinage, if inaugurated now, the condition of the country would be different from what it was in the past? A distinguished colonial statesman, I think it was Patrick Henry, said that the only way to judge the future is by the past; and judging the future by the past under a system of absolute and unrestricted free coinage as well as under partial coinage, gold coin, instead of disappearing, has been increasing. No, sir; gold monometallists are not afraid that gold will be driven away by free coinage. Shylock has the contract that calls for the pound of flesh, and he proposes to enforce it in dollars that have swollen from 100 to 200 cents under gold appreciation, and to take from the debtor $2 of his produce and in the products of his labor and his field where $1 was in the first instance contracted.

Then the Senator from Delaware grows indignant again as respects maintaining the parity. Mr. President, how can the parity be maintained between gold and silver when one is demonetized and the other is coined without restriction? When the two metals are placed on an equality before the mints, when you give them equal monetary functions, when you permit silver to do that which gold is permitted to do alone, you will put the two metals on a parity, and until you do that a disparity between the coins will exist and be maintained as a result of legislation.

Mr. President, for the purpose of deceiving—for it could have been for no other purpose, I think—in 1893, when we repealed the purchase clause of the Sherman Act, there was inserted in the repeal bill a part of the Democratic platform. I presume that is the only way in which it will ever be transmitted to posterity as a part of the permanent history of this country. Here is the plank:

SEC. 7. We denounce the Republican legislation known as the Sherman Act of 1890 as a cowardly makeshift, fraught with possibilities of danger in the future which should make all of its supporters, as well as its author, anxious for its speedy repeal. We hold to the use of both gold and silver as the standard money of the country—

If any Senator will refer to the repealing act of 1893 he will find this language—

and to the coinage of both gold and silver without discriminating against either metal or charge for mintage, but the dollar unit of coinage of both metals must be of equal intrinsic and exchangeable value, or be adjusted through international agreement or by such safeguards of legislation as shall insure the maintenance of the parity of the two metals and the equal power of every dollar at all times in the markets and in the payment of debts; and we demand that all paper currency shall be kept at par with and redeemable in such coin. We insist upon this policy as especially necessary for the protection of the farmers and laboring classes, the first and most defenseless victims of unstable money and a fluctuating currency.

It was thought necessary to put a part of that plank of the Democratic platform of 1892 in the act of 1893. But was there any attempt after we passed the repeal bill of 1893 to supplement it by free coinage? We were told at the time by the Democratic party that immediately on the passage of the repealing act of 1893 a bill would be introduced here and into the other branch of Congress for the free and unlimited coinage of silver. That bill has not been introduced. The honorable chairman of the Finance Committee at that time, who is unfortunately absent from the Chamber as a result of ill health, told us in repeated speeches that the Democratic party was pledged to the free and unlimited coinage of silver, and that as soon as the repeal bill of 1893 should become a law a measure looking to free coinage would be introduced and would be passed speedily through both Houses of Congress, and would receive the approval of the President. That is the last we have heard of it.

Mr. BUTLER. It has been suggested to me that we can not get a vote to-night, as several Senators desire to speak. Therefore I should like now, while the Senate is fairly full, to ask unanimous consent to vote on this question on Monday next at 4 o'clock. That seems to be to those with whom I have conferred a satisfactory hour, and I hope it will be satisfactory to the Senate.

Mr. HILL. What hour does the Senator say?

Mr. BUTLER. At 4 o'clock on Monday afternoon.

Mr. HILL. I have no doubt there will be ample time between now and then to make all the speeches desired.

Mr. ALLISON. I will suggest to the Senator to make the hour 5 o'clock.

Mr. HILL. I do not think there is any objection to that.

Mr. ALLISON. It may be necessary to act upon some conference reports, and if the time is fixed at 5 o'clock that may be done.

The VICE-PRESIDENT. The Chair will submit to the Senate the request of the Senator from North Carolina.

Mr. BUTLER. At the suggestion of the Senator from Iowa [Mr. ALLISON] I will change the hour to 5 o'clock, and ask that the vote be taken on this question at 5 o'clock on next Monday.

Mr. CHANDLER. I do not object, with the understanding that the right is reserved to all Senators to move amendments at that time, before the vote is taken.

Mr. PLATT. That is right.

Mr. HAWLEY. Without debate.

Mr. CHANDLER. Without debate.

Mr. PLATT. That is right.

The VICE-PRESIDENT. The Senator from North Carolina asks unanimous consent that the vote upon the pending bill be taken at 5 o'clock on Monday next. Is there objection?

Mr. CHANDLER. Reserving the right to all Senators to move amendments at that time.

Mr. ALLEN. The amendments to be considered under the five-minute rule?

Mr. CHANDLER and Mr. PLATT. Without debate.

Mr. PUGH. We do not want debate.

Mr. ALLISON. If there is to be no debate on the amendments, I will withdraw my suggestion as to 5 o'clock, and will say 4 o'clock.

Mr. HARRIS. In order that we may have no misunderstanding about the consent agreement, do I understand the suggestion of the Senator from New Hampshire to be that after 5 o'clock every Senator shall have the right to offer amendments which shall be voted upon without debate?

Mr. CHANDLER. The Senator from Tennessee precisely comprehended my meaning.

Mr. PLATT. Perhaps the hour had better be made 4 o'clock, if that is to be part of the agreement.

Mr. LINDSAY. Let the agreement stand at 5 o'clock.

Mr. BUTLER. I now desire, on the suggestion of several Senators, to change the request that the debate on this question shall cease at 4 o'clock on Monday, and that at 5 o'clock the final vote shall be taken—not later than 5 o'clock—that the time between 4 and 5 be devoted to the purpose named by the Senator from New Hampshire [Mr. CHANDLER] to offer amendments to be voted upon without debate.

Mr. HILL. Do I understand that amendments can be presented at 5 o'clock?

Mr. BUTLER. No; at 4 o'clock—the final vote to be taken not later than 5 o'clock.

Mr. CHANDLER. The objection to that is that we might not get through. What I meant to suggest to the Senator was that at 4 o'clock debate should cease and we should then proceed to vote upon all amendments without debate, and when the amendments have been completed that the final vote be taken.

Mr. BUTLER. The final vote, however, upon the amendments and the bill to be taken not later than 5 o'clock.

Mr. CHANDLER. We may not get through by that time.

Mr. TELLER. It seems to me the Senator wants to reserve more time than is necessary. If we are to do nothing but offer amendments we ought to vote by 5 o'clock. We ought to get through with the amendments by that time if we do not debate them.

Mr. CHANDLER. I do not want to have two different hours agreed upon. At 4 o'clock we cease debate; amendments are then in order; all amendments offered are to be voted upon, and then the bill is to be voted upon before we adjourn.

Mr. TELLER. Amendments are in order from this time on. Senators can commence offering amendments now if they choose.

Mr. ALLEN. I suggest to the Senator from New Hampshire, if he will permit me, that to start at 5 o'clock——

Mr. PLATT and Mr. STEWART. Four o'clock.

Mr. ALLEN. Will result in a half hour or an hour when the Senate will not have a quorum present, and there will be inability to obtain a vote.

Mr. CHANDLER. Therefore I understand 4 o'clock is to be the hour according to the present request of the Senator from North Carolina.

Mr. ALLEN. Four o'clock is the hour when the amendments are to be put in.

Mr. BUTLER. Senators are to begin to put in amendments at 4 o'clock, and they are to be voted upon without debate. Now, it is clear that unless there is a string of 100 amendments or more, amendments without limit, they certainly can be disposed of without debate in an hour.

Mr. ALLEN. Do I understand the proposed unanimous-consent agreement to mean that a vote shall absolutely be taken at 5 o'clock?

Mr. CHANDLER. I do not anticipate any delay, and I do not understand the anxiety of the Senator from North Carolina to have the voting on amendments to end in an hour. I might want to offer an amendment, and the Senator from North Carolina might, at 4 o'clock, offer the McKinley Act itself as an amendment, which would take more than an hour to read it.

Mr. BUTLER. Hardly.

Mr. CHANDLER. The Senator is likely to do so.

Mr. CLARK. I should like to know if, as a matter of fact, the Senator contemplates doing it.

Mr. CHANDLER. I submit the separate proposition, that at 4 o'clock debate shall end and we shall go on and finish the bill, reserving the right to every Senator to offer amendments.

Mr. HAWLEY. And positively to stop at 5 o'clock, when a vote shall be taken on the main question.

Mr. HILL. Five o'clock.

Mr. CHANDLER. I do not agree to that.

Mr. HAWLEY. That is what I was afraid of.

Mr. CHANDLER. Suppose Senators do not cease offering amendments by 5 o'clock?

Mr. HAWLEY. What is the use of an agreement at all if you are going to make that kind of an agreement?

Mr. CHANDLER. That we shall finish the bill before we adjourn.

Mr. DUBOIS. I shall have to object. I think to-morrow some time we can better arrive at an agreement, after the debate has gone on a little further.

The VICE-PRESIDENT. Objection is interposed.

Mr. HILL. I ask the Senator from Nebraska [Mr. ALLEN] if he will yield for a motion to adjourn?

Mr. ALLEN. If I can go on in the morning, the bill retaining its place——

Mr. HILL. It is the unfinished business.

The VICE-PRESIDENT. It is the unfinished business, and the Senator from Nebraska has the floor.

Mr. ALLEN. My speech is not yet through. I wish to conclude it in the morning, when the bill is laid before the Senate, and now, as there is routine business to be transacted, I yield the floor for to-day.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8109) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAINER of Nebraska, Mr. GROUT, and Mr. BOUTELLE managers at the conference on the part of the House.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. FRYE. I ask the Senator from New York to withhold the motion to adjourn which he proposed to make.

Mr. HILL. Very well; I shall not press the motion.

Mr. FRYE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7977) "making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 342 and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following:

"For a deep-water harbor for commerce and of refuge at Port Los Angeles, in Santa Monica Bay, California, or at San Pedro, in said State, the location of said harbor to be determined by an officer of the Navy, to be detailed by the Secretary of the Navy, an officer of the Coast and Geodetic Survey, to be detailed by the Superintendent of said Survey, and three experienced civil engineers, skilled in riparian work, to be appointed by the President, who shall constitute a board, and who shall personally examine said harbors, the decision of a majority of which shall be final as to the location of said harbor. It shall be the duty of said board to make plans, specifications, and estimates for said improvement. Whenever said board shall have settled the location and made report to the Secretary of War of the same, with said plans, specifications, and estimates, then the Secretary of War may make contracts for the completion of the improvement of the harbor so selected by said board, according to the project reported by them, at a cost not exceeding in the aggregate $2,900,000, and $50,000 is hereby appropriated, so much thereof as may be necessary to be used for the expenses of the board and payment of the civil engineers for their services, the amount to be determined by the Secretary of War: *Provided, however*, That if the board hereby constituted, as in this section provided, shall determine in favor of the construction of a breakwater at Port Los Angeles, no expenditure of any part of the money hereby appropriated shall be made, nor shall any contract for the construction of such breakwater be entered into until the Southern Pacific Company, or the owner or owners thereof, shall execute an agreement and file the same with the Secretary of War that any railroad company, or any corporation engaged in the business of transportation, may share in the use of the pier now constructed at Port Los Angeles and the approaches and tracks leading thereto, situate westerly of the easterly entrance to the Santa Monica tunnel, upon such just and equitable terms as may be agreed upon between the parties, and if they fail to agree, then to be determined by the Secretary of War; and before any expenditure of the money hereby appropriated is made for the construction of a breakwater at Port Los Angeles said Southern Pacific Company, or the owner of the tracks and approaches leading to said pier, shall execute an agreement and file the same with the Secretary of War, that any railroad or transportation company or corporation desiring to construct a wharf or pier in Santa Monica Bay may, for the purpose of approaching such wharf or pier, and for the purpose of constructing and operating the same, cross the track or tracks, approaches, and right of way now used by the Southern Pacific Company under such regulations as may be prescribed by the Secretary of War and upon the payment of such compensation as that officer may find to be reasonable: *Provided further*, That in event said harbor is located at Port Los Angeles no greater royalty on the rock used for the construction of the breakwater than 12½ cents a cubic yard shall be charged, and the Southern Pacific Company shall charge no more than one-half a cent a ton-mile for freight on rock transported over its road."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: At the end of the language proposed insert the following: "but no such contract shall be entered into until the board provided for in this act to determine the location of a deep-water harbor for commerce and of refuge, as between Port Los Angeles, in Santa Monica Bay, and San Pedro, in the State of California, has made its report to the Secretary of War, and not at all if said report shall be in favor of San Pedro as the location of said harbor"; and the Senate agree to the same.

WILLIAM P. FRYE,
M. S. QUAY,
G. G. VEST,
Managers on the part of the Senate.

W. B. HOOKER,
BINGER HERMANN,
T. C. CATCHINGS,
Managers on the part of the House.

The report was concurred in.

FORTIFICATIONS APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8109) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PERKINS. I move that the Senate insist upon its amendments disagreed to by the House of Representatives and agree to the conference asked by the other House.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. PERKINS, Mr. ALLISON, and Mr. GORMAN were appointed.

CYRUS THOMAS.

Mr. CULLOM. I ask the Senate to take up the bill (H. R. 4910) granting a pension to Cyrus Thomas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Cyrus Thomas, late second lieutenant Battery B, First Vermont Heavy Artillery, and sergeant Company B, Eleventh Vermont Infantry, a pension of $50 per month, in lieu of the pension which he now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARKET PRIVILEGES FOR FARMERS.

Mr. GALLINGER. I ask unanimous consent for the consideration of the joint resolution (S. R. 148) for the relief of farmers and truck men in the city of Washington, D. C.

Mr. BUTLER. The requests for unanimous consent are granted with the understanding that they do not displace the present bill and can not do so, of course.

Mr. GALLINGER. Of course.

The VICE-PRESIDENT. Certainly not.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATEN ISLAND RAPID TRANSIT COMPANY.

Mr. HILL. I ask unanimous consent to call up a local measure, the bill (S. 2628) to amend the act approved February 9, 1881, to grant the right of way for railroad purposes through certain lands of the United States in Richmond County, N. Y.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN LITTLE AND HOBART WILLIAMS.

Mr. THURSTON. I ask for the present consideration of the bill (S. 795) for the relief of John Little and Hobart Williams, of Omaha, Nebr.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to John Little and Hobart Williams $1,423.75, being the amount due them as reported by the Court of Claims.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. NELSON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 23, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 22, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

Mr. FOWLER. Mr. Speaker, in the vote on the pension of Mr. Hoover I voted "yea" yesterday, under the apprehension——

Mr. KEM. Mr. Speaker, I call for the regular order.

Mr. FOWLER. Mr. Speaker——

The SPEAKER. The gentleman from New Jersey desires to make a personal statement.

Mr. FOWLER. Mr. Speaker, I entered into an arrangement with the gentleman from Georgia [Mr. BARTLETT] for a pair, and received a letter from him stating certain cases that we agreed upon and others upon which he desired to vote, which were particularly the election cases, and from that I understood our pair was limited. But upon reading the letter I am under the impression that I should not have voted on the Hoover matter. I therefore desire to make this explanation.

The SPEAKER. The gentleman from Nebraska demands the regular order, which is private business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

A bill (H. R. 5731) to regulate the practice of medicine and surgery and to punish persons violating the provisions thereof in the District of Columbia; and

A bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 673) granting a pension to Joseph R. West, brigadier and brevet major general, United States Army Volunteers.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. TELLER, Mr. ALLISON, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, had further insisted upon its amendments numbered 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 28, 32, 61, 91, 92, 93, 94, 96, 97, 109, 111, 112, 115, 120, 122, 123, 124, 126, 127, 128, 129, 138, 139, 140, 141, 142, 143, 145, 146, 147, 161, and 190, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, had still further insisted upon its amendments numbered 130, 132, and 342, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FRYE, Mr. QUAY, and Mr. VEST as the conferees on the part of the Senate.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, had still further insisted upon its amendments numbered 37, 64, 66, 69, and 70, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the bill (H. R. 2042) to increase the pension of Wilbur F. Goswell.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That there be printed 15,000 additional copies of the Messages and Papers of the Presidents, Richardson's compilation, of which there shall be 5,000 copies for the Senate and 10,000 copies for the House of Representatives, to be distributed and disposed of, including the fraction in each case, as provided in the House joint resolution No. 170, approved on the 30th day of April, 1896.

The message also announced that the Senate had passed the bill (S. 3170) to authorize the Butler and Pittsburg Railroad Company to construct and maintain a bridge across the Allegheny River; in which the concurrence of the House was requested.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 3011) for the relief of Nicolai Bros.—to the Committee on the District of Columbia.

A bill (S. 3008) authorizing the employment of day labor in the construction of certain municipal buildings and works in the District of Columbia—to the Committee on the District of Columbia.

A bill (S. 3001) granting a pension to Alfred Bigelow, of Norfolk, in the State of Nebraska—to the Committee on Invalid Pensions.

A bill (S. 2945) to authorize the construction of a bridge across the Alabama River by the Mobile and Ohio Railroad Company—to the Committee on Interstate and Foreign Commerce.

A bill (S. 2944) to authorize the construction of a bridge across the Cahaba River, in Bibb County, Ala., by the Mobile and Ohio Railroad Company—to the Committee on Interstate and Foreign Commerce.

A bill (S. 2943) to authorize the construction of a bridge across the Warrior River by the Mobile and Ohio Railroad Company—to the Committee on Interstate and Foreign Commerce.

A bill (S. 2499) to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway Company"—to the Committee on the District of Columbia.

A bill (S. 2473) to amend an act entitled "An act to provide for holding terms of court in the district of Montana," approved July 20, 1892—to the Committee on the Judiciary.

A bill (S. 2394) to provide for the construction of a public building at Salem, Oreg.—to the Committee on Public Buildings and Grounds.

A bill (S. 2306) to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights—to the Committee on Patents.

A bill (S. 2284) for the relief of actual settlers on unsurveyed public lands—to the Committee on the Public Lands.

A bill (S. 3170) to authorize the Butler and Pittsburg Railroad Company to construct and maintain a bridge across the Allegheny River—to the Committee on Interstate and Foreign Commerce.

JOSEPH R. WEST.

Mr. PICKLER. Mr. Speaker, I desire to submit a conference report.

The report of the committee of conference was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 673) granting a pension to Joseph R. West, brigadier and brevet major-general, United States Army Volunteers, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted insert "seventy-five"; and the House agree to the same.

J. A. PICKLER,
HENRY F. THOMAS,
C. J. ERDMAN,
Managers on the part of the House.

J. H. GALLINGER,
W. N. ROACH,
GEO. L. SHOUP,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. PICKLER, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

EXAMINATION AND CLASSIFICATION OF CERTAIN LANDS IN THE STATE OF CALIFORNIA.

Mr. ELLIS. Mr. Speaker, I desire to submit a privileged report from the Committee on Public Lands on the bill (H. R. 5819) to provide for the examination and classification of certain lands in the State of California, and I desire to call it up.

The SPEAKER. The report does not have to be made in open House. It is not in order to make it in the House.

Mr. ELLIS. The Senate has submitted certain amendments to

the House bill, which previously passed the House, and they asked for a conference. The bill was referred to the Committee on Public Lands, and the committee report it back with the recommendation that the House agree to the Senate amendments.

The SPEAKER. But the Senate amendments require consideration in Committee of the Whole, do they not?

Mr. ELLIS. I am not sure about that. I think perhaps they do.

The SPEAKER. The Chair has examined them, and finds they do. In that case the bill goes to the Committee of the Whole.

Mr. LOUD. Mr. Speaker, I would like to submit a parliamentary inquiry as to this case.

The SPEAKER. The gentleman will state it.

Mr. LOUD. Here is a House bill.

The SPEAKER. It is a public bill, and therefore not in order to-day against unfinished private business.

Mr. LOUD. It is a privileged matter.

The SPEAKER. It is not a privileged matter except on the days of public business.

Mr. ELLIS. Then I withdraw it for the present, and will call it up at some subsequent time.

The SPEAKER. The Chair thinks the matter should go to the Committee of the Whole, under the rules of the House.

Mr. LOUD. If the Chair will allow me one moment. If this report be made and it then go to Committee of the Whole it then will lose its privileged character.

The SPEAKER. It can not lose any privileged character by going where the rules require it to go.

Mr. LOUD. It seems to me strange how this, being privileged, got to the committee.

The SPEAKER. The Chair will state precisely how it went to the committee. Being a House bill with Senate amendments, with a request for a conference, it went to the committee. That committee had the right to report, because the Senate requested a conference. Being reported, it goes to Committee of the Whole because that is the rule of the House.

Mr. LOUD. Well, but, Mr. Speaker, I see matters of a similar character every day presented to the House and the House privileged to take some action on the matter.

The SPEAKER. Will the gentleman state any case?

Mr. LOUD. Why, appropriation bills and pension bills with Senate amendments on them.

The SPEAKER. Appropriation bills can not be considered under those circumstances except by unanimous consent. Pension bills for increases of pensions, with Senate amendments, or Senate amendments representing increases by the Senate are not within the rule of measures like this, where a new item is presented involving a new appropriation, which Rule XX of the House sends to the Committee of the Whole. The matter is very clear. That bill was submitted to the Chair, and the Chair was not aware that there was a new appropriation in it on a cursory examination; but on a careful examination it is quite evident there are expenditures not in the original bill, and relating to a new or cognate subject—that is, including another State.

Mr. LOUD. It is the same subject-matter, though relating to another State.

The SPEAKER. Relating to another State and making other expenditures.

NORTHERN PACIFIC INDEMNITY LAND SETTLERS.

Mr. LACEY. Mr. Speaker, I desire to present a conference report. It is the one which we had up the other day. It was then read and laid over until yesterday morning, but I let it go over until this morning so as to give gentlemen an opportunity to examine it. The report was read and also the statement, but an objection was made by the gentleman from Arkansas [Mr. MCRAE] to one feature of the substitute bill presented by the conference committee. I would like to dispose of the bill now, and if the gentleman from Arkansas desires, I will yield him time to explain his objection, retaining the floor. If, however, the other business of the House is in such a situation that this will interfere, I do not care to press it at this time.

The SPEAKER. There is other business pressing.

Mr. LACEY. Then I will withdraw the report for the present.

RIVER AND HARBOR BILL.

Mr. HOOKER. Mr. Speaker, I desire to present a conference report on the river and harbor bill.

The conference report was read.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows;

That the Senate recede from its amendments numbered 20, 36, 38, 48, 49, 67, 69, 73, 74, 75, 83, 104, 142, 157, 158, 160, 172, 207, 208, 223, 250, 251, 333.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 39, 40, 41, 42, 43, 44, 46, 47, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 68, 70, 72, 78, 79, 81, 82, 84, 85, 88, 89, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 127, 129, 131, 133, 134, 135, 137, 138, 139, 140, 141, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 159, 161, 162, 163, 164, 165, 166, 168, 169, 170, 171, 173 (but to be inserted at the end of the item for the Potomac River, instead of that for the Appomattox River, as erroneously printed), 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 200, 201, 202, 203, 205, 206, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 246, 247, 252, 253, 254, 255, 256, 257, 258, 261, 262, 263, 264, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 325, 326, 327, 328, 329, 330, 331, 332, 334, 335, 336, 337, 338, 339, 340, 341, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 377, 378, 379, 380, 381, 382, 384, 385, 387, 388, 389, 390, 391, 392, and agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the language proposed to be inserted insert the following: "*And provided further*, That in making such contracts the Secretary of War shall not obligate the Government to pay in any one fiscal year, beginning July 1, 1897, more than 25 per cent of the whole amount authorized to be expended"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the language stricken out insert the two following paragraphs:

"For the purpose of strengthening and improving the bulkheads and pier along the property belonging to the estate of J. P. Robinson, which abuts on the channel known as Gowanus Creek Channel, the said estate of J. P. Robinson, its heirs, their successors, or assigns, are hereby authorized to construct and maintain the bulkhead distant 30 feet southerly from the present bulkhead line, beginning 470 feet from the southerly side of Bryant street and the easterly side of Court street, and said bulkhead shall then continue westerly parallel with the present bulkhead to a point distant 45 feet from the present easterly line of the pier at present owned by the estate of J. P. Robinson, and extending thence southerly in a straight line distant 45 feet from said pier line to the present bulkhead line continued, a distance of about 393 feet.

"Improving Gowanus Creek Channel, New York, by deepening the same to 26 feet at mean low water, from the foot of Percival street to its junction with the Red Hook Channel, $25,000."

And the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the language stricken out insert the following paragraph:

"Improving harbor at Mamaroneck, N. Y.: Continuing improvement, in accordance with report of Chief of Engineers, 1887, $10,000."

And the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000,000"; and strike out the words "recommended in said"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: Strike out the word "report," proposed to be inserted; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the language proposed to be inserted insert the following:

"And that when said C. P. Goodyear, his heirs and assigns, have procured a 200-foot channel of a minimum depth of 23 feet at mean high tide, $30,000 shall be paid therefor; and when he has secured a channel 200 feet wide, 24 feet deep at mean high tide, an additional $40,000 shall be paid therefor; and that all of said deepening of said bar shall be completed within three years from the date of the passage of this act: *Provided*, That no payment shall be made to said Goodyear or his legal representatives except upon a certificate of the Secretary of War, made after personal survey by an experienced officer of the Coast and Geodetic Survey, selected by him for that purpose, that such depths and widths have severally been obtained by him or them; and said officer shall make to Congress a report in detail of the amount of work done, its cost, and its value to the Government."

And the Senate agree to the same.

Amendments numbered 86 and 87: That the House recede from its disagreement to the amendments of the Senate numbered 86 and 87, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80,000"; and strike out all the remainder of the paragraph, being the proviso, including amendment numbered 87; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: After the word "improvement," in the second line of the paragraph, strike out the word "fifty" and insert "seventy-five"; and after the word "million," in the seventh line of the paragraph, insert the words "and fifty thousand"; and the Senate agree to the same.

Amendments numbered 107, 108, 109, 110, and 111: That the House recede from its disagreement to the amendments of the Senate numbered 107, 108, 109, 110, and 111, and agree to the same with an amendment as follows: Strike out the entire paragraph and insert in lieu thereof the following paragraph:

"Improving harbor at Manistee, Mich.: Continuing improvement and dredging the interior channel, $15,000; and all moneys heretofore appropriated and now unexpended may be used for dredging such interior channel at the discretion of the Secretary of War. Any limitations on such former appropriations are hereby repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: Restore the language proposed to be stricken out, and after the word "*Provided*" in the first line of the language proposed to be inserted, insert the word "*further*"; and the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 136: That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: Restore the language proposed to be stricken out, and at the end of it insert the following: "If in the opinion of the Secretary

of War the interests of commerce demand such expenditure"; and the Senate agree to the same.

Amendment numbered 167: That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: In the twelfth line of the language proposed to be inserted strike out the word "but," after the word "Point," and insert in lieu thereof the word "until"; and in the fourteenth line of said proposed language strike out the words "through the Secretary to the next Congress" and insert in lieu thereof the words "to the Secretary of War on the first Monday in December of the current year"; and at the end of the language proposed insert the following:

"And the Secretary of War is hereby authorized to carry out the recommendations of said board, and to modify the present contract, if necessary, and adjust any loss with the contractor occasioned by the provisions of this act, and to pay the same out of the appropriation under which the said contract was made; also to expend the additional sum of $25,000, in his discretion, for such dredging as may be necessary for the maintenance of channels from the mouths of the Appoquinimink River and Blackbird Creek in the channel of the Delaware River through the dike now being constructed from Reedy Island to Liston Point for the improvement of the Delaware."

And the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000"; and the Senate agree to the same.

Amendment numbered 199: That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 204: That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment as follows: Restore the language proposed to be stricken out, and in the next to the last line of the same strike out the word "dams" and insert in lieu thereof the word "locks"; and the Senate agree to the same.

Amendment numbered 245: That the House recede from its disagreement to the amendment of the Senate numbered 245, and agree to the same with an amendment as follows: After the word "war," in the fourth line of the language proposed to be inserted, insert the following: "not exceeding $50,000, or so much thereof as may be necessary"; and after the word "river," in the following line, strike out the words "such amounts as may be necessary" and insert in lieu thereof the word "and"; and the Senate agree to the same.

Amendment numbered 248: That the House recede from its disagreement to the amendment of the Senate numbered 248, and agree to the same with an amendment as follows: After the word "otherwise," proposed to be inserted, insert the words "not exceeding $50,000, or so much thereof as may be necessary"; and the Senate agree to the same.

Amendment numbered 249: That the House recede from its disagreement to the amendment of the Senate numbered 249, and agree to the same with an amendment as follows: In the language proposed to be inserted strike out the words "such amounts as may be necessary"; and the Senate agree to the same.

Amendment numbered 259: That the House recede from its disagreement to the amendment of the Senate numbered 259, and agree to the same with an amendment as follows: After the word "dollars," at the end of the first proviso, insert the words "exclusive of the amount herein appropriated"; and the Senate agree to the same.

Amendment numbered 260: That the House recede from its disagreement to the amendment of the Senate numbered 260, and agree to the same with an amendment as follows: Before the word "obtaining," next preceding the words proposed to be inserted, insert the word "ultimately"; and the Senate agree to the same.

Amendment numbered 265: That the House recede from its disagreement to the amendment of the Senate numbered 265, and agree to the same with an amendment as follows: Strike out of the language proposed to be inserted all after the word "Commission" and insert in lieu thereof the following:

"For the purpose of improving the channel by preventing erosion of the banks, not exceeding $70,000 at Omaha and Council Bluffs, or so much thereof as may be necessary; at Rocheport, not exceeding $50,000, or so much thereof as may be necessary; at Glasgow, and for protecting the shore line above Glasgow from the foot of Bowling Green Bend to the head of Harrisons Island, not exceeding $80,000, or so much thereof as may be necessary; at Miami, not exceeding $65,000, or so much thereof as may be necessary; at St. Charles, not exceeding $50,000, or so much thereof as may be necessary; at and near the mouth of the Little Blue, in Jackson County, Mo., not exceeding $20,000, or so much thereof as may be necessary; on the banks of the river opposite Leavenworth and Atchison, not exceeding $15,000 at each of said localities, or so much thereof as may be necessary; at Nebraska City, not exceeding $25,000, or so much thereof as may be necessary: *Provided*, That the Commission may also expend such amounts as may be absolutely necessary at any time in the improvement of the channel by preventing erosion of the banks at other harbors and localities on the river."

And the Senate agree to the same.

Amendment numbered 280: That the House recede from its disagreement to the amendment of the Senate numbered 280, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,000"; and strike out all of the proposed language following said sum, being the proviso; and the Senate agree to the same.

Amendment numbered 297: That the House recede from its disagreement to the amendment of the Senate numbered 297, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,000"; strike out all of the first proviso proposed, and strike out the word "further," after the word "*Provided*," in the second proviso; and at the end of the language proposed to be inserted insert the following: "Said canal to be constructed either by the Smiths Cove route or by the Shilshole Bay route, in the discretion of the Secretary of War"; and the Senate agree to the same.

Amendment numbered 308: That the House recede from its disagreement to the amendment of the Senate numbered 308, and agree to the same with an amendment as follows: In lieu of the section proposed to be inserted insert the following:

"SEC. 6. That the Secretary of War is hereby authorized and directed to cause to be made and transmitted to the first session of the Fifty-fifth Congress a compilation giving a complete list of all the preliminary examinations that have heretofore been made, date of report, with a statement as to each, whether favorable or unfavorable for survey; also a complete list of all surveys that have heretofore been made, with a statement as to each, whether favorable for adoption or unfavorable, and date of report, amount recommended for completion and amount recommended for each, to be expended during the fiscal year beginning July 1, 1896, by both the Chief of Engineers and the engineer in charge; also a complete list of all projects now under construction or maintenance, together with the year when adopted, and if modified, when; the total amount expended on each project and estimate of amount required to complete the same, and amount recommended by the Chief of Engineers and by the engineer in charge to be expended during the fiscal year beginning July 1, 1898, the amount appropriated for each project by this act, making reference to the report of the Chief of Engineers, where report of each project is given, together with a statement containing the amount of the unexpended balance to the credit of each project July 1, 1897, whether under construction, work suspended, or appropriation made and work not commenced; also the total amounts appropriated heretofore for the improvement and maintenance of the rivers, and the total amounts heretofore appropriated for the improvement and maintenance of harbors in each river and harbor act; also the total amount of appropriation, by States, for the improvement of rivers and harbors."

And the Senate agree to the same.

Amendment numbered 324: That the House recede from its disagreement to the amendment of the Senate numbered 324, and agree to the same with an amendment as follows: In lieu of the language stricken out insert the following:

"The Secretary of War is hereby directed to cause to be made accurate examinations and estimates of cost of construction of a ship canal, by the most practicable route, wholly within the United States, from the Great Lakes to the navigable waters of the Hudson River, of sufficient capacity to transport the tonnage of the lakes to the sea."

And the Senate agree to the same.

Amendment numbered 360: That the House recede from its disagreement to the amendment of the Senate numbered 360, and agree to the same with an amendment as follows: In lieu of the language proposed to be inserted insert the following:

"Delaware River, with a view to obtaining a channel 600 feet wide and 30 feet deep from a point at or near the city of Philadelphia to the deep water of Delaware Bay."

And the Senate agree to the same.

Amendment numbered 375: That the House recede from its disagreement to the amendment of the Senate numbered 375, and agree to the same with an amendment as follows: In addition to the language proposed insert the following new paragraph:

"Removal of dam in upper Allegheny, near Corydon, and all the dams on the Conewango Creek, and the rapids at or near Waterboro, in the Conewango Creek, a tributary of the Allegheny River."

And the Senate agree to the same.

Amendment numbered 376: That the House recede from its disagreement to the amendment of the Senate numbered 376, and agree to the same with an amendment as follows: After the language proposed to be inserted insert the following paragraph:

"Gowanus Creek, with a view of obtaining a depth of 30 feet at mean low water."

And the Senate agree to the same.

Amendment numbered 383: That the House recede from its disagreement to the amendment of the Senate numbered 383, and agree to the same with an amendment as follows: In the line after the language proposed to be inserted strike out the word "from," before the word "modified," and insert in lieu thereof the word "for"; and the Senate agree to the same.

Amendment numbered 386: That the House recede from its disagreement to the amendment of the Senate numbered 386, and agree to the same with an amendment as follows: After the word "refuge," in the next paragraph but one preceding, insert a new paragraph, as follows:

"Inner harbor at Point Judith Pond."

And the Senate agree to the same.

Amendments numbered 130, 132, and 342: The committee of conference have been unable to agree on the amendments of the Senate numbered 130, 132, and 342.

W. B. HOOKER,
BINGER HERMANN,
T. C. CATCHINGS,
Managers on the part of the House.
WM. P. FRYE,
G. G. VEST,
Managers on the part of the Senate.

Mr. HOOKER. Mr. Speaker, I move that the House agree to the conference report, insist upon its disagreement to the Senate amendments numbered 130, 132, and 342, and agree to the conference asked for by the Senate. I send to the Clerk's desk the statement which accompanies the report.

The statement of the House conferees was read, as follows:

The bill as it passed the House carried appropriations amounting to	$10,453,860.00
And contracts amounting to	51,721,210.91
As the bill passed the Senate it carried	12,752,350.00
And contracts amounting to	60,473,121.91
The cash items have been reduced in conference	$301,000.00
And the reduction in the amount of projects placed under contract is	4,110,823.00
The Senate amendments upon which no agreements have been reached involve appropriations amounting to	100,000.00
And contracts amounting to	3,341,000.00

W. B. HOOKER.
BINGER HERMANN.
T. C. CATCHINGS.

Mr. DOCKERY. Mr. Speaker, is that statement signed by the House conferees? The rules require an official statement, signed by the conferees. I will, however, waive that point so far as I am concerned.

Mr. HOOKER. Now, Mr. Speaker, if there is any gentleman who desires to debate this matter, I am willing to yield time for that purpose.

Mr. DOCKERY. I desire to be heard; but I suppose the gentleman himself desires to make a statement.

Mr. HOOKER. I will make mine after you get through. How much time do you desire?

Mr. DOCKERY. Fifteen minutes.

Mr. HOOKER. I will yield ten minutes to the gentleman from Missouri.

Mr. DOCKERY. I suppose the gentleman will yield me five minutes additional if I require it.

Mr. HOOKER. If necessary.

Mr. DOCKERY. Mr. Speaker, I ask the attention of the House

for a very few moments, but even if I desired longer time I would be unable to secure it. I am in favor of proper appropriations for the improvement of the facilities for water transportation, but I am opposed to this bill because it carries riotous appropriations not warranted by the condition of the Treasury or the condition of business of the country. I know, Mr. Speaker, that what I may say will not be punctuated by applause. I realize that fact as well as any Representative on this floor. As my friend from California [Mr. LOUD] aptly suggests, "We are all in it." That expresses the whole situation. [Laughter.] When this bill left the House it carried, including the indefinite appropriation for the Monongahela River, appropriations and liabilities aggregating $65,148,770.91, having received the affluent consideration in debate of forty minutes all told, without the right of amendment. As reported to the Senate by the Senate Committee on Commerce it carried in direct appropriations $12,690,550, the indefinite appropriation of $3,000,000 for the Monongahela River, and authorized contracts of $63,353,121, making a grand total of $79,043,671.

Mr. Speaker, in this connection I desire to call attention to the rapidly increasing totals of the river and harbor bills, altogether out of proportion to the progress of the country. Since 1878 the appropriations have been as follows:

APPROPRIATIONS.

1878		$8,201,700.00
1879		7,846,600.00
1880		8,951,500.00
1881		11,441,300.00
1882		18,738,875.00
1884		13,949,200.00
1886		14,473,900.00
1888		22,397,616.90
1890	$25,136,295.00	38,419,274.00
Contracts authorized	13,282,979.00	

Mr. HOOKER. If the gentleman will pardon me a moment, I wish to say that he has not correctly stated the amount for 1890. As I understand, it was $13,282,979.

Mr. DOCKERY. But the contracts were additional to the direct appropriations of that bill. The statement to which I am referring was prepared by the accomplished clerk of the House Committee on Appropriations; and I venture to say it is correct.

In 1892 the appropriations were $21,154,218; contracts authorized, $31,760,521; total, $52,914,739. In 1894 the appropriations were $11,473,180, and no contracts authorized. In 1896, in the pending bill as passed by the Senate and sent to conference, the aggregate of specific appropriations was $12,690,550; Monongahela River, indefinite, $3,000,000; contracts authorized, $63,353,121; aggregate, $79,043,671.

Mr. HOPKINS. If the gentleman will allow me——

Mr. DOCKERY. I can not yield. I have only ten minutes.

Mr. HOPKINS. I will give the gentleman some of my time.

Mr. DOCKERY. I decline to be interrupted.

The SPEAKER pro tempore (Mr. PAYNE). The gentleman from Missouri is entitled to the floor and declines to yield.

Mr. DOCKERY. Mr. Speaker, it is obvious that the liabilities under the contract system are rapidly increasing. The contract system was recognized for the first time in the river and harbor bill of 1890, the amount of contracts then authorized being $13,282,979. In 1892 the amount leaped to $31,760,521; and this bill as reported to the Senate authorized contracts amounting to $63,353,121; and the gentleman from Oregon [Mr. HERMANN] suggests that the amount should be $100,000,000. I regret that the efforts of the gentleman from Oregon, in behalf of that State, were not recognized by the people of his district in the recent convention which nominated someone else as Representative in Congress; because by his diligence and ability he has furnished through river and harbor bills the greatest source of revenue to the State of Oregon that it has ever enjoyed.

Mr. HERMANN. My friend from Missouri [Mr. DOCKERY] will allow me to say that the issue to which he refers was not raised before the people of Oregon; and if the people of Oregon had had the decision of the matter it would, I believe, have been decided very differently, so far as I am concerned, and by a very large majority. The people of Oregon favor the most liberal waterway improvements, and have indorsed my action in Congress many times, for which I feel grateful to them.

Mr. DOCKERY. I agree with the gentleman——

Mr. HERMANN. They believe in public appropriations for purposes of this kind.

Mr. DOCKERY. I do not know the ability of the gentleman nominated as successor to my friend, but if I had resided in Oregon and been called upon to name a Republican for the position, I should have supported the gentleman from Oregon [Mr. HERMANN].

Mr. Speaker, I now desire to call the attention of the House to the views of a distinguished citizen of New York; and I commend them to the brilliant young New Yorker [Mr. HOOKER] in charge of this bill. They are the views of Chester A. Arthur, submitted to this body when President of the United States, in the celebrated veto of the river and harbor bill of August 1, 1882. They seem appropriate to this occasion. I quote the message:

To the House of Representatives:

Having watched with much interest the progress of House bill No. 6242, entitled "An act making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes," and having since it was received carefully examined it, after mature consideration I am constrained to return it herewith to the House of Representatives, in which it originated, without my signature and with my objections to its passage.

Many of the appropriations in the bill are clearly for the general welfare and most beneficent in their character. Two of the objects for which provision is made were by me considered so important that I felt it my duty to direct to them the attention of Congress. In my annual message in December last I urged the vital importance of legislation for the reclamation of the marshes and for the establishment of the harbor lines along the Potomac front. In April last, by special message, I recommended an appropriation for the improvement of the Mississippi River. It is not necessary that I say that when my signature would make the bill appropriating for these and other valuable national objects a law, it is with great reluctance and only under a sense of duty that I withhold it.

My principal objection to the bill is that it contains appropriations for purposes not for the common defense or general welfare, and which do not promote commerce among the States. These provisions, on the contrary, are entirely for the benefit of the particular localities in which it is proposed to make the improvements. I regard such appropriation of the public money as beyond the powers given by the Constitution to Congress and the President.

I feel the more bound to withhold my signature from the bill because of the peculiar evils which manifestly result from this infraction of the Constitution. Appropriations of this nature, to be devoted purely to local objects, tend to an increase in number and in amount. As the citizens of one State find that money, to raise which they in common with the whole country are taxed, is to be expended for local improvements in another State, they demand similar benefits for themselves, and it is not unnatural that they should seek to indemnify themselves for such use of the public funds by securing appropriations for similar improvements in their own neighborhood.

I invite especial attention, Mr. Speaker, to the following sentence, inasmuch as it emphasizes the appropriate suggestion just made by the gentleman from California [Mr. LOUD]:

Thus as the bill becomes more objectionable it secures more support.

Again, President Arthur says:

This result is invariable and necessarily follows a neglect to observe the constitutional limitations imposed upon the lawmaking powers.

The appropriations for river and harbor improvements have, under the influences to which I have alluded, increased year by year out of proportion to the progress of the country, great as that has been. In 1870 the aggregate appropriation was $3,975,900; in 1875, $6,648,517.50; in 1880, $8,955,500, and in 1881, $12,451,000, while by the present act there is appropriated $18,743,875.

While feeling every disposition to leave to the Legislature the responsibility of determining what amount should be appropriated for the purposes of the bill, so long as the appropriations are confined to objects indicated by the grant of power, I can not escape the conclusion that, as a part of the lawmaking power of the Government, the duty devolves upon me to withhold my signature from a bill containing appropriations which in my opinion greatly exceed in amount the needs of the country for the present fiscal year. It being the usage to provide money for these purposes by annual appropriation bills, the President is in effect directed to expend so large an amount of money within so brief a period that the expenditure can not be made economically and advantageously.

The extravagant expenditure of public money is an evil not to be measured by the value of that money to the people who are taxed for it. They sustain a greater injury in the demoralizing effect produced upon those who are intrusted with official duty through all the ramifications of Government.

These objections could be removed and every constitutional purpose readily attained should Congress enact that one-half only of the aggregate amount provided for in the bill be appropriated for expenditure during the fiscal year, and that the sum so appropriated be expended only for such objects named in the bill as the Secretary of War, under the direction of the President, shall determine; provided that in no case shall the expenditure for any one purpose exceed the sum now designated by the bill for that purpose.

I feel authorized to make this suggestion because of the duty imposed upon the President by the Constitution "to recommend to the consideration of Congress such measures as he shall judge necessary and expedient"; and because it is my earnest desire that the public works which are in progress shall suffer no injury. Congress will also convene again in four months, when this whole subject will be open for their consideration.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *August 1, 1882.*

Mr. Speaker, I have read the veto message of that prince among gentlemen, that splendid American President, who, called to the Presidency under circumstances peculiarly embarrassing, so acquitted himself in the discharge of the duties of that great office that in his retirement to private life he carried with him the grateful benedictions of the whole people.

Mr. Speaker, this bill to me is more suggestive of the profligate expenditures of the kings of France in the years immediately preceding the Revolution than any bill called to my attention during my Congressional service.

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. DOCKERY. I should like a few minutes more.

Mr. HOOKER. I yield the gentleman two minutes additional.

Mr. HOPKINS. Now, Mr. Speaker, will the gentleman allow me——

Mr. DOCKERY. The gentleman must excuse me. If I had more time I would gladly yield.

Mr. HOOKER. I will yield the gentleman so much additional time as he may require to answer the question of the gentleman from Illinois [Mr. HOPKINS].

Mr. DOCKERY. Very well.

Mr. HOOKER. I yield five minutes more to the gentleman.

Mr. HOPKINS. Now, in the first place, I want to ask the

gentleman this question: Whether he can see any parallel between the expenditures of France, to which he has referred, under the kings there, and the expenditures under this bill, which are for the benefit of the whole people? And, in the second place, is there an item in the bill—and if there is I wish he would point it out—which is objectionable and which can not be advocated and supported on the ground of public good?

Mr. DOCKERY. Why, Mr. Speaker, there was not a King of France who ever laid the heavy hand of the taxgatherer upon the people who did not claim to do it in the interest of the people.

Mr. HOPKINS. Oh, no!

Mr. DOCKERY. And there is not a single item in this bill that does not come here challenging our approval in the name of the people. [Applause.] And I say further that you know, and I know—but I have not the time to analyze the items of this bill in the limited time accorded me—you know that while the bill has many meritorious features, yet it is honeycombed with local projects for private purposes.

Mr. HOPKINS. Name one of them.

Mr. HOOKER. Point them out.

Mr. DOCKERY (continuing). And, Mr. Speaker——

Mr. TOWNE. Let me interrupt the gentleman from Missouri to ask if it would not be better for him, instead of reading criticisms upon a bill 14 years of age, to point out the items in the present bill which he regards as worthy of reproach, or which are unjustifiable?

Mr. DOCKERY. Mr. Speaker, I was about to say that I have not gone into the details of this bill because I was assured by the gentleman in charge of the bill that I could not secure more than ten minutes' time for discussion.

Mr. HOOKER. I will yield you time to point them out.

Mr. DOCKERY (continuing). And I have to indulge, perhaps, in generalities, because the time is so limited.

I know, Mr. Speaker, that my protest will be unheeded. I know that my voice will fall on dull ears; I know the claim will be made here and throughout the country that the enormous total of this bill, covering as it does about eighty millions of liabilities, is for the public weal. But I desire to say——

Mr. HOOKER. Will the gentleman yield for a question?

Mr. DOCKERY (continuing). But I appeal from this tribunal to the great body of the American people. [Laughter on the Republican side.] I appeal from the Representatives here who intend to support this bill to the farmers of the country, to men who follow the plow and toil for their daily subsistence; I appeal to the men who work in the fields and in the factories and in the mines, and to the men who are engaged in the various business avocations of the country——

Mr. HOPKINS. And they will all repudiate you. [Laughter.]

Mr. DOCKERY (continuing). I appeal to the vast army of men who earn their bread by their daily toil. I appeal, Mr. Speaker, to them to condemn this riotous, this enormous, this unjustifiable, this profligate appropriation of public money. [Applause.]

Mr. HOOKER. Now will you yield for a question?

Mr. DOCKERY. If time were conceded I would be glad to yield to any gentleman. But the gentleman from New York will have his own time.

Mr. HOOKER. I will yield you abundance of time.

Mr. DOCKERY (continuing). If it were conceded by everybody that the incoming Administration is to be Democratic, then it might be claimed by some of us that these stupendous liabilities you are imposing on the people and upon the Treasury are intended to embarrass such an Administration.

Mr. HULICK. Nobody thinks that.

Mr. DOCKERY. But with the confident assurance which you make, with the claim that the incoming Administration is to be Republican, I am at a loss to understand the policy which piles up appropriations and liabilities to more than $600,000,000.

Sir, I do not know who will be the next President——

A MEMBER. McKinley.

Mr. DOCKERY (continuing). It is alleged by our Republican friends that their party will triumph, and that the gentleman from Ohio will be the next President of the United States; but I hope——

Mr. COLSON. If he is, one thing is certain—you will never praise him until after he is dead.

Mr. DOCKERY (continuing). I hope his friends on this floor will protest against the further ravishing of the Treasury [derisive laughter on the Republican side], that will result in its impoverishment and the embarrassment of the Administration.

In conclusion, Mr. Speaker, let me say again that I invoke the aid of all the people in denunciation of this bill, which will still further deplete the Treasury, already embarrassed in so far as current revenues and expenditures are concerned [applause and laughter on the Republican side], and intimidate the business interests of the country, now suffering from ocean to ocean.

Mr. HOOKER. Will the gentleman yield to me now for a question?

Mr. DOCKERY. I yield the floor to the gentleman.

Mr. HOOKER. It is unfair in the gentleman, after conceding him the time, not to answer a question which I wish to ask in good faith.

Mr. DOCKERY. Certainly, I will answer it.

Mr. HOOKER. And it is this: You supported the fortification bill, I believe, which provided for an appropriation of about $80,000,000, did you not?

Mr. DOCKERY. I was not in this city when that bill was considered by the Committee on Appropriations. I was called away on a mission unnecessary to refer to——

Mr. HOOKER. Then by your absence the Treasury must have suffered greatly.

Mr. DOCKERY. And I do not think I was present when it was considered on the floor of this House.

Mr. HOOKER. Just another question. I will yield to you five, ten, or fifteen minutes' time if you will point out a single item in this river and harbor bill which is not justified by the report of the engineer. [Applause.]

Mr. DOCKERY. Mr. Speaker, it is known and has been known for years that the estimates of the Departments for appropriations——

The SPEAKER pro tempore. Does the gentleman from New York yield to the gentleman from Missouri?

Mr. HOOKER. No; I do not yield.

Mr. DOCKERY. Very well; I am cut off from the answer I should like to make.

Mr. HOOKER. I yield ten minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I assure you that I have no expectation of in any manner disturbing the convictions of the House with regard to the immediate necessity of passing this bill. I know that there are a large number of gentlemen who, on various occasions, notably this morning, have made it manifest that they regard it as imperative that the bill should pass; and I can always tell approximately, Mr. Speaker, how much of an appropriation is in a particular district by the vociferous manner in which members of the House always resent adverse criticism. The gentlemen who are most intent on showing their disapprobation of everything that is said in opposition to this measure are almost always those who have succeeded in securing the greatest possible amount.

But, Mr. Speaker, gentlemen have been very anxious to have some one point out the iniquities in this bill, while the gentleman from Missouri [Mr. DOCKERY] was using the first ten minutes allotted to him. Did you want anything of that kind, gentlemen? You passed this bill without debate, and I make the affirmation here now that not one section has been considered in this House. Why, Mr. Speaker, was there ever anything known in all the history of villainous legislation like this? Seventy-five million dollars in round numbers taken out of the Treasury of the United States, and not one section of the bill has yet been read for amendment. Not one paragraph had a moment's deliberate consideration. There was not an opportunity to say a word in opposition to the multiplied iniquities of the measure.

And now gentlemen have the insolence to get up on this floor and demand that the opponents of this bill shall point out wherein its iniquities lurk. Shame on such false pretense! Shame on it, I say! It is unworthy of the American Congress. If this bill is what you claim, if from every line of it there is to come blessing, why did you, coward-like, get away from investigation? [Applause on the Democratic side.] Why did you do it? Mr. Speaker, I have no time in ten minutes to address myself to the provisions of this bill further than to call attention to one of the amendments proposed now. As the bill left this body fifty-odd millions were provided for in the nature of contracts. The gentleman from Illinois [Mr. CANNON] succeeded in getting an amendment on the bill, by consent, that 25 per cent only should be available in any one year. I say that practically the conferees have taken out that wholesome provision from this bill and that practically the whole sum of $74,000,000 may be saddled upon the Government in a single year——

Mr. HOOKER. Will the gentleman permit me?

Mr. HEPBURN (continuing). Not in the way of payments, but in the way of deferred payments upon which the contractor will secure his interest in the increased demand that he will make for the work.

Mr. HOOKER. Will you permit me a question? You do not desire to be otherwise than fair?

Mr. HEPBURN. I do not. Will you read the fifth section in your time? Do not take it out of my time.

Mr. HOOKER. I will give you abundant time. The modifications made by the conference committee, so far as these continuous contracts are concerned, will not change the appropriations for any one fiscal year under these contracts to exceed $2,000,000.

Mr. HEPBURN. I have not said that they would.

Mr. HOOKER. You say it would all become available in one year?

Mr. HEPBURN. No; I did not say that.

Mr. HOOKER. What I say to you to correct you is this: That if all these contracts entered into are made by the Secretary of War immediately when he is authorized to do so, and all the money provided for under the bill, he can not expend in any one fiscal year, under the bill as it stands now, to exceed $16,612,873. Now, under the bill as it passed the House the amount that could be expended by the Secretary of War in any one year under the continuous contracts was $14,307,000, so the difference which you say the conferees have made is simply $2,000,000.

Mr. HEPBURN. The gentleman has entirely misunderstood what I said. I said that under the provisions of your recommendation the Secretary of War can burden the Government of the United States with an amount equal to every dollar, in debts, of this seventy-odd millions, and you make it worse because we all know that when a contract is to be made covering a period of four years and there are deferred payments, the contractor will insist upon such an increased sum for his work as will cover the interest on the deferred payment. That is the point I made.

Mr. HOOKER. Your statement was that the Secretary of War could pile up on the Government an indebtedness of $75,000,000 in a year. I want to say to you that under the bill it is not true.

Mr. HEPBURN. It is untrue to this extent—that he has $12,000,000 or $13,000,000 to pay out, and the residue he could pile up on the Government of the United States through contracts.

Mr. HOOKER. My dear sir, he can only expend $12,000,000 and some odd hundred thousand dollars, which is provided in the annual appropriation, and not exceeding $16,000,000 in any year under contract.

Mr. HEPBURN. He will expend this sum of $12,000,000 and then the additional sum of $16,000,000, and all between these sums and the gross sum covered by this bill he may saddle upon the Government as debt under the contracts. He can make the Government of the United States responsible in the nature of contracts, and for the deferred payments made the contractor will recoup himself in additional sums he will demand for his work. Is not that true?

Mr. HOOKER. No, sir; because it is stated in the bill precisely how much can be expended in any one fiscal year.

Mr. HEPBURN. That is as to the first payment. Now, let me confound the gentleman with half a dozen sentences from his own bill:

SEC. 5. That under the authority to make contracts for materials and work, under the provisions of this act, in addition to the sums appropriated herein, the Secretary of War shall not obligate the Government to pay, in any one fiscal year, beginning July 1, 1896, more than $400,000 upon the said contracts for any one of the works herein placed under the contract system, except as herein otherwise specifically authorized to do: *Provided*, Any part of the annual allotment herein provided for, not earned and paid for, material furnished, or work done in one fiscal year, may be paid for material furnished and work done under the contracts in any subsequent fiscal year: *Provided further*, That nothing herein contained shall be so constructed as to prevent the Secretary of War from making contracts for the whole or any part of the works placed under the contract system in such manner as may be deemed best, payments, however, to be made as stated in this section.

Mr. HOOKER. Yes, sir; and that is just what I say here. Here is the limitation; and notwithstanding the $60,000,000 in contracts authorized here, the Secretary of War can not obligate this Government to pay more than $16,000,000 in any one fiscal year.

Mr. HEPBURN. That is true; but here is an indebtedness to the other amount, and here is interest in the form of a larger demand that will be made because of the deferred payments. Now, Mr. Speaker, I think that is plain.

Mr. HERMANN. Will the gentleman allow me to ask him a question? I desire to ask the gentleman if he is familiar with this experience under the contract system—that in almost every case there has been a saving of from 25 to 33 and even 50 per cent under contract system; and that this $76,000,000 to which he refers is merely a possible approximation of the cost, but does not represent the actual ultimate expense.

Mr. HEPBURN. Mr. Speaker, I am free to admit that the contract system is the better system if you will make the payments promptly. There is no question about that. Heretofore, under the old system, we have been in the habit of appropriating 25 per cent, about, of the estimated cost of the work, and the contractor could only get a contract for the amount appropriated that year. There would be a necessity for assembling four different plants.

The SPEAKER. The time of the gentleman has expired.

Mr. HEPBURN. My time was largely occupied by the gentleman from New York.

Mr. HOOKER. Do you desire further time?

Mr. HEPBURN. Yes, sir.

Mr. HOOKER. How much time would you like?

Mr. HEPBURN. Just about as much as you had.

Mr. HOOKER. About five minutes?

Mr. HEPBURN. I was thinking about eight minutes. [Laughter.]

Mr. HOOKER. All right.

Mr. HEPBURN. So that, Mr. Speaker, there would be four contracts always to complete a work, and in the payment of each contractor he must have compensation for the assembling of his plants, the assembling of his hands, and the deterioration of the work during the suspended period of work. Under this system, to some extent, that difficulty will be obviated; but where you make deferred payments you have got to do as every debtor does; you have got to pay interest in some form or other upon these millions; and in addition to that, the difficulties of getting appropriations out of the Congress of the United States, where a debt is due, is something that all the people of the United States know of, and we will have to pay, in all of these contracts, for the reputation that we have upon matters of that kind.

Mr. HERMANN. If the gentleman will permit me to interrupt him, I will say that admitting all that the gentleman has said, the gentleman will still see that there will be very great saving, amounting to from 25 to 30 per cent; and inasmuch as the gentleman is one who is in favor of economy in public expenditures, surely he would not prefer the old system to this, when there has been such a large saving in the amount that has been expended under this system.

Mr. HEPBURN. Does the gentleman understand he was asking me a question?

Mr. HERMANN. I am asking whether you do not believe that the present system is far better, even assuming that it is necessary to pay a considerable sum in the form of interest on the deferred payments?

Mr. HEPBURN. Well, I will not ask you another question. [Laughter.] Mr. Speaker, if I had had the time I would have tried to point out some of the expenditures carried in this bill that I think are not for the public interest. Some are good, but many items are bad, very bad. I would have referred again, as I have often referred in times past, to the pretended improvement of the Mississippi River, especially for the purpose of emphasizing the reasons which possibly inspire the eloquence of the gentleman from Mississippi [Mr. CATCHINGS] on these occasions. I remember seeing a few days ago, in one of the public prints, resolutions adopted in the county convention of a county within the gentleman's district. One of those resolutions went on to recite that the Democrats there assembled did not agree with that distinguished gentleman upon national questions; that upon those questions he was all wrong and did not represent his people; but that he had been so useful to the people of that district in securing appropriations to build levees along the Mississippi River to protect their plantations from inundation that, notwithstanding the fact that they were not en rapport with him upon political matters generally, they instructed their delegates to vote to continue him in Congress.

I do not hestitate to say, Mr. Speaker, that all the good that has been accomplished by the appropriations which have been made in river and harbor bills for that section is found in the reclamation of swamp and overflowed lands from the incursions of the waters of the Mississippi River. We had here, and the committee had before them, the report of the Secretary of War in relation to the so-called Mississippi improvement, in which he stated that $27,000,000 had been expended upon that river since the organization of the Mississippi River Commission, and that the only result as to the improvement in navigation was that there had been an increase of 18 inches in the channel depth of the river in two places! That is the testimony of the Secretary of War upon that subject, and I call attention to the fact that after an expenditure of $27,000,000 there were last year twenty-three points on the Mississippi River right in the region of the "improvement" where there was a channel depth not exceeding 4½ feet. Twenty-seven million dollars expended, and the navigation of the river still in the same condition substantially in which it was when the first dollar was expended! And yet, because there are voters along that river, and because the aid of their Representatives here is necessary in order to pass the river and harbor bill, that work is continued year after year and that Commission has a renewed lease of its power, and the work of building now goes on.

Mr. Speaker, I was glad when the gentleman from Missouri [Mr. DOCKERY] read the message of President Arthur of less than fourteen years ago, in which he called attention to the wonderful rapidity of the growth of the river and harbor bill through means which he mildly criticised. At that time the bill had reached only $18,000,000, but in fourteen years, by progressive steps, we have gone on and on in these raids upon the Treasury until to-day there is the enormous sum of $74,000,000 carried and provided for in the bill under consideration and no remonstrance against it.

Mr. HERMANN. We are becoming wiser in our legislation.

Mr. HEPBURN. If we go on at this rate—and there is every reason to believe that we shall, for I have no expectation that the

next House of Representatives will be more virtuous than this, or the succeeding one more virtuous than the next—if we go on at this rate, I leave the probable enormous increase of future river and harbor bills to the prophetic wisdom of some of the friends of this measure.

Mr. HOOKER. Mr. Speaker, I will detain the House only a few moments with reference to this report. In explaining what has been done I desire to say simply this: The bill as it passed the House carried an appropriation in cash of $10,453,860. It carried continuing contracts aggregating $51,721,210.91. The cash appropriation was increased by the Senate to $12,752,350——

Mr. HEPBURN. Will the gentleman allow me a question?

Mr. HOOKER. I will.

Mr. HEPBURN. Suppose that the gentleman should be continued in the next Congress as chairman of the Committee on Rivers and Harbors——

Mr. HOOKER. You are supposing something that may not occur.

Mr. HEPBURN. I hope it will.

Mr. HOOKER. Thank you.

Mr. HEPBURN. Suppose that should be so, and that there should be the same class of "meritorious appropriations" presented to that Congress that have been presented to this, would not the gentleman favor a like bill to this for the next Congress?

Mr. HOOKER. If I were honored with the position which the gentleman suggests, I would favor a bill which I thought would meet the demands of the people [applause]; and I will say to the gentleman that I think this bill meets the demands of the people to a greater extent than any river and harbor bill that has ever been passed by the Congress of the United States. [Applause.]

Mr. HEPBURN. Then would not the gentleman give us another bill of the same character next year?

Mr. HOOKER. The gentleman is going further into the future than I can see.

Mr. HEPBURN. Well, in view of the probability of that, is it not unfair for the gentleman to lay such stress on the comparative smallness of the mere cash appropriation in this bill?

Mr. HOOKER. I think not. I think that, as I go on, I will demonstrate to the House that I am correct. To continue, Mr. Speaker, I was about to say that the cash appropriation was increased by the Senate to $12,752,350. The Senate increased the contracts to $60,000,473.91. In conference the cash appropriation has been reduced to $12,551,350. The contracts authorized by the bill as it passed the Senate have been reduced in conference $4,110,823, so that they now stand, as agreed upon in conference, at $56,357,308.91.

The Senate in its amendment provided for eight additional continuing contracts—one at Winyaw Bay, South Carolina, carrying an appropriation of $1,996,250; one at Oakland Harbor, California, carrying an appropriation of $666,000; one at Santa Monica, Cal., $2,998,000; one at Wilmington Harbor, California, $342,000; one at Providence River and Narragansett Bay, Rhode Island, $707,000; one at Bayou Plaquemine, Louisiana, $1,173,250; one at Columbia River Boat Railway, Oregon and Washington, $2,064,477, and Lake Washington Canal, Washington, $1,400,000. That has been reduced, as I stated a moment ago, $4,000,000, with two projects yet in dispute between the conferees, the one at Wilmington, Cal., and the other at Santa Monica, aggregating about $3,500,000.

Now, Mr. Speaker, the bill as it passed the House placed a limitation upon these contracts; in other words, the House bill provided that in any one fiscal year the Secretary of War should not expend under these continuous contracts more than 25 per cent of the amount estimated for the completion of the project. That has been amended in the Senate by a provision which states that not to exceed $400,000 shall be expended on any one project in any single year. That is the general provision in the bill applying in all cases except four projects, if I remember correctly—one the Hennepin Canal——

Mr. HEPBURN. May I ask the gentleman a question?

Mr. HOOKER. Certainly.

Mr. HEPBURN. Do I understand the gentleman to say that as to all the cases in this bill where the amount of the contract authorized is less than $400,000 the whole amount may be paid in any one year?

Mr. HOOKER. That is correct.

Mr. HEPBURN. Now, will the gentleman tell us what amount of payment may be required under that provision, together with the other percentage, during the fiscal year ending in 1897?

Mr. HOOKER. I shall endeavor to do so before I get through. The Senate provision, as I was saying, modified the House provision. There are four projects in the country as to which there is a limitation that not to exceed 25 per cent of the amount estimated to complete the work shall be expended in any one fiscal year. One of these is the Hennepin Canal; another the project at Duluth; another the improvement at Buffalo; and a fourth the harbor of refuge in Delaware Bay. I have had a computation made of the amount which would be expended under these contracts by both the House provision and the Senate provision, provided the Secretary of War should let the contract for the entire amount estimated for the completion of the work. If he should let all those contracts provided for in the bill, for the full amount estimated, there would be expended under the continuous contracts in one fiscal year $16,000,000 under the Senate provision and $14,000,000 under the House provision.

Now I wish to say further that experience has demonstrated that there has been saved on the part of the Government by this system of continuous contracts all the way from 10 to 50 per cent in the different projects throughout the country. We have completed and paid all the continuous contracts heretofore authorized except an expenditure of about $4,000,000. Therefore I say I am justified in the statement that while this provision as it now stands in the form adopted by the Senate authorizes the expenditure of $56,000,000 for continuous contracts, according to the figures that have been furnished us by the Chief of Engineers, these contracts will be let for from ten to fifteen million dollars less than the amount authorized: in other words, there will be a reduction of from ten to fifteen million dollars at least from the $56,000,000.

Now, if the Secretary of War be prohibited from obligating the Government to pay upward of $400,000 on any one of these contracts in any one fiscal year there can not be in any event, after the cash appropriations have been exhausted, more than $16,000,000 which the Government will have to pay.

I wish to say further that it is not at all likely that all these projects will be in such a condition that the contracts can be let immediately after the passage of this bill. It may be some little time before they are all contracted for.

Mr. HEPBURN. Will the gentleman permit me a question?

Mr. HOOKER. Yes, sir.

Mr. HEPBURN. If there are $60,000,000——

Mr. HOOKER. Fifty-six million dollars I said.

Mr. HEPBURN. Well, for convenience I will say $60,000,000. If the amount in the aggregate may be $60,000,000, may not $15,000,000 mature during the next fiscal year on the continuing contracts——

Mr. HOOKER. No, sir.

Mr. HEPBURN. Then you will have to add that to the $12,000,000 carried outright by the bill. Now I wish to know what portion of these contracts will fall under $400,000; because all of them may mature in the first year.

Mr. HOOKER. There are, I will say to the gentleman, very few—only two or three—less than $400,000.

Mr. HEPBURN. So that you have there $27,000,000 or $28,000,000 that may possibly be expended.

Mr. HOOKER. No, sir; there are no circumstances under which this Government can be obligated to pay under these continuous contracts more than $16,000,000 in one year if every one of these contracts be let.

Mr. HEPBURN. But the bill itself carries $12,000,000 in addition to the contracts. Add that amount to the $16,000,000 and you have $28,000,000.

Mr. HOOKER. I am not including the $12,000,000 in the continuous contracts. They are two separate and distinct propositions.

Mr. DOCKERY. We shall have in addition the usual bill next year.

Mr. HOOKER. The gentleman is making a prophecy for next year. If we come back here—and I hope you will all come back in the Fifty-fifth Congress—and a river and harbor bill is prepared, I hope, as I said a moment ago, that the Committee on Rivers and Harbors will prepare a bill which will meet the urgent demands of the commerce of the country, and that they will have the courage to urge such a bill, even if it does take a few million dollars to make the appropriations.

Mr. HENDERSON. I would like, with the gentleman's permission, to ask him one or two questions.

Mr. HOOKER. Certainly.

Mr. HENDERSON. I want to know, first, whether these continuing contracts, in the main, involve the completion of the works which embrace them and for which the appropriations are made by this bill?

Mr. HOOKER. Yes, sir; they are to complete the contracts.

Mr. HENDERSON. So that you will in the future eliminate them from the necessity of further appropriations?

Mr. HOOKER. They will be eliminated; all of them.

Mr. HENDERSON. Now, if I understand you correctly, under the provisions of this bill, which we are now considering, $12,000,000 is the minimum and $16,000,000 is the maximum that can possibly be expended or called for by the Secretary of War, under the operations of the bill, from the Treasury during the next fiscal year?

Mr. HOOKER. No; not quite that. Twelve millions, I will

state to the gentleman, of cash appropriations are made by the bill for the two years.

Mr. DINGLEY. Or at the rate of $6,000,000 a year.

Mr. HOOKER. Yes, sir. Now, there may be, if the contracts are all let by the Secretary of War, and are entered into by the contractors when he has the authority under the bill to let them, and at the estimated cost they are supposed to involve—the maximum amount that the Government would be obliged to pay is about $16,000,000 by reason of them.

Mr. HENDERSON. Then, do I understand that four millions may be added to the twelve millions, making sixteen millions; or is it an additional sum of sixteen millions to be added to the twelve millions?

Mr. HOOKER. The cash appropriations and the continuing appropriations are two separate items.

Mr. HENDERSON. At all events, you are sure that twelve millions will be expended during the year?

Mr. HOOKER. No; during the two years that the bill runs.

Mr. HENDERSON. Very well. Then there may be sixteen millions more, in addition, within the two years?

Mr. HOOKER. Whenever the Secretary of War enters into the contracts, if he enters into all of them that he is authorized to enter into by the bill, he may obligate the Government to pay the amount of $16,000,000 under them.

Mr. HENDERSON. And in addition to that you have what you call the "cash appropriations," amounting to six millions a year for the two years?

Mr. HOOKER. Yes; that is correct.

Mr. HENDERSON. That is to say, you expect the twelve millions to run over a period of two years?

Mr. HOOKER. Yes, sir.

Mr. HENDERSON. And so, with the sixteen millions added, you make a total which may be called for during the year of $22,000,000?

Mr. HOOKER. That is correct.

Mr. HENDERSON. And that is the maximum that the Government can be called upon to pay during the next year under the operation of this bill?

Mr. HOOKER. Yes, sir.

Mr. DOCKERY. But my friend from New York does not include the three millions of indefinite appropriations——

Mr. HOOKER. I have included all of the appropriations that the bill carries.

Mr. DOCKERY. But I mean the indefinite appropriation for the improvement of the Monongahela River.

Mr. HOOKER. Oh, well, I do not know that we will go into that this year. That is a very indefinite subject. We will leave that to succeeding Congresses.

Mr. DALZELL. Nobody knows anything about it yet.

Mr. HOOKER. And it is not fair to charge it up as an appropriation in this bill, because it is impossible to state when the matter will be called to the attention of Congress.

Mr. HEPBURN. Well, it may not be definitely fixed, but the gentleman from Pittsburg is on the trail. [Laughter.]

Mr. DALZELL. And hopes to get there some time.

Mr. HENDERSON. Then, if I understand the gentleman from New York, if the Secretary of War exercises the authority given to him under the bill and provides for all of this work it will involve the Government in an expenditure of not exceeding $22,000,000 for the next year.

Mr. HOOKER. That is correct.

Mr. GROSVENOR. In the light of the comparative statement made by the gentleman from Iowa [Mr. HEPBURN] of the vetoed bill of fourteen years ago, I would like to ask the gentleman from Iowa if he can give us a comparison in the matter of the depth of water sufficient to accommodate the coastwise and internal trade of the United States at that time as compared with the present time, and the amount of water transportation in use to-day as compared with fourteen years ago, for the purpose of showing whether it is or is not true that the increased expenditures for rivers and harbors have not kept pace with the increased commerce and depth of water required to float it?

Mr. HEPBURN. I see the gentleman from New York is properly overwhelmed with the magnitude of the expected answer. It would take volumes to tell it all. [Laughter.]

Mr. HOOKER. Well, I hope the gentleman will give us the information as speedily as possible.

Mr. HEPBURN. Why does the gentleman juggle with the idea of $6,000,000 a year? Does not the gentleman know that every dollar of the $12,000,000 may be appropriated and expended within one month after the 30th day of June next?

Mr. HOOKER. I do not, and it is not even fair to insinuate that it could be done.

Mr. HEPBURN. We are speaking now of the appropriations that are authorized by the bill. The gentleman from New York is talking about spreading them over two years' time.

Mr. HOOKER. Does not the gentleman know that it frequently occurs that appropriations are made for projects throughout the country and they are not expended in two, three, and four years?

Mr. HEPBURN. The most of them go back into the Treasury, however, if they are not expended within two years.

Mr. HOOKER. There are millions of dollars to the credit of various projects that have not been expended.

Mr. Speaker, I demand the previous question.

Mr. WILSON of Ohio. Will the gentleman answer one question?

Mr. HOOKER. I demand the previous question.

Mr. WILSON of Ohio. I believe I was recognized, and I think the gentleman should answer my question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the conference report and insisting on the disagreement to the Senate amendments which are not included in the conference report.

Mr. HEPBURN. Mr. Speaker, I ask for the yeas and nays.

Mr. DOCKERY. Yes, let us have the yeas and nays. Give us a record.

The question was taken on ordering the yeas and nays, and there were 33 in favor of the demand and 128 against.

Mr. HOOKER. Let us have tellers on the yeas and nays.

Tellers were ordered; and the Speaker pro tempore appointed Mr. HEPBURN and Mr. HOOKER.

The House divided; and the tellers reported on the demand for the yeas and nays—ayes 48, noes 141.

Accordingly (more than one-fifth voting in favor thereof) the yeas and nays were ordered.

Mr. DOCKERY. A parliamentary inquiry. As I understand, the question is on agreeing to the conference report?

The SPEAKER pro tempore. The question is on agreeing to the conference report and on insisting to the disagreement to the Senate amendments not included in the conference report, and agreeing to the further conference asked by the Senate.

The question was taken; and there were—yeas 189, nays 56, not voting 110; as follows:

YEAS—189.

Acheson,	Doolittle,	Kiefer,	Robinson, Pa.
Adams,	Dovener,	Kirkpatrick,	Russell, Conn.
Aldrich, Ala.	Ellett, Va.	Knox,	Sauerhering,
Arnold, R. I.	Elliott, S. C.	Kyle,	Sherman,
Atwood,	Ellis,	Lacey,	Simpkins,
Avery,	Evans,	Latimer,	Smith, Ill.
Babcock,	Faris,	Lefever,	Smith, Mich.
Baker, Md.	Fenton,	Leisenring,	Southard,
Bankhead,	Fischer,	Lester,	Spalding,
Barham,	Fitzgerald,	Lewis,	Sparkman,
Barney,	Fowler,	Linton,	Spencer,
Bartholdt,	Gardner,	Little,	Sperry,
Bartlett, N. Y.	Gibson,	Loud,	Stahle,
Belknap,	Gillet, N. Y.	Loudenslager,	Steele,
Bennett,	Gillett, Mass.	Low,	Stewart, N. J.
Berry,	Graff,	Mahany,	Stewart, Wis.
Bingham,	Griffin,	Mahon,	Stokes,
Bishop,	Griswold,	Marsh,	Stone, C. W.
Blue,	Grosvenor,	McCall, Mass.	Strait,
Broderick,	Grow,	McCleary, Minn.	Sulzer,
Bromwell,	Hadley,	McClellan,	Taft,
Brosius,	Halterman,	McCormick,	Talbert,
Brown,	Hardy,	McCulloch,	Tawney,
Buck,	Harmer,	McLachlan,	Tayler,
Bull,	Harris,	McMillin,	Terry,
Burrell,	Hart,	McRae,	Thomas,
Burton, Ohio	Hartman,	Mercer,	Towne,
Cannon,	Hatch,	Meredith,	Tracey,
Clark, Iowa	Henenway,	Miller, W. Va.	Treloar,
Clark, Mo.	Henderson,	Milliken,	Van Horn,
Clarke, Ala.	Hendrick,	Minor, Wis.	Van Voorhis,
Cobb,	Henry, Conn.	Money,	Walker, Mass.
Colson,	Hermann,	Moody,	Walker, Va.
Cook, Wis.	Hicks,	Morse,	Walsh,
Cooke, Ill.	Hilborn,	Murphy,	Wanger,
Cooper, Fla.	Hill,	Neill,	Warner,
Cooper, Tex.	Hooker,	Northway,	Washington,
Cooper, Wis.	Hopkins,	Odell,	Watson, Ohio
Crump,	Howe,	Otjen,	Wellington,
Culberson,	Hubbard,	Owens,	Williams,
Cummings,	Hulick,	Parker,	Willis,
Danford,	Huling,	Payne,	Wilson, Idaho
Daniels,	Hunter,	Phillips,	Wilson, N. Y.
Dayton,	Hurley,	Pickler,	Wilson, S. C.
Denny,	Jenkins,	Poole,	Wright.
De Witt,	Johnson, Cal.	Powers,	
Dingley,	Johnson, N. Dak.	Prince,	
Dolliver,	Kendall,	Reyburn,	

NAYS—56.

Abbott,	De Armond,	Maguire,	Shuford,
Allen, Utah	Dockery,	McCall, Tenn.	Skinner,
Anderson,	Erdman,	McDearmon,	Sorg,
Andrews,	Grout,	Milnes,	Stallings,
Baker, Kans.	Hager,	Mondell,	Strong,
Baker, N. H.	Hainer, Nebr.	Otey,	Strowd, N. C.
Bell, Colo.	Harrison,	Overstreet,	Swanson,
Bell, Tex.	Hepburn,	Pendleton,	Tate,
Barton, Mo.	Kem,	Pitney,	Tracewell,
Clardy,	Kleberg,	Ramey,	Updegraff,
Cockrell,	Layton,	Royse,	Wilson, Ohio
Connolly,	Leighty,	Sayers,	Wood,
Crowther,	Linney,	Shafroth,	Woodard,
Curtis, Kans.	Lockhart,	Shaw,	Yoakum.

NOT VOTING—110.

The SPEAKER. If there be no objection, the Clerk will omit

NOT VOTING—110.

Aitken,	Dalzell,	Lawson,	Richardson,
Aldrich, Ill.	Dinsmore,	Leonard,	Robertson, La.
Allen, Miss.	Downing,	Livingston,	Rusk,
Apsley,	Draper,	Long,	Russell, Ga.
Arnold, Pa.	Eddy,	Lorimer,	Scranton,
Bailey,	Fairchild,	Maddox,	Settle,
Barrett,	Fletcher,	McClure,	Shannon,
Bartlett, Ga.	Foote,	McCreary, Ky.	Snover,
Beach,	Foss,	McEwan,	Southwick,
Black, Ga.	Gamble,	McLaurin,	Stephenson,
Black, N. Y.	Goodwyn,	Meiklejohn,	Stone, W. A.
Boutelle,	Hall,	Meyer,	Strode, Nebr.
Bowers,	Hanly,	Miles,	Sulloway,
Brewster,	Heatwole,	Miller, Kans.	Thorp,
Brumm,	Heiner, Pa.	Miner, N. Y.	Tucker,
Calderhead,	Henry, Ind.	Moses,	Turner, Ga.
Catchings,	Hitt,	Mozley,	Turner, Va.
Chickering,	Howard	Newlands,	Tyler,
Codding,	Howell,	Noonan,	Underwood,
Coffin,	Huff,	Ogden,	Wadsworth,
Corliss,	Hull,	Patterson,	Watson, Ind.
Cousins,	Hutcheson,	Pearson,	Wheeler,
Cowen,	Hyde,	Perkins,	White,
Cox,	Johnson, Ind.	Price,	Wilber,
Crisp,	Jones,	Pugh,	Woodman,
Crowley,	Joy,	Quigg,	Woomer.
Curtis, Iowa	Kerr,	Ray,	
Curtis, N. Y.	Kulp,	Reeves,	

So the motion of Mr. HOOKER was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. DALZELL with Mr. CRISP.

Mr. JOY with Mr. COWEN.

Mr. BOUTELLE with Mr. TURNER of Georgia.

Mr. MEIKLEJOHN with Mr. ROBERTSON of Louisiana.

Mr. STEPHENSON with Mr. DINSMORE.

Mr. DRAPER with Mr. BAILEY.

Mr. MILLER of West Virginia with Mr. WOODARD.

Mr. HULICK with Mr. PRICE.

Mr. KULP with Mr. RUSK.

Mr. APSLEY with Mr. MILES.

Mr. COFFIN with Mr. LAWSON.

Mr. WILLIAM A. STONE with Mr. BLACK of Georgia.

Mr. HULL with Mr. OGDEN.

Mr. BOWERS with Mr. MINER of New York.

Mr. ADAMS with Mr. MCLAURIN.

Mr. WILBER with Mr. JONES.

Mr. SNOVER with Mr. MADDOX.

Mr. JOHNSON of Indiana with Mr. COX.

Mr. MOZLEY with Mr. MOSES.

Mr. ARNOLD of Pennsylvania with Mr. LIVINGSTON.

Mr. WOOMER with Mr. BARTLETT of Georgia.

Mr. LEFEVER with Mr. TURNER of Virginia.

For this day:

Mr. HEATWOLE with Mr. HUTCHESON.

Mr. CODDING with Mr. HALL.

Mr. CORLISS with Mr. MEYER.

Mr. ROBINSON of Pennsylvania with Mr. ALLEN of Mississippi.

Mr. HENRY of Indiana with Mr. TUCKER.

Mr. GOODWYN with Mr. RUSSELL of Georgia.

Mr. FOSS with Mr. UNDERWOOD.

Mr. BARRETT with Mr. TYLER.

On this question:

Mr. RICHARDSON with Mr. CATCHINGS.

On this vote:

Mr. FAIRCHILD with Mr. MCCREARY of Kentucky.

Mr. COUSINS with Mr. WHEELER.

Mr. FOWLER. Mr. Speaker, I see that the gentleman from Georgia [Mr. BARTLETT] is announced as being paired with the gentleman from Pennsylvania [Mr. WOOMER].

Mr. RICHARDSON. Mr. Speaker, I voted on this conference report. I find I am paired with the gentleman from Mississippi [Mr. CATCHINGS]. I therefore withdraw my vote. If he were present, he would vote "yea" and I would vote "nay."

Mr. DALZELL. Mr. Speaker, I am paired with the gentleman from Georgia [Mr. CRISP]. I desire to withdraw my vote, as I do not know how he would vote.

The result was then announced as above recorded.

On motion of Mr. HOOKER, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

The SPEAKER. The Chair will appoint the same conferees.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I rise to a privileged report—the conference report on the part of the House conferees touching the sundry civil appropriation bill.

The Clerk proceeded to read the conference report.

[For text of conference report, see Senate proceedings of May 19.]

Mr. CANNON (during the reading). Mr. Speaker, as the report is quite lengthy, I ask to dispense with its reading. There is a statement signed by the conferees on the part of the House stating the effect of the agreement. I suppose it is in order to ask to dispense with the reading of the conference report.

The SPEAKER. If there be no objection, the Clerk will omit the reading of the conference report. [After a pause.] The Chair hears none.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7664), making appropriations for sundry civil expenses of the Government for the fiscal year 1897, submit the following written statement in explanation of the effect of the action recommended and agreed to by the conference committee in the accompanying conference report on each of the Senate amendments, namely:

On amendment numbered 1: Makes immediately available the appropriation for repairing the wharf at Sitka, Alaska.

On amendment numbered 5: Appropriates $15,000, as proposed by the Senate, for establishing an assay office at Deadwood, S. Dak.

On amendment numbered 20: Appropriates $8,000, as proposed by the House, instead of $12,000, as proposed by the Senate, for repairs to the Treasury, Butler, and Winder buildings.

On amendment numbered 21: Requires the Secretary of the Treasury to submit a plan for a hall of records in Washington, and to report upon the suitableness of a site for such building, as proposed by the Senate.

On amendment numbered 26: Strikes out the appropriation of $8,000 proposed by the Senate for wharf at quarantine station, Key West, Fla.

On amendments numbered 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39, relating to light-houses, beacons, and fog signals: Appropriates, as proposed by the Senate, as follows: $2,000 for lighted beacons in Lynn Harbor, Massachusetts, $4,500 for range lights at or near entrance of Maurice River, New Jersey, $5,000 for a fog signal at Menominee light station, Michigan, and $500 for post and range lights at Coos Bay, Oregon; strikes out the appropriations of $20,000 each, proposed by the Senate, for the Overfalls Shoal light vessel, New Jersey, and the relief light vessel for the Atlantic coast; authorizes the construction of a steam light vessel for Diamond Shoal, North Carolina, to cost not exceeding $80,000, to be paid for out of the unexpended balance of the appropriation for the establishment of a light-house on said Diamond Shoal; authorizes the construction of steam light vessels for Fire Island, New York, and San Francisco Harbor, to cost under contract not exceeding $80,000 each, and appropriates $40,000 toward each; and authorizes the construction of two steam tenders for the Second and for the Seventh and Eighth light-house districts, to cost under contract $75,000 each, and appropriates $37,500 toward the construction of each.

On amendments numbered 40, 41, and 42, relating to the Light-House Establishment: Appropriates $300,000, as proposed by the House, instead of $320,000, as proposed by the Senate, for expenses of light vessels; $490,000, as proposed by the House, instead of $460,000, as proposed by the Senate, for expenses of buoyage, and $4,000, as proposed by the Senate, to establish gas buoys at certain points on the St. Lawrence River.

On amendments numbered 43, 44, 45, 46, and 47, relating to the Revenue-Cutter Service: Inserts the provision proposed by the Senate, permitting officers and others of the Revenue-Cutter Service to make allotments of their pay; authorizes the construction of two revenue steamers for service on the Great Lakes, to cost $200,000 each, and appropriates $100,000 toward the construction of each; and strikes out the appropriations proposed by the Senate for a new revenue cutter each for the Gulf of Mexico, the Atlantic coast, and the Pacific coast.

On amendment numbered 48: Strikes out, as proposed by the Senate, the appropriation for $600 for rent of office for agent for the Post-Office Department to supervise the distribution of stamps.

On amendments numbered 49, 50, 51, 52, 53, 54, 55, 56, and 57, relating to the Coast and Geodetic Survey: Appropriates $20,000, as proposed by the House, instead of $15,000, as proposed by the Senate, for triangulation, topography, and hydrography of the coasts of California, Oregon, and Washington, and the resurvey of San Francisco Harbor; strikes out the increase proposed by the Senate in the salary of the Superintendent; and makes a transfer of $2,500 from a general item of office expenses to the salary roll.

On amendments numbered 58, 59, and 60, relating to the National Museum: Appropriates $15,000, as proposed by the House, instead of $20,000, as proposed by the Senate, for cases, furniture, fixtures, etc.; $153,225, as proposed by the Senate, instead of $143,225, as proposed by the House, for preservation, exhibition, and increase of collections; and $4,000, as proposed by the House, instead of $8,000, as proposed by the Senate, for repairs to buildings, etc.

On amendment numbered 62: Appropriates $67,000, instead of $65,000, as proposed by the House, and $70,000, as proposed by the Senate, for the National Zoological Park.

On amendments numbered 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, and 77, relating to the Fish Commission: Increases the amount for employees of the Commission $3,020, as proposed by the Senate; appropriates $9,000, as proposed by the House, instead of $10,000, as proposed by the Senate, for expenses of administration; $110,000, instead of $105,000, as proposed by the House, and $112,000, as proposed by the Senate, for propagation of food fishes; and $10,000, as proposed by the Senate, for a fish hatchery in South Dakota.

On amendments numbered 78 and 79: Makes the text of the appropriation for the Interstate Commerce Commission read as proposed by the Senate and to conform to the language of the current appropriation.

On amendment numbered 80: Appropriates $75,000, as proposed by the House, instead of $100,000, as proposed by the Senate, for contingent expenses, independent treasury.

On amendment numbered 81: Appropriates $55,000, as proposed by the House, instead of $70,000, as proposed by the Senate, for the transportation of silver coin.

On amendment numbered 82: Makes the appropriation for recoinage of silver coins applicable only to uncurrent fractional silver coins, as proposed by the Senate.

On amendment numbered 83: Appropriates $150, as proposed by the Senate, to pay John Lampman as a reward for arresting a post-office burglar.

On amendment numbered 84: Appropriates $131,000, instead of $125,000, as proposed by the House, and $137,000, as proposed by the Senate, for expenses of the quarantine service.

On amendment numbered 85: Strikes out the appropriation of $1,000 proposed by the Senate for collecting statistics in relation to criminals and paupers.

On amendment numbered 86: Strikes out the appropriation of $12,000 proposed by the Senate for engraving on copper the map of the United States.

On amendments numbered 87, 88, 89, and 90, relating to the Capitol building, appropriates as follows: Thirty thousand dollars, as proposed by the Senate, instead of $25,000, as proposed by the House, for work at the Capitol; $100 for flags for the Capitol; $1,500 for cleaning and repairing works of art in the Capitol, and $4,600 for repairs and improvements to the steam heating and ventilating apparatus of the Senate.

On amendment numbered 95: Appropriates $10,000, as proposed by the Senate, instead of $2,000, as proposed by the House, for reproducing plats of surveys.

On amendment numbered 98: Authorizes, as proposed by the Senate, the

city of Bismarck, N. Dak., to use Sibley Island, in the Missouri River, for a public park.

On amendments numbered 99, 100, 101, and 102, relating to the Geological Survey: Increases the amount, as proposed by the Senate, for topographical surveys from $150,000 to $175,000, and the amount for gauging streams from $35,000 to $50,000.

On amendments numbered 103, 104, 105, and 106, relating to the Hospital for the Insane: Appropriates $15,000, instead of $13,000, as proposed by the House, and $16,000, as proposed by the Senate, for general repairs and improvements; $1,500 for laboratory extension, and $6,000 for electric fans and resistance coils, as proposed by the Senate, and strikes out the appropriation of $7,000 proposed by the Senate for rebuilding shops.

On amendment numbered 107: Strikes out the appropriation of $1,500 proposed by the Senate for a school at Circle City, Alaska.

On amendment numbered 108: Appropriates $12,000, as proposed by the Senate, instead of $5,000, as proposed by the House, for reindeer for Alaska.

On amendment numbered 110: Appropriates $1,500, as proposed by the Senate, for salary of consul at Alexandretta, Turkish dominions.

On amendments numbered 114, 116, 117, and 118, relating to armories and arsenals: Appropriates $10,290, as proposed by the Senate, for reconstruction of Rock Island Bridge; strikes out the appropriation of $1,000 proposed by the House for macadamizing Beyers street, in Springfield, Mass.; requires that no patented machine for testing purposes shall be erected at the Watertown Arsenal unless patentee shall first authorize its use by the Government without compensation; and strikes out the appropriation of $15,000 proposed by the Senate for Mount Vernon guns.

On amendment numbered 119: Limits the price for concrete or asphalt pavements in the public parks of Washington to $2.15 per square yard instead of $1.75, as proposed by the House.

On amendment numbered 129: Strikes out the appropriation of $15,000 proposed by the Senate for paving roadways on the east and south sides of the State, War, and Navy building.

On amendments numbered 130, 131, 132, 133, 134, 135, and 136, relating to military posts: Appropriates $300,000, as proposed by the House, instead of $400,000, as proposed by the Senate, for construction of buildings at and enlargement of military posts; $100,000, as proposed by the Senate, instead of $50,000, as proposed by the House, for the military post at Spokane, Wash.; $75,000, as proposed by the Senate, instead of $50,000, as proposed by the House, for Fort Riley, Kans.; $40,000, instead of $60,000, as proposed by the Senate, for Fort Harrison, Mont.; $40,000, instead of $50,000, as proposed by the Senate, for Fort D. A. Russell, Wyo.; and $40,000, instead of $50,000, as proposed by the Senate, for the military post at Bismarck, N. Dak.; and makes immediately available the appropriation for improving Fort Wayne Military Reservation.

On amendment numbered 137: Makes a verbal correction in the text of the appropriation for the improvement of the Yellowstone National Park.

On amendment numbered 144: Appropriates $1,500, instead of $2,058, as proposed by the Senate, for purchase and use of land included in the military cemetery at Key West, Fla.

On amendment numbered 148: Strikes out the appropriation of $6,000 proposed by the Senate for a cable to Alcatraz Island, California.

On amendment numbered 149: Strikes out the appropriation of $800 proposed by the Senate for a military telegraph line in Colorado.

On amendment numbered 150: Appropriates $15,000, as proposed by the Senate, for the California Débris Commission.

On amendment numbered 151: Strikes out the appropriation of $650 proposed by the Senate for the Army and Navy Hospital at Hot Springs, Ark.

On amendments numbered 152, 153, 154, 155, 156, 157, 158, 159, and 160, relating to the National Home for Disabled Volunteer Soldiers: Strikes out the appropriation of $4,000 proposed by the Senate for a new coal shed at the Eastern Branch, Togus, Me.; appropriates $4,200, as proposed by the Senate, instead of $3,500, as proposed by the House, for additional boilers at the Southern Branch, Hampton, Va.; and strikes out the proposed increase by the Senate of the salary of the general treasurer of the Board of Managers from $3,000 to $3,500.

On amendment numbered 162: Appropriates $40,000, as proposed by the Senate, instead of $25,000, as proposed by the House, for defending suits in claims against the United States.

On amendment numbered 163: Appropriates $1,500, as proposed by the Senate, for repairs and preservation of buildings in Alaska.

On amendments numbered 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, and 178, relating to expenses of United States courts: Appropriates in the aggregate for such expenses $4,500,212, instead of $3,998,212 as proposed by the House and $5,221,212 as proposed by the Senate.

On amendments numbered 179, 180, 181, and 182, relating to the Senate: Authorizes payment to be made to the Official Reporters of that body; appropriates $3,500 for repairs to the Maltby Building, $1,800 for rent of warehouse for storage of public documents, and $2,000 for repairs and improvements to the Senate stables and grounds.

On amendment numbered 183: Appropriates $12,500, as proposed by the Senate, for the purchase of historical publications of James D. McBride.

On amendments numbered 184, 185, 186, 187, and 188: Strikes out the increase proposed by the Senate in the allotments of appropriations for printing and binding for the Geological Survey and the Library of Congress, and authorizes the printing of 5,000 copies of reports of the Geological Survey relating to the gauging of streams for distribution by the Geological Survey and Congress.

On amendment numbered 189: Restores to the bill the provision proposed by the House, giving to each member of the House for distribution the eight copies of the CONGRESSIONAL RECORD heretofore required to be sent by the Superintendent of Documents to public or school libraries.

On amendment numbered 191: Authorizes the payment to the Cotton States and International Exposition Company the unexpended balance of the appropriation for the Government building and exhibit at the Atlanta Exposition for expenses incurred and paid by said company in connection with said building and exhibit.

The committee of conference have been unable to agree on the following amendments, namely:

On amendments numbered 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 22: Making appropriations for and extending the limit of cost of certain public buildings.

On amendments numbered 23, 24, and 25, relating to the marine hospital at Chicago, Ill.

On amendments numbered 28 and 32: Appropriating $30,000 for range lights in Sandusky Bay, Ohio, and $15,000 for a light-house on Swan Island, in the Caribbean Sea.

On amendment numbered 61: Appropriating $250,000 for an additional fire-proof building for the use of the National Museum.

On amendments numbered 91, 92, and 93, relating to the lighting of the Capitol Grounds by electricity.

On amendment numbered 94: Appropriating $55,000 for ventilation of the Senate wing of the Capitol.

On amendment numbered 96: Increasing the appropriation for surveys and resurveys of public lands from $250,000 to $400,000.

On amendment numbered 97, relating to the reclamation of arid lands.

On amendment numbered 109: Appropriating $35,000 to enable the Government to take part in the International Exposition at Brussels, Belgium.

On amendments numbered 111 and 112, relating to the editing of papers and archives of the Revolution.

On amendment numbered 115: Appropriating $500 for the arsenal at Columbia, Tenn.

On amendment numbered 120: Appropriating $1,500 for a children's playground in East Washington.

On amendments numbered 122, 123, 124, 125, 126, 127, 128, and 129, relating to the price to be paid for gas and electric lamps in the public grounds.

On amendments numbered 138, 139, 140, 141, 142, and 143, relating to the improvements of certain rivers and harbors under the contract system.

On amendment numbered 145: Appropriating $1,000 for keeping in repair the Guilford battle ground.

On amendments numbered 146 and 147, relating to the support and medical treatment of destitute patients and to the Providence and Garfield hospitals.

On amendment numbered 161, relating to the disbursement of appropriations for the National Home for Disabled Volunteer Soldiers.

On amendment numbered 190: Appropriating $100,000 for additional ground for the Government Printing Office, for the purchase of boilers, and the erection of a boiler house.

The Senate, by its amendments, added to the bill $6,577,257.10. Of this sum, under the terms of the conference agreement, the Senate recedes from $2,990,008, the House agrees to $1,810,070, and there remains in dispute $1,777,179.10.

J. G. CANNON,
E. J. HAINER,
JOSEPH D. SAYERS,
Managers on the part of the House.

Mr. CANNON. Mr. Speaker, a word or two in explanation of this report.

Mr. BARTLETT of New York. I should like to ask the gentleman——

Mr. CANNON. I will make my statement, and then the matter of debate will be arranged.

Mr. BARTLETT of New York. I merely wanted to ask what arrangement will be made for the discussion of the conference report?

Mr. CANNON. I propose to hold the floor if I can and yield to gentlemen for remarks directly upon the conference report, such as are fair and businesslike and lead to a speedy conclusion.

Mr. Speaker, the Senate by its amendments added to this bill $6,500,000. Of this sum, in the report just read the Senate recedes in round numbers from $3,000,000—the sum of $2,990,000, to be exact; the House agrees to Senate amendments aggregating $1,810,000, and there remain in dispute between the House and the Senate, as by the report, items aggregating $1,777,000.

Now, Mr. Speaker, I want to call the attention of the House very briefly to the matters in real difference between the House and the Senate, and if they were out of the bill we could come, I think, as to most of the other items, to a desirable and early agreement. If gentlemen will take the bill as it passed the Senate (House print), they will find these items that are most annoying in the first 21 amendments.

Mr. MORSE. Seventeen public-building bills.

Mr. CANNON. In the main public-building bills. Gentlemen are aware that the policy of the House has been and is not to enact legislation authorizing a public building, and to the grief of many of us, that the condition of the Treasury and the country is such that this can not be done, or at least it is not being done. Now, under the rules of the House, authorizing public buildings is not in order upon a general appropriation bill, nor is it in order to break the limit of the public buildings. For instance, a limit is fixed when a public building is authorized by legislation, and frequently for one reason or another legislation is subsequently had increasing the cost. That is the practice of the House in its legislation.

This bill was a clean bill in that respect when it passed the House. In the Senate they added these 20 or 21 amendments. A year ago, as to one amendment, numbered 2 in the bill, a public building at Boise City, Idaho, was authorized and $50,000 appropriated. Since then the site has been obtained, but no plans, and there will be none until next winter. The Senate amendment appropriates $50,000 and enlarges the limit of cost to $200,000. There is a similar amendment as to a public building at Camden, N. J., also at Cheyenne, Wyo.; and there is an absolutely new authorization made for a public building at Fortress Monroe, Va., upon this bill, one that never has been authorized otherwise. There is also the enlargement of the limit for a building at Helena, Mont., and also an enlargement of the limit of cost of a public building at Kansas City, Mo., from $1,200,000 to $1,316,000. Now, we kept items of this kind off this bill by points of order in the House, because they were not in order. The House conferees declined to agree to these Senate provisions; and unless the House recedes from its disagreement to those Senate amendments, or instructs its conferees to recede, I do not see any prospect of agreement, unless the Senate recedes. I want to state the matter very frankly to gentlemen, so that the House, if it sees proper, can take action in the premises, either along the line of further disagreement or along the line of receding from the disagreement to the Senate amendments.

Now I come to three or four matters that for the good of the

public service ought to be provided for, and I ask the attention of the House to them:

Amendment numbered 11: For court-house and post-office at Los Angeles, Cal.: For additions to and alterations in the court-house and post-office building, $12,000.

It is the alterations that made this appropriation necessary. But for them this money could be paid out of the ordinary general appropriation for the repair of public buildings. The facts are that at Los Angeles last year the postal revenues were in round numbers $150,000, and the net revenues $90,000. They want this appropriation to finish the cellar or basement of that little public building, and the work must be done or else they will have to move into a rented building. Nevertheless, your conferees did not feel at liberty to agree even to that provision, although it could not be classed as the construction of a public building, or the breaking of the limit of cost of a public building, because the building is already up. It is for the House to take such action as it may desire touching the matter.

Then there is an item:

For making certain proposed alterations in the post-office building in New York City, arranging and furnishing certain rooms in accordance with plans prepared by the Supervising Architect of the Treasury, $90,000.

I am frank to say that upon reading the report of the Supervising Architect and upon full inquiry I am satisfied that these alterations ought to be made, that the partitions ought to be taken down, the rooms changed somewhat, and some of the stairways altered—all for the good of the public service. But for the alterations this work also could be paid for out of the general appropriation for repair of public buildings; but technically it comes within the rule, and therefore it is for the House to either insist further on its disagreement or to take such action as it may deem proper in the premises.

Mr. DANIELS. These alterations will double the room.

Mr. CANNON. Yes, I understand that, as the gentleman from New York [Mr. DANIELS] says, the room would be doubled by these alterations.

I want to call the attention of the House now to amendments numbered 18 and 19, found on page 6. Gentlemen know the new post-office building in this city, on Pennsylvania avenue, near Eleventh street. That is a great building, eight stories in height——

Mr. SAYERS. Mr. Speaker, I desire to suggest to the gentleman in charge of the bill, if he will permit me, that he should call attention to the fact that the difference between the House and the Senate is not so much on amendment No. 18 as on No. 19.

Mr. CANNON. I thank the gentleman. I will explain that in a moment. The first floor of this great building is to be occupied by the city post-office. The other seven floors are to be occupied by a clerical force that is now occupying rented quarters. That will be the greatest Government office building in this city or in this country.

There is a desire to change the plan of the two upper stories, making certain alterations so as to accommodate a greater number of clerks. Then the Supervising Architect has made some change in the finish, so that the building can not be completed within the limit, and if it is to be finished as it ought to be—I am not now justifying the changes in plan which the Supervising Architect has made—if the building is to be finished as it ought to be, the limit will have to be broken to the amount of $410,000.

Mr. SAYERS. With the gentleman's permission, I will say that the effect of breaking the limit—that is, of agreeing to amendment No. 19 as proposed by the Senate—would be that in eighteen months from to-day nearly 3,000 clerks of the Government who are now occupying rented buildings would be transferred to this new post-office building, and the rent of the quarters now occupied would be saved, as well as the rent of the building in which the city post-office now is. All that is involved in amendment No. 19.

Mr. DINGLEY. What would be the saving in rent?

Mr. SAYERS. I should suppose about $100,000 a year.

Mr. PAYNE. When could the building be occupied if we did not break the limit?

Mr. CANNON. The gentleman from Texas has stated the facts better than I could have done it. The gentleman from New York [Mr. PAYNE] asks, if the limit is not broken and this appropriation is not made, when can this building be occupied by the Government? I suppose that it can not be occupied in full at all until the limit is broken, but it will make a difference of six months whether this appropriation is made now or made next winter.

Mr. MILLIKEN. Do I understand the gentleman to say that the building can not be covered in and the lower parts of it occupied without the limit being broken?

Mr. CANNON. I think it can be covered in and the lower part occupied, but not the two upper stories. The changes in the plan are such that if they are to be made economically this appropriation ought not to be postponed.

Mr. MILLIKEN. This appropriation, as I understand, does not contemplate the change in the roof which was proposed some time ago?

Mr. CANNON. Oh, no; this Senate amendment does not touch the question of the roof at all.

Mr. MILLIKEN. That proposition has been adversely reported in the House.

Mr. CANNON. Well, there is nothing in this about the roof.

Mr. PAYNE. I understand that this change in plan has been already made, and that the building can not be completed until the necessary appropriation is made.

Mr. CANNON. The gentleman is correct. On the merits I am frank to say that from every standpoint I think this appropriation ought to be made; but as it involves legislation, and as this is a Senate amendment, the committee of conference thought proper to report it with the other amendments and make a frank statement about them, so that the House could take such action as it deemed proper.

There are several public buildings authorized outright by Senate amendments. For instance, a court-house and post-office at Salt Lake City, for purchase of site and commencement of construction, $75,000. There is also one at Fortress Monroe, and there are several other cases in which the limit is broken. Great effort was made to break the limit also, I believe, on the post-office building at Omaha.

Mr. DINGLEY. These are new buildings for which there is now no authority of law?

Mr. CANNON. There is authority of law for that building; but they want to break the limit.

Mr. DINGLEY. But as to the one at Salt Lake City?

Mr. CANNON. That is entirely new. The Senate did not put on the Omaha building and many others. It did put on the Kansas City building. Now, it is for the House, with full knowledge, to deal with the question as suits its judgment, waiving, if the House chooses, its objection to legislation in connection with the Senate amendments, or insisting, if it desires, that the amendment shall not be agreed to. And let us understand that, if the House so insists, then, according to the courtesy and the rule between the House and the Senate, where one body insists on legislation upon an appropriation bill and the other will not yield, the provision should go out of the bill.

Mr. WILSON of Idaho. Will the chairman of the Committee on Appropriations allow me a question?

Mr. CANNON. Certainly.

Mr. WILSON of Idaho. Will the gentleman kindly explain to the House the status of the Senate amendments so far as they affect the public buildings at Boise City, Idaho; Helena, Mont., and Cheyenne, Wyo.?

Mr. CANNON. The House disagrees to those amendments. A year ago, as I understand, public buildings were authorized at those three places, at a cost of $150,000 each, and $50,000 was appropriated lately, within the last month or two, and sites, I believe, have been acquired at those three places.

Mr. WILSON of Idaho. Sites have been selected, but not acquired.

Mr. CANNON. Well, selected, but not yet acquired. We inquired fully of the Supervising Architect about those three buildings; and he informed us that in no event would pen be put to paper on the plans in less than twelve months from the time when he spoke, which was February last, when we were making the examination. The Senate amendment provides for breaking the limit at each one of those points; that is, legislating so as to make the cost of the building in one case $200,000, in another $250,000, and in another $300,000. That is legislation; and it is for the House to say whether it will concur.

Mr. WILSON of Idaho. I understand the chairman of the Committee on Appropriations to say the information coming from the Supervising Architect is that under no circumstances can these buildings be provided for within twelve months.

Mr. CANNON. They can not even commence on the plans.

Mr. WILSON of Idaho. Now, appropriations having been on the statute book for two years, does not the fact which the gentleman mentions show a woeful condition of affairs in the Supervising Architect's Office? Does it not show neglect, or at least a deficiency in the matter of clerks, or something wrong in some respect?

Mr. SAYERS. These appropriations, as I recollect, were not made two years ago.

Mr. WILSON of Idaho. They were made in the last sundry civil bill.

Mr. CANNON. One year ago.

Mr. SAYERS. Yes, one year ago.

Mr. CANNON. We know how the public service stands. It takes time to acquire these sites. Of course there is much about the public service on which I am willing to "swap horses" with my friend from Idaho during the coming campaign, he telling my constituents and I telling his how bad the Administration has been and what a wonderfully poor condition the Treasury is in.

Mr. SAYERS. I hope you will tell the whole truth while you are about it. [Laughter.]

Mr. CANNON. Now, having said that much——

Mr. STEWART of New Jersey. Has it not been the policy of the Appropriations Committee of this House to prevent the breaking of the limit in respect to any of these public buildings?

Mr. CANNON. Oh, yes.

Mr. STEWART of New Jersey. Does the gentleman, then, concur in the action of the Senate increasing the limit on these public buildings?

Mr. CANNON. Well, I am submitting the matter to the House.

Mr. STEWART of New Jersey. Why not either condemn or approve the action of the Senate?

Mr. CANNON. Well, I can say to my friend that the House conferees will not agree to these public-building matters involving legislation without some indication of the sentiment of the House, and it is entirely within the power of any member of the House to get a vote on any of these questions as to whether the House should recede or not.

Mr. STEWART of New Jersey. In view of the action of the distinguished chairman of the Committee on Appropriations in shutting out propositions of members of the House to break the limit in any of these cases, should not the gentleman, in order to be entirely consistent, condemn the action of the Senate in breaking the limit?

Mr. CANNON. Well, I disagree with the action of the Senate. But I want to be entirely candid. The wants of the public service are such that if you ask me for my individual opinion I will say that if I had the power I would break the limit of the appropriation of $400,000 to finish the post-office building down here on the Avenue, so that we could six months earlier house those clerks who are now in rented buildings. If I had the power I would do another thing. I would make such repairs and enlargement in the public building in New York City as to double the court-room accommodations. If I had power I would do another thing. I would allow repairs to be made in the basement of the public building at Los Angeles to accommodate the rapidly growing business at that point, instead of forcing them out into the street to rent buildings to accommodate the public service.

Now, having said that much, perhaps I may say further that I sympathize with what I hear sub rosa—no, perhaps not sub rosa, but hear quietly and have heard to-day and yesterday and several days before on the floor of the House. Gentlemen are naturally desirous of securing public buildings in their various districts.

Mr. HOPKINS. We ought to have one in Elgin. Put that in and I am with you. [Laughter.]

Mr. CANNON. The gentleman says put in a building for Elgin and he is with me. Well, if the Senate had put in one at Joliet I would be very grateful. [Laughter.] It is a most interesting town, a growing town, an important place, and ought to have a public building; and many of the people there are saying: "CANNON is chairman of the Committee on Appropriations; he can get us a public building at Joliet if he wants to, and we ought to have it." Well, you all know what that amounts to. They are suggestions I can not meet. I would be glad to see a proper public building put there.

Mr. DALZELL. You have already, I believe, quite a considerable public building at Joliet. [Laughter.]

Mr. CANNON. Yes; and a good many Pennsylvanians are occupying it. [Laughter and applause.]

So it is, gentlemen, I realize the embarrassment, that as this is not a public-building session of Congress, we all will have to face the embarrassment of explaining when we get home, "Why did not you get us a public building?" You can say the revenues of the Government did not allow it at this time. Ah, but they will say, "Why did not you get it if other people could? So and So got a public building and So and So got another one." That is the way gentlemen argue with me, and I am simply stating the facts to you as they appear. I would be very glad indeed if it was possible to supply many of these places that ought to have public buildings. There is no doubt about that. But I think I have stated candidly the difference between the two Houses on these points.

Mr. HICKS. Before the gentleman leaves that, I would be glad if he would explain a little more fully the action with reference to the appropriation of $60,000 for the post-office at New York, and what action has been taken in reference to additional site for the Public Printing Office.

Mr. CANNON. I will come to that a little later on. I have already referred to it in part.

Mr. HARTMAN. Let me ask the gentleman from Illinois what is the aggregate of increase in public buildings made by the Senate amendments over the House appropriations?

Mr. CANNON. The increase of the appropriations by the Senate amendments for public buildings is $702,300, and the Senate legislation authorizes the further expenditure of $1,000,087 for public buildings on amendments.

Mr. HARTMAN. Another question, if you please: Have you any objection to the public-land survey increase made by the Senate remaining in?

Mr. CANNON. I will say to my friend that I hope we can make an adjustment of that matter in the next conference. It was canvassed fully and a call for additional information made upon the Commissioner of the Land Office. In my judgment, the House provision is all that can be expended. But it is fairly open for consideration.

Mr. PICKLER. How much is the difference?

Mr. CANNON. The difference is between $250,000, appropriated by the House, and $400,000, as the Senate proposes.

Mr. HARTMAN. In order to test the sense of the House on the Senate amendments, unless some other gentleman wishes to make the motion, I will make a motion at the proper time to instruct the conferees to recede from their disagreement to the Senate amendments.

Mr. CANNON. It is competent, of course, for the gentleman to move to recede.

Mr. HARTMAN. I will do that.

Mr. SAYERS. Before such motion is made, the House should be asked to concur in the conference report, so as to eliminate from a further conference all of the items upon which we have agreed.

Mr. CANNON. Oh, yes; there will be an opportunity to make that motion, I will state to the gentleman from Montana, after we have acted upon the report.

Now, there is a matter of very considerable interest and importance to which I wish to direct the attention of the House for a few moments. I refer to amendment numbered 190, on page 126 of the bill. This is a provision to enable the Public Printer, with the approval of the Secretary of the Treasury, to purchase two lots of land immediately adjoining the present site of the Government Printing Office, containing in all about 16,000 square feet, for the purpose of erecting a boiler house and coal shed in connection with the Government Printing Office, and also to give light and ventilation to the new building belonging to that office now approaching completion. The provision is also made in the amendment for condemnation proceedings in the event that a satisfactory arrangement can not be made for the purchase.

I will place in the RECORD, with the consent of the House, a letter from the Public Printer touching this matter. I think I can state the substance of it perhaps more quickly than it can be read. Gentlemen know that last year we made an appropriation for the purpose of constructing a new addition adjacent to the present Public Printing Office, and it will be completed within a month or two—the 1st of July, I am informed, to be accurate.

Now, the heating plant is so situated in connection with the old office that there is constant danger of fire, and it is insufficient to heat this new building. It is absolutely necessary, if that building is occupied beyond November next, that there should be an additional plant for heating and for power. It is estimated that this will cost about $100,000 to purchase the lot of ground and the requisite power house and fixtures. Now, it seems to me that this ought to be done. It can not be done unless the House does it. This is a Senate amendment. It would have been subject to a point of order if it had been offered in the House. I think it ought to be done without reference to what eventually may be done touching the Printing Office. You know that has been an old matter of contention between the House and the Senate, and it ought to be solved, but in the meantime——

Mr. HICKS. May I ask my friend a question?

Mr. CANNON. In a moment. In the meantime the Printing Office is down there, and from sheer necessity an appropriation was made to put up a new additional building. Now, even if we commence, as I think we ought to commence in the near future, to construct an entire new Printing Office that will meet the demands of the public service, yet I regard it as an absolute necessity that this ground should be purchased or condemned, and that the heating plant should be erected so as to utilize, with safety to life and limb and efficiency to the public service, the buildings that we now have there and must occupy, pending the time that provision is made for a new office.

Mr. LOUDENSLAGER. This is new legislation, is it not?

Mr. CANNON. Yes; I will state it fairly. We have not agreed to it. It is for the House to further insist on its disagreement or to recede; but I am stating what the facts are, so that the House may act according to its best judgment, with such information as I can give it.

Mr. HICKS. Does not the chairman of the committee think that if we should make this large appropriation now it will practically settle the Printing Office question?

Mr. CANNON. I do not think so. It is not a large appropriation. It is $100,000, and I regard it as an absolute necessity, even if we get a new Printing Office within the next four years. I think this is absolutely necessary in the meantime. I do not regard it as settling the matter of a Printing Office permanently.

Mr. HICKS. Is it not a fact that the Public Printing Office where it is now is considered unsafe and in a very dangerous condition?

Mr. CANNON. And very largely unsafe because of the location of the heating plant and the boilers, which are absolutely insufficient to heat the new building which has just been erected as an addition.

Mr. WALKER of Massachusetts. What will the cost of the new building be?

Mr. CANNON. One hundred and twenty-one thousand dollars.

Mr. WALKER of Massachusetts. And the heating plant is to cost $100,000?

Mr. CANNON. You have to buy land on which to erect the building for the heating plant, and it is proposed to buy 16,000 feet of ground adjacent to the present building, and then to erect the boiler plant. The estimate for the whole thing is $100,000.

Mr. HICKS. Would it not be sufficient to buy a small piece of ground, just enough for the heating plant?

Mr. CANNON. Oh, well, ground is quite cheap now, and my judgment is that the proposed plan is better. However, that is a matter of administration that could be considered hereafter. I do not want to go into the merits of the Public Printing Office question. I am only giving the House such information as I have, and my opinion in this matter, after investigation. Now, having said this much, I should like to take as little time as possible, and to get to direct action upon these various provisions. In order that we may progress, I will move the adoption of the conference report. Then these other amendments will be open.

Mr. HICKS. There is one item, No. 22, which my friend has missed. Will he kindly explain the necessity of it?

Mr. CANNON. That relates to the repairs on the public building at New York.

Mr. LOUDENSLAGER. It is not agreed to.

Mr. HICKS. It will be objected to.

Mr. BARTLETT of New York. I should like to be heard.

Mr. CANNON. Let us adopt the conference report. Does the gentleman oppose any item in the conference report?

Mr. BARTLETT of New York. I wish to oppose an item that has been agreed upon by the conferees.

Mr. CANNON. Will five minutes answer the gentleman?

Mr. BARTLETT of New York. I have been cut off on five minutes too often. I want about fifteen minutes.

Mr. CANNON. I can not yield fifteen minutes on a single item in the conference report.

Mr. BARTLETT of New York. The gentleman told me when he first brought the matter up that I should have a reasonable amount of time.

Mr. CANNON. Well, I must be consulted as to what that is if it comes out of my time. I can not yield fifteen minutes on a single item of the conference report.

Mr. BARTLETT of New York. After the conference report is adopted I can not get a hearing on this question at all.

Mr. CANNON. Will five minutes be enough for the gentleman?

Mr. BARTLETT of New York. I ask for ten minutes. I am a member of the Committee on Appropriations, Mr. Speaker.

Mr. CANNON. I will yield five minutes to the gentleman and then see whether he wants any more time or not. I will do the best I can for the gentleman.

Mr. Speaker, before I yield to the gentleman from New York I will insert in my remarks memoranda and letter from the Public Printer before referred to:

PRESENT DEMANDS.

The battery of three steam boilers now constituting the power and heating plant of the Government Printing Office is located in the center of the group of buildings. They are now the most serious menace to life which threatens the employees, and the same danger threatens the safety of the whole Printing Office property.

The capacity of the three boilers in use for power purposes is 630 horsepower. The requirements of the present power service is 581 horsepower, leaving but 49 horsepower for contingencies, a power margin far too narrow for safety in average service.

The ability of the steam plant in furnishing an average power and heating service the past winter was only met by the addition of a steam economizer to one of the boilers, and by the utilization for the first of exhaust steam for heating purposes. The economizer is but an extension by the addition of another boiler erected above the old boiler, thus gaining 1,000 square feet of steam-heating surface.

During cold weather, when accompanied by dark days, the requirements of the power and lighting plant are beyond the safe capacity of the boilers, and consequently the full requirements of the office are not met at such times.

Should an emergency arise, withdrawing one of the boilers from service for repairs or cleaning during any day other than Sunday or a holiday, it would be impossible to meet the wants of the office at a period when the maximum steam service is required.

NEW DEMANDS.

The new west building, which will be turned over to the Public Printer in June next, can not be heated next winter or furnished power from the present steam plant. Its requirements in steam must be met from a new plant, which can not be erected except by the purchase of land. The proposed new boiler house and two 300-horsepower boilers will not only meet the requirements of the new building in heat and power, but will afford a margin in steam service for the whole office, insuring greater safety, and meet in part the imperative demand for a duplicate steam equipment, thus making it possible to continue work in the office without interruption in case of an accident to any one of the boilers.

In no other respect is there a more urgent demand for immediate legislative authority in regard to the work of public printing than in this particular matter of additional steam facilities.

OFFICE OF THE PUBLIC PRINTER,
Washington, D. C., April 30, 1896.

DEAR SIR: I esteem it my duty to write you in connection with the item inserted in the sundry civil bill in the Senate, providing for the erection of additional boiler plant at this office and for the purchase of land, which item is now under consideration in conference with your committee.

This work is the outgrowth of work undertaken a year ago, at the instance of the Joint Committee on Printing, in securing the erection of the new west building, now nearing completion at this office; in fact, this plant is a part of the work contemplated in such erection, inasmuch as it was intended, in connection with the erection of the new building on the lot line of adjoining owners, that the purchase of the adjoining land was to be made and the buildings removed, that light might be admitted into the two lower stories of the new building. As it is now many of the windows are completely darkened by the adjoining building.

It was also understood and stated by me that the present boiler plant would not be sufficient and could not be enlarged to furnish heat for the winter for the new west building. The erection of five additional rooms to the office, under the appropriation of $75,000 in 1894, caused me to utilize every resource of the present boiler plant, that the present power and heating demands of the office might be met, and which is inadequately met during the severity of winter.

There is no margin either in power or heat in our present plant to furnish heating facilities for the new building to be occupied in June. Such occupancy will be followed by vacating the building in November next unless heat is provided. No addition can be made to the present steam plant of the office except by purchase of land for the erection of the new plant.

All other dangers attending life and property in this office lessen before the danger incident to the tremendous steam energy concentrated within the group of buildings here, and which must be operated days, nights, and Sundays, with scarcely ordinary opportunities for withdrawing the fire and cleaning the boilers.

The demands on the steam service are now greater than ever, and the danger greater. I have mentioned this danger in public reports and vertical statements. If the new boiler plant is erected, I will use it entirely for power purposes, and use the old boilers within the office exclusively for heating purposes, removing in a larger degree the great pressure of steam, thus lessening the danger to life and property.

The presentation of this matter to the Senate Appropriation Committee was in line of suggestions as made by members of the Committee on Printing, and not with a view of leaving your committee uninformed in the matter on my part.

Most truly, yours, TH. E. BENEDICT,
Public Printer.

Hon. J. G. CANNON,
Chairman Committee on Appropriations,
House of Representatives.

Mr. BARTLETT of New York. Mr. Speaker and gentlemen of the House, I desire to call the attention of the House to one item which has been inserted in the Senate, and which I say is improper and in my opinion is a fraud. I am conversant with the use of the English language; I am generally moderate in tone and in statement; and when I make the statement that a particular item is a fraud, I think I shall be able to sustain it in the course of my remarks, even if I have but five minutes. You will find on page 119 an item in these words: "To purchase from Gen. James D. McBride." Of course I may remark in passing that there is no such rank as "general" in this country. He might be a major-general or a brigadier-general; but I am informed that this gentleman was never either.

But it matters not what title he is found to have; here is an appropriation of $12,500 improperly inserted by the Senate and which successfully escaped the animadversions of the watchdogs of the Treasury in either body represented on this conference committee. What is this appropriation? It is to pay to Gen. James D. McBride the sum of $12,500 for a series of what? For what they are pleased to term "historical publications," whereas they are mere diagrams. They are six in number. The largest is subdivided into three segments. In this [exhibiting] is a facsimile of the Declaration of Independence; next we have the officers of Government in the year 1876, because that was the one hundredth anniversary of the Declaration of Independence—that is, the members of one special Congress. Then we have in this set [exhibiting], 1892, the officers of Government, because, forsooth, that was the four hundredth anniversary of the discovery of this country. Then we have three little tablets, representing each segment of the larger diagram, making four in all. Then we have the seals of the United States, taken from books in our libraries, taken from Benson J. Lossing's encyclopedia, only the seal of the United States being reproduced in an enlarged and improper form. We have all of these seals reproduced from books in our libraries, and then we have these poor vignettes of the Presidents of the United States—cheap and poor, imperfect and faulty in execution beyond all conception or description.

Mr. LACEY. Do you say that $12,500 is appropriated for those things?

Mr. CUMMINGS. That is what it is.

Mr. BARTLETT of New York. What was the gentleman's question?

Mr. LACEY. Is $12,500 appropriated for these three things?

Mr. BARTLETT of New York. The sum of $12,500 is appropriated for the purpose of giving members of Congress three sets

of these worthless diagrams. The larger diagram I have already described. The next three are segments of the larger, and the other two I have here, the vignettes of the Presidents, and the other, the alleged seals of the Departments of the Government. And for his valuable biographies of the signers of the Declaration, whatever word of truth be therein, gentlemen, is obtained from this book which I now hold in my hand. [Lossing's Lives of the Signers.]

I will only call the attention of the House to one or two biographies. He tells us that John Adams was a teacher. I am unable to find that statement in the Life of Mr. Adams. In reference to Samuel Adams, he tells us that he was educated for the ministry. I am unable to find that statement in Lossing. In reference to the other signers, he tells us that some of them were elected delegates to the Provincial Congress, and of others who were equally delegates, as to that fact he is silent. But I will call attention to one or two biographies. For instance, beginning with Button Gwinnett, of Georgia, he says:

He offered himself as a candidate for the office of brigadier-general; his competitor was Colonel McIntosh. Mr. Gwinnett was defeated, and, with mistaken views, he looked upon his rival as a personal enemy and challenged General McIntosh. They met with pistols, and at the first fire both were wounded, Mr. Gwinnett mortally. He could well have said, in the language of Hamilton when fatally wounded in a duel by Aaron Burr: "I have lived like a man, but I die like a fool."

Mr. Lossing tells us:

He offered himself as a candidate for the office of brigadier-general, and his competitor was Colonel McIntosh, a man highly esteemed for his manly bearing and courageous disposition. Mr. Gwinnett was defeated, and, with mistaken views, he looked upon his rival as a personal enemy. * * * They met with pistols, and at the first fire both were wounded, Mr. Gwinnett mortally; and in the prime of life, at the early age of 45, his life terminated. He could well have said, in the language of the lamented Hamilton, when fatally wounded in a duel by Aaron Burr: "I have lived like a man, but I die like a fool."

Of course there is no plagiarism there!

I desire now to call attention to the biography of Charles Carroll, of Maryland.

The SPEAKER. The time of the gentleman has expired.

Mr. BARTLETT of New York. I ask five minutes more.

Mr. CANNON. Does the gentleman really want five minutes longer? [Laughter.]

Mr. BARTLETT of New York. Yes, sir.

Mr. CANNON. I yield it to him.

Mr. BARTLETT of New York. This gentleman tells us that Charles Carroll was the last vestige that remained on earth of those who stood sponsors of our infant Republic and was regarded by the people of the country with the greatest veneration.

Mr. Lossing says:

For a long term of years Mr. Carroll was regarded by the people of this country with the greatest veneration, for when Jefferson and Adams died he was the last vestige that remained upon earth of that holy brotherhood who stood sponsor at the baptism in blood of our infant Republic.

Now, gentlemen, do you propose to agree to a report which gives $12,500 to a man for making up these diagrams—a man utterly unknown in the realm of scholarship, a man utterly unknown to the students of this country? Why, Mr. Speaker, men like McMaster, or any of our great historians, would never have the hardihood to ask the Congress of the United States to make such a shameless appropriation as this. These diagrams cost, as I am credibly informed, something like a cent apiece, and we are to make an appropriation of $12,500, not to benefit the people in any way whatever, but merely because Mr. James D. McBride has influence enough to secure an appropriation of this kind in the sundry civil appropriation bill. I tell you, gentlemen, this is a most dangerous appropriation. Think for a moment. When I begged the House to allow the sum of $10,000 to be appropriated for the publication of our Revolutionary archives and of the papers of the Continental Congress, one of the watchdogs of the Treasury, whose cunning attention this item has escaped, interposed an objection, and I was prevented from securing that appropriation for that proper and laudable object. Now, will this House allow an appropriation of $12,500 for such a purpose as this—a purpose which I venture to assert can obtain no advocacy whatever on the floor of this House?

Mr. CANNON. Just a word, Mr. Speaker, in reply to the gentleman from New York, and then I will ask a vote on the adoption of the conference report. I do not know whether this is a particularly meritorious item or not. The House conferees came to an agreement with the Senate conferees upon this Senate amendment—for it is a Senate amendment—and it may be well to turn to page 119 of the bill and see what it is:

Purchase of historical publications: That the Secretary of the Senate be, and he is hereby, authorized and directed to purchase from Gen. James D. McBride 2,500 complete sets of his historical publications, entitled "Important periods in the History of the United States, portraits of the Presidents of the United States, and the seal of the United States and seals of the executive, judicial, and legislative departments of the Government"; and that said publications be distributed by the Secretary of the Senate as follows: 2 sets for the use of the Senate of the United States, 2 sets for the use of the House of Representatives, 3 sets to each Senator, Representative, and Delegate in Congress; 1 set to the President, 1 set to the Vice-President, 1 set to the Chief Justice of the United States, 1 set to each associate justice, 1 set to each member of the Cabinet, 1 set to the Executive Mansion, and 1 set to each of the Executive Departments, 1 set to the Supreme Court of the United States, 1 set to the Congressional Library; 42 sets to the Department of State for distribution among the various United States embassies and legations; 88 sets to the War Department for distribution among the various military post schools, including 1 set to the Military Academy at West Point and 5 sets to the National Homes for Disabled Volunteer Soldiers; 2 sets to the Department of Justice for the use of the United States prison; 78 sets to the Navy Department for distribution among the various vessels of the United States having libraries, including 1 set to the Naval Academy at Annapolis; 48 sets to the Department of Agriculture for distribution among the various agricultural colleges in the United States and Territories, and 860 sets to the Commissioner of Education for distribution among the various public libraries and educational institutions in the United States. And the sum of $12,500 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to enable the said Secretary of the Senate to carry into effect the provisions of this act.

The cost of the 2,500 complete sets is put by the amendment at $12,500. Now, it is very easy to ridicule this work. It is easy to hold up some minor part of it and say, "Behold," and it is especially easy for the gentleman from New York [Mr. BARTLETT], because there are very few men who have his complete and universal knowledge, who, like him, have ransacked all history and all literature so as to be able to detect all errors. I looked, in common with others, at these historical sketches and illustrations, and to my poor inartistic eyes they looked very well, and conveyed much of useful information which, it seemed to me, as it seemed to the Senate committee and to the Senate itself, was fit and apt for distribution to the various public libraries and the various Departments of the Government. And in saying that I think the work is apt for distribution, I do not rely on my own judgment, but do take the opinion of the Bureau of Education of the United States, which has warmly recommended it, and has recommended the purchase of many times the number of copies covered by this amendment.

That is not all. The Senate Committee on Education earnestly recommended it, as I am informed, and, according to my understanding, prepared the amendment which was adopted by the Senate. It may be that the item is a very improper one. If so, and the gentlemen of this House think it is so improper that this conference report, which settles differences between the two Houses to the extent of $5,000,000 on a multitude of items, should be voted down and sent back, well and good; they will take that action. We found the amendment on the bill, and, after inquiry and examination, the conferees on the part of the House agreed with the Senate conferees to submit the item to the House in the conference report. Of course, if we had had the benefit of the advice of experts like the gentleman from New York, possibly we might have been saved from making the mistake, if it is a mistake. I now move the adoption of the report.

Mr. POWERS. Mr. Speaker, I rise to a parliamentary inquiry. I wish to ask whether the adoption of the conference report will preclude a motion to recede from any action taken in it.

The SPEAKER. It will.

Mr. LACEY. Mr. Speaker, is there not some way by which we can vote against this item without voting against the whole conference report?

Mr. CANNON. You can vote it out by voting down the conference report.

Mr. DALZELL. Then I hope we shall do that.

Mr. LACEY. It ought to be done.

Mr. CANNON. The gentleman says it ought to be done. I will ask him if he has examined this work?

Mr. LACEY. I have heard your statement, and you have not answered the gentleman from New York. I think there ought to be some way to vote out an appropriation so frivolous as this.

Mr. CANNON. I will say to the gentleman that, in my judgment, it is not a frivolous appropriation. The House did not put it on the bill. The Senate inserted it, and they did so on the recommendation of the Bureau of Education and of the Senate Committee on Education, and the amendment seemed to be insisted upon to such an extent that the House conferees agreed to it. I want to say, however, that in assenting to the Senate amendment, I did so because, in my judgment, it appeared to be an apt expenditure of the public money, and was supported by the opinion of those who are my peers and superiors touching such subjects or objects of appropriation. I am quite content, without personal feeling, that the House take such action as it may see proper touching the adoption of this report.

Mr. BARTLETT of New York. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT of New York. Would a motion be in order to instruct the conferees to recede from their agreement to amendment numbered 183?

The SPEAKER. The conference report must be accepted or rejected as a whole.

Mr. CANNON. I move the previous question.

Mr. HARDY. I rise to a parliamentary inquiry. Would it be in order for me to make a motion to strike out the provision for

purchasing 2,500 sets of Gen. James D. McBride's historical publications and insert in lieu thereof a provision for the purchase of "horse books"? I think they would be more beneficial to us and our constituents.

Mr. CANNON. That is a very good inquiry to be addressed to the gentleman from New York.

The SPEAKER. The gentleman from Indiana [Mr. HARDY] can answer that question for himself.

Mr. CANNON. I move the previous question.

Mr. POWERS. I rise to a parliamentary inquiry. I wish to make at some stage of the proceedings a motion to recede from the disagreement of the House to a Senate amendment—not the one now in question. Will that be in order after the vote on the adoption of this report?

The SPEAKER. Is it a matter included in the report?

Mr. CANNON. Oh, no; it is a matter on which there has been no agreement, and the motion of the gentleman can come in after the report is adopted.

The SPEAKER. The motion of the gentleman from Vermont [Mr. POWERS] will be in order after the vote upon the adoption of the report if it refers to any amendment not embraced in the report.

The question being taken on ordering the previous question, it was ordered.

Mr. DALZELL. I rise to a parliamentary inquiry. Will the adoption of this report commit the House to the purchase of these 2,500 sets of historical publications?

The SPEAKER. It will.

Mr. DALZELL. Then I hope the report will not be adopted.

The question being taken on agreeing to the conference report, there were, on a division (called for by Mr. CANNON)—ayes 59, noes 80.

Mr. CANNON. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 59, nays 151, not voting 145; as follows:

YEAS—59.

Abbott,	Doolittle,	Loudenslager,	Sayers,
Aldrich, Ill.	Fischer,	Marsh,	Smith, Ill.
Andrews,	Gamble,	McCreary, Ky.	Smith, Mich.
Arnold, R. I.	Gardner,	McLachlan,	Steele,
Avery,	Griffin,	Milliken,	Stewart, N. J.
Bartholdt,	Grout,	Minor, Wis.	Stewart, Wis.
Berry,	Hainer, Nebr.	Mondell,	Tawney,
Blue,	Halterman,	Murphy,	Towne,
Brumm,	Harmer,	Northway,	Updegraff,
Burrell,	Hartman,	Parker,	Van Horn,
Burton, Mo.	Hilborn,	Pickler,	Van Voorhis,
Cannon,	Hurley,	Pitney,	Warner,
Clark, Mo.	Loisenring,	Powers,	Wilson, Idaho
Daniels,	Long,	Robinson, Pa.	Wood.
Dolliver,	Loud,	Sauerhering,	

NAYS—151.

Acheson,	Ellett, Va.	Leonard,	Sorg,
Aldrich, Ala.	Elliott, S. C.	Lester,	Southard,
Allen, Utah	Erdman,	Lewis,	Spalding,
Anderson,	Faris,	Linney,	Sparkman,
Atwood,	Fenton,	Linton,	Spencer,
Baker, Kans.	Fitzgerald,	Little,	Sperry,
Baker, Md.	Gibson,	Lockhart,	Stahle,
Baker, N. H.	Gillet, N. Y.	Maguire,	Stallings,
Bankhead,	Gillett, Mass.	Mahany,	Stokes,
Barham,	Graff,	McCall, Mass.	Stone, C. W.
Barney,	Griswold,	McCleary, Minn.	Strait,
Bartlett, N. Y.	Grosvenor,	McClellan,	Strong,
Beach,	Grow,	McClure,	Strowd, N. C
Bell, Colo.	Hager,	McCormick,	Sulloway,
Bell, Tex.	Hardy,	McCulloch,	Taft,
Broderick,	Harris,	McDearmon,	Talbert,
Bromwell,	Harrison,	McMillin,	Tate,
Brown,	Hart,	McRae,	Tayler,
Bull,	Hatch,	Milnes,	Terry,
Burton, Ohio	Heatwole,	Moody,	Tracewell,
Clardy,	Hendrick,	Morse,	Tracey,
Clark, Iowa	Henry, Conn.	Neill,	Treloar,
Clarke, Ala.	Hicks,	Odell,	Underwood,
Codding,	Hill,	Otey,	Walker, Mass.
Cook, Wis.	Hubbard,	Otjen,	Walker, Va.
Cooper, Wis.	Hunter,	Owens,	Walsh,
Corliss,	Jenkins,	Pearson,	Wanger,
Cousins,	Johnson, Cal.	Phillips,	Watson, Ind.
Crowther,	Kem,	Poole,	Watson, Ohio
Crump,	Kendall,	Prince,	Wellington,
Culberson,	Kiefer,	Richardson,	Williams,
Curtis, Iowa	Kirkpatrick,	Royse,	Willis,
Dalzell,	Kleberg,	Russell, Conn.	Wilson, S. C.
Danford,	Knox,	Scranton,	Woodard,
Dayton,	Kyle,	Shafroth,	Woodman,
De Armond,	Lacey,	Shuford,	Wright,
De Witt,	Latimer,	Simpkins,	Yoakum.
Eddy,	Leighty,	Skinner,	

NOT VOTING—145.

Adams,	Belknap,	Brosius,	Connolly,
Aitken,	Bennett,	Buck,	Cooke, Ill.
Allen, Miss.	Bingham,	Calderhead,	Cooper, Fla.
Apsley,	Bishop,	Catchings,	Cooper, Tex.
Arnold, Pa.	Black, Ga.	Chickering,	Cowen,
Babcock,	Black, N. Y.	Cobb,	Cox,
Bailey,	Boutelle,	Cockrell,	Crisp,
Barrett,	Bowers,	Coffin,	Crowley,
Bartlett, Ga.	Brewster,	Colson,	Cummings,
Curtis, Kans.	Hopkins,	Mercer,	Settle,
Curtis, N. Y.	Howard,	Meredith,	Shannon,
Denny,	Howe,	Meyer,	Shaw,
Dingley,	Howell,	Miles,	Sherman,
Dinsmore,	Huff,	Miller, Kans.	Shover,
Dockery,	Hulick,	Miller, W. Va.	Southwick,
Dovener,	Huling,	Miner, N. Y.	Stephenson,
Downing,	Hull,	Money,	Stone, W. A.
Draper,	Hutcheson,	Moses,	Strode, Nebr.
Ellis,	Hyde,	Mozley,	Sulzer,
Evans,	Johnson, Ind.	Newlands,	Swanson,
Fairchild,	Johnson, N. Dak.	Noonan,	Thomas,
Fletcher,	Jones,	Ogden,	Thorp,
Foote,	Joy,	Overstreet,	Tucker,
Foss,	Kerr,	Patterson,	Turner, Ga.
Fowler,	Kulp,	Payne,	Turner, Va.
Goodwyn,	Lawson,	Pendleton,	Tyler,
Hadley,	Layton,	Perkins,	Wadsworth,
Hall,	Lefever,	Price,	Washington,
Hanly,	Livingston,	Pugh,	Wheeler,
Heiner, Pa.	Lorimer,	Quigg,	White,
Hemenway,	Low,	Raney,	Wilber,
Henderson,	Maddox,	Ray,	Wilson, N. Y.
Henry, Ind.	Mahon,	Reeves,	Wilson, Ohio
Hepburn,	McCall, Tenn.	Reyburn,	Woomer.
Hermann,	McEwan,	Robertson, La.	
Hitt,	McLaurin,	Rusk,	
Hooker,	McKinlejohn,	Russell, Ga.	

So the report of the committee of conference was rejected.

During the roll call,

Mr. CANNON. Mr. Speaker, I ask unanimous consent to make a statement for one minute, accompanied with an inquiry touching the parliamentary effect of this vote.

Mr. KEM. I demand the regular order.

Mr. CANNON. Then I will ask the Speaker to state——

Mr. KEM and others. Regular order.

Mr. WATSON of Ohio. Mr. Speaker, I demand that we have order on the floor.

The SPEAKER pro tempore (Mr. WILLIS). The regular order is called for, and order is demanded on the floor. Now, gentlemen, you have a "greenhorn" in the chair; do me the respect to keep quiet while the roll is being called. [Laughter and applause.]

The Clerk resumed and concluded the call of the roll, when

The following additional pairs were announced:

On this vote:

Mr. MILLER of Kansas with Mr. DOCKERY.

Mr. MERCER with Mr. ALLEN of Mississippi.

Mr. BINGHAM with Mr. CATCHINGS.

Mr. FOOTE with Mr. ELLETT of Virginia.

Mr. HADLEY with Mr. MONEY.

Mr. EVANS with Mr. LAYTON.

Mr. HOPKINS with Mr. MCMILLIN.

Mr. PAYNE with Mr. COBB.

For this day:

Mr. FAIRCHILD with Mr. MEYER.

Mr. SOUTHWICK with Mr. COOPER of Texas.

Mr. HENDERSON with Mr. WHEELER.

Mr. BLUE. Mr. Speaker, when I voted I was under the impression that we were voting simply on the single amendment providing the $12,500 to pay for a certain publication. I have since learned that the effect of my vote would be to reach the entire conference report, and I desire therefore to change my vote from "no" to "aye."

The SPEAKER. The change will be made.

Mr. DOCKERY. Mr. Speaker, I was absent in conference committee, but believe I am paired on this question.

Mr. MCCALL of Tennessee. I was absent, Mr. Speaker, in conference. If present, I should have voted "no" on this proposition.

The result of the vote was then announced as above recorded.

Mr. CANNON. Now, Mr. Speaker, I move that the House further insist on its disagreement to all the amendments of the Senate on this bill, and ask a conference—the report having been rejected—on the disagreeing votes of the two Houses.

Mr. LESTER. I think, Mr. Speaker, that a motion to recede from the disagreement of the House to the Senate amendments would have precedence of the motion of the gentleman. I move that the House recede from its disagreement to the amendments to this bill.

The SPEAKER. That would embrace the entire report.

Mr. LESTER. I had reference to the amendments relating to public buildings.

Mr. SAYERS. I suggest to the gentleman from Illinois, inasmuch as the question respecting the public buildings has been submitted to the House, whether it would not be well to take a vote on them this afternoon. It will obviate coming back to the House again with a disagreement as to that part of the report and then asking for a vote.

Mr. CANNON. As I understand it, my motion that the House do further insist on the disagreement as to the Senate amendments leaves it in order for any gentleman who desires to do so to move that the House recede from its disagreement to any one of the amendments and agree to the same. Am I correct?

The SPEAKER. The gentleman is correct.

Mr. CANNON. Now, then, I am quite content that such motion shall be made, especially as to those public buildings provided for in the Senate amendments. There is not much trouble, I will say, as I understand it, about an agreement with the Senate if the question of public buildings that the Senate has put onto the bill could be eliminated.

Mr. MILLIKEN. If that question is to be taken up, Mr. Speaker, I would like to have a few minutes to be heard upon it myself.

Mr. LESTER. Mr. Speaker, I will modify my motion, which was to recede from the House disagreement to the Senate amendments indicated by the gentleman from Illinois. Do I understand that his motion would cover all of the amendments, public buildings and all?

The SPEAKER. Which is the amendment the gentleman desires to move to recede from?

Mr. LESTER. With reference to the public buildings.

Mr. CANNON. All of them? I would have to ask for a separate vote on that question.

Mr. TERRY. I desire to make a motion with reference to one of the Senate amendments. I move, sir, that the House recede from its disagreement to its amendment of the Senate numbered 9.

Mr. LESTER. I move to recede from its disagreement to all of the amendments relating to the public buildings.

The SPEAKER. Can the gentleman give the numbers of the amendments?

Mr. LESTER. I think they are numbered 2 to 22, inclusive.

Mr. SAYERS. I desire to ask a separate vote on amendment 190 also.

Mr. TERRY. I move to recede from the disagreement to the amendment I have suggested, which I will read. It is in the following words:

(9) For court-house and post-office at Little Rock, Ark.: For additional amount to construct an addition to the United States court-house and post-office and enlarging judge's chamber and the offices of the marshal and clerk of the circuit and district courts, and for an elevator, $43,000.

Now, I desire briefly, if in order, to support my motion.

The SPEAKER. The gentleman from Illinois has charge of the matter.

Mr. CANNON. I ask for a vote.

Mr. HARTMAN. I wish to submit a parliamentary inquiry. Mr. Speaker, is it in order to move, as a substitute for the amendment of the gentleman from Arkansas, to recede from the House disagreement to all of the Senate amendments mentioned in the report as having been disagreed to? The list is found on page 5, in the last five lines of the report.

The SPEAKER. The Chair thinks that the more orderly course would be to vote upon the question of insistence on the disagreement as to such matters on which a separate vote is not demanded, then if there be separate votes demanded upon other amendments they should be taken separately.

Mr. CANNON. That is right.

Mr. TERRY. I ask for a division, then, in regard to the public buildings.

Mr. CANNON. I will indicate the amendments, Mr. Speaker, on which separate votes will be asked.

The SPEAKER. There are other matters about which there is no dispute, and the Chair suggests that they may as well be disposed of, and then the amendments be taken up in their order.

Mr. CANNON. Certainly. I will ask a vote on amendments numbered 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 22. This will cover the public buildings.

Mr. SAYERS. I suggest that you also include the amendment numbered 190, on page 126.

Mr. MCMILLIN. I suggest to the gentleman that probably it would be better to first vote upon all matters outside of the amendments to which he has referred, and then have such separate votes as may be necessary on the remaining amendments.

The SPEAKER. The gentleman from Illinois will send the list to the desk.

Mr. SAYERS. Amendment 190, on page 126 of the printed bill, is the amendment to which I call the gentleman's attention.

Mr. CANNON. Yes; I ask a separate vote on that, too.

The SPEAKER. The Clerk will read the amendments on which a separate vote is demanded.

The Clerk read as follows:

On amendments numbered 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, and 190.

The SPEAKER. Now, the gentleman from Illinois moves that the House insist on its disagreement to all the other amendments except those named, and ask a committee of conference on the disagreeing votes thereon.

The motion was agreed to.

The SPEAKER. The Clerk will report the first of the excepted amendments, which is amendment numbered 2.

Mr. ATWOOD. Mr. Speaker, a parliamentary inquiry. Do I understand that these excepted amendments are now passed by the House?

The SPEAKER. They are not passed. All except those are passed.

Mr. TERRY. Mr. Speaker, I ask if we can not have a vote on all of these public buildings in one proposition?

Mr. DINGLEY. No, sir; not to-day.

The SPEAKER. Objection is made. Consequently the amendments must be taken up separately. The Clerk will report the second amendment.

The Clerk read as follows:

(2) For public building at Boise City, Idaho: For continuation of building, $50,000; and the limit of cost of said building and site is increased from $150,000 to $200,000.

Mr. CANNON. Now, Mr. Speaker, pending the vote, if I have the power to do it, I will yield five minutes to the chairman of the Committee on Public Buildings and Grounds [Mr. MILLIKEN].

Mr. MILLIKEN. Give me ten minutes.

Mr. CANNON. I will give you five minutes, and see if you need ten.

Mr. MILLIKEN. Possibly I can say all I know in five minutes. I hope that these amendments providing for increased limit of cost and for the establishment of new public buildings, proposed in these Senate amendments, will be disagreed to, and that the committee of conference will be instructed to insist upon their disagreement to the amendments of the Senate. This is the most vicious way of legislating that is known to Congress.

Now, we have a committee in this House—perhaps some of you have heard of it—a Committee on Public Buildings and Grounds. Before that committee have been pending a great number of bills for the establishment of public buildings, for the increase of the limit of cost, and similar matters. The committee have acted upon them. They have made reports upon between thirty and forty of them, but those reports have not been filed in the House because the committee have been informed, from a source which they consider entirely authoritative, that the bills could not be considered in this House in this session. As somebody has said here to-day, this is not a public-building session. Many of those bills are quite as important as, and some more important than, any that are found in this list. For instance, there is a bill for the purpose of strengthening the ironwork in the first story of the appraisers' stores building in New York. That building has been put up one story. Experts have examined it and decided, and this decision is indorsed by the Supervising Architect's Office, that it is utterly useless to go any further in the erection of that building until an appropriation is made for strengthening the ironwork, because it is not sufficiently strong to hold up what will be stored in there after the building is completed. That work must stop unless this appropriation is made. Is there a stronger case than that in this bill?

Mr. HOPKINS. Is that in this bill?

Mr. MILLIKEN. No; that is not in this bill.

Mr. HOPKINS. I ask the gentleman where that bill is?

Mr. MILLIKEN. It is in the Committee on Public Buildings and Grounds.

Mr. HOPKINS. It has not been reported?

Mr. MILLIKEN. No report has been made from the Committee on Public Buildings and Grounds to this House, for the reason that the Committee on Public Buildings and Grounds have been distinctly given to understand that no bills from that committee would be considered in the House if they were reported.

Mr. WILSON of Idaho. Given to understand that by whom?

Mr. MILLIKEN. Well, in the first place, I know it from my own judgment. In the second place, I have it from so many people in this House that it is not necessary for me to spend any part of my five minutes in giving the gentleman that unnecessary information.

Mr. WILSON of Idaho. It is information that is very necessary to the House.

Mr. MILLIKEN. There are between thirty and forty public-building bills before the Committee on Public Buildings and Grounds, every one of which is as important as these projects that are included in these Senate amendments to the sundry civil bill. Gentlemen who have those bills can not get consideration of them in the House. If nothing is done here they may go home to their districts and say, "We have fared as well as anybody else. It has not been the policy of this Congress to pass public-building bills because the state of the Treasury is such that it will not bear the appropriation. We have not the money in the Treasury to pay for the erection of these buildings."

But suppose you put into the bill now under consideration the few that are no more worthy than the others. Then when a gentleman goes home to his district and his constituents say, "Why did you not get our public-building bill through?" what can he say? They will say to him, "Why, other fellows got theirs through." Here are 17 public-building bills in this sundry civil appropriation bill, carrying almost a million and half of dollars.

I have gone through the list. Here is a building in Boise City, Idaho, $50,000. Another in Camden, N. J., $125,000.

Mr. LOUDENSLAGER. But is there any appropriation?

Mr. MILLIKEN. Another for the extension of the limit at Cheyenne, Wyo., $100,000, and so on. Now, here in this bill is an appropriation for a hall of records. I ask if any gentleman of this House has examined that bill? Does any gentleman in this House know where that hall of records is to be located? Does any gentleman in this House know how much is going to be the cost of that building? I know something about it. I have reason to say that I know nobody has asked for that particular hall of records except a gentleman who wants to sell his land and some other gentlemen who do not want it occupied by something that will not be as good as a hall of records. [Loud applause.] That is one thing you have got in this bill. I say, Mr. Speaker, that when a gentleman proposes a bill that will not bear the investigation of a committee, a bill that comes into this House without investigation in regard to its merits, a bill that will not bear investigation by a committee of this House, and that can not get a report from a committee of this House, it should never be considered here because it is put on as an amendment in the Senate. [Loud applause.]

Some of the most vicious legislation has been carried through in that way. How was it when the appropriation was made and this penitentiary wall was built up around this Capitol at a cost of more than a million dollars, defacing the Capitol and making it worse than before? Did that come from the Committee on Public Buildings and Grounds? No; it was stuck on an appropriation bill in the Senate and went through without anybody knowing anything about it. That has been done over and over again. It was done in the last Congress and before the last Congress. I think the older members of the House will remember there was an effort to pass through Congress a certain bill to buy a place for a Public Printing Office.

The Senate insisted upon that from Congress to Congress. I opposed it, and so did many others. I opposed it in the last House, and we defeated it here. What is the result? That proposition on the part of the Senate was that we should buy the land of a certain gentleman who had friends over there and pay $1.17 a foot for it. It has been sold since for 30 cents a foot. The man who owns it to-day only paid that for it, and told me so himself. [Applause.] I think we have been justified by the facts in opposing that measure. While I know that many of these buildings in here are meritorious, I hope the House will vote to instruct the committee to insist upon its disagreement to all these amendments; and if the gentlemen who have bills in here want to have them passed, and of course they do, let them go through in a legitimate way. [Applause.] Let them be examined by a committee of the House and a committee of the Senate, and when they come into this House let them come in here with a report which shall state what the merits are, and what the cost is going to be, so that the House can act intelligently upon them. If you pass these bills to-day you establish a precedent which you can not afford.

Why, gentlemen, what use have you for your Committee on Public Buildings and Grounds if it is to sit here and report its bills and not have them considered in the House, and the Committee on Appropriations are going to fix the locations, are going to authorize public buildings, are going to pass on the cost and limit the cost of public buildings, and all that? Why do you not let the river and harbor bill go to the Committee on Appropriations in the same way? There is just as much sense in that. It is true that comes in an omnibus bill and public buildings do not. There will be just as much sense——

Mr. LOUDENSLAGER. Will the gentleman allow me to ask him a question now?

Mr. MILLIKEN. Yes.

The SPEAKER. The time of the gentleman has expired.

Mr. MILLIKEN. Give me a little more time, will you?

Mr. CANNON. How much?

Mr. MILLIKEN. Five minutes.

Mr. CANNON. I will give the gentleman a couple of minutes.

Mr. MILLIKEN. Give me five.

Mr. CANNON. I think the House understands the matter, and I have to yield to the gentleman who makes the motion.

Mr. MILLIKEN. I say there is just as much sense in this House refusing to pass the river and harbor bill and let the Senate put all those projects upon an appropriation bill as an amendment and send them over here as it is for them to put on appropriations for public-building bills.

Mr. LOUDENSLAGER. Will the gentleman now permit a question?

Mr. MILLIKEN. Yes, sir.

Mr. LOUDENSLAGER. The Committee on Rivers and Harbors have made a report to this House, have they not?

Mr. MILLIKEN. They have.

Mr. LOUDENSLAGER. We have considered that report?

Mr. MILLIKEN. We have.

Mr. LOUDENSLAGER. Your committee has not made a report that we can consider.

Mr. MILLIKEN. It is not our fault; it was not intended by the House to pass bills of that kind.

Mr. DOOLITTLE. How many of these are new buildings provided for in this bill?

Mr. MILLIKEN. I have not looked them all up. Some of them are new buildings, and some are increases of the limitation.

Now, I want to say——

The SPEAKER. The time of the gentleman has expired.

Mr. MILLIKEN. One minute more.

Mr. CANNON. I yield one minute more.

Mr. MILLIKEN. So far as the appropriation for the purchase of land connected with the present Public Printing Office is concerned, I have only this to say: I am always willing to make the appropriations necessary to carry on that concern at present, but it was only to-day that I met a gentleman who is attorney for a very good citizen of Washington, a man whom I very much admire personally, who has been for the last three or four Congresses endeavoring to get the Government to buy his land and fix the Public Printing Office upon it, and the attorney said, "Well, if this thing goes, it will fix it so we can sell good old Andy's land." [Laughter.]

Mr. CANNON. And who is good old Andy?

Mr. MILLIKEN. A better man than you or I, and that means that he is good enough for anybody. [Laughter.]

Mr. CANNON. I do not know him, but I suppose the gentleman from Maine, judging from his reference, must know him.

Mr. MILLIKEN. Well, as he is a good man probably the gentleman from Illinois does not know him. [Laughter.] Now, Mr. Speaker, I repeat that I hope these bills will all be voted down on general principles, so that our friends who are not fortunate enough to get in their bills at present may go in at the next session and have their bills considered and passed in a legitimate way. [Loud applause.]

Mr. CANNON. I yield now to my colleague on the committee [Mr. SAYERS], and afterwards I will yield to the gentleman from Idaho.

Mr. SAYERS. Mr. Speaker, I have listened to the speech of the gentleman from Maine [Mr. MILLIKEN] and I do not concur in all that he has said. I do not think this House will act wisely if it does not make the appropriation contained in the Senate amendment for the continuance of the construction of the new post-office building in this city. That building ought to be completed as soon as possible and the limit ought to be broken for this reason——

Mr. MILLIKEN (interposing). If the gentleman will pardon me, I will say that I forgot to refer to that. So far as that work is concerned, it is the finishing up of the building, and I would make it an exception.

Mr. SAYERS. There are several other items to which the gentleman forgot to refer. Now, Mr. Speaker, in reference to the new post-office building in this city, if it be completed in accordance with the terms of the Senate amendment, within twelve or eighteen months of this time, there will be room provided not only for the city post-office, but for 3,000 clerks or thereabouts for whose accommodation the Government is paying to-day about $100,000 a year in rent of private buildings in this city. If the Senate amendment in reference to this building be agreed to—I shall move to recede from our disagreement to that item—gentlemen can rest assured that in eighteen months at the furthest the city post-office will be moved into the building, and 3,000 Government employees or more will also find offices there, and there will be a clear saving to the Government every year of fully $100,000.

Mr. MILLIKEN. Mr. Speaker, I simply desire to repeat that I agree with the gentleman from Texas [Mr. SAYERS] about the new post-office building here and that I regard it as an exceptional case.

The SPEAKER. The question is on the motion of the gentleman from Idaho.

Mr. CANNON. I yield five minutes to the gentleman from Idaho.

Mr. WILSON of Idaho. Mr. Speaker, the amendment that I want to call the attention of the House to is No. 2, which reads:

For public building at Boise City, Idaho: For continuation of building, $50,000; and the limit of cost of said building and site is increased from $150,000 to $200,000.

I want to say, Mr. Speaker, that I can admit all of the criticisms of the chairman of the Committee on Public Buildings and Grounds, and avoid the effect of them so far as this item is concerned. There are, so far as I know—and I think I am correct in the statement—three States in this Union which have no public Federal buildings whatever in them. The State which I have the honor

to represent upon this floor—Idaho—is one that has no public building in it. A public building there was provided for in the last sundry civil bill which passed Congress. There was an allowance of $150,000 in that bill for a public building at Boise City. An appropriation was made for the purchase of a site. That site has been selected, and the title thereto will soon vest in the United States.

Now, this bill provides an appropriation of $50,000 to commence the building. So far as the question of the advisability of erecting a building there is concerned, it is not open to discussion. It has been decided by the Congress of the United States. The building ought to be erected there. That question has been submitted to the Senate Committee on Public Buildings and Grounds, and they have unanimously recommended it. The Senate has passed it. It has been submitted to the House Committee on Public Buildings and Grounds, and their subcommittee has reported it favorably.

The last sundry civil bill provided for this public building. I want to remind gentlemen of what they all know on reflection, that in every State in this Union there is need for at least one public building. We need a public building in Idaho. We have the United States courts there; we have the surveyor-general's office there; we have the United States land offices there; we have the deputy collector of internal revenue there; we have several other United States officials there; the records of the United States courts are there. Therefore, as a bald business proposition, if any business man on the floor of this House had occasion to rent for the transaction of his business the room which it is necessary to rent for the United States officials in Idaho in order to transact the public business, he would certainly, as a matter of economy, erect a building of his own. From that point of view alone, for the mere saving of rent, a public building should be erected there costing at least $200,000, as provided for in this bill.

Now, I say again, that the criticism which the chairman of the Committee on Public Buildings and Grounds has made here is without force as against this item, and I submit in all fairness that this appropriation ought to be made.

Mr. CANNON. I ask for a vote.

The SPEAKER. The Chair understands that separate votes are to be taken on each of the amendments, and that the previous question is considered as ordered.

Mr. LESTER. Mr. Speaker, I do not understand that the previous question has been ordered.

The SPEAKER. The gentleman from Georgia does not understand that the previous question has been ordered.

Mr. CANNON. Then I move the previous question on these various amendments.

Mr. TERRY. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TERRY. Does the previous question which the gentleman asks for apply to the amendment which has just been considered or to all of them?

The SPEAKER. It applies to all of them.

Mr. TERRY. Now, Mr. Speaker, I submit that as a matter of fairness and common justice each man here is entitled to be heard on these amendments—— [Cries of "Order!"]

And I hope the House will not perpetrate the glaring injustice of refusing members the chance to advocate the merits of propositions in which they are interested. [Renewed cries of "Order!"]

The SPEAKER. The House will please be in order.

Mr. CANNON. I ask unanimous consent that the previous question may be considered as ordered upon all these amendments severally; that five minutes be given for debate on each side upon each amendment, and that the vote be taken separately on each amendment.

The SPEAKER. Is there objection? The Chair hears none.

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM]. [Laughter.]

Mr. TERRY. I hope the gentleman from Illinois [Mr. CANNON] will withdraw the demand for the previous question, and give us an opportunity to discuss these propositions.

Mr. CANNON. Mr. Speaker, is it in order for me on this first amendment to move the previous question?

The SPEAKER. It is.

Mr. CANNON. Then I move the previous question on the amendment just read, relating to the public building at Boise City.

The previous question was ordered.

Mr. MILLIKEN. Will the Chair state the question?

The SPEAKER. The question is on receding from the disagreement of the House and concurring in the Senate amendment with relation to the public building at Boise City.

The question was decided in the negative; there being on a division (called for by Mr. WILSON of Idaho)—ayes 39, noes 127.

The SPEAKER. The noes have it; and the House insists on its nonconcurrence in the amendment.

Mr. CANNON. I now ask that amendment numbered 3 be read.

The Clerk read as follows:

For public building at Camden, N. J.: For construction of building, $25,000; and the limit of cost of said building is increased $125,000.

Mr. CANNON. I believe I have the floor. I will ask the gentleman from New Jersey [Mr. LOUDENSLAGER] whether he wishes to occupy five minutes?

Mr. LOUDENSLAGER. If I can not convince the House in less than five minutes I do not think I shall be able to do so at all.

Mr. CANNON. I yield to the gentleman for five minutes.

Mr. LOUDENSLAGER. Mr. Speaker, this amendment, I am glad to say, does not come under the criticism of the gentleman from Maine [Mr. MILLIKEN]. It is peculiar in that respect. The act authorizing the construction of this building was passed in 1884. In securing the land upon which to erect the building there was some delay; and when the title to the site had been perfected, the Secretary of the Treasury, under the advice of the Supervising Architect, refused to authorize the construction of the building on account of the insufficiency of the amount appropriated.

The city of Camden had grown wonderfully in population during the short period which had elapsed since this building was authorized. In 1884 the postal receipts were only $20,000; at this time they are $70,000. Besides, sir, the Government, after obtaining possession of the site in the heart of that city constructed an unseemly board fence around it, which at the present time is in some places partly torn down and in others altogether destroyed. In this condition it makes a constant rendezvous at night and even in the daytime for disorderly boys and tramps, so that it is a nuisance to the city.

Only $25,000 is asked at this time. The importance of the structure and its necessity have been passed upon by the Committee on Public Buildings and Grounds in previous Congresses. The business of the post-office alone warrants the construction of this building. Besides the post-office there is located in the city of Camden an office for the internal-revenue collector of that district. The collector of the port is also located there. The number of post-office employees in the city of Camden has increased from 21 in 1884 to 63 at this time.

It seems to me that the House, when it has presented to it a meritorious matter like this, ought to give it fair consideration. It may be impossible for us to bring all these matters before the House at one time. We must take them up singly. I ask, therefore, that fair consideration be given to this amendment. The appropriation proposed is one necessary to be made. The present attitude of the Treasury Department practically permits a nuisance in the city of Camden. This amendment of the Senate ought to be adopted. That is all I have to say. [Applause.]

Mr. CANNON. I ask a vote on the amendment.

The SPEAKER. The question is on the motion to recede and concur in the Senate amendment.

The motion was rejected.

Mr. CANNON. I ask unanimous consent that this session be extended after 5 o'clock until this bill is disposed of.

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM]. [Laughter.]

Mr. CANNON. Let the next amendment be reported.

The Clerk read as follows:

(4) For public building at Cheyenne, Wyo.: For continuation of building, $50,000; and the limit of cost of said building and site is increased from $150,000 to $250,000.

Mr. CANNON. I yield a few minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, the amendment now under consideration is one of those amendments that was objected to by the gentleman from Maine [Mr. MILLIKEN], but I submit if there are to be no public buildings erected in the far West until we get a report from the present committee of this House on Public Buildings and Grounds, this session will pass without even beginning the construction of any one of the public buildings so much needed.

Mr. MILLIKEN. Well, you will get a report as soon as the bill can be got through if it has merit.

Mr. MONDELL. Further, the Committee on Public Buildings and Grounds of this House has had under consideration this proposition and I understand that they have gone this far, that they have determined whenever in their wisdom they see fit to report to the House a provision for any public building, that this public building shall be one of them.

Mr. MILLIKEN. The gentleman ought to be grateful to us for that.

Mr. MONDELL. The conditions existing at Boise City and Helena are similar to those existing at Cheyenne, and it is one of three capitals of sovereign States of this Union that have no public buildings.

We have a beautiful city, situated at the very summit of the continent, a magnificent city; we have an excellent statehouse, and beside it we wish to place a splendid public building, one that is appropriate to a city of that character, and that will be an ornament to the nation. We have the full complement of Federal officers necessary and usual in a capital city, and we wish to have the proper appropriation made to supply what we so much need there in the way of a public building. We want a building well enough constructed to reflect credit upon the nation in the capital of our State; and we ask you, therefore, to support this amendment. [Applause.]

The SPEAKER. The question is on the motion to recede from a disagreement and concur in the Senate amendment.

The motion was rejected.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read as follows:

(6) For post-office at Fortress Monroe, Va.: That the sum of $15,000 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the erection of a post-office building at Fortress Monroe, Va., upon the Government reservation. The said building shall be erected upon plans, specifications, and contracts to be approved, in the manner provided by law, by the Secretary of War, and to cover quarters for the postmaster and office accommodations for customs officer and United States commissioner. Nor shall any plan for the erection of said building be approved by the Secretary of War involving an expenditure exceeding the said sum of $15,000.

Mr. CANNON. I ask a vote.

The question was taken; and the House refused to recede from its disagreement.

So the motion was rejected.

The Clerk read the next amendment, as follows:

(7) For public building at Helena, Mont.: For continuation of building, $50,000; and the limit of cost of said building and site is increased from $150,000 to $300,000.

The SPEAKER. The question is on the motion to recede and concur.

The motion was rejected.

The Clerk read as follows:

(8) Strike out:

"For post-office and court-house at Kansas City., Mo.: For continuation of building under present limit, $50,000."

And insert:

"For post-office and court-house at Kansas City, Mo.: For continuation of building, $50,000; and the limit of cost of said building and site is increased from $1,300,000 to $1,316,000."

Mr. CANNON. In fairness to the gentleman representing the Kansas City district I promised to yield to him for a few moments.

Mr. VAN HORN. I only wish a minute or two.

Mr. Speaker, it is necessary to state that the bill as originally prepared, appropriating money for this work, required the ground to embrace an entire square. The simple fact is that in the procuring of the ground and the grading necessary, which could not be foreseen by anyone—nothing except experience could demonstrate it—it is found that the building can not be completed within the present limit. That is all there is of the matter, and I hope the House will recede from its disagreement to the Senate amendment.

The question was taken; and the motion to recede and concur was rejected.

The Clerk reported the next amendment of the Senate, as follows:

(9) For court-house and post-office at Little Rock, Ark.: For additional amount to construct an addition to the United States court-house and post-office and enlarging judge's chamber and the offices of the marshal and clerk of the circuit and district courts, and for an elevator, $43,000.

Mr. TERRY. Mr. Speaker——

Mr. CANNON. I yield five minutes to the gentleman from Arkansas [Mr. TERRY].

Mr. TERRY. I ask the kind attention of the House while I endeavor to show the merits of this proposition, and I ask only fair treatment upon the merits of the case. I desire to say, gentlemen, that this proposition stands upon stronger grounds than any proposition which you have considered, as I will undertake to show.

In the first place, I will say that the necessity for the improvement of the public building at the city of Little Rock has already been passed upon by Congress at a preceding session. We appropriated $58,000 for this purpose. The Secretary of the Treasury sent down there to inaugurate that work, and found that on account of the peculiar architecture of the building and on account of the kind of stone that was used in its construction, namely, Ohio stone, that it would cost more to carry out the project than Congress had allowed. Therefore he sent to the Speaker of this House a recommendation and estimate for $43,000 more. Now, this is not one of the cases spoken of by the gentleman from Maine [Mr. MILLIKEN] in which there has been no estimate. There has been a careful estimate upon this proposition, and the amount that will be required is definitely ascertained. Further, I will say that this is urgently needed, as I will show you, by a letter from the United States circuit judge of that district, Judge Caldwell, with whom many of you are acquainted. He wrote me the following letter:

DEPARTMENT OF JUSTICE, EIGHTH CIRCUIT,
Little Rock, March 28, 1892.

MY DEAR SIR: I have just seen a copy of your bill relating to the United States building in this city.

I have said and written so much about this building in the past that I have grown weary of the subject. My letters are on file in Washington protesting against laying the foundations of the building under the limitations and restrictions of the act making the first appropriation.

I said then, and time has verified the correctness of my judgment, that the building which it was proposed to erect would be found totally inadequate to accommodate the public officers and business expected to be provided for within its walls. I knew this was so so far as it related to the United States courts.

I pleaded for two court rooms, or a judge's chambers large enough for a chambers court room, but all in vain. There is but one court room and the judge's chambers is barely large enough to contain my bookcases, a table, and two or three chairs.

The result is that when there are two judges here and it is desirable to hold two courts at the same time, as it frequently is, we are unable to do so except when the county court-house is not in use and is loaned to us, or we can get in the State house.

The want of another court room is a source of expense to the Government and of delay and cost to parties and witnesses.

The circuit court of appeals ought to hold its winter sessions at this place, and doubtless would do so if we had a court room, but under existing conditions it is out of the question.

I know nothing about the wants of the other departments. I only know that the present building does not furnish adequate accommodations for the United States courts.

Yours, truly,

HENRY C. CALDWELL,
Circuit Judge.

Hon. W. L. TERRY, M. C.,
Washington, D. C.

Now, gentlemen, as you have it there, the Government of the United States has to depend upon the courtesy of the county of Pulaski for the privilege of holding one of its courts. Only a small sum is asked. The Secretary of the Treasury says it is necessary. He has sent in an estimate. It has all been determined, and you have here the letter of a Federal judge who stands as high as any man in the United States showing you the deplorable condition of affairs at Little Rock for the want of this improvement. I appeal to the sense of fairness of the House, that upon so meritorious a matter as this you permit the amendment of the Senate to stand.

The SPEAKER. The question is on receding and concurring.

The question was taken; and on a division (demanded by Mr. TERRY) there were—ayes 52, noes 116.

Accordingly, the House refused to recede and concur, and insisted upon its disagreement to the amendment of the Senate.

CONFEREES ON THE FORTIFICATIONS APPROPRIATION BILL.

The SPEAKER appointed as conferees upon the bill H. R. 8109, the fortifications appropriation bill, Mr. HAINER of Nebraska, Mr. GROUT, and Mr. BARTLETT of New York.

The SPEAKER. The hour of 5 o'clock having arrived, the House will now take a recess until 8 o'clock this evening, when the gentleman from New York, Mr. PAYNE, will act as Speaker pro tempore.

EVENING SESSION.

The recess having expired, the House reassembled at 8 p. m. Mr. PAYNE took the chair as Speaker pro tempore, and directed the reading of paragraph 2 of Rule XXVI; which was read by the Clerk, as follows:

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole on the Private Calendar for the consideration of bills under the special order.

The question was taken; and on a division (demanded by Mr. TALBERT) there were—ayes 35, noes none.

Mr. TALBERT. No quorum, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from South Carolina raises the point of no quorum.

Mr. TALBERT. I desire, Mr. Speaker——

The SPEAKER pro tempore. No debate is in order.

Mr. TALBERT. I desire unanimous consent to make a statement.

Mr. KEM. I object, Mr. Speaker.

Mr. TALBERT. I withdraw the point of no quorum.

Accordingly the motion of Mr. WOOD was agreed to; and the House resolved itself into the Committee of the Whole on the Private Calendar, with Mr. HEPBURN in the chair.

ELLA D. CROSS.

The first business on the Private Calendar was the bill (S. 997) granting a pension to Ella D. Cross.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension rolls, subject to the provisions and limitations of the general pension laws, the name of Ella D. Cross, widow of Richard D. Cross, late lieutenant-colonel of the Fifth Regiment New Hampshire Volunteers.

Mr. WOOD. I suggest that the gentleman from New Hampshire [Mr. SULLOWAY], who prepared the report in this case, can make a statement which will satisfy the House quite as well as the reading of the long report.

Mr. ERDMAN. Mr. Chairman, we are apparently on the eve of this session, so that it might be a proper time to review the work that the Committee on Invalid Pensions and the Committee on Pensions have performed and laid before the House. I have caused to be prepared a list of all the bills passed by the Committee on Invalid Pensions and the Committee on Pensions, together with the amounts, rank, etc., which I ask unanimous consent to print. I do not desire to take up the time of the House to read it; and yet the House ought to know what it contains. I therefore, Mr. Chairman, ask unanimous consent to print this, instead of reading it to the House at this time.

Mr. KEM. Regular order, Mr. Chairman.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to print the document in his hand. Is there objection?

Mr. KEM. I object.

Mr. PICKLER. I hope the gentleman will withdraw his objection. This report has been prepared from the committee records.

Mr. KEM. I object.

Mr. LACEY. I move that the gentleman be permitted to print the document.

Mr. ERDMAN. I will read it.

The CHAIRMAN. The gentleman from Iowa moves that leave be granted to the gentleman from Pennsylvania to print the document in his hand.

The question was taken; and the motion was agreed to.

The document is as follows:

COMMITTEE ON INVALID PENSIONS.

No.	Name.	Date.	Favorable.	Unfavorable.	Amount.	Rank.
S. 894	Allaback, Nancy G.	Feb. 13, 1896	336		$30	Colonel.
H. R. 4724	Aleshire, Mary L.	Mar. 3, 1896	620		20	Captain.
H. R. 4841	Adams, Silas	Mar. 6, 1896	1195		30	Colonel.
H. R. 2869	Allen, Lucy A.	Mar. 9, 1896	681		20	Captain.
H. R. 4548	Arnold, Mary	Mar. 10, 1896	760		12	Private.
H. R. 1948	Andricks, Uriah	Mar. 19, 1896	861		14	Do.
H. R. 1505	Aspold, Sarah A.	Mar. 26, 1896	953		15	First asst. eng., M. S.
S. 350	Abbey, Geo. A.	Mar. 31, 1896	1059		20	Private.
H. R. 2035	Anderson, Peter	Apr. 6, 1896	1186		30	Do.
H. R. 7324	Applegate, Wm. T.	Apr. 20, 1896			30	
H. R. 7067	Arbaugh, Jos. B.	do	1425		50	Do.
S. 830	Allard, Mary	do	1389		8	Do.
S. 1343	Adams, Enoch G.	May 7, 1896			50	
H. R. 2800	Brooks, Martha	Jan. 16, 1896	62		12	Do.
H. R. 2151	Blackman, Agnes A.	Feb. 10, 1896	331		8	Brigade surgeon.
H. R. 1616	Bricker, Michael	Jan. 16, 1896	60		12	Private.
H. R. 4303	Beach, Hattie A.	Feb. 24, 1896	513		12	Do.
H. R. 5857	Brewer, Thomas	Feb. 27, 1896	539		17	Do.
H. R. 5667	Brinton, Maria B.	do	536		8	Do.
H. R. 2410	Box, Marcus D.	do	616		25	Do.
H. R. 1590	Bagley, Geo. W.	Mar. 2, 1896	642		12	Carpenter.
H. R. 6466	Barnard, Geo. V.	Mar. 3, 1896	661		30	Private.
S. 466	Brown, William	do	609		20	Do.
S. 246	Blunt, Nancy Carson	do	612		75	Major-general.
H. R. 6808	Boyd, Sarah A.	Mar. 5, 1896	659		17	Captain.
S. 145	Bliss, Maud Adelle	do	647		12	Private.
S. 147	Bachelder, Elvira	Mar. 10, 1896	710		12	Do.
S. 2014	Bull, Sarah A.	do	709		25	Major and paymaster.
H. R. 6319	Buss, Alfred P.	Mar. 12, 1896	746		30	Private.
H. R. 3389	Buck, Albert	do	747		30	Do.
H. R. 6556	Brown, Jacob	do	756		30	Do.
H. R. 5568	Burns, Priscilla R.	Mar. 16, 1896	825		50	Brigadier-general.
H. R. 5852	Bradbury, Josiah P.	Mar. 16, 1896	831		30	Private.
S. 1672	Brown, Lue R.	Mar. 17, 1896	837		25	First lieutenant.
H. R. 4410	Blinker, Elise	do	838		50	Brigadier-general.
H. R. 1646	Brown, Dolly S.	do	847		12	Private.
S. 1291	Boughton, Celeste A.	Mar. 19, 1896	859		75	Brigadier-general.
S. 1276	Britton, John L.	Mar. 23, 1896	932		30	Private.
H. R. 3884	Brewster, Jno. T.	Mar. 26, 1896	956		50	Sergeant.
H. R. 6233	Boatwright, Jno. J.	do	981		30	Private.
H. R. 7340	Bruner, J. W.	do	944		12	Do.
S. 657	Brooks, Geo. M.	do	980		15	Do.
H. R. 6841	Benner, Geo. T.	do	1007		(*)	Teamster.
S. 646	Brown, Francis	Mar. 31, 1896	1046		12	Private.
H. R. 4941	Bostwick, Hester A.	Mar. 30, 1896	1006		20	Captain.
H. R. 6915	Beebe, Julia D.	Apr. 2, 1896	1101		17	Assistant surgeon.
H. R. 4517	Baker, Washington	Apr. 6, 1896	1187		72	Private.
S. 1311	Brown, Dudley F.	Apr. 7, 1896	1160		20	Do.
H. R. 7457	Beaird, John	do	1156		30	Sergeant.
H. R. 7647	Brown, Albert	Apr. 9, 1896	1221		30	Private.

*Not rated.

COMMITTEE ON INVALID PENSIONS—continued.

No.	Name.	Date.	Favorable.	Unfavorable.	Amount.	Rank.
S. 1523	Bell, Benj. F.	Apr. 16, 1896	1324		$17	Second lieutenant.
H. R. 7548	Bigelow, Eunice P.	do	1316		17	Sergeant.
S. 651	Buckingham, Jane L.	Apr. 27, 1896	1516		30	Lieutenant-colonel.
H. R. 4500	Brock, Strather	do	1548		30	Private.
S. 1962	Burch, Jennie E.	May 4, 1896	1642		12	Nurse.
H. R. 1295	Bailey, Sophronia	do	1694		20	Private.
H. R. 6489	Busick, Sam'l L.	May 5, 1896			12	Do.
S. 2594	Beckford, Wm. A.	May 7, 1896	1671		50	First lieutenant
H. R. 3040	Barker, Mary F.	do	1665		8	Private.
H. R. 3263	Bombard, Carlos	do	1736		30	Do.
S. 1	Cogswell, Eva Davis	Jan. 29, 1896	127		75	Brigadier-general.
H. R. 147	Case, Geo. W.	Jan. 13, 1896	53		50	Private.
H. R. 711	Church, Uzziel B.	Jan. 16, 1896	58		20	Do.
H. R. 925	Corbett, Annie J.	Feb. 6, 1896	44		8	Do.
H. R. 2234	Casper, Jos. A.	do	280		100	Brevet maj. gen.
H. R. 5140	Cronch, Michael H. J	do	27		12	Private.
S. 507	Crandall, Mollie	do	282		20	Captain.
H. R. 1838	Corrigan, Thomas	Feb. 10, 1896	329		50	Private.
S. 730	Carroll, Helen Morrell	Feb. 13, 1896	353		75	Major-general.
H. R. 1022	Cotton, Byron	Feb. 17, 1896	463		30	Private.
H. R. 4598	Craig, Mary	Feb. 20, 1896	474		12	Do.
H. R. 950	Coombs, John	do	460		30	Do.
H. R. 1931	Colwell, Annie E.	Mar. 3, 1896	619		20	Sergeant.
H. R. 1894	Clendenin, S. D.	Mar. 2, 1896	604		50	Brevet brig. gen.
H. R. 4354	Carr, May Gould	Mar. 6, 1896	667		75	Brevet maj. gen.
H. R. 2042	Cogswell, Wm. F.	do	745		50	Asst. eng., Navy.
H. R. 6217	Chamberlin, Mary E	do	687		30	Captain.
H. R. 158	Collins, Mary	Mar. 10, 1896	711		12	Private.
H. R. 4405	Cary, Augustus G.	Mar. 12, 1896	784		30	First lieut., Revenue Marine.
S. 997	Cross, Ella D.	Mar. 17, 1896	844		30	Lieutenant-colonel.
H. R. 4608	Chapman, Lydia	Mar. 23, 1896	900		12	Steersman.
S. 878	Chamberlain, Jared S.	Mar. 30, 1896	1010		30	Private.
H. R. 5068	Cunningham, Jane	Mar. 31, 1896	1044		12	Do.
S. 1896	Custer, Geo. B.	Apr. 2, 1896	1106		20	Sergeant.
H. R. 2221	Claassen, Peter J.	do	1109		30	Colonel.
H. R. 3189	Cochenour, Jno. S.	Apr. 6, 1896	1131		50	Captain.
H. R. 5710	Curtiss, Eleanor L.	Mar. 3, 1896	598		12	Captain and provost-marshal.
S. 2514	Colwell, Annie E.	Apr. 16, 1896	1329		20	Sergeant.
H. R. 7628	Cook, John	do			30	Do.
H. R. 5854	Caster, John	Apr. 23, 1896	1455		12	Private.
S. 2578	Callahan, Andrew M.	do			50	
H. R. 479	Cardier, Malachi	do	1478		8	Private.
H. R. 6829	Calloway, Wm.	Apr. 27, 1896			12	Do.
H. R. 2221	Dalton, John	Jan. 3, 1896	186		12	Teamster.
H. R. 5688	Dulaney, Jane	Jan. 16, 1896	61		72	Colonel.
H. R. 5814	Davis, Cassie A.	Feb. 13, 1896	394		42	Private.
S. 1203	Doubleday, Mary	do	354		100	Major-general.
H. R. 75	Davenport, Mary F.	Feb. 17, 1896	437		25	First lieut., Navy.
S. 746	Donohoe, Elizabeth E.	Feb. 27, 1896	541		50	Colonel.
H. R. 3496	Dodge, Oliver	Mar. 2, 1896	602		12	Private.
H. R. 1892	Darragh, Catharine	Mar. 6, 1896	713		12	Do.
H. R. 4744	Dennis, Adam	Mar. 9, 1896	899		45	Do.
H. R. 4655	Driscoe, Fred A.	Mar. 10, 1896	887		12	Sergeant.
H. R. 3333	Daugherty, Thos. S.	do	720		30	Private.
H. R. 4494	Dawson, Barton S.	Mar. 17, 1896	846		30	Do.
S. 148	Dillon, Catharine	do	833		12	Do.
H. R. 6863	Day, Ellen	Apr. 6, 1896	1129		12	Do.
H. R. 7205	Drake, Alphonso	do	1157		12	Do.
S. 1787	Duncklee, Nancy T.	Apr. 7, 1896	1159		12	Do.
H. R. 6159	De Russy, Helen A.	Apr. 9, 1896	1222		50	Brevet brig. gen.
S. 1975	Duncan, Julia Jones	do	1219		50	Brevet maj. gen.
H. R. 3316	Dodge, Cora L.	Apr. 16, 1896	1367		25	Colonel.
S. 321	Dunn, James W.	do	1314		60	Private.
H. R. 4376	Daniels, Christiana	Apr. 20, 1896			12	
H. R. 3108	Durnell, Jesse	do	1433		24	Second-class pilot, Navy.
H. R. 3798	Davenport, Laura E.	Apr. 27, 1896	1515		12	Private.
H. R. 6830	Davidson, William F.	May 4, 1896	1648		30	Do.
H. R. 8427	Doebler, John	do	1600		30	Captain.
H. R. 6991	Dixon, Joseph S.	do	1693		100	Private.
H. R. 357	Dustin, Elmira E.	Mar. 4, 1896	622		50	Colonel.
H. R. 7424	Deming, John	May 7, 1896	1690		30	Captain.
H. R. 708	Ellis, Albert	Jan. 30, 1896	769		24	Private.
H. R. 708	Ellis, Albert	Jan. 30, 1896	193		24	Do.
S. 3432	Evans, Jno. E.	Jan. 23, 1896	125		30	Sergeant Marine Corps.
S. 1271	English, Elizabeth M.	Feb. 14, 1896	328		50	Rear-admiral.
H. R. 4275	Enochs, Annis H.	Feb. 20, 1896	462		50	Brevet brig. general.

COMMITTEE ON INVALID PENSIONS—continued.

No.	Name.	Date.	Favorable.	Unfavorable.	Amount.	Rank.
S. 1837	Erving, Ellen C	Mar. 9, 1896	683		$75	Brevet major-general.
H. R. 2585	Estex, Lemuel J	Mar. 10, 1896	748		24	Private.
H. R. 5855	Elliott, Emily	Mar. 23, 1896	930		12	Do.
H. R. 1095	Ermer, Annie M	Mar. 30, 1896	1091		8	Do.
H. R. 6539	Enright, Richard C	Mar. 31, 1896	1052		30	Colonel.
H. R. 7363	Edwards, Wm. C	Apr. 7, 1896	1495		12	Private.
H. R. 6697	Ettill, Wm. C	Apr. 9, 1896	1192		12	Do.
H. R. 487	Early, Jno. F	Apr. 20, 1896	1422		30	Sergeant.
H. R. 3620	Fruston, Jefferson	Jan. 27, 1896	149		24	Private.
H. R. 4220	Foster, Chas. A	Jan. 23, 1896	124		12	Assistant surgeon.
S. 640	Fisher, Jos. W	Feb. 10, 1896	330		72	Colonel.
S. 3112	Fairfax, Josephine F	Feb. 13, 1896	357		50	Rear-admiral.
S. 137	French, Wm. W	Feb. 24, 1896	510		50	Private.
S. 6256	Funkhouser, Helen A	Mar. 6, 1896	712		30	Colonel.
S. 4604	Fisher, Jane	Mar. 9, 1896	714		8	Private.
S. 3499	Foss, Eliza A	Mar. 23, 1896	896		12	Corporal.
S. 4959	Forward, Mary	Mar. 31, 1896	1110		12	Private.
S. 5739	Tyffe, Clifford Neff	Apr. 9, 1896	1430		50	Rear-admiral.
S. 5077	Fitzpatrick, Elizabeth.	Apr. 16, 1896	1350		12	Private.
S. 1113	Foster, Geo. W	Apr. 20, 1896			12	Do.
H. R. 906	Greene, Annie M	Jan. 7, 1896	16		12	Do.
H. R. 4475	Gaffney, Catherine	Feb. 13, 1896	361		12	Do.
H. R. 1634	Good, William F	Feb. 6, 1896	279		6	Do.
H. R. 2006	Gregg, Harriet C	Feb. 24, 1896	534		50	Colonel.
S. 404	Goldwater, Samuel	Mar. 3, 1896	608		12	Private.
H. R. 2362	Greig, Carrie L	Mar. 5, 1896	684		20	Brevet major.
S. 616	Gresham, Matilda	do	632		100	General.
H. R. 2405	Gibbons, Maria	Mar. 9, 1896	682		20	Captain.
H. R. 6294	Gilman, Samuel D	Mar. 10, 1896	783		50	Private.
H. R. 515	Grose, William	Mar. 16, 1896	836		75	Brigadier-general.
H. R. 6300	Greer, William	Mar. 17, 1896	823		50	Private.
S. 1310	Gould, Shubael	Apr. 2, 1896	1140		50	Do.
H. R. 5532	Glover, Josephine	do	1087		30	Brevet lieutenant.
H. R. 6845	Gearkee, John H	Apr. 6, 1896	1666		30	Major.
S. 208	Gibbons, Fanny Moale.	Apr. 7, 1896	1158		100	Major-general.
H. R. 3907	Grant, Kate	Apr. 13, 1896	1257		20	Captain.
H. R. 4201	Gardner, Nicholas	Apr. 17, 1896	1468		50	Private.
S. 1414	Gerard, Emma Brough.	do	1328		16	Do.
H. R. 8053	Gard, Alice	Apr. 20, 1896	1466		20	Do.
S. 625	Groshon, Nellie L	Apr. 23, 1896	1479			Captain.
S. 2533	Gilman, Delia	Apr. 27, 1896	1517		12	Private.
H. R. 8159	Gibson, Martha M	May 7, 1896	1734		50	Colonel.
H. R. 6845	Gearkee, John H	do	1666		50	Major.
H. R. 1094	Hoover, Francis E	Jan. 27, 1896	167		50	Private.
S. 344	Hall, Mary A	Feb. 6, 1896	283		12	Do.
H. R. 4606	Houk, Mary B	do	275		30	Colonel.
H. R. 2604	Hough, Caroline A	Feb. 10, 1896	333		30	Brigadier-general.
H. R. 5254	Howell, Ebenezer G	do	332		30	Private.
H. R. 138	Haslip, Mary E	Feb. 13, 1896	461		12	Do.
H. R. 1141	Hull, Mary E	Jan. 13, 1896	49		12	Do.
H. R. 995	Holaday, Thomas	Jan. 16, 1896	118		24	Do.
S. 141	Hill, Julia A	Dec. 24, 1895	128		30	Colonel.
H. R. 1004	Hoover, Francis E	Jan. 27, 1896	167		50	
H. R. 3216	Hurley, James P	Jan. 30, 1896	263		30	Private.
H. R. 560	Hamilton, Sophia J	Feb. 6, 1896	305		50	Major-general.
H. R. 1734	Hull, Ann Catharine	Feb. 17, 1896	434		50	Commodore.
H. R. 5580	Hunley, Archibald	Feb. 20, 1896	458		16	Private.
H. R. 5712	Hines, John W	do	450		30	First lieutenant.
H. R. 979	Helfenstine, Frances E.	Feb. 27, 1896	563		17	Do.
H. R. 4888	Hager, George	Mar. 2, 1896	596		8	Private.
H. R. 4363	Hudson, Joseph J	do	603		72	Do.
H. R. 3800	Hodgdon, Geo. Wm	Mar. 5, 1896	658		12	Do.
H. R. 5060	Hazelip, Ransom C	Mar. 5, 1896	646		30	First lieutenant.
H. R. 6546	Holliday, Samuel	Mar. 10, 1896	744		24	Sergeant.
H. R. 519	Harris, Ira	Mar. 16, 1896	880		30	Lieut. commander, Navy.
H. R. 7422	Holliday, Lydia W	Mar. 24, 1896	1194		30	Nurse.
H. R. 1066	Hatfield, Ella	Mar. 30, 1896	1092		25	Major.
H. R. 4629	Harless, Wm. R	Mar. 31, 1896	1048		12	Private.
H. R. 7669	Howard, Samuel M	Apr. 7, 1896	1427		24	Do.
H. R. 7490	Heiskell, Mary Eliz	do	1326		30	Pay director, Navy.
H. R. 7079	Hyre, Henry O	Apr. 9, 1896	1190		12	Private.
H. R. 7982	Head, Albert	Apr. 13, 1896	1317		20	Captain.
S. 1816	Heckman, Eliza Craig	do	1235		50	Brigadier-general.
H. R. 6922	Harris, Catharine	do	1238		12	Private.
S. 1346	Holly, Charles T	Apr. 16, 1896	1323		50	Captain.
H. R. 7648	Harrington, Charles	do	1331		50	Sergeant.
H. R. 1168	Hill, Josiah P	Apr. 16, 1896	1335		50	Private.
S. 400	Hays, Johnson	Apr. 20, 1896	1465			Do.
S. 1949	Hight, Bradbury W	do	1362		72	Captain.
H. R. 8408	Howard, Hannah	Apr. 23, 1896	1471		12	Private.
H. R. 5846	Herrington, James M	do			30	Navy.

COMMITTEE ON INVALID PENSIONS—continued.

No.	Name.	Date.	Favorable.	Unfavorable.	Amount.	Rank.
S. 1880	Haughey, Thomas J	Apr. 27, 1896	1519		$20	Private.
H. R. 4184	Hollenbank, Nancy	May 4, 1896	1605		12	Nurse.
S. 893	Hulings, Mary B	May 5, 1896	1655		30	Colonel.
S. 1737	Hartzell, James G	do	1640		12	Private.
H. R. 2859	Herrick, Harriet F	do	1641		12	Do.
H. R. 4060	Higgins, Mary S	May 7, 1896			30	Colonel.
H. R. 2396	Holbrook, Isaac	Apr. 2, 1896	1089		12	Private.
S. 144	Ingalls, T. Clarkson	Mar. 12, 1896	757		50	Do.
H. R. 909 / S. 249	Jones, Chas. E	Jan. 27, 1896	303		30	Photographer.
H. R. 4756	Jardine, Catherine R	Feb. 6, 1896	337		50	Brigadier-general.
H. R. 4968	Jackman, Helen A	do	273		12	Lieutenant.
H. R. 2317	Johnson, Levi T. E	Mar. 5, 1896	648		30	Private.
H. R. 2947	Jennings, Daniel D	Mar. 10, 1896	708		30	Do.
H. R. 5792	Jameson, Julia A	do	762		50	Brigadier-general.
H. R. 4281	Johnson, George	Apr. 2, 1896	1123		50	Private.
S. 1495	Johnson, Hatis	Apr. 6, 1896	1127		50	Corporal.
H. R. 5081	Jones, Elihu	Apr. 20, 1896	1467		50	Captain.
H. R. 8102	Jones, Dora	do	1424		30	Private.
H. R. 3187	Jones, Frances	Apr. 27, 1896			30	
H. R. 994	Keith, Andrew B	Jan. 13, 1896	47		30	Private.
H. R. 1095	Kelley, Anna	do	45		12	Seaman.
H. R. 468	Kiernan, Mrs. H. J	do	360		50	General.
H. R. 1261	Kehl, John	Jan. 17, 1896	435		30	Private.
H. R. 3867	Kenney, Mariam V	do	436		25	Spy.
H. R. 3113	Kidwell, Margaret A	Mar. 2, 1896	644		12	Private.
H. R. 6283	Kearney, Eliz. Watts	do	597		25	Major-general.
S. 1435	Kimball, Nathan	do	643		100	Brigadier-general.
S. 1215	Kingsley, Ellen	Mar. 3, 1896	607		8	Private.
S. 1493	Kelly, Mary Clare	Mar. 5, 1896	641		50	Brevet maj. gen.
S. 905	Keefe, Mary W	Mar. 23, 1896	929		30	Captain.
H. R. 5895	Kendall, Anna N	do	931		8	Private.
H. R. 7349	King, Lewellyn D	Mar. 30, 1896	1045		30	Do.
H. R. 6699	Kirkpatrick, Margaret	Mar. 31, 1896	1090		12	Nurse.
S. 1017	Kiracofe, Robert	Apr. 6, 1896	1128		12	Private.
H. R. 7740	Keiser, Lewis	do	1154		72	Do.
H. R. 7073	Kline, Solomon	Apr. 9, 1896	1191		50	Do.
S. 719	Knowlton, Harriet M	do	1185		25	Major.
S. 1696	Kutz, Rebecca E	Apr. 16, 1896	1327		12	Private.
H. R. 6844	Kempster, Paul	Apr. 27, 1896			12	Do.
H. R. 6900	Kidd, Fletcher S	May 7, 1896			100	
H. R. 3001	Lapham, Cynthia A	Feb. 13, 1896	365		17	First lieutenant.
H. R. 126	Lindsay, Martin	Feb. 27, 1896	537		12	Private.
S. 819	Leary, Catherine	Mar. 10, 1896	782		12	Nurse.
H. R. 6468	Ladd, Andrew R	do	742		12	Private.
H. R. 6472	Lewis, Olive M	Mar. 16, 1896	830		12	Seaman.
H. R. 5402	Leet, Sarah B	Mar. 31, 1896	1040		25	Bvt. lieut. col.
H. R. 7688	Laughlin, John M	Apr. 7, 1896	1189			Private.
S. 2194	Leggett, Weltha Post	Apr. 27, 1896	1514		50	Major-general.
H. R. 1186	Lister, Jane	do	1522		20	Private.
H. R. 6973	Lyon, Sarah A	do	1550		12	Do.
S. 1139	Londermilk, A. S	May 4, 1896	1607		40	Do.
H. R. 6872	Lewis, Elfrida C	May 7, 1896	1669		20	Colonel.
S. 1356	Larrabee, Elizabeth L	do			50	
H. R. 3331	Lindsay, James	do	1730		30	Colonel Mo. Militia.
H. R. 1139	Mowatt, Caroline D	Jan. 13, 1896	170		12	Major.
H. R. 1109	Marshall, Elizabeth	Feb. 10, 1896	327		12	Private.
H. R. 4383	Morris, Wm. H	Feb. 17, 1896	444		100	Brevet maj. gen.
H. R. 4994	Martin, Sarah	do	621		8	Private.
H. R. 2844	McNeil, Martha	do	433		100	Brigadier-general.
H. R. 4753	Mulford, Lambert L	Feb. 24, 1896	514		30	First lieutenant.
S. 705	Muncey, Emily B	Feb. 27, 1896	538		12	Private.
H. R. 3480	Mann, Emily A	Mar. 2, 1896	715		12	Do.
S. 247	McGrath, Wallace	Mar. 3, 1896	618		50	Lieutenant.
H. R. 4283	Marsh, Delia A	Mar. 5, 1896	668		12	Corporal, sergeant.
H. R. 3877	Marple, Henderson	do	662		12	Private.
H. R. 1890	Martin, Mary	do	630		12	Do.
S. 884	McKibben, Marion	Mar. 10, 1896	950		50	Colonel.
H. R. 6247	Moore, Jennie E	Mar. 16, 1896	833		30	Private.
H. R. 6552	Morrison, Alex. C	do	827		30	Corporal.
S. 724	Mallery, Helen M	Mar. 17, 1896	824		50	Brevet colonel.
H. R. 6549	McGinnis, Gideon	do	828		30	Private.
S. 757	Morris, Adelaide	Mar. 19, 1896	869		25	Captain.
S. 1128	Morrow, Isabella	do	1012		50	Brevet maj.
H. R. 4528	McCartney, Kath. S	Mar. 30, 1896	1060		20	Captain.
H. R. 3166	Merchant, Geo. B	Apr. 2, 1896	1085		72	Sergeant.
H. R. 3620	Mackrill, Henry	do	1108		12	Landsman.
H. R. 7332	Mitchell, Eugenia	Apr. 13, 1896			12	Do.
H. R. 5949	Miller, Emily J	Apr. 16, 1896	1332		20	Private.
H. R. 5766	Macauley, Mary M	do	1366		30	Brigadier-general.
H. R. 7071	Mansfield, Alma	Apr. 20, 1896			20	
H. R. 1820	McNeil, Neil	Mar. 3, 1896	601		12	Notenlisted.
S. 2200	Morgan, Wm. H	Apr. 20, 1896	1360		50	Private.
S. 836	Murray, Wm. J	Apr. 23, 1896	1584		12	Telegraph dept.

COMMITTEE ON INVALID PENSIONS—continued.

No.	Name.	Date.	Favorable.	Unfavorable.	Amount.	Rank.
S. 1636	Masters, John G. B	Apr. 27, 1896	1512		$8	Private.
S. 2045	Mattack, Harriet R	Apr. 30, 1896	1583		12	Sergeant.
S. 2255	Meserth, Lorenzo	May 4, 1896	1656		12	Private.
H. R. 8481	McMillan, Jesse	May 5, 1896	1657		12	Do.
H. R. 7040	McGaughey, James A	May 7, 1896	1674		24	Do.
H. R. 4620	McKinsey, Samuel	Mar. 27, 1896	979		72	Do.
S. 1051	New, Elizabeth	Mar. 3, 1896	617		20	Captain.
S. 1044	Newman, Mary	do	610		12	Private.
H. R. 4561	Nesbitt, Wm. H	Mar. 9, 1896	680		30	Do.
H. R. 1598	Newton, Anna M	Mar. 12, 1896	781		75	Brigadier-general.
H. R. 6528	Nichols, Clara L	Mar. 19, 1896	989		75	Brevet maj. gen.
S. 2129	Nolan, Annie E	Mar. 26, 1896	1008		50	Major.
S. 638	Nichols, John	Apr. 2, 1896	1105		36	Sergeant.
S. 138	Osgood, James H	Jan. 6, 1896	15		50	Seaman.
H. R. 4823	O'Donnell, Margaret	Mar. 30, 1896	1011		12	Nurse.
S. 995	Pitman, Kate A	Jan. 16, 1896	64		12	Private.
H. R. 1185	Patton, Rachel	Jan. 20, 1896	121		20	Captain.
H. R. 2340	Parker, Caroline	Jan. 16, 1896	59		12	Private.
H. R. 2797	Palmantier, Peter B	Jan. 20, 1896	122		12	Do.
H. R. 3993	Porter, Joseph	Jan. 27, 1896	171		30	Do.
H. R. 5711	Pilkington, Rich'd P	Feb. 17, 1896	685		50	Captain.
H. R. 5226	Parrott, James C	Feb. 24, 1896	560		50	Colonel.
H. R. 6134	Purdum, Caroline E	do	562		12	Private.
H. R. 986	Pauley, Hiram P	do	512		10	Do.
H. R. 5946	Parker, Abram H	Feb. 27, 1896	564		50	Do.
H. R. 3306	Purdy, Theodore V	Mar. 3, 1896	660		50	Do.
S. 739	Philbrook, Caroline E	Mar. 3, 1896	611		25	Major.
S. 804	Poe, Eleanor Caroll	Mar. 6, 1896	740		50	Colonel.
H. R. 4364	Pelham, Mary	Mar. 9, 1896	955		12	Private.
H. R. 6166	Parker, Minnie	do	725		30	Brevet brig. gen.
H. R. 5880	Pucket, Greenville	Mar. 17, 1896	842		72	Corporal.
H. R. 3990	Pyne, Eliza G	Mar. 19, 1896	860		20	Captain.
S. 1945	Porter, Joseph	Mar. 23, 1896	897		30	Private.
H. R. 4875	Pogue, John W	do	943		24	Do.
H. R. 2620	Prince, Lauretta S	do	895		20	Do.
S. 1905	Paine, Rufus H	Mar. 30, 1896	1009		12	Do.
H. R. 5061	Powers, Ira	do	1005		12	Do.
H. R. 6234	Pack, James R	do	1049		12	Do.
H. R. 5183	Pletcher, Wesley A	Apr. 9, 1896	1220		30	Do.
H. R. 7062	Perry, Horace	Apr. 13, 1896	1233		30	Do.
H. R. 6670	Phillips, Richard D	Mar. 26, 1896	954		50	Corporal.
H. R. 6792	Quint, Hannah R	Mar. 17, 1896	858		12	Private.
H. R. 3832	Richardson, Elizabeth.	Feb. 13, 1896	358		12	Do.
S. 1100	Reynolds, Russell N	Mar. 5, 1896	640		20	Do.
H. R. 6003	Reynolds, Patrick F	Mar. 9, 1896	686		14	Do.
H. R. 5393	Richards, Lucinda	Mar. 12, 1896	763		12	Do.
H. R. 5620	Reid, George E	Mar. 30, 1896	1033		6	Do.
H. R. 5086	Ross, Francis M	Apr. 7, 1896	1155		12	Do.
S. 601	Rodgers, Clara R	Apr. 16, 1896	1470		25	Major.
H. R. 6203	Rafferty, Peter	do	1330		45	Private.
S. 737	Richardson, James	do	1325			Do.
H. R. 6989	Roberts, Robert A	Apr. 20, 1896	1432		30	Do.
H. R. 5665	Rice, Henry F	Apr. 23, 1896	1481		30	First lieutenant.
H. R. 8633	Roberts, Nancy	May 7, 1896			20	
H. R. 2224	Schilling, Lewis C	Jan. 16, 1896	123		50	Private.
H. R. 4526	Scott, Jonathan	Feb. 6, 1896	304		72	Do.
H. R. 6132	Scott, Thomas M	Feb. 20, 1896	511		20	Do.
H. R. 5966	Stowell, Sophronia S	do	464		25	Major.
H. R. 3421	Sadler, Elizabeth	Feb. 24, 1896	515		12	Private.
H. R. 2813	Stine, Rita	do	508		17	Lieutenant.
H. R. 4020	Spencer, Wm. Lorenz	Feb. 27, 1896	527		30	Colonel.
H. R. 6111	Sargent, Elizabeth A	Mar. 3, 1896	613		17	Private.
S. 1522	Smith, Catherine	Mar. 5, 1896	645		12	Do.
H. R. 6046	Stacey, Mary A	Mar. 17, 1896	829		12	Do.
S. 1699	Spencer, Wm. Lorenz	Mar. 16, 1896	826		30	Colonel.
S. 1342	Smith, Lena D	Mar. 17, 1896	843		50	Brigadier-general.
H. R. 1311	Sentman, Chas. W	Mar. 23, 1896	982		30	Private.
H. R. 1323	Sweatt, Ira H	Mar. 31, 1896	1047		12	Do.
H. R. 6730	Spofford, Edward C	do	1063		50	Sergeant.
H. R. 5725	Slaughter, Henry	do	1043		24	Private.
H. R. 4496	Schifirli, Annie	do	1041		30	Do.
H. R. 5853	Stucker, Arminda	Apr. 2, 1896			12	
H. R. 4534	Stahel, Julius H	do	1130		100	Major-general.
H. R. 3165	Schroder, Henry W	do			30	
S. 1323	Somerlat, Maria	Apr. 7, 1896	1161		12	Private.
H. R. 3402	Sheppard, Wm	Apr. 9, 1896	1193		50	Do.
S. 1510	Sessford, Susan M	Apr. 16, 1896	1431		12	Do.
H. R. 7898	Seamans, Wm. D	Apr. 20, 1896	1429		50	Do.
H. R. 7105	Shulz, Augustus	do			24	
H. R. 4191	Schamberger, Geo	Apr. 23, 1896	1483		12	Do.
S. 2238	Stevens, Simeon	do	1480		20	Do.
S. 1105	Sessions, Mary E	do	1482		12	Do.
H. R. 1874	Smalls, Robert	Apr. 28, 1896			30	
H. R. 7421	Skinner, James B	May 4, 1896			100	
H. R. 4490	Sellman, Ethan A	May 5, 1896			30	
H. R. 8173	Sampsell, Lydia	May 7, 1896	1667		20	Captain.
H. R. 7883	Schriver, Barney	do			12	Private.
H. R. 7885	Schriver, Evan	do			12	Do.
H. R. 577	Taft, Lydia A	Jan. 30, 1896	191		8	Do.
H. R. 4298	Thompson, Annie	Feb. 13, 1896	593		20	Captain.
S. 136	Townsend, Horace	Jan. 27, 1896	192		50	Private.
H. R. 3606	Thornhill, French W	Feb. 27, 1896	535		30	(*)

* Assisted father, surgeon Eighth Wisconsin Infantry, not mustered into service.

COMMITTEE ON INVALID PENSIONS—continued.

No.	Name.	Date.	Favorable.	Unfavorable.	Amount.	Rank.
H. R. 4910	Thomas, Cyrus	do	540		$50	Second lieut. and sergt.
H. R. 3755	Thompson, Mary C	Mar. 10, 1896	743		20	Captain engineers.
H. R. 6644	Thayer, John M	Mar. 12, 1896			100	General.
H. R. 3845	Thorp, Thomas J	Mar. 26, 1896	952		50	Private.
H. R. 2257	Twomey, Chas. H	Mar. 30, 1896	1042		30	Do.
H. R. 6560	Tyler, Emily M	do	1088		75	Brevet maj. gen.
H. R. 5793	Tweddle, Mary L	Apr. 2, 1896	1086		20	Captain.
H. R. 5435	Trumbull, Frances P	Apr. 7, 1896	1162		50	Brevet brig. gen.
H. R. 7890	Trine, Samuel G	Apr. 9, 1896	1223		30	First lieut.
H. R. 4539	Tyrrell, Zolman	Apr. 13, 1896	1240		30	Private.
S. 146	Towne, Samuel C	Apr. 16, 1896	1334		30	Do.
H. R. 5193	Thurston, Emma	do	1420		20	Captain.
H. R. 3605	Udell, Grotius N	Apr. 13, 1896	1234		50	Private.
H. R. 2143	Van Deveer, Emily M.	Feb. 13, 1896	362		75	Brigadier-general.
H. R. 5425	VanCleve, Charlotte O.	Mar. 16, 1896	942		50	Brevet maj. gen.
H. R. 3842	Vunk, Edward	Apr. 13, 1896	1239		45	Private.
H. R. 7969	Vantine, Joseph E	Apr. 20, 1896	1496		72	First-class fireman.
H. R. 7653	Vanarsdel, Ambrosr J.	May 4, 1896	1637		12	Private.
H. R. 481	Walsh, Francis	Jan. 27, 1896	168		72	Do.
H. R. 952	Wright, Susan D	Jan. 16, 1896	63		12	Do.
H. R. 1020	Williams, Gilman	Jan. 13, 1896	46		30	Do.
H. R. 1104	Williams, Isaac N	Jan. 30, 1896	194		12	Do.
H. R. 1181	Wilson, Maria E	Feb. 6, 1896	277		20	Captain.
H. R. 2621	Webster, Jane	do	278		12	Wagon master.
H. R. 4295	Wilson, Eliza	do	276		12	Private.
H. R. 2369	Weirer, Charlotte	Feb. 13, 1896	359		12	Do.
H. R. 1290	Woodbury, Harriet	Feb. 17, 1896	438		12	Do.
H. R. 2358	White, Arminda	Feb. 24, 1896	516		20	Captain.
H. R. 4547	White, Silas S	Feb. 27, 1896	555		30	Private.
H. R. 5411	Wible, Sarah Ann	Mar. 2, 1896	594		12	Do.
H. R. 4720	Whetsel, Isaac H	do	593		16	Do.
H. R. 6483	Walker, Thomas D	do	599		12	Do.
H. R. 4001	Waldrup, William	Mar. 3, 1896	592		12	Do.
H. R. 3409	Wagner, Harrison	do	595		40	Assistant surgeon.
H. R. 3152	Welton, Charlotte L	Mar. 5, 1896	657		17	Lieutenant.
H. R. 5338	White, Ann Eliza	Mar. 9, 1896			12	Private.
S. 807	Williamson, Charles	Mar. 16, 1896	822		17	Assistant surgeon.
H. R. 4267	Widmer, Gabriel	do	857		30	Private.
S. 1511	Whiting, Jane Stewart.	Mar. 17, 1896	845		50	Commod're, Navy.
H. R. 3481	Wing, James L	Mar. 19, 1896	868		30	Private.
S. 673	West, Joseph R	Mar. 23, 1896	898		50	Brevet maj. gen.
S. 1888	Walker, Wm. T	Mar. 31, 1896	1060		25	Private.
H. R. 7346	Worswick, John A	do	1428		30	Do.
H. R. 7115	Warbrook, James	do	1051		12	Do.
S. 178	Webber, Betsy J	Apr. 6, 1896	1132		12	Do.
H. R. 4901	Wilcoxton, Richard	do	1133		12	Do.
H. R. 6208	Wells, Wm. N	Apr. 16, 1896	1333		30	Acting master, Navy.
S. 504	Woog, Edmund	Apr. 20, 1896	1423		50	Sergeant.
H. R. 7983	Wickware, Frances E	do	1464		15	Lieutenant.
S. 706	Wood, Eugenia	do	1391		8	Private.
H. R. 5587	Worth, Henry A. F	Apr. 23, 1896	1469		72	Captain.
H. R. 6827	Wallick, Mary E	do	1477		20	Do.
S. 140	Wise, Mary A	May 4, 1896	S. 140		20	Do.
H. R. 8242	Warner, L. F	May 5, 1896			25	Major.
H. R. 8522	Wells, Mark	May 7, 1896	1653		12	Private.
H. R. 5099	Wheeler, Belinda	do	1673		12	Do.
H. R. 7212	White, Melita E	Mar. 13, 1896	759		42	Colonel.
H. R. 1171	Yazell, Hannah	Feb. 24, 1896	509		12	Private.
H. R. 338	Young, James Loyd	Feb. 27, 1896	532		17	Do.
S. 1924	Yeaton, Carrie L	Mar. 2, 1896	600		12	Do.
H. R. 2395	Young, Benj. F	Apr. 13, 1896	1236		30	Do.
S. 2175	Young, James Loyd	Apr. 27, 1896	1510		17	Do.
H. R. 4519	Zellers, John	Mar. 17, 1896	852		30	Do.

Total per month for privates	$7,022
Total per month for officers	6,162
Excess for privates over officers	860
Total per annum for privates	84,264
Total per annum for officers	73,944
Excess for privates over officers	10,320
Total per month	13,184
Total per annum	158,208

No.	Name.	Date.	Favorable.	Unfavorable.	Amount.	Rank.
H. R. 7582	Avery, Martha A	May 14, 1896			$25	Sergeant.
H. R. 7827	Buckle, Joseph	do	1783		50	Do.
H. R. 5235	Blair, Russian	do	1779		30	Private.

H. R. 5006.	Thornhill, French W	Feb. 2, 1886				
H. R. 7932.	Avery, Martha R	May 18, 1886				
H. R. 787.	Buckle, Joseph	do	1783		50	Do.
H. R. 5235.	Blair, Russian	do	1779		30	Private.

* Assisted father, surgeon Eighth Wisconsin Infantry, not mustered into service.

COMMITTEE ON INVALID PENSIONS—continued.

No.	Name.	Date.	Favorable.	Unfavorable.	Amount.	Rank.
H. R. 4484.	Chamberlain, Sarah E.	May 11, 1896	1731		$12	Captain.
H. R. 7154.	Chase, Irene M	May 12, 1896	1787		12	Private.
S. 1149.	Chilcott, Sophia J	do	1775		12	Sergeant.
S. 1119.	Dailey, Peter	May 11, 1896	1776		12	Private.
H. R. 8162.	Dyur, William H	May 12, 1896			30	Do.
H. R. 3844.	Dennis, Cyrenius	May 14, 1896			12	Do.
H. R. 7811.	Graves, Henry	May 11, 1896			12	Do.
H. R. 8848.	Hughes, John A	do	1754		30	Captain.
H. R. 8620.	Huggins, Matilda	May 12, 1896	1785		12	Private.
H. R. 5646.	Holland, Catherine	do			12	Do.
H. R. 4967.	Harmon, Joseph P	May 14, 1896			30	Do.
H. R. 5706.	Jordan, Elizabeth	May 12, 1896	1784		12	Do.
H. R. 7128.	Johnson, Anna P	May 14, 1896			12	Do.
H. R. 7400.	Jackson, Sarah E	do			50	
H. R. 3591.	Kelley, Catharine	do			8	Do.
H. R. 7160.	Kitchen, Francis A	May 12, 1896	1772		12	Asst. surgeon.
S. 2187.	Leahy, Thomas F	May 11, 1896	1739		12	Unsigned conscript, Vt. Vols.
H. R. 7290.	Lykins, Jackson	May 12, 1896			12	
H. R. 6528.	Martin, Joseph R	May 11, 1896	1765		20	Private.
H. R. 8451.	McConaughey, Samuel	do			12	Do.
S. 2542.	Maines, Stephen	May 12, 1896			8	Do.
H. R. 2018.	Norris, Aretus	do	1773		72	Do.
S. 2443.	Noble, George D	do	1784		8	Do.
H. R. 2403.	Osborn, Jackson	May 11, 1896	1734		30	Do.
H. R. 7132.	Peaslee, Elizabeth	May 12, 1896			12	Do.
H. R. 5697.	Peterson, Bowman H	do			25	Sergeant.
H. R. 5670.	Phillips, Richard S	Mar. 26, 1896	954		50	Corporal.
H. R. 6555.	Patterson, Loozilah L.	May 14, 1896			25	Sergeant.
H. R. 7153.	Peters, George W	do			17	Private.
H. R. 153.	Shaw, Clara V	May 12, 1896	1790		12	Do.
H. R. 1682.	Summers, Lavicey J	May 11, 1896			12	Do.
S. 2790.	Stowall, Sophronia S	do			25	Major.
H. R. 6007.	Sandborn, Jane H	May 12, 1896	1777		12	Private.
S. 574.	Slocum, Caroline A	do	1770		50	Lieut. col.
H. R. 6902.	Viel, Mary A	do	1778		25	Major.
H. R. 7955.	Valk, Anna G	do			40	Surgeon.
H. R. 1534.	Weiderhold, Ida	May 11, 1896	1786		12	Private.
H. R. 8788.	Widdores, Mary A	May 14, 1896			20	Do.

No.	Name.	Report.	Amount.	Rank.
H. R. 3581.	Blakeman, Jas. H	1861	$30	Private.
H. R. 6418.	Bedell, H. C		12	Do.
H. R. 4313.	Cozzens, Charlotte B		50	First lieutenant.
H. R. 6391.	Goens, Levi	1873	30	Private.
S. 1611.	Hobbs, Clarissa E		12	Nurse.
H. R. 7206.	Keating, William		12	Private.
H. R. 94.	McCoy, Melanchton		25	Do.
H. R. 7585.	Phillips, Anna B. S		100	Colonel.
S. 2361.	Stevens, Silas M		50	Seaman.
H. R. 6765.	Thompson, David N		72	Private.
H. R. 5782.	Wedel, Anna	1863	20	Surgeon.

No.	Name.	Date.	Report.	Amt.	Rank.
H. R. 6938.	Carr, John	May 19, 1896		$12	Private.
S. 2913.	Cheeko, Nettie A	do	1894	20	Do.
H. R. 763.	Carmody, J. W	do	1893	50	Seaman, U. S. S. Wabash.
H. R. 5897.	English, Caroline V	do	1900	50	Lieut. colonel.
H. R. 6877.	Gudgell, Grace	do	1903	12	Captain.
S. 1808.	Hayes, Maretta	do		(*)	Private.
H. R. 7627.	Lachard, Michael	do		12	Do.
H. R. 6966.	March, Wm. T	do		50	Do.
H. R. 7585.	Phillips, Anna B. S	do		100	Colonel, brevet brig. gen.
H. R. 4287.	Stanley, Edward	do	1901	24	Private.
S. 2341.	Tuttle, George E	do	1890	8	Do.
S. 248.	Allen, Martha	May 21, 1896	(†)		Do.
S. 2153.	Ely, Mary E	do	1947	30	Lieutenant colonel.
H. R. 2363.	Gein, Louis H	do		30	Second lieutenant.
H. R. 1944.	Goodrich, Catharine C.	do	1943	17	First lieutenant.
H. R. 9091.	Harris, Joshua B	do		30	Corporal.
H. R. 8789.	Kelly, Nettie M	do		20	Private.
H. R. 8138.	Oliver, Wm. H	do		72	Do.
S. 1946.	Parkhurst, Elijah N	do	1942	72	
S. 9065.	Wilder, Lelia Seaton.	do		(‡)	Do..
S. 1148.	Whitney, Celesthia A.	do	1946	(†)	Do.

* Pension law.
† Not rated.
‡ To pay back pension due husband from date of his application.

COMMITTEE ON PENSIONS.

No.	Name.	Report.	Amount.	Rank.
H. R. 2906.	Andrews, Henry V	887	$8	Black Hawk war.
H. R. 6954.	Andrews, Lucinda	1706	12	Revolutionary war.
H. R. 4076.	Abercrombie, Abner	1232	8	Private, Indian war.
S. 2055.	Barnard, Christine C.	1321	30	Major, Mexican war.
H. R. 7849.	Brown, Electa L	1697	8	Private, war 1812.
H. R. 9048.	Bostwick, Bethany	1374	12	Private, Revolutionary war.
H. R. 649.	Bunker, Joseph S	1244	8	Sabine war, 1836.
H. R. 1793.	Bassett, Michael	1591	12	Mexican war.
H. R. 1891.	Barry, Celestea R	555	8	Widow of private, Mexican war.
H. R. 7317.	Bethea, Levey M	1990	25	Mexican war.
H. R. 7192.	Brasie, Ron	1499	20	Private, Regular Army.
H. R. 5279.	Brown, Jerusha H	733	12	Daughter, Revolutionary war.
H. R. 4481.	Brooddus, Patsy E	629	30	Lieutenant, Mexican war.
H. R. 2229.	Barrett, Hannah N	542	12	Daughter, Revolutionary war.
H. R. 3953.	Beall, Elizabeth T	484	50	Widow of colonel, U. S. A.
H. R. 2373.	Brown, Elvin J	631	20	Private, U. S. Dragoons.
H. R. 5400.	Bacon, Mary L		40	Widow, lieutenant commander, U. S. N.
H. R. 4395.	Bitts, Juliette	473	12	Daughter, Revolutionary war.
H. R. 6561.	Carter, Martha C	1320	50	Rear-admiral, Navy.
H. R. 446.	Crosby, Julia H. H	471	35	Lieutenant, U. S. N.
H. R. 1810.	Cowsly, Sarah E	901	35	Widow, major.
H. R. 2141.	Claire, Joseph	1573	30	Private, N. Y. war.
H. R. 1474.	Copley, Jno. J		12	Private, U. S. Infantry.
S. 125.	Cook, Elizabeth J	1303	8	Widow, Mexican war.
S. 511.	Castleman, P. F	1338	15	Indian war, 1856.
H. R. 4721.	Clark, Orienna J	969	8	Widow, Mexican war.
S. 2317.	Dodge, Lamon C	1721	30	Captain, U. S. A.
H. R. 2742.	Davis, J. J	908	8	Private, Mexican war.
H. R. 3258.	Durley, Williamson	135	8	Black Hawk war.
H. R. 7451.	Eganson, James	1150	12	Seaman, U. S. N.
H. R. 5345.	English, Elizabeth		100	Rear-admiral, Navy.
H. R. 1511.	Ferris, Lydia B	556	12	Daughter, war 1812.
H. R. 2189.	Freeman, Mary A	653	12	Private, Mexican war.
H. R. 1602.	Fagg, Jane L	1555	20	Colonel, Mexican war.
H. R. 5175.	Gentry, Nancy		8	Mexican war.
H. R. 3365.	Greene, Carrie H	752	8	Indian war.
H. R. 3862.	Greene, John	1645	(*)	Private, U. S. A.
H. R. 3669.	Giles, Daniel	1084	8	Indian war.
H. R. 4368.	Graham, Christiana	785	12	Daughter, Revolutionary war.
H. R. 4559.	Gunn, Calvin		24	Indian war.
H. R. 7314.	Gullett, John E	1782	12	Do.
H. R. 4182.	Hull, Georgiana C	807	12	Mexican war.
H. R. 2902.	Hyams, Solomon		20	Indian war.
H. R. 6378.	Holman, Eliza J	907	8	Do.
S. 1565.	Howland, Benj. F		8	Mexican war.
H. R. 4887.	Ives, Sarah G	742	8	Do.
H. R. 4122.	Jones, James H	862	20	Indian war.
S. 719.	Jacob, Helen M	518	12	Mexican war.
H. R. 3898.	Leach, Hester W	1587	12	Seaman, U. S. N.
H. R. 6937.	Larned, Helen	755	25	Major, U. S. A.
H. R. 7743.	Lyons, Emily J	1523	8	Private, Mexican war.
H. R. 481.	Lynn, Jane	814	12	Daughter, Revolutionary war.
H. R. 717.	Lafferty, Mary Anne	754	8	Indian war.
H. R. 4690.	Marshall, F. E	569	30	Widow, general, Mexican war.
H. R. 5764.	Marthon, Elizab'th A	1124	50	Lieutenant in U. S. N.
H. R. 5902.	Marge, Jane Christian	879	12	Daughter, Revolutionary war.
H. R. 6282.	McBride, Alexander	937	30	Mexican war.
S. 823.	Meigs, John B	1564	12	Do.
H. R. 5612.	Mitchell, Nathan	1213	8	Do.
H. R. 3668.	McKinney, James L	1083	8	Indian war.
H. R. 6355.	Plebius, Theresa	485	18	War 1812.
H. R. 1825.	Prince, Ellis	567	8	Indian war.
H. R. 1826.	Prince, Henry	559	8	Do.
H. R. 1827.	Prince, Nancy B	558	8	Widow, Indian war.
H. R. 3007.	Pettes, Michael	349	20	Mexican war.
H. R. 7080.	Quinn, W. L	1319	12	Indian war.
H. R. 3494.	Roberts, F. M	1245	8	War 1812.
H. R. 91.	Russell, William	1524	12	Indian war.
H. R. 1882.	Rodgers, Hannah E	1005	12	Revolutionary war.
H. R. 2251.	Reeder, Bluford	936	8	Mexican war.
H. R. 1062.	Rawlings, A. M		8	Indian war.
H. R. 3386.	Raw, John R	800	30	Mexican war.
H. R. 3749.	Rhoades, E. J		50	Lieutenant, United States war.
H. R. 3426.	Sweeney, E. R		50	Brigadier-general, U. S. A.
H. R. 6634.	Spyker, S. M	1534	8	Indian war.
H. R. 1018.	Shang, B. S	964	30	Mexican war.
H. R. 710.	Schwatka, Fred	486	17	Lieutenant, U. S. A.
H. R. 1189.	Stanford, Eliza	522	12	Revolutionary war.
H. R. 1420.	Sutherland, E. W		75	Surgeon-general, U. S. A.
H. R. 3264.	Turtle, V. E	523	40	Widow, major, U. S. A.
H. R. 5453.	Triplett, Taylor	1488	12	Seaman.
H. R. 6826.	Thompson, R. A	780	12	Revolutionary war.
H. R. 7501.	Tallett, D. T	1304	8	Indian war.
H. R. 7584.	Thurber, Phebe A	1500	12	Revolutionary war.
H. R. 152.	Tracy, Mary Ann		12	Lieutenant, U. S. A.
H. R. 1004.	Thornton, H. F	1152	15	Mexican war.
H. R. 298.	Tumblin, W. W	1554	20	Indian war.
H. R. 1178.	Weedon, Sarah	570	8	Mexican war.
H. R. 1050.	Whiting, E. D	640	25	Lieutenant, U. S. M. C.
H. R. 1513.	Wilkinson, Caroline	1487	12	Revolutionary war.
H. R. 6037.	Woodcock, Amanda	869	12	Mexican war.
H. R. 5225.	William, E. M		8	Indian war.
H. R. 6800.	Young, Mary T	941	12	War of 1812.
H. R. 2359.	Zeigenheim, Catharine.	557	8	Mexican war.

* Rated by Pension Office.

	Number.	Per month.	Average per month.	Per annum.	Average per annum.
Major-generals (including 4 rear-admirals) and widows	25	$1,725	$69.00	$20,700	$828.00
Brigadier-generals (including 2 commodores) and widows	26	1,245	47.88	14,940	574.56
Colonels and widows	25	991	39.64	11,892	475.68
Lieutenant-colonels and widows	4	135	33.75	1,620	405.00
Majors and widows	19	544	28.63	6,528	343.56
Captains and widows	42	1,106	26.33	13,272	315.96
First lieutenants and widows	19	494	26.00	5,928	312.00
Second lieutenants and widows	2	67	33.50	804	402.00
Total commissioned officers	162	6,307	38.93	75,684	467.16
Noncommissioned officers	33	1,048	31.75	12,576	381.00
Teamsters (1 not rated)	3	24	12.00	288	144.00
Photographer	1	30		360	
Nonenlisted	6	102	17.00	1,224	204.00
Nurses	6	90	15.00	1,080	180.00
Spy	1	25		300	
Total nonprivates	212	7,626	35.97	91,512	431.68
Privates	271	6,459	23.83	77,508	285.95
Total	483	14,085		169,020	
Difference between privates and nonprivates	59	1,167		14,004	
Total all but commissioned officers	321	7,778	23.38	93,336	280.56
Total privates and noncommissioned officers	304	7,507	24.69	90,084	296.28

Mr. ERDMAN. This shows that it will take several million dollars every year to earn the sum that will be required to pay the amounts that you have appropriated. I want the real soldiers—nearly a million of them—who are on the rolls to-day at $6, $8, $10, and $12 a month, to look at this list, to examine it, to see who are the favorites of the Republican party, who are getting $100, $75, $50, and $30 a month, and let them wonder why they are not selected as the favorites.

I admire the courage of a few of you who, knowing what was right, have dared to stand up and assert it.

Unfortunately, the Republican party arrogates to itself the proud title of the sole conservator of the entire stock of patriotism in the land. Unfortunately, I say, inasmuch as the tendency of its teachings and its doctrines in this respect is to make patriotism a mere commercial contract and to render the future Grand Armies of the Republic mere aggregations of mercenaries, hirelings, Hessians or Janizaries. If I may be guilty of an alliteration, let me say, "Stop your unholy traffic in patriotism, pensions, and politics, and make the pension roll a roll of honor." Your purpose has been and is now, instead, to make it a political polling list. How far from honorable that is you may judge for yourselves when I tell you that in the good city of Philadelphia, the city of phenomenal Republican majorities and of phenomenal political fraud and corruption—in the good City of Brotherly Love, they place upon that list the names of dogs. In the fall elections of 1894, when you proudly boasted of your enormous majorities there, you had upon that list the name of the dog William Rifle—so determined by a Republican judge. If you care to have his picture on the pages of the RECORD I will lend you the cut. Let me hear no more about voting the unfortunate colored people of the South until you yourselves stop voting dogs. Go and proclaim to the country that all that the Fifty-fourth Congress will do for the old veterans is to place on the pension roll galvanized rebels, bums, bounty jumpers, and deserters, and then emphasize your illegal misconstruction of the act of 1890 by enacting it the law.

Mr. CUMMINGS. Mr. Chairman, I have the greatest respect for my friend from Pennsylvania [Mr. ERDMAN]. He evidently is conscientious in his course with regard to pension bills in this House. But as he deliberately makes the statement that Republican members here are politically partial in their votes regarding pensions, I say that the facts confute him. I have been a member of this House for nine years. I have never seen politics injected one way or another where a pension was honestly due to a soldier, the widow of a soldier, or the orphan of a soldier. [Loud applause.] And I call the gentleman's attention to the fact that only the other day this House, with 150 Republican majority, reduced a pension sent here from its own Committee on Invalid Pensions from $75 to $50 a month. That was the pension of the widow of Gen. Joseph B. Carr, a gallant soldier, once secretary of state of New York; and the only Republican elected upon the State ticket in that year. Her pension was reduced from $75 a month to $50 a month, although she was entirely destitute, and within ten minutes this same Republican House voted to retain the pension of Mrs. John Newton, the widow of a gallant general who never voted a Republican ticket in his life.

I have not forgotten that a Republican House of Representatives pensioned the widows of Maj. Gen. George B. McClellan and Maj. Gen. John C. Fremont side by side, in one vote. I do hope, Mr. Chairman, as one who did some service in the Army, however little, that my friends upon the Democratic side of the House who never served in the Army will at least be sure of their facts before they attack propositions for pensions for soldiers or soldiers' widows, who are honestly entitled to them. [Loud applause.]

Mr. BAKER of New Hampshire. Just a word, Mr. Chairman. This widow, whom it is presumed we shall pension by this bill, is the widow of a man who was always a Democrat, and who never voted anything but the Democratic ticket in his life. He was a brother of Colonel Cross, who lost his life at Gettysburg, and he was himself a lieutenant-colonel in the fighting Fifth New Hampshire.

Mr. ERDMAN. Did the gentleman understand me to say that political favor was shown on the floor of the House in pension matters?

Mr. BAKER of New Hampshire. I understood from the remarks of the gentleman who has just concluded [Mr. CUMMINGS] that the gentleman from Pennsylvania had said so.

Mr. ERDMAN. I admit that the inference was a fair one from the very incorrect and erroneous statement of the gentleman from New York.

Mr. BAKER of New Hampshire. I am very glad to hear the gentleman from Pennsylvania make that statement, and as I rose only to confute his supposed assertion I have nothing more to say, and I ask for a vote in this case.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. JANE STEWART WHITING.

The next business on the Private Calendar was the bill (S. 1511) granting a pension to Mrs. Jane Stewart Whiting.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $75 per month, the name of Jane Stewart Whiting, widow of the late Commodore William Danforth Whiting, of the United States Navy.

Mr. MILNES. Let us have the report read.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1511) granting a pension to Mrs. Jane Stewart Whiting, adopt as their own the following quotation from the Senate report, and recommend the passage of the bill with an amendment striking out the word "seventy-five," in line 5, and inserting in lieu thereof the word "fifty":

"Mrs. Whiting is the widow of the late Commodore William Danforth Whiting, who entered the naval service of the United States in March, 1841, and was retired April 14, 1882.

"Commodore Whiting belonged to an old American family. He was born in Lancaster, Mass., May 17, 1823. His father was Gen. Henry Whiting, who served in the Indian wars and in the war of 1812; his mother was Eliza Macomb Whiting. In 1841 Commodore Whiting was appointed a midshipman from Massachusetts, and he was attached to the sloop *Cyane*, of the Pacific Squadron, from 1841 to 1844; from that year to 1846 he served on the frigate *Columbus*, of the East Indian Squadron; he then went to the Naval School, and on August 10, 1847, was promoted to passed midshipman; in 1846-47 Midshipman Whiting served in the sloop *Levant* at the capture of Monterey, Cal., when the American flag was hoisted at that place, on July 7, 1846.

"In 1849 Midshipman Whiting was attached to the sloop *Marion*, of the East Indian Squadron, and in 1853 he was at the Naval Observatory at Washington, and in the Coast Survey from 1854 to 1857, being on the steam frigate *Niagara* when that vessel laid the Atlantic cable in 1857. On May 1, 1855, he was promoted to master, and was commissioned as a lieutenant on September 14 of the same year. From 1858 to 1860 Lieutenant Whiting was on the sloop *Marion*, off the coast of Africa, and on the *Macedonia* in the following year.

"He was executive officer of the sloop *Vandalia* at the capture of Port Royal in 1861, and afterwards commanded the steamer *Wyandotte* in the South Atlantic blockade and in the Potomac flotilla. On July 16, 1862, he was commissioned lieutenant-commander, and on the gunboat *Ottawa* took part in the attacks of the defenses of Charleston. In 1864 and 1865 he commanded the school-ship *Savannah*, and in the following year the steamer *Tioga*, of the Gulf Squadron; he was commissioned as commander on July 25, 1866, and did land duty at the Brooklyn Navy-Yard in 1867-1868 and 1871-72, being in command of the *Saratoga*, of the North Atlantic Squadron, in 1870.

"Commander Whiting was promoted to a captaincy on August 19, 1872, and was ordered to the command of the flagship *Worcester*, of the North Atlantic Station, under Admiral Scott, where he remained from 1871 to 1875. In the first year of his cruise Captain Whiting took out contributions of food and clothing from the American people to the French sufferers of the Franco-Prussian war.

"After serving for some time at the Naval Asylum at Philadelphia, he was appointed, in 1877, Chief of the Bureau of Navigation at Washington. In 1881 failing health and almost total blindness, the result of a stroke of lightning which knocked him down while in active service, caused him to retire from the service. On October 12, 1881, by act of Congress, he was retired with the rank of commodore. After his retirement Commodore Whiting lived in New York. He was an hereditary member of the Society of the Cincinnati, being a direct descendant of Timothy Whiting, who fought in the battles of Lexington and Concord.

"When the U. S. S. *Marion* was ordered from the west coast of Africa at the beginning of the civil war, Commodore Whiting and Admiral Stanton, it is said, were the only wardroom officers who remained loyal to the United States.

"In 1849 Commodore Whiting was married to Jane Stewart, who was born in Cork. The marriage took place in Boston. Mrs. Whiting and four children survive.

"Testimony submitted to your committee shows that Mrs. Whiting is in

very straitened financial circumstances, and in view of that fact and of the long and valuable services of Commodore Whiting your committee recommend the passage of the bill."

The amendment recommended in the first paragraph of the report was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

BARTON S. DAWSON.

The next business on the Private Calendar was the bill (H. R. 4494) granting a pension to Barton S. Dawson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Barton S. Dawson, late private in Company L, Second Regiment Illinois Volunteer Cavalry, at the rate provided for total blindness, and requiring the regular and personal attendance of another person, said pension to be in lieu of the pension he now receives.

The Committee on Invalid Pensions recommended an amendment, striking out all after the word "rate," in line 6, down to the end of the bill and inserting the words "$30 per month in lieu of his present pension."

The amendment was agreed to.

Mr. PICKLER. Mr. Chairman, I desire to call attention to this case as one where a private soldier is given $30 a month.

Mr. MILNES. You ought to have given him $50.

Mr. PICKLER. The gentleman on my left says we ought to have given him $50.

Mr. Chairman, I desire, in connection with what has been asserted here this evening, to say that in my opinion there never has been a Congress which, within so short a time, has advanced the pensions of as many private soldiers and noncommissioned officers and of the widows of such soldiers and officers, as the present one. [Applause.] Further, Mr. Chairman, without undertaking to be exact, I venture the assertion that there have been five cases of the pensions of private soldiers or of their widows raised during this Congress, for every one where we have raised the pension of officers or of their widows. There has not been a deserter, there has not been a bounty jumper, there has not been a man dishonorably discharged, pensioned during this Congress. No such persons have been put on the roll.

As to the statement which some gentlemen are so industriously trying to send out over the country that we are seeking to pension officers and officers' widows to the neglect or the detriment of private soldiers or their widows, I want to say that it is not true. It is true that in some few cases that have come up here, while I individually may have believed that a less pension would have been sufficient, yet I have honored the judgment of my colleagues on the Committee on Invalid Pensions and the judgment of the Committee of the Whole in passing upon those cases, and where they have found a destitute old widow of some gallant officer, or where they have found an old officer himself in distress, as in the case we disposed of to-day on a conference report, the case of a man 75 years old, a paralytic, who has had an invalid wife for seven years, whom only ten days ago he buried—in such cases and in the cases of the destitute widows of these old officers, where, to keep them out of the poorhouse, the Committee of the Whole have advanced their pensions beyond what the general law would allow, I have honored the judgment of my colleagues and of the Committee of the Whole, and have not hesitated with them, under such circumstances, to vote to advance the pensions.

It is a very easy matter, Mr. Chairman, to arraign the Committee on Invalid Pensions and the party in power for having pensioned a few of these old officers and their widows at a higher rate than the general law allows. It is a very easy matter to go out among the private soldiers and make such representations to them. But I do hope that the private soldiers and the noncommissioned officers of this country—and I served in the ranks for more than two years—I do hope, I say, that they will not be deceived by this cry that a few old officers and the widows of a few old officers have had their pensions advanced, because it is simply the old cry in another form and is intended to discredit the pension roll by seeking to array the country against pensions of all kinds by working up a prejudice against the persons who receive these pensions.

Now, in conclusion, as to the policy of this Congress and the policy of the Committee on Invalid Pensions, as evidence of what the Committee on Invalid Pensions have held and intend to hold, and what I believe the Committee of the Whole will sustain them in, I send to the Clerk's desk a resolution which was unanimously adopted by the committee, which shows that we intend in no case to make any advance for officers or their widows except where there is destitution, and which further shows that for every case where we have raised the pension of an officer or the widow of an officer we have raised the pensions of at least five privates or noncommissioned officers.

The Clerk read as follows:

Whereas marked confusion and delay have resulted from the want of some uniform rule in the consideration of private pension bills: Therefore,

Be it resolved, That it is the sense of the House that all private pension bills should be drawn according to the rates of pension indicated by the general pension laws unless the evidence should clearly show that a higher rate is justly required to relieve actual distress, the question of the soldier's rank being considered wholly immaterial in determining an exceptional rating.

Resolved, That all recommendations from committees should be in harmony with the sentiment of the foregoing resolution.

The CHAIRMAN. The question is on laying this bill aside to be reported favorably.

Mr. ERDMAN. In the statement which I incorporated in my remarks of a few moments ago will appear the name and rank of every man for whom our committee has provided a pension, together with the amount of the pension. I have also had computed and abstracted up to within ten days ago the result of the work of the committee, and that will show practically as many officers pensioned as privates; and in the monthly and annual amount of pension the preponderance is largely in favor of the officers.

Mr. PICKLER. Not one-fifth as many officers as privates have been pensioned.

Mr. ERDMAN. I refer the gentleman to the statement of the actual number. The count can be made by any member who doubts my word.

Mr. MILNES. Will the gentleman allow me a question?

Mr. ERDMAN. Yes, sir.

Mr. MILNES. I should like to ask the gentleman whether he has not voted for almost every one of these pensions to generals and other officers, and to the widows of officers?

Mr. ERDMAN. Probably I have voted for a number.

Mr. MILNES. And for pensions ranging from $50 to $75 a month?

Mr. ERDMAN. Whatever I regarded as meritorious cases I have sustained.

Mr. MILNES. I have several times called the gentleman's attention to the fact that he has voted for every one of these bills.

Mr. ERDMAN. I have voted for a good many; I have not voted for all of them.

Mr. Chairman, the other side takes pride in claiming credit for all that is done by this House. Gentlemen on that side are welcome to the credit of what my statement shows. What any individual member here or there may have done will count for little. It is what you do as a whole, as a party, that you have to be responsible for.

Mr. WANGER. I wish to occupy but a moment to call attention to the fact that all cases of the character of the one embraced in this bill ought to be promptly relieved, and there ought to be a method of relief when Congress is not in session as well as when we are sitting. A soldier who is so stricken by disease as to require the constant assistance of another person ought certainly to have a pension of $30 a month. I hope this bill will pass, and I trust the Committee on Invalid Pensions will very shortly report a measure which will enable every man who is thus disabled to present a petition to the Pension Bureau in order that relief may be granted whenever necessary.

The question being taken on the amendment reported by the committee, it was agreed to.

The bill as amended was laid aside to be reported favorably.

ORDER OF BUSINESS.

Mr. TALBERT. I ask unanimous consent to take up House bill No. 4281. I do this at the request of a friend. The beneficiary in the bill is an old soldier now in distress. Under a misapprehension I objected to the consideration of the bill the other day. I ask unanimous consent for its consideration now.

Mr. BROMWELL. I object.

DOLLY S. BROWN.

The next business was the bill (H. R. 1646) for the relief of Dolly S. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Dolly S. Brown, dependent mother of Irving Stevenson, late of Company D, Third Regiment New York Cavalry Volunteers; and that said Dolly S. Brown be granted a pension of $12 per month, subject to the provisions of the pension laws; this pension to date from the date of the above-named soldier's death, namely, September 29, A. D. 1879.

Mr. SPALDING. Let us hear the report.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1646) for the relief of Dolly S. Brown, after duly considering the same, submit the following report:

Irving Stevenson, the son of Dolly S. Brown, was one of three brothers who enlisted in Company D, Third New York Cavalry, August 12, 1861. Irving Stevenson served honorably until August 11, 1864, when he was discharged with his regiment. He applied for and received a pension at the rate of $4 per month from the date of his discharge until April 30, 1879, when he died, never having married.

His mother, Dolly S. Brown, formerly Stevenson, filed a claim for a pension under act of June 27, 1890, alleging that the soldier's death was due to army service. This she was unable to establish, and the claim was rejected. The evidence before your committee shows that the soldier suffered from rheumatism and resulting disease of the heart while in the Army, and that he was treated for those diseases after the war, and that he was found dead in his bed, the evidence being, as stated by physicians, that his death was due to heart disease.

The claimant, Dolly S. Brown, the mother of Irving Stevenson, always cared for the son after her remarriage, and until his death. She is now 84 years of age, is very feeble, has a small piece of property, the rental value of which would be, if rented, but $120 per year, has no children capable of supporting her, is beyond work, and in all human probability can not live long to enjoy any pension, and in view of these facts and the strong probability that the death of the soldier was due to army service, your committee recommend the passage of the bill with an amendment, striking out all after the word "laws," in line 9.

The question being taken on the amendment reported by the committee, to strike out, at the end of the bill, all after the word "laws," in line 9, it was agreed to.

The bill as amended was laid aside to be reported favorably.

SILAS ADAMS.

Mr. COLSON. There is a bill on the Calendar (H. R. 4841) granting a pension to Col. Silas Adams, who was a member of the last Congress. Colonel Adams died a few days ago, leaving a widow who is now without the means of support. I ask unanimous consent that this bill be now taken up and passed with an amendment.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to take up out of its order House bill No. 4841. Is there objection?

Mr. KEM. I object.

GEORGE JOHNSON.

Mr. BROMWELL. The objection I made a few moments ago to the request of the gentleman from South Carolina [Mr. TALBERT] was made under a misapprehension. I therefore withdraw my objection.

Mr. TALBERT. I then renew the request.

The CHAIRMAN. It is competent as a motion.

Mr. TALBERT. I move, then, that the Committee of the Whole take up the bill (H. R. 4281) granting a pension to George Johnson, of Lenox, Iowa.

The motion was agreed to.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $72 per month, subject to the provisions and limitations of the general pension laws, the name of George Johnson, late a soldier in Company C, Nineteenth Regiment Wisconsin Volunteer Infantry, and now a resident of Lenox, Iowa.

The amendments reported by the committee were read, as follows:

Amend by striking out "seventy-two," in line 5, and inserting "fifty" in lieu thereof; by striking out "soldier," in line 7, and inserting "private" in lieu thereof, and by striking out all after the word "Infantry," in line 8.

Also amend title by striking out all after the word "Johnson."

Mr. HEPBURN. Mr. Chairman, I move to concur in the second, third, and fourth amendments proposed by the committee. I think the Committee of the Whole ought not to concur in the amendment proposing to reduce the amount of the pension from $72 to $50 a month. I have a personal acquaintance with this soldier. I have known him for a number of years. I know him to be absolutely helpless. He is paralyzed. For years he has been unable to turn himself in his bed. He requires the constant attendance of another person. Even the smallest offices necessary to himself he is entirely incapable of performing. He can neither dress nor undress himself, and if there is anywhere in the history of pensions in this country a case where a soldier is entitled to the fullest and the largest pension allowed by the law—the pension of $72 a month—this is such a case.

The trouble about it is in the Department. This soldier was shot through the hip, the ball passing clear through his body. He is absolutely paralyzed on the left side. The paralysis is gradual and progressive. He is paralyzed just as completely on the right side; but the surgeons in charge, who did the scientific examination, said that, while the paralysis of the left side was due to the shot he received, there was no satisfactory evidence to show the paralysis of the other side as arising from that cause. While two boards who examined him agree with unanimity that the paralysis is due to the same cause, yet the Department has held otherwise in view of the statement to which I have just referred. At least a half dozen physicians testify that it is a case of entire paralysis; but I have never been able to satisfy the officer in charge that this was the truth.

I know all about the case myself. I took an appeal years ago and argued the case before the then Assistant Secretary of the Interior, but he chose (while he increased the pension $6 a month at that time) to follow the direction of the officers of the Department rather than the decision of the eight or ten medical officers who were testifying under the solemnity of an oath, and some of them on official duty, that the disability was total and was contracted in the service.

I hope, therefore, Mr. Chairman, without detaining the committee, that the committee will not agree to the amendment to reduce this amount as proposed, but leave it at $72 per month.

Mr. TALBERT. Mr. Chairman, I just desire to state the reason why I asked that this bill should be taken up out of its regular order. I objected to unanimous consent the other morning for its consideration, but afterwards I had a conversation with my friend from Iowa, and he told me the facts in regard to the case and the condition of this old soldier, showing him to be brave, true, and loyal. I ascertained from him that he was totally incapacitated and unable to do anything, and I thought in justice to him that I would ask unanimous consent to consider it among the very first cases to-night to be taken up. I hope there will be no objection to that course, as a matter of justice to him.

I have nothing more to say. [Applause.]

Mr. HEPBURN. I ask a vote first on the three amendments and afterwards on the fourth amendment of the committee.

The question was taken on the three amendments in gross.

The said amendments of the committee were agreed to.

The CHAIRMAN (Mr. BLUE in the chair). The Clerk will now report the amendment on which the gentleman from Iowa asks a separate vote.

The Clerk read as follows:

In line 5, strike out "seventy-two" and insert "fifty."

Mr. PICKLER. I shall not resist the raising of this pension to $72 a month.

The question being taken, the amendment was rejected.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

SILAS ADAMS.

Mr. COLSON. Mr. Chairman, I move that the committee take up, out of its order, the bill (H. R. 4841) granting a pension to Silas Adams.

The Chairman, having submitted the motion, decided that the ayes seemed to have it.

Mr. STRONG. I rise to make a point of order, Mr. Chairman, that that bill can not be taken up out of its order without unanimous consent.

The CHAIRMAN. It has been held to be in order. The Chair will again submit the motion.

The question being again submitted, the motion was agreed to.

Mr. STRONG. That was not the point of order I made.

The CHAIRMAN. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Col. Silas Adams, of Liberty, Casey County, Ky., and pay him a pension of $50 per month.

The committee recommend the adoption of the following amendment: In line 6, strike out "fifty" and insert "thirty"; so that it will read $30 per month.

Mr. COLSON. Mr. Chairman, I move to strike out the words "Colonel Silas," in line 5, and insert "Melissa"; also after the word "Kentucky," where it appears in the bill, insert the words "widow of Silas Adams, deceased, late colonel of the First Kentucky Cavalry"; and strike out "him," in line 6, and insert "her."

Colonel Adams died a few days ago, and I wish to amend the bill to give the pension to the widow.

Mr. HICKS. I am inclined to think that the gentleman had better offer a substitute rather than undertake to amend the bill, as the amendment is entirely new matter. This is a bill granting a pension to Col. Silas Adams.

Mr. COLSON. I have offered an amendment to correct the name.

Mr. HICKS. I was saying you had better offer a substitute. I raise the point of order. I do not think that the bill can be amended to meet the point the gentleman has in view. However, if he is willing to take the chance, I do not propose to press the matter, as I do not desire to obstruct the business of the committee.

The CHAIRMAN (Mr. HEPBURN). The Chair thinks the amendment is competent. But the first question is on the committee amendment, to strike out "fifty" and insert "thirty."

Mr. POOLE. I understand that this is a proposition to pension the widow of the beneficiary named in the bill, who since the bill was drawn has died.

Mr. PAYNE. The House seems to be dividing?

The CHAIRMAN. The gentleman from Kentucky [Mr. COLSON] has offered an amendment with reference to the name. The question will first be taken on the amendment proposed by the committee. As many as favor the committee amendment will say "aye"——

Mr. LEWIS. Mr. Chairman, before the vote is taken, I desire to say a word. This House has passed a number of pension bills for the widows of majors and captains, and men below the rank of Colonel Adams, granting them pensions at $50 and larger sums, and I want to say to this committee that it is a matter of simple justice that this pension should be allowed at $50.

Among all the thousands of brave men who followed the flag of this country through the civil war there was no braver, no more chivalrous soldier than Silas Adams; and if the services of any man ever entitled his widow to $50 per month the widow of Silas

Adams is entitled to that pension on account of his brilliant and noble services to the Union. I protest against any reduction of the pension. It is due her and just to her. I knew Colonel Adams personally. I knew him during the war; and his superiors, since his death, the men that he served under, have borne willing testimony and published to the world their tribute to the character of this soldier.

They have spoken of him in the highest terms of eulogium and panegyric. High as that eulogy was, and brilliant as it was, it was no more brilliant than the character and services of this soldier. No terms of praise can be too strong, now that he sleeps in the grave of a hero, a patriot, and an American soldier. Splendid as are the words uttered of him, they are nothing but the simple, plain, honest truth. He was a soldier, a gentleman, a patriot, in the broadest sense of the term. Besides that, Mr. Chairman, he was a member of this House, serving with distinction during the Fifty-third Congress. His widow is entitled to this pension. Speaking on her behalf in the poor, feeble manner that I am able to to-night, remembering his illustrious record, proud of it as I am, in the name of old Kentucky, with every drop of blood in my veins tingling with admiration for that grand old soldier and patriot, I beg of this committee to perform an act of simple justice to his poor, forlorn, and desolate widow, and give her the pittance of $50 a month. [Applause.]

Mr. PICKLER. Has Silas Adams died since this bill was reported?

Mr. LEWIS. Yes, he died a few days ago.

Mr. PICKLER. What do you want to do?

Mr. COLSON. To substitute the name of his widow.

Mr. LEWIS. To substitute his widow's name.

Mr. PICKLER. Do that first, and then we will determine what pension we will give her.

Mr. COLSON. I have made that motion.

Mr. HOPKINS. What is the committee amendment?

Mr. PICKLER. To strike out "fifty" and insert "thirty."

Mr. MILNES. That has been agreed to.

Mr. PAYNE. No; it was not announced.

A MEMBER. The negative vote was not taken.

Mr. HOPKINS. I trust that amendment will be voted down.

Mr. HICKS. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HICKS. The inquiry I desire to make is this: How can this be a committee amendment to the bill, when the beneficiary named in the bill has died since the bill was reported——

The CHAIRMAN. The Chair can not answer that question.

Mr. HICKS. And the name of the beneficiary in the bill has been changed without the consent of the committee. How can the committee amendment apply?

The CHAIRMAN. No change has yet been made. This is a bill to pension Col. Silas Adams.

Mr. HICKS. Yes; but he has died.

Mr. HOPKINS. If I understand the parliamentary position correctly, the gentleman from Kentucky in charge of the bill proposes to amend the bill so that the pension to be voted here will go to the widow. That can be done without sending it back to the committee, and I trust it will be done. Now, as to whether the pension shall be $30 or $50 a month, I desire simply to say a word. Colonel Adams was a distinguished member of this House.

Mr. CROWTHER. Should a pension be granted for that?

Mr. HOPKINS. His services throughout the war were as eminent as those of General Cogswell, whose widow has received $75 a month; as eminent as those of General Ewing, whose widow has received $75 a month; as eminent as those of Colonel Dustin, from my own district, whose widow has received, at the hands of this committee, $50 per month. He came from the border section, where it required courage and love of country to do what he did. His services make some of the brightest pages not only in the history of the State of Kentucky, but in the history of the United States, and if this committee proposes to do absolute and fair justice they will vote down the amendment proposed by the committee, and give the widow of this grand soldier of the late war $50 a month. [Loud applause.]

Mr. CROWTHER. Mr. Chairman, I would like to ask the gentleman from Illinois who has just taken his seat whether the fact that Colonel Adams was a member of this House is any reason why he should be pensioned, or his widow?

Mr. HOPKINS. I referred to that simply to identify him as the colonel who served his country during the war in the manner I have so feebly expressed.

Mr. CROWTHER. Mr. Chairman, this bill has been carefully considered by the Committee on Invalid Pensions. After mature and careful consideration of all the facts which came before that committee, we determined to give Colonel Adams, the beneficiary of this bill, the full sum which would be allowed to him had he died or been injured in the service and in line of duty; and now it would be an outrage upon thousands of soldiers of this land, and the widows of thousands of soldiers in this country who get not to exceed $8 and $12 a month, to give this lady more than she could receive if she could prove her husband's death was traceable to his service. We have given the beneficiary exact and equal justice in this bill. We give all that the law would allow, and now to raise the widow, after he is dead, $20 per month more than she could receive under the law would simply be doing an injustice to thousands of widows of private soldiers in this land, and thousands of soldiers who themselves can not receive a pension. We are trying to give exact justice; and I ask the House to stand by the action of the Committee on Invalid Pensions. [Cries of "Vote!" "Vote!"]

Mr. MILNES. Mr. Chairman, a few moments ago we passed a bill to pension a soldier who was totally blind. In the report of the Committee on Invalid Pensions it was stated that that soldier required the attendance of another person all the time, and we gave to that soldier but $30 a month. Now, I desire to say that in my judgment this bill is subject to the point of order that you can not substitute the name of another person for the one in the bill in a private pension bill. If it is insisted on giving this widow $50 a month I shall raise that point of order; but if it is agreed that you will let it remain at $30 per month, all that she would be entitled to if her husband had been killed in battle, then I have no desire to raise such point of order; but I do insist that to give this widow $50 a month, where there is no claim whatever of disability, is an outrage upon the soldiers of this country; and the people of this country do not want that kind of pension legislation. Therefore, if gentlemen interested in the bill will agree to allow the pension at $30 a month I will not raise the point of order. I reserve the point of order.

Mr. McMILLIN. Mr. Chairman, my friend from Illinois [Mr. HOPKINS] made an eloquent and patriotic speech on this question. I want to ask him a question in connection with it. It was proposed by the bill originally introduced to give to Colonel Adams only $30 a month. I want to know upon what principle of equity or law he proposed to give $20 more to the widow than to the man who earned the pension?

Mr. HOPKINS. I can say to the gentleman that if that bill had come in here to grant a pension to Colonel Adams at $30 a month, I should have voted in favor of giving him $50 a month. I think his services to the country warrant that figure, and that the committee did not do him justice.

Mr. McMILLIN. We are very charitable with other people's money.

Mr. COLSON. Mr. Chairman, to put the matter at rest, rather than have a point of order raised, I am willing that the bill should pass at $30 a month.

Mr. PICKLER. What is the widow's name?

Mr. COLSON. That is inserted in the bill.

Mr. PICKLER. I ask that the Clerk read the bill as the names are now substituted.

Mr. STRONG. Mr. Chairman, this was a proposition to take this bill up out of the regular order. I made the point of order at that time. I did not know that it was to pension the widow of Colonel Adams. I knew nothing about the bill. But I want to make this statement: I was not objecting to the passage of the bill, but I was objecting to taking bills up out of their order. Some of us have come here night after night to attend these sessions. We have been careful to take up no time by useless discussion, if we could help it. I do not propose now that others shall come in and have their bills taken up out of the regular order just at the time when we have reached our bills. That is the only point I want to make. I believe the point is well taken, and I will make it again if it becomes necessary.

The CHAIRMAN. The question is on the adoption of the amendment recommended by the committee.

Several MEMBERS. What is the amendment?

The CHAIRMAN. To strike out "fifty" and insert "thirty."

The amendment was agreed to.

Mr. COLSON offered an amendment; which was read, as follows:

Amend by striking out the word "Colonel," in line 5, and inserting "Melisha Adams, widow of"; and also inserting the words "colonel First Kentucky Cavalry, deceased."

The amendment was agreed to.

Mr. ERDMAN. I suggest to the gentleman that he offer a substitute for the bill. If, when this matter comes up in the House, the Speaker shall hold the same as he held when the gentleman from Tennessee [Mr. RICHARDSON] raised the point upon bills donating condemned cannon, the gentleman certainly can not get this bill through.

Mr. PICKLER. No point of order is raised yet.

Mr. HICKS. I withdraw the point of order.

Mr. ERDMAN. But the point can be raised when the bill comes up in the House.

Mr. PICKLER. Well, it has not been raised yet.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

The title of the bill was amended so as to conform to the amendment in the body of the bill.

ORDER OF BUSINESS.

Mr. PICKLER. Mr. Chairman, I demand the regular order. Let the bills be taken up in their order on the Calendar.

HARRIET R. MATLOCK.

Mr. LOUDENSLAGER. Mr. Chairman, I move to take up for present consideration the bill (S. 2045) granting a pension to Harriet R. Matlock.

Mr. MILNES. I object.

Mr. LOUDENSLAGER. I do not ask unanimous consent. I move that the bill be taken up.

Mr. MILNES. I raise the point of order that that motion is not in order.

The CHAIRMAN. It is in order.

Mr. PICKLER. Mr. Chairman, I move as a substitute that we take up the bills on the Calendar in their order.

The CHAIRMAN. That is not necessary, because if the motion of the gentleman from New Jersey should be voted down, the regular order would be a matter of course.

Mr. PAYNE. Somebody else may make a motion to take up some bill out of its order.

The CHAIRMAN. The Chair submits that if the motion of the gentleman from South Dakota should be adopted we would be in precisely the same condition that we are in now, because any gentleman could still move to call up any particular bill. The rule is clear.

Mr. PAYNE. The rule is that the Committee of the Whole shall determine the order in which business shall be considered, and if the committee make an order to consider the bills in their order on the Calendar, that is the end of it.

The CHAIRMAN. The Clerk will read clause 4 of Rule XXIII.

The Clerk read as follows:

In Committees of the Whole House business on their calendars may be taken up in regular order, or in such order as the committee may determine, unless the bill to be considered was determined by the House at the time of going into committee; but bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors shall have precedence.

The CHAIRMAN. The gentleman from New Jersey [Mr. LOUDENSLAGER] moves to take up for consideration the bill indicated by him.

Mr. PICKLER. I desire to say to gentlemen that they have every morning to ask unanimous consent for the consideration of their special bills, and it is not fair to take up Friday night in this way.

The question was taken on the motion of Mr. LOUDENSLAGER, and it was rejected.

CALEB L. JACKSON.

The next business on the Private Calendar was the bill (H. R. 6417) to complete the military record of Caleb L. Jackson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against Caleb L. Jackson as a member of Company D, One hundred and forty-sixth Regiment of New York Volunteers, and it shall be held and considered that the said Jackson died on or about the 4th day of June, 1863, while in the military service of the United States and on account of disability incurred in such service and in line of duty.

Mr. MILNES. Let us have the report read.

The report (by Mr. PARKER) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6417) entitled "A bill to complete the military record of Caleb L. Jackson," beg leave to submit the following report, and recommend that said bill do pass without amendment.

This is a bill enacting that the charge of desertion be removed and that it be held that he died about June 4, 1863, while in service.

On the march from Manassas to Gettysburg he fell sick and was never seen again. Comrades prove the fact. Letters to his wife of January 1, February 23, March 18 and 24, and April 14, 1863, prove him a patriotic, earnest soldier, and a loving husband and father, whose character is a guaranty against any idea but that of death in service.

The military record, a copy of the last letter, and a memorandum copy of an affidavit made by his captain are annexed.

Case of Caleb L. Jackson, late of Company D, One hundred and forty-sixth New York Infantry Volunteers.

It is shown by the records that Caleb L. Jackson was enrolled August 30, 1862, as a private of Company D, One hundred and forty-sixth New York Infantry Volunteers, to serve three years. He appears to have served faithfully until June 4, 1863, when he is reported as being absent without leave. As he did not return to his company, which remained in service until July 16, 1865, he was regarded as a deserter, and his name was dropped from the company muster rolls.

In an application for removal of the charge of desertion, Mrs. Lovina Woodcock, of Lewis County, N. Y., declared, September 26, 1891, that she was Jackson's widow, and that about five years ago one Cook, a comrade of Jackson, stated to her that while the company was on the march from Manassas to Gettysburg Jackson was taken sick and tried to get excused from duty; that failing to get excused, he marched until he could not go any farther, when he fell down and out of the ranks, and that that was the last seen or heard of him.

Sylvester O. Cook and Andrew Dorn, comrades, in affidavits dated July 31, 1891, testified that at the time Jackson became separated from his command, on the march near Manassas, in June, 1863, he was sick and unable to keep up with the column, and therefore fell out of the ranks.

The affiant Cook, who was the first sergeant of the company, added that he was instructed to report Jackson as absent without leave.

A number of relatives and neighbors have testified that nothing has been seen or heard of Jackson since June, 1863, and that it was the general belief of the soldier's relatives and intimate friends that he died about June, 1863.

A search of all records of this Department fails to disclose any evidence of this man's death or burial, or any clue to his whereabouts subsequent to his reported unauthorized separation from his company on June 4, 1863, at which date the command was on the march to Gettysburg, Pa.

Upon this presentation of the case the Department was constrained to deny the application for removal of the charge of desertion, the evidence submitted not being deemed sufficient to establish that the soldier died in the service, and because the case did not come within any of the provisions of the act approved March 2, 1889, which was at the date of denial and which is now the only law in force governing the subject of removal of charges of desertion.

Respectfully submitted.

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

RECORD AND PENSION OFFICE,
War Department, March 5, 1896.

The SECRETARY OF WAR.

CAMP NEAR FALMOUTH, *April 15 [1863].*

MY DEAR COMPANION AND CHILDREN: I set down this evening to write a few lines to you to let you know how I am. I am well at present and I hope thoes few lines will find you all the same. Henry is as well as usual. I would have written to you before this but as our regiment was out on picket for the last four days that I have not had eny opertunity to write to you the boys Norman and Chester are a gaining very fast so that they are a going to move all of our sick ones from our Division to Washington or Philldelfia I do not know which so that Chester and Norman are a going away from us to Morrow and as we are under marching orders to start to morrow morning at 8 o'clock for the Battlefield some whare but I know not whare as yet, so I thought I would write a few lines to you this evening perhaps it may be for the last time but whether it is or not if it is my lot to fall a victim on the field of Battle I mean it shall be sayed that I fell at my post in defending my Countryes wright.

I know not when I shall have a opertunity of writing to you again as our Mail has stoped a coming or going from us I had a chance to send this by one of our men that has got his discharge and is a going home to morrow morning and I shall write to you again if God Spairs my life at the first chance I can get again you may write to me just when you have a mind thare may be some chance of mail coming to us but I cant tell but I dont want you should fret or worey yourself about me for I stand just as good a chance of my life as eny other man and my prair is to God that my unprofitable life that I may again see you all again but if I never more meat with you here on Earth my prair is that we may prove faithful to God that we may all meat again in heaven.

Tell the children all to strive to be good and to give thare harts to God while in thare youthfull days that if they never more see thare father here on earth that they meat him in Heaven tell Genettey for me that I want she should try to love the Lord with all her hart so when I hear from you all again that I may here that you are all enjoying the love of God in your harts. Chester promised me to day that when he go to the General Hospital he would write to you and let you know whare he was so that you can write to him so that you will know how they are getting along I had a letter from Orian to day he write that they are all well.

I expect if we dont march to morrow that the Paymaster will be here to morrow morning and if he does I will send you my Money home as quick as I can do so. So I must close by biding you all Good Night Pray for me this is from your Husband

C. L. JACKSON.

To LAVINA JACKSON AND CHILDREN.
Direct the same as usenal

This letter is addressed to "Mrs Lavina Jackson Poart Leyden Lewis Co N. Y. St." and post-marked "Washington D. C. Apr. 18 1863"

MARCH 6, 1893.

Affidavit of James G. Brindley, late corporal, Company D, One hundred and forty-sixth New York Volunteers, made before Willis E. Merriman, Albany, N. Y., notary, on March 3, 1893, 62 years old.

I well remember Caleb L. Jackson, who enlisted sometime August, 1862, for three years or the war in a company which was afterwards Company D, One hundred and forty-sixth New York Volunteers, of which I was captain. I had known said Jackson, having resided in the same town. Until June, 1863, he was a faithful and good soldier. On the forced march from camp near Fredericksburg to Gettysburg, he being then a man of middle age, with many others fell out of the ranks, as I now believe, from exhaustion and not from a desire to avoid doing duty. I know that he has not been heard from since that time. There being no other alternatire, he was reported absent without leave and eventually dropped from the rolls as a deserter.

I now firmly believe that he was either captured and died in prison or was killed in a skirmish with the enemy. He was an honest citizen and enlisted from patriotic motives, as did also his son, and I believe that the charge of desertion made by me at the time ought to be removed.

Supposed to be in comptroller's office, Albany, N. Y. Filed March 3, 1893.

Mr. TALBERT. Mr. Chairman, on last Friday night, when I asked consent to lay aside such bills as this, some gentleman, I forget who it was, stated, as I understood, that this particular man had been shot down on the field of battle. Am I correct? I ask for information.

Mr. PARKER. No, sir; this is the first time that this bill has been called up. This man fell out of the ranks on the march to Gettysburg and was never heard of again. The letter which the gentleman has heard read in the report, if he has listened to it, shows that this man did not go away; that his controlling idea was that of duty, first to his country and afterwards to his family, and that the charge of desertion against him is one that ought to be removed on the highest grounds.

Mr. TALBERT. I am not objecting. I am just asking for information.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN ZELLERS.

The next business on the Private Calendar was the bill (H. R. 4519) granting a pension to John Zellers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $50 per month, subject to the provisions and limitations of the pension laws, the name of John Zellers, of Coffeyville, Kans., late of Company K, Sixty-eighth Regiment Illinois Volunteer Infantry, and Company B, One hundred and forty-fourth Regiment of Illinois Volunteer Infantry.

The report (by Mr. KIRKPATRICK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4519) granting a pension to John Zellers, having had the same under consideration, beg to report as follows:

John Zellers was a private in Company K, Sixty-eighth Regiment Illinois Volunteer Infantry, and Company B, One hundred and forty fourth Regiment Illinois Infantry. He is now drawing a pension at the rate of $12 per month under the act of June 27, 1890. This soldier prosecuted a claim under the act of July 14, 1862, but for want of a hospital record was unable to show his injury to be of service origin. He received an injury to his right leg in the line of duty at or near Alexandria, Va., and was sent to the hospital, but declined to stay, notwithstanding his injury, and went forward with his regiment.

He did not consider the injury serious, but it continued and grew worse, until he was finally discharged at the expiration of his term of service. This injury to the leg resulted in varicose veins and has gradually progressed until the use of the limb is entirely destroyed, and he is required to use crutches a great part of the time. His limb is covered with running sores, requiring constant treatment. And the disease is progressing with no hope of recovery, and it is only a question of a year or so at most when death must relieve him of his suffering, from which he has seldom ever been free since the close of the war. He is now in destitute circumstances, without means of support, and is wholly incapable of performing any kind of labor, either manual or otherwise.

Your committee therefore recommend that the bill be amended by striking out the word "fifty," in the fifth line, and inserting in lieu thereof the word "thirty," and by adding to the end of the bill the words "in lieu of the pension now being received," and that the bill as amended do pass.

The amendments recommended in the last paragraph of the report were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

GABRIEL WIDMER.

The next business on the Private Calendar was the bill (H. R. 4267) granting an increase of pension to Gabriel Widmer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to grant to Gabriel Widmer, late of Company K, Twenty-third Michigan Infantry, an increase of pension at the rate $50 per month on account of total disability.

The committee recommended an amendment striking out the word "fifty," before "dollars," and inserting "thirty." Also an amendment striking out the words "on account of total disability."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

HANNAH R. QUINT.

The next business on the Private Calendar was the bill (H. R, 6792) granting a pension to Hannah R. Quint.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Hannah R. Quint, widow of Brian W. Fletcher, late of Company B, Fourth Maine Infantry, and pay her a pension of $12 per month.

Mr. MILNES. Let us have the report.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6792) granting a pension to Hannah R. Quint, having given the matter careful consideration, respectfully report:

Brian W. Fletcher, to whom the claimant in this case was married December 12, 1850, served from June 15, 1861, until July 21, 1861, when he was killed in battle at Bull Run, Va.

Mrs. Fletcher was subsequently married to one Daniel Morrison, who deserted her, and she secured a divorce from him on that ground.

Again she married, this time a man by the name of Orin Quint, from whom also she was divorced on account of cruelty and nonsupport. She is now over 65 years of age, is unable to work on account of age and loss of health, and is in destitute circumstances.

In view of the fact that she was the wife of the soldier from 1850 until he was killed in battle, and is now in need, the committee recommend the passage of the bill.

The question being taken on laying the bill aside to be reported favorably to the House, the Chairman declared that the noes seemed to have it.

Mr. BABCOCK. I ask for a division, Mr. Chairman, and pending that, I ask unanimous consent to make a brief statement in reference to this case. This widow, whose husband was killed in the first battle of Bull Run, is now over 66 years old, entirely helpless, and without means of any kind. She has been supported by a distant relative, a gentleman named F. S. Bestow, who lives at Elroy, Wis. He has been employed by the Northwestern Railroad Company as a tie and timber inspector. During the past week he has met with a serious railroad accident, from the effects of which he may die at any hour. He has been entirely dependent upon his salary, and this widow has been dependent upon him for her support. She is now absolutely without means, and, as I have just stated, the gentleman who has supported her is now on his back expecting death at any moment. If this is not a case appealing to the sympathy of this committee, I know of none such on the Calendar.

A MEMBER. What amount of pension does she ask?

Mr. BABCOCK. Twelve dollars a month only.

Mr. BAKER of New Hampshire. Will the gentleman state how many times this lady has been married since the death of the soldier?

Mr. BABCOCK. Twice.

Mr. MILNES. And twice divorced.

The question being taken, the bill was laid aside to be reported favorably to the House; there being on a division—ayes 50, noes 23.

CELESTE A. BOUGHTON.

The next business was the bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton, late of the United States Army, retired, and to pay her a pension of $100 per month, in lieu of the pension she is now receiving.

The amendment reported by the committee was read, as follows:

In line 8 strike out "one hundred" and insert "seventy-five"; so as to make the pension $75 a month.

Mr. CROWTHER. I ask for the reading of the report.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton, having considered the same carefully, believe the bill is meritorious and recommend its passage as substitute for H. R. 1232.

The report of the Senate Committee on Pensions embraces all the salient points, and it is respectfully adopted as the views of this committee and appended hereto as a part of this report.

[Senate Report No. 129, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1291) granting a pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton, have examined the same, and report:

General Boughton was born at Rust, N. Y., March 23, 1833, and was educated at Genesee Wesleyan Seminary and Genesee College. He studied law in Rochester, at which place he entered the Army as first lieutenant of the Thirteenth New York Volunteers in April, 1861. Later he was made captain and was promoted to lieutenant-colonel of the One hundred and forty-third New York Volunteers and brevet brigadier-general of the United States Volunteers for gallant and meritorious services during the war. Throughout the entire war he served with ability and distinction, participating in all the battles in which his command was engaged. From 1866 to 1870 he was United States assessor for internal revenue for the Fourth district of Texas, and was a delegate to the national Democratic convention at New York in 1868. In 1870 he was the Democratic nominee for United States Senator from Texas, but was defeated by M. C. Hamilton. After a long and painful illness of twenty years General Boughton died in the city of Washington in November, 1894, at which time he was pensioned at the rate of $100 per month.

In 1890, when an applicant for increase of pension by special act, General Boughton made the following statement to the Pension Committee:

"At the breaking out of the war in 1861 I was engaged in the study of law in Rochester, N. Y. I was young, strong, and in perfect health, with a decidedly promising future.

"On the 17th day of April, within forty-eight hours of the issuing of the first proclamation of the President calling for volunteers, I laid aside all personal matters and commenced raising a company of men to meet the call. I met with such success that I was mustered into the State service with my company, as first lieutenant, on Sunday, April 21. The company was directly ordered to rendezvous at Elmira for regimental organization, and constituted a part of the New York Volunteers, which, after organization was completed, was dispatched for Washington, D. C., and was the first volunteer regiment to reach there, and was among the first volunteer regiments to cross the Potomac River, at Georgetown.

"I commanded the company during the battles of Blackburns Ford, Bull Run, and the operations of 1861, and was promoted to captain in January, 1862; engaged in the Peninsula campaign of 1862, participating in all the numerous battles in which the command was engaged until after the battle of Antietam. In October, 1862, was promoted to the rank of lieutenant-colonel and assigned to the One hundred and forty-third New York Volunteers. I was shortly after promoted to be colonel, and with that regiment served until after the close of the war, when I was mustered out with the rank of brigadier-general by brevet. I was in command of a brigade during a considerable portion of the time of the Chattanooga and Atlanta campaign, and during the war participated in upward of twenty-five battles, never missing one in which the forces with which I was connected were engaged.

"I was continuously in active service from the beginning to the end of the war, and, as the records of the Pension Office will show, acquired the foundation of a disability which has rendered me a permanent and comparatively helpless invalid. I am unable to dress myself or prepare any food, and it is unsafe for me to be without a constant attendant. I am unable to earn a dollar, and the pension I am now receiving is entirely inadequate to the support of myself and family.

"I therefore most respectfully and urgently ask that I may be allowed a pension of $100 per month. My disabilities have greatly increased since the granting of my present pension. I am now suffering from three incurable infirmities, viz, paralysis, epilepsy, and hernia, which render me as nearly a physical wreck as it is possible for a man to be.

"Since the stroke of paralysis, which disabled me, I have been discharged by the court in bankruptcy, and have not since been able to accumulate a dollar.

"HORACE BOUGHTON."

The claimant is now in receipt of a pension of $30 per month, which the present bill proposes to increase to $100. In support of her claim Mrs. Boughton submits the following:

"WASHINGTON, D. C., *January 17, 1896.*

"SIR: I have before your committee a pension bill asking for an increase of pension. I wish to enlist your attention and consideration to its merits as they are presented. I inclose the statement made by my husband, General Boughton, as to his condition at the time his pension of $100 per month was granted to him. You will see by the doctor's certificate, which I inclose, his helpless condition for sixteen years—he was an invalid for twenty years. All but two years of that time I was his constant nurse. His sufferings were so great he became insane, and was treated at St. Elizabeth's for about one year. I cared for him through those terrible attacks of epilepsy from 1877 to 1891, the time of his death. I cared for him as a mother does for her helpless child.

"The cause of this terrible condition which blighted my life, as well as his, was his service during the war. The pension records will show that the first cause of paralysis was for signal and valuable services rendered while going to the relief of Burnside at Knoxville. If I remember the details, General Burnside's command was being starved out and Lee's forces marching down on them. General Sherman, knowing Colonel Boughton's command, One hundred and forty-third Regiment of New York Volunteers, had good engineers among them, came to him to see if General Boughton could get his forces across by daylight. This was 5 o'clock in the evening, and by daylight the next morning the troops and artillery were across. The current at this point was very strong. The structure would be swept away. The difficulty of doing this only a soldier can know. General Boughton was in the water all night. He had accomplished the work, but at what a cost to his future life and those belonging to him!

"My husband was in good financial condition before the war and after the war, but his shattered health prevented him from looking after his business affairs or ever engaging in business afterwards. From time to time I disposed of my property, sold my diamonds and other personal property, trying every means to restore my husband's health. I have even sold my rings to buy medicine. We mortgaged our home for the necessities that seventeen years of helpless sickness entails. I am now in middle age, my nervous constitution broken, without means of support or anyone to care for me in sickness. The pension I now receive, $30 per month, just pays the interest and taxes on my home. It seems to me that I ought to receive the same consideration that the widows of officers of equal rank and service. If my husband had come out of the service minus an arm or leg or an eye, he would not have been incapacitated from engaging in his profession, the law, and given me the comfort and support that a wife has a right to expect from her husband, and which is the pride and pleasure of the husband to give.

"I do not ask for the pension for political services nor from sentiment, but upon the fact submitted and in recognition of the services of my husband to his country, in rendering which he was deprived of health and the means of support for himself and family, and for the long years of patient service that I bestowed upon him. I see no reason why his life and mine would not have been prosperous had it not been for disease contracted in the service. In contrast with such a prospect, as appears by the statement of his physician, he was rendered a physical wreck until death claimed him, leaving me almost as great a wreck and alone without means of support. His anxiety as to my future was quieted by the assurance of friends in both branches of Congress that his pension would be continued to me. I most earnestly hope that this assurance will be ratified by the action of the present committee.

"Very respectfully,

"CELESTE A. BOUGHTON.

"Hon. J. H. GALLINGER,
"*United States Senate.*"

As bearing on the question of Mrs. Boughton's devotion to her husband during his long and painful illness, and the valuable services she rendered him in the capacity of a nurse, attention is directed to the following letters from Judge MacArthur and ex-Congressman Hare, of Texas:

"WASHINGTON, D. C., *January 20, 1896.*

"SIR: It gives me great pleasure to say that I have been acquainted with Mrs. Gen. Horace Boughton since 1872, and have been familiar with the circumstances of her family, and especially with the protracted and painful illness of her husband. Such was the character of his sickness that for all the years it continued he required constant attendance and nursing, both by day and by night. There were short intervals when he was not so ill, but the symptoms of his disease were constant, and it often appeared as if they would prove fatal. Perhaps the most distressing periods were attacks of epilepsy, during which he became quite unmanageable and required peculiar treatment, which it would have been impossible to anyone to have rendered except Mrs. Boughton, who had been accustomed to them.

"I desire also to say that in 1872 Mrs. Boughton was in the bloom of youth and strength and the enjoyments of social life of Washington. Very soon after that time General Boughton's condition of health became very much impaired by paralysis, which rendered him entirely helpless for years, and, of course, made requisite constant watching and nursing and expenditure of their means, which has left Mrs. Boughton dependent upon her pension of $30 per month. I have never witnessed such self-sacrificing devotion of a wife to her husband for so many years, which taxed every moment with anxiety; and I have often been astounded with her endurance under the severe strain to which she was subjected.

"I respectfully refer with confidence to the honorable record of General Boughton during the war, and trust that the circumstances of the case will induce the committee to report favorably upon the application for increase of pension, and will recommend the amount asked for.

"Very respectfully,

"ARTHUR MACARTHUR.

"Hon. JACOB H. GALLINGER,
"*United States Senate.*"

"WASHINGTON, D. C., *January 20, 1896.*

"SIR: At the request of the widow of Gen. Horace Boughton, I take the liberty of writing what I know about the condition of her husband during the last four years of his life, and the attendance she gave him in his sickness.

"I first became acquainted with General Boughton in 1866; knew him about five years in Texas. I was a member of Congress when his pension was raised to $100, and I believe his is the only case in which I gave active aid to increase any pension. For four years preceding his death I visited him as many as two or three times a week while I was in attendance in Congress. The records will fully disclose his physical and mental condition, but I presume will not state the ceaseless and unremitting care his wife, now his widow, always and under all circumstances gave him.

"I have often wondered how she could endure it. The general was subject to attacks of epilepsy, which I have witnessed, that were simply terrible, and at such times every moment and sound was noted and promptly met. Her attentions were something more than the care of a mother for her child, because a child will instinctively protect itself, when at times the general could not even do this. I have often wondered how she could have the physical and mental endurance to stand this ever-recurring, terrible trouble. Nothing but an extraordinary will power could have sustained her; but I will not dwell on this. I simply say, to my knowledge, during the last four years of the General's life he was cared for and all his wants attended to by his wife, whose devotion has never, in my observation, been excelled, and who, without this, would undoubtedly have attained a high standing in social life.

"I say to this committee that Mrs. Boughton is the peer of any lady in refined social life; that she has doubtless had ambition to excel; that she abandoned all those glittering allurements, so attractive to most women, and faithfully and fearlessly, and at all times, stood by and cared for him more than an invalid husband, and if there is a widow in this land who deserves the highest pension that can in the line of precedent be awarded, Mrs. Boughton is one, and has earned and merits it.

"Her husband was naturally one of the most elegant and accomplished men I ever met. He was of a social nature, and his home was visited by the most intelligent class of our people. That she was deprived of the association and companionship of such a husband by the requirements and demands of his country seems to call for more than ordinary recognition for her.

"Very respectfully,

"SILAS HARE,
"*Ex-Member Congress, Texas.*

"Hon. JACOB H. GALLINGER,
"*United States Senate.*"

As showing the amount of property owned by claimant, her affidavit is here inserted, and also an affidavit from M. A. Ballinger, a real-estate broker of this city:

"On this day personally came before me, the undersigned authority, Celeste A. Boughton, and, being first duly sworn according to law, upon her oath deposes and says:

"'That she is the widow of Gen. Horace Boughton; that between the years 1873 and 1875 her husband lost all his property; that she owned some real estate in her own right, which she sold; she also owned some valuable personal property, which she also sold, and the proceeds of these sales were used as the means of support for herself and her husband until her husband was awarded a pension and arrearages of pension amounting to $3,000. With this arrearages money her husband bought a small home on Second street, this city, where they lived ten years, their means of support being her husband's pension.

"'About 1890 they sold this home on Second street at a small advance on the cost and invested the proceeds in the property on Nineteenth street, in which she now resides, at the purchase price of $7,600, paying in cash on such purchase the sum of $3,600, and assuming the payment of a mortage of $4,000 on the property. This mortgage has not been paid. The interest on this mortgage and taxes amount to $398 per annum; my pension, $360 per annum, leaving a balance to me annually of $32. With this $32 and the uncertain income of renting a few rooms furnish my sole and only support, so that my net income for support will hardly exceed $100 per annum.

"'CELESTE A. BOUGHTON.'

"Subscribed and sworn to before me this 20th day of January, A. D. 1896.

"[SEAL.] BENJAMIN MARTIN, Jr.,
"*Notary Public, District of Columbia.*"

"JANUARY 20, 1896.

"I, M. A. Ballinger, a real-estate broker, on my oath say that I sold the property numbered 619 Nineteenth street N W., Washington City, on or about September, A. D. 1890, to Celeste A. Boughton, at and for the price of $7,600, subject to a mortgage of $4,000, which is still unpaid.

"I do not believe that property in this neighborhood is worth one dollar more than it was in September, 1890.

"M. A. BALLINGER.

"Subscribed and sworn to before me this January 20, 1896.

"[SEAL.] ROBT. V. HUGHES, *Notary Public.*"

The above facts conclusively show that General Boughton had an exceptionally honorable military record; that he suffered extremely in consequence of his military service for nearly a quarter of a century; that his wife nursed him tenderly during all that time, and even disposed of her personal property to procure for him the comforts and medical treatment that he so much needed. It is also shown that she is now in straitened financial circumstances.

Your committee recommend the passage of the bill, after being amended by striking out, in line 8, the words "one hundred" and inserting in lieu thereof the word "seventy-five."

Mr. PICKLER (interrupting the reading of the report). Mr. Chairman, I think that enough of this report has been read. The residue consists simply of letters.

The CHAIRMAN. The gentleman from South Dakota [Mr. PICKLER] asks that the further reading of the report be dispensed with.

Mr. KEM. I object.

The Clerk resumed and concluded the reading of the report.

Mr. KEM. Mr. Chairman, a few moments ago the gentleman from South Dakota [Mr. PICKLER], in making a speech to his constituents, mixed with it a little campaign medicine by trying to make it appear that there had been no discriminating legislation in favor of officers and the widows of officers as against private soldiers and the widows of privates. I desire to call the attention of the gentleman to the bill now under consideration and to compare it with the bill which we passed a moment ago. While the bill just passed gave to the widow of a private soldier a pension of $12 a month, this bill proposes to give to the widow of an officer $75 a month. If that is not discriminating legislation, I should like the gentleman from South Dakota to explain why it is not. And if this coincides with the statement he made a while ago on the floor of this House, I should like to hear him explain how it does.

Mr. PICKLER. I hope the gentleman will tell his constituents that by his frivolous objections this evening he has prevented a good many soldiers from getting pensions. I will say that I did not vote in committee for this pension of $75 a month.

Mr. KEM. Mr. Chairman, I was not through.

Mr. PICKLER. I have the floor, I believe.

The CHAIRMAN. The Chair understood the gentleman from Nebraska [Mr. KEM] to yield the floor.

Mr. KEM. I had not yielded the floor.

The CHAIRMAN. Then the Chair will recognize the gentleman again.

Mr. HARDY. Well, I object, Mr. Chairman. [Laughter.]

Mr. PICKLER. I rise to a point of order—that the gentleman from Nebraska [Mr. KEM] has spoken to this bill once, and is not entitled to speak again.

The CHAIRMAN. The Chair, it seems, was under a misapprehension, supposing that the gentleman from Nebraska had yielded the floor.

Mr. PICKLER. He did.

The CHAIRMAN. The gentleman from Nebraska states that he did not, and therefore the Chair recognizes him to continue his remarks.

Mr. KEM. Mr. Chairman, the gentleman from South Dakota, in reply to my request for him to explain the discrepancies existing here, started out with a campaign speech, and he proposes to palm that off on the people of this country as an answer to my request for him to explain the discrepancies that stand out so plain that the wayfaring man, though a fool, can not fail to recognize them. The gentleman from South Dakota may go into the RECORD here from time to time with his campaign speeches and with his oratory in favor of "the old soldier," and he may succeed in fooling his constituents, but he could not fool mine, nor the intelligent constituents of any gentleman on this floor, either of others' or himself even, by any such claptrap sort of argument as that. It is an argument, Mr. Chairman, not worthy of a member on this floor.

This kind of legislation has been going on here all through the session of Congress, and every gentleman here, whether he acknowledges it or not, knows it to be true that the pension legislation of this session of Congress has been entirely discriminating in favor of the officers, and the pensions to officers and widows of officers, as against pensions to privates and their widows. The RECORD is full of such discriminations.

I challenge the statement of the gentleman also as to the fact that you have pensioned a greater number of privates and their widows in proportion than you have granted pensions to officers and the widows of officers. I venture to say that it is not true in any sense of the word. I venture to assert, and the RECORD will disclose the fact, that the statement is not worthy of consideration, and it does not bear any semblance of truth. We have not been pensioning in any like proportion the widows of privates and the privates themselves, as compared to the widows of officers and of officers who have received consideration at the hands of this committee.

I protest, therefore, against the gentleman from South Dakota going into the RECORD with such misleading statements, for the purpose, and the sole purpose, in my opinion, of deceiving the people of this country as to the attitude of the Republican party in reference to pension matters.

Mr. PICKLER. Mr. Chairman——

Mr. KEM. I make the point of order that the gentleman has already spoken on this question. [Laughter.]

Mr. PICKLER. I did not have a chance to do so.

Mr. KEM. Will the Chair rule on the point of order?

Mr. PICKLER. Mr. Chairman, I believe that I have the floor.

Mr. KEM. I make the point of order that the gentleman has already made a speech on this bill and can not be heard under the rule.

Mr. PICKLER. I could not have had the floor, for the gentleman himself said I did not have it, and claimed it——

The CHAIRMAN. The gentleman from Nebraska claimed that he had the floor, and the gentleman from South Dakota had no opportunity to be heard.

Mr. KEM. Well, he was heard anyhow. [Laughter.]

Mr. PICKLER. Mr. Chairman, I want to say to the gentleman from Nebraska that when he says I am trying to deceive the people upon the subject of granting pensions he is not talking in ignorance, but he knows that the statement is a false one.

I want to say that he is the very man who prates about being the friend of the people, of the laboring man, on this floor, who claims to represent "the people"; and yet on yesterday he objected to the discussion of the labor bill, recommended and petitioned for by all of the labor organizations of this country. [Applause.] Yes, you are the man who objected to the consideration of a bill that the laboring people all over this country want, and by your sole objection that bill was refused the consideration to which it was justly entitled. You refused them a standing here that is given to anything that is for the benefit of monopoly and that will aid monopolistic tendencies in this country. You have never been found standing in opposition to monopoly; but yesterday, when the laboring element of this country appealed to this House for justice, you were on your feet, ready to object.

Now, again, to-night I want to say to the gentleman from Nebraska that I have ever, as I have to-night, opposed the granting of large pensions to the officers of the Army or to the widows of officers, excepting where there are extraordinary and unusual exceptions. I think the House will bear me witness to that fact. I have done as much as any man on this floor to prevent the granting of large pensions where it was possible that justice could be done in any other way.

But here is a case where a woman's husband, a most distinguished officer, as the report shows, was receiving a hundred dollars a month pension during his own lifetime, and although I opposed granting the amount of the pension fixed in the bill in the committee—I may be permitted to say that much—yet if there is any case that has merit in it, that goes beyond the general law, this seems to be one. She is shown to be in poverty, has no property, and while I voted against the bill in committee, as I have said, and I refer to this because the gentleman has attacked me personally, for this is a larger pension than is granted in many other bills heretofore passed by the House, but I am not attacking the judgment of the committee which reported in favor of $75; it is still less than this soldier received during his lifetime. And I assert again, the assertion of the gentleman from Nebraska to the contrary notwithstanding, that we have passed no more percentage of bills for general officers and the widows of general officers in this Congress than in any other Congress as compared with the pensions to privates, but at the same time let me say we have reported a much larger percentage of pensions for privates and the widows of privates than has ever before been presented from any committee to this House.

Now, you can pass on this bill as you like. I did not vote for the bill in committee, and would not vote for any bill in committee granting so large a pension unless it was a very exceptional case. I do not believe that you should give the widow of any general officer more than she would receive under the general law; but, as I have said, there have been exceptional cases, where the widow was destitute and in want, where the soldier had a most distinguished military record, and where the question was one of giving her an opportunity of living by an advance of ten or twenty dollars a month rather than going to the poorhouse. And I am not going, by the demagogy of the gentleman from Nebraska or any other man in this country who cries out against the Republican party, to be driven into a position which is unworthy of any man who occupies a seat on this floor. I will not be driven into doing an act of injustice to the widow of a general officer any more than I would to the widow of a private soldier. [Applause.]

Mr. BAKER of New Hampshire. Mr. Chairman, it appears by the record that the highest rank this officer attained was that of colonel.

Mr. MILNES. Lieutenant-colonel.

Mr. PAYNE. No; colonel.

Mr. BAKER of New Hampshire. He had the full rank of colonel as it appears by the report. In accordance with the action of the House in like cases, therefore, I move to strike out "seventy-five" and insert "fifty."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 8, strike out "seventy-five" and insert "fifty"; so as to read "$50 a month."

Mr. PAYNE. Mr. Chairman, before that I wish to read a half dozen lines from the report. I do not wish to detain the committee and will not add another word:

The above facts conclusively show that General Boughton had an exceptionally honorable military record; that he suffered extremely in consequence of his military service for nearly a quarter of a century—

The record shows that he laid out all night in the water during his military service, which was the cause of his trouble.

that his wife nursed him tenderly during all that time, and even disposed of her personal property to procure for him the comforts and medical treatment that he so much needed. It is also shown that she is now in straitened financial circumstances.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from New Hampshire [Mr. BAKER].

Mr. CROWTHER. I desire to call the attention of the distinguished gentleman from New York to the fact that thousands upon thousands of private soldiers of this nation who are even now unable to obtain pensions of eight or twelve dollars per month under the law also lay in the morasses of the South, in the swamps, in the water, and that this gentleman, General Boughton, a brevet brigadier-general who obtained only the actual rank of a lieutenant-colonel, was receiving $100 a month pension.

Mr. PAYNE. It appears in the report that he was a colonel.

Mr. CROWTHER. Very well. It is now proposed to pension his widow at $75 per month. The committee, after considering the question, voted $75 a month, and now we propose to reduce it to that amount of money which we consider and believe right

and just in such cases. Fifty dollars a month is sufficient. It is but just to the other soldiers of this nation. This is one of those discriminating bills that enable the statesman from Nebraska to talk to his constituents and the patriot from Pennsylvania to talk to his, and it is time that this committee should come down to a line that will meet with the approbation not only of the old soldiers of this nation, but of the people of the nation.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from New Hampshire [Mr. BAKER].

Mr. MILNES. Mr. Chairman, I submit that this report does not show that this soldier attained a higher actual rank than that of lieutenant-colonel. It is true that he was afterwards brevetted as a brigadier-general. Now, there were hundreds, and I do not know but what there were thousands, of men who were brevetted after the close of the war, until to-day we find that they are almost all colonels or brigadier-generals. I believe that I am the only private who is left.

Mr. HICKS. Oh, no; there are several of us here.

Mr. MILNES. It is claimed that this man rendered particularly meritorious services for the Union. I have not the slightest doubt that he did. It is claimed that he lay out in the water all one night. Why, my dear friend from New York, there were thousands of private soldiers, yea, hundreds of thousands of private soldiers, who did that.

Mr. PAYNE. Yes; and every one of them who was totally disabled, as this man was for sixteen years—every one of them who requires the constant attention of a nurse, as this man did, receives $72 a month pension.

Mr. MILNES. No, they do not. We pensioned one to-night for only $30 a month who was totally blind.

Mr. PAYNE. They receive $72 a month under the law.

Mr. MILNES. You pensioned one to-night for only $30 who was totally blind, and who needed the constant attendance of another person. This is not the case of the soldier himself. This is his widow. Brave and gallant as he may have been, I say $50 a month is all we ought to pay to this widow, and the country will not support you in paying these extravagant pensions. Let us scatter them around a little more. Let us give them to the men who fought the battles. The lieutenant-colonels and the major-generals were not the men who suffered the hardships during the war. They received large pay. They carried no knapsacks; they carried no muskets. They did not stand out on the picket line. They rode horses and had servants to attend to them, and had soft snaps during the war. And I want to say further that in the great charge at Gettysburg it was the private soldier who fell nearest to the rifle pits of the enemy. In the charge upon Vicksburg it was the private soldier who fell in the trenches in nine cases out of ten.

Now, I am willing to make distinctions, and I do make distinctions, between the man of high rank and the private soldier, but I say that no such distinction as this should prevail. I say that $50 a month is enough. Let us give the rest to some other gallant, brave soldier who deserves it.

Mr. HOPKINS. I want to ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Michigan [Mr. MILNES] yield to the gentleman from Illinois [Mr. HOPKINS]?

Mr. MILNES. Yes, I do.

Mr. HOPKINS. A little while ago the pension claim of the widow of Colonel Adams, of Kentucky, was before this committee, and I made and supported a motion to give that widow $50 a month. Colonel Adams was a full colonel and commanded a brigade during a large portion of the war. The gentleman who now has the floor [Mr. MILNES] insisted that his widow should receive but $30 a month. I want to ask him and I want to ask the members of this committee how they can reconcile the two cases, where they propose to allow $75 per month to the widow of a lieutenant-colonel and only $30 a month to the widow of a full colonel who commanded a brigade?

Mr. CUMMINGS. Colonel Boughton was a full colonel.

Mr. MILNES. The record shows that this man was brevetted a brigadier-general. It does not show that he ever served in that capacity. I think $30 a month is enough in either case, but I am willing under the circumstances of this case to vote for $50.

Mr. PAYNE. Will the gentleman allow me to read two lines from the report?

Mr. MILNES. Certainly.

Mr. PAYNE. I read from the second page of the report:

In October, 1862, was promoted to the rank of lieutenant-colonel and assigned to the One hundred and forty-third New York Volunteers. I was shortly after promoted to be colonel, and with that regiment served until after the close of the war, when I was mustered out with the rank of brigadier-general by brevet. I was in command of a brigade during a considerable portion of the time of the Chattanooga and Atlanta campaign, and during the war participated in upward of twenty-five battles, never missing one in which the forces with which I was connected was engaged.

Mr. MILNES. I simply say in reply to that that this officer does not say himself that he was mustered as a colonel. He was promoted and brevetted a brigadier-general.

Mr. POOLE. Mr. Chairman, I have had in my possession the official records, showing that this man was mustered in as a colonel, and that he did serve as a commander of a brigade.

Mr. MILNES. The report does not show it.

Mr. POOLE. The report that is there is a part of the Senate report, and we made it our report.

Mr. TRACEY. I move to strike out "fifty" and insert "thirty." [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment to the amendment of the gentleman from New Hampshire [Mr. BAKER] to strike out "fifty" and insert "thirty."

Mr. BLUE. Mr. Chairman, upon what theory does any member of this committee propose to vote $75 to this widow after having voted $30 to Colonel Adams's widow?

Mr. PAYNE. May I answer you?

Mr. BLUE. Yes, sir.

Mr. PAYNE. The committee was compelled to vote $30 to Colonel Adams's widow because of a threat made by the gentleman from Michigan [Mr. MILNES] that unless the friends of the bill consented to that he would make a point of order against changing the bill so as to apply to the widow.

Mr. SULLOWAY. And in that case there is no evidence that he died of disease contracted in service at all.

Mr. PAYNE. I know.

Mr. BLUE. Mr. Chairman, on what theory is this to be made an exception to the general law? The fact that the husband slept out or was out one or two nights in inclement weather is not sufficient. The fact that he was brevetted a brigadier-general makes no difference, because he would take rank only when he served by orders in the rank of brigadier-general. That has nothing to do with the pension that should go to him or to his widow. In reply to the gentleman from New York, I will say the common soldier who is in a helpless condition receives $72 a month. If I understand the facts in this case correctly, this comrade during his lifetime received $100 a month. There is no principle of equity, there is no basis upon which this law can be enacted, by which you will give this widow $75 per month while you give the widow of another colonel only $30 per month. There ought to be some equity in this; there ought to be some fixed limit adopted here. Let us be equitable and fair about it, and strive to have some rule of action by which we shall be governed.

Mr. PICKLER. It is very hard to put all the facts in the report that come before the Committee on Invalid Pensions. The report shows that this lady broke down her health in waiting upon her husband.

Mr. HICKS. And spent her fortune in caring for him.

Mr. PICKLER. I think $50 is sufficient in this case.

Mr. BLUE. Now, Mr. Chairman, so far as that is concerned, the fact that this widow spent her fortune upon her husband is no good reason why she should be granted a large pension. How are you to establish a rule governing pension legislation as to how many dollars of the widow's money shall be devoted to the care of the husband? If you do such a thing you will have to go into an examination to ascertain how much money has been spent in that way in each case.

Mr. WATSON of Ohio. Does not the gentleman think the granting of a pension of $30 a month to Colonel Adams's widow was too low, rather than that this is too high at $50?

Mr. BLUE. No, sir. I wish to say, Mr. Chairman, here and now, that when the widow of an officer is pensioned above the general law it ought to be in some extreme case.

Mr. PICKLER. That is right. I believe in that.

Mr. BLUE. And I think that to go on shouting "Vote!" "Vote!" "Vote!" when a matter of such consequence and absolute importance as this is being considered is unworthy of this committee and this House of Representatives. This matter should be dealt with fairly and justly. We have had too much of this business of giving widows of general officers large pensions. Let us establish a rule that the people will approve. There are hundreds, aye, thousands, of women in the State of Kansas just as good as this widow, just as good as the widow of Colonel Adams, just as deserving as either of them, who are glad to get $12 a month.

Mr. POOLE. Did not the gentleman a few weeks ago advocate and vote for a bill granting $75 a month to the widow of General Blunt of Kansas?

Mr. BLUE. Oh, yes; I voted to give $75 a month to the widow of a man who was the hero of a hundred battles and who rose from the ranks to be major-general; but here you are seeking to give this pension to the widow of a lieutenant-colonel.

Mr. PICKLER. The record of this officer is as distinguished as the one the gentleman from Kansas talks about.

Mr. BLUE. The gentleman is mistaken. The record of no man who served in the volunteers west of the Mississippi is superior to that of General Blunt.

A MEMBER. He was a Kansas man.

Mr. BLUE. Yes; he was a Kansas man; and you made the pension exceptional in that case because it was an exceptionally

meritorious case, and I did advocate and vote for it. But, Mr. Chairman, at the same time I sought to cut down the pension of the widow of Brigadier-General Gresham from $100 to $75 a month. General Blunt rose to the rank of major-general, and you gave his widow $75 per month, while the widow of General Gresham, who rose only to the rank of brigadier-general, was given $100 a month. What equity was there in that?

Mr. TALBERT. Mr. Chairman, I trust that gentlemen on the other side will not waste time in talking. Let us proceed with this pension business. [Laughter.]

Mr. BLUE (continuing). It was said of the old man, General Blunt, that he never lost a battle, and he never permitted the enemy to hunt him; he found them.

Mr. KEM. Does the gentleman from Kansas believe that a soldier ought to be pensioned because of rank alone?

Mr. BLUE. No, sir.

Mr. KEM. I so understood the gentleman from what he said a moment ago.

Mr. BLUE. No, sir. Rank should count as a factor in determining the question, but the fact that a man held the rank of brigadier-general, if he performed no service, ought not to induce us to give him a pension rated according to that grade. That is why I spoke of the brilliant services of General Blunt.

Mr. HARDY—

The rank is but the guinea's stamp,
The man's the gowd for a' that.

Mr. BLUE. I am always enamored of the voice of my friend from Indiana, Mr. Chairman, but I trust he will be parliamentary. I have nothing more to say as to this case. Thirty dollars a month is a fair pension, I think, to give to this widow, and I am willing she should have that amount.

A MEMBER. She is drawing that now under the law.

Mr. BLUE. Well, she ought to be content with that.

Mr. ANDREWS. Mr. Chairman, I simply desire to call attention to this fact, which must surely be plain to every member. Unless we place ourselves upon the provisions of general law as to the rating of these pensions, it becomes an endless scramble for the largest amount possible in each individual case as it comes before us, and the time of the House and of this Committee of the Whole will be consumed uselessly unless we come to the plain, businesslike proposition of holding to the general rules laid down under existing law in the rating of these pensions as we pass upon them from time to time.

If a resolution should be adopted by this committee which will bring us to that course of action we can economize time and labor and reach deserving cases that we shall not be able to reach if we continue our present course during the remaining days of this session and of this Congress. If the laws to-day are not adequate with respect to the pensioning of officers of rank and their widows, I submit that the plain, businesslike course to pursue would be to introduce a bill which would give just and fair consideration to those claims, pass that bill into law, and stand upon it. [Applause.]

We should come to that line of action at once. Then the Committee on Invalid Pensions will have a definite rule to stand upon. It has been demonstrated here time after time that when that committee does observe the law as to rating and presents a case with clear evidence to support it, the House, or this Committee of the Whole, frequently reverses that recommendation. Hence the committee has no means of knowing what rule this House would have it follow in submitting bills for consideration here.

Some such rule of action must be adopted before we can even hope to avoid this fruitless waste of time.

Mr. LOUDENSLAGER. Mr. Chairman, much has been said about the inconsistency of the Committee on Invalid Pensions, but I desire to call the attention of the Committee of the Whole to what I consider their inconsistency upon many occasions, and I desire especially to call attention to the inconsistency of the gentleman from Kansas. This Committee of the Whole had under consideration three or four weeks ago a bill to pension the widow of a man who in early life graduated at Annapolis and at the breaking out of the war occupied the position of a cadet. He asked leave of absence from the Navy Department that he might recruit soldiers for the war. He recruited a regiment, and, accepting the position of colonel, rose to the position of major-general, which he earned by gallant and meritorious services during the war. Resigning that position at the close of the war, he went back to the humble rank of a cadet, and rose in the Navy step by step until he reached the position of rear-admiral. This Committee of the Whole denied to that man's widow any greater pension than $50 a month.

The gentleman from Kansas [Mr. BLUE] speaks of the gallant services of a soldier from his State. I find that it is the interest of each member of this House to speak in high terms of any soldier coming from his State, regardless of the services of those who come from distant States. [Applause.] I want to say to you, gentlemen, that the consistency of this Committee of the Whole ought to be maintained; and in view of the fact that the widow of Rear-Admiral Samuel F. Carter (and I did not know him except from his record) was granted only $50 a month, no officer of the Army or Navy and no widow of any such officer should be regarded as worthy of a higher rate of pension. [Applause.]

Mr. BLUE. I should like to ask the gentleman from New Jersey [Mr. LOUDENSLAGER] one question.

Mr. LOUDENSLAGER. Certainly.

Mr. BLUE. Did I not vote to cut down the pension of General Ewing's widow from $75 to $50; and was not he a Kansas man?

Mr. LOUDENSLAGER. I believe you did. But I wish to say to the gentleman from Kansas that he was not so earnest in asking for the pension of the widow of Samuel F. Carter as he should have been if he had been consistent.

Mr. BLUE. You are mistaken about that.

Mr. POOLE. Mr. Chairman, as I voted for this bill in the committee, I wish to say a word in behalf of the pension for this widow. The fact is, General Boughton's services were simply heroic. He rose from the rank of first lieutenant to that of colonel, and afterwards commanded a brigade. While performing services of great value to the Government he contracted a disease from which he afterwards suffered paralysis, resulting in insanity, so that the last twenty years of his life were a blank. During that period of helplessness this poor woman took care of him, and in doing so sacrificed everything she had in the world. As the result of her self-sacrificing care of her gallant husband she is now broken in health, and it is no more than fair she should receive this pension of $75 a month, which I hope will be granted.

Mr. BAKER of New Hampshire. Is she not possessed to-day of real estate in this city?

Mr. POOLE. She is the owner of a piece of property in this city; and I will tell you how she got it. There was a small insurance on the life of her husband, with the proceeds of which she bought this place. There is now a mortgage upon the property for all it will bring. I have the assurance of good real estate men of this city that the property in not worth a dollar more than the incumbrance upon it.

The question being taken on agreeing to the amendment to the amendment fixing the pension at $30 a month) there were—ayes 61, noes 33.

Mr. HICKS. I ask for tellers, Mr. Chairman. Certainly a measure of such merit as this is not going to be defeated.

Tellers were not ordered.

Mr. HICKS. I very much regret the action of the committee on this meritorious measure, and if insisted upon I must, as an act of justice, demand the presence of a quorum.

Several MEMBERS. Too late.

The CHAIRMAN. On this question the ayes are 61, the noes 33. Does the gentleman from Pennsylvania raise the point of no quorum? [Applause.] The ayes have it; and the amendment to the amendment is agreed to.

The question being taken on the amendment as amended, there were on a division (called for by Mr. HICKS)—ayes 70, noes 36.

Mr. HICKS. I must insist upon my point of no quorum.

The CHAIRMAN (having counted the committee). There are 130 members present. The amendment as amended is agreed to. The question is now, Shall the bill as amended be laid aside to be reported favorably?

Mr. POOLE. I move to amend by inserting "$50" in place of "$30."

Mr. PICKLER. It is too late to make that motion.

The CHAIRMAN. The Chair thinks the motion is not in order.

The bill as amended was laid aside to be reported favorably.

ELIZA G. PYNE.

Mr. SMITH of Illinois. I ask unanimous consent for the present consideration of a bill—— [Cries of "Regular order!"] Gentlemen, I have been here for the last seven years, attending all your sessions——

Several MEMBERS. Regular order!

The CHAIRMAN. The Clerk will read the next bill.

The next business was the bill (H. R. 3990) granting a pension to Mrs. Eliza G. Pyne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Eliza G. Pyne, widow of Charles M. Pyne, who was captain of unassigned company of the Forty-second Regiment United States Infantry, at the rate of $30 per month.

The report (by Mr. MCCLELLAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3990) granting a pension to Eliza G. Pyne, widow of Charles M. Pyne, late captain (unassigned) of Forty-second United States Infantry, having carefully examined and considered the facts and circumstances presented, respectfully report as follows:

Capt. Charles M. Pyne enlisted April 15, 1861, and served as corporal, Company A, Third District of Columbia Infantry, in General Stone's brigade, to July 15, 1861; appointed second lieutenant Sixth United States Infantry August 5, 1861; made brevet first lieutenant August 30, 1862, for "gallant and

meritorious services in the second battle of Bull Run," being there wounded in left leg. He was taken prisoner and exchanged in October, 1862; appointed first lieutenant August 8, 1863; appointed captain to rank from July 28, 1866; was retired from active service December 15, 1870, for "disability resulting from wounds received in line of duty."

He participated in the battles near Edwards Ferry, siege of Yorktown, skirmish at Chickahominy River, battles of Mechanicsville, James Mill, White Oak Swamp, Malvern Hill, Harrisons Landing, Sadly Chapel, and second battle of Bull Run.

He died in service February 4, 1892, from heart disease, brought on by exposure, resulting in severe attacks of inflammatory rheumatism, and the heart being much weakened by anesthetics administered for five amputations of his left leg, the bone being so shattered by the wound as to render the five amputations necessary.

Widow filed application for pension under general law March 28, 1892, and under acts of June 27, 1890, and March 23, 1892, both of which were rejected, the medical referee holding (September 12, 1894) that—

"The evidence filed does not satisfactorily show the real cause of soldier's fatal malady; that a full and complete medical history of his condition from rheumatism during last ten or twelve years of his life and also disease of heart since its manifest development should be furnished. The condition of amputated stump during last illness and previously, prominent symptoms present during said illness, and mode of death should be fully shown."

Dr. G. B. Bailey, Elizabeth, N. J., filed affidavit April 29, 1893, that he treated soldier past twelve years for rheumatism, and during the month preceding his death for valvular disease of heart. During these twelve years he was unable to perform any manual labor, and died February 4, 1892, from valvular disease of heart.

Dr. I. Heger, colonel, United States Army, retired, filed affidavit April 29, 1893, that while on duty in Washington, D. C., as attending surgeon, soldier frequently reported to him for treatment for rheumatism and valvular disease of heart. This was during latter part of 1889 to time he left the city.

Dr. D. R. Hagner filed affidavit February 17, 1892, that he had known soldier forty years. Sound man prior to enlistment. Shortly after receiving his wound was called to attend him with Drs. Barnes and Coolidge. Everything done to save limb, but as ball had produced compound comminuted fracture (of both tibia and fibula, I believe) amputation became necessary. Since that time have never attended him. Within few years before his death was compelled to reject him for life insurance on account of heart trouble and Bright's disease of kidneys, which diseases were due, no doubt, to his army service and wound received and various operations performed.

November 7, 1894, Dr. Bailey filed supplemental affidavit. During last twelve years soldier suffered frequently from rheumatism and valvular disease of heart. During last few months of life heart disease became gradually worse, general dropsy taking place, and was unable to lie down. During last few weeks of life the stump of his left leg, which had been amputated below the knee, became swollen and inflamed.

Widow's claim under act June 27, 1890, rejected December 6, 1894, on ground of nondependence, she having an income of $400 or $500 a year. Widow was married to Captain Pyne November 12, 1873.

In view of the testimony presented, your committee believe that soldier's death was due to service origin, and therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. LOUDENSLAGER. Mr. Chairman, I want to make a single request. I want to ask consideration of a bill that will take but a minute to dispose of. I refer to Senate bill No. 2045, granting a pension to Harriet R. Matlack. I have never asked the indulgence of this committee before.

This is a poor widow, very old, and I ask consent to take up the bill and have it considered now.

Mr. SMITH of Illinois. I object.

The CHAIRMAN. The Chair will submit the request of the gentleman in the form of a motion.

The question was submitted, and the motion was rejected.

AUGUSTA TULLER.

Mr. HILL. Mr. Chairman, I have not taken five minutes of the time of the committee since we first met here in December. I rise now to ask unanimous consent, if it be necessary, to consider a bill——

Mr. WOOD. Mr. Chairman, I rise to a point of order. I ask that the regular order be proceeded with.

Mr. HILL (continuing). This is a bill for the relief of Augusta Tuller, a woman who is over 90 years old, partly blind, without any property of any kind——

Mr. PICKLER. Let us pass the bill.

Mr. HILL (continuing). She is wholly dependent upon her stepdaughter for support. Can I have two minutes to pass the bill?

Mr. PICKLER. Let us pass it.

Mr. HICKS. I move that the bill be taken up for present consideration.

The motion was agreed to.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place upon the pension roll of the United States, subject to the provisions of the pension laws the name of Augusta Tuller, the daughter of Isaac Way, a Revolutionary soldier, said woman being now 90 years of age and dependent.

The Committee on Invalid Pensions recommend the adoption of the following amendment: In line 5 strike out the words "subject to the provision of the pension laws" and substitute therefor the words "at the rate of $12 per month."

The amendment recommended by the Committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET J. YOUNG.

Mr. CANNON. Mr. Chairman, I ask consent to make a brief statement not exceeding two minutes. That is all I ask.

Mr. LOUDENSLAGER. I ask for the regular order.

Mr. HULICK. Let us proceed with the Calendar.

Mr. CANNON. If it be necessary, I will make a motion, Mr. Chairman, which I think the House will not object to when they hear what it is. I move to take up for present consideration the bill H. R. 9130, Calendar number 1209. It is far down, as you will see, on the Calendar. This is a very deserving case.

I want to say a word in reference to it, and I am sure there can be no objection to taking it up. In 1844 Margaret Young, the beneficiary of the bill, took an 8-year-old orphan, an illegitimate child, from the poorhouse—a child that was being mistreated and abused there—and raised the boy to manhood. In 1861 this boy volunteered in the Union Army, and lost his life in the war. He was a good soldier in the Army; he served as a private. The woman is now nearly 80 years old, without any means of support, receiving aid from the public, and I ask the House, in just a minute, to pass this bill giving her a little pension of $12 a month, to keep her out of the poorhouse as she kept this foster child from going there, a boy that lost his life in the service of his country. [Applause.]

The question being submitted, on the motion of Mr. CANNON, it was agreed to.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Margaret J. Young, dependent foster mother of John H. Jones, late a private in Company F, Twenty-fifth Illinois Volunteer Infantry, and pay her a pension of $12 per month.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ETHAN A. SELLMAN.

Mr. FENTON. Mr. Chairman, I do not think that I have ever taken two minutes' time of this committee, and therefore I feel warranted in moving to take up House bill numbered 4490, a bill to restore the name of Ethan A. Sellman to the pension rolls. It is 1023 on the Calendar. I think when the committee, if they will permit me to do so, are informed as to the character of this bill there will be no possible objection to it. This man is more than 70 years old, almost blind, and his name was stricken from the rolls eighteen years ago on an affidavit made by an enemy. The evidence is forty-nine to one in his favor.

The bill is reported favorably from the Committee on Invalid Pensions, and I can assure members that no more meritorious bill has ever been before the House at any session of Congress in favor of any man. I ask the consideration of that bill. I move that it be taken up for present consideration.

The question was taken; and on a division there were—ayes 49, noes 14.

Mr. SMITH of Illinois. No quorum.

Mr. PICKLER. I move that the committee now rise.

Several MEMBERS. Oh, no!

Mr. SMITH of Illinois. Mr. Chairman, no quorum.

Mr. PICKLER. I withdraw the motion if the point of order is withdrawn. I think gentlemen begin to see now that perhaps I have had some justification for my contention with the Committee on Rules so that I could get time to pass some of these bills.

Mr. FENTON. Have you seen a more meritorious bill than this?

Mr. PICKLER (continuing). I have been complained about——

The CHAIRMAN. The gentleman is out of order.

Mr. PICKLER. I am not out of order, with all due deference to the Chair. [Laughter.]

The CHAIRMAN. The point of no quorum has been made.

Mr. FENTON. I wish to say, Mr. Chairman, that there is no more worthy bill than this on the Calendar.

The CHAIRMAN. The point of no quorum is made. The committee will be in order. [After counting the House.] One hundred and seven gentlemen—a quorum—present. Upon this question the ayes are 49 and the nays are 14. The ayes have it, and the bill is ordered to be taken up.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension roll the name of Ethan A. Sellman, late of Company E, Fiftieth Regiment Ohio Volunteer Infantry, at the rate of $7 per month from September 4, 1878, until the passage of this act, and at the rate of $12 per month from and after the passage of this act.

The Committee on Invalid Pensions recommended an amendment striking out all after the enacting clause and inserting in lieu thereof the following:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Ethan A. Sellman, late a private in Company E, Fiftieth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month, without any deduction or retention on account of pension heretofore paid to him.

The CHAIRMAN. The question is upon the amendment recommended by the committee.

The amendment was agreed to.

The bill as amended was ordered to be laid aside, to be reported to the House with a favorable recommendation.

GRAY'S BATTALION OF ARKANSAS VOLUNTEERS.

Mr. STEWART of New Jersey. Mr. Chairman——

Mr. PICKLER. I move that the committee do now rise; and pending that, I yield to the gentleman from Arkansas [Mr. NEILL] to make a request.

Mr. NEILL. I move to take up the bill (H. R. 1061) granting a pension to Gray's Battalion of Arkansas Volunteers.

The motion was agreed to.

Mr. STEWART of New Jersey. Mr. Chairman——

The CHAIRMAN. The clerk will read the bill sent up by the gentleman from Arkansas [Mr. NEILL].

Mr. PICKLER. Is not this a general pension bill? It is a bill to pension a battalion.

Mr. NEILL. It is a private bill, just the same as the bill to pension the Missouri battalion, which has been considered here.

Mr. PICKLER. I do not think we have jurisdiction of this bill at this session.

The CHAIRMAN. The Chair can not determine until the bill is read.

Mr. McRAE. The House has already decided to consider the bill, Mr. Chairman.

The CHAIRMAN. The clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll the names of all of the honorably discharged surviving officers and enlisted men of Gray's battalion of Arkansas Volunteers raised under the act of Congress of May 13, 1846, for service during the war with Mexico; and the names of surviving widows of such officers and enlisted men, subject to the limitations and regulations of the pension laws of the United States for pensioning the survivors of the war with Mexico.

Mr. PAYNE. I raise the point of order that that bill can not be considered to-night.

The CHAIRMAN. The point of order is well taken. The bill can not be considered at this session.

Mr. McRAE. The point of order is too late. The House has already determined to consider the bill.

Mr. PAYNE. The House has not the power under the rules to consider it.

Mr. McRAE. It is in order. It is a private bill, and not a public bill.

Mr. PAYNE. You can not get the bill considered in this way.

Mr. NEILL. It is a private bill.

Mr. PAYNE. It is not a private bill.

The CHAIRMAN. The Chair has held that the point of order is well taken.

Mr. PICKLER. I move that the committee do now rise.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. McRAE. I call for a division.

The CHAIRMAN. The ayes appear to have it. The ayes have it, and the committee determines to rise.

The committee accordingly rose; and Mr. PAYNE having resumed the chair as Speaker pro tempore, Mr. HEPBURN, Chairman of the Committee of the Whole House on the Private Calendar, reported that that committee had had under consideration the bills S. 1511, H. R. 4494, H. R. 1646, H. R. 4281, H. R. 4881, H. R. 4841, H. R. 4519, H. R. 4267, S. 1291, S. 3398, H. R. 4490, and had directed him to report the same to the House with sundry amendments, and with the recommendation that as amended the bills do pass; also that the committee had had under consideration the bills S. 997, H. R. 6417, H. R. 6792, H. R. 3990, H. R. 9139, and had directed him to report the same to the House without amendments and with the recommendation that the same do pass.

ORDER OF BUSINESS.

Mr. PICKLER. I ask unanimous consent that on all these bills the previous question be considered as ordered to their passage, with ten minutes' debate in the House on either side.

Mr. McRAE. I object, and I make the point that the hour of 10 o'clock and 30 minutes has arrived.

The SPEAKER pro tempore. The hour of 10 o'clock and 30 minutes having arrived, the House, under the rule, stands adjourned until to-morrow at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 8356) to establish a life-saving station at or near Great Boars Head, on the coast of New Hampshire, reported the same with amendment, accompanied by a report (No. 1952); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 4782) to establish a life-saving station at or near Charlevoix, Mich., reported the same with amendment, accompanied by a report (No. 1954); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 2783) entitled "An act to establish a life-saving station on the coast of New Hampshire or Massachusetts, between the Hampton and the Merrimac rivers," reported the same without amendment, accompanied by a report (No. 1955); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Idaho, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 8823) to apply a portion of the proceeds of the public lands to the endowment and support of mining schools in the several States and Territories, for the purpose of extending similar aid in the development of the mining industries of the nation as already provided for the agricultural and mechanical arts, reported the same without amendment, accompanied by a report (No. 1953); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DOOLITTLE, from the Committee on Interstate and Foreign Commerce, to which was referred House bill No. 8560, reported in lieu thereof a bill (H. R. 9149) to regulate the establishment of submarine telegraphic cable lines or systems in the United States, accompanied by a report (No. 1956); which said bill and report were referred to the House Calendar.

Mr. PENDLETON, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 8850) to amend an act passed at the first session of the Fifty-fourth Congress, entitled "An act to grant to railroad companies in Indian Territory additional power to secure depot grounds," reported the same with amendment, accompanied by a report (No. 1965); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHAFROTH, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9123) to prevent forest fires on the public domain, reported the same without amendment, accompanied by a report (No. 1975); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9124) to protect the forests on the public domain from destruction by fire, reported the same without amendment, accompanied by a report (No. 1976), which said bill and report were referred to the House Calendar.

Mr. BROSIUS, from the Committee on Reform in the Civil Service, to which was referred House resolutions Nos. 355, 356, 357, 358, 359, 360, 361, and 362, reported in lieu thereof a resolution (House Res. No. 370) directing the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Attorney-General, the Postmaster-General, the Secretary of the Navy, the Secretary of the Interior, and the Secretary of Agriculture to furnish to the House certain information relative to employees in their respective Departments, accompanied by a report (No. 1979); which said resolution and report were referred to the House Calendar.

Mr. NOONAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 5378) to amend the law establishing a port of delivery at Des Moines, Iowa, reported the same without amendment, accompanied by a report (No. 1980) which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. TRACEY, from the Committee on Military Affairs:

The bill (H. R. 7727) granting an honorable discharge, with back pay and bounty, to John Courtney, late private Company D, Sixth Regiment Kansas Cavalry Vounteers. (Report No. 1957.)

The bill (S. 1381) entitled "An act to remove the charge of desertion from the military record of Patrick Larkin." (Report No. 1958.)

By Mr. COLSON, from the Committee on Claims: The bill (H. R. 5133) for the relief of William J. Landram's estate. (Report No. 1959.)

By Mr. LOUDENSLAGER, from the Committee on Pensions: The bill (S. 2787) entitled "An act granting a pension to Simpson Everett Stilwell." (Report No. 1960.)

The bill (S. 2829) entitled "An act granting a pension to Plumy E. Marden." (Report No. 1961.)

The bill (S. 1300) entitled "An act for the relief of Hannah Newell Barrett." (Report No. 1962.)

The bill (S. 2754) entitled "An act granting a pension to Jerusha Hayward Brown." (Report No. 1963.)

The bill (S. 937) entitled "An act granting an increase of pension to Sarah E. Comly, widow of Maj. Clifton Comly." (Report No. 1964.)

The bill (S. 1960) entitled "An act granting an increase of pension to Lucy Ord Mason." (Report No. 1966.)

The bill (S. 522) entitled "An act for the relief of George Hughes, of Portland, Oreg." (Report No. 1967.)

The bill (H. R. 8689) granting a pension to Hannah Dowd Vanderford. (Report No. 1968.)

The bill (H. R. 8542) granting an increase of pension to Elisha M. Luckett. (Report No. 1969.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 8242) granting an increase of pension to Maj. L. F. Warner. (Report No. 1970.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 2363) to grant increase of pension to Louis H. Gein, Company F, Fifty-fifth New York Volunteers. (Report No. 1971.)

By Mr. PICKLER, from the Committee on Invalid Pensions:

The bill (H. R. 7928) granting a pension to John Cook. (Report No. 1972.)

The bill (H. R. 9091) granting an increase of pension to Joshua B. Harris. (Report No. 1973.)

By Mr. PARKER, from the Committee on Military Affairs: The bill (S. 347) entitled "An act to remove the charge of desertion and grant an honorable discharge to Helmuth F. Soeckel." (Report No. 1974.)

By Mr. BABCOCK, from the Committee on the District of Columbia: The bill (H. R. 8346) for the relief of Nicolai Bros. (Report No. 1977.)

ADVERSE REPORT.

Mr. BABCOCK, from the Committee on the District of Columbia, under clause 2 of Rule XIII, reported adversely (Report No. 1978) the bill (H. R. 4448) to repeal all provisions of the law for the payment by the United States of one-half of the appropriations for the District of Columbia; which said bill and report were laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SPARKMAN: A bill (H. R. 9140) to donate certain condemned cannon to the city of Pensacola, Fla., for ornamental purposes—to the Committee on Military Affairs.

By Mr. BELL of Colorado: A bill (H. R. 9141) to provide for the purchase of a site and the erection of a public building thereon at Glenwood Springs, in the State of Colorado—to the Committee on Public Buildings and Grounds.

By Mr. BABCOCK: A bill (H. R. 9142) to regulate privies in the District of Columbia—to the Committee on the District of Columbia.

By Mr. JOHNSON of California: A bill (H. R. 9143) to protect public forest reservations—to the Committee on the Public Lands.

By Mr. KIRKPATRICK: A bill (H. R. 9144) to amend an act entitled "An act to provide for allotment of land in severalty to United Peorias and Miamis in Indian Territory, and for other purposes," approved March 2, 1889—to the Committee on Indian Affairs.

Also, a bill (H. R. 9145) to authorize and empower the Secretary of the Interior to adjust and settle the accounts of the Kaskaskia, Peoria, Piankeshaw, and Wea Indians—to the Committee on Indian Affairs.

By Mr. HAINER of Nebraska: A bill (H. R. 9146) to provide for the revision and adjustment of the sales of the Otoe and Missouria Reservation lands in the States of Kansas and Nebraska, and to confirm the titles under said sales—to the Committee on Indian Affairs.

By Mr. KIRKPATRICK: A bill (H. R. 9147) to grant right of way over public domain for pipe lines in the State of Kansas and the Indian Territory—to the Committee on the Public Lands.

By Mr. WILLIAMS: A bill (H. R. 9148) to confirm the title to certain public lands in the State of Mississippi, and for other purposes—to the Committee on the Public Lands.

By Mr. PICKLER: A bill (H. R. 9150) granting a service pension to all honorably discharged officers, soldiers, and sailors of the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. BARRETT: A bill (H. R. 9151) to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, and cannon balls in their respective Departments—to the Committee on Military Affairs.

By Mr. ACHESON: A bill (H. R. 9168) to authorize the construction of a bridge over the Monongahela River from the city of McKeesport to the township of Mifflin, Allegheny County, Pa.—to the Committee on Interstate and Foreign Commerce.

By Mr. TRACEY: A joint resolution (H. Res. 188) in favor of international bimetallism—to the Committee on Coinage, Weights, and Measures.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BULL: A bill (H. R. 9152) authorizing the Secretary of War to grant an honorable discharge to Mathew Logan, late a member of Battery H, First Regiment Rhode Island Light Artillery—to the Committee on Military Affairs.

By Mr. DENNY: A bill (H. R. 9153) for the relief of the executors of the late John Grant, late a mail contractor with the United States—to the Committee on Claims.

By Mr. DOVENER: A bill (H. R. 9154) to pension Robert Sanders Northcott at an increased rate—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 9155) granting a pension to John Feaghey—to the Committee on Invalid Pensions.

By Mr. GRIFFIN: A bill (H. R. 9156) granting an increase of pension to M. F. Whitney—to the Committee on Invalid Pensions.

By Mr. KIRKPATRICK: A bill (H. R. 9157) granting a pension to Blanche E. Barlow—to the Committee on Invalid Pensions.

By Mr. LINTON: A bill (H. R. 9158) granting an increase of pension to one Mary J. Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9159) for the relief of Capt. William E. Cummin—to the Committee on Invalid Pensions.

By Mr. McCALL of Tennessee: A bill (H. R. 9160) for the relief of James D. R. Green—to the Committee on Military Affairs.

By Mr. McRAE: A bill (H. R. 9161) for the relief of Thomas Muller—to the Committee on Military Affairs.

By Mr. MURPHY of Arizona: A bill (H. R. 9162) for the relief of the heirs of John W. Johnson—to the Committee on the Public Lands.

By Mr. PICKLER: A bill (H. R. 9163) granting an increase of pension to W. H. Williams—to the Committee on Invalid Pensions.

By Mr. SPALDING: A bill (H. R. 9164) to remove the charge of desertion from record of Robert Mallion—to the Committee on Military Affairs.

Also, a bill (H. R. 9165) to pension Benjamin F. Bates, late a corporal of Company K, Fifth Michigan Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9166) to pension Milo Osterhout, Company H, First Regiment Michigan Sharpshooters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9167) to pension Samuel Glascow, late a member of what was known as the Squirrel Hunter's Regiment of Ohio Infantry—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of the Pennsylvania Medical Society, against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BARRETT: Petition of Horace F. Burr, of Walden, Mass., for an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. BROSIUS: Remonstrance of 206 members and delegates of the Medical Society of the State of Pennsylvania, against the passage of Senate bill No. 1552, entitled "A bill for the further prevention of cruelty to animals in the District of Columbia," or of any similar measure—to the Committee on the District of Columbia.

By Mr. BULL: Petition of members of Battery H, First Regiment Rhode Island Light Artillery, for the passage of a bill granting an honorable discharge to Mathew Logan, to accompany House bill 9152—to the Committee on Military Affairs.

By Mr. CRUMP: Petition and remonstrance of Andrew Wright and 47 others, of Fairview, Mich., against the continuance of the Père Marquette statue in the Capitol—to the Committee on the Library.

By Mr. DENNY: Petition of citizens of Natchez and Woodville, Miss., for the passage of House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HICKS: Sundry petitions of citizens of Lansdale, Littlestown, Emlenton, Reading, Philadelphia, Quakerstown,

RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. No. 1958.)

By Mr. COLSON, from the Committee on Claims: The bill (H. R. 5133) for the relief of William J. Landram's estate. (Report No. 1959.)

By Mr. LOUDENSLAGER, from the Committee on Pensions: The bill (S. 2787) entitled "An act granting a pension to Simpson Everett Stilwell." (Report No. 1960.)

By Mr. PICKLER: A bill (H. R. 9150) granting a service pension to all honorably discharged officers, soldiers, and sailors of the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. BARRETT: A bill (H. R. 9151) to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, and cannon balls in their respective Departments—to the Committee on Military Affairs.

By Mr. DENNY: Petition of citizens of Natchez and Woodville, Miss., for the passage of House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HICKS: Sundry petitions of citizens of Lansdale, Littlestown, Emlenton, Reading, Philadelphia, Quakerstown,

Parkers Landing, New Wilmington, Scranton, Reynoldsville, Titusville, Erie, Ligonier, Gibsonton, Canton, Brookville, Allentown, Dunbar, New Kensington, Martinsburg, Lancaster, Waterford, Pittsburg, Watsontown, Waynesburg, West Chester, Westmoreland, Bloomsburg, Edinboro, Wilkesbarre, Hanover, Indiana, Johnsonburg, Kittanning, and Spartansburg, in the State of Pennsylvania, and citizens of Providence, R. I., praying for favorable action on House bill No. 838, to reduce letter postage, and bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Trades League of Philadelphia, opposing the passage of House bill No. 8536 and Senate bill No. 2967, to amend the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, protest of Knights of Labor of Spangler, Pa., against the enactment of House bill No. 6119, for the appointment of an impartial committee to investigate the labor problem and suggest remedy—to the Committee on Labor.

By Mr. HITT: Petitions of citizens of Lanark, Leaf River, Mount Carroll, Belvidere, Cedarville, and Polo, Ill., asking favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. JOHNSON of California: Petition of 45 citizens of Galt, Sacramento County, Cal., against the acceptance of the Marquette statue and praying for its removal from the Capitol building—to the Committee on the Library.

By Mr. KIRKPATRICK: Petition of W. S. Edwards and 157 other citizens of Caney, Kans., and vicinity, praying for the passage of a bill permitting citizens of Kansas and others to go to Indian reservations for the purpose of collecting debts contracted off of reservations—to the Committee on the Judiciary.

By Mr. LINTON: Petition of citizens of Tecumseh and Clinton, Mich., asking favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, remonstrances and petitions of citizens of Columbus and Galt, Cal., in relation to the Marquette statue—to the Committee on the Library.

By Mr. McCALL of Tennessee: Papers to accompany House bill for the relief of James D. R. Green—to the Committee on Military Affairs.

By Mr. McCLEARY of Minnesota: Resolutions of Philip Cutland Post, No. 109, Grand Army of the Republic, of the State of Minnesota, favoring a service-pension bill—to the Committee on Invalid Pensions.

By Mr. McRAE: Papers to accompany House bill No. 9161, for the relief of Thomas Mullen—to the Committee on Military Affairs.

By Mr. PERKINS: Sundry petitions of citizens of Kingsley, George, Cushing, Pringar, Remsen, Schaller, Sioux City, Ashton, Superior, Granville, Ida Grove, Mapleton, and Paullina, Iowa, relating to House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SPALDING: Papers to accompany House bill to pension Milo Osterhout—to the Committee on Invalid Pensions.

Also, papers to accompany House bill to pension Samuel Glascow—to the Committee on Invalid Pensions.

Also, papers to accompany House bill to remove the charge of desertion from the record of Robert Mallion—to the Committee on Military Affairs.

By Mr. STEWART of Wisconsin: Resolutions of the Board of Trade of Chicago, protesting against the passage of House bill No. 8536 and Senate bill No. 2967, amending the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the board of directors of the Manufacturers and Producers' Association of California, relating to the importation of convict-made goods, and favoring the protection of free labor from competition with convict labor—to the Committee on Labor.

Also, petitions of citizens of Antigo and Thorp, Wis., asking for the passage of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS: Petition of E. A. Corning, J. T. Smith, and 31 other citizens of Wayland, Mich., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

Also, petition of Ansel Lamport and other citizens of Colvin, Mich., to accompany House bill No. 1103, granting a pension to James V. Burch—to the Committee on Invalid Pensions.

By Mr. WELLINGTON: Petition of citizens of Oakland, Md., praying for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAMS: Petition of citizens of Durant, Miss., for favorable action on House bills Nos. 4566 and 838, proposing amendments to the postal laws—to the Committee on the Post-Office and Post-Roads.

SENATE.

SATURDAY, *May 23, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The VICE-PRESIDENT. The Journal of yesterday's proceedings will be read by the Secretary.

Mr. CHANDLER. I suggest the lack of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Chilton,	McMillan,	Pritchard,
Allison,	Cullom,	Mills,	Pugh,
Baker,	Davis,	Mitchell, Oreg.	Sherman,
Bate,	Frye,	Mitchell, Wis.	Teller,
Berry,	Gallinger,	Morrill,	Turpie,
Blackburn,	Gear,	Nelson,	Vest,
Brown,	George,	Pasco,	Walthall,
Burrows,	Hale,	Peffer,	Warren,
Cameron,	Hill,	Perkins,	White,
Carter,	Kyle,	Pettigrew,	Wilson.
Chandler,	Lodge,	Platt,	

The VICE-PRESIDENT. Forty-three Senators have answered to their names. No quorum is present. What is the pleasure of the Senate?

Mr. SHERMAN. I move that the names of the absentees be called.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio.

The motion was agreed to.

The VICE-PRESIDENT. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, as follows:

Aldrich,	Elkins,	Jones, Nev.	Shoup,
Bacon,	Faulkner,	Lindsay,	Smith,
Blanchard,	Gibson,	McBride,	Squire,
Brice,	Gordon,	Mantle,	Stewart,
Butler,	Gorman,	Martin,	Thurston,
Caffery,	Gray,	Morgan,	Tillman,
Call,	Hansbrough,	Murphy,	Vilas,
Cannon,	Harris,	Palmer,	Voorhees,
Clark,	Hawley,	Proctor,	Wetmore,
Cockrell,	Hoar,	Quay,	Wolcott.
Daniel,	Irby,	Roach,	
Dubois,	Jones, Ark.	Sewell,	

Mr. CHILTON. I take occasion to state that the Senator from Virginia [Mr. MARTIN] is necessarily absent. He is paired on the pending bond bill with the Senator from West Virginia [Mr. FAULKNER].

Mr. COCKRELL, Mr. HARRIS, Mr. VILAS, and Mr. ROACH entered the Chamber and answered to their names.

The VICE-PRESIDENT (at 12 o'clock and 10 minutes p. m.). Forty-seven Senators have answered to their names. A quorum is present. The Journal of yesterday's proceedings will be read by the Secretary.

Mr. MILLS. I ask unanimous consent that the reading of the Journal be dispensed with.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Texas?

Mr. CHANDLER. I object to dispensing with the reading of the Journal.

The VICE-PRESIDENT. Objection is made. The Journal will be read.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. NELSON. I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. CHANDLER. I object, Mr. President.

The VICE-PRESIDENT. The Senator from New Hampshire objects. The Journal will be read.

The Secretary resumed and concluded the reading of the Journal of yesterday's proceedings.

The VICE-PRESIDENT. The Journal stands approved.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 21st instant approved and signed the following acts:

An act (S. 2488) to amend an act entitled "An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes"; and

An act (S. 2032) to grant right of way over the public domain for pipe lines in the States of Colorado and Wyoming.

The message also announced that the President of the United States had, on the 22d instant, approved and signed the following acts:

An act (S. 2936) to authorize the construction of a bridge across the Niagara River in the town of Lewiston, in the county of Niagara, State of New York;

An act (S. 2508) to establish customs ports of delivery at Pueblo, Durango, and Leadville, Colo., and for other purposes;

An act (S. 1865) to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, and cannon balls in their respective Departments; and

An act (S. 61) for the relief of Frederick Gramm.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 19th instant, a supplemental list of judgments rendered by the Court of Claims amounting to $1,015,131.64, which have been presented to that Department and require an appropriation for their payment; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of the 9th instant, a statement showing the number of aliens employed in the Department of Agriculture; which was ordered to lie on the table, and be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 18th instant, a report of the Chief of Ordnance of the record of the action of the range-finder board and the Board of Ordnance and Fortification in relation to the Lewis range and position finder; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting a list of judgments rendered against the Government by the circuit and district courts of the United States under the provisions of the act of March 3, 1887, to provide for bringing suits against the Government of the United States; which was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Buffalo Marine Firemen's Benevolent Association, of Buffalo, N. Y., remonstrating against the enactment of legislation allowing Canadian seamen and firemen to man American vessels on the Great Lakes, etc.; which was referred to the Committee on Commerce.

Mr. CAMERON presented a petition of Iron Molders' Union, No. 150, of New Castle, Pa., praying for Government ownership and control of the telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Trades League of Philadelphia, Pa., remonstrating against the adoption of certain proposed amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Butler, Pa., remonstrating against the sale of beer on Ellis Island; which was referred to the Committee on Immigration.

He also presented a petition of Swatara Council, No. 858, Junior Order United American Mechanics, of Middletown, Pa., praying for the passage of the so-called Stone and McCall immigration bills; which was referred to the Committee on Immigration.

He also presented a petition of Encampment No. 45, Union Veteran Legion, of Butler, Pa., praying for the passage of a service-pension law; which was ordered to lie on the table.

He also presented sundry papers to accompany the bill (S. 3140) restoring to the pension roll the name of John E. Watson, heretofore introduced by him; which were referred to the Committee on Pensions.

Mr. NELSON presented a petition of Typographical Union, No. 30, of St. Paul, Minn., praying for Government ownership and control of the telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN presented a petition of Printers' Union, No. 329, of Coldwater, Mich., praying for Government ownership and control of the telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Macomb County, Mich., and a petition of the Methodist Church of Mount Clemens, Mich., praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a petition of the Society of Friends of the District of Columbia, praying that the age of protection for girls in the District of Columbia be raised to 18 years; which was referred to the Committee on the District of Columbia.

Mr. BATE presented a petition of sundry citizens of Nashville, Tenn., praying for the enactment of legislation giving relief to the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

Mr. ALLEN presented the affidavit of James B. Edgerly, of Farmington, N. H., in support of Senate bill No. 3096, granting an increase of pension to Stephen D. Avery, of Petersburg, in the county of Boone, Nebr.; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. HALE. I report back from the Committee on Appropriations, with sundry amendments and a report, the bill (H. R. 8293) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes. I ask that it be printed with the report, and give notice that I shall request the Senate on Monday morning, after the routine morning business, to take up the bill for consideration.

The VICE-PRESIDENT. The bill and report will be printed, and the bill placed on the Calendar.

Mr. SHOUP, from the Committee on Education and Labor, to whom was referred the petition of the members of the Baltimore Annual Conference of the Methodist Episcopal Church, praying that a law be enacted to prevent the nullification of State anti-gambling laws by extending to interstate gambling by telegraph the penalties provided for interstate gambling by mail and express, asked to be discharged from its further consideration, and that it be referred to the Committee on Interstate Commerce; which was agreed to.

Mr. HANSBROUGH, from the Committee on Pensions, to whom was referred the bill (H. R. 5279) granting a pension to Jerusha H. Brown, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 4921) to relieve the North Georgia Agricultural College from the payment of $450 for damaged gun, reported it without amendment.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (S. 1501) for the relief of Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry, reported it with amendments, and submitted a report thereon.

Mr. PASCO. I am directed by the Committee on Claims, to whom was referred the bill (S. 741) for the relief of the Baptist Church at Corinth, Alcorn County, Miss., to submit an adverse report thereon. I ask that the bill be placed upon the Calendar.

The VICE-PRESIDENT. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. LODGE, from the Committee on Immigration, to whom was referred the bill (H. R. 7864) to amend the immigration laws of the United States, reported it with amendments.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 1178) granting a pension to Sarah Weedon Jones, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2969) to grant a pension to Mrs. Lucy A. Allen, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6826) granting a pension to Rhoda Augusta Thompson, daughter of the late Thaddeus Thompson, a private in the Revolutionary war, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6603) to pension the minor children of Patrick F. Reynolds, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1826) granting a pension to Henry Prince, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1827) granting a pension to Nancy B. Prince, widow of Elbert Prince, reported it without amendment, and submitted a report thereon.

ENLISTMENT OF STEWARDS IN THE NAVY.

Mr. HALE. I am directed by the Committee on Naval Affairs to report a joint resolution to meet a decision of the Comptroller which shuts out men from the privilege of reenlisting in the Navy. I ask that the joint resolution be put upon its passage.

The joint resolution (S. R. 149) extending the benefits of sections 1426 and 1573 of the Revised Statutes to all enlisted persons of the Navy was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the benefits of honorable discharge, as conferred by section 1426 of the Revised Statutes, and of three months' pay upon reenlistment after honorable discharge, as conferred by section 1573 upon seamen, ordinary seamen, landsmen, firemen, coal heavers, and boys, be, and the same are hereby, extended and made applicable to all enlisted persons in the Navy.

Mr. HALE. The Comptroller has decided, against all precedent, that stewards are not included as enlisted men. The joint resolution is intended to cure such a case.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

By Mr. WELLINGTON: Petition of citizens of Oakland, Md., praying for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAMS: Petition of citizens of Durant, Miss., for favorable action on House bills Nos. 4566 and 838, proposing amendments to the postal laws—to the Committee on the Post-Office and Post-Roads.

The message also announced that the President of the United States had, on the 22d instant, approved and signed the following acts:

An act (S. 2936) to authorize the construction of a bridge across the Niagara River in the town of Lewiston, in the county of Niagara, State of New York;

An act (S. 2508) to establish customs ports of delivery at Pueblo, Durango, and Leadville, Colo., and for other purposes;

Mr. BATE presented a petition of sundry citizens of Nashville, Tenn., praying for the enactment of legislation giving relief to the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

Mr. ALLEN presented the affidavit of James B. Edgerly, of Farmington, N. H., in support of Senate bill No. 3096, granting an increase of pension to Stephen D. Avery, of Petersburg, in the

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By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HALE. I submit a letter of the Secretary of the Navy on the subject, and ask that it be printed.

The VICE-PRESIDENT. It will be so ordered.

COLONIAL CHARTERS AND STATE CONSTITUTIONS.

Mr. GALLINGER. On the 7th day of February last a resolution submitted by the Senator from Pennsylvania [Mr. QUAY] was referred to the Committee on the Library. It was reported back with a favorable recommendation and referred to the Committee to Audit and Control the Contingent Expenses of the Senate. I am now directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back the resolution favorably. Let it be read.

Mr. CHANDLER. I ask that the resolution be read, and I call the attention of the Senator from Maine [Mr. HALE], the chairman of the Committee on Printing, to it.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution submitted by Mr. QUAY February 7, 1896, as follows:

Resolved, That the Committee on the Library cause to be prepared a compilation of the colonial charters and constitutions of each State of the United States, together with all amendments thereto at any time in force, arranging the same in chronological order for each State, with suitable explanatory matter and indexes, and that the expense of said compilation be paid from the contingent fund of the Senate.

Mr. HALE. I do not know what will be the cost of the publication. The rules are very clear as to a certain limit. Such a matter should go to the Committee on Printing. If the cost is below the limit, I do not object to the adoption of the resolution; otherwise let it be referred.

Mr. CHANDLER. If the Senator will allow me, I will state that there is no provision made in the resolution for printing. It is to be a compilation, which of course will be of no use unless it is printed; and, exactly like the proposition yesterday to have Mr. Durfee make a certain compilation, it should be referred to the Committee on Printing before it is finally acted upon, because printing will necessarily follow the compilation.

Mr. HALE. It is to be supposed that the cost of printing such a document will be much more than $500.

Mr. CHANDLER. Much more. I therefore move that the resolution be referred to the Committee on Printing.

Mr. GALLINGER. Mr. President, a single word. My individual judgment is that it will cost a much larger amount than $500. The cost ought not to be taken from the contingent fund in any event, it occurs to me. I quite agree that the resolution should go to the Committee on Printing.

In this connection I submit a paper somewhat explanatory of the scope of the resolution.

The VICE-PRESIDENT. The resolution and accompanying paper will be referred to the Committee on Printing.

ORDER OF BUSINESS.

Mr. SHERMAN. If the morning business is through, I move to proceed to the consideration of what is considered a privileged bill.

Mr. MITCHELL of Oregon. If the morning business is through——

Mr. MILLS. The morning business is not through. I wish to introduce a bill.

The VICE-PRESIDENT. The morning business has not been concluded.

Mr. SHERMAN. I hope that I may be allowed one moment. Heretofore bills reported from the Committee on Finance in relation to taxes have been privileged bills. I have been every day for a week trying to get up a bill that has been reported from the Committee on Finance, the bill in respect to filled cheese. It is a bill in which the people of the United States, especially farmers, are deeply interested. I hope the Senate will allow that bill to be taken up. I believe it can be disposed of in a short time.

Mr. KYLE. I trust that the bill will be taken up. The people of the Northwest are petitioning very strongly in favor of the filled-cheese bill.

Mr. GALLINGER. The people of the East, too.

Mr. SHERMAN. I have had telegrams without number from all parts of the United States urging its passage. I do not want to interfere with the morning business, but I ask the Senate to allow the bill to be taken up. As a matter of course, it does not displace any business at 2 o'clock, but let it be taken up now, and we may be able to carry it through before 2 o'clock.

Mr. MITCHELL of Oregon. Mr. President——

Mr. MILLS. I wish to introduce a bill.

Mr. MITCHELL of Oregon. I gave notice heretofore that yesterday I would move to proceed to the consideration of the joint resolution proposing an amendment to the Constitution of the United States, providing for the election of United State Senators by direct vote, but on the statement of the Senator from Ohio that he had previously given notice for yesterday, I gave way and changed my notice to this morning.

Mr. SHERMAN. I tried to get up the filled-cheese bill yesterday, and could not do it.

Mr. MITCHELL of Oregon. I am in favor of the Senator's bill, but I can not afford to be crowded out every day.

Mr. SHERMAN. I have been crowded out. The moot court question was brought up yesterday and took the entire day.

Mr. MITCHELL of Oregon. I am not responsible for that.

The VICE-PRESIDENT. The morning business has not been concluded. The introduction of bills and joint resolutions is next in order.

BILLS INTRODUCED.

Mr. MILLS introduced a bill (S. 3206) to grant a right of way through the new Fort Bliss Military Reservation to the El Paso and Northeastern Railroad Company; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MORRILL (for Mr. PROCTOR) introduced a bill (S. 3207) donating condemned cannon and cannon balls to Stow Post of the Grand Army of the Republic, of Calais, Vt.; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. DAVIS introduced a bill (S. 3208) for the relief of Rev. J. A. Gilfillan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. BAKER introduced a bill (S. 3209) to grant right of way over the public domain for pipe lines in the State of Kansas and the Indian Territory; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. NELSON introduced a bill (S. 3210) granting a pension to Anna P. Johnson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. THURSTON introduced a bill (S. 3211) to provide for the revision and adjustment of the sales of the Otoe and Missouria Reservation lands in the States of Kansas and Nebraska, and to confirm the titles under said sales; which was read twice by its title.

Mr. THURSTON. I ask the Committee on Indian Affairs to give the bill prompt and favorable consideration. It is concerning a matter of considerable importance, and it is very necessary that a prompt revision and adjustment of the sales of the Otoe and Missouria Reservation lands, in the States of Kansas and Nebraska, should be made, in order that titles to those lands may be confirmed. I move that the bill be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. GEAR introduced a bill (S. 3212) granting a pension to Moreau J. Burt; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAVIS (by request) introduced a bill (S. 3213) to reform the currency of the United States and insure its integrity; which was read twice by its title, and referred to the Committee on Finance.

Mr. COCKRELL introduced a bill (S. 3214) to authorize Joseph J. Kinyoun, passed assistant surgeon of the Marine-Hospital Service, to accept a medal from the President of the Republic of Venezuela; which was read twice by its title.

Mr. COCKRELL. I have here some translations of letters transmitting the medal, which I move be printed as a document and referred, with the bill, to the Committee on Foreign Relations.

The motion was agreed to.

Mr. CULLOM introduced a bill (S. 3215) to increase the pension to William C. Gano; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 3216) donating condemned cannon and condemned cannon balls to the Wyoming State Soldiers' Home, at Cheyenne, Wyo.; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3217) granting a pension to Mrs. Mary E. Morrison; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BAKER introduced a joint resolution (S. R. 150) authorizing the Secretary of the Treasury to refund to A. Beecher and others certain internal-revenue taxes illegally collected; which was read twice by its title, and referred to the Committee on Claims.

HENRY A. DU PONT AND OTHERS.

Mr. SHERMAN. If the morning business is over——

Mr. MITCHELL of Oregon. I have morning business myself to present. I am instructed by the Committee on Privileges and Elections to report a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That there be allowed out of the contingent fund of the Senate to Henry A. Du Pont the sum of $2,500 in full compensation for all his time and expenses, including printing and counsel fees, in prosecuting his claim to a seat in the Senate of the United States as a Senator from the State of Delaware.

Resolved further, That the further sum of $2,500 be allowed to James L. Wolcott, John Bassett Moore, and William F. Kurtz, counsel in opposition to the claim of Henry A. Du Pont, the same to embrace all their disbursements and expenses in the prosecution of their case.

Mr. PEFFER. What is the first payment proposed?

Mr. MITCHELL of Oregon. It is $2,500 in each case.

The VICE-PRESIDENT. The Chair suggests that the resolution should be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. MITCHELL of Oregon. Yes; I presume that reference is necessary.

The VICE-PRESIDENT. The resolution will be so referred.

TRIAL OF CITIZENS ARRESTED IN CUBA.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, on motion of Mr. MORGAN, was, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate of the United States:

I transmit herewith, in response to a resolution of the Senate of the 16th instant, a report of the Secretary of State, to which are attached copies in English and Spanish of the original text of a protocol executed January 12, 1877, between the minister plenipotentiary of the United States of America to the court of Spain and the minister of state of His Majesty the King of Spain.

It being, in my judgment, incompatible with the public service, I am constrained to refrain from communicating to the Senate at this time copies of the correspondence described in the third paragraph of said resolution.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, May 23, 1896.

ORDER OF BUSINESS.

Mr. MITCHELL of Oregon. I move that the Senate proceed to the consideration of the joint resolution (S. R. 6) proposing an amendment to the Constitution of the United States providing for the election of Senators by the votes of the qualified electors of the States.

Mr. SHERMAN. I have a motion pending.

Mr. MITCHELL of Oregon. The Senator from Ohio could not make a motion, I submit, while morning business was pending.

Mr. SHERMAN. The motion I have made, by the uniform courtesy of the Senate, will be entertained.

Mr. ALLEN. Mr. President, I rise to a parliamentary inquiry. I want to ascertain the parliamentary status of the measure that was under discussion last evening prior to the adjournment of the Senate, and when it will properly be laid before the Senate.

Mr. SHERMAN. It comes up at 2 o'clock.

The VICE-PRESIDENT. It comes up at 2 o'clock as the unfinished business.

Mr. ALLEN. I shall insist upon its being taken up at 2 o'clock as the regular order.

Mr. MITCHELL of Oregon. It is the unfinished business; it comes up at 2 o'clock.

The VICE-PRESIDENT. It comes up at 2 o'clock as the unfinished business.

Mr. SHERMAN. I insist on my motion.

The VICE-PRESIDENT. The Chair will state that the Senator from Ohio and the Senator from Oregon each claim the floor. The Senator from Ohio first addressed the Chair, before the morning business had been concluded. While the Chair knows of no ruling on the point raised, yet it does seem that in accordance with the practice of the Senate, or rather what is known as the courtesy of the Senate, the Chair can not take the Senator from Ohio from the floor at this moment, but the Chair will submit the motion he has made. The motion of the Senator from Oregon [Mr. MITCHELL] will be entertained afterwards.

Mr. MITCHELL of Oregon. I give notice that unless I have an opportunity to-day, on Monday morning, immediately on the conclusion of the morning business, I shall renew the motion, if I can secure recognition.

Mr. COCKRELL. What is the motion?

Mr. HALE. I have given notice that at that time I shall ask the Senate to take up the deficiency appropriation bill. I state this for the benefit of the Senator from Oregon.

The VICE-PRESIDENT. The Chair will state the motion of the Senator from Ohio. It is to proceed to the consideration of a bill which will be stated by title.

The SECRETARY. A bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of filled cheese.

Mr. MITCHELL of Oregon. Will the Senator from Ohio yield to me for a moment?

Mr. SHERMAN. Certainly.

Mr. MITCHELL of Oregon. I desire to enter a protest against the ruling of the Chair. I do not intend to appeal from the decision of the Chair, but I desire to protest that a Senator can not, pending the morning business, rise and secure recognition and then at the conclusion of the morning business claim recognition to call up a bill for consideration.

Mr. SHERMAN. It has been done every day this session.

Mr. MITCHELL of Oregon. And hold the floor against other Senators when the morning business shall have been concluded. I hold that he can not do it, because that, without any intention upon the part of the Senator from Ohio, is an imposition on the Chair. The Chair was not presumed to know for what purpose the Senator from Ohio rose. The Chair recognized the Senator from Ohio, and very properly, supposing, I imagine, as a matter of course, that he intended to present morning business. But the Senator from Ohio said: "No; I supposed the morning business was through. I move to take up the filled-cheese bill." The Chair replied: "No; the morning business is not through;" and thereupon recognized five or six Senators for morning business. What I protest against is the right of the Senator from Ohio to hold the floor during that time and have recognition at the conclusion of the morning business as against other Senators.

Mr. HALE. It is not precisely that——

Mr. MITCHELL of Oregon. That is the case.

Mr. HALE. Is it not an everyday occurrence that a Senator rises, when morning business is not yet concluded, for something outside of morning business, and the Chair recognizes him, but informs him that morning business is not concluded? Now, is it not almost the universal custom that that Senator is given first recognition when the morning business is over?

Mr. MITCHELL of Oregon. I think not.

Mr. HALE. He does not, perhaps, hold the floor, but the Chair frequently says, "The Chair will recognize the Senator at the conclusion of the morning business," and it is a courtesy, almost invariably granted, that he will then have the first opportunity. I think the Senator from Oregon must remember that.

Mr. MITCHELL of Oregon. I desire to say, in reply to the Senator from Maine, without any reflection upon the Senator from Ohio, or the Senator from Maine, or the Chair, or anybody else, that such a proceeding is an imposition, not only upon the presiding officer, but upon every other Senator. I simply wish to enter my protest against it as being a very bad practice.

Mr. CHANDLER. I should like to ask the Senator from Oregon, who has been arguing against the right of the Senator from Ohio to recognition, upon what ground he places his own claims to recognition. Certainly if two Senators are on the floor when the morning business is concluded, it is entirely within the discretion of the Chair to decide which Senator he will recognize.

Mr. MITCHELL of Oregon. Undoubtedly. The Senator from Oregon is making no objection to that.

Mr. CHANDLER. But the Senator seemed to assume that if he could possibly get the Senator from Ohio off the floor he would be entitled to it.

Mr. MITCHELL of Oregon. No.

Mr. CHANDLER. The Senator from Oregon himself prolonged the morning business, and then he took the floor and claimed the privilege of making a motion to take up the measure in which he is interested, to the exclusion of the Senator from Ohio, who had been on the floor all the time.

Mr. MITCHELL of Oregon. There must be no misunderstanding about the matter. The Senator from Oregon did not assume at all that he had a right to the floor as against every other Senator; but the facts are simply these: Pending the morning business, and before its conclusion, the Senator from Ohio addressed the Chair and was recognized. The Chair informed the Senator from Ohio that morning business was not concluded. The Senator from Ohio took his seat. Five or six Senators, myself among the number, were recognized for morning business. At the conclusion of the morning business I addressed the Chair, and was recognized. The Senator from Ohio claimed that I should not be recognized because of the fact that he had addressed the Chair pending morning business. Those are the facts.

Mr. SHERMAN. The conclusion of the morning business was not announced, and it was to be presumed that when the Senator from Oregon rose under the circumstances he rose to morning business.

Mr. MITCHELL of Oregon. I do not wish to take up further time. I hope the Senator from Ohio will go on with his bill and finish it.

Mr. SHERMAN. Yes. I move that the Senate proceed to the consideration of the bill.

Mr. HARRIS. May I inquire whether the Chair has announced that morning business is concluded?

The VICE-PRESIDENT. The Chair thinks that announcement was made. Possibly it was not, however. The Chair will recognize the Senator from Tennessee for morning business.

Mr. HARRIS. I have no morning business. I simply wanted to know the parliamentary status of the question. If morning business is concluded, the Senator from Ohio, I understand, has been recognized.

The VICE-PRESIDENT. That is correct.

Mr. HARRIS. Was it a request or a motion?

Mr. SHERMAN. It was a motion to proceed to the consideration of the bill called the filled-cheese bill.

United States, providing for the election of United State Senators by direct vote, but on the statement of the Senator from Ohio

seat in the Senate of the United States as a Senator from the State of Delaware.

Mr. SHERMAN. It has been done every day this session.

tion of the bill called the filled-cheese bill.

Mr. HARRIS. The Senator from Ohio does not ask unanimous consent, but he moves its consideration?

Mr. SHERMAN. I simply made a motion to take up the bill.

REGULATIONS CONCERNING FILLED CHEESE.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Ohio [Mr. SHERMAN] that the Senate proceed to the consideration of the bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of filled cheese.

Mr. VEST. Mr. President, I wish——

Mr. SHERMAN. The motion is not debatable.

Mr. VEST. Then I ask for the yeas and nays on the motion, if the Senator from Ohio insists upon a strict observance of the rule.

Mr. SHERMAN. Let us have the yeas and nays.

Mr. KYLE. I presume it is the intention of the Senator from Ohio not to displace the regular order of business at 2 o'clock?

Mr. HARRIS. He can not.

Mr. SHERMAN. That can only be done by a vote.

Mr. HARRIS. By a vote at 2 o'clock.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Ohio, on which the yeas and nays are demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DUBOIS (when Mr. CANNON'S name was called). I announce the pair of the Senator from Utah [Mr. CANNON] with the Senator from Nevada [Mr. JONES].

Mr. DUBOIS (when his name was called). I announce my pair with the senior Senator from New Jersey [Mr. SMITH].

Mr. ELKINS (when his name was called). I am paired with my colleague [Mr. FAULKNER]. If he were here, he would vote "nay," I think, and I should vote "yea."

Mr. MITCHELL of Wisconsin. The Senator from West Virginia [Mr. FAULKNER] would vote "yea."

Mr. ELKINS. Then I will vote. I vote "yea."

Mr. GEAR (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON]. I should vote "yea" if he were present.

Mr. HANSBROUGH (when his name was called). I am paired with the junior Senator from Illinois [Mr. PALMER]. I transfer my pair to the Senator from Montana [Mr. MANTLE] and vote "yea."

Mr. LODGE (when his name was called). I have a general pair with the Senator from New York [Mr. HILL]. I do not see him present, and I do not know how he would vote. Therefore I withhold my vote. If he were present, I should vote "yea."

Mr. MITCHELL of Wisconsin. The Senator from New York [Mr. HILL] assured me that he would vote "yea."

Mr. LODGE. Not knowing how he would vote, I withhold my vote.

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL]. As he and I agree on this question, I will vote. I vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PRITCHARD (when his name was called). I have a pair with the Senator from Louisiana [Mr. BLANCHARD]. I transfer my pair to the Senator from Rhode Island [Mr. ALDRICH] and vote "yea."

Mr. GALLINGER (when Mr. PROCTOR'S name was called). I was requested to announce a pair between the Senator from Vermont [Mr. PROCTOR] and the Senator from Florida [Mr. CALL].

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. CHANDLER. I am paired on certain questions to-day with the junior Senator from Nevada [Mr. STEWART], and therefore withhold my vote.

Mr. CARTER (after having voted in the affirmative). Observing that the junior Senator from Maryland [Mr. GIBSON] has not voted, and being paired with him, I withdraw my vote.

Mr. TELLER. I desire to announce that my colleague [Mr. WOLCOTT] is paired with the junior Senator from Ohio [Mr. BRICE].

The result was announced—yeas 39, nays 15; as follows:

YEAS—39.

Allen,	Cullom,	McMillan,	Roach,
Allison,	Davis,	Mitchell, Oreg.	Sherman,
Bacon,	Elkins,	Mitchell, Wis.	Shoup,
Blackburn,	Frye,	Morrill,	Teller,
Brown,	Gallinger,	Nelson,	Turpie,
Burrows,	Hale,	Peffer,	Vilas,
Butler,	Hansbrough,	Perkins,	Warren,
Cameron,	Hawley,	Pettigrew,	Wetmore,
Clark,	Kyle,	Platt,	Wilson.
Cockrell,	McBride,	Pritchard,	

NAYS—15.

Baker,	Chilton,	Jones, Ark.	Vest,
Bate,	George,	Lindsay,	Walthall,
Berry,	Gray,	Mills,	White.
Caffery,	Harris,	Pasco,	

NOT VOTING—35.

Aldrich,	Faulkner,	Lodge,	Sewell,
Blanchard,	Gear,	Mantle,	Smith,
Brice,	Gibson,	Martin,	Squire,
Call,	Gordon,	Morgan,	Stewart,
Cannon,	Gorman,	Murphy,	Thurston,
Carter,	Hill,	Palmer,	Tillman,
Chandler,	Hoar,	Proctor,	Voorhees,
Daniel,	Irby,	Pugh,	Wolcott.
Dubois,	Jones, Nev.	Quay,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with amendments.

Mr. SHERMAN. There are two amendments on page 2.

The VICE-PRESIDENT. The amendments will be stated.

The SECRETARY. The Committee on Finance propose to amend, in section 3, line 5, after the word "pay," by striking out "four hundred" and inserting "two hundred and forty"; and in line 10, after the words "two hundred," to strike out "and fifty"; so as to read:

Manufacturers of filled cheese shall pay $240 for each and every factory per annum. Every person, firm, or corporation who manufactures filled cheese for sale shall be deemed a manufacturer of filled cheese. Wholesale dealers in filled cheese shall pay $200 per annum.

The amendments were agreed to.

Mr. SHERMAN. I do not intend to make a speech upon this bill.

Mr. CULLOM. Will the Senator from Ohio allow me to present resolutions in the nature of a petition, which I ask may be read, as they bear immediately upon this question?

Mr. SHERMAN. I shall be very glad to have the resolutions read.

Mr. CULLOM. They are very short.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

PRODUCE EXCHANGE, SECRETARY'S OFFICE,
Chicago, May 21, 1896.

Whereas there is being manufactured and placed upon the market a substance known as filled cheese, which is unsatisfactory to the trade and a fraud upon the consumer; and

Whereas so-called filled cheese has worked great harm to both domestic consumption and export trade in cheese made in the United States: Therefore

Be it resolved, That we urge upon our Senators their active support of the House bill now pending in the Senate.

Resolved, That a copy of these resolutions be forwarded by the secretary of the Produce Exchange of Chicago to Senators CULLOM and PALMER of our State.

P. M. LITTLER, *Secretary.*

Mr. CULLOM. I only wish to make one remark at this time. I received those resolutions in the mail at this moment, and I thought, as the subject was before the Senate for consideration, it was proper that I should present them now.

I desire to say that I have other resolutions and communications the purpose of which is to oppose the passage of the bill, and possibly I may have something to say upon the subject later.

Mr. SHERMAN. Mr. President, I have perhaps a hundred resolutions from different parts of the country, all somewhat similar to those presented by the Senator from Illinois [Mr. CULLOM], which I could produce if necessary; but I do not propose to do so, nor do I propose to make a speech upon this subject. I think the subject is understood without my doing so. I have here, however, a resolution of the New York Produce Exchange, which, as it represents probably the largest organization of the kind in the country, I should like to have read, and it is the only one I shall ask to have read.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

NEW YORK PRODUCE EXCHANGE, *New York, May 21, 1896.*

SIR: I have the honor to transmit to you, as the expression of the views of this exchange, a copy of resolution adopted by our cheese committee in advocacy of the bill known as H. R. No. 8008:

Whereas the entire agricultural interests of this country are anxiously awaiting the favorable action of your honorable body on the filled-cheese bill, known as H. R. 8008;

Whereas it is of vital importance to this great interest that this bill should become a law this session, as delay for another year means a continuation of the present depression in dairy products and in many instances absolute ruin to the producers; and

Whereas this exchange is urged and begged by its constituents throughout the entire country to cooperate with them in securing favorable legislation: Therefore

Be it resolved, That the members of this exchange earnestly and urgently request the Senate of the United States to take up and consider the bill now in its hands, known as 8008, at the earliest possible moment, and ask favorable action on the same, that it may be a law at once.

Respectfully,

T. F. SHIELDS,
Secretary Cheese Committee New York Produce Exchange.

Mr. SHERMAN. Mr. President, this bill is founded upon what is called the oleomargarine law, and the provisions of it are similar to those contained in that law, and have the same object. The oleomargarine law was intended to protect one class of the

farming industry and the object of this bill is to protect another class.

This whole question was very thoroughly considered by the Committee on Ways and Means of the House of Representatives, and I have here a large body of printed matter, which every Senator can get who desires, which shows the nature of filled cheese and what abuses have grown out of its manufacture and sale, resulting in the destruction of our commerce in cheese, not only at home, but abroad. There has been a large falling off of our exportation of cheese, and many evils have arisen from this palpable fraud of the substitution of lard oil for cream—that is, the using of lard oil to mix and mingle with skimmed milk—thus creating a compound entirely foreign to real cream cheese. The article of cream cheese is now made, not in manufacturing establishments, but on the farms throughout the country.

Filled cheese is made by manufacturing establishments who take the milk and skim off all there is of it that can be called cream, and make that into butter, and then, to supply the place of healthful cream, they insert lard, cooked more or less, and various forms of oil to take the place of the natural cream, which is the chief and the most valuable part of our cheese.

I have here a very long and interesting statement made by Mr. Hatch, formerly a member of the House of Representatives, upon the subject. I could read to the Senate many points in relation to this matter, but I do not think it is necessary.

This bill is simply intended for the benefit of the farmers of our country, to protect them in their ordinary, common industry of making cheese, which is sold at something like 10 cents a pound on the average.

I do not say that this manufactured article is unwholesome, for there were witnesses who appeared before the Committee on Finance and some before the Committee on Ways and Means, who said that it was not an unwholesome food. I do not base this bill upon that ground, but upon the ground that this filled cheese is a fraud as it is sold. When sold at wholesale, I am told it is called filled cheese. The meaning of that phrase is just as well known as the meaning of any other form of words describing any compound whatever. The principal part of the filled cheese is made out of lard, instead of out of cream or the produce of the cow.

The House report is a very interesting document, and covers the entire ground.

Mr. HILL. Will the Senator allow me a moment?

Mr. SHERMAN. Certainly.

Mr. HILL. This bill has been reported by the Finance Committee, as I understand the Senator?

Mr. SHERMAN. It has been.

Mr. HILL. By a majority of the members of the committee, the Senator from Missouri [Mr. VEST] informs me.

Mr. SHERMAN. Yes.

Mr. HILL. Has the Finance Committee of the Senate given that careful consideration to the bill so that it is able to inform the Senate what is the estimated revenue expected to be received from the bill should it become a law? It is proposed as a revenue bill, is it not?

Mr. SHERMAN. Yes; it is proposed as a revenue bill.

Mr. HILL. What is the revenue estimated to be received from the bill if it becomes a law?

Mr. SHERMAN. That is very difficult to answer, and I believe there is no data upon which such a statement can be made. An inquiry of that kind was made of the Treasury Department by the House of Representatives, and the Department said it was not able to give it. When the oleomargarine bill was pending it was supposed that it would produce a million dollars of revenue, although many said it would not produce any revenue at all; yet it really produces between two and three million dollars of revenue.

Mr. HILL. Has the Senate committee cut down the tax which was proposed by the House of Representatives?

Mr. SHERMAN. It has cut down the tax.

Mr. HILL. To what extent?

Mr. SHERMAN. We have reduced the amount to be paid by manufacturers from $400 to $240, and the amount to be paid by wholesale dealers from $250 to $200 per annum. The provision in relation to retail dealers is not changed from the way it was fixed by the other House.

Mr. HILL. Upon what ground, will the Senator explain, were the reductions made?

Mr. SHERMAN. The object of the bill, I should have said, is not so much to raise revenue as to prevent fraud. We thought, therefore, that a modified or reduced rate of license tax would be proper. I would say to the Senator that the Committee on Finance heard from the manufacturers, who are naturally opposed to this bill; and we have their printed testimony here in full. So no subject could have been more fully stated on paper or from the mouths of witnesses than has been this question.

Mr. GRAY. May I ask the Senator if the manufacturers of filled cheese were heard before the committee?

Mr. SHERMAN. Oh, yes. Indeed we did not hear the other side at all. We heard the manufacturers in the Committee on Finance. So far as I can recall there was no one who appeared before us on behalf of the farmers.

Mr. VEST. The Senator from Ohio forgets, I think, that we heard the members of the House of Representatives, who framed this bill, and interviewed them.

Mr. SHERMAN. Yes; we heard the manufacturers and the leading representatives of the filled-cheese interest.

Mr. VEST. Then we heard the other side, including the members of the House of Representatives, who are responsible for the bill.

Mr. SHERMAN. I now recall the fact that several members of the other House appared before the committee representing the bill and made their statement.

Mr. ALLISON. Which was very brief.

Mr. SHERMAN. Yes, their statements were brief. They are all here in print. So I do not think it is necessary to go further into this matter, unless Senators wish to ask questions.

Mr. HILL. If the Finance Committee framed this bill with the object of raising revenue, why was not the highest tax imposed by the House of Representatives maintained by the Senate Committee?

Mr. SHERMAN. It was thought, on the whole, that $250 was a pretty good tax upon a manufacturing establishment, and that $100 or $200 on another class were pretty stiff duties. The object of this proposed law was not so much for the purpose of raising revenue as for the protection of the farmer.

Mr. HILL. If the trade in filled cheese is a fraud, and this fraud can stand this tax and can pay it, why is not the highest tax it can stand imposed upon it for the benefit of the Treasury?

Mr. SHERMAN. It can hardly be said, in one sense, that this is a fraud. The testimony discloses this state of facts: The manufacture of filled cheese requires quite a large establishment, which gathers in the skimmed milk from all the neighborhood around, and when they manufacture the cheese and put it up, they mark it as "filled cheese"; consequently there is no fraud in the manufacture of it; but when it goes into the hands of second parties, the sellers scattered through the country, then it is put in boxes, which are not stamped, and there is no indication at all of what it is, but it is usually stamped by these sellers as cream cheese—"Wisconsin cream cheese," or "Ohio cream cheese," or "New York cream cheese"—and thus a fraud is perpetrated, not by the manufacturer, but by the seller who sells to the people at large, the consumers, and they do not know what they are buying. They suppose they are buying cream cheese. It is said that we had some of that "filled cheese" in our restaurant below here, and nobody knew what it was until its character was disclosed.

Mr. GEAR. I wish to suggest to the Senator that the manufacture of this cheese is itself a fraud, and that the manufacturer who produces this article called filled cheese puts into it an article entirely foreign to that which makes genuine cheese.

Mr. SHERMAN. He does not label it.

Mr. GEAR. I beg the Senator's pardon. He brands it all. The different brands which the Senator suggests of "Wisconsin cheese" or "Ohio cheese" are put on by him.

Mr. HILL. What I want to know is if the ground of this proposed legislation is the prevention of a fraud, and if the traffic will bear a larger tax, why that larger tax was not insisted upon?

Mr. SHERMAN. If the Senator from New York desires to keep in the House provision, very well.

Mr. HILL. I think I shall offer an amendment later, before the debate closes.

Mr. SHERMAN. The amendments of the committee have already been adopted, but the Senator can have the vote again taken upon them if he desires.

Mr. CULLOM. The object and purpose of this bill is not to prohibit the manufacture of this article if anybody wants to manufacture it, but it is the purpose to have it so stamped or marked that it shall be sold for what it is, and not for what it is not.

Mr. ALLISON. And get a revenue from it.

Mr. CULLOM. And get a revenue from it, of course. The purpose of imposing that revenue is largely in the interest of securing the actual stamping of the article, so that it will not be imposed upon anybody.

Mr. GRAY. The Senator is seeking simply to exercise a police power, and not a revenue power.

Mr. CULLOM. That is the truth about it.

Mr. TELLER. This appears to be a revenue bill within the meaning of the term. I should like to inquire of the Senator from Ohio, who has this bill in charge and who has on various occasions lectured us because we did not take steps to secure additional revenue, why this would not have been a good bill for him or the Committee on Finance to have attached some provision of a nonpartisan character to, some provisions which would not have brought up the question of protection or antiprotection? I inquire if there is not some method by which the revenues can be increased so that we may not be assailed, as we have been every few days, by

the declaration that we are derelict in our duty and unpatriotic, and all that, in not providing revenue? The Senator might have added something to the tax on the manufacture of beer, I think, upon this bill, and perhaps have thus met the deficiency of this year, and a little more. The Senator from Ohio has been on various occasions very urgent about the raising of revenue, but it has always been upon a bill that contained some controverted and objectionable features to a majority of the Senate. I think he could have devised an amendment upon this bill which would have secured all the revenue necessary without antagonizing the peculiar views of a majority of the Senate.

Mr. MILLS. Mr. President, I appreciate the force of the remarks just made by the Senator from Colorado; and as this is a bill for raising revenue coming from the House of Representatives, which alone has the power under the Constitution to initiate measures of that sort, I propose to aid the Senator from Ohio in his patriotic, nonpartisan effort to raise revenue by offering the amendment which I send to the desk, to come in as section 20 of this bill.

The VICE-PRESIDENT. The amendment submitted by the Senator from Texas will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following as a new section:

SEC. 20. That an internal-revenue tax of 5 per cent is hereby imposed on the value of all articles, in excess of $10,000 per annum, which are manufactured by any person, company, or corporation in the United States, from iron, steel, copper, nickel, brass, lead, zinc, cotton, wool, hemp, silk, or flax, or either of them, in whole or in part; and the revenues collected from the same shall be applied to the purchase and extinguishment of the interest-bearing debt of the United States as fast as the same may be collected.

Mr. SHERMAN. I hope the Senator from Texas will not intervene with such an amendment as that. As a matter of course, he can do it if he chooses. This is a bill demanded by the farmers of the country. There can be no objection to its passage. Its provisions are all clear and unobjectionable. Why delay it or involve this bill in controversy with the tariff question? We have a bill here from the House of Representatives——

Mr. MILLS. Mr. President——

Mr. SHERMAN. Let me finish.

Mr. MILLS. This is not a tariff bill. The Senator from Ohio will observe that this is an internal-revenue bill.

Mr. SHERMAN. It is all the same. The Senator's amendment is intended to defeat this measure of relief to the farmers. I move that the amendment be laid on the table.

Mr. MILLS. I suggest the want of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

Mr. MILLS. It will be some time before you pass this bill if those tactics are pursued.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Gallinger,	Mills,	Roach,
Bacon,	Gear,	Mitchell, Oreg.	Sherman,
Bate,	George,	Mitchell, Wis.	Shoup,
Berry,	Gibson,	Morgan,	Smith,
Brown,	Gorman,	Morrill,	Teller,
Burrows,	Gray,	Nelson,	Thurston,
Caffery,	Hansbrough,	Palmer,	Turpie,
Carter,	Harris,	Pasco,	Vilas,
Chilton,	Hawley,	Peffer,	Walthall,
Cockrell,	Hill,	Perkins,	Wetmore,
Cullom,	Jones, Ark.	Pettigrew,	White.
Davis,	Lindsay,	Platt,	
Dubois,	McBride,	Pritchard,	
Frye,	McMillan,	Pugh,	

The VICE-PRESIDENT. Fifty-three Senators have answered to their names. A quorum is present. The question recurs on the motion of the Senator from Ohio to lay upon the table the amendment submitted by the Senator from Texas.

Mr. MILLS. I move that the Senate adjourn.

Mr. CULLOM. I hope we may be able to go along with this bill and dispose of it without any——

Mr. GRAY. Obstructive tactics.

Mr. CULLOM. Obstructive tactics, as my friend from Delaware suggests. This is a bill——

Several SENATORS. Debate is not in order.

The VICE-PRESIDENT. Debate is not in order.

Mr. CULLOM. I was merely making an appeal.

The VICE-PRESIDENT. The question is upon the motion of the Senator from Texas that the Senate do now adjourn.

Mr. SHERMAN. Do now adjourn?

The VICE-PRESIDENT. That is the motion of the Senator from Texas. The question is upon that motion.

The motion was not agreed to.

The VICE-PRESIDENT. The question recurs upon the motion of the Senator from Ohio to lay upon the table the amendment submitted by the Senator from Texas.

Mr. MILLS. Let us have the yeas and nays on that.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DUBOIS (when Mr. CANNON'S name was called). I announce the pair of the Senator from Utah [Mr. CANNON] with the Senator from Nevada [Mr. JONES]. I vote "yea."

Mr. GEAR (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON]. If he were present, I should vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. PRITCHARD. I am paired with the Senator from Louisiana [Mr. BLANCHARD]. I transfer that pair to the Senator from Rhode Island [Mr. ALDRICH] and vote "yea."

Mr. SHOUP (after having voted in the affirmative). I inquire if the senior Senator from California [Mr. WHITE] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. SHOUP. I have a standing pair with that Senator, and withdraw my vote.

The result was announced—yeas 42, nays 15; as follows:

YEAS—42.

Allison,	Dubois,	McBride,	Sherman,
Bacon,	Elkins,	McMillan,	Smith,
Baker,	Frye,	Mitchell, Oreg.	Squire,
Brown,	Gallinger,	Mitchell, Wis.	Teller,
Burrows,	Gibson,	Morrill,	Turpie,
Caffery,	Gorman,	Nelson,	Vilas,
Carter,	Hansbrough,	Palmer,	Warren,
Chandler,	Hawley,	Perkins,	Wetmore,
Clark,	Hill,	Pettigrew,	Wilson.
Cockrell,	Lindsay,	Platt,	
Cullom,	Lodge,	Pritchard,	

NAYS—15.

Allen,	Butler,	Harris,	Peffer,
Bate,	Chilton,	Jones, Ark.	Roach,
Berry,	George,	Mills,	Vest.
Blackburn,	Gray,	Pasco,	

NOT VOTING—32.

Aldrich,	Faulkner,	Mantle,	Shoup,
Blanchard,	Gear,	Martin,	Stewart,
Brice,	Gordon,	Morgan,	Thurston,
Call,	Hale,	Murphy,	Tillman,
Cameron,	Hoar,	Proctor,	Voorhees,
Cannon,	Irby,	Pugh,	Walthall,
Daniel,	Jones, Nev.	Quay,	White,
Davis,	Kyle,	Sewell,	Wolcott.

So the amendment was laid on the table.

Mr. ALLEN. I move to add as a new section what I send to the desk.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. Add as a new section:

SEC. —. That to raise revenue to carry out the provisions of this and other acts of Congress and to meet the deficiencies in the revenue there shall be levied and collected, under such rules and regulations as the Secretary of the Treasury may prescribe, a tax of $1 on every barrel of lager beer, ale, and porter manufactured and sold in the United States in addition to the tax now imposed thereon.

Mr. SHERMAN. I move to lay the amendment on the table. It is not germane at all.

Mr. TELLER. Why not?

The VICE-PRESIDENT. The Senator from Ohio moves to lay the proposed amendment on the table.

Mr. MILLS. On that question I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DUBOIS (when Mr. CANNON'S name was called). I announce the pair of the Senator from Utah [Mr. CANNON] with the Senator from Nevada [Mr. JONES].

Mr. MORGAN (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. QUAY].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. I transfer that pair to the Senator from Rhode Island [Mr. ALDRICH] and vote "yea."

Mr. GALLINGER (when Mr. PROCTOR'S name was called). By request I announce the pair of the Senator from Vermont [Mr. PROCTOR] with the Senator from Florida [Mr. CALL], and to save further announcement I will state that this pair will continue during the day.

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. GEAR. I am paired with the Senator from Georgia [Mr. GORDON], and I withhold my vote.

Mr. MITCHELL of Wisconsin (after having voted in the affirmative). I am paired generally with the Senator from New Jersey [Mr. SEWELL], but as we would vote alike on this question I have voted.

The result was announced—yeas 35, nays 22; as follows:

YEAS—35.

Allison,	Elkins,	Mitchell, Wis.	Sherman,
Brown,	Frye,	Morrill,	Shoup,
Burrows,	Gallinger,	Nelson,	Smith,
Caffery,	Gorman,	Palmer,	Turpie,
Chandler,	Hawley,	Pasco,	Vilas,
Clark,	Hill,	Perkins,	Wetmore,
Cockrell,	Lodge,	Pettigrew,	White,
Cullom,	McBride,	Platt,	Wilson.
Davis,	McMillan,	Pritchard,	

NAYS—22.

Allen,	Carter,	Harris,	Roach,
Bacon,	Chilton,	Jones, Ark.	Squire,
Bate,	Dubois,	Kyle.	Teller,
Berry,	George,	Lindsay,	Vest.
Blackburn,	Gray,	Mills,	
Butler,	Hansbrough,	Peffer,	

NOT VOTING—32.

Aldrich,	Faulkner,	Mantle,	Sewell,
Baker,	Gear,	Martin,	Stewart,
Blanchard,	Gibson,	Mitchell, Oreg.	Thurston,
Brice,	Gordon,	Morgan,	Tillman,
Call,	Hale,	Murphy,	Voorhees,
Cameron,	Hoar,	Proctor,	Walthall,
Cannon,	Irby,	Pugh,	Warren,
Daniel,	Jones, Nev.	Quay,	Wolcott.

So the amendment was laid on the table.

Mr. GRAY. I move to add, as a twentieth section, at the end of the bill:

That there shall be levied and collected as a duty upon tea and coffee 3 cents per pound on all those articles imported into the United States.

Mr. SHERMAN. Mr. President——

The VICE-PRESIDENT. The amendment of the Senator from Delaware will be stated, and then the Chair will recognize the Senator from Ohio.

Mr. GRAY. I desire to modify my amendment by making the rate 10 cents per pound on tea and 3 cents per pound on coffee.

Mr. VEST. If my friend from Delaware will permit me to make a suggestion, why not submit the question first upon the amendment as to tea at 10 cents per pound?

Mr. GRAY. I would rather have the vote taken on both propositions.

Mr. VEST. Let us take a separate vote.

Mr. SHERMAN. I move to lay the amendment on the table.

The VICE-PRESIDENT. The Chair will recognize the Senator from Ohio when the amendment has been stated. The amendment submitted by the Senator from Delaware will be stated as modified.

The SECRETARY. Add as an additional section:

SEC. 20. That there shall be levied and collected a tax of 10 cents per pound upon tea——

Mr. GRAY. I will further modify the amendment by stopping at "10 cents per pound upon tea."

Mr. MILLS. And also insert the words "an import duty."

Mr. GRAY. I also suggest that the words "an import duty" be inserted in lieu of the words "a tax."

Mr. SHERMAN. Has the amendment been put in form?

The VICE-PRESIDENT. The Chair desires to have read the amendment, in order that the Senate may understand it. The amendment will be read as modified.

The Secretary read as follows:

SEC. 20. That there shall be levied and collected as an import duty upon tea 10 cents per pound.

Mr. SHERMAN. I move to lay the amendment on the table.

Mr. MILLS. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DUBOIS (when Mr. CANNON'S name was called). I make the announcement for the day that the Senator from Utah [Mr. CANNON] is paired with the Senator from Nevada [Mr. JONES].

Mr. GEAR (when his name was called). I announce my pair with the Senator from Georgia [Mr. GORDON]. If he were present, I should vote "yea."

Mr. MITCHELL of Wisconsin (when his name was called.) I am paired generally with the Senator from New Jersey [Mr. SEWELL]. We would vote alike on this question, and I vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. I transfer that pair to the Senator from Rhode Island [Mr. ALDRICH] and vote "yea."

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON].

The roll call having been concluded, the result was announced—yeas 37, nays 19; as follows:

YEAS—37.

Allen,	Davis,	Mitchell, Oreg.	Sherman,
Allison,	Dubois,	Mitchell, Wis.	Shoup,
Bacon,	Elkins,	Morrill,	Turpie,
Baker,	Frye,	Nelson,	Vilas,
Burrows,	Gallinger,	Palmer,	Warren,
Butler,	Hill,	Peffer,	Wetmore,
Carter,	Kyle,	Perkins,	Wilson.
Clark,	Lodge,	Pettigrew,	
Cockrell,	McBride,	Platt,	
Cullom,	McMillan,	Pritchard.	

NAYS—19.

Bate,	George,	Jones, Ark.	Smith,
Berry,	Gorman,	Lindsay,	Teller,
Blackburn,	Gray,	Mills,	Vest.
Caffery,	Hansbrough,	Pasco,	White.
Chilton,	Harris,	Roach,	

NOT VOTING—33.

Aldrich,	Faulkner,	Mantle,	Stewart,
Blanchard,	Gear,	Martin,	Thurston,
Brice,	Gibson,	Morgan,	Tillman,
Brown,	Gordon,	Murphy,	Voorhees,
Call,	Hale,	Proctor,	Walthall,
Cameron,	Hawley,	Pugh,	Wolcott.
Cannon,	Hoar,	Quay,	
Chandler,	Irby,	Sewell,	
Daniel,	Jones, Nev.	Squire,	

So the amendment was laid on the table.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. ALLEN. Mr. President——

Mr. SHERMAN. I hope that that bill will be temporarily laid aside for a few moments until a vote can be taken upon the pending bill.

Mr. MILLS. Oh, no. We want all the rest of the time to-day on the unfinished business. I shall object to laying it aside.

Mr. ALLEN. If the Senator from Ohio will recognize my right to the floor, I have no objection, so far as I have any control over the bond bill, to let it be temporarily laid aside.

Mr. MILLS. Oh, no; let us go on with the bill.

Mr. VEST. Let us go on with the bond bill.

Mr. HARRIS. I object to laying it temporarily aside.

The VICE-PRESIDENT. What is the request of the Senator from Ohio?

Mr. SHERMAN. My request is that the present order of business be temporarily laid aside with a view to final action upon the filled-cheese bill.

Mr. ALLEN. I am in sympathy with both bills, and I want to see both measures pass.

Mr. HARRIS. I object to temporarily laying it aside for any purpose.

Mr. SHERMAN. That is the end of it, then, for to-day.

The VICE-PRESIDENT. Objection is interposed.

Mr. SHERMAN. I move that the further consideration of the filled-cheese bill be postponed until Monday.

Mr. ALLEN. I hope I can not be taken off the floor by a motion.

Mr. MILLS. The Senator from Nebraska has the floor and he can not be taken off.

Mr. ALLEN. I decline to be taken off the floor for a motion. I have not yielded to the Senator from Ohio for a motion.

Mr. MILLS. The Senator from Nebraska had not yielded the floor.

Mr. WILSON. We in this part of the Chamber can not hear a single word that is being said.

The VICE-PRESIDENT. The Chair will state that the Senator from Nebraska has the floor. He rose and addressed the Chair, and the Chair thinks he is entitled to the floor.

Mr. SHERMAN. I ask the Senator from Nebraska to yield that I may ask consent that the filled-cheese bill be laid over until Monday, so that we can take it up again on Monday.

Mr. MITCHELL of Oregon. The bill goes over.

Mr. ALLEN. Do I understand the Senator to refer to the bond bill as going over until Monday?

Mr. SHERMAN. No; the filled-cheese bill. I ask that its consideration be postponed until Monday.

Mr. HARRIS. There is no unfinished business in the morning hour.

Mr. ALLEN. I have no objection to the filled-cheese bill going over until Monday, Mr. President.

Mr. HARRIS. It goes back to the Calendar.

Mr. GRAY. It takes its place on the Calendar.

The VICE-PRESIDENT. The Senator from Ohio will please state his request and the Chair will submit it to the Senate.

Mr. SHERMAN. The Senator from Nebraska having the floor, I ask the consent of the Senate that the filled-cheese bill be postponed until Monday at 1 o'clock.

Mr. MILLS. It is already postponed.

Mr. SHERMAN. And that it be made the special order.

Mr. HARRIS. I object to any consent agreement in respect to the cheese bill, Mr. President.

The VICE-PRESIDENT. Objection is interposed to the request of the Senator from Ohio.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; receded from its disagreement to the amendments of the Senate numbered 11, 14, 18, 19, and 190; insisted upon its disagreement to the residue of the amendments of the Senate to the bill; asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. HAINER of Nebraska, and Mr. SAYERS, managers at the conference on the part of the House.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the following bills:

A bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; and

A bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

REGULATION OF BOND ISSUES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. ALLEN. Mr. President, when the pending bill went over at yesterday's session I was referring to the fact that at the extraordinary session of the Fifty-third Congress the Democratic party in this Chamber promised the country that the repeal of the purchase clause of the Sherman Act would be speedily followed by a bill for the free and unlimited coinage of silver at the established ratio of 16 to 1. Every appeal that was made to the chairman of the Finance Committee for an amendment of the repealing act providing for the free and unlimited coinage of silver was rejected. I did not at that time believe that there was the slightest purpose on the part of the Democratic party to reestablish the free coinage of silver. I lost faith in its promises when the repeal of the purchase clause was not accompanied by an act providing for the free and unlimited coinage of silver.

I think the Democratic party is responsible also in another sense and in view of another important fact connected with the history of the Fifty-third Congress. The silver Democrats in this Chamber had a majority at that time in their caucus. If they had seen fit they could have controlled the complexion of the Finance Committee in the interest of silver. They could have made it a free-coinage committee if they had seen fit to do so. They had the power to do that. They did not do it. Whether they attempted to do so or not I do not know, but they are chargeable, in my judgment, and held responsible to the country by the fact that they suffered the gold monometallists in their party, who were in the minority, to control the organization of the Finance Committee, and by that means rendering it impossible to report a bill to the Senate in favor of free coinage.

But I do not think the Democrats are any more responsible than the Republican party. I think the Republicans are equally as responsible, for every Republican member of the Finance Committee of the Fifty-third Congress was a gold monometallist. There was no exception, as I now recall the fact, and when we came to vote on the passage of the bill my recollection now is that 28 Republicans voted for it and 19 Democrats.

So there was no hope, and never has been, in my judgment, for free coinage at the hands of either of the old parties. I will take occasion, before I conclude, to show from the platforms that the Democratic party has, all through the years of its existence, been pledged to gold and silver as primary money; that it has been pledged against the domination of national banks; and I shall undertake to show that to-day no political party is more bank-ridden and more under the control of the banks than the Democratic party. I think I shall be able to show the same thing respecting the Republican party.

Yesterday the honorable Senator from Delaware [Mr. GRAY] told us how to maintain the parity between gold and silver. He has never told us what constitutes parity, a word that has by some mysterious process crept into political nomenclature within the last six or seven years. It did not appear before the Sherman Act of 1890. We were not told what constitutes parity by the honorable Senator from Delaware; that is, a definition was not given of the word "parity." But he told us (I do not use his exact words, but the substance of his meaning) that parity exists to-day in consequence of all other forms of money being subsidiary to and ultimately redeemable in gold. I think that is a fair statement of the Senator's position as he gave it to us.

Mr. President, parity is a law of equality.

Mr. GRAY. Will the Senator from Nebraska allow me to interrupt him?

Mr. ALLEN. Certainly.

Mr. GRAY. I do not know that I gave any definition of the word "parity." I said that parity actually was maintained by the Treasury Department paying out indifferently gold and silver as it might be demanded by the person who had a right to demand the payment under the law; that the duty imposed by the act of 1893 upon the Treasury was to maintain the parity of the two metals in the markets of the world, which I supposed meant the equality of the purchasing power of either in the markets of the world.

Mr. ALLEN. I still think I will be found to be right when the Senator's statement is analyzed. The Senator lays down the proposition that there is a disparity between the bullion value of gold and silver. I admit that under present conditions. And he follows that with the statement that there is a parity between gold and silver coins because of the power of the Secretary of the Treasury to place silver and paper money on a gold basis, or to estimate them from a gold point of view. I am stating the Senator's position about as he stated it yesterday.

Now, Mr. President, that does not constitute parity. It is a good deal like the parity given us a few days ago by the senior Senator from Ohio [Mr. SHERMAN], when he said parity consisted in making subsidiary coin of silver and using it in connection with gold. It is disparity that the Senator from Delaware and the Senator from Ohio have been talking about. Parity, if I understand it, is a law of equality existing between two things, not between the bullion value of the gold or the silver that enters into the dollar, but the money value of gold and silver when used as money.

The office of money, it has been said, and in my judgment wrongly, is to measure values; that it is a standard of value. I do not agree to that. There is no such thing as measuring value. Value is simply the estimate of people of the relation existing between two or more articles, and that estimate or value may be expressed in money, and when thus expressed it is called price. It is an ideal thing. The value of articles rises and falls like the tides of the ocean, according to the law of supply and demand. A dollar to-day may properly express the value of a bushel of apples. To-morrow there is a disparity between the dollar and the bushel of apples, resulting from the law of supply and demand. So, if it is a measure at all, it is a very imperfect measure. It is subject to constant fluctuations.

Then what is money? It is a medium of exchange, pure and simple. It possesses no office that may not be properly found in the definition of those words. It operates to facilitate exchange. It is in a certain sense a temporary receptacle or repository of value when it is taken in exchange for property and held for a time to be exchanged for other property or to be used in payment of debts, but there is no proper office that money can perform which is not embraced in the definition of a medium of exchange.

Now, then, if parity is a law of equality, I want to know of my honorable friend the Senator from Delaware how he is to establish parity by taking from one of the metals the particular function that has been given it by law and which makes it money on a parity with gold? [A pause.] I am waiting for the Senator to answer.

Mr. GRAY. I do not exactly understand the Senator's question. Will he be good enough to repeat it?

Mr. ALLEN. My question is this: You have limitless coinage of gold. The bullion value of the gold dollar is equivalent to the gold coin simply because the holder can convert it into coin without any expense to himself. You have stricken down silver. You have refused to permit silver to occupy the same position at the mints of the United States that you accord to gold. You have denied to it the monetary function as primary money. Now, I I should like to have the honorable Senator tell me, after having done that, how it is possible to reestablish the parity between those two metals until you put them on an exact equality at the mints of the United States.

Mr. GRAY. Let me see if I understand the Senator at all. His

question is a little metaphysical, I admit. I was talking yesterday about the duty that had been imposed by law upon the Executive of the United States and the Government of the United States to maintain the parity of the two metals in the markets of the world.

Mr. ALLEN. Is the Senator talking of metals or coins?

Mr. GRAY. The language of the law is "metals."

Mr. ALLEN. That is the language of the Democratic platform. The Democratic platform is in the law.

Mr. GRAY. I stated that. How long it could be done, and whether it was right to expect to Government to do it, is another question, but that certainly there is no other way by which we could hope that even for a short time it could be done than for the Government to pay out gold and silver indifferently at the demand of the person holding demand paper for the coins. That is all I attempted to say yesterday. I know of no other way to maintain it in the markets of the world.

Now, the Senator from Nebraska is talking about something a little different from that, if I understand him. He is talking about the power of a law giving free coinage to silver on the terms that it is given to gold. I say that with such a law the parity between the two metals, at the present ratio of 16 to 1, could not be maintained in the markets of the world.

Mr. ALLEN. Why?

Mr. GRAY. I do not want to interrupt the Senator now.

Mr. ALLEN. It is no interruption at all.

Mr. GRAY. Very well. Because the known commercial value of silver, 16 parts of silver to 1 of gold, is less than the value of 1 part of gold.

Mr. ALLEN. No; I deny the Senator's premises.

Mr. GRAY. Oh, well, the commercial value of an ounce of silver.

Mr. ALLEN. Measured in what?

Mr. GRAY. The commercial value of an ounce of gold is more than the commercial value of 16 ounces of silver. That is what I mean.

Mr. ALLEN. No; that is not correct.

Mr. GRAY. Very well. I can not undertake to make facts. I leave the Senator to do that.

Mr. ALLEN. I am not going to make facts, and I do not ask the Senator to make them.

Mr. GRAY. Let us hear what the Senator has to say. I did not mean it in any offensive way at all.

Mr. ALLEN. To put it in simple phrase, the Senator says it is a 50-cent dollar.

Mr. GRAY. I would rather the Senator would use the phrase I used. The Senator always gets away from the phrase I use.

Mr. ALLEN. Very well. If I got away from the phrase the Senator used, I will get back to it. He says that in the markets of the country, the markets of the world, probably—I do not remember the language of the Democratic platform exactly, and I do not think any other man does—the bullion in the silver dollar is not worth more than 50 cents. That is the position.

Mr. GRAY. About that, yes.

Mr. ALLEN. About that. That is in the neighborhood of the position, somewhere near it. Now, in what does the Senator estimate the bullion value of silver? What is the standard of estimation?

Mr. GRAY. I was estimating it as compared with gold.

Mr. ALLEN. As compared with gold. I thought it would come to that.

Mr. GRAY. Of course.

Mr. ALLEN. Of course. There it is. There is the whole thing.

Mr. GRAY. As that seems to be an important matter in the Senator's estimation, let me add that the very thing he is talking about is the ratio of 16 to 1. That is, 16 parts of silver to 1 part of gold.

Mr. ALLEN. That is right.

Mr. GRAY. That is the very thing with which I therefore compared silver, because I confined my estimate to the very terms of the Senator's own proposition. I said that in the markets of the world 1 ounce of gold is worth more than 16 ounces of silver—a great deal more.

Mr. ALLEN. I knew the Senator from Delaware would land exactly where he has landed.

Mr. GRAY. It is not very hard to know that.

Mr. ALLEN. And, Mr. President, you never saw a gold monometallist who did not land there.

Mr. GRAY. There is no other place for him to land.

Mr. ALLEN. Let me ask the Senator from Delaware, who I believe to be a fair-minded man, if he believes it is proper to estimate silver bullion in its stricken condition, which the Senator's party helped to bring about, from the standpoint of appreciated gold coin, and say that that is the commercial value of the silver bullion in a dollar?

Mr. GRAY. There is no sentiment in monetary economics.

Mr. ALLEN. I agree with that statement.

Mr. GRAY. And the stricken condition of this virgin silver may appeal to the sentiment and the affections of the Senator from Nebraska, but business knows no sentiment, monetary economics know no sentiment. All that I do know or think I know is that commercially the gold in a gold dollar is worth a good deal more than the silver in a silver dollar. In other words, 1 ounce of gold is worth a good deal more than 16 ounces of silver.

Now, the Senator says, "Is it fair to compare the two with silver in its present stricken condition?" I am not concerned about that. Whatever the stricken condition may be, whether it comes from that cause or another, we are dealing with facts. Take it in its stricken position, or take it in its resurrected position or any position that you please, I want the fact as it exists. I suppose the Senator is going to say, then, that we must make this tremendous experiment to see what the commercial value of silver is to be after you restore the free coinage of silver at the ratio of 16 to 1.

Mr. ALLEN. We know what that is. We do not have to wait to see. I never saw a gold monometallist in my life who did not run away from the point when brought to it. The Senator crawfishes, if I may use the expression.

Mr. GRAY. If the Senator will present his point I will promise not to run away from it. I will either meet it——

Mr. ALLEN. The Senator repeats an argument that is stale and moss-grown. He says the gold bullion in the dollar is equivalent to its coin value. There is not a child 10 years of age in the United States who does not know that. There is no discovery in that statement. Why is it? It is because you can take the bullion and go to the mints of the United States and have it coined freely without charge.

Suppose I should come to my friend the Senator from Delaware, who at this moment may have in his pocket 25.8 grains of gold in the form of bullion, and say, "I will give you 99 cents for it." He would not take it, would he? He would not take it. And why? Because he would say to himself and say to me, "I can take that bullion to the mints of the United States and have it coined into a dollar."

Mr. PEFFER. Law fixes the value.

Mr. GRAY. That is what they come to.

Mr. ALLEN. I am willing to——

Mr. GRAY. Law fixes the value of the dollar, says the Senator's Populist colleague.

Mr. ALLEN. The Senator from Delaware would refuse to take 99 cents, because the mints of the United States are open to the free coinage of the bullion in his pocket, and therefore the market value of the bullion and the coin value are equivalent.

Suppose I should go to the Senator, who has in his pocket 412½ grains of standard silver in the form of bullion, and say to him, "I will give you 95 cents for it." He would take it.

Mr. GRAY. Indeed I would.

Mr. ALLEN. Indeed he would. Yes; he is a true gold bug.

Mr. ELKINS. Ninety-five cents in what?

Mr. GRAY. In gold.

Mr. ALLEN. In any kind of money you will have. I ask him if he would take 95 cents, and he says indeed he would. Why would he do so? Simply because he knows that silver by law is shut out from the mints and can not be coined. Now, that is all there is to it. You never found a gold monometallist who would not back down when he came to the point.

Mr. GRAY. Mr. President——

Mr. ALLEN. Let me finish.

Mr. GRAY. Certainly. I do not want to interrupt the Senator.

Mr. ALLEN. I will yield to the Senator in a moment with pleasure. Suppose, under a system of free coinage, where silver could be coined into a dollar just as freely as gold can be coined, I should go to the Senator from Delaware and say, "I will give you 95 cents for 412½ grains of standard silver in the form of bullion in your pocket," Would you take it? I ask the Senator if he would take it?

Mr. GRAY. If it could be coined into a dollar?

Mr. ALLEN. If it could be coined into a dollar free of charge by the United States would the Senator take 95 cents for it?

Mr. GRAY. That depends.

Mr. ALLEN. Upon what?

Mr. GRAY. I will tell the Senator. I can not answer——

Mr. ALLEN. I should like to have the Senator answer me.

Mr. GRAY. Very well, if the Senator will let me answer. I do not want to interrupt him. It is very unsatisfactory to state one's position, where one does not want to interrupt the course of an argument, in disconnected phrases. I say to the Senator that if with the free coinage of silver and with the free coinage of gold as it existed prior to 1873 he had come to me with a gold dollar and had asked me to give him 412½ grains of silver for it, I would not have done it, because the silver in the coin was worth more than 100 cents in gold; and if I had been governed by the ordinary business notions that control sane men, who are acting on strictly business and economic principles, I should have said, "No, for the

bullion is worth more than 100 cents in gold." It was worth 103 cents or 104 cents, and at one time it was worth 107 cents.

Mr. ALLEN. That does not answer the question.

Mr. GRAY. Very well; if that does not answer it I will give up. Now let the Senator answer that.

Mr. ALLEN. Answer what?

Mr. GRAY. Answer whether, if the positions had been reversed, he would have taken it.

Mr. ALLEN. But the Senator——

Mr. GRAY. No "buts" about it.

Mr. ALLEN. The Senator intends to put that question to me in evasion of the question I asked him.

Mr. GRAY. I answered the Senator's question.

Mr. ALLEN. Then I will answer his question. Turn about is fair play. I will answer it squarely, too. If your 412½ grains of standard silver could be coined at the mints of the United States without charge to you and converted into a dollar, would you take 95 cents for the bullion in your pocket?

Mr. GRAY. Ninety-five cents in gold?

Mr. ALLEN. In anything; I do not care what it is.

Mr. GRAY. That is an insensible question. What does the Senator mean? Ninety-five cents in what? What kind of cents?

Mr. ALLEN. I mean 95 cents in money of any kind that is current in the country.

Mr. GRAY. That will not do. I should take 95 cents in gold for it.

Mr. PUGH. Why?

Mr. GRAY. Because I believe that the free coinage of silver would not bring up the commercial value to the mint value, and because I believe that if free coinage obtained the gold dollar would still be more valuable than the silver dollar; that is, the bullion in the gold dollar would be more valuable than the bullion in the silver dollar. Therefore, I would not accept his offer. Now I have answered the Senator's question. Will he answer mine?

Mr. ALLEN. I will answer the Senator's question. There was never but a temporary disparity between gold and silver at the period the Senator speaks of, and gold and silver were both out of circulation at that time. There was a little circulating on the Pacific Slope, but none in this section of the country. That disparity was made largely in consequence of the fact that under this system of restricted legal-tender greenbacks gold and silver had been made articles of commerce rather than money.

Mr. GRAY. How was it prior to 1860?

Mr. ALLEN. There was no disparity except in the form of alternate overvaluation and undervaluation.

Mr. GRAY. Oh, yes; there was.

Mr. BUTLER. I should like to ask the Senator from Delaware——

Mr. ALLEN. I hope the Senator from North Carolina will not do that. I wish to get through my remarks.

Mr. BUTLER. All right.

Mr. ALLEN. I will be charged with occupying the floor too long. I will yield at the proper time.

Mr. BUTLER. Very well.

Mr. ALLEN. The Senator would not take the 95 cents?

Mr. GRAY. No.

Mr. ALLEN. He would not take it because the bullion could be converted into a dollar, and he could use the dollar in the payment of debts or the purchase of property, and the moment silver bullion can be admitted to the mints of the United States and made a part of the standard coin of the country, coin of ultimate redemption as our Republican friends sometimes speak of it, that moment it will be worth in the markets of this country and in the markets of the world the face of the coin.

Mr. GRAY. I said I would take it, not that I would not take it.

Mr. ALLEN. The Senator has given his great influence to striking down silver and destroying the parity that existed between the two coins, and then he expects silver to get on its feet without any aid. He says there is no distinction——

Mr. GRAY. Did the Senator understand me to say I would not take 95 cents for the 412½ grains of bullion? I said distinctly that I would take it in gold.

Mr. ALLEN. I am afraid the Senator would take it, but I should dislike to risk a large sum under those circumstances. Suppose instead of having 412½ grains of silver bullion the Senator had what would amount to $1,000,000, if coined into standard dollars, and I should go to him and offer him 95 cents for every 412½ grains. He would not take it under those circumstances, he says.

Mr. GRAY. It would depend upon the commercial value of the bullion.

Mr. ALLEN. He would not take it because he could take it to the mints and have it coined into dollars which would be the equivalent of gold dollars.

That is all there is to it. That is where all these gentlemen land when they come to argue the question of parity.

Mr. GRAY. There is no difficulty in conducting an argument of that kind—I am always glad to conduct it—when the Senator both puts the question and answers it himself. So I leave him such triumph as comes from that mode of argument.

Mr. ALLEN. I want to give one or two illustrations of my interpretation of the views of the Senator from Delaware of the question of maintaining the parity. They are very homely and simple illustrations, but they bring out, I think somewhat forcibly, the views of that Senator and the senior Senator from Ohio and others of like belief.

Let us take the case of two men of about equal strength. We will say one is a yellow man and the other a white man, to make the simile complete. They are engaged in a physical struggle for the mastery. They are men nearly equally matched in strength. There is "a parity" of strength existing between them. Now, we are going to establish a parity between those men on the principles that have been argued by the Senator from Delaware and the Senator from Ohio. How will we do it? We will have some third person intervene and bind the white man with chains, so that he is powerless. Then we will say that the yellow man being free and the white man being bound so that he can not move, a parity of strength is established between them. Strike down one, prevent him from using the strength given to him, and give the mastery to the other, and it is asserted that a parity of strength has been thus established between them. That is the condition of gold and silver to-day. That is an illustration of the "parity" now existing between gold and silver.

Suppose my friend the Senator from Delaware were driving a team of horses, one a yellow horse, if the expression is permissible, and the other a white one, equally matched in speed and size and strength. Suppose a man having a monopoly of yellow horses should say to him, "Your white horse has no intrinsic value. The yellow horse has. You ought not to use it. It is true it travels as well and looks as well. It is as strong and perfect as the other; but it lacks intrinsic value, and you must establish a parity between the horses." How? By breaking the leg of the white horse, so that he can not travel or by binding him so that he can not travel. He is to be kept in that condition according to the logic of the Senator from Delaware—I am not using his language, but his logic—and the parity is to be established on that basis between the horses, until the white horse by force of circumstances breaks his environments and reestablishes the former relation existing between himself and his mate. That is the reasoning on parity of the gold-standard men.

Now, let us go one step further. The Senator has a gold and a silver bushel measure on his premises. Each measures a bushel. Some one having a monopoly of gold measures says to him, "Your silver measure has not the intrinsic value of the gold measure. There is a disparity between the two, and the parity must be established or the disparity wiped out." The Senator would cut down the silver measure one-half, according to his logic, and leave it a half measure until of its own accord it grew to full parity with the other. That is the logic.

Mr. CAFFERY. Mr. President——

Mr. ALLEN. I will yield in a moment. Suppose the Senator has two yardsticks, each 36 inches long, of course, one made of gold and the other of silver, and some gold bug should say, "The intrinsic value is not in the silver yardstick. There is a disparity between the silver and the gold." What would you do? Would you cut off 18 inches of the silver stick and leave it there to grow out and establish the parity between itself and the gold yardstick, just as the law destroyed the parity between gold and silver in 1873?

Mr. GRAY. There was no parity between them.

Mr. ALLEN. And the pseudo logicians argue that the parity must be established when silver has been completely stricken down and a disparity produced.

Mr. GRAY. I wish to know whether the Senator pretends to say that in 1873, when the free coinage of silver was discontinued, there was a parity between the gold dollar and the silver dollar?

Mr. ALLEN. Practically there was.

Mr. GRAY. The Senator and those who agree with him are dealing very much in phrases of this kind. They talk about striking down silver or destroying the parity by the act of 1873, and I will venture to say that there never has been a parity between gold and silver such as that phrase assumes there was from the beginning of the coinage of gold and silver down to 1873.

Mr. ALLEN. It is the misfortune of men who were born and raised and educated in the country where I was born and raised to be incapable of expressing themselves as plainly as our brethren who were educated at the better schools of the East.

Mr. CAFFERY. Will the Senator yield to me?

Mr. ALLEN. Certainly.

Mr. CAFFERY. I wish to see if I understand the Senator correctly. I understood the Senator to draw a comparison between a yellow horse and a white one entirely equal.

Mr. ALLEN. That is correct.

Mr. CAFFERY. And a gold bushel measure and a silver bushel measure. Do I understand by that that the Senator means there is a natural parity between those two metals?

Mr. ALLEN. No, Mr. President; the Senator from Louisiana is getting on dangerous ground for him. There never was a natural parity between any two things of which I have any knowledge.

Mr. CAFFERY. I will ask the Senator what he understands by parity?

Mr. ALLEN. I understand parity to be a relation of equality existing between articles.

Mr. GRAY. What sort of relation?

Mr. CAFFERY. What is the precise definition of parity?

Mr. ALLEN. There may be a variety of relations. It may be a relation of value, or a relation of volume, or a relation of use. It may present itself in a variety of forms.

Mr. GRAY. What do you mean by it?

Mr. ALLEN. I want the Senator to answer my question, and not to run away from the discussion.

Mr. CAFFERY. Will the Senator pardon me again?

Mr. ALLEN. Certainly.

Mr. CAFFERY. I ask the Senator whether it is that sort of parity that one piece of these metals of a certain weight is equal at all times to another piece of metal of the same weight?

Mr. ALLEN. I say to the Senator from Louisiana that as to articles which are produced in substantially the same quantity, have the same durability, are adapted to the same uses, and used to the same extent, there is not only a natural parity existing between them, but also a parity that may be established by the law. Now, I think I have answered the Senator.

Mr. CAFFERY. Not specifically.

Mr. ALLEN. But the Senator from Louisiana will not draw me on ground of his choosing.

Mr. CAFFERY. I am not trying to draw you on the ground of my choosing, but this is the ground of your own choosing.

Mr. ALLEN. No. I say that there has never been, so far as I know, a time when there was a commercial parity, if that is what you are speaking of, between two articles. The Senator from Delaware knows a great deal of these matters, and I ask him to point out an instance.

Mr. GRAY. I can not point it out between silver and gold at a given ratio.

Mr. ALLEN. No. Of course the ratio is the relation fixed by men; that is all.

Mr. GRAY. Do you not propose to fix it in the bill to restore free coinage?

Mr. ALLEN. Certainly. I say that when you took away from silver one of its chief uses you destroyed the commercial relation which existed between it and gold as well as the money parity between the two, just as when you take from your yardstick one-half you destroy the parity of measurement, just as you destroy the parity between your horses in one instance when you cripple one and permit the other to go free, just as you destroy parity between your bushel measures when you cut down one and permit the other to stand at full measurement.

Mr. GRAY. May I ask the Senator a question there?

Mr. ALLEN. Yes.

Mr. GRAY. Does the Senator contend—for he has not yet quite distinctly said so, although the Senator from Kansas [Mr. PEFFER], of the same party, has said so—does the Senator from Nebraska contend that the parity between the two metals is a mere matter of law?

Mr. ALLEN. No doubt the Senator from Delaware would like me to answer that question.

Mr. GRAY. I should, very much.

Mr. ALLEN. And the Senator from Louisiana [Mr. CAFFERY] was after me a moment ago to answer it, and I declined to walk on the ground chosen by the Senators. I ask the Senator to come to my ground for debate.

Mr. GRAY. Does the Senator believe that the mere enacting of a law that 16 parts of silver shall be equal to 1 part of gold will make it so, irrespective of commercial considerations?

Mr. ALLEN. Mr. President, I expect under a system of free and unlimited coinage of silver, which will give a new use to silver, or a use of which it has been deprived since 1873, that commercial parity between the metals as articles of commerce will be reestablished.

Mr. GRAY. Then the Senator does not believe that it is in the power of law alone to make an arbitrary parity between these two metals at 16 to 1, or whatever the ratio described in the law may be?

Mr. ALLEN. I have not said so. I know very well the Senator from Delaware would like to have me say so. Then he would like to contend that the Senator from Nebraska favors fiat money.

Mr. GRAY. No; I will promise not to argue that.

Mr. ALLEN. I say to the Senator that by demonetization of silver you took from it one of its chief functions.

Mr. GRAY. Let me ask the Senator——

Mr. ALLEN. Wait a moment. By that means you destroyed the commercial parity between silver and gold, which is given to either by the privilege of being coined at the mints free.

Mr. GRAY. Now, I think I understand the Senator.

Mr. ALLEN. I say if you will remove the demonetization statute and place silver once more at the mints where it stood when it was demonetized, the coin value of the metals and the bullion value of the metals will be equal.

Mr. GRAY. I want to be entirely fair to the Senator. The Senator knows that I do, though I may have misapprehended him.

Mr. ALLEN. Oh, yes; I believe you do.

Mr. GRAY. This question is too important a one to be insincere about. If I misstate the Senator's position, of course he will correct me; but, as I understand it, it is this: that there are two elements to be taken into consideration in the value of the two metals, gold and silver, as a medium of exchange—that is, as to the value of the metal in them—that at the ratio of 16 to 1 we have to consider not only the commercial value of the bullion alone, apart from any legal recognition of them as money metals, but we have also to consider the value that is given to them by the free coinage of both of them, and the establishment of them both on an equality as money metals. That is true, is it not?

Mr. ALLEN. No. Let me state my position to the Senator; and I think I can state it so that he will understand me, and so that it will be broad enough to be understood by everyone. I say that the demonetizing act of 1873 destroyed the parity between gold and silver as coins, as money, and made silver a mere article of commerce. You destroyed it by legislation—that is, by withdrawing from silver its chief function, the money function.

Mr. GRAY. Very well; I take that.

Mr. ALLEN. One moment. If you will repeal the demonetization act and reestablish silver at the mints in the condition it was when it was demonetized, that moment the bullion in the silver dollar will be worth commercially the silver coin.

Mr. GRAY. Now I think I understand the Senator; but I may have been unfortunate in trying to state his position. Let me state it again. It is this, then, in his own language, that in considering the commercial value of the two metals the coinage privilege or the money function of each is a very important if not the chief element in that value, or something of that kind——

Mr. ALLEN. The coinage use.

Mr. GRAY. Very well—and taking away that coinage use of course destroyed that element of value, and the only element remaining, for it still has value, is its commercial value as a metal, irrespective of and entirely apart from any money function that it may have. Is that so?

Mr. ALLEN. Its value is estimated from——

Mr. GRAY. It has some value.

Mr. ALLEN. Yes, just exactly as pig lead and copper.

Mr. GRAY. Exactly. But it has a value independent of coinage. That is true, is it not?

Mr. ALLEN. Certainly.

Mr. GRAY. And that value is affected like the value of all other commodities, by supply and demand, is it not?

Mr. ALLEN. Yes, sir; to a certain extent, with the qualification that the demand for its use as money has been taken away by statute.

Mr. GRAY. Not the whole demand, for there is still a commercial demand after the money demand has been stricken off.

Mr. ALLEN. Certainly.

Mr. GRAY. I am speaking now of that value that remains after the money function was stricken down.

Mr. ALLEN. Yes, sir.

Mr. GRAY. That value is subject to the ordinary causes which affect the values of all other commodities, supply and demand.

Mr. ALLEN. Certainly.

Mr. GRAY. Very well. Now, suppose we restore silver to free coinage, then we would restore that other element of value, to wit, the money function, the money use, which you say would be sufficient to do away with the disparity that now exists between the silver dollar and the gold dollar. Now, grant for the sake of argument that that would be fixed. Then, suppose there was an entire revolution in the metal element of the value, the bullion element of the value, and suppose the mines should treble in their output, would not that affect the value of the bullion in that silver dollar in addition to what had been worked in it by the restoration of free coinage?

Mr. ALLEN. The trouble, Mr. President——

Mr. GRAY. Let me add further, if that be so, how can you predicate and establish a permanent parity between the two metals, even if you do restore silver to free coinage?

Mr. ALLEN. I answer the Senator in this way—and yet it is not according to the rules of proper discussion for me to run after supposititious cases which he puts, but I am willing to do so—I am willing to let the Senator lead me on to his own ground at this time. I say to the Senator that one of the primary laws of economics is that everything must respond to the law of supply and demand. Articles rise and fall according to the supply and demand. Gold and silver are not exempt from that law; and when you use either of the metals as an article of commerce it is subject to the laws of supply and demand as any other article of

commerce, the same as wheat and oats and other products; but when gold and silver are used as money, and a new use given them that is not given other articles, then they respond to the law of supply and demand as money rather than as articles of commerce, and it is their money value that is taken into account, and not the commercial value of the materials.

Mr. GRAY. But the commodity value remains, does it not?

Mr. ALLEN. The commodity value when converted from bullion into coin assumes a new character.

Mr. GRAY. But the commodity value remains?

Mr. ALLEN. Now, I will answer the Senator in another respect. For twenty-seven centuries of the world, down to 1873, gold and silver were never to exceed three points apart, notwithstanding there was a great difference at times in the output.

Mr. BAKER. Will the Senator allow me to ask him a question?

Mr. ALLEN. Yes.

Mr. BAKER. What per cent would the three points apart be—how many cents?

Mr. ALLEN. What is your question?

Mr. BAKER. You say there was never more than three points difference between gold and silver in all these centuries. How many cents in a point?

Mr. ALLEN. What I mean to say is this: That in the various forms of estimating in the different countries—I do not know how many cents there would be in the estimate of the use of gold and silver in Jerusalem, and I do not think the Senator from Kansas does either—they did not differ to exceed three points.

Mr. BAKER. That is not answering the question.

Mr. ALLEN. What I mean to say is, that in the estimate of all countries for twenty-seven centuries the difference between the two metals has never been to exceed three points.

Mr. GRAY. May I ask the Senator a question for information?

Mr. ALLEN. I want to answer your other question first.

Mr. GRAY. I wish to ask a question right there, and then the Senator can go on and answer them together, for notwithstanding his extreme modesty, I think he knows a great deal about history.

Mr. ALLEN. Thank you, sir.

Mr. GRAY. However, there is a great deal in the history of the first thousand years to which I have not had access, and perhaps the Senator has. During that period there is much so-called history about which there is a great deal of uncertainty, but I wish to ask the Senator if, say during a thousand years—I will not say two thousand seven hundred years—the commercial ratio between silver and gold has been at the rate of 16 to 1?

Mr. ALLEN. It has not always been at that ratio.

Mr. President, I must return my profound thanks to the Senator from Delaware——

Mr. GRAY. How does the Senator say that it has not varied more than three points?

Mr. ALLEN. I return my profound thanks to the Senator from Delaware for his characterization of my knowledge of history. I have never met—I say it in candor and in kindness—an Eastern advocate of the gold heresy who did not at all times carry his egotism with him.

Mr. GRAY. If there is any charge I wish to utterly resent it is the one of egotism. I assure the Senator that what I said was said in perfect good faith. I believe he knows a great deal more about the history of coinage than I do. I think, perhaps, I am a little more clear about the present status of coinage than he is, or I would not presume to speak to him upon this question; but so far as what I said was concerned, I assure the Senator it was said in perfect good faith, and not meant in any other way.

Mr. ALLEN. I accept the apology, Mr. President. The Senator, however, was interrupting me when I was answering his question.

Mr. GRAY. I beg the Senator's pardon.

Mr. ALLEN. The fact is that the withdrawal of silver from its money use produced disparity between the metals. Then we have this fact that may come within the knowledge of the Senator from Delaware; and he has lived a few years more than I have, and of course knows more by virtue of that fact and by virtue of his closer proximity to colleges, universities, and books.

Mr. GRAY. Now the Senator is sarcastic.

Mr. ALLEN. Not at all. I am simply willing to accord to the Senator that which he claims for himself. [Laughter.]

Mr. GRAY. I have not claimed it.

Mr. ALLEN. Certainly the Senator from Delaware will not deny that there was any substantial disparity between gold and silver until 1873? I am speaking of a marked disparity.

Mr. GRAY. There was not much for two years after 1873.

Mr. ALLEN. And yet the Senator stood here yesterday and told us, and the changes are rung upon it from time to time, that there will be a disparity between gold and silver even if we return to free coinage. During a hundred years of national existence—and I am now within modern history—during a hundred years of national existence and a hundred years more of colonial existence, there was no disparity between the metals until 1873.

Mr. GRAY. The ratio was not always the same.

Mr. ALLEN. At any ratio—15½ or 16.

There was a time when we undervalued our silver, and it went out of the country; there was a time when we undervalued our gold, and it went out of the country; but that was in consequence of law and not in consequence of the disparity between the metals. That is about all there is to this question of parity.

How is it about appreciation? Our friends say there is no appreciation of gold; they tell us that gold is always stationary. Why, of course, anything is stationary with itself and always equal to itself; but gold does not mark the rise and fall in prices properly, honestly, and justly, considering the business and industrial interests of the country. What would be thought of this proposition—and I call the attention of the Senator from Delaware, with whom I have established a parity of friendship, to the remark—what would be thought of a contract, for instance, to deliver a thousand yards of cloth for a dollar a yard, and when the day of delivery came the man who is to receive the cloth would say to the other that the law had in the meantime changed the yard from 36 inches to 48 inches, and he was entitled to receive 48 inches of cloth for a yard instead of 36 inches, according to the standard of measurement at the time of the contract?

Mr. GRAY. That would be a pretty hard case.

Mr. ALLEN. The Senator says it would be a hard case. What would be thought, for instance, of a law which, after a contract had been made between two men that one was to deliver to the other 1,000 bushels of wheat for 37 cents a bushel—the price prevailing in my country now—if he were told before he delivered it that Congress had changed the law and now called 120 pounds a bushel instead of 60 pounds—had changed the standard of measurement? I suppose the Senator from Delaware would say that that was a hard case, too, would he not? That is precisely what was done under gold monometallism and by the demonetization of silver. It would be confiscation in the two instances I have mentioned, and, Mr. President, demonetization was confiscation. At the close of the war we could have paid our war debt, our bonded indebtedness of $2,800,000,000 in 2,800,000,000 bushels of wheat at a dollar a bushel, but in consequence of the demonetization of silver and the appreciation of gold and the introduction of the gold standard we have paid over three billions of the debt, principal and interest, and had something like $700,000,000 left before Mr. Cleveland and his Administration increased it by additional bonds; and we have used the value of 7,000,000,000 bushels of wheat in doing so; and yet men can be found with the hardihood to assert that there is no appreciation in gold.

I want briefly to direct attention to another thing that I regard as of importance. The honorable Senator from New York [Mr. HILL] yesterday and the day before, and the junior Senator from Kansas [Mr. BAKER] yesterday, reiterated the old story that the Populist party is in favor of an irredeemable paper money. Even the Senator from Ohio [Mr. SHERMAN] spoke of the Populist party as being a party in favor of irredeemable paper money. I say to the Senator from New York, as I have said to him before, and to the Senator from Ohio and the junior Senator from Kansas, and every other Senator who makes this assertion, that he talks of something he knows nothing about and that he has no right to assert unless he can find it in the party platform.

Mr. HILL. Will the Senator allow me a moment?

Mr. ALLEN. Certainly. I knew I would have the attention of the Senator from New York.

Mr. HILL. I hardly think that any remark I have made will bear the construction that the Populist party was in favor of the limitless issue of paper money. There must be some limit to it, I suppose, but I do not exactly understand what.

Mr. ALLEN. Do not let us chop logic on this question.

Mr. HILL. I do not know what the Senator means by that expression.

Mr. ALLEN. I mean to say that there is nothing in the declaration of the Populist party showing it to be in favor of an irredeemable currency.

Mr. HILL. When the Senator from South Carolina [Mr. TILLMAN] was asked what he wanted, he spoke of a billion or so.

Mr. ALLEN. The Senator from South Carolina is one of the leaders of the Democratic party and is going to the Chicago convention. He is not a Populist.

Mr. HILL. I do not know how long he will remain at Chicago. The point of the statement I made the other day was simply that I thought the Populist party was in favor of an irredeemable paper currency.

Mr. ALLEN. Here is the Populist platform, adopted in 1892, in the book which I will hand to the Senator, and I ask him to find any such declaration.

Mr. HILL. If the Senator will allow me, no matter what your platform says, if you provide for the issue of paper money and do not provide anything whatever of any substantial amount for its redemption, it would be in fact an irredeemable currency.

Mr. ALLEN. You provided nothing, and your party has provided nothing, to redeem your currency.

Mr. HILL. The Senator himself voted the other day to put a clause upon an appropriation bill for the issue of Treasury notes without providing a single particle of money with which to redeem them.

Mr. KYLE. I ask the Senator from New York how much will a basis of $100,000,000 support? Is it not a matter of judgment, merely?

Mr. HILL. I suppose you might say that a basis of $100,000,000 might support thousands and thousands of millions.

Mr. ALLEN. Just about two billions, according to the Democratic Administration.

The Senator from New York is a very great lawyer—and I mean what I say—and he knows very well that an issue of legal-tender notes under the act to which he referred the other day would be redeemable in coin under existing law.

Mr. HILL. When we did not provide anything for their redemption? You provided that they should be issued, that is all.

Mr. ALLEN. We have statutes on the books now providing for their redemption, but the trouble has been and is that under a Republican, and a Democratic Administration as well, you have bankrupted the Treasury and can not redeem your paper to-day.

Mr. HILL. I suppose my friend thinks that one of the things that has bankrupted the country is the passage of the Wilson bill, for which he voted.

Mr. ALLEN. No; I do not. I did not have any restraint placed on me at that time.

Mr. HILL. You do not seem to have any restrictions on you now. [Laughter.]

Mr. ALLEN. No; in other words, I was not tied up on the Wilson bill so that I could not vote my convictions.

Mr. HILL. I tried to get my friend to vote against it, but he seemed to be awfully tied up.

Mr. ALLEN. No, sir.

Mr. HILL. He said he was compelled to vote for it, and he did vote for it.

Mr. ALLEN. I had no unnatural alliances with Republicans or Democrats, as others had.

Mr. HILL. No; yours was a natural alliance. [Laughter.]

Mr. ALLEN. No; and it does not come with a very good grace from the Senator from New York—I am speaking of his party, of course—for my distinguished and able friend to gibe the Populist party. It comes with ill grace from my friend from New York, whose party has bankrupted the country jointly with the Republican party and reduced the Treasury so that you can not redeem, to say anything in disparagement of the Populist party.

Mr. HILL. Let us see about that. The only measure of any great importance relating to the finances which the Democratic party has passed was the Wilson bill, which was passed with the Senator's support and aid, and without which it could not have passed. Now, what other measure affecting the finances of the country can the Democratic party be held justly responsible for? If they are responsible for the Wilson bill, the Senator shares with them the responsibility.

Mr. KYLE. It was a good bill with the income tax embodied in it.

Mr. ALLEN. The Democratic party is responsible for the passage of the Wilson bill. The Democratic party passed something bigger than the Wilson bill; it passed the opportunity for success.

Mr. HILL. We are talking about legislation.

Mr. ALLEN. That was something a great deal bigger than the Wilson bill.

Mr. HILL. In what other respects does the Senator say the Democratic party has bankrupted the country?

Mr. ALLEN. If your party after the inauguration of Mr. Cleveland had promptly taken up the tariff question before some Senators on the Democratic side had formed alliances with the Republicans, and had passed a scientific tariff measure; if you had had the courage to take hold of the silver question; if you had not been bound by the shylocks who make your political success or your defeat certain, and had taken hold of the financial question, you could have established yourselves in this country, in my judgment, so that the next fifty years would have witnessed you in power; but you had no courage when you came to the test. Your President was bound by the gold power and the bond power, which precipitated the bankers' panic in 1893.

Then, following the bankers' wishes and not the people's, he convened Congress in session to unconditionally repeal the purchase clause of the Sherman Act.

Mr. HILL. The President never did a better thing in his life.

Mr. ALLEN. No, he never did many good things——

Mr. HILL. He never did, I say, a better thing in his life than when he convened the extra session of Congress to repeal the Sherman Act. There was not an intelligent silver man in the country who ever discussed the question who ever claimed that the Sherman law was a consistent and logical silver bill. It was a fraud from beginning to end, and ought to have been repealed, and every true silver man would probably take that position.

Mr. ALLEN. He has not done many great things, I think, in the last three years. Your party claims to be a party of bimetallism. I have heard the Senator from New York himself say he was a bimetallist. The world knows that he is a Democrat, for he has said so. That has been repeated from hilltop to hilltop and from valley to valley. If your party is a bimetallic party, why did not the country have the benefit of your services, when you repealed the purchase clause of the Sherman Act, in the passage of a free-coinage bill? Did not the Senator from New York vote constantly against free coinage during the three months of the extra session of 1893? No, Mr. President, the record of both of these parties is spotted all over. You have not the coin, gold and silver combined, to redeem the paper money. The banks do not pretend to redeem. They get together greenbacks and go down to the Treasury and call for gold and get the gold, and then get greenbacks back again and get more gold, and go through this endless process that Mr. Cleveland speaks of, and which he discovered within a year, long after it had been discovered by Populists.

Mr. HILL. Will the Senator from Nebraska vote for a provision that when greenbacks are once redeemed they shall not be reissued?

Mr. ALLEN. If you will supply their place with coin I will do so.

Mr. HILL. Why not let that question stand by itself? The Senator complains that the President of the United States uses for the ordinary expenses of the Government what is called the proceeds of the bonds, to wit, greenbacks received on redemption. I suggested yesterday in the remarks which I made here a method by which you could stop that by a simple amendment to this bill. Will the Senator support it?

Mr. ALLEN. What is the amendment? State it and I will tell you whether I will support it or not.

Mr. HILL. The amendment suggested is that when greenbacks are redeemed and placed in the Treasury they shall not be reissued.

Mr. ALLEN. Provided——

Mr. HILL. Provided what?

Mr. ALLEN. That their place in circulation shall be supplied by silver or gold dollars. I will support your amendment with that proviso attached to it.

No, Mr. President, I do not expect to hear the Senator assert again that the Populist party is in favor of irredeemable paper money.

Mr. BAKER. Mr. President——

Mr. ALLEN. I heard the junior Senator from Kansas [Mr. BAKER] assert that yesterday, and he asserted it in the light of the fact that there is no doctrine of that kind contained in the platform or in the official utterances of the Populist party.

Mr. BAKER. Mr. President——

The PRESIDING OFFICER (Mr. CARTER in the chair). Does the Senator from Nebraska yield to the Senator from Kansas?

Mr. ALLEN. Always; certainly.

Mr. BAKER. Did I understand the Senator from Nebraska to say a few moments ago that for two thousand seven hundred years there had been only two or three points' difference between the price of gold and silver?

Mr. ALLEN. I do not know what the Senator from Kansas understood me to say.

Mr. BAKER. Did the Senator say that in two thousand seven hundred years there had not been a difference of over three points?

Mr. ALLEN. I passed that point half an hour ago in my discussion.

Mr. BAKER. Did the Senator make that statement?

Mr. ALLEN. Yes, sir; I said something like that.

Mr. BAKER. Will the Senator tell me what a point is?

Mr. ALLEN. I answered the Senator.

Mr. BAKER. How many cents is a point?

Mr. ALLEN. It might be more or less than the Senator and I would agree on.

Mr. BAKER. Well, how much is it? The Senator is talking now upon finance.

Mr. ALLEN. I shall be glad indeed to answer the Senator from Kansas if he will give me a chance to finish my discussion of the point that I am on.

Mr. BAKER. This is a good time, when a man is posted on the finances, to tell us how much a point is. Does the Senator know?

Mr. ALLEN. Mr. President, the Senator from Kansas is pettifogging and beating about the bush, offering nothing substantial.

Mr. BAKER. Does the Senator know that a point is about 7 cents?

Mr. ALLEN. No; and the Senator from Kansas does not know it either.

Mr. BAKER. Three points are about 21 cents.

Mr. ALLEN. I say that points differ according to the particular market and the particular article and the particular country in which the transaction takes place.

Mr. BAKER. Suppose the scale ran, as you say, a difference of only two or three points for two thousand seven hundred years. How much would that be in cents? How much would be the difference between gold and silver? Tell me that.

Mr. ALLEN. The Senator seems to know a great deal about this matter, and questions my knowledge, and I do not object to it, either. I say to the Senator that gold and silver have run from 10½ to 16 from the foundation of the history we have of them.

Mr. BAKER. Sixteen what?

Mr. ALLEN. Sixteen grains.

Mr. BAKER. How much variation would that be on the dollar?

Mr. ALLEN. It would take me longer to figure that out than I care to devote to it. It involves a minute calculation.

Mr. BAKER. When the Senator said three points did he not know that it did not mean 3 per cent, but that it meant 21 cents?

Mr. ALLEN. No; I did not know anything of the kind——

Mr. BAKER. Then the Senator ought not to talk on the question of silver.

Mr. ALLEN. And the Senator from Kansas does not know anything of the kind, and is not capable of enlightening me.

Mr. President, I have made a discovery to-day. I have discovered that this Senator who budded and blossomed on the prairies of Kansas understands all about this question.

Mr. BAKER. Mr. President, will the Senator allow me a question?

Mr. ALLEN. Oh, certainly.

Mr. BAKER. I have made no such statement, but I want to say to my friend from the sand dunes of Nebraska that I think I perhaps know fully as much about it as he does. I have studied the question of points, I presume, fully as much as he has, and I can state to him now that a point is between 6 and 7 cents.

Mr. ALLEN. I have never lost anything on a board of trade, and therefore I do not know much about modern points.

Mr. BAKER. I presumed that was the case.

Mr. ALLEN. What I meant to assert and what I do assert, notwithstanding I incur the displeasure of the powerful judgment of the junior Senator from Kansas, is that from the time we have had any history of the relation of gold and silver to each other it has been from a little below 11 to 1 up to 16 to 1 in our age and at this time. Now, you may call that a point or lack of point or whatever you may see fit; that is the relation that has come down to us in the ages.

Mr. KYLE. The ratio of production, the Senator means.

Mr. ALLEN. The ratio of production. Mr. President, I do not know how many points that would make in the estimation of the Senator from Kansas, or that it would make any, and to be entirely frank with him and the country, I do not care. But the Senator from Kansas was one of the Senators who asserted in this Chamber yesterday (notwithstanding he had been corrected repeatedly) that the Populist party is in favor of an irredeemable currency.

Mr. BAKER. Mr. President, I have the speech of the junior Senator from Kansas right here. I will buy the gentleman a suit of clothes if he finds that statement in the speech I made. Now, come down to the truth and be honest. Here is the speech. Find the words there that you say I used, that the Populist party favors irredeemable paper money.

Mr. ALLEN. I am certain the Senator has made that statement two or three times here.

Mr. BAKER. What I said was paper Populism.

Mr. ALLEN. Paper Populism? That is good.

Mr. BAKER. That is what I said.

Mr. ALLEN. How long ago has it been since the Senator delivered a carefully prepared essay in this Chamber in which he used exactly the words I quoted?

Mr. BAKER. You can not find it even in the prepared speech that I delivered any more than you can find it in the little speech I delivered yesterday.

Mr. ALLEN. It was during this session of Congress. Now, the Senator from Kansas should not beat about the bush. During the present session of Congress the Senator, in his room or somewhere else outside of this Chamber, deliberately wrote a speech in which he spoke of the Populist party being in favor of an irredeemable paper money. The Senator from Kansas will not deny that.

Mr. BAKER. I have that speech. I think the Senator must have been reading the Omaha platform or the Ocala platform and got mixed.

Mr. ALLEN. No, I am not mixed on Populism. I am mixed sometimes on what constitutes Republicanism when I see on the other side a division among Senators on vital issues and somewhat mixed as to what constitutes Democracy over here; I get rather confused when there is a division in voting.

Mr. President, I have here the Omaha platform. I made the assertion in this Chamber a short time ago (and I believe it stands good yet) that seven Senators out of ten have never read that platform. I propose to read it. I am going to give the world the benefit of the Populist platform. I invite the careful and prayerful attention of my friend from Delaware [Mr. GRAY] and my friend from New York [Mr. HILL] as I read this platform:

Assembled upon the one hundred and sixteenth anniversary of the Declaration of Independence, the People's Party of America, in their first national convention, invoking upon their action the blessing of Almighty God, put forth, in the name and on behalf of the people of this country, the following preamble and declaration of principles:

The conditions which surround us best justify our cooperation. We meet in the midst of a nation brought to the verge of moral, political, and material ruin. Corruption dominates the ballot box, the legislatures, the Congress, and touches even the ermine of the bench. The people are demoralized. Most of the States have been compelled to isolate the voters at the polling places to prevent universal intimidation or bribery. The newspapers are largely subsidized or muzzled, public opinion silenced, business prostrated, our homes covered with mortgages, labor impoverished, and the land concentrating in the hands of the capitalists. The urban workmen are denied the right of organization for self-protection; imported pauperized labor beats down their wages; a hireling standing army, unrecognized by our laws, is established to shoot them down, and they are rapidly degenerating into European conditions. The fruits of the toil of millions are boldly stolen to build up colossal fortunes for a few, unprecedented in the history of mankind, and the possessors of these, in turn, despise the Republic and endanger liberty. From the same prolific womb of governmental injustice we breed the two great classes—tramps and millionaires.

The national power to create money is appropriated to enrich bondholders; a vast public debt payable in legal-tender currency has been funded into gold-bearing bonds, thereby adding millions to the burdens of the people.

Silver, which has been accepted as coin since the dawn of history, has been demonetized to add to the purchasing power of gold by decreasing the value of all forms of property as well as human labor, and the supply of currency is purposely abridged to fatten usurers, bankrupt enterprise, and enslave industry. A vast conspiracy against mankind has been organized on two continents, and it is rapidly taking possession of the world. If not met and overthrown at once, it forebodes terrible social convulsions, the destruction of civilization, or the establishment of an absolute despotism. We have witnessed for more than a quarter of a century the struggles of the two great political parties for power and plunder, while grievous wrongs have been inflicted upon the suffering people. We charge that the controlling influences dominating both these parties have permitted the existing dreadful conditions to develop without serious effort to prevent or restrain them.

Neither do they now promise us any substantial reform. They have agreed together to ignore, in the coming campaign, every issue but one. They propose to drown the outcries of a plundered people with the uproar of a sham battle over the tariff, so that capitalists, corporations, national banks, rings, trusts, watered stock, the demonetization of silver, and the oppressions of the usurers may all be lost sight of. They propose to sacrifice our homes, lives, and children on the altar of mammon—

It should be "wives and children"—

to destroy the multitude in order to secure corruption funds from the millionaires. Assembled on the anniversary of the birthday of the nation and filled with the spirit of the grand general chief who established our independence, we seek to restore the Government of the Republic to the hands of "the plain people," with whose class it originated. We assert our purposes to be identical with the purposes of the national Constitution, to form a more perfect Union and establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty for ourselves and our posterity.

We declare that this Republic can only endure as a free Government while built upon the love of the whole people for each other and for the nation; that it cannot be pinned together by bayonets; that the civil war is over, and that every passion and resentment which grew out of it must die with it, and that we must be in fact, as we are in name, one united brotherhood. Our country finds itself confronted by conditions for which there is no precedent in the history of the world. Our annual agricultural productions amount to billions of dollars in value, which must within a few weeks or months be exchanged for billions of dollars of commodities consumed in their production; the existing currency supply is wholly inadequate to make this exchange. The results are falling prices, the formation of combines and rings, the impoverishment of the producing class. We pledge ourselves that if given power we will labor to correct these evils by wise and reasonable legislation in accordance with the terms of our platform.

We believe that the powers of government—in other words of the people—should be expanded (as in the case of a postal service) as rapidly and as far as the good sense of an intelligent people and the teachings of experience shall justify to the end that oppression, injustice, and poverty shall eventually cease in the land.

While our sympathies as a party of reform are naturally upon the side of every proposition which will tend to make men intelligent, virtuous, and temperate, we nevertheless regard these questions—important as they are—as secondary to the great issues now pressing for solution, and upon which not only our individual prosperity, but the very existence of free institutions depend, and we ask all men to first help us to determine whether we are to have a Republic to administer, before we differ as to the conditions upon which it is to be administered, believing that the forces of reform this day organized will never cease to move forward until every wrong is righted and equal rights and equal privileges securely established for all the men and women of this country; we declare, therefore,

UNION OF THE PEOPLE.

1. That the union of the labor forces of the United States this day consummated shall be permanent and perpetual; may its spirits enter into all hearts for the salvation of the Republic and the uplifting of mankind?

2. Wealth belongs to him who creates it, and every dollar taken from industry without an equivalent is robbery. "If any will not work neither shall he eat." The interests of rural and civic labor are the same; their enemies are identical.

3. We believe that the time has come when the railroad corporation will either own the people or the people must own the railroads, and should the Government enter upon the work of owning and managing all railroads, we should favor an amendment to the Constitution by which all persons engaged in the Government service shall be placed under a civil-service regulation of the most rigid character, so as to prevent the increase of the power of the national administration by the use of such additional Government employees.

THE QUESTION OF FINANCE.

We demand a national currency, safe, sound, and flexible, issued by the General Government only, a full legal tender for all debts, public and private, and that without the use of banking corporations, a just, equitable, and efficient means of distribution direct to the people at a tax not to exceed 2

per cent per annum, to be provided as set forth in the subtreasury plan of the Farmers' Alliance, or a better system; also by payments in discharge of its obligations for public improvements.

Let me say right here that this is the only weak point that Democrats or Republicans could ever find in the Populist platform. It has never been advocated in either branch of Congress, and by the action of the National Alliance in this city in January last it was eliminated. So the subtreasury plan is no longer a part of the doctrine of the party.

Mr. LINDSAY. How about the 2 per cent plan?

Mr. ALLEN. Does not the Senator from Kentucky know that the 2 per cent plan is the subtreasury plan? It is just as inseparable as the dog from the tail.

Mr. LINDSAY. I am glad to know it.

Mr. ALLEN. I am glad to inform the Senator.

Mr. KYLE. The Senator from Kentucky probably refers to the 2 per cent loan upon lands.

Mr. ALLEN. There is no such thing in the platform.

Mr. KYLE. That was the policy advocated by the late Senator from California, Mr. Stanford, and it was a Republican, not a Populist, doctrine.

Mr. ALLEN. That is not in here and never has been. Now, further—

We demand free and unlimited coinage of silver and gold at the present ratio of 16 to 1.

There is nothing there about maintaining the parity, such as you find in the involved phrases of the Democratic and Republican platforms.

Mr. LINDSAY. You are entitled to credit for that, no doubt.

Mr. ALLEN. Yes; we are entitled to credit for something, if it is for nothing more than mere persistence.

We demand that the amount of circulating medium be speedily increased to not less than $50 per capita.

Mr. CHANDLER. I am following the Senator very carefully in his reading of the Populist platform. I find there are many excellent ideas in it—good things, many of them—and I should like to have the Senator——

The PRESIDING OFFICER (Mr. CARTER in the chair). Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. ALLEN. Certainly.

Mr. CHANDLER. I should like to have the Senator expound some of them.

Mr. ALLEN. Let me finish reading the platform, and then I will expound it.

Mr. CHANDLER. At this particular point, about making the circulating medium $50 per capita, does the Senator mean that we should have $50 per capita of all kinds of money?

Mr. ALLEN. Of all kinds of money.

Mr. CHANDLER. And that that should be the limit?

Mr. ALLEN. That of gold, silver, and redeemable paper $50 per capita should be the amount to which the circulation should be brought.

Mr. CHANDLER. Gold, silver, and paper of all kinds?

Mr. ALLEN. No; not paper of all kinds; not national-bank issues. We do not want that kind of a circulating medium.

Mr. CHANDLER. The Senator's point is that there shall be in the circulating medium——

Mr. ALLEN. Legal-tender notes issued.

Mr. CHANDLER. Of all money $50 a head?

Mr. ALLEN. Yes, sir.

Mr. CHANDLER. Now, I want to ask the Senator how, if a paper issue is necessary, we are going to get that money into circulation among the people.

Mr. ALLEN. By putting it out in the form of erecting public buildings, improving rivers and harbors and mill ponds up in New Hampshire and other places.

Mr. CHANDLER. And not in any other way?

Mr. ALLEN. Oh, no; a man must work for what he gets in this world.

Mr. CHANDLER. That is where I am disappointed, Mr. President.

Mr. ALLEN. I know you are disappointed. [Laughter.] It has become a popular thing for some men who do not know anything of the Populist party—and I have no reference to the Senator from New Hampshire [Mr. CHANDLER], because I give him credit for keeping abreast of the times——

Mr. CHANDLER. I am studying all the time the Populist platforms and the Senator's speeches.

Mr. ALLEN. I know the Senator is. There is some hope, because the Senator has voted with us a few times. But it has been a popular thing among a certain class of statesmen who do not know anything of the Populist party to charge it with all kinds of vagaries.

Mr. HAWLEY. Will the Senator permit me to interject a remark here?

Mr. ALLEN. Oh, yes.

Mr. GRAY. We are all studying platforms. [Laughter.]

Mr. HAWLEY. After you get up to $50 per capita and the circulation is more than double what it is now it does not make much difference whether you absolutely distribute some money at the back door of the Treasury every day or loan it without limit as to sum to anybody who comes along at 2 per cent per annum.

Mr. ALLEN. No; we do not advocate anything of the kind.

Mr. HAWLEY. I think my expression, "anybody who comes along," may be a little indefinite. They would probably use some discretion, but it is to be distributed among the people at a tax not to exceed 2 per cent per annum. I thought that meant a loan.

Mr. ALLEN. The Senator from Connecticut was evidently in the cloakroom enjoying himself when I explained that matter.

Mr. HAWLEY. I was enjoying myself before I came in here.

Mr. ALLEN. I said to the Senate that that was the weak point, and the only weak point, in the Populist platform. Let me say to the Senator from Connecticut that I do not know of a Populist in public life who has ever advocated it. It is like the heresy of a 10 per cent tax on State banks that the Democrats have in their platform. It is like some heresies in the Republican platform. Now, the National Alliance, with whom that plank originated, removed it from its demands this winter in this city, at its national meeting.

Mr. GRAY. They postponed it.

Mr. ALLEN. No; they removed it as a part of the demands of that organization. It is no longer a part thereof.

Mr. GRAY. They did believe in it once, but they do not believe in it now.

Mr. ALLEN. The National Alliance believed in it. The Populist party never believed in it. It was weak enough to submit to the demands of the National Alliance, or to some members of the National Alliance, and put that plank in. Was not the Democratic party a little weak when it declared for the repeal of the 10 per cent tax on State bank issues?

Mr. GRAY. I have always been in favor of it.

Mr. ALLEN. A Democratic Congress voted it down.

Mr. GRAY. I am speaking of myself.

Mr. ALLEN. They would not have it.

Mr. GRAY. I am speaking of myself.

Mr. LINDSAY. I will ask the Senator, in view of the fact——

Mr. ALLEN. I hope the Senator will not compel me to talk until 6 o'clock.

Mr. LINDSAY. I want to ask a very simple question. In view of the retraction of a small portion of this platform with regard to money, how does the Senator propose to get the $50 per capita into circulation—into the hands of the people?

Mr. ALLEN. The Senator was evidently asleep when I was answering the question of the Senator from New Hampshire [Mr. CHANDLER]. I answered the Senator from New Hampshire as to that question a moment ago. Was the Senator from Kentucky sitting here at the time?

Mr. MILLS. Another gentleman looking for his $50 per capita. [Laughter.]

Mr. LINDSAY. The Senator from Nebraska told the Senator from New Hampshire that he did not intend to give the money to the people. Now, I ask him how does he intend to get it into circulation among the people?

Mr. ALLEN. How do you get your present volume of money in circulation among the people? How do you get it out? It is twenty-one dollars and sixty-odd cents now, according to Mr. Carlisle. How do you get it out? How was it got out in the first instance? That is something hard to solve, is it not? Suppose you go to building public buildings in Kentucky; suppose you pay pensions, pay salaries; improve the rivers and harbors of the country; improve Yellow Mill Pond in Connecticut.

Mr. KYLE. The difficulty is in getting enough.

Mr. ALLEN. The same as one of the appropriation bills proposes. How long would it be until the money would be in circulation? Make every man give an honest day's work—and I am afraid that condition my friend the Senator from Kentucky would not agree to—for the dollar he gets. Is there anything wrong about that? Is it anything hard to accomplish?

Mr. CHANDLER. Mr. President—

Mr. GRAY. There is another Senator who wants his $50. [Laughter.]

Mr. ALLEN. He will have to earn it if he gets it.

Mr. CHANDLER. If the Senator will allow me——

Mr. ALLEN. Let me get through the platform.

Mr. CHANDLER. The railroads can be bought, and money can be used to buy the railroad and telegraph lines. I want to help out the Senator from Nebraska all I can.

Mr. ALLEN. I do not care about being helped out.

Mr. GALLINGER. I will state to my colleague that that will only take $11,000,000,000.

Mr. ALLEN. I prefer to appeal to the friends of a platform and never appeal to its enemies, even though they come as Greeks bearing gifts.

Let me go on with the platform, because I have started a school of education here which will prove valuable. I have been interrupted by the Senator from New Hampshire [Mr. CHANDLER], the Senator from Connecticut [Mr. HAWLEY], the Senator from Kentucky [Mr. LINDSAY]——

Mr. CHANDLER. If the Senator is weary I will read the rest of the platform.

Mr. ALLEN. I am not weary. I never get weary reading it.

We demand a graduated income tax.

I think that was voted for here. I think the Senator from Kentucky [Mr. LINDSAY] voted for it.

Mr. LINDSAY. What is that?

Mr. ALLEN. A graduated income tax. Did the Senator vote for it?

Mr. LINDSAY. Yes, but it was not graduated.

Mr. ALLEN. No, it was not.

We believe that the money of the country should be kept as much as possible in the hands of the people, and hence we demand that all State and national issues shall be limited to the necessary expenses of the Government, economically and honestly administered.

That seems to be a truism in political faith.

We demand that postal savings banks be established by the Government for the safe deposit of the earnings of the people and to facilitate exchange.

Then there follow some resolutions which are along the same line, but which are not a part of the platform.

Mr. LINDSAY. I will ask the Senator if the transportation clause is not sufficient to get the $50 into circulation, if that plank is carried out?

Mr. ALLEN. No. I hope the Senator will not become facetious or funny. I have explained to him that the money is to be put into circulation the same as all money is put into circulation; the same as the money that we now have in circulation was put out. It is not necessary or proper that the Senator from Kentucky should make sport or game of me as respects the platform of the party.

That ends the whole thing; that is all there is to it, and it is a revelation to Senators. Where is my friend the Senator from New York [Mr. HILL] now? I thought he was here. My friend the Senator from Delaware [Mr. GRAY] is here, and I will do him the credit of saying that I have not heard him repeat the statement in this Congress that Populists wanted an irredeemable paper money, and yet it comes from the Senator from New York [Mr. HILL], the junior Senator from Kansas [Mr. BAKER], and other Senators, from time to time, that the Populist party wants an irredeemable paper money. Do you find it in the platform? That is as free from a demand of that kind as the Democratic or the Republican platform.

Have the Republican and the Democratic parties a monopoly of political knowledge? Mr. President, do you not suppose there are at least a few among the Populists who know that an irredeemable currency issued in limitless volume would ruin any country? I say any gentleman hereafter, after he has heard the platform read, must subject himself to the charge of mendacity if he repeats the statement that the party demands the issuance of irredeemable paper money.

Mr. CHANDLER. The Senator from Kansas has frequently been asked upon this floor, when he has been advocating the issue of paper money, what limit he would put to the issue, and he has never defined the limit. I never have understood the Senator from Kansas——

Mr. BAKER. Mr. President——

Mr. CHANDLER. No; I mean the Senator from Kansas [Mr. PEFFER], who sits opposite me now.

Mr. BAKER. The senior Senator from Kansas [Mr. PEFFER]?

Mr. CHANDLER. The senior Senator from Kansas; the Populist Senator from Kansas.

Mr. BAKER. I was sure the Senator did not mean me.

Mr. CHANDLER. The senior Senator from Kansas [Mr. PEFFER] has been asked over and over again on this floor where he proposed to stop the issue of paper money. He has always said, "We intend to have enough of it."

Mr. ALLEN. That is right. What is wrong about that?

Mr. CHANDLER. He has answered in the same indefinite way when asked how he proposed to get the money out among the people. He said they would get it out somehow; and now the honorable Senator from Nebraska says that none of us ought to venture to say that the Populist party is in favor of the issue of unlimited paper currency. I point him to the senior Senator from Kansas, now sitting, as he has done much of late, upon the Democratic side of the Chamber, who has always refused to answer the question, and who to-day, as I understand it, is in favor of issuing unlimited paper currency.

Mr. ALLEN. I do not think the senior Senator from Kansas—he can speak for himself—ever said that. I never heard him advocate it, and I feel quite confident he would have told me something during our acquaintance if he believed it.

Mr. CHANDLER. What is the limit of the senior Senator from Kansas?

Mr. ALLEN. I do not know where the Senator from Kansas——

Mr. CHANDLER. The Senator from Nebraska says he has frequently talked with the senior Senator from Kansas, and he knows he is not in favor of an unlimited paper currency. How does he suppose the Senator from Kansas proposes to limit paper currency?

Mr. ALLEN. I suppose the Senator from Kansas proposes to be bound by the platform. I know nothing to the contrary. But what is the Republican limit of money, I ask the Senator from New Hampshire?

Mr. CHANDLER. The Republican limit to the issue of money is that amount of paper money which may be redeemed at all times in gold or silver.

Mr. ALLEN. I am not talking of paper money. I am talking about all forms of money.

Mr. CHANDLER. All the paper money which can be safely issued, redeemable in gold or silver.

Mr. ALLEN. We agree. How are you going to redeem it—in silver?

Mr. CHANDLER. In gold or silver.

Mr. ALLEN. Will the Senator redeem it in silver?

Mr. CHANDLER. I am a bimetallist myself. I am not for the free coinage of silver, nor am I for the single gold standard.

Mr. ALLEN. You buy one metal with the other.

Mr. CHANDLER. I stand halfway between the Senator from Delaware [Mr. GRAY] and the Senator from Nebraska [Mr. ALLEN] as I heard them debating the subject a little while ago.

Mr. GALLINGER. Will the Senator from Nebraska permit me?

Mr. ALLEN. Certainly.

Mr. GALLINGER. The Senator says this is an educational exercise, and I want a little education.

Mr. ALLEN. The Senator needs it.

Mr. GALLINGER. I have no doubt of it, and the Senator from Nebraska can give it to me.

Mr. ALLEN. Yes, sir; I can give it.

Mr. GALLINGER. The Senator admits two propositions—first, that we have about $2,000,000,000 of money. Is that correct?

Mr. ALLEN. I think there is something of that kind reported by the Secretary of the Treasury.

Mr. GALLINGER. We have about $25 per capita.

Mr. ALLEN. No, we have not that; but the Secretary of the Treasury——

Mr. GALLINGER. Let me make my statement and then the Senator can answer it, and we will have it all together.

Mr. ALLEN. Very well.

Mr. GALLINGER. I make the statement that we have $2,000,000,000 of all kinds of money. We have $25 per capita. If we have $50 per capita, we will have double the money in circulation. How is it to be supplied? From what source? Is it to be silver, paper, or gold; and where is it to come from?

Mr. ALLEN. Another Senator has been passing through a Rip Van Winkle sleep. I explained that to the colleague of the Senator from New Hampshire a moment ago, and I explained it to the Senator from Kentucky.

Mr. GALLINGER. I listened, but I did not comprehend it. Will the Senator kindly explain it to me?

Mr. ALLEN. Does the Senator want to know how it is to be got into circulation?

Mr. GALLINGER. I do very much wish to know.

Mr. ALLEN. It may be put out in circulation in various ways. It may be paid out in the construction of public works——

Mr. GALLINGER. Where will you get it before it is put out?

Mr. ALLEN. In the improvement of harbors and rivers. It may be put out at the rate of a billion dollars in a year if necessary, although I would not favor that.

Mr. GALLINGER. That is in opposition to the Omaha platform, which says we shall not spend any more money than is absolutely necessary for the economical administration of the Government. Where shall we get the money before we put it out?

Mr. ALLEN. Get it from the mines. Dig it out of the ground and take it to the mints and coin it.

Mr. GALLINGER. It will take our mints just fifty years at their full capacity to mint silver enough to give us $2,000,000,000. How are we to get it?

Mr. ALLEN. Oh, no.

Mr. GALLINGER. Certainly.

Mr. ALLEN. It will not require any such length of time.

Mr. GALLINGER. We can coin $40,000,000 of silver a year, and it will take fifty years to give us enough.

Mr. ALLEN. It does not require anything of the kind, and if it did, let us increase the capacity of the mints.

Mr. GALLINGER. That would not be economy in administering the affairs of the Government.

Mr. ALLEN. The Senator wanted to find some fault with the Populist party——

Mr. GALLINGER. Not at all.

Mr. ALLEN. And he has failed.

Mr. GALLINGER. I want information.

Mr. ALLEN. The Populist party wants gold and silver, and a paper currency redeemable as it is redeemable now.

Mr. GALLINGER. Exactly.

Mr. ALLEN. In gold and silver.

Mr. GALLINGER. Precisely.

Mr. ALLEN. Increased by healthy and safe degrees to $50 per capita.

Mr. GALLINGER. Yes; but you must double the present currency of the country of all kinds before you can have $50 per capita. How are you going to do it?

Mr. ALLEN. How are you going to do it?

Mr. GALLINGER. Yes, sir.

Mr. ALLEN. I have said to the Senator that we would take gold and silver from the mines and coin them freely at the mints.

Mr. GALLINGER. It will take fifty years to do it.

Mr. ALLEN. It will not.

Mr. GALLINGER. It will, absolutely.

Mr. ALLEN. It will not.

Mr. STEWART. I should like to inquire of the Senator from New Hampshire whence comes this scare of inflation if we can coin only $40,000,000 in a year?

Mr. GALLINGER. That is all you can coin of silver.

Mr. ALLEN. I wish to get along with my argument. That is all there is to the Populist platform, and this thing that has come in here like a ghost occasionally, which has been brought in by Republicans and Democrats, disappears when you come to read the platform.

Let us go into the earth, into the rocks, and take the gold and silver that are produced there and bring them to the mints and coin them freely, and coin them in sufficient quantities. Let us issue a volume of money, paper money, redeemable in gold and silver, in a quantity that experience proves the coin basis will safely carry.

What is wrong about that? Yet I repeat that the senior Senator from Ohio [Mr. SHERMAN], the senior Senator from New York [Mr. HILL], the junior Senator from Kansas [Mr. BAKER], and other Senators, whose names I do not now recall—I recall those particularly—have stated in this Chamber and asserted from time to time that what the Populists want is an irredeemable paper money. There is no excuse for you, gentlemen, if you assert it again.

Mr. BAKER. Have any of your speakers asserted that doctrine? Has any Populist speaker asserted that you want a large amount of paper money, and that it should not be redeemable in gold or silver at all? Have any of your speakers canvassed the country upon that proposition? Did the Senator ever hear Jerry Simpson make a speech, in which Jerry said——

Mr. ALLEN. I have heard him speak.

Mr. BAKER. That gold and silver should not be dug from the mountains, but that they should remain in the mountains, that paper money should be issued against them as they lay in the mountains, because the gold and silver in the mountains were more safe and less expensive than if they were piled up in the Treasury?

Mr. ALLEN. I never heard Mr. Simpson say that, and I do not believe he ever did say it.

Mr. BAKER. Has the Senator ever heard that?

Mr. ALLEN. No, sir; never.

Mr. BAKER. The Senator is no Populist.

Mr. ALLEN. I never heard Mr. Simpson say that. I have not the slightest doubt that the junior Senator from Kansas is honest in what he says. I would not question his honesty. I might be induced to question his intelligence on the subject. I have never heard a Populist make a speech of that kind. It may be that Mr. Simpson, after being out on a long campaign on the bleak prairies of Kansas with the junior Senator from that State, got into that peculiar frame of mind that would make him a little reckless in what he said, but I do not believe it.

Mr. BAKER. I never had the pleasure of being out with Jerry at night or at any other time. Jerry goes out at night, and I do not. Perhaps the Senator has been out with Jerry and knows his habits. I think so, at times, although I have no right to speak of it authoritatively.

Mr. ALLEN. No; the Senator knows but little.

Mr. BAKER. But when the Senator says that he or that his party is not in favor of irredeemable paper money he has not listened to Populist speakers in the State of Kansas and Populist speakers in the State of Nebraska, because they have asserted time and again that there should be no gold and no silver, and that our money should be paper money and nothing else, and based upon the credit of the Government and nothing else.

Mr. ALLEN. I thought I would chase the Senator from Kansas away.

Mr. BAKER. And when that has been asserted by public speakers and by men in the Populist party who are just as eloquent and able as the Senator from Nebraska, it is just as authoritative and we have just as much right to believe it is the policy of the Populist party as the hedging statement of the Senator at this time. I will ask the Senator——

Mr. ALLEN. No; I do not yield to the Senator for the purpose of making a speech.

Mr. BAKER. May I ask the Senator another question? Has he not sat in the Senate of the United States when bills were introduced by Populist Senators providing that there should be issued for the benefit of the people of this country a thousand dollars per capita, and that it should be printed upon silk paper or aluminium? Has he not listened to the reading of such bills?

Mr. ALLEN. If the Senator from Kansas is through with his speech, I will resume mine. I have never heard anything of the kind. I do not believe the Senator from Kansas ever has. He may have.

Mr. BAKER. Shall I get the bill for the Senator?

Mr. ALLEN. The Senator can get anything he wishes. I do not care what he gets, if he is able to carry it.

Mr. BAKER. Would the Senator deny it if I produced the bill?

Mr. ALLEN. The Senator can take the hot end of a poker if he wants to, so far as I am concerned. I do not care what he gets or what he carries.

Mr. CHANDLER. Will the Senator from Nebraska yield to me for a motion to adjourn?

Mr. ALLEN. I would prefer to continue for a few minutes, and then I will yield to the Senator from New Hampshire. The interruptions have been quite numerous, and they have rather diverted my attention from the proper line of the argument I intended to make.

I wish to answer the junior Senator from Kansas, who thinks he knows a great deal of the Populist party and who knows little of other things, that I do not know of a Populist who has ever made a speech such as he mentions.

Mr. BAKER. Mr. President——

Mr. ALLEN. No; I will not be interrupted any more.

Mr. BAKER. I have the RECORD here. Will the Senator not allow me to interrupt him?

Mr. ALLEN. No; I will not be interrupted.

The PRESIDING OFFICER. The Senator from Nebraska declines to yield.

Mr. ALLEN. This snapping by the junior Senator from Kansas, like a coyote, and running into the grass after it has been done, I do not believe in.

I have never heard arguments of that kind in the State of Nebraska. I do not know, of course, what has occurred in Kansas. However, my knowledge of Kansas statesmen who are members of the Populist party does not lead me to believe that the statement of the junior Senator from Kansas can be borne out by the facts.

I know of fiat-money men in the Republican party. I know of Republicans who are suffering imprisonment in the penitentiary. I know of fiat-money men in the Democratic party. I know of Democrats who are suffering imprisonment in the penitentiary. My honorable friend the Senator from Illinois [Mr. PALMER] shakes his head. He says he does not; but I do. I have no doubt that there are Populists and Prohibitionists and all classes represented in the penal institutions of the country. I will not ask the junior Senator from Kansas, because he will answer me in my time; but does that make the Republican party responsible for the utterances of the fiat-money men in its ranks, or the Democratic party for the utterances of their fiat-money men? Is it a part of the Democratic or Republican faith? Do they stand sponsor for the conduct of those who have violated the laws and are in prison? No; and no one would hold them responsible.

Mr. BAKER rose.

Mr. ALLEN. I will not yield. Do they stand sponsor for the conduct of those who have violated the laws and been sent to prison? Yet the junior Senator from Kansas, who is a "funny man" as well a "smart man," and who is having fun, as he imagines, at the expense of the Populist party, by undertaking to make game of it, stands here and seriously asserts that that party is responsible for the utterance of every little cross-roads Populist orator who may be in the State of Kansas. The test of what a party is is what it promulgates by its official and recognized convention. Its platform is the test of its belief, and it must stand as the test of its belief until it is modified by the official action of the party.

Now I pass from that. I hope the time will not come again

over the question, and who to-day, as I understand it, is in favor of issuing unlimited paper currency.

Mr. ALLEN. I do not think the senior Senator from Kansas—

Mr. ALLEN. It does not require anything of the kind, and if it did, let us increase the capacity of the mints.

when any self-respecting gentleman will permit himself to stand in this Chamber and assert——

Mr. BAKER. Mr. President——

Mr. ALLEN. I will not yield.

The PRESIDING OFFICER. The Senator from Nebraska declines to yield.

Mr. BAKER. All right.

Mr. ALLEN. I hope the time will never again come when any self-respecting gentleman will permit himself to stand in this Chamber and assert that the Populist party is in favor of an irredeemable currency.

The honorable Senator from North Carolina [Mr. BUTLER] yesterday read from a letter which had been sent out by bankers, the American Bankers' Association, on March 23, 1896. It appears in his remarks on page 6113 of the CONGRESSIONAL RECORD of yesterday. They have not only done that but they have gone to greater lengths. The so-called Sound Money League of New York has undertaken to prescribe the course that shall be pursued by all the little newspapers. The National Bankers' Association is to influence the bankers throughout the country; they are to control the delegations to both the Republican and Democratic national convention, and see that they vote in the interest of the gold standard. Possibly my friend from Illinois [Mr. PALMER] might inform the Senate as to whether they have succeeded in Illinois or not. They are to control the delegations in the interest of the single gold standard of both old parties. The Senator from Delaware sees nothing wrong in that. That seems to be legitimate business in his view of the matter. Those men are to use the agencies which they possess, one chief agency being that of the relation of debtor and creditor, to squeeze the little banks, and through them their debtors, into accepting the single gold standard. That is not a conspiracy, is it? There is nothing wrong about it, I suppose.

But, Mr. President, they are not content with that. I have two letters from the so-called Sound Money League, sent to the editor of a Populist paper in my State, and by him sent to me. What do they propose to do? They are to furnish single gold standard literature free to the papers; they are to furnish editorials free, set up in plate work, so that the unsuspecting voters out on the farms and in the workshops may be misled into the belief that the article they may read was produced by the editor of their own paper. I have a specimen here from the president of the New Era Publishing Company:

KEARNEY, NEBR., *May 12, 1896.*

DEAR FRIEND: Herewith we hand you two circular letters we have received from the gold shylocks of New York.

We made an editorial note some time ago about circular of April 2, and send them to you, hoping you may use them in an effective way, should you have a chance.

Yours, respectfully, ROY W. RHONE,
Kearney, Neb.

Senator W. V. ALLEN,
Washington, D. C.

Here are two other letters. The first is dated April 2, 1896, and is headed "Reform Club. Committee on sound currency."

Mr. President, every time one of those men uses the expression "sound money" he is guilty of a deliberate fraud and premeditated falsehood. He does not mean sound money; he means gold, and nothing but gold. He is guilty of false pretenses and of misleading the people when he says he is a "sound-money" man. Here is the letter:

52 WILLIAM STREET, *New York, April 2, 1896.*

DEAR SIR: In order to push the educational work for sound currency and to resist the efforts of free-coinage advocates to put this country on a silver basis, this committee has arranged to supply sound-currency matter to newspapers in certain States. We offer to supply it in two forms:

1. *Sound-currency plates.*—We will supply these through either the American Press Association, the Western Newspaper Union, the A. N. Kellogg Company, or the Century Press Company. A page is issued every four weeks; later we may issue as often as every two weeks.

That is, of course, when the Presidential campaign comes on.

There will be no charge for these plates; but you will have to pay expressage on them. All orders for plates must go through our office.

2. *Ready prints.*—If your paper is a ready print, and is printed by the Western Newspaper Union, A. N. Kellogg Newspaper Company, or the Nebraska Newspaper Union, or any of their branch offices, you can have from one to two columns of our matter inserted by notifying your company to that effect.

Inclosed herewith is a proof of the plate page which we are issuing this week. It is a fair sample of all of our matter. Inclosed are also order blanks containing information to assist you in ordering. All orders for plates should be sent direct to our office. Orders for ready-print matter may be sent to your ready-print printer. The plate and ready-print matter in most cases will probably be the same. Should you desire more than two columns per week of our matter in your ready prints, it is possible, though not probable, that your company can grant your request. By ordering at once you can receive matter on the inclosed page in plate form or in your ready prints.

Yours, truly,
CALVIN TOMKINS,
Chairman of the Executive Committee.

They are to corrupt the very sources of information that the people have.

Mr. GRAY. You only want your sort of education.

Mr. ALLEN. I am not talking about the sort of education.

Mr. GRAY. The Senator from Nebraska just now said he was conducting an educational campaign. Do you want to deny that right to anybody else?

Mr. ALLEN. No. I misapprehended the Senator's word. I thought he said "sort." I do not hear all things as distinctly as I should. No; but I would not go like a thief in the night, as these fellows have gone, and undertake to corrupt the editors of country papers by receiving this rot and trash at their hands and palming it off as the advocacy of sound-money principles upon the people. I would not do that.

Here is the other letter to which I have referred:

52 WILLIAM STREET, *New York, May 8, 1896.*

DEAR SIR: It is evident from letters constantly being received by us that many newspaper editors neither know where they can obtain sound currency matter nor the terms upon which it is supplied. Hence we repeat our offer of April 2.

Sound-currency plates.—We offer to all editors willing to use them a page of plates every two weeks. We pay for the plates, but do not pay expressage or freight. All orders for plates should be sent to us, but they can be filled by any office or branch office of the American Press Association, the A. N. Kellogg Newspaper Company, the International Press Association (Western Newspaper Union), or the Century Press Company. Each page contains several cartoons—mostly single column ones—and numerous short and carefully prepared articles.

Speech plates.—Supplied upon the same terms as our regular sound-currency plates, but issued only through the American Press Association. We can fill your order now, or at any time during the next six weeks, for speech of Carlisle at Chicago on April 15; of Judge Aldredge at Atlanta last year; or of McCLEARY in Congress last February. These speeches are in great demand in all parts of the country. The first two are in full in one page each of nonpareil; McCLEARY's has been cut down to one page. We expect to issue such future speeches as are likely to be in great demand, and as promptly as possible after delivery. Perhaps, also, we may decide to issue in this form such other speeches or pamphlets as are well fitted for such work. We do not expect to issue a page oftener than once every two weeks, but may do so if there is a sufficient demand and our funds will permit.

Ready prints.—If your paper is a ready print and is printed by the Western Newspaper Union, A. N. Kellogg Newspaper Company, Nebraska Newspaper Union, Chicago Newspaper Union, or the Sioux City Printing Company, or any of their branch offices, you can have two columns of our matter inserted every week by notifying your company to that effect. We will send our plates to any other ready-print company that has an opportunity and is willing to use them.

All of our matter is strictly nonpartisan. Discussion is devoted almost entirely to the standard of value and against the present 16 to 1 free-coinage proposition.

Inclosed herewith is a proof of the plate page which we are issuing this week. It is a fair sample of all of our matter. Inclosed are also order blanks containing information to assist you in ordering.

Yours, truly,
CALVIN TOMKINS,
Chairman of the Executive Committee.

What is the "ready print"? Here is some of the matter those fellows are sending out containing their political rot. [Exhibiting.] Here is what is printed at the top:

SOUND CURRENCY—REGULAR—NO. 3.

Issued once in two weeks and supplied free of charge by the sound currency committee of the Reform Club, 52 William street, New York City, to whom all orders should be addressed. Return used plates to the company from which they are received.

Here are the columns of plate matter, the first containing Mr. Carlisle's speech at Chicago and other matter of that kind, which are to be palmed off on the people as original matter of the editor to whom they may be sent.

Mr. HAWLEY. Will the Senator kindly permit a very brief interruption?

Mr. ALLEN. Certainly.

Mr. HAWLEY. Is there an offer in that letter to pay for the insertion of this matter?

Mr. ALLEN. None whatever.

Mr. HAWLEY. Very well. Then the newspapers will not reprint this matter unless they are what you call "gold men."

Mr. ALLEN. It is matter which is sent out to be put in the paper as original matter and set up in form.

Mr. COCKRELL. Already set up in type.

Mr. HAWLEY. Yes; but I want to know, as it is not to be paid for, if the newspaper man can not put it in his paper in any way he pleases, or not put it in at all? If he puts it in, it is evidence that he is a gold man already.

Mr. ALLEN. It is evidence that he is either a gold man or an ignoramus or lazy and does not write his own editorials.

I shall abandon my purpose to discuss other vital principles of the Populist party, as this bill is to be voted on on Monday next at 5 o'clock, and other Senators desire to be heard.

Mr. BAKER. Will the Senator kindly yield to me for a moment?

Mr. ALLEN. Not for the purpose of passing a bill until I conclude. I shall conclude in a moment.

Mr. BAKER. I do not wish to pass a bill, but I should like to call the Senator's attention to a little bill which was introduced appropriating $67,000,000,000 of money since he has been a member of the Senate.

Mr. ALLEN. I do not propose to get into any further controversy with the Senator from Kansas. When I have any controversy with a man I want to know that he means to play fairly and be a man.

Mr. BAKER. I have the RECORD here.

Mr. ALLEN. The Senator has not a bill unless it is a bill introduced by some person by request—he has not got a bill of the character of which he speaks. The Senator from Kansas is as persistent in his ignorance as a night moth in its desire for destruction, and eventually he will be scorched by his constant flitting around the fire. It is wonderful how he has discovered so much which is inexcusable in the Populist party. It is wonderful how it was reserved for him to arraign the Populist party as guilty of vagaries and inconsistencies.

Mr. President, the Populist party numbers 2,000,000 voters today, and I thank God a great majority of them are more intelligent than the junior Senator from Kansas has shown himself to be on this financial question. The party numbers 2,000,000 honest citizens, whose loyalty to the country and our institutions can not be doubted; men of as good education as the Senator or any other Senator in this Chamber. They are intense, Mr. President; they feel these wrongs; they know they exist; they have the manhood and the womanhood to sever their relations with the old parties and stand together for the protection and preservation of the American home, and they are not to be driven into silence nor quieted by the ridicule of extremely cunning, shrewd, and sharp men like the junior Senator from Kansas.

Mr. President, it was due that I should make these remarks respecting this charge against the Populist party of being in favor of the issuance of irredeemable currency. It has been here asserted from time to time until really some intelligent people began to believe that was a part of the Populist faith, but when any man looks at the platform which was promulgated in 1892, and upon which as modified by the action of the National Alliance last winter the party must stand until it meets in its national convention at St. Louis, he will see that the charge that it is in favor of the issuance of an irredeemable paper money is not true. Anyone who makes such an assertion after this must do so at the expense of being justly charged with knowledge of its falsity.

But, Mr. President, the Senator from New York yesterday wanted to know, as the junior Senator from New Hampshire wanted to know a while ago, where the money is to come from if we return to free coinage and increase the volume of our money. The junior Senator from New Hampshire said to me, with one of those sweet but crushing smiles of his, that it would take fifty years to increase the per capita circulation to $50.

Mr. GALLINGER. If it was to be in silver.

Mr. ALLEN. In silver, fifty years. Why, let us go to digging the gold and silver and constructing additional mints as rapidly as we are appropriating money for the construction of war vessels, and it will not be ten years until we have ample capacity to coin every dollar of gold and silver bullion that can be taken from the bowels of the earth.

I want to say to the Senator from New York, who is the distinguished leader of the gold element of his party, and always the able and conscientious champion of the present Administration, that when we increase the full capacity of our mints, when we restore silver to free coinage, as the Constitution intended it should be coined, when we restore it to the free coinage that was given to it by the Constitution and by the framers of our Government, when we stop the onward march of greed and begin to make provision for the homes of our country and lift the burdens from the people, we shall find that our industries and our commerce will expand sufficient to give us ample revenue under the present system of taxation to pay the ordinary expenses of the Government and discharge the national debt as rapidly as it inures.

Mr. PRITCHARD. Mr. President, I had intended to submit some remarks to-day in regard to the pending measure, but I am suffering with a headache, and find that I am unable to proceed. I ask to be allowed to proceed on Monday.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution:

A bill (S. 673) granting a pension to Joseph R. West, brigadier and brevet major-general, United States Army Volunteers;

A bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895;

A bill (H. R. 75) granting a pension to Mary F. Davenport;

A bill (H. R. 485) for the relief of Kate Eberle, an Indian woman;

A bill (H. R. 1601) to amend the military record of John S. Evans;

A bill (H. R. 2605) granting a pension to Henry V. Andrews, of Fulton County, Ill., a survivor of the Black Hawk war;

A bill (H. R. 3001) granting a pension to Cynthia A. Lapham, widow of William B. Lapham;

A bill (H. R. 3216) granting an increase of pension to James P. Hurley;

A bill (H. R. 3221) granting a pension to John Dalton;

A bill (H. R. 3234) granting a pension to Williamson Durley;

A bill (H. R. 3337) amending the act of June 8, 1880, entitled "An act to authorize the President to appoint an officer of the Navy or the Marine Corps to perform the duties of Solicitor and Judge-Advocate-General, etc., and to fix the rank and pay of such officer," and for other purposes;

A bill (H. R. 3689) increasing the pension of Jefferson Fueston, of Company M, Tenth Ohio Volunteer Cavalry;

A bill (H. R. 3932) granting a pension to Mrs. Elizabeth Richardson;

A bill (H. R. 4122) granting an increase of pension to James H. Jones;

A bill (H. R. 4383) granting a pension to Gen. William H. Morris;

A bill (H. R. 4395) for the relief of Miss Juliette Betts;

A bill (H. R. 4475) granting a pension to Mrs. Catharine Gaffney;

A bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia;

A bill (H. R. 7816) for the relief of John S. Burwell, administrator of the estate of A. L. Burwell, deceased;

A bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

A bill (H. R. 7983) to pension Frances E. Wickware;

A bill (H. R. 8167) to authorize the construction of a bridge across the Red River of the North; and

A joint resolution (H. Res. 174) granting permission to the circuit and county courts in Rockingham County, Va., to occupy the Federal court room in Harrisonburg, Va.

NATIONAL UNIVERSITY.

Mr. FRYE. I ask unanimous consent for the present consideration of the bill (H. R. 4785) to incorporate the National University. I desire to say in relation to this bill that the District Committee authorized the Senator from New Hampshire [Mr. GALLINGER] to report it to the Senate. When the attention of the Select Committee to Establish the University of the United States was called to it, it was thought that it might, to a certain extent, be in conflict with the jurisdiction of that committee; and on my motion the bill was transferred from the jurisdiction of the District Committee to the Select Committee to Establish the University of the United States. That committee has reported the bill favorably, finding that there was no conflict whatever.

The passage of the bill is rendered necessary, for the reason that under the general law half a dozen individuals may incorporate themselves in the District into any kind of educational institution, no matter what it was. This privilege was used improperly, undoubtedly, in some cases; and then Congress passed a law which provided that all such educational institutions should call on the District Commissioners for a permit.

This national university has been in existence for a quarter of a century. It is a university of dignity and character, and has graduated thousands of students, and it did not like to be exposed to that humiliating position, and so called for an act of incorporation. The House committee reported it favorably, and it passed the House, and, as I say, both committees in the Senate—the one on the university and the other on the District of Columbia—have reported it. There is no possible objection to the bill, in my judgment.

The PRESIDING OFFICER (Mr. CARTER in the chair). The Senator from Maine asks unanimous consent for the present consideration of the bill named by him. Is there objection?

Mr. HAWLEY. I make no objection. I wish to observe, however, that while they have a right to be called and have been called the National University for quite a number of years, they really have, as I understand, but two branches of education pursued there, though they have always been hoping that they would be enabled to do more.

Mr. FRYE. They propose, I think, to increase it somewhat.

Mr. GALLINGER. I do not object. On the contrary, I am very earnestly in favor of the passage of this bill; but I want to suggest to the Senate that, if I can get recognition after the bill is passed, if it shall be passed, I shall ask the Senate to proceed to the Calendar to consider private pension bills, as the end of the session is near at hand, probably, and it is important that they should be passed.

The PRESIDING OFFICER. Is there objection to the consideration of the bill named by the Senator from Maine?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4785) to incorporate the National University.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. GALLINGER. I ask unanimous consent that the Senate now proceed to the consideration of private pension bills on the Calendar.

Mr. FRYE. That the pending order be laid aside informally for that purpose?

Mr. GALLINGER. Yes, that the present order be laid informally aside.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the pending order be laid informally aside, and that the Senate proceed to the consideration of private pension bills on the Calendar. Is there objection?

Mr. PASCO. I ask if that request covers all the remaining work of the day—if we are to adjourn after the pension bills have been disposed of?

Mr. GALLINGER. I did not state it in that way; but if the Senator desires I will couple that statement with the request that nothing further shall be considered.

Mr. CHANDLER. I ask that that may be the understanding, that no other business but pension bills shall be done to-day.

The PRESIDING OFFICER. The senior Senator from New Hampshire [Mr. CHANDLER] submits the request that it be understood that no other business but the consideration of pension bills be transacted for the remainder of the day.

Mr. HILL. The Senator from Maine [Mr. FRYE] has a bill which he is waiting for, to come from the House of Representatives.

Mr. COCKRELL. We can not agree to the suggestion that nothing else shall be done to-day, because there are two conference reports which we want acted upon. Let the understanding be that no bills on the Calendar shall be disposed of except pension bills and appropriation bills.

Mr. HAWLEY. I believe the signature of the Speaker of the House of Representatives to the river and harbor bill has not yet been announced.

Mr. HILL. No.

Mr. CHANDLER. I withdraw my request.

The PRESIDING OFFICER. The senior Senator from New Hampshire [Mr. CHANDLER] withdraws his request. The question recurs to the request of the junior Senator from New Hampshire [Mr. GALLINGER], that the Senate lay aside informally the pending order of business and proceed to the consideration of private pension bills on the Calendar. Is there objection? The Chair hears none. The pension bills on the Calendar will be considered in their order.

MRS. ANNIS H. ENOCHS.

The bill (H. R. 4275) to increase the pension of Mrs. Annis H. Enochs, widow of Gen. William H. Enochs, from $20 to $50 per month was considered as in Committee of the Whole. It proposes to increase the pension of Annis H. Enochs, widow of Gen. William H. Enochs, late lieutenant-colonel of the Fifth Regiment of West Virginia Volunteer Infantry and brevet brigadier-general, United States Volunteers, from $20 per month to $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. H. J. KIERNAN.

The bill (H. R. 468) granting an increase of pension to Mrs. H. J. Kiernan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. H. J. Kiernan, widow of the late Gen. James L. Kiernan, at $50 per month in lieu of the pension which she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH MARSHALL.

The bill (H. R. 1109) granting a pension to Elizabeth Marshall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Marshall, of Bridgman, Mich., widow of Henry L. Marshall, a private in Company A, One hundred and eighty-fourth Regiment Pennsylvania Volunteers, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANN CATHERINE HULL.

The bill (H. R. 1734) to increase the pension of Ann Catherine Hull was considered as in Committee of the Whole. It proposes to increase the pension of Ann Catherine Hull, widow of Commodore Joseph B. Hull, United States Navy, to $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY CRAY.

The bill (H. R. 4598) granting a pension to Mary Cray, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Cray, the wife of Michael Cray, late private in Company G, One hundred and fifth New York Volunteer Infantry, and Company G, Ninety-fourth New York Volunteer Infantry, and to pay her a pension of $12 per month, in lieu of all other pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN KEHL.

The bill (H. R. 1261) for the relief of John Kehl, and to restore him to his former rating, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "and," to strike out "instructed" and insert "directed"; in line 6, after the word "Infantry," to strike out "to" and insert "and pay him a pension at"; and in line 7, after the word "months," to strike out "as it was previous to July, 1893"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to restore the rating of John Kehl, late of Company D, Ninth Regiment of Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MRS. ALICE MARTIN.

The bill (S. 685) granting a pension to Mrs. Alice Martin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "of," to strike out "seventy-five" and insert "thirty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mrs. Alice Martin, widow of James P. Martin, deceased, late a lieutenant-colonel and assistant adjutant-general, United States Army, and allow her a pension at the rate of $30 per month from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BETSEY B. OLIN.

The bill (S. 3133) granting an increase of pension to Betsey B. Olin, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Betsey B. Olin, widow of Charles Olin, late a private of Company I, Seventh Regiment New Hampshire Volunteers, and to grant her a pension of $25 per month, in lieu of the pension she is now receiving, the pension to be payable to her legally constituted guardian.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PETER RAFFERTY.

The bill (H. R. 6293) to increase the pension of Peter Rafferty was considered as in Committee of the Whole. It proposes to place the name of Peter Rafferty, late private in Company B, Sixty-ninth Regiment New York Volunteer Infantry, on the pension roll and to pay him $45 per month, in lieu of the pension now paid him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF THE RULES.

Mr. MITCHELL of Oregon. I ask unanimous consent to give notice of a change in two of the standing rules of the Senate. I am authorized to do this by the Committee on Rules. I present a resolution, and I desire it to be regarded as one day's notice in writing. I ask that the resolution lie over until Monday.

Mr. GALLINGER. It will be printed?

Mr. MITCHELL of Oregon. It will be printed.

Mr. HILL. What are the changes proposed, in substance, I should like to ask the Senator from Oregon?

Mr. MITCHELL of Oregon. In substance, simply to make the rules conform to the changes made from time to time during the past session, increasing the membership of different committees and also changing the names of one or two of the committees. That is the change in one rule, and in the other a few slight changes are made in regard to admissions to the floor of the Senate.

Mr. HILL. No startling changes are proposed in methods of procedure?

Mr. MITCHELL of Oregon. Not now. I ask that the resolution be printed and go over, and that it be regarded as the written notice of those changes.

Mr. COCKRELL. Of course there will be no objection to that course. Does the Senator want to have the resolution read?

Mr. MITCHELL of Oregon. Not at all. I ask that it be printed in the RECORD, and the proposed changes can be examined between now and Monday.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon?

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Resolved, That Senate Rules XXV and XXXIII be amended to read as follows:

"RULE XXV.

"STANDING COMMITTEES.

"1. The following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise:

"A Committee on Agriculture and Forestry, to consist of 9 Senators.

"A Committee on Appropriations, to consist of 13 Senators.

"A Committee to Audit and Control the Contingent Expenses of the Senate, to consist of 3 Senators, to which shall be referred all resolutions directing the payment of money out of the contingent fund of the Senate, or creating a charge upon the same.

"A Committee on the Census, to consist of 9 Senators.

"A Committee on Civil Service and Retrenchment, to consist of 9 Senators.

"A Committee on Claims, to consist of 11 Senators.

"A Committee on Coast Defenses, to consist of 11 Senators.

"A Committee on Commerce, to consist of 15 Senators.

"A Committee on Corporations Organized in the District of Columbia, to consist of 5 Senators.

"A Committee on the District of Columbia, to consist of 13 Senators.

"A Committee on Education and Labor, to consist of 9 Senators.

"A Committee on Engrossed Bills, to consist of 3 Senators, which shall examine all bills, amendments, and joint resolutions before they go out of the possession of the Senate.

"A Committee on Enrolled Bills, to consist of 3 Senators, which shall have power to act jointly with the same committee of the House of Representatives, and which, or some one of which, shall examine all bills or joint resolutions which shall have passed both Houses, to see that the same are correctly enrolled, and, when signed by the Speaker of the House and President of the Senate, shall forthwith present the same, when they shall have originated in the Senate, to the President of the United States in person, and report the fact and date of such presentation to the Senate.

"A Committee to Examine the Several Branches of the Civil Service, to consist of 5 Senators.

"A Committee on Finance, to consist of 13 Senators.

"A Committee on Fisheries, to consist of 9 Senators, to which shall be referred all matters relating to fish and fisheries.

"A Committee on Foreign Relations, to consist of 11 Senators.

"A Committee on Forest Reservations and the Protection of Game, to consist of 7 Senators.

"A Committee on Immigration, to consist of 11 Senators.

"A Committee on the Improvement of the Mississippi River and its Tributaries, to consist of 7 Senators.

"A Committee on Indian Affairs, to consist of 12 Senators.

"A Committee on Indian Depredations, to consist of 11 Senators.

"A Committee on Interstate Commerce, to consist of 11 Senators.

"A Committee on Irrigation and Reclamation of Arid Lands, to consist of 9 Senators.

"A Committee on the Judiciary, to consist of 13 Senators.

"A Committee on the Library, to consist of 3 Senators, which shall have power to act jointly with the same committee of the House of Representatives.

"A Committee on Manufactures, to consist of 5 Senators.

"A Committee on Military Affairs, to consist of 11 Senators.

"A Committee on Mines and Mining, to consist of 9 Senators.

"A Committee on Naval Affairs, to consist of 11 Senators.

"A Committee on Organization, Conduct, and Expenditures of the Executive Departments, to consist of 9 Senators.

"A Committee on Pacific Railroads, to consist of 9 Senators.

"A Committee on Patents, to consist of 7 Senators.

"A Committee on Pensions, to consist of 13 Senators.

"A Committee on Post-Offices and Post-Roads, to consist of 10 Senators.

"A Committee on Printing, to consist of 3 Senators, which shall have power to act jointly with the same committee of the House of Representatives.

"A Committee on Private Land Claims, to consist of 7 Senators.

"A Committee on Privileges and Elections, to consist of 9 Senators.

"A Committee on Public Buildings and Grounds, to consist of 11 Senators, which shall have power to act jointly with the same committee of the House of Representatives.

"A Committee on Public Health and National Quarantine, to consist of 7 Senators.

"A Committee on Public Lands, to consist of 11 Senators.

"A Committee on Railroads, to consist of 11 Senators.

"A Committee on Relations with Canada, to consist of 9 Senators.

"A Committee on the Revision of the Laws of the United States, to consist of 5 Senators.

"A Committee on Revolutionary Claims, to consist of 5 Senators.

"A Committee on Rules, to consist of 7 Senators.

"A Committee on Territories, to consist of 11 Senators.

"A Committee on Transportation Routes to the Seaboard, to consist of 9 Senators.

"A Committee to establish the University of the United States, to consist of 9 Senators.

"The Committee to Audit and Control the Contingent Expenses of the Senate, on Printing, and on the Library shall continue and have power to act until their successors are appointed.

"XXXIII.

"PRIVILEGE OF THE FLOOR.

"No person shall be admitted to the floor of the Senate while in session, except as follows:

"The President of the United States, and his private secretary, the President-elect and Vice-President-elect of the United States.

"Ex-Presidents and ex-Vice-Presidents of the United States.

"Judges of the Supreme Court.

"Ex-Senators and Senators-elect.

"The officers and employees of the Senate in the discharge of their official duties.

"Ex-Secretaries and ex-Sergeants-at-Arms of the Senate.

"Members of the House of Representatives and Members-elect.

"Ex-Speakers of the House of Representatives.

"The Sergeant-at-Arms of the House and his chief deputy, and the Clerk of the House and his deputy.

"Heads of the Executive Departments.

"Ministers of the United States.

"Governors of States and Territories.

"The General Commanding the Army.

"The Senior Admiral of the Navy on the active list.

"Members of national legislatures of foreign countries.

"Judges of the Court of Claims.

"Commissioners of the District of Columbia.

"The Librarian of Congress and the assistant librarian in charge of the Law Library.

"The Architect of the Capitol.

"The Secretary of the Smithsonian Institution.

"Clerks to Senate committees and clerks to Senators when in the actual discharge of their official duties. Clerks to Senators, to be admitted to the floor, must be regularly appointed and borne upon the rolls of the Secretary of the Senate as such."

MRS. JULIA A. JAMESON.

The PRESIDING OFFICER. The next pension bill on the Calendar will be proceeded with.

The bill (H. R. 5792) granting an increase of pension to Mrs. Julia A. Jameson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. Julia A. Jameson, widow of Brig. Gen. Charles D. Jameson, United States Volunteers, at $50 per month, in lieu of the pension of $30 per month she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CELESTIA R. BARRY.

The bill (H. R. 1891) granting a pension to Celestia R. Barry was announced as next in order.

Mr. GALLINGER. I ask that the bill be passed over temporarily, a Senator desiring to get some information about it.

Mr. CHILTON entered the Chamber.

Mr. GALLINGER. The Senator from Texas is now in. I ask his attention to the case of Celestia R. Barry. I think the Senator wishes to get some information upon it.

Mr. CHILTON. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

WILLIAM T. APPLEGATE.

The bill (H. R. 7334) granting an increase of pension to William T. Applegate was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of William T. Applegate, late private and second lieutenant in Company B, Twenty-eighth Kentucky Volunteer Infantry, and to pay him a pension of $30 per month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH T. BEALL.

The bill (H. R. 3033) to increase the pension of Elizabeth T. Beall, widow of Benjamin L. Beall, late colonel First United States Cavalry, was considered as in Committee of the Whole. It proposes to increase the pension of Elizabeth T. Beall, widow of Benjamin L. Beall, late colonel of the First United States Cavalry, to $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL S. PETTIT.

The bill (H. R. 3007) granting an increase of pension to Michael S. Pettit was considered as in Committee of the Whole. It proposes to increase the pension of Michael S. Pettit, First Mounted Rifles, regular service, who performed conspicuous service in the war with Mexico, to $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE M'MILLAN.

The bill (H. R. 8184) granting a pension to Jesse McMillan was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Jesse McMillan, a soldier in Company F, Third Regiment Arkansas Infantry, and to allow him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET C. GREGG.

The bill (H. R. 2006) to increase the pension of Harriet C. Gregg, widow of Col. John Irvin Gregg, from $30 to $50 per month was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, after the word "Cavalry," to insert "and brevet major-general"; so as to make the bill read:

Be it enacted, etc., That the pension of Harriet C. Gregg, widow of John Irvin Gregg, late colonel of the Eighth Regiment of United States Cavalry and brevet major-general, be, and the same is hereby, increased from $30 per month to $50 per month, and the Secretary of the Interior be, and is hereby, authorized and directed to place her name on the pension roll at the rate of $50 per month, subject to the provisions and limitations of the pension laws.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to increase the pension of Harriet C. Gregg, widow of Col. and Bvt. Maj. Gen. John Irvin Gregg, from $30 to $50 per month."

MRS. HATTIE E. REDFIELD.

The bill (S. 2401) granting a pension to Mrs. Hattie E. Redfield, of Omaha, Nebr., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "fifteen"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hattie E. Redfield, widow of Charles E. Redfield, late a second lieutenant in Company A, Forty-second Wisconsin Infantry, and pay her a pension of $15 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM L. GRIGSBY.

The bill (S. 2999) granting a pension to William L. Grigsby, of Belvidere, in the county of Thayer, Nebr., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "seventy-two" and insert "thirty-six"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of William L. Grigsby, late a private of Company E, Seventeenth Regiment Iowa Volunteer Infantry, on the pension roll of the United States at the rate of $36 per month, to be paid as other pensions are paid under the general laws of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN F. HATHAWAY.

The bill (S. 1689) granting a pension to John F. Hathaway was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty" and insert "seventeen"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Hathaway, late an assistant surgeon of the Fourth Regiment of Indiana Volunteers, and later assistant surgeon in the United States Army, and pay him a pension at the rate of $17 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN N. CORGAN.

The bill (S. 2507) granting a pension to John N. Corgan, of McPherson, Kans., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John N. Corgan, late of Company G, Fourth United States Infantry, and to grant him a pension at the rate of $50 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John N. Corgan, of McPherson, Kans."

MARY E. HAZLIP.

The bill (H. R. 138) granting an increase of pension to Mary E. Hazlip was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Hazlip, widow of John Hazlip, late a private in Company H, One hundred and fortieth New York Infantry, and to pay her a pension at the rate of $12 per month, in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD P. PILKINGTON.

The bill (H. R. 5711) granting a pension to Richard P. Pilkington was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard P. Pilkington, late captain Company E, Seventy-sixth Pennsylvania Volunteer Infantry, and to pay him a pension of $50 per month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOLOMON HYAMS.

The bill (H. R. 2602) for the relief of Solomon Hyams was considered as in Committee of the Whole. It proposes to increase the pension of Solomon Hyams, of Charleston, S. C., Indian war survivor, to $20 per month in lieu of the pension now received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. ELIZABETH M. WILLIAMS.

The bill (H. R. 5225) for the relief of Mrs. Elizabeth M. Williams, of Monroe County, Tenn., was considered as in Committee of the Whole. It proposes to place on the pension roll at the rate of $8 per month the name of Mrs. Elizabeth M. Williams, widow of William Williams, late a private in Captain Ware's Company, Tennessee Volunteers, Florida war of 1836.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY GENTRY.

The bill (H. R. 5175) granting a pension to Nancy Gentry was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Nancy Gentry, widow of John A. Gentry, at the rate of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT P. WILD.

The bill (S. 2477) granting an increase of pension to Robert P. Wild was considered as in Committee of the Whole. It proposes to pay Robert P. Wild, late of Company B, Second North Carolina Mounted Infantry, $20 per month in lieu of $10 per month he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS M. SCOTT.

The bill (H. R. 6132) granting an increase of pension to Thomas M. Scott was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Thomas M. Scott, late Company H, Seventy-eight Illinois Volunteer Infantry, and to pay him a pension of $20 per month in lieu of the pension which he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE E. PURDUM.

The bill (H. R. 6134) granting an increase of pension to Caroline E. Purdum was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Caroline E. Purdum, widow of Elijah F. Purdum, late private in Company F, Thirtieth Regiment, and assistant surgeon Eighty-ninth Regiment, Ohio Volunteer Infantry, and to pay her a pension of $12 per month in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAMBERT L. MULFORD.

The bill (H. R. 4753) granting an increase of pension to Lambert L. Mulford was considered as in Committee of the Whole. It proposes to increase the pension of Lambert L. Mulford, late of Company A, Second New Jersey Cavalry, and first lieutenant Third United States Cavalry, to $30 per month, the same to be in lieu of the pension now drawn by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH A. SARGENT.

The bill (H. R. 6111) granting a pension to Elizabeth A. Sargent was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth A. Sargent, of Manchester, N. H., dependent mother of Capt. John B. Sargent, late of Company B, Tenth Regiment New Hampshire Volunteers, and to pay her a pension of $17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS BREWER.

The bill (H. R. 3857) granting a pension to Thomas Brewer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Brewer, late of Companies I and F, Thirty-first Regiment Enrolled Missouri Militia, at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DELIA A. MARSH.

The bill (H. R. 4283) granting a pension to Delia A. Marsh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Delia A. Marsh, sister of Albert Marsh, who was a corporal-sergeant in Company B, Sixty-fourth Regiment New York Volunteers, and to pay her a pension at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM F. JOHNSON.

The bill (S. 2184) granting a pension to William F. Johnson was announced as next in order.

Mr. GALLINGER. That is an adverse report. Let it be passed over.

The PRESIDING OFFICER. The bill will be passed over.

CARRIE H. GREENE.

The bill (H. R. 3395) granting a pension to Carrie H. Greene, was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Carrie H. Greene, of Lee County, Ala., widow of John W. Greene, late member of Captain Jones's company of Georgia Volunteers, Indian war of 1836.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MARY L. ALESHIRE.

The bill (H. R. 4724) to increase the pension of Mrs. Mary L. Aleshire was considered as in Committee of the Whole. It proposes to place the name of Mary L. Aleshire, widow of Capt. Charles C. Aleshire, late of the Eighteenth Battery Ohio Light Artillery, on the pension roll, and to pay her a pension of $20 per month, in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN E. CUNNINGHAM.

The bill (S. 3182) granting a pension to Susan E. Cunningham was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to strike out "subject to the provisions and limitations of the pension laws"; in line 6, after the word "Cunningham," to insert "totally and permanently blind"; and in line 8, after the word "Artillery," to insert "at the rate of $12 a month"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Susan E. Cunningham, totally and permanently blind, daughter of Thomas Cunningham, late private, Company F, Fourth Regiment New York Heavy Artillery, at the rate of $12 a month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELVIN J. BROWN.

The bill (H. R. 2373) granting a pension to Elvin J. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elvin J. Brown, a private of Capt. George A. H. Blake's Company A, Second Regiment of United States Dragoons, and to pay him a pension at the rate of $20 per month, in lieu of that which he now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH NEWELL BARRETT.

The bill (H. R. 3229) for the relief of Hannah Newell Barrett was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Hannah Newell Barrett, eldest daughter of Noah Harrod, late a soldier in Colonel Shephard's regiment and Captain Webb's company of Massachusetts troops in the war of the Revolution, and to pay her a pension at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

MRS. EMILY M. VAN DERVEER.

The bill (H. R. 2143) granting a pension to Mrs. Emily M. Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "fifty" and insert "seventy-five"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll of the United States the name of Mrs. Emily M. Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer, at the rate of $75 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. GALLINGER. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. GALLINGER, Mr. BRICE, and Mr. HANSBROUGH were appointed.

MRS. MARY GOULD CARR.

The bill (H. R. 4354) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased, was considered as in Committee of the Whole.

The PRESIDING OFFICER. The amendment of the Committee on Pensions will be stated.

The SECRETARY. In line 7, before the word "dollars," strike out "fifty" and insert "seventy-five"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased, at the rate of $75 per month.

Mr. GALLINGER. That is a mistake; the committee did not report that amendment.

Mr. HILL. That is the case of the widow of General Carr?

Mr. GALLINGER. It is; but the amendment is a mistake. The committee did not make that recommendation.

Mr. HILL. I wish to detain the Senate but a moment. I think that this pension should be $75 a month. That is the action which the committee ought to have taken, in my opinion. I should like to have the Secretary read the House report.

Mr. GALLINGER. I think it will not be necessary to take time to do that, if I may make a statement. As chairman of the Committee on Pensions I very cordially concurred in the wish of the Senator from New York that this pension should be placed at $75 a month. General Carr rendered very conspicuous service. But I will say to the Senator that the reason why the committee did not report it was because I did not have quite time to canvass the committee in regard to it, and we have not had a committee meeting for a few days.

Mr. HILL. General Carr was very early in the service and he continued until the close of the war, finally a brigadier-general and then a major-general. He served gallantly during all the war. I had personal acquaintance with him. He was for four years secretary of state of New York, elected by the State to serve during my term as governer. He was a prominent candidate for governor. His widow is in very moderate circumstances. The case is a very strong one. He was a man prominent in all the affairs of our State and a faithful and gallant soldier. She is a most deserving widow and has the care of an invalid daughter, requiring her constant attention. Seventy-five dollars a month is frequently given and this is such a case. I move to amend the bill, in line 7, by striking out "fifty" and inserting "seventy-five"; so as to make the amount $75.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HILL. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. CANNON, Mr. ROACH, and Mr. GALLINGER were appointed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask that the action of the other House on the sundry civil appropriation bill may be laid before the Senate. I will state briefly that the House rejected the conference report and then receded from certain amendments, and have asked for a further conference upon the remaining disagreements in the bill. I desire to move that the Senate insist upon its amendments still disagreed to and agree to the conference asked on the part of the House. I presume there will be no objection to that course, although I understand there was a unanimous agreement that no business except what had been agreed upon should be transacted. It is only a formal matter.

Mr. FRYE. Conference reports were excepted.

Mr. COCKRELL. It is very manifest that there will be nothing done except by unanimous consent.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives concurring in some and nonconcurring in other amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and requesting a conference on the disagreeing votes of the two Houses.

Mr. ALLISON. I move that the Senate still further insist upon its amendments and agree to the further conference.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. ALLISON, Mr. HALE, and Mr. GORMAN were appointed.

MRS. GEORGE PAULS.

Mr. FRYE. I should like to have present consideration of the bill (S. 2117) for the relief of Mrs. George Pauls. I have had two letters from the Secretary of State in relation to the case. I have one of them in my hand, in which he says:

At the instance of the German ambassador at this capital, I desire to call your attention to S. 2117, Calendar 623, being a bill for the relief of Mrs. George Pauls.

I earnestly concur with Baron Thielmann in the hope that the bill may be enacted by the Senate without delay and sent to the House with a view of its becoming a law at the present session.

Very respectfully, yours, RICHARD OLNEY.

I reported the bill from the Committee on Foreign Relations. It seems to me a plain case. The German bark was lying at her wharf at Wilmington, N. C. The *Colfax*, a revenue cutter, was lying at an adjoining wharf; no steam up. They undertook to turn the bow of the *Colfax* out to sea. They neglected to fasten a rope, so that it could not go too far. They did not succeed, at any rate, in fastening it. The result was that the *Colfax* floated down into the German bark, the rigging got entangled, and

Tennessee Volunteers, Florida war of 1836.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Jones's company of Georgia Volunteers, Indian war of 1836.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Pauls, the husband of this woman, as was his duty, went out on the cathead of his ship to disengage the rope, and was thrown overboard and drowned. It seemed to be entirely the fault of the cutter that he was drowned, and not his own, because he was doing what he was obliged to do as a sailor.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with amendments, in line 7, after the word "by," to strike out "the neglect on the part of officers of the United States" and insert "a collision with the United States"; and in line 10, after the word "Carolina," to insert "in full for all damages therefrom"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, $5,000 to Mrs. George Pauls, widow of George Pauls, whose death was occasioned on May 8, 1889, by a collision with the United States revenue cutter *Colfax*, in the harbor of Wilmington, N. C., in full for all damages therefrom.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRINTING OF GOVERNOR ALTGELD'S SPEECH.

Mr. COCKRELL. On the 14th of this month, at the instance of the Senator from Wisconsin [Mr. VILAS], the speech of Hon. John G. Carlisle before the workingmen of Chicago, Ill., delivered April 15, 1896, was printed as a document. I ask now that the reply of Governor Altgeld, of Illinois, may likewise be printed as a document.

Mr. CULLOM. I think this practice is a very bad one, but as the Senator from Wisconsin asked and obtained consent that the speech of the Secretary of the Treasury should be published as a document, I am not disposed to object to the publication of its answer, whatever it may be.

Mr. HILL. The only question that occurs to me is this: Of course one is an official of the Government; and while the speech was not made in an official capacity, yet possibly that courtesy was due to an officer of the Government.

Mr. COCKRELL. This is the speech of the governor of a sovereign State, one of the United States.

Mr. HILL. But not a United States official.

Mr. ALLEN. I hope the Senator from New York will not object.

Mr. HILL. I have not the slightest objection. I merely make that distinction.

Mr. HARRIS. I wish to say that I fully agree with the Senator from Illinois [Mr. CULLOM] that this is a very bad practice, and the original precedent I think a very bad one. I hope this request will be agreed to, and that the precedent will die out with the agreement to this request.

Mr. COCKRELL. It has been a practice immemorial, I desire to say to the distinguished Senator from Tennessee, because I have paid some attention to it, to print important publications as documents by order of the Senate, and where there is no abuse of it—anything can be abused—I see no objection to the principle of publishing important papers, that we may have the use of them.

Mr. CULLOM. The worst precedent I know of is the publication of Henry George's book.

Mr. COCKRELL. That was not under a permission to print, but it was published in a speech.

Mr. CULLOM. I think that was a pretty hard strain on the practice.

Mr. CHANDLER. That went into the RECORD as a part of several speeches.

Mr. CULLOM. I know it did.

Mr. COCKRELL. That is not what is asked to be done here.

Mr. HARRIS. My objection is not to printing important documents; but I think a request to publish as a document a political speech, I do not care by whom made, long after its making and made elsewhere than in the Senate, is a bad practice. But as one speech has been published, I hope the other will be. However, I trust the practice will die with this action.

Mr. CHANDLER. I wish to ask the Senator from Missouri a question. The Senator from Wisconsin, who asked to have the speech of the Secretary of the Treasury published, agrees with the speech and indorses the sentiments therein expressed. Do I understand the Senator from Missouri with equal cordiality and positiveness to indorse the speech of Governor Altgeld?

Mr. COCKRELL. I have not read his speech, but I have no doubt I indorse it.

Mr. CHANDLER. The Senator thinks he will add his approbation?

Mr. COCKRELL. I have no doubt I will indorse it.

Mr. BAKER. I hold in my hand a speech delivered——

Mr. COCKRELL. Let us dispose of this question.

Mr. BAKER. I may want to object.

Mr. COCKRELL. Object if you want to.

Mr. BAKER. I do not want to object just yet. I hold in my hand an answer both to Mr. Carlisle's speech and the speech of Governor Altgeld. It is of about the same length as either one of them, and I ask that it may be printed. It is a speech by a very eminent man. I ask that it may be printed in the RECORD at the same time.

Mr. COCKRELL. This is not a request to have Governor Altgeld's speech printed in the RECORD.

Mr. ALLEN. Whose speech is it that the Senator from Kansas has?

Mr. BAKER. Jacob L. Green's.

Mr. ALLEN. Who is Jacob L. Green?

Mr. BAKER. He lives at Hartford, Conn.

Mr. ALLEN. What is the character of the speech?

Mr. BAKER. I should call it a pretty honest money speech. I presume the Senator would call it a dishonest money speech.

Mr. ALLEN. What is the general character of it? I do not care anything about——

Mr. BAKER. It is the same as Mr. Carlisle's—upon the money question.

Mr. ALLEN. I shall object to Mr. Jacob L. Green's speech being printed, because he is a private citizen.

Mr. BAKER. Mr. Altgeld is no more than that, I understand.

Mr. GALLINGER. He soon will be no more than a private citizen.

Mr. ALLEN. No; he is at present governor of the State of Illinois.

Mr. BAKER. Then I object to Mr. Altgeld's speech being printed.

Mr. COCKRELL. I move that it be printed.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri that the speech of Governor Altgeld in reply to Secretary Carlisle be printed as a document.

Mr. CULLOM. The Senator from Colorado [Mr. TELLER] is not present. My impression is that when the Senator from Wisconsin [Mr. VILAS] asked the Senator from Colorado whether there would be any objection to printing Mr. Carlisle's speech, the Senator from Colorado said he would not object, but that he would ask to have Governor Altgeld's speech printed as an offset to it when he got a copy of it. I only state that as one of the reasons why, perhaps, it is only fair, as the Senator from Colorado is not present, to allow this speech to be printed.

Mr. DUBOIS. Mr. President——

The PRESIDING OFFICER. The Chair does not understand that the Senator from Missouri requests unanimous consent. The Chair understands that the Senator makes a motion that the speech be printed as a document.

Mr. COCKRELL. I made the motion, as the distinguished Senator from Kansas [Mr. BAKER] made a personal objection.

Mr. DUBOIS. I desire to supplement the statement of the Senator from Illinois [Mr. CULLOM] by saying that the Senator from Wisconsin [Mr. VILAS] repeated the conversation he had with the Senator from Colorado [Mr. TELLER], and he also told me that he had submitted it to the Senator from Missouri [Mr. COCKRELL] before asking that the speech of Mr. Carlisle should be printed as a document. The Senator from Wisconsin said he responded to the Senator from Colorado that he had no objection whatever to Governor Altgeld's speech being printed as a document.

Mr. BAKER. Owing to the courtesy of the Senator from Nebraska [Mr. ALLEN], I withdraw any objection I made to the request of the Senator from Missouri.

Mr. COCKRELL. I am very much obliged.

Mr. BURROWS. Of course I do not know what the practice of the Senate may be or has been heretofore, but I agree with the Senator from Tennessee [Mr. HARRIS]. The proceeding is, it seems to me, most extraordinary and very dangerous. I should like to inquire of the Senator from Missouri whether the speech of Governor Altgeld is to be printed for the use of the Senate? Is it the purpose of this order to inform the Senate?

Mr. COCKRELL. As a matter of course, the same number of copies as in the case of any other document will be printed, and they will go to the document room, where any Senator can get copies.

Mr. CULLOM. How many copies will be printed?

Mr. COCKRELL. The usual number—1,700, I believe.

Mr. FRYE. It can go through the country in indefinite quantities.

Mr. BURROWS. If this document is to be printed because it contains superior information to that possessed by other American citizens and will enlighten the Senate, and the Senate needs it in the course of its legislation, that is one thing, but if it is proposed to be published, as I apprehend the other speech was published, for political ends, not for the use of the Senate but

simply to get free entrance to the mails and distribution, then I think it ought not to be done.

Mr. COCKRELL. Then the Senator from Michigan will permit Mr. Carlisle to go to Chicago and make a political speech, and when the governor of the State in which he has gone makes a reply to it, the Senator would refuse to have his speech printed.

Mr. BURROWS. My friend the Senator from Missouri misunderstands me. If I had been present and had known of the request to have Secretary Carlisle's speech printed as a document for the use of the Senate or for free distribution, I should have objected to it unless the traditions of the Senate compelled it to be done. No such thing is ever done in the House of Representatives. Political speeches are not published as documents by the authority of the House of Representatives. Members very frequently allude to speeches, read them as a part of their own remarks, or have them entered as a part of their remarks by the consent of the House, but not within my knowledge have political speeches been printed at public expense as public documents and printed to furnish material for campaign purposes.

Mr. COCKRELL. Would the Senator prefer to have this speech printed in the RECORD?

Mr. BURROWS. I have not made any objection at all.

Mr. COCKRELL. I would much prefer to have it go into the RECORD.

Mr. BURROWS. I have simply called attention to the fact that I think the practice is a pernicious one. I join with the Senator from Tennessee in the hope that this will be the end of it if that is the practice. Then I also desire to know of the Senator from Missouri how many copies he proposes to have printed for the use of the Senate.

Mr. COCKRELL. The law prescribes the number. I am not making a proposition about it.

Mr. BURROWS. How many is the usual number?

Mr. COCKRELL. I think the number is 1,700, but I am not positive.

Mr. GALLINGER. One thousand nine hundred.

Mr. HARRIS. I think it is 1,900; I am not sure. It is in that neighborhood, however.

Mr. COCKRELL. That number is for the Senate and the House. Each Senator will get two or three copies.

Mr. BURROWS. I have said all I care to say. I do not wish to object, but I think the practice is an exceedingly pernicious one.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri that the speech of Governor Altgeld shall be printed as a document?

Mr. HARRIS. It is to be printed as a document and not in the RECORD?

Mr. COCKRELL. It is not to go into the RECORD.

Mr. HARRIS. I hope we will never do it again.

Mr. CULLOM. So do I.

Mr. BACON. Mr. President, I am very glad this colloquy has occurred, because I confess I felt great dissatisfaction with the course taken in the case of the publication of the speech of the Secretary of the Treasury at the request of the Senator from Wisconsin [Mr. VILAS]. It was entirely improper. I very gravely doubt whether two wrongs will make a right. Still it looks like a great hardship to exclude Governor Altgeld's speech at this time. I hope the example will not be repeated in the future.

I think the distinction drawn by the Senator from Michigan [Mr. BURROWS] is entirely proper. Any paper that gives valuable information to the Senate should be printed as a document; but political speeches made elsewhere certainly are not the proper subject-matter to be included in the official documents of the Senate.

Mr. CHANDLER. I wish to call the attention of the Senate to the fact that the Senator from Colorado [Mr. TELLER] has repeatedly had letters and speeches of foreigners, eminent gentlemen abroad discussing the financial question, printed as documents. I have myself had one or two printed. The Senator from Colorado the other day——

Mr. HARRIS. May I ask the Senator from New Hampshire if they did not come in the form of memorials or petitions?

Mr. CHANDLER. No, Mr. President. They were simple discussions of the subject; and they were presented and requests made that they should be printed as documents. I call the attention of the Senator from Tennessee to a case which perhaps he will remember. The Senator from Colorado offered a letter from Mr. Benjamin Butterworth in favor of bimetallism accompanied by a letter to Mr. Butterworth on that subject, which Mr. Butterworth thought was an excellent discussion of the silver question. So he wrote a letter embodying the letter to him. They were printed as a document.

I remember that at the last session of Congress two documents, one the speech of Mr. Giffen, president of the British Agricultural Society, were printed, I think, on the joint motion of the Senator from Colorado and myself, accompanied by the letter on silver of the senior Senator from Pennsylvania [Mr. CAMERON]. It was thought that those documents would enlighten the Senate upon the general subject of the free coinage of silver. So such documents have been printed repeatedly, and of course it is much better that they should be printed as documents in this way than that they should be put into the RECORD, as in the House of Representatives the whole book of Henry George was put into the RECORD, divided up among various members, each one putting in a part; and so several speeches have been inserted in the RECORD in the House of Representatives.

I think it desirable that the RECORD should be kept free from these bulky documents, but I do not think any great harm has been done by the printing in special form of anything that has been printed hitherto. I do not think any harm has been done by printing Secretary Carlisle's speech, and I certainly think we can stand the argument of Governor Altgeld.

Mr. CULLOM. The feature of this matter that I think makes it objectionable is that a Senator gets hold of a speech made by somebody outside, apparently without any other purpose than to get it into an official form, so that it can be franked, and comes in here and asks that it be made a public document. That movement is followed by another Senator asking the same privilege, because the speech that he asks shall be printed is an answer to the other one already printed. If we are going to begin the practice, whenever we find an important speech which we think should be made a public document, of an individual Senator coming in and asking that it shall be printed, we will have 10,000 public documents of that sort, of a political nature, piling up here, and to no good purpose, in my judgment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri [Mr. COCKRELL]? The Chair hears none, and the speech will be printed as a document.

ELBRIDGE M'FADDEN.

Mr. FRYE. As I shall be called away on important business the first of the week, I should like to secure the passage of another little bill. I ask the Senate to take up the bill (H. R. 5999) to correct the military record of Elbridge McFadden.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of War to remove the charge of desertion and grant an honorable discharge to Elbridge McFadden, late of Company I, Thirty-eighth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BONDS, ETC., OF ARIZONA TERRITORY.

Mr. PERKINS. I ask unanimous consent to call up the bill (S. 3161) amending and extending the provisions of an act of Congress entitled "An act approving with amendments the funding act of Arizona," approved June 25, 1890, and the act amendatory thereof and supplemental thereto approved August 3, 1894.

There bing no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. When was that bill reported?

Mr. WHITE. A very short time ago, I think.

Mr. PERKINS. It was reported from the Committee on Territories yesterday.

Mr. COCKRELL. The report has not been laid on my table.

Mr. PERKINS. The report is printed, and the Secretary will read it for the Senator's information.

Mr. COCKRELL. I can understand much better when I have the report myself. Does the report explain the bill?

Mr. PERKINS. I so understand. I will say that I introduced the measure more especially at the request of the Delegate from Arizona, and it is to correct some informality. The committee examined it very carefully, and from those who have stated the matter to me I learn it is a very proper measure.

Mr. COCKRELL. Let the report be read.

The VICE-PRESIDENT. The report will be read.

The Secretary read the following report, submitted by Mr. DAVIS May 22, 1896:

The Committee on Territories, to whom was referred Senate bill 3161, having considered the same, hereby adopt House Report No. 1931 in support of a bill identical in tenor, and recommend the passage of Senate bill aforesaid.

[House Report No. 1931, Fifty-fourth Congress, first session.]

The Committee on the Territories, to whom was referred House bill 6935, beg leave to submit the following report:

The act of Congress entitled "An act approving, with amendments, the funding act of Arizona" became a law June 25, 1890, and authorized the funding of all Territorial, county, municipal, and school-district indebtedness of Arizona which had accrued and would accrue, with the interest thereon, until and including December 31, 1890, into 5 per cent bonds, and under the provisions of the act a loan commission, consisting of the governor, secretary of the Territory, and Territorial auditor, was created to fund indebtedness under the terms of the act.

The purpose of the law was to effect an annual saving in interest and place the Territory upon a cash basis. The floating indebtedness of the Territory represented by warrants bore 10 per cent interest, and upon that indebtedness an immediate saving was had of 5 per cent. The average rate of interest on the bonded indebtedness of the Territory was 8 per cent, and the operation of the law effected a saving of 3 per cent upon all indebtedness

Mr. COCKRELL. I have no doubt I will indorse it.
Mr. BAKER. I hold in my hand a speech delivered——
Mr. COCKRELL. Let us dispose of this question.

it in the course of its legislation, that is one thing; but it is
proposed to be published, as I apprehend the other speech was
published, for political ends, not for the use of the Senate but

from Colorado and myself, accompanied by the letter on silver of the
senior Senator from Pennsylvania [Mr. CAMERON]. It was thought

est on the bonded indebtedness of the Territory was 6 per cent, and the
operation of the law effected a saving of 3 per cent upon all indebtedness

funded. Only such bonded indebtedness could be funded as had matured or was voluntarily surrendered by the holders thereof.

A supplemental act of Congress was passed and approved August 3, 1894, extending the time for funding outstanding warrants for Territorial expenses only until December 31, 1895. The object of the present bill is to further extend the provisions of the funding act approved June 25, 1890, until January 1, 1897, so as to permit and authorize the funding of such outstanding indebtedness as might have been funded under the original act had the same been surrendered before the act had lapsed.

It is not proposed to fund any indebtedness which could not have been funded under the original act had said indebtedness been presented in time.

No new indebtedness is proposed to be funded in excess of the limit prescribed by law. In authorizing the funding of the outstanding liabilities the act also validifies the indebtedness already funded and authorized to be funded, so as to prevent the possibility of repudiation of bona fide obligations.

The eighteenth legislature of Arizona unanimously memorialized Congress to validate securities about which doubt existed.

Upon investigation the committee believe the legislation beneficial and wise and in the interest of good government, and therefore recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TWYMAN O. ABBOTT.

Mr. MITCHELL of Oregon. I ask unanimous consent for the present consideration of the bill (S. 2526) for the relief of Twyman O. Abbott.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments.

The first amendment was, in line 4, after the word "directed," to insert "out of any moneys in the Treasury not otherwise appropriated"; and after the words "sum of," in line 7, to strike out the words "twenty-seven thousand seven hundred and forty-eight" and insert "ten thousand nine hundred and sixty-seven"; so as to make the section read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any moneys in the Treasury not otherwise appropriated, to pay to Twyman O. Abbott, of Tacoma, State of Washington, his heirs or legal representatives, the sum of $10,967.75, in full and final settlement of his claim for damages sustained by reason of the breach of a certain contract for lease of a building and ground for post-office purposes.

The amendment was agreed to.

The next amendment was to strike out section 2 of the bill, as follows:

SEC. 2. That the sum of $27,748.75 is hereby appropriated for the purpose of paying the above claim.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLED BILL SIGNED.

The signature of the Vice-President was announced to the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; which had previously been signed by the Speaker of the House of Representatives.

CONDEMNED CANNON FOR HASTINGS, MICH.

Mr. BURROWS. I ask unanimous consent for the present consideration of the bill (H. R. 248) empowering and directing the Secretary of the Navy to furnish four pieces of condemned cannon to the city of Hastings, Mich.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COLONEL HAINS'S STATEMENT BEFORE COMMERCE COMMITTEE.

Mr. WHITE. I rise for the purpose of correcting an error in a document printed by the Senate in the report of a hearing before the Commerce Committee of the Senate on the subject of a deep-water harbor in southern California, of which we have heard considerable. The testimony of Colonel Hains, on page 29, contains the following statement:

The fact that they use these wharves so much without a breakwater is pretty good evidence that they need very little protection from the outside. I think that a breakwater made of plank would accomplish the purpose.

I received a letter from Colonel Hains this morning, calling attention to the error, and I desire to correct it. He wrote me as follows:

UNITED STATES ENGINEER OFFICE,
Baltimore, Md., May 22, 1896.

MY DEAR SENATOR WHITE: My attention was called a few days ago to the speech made by you in the Senate on May 9 relative to the deep-sea harbor in southern California, in which you quote certain remarks made by me at the hearing before the Committee on Commerce. These remarks were taken by the stenographic reporter, but they were never submitted to me for revision, and he has written them out as he doubtless understood them. I refer to the quotation on page 5527 of the CONGRESSIONAL RECORD of May 11, 1896, in which I am quoted as saying that "I think that a breakwater made of plank would accomplish the purpose." That expression was not made by me. I said, "I think that a breakwater made of that plan" (referring to the plan hung on the wall) "would accomplish the purpose."

The reporter left out the word "that" in front of the word "plan," and attached the letter "k" to the word "plan," which has given the sentence an entirely different meaning from what was intended. I suppose it is too late to make any correction of the sentence now, but I write this in order to show you that I did not make use of such an absurd expression as quoted from the stenographer's report.

Very truly, yours, PETER C. HAINS.

Hon. S. M. WHITE, *Washington, D. C.*

Colonel Hains is a distinguished officer, and of course desires to be technically accurate, and I make this statement so that it may be found corrected in the pages of the RECORD.

LOUIS V. HOUSEL.

Mr. BAKER. I ask unanimous consent for the present consideration of the bill (S. 2336) to place on the retired list of the Navy Louis V. Housel, late lieutenant of the Regular Navy.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BATE. Was that bill reported by a committee?

Mr. COCKRELL. It was reported by the Committee on Naval Affairs.

Mr. BATE. And recommended?

Mr. COCKRELL. Yes, sir.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RIGHTS OF PURCHASERS UNDER MORTGAGES.

Mr. HILL. There is one more bill I should like to have taken up and considered. It is Senate bill 1832. While the title is a very broad one, it relates simply to one particular railroad. It has been unanimously reported from the Committee on the Judiciary. I ask unanimous consent for its present consideration.

There being no objection, the bill (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That whenever any mortgage made by the Atlantic and Pacific Railroad Company under and by virtue of acts of Congress is foreclosed in any court of the United States, or of any State or Territory thereof, and any sale of the road, equipment, lands, franchises, privileges, and other rights and property covered by said mortgage is made under a decree or decrees of such courts, the purchaser at any such sale or sales and their associates or assigns shall constitute a new company, which shall have and shall be entitled to hold and possess the franchises and property so sold, and to exercise the same rights, powers, privileges, grants, and franchises, including the franchise to be a corporation, granted by the act of Congress approved July 27, 1868, incorporating the Atlantic and Pacific Railroad Company, and by acts amendatory thereof and supplemental thereto, which were owned and possessed by said Atlantic and Pacific Railroad Company, or said mortgagees at the time of such decree of foreclosure; and the incorporation as hereby provided shall be completed and become effective whenever the said purchasers and their associates or assigns shall file with the Secretary of the Interior a certificate of incorporation hereunder, duly acknowledged, specifying the name of such new corporation, its president, and the names of its directors, the amount of its proposed capital stock and bonds, together with certified copy of the decree or decrees ratifying such sale; but nothing in this act shall make such purchasers and their associates or such new corporation liable for any debts or claims or contracts of the old corporation not expressly assumed in their contract of purchase at said judicial sale: *Provided*, That the amount of the proposed issue of stock of such new corporation shall not exceed the aggregate amount which the Atlantic and Pacific Railroad Company has already issued and is now outstanding, except that said corporation may issue an additional amount of stock which, with the stock heretofore issued, shall not exceed the aggregate amount heretofore authorized by Congress, and such additional stock shall not be issued except for money, labor, or property, estimated at its actual cost value, in exchange for such stock at its full or par value: *Provided further*, That nothing herein contained shall be construed as making any additional grant of lands or other franchises to such successor corporation, or as a waiver of any rights of the United States now existing to enforce any forfeiture of lands heretofore granted to the said Atlantic and Pacific Railroad Company, or as in any manner affecting the vested rights of any settler or settlers on any of the lands heretofore granted to the Atlantic and Pacific Railroad Company or of any purchaser or purchasers of said lands from said company.

SEC. 2. That Congress shall at all times have the power to alter, amend, or repeal this act.

Mr. MITCHELL of Oregon. I desire to inquire of the Senator from New York if he would have any objection to an amendment to this bill providing that this new company shall be responsible for any moneys that may be recovered by any parties on any warranty issued by the old company where the lands were found not to belong to the company, so as to protect the purchasers?

Mr. HILL. The Senator will recollect that we had this whole question before the Judiciary Committee; and I suggest that that can be done in the House of Representatives.

Mr. MITCHELL of Oregon. I desire to state, in order that there may be no misunderstanding as to the two bills before the Judiciary Committee, that one was relating to the Atlantic and Pacific and the other relating to the Northern Pacific.

Mr. HILL. The other is a very large matter.

Mr. MITCHELL of Oregon. I know, but at the same time I simply desire to state that since the Northern Pacific bill has been reported I have come to the conclusion that there ought to be, as to that bill at least, if not as to this, a provision so as to protect the parties who purchased land and hold warranty deeds from the old company and never got the lands.

Mr. HILL. I will assist the Senator in that.

Mr. COCKRELL. It is not necessary to do that on this bill.

Mr. MITCHELL of Oregon. I do not wish to embarrass this bill, and perhaps there may be circumstances which render it unnecessary to place such a provision in this bill.

Mr. CHANDLER. This bill simply authorizes the purchasers under mortgage to enjoy and use what they have purchased.

Mr. MITCHELL of Oregon. That is it.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CHANDLER. The Senator from New York would oblige me if he would add to the title the words "concerning the Atlantic and Pacific Railroad."

Mr. HILL. I have no objection to that amendment.

Mr. CHANDLER. I move to amend the title so as to read: "A bill to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad."

OWNERS OF BRIG TALLY-HO.

Mr. PASCO. I ask for the present consideration of the bill (S. 337) to refer the claim of the owners of the brig *Tally-Ho* to the Court of Claims.

Mr. GALLINGER. I will not object to this bill, but I suggest that I shall move to adjourn after the bill is disposed of.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 50 minutes p.m.) the Senate adjourned until Monday, May 25, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 23, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

The SPEAKER. Without objection, the Journal will be considered as approved.

Mr. KEM. Mr. Speaker——

Mr. HOWARD. Mr. Speaker, I rise to a question of personal privilege. The privileged question is contained in the document which I send to the desk.

Mr. KEM. Mr. Speaker, I object to the approval of the Journal, and call for the regular order.

The SPEAKER. The gentleman from Nebraska [Mr. KEM] objects to the approval of the Journal.

Mr. HOWARD. I rise to a question of personal privilege.

The SPEAKER. This is a question of the highest privilege. The question is on the approval of the Journal.

Mr. DINGLEY. I move the approval of the Journal, and on that I demand the previous question.

The previous question was ordered; and under the operation thereof the Journal was approved.

QUESTION OF PRIVILEGE.

Mr. HOWARD. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. HOWARD. I send the privileged matter to the Clerk's desk, and ask that it be read, after which I desire to address the Chair.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

I do impeach Grover Cleveland, President of the United States, of high crimes and misdemeanors on the following grounds:

1. That he has sold or directed the sale of bonds without authority of law.
2. That he sold or aided in the sale of bonds at less than their market value.
3. That he directed the misappropriation of the proceeds of said bond sales.
4. That he directed the Secretary of the Treasury to disregard the law which makes United States notes and Treasury notes redeemable in coin.
5. That he has ignored and refused to have enforced the "antitrust law."
6. That he has sent United States troops into the State of Illinois without authority of law and in violation of the Constitution.
7. That he has corrupted politics through the interference of Federal office-holders.
8. That he has used the appointing power to influence legislation detrimental to the welfare of the people: Therefore

Be it resolved by the House of Representatives, That the Committee on the Judiciary be directed to ascertain whether these charges are true, and if so——

Mr. STEWART. I rise to a question of order. This is not a question of privilege, and I object to the reading.

The SPEAKER. The Clerk will proceed.

The Clerk resumed and concluded the reading, as follows:

to report to the House such action by impeachment or otherwise as shall be proper in the premises. And said committee shall have authority to send for persons and papers.

Mr. DINGLEY. Mr. Speaker, I raise the question of consideration. At this late hour of the session I think it is hardly worth while to go into that matter.

The SPEAKER. The gentleman from Maine raises the question of consideration.

The question was taken; and the House refused to consider the question of privilege.

Mr. HOWARD. Mr. Speaker——

The SPEAKER. The gentleman from Illinois is recognized on a conference report.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I desire the Clerk to read amendment No. 9. The House is dividing on that.

The SPEAKER. The Clerk will read amendment No. 9.

The Clerk read as follows:

(9) For court-house and post-office at Little Rock, Ark.: For additional amount to construct an addition to the United States court-house and post-office and enlarging judge's chamber and the offices of the marshal and clerk of the circuit and district courts, and for an elevator, $43,000.

The SPEAKER. The amendment No. 9 was disposed of.

Mr. CANNON. Then I ask for the reading of amendment No. 10.

The Clerk read as follows:

(10) For constructing a bathroom and lavatory in the basement of the post-office building at Sioux Falls, S. Dak., $300.

The SPEAKER. The gentleman from South Dakota moves that the House recede from its disagreement to the Senate amendment and agree to the same.

The question was taken, and the motion to recede from the disagreement to the Senate amendment and agree to the same was rejected.

The Clerk read as follows:

(11) For court-house and post-office at Los Angeles, Cal.: For additions to and alterations in the court-house and post-office building, $12,000.

Mr. CANNON. I yield five minutes to the gentleman from California.

Mr. McLACHLAN. Mr. Speaker, yesterday afternoon the members of this body seemed determined to vote down every appropriation proposed in the amendments of this bill on general principles. It is possible that some of these amendments have merit, and to vote them down on general principles may be doing grave injustice to the locality in which the improvement is sought to be made. I believe such to be the case with reference to the proposed amendment providing an appropriation of $12,500 for the improvement of the post-office facilities in the city of Los Angeles, Cal. I desire to state briefly the condition of affairs in that city. About eight years ago provision was made for the erection of a Government building in that city at a cost of $100,000, when it was a small place and contained but a few thousand people. Since that time the city of Los Angeles has had a marvelous increase in population, until to-day it is a city of upward of 100,000 population. Its growth has simply been marvelous. The business of the post-office has increased in the same proportion, until during the last fiscal year the revenues of the Government amounted to over $160,000, and the increase in the revenues during the first quarter of this fiscal year is sufficient to warrant me in saying that the revenues to the Government from that source alone will be over $180,000 during the present year.

The post-office is now conducted in the first story of the Government building, and is wholly inadequate for the proper performance of the vast amount of labor required in the proper management of that office. The Postmaster-General, recognizing the increased business at the post-office in Los Angeles, has recently provided a large additional force, and this fact emphasizes more strongly than ever the cramped quarters in which the large business was required to be performed. The Post-Office Department, through its inspectors, has duly reported that the basement of the public building at Los Angeles could be properly improved so as to make a suitable addition to the present post-office facilities for the sum of $12,500. That is the amount asked for in the amendment now under consideration. We do not ask for this appropriation for the purpose of enlarging the building by making additions, but simply to improve and fit up the basement of the building now in existence.

Mr. HENDERSON. It ought to be done.

Mr. McLACHLAN. Mr. Speaker, it is not in the line of additional improvements that we ask for the amount named in this amendment, and the objections raised to many of the amendments that have been adversely voted upon by this House do not apply in this case. If this amendment does not prevail, and this amount is not allowed for the improvement of the basement of the Government building already in Los Angeles, it will be necessary to

move the post-office from its present location to other quarters at a large annual expense to the Government for rent in the quarters so procured. The rent that the Government would be required to pay in a single year for proper quarters for our post-office in that city would almost, if not quite, equal the amount asked for in this amendment; and it is therefore economy on the part of the Government to make proper provision for improvements in its own building. Mr. Speaker, I submit in all candor that this is a just provision, and should be voted upon favorably by the members of this House.

Mr. CANNON. Mr. Speaker, a single word. I indorse what the gentleman says. This appropriation is not fairly within the line of public-building appropriations. The building is occupied, and from the extraordinary growth of the city they have got to fit up the basement so as to do the public business, or else they have got to go and rent quarters outside.

Mr. HENDERSON. It is economy to do it.

Mr. CANNON. If it was not for the fitting up and alteration—that means the cutting out of a door here and there—this appropriation could be paid from the general appropriation for repairs; but, under the technical rulings of the technical Comptroller of the Treasury, it is not available for that purpose. In my judgment it can be done without sacrifice of principle, and it ought to be done.

Mr. TERRY. I want to call the attention of the gentleman from Illinois to the fact that the condition which has been described as existing at Los Angeles is exactly the condition at Little Rock.

Mr. CANNON. Precisely. I acknowledge it.

Mr. TERRY. But your side voted it down.

Mr. MORSE. Mr. Speaker, there are 150 just such cases before the Committee on Public Buildings and Grounds.

Mr. CANNON. No, sir; so far as I know there is not one such case.

Mr. HICKS. We have them, though.

Mr. HENDERSON. Mr. Speaker, I have been in Los Angeles and know this building and know the city. It has grown from a little village until it is now the San Francisco of Southern California—a large, aggressive city, transacting the great business of that part of the beautiful fruit and flower region of this country. The people there need this improvement. It ought to be made. It is necessary for the transaction of the business of the city, and it will be economy for the Government to grant this appropriation.

Mr. MORSE. I ask the gentleman from Illinois to give me two minutes.

Mr. CANNON. I give the gentleman two minutes.

Mr. MORSE. I have in my memory at least two cases that are of equal importance to this. One is St. Albans, Vt., where the roof of the building is burned off. Another is at Topeka, Kans., where they are doing the post-office business in the cellar, and where they are crowded badly—have entirely inadequate facilities for the transaction of the post-office business. As a member of the Committee on Public Buildings and Grounds, I say now that we have many cases before our committee as meritorious as this, and if we are not going to vote the others we ought not to vote this one. We ought to treat them all alike. And I object to the way in which this and all these bills come here as riders on an appropriation bill from the Senate.

Mr. CANNON. The gentleman says he knows several places where they are doing post-office business in the cellar. This $12,000 is asked to enable the post-office at Los Angeles to do just that very thing—to fit the basement of the building for use.

Mr. TERRY. Mr. Speaker, I hope this side of the House will vote in favor of this California proposition, because it is meritorious; and I think that is the ground on which these appropriations ought to be considered.

The question being taken on the House receding from its disagreement to the Senate amendment, the Speaker declared that the noes seemed to have it.

Mr. CANNON. I ask for a division.

The House divided; and there were—ayes 84, noes 40.

Mr. MORSE. Mr. Speaker, I make the point of no quorum.

Mr. MILLIKEN. I would not do that.

The SPEAKER. The point of no quorum is made. [After counting.] One hundred and eighty-one gentlemen present—a quorum.

Mr. MORSE. I demand tellers.

Tellers were refused, only 4 members voting in favor thereof.

So the House receded from its disagreement and concurred in the Senate amendment.

The Clerk read as follows:

For court-house and post-office at Martinsburg, W. Va.: For completion of approaches, $5,000.

Mr. CANNON. I yield five minutes to the gentleman from West Virginia [Mr. DAYTON].

Mr. DAYTON. Mr. Speaker, I hope I may have the attention of the House for a simple statement with regard to this amendment. Here is a public building that has been erected, finished, and paid for, and the only thing necessary is the completion of the approaches. This building has been finished over a year and is occupied. The municipal regulations of the city of Martinsburg require every property owner to put in front of his property the necessary walks. That requirement has been sustained by the courts of our State. The Government has persistently disregarded the requirement for the putting down of these walks, and to-day we are in the position there that men who have to attend the courts that are held in that building are compelled to do so by walking over pine boards. This is an item of $5,000 only, and that is all that is necessary to complete the approaches to this building. I hope the House will concur in the amendment.

Mr. MILLIKEN. I wish the gentleman from Illinois would give me two minutes.

Mr. CANNON. I yield two minutes to the gentleman from Maine.

Mr. MILLIKEN. Mr. Speaker, there is no question that many of these cases are meritorious, but, as I said yesterday, the same is true of at least forty other cases that are not included in this bill, and out of forty or fifty bills pending before our committee there are many cases very much more meritorious than this. There is no absolute necessity for this appropriation. Still I would favor it if it came here in a legitimate way, with other measures quite as deserving; but I oppose all of these appropriations, with one or two exceptions where there is an absolute necessity, upon principle.

Mr. SAYERS. I wish to ask the gentleman a question of parliamentary law. Does he think that this particular item is one that should come directly before the Committee on Public Buildings and Grounds?

Mr. MILLIKEN. I think so. If it belongs to the Committee on Appropriations, that is another matter.

Mr. SAYERS. I just asked the gentleman's opinion.

Mr. MORSE. If you are going to pass these appropriations for public buildings in this way, you might as well abolish the Committee on Public Buildings and Grounds.

Mr. TAWNEY. I wish to ask the gentleman from Maine a question. Is there a bill pending before your committee for this purpose?

Mr. MILLIKEN. I do not recollect.

Mr. TAWNEY. If your committee had reported a bill of this kind would there be any objection at all, under the circumstances stated by the gentleman from West Virginia, to the House passing an appropriation of $5,000 for this purpose?

Mr. MILLIKEN. I answered that question yesterday. It was understood by the Committee on Public Buildings and Grounds that, on account of the condition of the Treasury, it was desirable upon the part of the House, desirable upon the part of the Executive, desirable upon the part of a great many people who have the interests of the country at heart, that in the present crisis our appropriations should be as small as they could be made consistent with getting along with the public service, and in order to keep down the appropriations, in consonance, as we believe, with the wishes of the House and of patriotic men generally, the Committee on Public Buildings and Grounds have delayed reporting bills for these appropriations and putting them upon the Calendar.

Now, as I said yesterday, if you pass in this way—which I regard as a most vicious method of legislation—public-building bills as Senate amendments to an appropriation bill, you leave a large number of the members of this House in a very disagreeable and embarrassing position. When they go home to their constituents, they will be asked, "Why have you not taken care of the interests of your constituents in regard to this or that public building?" and when they turn around and say, "It was not the policy of Congress to pass public-building bills," they will be pointed to Tom and Dick and Harry and Peter and Jim who got their public buildings through by having them sneaked into this House from the Senate in the way of amendments upon appropriation bills. In this way members will be left in a very bad position.

Mr. HULICK. I should like to ask the gentleman a question.

Mr. MILLIKEN. Certainly.

Mr. HULICK. Have the claims of the cases now presented here been considered by the gentleman's committee?

Mr. MILLIKEN. Some have been and some have not.

Mr. HULICK. If any of these cases have been passed upon by the committee and fully considered, then of course it might be important that we should know it.

Mr. MILLIKEN. Public-building bills which come into this House for its consideration should come from the committee, with a report stating the merits of the case, so that the House might know the circumstances and legislate intelligently.

Mr. WILLIS. I should like to ask the gentleman from Maine a question—whether he does not think the vote of this House sometimes depends largely upon the condition of the weather? [Laughter.] Yesterday, for instance, we took up the Senate amendments in a body, and with a spirit of rigidity and extreme opposition we

voted down everything that came along. This morning it seems the House is in such a delectable condition—as sweet and soothing as a summer breeze—that we want to pass this one and that one and the other one. As the gentleman has wisely said, this policy will put a number of gentlemen of the House in a false position.

Mr. MORSE. You are right.

Mr. WILLIS. There is no use in having our Committee on Public Buildings and Grounds, if we are going to vote through amendments of the Senate in this way, without any report from our committee. I have a number of propositions for public buildings in my own State which I have not had the nerve to offer to the House. And I feel that when propositions are presented in this way I ought to vote against every one of them.

Mr. MILLIKEN. The gentleman has answered his own question so admirably that I do not think anything further is called for from me.

Mr. CANNON. I yield two minutes to the gentleman from West Virginia [Mr. DAYTON].

Mr. DAYTON. Mr. Speaker, I want to call the attention of the House to the utter unfairness of the position taken by the gentleman from Maine [Mr. MILLIKEN]. He substantially admits that this is a work of necessity—a meritorious improvement. He simply insists that the appropriation for it should not be granted because the proposition has not passed through his committee. I maintain that such a position is not fair or right.

Mr. MILLIKEN. I have not asserted that this is a work of necessity.

Mr. DAYTON. You have parried the direct question that was put to you in regard to the matter.

The proposition here is simply to complete a public work. It has no relation to the building itself. In refusing to sustain this action of the Senate the House will stand in absolute defiance of a State regulation which requires all property owners to put down these walks in front of their property. If we desire that respect be paid to the laws which we pass we ought to have some respect for local regulations of this kind.

Mr. MILLIKEN. Just one word. I wish to say that in almost every one of these cases where the limit of the appropriation is broken the appropriation is to complete a public building.

Mr. CANNON. Mr. Speaker, I now ask for a vote.

The question being taken on the question, "Will the House recede from its disagreement and concur in the amendment of the Senate?" it was decided in the negative; there being on a division—ayes 47, noes 83.

The SPEAKER. The House refuses to recede and concur, and insists on its disagreement.

The next amendment was read, as follows:

On page 5, in line 15, strike out "seventy" and insert "one hundred"; so as to make the paragraph read:

"For court-house, custom-house, and post-office at Omaha, Nebr.: For continuation of building under present limit, $100,000."

Mr. CANNON. I ask for a vote.

Mr. MERCER. I ask the gentleman from Illinois [Mr. CANNON] to yield to me five minutes on this proposition.

Mr. CANNON. I will do so, Brother MERCER, unless three minutes will do.

Mr. MERCER. Possibly three minutes may suffice. I desire, Mr. Speaker, to move to concur in the amendment of the Senate with the following amendment:

In line 15, after the word "dollars," add "and the limit of cost of said building and site is increased from $1,200,000 to $1,300,000."

Now, Mr. Speaker, when this bill was before the House——

Mr. CANNON. Does the gentleman from Nebraska merely give notice of that amendment, or does he offer it now?

Mr. MERCER. Does the gentleman intend to raise a point of order?

Mr. CANNON. Oh, I suppose it is my duty to do so on the increase of the limit.

Mr. MERCER. Then, Mr. Speaker, I believe I will offer the amendment, because this is on a par with the amendment offered with reference to the post-office building at Kansas City, Mo.

Mr. CANNON. Precisely. Kansas City has been nonconcurred in. [Laughter.]

Mr. DOCKERY. I regret to say that is true.

Mr. MERCER. Well, that may be, Mr. Speaker, but, in the language of the gentleman from Delaware [Mr. WILLIS], that action was taken when the weather had a depressing effect upon the members of the House, and they were not in as good humor as they are this morning. [Laughter.] I take it now that, being in a little better humor, they will accept the amendment and reverse the decision of yesterday.

I have in connection with this matter, to which I desire to ask the attention of the House, a letter from the Secretary of the Treasury bearing on this point, which I will read for the information of the House:

TREASURY DEPARTMENT, *March 9, 1896.*

To the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to submit the following statement relative to the United States court-house, custom-house, and post-office building now being erected in the city of Omaha, Nebr.

The limit of the cost of the site and building as fixed by act of Congress of January 21, 1889, is $1,200,000, the cost of the site $400,000, leaving a balance for the construction of the building of $800,000.

The cost of the contracts and contingent expenses to date is $554,090.75, leaving a balance for the completion of the building of $245,909.25.

The work yet uncontracted for consists of the plastering, joinery work, iron stairs, plumbing, elevators, electric wiring, heating, clock, approaches, certain carving of stonework of superstructure, etc., for the completion of which items the Supervising Architect of this Department estimates the sum of $345,909.25 will be required.

As the balance for construction under the present limit is $100,000 less than is absolutely necessary for the completion of the building, I have the honor to recommend that this amount be appropriated for that purpose in addition to the amount yet to be appropriated under the said limit.

This additional appropriation is rendered necessary by the fact that South Park, Colorado, granite was used in the construction of the building in lieu of limestone, the material originally intended in the official estimate, this substitution being made for the betterment of the building at the earnest solicitation of Hon. Charles F. Manderson and upon the recommendation of the Supervising Architect of this Department.

Respectfully, yours, etc.,

Now, Mr. Speaker, the building referred to by this amendment is in process of construction and is almost completed. If the House should strike down the amendment it would leave a building partially constructed, standing exposed to the elements, in which condition it must remain for at least twelve months. It is precisely in the same position as the post-office building in this city. If the House desires to take the position that the Omaha building, almost completed, shall stand exposed to the weather and subject to a damage which may probably reach as much as $250,000, let the House bear the responsibility.

If the gentleman from Illinois, however, insists on the point of order, I desire to be heard on that.

Mr. HICKS. Let me ask the gentleman this question: Are you not a member of the Committee on Public Buildings and Grounds of this House?

Mr. MERCER. To the best of my knowledge and belief I am. [Laughter.]

Mr. HICKS. Have not you voted against reporting bills to the House for public buildings at this session?

Mr. MERCER. Why, we have not had an opportunity to vote in favor of reporting them for action.

Mr. HICKS. I beg to say the gentleman is mistaken in that, for we have had the opportunity.

Mr. MERCER. Then I was not present.

Mr. HICKS. That was just the matter; the gentleman was not there.

The SPEAKER. The question is on the motion of the gentleman from Nebraska to recede from the disagreement to the Senate amendment and concur, with the amendment stated by him.

The question was taken; and on a division (demanded by Mr. MERCER) there were—ayes 59, noes 86.

So the motion was rejected.

The question being taken on the motion to recede and concur in the Senate amendment, it was rejected.

So the House refused to recede and concur, and insisted on its disagreement.

The next amendment was read, as follows:

(14) For custom-house and post-office at St. Albans, Vt.: For rebuilding and repairing same, made necessary by recent fire, $70,000.

Mr. CANNON. I yield five minutes to the gentleman from Vermont [Mr. POWERS].

Mr. POWERS. Mr. Speaker, the proposition embodied in this amendment is supported not only by its own intrinsic justice, but it has pictures to match. I hold in my hand a picture of the public building at St. Albans, Vt., when it was completed, ready for occupancy, and would have been occupied within two weeks but for a disastrous fire which befell that town in July, 1895, a fire as disastrous to St. Albans as the great fire in Chicago in 1871 was to that city. It wiped out the business portion of the town in two hours and a half, and in its ravages destroyed the public building that had been erected by prior appropriations of Congress, and left but a wreck, as shown in the photograph I hold in my hand. Any gentleman on the floor who will take the two pictures and compare this building as it was when completed and as it is to-day will appreciate the importance of immediate action upon this question.

One-third of the existing structure of to-day can be utilized and saved permanently if work is commenced on it at once; but if there is a delay of another year, even this part of the building will be utterly destroyed, and the Government will be subjected to an additional cost of twenty-five or perhaps fifty thousand dollars more than would be necessary at this time to preserve it.

Now, as to this item in the appropriation. A bill passed the

Senate appropriating the money unanimously, and the House sent it to the Committee on Public Buildings and Grounds when it reached this body; and by that committee, as I am informed by three or four members, and if I am not correct the gentleman from Massachusetts [Mr. MORSE] will correct me—it was approved by the committee. Every member of the committee agreed that the appropriation ought to be made; but, in view of the condition of the Treasury, the same policy inaugurated in respect to other public buildings was followed—that is, that no bill was to be reported to the House, although every member agreed that the appropriation ought to be made. Thereupon this amendment was put on in the Senate, and it comes over to the House for its action. I have the authority of each member of the conference committee having the matter in charge to say that they themselves agree that the amendment ought to be made.

Now, Mr. Speaker, let me submit it to the candid judgment of this House. Here is a piece of public property. If it stands twelve months longer the action of the elements upon it will absolutely destroy it from summit to base. If this appropriation is made and work resumed, one-third of the walls of that building can be utilized and the building reproduced. Now, Mr. Speaker, I submit to the candid judgment of this House that we can not afford, as representatives of the people, to allow the public property of the people to be wasted. If any one of you had the roof of your house burned you would, as a prudent man, at once go to work and save the balance of the House. Why should we not adopt the same thing here? Talk to me about the money in the Treasury being insufficient to do these things! No man in his private affairs would allow his partially burned dwelling house to go to ruin if he could save it by borrowing a few dollars. Why should not the Government, then, do the same thing with respect to this and try to act with economy rather than to act with extravagance? Why, sir, we were told by the Chaplain in his prayer this morning that man was created a little lower than the angels; but when you look upon the action of the House on yesterday I think the Chaplain probably was absent. I think if he had been present he would have had an entirely different idea.

Be that as it may, this is a matter of absolute merit, and no man can controvert it. Any man who will take the trouble to look at the picture of that building as it was and as it now is will at once vote for this proposition.

Mr. CANNON. I yield two minutes to the gentleman from Maine [Mr. MILLIKEN].

Mr. MILLIKEN. I am not going to disagree with the gentleman from Vermont [Mr. POWERS] as to the merits of this case. I only want to say to him that the Committee on Public Buildings and Grounds did report in favor of his bill. That is to say, they made a report and filed it in the committee room. They have not made it to the House. But they have also made reports as unanimously for perhaps thirty or forty other buildings or more, in cases many of which are quite as meritorious as this. But as I have before said (and there is no necessity for me to repeat it), it has not been the policy of this Congress to do what the gentleman states the Government should do in this case, and that is to do what a prudent business man would do or should do if he had the matter in hand. There are a great number of cases, not only those which have been reported but others in this country, a great many in the city of Washington, where, if the Government acted as a good prudent business man would act, it would appropriate money not only to repair but build public buildings. When one of the heads of the bureaus of this Government comes before the committee as an expert and states that if the Government will build a certain public building in six years it can save the entire cost of it by having modern improvements and conveniences, he states quite as strong a case as the gentleman from Vermont has stated, and yet nothing is done.

The gentleman says we are going to save a good deal because one-third of the walls of that building is left. Now, are the walls going to perish? I suppose they are built either of stone or brick. I do not know what the building is constructed of.

Mr. POWERS. Of marble.

Mr. MILLIKEN. Well, I do not think the weather is going to deteriorate that marble in the course of the next twelve months, and the gentleman has not stated there is anything left inside the building that is not burned up.

[Here the hammer fell.]

Mr. POWERS. One word further. I ought to have stated, Mr. Speaker, that this building is to accommodate the custom-house at one of the largest ports of entry in this country, the post-office, the internal-revenue collector's office, etc. The Government is now paying large sums in rent for the use of those offices, and I have no doubt that in eighteen months' time the rent which the Government pays would equal the amount of money called for to make this appropriation.

Mr. MILLIKEN. I will say that the Government is now paying more than $30,000 a year rent for accommodations for the Post-Office Department in this city, and more than $30,000 a year rental for the accommodations of the Public Printing Office, and yet we do not build new ones.

Mr. TAWNEY. But you have appropriated money for a new post-office, and for an addition to the Printing Office?

Mr. POWERS. We can not consider more than one thing at a time. Let us do the right thing about this and consider the others when they come up.

Mr. CANNON. I yield five minutes to the gentleman from Vermont [Mr. GROUT].

Mr. GROUT. I shall not want five minutes, Mr. Speaker. I simply want to call the attention of the House to the difference between this case and those stated by the gentleman from Maine [Mr. MILLIKEN], chairman of the Committee on Public Buildings and Grounds. He says various other projects before his committee are as meritorious as this. Very likely; but in nearly every instance it is the authority to erect a public building which is asked for.

Mr. MILLIKEN. Oh, no; not in every instance.

Mr. GROUT. In most instances.

Mr. MILLIKEN. Not in the majority.

Mr. GROUT. It is always the authority to erect public buildings that is granted by the gentleman's committee. That is what is ordinarily referred to that committee, except in cases like this. It seemed to me, in fact, when the bill came here from the Senate, that it should have gone to the Committee on Appropriations, as it calls for an appropriation simply, because the authority already exists. The Speaker, however, thought it should go to the Committee on Public Buildings and Grounds, very properly no doubt, and so it went there. But ordinarily, Mr. Speaker, where authority exists for an appropriation, all that is necessary is for the Committee on Appropriations to make the appropriation. This had been once made, it is true, and this building was destroyed. This appropriation is really in the nature of repairs, because there is something left of the building to be preserved, as has been stated by my colleague.

The gentleman from Maine says that the frost of winter would not unfavorably affect these blocks of marble. Everybody who knows anything about granite or marble knows that it would affect unfavorably such part of the walls as still stand. Every block of marble which could be used in the new structure, if left to the action of the frost, as it is, the joints being somewhat open, as they are from the effects of the fire, would be subject to disintegration. My colleague from Vermont stated that this was one of the largest subports of entry in Vermont.

Mr. POWERS. In the country.

Mr. GROUT. Yes, in the country; but if the largest in Vermont it would be large, for the district of Vermont is one of several large subports. And as illustrating the size of this subport I will say that the amount of revenue received at the port of St. Albans exceeds the amount received in the whole collection district of Portland, Me. And it is to accommodate the large customs business at this port as well as the post-office necessities of a large town that this appropriation is asked.

Now, I ask the members of this House to observe the ground on which the distinction between this case and those already rejected really rests. These other projects which have been voted on are where there was an increase in the limit—where there was a new authority to be granted. Here no authority is to be granted to erect a public building; that already exists. The simple request is for the money to rebuild it. The fire destroyed the building, but did not destroy the law authorizing it; that still exists, and this is an appropriation in accordance with that authority.

Mr. TAWNEY. Is the interior finish exposed to the elements?

Mr. GROUT. Certainly; to a very great extent. The roof was burned away and all the interior woodwork destroyed.

Mr. HICKS. Does not that increase the limit of the cost?

Mr. GROUT. Not at all. This item is for precisely the same sum originally appropriated.

Mr. HICKS. It has already been paid for once.

Mr. GROUT. Certainly; but the law authorizes a public building at St. Albans. There is now none there, and this appropriation provides the money with which to build it, and the limit is precisely the same as already authorized by law.

Mr. HICKS. But it doubles it.

Mr. GROUT. It leaves the limit unchanged.

Mr. MILLIKEN. If the gentleman will allow me one moment.

Mr. CANNON. I think we are ready to vote, if the gentleman has concluded.

Mr. MILLIKEN. It seems very curious that marble up in the State of Vermont would not stand the frost after the inside of the building was burned out. Now, if the marble will not stand frost in Vermont, I think the best thing the Government could do would be to build it up of granite, which will stand the frost of that country. Now one thing more. The gentleman is wrong in stating that the limit is not going to be exceeded. This authorizes $70,000 more. You had a limit fixed as the cost of your building, and the building according to the statement of your colleague

[Mr. POWERS] has been constructed and the money that was appropriated, to that limit, was expended.

Now, if Congress votes $70,000 it is certainly extending the limit. The gentleman says, further, that in these cases that have come before the Committee on Public Buildings and Grounds they are for the authorization of new sites. You take the case of the appraiser's store in the city of New York, which I mentioned yesterday. That is a case exactly in point with that of the gentleman. That building has been built up one story. It was authorized years ago. There is a proposition now before the Committee on Public Buildings and Grounds to strengthen the ironwork of the first story, because it is not strong enough, as proved by experts, to support the building and what it will have to contain hereafter. This was authorized long ago; yet it is properly before the Committee on Public Buildings and Grounds.

Mr. GROUT. I do not say that there are not other meritorious cases. I simply say this is one of great merit, which even the gentleman from Maine does not deny. I also say it is entirely different from the cases already voted down by the House.

Mr. CANNON. I ask for a vote.

The SPEAKER. The question is on receding from the disagreement to the Senate amendment and concurring in the same.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. POWERS. Division, Mr. Speaker.

The House divided; and there were—ayes 64, noes 69.

Mr. POWERS. Mr. Speaker, I do not like to delay the action of the House, but I think this question is one on which we ought to have a vote of the whole House. I call for the yeas and nays. [Cries of "Oh, no!"]

After a pause,

Mr. GROUT. I suggest that the vote be by tellers.

Mr. POWERS. I will take it by tellers.

The SPEAKER. The gentleman withdraws the demand for the yeas and nays, and asks that the vote be taken by tellers.

The question was taken on ordering tellers, and tellers were ordered.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] and the gentleman from Vermont [Mr. POWERS] will please take their places as tellers.

The House divided; and there were—ayes 73, noes 58.

So the motion was agreed to; and the House receded from its disagreement and concurred in the Senate amendment.

The Clerk read as follows:

For post-office, court-house, and custom-house at St. Paul, Minn.: For continuation of building under present limit, $125,000.

Mr. KIEFER. Mr. Speaker——

Mr. CANNON. I will ask the gentleman whether, with the limit unchanged, there is not money enough in the House appropriation?

Mr. KIEFER. The statement which the chairman of the committee made to me yesterday was that the $60,000 appropriated by the House, or about to be appropriated in this bill, with the money still on hand, was all that could be used up to March 3, 1897, according to the report made by the Treasury Department and as per the statement made by the Supervising Architect before the Committee on Appropriations. Is that correct?

Mr. CANNON. That is correct. I have the statement here.

Mr. MILLIKEN. Is the limit proposed to be broken in this case?

Mr. CANNON. No.

Mr. MILLIKEN. Well, if the limit is not broken, there is no objection on my part to this item, because it does not come within the rule.

Mr. CANNON. I will ask the House to disagree to the amendment, simply because there is money enough in the House provision.

The question being taken, the House refused to recede from its disagreement to the Senate amendment.

The Clerk read as follows:

For court-house at Savannah, Ga.: For continuation of building, $25,000; and the limit of cost of said building is increased $100,000.

The SPEAKER. The question is on receding and concurring in the Senate amendment.

Mr. CANNON. I yield five minutes to the gentleman from Georgia [Mr. LESTER].

Mr. LESTER. Mr. Speaker, this amendment appropriates $25,000 for the continuation of the building of the court-house at Savannah, and increases the limit of cost $100,000—that is, it extends the limit from $400,000 to $500,000. The situation at Savannah is this, and I think it is a case where the judgment of the House will be that the appropriation ought to be made, or at least that the limit ought to be extended, for reasons which I will explain. In 1886, ten years ago, this public building for the post-office and court-house was authorized by an act of Congress. After purchasing a site and partly erecting a building upon it, the site was changed and the limit was made $400,000. Subsequently the erection of a building upon a new site was commenced and the basement and lower story were finished with stone, the general expectation being that the building would be faced with marble. Last year they were ready to commence the erection of the superstructure, after having previously completed the basement, and it was then discovered that possibly there might not be money enough to finish the building as contemplated by the plans. Bids were advertised for by the Secretary of the Treasury for the completion of the building with brick and also alternate bids for marble. It turned out when the bids were received that the bid for the marble finish exceeded the amount of the appropriation. The same firm who offered to complete the building with brick also made the bid for marble. The Secretary of the Treasury, joining in the idea and the expressed wish of everybody concerned, that the building ought to be completed with marble—because so important a building in a city as important as Savannah should be of stone instead of brick—made an arrangement with the bidder to suspend his contract (which was to commence some time in October) until June of this year, in order to give Congress an opportunity, if it pleased, to extend the limit so that the building might be finished with marble, as it ought to be. The Secretary of the Treasury wrote a letter to the Committee on Public Buildings and Grounds, to which I ask the attention of the House:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., April 24, 1896.

SIR: I have the honor to invite your attention to Department letter dated February 7, 1896, addressed to you, relative to bill H. R. 317, entitled "A bill to increase the limit of cost of the public building now being erected at Savannah, Ga."

The office estimate for the work contemplated the use of limestone for the facing of the first story, with pressed brick and terra-cotta trimmings above, and contract on that basis was awarded August 26, 1895, in amount $117,600, which amount was within said office estimate.

At the earnest request of the Hon. RUFUS E. LESTER, who represented to this Department that the citizens of Savannah earnestly desired that the building should be faced with marble throughout, a communication was addressed to the contractors requesting them to state whether they would stand by their alternate bid for marble facing for the building until Congress should have an opportunity to make an extension of the limit.

In response thereto they agreed to stand by their proposition until June 1, 1896.

As the time limit is rapidly approaching, it becomes necessary to take action on the above bill, should Congress desire to comply with the request of the citizens of Savannah for the proposed substitution.

I have, therefore, to request that early action be had in the matter, so that this Department may know what course to pursue relative to the contract now in force.

Respectfully, yours, J. G. CARLISLE, *Secretary.*

To the CHAIRMAN,
COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
House of Representatives.

The SPEAKER. The time of the gentleman has expired.

Mr. LESTER. May I have another minute?

Mr. CANNON. I yield the gentleman two minutes more.

Mr. LESTER. Now, Mr. Speaker, the Committee on Public Buildings and Grounds of this House took the same view of that question, and recommended that the bill be passed extending the limit in respect to this building. I understand that the only objection raised now is based on some fanciful notion that perhaps if any public building bill be passed in any shape or form at this session it may reflect injuriously in some way upon the Committee on Public Buildings and Grounds and injure them with their constituents at home. I think, Mr. Speaker, that this case stands upon its own merits, like the proposition with reference to the public building at St. Albans, Vt., and the public building in California. I ask, therefore, that the House recede from its disagreement to the Senate amendment, and concur in that amendment.

It will be noticed that this amendment embraces two propositions—an immediate appropriation of $25,000 and an extension of the limit to $100,000 for the purpose of completing this building with marble. If this amendment be not adopted at this session we can not afford to wait until the next session of Congress for the continuance of this work, as may be done in the case of other public buildings. Unless this provision be now adopted, then, as the contract time will be up the 1st of next June, the work will be continued under the contract providing for finishing the building with brick. Hence, this question must be determined now or not at all. It will be seen that this case stands on a very different footing from the cases which other gentlemen have presented here this morning.

In reference to the immediate appropriation of $25,000, I will say that if it pleases the gentleman from Illinois to ask that that immediate appropriation be struck out I shall have no objection, because the building can be finished in the way I have stated by a mere extension of the limit.

Mr. HICKS. Would not an appropriation of $25,000 be sufficient for the present?

Mr. LESTER. I am willing that if the immediate appropriation of that amount be objectionable it be struck out altogether, retaining simply the provision extending the limit of cost.

Mr. CANNON. My recollection (which I think examination will verify) is that under the present law the limit of cost for the building at Savannah is $400,000, with authority to contract. Under that limitation there is plenty of money appropriated to care for this work during the coming year. The pending proposition, however, is to break the limit and authorize an expenditure of $500,000. If the House should authorize this increase it means a different finish for this building; if not, it means that it shall be finished in the manner originally contemplated. I am ready for a vote.

Mr. LESTER. I think the gentleman from Illinois is under a misapprehension in regard to the facts.

The SPEAKER. The question is on receding from the disagreement of the House to the Senate amendment and concurring therein.

The question being taken, there were—ayes 35, noes 52.

Mr. LESTER. I call for tellers.

Tellers were not ordered, only 33 voting in favor thereof.

The SPEAKER. Tellers are refused; the noes have it. The House refuses to recede and concur, and insists on its disagreement to the amendment.

The Clerk read the next amendment, as follows:

Insert on page 6 of the bill the following:
"For court-house and post-office at Salt Lake City, Utah: For purchase of site and commencement of construction of building, $75,000."

The SPEAKER. The question is, Will the House recede from its disagreement and concur in this amendment of the Senate?

Mr. CANNON. I yield five minutes to the gentleman from Utah [Mr. ALLEN].

Mr. ALLEN of Utah. Mr. Speaker, I would not undertake to occupy the time of the House on this question if it were like the questions which have already been decided. In the first place, I wish to call the attention of the House to the fact that so far as this bill is concerned there can be no objectionable precedent set by favorable action on this amendment, because this is the last of the public-building amendments in this bill.

Several MEMBERS. Oh, no.

Mr. ALLEN of Utah. Yes, it is. I wish also to call attention to the statement made here yesterday by the gentleman from Maine [Mr. MILLIKEN], that it is the policy of this House not to do anything in the line of public buildings at this session of Congress. I challenge that statement. The House has not so expressed its policy. It has not had the opportunity of declaring at this session what shall be its policy with reference to these questions.

Utah is the youngest State in the Union. It is the only State as to which provision has not been made for a public building at its capital. The Senate has passed a bill authorizing the construction of a public building at Salt Lake City, the capital of Utah. The House committee, if I am correctly informed, has in its pigeonholes a bill for this purpose which has been approved unanimously by that committee. It is true that no bill of this kind has been passed; but both Houses—one by an affirmative vote, the other by the action of its Committee on Public Buildings and Grounds—have declared it necessary and desirable that there should be a public building at Salt Lake City. The present proposition is to purchase a site for that building; and every argument which has been advanced here in favor of the other propositions of this kind which have been adopted can be advanced in favor of this proposition.

Gentlemen have said it is in the interest of economy to restore the public building at St. Albans, Vt. So I say it is in the interest of economy that a building be erected at Salt Lake City. And inasmuch as this case stands by itself, is sui generis, I ask that this amendment be concurred in.

Mr. CANNON. A single word, and I am ready for a vote. Gentlemen will understand that this is an entirely new building, authorized for the first time by the Senate amendment to the bill.

I now ask a vote.

The question was taken on receding from the disagreement to the amendment of the Senate and concurring in the same.

On a division (demanded by Mr. ALLEN of Utah) there were—ayes 24, noes 51.

So the House refused to recede from its disagreement.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read amendments 18 and 19, as follows:

Amendment numbered 18: Strike out "two" and insert "three."
Amendment numbered 19: Add the words "and the limit of cost of said building is increased $410,000." So the paragraph will read as follows:
"For post-office at Washington, D. C.: For continuation of building under present limit, $975,000; and the limit of cost of said building is increased $410,000."

Mr. CANNON. I ask unanimous consent to consider these amendments together. They properly belong together. If the limit is broken, as proposed in one of the amendments, then the appropriation ought to be increased as the Senate amendment provides.

The SPEAKER. Without objection, the two will be considered together.

There was no objection.

Mr. SAYERS. Mr. Speaker, I move that the House recede from its disagreement to the amendments of the Senate Nos. 18 and 19 and concur in the same.

I will state that these two amendments have reference to the post-office building in the city of Washington. It is absolutely necessary that these amendments should be adopted in order to complete this building within the next eighteen months. If they should be adopted, then within eighteen months from this date the building will be completed, and 3,000 clerks, or thereabouts, who are now occupying rented buildings in this city, at a cost of about $100,000 per annum, will find quarters there. In addition to that, we are paying quite a large sum for the rent of a post-office for this city.

I state this latter amount subject to correction; but, at all events, the present post-office is now a rented building, and the post-office, of course, will be removed when the new building shall have been completed, so that there will be at least a saving absolutely to the Government by the completion of the building within the eighteen months not less than $100,000 a year. If the amendment should not be adopted, the building will not be completed and will come to a standstill, and the Government must continue paying rent at the same rate it pays the owners of houses now being used until work shall be resumed and the building completed.

I understood the gentleman from Maine [Mr. MILLIKEN], who is chairman of the Committee on Public Buildings and Grounds, to say on yesterday that this building is an exception and that these amendments ought to be adopted. With this statement, Mr. Speaker, I leave the matter to the House.

Mr. PICKLER. Let me ask the gentleman from Texas a question. Will this finish the building; and if so, when?

Mr. SAYERS. My understanding is that it will finish the building ready for occupancy in eighteen months.

Mr. DAYTON. Will this be sufficient to provide the steps and approaches to the building, so that we can get inside of it when it is completed? [Laughter.]

Mr. SAYERS. There will be no difficulty, I can assure the gentleman, in getting access to it.

Mr. MILLIKEN. Mr. Speaker, I did say on yesterday that I looked on this as an exceptional case. This provides for the completion of an almost completed building, and until it is completed I suppose it can not be occupied at all; and in view of the fact that it will provide accommodation for a large number of the employees of the Government and save such a large rental, it is an exceptional case, and one that the House should act upon and act promptly.

It is a case, too, which can not be pointed out to any member of Congress, when he may go home, by the people of his district, when he has failed to get his public building for his district, as militating against him or his efforts in that direction.

I will say, further than that, Mr. Speaker, that I feel a little pride myself in this building. I think, indeed, I have a right to do so. I worked for seven years on the Public Building and Grounds Committee of this House, together, let me say, with Mr. Dibble, of South Carolina, not now in Congress, but to whose active work and efficiency in this direction I desire to testify. For seven years we worked to get this building established here.

We had an old post-office building in this city in which I suppose you might have kept a cow without tying her, but you could not have kept a dog, for he could have run out through the cracks. [Laughter.] And in view of the difficulties that to-day face us in getting the establishment of a Printing Office and other necessary public buildings here, I feel some pride in the fact that although we kept working at this for nearly seven years, we finally succeeded and gained the victory, notwithstanding the efforts of a great many individuals who wanted to get their fingers into the pie. We succeeded also in establishing the building at a point where I think it ought to be established. I think it is the concurrent testimony of the people in this city, as well as the members of Congress themselves, that the building is well located.

Now it is nearly finished. Its construction has proceeded so slowly that the newspapers and the people have manifested impatience at the delay. If this provision in this bill will achieve its completion in the course of a few months, so that we can see it occupied—if the city of Washington, the national capital, which is entitled to have good public buildings, can rejoice in a post-office building belonging to the Government and worthy of the Government, and such as the public service requires—I shall be glad to see it done. I shall make no objection.

Mr. DAYTON. Why did you not report it long ago?

Mr. MILLIKEN. I have answered that question so many times that if the gentleman has as much intelligence as his face indicates he certainly must know what the answer is without asking any further question.

Mr. CANNON. I yield five minutes to the gentleman from Texas [Mr. ABBOTT].

Mr. ABBOTT. Mr. Speaker, I want to say to the House that I am not so much opposed to these particular provisions as I am to the method in which these amendments have been offered to this bill. The House in its organization created a Committee on Public Buildings and Grounds, upon which was conferred certain jurisdiction. These questions relating to public buildings have been presented to that committee, and in many cases that committee have acted favorably. Now, we have, as I understand, through the chairman of the Committee on Public Buildings and Grounds, sought opportunities to present to this House the bills which have been considered and favorably passed upon. We have not been accorded that privilege. We have not been allowed, as it were, to present our bills. Of course the committee can present them, but we do not choose to do so until such time as we believe we can get consideration at the hands of the Speaker and the House.

Now, it is not so much that I oppose these appropriations as the manner in which they are brought into this House. If we are going to permit the Senate of the United States, upon appropriation bills, to bring amendments here authorizing the building of new buildings or the continuation of new buildings already under construction, why not do away with the Committee on Public Buildings and Grounds altogether? Why have a committee here whose duty it is to inquire into and consider the merits of these respective measures, when at the same time you permit the Senate to come here and tack numerous bills upon an appropriation bill without any reports at all? Who knows in regard to this post-office here in the city of Washington? Who knows what the estimates are? Has anybody presented any statement that we should increase the limit of construction?

Mr. DOCKERY. I suggest to my friend that the letter of the Secretary of the Treasury recommends it.

Mr. ABBOTT. Perhaps the Secretary of the Treasury has recommended it. I did not know that fact to be true; but, nevertheless, I do not think it right and proper for this House to become a mere tool of the Senate of the United States and to allow that body to dictate to us what we shall do. Why do they not bring up their bills separately and pass them on their respective merits instead of tacking them upon an appropriation bill? There are numbers of gentlemen on this floor who have been before the Committee on Public Buildings and Grounds insisting upon the passage of their respective bills. Many of these bills are meritorious. There are several States in the Union which have not any public buildings. There are many places where the Federal courts are held where the Government of the United States has no house in which to hold them. These cases are just as meritorious as the bill under consideration.

Why should the people of the several States of this American Union be deprived of the privilege of having buildings where their courts may be held and where their post-office business may be transacted? Why should we make a special exception of the city of Washington or any other city? Why not let them come in and stand upon their own merits? I believe in no such policy as this. I believe it is wrong for bills of this character to be ingrafted upon appropriation bills.

Now, gentlemen, the House in the preparation of this bill provided for an appropriation of $275,000 to be expended for the continuation of the post-office in the city of Washington. Why should we increase it $100,000? I have been looking at that building for the last six or seven years, nearly. The work has been going on very slowly. Comparatively few laborers are employed upon it. It appears to me so, at least. Why should we, at the suggestion of the Senate, add $100,000 to the $275,000 which the House had agreed to?

[Here the hammer fell.]

Mr. CANNON. I ask for a vote.

The SPEAKER. The question is on receding and concurring.

The motion was agreed to.

Accordingly, the House receded from its disagreement, and concurred in the amendment of the Senate.

The SPEAKER. The Clerk will present the next amendment.

The Clerk read as follows:

For Treasury building at Washington, D. C.: For repairs to Treasury, Butler, and Winder buildings, $12,000.

Mr. CANNON. That amendment and the next one have already been disagreed to.

The SPEAKER. The Clerk will report amendment No. 22.

The Clerk read as follows:

For making certain proposed alterations in the post-office building in New York City, and for improving, arranging, and furnishing certain rooms therein in accordance with plans prepared by the Supervising Architect of the Treasury, to be done under the direction of the Secretary of the Treasury, the sum of $60,000, such sum to be immediately available.

Mr. CANNON. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. DANIELS].

Mr. DANIELS. Mr. Speaker, the object of this amendment to the bill has been to make certain alterations and changes in the court rooms in the post-office building in the city of New York. When the building was erected, these rooms were constructed of the height of two stories. Since that time Congress has provided for the circuit court of appeals, requiring more room than these two rooms and the district court room can afford. It has been proposed, therefore, to construct a floor midway between the upper and lower floors of the room, making four rooms out of two and two out of another, so as to accommodate these courts in the transaction of their business. They are now much restricted. All the business done by the United States is done by those courts. They are United States court rooms, and for the purpose of facilitating and increasing the means of doing that business this appropriation has been asked for. It stands upon a different principle from many of those which have been considered and disposed of by the House, for a bill was introduced into the Senate to make this appropriation and allowing these alterations, and the Senate bill was passed and came to the House. About a month or two months ago it was sent to the Committee on Public Buildings and Grounds of the House. One member of that committee, who was recently in the city of New York, went into the building for the purpose of seeing whether in point of fact these alterations were required, and upon his return he stated to me that he was satisfied the alterations ought to be provided for, and ought to be immediately made; but no report has been made by the Committee on Public Buildings and Grounds upon that bill, and the result of this delay of the House committee has been the insertion of this amendment in the bill by the Senate.

I have letters of the judges of the circuit court of appeals, Judges Wallace, Lacombe, and Shipman, stating these changes are necessary. The judges state:

As you are aware, two of these court rooms extend upward through two stories of the building. If they were floored over at the level of the first story the capacity of these rooms would be doubled.

I have also a letter of Justice Brown, of the district court, saying the same thing in reference to his room, and showing the necessity for this work being done, and done immediately. Now, it will be borne in mind, in connection with the proposal to do this work, that the revenues received by the Government from the post-office in the city of New York amount to millions more than those of any other post-office in the country. The postmaster himself has concurred also in the request that this work shall be done. So has the district attorney, and so has Mr. Choate, the president of the law institute, which has a large library, perhaps the largest library in the city of New York, of law books, which is used by the judges of this court. Unless this work is done, this library must be taken out of the building, because the accumulation has been such and so great that they have not room for the library; while if this work is authorized this room will be extended, by which the library can overflow into other parts of the building and afford additional accommodations to the judges for the examination of their cases and the investigation of the questions brought before the court, and at the same time afford them room to transact their business.

Now, the simple question here in reference to this amendment is whether the United States, for the purpose of transacting its business, its legal business, in the city of New York and affording the courts reasonable room for the dispatch of their business, will sanction this amendment. If Congress will not, then, of course, they must be put to inconvenience and have the business itself postponed or not done at all. If the amendment is permitted, by simply taking a small amount—and it will only take a small amount—of the surplus revenues of this post-office, it will afford these additional facilities for the transaction of the business of the court as well as furnish more room for the library that they have to use in the dispatch and consideration of their business.

I submit to the House, therefore, under these circumstances that this case is distinguishable from those which have been disposed of here, and that it requires that this appropriation should be sanctioned, particularly when, as they are made in the ordinary course of things and carried through a bill—the Senate has passed a bill for the appropriation of this money and the sanctioning of these improvements—through the failure of the committee of this House to act upon it, the House itself must dispose of the matter. This reads:

For making certain proposed alterations in the post-office building in New York City, and for improving, arranging, and furnishing certain rooms therein in accordance with plans prepared by the Supervising Architect of the Treasury.

Mr. DANIELS. That is it.

Mr. CANNON. It is not for a new building, nor for additions to the building, but to make changes so as to give double the present court room, by laying an additional floor, and is therefore like unto the Los Angeles case.

Mr. DANIELS. It will make six court rooms out of three.

Mr. CUMMINGS. Mr. Speaker, this change in the post-office building must be made now, or it will be futile. Unless the change is made now, the best law library in the city of New York will be removed from the Federal Building and the judges will be compelled to go outside to consult their law books. The Government of the United States will then be asked to furnish them a law library and, at the same time, to make the alterations in the building that are now called for in these specifications. It seems to me, Mr. Speaker, that the proposition ought to commend itself to the House without argument. It is virtually a proposition to save the Government of the United States $50,000.

Mr. LOW. One hundred thousand dollars.

Mr. CUMMINGS. I stand corrected by my colleague. It is virtually a proposition to save the Government of the United States $100,000. All the Federal courts of that circuit are held in the post-office building. Without a law library at hand they are crippled. I need not call the attention of gentlemen here who are lawyers to the fact that some of them may later on have a personal interest in this item, for if they practice in the Federal courts in New York, and if we make this appropriation, they will have law books right at hand; but if the library has to be removed from this building they will be correspondingly hampered in their practice. I know that my friend from Maine [Mr. MILLIKEN] is a good lawyer. I do not know but what, at times, he may be so unfortunate as to practice in the Federal courts in the city of New York, and I would really like to see him helped as much as possible by the passage of this appropriation. [Laughter.] I know that the removal of the law library would affect his practice unfavorably as well as that of any other gentleman here who might happen to be called upon to appear in those courts.

Mr. MILLIKEN. Mr. Speaker, I have been thoroughly entertained and greatly gratified by hearing how much money the Government of the United States is making by the passage of these appropriations. [Laughter.] My genial friend from New York [Mr. CUMMINGS], for whom I have as much admiration as I have for any man in this House or out of it, told us that we should save $50,000 by this appropriation, and his colleague [Mr. LOW] raised it to $100,000. I do not know how great the amount of our saving might be if the gentleman should consult all of his 33 colleagues on this floor. [Laughter.]

Mr. CANNON. Do you think we had better "call" him?

Mr. MILLIKEN. The gentleman is using language peculiar to a certain pursuit that I am not so familiar with as he is, and therefore I can not respond intelligently to his question. [Laughter.]

Now, Mr. Speaker, I am not going to discuss the merits of this case, but it does seem to me that there is no special exigency requiring this appropriation, and I can not see why it does not come under the same rule as the other cases in which we have instructed our conferees to insist upon our disagreement to the Senate amendments.

Mr. DANIELS. I will say to the gentleman that the business of the courts is constantly increasing, and this additional room is required to transact their business satisfactorily.

Mr. CANNON. I ask for a vote, Mr. Speaker.

The question being taken, the Speaker declared that the noes seemed to have it.

Mr. CUMMINGS. I ask for a division.

The House divided; and there were—ayes 45, noes 47.

Mr. CUMMINGS. I demand tellers.

Tellers were refused; the motion to recede and concur was rejected, and the House insisted upon its disagreement to the Senate amendment.

The Clerk read as follows:

To enable the Public Printer, with the approval of the Secretary of the Treasury, to purchase two lots of land immediately adjoining the site of the Government Printing Office on the west, said lots running north and south from H street to Jackson alley, and containing 8,412 square feet, more or less; and to purchase in addition a site in the vicinity of the Government Printing Office, within that part of square 624 bounded on the south by G street NW., on the east by North Capitol street, and on the north by Jackson alley, and containing 8,412 square feet, more or less, and to erect thereon a boiler house and coal sheds; and for the purchase and erection of two 300-horsepower steel steam boilers, with all necessary fittings and connections to connect said boilers to the Government Printing Office, $100,000, to be immediately available.

If from any cause the Public Printer, with the approval of the Secretary of the Treasury, shall be unable to purchase said land at a satisfactory price from the owners, he is hereby directed and empowered, within thirty days after the passage of this act, to secure the same by condemnation proceedings, as provided in the act approved June 25, 1890, entitled "An act to authorize the acquisition of certain parcels of real estate embraced in square No. 323 of the city of Washington, to provide an eligible site for a city post-office," and the amendment to said act contained in the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes," approved August 30, 1890.

Mr. SAYERS. Mr. Speaker, I move that the House recede from its disagreement and concur in the amendment just read. In support of the motion I ask to have read from the RECORD of yesterday a letter of the Public Printer, which explains the situation and the necessity for this appropriation. If gentlemen can afford to vote against the motion after they shall have heard the letter read they must bear the responsibility.

The Clerk read as follows:

OFFICE OF THE PUBLIC PRINTER,
Washington, D. C., April 30, 1896.

DEAR SIR: I esteem it my duty to write you in connection with the item inserted in the sundry civil bill in the Senate, providing for the erection of additional boiler plant at this office and for the purchase of land, which item is now under consideration in conference with your committee.

This work is the outgrowth of work undertaken a year ago, at the instance of the Joint Committee on Printing, in securing the erection of the new west building, now nearing completion at this office; in fact, this plant is a part of the work contemplated in such erection, inasmuch as it was intended, in connection with the erection of the new building on the lot line of adjoining owners, that the purchase of the adjoining land was to be made and the buildings removed, that light might be admitted into the two lower stories of the new building. As it is now, many of the windows are completely darkened by the adjoining building.

It was also understood and stated by me that the present boiler plant would not be sufficient and could not be enlarged to furnish heat for the winter for the new west building. The erection of five additional rooms to the office, under the appropriation of $75,000 in 1894, caused me to utilize every resourse of the present boiler plant, that the present power and heating demands of the office might be met, and which is inadequately met during the severity of winter.

There is no margin either in power or heat in our present plant to furnish heating facilities for the new building to be occupied in June. Such occupancy will be followed by vacating the building in November next unless heat is provided. No addition can be made to the present steam plant of the office except by purchase of land for the erection of the new plant.

All other dangers attending life and property in this office lessen before the danger incident to the tremendous steam energy concentrated within the group of buildings here, and which must be operated days, nights, and Sundays, with scarcely ordinary opportunities for withdrawing the fire and cleaning the boilers.

The demands on the steam service are now greater than ever, and the danger greater. I have mentioned this danger in public reports and verbal statements. If the new boiler plant is erected, I will use it entirely for power purposes, and use the old boilers within the office exclusively for heating purposes, removing in a large degree the great pressure of steam, thus lessening the danger to life and property.

The presentation of this matter to the Senate Appropriation Committee was in line of suggestions as made by members of the Committee on Printing, and not with a view of leaving your committee uninformed in the matter on my part.

Most truly, yours, TH. E. BENEDICT,
Public Printer.

Hon. J. G. CANNON,
Chairman Committee on Appropriations,
House of Representatives.

Mr. SAYERS. Mr. Speaker, I have nothing to add to what is set forth by the Public Printer as to the necessity for this expenditure.

Mr. HENRY of Indiana. Is this merely for room for a boiler plant?

Mr. SAYERS. Additional room is needed in order to use a boiler plant.

Mr. HENRY of Indiana. Eight thousand square feet for a boiler plant?

Mr. SAYERS. I do not know how much will be used for that specific purpose.

Mr. MILLIKEN. Mr. Speaker, there is no man in this House who has any greater desire, or who has struggled any harder than I have done in several Congresses, to give to the Government a Printing Office adequate to do the work well and economically, and with due regard to the health and comfort of the officials and employees there. The Senate, which has seen fit to put this item into an appropriation bill, has, as old members of the House well know, stood in the door for three Congresses past and said to us, as the highwayman says, "Either take a certain lot or nothing." And for the last six years that has prevented the purchase of an eligible site where there would be light and ventilation and good drainage, where we could erect a Printing Office with modern improvements and facilities for doing the work satisfactorily. Even when the Public Printer has said to the committee, and when the fact has been brought to the attention of the Senate and of the House, that we are paying $30,000 a year rental for conveniences outside of the existing building—that it was costing the Government nearly twice as much to do the work in that old rat trap of a building, which was never built for a Public Printing Office and is not fit for one and never can be made fit—even when that fact has been brought to our knowledge the same difficulty has continued.

Now, here comes a proposition upon this appropriation bill, a proposition which has never been submitted to the Committee on Public Buildings and Grounds, to purchase 16,000 square feet of land, more than a quarter as much as the entire Printing Office now covers, in order to facilitate the erection of a boiler plant. I should like to have the gentleman who has spoken in favor of this amendment [Mr. SAYERS], a member of the Committee on Appropriations, inform the House why it is necessary to buy one-fourth and more than one-fourth as much land as the Public Printing Office now covers, in order to erect a boiler house and a coal shed.

Mr. SAYERS. I wish to say to the gentleman——

Mr. MILLIKEN. I do not want this interruption to come out of my time.

Mr. SAYERS. The gentleman can get more time. I wish to say that I know nothing about the matter except what is stated in the letter just read.

Mr. MILLIKEN. Exactly.

Mr. SAYERS. But let me say to the gentleman from Maine there are 2,500 or 3,000 people engaged from day to day in the building——

Mr. MILLIKEN. I know it.

Mr. SAYERS. And if any accident should happen to the building—if a fire should break out or if the building should fall—the responsibility must rest upon the shoulders of the gentleman from Maine and those who vote against this amendment. It will not rest on mine.

Mr. MILLIKEN. Well, we shall see.

Mr. SAYERS. No, it will not. You can not by anything you may say or do put the responsibility on me. All I ask members of the House to do is to read the letter most carefully——

Mr. MILLIKEN. I have read the letter.

Mr. SAYERS. And if they should then choose to vote down the amendment, the responsibility is with them.

Mr. MILLIKEN. The gentleman says there are 2,500 people at work in the Government Printing Office. Yes; there are 3,000 persons at work there. Last summer there were 3,500 people working there. And that building has been twice condemned by the grand jury. It has been stated by experts that we are liable to have the Ford's Theater disaster quintupled there at any time. The Public Printer himself has stated personally to me and to my committee that when he goes into the north wing of that building he does not feel safe until he gets out of it. He stated that the operatives are working there under fear all the time that the building may tumble down upon them. Yet instead of having from the Senate such a proposition as the case demands, we have this amendment. If they choose to put aside the Committees on Public Buildings and Grounds in both Houses and legislate directly upon public buildings, why have they not sent here a proposition to erect a new Printing Office, so that we may have one that will be safe?

Mr. SAYERS. Let me say——

Mr. MILLIKEN. One moment. I believe I have the floor at present.

Now, Mr. Speaker, I should like to have the gentleman tell me, and I will wait for him to reply, how building a new boiler house is going to prevent that old building from tumbling down any day. It might possibly prevent a fire there, but the same might be true of almost any other public building. Fires are liable to break out in one public building as well as another. But all that is proposed in this amendment, for which there is a proposition to buy 16,000 square feet of ground——

The SPEAKER. The time of the gentleman from Maine has expired.

Mr. MILLIKEN. I want gentlemen to understand this proposition, and to realize that it does nothing at all to promote the safety of that building, which has been twice condemned by a grand jury.

Mr. SAYERS. Will the gentleman in charge of the bill allow me three or four minutes?

Mr. CANNON. Certainly.

Mr. SAYERS. The gentleman says that the Senate ought to have proposed to the House a measure for the selection of a piece of ground upon which to construct a new building for the Government Printing Office.

Mr. MILLIKEN. I want to correct the gentleman. I do not say that. I do not say the Senate should have done anything of the kind. But if they were going to do anything at all, they should have done it right.

Mr. SAYERS. The gentleman acknowledges that the present building is in a dangerous condition.

Mr. MILLIKEN. That is true.

Mr. SAYERS. Now, the gentleman has not reported and put on the Calendar of the House any bill looking to the purchase of ground and the construction of a new building, has he? I pause for an answer.

Mr. MILLIKEN. I will say to the gentleman that we tried that in three Congresses——

Mr. SAYERS. Oh, yes; we know all about that.

Mr. MILLIKEN. I have already answered half a dozen times in this House the question why the Public Buildings Committee has made no reports; and I know the gentleman is bright enough to understand my answer.

Mr. SAYERS. Yes, I understand the gentleman's answer.

Mr. MILLIKEN. The gentleman asks this question not because he does not know my answer, but simply for another purpose.

Mr. SAYERS. I desire to show the gentleman's attitude before the House.

Mr. MILLIKEN. "The gentleman" can show his own attitude without the help of the gentleman from Texas.

Mr. SAYERS. Mr. Speaker, we find the gentleman from Maine, the chairman of the Committee on Public Buildings and Grounds, claiming jurisdiction over every public building and the purchase of every plot of ground for use by the Government, standing in his place and saying that this building, the Public Printing Office, occupied by 3,000 persons, is in an extremely dangerous condition; yet he and his committee have not submitted to the House a proposition for the purchase of ground and for erecting a new building. But he stands here to-day like a dog in the manger; he will not do anything himself, nor will he permit anybody else to act. That is the position that the gentleman and the Committee on Public Buildings and Grounds take.

Mr. MILLIKEN. Oh, no; that is not the position. "The gentleman" will permit anybody else to do right—not to do wrong. I do not intend to be misrepresented by the gentleman.

Mr. SAYERS. I do not wish to misrepresent my friend. I know I am getting him into a hard position and I feel for him. [Laughter].

Mr. MILLIKEN. Well, the gentleman may feel so, but the "gentleman from Maine" does not.

Mr. SAYERS. That is the condition, Mr. Speaker, into which the gentleman has put himself. He says, I repeat, that this is an exceedingly dangerous structure, accommodating some 3,000 occupants, liable to be burned or to fall down at any time, and yet the Committee on Public Buildings and Grounds are taking no step and have done nothing to provide against a possible disaster. Now, what has the Committee on Appropriations done?

Mr. MILLIKEN. Very little that it ought to have done. [Laughter.]

Mr. SAYERS (continuing). The proposition before us is to purchase a lot of ground and to provide as much as possible for the safety of the occupants of the building until a new site can be selected and a new building constructed. If Congress were to pass an act authorizing the purchase of a particular piece of ground and making an appropriation to construct the building to-day it would be three or four years before it could be constructed and ready for occupancy.

Mr. MILLIKEN. Will the gentleman allow a question?

Mr. SAYERS. Certainly.

Mr. MILLIKEN. Does the gentleman really believe that it requires 16,000 square feet of ground for a boiler house?

Mr. SAYERS. Mr. Speaker, we find the gentleman in charge of this building telling us that the adoption of this amendment is necessary. He says that he needs it. The Committee on Printing—the joint committee of the two Houses having charge of the repairs of the building—say so also; and in the absence of any testimony to the contrary I am bound to believe it to be a proper amendment to be adopted.

But, Mr. Speaker, rather than take any risk as to fire, or as to a collapse of the building, or as to an explosion which may occur from the old boilers, I am willing to go to the expense of purchasing this additional ground and expending the additional $100,000 as provided in the amendment.

Mr. HENDERSON. You believe in resolving all doubts in favor of human life.

Mr. SAYERS. I do.

Mr. MILLIKEN. I am glad to hear the gentleman from Texas say that. We shall call upon him to exhibit his faith by his work by and by.

Mr. SAYERS. I am ready to act on that principle at any time.

Mr. DINGLEY. If the gentleman from Illinois will pardon me for a moment, there are one or two questions I would like to ask. This is an appropriation of $100,000 for the purpose of procuring more land, for the purpose of erecting a boiler house, and for putting in new boilers at the Government Printing Office?

Mr. CANNON. Yes, sir.

Mr. DINGLEY. Has it any connection with a policy of retaining the present site, or is it simply a temporary arrangement?

Mr. CANNON. It does not solve that question at all.

Mr. DINGLEY. Because two years ago we appropriated, I think, $75,000——

Mr. SAYERS. Yes, seventy-five thousand.

Mr. DINGLEY (continuing). For the purpose of making some repairs of the old building at the present site. This would make $175,000; and it seems that we are making quite large expenditures there——

Mr. HICKS. And not improving the building either.

Mr. DINGLEY (continuing). If the site is to be a temporary one; and also acquiring more ground than would seem to be necessary.

Now, it seems to me that we ought to adopt the policy, one way or the other, of repairing the present buildings, enlarging or rebuilding them to meet the wants of the service, and acquiring such land as may be necessary, or of not spending so much money

upon them, and start out on the policy of erecting a new structure elsewhere. But of course I speak only tentatively regarding the amendment of the Senate. If the policy is to continue the Government Printing Office on the present site, then of course the amount of land that we purchase is a matter of no particular consequence. But here are 16,000 feet proposed to be purchased by this amendment. Now, do we require so much land as that, unless we are to continue the Government Printing Office at the present location? I would like to know the facts as to that.

Mr. CANNON. I think I can answer the gentleman, when he concludes his question, to his satisfaction.

Mr. DINGLEY. I ask the question for information.

Mr. CANNON. I can not give the answer except in two or three minutes.

Mr. DINGLEY. I shall be glad to have the gentleman give it.

Mr. CANNON. In the Fiftieth or the Fifty-first Congress, I am not sure which, there was an appropriation of $275,000 to acquire a site for a new Printing Office, to be made immediately available. A commission was authorized for the purpose of selecting the site, and the commission proceeded with its work. It resulted in nothing——

Mr. DOCKERY. The real estate ring proceeded to get in its work also.

Mr. CANNON (continuing). Contentions between different Departments, different interests throughout the city, differences between the House and the Senate, and various other reasons combined rendered that work fruitless, and that appropriation has never been utilized. Later on various bills in the House and Senate have been presented to buy a site for the new Printing Office. It is a matter that comes up every session of Congress, except at this one. Under peculiar conditions, it has not come up at this session.

Now, there is a lapse of seven years, in which we have been trying to get ground and build a new Printing Office. In my judgment it will be seven years more before we do it. In the meantime, what is it good business to do? To use that we are compelled to use—where the office now is, with as great efficiency to the Government as possible, with as little cost as possible, having efficiency in view, and with great care that it is done with safety to human life. Now, a year ago Congress, realizing this condition, appropriated $100,000 and over to build an addition to the Government Printing Office. Gentlemen who are familiar with it know that that addition approaches completion. It is just to the west of the main office, a very creditable building, by the way. I believe it is five or six stories high. It looms up above all the buildings in that part of the city. It is to be completed on the 1st day of July and ready for occupancy.

Now, the Public Printer writes a letter in reference to this amendment, which is for $100,000, to purchase this ground and build a boiler plant for heating and power. That letter is in the RECORD. I have it before me. He says that the present boiler plant is old and condemned, and can not be used with safety. He says that if it was new it would no more than heat the present building, without reference to the new addition, which is to be occupied by the 1st of July. He says, further, that unless some provision for heating it is made, the new building can not be occupied after the 1st of November. He says, further, that that building runs right out to the property line, and that the first two stories of it are substantially dark; that the adjoining low buildings are not expensive, that the land ought to be bought and the buildings moved away for the purpose of affording light. If gentlemen will look and see what fire traps those buildings are, they will consider it necessary, from the standpoint of safety as well, to remove them. Now, whether this ground is a little too much or not enough I do not know. To buy the 16,000 feet of ground, remove the old buildings standing upon it, and erect a new plant for heating and power will cost $100,000.

I want to say that so far as I am personally concerned I have always favored a new Government Printing Office away from there, a plant that would answer the purpose for half a century or a century to come; but I have no hope of such a plant being completed in the next seven or ten years. It would take many, many years to build it, if we should commence to-day. In the meantime the sun comes up and the sun goes down, Congress meets and goes, and the Printing Office has got to be run, with its 3,000 employees. Without any reference to a new Government Printing Office, it is sound business and simple safety and common prudence and an absolute necessity, in my judgment, to make this appropriation.

Mr. PAYNE. Has it not always been the policy of the Government, in erecting public buildings, to have at least 50 feet of open space between a Government building and any other adjoining building?

Mr. CANNON. Oh, yes; that is the policy.

Mr. PAYNE. Does the gentleman know of any other public building except the Public Printing Office which does not have this open space for safety, in case of fire, in the adjoining buildings?

Mr. CANNON. I do not think of any other now.

Mr. PAYNE. Is not the Printing Office the most inflammable of all the public buildings that the Government owns?

Mr. CANNON. I think so.

Mr. HICKS. I desire to say a word on this matter.

Mr. CANNON. I yield to the gentleman two minutes.

Mr. HICKS. Mr. Speaker, if this amendment prevails, my judgment is that it will practically settle the Printing-Office site for all time to come. As the chairman of the committee [Mr. CANNON] has properly stated, this matter has been talked about and talked about and talked about, and we have been unable to come to any agreement about the proper place to build a new Printing Office, until within the last six weeks, I think, the Committee on Public Buildings and Grounds have agreed upon a site. But in view of what we know about the present Printing Office, and in view of what the Committee on Public Buildings and Grounds have been informed and have long known concerning its very dangerous and unsafe condition, I am inclined to the belief that the Committee on Public Buildings and Grounds have almost been criminally negligent—at least have been grossly negligent—in not long ago reporting a suitable place for the erection of such a building as will meet the requirements necessary for a public printing office. I believe, sir, that if this amendment prevails it will settle that vexatious question forever; and had we not better, in view of the fact that the Government owns so much ground in this locality and have valuable and costly buildings thereon, adopt this amendment and stop all discussion and differences as to the question of location?

Mr. CANNON. I do not think it will settle it forever.

Mr. HICKS. As a member of the Committee on Public Buildings and Grounds I am in favor of this amendment, and trust it will prevail, and let us settle now once and forever where the Printing Office shall be. The Public Printer appeared in person before our committee and urged the necessity of prompt action, and fully acquainted the committee with the dangerous condition of the present structure and the risk attending those who work now in the building. We owe it to ourselves, to the employees of that department of the public service, and to the country to aid in securing the safety of the 3,000 Government employees who daily work in the present building, to make it as safe as we can. I long since made up my mind at the first opportunity I had I would, if in my power, avoid any further responsibility in a matter of such vital importance to so many people. I most earnestly desire that the House will recede from its position and concur in the Senate amendment.

Mr. CANNON. I want to say that I am glad the gentleman favors the amendment. I do not accept his conclusion, but I can not quarrel with anybody——

Mr. STEELE. Who agrees with you?

Mr. CANNON. Who agrees with me on any standpoint? In my judgment, it does not settle the question finally. That is not the purpose, in my judgment, but it is the best thing that can be done now; and then let the Committee on Public Buildings and Grounds settle the other matter later on.

Mr. RICHARDSON. This ground can then be sold.

The SPEAKER. The question is on receding from the disagreement of the House and concurring in the Senate amendment.

The motion was agreed to.

Accordingly the House receded from its disagreement and concurred in the Senate amendment.

On motion of Mr. SAYERS, a motion to reconsider the last vote was laid on the table.

Mr. CANNON. I ask that the House agree to the conference requested by the Senate.

The motion was agreed to.

The SPEAKER subsequently announced the appointment of the following conferees on the sundry civil appropriation bill: Mr. CANNON, Mr. HAINER of Nebraska, and Mr. SAYERS.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. HOOKER. Mr. Speaker, I present a conference report.

The report of the committee of conference was read.

[For conference report, see Senate proceedings of May 22.]

Mr. HOOKER. Mr. Speaker, I move to concur in the report, and I desire to send up a statement to have read.

The statement of the House conferees was read, as follows:

The amendment for deep-water harbor at Santa Monica or San Pedro provides for a cash appropriation of $50,000 to defray the expenses of the board for examining the projects and making plans and estimates for the improvement, and after their decision the Secretary of War is authorized to enter into contract for the completion of the project at a cost not to exceed $2,900,000. The amendment relative to the inner harbor at Wilmington provides that in the event the board shall decide to locate the outer harbor at Santa Monica, then the Secretary of War is authorized to contract for the completion of the inner harbor at Wilmington at a cost not to exceed $392,000, and in the event that the board decide to locate the outer harbor at San Pedro this contract for Wilmington shall not be entered into.

Total cash appropriations carried by bill	$12,852,235.00
Total contract appropriations carried	59,649,308.91

W. B. HOOKER,
BINGER HERMANN,
T. C. CATCHINGS,
Managers on the part of the House.

Mr. CANNON. I yield five minutes to the gentleman from Texas [Mr. ABBOTT].

Mr. ABBOTT. Mr. Speaker, I want to say to the House that I am not so much opposed to these particular provisions as I am to the method in which these amendments have been offered to this bill. The House in its organization created a Committee on Public Buildings and Grounds, upon which was conferred certain jurisdiction. These questions relating to public buildings have been presented to that committee, and in many cases that committee have acted favorably. Now, we have, as I understand, through the chairman of the Committee on Public Buildings and Grounds, sought opportunities to present to this House the bills which have been considered and favorably passed upon. We have not been accorded that privilege. We have not been allowed, as it were, to present our bills. Of course the committee can present them, but we do not choose to do so until such time as we believe we can get consideration at the hands of the Speaker and the House.

Now, it is not so much that I oppose these appropriations as the manner in which they are brought into this House. If we are going to permit the Senate of the United States, upon appropriation bills, to bring amendments here authorizing the building of new buildings or the continuation of new buildings already under construction, why not do away with the Committee on Public Buildings and Grounds altogether? Why have a committee here whose duty it is to inquire into and consider the merits of these respective measures, when at the same time you permit the Senate to come here and tack numerous bills upon an appropriation bill without any reports at all? Who knows in regard to this post-office here in the city of Washington? Who knows what the estimates are? Has anybody presented any statement that we should increase the limit of construction?

Mr. DOCKERY. I suggest to my friend that the letter of the Secretary of the Treasury recommends it.

Mr. ABBOTT. Perhaps the Secretary of the Treasury has recommended it. I did not know that fact to be true; but, nevertheless, I do not think it right and proper for this House to become a mere tool of the Senate of the United States and to allow that body to dictate to us what we shall do. Why do they not bring up their bills separately and pass them on their respective merits instead of tacking them upon an appropriation bill? There are numbers of gentlemen on this floor who have been before the Committee on Public Buildings and Grounds insisting upon the passage of their respective bills. Many of these bills are meritorious. There are several States in the Union which have not any public buildings. There are many places where the Federal courts are held where the Government of the United States has no house in which to hold them. These cases are just as meritorious as the bill under consideration.

Why should the people of the several States of this American Union be deprived of the privilege of having buildings where their courts may be held and where their post-office business may be transacted? Why should we make a special exception of the city of Washington or any other city? Why not let them come in and stand upon their own merits? I believe in no such policy as this. I believe it is wrong for bills of this character to be ingrafted upon appropriation bills.

Now, gentlemen, the House in the preparation of this bill provided for an appropriation of $275,000 to be expended for the continuation of the post-office in the city of Washington. Why should we increase it $100,000? I have been looking at that building for the last six or seven years, nearly. The work has been going on very slowly. Comparatively few laborers are employed upon it. It appears to me so, at least. Why should we, at the suggestion of the Senate, add $100,000 to the $275,000 which the House had agreed to?

[Here the hammer fell.]

Mr. CANNON. I ask for a vote.

The SPEAKER. The question is on receding and concurring.

The motion was agreed to.

Accordingly, the House receded from its disagreement, and concurred in the amendment of the Senate.

The SPEAKER. The Clerk will present the next amendment.

The Clerk read as follows:

For Treasury building at Washington, D. C.: For repairs to Treasury, Butler, and Winder buildings, $12,000.

Mr. CANNON. That amendment and the next one have already been disagreed to.

The SPEAKER. The Clerk will report amendment No. 22.

The Clerk read as follows:

For making certain proposed alterations in the post-office building in New York City, and for improving, arranging, and furnishing certain rooms therein in accordance with plans prepared by the Supervising Architect of the Treasury, to be done under the direction of the Secretary of the Treasury, the sum of $60,000, such sum to be immediately available.

Mr. CANNON. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. DANIELS].

Mr. DANIELS. Mr. Speaker, the object of this amendment to the bill has been to make certain alterations and changes in the court rooms in the post-office building in the city of New York. When the building was erected, these rooms were constructed of the height of two stories. Since that time Congress has provided for the circuit court of appeals, requiring more room than these two rooms and the district court room can afford. It has been proposed, therefore, to construct a floor midway between the upper and lower floors of the room, making four rooms out of two and two out of another, so as to accommodate these courts in the transaction of their business. They are now much restricted. All the business done by the United States is done by those courts. They are United States court rooms, and for the purpose of facilitating and increasing the means of doing that business this appropriation has been asked for. It stands upon a different principle from many of those which have been considered and disposed of by the House, for a bill was introduced into the Senate to make this appropriation and allowing these alterations, and the Senate bill was passed and came to the House. About a month or two months ago it was sent to the Committee on Public Buildings and Grounds of the House. One member of that committee, who was recently in the city of New York, went into the building for the purpose of seeing whether in point of fact these alterations were required, and upon his return he stated to me that he was satisfied the alterations ought to be provided for, and ought to be immediately made; but no report has been made by the Committee on Public Buildings and Grounds upon that bill, and the result of this delay of the House committee has been the insertion of this amendment in the bill by the Senate.

I have letters of the judges of the circuit court of appeals, Judges Wallace, Lacombe, and Shipman, stating these changes are necessary. The judges state:

As you are aware, two of these court rooms extend upward through two stories of the building. If they were floored over at the level of the first story the capacity of these rooms would be doubled.

I have also a letter of Justice Brown, of the district court, saying the same thing in reference to his room, and showing the necessity for this work being done, and done immediately. Now, it will be borne in mind, in connection with the proposal to do this work, that the revenues received by the Government from the post-office in the city of New York amount to millions more than those of any other post-office in the country. The postmaster himself has concurred also in the request that this work shall be done. So has the district attorney, and so has Mr. Choate, the president of the law institute, which has a large library, perhaps the largest library in the city of New York, of law books, which is used by the judges of this court. Unless this work is done, this library must be taken out of the building, because the accumulation has been such and so great that they have not room for the library; while if this work is authorized this room will be extended, by which the library can overflow into other parts of the building and afford additional accommodations to the judges for the examination of their cases and the investigation of the questions brought before the court, and at the same time afford them room to transact their business.

Now, the simple question here in reference to this amendment is whether the United States, for the purpose of transacting its business, its legal business, in the city of New York and affording the courts reasonable room for the dispatch of their business, will sanction this amendment. If Congress will not, then, of course, they must be put to inconvenience and have the business itself postponed or not done at all. If the amendment is permitted, by simply taking a small amount—and it will only take a small amount—of the surplus revenues of this post-office, it will afford these additional facilities for the transaction of the business of the court as well as furnish more room for the library that they have to use in the dispatch and consideration of their business.

I submit to the House, therefore, under these circumstances that this case is distinguishable from those which have been disposed of here, and that it requires that this appropriation should be sanctioned, particularly when, as they are made in the ordinary course of things and carried through a bill—the Senate has passed a bill for the appropriation of this money and the sanctioning of these improvements—through the failure of the committee of this House to act upon it, the House itself must dispose of the matter. This reads:

For making certain proposed alterations in the post-office building in New York City, and for improving, arranging, and furnishing certain rooms therein in accordance with plans prepared by the Supervising Architect of the Treasury.

Mr. DANIELS. That is it.

Mr. CANNON. It is not for a new building, nor for additions to the building, but to make changes so as to give double the present court room, by laying an additional floor, and is therefore like unto the Los Angeles case.

Mr. DANIELS. It will make six court rooms out of three.

Mr. CUMMINGS. Mr. Speaker, this change in the post-office building must be made now, or it will be futile. Unless the change is made now, the best law library in the city of New York will be removed from the Federal Building and the judges will be compelled to go outside to consult their law books. The Government of the United States will then be asked to furnish them a law library and, at the same time, to make the alterations in the building that are now called for in these specifications. It seems to me, Mr. Speaker, that the proposition ought to commend itself to the House without argument. It is virtually a proposition to save the Government of the United States $50,000.

Mr. LOW. One hundred thousand dollars.

Mr. CUMMINGS. I stand corrected by my colleague. It is virtually a proposition to save the Government of the United States $100,000. All the Federal courts of that circuit are held in the post-office building. Without a law library at hand they are crippled. I need not call the attention of gentlemen here who are lawyers to the fact that some of them may later on have a personal interest in this item, for if they practice in the Federal courts in New York, and if we make this appropriation, they will have law books right at hand; but if the library has to be removed from this building they will be correspondingly hampered in their practice. I know that my friend from Maine [Mr. MILLIKEN] is a good lawyer. I do not know but what, at times, he may be so unfortunate as to practice in the Federal courts in the city of New York, and I would really like to see him helped as much as possible by the passage of this appropriation. [Laughter.] I know that the removal of the law library would affect his practice unfavorably as well as that of any other gentleman here who might happen to be called upon to appear in those courts.

Mr. MILLIKEN. Mr. Speaker, I have been thoroughly entertained and greatly gratified by hearing how much money the Government of the United States is making by the passage of these appropriations. [Laughter.] My genial friend from New York [Mr. CUMMINGS], for whom I have as much admiration as I have for any man in this House or out of it, told us that we should save $50,000 by this appropriation, and his colleague [Mr. LOW] raised it to $100,000. I do not know how great the amount of our saving might be if the gentleman should consult all of his 33 colleagues on this floor. [Laughter.]

Mr. CANNON. Do you think we had better "call" him?

Mr. MILLIKEN. The gentleman is using language peculiar to a certain pursuit that I am not so familiar with as he is, and therefore I can not respond intelligently to his question. [Laughter.]

Now, Mr. Speaker, I am not going to discuss the merits of this case, but it does seem to me that there is no special exigency requiring this appropriation, and I can not see why it does not come under the same rule as the other cases in which we have instructed our conferees to insist upon our disagreement to the Senate amendments.

Mr. DANIELS. I will say to the gentleman that the business of the courts is constantly increasing, and this additional room is required to transact their business satisfactorily.

Mr. CANNON. I ask for a vote, Mr. Speaker.

The question being taken, the Speaker declared that the noes seemed to have it.

Mr. CUMMINGS. I ask for a division.

The House divided; and there were—ayes 45, noes 47.

Mr. CUMMINGS. I demand tellers.

Tellers were refused; the motion to recede and concur was rejected, and the House insisted upon its disagreement to the Senate amendment.

The Clerk read as follows:

To enable the Public Printer, with the approval of the Secretary of the Treasury, to purchase two lots of land immediately adjoining the site of the Government Printing Office on the west, said lots running north and south from H street to Jackson alley, and containing 8,412 square feet, more or less; and to purchase in addition a site in the vicinity of the Government Printing Office, within that part of square 624 bounded on the south by G street N.W., on the east by North Capitol street, and on the north by Jackson alley, and containing 8,412 square feet, more or less, and to erect thereon a boiler house and coal sheds; and for the purchase and erection of two 300-horsepower steel steam boilers, with all necessary fittings and connections to connect said boilers to the Government Printing Office, $100,000, to be immediately available.

If from any cause the Public Printer, with the approval of the Secretary of the Treasury, shall be unable to purchase said land at a satisfactory price from the owners, he is hereby directed and empowered, within thirty days after the passage of this act, to secure the same by condemnation proceedings, as provided in the act approved June 25, 1890, entitled "An act to authorize the acquisition of certain parcels of real estate embraced in square No. 323 of the city of Washington, to provide an eligible site for a city post-office," and the amendment to said act contained in the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes," approved August 30, 1890.

Mr. SAYERS. Mr. Speaker, I move that the House recede from its disagreement and concur in the amendment just read. In support of the motion I ask to have read from the RECORD of yesterday a letter of the Public Printer, which explains the situation and the necessity for this appropriation. If gentlemen can afford to vote against the motion after they shall have heard the letter read they must bear the responsibility.

The Clerk read as follows:

OFFICE OF THE PUBLIC PRINTER,
Washington, D. C., April 30, 1896.

DEAR SIR: I esteem it my duty to write you in connection with the item inserted in the sundry civil bill in the Senate, providing for the erection of additional boiler plant at this office and for the purchase of land, which item is now under consideration in conference with your committee.

This work is the outgrowth of work undertaken a year ago, at the instance of the Joint Committee on Printing, in securing the erection of the new west building, now nearing completion at this office; in fact, this plant is a part of the work contemplated in such erection, inasmuch as it was intended, in connection with the erection of the new building on the lot line of adjoining owners, that the purchase of the adjoining land was to be made and the buildings removed, that light might be admitted into the two lower stories of the new building. As it is now, many of the windows are completely darkened by the adjoining building.

It was also understood and stated by me that the present boiler plant would not be sufficient and could not be enlarged to furnish heat for the winter for the new west building. The erection of five additional rooms to the office, under the appropriation of $75,000 in 1894, caused me to utilize every resourse of the present boiler plant, that the present power and heating demands of the office might be met, and which is inadequately met during the severity of winter.

There is no margin either in power or heat in our present plant to furnish heating facilities for the new building to be occupied in June. Such occupancy will be followed by vacating the building in November next unless heat is provided. No addition can be made to the present steam plant of the office except by purchase of land for the erection of the new plant.

All other dangers attending life and property in this office lessen before the danger incident to the tremendous steam energy concentrated within the group of buildings here, and which must be operated days, nights, and Sundays, with scarcely ordinary opportunities for withdrawing the fire and cleaning the boilers.

The demands on the steam service are now greater than ever, and the danger greater. I have mentioned this danger in public reports and verbal statements. If the new boiler plant is erected, I will use it entirely for power purposes, and use the old boilers within the office exclusively for heating purposes, removing in a large degree the great pressure of steam, thus lessening the danger to life and property.

The presentation of this matter to the Senate Appropriation Committee was in line of suggestions as made by members of the Committee on Printing, and not with a view of leaving your committee uninformed in the matter on my part.

Most truly, yours, TH. E. BENEDICT,
Public Printer.

Hon. J. G. CANNON,
Chairman Committee on Appropriations,
House of Representatives.

Mr. SAYERS. Mr. Speaker, I have nothing to add to what is set forth by the Public Printer as to the necessity for this expenditure.

Mr. HENRY of Indiana. Is this merely for room for a boiler plant?

Mr. SAYERS. Additional room is needed in order to use a boiler plant.

Mr. HENRY of Indiana. Eight thousand square feet for a boiler plant?

Mr. SAYERS. I do not know how much will be used for that specific purpose.

Mr. MILLIKEN. Mr. Speaker, there is no man in this House who has any greater desire, or who has struggled any harder than I have done in several Congresses, to give to the Government a Printing Office adequate to do the work well and economically, and with due regard to the health and comfort of the officials and employees there. The Senate, which has seen fit to put this item into an appropriation bill, has, as old members of the House well know, stood in the door for three Congresses past and said to us, as the highwayman says, "Either take a certain lot or nothing." And for the last six years that has prevented the purchase of an eligible site where there would be light and ventilation and good drainage, where we could erect a Printing Office with modern improvements and facilities for doing the work satisfactorily. Even when the Public Printer has said to the committee, and when the fact has been brought to the attention of the Senate and of the House, that we are paying $30,000 a year rental for conveniences outside of the existing building—that it was costing the Government nearly twice as much to do the work in that old rat trap of a building, which was never built for a Public Printing Office and is not fit for one and never can be made fit—even when that fact has been brought to our knowledge the same difficulty has continued.

Now, here comes a proposition upon this appropriation bill, a proposition which has never been submitted to the Committee on Public Buildings and Grounds, to purchase 16,000 square feet of land, more than a quarter as much as the entire Printing Office now covers, in order to facilitate the erection of a boiler plant. I should like to have the gentleman who has spoken in favor of this amendment [Mr. SAYERS], a member of the Committee on Appropriations, inform the House why it is necessary to buy one-fourth and more than one-fourth as much land as the Public Printing Office now covers, in order to erect a boiler house and a coal shed.

Mr. SAYERS. I wish to say to the gentleman——

Mr. MILLIKEN. I do not want this interruption to come out of my time.

Mr. SAYERS. The gentleman can get more time. I wish to say that I know nothing about the matter except what is stated in the letter just read.

Mr. MILLIKEN. Exactly.

Mr. SAYERS. But let me say to the gentleman from Maine there are 2,500 or 3,000 people engaged from day to day in the building——

Mr. MILLIKEN. I know it.

Mr. SAYERS. And if any accident should happen to the building—if a fire should break out or if the building should fall—the responsibility must rest upon the shoulders of the gentleman from Maine and those who vote against this amendment. It will not rest on mine.

Mr. MILLIKEN. Well, we shall see.

Mr. SAYERS. No, it will not. You can not by anything you may say or do put the responsibility on me. All I ask members of the House to do is to read the letter most carefully——

Mr. MILLIKEN. I have read the letter.

Mr. SAYERS. And if they should then choose to vote down the amendment, the responsibility is with them.

Mr. MILLIKEN. The gentleman says there are 2,500 people at work in the Government Printing Office. Yes; there are 3,000 persons at work there. Last summer there were 3,500 people working there. And that building has been twice condemned by the grand jury. It has been stated by experts that we are liable to have the Ford's Theater disaster quintupled there at any time. The Public Printer himself has stated personally to me and to my committee that when he goes into the north wing of that building he does not feel safe until he gets out of it. He stated that the operatives are working there under fear all the time that the building may tumble down upon them. Yet instead of having from the Senate such a proposition as the case demands, we have this amendment. If they choose to put aside the Committees on Public Buildings and Grounds in both Houses and legislate directly upon public buildings, why have they not sent here a proposition to erect a new Printing Office, so that we may have one that will be safe?

Mr. SAYERS. Let me say——

Mr. MILLIKEN. One moment. I believe I have the floor at present.

Now, Mr. Speaker, I should like to have the gentleman tell me, and I will wait for him to reply, how building a new boiler house is going to prevent that old building from tumbling down any day. It might possibly prevent a fire there, but the same might be true of almost any other public building. Fires are liable to break out in one public building as well as another. But all that is proposed in this amendment, for which there is a proposition to buy 16,000 square feet of ground——

The SPEAKER. The time of the gentleman from Maine has expired.

Mr. MILLIKEN. I want gentlemen to understand this proposition, and to realize that it does nothing at all to promote the safety of that building, which has been twice condemned by a grand jury.

Mr. SAYERS. Will the gentleman in charge of the bill allow me three or four minutes?

Mr. CANNON. Certainly.

Mr. SAYERS. The gentleman says that the Senate ought to have proposed to the House a measure for the selection of a piece of ground upon which to construct a new building for the Government Printing Office.

Mr. MILLIKEN. I want to correct the gentleman. I do not say that. I do not say the Senate should have done anything of the kind. But if they were going to do anything at all, they should have done it right.

Mr. SAYERS. The gentleman acknowledges that the present building is in a dangerous condition.

Mr. MILLIKEN. That is true.

Mr. SAYERS. Now, the gentleman has not reported and put on the Calendar of the House any bill looking to the purchase of ground and the construction of a new building, has he? I pause for an answer.

Mr. MILLIKEN. I will say to the gentleman that we tried that in three Congresses——

Mr. SAYERS. Oh, yes; we know all about that.

Mr. MILLIKEN. I have already answered half a dozen times in this House the question why the Public Buildings Committee has made no reports; and I know the gentleman is bright enough to understand my answer.

Mr. SAYERS. Yes, I understand the gentleman's answer.

Mr. MILLIKEN. The gentleman asks this question not because he does not know my answer, but simply for another purpose.

Mr. SAYERS. I desire to show the gentleman's attitude before the House.

Mr. MILLIKEN. "The gentleman" can show his own attitude without the help of the gentleman from Texas.

Mr. SAYERS. Mr. Speaker, we find the gentleman from Maine, the chairman of the Committee on Public Buildings and Grounds, claiming jurisdiction over every public building and the purchase of every plot of ground for use by the Government, standing in his place and saying that this building, the Public Printing Office, occupied by 3,000 persons, is in an extremely dangerous condition; yet he and his committee have not submitted to the House a proposition for the purchase of ground and for erecting a new building. But he stands here to-day like a dog in the manger; he will not do anything himself, nor will he permit anybody else to act. That is the position that the gentleman and the Committee on Public Buildings and Grounds take.

Mr. MILLIKEN. Oh, no; that is not the position. "The gentleman" will permit anybody else to do right—not to do wrong. I do not intend to be misrepresented by the gentleman.

Mr. SAYERS. I do not wish to misrepresent my friend. I know I am getting him into a hard position and I feel for him. [Laughter].

Mr. MILLIKEN. Well, the gentleman may feel so, but the "gentleman from Maine" does not.

Mr. SAYERS. That is the condition, Mr. Speaker, into which the gentleman has put himself. He says, I repeat, that this is an exceedingly dangerous structure, accommodating some 3,000 occupants, liable to be burned or to fall down at any time, and yet the Committee on Public Buildings and Grounds are taking no step and have done nothing to provide against a possible disaster. Now, what has the Committee on Appropriations done?

Mr. MILLIKEN. Very little that it ought to have done. [Laughter.]

Mr. SAYERS (continuing). The proposition before us is to purchase a lot of ground and to provide as much as possible for the safety of the occupants of the building until a new site can be selected and a new building constructed. If Congress were to pass an act authorizing the purchase of a particular piece of ground and making an appropriation to construct the building to-day it would be three or four years before it could be constructed and ready for occupancy.

Mr. MILLIKEN. Will the gentleman allow a question?

Mr. SAYERS. Certainly.

Mr. MILLIKEN. Does the gentleman really believe that it requires 16,000 square feet of ground for a boiler house?

Mr. SAYERS. Mr. Speaker, we find the gentleman in charge of this building telling us that the adoption of this amendment is necessary. He says that he needs it. The Committee on Printing—the joint committee of the two Houses having charge of the repairs of the building—say so also; and in the absence of any testimony to the contrary I am bound to believe it to be a proper amendment to be adopted.

But, Mr. Speaker, rather than take any risk as to fire, or as to a collapse of the building, or as to an explosion which may occur from the old boilers, I am willing to go to the expense of purchasing this additional ground and expending the additional $100,000 as provided in the amendment.

Mr. HENDERSON. You believe in resolving all doubts in favor of human life.

Mr. SAYERS. I do.

Mr. MILLIKEN. I am glad to hear the gentleman from Texas say that. We shall call upon him to exhibit his faith by his work by and by.

Mr. SAYERS. I am ready to act on that principle at any time.

Mr. DINGLEY. If the gentleman from Illinois will pardon me for a moment, there are one or two questions I would like to ask. This is an appropriation of $100,000 for the purpose of procuring more land, for the purpose of erecting a boiler house, and for putting in new boilers at the Government Printing Office?

Mr. CANNON. Yes, sir.

Mr. DINGLEY. Has it any connection with a policy of retaining the present site, or is it simply a temporary arrangement?

Mr. CANNON. It does not solve that question at all.

Mr. DINGLEY. Because two years ago we appropriated, I think, $75,000——

Mr. SAYERS. Yes, seventy-five thousand.

Mr. DINGLEY (continuing). For the purpose of making some repairs of the old building at the present site. This would make $175,000; and it seems that we are making quite large expenditures there——

Mr. HICKS. And not improving the building either.

Mr. DINGLEY (continuing). If the site is to be a temporary one; and also acquiring more ground than would seem to be necessary.

Now, it seems to me that we ought to adopt the policy, one way or the other, of repairing the present buildings, enlarging or rebuilding them to meet the wants of the service, and acquiring such land as may be necessary, or of not spending so much money

upon them, and start out on the policy of erecting a new structure elsewhere. But of course I speak only tentatively regarding the amendment of the Senate. If the policy is to continue the Government Printing Office on the present site, then of course the amount of land that we purchase is a matter of no particular consequence. But here are 16,000 feet proposed to be purchased by this amendment. Now, do we require so much land as that, unless we are to continue the Government Printing Office at the present location? I would like to know the facts as to that.

Mr. CANNON. I think I can answer the gentleman, when he concludes his question, to his satisfaction.

Mr. DINGLEY. I ask the question for information.

Mr. CANNON. I can not give the answer except in two or three minutes.

Mr. DINGLEY. I shall be glad to have the gentleman give it.

Mr. CANNON. In the Fiftieth or the Fifty-first Congress, I am not sure which, there was an appropriation of $275,000 to acquire a site for a new Printing Office, to be made immediately available. A commission was authorized for the purpose of selecting the site, and the commission proceeded with its work. It resulted in nothing——

Mr. DOCKERY. The real estate ring proceeded to get in its work also.

Mr. CANNON (continuing). Contentions between different Departments, different interests throughout the city, differences between the House and the Senate, and various other reasons combined rendered that work fruitless, and that appropriation has never been utilized. Later on various bills in the House and Senate have been presented to buy a site for the new Printing Office. It is a matter that comes up every session of Congress, except at this one. Under peculiar conditions, it has not come up at this session.

Now, there is a lapse of seven years, in which we have been trying to get ground and build a new Printing Office. In my judgment it will be seven years more before we do it. In the meantime, what is it good business to do? To use that we are compelled to use—where the office now is, with as great efficiency to the Government as possible, with as little cost as possible, having efficiency in view, and with great care that it is done with safety to human life. Now, a year ago Congress, realizing this condition, appropriated $100,000 and over to build an addition to the Government Printing Office. Gentlemen who are familiar with it know that that addition approaches completion. It is just to the west of the main office, a very creditable building, by the way. I believe it is five or six stories high. It looms up above all the buildings in that part of the city. It is to be completed on the 1st day of July and ready for occupancy.

Now, the Public Printer writes a letter in reference to this amendment, which is for $100,000, to purchase this ground and build a boiler plant for heating and power. That letter is in the RECORD. I have it before me. He says that the present boiler plant is old and condemned, and can not be used with safety. He says that if it was new it would no more than heat the present building, without reference to the new addition, which is to be occupied by the 1st of July. He says, further, that unless some provision for heating it is made, the new building can not be occupied after the 1st of November. He says, further, that that building runs right out to the property line, and that the first two stories of it are substantially dark; that the adjoining low buildings are not expensive, that the land ought to be bought and the buildings moved away for the purpose of affording light. If gentlemen will look and see what fire traps those buildings are, they will consider it necessary, from the standpoint of safety as well, to remove them. Now, whether this ground is a little too much or not enough I do not know. To buy the 16,000 feet of ground, remove the old buildings standing upon it, and erect a new plant for heating and power will cost $100,000.

I want to say that so far as I am personally concerned I have always favored a new Government Printing Office away from there, a plant that would answer the purpose for half a century or a century to come; but I have no hope of such a plant being completed in the next seven or ten years. It would take many, many years to build it, if we should commence to-day. In the meantime the sun comes up and the sun goes down, Congress meets and goes, and the Printing Office has got to be run, with its 3,000 employees. Without any reference to a new Government Printing Office, it is sound business and simple safety and common prudence and an absolute necessity, in my judgment, to make this appropriation.

Mr. PAYNE. Has it not always been the policy of the Government, in erecting public buildings, to have at least 50 feet of open space between a Government building and any other adjoining building?

Mr. CANNON. Oh, yes; that is the policy.

Mr. PAYNE. Does the gentleman know of any other public building except the Public Printing Office which does not have this open space for safety, in case of fire, in the adjoining buildings?

Mr. CANNON. I do not think of any other now.

Mr. PAYNE. Is not the Printing Office the most inflammable of all the public buildings that the Government owns?

Mr. CANNON. I think so.

Mr. HICKS. I desire to say a word on this matter.

Mr. CANNON. I yield to the gentleman two minutes.

Mr. HICKS. Mr. Speaker, if this amendment prevails, my judgment is that it will practically settle the Printing-Office site for all time to come. As the chairman of the committee [Mr. CANNON] has properly stated, this matter has been talked about and talked about and talked about, and we have been unable to come to any agreement about the proper place to build a new Printing Office, until within the last six weeks, I think, the Committee on Public Buildings and Grounds have agreed upon a site. But in view of what we know about the present Printing Office, and in view of what the Committee on Public Buildings and Grounds have been informed and have long known concerning its very dangerous and unsafe condition, I am inclined to the belief that the Committee on Public Buildings and Grounds have almost been criminally negligent—at least have been grossly negligent—in not long ago reporting a suitable place for the erection of such a building as will meet the requirements necessary for a public printing office. I believe, sir, that if this amendment prevails it will settle that vexatious question forever; and had we not better, in view of the fact that the Government owns so much ground in this locality and have valuable and costly buildings thereon, adopt this amendment and stop all discussion and differences as to the question of location?

Mr. CANNON. I do not think it will settle it forever.

Mr. HICKS. As a member of the Committee on Public Buildings and Grounds I am in favor of this amendment, and trust it will prevail, and let us settle now once and forever where the Printing Office shall be. The Public Printer appeared in person before our committee and urged the necessity of prompt action, and fully acquainted the committee with the dangerous condition of the present structure and the risk attending those who work now in the building. We owe it to ourselves, to the employees of that department of the public service, and to the country to aid in securing the safety of the 3,000 Government employees who daily work in the present building, to make it as safe as we can. I long since made up my mind at the first opportunity I had I would, if in my power, avoid any further responsibility in a matter of such vital importance to so many people. I most earnestly desire that the House will recede from its position and concur in the Senate amendment.

Mr. CANNON. I want to say that I am glad the gentleman favors the amendment. I do not accept his conclusion, but I can not quarrel with anybody——

Mr. STEELE. Who agrees with you?

Mr. CANNON. Who agrees with me on any standpoint? In my judgment, it does not settle the question finally. That is not the purpose, in my judgment, but it is the best thing that can be done now; and then let the Committee on Public Buildings and Grounds settle the other matter later on.

Mr. RICHARDSON. This ground can then be sold.

The SPEAKER. The question is on receding from the disagreement of the House and concurring in the Senate amendment.

The motion was agreed to.

Accordingly the House receded from its disagreement and concurred in the Senate amendment.

On motion of Mr. SAYERS, a motion to reconsider the last vote was laid on the table.

Mr. CANNON. I ask that the House agree to the conference requested by the Senate.

The motion was agreed to.

The SPEAKER subsequently announced the appointment of the following conferees on the sundry civil appropriation bill: Mr. CANNON, Mr. HAINER of Nebraska, and Mr. SAYERS.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. HOOKER. Mr. Speaker, I present a conference report.

The report of the committee of conference was read.

[For conference report, see Senate proceedings of May 22.]

Mr. HOOKER. Mr. Speaker, I move to concur in the report, and I desire to send up a statement to have read.

The statement of the House conferees was read, as follows:

The amendment for deep-water harbor at Santa Monica or San Pedro provides for a cash appropriation of $50,000 to defray the expenses of the board for examining the projects and making plans and estimates for the improvement, and after their decision the Secretary of War is authorized to enter into contract for the completion of the project at a cost not to exceed $2,900,000. The amendment relative to the inner harbor at Wilmington provides that in the event the board shall decide to locate the outer harbor at Santa Monica, then the Secretary of War is authorized to contract for the completion of the inner harbor at Wilmington at a cost not to exceed $392,000, and in the event that the board decide to locate the outer harbor at San Pedro this contract for Wilmington shall not be entered into.

Total cash appropriations carried by bill	$12,852,235.00
Total contract appropriations carried	59,649,308.91

W. B. HOOKER,
BINGER HERMANN,
T. C. CATCHINGS,
Managers on the part of the House.

places where nonsectarian schools can not be provided for such Indian children and to an amount not exceeding 50 per cent of the amount so used for the fiscal year 1895.

So that, Mr. Speaker, it appears that whichever section is adopted the Government declares it to be its settled policy that we will not maintain sectarian schools any longer than is absolutely necessary. By the bill as it passed the House the proposition was to stop short now. By the Senate amendment the proposition is to cut off sectarian schools, not in a moment, but at the end of two years, allowing the Secretary or the Commissioner in the meantime an opportunity to provide means for the education of these children in place of the sectarian schools which are done away with. In my judgment this is wise. In all fairness, if we are to do away with these schools, let us do so gradually, so that other provision may be made for the education of the children, and that those persons, whether religious bodies or individuals, who have invested in these schools may withdraw with the least loss from a legitimate business in which they entered in good faith and with philanthropic purpose.

Mr. MORSE. Will the gentleman from New York permit me to ask him a question?

Mr. SHERMAN. Certainly.

Mr. MORSE. Does the gentleman think the present Congress, either House or Senate, can bind its successors to any policy such as he has indicated? Will not they be a law unto themselves?

Mr. SHERMAN. Of course, there is no question about that. We can not enact anything that future Congresses can not undo.

Mr. MORSE. So that, as it stands, it will be a mere sentiment or expression of opinion on the part of the present Congress, and nothing to bind our successors.

Mr. SHERMAN. That is true, of course. Yet let me say that the last Congress, in the Indian appropriation bill, declared that it was the policy of the Government to do away with these schools at the earliest practicable moment; and the Commissioner or Secretary stating that this could be properly done in four or five years, a reduction of 20 per cent in the amount expended in this branch of educational work among the Indians was provided in last year's bill. The Committee on Indian Affairs of this House, accepting that declared policy of the Government, as stated in the last Indian appropriation bill, reported a bill to this House following it out to the letter; and I have no doubt that if either section is accepted here, in the future the action of the committee would be the same. Of course there is no question of the absolute right of a future Congress to do as it pleases. About that the gentleman and I will not differ.

Mr. CURTIS of Kansas. Mr. Speaker, I desire to make a motion.

Mr. SHERMAN. I do not desire to yield the floor. I want to move the previous question.

Mr. CURTIS of Kansas. Then I will make a parliamentary inquiry. Is not the proper motion to make at this time that the House insist on its disagreement and ask for a further conference, instead of the motion that has been made to agree?

The SPEAKER. The motion to concur has precedence.

Mr. SHERMAN. Mr. Speaker, I take it it is a question of which side votes "yea" and which side "nay."

The SPEAKER. One moment. The Chair understood the gentleman from New York to say that he moved to insist on the disagreement, and then proposed to move to instruct the conferees to agree. The Chair thinks that is not the usual proceeding; and that it should be a motion to bring before the House the question of concurring in the Senate amendments.

Mr. SHERMAN. I intended, pending my motion to disagree, to move that the House conferees be instructed to recede from the disagreement to the Senate amendments numbered 69 and 70, and agree to the same.

The SPEAKER. It would seem as if that should be determined by the House itself on a motion to concur in the Senate amendments, which motion could be made by the gentleman from New York.

Mr. SHERMAN. Very well, Mr. Speaker; let it be that way. It seems to be a matter of no consequence which way the motion is put. I made the motion in conformity with my individual wish, but if the other is the better parliamentary procedure I am perfectly willing to make the motion that way. I understood that it was the purpose of the gentleman from Kansas [Mr. CURTIS] to move an amendment in that form.

The SPEAKER. The motion of the gentleman from New York would take precedence of the other, even if the other motion had been made first.

Mr. CURTIS of Kansas. Mr. Speaker, I understand the rule to be that the motion to insist has precedence.

Mr. SHERMAN. I did not desire to make the motion in that form, because I should vote against it, and I did not wish to submit a motion against which I should vote. If the gentleman from Kansas amends my motion, I do not see why it does not attain the same end.

Mr. McRAE. Can not the gentleman from New York attain the same object by withholding his motion to recede until after the other motion is passed upon? Or, if he does not desire to take that course, let the gentleman from Kansas move to insist.

Mr. CURTIS of Kansas. Mr. Speaker, I move that the House insist and ask for a further conference upon amendments 69 and 70.

Mr. HAINER of Nebraska. Mr. Speaker, I wish at the proper time to present a resolution instructing the House conferees to insist on the House disagreement to the specific amendment numbered 69. I will send up the resolution and have it read for information. I think this resolution will put the matter in a form so as to be easily understood and passed upon.

Mr. SHERMAN. I suggest that the gentleman's resolution be read; and if it makes the matter any clearer to the House, the vote might be taken in that way.

The resolution proposed by Mr. HAINER of Nebraska was read for information, as follows:

Resolved, That the House conferees on House bill 6349, "A bill making appropriation for current and contingent expenses of the Indian Department," etc., be, and they are hereby, instructed to insist upon the following provision in said bill as it passed this House, to wit:

(69) And it is hereby declared that it is the intention of this act that no money herein appropriated shall be paid for education in sectarian schools; and the Secretary of the Interior is hereby charged with the duty of so using and administering said appropriation as to carry out said object; and he is hereby authorized and required to make all needful rules and regulations necessary to prevent the use of any part of said fund for education in sectarian schools.

Mr. HAINER of Nebraska. The gentleman from New York will observe that I have set out in the resolution the exact language of the provision in the House bill. It will, therefore, be easily and clearly understood; and if he will allow me, unless he desires debate, I will move the previous question.

Mr. FITZGERALD. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD. I make the point that the resolution of the gentleman from Nebraska is not in order at this time. A conference report is before the House, and no resolution such as the gentleman offers is in order.

Mr. HAINER of Nebraska. I have not offered it yet. It has simply been read for information.

The SPEAKER. There is no conference report before the House. That has been accepted.

Mr. FITZGERALD. There is, I understand, a conference report on the matter under discussion.

The SPEAKER. The bill is before the House for action by the House on a motion for another conference, and the question is as to the way in which the result shall be arrived at. A motion to recede and concur would take precedence of the other motion, but as the vote one way or the other will be just as effective, the Chair supposes that can be easily arranged.

Mr. SHERMAN. I do not see, Mr. Speaker, why we should not take the vote on my motion rather than upon the resolution of the gentleman from Nebraska. The one is simply the reverse of the other.

The SPEAKER. After the vote is taken a proposition for instructions can be received.

Mr. HAINER of Nebraska. I offer the resolution which has just been read, and move its adoption.

The SPEAKER. The Chair would suggest that the orderly method would be to have a vote on the question of receding or concurring, and when that is decided, then, if instructions to the conferees are found necessary, a proposition for instructions can be offered and acted upon. That is the regular way of proceeding.

Mr. HAINER of Nebraska. Very well.

Mr. SHERMAN. As I understand the statement of the Chair, my motion is first to be voted on.

The SPEAKER. The motion to recede and concur is the one to be first voted on.

Mr SHERMAN. On that I ask the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion that the House recede from its disagreement and concur in Senate amendments numbered 69 and 70. If no separate vote be called for, the question will be put on both amendments together.

The question being put, it was (on a division called for by Mr. SHERMAN) decided in the negative—ayes 34, noes 99.

Mr. HAINER of Nebraska. I now move the adoption of the resolution which was read a moment ago, and on that I demand the previous question.

Mr. FITZGERALD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. FITZGERALD. I should like to ask the gentleman from Nebraska to give way for a few moments, that I may say something on this question. It seems to me unfair that after other reports, dealing with minor matters, have been discussed all day, a matter involving a great issue like this should be put through without debate.

this open space for safety, in case of fire, in the adjoining buildings?

Mr. CANNON. I do not think of any other now.

BINGER HERMANN,
T. C. CATCHINGS,
Managers on the part of the House.

same end.

The SPEAKER. The gentleman from Nebraska asks the previous question.

Mr. FITZGERALD. I appeal in all decency and fairness for the right of debate. This question has not been fairly met and properly discussed.

The SPEAKER. As many as are in favor of ordering the previous question——

Mr. FITZGERALD. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD. There is no quorum present.

The SPEAKER. The Chair thinks there is.

The question was put on ordering the previous question; and it was ordered.

Mr. FITZGERALD. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD. Is there no debate allowed on this question?

The SPEAKER. The Chair thinks not. The whole question has been debated and passed upon once or twice by the House.

Mr. FITZGERALD. If the Chair will pardon me, I do not think the resolution introduced by the gentleman from Nebraska has ever been debated.

The SPEAKER. The Chair thinks that no debate is in order on this proposition.

Mr. FITZGERALD. I doubt the vote on the question of ordering the previous question, and call for a division. [Cries of "Too late!"]

The SPEAKER. It is too late to call for a division.

Mr. FITZGERALD. I call for the yeas and nays.

The SPEAKER. It is too late to do that, because the result was announced by the Chair, and another question has arisen.

Mr. FITZGERALD. Mr. Speaker, do I understand that the question has been put to the House and passed?

The SPEAKER. The question was put to the House, and decided in the affirmative.

Mr. FITZGERALD. When I doubt the vote upon the previous question, can not my point be entertained after the vote is announced by the Speaker?

The SPEAKER. Not after the transaction of other business; not after other matters have been entered upon.

Mr. FITZGERALD. I appeal in all fairness to the judgment of the House. I was interrupted by gentlemen conversing about me and making suggestions, and I did not hear the announcement at the time.

The SPEAKER. The Chair would be very glad to entertain the gentleman's point; but the matter has been disposed of. He did not even rise at the time.

Mr. FITZGERALD. I want an opportunity to speak upon this proposition—an opportunity which has been denied me on this floor. I think this proceeding is unfair; and I enter my protest in behalf of the people of my district, because I have been denied the opportunity to voice their sentiments in fair discussion.

The SPEAKER. The gentleman is not in order.

Mr. FITZGERALD. I think I am always in order when I am undertaking to voice the principles of the people whom I represent.

The SPEAKER. The question is on agreeing to the resolution of the gentleman from Nebraska. [The question was put.] The ayes seem to have it.

Mr. FITZGERALD. I call for a division.

The question being again taken, there were—ayes 115, noes 25.

Mr. FITZGERALD. I demand the yeas and nays.

The SPEAKER. The gentleman from Massachusetts asks for the yeas and nays.

The yeas and nays were ordered, 31 voting in favor thereof—more than one-fifth of the last vote.

The SPEAKER. The Clerk will call the roll.

Mr. HENDRICK. Mr. Speaker, we should like to understand the question before the House.

The SPEAKER. If there be no objection, the Clerk will again read the resolution proposed by the gentleman from Nebraska.

The resolution of Mr. HAINER of Nebraska was again read.

Mr. WASHINGTON. I desire to make an inquiry. As we understood the reading of these proposed instructions, a part of the language was "the sectarian Secretary of the Interior." It seems to me there must be something wrong in the wording of the resolution.

The SPEAKER. The Chair is informed that the gentleman is mistaken. The language of the resolution is "the Secretary of the Interior." The Clerk will call the roll.

Mr. McCULLOCH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. McCULLOCH. I want to understand this resolution. As I understood the reading, it spoke of "the sectarian Secretary."

The SPEAKER. As the Chair has just stated, the resolution does not contain that language.

Mr. MORSE. I rise to a parliamentary inquiry. As I understand, my colleague [Mr. FITZGERALD] was promised some time to speak on this proposition. Is it in order now to ask unanimous consent that he have permission to print his remarks in the RECORD?

The SPEAKER. The Chair thinks it would not be a good precedent to submit such a request after the roll call has been ordered. The Clerk will proceed with the call of the roll.

The question was taken; and there were—yeas 154, nays 22, recorded "present" 12, not voting 167; as follows:

YEAS—154.

Aldrich, Ala.	Dingley,	Kirkpatrick,	Shuford,
Allen, Utah	Doolittle,	Knox,	Simpkins,
Anderson,	Dovener,	Lacey,	Skinner,
Andrews,	Draper,	Latimer,	Smith, Ill.
Atwood,	Elliott, S. C.	Layton,	Southard,
Avery,	Ellis,	Leonard,	Spalding,
Babcock,	Evans,	Linney,	Spencer,
Bailey,	Faris,	Linton,	Sperry,
Baker, N. H.	Fenton,	Little,	Stahle,
Bartholdt,	Gardner,	Lockhart,	Stallings,
Bell, Colo.	Gilson,	Long,	Steele,
Bell, Tex.	Gillett, Mass.	Marsh,	Stewart, Wis.
Bingham,	Graff,	McCall, Mass.	Stone, C. W.
Blue,	Griffin,	McCall, Tenn.	Strait,
Broderick,	Grosvenor,	McClure,	Strong,
Bromwell,	Grout,	McCulloch,	Strowd, N. C.
Brown,	Hadley,	McDearmon,	Sulloway,
Buck,	Hainer, Nebr.	McLachlan,	Taft,
Bull,	Harris,	McRae,	Talbert,
Burrell,	Hatch,	Mercer,	Tate,
Burton, Mo.	Hendrick,	Milliken,	Tawney,
Burton, Ohio	Henry, Ind.	Milnes,	Tayler,
Clardy,	Hepburn,	Mondell,	Terry,
Clark, Mo.	Hermann,	Money,	Thomas,
Codding,	Hilborn,	Moody,	Tracewell,
Connolly,	Hill,	Morse,	Treloar,
Cook, Wis.	Hooker,	Northway,	Underwood,
Cooke, Ill.	Hopkins,	Otey,	Van Horn,
Cooper, Tex.	Howard,	Otjen,	Van Voorhis,
Cooper, Wis.	Hubbard,	Payne,	Warner,
Cousins,	Huff,	Pearson,	Washington,
Crowther,	Hulick,	Phillips,	Watson, Ohio
Curtis, Iowa	Hunter,	Pitney,	Williams,
Curtis, Kans.	Jenkins,	Prince,	Wilson, Idaho
Dalzell,	Johnson, Cal.	Reeves,	Wilson, Ohio
Danford,	Johnson, N. Dak.	Richardson,	Wilson, S. C.
Daniels,	Kem,	Russell, Conn.	Wood.
Dayton,	Kerr,	Sauerhering,	
De Armond,	Kiefer,	Shannon,	

NAYS—22.

Aldrich, Ill.	Denny,	Lewis,	Poole,
Allen, Miss.	Eddy,	Loud,	Sherman,
Baker, Kans.	Fitzgerald,	McClellan,	Stewart, N. J.
Bartlett, N. Y.	Harrison,	Noonan,	Sulzer.
Clarke, Ala.	Kleberg,	Odell,	
Cooper, Fla.	Lester,	Parker,	

NOT VOTING—179.

Abbott,	Dockery,	Lefever,	Robinson, Pa.
Acheson,	Dolliver,	Leighty,	Royse,
Adams,	Downing,	Leisenring,	Rusk,
Aitken,	Ellett, Va.	Livingston,	Russell, Ga.
Apsley,	Erdman,	Lorimer,	Sayers,
Arnold, Pa.	Fairchild,	Loudenslager,	Scranton,
Arnold, R. I.	Fischer,	Low,	Settle,
Baker, Md.	Fletcher,	Maddox,	Shafroth,
Bankhead,	Foote,	Maguire,	Shaw,
Barham,	Foss,	Mahany,	Smith, Mich.
Barney,	Fowler,	Mahon,	Snover,
Barrett,	Gamble,	McCleary, Minn.	Sorg,
Bartlett, Ga.	Gillet, N. Y.	McCormick,	Southwick,
Beach,	Goodwyn,	McCreary, Ky.	Sparkman,
Belknap,	Griswold,	McEwan,	Stephenson,
Bennett,	Grow,	McLaurin,	Stokes,
Berry,	Hager,	McMillin,	Stone, W. A.
Bishop,	Hall,	Meiklejohn,	Strode, Nebr.
Black, Ga.	Halterman,	Meredith,	Swanson,
Black, N. Y.	Hanly,	Meyer,	Thorp,
Boutelle,	Hardy,	Miles,	Towne,
Bowers,	Harmer,	Miller, Kans.	Tracey,
Brewster,	Hart,	Miller, W. Va.	Tucker,
Brosius,	Hartman,	Miner, N. Y.	Turner, Ga.
Brumm,	Heatwole,	Minor, Wis.	Turner, Va.
Calderhead,	Heiner, Pa.	Moses,	Tyler,
Cannon,	Hemenway,	Mozley,	Updegraff,
Catchings,	Henderson,	Murphy,	Wadsworth,
Chickering,	Henry, Conn.	Neill,	Walker, Mass.
Clark, Iowa	Hicks,	Newlands,	Walker, Va.
Cobb,	Hitt,	Ogden,	Walsh,
Cockrell,	Howe,	Overstreet,	Wanger,
Coffin,	Howell,	Owens,	Watson, Ind.
Colson,	Huling,	Patterson,	Wellington,
Corliss,	Hull,	Pendleton,	Wheeler,
Cowen,	Hurley,	Perkins,	White,
Cox,	Hutcheson,	Pickler,	Wilber,
Crisp,	Hyde,	Powers,	Willis,
Crowley,	Johnson, Ind.	Price,	Wilson, N. Y.
Crump,	Jones,	Pugh,	Woodard,
Culberson,	Joy,	Quigg,	Woodman,
Cummings,	Kendall,	Raney,	Woomer,
Curtis, N. Y.	Kulp,	Ray,	Wright,
De Witt,	Kyle,	Reyburn,	Yoakum.
Dinsmore,	Lawson,	Robertson, La.	

The following pairs were announced:

Until further notice:

Mr. DALZELL with Mr. CRISP.

Mr. JOY with Mr. COWEN.

Mr. BOUTELLE with Mr. TURNER of Georgia.

Mr. MEIKLEJOHN with Mr. ROBERTSON of Louisiana.

Mr. TRACEY with Mr. SAYERS.

Mr. STEPHENSON with Mr. DINSMORE.

Mr. MILLER of West Virginia with Mr. WOODARD.

Mr. HULICK with Mr. PRICE.

Mr. KULP with Mr. RUSK.

Mr. APSLEY with Mr. MILES.

Mr. COFFIN with Mr. LAWSON.

Mr. WILLIAM A. STONE with Mr. BLACK of Georgia.

Mr. HULL with Mr. OGDEN.

Mr. BOWERS with Mr. MINER of New York.

Mr. ADAMS with Mr. MCLAURIN.

Mr. WILBER with Mr. JONES.

Mr. SNOVER with Mr. MADDOX.

Mr. JOHNSON of Indiana with Mr. COX.

Mr. MOZLEY with Mr. MOSES.

Mr. ARNOLD of Pennsylvania with Mr. LIVINGSTON.

Mr. CORLISS with Mr. DOWNING.

Mr. FOWLER with Mr. BARTLETT of Georgia.

Mr. ROBINSON of Pennsylvania with Mr. MCMILLIN.

Mr. LEFEVER with Mr. TYLER.

For this vote:

Mr. GOODWYN with Mr. RUSSELL of Georgia.

Mr. FAIRCHILD with Mr. MEYER.

Mr. BLUE with Mr. COBB.

Mr. DOLLIVER with Mr. KENDALL.

Mr. GRISWOLD with Mr. ERDMAN.

Mr. MINOR of Wisconsin with Mr. TUCKER.

Mr. TOWNE with Mr. BERRY.

Mr. PICKLER with Mr. SWANSON.

Mr. WALKER of Massachusetts with Mr. HART.

Mr. UPDEGRAFF with Mr. MEREDITH.

Mr. HEATWOLE with Mr. HUTCHESON.

Mr. FOSS with Mr. ABBOTT.

Mr. SCRANTON with Mr. DOCKERY.

Mr. LOUDENSLAGER with Mr. NEILL.

Mr. WOOMER with Mr. MCCREARY of Kentucky.

Mr. BARNEY with Mr. GAMBLE.

Mr. BARRETT with Mr. KYLE.

Mr. HICKS with Mr. BANKHEAD.

Mr. HARMER with Mr. SORG.

Mr. STRODE of Nebraska with Mr. WHEELER.

Mr. HEINER of Pennsylvania with Mr. CULBERSON.

Mr. TERRY. Mr. Speaker, my colleague, General NEILL, is unavoidably absent. If present, he would vote "aye" on this proposition.

Mr. TRACEY. Mr. Speaker, I notice that I am mentioned as being paired with the gentleman from Texas [Mr. SAYERS]. The intention was that this pair should begin after to-day.

Mr. DOCKERY. In respect to that pair, Mr. Speaker, let me say that the gentleman from Texas, now absent on a conference committee, sent me word to pair him; and upon inquiry of the gentleman in charge of the pairs I was informed that Mr. SAYERS was paired with the gentleman from Missouri [Mr. TRACEY], and so took no further steps in the matter, supposing that it was a pair for this day.

The SPEAKER. The Chair will cause the correction to be made.

Mr. TRACEY. Well, let the matter stand as it is. I wish to state, Mr. Speaker, that if Mr. SAYERS were present and voting, I should have voted "aye." I therefore withdraw my vote, having voted in the affirmative.

Mr. LITTLE. Mr. Speaker, my colleague, Mr. DINSMORE, is unavoidably absent. If present, he would vote "aye."

Mr. JENKINS. My colleague, Mr. BARNEY, is necessarily absent. If present, he would vote "aye."

The SPEAKER. On this question the yeas are 154, nays 22; and in addition the following gentlemen are present and not voting: Mr. COBB, Mr. UPDEGRAFF, Mr. CATCHINGS, Mr. TRACEY, Mr. WOODARD, Mr. SCRANTON, Mr. KYLE, Mr. GAMBLE, Mr. FOWLER, Mr. MCMILLIN, and Mr. DOCKERY.

Mr. BLUE (having been recorded as present and not voting). Mr. Speaker, I was not here at the time my name was called. I was paired with Mr. COBB——

The SPEAKER. But the gentleman was present since the question was put to the House.

Mr. BLUE. After the second roll call.

The SPEAKER. The gentleman is entitled to a vote if he desires.

Mr. BLUE. Then I will vote in the affirmative.

[Mr. BLUE's name is recorded as above.]

Mr. TRACEY. My name was read as not voting. That is incorrect; I did vote, but withdrew it.

The SPEAKER. The RECORD will show that fact. The gentleman is recorded as present, his vote having been withdrawn.

Mr. GAMBLE. I desire to say, Mr. Speaker, that at the request of Mr. BARNEY I paired with him, which accounts for my not voting on this proposition, although I was present.

Mr. DOCKERY. I am paired with the gentleman from Pennsylvania [Mr. SCRANTON], but desire to be recorded as present.

The SPEAKER. The gentleman will be so recorded.

On this question the yeas are 154, nays 22, and a sufficient number of gentlemen being present and not voting to constitute a quorum, the ayes have it, and the instructions are agreed to.

Mr. SHERMAN. I move that the House now insist on its disagreement to the other amendments and ask a further conference thereon.

Mr. BARTLETT of New York. I have conferred with the chairman of the committee and desire to have specific instructions given for one amendment. Will the chairman yield to me?

Mr. SHERMAN. I yield to the gentleman.

The SPEAKER. The chairman of the Committee on Indian Affairs moves to insist upon the other disagreements.

Mr. SHERMAN. That is correct; and order a further conference.

The SPEAKER. The Chair will submit the motion.

The motion was agreed to.

Mr. BARTLETT of New York. I desire to move, Mr. Speaker, that the House conferees be especially instructed to insist on their disagreement to Senate amendment numbered 64.

The SPEAKER. Will the gentleman put his motion in writing?

Mr. BARTLETT of New York. I have not the amendment here. I ask the Clerk to report Senate amendment numbered 64.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to the following persons, and not to their assignees, immediately upon the passage of this act, out of the balance remaining of the 35 per cent reserved for payment of legal services rendered and expenses incurred, under contracts entered into by the Old Settlers or Western Cherokee Indians through their authorized commissioners, in the prosecution of their claim appropriated for by act of Congress approved August 23, 1894 (28 Stat. L., page 451), entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes," namely:

To William S. Peabody, $29,000.

To Charles A. Webb, administrator of the estate of C. M. McLoud, $5,050.

To Marcus Erwin, administrator of the estate of Marcus Erwin, deceased, $5,050.

To Theodore H. N. McPherson, $5,050.

To Mary E. Carey, executrix of the estate of James J. Newell, deceased, $3,000.

To John A. Sibbald, $1,000.

To Samuel W. Peel, $5,000.

To Reese H. Voorhees and John Paul Jones, $7,003.86.

To David A. McKnight, $1,000.

To C. M. Carter, $233.

To Belva A. Lockwood, $1,000.

To Joel L. Baugh, $5,000.

To Stephen W. Parker, $5,000.

To Joel M. Bryan, the remainder of said sum of money after paying the foregoing specific sums, be the same more or less: *Provided*, That every person receiving the sums herein stated shall receipt in full for all claims upon the aforesaid fund.

Mr. BARTLETT of New York. Mr. Speaker, I shall only occupy a few minutes stating my reasons for the motion.

In the general deficiency act of 1894, chapter 307, passed on the 23d of August, an appropriation was made under judgments of the Court of Claims amounting to some $803,000 to the Old Settlers or Western Cherokee Indians, by their commissioners, naming the three commissioners; and it was provided that the Commissioner of Indian Affairs should reserve only such sum as should be necessary to pay the necessary expenses and the claims for legal services rendered. The wording of the act is:

The Commissioner of Indian Affairs is directed to withhold from distribution among said Indians only so much of that part of the said judgment set apart, etc., as is necessary for him to pay the expenses and for legal services justly and equitably payable on account of such prosecution.

Now, you must bear in mind that these Indians are not a body politic or a body incorporate, and so they are peculiarly subject to our jurisdiction as our wards. This sum so provided for in the general deficiency act of 1894 was paid over; that is, the sum of $803,000, and of that sum about 35 per cent was set apart to meet these claims, amounting to $280,000 in round numbers. The sum of $193,000, or 25 per cent, has been already paid over by the Commissioner of Indian Affairs.

Now, the Senate, by this amendment, proposes to come in and dispose of the balance, some $86,000. It is conceded by the Indians, or by their committee, that the sum of $7,000 is due to Messrs. Voorhees and Jones. That would leave a balance of $79,000, and the Senate propose to dispose of this money, which really belongs per capita to these Indians, in this way. They propose to give $40,000, I believe, to claims which have already been specifically rejected by the Commissioner of Indian Affairs, in whom is vested the sole power of determining the justice and equity of the claims presented against this fund. They decide, without giving the Indians any hearing or any opportunity to present their side of the case, that the judgment of the Commissioner of Indian Affairs is wrong. Then they give $20,000 to claims which have never been

passed upon; that is, $40,000 to rejected claims and $30,000 to claims never determined, never adjusted, never even presented to the proper authority for adjustment. Then the balance of $19,000 they give to a man who seems to have had a good deal to do with the case, but who has already been paid some $52,000 in full. So of these funds, which belong to these Indians, amounting to $79,000, which they claim, this amendment proposes to give $40,000 to men whose claims have been rejected, $20,000 to men whose claims have never been presented, and $19,000 to a man who has already been paid in full.

I say, Mr. Speaker and gentlemen, under this state of affairs it is our duty to protest specifically against any such amendment.

Mr. DOOLITTLE. Will the gentleman allow me to ask him a question? Does not your motion provide for excluding the claim of Voorhees and Jones, which claim is contained in a bill which has already passed this House, a bill carrying $8,000? That is my recollection.

Mr. BARTLETT of New York. According to my view of the law the only person who has the right to determine the justice of these claims is the Commissioner of Indian Affairs. Under the act which made the award of $803,000, under the finding of the Court of Claims, it is provided that the Commissioner of Indian Affairs shall reserve the amount. Now, it is not for us to determine that question; it is for the Commissioner of Indian Affairs.

Mr. DOOLITTLE. Suppose your motion prevails, will it not result in the nonpayment of this claim which I have mentioned?

Mr. BARTLETT of New York. Well, I imagine not, because it is conceded that that claim is due, and I presume the Commissioner of Indian Affairs can dispose of that; but this is not the proper way. It is neither for the Senate nor the House to determine the parties who should share in that fund or to whom that fund should be paid.

Mr. HULICK. Was there any evidence before the committee in the Senate as to the propriety or justice of these claims, and has any report been made by a Senate committee upon their validity or justice?

Mr. BARTLETT of New York. I am informed by these pamphlets, which have been sent to me by one of the gentlemen connected with Indian affairs, and one of the most able and intelligent gentlemen in the city, that these facts were before the committee, and have been printed as a Senate document. Reference is made to that document in the paper which I now hold in my hand. Of course it is impossible, in view of the rapidity with which these matters come up for consideration, for a man to possess himself of all the knowledge which might be desirable.

Mr. HULICK. Did the committee take proof and evidence to sustain the claim, and upon that evidence render judgment in favor of the report they have made?

Mr. BARTLETT of New York. I have a brief here which contains a statement of fact in reference to each claim. For instance, the claim of William S. Peabody. It appears that this claim was rejected, and it is set forth in detail. That claim was rejected by the Commissioner of Indian Affairs and the Secretary of the Interior paid Mr. Peabody $8,000. Now, after that payment by the Secretary of the Interior of $8,000, presumably in full for his services, an additional award to him is made here of $29,000. I claim that it is not within the power of the conferees of the House, when an appropriation is made, and power is given in the language of the appropriation to the Commissioner of Indian Affairs to be the judge of the justice of these claims—it is not within our power to come in and vote that money without a hearing. I yield to the chairman of the committee. I should like to hear his view.

Mr. SHERMAN. Mr. Speaker, I do not differ with my colleague from New York in reference to the injustice of allowing these claims. In my judgment none of them should be paid; but I desire the House to know that the Senate conferees are most strenuous in insisting that this amendment shall go into the bill; and it has been intimated that unless the various claims go in or that the claims shall in some manner be provided for, no agreement can ever be reached by the conferees.

Mr. DOOLITTLE. Now, how can that be said of the Jones and Vorhees claim, or of the claim of Colonel Peel. Those claims were presented to the Committee on Indian Affairs, and we unanimously reported favorably bills providing for the payment of those claimants. And the bill for the payment of the Vorhees and Jones claim passed this House, carrying an appropriation of something more than $8,000. Now, this was for services rendered by this firm and Colonel Peel to the Indians in the preservation of this very money allowed to them as against the supposedly fraudulent claims or unjust claims of a great number of outside attorneys; and they certainly rendered very valuable and most efficient services to these Indians in the protection of this fund against the claims of other lawyers all over this country.

Mr. BARTLETT of New York. Will the gentleman allow me a question?

Mr. DOOLITTLE. Most assuredly.

Mr. BARTLETT of New York. Is the gentleman aware that on February 4, 1895, the firm of Jones, Vorhees & Boudinot received $32,015.45 under this act of 1894 for services rendered?

Mr. DOOLITTLE. I know they received a sum of money. I know that their services covered a very long period of time. I know the services of these men resulted in saving to these Indians a very large amount of money that was in this sum allowed to them, and it has been known to every man who has examined these claims and the claim of Colonel Peel that they earned every dollar that they are entitled to under the contract. They are asking for nothing more than they are entitled to.

Mr. SHERMAN. Let me say to my friend when I made the statement I did not mean to include the claims for services of those who opposed before the Secretary the payment of these claimants, which the Secretary rejected.

Mr. DOOLITTLE. That is the motion made by the gentleman from New York [Mr. BARTLETT].

Mr. SHERMAN. The absurdity of this item is shown by the fact that in the same item is included the payment of ten or twelve different persons or firms for services to the Indians, and in the very same item is included payment to another attorney for successfully opposing the payment of those other claimants. That is the absurdity of the item, but that is the shape it is in.

The only thing I have to suggest to my colleague from New York, and which I did not suggest to him in the brief conversation I had with him over here a moment ago, is that it would be well not to have a specific instruction. We might come to some agreement with the conferees on the part of the Senate by which these items were not paid and yet in some way be disposed of. For instance, it might be agreed to refer the whole matter to the Court of Claims, or to have it settled in some such way. If we are specifically instructed to insist upon this amendment going out of the bill, then I suppose we will not have the power to agree upon any sort of compromise in reference to it, so that specific instructions to the conferees might result in our not disposing of it in any way whatever; whereas, if we were not instructed specifically on this item, we might eventually reach some conclusion with the Senate conferees by referring the matter to the Court of Claims or something of that kind, which would be satisfactory to the House.

Mr. BARTLETT of New York. Let me suggest to the gentleman that there is some legal doubt about the right to do that. Having voted in the year 1894 some $803,000 to this body of Indians with a certain condition, namely, that such an amount should be reserved as, in the judgment of the Commissioner of Indian Affairs, should be necessary to pay certain claims, that transaction would seem to be ended. I do not believe that in 1896 we can come in and say to these Indians: "This reserve fund is no longer subject to the judgment and discretion of the officer to whom we intrusted it in 1894, but we will now relegate the matter to the Court of Claims for adjudication."

Mr. SHERMAN. I think the Secretary of the Interior takes the same view of the matter that my colleague takes. That is my understanding. I am not opposed to special instructions. I only suggest that it is possible that such instructions might retard an agreement of some sort that might otherwise be reached.

Mr. HULICK. Have these claims all been presented to the Secretary of the Interior and by him passed upon?

Mr. SHERMAN. Most of them have been presented to him, have been argued before him pro and con, and have been rejected. Others have not been presented at all and, as my colleague from Washington [Mr. DOOLITTLE] suggests, one or two items here are payments to attorneys for opposing these very claims before the Secretary of the Interior.

Mr. HULICK. Then why would it not be equitable and proper to have those claims as to the justice of which there is no controversy incorporated in the conference report and the others rejected? I will ask the gentleman another question: How did these claims get into the jurisdiction of the Senate committee after having been rejected by the Secretary of the Interior?

Mr. SHERMAN. The gentleman will have to go to the Senate for that information.

Mr. HULICK. I supposed that the conferees on the part of the House would know something about it, and that is why I asked the gentleman that question. Did you, as one of the conferees, ascertain how those claims came to be taken up and incorporated in this bill after having been rejected by the Secretary of the Interior?

Mr. SHERMAN. They were taken up, I suppose, because the Senate, in their wisdom, believed that the Secretary of the Interior was in error or did an injustice in disallowing the claims, and thought they would right that wrong.

Mr. HULICK. Was there any evidence before the conferees or before the Senate as to the justice of these claims, or was any additional evidence taken?

Mr. SHERMAN. The conferees have taken no evidence. Whether the Senate took any or not I do not know. Certain

places where nonsectarian schools can not be provided for such Indian children and to an amount not exceeding 50 per cent of the amount so used for the fiscal year 1896.

So that, Mr. Speaker, it appears that whichever section is adopted the Government declares it to be its settled policy that we will not maintain sectarian schools any longer than is absolutely necessary. By the bill as it passed the House the proposition was to stop short now. By the Senate amendment the proposition is to cut off sectarian schools, not in a moment, but at the end of two years, allowing the Secretary or the Commissioner in the meantime an opportunity to provide means for the education of these children in place of the sectarian schools which are done away with. In my judgment this is wise. In all fairness, if we are to do away with these schools, let us do so gradually, so that other provision may be made for the education of the children, and that those persons, whether religious bodies or individuals, who have invested in these schools may withdraw with the least loss from a legitimate business in which they entered in good faith and with philanthropic purpose.

Mr. MORSE. Will the gentleman from New York permit me to ask him a question?

Mr. SHERMAN. Certainly.

Mr. MORSE. Does the gentleman think the present Congress, either House or Senate, can bind its successors to any policy such as he has indicated? Will not they be a law unto themselves?

Mr. SHERMAN. Of course, there is no question about that. We can not enact anything that future Congresses can not undo.

Mr. MORSE. So that, as it stands, it will be a mere sentiment or expression of opinion on the part of the present Congress, and nothing to bind our successors.

Mr. SHERMAN. That is true, of course. Yet let me say that the last Congress, in the Indian appropriation bill, declared that it was the policy of the Government to do away with these schools at the earliest practicable moment; and the Commissioner or Secretary stating that this could be properly done in four or five years, a reduction of 20 per cent in the amount expended in this branch of educational work among the Indians was provided in last year's bill. The Committee on Indian Affairs of this House, accepting that declared policy of the Government, as stated in the last Indian appropriation bill, reported a bill to this House following it out to the letter; and I have no doubt that if either section is accepted here, in the future the action of the committee would be the same. Of course there is no question of the absolute right of a future Congress to do as it pleases. About that the gentleman and I will not differ.

Mr. CURTIS of Kansas. Mr. Speaker, I desire to make a motion.

Mr. SHERMAN. I do not desire to yield the floor. I want to move the previous question.

Mr. CURTIS of Kansas. Then I will make a parliamentary inquiry. Is not the proper motion to make at this time that the House insist on its disagreement and ask for a further conference, instead of the motion that has been made to agree?

The SPEAKER. The motion to concur has precedence.

Mr. SHERMAN. Mr. Speaker, I take it it is a question of which side votes "yea" and which side "nay."

The SPEAKER. One moment. The Chair understood the gentleman from New York to say that he moved to insist on the disagreement, and then proposed to move to instruct the conferees to agree. The Chair thinks that is not the usual proceeding; and that it should be a motion to bring before the House the question of concurring in the Senate amendments.

Mr. SHERMAN. I intended, pending my motion to disagree, to move that the House conferees be instructed to recede from the disagreement to the Senate amendments numbered 69 and 70, and agree to the same.

The SPEAKER. It would seem as if that should be determined by the House itself on a motion to concur in the Senate amendments, which motion could be made by the gentleman from New York.

Mr. SHERMAN. Very well, Mr. Speaker; let it be that way. It seems to be a matter of no consequence which way the motion is put. I made the motion in conformity with my individual wish, but if the other is the better parliamentary procedure I am perfectly willing to make the motion that way. I understood that it was the purpose of the gentleman from Kansas [Mr. CURTIS] to move an amendment in that form.

The SPEAKER. The motion of the gentleman from New York would take precedence of the other, even if the other motion had been made first.

Mr. CURTIS of Kansas. Mr. Speaker, I understand the rule to be that the motion to insist has precedence.

Mr. SHERMAN. I did not desire to make the motion in that form, because I should vote against it, and I did not wish to submit a motion against which I should vote. If the gentleman from Kansas amends my motion, I do not see why it does not attain the same end.

Mr. McRAE. Can not the gentleman from New York attain the same object by withholding his motion to recede until after the other motion is passed upon? Or, if he does not desire to take that course, let the gentleman from Kansas move to insist.

Mr. CURTIS of Kansas. Mr. Speaker, I move that the House insist and ask for a further conference upon amendments 69 and 70.

Mr. HAINER of Nebraska. Mr. Speaker, I wish at the proper time to present a resolution instructing the House conferees to insist on the House disagreement to the specific amendment numbered 69. I will send up the resolution and have it read for information. I think this resolution will put the matter in a form so as to be easily understood and passed upon.

Mr. SHERMAN. I suggest that the gentleman's resolution be read; and if it makes the matter any clearer to the House, the vote might be taken in that way.

The resolution proposed by Mr. HAINER of Nebraska was read for information, as follows:

Resolved, That the House conferees on House bill 6249, "A bill making appropriation for current and contingent expenses of the Indian Department," etc., be, and they are hereby, instructed to insist upon the following provision in said bill as it passed this House, to wit:

(69) And it is hereby declared that it is the intention of this act that no money herein appropriated shall be paid for education in sectarian schools; and the Secretary of the Interior is hereby charged with the duty of so using and administering said appropriation as to carry out said object; and he is hereby authorized and required to make all needful rules and regulations necessary to prevent the use of any part of said fund for education in sectarian schools.

Mr. HAINER of Nebraska. The gentleman from New York will observe that I have set out in the resolution the exact language of the provision in the House bill. It will, therefore, be easily and clearly understood; and if he will allow me, unless he desires debate, I will move the previous question.

Mr. FITZGERALD. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD. I make the point that the resolution of the gentleman from Nebraska is not in order at this time. A conference report is before the House, and no resolution such as the gentleman offers is in order.

Mr. HAINER of Nebraska. I have not offered it yet. It has simply been read for information.

The SPEAKER. There is no conference report before the House. That has been accepted.

Mr. FITZGERALD. There is, I understand, a conference report on the matter under discussion.

The SPEAKER. The bill is before the House for action by the House on a motion for another conference, and the question is as to the way in which the result shall be arrived at. A motion to recede and concur would take precedence of the other motion, but as the vote one way or the other will be just as effective, the Chair supposes that can be easily arranged.

Mr. SHERMAN. I do not see, Mr. Speaker, why we should not take the vote on my motion rather than upon the resolution of the gentleman from Nebraska. The one is simply the reverse of the other.

The SPEAKER. After the vote is taken a proposition for instructions can be received.

Mr. HAINER of Nebraska. I offer the resolution which has just been read, and move its adoption.

The SPEAKER. The Chair would suggest that the orderly method would be to have a vote on the question of receding or concurring, and when that is decided, then, if instructions to the conferees are found necessary, a proposition for instructions can be offered and acted upon. That is the regular way of proceeding.

Mr. HAINER of Nebraska. Very well.

Mr. SHERMAN. As I understand the statement of the Chair, my motion is first to be voted on.

The SPEAKER. The motion to recede and concur is the one to be first voted on.

Mr SHERMAN. On that I ask the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion that the House recede from its disagreement and concur in Senate amendments numbered 69 and 70. If no separate vote be called for, the question will be put on both amendments together.

The question being put, it was (on a division called for by Mr. SHERMAN) decided in the negative—ayes 34, noes 99.

Mr. HAINER of Nebraska. I now move the adoption of the resolution which was read a moment ago, and on that I demand the previous question.

Mr. FITZGERALD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. FITZGERALD. I should like to ask the gentleman from Nebraska to give way for a few moments, that I may say something on this question. It seems to me unfair that after other reports, dealing with minor matters, have been discussed all day, a matter involving a great issue like this should be put through without debate.

The SPEAKER. The gentleman from Nebraska asks the previous question.

Mr. FITZGERALD. I appeal in all decency and fairness for the right of debate. This question has not been fairly met and properly discussed.

The SPEAKER. As many as are in favor of ordering the previous question——

Mr. FITZGERALD. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD. There is no quorum present.

The SPEAKER. The Chair thinks there is.

The question was put on ordering the previous question; and it was ordered.

Mr. FITZGERALD. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD. Is there no debate allowed on this question?

The SPEAKER. The Chair thinks not. The whole question has been debated and passed upon once or twice by the House.

Mr. FITZGERALD. If the Chair will pardon me, I do not think the resolution introduced by the gentleman from Nebraska has ever been debated.

The SPEAKER. The Chair thinks that no debate is in order on this proposition.

Mr. FITZGERALD. I doubt the vote on the question of ordering the previous question, and call for a division. [Cries of "Too late!"]

The SPEAKER. It is too late to call for a division.

Mr. FITZGERALD. I call for the yeas and nays.

The SPEAKER. It is too late to do that, because the result was announced by the Chair, and another question has arisen.

Mr. FITZGERALD. Mr. Speaker, do I understand that the question has been put to the House and passed?

The SPEAKER. The question was put to the House, and decided in the affirmative.

Mr. FITZGERALD. When I doubt the vote upon the previous question, can not my point be entertained after the vote is announced by the Speaker?

The SPEAKER. Not after the transaction of other business; not after other matters have been entered upon.

Mr. FITZGERALD. I appeal in all fairness to the judgment of the House. I was interrupted by gentlemen conversing about me and making suggestions, and I did not hear the announcement at the time.

The SPEAKER. The Chair would be very glad to entertain the gentleman's point; but the matter has been disposed of. He did not even rise at the time.

Mr. FITZGERALD. I want an opportunity to speak upon this proposition—an opportunity which has been denied me on this floor. I think this proceeding is unfair; and I enter my protest in behalf of the people of my district, because I have been denied the opportunity to voice their sentiments in fair discussion.

The SPEAKER. The gentleman is not in order.

Mr. FITZGERALD. I think I am always in order when I am undertaking to voice the principles of the people whom I represent.

The SPEAKER. The question is on agreeing to the resolution of the gentleman from Nebraska. [The question was put.] The ayes seem to have it.

Mr. FITZGERALD. I call for a division.

The question being again taken, there were—ayes 115, noes 25.

Mr. FITZGERALD. I demand the yeas and nays.

The SPEAKER. The gentleman from Massachusetts asks for the yeas and nays.

The yeas and nays were ordered, 31 voting in favor thereof—more than one-fifth of the last vote.

The SPEAKER. The Clerk will call the roll.

Mr. HENDRICK. Mr. Speaker, we should like to understand the question before the House.

The SPEAKER. If there be no objection, the Clerk will again read the resolution proposed by the gentleman from Nebraska.

The resolution of Mr. HAINER of Nebraska was again read.

Mr. WASHINGTON. I desire to make an inquiry. As we understood the reading of these proposed instructions, a part of the language was "the sectarian Secretary of the Interior." It seems to me there must be something wrong in the wording of the resolution.

The SPEAKER. The Chair is informed that the gentleman is mistaken. The language of the resolution is "the Secretary of the Interior." The Clerk will call the roll.

Mr. McCULLOCH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. McCULLOCH. I want to understand this resolution. As I understood the reading, it spoke of "the sectarian Secretary."

The SPEAKER. As the Chair has just stated, the resolution does not contain that language.

Mr. MORSE. I rise to a parliamentary inquiry. As I understand, my colleague [Mr. FITZGERALD] was promised some time to speak on this proposition. Is it in order now to ask unanimous consent that he have permission to print his remarks in the RECORD?

The SPEAKER. The Chair thinks it would not be a good precedent to submit such a request after the roll call has been ordered. The Clerk will proceed with the call of the roll.

The question was taken; and there were—yeas 154, nays 22, recorded "present" 12, not voting 167; as follows:

YEAS—154.

Aldrich, Ala.	Dingley,	Kirkpatrick,	Shuford,
Allen, Utah	Doolittle,	Knox,	Simpkins,
Anderson,	Dovener,	Lacey,	Skinner,
Andrews,	Draper,	Latimer,	Smith, Ill.
Atwood,	Elliott, S. C.	Layton,	Southard,
Avery,	Ellis,	Leonard,	Spalding,
Babcock,	Evans,	Linney,	Spencer,
Bailey,	Faris,	Linton,	Sperry,
Baker, N. H.	Fenton,	Little,	Stahle,
Bartholdt,	Gardner,	Lockhart,	Stallings,
Bell, Colo.	Gibson,	Long,	Steele,
Bell, Tex.	Gillett, Mass.	Marsh,	Stewart, Wis.
Bingham,	Graff,	McCall, Mass.	Stone, C. W.
Blue,	Griffin,	McCall, Tenn.	Strait,
Broderick,	Grosvenor,	McClure,	Strong,
Bromwell,	Grout,	McCulloch,	Strowd, N. C.
Brown,	Hadley,	McDearmon,	Sulloway,
Buck,	Hainer, Nebr.	McLachlan,	Taft,
Bull,	Harris,	McRae,	Talbert,
Burrell,	Hatch,	Mercer,	Tate,
Burton, Mo.	Hendrick,	Milliken,	Tawney,
Burton, Ohio	Henry, Ind.	Milnes,	Tayler,
Clardy,	Hepburn,	Mondell,	Terry,
Clark, Mo.	Hermann,	Money,	Thomas,
Codding,	Hilborn,	Moody,	Tracewell,
Connolly,	Hill,	Morse,	Treloar,
Cook, Wis.	Hooker,	Northway,	Underwood,
Cooke, Ill.	Hopkins,	Otey,	Van Horn,
Cooper, Tex.	Howard,	Otjen,	Van Voorhis,
Cooper, Wis.	Hubbard,	Payne,	Warner,
Cousins,	Huff,	Pearson,	Washington,
Crowther,	Hulick,	Phillips,	Watson, Ohio
Curtis, Iowa	Hunter,	Pitney,	Williams,
Curtis, Kans.	Jenkins,	Prince,	Wilson, Idaho
Dalzell,	Johnson, Cal.	Reeves,	Wilson, Ohio
Danford,	Johnson, N. Dak.	Richardson,	Wilson, S. C.
Daniels,	Kem,	Russell, Conn.	Wood.
Dayton,	Kerr,	Sauerhering,	
De Armond,	Kiefer,	Shannon,	

NAYS—22.

Aldrich, Ill.	Denny,	Lewis,	Poole,
Allen, Miss.	Eddy,	Loud,	Sherman,
Baker, Kans.	Fitzgerald,	McClellan,	Stewart, N. J.
Bartlett, N. Y.	Harrison,	Noonan,	Sulzer.
Clarke, Ala.	Kleberg,	Odell,	
Cooper, Fla.	Lester,	Parker,	

NOT VOTING—179.

Abbott,	Dockery,	Lefever,	Robinson, Pa.
Acheson,	Dolliver,	Leighty,	Royse,
Adams,	Downing,	Leisenring,	Rusk,
Aitken,	Ellett, Va.	Livingston,	Russell, Ga.
Apsley,	Erdman,	Lorimer,	Sayers,
Arnold, Pa.	Fairchild,	Loudenslager,	Scranton,
Arnold, R. I.	Fischer,	Low,	Settle,
Baker, Md.	Fletcher,	Maddox,	Shafroth,
Bankhead,	Foote,	Maguire,	Shaw,
Barham,	Foss,	Mahany,	Smith, Mich.
Barney,	Fowler,	Mahon,	Snover,
Barrett,	Gamble,	McCleary, Minn.	Sorg,
Bartlett, Ga.	Gillet, N. Y.	McCormick,	Southwick,
Beach,	Goodwyn,	McCreary, Ky.	Sparkman,
Belknap,	Griswold,	McEwan,	Stephenson,
Bennett,	Grow,	McLaurin,	Stokes,
Berry,	Hager,	McMillin,	Stone, W. A.
Bishop,	Hall,	Meiklejohn,	Strode, Nebr.
Black, Ga.	Halterman,	Meredith,	Swanson,
Black, N. Y.	Hanly,	Meyer,	Thorp,
Boutelle,	Hardy,	Miles,	Towne,
Bowers,	Harmer,	Miller, Kans.	Tracey,
Brewster,	Hart,	Miller, W. Va.	Tucker,
Brosius,	Hartman,	Miner, N. Y.	Turner, Ga.
Brumm,	Heatwole,	Minor, Wis.	Turner, Va.
Calderhead,	Heiner, Pa.	Moses,	Tyler,
Cannon,	Hemenway,	Mozley,	Updegraff,
Catchings,	Henderson,	Murphy,	Wadsworth,
Chickering,	Henry, Conn.	Neill,	Walker, Mass.
Clark, Iowa	Hicks,	Newlands,	Walker, Va.
Cobb,	Hitt,	Ogden,	Walsh,
Cockrell,	Howe,	Overstreet,	Wanger,
Coffin,	Howell,	Owens,	Watson, Ind.
Colson,	Huling,	Patterson,	Wellington,
Corliss,	Hull,	Pendleton,	Wheeler,
Cowen,	Hurley,	Perkins,	White,
Cox,	Hutcheson,	Pickler,	Wilber,
Crisp,	Hyde,	Powers,	Willis,
Crowley,	Johnson, Ind.	Price,	Wilson, N. Y.
Crump,	Jones,	Pugh,	Woodard,
Culberson,	Joy,	Quigg,	Woodman,
Cummings,	Kendall,	Raney,	Woomer,
Curtis, N. Y.	Kulp,	Ray,	Wright,
De Witt,	Kyle,	Reyburn,	Yoakum.
Dinsmore,	Lawson,	Robertson, La.	

The following pairs were announced:

Until further notice:

Mr. DALZELL with Mr. CRISP.

Mr. JOY with Mr. COWEN.

Mr. BOUTELLE with Mr. TURNER of Georgia.

Mr. MEIKLEJOHN with Mr. ROBERTSON of Louisiana.

Mr. TRACEY with Mr. SAYERS.

Mr. STEPHENSON with Mr. DINSMORE.

Mr. MILLER of West Virginia with Mr. WOODARD.

Mr. HULICK with Mr. PRICE.

Mr. KULP with Mr. RUSK.

Mr. APSLEY with Mr. MILES.

Mr. COFFIN with Mr. LAWSON.

Mr. WILLIAM A. STONE with Mr. BLACK of Georgia.

Mr. HULL with Mr. OGDEN.

Mr. BOWERS with Mr. MINER of New York.

Mr. ADAMS with Mr. McLAURIN.

Mr. WILBER with Mr. JONES.

Mr. SNOVER with Mr. MADDOX.

Mr. JOHNSON of Indiana with Mr. COX.

Mr. MOZLEY with Mr. MOSES.

Mr. ARNOLD of Pennsylvania with Mr. LIVINGSTON.

Mr. CORLISS with Mr. DOWNING.

Mr. FOWLER with Mr. BARTLETT of Georgia.

Mr. ROBINSON of Pennsylvania with Mr. McMILLIN.

Mr. LEFEVER with Mr. TYLER.

For this vote:

Mr. GOODWYN with Mr. RUSSELL of Georgia.

Mr. FAIRCHILD with Mr. MEYER.

Mr. BLUE with Mr. COBB.

Mr. DOLLIVER with Mr. KENDALL.

Mr. GRISWOLD with Mr. ERDMAN.

Mr. MINOR of Wisconsin with Mr. TUCKER.

Mr. TOWNE with Mr. BERRY.

Mr. PICKLER with Mr. SWANSON.

Mr. WALKER of Massachusetts with Mr. HART.

Mr. UPDEGRAFF with Mr. MEREDITH.

Mr. HEATWOLE with Mr. HUTCHESON.

Mr. FOSS with Mr. ABBOTT.

Mr. SCRANTON with Mr. DOCKERY.

Mr. LOUDENSLAGER with Mr. NEILL.

Mr. WOOMER with Mr. McCREARY of Kentucky.

Mr. BARNEY with Mr. GAMBLE.

Mr. BARRETT with Mr. KYLE.

Mr. HICKS with Mr. BANKHEAD.

Mr. HARMER with Mr. SORG.

Mr. STRODE of Nebraska with Mr. WHEELER.

Mr. HEINER of Pennsylvania with Mr. CULBERSON.

Mr. TERRY. Mr. Speaker, my colleague, General NEILL, is unavoidably absent. If present, he would vote "aye" on this proposition.

Mr. TRACEY. Mr. Speaker, I notice that I am mentioned as being paired with the gentleman from Texas [Mr. SAYERS]. The intention was that this pair should begin after to-day.

Mr. DOCKERY. In respect to that pair, Mr. Speaker, let me say that the gentleman from Texas, now absent on a conference committee, sent me word to pair him; and upon inquiry of the gentleman in charge of the pairs I was informed that Mr. SAYERS was paired with the gentleman from Missouri [Mr. TRACEY], and so took no further steps in the matter, supposing that it was a pair for this day.

The SPEAKER. The Chair will cause the correction to be made.

Mr. TRACEY. Well, let the matter stand as it is. I wish to state, Mr. Speaker, that if Mr. SAYERS were present and voting, I should have voted "aye." I therefore withdraw my vote, having voted in the affirmative.

Mr. LITTLE. Mr. Speaker, my colleague, Mr. DINSMORE, is unavoidably absent. If present, he would vote "aye."

Mr. JENKINS. My colleague, Mr. BARNEY, is necessarily absent. If present, he would vote "aye."

The SPEAKER. On this question the yeas are 154, nays 22; and in addition the following gentlemen are present and not voting: Mr. COBB, Mr. UPDEGRAFF, Mr. CATCHINGS, Mr. TRACEY, Mr. WOODARD, Mr. SCRANTON, Mr. KYLE, Mr. GAMBLE, Mr. FOWLER, Mr. McMILLIN, and Mr. DOCKERY.

Mr. BLUE (having been recorded as present and not voting). Mr. Speaker, I was not here at the time my name was called. I was paired with Mr. COBB——

The SPEAKER. But the gentleman was present since the question was put to the House.

Mr. BLUE. After the second roll call.

The SPEAKER. The gentleman is entitled to a vote if he desires.

Mr. BLUE. Then I will vote in the affirmative.

[Mr. BLUE's name is recorded as above.]

Mr. TRACEY. My name was read as not voting. That is incorrect; I did vote, but withdrew it.

The SPEAKER. The RECORD will show that fact. The gentleman is recorded as present, his vote having been withdrawn.

Mr. GAMBLE. I desire to say, Mr. Speaker, that at the request of Mr. BARNEY I paired with him, which accounts for my not voting on this proposition, although I was present.

Mr. DOCKERY. I am paired with the gentleman from Pennsylvania [Mr. SCRANTON], but desire to be recorded as present.

The SPEAKER. The gentleman will be so recorded.

On this question the yeas are 154, nays 22, and a sufficient number of gentlemen being present and not voting to constitute a quorum, the ayes have it, and the instructions are agreed to.

Mr. SHERMAN. I move that the House now insist on its disagreement to the other amendments and ask a further conference thereon.

Mr. BARTLETT of New York. I have conferred with the chairman of the committee and desire to have specific instructions given for one amendment. Will the chairman yield to me?

Mr. SHERMAN. I yield to the gentleman.

The SPEAKER. The chairman of the Committee on Indian Affairs moves to insist upon the other disagreements.

Mr. SHERMAN. That is correct; and order a further conference.

The SPEAKER. The Chair will submit the motion.

The motion was agreed to.

Mr. BARTLETT of New York. I desire to move, Mr. Speaker, that the House conferees be especially instructed to insist on their disagreement to Senate amendment numbered 64.

The SPEAKER. Will the gentleman put his motion in writing?

Mr. BARTLETT of New York. I have not the amendment here. I ask the Clerk to report Senate amendment numbered 64.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to the following persons, and not to their assignees, immediately upon the passage of this act, out of the balance remaining of the 35 per cent reserved for payment of legal services rendered and expenses incurred, under contracts entered into by the Old Settlers or Western Cherokee Indians through their authorized commissioners, in the prosecution of their claim, appropriated for by act of Congress approved August 23, 1894 (28 Stat. L., page 451), entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes," namely:

To William S. Peabody, $20,000.

To Charles A. Webb, administrator of the estate of C. M. McLoud, $5,050.

To Marcus Erwin, administrator of the estate of Marcus Erwin, deceased, $5,050.

To Theodore H. N. McPherson, $5,050.

To Mary E. Carey, executrix of the estate of James J. Newell, deceased, $3,000.

To John A. Sibbald, $1,000.

To Samuel W. Peel, $5,000.

To Reese H. Voorhees and John Paul Jones, $7,003.86.

To David A. McKnight, $1,000.

To C. M. Carter, $333.

To Belva A. Lockwood, $1,000.

To Joel L. Baugh, $5,000.

To Stephen W. Parker, $5,000.

To Joel M. Bryan, the remainder of said sum of money after paying the foregoing specific sums, be the same more or less: *Provided*, That every person receiving the sums herein stated shall receipt in full for all claims upon the aforesaid fund.

Mr. BARTLETT of New York. Mr. Speaker, I shall only occupy a few minutes stating my reasons for the motion.

In the general deficiency act of 1894, chapter 307, passed on the 23d of August, an appropriation was made under judgments of the Court of Claims amounting to some $803,000 to the Old Settlers or Western Cherokee Indians, by their commissioners, naming the three commissioners; and it was provided that the Commissioner of Indian Affairs should reserve only such sum as should be necessary to pay the necessary expenses and the claims for legal services rendered. The wording of the act is:

The Commissioner of Indian Affairs is directed to withhold from distribution among said Indians only so much of that part of the said judgment set apart, etc., as is necessary for him to pay the expenses and for legal services justly and equitably payable on account of such prosecution.

Now, you must bear in mind that these Indians are not a body politic or a body incorporate, and so they are peculiarly subject to our jurisdiction as our wards. This sum so provided for in the general deficiency act of 1894 was paid over; that is, the sum of $803,000, and of that sum about 35 per cent was set apart to meet these claims, amounting to $280,000 in round numbers. The sum of $193,000, or 25 per cent, has been already paid over by the Commissioner of Indian Affairs.

Now, the Senate, by this amendment, proposes to come in and dispose of the balance, some $86,000. It is conceded by the Indians, or by their committee, that the sum of $7,000 is due to Messrs. Voorhees and Jones. That would leave a balance of $79,000, and the Senate propose to dispose of this money, which really belongs per capita to these Indians, in this way. They propose to give $40,000, I believe, to claims which have already been specifically rejected by the Commissioner of Indian Affairs, in whom is vested the sole power of determining the justice and equity of the claims presented against this fund. They decide, without giving the Indians any hearing or any opportunity to present their side of the case, that the judgment of the Commissioner of Indian Affairs is wrong. Then they give $20,000 to claims which have never been

passed upon; that is, $40,000 to rejected claims and $20,000 to claims never determined, never adjusted, never even presented to the proper authority for adjustment. Then the balance of $19,000 they give to a man who seems to have had a good deal to do with the case, but who has already been paid some $52,000 in full. So of these funds, which belong to these Indians, amounting to $79,000, which they claim, this amendment proposes to give $40,000 to men whose claims have been rejected, $20,000 to men whose claims have never been presented, and $19,000 to a man who has already been paid in full.

I say, Mr. Speaker and gentlemen, under this state of affairs it is our duty to protest specifically against any such amendment.

Mr. DOOLITTLE. Will the gentleman allow me to ask him a question? Does not your motion provide for excluding the claim of Voorhees and Jones, which claim is contained in a bill which has already passed this House, a bill carrying $8,000? That is my recollection.

Mr. BARTLETT of New York. According to my view of the law the only person who has the right to determine the justice of these claims is the Commissioner of Indian Affairs. Under the act which made the award of $803,000, under the finding of the Court of Claims, it is provided that the Commissioner of Indian Affairs shall reserve the amount. Now, it is not for us to determine that question; it is for the Commissioner of Indian Affairs.

Mr. DOOLITTLE. Suppose your motion prevails, will it not result in the nonpayment of this claim which I have mentioned?

Mr. BARTLETT of New York. Well, I imagine not, because it is conceded that that claim is due, and I presume the Commissioner of Indian Affairs can dispose of that; but this is not the proper way. It is neither for the Senate nor the House to determine the parties who should share in that fund or to whom that fund should be paid.

Mr. HULICK. Was there any evidence before the committee in the Senate as to the propriety or justice of these claims, and has any report been made by a Senate committee upon their validity or justice?

Mr. BARTLETT of New York. I am informed by these pamphlets, which have been sent to me by one of the gentlemen connected with Indian affairs, and one of the most able and intelligent gentlemen in the city, that these facts were before the committee, and have been printed as a Senate document. Reference is made to that document in the paper which I now hold in my hand. Of course it is impossible, in view of the rapidity with which these matters come up for consideration, for a man to possess himself of all the knowledge which might be desirable.

Mr. HULICK. Did the committee take proof and evidence to sustain the claim, and upon that evidence render judgment in favor of the report they have made?

Mr. BARTLETT of New York. I have a brief here which contains a statement of fact in reference to each claim. For instance, the claim of William S. Peabody. It appears that this claim was rejected, and it is set forth in detail. That claim was rejected by the Commissioner of Indian Affairs and the Secretary of the Interior paid Mr. Peabody $8,000. Now, after that payment by the Secretary of the Interior of $8,000, presumably in full for his services, an additional award to him is made here of $29,000. I claim that it is not within the power of the conferees of the House, when an appropriation is made, and power is given in the language of the appropriation to the Commissioner of Indian Affairs to be the judge of the justice of these claims—it is not within our power to come in and vote that money without a hearing. I yield to the chairman of the committee. I should like to hear his view.

Mr. SHERMAN. Mr. Speaker, I do not differ with my colleague from New York in reference to the injustice of allowing these claims. In my judgment none of them should be paid; but I desire the House to know that the Senate conferees are most strenuous in insisting that this amendment shall go into the bill; and it has been intimated that unless the various claims go in or that the claims shall in some manner be provided for, no agreement can ever be reached by the conferees.

Mr. DOOLITTLE. Now, how can that be said of the Jones and Vorhees claim, or of the claim of Colonel Peel. Those claims were presented to the Committee on Indian Affairs, and we unanimously reported favorably bills providing for the payment of those claimants. And the bill for the payment of the Vorhees and Jones claim passed this House, carrying an appropriation of something more than $8,000. Now, this was for services rendered by this firm and Colonel Peel to the Indians in the preservation of this very money allowed to them as against the supposedly fraudulent claims or unjust claims of a great number of outside attorneys; and they certainly rendered very valuable and most efficient services to these Indians in the protection of this fund against the claims of other lawyers all over this country.

Mr. BARTLETT of New York. Will the gentleman allow me a question?

Mr. DOOLITTLE. Most assuredly.

Mr. BARTLETT of New York. Is the gentleman aware that on February 4, 1895, the firm of Jones, Vorhees & Boudinot received $32,015.45 under this act of 1894 for services rendered?

Mr. DOOLITTLE. I know they received a sum of money. I know that their services covered a very long period of time. I know the services of these men resulted in saving to these Indians a very large amount of money that was in this sum allowed to them, and it has been known to every man who has examined these claims and the claim of Colonel Peel that they earned every dollar that they are entitled to under the contract. They are asking for nothing more than they are entitled to.

Mr. SHERMAN. Let me say to my friend when I made the statement I did not mean to include the claims for services of those who opposed before the Secretary the payment of these claimants, which the Secretary rejected.

Mr. DOOLITTLE. That is the motion made by the gentleman from New York [Mr. BARTLETT].

Mr. SHERMAN. The absurdity of this item is shown by the fact that in the same item is included the payment of ten or twelve different persons or firms for services to the Indians, and in the very same item is included payment to another attorney for successfully opposing the payment of those other claimants. That is the absurdity of the item, but that is the shape it is in.

The only thing I have to suggest to my colleague from New York, and which I did not suggest to him in the brief conversation I had with him over here a moment ago, is that it would be well not to have a specific instruction. We might come to some agreement with the conferees on the part of the Senate by which these items were not paid and yet in some way be disposed of. For instance, it might be agreed to refer the whole matter to the Court of Claims, or to have it settled in some such way. If we are specifically instructed to insist upon this amendment going out of the bill, then I suppose we will not have the power to agree upon any sort of compromise in reference to it, so that specific instructions to the conferees might result in our not disposing of it in any way whatever; whereas, if we were not instructed specifically on this item, we might eventually reach some conclusion with the Senate conferees by referring the matter to the Court of Claims or something of that kind, which would be satisfactory to the House.

Mr. BARTLETT of New York. Let me suggest to the gentleman that there is some legal doubt about the right to do that. Having voted in the year 1894 some $803,000 to this body of Indians with a certain condition, namely, that such an amount should be reserved as, in the judgment of the Commissioner of Indian Affairs, should be necessary to pay certain claims, that transaction would seem to be ended. I do not believe that in 1896 we can come in and say to these Indians: "This reserve fund is no longer subject to the judgment and discretion of the officer to whom we intrusted it in 1894, but we will now relegate the matter to the Court of Claims for adjudication."

Mr. SHERMAN. I think the Secretary of the Interior takes the same view of the matter that my colleague takes. That is my understanding. I am not opposed to special instructions. I only suggest that it is possible that such instructions might retard an agreement of some sort that might otherwise be reached.

Mr. HULICK. Have these claims all been presented to the Secretary of the Interior and by him passed upon?

Mr. SHERMAN. Most of them have been presented to him, have been argued before him pro and con, and have been rejected. Others have not been presented at all and, as my colleague from Washington [Mr. DOOLITTLE] suggests, one or two items here are payments to attorneys for opposing these very claims before the Secretary of the Interior.

Mr. HULICK. Then why would it not be equitable and proper to have those claims as to the justice of which there is no controversy incorporated in the conference report and the others rejected? I will ask the gentleman another question: How did these claims get into the jurisdiction of the Senate committee after having been rejected by the Secretary of the Interior?

Mr. SHERMAN. The gentleman will have to go to the Senate for that information.

Mr. HULICK. I supposed that the conferees on the part of the House would know something about it, and that is why I asked the gentleman that question. Did you, as one of the conferees, ascertain how those claims came to be taken up and incorporated in this bill after having been rejected by the Secretary of the Interior?

Mr. SHERMAN. They were taken up, I suppose, because the Senate, in their wisdom, believed that the Secretary of the Interior was in error or did an injustice in disallowing the claims, and thought they would right that wrong.

Mr. HULICK. Was there any evidence before the conferees or before the Senate as to the justice of these claims, or was any additional evidence taken?

Mr. SHERMAN. The conferees have taken no evidence. Whether the Senate took any or not I do not know. Certain

briefs were presented in regard to some of the claims. Members of the conference committee have been visited many times by parties pressing these claims and have listened to their statements, nearly every one saying that the claim which he favored was that of the person who had rendered the only valuable services, and that everybody else's claim was without merit.

Mr. HULICK. Then would it not be within the jurisdiction of the conferees, and within their duty, to ascertain whether there is any justice in these claims, or whether any additional evidence can be submitted in their favor; and if they find that the claims are not supported by additional evidence, or are not just, then would it not be their duty to insist on the disagreement?

Mr. SHERMAN. From all the light the House conferees had I believe I am authorized in saying that they unanimously thought that most of these claims ought not to be allowed.

Mr. HULICK. Then we should insist that they be not paid, should we not?

Mr. SHERMAN. Yes; and yet the Senate may be so insistent that it might be imperative to find some middle ground whereby these claims might be referred to some judicial tribunal, if that is possible under the law (and my colleague from New York [Mr. BARTLETT] thinks it is not), to dispose of. That might perhaps be a wise solution of the problem. Where an intimation is given that this item must be settled in some way in order to have an Indian appropriation bill passed at all, it becomes somewhat serious, and we desire, if we can, to get upon some middle ground on which all can agree.

Mr. LITTLE. Mr. Speaker, in addition to what has been said with regard to this matter I desire to make a brief statement in regard to the claim of Colonel Peel and also the Voorhees claim. This fund was assaulted by these various claimants, and these two particular attorneys were employed for the purpose of defending the fund. They did defend it successfully against nearly every one of the claims mentioned in this bill. Amongst others is the Peabody claim for $29,000. Now, there is no contest whatever on the part of the Indians against either the Voorhees or the Peel claim, as I understand. Both those claims have gone through the Committee on Indian Affairs of the House and have met the approbation of the committee and of the House.

Mr. DOOLITTLE. I would like to call the attention of the gentleman to the fact that those claims, both of them, were most thoroughly investigated and that they met with the unanimous approval of the committee, and bills for the payment of both have passed this House.

Mr. LITTLE. So I understand. No one who has investigated the services of these gentlemen or the fruits of their services can doubt the propriety of the payment of their claims. There are, however, several other claims to the payment of which the House ought not to consent, and among them this claim for $29,000, which, as I understand, was adjusted and $8,000 paid in final settlement of it. And so with many of the others. But I am inclined to agree with the chairman of the committee that while the conferees might very properly be instructed to resist these matters, they should at the same time be left some degree of discretion.

Mr. BARTLETT of New York. Mr. Speaker, in view of the statement made by the chairman of the committee that if my motion should be insisted upon it might tend to embarrass the conferees, and in view of the fact that I think I have drawn the attention of the conferees sufficiently to the invalidity of this legislation, I withdraw my motion.

The SPEAKER. The motion of the gentleman from New York is withdrawn. The Chair appoints as conferees the gentleman from New York [Mr. SHERMAN], the gentleman from Kansas [Mr. CURTIS], and the gentleman from Texas [Mr. PENDLETON].

THE PREVIOUS QUESTION AND THE RIGHT OF DEBATE.

The SPEAKER. In regard to the suggestion or inquiry which was made a while ago by the gentleman from Massachusetts [Mr. FITZGERALD] in regard to the right to speak after the ordering of the previous question, on the ground that there has been no debate upon the pending proposition, the Chair desires to state that this question was raised on the 5th of February last by the gentleman from Georgia [Mr. CRISP], and the Chair had occasion then to consider the right of debate under such circumstances. Under the rules, the right of debate for a limited time is given after the ordering of the previous question wherever the proposition has not been debated. Of course, if that word "proposition" referred to all motions or to any action of the House whatever, debate would have to be granted upon every motion on which the House might be called upon to act, so that it would be impossible to escape a great amount of debate.

The object of the previous question is to bring the House to a vote without debate or without further debate whenever the House sees fit to insist upon a vote. But of course it was very undesirable that any proposition should be sprung upon the House, and, without a word of explanation, forced through under the previous question. Hence an ameliorating clause was introduced into the rule providing that no proposition should go entirely undebated; that is, if it were a new proposition which had not been debated, that it should have the benefit of the provision for limited debate after the ordering of the previous question. But that word "proposition" as embodied in the rule means the main question, as members of the House will see upon examining the language and reflecting upon what the practical working of the rule has always been. For example, debate in Committee of the Whole has always been held to satisfy this clause. So, also, wherever a question has been debated in the slightest manner—where merely a sentence or two have been uttered by the mover explanatory of the measure—such limited debate has been held to satisfy the requirement of the rule.

Now, propositions which come up in the House in connection with the reports of conference committees are all of them propositions which have been debated, and it does not matter that any particular item of the main question or proposition submitted to the House has not been debated. If the subject has had debate and thereby the House has had some information upon it, the rule allowing debate after the ordering of the previous question does not operate. The Chair thinks the matter is very clear, but as some gentlemen seem to have had some doubt about it, although the question has arisen more than once heretofore, the Chair thought he ought to make this statement.

Mr. FITZGERALD. Mr. Speaker, just a single statement. My object in asking recognition at the time I did was to say a few words on the proposition submitted to this House in the amendment of the Senate, which, as I considered, was an entirely new proposition, and it was for that reason I thought debate should have been had. I recognize the fair spirit always maintained by the Chair in these matters; but inasmuch as on other conference reports propositions which had been debated for days and days in this House had been recognized as open to debate to-day, I thought that on a question involving, as the then pending proposition did, the justice and right of appropriations for sectarian institutions, those members who favored the proposition submitted by the Senate ought to have been heard. And I still contend, Mr. Speaker, that gentlemen who shut off debate and refused to those of us who believed the Senate had sent to us a fair proposition the right to express our opinions were not dealing fairly and honestly with the representatives of the people.

The SPEAKER. The gentleman's remarks are a criticism of the House of Representatives—not an exposition of the rules as administered by the Chair.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia;

A bill (H. R. 2042) to increase the pension of Wilbur F. Cogswell;

A bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

A bill (H. R. 1601) to amend the military record of John S. Evans;

A bill (H. R. 2605) granting a pension to Henry V. Andrews, of Fulton County, Ill., a survivor of the Black Hawk war;

A bill (H. R. 3216) granting an increase of pension to James P. Hurley;

A bill (H. R. 3001) granting a pension to Cynthia A. Lapham, widow of William B. Lapham;

A bill (H. R. 75) granting a pension to Mary F. Davenport;

A bill (H. R. 3932) granting a pension to Mrs. Elizabeth Richardson;

A bill (H. R. 4395) for the relief of Miss Juliette Betts;

A bill (H. R. 8167) to authorize the construction of a bridge across the Red River of the North;

A bill (H. R. 485) for the relief of Kate Eberle, an Indian woman;

A bill (H. R. 7816) for the relief of John S. Burwell, administrator of the estate of A. L. Burwell, deceased;

A bill (H. R. 4122) granting an increase of pension to James H. Jones;

A bill (H. R. 4475) granting a pension to Mrs. Catherine Gaffney;

A bill (H. R. 3337) amending the act of June 8, 1880, entitled "An act to authorize the President to appoint an officer of the Navy or the Marine Corps to perform the duties of Solicitor and Judge-Advocate-General, etc., and to fix the rank and pay of such officer," and for other purposes;

Joint resolution (H. Res. 174) granting permission to the circuit and county courts in Rockingham County, Va., to occupy the Federal court room in Harrisonburg, Va.;

A bill (S. 888) to amend an act entitled "An act to incorporate

Mr. RICHARDSON, from the Committee on the District of

A bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895;

A bill (H. R. 7983) to pension Frances E. Wickware;

A bill (H. R. 3234) granting a pension to Williamson Durley;

A bill (H. R. 4383) granting a pension to Gen. William H. Morris;

A bill (H. R. 3221) granting a pension to John Dalton;

A bill (H. R. 3689) increasing the pension of Jefferson Fueston, of Company M, Tenth Ohio Volunteer Cavalry; and

A bill (S. 873) granting a pension to Joseph R. West, brigadier and brevet major general, United States Army Volunteers.

PRINTING MINORITY REPORT ON ELECTION CONTEST.

Mr. RICHARDSON. I rise to present a privileged report, which I send to the desk.

The Clerk read as follows:

Your committee having had under consideration the resolution (H. Res. 369) providing for the printing of the usual number of copies of the views of the minority in the contested-election case of J. Murray Mitchell against James J. Walsh, for the use of the House of Representatives, recommend that the same do pass.

Resolved, That there be printed for the use of the House the usual number of copies of the views of the minority in the contested-election case of J. Murray Mitchell against James J. Walsh.

The SPEAKER. The question is on agreeing to the resolution reported by the Committee on Printing.

The resolution was adopted.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

And then, on motion of Mr. DINGLEY (at 5 o'clock and 30 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. W. Fuson, administrator of Harvey Drennan, deceased, against The United States, was taken from the Speaker's table and referred to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LINTON, from the Committee on Ventilation and Acoustics, to which was referred House bill No. 8967, reported in lieu thereof a bill (H. R. 9170) to provide an improved system of heating and ventilating the House (south) wing of the Capitol, accompanied by a report (No. 1983); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHANNON, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 8672) conferring jurisdiction upon the supreme court of the District of Columbia, or any court in said District having general equity jurisdiction, to decree a sale of real estate in said District belonging to insane persons for purpose of reinvestment, and for other purposes, reported the same without amendment, accompanied by a report (No. 1984); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the House resolution No. 22, reported in lieu thereof a joint resolution (H. Res. 189) for the relief of farmers, gardeners, and truckmen selling produce of their own raising in the markets of Washington, D. C., accompanied by a report (No. 1985); which said bill and report were referred to the House Calendar.

Mr. HADLEY, from the Committee on the Territories, to which was referred the bill of the House (H. R. 8615) to amend an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens, etc.," approved March 3, 1887, reported the same with amendment, accompanied by a report (No. 1986); which said bill and report were referred to the House Calendar.

Mr. SCRANTON, from the Committee on the Territories, to which was referred the bill of the House (H. R. 3209) to enable the people of Oklahoma to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States, reported the same with amendment, accompanied by a report (No. 1988); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 3008) entitled "An act authorizing the employment of day labor in the construction of certain municipal buildings and works in the District of Columbia," reported the same without amendment, accompanied by a report (No. 1989); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 8469) to authorize the Baltimore and Washington Transit Company of Maryland to enter the District of Columbia, reported the same with amendments, accompanied by a report (No. 1990); which said bill and report were referred to the House Calendar.

Mr. SIMPKINS, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 8190) to provide an American register for the bark *Ceres*, reported the same without amendment, accompanied by a report (No. 1992); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (H. R. 2470) for the relief of William E. Bond. (Report No. 1981.)

By Mr. SHERMAN, from the Committee on Indian Affairs: The bill (H. R. 8886) for the relief Hiram T. Corum and Silas W. Davis, of Oregon. (Report No. 1982.)

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 2732) authorizing the President to place the name of Julius R. Frederick on the retired list of the Army, with the rank, pay, and perquisites of second lieutenant. (Report No. 1987.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 7585) granting pension to Anna B. S. Phillips, widow of Col. William A. Phillips, late colonel of Third Regiment Indian Home Guards. (Report No. 1991.)

ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. SIMPKINS, from the Committee on the Merchant Marine and Fisheries, reported adversely (Report No. 1993) the bills (H. R. 5822 and H. R. 6661) respectively entitled "A bill to amend sections 4488 and 4489 of the Revised Statutes of the United States"; which said bills and report were laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. KULP: A bill (H. R. 9169) donating 1 condemned cannon and 2 pyramids of condemned cannon balls to high school at Berwick, Pa.—to the Committee on Naval Affairs.

By Mr. PICKLER: A bill (H. R. 9171) granting a service pension to all honorably discharged officers and enlisted men of the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. PHILLIPS: A bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital—to the Committee on Labor.

By Mr. McRAE: A resolution (House Res. No. 371) providing for the consideration of House bill No. 119, to protect public forest reservations—to the Committee on Rules.

By Mr. LOW: A resolution (House Res. No. 372) to investigate the resignations of chiefs and bureau officers and employees of every grade in the Treasury Department since March 4, 1893—to the Committee on Accounts.

By Mr. ODELL: A resolution (House Res. No. 373) for the relief of the widow of William P. Slater—to the Committee on Accounts.

By Mr. HOWARD: A resolution (House Res. No. 374) to impeach Grover Cleveland, President of the United States, of high crimes and misdemeanors—to the Committee on Ways and Means.

By Mr. PICKLER: A resolution (House Res. No. 375) asking one hour and twenty minutes after the reading of the Journal on Tuesday, May 26, for the consideration of unfinished business on the Private Calendar—to the Committee on Rules.

By Mr. DRAPER: A memorial of His Excellency Roger Wolcott, lieutenant-governor and acting governor of the Commonwealth of Massachusetts, for the enactment of legislation authorizing said Commonwealth to construct bridges over the Charles River and to construct a dam in the Charles River—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ARNOLD of Pennsylvania: A bill (H. R. 9172) to remove the charge of desertion standing against the name of Jerome Salisbury, late of Company E, Fifty-second Regiment Pennsylvania Volunteers—to the Committee on Military Affairs.

By Mr. BANKHEAD: A bill (H. R. 9173) for the relief of Elizabeth Holliday—to the Committee on Pensions.

Also, a bill (H. R. 9174) for the relief of Ebenezer Brown—to the Committee on Pensions.

By Mr. CONNOLLY: A bill (H. R. 9175) for the relief of Luzern Hord—to the Committee on Military Affairs.

By Mr. COUSINS: A bill (H. R. 9176) granting an increase of pension to David E. Rummel—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 9177) for the relief of Isaac N. Denham—to the Committee on Invalid Pensions.

By Mr. HARRIS: A bill (H. R. 9178) granting an honorable discharge to Brigham Perkins—to the Committee on Military Affairs.

Also, a bill (H. R. 9179) granting an honorable discharge to James Burroer—to the Committee on Military Affairs.

Also, a bill (H. R. 9180) granting an honorable discharge to William Weigel—to the Committee on Military Affairs.

By Mr. HOOKER: A bill (H. R. 9181) granting a pension to Marvin Older—to the Committee on Invalid Pensions.

By Mr. HULICK: A bill (H. R. 9182) to remove the charge of desertion from the military record of Charles Nailer—to the Committee on Military Affairs.

By Mr. JOHNSON of California: A bill (H. R. 9183) to put the name of Lulu A. Nichols upon the pension roll—to the Committee on Invalid Pensions.

By Mr. OTEY: A bill (H. R. 9184) for the relief of Thomas W. Scott, late United States marshal—to the Committee on Claims.

By Mr. TAFT: A bill (H. R. 9185) for the relief L. O. Maddux, doing business as Maddux, Hobart & Co.—to the Committee on Ways and Means.

By Mr. WASHINGTON: A bill (H. R. 9186) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, commonly known as the Bowman Act—to the Committee on War Claims.

Also, a bill (H. R. 9187) for the relief of West H. Washburn, of Waverly, Tenn.—to the Committee on War Claims.

By Mr. FARIS: A bill (H. R. 9189) to correct military record of Frank McKinney—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Rhode Island: Resolution of the Trades League of Philadelphia, opposing the passage of House bill No. 8536 and Senate bill No. 2967, to amend the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. BARRETT: Paper to accompany House bill No. 8778, to amend the records on file at the War Department—to the Committee on Military Affairs.

By Mr. BARTHOLDT: Remonstrance of citizens of St. Louis, Mo., against the appropriation of public moneys for sectarian undertakings and for a constitutional amendment against making appropriations for ecclesiastical purposes—to the Committee on the Judiciary.

By Mr. CALDERHEAD: Petition of Lyons Post, No. 9; also Thompson Post, No. 246; also Chapman Post, No. 362, Department of Kansas, Grand Army of the Republic, for a service pension for volunteers in the late war of the rebellion—to the Committee on Invalid Pensions.

By Mr. FARIS: Petition of C. S. Andrews and 11 other citizens of Brazil, Ind., praying for favorable action on bill to amend the postal laws relating to second-class matter and bill to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

Also, remonstrance and petition of McE. B. Glenn and 9 other citizens of Terre Haute, Ind., in relation to the Marquette statue—to the Committee on the Library.

By Mr. HARTMAN: Petitions of citizens of Virginia City, Red Lodge, Helena, Great Falls, Glasgow, and Bozeman, Mont., asking for favorable action on House bill No. 838, to reduce letter postage to 1 cent per half ounce, and House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HENDRICK: Petitions of citizens of Paducah, Ky., for favorable action on House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. KERR: Petitions of citizens of Greenwich, Oberlin, Mansfield, Lorain, and Plymouth, Ohio, for favorable action on House bills Nos. 4566 and 838, proposing amendments to the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LINTON: Paper regarding House bill No. 8714, granting accrued pension to John E. Carland—to the Committee on Pensions.

By Mr. LOUDENSLAGER: Petitions of Rev. J. H. Winters and 283 members of Mount Zion Methodist Episcopal Church, of Magnolia; Rev. H. A. Griesemer and 550 members of the Baptist Church, Haddonfield; Rev. Jeremiah P. Gregory and 60 members of Mount Olivet Baptist Church, of Haddonfield, and Rev. George N. Neal and 300 members of the Methodist Episcopal Church, Haddonfield, all in the State of New Jersey, favoring the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. STEPHENSON: Papers to accompany House bill No. 4303, for the relief of H. C. Farrand—to the Committee on Claims.

Also, petition of citizens of Calumet, Ontenogan, Ironwood, and Gladstone, Mich., asking for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. TAFT: Memorandum relating to House bill for the relief of L. O. Maddux—to the Committee on Ways and Means.

By Mr. UPDEGRAFF: Petitions of citizens of Charles City, New Hampton, Oelwein, Clermont, Mason City, Clear Lake, and Kensett, in the State of Iowa, praying for favorable action on House bill No. 838, to reduce letter postage, and bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WASHINGTON: Resolutions unanimously adopted by citizens of Nashville, Tenn., in mass meeting, on May 19, 1896, praying for the relief of the Armenian sufferers—to the Committee on Foreign Affairs.

SENATE.

MONDAY, *May 25, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on motion of Mr. KYLE, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, for consideration in connection with the deficiency appropriation bill, items of deficiencies for contingent expenses of the Department of Justice, miscellaneous items, and for the telegraph and telephone service for the District of Columbia; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 18th instant, certain information respecting the suit pending in the United States circuit court for the southern district of New York to enjoin the carrying out of what is commonly known as the railway trunk line agreement; which, with the accompanying papers, was referred to the Committee on Interstate Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 20th instant, the report of the commission appointed under the resolution unanimously adopted by the Board of Visitors to the United States Naval Academy, 1895, to examine and report upon the condition of the grounds and buildings and sanitary condition of that Academy; which, with the accompanying papers, was ordered to lie on the table, and be printed.

PACIFIC COAST EXPOSITIONS.

Mr. PERKINS. I present a communication from the Secretary of the Treasury, addressed to the President of the Senate, transmitting a report of the officer in charge, relating to the administration of customs at the California Midwinter International Exposition, at San Francisco, and at the Northwest Interstate Exposition, at Tacoma, Wash. I move that the communication and accompanying report be printed and lie on the table.

The motion was agreed to.

ENROLLED BILLS SIGNED.

The signature of the Vice-President was announced to the following bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

A bill (S. 673) granting a pension to Joseph R. West, brigadier and brevet major-general, United States Army Volunteers;

A bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895;

A bill (H. R. 75) granting a pension to Mary F. Davenport;

A bill (H. R. 485) for the relief of Kate Eberle, an Indian woman;

A bill (H. R. 1601) to amend the military record of John S. Evans;

A bill (H. R. 2605) granting a pension to Henry V. Andrews, of Fulton County, Ill., a survivor of the Black Hawk war;

A bill (H. R. 3001) granting a pension to Cynthia A. Lapham, widow of William B. Lapham;

A bill (H. R. 3216) granting an increase of pension to James P. Hurley;

The SECRETARY. A resolution by Mr. MITCHELL of Oregon to amend Senate Rules Nos. XXV and XXXIII, relating to standing

the consideration of the appropriation bill and then laying it aside

in connection with the failure of the scheme for the colonization of negroes

A bill (H. R. 3216) granting an increase of pension to James P. Hurley;

A bill (H. R. 3221) granting a pension to John Dalton;

A bill (H. R. 3234) granting a pension to Williamson Durley;

A bill (H. R. 3337) amending the act of June 8, 1880, entitled "An act to authorize the President to appoint an officer of the Navy or the Marine Corps to perform the duties of Solicitor and Judge-Advocate-General, etc., and to fix the rank and pay of such officer," and for other purposes;

A bill (H. R. 3689) increasing the pension of Jefferson Fueston, of Company M, Tenth Ohio Volunteer Cavalry;

A bill (H. R. 3932) granting a pension to Mrs. Elizabeth Richardson;

A bill (H. R. 4122) granting an increase of pension to James H. Jones;

A bill (H. R. 4383) granting a pension to Gen. William H. Morris;

A bill (H. R. 4395) for the relief of Miss Juliette Betts;

A bill (H. R. 4475) granting a pension to Mrs. Catharine Gaffney;

A bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia;

A bill (H. R. 7816) for the relief of John S. Burwell, administrator of the estate of A. L. Burwell, deceased;

A bill (H. R. 7983) to pension Frances E. Wickware;

A bill (H. R. 8167) to authorize the construction of a bridge across the Red River of the North; and

A joint resolution (H. Res. 174) granting permission to the circuit and county courts in Rockingham County, Va., to occupy the Federal court room in Harrisonburg, Va.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented sundry petitions of North Point Council, No. 93, Junior Order United American Mechanics, of Baltimore, Md., praying for the passage of the so-called Stone and McCall immigration bills; which were ordered to lie on the table.

Mr. SHERMAN presented a petition of 53 citizens of Elyria, Ohio, praying for the passage of House bill No. 260, to increase the pay of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FAULKNER presented a petition of Encampment No. 119, Union Veteran Legion, Department of West Virginig, praying for the enactment of a per diem pension law; which was referred to the Committee on Pensions.

Mr. TURPIE presented a memorial of the Business Men's Association of Terre Haute, Ind., remonstrating against any change being made in the present law regulating interstate commerce; which was referred to the Committee on Interstate Commerce.

Mr. HARRIS presented resolutions adopted by the board of directors of the Freight Bureau of Memphis, Tenn., relative to the adoption of the proposed amendment to section 3 of the act to regulate commerce; which were referred to the Committee on Interstate Commerce.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 3218) granting an increase of pension to Charles D. Hanscom; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 3219) donating condemned cannon and cannon balls to Wadsworth Post, Grand Army of the Republic, of Helena, Mont.; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. THURSTON introduced a bill (S. 3220) granting a pension to Kate A. S. Connor; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GORMAN introduced a joint resolution (S. R. 151) relating to motive power on the Eckington and Soldiers' Home Railway, the Belt Railway, and the Maryland and Washington Railway companies; which was read twice by its title, and referred to the Committee on the District of Columbia.

NORTHERN PACIFIC RAILROAD COMPANY.

Mr. JONES of Arkansas. Some days ago I submitted an amendment intended to be proposed by me to Senate joint resolution 124, which, doubtless by a mistake of mine, was erroneously printed. I now submit the amendment in a corrected form, and ask that it be printed.

The VICE-PRESIDENT. The amendment will be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr PEFFER, it was

Ordered, That James L. White be permitted to withdraw from the files of the Senate the papers pertaining to Senate bill No. 886, to provide a home for aged and infirm colored people, there having been no adverse report thereon, subject to the rules of the Senate.

AMENDMENT OF THE RULES.

The VICE-PRESIDENT. The Chair lays before the Senate as part of the morning business a resolution which will be stated.

The SECRETARY. A resolution by Mr. MITCHELL of Oregon to amend Senate Rules Nos. XXV and XXXIII, relating to standing committees and the privileges of the floor.

Mr. MITCHELL of Oregon. I ask for the adoption of the resolution.

Mr. MILLS. Let us have an explanation of the proposed amendments.

Mr. HILL. Will the Senator from Oregon let the resolution go over for to-day?

Mr. MITCHELL of Oregon. It went over for one day.

Mr. HARRIS. Is it a report from the committee?

Mr. MITCHELL of Oregon. The resolution is reported from the Committee on Rules. Notice was given on Saturday. It went over one day.

Mr. HALE. As there is a desire on the part of some Senators to debate the resolution, will not the Senator from Oregon consent that it may go over for another day, in order that I may get up the deficiency appropriation bill?

Mr. MITCHELL of Oregon. Certainly.

Mr. HILL. If there is not any special hurry, I suggest that the resolution go over until to-morrow.

Mr. MITCHELL of Oregon. There is no special hurry, except that the new Manual is about ready to go to press, and it is important to have these amendments disposed of as soon as possible. I will let the resolution go over, however, until to-morrow.

The VICE-PRESIDENT. Without objection, the resolution will go over.

ORDER OF BUSINESS.

Mr. HALE. I move that the Senate proceed to the consideration of the deficiency appropriation bill.

Mr. BUTLER. If the Senator from Maine will pardon me, I will state that several Senators desire to speak to-day on the bond bill, and I am very anxious to get through with that measure to-day and reach a final vote. If we wait until 2 o'clock, when that bill comes up as the unfinished business, it may be difficult to get a vote to-day.

Mr. LINDSAY. We do not hear a word on this side.

The VICE-PRESIDENT. The Chair is unable to hear the Senator from North Carolina.

Mr. BUTLER. I desire to get through with the bond bill to-day. There are several Senators who wish to speak upon it. If that bill is not taken up until 2 o'clock, it will be late this evening before we can get a vote, and possibly we may not reach a vote this afternoon. Therefore I suggest to the Senator from Maine that it would be better to take up the bond bill now and proceed with the discussion, as several Senators are ready to speak, instead of taking up the appropriation bill now and having to lay it aside at 2 o'clock to proceed with the consideration of the bond bill. I ask the Senator from Maine to let us take the day, beginning now, if the morning business is through, so as to conclude the consideration of the bond bill.

Mr. CHANDLER. I will state that it will be impossible to get a vote on the bond bill to-day, even if the Senator from Maine yields. There are more Senators than the Senator from North Carolina knows of who intend to speak on the subject, and I will say to the Senator from Maine and the Senator from North Carolina it will not be possible under any circumstances to get through with the bond bill to-day.

Mr. HALE. The measure is not, I understand, in such a condition that there has been an hour fixed for the final vote. There was an attempt made the other day, but I think that attempt did not succeed.

Mr. BUTLER. No; there was no arrangement made.

Mr. LINDSAY. Mr. President, we can not hear a word on this side of the Chamber.

Mr. HALE. Under the circumstances, with the importance of getting the deficiency appropriation bill out of the way, so that the Committee on Appropriations will not then be in the way of any other measures except as to conference reports, I think it incumbent upon me to ask the Senate to take up the deficiency appropriation bill now and go on, and at 2 o'clock I will confer with the Senator about the further order of business.

Mr. BUTLER. Mr. President——

The VICE-PRESIDENT. Debate is proceeding by unanimous consent.

Mr. BUTLER. There is no objection, I understand.

The VICE-PRESIDENT. The Chair hears no objection, and the Senator from North Carolina will proceed.

Mr. BUTLER. I shall feel compelled to ask the Senate at 2 o'clock to take up the bond bill, and if consent is not given I shall ask the Senate to determine by vote which measure is to be proceeded with.

Mr. MITCHELL of Oregon. The bond bill is the unfinished business and comes up at 2 o'clock.

Mr. BUTLER. Certainly; but the suggestion I make is that we take it up now to expedite matters, instead of devoting an hour to

the consideration of the appropriation bill and then laying it aside for the bond bill.

Mr. HALE. The Senator from North Carolina sees that there are objections on the part of other Senators to that course, and they want to go on with the appropriation bill; so that it is not in my power to make such an arrangement.

Mr. BUTLER. The sooner we proceed with the bond bill the better.

Mr. CHANDLER. The worse to take up the bill, because it ought not to pass at all, while it is necessary that the appropriation bill shall go through.

Mr. BUTLER. That is the view of the Senator from New Hampshire, who is in favor of the continued issuance of bonds; but certainly it is not the opinion of those who are opposed to bond issues.

Mr. GALLINGER. I ask for the regular order.

The VICE-PRESIDENT. The regular order is demanded. Debate is not in order except by unanimous consent. The question is on the motion of the Senator from Maine to proceed to the consideration of House bill 8293.

Mr. BUTLER. At the suggestion of several Senators I shall not insist on the bond bill coming up now, but at 2 o'clock, when it comes up of course as the unfinished business, I shall insist that it be proceeded with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes; further insisted upon its disagreement to the amendments of the Senate numbered 37, 64, 66, 69, and 70 to the bill, agreed to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. HAINER of Nebraska, and Mr. PENDLETON managers of the conference on the part of the House.

DEFICIENCY APPROPRIATION BILL.

The VICE-PRESIDENT. The Senator from Maine moves that the Senate proceed to the consideration of the bill (H. R. 8293) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, and that the amendments of the committee be considered as they are reached.

The VICE-PRESIDENT. Without objection, it will be so ordered.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, on page 2, line 2, to increase the appropriation for stationery, furniture, fixtures, and repairs, and for the purchase of passport paper for the State Department from $500 to $1,000.

The amendment was agreed to.

The next amendment was, on page 3, line 18, before the word "cents," to strike out "two thousand one hundred and seventy dollars and sixty-two" and insert "one thousand six hundred and ninety-seven dollars and ninety-nine"; so as to make the clause read:

Reimbursement of A. Watt and E. A. Mitchell: To reimburse A. Watt and E. A. Mitchell, of Newcastle, New South Wales, for losses sustained by each through the payment of certain drafts illegally drawn on the Secretary of State and Secretary of the Treasury by George T. Baggs, late United States commercial agent at Newcastle, New South Wales, and purporting to be on account of the business of the United States Government, aggregating $1,697.99, together with interest thereon to date of final settlement of the claims by the Treasury Department.

The amendment was agreed to.

The next amendment was, on page 4, line 20, to increase the appropriation for loss by exchange, diplomatic service, from $966.37 to $1,057.32.

The amendment was agreed to.

The next amendment was, on page 5, after line 8, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent expenses, United States consulates," for the fiscal year 1895, $799.82.

The amendment was agreed to.

The next amendment was, on page 5, after line 19, to insert:

Payment to Eliza Jaqua Gray: To pay Mrs. Eliza Jaqua Gray, widow of Isaac P. Gray, late United States minister to the Republic of Mexico, $8,750.

The amendment was agreed to.

The next amendment was, on page 5, after line 23, to insert:

Transportation of negroes in Mexico to their homes in Alabama: For payment of cost of transportation furnished by certain railway companies in connection with the failure of the scheme for the colonization of negroes in Mexico, necessitating their return to their homes in Alabama, as fully set forth in House Document No. 293 of this session, $924.27.

The amendment was agreed to.

The next amendment was, on page 6, after line 6, to insert:

Transporting remains of diplomatic officers, consuls, and consular clerks: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Transporting the remains of diplomatic officers, consuls, and consular clerks to their homes for interment," $730.76.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," on page 6, after line 14, to insert:

That the proceeds of sales old material, condemned stores, supplies, or other public property of any kind, before being deposited into the Treasury, either as miscellaneous receipts on account of "proceeds of Government property" or to the credit of the appropriations to which such proceeds are by law authorized to be made, there may be paid the expenses of such sales, as approved by the accounting officers of the Treasury, so as to require only the net proceeds of such sales to be deposited into the Treasury, either as miscellaneous receipts or to the credit of such appropriations, as the case may be.

The amendment was agreed to.

The next amendment was, at the top of page 7, to insert:

Office of the Treasurer: For the purchase of one press and one separating machine for use in sealing and separating securities, $2,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 3, to insert:

For salaries of one pressman, at $1,200; one feeder, at $660; one separator, at $660; one receiver, at $660; and one counter, at $660, in all $3,840, to be available during and until the close of the fiscal year 1897.

The amendment was agreed to.

The next amendment was, on page 8, line 24, under the head of "Treasury Department," to increase the appropriation to pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Fuel, lights, and water for public buildings" for the fiscal year 1895, from $159.85 to $190.20.

The amendment was agreed to.

The next amendment was, on page 10, line 4, to increase the appropriation for suppressing counterfeiting and other crimes from $5,000 to $10,000.

The amendment was agreed to.

The next amendment was, on page 10, after line 15, to insert:

To enable Thomas W. Palmer, president of the World's Columbian Commission, to make payment in full for all claims now outstanding against said Commission, $6,517.67.

Mr. SHERMAN. I call the attention of the Senator from Maine to the rather loose language used here, "to make payment in full for all claims." It ought to read, "adjudicated claims." The word "claims" would extend to just and unjust claims, to rejected claims. Some word should be inserted to indicate the character of the claims.

Mr. HALE. These claims are not adjudicated. They are claims precisely like those that we allowed to Commissioner Davis in the urgent deficiency appropriation bill. They do not go to court at all. They are claims some of which the commissioner has paid out and some of which he is obligated to pay by contracts he has made. If we should insert the word "adjudicated" every one of them would have to go to court. They are not judgments.

Mr. SHERMAN. But it says "claims now outstanding." To provide for the payment of claims against the commissioner outstanding would include all sorts of claims.

Mr. HALE. I suggest that we insert the words "due and"; so as to read, "claims due and outstanding." That will include only those that are actually due. The commissioner has to settle that himself.

Mr. SHERMAN. Even that is not very clear. I think the language ought to be carefully guarded.

Mr. HALE. Let the words be inserted so as to read, "due and outstanding."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. Amend the committee amendment in line 18, after the word "now," by inserting the words "due and"; so as to read:

To enable Thomas W. Palmer, president of the World's Columbian Commission, to make payment in full for all claims now due and outstanding against said Commission, $6,517.67.

The amendment to the amendment was agreed to.

Mr. HALE. I suggest further, for ample precaution, in line 17, to strike out the words "in full" and at the end of the amendment to add "which shall be in full for all such claims."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 11, line 11, to increase the appropriation for customs service from $950,000 to $1,150,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 11, to insert:

The Secretary of the Treasury is hereby authorized to expend, from the appropriation for collecting the revenue from customs, to provide for the

The next amendment was, under the head of "Health department," on page 44, line 1, after the word "Major," to strike out "Charles T. Powell" and insert "Charles F. Powell"; so as to make the clause read:

Health department: That the sum of $20, paid to W. S. Odell as salary from February 23 to February 28, 1894, be allowed (the said Odell having been removed from office February 22, 1894, but the fact of his removal being unknown to the officer who delivered his check in advance of the end of the month), and the accounting officers of the United States Treasury are authorized and directed to credit the same in the settlement of the accounts of Commissioners J. W. Ross, M. M. Parker, and Maj. Charles F. Powell, Board No. 9, being for the service of the fiscal year 1894.

The amendment was agreed to.

The next amendment was, under the subhead "Smallpox hospital," on page 44, line 8, after the word "dollars," to insert:

Provided, That the Commissioners of the District of Columbia are hereby authorized to make rules and regulations for the government of said smallpox hospital.

So as to make the clause read:

Smallpox hospital: For amount required to complete and equip the smallpox hospital with boiler house, heating apparatus, and furniture, $6,000: *Provided*, That the Commissioners of the District of Columbia are hereby authorized to make rules and regulations for the government of said smallpox hospital.

The amendment was agreed to.

The next amendment was, on page 46, after line 4, to insert:

To Isaac S. Lyon, $4,082.70, together with $71.50 costs.

The amendment was agreed to.

The next amendment was, on page 46, after line 7, to insert:

To John Stuckert, $100.

The amendment was agreed to.

The next amendment was, on page 46, line 12, to increase the total appropriation for Freedman's Hospital and Asylum from $13,086.43 to $17,340.63.

The amendment was agreed to.

The next amendment was, on page 46, after line 16, to insert:

That a sufficient sum is hereby appropriated to pay the judgment of $1,727.30 in the case of Louisa Mohler, executrix of William H. Mohler, deceased, *vs.* The District of Columbia, together with the costs, $34.60, and interest, as required by law, from the date the same became due until date of payment: *Provided*, That the Commissioners of the District of Columbia, in the payment of said judgment, shall first apply the proceeds of the sale of the bonds in which the retent under contract 835, between the District of Columbia and William H. Mohler, was invested, deducting from the residue such sums as may have been paid to the executrix aforesaid for interest subsequent to April 25, 1893.

The amendment was agreed to.

The next amendment was, on page 47, after line 6, to insert:

That the sum of $1,294.54, or so much thereof as may be necessary, is hereby appropriated to pay the 10 per cent retained under contract 832, between the District of Columbia and James McCandlish, after deducting therefrom the amount expended on account of repairs during the guaranty period.

The amendment was agreed to.

The next amendment was, on page 47, after line 13, to insert:

That section 907 of the Revised Statutes of the United States, relating to the District of Columbia, is amended to read as follows:

"SEC. 907. He shall pay to his deputies or assistants not exceeding in all $10,000 per annum; also his clerk hire, not exceeding $6,000 per annum; office rent, fuel, stationery, printing, and other incidental expenses, out of the fees of his office."

The amendment was agreed to.

The next amendment was, on page 48, under the subhead "Extension of highways," in line 21, before the word "thousand," to strike out "one" and insert "two"; and in line 23, before the word "thousand," to strike out "five" and insert "six"; so as to make the clause read:

Extension of highways: To pay certain of the accounts set forth in House Document No. 324 of this session, namely, for advertising, bill of costs of United States marshal, and for services in reporting testimony incurred in the execution of the act entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893, and including $2,000 to compensate A. S. Worthington and Samuel Maddox in full for services as special attorneys for the District of Columbia, $6,491, to be paid wholly out of the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, under the head of "War Department," on page 50, after line 3, to insert:

Horses for cavalry and artillery: For purchase of horses for the cavalry and artillery and for the Indian scouts and for such infantry and members of the Hospital Corps in field campaigns as may be required to be mounted, and the expenses incident thereto, $24,000: *Provided*, That the number of horses purchased under this appropriation, added to the number on hand, shall not at any time exceed the number of enlisted men and Indian scouts in the mounted service, and that no part of this appropriation shall be paid out for horses not purchased by contract after competition duly invited by the Quartermaster's Department and an inspection by such Department, all under the direction and authority of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 50, after line 17, to insert:

Quartermaster's Department: To pay amounts audited and allowed by the accounting officers of the Treasury Department for barracks and quarters, and reported to Congress in House Executive Document No. 234, Fifty-third Congress, third session, $38,500.12.

Mr. DANIEL. I wish to make an inquiry of the Senator in charge of the bill in respect to this amendment. Does it include the item on page 12 of the document referred to, No. 234? I refer to item No. 124048, number of settlement 9681, Taylor Hotel Company, Incorporated, of Winchester, Va.

Mr. HALE. The amendment may be passed over for the present, and I will have the papers hunted up. It may be reserved.

Mr. DANIEL. Very well.

The VICE-PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 50, after line 24, to insert:

To pay George Baber, of Kentucky, amount found due, as per Treasury settlement No. 135, and reported to Congress in Senate Document No. 217, Fifty-fourth Congress, first session, $1,092.50.

The amendment was agreed to.

The next amendment was, on page 51, after line 4, to insert:

For payment of Treasury settlements certified to Congress and reported in Senate Miscellaneous Document No. 57, Fifty-third Congress, third session, $8,000.

The amendment was agreed to.

The next amendment was, on page 51, after line 8, to insert:

For payment of Treasury settlements certified to Congress, Fifty-third Congress, second session, and reported in Senate Executive Document No. 33, Fifty-third Congress, third session, $19,000.

The amendment was agreed to.

The next amendment was, on page 52, after line 21, to insert:

That the appropriation of $1,300 in the sundry civil appropriation act, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, "For leasing additional ground for the Marion Branch of the National Home for Disabled Volunteer Soldiers at Marion, Ind.," shall also be available for the purchase of gas pipe.

The amendment was agreed to.

The next amendment was, on page 53, after line 12, to insert:

Road to national cemetery, Illinois: For the construction of a graveled road starting at a point on the north side of Cache River, in Pulaski County, Ill., where the present county graveled road from Cairo, in Alexander County, Ill., and the bridge across said Cache River terminates, and connecting with the present national graveled road running from Mound City, in said Pulaski County, Ill., to the Illinois Central Railroad in said county, at or near the national cemetery in Pulaski County, Ill., $15,000.

Said road to be constructed above high-water mark, to be 18 feet in width on top surface, graveled similar to present national road to said cemetery, and same to be in continuation of graveled road to said national cemetery.

The amendment was agreed to.

The next amendment was, on page 54, after line 2, to insert:

Indianapolis Arsenal, Indianapolis, Ind.: For the payment of A. Bruner for the construction of a main sewer in Clifford avenue, adjacent to the United States arsenal grounds, in the city of Indianapolis, Ind., $4,323.15: *Provided*, That the Secretary of the Treasury shall not issue a warrant for the payment of said sum until the officer in command of the arsenal at Indianapolis shall certify that the sewer now provided for upon said grounds shall have been constructed by the United States and the same connected with the sewerage system of the city of Indianapolis.

The amendment was agreed to.

The next amendment was, on page 54, after line 18, to insert:

Payment to John Finn: To pay amounts found due to John Finn, under the act authorizing the Auditor for the War Department to audit certain quartermaster vouchers alleged to belong to John Finn, of St. Louis, Mo., approved March 19, 1896, $6,363.95, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 54, after line 21, to insert:

Rent of Bellevue Rifle Range: For the payment to Henry T. Clark, for the use of Bellevue Rifle Range, in the State of Nebraska, by the United States Army, for the fiscal year 1895, $600.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," on page 55, after line 3, to insert:

That the title "appointment clerk," office of the Secretary, Navy Department, provided for in the legislative, executive, and judicial appropriation act for the fiscal year 1897, is hereby amended to read: "Clerk in charge of civil employments and labor regulations at navy-yards, who shall also perform the duties of appointment clerk of the Navy Department, $2,250."

The amendment was agreed to.

The next amendment was, under the head of Naval Establishment, on page 55, after line 24, to insert:

For pay of the Navy, 1895, $64,956.03.

The amendment was agreed to.

The next amendment was, on page 57, line 1, to increase the total appropriation for the Naval Establishment from $142,688.59 to $207,639.62.

The amendment was agreed to.

The next amendment was, on page 57, line 7, to increase the appropriation to pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Pay of the Navy" for the fiscal year 1894, from $2,563.28 to $2,691.98.

The amendment was agreed to.

The next amendment was, on page 57, after line 8, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Pay of the Navy," fiscal year 1895, $450.69.

The amendment was agreed to.

The next amendment was, on page 57, after line 12, to insert:

To pay claims hereafter audited by the accounting officers of the Treasury on account of the appropriation for "Pay of the Navy" for the fiscal year 1895, $10,000.

The amendment was agreed to.

The next amendment was, on page 57, after line 16, to insert:

To pay claims hereafter audited by the accounting officers of the Treasury on account of the appropriation for "Pay of the Navy" for the fiscal year 1894, $5,000.

The amendment was agreed to.

The next amendment was, on page 58, line 1, to increase the appropriation to pay amounts found due by the accounting officers of the Treasury on account of appropriations for "Pay, miscellaneous" (Navy) for the fiscal year 1895, from $15,419.81 to $15,451.73.

The amendment was agreed to.

The next amendment was, on page 58, after line 2, to insert:

For pay, miscellaneous, fiscal year 1896, $236.20.

The amendment was agreed to.

The next amendment was, on page 58, after line 20, to insert:

To supply a deficiency in the appropriation "Pay, miscellaneous" for the fiscal year ending June 30, 1896, to pay amounts found due by the accounting officers on account of transportation of officers traveling under orders, rents of buildings, salaries, and incidental expenses of purchasing pay officers, and any other expenditures chargeable to this appropriation, $50,000.

The amendment was agreed to.

The next amendment was, on page 59, after line 12, to insert:

That the Auditor for the Navy Department be, and he is hereby, authorized and directed to pass vouchers in favor of the Sunset Telephone and Telegraph Company of San Francisco, Cal., for rentals of telephone instruments used in officers' quarters at the navy-yard, Mare Island, Cal., during the fiscal years 1894 and 1895, amounting to $318, and to relieve Pay Inspector Edward Bellows, United States Navy, of the disallowance of these vouchers in the settlement of his accounts, and further to pay and allow additional vouchers in favor of the same company for similar services for the fiscal year 1895, aggregating $372, out of funds in the hands of Pay Inspector Edward Bellows, under the proper appropriations for the payment of telephone rentals at navy-yards.

The amendment was agreed to.

The next amendment was, on page 60, after line 3, to insert:

Award of Secretary of the Navy: For payment in full to the Richmond Locomotive and Machine Works its audited and adjusted claim for damages and losses incurred in the construction of the armored battle ship *Texas*, $69,558.39.

The amendment was agreed to.

The next amendment was, under the head of "Marine Corps," on page 60, line 19, after the word "fiscal," to strike out "year" and insert "years 1894 and"; so as to make the clause read:

To pay accounts and reservations on file due contractors for the fiscal years 1894 and 1895, $11,621.54.

The amendment was agreed to.

The next amendment was, under the head of "Naval Academy," on page 62, line 2, to increase the appropriation for pay, Naval Academy, for the fiscal year 1896 from $1,411.52 to $1,929.32.

The amendment was agreed to.

The next amendment was, on page 63, after line 16, to insert:

BUREAU OF MEDICINE AND SURGERY.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Medical department, Bureau of Medicine and Surgery," $21.

The amendment was agreed to.

The next amendment was, under the head of "Interior Department," on page 67, after line 6, to insert:

Payment of pensions: That the Auditor of the Department of the Interior is hereby authorized and required to state the account of Col. A. Wilson Norris, late pension agent at Philadelphia, and the balance found due shall be paid by the Secretary of the Treasury to Mrs. Mirtie M. Norris, widow of the said A. Wilson Norris, out of any funds in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, at the top of page 68, to insert:

The Architect of the Capitol is hereby directed to examine into the methods for the filtration of water used in the Capitol building, and to report to Congress on the first day of the next session the result of his investigations, what propositions have been made to furnish such filtration, and the probable cost thereof.

The amendment was agreed to.

The next amendment was, under the subhead "For survey of lands in California," page 68, line 18, after the word "amounts," to strike out "which may be"; in the same line, after the word "due," to strike out "before the close of the fiscal year 1896"; in line 22, before the word "thousand," to strike out "twenty" and insert "forty"; and in the same line, after the word "dollars," to insert:

Provided, That in the case of contracts for the survey of public lands in the State of California executed prior to June 30, 1890, in which the returns of the survey have been suspended by the Commissioner of the General Land Office until the appropriation for the survey of public lands from which the contracts for such surveys were made payable has lapsed and been covered into the Treasury, and in which cases such suspension is afterwards removed and the surveys executed under such contracts accepted by the Commissioner of the General Land Office, or in the case of such contracts when made payable from the fund of deposits by individuals for the survey of public lands in which the deposits made for the particular survey are insufficient.

So as to make the clause read:

For survey of lands in California: To pay amounts found to be due under contracts for the survey of public lands in California prior to June 30, 1890, $40,000: *Provided*, That in the case of contracts for the survey of public lands in the State of California, etc.

The amendment was agreed to.

The next amendment was, on page 71, after line 11, to insert:

To pay Oscar Sonnekalb, of Pocatello, Idaho, for surveying public lands in the State of Idaho under contract No. 152, $575.25, said sum being the cost and value of the work done under said survey contract, according to the rates fixed by statute.

The amendment was agreed to.

The next amendment was, on page 71, after line 17, to insert:

To pay Richard S. Fuller, United States deputy surveyor, balance due for surveys executed in townships 3 and 4 north, of range 91 west, and township 3 north, of range 92 west, in Colorado, under contract No. 781, and for retracements of 33 miles 42 links and 29 chains of retraced exterior lines of survey of said townships, and reestablishing corners along said lines, said contract having been approved by the surveyor-general, $423.81.

The amendment was agreed to.

The next amendment was, on page 72, after line 2, to insert:

To pay the account of Philip M. Gallaher, United States deputy surveyor, for the survey of certain boundary lines of the Yellowstone National Park and Public Forest Reserve in Montana, executed by him under contract No. 263, dated October 17, 1891, and approved by the Secretary of the Interior and by the Commissioner of the General Land Office, respectively, under date of June 3, 1893, at rates of $36, $30, and $43 per mile for lines embraced in said contract, $8,567.24.

The amendment was agreed to.

The next amendment was, on page 72, after line 14, to insert:

Payment to register and receiver: To pay John J. Beavers, register, and Benjamin H. Crowley, receiver, of the United States land office at Little Rock, Ark., compensation at the rate of $5 per day each for nine days in February, 1895, the time in which they were respectively engaged in appraising the Government lots at Hot Springs Reservation, Ark., $90.

The amendment was agreed to.

The next amendment was, on page 73, after line 13, to insert:

Indian school, Genoa, Nebr.: That the Secretary of the Interior be, and he is hereby, authorized and directed to adjust, settle, and pay, upon the presentation of sworn and competent evidence, out of any unexpended balance of the appropriations for the support of the Indian school at Genoa, Nebr., for the fiscal years 1894, 1895, and 1896, the claims of all persons, firms, and corporations who furnished goods and supplies for the Indian industrial school at Genoa, Nebr., during the incumbency of Horace R. Chase, superintendent of said school, which have not already been allowed and adjusted: *Provided*, That the sum so expended shall not exceed the sum of $8,000.

The amendment was agreed to.

The next amendment was, on page 74, after line 2, to insert:

Education in Alaska: For all expenses during the fiscal year 1897 of a school at Circle City, including hire of a teacher, $1,500.

The amendment was agreed to.

The next amendment was, on page 75, after line 5, to insert:

Incidentals in Idaho: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Incidentals in Idaho," for the fiscal years as follows:

For the fiscal year 1896, $24.48.
For the fiscal year 1895, $32.50.

The amendment was agreed to.

The next amendment was, on page 75, after line 13, to insert:

Incidentals in Oregon: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Incidentals in Oregon: Employees," for the fiscal year 1895, $60.13.

The amendment was agreed to.

The next amendment was, on page 75, after line 18, to insert:

Removal of Southern Utes: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Removal of Southern Utes," $502.40.

The amendment was agreed to.

The next amendment was, on page 78, line 12, after the word "authorized," to strike out "by act of March 3, 1891, and to print, engrave, and bind the Statistical Atlas, as authorized"; and in line 15, after the word "ninety-three," to insert "and by amendments thereto"; so as to make the clause read:

To continue printing, engraving, and binding the final volumes of the Eleventh Census, authorized by act approved February 23, 1893, and by amendments thereto, to continue available until expended, $250,000.

The amendment was agreed to.

The next amendment was, under the subhead "Mail transportation," on page 79, line 19, after the word "twenty-four," to insert "and Senate Document No. 268"; and in line 23, before the word "cents," to strike out "six thousand six hundred and nineteen dollars and forty-five" and insert "twenty-one thousand four hundred and four dollars and seven"; so as to make the clause read:

For the fiscal year 1895, to pay amounts set forth in House Document No. 324 and Senate Document No. 268 of this session, $121,404.07.

The amendment was agreed to.

The next amendment was, under the subhead "Mail transportation," page 80, line 1, after the word "twenty-four," to insert "and Senate Document No. 268"; and in line 3, before the word "cents," to strike out "fifty-one dollars and ninety-eight" and insert "ninety dollars and sixty-eight"; so as to make the clause read:

For the fiscal year 1894, to pay amount set forth in House Document No. 324 and Senate Document No. 268 of this session, $90.68.

The amendment was agreed to.

The next amendment was, on page 80, after line 3, to insert:

To pay the Sioux City and Pacific Railroad Company for railway post-office car service on account of the fiscal year 1895, $2,490.52.

The amendment was agreed to.

purchase of the necessary land, and for the construction and equipment of

The next amendment was, on page 21, after line 13, to insert:

may prescribe and designate, and in conformity with the act approved July

The next amendment was, on page 34, after line 19, to insert:

purchase of the necessary land, and for the construction and equipment of sampling works thereon, or for the leasing of suitable buildings and equipment for the sampling and assaying of imported silver ores and other ores containing lead at ports of entry which he may designate, the sum of $45,000, to be available for the fiscal year 1897: *Provided*, That the Secretary of the Treasury is hereby authorized, in case of importation of said ores at ports at which no facilities are provided, to send a portion thereof to any port having said facilities, at which port said portion may be sampled and assayed. The collector at the port of importation shall thereupon liquidate the entry upon said assay. In no instance, however, shall a less portion than one-fifth of any importation of ores be sampled and assayed.

Mr. DUBOIS. I ask that this provision of the committee, commencing at line 12, on page 11, and ending at line 3, on page 12, be passed over.

Mr. HALE. That may be reserved, Mr. President.

The VICE-PRESIDENT. Without objection, the amendment will be passed over.

The next amendment of the Committee on Appropriations was, on page 12, after line 3, to insert:

Refund to S. R. Fowle & Son: That the Secretary of the Treasury is hereby authorized and directed to refund to S. R. Fowle & Son, Washington, N. C., the sum of $187.08, to reimburse them for tariff exacted and collected from them February 6, 1895, by A. Mayo, deputy collector of customs, Washington, N. C., on cargo of salt imported in schooner *Cora* from St. Kitts, West Indies, to Washington, N. C.

The amendment was agreed to.

The next amendment was, on page 12, after line 12, to insert:

Newspapers and books: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent expenses, Treasury Department: Newspapers and books," $21.33.

The amendment was agreed to.

The next amendment was, on page 12, after line 17, to insert:

Assay office at Helena, Mont.: For wages of workmen, $350.

The amendment was agreed to.

The next amendment was, on page 12, after line 19, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent expenses, assay office at Helena," for the fiscal year 1895, $1.58.

The amendment was agreed to.

The next amendment was, on page 12, after line 23, to insert:

Assistant custodians and janitors: For the payment in full of Henry Sands, a watchman employed in the public building at Key West, Fla., for the fiscal year 1894, $183.91, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 13, after line 9, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "contingent expenses, Treasury Department: Stationery," for the fiscal year 1895, $2,166.71.

The amendment was agreed to.

The next amendment was, on page 16, after line 11, to insert:

Payment to owners of steamer *Peter Jebsen:* To compensate the owners of the Norwegian steamer *Peter Jebsen* for damages sustained by said steamer in consequence of a collision with the United States revenue steamer *Rush* in San Francisco Harbor, March 2, 1896, $2,566.70.

The amendment was agreed to.

The next amendment was, on page 19, after line 11, to insert:

Payment to Southern Pacific Company: To pay the claims of the Southern Pacific Company, its branches and leased lines, certified in Senate Document No. 236, this session, $1,542,979.44.

Mr. THURSTON. I desire to ask the Senator in charge of the bill if any portion of this amount allowed to the Southern Pacific Company covers any service performed on any railroad or any part of any railroad that is aided by the bonds of the Government.

Mr. HALE. I might answer, and say nothing further, that no part of it is covered. They are simply the claims that have been audited, and such as are put in by the Senate always. They have been thoroughly examined. None of the claims to which the Senator from Nebraska alludes are included.

Mr. THURSTON. I merely ask for information, because the matter has not come to my attention before. Of course all the transportation claims of the Southern Pacific Company, except those for Government transportation on the lines of the Central Pacific or other bond-aided lines which are audited, should be paid.

Mr. HALE. They are all audited.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 21, after line 2, to insert:

To enable the Secretary of the Treasury to pay to W. L. Hall, for money expended by him in the discharge of his duty as deputy United States internal revenue collector during the fiscal year ending June 30, 1890, $178.

The amendment was agreed to.

The next amendment was, on page 21, after line 7, to insert:

To enable the Secretary of the Treasury to pay to James W. Murphy, of Wisconsin, amount due him from the United States for services as collector of internal revenue, First district of Wisconsin, from the 4th to the 13th day of November, 1893, inclusive, $122.24.

The amendment was agreed to.

The next amendment was, on page 21, after line 13, to insert:

Ford's Theater disaster payments: To provide for the payment of employees of the Government for injuries received and losses sustained and for three death cases at the Ford's Theater disaster, which occurred on the 9th day of June, 1893, $159,800, which sum shall be paid out by the Secretary of the Treasury to the persons and in the amounts as follows: Thomas D. Anderson, $200; Frederick Achenbach, $1,500; John Baker, $1,000; Ethelbert Baier, $2,500; Alexander C. Black, $800; James S. Busselle, $800; Winfred Beck, $200; John C. Ballou, $50; L. B. Bowman, $2,000; S. S. Baker, $1,500; C. H. Bliss, $2,500; F. G. Clark, $700; J. F. Bixler, $3,000; F. G. Calvert, $4,500; Edward C. Carroll, $300; John F. Dunton, $250; George W. Davis, $2,500; George J. Drew, $450; John B. Dowd, $3,000; Silas J. Dewey, $700; Horace V. Easterling, $2,500; Richard H. Gilliam, $700; George W. Green, $800; William M. Grogan, $2,000; Thomas J. Griffith, $300; George G. Garnett, $1,500; William S. Gustin, $2,500; Thomas Hynes, $4,500; C. A. Harper, $1,800; James A. Howard, $4,000; Samuel U. Hilton, $450; Augustus Hubbell, $300; Isaac N. Hammer, $1,500; Charles F. Hathaway, $1,500; Homer B. Harlan, $1,500; Ferman Housel, $700; James G. Jones, $300; Milford M. Jarvis, $300; Thomas Jones, $600; Wellington Kugler, $3,500; Charles A. Krause, $150; William B. King, $750; Clifton Lowe, $400; Frank F. Linden, $800; Charles Lucas, $150; William W. Lecture, $200; Eugene Leger, $800; William Ludgate, $200; Percy S. Lowry, $500; Daniel P. McCormack, $3,500; Thomas Morley, $2,250; Charles R. Miller, $1,500; C. E. McLaughlin, $800; John A. Miller, $4,500; Frank J. Metcalf, $1,000; C. J. Moore, $500; George N. McLaughlin, $4,000; John A. Magee, $1,500; John J. Meding, $1,000; Charles S. McLaughlin, $1,000; Simeon T. Neal, $500; John E. Nichol, $500; B. J. O'Driscoll, $4,000; John O'Neill, $500; Charles R. Owen, $400; Polk K. Pennington, $500; Charles H. Patterson, $700; C. M. Punteney, $100; Charles L. Patten, $700; R. M. Patrick, $3,500; George T. Prewitt, $200; Seth V. Peck, $1,500; Cassius C. Parker, $150; Morton E. Rose, $200; Louis A. Rosafy, $1,200; William T. Richardson, $2,700; Lloyd J. Smith, $5,000; Fountain F. Sams, $1,200; Frank B. Smith, $250; Edwin H. Spang, $400; James A. Stewart, $2,500; H. M. Shannon, $500; Robert A. Smith, $1,200; Charles D. Shadbolt, $3,200; Charles I. Simms, $2,500; Daniel K. Sargeant, $300; George W. Smoot, $1,200; James M. Stewart, $900; Peter U. Sommers, $2,500; James L. Taylor, $500; H. C. Thomas, $1,600; Francis W. Test, $2,500; John H. Thomas, $2,000; Smith Thompson, $2,000; Wilson H. Thompson, $1,500; W. W. Valentine, $500; James W. Webb, $300; Nathan F. White, $1,500; Nathaniel P. Worley, $1,000; Robert J. Walker, $2,000; Arthur P. Whitney, $1,500; H. P. Willey, $300; James A. White, $500; W. L. H. Wright, $100; Albert G. Yount, $1,000; Nina A. Kime, sole legatee of Arthur J. Kime, $5,000; Mrs. Georgie R. Baldwin, sole legatee of David Henry Porter Brown, $5,000, and Julia Müller, sole legatee of William Schrieber, $5,000.

Should any of the persons hereinbefore mentioned die before payment to the parties herein named, then, and in that event, the Secretary of the Treasury is hereby authorized and directed to pay to the personal representatives of the persons so dying the amount allowed under the provisions of this act.

And the Secretary of the Treasury is hereby directed, before paying over to the parties entitled to the same the amount allowed under the provisions of this act, to require them, in consideration of the amount allowed, to release, discharge, and free the United States from all claim, demand, or damage by reason of any injuries received or losses sustained in the Ford's Theater disaster, which occurred on the 9th day of June, 1893: *Provided*, That the provision of the sundry civil appropriation act, approved August 18, 1894, appointing a joint commission, consisting of the select committee of five Senators, appointed by the President of the Senate, and five members of the House of Representatives, appointed by the Speaker of the House of Representatives, to investigate and report upon the Ford's Theater disaster, be, and the same is hereby, repealed.

Mr. PLATT. I do not quite know what the words "personal representatives" mean in the amendment. The provision is that in case any one of these parties dies before the payment of the award, the payment shall be made "to the personal representatives of the persons so dying." I suggest that this had better be looked into in conference.

Mr. FAULKNER. The provision means that in case any of these parties dies before the payment for which this award is made by Congress, qualified personal representative of any of these deceased parties will be entitled to receive the amount.

Mr. PLATT. I do not know whether "personal representatives" mean the same thing as "legal representatives." I do not know whether the words mean heirs, legatees, or what.

Mr. FAULKNER. "Personal representatives," as there used, mean the same as administrators. There is no difference between the term used and administrator. Anyone who by the law of the place in which that qualification is made is entitled to receive the personal assets is the personal representative.

Mr. HALE. The legal representative.

Mr. FAULKNER. The personal or legal representative.

Mr. PLATT. The provision does not use the words "legal representatives," and therefore I supposed it meant something different from a legal representative. I simply want the chairman of the committee to look into it when the matter is in conference, and see that that is the proper phrase to be used.

Mr. HALE. We shall look into that.

Mr. FAULKNER. All right.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead of "Engraving and printing," on page 26, line 23, before the word "days," to strike out "working"; and on page 27, line 5, after the word "Printing," to insert:

And for this purpose the sum of $3,500, or so much thereof as may be necessary, is hereby appropriated.

So as to make the clause read:

That the compositors and pressmen employed in the awards division of the Bureau of Engraving and Printing shall be allowed leave of absence with pay not exceeding thirty days in any one year, or a pro rata portion thereof for a less time than one year, under such regulations and such time or times as the Chief of the Bureau, with the approval of the Secretary of the Treasury,

may prescribe and designate, and in conformity with the act approved July 6, 1892, granting leaves of absence with pay to the employees of the Bureau of Engraving and Printing; and for this purpose the sum of $3,500, or so much thereof as may be necessary, is hereby appropriated.

The amendment was agreed to.

The next amendment was, under the subhead "Public buildings," on page 27, after line 11, to insert:

For post-office at Philadelphia, Pa.: For amount necessary to acquire, by purchase or condemnation, and for the removal of the buildings thereon, the lots or pieces of ground in the city of Philadelphia, Pa., adjoining or adjacent to the Philadelphia post-office building, additional to the sums appropriated therefor in the sundry civil appropriation acts for the fiscal years 1895 and 1896, $10,000. And this appropriation and the said previous appropriations shall be available for the purchase of said property: *Provided*, That the same shall contain a frontage on Market street of not less than 16 feet 8 inches, and extend in length and depth of that width not less than 222 feet.

The amendment was agreed to.

The next amendment was, at the top of page 28, to insert:

For court-house and post-office at Denver, Colo.: For payment in full of allowance by the Treasury Department to John Moore & Co., for interior finish of building, $1,235.69.

The amendment was agreed to.

The next amendment was, on page 28, after line 5, to insert:

For appraisers' warehouse at New York: For the purpose of strengthening the floors of the appraisers' warehouse building in the city of New York, State of New York, $125,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 9, to insert:

Supplies of light-houses: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Supplies of light-houses," fiscal year 1894, $628.81.

The amendment was agreed to.

The next amendment was, on page 30, after line 14, to insert:

Credit in accounts of Maj. William Ludlow: Authority is hereby granted to the proper accounting officers of the Treasury to allow and credit in the accounts of Maj. William Ludlow, United States Army, late engineer Ninth and Eleventh light-house districts, the sum of $317.13, paid by him in connection with the examination and report upon the titles to lands to be acquired by the United States as sites for light-house structures, the bills for the expenditures referred to having been approved by the Attorney-General, and payment authorized by the Secretary of the Treasury and the Light-House Board, but disallowed by the Commissioner of Customs for want of authority of law to allow the same, said accounts being set forth in House Document No. 268 of this session.

The amendment was agreed to.

The next amendment was, under the subhead "Utah," on page 32, line 13, after the word "seventy-six," to insert "and Senate Document No. 268"; so as to make the clause read:

To pay the following, on account of the Territory of Utah, which are submitted to Congress in House Document No. 276 and Senate Document No. 268 of this session, namely.

The amendment was agreed to.

The next amendment was, on page 32, line 20, to increase the appropriation for contingent expenses, Utah Commission, from $749.18 to $801.18.

The amendment was agreed to.

The next amendment was, on page 33, line 8, to increase the total appropriation for expenses of constitutional convention from $33,813.56 to $33,865.56.

The amendment was agreed to.

The next amendment was, on page 33, after line 8, to insert:

To pay expense of publishing proceedings of the Utah constitutional convention, $7,632.

The amendment was agreed to.

The next amendment was, on page 33, after line 11, to insert:

To pay traveling expenses of E. W. Tatlock, member of late Utah Commission, $188.50.

The amendment was agreed to.

The next amendment was, on page 33, after line 14, to insert:

To pay in full George E. Blair, clerk to late Utah Commission, $205.

The amendment was agreed to.

The next amendment was, on page 33, after line 16, to insert:

To pay in full George W. Parks, clerk to late Utah Commission, $150.

The amendment was agreed to.

The next amendment was, on page 33, after line 18, to insert:

To pay expense of annual report of late Utah Commission for 1896, $50.

The amendment was agreed to.

The next amendment was, on page 33, after line 20, to insert:

To pay telephone bill of late Utah Commission, $25.

The amendment was agreed to.

The next amendment was, on page 33, after line 22, to insert:

To pay Charles C. Richards, late secretary of Utah Territory, for cost of moving Government safes and furniture, $65.

The amendment was agreed to.

The next amendment was, on page 34, after line 6, to insert:

INDEPENDENT TREASURY.

To enable the accounting officers of the Treasury to audit and pay the salary of George L. Wellington, late assistant treasurer of the United States at Baltimore, from the expiration of his term of service to the date of his successor's qualification (July 9, 1894, to July 22, 1894, inclusive), during which time he actually performed the duties of the office, a sufficient sum, not to exceed $171.19, is hereby appropriated from the unexpended balance of the appropriation made by act of July 31, 1894, for the fiscal year 1895.

The amendment was agreed to.

The next amendment was, on page 34, after line 19, to insert:

To enable the accounting officers of the Treasury to audit and pay the salary of Louis R. Walters, late assistant treasurer of the United States at Philadelphia, from the expiration of his term of service to the date of his successor's qualification (July 11, 1894, to August 19, 1894, inclusive), during which time he actually performed the duties of the office, a sufficient sum, not to exceed $489.18, is hereby appropriated from the unexpended balance of the appropriation made by the act of July 31, 1894, for the fiscal year 1895.

The amendment was agreed to.

The next amendment was, on page 35, after line 6, to insert:

To enable the accounting officers of the Treasury to audit and pay the salary of John P. Jackson, late assistant treasurer of the United States at San Francisco, from the expiration of his term of service to the date of his successor's qualification (May 21, 1894, to June 30, 1894, inclusive), during which time he actually performed the duties of the office, a sufficient sum, not to exceed $506.85, is hereby appropriated from the unexpended balance of the appropriation made by the act of March 3, 1893, for the fiscal year 1894.

The amendment was agreed to.

The next amendment was, under the head of "Fish Commission," on page 35, line 20, after the word "food-fishes," to strike out:

For the maintenance, equipment, repair, and operations of the fish-cultural stations of the Commission, the general propagation of food-fishes and their distribution, including movement, maintenance, and repairs of cars, purchase of equipment and apparatus, contingent expenses, temporary labor, $10,000.

And insert:

For miscellaneous expenses for the propagation and distribution of food-fishes, $5,000.

So as to make the clause read:

Propagation of food-fishes: For miscellaneous expenses for the propagation and distribution of food-fishes, $5,000.

The amendment was agreed to.

The next amendment was, on page 36, after line 2, to insert:

Fish hatcheries, repairs: For repairs and constructions required at the fish-cultural stations at Put in Bay, Ohio; Duluth, Minn.; Greenlake, Me.; Craig Brook, Me., and Neosho, Mo., $8,450.

The amendment was agreed to.

The next amendment was, on page 36, line 22, to increase the appropriation for the completion of the fish-cultural station near Bozeman, Mont., from $10,000 to $12,000.

The amendment was agreed to.

The next amendment was, on page 37, line 7, to increase the appropriation for the fish hatchery at Northville, Mich., from $10,000 to $13,000.

The amendment was agreed to.

The next amendment was, under the head of "Interstate Commerce Commission," on page 39, in line 6, after the word "fiscal," to strike out "years" and insert "year"; in the same line, after the word "ninety-six," to strike out "and 1897"; and in line 9, after the word "counsel," to insert "under the limitations contained in said acts of appropriation"; so as to make the clause read:

That the unexpended balances of the appropriations for the Interstate Commerce Commission, 1894 and 1895, are hereby reappropriated and made available for expenditure during the fiscal year 1896, to enable the Commission to properly carry out the objects of the "act to regulate commerce" (including expenses in the employment of counsel under the limitations contained in said acts of appropriation), to give effect to, execute, and enforce the provisions of said act and all acts and amendments supplementary thereto.

The amendment was agreed to.

The next amendment was, under the head of "District of Columbia," on page 39, after line 19, to insert:

Rent of District offices: To pay the National Capital Investment Company in full compensation for rent and occupation of building for fiscal years 1895 and 1896, $1,895.

The amendment was agreed to.

The next amendment was, on page 39, after line 24, to insert:

Physicians to the poor: For amount necessary to pay the physicians to the poor in full satisfaction for all services during said period for vaccinating 11,980 persons during the smallpox epidemic from October, 1894, to January, 1895, inclusive, $1,500; $75 to be paid to each physician.

The amendment was agreed to.

The next amendment was, on page 41, after line 22, to insert:

For rent of Miner School building, $2,250.

The amendment was agreed to.

The next amendment was, on page 42, line 18, after the word "use," to strike out "as" and insert "for"; so as to make the clause read:

For buildings, namely: That the Commissioners of the District of Columbia be, and are hereby, authorized to transfer the unexpended balance of the appropriation for the fiscal year 1896 for truck house, lot, and furniture to the appropriation for the fiscal year 1896 for site and building for engine house No. 2, so as to complete, furnish, and equip said building for the additional use as headquarters of the fire department; also to repair the old No. 2 engine house for use for a chemical engine company.

The amendment was agreed to.

The next amendment was, on page 42, after line 18, to insert:

Telegraph and telephone service: For amount required to replace fire-alarm boxes destroyed by electric wires, $2,010.

The amendment was agreed to.

The next amendment was, on page 42, after line 21, to insert:

Payment of referees, Court of Claims: To pay J. W. Anderson, $530.

The amendment was agreed to.

The next amendment was, under the head of "Health depart-

to item No. 124048, number of settlement 9681, Taylor Hotel

The next amendment was, on page 57, after line 16, to insert:

The next amendment was, on page 71, after line 11, to insert:

The next amendment was, under the head of "Health department," on page 44, line 1, after the word "Major," to strike out "Charles T. Powell" and insert "Charles F. Powell"; so as to make the clause read:

Health department: That the sum of $30, paid to W. S. Odell as salary from February 23 to February 28, 1894, be allowed (the said Odell having been removed from office February 22, 1894, but the fact of his removal being unknown to the officer who delivered his check in advance of the end of the month), and the accounting officers of the United States Treasury are authorized and directed to credit the same in the settlement of the accounts of Commissioners J. W. Ross, M. M. Parker, and Maj. Charles F. Powell, Board No. 9, being for the service of the fiscal year 1894.

The amendment was agreed to.

The next amendment was, under the subhead "Smallpox hospital," on page 44, line 8, after the word "dollars," to insert:

Provided, That the Commissioners of the District of Columbia are hereby authorized to make rules and regulations for the government of said smallpox hospital.

So as to make the clause read:

Smallpox hospital: For amount required to complete and equip the smallpox hospital with boiler house, heating apparatus, and furniture, $4,000: *Provided*, That the Commissioners of the District of Columbia are hereby authorized to make rules and regulations for the government of said smallpox hospital.

The amendment was agreed to.

The next amendment was, on page 46, after line 4, to insert:

To Isaac S. Lyon, $4,082.70, together with $71.50 costs.

The amendment was agreed to.

The next amendment was, on page 46, after line 7, to insert:

To John Stuckert, $100.

The amendment was agreed to.

The next amendment was, on page 46, line 12, to increase the total appropriation for Freedman's Hospital and Asylum from $13,086.43 to $17,340.63.

The amendment was agreed to.

The next amendment was, on page 46, after line 16, to insert:

That a sufficient sum is hereby appropriated to pay the judgment of $1,727.30 in the case of Louisa Mohler, executrix of William H. Mohler, deceased, *vs.* The District of Columbia, together with the costs, $34.60, and interest, as required by law, from the date the same became due until date of payment: *Provided*, That the Commissioners of the District of Columbia, in the payment of said judgment, shall first apply the proceeds of the sale of the bonds in which the retent under contract 826, between the District of Columbia and William H. Mohler, was invested, deducting from the residue such sums as may have been paid to the executrix aforesaid for interest subsequent to April 25, 1893.

The amendment was agreed to.

The next amendment was, on page 47, after line 6, to insert:

That the sum of $1,294.54, or so much thereof as may be necessary, is hereby appropriated to pay the 10 per cent retained under contract 832, between the District of Columbia and James McCandlish, after deducting therefrom the amount expended on account of repairs during the guaranty period.

The amendment was agreed to.

The next amendment was, on page 47, after line 13, to insert:

That section 907 of the Revised Statutes of the United States, relating to the District of Columbia, is amended to read as follows:

"SEC. 907. He shall pay to his deputies or assistants not exceeding in all $10,600 per annum; also his clerk hire, not exceeding $6,000 per annum; office rent, fuel, stationery, printing, and other incidental expenses, out of the fees of his office."

The amendment was agreed to.

The next amendment was, on page 48, under the subhead "Extension of highways," in line 21, before the word "thousand," to strike out "one" and insert "two"; and in line 23, before the word "thousand," to strike out "five" and insert "six"; so as to make the clause read:

Extension of highways: To pay certain of the accounts set forth in House Document No. 224 of this session, namely, for advertising, bill of costs of United States marshal, and for services in reporting testimony incurred in the execution of the act entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893, and including $2,000 to compensate A. S. Worthington and Samuel Maddox in full for services as special attorneys for the District of Columbia, $6,491, to be paid wholly out of the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, under the head of "War Department," on page 50, after line 3, to insert:

Horses for cavalry and artillery: For purchase of horses for the cavalry and artillery and for the Indian scouts and for such infantry and members of the Hospital Corps in field campaigns as may be required to be mounted, and the expenses incident thereto, $24,000: *Provided*, That the number of horses purchased under this appropriation, added to the number on hand, shall not at any time exceed the number of enlisted men and Indian scouts in the mounted service, and that no part of this appropriation shall be paid out for horses not purchased by contract after competition duly invited by the Quartermaster's Department and an inspection by such Department, all under the direction and authority of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 50, after line 17, to insert:

Quartermaster's Department: To pay amounts audited and allowed by the accounting officers of the Treasury Department for barracks and quarters, and reported to Congress in House Executive Document No. 234, Fifty-third Congress, third session, $38,500.12.

Mr. DANIEL. I wish to make an inquiry of the Senator in charge of the bill in respect to this amendment. Does it include the item on page 12 of the document referred to, No. 234? I refer to item No. 124048, number of settlement 9681, Taylor Hotel Company, Incorporated, of Winchester, Va.

Mr. HALE. The amendment may be passed over for the present, and I will have the papers hunted up. It may be reserved.

Mr. DANIEL. Very well.

The VICE-PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 50, after line 24, to insert:

To pay George Baber, of Kentucky, amount found due, as per Treasury settlement No. 135, and reported to Congress in Senate Document No. 217, Fifty-fourth Congress, first session, $1,092.50.

The amendment was agreed to.

The next amendment was, on page 51, after line 4, to insert:

For payment of Treasury settlements certified to Congress and reported in Senate Miscellaneous Document No. 57, Fifty-third Congress, third session, $8,000.

The amendment was agreed to.

The next amendment was, on page 51, after line 8, to insert:

For payment of Treasury settlements certified to Congress, Fifty-third Congress, second session, and reported in Senate Executive Document No. 33, Fifty-third Congress, third session, $19,000.

The amendment was agreed to.

The next amendment was, on page 52, after line 21, to insert:

That the appropriation of $1,300 in the sundry civil appropriation act, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, "For leasing additional ground for the Marion Branch of the National Home for Disabled Volunteer Soldiers at Marion, Ind.," shall also be available for the purchase of gas pipe.

The amendment was agreed to.

The next amendment was, on page 53, after line 12, to insert:

Road to national cemetery, Illinois: For the construction of a graveled road starting at a point on the north side of Cache River, in Pulaski County, Ill., where the present county graveled road from Cairo, in Alexander County, Ill., and the bridge across said Cache River terminates, and connecting with the present national graveled road running from Mound City, in said Pulaski County, Ill., to the Illinois Central Railroad in said county, at or near the national cemetery in Pulaski County, Ill., $15,000.

Said road to be constructed above high-water mark, to be 18 feet in width on top surface, graveled similar to present national road to said cemetery, and same to be in continuation of graveled road to said national cemetery.

The amendment was agreed to.

The next amendment was, on page 54, after line 2, to insert:

Indianapolis Arsenal, Indianapolis, Ind.: For the payment of A. Bruner for the construction of a main sewer in Clifford avenue, adjacent to the United States arsenal grounds, in the city of Indianapolis, Ind., $4,333.15: *Provided*, That the Secretary of the Treasury shall not issue a warrant for the payment of said sum until the officer in command of the arsenal at Indianapolis shall certify that the sewer now provided for upon said grounds shall have been constructed by the United States and the same connected with the sewerage system of the city of Indianapolis.

The amendment was agreed to.

The next amendment was, on page 54, after line 13, to insert:

Payment to John Finn: To pay amounts found due to John Finn, under the act authorizing the Auditor for the War Department to audit certain quartermaster vouchers alleged to belong to John Finn, of St. Louis, Mo., approved March 19, 1896, $6,363.95, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 54, after line 21, to insert:

Rent of Bellevue Rifle Range: For the payment to Henry T. Clark, for the use of Bellevue Rifle Range, in the State of Nebraska, by the United States Army, for the fiscal year 1895, $600.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," on page 55, after line 3, to insert:

That the title "appointment clerk," office of the Secretary, Navy Department, provided for in the legislative, executive, and judicial appropriation act for the fiscal year 1897, is hereby amended to read: "Clerk in charge of civil employments and labor regulations at navy-yards, who shall also perform the duties of appointment clerk of the Navy Department, $2,250."

The amendment was agreed to.

The next amendment was, under the head of Naval Establishment, on page 55, after line 24, to insert:

For pay of the Navy, 1895, $64,956.03.

The amendment was agreed to.

The next amendment was, on page 57, line 1, to increase the total appropriation for the Naval Establishment from $142,688.59 to $207,639.62.

The amendment was agreed to.

The next amendment was, on page 57, line 7, to increase the appropriation to pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Pay of the Navy" for the fiscal year 1894, from $2,563.28 to $2,691.98.

The amendment was agreed to.

The next amendment was, on page 57, after line 8, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Pay of the Navy," fiscal year 1895, $450.89.

The amendment was agreed to.

The next amendment was, on page 57, after line 12, to insert:

To pay claims hereafter audited by the accounting officers of the Treasury on account of the appropriation for "Pay of the Navy" for the fiscal year 1895, $10,000.

The amendment was agreed to.

The next amendment was, on page 57, after line 16, to insert:

To pay claims hereafter audited by the accounting officers of the Treasury on account of the appropriation for "Pay of the Navy" for the fiscal year 1894, $5,000.

The amendment was agreed to.

The next amendment was, on page 58, line 1, to increase the appropriation to pay amounts found due by the accounting officers of the Treasury on account of appropriations for "Pay, miscellaneous" (Navy) for the fiscal year 1895, from $15,419.81 to $15,451.73.

The amendment was agreed to.

The next amendment was, on page 58, after line 2, to insert:

For pay, miscellaneous, fiscal year 1896, $236.20.

The amendment was agreed to.

The next amendment was, on page 58, after line 20, to insert:

To supply a deficiency in the appropriation "Pay, miscellaneous" for the fiscal year ending June 30, 1896, to pay amounts found due by the accounting officers on account of transportation of officers traveling under orders, rents of buildings, salaries, and incidental expenses of purchasing pay officers, and any other expenditures chargeable to this appropriation, $50,000.

The amendment was agreed to.

The next amendment was, on page 59, after line 12, to insert:

That the Auditor for the Navy Department be, and he is hereby, authorized and directed to pass vouchers in favor of the Sunset Telephone and Telegraph Company of San Francisco, Cal., for rentals of telephone instruments used in officers' quarters at the navy-yard, Mare Island, Cal., during the fiscal years 1894 and 1895, amounting to $318, and to relieve Pay Inspector Edward Bellows, United States Navy, of the disallowance of these vouchers in the settlement of his accounts, and further to pay and allow additional vouchers in favor of the same company for similar services for the fiscal year 1895, aggregating $372, out of funds in the hands of Pay Inspector Edward Bellows, under the proper appropriations for the payment of telephone rentals at navy-yards.

The amendment was agreed to.

The next amendment was, on page 60, after line 3, to insert:

Award of Secretary of the Navy: For payment in full to the Richmond Locomotive and Machine Works its audited and adjusted claim for damages and losses incurred in the construction of the armored battle ship *Texas*, $69,558.39.

The amendment was agreed to.

The next amendment was, under the head of "Marine Corps," on page 60, line 19, after the word "fiscal," to strike out "year" and insert "years 1894 and"; so as to make the clause read:

To pay accounts and reservations on file due contractors for the fiscal years 1894 and 1895, $11,621.54.

The amendment was agreed to.

The next amendment was, under the head of "Naval Academy," on page 62, line 2, to increase the appropriation for pay, Naval Academy, for the fiscal year 1896 from $1,411.52 to $1,929.32.

The amendment was agreed to.

The next amendment was, on page 63, after line 16, to insert:

BUREAU OF MEDICINE AND SURGERY.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Medical department, Bureau of Medicine and Surgery," $21.

The amendment was agreed to.

The next amendment was, under the head of "Interior Department," on page 67, after line 6, to insert:

Payment of pensions: That the Auditor of the Department of the Interior is hereby authorized and required to state the account of Col. A. Wilson Norris, late pension agent at Philadelphia, and the balance found due shall be paid by the Secretary of the Treasury to Mrs. Mirtie M. Norris, widow of the said A. Wilson Norris, out of any funds in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, at the top of page 68, to insert:

The Architect of the Capitol is hereby directed to examine into the methods for the filtration of water used in the Capitol building, and to report to Congress on the first day of the next session the result of his investigations, what propositions have been made to furnish such filtration, and the probable cost thereof.

The amendment was agreed to.

The next amendment was, under the subhead "For survey of lands in California," page 68, line 18, after the word "amounts," to strike out "which may be"; in the same line, after the word "due," to strike out "before the close of the fiscal year 1896"; in line 22, before the word "thousand," to strike out "twenty" and insert "forty"; and in the same line, after the word "dollars," to insert:

Provided, That in the case of contracts for the survey of public lands in the State of California executed prior to June 30, 1890, in which the returns of the survey have been suspended by the Commissioner of the General Land Office until the appropriation for the survey of public lands from which the contracts for such surveys were made payable has lapsed and been covered into the Treasury, and in which cases such suspension is afterwards removed and the surveys executed under such contracts accepted by the Commissioner of the General Land Office, or in the case of such contracts when made payable from the fund of deposits by individuals for the survey of public lands in which the deposits made for the particular survey are insufficient.

So as to make the clause read:

For survey of lands in California: To pay amounts found to be due under contracts for the survey of public lands in California prior to June 30, 1890, $40,000: *Provided*, That in the case of contracts for the survey of public lands in the State of California, etc.

The amendment was agreed to.

The next amendment was, on page 71, after line 11, to insert:

To pay Oscar Sonneksalb, of Pocatello, Idaho, for surveying public lands in the State of Idaho under contract No. 152, $575.25, said sum being the cost and value of the work done under said survey contract, according to the rates fixed by statute.

The amendment was agreed to.

The next amendment was, on page 71, after line 17, to insert:

To pay Richard S. Fuller, United States deputy surveyor, balance due for surveys executed in townships 3 and 4 north, of range 91 west, and township 3 north, of range 92 west, in Colorado, under contract No. 781, and for retracements of 33 miles 42 links and 29 chains of retraced exterior lines of survey of said townships, and reestablishing corners along said lines, said contract having been approved by the surveyor-general, $423.81.

The amendment was agreed to.

The next amendment was, on page 72, after line 2, to insert:

To pay the account of Philip M. Gallaher, United States deputy surveyor, for the survey of certain boundary lines of the Yellowstone National Park and Public Forest Reserve in Montana, executed by him under contract No. 263, dated October 17, 1891, and approved by the Secretary of the Interior and by the Commissioner of the General Land Office, respectively, under date of June 3, 1893, at rates of $26, $30, and $43 per mile for lines embraced in said contract, $8,567.24.

The amendment was agreed to.

The next amendment was, on page 72, after line 14, to insert:

Payment to register and receiver: To pay John J. Beavers, register, and Benjamin H. Crowley, receiver, of the United States land office at Little Rock, Ark., compensation at the rate of $5 per day each for nine days in February, 1893, the time in which they were respectively engaged in appraising the Government lots at Hot Springs Reservation, Ark., $90.

The amendment was agreed to.

The next amendment was, on page 73, after line 13, to insert:

Indian school, Genoa, Nebr.: That the Secretary of the Interior be, and he is hereby, authorized and directed to adjust, settle, and pay, upon the presentation of sworn and competent evidence, out of any unexpended balance of the appropriations for the support of the Indian school at Genoa, Nebr., for the fiscal years 1894, 1895, and 1896, the claims of all persons, firms, and corporations who furnished goods and supplies for the Indian industrial school at Genoa, Nebr., during the incumbency of Horace R. Chase, superintendent of said school, which have not already been allowed and adjusted: *Provided*, That the sum so expended shall not exceed the sum of $8,000.

The amendment was agreed to.

The next amendment was, on page 74, after line 2, to insert:

Education in Alaska: For all expenses during the fiscal year 1897 of a school at Circle City, including hire of a teacher, $1,500.

The amendment was agreed to.

The next amendment was, on page 75, after line 5, to insert:

Incidentals in Idaho: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Incidentals in Idaho," for the fiscal years as follows:

For the fiscal year 1895, $24.48.
For the fiscal year 1895, $32.50.

The amendment was agreed to.

The next amendment was, on page 75, after line 13, to insert:

Incidentals in Oregon: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Incidentals in Oregon: Employees," for the fiscal year 1895, $903.13.

The amendment was agreed to.

The next amendment was, on page 75, after line 18, to insert:

Removal of Southern Utes: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Removal of Southern Utes," $502.40.

The amendment was agreed to.

The next amendment was, on page 78, line 12, after the word "authorized," to strike out "by act of March 3, 1891, and to print, engrave, and bind the Statistical Atlas, as authorized"; and in line 15, after the word "ninety-three," to insert "and by amendments thereto"; so as to make the clause read:

To continue printing, engraving, and binding the final volumes of the Eleventh Census, authorized by act approved February 23, 1893, and by amendments thereto, to continue available until expended, $250,000.

The amendment was agreed to.

The next amendment was, under the subhead "Mail transportation," on page 79, line 19, after the word "twenty-four," to insert "and Senate Document No. 268"; and in line 23, before the word "cents," to strike out "six thousand six hundred and nineteen dollars and forty-five" and insert "twenty-one thousand four hundred and four dollars and seven"; so as to make the clause read:

For the fiscal year 1895, to pay amounts set forth in House Document No. 324 and Senate Document No. 268 of this session, $121,404.07.

The amendment was agreed to.

The next amendment was, under the subhead "Mail transportation," page 80, line 1, after the word "twenty-four," to insert "and Senate Document No. 268"; and in line 3, before the word "cents," to strike out "fifty-one dollars and ninety-eight" and insert "ninety dollars and sixty-eight"; so as to make the clause read:

For the fiscal year 1894, to pay amount set forth in House Document No. 324 and Senate Document No. 268 of this session, $90.68.

The amendment was agreed to.

The next amendment was, on page 80, after line 3, to insert:

To pay the Sioux City and Pacific Railroad Company for railway post-office car service on account of the fiscal year 1895, $2,490.52.

The amendment was agreed to.

The next amendment was, on page 80, line 14, after the word "twenty-four," to insert "and Senate Document No. 268"; so as to make the clause read:

Compensation of postmasters: For amounts to reimburse the postal revenues, being the amount retained by postmasters in excess of the appropriations, including the amount set forth in House Document No. 324 and Senate Document No. 268 of this session, for the fiscal years as follows.

The amendment was agreed to.

The next amendment was, under the subhead "Compensation of postmasters," on page 80, line 19, to increase the appropriation for the fiscal year 1895 from $88,338.97 to $89,437.47.

The amendment was agreed to.

The next amendment was, under the subhead "Compensation of postmasters," on page 80, line 23, to increase the appropriation for the fiscal year 1894 from $6,139.64 to $6,397.29.

The amendment was agreed to.

The next amendment was, on page 81, after line 4, to insert:

Payment to John W. Ross: That the Auditor for the Post-Office Department be, and he is hereby, authorized and directed to credit the account of John W. Ross, late postmaster at Washington, D. C., with the sum of $141 paid for fuel for the fiscal year 1890; with the sum of $35.12 paid for ice third quarter of 1889, and with the sum of $45.83 paid W. C. Talley, jr., letter carrier, for overtime.

The amendment was agreed to.

The next amendment was, on page 81, after line 14, to insert:

Credit to William M. Masi: That the Postmaster-General is hereby authorized to credit William M. Masi, late postmaster at Cheyenne, Wyo., with $2,624.14, the amount now standing charged against him. Upon the receipt by the Secretary of the Treasury of the full amount of all dividends heretofore paid or hereafter to be paid by the receiver of the Cheyenne National Bank in the administration of the assets of said bank upon the case of William M. Masi all further liability of said William M. Masi and of his sureties to the United States of America upon his official bond as postmaster at Cheyenne, Wyo., shall cease and determine as to the extent of certain funds belonging to the United States which were deposited and upon deposit by the said Masi in said Cheyenne National Bank at the time it closed its doors and ceased to do business and went into the hands of the receiver: *Provided, however*, That nothing in this act contained shall operate as a release to the said Masi and his sureties on his official bond of any liabilities to the United States which may have been incurred by said Masi while acting as postmaster at Cheyenne other than as to the amount so deposited and on deposit in said bank as aforesaid.

The amendment was agreed to.

The next amendment was, on page 82, after line 17, to insert:

For the purpose of providing the necessary books to be used in the United States marshals' offices and in the Department of Justice, in order to establish a uniform system of bookkeeping for United States marshals, $10,000.

The amendment was agreed to.

The next amendment was, under the head "Department of Justice," on page 82, after line 21, to insert:

For official transportation on account of fiscal years as follows:
For fiscal year 1896, $146.95.
For fiscal year 1895, $5.35.

The amendment was agreed to.

The next amendment was, on page 83, after line 2, to insert:

For law books for library, being for the fiscal year 1895, $492.40.

The amendment was agreed to.

The next amendment was, on page 83, after line 5, to insert:

Agreements with Eastern Band of Cherokee Indians: To pay the decree of the United States circuit court, western district of North Carolina, in the cause of The United States *vs.* William H. Thomas and others, settling the title to certain land in controversy in said suit, $622.

The amendment was agreed to.

The next amendment was, on page 83, after line 11, to insert:

To pay the accounts of J. R. Snow, clerk, and N. B. Thompson, register of deeds, of Swain County, N. C., and John R. Long, register, and William H. Thomas, jr., justice of the peace, of Jackson County, N. C., for taking acknowledgments of deeds, privy examinations of married women, recording decrees, etc., $756.85.

The amendment was agreed to.

The next amendment was, on page 83, after line 18, to insert:

Rent and incidental expenses, Territory of Alaska: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for rent of offices and incidental expenses for the marshal, district attorney, commissioners, Territory of Alaska, for the fiscal year 1895, $60.

The amendment was agreed to.

The next amendment was, on page 83, after line 24, to insert:

Expenses in settling title to Greer County: To enable the Attorney-General to make final settlement for the services and expenses incurred by counsel employed to assist in bringing suits in equity in the Supreme Court of the United States, provided by section 25 of the act of May 2, 1890, relating to temporary government in Oklahoma Territory, for enlarging the jurisdiction of the United States court in the Indian Territory, and for other purposes, $5,000.

The amendment was agreed to.

The next amendment was, on page 86, after line 11, to strike out:

Payment to Eugene Hagan: To enable the Attorney-General of the United States to make an agreement with the defendant, the Leavenworth Coal Company, to pay Eugene Hagan, of Topeka, Kans., for services as special master and examiner in chancery in the case of the United States of America against the Leavenworth Coal Company, in the circuit court of the United States for the district of Kansas, each party to advance one-half of the fee for said service, without prejudice to the rights of either party under the orders already made, $2,000.

The amendment was agreed to.

The next amendment was, on page 86, after line 21, to insert:

Payment to Winslow Warren: To pay Winslow Warren, of Boston, Mass., for services rendered by him under an order of court, dated September 15, 1892, of the circuit court of the United States for the district of Massachusetts, $500.

The amendment was agreed to.

The next amendment was, on page 87, after line 2, to insert:

Payment to R. D. Benedict: To pay the account of R. D. Benedict, attorney at law, New York, N. Y., for legal services rendered to Samuel H. Lyman, clerk of the United States district court in New York City, $500.

The amendment was agreed to.

The next amendment was, on page 87, after line 7, to insert:

Payment to W. Hallett Phillips: To pay the account of W. Hallett Phillips, of Washington, D. C., for legal services in the case of The United States *vs.* Stanford, No. 784, under the direction of the Attorney-General, during the months of December, 1895, and January and February, 1896, $500.

The amendment was agreed to.

The next amendment was, on page 87, after line 15, to insert:

Reimbursement of Des Moines Navigation and Railroad Company: To reimburse the Des Moines Navigation and Railroad Company and others, defendants, for costs paid by them for printing in case of The United States of America, plaintiff, *vs.* The Des Moines Navigation and Railroad Company and others, defendants, in the United States circuit court for the northern district of Iowa, in pursuance of stipulation made between the parties and approved by the court in relation to said costs of printing, $541.26.

The amendment was agreed to.

The next amendment was, on page 89, line 15, to increase the payment of assistants to United States district attorneys employed by the Attorney-General to aid district attorneys in special cases from twenty to thirty thousand dollars.

The amendment was agreed to.

The next amendment was, on page 89, line 21, to increase the appropriation for payment of amounts found due by the accounting officers of the Treasury on account of the appropriation for "pay of special assistant attorneys, United States courts," for the fiscal year 1895, from $150 to $4,820.

The amendment was agreed to.

The next amendment was, on page 89, line 24, to increase the appropriation for payment of amounts found due by the accounting officers of the Treasury on account of the appropriation for "pay of special assistant attorneys, United States courts," for the fiscal year 1894, from $2,200 to $3,200.

The amendment was agreed to.

The next amendment was, on page 89, after line 24, to insert:

Fees of clerks: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Fees of clerks, United States courts," for the fiscal year 1894, $191.35.

The amendment was agreed to.

The next amendment was, on page 90, line 9, under the subhead of "Fees of commissioners," to increase the appropriation for fees of United States commissioners and justices of the peace acting as United States commissioners for the fiscal year 1895 from $1,976.30 to $6,809.75.

The amendment was agreed to.

The next amendment was, on page 90, line 13, to increase the appropriation for fees of United States commissioners and justices of the peace acting as United States commissioners for the fiscal year 1894 from $694.92 to $1,807.62.

The amendment was agreed to.

The next amendment was, on page 90, line 25, under the subhead of "Fees of jurors," to increase the appropriation for fees of jurors, United States courts, for the fiscal year 1889, from $8.30 to $17.30.

The amendment was agreed to.

The next amendment was, in the items for fees of jurors, at the top of page 91, to insert:

For the fiscal year 1888, $698.80.

The amendment was agreed to.

The next amendment was, in the items for fees of witnesses, on page 91, after line 4, to insert:

For the fiscal year 1896, $100,000.

The amendment was agreed to.

The next amendment was, on page 91, line 8, to increase the appropriation for fees of witnesses, United States courts, for the fiscal year 1895, from $83,831.74 to $91,431.74.

The amendment was agreed to.

The next amendment was, on page 91, after line 15, to insert:

For support of prisoners, United States courts, fiscal year 1896, $50,000.

The amendment was agreed to.

The next amendment was, on page 91, after line 17, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for support of prisoners, United States courts, fiscal year 1895, $7,766.73.

The amendment was agreed to.

The next amendment, was on page 91, after line 22, to insert:

To pay accounts for support of prisoners, United States courts, as reported by the Attorney General, on account of the fiscal year 1895, $6,754.58.

The amendment was agreed to.

The next amendment was, on page 92, after line 2, to insert:

To pay amounts reported by the Attorney-General for expenses of support of prisoners, United States courts, incurred in southern district of New York, for the fiscal year 1893, $1,461.75.

The amendment was agreed to.

The next amendment was, in the items for bailiffs and criers, on page 92, after line 21, to insert:

For the fiscal year 1896, $10,000.

The amendment was agreed to.

The next amendment was, at the top of page 93; to increase the appropriation for pay of bailiffs and criers for the fiscal year 1895 from $14,889.93 to $15,375.73.

The amendment was agreed to.

The next amendment was, in the items for bailiffs and criers, on page 93, after line 2, to insert:

For the fiscal year 1894, $30.

The amendment was agreed to.

The next amendment was, on page 93, line 6, to increase the appropriation for pay of bailiffs and criers for the fiscal year 1893 from $240 to $280.

The amendment was agreed to.

The next amendment was, in the items of bailiffs and criers, on page 93, after line 6, to insert:

For the fiscal year 1892, $35.

The amendment was agreed to.

The next amendment was, on page 93, after line 11, to insert:

For miscellaneous expenses, United States courts, for the fiscal year 1896, $25,000.

The amendment was agreed to.

The next amendment was, on page 94, line 7, to increase the appropriation to pay amounts due on account of the appropriation for protecting property in the hands of the receivers of United States courts for the fiscal years 1894 and 1895, from $20,018.16 to $25,176.82.

The amendment was agreed to.

The next amendment was, on page 94, line 12, to increase the appropriation to pay amounts due on account of the appropriation for protecting property in the hands of receivers of United States courts for the fiscal year 1894, from $2,367.50 to $4,365.

The amendment was agreed to.

The next amendment was, on page 94, after line 12, to insert:

DEPARTMENT OF AGRICULTURE.

WEATHER BUREAU.

To pay the account of J. S. Watson, of Titusville, Fla., for the total loss by wreckage of one sailboat while in the service of the Weather Bureau, repairing the United States telegraph line between Titusville and Jupiter, Fla., on October 12, 1893, including expenses incurred in connection therewith, $136.50.

The amendment was agreed to.

The next amendment was, under the head of "Legislative," on page 95, after line 15, to insert:

For printing and binding for the Department of Justice, $1,500.

The amendment was agreed to.

The next amendment was, on page 96, after line 11, to insert:

To enable the Public Printer to pay to the executors of John C. Rives rent for buildings on premises of the late John C. Rives, near Bladensburg, in the State of Maryland, in which certain books and stereotype plates belonging to the Government of the United States were stored from September 1, 1878, to November 5, 1885, $861.67.

The amendment was agreed to.

The next amendment was, at the top of page 97, to insert:

BOTANIC GARDEN.

To supply a deficiency in the appropriation for "Improving Botanic Garden" for the fiscal year 1895, to pay an account of William M. Galt & Co. for forage for horses, $117.21.

The amendment was agreed to.

The next amendment was, on page 97, after line 6, to insert:

SENATE.

For compensation of Senators, fiscal year 1893, $3,342.

The amendment was agreed to.

The next amendment was, on page 97, after line 10, to insert:

For material for furniture and repairs of same, exclusive of labor, $300.

The amendment was agreed to.

The next amendment was, on page 97, after line 12, to insert:

To pay for doors for the Senate Chamber, the cloakrooms, and the Senate corridor, $2,035.

The amendment was agreed to.

The next amendment was, on page 97, after line 15, to insert:

For miscellaneous items, exclusive of labor, for the fiscal year 1894, $21.25.

The amendment was agreed to.

The next amendment was, on page 97, after line 18, to insert:

For miscellaneous items, $5,000.

The amendment was agreed to.

The next amendment was, on page 97, after line 19, to insert:

To pay R. B. Nixon for year ending June 30, 1896, $500.

The amendment was agreed to.

The next amendment was, on page 97, after line 21, to insert:

To provide for four additional folders, at $840 each, for the fiscal year ending June 30, 1897, $3,360.

The amendment was agreed to.

The next amendment was, at the top of page 98, to insert:

To pay Maurice Smith for legal services in defending in the police court in the District of Columbia an employee of the Senate, fiscal year 1894, $10.

The amendment was agreed to.

The next amendment was, on page 98, after line 4, to insert:

That the Secretary of the Senate be, and he hereby is, authorized to pay Addison T. Smith, as clerk to the Hon. GEORGE L. SHOUP, Senator from Idaho, from March 7 to March 13, 1895, from the appropriation for salaries of officers, clerks, and employees of the Senate, for the fiscal year 1895.

The amendment was agreed to.

The next amendment was, on page 98, after line 11, to insert:

To reimburse the Official Reporters of the proceedings and debates of the Senate for expenses incurred during the first session of the Fifty-fourth Congress for clerk hire and other extra clerical services, $3,400.

The amendment was agreed to.

The next amendment was, on page 98, after line 16, to insert:

To pay Edward T. Mathews, late clerk of the Committee on Naval Affairs, for extra services as acting clerk of the Joint Committee on the Personnel of the Navy during the Fifty-third Congress, compiling and indexing the testimony, etc., $500.

The amendment was agreed to.

The next amendment was, on page 98, after line 21, to insert:

To pay Watson Boyle for services as clerk to the conference of the minority from March 4 to March 15, 1893, $72.

The amendment was agreed to.

The next amendment was, on page 98, after line 24, to insert:

To pay William A. Fields for extraordinary services in transferring and rearranging the papers and relettering the boxes of the files of the Senate from the Sixteenth Congress to the Forty-ninth Congress, inclusive, rendered necessary by certain changes and improvements made by the Secretary of the Senate for the better preservation and greater convenience for reference of the files, $400.

The amendment was agreed to.

The next amendment was, on page 99, after line 6, to insert:

To enable the Secretary of the Senate to pay the following persons, who were excluded by decision of the Comptroller of the Treasury from the benefits of the provision in the sundry civil act approved August 18, 1894, authorizing payment to the officers and employees of the Senate who were borne on the rolls of the Senate August 1, 1893, and who were not borne on said rolls November 3, 1893, of a sum equal to one month's pay at the rate of compensation paid them at the time of their discharge, namely: To William A. Merritt, $100; James McBride, $90; Godfrey Beck, $90; Matthew Healey, $83.33; Thomas P. Mitchell, $90; Hammett S. Delaplane, $86; W. H. Bright, $60; G. W. Thomas, folder, $60; and G. W. Thomas, $50, to be paid out of the unexpended balance of the appropriation made by said act of August 18, 1894.

The amendment was agreed to.

REGULATION OF BOND ISSUES.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. HALE rose.

Mr. PRITCHARD. Mr. President——

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HALE. I merely rose on the matter of the order of business, not to take the Senator from North Carolina from the floor.

Mr. PRITCHARD. I yield to the Senator from Maine for that purpose.

Mr. HALE. I wish to make a suggestion to the Senator from North Carolina [Mr. BUTLER], who is, I know, very desirous of continuing the consideration of the bill in his charge. While I am opposed to the bill, I am not in favor of any tactics to delay a vote upon it, for I have no doubt it will be voted upon in the Senate at some near point in the future; but being so near finishing the appropriation bill, I ask the Senator to consent that the unfinished business be temporarily laid aside, so that the Senate may go on with the appropriation bill. I have no doubt that the appropriation bill will be finished in the course of an hour and a half or two hours. Then it will be entirely out of his way, and I shall not be obliged to test the sense of the Senate by a motion to take up the appropriation bill. I would rather not pursue that course.

Mr. BUTLER. This is the last appropriation bill?

Mr. HALE. It is the last appropriation bill.

Mr. CULLOM. There is nothing additional except conference reports which will be coming in from the Committee on Appropriations. There is one now lying on the table. It will take probably not over ten or fifteen minutes to dispose of that report.

Mr. ALLISON. Conference reports do not displace the regular business.

Mr. CULLOM. They do not displace the regular business at all.

Mr. BUTLER. I would readily yield to the Senator from Maine

to continue with the appropriation bill were it not that there seems to be a disposition to filibuster against the bond bill. I ought to say to the Senator from Maine that he has not shown a disposition to do so, but there seems to be such a disposition on the part of some Senators, as we may judge from the newspaper reports, and the newspapers must have gotten their information from Senators. I saw in quite a number of newspapers that there is to be some filibustering tactics to prevent a vote on the bond bill, and the notice the Senator from New Hampshire [Mr. CHANDLER] served on the Senate means, I suppose, that there will be filibustering; at any rate, it is notice that there will be very lengthy debate and probably numerous amendments, which proceeding would amount to filibustering. I have no desire to delay the appropriation bill or interfere with it; but in the face of what has been said on the floor of the Senate and the reports in various newspapers, which must come from Senators, I would not be doing my duty and would be placed in an awkward light before the country if I agreed that anything should put the bond bill in a position where it could be filibustered to death.

Mr. HALE. Mr. President——

Mr. PRITCHARD. Mr. President, I did not yield the floor for the purpose of taking up any measure. I simply yielded to the Senator from Maine to make a statement, and with that understanding.

Mr. STEWART. Will the Senator from North Carolina allow me to make a suggestion?

Mr. HALE. I had not given up the floor, Mr. President.

Mr. STEWART (to Mr. PRITCHARD). Allow me to make a suggestion.

Mr. PRITCHARD. Certainly.

Mr. STEWART. Inasmuch as everyone is in favor of facilitating business, I suggest that we have an hour fixed on some convenient day when a vote may be taken upon the bond bill; and then, all anxiety as to a vote being reached having been removed, the business of the Senate can accommodate itself accordingly, and the Senators who desire to speak on the bond bill can be heard. I suggest that we agree to take the vote on Wednesday, at 5 o'clock. That would be far enough off to give all Senators who desire to be heard an opportunity to speak.

Mr. HALE. That is, that all debate shall cease at that time and a vote be taken on the bill and any amendments.

Mr. STEWART. Yes; that all debate shall cease at that time and the vote be taken upon any amendments; that amendments shall be put in before that time.

Mr. JONES of Arkansas. The Senator had better say "the final vote."

Mr. STEWART. Yes; that the final vote be taken at 5 o'clock on Wednesday.

Several SENATORS. Say 4 o'clock.

Mr. STEWART. I will say 4 o'clock on Wednesday. That will give time enough.

Mr. PEFFER. What does the Senator propose shall be discussed in the meantime?

Mr. STEWART. The discussion is to go on.

Mr. TELLER. With other business intervening.

Mr. PEFFER. What other business?

Mr. STEWART. Any other business that may come up.

Mr. HALE. If that is agreed upon, then we will go on with the appropriation bill and finish it.

Mr. STEWART. We will finish that up. Senators will have time enough to make speeches afterwards.

Mr. PRITCHARD. I yielded the floor with the understanding that there was to be no motion made which would take me from the floor. I prefer to make my speech now.

Mr. HALE. I do not know just what took place, but in matters of this kind where a measure is pending and the unfinished business is laid before the Senate ordinarily the Senator in charge of the bill which was pending has the floor. I supposed that I had the floor.

Mr. PRITCHARD. I will state to the Senator from Maine that I had the floor upon the adjournment of the Senate Saturday afternoon and gave notice that I would speak to-day.

Mr. HALE. Undoubtedly; but that does not give the Senator the floor until this order of business is disposed of.

The PRESIDING OFFICER. The Chair will submit to the Senate the request of the Senator from Nevada [Mr. STEWART] for unanimous consent, which does not involve the question suggested by the Senator from Maine or the Senator from North Carolina. It is that the final vote be taken upon the unfinished business which has been laid before the Senate, including all amendments of which notice has been given, at 4 o'clock on Wednesday evening.

Mr. PEFFER. Until we may know something further I shall interpose an objection.

The PRESIDING OFFICER. The Senator from Kansas objects.

Mr. HALE. Then I move that the Senate proceed to the consideration of the deficiency appropriation bill.

Mr. BUTLER. I suggest to the Senator from Maine that he ask for an hour to be fixed for taking the vote on the bond bill. I understand the Senator from North Carolina [Mr. PRITCHARD] would prefer to speak now, but it would be vastly better to have some hour fixed when we can vote on this measure. Will the Senator from Maine make a request for unanimous consent?

Mr. HALE. Then, in view of what the Senator from Nevada and the Senator from Kansas have said, I will make the same suggestion.

Mr. PRITCHARD. Mr. President——

Mr. HALE. If the Senator from North Carolina feels that it is more important than anything else that he shall go on with his speech now instead of an hour or two from this time, I do not feel that the appropriation bill——

Mr. PRITCHARD. I do not mean any such thing; but I do not want to lose my right to the floor.

Mr. HALE. Of course, if we come to an agreement for a vote, whenever the unfinished business comes up, which will be, if we do make an arrangement, within a few hours, the Senator from North Carolina [Mr. PRITCHARD] will have the floor.

Mr. PRITCHARD. I have no disposition whatever to block legislation.

Mr. HALE. I did not suppose the Senator had. The Senator does not lose his right to the floor. I will make the same suggestion heretofore made, incorporating with it what I understand will be agreed to, if that is agreed to, that at 4 o'clock on Wednesday a vote be taken on the unfinished business in charge of the Senator from North Carolina.

Mr. BUTLER. A final vote.

Mr. HALE. A final vote upon that measure and all amendments that have been offered or of which notice has been given. If that agreement is made, then I should expect the Senator from North Carolina to consent that the unfinished business be informally laid aside in order to finish the deficiency appropriation bill, the understanding being that his measure shall come up immediately after that is finished.

Mr. BUTLER. That includes all amendments of which notice has been given or which may be given.

Mr. HALE. That at 4 o'clock on Wednesday the Senate shall vote on all amendments that have been offered, or of which notice has been given.

Mr. BUTLER. Or which may be offered.

Mr. JONES of Arkansas. Or which may be pending at that time.

Mr. HALE. All amendments that may be pending. That includes all, of course. That gives ample time.

Mr. PALMER. It is impossible, in my judgment, that any unanimous consent can be obtained for the disposition of the measure under the control of the Senator from North Carolina. I think I ought to say emphatically that an agreement at this time is absolutely impossible. I object to it myself.

The PRESIDING OFFICER. The Senator from Illinois objects.

Mr. HALE. Then I will test the sense of the Senate on proceeding with the appropriation bill now. I will take no further time, but will call for the yeas and nays upon the motion. The Senate must settle it. I move that the Senate proceed to the consideration of the deficiency appropriation bill.

Mr. MORGAN. I wish to inquire whether the Senator from North Carolina [Mr. PRITCHARD] has the floor?

The PRESIDING OFFICER. The Chair will state to the Senate, in reply to the Senator from Alabama, that the unfinished business having been laid before the Senate, the Chair recognized the Senator from North Carolina [Mr. PRITCHARD] as entitled to the floor, as he obtained it at the close of the last day's session. Then the Senator from North Carolina yielded to the Senator from Maine, and of course the Senator from Maine is entitled to the floor in his right by reason of the yielding of the Senator from North Carolina.

Mr. HALE. I do not occupy the floor, and would not under the circumstances, except to make the motion and let the Senate settle it. That will be satisfactory to the Senator?

Mr. BUTLER. I rise to a point of order. I make the point of order that the Senator from North Carolina [Mr. PRITCHARD] did not yield for anything that would take him off the floor. I ask for the ruling of the Chair.

The PRESIDING OFFICER. The Chair will state that when a Senator is on the floor for a purpose and yields it must be decided by the judgment of the Senate as to that matter. It is impossible for the Chair to determine the extent of his yielding.

Mr. PRITCHARD. I distinctly stated to the Senator from Maine that I would not yield for a motion that would take me off the floor. I made up my mind that if the Senate should by unanimous consent fix a time for the vote I would yield for the present and let it go on and consider the appropriation bill, but inasmuch

as there is objection, I insist upon my right to the floor and that I am entitled to proceed.

Mr. BUTLER. My colleague would have yielded if a unanimous-consent agreement had been reached?

Mr. PRITCHARD. Yes, sir; if objection were not made to an agreement I would be perfectly willing to yield.

Mr. HALE. I will only say that I was entirely willing, without taking further time, that the Senate should settle the order of precedence, bearing in mind that taking up the appropriation bill will not seriously interfere with the bond bill. The appropriation bill is almost finished. There are only a few pages yet to be read. The bond bill will then come up. I should like to have the Senate settle whether it will go on with the appropriation bill, but I am not going to raise a question with any Senator here about his being unfairly treated by my taking the floor. I will not raise that question with either of the Senators from North Carolina, and if they prefer to go on under these circumstances, rather than to raise that question I will state here and now, in the presence of a very full Senate, that to-morrow morning after the routine morning business I shall move if I can get the floor, and I give notice to that effect, to take up the deficiency appropriation bill; and if it is not finished at 2 o'clock I shall then move that the Senate proceed further with its consideration and finish it; so the Senate will then be put face to face with the proposition whether for the remnant of finishing up an important appropriation bill it will vote it out for any other cause whatever. I shall ask the Senate then to do that, and I will make no further issue with either of the Senators from North Carolina.

Mr. PRITCHARD. I wish to be distinctly understood in this matter. I am now willing to yield, if there is no objection to the unanimous-consent agreement, in order that the appropriation bill may be taken up and concluded. But if there is to be objection, as there is, then I shall insist on my right to proceed with my speech.

Mr. CULLOM. I suppose as a matter of fact there would be no objection to allowing the Senator from North Carolina to speak immediately after the appropriation bill is concluded this afternoon.

Mr. PRITCHARD. I so understand.

Mr. CULLOM. I do not understand that the Senator objects to the consideration of the appropriation bill now, provided he may have the floor immediately after it is finished. Am I right in that supposition?

Mr. PRITCHARD. That is satisfactory to me; but I suggest that the Senator from Illinois [Mr. PALMER] objected to a unanimous-consent agreement.

Mr. CULLOM. The objection by my colleague was made to fixing an hour to vote upon the bond bill, not to laying it aside for the time being. [To Mr. HALE.] I think you had better ask whether that arrangement can not be made, and get the appropriation bill out of the way.

Mr. HALE. At the suggestion of the Senator from Illinois, I will ask that the unfinished business be temporarily laid aside for the purpose of proceeding with the consideration of the deficiency appropriation bill.

Mr. PRITCHARD. I shall ask leave to submit my remarks after that bill is concluded.

Mr. CULLOM. Immediately afterwards.

Mr. HALE. Undoubtedly.

The PRESIDING OFFICER. The Senator from Maine moves——

Mr. HALE. No; I do not make a motion. I do not want to displace the unfinished business.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent that the unfinished business be temporarily laid aside for the purpose of finishing the appropriation bill which has been before the Senate. Is there objection? The Chair hears none; and the appropriation bill will be proceeded with.

Mr. ELKINS. I wish to present a substitute for the bond bill, so as to have it before the Senate when the bill comes up. It is just five lines long.

Mr. HALE. Mr. President——

Mr. ELKINS. I merely want to put it before the Senate. Let it be read.

The PRESIDING OFFICER. If there is no objection, the amendment of the Senator from West Virginia will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and insert:

That hereafter, in any sale or disposition of United States bonds, the same shall be first offered to the public for a period of not less than thirty days, under rules and regulations to be prescribed by the Secretary of the Treasury, and shall be sold to the highest bidder in case such bids, or any of them, are satisfactory.

The PRESIDING OFFICER. Does the Senator from West Virginia desire to have the amendment printed?

Mr. ELKINS. Yes; let it be printed.

The PRESIDING OFFICER. The amendment will be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6994) relating to the sale of gas in the District of Columbia, agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. ODELL, and Mr. RICHARDSON managers at the conference on the part of the House.

The message also announced that the House had passed the following bills:

A bill (S. 2499) to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway Company"; and

A bill (S. 3011) for the relief of Nicolai Bros.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8293) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes.

The next amendment of the Committee on Appropriations was, at the top of page 100, to insert:

To pay Charles H. Evans for services in preparing statistics on imports and exports, as contained in Senate Report No. 259, Fifty-third Congress, second session, $1,500.

The amendment was agreed to.

The next amendment was, on page 100, after line 4, to insert:

To pay Mrs. Nannie Watkins, widow of Lieut. M. F. Watkins, deceased, who died while a lieutenant of the Capitol police, $800, being one-half of a year's salary.

The amendment was agreed to.

The next amendment was, on page 100, after line 8, to insert:

To pay Mrs. Mary C. Stone, widow of Charles Stone, who died while a member of the Capitol police, $550, being one-half of a year's salary.

The amendment was agreed to.

The next amendment was, on page 100, after line 11, to insert:

To pay Mrs. Hattie Newsom, widow of James Newsom, who died while a member of the Capitol police, $550, being one-half of a year's salary.

The amendment was agreed to.

The next amendment was, on page 100, after line 14, to insert:

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to all officers and employees of the Senate and House of Representatives, including the Capitol police, who were employed on the 2d day of December, 1895, and who have ceased to be employed, a sum equal to one month's pay at the rate they were severally receiving on the 2d day of December, 1895, and a sufficient sum for this purpose is hereby appropriated.

The amendment was agreed to.

The next amendment was, on page 100, after line 24, under the head of "House of Representatives," to insert:

For compensation of Members of the House of Representatives and Delegates from Territories, on account of the fiscal years 1895 and 1896, $40,000.

The amendment was agreed to.

The next amendment was, on page 101, line 7, before the word "dollars," to strike out "three hundred and seventy-five" and insert "one thousand one hundred and twenty-five"; so as to make the clause read:

For postage stamps for the Clerk, $300; for the Postmaster, $50, and for the Doorkeeper, $25; in all, $1,125.

The amendment was agreed to.

The next amendment was, on page 101, line 15, to increase the appropriation for miscellaneous items and expenses of special and select committees from $10,000 to $13,500.

The amendment was agreed to.

Mr. COCKRELL. There are a number of Senate amendments relating to matters concerning the other House as to which I should like to have the Senator from Maine in charge of the bill make some explanation as to why the committee reported to place them in the bill.

Mr. HALE. I was just ready to say that the rule is always observed between the two Houses that the examination in reference to items touching the employment of the force of the two Houses and as to elections and contests and all that is attended to by each House, neither interfering with the other. In some cases it happens after a bill has passed the House of Representatives, and there has been no opportunity to examine certain matters, there are items which need to be put in the appropriation bills here touching House matters. The Senate Committee on Appropriations has always observed this rule, that it does not take jurisdiction or cognizance of such subjects, unless the proper committee deal with them in the House and request the Senate to insert the items; and there are items of that kind in this bill. In no other case have we interfered with the appropriations for the other House.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 101, after line 16, to insert:

To enable the Clerk, pursuant to the resolution of the House of Representatives adopted May 8, 1896, to pay to each Member and Delegate who is not

chairman of a committee entitled to an annual clerk, for clerk hire from the date of the adjournment of the present session of Congress to and including December 6, 1896, an amount not exceeding $100 per month, to be certified by him on the first day of each calendar month in the manner provided in the joint resolution approved March 3, 1893, $176,134.23, together with any unexpended balance, or so much thereof as may be necessary, of the appropriation made in the legislative, executive, and judicial appropriation act for the fiscal year 1896 to pay Members and Delegates the amount which they certify they have paid or agreed to pay for clerk hire necessarily employed by them in the discharge of their official and representative duties, which unexpended balance is hereby reappropriated and made available for expenditure under the said resolution of the House of Representatives adopted May 8, 1896.

The amendment was agreed to.

The next amendment was, to add to the items for allowance to contestants and contestees audited and recommended by the Committees on Elections of the House of Representatives for expenses incurred by them in contested-election cases, beginning in line 1, on page 105, the following:

To William H. Felton, $2,000;
To Finis E. Downing, $2,000;
To N. T. Hopkins, $2,000;
To W. R. McKenney, $2,000;
To Jacob Yost, $2,000;
To T. B. Johnston, $2,000;
To Robert Moorman, $2,000;
To J. Hampton Hoge, $1,350;
To J. H. Davis, $486.20;
To George B. McClellan, $500;
To John C. Tarsney, $2,000;
To Robert T. Van Horn, $2,000;
To Charles F. Buck, $2,000;
To William S. Booze, $2,000;
To Henry P. Cheatham, $2,000;
To Cyrus W. Thompson, $2,000;
To Alexis Benoit, $2,000;
To J. Murray Mitchell, $2,000;
To James A. Lockhart, $2,000;
To Charles H. Martin, $2,000;
To Fred A. Woodard, $2,000;
To Timothy J. Campbell, $2,000;
To H. Dudley Coleman, $2,000;
To J. G. Shaw, $2,000;
To C. J. Boatner, $1,962.75;
To R. T. Thorp, $2,000;
To W. C. Robinson, $2,000;
To James J. Walsh, $2,000;
To George W. Murray, $2,000;
To John A. Brown, $400.

The amendment was agreed to.

The next amendment was, on page 106, line 12, to increase the total appropriation for compensation of Members of the House of Representatives and Delegates from Territories from $50,162.87 to $104,861.82.

The amendment was agreed to.

The next amendment was, on page 109, after line 12, to insert:

To pay Harris A. Walters the difference between the pay of a folder and that of a messenger, at the rate of $3.60 per day, from the 10th of December, 1895, to the 30th day of June, 1896, inclusive, $532.52.

The amendment was agreed to.

The next amendment was, on page 109, after line 18, to insert:

To pay Henry H. Moler for extra services as assistant clerk to the House Committees on Invalid Pensions and on Pensions, $500.

The amendment was agreed to.

The next amendment was, on page 109, after line 21, to insert:

To pay C. M. Beach the difference between his salary and $720 per annum from February 20 to June 30, 1896, inclusive, under resolution of the House, $116.04.

The amendment was agreed to.

The next amendment was, on page 110, after line 2, to insert:

To pay W. P. Scott the difference between his salary and $1,000 per annum from April 1, 1896, to June 30, 1897, inclusive, under resolution of the House, $350.

The amendment was agreed to.

The next amendment was, on page 110, after line 7, to insert:

To pay to William C. Crawley the difference between his pay as a messenger and that of assistant postmaster of the House, from March 24 until December 2, 1895, $554.70.

The amendment was agreed to.

The next amendment was, under the head of "Judgments, United States courts," on page 110, line 20, after the word "forty-nine," to insert "and Senate Document No. ——"; and in line 22, after the word "appealed," to strike out "one thousand five hundred and seventy-two dollars and fifty-one" and insert "two thousand and seventy-nine dollars and eighty-eight"; so as to make the clause read:

For payment of the final judgments and decrees, including costs of suit, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," certified to Congress at its present session by the Attorney-General in House Document No. 349, and Senate Document No. ——, and which have not been appealed, $2,079.88, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent per annum from the date thereof until the time this appropriation is made: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

Mr. HALE. I move to fill the blank in the amendment which has just been stated, in line 21, by inserting as the number of the document referred to "279"; and in line 23, before the word "thousand," to strike out "two" and insert "three"; so as to make the amount "$3,079.88."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 111, line 7, after the word "in," to insert "House"; and in line 8, after the word "forty-four," to strike out "one hundred and forty-three thousand six hundred and forty-seven dollars and fifty-eight" and insert "except judgment No. 18783, in favor of the Mobile and Ohio Railroad Company for $21,696.68, withdrawn by request of the Attorney-General, and in Senate Document No. ——, $1,137,082.54"; so as to make the clause read:

For payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document No. 344, except judgment No. 18783, in favor of the Mobile and Ohio Railroad Company for $21,696.68, withdrawn by request of the Attorney-General, and in Senate Document No. ——, $1,137,082.54: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

Mr. COCKRELL. I move to fill the blank in line 15 of the amendment by inserting as the number of the document "277."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Judgments in Indian depredation claims," on page 111, line 24, after the word "Senate," to strike out "document" and insert "documents"; in line 25, after the word "fifty," to insert "and," and on page 112, line 3, before the word "cents," to strike out "forty thousand five hundred and twenty-eight dollars and six" and insert "forty-nine thousand six hundred and eighty-seven dollars and eighty-six"; so as to make the clause read:

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress at its present session in Senate Documents Nos. 50 and — and House Document No. 348 of this session, $49,687.86, after the deductions required to be made under the provisions of section 6 of the act approved March 3, 1891, entitled "An act to provide for the adjustment and payment of claims arising from Indian depredations," shall have been ascertained and duly certified by the Secretary of the Interior to the Secretary of the Treasury, which certification shall be made as soon as practicable after the passage of this act, and such deductions shall be made according to the discretion of the Secretary of the Interior, having due regard to the educational and other necessary requirements of the tribe or tribes affected; and the amounts paid shall be reimbursed to the United States at such times and in such proportions as the Secretary of the Interior may decide to be for the interests of the Indian service.

Mr. HALE. I move to fill the blank after the word "and," where it occurs the first time, in line 25, by inserting "275" as the number of the document.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 113, line 14, section 2, after the word "and," to strike out "ninety-two" and insert "ninety-three"; so as to make the clause read:

SEC. 2. That for the payment of the following claims certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1893, and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in House Document No. 322, Fifty-fourth Congress, first session, there is appropriated as follows, etc.

The amendment was agreed to.

The next amendment was, on page 125, after line 4, to insert as a new section the following:

SEC. 3. That for the payment of the following claims certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1893 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7th, 1884, as fully set forth in Senate Document No. ——, Fifty-fourth Congress, first session, there is appropriated as follows:

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

For enforcement of the Chinese exclusion act, $636.35.
For Life-Saving Service, $401.61.
Internal revenue: For salaries and expenses of collectors of internal revenue, $225.56.
For salaries and expenses of agents and subordinate officers of internal revenue, $311.
For refunding taxes illegally collected, $4,963.90.

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For pay, etc., of the Army, $982.59.
For pay of two and three year volunteers, $2,479.90.
For bounty to volunteers, their widows and legal heirs, $3,532.51.
For bounty under act of July 28, 1866, $616.66.
For subsistence of the Army, $313.72.
For incidental expenses, Quartermaster's Department, $28.70.
For transportation of the Army and its supplies, $5,493.33.
For barracks and quarters, $122.22.
For Medical and Hospital Department, $48.30.
For Signal Service of the Army, $192.38.
For military telegraph lines, 15 cents.
For horses and other property lost in the military service, $474.95.
For pay of volunteers, Mexican war, $28.93.

For pay, transportation, services, and supplies of Oregon and Washington volunteers in 1855 and 1856, $173.26.

CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

For pay of the Navy, $7,697.69.
For pay, miscellaneous, $52.33.
For mileage, Navy, Graham decision, $5,546.94.
For pay, Marine Corps, $11.40.
For transportation, recruiting, and contingent, Bureau of Navigation, $4.46.
For contingent, Bureau of Ordnance, $84.70.
For equipment of vessels, Bureau of Equipment, $1,346.24.
For contingent, Bureau of Equipment, $179.77.
For maintenance, Bureau of Yards and Docks, 21 cents.
For contingent, Bureau of Supplies and Accounts, $860.13.
For construction and repair, Bureau of Construction and Repair, $46.16.
For steam machinery, Bureau of Steam Engineering, 35 cents.
For six first-class frigates, $2.65.
For destruction of clothing and bedding for sanitary reasons, $43.
For enlistment bounties to seamen, $566.68.
For extra pay to officers and men who served on the Pacific coast, act of March 3, 1853, $279.45.

CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

For repayment to receivers of public moneys for excess of deposits, 20 cents.
For surveying the public lands, $12,586.23.
For telegraphing and purchase of Indian supplies, $3,191.01.
For transportation of Indian supplies, $324.88.
For incidentals in South Dakota, $8.50.
For army pensions, $36.
For fees of examining surgeons, navy pensions, $4.

CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

DEPARTMENT OF STATE.

For salaries, secretaries of legations, $10.30.
For contingent expenses, United States consulates, $79.74.
For pay of consular officers for services to American vessels and seamen, $12.50.

DEPARTMENT OF AGRICULTURE.

For contingent expenses, Department of Agriculture, $691.23.
For general expenses, Weather Bureau, $118.37.

DEPARTMENT OF JUSTICE.

For salaries, district marshals, $9.34.
For fees and expenses of marshals, United States courts, $4,131.30.
For pay of special assistant attorneys, United States courts, $1,886.39.
For fees of commissioners, United States courts, $1,355.05.
For fees of witnesses, United States courts, $56.75.

CLAIMS ALLOWED BY THE AUDITOR FOR THE POST-OFFICE DEPARTMENT.

For advertising, $71.24.
For mail depredation and post-office inspectors, $26.
For star transportation, $34.76.
For railroad transportation, $64.73.
For railway postal clerks, $27.39.
For clerk hire, $325.
For rent, light, and fuel, $61.
For compensation of postmasters, $254.91.

Mr. HALE. I move to amend the amendment in line 16, on page 125, by filling the blank with "274" as the number of the document there referred to.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was concluded.

Mr. HALE. As the reading of the bill has been concluded, I now ask to go back to an unimportant amendment on page 101. I ask that the amendment of the committee in line 6, on that page, be reconsidered and disagreed to.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 101, line 6, after the word "all," strike out "three hundred and seventy-five," and insert "one thousand one hundred and twenty-five"; so as to make the clause read:

For postage stamps for the Clerk, $300; for the postmaster, $50, and for the doorkeeper $25; in all, $1,125.

The PRESIDING OFFICER. The vote by which this amendment was agreed to will be reconsidered in the absence of objection. The question recurs on agreeing to the amendment.

The amendment was rejected.

Mr. HALE. On the same page, line 10, I offer, as a committee amendment, to strike out "three hundred and seventy-five" and insert "one thousand one hundred and twenty-five."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 101, line 10, after the date "1896," it is proposed to strike out "three hundred and seventy-five" and insert "one thousand one hundred and twenty-five"; so as to make the clause read:

For fiscal year 1896, $1,125.

The amendment was agreed to.

Mr. HALE. I have an amendment which has been sent over from the other House by the Committee on Appropriations. I move to insert it on page 101, after line 3.

The amendment was read and agreed to, as follows:

For assistant stenographer to committees during the fiscal year 1897, to be appointed by the Speaker, $1,200.

Mr. HALE. On page 99, line 21, I move to strike out the word "six," so as to read, "Hammett S. Delaplane, $60."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HALE. On page 98, after line 21, I move to insert what I send to the desk.

The amendment was read and agreed to, as follows:

To reimburse the clerk of the Senate Committee on Pensions for money actually paid out by him during the first, second, and third sessions of the Fifty-third Congress and the first session of the Fifty-fourth Congress for stenographer and clerk hire, twenty-two months, $770.

Mr. HALE. On page 82, after line 17, I move to insert:

For miscellaneous expenses, including telegraphing, fuel, light, foreign postage, labor, repair of building, care of grounds, and other necessaries, $1,100.

The amendment was agreed to.

Mr. HALE. On page 58, line 15, I move to change the total from $19,080.16 to $19,338.28.

The amendment was agreed to.

Mr. HALE. On page 11, beginning with line 12, there is an amendment which was reserved at the request of the Senator from Idaho [Mr. DUBOIS].

Mr. DUBOIS. I desire to offer an amendment to the amendment.

The SECRETARY. It is proposed to strike out, in line 18, page 11, the words "ports of entry which he may designate" and insert:

El Paso, Tex.; Northport, Wash., and Bonners Ferry, Idaho, and at such other ports as, in the judgment of the Secretary of the Treasury, the interests of the revenue demand.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HALE. On page 6, line 15, after the word "That," I move to insert the word "from," and in the same line, after the word "sales," I move to insert the word "of"; so as to read:

That from the proceeds of sales of old material, etc.

The amendment was agreed to.

Mr. HALE. Now let us go to page 21. The amendment there was reserved because it is necessary that several corrections should be made.

Mr. HARRIS. There are various amendments which are simply corrections of names to which I will call the attention of the Senate.

In the provision for "Ford's Theater disaster payments," on page 22, line 15, where occurs the name "George G. Garnett," I move to strike out "G" and insert "R," so as to read "George R. Garnett"; in line 19, I move to strike out the initial "A" in the name "James A. Howard" and insert "H," so as to read "James H. Howard"; in line 20, "Samuel U. Hilton," I move to strike out "U" and insert "N," so as to read "Samuel N. Hilton"; in line 25, in the name "Ferman Housel," I move to strike out "e" and insert "i," so as to read "Firman Housel"; in line 4, page 23, "William B. King," I move to strike out "B" and insert "R," so as to read "William R. King"; in line 6, "Frank F. Linden," I move to strike out the name "Frank" and insert "James," so as to read "James F. Linden"; in line 10, "Daniel P. McCormack," I move to strike out the "m" in the name "McCormack" and insert "n," so as to read "Daniel P. McCornack"; in line 16, "George N. McLaughlin," I move to strike out the letter "a" after the capital "L" and insert "o," so as to read "George N. McLoughlin"; and in line 22, "Charles R. Owen," I move to strike out "Charles" and insert "Chambers," so as to read "Chambers R. Owen."

The amendments to the amendment were agreed to.

Mr. HARRIS. In line 19, page 24, there appears an appropriation for the relief of Francis W. Test, $2,500. On the 11th of this month Francis W. Test died. I hold in my hand the affidavit of four physicians who made a post-mortem examination, and they attest the fact that his death was the result of the Ford's Theater disaster. In view of that fact I move to strike out "$2,500" and insert "$5,000," the amount allowed in every death case which has resulted from that disaster, and to make the appropriation payable to Julia E. Test, widow of Francis W. Test.

The SECRETARY. After the word "dollars," in line 19, page 24, it is proposed to insert "Julia E. Test, widow of"; and after the name "Test" to strike out "two thousand five hundred" and insert "five thousand"; so as to read:

Julia E. Test, widow of Francis W. Test, $5,000.

The amendment to the amendment was agreed to.

Mr. HARRIS. I return to page 21. In line 16 I move to strike out the word "three" and insert "four." The word "three" refers to three death cases reported in the bill, and the amendment which has just been adopted makes it four.

The SECRETARY. In line 16, page 21, it is proposed to strike out "three" and insert "four"; so as to read:

To provide for the payment of employees of the Government for injuries received and losses sustained, and for four death cases at the Ford's Theater disaster, etc.

The amendment to the amendment was agreed to.

Mr. HARRIS. In line 19, page 21, I move to strike out the word "fifty-nine" and insert the word "sixty-two," and after the word "thousand" to strike out "eight" and insert "three."

The SECRETARY. In line 19, page 21, it is proposed to strike out "fifty-nine" and insert in lieu thereof "sixty-two"; and after the word "thousand," in the same line, to strike out "eight" and insert "three"; so as to read "$162,300."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HARRIS. On this Commission there are two members who have continued to serve on the Commission since their terms as members of the House of Representatives expired. The Commission directs me to offer the amendment which I send to the desk in respect to those two cases.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 26, after line 5, it is proposed to insert:

For compensation to E. V. Brookshire as a member of the Ford Theater Commission for twenty-one days subsequent to the expiration of his term in the House of Representatives, at $10 per day, $210.

For compensation to J. P. Pigott as a member of the Ford Theater Commission for nine days subsequent to the expiration of his term in the House of Representatives, at $10 per day, $90.

The amendment was agreed to.

Mr. GORMAN. I offer an amendment to be inserted on page 98, after line 21.

The amendment was read and agreed to, as follows:

To pay Francis M. Cox for work and expenses incurred in preparing for the printer and supervising the publication of the proceedings in Congress upon the acceptance of the statues of John Stark and Daniel Webster, under the direction of the Committee on Printing, as provided by resolution of the Senate adopted December 22, 1894, $300.

Mr. HALE. I have an amendment which comes from the naval appropriation bill and was dropped out there, being a deficiency. I move to insert it on page 55, after line 24.

The SECRETARY. After line 24, on page 55, it is proposed to insert:

Naval station, Key West, Fla.: For additional amount for coaling shed, $4,000. And the appropriation of $10,000 for this object made by the naval appropriation act for the fiscal year 1895 is hereby continued available for the same purpose.

The amendment was agreed to.

Mr. VILAS. I desire to offer an amendment to be inserted on page 111, after line 4. I wish to state that the foundation for it is seen in Senate Document 249 of this session. I think there is no objection to the amendment.

The SECRETARY. After line 4, on page 111, it is proposed to insert:

For payment of the judgment rendered by the United States circuit court for the eastern district of Wisconsin in favor of James Lucy against the United States, $400.

The amendment was agreed to.

Mr. KYLE. After line 19, on page 113, I move to insert the amendment which I send to the desk.

The SECRETARY. On page 113, after line 19, it is proposed to insert:

That the Secretary of the Treasury is directed to pay to the Sisseton and Wahpeton Indians of South Dakota all interest money due them up to July 1, 1896, and that thereafter all interest money as it shall accrue shall be paid on the 1st day of November annually.

Mr. PLATT. That is not the right place for the amendment.

Mr. HALE. This opens such a wide field, that I shall have to make the point of order against the amendment that it is not estimated for.

Mr. KYLE. It involves no appropriation at all. I believe the interest money is made payable to the Indians by act of Congress or by the President. They are badly in need of money, owing to putting in their spring crops. Many of them are very badly off, not having food and clothing. A certain amount of money is due them, according to the statement sent to us by the Secretary of the Interior. It is subject to our order, and it should be paid.

Mr. HALE. The trouble is that the Senate knows nothing about this matter. The Committee on Indian Affairs ought to have considered it, passed upon it, and reported it.

Mr. PETTIGREW. Those Indians made a treaty with the United States in 1889 by which they sold a large quantity of land, and the money was to be deposited in the Treasury and 5 per cent paid to them upon the order of Congress. No money has been paid to them for over a year. They are in a destitute condition. The money is due them. It requires no appropriation, but it needs an order of Congress in order to pay it out. So the amendment is entirely proper, and it ought to be inserted somewhere, so that the Indians can get the money. They are living now upon credit, which will soon be exhausted, and many of them will suffer.

Mr. KYLE. I have a number of letters from merchants in that region who are carrying these Indians and trusting them to-day.

The PRESIDING OFFICER. Does the Senator from Maine insist upon his point of order in view of the remarks of the Senators from South Dakota?

Mr. HALE. Let the amendment be read again, so as to see if it carries any appropriation.

Mr. PETTIGREW. It does not.

The Secretary again read the amendment.

Mr. HALE. I shall not object. I withdraw the point of order. The amendment should be put in where Indian matters occur. Let it come in on page 74, at the end of line 19.

Mr. KYLE. Very well.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Dakota [Mr. KYLE].

The amendment was agreed to.

Mr. PRITCHARD. On page 27, after line 8, I offer the amendment which I send to the desk.

The SECRETARY. On page 27, after line 8, it is proposed to insert:

For the purpose of purchasing or erecting a building to be used by the society known as the Washington Institute, $7,000. Said institution is nonsectarian in character and is to be conducted for the education, industrial and domestic training of colored men and women.

Mr. HALE. Is the amendment reported by any standing committee?

Mr. PRITCHARD. I will say to the Senator from Maine that the amendment was referred to the Committee on the District of Columbia the other day, but we have not had a meeting since that time to consider the question one way or the other. I will state, however, that several members of the committee are favorably disposed to it.

Mr. HALE. I must ask that the committee examine into the matter.

The PRESIDING OFFICER. The point of order is well taken.

Mr. PUGH. On page 23, line 23, before the word "five," I move to insert "twenty." I support that amendment by the report of the pension examining board, which I send to the Secretary to be read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the name "Pennington," in line 22, page 23, it is proposed to insert the word "twenty"; so as read:

Polk K. Pennington, $2,500.

Mr. HALE. Is the amendment reported by the Commission?

Mr. PUGH. No, sir.

Mr. HARRIS. Will the Senator yield to me for a moment?

Mr. HALE. The Senator from Tennessee [Mr. HARRIS] knows about this matter.

Mr. HARRIS. The Ford Theater Commission called every claimant before it and examined him personally as to the character, extent, and probable duration of his injury. In addition to that examination we examined many witnesses, two or three or four, as the claimant chose to bring before the Commission, to state what they knew of the claimant's condition at the time of and subsequent to the Ford Theater disaster. Immediately after the raising of the select committee, which was the beginning of this investigation, I addressed notes to the Secretary of War and the Secretary of the Navy and the Secretary of the Treasury, asking each Secretary to detail an officer from the medical staff of those three Departments to constitute an examining medical board. When the Commission had developed all the facts that laymen would probably thoroughly comprehend and understand, we administered an oath to the attending physician of each claimant as a witness and sent the claimant and his attending physician before the medical board—the claimant for physical examination, if the board chose to subject him to physical examination, and the attending physician for examination by the medical board as a witness.

Now, each and every one of the cases reported by the Commission has passed that ordeal; and while the Commission was perhaps not unanimous in respect to any single allowance that appears in the report, differing in opinion as eight or ten gentlemen naturally would upon such a subject, the report is the result of a majority vote of the Commission. That we have not done full and exact justice in every case I am free to grant; but if we undertake to reopen and in the hurry of a session of the Senate to reexamine upon ex parte statement any one of these cases, and I believe there are one hundred and ten or one hundred and fifteen of them, I think we will have a job on our hands which will take us until about the 4th of July to get over this particular point in the bill.

The Commission had various applications to reopen cases after we had reported the measure for the relief of these persons, and, as a member of the Commission, I voted against reopening any case. I shall vote here against reopening or changing the report of the Commission in respect to any single item in the bill.

Mr. PUGH. Mr. President, I have no doubt the Commission devoted all the time and attention to the matter mentioned by the Senator from Tennessee [Mr. HARRIS]. I have no doubt they gave the most thorough and patient examination to each case, and made just such an allowance as they decided upon the facts before them was right and proper. I am aware of the difficulty in undertaking to make any change in the allowance made in any case that has been determined by the committee under the circumstances

mentioned by the Senator from Tennessee. But he admits that there may have been errors and mistakes in some cases, and I think I can show that in the case of Mr. Pennington there has been an allowance which, if not increased, would amount to a very great injustice to that sufferer.

Mr. HARRIS. If the Senator from Alabama will allow me, he states my language a little too strongly when he says I admit there have been mistakes. I made no such admission; but I say that such a thing is possible. That is the statement I made.

Mr. PUGH. The Senator said there may be mistakes. If I am unable to show upon the facts in this case that the Commission made a mistake I expect their allowance to remain as reported. Here is the statement in the report of the Commission upon which this estimate of $500 was made. On page 21 of the report I find the following:

POLK K. PENNINGTON.—Age 31; wife and one child; returned to work September 30; clerk class 1.

Claim.—Doctor's bill, drugs, clothing, etc., $136.

Claim.—Right leg broken; nose broken and cut; wound back of left ear; severe blow in small of back; many smaller bruises and cuts. February, 1894: Nose is permanently disfigured and scarred; partial deafness of injured ear; trouble in back; leg weak; confined to bed five or six weeks. June, 1895: Have been to work regularly ever since; health is good; leg troubles me some yet; back worries me most.

Medical board find no indication of fracture of leg.

Dr. GEORGE B. FADELY. Attended him nine days after accident; had a broken nose and a good many wounds over his body; in one the flesh had been chipped off; complained of his back, but I could not find anything there; on the 1st of September he was in fair condition; wounds all healed; reduced in flesh; seemed to be suffering from shock; he had good union of both the tibia and the nose; did not say anything to me about ear.

Medical board find no permanent disability.

Now, take that description of the amount of suffering of Mr. Pennington, that caused him to be confined to his bed five or six weeks, under medical treatment nine days. One hundred and thirty-six dollars of the $500 goes out of it for doctors' bills, drugs, clothing, etc., leaving him about $360. With nose permanently disfigured, leg disabled, back disabled, lying in his bed suffering from these injuries five or six weeks, with his whole nervous system shocked through that perilous trial, he is allowed $360. He is a young man, in the prime of life, with a wife and child. The statement made by the Commission, it seems to me, is conclusive that this allowance is wholly inadequate.

I desire to have read the examination of the board of pension examiners, a board made up of three physicians whose examination was made of these sufferers in several instances after the examination of the medical board which the Senator says was appointed by the Secretary of the Interior. After their examination and report the sufferers were examined by these same physicians, who made reports upon which the allowance was increased in several cases by the Commission. I ask the Secretary to read what these doctors say, under oath, is his present condition.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary proceeded to read the paper.

Mr. HALE. Will not the Senator consent that the paper be inserted in the RECORD without further reading?

Mr. PUGH. I just wish the Senate to understand that these three physicians, after examining this sufferer, pronounced his physical capacity to make a living as diminished one-half. They swore, on a thorough examination of his present condition, his capacity to make a living for himself and his family is diminished one-half.

Mr. HALE. Let it be printed in the RECORD.

The paper is as follows:

608 F STREET NORTHWEST, *Washington, D. C., May 13, 1896.*

Examination of Polk K. Pennington for injuries received in wreck of Ford's Theater building, this city, June 9, 1893.

History (as given by claimant).—Was on second floor of building; was carried through that floor and floors beneath to basement; was carried first to Emergency Hospital and thence home, where he was confined to bed for about ten weeks, and was on crutches for about two additional weeks. Injuries consisted of scalp wounds, compound fracture of nose, injury to small of back, and fracture of right leg.

Small of back and right leg are now weak, and small of back and right hip are painful after exertion. Is nervous and easily startled.

Present condition.—We find as follows:

Pulse rate, sitting, 72; standing, 78.

Respiration, 18 per minute.

Temperature, normal.

Weight, 120 pounds, stripped.

Height, 5 feet 11 inches.

Apparent age, 32 years.

Injury to back.—Deep pressure over lumbar region is moderately sensitive. The muscular strength of small of back is moderately diminished. Sensibility of both lower extremities is impaired to considerable degree, and the patella reflex of either side is diminished. No rectal or vesical symptoms.

Fracture of right leg.—Over anterior aspect of middle third of leg is a movable cicatrix one-half by two and one-half inches, beneath which there is moderate thickening of the tibia. There appears to have been a compound fracture of the tibia, which has, to a slight extent, weakened the limb. We do not doubt that the limb is weak, as alleged, after prolonged exertion.

Injury to nose.—Extending downward from one-half inch below mid point of forehead over nose is an irregular, moderately sensitive cicatrix 2¼ inches long, terminating about the inferior border of right nasal bone. There was evidently a compound fracture of nasal bones, which has resulted in considerable deformity of nose. The capacity of the right nostril is perceptibly diminished, and the character of the voice is nasal.

Scalp injuries.—(*a*) Over right half of frontal bone, just in front of coronal suture, is a cicatrix, movable and painless, about 1 inch long.

(*b*) In position on left side, corresponding very nearly to (*a*) is a similar cicatrix three-fourths of an inch long.

(*c*) In roots of hair, immediately above posterior aspect of neck, left side, is an adherent cicatrix about three-fourths by three-fourths of an inch. No depressions of bone.

Claimant is nervous and very easily startled. He is neurasthenic to moderate degree. State of nutrition is poor. He is incapacitated, say, one-half for performance of manual labor, in addition to disfigurement of nose noted and mental anxiety which his nervous condition of necessity excites.

STERLING RUFFIN, M. D.
A. BALL, M. D.
C. V. BOARMAN, M. D.

Sworn to and subscribed before me this 13th day of May, A. D. 1896.
[SEAL.] BERTHA L. DANA,
Notary Public.

Mr. GEORGE. I wish to ask the Senator from Alabama a question. What is the date of that examination? How long was it made after the injury?

Mr. PUGH. It was made the other day.

Mr. FAULKNER. Three years afterwards.

Mr. GEORGE. Three years after the injury?

Mr. PUGH. Yes; and it shows that the disability is permanent; it has not disappeared by time. This is the same board that examined many cases where allowances have been made by the Commission, and in several cases, which you will find in the report of the Commission, they have upset the report of the board of medical examiners appointed by the Secretary of the Interior and on an examination by this same board and on this same evidence they have increased the allowances. It seems to me that the Commission itself will see that in this case there has been an insufficient allowance.

Mr. GEORGE. My object in making the inquiry was because the report which was partially read speaks of the present condition of the parties, and I wanted to know how long that was after the injury and whether the injury inflicted was likely to continue.

Mr. PUGH. The Secretary can state the date of the examination, or the Senator from Mississippi can examine it.

The SECRETARY. May 13, 1896.

Mr. GEORGE. When did the accident occur?

Mr. FAULKNER. The 9th of June, 1893.

Mr. GEORGE. Then three years had elapsed?

Mr. FAULKNER. I think before the Senate proceeds to reverse the action of the Commission, Senators should understand thoroughly how very careful the Commission, was in the examination of these parties. In the first place, as stated by the Senator from Tennessee, the evidence was examined as to all of the parties injured by the entire Commission. They had the parties before them. The parties had their witnesses before them, and they had their attending physicians before them. After that examination was completed the parties were then sent before a medical board of three surgeons appointed by the Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury; also, the evidence of the attending physicians and all the statements before the medical board were taken down in shorthand. The medical board then proceeded to examine the physical condition of the parties and all the claims as to physical disability originating from this cause in the light of the evidence furnished by the surgeon in charge of the case. They made their report in writing to the Commission. Then the Commission appointed a subcommittee to analyze all of the evidence and condense it in the form shown in the report. Not satisfied with that, the Commission were then convened, and each individual case was taken up and the evidence in the case read to the entire Commission; and after that was done the Commission as a whole voted upon the amount that should be allowed.

Now, Mr. President, I will give an illustration that will show conclusively that you can not rely upon these ex parte statements. A gentleman came to me the other day after the report of the Commission had been made and said: "You all have done great injustice in my case." "Why," said he, "my medical bills were $400 and I have received by your allowance only $300. I am permanently disabled physically by that accident." I said: "Sir, if that is true the Commission have made a mistake and I will see it remedied and rectified; but," said I, "I should like first to examine the evidence of the Commission." I examined the evidence and there was a sworn statement by the man himself in his application to the Commission that the entire cost of his medical bill for surgery and medicine was $13.50; and there was the testimony of his own physician, who had attended him prior and subsequent to the accident, to the effect that this person was suffering from a constitutional disease and that that is the difficulty under which he is laboring at the present time. In addition to that was the testimony of the medical board that there was no injury whatever resulting to him by reason of the accident, but that it was the result of a constitutional affliction which he had prior to the accident, and the allowance was very liberal.

The statement made by this claimant, as certified by the physicians, is that he was confined to his bed for ten weeks.

Mr. PUGH. No.

Mr. FAULKNER. Yes; that is in the certificate of the physicians you have filed here, and yet the testimony before the Commission was that he was confined to his bed not longer than five or six weeks, and that was the evidence not only of himself, but the evidence of the physician who attended him at that time, showing that you can not rely upon the ex parte statements of these parties. Although there might be, perhaps, some discrepancies in the adjudications of the Commission, taking and analyzing the evidence in each particular case, I am satisfied that as a whole it is a fair adjudication of the claims of the parties.

Now, let me call the attention of the Senate to another fact. We passed a law in the last Congress by which we provided that there should be no deduction in the salaries of any of the parties during the time they were kept from earning a livelihood by reason of the disaster. Consequently all of these men, no matter how long they have been kept from the performance of their clerical service to the Government, have been paid in full as though they were at their desks every day during that time. Here is the evidence of his own physician:

Dr. GEORGE B. FADELY. Attended him nine days after accident; had a broken nose and a good many wounds over his body; in one the flesh had been chipped off; complained of his back, but I could not find anything there; on the 1st of September he was in fair condition; wounds all healed; reduced in flesh; seemed to be suffering from shock; he had good union of both the tibia and the nose; did not say anything to me about ear.

It was stated before the Commission that there was some trouble there about his hearing, and yet his own physician states that during his entire examination of his case while he had it under his control there was no allusion whatever made to the condition of his ear or as to its being affected in any way.

Mr. GEORGE. Will the Senator from West Virginia allow me to ask him if this man is still in the employ of the Government?

Mr. PUGH. Certainly he is.

Mr. FAULKNER. Yes, sir; he is still in the employment of the Government, as shown by the report, and drawing a salary as a first-class clerk. His salary has not been reduced by reason of any disability resulting from this accident. In two or three cases there has been a reduction by reason of the inefficiency of the parties subsequent to the accident, but in this case, although a first-class clerk, he is still, under the rules of the Department, because of his efficiency retaining that position.

Mr. PLATT. There have been cases where the clerk has been obliged to surrender his position by reason of disability from this cause.

Mr. FAULKNER. Oh, yes; there are cases, of course, in which clerks have been required by reason of their disability to resign their positions, but that does not apply to this case. This gentleman is receiving a salary as a first-class clerk. Under these circumstances I hope the report of the Commission will not be amended.

Mr. PUGH. Mr. President, a word further. The report of the Commission as a whole I have no doubt is just and fair and as good as could have been made under the circumstances, but each individual sufferer was entitled to have justice done him. It is not a case of average correctness in the allowance. It is not a case where as a whole the report of the Commission is correct. Each one of the sufferers as an individual had a right to have his case examined and allowance made upon a full knowledge of all the facts relating to his condition. I undertake to say that in the case of Mr. Pennington the Commission were not in possession of all the facts upon which to make a just and proper estimate on account of his suffering and disability caused by the disaster. It seems to me that the report of the Commission itself shows on its face that it was a very low estimate to make of the amount that they say he ought to have upon the facts that they report themselves as having been shown to exist in his case.

Doctor's bill, $136.

One hundred and thirty-six dollars for medical attention in his case when his sufferings entitle him to only $360!

Right leg broken—

Who would have his right leg broken and lie in bed with it five or six weeks for $360?—

nose broken and cut; wound back of left ear; severe blow in small of back; many smaller bruises and cuts. February, 1894: Nose is permanently disfigured and scarred.

What young man 31 or 32 years old, or of any age, would like to have his nose broken and permanently disfigured for a dollar and a half? I suppose that is about the estimate made of it when you strike the average to get at the amount of $360.

Mr. GEORGE. I desire to ask the Senator a question if he will allow me. What is the condition of the man's nose three years after the accident?

Mr. PUGH. It is permanently disfigured, these doctors say, and they examined him on the 13th of the present month.

Mr. FAULKNER. I did not understand that to be the case from the report. I understand that he is in perfect condition, that it has knit perfectly, and there is no disfigurement whatever.

Mr. PUGH. I should like to make profert of him here in order to settle that fact, and let the Senate see whether his nose is broken and permanently disfigured or not.

Mr. BATE. Can not we have that part of the report read?

Mr. PUGH. That part of the report can be read again.

Mr. HALE. I hope Senators will not call for the reading of that again.

Mr. PUGH. I do not call for the reading, but the Senator from Mississippi [Mr. GEORGE] wanted to know if Mr. Pennington's nose showed that it was permanently disfigured.

Mr. HALE. That has already been brought out in the report.

Mr. PUGH. But the Senator from West Virginia disputes that.

Mr. BATE. There seems to be a difference between the Senators as to the facts in the case, and so I think that the portion of the report referring to this case had better be read. It is but a short sentence.

Mr. HALE. I hope we shall have this little matter brought to a head as soon as possible.

Mr. PUGH. This man has a "nasal twang." I do not suppose that anybody would like to have that disability attendant upon a broken nose for $340, and then it is stated that he has a partial deafness in one of his ears.

These are the facts, not dependent upon the statement of this sufferer, Pennington. The Senator from West Virginia says they are the ex parte statements of a man who is to receive this amount of money. There is not a single statement upon which this estimate is predicated which has been made by this sufferer. They are the statements of physicians, which are matters of record, made by them under oath as to this man's present condition. What are the facts upon which the physicians say this man is disabled to the extent of one-half in his capacity to make a living?

Mr. HARRIS. If the Senator will allow me, I will suggest to him that with an impartial official board, created for the express purpose of examining each and every one of these cases, this gentleman chooses to select a tribunal for himself, and in the nature of an appeal from this official board; he selects a tribunal for himself and goes before it, without authority or suggestion of the Commission, and brings to it the paper that the Senator presents here.

Mr. PUGH. But the report of the Commission shows that that was done in several instances in these examinations.

Mr. HARRIS. Where that and other testimony was satisfactory to the Commission, the Commission has acted upon it; but we have not discredited the official board that we had created to sit in judgment upon these cases upon the report of any pension board or any other board.

Mr. PUGH. This official board, upon which the Commission states that it acted, as I have no doubt that it did, made reports of no disability in some cases, and the pension board, made up of the same physicians in these very identical cases, reported a permanent disability, and then the Commission reported an increase on the report of this identical board which examined Pennington.

Mr. FAULKNER. I desire to ask the Senator from Alabama in what case that was done? I was on that Commission, and do not know of such an instance.

Mr. HARRIS. There are one or two instances where the pension board had examined, but where additional testimony was considered by the Commission and the results changed——

Mr. FAULKNER. That is not the statement of the Senator from Alabama. Of course all the evidence before the Commission was considered; and I assert here that there was no case that I can remember in which there was a decision changed by reason of any evidence being brought in there from the pension board. It was considered, if presented there, just like all the other evidence before us; but there was no adjudication and then a subsequent change to a different amount by reason of a certificate from the pension board.

Mr. HARRIS. Of course there have never been any changes, because our original findings are those that appear here. We have never changed any conclusion that the Commission had come to by reason of any evidence before the pension board.

Mr. PUGH. All I insist upon is that the facts as reported by the pension board of examiners under oath only a few days ago, upon an examination of Mr. Pennington, are that they found the injuries to which they testify, and they state the effect produced by those injuries which were occasioned by this disaster. How can there be any mistake as to the facts? There can be none whatever.

Then I submit to the Senate whether, on these indisputable facts as to the amount of suffering endured by Mr. Pennington in consequence of that disaster, he shall be sent off by this great Government with $340 in his pocket simply because we do not want to disturb the harmony of the report of the Commission. I submit the question to the Senate.

Mr. LODGE. Mr. President, if these allowances are to be increased, I shall move to increase the allowance to Frank J. Metcalf, the case stated on page 16 of the report.

Mr. PUGH. I want some action on my amendment. Do I understand that it has been agreed to?

The VICE-PRESIDENT. The amendment of the Senator from Alabama is pending, and the Chair understood that the Senator from Massachusetts addressed the Chair in relation to it.

Mr. LODGE. I am not offering an amendment; I was merely going to state this case. I propose, if the Senator's amendment shall be agreed to, to move an amendment in favor of another of the claimants.

Mr. HARRIS. Do I understand that the amendment of the Senator from Alabama has been disposed of?

The VICE-PRESIDENT. It has not been disposed of. The Chair supposed the Senator from Massachusetts was addressing himself to the pending amendment.

Mr. LODGE. I am going to speak on the pending amendment when I get the opportunity. I was going to say that if this report is to be subject to amendment, I have a case which I think quite as strong as that of the Senator from Alabama, in which I propose to move an increase. It seems to me perfectly clear, on the statement of the Commission, that the claimant is in no wise adequately compensated for the injury to which he has been subjected. I do not suppose there is any one of us who would care to fall through from the second story of old Ford's Theater into the cellar, in company with beams, mortar, and brick, and so forth, for $500 or $1,000, or $5,000, and I do not suppose there is a single one of the claimants adequately compensated.

If we are to accept the report of the Commission and make no additions to what they have found after careful and special investigation of what they think on the whole is all that ought to be awarded, I for one shall submit to that decision, although I think it very hard on many of the claimants; but if we are to open it to other claimants, then I think I have a case, and I have no doubt other Senators have cases, as meritorious as that suggested by the Senator from Alabama. I merely wish to give notice that I shall move my amendment after the question has been taken on the amendment of the Senator from Alabama, if it be adopted.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Alabama.

Mr. FAULKNER. The findings of the pension board and the remarks of the Senator from Alabama are based almost exclusively upon the statement of the claimant. He asserts in his statement, and he swears to it, that he has a broken leg, and yet his own physician has never heard of that broken leg; and after a thorough examination by the medical board they certify that they can find no indications whatever of a fracture of that leg. That shows how much weight should be given to this ex parte testimony.

Mr. PUGH. The facts are before the Senate. Let us have a vote.

Mr. FAULKNER. And yet there is the statement of the claimant to that effect, and that is relied upon by the Senator in his remarks.

Mr. PUGH. I relied on the statement of his physician.

Mr. GEORGE. I want to ask the Senator from Alabama a question. Do I understand that the injury to this gentleman's nose is permanent?

Mr. PUGH. I saw his nose, and its condition is described by the report. He seemed to have a little difficulty of hearing, too.

Mr. GEORGE. What is the extent of the injury? Is it permanent?

Mr. PUGH. He is a spare man; rather a weakly man; not a man of physical strength, and I have no doubt that he suffered more than the amount allowed him here by the shock occasioned to his nervous system by that terrible disaster. It is difficult to estimate such injuries in dollars and cents. There can be no doubt of the sufferings this young man endured, and his truth is not to be doubted. The Senator from West Virginia says that Mr. Pennington stated that he was down for eight or ten weeks, when the fact is that he was down for only five or six or seven weeks; that he was not in bed more than six or seven weeks. What a terrible discrepancy that is!

Let us have a vote, Mr. President.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Alabama.

Mr. FAULKNER. I call for the yeas and nays on the amendment. There are a great many other cases that will follow this if it be allowed.

The yeas and nays were ordered.

Mr. HARRIS. I want to say a word before we take the yea-and-nay vote, and it is simply this: Every man who was injured in that accident, after the Commission was created to investigate the matter with a view of making fair and reasonable allowances, flattered himself with extensive hopes of large appropriations. I think it is safe to say that nine out of every ten of these claimants were disappointed at the allowances made. If a single one of these cases is to be opened and reviewed in the hurry of the session of the Senate, and amounts to be fixed according to ex parte statements, I think it is due to these hundred and odd claimants that they at least have one additional day in court, and I shall ask for another day for the consideration of this bill; and there is not one of them who will not appeal to his Senator to come in and move to enlarge the allowances made by the Commission. I think we ought to deal justly with all of them, as the Commission has honestly and earnestly endeavored to do. If the matter is to be taken out of the hands of the Commission and its findings ignored; if the Senate is going to take charge of it and make such allowances in each individual case as it may feel inclined to upon statements made here, I think that we ought to deal equally just with all of them, and that each man should have his day in court and his opportunity to offer his amendment.

The Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. GEAR (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON], and therefore withhold my vote.

Mr. GEORGE (when his name was called). I am paired with the Senator from Oregon [Mr. MCBRIDE]. If he were here, I should vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "yea."

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON].

Mr. PRITCHARD (when his name was called). I am paired generally with the Senator from Louisiana [Mr. BLANCHARD], but in this case I exercise my discretion and vote "yea."

Mr. SHOUP (when his name was called). I am paired with the Senator from California [Mr. WHITE].

Mr. WALTHALL (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. CULLOM. I have a general pair with the Senator from Delaware [Mr. GRAY], and therefore withhold my vote.

Mr. GALLINGER. I have a general pair with the Senator from Texas [Mr. MILLS], who, I think, has not voted. I therefore withhold my vote.

Mr. MCMILLAN (after having voted in the negative). I have a pair with the Senator from Kentucky [Mr. BLACKBURN], and therefore withdraw my vote.

Mr. CULLOM. I vote "nay" to make a quorum.

Mr. BACON. On this question I am paired with the junior Senator from Rhode Island [Mr. WETMORE].

The result was announced—yeas 20, nays 25; as follows:

YEAS—20.

Allen,	Dubois,	Mitchell, Oreg.	Sewell,
Bate,	Hansbrough,	Peffer,	Sherman,
Butler,	Hill,	Pettigrew,	Thurston,
Cannon,	Kyle,	Pritchard,	Vest,
Chilton,	Lodge,	Pugh,	Warren.

NAYS—25.

Aldrich,	Cullom,	Lindsay,	Smith,
Allison,	Daniel,	Martin,	Stewart,
Berry,	Faulkner,	Mitchell, Wis.	Teller,
Brown,	Gorman,	Palmer,	Vilas.
Caffery,	Hale,	Perkins,	
Chandler,	Harris,	Platt,	
Cockrell,	Jones, Ark.	Rosch,	

NOT VOTING—44.

Bacon,	Elkins,	Jones, Nev.	Quay,
Baker,	Frye,	McBride,	Shoup,
Blackburn,	Gallinger,	McMillan,	Squire,
Blanchard,	Gear,	Mantle,	Tillman,
Brice,	George,	Mills,	Turpie,
Burrows,	Gibson,	Morgan,	Voorhees,
Call,	Gordon,	Morrill,	Walthall,
Cameron,	Gray,	Murphy,	Wetmore,
Carter,	Hawley,	Nelson,	White,
Clark,	Hoar,	Pasco,	Wilson,
Davis,	Irby,	Proctor,	Wolcott.

So the amendment was rejected.

Mr. GALLINGER. I submit an amendment to the pending bill.

The VICE-PRESIDENT. The amendment submitted by the Senator from New Hampshire will be stated.

The SECRETARY. After line 13, on page 47, it is proposed to insert:

To pay Emmart, Dunbar & Co. the amount found due by the auditor of the District of Columbia for work done by said firm in connection with the laying of the 36-inch water main under their contract of September 1, 1871, with said District, to be paid wholly from the revenues of the District of Columbia, $14,548.22.

Mr. HALE. I raise the point of order that that is neither an audited claim—the auditor of the District of Columbia not being

an auditor of one of the Departments—nor is it estimated for by the head of any Department.

Mr. GALLINGER. On the point of order I desire to submit the observation that this amendment was sent to the Committee on the District of Columbia and reported favorably by that committee, a standing committee of the Senate, and has passed the Senate; and I think, under the rule, it is not susceptible to the point of order.

As to being an audited claim, I submit that Mr. Petty, who signs himself auditor of the District of Columbia—and this is a claim against the District of Columbia—has audited this claim and made his report, as follows:

JANUARY 22, 1896.

In my letter of June 14, 1892, transmitting the report of Mr. Donovan, expert accountant, upon the claim of Emmart, Dunbar & Co. for work done in connection with the laying of the 36-inch water main under their contract of September 21, 1871, and on several occasions since, in response to Congressional inquiries, I had the honor to state that, in my opinion, the finding of Mr. Donovan that $14,548.22 was due to the claimants was "reasonable and just."

The views then expressed I still entertain. * * *

J. T. PETTY,
Auditor District of Columbia.

On the point of order raised by the Senator from Maine I would more particularly place the matter upon the fact that this has received the sanction of a standing committee of this body, and has passed the body.

Mr. HALE. Mr. President, there seems to be confusion in the minds of some Senators as to the effect of a bill passing the Senate or being reported by a standing committee. That claim is good under clause 1 of Rule XVI, which says:

And no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, etc.

That is the limitation of authority which is given by the report of a standing committee to the passage of a bill by the Senate; but clause 4 of Rule XVI goes entirely to the bottom of the whole business of private claims, and no matter whether a committee reports a private claim or whether it has passed the Senate, it is not in any way in order, and the language is very clear:

No amendment the object of which is to provide for a private claim shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

Regular matters which come in the course of business of the Departments and are certified and audited by the Departments under the law as appears by estimates to carry on the Departments and to pay their ordinary expenses, but a private claim, such as this is, can not be put onto any appropriation bill under any rule. It is a private claim, and no matter how many committees have reported it, and even if it has passed the Senate, it is still a private claim, and does not come under the head either of having been audited by one of the great Departments of the Government or of not being a private claim.

Mr. GALLINGER. I would ask the Senator how a claim against the District of Columbia would be audited by any of the Departments? Such a claim is audited by the auditor of the District of Columbia.

Mr. HALE. Under the general system of auditing, all these matters go through the regular auditing in the Departments. The auditor of the District of Columbia is only an officer of the District to enable District officers to transact their business; but when an amendment comes in upon an appropriation bill it has to pass some authority of the General Government.

Mr. GALLINGER. Does the Senator say that such a claim must be passed upon by the Treasury Department?

Mr. HALE. Yes; it must come through the Secretary of the Treasury. Such claims are reported by the Secretary of the Treasury as estimates; and when they come here they are duly sent to the Appropriations Committee.

I sympathize with the Senator, for I have no doubt this is a good claim; but it does not belong on an appropriation bill.

Mr. GALLINGER. The Senator need not sympathize with me at all. Here is a claim which is justly due, as is found by the proper official of the District of Columbia, the auditor of the District of Columbia. He has gone through it carefully and certifies that it is a just claim, and that it ought to have been paid long ago; and yet the Government is refusing to pay it. The Senate of the United States has said it is a just claim and passed a bill to pay it, yet the technical point is raised—I am not quite prepared to say that it is not purely technical—that this has not been sufficiently audited to enable us to place it upon an appropriation bill. I think if we should go through the appropriation bills which have been passed, and possibly the one now under consideration, we could find a great many claims which have not run so severe a gantlet as this claim seems to have done. I am still of opinion that the point of order is not well taken, but of course shall bow to the decision of the Chair, whatever it may be.

Mr. HALE. Let me say here as to the pending bill that I do not think that I have ever seen in my experience a deficiency appropriation bill cleaner from claims than this is, as reported to the Senate.

I have no doubt this is a good claim. The committee was almost overwhelmed by a raft of good claims, which in themselves were correct and true and ought to be paid; but what it endeavored to do was to keep them all off, and I think it has done it. At any rate that has been the intent. I had matters in my own State that were very pushing upon me, exceedingly good claims, with a good many grounds for consideration; but I did not feel at liberty in the committee to ask that they be put on the bill, and they all have been kept off. Of course, if any of these claims go on they all ought to go on.

Mr. COCKRELL. The Auditor for the State and other Departments has control of all accounts of the District of Columbia just as he has of all accounts of the Department of State, the Department of Justice, the Department of Agriculture, the diplomatic and consular service, and the claims or accounts of the District of Columbia must go through his hands to be audited just like any others, and be certified; and that has not been done in this case.

In addition to what the Senator from Maine [Mr. HALE] said in regard to claims, the Committee on Appropriations determined not to put any claim on this deficiency bill. We have reported it without a solitary claim upon it, anything which was not audited by the proper Department.

As the Senator from Maine has said, so I can say that I had a large number of claims, some allowed by the Court of Claims, and others, that I was anxious to have placed upon the bill; but when we determined to adhere to the rule strictly I had to apply that rule to myself as well as to others.

Mr. MITCHELL of Oregon. Will the Senator allow me to ask him a question?

Mr. COCKRELL. Yes.

Mr. MITCHELL of Oregon. Does the Senator understand that a claim which has been audited, as he says, by the head of a Department, even in pursuance of a resolution of the Senate or of Congress, but has never been included in an estimate and sent here in the regular way, is one that can have preference over an ordinary private claim?

Mr. COCKRELL. A claim, or what would properly be called an account, which is audited by a Department comes from the Department in the regular way to the Senate or to the House of Representatives: being generally sent to the House, it comes within the rule of the Senate, and is not a claim in the sense of a private claim referred to in the rule. Therefore, those matters which were audited were placed upon this bill, but the others were not.

Mr. MITCHELL of Oregon. That is the very question I wanted to get at, whether because a claim has been audited, to use the language of the Senator from Missouri, that takes it out of the category of private claims, which can not go on an appropriation bill?

Mr. COCKRELL. If it is a matter that has grown up out of the business of the Government, has gone regularly to the Treasury Department and been audited, and the Treasury Department had authority to audit it, and has reported it to Congress, it is a deficiency.

Mr. MITCHELL of Oregon. That is all right; but, the Senator will allow me, suppose a claim has been audited, for instance, by the Secretary of the Interior——

Mr. COCKRELL. The Secretary of the Interior has no jurisdiction to audit claims.

Mr. MITCHELL of Oregon. Very well. Suppose it has been audited by the Secretary of the Interior or the Secretary of the Navy, if you please, under a direction of Congress, but that the claim has never been before the Treasury Department at all; that it has never received the investigation either of the Secretary of the Treasury or of any Auditor or Comptroller of the Treasury, does the Senator mean to tell me that that is a claim which is taken out of the category of private claims and can properly go into the deficiency appropriation bill?

Mr. HALE. The Senator will allow me. Unless the Secretary of the Interior or the Secretary of the Navy in terms is directed to audit it——

Mr. MITCHELL of Oregon. Why does that make any difference?

Mr. HALE. He has no right to audit a claim unless he is directed to do it. The Senator from Missouri is right about it. The auditing is done in the Treasury Department, and unless the head of another Department is directed to audit, he has no right whatever to do it.

Mr. MITCHELL of Oregon. If the Senator from Maine——

Mr. CULLOM. It seems to me we ought to have a real case and not a suppositious one. I think we ought to take this matter

as it comes up and not suppose propositions to be decided hereafter or amendments which may be offered later.

Mr. MITCHELL of Oregon. The Senator from Missouri has remarked—and I think the Senator in charge of the bill says the same thing—that the committee have intended to keep this a very clean bill; that is to say, a bill confined purely and exclusively to making appropriations for claims that can properly and rightfully go into an appropriation bill. In other words, they have excluded all private claims. There are in this bill certain claims that have never been passed upon by the Secretary of the Treasury or by the Comptroller of the Treasury or by any Auditor of the Treasury, but were simply audited by the head of some other Department. I make the statement——

Mr. GALLINGER. What about the Ford's Theater Commission claims? They are private claims—every one of them.

Mr. MITCHELL of Oregon. I undertake to say that a claim of that kind, although audited by the Secretary of the Navy or the Secretary of the Interior, is not taken out of the category of private claims, which ought to be excluded from an appropriation bill on a point of order. That is all I desire to say.

Mr. GALLINGER. I have no disposition to delay the decision of the Chair on this question, and I am not conceited enough to suppose that I can give the Chair any additional light on the question. But it is rather amusing to have Senators in charge of an appropriation bill so vehemently inform us from time to time that there is nothing in these bills that is not all right. The Senator from Maine tells us that this bill is free from everything that is obnoxious to that rule. Here is, I do not know how much, a hundred thousand dollars more or less, for gentlemen who lost health and limb and for the families of some of those who lost life in the Ford Theater disaster, and it has been acted upon by a Commission of Congress.

Mr. HALE. That is exactly under clause 4 of Rule XVI. There was a special act providing for the Commission, and that the awards of the Commission should be paid. The committee would not have put it on the bill for a moment unless there had been a special act requiring it.

Mr. GALLINGER. Yet the Senator admits that the amendment I have offered comes also under that head, but he cites the other rule that a private claim shall not be put on an appropriation bill; and every one of those is a private claim.

Mr. HALE. No, no; they are not claims.

Mr. GALLINGER. There is no escape from it.

Mr. HALE. The Senator's amendment is not like them.

Mr. GALLINGER. It may not be like them, but they are private claims.

I have no disposition to be technical or to delay the decision of this matter, but the rules are very convenient and are always called upon to sustain the position which the Committee on Appropriations may take in matters of this kind. They are always found faulty, however, it seems to me, when an individual Senator proposes an amendment to an appropriation bill. I believe that under a reasonably broad interpretation of the custom of the Senate and of the rules under which we are acting, the amendment I propose is not obnoxious to the rule, and ought not to be ruled out on a point of order.

The VICE-PRESIDENT. Under Rule XVI, the Chair is compelled to sustain the point of order made by the Senator from Maine [Mr. HALE].

Mr. TELLER. I have an amendment to send a case to the Court of Claims, which I desire to offer. It is to come in on page 60, after line 9.

The SECRETARY. On page 60, after line 9, it is proposed to insert:

Whereas the Secretary of the Navy, on the 28th day of January, 1893, contracted with Harris P. Hurst for certain rights accruing and arising under three several applications filed by said Hurst in the United States Patent Office for letters patent upon certain improvements, viz: "Cartridges for breech-loading ordnance, filed March 28, 1892, serial No. 429639," "breech-loading ordnance, filed July 28, 1892, serial No. 441433," and "breech-loading ordnance, filed August 17, 1892, serial No. 443329"; and

Whereas the Secretary of the Navy has heretofore decided that said Hurst is not entitled to be paid anything under said contract, nor anything out of the $25,000 appropriated for certain rights under patent No. 533171 in the "Act making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes"; and

Whereas the said Hurst expended the sum of $926.22 at the Washington Navy-Yard in small-bore and small-arm experiments: Now, therefore,

The Secretary of the Treasury is hereby directed, out of any moneys in the Treasury not otherwise appropriated, to pay to said Hurst the said sum of $926.22; and the Court of Claims is hereby directed to advance and adjudicate the claim of said Harris P. Hurst against the United States for all such sums of money as the said Hurst may be entitled to on account of any infringement of his, the said Hurst's, said patents by the United States Government, or on account of said contract of the 28th day of January, 1893, or on account of the provision for the payment of said Hurst of the sum of $25,000, on conditions therein mentioned in the "Act making appropriations for the naval service for the year ending June 30, 1896, and for other purposes." And the sum of $25,000, or so much thereof as may be necessary to satisfy any judgment the Court of Claims may render in the premises, is hereby appropriated to satisfy the same in part or in full, out of any money in the Treasury not otherwise appropriated.

Mr. HALE. The last clause of the amendment should be stricken out. Otherwise it will be clearly subject to a point of order as making an appropriation.

Mr. GALLINGER. I make the point of order that it is general legislation upon an appropriation bill. It is a private claim, and is likewise obnoxious to that rule of the Senate.

Mr. TELLER. This is a case where we have appropriated $25,000, and there is no necessity for an appropriation. It has already been made. The amendment was drawn by the Navy Department and sent here. I have no objection to striking out the objectionable words which the Senator from Maine has indicated.

Mr. HALE. Those words make the amendment subject to the point of order.

Mr. TELLER. Then it will not be an appropriation. All I desire in this connection is to secure for this young man an opportunity to go to the Court of Claims and to have his case expedited; that is, the court, instead of taking four years, shall hurry it up. The amendment also provides an appropriation of $926 for money that he has advanced. The Government is now using his device, whatever it may be, and it seems to me it ought to pay the money back.

Mr. GALLINGER. If the young man has advanced money and it is to be reimbursed, it is a private claim. Aside from that, as I have before suggested, it is general legislation upon an appropriation bill. The only way for this young man to prosecute his claim is the only manner left to Dunbar & Co., that is, through the Congress of the United States, and I make the point of order.

Mr. GEORGE. I desire to state one fact. I do not know whether it is material or not on the point of order. The amendment was prepared at the office of the Secretary of the Navy. It was approved by the Secretary and sent here by him with his approval.

Mr. CHANDLER. I should like to inquire about the appropriation of $25,000. It is the first time I have ever heard of an appropriation being made in advance to pay an anticipated judgment of the Court of Claims.

Mr. TELLER. The appropriation is to be stricken out. There is to be no appropriation. We made an appropriation last year and left it discretionary with the Secretary whether or not he would pay the claim. He has declined to pay the claim. I want to put the case in the Court of Claims, with the provision which is in the amendment that the court shall expedite it. I do not desire any appropriation, but the amendment came from the Navy Department and they put it in, and I did not notice that part of it.

Mr. CHANDLER. The difficulty, not that the Chair is under in making the ruling, but which Senators are under, is that they do not know what amendment is before the Senate. The Senator from Colorado moves a very long and unusual amendment——

The VICE-PRESIDENT. The Chair will have the amendment stated as modified by the Senator from Colorado [Mr. TELLER].

The Secretary read as follows:

Whereas the Secretary of the Navy on the 28th day of January, 1893, contracted with Harris P. Hurst for certain rights accruing and arising under three several applications filed by said Hurst in the United States Patent Office for letters patent upon certain improvements, viz, "Cartridges for breech-loading ordnance, filed March 28, 1892, Serial No. 429639," "Breech-loading ordnance, filed July 28, 1892, Serial No. 441433," and "Breech-loading ordnance, filed August 17, 1892, Serial No. 443329"; and

Whereas the Secretary of the Navy has heretofore decided that said Hurst is not entitled to be paid anything under said contract, nor anything out of the $25,000 appropriated for certain rights under patent No. 533171 in the "act making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes"; and

Whereas the said Hurst expended the sum of $926.22 at the Washington Navy-Yard in small-bore and small-arm experiments: Now, therefore,

The Secretary of the Treasury is hereby directed, out of any moneys in the Treasury not otherwise appropriated, to pay to said Hurst the said sum of $926.22, and the Court of Claims is hereby directed to advance and adjudicate the claim of said Harris P. Hurst against the United States for all such sums of money as the said Hurst may be entitled to on account of any infringement of his (the said Hurst's) said patents by the United States Government, or on account of said contract of the 28th day of January, 1893, or on account of the provision for the payment of said Hurst of the sum of $25,000, on conditions therein mentioned in the "act making appropriations for the naval service for the year ending June 30, 1896, and for other purposes."

Mr. TELLER. The remainder of the amendment has been stricken out.

The VICE-PRESIDENT. The Chair desires the attention of the Senator from Colorado. The only modification which the Chair understood is in the clause in regard to the appropriation of $25,000. Is that correct?

Mr. TELLER. It is.

The VICE-PRESIDENT. There is a provision in the amendment for the payment of the sum of $926.22.

Mr. TELLER. I will strike out that provision, so that the amendment will carry no appropriation. Then all there will be in it is a reference of the case to the Court of Claims, with a direction to the court to expedite it.

Mr. CHANDLER. I should like to ask the Senator from Colorado and also the Senator in charge of the bill, the Senator from Maine [Mr. HALE], whether it is in order upon the deficiency bill

to move to send any private claim to the Court of Claims for adjudication?

Mr. GALLINGER. Especially with a direction that they shall expedite it beyond existing law.

Mr. COCKRELL. It is, as a matter of course, if you admit general legislation, but it is only in order when general legislation is admitted. The amendment proposes general legislation.

Mr. CHANDLER. This is purely and simply a reference of the claim of Mr. Hurst to the Court of Claims for adjudication. It provides for a private claim, and if the Committee on Appropriations, one member of which is the Senator from Colorado [Mr. TELLER], will establish that rule, of course we will be content with it. But it should be understood hereafter that any private claim whatever may be especially referred to the Court of Claims upon the deficiency appropriation bill.

Mr. TELLER. There is no necessity to refer the case to the Court of Claims. Mr. Hurst has a right to go to the Court of Claims under his contract, but his case would not be expedited. I desire to have it hastened.

Mr. CHANDLER. Then the proposition of the Senator——

Mr. TELLER. I did not prepare the amendment. It was prepared at the Navy Department and sent here.

Mr. CHANDLER. That is not of half so much importance as it is that the amendment comes from a member of the Committee on Appropriations.

Mr. TELLER. It does not come from any member of the Committee on Appropriations as such.

Mr. CHANDLER. There would have been no possibility that the amendment would have been entertained for a minute if it had come from any other member of the Senate; but the Committee on Appropriations, immediately after objecting to an absolutely meritorious claim because it is a private claim, now send to the front the Senator from Colorado, who is a member of that committee, to insist upon it that a private claim may be expedited in the Court of Claims by a clause upon an appropriation bill.

Mr. TELLER. The Senator from New Hampshire, who is exceedingly critical at least, loses sight of the fact that last year we made an appropriation to pay this claim. It is carrying out existing law, you may say, to submit the question now to the Court of Claims. I do not desire to discuss the question, however.

Mr. CHANDLER. The Senator from Colorado does not wish to mislead the Senate, as he is in danger of doing by the last remark. The Secretary of the Navy was to pay this claim if he thought it was a good one. He adjudicated that it was a bad one, and the Senator now gets up and says the amendment is to carry out existing law.

Mr. TELLER. The Secretary of the Navy said that the claimant was not entitled to the money, and he was not inclined to pay it.

Mr. CHANDLER. Does the Senator argue that it is carrying out existing law to move to pay a claim which the Secretary of the Navy says is a bad one?

The VICE-PRESIDENT. Upon reflection the Chair is compelled to sustain the point of order upon the amendment even as modified.

Mr. MITCHELL of Oregon. On page 60, after line 9, I move to insert what I send to the desk.

The SECRETARY. On page 60, after line 9, it is proposed to insert:

That to carry out the provisions of the act making appropriations for the naval service for the fiscal year ending June 30, 1884 (22 Statutes, page 477), to pay to the legal representatives of John Roach, deceased, the sum of $28,160.25 for labor and material furnished by the said John Roach in completing the dispatch boat *Dolphin* under the advice and assistance of the Naval Advisory Board mentioned in said act, which amount is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. HALE. It is an ungrateful task to make points of order upon claims that are good. I know this old claim like a brother. It is a good claim. It ought to have been paid years ago. It is invested with peculiar hardship. The Government ought to pay it by a bill which should pass unanimously in the House and in the Senate. That is the way it ought to go. But it is not a claim that is excepted under clause 4 of Rule XVI.

The framing of the amendment attempts to avoid that rule by declaring that it is to carry out the appropriations of a certain year. Those are general appropriations. There is no appropriation in the act of 1884 for any private person who has a claim against the Government through the Navy Department. There was an appropriation in that act for the building of new ships, and in building those new ships this claim came up. It is just; it is a perfectly good claim; but simply referring to that act, the appropriation act which carried expenses for the building of the Navy, to cover the Roach ships, does not, I submit, Mr. President, bring it under the rule, which says that—

No amendment the object of which is to provide for a private claim shall be received to a general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation.

I have no doubt that if there had been a special act or a treaty which had recognized this claim and declared that it should be paid, that it should be submitted to the Department and audited, the amendment would be carrying out a special provision in relation to it. But simply referring to an appropriation act which carried a general appropriation for the Navy and for naval ships clearly does not, in my opinion, entitle the amendment to come under clause 4 of Rule XVI. I have nothing more to say about it.

Mr. MITCHELL of Oregon. The Senator from Maine, a good lawyer, as he is, evidently realizes the weakness of his point of order, and for that reason he follows up his point with an argument in its favor.

Mr. HALE. I raised the point of order.

Mr. MITCHELL of Oregon. Certainly. I insist in all confidence that the amendment is not subject to the point of order, and I will give my reasons very briefly.

Mr. Roach had a contract with the Government of the United States for building this ship at a certain price. After the ship was completed and accepted by the Government, an act of Congress was passed—I care not whether it was a general appropriation act or a special act of Congress; it was an act of Congress—making an appropriation of money to meet this and other like contracts. It was an act which it was intended should provide the money, and it did provide money, to meet this contract.

Now, what followed? A question was raised in the Department to the effect that the vessel was structurally weak, and the Government held back this amount, $28,000, money appropriated by Congress to meet this particular claim.

Mr. HALE. The Secretary of the Navy refused to pay it.

Mr. MITCHELL of Oregon. He refused to pay it?

Mr. HALE. He claimed that the appropriation did not cover it.

Mr. MITCHELL of Oregon. No, the Senator is mistaken about that. That was not the question at all. The position taken by the Secretary of the Navy was that the boat had not been constructed according to the contract, and although the money had been appropriated by Congress and was there ready to be drawn, it was retained by the Secretary of the Navy.

Mr. HALE. That is right.

Mr. MITCHELL of Oregon. And a less amount than that called for in the contract was paid. The Senator from Maine says to me that it had not been earned.

Mr. HALE. I do not say that. The Secretary so held.

Mr. MITCHELL of Oregon. In view of what the Senator said a moment ago about the justice of the claim, he can not say that.

Mr. HALE. The Secretary held that way. I do not so hold.

Mr. MITCHELL of Oregon. That is true. The Secretary evidently made a mistake, as the whole history of the *Dolphin* has abundantly proved. The Secretary of the Navy was under a mistake. He was misled by the reports made to him by certain officers in regard to the character of the construction of the ship. Those reports were to the effect that the vessel was structurally weak, and therefore was not built according to the contract. The Secretary of the Navy—I am finding no fault with him—on those reports held back the amount of money which had been appropriated by an act of Congress to meet this particular case.

Subsequent investigation has demonstrated to everyone who has given the matter any attention that that was a mistake, just as the Senator from Maine says. It is a just claim, and one which ought to pass by the unanimous vote of both Houses of Congress. That is the case. Is not the amendment an appropriation to carry out existing law? That is the rule. What is the existing law? The existing law is a general appropriation act which appropriated $28,000 to meet this claim. It does seem to me that the point is not well taken. I do not think the Senator in charge of the bill ought to make any point of order against this claim under all the circumstances. I insist that the amendment is in order and that the point of order is not well taken. What does the rule say?

No amendment the object of which is to provide for a private claim—

I admit it is a private claim—

shall be received to any general appropriation bill, unless—

Unless what?—

unless it be to carry out the provisions of an existing law or a treaty stipulation.

The existing law said that this money should be paid.

Mr. HALE. No.

Mr. MITCHELL of Oregon. Yes, it did. The appropriation was made to cover this particular claim in the whole amount of the contract. The Secretary of the Navy, on an investigation in which I think he was misled, held back $28,000 of it upon the theory for the Government that the vessel was structurally weak and had not been constructed according to the contract. That vessel has been in the Government service now for eleven years. It has voyaged around the world more than once, and it has been demonstrated by actual service that no stancher vessel was ever constructed in any shipyard in America or elsewhere. Now, that is the case, Mr. President.

The VICE-PRESIDENT. Will the Senator from Oregon please indicate the terms of the existing law to which he refers?

Mr. MITCHELL of Oregon. I have not the statute before me. It is in the act making appropriations for the naval service for the fiscal year ending June 30, 1884, 22 Statutes, page 477.

Mr. HALE. Of course that is the general appropriation act which provides for the construction of so many ships. It has nothing in reference to this claim. I wish there was. There are cases that come under clause 4 of Rule XVI. For instance, if Congress provides that after the 1st day of July the salary of a certain officer shall be $3,000 instead of $2,500, and that amount is not appropriated for and is not paid, the difference between the $2,500 that he gets and the law that fixes the salary is a subject for an amendment on an appropriation bill, because it is to carry out an existing law appertaining to and applicable to that subject. There are here and there cases of that kind. That is intended to be the scope of clause 4. But to say that a general law providing for the construction of ships and appropriating money for them is intended to cover a particular claim that the then Secretary of the Navy decided was not to be paid and had not been earned is a very strong stretching and violation of the rule.

Mr. MITCHELL of Oregon. This is the statute.

Mr. HALE. The Senator can not point out, as the Chair has asked him to do, anything in the act that relates to this claim.

Mr. MITCHELL of Oregon. Oh, yes, I can. The act provides as follows:

For the construction of the steel cruiser of not less than 4,300 tons displacement now specially authorized by law, two steel cruisers of not more than 3,000 nor less than 2,500 tons displacement each, and one dispatch boat, as recommended by the Naval Advisory Board in its report of December 20, 1882, $1,300,000; and for the construction of all which vessels, except their armament, the Secretary of the Navy shall invite proposals from all American shipbuilders whose shipyards are fully equipped for building or repairing iron and steel steamships, and constructors of marine engines, machinery, and boilers; and the Secretary of the Navy is authorized to construct said vessels and procure their armament at a total cost for each not exceeding the amounts estimated by the Naval Advisory Board in said report, and in the event that such vessels, or any of them, shall be built by contract, such building shall be under contracts with the lowest and best responsible bidder or bidders, made after at least sixty days' advertisement, published in five of the leading newspapers of the United States, inviting proposals for constructing said vessels, subject to all such rules, regulations, superintendence, and provisions as to bonds and security for the due completion of the work as the Secretary of the Navy shall prescribe; and no such vessel shall be accepted unless completed in strict conformity with the contract, with the advice and assistance of the Naval Advisory Board, and in all respects in accordance with the provisions of the act of August 5, 1882, except as they are hereby modified; and the authority to construct the same shall take effect at once; and the Secretary of the Navy may, in addition to the appropriation hereby made, apply to the constructing and finishing of the vessels in this clause referred to any balance of the appropriation made to the Bureaus of Construction and Repair and Steam Engineering for the current fiscal year or in the present act which may remain available for that purpose: *Provided*, That he shall utilize the national navy-yards with the machinery, tools, and appliances belonging to the Government there in use in the building of said ships, or any parts thereof, as fully and to as great an extent as the same can be done with advantage to the Government.

It amounts to just this, Mr. President: Here is an act providing for and directing the construction of certain vessels at certain prices, not exceeding a certain cost, and making an appropriation to meet the same. This vessel was constructed, and it is admitted by the Senator in charge of the bill that the money has been unjustly detained. It does seem to me that the point of order is not well taken.

Mr. HALE. Under the Senator's construction of the rule, under a general appropriation, no matter what the Secretary of the Navy decided, claims for double the amount of the appropriation might be brought in on the ground that the appropriation had been put upon the ships. The whole clause simply makes a general appropriation for certain ships. It is left to the Secretary. He is to decide whether they are bid for according to contract and whether they are to be accepted or not. The Secretary, I think, made a mistake; but he decided that this item was not due under the contract and refused to pay it, and that is why it is before us now. All the other bills were paid long ago under the appropriation. When a part of the act left it to the Secretary and he decided that this money had not been earned, to claim that simply because of that appropriation it brings it under clause 4 of Rule XVI is certainly a very strained construction; and I have no doubt the Senator himself, who is a good lawyer, sees that. I do not care to take any more time. I want to get the bill through.

Mr. STEWART. I have had occasion to examine this claim in the Committee on Claims. I think that the withholding of this money was about as unjust a thing as has been done in a long time. I hope the Senator from Maine will waive his point of order and let this very just claim go on the bill.

Mr. HALE. I would do that very gladly for one; but if I did so someone else on the committee would make the point of order. There is a certain position under my responsibility as chairman of the subcommittee and in charge of the bill which I must take which I do not like to take. There are half a dozen claims that were presented before the committee by valued constituents of mine that I had to vote against. If this were the only claim, I for one would let it go; but there was no end of claims that have been besetting the Committee on Appropriations this year more than ever. Some of the very best of them are from my State. I voted against them all. I disliked to do it, and I dislike to make a point of order here. If this claim were single and alone I would not make it.

Mr. STEWART. The payment of this claim has been delayed so long, the point of order, I take it, will be overruled in this case. I advise my friend to take an appeal and let us overrule it.

Mr. MITCHELL of Oregon. I am not going to take an appeal until the Chair has decided against the amendment. I am expecting a decision in its favor.

The VICE-PRESIDENT. The law cited by the Senator from Oregon, the Chair thinks, does not take this case out of the prohibition of the rule. In order to do that the law should be specific and apply to the particular matter included in the amendment. The Chair very reluctantly sustains the point of order. There is no escape from it under the rule.

Mr. DANIEL. I have an amendment to offer to the bill, to come in after line 15, on page 70. It is an amendment reported from the Committee on Claims, with the exception of the proviso which I have added at the end in writing, which I propose to offer as an amendment to the amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 15, page 70, insert:

Providing the Public Printer is unable to produce without delay, at the Government Printing Office, the work hereinafter named, that the Secretary of the Interior be, and he is hereby, authorized and directed to cause the present contract for producing copies of the drawings of the weekly issues of patents for inventions, trade-mark certificates, drawings for the library editions of patents, for producing exhausted copies and copies of pending applications and of foreign patents or publications, and for producing the photolithographic work for the illustrated pages of the Official Gazette of the Patent Office, to be extended for the term of one year from the 1st day of July, 1896, the provisions of section 3679 of the Revised Statutes of the United States to the contrary notwithstanding: *Provided*, That the contractor will do the work at a figure as low as any other bid that has been made.

Mr. HALE. Mr. President, the amendment opens a great field. The Committee on Appropriations knows nothing about it. The Senate knows nothing about it. It is put in force by a new law and a new process. I have to make a point of order against the amendment that it is legislation.

Mr. DANIEL. I will state that this matter in a little different form was brought before the Senate on the urgent deficiency appropriation bill and that its entire object is one for the public good. While I believe it to be open to a point of exception, if it is insisted on, it is a matter that has been debated in the Senate and I believe the public interest will be subserved by a hearing and a favorable decision. Of course I can not persist, as the amendment is in the nature of legislation. I hope the Senator from Maine will not urge his point of order, at least until he hears the matter.

Mr. HALE. If I did not, there are other Senators who would make it. I have been requested, being in charge of the bill, to make it, as I have made other points of order. The Senator does not claim that the amendment is not subject to a point of order. I have to make it because it would open large debate. I know certain Senators are very much opposed to it. I am very desirous of getting the bill through to-night.

The VICE-PRESIDENT. The Chair sustains the point of order against the amendment.

Mr. MITCHELL of Oregon. I move to insert, after line 12, page 110:

To pay Henry A. Du Pont in full compensation for all his time and expenses, including printing and counsel fees, in prosecuting his claim to a seat in the Senate of the United States as a Senator from the State of Delaware, $2,500.

To pay James L. Wolcott, John Bassett Moore, and William F. Kurtz, counsel in opposition to the claim of Henry A. Du Pont, the same to embrace all their disbursements and expenses in the prosecution of their case in such opposition, $2,500.

Mr. HALE. That has been fully considered by the Committee on Privileges and Elections. My impression is that some subcommittee on one of the appropriation bills intended to put on this item.

Mr. COCKRELL. Did we not pass a resolution directing the payment of these two sums out of the contingent fund?

Mr. MITCHELL of Oregon. I will explain the matter. I was instructed by the Committee on Privileges and Elections to report the resolution providing for the payment of these amounts out of the contingent fund of the Senate. The resolution had to go to the Committee on Contingent Expenses and it is lying there yet.

Mr. COCKRELL. This is the proper place for it.

Mr. MITCHELL of Oregon. As it was necessary to make the appropriation, I thought it should be put on this bill, as it is the last one.

Mr. COCKRELL. I think it had better go on this bill, too, but the resolution ought to be recalled.

Mr. MITCHELL of Oregon. Yes.

Mr. HALE. Undoubtedly the committee intend in putting the provision on this bill that the resolutions shall be pushed out. It will fall undoubtedly when the appropriation goes through.

Mr. MITCHELL of Oregon. I thought it best that the provision should be made here.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Oregon.

The amendment was agreed to.

Mr. MITCHELL of Oregon. I desire to give notice that I wish to have the amendment on page 60 considered in the Senate.

The VICE-PRESIDENT. It will be so noted.

Mr. HILL. On page 87, at the end of line 7, I move to insert:

To Elihu Root, ex-United States attorney, southern district of New York, for services rendered as attorney for the defendant in the suit of the Yale Lock Manufacturing Company *vs.* Thomas L. James, in March, 1884, by direction of the Attorney-General, the sum of $2,000.

Mr. HALE. My impression is that the committee agreed to this amendment.

Mr. HILL. I supposed they had. It is a claim audited and approved by the Attorney-General.

Mr. HALE. It is a regularly certified Department claim.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. WARREN. In behalf of the Committee on Claims I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Insert as an additional section the following:

That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,027,314.09, for the payment of claims adjudicated by the Court of Claims under the French spoliation act of January 20, 1885, as follows:

Mr. COCKRELL. I make the point of order on the amendment. It is not worth while to read the names of all the claimants and the amounts. I make the point of order that they are claims, pure and simple, coming from the Committee on Claims, and are not appropriate to the pending appropriation bill.

Mr. CHANDLER. I should like to ask the Senator from Missouri a question. Have not the Bowman Act claims and the French spoliation claims been repeatedly put upon a deficiency appropriation bill, and has not the claim that they are findings or judgments of the Court of Claims been always held to take them out of the rule? If this point of order is good, why is it not good as against any judgment of the Court of Claims?

Mr. COCKRELL. Neither the French spoliation nor the Bowman law claims are judgments proper. They are findings of fact. Congress has recognized some of the findings in the case of the French spoliation claims and paid them. Congress has likewise recognized some of the claims allowed under the Bowman law, and that was done in a general act, including a large number of claims reported by the Court of Claims to Congress under the Bowman law, where they found the facts, finding the amount of property taken and actually used for army purposes and the value of it. That was a number of years ago. It is true once or twice, by a bare majority vote of the Committee on Appropriations, an amendment was inserted for the payment of the French spoliation claims. My recollection is that the Bowman Act claims have never been inserted upon a deficiency appropriation bill.

Mr. PLATT. We paid several million dollars of the French spoliation claims in that way.

Mr. COCKRELL. I know. I say there was one class of French spoliation claims where payment was made, and that was all.

Mr. PLATT. Two, were there not?

Mr. COCKRELL. The fact that Congress may have heretofore put these claims on an appropriation bill does not relieve the claims since reported from the rule of the Senate as being claims, pure and simple. They have been offered and have been rejected and discarded and ruled out because they were claims. There can be no question on earth that these are claims, pure and simple. They come from the Committee on Claims, and are reported here as claims. If they are not claims, then we have no claims. If these claims are to go on, every bill reported by the Committee on Claims ought to go on, and I shall insist that every solitary one shall go on the bill. These are just as much claims as anything that has ever been reported by the Committee on Claims.

Mr. PLATT. May I ask the Senator from Missouri a question?

Mr. COCKRELL. Certainly.

Mr. PLATT. Is it not true that the Senate has once decided this question of order and put these claims on an appropriation bill and the House accepted them and they were paid?

Mr. COCKRELL. I do not think there was any point of order made at the time that was done.

Mr. WARREN. I can answer.

Mr. COCKRELL. They were put on at the time, it is my recollection, by the Committee on Appropriations.

Mr. PLATT. Has not the Senate since decided the point of order in favor of putting these claims on an appropriation bill; and have they not been put on, but not acceded to by the conferees on the part of the House? That is my recollection.

Mr. WARREN. They were so put on the deficiency appropriation bill in 1891. The question of order was raised by the Senator from Missouri [Mr. COCKRELL], and it was settled by the Senate and they were put upon the bill and passed.

These are adjudicated claims coming from the Court of Claims over the proper certificate to the Committee on Claims and by that committee recommended to the Appropriation Committee. The certificate of the clerk of the Court of Claims is appended to the amendment, stating that they are the findings of the Court of Claims. It seems to me that when we by our own act have created a tribunal for the adjustment of such claims and by a later act have sent these particular claims to that particular tribunal for the specific purpose of making its findings and provided that they shall be reported to Congress annually, and they are so reported, there is but one honorable, decent, legal way to do, and that is to pay them.

I know of no point of order that can be raised as against the amendment and sustained, as I understand the rules of the Senate. The matter, it is true, was brought up in 1891. I have the CONGRESSIONAL RECORD of March 1, 1891, open before me. At that time the distinguished Senator from Missouri [Mr. COCKRELL] raised a point of order against the adoption of a similar amendment, and in making the point of order said:

The point of order is that the amendment proposes to provide for private claims; the claims were referred to the Committee on Claims, and that committee has refused to report them favorably to be placed on a general appropriation bill.

At this time we have the advantage of having had this amendment reported favorably by the Committee on Claims in a regular way and having had it sent to the Committee on Appropriations in due time. At that time the point of order was not ruled upon by the Chair, but was submitted to the Senate, and by the Senate it was decided that they were in order, and they were incorporated in the deficiency appropriation bill of that year. The law passed, and over $1,300,000 was appropriated and paid.

Mr. COCKRELL. That was in the last Congress?

Mr. WARREN. That was in 1891, the claims amounting to one million three hundred and some odd thousand dollars.

Mr. PLATT. I do not insist upon the accuracy of my memory, but I am very certain that since that session they have been reported by the Committee on Claims, the point of order made overruled by the Senate, or by the Chair, and they were placed upon the bill here but went out in conference.

Mr. COCKRELL. In the last Congress, when the combination was made between all the claims, including the sugar-bounty question, the question of order was raised by me. I have forgotten what claims they were, but I think it was upon these claims. It was submitted to the Senate, and the Senate decided that it was in order, and all the claims were put on, the whole mass of them, sugar bounty and all.

Mr. PLATT. The Supreme Court affirmed the sugar bounty to-day, and I think they would affirm these spoliation claims if they could.

Mr. COCKRELL. The House agreed to the one class and disagreed to the other, and they had to be abandoned in conference.

Mr. CHANDLER. I ask what the Senator's point of order was about the sugar-bounty claims? The proposed amendment was to carry out existing law, and I can not understand how the Senator can make a point of order on this amendment. I may be wrong, for I am not strong on points of order, but I have been under the impression that either the findings or judgments of the Court of Claims were treated as estimates or as audits of the other Departments of the Government which were entitled to be considered, and that they were not to be treated as private claims, because they were made to carry out existing law. That has been my impression, and that is my belief as to the meaning of the rule. The Senator from Missouri would have it that these claims have only been passed upon favorably by the Senate on previous occasions by reason of some combination among Senators, some unworthy combination among Senators, which could not possibly have existed, and the Senator from Missouri ought to be the last to impute such a motive to honorable Senators upon this floor.

If the question was submitted by the Chair to the Senate because the Chair was in doubt as to how to rule, the presumption is that the Senate decided the question of order as it ought to have been decided, and I submit now, and I am confident in the belief, that these findings of the Court of Claims under the Bowman Act and in connection with the French spoliation claims are findings made in pursuance of existing law and that they are not to be treated, in accordance with the previous practice of the Senate, as private claims.

Mr. WARREN. Mr. President, it seems to me that these claims come to us in the only way that they can ever be expected to come under existing laws. They are absolutely claims which have been reported here under and by reason of existing laws.

The amendment which I have sent to the desk covers 341 claims. The fact that they are claims on this Government of nearly one hundred years' standing is one that possibly does not reflect any too much credit on the Government in any way that we view it.

I do not suppose that I am as well acquainted with these claims as many of those who are older men and older in the service here than I, but I am informed that these claims grew out of a treaty made with France soon after the war of the Revolution, in which this country proposed to sustain France in any war she might have with England. A war between England and France occurred a few years later, in which we did not fulfill our engagements; and by reason of that an unpleasant feeling arose with France, and these depredations were committed upon our shipping, our commerce, by France. At a later date, under another treaty with France, the Government undertook the responsibility of paying these individual claims. It was expressly provided how the claims should be adjudicated and paid. It was provided that they should be investigated by the Court of Claims, and by the Court of Claims be sent to Congress, as their findings are sent here annually.

The amendment simply takes the findings of the Court of Claims in the order in which they were rendered, since and from those that were paid by the act of 1891 down to the date that these now presented were computed so far as they relate to individual and partnership claims, but excluding the so-called insurance claims.

I do not know on what point of order they can be ruled out. As I stated before, in 1891, when the Senate decided that they were in order, they were not part of a composite lot of claims.

They stood, as I may say, alone. At that time the point of order was made by the distinguished Senator who now makes the point, not only on the present grounds, but mainly on the fact that they had not been reported by any committee. Now, the Committee on Claims has reported this amendment exactly as it came from the Court of Claims over its certificate. I believe that this amendment is in order and that these claims come in under existing law. I believe it is but fair to say that they are also to carry out a treaty, and I believe it is not stretching it too far to say that they rise away over and above the ordinary purview of private claims. Therefore they meet every point that can be raised against them, and I submit that the amendment is perfectly in order.

As to previous rulings, there may have been others, but the only one I remember—and I have looked the matter up carefully—is, as I have said before, that the Chair, instead of ruling upon the point of order in 1891, submitted it to the Senate, and the Senate decided that the claims were in order, notwithstanding that at that time they had not been reported upon by one of the standing committees.

Mr. President, perhaps it is not necessary for me to say that I have no personal interest in these claims. I do not suppose a single individual in the State that I in part represent has any interest, even to the extent of one penny, in them; but in pursuit of my duty as a member of one of the great committees of this body, to which I have been assigned by the Senate, I have investigated these claims to some extent, and it seems to me that the only honorable way for us to do is to pay our debts. The fact that the claims are a hundred years old does not make any difference. They have come down to us and been adjudicated in the last five or six years in the only way they can be adjudicated, and their age and our former neglect should not militate against them.

I do not see how I can face my constituents, I do not know how this Senate can permit it to go out to the country that it has undertaken under a point of order, or through the ruling of the Chair upon the point of order, to rule out a million dollars of just debts, which have been due all these years to 341 different parties, and, at the same time, publish to the world the fact that we have appropriated during this session sixty-odd millions for the Navy, sixty-odd millions for rivers and harbors, and millions and millions more for other purposes—for improvements, investments, and so forth. I do not inveigh against any of these appropriation bills, but it seems to me that our first duty is to pay our just debts.

Mr. PLATT. I have only thought of this matter since the point of order has been made, but the more I think of it the more I am satisfied that this point has never been decided either by the Chair or by the Senate adverse to receiving these claims upon an appropriation bill.

Mr. COCKRELL. The Senator from Wyoming [Mr. WARREN] has stated the facts very clearly. He has shown that these are claims, and very old claims. They are not judgments of a court, and the Senator from New Hampshire [Mr. CHANDLER] knows perfectly well that these French spoliation claims are not judgments, like the ordinary judgments of the Court of Claims; he knows that the Bowman-law claims are not judgments like the ordinary judgments of a court, where the amount found is ordered and adjudged and it bears interest. He knows that under the Bowman law the court can only find certain facts and report their finding of facts.

They do not pretend to enter up a judgment; there is no pretense of a judgment; the first thing they determine is the question of loyalty. When that has been determined, they then proceed to determine as to the property, by whom taken, by whom used, and its value. If it were taken by the Army, and used for army purposes, they find that fact and state it, and report simply that fact, but they do not report any judgment. They report the facts in the case where the property was not used by the Army, and consequently the Government is not liable, just as they report in a case where the property was actually used by the Army for army purposes, and the liability of the Government is recognized. There is no distinction. They report the facts; and as a matter of course, they report them to Congress for action.

Now, the law in regard to French spoliation claims expressly declares that there is no liability on the part of the Government and that they are to be reported to Congress for its action. These are claims pure and simple, regardless of any decision or ruling which may have been made in the past, and I ask that they may be excluded.

Mr. LODGE. Mr. President, these claims, as has been stated by the Senator from Wyoming [Mr. WARREN], grew out of the treaty with France. The United States Government, if I remember correctly, agreed to pay these claims, and France in return agreed to pay the claims of her citizens against the Government of the United States.

Mr. GEAR. May I ask the Senator was not that arrangement made in the treaty at the time of the Louisiana purchase?

Mr. LODGE. I think it was before that treaty.

Mr. GEAR. Was not the money retained to pay these claims?

Mr. LODGE. The money was retained by our Government; at all events the money belonging to these claimants.

These claims have been contested before Congress for three generations. Finally, in 1891, as the Senator from Wyoming has stated, a portion of these claims were put in here in the Senate under the findings of the Court of Claims, and that portion has been paid. It was unjust to keep these people out of their money for a hundred years; it is still more unjust to have paid a portion of the claims and not pay the rest. That is the position in which we are placed.

As I understand, the Senate has already passed on this precise question, except that the claims were not then reported from a committee of the Senate. There has never been, I believe, an adverse decision; and it seems to me that being reported to the Senate from a Senate committee on the findings of the Court of Claims, they are not within the rule, and ought to be admitted as now in order.

The VICE-PRESIDENT. The Chair submits the question to the Senate. Is the pending amendment in order?

Mr. COCKRELL. Let us have the yeas and nays, Mr. President.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BURROWS (when his name was called). I am paired with the Senator from Louisiana [Mr. CAFFERY], and therefore withhold my vote.

Mr. CULLOM (when his name was called). I have a general pair with the Senator from Delaware [Mr. GRAY], and therefore withhold my vote.

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH].

Mr. FAULKNER (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS].

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON]. I transfer that pair to the Senator from Connecticut [Mr. HAWLEY] and vote "yea."

Mr. HARRIS (when his name was called). I am paired with the senior Senator from Vermont [Mr. MORRILL].

Mr. McMILLAN (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN], and therefore withhold my vote.

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD].

Mr. PUGH (when his name was called). I have a standing pair with the senior Senator from Massachusetts [Mr. HOAR]; but I am satisfied if he were present he would vote the same way I do, and therefore I feel at liberty to vote. I vote "yea."

Mr. SEWELL (when his name was called). I am paired with the Senator from Wisconsin [Mr. MITCHELL]. If he were present, I should vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. GALLINGER. I have a general pair with the Senator

from Texas [Mr. MILLS]. I will transfer that pair to the senior Senator from Ohio [Mr. SHERMAN] and will vote "yea."

Mr. SHOUP. I have a standing pair with the Senator from California [Mr. WHITE]. If he were present I should vote "yea."

Mr. PALMER (after having voted in the negative). I am paired with the Senator from North Dakota [Mr. HANSBROUGH], and, as he has not voted, I withdraw my vote.

Mr. BACON. I have a general pair with the Senator from Rhode Island [Mr. WETMORE], but as I have the assurance of his colleague that if present he would vote "yea," I will let my vote in the affirmative stand, although the Senator from Rhode Island has not voted.

Mr. CULLOM. My understanding with the Senator from Delaware [Mr. GRAY], with whom I am paired, is that I may vote to make a quorum or vote on any question which is not partisan. I vote "nay."

Mr. MCMILLAN. To make a quorum I feel authorized to vote. I vote "yea."

The result was announced—yeas 32, nays 14; as follows:

YEAS—32.

Aldrich,	Daniel,	Lodge,	Platt,
Allen,	Davis,	McBride,	Pugh,
Bacon,	Gallinger,	McMillan,	Squire,
Brice,	Gear,	Martin,	Stewart,
Butler,	Gibson,	Mitchell, Oreg.	Thurston,
Cannon,	Gorman,	Peffer,	Tillman,
Chandler,	Hale,	Perkins,	Vest,
Clark,	Lindsay,	Pettigrew,	Warren.

NAYS—14.

Allison,	Chilton,	Hill,	Turpie,
Baker,	Cockrell,	Jones, Ark.	Vilas.
Bate,	Cullom,	Nelson,	
Berry,	George,	Roach,	

NOT VOTING—43.

Blackburn,	Frye,	Mills,	Sherman,
Blanchard,	Gordon,	Mitchell, Wis.	Shoup,
Brown,	Gray,	Morgan,	Smith,
Burrows,	Hansbrough,	Morrill,	Teller,
Caffery,	Harris,	Murphy,	Voorhees,
Call,	Hawley,	Palmer,	Walthall,
Cameron,	Hoar,	Pasco,	Wetmore,
Carter,	Irby,	Pritchard,	White,
Dubois,	Jones, Nev.	Proctor,	Wilson,
Elkins,	Kyle,	Quay,	Wolcott.
Faulkner,	Mantle,	Sewell,	

The VICE-PRESIDENT. The amendment is declared to be in order.

Mr. HALE. Let us have a vote on the amendment.

Mr. COCKRELL. The amendment has not yet been read.

The VICE-PRESIDENT. The amendment will be stated.

Mr. HALE. There is no necessity for reading the whole amendment.

The VICE-PRESIDENT. The Chair understood the Senator from Missouri to call for the reading of the amendment.

Mr. COCKRELL. Let the amendment be read, as a matter of course.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to add as a new section at the end of the bill the following:

That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,027,314.09, for the payment of claims adjudicated by the Court of Claims under the French spoliation act of January 20, 1883, as follows:

On the brig *Alert*, Robert Gray, master, namely:

Robert M. Pratt, administrator de bonis non of Joseph White, deceased, $6,265.75;

William P. Parker, administrator de bonis non of William B. Parker, deceased, $2,088.58;

Elizabeth R. Gardner, administratrix de bonis non of Jesse Richardson, deceased, $2,677.16;

William D. Peckman, administrator de bonis non of Dudley L. Peckman, deceased, $849.62;

Henry O. Stone, Benjamin W. Stone, and Robert Stone, executors of Robert Stone, jr., deceased, $4,177.16;

William A. Lauder, administrator de bonis non of Pickering Dodge, deceased, $3,132.87;

Arthur E. Huntington, administrator of William Orne, deceased, $1,500;

Mary F. Witherby, surviving executor of Charles Cleveland, deceased, $783.21;

Nathaniel P. Richardson, executor of Joshua Richardson, deceased, $2,088.58.

On the brig *Sally*, William Hampton, master, namely: Alexander Proudfit, administrator of the estate of Robert Ralston, deceased, $5,734.

On the ship *Two Sisters*, Jacob Henery, master, namely:

George W. Norris, administrator of John Garesche, deceased, $2,043.80;

George W. Norris, administrator of Peter Baudy, deceased, $436.77;

William R. Lejee, executor of Samuel Breck, deceased, $1,919.27;

M. H. Messchert, administrator of Jacob Koch, deceased, $980;

George W. Guthrie, administrator of Alexander Murray, deceased, $784;

James C. Dawes, administrator of Abijah Dawes, deceased, $294;

J. Bayard Henry, administrator of Andrew Bayard, deceased, $784;

William A. M. Fuller, administrator of Joseph Leaney, deceased, $784;

Henry Pettit, administrator of Andrew Pettit, deceased, $784;

Arthington Gilpin, administrator of Joshua Gilpin, deceased, $294;

James S. Cox, administrator of James S. Cox, deceased, $294;

John C. Williams, administrator of Edward Dunant, deceased, $294;

Henry Lisle Waln, executor of Jacob S. Waln, deceased, $784.

On the brig *William*, Goe, master, namely:

D. Fitzhugh Savage, administrator of John Savage, deceased, $2,414;

J Bayard Henry, administrator of Andrew Bayard, etc., deceased, $784;

George W. Guthrie, administrator of Alexander Murray, deceased, $490;

Henry Pettit, administrator, of Andrew Pettit, deceased, $490;

Craig D. Ritchie, administrator of Joseph Summerl, deceased, $490;

William Brooke Rawle, administrator of Jesse Waln, deceased, $882;

The Pennsylvania Company for Insurance on Lives and Granting Annuities, administrator of Thomas M. Willing, deceased, $686;

Samuel Bell, administrator of John G. Wacksmuth, deceased, $686;

James C. Dawes, administrator of Abijah Dawes, deceased, $392;

Francis R. Pemberton, administrator of John Clifford, deceased, $490;

James S. Cox, administrator of James S. Cox, deceased, $490;

Henry P. McKean, administrator of Henry Pratt, deceased, $490;

William R. Howell, administrator of Samuel Howell, deceased, $490;

William C. McMurtrie, administrator of William McMurtrie, deceased, $490;

Henry Pettit, administrator of Charles Pettit, deceased, $392;

Lorin Blodgett, administrator of Samuel Blodgett, deceased, $490.

On the vessel, snow *Fanny*, Garrett Barry, master, namely: Dayton S. Ward, administrator de bonis non of James Barry, deceased, $8,502.

On the schooner *Ballahoo*, Joseph Ripley, master, namely: James F. Breuil, administrator of Francis Breuil, deceased, $1,568.95.

On the schooner *Thankful*, William Ward, master, namely: Adeline F. Alden, administratrix of James Torrey, $1,428.40;

Adeline F. Alden, administratrix of George Torrey, $1,428.40;

Abel H. Bellows, administrator of Thomas Geyer, $226.80;

Stephen R. Rogers, administrator of Joseph Rogers, $1,733.33;

Albert C. Arnold, administrator of the estate of Frederick William Geyer, deceased, $226.80, the award in the above case having been made to Francis M. Boutwell, as administrator of the estate of John Heard, assignee in bankruptcy of said Frederick William Geyer;

Charles F. Adams, administrator of Peter C. Brooks, deceased, $2,000;

Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, deceased, $1,000;

William Sohier, administrator of Nathaniel Fellowes, deceased, $1,300;

William Gray, administrator of William Gray, deceased, $2,200;

William S. Carter, administrator of William Smith, deceased, $1,000;

Robert Grant, administrator of William H. Boardman, deceased, $400;

David G. Haskins, administrator of David Greene, deceased, $1,000;

Lawrence Bond, administrator of Nathan Bond, deceased, $400;

Lucy S. Cushing, administrator of Jacob Sheafe, deceased, $500.

On the brig *Lady Washington*, Selleck, master, namely:

Henry Pettit, administrator of Andrew Pettit, etc., deceased, $709.80;

William A. M. Fuller, administrator of John Leaney, deceased, $425.88;

Robert W. Smith, administrator of Robert Smith, deceased, $567.84.

George Willing, administrator of George Willing, deceased, $283.92;

Francis A. Lewis, administrator of John Miller, jr., deceased, $567.84;

George Blight, administrator of Peter Blight, deceased, $709.80;

Craig D. Ritchie, administrator of Joseph Summerl, deceased, $567.84;

William Brooke Rawle, administrator of Jesse Waln, deceased, $709.80;

Richard C. McMutrie, administrator of John Bohlen, etc., deceased, $567.84;

The Pennsylvania Company for Insurance on Lives and Granting Annuities, administrator of Thomas M. Willing, deceased, $709.80;

Thomas F. Bayard, administrator of Thomas W. Francis, deceased, $283.92;

Henry Pratt McKean, executor of Henry Pratt, deceased, $425.88;

Francis R. Pemberton, administrator of John Clifford, deceased, $354.90;

Samuel Bell, administrator of John G. Wacksmuth, deceased, $354.90;

William Read Fisher, administrator of Samuel W. Fisher, deceased, $354.90;

Isaac S. Smyth, administrator of Jacob Baker, deceased, $567.84;

George W. Guthrie, administrator of Alexander Murray, deceased, $709.80;

Uselma C. Smith, administrator of William Jones, deceased, $567.84;

A. Louis Eakin, administrator of Chandler Price, deceased, $709.80;

Frederick W. Meeker, administrator of Samuel Meeker, deceased, $709.80;

James C. Fisher, executor of James C. Fisher, deceased, $354.90;

D. Fitzhugh Savage, administrator of John Savage, etc., deceased, $709.80.

On the brig *American*, Thomas Towne, master, namely: J. Hall Ware, administrator de bonis non of John Hall, deceased, $4,691.

On the ship *Jane*, John Wallace, master, namely:

Esther S. Buchanan, administratrix, representing Smith & Buchanan, $11,660.21;

Robert Carter Smith, administrator, representing Samuel Smith, $6,738.21;

Cumberland D. Hollins, administrator, representing John Hollins, $4,922.

On the ship *Bacchus*, George, master, namely:

The Real Estate Insurance and Trust Company of Philadelphia, administrator of James Campbell, deceased, $5,290;

Henry Pettit, administrator of Andrew Pettit, etc., deceased, $980;

George W. Guthrie, administrator of Alexander Murray, deceased, $980;

M. H. Messchert, administrator of Jacob G. Koch, deceased, $980;

Samuel Bell, administrator of John G. Wacksmuth, deceased, $980;

James C. Dawes, administrator of Abijah Dawes, deceased, $196;

Henry Lisle Waln, executor of Jacob S. Waln, etc., deceased, $980.

On the vessel, the snow *Boston*, Dougherty, master, namely:

J. Bayard Henry, administrator of George Latimer, deceased, $3,025.36.

The Real Estate Title Insurance and Trust Company, of Philadelphia, administrator de bonis non cum testamento annexo of James Campbell, deceased, $3,025.36;

J. Bayard Henry, administrator of Andrew Bayard, etc., deceased, $882;

The city of Philadelphia, administrator of Stephen Girard, deceased, $490;

Henry Pratt McKean, executor of Henry Pratt, deceased, $784;

D. Fitzhugh Savage, administrator of John Savage, deceased, $784;

James Crawford Dawes, administrator of Abijah Dawes, deceased, $490;

Francis A. Lewis, administrator of John Lewis, jr., deceased, $490;

William A. M. Fuller, administrator of John Leamy, deceased, $490;

John C. Williams, administrator of Edward Dunant, deceased, $343;

Arthington Gilpin, administrator of Joshua Gilpin, deceased, $343;

Samuel Bell, administrator of John C. Wacksmuth, deceased, $1,176;

Henry Pettit, administrator of Andrew Pettit, etc., deceased, $784;

George W. Guthrie, administrator of Alexander Murray, deceased, $686;

D. Fitzhugh Savage, administrator of John Savage, deceased, $882;

James S. Cox, administrator of James S. Cox, deceased, $490;

M. H. Messchert, administrator of Jacob G. Koch, deceased, $490;

Richard C. Murtrie, administrator of John Bohlen, deceased, $490;

F. R. Pemberton, administrator of John Clifford, deceased, $294;

Henry Lisle Waln, executor of Jacob S. Waln, deceased, $588;

The Pennsylvania Company for Insurance on Lives, etc., administrator of Thomas M. Willing, deceased, $392;

Thomas F. Bayard, administrator of Thomas W. Francis, deceased, $392.

On the ship *Patapsco*, William Hill, master, namely:

William Donnell, administrator de bonis non cum testamento annexo of the estate of John Donnell, deceased, $6,659.99;

George W. Brown, administrator of the estate of James A. Buchanan, deceased, $4,609.99, being his share of vessel and freight;

Robert Carter Smith, administrator de bonis non cum testamento annexo of the estate of Samuel Smith, deceased, $4,609.99, being his share of vessel and freight;

Esther S. Buchanan, administratrix of the estate of William B. Buchanan, who was the surviving partner of the firm of S. Smith & Buchanan, deceased, $25,056, the value of the cargo shipped by said firm;

Cumberland D. Hollins, administrator de bonis non cum testamento annexo of the estate of John Hollins, deceased, $7,600;

Virgilia B. Brooke, administratrix de bonis non cum testamento annexo of the estate of John Smith, jr., deceased, $48,466.

On the brig *Hope*, Church, master, namely:

John C. Parsons, as administrator of the estate of John Caldwell, deceased, $12,412.17;

William Sohier, administrator of Nathaniel Fellowes, deceased, $1,000;

Frank Dabney, administrator of Samuel W. Pomeroy, deceased, $1,000;

John W. Athrop, administrator of Caleb Hopkins, deceased, $1,000;

Lawrence Bond, administrator of Nathan Bond, deceased, $500;

Daniel D. Slade, administrator of Daniel D. Rogers, deceased, $500.

On the brig *Juno*, Walker, master, namely: Ann Fisher Satterthwaite, administratrix of James Sheafe, deceased, $12,240.

On the brig *Confidence*, Thomas Manning, master, namely: Catherine M. Singleton, administratrix de bonis non of Alexander McKim, surviving partner of the firm of Robert McKim & Co., $1,497.39.

On the brig *Eleanor*, James Treat, master, namely:

George H. Williams, administrator de bonis non of Samuel Williams, deceased, $1,583.59;

Charles J. Bonaparte, administrator de bonis non of Benjamin Williams, deceased, $1,583.59;

David Stewart, administrator of Francis Johonnet, surviving partner of Francis Johonnet & Co., $5,723.18.

On the schooner *Eliza*, Thomas Poulson, master, namely:

John Merven Carrere and David Stewart, administrators of John Carrere, deceased, $11,744.96;

David Stewart, administrator of John G. Delisle, deceased, $3,781.

On the vessel *Fusileer*, Thomas Shaw, master, namely:

George B. Chase, administrator of Stephen Chase, deceased, $2,955;

Albion E. Taylor, administrator de bonis non of Joseph Chase, deceased, $2,955;

Calvin Page, administrator of Thomas Shaw, deceased, $1,168.55.

On the brig *Thomas*, Mark Fernald, master, namely: James W. Emery, administrator de bonis non of the estate of Thomas Manning, deceased, $6,132.

On the schooner *Lucy*, Lewis Holmes, master, namely:

Isaac Brewster, administrator de bonis non cum testamento annexo of the estate of Daniel Jackson, deceased, $3,967;

Charles G. Davis, administrator de bonis non of William Davis, deceased, $992.

On the brig *Leonard*, William Hackett, master, namely: Joseph A. Titcomb, administrator of the estate of John Wills, otherwise called John Wells, deceased, $8,150.

On the brig *Vulture*, John Berry, master, namely:

Elizabeth R. Gardner, administratrix of Jesse Richardson, $3,618.85;

Nathaniel P. Richardson, executor of Joshua Richardson, $3,618.85;

William Gray, administrator of William Gray, deceased, $1,500;

Charles F. Adams, administrator of Peter C. Brooks, deceased, $1,500;

William Sohier, administrator of Nathaniel Fellowes, deceased, $1,000;

H. H. Hunnewell, executor of John Welles, deceased, $500;

Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, deceased, $1,000.

On the sloop *Fox*, Brooks, master, namely:

Sanford J. Horton, as administrator of the estate of William Wickham, deceased, $1,508.33;

Melvin B. Copeland, as administrator of the estate of Nathaniel Blake, deceased, $454.16;

George G. Sill, as administrator of the estate of William Moore, deceased, $3,283.33;

Charles F. Adams, administrator of Peter C. Brooks, deceased, $400;

H. Burr Crandall, administrator of Thomas Dickinson, deceased, $400;

David G. Haskins, administrator of David Greene, deceased, $500;

Frank Dabney, administrator of Samuel W. Pomeroy, deceased, $500;

Robert Grant, administrator of William H. Boardman, deceased, $300;

William I. Monroe, administrator of John Brazer, deceased, $1,000;

John Wetherbee, administrator of James Tisdale, deceased, $1,000;

Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, deceased, $500.

On the schooner *Nancy*, Nathaniel Lincoln, master, namely: Charles E. Alexander, administrator of the estate of Jonathan Merry, deceased, $808.

On the brig *William*, Benjamin H. Rathbone, master, namely: Bayard Tuckerman, administrator of Walter Channing, surviving partner of Gibbs & Channing, and likewise administrator of George Gibbs, $30,754.

On the schooner *Alert*, Jacob Ollivey, master, namely:

Franklin Leach, administrator of William Leach, $3,577.88;

Edward I. Browne, administrator of Israel Thorndike, $1,003.73;

Arthur L. Huntington, administrator of James Dunlap, deceased, $600;

John H. Moriarty, administrator of James Scott, deceased, $400;

Thomas B. Perkins, administrator of John C. Jones, deceased, $500;

Horace B. Sargent, jr., administrator of Daniel Sargent, deceased, $300;

John C. Ropes, administrator of Thomas Amory, deceased, $1,000;

H. H. Hunnewell, administrator of Arnold Wells, jr., deceased, $400;

William G. Perry, administrator of Nicholas Gilman, deceased, $300;

Lucy S. Cushing, administratrix of Jacob Sheafe, deceased, $400;

H. Burr Crandall, administrator of Thomas Cushing, deceased, $400;

Archibald M. Home, administrator of Francis Green, deceased, $800;

Frank Dabney, administrator of Samuel W. Pomeroy, deceased, $600.

On the ship *Theresa*, Phillip Brum, master, namely:

George S. Sonntag, administrator of William L. Sonntag, deceased, surviving partner of William L. Sonntag & Co., as representative of said firm, $13,537.50;

George S. Sonntag, administrator, as representative of William L. Sonntag, one of the joint owners of the *Theresa*, $3,264.50;

Jane J. De La Roche, administratrix of Frederick Franck De La Roche, as representative of one of the joint owners of the *Theresa*, $3,264.50.

On the schooner *Hannah*, Phillip Bessom, master, namely:

Sarah J. Brown, administratrix of Isaac Collyer, deceased, for value of 164 quintals of fish, $1,312;

Ebenezer D. Seccomb, administrator of Phillip Bessom, value of cargo, less the 164 quintals of fish owned by said Collyer, and less also the insurance paid thereon by William Gray, $23,180;

William Gray, administrator of William Gray, deceased, $2,920.

On the brig *Lydia*, John Cook, master, namely: Charles B. Allen, administrator de bonis non of Zachariah Allen, for vessel, cargo, and the freight earned, $12,291.

On the ship *Reindeer*, Robert Motley, master, namely: Henry Deering and Francis Fessenden, administrators of James Deering, $20,625.

On the ship *Betsey*, Josiah Obear, master, namely:

Horace Obear, administrator of Josiah Obear, $1,705.68;

Franklin Leach, administrator of Nathan Leach, $126;

William G. Perry, administrator of Nicholas Gilman, deceased, $198;

H. H. Hunnewell, administrator of Arnold Welles, jr., deceased, $396.

On the ship *Argo*, Benjamin Randall, master, namely: Henry J. Gardner, administrator of the estate of Matthew Cobb, deceased $12,000.

On the ship *Eliza*, Peter Burton, master, namely: Alexandria Proudfit, administrator of the estate of John Proudfit, deceased, $6,951.

On the sloop *Nancy*, David Foster, master, namely:

George G. Sill, administrator de bonis non of William Coggeshall, deceased, $851.50;

Charles F. Adams, administrator of Peter C. Brooks, deceased, $1,000;

William Sohier, administrator of Nathaniel Fellowes, deceased, $1,000;

Henry W. Blagge and others, administrators of Crowell Hatch, deceased, $500.

On the brig *Venus*, John Harmon, master, namely: John S. Cole, administrator of the estate of John Storer, deceased, $10,568.

On the schooner *Needham*, William Grant, master, namely: John C. McDonald, administrator of the estate of William McDonald, deceased, $4,914.

On the snow *Lydia*, Eleazur Washburn, master, namely:

Charles E. Alexander, administrator of the estate of Jonathan Merry, deceased, $12,204.96;

William R. Richards, administrator of the estate of William and Thomas Walter, both deceased, $2,727.48.

On the schooner *Ranger*, Josiah Bacon, master, namely: Abiel S. Lewis, administrator of the estate of Thomas Lewis, jr., surviving partner of Thomas Lewis & Son, $8,480.

On the vessel *Georgia Packet*, John McKever, master, namely:

The Pennsylvania Company for Insurance on Lives and Granting Annuities, administrator of Thomas M. Willing, deceased, $6,246;

Richard F. Flickwir, administrator of Richard Flower, deceased, $1,055;

Richard F. Flickwir, administrator of John Flower, deceased, $1,055;

Richard F. Flickwir, administrator of Reese Wall, deceased, $1,055;

Edward S. McKever, administrator of John McKever, deceased, $1,055;

On the snow *Charlotte*, Cornelius Low, master, namely: George Hawkins Williams, administrator of Joseph Williams, surviving partner of Williams & Low, $3,464.

On the brig *Yorick*, William Moodie, master, namely:

George S. Sonntag, administrator of William L. Sonntag, $7,886.50;

Jane J. De La Roche, administrator of Frederick Franck De La Roche, $7,886.50.

On the schooner *Betsey*, John Murphy, master, namely: W. Hall Harris, administrator de bonis non, etc., estate of William Patterson, deceased, $20,334.16.

On the sloop *Martha*, Joshua McWilliams, master, namely: John C. Williams, administrator of Edward Dunant, deceased, $1,280.

On the brig *Calliope*, John Leonard, master, namely: Reginald Fendall, administrator of the estate of John Leonard, $26,960.

On the schooner *Betsey and Nancy*, Samuel Eels, master, namely: Samuel R. Eels, administrator of the estate of Samuel Eels, deceased, $2,504.25.

On the brig *Catherine*, Samuel Cazneau, master, namely: Henry R. Perkins, administrator of the estates of Anthony Davenport and Moses Davenport, joint owners of the *Catherine*, $8,935.

On the schooner *Hannah*, Joseph Bright, master, namely:

Abram H. Smyth, administrator of the estate of Abram Hewes, deceased, $2,496;

Lawrence Stabler, administrator of the estate of William Hartshorn, deceased, remaining partner of the late firm of William Hartshorn & Sons, $2,496.

On the brig *Eliza Wright*, P. Etheridge, master, namely:

Henry A. T. Granbery, administrator of John Granbery, deceased, $109.01;

R. Manson Smith, administrator of Francis Smith, deceased, $118.92;

John Neely, administrator of John Cowper, deceased, $148.65;

Gilbert R. Fox, jr., administrator of Thomas Willock, deceased, $138.74;

John Newport Greene, administrator of Conway Whittle, deceased, $118.92.

On the schooner *Phœnix*, James Coward, master, namely:

George F. R. Waesche, administrator de bonis non of the estate of George Repold, $4,427.44;

Henry Frederick Wegner, administrator de bonis non of the estate of Albert Seekamp, $4,427.44;

Charles F. Taylor, administrator de bonis non of the estate of Henry Schroeder, $4,427.44. The last above three items to be subject to a deduction of the amount of insurance received, which amount shall be investigated and determined by the proper accounting officers of the Treasury Department.

On the schooner *Phœnix*, Joshua Waite, master, namely:

Henry R. Virgin, administrator of the estates of Samuel Snow, Stephen Purrington, and John Snow, jr., $2,126;

Henry Deering and Francis Fessenden, administrators of the estate of James Deering, $1,373;

Henry J. Gardner, administrator of the estate of Matthew Cobb, $2,173;

Robert Codman, administrator of William Gray, deceased, $3,000.

On the schooner *Polly*, Joseph Atkins, master, namely: Charles E. Alexander, administrator of the estate of Jonathan Merry, deceased, $1,233.

On the brig *Caroline*, William Morton, master, namely:

Wallace T. Jones, administrator of the estate of Edward Jones, $2,752.70;

Charles F. Adams, administrator of Peter C. Brooks, deceased, $5,402.50;

Henry Parkman, administrator of John Duballet, deceased, $1,080.50;

Henry W. Blagge and others, administrators of Crowell Hatch, deceased, $1,080.50.

On the ship *Eliza*, William Marrenner, master, namely: Wallace T. Jones, administrator of the estate of Edward Jones, $48,186.

On the brig *Friendship*, George Hodges, master, namely:

Charles S. Nichols, administrator of the estate of Ichabod Nichols, $13,662.27;

William H. Silsbee, administrator of the estate of Benjamin Hodges, $14,225.04;

Thomas Kitridge, administrator of the estate of George Hodges, $171.24;

Robert Codman, administrator of William Gray, jr., deceased, $5,200;

Charles F. Adams, administrator of Peter C. Brooks, deceased, $2,000;

William Sohier, administrator of Nathaniel Fellowes, deceased, $700;

H. Burr Crandall, administrator of Thomas Dickason, jr., deceased, $500;

Henry W. Blagge and others, administrators of Crowell Hatch, deceased, $800;

Daniel D. Slade, administrator of Daniel D. Rogers, deceased, $500;

Robert Grant, administrator of Jonathan Mason, jr., deceased, $500;

John M. Clinch, administrator of Perez Morton, deceased, $500;

H. H. Hunnewell, administrator of Arnold Welles, jr., deceased, $300;

Francis M. Boutwell, administrator of Samuel Cobb, deceased, $300.

On the schooner *Jane*, Thomas Atwood, master, namely:

Henry G. Dorr, administrator of the estate of Andrew C. Dorr, $2,573.87;

Frances A. Wheelock, administratrix of the estate of William Door, $2,573.87;

Charles F. Adams, administrator of Peter C. Brooks, deceased, $2,700;

William Sohier, administrator of Nathaniel Fellowes, deceased, $500;

John Wetherbee, administrator of James Tisdale, deceased, $500;

William Vernon, administrator of Samuel Brown, deceased, $600;

Henry W. Blagge and others, administrators of Crowell Hatch, deceased, $700.

On the brig *Betsey*, William Witmarsh, master, namely:

Mary Souther, administratrix of the estate of Benjamin Wheeler, deceased, $6,048.06;

Charles F. Adams, administrator of Peter C. Brooks, deceased, $3,000;

Thomas H. Perkins, administrator of John C. Jones, deceased, $1,000;
William G. Perry, administrator of Nicholas Gilman, deceased, $1,000;
Robert Grant, administrator of William H. Boardman, deceased, $1,000;
John H. Moriarty, administrator of James Scott, deceased, $500;
Lucy S. Cushing, administratrix of Jacob Sheafe, deceased, $500;
Charles F. Hunt, administrator of Joseph Russell, deceased, $1,000.
On the sloop *Mary*, Gilbert Totten, master, namely:
John C. Hollister, administrator of the estate of Frederick Hunt, deceased, $2,362.34;
John C. Hollister, administrator of the estate of Thomas Rice, deceased, $2,362.33;
John C. Hollister, administrator of the estate of Elias Shipman, deceased $2,362.33.
On the brig *Rosetta*, Isaac Isaacs, master, namely:
John C. Tilghman, administrator of the estate of William Van Wyck, $6,624.96;
Rebecca R. Thompson and Elizabeth Y. Thompson, administratrixes of the estate of Joseph Young, $5,597.46;
William Donnell, administrator of John Donnell, deceased, $1,980;
Edward C. Noyes and others, administrators of James Clark, deceased, $980;
C. D. Hollins, administrator of Cumberland Dugan, deceased, $1,500;
David Stewart, administrator of William McCreery, deceased, $980;
Virgilia B. Brooke, administratrix of John Smith, deceased, $980;
Charles J. Bonaparte, administrator of Benjamin Williams, deceased, $980;
David Stewart, administrator of Paul Bentalou, deceased, $980;
John W. Jenkins, administrator of John Hillen, deceased, $980;
David Stewart, administrator of Henry Payson, deceased, $490;
Robert Shriver, administrator of Isaac Causten, deceased, $490;
On the schooner *Henry and Gustavus*, John Smith, master, namely:
George G. Sill, administrator of the estate of Thomas Sanford, $1,786.63;
Herman Whittlesey, administrator of the estate of Aaron Gaylord, $1,786.63;
Mary H. Williams, administratrix of Ezekiel Williams, deceased, $193.67;
John C. Parsons, administrator of John Caldwell, deceased, $487.50.
On the schooner *Friendship*, Jonathan Gilbert, master, namely:
James Manning, administrator of John Manning, $2,000;
Robert Codman, administrator of William Gray, jr., deceased, $2,000.
On the brig *Hiram*, J. Humphreys, master, namely:
Simon Tomlinson, administrator of Samuel Hull, $400;
John F. Plumb, administrator of John Humphreys, $400;
John F. Plumb, administrator of James Humphreys, $400;
Charles F. Adams, administrator of Peter C. Brooks, deceased, $414;
William Sohier, administrator of Nathaniel Fellowes, deceased, $414;
Henry W. Blagge and others, administrators of Crowell Hatch, deceased, $372;
Richard Delafield, administrator of John Delafield, deceased, $980;
Louisa J. Sebor, administratix of Jacob Sebor, deceased, $490;
Carlisle Terry, administrator of Carlisle Pollock, deceased, $490;
William H. S. Elting, administrator of Peter Elting, deceased, $490;
Union Trust Company of New York, administrator of William Ogden, deceased, $490.
On the schooner *Neutrality*, Elnathan Atwater, master, namely:
George P. Marvin, administrator de bonis non of Ebenezer Peck, $1,630.12;
Elihu L. Mix, administrator of Thomas Atwater, $1,630.12;
John C. Hollister, administrator de bonis non of Elnathan Atwater, $1,630.12;
John C. Hollister, administrator de bonis non of Elias Shipman, $815.06;
John C. Hollister, administrator of Austin Denison, $815.06.
On the schooner *Shepherdess*, Warren Chapman, master, namely:
George G. Sill, administrator of the estate of Timothy Chapman, $1,841.06;
Warren C. Pike, administrator of the estate of Warren Chapman, $1,841.06;
Mary H. Williams, administratrix of Ezekiel Williams, deceased, $86.53;
John C. Parsons, administrator of John Caldwell, deceased, $193.06.
On the ship *Two Sisters*, John T. Hilton, master, namely: Andrew Lacy, administrator of the estate of William Neal, deceased, $8,448.
On the sloop *Union*, Seth Lincoln, master, namely:
Shearjashub Bourne, administrator of the estate of Shearjashub Bourne, $3,250.38;
Stephen F. Peckham, administrator of the estate of Samuel Wardwell, $3,250.38.
On the sloop *Confidence*, Francis Bradbury, master, namely:
George W. Bradbury, administrator of the estate of Charles Bradbury, in right of Francis Bradbury, his assignor, $1,366;
George W. Bradbury, administrator of the estate of Theopholis Bradbury, $1,366.
On the schooner *Hannah*, Josiah Bonton, master, namely:
George B. St. John, administrator of the estate of Eliphalet Lockwood, Buckingham Lockwood, and William Lockwood, $4,262.09;
George B. St. John and Jarvis Kellogg, administrators of the estate of Hezekiah Selleck, $4,262.09.
On the schooner *Three Friends*, James Shepherd, jr., master, namely:
Gilbert C. Huntington, administrator of the estate of Alvan Fosdick, deceased, surviving partner of Fosdick & Lambert, $13,517;
Mary Souther, administratrix of the estate of Benjamin Wheeler, deceased, $510.
On the ship *Henry*, Daniel Allin, master, namely:
Rebecca B. Armington, administratrix of the estate of Samuel Allin, $3,766;
Elizabeth T. Pike, administratrix of the estate of Daniel Allin, deceased, $3,766;
Samuel W. Peckham, administrator of the estate of Samuel Carlisle, surviving partner of the firm of S. & B. Carlisle, $3,766.
On the ship *Juliana*, Thomas Hayward, master, namely:
Thomas B. Ghequiere, administrator of the estate of Charles Ghequiere, deceased, $3,849.16;
Jacob Bowman Sweitzer and David Stewart, administrators of John Holmes, deceased $12,129.16.
On the ship *Leeds Packet*, Richard Bunce, master, namely:
Benjamin H. Rutledge, administrator of Adam Tunno, surviving partner of Tunno & Cox, $21,167.80;
Gordon Gairdner, administrator of James Gairdner, surviving partner of James and Edwin Gairdner & Co., $4,833.93;
Henry E. Young, administrator of John Turnbull, $700;
Henry E. Young, administrator of James Carson, $1,700;
Lucy Franklin Reed McDonell, executrix of George Pollock, surviving partner of Hugh Pollock & Co., $12,109;
Louisa J. Sebor, administratrix of Jacob Sebor, deceased, $509.
On the schooner *Union*, Samuel Larrabee, master, namely:
Cornelia S. Jackson, administratrix of Levi Cutter, $1,833.50;
Seth L. Milliken, administrator of John Milliken, $1,833.50.
On the brig *Friendship*, Noah Wheeden, master, namely: George P. Marvin, administrator of Stephen Alling and Joseph Thompson, $3,940.
On the ship *Hitty* (or *Hetty*) *Jane*, Joshua Neal, master, namely:
Augusta H. Chapman, administratrix de bonis non of Peter Clarke, $14,844.37;
John C. Howell, administrator of John Potter, $25,254.76;
A. M. Lee, administrator of Thomas Stewart, $6,081.93;
Thomas H. Perkins, administrator of John C. Jones, deceased, $500;
William S. Carter, administrator of William Smith, deceased, $1,000;
Philo S. Shelton, administrator of Benjamin Homer, deceased, $500;
John C. Ropes, administrator of Thomas Amory, deceased, $1,000;
William G. Perry, administrator of Nicholas Gilman, $1,000;
John H. Moriarty, administrator of James Scott, deceased, $500;
Charles H. Ladd, administrator of Nathaniel A. Haven, deceased, $300.
On the brig *Horatio*, Perkins, master, namely:
Robert Codman, administrator of William Gray, jr., deceased, $4,800;
Theodore B. Moody, administrator of Joseph Moody, deceased, $2,844.50;
Charles C. Perkins, administrator of Eliphalet Perkins, deceased, $2,844.50.
On the sloop *New York Packet*, Carpenter, master, namely:
Joseph T. Waff, administrator of Stephen Carpenter, deceased, $3,081;
James R. B. Hathaway, administrator of James Hathaway, deceased, $3,081.
On the brig *Endeavor*, Freeman, master, namely:
Charles E. Alexander, administrator of Jonathan Merry, deceased, $11,990.50;
Francis Adams, administrator of Edmund Freeman, deceased, $4,591.50;
Robert Grant, administrator of William H. Boardman, deceased, $300;
H. H. Hunnewell, executor of John Welles, deceased, $300;
William J. Monroe, administrator of John Brazer, deceased, $1,000;
Horace B. Sargent, jr., administrator of Daniel Sargent, deceased, $500.
On the ship *Suffolk*, Brigham, master, namely:
Eliza J. Heiskell, administratrix of James Wilson, deceased, $5,518;
Eliza J. Heiskell, administrator of William Wilson, deceased, $5,518.
Provided, That all of said awards shall be paid to the personal representatives of the original sufferers, to be distributed to the next of kin in accordance with the probate laws of the several States and Territories in which letters testamentary or administration have been granted: *Provided*, That in all cases in which an individual or firm was adjudicated bankrupt or insolvent, or where an assignment for the benefit of creditors was made, or the estate of the original sufferer after his death was declared insolvent, payment shall be made to the executor or administrator of the original sufferer, or of the survivor of the firm: *And provided further*, That no award shall be paid until the Court of Claims shall certify to the Secretary of the Treasury that the person to whom the award is made payable does not represent an assignee in bankruptcy or insolvency or an assignee for the benefit of creditors, and until the court which granted administration shall certify that such executor or administrator has given adequate security for the legal disbursement of the award.

COURT OF CLAIMS.

I hereby certify that the above list of awards by the Court of Claims in French spoliation cases is prepared according to the order of date in which said cases were decided by said court, and that the awards therein stated are correct.

In testimony whereof I have hereunto set my hand and affixed the seal of the said court at Washington this 21st day of April, A. D. 1896.

ARCHIBALD HOPKINS, *Chief Clerk*.

Mr. VILAS. I want to inquire of whoever is proposing this amendment if it does not contain all the insurance claims?

Mr. WARREN. I will say, for the information of the Senator from Wisconsin, that it includes none of them.

Mr. VILAS. No insurance claims?

Mr. WARREN. No, sir; they are all excluded.

Mr. HARRIS. Mr. President, I offer the amendment which I send to the desk to the pending amendment to pay sundry claims, in respect to which the Court of Claims has found in favor of the claimants, and found the respective amounts. The amendment has been referred to the Committee on Claims of the Senate, and by that committee favorably reported, and referred to the Committee on Appropriations.

The VICE-PRESIDENT. The amendment submitted by the Senator from Tennessee will be stated.

Mr. HARRIS. I will state that the amendment is somewhat voluminous. It contains a large number of claims with the specific amount in each case. So the first paragraph may be read, and, unless desired by some Senator, there is no occasion to read the remainder of the amendment.

Mr. HALE. Are those claims found under what is generally known as the Bowman Act?

Mr. HARRIS. Under the Bowman Act. Each and every one of them has been found by the Court of Claims and reported by the Committee on Claims. They aggregate somewhere within the range of half a million dollars. Exactly what the aggregate is I have not summed up.

Mr. PALMER. I desire to ask the Senator from Tennessee—I do not insist upon having the amendment read—the number of claimants included in it?

Mr. HARRIS. Even that fact I can not answer, but each claim has been referred to the Court of Claims. That court has, in the first instance, found the fact of loyalty, and then it has gone on to find the facts as to the amount and character of property taken and the value of the property.

Mr. CHANDLER. I should like to ask the Senator from Tennessee whether this list of claims has been reported favorably by the Committee on Claims?

Mr. HARRIS. It has been.

Mr. CHANDLER. Then it has had the examination of that committee?

Mr. HARRIS. It has.

Mr. CHANDLER. And the amendment contains no other claims but those which have received the consideration of the committee?

Mr. HARRIS. None other than those reported upon by the Committee on Claims.

Mr. MITCHELL of Oregon. And referred to the Committee on Appropriations.

Mr. HARRIS. And referred to the Committee on Appropriations after having been reported by the Committee on Claims.

Mr. BURROWS. I will say, in response to an inquiry which has been made, that the amount carried by this amendment is $548,922.54.

Mr. HARRIS. Can the Senator answer the question asked by the Senator from Illinois [Mr. PALMER] as to the number of claimants? I could not; I have not the number in mind.

Mr. BURROWS. The number of claims carried in the amendment is 325. I became conversant with this matter because it was referred to me as a subcommittee, and I examined it with a great deal of care and made the report in the case.

The VICE-PRESIDENT. The amendment submitted by the Senator from Tennessee will be read.

The SECRETARY. It is proposed to amend the amendment of Mr. WARREN by adding the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the several persons in this act named the several sums mentioned herein, the same being in full for and the receipt of the same to be taken and accepted in each case as a full and final discharge of the several claims examined, investigated, and reported favorably by the Court of Claims of the United States under the provisions of the act of March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," and known as the Bowman Act, namely:

ALABAMA.

To Elizabeth C. Bibb, of Huntsville, $1,644.
To S. V. Biggers, administrator of Robert P. Biggers, deceased, late of Cherokee County, $610.
To Joseph A. Clark, of Madison County, $590.
To Henry H. Coulson, of Jackson County, $250.
To John B. Hardman, of Cherokee County, $2,229.
To Thomas J. Hargiss, of Jackson County, $1,637.
To L. D. McCallum, administrator of Stephen Hurley, deceased, late of Cherokee County, $795.
To Philip M. Jones, administrator of Philip R. Jones, deceased, late of Lee County, $1,354.
To John P. Lewallen, administrator of Madison Lewallen, late of Jackson County, $305.
To E. W. Miller, administrator of Elizabeth A. Palmer, deceased, late o Walker County, $965.
To William B. Owens, of Cherokee County, $630.
To Mary E. Saffold, of Dallas County, $2,033.
To Solon D. Moore, administrator of John C. Scroggins, deceased, late of Cherokee County, $750.
To George W. Stutts, of Lauderdale County, $590.
To Eliza H. Tenge, administratrix of Charles A. Tenge, deceased, late of Lauderdale County, $501.
To Robert E. Tweedy, of Lawrence County, $3,879.
To John W. Wesson, of Dekalb County, $441.
To Samuel M. Weaver, administrator of George W. Yuckley, deceased, late of Huntsville, $600.

ARKANSAS.

To R. B. Carl Lee, administrator of Charlotte C. Bancroft, deceased, late of Phillips County, $9,970.
To Henry T. Cate, of Washington County, $835.
To Pryor D. Chism, administrator of Robert Chism, deceased, late of Monroe County, $295.
To William R. Clark, administrator of James W. Clark, deceased, late of Benton County, $3,610.
To Peter Cook, of Lonoke County, $904.
To Alexander Davis, of Conway County, $5,605.
To W. F. Davis, administrator of George W. Davis, deceased, late of Sebastian County, $505.
To William Y. Fain, of Phillips County, $560.
To E. M. Ford, administrator de bonis non of Richard L. Ford, deceased, of Phillips County, $3,159.
To Peter L. Freezer, of Mississippi County, $125.
To Samuel Gallaher, administrator of Henry Gallaher, deceased, late of Washington County, $575.
To J. W. Frazer, administrator of William J. Hendricks, deceased, late of Monroe County, $1,612.
To Warren Holtzclaw, administrator of Elijah Holtzclaw, deceased, late of Phillips County, $600.
To James H. Humphreys, of Phillips County, $293.20.
To Mary R. Kirkpatrick, of Jefferson County, $825.
To Abijah T. Phelan, of Washington County, $255.
To Frank Rhodes, of Phillips County, $605.
To Juber Russell, of Crawford County, $435.
To L. P. Featherstone, administrator of John R. Sembler, deceased, late of St. Francis County, $955.
To A. M. Scott, administrator of Sarah Slate, of Phillips County, $910.
To James C. Tappan, administrator of Samuel J. Sutton, deceased, late of Phillips County, $2,105.
To Mary Turner, administratrix of Sterling M. Turner, deceased, late of Sebastian County, $560.
To Thomas H. Webb, of Lonoke County, $542.
To D. C. York, administrator of William York, deceased, late of Woodruff County, $798.

DISTRICT OF COLUMBIA.

To Joseph T. Jenkins, $1,517.
To James W. Sears, administrator of Rebecca Sears, deceased, $1,800.
To Louis P. Shoemaker and others, executors of Abner C. P. Shoemaker, deceased, $2,450.
To P. E. Dye and W. S. Hoge, administrators of David Shoemaker, deceased, $1,255.
To Barnett T. Swart, $6,012.
To James R. D. Morrison and others, $6,100.
To administrator de bonis non of Charles M. Roberts, deceased, the sum of $39,034.21.

GEORGIA.

To Thomas J. Anderson, administrator of David B. Anderson, deceased, late of Fulton County, $704.
To William L. Connally, of Walker County, $670.
To Myra M. Harbin, administratrix of Nathanial P. Harbin, deceased, late of Whitfield County, $12,400.
To George W. Hendricks, administrator of John Weitinger, deceased, late of Bartow County, $597.
To A. Thornburgh, administrator of John C. Lee, deceased, late of Walker County, $941.
To George Wagner, administrator of Henry Mastick, deceased, late of Savannah, $3,105.
To Richard Mayse, of Atlanta, $880.
To Charles V. Neidlinger, of Effingham County, $1,015.
To Minerva J. Nichols and others, executors of Frank D. Nichols, late of Cummings, $2,255.
To Benjamin P. Rogers, of Douglas County, $410.
To Francis Tillman, administrator of Francis Tillman, deceased, late of Chatham County, $952.
To William C. Parker, administrator of Moses Trimble, late of Campbell County, $279.

ILLINOIS.

To Daniel K. Tenney, of Cook County, $546.87.

KANSAS.

To Joseph Dunlap, of Greenwood County, $2,160.

KENTUCKY.

To Edward H. Taylor, administrator de bonis non of the estate of Lucy A. Barker, late of Louisville, $1,440.
To Martha Brashear, administratrix of Obadiah Brashear, late of Nelson County, $225.
To Margaret Carter, administratrix of Thomas Carter, deceased, late of Marion County, $1,760.
To Abijah M. Cartmell, of Nelson County, $449.
To James Doolin, of Pulaski County, $218.
To William J. Marshall and others, executors of John G. Holloway, deceased, late of Henderson County, $2,520.
To Henry E. Jenkins, of Warren County, $96.
To George Leonhart, of Campbell County, $410.
To Squire H. Bush, administrator of Edward C. Lucas, deceased, late of Hardin County, $720.
To John C. Lummis, of Kenton County, $150.
To Lemuel S. McHenry, of Daviess County, $150.
To Samuel B. Merrifield, of Nelson County, $404.
To Susan E. Miller, in her own right and as widow of and administratrix of Jacob M. Miller, deceased, late of Marion County, $910.
To Samuel D. Glasscock, administrator of William C. Moore, deceased, late of Hardin County, $530.
To Buford Mussen, of Marion County, $697.
To John G. Mussen, administrator of Susan Mussen, deceased, late of Marion County, $438.50.
To the Nazareth Benevolent Institution, of Nelson County, $319.
To Mary E. Neel, administratrix of Pearce Noland, deceased, late of Shelby County, $9,520.
To Mary Orendorff, of Breckinridge County, $250.
To Benedict Pash, of Nelson County, $350.
To Dent S. Pash, of Nelson County, $480.
To Elizabeth M. Patteson (formerly Lewis), in her own right and as administratrix de bonis non of William H. Lewis, deceased, late of Hart County, $2,825.
To Jacob H. Russell, of Lincoln County, $145.
To Mary Sisco, executrix of William Sisco, deceased, late of Nelson County, $329.05.
To George W. Smith, of Hardin County, $667.
To Thomas M. Beeler, administrator of David Standiford, deceased, late of Jefferson County, $85.
To James H. Taylor, administrator of Thomas W. Taylor, deceased, late of Nelson County, $99.
To William C. Kennedy, administrator of William Thixton, deceased, late of Jefferson County, $430.
To James W. Smith, administrator of Miles H. Thomas, deceased, late of Hardin County, $235.
To Abel A. Thompson, of Marion County, $124.
To W. C. M. Travis, of Crittenden County, $140.
To William H. Hughes, administrator of David Unsell, deceased, of Ballard County, $5,000.
To Alfred B. Vernon, of Hardin County, $32.25.
To John H. West, of Larue County, $150.
To Germania Safety Vault and Trust Company, administrator of William Wirtz, deceased, late of Jefferson County, $597.

LOUISIANA.

To James M. Dowling, administrator of Mary T. Anderson, late of St. Landry Parish, $10,610.
To Nannie A. Badley, administratrix of Henry Badley, deceased, late of Baton Rouge, $3,442.
To Lucile Tounoir, administratrix of Arnaud Decuir, deceased, late of Pointe Coupee Parish, $575.
To Alphonse Meuillon, administrator of Antoine Donato Meuillon, deceased, late of St. Landry Parish, $3,460.
To Abram A. Harvey, guardian, etc., of the children of Abram A. Harvey, deceased, of Washington Parish, $1,990.
To Benjamin R. Keaton, of Washington Parish, $730.
To Luke Madden, administrator of Patrick Madden, deceased, late of Madison Parish, $845.
To J. A. Oubre, administrator of Eugene Oubre, deceased, late of Pointe Coupee Parish, $6,683.
To John A. Porche, of Pointe Coupee Parish, $550.
To Joseph St. Amand, administrator of Alphonse St. Amand, deceased, late of Pointe Coupee Parish, $612.
To Fanny B. Randolph and Dora L. Stark, of Avoyelles Parish, $16,560.

MARYLAND.

To Franklin A. Ash, administrator of John Ash, deceased, late of Washington County, $750.
To William T. Beeler and others, administrators of David Beeler, deceased, late of Washington County, $437.
To Thomas W. Crampton, of Washington County, $1,378.
To Ezra Daub, of Washington County, $248.
To John Grice, of Washington County, $240.
To Isaac Gruber, executor of John Cowton, deceased, late of Clear Spring, Washington County, $295.
To William M. Blackford, of Washington County, $6,208.
To Benjamin Brown, of Washington County, $450.
To James R. Ferrell, of Frederick County, $599.
To William P. Hickman, administrator of George W. Spates, deceased, late of Montgomery County, $2,248.

To C. M. Keedy and others, executors of John J. Keedy, late of Washington County, $462.
To Benjamin F. Middlekauff, administrator of Henry J. Lowman, deceased, late of Washington County, $350.
To Daniel N. and Levi Middlekauff, administrators of John C. Middlekauff, deceased, late of Washington County, $160.
To Andrew J. McAllister, of Washington County, $50.
To Jacob F. Miller, of Washington County, $323.
To H. H. Keedy and Charles W. Adams, administrators of John Miller, deceased, late of Washington County, $475.
To Hamilton A. Moore, of Washington County, $180.
To the administrators or legal representatives of James W. J. Moore, deceased, late of Leonardtown, $1,040.
To Henry C. Mumma and others, executors of Samuel Mumma, deceased, late of Sharpsburg, $853.
To Victor Miller, administrator of Joshua Newcomer, deceased, late of Washington County, $880.
To John L. Nicodemus, of Washington County, $130.
To Joan L. Nicodemus, administrator of John Nicodemus, deceased, late of Washington County, $645.
To George W. Padgett, of Frederick County, $2,280.
To Samuel D. Piper, administrator of Elias S. Grove, deceased, late of Washington County, $809.
To James Resley, of Washington County, $514.50.
To Reuben Rouzee, of Montgomery County, $1,107.
To H. B. Snively and A. G. Lovell, executors of George Snively, deceased, late of Washington County, $174.
To Eveline Fries, sole heir of John Snyder, deceased, late of Washington County, $233.
To Eli Wade, William Wade, Mary E. Wade, Susan C. Wade, Elizabeth J. Hoffman, nee Wade, heirs of Henry Wade, deceased, late of Washington County, $2,962.
To Eli Wade, administrator of John A. Wade, deceased, late of Washington County, $1,755.
To William B. White, of Montgomery County, $672.50.
To Laura C. Wilson, administratrix of Richard T. Wilson, deceased, late of Montgomery County, $1,455.
To Lewis Trone, of Washington County, $555.50.
To Daniel M. Mullendore, of Washington County, $370.50.
To Reuben A. Hurley, of Montgomery County, administrator de bonis non of A. F. Hurley, deceased, late of Lyon County, Nev., $1,150.
To Thomas Hilleary, of Frederick County, $827.
To James F. Pierce, of Montgomery County, $2,505.

MASSACHUSETTS.

To Augustus P. Burditt, of Boston, $5,130.

MISSISSIPPI.

To Bettie A. Aldrich, late of Washington County, $2,605.
To John C. Bailey, of Marshall County, $1,587.
To William H. Belue, administrator of Nathan H. Belue, deceased, late of Tishomingo County, $225.
To Rebecca L. Bolling, of Warren County, $845.
To Rebecca L. Bolling, administratrix of Emily R. Martin, deceased, late of Vicksburg, $1,760.
To D. J. Foremon, administrator of Sarah Burton, deceased, late of Warren County, $571.
To Preston Chavis, deceased, late of Warren County, $820.
To Calvin Chealrs, of Benton County, $5,545.
To Evan Cook, administrator of John S. Cook, deceased, late of Hinds County, $1,780.
To K. D. Wright, administratrix of Lucy Cordell, deceased, late of Hinds County, $684.
To W. T. Ratliff, administrator of Willis Cotton, deceased, late of Hinds County, $270.
To E. E. Temple, administrator of Drury Couch, deceased, late of Lafayette County, $1,696.
To Pleasant L. Crosby, administrator of Peter Crosby, deceased, late of Warren County, $225.
To Edward V. Dickens, of Panola County, $4,280.
To W. T. Ratliff, administrator of Peter Dunbar, deceased, late of Hinds County, $320.
To James G. Ferguson, of Warren County, $15,063.
To Samuel Bagnell, administrator of Ignatius G. Flowers, deceased, late of Claiborne County, $7,935.
To A. H. Hamer, administrator of George Gorman, deceased, late of Marshall County, $3,105.
To Sarah Gosehorn, of Claiborne County, $584.
To Anna Hunt, administratrix of George F. Hunt, late of Jefferson County, $19,445.
To Aaron Langley, of Hinds County, $380.
To Mary T. Leake, of Warren County, $225.
To Virginia Lowe, of Claiborne County, $615.
To W. C. Mitchell, administrator of W. W. Mitchell, deceased, late of Tallahatchie County, $2,062.
To Catherine Murchison, of Hinds County, $1,461.
To John C. Bailey, administrator of Andrew Nichols, late of Marshall County, $1,067.
To Henry C. Nichols, of Marshall County, $980.
To Mattie S. Whitney, administratrix of Franklin Whitney, deceased, late of Claiborne County, the sum of $22,224.
To James H. Owens (or Owen), of Scott County, $825.
To R. J. Harding, administrator of Nelson Potter, deceased, late of Hinds County, $677.
To M. K. Redwine, administratrix of James A. Redwine, deceased, of Lafayette County, $545.
To Aaron Royston, of Marshall County, $250.
To Alexander Seals, of Marshall County, $390.
To Patrick Sheehan, of Warren County, $976.
To Claudius L. Shipp, administrator of Felix G. Shipp, deceased, late of Lafayette County, $1,895.
To T. C. Dockrey, administrator of William Sloan, deceased, late of De Soto County, $822.
To C. S. Farrar, administrator of Gray W. Smith, deceased, late of Marshall County, $11,980.
To Mrs. J. A. Sorrell, administratrix of E. F. Sorrell, deceased, late of Alcorn County, $1,443.
To Albert H. Sprich, of Amite County, $750.
To Martha J. Stewart, of Jefferson County, $2,317.
To L. M. Loewenberg, administrator of Seth R. and C. W. Strong, deceased, late of Warren County, $720.
To Emily Thrift, administratrix of S. B. Thrift, deceased, late of Warren County, $1,505.
To Martha Walker, administratrix of Sandy Walker, deceased, late of Marshall County, $350.
To Enoch P. Ward, of Marshall County, $1,673.
To Robert S. and George W. Woodbury, of Issaquena County, $2,570.
To Allie V. Askew, administratrix de bonis non of W. W. Neeley, deceased, late of Warren County, $8,540.

MISSOURI.

To E. W. Atchley, administrator of Thomas V. Atchley, deceased, late of Laclede County, $350.
To Wiley Bailey, of Cass County, $225.
To Charles Balmer, surviving partner of Balmer & Weber, of St. Louis, $3,072.25.
To Daniel P. Belcher, of Cass County, $100.
To J. M. Bell, of Vernon County, $755.
To George W. Claypool, administrator of Reuben Claypool, deceased, late of Greene County, $697.
To Thaddeus Collard, $150.
To Simeon Gilbreath, of Bates County, $869.
To David Graham, of Jackson County, $550.
To L. B. Hearrell, of Newton County, $744.10.
To A. L. and W. G. Keithley, of Taney County, $867.
To Mangram E. Langston, of Howell County, $350.
To John P. Legg, administrator of Arch C. Legg, late of Henry County, $1,050.
To Pleasant Longacre, administrator of Richard Longacre, deceased, late of Cass County, $1,155.
To John T. Lynch, of Houston County, $150.
To John T. Lynch, administrator of David Lynch, deceased, late of Houston County, $175.
To James H. Moyer, of Iron County, $560.
To John L. Peters, surviving partner of John L. Peters & Co., late of St. Louis, $3,115.50.
To Jehu Robinson, of Webster County, $176.
To Joseph L. Walls, of Pettis County, $1,272.
To George Withers, administrator of H. M. Withers, deceased, late of Cooper County, $435.

NORTH CAROLINA.

To Furneyfold Mercer, of Jones County, $747.

OHIO.

To David Hicks, of Hamilton County, $340.

PENNSYLVANIA.

To the heirs of the estate of Nicholas J. Bigley, deceased, late of Pittsburg, Sarah M. McMeal, Joseph H. Bigley, Catherine L. Grace, Mary E. Smith, George Carrol Bigley, Susannah L. McCormick, Agnes Loretta Suter, Nicholas J. Bigley, and John W. Bigley, $21,211.50.
To A. J. Schwartz, administrator of M. Schwartz, late of Adams County, $622.

TENNESSEE.

To M. A. Gober, administrator of Joseph T. Abernathy, deceased, late of Fayette County, $2,455.
To T. S. Galloway, administrator of Darling Allen, deceased, late of Fayette County, $1,880.
To Mary E. Bates, administratrix of James K. Bates, deceased, late of Shelby County, $900.
To George W. Beasley, of Fayette County, $618.
To William S. Bewley, of Hamblen County, $480.
To A. T. Bone, administrator of James T. Bone, deceased, late of Gibson County, $535.
To W. S. Beck, administrator of Joshua Beck, deceased, late of Hamilton County, $6,100.
To A. B. Cannon, administrator of Jane W. Cannon, late of Jefferson County, $150.
To Hugh Carothers, of Lawrence County, $720.
To J. Harvey Mathes, administrator of Benjamin Cash, deceased, late of Shelby County, $1,225.
To Mary E. Rowlett, administratrix of Caleb R. Clement, deceased, late of Gibson County, $1,192.
To P. B. Robinson, administrator of William R. Collier, deceased, late of Madison County, $171.
To Slater and William Cowart, of Hamilton County, $3,771.
To F. L. Crafton, administrator of Paul C. Crafton, deceased, late of Gibson County, $258.
To A. B. Crenshaw, of Gibson County, $300.
To William Crews, of Gibson County, $125.
To M. V. Dalton, administratrix of Carson R. Dalton, deceased, late of Shelby County, $930.
To John Deaton, of Chester County, $125.
To Lucy E. Dowdy, executrix of W. P. Dowdy, deceased, late of Fayette County, $1,380.
To Thomas N. Doyle, administrator of Newsom Doyle, deceased, late of Fayette County, $1,630.
To Abner East, of Shelby County, $240.
To Washington East, of Shelby County, $165.
To W. J. Embry, executor of John P. Brown, deceased, late of Maury County $5,192.
To Francis M. Freeman, of Giles County, $500.
To William A. Galloway, of Shelby County, $1,000.
To George L. Gray, of Franklin County, $1,643.12.
To S. E. Green, executor of A. P. Green, deceased, late of Hamilton County, $1,041.
To Elzira Hamilton, of Claiborne County, $1,320.
To Franklin E. Hardwick, of Bradley County, $832.
To S. B. Herbert, of Lawrence County, $425.
To David H. Hildebrand, of Shelby County, $863.
To C. M. Hunt, administratrix of John W. Hunt, deceased, late of Hardeman County, $4,230.
To Caty Jones, administratrix of William Irwin, deceased, late of Hawkins County, $125.
To William Johnson, administrator of Thomas J. Johnson, deceased, late of Fayette County, $13,378.
To Ann Kannell, administratrix of John Kannell, deceased, late of Memphis, $841.
To Stephen Kee, of Shelby County, $30.
To R. J. Burke, guardian of minor children of Peter Kelley, deceased, late of Madison County, $416.
To B. J. Kimbrough, administrator de bonis non of James Kimbrough, deceased, late of Shelby County, $1,091.
To Fredonia Knight, administratrix of Joseph T. Knight, deceased, late of Hardeman County, $300.

To Charles F. Beezley, administrator of J. C. Lanier, deceased, of Shelby County, $3,289.
To Thomas M. Leneave, administrator of Irby T. Leneave, deceased, late of Maury County, $750.
To J. I. McCown, of Lincoln County, $450.
To R. Love, administrator of D. W. McKenzie, deceased, late of Fayette County, $1,100.
To Sarah L. McLemore, administratrix of John C. McLemore, deceased, late of Shelby County, $2,830.
To J. Harvey Mathes, administrator of Benjamin Cash, deceased, late of Shelby County, $1,225.
To William F. Moore, of Maury County, $1,347.
To William M. Murdock, of Hamblen County, $435.
To John W. Devine, administrator of John G. Newlee, deceased, late of Claiborne County, $4,250.
To A. M. Applewhite, administrator of Andrew J. Newsom, deceased, late of Fayette County, $600.
To R. H. Ogilvie, of Maury County, $2,150.
To Joseph M. Orr, of Greene County, $255.
To Pleasant Owen, of Knox County, $311.
To John Warren, administrator of James Pankey, late of Hardeman County, $1,730.
To J. C. Jenkins, administrator of B. M. Parham, deceased, late of Hardeman County, $232.75.
To Thomas Patrick, administrator of Marion Patrick, deceased, late of Jefferson County, $150.
To Andrew B. Phillips, of Maury County, $585.
To William Pickett, administrator of Jesse Pickett, deceased, late of Sequatchie County, $4,730.
To Fayette J. Pulliam, of Fayette County, $92.
To William A. Quarles, administrator of Mary Quarles, deceased, late of Jefferson County, $243.
To James A. Richardson, administrator of Ezekiel T. Keel, deceased, late of Shelby County, $832.
To John A. Roe, of Gibson County, $2,763.
To Robert Talley, of Haywood County, $175.
To Archibald R. Thomas, of Madison County, $938.
To H. L. Thomas, administrator of B. R. Thomas, deceased, late of Shelby County, $5,876.
To Wilkin Thomas, of Shelby County, $210.
To T. D. Thurman, administrator of John G. Thurman, deceased, late of Shelby County, $585.
To Joseph Townsend, administrator of Peter Townsend, deceased, late of Tipton County, $1,045.
To E. J. Tucker, of Fayette County, $675.
To John Loague, administrator of John N. Stephens, deceased, late of Shelby County, $500.
To W. T. Smith, administrator of Willis Robinson, deceased, late of Hardeman County, $225.
To Osborn Walker, of Wayne County, $625.
To Marshall Wallace, executor of William Wallace, deceased, late of Hawkins County, $675.
To T. S. Gallway, administrator of Thomas J. Waller, deceased, late of Fayette County, $2,260.
To Mary M. White, administratrix of Owen (or Orrin) White, deceased, late of Shelby County, $457.
To John W. Alexander, administrator of James S. Williams, deceased, late of Williamson County, $1,080.
To Thomas H. Williams, administrator of Harvey Williams, deceased, late of Shelby County, $759.
To Alfred A. Young, executor of Joseph Young, deceased, late of Giles County, $375.
To Fannie Young, of Giles County, $125.

VIRGINIA.

To Loftin D. Allen, of Henrico County, $1,651.
To William H. Anderson, of Frederick County, $749.
To Sarah W. Brown, of Allegheny County, $692.
To Susan Brown, of Culpeper, $664.40.
To William Bushby, of Alexandria, $1,728.85.
To Martha S. Clark, of Amelia County, $450.
To Alexander Donnan, administrator of Thomas Farrell, deceased, late of Prince George County, $3,207.
To Elkanah Fawcett, of Winchester, $1,571.
To John E. Febrey, of Fairfax County, $2,636.
To Samuel W. George, sr., of Loudoun County, $642.
To George W. Gunnell, administrator of Elizabeth Gunnell, deceased, late of Fairfax County, $5,124.
To Jesse Owings, trustee of Ann E. Harper, of Alexandria County, $1,688.
To St. Clair D. Kirtley and Francis W. Kirtley, of Rockingham County, $996.
To Mary F. Lewis, of Clarke County, $1,002.
To John Mulholland, Peter Mulholland, and Patrick Mulholland, of Fairfax County, $630.
To Emily Taylor, executrix of William H. Taylor, deceased, late of Fairfax County, $1,935.
To James B. Russell, executor of Sampson Touchstone, deceased, late of Frederick County, $1,125.
To Rowena F. Vaughn, administratrix of Walker Vaughn, deceased, late of Culpeper County, $510.
To John Waldron, late of Greenbrier County, $6,984.20.
To V. Dallis White, administratrix of Benjamin K. White, late of Dinwiddie County, $2,203.
To William H. Woodard, of Shenandoah County, $772.
To Matthew Woodward, of Prince William County, $490.

WEST VIRGINIA.

To Moses C. Baylor, of Jefferson County, $1,144.
To Catherine Beck, administratrix of John Beck, late of Jefferson County, $365.
To H. P. Brown, administrator of William McClintic, deceased, late of Greenbrier County, $500.
To Rhoda Neal, of Greenbrier County, $345.
To John W. Ott, of Jefferson County, $708.
To Charles L. Pyles, of Kanawha County, $586.
To Joseph L. Roberts, of Jefferson County, $395.
To J. Ran Rhoderick, administrator of Benjamin Welsh, late of Jefferson County, $810.
To Henry T. Woody, of Kanawha County, $3,046.
To Samuel W. Wysong, executor of James Wysong, deceased, late of Jefferson County, $3,585.

Mr. BURROWS. If the question is upon agreeing to this amendment, I desire to call the attention of the Senator from Tennessee to page 25 of the amendment, where there is a provision to pay J. Harvey Mathes, administrator of Benjamin Cash, deceased, late of Shelby County, $1,225.

Mr. HARRIS. In line 13 I find the case referred to:

To J. Harvey Mathes, administrator of Benjamin Cash, deceased, late of Shelby County, $1,225.

Mr. BURROWS. In the copy of the amendment which I hold in my hand that claim is provided for on page 25, line 9, and it is also found on page 28, line 22.

Mr. HARRIS. That is evidently a mistake.

Mr. BURROWS. One of them should be stricken out.

Mr. HARRIS. Necessarily.

Mr. BURROWS. I move that one of the appropriations be stricken from the amendment.

Mr. HARRIS. Let the paragraph on page 29, lines 1, 2, and 3 of my amendment, which reads in precisely the same language, be stricken out.

Mr. BURROWS. Certainly.

The SECRETARY. On page 29 of the amendment to the amendment, it is proposed to strike out lines 1, 2, 3, and 4, as follows:

To J. Harvey Mathes, administrator of Benjamin Cash, deceased, late of Shelby County, $1,225.

The VICE-PRESIDENT. By unanimous consent, the amendment to the amendment will be modified by striking out those lines.

Mr. BURROWS. On page 27 of the amendment I have in my hand, and it is the one I examined, there is a clause which reads: "To David H. Hildebrand, of Shelby County, $863." I do not think the finding of the court would justify putting that sum in, although it is a small amount. The court in its finding did not ascertain that that amount was due. I hold in my hand the finding of the court, in which it says:

I.

During the war for the suppression of the rebellion there were taken from the claimant three horses and two mules for which the claimant had paid the following prices: For one horse $225, for another horse $175, and for the third horse $163; for one mule $340, for the other mule $175.

II.

The horses and mules were taken under the following circumstances: About April 1, 1864, between 10 and 11 o'clock in the forenoon, a force of some three hundred or four hundred United States mounted soldiers, commanded by an officer who represented himself to be a captain, halted at claimant's house in Shelby County, Tenn., and by the direction of the said commander seized and led away two horses and one mule. In the evening of the next day, before sundown, a similar force under similar circumstances seized the remaining horse and mule.

III.

Nothing has been shown to identify the command, which was unknown to claimant; the value of the stock has not been shown further than as stated in Finding I; no receipts or vouchers were given claimant or sought by him.

And that finding was that the claimant paid so much for this property. When he paid for it, whether he paid more than it was worth, or anything of the kind does not appear in the finding. I move to amend the amendment by striking out that provision, because the court has not found the amount due.

The VICE-PRESIDENT. The amendment can only be entertained by unanimous consent.

Mr. BURROWS. I think there will be no objection to it.

The VICE-PRESIDENT. Without objection, the amendment to the amendment will be considered as agreed to. The question is on agreeing to the amendment submitted by the Senator from Tennessee [Mr. HARRIS] to the amendment of the Senator from Wyoming [Mr. WARREN].

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment as amended.

Mr. BURROWS. I desire to offer an amendment to the amendment. It is an amendment submitted by the Senator from Missouri [Mr. COCKRELL]. It has been referred to the Committee on Claims and reported favorably.

The SECRETARY. It is proposed to add to the amendment:

For payment of Charles P. Choteau, survivor of Choteau, Harrison & Valle, of St. Louis, Mo., $174,445.75, it being the amount stated in the findings of facts by the Court of Claims on two separate occasions, to wit: First, in a proceeding under the general law (9 Court of Claims Reports, page 155); second, upon a reference by the Committee on War Claims of the House of Representatives (20 Court of Claims Reports, page 230) in the Forty-eighth Congress, said amount being the balance due and to be in full satisfaction of all claims arising out of the construction of the ironclad steam battery *Etlah*, constructed under the contract made by the Navy Department on behalf of the United States with Charles W. McCord on the 9th day of July, 1864.

The amendment to the amendment was agreed to.

Mr. PERKINS. I desire to offer an amendment to the pending amendment. The sum has been awarded by the Court of Claims. The matter was referred to the Committee on Indian Affairs, favorably reported, and referred to the Committee on Appropriations.

The SECRETARY. It is proposed to amend the amendment by inserting:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the several persons in this act named the several sums mentioned herein, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final discharge of, the several claims examined, investigated, and reported favorably by the Court of Claims of the United States under the provisions of the act of March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," and known as the Bowman Act, as hereinafter set forth, for supplies furnished the Indian service in 1873 and 1874, and reported to Congress by Senate Miscellaneous Document No. 165, Fifty-first Congress, first session, to wit:

To Edward N. Fish & Co., $1,800.

To Edward N. Fish & Co., assignees of W. B. Hugus, $2,400.20.

To Bowers & Richards, assignees of James M. Barney, $3,534.76.

To Sutro & Co., assignees of William B. Hooper & Co., $3,479.32.

The payments to the assignees in each case being at the request of the original claimants as found by the Court of Claims; and all of which claims were reported by the Secretary of the Treasury to Congress in House Executive Document No. 151, Forty-fourth Congress, first session, page 27, as deficiencies for the fiscal year ending June 30, 1876, and for prior years.

Mr. HALE. Are these claims under what is called the Bowman Act?

The VICE-PRESIDENT. The Chair so understands. The question is on agreeing to the amendment submitted by the Senator from California [Mr. PERKINS] to the amendment.

The amendment to the amendment was agreed to.

Mr. COCKRELL. There is an error in the list of Bowman Act claims. On page 23, line 8, and again in line 11, it says, "Houston County." It ought to be "John T. Lynch, Houston, Texas County, Mo." There are two places on page 23, first, line 8, and again in 11.

The VICE-PRESIDENT. The amendment will be modified as indicated by the Senator from Missouri. The question is on agreeing to the amendment submitted by the Senator from Wyoming [Mr. WARREN] as amended.

The amendment as amended was agreed to.

Mr. SQUIRE. I offer an amendment to be inserted after line 2, on page 55.

The SECRETARY. After line 2, on page 55, it is proposed to insert:

The disbursing officer of the United States Mexican Boundary Commission shall pay, from moneys already appropriated for said expenses, to each of the three members of the Commission, such allowance as may be authorized by the Secretary of State, not exceeding $3 a day for the time actually employed by them in the discharge of the work of the Commission.

Mr. SQUIRE. A word by way of explanation.

Mr. HALE. The Senator need not explain the amendment. I do not think it is absolutely needed, but if there is any point with reference to the Comptroller stopping the account it ought to be cured; and I do not object to the amendment.

Mr. SQUIRE. Thank you. The amendment does not involve any expenditure beyond what is already appropriated in the bill passed during the present session of Congress, which became a law February 26, 1896. It is simply to meet an objection of the Comptroller, and nothing more. The money has already been appropriated.

Mr. PETTIGREW. I should like to know what the amendment relates to.

Mr. SQUIRE. It relates to the Mexican National Boundary Commission, which was authorized by an international convention of 1882, and subsequently in 1889——

Mr. HALE. It is all right.

Mr. JONES of Arkansas. We can not hear a word that is occurring on the other side of the Chamber.

Mr. SQUIRE. I was about to state, in answer to the question of the Senator from South Dakota, that the International Boundary Commission, upon assuming their duties, were allowed to draw money to pay their personal expenses. There was an act to satisfy the Comptroller's objection to the payment thus authorized by the State Department. Provision was made in the deficiency act of 1894, and a provision was also inserted in the urgent deficiency act of February 26, 1896. I have it here before me. I will read it if it is necessary. I understand the Committee on Appropriations is willing to accept the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Washington [Mr. SQUIRE].

The amendment was agreed to.

Mr. ALLEN. After line 13, on page 28, I move to insert what I send to the desk.

The SECRETARY. After line 13, on page 28, it is proposed to insert:

For the payment to W. H. B. Stout, Cyrus J. Hall, and Isaac S. Bangs, late doing business under the style and firm name of Stout, Hall & Bangs, and J. M. Vale, out of any money in the Treasury not otherwise appropriated, in full payment of the balance due them on a contract entered into with them by the United States of America, April 21, 1888, for furnishing stone for the walls of the cellar or subbasement of the Library building in the city of Washington, as found by the Secretary of the Interior in his report to Congress (House Document No. 117, first session, Fifty-fourth Congress) under the authority conferred upon him by the act of Congress approved March 2, 1895 (28 Statutes at Large, 94), the sum of $32,802.52, which sum shall be paid as follows:

To William H. B. Stout and Isaac S. Bangs, or their assigns, the sum of $22,802.52.

To Cyrus J. Hall the sum of $6,000.

To J. M. Vale the sum of $3,000.

The amendment was agreed to.

Mr. MORGAN. I offer the amendment which I send to the desk.

The SECRETARY. On page 131, at the end of line 12, it is proposed to insert:

To enable the Postmaster-General to pay to Mary M. Force, postmaster at Selma, Ala., the sum advanced by her in 1890 in payment of horse hire and the increased salary of B. M. Russell, a carrier of said office, when said account had been audited by the Auditor for the Post-Office Department, if the same is found to be just, $112.82, and said Auditor is empowered and required to audit said account.

The amendment was agreed to.

Mr. PLATT. On behalf of my colleague [Mr. HAWLEY], who is called away from the city to-day, I offer the amendment which I send to the desk.

The SECRETARY. After line 12, page 51, it is proposed to insert:

To pay the claims (Treasury settlements) certified in Senate Executive Document No. 98, second session Fifty-third Congress, $35,791.67.

To pay the claims (Treasury settlements) certified in House Miscellaneous Document No. 56, third session Fifty-third Congress, $57,313.54.

Provided, That no part of the money appropriated by the two preceding paragraphs shall be paid to any one of the claimants until the Court of Claims shall have heard and determined all the questions involved and the liability of the United States Government therefor in at least one test case, which case shall be preferred in the order of the docket of said court. Full and complete jurisdiction is hereby conferred on the Court of Claims for the purposes above named. If the determination of the Court of Claims shall be in favor of the claimant they shall be paid, otherwise not. The Attorney-General shall see to it that the interest of the Government is protected in said suit or suits.

The amendment was agreed to.

Mr. PETTIGREW. I offer an amendment, to come in on page 26, after line 5.

The amendment was read, and agreed to, as follows:

To pay William H. Crook, as compensation for services as secretary to the President to sign land patents, $4,000, for the fiscal years 1879, 1880, 1881, and 1882, inclusive.

Mr. HALE. I offer an amendment, to come in on page 60, at the end of line 9.

The amendment was read, and agreed to, as follows:

That there be paid to the Portland Company, out of any money in the Treasury not otherwise appropriated, the sum of $80,867.46, in full payment and discharge of the claim of said Portland Company for work done and material furnished in the construction of the United States double-ender gunboats *Agawam* and *Pontoosuc*, as per report of Thomas O. Selfridge, commodore and president of board, Senate Executive Document No. 18, first session of the Thirty-ninth Congress.

Mr. HALE. I offer the amendment which I send to the desk.

The amendment was read, and agreed to, as follows:

That the sum of $77,989.38 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be paid to William S. Grant in full satisfaction of his claims against the United States arising out of his contract to supply military posts in Arizona in the years 1860 and 1861, said sum of money to be paid under the direction of the Secretary of War, who shall take proper releases and receipts from said William S. Grant.

Mr. HALE. On page 50 there is a reserved amendment which I wish to have the Senate adopt. It was passed over, and I have neglected to call it up.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. The Committee on Appropriations report an amendment, to insert after line 17, on page 50:

Quartermaster's Department: To pay amounts audited and allowed by the accounting officers of the Treasury Department for barracks and quarters, and reported to Congress in House Executive Document No. 234, Fifty-third Congress, third session, $38,500.12.

The amendment was agreed to.

Mr. COCKRELL. I offer the amendment which I send to the desk.

The SECRETARY. It is proposed to add to the bill the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Calvin Gunn, of St. Louis, Mo., out of any moneys in the Treasury not otherwise appropriated, the sum of $700, in full compensation for the amount due him as informer, and ordered to be paid to him by the United States district court for the eastern district of Missouri, in case No. 1387 before said court, in the year 1868.

Mr. DANIEL. I should like to inquire whether or not these amendments are within the rule. The Senator from Missouri and others have been objecting to claims. I should like to know if these are not private claims.

Mr. COCKRELL. The Senate has decided that these amendments are all in order. The Senator from Virginia was absent at the time.

Mr. DANIEL. I only wish to give notice that we hope the bill may not be passed this evening, so that some of us may have an opportunity to enjoy the same privileges that are exercised by other Senators.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Missouri [Mr. COCKRELL].

The amendment was agreed to.

Mr. COCKRELL. I offer the amendment which I send to the desk.

The SECRETARY. It is proposed to add to the bill:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the heirs of James Bridger, deceased, the sum of $6,000, in full satisfaction for his improvements made at Fort Bridger, Utah Territory, which were appropriated by the United States Army, in the fall of 1857, under command of Brig. Gen. Albert S. Johnston.

Mr. COCKRELL. That was found by the Quartermaster-General to be due. A bill for this purpose has been reported favorably by the Committee on Claims and has passed the Senate two or three times.

Mr. ALDRICH. I make the point of order upon the amendment.

Mr. GALLINGER. Has the proper Auditor of the Department reported favorably on this claim?

Mr. COCKRELL. No.

Mr. GALLINGER. That was the ground on which the amendment I offered was ruled out.

Mr. COCKRELL. Certainly it was, but the Senate has decided that all these amendments are in order, and that is not necessary.

Mr. GALLINGER. I do not understand that the Senate so decided.

Mr. COCKRELL. It certainly decided that. Nobody pretends to claim that the Bowman Act claims are audited claims. This is in strict compliance with the ruling of the Senate.

The VICE-PRESIDENT. Does the Chair understand the Senator from Rhode Island to make a point of order against the amendment?

Mr. ALDRICH. I make the point of order that it is a private claim. It seems to me very plain. The fact that the Senate has decided by a vote that an amendment to pay the judgments of the Court of Claims in the French spoliation cases is in order does not entitle the Senator from Missouri or any other Senator to violate every rule of the Senate.

Mr. COCKRELL. These claims have been reported by the Committee on Claims, and have passed the Senate repeatedly. They are old claims. They are precisely as just as the French spoliation claims.

Mr. ALDRICH. They undoubtedly have the virtue of age, if that is in their favor.

Mr. COCKRELL. And there is no difference between them on this earth. I insist that the amendment shall go in.

The VICE-PRESIDENT. The amendment submitted by the Senator from Missouri will again be stated.

The Secretary again read the amendment.

Mr. ALDRICH. The point of order I make is that, under the fourth clause of Rule XVI, the amendment is not in order. It is a private claim offered to a general appropriation bill.

The VICE-PRESIDENT. The Chair was unable to understand from the Senator from Missouri how it was taken out of the rule.

Mr. COCKRELL. It was taken out by the action of the Senate. The Chair submitted the question of other claims of precisely similar import and the Senate decided that they were in order. This is a claim, a just claim. It dates away back; it is not quite as old as the French spoliation claims or some of the Bowman claims. It has been referred to the Quartermaster-General. The Quartermaster-General has made a report upon it, and this is the amount that he found due. It has been reported by the Committee on Claims repeatedly, has passed the Senate at the present session, and is now in the House.

Mr. CHANDLER. I do not understand that the Senate has made any such decision as the Senator from Missouri assumes. In the case of the Bowman Act claims and the French spoliation claims they were argued as being exempt from the ordinary rule as to private claims, because they had been passed upon by the Court of Claims, and because the amounts that were moved were findings of the Court of Claims. To be sure, there was the question whether a finding of the Court of Claims was a judgment. The Senator from Missouri admitted that the judgment of the Court of Claims was in order to carry out the provisions of existing law, but he said there was a distinction between a judgment of the Court of Claims and a finding of the Court of Claims under the Bowman Act and under the act in reference to the French spoliation claims. It was contended, however, by the advocates of those two classes of claims that the findings of the court were entitled to be treated, so far as the rule of the Senate is concerned, as in order, but it was not argued that every possible private claim was admissible notwithstanding the rule. Now, the Senator, a little out of sorts, I suppose, because the Senate overruled his point, argues here that the rule is wholly gone, and is seeking to load this bill with claims in order, I suppose, that an excuse may be found for leaving all the claims out in committee of conference.

Mr. COCKRELL. No; I am not. If I should be one of the conferees I will stick to them until the next 4th of March, if the other members will. I give notice if any of these amendments are receded from it will not be by my vote. I will keep this Congress in session until the 4th of next March or make the House agree to it. If they are receded from, it will not be my fault. I am not trying to prepare a way for any such thing as that.

Mr. CHANDLER. The Senator shows that he possesses that calm mind and judicial temper which fit him to be a representative of the Senate upon a committee of conference, but I take the liberty of saying to him that he is not acting in accordance with his own calm and cool judgment when he gives such notice to the Senate. He goes upon the committee of conference, if he goes there, to deal calmly and coolly and with good judgment, and not with bad temper.

Mr. COCKRELL. Why should I not adhere to these things?

Mr. CHANDLER. If he is going to act in temper, he ought not to go upon the committee of conference to represent the Senate.

Mr. PLATT. Will the Senator allow me? I do wish that some of our committees of conference would show a little of the temper which the Senator from Missouri is charged with showing. We should not then have to give up everything to the House the way we do.

Mr. CHANDLER. Practically the Senators who advocated that the Bowman Act claims and the French spoliation claims were in order upon this bill are being punished by the Committee on Appropriations now by having this bill loaded down with every claim which they can lay their hands upon for the purpose of making the amendments of the Senate odious. A very good argument has been exhibited to the Senate why the appropriation bills should be distributed instead of being concentrated in the hands of a half dozen gentlemen who, when things go to suit them, are very amiable, and when they do not go to suit them get out of temper and threaten the Senate.

Mr. COCKRELL. I knew I would make the distinguished Senator from New Hampshire mad. He has been in the habit of tantalizing Senators and trying to provoke them to anger, and now he has shown his want of balance. He has shown his anger. He has shown his resentful feeling. I told him a truth. He did not want to hear that truth. I told him that I was willing to stand by the Senate amendments, but that is not what he wanted. He was trying to make the impression that we were loading the bill down for the purpose of disagreeing to them—an insinuation unworthy of the distinguished Senator and which he never would have made if he had kept his temper and had not wandered off in anger and resentment.

Mr. President, I simply meant that I was willing to abide by the decision of the Senate and to adhere to it. I have always in the Senate opposed putting on any amendments that the Senate conferees would not adhere to. I do not believe it is seemly on the part of the Senate to do it. I have for one protested against amendments that were proposed to be put on by the Senate, because when the Senate puts on an amendment to an appropriation bill relating to its own personnel and administration it ought never to yield. While I had the honor of being chairman of the Committee on Appropriations it never did yield one solitary cent. The Senate ought to maintain certain things concerning itself, and it ought to have its own way in regard to them.

Mr. President, these are claims. Everybody admits that they are claims. The French spoliation cases are claims. They are claims a hundred years old. They have been to the Committee on Claims. They have been reported and they have been put upon this bill. The Senate had a perfect right to do that. The Bowman claims have been to the Court of Claims, where there was a finding of facts. They came here and the Senate had a right to put them on.

The Senate has a right to make its own rules when it comes to a point of this kind. It made this rule, and that rule was that these claims should go on this bill. I think now that any other claim as just as those, that has passed the proper scrutiny, has the same right to go upon it, and I offered these claims. They are old claims, just claims. Nobody disputes them. They ought to go on the bill. The Senator from Rhode Island [Mr. ALDRICH] has no right to make the point of order upon them. He is estopped from doing that just as plainly as a man can be.

Now, I hope that the distinguished Senator from New Hampshire will regain his accustomed kindly feeling; that he will not show so much anger and resentment hereafter, and will not accuse Senators improperly of attempting to do what they never dreamed of doing.

Mr. CHANDLER. I congratulate myself that I have succeeded in doing what I never knew any other Senator to do. I have made the Senator from Missouri good-natured.

It all comes back to the same thing, whether there is or is not a distinction between the Bowman Act claims and the French spoliation claims and other claims. Those claims have been passed

upon by the Court of Claims. The whole argument was based upon the proposition that there was a distinction between those claims and ordinary private claims that had only been passed upon by a committee of this body. I submit that the distinction is a good one, and that it does not follow because the Senate voted that those claims were in order therefore every private claim that is pending in Congress is in order on an appropriation bill.

Mr. HALE. Now, Mr. President, it is getting very late and dark, and I appeal to Senators to help me pass the bill. I want to get it out of the way to-night and be out of the way of the Senator from North Carolina, who this morning was willing to give way under the implied promise that the bill would be hurried through. I am very desirous that we should pass the bill to-night.

The VICE-PRESIDENT. The question of order is pending before the Chair.

Mr. HALE. I understand that. I hope the Chair will decide the point of order, and that then we may have a vote upon the bill, unless there are some other amendments to come in.

The VICE-PRESIDENT. The Chair determines the point of order when it is raised. The point of order made by the Senator from Rhode Island the Chair is compelled to sustain.

Mr. HARRIS. At the request of the senior Senator from Indiana [Mr. VOORHEES], who was chairman of the Finance Committee of the Fifty-third Congress, I offer an amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 21, page 98, insert:

To pay to Benjamin Durfee for extra services rendered to the Committee on Finance of the Senate during the consideration of the tariff bill of 1894, $2,500.

Mr. HARRIS. I simply desire to say that, while Mr. Durfee was not connected with that committee, I personally know that he performed many services and quite a good deal of hard work. He is wonderfully familiar with all revenue laws and regulations and was of great service to the committee. The gentleman occupying the position of clerk of the Committee on Ways and Means of the House, who, I believe, receives an annual salary of $3,000, has had an allowance similar to this made to him, as I am informed.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment was agreed to.

Mr. PLATT. I offer an amendment. I move to insert, after the Portland Company amendment, that was offered by the Senator from Maine, on page 60:

For payment to Nancy E. Day, administratrix of the estate of James L. Day, deceased, the sum of $3,041.66, in payment and satisfaction of the amount found due from the United States to the said Nancy E. Day, administratrix as aforesaid, by the Court of Claims, upon a reference of her claim to that court by the Postmaster-General, under the provisions of an act of Congress approved March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government."

The amendment was agreed to.

Mr. HILL. As I see the Senate is now in such good humor, I will take the liberty of offering an amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Add to the bill:

That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and directed to purchase of James B. Lyon 50,000 copies of the United States Red Book (published by him at Albany, N. Y.), 9,000 copies for the use of the Senate, 36,000 copies for the use of the House of Representatives, and 5,000 copies to be distributed under the direction of the Secretary of State; and the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to enable the Secretary of the Senate and the Clerk of the House of Representatives to carry into effect the provisions of this act.

Mr. HILL. Senators are, I think, familiar with this book. It has been laid upon their tables, one copy having been presented to each Senator. It is a most valuable and important book to be distributed to our constituents. It is one of the best books that can be distributed.

Mr. HALE. Is the amendment reported by any standing committee?

Mr. HILL. I think so, sir.

Mr. HALE. From what committee?

Mr. HILL. The Library Committee, I think.

Mr. HALE. It ought to have been there.

Mr. HILL. If the conference committee want to cut down the amount or prune it in any shape, they can do so. I offer it in behalf of my colleague [Mr. MURPHY], who is not able to be here, and I trust the Senator will allow the amendment to go on the bill. If you want to change it, it can be cut down hereafter.

Mr. HALE. If it is reported by a regular committee, of course I can not make the point of order. If it is not, I shall have to make the point of order, because there are fifty just such amendments pending.

Mr. HILL. I think it has been reported.

Mr. HALE. The Secretary can tell. I do not know anything about it.

The VICE-PRESIDENT. The Chair has no information upon the subject.

Mr. HILL. We will look that up afterwards, if the Senator pleases. Let it go for the present. You can find out afterwards if it is not a proper amendment.

The VICE-PRESIDENT. The question is on the amendment of the Senator from New York.

Mr. BATE. I should like to ask if this is the book that contains the likenesses of all Senators?

Mr. HILL. Yes, sir; and the finest looking body of men who ever got together.

Mr. ALDRICH. I make the point of order against the amendment if no one else does.

Mr. BATE. I think myself there are some good things in the book——

Mr. HILL. Yes, sir; the Senator's own likeness is there, and it is first rate.

Mr. BATE. But I do not think it is in good taste for the Senate here to vote $50,000 for its distribution when the larger part of it consists of likenesses of Senators. I shall vote against the amendment.

Mr. ALDRICH. I make the point of order. I supposed it had been made by the Senator from Maine, but if it has not I make it now.

The VICE-PRESIDENT. What is the point of order of the Senator from Rhode Island?

Mr. ALDRICH. That the amendment is not in order; that it has not been reported by any standing or special committee, and is adding a new item of appropriation not estimated for.

Mr. HILL. It is about as good as the French spoliation claims amendment. Can not the good-natured Vice-President submit the question to the Senate?

The VICE-PRESIDENT. The Chair submits the question to the Senate. Is the pending amendment in order? [Putting the question.] The noes seem to have it. The noes have it, and the Senate decides that the amendment is not in order.

Mr. DANIEL. After line 2, page 21, I move to insert:

To pay Briscoe B. Bouldin the sum of $295.15, in reimbursement of expenditures on account of wounds received in the service.

Mr. HALE. Is that reported by a standing committee?

Mr. DANIEL. Allow me to make a brief statement.

Mr. HALE. I merely asked the question.

Mr. DANIEL. A bill for this purpose has been reported favorably from the Committee on Claims, and it is as meritorious a claim as is embodied in this whole bill. This gentleman was an officer of the internal-revenue service and had a desperate encounter in North Carolina with certain moonshiners, in which he acted with conspicuous courage. It was recommended by the Commissioner of Internal Revenue that his absolute expenses incurred by reason of the wounds should be paid.

The matter has been for two consecutive years examined by the Committee on Claims; the correspondence, the proof, the medical certificates, all set forth in full; and it is a case of that dignity and merit which it seems to me ought to be recognized by the Senate, and that a worthy officer, who was highly commended by his Government, should be recognized by this humane consideration of his sufferings and his courage. I know personally the facts to be true beyond the information which I gather from the reports.

Mr. HALE. If the amendment has been reported by a standing committee and referred to the Committee on Appropriations it is not subject to the point of order. If it has not been so reported and referred it is subject to the point of order, and I make the point of order. I do not know whether that has been the case or not.

Mr. DANIEL. I think the Senator has himself offered amendments of the same character to this bill, and I do not see why we should be assailed on all hands with points of order which nobody regards as to his own claims.

Mr. HALE. I have not——

Mr. DANIEL. Members of the committee pay no attention to the rules.

Mr. HALE. I have not offered an amendment here that has not been either reported by a committee and referred to the Committee on Appropriations or already passed by the Senate or both.

Mr. DANIEL. We naturally look to the members of the Committee on Appropriations as our exemplars and guides. They have paid no attention to the rule. It is evidently one made merely for personal convenience and not for the government of the Senate.

Mr. HALE. Mr. President, the Senator has no right to make that statement.

Mr. DANIEL. I did not mean by it to be offensive to the Senator.

Mr. HALE. No member of the committee, certainly not myself, nor has any member offered an amendment that is not subject to precisely the rule that I have invoked here, and which was

taken out of the operation of the rule because it was reported by some committee and referred to the Committee on Appropriations, which made it in order, and in other cases because the bill itself passed the Senate.

Mr. GALLINGER. I will say to the Senator from Maine that that does not make a private claim in order.

Mr. HALE. No, it does not make a private claim in order.

Mr. GALLINGER. Yet the Senator, I think, admitted some private claims.

Mr. HALE. I did.

Mr. GALLINGER. Then I propose to reintroduce the amendment I offered some time ago, and I hope the Senator will not apply the rule which his own committee does not recognize.

Mr. HALE. I certainly shall not make the point of order, after what the Senate has done, against any claim, private or otherwise, where a committee has reported it and referred it to the Committee on Appropriations or where it has already passed the Senate. I certainly shall not make that point of order.

Mr. DANIEL. That exception, stated in guarded language, happens to cover cases which other gentlemen are interested in. I do not see why, if we are not going to be governed by the rule, gentlemen ought to invent new and very refining rules which simply bring in a certain class of cases and leave out the others. I am afraid that this rule, if strictly applied with the new and technical nicety with which the Senator shaves down the line, might trench dangerously near to the proximity of my case. I am a little uneasy about the refining application, and I hope the Senator will not make this point upon so worthy and meritorious a case. I think it is above the Senator from Maine, if he will allow me so to state, to make war upon a little claim of a revenue officer who was shot and wounded in the service and who was commended by the Government for his good conduct.

Mr. HALE. If the Senator will withhold his praise, I will withdraw the point of order.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Virginia.

The amendment was agreed to.

Mr. ALLISON. I offer an amendment, and after it is read I will make a brief explanation.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 11, page 103, add:

To pay FRED T. DUBOIS the salary due him as Delegate in Congress from the Territory of Idaho from July 3, 1890, to March 4, 1891, inclusive, $3,333.34.

Mr. ALLISON. This amount includes the compensation of Delegate from Idaho from the time of the admission of the Territory of Idaho as a State until the expiration of his term as Delegate had the State not been admitted. It is a House provision, but by some accident it was omitted and not inserted in this bill. We are told that it will meet with no opposition on the part of the House. It is in exact accordance with all the precedents in similar cases.

The amendment was agreed to.

Mr. GALLINGER. I submit an amendment that was proposed, referred to the Committee on the District of Columbia, reported back favorably, and referred to the Committee on Appropriations.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 13, page 47, insert:

To pay Emmart, Dunbar & Co. the amount found due by the auditor of the District of Columbia for work done by said firm in connection with the laying of the 30-inch water main under their contract of September 1, 1871, with said District, to be paid wholly from the revenues of the District of Columbia, $14,548.22.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CULLOM. I wish to call up the conference report on the legislative, etc., appropriation bill. I think it will take no time.

Mr. ALLISON. I ask the Senator from Illinois to yield to me that I may submit a conference report in order to have it printed?

Mr. CULLOM. I have no objection and will yield to the Senator for that purpose.

Mr. ALLISON. I submit the report of the committee of conference on the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes. I ask that the report may be printed in the RECORD, and also printed as a document, and I give notice that to-morrow morning, or at some convenient season, I shall ask the Senate to consider it.

The VICE-PRESIDENT. In the absence of objection, the report submitted by the Senator from Iowa will be ordered to be printed in the RECORD and also printed as a document.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20, 26, 34, 36, 40, 41, 45, 46, 47, 49, 50, 51, 52, 58, 60, 75, 80, 81, 85, 86, 104, 107, 118, 120, 121, 130, 148, 149, 151, 152, 153, 154, 158, 159, 183, 184, 185, 186, 188, and 189.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 21, 27, 29, 30, 31, 35, 42, 43, 48, 53, 54, 55, 56, 59, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 77, 78, 79, 82, 83, 87, 88, 89, 90, 93, 99, 100, 101, 102, 105, 106, 108, 110, 113, 114, 115, 116, 117, 119, 131, 132, 136, 137, 138, 142, 143, 144, 150, 155, 156, 157, 162, 163, 169, 176, 179, 180, 181, and 182: and agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Fire Island light vessel, New York: For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel, with steam fog signal, $40,000; and the total cost of said steam light vessel, with a steam fog signal, under a contract which is hereby authorized therefor, shall not exceed $80,000."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"San Francisco Harbor light vessel: For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel with steam fog signal, $40,000; and the total cost of said steam light vessel, with a steam fog signal, under a contract which is hereby authorized therefor, shall not exceed $80,000."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Tender for the Second light-house district: For constructing, equipping, and outfitting complete for service a new steam tender for buoyage, supply, and inspection in the Second light-house district, Massachusetts, $37,500; and the total cost of said steam tender, under a contract which is hereby authorized therefor, shall not exceed $75,000."

And the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Tender for the Seventh and Eighth light-house districts: For constructing, equipping, and outfitting complete for service a new steam tender for buoyage, supply, and inspection in the Seventh and Eighth light-house districts, $37,500; and the total cost of said steam tender, under a contract which is hereby authorized therefor, shall not exceed $75,000."

And the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert: "For constructing two revenue steamers of the first class, under the direction of the Secretary of the Treasury, for service on the Great Lakes, $200,000; and the total cost of said revenue steamers, under a contract which is hereby authorized therefor, shall not exceed $200,000 each"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: On page 27 of the bill, in line 3, strike out the following: "for extra engraving and drawing"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$67,000"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$110,000"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$131,000"; and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the city of Bismarck, in the State of North Dakota, by and through its regular city council, shall have authority to use, upon lease from the Government by the Secretary of the Interior, Sibley Island, an island in the Missouri River, near said city of Bismarck, for a public park: *Provided*, That nothing herein contained shall be construed to authorize the felling of timber on said island for sale or consumption, nor shall any timber be cut save for the purpose of improving or beautifying the grounds."

And the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000"; and the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000"; and the Senate agree to the same.

Amendment numbered 134: That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000"; and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000"; and the Senate agree to the same.

Amendment numbered 139: That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: Add at the end of said amendment the following: ": this sum to be in full of any authorization or appropriation under said joint resolution"; and the Senate agree to the same.

Amendment numbered 145: That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an

amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For repairs to the Guilford battle grounds: To enable the Guilford Battle Ground Company to repair the grounds and public buildings of said company on said battle grounds, $1,000; said amount to be disbursed on the order of the president of the said company, and the United States shall be at no further expense in the future for repairs or other expenses relating to said battle grounds."

And the Senate agree to the same.

Amendment numbered 160: That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,470,478.75"; and the Senate agree to the same.

Amendments numbered 164 and 165: That the House recede from its disagreement to the amendments of the Senate numbered 164 and 165, and agree to the same with an amendment as follows: Strike out all of the amended paragraph constituting lines 22 to 25, inclusive, on page 93 of the bill, and lines 1 to 4, inclusive, on page 94 of the bill, and insert in lieu thereof the following:

"For payment of salaries, fees, and expenses of United States marshals and their deputies, $1,000,000, to include payments for services rendered in behalf of the United States or otherwise."

And the Senate agree to the same.

Amendments numbered 166, 167, and 168: That the House recede from its disagreement to the amendments of the Senate numbered 166, 167, and 168, and agree to the same with an amendment as follows: Strike out the amended paragraph constituting lines 5, 6, and 7, on page 94 of the bill, and insert in lieu thereof the following:

"For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, $275,000."

And the Senate agree to the same.

Amendment numbered 170: That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$85,000"; and the Senate agree to the same.

Amendment numbered 171: That the House recede from its disagreement to the amendment of the Senate numbered 171, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$230,000"; and the Senate agree to the same.

Amendment numbered 172: That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$225,000"; and the Senate agree to the same.

Amendment numbered 173: That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$533,000"; and the Senate agree to the same.

Amendment numbered 174: That the House recede from its disagreement to the amendment of the Senate numbered 174, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,066,000"; and the Senate agree to the same.

Amendment numbered 175: That the House recede from its disagreement to the amendment of the Senate numbered 175, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$460,000"; and the Senate agree to the same.

Amendment numbered 177: That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "And such payments shall be allowed the marshal in the settlement of his accounts with the United States"; and the Senate agree to the same.

Amendment numbered 178: That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$150,000"; and the Senate agree to the same.

Amendment numbered 187: That the House recede from its disagreement to the amendment of the Senate numbered 187, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided*, That hereafter the reports of the Geological Survey in relation to the gauging of streams and to the methods of utilizing the water resources may be printed in octavo form, not to exceed 100 pages in length and 5,000 copies in number; 1,000 copies of which shall be for the official use of the Geological Survey, 1,500 copies shall be delivered to the Senate, and 2,500 copies shall be delivered to the House of Representatives for distribution;" and the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment insert, after the word "company," the following: "To reimburse said company for expenses incurred and paid in connection with the Government building and exhibit"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 2, 3, 4, 6, 7, 8, 9, 10, 12, 13, 15, 16, 17, 22, 23, 24, 25, 28, 32, 61, 91, 92, 93, 94, 96, 97, 109, 111, 112, 122, 123, 124, 125, 126, 127, 128, 129, 140, 141, 146, 147, and 161.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.

J. G. CANNON,
E. J. HAINER,
JOSEPH D. SAYERS,
Managers on the part of the House.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM. I ask that the conference report on the legislative, etc., appropriation bill may be taken up for consideration.

Mr. HILL. I hope the Senator from Illinois will not press the consideration of that report this evening.

Mr. CULLOM. I think it will take only a very few minutes. I think the Senator himself understands exactly what there is left in it.

Mr. HILL. I want to submit some remarks upon it, but do not desire to do so to-night.

Mr. CULLOM. Does the Senator desire the report to go over?

Mr. HILL. Let it go over until to-morrow.

Mr. CULLOM. Very well; I make no objection.

Mr. GORMAN. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 26, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 25, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Saturday was read.

The SPEAKER. Without objection, the Journal will be approved. The Chair hears no objection.

Mr. SHERMAN. Mr. Speaker——

Mr. KEM. Mr. Speaker, I object.

The SPEAKER. Did the gentleman rise to object to the approval of the Journal?

Mr. KEM. I object to the approval of the Journal.

The SPEAKER. And the gentleman rose for that purpose?

Mr. KEM. I did.

The SPEAKER. The Chair will submit the question to the House.

The question was taken; and the Journal was approved.

CHANGE OF REFERENCE.

The SPEAKER. The bill of the Senate (No. 989) granting a pension to Fannie Kautz, widow of General Kautz, of the Army, will be taken from the Committee on Invalid Pensions, if there be no objection, and referred to the Committee on Pensions. There was an erroneous reference in the first instance. Without objection, the change of reference will be made.

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM]. The Chair will submit the question to the House.

The question was taken; and the change of reference was directed.

SALE OF GAS IN THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 6994) relating to the sale of gas in the District of Columbia.

The Senate amendments were read at length.

Mr. BABCOCK. Mr. Speaker, I move that the House nonconcur in the Senate amendments and agree to a conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. BABCOCK, Mr. ODELL, and Mr. RICHARDSON as conferees on the part of the House.

ECKINGTON AND SOLDIERS' HOME RAILWAY COMPANY, ETC.

Mr. BABCOCK. Mr. Speaker, this being District day, I desire to call up for present consideration the unfinished business on the Calendar, the bill (H. R. 2928) to extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company of the District of Columbia, and for other purposes.

The SPEAKER. The Clerk will report the amendment proposed by the gentleman from Iowa [Mr. HEPBURN] which was pending when this matter was before the House on a previous occasion.

The Clerk read as follows:

Insert in line 14, section 1, after the word "power," the following:

"*And provided further*, That within thirty days after the passage of this act cars shall be regularly run over the existing tracks, beginning at the intersection of G street and New Jersey avenue, thence across New Jersey avenue to and along G street to North Capitol street, thence north on North Capitol street to T street, according to a schedule satisfactory to the Commissioners of the District of Columbia."

Mr. HEPBURN. I believe the gentleman in charge of the bill is willing to accept that amendment, Mr. Speaker.

Mr. BABCOCK. There is no objection to the amendment, as I understand it.

The amendment was agreed to.

Mr. HILL. Mr. Speaker, I offer the further amendment I send to the desk.

The Clerk read as follows:

Amend section 2 by adding:

"*And provided*, That said Eckington and Soldiers' Home Railway Company shall not have its bonds outstanding at any one time to a greater amount than 75 per cent of the actual cost of the construction and equipment of said railway; which actual cost the president, the treasurer, and a civil engineer, approved by the Commissioners of the District of Columbia, shall certify to said Commissioners, under oath, has been actually expended in the construction and equipment of its railway, and any false swearing in the matter shall be perjury.

Mr. HILL. Mr. Speaker, I wish simply to say that that is almost a precise copy of the general law of the State of Connecticut, with reference to bonding privilege of street railways. It provides specifically that there shall be at no time outstanding more than 75 per cent of the amount of the cost of the road in bonds, and is simply a provision for the protection of the bondholders. It requires that at least 25 per cent of the cost of the road shall be paid on its stock, and no honestly managed road can object to such a provision.

Mr. HOPKINS. Why do you not make that provision stronger and require that all of the stock shall be paid in, and that the bonds

shall only be for the surplus cost of the road over and above the amount of stock?

Mr. HILL. I have no desire to hamper the construction or extension of this road, but in looking over the bill it seemed to me that as now drawn there is no provision for the protection of the unsuspecting public who might buy the bonds. Therefore, after some personal experience in the construction of street railroads, and some familiarity with the law of Connecticut, I copied the precise provision of the general law of that State in regard to the bonding privilege.

Mr. HOPKINS. It would seem from a cursory examination of this provision that it is a bid to investors in these roads to only pay in 25 per cent of the stock and issue bonds for the rest of the cost of the construction.

Mr. HILL. The bill as drawn allows the issuing of bonds for the full amount of the cost. There is no limitation at all, except by the votes of the stockholders themselves. It seems to me there ought to be some provision for the protection of the bondholders.

Mr. HOPKINS. I agree to that entirely, and I ask the gentleman if he has any objection to striking out "75" and inserting "50," so that not more than 50 per cent of the cost shall be covered by the bonds, and at least 50 per cent must be covered by the stock?

Mr. HILL. I have no personal objection. It might possibly embarrass the road.

Mr. HOPKINS. It ought not. I move to amend the amendment by striking out "75" and inserting "50."

Mr. CANNON. I will ask my colleague if this is a new provision as to this particular road which did not pertain to the other roads in the District?

Mr. RICHARDSON. Yes; this is absolutely new.

Mr. CANNON. Well, I want to ask my colleague, if no such limitation as this was applied to the roads running through the thickly settled portions of the city, and this being a road which is to be extended out in a section which is thinly settled, where the investors will have to wait a considerable time before their turn comes, will not the provision which he offers be equivalent to saying that there shall be no road built?

Mr. HOPKINS. I will answer my colleague on that. I will say most emphatically no, and the reason why I say no is that it is supposed that the capital stock of this company, if honestly paid in, will be sufficient to build and equip the road. It ought to be, at least. This amendment of mine provides that it may be bonded for 50 per cent more than cost. Certainly the builders of the road have a margin greater than can be found in almost any business enterprise in the country.

In the State of Illinois this watering of stock had grown to such dimensions that the legislature in their wisdom saw fit to require that the entire capital stock should be paid in in money or its equivalent, and that fact must be certified before there can be any bonds issued at all. The reason for amendments of this kind is apparent to all persons who have had any experience in matters of this character. They know that original investors put in a small amount of money on the stock, and then go outside and borrow money and bond the road for more than it costs to build it. In that way they get the stock for nothing. If the road proves a paying enterprise they make a handsome profit upon the stock. If the road is not a good enterprise the bondholders are the ones who lose the money, and the original investors or stockholders lose nothing at all, because they are not personally responsible upon the bonds issued by the company.

Now, in this case I am not familiar with the location of the proposed road, but I say as a matter of principle that we should not authorize the building of any street railroad in any section where it will not pay in the present, or the immediate future, because there is no demand for any such road, and it partakes too much of a speculative character.

The SPEAKER. The question is on agreeing to the amendment.

Mr. BABCOCK. Mr. Speaker, I desire to say in reference to this bill that the provisions of it are more stringent than the provisions of any railroad bill that has ever been before this House. There is a provision in this bill that practically every railway company in the city of Washington must lay bare its books, its whole list of stockholders, in a report to Congress every year. Now, this provides for rapid transit on the Belt and Eckington lines, and I do not think we ought to insert a provision that would prove a hardship and prevent rapid transit on those lines. We have seen one result of putting rapid transit on the Metropolitan line. The committee are entirely willing to accept the amendment of the gentleman from Connecticut [Mr. HILL], but we do object to cutting it down to 50 per cent.

Mr. RICHARDSON. This is not a new line.

Mr. BABCOCK. This is not a new line, except a very small part of it. It is merely an extension. Now, Mr. Speaker, on these pending amendments I ask the previous question.

Mr. HOPKINS. Let me answer the gentleman in about three minutes.

The SPEAKER. The gentleman asks for the previous question. Does the gentleman from Wisconsin yield?

Mr. BABCOCK. I yield one minute.

Mr. HOPKINS. Upon the point stated by the gentleman I desire to say that if Congress has been liberal to these railroad companies heretofore that is no reason why we should be over-liberal with the present road. We know that with reference to many of these roads the stock that only cost 40 cents on a dollar is now selling for three or four dollars. The chartering of these roads is not to make a few individuals rich, but is for the purpose of giving the people cheap transportation, and the only way you can secure cheap transportation is to keep down the amount of the capital stock and bonds of the road. Now, if we allow the directors of this railroad to bond it for 50 per cent of the actual cost of the road it is amply sufficient. As my friend from Massachusetts [Mr. MOODY] says, why should they be permitted to issue their stock at all until the cash value of that stock is paid into the treasury?

Mr. RICHARDSON. The stock is already issued.

Mr. HOPKINS. These stockholders ought to be required to pay dollar for dollar into the treasury before any bonds are issued at all. That is the requirement of the State of Illinois; that is the requirement of many of the States of the Union; and if these limitations we propose are ingrafted upon this bill we will not hear the cry against this road that has come up against these other roads that Congress has had so much trouble with in the past.

Mr. RICHARDSON. Which other road?

Mr. HOPKINS. I trust my amendment will be adopted.

Mr. DOCKERY. What is your amendment?

Mr. HOPKINS. My amendment is that they shall not issue bonds for more than 50 per cent of the actual cost of the road.

Mr. DOCKERY. That is enough.

The SPEAKER. The question is on agreeing to the amendment to the amendment.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. HOPKINS. Division, Mr. Speaker.

The House divided; and there were—ayes 60, noes 42.

So the amendment to the amendment was agreed to.

The SPEAKER. The question is on the amendment as amended.

The amendment as amended was agreed to.

Mr. BAKER of New Hampshire. Mr. Speaker, on page 2, section 1, lines 2 and 3, I move to strike out the words "city of Washington" and insert the words "District of Columbia."

Mr. BABCOCK. There is no objection to the amendment, Mr. Speaker.

The amendment was agreed to.

Mr. BAKER of New Hampshire. Mr. Speaker, I move to strike out section 5 of the bill.

The SPEAKER. The gentleman from New Hampshire moves to strike out section 5 of the bill.

Mr. HEPBURN. Before we reach that, I have an amendment which comes earlier in the bill. I move to strike out section 3 of the bill—section 4 as it originally was, but now section 3. That is the section authorizing an extension by the Belt Railway Company.

The SPEAKER. The Chair will recognize the gentleman from Iowa instead of the gentleman from New Hampshire. The gentleman from Iowa moves to strike out section 3 of the bill.

Mr. HEPBURN. Mr. Speaker, this section proposes to give to this company the right to largely extend its lines. It now has more than 20 miles of single-track railway in this city—that is, it and the other company which is a beneficiary in this bill, and yet there is a considerable portion of their road that has already been completed which they have persistently refused to operate. Here on North Capitol street, for the distance of a number of squares, immediately after the street had been completed by being perfectly surfaced, they tore up the street and laid their tracks, replaced the pavement between the tracks, and paved 2 feet on each side with cobblestones, and a portion of the way without any pavement between their tracks; and after thus marring the street, they persistently refused to use it. The people of that portion of the city have been clamoring for years to try to compel them to operate that franchise and give them the benefit of the travel that the charter originally provided for. The authorities have attempted to force them by process of the courts, and have thus far been unable to do it. Then, when they found they would not operate their road, action was brought against the company to require them to remove the nuisance; and they come in and cavalierly say that they are not required to do it, because, without warrant or authority of law, they have sold that property to another company. That is the situation to-day; and yet they come here and ask for some 6 or 8 miles more of trackage right in the city. I do not think they have shown themselves to be of that class

that ought to receive any further favor at the hands of this Congress. Therefore, I move to strike out all of this provision that proposes to give them additional extensions and franchises.

Mr. BABCOCK. In reference to the amendment proposed by the gentleman from Iowa, I desire to say that the committee have stricken out nearly all of the construction that this bill called for originally, leaving only these two spurs, one on Water street, which is a continuation of their track, provided they buy the right of way themselves, and this line beginning at Fourth and O streets and going up to what is called the baseball park. As I understand, this extension is less than 1 mile in length instead of 5 or 6, and the extension on Water street is very short, perhaps a quarter of a mile.

Mr. HEPBURN. Will the gentleman give some reason why this company, which has been resisting so contumaciously the rights of the people by refusing to operate its road on streets where it is already chartered, should be given these additional facilities? Corporations that act in that way do not belong to the class that are usually favored by legislation. For some reason or other that I do not know anything about they neglect or refuse to do what they voluntarily undertook to do, what they asked and worked to be permitted to do—refuse to give the people the benefit of the service to which they are entitled; and yet they are here now asking for additional favors. I think they ought to be able to show that they have well used the gifts heretofore given them before they will be in a condition to ask for more. I trust that some of the friends of this measure will explain this contumacious conduct on the part of this corporation.

Mr. BABCOCK. I desire to say, Mr. Speaker, that as one of the committee I have heretofore persistently resisted the resolution asked for by this company on the very ground the gentleman has stated.

Mr. HEPBURN. I do not, of course, mean "friends" in any improper sense; I mean simply advocates of this bill.

Mr. BABCOCK. As I have already said, Mr. Speaker, I have persistently opposed the legislation asked for hitherto in the last two sessions of Congress, until finally this bill has been presented which is so stringent in its requirements that I believe it to be in the interest of the whole city that it should pass. The District Committee, as I said before, has stricken from the Senate bill every provision for extension except the two trifling ones that I have indicated. I yield to the gentleman from Maryland [Mr. RUSK], who will further explain the bill.

Mr. RUSK. Mr. Speaker, I desire to say, in general explanation of the bill and somewhat in reply to the gentleman from Iowa, that these two lines have passed under the control of the same persons who constitute the corporation which is now building an electric line between Baltimore and Washington. In the city of Baltimore that line is rapidly approaching completion. By the 1st of August cars will run from Washington to Laurel, and from Baltimore to Ellicott City, and by the 1st of January the line will be in full operation between the two cities. In the city of Baltimore that line is connected with the Traction Company, which controls some 80 miles of street railroads running in various directions. Their idea is to take these two old horse railroads in this District, equip them thoroughly as modern lines, and connect them with the line between Baltimore and Washington.

The purpose is to reduce the fare between the two cities to probably $1 for the round trip, and to make such arrangements that a person buying a ticket from Washington to Baltimore or from Baltimore to Washington shall receive a coupon for street-car fare in either city so that he can ride not only between the two cities, but to any part of either city for the single fare of $1 for the round trip. In other words, the single fare will include street-car fare in each city. I know nothing of the conduct of those who formerly owned these lines, but I do know that the lines have now passed into the hands of responsible persons who have raised the millions necessary to build the line between Baltimore and Washington, and they desire this as a Washington terminus of their system, so that they may convey passengers not merely to the confines of Washington, but to any part of the city. The Senate committee examined this bill very carefully, and, in view of the considerations which I have briefly stated here, they granted very large extensions. The House committee, however, was not willing to go so far as the Senate committee had gone, and it struck out all those extensions except the ones that have been mentioned by the chairman of the committee and which are absolutely necessary to perfect the system even on a small scale. To strike out this section as proposed by the gentleman from Iowa would destroy entirely the plan. The company will be very much hampered by what the House committee has already done by striking out the extension to the Zoological Gardens and other points, and the striking out of this section would entirely defeat the object in view.

Mr. HEPBURN. Does the gentleman from Maryland feel authorized to give some assurance that this company, if they get these extensions, will use the franchises that have been given them heretofore? For example, that they will use the North Capitol portion of their track, which for more than two years they have refused to make any use of?

Mr. RUSK. I know the persons who are interested in this enterprise, and I know that they are anxious to have the bill pass, and will accept and carry out in good faith every provision contained in it.

Mr. MCCORMICK. Is there any provision in this bill to prohibit the digging up of the streets and leaving them in confusion? That seems to be a practice in Washington, and there does not seem to be any power to compel the railroad companies to put the streets back into proper shape.

Mr. BABCOCK. There is a general law which regulates that.

Mr. MCCORMICK. But it does not regulate it. F street was in a disturbed condition for a large part of the winter, and now H street—one of the most important streets in the city of Washington—long after the laying of the new track, is in a dangerous condition. We used to think in New York that the streets were too often left in bad shape by the railroad companies, but the streets in Washington are left in worse disorder, if H street is an example, than those of any city I have been in. There ought to be a law to stop the railroad companies from tearing the streets to pieces at will and leaving them in an unsafe condition for months after the work of laying the rails is finished.

Mr. BABCOCK. The reason the track has not been repaired on F street is because there was other work to be done there, and the repairing has been delayed until all the work was completed. Let me say that the work on F street has been done with the greatest rapidity, considering the vast amount of work required to be done.

Mr. MCCORMICK. I speak more particularly now of H street. For the last four or five months H street has been in a constant state of confusion; torn up, and torn up, and torn up again, and now it is from Fourteenth street west unfit for vehicles, and in a state by the change of grade that would discredit a frontier village. Some one should be held responsible for it.

Mr. BABCOCK. I now ask for a vote on the amendment.

Mr. RICHARDSON. I hope the gentleman from Iowa will not insist on the amendment.

The question being taken, the amendment of Mr. HEPBURN was rejected.

Mr. BAKER of New Hampshire. I now renew my motion to strike out the fifth section.

The question being taken, there were on a division (called for by Mr. BAKER of New Hampshire)—ayes 6, noes 13.

So the amendment was rejected.

Mr. HILL. I offer the amendment which I send to the desk, and which I will state has been accepted by the committee.

The Clerk read as follows:

Amend section 6 by adding:

"*And provided*, That said Belt Railway Company shall not have its bonds outstanding at any one time to a greater amount than 75 per cent of the actual cost of the construction and equipment of said railway, which actual cost its president, treasurer, and a civil engineer, approved by the Commissioners of the District of Columbia, shall certify to said Commissioners under oath has been actually expended in the construction and equipment of its railway; and any false swearing in the matter shall be perjury."

Mr. HILL. I will simply say that this bill covers two railroads, not only the Eckington road, but the Belt Line. This amendment proposes to apply to the Belt Line the same restriction in regard to the issue of bonds that is applied to the Eckington road.

Mr. HOPKINS. I move to amend the amendment by striking out "75 per cent" and inserting "50 per cent."

Mr. BABCOCK. We accept that amendment.

The question being taken, the amendment of Mr. HOPKINS to the amendment of Mr. HILL was agreed to; and the amendment as amended was adopted.

Mr. BABCOCK. The amendment offered by the gentleman from New Hampshire [Mr. BAKER] to strike out section 5 was evidently misunderstood. That section provides that the Belt Railway Company may abandon certain lines in this city. The gentleman from New Hampshire objected to that provision, and wished to have it stricken out. The committee concede that the gentleman's amendment is right, and agree that the section be stricken. I move to reconsider the vote by which the amendment of the gentleman from New Hampshire was disagreed to; and then I shall ask that the amendment be adopted.

The SPEAKER. Without objection, the reconsideration will be considered as ordered.

There was no objection.

The SPEAKER. The question now recurs on the motion of the gentleman from New Hampshire to strike out the fifth section.

The amendment was agreed to.

Mr. HEPBURN. I move to amend by inserting after the words "shall be," in line 3, on page 9, the words "sworn to and"; so as

to read "which report shall be sworn to and signed by the president and treasurer of such corporation," etc.

Mr. RICHARDSON and Mr. BABCOCK. No objection.

The amendment was agreed to.

Mr. HEPBURN. I move further to amend by inserting after the word "debt," in line 11, on page 9, the words "amount of dividends declared."

Mr. RICHARDSON. The effect of that is that the companies shall report the amount of their dividends?

Mr. HEPBURN. Yes, sir.

Mr. RICHARDSON. No objection.

The amendment was agreed to.

Mr. HEPBURN. I move further to amend by inserting after the word "superintendence," in line 22, page 9, the words "salaries of," so that the reports shall embrace "salaries of officers, clerks, agents," etc.

Mr. BABCOCK. There is no objection to that.

The amendment was agreed to.

Mr BAKER of New Hampshire. I move to amend section 11 by striking out, in line 13, page 10, the word "may" and inserting "shall."

Mr. BABCOCK and Mr. RICHARDSON. No objection.

The amendment was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

NICOLAI BROS.

Mr. BABCOCK. I ask present consideration of the bill (S. 3011) for the relief of Nicolai Bros.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized to grant permission to Nicolai Bros. to use the pipes heretofore laid by them under a permit from said Commissioners dated December 22, 1893, along I street southeast from Half street to South Capitol street, South Capitol street from I street to K street, K street from South Capitol street to corner of K and Half streets southwest, under such regulations and rental as may be made by the said Commissioners with regard thereto.

SEC. 2. That Congress reserves the right to alter, amend, or repeal this act.

The bill was ordered to a third reading; and being read the third time, was passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

BALTIMORE AND WASHINGTON TRANSIT COMPANY, OF MARYLAND.

Mr. BABCOCK. Now, Mr. Speaker, I call up for present consideration the bill (H. R. 8469) to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That the Baltimore and Washington Transit Company, incorporated under the laws of the State of Maryland, and by amended charter by act of the legislature of Maryland, 1896, be, and is hereby, authorized to extend its present charter terminus at Takoma Park, Md., into and within the District of Columbia, commencing at the northeastern boundary line of the District of Columbia, on Carroll avenue, in Takoma Park subdivision, thence in a westerly direction along said Carroll avenue to Maple avenue, thence southwesterly along said Maple avenue across the Blair road, thence northerly along Blair road to Umatilla street, thence westerly along Umatilla street in such manner and to such point on Umatilla or other streets as will be most feasible to form a junction with the Brightwood railway, the entire distance being about one-half mile.

SEC. 2. That the Baltimore and Washington Transit Company and the Brightwood Railway Company shall have the power to make any contracts or agreements that they may deem necessary to enable the said companies to run the cars of each or either company over the tracks of the other company, and also to contract for and use the power of each or either company to propel the cars of the other company; that said extension of the transit company from the District of Columbia line to a junction with the tracks of the Brightwood Railway Company, near Fifth and Umatilla streets, in Takoma Park, District of Columbia, shall be commenced within six months and completed within one year from the passage of this act.

SEC. 3. That in the event that the company should not be able to come to an agreement with the owner or owners of any land through which the said road may be located to pass, or upon which any necessary buildings may be required to be located, proceedings for the condemnation for the use of the company of so much of said land as may be required, not exceeding 30 feet in width, for its roadway, and of so much as may be necessary for buildings, etc., may be instituted in the usual way in the supreme court of the District of Columbia, under such rules and regulations as said court may prescribe for such purposes.

SEC. 4. That the said Baltimore and Washington Transit Company shall be empowered to construct, maintain, equip, and operate a single or double track street railway over the said line, with all necessary buildings, switches, machinery, appliances, appurtenances, and other devices necessary to operate the same by cable, electricity, compressed air, storage battery, or other motive power, to be approved by the Commissioners of the District of Columbia: *Provided*, That the right of said company to use an overhead single trolley on a street or part of a street shall cease six months after the date of the approval of an act of Congress appropriating money for or otherwise authorizing the paving of the roadway of such street or part of street, except in connection with continuous track rails: *And provided further*, That the right of said company to use an overhead single trolley in any public space in the District of Columbia, except in connection with continuous track rails, shall in any event cease on July 1, 1899. Said railway to be constructed of good material, with grooved rails of approved pattern, and in a neat and substantial manner, subject to the supervision and approval of the Commissioners of the District of Columbia; the standard gauge to be used and the surfaces of the tracks to conform to the grades of the streets established by the Commissioners of the District of Columbia, and where the tracks lie within the streets of the District of Columbia the same to be paved between the rails and 2 feet outside thereof with such material and in such manner as shall be approved by the said Commissioners, and kept in repair by the said railway company.

SEC. 5. That said railway shall be constructed in a substantial and durable manner. The plans of construction, rails, electrical and mechanical appliances, conduits and stations, and location of stations and tracks, shall be subject to the approval of the Commissioners of the District of Columbia. The said company, having first obtained the written permission of the District Commissioners therefor, may make all necessary trenches and excavations and place therein the machinery and devices necessary to the operation of said railway. When said trenches and excavations are open they shall be thoroughly protected to prevent accident, and shall be closed within a reasonable time and the disturbed pavement relaid, all to the satisfaction of said Commissioners. The said company shall, at its own expense, in a good and substantial manner, make all changes to pipes, conduits, and other underground constructions rendered necessary by the construction of said railway. Said company shall be liable for any damage to pipes or other underground constructions caused by the passage of its cars over the same, or by electric currents used in the propulsion of its cars. The said company shall, before commencing work on said railroad, deposit with the collector of taxes of the District of Columbia such sum as the Commissioners of said District may deem necessary to defray any expense that may be incurred by the District of Columbia in connection with the inspection of the work of construction of said railway, and to make good any damage done by said company or any of its contracting agents to any public work or construction. An account of the disbursement of such deposit or deposits shall be made to said company, and any balance due them shall be returned upon the completion of the work to defray the cost of which the money was deposited.

SEC. 6. That whenever the roadway of any street occupied by the said railway company is widened, one-half of the cost of widening and improvement of such widened part shall be charged to the said railway company and collected from said company in the same manner as the cost of laying or repairing pavements lying between the exterior rails of the tracks of street railways, and for a distance of 2 feet from and exterior to such track or tracks on each side thereof is collectible under the provisions of section 5 of the act entitled "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878.

SEC. 7. That nothing in this act shall prevent the District of Columbia at any time, at its option, from altering the grade of any avenue, street, or highway occupied by said railway, or from altering and improving streets, avenues, and highways, and the sewers thereof. In such event it shall be the duty of said company to change its said railway and the pavement so as to conform to such grades and improvements as may have been established.

SEC. 8. That the said company may receive a rate of fare not exceeding 5 cents for each passenger for one continuous ride over the route aforesaid within the District of Columbia, or any part thereof, between the termini of said railroad within said District, and shall sell tickets at the rate of six for 25 cents.

SEC. 9. That said company shall pay to the District of Columbia, in lieu of taxes on personal property, for each fiscal year, 4 per cent of its gross earnings under this franchise upon its traffic for the preceding year derived from the operation thereof within the District of Columbia, which amount shall be paid to the collector of taxes at the times and in manner that other taxes are or may be payable, and subject to the same penalty in case of arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof in the same manner as is or may be provided by law for the sale of other property for taxes, and said per cent of its gross earnings shall be in lieu of any and all assessments upon its personal property in the District of Columbia used solely and exclusively in the operation and management of said railway; but its real estate in said District shall be taxed as other real estate therein: *Provided*, That its tracks, machinery, and devices shall not be considered real estate for the purpose of taxation.

SEC. 10. That the said company shall, on or before the 1st day of February of each year, make a report to Congress, through the Commissioners of the District of Columbia, of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December 31, and such other facts as may be required by any general law of the District of Columbia. The report shall be verified by the affidavit of the president and secretary of the company, and if said report is not made within the time specified herein said company shall be liable to a fine of $500, to be recovered in any court of competent jurisdiction at the suit of the Commissioners of the District of Columbia.

SEC. 11. That the said corporation may issue bonds or other evidence of debt, to be secured by mortgage of its railroad properties and franchise within the District of Columbia, or by deed of trust thereon, but not to an amount greater than the cost of construction and equipment. It may own, purchase, lease, and sell real estate for the purposes of operating said road.

SEC. 12. That said company shall commence the construction of its said railway within six months from the approval of this act, and said railway shall be open for traffic, with its switches and turn-outs, and with cars running thereon for the accommodation of passengers, within one year from the date of the approval of this act.

SEC. 13. That the said railway company shall deposit with the collector of taxes, District of Columbia, the sum of $1,000, within sixty days from the passage of this act, as a guaranty that it will commence and complete its road within the time herein limited. And unless said sum of $1,000 is so deposited within sixty days from the passage of this act, all rights, franchises, and privileges hereby granted shall immediately cease and determine, and this charter shall be null and void. Should the said railway company fail to commence or complete the construction of its road within the limit of time prescribed by this act, said sum of $1,000 shall be forfeited by the said railway company, and shall be deposited by the collector of taxes with the United States Treasurer to the credit of the United States and the District of Columbia, in equal parts.

SEC. 14. That the Commissioners of the District of Columbia may make such regulations as to rate of speed, schedule for running cars, mode of use of tracks, and removal of ice and snow as, in their judgment, the interest and convenience of the public may require. Should the servants or agents of said company willfully or negligently violate such an ordinance or regulation, said company shall be liable to the District of Columbia for a penalty not exceeding $500.

SEC. 15. That Congress reserves the right to amend, alter, or repeal this act.

The Committee on the District of Columbia recommend the adoption of the following amendments:

First. Strike out all of the first section after the word "Columbia," in line 10, and insert in lieu thereof the words "on Spring road, in Tacoma Park subdivision; westerly along said road to the line of Tahoe street extended; west

along the line of said street to Blair road, and thence northwesterly, following

of the land of the Washington Aqueduct pertaining to the distributing reser-

Falls Railway Company shall, where its tracks run on or across any street

and equipment of such railroad: *Provided, however*, That an amount of stock

along the line of said street to Blair road, and thence northwestery, following public highways, to a junction with the Brightwood Railway, along a route to be approved by the Commissioners of the District of Columbia: *Provided*, That the right of use of Spring road authorized herein shall cease and determine when highways contiguous thereto and shown upon the recorded highway extension plans shall have been opened, in which case the route of the said company shall be upon said highways as may be approved by the said Commissioners in lieu of Spring road."

Second. Add at the end of section 3 the words "*Provided*, That the land acquired by such agreement or condemnation for right of way for tracks within the limits of streets of the recorded highway-extension plans shall be dedicated to the District of Columbia for a public right of way before the company shall lay its tracks on such land, and that such right of way shall not be less than 30 feet in width for double tracks nor 20 feet in width for single track."

Mr. BARTLETT of New York. I would like to ask the gentleman in charge of the bill a question. This seems to be a provision for an overhead-trolley road coming into the District of Columbia.

Mr. RICHARDSON. If the gentleman will pardon me, I will explain the bill in a moment.

This road does not come within 5 miles of the city of Washington. It is away out at Takoma Park, and permission is granted by the bill to give the company, which has a part of its line in Maryland, the right to enter the District of Columbia. The purpose is to permit the road to connect with what is known as the Brightwood road at Takoma Park. It simply authorizes the connection. The bill has been carefully drawn by the District Commissioners, and the committee has made the various amendments which have been recommended by the Commissioners to the bill. The bill is drawn in accordance with their recommendation.

I ask a vote on the amendments of the committee.

The amendments were agreed to.

Mr. BAKER of New Hampshire. Mr. Chairman, I offer an amendment to section 8 of the bill which I send to the desk.

The Clerk read as follows:

Insert, in line 5, page 7, after the word "company," the words "in conjunction with said Brightwood Railway."

Mr. RICHARDSON. I would like the gentleman to state the effect of the amendment. I did not catch exactly the purport of it.

Mr. BAKER of New Hampshire. I have also another amendment that I propose to offer to the same section, line 7, page 7, before the word "aforesaid," to insert the words "and the route of said Brightwood Railway"; so that the section will read:

That the said Brightwood Railway Company may receive a rate of fare not exceeding 5 cents for each passenger for one continuous ride over the route aforesaid and the route of said Brightwood Railway within the District of Columbia, or any part thereof, between the termini of said railroad within said District, and shall sell tickets at the rate of six for 25 cents.

Mr. RICHARDSON. There is no objection to that. It simply makes them pay one fare in the District.

Mr. BAKER of New Hampshire. That is the purpose. This extension is only about a mile and a half long, and as the bill stands a 5-cent fare can be collected for that distance. I want to prevent that if possible.

Mr. RICHARDSON. There is no objection to the amendment.

The SPEAKER. The Chair understands the gentleman to offer this as one amendment?

Mr. BAKER of New Hampshire. Yes; as one amendment to section 8, to make it read as I have suggested.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

WASHINGTON AND GREAT FALLS ELECTRIC RAILWAY COMPANY.

Mr. BABCOCK. Mr. Speaker, I ask present consideration of Senate bill No. 2499, to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway Company."

Mr. MILNES. Mr. Speaker, I desire to say that this is a very lengthy bill, but the amendments of the Senate make it a very simple one. I therefore ask to dispense with the reading of the bill except so far as it is amended.

The SPEAKER. Is there objection to dispensing with the reading of the bill except in so far as it will stand if amended?

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM], and the Clerk will read the bill.

The bill was read, as follows:

Be it enacted, etc., That the act entitled "An act to incorporate the Washington and Great Falls Electric Railway Company," approved July 29, 1892, and the amendment thereto approved August 23, 1894, be, and the same are hereby, amended as follows:

Section 1 shall be amended to read as follows, commencing with the word "beginning," in line 17:

"Beginning at a passenger station to be erected and maintained on the square bounded by Prospect, Thirty-fifth, M, and Thirty-sixth streets northwest, as hereinafter provided for; thence westerly along Prospect street to or near Thirty-eighth street northwest; thence westerly and northerly on land to be acquired, except at street crossings, by said company, to and across the Foxhall road; thence westerly along the top of the bluff on the north side of the Canal road, and outside and south of the southern boundary of the land of the Washington Aqueduct pertaining to the distributing reservoir, to a point on said boundary not more than 600 feet from the western boundary of said land; thence across said land, but at no point less than 200 feet from the outer crest of the dam of said reservoir, to said western boundary; thence westwardly on a route exterior to and on the south side of the land of the United States pertaining to the Conduit road to the land of the said aqueduct pertaining to the receiving reservoir; thence through said land to a point on the land of said aqueduct near the westerly foot of Dalecarlia Hill; thence westwardly on a route exterior to and on the south side of the land of the United States pertaining to the Conduit road, except in the vicinity of Washington Aqueduct boundary stone No. 31, as hereinafter described, to Cabin John Creek, returning thence along the same line by return tracks to the place of beginning, with the privilege of constructing a branch line, with a single or double track, from the Conduit road lands south to Chain Bridge, and a branch line north, beginning and connecting at a point on its main line about opposite said Chain Bridge; thence running northerly on land to be acquired by said corporation to the Conduit road; thence across the Conduit road at right angles and on the grade of this road; thence northerly on land to be acquired by said corporation, except across and along streets, where necessary, to a point on the Georgetown and Tennallytown Railway at or near the junction of the Loughboro road with the River road. Also, beginning and connecting on Thirty-seventh street northwest at its junction with Prospect avenue; thence north along Thirty-seventh street 120 feet; thence easterly on land to be acquired by said corporation 240 feet; thence southerly on land to be acquired by said corporation 120 feet to Prospect avenue and to connect with its present tracks: *Provided*, That there shall be but one railway parallel to and near the Conduit road; and wherever the route specified in this act is parallel with or coincides with the route of any other railway the two companies shall maintain and use but one set of double tracks, and any violation of this provision by the said Washington and Great Falls Electric Railway Company shall operate as a repeal of this charter; and matters of dispute between the companies respecting railways parallel to the Conduit road, and affecting the same, in the District of Columbia shall be referred to and determined by the Secretary of War; and matters in dispute between the companies respecting railways on the Canal road shall be determined upon the application of either road to any court in the District of Columbia having competent jurisdiction. The inner rail of said Washington and Great Falls Railway shall not, at any place on the line of said railway, be less than 100 feet from the middle of the paved portion of the Conduit road, except in the county of Montgomery, in the State of Maryland, in which county said inner rail shall not be less than 50 feet from the middle of the paved portion of the Conduit road: and the said railroad may cross, under such conditions as the Secretary of War may impose, the lands of the United States at Chautauqua, between Washington Aqueduct boundary stone No. 31 and a planted stone south 36° 43' west, and distant 286.5 feet from Washington Aqueduct boundary stone No. 67, at which place the inner rail of the tracks shall be not less than 65 feet from the middle of the paved portion of the Conduit road: *Provided, however*, That said Washington and Great Falls Electric Railway Company, being authorized thereto by a vote of the majority of its stockholders of record, may contract with any street railway company in the State of Maryland or the District of Columbia, owning or operating a connecting or intersecting line for the joint management, lease, or purchase of such line or lines, and operate the same in connection and as an extension with its present line, and in case of such contract may provide the means necessary by an increase of its capital stock not to exceed the actual consideration paid or the actual cost of the necessary construction, completion, equipment, and maintenance thereof. And for the purpose aforesaid said company is hereby authorized and empowered to issue its bonds to aid in paying for such construction, completion, motive power, equipment, and maintenance aforesaid, and to secure the said bonds by mortgage or deed of trust of its right of way and all its property and franchises of whatsoever kind, whether real, personal, or mixed, on the whole of said line, its extensions, and branches, and connections, the stock and bonds authorized to be issued and negotiated by said company, to the amount of $650,000, under the decree of the supreme court of the District of Columbia being hereby confirmed. Wherever the said railway shall run over or across any of the lands of the United States or any of the accessory works of the Washington Aqueduct, as provided in this act, it shall be done only on such lines, in such manner, and on such conditions as shall be approved by the Secretary of War and accepted by said company, and no work shall be done on said railway on any of said lands until after such approval and acceptance in writing. No steam cars, locomotives, or passenger or other cars for steam railways shall ever be run over the tracks of said railway within the District of Columbia or on said lands. Said company shall, before commencing work on said railway, deposit with the Treasurer of the United States to the credit of the Washington Aqueduct the sum of $5,000, or such other sum as the Secretary of War may deem proper, to defray all the expenses that may be incurred by the United States in connection with the inspection of the company's work on the lands of the United States and any of the company's work that may affect the interests of the United States, and in making good any damages done by said company or its works to any work or land or other property of the United States, and in completing, as the Secretary of War may deem necessary, any of the company's work that the said company may neglect or refuse to complete and that the Secretary of War may consider necessary for the safety of the Washington Aqueduct and the works pertaining thereto, including its telephone line, or for the proper drainage of the United States lands, its reservoirs, and other works, or for the proper use and orderly appearance of the Conduit road; and the said company and its successors shall also deposit as aforesaid such further sums for said purposes and at such times as the Secretary of War shall direct. The said moneys shall be disbursed like other moneys appropriated for the Washington Aqueduct, and whatever shall remain of said deposits after the completion of the work for which they may be obtained shall be returned to said company with an account of their disbursement in detail. The disbursements of said deposits shall, except in case of emergency, be made only on the order of the Secretary of War. During the construction and after the completion of said railway its agents and servants, when on the public land of the United States, shall be subject to such regulations as the Secretary of War may prescribe. The provisions of this act, as far as applicable, shall apply to any extension of this railway in the State of Maryland that may be granted by said State; and the provisions of section 15 of the act of Congress approved February 28, 1891, entitled "An act to incorporate the Washington and Arlington Railway Company, of the District of Columbia," shall control and govern all the privileges granted by this act to the Washington and Great Falls Electric Railway Company and said section shall be held to include the Washington Aqueduct and its tunnels and all other works connected therewith. Said Washington and Great Falls Railway shall everywhere be constructed in a neat and substantial manner, of good material, subject, for such parts of the line as are within the jurisdiction of the Commissioners of the District of Columbia, to the supervision and approval of said Commissioners, and, for such parts of the line as are in any jurisdiction outside of the District of Columbia, to the supervision and approval of the proper authorities of such jurisdiction; the gauge of the track to be the same as that of the Washington and Georgetown Railway; and the said Washington and Great

Falls Railway Company shall, where its tracks run on or across any street or road which is under the jurisdiction of the Commissioners of the District of Columbia, or across the Conduit road or any road outside of the District of Columbia, pave the same between the rails and sets of rails and 2 feet outside thereof, with such material and in such manner as shall be approved by such proper authorities, as the case may require, and shall keep the same in repair at its own expense; and if the said corporation shall fail to make any necessary repairs within ten days after notice has been given by said authorities the repairs shall be made by said authorities and the cost thereof, except as hereinbefore provided, if not paid voluntarily, shall be recovered by them before any court of competent jurisdiction; and the amount of such repairs shall be a lien upon all property of said company from the time the same are made until paid by the company; that the said corporation shall operate its said road by electric power, and for this purpose it is hereby authorized to erect and maintain such poles and aerial lines as may be necessary for the proper conduct of said power; such lines to be built in the most perfect and substantial manner: *Provided*, That in order to prevent any danger or damage to the United States telephone line between the Great Falls of the Potomac and Washington, belonging to the Washington Aqueduct, or to its instruments, from the electric wires of said railway company, the said company shall, at all times and at its own expense remove, change, and protect said telephone line in such manner as may be directed by the Secretary of War. The said corporation shall erect and maintain, subject to the approval of the Secretary of War, at its own expense, a neat, well-painted, and substantial fence, 4 feet in height, on each side of its tracks, through the lands of the United States, and also at such places along the Conduit road as the Secretary of War may deem necessary, with suitable cattle guards, openings, and crossings for roadways, and at such places as the Secretary of War shall consider to be required for the safety of the use of said roadways.

"That the said corporation shall, at its own expense, maintain electric lights during the hours after nightfall that its cars shall run, and at least until 12 o'clock a. m., which lights shall be located so as to light all roads on and across which the railway shall pass and such other points along the proposed route as the Secretary of War shall direct. No claim for damages shall ever be made by said company or its successors in consequence of the exercise of any of the rights of the United States under this act. The crossings over the Conduit road shall be made to conform to all changes of grade of this road. The construction of said railway on any street where there are or may be any mains, fixtures, or apparatus pertaining to the Washington Aqueduct shall be subject to such conditions as may be approved by the Secretary of War, which conditions must be obtained and be accepted in writing by said company before commencing any work on such street; and the operations of said company in respect of the safety of such mains, fixtures, or apparatus shall always be subject to the control and direction of the Secretary of War, and subject to the right of the Secretary of War or other lawful public authority to interrupt the construction or use of said railway, whenever necessary for the protection or repair of such mains, fixtures, or apparatus. Efficient signals, by gong or bell, shall be made by every car before and during the crossing of the Conduit road, and, if the Secretary of War shall deem necessary and shall so direct, every car shall, before crossing this road, be brought to a full stop. The rate of speed at which the cars may run on said road shall not exceed 5 miles per hour on or across any street or road, and the fare for riding over the said road shall not exceed 10 cents each way per passenger, and this amount may be divided into divisions of 5 cents each. The work of construction and the operating of said railway by said company on the lands of the United States shall be subject to such regulations as the Secretary of War may prescribe, and the exercise of the rights by this act granted are to terminate at the pleasure of the Secretary of War in case of persistent neglect by said company or by its successors to make deposits or to comply with any of the conditions, requirements, and regulations aforesaid.

"Every car shall be brought to a full stop before crossing the Foxhall road. It shall be the duty of the Commissioners of the District of Columbia to inspect, or to cause to be inspected, from time to time, the cars operated on said road, and to require of said company that all cars and stations shall be of the first class and shall be maintained in good condition, and that cars shall be run according to schedules which shall accommodate the public; the said Commissioners shall also have the power to make such regulations as to the rate of speed, the use of tracks, the removal of ice and snow from off the tracks as the public interests may require; failure to comply with any such requirement or regulation or failure to stop cars before crossing the Foxhall and Conduit roads shall subject the company to a fine of $50 for each such failure, which fine may be recovered in any court of competent jurisdiction."

Section 2 shall be amended to read as follows:

"SEC. 2. That the capital stock of said company shall be $650,000, divided into shares of $100 each, which capital stock may be increased from time to time upon a majority vote of the stockholders, but not to exceed the actual cost of right of way, construction, equipment, station houses, and other buildings necessary to the operation of said road. The said company shall require the subscribers to the capital stock to pay in cash, to the treasurer appointed by the incorporators, the amounts severally subscribed by them, as follows, to wit: Fifty per cent at the time of subscribing and the remainder at such times and in such amounts as the board of directors shall require, and no subscription shall be deemed valid unless the 50 per cent thereof shall be paid at the time of subscribing; the remainder of said subscription to be paid at such times and in such amounts as the board of directors may require, as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installments as aforesaid, as required by the board of directors, after thirty days' notice in writing, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as will pay the installments; and the person who shall offer to take the least number of shares for the assessments due shall be taken as the highest bidder, under such general regulations as may be provided in the by-laws of the company, but no stock shall be sold for less than the total assessments due and payable; or the company may sue and collect the same from a delinquent subscriber in any court of competent jurisdiction. No certificate of stock shall be issued until the par value thereof has been fully paid up. The company may buy, lease, or construct such passenger rooms, ticket offices, depots, workshops, and buildings as may be necessary, at such points, not on the land of the United States, along the lines as the business of the railway and the convenience of the public may require, and connect its tracks therewith; all of the above subject to the approval of the proper authorities. Whenever one-fourth of the capital stock of the company so subscribed shall have been paid in, bonds may be issued, in the discretion of the board of directors, to an amount not exceeding the balance of the stock unpaid, which bonds may be secured by mortgage of its franchise and property, real and personal: *Provided*, That the moneys raised on said bonds shall be used and expended only for the completion and improvement of said road and the equipment thereof. But this section is subject to the provision that said corporation shall not have or issue any greater number of shares of stock than the nominal value of such shares shall equal the actual and necessary cost of the construction and equipment of such railroad: *Provided, however*, That an amount of stock equal to the bonds so issued shall be first canceled and adjudged annulled: *And provided further*, That such stock and bonds may be issued as the work progresses."

Section 3 shall be amended to read as follows:

"SEC. 3. That within thirty days after the passage of this act the corporators named in the first section, or a majority of them, or if any of them refuse or neglect to act, then the majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept open in some convenient place in the District of Columbia, from 10 o'clock in the forenoon until 4 o'clock in the afternoon, for a period to be fixed by the corporators, not less than two days, unless the whole stock shall be sooner subscribed; and the said corporators shall give public notice, by advertisement in one or more of the daily papers published in the city of Washington, of the time when and place where the said books shall be opened; and the subscribers upon said books to the capital stock of the said company shall be held to be stockholders: *Provided*, That every subscriber shall pay, at the time of subscribing, 50 per cent of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be void; and when the books of subscription to the capital stock of said company shall be closed, the corporators, and in case any of them refuse or neglect to act, then a majority of the remainder, shall, within twenty days thereafter, call the first meeting of the stockholders of said company to meet within ten days thereafter, for the choice of directors, of which said meeting notice shall be given in a daily newspaper published in the city of Washington and by written notice mailed to each stockholder, and each stockholder shall be entitled to one vote for each share of stock standing in his name on the books of the company, which vote may be cast in person or by proxy."

SEC. 2. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 3. Congress reserves the right to alter, amend, or repeal this act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

RIGHTS OF MARRIED WOMEN IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (S. 1659) to amend the laws of the District of Columbia as to married women, to make parents the natural guardians of their minor children, and for other purposes.

Mr. HULICK. I ask that the reading of this bill be dispensed with.

The SPEAKER. The gentleman asks unanimous consent to dispense with the reading of the bill. Is there objection?

Mr. HOWARD. In the absence of the gentleman from Nebraska [Mr. KEM], I object.

The SPEAKER. Objection is made by the gentleman from Alabama. The Clerk will proceed to read the bill.

The bill was read, as follows:

Be it enacted, etc., That the property, real and personal, which any woman in the District of Columbia may own at the time of her marriage, and the rents, issues, profits, or proceeds thereof, and real, personal, or mixed property which shall come to her by descent, devise, purchase, or bequest, or the gift of any person, shall be and remain her sole and separate property, notwithstanding her marriage, and shall not be subject to the disposal of her husband or liable for his debts, except that such property as shall come to her by gift of her husband shall be subject to, and be liable for, the debts of the husband existing at the time of the gift.

SEC. 2. That a married woman, while the marriage relation subsists, may bargain, sell, and convey her real and personal property, and enter into any contract in reference to the same in the same manner, to the same extent, and with like effect as a married man may in relation to his real and personal property, and she may, by a promise in writing, expressly make her separate estate liable for necessaries purchased by her or furnished at her request for the family.

SEC. 3. That any married woman may carry on any trade or business, occupation or profession by herself, or jointly with others, and perform any labor or services on her sole and separate account, and the earnings of any married woman from her trade, business, profession, occupation, labor, or services shall be her sole and separate property, and may be used and invested by her in her own name.

SEC. 4. That nothing in this act contained shall invalidate any marriage settlement or contract.

SEC. 5. That the husband shall not be liable for the payment of the wife's antenuptial debts, but she shall be liable to all remedies for the recovery of such debts, to be enforced against her and her separate property as if she were unmarried.

SEC. 6. That the father and mother shall be the natural guardians of the person of their minor children. If either dies or is incapable of acting, the natural guardianship of the person shall devolve upon the other: *Provided, however*, That in case of the death of either parent from whom the said children may inherit, or take by devise or bequest, the said parent may, by deed or last will and testament, appoint a guardian of the property of the children, subject to the approval of the proper court of the District of Columbia.

SEC. 7. That the survivor may by last will appoint a guardian of the person and property of any of the children, whether born at the time of making the will or afterwards, to continue during the minority of the child, or for a less time, subject at all times to removal for cause and appointment of another by the proper court.

SEC. 8. That dower shall hereafter be assigned to a widow entitled to the same in the equitable as well as the legal estate of her deceased husband.

Mr. HULICK. I send to the Clerk's desk certain amendments recommended by the committee. I wish first to offer a section, to come in after section 3, and to be numbered section 4. I shall then offer another section, to be numbered section 5. Then I shall ask that section 4 in the printed bill be numbered section 6, and that the other sections of the bill following that be renumbered to correspond. Then I shall offer a new section, to be numbered section 11.

The SPEAKER. The gentleman from Ohio offers an amendment, which the Clerk will read, which is to come in after section 3, and to be numbered section 4.

The Clerk read as follows:

SEC. 4. A married woman may contract, and sue and be sued in her own name, in all matters having relation to her sole and separate property, in the same manner as if she were unmarried; and her husband shall be joined with her when the cause of action is in favor of or against both her and her husband.

The amendment was agreed to.

Mr. HULICK. Now, Mr. Speaker, I offer the other section, to follow the one just adopted, and to be numbered section 5.

The Clerk read as follows:

SEC. 5. Neither the husband nor his property shall be bound by any such contract made by a married woman not liable for any recovery against her in any such suit; but judgment may be enforced by execution against her sole and separate estate, in the same manner as if she were unmarried; but she shall be entitled to all the benefits of all exemptions to the heads of families or householders.

The amendment was agreed to.

Mr. HULICK. Now, Mr. Speaker, I ask that section 4 in the printed bill be renumbered 6; that section 5 in the printed bill be renumbered section 7; that section 6 in the printed bill be renumbered section 8; that section 7 of the printed bill be renumbered section 9; and that section 8 be renumbered section 10. These are merely to make the numbers of the sections consecutive.

The amendments were agreed to.

Mr. HULICK. Now, Mr. Speaker, I wish to offer an additional section, to be known as section 11.

The Clerk read as follows:

SEC. 11. That sections 727, 729, and 730 of the Revised Statutes of the United States for the District of Columbia be, and the same are hereby, repealed.

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HULICK, a motion to reconsider the last vote was laid on the table.

REAL ESTATE OF INSANE PERSONS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up for consideration the bill (H. R. 8672) conferring jurisdiction upon the supreme court of the District of Columbia, or any court in said District having general equity jurisdiction, to decree a sale of real estate in said District belonging to insane persons for purpose of reinvestment, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That where any insane person, lunatic, idiot, or person non compos mentis is or shall be seized or possessed of or entitled to any lands, tenements, hereditaments, or real estate whatsoever, or any right, title, or interest therein, legal or equitable, in possession, reversion, or remainder, or any right of dower inchoate or consummate, or right by the curtesy, it shall and may be lawful for a justice of the supreme court of the District of Columbia holding an equity court, or any court in said District having general equity jurisdiction, upon the petition of the guardian or guardians, trustee or trustees, or committee of such insane person, lunatic, idiot, or person non compos mentis, and his or her appearance by guardian, to be appointed by the said justice or court aforesaid, and upon the hearing and examination of all the circumstances, and upon its appearing to the said justice or court aforesaid, as hereinafter provided, that it will be for the interest and advantage of such insane person, lunatic, idiot, or person non compos mentis to sell such lands, tenements, hereditaments, or real estate, or any part thereof, or any right, title, or interest therein, legal or equitable, to direct the same to be sold upon such terms as the said justice or court may direct, with full power and jurisdiction to control, govern, and direct the application of the money and proceeds arising from such sale or sales, and the interest thereof and the investment and reinvestment thereof as in the judgment of the said justice or court may seem proper in such funds, securities, loans, real estate, or the improvement thereof or in the improvement of other real estate belonging to said insane person, lunatic, idiot, or person non compos mentis by the erection and construction thereon of buildings and other improvements.

SEC. 2. That all sales made by the authority of the said justice or court under this act shall be reported to and confirmed by the said justice or court before any conveyance of the property shall be made. A lien shall be retained upon any real estate so sold to secure the unpaid purchase money, and bond with good and sufficient security, to be approved by the said justice or court, shall be given by the person or persons empowered to sell the property as aforesaid to the United States of America for the due execution of the trust committed to him or them, which bond shall be lodged with the clerk of said court and be by him recorded among the records of said court, and an attested copy thereof, under the hand of said officer and under the seal of his court, shall be evidence in all courts in this District. And upon any breach of the condition of said bond an action may be maintained in the name of the United States of America by and for the use of any person or persons interested, either upon the original bond or upon a duly certified copy thereof, and judgment may be recovered upon such action for the damage actually sustained.

SEC. 3. That the money and proceeds arising from the sales of said lands, tenements, hereditaments, or real estate whatsoever, or any right, title, or interest therein, legal or equitable, and also any funds, securities, loans, promissory notes, or bonds secured by deed of trust on real estate, or real estate in which the said money and proceeds arising from said sales shall be invested by and under the direction or authority of said justice of said court, except so much thereof as may have been previously applied under the order of said court or justice for the benefit of such insane person, shall, on the death of such insane person, lunatic, idiot, or person non compos mentis, be considered real estate and shall pass accordingly to such persons as would have been entitled to the estate if it had not been sold.

SEC. 4. That the said justice or court may order any real or leasehold property of such insane person, lunatic, idiot, or person non compos mentis to be leased for any term of years, or may order the surrender of any lease of the estate or property of such person to be accepted and the same to be demised anew on such terms as the justice or court may direct.

SEC. 5. That in all applications to sell the real or personal property of such insane person, or to demise the real or leasehold property of such person, or to accept the surrender of a lease thereof, the said justice or court shall, before passing a decree, have the appearance and answer of such person, as provided in section 1, and have proof taken as in other chancery cases as to the expediency of sale, quantity, value, and condition of the property; and after considering all the evidence and circumstances, if the said justice or court shall deem it for the interest and advantage of such insane person, said justice or court may decree a sale, lease, or surrender of the whole or part of such property on such terms and conditions as the said justice or court may prescribe; but a decree for a sale for the payments of debts may be passed by said justice or court without being satisfied that such sale is for the interest and advantage of such insane person.

SEC. 6. That no sale, lease, or surrender of a lease of the property, real or personal, of such insane person shall be valid unless the same shall be reported to and confirmed by said justice or said court.

SEC. 7. That it shall and may be lawful for the said justice or the court aforesaid to allow any trustee who shall make a sale of any real estate by virtue of this act such commission as is usually allowed upon sales made under authority of the supreme court of the District of Columbia.

Mr. SHANNON (during the reading of the bill). Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. SHANNON. I rise for the purpose of saying that the bill is quite lengthy, and that there is no intention on the part of the committee to amend it except in a few immaterial points. I therefore ask that further reading of the bill be dispensed with.

The SPEAKER. The gentleman from New York asks unanimous consent to dispense with the further reading of the bill. Is there objection?

Mr. BARTLETT of New York. I object.

The SPEAKER. Objection is made, and the Clerk will proceed.

The reading of the bill was resumed and concluded.

Mr. BARTLETT of New York. Mr. Speaker, I should like an explanation of this bill.

Mr. SHANNON. Mr. Speaker, those gentlemen who have taken the pains to examine the report which accompanies this bill will have noted the statement that this legislation has become necessary by reason of a late decision of the court of appeals of the District of Columbia in the case of Allen C. Clark, appellant, *vs.* Arthur Mathewson, committee, etc., filed January 6, 1896. That decision is to the effect that in the District of Columbia a court of equity has no jurisdiction to decree the sale of the real estate of a lunatic merely for the purpose of better investment. Authority has already been given by legislation for the sale of the real estate of an infant for that purpose; but legislation on this point is wanting in the case of insane persons. I will not detain the House by any extended reference to the decision, but will simply read the closing paragraph. The court says:

Finding no warrant for the exercise of the jurisdiction in the decree of sale under which the proceeding arose, whether under the statutes or independently thereof, we must reverse the decree appealed from, with cost to the appellant, and remand the case to the court from whence it came, with direction to dismiss the bill, unless it may be amended so as to show a necessity for sale for support and maintenance. And it is so ordered.

Decree reversed and cause remanded.

This decision of the court of appeals makes necessary the passage of some such legislation as is embodied in this bill.

I now invite the attention of the House to the terms of the bill itself. The first section of the bill provides for the filing of a petition by the committee of the insane person, requires proof of expediency of sale, and provides that the court shall have entire control of the investment of the proceeds. Section 2 requires that all sales must be reported to and confirmed by the court; that the trustee shall give a bond to the United States, and the same be recorded. Section 3 regulates the investment of the proceeds and provides that on death of the insane person his estate shall descend as land. Section 4 confers the additional power to lease estates and surrender the same. Section 5 prescribes the procedure and the evidence required in all cases under the bill. Section 6 requires that the lease, to be valid, must be reported to and confirmed by the court, and section 7 merely treats of the commission to which the trustee will be entitled for his services. The whole procedure, as outlined in the bill, follows very much that adopted by the courts in regulating the sale and disposal of the property of infants. I now send to the Clerk's desk three amendments, which are not of material importance, and only designed to correct the phraseology of the bill. I do this in the name of the committee.

Mr. BARTLETT of New York. I should like to ask the gentleman from New York what is the existing chancery power found in the bill?

Mr. SHANNON. I beg the gentleman's pardon; I was unable to hear him.

Mr. BARTLETT of New York. There are certain powers now vested in the court of equity to decree the sale of property in the District.

Mr. SHANNON. The decision in the case to which I have referred sets forth very clearly the condition of the law in the District of Columbia in regard to this matter. While the powers now lodged in courts of equity here are sufficient to authorize the

sale of the property of infants for the purpose of better investment, that is not the case with reference to the property of insane persons. Hence the necessity for some legislation like that embodied in the bill.

Mr. BARTLETT of New York. I would like to ask the gentleman what necessity there is for section 4 of this bill? The bill, as I understand, gives power to sell. Why do you extend it to power to lease?

Mr. SHANNON. The inquiry of my colleague is covered by the amendment already proposed by the committee and which I now send to the Clerk's desk to be read.

Mr. RICHARDSON. Let the amendments be reported.

Mr. SHANNON. I ask that the amendments be read.

The amendments were read, as follows:

Amend the caption of the bill so that it will read: "A bill conferring jurisdiction upon the supreme court of the District of Columbia, having general equity jurisdiction to decree the sale, lease, or surrender of any lease of real estate in said District belonging to insane persons for the purpose of reinvestment, and for other purposes."

Page 2, line 22, strike out the word "direct" and substitute the word "order."

Page 2, line 23, strike out the word "direct" and substitute "determine."

The amendments were agreed to.

Mr. BARTLETT of New York. Mr. Speaker, is it in order now to offer an amendment?

The SPEAKER. It is in order.

Mr. BARTLETT of New York. I desire to offer an amendment striking out section 7, and to state my reasons. Section 7, it seems to me, is objectionable, because it provides for an allowance of commission on sales, and the provision is vague and indefinite. It says that "such commission shall be allowed as is usual." That might be a commission of 5 per cent, or it might be a commission of 7 per cent, or it might be a commission of 10 per cent. Now, the proper commission would be about one-half of 1 per cent, and it seems to me it would be very unwise and improper to pass this seventh section in its present vague form. The courts, as a rule, would allow probably 5 per cent, which I think would be excessive. Suppose the estate was worth $100,000, it is manifest that a commission of one-half of 1 per cent for a sale would be adequate to compensate the committee or the trustee, but this section leaves it open to the court to allow $5,000 or $10,000 for such sale. I will ask the gentleman to accept an amendment limiting these commissions to one-half of 1 per cent.

Mr. SHANNON. I will say, in reply to my colleague from New York, that this section states distinctly that the commission allowed shall be such as is "usually allowed upon sales made under the authority of the court." I frankly admit that I do not know just what these commissions are, but whatever they are they are the commissions that would be usually allowed by the court in such cases, and that, it seems to me, is sufficiently definite.

Mr. BARTLETT of New York. I should like to ask the gentleman from New York if he thinks it proper for us to legislate in the dark? Why did not the committee reporting the bill ascertain what are the usual commissions? We should limit the commission to be allowed in these cases. I suggest that the gentleman accept an amendment providing that such commissions shall not exceed 1 per cent.

Mr. RICHARDSON. I will state to my friend from New York [Mr. BARTLETT] that the section he proposes to amend refers only to the commission to be allowed in cases covered by this bill, cases of the estates of lunatics. The general law provides what these commissions shall be, and this bill simply provides that the court shall take jurisdiction of the matter and fix the commission in each case in accordance with the general law. Now, if you change the commission in these cases, fixing a rate which shall be applicable only to cases arising under this bill, the result will be that you will have a different rate of commission paid in this District for handling the estate of lunatics from that which is paid for handling the estate of other persons under legal disability, such as infants and married women. Therefore it occurred to the committee that this was a matter which might well be left entirely to the discretion of the court. There is no difficulty about it. The court is not going to allow an excessive commission to the trustee or the guardian or the person who executes the trust. It is perfectly safe, in my opinion, to leave this matter to the discretion of the court.

Mr. BARTLETT of New York. Mr. Speaker, I withdraw my amendment and offer another. I move to insert after the words "such commission" the words "not exceeding 1 per cent."

The amendment was rejected.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SHANNON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. EVANS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering revenue bills.

Mr. RUSSELL of Connecticut. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUSSELL of Connecticut. I understand that my colleague on the committee makes this motion as a privileged motion by direction of the Ways and Means Committee. If my understanding is correct, it is not in order to raise the question of consideration, and the only way the House can express itself on the subject of the consideration of this question at this time is by a vote on the motion to go into Committee of the Whole.

The SPEAKER. By vote on the motion to go into Committee of the Whole. If the House does not resolve itself into Committee of the Whole House on the state of the Union the question does not come up for consideration.

The question being taken on the motion of Mr. EVANS, the Speaker declared that the ayes seemed to have it.

Mr. KNOX. I ask for a division.

The House divided; and there were—ayes 41, noes 32.

Mr. BARTLETT of New York and Mr. KNOX. No quorum.

Mr. STEELE called for the yeas and nays, but immediately withdrew the call.

The Speaker proceeded to count the members present.

Mr. DINGLEY (pending the count). Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

Mr. EVANS. Will the Chair please state the question.

The SPEAKER. The question is upon the motion of the gentleman from Kentucky that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of revenue bills.

Mr. BARTLETT of New York. A parliamentary inquiry, Mr. Speaker. After the point of no quorum has been made, no announcement having been made by the Chair, is this the proper procedure?

The SPEAKER. The Chair thinks that the yeas and nays may be called, because that is one method of determining the presence of a quorum. The Clerk will call.

The question was taken; and there were—yeas 127, nays 55, not voting 173; as follows:

YEAS—127.

Abbott,	Dingley,	Latimer,	Shafroth,
Aldrich, Ala.	Dolliver,	Layton,	Shuford,
Allen, Miss.	Doolittle,	Leighty,	Skinner,
Avery,	Elliott, S. C.	Leonard,	Smith, Ill.
Bailey,	Erdman,	Linton,	Sorg,
Barrett,	Evans,	Little,	Spalding,
Bell, Colo.	Faris,	Lockhart,	Sparkman,
Bell, Tex.	Gamble,	Long,	Stallings,
Berry,	Grow,	Maguire,	Steele,
Bishop,	Hager,	McCall, Tenn.	Stokes,
Broderick,	Hainer, Nebr.	McCreary, Ky.	Stone, C. W.
Bromwell,	Hardy,	McCulloch,	Strait,
Brown,	Harrison,	McLaurin,	Strowd, N. C.
Buck,	Hart,	McMillin,	Talbert,
Burton, Ohio	Hatch,	McRae,	Tate,
Calderhead,	Henderson,	Mercer,	Tawney,
Cannon,	Hendrick,	Milliken,	Tayler,
Catchings,	Henry, Ind.	Milnes,	Terry,
Clardy,	Hermann,	Minor, Wis.	Tucker,
Clark, Iowa	Hilborn,	Neill,	Turner, Ga.
Clarke, Ala.	Hopkins,	Otey,	Underwood,
Cobb,	Howard,	Otjen,	Van Voorhis,
Cockrell,	Hubbard,	Overstreet,	Walker, Va.
Cook, Wis.	Jenkins,	Owens,	Walsh,
Cooke, Ill.	Johnson, N. Dak.	Payne,	Washington,
Cooper, Tex.	Joy,	Pearson,	Williams,
Curtis, Kans.	Kem,	Pendleton,	Wilson, Idaho
Dalzell,	Kendall,	Prince,	Wilson, S. C.
Danford,	Kerr,	Raney,	Wood,
De Armond,	Kirkpatrick,	Reeves,	Woodard,
Denny,	Kyle,	Richardson,	Yoakum.
De Witt,	Lacey,	Sauerhering,	

NAYS—55.

Arnold, R. I.	Gillett, Mass.	McEwan,	Simpkins,
Baker, N. H.	Graff,	Miller, W. Va.	Stable,
Bartholdt,	Griffin,	Moody,	Stewart, Wis.
Bartlett, N. Y.	Henry, Conn.	Morse,	Strode, Nebr.
Bennett,	Hill,	Mozley,	Sulloway,
Burton, Mo.	Howell,	Parker,	Towne,
Clark, Mo.	Huling,	Pitney,	Tracewell,
Colson,	Johnson, Cal.	Poole,	Treloar,
Cooper, Wis.	Knox,	Quigg,	Updegraff,
Curtis, Iowa	Low,	Royse,	Van Horn,
Daniels,	Marsh,	Rusk,	Wadsworth,
Fenton,	McCall, Mass.	Russell, Conn.	Walker, Mass.
Fowler,	McClellan,	Shannon,	Wright.
Gardner,	McCormick,	Sherman,	

NOT VOTING—173.

Acheson,	Andrews,	Baker, Md.	Belknap,
Adams,	Apsley,	Bankhead,	Bingham,
Aitken,	Arnold, Pa.	Barham,	Black, Ga.
Aldrich, Ill.	Atwood,	Barney,	Black, N. Y.
Allen, Utah	Babcock,	Bartlett, Ga.	Blue,
Anderson,	Baker, Kans.	Beach,	Boutelle,

Bowers,	Gillet, N. Y.	Livingston,	Sayers,
Brewster,	Goodwyn,	Lorimer,	Scranton,
Brosius,	Griswold,	Loud,	Settle,
Brumm,	Grosvenor,	Loudenslager,	Shaw,
Bull,	Grout,	Maddox,	Smith, Mich.
Burrell,	Hadley,	Mahany,	Snover,
Chickering,	Hall,	Mahon,	Southard,
Codding,	Halterman,	McCleary, Minn.	Southwick,
Coffin,	Hanly,	McClure,	Spencer,
Connolly,	Harmer,	McDearmon,	Sperry,
Cooper, Fla.	Harris,	McLachlan,	Stephenson,
Corliss,	Hartman,	Meiklejohn,	Stewart, N. J.
Cousins,	Heatwole,	Meredith,	Stone, W. A.
Cowen,	Heiner, Pa.	Meyer,	Strong,
Cox,	Hemenway,	Miles,	Sulzer,
Crisp,	Hepburn,	Miller, Kans.	Swanson,
Crowley,	Hicks,	Miner, N. Y.	Taft,
Crowther,	Hitt,	Mondell,	Thomas,
Crump,	Hooker,	Money,	Thorp,
Culberson,	Howe,	Moses,	Tracey,
Cummings,	Huff,	Murphy,	Turner, Va.
Curtis, N. Y.	Hulick,	Newlands,	Tyler,
Dayton,	Hull,	Noonan,	Wanger,
Dinsmore,	Hunter,	Northway,	Warner,
Dockery,	Hurley,	Odell,	Watson, Ind.
Dovener,	Hutcheson,	Ogden,	Watson, Ohio
Downing,	Hyde,	Patterson,	Wellington,
Draper,	Johnson, Ind.	Perkins,	Wheeler,
Eddy,	Jones,	Phillips,	White,
Ellett, Va.	Kiefer,	Pickler,	Wilber,
Ellis,	Kleberg,	Powers,	Willis,
Fairchild,	Kulp,	Price,	Wilson, N. Y.
Fischer,	Lawson,	Pugh,	Wilson, Ohio
Fitzgerald,	Lefever,	Ray,	Woodman,
Fletcher,	Leisenring,	Reyburn,	Woomer.
Foote,	Lester,	Robertson, La.	
Foss,	Lewis,	Robinson, Pa.	
Gibson,	Linney,	Russell, Ga.	

So the motion of Mr. EVANS was agreed to.

The following pairs were announced:

Until further notice:

Mr. HEATWOLE with Mr. HUTCHESON.

Mr. BINGHAM with Mr. DOCKERY.

Mr. FOSS with Mr. SULZER.

Mr. GOODWYN with Mr. COWEN.

Mr. LEFEVER with Mr. TYLER.

Mr. FOWLER with Mr. BARTLETT of Georgia.

Mr. ARNOLD of Pennsylvania with Mr. LIVINGSTON.

Mr. CORLISS with Mr. MOSES.

Mr. JOHNSON of Indiana with Mr. COX.

Mr. SNOVER with Mr. MADDOX.

Mr. WILBER with Mr. JONES.

Mr. BOWERS with Mr. MINER of New York.

Mr. HULL with Mr. OGDEN.

Mr. WILLIAM A. STONE with Mr. BLACK of Georgia.

Mr. COFFIN with Mr. LAWSON.

Mr. APSLEY with Mr. MILES.

Mr. HULICK with Mr. PRICE.

Mr. STEPHENSON with Mr. DINSMORE.

Mr. MEIKLEJOHN with Mr. ROBERTSON of Louisiana.

Mr. DALZELL with Mr. CRISP.

For this day:

Mr. HITT with Mr. SPENCER.

Mr. KULP with Mr. WHEELER.

Mr. CODDING with Mr. CUMMINGS.

Mr. PICKLER with Mr. CROWLEY.

Mr. HICKS with Mr. MEREDITH.

Mr. LOUDENSLAGER with Mr. MONEY.

Mr. HARMER with Mr. COOPER of Florida.

Mr. BOUTELLE with Mr. BANKHEAD.

Mr. SCRANTON with Mr. ELLETT of Virginia.

Mr. COUSINS with Mr. FITZGERALD.

On this vote:

Mr. CROWTHER with Mr. CULBERSON.

Mr. SPERRY with Mr. SWANSON.

Mr. TRACEY with Mr. SAYERS until June 3.

Mr. ELLIS. Mr. Speaker, I came in after my name had been passed. I wish to be recorded as present in order to make a quorum.

The SPEAKER. The gentleman will be recorded as present.

Mr. HARMER. I have been announced as paired, but I wish to be recorded as present. If at liberty to vote, I should vote in the affirmative.

Mr. DOCKERY. I am paired, but wish to be recorded as present.

Mr. FOWLER. Mr. Speaker, I am paired. If permitted to vote, I should vote "no."

Mr. KIEFER. Mr. Speaker, when my name was called I had just come in, and not knowing what the question was I did not vote. I wish to know whether I can vote now.

The SPEAKER. The Chair thinks that under the strict letter of the rule the gentleman's vote can not be received.

Mr. KIEFER. Then I desire to be recorded as present.

Mr. LEWIS. Mr. Speaker, I have just come in, and I desire to vote.

The SPEAKER. The gentleman can not, under the rules, be allowed to vote now.

Mr. LEWIS. I desire to vote "aye."

The SPEAKER. The Chair can not submit to the House the request of the gentleman to be allowed to vote. He may be recorded as present.

Mr. LEWIS. Very well; I desire to be recorded as present and to state that if permitted to vote, I should vote in the affirmative.

Mr. GIBSON. Mr. Speaker, I desire to be recorded as present.

The result of the vote was announced as above stated.

ALCOHOL IN THE ARTS.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SHERMAN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering revenue bills.

Mr. EVANS. Mr. Chairman, I call up for present consideration a bill (H. R. 3282) to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 25, 1894, and move to proceed with its consideration.

The motion was agreed to.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That section 61 of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 25, 1894, be, and the same is hereby, repealed.

Amend the title so as to read: "A bill to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 28, 1894."

Mr. EVANS. Mr. Chairman, with reference to this measure——

Mr. RUSSELL of Connecticut. Before the gentleman from Kentucky proceeds, I would like to inquire of my colleague as to his disposition regarding the length of time that he proposes to occupy in general debate. I make the inquiry now because a number of gentlemen have expressed a desire to occupy some considerable time in the debate, and I would like to know, if possible, whether some arrangement could be made, and also with reference to the disposition of the time that will be allowed for debate. If agreeable to my colleague, I would like to have an expression of opinion on his part in regard to the matter.

Mr. EVANS. In answer to the question of my colleague, I will say frankly that so far as I am personally concerned, I am willing and should be glad to have the most liberal allowance of time that the business of the House and the wishes of the committee, considering the approach of the close of the session, the number of election cases, conference reports, and so on, pending, and other matters of business pressing before the House for consideration—I say I am willing that the time for debate shall be as liberal as the condition of business will allow. But that, of course, I can not control, nor can my colleague, for that matter. That is something for the House itself to determine. My personal preference would be to allow the utmost liberality to members to express their views on this most important subject.

Mr. RUSSELL of Connecticut. Is it the desire of my friend from Kentucky to allow the general debate to run this evening?

Mr. EVANS. I have no objection personally——

Mr. HOPKINS. You had better get a vote to-day.

Mr. CANNON. I do not want to interfere, but let me suggest to the gentleman from Kentucky that there are three or four appropriation bills, each of which will occupy something of the time of the House; then there are several election cases——

Mr. DALZELL. Four of them.

Mr. CANNON (continuing). Four election cases, I understand, awaiting disposition, and other matters pressing for consideration. As I understand it, this is merely a question of the repeal of what is known as the free-alcohol provision in the Wilson-Gorman bill?

Mr. EVANS. That is the whole proposition.

Mr. CANNON. I have not the honor to be a member of the Ways and Means Committee, but it does seem to me that at this stage of the session this bill ought to be disposed of this afternoon. I speak, of course, only for myself as an individual.

Mr. JOHNSON of California. I want to say, Mr. Chairman, to the House that for one I disagree entirely with the gentleman from Illinois who has just taken his seat. Even if this is only a matter of whether we are to have free alcohol or not, it is too important a proposition to be disposed of this afternoon. It opens up the question of an entire revision of the tariff, and it seems to me that the poor people of the West, if you are going to engage in that operation, ought to have some consideration. You ought not to take up one particular industry, but you ought to give an opportunity to the other industries also to be heard. If you are going to take up one particular clause of the bill, you ought to take up the entire bill and subject it to the revision that it requires.

Mr. DINGLEY. I hope the gentleman from Kentucky will

proceed, because the time that is taken up in this matter might well be occupied in the discussion.

Mr. EVANS. I will proceed, Mr. Chairman——

Mr. BARRETT. Do we understand the gentleman from Kentucky refuses to make any arrangement as to the time for debate?

Mr. EVANS. The gentleman understands nothing of the kind.

The CHAIRMAN. No arrangement has been made.

Mr. CANNON. If the gentleman will allow me, I would like to ask one question. This being an internal-revenue bill——

Mr. EVANS. Entirely.

Mr. CANNON. I would ask if it is in order, in any degree, upon this bill to legislate respecting the customs revenues?

Mr. EVANS. My own individual opinion would induce me to answer the gentleman's question quite positively in the negative.

Mr. BAKER of New Hampshire. I would like to ask the gentleman from Kentucky a question.

Mr. EVANS. Certainly.

Mr. BAKER of New Hampshire. Is it not a part of the general tariff law that you propose to repeal?

Mr. EVANS. I will say, as I intended to say in my remarks, that this is simply an internal-revenue excrescence on the Wilson tariff bill; that is all.

The CHAIRMAN. Will the gentleman from Kentucky give way for a moment to receive a message from the Senate?

Mr. EVANS. Certainly.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CANNON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed joint resolution and bills of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. R. 149) extending the benefits of sections 1426 and 1573 of the Revised Statutes to all enlisted persons of the Navy;

A bill (S. 2401) granting a pension to Mrs. Hattie E. Redfield, of Omaha, Nebr.;

A bill (S. 685) granting a pension to Mrs. Alice Martin;

A bill (S. 3133) granting an increase of pension to Betsey B. Olin;

A bill (S. 2999) granting a pension to William L. Grigsby, of Belvidere, in the county of Thayer, Nebr.;

A bill (S. 1689) granting a pension to John F. Hathaway;

A bill (S. 2507) granting a pension to John N. Corgan, of McPherson, Kans.;

A bill (S. 2477) granting an increase of pension to Robert P. Wild;

A bill (S. 3182) granting a pension to Susan E. Cunningham;

A bill (S. 2117) for the relief of Mrs. George Pauls;

A bill (S. 3161) amending and extending the provisions of an act of Congress entitled "An act approving, with amendments, the funding act of Arizona," approved June 25, 1890, and the act amendatory thereof and supplemental thereto, approved August 3, 1894;

A bill (S. 2526) for the relief of Twyman O. Abbott;

A bill (S. 2336) to place on the retired list of the Navy Louis V. Housel, late lieutenant of the Regular Navy;

A bill (S. 1832) to define the rights of purchases under mortgages authorized by an act of Congress approved April 20, 1871; and

A bill (S. 337) to refer the claim of the owners of the brig *Tally-Ho* to the Court of Claims.

The message also announced that the Senate had passed with amendments the bill (H. R. 2143) granting a pension to Mrs. Emily M. Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer, asked a conference with the House on the bill and amendments, and had appointed Mr. GALLINGER, Mr. BRICE, and Mr. HANSBROUGH as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendment the bill (H. R. 4354) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Gen. Joseph B. Carr, United States Volunteers, deceased, asked a conference with the House on the bill and amendment, and had appointed Mr. CANNON, Mr. ROACH, and Mr. GALLINGER as the conferees on the part of the Senate.

The message also announced that the Senate still further insisted upon its amendments to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, had agreed to the conference asked by the House of Representatives on the disagreeing votes of the two Houses, and had appointed Mr. ALLISON, Mr. HALE, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendment bills of the following titles; in which the concurrence of the House was requested:

A bill (H. R. 2006) to increase the pension of Harriet C. Gregg, widow of Col. John Irvin Gregg, from $30 to $50 per month; and

A bill (H. R. 1261) for the relief of John Kehl.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 5792) granting an increase of pension to Mrs. Julia A. Jameson;

A bill (H. R. 7334) granting an increase of pension to William T. Applegate;

A bill (H. R. 3033) to increase the pension of Elizabeth T. Beall, widow of Benjamin L. Beall, late colonel First United States Cavalry;

A bill (H. R. 3007) granting an increase of pension to Michael S. Pettit;

A bill (H. R. 1109) granting a pension to Elizabeth Marshall;

A bill (H. R. 8184) granting a pension to Jesse McMillan;

A bill (H. R. 138) granting an increase of pension to Mary E. Hazlip;

A bill (H. R. 5711) granting a pension to Richard P. Pilkington;

A bill (H. R. 2602) for the relief of Solomon Hyams;

A bill (H. R. 5225) for the relief of Mrs. Elizabeth M. Williams, of Monroe County, Tenn.;

A bill (H. R. 5175) granting a pension to Nancy Gentry;

A bill (H. R. 6132) granting an increase of pension to Thomas M. Scott;

A bill (H. R. 6134) granting an increase of pension to Caroline E. Purdum;

A bill (H. R. 4753) granting an increase of pension to Lambert L. Mulford;

A bill (H. R. 6111) granting a pension to Elizabeth A. Sargent;

A bill (H. R. 3857) granting a pension to Thomas Brewer;

A bill (H. R. 4283) granting a pension to Delia A. Marsh;

A bill (H. R. 3395) granting a pension to Carrie H. Greene;

A bill (H. R. 4724) to increase the pension of Mrs. Mary L. Aleshire;

A bill (H. R. 2373) granting a pension to Elvin J. Brown;

A bill (H. R. 3229) for the relief of Hannah Newell Barrett;

A bill (H. R. 1734) to increase the pension of Ann Catherine Hull;

A bill (H. R. 5999) to correct the military record of Eldridge McFadden;

A bill (H. R. 248) empowering and directing the Secretary of the Navy to furnish four pieces of condemned cannon to the city of Hastings, Mich.;

A bill (H. R. 4785) to incorporate the National University;

A bill (H. R. 4275) to increase the pension of Mrs. Annis H. Enochs, widow of Gen. William H. Enochs, from $20 to $50 per month;

A bill (H. R. 6293) to increase the pension of Peter Rafferty;

A bill (H. R. 4598) granting a pension to Mary Cray; and

A bill (H. R. 468) granting an increase of pension to Mrs. H. J. Kiernan.

Mr. JOHNSON of California. Mr. Speaker, we are now in the House. I move that the House do now adjourn, before you give the gavel up.

The SPEAKER pro tempore. The committee will resume its session.

The committee accordingly resumed its session, with Mr. SHERMAN in the chair.

TAX ON ALCOHOL.

The CHAIRMAN. The gentleman from Kentucky will proceed.

Mr. EVANS. Mr. Chairman, I was about to say it is quite immaterial to me usually whether what I have to submit to the House receives much attention or not; but upon this occasion I feel that it is so important to the interests of the revenue, the interests of the country, that I ask order and I beg attention while I submit the reasons upon which the Ways and Means Committee of the House, with entire unanimity, except one member, have recommended the repeal of section 61 of the Wilson bill.

Soon after this session began the distinguished gentleman from Pennsylvania [Mr. CHARLES W. STONE] introduced into the House a bill for the repeal of section 61, and the Ways and Means Committee were called upon to investigate the question involved in the bill which he submitted. We have done so with great industry. We have done so at great length, and the result of that investigation has been the report that we have submitted to this House, and the earnest recommendation that we have made for the repeal of section 61.

Section 61, which it is proposed by this bill to repeal, is in the following language:

Any manufacturer finding it necessary to use alcohol in the arts, or in any medicinal or other like compound, may use the same under regulations to be prescribed by the Secretary of the Treasury, and on satisfying the collector of internal revenue for the district wherein he resides or carries on business that he has complied with such regulations and has used such alcohol therein, and exhibiting and delivering up the stamps which show that a tax has been paid thereon, shall be entitled to receive from the Treasury of the United States a rebate or repayment of the tax so paid. (28 Stat. L., 567.)

The practical operation of this provision, as I think you will see, is that it allows anybody calling himself a "manufacturer" to get alcohol, pay the market price for it, use it in what he calls the arts, or in medicinal or other like compounds, sell it at a full price including the tax, and after that has been done come to the Treasury and get a dollar and ten cents a gallon by way of a gift from the Treasury for every gallon of alcohol he has used. I shall endeavor to show to the members of the committee precisely how that act operates to a result such as I have described.

All of us who are in the least degree acquainted with the internal-revenue service of the country know that what are called distilled spirits under the internal-revenue laws embrace what we call whisky, what we call high wines, and what we call alcohol. Whenever any distilled spirits are made the law requires them to be put in a bonded warehouse, and they are not permitted to be removed therefrom until the tax of a dollar and ten cents per proof gallon has been paid to the Government, and just as soon as that is done, at that moment those distilled spirits must be removed from the warehouse.

Unquestionably the idea of taxing spirits for the purpose of raising revenue for the Government was founded in most manifest common sense and propriety. There are no subjects which to me seem better suited for the purpose of taxation than distilled spirits; but unquestionably the original idea of taxing them did not embrace the idea of taxing such as were used in the useful arts or in manufactures. Consequently I shall not attempt to discuss the general merits of an effort to pass a law giving free alcohol in the useful arts, but shall discuss before you the demerits of this section, the demerits of the manner by which that object was sought to be obtained through section 61, which was unfortunately slipped into the Wilson bill, in another place than this, and could not be stricken out, because Mr. Cleveland's letter so paralyzed all parties interested in passing the new tariff bill that a conference never took place for the purpose of taking these excrescences off.

There are several things to be considered; but I should like, gentlemen, in the investigation into the merits of this measure, to consider, preliminarily, one thing, and that is, the interests of the Government of the United States. It may startle you to know that the investigation made by the Ways and Means Committee demonstrates the fact to be that under the operation of section 61 of the Wilson bill the Government stands to lose $25,000 or $30,000 a day, not for the purpose of aiding manufacturers and the people generally, but as mere gifts and bounties to individuals who may call themselves manufacturers. The Government, I say, stands to lose not less than $25,000 or $30,000 a day in pure gifts, and this matter has been going on since August 28, 1894. Hence claims amounting to perhaps ten million or fifteen million dollars have arisen, and therefore we find, in opposition to this bill, a strong lobby—the only one I have encountered in my short experience here—urgent against the measure now before you.

This bill does not propose in any wise to affect the claims which have arisen under the law while in operation. It does not propose to take away from claimants their right to collect those claims, if they are just and fairly due by the Government. It does not propose to take away from the courts the ordinary right to adjudicate these questions between the Government and the claimant. We must look, therefore, I say, primarily to the interests of the Government which we come here to serve. Somebody must take care of the interests of the United States in these matters, and the Ways and Means Committee, in their endeavor to investigate this question, have felt the stress of that obligation in the midst of the clamor of those who were asking that the Government should not stop the doling out of these enormous gifts to those who call themselves manufacturers.

This has been done, too, by the majority of that committee without the slightest fear that they were doing anything in conflict with the doctrine of protection to home industries.

They are as strong protectionists as are in the House, and were appointed on that committee probably because they were such.

They knew that that doctrine had nothing to do with this question, and were not to be deceived by the pretense that it did.

The section of the bill which I have read gives a bounty to the manufacturers who deem it necessary to use alcohol in the arts or in medicinal compounds. Before I go any further let me say that of the whole medicinal interests, so far as numbers are concerned, 95 per cent of them have asked for the repeal of this bill. Take the vast retail drug trade in the country, and 95 per cent of them have asked that this bill be repealed, because of reasons I shall give further along in the progress of my statement.

Mr. MORSE. Will the gentleman permit me to ask him a question right there?

Mr. EVANS. I believe I prefer to wait until closing what I have to say. Then I will answer any questions in my power in respect to the bill.

Alcohol, as we all understand, is the highest form of pure spirits. It is useful in the manufacture of many articles, but I call the attention of the House to one most significant fact, namely, that a man who manufactures alcohol is perfectly willing to accept 2 cents a gallon as his whole net profit thereon. The man who proposes to use alcohol under the operation of this bill must not only have his profit on what he invests in it, but another profit of $1.10 per gallon on the alcohol used, the full amount of tax paid on it, thus adding what the Government gives to what he gets for his goods. An investigation of this question shows this to be the fact, that the man who uses alcohol in the manufacture or production of any article does not charge one cent less to his customers than he did before section 61 went into effect.

Right there comes an important suggestion in connection with this matter. The owner can not get the spirit out of bond until the tax is paid. He pays the tax and charges his customer the full amount of that tax, $1.10 a gallon, and probably a profit upon that, and after he has spread his product over the country and collected the cost of its manufacture, including the cost of the alcohol, after having received from his customer the full value of his goods, including the $1.10 tax which he paid on the alcohol, which is a part of the cost of the goods, he comes to the Government of the United States and says, "I want the $1.10 paid to me again by you."

The House can see that his purpose in trying to get free alcohol in this way is not to benefit the consuming public. Far from it. The retailer gets no part of the benefit of it; the man who buys the goods made with the free alcohol does not get any abatement in the price. The manufacturer collected the whole price from the man to whom he sold the goods, including the cost of the alcohol and the amount of the tax; and then, if section 61 is operative, he gets $1.10 per gallon again. These gentlemen are very clamorous, and not unnaturally. They desire that this bounty shall be continued to them at the expense of the Government.

Certainly, Mr. Chairman, there is no such merit in the use of alcohol in the arts or in medicinal compounds as that the Government of the United States should pay a premium of $1.10 a gallon to everybody who undertakes to use it; and I want again to contrast what they expect in the way of profit, that is, those who use alcohol in the manufactures or arts, and the profit of the man who manufactures the alcohol himself. One is content, as I said a while ago, with 2 cents a gallon profit for making it, while the other wants $1.10 a gallon profit for using it.

It is said that alcohol thus used is part of the raw material, and that we ought to cheapen raw material. Let us look at that a moment. The object of cheapening raw material is not exclusively for the benefit of the manufacturer, but that doctrine is meant to operate for the benefit of the consumer as well. If you give the manufacturer cheap raw material, it is to cheapen the manufactured product. But here is the peculiar feature of this thing: The manufacturer has collected from the consumer the $1.10 a gallon which he has paid. With that in his pocket, he comes also to the United States Treasury, under section 61, and wants it again; and you see it follows incontrovertibly that when he gets the other $1.10 per gallon it is that much of a gift or bounty, pure and simple, made to him by the Government because he used alcohol in the arts or in the manufacture of medicinal compounds.

Surely this is a most remarkable result, but not quite so remarkable as the fact that we find advocates for the continuance of so wanton a waste of public money under the guise of protection to home industries. And it is largely or almost entirely because the retail druggist does not get the benefit of a single cent of this rebate, because the articles come to him precisely as high as if this rebate was not allowed; that the retail druggists of the country are in favor of the repeal of section 61, saying that it is a bounty given to a few, regardless of the interests of the Government, and that the mass of the purchasing and consuming public got no sort of benefit from this so-called free alcohol.

Now, Mr. Chairman, I do not know that I need to consume much of the time of the committee on this subject; especially do I believe that I need not consume much of the time of those members who understand anything about the operations of the internal-revenue system. I do desire, however, to read to the committee a somewhat instructive circular letter which has come into my possession, and which illustrates to some extent the powerful influences that are operating in behalf of those who insist that this spigot shall remain open. A firm of attorneys in the city of Washington, writing over the name of Harvey Spaulding & Son, have issued a circular letter which illustrates the whole subject, and I will read an extract from it to the committee:

WASHINGTON, D. C., *April 24, 1896.*

GENTLEMEN: The Committee on Ways and Means in the House of Representatives and the Committee on Finance in the Senate have both reported bills for the repeal of section 61 of the act of Congress of August 28, 1894, providing for a rebate of the tax on alcohol to manufacturers, and there is every probability that the repeal bill will become a law within three weeks or a month. It will therefore be advisable to make as much use of alcohol in manufacturing as possible during the coming month, with a view of taking advantage of the law to the utmost as long as it lasts.

Now, Mr. Chairman and gentlemen, there is the milk in the cocoanut. This is a circular letter addressed generally, urging

all persons interested to come up and avail themselves of this good thing as long it lasts. The records of the Internal Revenue Bureau show that millions of dollars of these claims are being brought forward by persons who have used alcohol in manufacturing processes and who have collected the whole cost of it from their customers, and are now seeking, as a matter of pure profit from the Government, to get that $1.10 per gallon again. Of course they are perfectly right from their point of view. I am not impeaching the honesty of their motives in doing this. It is natural that they should be anxious to have this law remain on the statute book, and these attorneys, who probably hope to get some of the claims for collection, are urging the "boys" to avail themselves of the advantage of the law as long as it lasts. In this circular they are told that Congress intends to abolish the law and stop this leak, and are urged to come up and avail themselves of it as rapidly as possible while it lasts. There is one district in the city of New York where there are claims to the amount of a million dollars already made under section 61 of the statute, and it is natural that these people should be clamorous that it shall not be repealed. The possibilities under it are too great and too alluring for that to be allowed without a contest.

Mr. HILL. How much did I understand the gentleman to say the claims filed amount to?

Mr. EVANS. I do not know that the claims which have been filed amount to so large a sum as I have named, but the information which comes to us is perfectly clear and specific that claims of this character are outstanding to an enormous amount, which are only awaiting the decision of the test case which is pending in the Court of Claims.

Mr. HILL. May I ask the gentleman, in all courtesy, where the information comes from that he is now giving to the committee?

Mr. EVANS. It comes, as I have said, from the developments in the course of the investigation that we have made. We do not shut our eyes to the facts.

Mr. HILL. I am asking the gentleman for the particular sources of the information.

Mr. EVANS. Well, the gentleman can propound his question, but he can not by any means dictate my answer, which is as I have stated it.

Mr. HILL. I do not wish to dictate your answer. You stated, if I understood you correctly, that something like $30,000 a day of these claims were filed.

Mr. EVANS. I stated nothing of the kind, and the gentleman could not have been paying very much attention to what I said if he so understood me. What I did say (and the notes of the Official Reporter will doubtless show it) was that so long as this law remained on our statute book the Government stood to lose from twenty-five to thirty thousand dollars a day in the way of claims under this provision.

Mr. HILL. Have the committee any accurate information as to the amount of these claims which have actually been filed?

Mr. EVANS. We have the estimate of the Commissioner of Internal Revenue that these claims will amount to $10,000,000 annually.

Mr. HILL. That is not an answer to my question.

Mr. EVANS. I do not care whether it is or not in the gentleman's view. It is a fact as I have stated it.

Mr. HILL. Will the gentleman pardon me if I make a single statement?

Mr. EVANS. No, sir.

The CHAIRMAN. Does the gentleman from Kentucky decline to yield?

Mr. EVANS. I decline to yield, because I know what I am talking about, and my time is limited. I say that the Commissioner of Internal Revenue estimates that the claims under this law will amount to perhaps $10,000,000 a year. Take Hostetter & Co., who have a claim of perhaps a quarter million of dollars that they have not yet filed, and there are many others. It was stated in the hearings in our committee room that there were vast numbers of these claims not filed because a test case was pending in the Court of Claims, and it was not regarded as necessary to file them until that case was decided. The Commissioner of Internal Revenue states, in a letter from which I shall read an extract, that in one district in New York claims of this nature to the amount of about $1,000,000 have originated and probably have been presented. To illustrate—what I may as well do now as at any time—the extreme expansibility, so to speak, of this section 61, I will read what the Commissioner has stated to the committee as to the amount and character of these claims. In the report which the committee had the honor to submit to this House will be found the letter of the Commissioner, in which he says:

An investigation of claims presented in one of the collection districts of New York for rebate on alcohol claimed to be used under section 61 of act of August 28, 1894, shows that the same will amount in this district alone to about $1,000,000 annually. From information obtained in this district it is believed these claims will be largely increased in number and amount when it is generally known that the rebate will be paid.

I should like the attention of the House for a moment in order to show just what sort of a law this is. You must remember it says that—

Any manufacturer—

Now, think of the height, the breadth, the thickness of a word like that—

Any manufacturer finding it necessary—

Now, think of that word "necessary." Anybody may call himself a "manufacturer" and anybody may find it "necessary"—extremely appropriate—to use alcohol, if he can get $1.10 a gallon for using it.

Any manufacturer finding it necessary to use alcohol in the arts—

Apply yourselves for a moment to think of that word "arts." What is not an art in the language of one who can get $1.10 a gallon for alcohol to stimulate his ingenuity to find out what an "art" is?—

or in any medicinal or other like compound.

Observe the expansibility of this language, and then see what the Commissioner of Internal Revenue says in the letter, which I shall continue to read:

These claims cover a vast number of articles, such as tinctures, medical compounds, flavoring extracts, essences, patent medicines, bay rum, bay salt, Florida water, medicine extracts, pepto mangan, homeopathic medicines, root beer, witch-hazel, medicinal and other like compounds, fruit extracts, nutrolactics, pharmaceutical preparations, barbers' supplies, tobacco, smoking tobacco, celluloid and fancy goods, hair tonics, bovinine extract, varnish, bitters of various kinds, essential oils, essence of pepsin, medicinal saumetto, tricopherous perfumery, Jamaica ginger, ethers, oils, wine and liquor flavors, toilet waters, confectioneries, blackberry brandy, cherry brandy, household panacea, soothing sirup, Radway's Ready Relief, sarsaparilla, Venetian liniment, etc.

Note carefully what are to be the consequences as soon as it becomes known that these rebates will be paid, if the bill now before the House should fail to pass and section 61 should continue in operation. If in the dry tree these people have found out all these various ways of using alcohol, what may we expect in the green? There is no telling the enormous expansion that will be the result of the industry of our people when they find that they can get not simply 2 cents a gallon as manufacturers of alcohol, but $1.10 a gallon profit for each gallon that may be put into the manufacture of anything, even hair tonic, or any other useful article like that. The expansion of water just as it goes into steam will be as nothing to it.

Why, Mr. Chairman, it does seem to me that the slightest attention given to this matter by anyone who proposes to guard the interest of the Treasury and the Government must convince him, as it should every legislator acting here under the responsibility of a sense of duty, that we ought at once to vote for the repeal of this most obnoxious measure.

I am not here to say that there ought not to be a plan devised by which persons may get free alcohol for employment in the useful arts; and I am authorized to say in this connection on behalf of the Ways and Means Committee, whose organ I am, and in what I say I speak only in that capacity, I am authorized to say that they will propose a second section (which I will read now for information) which we have supposed would meet the views of most of the gentlemen who have heretofore engaged in the discussion of this matter with us, so that when we get this particular section repealed, the only one that we are seeking now to repeal, as it contains this Pandora's box, the one that gives this evil tinge to this whole matter—when we get this section repealed, this second section which we propose to offer will provide a method by which we can investigate deliberately and intelligently the whole question, and if there be a way of providing for the use of free alcohol in a manner safe for the interests of the Government, the committee which this second section proposes to raise can find that out. I ask the Clerk to read the amendment which I am authorized on behalf of the Committee on Ways and Means to propose.

The Clerk read as follows:

SEC. 2. That a joint select committee is hereby authorized, to consist of three Senators, to be appointed by the presiding officer of the Senate, and three members of the House of Representatives, to be appointed by the Speaker of the House, which select committee shall consider all questions relating to the use of alcohol in the manufactures and arts, free of tax, and to report their conclusions to Congress on the first Monday in December, 1896. Said joint select committee is authorized to sit by subcommittee or otherwise during the recess or session of Congress at such times and places as they deem advisable; to summon witnesses, administer oaths, print testimony or other information, and to employ such stenographic, clerical, and other assistance as may be necessary, one-half of the expense to be paid from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

Mr. KNOX. I should like to ask the gentleman one question. Is it intended by the amendment just read to exclude from the consideration of the commission that is to be appointed alcohol used in medicinal and like arts?

Mr. EVANS. The amendment speaks very plainly for itself.

Mr. KNOX. It simply says "in the manufactures and arts."

Mr EVANS. I was just about to enter on that part of the discussion, and to explain the operation of that amendment.

Mr. McCALL of Tennessee. Allow me to ask this question: If this bill should become a law, in what position will it leave those persons who are already entitled under the existing law to rebates?

Mr. EVANS. I think the gentleman is too good a lawyer for it to be necessary that I should say to him what I will say to the House, that, in my opinion and in the opinion of the committee, there will be no difficulty whatever about those claims which have accrued. They would not be in any way impaired or affected by this repealing act.

Mr. McCALL of Tennessee. No provision is made for them in this bill.

Mr. EVANS. None.

Mr. McCALL of Tennessee. And does that mean that they will not be provided for, because up to this time they have not been provided for?

Mr. EVANS. Oh, well, that will be for the Government to answer. If these parties get a judgment, of course it can be appropriated for. We will answer that, however, when the time comes. It is not a pertinent question to the issue now.

Mr. Chairman, it must be understood, further, that the appetite for this dollar and ten cents will be almost unappeasable unless you repeal this provision of the law. And to keep that appetite down and to keep the revenues of the Government from being most grossly defrauded and imposed upon unless this section is repealed, you must have scattered broadcast throughout the country officers and agents of internal revenue, men in every district and every locality throughout the land, to protect the Government against frauds under the operation of this particular section of the law.

Let me say to the committee that the Commissioner estimates, and it is the estimate of our committee, too, that, in addition to the bounties that you give to these people as a premium, it will cost no less than from one million to one million two hundred thousand dollars a year in salaries and expenses in order to protect the Government against these frauds. It is thought by the Commissioner that this is not too high an estimate of what the Government will be annually required to pay in order to prevent the payment of fraudulent claims which would otherwise be presented.

Now, everybody on the Committee on Ways and Means—I believe I can say even my learned and able friend from Connecticut [Mr. RUSSELL]—will agree with me, and everybody who has investigated the question has come to the same conclusion, that there was no possibility of making a law in such form as that medicinal compounds could be included in the benefits thereof, because the facilities for fraud are too enormous and too certain in connection with that branch of the subject. The possibilities of fraud are so apparent in that connection that even the fool need not err therein. Anybody who chose to do so could swindle the Government under the guise of making medicinal compounds. And nobody in the committee, as I remember, supposed that the law ought not to be repealed so far as medicines and medicinal compounds were concerned.

But, Mr. Chairman, the great clamor with reference to this matter has come from the manufacturers themselves. It has not come from the people. The people make no demand for the retention of this section. On the contrary, let me say, infinitely the greater number of petitions that came to us have come from people asking the Government to repeal this section of the law. It is a provision that does not benefit the public, but only a few individuals. The profits of the provision, scattered out amongst the people at large, even if they derive the full benefits from it, would be so small, so infinitesimal, when divided amongst the mass of the population, it would amount to nothing. But if it is all accumulated in the hands of a few it makes an extremely respectable amount of wealth to be enjoyed at the expense of the Government. The only excuse, the only ground, upon which we can give free alcohol to anybody is not that it will benefit him individually, but that it will benefit the people at large; that it will benefit the consumer by giving a cheaper product.

There is no justification whatever in passing a law to give to a few people the benefit of a bounty, and excluding the general public from its provisions. The general public taxes alcohol at $1.10 a gallon, and they have taxed it at that rate ever since 1862. The general public is entitled to have that tax in order to pay the enormous expenses of the Government to which it is subjected by reason of the pension laws, the civil list, the Army estimates, and so on. I repeat, the general public is entitled to have that tax unless the general public, for the general good, shall see proper to relinquish it. In this case it is admitted that the general public has not derived any benefit from this particular relinquishment of the tax, and that only a few persons get it. And it is not wise legislation, in the estimation of the committee, that a few persons should be so vastly benefited at the expense of the Government and at the expense of the people.

Furthermore, Mr. Chairman, we must understand that one of the most important factors in raising revenue under our system, as it is at present operated, is the internal-revenue system. Last year the tax on distilled spirits produced a revenue of nearly $80,000,000. We collected that. There is but little taxation which escapes on distilled spirits under that system. We raise, I repeat, eighty millions per annum by that system. It will not do to relax the proper rigors of the internal-revenue system. It will not do to open such a door for fraud as was opened and will be kept open by the retention of section 61. And I call your attention to the fact that fortunately for the country in the framing of section 61 such inapt language was used, in my judgment and in the judgment of the Secretary of the Treasury and the Commissioner of Internal Revenue, as to make the act impracticable and inoperative.

While that section was foisted upon that bill, as I said a while ago, as an internal-revenue excrescence upon a tariff system which was vicious enough, as exemplified by the Wilson bill, luckily it was placed upon the bill in such hot haste that the author of it, whoever he may have been, used language not sufficiently explicit and apt to make it operative; and that is the only thing that saved this country $20,000,000 up to date by way of mere gift to those that were no more entitled to it than are we, the members of this committee who are deliberating upon this question to-day. It is all a bounty, nothing else. When the Secretary of the Treasury undertook to frame regulations he found that he could not do it. He was unequal to the duty. The Commissioner, after a most elaborate effort and careful investigation of the subject, was unequal to the task, a most fortunate failure, in my judgment, for the good of the country, in this day of deficiencies of revenue, when our expenses exceed by $2,500,000 per month our income.

We are told that there is great justice in these claims. Individually I have a conviction which I intend to declare here and let it go upon record, namely, that there is not one particle of justice or merit or anything like equity in a single claim that has been presented under section 61. And why? Because in not a single instance did the man who presented that claim lower his price in consequence of the rebate. Not in one instance was the price lowered to the consumer or the general public. The proof is clear enough about that. So that to start with there is nothing but a promise to give these people something, and there never was any consideration to uphold that.

But that is only an exceedingly minor and insignificant point compared with what I am about to state. Anybody who proposed to operate upon section 61 read in the most unmistakable and significant language the following:

> Any manufacturer * * * may use the same under regulations to be prescribed by the Secretary of the Treasury, and on satisfying the collector of internal revenue for the district wherein he resides or carries on business that he has complied with such regulations * * * shall be entitled to receive from the Treasury of the United States a rebate or repayment of the tax so paid.

He had no claim and knew that he had no claim until he complied with the regulations, and for that very reason, among others, he charged to his customers and consumers the whole $1.10 per gallon, and those two things, in my judgment—first, the absolute knowledge upon his part that he had no right except as it was based upon regulations which he knew did not exist, coupled with the fact that he charged the customer the whole price of this alcohol and then sought to get back the rebate as a mere gift and bounty—effectually excludes the idea of any justice, equity, or anything of that sort in these claims against the Government. So that the Government of the United States will inflict no wrong or injustice upon any claimant if it shall, in the progress of time, deny every one of these claims, through the courts or otherwise, upon the grounds that I have just indicated. The condition precedent to the allowance of these claims does not exist; has never existed. There have never been any regulations, and these claimants knew it. They knew they had no claim until regulations were made and they complied therewith, and, in my judgment, they have no claim. But, fortunately, that is for the courts to determine, and if the courts determine that these claimants have any just or equitable claim, that is all right.

My opinion is that the courts ought not to determine in that way, and I sincerely hope they will not, although I am in favor of paying every claim that the United States owes in justice and in fairness, whether we are able to pay it or not. I am in favor of paying them all, but I am not in favor of giving to anybody, as a premium or reward for using alcohol, the sum of $1.10 per gallon for all that his ingenuity may lead him to use. I do not believe in so rewarding that kind of ingenuity. There are other kinds of ingenuity that promote the public welfare, that advance the public good. We give them no such enormous and magnificent gifts as those which are proposed to be given under this section; and because there is no merit in these claims, I for one felt that it was our duty to take away the jurisdiction of the courts and the Department; but I am perfectly loyal to the committee, which thought otherwise, and will leave it just as it is; leave these claims to the court and let their decision be final. If the courts find in favor of these claimants, then the Government must pay

the penalty for the exceedingly unwise, inequitable, and perhaps iniquitous measure which was passed in the form of section 61; iniquitous because it gives to a few such a large bounty at the expense of the many.

Now, if the second section which we shall propose in due season shall be adopted by this House, this question of free alcohol in the arts and manufactures can receive deliberate, intelligent, adequate, and fair consideration at the hands of those who understand something about it between now and the next session; and if there can be a well-guarded provision by which manufacturers, for the benefit of the people at large, can receive their alcohol free for use in their various processes, I for one, so far from opposing it, shall be in favor of it; but I am urgently opposed to continuing this gap so wide open, out of which must necessarily flow, unless the courts come to the rescue, so large an amount of public wealth, so large an amount of the public revenue; and, as I said, unless we repeal the section the probability is that industries to absorb this bounty will expand as the ingenuity of our good citizens may find opportunity. They have only found this thing out recently in New Jersey, in New York, in Massachusetts, and in Connecticut; but it will spread abroad all over the country. Gentlemen of the committee, let me say it will even reach California after a while, and all over the country they will get to raiding the Treasury at the rate of $1.10 a gallon for every gallon of alcohol they can use in the manufactures. The way it is going on the most of us will quit the practice of law, we will quit the practice of medicine and doing all these meritorious things, and go to making a living on something in which we can use alcohol.

Mr. DALZELL. Making hair restorers!

Mr. EVANS. Yes; we will go into the making of hair restorers, where I might be a customer; and also patent medicines. It does not make any difference what sort of manufacture it is under this section. That is immaterial. This word "manufacture" is one of the broadest of words in the English language, unless it be the word "arts," and both of them are quite broad enough to let in anybody who wants to get into the business of looting the Treasury. You can use alcohol in anything, so that it is a "manufacture" or "art"; it matters not how little else there is. You can use it in any way, and you shall not be cut off from going to the Treasury, if only there is art or a medicinal compound. There is much mention of repudiation in this discussion. I have heard more talk of repudiation in the discussion of this matter than I have heard for many years. You are told that to repeal this section is repudiation.

Mr. GIBSON. I will say to my friend that he means since the United States refused to pay the war claims due its loyal citizens.

Mr. EVANS. Or anything of that sort. We are told that this is repudiation. I am not in favor of repudiating anything that is fair and right; but when the Government acts inops consilii [laughter] a remedy should be applied. It shall not act that way this time. The Committee on Ways and Means has recommended a measure that will cure the evil, and, with one exception, all its members are agreed; and I do not know but what that one exception was that way. At all events, all but one of the Committee on Ways and Means were clearly of opinion that we would lay this matter before you in such a shape as that you alone should take the responsibility of leaving this door open by which the Government can be plundered in the case of the use of alcohol in the manufactures and the arts.

I have spoken with earnestness because I feel that the people of this country ought to know the situation. I feel that the members of this committee ought to know of it. Many of them do not, because their avocations of life do not bring them in connection with the internal-revenue system. It is a most charming thing to talk about free alcohol in manufactures and free alcohol in the arts. That is one of those delightful siren songs that fill with pleasure some gentlemen who represent certain large and important parts of the United States.

Mr. LINNEY. Will the gentleman allow me to ask him a question?

Mr. EVANS. I always yield with pleasure to the gentleman from North Carolina.

Mr. LINNEY. I want to vote for the gentleman's bill if I can. I see, however, that you report here that under the existing law 20,000,000 gallons are used annually of grain alcohol. Now, suppose you repeal the present law, and it restores the use of wood alcohol, which you say is poisonous and is untaxed, will not the effect of it be to destroy the use of the 20,000,000 gallons of grain alcohol and stimulate the use of the poisonous wood alcohol?

Mr. EVANS. If my friend will just listen he will vote for this bill.

Mr. LINNEY. I listened to every word you said, my dear sir. Here you denominate it as cheap and poisonous.

Mr. EVANS. That is, 2,500,000.

Mr. LINNEY. But 20,000,000 of grain alcohol are now used.

Mr. EVANS. Gentlemen, I want you to understand this fact. Wood alcohol, which I did not think of enough importance in this matter to mention unless somebody asked about it, cut somewhat an incidental figure in the investigation of this matter. Nobody representing wood alcohol ever appeared before the Committee on Ways and Means; nor did I think of considering it here, because it did not need to be. But wood alchohol is alcohol made from wood instead of grain. Pure grain spirit is not poisonous; but it is useful as a solvent for varnishes, and is used in many other manufactures, such as hat making and things of that sort.

Now, I want to say to my friend from North Carolina that, so far as yet developed, nobody has sought any of this bounty for any alcohol that is used for drinking purposes, however much of an art that may become. It is only asked for on alcohol used by the manufacturers. Wood alcohol can not be used, of course, in medicine, with reference to which everybody admits that this section of the statute ought to be repealed, but it can be used in several ways in manufacture. In hat making, for instance, it is used as a solvent or in the preparation of the materials that are put into it, and it does not make a particle of difference, for that purpose, whether it is poisonous or not.

Mr. HILL. It only makes the difference of whether it kills you or not; that is all.

Mr. EVANS. Well, down in my part of the country we never take any varnish in ours, so there is no danger. [Laughter.]

Mr. HILL. You do not take wood alcohol either, do you?

Mr. EVANS. We would take, gladly take, wood alcohol for the purposes for which it can be safely used. Now, Mr. Chairman, under the operation of our internal-revenue laws, which have been in force ever since 1862, the wood-alcohol industry has developed to a considerable extent in some parts of the country, so that there are perhaps two and a half million gallons of it used. Wood alcohol costs more to make than grain alcohol. It does not cost more than 10 or 15 cents to make a gallon of grain alcohol, but it costs many times that much to make a gallon of wood alcohol. But when you add the tax of $1.10 a gallon to the grain alcohol you make the wholesale price about $1.25 per gallon, while the wood alcohol can be got for a good deal less. That being so, the wood-alcohol manufacture has developed until they have come to make about two and a half million gallons of it, employing about a thousand hands. But when you rebate the tax you reduce the cost of grain alcohol to 10 or 20 cents a gallon, and nobody will buy wood alcohol, thus killing the industry.

Mr. LINNEY. But the use of the wood alcohol will displace the use of the grain alcohol, will it not?

Mr. EVANS. To a certain extent, possibly. Where you have to have grain alcohol, you must have it; but where wood alcohol can be used, you can use it without paying the tax. But the wood-alcohol industry has very little to do with the question. It is simply alluded to in the report of the committee as one illustration of the unwisdom of keeping this law in operation. That is to say, the effect will be that by the paying out of the public Treasury of a bounty to certain industries—it may be a snide manufacture of some sort or something called art—you will destroy the wood-alcohol industry without benefiting in the least the public at large.

Mr. JOHNSON of California. The gentleman stated just now that the wood-alcohol industry would not be interfered with particularly. I wish to call his attention to the language of the report, which, on page 7, says:

> And, lastly, we deem it our duty to call attention to the fact that the effect of section 61, if carried out, will be the destruction of the large wood-alcohol industry.

Mr. EVANS. That is exactly what I have said and what I say now, and I have explained to the gentleman from North Carolina [Mr. LINNEY] how that will come about, by reducing the price of the grain alcohol and putting it at 20 or 30 cents or more below the price of wood alcohol. In that case wood alcohol will not be used, and so the industry will be destroyed.

Mr. Chairman, I ask that the report of the Ways and Means Committee on this subject be incorporated in the RECORD as a part of my remarks.

The report is as follows:

> The Committee on Ways and Means, to whom was referred the bill (H. R. 3282) entitled "A bill to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 28, 1894," having carefully considered the same, report it back to the House with the recommendation that it do pass, when so amended as to substitute the word "eighth" for the word "fifth," at the close of line 5 of the bill. An amendment of the title to conform to this change is also suggested.
>
> The language of the section which the bill proposes to repeal is as follows: "Any manufacturer finding it necessary to use alcohol in the arts, or in any medicinal or other like compound, may use the same under regulations to be prescribed by the Secretary of the Treasury, and on satisfying the collector of internal revenue for the district wherein he resides or carries on business that he has complied with such regulations and has used such alcohol therein, and exhibiting and delivering up the stamps which show that a tax has been paid thereon, shall be entitled to receive from the Treasury of the United States a rebate or repayment of the tax so paid." (28 Stat. L., 567.)

An effort was made to prescribe regulations to carry the law into effect, but the failure to do so is shown by the following letter, dated the 6th day of October, 1894:

"SIR: Your communication of yesterday in reference to the execution of section 61 of the act of August 28, 1894, and advising me that, for the reasons therein stated, you 'are unable to prepare any set of regulations which would yield adequate protection to the Government and the honest manufacturer without official supervision, which has not been provided for by Congress,' is received. I have also given much attention to the subject, and have fully considered all the arguments and suggestions submitted by the parties interested in the execution of the section of the statute referred to, and have arrived at the conclusion that until further action is taken by Congress it is not possible to establish and enforce such regulations as are absolutely necessary for an effective and beneficial execution of the law.

"You are therefore instructed to take no further action in the matter for the present.

"Respectfully, "J. G. CARLISLE, *Secretary*.

"Hon. J. S. MILLER,
"*Commissioner of Internal Revenue.*"

And thus the matter stands now, except that claims under the section to a great amount are outstanding against the United States unpaid and unadjusted.

Prior to the act of August 28, 1894, commonly known as the Wilson bill, there was never any such provision in our statutes as curiously and disastrously took shape in section 61. This crude legislation was not by any means one of the least of the evils of that incomplete and unfortunate measure. The wording of the section was found to be vague and inapt, so much so, indeed, that it was difficult and probably impossible to determine its limitations in practice, and the door was left wide open for frauds and misinterpretations. So certainly was this the case that the Treasury and internal-revenue officials, after patient and laborious effort, confessed, as shown in the foregoing letter, their inability to carry it into effect. That no other conclusion could be reached on the law as it stands every disinterested person who intelligently studies the subject must, it is believed, admit.

Necessarily, therefore, there should be some change of the section to make it practically operative, or else it should be repealed to avoid the very great harm it will do.

We have examined the schemes proposed in lieu of unconditional repeal, but in the judgment of the committee none of them would accomplish the object and adequately protect the revenue without involving large expenditures of money and the creation of a very large number of additional officers—results, unhappily, greatly disproportionate to the benefits to come to the public from free alcohol.

Undoubtedly the idea of taxing distilled spirits had its germ and origin in the conviction that that product was not in any respect a necessity, but was a quasi evil, to say the least, and from that standpoint a more appropriate subject of taxation than any of the necessaries of life. But this conception did not extend to such uses of alcohol and its preparations as were essential to the manufacture of articles of meritorious public consumption, such as medicines, hats, varnishes, and many fabrics. Consequently, if a scheme could be devised whereby the Government could exempt alcohol from taxation when so used it might strongly commend itself to the committee were it not for the considerations presently to be urged. But, as before suggested, nothing has been proposed to us which even approximately relieves the subject of the difficulties to be encountered.

The matters of prime importance in considering the subject seem to be, first, the interest of the Government from a revenue standpoint, and, second, the interest of the people generally as distinguished from that of a very limited number of them.

The hearings before the committee were very protracted and elaborate, and the conclusion was clearly reached that free alcohol, under the practical operation of any reasonable construction of section 61, would immensely benefit a few manufacturers and wholesale dealers in certain lines by returning to them, long after the product was marketed and sold, a sum equal to the tax on the alcohol used; but that the great consuming public would not, probably in a single instance, owing to the exceptional nature of the case, have a cheaper price made to them. This is so well illustrated in the case of the retail druggist and his customers (whose claim to cheaper medicines is certainly as meritorious as anything we can select) that we need go no further on this line than to report that the testimony did not materially conflict on the point that they could not and would not get lower prices. The entire retail drug trade is therefore against free alcohol. It is but just to say that this opposition is not merely on the ground of prices, but is also because of their fears of frauds on the Government, and of injury to themselves as merchants by jeopardizing the purity and character of the articles they sell.

A relaxation of the high tax on alcohol might be very desirable under some circumstances, especially if we did not so much need revenue, but the entire removal of the excise would not be excusable even to a meritorious manufacturing industry unless the people at large should share in the benefit when the manufactured article came to them for sale. It is one of the strongest objections to this particular legislation that no such participation by the public in the benefits of the exemption seems possible. This benefit all goes, and must continue to go, to the manufacturer alone, or to him and his jobber, and the consuming public pays just as much as if Congress had not enacted the section. The reason of this is that the full amount of tax must be paid at the outset to get the alcohol out of bond, and long afterwards, perhaps after the product is sold, the claim for refunding, if the proof is satisfactory, is allowed. This delay and uncertainty inevitably result in the collection from the purchaser of the full price of the goods, inclusive of the tax, and afterwards from the United States of whatever is refunded on account of the tax.

While this benefit to the manufacturer will greatly aid him when he gets the remitted tax, and possibly in a small way may benefit a limited number of laborers or jobbers, with whom he may divide to a nominal extent, the dividend to the consumer would be so small and uncertain in any event that it would not be worth making, and therefore will not be made, but substantially all of the amount thus refunded will be retained by the manufacturer alone. Hence it is apparent that he will continue to sell his product for precisely as much as if the alcohol were to continue to be tax paid, and will also afterwards get back and retain the $1.10 per gallon as additional profit. It can not be just or wise to favor in this manner the manufacturer of any sort of goods. We repeat that the appeal of no line of business can be stronger than that of the maker of medicinal compounds which are designed to promote the health of the people, and yet free alcohol is so manifestly improper and impossible for that interest, unless we wish to break up the internal-revenue system, that no one of the committee entertains the slightest idea that the law ought to remain in force as to medicinal or other like compounds. The facilities for frauds on the revenue are too manifest to make this tolerable.

We have pointed out that the proposed benefit to purely private enterprises and manufacturing interests could not bring any compensating general benefit to the people at large, which would alone justify it, and it would seem manifest from this point of view alone that section 61 should be promptly and unconditionally repealed, however desirable under other conditions free alcohol might be. We must for a long time necessarily tax alcohol generally, and we can not, under these circumstances, or without injustice to the public, exempt it even to the most meritorious industries. We can not make a separate matter of it in those connections with justice either to the revenue, the Government, or the general public. Ordinarily cheaper raw material will insure cheaper products, but where the price of the former is made to depend upon the more or less uncertain chance of a refund of a part of its cost, the result must be that the price of the product can not be materially reduced. So it will operate here, and the tax subsequently refunded will be that much of mere bounty to the manufacturer alone.

Other considerations seem cogent and powerful aids to the conclusion reached by the committee.

The current expenses of the Government for the fiscal year to end July 1, 1896, will exceed by about $30,000,000 the revenues for the same period. The best estimate made of the alcohol likely to be claimed as free under the act is 10,000,000 gallons per annum, a total for the fiscal years 1895 and 1896 of 20,000,000 gallons, on which the taxation is $22,000,000. We submit that the Government, especially in times like the present, can not afford, and ought not to be required to refund taxes under section 61, and should not any longer be subjected to the danger of having to do it. But the large direct loss to the revenue of $11,000,000 per annum is not all. Unless the strictest supervision is maintained over the whole subject of the use of alcohol in the arts, and in making medicinal and other like compounds whenever the manufacturer "finds it necessary," in the language of the section, to use it, the frauds committed under the extremely loose wording of the section will add many millions more to the losses the Government will sustain.

As anybody may become a "manufacturer" of some kind, and may "find" it necessary to use alcohol in the "arts," whatever that may mean, or in the making of medicinal or other like compounds, the utmost vigilance (to be exercised possibly in every school district from the Atlantic to the Pacific) will be required to prevent the success of the teeming schemes which will inevitably be devised to get the bounty of free alcohol. It is estimated that to do this adequately and effectively something like as many more revenue officers must be created as now exist, all of whom must be paid proper salaries. In this way more millions would have to be spent, adding fresh burdens to the people generally, in order to give a benefit to a few, upon some specious pretext of free alcohol to this, that, or the other interest, Government aid to which is neither fairer nor more necessary than to any and all others.

England, Germany, and some other countries have laws providing for the use of free alcohol in the preparation of foods, lights, and medicines, and in some of the useful arts. The last is done, where practicable, by the methylation of the spirits, and it has been urged that we could make and enforce similar laws, and in this way benefit a few industries. We have no accurate information as to how effectively these laws operate in those countries, though as they are not repealed the presumption is that favorable results have been attained.

But those countries of very limited territory and dense population present cases very different from ours, particularly in the matter of possibility of surveillance, and investigations made officially in this country do not encourage much hope that methylation could be so regulated as to give useful and safe results. It is too easy to demethylize the spirits to risk it to our acute and enterprising citizens of certain tendencies.

Again, distilled spirits produce more revenue than comes from all other internal-revenue sources combined. From them we got last year nearly or quite $80,000,000. Spirits are a manifestly proper subject for taxation, and we should not relax our hold upon this great source of revenue (as we certainly shall if we permit this entering wedge to remain) until the obligation to pay vast sums in pensions to the soldier and his widow has been extinguished. Its efficiency as a revenue producer will be greatly reduced by the seductive intrusions of claims for free alcohol upon one plausible but delusive pretext or another, unless we begin resistance at once. We should forget our duty to the Government, and the sacred objects in raising this revenue, if we gave it away in any unjustifiable manner.

While the case is admittedly clear to all as to medicinal compounds which may so easily be perverted into beverages, a few may insist that some industries, where the use of alcohol involves its total destruction, rests upon a better and more favorable foundation in claiming free alcohol; but while the committee admit that the difficulties of surveillance are diminished in proportion as the number of instances in which free alcohol may be used is limited, this does not relieve the subject from a most essential difficulty, which lies at the very root of the matter, namely, that for the Government to refund to the manufacturer the amount, or even a portion of the amount, of the tax paid on the alcohol used by him, long after that tax had been paid and the amount of it included in the price to the consumer, is to that extent to bestow a bounty upon an individual or industry no better entitled thereto than any of the others of the country not so favored. It must not be forgotten that there is no virtue so magical about the use of alcohol as to entitle him who uses it to be paid by the Government for so doing $1.10 per gallon on what he uses.

The manufacturer must always, under the peculiar circumstances of this case, sell his product at a price which includes the tax paid as well as a reasonable profit, and will afterwards get as an additional profit whatever sums may be refunded by the Government. This is the course the matter will take and must take in every case. It is therefore clearly a mere bounty to the manufacturer, and a possible injustice to all other industries not equally favored. Alcohol is exceptionally surrounded, and the people are entitled, through the Government, to the tax thereon, unless in some way they can get the benefits of its being exempt in certain instances. There is neither justice, propriety, nor logic in taking this benefit from the people generally, as represented by the Government, and bestowing it upon a less number, as must necessarily be the result unless section 61 is repealed. The practical operations of this peculiar section must lead to this and nothing else.

As very clearly stating views which met the approval of the committee, and as giving also some very important facts in a succinct and forcible manner, and particularly as showing, as the first one does, the almost phenomenal flexibility of the language employed in section 61, or at least its great width of application, the following letters are inserted at this point. They are quite instructive:

"TREASURY DEPARTMENT,
"OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,
"*Washington, D. C., February 11, 1896.*

"SIR: An investigation of claims presented in one of the collection districts of New York for rebate on alcohol claimed to be used under section 61 of act of August 28, 1894, shows that the same will amount in this district alone to about $1,000,000 annually. From information obtained in this district it is believed these claims will be largely increased in number and amount when it is generally known that the rebate will be paid.

"These claims cover a vast number of articles, such as tinctures, medical compounds, flavoring extracts, essences, patent medicines, bay rum, bay salt, Florida water, medicine extracts, pepto mangan, homeopathic medicines, root beer, witch-hazel, medicinal and other like compounds, fruit extracts, nutrolactics, pharmaceutical preparations, barbers' supplies, tobacco, smoking tobacco, celluloid and fancy goods, hair tonics, bovinine extract,

varnish, bitters of various kinds, essential oils, essence of pepsin, medicinal saumetto, tricopherous, perfumery, Jamaica ginger, ethers, oils, wine and liquor flavors, toilet waters, confectioneries, blackberry brandy, cherry brandy, household panacea, soothing sirup, Radway's Ready Relief, sarsaparilla, Venetian liniment, etc.

"Respectfully, yours, "JOS. S. MILLER, *Commissioner*.

"Hon. WALTER EVANS,
"*House of Representatives, Washington, D. C.*"

"TREASURY DEPARTMENT,
"OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,
"*Washington, D. C., February 13, 1896.*

"SIR: Referring to my letter of the 11th instant, on the subject of alcohol used in the arts, etc., inclosed please find copy of a letter this day received from The A. Burdsal Company, of Indianapolis, Ind., manufacturers and jobbers in paints, varnishes, etc., protesting against the allowance of rebate of tax on the alcohol so used.

"The statements made in support of this protest confirm the views expressed in my letter above referred to, and, coming as they do from manufacturers who use alcohol in their business, and who have made claim for rebate on alcohol already used, seem to be entitled to special consideration.

"Respectfully, yours, "JOS. S. MILLER, *Commissioner*.

"Hon. WALTER EVANS,
"*House of Representatives.*"

"INDIANAPOLIS, IND., *February 10, 1896.*

"DEAR SIR: I see by the trade papers that a large delegation of patent-medicine manufacturers, perfumers, wholesale druggists, and others have appeared before the Ways and Means Committee in favor of the McMillin bill for free alcohol. As a user of alcohol, and at the same time having a claim now before the Government for the refunding of the tax on what we have used during the past year, I desire to enter my protest against this bill, believing it is a great wrong to the people of this country and to the Government.

"If I correctly understand it, the Government refunds the duty on alcohol to every exporter of every line of goods in which alcohol enters. If such is the case, where, then, is the drawback to the manufacturer of goods that are sold for export? In the second place, is free alcohol likely to be of benefit to the people of this country? To this I answer no. It is simply a scheme of the large manufacturers of patent medicines and others to get absolute control of this business and shut out the small competitors, who are worrying them more than taxable alcohol.

"Go back to the time when manufacturers of patent medicines in this country had to affix a stamp to their preparations. By false representation they had Congress remove this tax. Is the public benefited thereby? Not a cent. Their medicines have sold at the same price as before, and the Government loses the revenue on them.

"It is exactly a parallel case with the tobacco manufacturers. They had the tax repealed on manufactured tobacco, and after that was done they sold tobacco at identically the same price; that is, so far as the poor man was concerned, his nickel piece of tobacco was no larger than it was before. The result was all the large tobacco manufacturers made immense fortunes.

"In order to prevent the Government being wronged by the use of free alcohol it is necessary that supervisors be appointed, just as they are in the distilleries. Many safeguards will have to be thrown around its use, which will entail expense upon the manufacturers. Those who manufacture in large quantities and can stand the expense of supervision will be able to run under the free-alcohol law. The small manufacturers who are to-day making extracts, elixirs, and different compounds in connection with a small retail drug business, who enter into competition with the large manufacturers that have appeared before your committee, will not be able to stand this expense of supervision, and the consequence will be they will have to go out of the business.

"One of the largest uses to which alcohol is put is the cutting of shellac to make 'shellac varnishes.' Almost every large paint house in the United States now make their own 'shellac varnish,' but if they are required to have a supervisor stand over them and see that they use the alcohol they buy for nothing else but the manufacture of this article they will have to discontinue it, and this business will be thrown into the hands of the large manufacturers in New York and elsewhere, who, having complete control of the market, will naturally take advantage of the situation and make exorbitant profits. It is simply a scheme of the big fish to eat the little ones.

"Outside of all this, the United States Government needs the revenue coming to it from alcohol, and should have it. I would even go further than that and recommend the law that a stamp should go on every bottle of patent medicine in this country, simply because these men are making large profits and can afford it. It will not advance the cost of their medicines 1 mill to the poor man, who buys them from the retail druggist. When this Government is on a better financial basis than she is to-day it will be time enough for her to be liberal, and throw away revenue that rightly belongs to her.

"Respectfully,

"THE A. BURDSAL CO.

"Mr. MILLER,
"*Commissioner of Internal Revenue, Washington, D. C.*"

In addition to all these considerations it should not be forgotten that the "chemical," the "spirits," and the "sundries" schedules of the Wilson bill were prepared without section 61 being in the bill, and after its insertion there was no rearrangement of the duties to meet this change, which was made in the Senate. Disproportionate protection is thereby unintentionally given to many articles to the extent in some instances of at least 100 per cent, notably:

In sulphuric and fruit ethers, and in all alcoholic compounds not specially classed in the schedules.

And, lastly, we deem it our duty to call attention to the fact that the effect of section 61, if carried out, will be the destruction of the large wood-alcohol interest. Over a thousand hands are engaged and several million dollars are embarked in the industry, and 2,500,000 gallons are annually produced. It is poisonous and not usable as a beverage, and is therefore not taxed. It is not as good as grain alcohol nor so cheap as free alcohol for manufacturing purposes, but amply suffices in many cases.

It is not considered by the committee to be either just or wise to give a bounty in the way of free alcohol to any other industry, when one of the certain effects of the bestowal will be to destroy the wood-alcohol interest, and in no way to benefit either the Government or the public. On the contrary, the Government, instead of being benefited, would pay a large bounty to one set of industries, and in this way enable them to destroy another. The bestowal of this bounty is not defensible upon any ground under which must be the practical operations of section 61, and its harmfulness to another meritorious industry enlarges and emphasizes the reasons against it, which the committee regard as already overwhelming.

Unless the section is repealed promptly, the Government stands in danger of losing about $11,000,000 per annum now because of it, with the chance for a large yearly increase as ingenuity in availing of its provisions develops. The reasons for immediate action seem most urgent and powerful.

Mr. EVANS. Mr. Chairman, how much time have I consumed?

The CHAIRMAN. The gentleman has occupied fifty-five minutes.

Mr. MORSE. Will the gentleman permit me to ask my question now?

Mr. EVANS. Yes; I shall be glad to answer it.

Mr. MORSE. I understood the gentleman from Kentucky to base his argument upon the ground that this free alcohol was an excrescence on the Gorman-Wilson bill.

Mr. EVANS. Yes, sir.

Mr. MORSE. If you remove all the excrescences upon that bill, will there be anything left? [Laughter.]

Mr. EVANS. Well, we propose to remove this one at least, one at a time in that respect. [Cries of "No!" "No!" on the Republican side.] Now, Mr. Chairman, I reserve the balance of my time, and after my colleague on the committee, the gentleman from Connecticut [Mr. RUSSELL], shall have occupied as much time as I have taken we can probably come to some agreement as to when the debate shall close.

Mr. RUSSELL of Connecticut. Mr. Chairman, inasmuch as there seems to be considerable uncertainty as to the length of time which is to be allowed for this debate, and as there are gentlemen sitting about me who represent districts in which legitimate and extensive manufactures exist which are vitally interested in this question, I do not wish to occupy any great length of time myself, preferring to give those gentlemen an opportunity to represent their districts and the industries of those districts.

Mr. EVANS. Did the gentleman understand my suggestion that he should proceed to occupy as much time as I have occupied, and that then we might reach an understanding as to the time for concluding the debate?

Mr. RUSSELL of Connecticut. If my colleague on the committee can assure me that we shall have general debate on the bill beyond this afternoon, that may help us to come to an understanding.

Mr. EVANS. Of course I can not give the gentleman that assurance, as I can not control the matter. My suggestion was that the gentleman should occupy the full length of time that I had taken, and that then we might come to an agreement.

Mr. RUSSELL of Connecticut. In any event, I should not think of occupying the whole of that time myself and leaving other gentlemen who are opposed to this bill the uncertain chance of securing time.

Now, Mr. Chairman, I have been unable to agree fully with my colleagues on the Committee on Ways and Means in relation to this proposition. I agree with them more nearly this afternoon than I ever have before, inasmuch as the amendment is proposed in a way declaring for the principle of free alcohol in manufactures and arts. In the few words I shall say I am going to speak generally on this subject.

I conceive it to be a policy of the Republican party that it shall by its legislation seek to foster, protect, and in every legitimate, reasonable way care for the manufacturing industries of this country. I consider it further specifically the policy of the Republican party to grant free alcohol for use in manufactures and arts. I call the attention of this committee to the fact that the Republican platform of 1888—the last platform on which we stood in victory—as it was presented to that great Republican convention at Chicago by the chairman of the committee on resolutions, William McKinley, jr., of Ohio [applause], declared unequivocally in favor of free alcohol for use in manufactures and arts. And so before that time, and clear down until to-day, I for one recognize and declare it to have been the policy of the Republican party to give free alcohol for use in manufactures and arts, under such rules and regulations as will protect the revenue of the Government from fraud in alcohol used for beverages and for purposes other than manufactures and arts.

Mr. McMILLIN. Will my colleague on the committee permit a question right there? He has stated what was the platform of his party in 1888; and he mentioned in connection with that the gentleman whose name was attached to the tariff law which was passed when his party came into power. Now, is it not a fact that when Mr. McKinley was chairman of the Committee on Ways and Means he refused to make any provision of this kind giving free alcohol for use in the arts?

Mr. RUSSELL of Connecticut. Let me answer my colleague. Without going fully into the history of this question, I will come directly to the answer. In the Fiftieth Congress the Senate Committee on Finance, a Republican committee, in dealing with the Mills bill incorporated upon that measure an amendment providing specifically, and by regulations which I believe were practicable and feasible in their execution, for free alcohol in the manufactures and arts. That ended the action on the subject in the Fiftieth Congress. In the Fifty-first Congress we were in a position to pass a completely new tariff law dealing with the customs features and the internal-revenue features. It is a fact, as my colleague on the committee [Mr. McMILLIN] states, that that

law did not contain provisions for free alcohol in manufactures and the arts. I do not know whether that subject was discussed or considered in the Committee on Finance of the Senate and the Ways and Means Committee of the House during that Congress. My understanding is that it was talked of and gone over at some length in the Ways and Means Committee. But what did Mr. McKinley and the Republican party, with which he acted, do in that tariff bill in the Fifty-first Congress? They had a reduced internal-revenue tax all along the line, lower than it is to-day by 37½ cents per commercial gallon, or something of that sort; and in addition to that they increased the duty on imports of manufactured articles which came into competition with domestic products in the production of which alcohol was used.

Mr. McMILLIN. My friend will pardon me——

Mr. RUSSELL of Connecticut. I am perfectly willing, if my friend from Tennessee would substitute the McKinley bill for this section and the other sections of the tariff law of 1894, to say nothing further about free alcohol. For the advantage and protection which the American manufacturer gets incidentally and accidentally from this section 61 which crept into the law through no desire of the party which my friend represents—the advantage which the American manufacturer gets from this section would be a mere bagatelle as compared with the advantage he would get from the full and complete provisions of the old McKinley law.

Mr. McMILLIN. Right there, if my friend will pardon me, I know he would not intentionally mislead the committee; and he will agree with me, I think, that his statement in regard to what was done by the committee and the House is misleading in this: He says that the internal-revenue tax was reduced 37 per cent, but the whisky tax of 90 cents a gallon, which is the question involved here, was not reduced one cent.

Mr. RUSSELL of Connecticut. I understand that under the McKinley law the tax was 37 cents less than it is now.

Mr. McMILLIN. No, sir.

Mr. RUSSELL of Connecticut. On alcohol?

Mr. McMILLIN. No, sir.

Mr. RUSSELL of Connecticut. Then there is a variance between my friend and myself.

Mr. McMILLIN. The gentleman stated that the committee did reduce this internal-revenue tax, when in point of fact neither the committee nor that House nor that Congress reduced the gallon tax on whisky by one cent. What the gentleman possibly might claim is——

Mr. RUSSELL of Connecticut. I hope the gentleman will not take too much of my time. My understanding is (and I am speaking in the presence of gentlemen who are better acquainted with this subject than I am) that the law——

A MEMBER. Which law?

Mr. RUSSELL of Connecticut. The law of 1890—the McKinley law, as it is commonly called—reduced the tax on the commercial gallon of alcohol by 37½ cents, and on the proof gallon by 20 cents less than it is to-day.

Mr. McMILLIN. I knew my friend was in error in that respect.

Mr. RUSSELL of Connecticut. But providing it did not reduce it a penny, it increased the tariff rates on the manufactured products into which alcohol enters as a component part, and the advantage to the American manufacturer comes there. You took away that advantage and you took that protection away by the law of 1894, and the incidental amount of protection and advantage left by section 61, you—and I regret to say it, Republicans as well as Democrats—propose now to take away.

But, Mr. Chairman, I have been diverted from the line of argument that I had intended to pursue. I was remarking that it was a principle and policy of the Republican party to grant free alcohol for use in manufactures and in the arts. I believe that is the policy which is held by the Republican party to-day; and in evidence of it I submit to you the amendment which my colleague [Mr. EVANS] from the Ways and Means Committee has given notice that he will offer some time in the discussion of this question. That is an amendment which recognizes that free alcohol shall be used in the manufactures and in the arts if regulations practical and effective and protective to the Government can be devised.

Now, section 61 is crude and is faulty. My colleague on the committee will bear me witness that during the consideration of this question in the committee at no time did I contend that this section should not be repealed. It came into the bill incidentally, but it was a declaration of a principle and policy of the Republican party. Incidentally, as long as it is on the statute book, it gives the benefit and protection of free alcohol to the manufactures and the arts. But what I have contended for was this: That with the repeal of this faulty section of the law there should be brought into the House for its consideration some measure which was practicable and feasible in its execution and which would guarantee to all our domestic manufactures free alcohol. Therefore, if I may be allowed to say it, I think the Republicans, my colleagues on the Committee on Ways and Means, did not go to the full extent of their duty as Republicans in this matter. I have no contention with my colleague the gentleman from Kentucky [Mr. EVANS] as to the faults of the present law. I admit that it is very crude, that it is very impracticable, though not impossible of execution. I have no doubt that it would cause frauds on the revenues of the Government, but I do say in connection with a repeal of this provision that it is the duty of the committee and it is the duty of this House to try in every possible way to prepare some measure which shall be practical in its stead.

Why do I say this, Mr. Chairman? The use of free alcohol in manufactures and in the arts to-day is admitted in all of the civilized countries abroad. Great Britain, France, Germany, Austria, Italy, Belgium, the Netherlands, Norway, Sweden, Russia, and Switzerland all have enactments allowing free alcohol for use in manufactures and the arts. Some of these laws have been on their statute books for ages almost. France has had such a law since 1816, and all the evidence we can find shows that those laws have operated not only to the advantage of the manufactures of those countries, but in no way have they interfered with the revenues of the respective Governments from alcohol or from spirits used for beverages. And in further evidence of that fact, every revision of their laws which any one of these countries has made has granted free alcohol for use in manufactures and in the arts as far as practicable, and each revision, as a rule, has been more liberal and comprehensive in allowing alcohol for such purposes than the law which preceded it. Probably the most perfect free-alcohol law in foreign lands to-day is that of Germany, which, if my memory serves me right, has been in operation in substantially its present form since about 1888. England's law, the present law, was amended at an earlier date, but the evidence is conclusive that all of these foreign countries protect and stimulate their manufactures by allowing the free use of alcohol.

Now, it seems to me perfectly clear and right from our standpoint as Republicans and protectionists that when these foreign countries stimulate their important industries and their export trade by allowing free alcohol the same stimulus should be given to the trade of this country. And here let me remark that there is no place in the world where grain spirits can be manufactured so cheaply and so easily as in the United States, and the free use of alcohol in manufactures and the arts, according to my idea, would afford a stimulus not only to domestic trade, but to our export business it would be a boon. And especially would it be advantageous to the grain producers of the country. I believe the free use of alcohol in manufactures and the arts would be a great advantage to the agricultural industries of the entire country in the greatly increased demand and production of grain alcohol for use in the industries which would be stimulated and extended by free alcohol.

Now, I say repeal section 61, if you see fit, because it is crude and possibly impossible of execution; but in its stead at the same time as you repeal it, or as soon as practicable thereafter, give us a law which shall allow free alcohol for use in the manufactures and the arts. Do not let the only single, well-defined tariff enactment of this Republican House of the Fifty-fourth Congress be a repeal of a protective feature of existing law without the substitution of more effective and pronounced protection. Do not let patriotic duty to a Democratic Administration entirely overweigh protective consideration for American industries. It is very proper to consider the deficiency of revenue and the distressed financial conditions of the Government, and seek to relieve and reimburse the Treasury. But it is not necessary to do it according to the dictum of a Democratic Administration and in a way hostile to Republican policy.

Now, it may be said that it is rather a late day to suggest that we substitute for this repeal some other enactment which shall allow free alcohol. It was my privilege in the committee to submit two bills, each of which seemed to me to be practicable and feasible in execution. One of them dealt exclusively with manufactured products, where the alcohol was entirely consumed in the product and could in no way be recovered in a portable form from the manufactured product. That bill would apply to a large number of manufacturing industries. It would apply to the hatting industry, which is to-day represented in so many States of this Union. It would apply to the manufacture of hardware. It would apply to the manufacture of various things. It would apply possibly to some manufactures of paints, varnishes, and that sort of thing.

There was another bill submitted, which was more extensive and more liberal in its provisions; and so in what I say to-day I wish it to be understood that I am in no way defending section 61 which you seek to repeal, except so far as I defend it as declaring a policy of the Republican party. I can enjoy the criticism of my friend and colleague [Mr. EVANS] in reference to the abuse of section 61. I stand with him, as he knows, for its repeal; but when we repeal it, we still place ourselves far from what I believe

to be our duty in carrying out a policy under the principles of the party to which we have prescribed ourselves year after year.

Going back for a moment to the foreign laws which allow free alcohol for use in the manufactures and arts, an excellent and practical law is the English law. The spirits under this English law are methylated under the supervision of Government officers. And now I want to speak for a moment about methylated alcohol and refer to the wood-alcohol industry. The wood-alcohol industry is a domestic industry which I as earnestly and as heartily as my colleague and friend from New York [Mr. PAYNE] believe in preserving and protecting. It makes no difference to me for this discussion or at this time if the industry is under the control or the influence of a trust.

Mr. PAYNE. If my colleague will allow me, I will say to him that I have no special interest in the wood-alcohol industry any more than in any other industry in the United States. There is not a drop of it manufactured in my district or very near to my district. I believe there is some manufactured in the State of New York and in the State of Pennsylvania, but I have no interest in it any more than I have any other industry.

Mr. RUSSELL of Connecticut. You have the same interest in it that I have—that is, an interest in its preservation as a domestic American industry.

But the argument is made that the continuance of section 61, by authorizing the use of free grain alcohol in the manufactures and arts, destroys the wood-alcohol industry. I quite disagree with that. I believe that free alcohol allowed for the manufactures and arts would be a stimulus for the wood-alcohol industry. The extent of the wood-alcohol industry to-day is very small. There is nothing better than wood alcohol with which to methylate grain alcohol. The free use of grain alcohol in our manufactures and arts would very largely extend the use not only of grain alcohol, but of methylated alcohol, and thereby furnish an outlet and a use for an additional quantity of wood alcohol.

Under the English law methylated alcohol is what is largely used in the manufactures and arts. It is a combination of perhaps nine parts grain alcohol and one part wood alcohol. These methylated spirits are prepared under the direction of a Government official, and the authority to methylate is granted to distillers, to rectifiers, and to licensed methylaters. Persons are licensed to sell such spirits. They are called authorized methylaters and retailers of such spirits, and the methylated spirits are authorized to be sold in quantity to any person for use in any art or manufacture carried on by him; to a retailer of such spirits, who is limited at one time to a holding of 50 gallons, and by a retailer to any person in a quantity not exceeding 1 gallon.

This law has been in force since 1880. There are to-day in the United Kingdom 24 methylaters and 12,104 retailers of methylated spirits. That is the way they take care of their users of methylated spirits over there in that foreign country, which sends, under the stimulus of the present tariff law, so many products to take away the trade of our domestic manufacturers. Further than that, they place a customs duty on every article in which spirits are used, including imports of methylated spirits. It seems to me, gentlemen, only fair that we should afford to our domestic manufacturers here the same stimulus and the same protection which they give there in Great Britain.

To illustrate, take the item of transparent soap. I am not dealing with any such fictitious manufactures and arts as my friend and colleague from Kentucky [Mr. EVANS] made reference to. The manufacture of transparent soap requires the use of methylated spirits or grain alcohol. First, there is a duty of 8 cents per proof gallon put upon methylated spirits, thus compelling the use of domestic spirits. Second, there is a duty of 6 cents per pound upon transparent soap. As a result of this, the importation of methylated spirits in Great Britain to-day amounts to less than 475,000 gallons, and the importation of soap amounts to less than 11,000 pounds, virtually no importation at all. So that the whole domestic market over in Great Britain is retained to their manufacturers of soap simply by their provision in relation to the use of free alcohol and methylated spirits in that manufacture.

Now, what protection can result to our industry of transparent-soap manufacture from a duty of 15 per cent on soap when we levy an internal-revenue tax of 800 per cent on the alcohol our manufacturers use in its production, when the foreign manufacturers have the benefit of free spirits? Why should this discrimination continue against our citizens when we have as an example to follow the laws granting free alcohol to manufacturers in force in every single civilized country abroad, the whole operating practically and preserving the other revenues of those governments from alcohol used for other purposes?

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has occupied twenty-five minutes, and has thirty-five minutes remaining.

Mr. RUSSELL of Connecticut. Mr. Chairman, I do not propose to take up more time now, and, instead of reserving my time, I shall yield the remainder to my colleague, the gentleman from Connecticut [Mr. HILL].

The CHAIRMAN. The gentleman is recognized for thirty-five minutes.

Mr. HILL. I shall trust to the generosity of the House to give me the rest of the time to which I would be entitled if recognized in my own right. I propose to discuss this question as a Republican and a business man.

Mr. HILL. Mr. Chairman, I desire to say that this is the most important question to the interests of my district of any that has come before Congress this session, and I respectfully ask that I may be allowed to use my own time to the full extent that the rules will permit.

Mr. Chairman, I propose to discuss this question as a Republican and a business man.

On the 19th of December, 1893, the Wilson tariff bill was reported to the House and passed February 1, 1894. It was amended 634 times by the Senate, passed by that body July 3, and readopted by the House August 13, 1894. It was the Democratic expression of a deliberate intention to reduce duties on importations an average of 15 per cent and to increase internal-revenue taxation about 30 per cent. It was wickedly conceived, was delivered by abortion, and has developed into a monstrosity. It has proved a curse to the party that fathered it and disastrous to the home into which it was thrust. There has not been an hour since it was thought of till now when under its operations this nation has not steadily run into debt.

Think of what has happened to this land of ours since March 4, 1893. Two financial panics the like of which no living man has seen before. Factories closed and armies of idle men marching across the land demanding food and work. Business suspended or prosecuted at fearful loss. Public works postponed and the Government crippled in every branch of service. The coast defenses discontinued, so that, while we shout defiance to all the world, we are the objects of derision by the weakest of the civilized nations of the globe. Our little Army without equipment; our infant Navy without shot or shell and only fit for pleasure cruising. Thousands of men who fought to save the Union dropped from the pension roll and thousands more whose honest claims are by technicalities postponed and deferred while want, and destitution, and old age are bringing them to their graves. The postal service crippled and its wonderful growth and progress practically stopped.

A nation which for thirty years under Republican administration has been the wonder of the world, which in that time has had a growth in wealth, in numbers, and in the development of every industrial art unequaled since creation's dawn, this nation brought to a dead standstill by this full fruition and crowning glory of Democratic statesmanship.

The people who make Presidents and Congressmen have learned well the lesson taught by sore experience, and have spoken in ways that do not admit of doubt, that the blunder of 1892 shall be corrected and the Democratic policy reversed. They mean that the taxes upon the products of American labor shall be reduced, or, better yet, abolished altogether, and that the expenses of this nation shall be met from customs duties laid on foreign products coming into competition with our own and the balance paid by luxuries wherever found. To-day, without regard to party, the people are united on this issue in the Northern States, and woe to the politicians who run counter to this demand.

Honest pay for honest work and honest work for all is the people's rallying cry, and the whole brood of trusts and combinations, speculators and lobbyists, political schemers and bosses, must stand aside and give the procession room.

I will stop here to give notice that I shall move an amendment striking out all after the enacting clause and inserting in lieu thereof the amendment proposed by the committee, the effect being to appoint a commission not to repeal the law, but to report a substitute to the next session of Congress in place of it.

During the summer of 1894, while the Wilson bill was pending in the Senate and the auction for votes for its support was going merrily on, and the "deadly blight of treason was blasting the councils of the brave," and the "communism of pelf" was dictating laws to a triumphant Democracy for the first time in thirty years in full control of the nation, the keen eye of Senator HOAR of Massachusetts discovered one weak spot in the enemy's line and forced into the bill an amendment now known as section 61, which the pending measure proposes to repeal.

It was accepted for the time being to avoid discussion, but with no thought of final adoption, for no Democrat in either House for a moment dreamed that this mass of "outrageous discriminations" would come from the conference committee with any semblance of the Senate bill still remaining. The bill was in committee for forty days, until at length, with a hunger and thirst for tariff reform such as never tortured Dr. Tanner for food and drink, the Democratic majority swallowed it, amendments and all, at a single gulp, and have been suffering from indigestion ever since.

The only feature of the whole bill that was intended to operate in the interest of American labor and for the benefit of home industries was this section 61, put in by a Republican, left in by accident, and damned by the Administration from that day to this. Can it be possible that this Republican House will select this sole exponent of its own principles, the only leaven in the whole lump, the one redeeming feature of Democratic free-trade legislation, and repealing that, allow the rest to stand, to bring paralysis, decay, and death to every American industry for two years more? Was it for this and this only that this House was made two-thirds Republican by an indignant people? Think you that the members from doubtful States—yes, from any State—will glory in such a record as this upon the stump this fall?

But the Secretary of the Treasury, the Democratic members of the Ways and Means Committee, and, I am sorry to say, a few Republicans upon that committee, claim that because the enforcement of this law would inure to the benefit of the industries of this nation to the estimated amount of ten millions annually, and because large claims for rebates under its provisions are being prosecuted in our courts, it must, therefore, be repealed. I admit that large claims are being made; it only shows the necessity for the enforcement of the law. I deny that ten millions of revenue or one-quarter of that amount is possibly lost thus far by this one section of the bill, but I do know that one hundred and thirty millions have already gone by reason of the other sections, and that the next two years will add another hundred millions, and all at the expense of our own people; and yet this committee deliberately proposes to repeal the helpful clause and leave the rest untouched.

I ask the delegation from the great State of Ohio, a State whose splendid champion of protection seems now to be marching with triumphant tread to receive the highest honors of the nation [loud applause on the Republican side], if this is the advance message of prosperity which they will send out of the gloom and darkness of the past four years to the struggling industries of this land?

I ask the gentleman from William L. Wilson's district in West Virginia if this is the protection that he taught to his mountaineers in 1894? Did the members from North Carolina and Tennessee tell their constituents then that the internal revenue would be increased and the Wilson tariff duties left untouched? Was it for this that the woolgrowers of Montana, Idaho, Wyoming, and the Dakotas sent their members here, to tax alcohol in the industrial arts 700 per cent and keep wool on the free list, and so maintain the Wilson tariff price of 5 cents a pound?

Dare the gentlemen from the grain-raising States go back to their constituents and tell them that the only tariff legislation that they have succeeded in passing was to put the highest tax in all the world upon the farmer's grain, and thereby narrow the market which the Wilson tariff bill by accident had broadened? Will the gentlemen from New York and Pennsylvania enjoy telling their constituents that they have put the whole of the magnificent industries of those States under tribute to one little trust in a few counties there with an entire annual output of only $1,800,000?

And yet this is what must be done if this bill is passed, for it will be the only tariff legislation of this session, and if adopted by this Republican House will be gladly ratified by a Democratic Senate and approved, as it has already been demanded, by a free-trade Administration.

That there may be no misunderstanding about this matter, I wish to quote the section to which reference is made and show the action of the Administration in regard to its enforcement. It reads as follows:

Any manufacturer finding it necessary to use alcohol in the arts, or in any medical or other like compound, may use the same under regulations to be prescribed by the Secretary of the Treasury, and on satisfying the collector of internal revenue for the district wherein he resides or carries on business that he has complied with such regulations and has used such alcohol therein, and exhibiting and delivering up the stamps which show that a tax has been paid thereon, shall be entitled to receive from the Treasury of the United States a rebate or payment of the tax so paid. (28 Stat. L., 567.)

This was not a new proposition, for on the 22d day of June, 1888, William McKinley, jr., chairman of the committee on resolutions, read to a Republican national convention, of which many members of this House and some of the members of the Ways and Means Committee were a part, that splendid enunciation of the doctrine of protection which has never been equaled in the history of the party and which has possibly made his name immortal, and therein specifically declared for free alcohol in the arts and sciences, and if less revenue was desired for the entire abolition of internal taxes rather than a reduction of the duties on imports.

Has it come to this, that because the Democrats in this Congress refuse to vote for a revenue tariff bill to furnish means to maintain an Administration of their own, we must violate our principles and repudiate our pledges to the people?

Neither was it a new legislative proposition, for provisions looking to the same result were added to the Mills bill in 1888, and the report of the Senate Committee on Finance refers to it in this language:

Senate Report No. 232, Fiftieth Congress, first session.

Mr. ALDRICH, from the Committee on Finance, submitted the following report (to accompany bill H. R. 9051).

The Committee on Finance, to whom was referred the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue, respectfully report:

* * * * * * * *

The provisions of the substitute which allow the use of alcohol in the industrial arts free from taxation would prove of great benefit to a large number of important manufactures. Alcohol is used in the production of more than 500 chemical and pharmaceutical preparations and in many of the mechanical and industrial arts, and its use in all these directions would be largely extended if the onerous tax should be abolished. The heavy tax upon alcohol unnecessarily increases the price of many manufactured products, with no corresponding benefit except the resulting revenue, which is now unnecessary.

Every reason that justified a Republican Senate in such action then justifies the Republican House now in demanding the execution of this law; and I can go even further than that, and assert that we have the very best Democratic authority for the statement that revenue need not be considered, for only a few days ago when the report upon "filled cheese" came in I found this statement therein:

The Treasury does not need replenishment, even if revenue should arise from this bill. We have of available cash in the Treasury more than $160,000,000 over and above the gold reserve.

H. G. TURNER.
BENTON McMILLIN.
J. L. McLAURIN.

So this remarkable spectacle is presented of Democrats voting for this bill in order to perpetuate the customs schedule of the Wilson bill and Republicans elected for the express purpose of wiping out that legislation aiding them in preserving it.

This talk of a loss of eleven millions of revenue per annum because of this measure is the veriest nonsense, prompted by a Democratic official to prevent the enforcement of the law, and no one knows this better than the author of this report.

At the end of the fiscal year of 1895, which covered ten months of the law, the claims for rebates were for 317,890 proof gallons, or about $317,890.

On November 30, 1895, the Attorney-General reports the amount to be, for fifteen months, nearly $2,500,000, a sum less by far than that which has been openly asserted upon the floor of this House to be annually stolen in the administration of the United States courts by marshals' and witnesses' fees.

Mr. RUSSELL of Connecticut. If it is agreeable to my colleague, I hope he will read a letter which I know he has received from the Attorney-General as to the facts in this matter.

Mr. HILL. If I have time I will read it; but I will put it in the RECORD. I wrote to the Attorney-General for a tabulation of these claims. I read this report from the Committee on Ways and Means, saying this Government was receiving $11,000,000 a year in claims; and I sat down and wrote to the Attorney-General for a tabulation of the claims he had received. The letter is as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., May 4, 1896.

DEAR SIR: I am sorry to say that it is quite impossible for me to give you the exact information requested by your favor of May 3 with reference to the claims for rebate upon alcohol. There have now been commenced between 500 and 600 suits, which take their place day by day on the docket with suits of all other kinds, and there is no way of classifying them with reference to locality except by a separate examination of each individual petition. Our clerical force is kept so inadequate for the work to be done in this Department that it would be next to impossible to do this in time to be of any use to you.

The condition of things is briefly this: Commencing with about December 1, 1894, almost daily since, these suits have been commenced in the Court of Claims, mainly by two attorneys. There are other attorneys who have large numbers of the claims who have not brought suit on them, thinking it as well to wait until the questions of law are decided and then make one suit cover the whole period. It is, of course, obvious that as to those who commenced suits some time ago, their claims have been growing daily, as they continue to use alcohol, and therefore the amounts stated in the petitions do not adequately represent the amount of claim which the individual would have were his action to be brought to trial and judgment.

There are, as I say, about 550 of these suits already commenced (each day increases the number). The aggregate of the amounts claimed in those petitions is about $1,800,000, but as many of them were commenced nearly a year and a half ago, it is perhaps not far from correct to say that the present claims of the individuals represented by those suits aggregate about double the sum above mentioned, or about $3,600,000.

It was estimated by the Commissioner of Internal Revenue that approximately 30,000 people used alcohol in such a way as to come within the terms of section 61 of the tariff act of 1894. Presumably, however, the 500 who have commenced suit are larger users on the average than those who have not.

I shall be glad to give any information in my power on this subject, and if it is important that the exact information called for by your letter should be had I will facilitate any clerks who may be sent by obtaining the petitions for them and directing their work.

Your letter has been referred to me for the reason that the suits in the Court of Claims are in my charge.

Very respectfully,

J. E. DODGE,
Assistant Attorney-General.

Hon. E. J. HILL,
House of Representatives.

The aggregate amount of the claims in this computation is about $1,800,000, but as many of them were commenced nearly a year and a half ago, it is perhaps but fair for me to say that the present claims now represented by those suits would aggregate about double the sum, about $3,600,000 up to this time, so that the entire amount that anybody knows anything about is less than $2,000,000 per year. Now, one man's guess is just about as good as another man's guess, especially when he does not know anything about it, and it seems a very strange thing that a committee as important as the Ways and Means Committee of this House should have made a statement of that kind, when it was perfectly possible to get the actual facts in the case by simply doing as I did, by writing a letter to the Department and finding out; and it seems to me that that alone invalidates all the rest of the proposition that they have presented on this subject.

The fact of the case is that the estimate of $11,000,000 is the wildest kind of an estimate, originally made years ago and based on calculations made by David A. Wells, of the quantity of alcohol used in the arts and sciences before any tax was put on it, but that since that was done and the cost so enormously increased other and cheaper substitutes have been necessitated in order to meet foreign competition with untaxed spirits, with the result that greatly inferior products have been produced. No one knows except from the claims presented what amount is used, but everyone knows that if this law were enforced the amount would be enormously increased.

The census reports for 1890 show the use of alcohol by wholesalers and manufacturers to have been 5,425,791 proof gallons, and from this must be deducted the wood alcohol product before any definite conclusion can be reached, so that a fair assumption is that two and one-half million dollars will represent the full amount and that the entire rebate provided for has been claimed to date. In a letter from the present Commissioner himself, in 1887, he says:

I would not venture to say that the quantity so used was greater than 5,000,000 gallons.

Directly bearing upon this question, I wish to quote from a report made to the Fiftieth Congress extracts from letters of Emil Kipper and David A. Wells. Mr. Kipper says:

Whatever the amount, there is no question that the consumption of alcohol used in the arts has been immensely reduced by the high tax, and the best illustration of what would be used in the arts if the duty were removed is contained in D. A. Wells's letter of October 11, 1887, who, as special commissioner of revenue, has a more intimate knowledge of the whole subject than any other known source.

A result of removing the tax on spirits, never touched upon by either party up to this date, is this: The reduced cost of spirits on abolition of tax will so enlarge the industrial field that a whole class of products now limited would be revived, not only for home consumption, but for export, and this would be immediately felt by the agriculturist in increased demand for grain. It is fair to state that the increased consumption of spirits for industrial purposes were the tax repealed would foster and benefit so numerous channels of trade that the most sanguine estimates now suggested will be greatly exceeded.

You have probably noticed that the present tax aids the combination of distillers in their efforts to increase the price of spirits to the detriment of the consumer, since there is five times as much capital employed to pay the tax as would be required to produce the spirits were the tax repealed. A distiller may have sufficient capital to produce the spirits, but he needs quintuple the amount to pay duty and conduct his distillery business.

Since the whisky combination the price of alcohol has been advanced from $1.98 to $2.13, deducting the tax. This would show an advance of 50 per cent in price of spirit, exclusive of tax.

The board appointed to advise the Government in regard to the methylation of spirits for use in the arts stated that by charcoal filtration and subsequent distillation the wood alcohol could be separated from the methylated, and therefore reported adversely as to the introduction of a methylated act similar to the one in force in England.

In reply to this I inclose an abstract of the German law, where all the difficulties have now been overcome and the revenue protected.

The German law went into effect last October, and if any interest is felt I can procure the details and probably opinions as to its working effect. A perusal of the abstract, as it seems to me, will convince the authorities that it would be as practicable in the United States as in Germany.

Mr. Wells says:

NORWICH, CONN., *October 11, 1887.*

DEAR SIR: * * * Prior to the imposition of any taxes on distilled spirits, or before the war, I am of the opinion that at least 35 per cent of the whole product of the country, which in 1860 was probably about 90,000,000 proof gallons, was consumed in the arts and industries. * * *

For a period of nearly a half century previous to 1860 the manufacture of spirits in the United States had been free from all specific taxation or supervision by either the National or State Governments, and being produced mainly from Indian corn, at places adjacent to the localities where this cereal was cultivated, and to a large extent also from corn that was damaged and so otherwise unmarketable, was afforded at a very low price, the average market price in New York for the four years next preceding 1862 having been about 23 cents per proof gallon, with a minimum price during the same time of 14 cents per gallon. In Cincinnati the market price of whisky for August, 1861, was commercially reported as "closing dull" at 13 cents per gallon. The price of alcohol in New York during the period above noted ranged from 40 to 60 cents per gallon. Under such circumstances the consumption of distilled spirits in the United States previous to the war, for a great variety of purposes, had become enormous, affording a practical illustration of the curious varying relations between prices and consumption, and also of what may be considered in the light of an axiom in political economy, namely, that practically there is almost no limit to the consumption of any useful commodity, provided that through a reduction of cost or price it is brought within the purchasing power of those who desire to consume.

The excessive cheapness of alcohol also led to its most extensive use for fuel in manufacturing and in domestic culinary operations, for bathing and cleaning, for the manufacture of varnishes, vinegar, imitation wines, flavoring extracts, perfumery, patent medicines, white lead, percussion caps, hats, photographs, tobacco, and a great variety of other purposes.

The immediate effect of this imposition and rapid increase of internal taxes upon distilled spirits was a series of industrial and commercial phenomena more remarkable than anything of the kind before recorded in economic history; and yet so completely was the attention of the American people engrossed at this time in other and greater events—events affecting their very existence as a nation—that the results referred to did not so much as create a ripple in public opinion, and were barely adverted to, if noticed at all, in the columns of the public press. In short, the influence of these taxes was to entirely and rapidly revolutionize great branches of domestic industry, and in some instances to utterly destroy them.

My opinion now is that not more than 10 per cent, as a maximum, of the present product of distilled spirits in the United States is used for industrial, artistic, or medicinal purposes.

If the present tax of 90 cents per proof gallon could be reduced to 50 cents, the rate established from 1868 to 1872, I have no doubt that the use of alcohol for industrial and medicinal purposes would be very largely increased, cheapening many manufactured products, enlarging the market for the same both at home and abroad, and without occasioning any material reduction of the national revenues.

I am, yours, most respectfully,

DAVID A. WELLS.

Mr. WILLIAM F. SWITZLER.

Mr. Chairman, there seem to be three parties interested in the repeal of this law. First, the whisky trust, from profit; second, the wood-alcohol trust, from the same motive, but, as I think, mistakenly; and third, the Democratic party, from principle, honestly believing in large internal revenues and low customs duties. In full accord with this idea, immediately upon the passage of the law, when manufacturers applied for regulations as required by section 61, a positive refusal was given, based upon the puerile excuse that the Department was unable to formulate regulations that would protect the Government from fraud, and this in the face of the fact that such regulations for accomplishing this object had some time before been prepared in the Department at the request of a Senator and had been submitted by him as an amendment to the bill while it was pending in the Senate.

And this, too, in the face of the further fact that such regulations had been for years and still are in daily operation for the use of either methylated spirits or pure grain alcohol free of tax in the industrial arts, etc., in Great Britain, France, Germany, Italy, Austria-Hungary, the Netherlands, Belgium, Spain, Sweden, Norway, Denmark, Greece, Switzerland, and Portugal, with every one of which countries we are to-day competing in the manufacture of products in which alcohol is a constituent part. Is it impossible for American ingenuity and Yankee skill to do that which all these foreigners have successfully accomplished? The refusal to obey the law was couched in the following language, and the only thing that has been done by this Administration is to endeavor to secure its repeal:

SIR: Your communication of yesterday in reference to the execution of section 61 of the act of August 28, 1894, and advising me that, for the reasons therein stated, you "are unable to prepare any set of regulations which would yield adequate protection to the Government and the honest manufacturer without official supervision, which has not been provided for by Congress," is received. I have also given much attention to the subject, and have fully considered all the arguments and suggestions submitted by the parties interested in the execution of the section of the statute referred to, and have arrived at the conclusion that until further action is taken by Congress it is not possible to establish and enforce such regulations as are absolutely necessary for an effective and beneficial execution of the law.

You are therefore instructed to take no further action in the matter for the present.

Respectfully,

J. G. CARLISLE, *Secretary.*

Hon. J. S. MILLER,
Commissioner of Internal Revenue.

Mr. STEELE. Does the gentleman think we could bring methylated spirits into this country without escaping taxation?

Mr. HILL. I do not see why it is not possible except under the unfriendly disposition of this Administration.

Mr. STEELE. You could bring in methylated spirits from Germany or England or any other country and take them down to the chemist, and in an hour and a half he will fix them so that they would be fit to drink.

Mr. HILL. The trouble with this bill is the indisposition of the Democratic Administration to support the law. There was a proposition submitted by the manufacturers of my State. Your Internal Revene Commissioner said it was most feasible.

Mr. STEELE. Yet we had hearings of parties from different parts of the country, and not a single party, in my recollection, said so.

Mr. HILL. It is perfectly puerile to say that they had hearings before the committee. How could the manufacturers know that there were hearings before the committee? I, a member of Congress, in daily attendance, did not hear of it, and how could the manufacturers receive any such information?

Mr. EVANS. Will the gentleman allow me to ask him a question?

Mr. HILL. Certainly.

Mr. EVANS. Do you think that section 61 of the Wilson bill, that is sought to be repealed, conferred on the Secretary or the Commissioner of Internal Revenue power or authority over methylated spirits?

Mr. HILL. I have this to say: These regulations could be put in force if the Ways and Means Committee in this matter had not yielded to the dictates of the Democratic Administration [loud applause], and they should have provided regulations to put it into effect rather than have this section repealed. My time is limited and I shall have to take all the rest of the time, but I think I will cover the grounds of the gentleman's question before I get through.

The date of this letter is October 6, 1894; so that it only took the Secretary of the Treasury thirty-nine days to decide not to enforce a law which was pending forty days in conference committee of the House and Senate. I have been informed that certain manufacturers of so-called bitters, who at first eagerly claimed the rebate under the law, suddenly discovered that the greatly reduced cost of their product was certain to invite an enormously increased competition in the manufacture and sale of articles of a similar kind, and that they at once became actuated by the same philanthropic motives which now prompt the whisky trust to mourn a possible loss to the revenues of the Government, so that they now appear as the most ardent and enthusiastic advocates of the repeal of the rebate law.

Mr. Chairman, it has been a surprising thing to me during the few months that I have been a member of this body to see how, even on political lines, this House and its committees have uniformly accepted the recommendations and suggestions of Department officials in framing legislation. We did finally secure a seed distribution too late for any practical use. [Laughter.] We have passed a postal bill with which many are dissatisfied, in order to keep within an income, for the cutting down of which no one on earth is so responsible as the present Postmaster-General, Mr. William L. Wilson. [Loud applause on the Republican side.] The sugar bounties voted by the last Congress are still unpaid, and Bowler reigns supreme. We have tried to humor this Democratic Administration with a revenue tariff bill, and even before we had recovered from the nausea occasioned by it they flung it back in our faces as unworthy of themselves or of us, and now demand an increase of internal-revenue taxation in place of it.

Oh, for one straight, square, outspoken, honest, manly declaration of Republican tariff principles by a House of Representatives elected by the people on that issue and on that alone! [Applause.]

This is our opportunity to say to the industries of this land, "We can and will at least stop the increase of internal-revenue taxation now, and if you stand by the party in November another Congress will enact a tariff law that will bring again to the American people the prosperity of 1892." [Applause.]

Let me give you a practical illustration of the effect of this bill upon a single industry in this country. I refer to the manufacture of hats. The cost of a proof gallon of alcohol is 15 cents. Commercial alcohol is 188° proof and is worth 28 cents. The tax on a proof gallon is $1.10 and on the commercial article is $2.07, or between 700 per cent and 800 per cent. The competing English manufacturer is allowed to use methylated spirit, or a mixture of 10 per cent of wood alcohol with 90 per cent of grain alcohol, free of tax, which costs him 30 cents. The cost of alcohol for stiffening a dozen hats thus becomes $1.25 here as against 15 cents there. Aside from this the labor cost is more than four times as much here, and the use of machinery, contrary to the prevailing idea, is far more prevalent there than here. In this country a man who works at stiffening hats gets $25 per week, whereas in Stockport, England, and in Brussels, in Belgium, he gets $6 per week. And yet the Wilson bill at the same time that it added to the cost by increased taxation here reduced the duties 15 per cent on the imported article, thus seriously handicapping the American producer. There have been more failures in the hat trade in my own district in two years under the Wilson bill, both in number and amount, than in any ten years before. The high tax has compelled the use of wood alcohol except in the finest work. Prior to 1894 wood alcohol sold at $1.40 per gallon. Immediately upon the passage of section 61 the price dropped to 70 cents, but when Mr. Carlisle refused to enforce its provisions it advanced to 90 cents—now $1.05. What our manufacturers now fear is that if this section is repealed it will go back to $1.40 as before. I said that the wood alcohol trust was urging this repeal mistakenly for their own interest. I believe that the untaxed use of methylated spirits would make a larger demand for their product than now, and I cite the following opinion of one of their own agents in support of that claim:

NEW YORK, *March 11, 1896.*

MY DEAR MR. MERRITT: I have your favor of the 10th. Concerning methylated grain alcohol, my opinion is that the best interests of the Government and the consumers will be obtained by following the foreign custom of adding about one-tenth of wood alcohol to the grain, making methylated spirits for commercial use. By this plan protection is afforded the Government and at the same time the necessary relief to manufacturers who are obliged to use grain alcohol. Besides this, it protects the capital already invested in the manufacture of wood alcohol in this country.

I am convinced that the cheapening of varnishes by the use of methylated spirits would increase the consumption of shellac varnish about 50 per cent, and this, I figure, would increase the demand and consumption of wood alcohol over the present basis.

It seems unwise and unjust that our Government should put such an unwarranted and enormous tax on such a necessity as grain alcohol for the arts, and the plan of methylated spirits has the benefit of a long and favorable trial in foreign countries, which our Government would do well to study.

Very truly, yours,

W. F. ARMSTRONG.

Mr. CHARLES H. MERRITT,
Danbury, Conn.

Mr. Armstrong represents the New York Shellac Company, who are agents for refined wood alcohol made by F. J. Bayless & Co.

But whether this is so or not is of little moment, for there are other and graver reasons than mere profit and loss for discontinuing the use of the article in any manufacturing process where men inhale its fumes or it comes in contact with the person.

The first time that this subject was brought to my attention was upon the complaint of the employees and not of the manufacturers, and the question of profit was not considered, but only its injurious effect upon the workmen. There were submitted to the Committee on Ways and Means petitions of employees in large numbers against its use, and certificates of reputable physicians that it produced blindness and general destruction of health. If necessary such testimony could be multiplied to almost any extent, and I have personal knowledge of the truth of some of the statements made. In my judgment the use of wood alcohol should be forbidden by law in all cases where its fumes are inhaled by employees. Even the committee say on page 7 of their report that "it is poisonous and not usable as a beverage, and is, therefore, not taxed. It is not as good as grain alcohol nor so cheap as free alcohol for manufacturing purposes, but amply suffices in many cases." In that single sentence the committee have given away their whole case. "Poisonous," therefore not taxed. More expensive than free alcohol, but will answer as a substitute. If you are going to tax either, let it be the inferior, dear, and poisonous article, and give to the manufacturers of the land the best, the cheapest, and the healthiest one.

Another reason given by the committee why this law should be repealed was that the "damage to existing industries would be greater than any possible benefits which could be derived from putting section 61 in operation," and the existing industry cited is wood alcohol. I was glad to hear a leading member of the Ways and Means Committee a few days ago, when announcing his opposition to the tax on "filled cheese," declare that he never would vote to tax one industry to sustain another, and I declare to the members of this House now that, aside from carrying out Democratic methods of taxation, there is not one valid reason for refusing to enforce this law, and if repealed it will be at the insatiable demands of the wood-alcohol and whisky trust, that they may be supported at the expense of nearly 50 per cent of the other industries of this land. The wood-alcohol trust claimed before the committee that they had 100 factories in the United States employing 10,000 workmen; that they produced fifteen to twenty thousand tons of acetate of lime and 2,500,000 gallons of wood alcohol. The committee in their report have reduced the number of employees from 10,000 to 1,000, but, with an enthusiasm that knows no bounds, have increased the capital to "several million dollars"; forgetting that the entire product claimed is only $1,750,000.

As a matter of fact, there are 53 factories in the whole country, and their total product, by the census of 1890, was only $1,885,459, consisting of 11,061 tons of acetate of lime, valued at $315,430; 949,733 gallons of crude spirit, valued at $613,607, and 917,605 gallons of refined spirit, valued at $956,432.

Why, in the Fourth district of Connecticut, in hatting alone, from ten to twelve thousand men and women are employed, turning out a product of nearly $8,000,000, and the census reports show for the entire industry in this country 810 establishments, with a capital of $19,575,876, with 32,490 employees, receiving $16,319,693 in wages, and making a product of $46,107,044; and this industry, large as it is, is insignificant compared to the aggregate of industries which use either alcohol or some inferior or cheaper substitute therefor in their manufacturing processes. This is not a local question. In the single industry of fur felt hats, where once a few towns in two States monopolized the production, today Maine, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Ohio, Indiana, Illinois, and Missouri compete with each other to the benefit of the consumer and to their own advantage in the employment of their people. [Applause on the Republican side.]

To-day Chicago has the largest shoe factory in the country, Alabama fixes prices on iron and steel, Florida on cigars, and South Carolina and Georgia on cheap cotton cloth. The increase on all textile products in 1890 over 1880 was 17 per cent in New England, 52 per cent in the Middle States, 47 per cent in the West, and 144 per cent in the South. The actual center of the manufacturing industries of the United States is rapidly moving westward, and, whatever may be the significance of the fact, is located to-day a little distance south of the city of Canton, in the State of Ohio. [Laughter and applause.]

The internal-revenue collection districts stand in the following

order with reference to the income tax returned last year from manufacturing and mercantile corporations, taking the highest ten only:

First Illinois	$504,000	First Missouri	$222,000
Fifth New Jersey	462,000	Connecticut	200,000
Third Massachusetts	297,000	First Pennsylvania	186,000
Twenty-third Pennsylvania	291,000	First California	106,000
Second New York	265,000	First Ohio	97,000

And though adding the returns from individual manufacturers and merchants would make some slight change in the order, it would not wrest the supremacy from the First Illinois district, so that he who votes upon this bill with the idea that he will help or hurt a single section of the country only will make a very great mistake.

Another peculiar feature of this whole thing is that, while it seems to be impossible under a Democratic Administration to frame regulations for the use of the American product, there is no trouble whatever in regard to the foreign article, and, while we are taxing our own citizens 700 per cent, under section 22 of the same bill, we are permitting foreign alcohol to be imported, used in manufacturing processes in this country, and exported again, all free of duty, so that the same man can manufacture for foreign trade with foreign alcohol at 28 cents a gallon, and for the American consumer he must pay $2.35 a gallon, and yet a Republican Congress is seriously asked to vote for such a thing as that as protection to American industry and to help enlarge the market for American farmers' grain products. But even worse than this is shown by the testimony of the Union Metallic Cartridge Company, of Bridgeport, Conn., that before section 61 was enacted "alcohol was withdrawn from distillery warehouses in the United States, shipped in bond to Canada to be used under their liberal laws in the manufacture of fulminate of mercury, and said fulminate of mercury subsequently returned to the United States, thus enabling Canada to build up a prosperous industry at the expense of this country. Is not this Administration satisfied with the absolute surrender by the Wilson bill of the markets of the United States to the natural products of Canada that they should now demand such legislation as to encourage and strengthen her manufacturing industries also?

It is also claimed that the Government might as well have the revenue, because if the law is enforced and the tax rebated the few manufacturers and not the many employees or the still larger body of consumers would get the benefit of it. I want to say that this same cry, that the manufacturer was getting all of the benefits of protection and the workingman little or none, was what elected Grover Cleveland in 1892, and that it actually needed the Wilson bill to convince by a hard and bitter experience that no greater mistake was ever made, and to-day the most enthusiastic and almost uncontrollable advocates of Presidential candidates are those very men who are now, without regard to any other issues, demanding protection to American labor.

The gentleman from Kentucky [Mr. EVANS], who submitted this report, is four years behind the times, and while his statement may be and undoubtedly is entirely true that the consumer would get no benefit from a reduction of the tax upon the Blue Grass whisky for which his State is famous, it is absolutely wrong in its relation to the useful industries of the country.

There is no business man, no manufacturer upon the floor of this House, and no man anywhere who is at all familiar with the course of trade, who does not know that in the keen competition of business for the past few years in all lines of staple industries every improvement in processes of manufacture and every reduction of cost instantly inures to the benefit of the consumer and that the reduced prices are fixed long before the goods are made, and based wholly upon an estimated cost from which percentages for possible economies are taken off rather than margins for profit added, as in former years. I challenge contradiction of this statement.

Because one hat manufacturer who retails his own product at a fixed price, and certain dealers in whisky, under the guise of "bitters," testified that the repeal or enforcement of this law would make no change in their prices to consumers, is no proof whatever against the general proposition that all staple products of manufacture are constantly cheapening to the consumer in precise proportion to the cost of production. I can take the members of this House into the largest hat factories of Philadelphia, Orange, Brooklyn, Yonkers, South Norwalk, Danbury, Fall River, and Haverhill and show them thousands of dozens of hats being made and sold to-day on less profit per dozen than is represented by the increased cost of alcohol alone under the Wilson bill. And yet this Republican House is asked to unite with a Democratic Senate and Administration and put upon these men taxes which the law says shall be remitted, forsooth, that the Canadian lumber and farm products may come into free competition with Maine and Michigan, and so assist in keeping the Dingley revenue bill, which they refuse to vote for, pigeonholed in the Senate; for bear in mind this is not a question whether public money shall be given to home industries, but rather the reverse, whether home industries and the American consumer shall be taxed, to give freer competition to the foreign manufacturer. And yet this committee talks of this rebate as "the bestowal of a bounty to one set of industries to enable them to destroy another." Bounty, indeed! The bounty in the Wilson bill is given to Canada and Great Britain, and that they leave untouched, but hasten to load upon an American industry, almost crushed now, an additional burden of $2,750,000, or $1.10 extra cost upon 2,500,000 dozen of fur hats, to say nothing of far greater interests involved in other lines. I can see the bounty in permitting bourbon whisky to remain in bond eight years without payment of the tax, and making an allowance for leakage and shrinkage while it improves by age, but when a manufacturer advances the tax and only gets it back when he proves that the pure spirit has been used in an honest industry, I can see no bounty there.

This proposed legislation is in utter violation of every Republican principle, and, however strongly urged by a bankrupt Democratic Administration, should be opposed by every Republican here, as it has already been by nearly every one in the Senate. [Applause on the Republican side.]

This is not a question of individual members of Congress being affected by the action of the House, though in the aggregate, perhaps, that is more important than the geographical location of a Presidential nominee. It is simply and solely a question of the principles of taxation. If the Republican party is right in its teachings, its members here can not vote for the unconditional repeal of section 61. If free trade is the best policy, this is a firm step in that direction, and a long step in advance of even the English system. As for me, I am ready to tax alcohol when used for drinking purposes, as I would wine or any other luxury, but I can see no more reason for taxing alcohol when used purely for manufacturing and the arts than for putting 700 per cent tax on the grain from which it is made, or on pig iron, leather, wool, or any other domestic product. Rather than reverse the principle involved in section 61, I would vote to abolish the entire internal-revenue system, with its spies and detectives and the infamous brood of parasites that have fastened themselves upon our courts because of it, and by so abolishing it take the Government out of the rum business and dissolve forever its unholy partnership with the whisky trust. [Loud applause.]

Wood alcohol, the poisonous product of the wild woodlands of the country, is distilled and put upon the market free of tax, while the corn of the South and the wheat and rye of the West, the laborious products of honest toil, are punished by putting upon grain alcohol the largest tax known to our laws.

Mr. Chairman, this House will soon adjourn and its members will engage in the discussion of the issues of a national election. One of the two dominant, overshadowing questions will be again, as it was in 1894, protection or free trade. Pass this unconditional repeal and every Republican speaker's mouth is stopped and every argument gone, for deeds speak louder than words and recorded votes outweigh fair promises. I vote for free American alcohol in the industrial arts and sciences, and for giving it at least an equal chance with the foreign product.

Where is the Republican that can dispute the justice of that vote? Where is the Republican that can explain to his constituents a vote for the exact reverse of this? On the one side is a free-trade President, a Democratic Senate, and a minority of this House; on the other the disheartened and discouraged industries of this country, and joined with them the thousands of men and women who are only asking the poor privilege of an equal opportunity to compete on equal terms with the labor of other lands. On which side will this great Republican majority be found?

Mr. Chairman, no man can hold in higher esteem than I do the distinguished gentlemen who compose the Ways and Means Committee of this Republican House. Charged with the grave responsibility of providing revenue for the maintenance of the Government, at the same time they must guard with jealous care the welfare of that magnificent system of manufactures which under Republican protection has made the United States the leading industrial nation of the world. To the one solitary, lonely representative of those interests upon that committee, my colleague [Mr. RUSSELL of Connecticut], who through all this session has stood for right and justice in the consideration of this bill I have only words of hope and courage. To the six lawyers upon that committee who represented the Democratic party I extend my congratulations upon the ability and skill by which they have, in this report, won a strong indorsement for the underlying principles of the Wilson bill, for which they were responsible. [Applause.] To the ten remaining lawyers who make up the balance of the Republican committee I have this to say: If the unconditional repeal of section 61 is a foretaste of what you have in store for the industries of this land when the Republican hosts shall have marched again to a hard-won victory in November next, see to it that you write it clear and large upon the party platform at St. Louis on June 16 that high internal-revenue and low customs duties will be the guiding principle of the next campaign, for an honest declaration is better far than any false pretense. But if you would have us fight again the battle which we fought and won

in 1894, send back this bill to the Democratic Administration from whence it came, or, better still, amend it to an enforcement on protection lines, and from each so-called doubtful State every Republican nominee, from governor down to sheriff, will once more give to you a true Republican greeting, as they do now. [Prolonged applause.]

Mr. EVANS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, from the Committee of the Whole, reported that they had had under consideration the bill H. R. 3282, and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and joint resolution were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 1689) granting a pension to John F. Hathaway—to the Committee on Invalid Pensions.

A bill (S. 337) to refer the claim of the owners of the brig *Tally-Ho* to the Court of Claims—to the Committee on Claims.

A bill (S. 2401) granting a pension to Mrs. Hattie E. Redfield, of Omaha, Nebr.—to the Committee on Invalid Pensions.

Joint resolution (S. R. 149) extending the benefits of sections 1426 and 1573 of the Revised Statutes to all enlisted persons of the Navy—to the Committee on Naval Affairs.

A bill (S. 3182) granting a pension to Susan E. Cunningham—to the Committee on Invalid Pensions.

A bill (S. 3161) amending and extending the provisions of an act of Congress entitled "An act approving, with amendments, the funding act of Arizona," approved June 25, 1890, and the act amendatory thereof and supplemental thereto, approved August 3, 1894—to the Committee on the Territories.

A bill (S. 3133) granting an increase of pension to Betsey B. Olin—to the Committee on Invalid Pensions.

A bill (S. 2999) granting a pension to William L. Grigsby, of Belvidere, in the county of Thayer, Nebr.—to the Committee on Invalid Pensions.

A bill (S. 2477) granting an increase of pension to Robert P. Wild—to the Committee on Invalid Pensions.

A bill (S. 2336) to place on the retired list of the Navy Louis V. Housel, late lieutenant of the Regular Navy—to the Committee on Naval Affairs.

A bill (S. 2117) for the relief of Mrs. George Pauls—to the Committee on Claims.

A bill (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company—to the Committee on Pacific Railroads.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 4910) granting a pension to Cyrus Thomas; when the Speaker signed the same.

MARTIN VS. LOCKHART.

Mr. STRODE of Nebraska. Mr. Speaker, I desire to present a privileged report. I am directed by the Committee on Elections No. 2 to present the report in the contested-election case of Martin *vs.* Lockhart, from the Sixth Congressional district of North Carolina. The majority report in favor of seating Mr. Martin, the contestant, and I ask that the report be printed. I presume there ought to be a time fixed when the minority shall present their views if they desire to do so, as the day of adjournment is probably near at hand.

Mr. MAGUIRE. The gentleman from Texas [Mr. BAILEY] intends, I believe, to prepare a statement of the views of the minority, and I ask that he be allowed until Saturday to do so.

Mr. STRODE of Nebraska. That is too late.

The SPEAKER. If there be no objection, the views of the minority may be filed on or before Saturday next.

Mr. KEM. I object, Mr. Speaker. [Laughter.]

Mr. STRODE of Nebraska. I suggest that the minority file their views by Thursday.

Mr. MAGUIRE. My reason for naming Saturday was that the gentleman from Texas is to be absent for two days; but if the chairman will make it Friday, that will probably be satisfactory.

Mr. STRODE of Nebraska. Very well.

Mr. MAGUIRE. Friday is agreed upon between the chairman of the committee and myself, Mr. Speaker.

The SPEAKER. Then, if there be no objection, the minority will be allowed until Friday to present their views.

Mr. KEM. I object.

The SPEAKER. The gentleman from Nebraska [Mr. KEM] objects. [Laughter.]

Mr. STRODE of Nebraska. I desire to say, Mr. Speaker, that the gentleman is preventing a proceeding which would probably tend to seat a member of his own party.

The SPEAKER. The gentleman from Nebraska [Mr. KEM] objects.

Mr. KEM. If it be in order, I would like to reply to the gentleman at this time.

The SPEAKER. It would not be in order.

Mr. EVANS. I move that the House do now adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was granted as follows:

To Mr. LEISENRING, for three days, on account of important business.

To Mr. LEFEVER, indefinitely, on account of sickness in his family.

To Mr. BRUMM, for one week, on account of important business.

To Mr. RUSSELL of Georgia, for ten days, on account of important business.

To Mr. SPERRY, for ten days, on account of important business.

To Mr. BULL, for ten days, on account of important business.

To Mr. TRACEY, for ten days, on account of important business.

The motion of Mr. EVANS was then agreed to; and the House accordingly (at 5 o'clock and 5 minutes p. m.) adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting, with certain recommendations, a draft of a bill revising the mileage allowances of the Steamboat Inspection Service, was taken from the Speaker's table and referred to the Committee on the Merchant Marine and Fisheries, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under Clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHAFROTH, from the Committee on Irrigation of Arid Lands, to which was referred the bill of the House (H. R. 6448) to appropriate $100,000 for sinking artesian wells in the eastern portion of the State of Colorado, reported the same without amendment, accompanied by a report (No. 1996); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Under clause 2 of Rule XIII, upon request of Mr. DE ARMOND, the bill of the House (H. R. 4448) to repeal all provisions of the law for the payment by the United States of one-half of the appropriations for the District of Columbia with the adverse report (No. 1978) accompanying the same, were taken from the table and referred to the House Calendar.

Mr. POOLE, from the Committee on Invalid Pensions, to which was referred the veto message of the President of the United States on the bill of the House (H. R. 577), entitled "An act granting a pension to Lydia A. Taft, as the widow of Lowell Taft, a private of Company G, Eighteenth Regiment Connecticut Volunteers," reported the same, accompanied by a report (No. 1997); which said veto message, bill, and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. ERDMAN, from the Committee on Invalid Pensions, reported (Report No. 1995) the bill (H. R. 8138) granting an increase of pension to William H. Oliver; and the same was referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HENDRICK: A bill (H. R. 9190) for a public building for a marine hospital at Paducah, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. GIBSON: A bill (H. R. 9191) to authorize personal payments of pensions—to the Committee on Invalid Pensions.

By Mr. HENDERSON: A resolution (House Res. No. 376) fixing Tuesdays and Thursdays of the remainder of this session as suspension days, when the rules may be suspended—to the Committee on Rules.

By Mr. PICKLER: A resolution (House Res. No. 377) to continue during recess the assistant clerks of the Committee on Invalid Pensions—to the Committee on Accounts.

By Mr. PHILLIPS: A resolution (House Res. No. 378) setting apart Wednesday, May 27, 1896, for the consideration of bills from the Committee on Labor—to the Committee on Rules.

By Mr. WALSH: A resolution (House Res. No. 379) authorizing the painting of 20 oil portraits of the ex-Speakers of the House of Representatives, to be substituted for the 20 crayon portraits

now hanging in the lobby of the House of Representatives—to the Committee on Accounts.

By Mr. HAGER: A resolution (House Res. No. 380) authorizing the chairman of the Enrolled Bills Committee to appoint two additional clerks—to the Committee on Accounts.

By Mr. DANFORD: A resolution (House Res. No. 381) creating the office of assistant janitor of the House of Representatives and appointing J. B. Jackson to said office—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CATCHINGS: A bill (H. R. 9192) for the relief of estate of George Wyman, deceased, late of Warren County, Miss.—to the Committee on War Claims.

By Mr. CATRON: A bill (H. R. 9193) for the relief of Serapio Romero, late postmaster at Las Vegas, N. Mex.—to the Committee on Claims.

By Mr. HAGER: A bill (H. R. 9194) to increase the pension of Joseph A. Spaulding—to the Committee on Invalid Pensions.

By Mr. HARMER: A bill (H. R. 9195) for the relief of and pension of John Amrein—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 9196) confirming the sale of certain lands owned by Jefferson Harney and wife, and allowing the same to be alienated—to the Committee on Indian Affairs.

By Mr. MCCLURE: A bill (H. R. 9197) to remove the charge of desertion against Philip Reiss—to the Committee on Military Affairs.

By Mr. QUIGG: A bill (H. R. 9198) granting an increase of pension to Laura Sprigg Foster—to the Committee on Pensions.

Br. Mr. SAUERHERING: A bill (H. R. 9199) granting an increase of pension to Joanna W. Turner—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 9200) for the relief of Thomas B. Catron—to the Committee on Claims.

By Mr. SHANNON: A bill (H. R. 9201) to remove the charge of desertion from the military record of Michael Mullett—to the Committee on Military Affairs.

By Mr. STRODE of Nebraska: A bill (H. R. 9202) granting a pension to Joseph Church—to the Committee on Invalid Pensions.

By Mr. WATSON of Ohio: A bill (H. R. 9203) for the relief of Frank D. Myers—to the Committee on Military Affairs.

By Mr. WHEELER: A bill (H. R. 9204) to pension Mrs. A. J. Bassett—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 9205) for the relief of M. J. Gilstrap—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH: Petition of citizens of the First Congressional district of Illinois, urging favorable action on House bill No. 7251, relating to the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. AVERY: Petition of John F. Maloney, George D. Bostock, William Knippel, and 41 other citizens of the State of Michigan, protesting against the passage of House bill No. 6668, to raise the license fee for the sale of intoxicating liquors in the District of Columbia from $400 to $800—to the Committee on the District of Columbia.

Also, petitions of citizens of Alma, Perrington, Elk Rapids, and Ashley, Mich., for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BANKHEAD: Petition of citizens of Tuscaloosa, Ala., asking favorable action on House bill No. 838, to reduce letter postage, and House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BROWN: Memorial of the Department of Tennessee, Grand Army of the Republic, in camp at Chattanooga, April 14, 1896, in behalf of veterans of the late war, for employment at the Chickamauga and Chattanooga National Military Park—to the Committee on Military Affairs.

By Mr. CANNON: Petition of the congregation of the Methodist Episcopal Church at Wilton Center, Ill., in favor of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. CATCHINGS: Petition of R. B. Elliott Post, No. 17, Grand Army of the Republic, Department of Louisiana and Mississippi, praying for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petitions of citizens of Vicksburg, Indianola, and Greenville, Miss., asking favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. COOK of Wisconsin: Petitions of citizens of Oshkosh, Calumet, and Green Lake, Wis., favoring the passage of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Resolution of the Commercial Exchange of Philadelphia, Pa., protesting against the passage of House bill No. 8536 and Senate bill No. 2967, proposing amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. DANFORD: Petition of Local Union, No. 13, Mine Workers of America, of Bridgeport, Ohio, praying for Government ownership of telegraph lines—to the Committee on Interstate and Foreign Commerce.

By Mr. HALL: Petition of William J. Himmelberg and 89 others, of Chariton County, Mo., relating to the channel of the Missouri River at Wilhoits Landing—to the Committee on Rivers and Harbors.

By Mr. HARMER: Paper to accompany House bill granting a pension to John America—to the Committee on Invalid Pensions.

By Mr. KIEFER: Petition of St. Paul Typographical Union, No. 30, of St. Paul, Minn., praying for Government ownership of telegraph lines—to the Committee on Interstate and Foreign Commerce.

By Mr. MCCLURE: Petitions of citizens of Creston, Doylestown, and Wooster, Ohio, for the passage of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLIKEN: Remonstrance of Mrs. Frank Wadsworth and others, against teaching military tactics in the public schools—to the Committee on Education.

By Mr. MOZLEY: Petition of citizens of Cape Girardeau, Mo., for favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. QUIGG: Paper to accompany House bill granting a pension to Laura Sprigg Foster—to the Committee on Pensions.

By Mr. SORG: Petitions of citizens of Hamilton and Brookville, Ohio, in favor of House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WATSON of Ohio: Papers to accompany House bill for the relief of Frank D. Myers—to the Committee on Military Affairs.

SENATE.

TUESDAY, *May 26, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HILL, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of the 9th instant, certain information regarding the number of aliens employed in the Post-Office Department; which was ordered to lie on the table and be printed.

VISITOR TO ANNAPOLIS.

The VICE-PRESIDENT appointed Mr. BACON a member of the Board of Visitors on the part of the Senate to attend the next annual examination of cadets at the Naval Academy at Annapolis, Md., under the requirements of the act of February 14, 1879.

PETITIONS AND MEMORIALS.

Mr. SEWELL. I present the memorial of Chapter II, Colonial Dames of America, of Philadelphia, Pa., remonstrating against the adoption of Senate bill No. 3087, to incorporate the National Society of Colonial Dames of America, which is now before the Senate, for the reason that the purposes and aims of the original society as set forth in its charter and constitution are similar to those proposed in the bill now pending. The memorial is brief, and in view of the fact that it comes from some of the most highly respected ladies in the country, I ask that it be printed in the RECORD.

There being no objection, the memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

2007 DE LANCEY PLACE, PHILADELPHIA, PA.

To the honorable Senate and House of Representatives of the Fifty-fourth Congress:

GENTLEMEN: Mrs. George McClellan, president; Mrs. Thomas Balch, first vice-president; Mrs. Richard McCall Cadwalader, second vice-president; Mrs. George Brinton Phillips, secretary; Mrs. N. Chapman Mitchell, treasurer; Miss Elise Willing Balch, Mrs. James Bowden, Miss Anne Sophia Penn Chew, Miss Guilielma Penn-Gaskel Hall, Mrs. George Woolsey Hodge, Mrs.

tend to seat a member of his own party.

of Representatives, to be substituted for the 20 crayon portraits

Charles B. Penrose, managers; Mrs. Henry J. Hancock, historian; Miss Ursula Rose Boudinot, Miss Mary Swift Buckley, Miss Katharine Buckley, Miss Elizabeth Brown Chew, Mrs. Brinton Coxe, Miss Charlotte Drifton Coxe, Mrs. Horace Binney Hare, Miss Emelyn Storey McClellan, Mrs. Robert Morris, Miss Lucie Marshall Morris, Mrs. Thomas Fleming Parker, Miss Sallie Roberts Smith, Mrs. John T. Spencer, Mrs. James William Wallace, Mrs. William Herbert Washington, Mrs. Richard Tilghman, Mrs. Theodore Wright, Miss Elizabeth Cox Birney, officers and managers of Chapter II, Philadelphia, of The Colonial Dames of America, a corporation duly organized under the laws of the State of New York, respectfully and earnestly protest against the adoption of Senate bill 3087, entitled, "To incorporate the National Society of Colonial Dames of America," for the reasons following:

I. "The Colonial Dames of America," of which the above named constitute "Chapter II, Philadelphia," was organized May 23, 1890, as a national society, and on April 13, 1891, was duly incorporated under the name of "The Colonial Dames of America," with power to form chapters in the several States.

II. Prior to the incorporation of this, our society, no other society of similar name had been incorporated; and the purposes and aims of this original society, as set forth in its charter and constitution, are similar to those proposed in the bill now pending before your honorable bodies. Its members are residents of all parts of the United States.

III. The adoption of the same name as that of the original society by the corporation proposed to be organized by the pending bill will create difficulty, confusion, and conflict, and will inflict grave injury upon the rights and interests of the society which originated and first used the name "The Colonial Dames of America."

Your honorable bodies are therefore earnestly requested to refuse your sanction to this bill.

CHAPTER II, PHILADELPHIA, THE COLONIAL DAMES OF AMERICA.
(Signed) HARRIET HARE McCLELLAN, *President.*
ELLEN EMLEN PHILLIPS, *Secretary.*

Mr. McMILLAN presented the memorial of Walton McKinney, C. H. Tuthill, Mrs. A. H. Duboise, and Henry McKinney, of Great Bend, Pa., remonstrating against the enactment of legislation to extend the lines of the Potomac Electric Power Company in the District of Columbia; which was ordered to lie on the table.

Mr. SHERMAN presented a memorial of the railroad commissioners of the different States in convention held in Washington, D. C., May 20, 1896, remonstrating against the adoption of the proposed amendment to section 10 of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. QUAY presented a memorial of the Manufacturers' Club of Philadelphia, Pa., remonstrating against the elimination of the involuntary features of the bankruptcy bill, as passed by the House of Representatives; which was ordered to lie on the table.

He also presented a memorial of the Commercial Exchange of Philadelphia, Pa., remonstrating against the adoption of certain proposed amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. CAMERON presented a memorial of the Manufacturers' Club of Philadelphia, Pa., remonstrating against the elimination of the involuntary features of the bankruptcy bill, as passed by the House of Representatives; which was ordered to lie on the table.

He also presented a petition of Local Union, No. 316, Cigar Makers' International Union, of McSherrytown, Pa., praying for the Government ownership and control of the telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Chapter II, Colonial Dames of America, of Philadelphia, Pa., remonstrating against the adoption of Senate bill No. 3087, to incorporate the National Society of Colonial Dames of America; which was ordered to lie on the table.

Mr. HARRIS presented the petition of Bolton Smith, president of the Board of State Charities of Memphis, Tenn., praying that compensation be granted for the use, occupation, and destruction of the Tennessee School for the Blind by the Federal forces in the year 1862; which, with the accompanying paper, was referred to the Committee on Claims.

Mr. PEFFER presented the petition of A. E. Redstone, on behalf of himself and the State Settlers' League of California, praying for the passage of Senate bill No. 2118, to protect forest reservations; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BATE presented a petition of Local Assembly, No. 4602, Knights of Labor, of Knoxville, Tenn., praying for the passage of the so-called Phillips bill, authorizing the appointment of a nonpartisan commission to collate information, and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which was referred to the Committee on Education and Labor.

Mr. NELSON presented a petition of sundry citizens of Minneapolis, Minn., praying for the Government ownership and control of the telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL presented a memorial of the board of directors of the Merchants' Exchange of St. Louis, Mo., remonstrating against the adoption of House bill No. 8536, and Senate bill No. 2967, being amendments to the interstate-commerce act; which was referred to the Committee on Interstate Commerce.

He also presented resolutions adopted by the railroad commissioners of the different States, at a convention held at Washington, D. C., May 20, 1896, remonstrating against the proposed amendment to section 10 of the interstate-commerce act; which were referred to the Committee on Interstate Commerce.

He also presented a petition of Typographical Union, No. 80, of Kansas City, Mo., praying for the Government ownership and control of the telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. VEST presented a petition of Typographical Union, No. 80, of Kansas City, Mo., praying for the Government ownership and control of the telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BACON presented a petition of the Board of Trade of Savannah, Ga., remonstrating against the adoption of certain proposed amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. ALLEN presented the affidavits of Emanuel Schamp and Jerome Schamp, of Lincoln, Nebr., in support of the bill (S. 3189) to remove the charge of desertion from the name of Emanuel Schamp; which were referred to the Committee on Military Affairs.

He also presented the affidavits of J. H. Thompson, M. D., of Petersburg, Nebr.; of F. E. Baxter, M. D., of Boone County, Nebr., and of Stephen D. Avery, of Petersburg, Nebr., in support of the bill (S. 3096) granting an increase of pension to Stephen D. Avery, of Petersburg, in the county of Boone, Nebr.; which were referred to the Committee on Pensions.

POSTAL TELEGRAPH AND TELEPHONE SYSTEM.

Mr. BUTLER. I present two arguments made at a hearing before the Senate Committee on Post-Offices and Post-Roads May 13 and 20, 1896, the first by Mr. P. B. Delany, who is a practical telegrapher and electrical inventor, and the second by Mr. S. H. Bell, of the International Typographical Union, both being in support of the bill (S. 2567) to establish a postal telegraph and telephone system and to enlarge the postal facilities of the people of the United States. I move that the arguments be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 5050) granting a pension to Ransom C. Hazelip, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2947) increasing the pension of Daniel D. Jennings, late of Company C, Sixty-fifth Ohio Volunteers, reported it without amendment, and submitted a report thereon.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (H. R. 1599) granting a pension to Phœbe M. Wooley Palmeter, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3151) granting a pension to Alice V. Cook, of St. Paul, Nebr., invalid daughter of John Y. Cook, deceased, late of Company D, Eighth Regiment Kansas Volunteer Infantry, reported it with an amendment, and submitted a report thereon.

Mr. CANNON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2481) granting a pension to Charles Edson; and
A bill (H. R. 4361) to pension William H. Nesbitt.

Mr. HANSBROUGH, from the Committee on Pensions, to whom was referred the bill (S. 3210) granting a pension to Anna P. Johnson, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (H. R. 1882) for the relief of John Ruhm, sr., Nashville, Tenn., reported it without amendment.

Mr. PALMER, from the Committee on Military Affairs, to whom was referred the bill (S. 539) for the relief of John A. Lynch, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3152) granting a pension to Charlotte A. Welton;
A bill (H. R. 6468) to increase the pension of Andrew R. Ladd; and
A bill (H. R. 986) for the relief of Hiram P. Pauley.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (S. 1881) granting a pension to Lydia Chapman, reported it with amendments, and submitted a report thereon.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (S. 2126) granting a pension to Mrs. Laura A. Nelson, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6607) for the relief of Helen Larned, reported it without amendment, and submitted a report thereon.

Mr. BAKER, from the Committee on Pensions, to whom were

referred the following bills reported them severally without amendment, and submitted reports thereon:

A bill (S. 3199) granting a pension to Jackson Osborn;
A bill (S. 3198) granting a pension to Edward Stanley;
A bill (S. 2949) granting an increase of pension to William H. H. Wright, of McPherson, Kans.
A bill (S. 1690) granting a pension to Richard Brookins;
A bill (S. 2605) granting an increase of pension to James M. Simeral;
A bill (S. 2445) increasing the pension of Celia A. Jeffers to the sum of $30 per month;
A bill (S. 1976) granting a pension to Catherine E. O'Brien; and
A bill (H. R. 2405) granting a pension to Maria Gibbons.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 2267) granting a pension to Alvah A. Eaton, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2702) granting an increase of pension to Samuel A. Smith, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 950) granting an increase of pension to Franklin C. Plantz, reported it with an amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 7171) authorizing and directing the Secretary of the Navy to donate 4 condemned cannon and 4 pyramids of condemned cannon balls to James T. Shields Post, No. 45, Grand Army of the Republic, of Galesburg, Knox County, Ill., and for other purposes;
A bill (H. R. 7381) directing the Secretary of the Navy to donate one condemned cannon and cannon balls to Soldiers and Sailors' Monument Association, of the city of Middletown, N. Y.;
A bill (S. 3219) donating condemned cannon and cannon balls to Wadsworth Post, Grand Army of the Republic, of Helena, Mont.;
A bill (S. 3216) donating condemned cannon and condemned cannon balls to the Wyoming State Soldiers' Home, at Cheyenne, Wyo.;
A bill (S. 3207) donating condemned cannon and cannon balls to Stow Post of the Grand Army of the Republic, of Calais, Vt.; and
A bill (S. 3175) donating condemned cannon and condemned cannon balls to S. A. Douglas Post, No. 69, Grand Army of the Republic, Department of Nebraska, at North Platte, Nebr.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 1583) for the relief of L. Robert Coates & Co., of Baltimore, Md., reported it without amendment, and submitted a report thereon.

Mr. CHANDLER, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 2483) donating condemned cannon and cannon balls to the New Hampshire Soldiers' Home; and
A bill (S. 2630) authorizing and directing the Secretary of the Navy to donate condemned cannon to the Londonderry Soldiers' Monument Association, of Londonderry, N. H.

Mr. MITCHELL of Oregon, from the Committee on Claims, to whom was referred the bill (H. R. 956) for the relief of Sophia Sparks and Julia C. Sparks, of Annapolis, Md., reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 1666) for the relief of the Overton Hotel Company, of Memphis, Tenn., reported it without amendment, and submitted a report thereon.

Mr. PLATT, from the Committee on the Judiciary, to whom was referred the bill (H. R. 7370) to amend an act entitled "An act to establish circuit courts of appeals and define and regulate in certain cases the jurisdiction of the courts of the United States and for other purposes," approved March 3, 1891, reported it with an amendment.

Mr. VILAS, from the Committee on Pensions, to whom was referred the bill (S. 3059) granting a pension to William Soden, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER (for Mr. BRICE), from the Committee on Pensions, to whom was referred the bill (S. 3141) granting a pension to Rachel Kern, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 5400) to increase the pension of Mary L. Bacon, widow of the late George B. Bacon, late lieutenant-commander, United States Navy;
A bill (H. R. 5311) granting a pension to Sarah Ann Wible; and
A bill (H. R. 1825) granting a pension to Mary Prince, widow of Ellis Prince.

PREVENTION OF CRUELTY TO ANIMALS.

Mr. GALLINGER. I am instructed by the Committee on the District of Columbia to report back with amendments the bill (S. 1552) for the further prevention of cruelty to animals in the District of Columbia, and I submit a report thereon. I desire to state that this is the bill known as the vivisection bill, concerning which there is a great deal of controversy and a very marked difference of opinion, both on the part of physicians and the general public.

I wish to ask in this connection that as a part of the report a lengthy hearing held before the Committee on the District of Columbia may be printed as an appendix. I desire further to request that 2,000 additional copies of the report may be printed for the use of the committee.

The VICE-PRESIDENT. The Chair hears no objection, and it is so ordered.

Mr. GALLINGER. It is proper I should state in this connection, so as to correct a misapprehension that is being very industriously circulated, that the bill does not propose to prohibit vivisection, but that it proposes to restrict and regulate it according to law, and that is all.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

FRANCIS E. HOOVER—VETO MESSAGE.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom were referred the bill (H. R. 1094) granting a pension to Francis E. Hoover and the veto message of the President of the United States, to submit a favorable report in the case, and to recommend that the bill be passed, notwithstanding the objections of the President of the United States.

The VICE-PRESIDENT. The bill, with the accompanying message and report, will be placed on the Calendar.

MRS. WILLIAM LORING SPENCER.

Mr. GALLINGER. Some time ago the Senate passed a bill granting a pension of $75 a month to Mrs. William Loring Spencer. The House of Representatives did not act upon the Senate bill, but passed a House bill granting a pension to the same claimant at the rate of $30 per month. I am directed by the Committee on Pensions to report back the bill (H. R. 4020) granting an increase of pension to Mrs. William Loring Spencer with an amendment, making the amount correspond to that passed in the Senate bill, and as it will take but a moment to pass the bill, such a measure having been once passed by the Senate, I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Pensions was, in line 7, before the word "dollars," to strike out "thirty" and insert "seventy-five"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to place upon the pension roll the name of Mrs. William Loring Spencer, as widow of George E. Spencer, late colonel First Alabama Cavalry Volunteers, and pay her a pension of $75 per month in lieu of the pension which she now receives.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. GALLINGER. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. PALMER, and Mr. BAKER were appointed.

HENRY R. WALTON.

Mr. BURROWS, from the Committee on Claims, to whom was referred the bill (S. 1421) for the relief of Henry R. Walton, administrator of John Walton, deceased, submitted a report thereon, accompanied by the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That Senate bill 1421, for the relief of Henry R. Walton, administrator of John Walton, deceased, be referred to the Court of Claims for findings of fact under the provisions of the act of March 3, 1887, such findings to include any facts bearing upon the question of loyalty or disloyalty of said John Walton during the war; any appraisement made in behalf of the Government of a part or the whole of property appropriated for the use of the Army; what, if any, compensation has been paid therefor, and to whom and for what the value of real property when appropriated and the deterioration thereof when surrendered at the close of the war, together with the value to said John Walton of fencing, fruit trees, and fruit, and report to the Senate in accordance with section 14 of said act.

BILLS INTRODUCED.

Mr. PLATT (for Mr. HAWLEY) introduced a bill (S. 3221) granting a pension to Georgia Gatewood; which was read twice by its

Mr. SHERMAN. I do not agree with the Senator on that point;

[Mr. CAFFERY]; but I see that he has entered the Chamber, and

ment to section 10 of the interstate-commerce act; which were referred to the Committee on Interstate Commerce.

out amendment, and submitted a report thereon.

Mr. BAKER, from the Committee on Pensions, to whom were

title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 3222) fixing the pay of the members of the fire department of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. QUAY introduced a bill (S. 3223) to authorize the President to place William T. Godwin on the retired list with the rank of first lieutenant; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3224) to reimburse the depositors of the Freedman's Bank; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3225) to correct the record of Charles Schmeller, late Company G, Seventy-fifth Regiment Pennsylvania Volunteer Infantry, by removing the charge of desertion from the same; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CULLOM. If the morning business is disposed of, I call up the conference report on the legislative, executive, and judicial appropriation bill.

The VICE-PRESIDENT. The introduction of bills and joint resolutions is still in order.

Mr. THURSTON. I introduce two bills by request, with the statement that I have not given them sufficient investigation to determine as to whether I can support them, but I desire that they shall be referred to the committees as indicated, in order that an opportunity may be given for the consideration of them at the next session of Congress.

The bill (S. 3226) to reimburse the depositors of the Freedmen's Bank was read twice by its title, and referred to the Committee on Claims.

The bill (S. 3227) to provide a home for aged and infirm colored people was read twice by its title, and referred to the Committee on Education and Labor.

Mr. MITCHELL of Oregon introduced a bill (S. 3228) increasing the pension of George W. Peters, Company I, Twelfth Regiment Tennessee Volunteer Cavalry; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HILL (by request) introduced a bill (S. 3229) for the relief of William H. Scofield, Jacob Brady, James Ketchum, Annie Booth as administratrix of the goods, chattels, and credits of George W. Booth, deceased; Wilson P. Billar, Ezra L. Waterhouse, Moses C. Bell, George W. Byles, and George A. Scofield; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HANSBROUGH introduced a joint resolution (S. R. 152) appropriating $6,000 for completing the painting of the frieze in the Rotunda of the United States Capitol; which was read twice by its title, and referred to the Committee on the Library.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills, each with amendments in which it requested the concurrence of the Senate:

A bill (S. 1659) to amend the laws of the District of Columbia as to married women, to make parents the natural guardians of their minor children, and for other purposes; and

A bill (S. 2928) to extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company of the District of Columbia, and for other purposes.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 8469) to authorize the Baltimore and Washington Transit Company of Maryland to enter the District of Columbia; and

A bill (H. R. 8672) conferring jurisdiction upon the supreme court of the District of Columbia, having general equity jurisdiction, to decree the sale, lease, or surrender of any lease of real estate in said District belonging to insane persons, for purpose of reinvestment, and for other purposes.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 4910) granting a pension to Cyrus Thomas; and it was thereupon signed by the Vice-President.

AMENDMENT OF THE RULES.

Mr. CULLOM. Now, if there is no further morning business——

Mr. MITCHELL of Oregon. I ask that the resolution heretofore reported by me from the Committee on Rules be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate, as a part of the morning business, the resolution of the Senator from Oregon, coming over from a previous day. The resolution will be stated.

The SECRETARY. A resolution by Mr. MITCHELL of Oregon, to amend Senate Rules Nos. XXV and XXXIII, relating to standing committees and the privilege of the floor.

Mr. MITCHELL of Oregon. The resolution has been read. I ask for a vote upon it.

Mr. STEWART. I should like to hear it read.

Mr. MITCHELL of Oregon. I can state in a word the proposed changes.

Mr. CULLOM. It is reported from the committee.

Mr. MITCHELL of Oregon. It is reported from the Committee on Rules unanimously.

The change in one rule is simply to make the standing and select committees conform as to number of members and name with the changes that have been made during the present session.

The proposed changes in the other rule relate to the privilege of the floor. One amendment is as follows: The rule as it stands today provides that the officers of the Senate shall be admitted to the floor. The change proposes to admit officers and employees of the Senate "when in the actual discharge of their official duties."

The next suggested amendment proposes to admit ex-Sergeants-at-Arms of the Senate to the privilege of the floor.

The third and last proposed amendment is to admit the chief deputy of the Sergeant-at-Arms of the House, and the deputy of the Clerk of the House.

Those are the changes suggested by the Committee on Rules, and those are all.

Mr. HILL. I suggest to the Senator from Oregon whether line 24, on page 6, should not read:

Ambassadors and ministers of the United States.

It simply says "ministers of the United States."

Mr. MITCHELL of Oregon. Undoubtedly the words "ambassadors and" should come in preceding the word "ministers." I ask that that change be made.

The VICE-PRESIDENT. Without objection, the amendment will be agreed to. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

MRS. ELEANOR CARROLL POE.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted insert "seventy-five"; and the House agree to the same.

J. H. GALLINGER,
JOHN L. MITCHELL,
Managers on the part of the Senate.
HENRY F. THOMAS,
F. C. LAYTON,
Managers on the part of the House.

The report was concurred in.

ADA J. SCHWATKA.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 710) granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted insert "twenty"; and the House agree to the same.

J. H. GALLINGER,
GEORGE L. SHOUP,
Managers on the part of the Senate.
H. C. LOUDENSLAGER,
DAVID G. COLSON,
Managers on the part of the House.

The report was concurred in.

REGULATIONS CONCERNING FILLED CHEESE.

Mr. SHERMAN. I move that the Senate proceed to the consideration of House bill 8008.

Mr. CULLOM. If it is in order to say a word on the subject, I will state that there are, I understand, three or four conference reports now ready to be acted upon by the Senate. I have one in charge that has been before the Senate three or four times, and it is on a long bill, needing some attention by the Executive when it gets to him, if it ever does. There are also the conference reports upon the sundry civil bill and the Indian appropriation bill ready for action.

Mr. SHERMAN. Let me make a suggestion, if I may be permitted to do so.

Mr. CULLOM. It seems to me the Senate ought to dispose of these conference reports before taking up any disputed question.

Mr. SHERMAN. I do not agree with the Senator on that point; but I will state that if the Senate, by unanimous consent, will agree to take up the bill defining cheese immediately after the disposition of the bond bill I shall be content. I do not want to be struggling here for its consideration.

Mr. CULLOM. I am entirely friendly to the Senator's bill and I want to see it passed.

Mr. SHERMAN. I ask unanimous consent that that arrangement may be made.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Ohio?

Mr. PEFFER. What is the request?

The VICE-PRESIDENT. The request is to proceed to the consideration of a bill which will be read by title.

Mr. BERRY. What is going to be done with the conference report?

Mr. CULLOM. I desire to have it considered immediately.

Mr. SHERMAN. If the Senate will by unanimous consent agree that the bill in respect to cheese shall come up after the bond bill, as it is called, is disposed of, I shall give way at once.

Mr. HARRIS. We can make no agreement about the bill. The Senator will get it up by a vote of the Senate when it comes up.

Mr. SHERMAN. Then I hope the Senate will take up the bill.

The VICE-PRESIDENT. The Chair will submit to the Senate the motion of the Senator from Ohio to proceed to the consideration of the bill, which will be read by title.

The SECRETARY. A bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of filled cheese.

Mr. MILLS. I rise to a point of order. The conference report has precedence over the motion of the Senator from Ohio, if the Senator from Illinois presents it.

Mr. SHERMAN. A motion to take it up has precedence.

Mr. MILLS. It does not make any difference, the question of precedence governs in every phase of the matter. If the Senator from Illinois presents his conference report it has precedence over all other motions, at least over all ordinary parliamentary motions.

Mr. SHERMAN. It is simply in regard to a motion to proceed to the consideration of a conference report.

Mr. CULLOM. I am not sure whether I have the right of way or not under the ruling as against the motion of the Senator from Ohio. However, I suppose I have a right to make the motion.

The VICE-PRESIDENT. The Chair is unable to hear the remark of the Senator from Illinois.

Mr. ALDRICH. I submit that all discussion is out of order, and that the motion of the Senator from Ohio is not debatable.

The VICE-PRESIDENT. Debate was proceeding by unanimous consent. The Chair will submit to the Senate the motion of the Senator from Ohio. The Chair has no doubt that that motion is now in order. The question is on agreeing to the motion of the Senator from Ohio to proceed to the consideration of House bill 8008.

Mr. SHERMAN. On that I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the Senator from Delaware [Mr. GRAY], and therefore withhold my vote.

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH], but I will transfer that pair to the Senator from Nevada [Mr. JONES]. I vote "yea."

Mr. FAULKNER (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS], and therefore reserve my vote.

Mr. GEAR (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. GORDON]. If he were here, I should vote "yea."

Mr. PLATT. The Senator from Iowa can transfer his pair to my colleague [Mr. HAWLEY].

Mr. GEORGE (when his name was called). I am paired with the Senator from Oregon [Mr. MCBRIDE]. I should vote "nay," if I were not paired.

Mr. MCMILLAN (when his name was called). I announce my pair with the Senator from Kentucky [Mr. BLACKBURN].

Mr. CHILTON (when Mr. MARTIN's name was called). The Senator from Virginia [Mr. MARTIN] is necessarily absent, and is paired with the Senator from Montana [Mr. MANTLE].

Mr. PUGH (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. GEAR. I transfer my pair with the Senator from Georgia [Mr. GORDON] to the Senator from Connecticut [Mr. HAWLEY] and vote "yea."

Mr. BURROWS. I am paired with the Senator from Louisiana [Mr. CAFFERY]; but I see that he has entered the Chamber, and I vote "yea."

Mr. THURSTON. I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "yea."

Mr. PRITCHARD. I am paired with the Senator from Louisiana [Mr. BLANCHARD]; but as I understand this is not a political question, I desire to record my vote. I vote "yea."

Mr. CARTER (after having voted in the affirmative). Being paired with the junior Senator from Maryland [Mr. GIBSON] and observing that he has not voted, I withdraw my vote.

The result was announced—yeas 36, nays 14; as follows:

YEAS—36.

Aldrich,	Davis,	Morrill,	Roach,
Allison,	Dubois,	Nelson,	Sewell,
Bacon,	Gallinger,	Palmer,	Sherman,
Brown,	Gear,	Peffer,	Shoup,
Burrows,	Hansbrough,	Perkins,	Teller,
Cameron,	Hill,	Pettigrew,	Turpie,
Cannon,	Lodge,	Platt,	Vilas,
Chandler,	Mitchell, Oreg.	Pritchard,	Warren,
Cockrell,	Mitchell, Wis.	Quay,	Wilson.

NAYS—14.

Bate,	Gray,	Mills,	Walthall,
Berry,	Harris,	Morgan,	White.
Chilton,	Jones, Ark.	Pasco,	
Daniel,	Lindsay,	Vest,	

NOT VOTING—39.

Allen,	Cullom,	Hoar,	Pugh,
Baker,	Elkins,	Irby,	Smith,
Blackburn,	Faulkner,	Jones, Nev.	Squire,
Blanchard,	Frye,	Kyle,	Stewart,
Brice,	George,	McBride,	Thurston,
Butler,	Gibson,	McMillan,	Tillman,
Caffery,	Gordon,	Mantle,	Voorhees,
Call,	Gorman,	Martin,	Wetmore,
Carter,	Hale,	Murphy,	Wolcott.
Clark,	Hawley,	Proctor,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of filled cheese.

Mr. THURSTON. Mr. President, I am advised by wire of sickness in my family, which makes it necessary for me to leave immediately for home. As I probably can not be in the Senate again, if final adjournment is to take place within the next few days, I ask unanimous consent for three or four minutes of time in which I may state my position as to two or three measures which may be brought before the Senate.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Senator from Nebraska will proceed.

Mr. THURSTON. I merely wish, Mr. President, to state my position. As it will be impossible for me to vote upon these measures which may come up between now and the date of adjournment, I shall content myself with a mere statement as to how I would vote upon the subjects if present.

The bill called up by the Senator from Ohio and now pending I should desire to support. The joint resolution which the Senator from Oregon [Mr. MITCHELL] has given notice that he would call up, proposing an amendment to the Constitution so as to provide for the election of Senators by a direct vote of the people, I should desire to support. The bill which the Senator from New York [Mr. HILL] has given notice he wishes to call up, reported from the Judiciary Committee, defining contempt of court, making a classification between direct and indirect contempt, I should support, and had proposed to move an amendment thereto, giving to a party charged with an indirect contempt of court the absolute right of trial by jury upon his request.

The bill which has lately been under consideration by the Senate prohibiting the issuance of bonds except by further consent or direction of Congress I should have supported had it come on for a vote at a time in the session when reasonable opportunity would have been given for legislation by Congress. I desire to say simply that at this late hour of the session, with the apparent impossibility of any further action on the part of Congress, I believe it would create altogether too great a danger for us now to withdraw from the Administration any power of providing for a monetary crisis in the affairs of Government between the present time and the next session of Congress.

Therefore, while I had desired to support the measure if it could have been considered earlier in the session, and while I may desire to support a similar measure at the next session of Congress, I do not believe it is wise to jeopardize the credit of the United States at this time by the passage of the bill; and were I present when the vote is called upon that measure, I should feel compelled to waive my own individual views and vote for what I consider to be a temporary necessity by placing the credit of this Government beyond all question and beyond all attack.

With these statements, in order that the Senate may know my position and that the Senator with whom I am paired may be in a

situation perhaps to vote on some of these measures, I shall be content.

Mr. PETTIGREW. I ask unanimous consent for the immediate consideration of the bill (S. 265) extending relief to Indian citizens, and for other purposes.

Mr. SHERMAN. If it does not lead to any debate.

Mr. PETTIGREW. I think it will lead to no debate. The bill has been read.

The VICE-PRESIDENT. The bill will be read by title.

The SECRETARY. A bill (S. 265) extending relief to Indian citizens, and for other purposes.

The VICE-PRESIDENT. If there is no objection, the bill is in Committee of the Whole and open to amendment.

Mr. HARRIS. Let the bill be read.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill as amended on the report of the Committee on Indian Affairs.

Mr. BATE. That seems to be a very important bill. It seems to affect many Indians and to levy taxes on the property of those Indians. I ask that it may go over.

The VICE-PRESIDENT. Objection is interposed to the request of the Senator from South Dakota. House bill 8008 will be proceeded with.

Mr. DUBOIS. I offer an amendment to the pending bill.

The VICE-PRESIDENT. The amendment submitted by the Senator from Idaho will be stated.

The SECRETARY. It is proposed to add the following as a new section:

In order to raise revenue to meet the various expenses of the Government the sum of 75 cents shall be levied and collected, under such regulations as the Secretary of the Treasury may prescribe, on every barrel of lager beer, ale, and porter manufactured in the United States in addition to the tax now imposed thereon.

Mr. DUBOIS. Mr. President, the distinguished Senator from Ohio [Mr. SHERMAN] has called the attention of the country a number of times to the necessity of raising revenue in order to meet the current expenses of the Government. He has stated that it would be a disgrace, an infamy, if we did not do this, and he has said that the Senate would be especially censurable. But when he is pinned down he proposes to provide revenue only through the Dingley bill—an unjust, an unfair, a sectional measure which can not pass the Senate; and no one knows that it can not pass the Senate better than the Senator from Ohio.

The amendment which I propose will bring in a revenue of about $25,000,000 a year, almost enough money to make up the difference between the receipts and the expenditures. It will not hurt anybody in particular. It might be of some disadvantage politically in certain sections of the country, but if it imposes any additional burdens upon any class, those burdens will fall on gentlemen who have accumulated large fortunes in the manufacture of beer. I submit that it is fairer that these gentlemen should pay a little more into the Treasury instead of that the poor farmer and miner and sheep raiser should be compelled to pay it.

When the Senator from Ohio or any other Senator on this floor undertakes to censure the men sitting upon this side of the Chamber who voted against the Dingley bill, he loses sight of one very important fact. We represent constituencies which are in favor of the free coinage of silver, and yet in order to vote for the Dingley bill you would have compelled us first to vote down the substitute for it which provided for the unlimited coinage of silver. It was a trap, transparent and unfair. At that very time the silver substitute which we had passed through the Senate as a substitute for the bond bill was being considered in the House. The silver substitute for the bond bill was defeated in the House, as everyone knew it would be; and we silver men in this Chamber were called upon to vote against a free-coinage bill in the Senate at the same time, and we were asked to cast this vote against silver in order to reach a bill which was unfair and unjust to our own people.

It is utterly out of the question to talk about passing the Dingley bill. If the Senator from Ohio is willing to raise revenue by fair measures, the gentlemen on this side who voted against considering the Dingley bill will meet him fairly. If he is not willing to do that, or if the Senators on this side of the Chamber are not willing to consider a fair revenue bill, I insist that they shall quit posing before the country as the only patriots, as the only ones who are anxious to raise revenue for the Government.

We stand here ready to join in any proper method to raise revenue, but we will not allow a sectional tariff bill like the Dingley bill, which protected the Eastern manufacturer amply but gave no protection to the South or the West, to pass. There has not been a Senator on this side of the Chamber who has combated the arguments presented by the gentlemen who voted against the bill, showing that it was a sectional, unjust, unworthy, unmeritorious measure. They state on every occasion that it is not a proper bill. We state on the other hand that it is very improper, very sectional, and unjust to our part of the country. We state in addition that a protective tariff bill without free coinage will not avail, and insist that a protective tariff measure and a free-coinage bill should be passed together at the same time.

I offer the amendment which will raise $25,000,000, and state that it will not raise the price of beer to the consumer; it may diminish a trifle the great profits of the manufacturers.

Mr. SHERMAN. Mr. President, I do not intend to answer the Senator from Idaho [Mr. DUBOIS]. So far as a tax on beer is concerned, I might in a proper revenue bill, if it were pending before us, vote for levying such a tax, although I think the article of beer, yielding us a revenue now of over $30,000,000, has a pretty heavy tax on it for an article which is very useful and comfortable. I do not know whether I would vote for it, because I think that the consumers of beer pay already a very large sum.

But I rose more to appeal to the Senate to allow this bill to pass. It is supported, I believe, by the farmers of our country—North and South, East and West, and if it is passed it will prevent filled cheese or any other article or compound made out of lard and other materials from being sold for cream cheese. It is to prevent fraud. It seems to me it is one of those simple propositions which ought to meet with the assent of the Senate without being embarrassed with these various amendments.

Without going at all into the question of the Dingley bill, or any other tariff bill, or any other measure whatever, for I do not like to do that, I will state that I would vote against the Dingley bill as an amendment to the pending bill. The friends of this bill must see that the only way they can give this relief to the farmers of our country is to vote down all amendments. This is not in the broad sense a revenue bill. It is not expected that the bill will furnish more than a half million dollars, or something like that, a year. The precise amount we can not tell. It is proposed as a relief bill, as the oleomargarine bill was passed; and the oleomargarine act has proved to be a great success, satisfactory to the manufacturers of oleomargarine and satisfactory to all who were in favor of the bill. It has worked very well. But I do not want to embarrass the pending bill by a general question of taxation. I therefore move to lay upon the table the amendment of the Senator from Idaho [Mr. DUBOIS].

Mr. HARRIS. I hope the Senator from Ohio will allow me to ask him a question before he does that.

Mr. SHERMAN. Certainly.

Mr. HARRIS. If the amendment shall be agreed to and the additional tax of 75 cents upon a barrel of beer shall be passed into a law, will the tax, then, upon the alcohol contained in the lager beer be more than half so high as the present tax imposed upon all other alcoholic beverages?

Mr. SHERMAN. I am not a competent judge. I know that in whisky there is about one-half alcohol. I know that in beer it is said to be from 3 to 5 per cent. Therefore it would take an enormous tax to make the tax on beer equivalent to the tax on whisky.

Mr. HARRIS. I refer to the alcohol contained in those beverages, and I state as a fact that even if 75 cents shall be added to the present tax on beer, it will fall very far short, I may almost say immeasurably short, of the tax on other alcoholic drinks.

Mr. SHERMAN. I do not wish to go into the question as to the difference between the tax on whisky and the tax on beer. They both yield very large incomes. The tax on whisky at a dollar a gallon produced over $100,000,000. The tax on beer yields us $30,000,000, and I do not want to disturb those taxes. We can provide other taxes. I move that the amendment be laid upon the table.

The VICE-PRESIDENT. The question is upon agreeing to the motion of the Senator from Ohio [Mr. SHERMAN] to lay upon the table the amendment submitted by the Senator from Idaho [Mr. DUBOIS].

Mr. MILLS and Mr. DUBOIS called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. CARTER (when his name was called). I am paired with the junior Senator from Maryland [Mr. GIBSON]. Not knowing how he would vote on this question, I withhold my vote.

Mr. FAULKNER (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS]. I do not know how he would vote on this question. I therefore withhold my vote.

Mr. GEAR (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON]. If he were present, I should vote "yea."

Mr. GEORGE (when his name was called). I have a general pair with the Senator from Oregon [Mr. MCBRIDE]. I do not know how he would vote. If he were present, I should vote "nay."

Mr. MCMILLAN (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "yea."

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR]. If he were present, I should vote "nay."

Mr. DUBOIS (when Mr. SMITH's name was called). I announce the pair of the senior Senator from New Jersey [Mr. SMITH] with the Senator from Nevada [Mr. JONES].

The roll call was concluded.

Mr. PUGH. I transfer my pair with the Senator from Massachusetts [Mr. HOAR] to the junior Senator from Virginia [Mr. MARTIN] and vote "nay."

Mr. FAULKNER. The Senator from West Virginia [Mr. ELKINS] has been in the Chamber during the roll call, and I will therefore vote. I vote "nay."

Mr. TILLMAN. I announce my pair with the Senator from Nebraska [Mr. THURSTON]. If he were present, I should vote "nay."

Mr. ALDRICH. I call attention to the fact that the Senator from Georgia [Mr. BACON], who is paired with my colleague [Mr. WETMORE], has voted. I suppose he did so inadvertently.

Mr. BACON (after having voted in the negative). I beg to state, in response to the suggestion of the senior Senator from Rhode Island, that if he regards this as a political question I will, of course, withdraw my vote.

Mr. ALDRICH. I have no doubt that my colleague, if present, would vote "yea" upon this question.

Mr. BACON. I will state that my agreement with the junior Senator from Rhode Island [Mr. WETMORE] is that upon matters not political we are at liberty to vote in our discretion; and I added in my former statement that if the senior Senator from Rhode Island would say in behalf of his colleague that he would regard this as a political question, of course I would withdraw my vote.

Mr. ALDRICH. It has certainly been made so by the vote, and I should say it is a political question. Senators upon the other side——

Mr. BACON. I transfer my pair to the senior Senator from South Carolina [Mr. IRBY], and allow my vote to stand.

Mr. CARTER. I rise to a parliamentary inquiry. I desire to know what notice the Chair has of a pair with my colleague [Mr. MANTLE].

The VICE-PRESIDENT. The Chair thinks no such announcement has been made. If a pair has been announced with the Senator from Montana [Mr. MANTLE] it has escaped the attention of the Chair.

Mr. CARTER. Understanding that my colleague [Mr. MANTLE] is paired generally with the junior Senator from Virginia [Mr. MARTIN], and the pair with the junior Senator from Virginia having been transferred to some other Senator, I desire to protect my colleague by transferring to him my pair with the junior Senator from Maryland [Mr. GIBSON]. I desire to vote. I vote "nay."

Mr. CHILTON. It is proper to state that the transfer of the pair of the Senator from Virginia [Mr. MARTIN] was made because I was assured that he was in agreement with the Senator from Montana [Mr. MANTLE]. I counseled with the Senator from Idaho [Mr. DUBOIS] in regard to the matter, who assured me that the Senator from Montana [Mr. MANTLE] would vote in the negative, and hence I arranged the transfer of the pair with the Senator from Virginia [Mr. MARTIN] to another Senator.

The result was announced—yeas 25, nays 30; as follows:

YEAS—25.

Aldrich,	Gallinger,	Palmer,	Shoup,
Allison,	Hawley,	Pasco,	Turpie,
Baker,	Hill,	Perkins,	Vilas,
Burrows,	Mitchell, Oreg.	Platt,	Wilson.
Cockrell,	Mitchell, Wis.	Quay,	
Cullom,	Morrill,	Sewell,	
Davis,	Nelson,	Sherman,	

NAYS—30.

Allen,	Carter,	Jones, Ark.	Roach,
Bacon,	Chilton,	Kyle,	Stewart,
Bate,	Daniel,	Lindsay,	Teller,
Berry,	Dubois,	Mills,	Vest.
Brown,	Faulkner,	Morgan,	Walthall,
Butler,	Gray,	Peffer,	White.
Caffery,	Hansbrough,	Pettigrew,	
Cannon,	Harris,	Pugh,	

NOT VOTING—34.

Blackburn,	Gear,	Lodge,	Squire,
Blanchard,	George,	McBride,	Thurston,
Brice,	Gibson,	McMillan,	Tillman,
Call,	Gordon,	Mantle,	Voorhees,
Cameron,	Gorman,	Martin,	Warren,
Chandler,	Hale,	Murphy,	Wetmore,
Clark,	Hoar,	Pritchard,	Wolcott.
Elkins,	Irby,	Proctor,	
Frye,	Jones, Nev.	Smith,	

So the Senate refused to lay the amendment on the table.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Idaho [Mr. DUBOIS].

Mr. SHERMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. VILAS. I desire to make a single remark on this question before the vote is taken.

Mr. DUBOIS. Debate is not in order.

Mr. GALLINGER. It is in order.

Mr. VILAS. I addressed the Chair before any name was called.

The VICE-PRESIDENT. The Senator from Wisconsin addressed the Chair at the moment the roll call commenced.

Mr. VILAS. I addressed it before any name was called.

Mr. DUBOIS. I suggest that the roll call has commenced.

Mr. COCKRELL. Debate is not out of order until there is an answer.

Mr. GALLINGER. There has been no response.

The VICE-PRESIDENT. The Chair thinks that the Senator from Wisconsin addressed the Chair just at the moment and before a name was responded to. The Chair recognizes the Senator from Wisconsin.

Mr. VILAS. Mr. President, I wish to make only a very few remarks on this subject. If Senators choose to adopt a tax on beer because they desire to kill this most meritorious measure designed to prevent the continued perpetration of injurious and shameful fraud upon a class of citizens at least as deserving of legislative consideration as any other, then to add this measure will undoubtedly effect the result. It is perfectly certain there can be no question that we can not expect to convert this bill, designed only to impose a tax upon filled cheese for a limited and special end, into a general bill for the raising of revenue; and if any general bill for the raising of revenue were thus to be framed we know it would not be passed at the present session of Congress.

Therefore this is a skillful scheme, if that be the object of those who vote for a tax upon beer, to defeat utterly and entirely this, as I said, most meritorious measure, in my opinion.

But if this be regarded as a deliberate expression of the judgment of the Senate as to whether there should be a tax upon beer, if that be the question which is now being considered by Senators, I desire to say a few words. I shall not detain the Senate, because I will not contribute to the purpose of defeating this bill by any lengthy argument.

But I desire to say with reference to the tax imposed upon beer, first, that the tax now charged for beer is the same per barrel that was put upon it when the necessities of war first taxed that article which, by the usage of so large a portion of our people, is one almost of necessity, like an article of food. The tax then laid upon beer was but little more than half the same percentage of tax it is now, because at that time beer was worth and sold in the markets for almost twice what it sells for now, if I am correctly informed in respect to it.

Mr. STEWART. I should like to ask the Senator from Wisconsin a question right on that point.

Mr. VILAS. Certainly.

Mr. STEWART. I am told that the manufacturers of beer practically dispense with hops and barley, and consequently they are making it for very much less, although it is very injurious. They are making beer with much more profit. It costs them but a small percentage of what it formerly cost. I should like to know, if the Senator represents a city where they manufacture a great deal of beer, whether the manufacturers have relieved themselves of the tax of using hops and barley. If they have they can stand this tax.

Mr. VILAS. The Senator from Nevada knows, perhaps, quite as much as I do and a good deal more in respect to making beer or of the recipe which is used by beer makers. I know nothing of it, but I understand that the beer of the large makers of beer is made in the most careful manner of the most genuine material—barley and hops—and is as useful and healthy a beverage, decently and reasonably taken, as it is pleasant on a hot day; and that is about the only time I am in the habit of drinking it.

Mr. MITCHELL of Wisconsin. Mr. President——

Mr. VILAS. I will listen to my colleague, but I can not spend my time on these side remarks with the Senator from Nevada.

Mr. MITCHELL of Wisconsin. I understand that the manufacturers of beer are required to make oath as to the ingredients of the beer. I think they are honorable men.

Mr. VILAS. I am not discussing the question of the manufacture of beer or whimsical suggestions of that kind. I call attention to the fact that the percentage of tax now charged upon this beverage is very much greater than that which was laid upon it by the necessities of war. It has never been diminished or removed since the war time, and it is a tax that must be paid by the consumer. Whatever, from morality or otherwise, you will think of that, I care not, but the truth is that the consumers who pay this tax are, in fact, the large body of laboring, hard-working,

Exports of cheese from May 1 to April 30.

wage-earning classes of our communities. You put this charge upon them when you increase the tax on beer.

The Senator from Tennessee [Mr. HARRIS] asked what the proportion of alcohol is in beer. What consequence is it? We are not taxing alcohol by the proportionable percentage in which it is found in different articles in the world. We are taxing liquors for the purpose of raising enormous revenues from them. We are holding a tax upon beer even now as we have held it through all the period of peace, at the same nominal specific rate, but at a much greater precentage than in time of war.

Mr. HARRIS. The Senator will not deny that our policy has been and is to tax alcohol which is contained in those luxuries known as beverages, and it applies as well to beer as it does to whisky or to any other article that contains alcohol.

Mr. VILAS. It is taxed in other articles into which it enters only because it happens to be in a certain sense a raw material of which those articles are composed, and it pays its tax as alcohol and not as a percentage of something else.

I do not desire to spend any time about it, as I said. I point to these two single facts, and if Senators choose to put a tax upon beer under the circumstances, the whole measure of the proposed act, in its effect grossly injurious and wrong to a class of people who are little deserving of being singled out for taxation, ought to be understood.

Mr. DUBOIS. Mr. President, this is really a ludicrous situation. All the Senators on the other side of the Chamber are censured almost daily because they will not vote to raise revenue. Some of us on this side of the Chamber are censured because we will not vote to raise revenue. The Senate by a majority vote affirms that it will vote revenue by placing a tax on beer. Senators on this side and some on the other side object. They say in substance we desire to raise revenue, but insist that the minority, who have some peculiar notions and who desire to make some political capital for themselves, shall determine the method of raising revenue, and they censure the majority because the majority will not submit to the dictation of the minority. They are out of patience with the majority and will not consent to any plan except their own. If I do not state the situation correctly will those Senators who are in the minority state precisely whether they really desire to raise revenue, and if so, what method they suggest? It is the strangest spectacle and the most transparent attempt to make political capital for a section of the country that I have witnessed since I became a member of the Senate.

Mr. GRAY. In other words, we are all in favor of raising revenue, but opposed to the tax.

Mr. DUBOIS. We are all in favor of an increased revenue, but we must do so only in the manner in which the minority want to raise it. The consumer will not have to pay this tax. You can get beer in almost all the cities in the country now two glasses for 5 cents.

Mr. TELLER. And the consumers will not have to pay any more for it.

Mr. DUBOIS. They will not have to pay any more for the beer if this tax is levied.

Mr. MITCHELL of Wisconsin. I should like to ask the Senator where you can get two glasses of beer for 5 cents? [Laughter.]

Mr. MILLS. Mr. President, the question presented for the consideration of the Senate is whether we shall tax for the benefit of certain cheese manufacturers, or whether we shall tax for the benefit of the public Treasury of the United States. The Senator from Wisconsin [Mr. VILAS] is opposed to a tax which will bring a revenue into the coffers of the Treasury and he is opposed to this bill.

Mr. VILAS. The Senator ought not to misstate my position. He knows well that there is no Senator on this floor who is more sincerely in favor of taxes to be so laid as to bring revenue into the Treasury and to put no proceeds of the taxes anywhere else except in the Treasury than I.

Mr. MILLS. Then you will not vote for this cheese bill.

Mr. VILAS. Then I will vote for this cheese bill.

Mr. MILLS. The Senator answers himself. The Senator thinks that I am doing an injustice in stating the principle so broadly. I will state that the Senator from Wisconsin is opposed to the tax—not a tax, but the tax—that will bring revenue into the Treasury now proposed to the Senate. It is admitted by everybody that the tax on beer will bring some millions of dollars into the almost empty coffers of the Treasury. It is stated by advocates of this bill who have it in charge and the distinguished and venerable Senator from Ohio [Mr. SHERMAN] that this bill will not bring any revenue to the Treasury, or substantially that it is not a revenue bill, and is not intended as a revenue bill. That is not denied. This bill is intended to raise the price of cheese to the consumer; this bill is intended to destroy competition; this bill is intended as a burden upon the people who use food to live, and the Senator from Wisconsin is in favor of imposing that burden upon the food of poor laborers and increase the price of another kind of food for the benefit of the manufacturer, but he will not vote for a tax to increase the price of beer either to the manufacturer or the consumer and at the same time bring revenue to the public Treasury.

Mr. President, I belong to a party which declared in its national platform in 1892 that taxation for any other purpose except to bring revenue to the public Treasury was a fraud and beyond the rightful power of Congress to lay; that it was the prostitution of a constitutional power; that it was seizing a power placed in Congress by the Constitution for the purpose alone of raising revenue to support the Government.

It has been said over and over again that the taxpayer is the forgotten man. He is always the forgotten man. Here we are, grave and deliberate Senators, on both sides discussing whether this is a political question or not. Mr. President, if the power to tax for the benefit of the public Treasury alone is not a party question in this country, there never was a party question. From the beginning of our Government those who formed the party to which I belong, and to which others on this side of the Chamber belong, demanded a strict construction of the Constitution in order that its powers should not be perverted to any other purposes except that for which they were intended.

What becomes of the poor people who eat this so-called filled cheese? Have they not a right to eat filled cheese? It was once said by a distinguished leader of the Republican party that cheap things and cheap clothes were nasty. Has that become the doctrine of the Democratic party too? Are the Democratic leaders, the national representatives of the Democratic party, standing before the country and leading this great party into the woods, demanding that the power to tax shall be used to the detriment of the poor people, to increase the price of food to the poor, and admitting at the same time they do that that not one dollar of that taxation comes to the public Treasury? I am not surprised at the Senator from Ohio and Senators on the other side of this Chamber advocating this tax. They believe in using the power of taxation to build up private industries. We do not; we never have believed in it, and we have said over and over again from the foundation of our party until the present time that the power of taxation must be used for the purpose of putting money into the Treasury, and for that purpose alone.

Now, here is a beer tax. It will bring money into the Treasury. Nobody doubts it. Why shall we not vote for it? We have been admonished over and over again that the Treasury needs money. The Senator from Ohio [Mr. SHERMAN] has told us that we ought not to leave here without putting more money into the Treasury. The Senator from Idaho [Mr. DUBOIS] offers an amendment to put twenty-five or thirty million dollars more money into the Treasury by a tax on beer; yet it is opposed upon the ground that the tax is burdensome; but the tax on food, the tax on cheese, which the poorest of our poor people have to consume, is not an objectionable tax to us, and at the same time it is admitted that that tax is for the purpose of increasing the price of other cheese, and for the purpose of extinguishing competition, and for building up private industries at the expense of the people of the country.

Mr. ALDRICH. Mr. President, I am very glad to hear this morning an official declaration from the Senator from Texas [Mr. MILLS], speaking for his party, that the Democratic party is in favor of imposing an increased tax upon beer. That was shown not only by his speech, but by the vote just taken to-day. The Senator from Texas had charge of a tariff bill a few years ago, while in the other House, which bore his name and became rather notorious in the country. That bill did not contain an increased tax upon beer. Several times subsequent to that, in the history of this country, Democratic tariff bills have been framed; notably last year we had a bill, which was called the Gorman-Brice bill, which passed the Senate, and there was no suggestion then made that the Democratic party was in favor of increasing the tax upon beer. There has never been up to this moment any suggestion that anything of that kind was contemplated. It has been generally understood that the brewers of the country have supported the Democratic party and supported it not only by their votes but in a more substantial way, and that as a return for that support the Democratic party was opposed to increasing the tax upon beer.

Mr. PEFFER. Will the Senator from Rhode Island allow me to interrupt him?

Mr. ALDRICH. Not at present.

It seems now that a change has taken place. I do not know whether it is in consequence of prospective action at Chicago, or what it may be, which has brought about this change in Democratic tactics and Democratic policies; but I am sure the people of the country will look upon this movement with a great deal of curiosity.

Mr. MILLS. Only a word. The Senator from Rhode Island states that I had charge of a bill a few years ago proposing to

raise revenue to support the Government without adding any increased tax on beer. Such a tax was not then necessary. We put a tax on other articles which was sufficient. It is demonstrated now that there are not revenues enough in the public Treasury, and we have got to select something which we will tax to bring those revenues into the public Treasury. I will agree with the Senator from Rhode Island, if he prefers that to a tax on beer, to put a tax on incomes, or I will vote to put a direct tax on manufactured products which are already protected. I will select that which will bring revenue to the Government and at the same time bear as lightly as possible upon the taxpayer.

That is all I desire to say.

Mr. NELSON. Mr. President, coming from the Northwest and from a community of farmers, it seems to me passing strange that whenever the farmers of this country or other aggrieved classes of the community come before the Senate of the United States for protection and relief, there is always an attempt made to sidetrack them in some manner by indirect methods.

Now, what are the plain facts in this case? The facts are these, Mr. President: An industry has grown up in this country of recent years, the manufacture of filled cheese, which has operated injuriously and damaging in several directions. It has destroyed the dairy industry among the farmers of the Northwest; it has destroyed our export trade in cheese, and has been the means of deceiving the consumers of cheese to such an extent that even in the very restaurant below us here they have sold and we have eaten filled cheese as the genuine article—as full cream cheese.

The main purpose and object of this bill is not so much to raise revenue as it is to provide for honesty and integrity among the people of this country in the matter of the sale and consumption of cheese. We want, first of all, to protect the consumers of cheese so that whoever buys it, if he desires filled cheese, may know that he is getting it, and whoever desires the genuine article may know that he is getting that.

Mr. LINDSAY. I will ask the Senator whether the State of Minnesota, as a State, has attempted to suppress the sale of this objectionable cheese?

Mr. NELSON. Certainly. The State of Minnesota has passed laws to that effect, and so have Wisconsin and a great many other States; but the work of the different States can not be carried out effectively, as I know from my own experience, unless it is supplemented by legislation of the Federal Government.

The manufacture of filled cheese is carried on at the great creameries where they make butter. They have a process, derived from Denmark in the first instance, by which they separate all the cream, the butter fat, from the milk when it is brought to the creameries. The cream or butter fat is separated from the milk and made into butter. Then that milk, at these large creameries, is heated and supplied with an amount of neutral oil—oil extracted from the leaf lard of the hog—and from these ingredients the filled cheese is made. In other words, to use plain language, the butter fat or cream that is extracted from the milk is supplied by fat taken from the hog and injected into the milk by means of a jet of steam, and from that the filled cheese is made. To every 100 pounds of this skimmed milk, if I may so call it, is added 3 to 4 pounds of what they call a neutral oil. The oil is extracted from the leaf lard of the hog; by the use of a steam jet this oil is injected into and mixed with this milk, and then the two are boiled and mixed and made into this filled cheese.

The manufacturers sell this cheese unbranded and unmarked to the wholesale dealers, and sell it for what it is, but at a large profit, while the wholesale dealers have it branded and labeled in various ways to suit the tastes, the notions, and the demands of the retail trade. They brand and label it "Full-cream cheese," "Wisconsin dairy cheese," "New York full-cream dairy cheese," and other fancy names. In this way and under such colors it is passed to the retail trade, who in turn sell it to the public as genuine full-cream cheese at nearly the same price, or pretty near the same price, as genuine cheese, while it costs less than half of the genuine article in the first instance. The consumer is defrauded in a twofold way—he is deceived into buying a sham for a genuine article, and he is compelled to pay the price of genuine cheese. In other words, both his purse and his stomach are defrauded.

It costs from 4 to 5 cents a pound to manufacture filled cheese, according to the price of the skimmed milk and the lard that enters into it, while it costs from 10 to 11 cents a pound to make the genuine full-cream cheese. The wholesalers make a large profit out of it from the retailers, and the retailers make a large profit again from the consumers. There is a temptation all around to deceive, and to work it off, if I may use a slang expression, among the public as genuine cheese at full prices.

What has been the result of this filled-cheese industry that has grown up in this country within recent years? It has destroyed our cheese export trade by bringing American cheese in disrepute abroad. Our filled cheese has led them to regard all our cheese as of that kind. Let me give you some figures.

Exports of cheese from May 1 to April 30.

[Submitted by Mr. Shields.]

Year.	New York.	Montreal.	Year.	New York.	Montreal.
	Boxes.	*Boxes.*		*Boxes.*	*Boxes.*
1879	2,775,829	525,000	1888	1,389,000	1,186,000
1880	1,949,000	535,212	1889	1,291,000	1,229,000
1881	2,368,635	553,800	1890	1,284,000	1,347,000
1882	2,217,024	671,094	1891	1,320,000	1,628,000
1883	1,633,724	842,912	1892	1,107,000	1,575,000
1884	1,840,580	999,680	1893	1,279,405	1,847,546
1885	1,759,566	1,256,495	1894	852,196	1,863,412
1886	1,518,000	1,298,000	1895	966,014	2,016,616
1887	1,211,000	1,025,000	1896	600,000	2,148,854

Practically the cheese trade has been reversed, and the quantity of cheese that we exported from New York in 1879 is now exported from Montreal, and the export from Montreal in 1896 is nearly as great as the export from New York in 1879.

In view of these facts and under these conditions it is very strange—it is the oddest thing of all—to see Senators on the other side indirectly vote in favor of filled cheese, especially when a large bulk of this fraudulent cheese is sent down South and marketed there. I wish Senators on the other side would take the time to read letters from retail dealers in the Southern States about this matter, which are incorporated in the hearings of the committee. They would then find that, aside from the cheese that is exported to foreign countries, the bulk of this sham and fraudulent cheese is sent down to the Southern States and there palmed off at full price as genuine cheese.

This is a plain, simple proposition for relief. It is, first of all, to prevent fraud and deception in trade. In the next place, it is to protect the dairy farmers of the Northwest, whose industry has been ruined by the fact that the export market has been destroyed; and the next object of the bill is to protect the consumer and honest retail dealer, so that they may all know whether they are buying a sham cheese, a lard cheese, or a real, genuine full cream cheese.

Under these circumstances, upon as plain and simple propositions as these, why should Senators seek to inject the tariff question or the silver question or party politics into this bill? Must these burning questions, at all the time afloat between the parties, be injected into every scheme of legislation that is brought into this Chamber to secure relief for the American public? But some of you come and say: "We have no right to legislate in this way." It is unconstitutional, you say. That is the old cry whenever it is attempted to protect the people. There are always some constitutional lawyers who come to the front and say: "You have no right to pass such legislation as this." Why, gentlemen, it is a principle of the common law which is older than the Constitution, and injected into it, that every man must use his property in such a way as not to injure his neighbor. We have a right to restrain and regulate every man's calling if it is of a nature which is calculated to work an injury and a damage to the public.

I want to call attention in this connection to the case of Plumley *vs.* Massachusetts, a case which was decided by the Supreme Court of the United States. The State of Massachusetts had enacted a law prohibiting the coloring of oleomargarine so as to resemble butter.

Mr. LINDSAY. I ask the Senator whether that was a State or a Federal law?

Mr. NELSON. I am coming to that, if the Senator will be patient. I said the State of Massachusetts; and if the Senator had listened he would have heard.

Mr. LINDSAY. We can not hear the Senator on this side of the Chamber.

Mr. NELSON. The State of Massachusetts enacted a law prohibiting the coloring of oleomargarine so as to resemble butter. A case was brought under that law, and it was held to be constitutional. It was finally brought to the Supreme Court of the United States and that court held that the law was clearly within the police power of the State, and was no infringement upon any principle of the Constitution of the United States. I want to read from the opinion of the court in that case; it is very apt and germane and covers one feature of this case:

> It will be observed that the statute of Massachusetts, which is alleged to be repugnant to the commerce clause of the Constitution, does not prohibit the manufacture or sale of oleomargarine, but only such as is colored in imitation of yellow butter produced from pure unadulterated milk or cream of such milk. If free from coloration or ingredient that "causes it to look like butter," the right to sell it "in a separate and distinct form and in such manner as will advise the consumer of its real character" is neither restricted nor prohibited.

So in this case, Mr. President—

> It appears that oleomargarine in its natural condition is of "a light yellowish color," and that the article sold by the accused was artificially colored "in imitation of yellow butter." Now, the real object of coloring oleomargarine so as to make it look like genuine butter is that it may appear to be what it is not, and thus induce unwary purchasers who do not closely scrutinize the label upon the package in which it is contained to buy it as and for butter produced

the United States, and that the exertion of the taxing power was

The PRESIDING OFFICER. Does the Senator from Dela-

from unadulterated milk or cream from such milk. The suggestion that oleomargarine is artificially colored so as to render it more palatable and attractive can only mean that customers are deluded by such coloration into believing that they are getting genuine butter. If any one thinks that oleomargarine not artificially colored so as to cause it to look like butter is as palatable or as wholesome for purposes of food as pure butter he is, as already observed, at liberty under the statutes of Massachusetts to manufacture it in that State or to sell it there in such manner as to inform the customer of its real character.

And that is this bill.

He is only forbidden to practice in such matters a fraud upon the general public.

And that is the object of this bill.

The statute seeks to suppress false pretenses and to promote fair dealing in the sale of an article of food.

That is all this bill proposes to do, and that is the real meat of it.

It compels the sale of oleomargarine for what it really is by preventing its sale for what it is not.

Can it be that the Constitution of the United States secures to anyone the privilege of manufacturing and selling an article of food in such manner as to induce the mass of people to believe that they are buying something which in fact is wholly different from that which is offered for sale? Does the freedom of commerce among the States demand a recognition of the right to practice a deception upon the public in the sale of any articles, even those that may have become the subject of trade in different parts of the country?

That is all there is to this case. There is no use of beating around the bush. The chief object of this bill is not to raise revenue. That is only a collateral issue. The revenue features of the bill, if I may use the expression, are merely for the purpose of putting the manufacture and sale of filled cheese upon the State hook, upon the Federal hook, as it were, for the purpose of controlling and regulating the manufacture and the trade. That is all. The main issue, the main gist of the bill, is to protect the manufacturers and consumers and to enforce honesty and integrity in the manufacture, sale, and consumption of one of the chief articles of food. That is all there is of it. It is not a mere matter of revenue; it is for the purpose of putting the business under control in order that the Federal Government may have a supervision and control of the manufacturer and the dealer, and in that manner be able to protect the public against fraud and deception.

Mr. MORGAN. I should be glad to ask the Senator a question, if he will allow me.

Mr. NELSON. Certainly.

Mr. MORGAN. The Senator says the chief object of this bill is not to raise revenue.

Mr. NELSON. Yes; certainly I did.

Mr. MORGAN. "The chief object" was the language of the Senator.

Mr. NELSON. Yes.

Mr. MORGAN. "The chief object was not to raise revenue," was the language of the Senator.

Mr. NELSON. Yes, I think so; but I will say to the Senator, and he knows it, and we all know it, that the mere matter of revenue in this bill is collateral and cuts but a small figure. The chief object is to obtain relief against fraud and deception.

Mr. MORGAN. I wish to ask the Senator whether or not he is willing to put that declaration in the bill so that the Supreme Court may pass upon it?

Mr. NELSON. I put my declaration here. It is not necessary to put my personal opinion into the bill.

Mr. MORGAN. I want to put that declaration in the bill.

Mr. NELSON. You can put it wherever you like. I am satisfied with the bill as it is. [Laughter.]

Mr. President, I shall not take up the time of the Senate any further. I simply want to say in conclusion, as I have said at the outset, here are the farmers of the Northwest, here are the great dairy interests of the Northwest, here are the consumers, and here are the honest retail dealers and merchants everywhere asking for this relief. Why should they not have it without injecting into it either a barrel of beer or the silver dollar? The people of the United States—the farmers—can not be deceived by that. If you want to raise revenue from beer, introduce your bill in a manly way and let us have a vote upon it. If you gentlemen who are in favor of the free coinage of silver want that, let us bring that issue up; but pray do not inject all these questions into a little matter of relief that is brought in here on behalf of the farmers of the country.

Mr. GRAY. Mr. President, the Senator from Minnesota [Mr. NELSON], as other Senators upon this floor have done, has very candidly confessed that this is not a revenue bill; that it is not intended to raise revenue; that it is intended to suppress what they call fraud in the States.

Mr. LINDSAY. A common-law fraud.

Mr. GRAY. A common-law fraud, if you please, I think the Senator from Minnesota characterized it. Now, as it is not a revenue bill, is not intended to raise revenue, and will not raise revenue, except in such an insignificant amount as to make it unworthy of the time and attention that is being given to it on that score, the amendment of the Senator from Idaho [Mr. DUBOIS] is an exceedingly opportune and germane one. He has introduced an amendment which unquestionably will raise revenue; and if this bill, which seems to have so many friends, will pass, as it is likely to pass, then I say let us strip the bill of the false pretenses which it seems only intended to deal with in another phase, and put upon it a revenue-raising feature which will come to the relief of the Treasury and save this Government from some of the perplexities and troubles which now environ it on every hand.

Mr. ALDRICH. If this is not a revenue bill, as the Senator agrees and as the Senator from Minnesota has agreed, and there is a general agreement on that point, then certainly the amendment of the Senator from Idaho is out of order.

Mr. GRAY. No, Mr. President.

Mr. ALDRICH. Certainly it is.

Mr. GRAY. The bill on its face is a revenue measure, and that is the fraud that it commits upon the American people. It is a bill, say the Senator from Minnesota and the Senator from Ohio, meant, conceived, framed to prevent fraud, and yet upon its face it commits a fraud upon the American people by pretending that it is an exercise of the taxing power of the United States when it is only covertly an attempt by indirection to accomplish a purpose that it is not within the power of Congress to accomplish.

Mr. PLATT. May I ask the Senator from Delaware a question?

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Does the Senator from Delaware yield to the Senator from Connecticut?

Mr. GRAY. Certainly.

Mr. PLATT. Was not the same argument which the Senator is now making made on the passage of the oleomargarine bill, and has not the Supreme Court decided that that bill is constitutional and is a revenue measure?

Mr. GRAY. Certainly the same argument was made; and I expect as long as I have the honor of a seat in this Chamber to protest, as I protested against the oleomargarine bill, that it was a fraud because it was labeled a revenue bill; and when the Supreme Court come to pass upon this bill, as it did upon the oleomargarine act, they are concluded by the ostensible object of the bill being stated to raise revenue, and they can not inquire into the motives of Congress. They can not——

Mr. DAVIS. Mr. President——

Mr. GRAY. In one moment. To quote the language of the Senator from Minnesota, they say here is a bill which ostensibly upon its face and in its framework was meant to raise revenue, and however insignificant that revenue is, and however much we may suspect the motives of those who have passed it, the judicial power of the United States can not put its hands upon it and declare it unconstitutional because it is the exercise of one of the granted powers.

Mr. DAVIS. If my friend from Delaware will allow me, it is true those arguments were made as to the oleomargarine bill as they are to this, but the fact is that the oleomargarine act has produced over $10,000,000 revenue since it was enacted, and it produced last year a million and a half.

Mr. GRAY. I do not doubt that.

Mr. VEST. It was not the intention.

Mr. DAVIS. I am speaking merely of the result, and this evil assails an industry as large in its provisions as the industry of butter, out of which such results in revenue have sprung.

Mr. GRAY. I believe it to be the fact, as stated by the Senator from Minnesota [Mr. DAVIS], that it has produced more revenue than was expected or than was intended by the act, but that does not alter the duty we owe to a measure of this kind. Whether the Supreme Court is able to pass upon this bill or not, we owe a duty to the Constitution ourselves. We owe it to the oath we have taken and the view that we take of the Constitution to conform our action here to what is our duty as we conceive it to be under that obligation, thus voluntarily assumed.

Mr. LINDSAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Kentucky?

Mr. GRAY. Certainly.

Mr. LINDSAY. My recollection is that the Supreme Court sustained the constitutionality of the tax upon the issue of State banks on the ground that the act purported to be a revenue measure. I ask the Senator how much the Government raised on that tax?

Mr. GRAY. I did not hear the question of the Senator from Kentucky.

Mr. LINDSAY. I wish to ask the Senator, in answer to the suggestion of the Senator from Minnesota, what amount of revenue was raised under that particular supposed revenue measure?

Mr. GRAY. We all know that not a cent was raised.

Mr. VILAS. I wish to suggest that the Supreme Court did not support the tax on State banks by reason of its being a revenue measure. They supported it by reason of its being within the rightful power of Congress to suppress any other currency other than that which had been provided by Congress for the people of

the United States, and that the exertion of the taxing power was merely a means to the accomplishment of a rightful end within the power of the Congress to attain.

Mr. BACON. Will the Senator from Delaware allow me?

Mr. GRAY. The case of Veazie is the one to which the Senator refers me in support of his contention.

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Georgia?

Mr. GRAY. Certainly.

Mr. BACON. I simply want to suggest to the Senator from Wisconsin that there are two decisions of the Supreme Court; one of them on the ground stated by the Senator from Kentucky and the other on the ground stated by the Senator from Wisconsin.

Mr. VILAS. The Senator from Georgia is mistaken. The second decision explains that the first one went upon the ground I have stated.

Mr. LINDSAY. I should like to ask the Senator from Wisconsin whether in his opinion this is a revenue measure or a measure to suppress fraud?

Mr. GRAY. I should like to hear the Senator from Wisconsin answer that question.

Mr. VILAS. Mr. President, I have not the least particle of difficulty with the question. Congress has the power, under the clause for regulating interstate commerce, to suppress such iniquitous and outrageous frauds as the one now sought to be suppressed is in its nature. Not only that, but Congress has the duty imposed upon it to do it, for the reason that the States are prohibited by the interstate clause, as construed by the Supreme Court, from enacting legislation which will protect themselves. The State of Minnesota, the State of Wisconsin, and other States in the Union have enacted to the extremity of their State power legislation to suppress this evil. It requires and demands the exercise by Congress of its authority, which alone is competent to reach a business of this description, interstate and foreign in its nature. For the purpose of exerting that rightful power, for the purpose of accomplishing that end which the Constitution has put upon Congress to accomplish, it proposes to exert another power within its authority as the most convenient and suitable means to that end—the taxing power. We are not using the taxing power to accomplish fraudulently an end not given to us to accomplish by the Constitution, but we are simply working to attain an end which the Constitution imposes upon us to seek——

Mr. GRAY. I think the Senator from Wisconsin has now answered the question.

Mr. VILAS. And that very question was decided by the Supreme Court in the Head Money cases, in the ninety-eighth volume of the Federal Reports, in which they said that the tax levied upon passengers was not a tax in a strict sense, and therefore the taxing power was not sought to be exerted, but it was an imposition, though under the form of a tax, for the regulation of interstate commerce.

Mr. GRAY. I am familiar with the Head Money cases.

Mr. DAVIS. Will the Senator from Delaware permit an interruption?

Mr. GRAY. In one moment, as soon as I allude to something the Senator from Wisconsin has said.

The PRESIDING OFFICER. The Senator from Delaware declines to yield.

Mr. GRAY. I will yield to my friend from Minnesota in one moment.

Mr. President, I am not one of those who have tried to be ingenious to evade the obligations which the Constitution places upon me in the exercise of my duties in this high place. I have not sought to participate in the exercise of powers of legislation that were not granted by that charter of our Government. I am not careful to defend myself against the charge of being one of the constitutional lawyers whom the Senator from Minnesota [Mr. NELSON] speaks of with something of a sneer. I do not pretend to be a constitutional lawyer further than that the Constitution has always been, so far as I could understand it, my guide in my public action and the measure of the duties and activities which I could exercise in this high place.

Mr. VEST. Mr. President——

Mr. GRAY. One moment, if the Senator from Missouri will pardon me. The Senator from Wisconsin comes to the aid of this fraudulent bill by declaring that it is an exercise of the power conferred by the commerce clause of the Constitution, and yet there is not one syllable or one line within the four corners of the bill that refers to interstate commerce. I know how wide the jurisdiction is that is claimed and asserted by the Congress of the United States under the commerce clause, but never yet has it been sought to be exercised except the jurisdiction was obtained by declaring that the duties or the restraint imposed by the bill were meant to be imposed upon the objects or upon the processes of commerce between the States, or commerce between the States and foreign countries.

Mr. VEST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Missouri?

Mr. GRAY. I promised first to yield to the Senator from Minnesota [Mr. DAVIS].

Mr. DAVIS. I merely want to contribute another suggestion to the controversy for the consideration of our friends, that under the undoubted authority of the taxing power Congress long ago imposed a tax of 2 per cent upon the circulation of State banks.

Mr. VEST. Eight per cent.

Mr. HARRIS. Ten per cent.

Mr. COCKRELL. Ten.

Mr. VEST. I have the decision of the Supreme Court before me.

Mr. DAVIS. No one ever pretended that the object of that tax was revenue; its object was to drive the issue of State banks out of circulation; and yet that act was sustained by the Supreme Court of the United States.

Mr. GRAY. Mr. President, that power was sustained, as the Senator from Wisconsin, I think, said it was sustained. I never believed it was constitutional. But it was not sustained under the taxing power.

Mr. VEST. If the Senator from Delaware will now permit me, in this very connection I have before me the decision of Justice Miller in the head-tax cases referred to by the Senator from Wisconsin. He alluded to it as a decision involving the interstate-commerce clause of the Constitution. It was, in fact, a decision based upon the exclusive power of Congress to regulate immigration. What is known as the head-tax statute imposed a dollar tax upon every foreigner over a certain age coming into any port of the United States, and it was attacked upon the ground that it was unconstitutional. The money to be raised from that tax went into a fund to provide for indigent and diseased persons who came over as immigrants and were unfortunate upon shipboard or immediately after landing in this country.

Mr. MILLS. It was imposed by the State.

Mr. VEST. It was a United States statute. The head tax was a United States statute passed by the Congress of the United States, and Justice Miller, of the Supreme Court, emphatically declared that because the Congress of the United States had exclusive jurisdiction over the question of immigration they had a right to put a tax of $1 upon immigrants. If the Senator will read the language of Justice Miller he will find that it covers the entire question.

Mr. GRAY. I will read as the Senator from Missouri suggests:

If this is an expedient regulation of commerce by Congress, and the end to be attained——

Mr. VILAS. I ask the attention of the Senator to the very first words of the Supreme Court:

If this is an expedient regulation of commerce——

Mr. VEST. Of commerce with foreign countries.

Mr. GRAY. I trust the Senator from Wisconsin will not interrupt me while I am reading.

Mr. VEST. Justice Miller goes on to say that it is commerce with foreign countries.

Mr. GRAY—

If this is an expedient regulation of commerce by Congress, and the end to be attained is one falling within that power, the act is not void, because, within a loose and more extended sense than was used in the Constitution, it is called a tax. In the case of Veazie Bank vs. Fenno (8 Wallace, 533, 549)—

The case referred to by the Senator from Wisconsin—

the enormous tax of 8 per cent per annum on the circulation of State banks, which was designed and did have the effect to drive all such circulation out of existence, was upheld because it was a means properly adopted by Congress to protect the currency which it had created, namely, the legal-tender notes and the notes of the national banks. It was not subject, therefore, to the rules which would invalidate an ordinary tax pure and simple.

Mr. President, I have but a moment before the hour of 2 o'clock arrives. This is a bill that nowhere within its limits refers to the exercise of the interstate-commerce power. It is a bill which confessedly by its advocates was not intended to raise revenue, but a police bill intended to operate within the domain of the States and to regulate matters which by all the authorities and all the acknowledged text writers are peculiarly within the exclusive domain of State legislation. This bill, as its authors declare, is intended to suppress a fraud within a State. It does not lay hold of this alleged deleterious article on its course from one State to another, but in the State forbids the manufacture or sale except in accordance with certain prescribed regulations, and it was intended to suppress it, say the authors of the bill.

Mr. President, who contends that the Congress of the United States can reach its hands within the borders of a State and seize upon those reserved police powers which confessedly by all the decisions of the Supreme Court and by the acknowledgment of all constitutional writers belong exclusively to the States and not to the General Government? I do not contend that this is not a thing that ought not to be regulated. The Senator from Minnesota has stated a case which perhaps would appeal to the legislature of my own State or of his

Mr. VEST. His own State excludes the sale of it entirely.

Mr. GRAY. But all I am contending for here is that we should not seek by indirection to exercise the police powers of a State, and to draw from the quiver of constitutional powers granted by the Constitution of the United States a weapon there placed and use it for a purpose for which it was never intended.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. SHERMAN. I merely wish to say that when the bond bill is disposed of I shall seek to bring the pending bill before the Senate again.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 8469) to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia; and

A bill (H. R. 8672) conferring jurisdiction upon the supreme court of the District of Columbia having general equity jurisdiction, to decree the sale, lease, or surrender of any lease of real estate in said District belonging to insane persons, for purpose of reinvestment, and for other purposes.

DISTRICT STREET RAILWAY ROUTES.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2928) to extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company, of the District of Columbia, and for other purposes.

Mr. MCMILLAN. I move that the Senate nonconcur in the amendments of the House and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. MCMILLAN, Mr. HARRIS, and Mr. PROCTOR were appointed.

MARITAL AND PARENTAL RELATIONS.

The PRESIDING OFFICER (Mr. DUBOIS in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 1659) to amend the laws of the District of Columbia as to married women, to make parents the natural guardians of their minor children, and for other purposes, which were, on page 2, section 3, after line 7, to insert:

SEC. 4. A married woman may contract and sue and be sued in her own name in all matters having relation to her sole and separate property, in the same manner as if she were unmarried, and her husband shall be joined with her when the cause of action is in favor of or against both her and her husband.

On page 2, section 3, after line 7, to insert:

SEC. 5. Neither the husband nor his property shall be bound by any such contract, made by a married woman, nor liable for any recovery against her in any such suit; but judgment may be enforced by execution against her sole and separate estate in the same manner as if she were unmarried, but she shall be entitled to all the benefits of all exemptions to the heads of families or householders.

Change section 4 to section 6, change section 5 to section 7, change section 6 to section 8, change section 7 to section 9, change section 8 to section 10, and on page 3, section 8, after line 3, to insert:

SEC. 11. That sections 727, 729, and 730 of the Revised Statues of the United States for the District of Columbia be, and the same are hereby, repealed.

Mr. FAULKNER. I move that the Senate concur in the amendments of the House of Representatives.

The amendments were concurred in.

REGULATION OF BOND ISSUES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. PRITCHARD. Mr. President——

Mr. STEWART. Will the Senator from North Carolina yield to me? I hold in my hand a speech made——

Mr. PRITCHARD. I do not yield for that purpose.

Mr. STEWART. I was just going to ask to have it printed. I ask to have it printed as a document.

Mr. PRITCHARD. I ask the Senator to withhold his request for the present.

Mr. STEWART. Very well.

Mr. PRITCHARD. Mr. President, before casting my vote in behalf of the pending measure I wish to say a few words as to why I am in favor of preventing the issuance of bonds in time of peace for the purpose of raising revenue to meet the current expenses of the Government. I understand that it was not contemplated by the framers of the act of 1875 that the power to issue bonds was, under any circumstances, to be used for the purpose of raising revenue with which to pay the ordinary current expenses of the Government. I desire to quote from a speech delivered by the distinguished Senator from Ohio [Mr. SHERMAN], in the Senate, January 3, 1896:

The Wilson law has produced a deficiency in every hour and day that it has been on the statute books, while the McKinley law has always produced a surplus until after the incoming of this Administration, and if administered since that time by friendly agents would have furnished the Government all the revenue needed.

The deficiency of revenue was the primary cause of the demand for gold for United States notes. The gold hoarded for resumption purposes was not separated from the money received for current revenue, and this revenue being insufficient to meet expenses, the gold accumulated for redemption purposes was drawn upon to make good deficiencies. This created a doubt of the ability of the Government to maintain the parity of United States notes with coin, and led to their presentation for redemption in coin. The draft on the Treasury for coin during this Administration has been greater than the amount of deficiency of revenue during the same period. In every aspect in which the subject presents itself to my mind I come to no other conclusion than that the deficiency of revenue and the consequent encroachment upon the redemption fund is the cause of our present financial condition, and that the only remedies are either a radical reduction of expenditures or an increase of taxation, and perhaps both. I do not believe that the condition requires a suspension of public works or a postponement of measures now in progress to strengthen the Army and Navy.

It is strange that the President, in dealing with our financial condition, should ignore entirely the pregnant and controlling fact that during his term of office thus far three issues of bonds have been made, amounting in the aggregate to $162,315,400, to meet current expenses in time of profound peace. He attributes all our financial difficulties to the continued circulation of United States notes and Treasury notes, debts bearing no interest, amounting to nearly $500,000,000. His statement of the origin and history of the United States notes is strongly tinged with prejudice, for, though these notes were irredeemable for a time, they were convertible into bonds bearing interest payable in coin. They replaced notes issues by banks chartered by the several States.

* * * * *

It is a practical fraud for the Government to use these notes for such purposes, and it never has been done except during this Administration. Every dollar thus taken in is an impairment of the redemption fund. It is the misapplication of a fund specially created by law for another purpose. The effect is to destroy confidence in the credit and safety of our paper currency. It has led to the demand for gold coin for United States notes. I do not believe that has been the design of the executive branch of the Government, but that has been its effect and should be prevented by the immediate action of Congress. The resumption fund is the safeguard of the money of the people, and its use for any other purpose is a practical repudiation of the public faith. The President complains that the notes are presented and paid, reissued, and paid again and again, making a continuous circuit. When did this circuit commence? The only answer is, When this Administration, supported by the last Congress, created a deficiency. Why does the circuit continue? It is because the deficiency continues. The Government resorts to the financial policy of Micawber. It gives its bonds and thinks the debt paid. But the circuit continues. The money received for current revenue is paid to cover deficiencies and is returned for gold, and then more bonds. The Secretary hopes that in two or three years there will be no deficiency. What is the ground for this hope? It is that a new Administration will provide more revenue, and then the circuit will be broken. Why not apply the remedy now?

This is a graphic picture of the financial situation as it now exists. Among other things, the distinguished Senator from Ohio says:

It is the misapplication of a fund especially created by law for another purpose. The effect is to destroy confidence in the credit and safety of our paper currency.

Therefore, those who ask us to permit the act of 1875 to remain on the statute book without any safeguards indirectly indorse the misapplication of a fund created by law for another purpose, which Senator SHERMAN says "will destroy confidence and safety in our paper currency." The distinguished Senator also says:

The Government resorts to the financial policy of Micawber. It gives its bonds and thinks the debt is paid. But the circuit continues. The money received for current revenue is paid to cover deficiencies and is returned for gold, and then more bonds. The Secretary hopes that in two or three years there will be no deficiency. What is the ground for this hope? It is that a new Administration will provide more revenue, and then the circuit will be broken. Why not apply the remedy now?

I say to my distinguished friend that I fully concurred in what he said when he made that speech and that nothing has occurred since then to change my mind in the least. The wholesale misapplication of public funds must be prevented. There are only two ways to prevent it; one is to pass an emergency protective tariff measure, and the other is to take from the Secretary the power to issue bonds and increase the public debt when there is no necessity for such conduct. If the Republican party, either directly or indirectly, sanctions this unwarranted exercise of discretion by the Secretary of the Treasury, we will be estopped in the approaching campaign from condemning the Democratic party for its conduct. Upon examination of the different Republican State platforms of 1894 it will be found that in a majority of the States they declared against the policy of the present Secretary of the Treasury in issuing bonds to meet the current expenses of the Government. We so declared in my State, and I am not willing, after having condemned the policy of the Secretary of the Treasury in every spech I made during the last campaign, to come here and to cast my vote to indirectly indorse the action of the Secretary. The Democratic party is still in control of the Executive Departments of this Government, and, if the Du Pont case is to be taken as a criterion, is also in control of this body. It is the only strictly partisan vote that we have had at this session. While we have a clear majority in the House, it is

admitted by all that we have not a majority of votes in this body, and therefore we are not responsible, as a party, for any legislation that may pass this body. The Democratic party had absolute control of all branches of this Government from March 4, 1893, until March 4, 1895, and as a result of their unwise legislation and injudicious administration of the law we are brought to the very verge of bankruptcy, and we should let the responsibility rest where it properly belongs.

Under the provisions of the act of 1875, so long as we had an American protective tariff law on our statute book, the Republican party maintained the credit of the Government, promptly paid all our current expenses, and kept the gold reserve fund unimpaired. When strictly construed and fairly executed in the spirit in which it was enacted it is a very valuable and necessary law, but when perverted and misconstrued it has proven to be a dangerous agency in the hands of those who seek to use it as a means of enabling them to conceal the actual deficiency which has necessarily resulted from the enactment of the Wilson law.

We are appealed to by Democratic Senators in this Chamber, who ask us to aid them in securing such legislation as will enable the Democratic party to extricate itself from the awkward position it now occupies, and thereby prevent this country from going into bankruptcy under Democratic management. The Republican party, in a spirit of patriotism and nonpartisanship, tenders to the Democratic members of this body a measure known as the Dingley bill, which we insist when properly amended will afford ample and sufficient revenue with which to meet the current expenses of the Government and will obviate the necessity of issuing bonds in the future.

The Democratic members of the Finance Committee have refused to support this bill or to offer anything in the nature of a substitute which has for its object the raising of revenue in sufficient quantities to supply the demands of the Government, but on the other hand they have tendered a substitute for the revenue bill in the nature of a free-coinage measure, which they know will not afford the relief they demand. There can be no excuse whatever for offering a free-coinage measure as a substitute for the Dingley bill, in view of the fact that this body has already passed a free-coinage bill during the present session. I am a friend to silver and believe it should be restored to its dignity as a money metal, but I do protest against the policy of certain individuals who attempt to tack it on every measure which comes before this body. Such a policy will result in making free silver odious and can only result in great harm to the cause of bimetallism. If our Democratic friends will come forward and join hands with the Republicans in the enactment of a revenue law which has for its object the creation of revenue sufficient with which to meet the demands of the Government along the lines of protection for the languishing industries of this country and the restoration of the duties on the raw materials and agricultural products, I will withdraw my support from the pending question and vote in opposition to its adoption. The moment you provide a sufficient amount of revenue to meet current expenses there will cease to be an excuse for the exercise of this discretion by the Secretary of the Treasury.

I wish to say in reply to the statement that "this bill means repudiation" that if I so understood the provisions of this bill I would under no consideration vote for it. As the act of 1875 is now construed and executed it can only result in one thing, and that is the bankruptcy of the American people. When I see the power conferred under the act of 1875 being exercised as it is by the Democratic party for the purpose of borrowing money and contracting an enormous debt at the expense of the people I feel that it is my duty as a member of this body to stay the hand which is trying to strike down our credit at home and abroad. The Democrats of this Chamber in one breath defiantly announce to the Republicans that they will not accept any temporary emergency measure we may offer for the relief of the Treasury, and in the next breath they ask us to permit them to continue the suicidal policy which they adopted when in full power in this Government by voting to allow the act of 1875 to remain upon the statute book in order that they may be able to borrow money with which to run the Government instead of taxing the foreigner and thereby creating a sufficient fund "to pay as we go."

In my judgment, the time has arrived when the Republican party should make the issue so clear and distinct that the American people may be able to distinguish between the policies of the two parties. It is not contended by any Republican that the Dingley bill is a Republican measure, and therefore can not be said to be a partisan measure. I have an amendment pending to that bill which restores the McKinley duties on the raw materials and agricultural products of this country, but for some strange and inscrutable reason every Democratic member of this body voted against taking it up for consideration, thereby preventing me from securing the adoption of that amendment as a part of the Dingley bill.

I can understand how a New England Democrat could vote against my amendment, but the conduct of Southern Democrats in voting against the consideration of that measure, when they knew that my amendment restoring the duties on raw materials and agricultural products was pending, is incomprehensible. It can mean but one thing, and that is that when they had an opportunity to befriend the farmers and the Southern people they were not equal to the emergency.

The distinguished Senators GORMAN, HILL, and GEORGE have admitted on this floor that there is a deficiency of revenue and that the Government will not be able to meet its current demands in the future. In view of these admissions, coupled with the fact that the records show an increasing deficiency each month under the operations of the present revenue law, it is the imperative duty of this body to pass an emergency bill. While I realize the fact that the Republican party is in no wise chargeable with the present unfortunate condition of affairs, at the same time I feel that it is my duty as a representative of the people to do all in my power to maintain the credit of this Government. Under the present management of our financial affairs the welfare of the people has been neglected to such an extent as to enable a foreign syndicate to realize in one transaction about $10,000,000 at the expense of the taxpayers of the United States. Now, I am unwilling that our Democratic friends should be permitted to pursue such a disastrous policy. In this connection I wish to say that I have great respect for the President of the United States as well as the honorable Secretary of the Treasury. I do not and can not indorse their policy, and at the same time I do not wish to be classed among those who denounce them as dishonest and corrupt. Every Democratic member of this body as well as every Democrat in this country was fully advised as to Mr. Cleveland's views before he was elected President. The Southern Democrats voted for him with the distinct understanding that he was opposed to the free coinage of silver and that he favored free raw material. It is amusing to hear Democratic Senators from the South denounce the President, after having voted for him with full knowledge of the fact that he said, in his letter of acceptance:

We believe that the advantage of freer raw material should be accorded to our manufacturers, and we contemplate a fair and careful distribution of tariff burden rather than the precipitation of free trade.

Here was a direct proposition from the President to place the undeveloped wealth of the South on the free list, thereby crippling our Southern people without giving them a single cent of compensation in return. It is universally admitted that in the South there are concentrated greater resources for the development of manufacturing and mining than in any other part of the world. We have cotton, the manufacture of which has enriched New England and Great Britain; coal and iron, which has given such enormous wealth to Pennsylvania and other States; timber, which afforded the basis of the wealth of the Northwest, and added to these natural resources are greater advantages for their utilization than are possessed by any other part of the country. It is an admitted fact that in manufacturing capabilities the South has greater possibilities than all the other States in the Union combined. It has nearly one-half of the standing timber in the country; it has sufficient coal and iron to supply the demands of the world, if this were required, and to do it at the lowest possible cost; and it already raises enough cotton to supply 60 per cent of the 85,000,000 spindles of the world. Under the circumstances this is an opportune time to consider the relative positions of the two great political parties on this all-important question.

The McKinley law, reflecting as it did the patriotic wisdom and statesmanship of the Republican party, stimulated and encouraged every single industry in which the Southern people were interested. The question of placing the raw material of the United States on the free list is one which has been agitated more or less since the days of Thomas H. Benton. In the year 1832, when the question was under consideration in the Senate, Mr. Benton, speaking on Mr. Clay's tariff resolution, called attention to the fact that our domestic manufacturers, having a high tariff on their fabrics, were producing many from raw material from foreign countries, and showed that our flax fabrics were from foreign flax, and he cited wool, hemp, indigo, hides, and furs, of which five articles we had imported in six years $25,000,000. Commenting on the fact, he observed, "This immense sum has been paid to foreigners instead of to American citizens." Among other things he said:

The farmers and planters of the United States should be admitted into the benefits of the American system and secured in the domestic supply of the raw material to our manufacturers. I hope for this much for the farmers and for the honor of the system. For nothing can be more absurd than to erect domestic manufactures upon foreign (raw) material; nothing more contradictory than to predicate independence for goods upon dependence for materials to make them of; nothing more iniquitous than to give to the manufacturers the home market of goods and not to give the farmers the home market of raw materials.

Then, as now, it was the policy of the speculating and trading classes to secure the enactment of such legislation as would place agriculturists and owners of the raw material at their mercy, and as one means of accomplishing their designs they have striven to

separate producer and consumer and make direct intercourse between man and man more difficult or well-nigh impossible. The producer, being widely separated from the consumer, the latter is forced to have recourse to many middlemen in exchange of his product, and they must be recompensed. By combination, the middlemen are enabled to fix the price of what they buy and what they sell, thus securing a large and ever growing share of other men's labor.

As another evidence of the fact that the Democratic party, as now constituted, stands pledged to the enactment of laws which are detrimental to the interests of the common people of this country, the distinguished Senator from Maryland [Mr. GORMAN] declared on this floor, the other day, that he was in favor of placing a tax on tea and coffee, two of the necessaries of life. He prefers that the coffee which the Americans consume shall be taxed in order to raise revenue rather than furnish protection to owners of the raw materials of the South and the agricultural products of this country. In other words, the policy of his party is to enhance the cost of the necessaries of life which come from abroad and which we can not produce and to cheapen the products which our own people have to sell. No party advocating such a policy can ever again receive the approval of the American people. The Southern people are just beginning to realize the fact that the policy of the Democratic party is inimical to the welfare of our section. Under the blighting influences of the policy pursued by the bourbon Democracy our wonderful resources have remained undeveloped, our facilities for manufacturing have not been utilized, and the farmer has not been furnished that home market for the products of his farm which is accorded his brother in all prosperous manufacturing communities. True progress is only possible when the farmer finds the market for his produce in the neighboring towns, and the manufacturer a market for his goods among the surrounding farmers; hence the importance of such a policy to the Southern people as will result in the opening of our mines, the manufacturing of our timber, and the utilization of the unsurpassed water power within our borders.

Mr. President, in referring to the advantages of the protective tariff to the South I wish to call attention to some expressions and statistics upon the subject by C. L. Edwards, of Texas, made some years ago. I have taken the liberty to revise his figures, illustrations, and propositions laid down, and ask the attention of every patriotic citizen to the following which I ask to be incorporated as a part of my remarks.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The paper is as follows:

The colonels and brigadiers have controlled the politics of this part of the country for a good long time. The captains and majors and brevet colonels have also chimed in, but the voice of the ex-Confederate private has not been heard. One of this long-silent class who answered to roll call and figured in the bullet department now asserts the right to speak out in meeting. Mindful of both the ancient and modern prejudices of Southern people against the doctrine of protecting home industries by duties on foreign products, it is considered advisable to present some of the arguments used by those who favor a protective tariff. Hitherto the people of Texas have heard but little of this side of the question. The free traders have had the field to themselves. An earnest desire to lessen the fund of misinformation encumbering the subject will account for this treatise.

PROTECTION IN THE SOUTH.

Wherever manufacturing enterprises have gained a foothold in the Southern States, right there can be found a community of protectionists. Every factory, mill, foundry, furnace, or kindred establishment brings together a working and wage-earning population. These people must be fed, housed, and supplied with the necessaries of life.

Artisan populations are drawn from the surrounding farms. It is so in Columbus, Augusta, Atlanta, Birmingham, Knoxville, and every manufacturing city in the South. Every time a hand leaves the farm and goes into a manufactory farm production is lessened to that extent. Wages from a new source are drawn to pay other farmers for the supplies of the new consumer. Those who formerly helped to glut the local markets with farm products, after going to the factories, become consumers and sharpen the demand for the produce of other farmers. Hundreds of women and children, who before were a burden to those on whom they depended, find profitable employment and are the better able to supply themselves with necessaries. They now assist and help to a competence those whom they once weighed down. In this way those who live near manufacturing towns discontinue the cultivation of staple agricultural products, such as corn, cotton, and wheat. The demand for the smaller farm produce, as milk, fruit, poultry, vegetables, and the like, causes the owners of land to sell it off in small parcels. These subdivisions are devoted to fruit, dairy, and vegetable productions. The lands, as well as their owners, step out of the line of regular farm industry, are withdrawn from competition with the producers of corn, wheat, and cotton. Instead of helping in the profitless work of overproduction, they in turn become dependent upon the regular farmer for their supplies.

In the meantime lands in all that vicinity increase in value, and besides the better markets thus brought about, the factory, shop, or mill adds to the wealth of the man on the farm. Up to this time, except in a few manufacturing districts, Southern farmers have enjoyed few of the benefits of the protective system. In common with all others, they share the advantage of the decrease in prices of what they buy. But they need a better market to sell in, especially their small products. They have not yet received the benefits of an advance in the values of their lands nor of profitable employment for our people. Only those amongst whom industrial enterprises have become established reap all these benefits. Our time is coming. In Birmingham and a dozen other towns in north Alabama the iron industry has caused an immense influx of wealth and given good employment to thousands who never had it before. Owners of land that had been considered worthless for generations are now possessed of fortunes. So of many localities in North Carolina, Virginia, and Tennessee, where great stores of iron and coal in being brought to light bring with them wealth, employment, and happiness to thousands.

The free-trade element in the South is living on tradition. The one great duty that presents itself to every Southern man who loves his people and loves his country is to strive to disarm the prejudices of the olden time. The building up and development that have so auspiciously commenced will perish in the atmosphere of free trade. It is to our interest that the American policy should continue to prevail. Protective duties upon ordinary manufactures of cotton so high as to practically exclude foreign goods of like quality have doubled the crop. A tobacco duty so high as to protect, even after allowing for the burden of internal revenue, caused the crop to increase at the rate of 21,000,000 pounds a year. Cotton manufactures were first protected for the benefit of the Northern States at their request, and the planter shared only an incidental benefit. The Government placed protective duties on tobacco to enable it to bear the internal-revenue imposts. Other Southern crops receive no protection. Sugar and rice, with mere revenue duties, have all the while languished. Every product of the Northern farmer or manufacturer is jealously guarded by protective duties, because it is demanded. Our farmers have sent men to Congress who got as many Southern products as possible on the free list, and demanded a tariff for revenue on the rest. They are taken at their word, so far as our people are concerned.

Whether right or wrong, the American people believe in protection. Those who have built up under the system desire its continuance. Those who do not believe in it have not built up.

It will not do to fall behind the worn-out plea that we are an agricultural people. The North and Northwest are far ahead of us in agriculture. With them agriculture and manufactures have kept even pace. The factory is the best patron the farm ever had, and they have found it out. We do something in the way of agriculture, and but little else. They believe in protection, diversify their industries, and all prosper together. Let us compare the two States of Texas and Iowa. Both were admitted to the Union in 1845. Their populations were then and in 1880 nearly equal. Neither State was devastated by the war.

Texas has an area some five times that of Iowa, and double the amount of agricultural lands. The climates of the two States are widely different. We seldom have more than a month of cold weather; our spring and fall seasons are long and delightful, and the summers tempered with pleasant breezes. In Iowa the ice king sits enthroned half the year, and often more. Her prairies are the home of the blizzard from October until April, and the rallying ground of the storm god the rest of the year. When her people are muffling themselves in woolens and furs against the rigors of winter, ours go in their shirt sleeves and sleep under sheets; yet, strange to say, we raise sheep and cry out against the duties on wool and woolen goods, while the people of Iowa, who buy and use them, believe in protection and make no complaint whatever. Those who can remember as far back as the glorious free-trade era of 1860 know that those necessaries cost more then than now. The figures below are taken from the Compendium of the Eleventh Census, 1890:

	Iowa.	Texas.
Persons employed in factories	59,174	39,475
Value of manufactured products	$125,049,183	$70,433,551
Wages paid	$25,878,997	$18,586,338
Value of farm implements man inactured	$1,570,872	$397,795
Farms, acres improved	25,428,899	20,746,215
Value of farms	$857,581,022	$309,971,289
Value of farm implements and machinery	$36,665,315	$13,746,541
Value of all farm products	$159,347,844	$111,099,430
Value of live stock	$206,436,242	$103,259,503

SPECIMENS OF THRIFT.

When a Texas farmer raises a wheat crop, it goes off to hunt a mill, and having found it, the flour is shipped back to him. He pays freight both ways. The Northern miller takes toll for grinding, and out of it pays his employees. Our farmers have not yet learned that their hostility to manufactures keeps away the man who makes wheat into flour along with the man who makes wool and cotton into cloth. They have not yet realized that the distance between producers, consumers, and manufacturers supports the railroads and the ships; nor that wherever a manufactory is located these classes are in a measure brought together and hundreds of freight bills wiped away. In the new States, and even in the Territories of the Northwest, where the doctrine of protection is believed in, the flouring mills are crowding upon the wheat fields. Minnesota farmers raise wheat, and Minnesota millers grind it, giving employment to thousands of people of that State. They, in turn, are able, from the wages received, to purchase other supplies from the same farmers, and all prosper together. Industrial establishments of different kinds spring up in the vicinity of these great flouring mills. There is a large interchange of their respective products, and one sustains the other. To the extent of their mutual dealings, to the extent they supply the people in their vicinity, freight bills disappear. Of the wheat exported, even from Dakota, almost half of it goes abroad as flour. The toll is left with the people of the Northwest. We, on the contrary, oppose a policy which confers benefit upon all who avail themselves of it. Though the waters are troubled, we are loath to step in and be healed. Worse still, is the desire to injure by mischievous legislation those who have been more provident than ourselves. Israel in the desert never lusted more for the flesh-pots of Egypt than do we to return to the old days of low tariffs, foreign goods, high prices, and bills of lading reaching round the world.

The older Southern States have more water power than all New England, but hostility to protection has until quite recently kept the cotton mill far away from the cotton field. Except some thousands of bales manufactured at home, one-third of the cotton crop was burdened with the cost of transportation to the North, the other two-thirds to Europe. The producer foots the larger portion of the freight bills, while the profits of its manufacture are pocketed by other people. Suppose we discontinue our factious opposition and declare for protection, how long before the cotton manufacturing interests would be gainers by the change, and it is time we were learning that men who have sense enough to accumulate money are not anxious to risk it among those who are eternally threatening the destruction of their investments. New England, more than a thousand miles away, has built cities and grown rich by the manufacture of our cotton. Her agriculture has so flourished that she has long since left off raising the staples of the farm. Her cold, stony soil, lying in the grip of winter for more than half the year, has a summer verdure like Eden. Her arable lands, subdivided into stock, fruit, dairy farms, and gardens, have become of marvelous value, and their produce is sold to the people of manufacturing cities at prices that are remunerative away beyond ordinary agriculture. Sixty years ago there was little on her rivers besides some sand, rocks, and water running down hill. These, and the practical sense of her people were the sum total of her natural

advantages. They took hold of protection and used it for their benefit. The system that helped them will help us, if permitted. New York and Ohio have prospered exceedingly, so has New Jersey. Pennsylvania has grown rich almost "beyond the dreams of avarice." Black diamonds and iron crowns have been wrested from her rugged hillsides. Cities have been built and palaces reared that would discount the best performances of Aladdin's lamp. Delvers in mine and shop have become lords of mill and furnace. The hand of Midas has been laid upon their industries. Plodding farmers have become wealthy proprietors. So of all the manufacturing States. In Wisconsin, Michigan, Illinois, and Indiana agriculture and manufactures go hand in hand with each other. In all those States farm hands once received $8 per month for six months in the year. They now get $25 to $30 per month the year round. In Texas, where farm wages are better than in any Southern State, a young man on a farm does well to get a full year's employment at $15 per month, although we have a soil as productive as ever fell from the hands of the Maker. Our farmers make cotton to be sold at a low price and sent off on a foreign tour, while Northern farmers who believe in protection feed the operatives who work on that same cotton.

Ours may have a large surplus of fruits, melons, poultry, butter, and the like, but our towns are small, without manufacturing populations, and small quantities of such products will glut a market. These farmers have never suspected that they are in any manner the authors of the mischief. On the contrary, when politics come round every two years, and a double dose every four, they hie themselves to the political gathering, hoping, as they have vainly hoped for years, that by some turn in the management of public affairs the ills of their condition may be cured. A favorite politician addresses them from the hustings; they listen to anathemas against rich men, railroads, corporations, manufacturing monopolies, and the protective tariff, and shout approval until hoarse. They return to their homes embittered in spirit, strengthened in prejudice, steeped in error, feeling like anarchists; and, for the time, would be right glad, if they could, to accomplish by legislation what the Chicago thug seeks to do by bomband torch. By such methods hundreds of millions of idle capital that would readily seek investment in the South is kept away. Begrudging a fair profit to the manufacturer, we keep ourselves in the hands of usurers.

Let us look further at results. Some of us remember the glorious days of comparative free trade from 1857 to 1860. Iron used by blacksmiths cost double what is does now. Imported iron was in general use. Some bought imported cast steel in bars to make shovels, plows and sweeps. This cost at retail 12½ cents per pound. The smith cut it out and worked it up. Plowshares then costing $1 to $1.50 can now be had at from 30 to 50 cents. Axes, chains, and all farm hardware are reduced in price at least one-half. Calicoes that sold in country stores at 12 and 15 cents per yard can now be bought for 4, 5, and 6 cents. So of the other cotton goods. A better wagon is now sold for $60 than could then be had for $100; and so with a thousand articles entering into the uses of everyday life. These reductions have come with the change from foreign to domestic manufacture; by the competition of Americans who have prospered under protection. Hamilton's doctrine has been more than verified. It requires no statistics to prove these things; they have come under our observation.

There are those who say that improved machinery has wrought these results, and that the foreigner works still more cheaply. Granted, but before we had protection we had few machines, and the foreign manufacturer never did reduce his price lists until forced to do so by our own citizens. Protection gave us the machines, and the inventive genius of the American has continually improved them.

We continue to clamor for sweeping reductions of duties, demanding that numbers of articles grown and manufactured in this country be placed upon the free list, and that duties on imports be reduced to a strict revenue basis. To grant our petitions would plague us sorely, as were the frogs in the fable who prayed for a king. Hundreds of industries that have grown up under the protective system would be wrecked, and nearly all would be endangered. Low rates of ocean freight, the cheaper labor, plant, and capital of foreigners, would enable them to land unlimited supplies of their products on our shores. Wages of American operatives would be reduced; hundred of thousands of them would be thrown out of employment; manufactories, costing in the aggregate hundreds of millions, would be idle. Four times out of five in the history of the country bankruptcy and panic have followed the mischievous legislation of tariff reformers. We have had a touch of such experience under the revenue tariff (so called) of 1894.

The ruin of our manufactures accomplished and the American demand transferred to the foreigner, prices would advance—possibly to the free-trade standard of 1860. In the meantime our own operatives would be driven by swarms to seek employment in agriculture. Instead of buying and consuming farmers' products as they now do, they would help to swell the volume of farm production, which, for want of a domestic demand, would be forced to seek unprofitable foreign markets.

Approximately speaking, nine-tenths of all the articles used by our people are made at home; the other tenth is imported. Of our great agricultural product nine-tenths are consumed at home, and the other tenth is exported. But we do a safe business as a nation. The tenth we send and sell abroad is of greater value than the tenth we buy abroad. And this is the sum of political economy—we sell more than we buy.

In case of a foreign war we may live fairly well at home. A tenth of what we use is the utmost extent of the deprivation an enemy could inflict, even by blockading every port. So long as our protective system remains there is no danger of a return of Confederate experiences. On imported goods—one-tenth of our consumption—duties are laid on a part only. Fully one-third are on the free list; the other two-thirds—about one-fifteenth of the whole—yield the tariff revenue. These used to approximate $200,000,000 annually. The internal revenues, derived almost wholly from excises on liquors and tobacco, average about $120,000,000 a year. Other sources raise the annual income of the nation to $340,000,000, more or less. The aggregate of these revenues is some $50,000,000 a year above the necessary current expenses of the Government after allowing for the sinking fund.

The national income is almost wholly derived from two sources, internal-revenue imposts and tariff duties. The first is a direct, the second is an indirect tax. The American citizen understands and dislikes a direct tax. It is a burden and nothing else. No principle of protection goes with it. All agree that the internal revenue is oppressive. On the tariff opinion is divided. Internal-revenue taxes for the fiscal year ended June 30, 1895, amounted in round numbers to $143,000,000. Of this, $30,000,000 came from tobacco, $31,000,000 from ale and beer, and $80,000,000 from distilled liquors. These imposts are direct, onerous, and hateful. Relief from a large part of our Federal taxation gave us the honest application of the accumulated surplus to national purposes are inexorable demands of the people of the United States. What could be better than to strike first and strike hard at internal revenues? Their reduction to the extent of the annual overplus and the final abolition of the system are required by every consideration of statesmanship and of patriotism.

In a speech before Congress in 1884 Mr. Samuel J. Randall said: "With Albert Gallatin I have regarded the excise or internal taxes as offensive to the genius of our people, and tolerated by the framers of the Constitution only as a measure of necessity in the emergency of war, and that just as soon as the occasion for them had passed away they should cease to exist. He and Thomas Jefferson, as the very first act of Jefferson's Administration, secured a repeal of internal taxes and relieved the people from their inequality, inquisitorial annoyances, and hordes of officials clothed with dangerous powers. Only in the latter days have I heard men calmly claim these war taxes are still necessary—a generation after the war which gave rise to them had closed. And it is a very suggestive and suspicious feature of the affair that those upon whom the tax is laid clamor loudly against it being taken off, regarding it no doubt as a protection to the large monopolies against competition."

DIVERSIFY OUR INDUSTRIES.

It behooves us to continue to diversify our industries and cling to the system that encourages a profitable interdependence of our citizens, one upon another. We of the South have only to look back to the dark days of our civil war to appreciate the necessity of a people being able to live at home. We had depended upon foreign nations for supplies; the North upon herself. The one section had stood by a tariff for the encouragement and protection of her industries; the other had not. When the planter's slaves increased and when his granaries were filled, his next neighbor was not prosperous; but when the factory was built in the Northern town, values increased in all the neighborhood, employment was given to idle hands, and money was put into empty pockets. The staying qualities of their prosperity were better than ours. It really seems odd that any Southerner who passed through the deprivations of the war period should need persuasion of the advantages of protection. It is strange that he has not discerned that the free-trade idea in the South is the surviving partner of the institution of slavery. In our business affairs home truths, like home manufactures, have ever met an unwelcome reception. For two generations the protective tariff has been the hitching post of our prejudices, and on this subject reason knocks in vain at the doors of our understanding.

Cotton, sugar, rice, and certain fruits are produced in the South only.

Special advantages of soil and climate above all the world enables cotton to take care of itself. It needs no special protection, because we can produce more of it than the country needs. With sugar, rice, and Southern fruits conditions are different. Nine-tenths of the sugar consumed in the United States is produced abroad. Over three thousand five hundred million pounds a year are imported. Half-clad and half-slave labor produces it. Import duties on foreign sugars used to make nearly one-third of the tariff revenues. Nothing produced by the rich and powerful North yields such a revenue. All it produces or manufactures is hedged by tariff taxes that prevent large importations.

Our sugar-producing area is certainly as well adapted to supplying the people of this country with sugar and molasses as is New England to furnishing them with cotton and woolen goods. There is hardly a cotton plantation or a sheep ranch in all those States. Alabama, Tennessee, and West Virginia are making iron and steel as readily as Pennsylvania. Georgia and the Carolinas can well manufacture cotton goods to the same extent as Massachusetts or Rhode Island. Texas, with its flocks upon a thousand hills and its fine waterpowers in the sheep-growing regions, might well take part in furnishing blankets and woolens for the country. In straining their eyes after the ignis fatuus of free trade our representatives have never thought of the advantages that might accrue to the South by protecting its special products. On the other hand, Northern legislators have at all times and under all circumstances had the interests of their people in view. From these causes their industries have flourished, while ours have languished.

If, as it is insisted, protection has conferred undue privileges upon the Northern States, why do we not fall into line and procure high duties on all our products? Northern people use perhaps four-fifths of all the sugar, molasses, rice, wool, iron, and foreign fruits consumed in this country. We might thus equally make reprisals. With the duty of 3 to 5 cents a pound on imported sugar, they would pay five dollars where we pay one. This $4 would be spent by our own citizens among themselves, while the other $4 would for a time be drawn from the North to the South. So of all our special crops. Such a protection would cause the impoverished South to forget her woes and attire herself in the robes of prosperity, while increased production would soon give a greater and cheaper supply than ever. We would then be "solid" in a sense that would command respect rather than reproach. No one doubts that these benefits could be secured, nor that the Northern States would rapidly concur in these measures if our representatives could forbear tinkering with the tariff and permit the industries to remain undisturbed by meddlesome and mischievous interference under solid protective tariff.

Now, those Northern people are in the majority, and with the help gradually coming in from Southern districts that had begun to prosper under protection the system will again be maintained for years to come. The protectionist has built his house. It keeps him comfortable. He suggests to us that we build one like it and enjoy similar comforts. We dislike the laws that permitted him to build such a house, and want to tear it down. This he prevents us from doing. We then take revenge upon him by standing out shivering in rain and cold, shouting to him continually what a bad man he is for building under such wicked laws. The farce is finished by assuring him with great zeal that we will ever refuse to join forces and join interests with him; but, like Samson, the blind giant, we will one day lay hold of the pillars of the structure, bow ourselves with all our strength, and bring it down in ruins upon his head. Nor do we busy ourselves about what the consequences were to Samson.

The day of free trade in the South is past. It went out with the old system of labor. Old-time prejudices must soon follow. Thousands of young men born since the war will vote at the next election. Let it be hoped that they will not walk blindly in the leading strings of the politicians and that they will not yield readily to the artifices of the demagogues. It is a painful truth that positions of public trust are too often but dividends declared upon the capitalized prejudices and ignorance of our people. The politicians being both stockholders and directors are naturally interested in the perpetuation of their investment. But intolerance of free thought and free speech in politics is yielding in a degree to the lessons of experience and common sense. Factory, furnace, and mill are sounding the glad notes of the new gossip in the South. Prosperity is a splendid converting power. Dollars are eloquent orators and appeal to prejudice as nothing else can. Every mill is a missionary and every furnace a pillar of fire by night. Many and many a Rip Van Winkle is rousing up from his long, long sleep. The experience since 1884 of Southern control and tariff legislation has been a lesson to all of us in its disaster, impoverishment, and distress that should never be forgotten. Hasten the day when the men who lost in 1865 shall, with their children and grandchildren, become participants in the glorious prosperity that now lies just in sight, just up the hill, awaiting the triumphal march of the industrial South hand in hand with the industrial North.

Mr. PRITCHARD. The unprecedented victories which have been achieved within the last two years by the Republican party were won by a comparison of the economic policies of the Democratic and Republican parties.

The McKinley bill furnished employment for 37,285 additional hands; the Wilson bill threw out of employment 101,763. The

industrial census for 1894 shows a decrease of 56 per cent of the output of factories as compared with 1892, a falling off of 30 per cent of the number of hands employed, and a falling off of 45 per cent in the amount of wages earned.

The McKinley bill furnished a home market for the raw material of the Southern people, at whose invitation thousands of capitalists from the North came down and settled among our people, investing their millions in the undeveloped resources of the South, assuring to us the blessings which naturally and necessarily follow this development of our section.

It meant a good deal to our citizens. It was the one great agency which was to bring about a complete reconciliation between the North and South, by personal contact between those who had theretofore misunderstood each other. It meant the employment of thousands of laborers and the erection of schoolhouses and other institutions calculated to enhance the material welfare of our section. It was a measure brimful of patriotism and Americanism.

I defy anyone to show me a single sentence or syllable within the McKinley bill which preferred the capitalists of foreign lands to the American citizen. It contained no principle which has for its object the protection of the foreign citizen and the destruction of the American citizen. From the moment it became a law the business interests of this country acquired new impetus, and on every hand could be seen evidences of renewed prosperity.

On the other hand, the Wilson bill had for its object the promotion of the interests of those who live in foreign lands. It preferred the coal of Nova Scotia to that of Kentucky, West Virginia, and Tennessee. It preferred the cheap wool of Australia to the wool of the farmers living in Illinois, Iowa, Ohio, Texas, and the other great woolgrowing states in the Union. It preferred the iron, corundum, kaolin, and marble of foreign countries to that of Vermont, Pennsylvania, North Carolina, Tennessee, Virginia, and Alabama. It preferred the baled hay of Canada to that of Illinois, Tennessee, Kentucky, North Carolina, Ohio, and the other great agricultural States

It interrupted the tide of immigration and capital which was pouring into the South from New England and other sections, under the beneficient influences of the McKinley law, and drove back to their respective homes, in a great measure, that desirable class of citizens who engaged in mining iron, kaolin, talc, and marble which so abundantly abounds in Tennessee, Alabama, Virginia, Kentucky, Georgia, and North Carolina.

By its operation thousands of laboring men were thrown out of employment. It resulted in the withdrawal of millions of dollars from the only avenues of business by which it could be reached by the laboring men of our section. The one great desire of the laboring men of to-day is to again secure employment at wages which will enable them to comfortably clothe and educate their children.

The Republican party of this nation is to-day confronted by a crisis. The future welfare of the party depends in a great measure upon the manner in which they deal with this grave question. I am aware of the fact that there are some who contend it is best to adopt a do-nothing policy rather than to disturb the business interests of this country by tariff agitation. The expression of this sentiment emanates either from those who are enemies of the American system and desire to minimize the tariff question or those whose interest is carefully protected by the Wilson bill.

However, we should bear in mind the significant fact that no such argument has been advanced by the laboring men of this country, nor by those who are the owners and producers of our raw material. This class of people are largely in the majority, and it was their votes which enabled the Republican party to secure such an enormous majority in the lower branch of the present Congress. They voted the Republican ticket with the express understanding that Republican success meant the repeal of the Wilson bill, and that we were to have in lieu thereof such legislation as would be an assurance to our people that we are to be preferred in matters affecting our interest and welfare to the people of any other nation on the face of the globe.

It should be the desire of our party to strengthen, encourage, and establish a permanent and enduring party in the Southern States, and this can be accomplished by giving the people to understand that they are to have their interests protected, and that in future it will not be necessary to borrow money with which to pay the current expenses of the Government.

Mr. LINDSAY obtained the floor.

Mr. CULLOM. I suppose the Senator from Kentucky would prefer to go on in the morning, and I should be very glad, if he takes that view of it, to call up a conference report, which I think will take only a few minutes to dispose of. I will say to the Senator from Kentucky that I do not care to interrupt him if he prefers to go on now.

Mr. LINDSAY. The trouble I will have is that to-morrow, as soon as the morning business is over, we shall have the filled-cheese bill up again, and it will be in the afternoon before I can go on.

Mr. CULLOM. I think the Senator from Ohio [Mr. SHERMAN] announced that he did not expect to call up that bill again until the bond question was disposed of.

Mr. PLATT. It will be a good while, I fear, if that is true.

Mr. CULLOM. I will leave it to the discretion of the Senator from Kentucky.

Mr. LINDSAY. I believe I prefer to go on now.

Mr. CULLOM. Very well. Then I will not interrupt the Senator.

Mr. STEWART. Will the Senator from Kentucky yield to me for a moment? I desire to ask to have the speech of Secretary Carlisle, made in 1878, printed as a document. I am frequently applied to, as are other Senators, for copies of the speech. I saw a letter from the Secretary saying that it is out of print and that he can not furnish it. I ask that it be printed as a document.

Mr. LINDSAY. I believe I prefer that the Senator from Nevada should have that very antiquated and valuable document presented to the Senate at some other time.

Mr. STEWART. I hope the Senator from Kentucky will not object.

The PRESIDING OFFICER. The Senator from Kentucky objects.

Mr. TELLER. What is it?

Mr. STEWART. The speech of Secretary Carlisle made in 1878.

Mr. LINDSAY. I will withdraw the objection, and allow the speech to be printed as a document.

Mr. ALDRICH. Is it a speech made in Congress?

Mr. STEWART. Yes.

Mr. ALDRICH. Then it has been printed in the RECORD——

Mr. STEWART. But it is out of print, and there are constant applications for it.

Mr. ALDRICH. And I understand the Senate is asked to print it again?

Mr. STEWART. We print papers constantly for general information.

Mr. TELLER. We printed Mr. Carlisle's Chicago speech the other day.

Mr. ALDRICH. As a document?

Mr. TELLER. Yes.

Mr. ALDRICH. If I had been here I should have objected.

Mr. PLATT. What is the proposition?

The PRESIDING OFFICER. The Senator from Nevada asks unanimous consent that the speech of Mr. Carlisle delivered in the House of Representatives in 1878 shall be printed as a document. Is there objection?

Mr. ALDRICH. I shall have to object to that.

The PRESIDING OFFICER. Objection is made.

Mr. DANIEL. Is there any objection to having the speech printed in the RECORD?

Mr. ALDRICH. It is in the RECORD already.

Mr. STEWART. I want to have it printed as a document, because there are frequent applications for it.

Mr. COCKRELL. There are plenty of copies of that very valuable speech. They are now being distributed, particularly in Kentucky, and if the Senator from Nevada wants some copies I will furnish them.

Mr. STEWART. I should like some copies, because there are constant applications for the speech.

Mr. COCKRELL. I have them.

Mr. TELLER. I have one in my desk now.

Mr. PLATT. It seems to me we are going too far in the matter of printing speeches of individuals as documents. I understand the speech of Mr. Carlisle at Chicago was printed, and then the speech of Governor Altgeld was printed to offset it. I think we had better stop there.

Mr. STEWART. I do not know why we should stop printing valuable——

Mr. LINDSAY. I believe I have the floor.

The PRESIDING OFFICER. The Senator from Kentucky is entitled to the floor.

Mr. LINDSAY. Mr. President, I will not say the pending measure contemplates the ultimate repudiation of any of our national obligations. I am satisfied the large majority of Senators who look with favor upon the policy it declares would have no tolerance for any proposition involving in their belief a breach of the public faith. It is my opinion, however, that the adoption of this resolution by the two Houses of Congress, and its approval by the President, would bring the country to a suspension of specie payment within the next sixty days.

We have proximately five hundred millions of demand notes payable in coin, about four hundred millions of which are outstanding, and we have a redemption fund of only about one hundred and ten millions, and no means by which the loss of coin can be supplied, except by the use of surplus revenues and the sale of bonds, as provided for by the act of January 14, 1875.

There are no surplus revenues and will be none until confidence is restored and business revived.

Mr. DANIEL. Will it interrupt the Senator from Kentucky if I should ask him a question?

Mr. LINDSAY. No, sir.

Mr. DANIEL. Is not the silver in the Treasury, for which Sherman demand notes were given, a part of the redemption fund for the large sum which the Senator says has only $112,000,000 of redemption money behind it?

Mr. LINDSAY. I will come to the discussion of that point in a moment.

In the face of all this we are asked to take from the Secretary of the Treasury the only means by which the redemption fund can be replenished. If we were devising ways and means by which to invite disaster; if we were considering how we might most certainly abandon both gold and silver coin and bring the country back to the enforced use of irredeemable paper currency, there would be no better course to pursue than to put this resolution in force, and then by an early adjournment leave the speculators and exporters to raid the Treasury until not a dollar of the redemption fund remains. This resolution will not pass, but the support it is receiving and the unconcern with which the necessary consequences of the adoption of such a measure is regarded by leading members of the Senate are, in my estimation, ominous of the future. I sympathize with the opposition to the sale of bonds. I believe steps should be taken to avoid the necessity for such sales. The Government ought to be taken out of the business of supplying gold coin or coin of any kind to speculators or exporters, but as yet Congress has done nothing in that direction, and so far as appearances go intends to do nothing. Notwithstanding all this, it is apparent that an early adjournment is to be had, and the responsibility for the management of the national finances and the protection of the public credit left to rest upon the President and the Secretary of the Treasury from the date of our adjournment until the first Monday in December next.

If our financial system was meeting in a satisfactory way the exigencies of the Government, and the public credit was under such legislative safeguards as to assure its maintenance beyond all reasonable apprehension to the contrary, we might with propriety act upon the advice lately given us by the senior Senator from New Jersey [Mr. SMITH] and by adjourning relieve the country of further fears of legislation tending to disturb business security or to excite distrust in business circles. Such, however, is not the fact. The country knows, and we know, that our financial system is far from satisfactory, and that the legislation upon which it rests is as inconsistent as it is ill adapted to the conditions with which we have to deal. We know, and the country knows, that the public credit, so far as it depends upon the continued parity between our gold and silver legal-tender coinage, must be protected, if protected at all, by periodic sales of interest-bearing bonds. We know that the gold reserve is being steadily encroached upon, and have reason to fear that the gold now in the Treasury will be taken out as rapidly as it can be put to profitable use by exporters and speculators. Within a few months the Secretary of the Treasury may be again reduced to the necessity of selling bonds, or permitting a suspension not only of gold, but of specie payment by the Government.

The dangers are such that delay in affording relief to the Treasury can neither be defended nor excused. Congress must either admit their incapacity to remedy the admitted evils or concede their indisposition to do so.

The President has repeatedly recommended such Congressional action as would restore confidence and avert possible disaster, but nothing in that line has been done. I may say nothing has been attempted. By his regular message to this Congress when it convened in December last he recommended that the Treasury be relieved from the duty of supplying gold to those making profit out of its exportation by funding the legal-tender notes of the Government. Foreseeing, as he naturally would, the reluctance of Congress thus to contract the volume of our currency, he submitted the whole question of relief to our unembarrassed discretion by concluding his message with these words:

> I especially entreat the people's representatives in the Congress, who are charged with the responsibility of inaugurating measures for the safety and prosperity of our common country, to promptly and effectively consider the ills of our critical financial plight. I have suggested a remedy which my judgment approves. I desire, however, to assure the Congress that I am prepared to cooperate with them in perfecting any other measure promising thorough and practical relief, and that I will gladly labor with them in every patriotic endeavor to further the interests and guard the welfare of our countrymen whom in our respective places of duty we have undertaken to serve.

On the 28th of December last, nothing having been done up to that time, the President, by a special message, again called the attention of Congress to the difficulties of our financial situation, and in that connection said:

> We are in the midst of another season of perplexity caused by our dangerous and fatuous financial operations. These may be expected to recur with certainty as long as there is no amendment in our financial system. If, in this particular instance, our predicament is at all influenced by a recent insistence upon the position we should occupy in our relation to certain questions concerning our foreign policy, this furnishes a signal and impressive warning that even the patriotic sentiment of our people is not an adequate substitute for a sound financial policy.
>
> Of course there can be no doubt in any thoughtful mind as to the complete solvency of our nation, nor can there be any just apprehension that the American people will be satisfied with less than an honest payment of our public obligations in the recognized money of the world. We should not overlook the fact, however, that aroused fear is unreasoning, and must be taken into account in all efforts to avert possible loss and the sacrifice of our people's interests.
>
> The real and sensible cure for our recurring troubles can only be effected by a complete change in our financial scheme. Pending that, the executive branch of the Government will not relax its efforts nor abandon its determination to use every means within its reach to maintain before the world American credit, nor will there be any hesitation in exhibiting its confidence in the resources of our country and the constant patriotism of our people.
>
> In view, however, of the peculiar situation now confronting us, I have ventured to herein express the earnest hope that the Congress, in default of the inauguration of a better system of finance, will not take a recess from its labors before it has, by legislative enactment or declaration, done something not only to remind those apprehensive among our own people that the resources of their Government and a scrupulous regard for honest dealing afford a sure guaranty of unquestioned safety and soundness, but to reassure the world that with these factors, and the patriotism of our citizens, the ability and determination of our nation to meet in any circumstances every obligation it incurs do not admit of question.
>
> I ask at the hands of the Congress such prompt aid as it alone has the power to give to prevent, in a time of fear and apprehension, any sacrifice of the people's interests and the public funds or the impairment of our public credit in an effort by Executive action to relieve the dangers of the present emergency.

The recommendations of the President have gone for nothing. His appeals have fallen upon unwilling ears. Our financial system has neither been revised nor amended, and the indications are that "our dangerous and fatuous financial operations" are to continue for an indefinite time, and to continue under circumstances from which the country may fairly infer the consent and approval of the present Congress. Republican leaders may excuse themselves to their partisan followers on the ground that it is good party politics to leave the Administration to struggle with existing embarrassments as best it may. The condemnation of the sale of interest-bearing bonds in time of peace may be made an effective argument, with the unthinking, in favor of restoring the Republican party to power, but it will not deceive the intelligence of the country, and in the event of Republican success it will return to plague those who are now seeking to make it available as a party slogan.

The pretense of relieving the situation through the tariff and bond bills sent over some months since from the House of Representatives was so transparent that no one was or could be deceived by it. The demand was for the means by which to secure the necessary gold to keep up the Treasury reserve. The response was an offer of additional authority to sell bonds, payable in coin, just as the bonds authorized by the existing statute are payable. No one had the right to believe, and, I may safely say, no one did believe or does now believe, the proposed 3 per cent short-time bonds could have been sold at their face value. If the bill had become a law, the authority of the Secretary of the Treasury to sell bonds would have been increased to an indefinite extent, but he would still have been compelled to buy gold with bonds payable, not in terms in gold, but in coin.

The proposed tariff bill had the approval of no one. With it came from the other end of the Capitol the information that it was not a Republican bill. It certainly was not a Democratic bill. I have no information that any Populist, in or out of Congress, gave it the sanction of his approval. It did not have character enough to make its way out of the Senate Finance Committee, except with the incumbrance of a free-silver attachment. Concerning this remarkable bill the distinguished chairman of the Republican national committee, the Senator from Montana [Mr. CARTER], said, in February last, that it was "wholly at variance with all past professions of the Republican party on the tariff question," that it had been and was then "distinctly asserted that it is not a Republican measure," but "a measure to meet an alleged emergency which the Chief Executive Officer of the nation, chosen by the people in 1892, stoutly asserts does not exist at all."

The absurdities of the two bills being apparent and the shallowness of the pretense that they were intended to meet the emergency which unmistakably demands action by this Congress having been thoroughly exposed by eminent Republican Senators, they have faded out of public notice and are to-day sleeping their everlasting sleep.

The Republican majority has declined to do anything. Notwithstanding the repeated assurances we have had from a distinguished Republican leader that the Republican party was ready to take up any nonpartisan measure that would result in increasing the resources of the Treasury to equal its expenditures, we have had yesterday and to-day an illustration that that statement overlaps the disposition of that party to do anything to increase the revenues of the Government unless coupled with further protection to the manufacturing industries.

The Republican party proposes to go before the country upon the record it has made of not only doing nothing, but of failing

in good faith to attempt to obviate the necessity for the further sale of interest-bearing bonds.

Mr. DANIEL. Will the Senator allow me to ask him a question?

Mr. LINDSAY. Certainly.

Mr. DANIEL. Has not the President in his message to Congress stated that there was no lack of revenue or trouble about the revenue, and that bonds were only issued for the purpose of buying gold to pay obligations?

Mr. LINDSAY. The President has undoubtedly stated that there was no immediate necessity for more revenue, and the President has stated with equal distinctness that the embarrassments of the Treasury do not arise out of the want of revenue, but out of the difficulty of keeping up the gold reserve for the purpose of redeeming upon presentation the demand notes of the Government.

The complaint I make against the Republican party is not that it has not provided more revenue, but that, pretending to be in favor of providing more revenue, it refuses to take any step in that direction unless coupled with an increase of the protection now afforded to favored manufacturing industries.

The purpose of the distinguished Senator from Virginia I understand to be to direct my attention to the claim that these outstanding demand notes had as well be redeemed in silver as in gold, and that if the Secretary of the Treasury would consent to answer those demands by an offer to pay in silver, then the necessity for a further sale of bonds would be obviated. It is to that phase of the subject under consideration that I now wish to direct my remarks.

We have eminent men of both the old political organizations defending their nonaction on the ground that there is no obligation resting upon the Treasury to redeem the demand notes of the Government in gold coin to the exclusion of legal-tender silver. This is a fundamental doctrine of the Populistic or Peoples' Party, and it would be folly to deny that it has taken strong hold upon the public mind. Whether this contention, if correct, can be applied to the conduct of affairs consistently with the declared policy of the Government to preserve the parity of all our money of ultimate redemption is an important inquiry, and one that can not be answered in the affirmative without the most serious misgivings.

The present Administration has from the beginning been confronted with difficulties inherited from the past. Explaining its policy, the Secretary of the Treasury, in January, 1895, in answer to a question propounded by a member of the Ways and Means Committee of the House of Representatives as to what "objection there could be to having the option of redeeming demand notes either in silver or gold lie with the Treasury instead of the noteholder," said:

If that policy had been adopted at the beginning of resumption—and I am not saying this for the purpose of criticising the action of any of my predecessors or anybody else—but if the policy of reserving to the Government, at the beginning of resumption, the option of redeeming in gold or silver all its paper presented, I believe it would have worked beneficially, and there would have been no trouble growing out of it; but the Secretaries of the Treasury from the beginning of resumption have pursued a policy of redeeming in gold or silver, at the option of the holder of the paper, and if any Secretary had afterwards attempted to change that policy and force silver upon a man who wanted gold, or gold upon a man who wanted silver, and especially if he had made that attempt at such a critical period as we have had in the last two years, my judgment is it would have been very disastrous. There is a vast difference between establishing a policy at the beginning and reversing a policy after it has been long established, and especially after the situation has been changed.

Mr. DANIEL. Will the Senator allow me to ask him if the Democratic party did not always oppose that policy on the part of our Republican predecessors?

Mr. LINDSAY. The Democratic party opposed the establishing of the policy, certainly.

Mr. DANIEL. Did it not always denounce it after it was established?

Mr. LINDSAY. It denounced it after it was established.

Mr. DANIEL. Did it not declare when it nominated its President in favor of preserving the double standard?

Mr. LINDSAY. I will come to that. I will show that it never declared against a policy that was so strongly established that the business of the country would be damaged by changing it.

The sufficiency of the Secretary's explanation has been denied and the answer criticised on the idea that the Executive can not bind the Government or pledge its faith or credit by the adoption of a mistaken policy. This may be conceded, but where the statute leaves to the Executive or to any one of the Departments of the Government the discretion to pursue one line of policy or the other as circumstances may demand, a new Administration may properly adhere to an established policy it would not have adopted at the outset. I may rely upon the deliberately expressed opinion of the senior Senator from Colorado [Mr. TELLER], whose devotion to the cause of silver coinage no one can question, to sustain me in this position.

On October 6, 1893, Senator TELLER, discussing the bill to repeal the purchasing clause of the Sherman Act and commenting upon the custom of the Secretary of the Treasury to redeem with gold the coin notes issued in payment for silver bullion purchased under the Sherman Act, detailed the circumstances under which, on the 14th of November, 1891, the first million dollars of those notes were presented to the subtreasury and redeemed in gold, and said——

Mr. TELLER. What is the date of that?

Mr. LINDSAY. This is from the Senator's speech on the 6th of October, 1893, when he said—and this is exactly in the line of Mr. Carlisle's explanation—

Had Mr. Foster, the then Secretary of the Treasury, said, "We hold ourselves ready to redeem these notes in gold whenever any citizen or any holder thereof wants to exchange a reasonable amount of Treasury notes for gold, but we do not intend to make the Treasury of the United States the agency through which gold exporters can, without the payment of any premium or what the French call 'adio,' or any expense whatever, come and take our gold and ship it abroad. Therefore we decline to make that kind of payment in gold"—had he said that he would have performed a meritorious and deserving act, and one which it was absolutely within his discretion to have performed.

Continuing, the Senator said:

If there is blame of the payment of the Treasury notes in gold, I am frank to admit that there is where the blame lies. I am not here to complain that the succeeding Secretary paid in gold just as his predecessors had done.

Continuing, after some further comments, the Senator said:

Then came the change of Administration, and Mr. Carlisle, as Secretary of the Treasury, was confronted with this very question. Where there had been an inconsiderable amount of gold in the aggregate taken out of the Treasury of the United States, there came to be a great amount taken out during the early months of his Administration. I say here now, believing as I do that the Government of the United States should never have paid a dollar of gold upon these certificates, and certainly not a dollar under the circumstances under which they were paid, that if I had been Secretary of the Treasury I should not have changed the policy of the Government at that time and paid silver on them in the condition in which the market was during the early days of this Administration. It was no more than proper and right.

I am not going to criticise an officer for doing that which I think under custom which had been established he was in duty bound to do, which was to continue a policy which his predecessors had established in order that there might be no disturbance in financial affairs at a time when financial disturbances were threatened, for while I think the payment of these Treasury notes by Mr. Foster, in the first instance, would not have created a ripple in financial circles, I am free to say that I believe if Mr. Carlisle had paid them in April, May, or June, there would have been a considerable disturbance in financial affairs. Not that we should have gone, as the Senator from New Jersey says, to a silver basis, or anything of that kind, but it would have added to the excitement, and there was no reason why, the policy having been adopted, the Secretary of the Treasury should not have continued it, because we were able to pay in gold.

Mr. TELLER. I do not know whether the Senator intends to read all of my speech or not, but, in justice to me, he should read what I said with reference to the condemnation which I made of Mr. Carlisle. I complained that Mr. Carlisle had attempted to change that policy.

Mr. LINDSAY. I propose to read all of that.

Mr. TELLER. Very well.

Mr. LINDSAY. The Senator continued:

So I make no criticism of that. My criticism of the Secretary of the Treasury is that he did not say promptly, with that firmness which should have characterized a public officer charged with so great a duty as that of maintaining, as the Secretary of the Treasury is to some extent, the financial security of the country, on the 4th of March or immediately after: "I propose to follow just in the line of my predecessors in this matter."

I repeat, if he had said that, there would have been no disquietude under the sun with reference to the question whether we were able or willing to continue to redeem the Treasury notes and the greenbacks in gold.—*Congressional Record*, appendix to part 3, pages 349 and 350, special session Fifty-third Congress.

The criticism was not that Mr. Carlisle followed the custom which had been established by Republican Secretaries of the Treasury, but that he did not announce at the outset promptly and decisively that he intended to follow that custom.

Mr. TELLER. If the Senator will read the whole of my remarks he will find that I went beyond that. I charged that the Secretary of the Treasury had changed the policy and then backed out of it.

Mr. LINDSAY. Of course I can not read the Senator's entire speech. I will, however, read enough to illustrate my point. The Senator charged that Mr. Carlisle had started to change the policy and then backed out of it. I will say, in justice to Mr. Carlisle, that he denies absolutely and unequivocally that he ever gave any intimation to any man that he proposed to change the policy; but, upon the contrary, he announced, as the Senator says he ought to have announced, that he intended to follow the policy which, under the circumstances, he could not change without disturbing financial conditions.

Mr. TELLER. But that was just the contention between myself and the Secretary. I contended, and I attempted to present the authority in proof of it, that he had notified the subtreasurer in New York that he would make this change; and he had done that, too, without notice to the public, or anything of the kind. The President of the United States had declined to allow that change to be made, and that is the way the trouble in New York began. I think I might say further that in that speech and in

others I charged that that was done for the purpose of creating an excitement that would enable the Administration to repeal the Sherman Act.

Mr. LINDSAY. I think I have stated the points in the Senator's speech fairly. The contention of fact between Mr. Carlisle and the Senator I shall not undertake to settle; but as to the other charge, which is collateral to the subject I am now discussing, I attempted on the floor of the Senate to vindicate Mr. Carlisle from that charge, and I am willing now that that vindication, weak as it was, shall go to the country.

If it was proper for Mr. Carlisle to follow the example and pursue the policy of Mr. Foster in regard to the Sherman notes, it was likewise proper for him to follow the example and continue the policy of all his predecessors in regard to the greenbacks, or United States notes. He has followed in the line of his predecessors, as the Senator from Colorado declared he ought to have done, and, in order to follow that policy, has been compelled from time to time to buy gold to maintain "the financial security of the country." This is the sum of his offending.

Carrying out a line of policy this Administration found firmly established, and which, under the surroundings, it could not abandon without danger to the financial security of the country, it has borne the obloquy and endured the criticism which always attend the enforcement of vicious legislation. It has done this, too, in the face of the persistent refusal of Congress to reform the financial system or to make it possible to change or modify the policy it has most unsparingly condemned.

The Republican party has suggested no remedy, except the increase of taxation. The free coinage of silver at 16 to 1 is the only alternative offered on the other hand.

There has been a decided sentiment in favor of the coinage of legal-tender silver since the Government in 1875 fixed the time for and put on foot the measures by which specie payment was to be resumed. At the outset the question of the particular ratio was not deemed a matter of importance. There was a strong feeling in favor of 15½ to 1, because that was the ratio at which silver had been coined by the States composing the Latin Union. In 1878 it was believed by many that we might safely go to free coinage at 16 to 1, inasmuch as silver bullion at that time had declined in its market value less than 8 per cent and there was an apparent reason to hope that the increased demand resulting from the remonetization and free coinage of silver by the United States would restore and preserve the old-time parity. That was the time when Mr. Carlisle made the speech which has been so often referred to, and which Senators are anxious now to make for the second time a part of the record of the Senate.

Mr. COCKRELL. What was the status, will the Senator say, in 1890, when Senator Carlisle voted for free coinage and wrote his celebrated letter to Mr. Smith, of Kentucky?

Mr. LINDSAY. If the Senator desires to make that letter a matter of record, then I shall give my attention to that letter. I am not now discussing Mr. Carlisle; I am discussing the question of the free coinage of silver.

Mr. COCKRELL. You were discussing what Mr. Carlisle did in 1878, and I want to know what he did in 1890.

Mr. LINDSAY. I collaterally referred to the attempt of gentlemen to publish a statement made by him in 1878, but not what he did or forbore to do in 1890. I am not here to defend Mr. Carlisle; Mr. Carlisle would not thank me for becoming his champion; and the Senate knows, the Senator knows, and the country knows that Mr. Carlisle is able upon all occasions and under all circumstances to take care of himself.

The coinage of silver under the Bland-Allison Act did not, nor did its purchase under the Sherman Act of 1890, impede the steady decline in the relative value of silver bullion. The two metals, gold and silver, continued to separate further and further, and in 1893 came the utter collapse of silver as a money metal in all the controlling business nations of the world.

It profits nothing to inquire the causes which produced that result. The demonetization of silver by the leading countries of Europe and by the United States between 1870 and 1876 no doubt contributed to it in a very great degree. Another and still more potent cause was the increased and cheapened production of silver bullion and the general conviction as to the still greater possibilities in the way of increased and cheapened production.

Whatever the causes may have been, we have the fact that, as compared with the currency of the European world and the currency of our own country, silver bullion has depreciated in its market value almost one-half. With this fact admitted, it is now proposed that the United States, by their own separate and independent action, shall open their mints to the free and unlimited coinage of silver at the ratio of 16 to 1, and, by so doing, undertake the herculean task of restoring the parity between the two money metals. We shrunk from such an undertaking in 1878, when silver had declined only 8 per cent; but it is proposed to take up the work in 1896 with a diminished market value of silver bullion six times greater than in 1878.

In proportion as the difficulties have increased, the seeming confidence of those who call themselves the friends of silver and the advocates of bimetallism has magnified. Neither of the great parties heretofore representing the political differences of the American people considered with favor in 1892 the experiment of free and unlimited coinage. The nominee of the Democratic party was known of all men to be unalterably opposed to any such policy. The platform then adopted by the Democratic party was intended to meet, and did meet, the views of that nominee, and his interpretation of the currency plank was accepted by the party as the correct one. His theory then was, and it was the then theory of his party, that "Every dollar put into the hands of the people should be of the same intrinsic value or purchasing power," and that with "this condition absolutely guaranteed, both gold and silver can be safely utilized upon equal terms in the adjustment of the currency."

The Democratic nominee for the Vice-Presidency was equally explicit. He understood the platform to import—

That every dollar, whatsoever its form, that finds its way into his—

The farmer's or wage earner's—

pocket shall be of equal, unquestioned, and universally exchangeable value and of equal purchasing power.

In the Democratic convention, and pending the consideration of a proposed amendment to the platform looking to the insertion of the word "free" in connection with the declaration in favor of the coinage of both gold and silver, Mr. Patterson, of Colorado, who spoke for the advanced friends of silver coinage, declared that all they asked was—

The recognition of the doctrine of free bimetallic coinage as a doctrine of the Democratic party; not the coinage of a 70-cent dollar, but the coinage of gold and silver dollars of a fixed parity, and each dollar containing metal of equal intrinsic value.

Not a parity fixed by law, but that each dollar, whether gold or silver, should contain metal of equal intrinsic value. I shall not stop to consider the criticism of the word "intrinsic." Evidently Mr. Patterson used it as every reasonable man would understand from the manner of its use, that the dollar he demanded the right to have freely coined out of silver was a dollar to contain bullion that would sell in the market for as much as the bullion in the gold dollar.

The bullion value of an American silver dollar, compared with gold, was then about 72 cents. Those for whom Mr. Patterson spoke did not then wish the free coinage of 72-cent silver dollars, but the free coinage of silver dollars equal in intrinsic value to gold.

Democrats had not up to that time turned their faces against the teachings of Jefferson that "the proportions between the value of gold and silver is a mercantile problem altogether"; that legal proportions ought to be disregarded and the average market prices of the two metals in the countries with which we are likely to be principally connected accepted as the ratio at which they may be freely coined. In 1892 no portion of the Democratic party—not even those whom Mr. Patterson especially represented—demanded the free coinage of 70-cent silver dollars. The free coinage of gold and silver dollars of a fixed parity, each dollar containing metal of equal intrinsic value, was the extent of their utmost demand, and no party, other than the Populists, was then ready to give countenance to the proposition of the unlimited coinage of legal-tender silver in the proportion of 16 to 1 of gold.

Of course there were many prominent Democrats who believed in that doctrine; of course there were many eminent Republicans who believed in that doctrine. But the Democratic party as a party did not hold to that doctrine, and the platform adopted, explained by the letters of acceptance of the nominee for President, of the nominee for Vice-President, and by this particular representative of silver coinage makes that proposition plain.

Since 1892 silver bullion has declined in value 30 per cent. The intrinsic metal value of the old silver dollar has fallen from 72 cents in 1892 to 53 cents in 1896; but nevertheless we are now to have unlimited silver coinage without a change of ratio and without regard to the policies of the countries from which we buy, to which we sell, and with which we have our principal trade relations.

Two or three years ago the argument was common that the free coinage of silver by the United States would of its own force restore the former relations between the two metals, and in 1893 it was confidently announced on the floor of the Senate by a distinguished Senator, then and now a member of the Finance Committee, that the day the United States should open their mints to free coinage, that day silver would go to a dollar and twenty-nine cents an ounce in the markets of the world. I do not remember any recent expression of that sublime faith in the superhuman efficacy of an act of Congress. There may be those who still entertain that belief, but in the main it now seems to be conceded that the free coinage of the cheaper metal will drive American gold to Europe as rapidly, at the least, as we may increase the volume of legal-tender silver. As an offset to this it is contended that the increase of gold in Europe will lessen the demand

for the supply now on that side of the ocean, and to that extent cheapen its money value and thus increase the prices for which American products may be sold in the European markets. It is at best doubtful whether gold in any quantity could be kept in this country to compete with cheaper silver money freely coined on individual account. The gold that might not be immediately exported would be hoarded for speculation and converted at once into an article of merchandise. The rule in such a state of case is that—

> Whenever, under the double standard, there is a variance between the legal and market relations of the metals, the standard would be practically based on one metal, and it the cheaper and more available. There never can be practically two money standards whose units of account differ in value in any country at the same time.

This rule is founded upon the experience of mankind. It is not of my crystallization. It was declared to be axiomatic by the majority report of the Silver Commission created by the Senate in 1876, and that report was the handiwork of Senator JONES of Nevada.

We may take it as a conceded proposition that if we have two standards of different metallic values the standard will practically be based on the metal that is cheapest and most available: that—

> There never can be practically two money standards whose units of account differ in value in any country at the same time.

Commencing free coinage at the ratio of 16 to 1, we would have a variance of nearly one-half between the legal and market relations of gold and silver from the beginning, and our standard would be based on one metal, "and that the cheaper and more available one." We would go at the first step to silver monometallism. We would at once be compelled to face the business disturbances which would necessarily follow so radical a change in our financial system. We would have cheap money, cheap in the sense that it would have a reduced purchasing power, but it will be well to consider the fact that cheap money thus secured, we may have, without increasing the volume of our currency and especially the volume of our money of ultimate redemption. If all the available silver bullion in existence and all the future production of silver bullion should be brought to our mints we could not coin it into money as fast as our gold coin would be withdrawn from circulation, and the first and immediate effect of the free coinage of silver would be to contract the volume of our metal or primary money.

The claim is made that the demand for currency would keep our gold at home, but it would not keep it in circulation. It might be held for speculative purposes, but not for use as money or currency. No man would invest his gold in property of any kind until the lowest possible prices had been reached and it had ceased to be profitable longer to hold it.

Mr. William P. St. John, president of the Mercantile National Bank of New York, an able and persistent advocate of the free coinage of silver, whilst testifying in 1894 before the House Committee on Banking and Currency, outlined a bill for free coinage which provided—

> That the silver dollar now existing shall be coinable without limit in amount on producing the bullion for it and on the same terms now prescribed for gold.

In answer to the direct question—

> Would your theory put this country on a silver basis?—

He replied:

> Momentarily it might; I think it would immediately.

He was then asked—

> How long would that condition prevail?

He answered:

> I would not predict the achievement of actual bimetallism in the United States under the bill earlier than two years; that is, two years at the outside. I should expect it earlier if conditions now existing abroad—existing outside of France—prevail; I would expect it to be accomplished within one year.

I do not quote the opinion of Mr. St. John because he is a banker, but because he is an ardent friend of free coinage and regarded as authority upon the subject by the special friends of silver.

One year at the least, probably two years, of the single silver standard we are to have when we go to free coinage. One year, probably two, of the contraction necessarily incident to the expulsion of six hundred millions of gold from our volume of primary or redemption money.

Those who believe in free coinage insist that the contraction of the currency necessarily results in diminishing prices. Mr. St. John says that—

> To enlarge the aggregate of money in the United States is to raise normal prices for home and internationally consumed commodities here. Per contra, to diminish the aggregate of money in the United States is to lower all normal prices.

This is the accepted theory of all advocates of free silver. If Mr. St. John be correct, then the free coinage of silver at 16 to 1 by the independent action of the United States means silver monometallism in this country for one year certainly, and probably for two years. Silver monometallism means the diminution of the aggregate of the money in the United States during those two years of more than 30 per cent. That diminution means the lowering here of the normal prices of all home and internationally consumed commodities. In the present business conditions the lowering of prices by the intervention of a Congressional enactment will drive embarrassed debtors to bankruptcy, alarm creditors and investors, and excite such distrust as may precipitate another business panic. So well satisfied was Mr. St. John that free coinage means temporary silver monometallism that he incorporated in his proposed bill a section providing for what he denominated "emergency currency"; that is, that for the time being and to meet conditions that might arise from the expulsion of our gold from circulation the Government should issue legal-tender money based upon uncoined silver bullion and upon the security of United States bonds. Whether this emergency currency, if issued, would inspire public confidence and preserve public and private credit may very well be doubted, but it was the best substitute Mr. St. John could suggest, and of the necessity for its issue he seemed to entertain no doubt.

The great mass of those who to-day are pressing for the free coinage of silver and insisting that it would be a remedy for all our financial difficulties make no suggestions as to how we are to bridge over the temporary emergency foreseen by Mr. St. John. They shut their eyes to all danger and call upon the American people to join them in the perilous and reckless experiment of free coinage at 16 to 1 without regard to consequences. Mr. St. John, by his bill, proposed that coin certificates should be issued upon the deposit of uncoined gold and silver, and also that such certificates might be issued and loaned upon the deposit of bonds of the United States. Explaining this provision against the consequences of the expulsion of gold from our circulation in case free coinage should have that effect, he said:

> If a money panic threatened, the proposed enactment, with a sharp contraction of our aggregate of money, this provision (section 6) would empower the Secretary of the Treasury to issue over $200,000,000 of United States coin certificates against silver coin and bullion already in the Treasury and loan them at 4 per cent and 5 per cent per annum against United States interest-bearing bonds. This issue would reduce the aggregate reserve against silver certificates and Treasury notes to about 62 per cent.

He explained further that his suggested bill proposed in effect—

> That the Congress restore immediately the coinage system of the United States founded with the mint in 1792, maintained for eighty years thereafter, and overthrown unobservedly when neither gold nor silver was our current money. It provides the modern convenience of paper substitute for coin on the choice of the depositors of gold and silver at the mint, one and the same coin certificate redeemable on demand in coin, and redeems these coin certificates in gold or silver, at the option and convenience of the United States. It provides an emergency issue of these coin certificates additionally, with "elasticity" unquestionable and with redemptions on demand assured, and the means in the Secretary's hands to stifle any panic in Wall street instanter.

With this explanation Mr. St. John was still apprehensive that the country might go to a silver basis, and was not willing to predict the achievement of bimetallism in the United States earlier than two years; or, at the best, earlier than one year. The possibility of the country being driven to the single silver standard, and the contemplation of a possible money panic, he did not pretend to conceal. He felt that an emergency might follow the adoption of his free-silver proposition, and that to meet it there would be a necessity for an "emergency issue" of coin certificates to take the place of the standard money driven from circulation by the free-silver experiment. Silver monometallism precipitated upon the country by act of Congress, whether for one, two, or ten years, would be equivalent to immediate and "sharp contraction." It would destroy confidence and excite alarm in every quarter. The "money-market panic" which would follow would be beyond the power of any "emergency issue" of coin certificates to relieve against or to mitigate.

Mr. Wharton Barker, another of the free-silver leaders of the East, does not rely on the potency of the so-called "emergency issue." He meets the question squarely, and insists that no contraction will follow free coinage. His theory is that contraction from the expulsion of our gold would be impossible—

> for any export of gold before silver was coined to take its place in our currency would result in raising prices in Europe and relatively forcing them down in America, with the result that America would become an attractive market to buy in, and for that reason gold would flow back in payment for our grain, cotton, and other produce at their reduced prices. (See the Philadelphia American, May 9, 1896.)

That is a quotation from an editorial in the American, a newspaper published in Philadelphia, a stanch advocate of free silver coinage, edited, as I am informed, by Mr. Barker.

It is encouraging to the American farmer to be told that in any event, during the time we may be coining silver to take the place of gold, we shall be able to keep the latter metal in circulation here by our "attractive market to buy in" consequent upon the forcing down of the prices of our agricultural products.

We are, however, assured that the opening of our mints to free coinage will so increase the demand for silver and diminish the demand for gold that the two metals will come together at their legalized ratio. How many points we may expect silver to advance and how many points gold will decline no one has yet ventured to predict, but the leading 16-to-1 bimetallists confidently claim that silver

will rise as gold falls. They confidently assert that the present low prices of cotton and wheat will follow silver in its upward march, so that if silver appreciates 50 per cent, 60-cent wheat will sell for 90 cents and 8-cent cotton for 12 cents. Upon the same principle, high-priced labor will follow gold in its downward course, and the man who depends upon his wages for support will, under the new order of things, be compelled to pay 25 per cent advance upon all the necessaries of life without a corresponding increase in his daily or monthly stipend.

In a table prepared for and published by the American, February 8, 1896, it is shown that while the prices of cotton and wheat declined 50 per cent between 1873 and 1895, the decline in the prices of our great staples, corn and tobacco, was less than 8 per cent, and that the increase in the prices of bacon and beef was from 10 to 25 per cent. It was shown by that table that from 1873 to 1895 cotton cloths had declined in price over 60 per cent, copper ingots and bars 65 per cent, and mineral and illuminating oils 85 per cent.

Taking the farming products actually exported in 1895 at the comparative prices of 1895 and 1873, that table disclosed the following result as to the values in those years respectively:

	1895.	1873.
Wheat flour	$51,651,928	$102,469,534
Wheat	43,805,953	88,583,547
Corn	14,650,767	15,174,743
Bacon and hams	48,736,680	44,085,484
Beef	16,832,860	13,252,356
Tobacco	25,622,776	27,616,819
Total	201,300,674	291,132,474

These figures show an aggregate loss on these six staples of agricultural production, taking the prices of 1873 and 1895 as the criterion, of $99,831,800, which loss is, of course, to be distributed among all the States producing and exporting wheat, corn, bacon, pork, beef, and tobacco.

On the other hand, the table shows that the prices of staples the farmer must buy with the proceeds of the sales of his wheat, corn, meats, and tobacco and which were actually imported into the United States in 1895 had from 1873 declined as follows:

	1895.	1873.
Sugar	$76,461,557	$167,998,466
Tea	13,170,924	32,578,686
Coffee	96,129,326	86,742,907
Tin plates	12,144,080	30,149,028
Window glass	835,730	1,916,935
Salt	680,862	993,044
Molasses	211,143	566,519
Total	199,633,562	330,058,888

We thus had an aggregate saving to the farmers who consumed these seven staple articles in the difference between their prices in 1873 and 1895 of over $130,000,000, or over $30,000,000 more than the decline of the prices of the quantity of wheat, flour, corn, bacon, hams, beef, and tobacco exported in 1895. These figures prove that there are two sides to the question as to the effect the general decline of prices may have had upon the business of the Middle States farmer. It may be, and it seems probable, he saves more in the purchase of those things he must have and can not produce than he loses in the sale of his crops.

In a speech delivered in the Senate September 19, 1893, Mr. MILLS of Texas compared the prices of farm products in 1873 with their prices in 1891, and the prices in 1873 of articles the farmer customarily purchases, with their prices in 1891, and upon that comparison reached these conclusions:

> These prices in the table show conclusively that the farmer has been benefited by the general fall of prices, because his products would buy more in 1891 than in 1873. In 1873 cotton was worth 18.8 cents per pound, and 1,000 pounds was worth $188, and at that time it would buy 766 gallons of illuminating oil, or 1,620 pounds of refined sugar, or 4½ tons of pig iron, or 2 tons of bar iron, or 1½ tons of steel rails, or 3,832 pounds of nails, or 1,412 yards of sheeting, or 1,330 yards of drilling, or 970 yards of shirting, or 1,653 yards of standard prints, or 2,810 yards of print cloth; while in 1891 1,000 pounds of cotton was worth $100, and at the prices of these same things at that time it would buy 1,428 gallons of oil, 1,754 pounds of sugar, 5½ tons of pig ore, 2½ tons of bar iron, 3¼ tons of steel rails, 5,322 pounds of cut nails, 1,464 yards of sheeting, 1,560 yards of drilling, 940 yards of shirting, 1,666 yards of print, and 3,389 yards of print cloth.
>
> With the exception of shirting, it would buy more of every other article enumerated, and the difference in that was very small. One thousand pounds of beef would buy, in 1873, 281 gallons of oil, 555 pounds of sugar, 1,282 pounds of nails, 499 yards of sheeting, 462 yards of drilling, 338 yards of shirting, 583 yards of prints, or 888 yards of print cloth; while in 1891 it would buy 800 gallons of oil, 982 pounds of refined sugar, 3,010 pounds of nails, 849 yards of sheeting, 873 yards of drilling, 526 yards of shirting, 933 yards of standard prints, or 1,989 yards of print cloth.
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> One thousand pounds of pork would buy, in 1873, 289 gallons of oil, 571 pounds of refined sugar, 1,319 pounds of nails, 504 yards of sheeting, 475 yards of drilling, 348 yards of shirting, 600 yards of standard prints, or 914 yards of print cloth; while in 1891 it would buy 842 gallons of oil, 1,035 pounds of refined sugar, 3,172 pounds of nails, 863 yards of sheeting, 920 yards of drilling, 554 yards of shirting, 983 yards of standard prints, or 2,009 yards of print cloth.
>
> One thousand pounds of bacon and hams would buy, in 1873, 345 gallons of oil, 662 pounds of refined sugar, 1,554 pounds of nails, 602 yards of sheeting, 568 yards of drilling, 415 yards of shirting, 716 yards of standard prints, or 1,091 yards of print cloth; while in 1891 it would buy 1,085 gallons of oil, 1,157 pounds of refined sugar, 4,086 pounds of nails, 1,111 yards of sheeting, 1,185 yards of drilling, 714 yards of shirting, 1,266 yards of standard prints, or 2,576 yards of print cloth.
>
> One thousand pounds of tobacco in 1873 would buy 413 gallons of oil, 833 pounds of sugar, 1,886 pounds of nails, 721 yards of sheeting, 680 yards of drilling, 498 yards of shirting, 858 yards of standard prints, or 1,307 yards of print cloth; while in 1891 it would buy 1,243 gallons of oil, 1,526 pounds of refined sugar, 4,677 pounds of nails, 1,273 yards of sheeting, 1,357 yards of drilling, 817 yards of shirting, 1,450 yards of standard prints, or 2,949 yards of print cloth.
>
> One hundred bushels of wheat in 1873 would buy 590 gallons of oil, 1,178 pounds of refined sugar, 2,509 pounds of nails, 1,030 yards of sheeting, 964 yards of drilling, 611 yards of shirting, 1,225 yards of standard prints, or 1,840 yards of print cloth; while in 1891 it would buy 1,328 gallons of oil, 1,631 pounds of refined sugar, 5,000 pounds of nails, 1,342 yards of sheeting, 1,433 yards of drilling, 885 yards of shirting, 1,550 yards of standard prints, or 2,784 yards of print cloths.

What was true in this regard in 1891 is true in 1896. The continued decline in prices has affected the farmer as a purchaser equally with the farmer as a seller. If he receives less for the products of his industry, he pays less for his indispensable supplies.

The assumption that the general decline in prices is due to the discrimination against silver as a money metal is without warrant or support in fact. There is no occult connection between silver and wheat, or silver and cotton, any more than there is between silver and the meat product or silver and tobacco. If the alleged demonetization of silver has enhanced the value of gold and because of such enhancement diminished the market prices of cotton and wheat, the same cause ought to operate equally upon every other article of commerce where no exceptional reason intervenes to the contrary. If high-priced money makes low-priced goods, then, all things else being substantially alike, the prices of everything we produce or consume should equally decline. Such has not been the case. An advocate of free coinage had prepared and published in the American of January 25, 1896, a table upon this subject. He took January 1, 1891, as the basis of his figures, and the prices on that day of various articles of first-class importance as the test of the conclusion he proposed to draw.

This table shows that between January 1, 1891, and April 1, 1891, silver as measured by the gold standard declined from 100, the initial number, to 94.25. During the same time breadstuffs increased in price from 100 to 118.31 and live stock from 100 to 116.98. Between April 1 and July 1, 1891, silver increased in price from 94.25 to 98.21, while breadstuffs declined from 118.31 to 103.90 and live stock from 116.98 to 110.38. Between January 1, 1891, and April 1, 1893, silver declined from 100 to 80, while live stock increased from 100 to 125.28 and provisions from 100 to 115.84. October 1, 1894, silver stood at 60.84, live stock at 101.57, and provisions at 97.68. These instances are enough to prove that the price of silver has no immediate or intimate or natural connection with the prices of agricultural products.

A table prepared by Mr. Schoenhoff, a gentleman who was largely quoted in this Chamber during the tariff debate of 1894, shows the following changes in prices between 1850, when free coinage of both gold and silver prevailed this country; 1879, when we resumed specie payment, and 1888, fifteen years subsequent to the so-called crime of 1873:

	1850.	1879.	1888.
Coffee	100	143	166
Sugar	100	55	49
Tobacco	100	156	244
Wheat	100	75	58
Raw silk	100	113	117
Flax and hemp	100	80	66
Tin	100	77	173
Iron	100	77	67

We thus see that sugar fell 51 per cent between 1850, when we had free coinage, and 1888, when we had the single gold standard. During the same period wheat declined 42 per cent, but tobacco advanced in price from 100 in 1850 to 244 in 1888, and 88 per cent of that advance was between 1879 and 1888. Tin ran down from 100 in 1850 to 77 in 1879, and then up from 77 in 1879 to 173 in 1888, or about 225 per cent increase, and that was before it was reinforced by the provisions of the McKinley law.

It is folly to say that the money standard has controlled or does control prices independent of other and more potent considerations. The general decline of prices during the past thirty years can not be attributed to any one cause, much less to the change of the money standard. No man capable of reasoning can shut his eyes to the results which have followed the universal use of improved machinery and labor-saving appliances. The Bessemer process, the development of the power of electricity, the steam plow, the modern reaper and thrasher, reduced rates of transportation, and many other cognate causes have combined to cheapen

production and necessarily to lower prices. Our present industrial capacity for the almost unlimited production of all that is useful, all those things that satisfy our wants, minister to our comforts, or gratify our tastes, renders continued high prices practically impossible. The sooner we recognize the changed conditions which thirty years have wrought out, and that the march of events can not be turned back by legislative interference, the sooner we will adjust our business affairs to the new conditions and intelligently deal with the modern situation.

The tendency toward financial stringency was developed about 1890. A general business collapse came upon us in 1893. We have since had periods of apparent relief, but reflecting men understand that "hard times" must run their course, and that business follies and excesses must be atoned for before we can have a return to permanent and general prosperity. We can not improve the situation by experimenting with our money standard. The greatest period of prosperity the agricultural States and the States we call "Southern" have ever had was since "the crime of 1873" and under the operation of what the agitators of the free and unlimited coinage of silver call the single gold standard. Of the truth of this statement the statistics furnished by the census returns of 1880 and the census returns of 1890 are most convincing. I quote from a compilation made by Mr. Richard T. Edmonds, of the Manufacturers' Record, of Baltimore, Md., printed and circulated in 1895, as follows:

Recent census publications, although three years behind time, make it possible to compare the agricultural and manufacturing advance of the South from 1880 to 1890 with that of the country at large. The result is a remarkably favorable showing for the South. Starting in 1880 with total farm assets, which includes the value of farms, implements, etc., of $2,314,000,000, the South made an advance by 1890 to $3,182,000,000—a gain of 37 per cent. During the same period the increase in all other States and Territories was from $9,790,000,000 to $12,797,000,000, or 30 per cent. In studying these figures it should be remembered that the South had little or no immigration to help to swell the volume of its agricultural products, while other sections had the benefit of a large proportion of the 5,000,000 foreigners who had landed here during the decade, the number that settled on Western farms probably being a large majority of the total.

The total value of farm products of the South in 1880 was $866,000,000, against $1,500,000,000 for the remainder of the country. In 1890 the South produced $773,000,000, a gain of $107,000,000, or 16 per cent, while the gain in the rest of the country was only $141,000,000, or 9 per cent. With just one-fourth as much total assets in farm operations as the balance of the country, the South had $107,000,000 increase in production out of a total of $248,000,000, or nearly one-half.

The South had $3,182,000,000 invested in farm interests in 1890, and the total productions were $773,000,000, or a gross revenue of 24.1 per cent on the capital. All other sections combined had $12,797,000,000 in farm operations and the product was $1,687,000,000, or 13.1 per cent gross revenue, only a fraction more than one-half as much in percentage of production as the South's. It is impossible to get at the net profits, but these figures show how far ahead the South is in the gross product based on the capital invested.

In a much greater degree the manufacturing interests of the South increased between 1880 and 1890. Mr. Edmonds's compilation of the census reports show that—

In 1880 the South had $257,244,561 invested in manufacturing; by 1890 this had increased to $659,098,817, a gain of 156 per cent, while the gain in the entire country was 120.76 per cent. The value of the manufactured products of the South rose from $457,454,777 in 1880 to $917,589,045 in 1890, a gain of 100 per cent against an increase of only 69.27 per cent in the whole country. The factory hands of the South received $75,917,471 in wages in 1890 and in 1880 $222,118,505.

In 1890 the South had $21,976,000 invested in cotton manufacturing. It had 180 cotton mills, with 667,854 spindles and 14,300 looms. Since then this industry has quadrupled, and the capital invested aggregates $107,000,000. Comparing the census reports of 1880 and 1890, and the reports of the Manufacturers' Record for 1894 of the South's cotton manufacturing industry, we have:

Cotton manufacturing in the South.

	1880.	1890.	1894.
Capital	$21,976,713	$61,124,096	*$107,900,000
Number of mills	180	254	425
Number of spindles	667,754	1,712,930	3,023,000
Number of looms	14,323	30,231	68,000
Value of product	$21,638,712	$46,971,503	.....

* Estimated on basis of average capital per spindle in 1890.

In this connection, for fear some one may question the accuracy of this compilation, I will read an extract taken from Mr. Wharton Barker's newspaper, the American, of September 14, 1895. He quotes from the New Orleans Times-Democrat, and gives the quotation the weight of his authority. He says:

The New Orleans Times-Democrat, a paper noted for the accuracy of the statistics which it gathers and publishes from time to time, has lately made a comparative statement of the progress of the South in the past fifteen years.

That is from 1880 to 1895.

By the term South, it denotes the thirteen States south of the Potomac and Ohio, from Virginia to Texas. In this region from the year 1880 to 1895, the manufacturing establishments have increased from 34,565 to 59,176, and the capital invested from $179,336,240 to $559,467,500. The number of hands had more than doubled, and the wages more than trebled.

The cultivated land has increased from 34,679,145 acres to 59,462,672, while the value of farm products has risen in about equal proportion from $611,699,145 to $976,463,500. The number of farms has increased from 1,726,480 to 2,402,672.

These statistics and those relating to the coal and iron of the South are interesting as showing a regular progress and testifying that the change from the primitive dependence upon agriculture alone is giving place to diversified industries without impairing or curtailing the proper progress of agriculture. It is probable that the development of the natural resources of the South will be still greater in the next fifteen years than in the past.

Then Mr. Barker gives his opinion as to what is necessary to make that assurance doubly sure, not to go to the free coinage of silver, but, he says—

What is necessary to secure this is the restoration of the policy of protection to home industry, which the South has, unwisely for itself, so long opposed.

I will now take up a compilation made by Mr. Mulhall, the great English statistician, who, in an article in the June number (1895) of the North American Review, compares the conditions of the United States in 1870, 1880, and 1890, as shown by the census returns of those years.

He shows that the wealth of the New England States between 1870 and 1890 increased from $3,237,000,000 to $5,223,000,000, or more than 60 per cent; that the Middle States of New York, New Jersey, Pennsylvania, Delaware, and Maryland increased from $9,683,000,000 in 1870 to $17,819,000,000 in 1890, or about 88 per cent; that the Southern States, including the two Virginias, the two Carolinas, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Kentucky, and Tennessee, increased from $2,827,000,000 in 1870 to $9,928,000,000 in 1890, or more than 350 per cent; that the Prairie States, including Ohio, Illinois, Missouri, Indiana, Iowa, Michigan, Wisconsin, Minnesota, Kansas, Nebraska, and the two Dakotas, increased from $7,642,000,000 in 1870 to $25,256,000,000 in 1890, or about 330 per cent; that the Pacific States increased from $656,000,000 in 1870 to $6,811,000,000 in 1890, or more than 1,000 per cent; that the increase in the Southern States from 1880 to 1890 was from $6,448,000,000 in 1880 to $9,928,000,000 in 1890, or more than 50 per cent, and the increase in the Pacific States from 1880 to 1890 was from $2,282,000,000 in 1880 to $6,811,000,000 in 1890, or about 300 per cent. These estimates were made upon a gold basis, the currency of the year 1870 having been treated as equal to 80 cents on the dollar in gold.

His tables also show that the increase in the value of lands from 1870 to 1890 was the difference between $7,410,000,000 in 1870 and $13,279,000,000 in 1890, or nearly 80 per cent; that the increase in the value of lands from 1850 to 1890 was from an average value of $29 per acre in 1850 to an average value of $37 per acre in 1890; and that the increase in the value of houses from 1870 to 1890 was from $9,240,000,000 in 1870 to $21,210,000,000 in 1890, or more than 216 per cent. Also that between 1870 and 1890 there was expended in the construction of new lines of American railway an average of $1,000,000 a day, and that the freight charges of railway transportation in the United States in 1890 averaged only 93 cents per ton per hundred miles, or less than half the customary charge in Europe of $1.90 per ton per hundred miles. In this respect there was saved to the American people $845,000,000 yearly. In his discussion Mr. Mulhall uses this language:

Another large item in the increment of wealth is houses, which represent an annual investment of $12 per inhabitant of the whole Union during twenty years ending 1890. The annual average in Great Britain is $5.50, and as economists recognize the outlay on houses to be the gauge of wealth, it appears that the average accumulation in the United States is double what it is in the mother country.

Whether we include the twenty-year period from 1870 to 1890, or the ten-year period from 1880 to 1890, the comparative results are the same. Our increase in wealth has never been equaled in any country or in any age. It was confined to no section. The claim that the agricultural States have not had their fair share of the general prosperity is disproved by the facts. The popular cry that whilst the center of population has traveled westward the center of wealth has moved toward the east or northeast has no foundation in fact.

From 1870 to 1890 the relative increase in values was:

	Per cent.
New England States	60
Middle States	88
Southern States	350
Prairie States	330
Pacific States	1,000

The real, substantial, and permanent increase of values was in the Southern and Prairie agricultural States. I make that distinction because the Pacific States have mainly been developed from a wilderness since 1870. The increase was more than five times greater in the Southern and Prairie States than in New England, and four times greater than in the States of New York, New Jersey, Pennsylvania, Delaware, and Maryland, with all their great cities and all their combinations and syndicates of bankers, brokers, and railroad magnates.

Mr. GALLINGER. Would it disturb the Senator if I were to ask him a question?

Mr. LINDSAY. No, sir.

Mr. GALLINGER. Am I to infer, then, from the Senator's statement of that fact, that the accusation so frequently made that wealth is being aggregated in the East does not seem to be true?

Mr. LINDSAY. Here are the figures.

Mr. GALLINGER. I agree, I will say, with the Senator's observation upon that point.

Mr. LINDSAY. That the times are hard, that the people are oppressed with debt and unable to pay, that universal want of business confidence prevails, and that conditions seem to grow worse rather than better, it is useless to deny.

Mr. BACON. Will the Senator permit me to ask him if he has any statistics as to the relative advance or retrogression since 1890?

Mr. LINDSAY. The paper from which I read the extract, the Times-Democrat, covers the period between 1880 and 1895.

Mr. BACON. That was not the question I asked the honorable Senator. It is not what is the aggregate from 1880 to 1895, but what is the fact with reference to this matter between the dates of 1890 and 1895? Is it not a fact that between those dates the increase in wealth in the East has been very great, and that wealth has absolutely decreased in other parts of the country?

Mr. LINDSAY. I have no official data on the subject and no data that pretends to be official. I have given the best data I could have access to. My object was not to prove that there had not been a decline in wealth since 1890 in the South, nor to prove that there had been an increase. My attempt has been to show that the single standard did not interfere with the increase of wealth from 1870 up to 1890, nor the increase of wealth between 1870 and 1894.

If that great increase took place under the single standard during those twenty-four years, the single standard did not stand in the way of the increase. If there has been a decrease since 1890, or since 1893, that decrease is to be traced to some other cause than the single standard, under which the country flourished for twenty years as it never flourished before.

Mr. BATE. Will not the Senator admit that, although the proposition may be true that wealth did increase, yet it was concentrated during that time in the hands of a few?

Mr. LINDSAY. If it was, it was concentrated in the hands of the few in the South, and not in the hands of the few in the North or in the East, because the statistics show that the increase in the South was 350 per cent, while the increase in the great States of New York, New Jersey, Pennsylvania, etc., was only 88 per cent. I do not know how you distributed your wealth in Tennessee, but what I mean to say is that during twenty years you increased under what you call the gold standard, which you now claim is the cause of all our sorrows, as you never increased before.

Mr. BATE. But while the products in the agricultural States have increased during that time the proceeds have been concentrated in the hands of others who live elsewhere, and I think principally in the East and in the North.

Mr. LINDSAY. The figures are against you. The products of the agriculturist declined and the products of the man who buys from the agriculturist declined in equal proportion, not because of the gold standard, but because of the increased and cheapened facilities for production, which will reduce prices, and ought to reduce prices, unless the benefits of increased facilities for production are to go alone to the producers and the consumers are to have no share in the general gain.

Mr. VEST. I do not care to interrupt the Senator, but does he not overlook the fact in his argument in favor of the single gold standard that from 1878 to 1890 silver was partially remonetized in this country under the operation of what is known as the Bland-Allison Act?

Mr. LINDSAY. I will answer the Senator by saying that the proposition now is not to partially remonetize silver; the proposition is not now to remonetize silver upon its commercial value, but to remonetize it at half its commercial value. I am not arguing for the gold standard, and I am not arguing against the Bland-Allison Act. I am arguing against the idea that our past legislation has stood in the way of progress, and I am willing to give, by way of discount, the full benefit of the coinage of 400,000,000 silver dollars.

Mr. GRAY. May I say to the Senator that I think it is agreed among scientific monetary economists that the coinage of silver under the Bland-Allison Act or under the Sherman Act was not remonetization of silver in the proper sense of that term at all?

Mr. LINDSAY. It has been compared on the floor of this Senate——

Mr. TELLER. I should like to say that we always contended that the increased amount of money that was put in circulation was an aid and a help.

Mr. LINDSAY. I concur in that, that you have always argued that the increase in the quantity of money would tend to the increase of prices; but you have contended all the time, and still contend, that the Bland-Allison Act did not remonetize silver and that the silver coined under the Bland-Allison Act stood upon the same footing as bank notes or United States notes redeemable in coin.

Mr. GRAY. Or half dollars and quarters.

Mr. LINDSAY. Yes.

Mr. VEST. That statement is entirely incorrect. It has never been stated within my knowledge—and I have had some experience in regard to the discussion of this matter here and elsewhere—by any intelligent silver man that the Bland-Allison Act was a full remonetization of silver; but no intelligent silver man has ever stated that it was not a step in that direction and that it did partially remedy what the Senator has called the crime of 1873.

Now, I do not want to have any personal controversy with the Senator from Kentucky, but he is rather stringent and bitter in his denunciation——

Mr. LINDSAY. I have avoided denunciation absolutely.

Mr. VEST. Of the idea that we can have free coinage of silver in this country without great disaster unless there is an intrinsic commercial parity between the two metals. Is that the position of the Senator?

Mr. LINDSAY. I say it is a dangerous experiment, and I quote Mr. St. John to show that he so regarded it.

Mr. VEST. I ask the Senator—because every one of us must stand now in this desperate struggle upon his record—whether in 1887 he did not advocate the free and unlimited coinage of silver, when the intrinsic or commercial value of silver was but 73 cents as compared with gold?

Mr. LINDSAY. I do not think the Senator will find any evidence of that. In 1877, I think, I did believe that free coinage would have restored the parity as conditions then appeared, and I then believed it would preserve the parity.

Mr. VEST. I ask the Senator what in 1877 was the difference in the intrinsic or commercial value between gold and silver when he advocated the free coinage of silver?

Mr. LINDSAY. I will answer the Senator. In the first place, I am put in a false attitude when it is said I advocated it.

Mr. GRAY. You were not in public life then.

Mr. LINDSAY. I was not in public life then. I expressed the opinion that silver ought to be remonetized at 16 to 1. I believed then—and everything indicated it to be a reasonable belief—that the increased market for silver which would come from free coinage by the United States would increase the value of silver as much as 8 per cent, and put the two metals at a parity, and, except for the extraordinary changes which have taken place since then, which no man could foresee, would have kept the two metals at a parity.

Mr. VEST. Let me ask the Senator if the causes which he now says in 1877—and those causes can be embraced in one cause, namely, free coinage of silver—would have restored the parity then would not do so now?

Mr. LINDSAY. If the Senator believes it will do so now, why did he propose to change the ratio in 1893 to 20 to 1?

Mr. VEST. All the world knows that when the gold men declared that they were willing to have bimetallism if there was more silver put into the dollar, the silver men in both Houses of Congress, with great unanimity, tendered to them every ratio from 16 to 24, and then tendered them the Bland-Allison Act, and they rejected every one of those propositions, showing that they were opposed to bimetallism at any ratio. I declared then, as I have always declared, that I preferred the old ratio, but that, above all, I wanted bimetallism at some ratio. The difference between the Senator and myself is that I have always advocated bimetallism. He advocated it in 1877 and turns against it in 1896.

Mr. LINDSAY. No; I have not turned against it. I stand where the Democratic party stood in 1892, and at that time there was no party in the United States which advocated 16 to 1 except the Populist party.

Mr. COCKRELL. Was there any party advocating the single gold standard?

Mr. LINDSAY. There was a party advocating the single gold standard, or its commercial equivalent.

Mr. COCKRELL. Was there anyone then or had any Democrat of any respectability ever declared in favor of the single gold standard? Is there one word, one line, or one sentence in the platform of 1892 which squints at a gold standard?

Mr. LINDSAY. No; and I am not to-day advocating the gold standard, and I have never intimated that I was opposed to the coinage of silver. My whole contention has been that an attempt under present conditions to go to free coinage at 16 to 1 would be a dangerous experiment, one so dangerous that it is likely to bring upon the country greater calamities than it has ever suffered.

Mr. PASCO. May I ask the Senator a question?

Mr. LINDSAY. Yes, sir.

Mr. PASCO. I ask the Senator if he believed that it was not safe to attempt the free coinage of silver at 16 to 1, why has he not and why has not the Democratic Administration recommended

some other feasible scheme which would have brought about a realization of the platform formulated at Chicago four years ago?

Mr. LINDSAY. I have unfortunately been in the minority on this side of the Chamber and could not shape Democratic propositions. I might retort by asking my friend, why did you not propose some reasonable and feasible plan for the free coinage of silver? Upon the contrary, you have sat here and done nothing except talk in favor of free silver and threaten the country with free silver, and vote for it when everybody knew that the bill could not pass and never press it when anybody suspected that it could pass.

Mr. VEST. When was it that anybody suspected that a bill could pass?

Mr. LINDSAY. At the last session of Congress, two days before the adjournment, when it was attempted to put aside the consideration of an appropriation bill to take up a report from the Committee on Finance for the free coinage of silver at less than the commercial ratio.

That all or any considerable portion of our economic evils are traceable to the effect upon business of the existing money standard, the history of the country and of its progress from 1870 to 1890 abundantly and overwhelmingly disproves. This being the case, no change of the money standard can meet or overcome the difficulties by which the country is beset. The free coinage of silver at less than the commercial ratio will aggravate the situation. It can not relieve it. In the end it will give us cheaper money, for the all-sufficient reason that it will bring us to silver monometallism. With our great resources we may, through free coinage at 16 to 1, enhance the market price of silver bullion, but we can no more bring about the relations existing between gold and silver prior to 1871 or to 1873, by free coinage, than we were able to do by the act of 1890.

We then supposed, and it was generally believed, we had by that act supplied a market for all the silver that could be produced. That is all that free silver coinage can do. The act of 1890 enhanced the market value of silver bullion throughout the world 10 per cent, and fortified my belief in 1877 that free coinage would have enhanced it throughout the world 8 per cent. It raised the market value of the bullion in the silver dollar from 72 cents to 80¼ cents, but at the end of a year this bullion had receded to 72¼ cents, and at the end of two years to 65 cents. If free coinage by the United States should increase the bullion value of silver 30 per cent, or three times the temporary increase resulting from the act of 1890, and we should prove strong enough to maintain that increase, our silver dollar would be worth, in gold, 70 cents.

Upon that basis of values business would necessarily readjust itself, and the difference of exchange between this country and the European countries with which we have our principal trade relations would be 30 per cent. There are those who are bold enough to say that this apparently fatal difference in exchange would prove a blessing rather than a curse to the agriculturist and the laboring man. They claim that—

The difference of exchange between silver-standard countries and gold-standard countries is equivalent to a bounty equal to the difference between the value of gold and silver, in favor of the products of silver-standard countries exported to gold standard countries and a corresponding tariff against the products of gold-standard countries exported to silver-using countries.

I am not responsible for this statement of that claim. This extract is taken from the declaration of principles prepared and announced by representative silver men from all parts of the country at Washington in January, 1896. In his comments upon that declaration the editor of the American—Mr. Wharton Barker—said that—

An American policy—

And I commend this to Democrats—

of bimetallism and protection must be adopted, for an alien policy of gold monometallism and free trade will surely destroy the industrial classes of our country and enslave the people.

The effect of free silver coinage in Mexico on the trade of that country was discussed by the Mexican minister, Mr. Romero, in the June number, 1895, of the North American Review. He contends that the silver standard is a great stimulus in developing manufactures in that country, because foreign commodities have to be paid for in gold, and that owing to the high rate of exchange the price of such commodities has become so high that it pays well to manufacture them at home. To use his language:

The fact that foreign commodities have to be paid for in gold makes them so high that it operates as a protective duty against them.

And further that—

Importations are considerably reduced because foreign commodities almost duplicate their price when sold for silver, and are, therefore, beyond the reach of the middle classes.

In a published interview in the Manufacturers' Record about September 1, 1895, President Diaz, of Mexico, in discussing the condition of that country, is reported to have said:

Commerce and industry have continued their progressive march, notwithstanding the fact that in 1892 and in 1893 crops were short through want of rain, and that silver, our principal export, has suffered a notable decline in foreign markets.

Respecting this last point, President Diaz said:

I believe that in reality the detriment has not been of the magnitude that was anticipated, and this decline has been a benefit to general industries in the country, and this is easily explained. The depreciation of silver has produced a rise in foreign exchange, and therefore has raised the price of imported goods—

Something which the Democratic party has been trying for fifty years to bring down in this country—

which actually means an advantage to the industries of this country.

Whatever may be the advantage of the single silver standard to Mexico as a nation, it is evident that its tendency is to keep down the wages of labor and the rents of real estate, and to operate so successfully in the way of a protective duty against foreign commodities as to almost duplicate their price when sold for silver, and, in that way, to put them beyond the reach of the middle and poorer classes of the Mexican population. These results are not such as to commend the policy of the free and unlimited coinage of silver at the ratio of 16 to 1 to the American laborer, or to the American landowner, or to the American consumer.

In 1892 the Democratic party not only did not declare for free silver coinage at 16 to 1, but did declare in the most emphatic terms that protection was a fraud—

a robbery of the great majority of the American people for the benefit of the few—

And that it was—

a fundamental doctrine of the Democratic party that the Federal Government has no constitutional power to impose and collect tariff duties except for purposes of revenue only.

The leaders of the silver movement now tell us that—

the first step toward the reestablishment of a true protective system must be the restoration of bimetallism—

And that—

protection must be united with bimetallism.

I take from the issue of January 18, 1896, of the Philadelphia American, which is laid upon the desks of Senators every Monday morning, this extract:

In Mexico to-day the fact that foreign commodities have to be paid for in gold makes them so high that it operates as a protective tariff against them.

If a protective tariff is a fraud and the robbery of the great majority of the people for the benefit of the few, as the Democracy declared in 1892, it will be none the less a fraud, none the less the robbery of the many for the benefit of the few, when it comes from an act of Congress establishing the free coinage of silver at 16 to 1 than when it came from an act of Congress establishing that "culminating atrocity of class legislation" commonly called the McKinley tariff law.

In Mexico Mr. Romero says importations are reduced—

Because foreign commodities almost duplicate their price when sold for silver, and are, therefore, beyond the reach of the middle classes.

We know from long experience that when foreign commodities duplicate their prices from any cause domestic commodities follow closely upon their heels. When we come to the free coinage of silver and the necessary difference of exchange between this country and Europe we may find that the hopes and aspirations of the manufacturer have been fully realized by the fact that foreign commodities have been placed "beyond the reach of the middle classes," and the American consumer turned over to the tender mercies of those who for more than a third of a century have been enriched by the class legislation against which the American people revolted in 1892.

Congressional legislation may double the cost of European goods to American consumers, as Mexican legislation has doubled it to Mexican consumers, but no Congressional enactment can add one cent to the selling price of American products when put down for sale in the European markets. Balances there will be settled in European currency, and the trouble, annoyance, and expense incident to the adjustment of the differences in exchange will fall upon the American seller and not upon the European buyer.

A prize essay, written by Mr. George Jamison, British consul-general at Shanghai, China, on the subject of bimetallism, has been extensively circulated and greatly relied on by the silver propagandists to show the advantages to inure to American manufacturers from the free coinage of silver at 16 to 1. I shall not quote at length from what he says by way of illustration; but I ask the Secretary to read the quotation which I send to the desk.

The PRESIDING OFFICER (Mr. GIBSON in the chair). The Secretary will read as requested.

The Secretary read as follows:

Suppose two cotton mills working, the one in England and the other in Japan or China, and competing with one another for the sale of their productions, and contrast the position of the two in 1873 and in 1893. Let us assume that in 1873 they were competing on even terms—that is, that each realized to the owners the same profit. In 1894 each employs the same amount of labor as it did in 1873, which the English pays for in gold at the old rates, and the Japanese in silver, also at the old rates. The Japanese mill owner still pays his men, as he used to, 18 to 20 cents a day, and his women 8 to 10 cents a day. In 1873 that meant 9 pence to 10 pence per day for men, and 4 pence to 5 pence for women. Now it means just one-half—that is, 4 pence to 5 pence and 2

pence to 2½ pence. Multiply this over 2,000 mill hands and see what the saving will be on labor alone. But this is not all. The same advantage accrues on the coal bill. Japanese coal costs them, say, $4 to $5 a ton, which meant 16 shillings to 20 shillings. That still can be got at $4 to $5 a ton, but that now only means 8 shillings to 10 shillings. The same thing applies to rent, wages, taxes, and all fixed charges whatsoever. They are all payable in silver, and have nowise varied with the rise in gold. Only in the single item of raw material is the old equality maintained. Both are free to buy that wherever they can find it cheapest on the world's market, the only advantage being proximity to the best source of supply and, consequently, economy of transport.

Now, so long as the gold price went on falling and the silver price consequently kept steady there was no great manifest advantage resulting to the Japanese manufacturer from a fall in exchange. He continued to get the same prices for his products, and his outlay was the same year by year, both being in silver. Any improvement he could effect by economy of management or by getting his raw material cheaper would be so much extra profit; otherwise his position was unaffected. In any case exchange fluctuations would not trouble him.

The English manufacturer, on the other hand, has to meet the same fixed expenditure from ever-decreasing returns. He is able to buy his raw material cheaper, owing to the general fall in commodities; but his wages bill, his rent, his interest on borrowed capital, his rates and taxes, have all to be met as before. His profits begin to dwindle. It is only by the greatest economy of management that he can keep open at all. The best mills only manage to pay a fair profit, the worst struggle to the verge of bankruptcy, always hoping for a turn of the tide, and finally are forced to close.

Suppose, in the second place, that the silver price rises and, as a consequence, the gold price remains steady.

The gold manufacturer is, for the time being, in an easier position, his returns do not fall off, and though his expenses are the same he is in a position to profit by any economy of manufacture or management.

But the silver manufacturer is, so to speak, in clover. All his working expenses are on the old scale, and he is a clear gainer by the extra price he gets for his products. If silver prices have risen, say, 10 per cent, his profits will be increased by just 10 per cent on his turnover. The natural result of this will be to attract more capital, more mills will be built, and the output will increase. Competition will lower prices and the gold manufacturer will again be driven into a corner.

Whatever happens, the manufacturer in the silver-standard country has a great advantage, and simply for this reason, that he can obtain his labor at half the cost, relatively to gold wages, which he formerly paid. And this advantage must remain to him (unless silver can in the meantime be brought back to something like its old value) until either wages in gold countries have fallen 50 per cent or till they have risen 100 per cent in silver-using countries, or till some common meeting ground has been found between the two. In other words, the old equilibrium will not be restored until the standard of living and comfort among the working classes in England has greatly fallen, or till the standard in silver-using countries has greatly risen.

Mr. LINDSAY. Mr. President, in the gold-standard countries Mr. Jamison says the manufacturer has to meet the same fixed expenditure—his wage bill, his rent, his interest on borrowed capital, his rates and taxes, have all to be met upon the gold basis.

But the silver manufacturer is, so to speak, in clover. All his working expenses are on the old scale, and he is a clear gainer by the extra price he gets for his products. If silver prices have risen, say 10 per cent, his profits will be increased by just 10 per cent on his turnover.

And whatever may happen he—

has a great advantage; and simply for the reason that he can obtain his labor at half the cost relatively to gold wages, which he formerly paid.

He says that advantage will continue with these eastern countries until their labor has advanced 100 per cent or the wages of English labor have fallen 50 per cent.

The argument in Mexico in support of the policy of free coinage is that it operates as a protective tariff against foreign commodities by so increasing their price as to put them beyond the reach of the "middle classes." The argument of Mr. Jamison is that under the benign influences of free coinage the manufacturer may reduce the price of labor the difference between the commercial value of gold and silver bullion, or nearly 50 per cent, and thereby reduce the cost of production.

The American farmer has heretofore relied on foreign competition to keep down the prices of the manufactured articles his necessities compel him to buy. The wages of the American workingman have steadily increased under the existing money standard, and are paid in the best money known to the business world. These two great classes of our people are now to decide whether they will take the chance of destroying foreign competition in manufactured goods and of cutting down wages one-third or one-half in order to enhance the price of silver bullion.

I am not one of those who have confidence enough to dogmatize upon this most important economic question. The difficulties in the way of reaching correct conclusions I do not deny.

Considering, however, the question from every point of view, the conclusions I am about to state seem to me, to comport with the lessons of experience and the dictates of reason:

Free silver coinage will reduce the wages of labor in the proportion it may increase the cost of the necessaries and comforts of life.

It is problematic whether it will in any event or at any time increase the net proceeds to the farmer or planter of the products of his labor, while it is certain to add to the cost of all his necessary supplies.

It will enhance the profits of the manufacturer by reducing his wage accounts and by giving him additional protection against foreign competition.

Its first effect will be contraction, with such a loss of business confidence as to drive embarrassed debtors to immediate bankruptcy, and it may precipitate a business panic, from which the country will not recover until there has been a general liquidation of all existing indebtedness.

From 1876 to 1890 we constructed in the United States over 130,000 miles of railway. Mr. Mulhall estimates that from 1870 to 1890 we expended a million dollars a day in railway construction. We probably expended an equal sum in establishing new towns and cities and in extending to their present magnificent proportions our older towns and cities. To accomplish all this we borrowed vast sums of money from abroad. Not content to rely upon the surplus means of our own people, we made available the wealth of the world wherever we found it seeking investment. While these great works were in progress and these vast sums of money being paid out for labor, material, and supplies, the labor of the country found steady employment, the merchant ready sale for his wares, and the manufacturers and farmers an apparently exhaustless demand for the products of their industry.

These vast and continued expenditures of borrowed capital begat extravagance and profligacy in the use of money and reckless indifference in the contraction of debt. For the time, accruing interest was paid out of the money borrowed, and counties, cities, corporations, and individuals acted upon the assumption that the day of reckoning would never come. The country was improved beyond the demands of the present or of the immediate future, and investments which a few years ago promised rich returns have resulted in nothing more substantial than blasted hopes and disappointed expectations. The boom towns and cities of the other day are now remembered only to be scoffed at, but the obligations of those who invested in their evanescent existence remain unpaid and beyond the investors' ability to pay.

The day came when there were no more railways to construct, no more towns and cities to build, and relatively no more unoccupied territory to develop. With the coming of that day foreign capital ceased to fill our coffers, and those who had been hiring labor, supplying customers to our merchants, and consumers to those whose products enter into daily use, have had to turn their attention to keeping down the interest and arranging for the ultimate payment of their foreign indebtedness. Not only is this true as to individuals, but as to counties, towns, cities, and every municipality or corporation that had the power to bind itself or its constituent for the payment of money.

The act of 1873 demonetizing silver did not bring about these unfortunate conditions. Its repeal will not relieve against them. To pay what we honestly owe we must economize our expenditures. This suggestion is a homely one, but it is consistent with common prudence and common honesty, and has stood the test of human experience. It requires fortitude and demands sacrifice, but honestly and manfully applied it has never failed and will never fail any man or any community.

We can not pay our creditors by act of Congress; we can not reduce the sum of our indebtedness by legislative enactment. We can make no more profitable use of our time, labor, or means than in the payment to the uttermost farthing of all we owe in strict accordance with the spirit of our contracts and in money as good as that in use when our creditors parted with their property or their money.

The act demonetizing silver in 1873 may have been a crime. The failure to fully remonetize that metal in 1878 may have been a mistake, but those with whom we have had business relations since 1879, when specie payments were resumed, are in no way responsible for either the crime or the mistake. They had the right to deal with us upon the faith of the statutory assurance that it was our established policy to maintain the parity between our gold and silver coin. That parity good faith demands we shall preserve as to all debts contracted since specie payments were resumed.

If the controlling majority of the American people have deliberately concluded to return to the free coinage of silver, no opposition will be sufficient to defeat their will. With the authoritative expression of that will opposition will of course cease, but the details of the new policy will, or at least ought to, remain open for discussion, and the general good may still prevail against the special interest of the silver miners and of the holders and owners of silver bullion.

Mr. BUTLER. Will the Senator from Kentucky pardon a question?

Mr. LINDSAY. If the Senator will speak loud enough for me to hear I will yield.

Mr. BUTLER. I notice the Senator refers to the special interests of silver-mine owners; and only this morning I saw the same thing in a leading editorial in the New York World. I suppose the Senator indorses that sentiment, from what he says. The World says that the special beneficiaries of the free coinage of silver would be the Western mine owners. I want to ask the Senator from Kentucky if he believes that the silver-mine owners will be the special beneficiary of the free coinage of silver? I want an answer to that question.

Mr. LINDSAY. Is the Senator through?

Mr. BUTLER. Will the Senator answer yes or no?

Mr. LINDSAY. I will answer the Senator when he gets through. I have the floor, and I propose to make my own answer.

Mr. BUTLER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kentucky yield further to the Senator from North Carolina?

Mr. BUTLER. No; if the Chair will pardon me, the Senator said when I was through he would answer me. Then I wish to continue the question.

Is it not a fact that the silver-mine owner has lost less by the demonetization of silver than either the cotton farmer or the wheat farmer has lost? The cotton farmer has lost at least 50 per cent; the wheat farmer has lost as much; while the mine owner has lost probably only about 25 per cent. The mine owner to-day can dig his silver from the mines and make a profit where he has anything like a fair mine, because labor has fallen in price and the agencies which they use in mining silver have fallen in price. The demonetization of silver has hurt the men the mine owner employs as laborers more than it has hurt the mine owner. If you will remonetize silver to-day the advantage would be twice as great to the farmer of the South and the farmer of the West as it would be to the actual owner and operator of mines. I state that as a fact which can be proven. I state it as something I think the Senator from Kentucky will not deny; and if he does deny it, let us arrive at the truth.

Mr. LINDSAY. That may be a question in North Carolina, but it would be regarded as a stump speech in Kentucky. If the silver miner can make money mining silver when selling 30 pounds of silver for 1 pound of gold, and we remonetize silver so that 16 pounds of silver will buy 1 pound of gold, it occurs to me that there will be a direct gain to the silver miner. But I am not here to balance losses between the wheat farmer and the silver miner, nor to balance possible gains between the silver miner and the wheat farmer. My object has been to prove that the demonetization of silver was not the moving cause of the reduction of prices, and that the remonetization of silver will lead us through a vale of tears and sorrow before it can bring us to a material increase of prices.

As I was proceeding to say when interrupted, it will still be in order to insist that the silver dollar shall be made the commercial equivalent of the gold dollar, and that no unnecessary risk—and that is the point I put it on—that no unnecessary risk shall be taken of bringing the country to silver monometallism in the adjustment of the legal or mintage ratio. It is immaterial whether gold has enhanced or silver depreciated in value. It is certain that for commercial purposes 30 ounces of silver are now equal to only 1 ounce of gold. It is practically certain that free coinage at 16 to 1 by the United States alone will break down the present parity of the two metals, whilst it is at least possible that free coinage at the present commercial ratio may give us real bimetallism and enable us to maintain and preserve it in the future. If the experiment of free coinage must be made, let us take none of the chances for evil that can possibly be avoided. It is the general good we are to care for, and the special interests of the producers and holders of silver bullion are entitled to no consideration when their demands conflict with the common welfare.

The comments of an illustrious predecessor of mine in the Senate, Mr. Beck, upon a free-coinage proposition in 1878 are worthy of being repeated to-day.

What is commonly known as the Bland-Allison bill passed the House of Representatives in the fall of 1877 at a called session of the Forty-fifth Congress, at the time when I believed free coinage would bring the two metals together. It contained a provision for the free coinage of standard silver dollars. When it came to the Senate, Senator Beck, on the 4th day of January, 1878, moved to insert the following amendment, in lieu of the free-coinage provision:

And the Secretary of the Treasury is directed, out of any money in the Treasury not otherwise appropriated, to purchase from time to time silver bullion at the market price thereof not less than $3,000,000 per month, or as much more as can be coined at the mints of the United States, and cause the same to be coined into such dollars; and any gain or seigniorage arising from this coinage shall be accounted for and paid into the Treasury as provided under existing laws relative to subsidiary coinage: *Provided*, That whenever the market price of silver bullion is such that it can not be purchased by the Secretary of the Treasury as herein provided at less than par with legal-tender notes of the United States, he shall give public notice of that fact, and then any citizen of the United States who is the owner of silver bullion may deposit the same at any United States coinage mint or assay office, to be coined into such dollars for his benefit upon the same terms and conditions as gold bullion is deposited for coinage under existing laws.—*Congressional Record*, second session Forty-fifth Congress, volume 7, page 726.

Whenever silver bullion could not be bought at a discount in legal-tender notes, then the mints might freely coin silver on account of the individual who might bring the bullion to the mint for that purpose.

In the course of the debate Mr. Beck said:

In the second place, I desire so long as silver bullion can be purchased for less than par in legal-tender notes that the people of the United States shall have the benefit of the seigniorage or gain, and that it shall not go to private individuals.—*Congressional Record*, second session Forty-fifth Congress, volume 7, page 726.

Mr. Beck evidently thought the benefit would go to the silver miner. Again, on February 15, 1878, he said:

I prefer that the Government of the United States should have whatever seigniorage there may be—and when I say "the Government" I mean, of course, the people—in the purchase of bullion so long as it is worth less than legal-tender notes. It is said to be now 8 per cent or 10 per cent below par. If it is, I am unable to see why any man in Europe or America or any European government shall have the right to furnish bullion to our mints and demand coin for it, when we can buy it 8 per cent cheaper than they offer it in open market.—*Congressional Record*, second session Forty-fifth Congress, volume 7, part 2, page 1064.

Mr. GEORGE. Will the Senator from Kentucky allow me to ask him a question?

Mr. LINDSAY. Certainly.

Mr. GEORGE. Did Mr. Beck in that debate express any opinion as to the probability that the coinage act which he proposed would bring the two metals to a parity?

Mr. LINDSAY. I do not remember that he did. I do not remember the entire speech. He voted for free coinage, however, after making the speech, as Mr. Carlisle voted for the Bland-Allison Act, after making his speech. So Mr. Beck and Mr. Carlisle may set off against each other.

Mr. GEORGE. I inferred from the expression the Senator quoted from Mr. Beck that he believed that that was probable.

Mr. LINDSAY. I think he did believe it.

Mr. GEORGE. At that time.

Mr. LINDSAY. I think he did believe it; but I do not remember that he expressly stated it.

Again, on the same day, Mr. Beck said:

I spoke fully to this question before, and said then that I did not want the people of the United States to feel the Senate of the United States has allowed any man in California or Nevada or any where else, who had an immense amount of bullion, to take possession of the mints of the United States and make a seigniorage of 6 per cent or 8 per cent; and especially I did not want to allow the German Government or any foreign power or citizen to take possession of our mints and have the benefits of that seigniorage, when we could obtain and apply it for the benefit of the taxpayers of the country.

In 1878 Mr. Beck advocated the free coinage of silver, when it could not be purchased in the market at less than par with legal-tender notes, and objected to its free coinage in any other contingency. He did not see why "any man in Europe or America, or any European government," should "have the right to furnish bullion to our mints and demand coin for it, when we can buy it 8 per cent cheaper than they offer it in open market."

Mr. Beck was the friend and champion of silver coinage. I commend his words to the consideration of those who now insist that all owners of silver bullion shall have the right to furnish it to our mints and demand coin for it when it can be bought 47 per cent cheaper in the open markets.

Mr. President, I am free to say to-day if I believed with reasonable certainty that the free coinage of silver at 16 to 1 would bring the two metals together, I would yield my judgment to what may be the better judgment of those with whom I am politically associated. But I do not believe free coinage at 16 to 1 will bridge the chasm that now lies between gold and silver, and not believing that it will, it is my duty as a Senator to give to the Senate and to the people I represent my best judgment upon this great question. I am not here to make a record, but if I were engaged in the business of making a record the only record I think any man would look upon with pleasure in the future would be that which comes from honest dealing on his part with those for whom he is commissioned to act.

This great question will be settled this year, I hope. One party or the other will declare for or against free silver coinage at 16 to 1 in unmistakable terms. The people at the polls, enlightened as best they may enlighten themselves, will pass upon that great question, and when their judgment has been pronounced and their will declared, then that obedience which follows the deliberately expressed will of the people in the American Government will be yielded.

My object has been to show that the contention that low prices come from the present standard is not warranted by the facts and to show, as I believe the truth to be, that the legislative step from our present standard to the unlimited coinage of silver at 16 to 1 is an experiment so reckless that the American people ought not to be asked to make it if there be any ratio at which silver may be freely coined which is reasonably secure against the dangers I apprehend.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM. I move that the Senate proceed to the consideration of the conference report on the legislative, executive, and judicial appropriation bill.

The motion was agreed to; and the Senate proceeded to the consideration of the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government

for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 38, 142, 309, 310, and 314.

That the House recede from its disagreement to the amendments of the Senate numbered 11, 12, 13, 19, 108, 109, 144, and 313, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Three laborers, at $840 each; twenty-two"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$120,784"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with amendments as follows: In lieu of the number proposed insert "thirty"; and on page 9 of the bill, after $900 each"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$52,120"; and on page 9 of the bill, at the end of line 8, insert the following: "And hereafter the Capitol police, under the direction of the Sergeant-at-Arms of the Senate and of the House of Representatives and of the Architect of the Capitol, shall police the Capitol building and the Capitol Grounds"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twelve"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"*Provided*, That the next session of the legislative assembly of the Territory of New Mexico shall commence on the third Monday in January, 1897, and each succeeding session thereof shall commence on the third Monday in January of every odd-numbered year thereafter: *Provided further*, That no other officer of either house of said legislative assembly shall be elected or appointed, or paid out of any moneys appropriated by the Congress of the United States or by the legislative assembly of said Territory, than such as may be provided for by the laws of the United States, except a translator and an interpreter."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 238, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 305, and agree to the same with an amendment as follows: Restore the section proposed to be stricken out by said amendment, amended to read as follows:

"SEC. 19. That the terms of office of all commissioners of the circuit courts heretofore appointed shall expire on the 30th day of June, 1897; and such office shall on that day cease to exist, and said commissioners shall then deposit all the records and other official papers appertaining to their offices in the office of the clerk of the circuit court by which they were appointed. All proceedings pending, returnable, unexecuted, or unfinished at said date before any such commissioner shall be continued and disposed of according to law by such commissioner appointed as herein provided, as may be designated by the district court for that purpose. It shall be the duty of the district court of each judicial district to appoint such number of persons, to be known as United States commissioners, at such places in the district as may be designated by the district court, which United States commissioners shall have the same powers and perform the same duties as are now imposed upon commissioners of the circuit courts. The appointment of such United States commissioners shall be entered of record in the district courts, and notice thereof at once given by the clerk to the Attorney-General.

"That such United States commissioners shall hold their offices, respectively, for the term of four years, but they shall be at any time subject to removal by the district court; and no person shall at any time be a clerk or deputy clerk of a United States court and a United States commissioner without the approval of the Attorney-General: *Provided*, That all acts and parts of acts applicable to commissioners of the circuit courts, except as to appointment and fees, shall be applicable to United States commissioners appointed under this act.

"Warrants of arrest for violations of internal-revenue laws may be issued by United States commissioners upon the sworn complaint of a United States district attorney, assistant United States district attorney, collector or deputy collector of internal revenue, or revenue agent, or private citizen; but no such warrant of arrest shall be issued upon the sworn complaint of a private citizen unless first approved in writing by a United States district attorney.

"That United States commissioners and all clerks of United States courts are hereby authorized to administer oaths."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 306, and agree to the same with an amendment as follows: Restore the section proposed to be stricken out by said amendment, amended to read as follows:

"SEC. 20. That no marshal or deputy marshal, attorney or assistant attorney of any district, jury commissioner, clerk of marshal, no bailiff, crier, juror, janitor of any Government building, nor any civil or military employee of the Government, except as in this act provided, and no clerk or employee of any United States justice or judge shall have, hold, or exercise the duties of the United States commissioner. And it shall not be lawful to appoint any of the officers named in this section receiver or receivers in any case or cases now pending or that may be hereafter brought in the courts of the United States."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 307, and agree to the same with an amendment as follows: Restore the section proposed to be stricken out by said amendment, amended to read as follows:

"SEC. 21. That each United States commissioner shall be entitled to the following-named fees, and none other: Drawing a complaint, with oath and jurat to same, 50 cents; copy of complaint, with certificate to same, 30 cents; issuing warrant of arrest, 75 cents; issuing a commitment and making copy of same, $1; entering a return, 15 cents; issuing subpœna or subpœnas in any one case, with 5 cents for each necessary witness in addition to the first, 25 cents; drawing a bond of defendant and sureties, taking acknowledgment of same and justification of sureties, 75 cents; for administering an oath (except to witness as to attendance and travel), 10 cents; recognizance of all witnesses in a case, when the defendant or defendants are held for court, 50 cents; transcripts of proceedings, when required by order of court, and transmission of original papers to court, 60 cents; copy of warrant of arrest, with certificate to same, when defendant is held for court and the original papers are no sent to court, 40 cents; order in duplicate to pay all witnesses in a case: For first witness, 30 cents, and for each additional witness, 5 cents, and for oath to each witness as to attendance and travel, 5 cents; for hearing and deciding on criminal charges and reducing the testimony to writing when required by law or order of court, $5 a day for the time necessarily employed: *Provided*, That not more than one per diem shall be allowed in a case, unless the account shall show that the hearing could not be completed in one day, when one additional per diem may be specially approved and allowed by the court: *Provided further*, That not more than one per diem shall be allowed for any one day: *Provided further*, That no per diem shall be allowed for taking a bond or recognizance and passing on the sufficiency of the bond or recognizance and the sureties thereon when the bond or recognizance was taken after the defendant had been committed to prison upon a final commitment, or has given bond or been recognized for his appearance at court, or when the defendant has been arrested on a capias or bench warrant, or was in custody under any process or order of a court of record. For the examination and certificate in cases of application for discharge of poor convicts imprisoned for nonpayment of fine or fine and costs, and all services connected therewith, $3; for attending to a reference in a litigated matter, in a civil cause at law, in equity, or in admiralty, in pursuance of an order of the court, $3 a day; for taking and certifying depositions to file in civil cases, 10 cents for each folio; for each copy of the same furnished to a party on request, 10 cents for each folio; for issuing any warrant under the tenth article of the treaty of August 9, 1842, between the United States and the Queen of the United Kingdom of Great Britain and Ireland, against any parties charged with any crime or offense set forth in said article, $2; for issuing any warrant under the provision of the convention for the surrender of criminals between the United States and the King of the French, concluded at Washington November 9, 1843, $2; for hearing and deciding upon the case of any person charged with any crime or offense, and arrested under the provisions of said treaty or of said convention, $5 a day for the time necessarily employed.

"Such commissioners shall keep a complete record of all proceedings before them in criminal cases, in a well-bound book, which record book shall be delivered to and preserved by the clerk of the district court for such district on the death, resignation, removal, or expiration of term of the commissioner, for which record the commissioner shall receive no compensation."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 308, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 22. That it shall be the duty of the Attorney-General of the United States to make an investigation as respects the compensation to be paid, by salary or otherwise, to clerks of the United States circuit and district courts; and he shall report on the first day of the next session of the present Congress a plan for fixing such compensation for the clerks of the several courts of the United States as he may deem just, and he shall also recommend with his report such provisions as may to him seem proper touching their appointment and the performance of their duties."

And the Senate agree to the same.

S. M. CULLOM,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

HENRY H. BINGHAM,
ALEXANDER M. DOCKERY,
JNO. E. McCALL,
Managers on the part of the House.

Mr. HARRIS. I rise for the purpose of asking the Senator from Illinois if he will conclude to allow the report to go over? It is now 5 o'clock, and I want to move an executive session, because there are some matters that ought to have consideration, and it may take some little time to dispose of them.

Mr. CULLOM. I would be glad to accommodate the Senator, but I am not sure that I can be here to-morrow.

Mr. HARRIS. I have no personal interest in matters ahead of us.

Mr. CULLOM. I think it will take but a little while to dispose of the report.

Mr. HARRIS. I waive all objection and acquiesce.

Mr. CULLOM. If the Senate will allow me, I will state that the report, except as to two or three items, has already been read.

Mr. HARRIS. Perhaps the Senator can point out those items and obviate the necessity of reading the report.

Mr. CULLOM. That I propose to do. The amendment numbered 38 is the first one, I believe, which was in controversy when the report was before the Senate some days ago. I can state what the amendment is. It is the amendment in relation to the copyright provision, which was under consideration here, and the judgment of the Senate, I think, was that it ought not to be in the bill. The Secretary can read that amendment very quickly if it is desired.

Mr. COCKRELL. It is receded from.

Mr. CULLOM. I was going to say that amendment is receded from. The amendment in relation to New Mexico was changed in this respect. The amendment as previously agreed to fixed the time for the meeting of the legislature as the third Monday of February. The amendment as agreed to by the last conference fixed the time as the third Monday of January.

Then in the provision in relation to commissioners of United States circuit courts, the time when their terms shall expire is extended from the 1st day of January, as agreed to heretofore, to the 30th of June, 1897. In the clause providing that the places shall be designated by the Attorney-General where commissioners

shall be appointed, the words "Attorney-General" were stricken out and the "district court" inserted in lieu.

Then in section 20, where the words "or deputy clerk of the circuit court or district court" occur, they were stricken out, so that they, as well as the clerks, may, with the approval of the Attorney-General, act as commissioners as well as be deputy clerks.

Those are practically all the changes which are made by the last conference report. Those provisions can be read if the Senate desires them to be read, but that is all there is in controversy between the two Houses at this time, except that the whole conference report, of course, has to be concurred in, because the provisions as to clerks and many other matters about which there has been no controversy between the two Houses for some time are involved in the report, inasmuch as the report was rejected by the Senate last time. I hope the subject will be disposed of without delay.

Mr. PLATT. I should like to have section 19 read as it will read if the conference report is adopted.

The Secretary read as follows:

SEC. 19. That the terms of office of all commissioners of the circuit courts heretofore appointed shall expire on the 30th day of June, 1897; and each office shall on that day cease to exist; and said commissioners shall then deposit all the records and other official papers appertaining to their offices in the office of the clerk of the circuit court by which they were appointed. All proceedings pending, returnable, unexecuted, or unfinished at said date before any such commissioner shall be continued and disposed of according to law by such commissioner appointed as herein provided as may be designated by the district court for that purpose. It shall be the duty of the district court of each judicial district to appoint such number of persons, to be known as United States commissioners, at such places in the district as may be designated by the district court, which United States commissioners shall have the same powers and perform the same duties as are now imposed upon commissioners of the circuit courts. The appointment of such United States commissioners shall be entered of record in the district courts and notice thereof at once given by the clerk to the Attorney-General. That such United States commissioners shall hold their offices, respectively, for the term of four years, but they shall be at any time subject to removal by the district court; and no person shall at any time be a clerk or deputy clerk of a United States court and a United States commissioner without the approval of the Attorney-General: *Provided*, That all acts and parts of acts applicable to commissioners of the circuit courts, except as to appointment and fees, shall be applicable to the United States commissioners appointed under this act.

Mr. PLATT. No change has been made in the rest of the section, and it is not necessary to read further.

Mr. CULLOM. No.

Mr. HILL. Mr. President, I am opposed to the conference report and shall vote against it. I am opposed to it for the reasons which I briefly stated the other day, and which I beg the liberty of repeating.

I am opposed to any change in the time for the meeting of the legislature of New Mexico. The change originally proposed was from the first Monday of December until some time in May. It has now been modified by repeated conference reports until the third Monday in January is fixed upon. I am opposed to it for the reason that I do not think there is any necessity for the change. No good reason has been given for it. It is, in my judgment, political in its character and ought not to have been entertained at all, or at least it should not have been entertained on an appropriation bill.

In the second place, I am opposed to the wholesale removal from office of United States commissioners. The mere change of date, declaring that the removal shall not take effect until June, 1897, instead of December, amounts to nothing. It is the fact that every four years these commissioners are to apply to the United States district judge for reappointment. I do not think it is a wise policy. The plan now proposed to be entered upon will not, in my judgment, prove satisfactory.

A modification has been made so that a clerk of a United States court can be appointed United States commissioner, and a deputy clerk can also now be appointed, with the approval of the Attorney-General. I had hoped that it might provide that one approval would be sufficient, but it has been left by the conference committee so that an approval has to be obtained every four years.

These in brief are my objections. I explain them so that they may go upon record. I do not care to call for the yeas and nays unless some other Senator desires it. I will content myself with voting against it, and I presume probably at this stage of the session the report will have to be adopted. Whatever disposition the Senate shall make of it I shall be content, and I shall simply vote against concurring in the report.

Mr. PLATT. Mr. President, for the reasons so well though briefly stated by the Senator from New York [Mr. HILL] I wish in some way to declare my opposition to the provision relating to the wholesale removal of commissioners of the circuit courts of the United States. I think it is unparalleled in the history of legislation, and it can only be done in the Senate, in my judgment, because it has been put upon an appropriation bill, and we can not support the Government unless we accede to the provision.

Legislating out of office with one sweep of the pen 500 commissioners, most of whom are not only reputable men but valuable officers of the United States, and providing that their places shall be filled by a different appointing power, as I believe, in many instances by utterly inexperienced men, it seems to me is the most reprehensible legislation on principle that I have almost ever known, indeed ever known, in the Senate. But I recognize the situation. It only illustrates more forcibly than I have ever been able to illustrate in language the vice of general legislation upon appropriation bills. I do not care to call for the yeas and nays, but I wish it understood that I am opposed to the action of the conference committee.

Mr. CHANDLER. Mr. President, I call the attention of the Senate to the fact that we are to legislate all these commissioners out of office without one particle of reason assigned. No specific fact is assigned for this wholesale decapitation. It has been suggested by Senators who have advocated this clause that some commissioners somewhere are old fogies; that they have become decrepit; that they have got into old ruts, and ought to be got rid of in some way. That is the sole suggestion which has been made. There has not been a single commissioner called by name—not one. There has not been a part of the country mentioned where the commissioners are who ought to be legislated out of office, and on this general statement, absolutely general, that somewhere there are commissioners who ought not to remain in office, we must make this wholesale removal.

Every one of the commissioners can be removed to-morrow by the circuit court which appointed him, and there is the place to go for reform in this connection. It is an imputation upon the circuit judges of infidelity to duty and of cowardice to say that they do not dare remove these commissioners, and that objectionable commissioners, somewhere in this country, nobody knows where, are more powerful than the circuit judges. It is a cowardly act on our part to make the wholesale removal in this way by a clause upon an appropriation bill, and I wish that the Senate would vote down the conference report and instruct the conferees to insist upon it that so great an injustice to this very excellent body of men over this country shall not be perpetrated if the Senate of the United States can prevent it.

Mr. VILAS. I should like to ask if the provision with reference to the fees of commissioners has been kept in the bill as now reported?

Mr. CULLOM. The provision in reference to fees is not exactly as it came from the other House. It has been changed by the Senate, and especially, I think, by the Judiciary Committee of the Senate, and the Senate conferees take it in that shape.

Mr. VILAS. I am a member of the Judiciary Committee, and was never aware of that.

Mr. CULLOM. There are very few changes in relation to fees, however.

Mr. TELLER. Will the Senator from Wisconsin allow me?

Mr. VILAS. Certainly.

Mr. TELLER. I will state that there are only two changes which amount to anything, and those were made at the request of the Attorney-General, who appeared before the Appropriations Committee. They were as to the per diem.

Mr. VILAS. What is the change as to the per diem?

Mr. TELLER. In one case it was $1.50 and it was made $3, and in another place it was $3 and it was made $5. Otherwise the fees are fixed by the Attorney-General.

Mr. PLATT. They do not differ very much.

Mr. VILAS. The fees are as they have been in the past?

Mr. PLATT. They do not differ greatly from the fees at present allowed.

Mr. TELLER. No; I understand they do not differ very materially.

Mr. VILAS. It seems to me a very extraordinary way of legislating to affix a new fee measure upon an appropriation bill of this kind.

Mr. TELLER. It is.

Mr. VILAS. What changes in the present law in reference to commissioners are made by the amendment except to legislate out of office all those who are now in and to provide that the district judge shall appoint for four years, instead of leaving the power of appointment and removal as it now is, with the circuit judges?

Mr. CULLOM. There is not very much change. The present law provides for the appointment of commissioners by the circuit court. The Senator knows that nearly all the business of the circuit court and the district court in the several districts is now conducted by the district judge. He acts as the district judge and circuit judge on the same day, in many instances, and nearly all the business of the commissioners comes under the eye and the supervision of the district court. Therefore it was that the committee believed it was better to change the law so as to provide for the appointment of the commissioners by the district court instead of by the circuit court. The House passed the bill—if I may be allowed to refer to the House—fixing the time on the 1st day of July of this year. The Senate in the first instance changed the time to the 31st day of December of this year. In the last consideration of the bill by the conferees of the two Houses we extended the time to the 30th of June, 1897, a year from the coming June.

Those are all the changes, except that the original provision required that—

It shall be the duty of the district court of each judicial district to appoint such number of persons, to be known as United States commissioners, at such places in the district as may be designated by the Attorney-General.

The conferees thought it was not necessary that the Attorney-General should have the power of designation, but that it belonged more properly to the district court holding the court where the commissioners are serving. That is the only change that has been made by the conferees of the two Houses since the bill was first reported and passed, except as indicated in reference to fees by the Senator from Colorado [Mr. TELLER], who is one of the conferees.

As I said a while ago, there was some complaint that it was very convenient to have deputy clerks act as commissioners; that they made very good commissioners, and ought to be eligible to appointment as commissioners, as heretofore, as well as clerks; and the conferees in the last consideration of the matter not only provide that clerks shall be eligible to be appointed as commissioners, but that the deputy clerks of the United States courts shall also be eligible upon the approval of the Attorney-General. That is the way the bill stands now.

Mr. VILAS. Mr. President——

Mr. TELLER. Will the Senator from Wisconsin allow me to make a statement?

Mr. VILAS. Certainly.

Mr. TELLER. I think the Senate ought to understand exactly the history of the provisions respecting commissioners.

The other House sent to us a very sweeping provision for a change as to district attorneys, marshals, and commissioners. The Committee on the Judiciary, which took the question of fees under consideration, I think pretty generally were opposed to touching the matter of commissioners at all. The Appropriations Committee were unanimously opposed to it. We struck it out of the bill. But we found when we came to deal with the conferees on the part of the House that it was one of the things they would insist upon. We found also that, while we had prepared a provision to the effect that the Attorney-General should report to Congress a suitable list of fees for commissioners, the present fee measure as it is now in the bill was prepared at the Attorney-General's Office. We made the two changes I have mentioned, raising the per diem in two cases at the suggestion of the Attorney-General. We found the House determined to adhere to that, and we were reluctantly compelled to accede. We attempted then to get rid of the term of four years, which was somewhat objectionable, as we knew, in the Senate, and we found the House conferees determined not to yield upon it. We undertook then to get rid of the objectionable feature, as stated by the Senator from New Hampshire [Mr. CHANDLER], the Senator from New York [Mr. HILL], and the Senator from Connecticut [Mr. PLATT], legislating these people out of office. We found that that was a matter which the House conferees were determined not to yield.

So far as I am concerned as a member of that committee, I was in favor of trimming the provision in the way suggested by the Senator from New York, the Senator from New Hampshire, and the Senator from Connecticut, if I could have had my way. I do not know whether we could secure a change if we should hang out long enough, but it did not seem to me as if we were getting any nearer to it by the efforts we made. We finally thought that if we postponed it for a year the probability was that all the good officers would be reappointed and would continue in office, and if there were any poor and inefficient ones they might be dropped out.

Mr. GRAY. May I ask the Senator from Colorado whether the other House had provided salaries instead of fees for commissioners?

Mr. TELLER. No. They have compiled a list of fees, and in the two exceptions I have mentioned we raised the fees from $3 to $5 per diem in one case, and from $1.50 to $3 in another.

Mr. GRAY. Was it not alleged that in certain sections of the country there were abuses of the fee system running up to $20,000 a year in some cases?

Mr. TELLER. There were complaints, but it was thought that if the commissioners were put under the control of the district judges, who are close to them and know something of their work, there probably would not be very much more abuse. It seemed utterly impossible for us to deal with the subject and to fix their salaries. We did not know how to do it; I do not know how we could do it, and the Department of Justice was not willing to assist us in doing that, at least. I do not see that we are liable, if the report is rejected, to come any nearer to obviating the objections that are raised here than we are now.

Mr. VILAS. I am entirely unable to see from the statements made by the distinguished Senators who have managed the conference on the part of the Senate any substantial gain or advantage that is to be expected from this legislation or any reason why the Senate should yield that reasonable position which it took when, objecting very strenuously to the legislation, it insisted that it should not find its enactment upon an appropriation bill. Nor do I see any reason why the House should be yielded to in respect to a matter of this kind.

Mr. CULLOM. Will the Senator from Wisconsin allow me?

Mr. VILAS. Let me add a word.

Mr. CULLOM. Certainly.

Mr. VILAS. If I understand it, the provision simply means that we first declare to be legislated out of office on the 1st of July next all of the present commissioners, but we leave it to the judges to reappoint them?

Mr. CULLOM. Undoubtedly.

Mr. VILAS. In fact, the district judges have always made the appointments?

Mr. CULLOM. Probably that is true.

Mr. VILAS. The same authority is simply asked once in four years to reappoint the same men. If they ought to be removed, as was well stated by the Senator from New Hampshire, there exist now in the judges both the obligation and the power of removal. Perhaps it is in the circuit judge under the law now. It is true that the district judge usually holds the circuit court now.

I wish to remark, in this connection, that the legislation which was enacted in 1891 for the circuit courts of appeals in this country, seems to me to have worked one very unfortunate result. It has practically deprived the circuit courts of the country of the useful and advantageous service of the circuit judges. When we had only one circuit judge in a circuit we used to have our circuit courts held by circuit judges, and occasionally the justice of the Supreme Court assigned to the circuit participated in holding the court; a very great advantage to the administration of justice. Now, by this system, as the circuit judges have seen fit to construe it in operation, they have deprived the circuit courts of any circuit judges, and they have limited themselves, as I understand it, to the duty of holding the circuit courts of appeals. We have relieved the Supreme Court, not by creating one additional court to take off the extra business, but we have set up nine different courts throughout the United States to do the business only of the surplus accumulation of the Supreme Court, and instead of having one court which will hold a uniform line of decisions, we have now nine separate courts falling into differences of opinion.

Mr. TELLER. If the Senator will allow me, I should like to indorse what he has so well stated in this connection. I think we made a great mistake when we organized the circuit courts of appeals in the way we organized them. In my judgment, the time is not far ahead of us when we will have to make some reformation in that particular.

In the first place, we have nine courts. They are not always agreed as to the decisions they make. Sometimes one makes a decision in one way, and another in another; but we are met now, I think, with the simple question whether under the present conditions the district judge must not hold the court, and there does not seem to be an opportunity for the circuit judges. I do not think they are trying to shirk duty or anything of that kind; but there is work enough put on them. There is more appellate work than there would be if the cases had to come to the Supreme Court of the United States, and there is work enough put on these judges in their various circuits, so that I think they are occupied practically all the time. We shall never have the benefit of the circuit judge any more unless we increase their number very materially.

Mr. VILAS. If the Senator will permit me to interrupt him, I understand the main reason why the circuit judges now decline to hold any circuit courts is because of that provision in the act constituting the circuit courts of appeals which forbids the judge who tried the case below to sit in banc when the case is heard there on appeal or writ of error.

Mr. TELLER. I do not know how it is in other circuits, but I do know as to the eighth circuit, which I know more about than any other. I do not think the circuit judges have the time to hold circuit courts there. It may be otherwise in other circuits. I will say for the judges of that circuit that if they give attention to appellate duties it is all they should be asked to do.

Mr. CHANDLER. In view of what has been said by the Senator from Colorado [Mr. TELLER] and the Senator from Wisconsin [Mr. VILAS] about the injurious results which have come from creating the circuit courts of appeals, it seems to me it would be well to disagree to this conference report and let the conference committee insert some clause which will reconstruct the circuit courts of appeals and cure these defects in our administration of justice. That would be as exactly legitimate legislation upon an appropriation bill as is the clause which has led to this discussion.

I can understand how the conferees on the part of the Senate should yield to the conferees on the part of the House in reference to the fees of United States commissioners, because those fees result in the expenditure of money, and there may properly be a regulation of the expenditure of money upon an appropriation bill. There may be legislation incidental to an appropriation, very

broad legislation incident to an appropriation, upon an appropriation bill. We understand that perfectly well. But this clause for the removal of the court commissioners has not an appropriation in it from one end to the other. The first sentence provides for the removal of the present commissioners on the 31st day of December, 1896, and the last clause is a provision that warrants shall not issue upon the complaint of a private citizen without the consent of the district attorney.

There is not anywhere within the four sides of this report an appropriation of a single dollar of money or any reference whatever to the expenditure of money. It is a naked sword blade inserted into this appropriation bill to cut off the heads of the commissioners, a few of whom ought to be removed, whom the judges, it is said, have not the moral courage to remove, and because the judges who appointed them do not dare to remove them, we forsooth, by legislation upon an appropriation bill, are to cut off their heads all at once.

I repeat, Mr. President—and I call the point especially to the attention of the Senate and of the committee—that there can be no objection whatever to the Senate saying absolutely, "We will not agree to this clause, because it has nothing whatever to do with appropriations." The Senate committee could not well have said that, as I have remarked, as against any appropriation where there was a mere difference as to the size of an appropriation, whether it should be large or whether it should be small, or how it should be expended. In that case the Senate committee would not be authorized to say, "The Senate will not agree, and we will let the bill fail unless the House will recede"; but upon a clause of this kind, which is absolutely vicious legislation, which might just as well annihilate the circuit courts themselves—upon a clause of this kind being presented by the House of Representatives, I submit, Mr. President, that a case is given to us where we are at liberty to say, and where we ought to say, "If you do not recede from this anomalous attempt to legislate there shall be no sundry civil appropriation bill at this session of Congress." I think that may be said without any encroachment upon the rights of the House of Representatives.

Mr. PLATT. I do not want to prolong this debate, but I want to call attention to one result of the conference report, as illustrating the beauties of legislation by conference reports.

Here are the circuit court commissioners, who, the House says, must be legislated out of office, and the House insists upon it. The Senate insists that it ought not to be done upon this bill, and on another bill I am satisfied the Senate would not permit it. Then the conferees get together and they begin to compromise, and our conferees secure the great boon of having these wicked people continue in office a year longer. That is all the conference committee has been able to accomplish.

If these officers ought to be turned out, why not turn them out? I think the House position was right; if they ought to be turned out, let them go on the 1st of July. What is to be gained, what have the conferees gained, what does the Senate gain, what does the country gain, by wresting from the House conferees the privilege of allowing these wicked officers to continue in office for another year?

Mr. CULLOM. Mr. President, I do not care to take up the time of the Senate in further discussion of this report. This is the fourth report which has been made to this body regarding this bill, the one before this having been rejected by the Senate. There were modifications of the bill by the last committee of conference, and we did the best we could.

I wish to say again that all this legislation about marshals and attorneys and commissioners was not the seeking of the conferees on the part of the Senate on this bill. Senators have talked about the subject as though the conferees on the part of this body had discovered this legislation, brought it in here, and forced it upon the Senate. They have not done any such thing. The Senate conferees have dealt with the whole subject as best they could. We have, after a good deal of controversy, arrived at an agreement in reference to attorneys and marshals by a compromise as to their fees or salaries.

I hoped at the beginning that we should get rid of the question of commissioners. As Senators know, we have rejected and refused to agree to it two or three times; but finally we have modified it as well as we could, and arrived at an agreement. I hope that this example will be remembered by the Senate, so that hereafter no such general legislation will be allowed to go upon an appropriation bill. That is where we ought to stand, and I think it is where the Senate ought to have stood first.

Mr. CHANDLER. Why not stand upon it now?

Mr. CULLOM. We have come so near to the jumping-off place that there is no occasion to make any further fuss about it, in my opinion. I will say, now that we have come to this point, that I hope the Senate will approve the report and let the bill go to the President.

Mr. CHANDLER. One word, Mr. President. If this report is now adopted, I personally am a great deal worse off than I should have been if the last report had been adopted, because on this last conference the Senate committee has given away the provision for a register of copyrights, which was about the only good thing there was in the former report, and of which I am very much in favor. That is given away, and this clause, to which I am very much opposed, is agreed to by the conferees.

Mr. TELLER. The copyright provision was given away on constitutional grounds.

Mr. CHANDLER. I do not understand why the Senate committee felt obliged to give away the copyright provision. I think that was a provision inserted originally by the House of Representatives, was it not?

Mr. CULLOM. No.

Mr. TELLER. By the Senate.

Mr. CULLOM. It was our own provision.

Mr. CHANDLER. Very good. That makes the case worse. There does not seem any fair give and take about the conference at all. The provision, which had been carefully drawn up by the Senate for the purpose of restoring order to the copyright department of the Librarian's office—a very wise provision, as I conceive, notwithstanding the constitutional doubts which were raised by eminent constitutional lawyers upon this floor—has gone in this conference. The conferees agreed to it before, but now that is gone—I can not understand how that happened—and this very objectionable provision for cutting off the heads of United States commissioners remains. I can not understand what could have come over the spirit of the dreams of these conferees when they went into this last conference, to be hoodooed by the House members of the conference.

Mr. CULLOM. The Senate rejected the last report by the help of the Senator because that provision was unconstitutional.

Mr. CHANDLER. I suppose the object is to teach us to vote for the first conference report which we can get, so as not to be put in the condition where, like the Sibylline books, the price is advanced at every offer.

But, in spite of all that, I do not make an appeal here to the Senate not to do this great injustice to these circuit court commissioners, not to put the stigma upon them which will follow every one of them as long as he lives, that he belonged to such a vicious body of judicial or semijudicial officers that they were all removed at one fell swoop by a conference committee.

The VICE-PRESIDENT. The question is on concurring in the report of the committee of conference.

The report was concurred in.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I wish to make a report, in order to have it printed and considered to-morrow, from the committee of conference on the Indian appropriation bill. I ask that it may be printed in the RECORD and as a document.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 66.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with amendments as follows: Add at the end of said amendment the following:

"That said commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after such hearing they shall determine the right of such applicant to be so admitted and enrolled: *Provided, however*, That such application shall be made to such commissioners within three months after the passage of this act. The said commission shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said commission shall respect all laws of the several nations or tribes, not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and shall give due force and effect to the rolls, usages, and customs of each of said nations or tribes: *And provided further*, That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

"In the performance of such duties said commission shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, and to send for persons and papers, and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong, and the rolls so prepared by them shall be hereafter held and considered to be the true and correct rolls of persons entitled to the rights of citizenship in said several tribes: *Provided*, That if the tribe, or any person, be aggrieved with the decision of the tribal authorities or the commission provided for in this act, it or he may appeal from such decision to the United States district court: *Provided, however*, That the appeal shall be taken within sixty days, and the judgment of the court shall be final.

"That the said Commission, after the expiration of six months, shall cause a complete roll of citizenship of each of said nations to be made up from their

records, and add thereto the names of citizens whose right may be conferred under this act, and said rolls shall be, and are hereby, made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States courts, as provided herein.

"The Commission is hereby required to file the lists of members as they finally approve them with the Commissioner of Indian Affairs, to remain there for use as the final judgment of the duly constituted authorities. And said Commission shall also make a roll of freedmen entitled to citizenship in said tribes, and shall include their names in the list of members to be filed with the Commissioner of Indian Affairs. And said Commission is further authorized and directed to make a full report to Congress of leases, tribal and individual, with the area, amount, and value of the property leased and the amount received therefor, and by whom and from whom said property is leased, and is further directed to make a full and detailed report as to the excessive holdings of members of said tribes and others.

"It is hereby declared to be the duty of the United States to establish a government in the Indian Territory which will rectify the many inequalities and discriminations now existing in said Territory, and afford needful protection to the lives and property of all citizens and residents thereof.

"Sisseton and Wahpeton Indians: That all the interest due the Sisseton and Wahpeton Indians on March 3, 1896, is hereby appropriated to be paid at once in cash per capita; and hereafter all interest on the permanent fund of said Indians, after deducting the amount expended for education, shall be paid in cash per capita on the 1st day of November of each year.

"Seneca Nation of Indians: That the Secretary of the Interior be, and he hereby is, authorized and directed to ascertain and report to Congress a detailed statement of all the leases made and entered into by the Seneca Nation of Indians, with all persons or corporations, of all lands in the Allegany Indian Reservation in the State of New York, giving an itemized statement of each and every lease now in existence or force, with the date and terms of each lease, and amount or amounts due on each lease."

And the Senate agree to the same.

On amendments numbered 64, 69, and 70 the committee of conference has been unable to agree.

R. F. PETTIGREW,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

J. S. SHERMAN,
CHARLES CURTIS,
GEO. C. PENDLETON,
Managers on the part of the House.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. Mr. President, I venture, notwithstanding the lateness of the hour, to ask the Senate to consider the conference report on the sundry civil appropriation bill, which has been printed. I think it will take but a few moments.

There being no objection, the Senate proceeded to consider the report of the committee of conference on the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

Mr. ALLISON. This conference report is substantially the same report which was agreed to by the Senate a few days ago. The report was voted down in the other House on account of some items it contained. After it was voted down the House took a vote on several matters that were still in controversy, and agreed to certain Senate amendments. The first of these amendments is the one numbered 11, relating to the Los Angeles public building. They agreed also to amendment No. 14, being the St. Albans public building. They also agreed to the amendments of the Senate respecting the Washington City public building. They also agreed to the amendment relating to the Government Printing Office, thus eliminating from future conferences those amendments.

Under the persuasive eloquence of my friend from Florida [Mr. PASCO], transmitted through the CONGRESSIONAL RECORD, the House conferees were convinced that the amendment inserted by the Senate respecting the cemetery in Florida should be agreed to, and instead of the $1,500 which we had compromised on, the House conferees have now agreed to recede from that amendment.

The Senate receded from amendment numbered 183, being the amendment inserted by the Senate relating to the historical publications of General McBride.

The House agreed to recede from amendments numbered 115, 120, 138, 139, 142, 143, and 145, all of which were disagreements in the last conference report and voted down in the other House. The series of amendments I have just named were amendments where we had increased the several items for river and harbor improvements, which will interest the Senator from Pennsylvania and other Senators.

I omitted to mention also that the other House agreed to recede from their disagreement to amendment numbered 190, which is, I think, an amendment relating to the improvement at Mobile, which was also in disagreement in the former conference report.

With the exceptions I have named, I believe all the amendments already agreed to by the Senate are included in this conference report.

Mr. PLATT. What is disagreed to?

Mr. ALLISON. There are a number of amendments still in disagreement, namely, all the amendments, except those I have named, relating to public buildings. I need not enumerate those public buildings. There are perhaps ten or a dozen of them. There are also a number of minor amendments.

The only disagreements of importance, except as to the public buildings, are the amendments proposed by the Senate relating to the lighting and ventilation of the Capitol and the Capitol Grounds. Those are still in dispute.

The Senate also inserted a provision enabling the Government of the United States to take part in the Belgian International Exposition at Brussels, which is to take place next year. The House of Representatives still insists that that amendment should be receded from by the Senate.

There are also the two amendments relating to Garfield and Providence hospitals in this city which are still in disagreement, the House refusing to accede to the proposal of the Senate respecting those two charities.

I believe I have stated all the differences now still pending between the two Houses on this bill.

Mr. DUBOIS. Mr. President, I understand the Senator from Iowa to state that the Senate amendments No. 2 in regard to the public building at Boise City, Idaho, No. 4 at Cheyenne, Wyo., and No. 7 at Helena, Mont., are still in conference.

Mr. ALLISON. They are, all of them.

Mr. DUBOIS. I desire to say, in the beginning, that we appreciate very fully the position taken by the Senate Appropriations Committee, by the Senate, and by the Senate conferees in regard to these public buildings. We understand that they are very much in earnest in having them taken care of in the conference, but I wish the Senate to give our conferees some substantial support.

The facts are that these public buildings in these three capital towns were provided for at the last session of Congress. At this session the capital of Utah has been added. They were put in deliberately by the Senate because there is not a public building in any one of those States. There is not a member of that conference committee who lives in a town as large as Salt Lake City; there is not a member of either Committee on Appropriations who lives in a town, I think, as large as Salt Lake City, where there is not a public building. There is not a town in this country of 60,000 people, like Salt Lake City, which has not a public building. Those capital towns of ours need public buildings, because they have there United States courts, the land offices, the surveyor-general's offices, the clerks, the marshals, the attorneys, collectors of internal revenue, and the post-offices. It will be a saving to the Government to erect these buildings. As I say, there is not a building in any one of those States.

The Senate has passed on this matter before; and I hope, in fairness and justice and for the best interests of the Government, that the Senate will sustain our conferees in asking that these States—at any rate these capital towns—be provided with public buildings.

Mr. PETTIGREW. I wish to ask were not these buildings started by a provision on an appropriation bill? Did we not make an appropriation to buy the sites and fix the cost to begin the erection of the building?

Mr. DUBOIS. Some eighteen months ago the law was passed and the appropriation was made, yet nothing has been done; and now the conferees of the other House desire to cut out the appropriations for the buildings in the towns I have named.

Mr. CANNON. Mr. President, I want to add a few words to what has been said by the Senator from Idaho [Mr. DUBOIS] on this question.

We in the new States appreciate very much the action of the Senate in this matter, and to justify that action and its continuance, and to justify the support of the conferees on the part of the Senate, which is asked by the Senator from Idaho, it is fair to state the circumstances. Utah has no court building. It has cities ranging from 60,000 down. Salt Lake City has at least 60,000 inhabitants. Its post-office does a business approximating $100,000 a year. It has a circuit court, a district court, a land office, a surveyor-general's office, the weather bureau, and the internal-revenue collector or deputy collector. For all these offices the Government pays rent. They are scattered around the city; they are inconveniently located.

The bill proposes to buy a site and to expend this year about $75,000, and it seems to me that economy on the part of the Government and a proper recognition of the claims of all the people residing there justify the request that the conferees on the part of the Senate shall be supported in this matter.

Mr. CARTER. As stated by the Senator from Idaho, these buildings were provided for in the last appropriation act. I am quite sure this matter can not fairly be regarded as a demand for a portion of the public appropriations regardless of merit. In the city of Helena, the capital of Montana, the rents paid by the Government at the present time for buildings, in no sense suitable for the purpose, will amount to from 3½ per cent to 4 per cent interest per annum upon the aggregate cost of the site proposed to be purchased and the building to be erected there.

The limit fixed by the appropriation act one year ago was $150,000 for the site and structure to be erected thereon. When the Supervising Architect undertook the task of providing adequate accommodations for the United States at that point he found that the amount of the appropriation was wholly inadequate to serve the purpose intended. We have the United States circuit and district courts, and the business of the courts in that district is not of a trifling character. Exposed to fire and immediate destruction to-day stand the decrees and records of last year's business relating to something over $300,000,000 worth of property.

now adopted, I personally am a great deal worse off than I should have been if the last report had been adopted, because on this last

judgment of the court shall be

"That the said Commission, after the expiration of six months, shall cause a complete roll of citizenship of each of said nations to be made up from their

The Senate also inserted a provision enabling the Government

ness relating to something over $300,000,000 worth of property.

We insist that the litigants forced into the United States court for an adjudication of their rights can fairly demand of the Government, when they pay costs and submit themselves to the jurisdiction, reasonable provision for the preservation of the records which form the basis of title in many instances.

We do not ask that these appropriations shall be adhered to as a matter of favor to those States, but we do suggest that the State capital, where the United States circuit and district court business is attended to, constitutes an exceptional case and one of an entirely different character from the ordinary public building provided for the accommodation of the post-office in a country town.

We ask the Senate to insist that these three amendments relating to the three public buildings shall be adhered to by the conferees on the part of the Senate. We think that sound public policy demands that this position shall be insisted upon.

Mr. ALLISON. I desire to say a word or two in detail as respects these public buildings.

Mr. HAWLEY. Will the Senator from Iowa allow me to put in another item for him before he is heard on the subject?

Mr. ALLISON. Certainly I will.

Mr. HAWLEY. For twelve or fourteen years, owing to my personal acquaintances, being on the Military Committee, visiting, and so forth, I have been well acquainted at Fortress Monroe; and among the affectionate messages that I always bring to Washington is a request for pity's sake give us a decent post-office. The old thing is rotting down; it is indecent; it is inconvenient. There is a growing business there, a very large business comparatively. There is some mail distributed there. The new great hotel is bringing more business. They have their inspector of customs, who needs a room there, and there is other Government business that will occasionally need accommodation. The commissioner used to wonder why he could not have a place, but I suppose he will have to find a place somewhere else hereafter. They ask to have a new building upon Government ground. It is all Government ground there. It is only a little brick building of $15,000. The measure has gone through the Senate several times. Some misfortune always happens to it. There is a small percentage of voters among the patrons of that office, which is perhaps one of the reasons. I wish the conferees of the Senate would just keep in that little item. It is an act of decency.

Mr. ALLISON. As respects these public buildings, two years ago, or perhaps a year ago, we provided for public buildings at the capitals of the three new States of Idaho, Montana, and Wyoming, appropriating a certain sum of money for the purchase of sites and limiting the cost of the buildings to $150,000 each. The Committee on Public Buildings and Grounds reported these amendments, and they were referred to the Senate Committee on Appropriations. We were told in the committee that the limit of $150,000 would not provide such public buildings and conveniences for the offices of the Government at those points for courts, and so forth, as would be required there. Therefore we increased the limit of cost, and that is the contention of the conferees on the part of the House of Representatives. They insist that because under the rules of the House an increase of the limit of the cost of a public building is new legislation, therefore they can not consent to these amendments. They explained to us that there were a great many other provisions for public buildings lying behind that could not be considered in the House, and that therefore it would be in the nature of ungenerous treatment to provide for a few public buildings.

Mr. HILL. There is provision made for a public building at Los Angeles, is there not?

Mr. ALLISON. There is.

Mr. HILL. That was agreed to. What is that building?

Mr. HAWLEY. A railroad depot?

Mr. ALLISON. No. The House conferees stated that this is legislation, and they can not consent to its application to the other public buildings I have named. The State of Utah coming in last year, we added in the Senate a building to be provided for at Salt Lake, which they also disagreed to; but they disagree also to the extension of the limit of a public building at Kansas City, Mo., where we have appropriated and expended $150,000.

Mr. GRAY. Is not that enough?

Mr. ALLISON. It does not seem to be quite enough. Under the plans and specifications of the architect of that great building it will require an additional $100,000 to complete it. We believed that in that case, where courts are held and where public offices must be provided for, it would be a wise thing for the Government to complete that building; but they will not consent to it.

The same is true of Omaha and St. Paul, where we have expended large sums of money and where the buildings are very nearly completed. We placed on this bill in the Senate an appropriation for a limited reorganization of the great public building in New York City for the convenience of courts and the members of the New York bar, appropriating $60,000 upon the urgent request of the judges there, and I believe the bar association of New York also concurred in the request.

Mr. HILL. That item has got left, has it not?

Mr. ALLISON. No; it is still in disagreement. We endeavored to impress upon our House friends the importance of those alterations, which they will not agree to.

So of Little Rock, where we appropriated $43,000, not to enlarge the limit, but to build an addition to the public building there, made necessary by the large amount of increasing business at that point.

Now, as to Los Angeles, the House itself receded from the amendment appropriating $12,000 to enlarge the post-office building at Los Angeles. The House also receded from its disagreement to the amendment respecting the post-office building in this city, although we did increase the limit $370,000 by our Senate amendment. It was found to be absolutely necessary to increase the limit in order to complete that building in a way suitable for use. That is the situation as respects these public buildings.

Mr. PLATT. Speaking about the repairs or changes in the New York post-office building, have not the House conferees heretofore made it a rule to agree to repairs and changes where they were necessary? Are they not taking new ground on that point?

Mr. ALLISON. They have agreed in several instances to alterations in public buildings, but they insist that all these matters shall go over for the present.

Mr. WARREN. Mr. President, regarding this matter of public buildings, in addition to what has been said let me state that it seems to me the House conferees are hardly in a position to insist upon these buildings going out of the bill, especialy the four that have been mentioned at the four new State capitals. They have already agreed to break the limit upon other buildings, notably the city post-office in Washington and the post-office or custom-house building at St. Albans, Vt. At St. Albans was a building that cost originally $85,000, including the site, which has since partly burned down. Notwithstanding the depreciation which has since occurred, the low price of labor, etc., they now appropriated $70,000 to repair and finish when they have the site and a goodly portion of the old building, and so they really appropriate for a new building. They also agree to a direct appropriation for more land for the public printing establishment, and that, too, when no bill has been passed or even introduced in either House.

In the matter of public buildings for Cheyenne, Wyo., Boise City, Idaho, and Helena, Mont., the original law passed, as has been said, several months ago. During the present session the Senate has passed a bill and sent it to the House making the limit even larger than the limit given in this sundry civil appropriation bill by just the amount necessary to buy the sites. In other words, a bill passed for $300,000 at Helena, $250,000 for Cheyenne, and $300,000 at Boise City, exclusive of cost of sites. That bill covering these buildings went to the House. It was there divided and put in three bills, and it is an open secret, if secret at all—in fact, it has been discussed on the floor of the House, so that I can allude to it—that those three bills have been reported favorably from the House Committee on Public Buildings and Grounds, or at least have been voted upon and remain in committee ready to be reported favorably.

Now, the House and Senate have once consented in a former Congress; the Senate has in this session consented twice to this measure, while the House, through its committee, has at least once consented. The proposed building at Cheyenne will save the Government enough rent to pay a good interest upon its expenditure. The people of Wyoming and of Cheyenne do not ask the Government to place a building there as a matter of charity or purely as a matter of benefit to that city or State. That city has built a capitol building, at a cost of about $300,000, to do the State business in, and I think I will be able to prove by at least two members of the Senate conference committee on this bill that it is as good a building for the money as has been erected in the United States.

The Government having a large amount of business at these cities and paying a large amount of rent, and having their offices scattered at various places, their valuable papers without vaults or safes, it seems to me a matter of economy and good business that the Government should without delay enter at least into the commencement of these buildings.

I understand the committee are asking for but $50,000 apiece for three of these buildings and $75,000 for the site of another. The immediate appropriation for the whole four amounts to but $225,000.

I say that the city of Cheyenne does not ask, nor does the State of Wyoming ask, as a charity, this building from the Government. Why should it? There is not in the State of Wyoming a poorhouse, either State or municipal. There is not in the State of Wyoming a regular, habitual pauper known as such and supported as a pauper in some place of resort. The people of that State may be poor, but they are in a position to be self-supporting. As I said before, Wyoming people think enough of their own valuable public documents and papers and of their own State offices to have already erected a good capital building, a better one than is asked for now from the Government. The Government has to

provide for a district and circuit court and all the court officers, land offices, registers and receivers, surveyor-general's office, a weather station, post-office, and in fact all the offices that exist at any one of the capitals.

There has never been one dollar expended by the United States inside of Wyoming on public buildings, unless it be on Indian reservations or at military posts. This would be the first building. The ledger account as between the United States and Wyoming now shows that, notwithstanding the United States has taken millions of dollars from the State for lands sold to the citizens of that State and from other sources, the State has not received a dollar from the United States in the way of investment in permanent improvements of any kind.

We simply ask now that the United States Government shall give whatever benefit to the State that may arise from its showing sufficient confidence in the permanency of the State to erect therein a building for the Government's own use in the safe and orderly conduct of its business.

Only this, and nothing more.

The PRESIDING OFFICER (Mr. PASCO in the chair). The question is on concurring in the report of the committee of conference.

The report was concurred in.

Mr. ALLISON. I move that the Senate still further insist upon its amendments in disagreement and ask for a further conference with the House.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. ALLISON, Mr. HALE, and Mr. GORMAN were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 710) granting a pension to Ida J. Schwatka, widow of the late Lieut. Frederick Schwatka.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 1436) to quiet title to lands in persons who purchased the same in good faith without notice and for a valuable consideration, and to enable the Government to issue patents on such lands, and that commutations of homestead entries shall take effect from date of settlement, and for other purposes; and

A bill (H. R. 5675) authorizing the construction of a wagon and motor bridge over the Missouri River at St. Charles, Mo.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills:

A bill (S. 3011) for the relief of Nicolai Bros.;

A bill (H. R. 138) granting an increase of pension to Mary E. Hazlip;

A bill (H. R. 248) empowering and directing the Secretary of the Navy to furnish four pieces of condemned cannon to the city of Hastings, Mich.;

A bill (H. R. 468) granting an increase of pension to Mrs. H. J. Kiernan;

A bill (H. R. 1109) granting a pension to Elizabeth Marshall;

A bill (H. R. 2373) granting a pension to Elvin J. Brown;

A bill (H. R. 2602) for the relief of Solomon Hyams;

A bill (H. R. 3007) granting an increase of pension to Michael S. Pettit;

A bill (H. R. 3033) to increase the pension of Elizabeth T. Beall, widow of Benjamin L. Beall, late colonel First United States Cavalry;

A bill (H. R. 3229) for the relief of Hannah Newell Barrett;

A bill (H. R. 3395) granting a pension to Carrie H. Green;

A bill (H. R. 3857) granting a pension to Thomas Brewer;

A bill (H. R. 4275) to increase the pension of Mrs. Annis H. Enochs, widow of Gen. William H. Enochs, from $20 to $50 per month;

A bill (H. R. 4283) granting a pension to Delia A. Marsh;

A bill (H. R. 4598) granting a pension to Mary Cray;

A bill (H. R. 4724) to increase the pension of Mrs. Mary L. Alexshire;

A bill (H. R. 4753) granting an increase of pension to Lambert L. Mulford;

A bill (H. R. 4785) to incorporate the National University;

A bill (H. R. 5175) granting a pension to Nancy Gentry;

A bill (H. R. 5225) for the relief of Mrs. Elizabeth M. Williams, of Monroe County, Tenn.;

A bill (H. R. 5711) granting a pension to Richard P. Pilkington;

A bill (H. R. 5792) granting a pension to Mrs. Julia A. Jameson;

A bill (H. R. 5999) to correct the military record of Elbridge McFadden;

A bill (H. R. 6111) granting a pension to Elizabeth A. Sargent;

A bill (H. R. 6132) granting an increase of pension to Thomas M. Scott;

A bill (H. R. 6134) granting an increase of pension to Caroline E. Purdum;

A bill (H. R. 6293) to increase the pension of Peter Rafferty;

A bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes;

A bill (H. R. 7334) granting an increase of pension to William T. Applegate; and

A bill (H. R. 8184) granting a pension to Jesse McMillan.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 6 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 27, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 26, 1896.

SECRETARY OF LEGATION.

William Franklin Sands, of the District of Columbia, to be second secretary of the legation of the United States at Tokyo, Japan, vice Stephen Bonsal, resigned, to take effect June 8, 1896.

UNITED STATES ATTORNEY.

J. Ward Gurley, of Louisiana, to be attorney of the United States for the eastern district of Louisiana, vice Ferdinand B. Earhart, whose term expires May 27, 1896.

SURVEYOR OF CUSTOMS.

John F. Nash, of New York, to be surveyor of customs for the port of Syracuse, in the State of New York.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Third Lieut. Aaron L. Gamble, of Indiana, to be a second lieutenant in the Revenue-Cutter Service of the United States, to succeed D. J. Ainsworth, promoted.

PROMOTIONS IN THE ARMY.

Cavalry arm.

Lieut. Col. Samuel Storrow Sumner, Sixth Cavalry, to be colonel, May 23, 1896, vice Gordon, Sixth Cavalry, retired from active service.

Maj. Henry Carroll, First Cavalry, to be lieutenant-colonel, May 23, 1896, vice Sumner, Sixth Cavalry, promoted.

Capt. James Montgomery Bell, Seventh Cavalry, to be major, May 23, 1896, vice Carroll, First Cavalry, promoted.

First Lieut. Horatio Gates Sickel, adjutant Seventh Cavalry, to be captain, May 23, 1896, vice Bell, Seventh Cavalry, promoted.

Second Lieut. John Paul Ryan, Third Cavalry, to be first lieutenant, May 20, 1896, vice Gatewood, Sixth Cavalry, deceased.

Second Lieut. Edward Anderson, First Cavalry, to be first lieutenant, May 23, 1896, vice Russell, Seventh Cavalry, retired from active service.

Second Lieut. William Horace Hart, Fourth Cavalry, to be first lieutenant, May 23, 1896, vice Nicholson, Seventh Cavalry, appointed adjutant.

Infantry arm.

Lieut. Col. David Dougall Van Valzah, Twenty-fourth Infantry, to be colonel, May 23, 1896, vice Parker, Eighteenth Infantry, retired from active service.

Maj. Emerson Hamilton Liscum, Twenty-second Infantry, to be lieutenant-colonel, May 23, 1896, vice Van Valzah, Twenty-fourth Infantry, promoted.

Capt. William McCadden Van Horne, Seventeenth Infantry, to be major, May 23, 1896, vice Liscum, Twenty-second Infantry, promoted.

First Lieut. James Dallas Nickerson, Seventeenth Infantry, to be captain, May 23, 1896, vice Van Horne, Seventeenth Infantry, promoted.

Second Lieut. Charles Baldwin Hagadorn, Twenty-third Infantry, to be first lieutenant, May 23, 1896, vice Nickerson, Seventeenth Infantry, promoted.

JUDGE-ADVOCATE-GENERAL OF THE NAVY.

Lieut. Samuel C. Lemly, of the United States Navy, a citizen of the State of North Carolina, to be Judge-Advocate-General of the Navy, with the rank of captain in the Navy, for the term of four years from the 4th day of June, 1896.

ASSISTANT SURGEON IN THE NAVY.

Samuel B. Palmer, a citizen of Georgia, to be an assistant surgeon in the Navy, to fill a vacancy in that grade.

POSTMASTERS.

Mary A. Herrington, to be postmaster at Geneva, in the county of Kane and State of Illinois, in the place of Adeline M. Bunker, whose commission will expire May 27, 1896.

H. E. Blakeman, to be postmaster at California, in the county of Moniteau and State of Missouri, in the place of Lewis W. Barton, whose commission expired December 23, 1895.

Alvah A. Clark, to be postmaster at Somerville, in the county of Somerset and State of New Jersey, in the place of William H. Thompson, whose commission expired February 8, 1896.

Alfred W. Dey, to be postmaster at Asbury Park, in the county of Monmouth and State of New Jersey, in the place of Edmund G. Harrison, whose commission will expire July 18, 1896.

Henry G. Walter, to be postmaster at Lebanon, in the county of Lebanon and State of Pennsylvania, in the place of Asaph S. Light, whose commission expired March 23, 1896.

Harry L. White, to be postmaster at Eldred, in the county of McKean and State of Pennsylvania, in the place of Albert H. Mayo, whose commission will expire May 27, 1896.

John C. Neltnor, to be postmaster at West Chicago, in the county of Dupage and State of Illinois. This nomination is made in consequence of a change of name of the post-office from Turner to West Chicago.

Phoebe Mann, to be postmaster at Carlisle, in the county of Nicholas and State of Kentucky, in the place of Homer B. Bryson, whose commission expired January 21, 1896.

Charles W. Ellison, to be postmaster at Melrose, in the county of Middlesex and State of Massachusetts, his commission having expired May 9, 1896.

Jennie A. Harmon, to be postmaster at Palmyra, in the county of Wayne and State of New York, in the place of Daniel B. Harmon, deceased.

James McCloskey, to be postmaster at Johnsonburg, in the county of Elk and State of Pennsylvania, in the place of George Cooley, whose commission will expire May 27, 1896.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 26, 1896.

UNITED STATES ATTORNEY.

J. Ward Gurley, of Louisiana, to be United States attorney for the eastern district of Louisiana.

POSTMASTERS.

Phœbe Mann, to be postmaster at Carlisle, in the County of Nicholas and State of Kentucky.

Alvah A. Clark, to be postmaster at Somerville, in the County of Somerset and State of New Jersey.

Alfred W. Dey, to be postmaster at Asbury Park, in the County of Monmouth and State of New Jersey.

Augustus N. Cunningham, to be postmaster at East Providence, Providence County, R. I.

UNITED STATES CONSUL.

John Fowler, of Massachusetts, to be consul of the United States at Chefoo, China.

WITHDRAWAL.

Executive nomination withdrawn May 26, 1896.

T. J. Glenn, to be postmaster at Carlisle, in the State of Kentucky.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 26, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read.

The SPEAKER. Without objection, the Journal as read will be approved.

Mr. KEM. I object to the approval of the Journal, and call for the regular order.

The SPEAKER (having put the question on the approval of the Journal). The ayes seem to have it.

Mr. KEM. I make the point of no quorum.

The SPEAKER (having counted the House). One hundred and eighty members are present—a quorum. The ayes have it; and the Journal is approved.

ORDER OF BUSINESS.

Mr. EVANS. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering revenue bills; and pending that motion, I move that the time for general debate on the bill which was before the Committee of the Whole yesterday be limited to 2 o'clock, and on that I demand the previous question.

Mr. BARTLETT of New York. What is the arrangement proposed?

The SPEAKER. The Chair will state the proposition. The gentleman from Kentucky [Mr. EVANS] moves that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of revenue bills; and pending that, he moves that all general debate be closed at 2 o'clock.

Mr. BARRETT and Mr. BARTLETT of New York addressed the Chair.

The SPEAKER (to Mr. BARRETT). For what purpose does the gentleman rise?

Mr. BARRETT. To ask if that motion is now in order pending the call for the regular order?

The SPEAKER. The motion is now in order.

Mr. BARRETT. I wish to offer an amendment.

Mr. EVANS. I have moved the previous question.

The SPEAKER. The question is on seconding the call for the previous question. As many as are in favor of——

Mr. BARRETT. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. BARRETT. Mr. Speaker, I do not think that any member of the House heard the gentleman from Kentucky call for the previous question. I certainly did not.

The SPEAKER. The Chair heard him.

The question having been put on ordering the previous question,

The SPEAKER. The ayes seem to have it.

Mr. BARRETT. I call for a division.

The question being again taken, there were—ayes 91, noes 54.

Mr. BARRETT. I call for the yeas and nays.

The yeas and nays were ordered, 34 voting in favor thereof—more than one-fifth of the last vote.

The question was taken; and there were—yeas 125, nays 89, not voting 141; as follows:

YEAS—125.

Adams,	Doolittle,	Kyle,	Ray,
Aldrich, Ala.	Ellis,	Lacey,	Scranton,
Andrews,	Evans,	Layton,	Settle.
Avery,	Faris,	Leighty,	Shafroth,
Babcock,	Gamble,	Leonard,	Smith, Ill.
Baker, Md.	Gibson,	Lewis,	Smith, Mich.
Bartholdt,	Grosvenor,	Linney,	Sorg,
Bell, Tex.	Grow,	Little,	Southard,
Berry,	Hadley,	Loud,	Stahle,
Bishop,	Hager,	Low,	Stewart, Wis.
Blue,	Hainer, Nebr.	McCall, Tenn.	Stone, C. W.
Broderick,	Hall,	McCreary, Ky.	Strode, Nebr.
Brosius,	Harmer,	McCulloch,	Strong,
Brown,	Harris,	McDearmon,	Tawney,
Buck,	Harrison,	McLachlan,	Tayler,
Burrell,	Hart,	McRae,	Terry,
Burton, Mo.	Hatch,	Mercer,	Thomas,
Burton, Ohio	Henderson,	Miles,	Tracewell,
Cannon,	Hendrick,	Miller, W. Va.	Turner, Ga.
Clark, Iowa	Henry, Ind.	Milliken,	Underwood,
Cobb,	Hermann,	Milnes,	Van Voorhis,
Cooke, Ill.	Hilborn,	Minor, Wis.	Walker, Va.
Cooper, Fla.	Hopkins,	Mondell,	Washington,
Cousins,	Hubbard,	Neill,	Watson, Ohio
Crump,	Hulick,	Noonan,	Wilson, Idaho
Curtis, Kans.	Hyde.	Odell,	Wilson, Ohio
Dalzell,	Jenkins,	Otjen,	Wilson, S. C.
Danford,	Johnson, N. Dak.	Overstreet,	Wood,
Daniels,	Kerr,	Payne,	Wright.
Denny,	Kiefer,	Pearson,	
De Witt,	Kirkpatrick,	Pendleton,	
Dingley,	Kleberg,	Phillips,	

NAYS—89.

Allen, Utah	Fitzgerald,	Loudenslager,	Shuford,
Apsley,	Fowler,	Maguire,	Simpkins,
Atwood,	Gardner,	Marsh,	Skinner,
Bailey,	Gillett, Mass.	McCall, Mass.	Spencer,
Baker, Kans.	Griffin,	McClellan,	Strait,
Baker, N. H.	Grout,	McEwan,	Strowd, N. C.
Bankhead,	Hardy,	McLaurin,	Sulloway,
Barrett,	Hartman,	Meredith,	Sulzer,
Bartlett, Ga.	Henry, Conn.	Money,	Swanson,
Bartlett, N. Y.	Hill,	Moody,	Talbert,
Bell, Colo.	Hooker,	Morse,	Tate,
Bennett,	Howard,	Otey,	Towne,
Calderhead,	Howe,	Parker,	Treloar,
Clardy,	Howell,	Pickler,	Tucker,
Clark, Mo.	Hunter,	Pitney,	Updegraff,
Colson,	Hurley,	Poole,	Wadsworth,
Cooper, Tex.	Johnson, Cal.	Powers,	Walker, Mass.
Cooper, Wis.	Jones,	Quigg,	Walsh,
Crowther,	Kem,	Richardson,	Wilson, N. Y.
Cummings,	Knox,	Royse,	Woodard.
De Armond,	Latimer,	Russell, Conn.	
Erdman,	Lester,	Shannon,	
Fenton,	Linton,	Sherman,	

NOT VOTING—141.

Abbott,	Catchings,	Downing,	Hitt,
Acheson,	Chickering,	Draper,	Huff,
Aitken,	Clarke, Ala.	Eddy,	Huling,
Aldrich, Ill.	Cockrell,	Ellett, Va.	Hull,
Allen, Miss.	Codding,	Elliott, S. C.	Hutcheson,
Anderson,	Coffin,	Fairchild,	Johnson, Ind.
Arnold, Pa.	Connolly,	Fischer,	Joy,
Arnold, R. I.	Cook, Wis.	Fletcher,	Kendall,
Barham,	Corliss,	Foote,	Kulp,
Barney,	Cowen,	Foss,	Lawson,
Beach,	Cox,	Gillet, N. Y.	Lefever,
Belknap,	Crisp,	Goodwyn,	Leisenring,
Bingham,	Crowley,	Graff,	Livingston,
Black, Ga.	Culberson,	Griswold,	Lockhart,
Black, N. Y.	Curtis, Iowa	Halterman,	Long,
Boutelle,	Curtis, N. Y.	Hanly,	Lorimer,
Bowers,	Dayton,	Heatwole,	Maddox,
Brewster,	Dinsmore,	Heiner, Pa.	Mahany,
Bromwell,	Dockery,	Hemenway,	Mahon,
Brumm,	Dolliver,	Hepburn,	McCleary, Minn.
Bull,	Dovener,	Hicks,	McClure,

McCormick,	Price,	Spalding,	Wanger,
McMillin,	Prince,	Sparkman,	Warner,
Meiklejohn,	Pugh,	Sperry,	Watson, Ind.
Meyer,	Raney,	Stallings,	Wellington,
Miller, Kans.	Reeves,	Steele,	Wheeler,
Miner, N. Y.	Reyburn,	Stephenson,	White,
Moses,	Robertson, La.	Stewart, N. J.	Wilber,
Mozley,	Robinson, Pa.	Stokes,	Williams,
Murphy,	Rusk,	Stone, W. A.	Willis,
Newlands,	Russell, Ga.	Taft,	Woodman,
Northway,	Sauerhering,	Thorp,	Woomer,
Ogden,	Sayers,	Tracey,	Yoakum.
Owens,	Shaw,	Turner, Va.	
Patterson,	Snover,	Tyler,	
Perkins,	Southwick,	Van Horn,	

So the previous question was ordered.

The following pairs were announced:

Until further notice:

Mr. HEATWOLE with Mr. HUTCHESON.

Mr. BROMWELL with Mr. DOWNING.

Mr. FOSS with Mr. ELLETT of Virginia.

Mr. KULP with Mr. WHEELER.

Mr. BINGHAM with Mr. DOCKERY.

Mr. GOODWYN with Mr. COWEN.

Mr. ARNOLD of Pennsylvania with Mr. LIVINGSTON.

Mr. LEFEVER with Mr. TYLER.

Mr. CORLISS with Mr. MOSES.

Mr. JOHNSON of Indiana with Mr. COX.

Mr. SNOVER with Mr. MADDOX.

Mr. BOWERS with Mr. MINER of New York.

Mr. HULL with Mr. OGDEN.

Mr. WILLIAM A. STONE with Mr. BLACK of Georgia.

Mr. COFFIN with Mr. LAWSON.

Mr. STEPHENSON with Mr. DINSMORE.

Mr. MEIKLEJOHN with Mr. ROBERTSON of Louisiana.

Mr. DALZELL with Mr. CRISP.

Until June 3:

Mr. TRACEY with Mr. SAYERS.

For this day:

Mr. WILBER with Mr. STALLINGS.

Mr. HEMENWAY with Mr. CATCHINGS.

Mr. WOOMER with Mr. RUSSELL of Georgia.

Mr. TAFT with Mr. ABBOTT.

Mr. CROWLEY with Mr. CODDING.

Mr. HICKS with Mr. LOCKHART.

Mr. BOUTELLE with Mr. MCMILLIN.

Mr. HITT with Mr. CLARKE of Alabama.

Mr. BRUMM with Mr. PRICE.

Mr. BULL with Mr. RUSK.

On this vote:

Mr. WELLINGTON with Mr. ALLEN of Mississippi.

The result of the vote was announced as above recorded.

The question recurring on the motion of Mr. EVANS that the debate be closed at 2 o'clock in Committee of the Whole, on a division (demanded by Mr. BARRETT) there were—ayes 91, noes 30.

Mr. KEM. No quorum.

The SPEAKER. The Chair overrules the point of no quorum, as 213 members have just voted.

So the motion to limit debate to 2 o'clock was agreed to.

The question recurring on the motion of Mr. EVANS that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of revenue bills, it was agreed to.

ALCOHOL IN THE ARTS.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SHERMAN in the chair.

Mr. EVANS. The gentleman from Iowa [Mr. DOLLIVER] will occupy the time.

Mr. RUSSELL of Connecticut. Before the gentleman proceeds, I would like to inquire of my colleague as to how he proposes to divide the remaining time.

Mr. EVANS. I suppose your side has had an hour and a half, while our side has occupied but fifty five minutes. Suppose we divide the remaining time, we taking forty-five minutes and you taking the remainder.

Mr. MCMILLIN. I would like to have a little of the time myself, I would state to the gentleman from Kentucky.

Mr. EVANS. The gentleman from Connecticut will see the pressure that is brought to bear upon me——

Mr. RUSSELL of Connecticut. There is the same pressure on me. May I ask how the time has been consumed?

The CHAIRMAN. The affirmative have occupied fifty-five minutes, and the negative, the side represented by the gentleman from Connecticut, has occupied one hour and twenty-five minutes.

Mr. RUSSELL of Connecticut. I would suggest that my colleague on the committee allow the remaining time to be divided equally.

Mr. EVANS. Suppose we take fifty minutes and you take the remainder.

Mr. RUSSELL of Connecticut. That would not be sufficient. If the gentleman will permit me, I hope he will make another distribution of the time.

Mr. EVANS. I would suggest that you allow us forty-five minutes, then, and you take the remainder.

Mr. RUSSELL of Connecticut. We shall need at least an hour.

Mr. EVANS. If there was that much time I would be willing to do so. I suggest that we occupy forty minutes and you occupy the balance. Would that be satisfactory?

Mr. RUSSELL of Connecticut. Well, we will have to submit to it; it is the best we can get.

Mr. EVANS. Then I suggest that we will occupy forty minutes, and the remainder of the time, being thirty-five minutes, will be occupied by your side.

The CHAIRMAN. In the absence of objection, the Chair will regard that arrangement as acceptable to the committee.

There was no objection.

Mr. DOLLIVER. Mr. Chairman, I do not believe that it is necessary for those of us who are in favor of the pending bill to go further in defending the policy of the Ways and Means Committee of the House than to quote the admissions that were made on the floor during the discussion on yesterday by my colleague on the committee, the distinguished gentleman from Connecticut [Mr. RUSSELL]. He said, and that is all that we have claimed, that section 61 of the act of 1894 is "crude and faulty." He says that the repeal of section 61 is justifiable because of the fact "that it is crude and possibly impossible of execution." He admits that section 61 of the act of 1894 is not only crude but it is impracticable and can not be executed, and that it "would cause frauds on the revenue" if this law exempting alcohol for use in the industrial arts from the internal-revenue tax were kept on the statute book.

Now, what more could any man claim in behalf of the bill which is now pending? It is without dispute, measured by the wisdom of both political parties, that this provision for the exemption of alcohol used in the industrial arts from the internal-revenue tax upon distilled spirits is wholly impracticable. That was the opinion of the Republican Commissioner of Internal Revenue in the last Administration. That was the unanimous opinion of the Ways and Means Committee of the Fifty-first Congress, and it is the opinion of the present Commissioner of Internal Revenue. It was the unanimous opinion of this House in the last Congress, after the Wilson bill had passed, and it is the unanimous opinion, if the admissions made by the gentleman from Connecticut may be counted, of the Ways and Means Committee of the present Congress. That being true, what is the situation of the Government at this time?

We say that this section ought to be repealed because, unless that is done, we are inviting a mountain's weight of claims against the Treasury of the United States. And for whose benefit, Mr. Chairman? Why should this section be retained in the law? Certainly not for the benefit of the manufacturers, because they are required by the section to pay an internal tax and no regulations are in force for the rebate of the tax paid on alcohol used in the industrial arts. It is not for the benefit of the American public, because everybody knows that the uncertainty about the collection of that rebate has prevented the manufacturer from extending to his customers any advantage whatever by reason of this law. The law as it stands helps nobody, and the admission, candidly and fairly made yesterday by my colleague [Mr. RUSSELL of Connecticut], that it ought to be repealed ought to be very influential in the settlement of this dispute.

Therefore we say, appealing for the vindication of our judgment to the common opinion of all political parties, of experts of both Administrations, appealing to the judgment of the Ways and Means Committee in every House since the Forty-ninth Congress, that this section 61 ought to be repealed without delay. But my friend from Connecticut [Mr. HILL] comes forward and says to us, if this is repealed—

> Dare the gentlemen from the grain-raising States go back to their constituents and tell them that the only tariff legislation that they have succeeded in passing was to put the highest tax in all the world upon the farmer's grain, and thereby narrow the market which the Wilson tariff bill by accident had broadened?

I will say to my friend from Connecticut [Mr. HILL] that the repeal of this section has no connection whatever with the tariff question. The tariff question is not involved here. The only question is a plain business proposition, as to whether a section of the law of 1894 which we have a prospect of repealing, a section which, by the admission of my friend from Connecticut, is crude, impracticable, and ought to be repealed——

Mr. HILL. I do not wish to be put in that position. I did not say that.

Mr. DOLLIVER. I referred to my colleague on the Ways and Means Committee [Mr. RUSSELL of Connecticut]. The question is whether we ought to be put in the position of leaving that section on the statute book when, by the admission of my colleague [Mr. RUSSELL of Connecticut], it is crude, impracticable, and ought to be repealed.

But he says before we repeal it we ought to pass some more

The SPEAKER. The Chair will state the proposition. The gentleman from Kentucky [Mr. EVANS] moves that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of revenue bills; and pending that, he moves that all general debate be closed at 3 o'clock.

Bartine, N. Y.	Curtis, Iowa	Hainer,	Long,
Boutelle,	Curtis, N. Y.	Hanly,	Lorimer,
Bowers,	Dayton,	Heatwole,	Maddox,
Brewster,	Dinsmore,	Heiner, Pa.	Mahany,
Bromwell,	Dockery,	Hemenway,	Mahon,
Brumm,	Dolliver,	Hepburn,	McCleary, Minn.
Bull,	Dovener,	Hicks,	McClure,

league on the committee allow the remaining time to be divided equally.

Mr. EVANS. Suppose we take fifty minutes and you take the remainder.

Mr. RUSSELL of Connecticut. That would not be sufficient.

is whether we ought to be put in the position of leaving that section on the statute book when, by the admission of my colleague [Mr. RUSSELL of Connecticut], it is crude, impracticable, and ought to be repealed.

But he says before we repeal it we ought to pass some more

suitable measure relative to the matter in order to do justice to legitimate manufacturing interests. I admit fully the force of his contention, and if we were not entirely at the mercy of an opposition Senate and a hostile Executive I would cheerfully follow my friend in his efforts to promote the prosperity of the great industrial interests for which he speaks.

But I undertake to say—and I address myself to Republicans on this floor—that no man of us who really weighs the political situation in which we are placed ought to stand in this House and lecture the Ways and Means Committee, or the Republican majority, for not having tried to move on party lines against the inert Populistic mass called the Senate, and the inert Democratic mass called the President. [Applause and laughter.] It takes at least three branches of Government in this country to put any kind of a political measure through; and at present the Senate and the President are against this House. I will not rail at the Senate. If it had not been for the fact that it requires three branches of legislation to do business in the United States, the programme of free trade, which my friend from Connecticut [Mr. HILL] laments, would have come to fruition in this country twenty years before it did. For all these years the Senate alone stood between the people and the impending threat, and for four of those years, from 1885 to 1889, the Senate alone steadied the business of the American people in the midst of free-trade proclamations from the White House and free-trade majorities on this floor.

I belong to an old-fashioned school of theology which believes that Providence, in all these years, was holding the Democratic party in check, and used Brother Wilson, somewhat diluted and modified by Brother GORMAN, for the purpose of setting up in the United States an object lesson in practical economics that should bring the American people, as the old preachers used to say, to a realizing sense of their lost condition. [Laughter.] Notice, for example, how long the object lesson was put off and postponed. If it had come before the waste and extravagance of the period of the civil war had been repaired, before a disordered currency had been restored, before a promise to pay that still occupies a prominent position on the face of every paper dollar of the United States had been kept, a thousand explanations would have befogged the inquiring citizen, and nobody would have known either the meaning or the purpose of the visitation.

If it had come before we had had a reasonably long experience with the protective tariff, operating upon the basis of a sound currency, the educational effect of it would have been limited, because we should not have been in a position to appreciate the blessings we had cast away. As it was, Providence gave us ten years of protection, from 1880 to 1890, years of comparative plenty, years of industrial growth, years of good markets for the farmer, years of good customers for the factory, years in which American manhood was lifted up into the largest and most hopeful outlook since the primeval benediction, "In the sweat of thy face shalt thou eat bread."

And yet the clamor still continued in this country. Walking delegates were going in carriages from factory to factory and from farmhouse to farmhouse, preaching the gospel of discontent, and from their easy chairs here in this Capitol, with the studied reiteration of the patent-medicine advertisement, to which so many of our colleagues have lent the light of their countenance [laughter], Democratic statesmen were telling the American people that their case was hopeless and that all that would save them would be the immediate application of the favorite Democratic prescription.

In my own State, for example, a land whose chief industries depend entirely on the farm, a land which I have sometimes thought merits the tribute that Homer paid to Argos when he called it the breast of Greece, because it furnished food for the whole nation, we had, by an accident that sometimes happens even in well-regulated communities, a Democratic governor, Horace Boies.

All his lifetime, even down to old age, he had been a Republican, looking through the dust and cobwebs of a country law office for a place on the ticket, until patience finally was regarded by him no longer as a real virtue, and so he joined himself to that portion of the population which believed that the corkscrew is the most essential device in the mechanism of civilization; and as an anti-prohibition Republican he was selected to lead the Democratic party to victory. [Laughter.] And he led it to victory; a victory "cheap and nasty"; exactly the kind of victory that is not very much better than defeat.

Hardly had he got seated in his office before his horizon began to widen. He saw at once that while a local dispute about the legal status of the town pump was a large enough question to get in on, it was hardly great enough to feed the aspiration of an immortal soul [laughter]; so he enlarged his horizon, or at least shifted it, and at the first opportunity carried his laurels to the city of New York, and laid them down at the annual dinner of the Tariff Reform League. He got from one J. R. Sovereign (a gentleman now grown obsolete as the head of a labor organization on whose assessments he manages to live in a style becoming the leisure he has always enjoyed), certain alleged statistics of the condition of industry in the State of Iowa.

He went to the banquet with the material prospects of our great State done up in a rag bag and sat down between Grover Cleveland and Mr. Carlisle and put the rag bag under his chair. Mr. Cleveland, then a private citizen, was the first speaker; Mr. Carlisle, then the junior Senator from the State of Kentucky, followed, both of them sticking close to the text of tariff reform. To the mind of both of these great men the people and their welfare were separated exactly as "to the Jews old Canaan stood, while Jordan rolled between" [laughter], and with them Governor Boies agreed. Not a word was said about the money question and not a word about silver. When he rose to speak he reached under his chair and took out of his rag bag—then and ever since the faithful traveling companion of his politics—and I will read the conclusion of what he said:

> I have spoken of the condition of agricultural industries in my own State. I have called attention to the fact that for years these industries have been prosecuted at a loss, instead of a profit, and I affirm without fear of contradiction that there is no State in this Union where the great staples of agriculture—the productions that supply the necessary food of man and beast—can be more cheaply produced.

He declared that the tariff had ruined agriculture, and ended by warning his hearers—

> to prepare for a storm the consequence of which in both a political and economic sense no man can measure.

I have read his words, not for the purpose of entering into an argument as to the truth of them, but solely for the purpose of showing how graciously Providence, knowing that the people of America were about to throw away the protective tariff, purposed to give them one up to date, with all the modern prosperity-producing improvements. In response to that purpose, I think, the Fifty-first Congress came together. It was a Republican Congress through and through. In the chair sat THOMAS B. REED, great in council, splendid in courage, magnificent in action. [Applause.] At the head of the table yonder, in Ways and Means, sat William McKinley, of Ohio [applause], the colored map of whose political victories, made out, I believe, by the gentleman from Ohio [Mr. GROSVENOR], would seem to indicate that he has carried nearly everything on this continent except the Gulf of California and the Great Lakes. [Laughter.] Around him sat the strong men of his party—Bayne of Pennsylvania, now gone out of the noise of time; McKenna of California, now a circuit judge of the United States; Lafollette of Wisconsin, young and eloquent champion of our cause; GEAR of Iowa and BURROWS of Michigan, fruitful in industry and knowledge, translated now, both of them, to that elysium of our politics where the wicked cease from troubling and the weary are at rest [great laughter and applause]; PAYNE of New York and Governor DINGLEY of Maine, still splendid leaders among us—men whose comprehensive grasp of great affairs has won for them a place among the notable political figures of our time. [Applause.] From that committee, not as the product of one man's wisdom, but of the wisdom of all, came the tariff law of 1890.

It passed this House without a dissenting vote. It went to the Senate and was there shaped under the hands of experienced statesmanship. It took on provisions for reciprocity with the commercial world, fresh from the genius of James G. Blaine. [Applause.] It went to the conference committee, was carefully considered, and came back to receive every Republican vote in the House and in the Senate; and afterwards the President of the United States, with a pen that has become an heirloom in the household of our faith, added to it the commanding signature of Benjamin Harrison. [Applause.] It was a courageous thing to do, to pass a law touching every man's business and go to the people in a general election within a month. The Republican party was brave enough to do it. But that little month was long enough to call forth all the legions of calumny and false pretense. Every line of the bill was belied, every sentence of it was distorted, and in the tumult created by the panic-stricken importers, jobbers, and bargain-counters of the country, the splendid political phalanx that stood by the side of REED in his quorum insurrection of 1890 [laughter], and that voted to a man with McKinley on the motion for the previous question on the conference report, melted away into private life, and saw their places taken by the most grotesque assortment of political freaks that ever contributed to the gayety of nations. [Great laughter and applause.]

Even McKinley himself, who gave his name to the bill, had the experience of being burnt in effigy at Sheffield on the same day that the Democracy defeated him for Congress in Ohio. [Laughter and applause.] But the purpose of Providence was not to be turned aside. Hardly had the tumult of politics quieted before business resumed its normal condition. Prices, instead of going up, went down, or at least were equalized; men, instead of losing employment, were happy in new industrial opportunities, and American business in every department of it responded to conditions the most satisfactory that ever existed in the whole history of the Republic if not in the record of the human race. The object lesson of prosperity was complete. It was palpable enough even to create a proper impression on the mind of our friend Governor Boies, whom we left a short time ago in New York sitting between Mr. Cleveland and Mr. Carlisle; for he delivered a message to the

legislature of Iowa, January 13, 1892, beginning with words which I wish to read here for the purpose of preserving them in the political records of the day. He said:

> A provision in the constitution of our State directs that the governor shall convey to the general assembly information concerning the condition of the State and recommend such legislation as he deems expedient. In discharging this duty it is my pleasant privilege to say that at no time in the history of Iowa have her people been blessed with more general prosperity than they now enjoy. Every form of industry, every branch of business, has felt the influences of conditions so favorable to us. With increased prices for the products of our farms has come a substantial advance in the value of agricultural lands in our State. A marked impetus has been given to the upbuilding of cities and towns. An era of prosperity has come to our manufacturing and mining industries. Our lines of railway have felt the influence of better prices for the great staples we are able to send abroad, and wherever we turn in every branch of industry, trade, or profession in which our people are engaged are to be seen unmistakable evidences of the general prosperity with which our people are blessed.

Mr. MCMILLIN (during the reading of the foregoing extract). Mr. Chairman, if the gentleman will permit me to interrupt him for a moment, I have been informed by the Chair that the arrangement has been made to give the gentleman from Iowa the time, which I hardly think is fair when it is to be exhausted not in a discussion of the measure before the committee, but in a political discussion altogether foreign to the measure and which is not to be answered on this side. I want simply to enter my protest, and I think the gentleman's sense of fairness will lead him to see the justice of it.

Mr. DOLLIVER. Mr. Chairman, I will say to my friend from Tennessee that I recognize the propriety of his suggestion, and that I intend to occupy only a few minutes more.

Think of it! Less than two years—hardly more than one year; yet it was long enough to turn the rags of our misery into the royal purple of prosperity! Now, it would almost seem that the dramatic unity of the narrative would require that I should tell you that Governor Boies, his backslidings having been healed, had been trying to get the people of our State and of the country back over the main traveled road to the industrial conditions which prevailed in 1892. I regret that I am compelled to state that the governor's point of view has again widened, or at least shifted, and that he is now engaged in trying, with more or less local success, to induce the people to change the treatment and wind up our worldly affairs by the unlimited coinage of silver dollars out of material now worth 51 cents, in order that our people may use such of these coins as they can get hold of in going through the motions of paying their debts. [Laughter.] I regret to have to say this, and I have put this message forward only to show how easily a good political leader is able to forget the blunder of 1892 in his new-born interest in the crime of 1873.

Now, a word more. I do not suppose that we can put through this Congress any tariff legislation. It is reasonably certain, however, that we can put through this Congress the legislation which this bill proposes. And I do not think that we should hesitate to do our part. I do not believe that we, as Republicans, since the opportunity has come to correct this evil of the law of 1894, ought to shrink from the duty and responsibility of saving the Treasury of the United from the accumulation of claims under a law which I have already suggested benefits no manufacturing industry in its present shape and is of no possible benefit to the consuming millions of the United States. [Applause].

I reserve the remainder of my time.

Mr. EVANS. Mr. Chairman, I suggest now that the gentlemen on the other side proceed with their thirty-five minutes. We have fifteen minutes remaining, the whole of which, if possible, I shall yield to the gentleman from Tennessee.

Mr. RUSSELL of Connecticut. Mr. Chairman, the gentleman from Iowa [Mr. DOLLIVER] having presented to this committee a very picturesque political kaleidoscope, including the political migrations of Governor Boies, I hope now that the committee may be favored with a return to the discussion of the subject-matter in hand. [Applause.]

I yield ten minutes to the gentleman from Massachusetts [Mr. KNOX].

Mr. KNOX. Mr. Chairman, during the speech just concluded I came to an understanding of why it was that the gentleman who has this bill in charge was so anxious to close this debate at 2 o'clock, instead of allowing the extended time that was desired. The reason is perfectly apparent—that they have got through discussing this measure which is before the House, and on which this House will soon be called upon to vote, and have gone to talking general politics, especially Western politics, and that in the State of Iowa.

Now, I think that such a political harangue as that will be a very poor answer when the question is asked by the various industries affected and to be affected, "Why was the repeal of section 61 necessary?" Some better reason than anything offered by the gentleman from Iowa will be required. Now, I do not propose to take up the time of this committee at any length, for two reasons. In the first place, the arguments upon this side of the case were very admirably and very ably stated yesterday by the gentleman from Connecticut [Mr. RUSSELL]. In the second place, we have got to a point in the session where time is of some consequence. But, notwithstanding all that, and notwithstanding the speech of the gentleman from Iowa, I would be willing to enter now upon a general revision of very many provisions of the Wilson bill, conscious that if any practical result were attained there is no work that we could perform that would be of such benefit to the people, and none which is so universally and so earnestly demanded. It might not be an entirely useless task, even though such a bill could not pass the Senate or receive the approval of the President. We should, Mr. Chairman, have a Republican bill, drawn and completed on Republican principles, ready to be offered when the extra session of the Fifty-fifth Congress comes in, in March, 1897, without compelling the people to wait till the coming fall for such provision to be had. [Applause.] We have very little to do, in the discharge of our duty, with the Senate; and we have very little to do with Grover Cleveland.

But, Mr. Chairman, I am opposed to any partial or piecemeal change in the present law. I am opposed to the repeal or substantial change of any of its important provisions without changing other important provisions, especially those which relate to the very enactments sought to be changed. I say it is not right or just to repeal this section and give no consideration whatever to the other provisions of our tariff and revenue laws which depend upon it and are connected with it. The rates of duty upon many articles of manufacture, it is to be presumed, were considered in relation to this tax upon alcohol. If that is not so, then it is fair to presume that when the tax on alcohol was fixed its effect upon these articles was considered. We at one sweep undertake to repeal this single section, caring nothing and considering nothing as to what or whom it affects in this country. Now, we have done very little for the manufacturers of this country. We have done nothing for its industries. Let us be very careful that we do not, in addition to that failure, strike a blow and do an injury to already existing industries.

Mr. Chairman, is this an important provision of the present tariff law—the internal-revenue portion of it? It is said in the report of this committee that the estimate made of the alcohol likely to be claimed under the act is 10,000,000 gallons per annum—a total for the fiscal years 1895 and 1896 of 20,000,000 gallons—making a tax of about $10,000,000 per annum. Is it not, then, an important provision that proposes to place now upon the industries of this country—burdened, struggling, trodden down to the ground—an additional burden of $10,000,000 a year?

Is it not of some consequence that we render them to that amount just so much less able to compete with the manufacture of articles in which alcohol enters that come into this country from abroad?

But it is an important provision, Mr. Chairman, in other respects, in that it is a practical declaration of a Republican doctrine that we shall reduce our revenue taxation as fast as possible and look for our revenue to the duties laid on imported articles.

We have now got this general provision incorporated into the law. I say to you if it is taken out no man can tell when, if ever, it will get back. We have got it. If there are faults under it, let us provide for them; let us amend the act; but let us retain the principle, and not lose what we have already gained.

What are the reasons offered for the repeal of the provision? If you will read the whole report of the Committee on Ways and Means through, you will find that four reasons are assigned. In the first place, that no rules can be framed under it; in the second place, it is not the consumer that gets the benefit; third, that we need the revenues, and fourth, because of the wood-alcohol trust. The second and third arguments are all contained in the first one, and there is no reason, when you analyze the report, why this should be done except that the regulations can not be framed under it, and second, that it should not be repealed because it would be in contravention of the wood-alcohol interest. Analyze it, and you will find that it all comes down to these two provisions.

Now, in regard to the inability to frame regulations, let us consider that for a moment. Under the section I submit to the House, and to the able gentlemen upon the Ways and Means Committee, as well as to the distinguished lawyers in this committee, that this section is drawn strongly in favor of the Government; that if you had the general doctrine which is therein embodied and incorporated in the internal-revenue laws you could not draw a section more in the interest of the Government and against the manufacturer who has to receive the article. You provide, for instance, in the first place, that he shall pay the tax before receiving the commodity. The money gets into the hands of the financial officers of the United States. It is to be gotten out by the manufacturer from the possession of the Government. How is he to do it? He can only get it under the language of the section, by "satisfying" somebody. No method of proof is prescribed, no kind of evidence is laid down by which he is to do it; but he can only receive the money back by satisfying——

Mr. WALKER of Massachusetts. Bowler. [Laughter.]

Mr. KNOX. No; the Supreme Court satisfied Bowler. This is

assessments he manages to live in a style becoming the leisure he has always enjoyed), certain alleged statistics of the condition of industry in the State of Iowa.

to create a proper impression on the mind of our Private Boies, whom we left a short time ago in New York sitting between Mr. Cleveland and Mr. Carlisle; for he delivered a message to the

In the first place, the arguments upon this side of the case were very admirably and very ably stated yesterday by the gentle-

Mr. WALKER of Massachusetts. Bowler. [Laughter.]

Mr. KNOX. No; the Supreme Court satisfied Bowler. This is

unfortunately apparently a "Bowler" game to prevent the Government from paying its just dues. That seems to be what it is.

But I say you have got to satisfy somebody. Now, when you have this general provision, why is it that regulations can not be framed to carry those provisions out? [Applause.]

[Here the hammer fell.]

Mr. RUSSELL of Connecticut. I now yield ten minutes to the gentleman from New Jersey [Mr. PARKER].

The CHAIRMAN. The committee will be in order.

Mr. PARKER. I thank the Chairman, I thank the gentleman from Connecticut, who has been only able, however, to give ten minutes to the Representative of the second manufacturing district of the United States in defense of its industries.

I have nothing, Mr. Chairman, but respect for the gentlemen who urge the passage of this bill, but if I judge by the last speech for it, I would say, with all due deference, that they do not understand it. I want to give you some facts in connection with the matter. It is a protective measure that is proposed to be repealed—protective both to agriculture and manufactures. I do not believe if the members of this House understood that fact that either Democrats or Republicans would try to bring further trouble upon these industries.

Commercial alcohol costs 23 cents a gallon. It was news to me, and I think it is news to you, to learn that fact. The tax on alcohol of $1.10 a proof gallon, the pure article being 88 per cent above proof, amounts to $2.06 a gallon, and the commercial article is sold, therefore, for about $2.30 a gallon. Men can, and often do, pay that price for a beverage, and my friend from Massachusetts would say that they ought. There are somewhere between one and two hundred drinks in a gallon, but men can not afford to use alcohol in the arts at any such price as that, and no nation in the world requires it. We used to have a burning fluid made of alcohol and benzine. We have it no longer, because we could not afford to use alcohol in that way. We used to have alcohol varnishes; now more seldom. We can use alcohol in the arts to an extent that is absolutely unknown until you have had occasion to investigate. It is destroyed in the manufacture of chloroform, which changes its character. It is destroyed in making photographic materials. It is used as a vehicle in varnish. It is used in a shellac composition to put into hats and then allowed to evaporate and get away. It is used in medicines as a mere solvent. I do not mean in alcoholic preparations, such as so-called bitters, but in medicinal preparations, whether in making such drugs as quinine or morphine, or in making corrosive sublimate. It is used in making a like compound of mercury, for the manufacture of percussion caps. It is used in making tinctures, extracts of fruits, and extract of flavors.

The expression "medicinal and other like preparations" means preparations of medicine and preparations of that sort, not alcoholic preparations under that guise, and any Secretary of the Treasury who can discriminate between silver ore and lead ore can discriminate between the preparations mentioned in that section and frauds upon the Treasury in the way of alcoholic preparations. It would be used in hundreds of other ways. It would be used in many times the present quantity. It would give a market for grain. The enforcement of this section would give a chance to manufactures and agriculture and employment to our people. But the Secretary of the Treasury has said he will not enforce it. He has said he will not prescribe regulations, and a Republican House is asked to support him in opposing the manufacturers of this country. What is more, under the present law that same alcohol is free for export and is exported in bond. Think what that means, gentlemen. That very alcohol at 23 cents a gallon was sent to Canada. There they made the explosive powder for percussion caps. They got the benefit of the manufacture and sent it back, on a small duty, to us. That very alcohol can be sent to England or Germany to make medicines there to send back to us.

Now as to a matter of history. Somebody has said that this provision was accidental. It was not. A constituent of mine who pays $48,000 a year in the way of tax on alcohol used in making sulphuric ether knows of that fact. The tariff of 1894 raised the internal revenue on commercial alcohol from $1.70 a gallon to $2.06, an increase of 36 cents. They protested. They said they could not continue their manufacture under those circumstances, much more when duties were reduced, and when the duty on hats went down from 100 per cent to 35 per cent, when the duties on sulphuric ether, their product, likewise went down, and everything was lowered, they said they could not use alcohol or continue their manufacture, and then they were told by this bill: "Make no objection. This bill is only against alcohol that is to be drunk, not against alcohol to be used in the arts." They have relied upon this law. They have made contracts based upon it. They have not received the rebate, but they have agreed with all their customers to give them the rebate when received. They have made their sales upon that basis, and you are asked to destroy those industries. They could make many other things, notably chloroform, with cheap alcohol.

Now, is there any difficulty, when 500 barrels of alcohol per year go to their factory with the stamps on the barrels, and they produce those stamps, as required by this law, to the Secretary of the Treasury, is there any chance for fraud? How? They can only use the alcohol in manufacture. They can not sell it. All the laws of the State and of the United States prevent such sale. They receive the barrels full, they send them back empty. They return the stamps, which show what they have used in their trade; and whether it be in factories of varnish, medicines, or percussion caps, or whatever it may be, any honest manufacturer can do the same thing, under such regulations as the Secretary of the Treasury shall prescribe, and there will not be a looting of the Treasury, as has been stated here, but simply a return of the tax which they themselves pay, a return made because it is for the benefit of American industries that they should have this protection.

Protection may be by duty; it may be by bounty; it may be by exemption. Here it is by exemption. It is none the less protection; and as a representative of the protective principle, with all my reverence for the leaders who framed the tariff bill of 1890, who are its parents, when it comes to the principles of protection, I must stand here in this House on facts which I believe they do not thoroughly realize and understand, to appeal to this House, Republican and Democratic, to all who believe in American agriculture, American manufacture, and American trade, binding the people together from one end of this country to the other, and to ask them, as they love their country, as they are trusted by their constituents, not to vote for this repeal. [Applause.]

[Here the hammer fell.]

Mr. RUSSELL of Connecticut. Mr. Chairman, I yield five minutes to the gentleman from Kentucky [Mr. COLSON].

Mr. COLSON. Mr. Chairman, in the five minutes which have been yielded to me by the gentleman from Connecticut, to whom I return thanks for the kindness, I can not go into detail, but I can and do enter my protest against the repeal of section 61 of the Wilson bill, which provides for free alcohol in the arts and in any medicinal compound.

Some members of the committee from which this bill was reported have complained at the criticism which has been made by many members of the House of the action of the committee in reporting measures here, but I think the criticism of which they complain is just and proper, for the measures which are referred to that committee are measures of most general interest to the people of this country and in which every member upon this floor has an intense interest. I submit that the Republican members of the Committee on Ways and Means have not done what they should have done in regard to these great public measures, in that they have failed to submit them to a caucus of the Republican members of this House.

They have no right to expect the Republicans of this House to come up and support any bill which they may seek to report here regardless of its merits, that measure not having been submitted to a caucus of the Republicans of this House. I say they have no right to complain at any criticism that may be made on their action. That action should be discussed freely and fully here when they have not submitted any measure to a Republican caucus. I would like, Mr. Chairman, for the Committee on Ways and Means to explain why it is that other matters of equal importance have not been considered by that committee and bills reported in regard to them. The Wilson bill, passed in 1894, thoroughly eliminated from our tariff system the reciprocity feature, and certainly that is of more importance than the matter embraced in this bill now before the committee for consideration. By the repeal of the reciprocity clause of the McKinley law we have lost millions of dollars of foreign trade. The flour-mill men in Kentucky and other States, who had not before the passage of the McKinley law been able to sell a barrel of flour in Cuba, under the reciprocal relations established with Spain, under section 3 of that bill, were afforded a market in Cuba for millions of dollars worth of flour, which market was taken from them as soon as the McKinley law was repealed. Why have not the Ways and Means Committee reported a bill here restoring reciprocity? Oh, they say, we can not secure the passage of such a bill—that the Senate will not pass it, and the President would veto it. I say to you that this House has not the right to anticipate the action of the Senate of the United States; it has not the right to anticipate the action of the President of the United States. We should act; we should do our duty; we should, in my judgment, have laid before the Senate a general tariff measure with reciprocity a prominent feature, and put the responsibility upon that body if it failed to pass it. [Applause.] And if the Senate passed it, let the responsibility for its failure to become a law rest upon the Chief Executive of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUSSELL of Connecticut. I yield five minutes to the gentleman from New York [Mr. BARTLETT].

Mr. BARTLETT of New York. I thought I was to have ten minutes.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. BARTLETT of New York. Mr. Chairman, it is very singular that with an able and distinguished Committee on Ways and Means, we find that the great measure now under consideration, which affects the North, the East, and the Middle States, and the great manufacturing interests of those States, has been abandoned to the custody and control of the gentleman from Kentucky. It is hardly necessary for me to call attention to the names of the distinguished gentlemen upon that committee. I repeat that it is very remarkable that we find that no one of those distinguished gentlemen rises in advocacy of this bill; for the only prominent member of that committee who has ventured to address this Committee of the Whole, the distinguished gentleman from Iowa [Mr. DOLLIVER], has given us a speech—what on? On the triumphs of his party; on the alleged virtues of a protective policy, without uttering one word in favor of the measure now under consideration.

Let me, before passing on to consider the merits of this bill, call the attention of the committee to the fact that only a few days ago we had a bill passed hurriedly through this House, under the guidance of the gentleman from Kentucky [Mr. EVANS], a bill in the interest of the distillers of Kenfucky and of the whisky trust; a bill which will do incalculable damage to the city of New York, which I have the honor to represent in part. I am told that it will deprive the Federal Government in licenses of three-quarters of a million dollars; and for what purpose—to give the distillers of Kentucky an opportunity to bottle their liquor and sell it for their own added benefit and advantage, and not through the dealers.

Mr. STEELE. And to deprive Canada of that trade?

Mr. BARTLETT of New York. That was the measure passed last week, and now we have another measure proposed in favor of the distilling interests and the whisky trust.

The only objection which I understand the committee made to the existing law is that it is impracticable to execute. Can it be possible, Mr. Chairman, that we, the Congress of the United States, confess our incapacity to frame adequate laws? Can it be possible that the Secretary of the Treasury or the Commissioner of Internal Revenue finds it beyond his brain power to frame regulations adequate to control this matter?

Let me call your attention to the fact that section 61 of the Wilson tariff bill of 1894 is very broad. It leaves this whole matter to the Secretary of the Treasury. He has absolute power in his discretion to frame proper regulations. Then the collector of internal revenue in each district must be satisfied about the manufacture. So that it is first only necessary that the Secretary of the Treasury should frame the proper regulations, however stringent they may be, and it is all within his discretion. Then it is incumbent upon the manufacturer to satisfy the collector of internal revenue that he has complied with the law, and when he has executed it he is entitled to a rebate. This repeal will work a great deal of harm to the manufacturing interests of New York; to the great drug trade; to those who are engaged in the manufacture of perfumes, varnishes, and paints, and in many other industries.

If you look back to the Forty-seventh Congress you will find that in 1882 it was stated in a Republican House, when Chester A. Arthur was President of the United States, that every member of the Committee on Ways and Means was in favor of free alcohol for use in the arts and sciences.

Now, let me say one word, which I think should be controlling in this matter. The bill now under consideration provides for what? For simple repeal, without any saving clause. Let me call your attention to the language of the Supreme Court of the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT of New York. Give me one minute more.

Mr. HEPBURN. Mr. Chairman, will the gentleman allow me to ask him a question?

Mr. KEM. I object, if this is by unanimous consent.

The CHAIRMAN. It is not by unanimous consent, the Chair will say to the gentleman from Nebraska.

Mr. RUSSELL of Connecticut. I yield two minutes more to the gentleman from New York.

Mr. EVANS. Mr. Chairman, unless the gentleman from Connecticut has some more time, I object.

The CHAIRMAN. The gentleman from Connecticut has the time and yields two minutes to the gentleman from New York.

Mr. HEPBURN. I simply desired to ask, Mr. Chairman——

Mr. BARTLETT of New York. I have the greatest regard for my friend from Iowa, and shall be glad to talk with him after I get through with my two minutes. [Laughter.]

I desire to call the attention of the committee to the point that we can not in common honesty repeal this section 61 without a saving clause. Look at what the Supreme Court decided yesterday in the sugar-bounty cases. In that decision they use the words "right and justice," "honor," and "moral claim." I use the same words to you to-day, and I call upon you in the name of common honesty not to repeal this section 61 without some saving clause providing for the repayment of the rebates to manufacturers. Those manufacturers who have filed their claims can not be barred out by the failure of the Secretary of the Treasury to make proper regulations. If he is chargeable with nonfeasance in having failed to prepare proper regulations, the manufacturers can not be debarred from the prosecution of their claims for the rebates to which they are entitled under the act of 1894.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EVANS. Mr. Chairman, I believe I am entitled to control the remainder of the time.

The CHAIRMAN. The gentleman from Connecticut [Mr. RUSSELL] has one minute remaining, and the gentleman from Kentucky [Mr. EVANS] has the other eleven minutes.

Mr. EVANS. When the gentleman from Connecticut gets through we will use our remaining eleven minutes unless the gentleman chooses to yield us that one minute.

Mr. RUSSELL of Connecticut. I will reserve it.

Mr. EVANS. No; we want you to use it now, unless you will yield it to us.

Mr. RUSSELL of Connecticut. I yield it to the gentleman.

Mr. EVANS. Now, Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. MCMILLIN]. The remainder of the time will be occupied by the gentleman from Maine [Mr. DINGLEY].

Mr. MCMILLIN. Mr. Chairman, upon a purely business proposition so vastly important as this, I can not but regret that the time which was given for the presentation of the affirmative of the pending measure should have been wasted, as a portion of it was, in a discussion which, if no friend of mine were involved in it, I should have to call a harangue.

What is the proposition here? It is to repeal section 61 of the tariff act passed two years ago. It has been held by the Secretary of the Treasury that this section is wholly impossible of enforcement, by reason of its vagueness and uncertainty. It is held by the Ways and Means Committee of this House, it was held by the Ways and Means Committee of the last House, that the Secretary's contention in that regard was correct, and that it was wholly impossible for any Secretary of the Treasury, under any regulation, to enforce what was supposed to be the law. Before going further, I want to disabuse the mind of my good friend from New York [Mr. BARTLETT] of the idea that this is some legislation in favor of the distillers and of the whisky trusts. Nothing could be further from the truth, though I know the gentleman believes what he says or he would not say it. My friend in front of me [Mr. HILL] also took the same position. Now, does not the gentleman know that free alcohol in the arts would increase the amount of spirits used in the arts and would thereby increase the possibilities of distilling and of sale by the trust? If the whisky distillers and the whisky trusts are interested on either side of this question, they are interested in having free alcohol.

Mr. BARTLETT of New York. Will the gentleman yield for a question?

Mr. MCMILLIN. I can not. I am generally quite liberal in that respect, but my time is so limited that I can not yield on this occasion. Now, Mr. Chairman, what are the facts? Already there are heaped up before the Court of Claims millions of dollars of claims arising out of this vague, uncertain, indefinite provision of the tariff act. It is estimated that $10,000,000 a year in claims will be brought in in the future, and that ten millions a year for the last two years will be presented as soon as there is an intimation that the court will hold that the claimants are entitled to free alcohol in the arts. I want to cite here the evidence of men who have examined this question.

This is no new proposition. It has been suggested to every Ways and Means Committee ever since I have been a member of that committee, and it has been my fortune to be a member of it for twelve years past. There has never been a single Ways and Means Committee, either Republican or Democratic, in that time that thought it was possible to give free alcohol in the arts and still have an honest and thorough enforcement of the internal-revenue law. So thinks the present committee. So thought the last committee, which framed the Wilson bill. So thought the McKinley committee, which framed the bill that has been lauded so much by my friend from Iowa. So thought the Mills committee, which framed the Mills bill. I need not go further back. There has never been a suggestion either by the majority or the minority that it would be proper for the Government to give free alcohol in the arts and thus give opportunity for possible frauds that would result in pulling down the revenue derived from that great source of revenue to our Government. And the Finance Committee of the Senate took the same ground in the last Congress. The section that it is proposed to repeal was the work of Mr. HOAR alone.

It is the proposition of one man. It is crude, uncertain, and

indefinite. If you give free alcohol in the arts—if you give free alcohol in every drug store in the United States—if at every corner where a drug store may be erected you may have a free barrel and free spigot and free spile and free bung, who can tell what will become of the hundred and odd millions of revenue without which this Government is unable to proceed at the present day? [Applause.]

[Here the hammer fell.]

Mr. EVANS. I yield the balance of the time to the gentleman from Maine [Mr. DINGLEY].

Mr. DINGLEY. Mr. Chairman, in the few minutes remaining I can only state three facts. The first is that the bill now pending before the committee is not a tariff bill. It does not touch the question of duties upon imports or relate to that subject in any direct or even indirect manner whatever. It is simply an internal-revenue bill. And we have passed through this session of Congress already three internal-revenue bills, modifying the internal-revenue provisions in the act of 1894, and no one has suggested until this bill came up that we were changing the tariff of 1894.

Mr. PARKER. May I ask the gentleman whether it is not——

Mr. DINGLEY. I can not in my limited time yield for any interruption.

This question is purely a business question—nothing more, nothing less. It has no connection with party politics. The question is simply what a business man should do in the circumstances in which the Government finds itself to-day. In the closing session of the last Congress the then House of Representatives, every Republican member concurring, passed precisely this bill which we have before us to-day, all agreeing that in the interest of the Government, in the interest of good administration, this provision in the internal-revenue sections of the law of 1894 on this subject should be repealed.

Thirdly, I have to say that this situation arises from a peculiar condition of circumstances. When the bill of 1894 was under consideration in the Senate, after all the tariff provisions had been concluded and that body was considering the internal-revenue provisions, this provision was offered with the distinct understanding in the Senate that it was to go to the committee of conference, and that if they thought on examination that any provision should be framed to give in certain cases exemption from the internal tax on alcohol, without opening the door to frauds on the revenue, it should be done. Not a single vote would have been given for that provision in the Senate if it had been supposed that that precise provision was to be the law, and nothing more. It is utterly impracticable; and that is the agreement not merely of the present Commissioner of Internal Revenue; not merely of the present Secretary of the Treasury, but in 1890, when we framed that act we submitted substantially the same proposition, with other propositions, to the then Republican Commissioner of Internal Revenue and to the then Secretary of the Treasury, and they agreed that the provisions were utterly impracticable and that the duty on alcohol could not be remitted under such a law with safety to the Treasury of the Government.

We had this question before us when we framed the tariff act of 1890, notwithstanding the declaration of the platform of 1888; and after considering it for weeks we decided, in view of the wide extent of this country and the peculiar circumstances in which we are placed, that we could not then frame a measure making alcohol free of tax in all the various arts and manufactures and in medicine without effectually depriving the Government of essential revenue.

My own belief—certainly my hope—is that when we can spare the revenue and when we come to frame a new tariff act that will give the country sufficient revenue we can provide within certain limits for free alcohol in many manufactures. But that is a question which requires further investigation. This country is so wide in its territory, there are so many difficulties in the administration of such an act, that Republican and Democratic Administrations alike have agreed that it would be exceedingly difficult to frame provisions on this subject that will adequately protect the revenue; and all agree that the present provision is absolutely unworkable unless we propose to practically deprive ourselves of revenue.

What is the effect of this provision as we have it now? If we do nothing, if we allow this provision to run along for a year, it is the opinion of the Commissioner of Internal Revenue that at least $10,000,000 of claims will be piled up during that time which the Republican Administration next year will be called upon to pay in case the courts sustain the contention of the claimants. And I ask gentlemen on this side whether they are prepared to pile up such claims against the Administration which we know will come in on the 4th of March next.

Let us, then, at once repeal the unworkable free-alcohol provision of the act of 1894. Let us then turn over this subject to a careful committee of inquiry. Let them consider what can be done without depriving the Government of revenue, and let them report at the next session. And then when we come to frame a new tariff bill, when we undertake the task of providing sufficient Federal revenue, let us take up this question and consider to what extent and under what regulations and restrictions we can safely grant this exemption to certain industries of this country. But if we propose to open the door in the manner provided in the existing provision of law, certainly the Treasury must suffer; and no one among the great mass of the people can possibly be benefited, because no manufacturer, no person using alcohol under the existing law will reduce his price on the goods manufactured because of the fact that the rebate of the tax is so uncertain. It would not be good business for him to do so. Yet these claims are already piled up and are piling up every day; and if these gentlemen recover in the Court of Claims, then the Treasury of the United States will suffer in the future.

My own personal judgment, as the friend of free alcohol so far as it can be had without trenching upon the revenue, is that we should repeal the existing provision and adopt the amendment for an inquiry, thus closing the door which has been opened into the Treasury; and then, when we frame a tariff bill, let us cover the whole ground and provide sufficient revenue; and as to this particular matter, let us within certain limits do efficiently what the existing law in an unguarded and insufficient manner has attempted to do.

The CHAIRMAN. The time for general debate under the order has expired, and the Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That section 61 of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 25, 1894, be and the same is hereby, repealed.

Mr. EVANS. Mr. Chairman, I have been instructed by the Committee on Ways and Means, which committee was most anxious to do what has seemed to be the best and most proper thing in the premises, to offer an additional amendment to those already suggested by the committee, and pursuant to that authority I offer the additional section which was printed in the RECORD of yesterday, and of which I gave notice during the time I occupied the floor in the discussion of this bill.

The Clerk read as follows:

SEC. 2. That a joint select committee is hereby authorized, to consist of three Senators, to be appointed by the presiding officer of the Senate, and three members of the House of Representatives, to be appointed by the Speaker of the House, which select committee shall consider all questions relating to the use of alcohol in the manufactures and arts, free of tax, and to report their conclusions to Congress on the first Monday in December, 1896.

Said joint select committee is authorized to sit by subcommittee or otherwise during the recess or session of Congress at such times and places as they deem advisable; to summon witnesses, administer oaths, print testimony or other information, and to employ such stenographic, clerical, and other assistance as may be necessary, one-half of the expense to be paid from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

Mr. EVANS. I believe that no member of this House who listened with attention to the very clear, very pertinent, and perfectly correct exposition of this bill from the gentleman from Maine [Mr. DINGLEY] will for one moment doubt the propriety of the action of the Committee on Ways and Means with respect to their recommendation that section 61 should be now repealed.

But in order that those friendly to the use of free alcohol in the manufactures and in the arts may have an opportunity, deliberately and carefully, to investigate the question further, the Committee on Ways and Means has directed me to recommend to the House for its action the second section, which has just been read, in order that the whole question may be carefully investigated by a committee of both Houses, having full power in the premises and having the best opportunities to get at the merits of the case.

Mr. QUIGG. Will the gentleman allow an interruption?

Mr. EVANS. Certainly.

Mr. QUIGG. Why will not the committee consent to have this amendment passed as a substitute for the bill, and then wait for the repeal of section 61 until the commission has made its report?

Mr. EVANS. Because of the arguments and statements of fact introduced before the committee and here before the House, demonstrating that section 61 is operating to the injury of the Government of the United States at a rate of not less than $1,000,000 a month. That is the reason that there ought to be an instantaneous repeal. That is the reason there is a demand for the immediate repeal of the section; to stop the spigot, as I characterized it yesterday, and then through the select joint committee to investigate and see if some wise provision, some well-guarded measure, some proper legislation upon the subject, could not be evolved from its labors.

Mr. MOODY. If the gentleman will permit me to suggest, if that is the reason why he would not accept the suggestion of the gentleman from New York, would he not accept this: That instead of repealing the law at this time its effects be suspended until, say, the 1st of April, 1897; and the appointment of the commission in the meantime having been made, they can make their report after their investigation, so that the friends of free alcohol

by this arrangement would see that they still have something to hold onto, and not give up everything.

Mr. EVANS. Mr. Chairman, what I have said upon this subject, and what has been said generally by others on the floor of the House, regarding the demerits of and the objections which are raised to section 61, that it is utterly impracticable, that it is unworkable and inapt as a legislative provision, demonstrates the unwisdom of suspending such a provision of statutory law, instead of repealing it outright. It ought to be repealed, not suspended; and then a suitable provision, if necessary, can be enacted after the report of the joint select committee of the two Houses has been received.

Mr. QUIGG. Does not the gentleman from Kentucky think that it is worth while to get a unanimous Republican party on this subject?

Mr. EVANS. I do not think there is any politics in the question. I do not think the effort to inject politics into it has been fair, either to the Ways and Means Committee or to the Republican party, for I say it is not a doctrine of the Republican party that you should subject the Treasury of the United States to expenditures by way of bounties at the rate of $1,000,000 a month without conferring some compensating benefit upon the public which alone would excuse it in any case.

Mr. QUIGG. If the gentleman will permit me, there are some fifty or sixty Republicans here, however, on the floor who differ with him on that point, and think this is a political question. They differ with the gentlemen constituting the Committee on Ways and Means in that respect. Why not, then, have some consideration for their feelings in the matter?

Now, if the gentleman from Kentucky will accept the proposition of the gentleman from Massachusetts simply to suspend the law temporarily, it will save the money to which the gentleman from Kentucky refers.

Mr. EVANS. That is a fanciful idea, wholly impracticable, and unworthy of a legislative body——

Mr. MOODY. But it will save the money which you say is being wasted.

Mr. EVANS. We ought to repeal the law when we find it producing such disastrous results.

Now, Mr. Chairman, in justice to myself, in a matter that is somewhat personal to myself, I ask time to make a few remarks.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EVANS. I ought to be permitted to take up as much time as was occupied in questions, for reasons personal to myself.

The CHAIRMAN. The gentleman can only proceed by unanimous consent.

Mr. KEM. I demand the regular order.

Mr. WALKER of Massachusetts. Mr. Chairman——

Mr. BARRETT. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Massachusetts [Mr. BARRETT] rise?

Mr. BARRETT. I rise in opposition to the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. WALKER] to oppose the amendment.

Mr. SKINNER. Mr. Chairman, I have an amendment, and I rise to know when it will be the proper time to offer it?

The CHAIRMAN. After the discussion on the pending amendment is exhausted and the amendment has been disposed of.

Mr. WALKER of Massachusetts. I move to strike out the last word.

The CHAIRMAN. The gentleman is recognized without that—recognized in opposition to the amendment.

Mr. WALKER of Massachusetts. Mr. Chairman, I yield to no man in the House or in the country in my admiration for the chairman of the Committee on Ways and Means [Mr. DINGLEY] in his good judgment and his usefulness in this House on all questions of legislation; but I think he and the Committee of Ways and Means have made a most serious mistake in presenting this bill to the House. In the first place it and the reasoning in their report is a clear justification of the Democratic Administration in refusing to obey the mandate of the Congress of the United States enacted into law and approved by the President of the United States. [Applause.] The Democratic Administration have refused to obey the law, and this bill is a justification of the Administration for so doing. They have refused to obey the law, it seems to me, for no reason in the world other than because of the deficient revenue, which they have themselves produced in the tariff bill which they enacted.

Furthermore, I am amazed beyond measure that a Republican chairman of the Committee on Ways and Means should justify every argument against a protective tariff by saying that the consumers can not get the advantage of the rebate of taxes in the following words:

Section 61 would immensely benefit a few manufacturers and wholesale dealers in certain lines by returning to them, long after the product was marketed and sold, a sum equal to the taxes on the alcohol used, but that the great consuming public would not, probably in a single instance, owing to the exceptional nature of the case, have a cheaper price made to them.

It appears to be a justification of the whole Democratic position, which we shall hear through the next Congress in every Democratic speech.

Let me say, Mr. Chairman, that it will be found impossible for Congress to pass any law for the use of free alcohol in the arts and manufactures that can by any possibility be as effective as the provision of the law which they seek to repeal. The provision of law which they seek to repeal puts it in the power of the ablest man that can be found in this country, with as many experts as he chooses to employ, to frame a law to-day, and amend the law to-morrow, and amend the law the next day and every day, and change the law until he finds it fits the circumstances, and this is impossible to the whole Congress of the United States.

I submit that the chairman of the committee, the gentleman from Maine [Mr. DINGLEY], gave his whole case away when he said that they would make an effort in the next Congress to frame a law allowing free alcohol, as in the present law. I do not believe that it has come to this, that the Governments of England, of France, of Germany can frame laws which are effective in those countries and that we can not frame a similar law which shall be as safe and effective in this country. And I want again to call the attention of this House to the fact that by no possibility can we frame a law that will not need amendment. By no possibility can we frame a law that will be as effective as to commit the whole lawmaking power (which is done under this section now sought to be repealed) to the Administration, that can amend the law every day and every hour, at any point where it is found ineffective. Therefore, I say that if this House votes to repeal this law it is stultifying itself and condemning the whole doctrine of protection as well as limiting the lawmaking power to a single act, when under the words to be repealed it may be continuous through years, until it is as perfect as expert ingenuity can make it.

[Here the hammer fell.]

Mr. HILL. I desire to offer an amendment at the proper time, of which amendment I have given notice.

The CHAIRMAN. An amendment to the amendment, or an amendment to the bill?

Mr. HILL. An amendment to the amendment.

The CHAIRMAN. An amendment to the amendment is in order now.

Mr. SKINNER. I offer an amendment.

Mr. HILL. The amendment which I wish to offer is to strike out all after the enacting clause and substitute another provision in the place of the present bill.

The CHAIRMAN. That is not an amendment to the amendment.

Mr. HILL. When that is in order, I wish to be recognized.

The CHAIRMAN. The Chair will recognize the gentleman from North Carolina [Mr. SKINNER] for an amendment to the amendment, as the Chair understands.

Mr. SKINNER. Yes.

The Clerk read as follows:

Amend by adding:

"That all brandies, high and low wines, alcohol, and distilled spirits of all grades, distilled entirely from fruit, shall hereafter be, and the same are hereby, exempted from the operation of the revenue laws of the United States, and the same is permitted free of tax or Federal supervision."

Mr. DINGLEY. A point of order against that amendment.

The CHAIRMAN. The Chair thinks that amendment is not germane to the amendment. It may be germane to the bill.

Mr. BARTLETT of New York. I wish to offer an amendment.

Mr. SKINNER. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SKINNER. Can I offer my amendment as an amendment to the bill?

The CHAIRMAN. After the present amendment is disposed of, then it will be proper to offer that, but not as an amendment to the amendment.

Mr. McMILLIN. Mr. Chairman, I move to strike out the last word of the amendment of the gentleman from Kentucky, for the purpose of answering one suggestion that has been made during this debate. The gentleman from Massachusetts a few moments ago, and others who have preceded him, spoke of the possibility of our administering this law so as to prevent frauds upon the Government. One of the means heretofore suggested, and even relied upon by those who favor free alcohol, was methylation. I was appointed chairman of the subcommittee on internal revenue of the Committee on Ways and Means which framed the Mills bill, and had occasion to make a very thorough investigation of this subject. A very fine chemist was employed by the Treasury Department, and he methylated spirits, ordinary whisky and table spirits. He stated to me he had put about enough poison into one bottle of it to kill a dozen men. He demethylated it, took the poison out, and left the whisky entirely harmless. That process was done over and over. Now, what method is pursued in France, England, and other countries in demethylating I do not know, but demethylation has thus far proved ineffectual by reason of this.

Mr. MORSE. That is right. It kills 60,000 a year.

Mr. McMILLIN. It is not the methylated that kills. That is

some that has never been methylated, my friend. I yield to the superior information of my friend from Massachusetts on that subject. It is one that I do not know anything about.

Mr. Chairman, the effect of the law as it now stands is this: Those gentlemen who suppose that the consumer is going to be benefited, and who vote against this bill on the idea that they are benefiting the consumer, are very much deluded. We had a number of manufacturers before the Ways and Means Committee, and they were asked the question whether they had fixed the price of their goods in the open market after they were manufactured with a view to the reduced price of the alcohol that was used in them, or whether they had gone in the open market and sold them as if manufactured from taxed alcohol. A very large majority stated very candidly, much to their credit, that they had been selling on the basis they would have sold on with taxed alcohol. So that if you go on from year to year and enable the manufacturer to get his product free of tax, you at the same time give uncertainty still longer to other people to which the product is sold in open market at the same rate it would bear if a tax were imposed on it instead of free alcohol.

Thus much on those two points. Now one word as to how this became law. The House of Representatives refused to adopt it. The majority of the Finance Committee of the Senate refused to adopt it. The Republican minority of the Finance Committee of the Senate refused to father it; but in that period of difficulty and uncertainty of passing the Wilson bill through the Senate it was offered by an individual member on his own responsibility, and was permitted to go into the bill under the same idea that many other things did, that they could be stripped off in conference. Now, if I may speak of past history, and I think I may without violating proprieties, there was not a single member of the committee of conference, either of Senate or House, who did not favor stripping the bill of this, and so far as I know the minority favored it as well as the majority of this House. If the conference report could have been adopted, that inevitably and certainly would have been stricken out of the bill. It was not in the bill with the consent of that Senate or that House or that Congress, and it will not be permitted to remain in with the consent of this Congress.

Mr. QUIGG. Mr. Chairman, let us understand exactly what this situation is. The existing law imposes a tax on spirits. A provision of law says that if a man can show that he is using those spirits in arts or manufactures he can get back the money that he has paid into the Treasury. The Committee on Ways and Means proposes that that provision of law, permitting this rebate, shall be repealed; and then, in order to show that maybe they do not mean to prevent the use of free alcohol in the manufactures or the arts, they suggest the appointment of a commission to inquire into the subject. Now, if they are sincere in the provision they make, if they would like to see an effective law on this subject, a law permitting free alcohol to be used in the arts and manufactures, and if they want a united party here in this House on that question, all in the world they have to do is to accept the suggestion of the gentleman from Massachusetts, which is a perfectly reasonable one, a perfectly easy one, and that is that this law, instead of being absolutely repealed, be simply suspended pending the report of this commission.

I want the attention, if I may have it, of the gentleman from Kentucky and of the chairman of the Ways and Means Committee. Those gentlemen say that the suggestion of a suspension of the law pending the report of this proposed committee is a fantastic proposition. Why any more fantastic than the repeal of the law? It simply sets a date at which the repeal of the law shall cease to be operative. That is the only effect of the suspension. Now, if the gentleman will not accept the proposition of the gentleman from Massachusetts, does it not show conclusively to every Representative on the floor of this House that the committee does not mean free alcohol in the arts and manufactures, and that somehow or other it does mean to facilitate the operations of the whisky trust? I do not suppose that any gentleman has that deliberate intention, but——

Mr. EVANS. Will you state how it facilitates the operations of the whisky trust?

Mr. QUIGG. I would if I had time.

Mr. EVANS. Take time and do it.

Mr. QUIGG. I would like to. What it does is to make alcohol so expensive that it can not be bought practically for use in the arts and manufactures. Now, the committee can accept the amendment of the gentleman from Massachusetts if they will. It is a perfectly reasonable one. Only private opinion can stand in the way of their accepting it.

Mr. STEELE. The Attorney-General and the Secretary of the Treasury have both decided that this law is not in effect and is not operative; the gentleman from New York wants us to declare that it is operative and to suspend it. In other words, he wants us to legalize claims which the Treasury Department rejects.

Mr. QUIGG. Not at all. That is not a question which the Treasury Department can dispose of. It is a question for the courts to dispose of, and they will do it.

Mr. STEELE. But you have claimed that the Secretary's decision is final.

Mr. QUIGG. I have claimed nothing respecting the Secretary's decision.

Mr. STEELE. Well, the gentleman from Connecticut [Mr. HILL] did yesterday.

Mr. QUIGG. What I do say is that you can perfectly well suspend this section if you mean anything practical by proposing this committee, instead of merely throwing out the proposition as a sop.

Mr. STEELE. It is no sop.

Mr. QUIGG. Well, if you intend anything by it, you can just as well suspend the law in the meantime. You can suspend it as well as you can repeal it; and I appeal to the members of this House to vote for that proposition.

Mr. KNOX. I do not wish to tire the committee, but I wish to add a few words to what I said before applicable to my amendment. The whole case for the repeal of the law has rested upon the proposition that it is impossible to frame regulations under this provision of law which shall permit the use of free alcohol in the arts and manufactures and at the same time secure the proper collection of the tax levied by the internal-revenue law. Now I say this amendment of the committee in itself directly contradicts that proposition and says, in effect, that it is possible for the committee who are to sit in the recess, and who are to have power to send for persons and papers, to frame rules and regulations which will adequately protect the revenue and at the same time give us free alcohol in the arts and in manufactures.

Mr. WALKER of Massachusetts. The committee's proposition gives away their whole case.

Mr. KNOX. It gives away their whole case. Upon another ground also I appeal to this House. Have you more confidence, gentlemen, in a committee of 6 to be appointed by the Speaker of the House and the President of the Senate than you have in the 17 men who constitute the Committee on Ways and Means of this House? If these abuses have been going on and it is possible, as the Committee on Ways and Means now say, to frame regulations to prevent them, why have not they devoted their time during this session to the framing of such regulations?

Mr. STEELE. They have tried to do so.

Mr. KNOX. Put them in here, then, and let us see them. We have not heard of them before. The proposition here has been that it is impossible to frame such regulations.

Mr. QUIGG. And yet they propose the appointment of a committee to frame such regulations!

Mr. DALZELL. The proposition is that it is impossible to frame regulations under this law.

Mr. KNOX. I agree fully to the gentleman's proposition, but I submit now that you can frame nothing that will be more general or stronger in favor of the Government than this. The Ways and Means Committee have had plenty of time. They have not been overburdened in framing legislation during this session.

Mr. DALZELL. I will say to the gentleman that the Ways and Means Committee has met nearly every day in the week from the beginning of this session.

Mr. KNOX. Very well. I submit that there was time to frame regulations for this purpose, and for my part I have more confidence in the distinguished gentleman from Pennsylvania [Mr. DALZELL], in the distinguished gentleman from Maine [Mr. DINGLEY], and in the other members of the Committee on Ways and Means than I have in any committee of six that can be appointed by the Speaker of the House and the President of the Senate. I say let this law stand until the next session. Let the Ways and Means Committee, in the meantime, be thinking over the rules and regulations that they can prescribe, and let us have the benefit of their reflection and judgment at the next session of Congress. They owe us that duty; they owe it to the House. Free alcohol in the arts is a Republican principle, a Republican doctrine. We have it now. And what I beg is that it shall not be thrown out because gentlemen say that regulations can not be framed, while at the same time they ask the House to appoint a committee to frame regulations.

Mr. STEELE. This measure has been suggested to the committee in the interest of the manufacturers and is presented at their request.

Mr. KNOX. We refuse it. It means nothing. It is simply a sugar coating——

Mr. STEELE. The manufacturers request it—nobody else.

Mr. KNOX. What manufacturers request it? No manufacturer that I know anything about has requested it.

Mr. STEELE. Ask Mr. RUSSELL of Connecticut who have requested it.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. KNOX] has expired.

Mr. SKINNER. Mr. Chairman, this discussion illustrates, I may say exemplifies, in parables synonymous with truth how inconsistent, how unjust, inequitable, and un-American is the entire internal-revenue system; a system which the late Senator

Vance (who, I will add by way of parenthesis, was the greatest man ever furnished by North Carolina to public life) was accustomed to designate as infernal and those engaged in its execution as red-legged grasshoppers, a name which will follow them so long as the name and memory of Vance is revered and honored in the good old North State.

The amendment which I introduced, and which was ruled as not germane, reads as follows:

Amend by adding:

"That all brandies, low and high wines, and spirits of all grades and kinds, distilled entirely from fruit, shall hereafter be, and the same are hereby, exempted from the operation of the internal-revenue laws of the United States, and the same is hereby permitted without Federal tax or supervision."

Every principle consistent with natural and individual liberty demands the abolition of the entire revenue system, with its espionage, its inquisitions, its detectives, and its "red-legged grasshoppers" nosing and spying around the homes of the honest grain and fruit growers of the country. Every principle consistent with the American doctrine of protection would exempt the orchards and the vineyards of the country from this tax and thereby stimulate fruit growing and the vineyard industry of the country and give individual liberty to the small fruit growers of the country to do as they desire with their grapes, their apples, their peaches—to sell them in bulk or to distill them into wine or brandy, as they ought to have the right to do, and as they did have the right to do in good old antebellum days.

Mr. Chairman, the House can hardly conceive with what joy and satisfaction the small farmers of the country would receive this simple message of relief, that in the next fruit season, if Providence should bless them with a reasonable harvest, they might have the privilege of converting their surplus fruit into brandy for their own family use or sale, without tax and without Federal espionage and surveillance. It is simply tyranny on the part of the Government to exact this tax and surveillance, and to force the fruit grower to see his fruit rot and waste, because he can not comply with the harsh and tyrannical revenue laws of the country. Mr. Chairman, it does seem that the growers of fruit in this liberty-loving country should be permitted to make useful in every form the harvest with which Providence shall bless them, and to restrain them is abridging their natural rights and ancient privileges.

If this hand of oppression was raised you would see every farmer in the country increase his vineyard and orchard, and in this way the country would prosper in the sense of being the better self-sustaining and happier in the sense of enjoying their natural rights unrestrained by the Federal Government. Mr. Chairman, to the abstract question of the use of free alcohol in the arts and manufactures there would be no division of sentiment. The trouble arises in the practical execution of the law, that is to permit the same without subjecting the internal system to fraud.

The same objection is raised to free fruit alcohol—that is, if fruit were permitted to be distilled free that it would open the door to adulteration and fraud.

This inability of the Secretary of the Treasury to provide a system for these exemptions to the revenue laws is moonshine, and in the interest of Kentucky moonshine at that. It reminds me of the puerile argument of the Secretary of the Treasury against free coinage at 16 to 1—that the mints are not sufficient, when every child knows the Government can easily build more mints; and likewise I am convinced that the Secretary of the Treasury could provide a plan to protect the Government if he was interested and willing to do so.

It illustrates, however, that the entire internal-revenue system is radically wrong in principle. It can only be justified by the expediency of raising revenue, and on this line permit me to suggest to the House it is a failure—both in the net revenue raised and in its demoralizing methods. We commence at the wrong end. The person to bear the tax is the consumer—as a beverage. We ought to have the free manufacture of alcohol of all grades and all kinds. Then you would have free alcohol for the arts and manufactures, and free fruit brandy without embarrassment, and without fraud or temptation to fraud.

Let the Government levy its tax, raise its revenue from the personal consumer of all grades of alcohol, and not restrain manufacturers with Federal tax or interference. This can be done in either of two ways: by leaving to the States to collect through their own machinery such taxes, or by federalizing the South Carolina plan in a practical manner. This is such a control of the sale for beverage as will tend to decrease the evils of the whisky traffic and afford sufficient revenue to meet the deficiency in the Treasury, and with a smaller and less objectionable Federal army than is employed in the internal-revenue system, which is now primarily in the interest of the Kentucky whisky trust, and secondarily for revenue, and to the distaste and condemnation of all people who are familiar with its methods, plans, and results.

Mr. Chairman, give the country free manufacture of alcohol of all kinds and grades, then you will have restored to the people their natural rights, to do with their own as they please. Then, in the interest of revenue, yea, in the interest of humanity, assume the control of the sale. In this manner you can double the revenue raised from this source and at the same time ameliorate the conditions of consumers and protect the homes of the land against an abuse of its use.

The evil of the traffic is seen, felt, and heard from as it passes over the counter into the human system, destroying alike the manhood, the happiness, and prosperity of the people. At this point, where it becomes the fruitful source of pauperization, crime, insanity, disease, and death, is where the Government should levy and collect its revenues, both in the interest of an increased revenue and the good morals, health, and happiness of the human family.

My sympathy in this matter is with the fruit and grain grower; these are the ones whose conditions I would ameliorate, and these are the industries that I would encourage and stimulate, alike with all industries of our country, so as to bring equal prosperity and the exercise of equal rights.

I want to restore to the plain people their natural right to convert that product which they produce by their honest toil, under the favor of heaven, as they may please, into meal or hominy, wine, whisky, or brandy, without interference, surveillance, or tax from the Federal Government. If the public revenues require the tax, let it be applied in the control of the sale for a beverage.

[Here the hammer fell.]

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. PAYNE. I move to strike out the last two words.

The CHAIRMAN. The entire debate on the pending amendments is exhausted.

Mr. PAYNE. I move to strike out the last three words. Let us have debate on that.

The CHAIRMAN. Debate on the pending amendment is exhausted; and there are pending two formal amendments which must be disposed of. If there be no objection, the informal amendments of the gentleman from Tennessee and the gentleman from Massachusetts will be considered as withdrawn. The Chair hears no objection. The question is now on the amendment of the gentleman from Kentucky [Mr. EVANS].

Mr. EVANS. There are three amendments proposed by the Committee on Ways and Means. The first is to change the date ascribed to the Wilson bill from the 25th to the 28th of August.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

In line 5, strike out "25th" and insert "28th."

The CHAIRMAN. On that amendment the Chair will recognize the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Chairman, as a member of the Committee on Ways and Means of the Fifty-first Congress I entered upon the deliberation, in the formation of the bill reported and passed in that Congress, with a firm conviction that we ought to have free alcohol for use in manufactures and the arts in this country. I was as firmly convinced of that then as my friend from Connecticut is to-day; and on an examination of the subject I was as firmly convinced that it was a very easy thing to formulate just as he seems to think to-day it is a very easy thing to do. We examined the matter before the Committee on Ways and Means for a number of weeks and were unable absolutely to hit on any plan by which we could accomplish the result, as we thought, practically and without danger of serious frauds on the revenues of the Government.

I have given a great deal of thought and consideration to the subject since that time. When the Wilson bill was formulated in 1894 the matter was considered and this clause went in on the suggestion of a Senator from Massachusetts who, in reply to queries, said that he did not think the clause he offered was practical or that it could be enforced, but he offered it in order that the subject might go into conference, and see whether the conferees could not get something out of it. And it was put on in the Senate on that suggestion in the hope that something might grow out of the conference and some practical suggestion made by the conferees on the part of the two Houses to carry it into effect. But we all know how the Senate amendments were agreed to here in the House without any consideration whatever, because the conference failed.

Now, that section is an utterly impracticable measure. It can not be enforced. Of all the laws that have been drawn or proposed on the subject of free alcohol, none are so well calculated to defeat the very object it claims to have in view as this section 61, and there is no provision of law so difficult of enforcement. It is in fact utterly incapable of enforcement as it stands, and hence there has grown up throughout the country a demand for the repeal of this section 61 of the law of 1894.

I have seen no suggestion yet where there was safety for the revenues of the Government, save in the single proposition that every factory using alcohol for the purpose of manufacture should become a bonded warehouse with all the restrictions and

all the regulations and all the expenses that attend every distillery or bonded warehouse in the United States. The cost of such a system would be enormous—a million or more of dollars annually, and the Ways and Means Committee did not think that they ought to try to saddle this cost on the Government of the United States or upon the manufacturers who use alcohol and charge them with the expense unless it is the last resort in legislation upon the subject, because if we charge it on the factories it necessarily drives out the small men from the business. They can not come in and manufacture at the enormous expense that would attend the bonded manufacturer or the distiller under the law. It would involve an entire suspension of the smaller establishments. They might better pay the tax on the alcohol, which would drive them out of business.

For my own part, I hope that some way may yet be devised to meet the difficulties that exist, because such laws have been in force in England, in France, in the Netherlands, and in other countries with dense populations for some time. In countries where hundreds of their citizens surround the various factories and watch them, it is so easy, under such circumstances, to watch and detect fraud if any is committed. But we could not get along here in that manner. We can not even get along in the distilling of whisky, with all the care that is taken, without great fraud in the moonshining districts, away from population. We have not yet devised a plan that enables us to collect all the revenue on distilled whisky for that very reason.

I hope, therefore, that some provision will be made with reference to this very question that will be more satisfactory in the future. I want to see every legitimate manufacturer who uses alcohol permitted to get it free from all taxation. In saying that, however, I desire to say also that I have no sympathy with those people who peddle medicinal compounds and manufactured medicines throughout the country, because I believe as a rule that 95 per cent of them are used strictly for beverages by the people of the United States, as whisky is handed over the bar in a glass in the various saloons in our great cities. And I want to see, as long as we have the internal-revenue system in force, all of these stuffs that are used as beverages compelled to pay this tax. But I shall welcome any legitimate plan that will enable the manufacturer, using alcohol in his manufacturing processes, to get it free of cost as far as taxation is concerned, and I hope such a plan can be devised, or scheme formulated, to protect the revenues, while at the same time it allows alcohol free in the manufactures and arts.

[Here the hammer fell.]

Mr. HARDY. Mr. Chairman, it strikes me that this is one of the fragments of the Wilson bill brought into this Congress for repeal. I am glad to know that we have at last started along on that line—a line bearing in the right direction. I regret, however, that we can not bring in the entire bill and repeal it all at one fell swoop.

Now, I want to say to my distinguished friends who belong to one of the great political parties who are advocating the free and unlimited coinage of silver that they are going to the Chicago convention, many of them, to nominate a candidate for the Presidency who shall be pledged to the free and unlimited coinage of silver. [Applause.] But, Mr. Chairman, these gentlemen of the Democratic party, who maintain for a moment that they can, in that convention, nominate such a man, are reckoning without their host.

When you meet in Chicago you will find that the Paul of free silver may plant and the Apollos of bimetallism may water, but the gold-standard god of Democracy alone can give the increase, and that god of Democracy to-day is Grover Cleveland, now President of the United States. You will find that your convention will be controlled and absolutely dominated by the Clevelands, the Harritys, the Gormans, the Carlisles, and the Whitneys of the country, and you free-silver men who represent the ginseng and hoop-pole districts of the country, when you go to Chicago as delegates, will belong to the great family known as the family of Not-in-it.

Go back into the history of Democracy since the war, and you will see that every man you have nominated has been an Eastern man—every one from the State of New York; and in 1896 you will not make a new precedent.

In 1864 you nominated McClellan from New York, and he went down in defeat. In 1868 you nominated Seymour, and he went down in defeat; and Grant, the American patriot, statesman, and greatest soldier the modern world has known, was triumphantly elected to the Presidency. [Applause.] In 1872 no Democrat in your party was found worthy of a nomination, and knowing that defeat hopelessly confronted the Democracy, you took up that grand old apostle of Republicanism, Horace Greeley, and in his old age you immolated and murdered him on the altar of a decaying and defunct Democracy. In 1876 you made Tilden of New York your nominee and he went down in defeat by the overwhelming, fairly cast, and honestly counted vote of the country. [Derisive laughter on the Democratic side.]

In 1880 you took up the superb Hancock, also of New York, and he went down in defeat; and the immortal Garfield was elected to the Presidency. In 1884 you took up Cleveland, another New York candidate, and he was elected by the vote of New York, which more recent developments show to have been fraudulent. In 1888 you again nominated Cleveland, and he went down in defeat; and the great Indianian, Benjamin Harrison, took hold of the helm of the ship of state and guided her in safe channels for four years, and gave the people an Administration which courted and received the respect and admiration of every loyal American citizen.

In 1892 the Democracy again nominated Cleveland and he was declared elected, and in July, 1896, when the contending hosts of Democracy meet in national convention in Chicago, amidst strife and turmoil, you will find that Eastern Democrats will again control the convention and your candidate will be chosen from a State lying east of the Alleghanies, and he will be a single gold standard man, leaving the Western free-silver Democracy floundering in a fathomless sea without compass or rudder. [Applause on the Republican side.]

[Here the hammer fell.]

Mr. LACEY. Mr. Chairman, I move to strike out the last word.

I was very much impressed yesterday by a suggestion made by the gentleman from Connecticut [Mr. HILL], that some methylating process had been adopted in England by which the Government could give free alcohol. The question was asked then why we should not, instead of repealing this act, pass an amendment that would enable this country to do the same thing. Now, I want light upon that question, and I want my friend from New York [Mr. PAYNE], if he can, to give the House the information why it is not possible for us to adopt the same methods that have been adopted in England, and which we are assured have been successful there? I yield to the gentleman from New York to answer, and let it be taken out of my time.

Mr. PAYNE. I understand that the process of methylation consists of mingling about 10 per cent of wood alcohol with 90 per cent of grain alcohol, which renders the mixture poisonous, and of course while it is in that form it can not be used as a beverage. It would be deadly. That is the method which is used in England. But it is found that it is the easiest thing in the world to separate the wood alcohol from the grain alcohol. The specific gravity is not the same, even at normal temperature, and by slightly raising the temperature, not high enough for the purpose of distillation, the wood alcohol can be separated from the grain alcohol.

Mr. LACEY. How do they get over that difficulty in England?

Mr. PAYNE. They are living so compactly together, there are so many noses to smell the operation, all over the Kingdom, that it would be discovered. Because of the sparsely settled character of many parts of this country we have a great deal more danger of avoidance of the internal-revenue laws by illicit distillers. It is a notorious matter that all over the country there are many illicit stills which are almost impossible of detection, and that we can not regulate the collection of this revenue upon the products of distilleries without the strictest surveillance on the part of the Government, necessitating a large number of officers and a large expense. We should have to guard in the same way to protect against the frauds upon the revenue by the demethylating of methylated alcohol.

Mr. LACEY. Is the methylating of alcohol the only method used in England to protect the Government?

Mr. PAYNE. I think that is the only method, so far as I am informed, which is used in England. They have some strict rules and regulations, but that is the only method of rendering the alcohol unfit for use as a beverage.

Mr. LACEY. I believe there are only five distilleries in England?

Mr. PAYNE. I do not know. The number is small.

Mr. RUSSELL of Connecticut. I should like to ask the gentleman from New York whether he knows if there has ever been any successful demethylation of methylated spirits in what may be called commercial quantities? It has been done chemically at the Treasury Department, but is it not a fact that in England it is found impracticable and too expensive to demethylate the methylated spirits which are used in manufactures?

Mr. PAYNE. My information is that it can be done at a very slight expense.

Mr. RUSSELL of Connecticut. My information is just the contrary.

Mr. QUIGG. That is why we want this commission.

Mr. PAYNE. I hope the gentleman's view of the case may prove to be correct. If we appoint this commission, they may investigate that subject, and if his information proves to be correct I shall be with him.

[Here the hammer fell.]

Mr. EVANS. Mr. Chairman, I should not have further troubled the committee had it not been that some expressions fell from the

lips of the gentleman from Connecticut [Mr. HILL] yesterday and the gentleman from New York [Mr. BARTLETT] which insinuatingly connected me and Kentucky and my labors in this behalf with the so-called whisky trust or with some whisky ring. That was alike unkind and unjust, not otherwise to characterize it. Furthermore, I will venture to say that neither gentleman knows what the whisky trust is.

Mr. HILL. Will the gentleman pardon me? Does the gentleman from Kentucky say I made that statement yesterday?

Mr. EVANS. It is in your speech, I think.

Mr. HILL. All of my remarks are printed in the RECORD, and the gentleman is entirely mistaken in stating that I made such a remark.

Mr. EVANS. I may have confounded it with the remark of some one else. I have referred to it, however, without any feeling with respect to either gentleman.

Mr. Chairman, this question was as new to me as to any member of this body until it fell to my laborious duty as chairman of the subcommittee on internal revenue of the Ways and Means Committee to investigate the subject as a part of my work as such chairman. I never heard of free alcohol in the arts under section 61, so far as I know, until the bill, not a Kentucky bill, but a bill introduced by the gentleman from Pennsylvania [Mr. CHARLES W. STONE], came to the subcommittee for investigation. Now, I assert that the whisky trust of all the manufacturers of distilled spirits is the one which is particularly interested in the continuance of section 61. The whisky trust, it may surprise gentlemen to know, makes no whisky, but manufactures alcohol alone, and gentlemen ought to understand that the whisky trust is the American Spirits Manufacturing Company, a corporation which has distilleries in several parts of the country, mostly in Illinois, but none in Kentucky so far as I know. Let me say, by the way of relief to the inflamed gentlemen, that the Kentucky distillers, so far as I know, have not the slightest interest in this question, any more than any other citizen has in stopping a leak in the Treasury.

Mr. BARTLETT of New York. Will the gentleman allow me a question?

Mr. EVANS. Yes.

Mr. BARTLETT of New York. I understand the gentleman to say that so far as he knew the distillers of the country had no interest in this matter?

Mr. EVANS. I say the distillers of Kentucky.

Mr. BARTLETT of New York. Oh!

Mr. EVANS. So far as I know they have not. I am not here to speak for the distillers of Kentucky, and I do not know whether they have or not, but in what I have done with reference to this bill I am only discharging the duties devolved on me by reason of committee assignment and not otherwise, and I know of no distillers being specially interested in this bill except the manufacturers of alcohol, and their influence is in opposition to this bill. The maker of whisky has nothing to do with the matter.

Mr. BARTLETT of New York. Let me ask the gentleman one question.

Mr. EVANS. Certainly.

Mr. BARTLETT of New York. Has the gentleman forgotten that in the hearings before his subcommittee it was testified by the distillers that every distiller in this country was interested in this legislation?

Mr. EVANS. One Pennsylvania distiller, from Pittsburg, did so, volunteering a few words; and he was the only one, and whether he spoke as one having full knowledge or not I know not.

Mr. COLSON. Did he bring any Monongahela rye with him?

Mr. EVANS. Mr. Chairman, I only rose for the purpose of making this brief personal statement, and to move that debate on the bill and all amendments in the committee be closed at 3 o'clock.

Mr. BARTLETT of New York. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT of New York. I have sent up an amendment which is to be offered after the committee amendments. Does the motion of the gentleman from Kentucky affect debate on my amendment?

The CHAIRMAN. It will affect debate upon amendments. It will not affect the offering of amendments. The question is on the motion of the gentleman from Kentucky.

Mr. QUIGG. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. QUIGG. Will the adoption of this motion prevent the introduction of other amendments?

The CHAIRMAN. It will not prevent the introduction of other amendments.

Mr. MOODY. Another parliamentary inquiry. Will the adoption of this motion shut out debate on any amendment which may hereafter be offered?

The CHAIRMAN. It would.

Mr. EVANS. But amendments can be offered.

Mr. DINGLEY. I desire to say to the gentleman from Kentucky that the gentleman from Connecticut [Mr. HILL] was assured that there would be an opportunity given him to offer an amendment and to make a few statements respecting the same; and in view of that fact, I ask the gentleman from Kentucky to make his motion to limit all debate on the section and pending amendments to 3 o'clock. That will give a vote on the pending amendments, and we can then take up other amendments.

Mr. EVANS. I accept that modification.

Mr. BARRETT. Mr. Chairman, will the adoption of the vote preclude the offering of amendments to the bill or a motion to report the bill to the House with the recommendation that the enacting clause be stricken out?

The CHAIRMAN. It would not.

The question was taken on the motion of Mr. EVANS, and it was agreed to.

The CHAIRMAN. The question is on adoption of the committee amendments.

The Clerk read as follows:

Strike out the words "twenty-fifth," in line 5, and insert in lieu thereof the words "twenty-eighth."

The amendment was agreed to.

The CHAIRMAN. The question is on the adoption of the amendment to the title of the bill.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. BARRETT. Mr. Chairman, I rise to call the attention of the Chair to the fact that an amendment to the title of the bill should not be submitted until the body of the bill has been perfected.

The CHAIRMAN. An amendment can not be agreed to, as in the House, but the Chair assumes that a recommendation of the amendment can be made by the committee.

The motion was agreed to.

The CHAIRMAN. The Clerk will now report the amendment of the committee.

The Clerk read as follows:

SEC. 2. That a joint select committee is hereby authorized, to consist of three Senators, to be appointed by the Presiding Officer of the Senate, and three members of the House of Representatives, to be appointed by the Speaker of the House, which select committee shall consider all questions relating to the use of alcohol in the manufactures and arts, free of tax, and to report their conclusions to Congress on the first Monday in December, 1896.

Said joint select committee is authorized to sit by subcommittee or otherwise during the recess or session of Congress at such times and places as they deem advisable; to summon witnesses, administer oaths, print testimony or other information, and to employ such stenographic, clerical, and other assistance as may be necessary, one-half of the expense to be paid from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

The question being taken, the Chairman declared that the ayes seemed to have it.

A division being called for, the committee divided, and there were—ayes 112, noes 9.

So the amendment was adopted.

Mr. MOODY. Mr. Chairman, I move to amend by inserting in line 3, after the word "that," the words "the effect and operation of"; and in line 7 by striking out the word "repealed" and inserting "suspended until July 1, 1897"; so that if the amendments be adopted the bill will read:

That the effect and operation of section 61 of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 28, 1894, be, and the same is hereby, suspended until July 1, 1897.

Mr. Chairman, it is not strange, after the Ways and Means Committee have deliberated throughout all this session, and, having found one single section in the Wilson-Gorman bill which conforms to Republican doctrine, have brought in here a measure for the purpose of repealing that section, that there should be some difference of opinion upon the Republican side of the House. The committee, fearing that that pill, not sugar coated, can not go through this Committee of the Whole and the House of Representatives, have now offered an amendment which has just been adopted—I will not call it a bunco amendment, but the effect of it is that. It has the effect of deluding the House with false hopes. It provides that a commission shall report upon this subject on the 1st day of December, 1896.

In what condition will the House find itself at that time? All reference to free alcohol will have been stricken out of the statute book. There will be a Democratic Senate and a Democratic President, and it will be utterly impossible to enact any measure which will lessen the receipts from internal revenue and give the opportunity to seek receipts at the custom-house. Therefore, if this repeal is now made by the House, no measure such as the appointment of a commission will accomplish anything during the remaining session of this Congress. Further than that, the result depends greatly upon the men who may be appointed upon the commission. If a majority of them believe, as the gentleman from Tennessee [Mr. MCMILLIN] believes, that revenue ought to be raised by internal taxation and not at the custom-house, they will not be able

to find any method of regulation which will provide for free alcohol any more than the present Secretary of the Treasury has been able to find such a method of regulation.

If, on the other hand, they consist of friends of free alcohol they may bring in some measure. It depends somewhat, though, on what kind of friends they are. The distinguished gentleman from Maine [Mr. DINGLEY] has declared that he is a friend of free alcohol. I wish he had devoted his great talents and learning to the discovery of a proper system of regulations to give effect to the provision for free alcohol instead of bringing in this bill to repeal the law. Free alcohol might well say to the distinguished gentleman from Maine who calls himself its friend, "It was all very well to dissemble your love, but why did you kick me downstairs." [Laughter.] For that is precisely what is done by the passage of this bill. Now, the amendment which I offer proposes to suspend the operation of the law until the 1st of July, 1897, until the commission that is to be appointed can reasonably consider the subject and make its report to this House. When that report is made at the next session of this Congress, we may find that we can get cooperation from the President and the Secretary of the Treasury if they think they can exchange a bad law for the good law which will be suggested by that commission; but if they find that, in accordance with Democratic principles, the whole theory of free alcohol is wiped from the statute book, we can get no such cooperation and we shall be powerless. As was pointed out by the gentleman from New York, if all that is aimed at is the elimination of the vicious element contained in the law, if the principle of free alcohol in the arts is not aimed at, then the House will adopt the amendment which is now before it. It is an amendment hastily drawn. I should have preferred to have had the same object brought about by a more carefully framed measure, but if the words in my amendment do not accomplish the purpose, words can be found that will accomplish it.

Mr. DALZELL. Mr. Chairman, I think it can be truthfully said that at least every member of the Republican end of the Committee on Ways and Means is in favor of free alcohol under some well-regulated and practicable law. But, not to use any more emphatic terms, it seems to me that the remarks made by numerous gentlemen on the floor with respect to the conduct of the Ways and Means Committee have been exceedingly unfair. That committee gave to this subject, as it gave to every subject that has been brought before it at this session, the most earnest and serious consideration. The result of that consideration was the conclusion that the law on the statute book now in question was futile to bring about the object that was intended by its framers. The Committee on Ways and Means did not rely simply upon the testimony presented before them, but they considered the opinion of the last Republican Commissioner of Internal Revenue, the opinion of the present Commissioner of Internal Revenue, the opinion of the last Republican Secretary of the Treasury, and the opinion of the present Secretary of the Treasury. And gentlemen who are fair will recognize at once that there is no argument in the assertion that this is declared an impracticable provision by a Democratic Administration merely because it does not wish to carry out the law. The opinions of the Secretary of the Treasury and of the Commissioner of Internal Revenue as to matters falling within their respective spheres are entitled to consideration; and that consideration they have had.

Coming into this House with the opinion that this act ought to be repealed, the Committee on Ways and Means made a concession to the opponents of the measure. It is embodied in this second section. And now gentlemen get up on the floor and in such language as that used by the gentleman from Massachusetts [Mr. MOODY] who has just sat down accuse us of submitting to the House a "bunco" measure.

Mr. MOODY. Oh, Mr. Chairman, if the gentleman understood me as reflecting upon the motives of the committee, I beg to disclaim any such suggestion.

Mr. DALZELL. That is just exactly what the gentleman said.

Mr. MOODY. Then I did not mean it. I withdraw it. I intended no such suggestion.

Mr. DALZELL. Well, I think the gentleman does himself credit in withdrawing it.

Mr. MOODY. I should regret exceedingly to be so understood.

Mr. DALZELL. Now, the question before the House is not whether or not we shall have free alcohol. The question before the House is whether the law on the statute book gives us free alcohol, whether it accomplishes the purpose for which it was intended. If it does not accomplish the purpose for which it was intended, then it ought to be stricken from the statute book, unless it accomplishes some other good purpose. Now, what good purpose does it accomplish, or rather what evil purpose does it accomplish? It does not give to the manufacturer free alcohol. It does not give to the consumer free alcohol. What does it do? It piles up day by day, month after month, so long as it remains upon the statute book, claims upon the Government of the United States, claims that the next Republican Administration (for we all believe, even our friends on the other side, that it will be a Republican Administration)—to the extent of millions of dollars that the Republican Administration will be called upon to pay.

Gentlemen must bear in mind that by a decision of the Supreme Court as long ago as 6 Cranch—every lawyer will remember the case of Fletcher *vs.* Beck—all these claims stand upon a basis that is impossible to be affected by legislation. And it matters not what this House may do, whether it repeal this law or not, those claims will exist as claims against the Government until they shall have been finally passed upon by the proper tribunal. If by the common-law principle that were not so, I call the attention of the committee to chapter 2 of the Revised Statutes, section 13:

> The repeal of any statute shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such statute, unless the repealing act shall so expressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability.

Mr. BAKER of New Hampshire. Does that provision apply in any other cases of repeal than repeals made by the Revised Statutes?

Mr. DALZELL. I think it does.

Mr. BAKER of New Hampshire. I think it does not.

Mr. DALZELL. But whether it does or not, let it be conceded that it does not——

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. DALZELL] has expired.

Mr. EVANS. I move that debate on this bill and all amendments be now closed. I believe the gentleman from Connecticut [Mr. HILL] does not wish to occupy any further time.

Mr. HILL. I beg the gentleman's pardon, I do.

Mr. EVANS. I understood the gentleman otherwise.

Mr. HILL. I said that I wanted to offer an amendment and explain it.

Mr. PARKER. I desire also to offer an amendment.

The CHAIRMAN. Does the gentleman from Kentucky [Mr. EVANS] withdraw his motion?

Mr. EVANS. I will move that debate be closed in five minutes, so that the gentleman from Connecticut [Mr. HILL] may have an opportunity to offer his amendment and explain it.

Mr. BARTLETT of New York. I have sent to the desk an amendment which I propose to offer, providing a saving clause drawn in accordance with the views of the distinguished gentleman from Pennsylvania.

Mr. DALZELL. I trust the gentleman will not do that. There is no use of our legislating as to whether those claims are good or bad. Let the courts pass on them when they come up.

Mr. EVANS. I modify my motion and move that debate on the bill and all amendments be closed in ten minutes from this time.

Mr. PARKER. If this motion be adopted, shall I be permitted to offer an amendment?

Mr. DINGLEY. Amendments will be in order.

The CHAIRMAN. This motion will not prevent the offering of amendments.

The motion of Mr. EVANS was agreed to.

Mr. HILL. Mr. Chairman, it was my intention, and I gave notice to that effect on yesterday, that at the close of the general debate, or when the opportunity offered, I would present the committee amendment as a substitute for the whole proposition reported from the Committee on Ways and Means. My purpose was this: The moment this law is repealed the manufacturers in my district at least, and I presume the other manufacturers throughout the country generally, believe that instantly the price of the only substitute for grain alcohol entering into the arts and manufactures will be largely advanced and that they will be placed at the mercy of a trust which controls the output in this country of the product. They believe that honestly, and I believe that they are right, from the very fact that the price of alcohol has been practically, during the last two and a half years, controlled by the Congress of the United States as the result of its legislation, and for that reason I was opposed and am now to the repeal of that provision of the law.

I believe the same result may be practically gained, and perhaps with better results to the United States, if the proposition of the gentleman from Massachusetts [Mr. MOODY] were adopted and put in force, and I give notice now that I shall not offer the substitute I had intended to offer, and which I have suggested, but will vote for the amendment of the gentleman from Massachusetts. I ask the members of this House to at least give the protection of a possible future competition, if they will not grant the protection of present competition, to the manufacturers who are compelled, if they are to continue business, to use wood alcohol at any price ranging from 90 cents to $2.30 a gallon, the price of grain alcohol with the tax paid, and it seems to me that if the country is not to suffer, as I believe it will not suffer by the adoption of the amendment of the gentleman from Massachusetts and a suspension for a short time of the present law, that the manufacturing industries are at least entitled to that protection.

I had another reason for opposing this matter. It seems to me to be utterly impossible as the Government is now constituted, and it is liable to be so constituted for the next two years, to enact into law the regulations the commission would formulate. That has been already touched upon, and I simply ask at this time that the amendment of the gentleman from Massachusetts may be passed, so that the possible future competition may prevent the advance of this product among our manufacturers who are compelled to use it in large quantities, for if they are forced to pay this high price for it it is a very serious drawback to this business.

I hope, therefore, that the amendment of the gentleman from Massachusetts will be adopted.

The question being taken on the amendment of Mr. MOODY, the committee divided, and there were—ayes 51, noes 88.

So the amendment was rejected.

Mr. PARKER. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The Clerk will read the amendment proposed by the gentleman from New Jersey.

The Clerk read as follows:

> Strike out the last word, "repealed."
> Insert in lieu thereof, "amended by adding thereto the following words: "'And the Secretary of the Treasury may retain not to exceed 10 per cent of such rebate to form a fund for the payment of the expenses of such regulations and of such inspectors as may be needful thereunder, which inspectors the said Secretary is hereby authorized to employ from time to time.'"

Mr. PARKER. I desire simply to state the effect of the amendment in a single word.

Mr. EVANS. I believe the debate has been closed.

The CHAIRMAN. There are five minutes yet of the time, and the Chair will recognize the gentleman from New Jersey.

Mr. PARKER. I shall not want but a very few moments. I do not propose to occupy five minutes.

The proposition is now that the section shall be repealed. I say no. The Secretary of the Treasury says it can not be enforced as it is now, because he has no money to employ inspectors in the various factories and manufacturing establishments throughout the country. I say do not repeal the section, but amend it by allowing the Secretary of the Treasury to retain 10 per cent of all of the rebates collected to form a fund out of which he may employ inspectors and see that the law is enforced, as it was his duty all of the time to do.

I therefore say try that suggestion. Give him the means to try it. He says he lacks the money to carry the section into effect. Now, this proposes to give it to him.

In the case of my constituents they pay $48,000 a year. Ten per cent of that, or $4,800, would pay for the inspection, I think, and see that they do not defraud the Government. That is all.

I ask a vote on the amendment.

The question being taken, the committee divided; and there were—ayes 39, noes 80.

So the amendment was rejected.

Mr. EVANS. I move that the committee rise and report the bill back to the House with the recommendation that as amended it do pass.

Mr. SKINNER. Mr. Chairman, the time in which to offer amendments has not expired.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SKINNER. I rise for the purpose of asking for the reading of the amendment which was ruled not germane to the original amendment.

Mr. EVANS. The time for amendment has expired.

The CHAIRMAN. The amendment has not been offered as an amendment to the bill.

Mr. SKINNER. I now offer it.

The CHAIRMAN. The Chair will say to the gentleman that the time within which debate was allowed has expired, and the gentleman from Kentucky [Mr. EVANS] has moved that the committee rise and report the bill favorably to the House.

Mr. BARRETT. I move to amend by recommending that the enacting clause be stricken out.

The CHAIRMAN. The question is upon the motion of the gentleman from Massachusetts [Mr. BARRETT] that the committee recommend the striking out of the enacting clause.

The question was taken; and on a division (demanded by Mr. BARRETT) there were—ayes 54, noes 92.

Accordingly, the motion was lost.

The motion of Mr. EVANS was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 3282) to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 25, 1894, and had directed him to report the same to the House with amendments, and with the recommendation that as amended the bill do pass.

Mr. EVANS. I move the previous question on the bill and amendments to the passage.

The previous question was ordered.

Mr. BARRETT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BARRETT. I rose in my place desiring to make a motion which is in order, and which I now desire to submit.

The SPEAKER. The gentleman will state his proposition.

Mr. BARRETT. It is a motion to recommit with instructions.

The SPEAKER. That will be in order after the engrossment and third reading is ordered.

Mr. BARRETT. I understand that motion is in order pending the previous question on the passage of the bill. The gentleman from Kentucky [Mr. EVANS] expressly moved the previous question up to and including the passage of the bill.

The SPEAKER. That is the proposition which he made.

Mr. BARRETT. And pending that motion I rose to offer a motion to recommit, which I think is in order.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

On May 25, 1896:

An act (H. R. 4179) to amend section 3719 of the Revised Statutes relative to guarantees on proposals for naval supplies;

An act (H. R. 4324) authorizing the Secretary of the Navy to deliver one condemned cannon to the city of Elmwood, Peoria County, Ill., and for other purposes;

An act (H. R. 270) changing the time of holding terms of the circuit and district courts of the United States in the northern district of California;

An act (H. R. 5217) making one year's residence in a Territory a prerequisite to obtaining a divorce there;

An act (H. R. 5379) making it unlawful to shoot at or into any railway locomotive or car, or at any person thereon, or to throw any rock or other missile at or into any locomotive or car in the Indian Territory, and for other purposes;

An act (H. R. 4255) to provide for settlement of titles and disposition of public lands in the Arredondo grant, in Columbia County, Fla.; and

An act (H. R. 8260) to authorize the establishment of a life-saving station at Port Huron, on the coast of Lake Huron, Michigan.

NOTE.—The following bills were presented to the President May 13, 1896, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, have become laws without his approval:

An act (H. R. 3606) granting a pension to French W. Thornhill; and

An act (H. R. 1020) granting an increase of pension to Gilman Williams.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 8293) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes; in which the concurrence of the House was requested.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 2928) to extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company of the District of Columbia, and for other purposes, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCMILLAN, Mr. HARRIS, and Mr. PROCTOR as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to bills of the following titles:

A bill (S. 710) granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka; and

A bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 1659) to amend the laws of the District of Columbia as to married women, to make parents the natural guardians of their minor children, and for other purposes.

ALCOHOL IN THE ARTS.

The SPEAKER. If the Chair is not mistaken, the motion of the gentleman from Massachusetts [Mr. BARRETT] is in order after the bill has been ordered to be engrossed.

Mr. BARRETT. Mr. Speaker, if the Chair will allow me, the rule says:

> It (the motion to recommit) shall be in order pending the motion for or after the previous question shall have been ordered on its passage.

The SPEAKER. That is, pending the motion on the passage. That refers to a separate proposition where the previous question is moved on the passage, as it may be. The Chair supposes that the practical principle involved is this: After the House has

proceeded to amendment of the bill, and the bill has reached its final position, ready to be engrossed, or ordered to be engrossed, then, if the House is dissatisfied with it, it may move to commit, or recommit, as the phraseology ordinarily is. That is to enable the House to correct its action in case the bill when finished is not satisfactory.

Mr. BARRETT. Mr. Speaker, I understand that it is the intention of the Chair to allow me at some time to offer this motion, but I wish to submit this proposition: We will suppose for a moment that I wish to recommit this bill, being a friend of the bill. I understand the rule provides that that shall be allowable. We will suppose that the present position of the Chair is correct, and then we will suppose that the House, on the question of ordering the bill to be engrossed, should vote in the negative. That would shut out my motion to recommit, which this rule intends shall have precedence over any final action of the House, whether on the motion to engross or on the motion to the final passage. I submit that the reading of this rule is perfectly clear, that it has reference to the time pending the motion for the previous question as well as pending the motion on the passage of the bill after the previous question has been ordered. I think the illustration that I have offered covers the point, because it shows how it is possible, under the suggestion made by the Chair, for this House, without having an opportunity to vote on the motion to recommit, to kill this bill, when it is intended by this rule and the practice of the House that pending the final disposition of the bill it shall be in order to move its recommittal.

Further, the motion to refer (which is analogous to committal or recommittal) is, by the rule of the House, made to take precedence of the motion to amend. In fact, it is the general parliamentary rule that practically all subsidiary motions rank ahead of that to amend.

The SPEAKER. If the gentleman from Massachusetts will for a moment consider the general course of business, the Chair thinks he will see reason to change his opinion. Until the previous question is ordered, a motion to recommit is in order, and when the previous question is ordered, it is because the House orders a vote to be taken.

The House would not be likely to order a vote to be taken and still reserve or leave the right to commit until some further action had taken place. That further action is to vote on the amendments and to engrossment. After that the rules provide that the House, if dissatisfied with the action thus taken, may recommit the bill. First, there is an opportunity of committal prior to the motion for the previous question. If the previous question is ordered, it is ordered on the main question and the amendments.

Mr. BARRETT. The Chair has misunderstood my contention. My contention was that while the motion for the previous question on the passage of the bill was pending I rose in my place and asked to be recognized to make a motion to recommit.

The SPEAKER. Precisely. But this is a motion for the previous question on the engrossment of the bill, on the amendments, and on the passage, not what was referred to in what the gentleman has quoted, namely, a motion for the previous question on the passage of the bill. Pending that, a proposition can be made such as the gentleman speaks of.

Mr. BARRETT. Then I understand, Mr. Speaker, that the Chair holds that no motion has been made for the previous question on the passage of the bill.

The SPEAKER. The Chair holds that the motion has been made for the passage of the bill, but it is a motion for the previous question on a series of motions such as the rules authorize.

Mr. BARRETT. And the Chair holds that a motion to recommit is not in order until the question comes on the passage of the bill?

The SPEAKER. The motion is in order, but the vote is taken on it after the bill is engrossed.

Mr. BARRETT. Then I desire to give notice that at the proper time I shall move to recommit the bill.

The SPEAKER. When presented it will be pending.

DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, pending the disposition of this bill, I would like to call up the general deficiency bill, and move that the House disagree to the Senate amendments and ask a conference.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Illinois.

Mr. HOPKINS. One word with my colleague. There are two or three amendments offered by the Senate on which I would like to ask an expression of the House. Would the gentleman be willing to let a vote be taken on those amendments before the conferees are appointed or after they are appointed?

Mr. CANNON. If it is a matter of real difference.

Mr. BENNETT. Is this a report of a committee of conference?

The SPEAKER. It is not a report of a committee of conference.

Mr. BENNETT. Then it is not privileged.

Mr. CANNON. I suppose it is not privileged.

The SPEAKER. The Chair thinks not.

Mr. HOPKINS. I do not propose it, unless it is agreeable to my colleague.

Mr. CANNON. It is not at this time. I think it can be reached better further along. I want the bill to get into conference, and I ask to make the motion. I think it will take but a few minutes to dispose of it.

The SPEAKER. If there be no objection the motion can be entertained.

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM].

Mr. CANNON. The gentleman from Nebraska is now stopping the steamboat.

ALCOHOL IN THE ARTS.

The SPEAKER. The question is on agreeing to the amendments reported by the Committee of the Whole.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. COLSON. The yeas and nays!

The SPEAKER. Does the Chair understand that a gentleman demanded the yeas and nays?

Mr. BARRETT. A call was made for the yeas and nays by a gentleman in the rear of the House.

Mr. COLSON. I do not wish the yeas and nays on the engrossment and third reading.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is now on the passage.

Mr. BARRETT. Mr. Speaker, I move to recommit to the Committee on Ways and Means with instructions to report to this House on or before January 1, 1897, such amendments to the present law as will provide for the enforcement of the present laws relating to the use of alcohol in the manufactures and arts free of tax.

The SPEAKER. The question is on agreeing to the motion to recommit with instructions.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. BARRETT. Division.

The House divided; and there were—ayes 56, noes 129.

Mr. BARRETT. I ask for the yeas and nays. [Cries of "Oh, no!"]

The question was taken on ordering the yeas and nays.

The SPEAKER. Twenty-seven gentlemen have risen in support of the demand—not a sufficient number; and the yeas and nays are refused. [Applause.] The noes have it, and the motion to recommit is disagreed to. The question is now on the passage of the bill.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. PITNEY. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 166, nays 69, not voting 120; as follows:

YEAS—166.

Abbott,	Cooke, Ill.	Henderson,	McLaurin,
Aldrich, Ala.	Cooper, Fla.	Hendrick,	McMillin,
Allen, Miss.	Cooper, Tex.	Henry, Ind.	McRae,
Allen, Utah	Crowther,	Hermann,	Mercer,
Anderson,	Crump,	Hilborn,	Miles,
Andrews,	Culberson,	Hopkins,	Milnes,
Arnold, R. I.	Curtis, Iowa	Howard,	Minor, Wis.
Avery,	Curtis, Kans.	Hubbard,	Mondell,
Babcock,	Dalzell,	Huff,	Money,
Baker, Kans.	Danford,	Huling,	Neill,
Baker, Md.	Daniels,	Hunter,	Odell,
Bankhead,	De Armond,	Jenkins,	Otey,
Barham,	Denny,	Johnson, N. Dak.	Otjen,
Bartlett, Ga.	De Witt,	Kem,	Overstreet,
Beach,	Dingley,	Kendall,	Owens,
Belknap,	Doolittle,	Kerr,	Payne,
Bell, Colo.	Dovener,	Kirkpatrick,	Pendleton,
Bell, Tex.	Eddy,	Kleberg,	Phillips,
Berry,	Elliott, S. C.	Kyle,	Prince,
Blue,	Ellis,	Lacey,	Richardson,
Broderick,	Erdman,	Latimer,	Sauerhering,
Buck,	Evans,	Layton,	Sayers,
Burrell,	Faris,	Leighty,	Scranton,
Burton, Mo.	Gamble,	Leonard,	Settle,
Burton, Ohio	Gibson,	Lewis,	Shafroth,
Cannon,	Grow,	Linton,	Shuford,
Catchings,	Hadley,	Little,	Smith, Ill.
Clardy,	Hager,	Lockhart,	Smith, Mich.
Clarke, Ala.	Hainer, Nebr.	Long,	Sorg,
Clark, Iowa	Halterman,	Mahon,	Spalding,
Clark, Mo.	Hardy,	McCall, Tenn.	Spencer,
Cockrell,	Harmer,	McClure,	Stahle,
Connolly,	Harrison,	McCulloch,	Stallings,
Cook, Wis.	Hart,	McDearmon,	Steele,

Stewart, Wis.	Tate,	Turner, Ga.	Wilson, Ohio
Stokes,	Tawney,	Turner, Va.	Wilson, S. C.
Stone, C. W.	Tayler,	Van Horn,	Wood,
Strait,	Terry,	Walker, Va.	Woodard,
Strode, Nebr.	Thomas,	Washington,	Woodman,
Strong,	Tracewell,	Watson, Ohio	Yoakum.
Strowd, N. C.	Treloar,	Williams,	
Talbert,	Tucker,	Wilson, Idaho	

NAYS—69.

Adams,	Fitzgerald,	Lester,	Shannon,
Apsley,	Fowler,	Linney,	Sherman,
Atwood,	Gardner,	Loudenslager,	Simpkins,
Baker, N. H.	Gillett, Mass.	Low,	Southard,
Barrett,	Graff,	Marsh,	Stewart, N. J.
Bartholdt,	Griffin,	McCall, Mass.	Sulloway,
Bartlett, N. Y.	Grout,	McClellan,	Sulzer,
Bennett,	Hartman,	McCormick,	Towne,
Bishop,	Henry, Conn.	Moody,	Underwood,
Brewster,	Hill,	Northway,	Updegraff,
Brown,	Hooker,	Parker,	Van Voorhis,
Calderhead,	Howe,	Pearson,	Walker, Mass.
Cobb,	Howell,	Pitney,	Walsh,
Colson,	Hulick,	Poole,	Wilson, N. Y.
Cummings,	Hurley,	Powers,	Wright.
Curtis, N. Y.	Johnson, Cal.	Quigg,	
Fairchild,	Joy,	Royse,	
Fenton,	Knox,	Russell, Conn.	

NOT VOTING—120.

Acheson,	Draper,	Livingston,	Ray,
Aitken,	Ellett, Va.	Lorimer,	Reeves,
Aldrich, Ill.	Fischer,	Loud,	Reyburn,
Arnold, Pa.	Fletcher,	Maddox,	Robertson, La.
Bailey,	Foote,	Maguire,	Robinson, Pa.
Barney,	Foss,	Mainuy,	Rusk,
Bingham,	Gillet, N. Y.	McCleary, Minn.	Russell, Ga.
Black, Ga.	Goodwyn,	McCreary, Ky.	Shaw,
Black, N. Y.	Griswold,	McEwan,	Skinner,
Boutelle,	Grosvenor,	McLachlan,	Snover,
Bowers,	Hall,	Melklejohn,	Southwick,
Bromwell,	Haily,	Meredith,	Sparkman,
Brosius,	Harris,	Meyer,	Sperry,
Brumm,	Hatch,	Miller, Kans.	Stephenson,
Bull,	Heatwole,	Miller, W. Va.	Stone, W. A.
Chickering,	Heiner, Pa.	Milliken,	Swanson,
Codding,	Hemenway,	Miner, N. Y.	Taft,
Coffin,	Hepburn,	Morse,	Thorp,
Cooper, Wis.	Hicks,	Moses,	Tracey,
Corliss,	Hitt,	Mozley,	Tyler,
Cousins,	Hull,	Murphy,	Wadsworth,
Cowen,	Hutcheson,	Newlands,	Wanger,
Cox,	Hyde,	Noonan,	Warner,
Crisp,	Johnson, Ind.	Ogden,	Watson, Ind.
Crowley,	Jones,	Patterson,	Wellington,
Dayton,	Kiefer,	Perkins,	Wheeler,
Dinsmore,	Kulp,	Pickler,	White,
Dockery,	Lawson,	Price,	Wilber,
Dolliver,	Lefever,	Pugh,	Willis,
Downing,	Leisenring,	Raney,	Woomer.

So the bill was passed.

Mr. HATCH. Mr. Speaker, I desire to withdraw my vote, as I am paired with the gentleman from Minnesota, Mr. MCCLEARY. If he were present, I would vote "yea" and he would vote "nay."

Mr. MORSE. Mr. Speaker, I am paired on this question with the gentleman from Kentucky, Mr. MCCREARY. Were he present, he would vote "yea" and I would vote "nay."

Mr. HENRY of Indiana. Mr. Speaker, my colleague, Mr. HEMENWAY, is detained from the House by sickness, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. FISCHER. Mr. Speaker, I voted, but having ascertained that I am paired with the gentleman from Pennsylvania, Mr. GRISWOLD, I withdraw my vote.

Mr. RUSSELL of Connecticut. Mr. Speaker, my colleague, Mr. SPERRY, has been called home on account of sickness. If present, he would vote "nay."

The following additional pairs were announced:

Until further notice:

Mr. COUSINS with Mr. MEYER.

For this day:

Mr. HITT with Mr. SPARKMAN.

Mr. HICKS with Mr. PATTERSON.

Mr. GROSVENOR with Mr. JONES.

Mr. PICKLER with Mr. DOWNING.

Mr. HATCH with Mr. MCCLEARY of Minnesota.

Mr. TRACEY with Mr. BAILEY.

On this question:

Mr. MORSE with Mr. MCCREARY of Kentucky.

Mr. KIEFER with Mr. HARRIS.

Mr. WADSWORTH with Mr. LOUD.

The result of the vote was then announced as above recorded.

On motion of Mr. EVANS, a motion to reconsider the vote by which the bill was passed was laid on the table.

GENERAL DEFICIENCY BILL.

Mr. CANNON. Mr. Speaker, I move to take from the Speaker's table the general deficiency bill, and to nonconcur in the amendments of the Senate and ask for a conference.

Mr. MAHON. I desire to move to concur in some of the amendments.

Mr. CANNON. I would not do that.

Mr. RICHARDSON. Mr. Speaker, I rise to a question of order. There is so much confusion that we can not hear what is going on.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] moves that the bill be taken from the table, and that the House nonconcur in the Senate amendments and ask for a conference.

Mr. MAHON. I move, Mr. Speaker, that the House concur in the amendment on page 85 of the bill, known as section 4, a new section.

Mr. CANNON. Mr. Speaker, I again appeal to the gentleman, and state that there are over one hundred pages of Senate amendments. The gentleman need have no fear that the amendment he refers to will be settled in a conference report (so far as the conferees can settle it) until matters of disagreement shall have been reported back to the House. By that time the bill will be printed and the amendments numbered. When the report comes back with the bill printed and the amendments numbered, the whole matter can be taken up and discussed intelligently, and that method will certainly facilitate the business of the House.

Mr. MAHON. This is a Senate amendment.

Mr. CANNON. I understand that.

Mr. MAHON. Suppose the Senate conferees should agree to recede from that amendment, then it would never come back to the House.

Mr. CANNON. But you could vote down the conference report. Besides, the gentleman and I are both familiar enough with the Senate to know that it never recedes on an amendment—at least never on the first conference.

Mr. MAHON. Some things are very uncertain around this territory. [Laughter.]

Mr. RICHARDSON. Mr. Speaker, I make the point of order that these amendments should receive consideration in Committee of the Whole. Unless gentlemen will agree to give us a separate vote on the amendment which provides for claims under the Bowman Act, I must insist upon the point.

Mr. DOCKERY. The point of order comes too late.

Mr. RICHARDSON. No. I insist, Mr. Speaker, that I have been trying to hear what gentlemen were saying and could not hear.

The SPEAKER. The Chair put the proposition to the House.

Mr. RICHARDSON. There has been no matter submitted to the House.

The SPEAKER. The Chair submitted it to the House.

Mr. RICHARDSON. There has been no vote submitted to the House.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] proposed that the House should nonconcur in the amendments of the Senate and agree to a conference. The Chair certainly put that.

Mr. RICHARDSON. The Chair is correct in his statement of the question, but there has been no matter submitted to the House.

The SPEAKER. And there has been debate since that time.

Mr. RICHARDSON. Purely on the question of order.

Mr. BARRETT. Mr. Speaker, I understood the motion to be to take the bill from the table, which motion has not been adopted. Until that has been adopted and the matter is before the House, the gentleman from Tennessee has the right to raise any relevant point of order.

Mr. CANNON. A new parliamentarian has arrived! [Laughter.]

Mr. BARRETT. Well, Mr. Speaker, I suppose I have the same rights on this floor as even a gentleman who has been here as long as the gentleman from Illinois.

Mr. CANNON. Oh, certainly.

Mr. DOCKERY. I suggest to my friend from Tennessee that debate has been going on.

Mr. RICHARDSON. There has been no debate on the motion. I raised the question at once and asked for order.

Mr. WASHINGTON. There has been no debate in any sense of the word.

Mr. CANNON. The motion was stated by the Chair, and the gentleman from Pennsylvania [Mr. MAHON], in pursuance of his right, moved that the House concur in a certain numbered amendment.

The SPEAKER. That is the fact.

Mr. BARRETT. I raise the question whether the motion to concur or nonconcur is in order, at any rate until after the motion to take from the table has been passed upon.

The SPEAKER. The Chair thinks it is.

Mr. DOCKERY. I believe an agreement can be very readily reached.

The SPEAKER. The gentleman from Illinois moves to nonconcur in the amendments——

Mr. RICHARDSON. Mr. Speaker, that can only be done by unanimous consent.

The SPEAKER. And the gentleman from Pennsylvania [Mr. MAHON] moves to concur in a specified amendment, which is his right.

Mr. MAHON. I should like to say a few words in explanation and support of my motion.

Mr. CANNON. What is the amendment? Let it be read.

Mr. MAHON. It might take two or three hours to read it. I can explain it.

Mr. CANNON. I will again ask the gentleman from Pennsylvania whether he proposes to insist on his motion at this time?

Mr. MAHON. I do propose to insist for this reason: This is a Senate amendment, in which a great many members of this House are interested. If in conference the House conferees succeed in getting the Senate conferees to recede from the amendment of the Senate, we shall never see it again in this House. We have now an opportunity to vote on a question that interests a great many of us.

Mr. CANNON. The amendment to which the gentleman's motion refers is the one covering claims under the Bowman Act?

Mr. MAHON. French spoliation claims and claims under the Bowman Act.

Mr. CANNON. Including claims in which the gentleman from Tennessee [Mr. RICHARDSON] is interested?

Mr. RICHARDSON. I am in perfect accord with the gentleman from Pennsylvania on this question. The amendment is embraced in section 4 of the bill as amended.

Mr. CANNON. The gentleman from Pennsylvania desires his motion to cover both classes of claims—the French spoliation claims and the claims under the Bowman Act.

Mr. MAHON. Yes, sir.

Mr. CANNON. Now I will ask for a vote on nonconcurring in the other amendments.

The SPEAKER. The question is on nonconcurring in the other amendments.

The question being taken, the amendments were nonconcurred in.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

Mr. CANNON. Now, Mr. Speaker, I wish to say a word. This bill, with the amendments of the Senate, has not been printed either on the Senate side, except the copy which I hold in my hand, or in the House. If it is satisfactory to the gentleman from Pennsylvania, I will ask that the amendments be numbered and printed, and that this matter go over until to-morrow after the reading of the Journal.

Mr. RICHARDSON. I hope the gentleman from Pennsylvania will agree to that.

Mr. MAHON. I will agree, Mr. Speaker, that this question be taken up after the reading of the Journal.

There being no objection, it was ordered accordingly.

ELECTION CONTEST—ALDRICH VS. UNDERWOOD.

Mr. DANIELS. On behalf of the Committee on Elections No. 1, I desire to present a report on the contested-election case of Aldrich *vs.* Underwood, from the Ninth Congressional district of Alabama. This report is concurred in by four members of the committee. I ask leave that the minority of the committee have leave to file their views by Friday next, as we desire to bring the case before the House on Monday next, immediately after the reading of the Journal.

The report of the committee was ordered to be printed.

The SPEAKER. The gentleman from New York [Mr. DANIELS] asks consent that the minority of the committee have leave to file their views by Friday next. Is there objection?

Mr. KEM objected.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM].

Mr. DANIELS. I move, then, that the House consent to that disposition of the matter.

The SPEAKER. The gentleman from New York moves that the House allow the minority of the committee until Friday next to file their views. As many as are in favor of that motion——

Mr. BARTLETT of Georgia. Before the motion is put, I desire to be heard a moment. This has been a very long case, and there is a very long report. I represent the minority of the committee. My colleague, the gentleman from Arkansas [Mr. DINSMORE], is sick. I will ask that, in the event we can not finish the minority report by Friday, we be allowed a reasonable time after Friday.

Mr. DANIELS. You will be ready, no doubt, by Saturday. We desire to bring the case before the House on Monday next, after the reading of the Journal.

Mr. BARTLETT of Georgia. I do not consent to that, though, as a matter of course, the gentleman has a right to call up the case if he wishes.

The question being put on the motion of Mr. DANIELS, it was agreed to.

ELECTION CONTEST—JOHNSTON VS. STOKES.

Mr. JENKINS. I call up the contested-election case of Johnston *vs.* Stokes, from the Seventh district of South Carolina. I ask that the Clerk read the resolutions presented by the majority of the Committee on Elections No. 3.

The Clerk read as follows:

Resolved, That Thomas B. Johnston was not elected a Representative in the Fifty-fourth Congress from the Seventh Congressional district of the State of South Carolina, and is not entitled to a seat therein.

Resolved, That J. William Stokes was duly elected a Representative in the Fifty-fourth Congress from the Seventh Congressional district of South Carolina, and is entitled to a seat therein.

Mr. JENKINS. Mr. Speaker, I desire to say first that the gentleman from Indiana [Mr. OVERSTREET] will have charge of the other side of this case, and that at this time it is impossible to limit the debate, but both sides promise that no unnecessary time will be consumed in presenting the case to the House.

There are several important questions involved in this controversy. One of them is as to the power of this House to declare the election law of a State unconstitutional when the right of a member to a seat would be thereby affected. Another is as to what effect should be given to an election held under an unconstitutional registration law of a State. Still another is as to what rule should be adopted with reference to counting the votes of the electors when lawfully tendered and unlawfully refused by the election officers when sufficient in number to change the result in the following cases: First, when it is shown for whom the elector offered to vote; second, when it is not shown for whom the elector offered to vote if permitted by the election officers to cast his vote, and still further as to the competency of the evidence sufficient to warrant the counting of the vote.

I address myself particularly to the case of Johnston against Stokes, and generally to the cases of Moorman against Latimer, Wilson against McLaurin, and Murray against Elliott, all four cases arising in the State of South Carolina. At the threshold of three of the cases named the committee was met with the proposition that the entire registration law of South Carolina and the election laws of that State under which all of these cases arose are unconstitutional, and an election held under the same a mere nullity; and the further claim is made that on that fact alone the contestants in these cases urging the unconstitutionality of the law are entitled to their seats. The question is one of very great importance, and has been very carefully considered by the Committee on Elections No. 3, and on the report of that committee two of the cases have been decided by this House in favor of the sitting members. I have some views on the subject, for which I am alone responsible, and will endeavor very briefly to disclose them. And I might say at the outset that I am a Federalist and an ardent Republican, and have never done anything and will never attempt to do anything that will promote the interest of any other political party than the Republican party.

Without being partisan or narrow, I do not hesitate to say that the future of this great Republic and the success and prosperity of the people depend upon the elevation and continuation in power of the Republican party. Democracy is alone valuable as a small minority; but in disposing of the election cases, and particularly the grave constitutional question involved, I do not purpose being influenced in the slightest degree from impartially discharging my full duty as a member of this House, and I am satisfied such has been the intention of the committee, and I believe that is the sentiment of this House. No matter what has been done in the past, it is high time that election cases be disposed of according to law and the evidence. Partisanship ought no longer to exercise any influence or have any control in determining this question. A right to a seat should be judicially disposed of and no longer be determined by partisan bias. The disposition of some of the cases disposed of by former Congresses is a disgrace to the Republic.

No matter how obnoxious it may be to us, we should see to it that the will of the people as declared at the ballot box is carried out. That will include condemnation of fraud and intimidation. Every effort ought to be made to have free and fair elections. It is the very substructure of Government. Murder, robbery, and horse stealing should have a secondary consideration compared with the great questions involved in a free, fair election and an absolutely honest count. Any attempt at dishonesty in elections should not only be frowned upon and condemned, but those responsible for it should be punished to the full extent of the law, ostracised, and absolutely disqualified from ever participating in elections or holding any office of profit or trust. So important has the question become that it is one of the highest duties of citizenship to demand that nothing shall be more sacred than the right of the citizen to vote and have his vote counted.

All dangers of a man losing his vote by reason of technicalities should be removed. Fair and just registration and election laws should not only be favored, but fairly and honestly enforced, and this political right should be so prominently advanced that it will be highly prized by every American citizen. It will have a tendency to enlarge and improve the quality of citizenship. It should be so regulated and enforced as to encourage education, for there is danger in allowing the ignorant to vote, and this fact induced me at this session of Congress to introduce a resolution providing

for an amendment to the Constitution of the United States, providing an educational qualification as a condition precedent to the exercise of the elective franchise. In a great government of the people it is worse than a farce to allow men to vote and participate in government who can not read or write and have to have their ballots marked for them.

It is prolific of fraud, and has been not only a perplexing but disturbing question in these cases. Ignorance is to be deprecated and feared in all things, but particularly so in exercising the right to vote in a popular government like ours. Notwithstanding the many contests to be determined by this House at this session of Congress, there has not been the least expression of unfairness or any attempt upon the part of the great majority here to allow politics to control their action; but it seems to be the determination on the part of every Republican to be absolutely fair and to allow the will of the people to prevail, which is very commendable. With these few preliminary remarks, I will invite attention to the constitutional question involved:

THE TEST.

All regulations of the elective franchise must be reasonable, uniform, and impartial. They must not have for their purpose, directly or indirectly, to deny or abridge the constitutional right of citizens to vote or unnecessarily to impede its exercise. If they do, they must be declared void.—*Cooley's Constitutional Limitations*, page 758.

Certainly no one can question this authority. This very broad, fair, safe, and reasonable statement of the law is sustained by an unbroken current of authority. The many courts stating the doctrine are of the highest character, their logic and reasoning unanswerable, and ought to meet the approval of every fair-minded voter in the land, and the very safety of our institutions calls for its enforcement according to its letter and spirit. As already said, there were four cases pending before Committee on Elections No. 3 from the State of South Carolina. The contestants were not uniform in regard to the high constitutional question involved, while the contestees were unanimously in favor of the validity of the law. In Moorman against Latimer, Wilson against McLaurin, and Johnston against Stokes the contestants insisted that the registration and election laws of South Carolina are in violation of the constitution of the State of South Carolina and the Constitution of the United States; and if I understand them correctly, from that fact alone they were entitled to their seats, while in Murray against Elliott the contestant makes no point as to the constitutional question; but the committee are unanimously of the opinion that the constitutional question must be disposed of alike in all of the four cases the same as though the contestants were all agreed upon this question, and that it can not be ignored in the one case because not raised, or decided differently in that case because the contestant did not present it, when all four cases were argued before judgment was reached in either one of them, and therefore ought to be ruled alike on this point.

Each case being alike affected, I will first consider the constitution and laws of South Carolina in order to determine whether or not the registration and election laws of that State are in violation of the constitution of that State. It is as follows:

ART. 1, SEC. 31. All elections shall be free and open, and every inhabitant of this Commonwealth possessing the qualifications provided for in this constitution shall have equal right to elect officers and be elected to fill public offices.

ART. 8, SEC. 2. Every male citizen of the United States of the age of 21 years and upward, not laboring under the disabilities named in this constitution, without distinction of race, color, or former condition, who shall be a resident of this State at the time of the adoption of this constitution, or who shall hereafter reside in this State one year, and in the county in which he offers to vote sixty days next preceding any election, shall be entitled to vote for all officers that are now or hereafter may be elected by the people, and upon all questions submitted to the electors at any election: *Provided*, That no person shall be allowed to vote or hold office who is now or hereafter may be disqualified therefor by the Constitution of the United States until such disqualifications shall be removed by the Congress of the United States: *Provided further*, That no person while kept in any almshouse or asylum, or of unsound mind, or confined in any public prison shall be allowed to vote or hold public office.

ART. 8, SEC. 3. It shall be the duty of the general assembly to provide, from time to time, for the registration of all electors.

It will be observed that by section 3, article 8, express power was conferred upon the general assembly "to provide from time to time for the registration of all electors," so no question can arise as to the power of the general assembly to pass a law requiring the registration of all electors. The general assembly did pass a law requiring as a condition precedent to voting that all persons otherwise qualified to vote be registered in conformity to law, and obtain a certificate to that effect evidencing registration, and produce it at the polls before being allowed to vote, and the contention is, by those who raised the question, that this law is in conflict with the constitution of South Carolina. Original provisions for the registration of voters in that State will be found in the "act approved February 9, 1882," 17 Statutes at Large, page 1110, and these provisions are incorporated in General Statutes 1882, beginning with section 89 and ending with section 106. These provisions were subsequently amended and incorporated in the Revised Statutes of 1893 as sections 131–156, both inclusive, but as instructed on the arguments, we are governed by the law of 1882, the amendments referred to and the codification of the law not changing the law of 1882 or affecting any present case from South Carolina. The material provisions of the registration law are as follows:

CHAPTER VIII (SECTIONS 131 TO 156, INCLUSIVE) OF THE ELECTION LAW OF SOUTH CAROLINA.

SEC. 131 (89). Every male citizen of the United States of the age of 21 years and upwards, not laboring under the disabilities named in the Constitution, without distinction of race, color, or former condition, who shall have been a resident of the State for one year, and in the county in which he offers to vote for sixty days next preceding any general election, shall be entitled to vote: *Provided*, That no person while kept in any almshouse or asylum, or of unsound mind, or confined in any public prison, or who shall have been convicted of treason, murder, burglary, larceny, perjury, forgery, or any other infamous crime, or dueling, shall be allowed to vote.

SEC. 132 (90). All electors of the State shall be registered; and no person shall be allowed to vote at any election hereafter to be held unless he shall have been heretofore registered in conformity with the requirements of Chapter VII of the General Statutes of 1882, and acts amendatory thereof, or shall be registered as herein required.

SEC. 133 (91, 106). On or before the 1st day of March in every second year, reckoning from 1882 the governor shall appoint, by and with the advice of the senate, if in session, and if not in session, subject to its approval at its next session, and subject to removal by the governor by and with the advice and consent of the senate, one competent and discreet person in each county, who shall be a qualified voter thereof, and who shall hold his office at the county seat, and shall be known as the supervisor of registration of such county, and whose duty it shall be to supervise the registration of the electors of such county as herein specified. He shall keep a record of all his official acts and proceedings. The term of his office shall be for two years from the date of his appointment; he shall continue in office until his successor shall be appointed and shall qualify; and his compensation shall be fixed by the general assembly from time to time, as may be deemed proper. His accounts for advertising (and in the county of Charleston for clerk hire and rent for registration precincts also) and for stationery shall be audited and paid by the county commissioners of his county.

"Term of office of supervisor appointed during vacation was not for the period of two years, but terminated when senate, at its next session, adjourned without approval of appointment. (State *vs.* Williams, 20 S. C., 12.)

"'Next session' means the next session in fact, whether regular or special." (Ib.)

SEC. 134. The governor is authorized to appoint a deputy supervisor in case of the inability of the supervisor to act, who, when so appointed, shall have all the powers and be charged with the duties of the supervisor, and shall receive $5 per diem when actually employed.

The governor shall also appoint two assistant supervisors of registration, who shall serve without compensation, and shall sit with the supervisor of registration in the determination of all cases of contested registration in which the supervisor shall refuse to register the applicant; the three supervisors shall sit for as many days, beginning on the second Tuesday in July, as may be necessary to hear and determine all such contested cases.

SEC. 135 (92). The secretary of state shall cause to be prepared a sufficient number of registration books and blanks, so that there shall be two of said books for each precinct in each county, which books shall be ruled in columns, with proper headings, so as to indicate the name, age, occupation, and place of residence of each elector, with a separate column to the right side of the page for such entries as may be necessary. And the secretary is authorized and required to provide additional registration books to supply the place of such as have become defaced and injured by use at the elections heretofore had, and he shall furnish the same upon application of any supervisor certifying to the necessity thereof. And in such case the supervisor so procuring such additional registration books shall copy from the original book the names and record thereof into the new book, and when the same shall be so copied it shall be the duty of the county auditor and clerk of the court of common pleas of the county, together with the supervisor, carefully to compare the names and record in the new book with those in the book so injured or defaced, and if the same is found correct to certify to its correctness; and such new book shall not be used at any election unless so certified.

SEC. 136 (93). For the purpose of registration, each township, as now laid out and defined, and in those counties where there are no such townships, the parish, as formerly known and defined, is declared a registration precinct. In the city of Columbia each ward registration precinct; and in the city of Charleston the registration precinct shall be the same as the voting precincts now established in the several wards of said city, as designated and defined in section 158.

SEC. 137 (94). After every general election the registration books shall be opened for registration of such persons as shall thereafter become entitled to register on the first Monday in each month until the 1st day of July preceding a general election, when the same shall be closed until such general election shall have taken place.

"Previously registration on Sunday was good." (State *vs.* Schneirle, 5 Rich., 299.)

SEC. 138. It shall be the duty of the supervisor of registration to deposit said books in the office of the clerk of court of common pleas in their respective counties, except in the counties of Charleston and Greenville, where they shall be deposited in the office of the register of mesne conveyance; and it shall be the duty of the clerk of said court and the register of mesne conveyance to safely keep the same, together with the other books of record in their respective offices; and it shall be unlawful for any person or persons to remove the same from the said offices, except the supervisors, who are hereby authorized to take the same from the said offices when it shall be necessary in the discharge of the duties imposed upon them by this chapter.

SEC. 139 (96). The supervisor shall determine as to the legal qualifications of all applicants for registration by summary process, requiring oath, evidence, or both, if he deem proper, subject to revision by the assistant supervisors and himself in all cases where he has refused to register an applicant. From their decision any applicant who is rejected shall have the right to a review thereof by the circuit court: *Provided*, He give notice in writing to the supervisor of his application for such review, and the grounds thereof within five days from the date of his rejection, and commence his proceedings within ten days from the service of said notice.

SEC. 140 (96). Any person coming of age and otherwise qualified as an elector may appear before the supervisor on any day on which the books are opened as aforesaid, and make oath (which the supervisor is hereby authorized to administer) as to his name, age, occupation, and place of residence; and if the supervisor find him qualified, he shall enter his name upon the registration book of the precinct in which he resides. Such person shall have the right of appeal, as provided in the last section, if the supervisor shall not find him qualified.

SEC. 141 (97). In case a person shall not be of age to qualify him as an elector on the day of the closing of the books of registration before any general election, but shall be of such age as will qualify him as such elector

before the said general election, and shall appear before the supervisor of registration and take oath thereto, the supervisor, if he shall find him qualified, shall enter his name upon the registration book as aforesaid.

SEC. 142 (98). Each elector registered as aforesaid shall thereupon be furnished by the supervisor with a certificate, which shall contain a statement of his age, occupation, and place of residence, as entered in the said registration book, and which certificate shall be signed by the said supervisor; and no person shall be allowed to vote at any other precinct than the one for which he is registered, nor, unless he produces and exhibits to the managers of election such certificate: *Provided*, In case there shall be no election precinct within any township or parish the supervisor shall designate in the certificate at which of the neighboring precincts the elector shall vote; and in case there be more than one precinct in any township or parish, the supervisor shall likewise designate in the certificate at which of the said precincts the elector shall vote. The certificate of registration shall be of the following form:

"Registration certificate No. ——.*

"—— County, ——township, or parish, election precinct ——.

"The bearer, ——, is a qualified voter in the above precinct, and resides at ——, in —— township or —— parish, and is —— years of age, and entitled to vote at said precinct.

"Registered on the —— day of ——, A. D. 18—.

"——,

"*Supervisor of Registration.*"

SEC. 143. Wherever a new polling precinct is established by law, it shall be the duty of the supervisor to transfer from the books of registration the names of such qualified voters registered at other precincts as should, under this section, register and vote at the new precincts so established, and who may request such transfer, and to make such changes as may be necessary in the certificates of registration issued to such voters, who shall thereafter vote only at the precincts to which they have been thus transferred.

SEC. 144. When one polling place has been changed to another in any township, or where the name of the polling place has been changed since the last general election, the registration of voters for the former polling place shall be valid and effectual for the new polling place or precinct; and where one or more additional polling places or precincts have been established in the same township, or where a new precinct has been established in a township which formerly had none, it shall be the duty of the supervisor to change the certificates of registration of voters entitled by proximity of residence to vote at such new precinct, requiring in every case a surrender and cancellation of the former certificate and such evidence as he may deem proper as to the right of the elector to such change.

SEC. 145. Any registered elector who may reside nearer a polling place in a precinct or township than the precinct or township in which he is registered, and who desires to vote at such nearer polling place, shall, upon the surrender of his certificate of registration to the supervisor on or before the first Monday of July preceding the next general election, be entitled to a new certificate permitting him to vote at such nearer polling place; the old certificate to be destroyed by the supervisor, and such changes made by him in the registration books as will conform to the general provisions of this chapter. The supervisor of registration may require of the applicant for such change an affidavit or such other evidence as he may deem necessary to a determination of the residence of the applicant.

SEC. 146 (100). In case of the removal of an elector from one residence to another in the same precinct, he shall notify the supervisor and surrender to him his certificate of registration, and the supervisor shall enter the fact upon the registration book and give such elector a new certificate in accordance with such change of residence.

SEC. 147 (101). In case of the removal of an elector from one precinct to another in the same county, such elector shall notify the supervisor and surrender his certificate of registration to the said supervisor, who shall enter the fact upon the proper registration book, and shall give such elector a new certificate for the precinct into which he has removed.

SEC. 148 (102). In case of the removal of an elector from one county to another, he shall notify the supervisor of the county wherein he is registered and shall surrender his certificate of registration; and the said supervisor shall thereupon enter the fact of such removal upon the registration book as aforesaid, and shall give such elector a certificate of transfer to the county to which such elector has removed, upon the presentation of which the supervisor for such county shall cause such elector to be registered in the precinct of such county to which he shall have removed, and shall furnish such elector with a certificate, as hereinbefore provided.

SEC. 149 (103). No elector removing from one residence, precinct, parish, ward, or county to another shall be allowed to register or vote without a transfer of registration as above provided.

SEC. 150 (99). Every elector shall have the right to a renewal of his certificate without fee or charge, when the same becomes defaced by time or accident, upon his surrendering such certificate so defaced to the supervisor of registration. In case of the loss of any certificate, the elector losing the same shall be entitled to a renewal thereof by the supervisor, upon application and proof of such loss, in the following manner, to wit: He shall, at least thirty days before the next general election, make application under oath, setting forth the fact of such loss, and the circumstances attending it, as near as may be, and stating that he has not sold, bartered, or parted with the same for any pecuniary, valuable, or other consideration, and has not willfully destroyed the same; which application the supervisor shall examine and consider, requiring other evidence under oath if in his judgment necessary to a determination as to the loss thereof; and, upon such examination and consideration, if the supervisor shall be satisfied that the certificate has been actually lost, he shall issue to the applicant a renewal thereof, marking or stamping the same "renewal." The decision of the supervisor shall be subject to revision by the assistant supervisors, together with the supervisor to whom the application is made, in all cases in which he has refused to renew the said certificate. From the decision of the supervisor and assistant supervisors any applicant who has been refused a renewal of his certificate shall have the right of a review thereof by the circuit court of the county in which he was registered: *Provided*, He give notice thereof to the supervisor to whom he made application for such renewal within five days of the refusal thereof by the supervisor and assistant supervisors, and commence proceedings within ten days from the giving of said notice.

SEC. 151 (104). The supervisor of registration shall, immediately preceding each election, revise the registration of electors, and mark off the names of such electors as have died, and such as have removed from one residence, precinct, parish, ward, or county to another without notifying him and obtaining a certificate of transfer as hereinbefore provided.

SEC. 152. The clerks of the courts of general sessions and common pleas in the several counties of the State shall, on or before the 15th day of October, A. D. 1882, and biennially thereafter on or before the same day, make out and report to the supervisors of registration for their respective counties a complete list of all male persons convicted during the two preceding years, up to the 1st day of October aforesaid, of the following offenses, to wit: Murder, burglary, larceny, perjury, or any other infamous crime, or dueling; such report must be accompanied by the certificate of the clerk, under the seal of his office, that the report is correct as appears from the records of his office.

Any clerk of the court who shall fail or neglect to comply with the provisions of this section shall forfeit and pay to the county in which he holds his office the sum of $50 for each and every failure so to report.

SEC. 153. Every trial justice in the State shall, on or before the 15th day of October, A. D. 1882, and biennially thereafter on or before the same day, make out, under his hand and seal, and submit to the supervisor of registration for the county in which he holds his office, a certified list of all male persons convicted of petit larceny before him, or any of his predecessors whose trial docket is in his possession, during the two preceding years, or the period following his next preceding report. Any trial justice going out of office shall furnish such list immediately upon his retirement and up to that time, and any trial justice hereafter appointed shall furnish such list from the time of his entry upon the duties of his office.

Any trial justice who shall fail or neglect to furnish such reports as herein required shall forfeit and pay to the county in which he holds his office the sum of $10 for each and every such failure to report.

SEC. 154. The reports provided for in the two preceding sections shall be received by the supervisor as prima facie proofs of the facts stated therein, and he shall immediately erase the names of all such persons from the registration books in his county, and they shall not be allowed thereafter to register or vote in any elections in this State: *Provided*, That if any such person whose name is so furnished shall present to such supervisor, within sixty days after the next following election, a pardon from the governor, or, within such time, prove to the satisfaction of such supervisor that he was not convicted of the crime or misdemeanor stated in such certificate, his name shall be restored to the list of registered voters as completely and effectually as if the same had not been stricken therefrom.

SEC. 155 (105). At each and every election the supervisor of registration shall furnish the managers of election with one of the registration books for each precinct, for the care and custody of which the managers receiving the same shall be responsible and which they shall return to the supervisor of registration within three days after the close of election, and no elector shall be allowed to vote whose name is not registered as provided in this chapter.

SEC. 156. The supervisor of registration is authorized and directed to exchange the registration of such electors as may apply to him for that purpose from other precincts to the precincts now established by law whenever it shall appear to him that the elector so applying resides within a reasonable distance of the same.

Summarizing it, it provides that all electors of the State must be registered, and no person shall vote unless heretofore registered or registered as herein required. A supervisor of registration shall be appointed for each county, empowered to supervise registration of electors, keep a record, and hold his office at the county seat. There shall also be appointed two assistant supervisors of registration to sit with the supervisor in the determination of all cases of contested registration or in which the supervisor shall refuse registration, and this board is authorized to sit for as many days, beginning on the second Tuesday in July, as may be necessary to hear and determine such contested cases. After every general election the books shall be opened for registration of such persons as shall thereafter become entitled to register on the first Monday in each month until the 1st day of July preceding a general election, when the books shall be closed until the general election shall be held. The supervisor shall determine as to the legal qualifications of all applicants, and if an applicant is rejected he can appeal from the action of the supervisor and his assistants to the circuit court. Any person not of age when the registration books are opened but becoming of age before election may appear before the supervisor and have his name entered on the books at any time.

When a voter is allowed to register he obtains a certificate, which must be produced when offering to vote, but if he moves his residence in the same precinct or moves into another precinct he must have a transfer of his certificate, and if he loses his certificate he must obtain another. The statute also authorizes the supervisor before election to revise the list, marking off the names of those who have died or removed, those convicted of murder, burglary, larceny, perjury, or any other infamous crime, or dueling, and petit larceny, without notice to the elector, and if stricken off unlawfully the elector must prove to the satisfaction of the supervisor that he was not convicted of the crime of which he is charged or that he has a pardon from the governor. So with the constitution and statutes of South Carolina before us we will proceed to determine by the authority cited whether or not the regulations provided as a condition precedent to the exercises of the elective franchise in South Carolina are reasonable, uniform, and impartial, and whether the same have for their purpose directly or indirectly to deny or abridge the constitutional rights of citizens of South Carolina to vote, or unnecessarily impede their exercise of the right to the elective franchise to such an extent as to affect the rights of the contestants to their respective seats.

After giving the subject much thought, and fully appreciating the responsibilities surroundig such an important step, and considering carefully the claims of the contestants that they are denied valuable rights; considering also the situation of affairs in that State ever since the late civil war, sympathizing greatly with the success of Republican aspirants, keeping in view the rights of the States and the plain duty of the Federal Government, without the least intention or desire to impair the one or shirk the other, I am willing to go on record as saying that both branches of Congress have the power to inquire into the constitutionality of the law of the State whenever the same affects the right of a person to a seat in Congress, and should exercise that power in all proper cases, for by

the Constitution of the United States all questions affecting the elections, returns, and qualifications of its own members are referred to and must be determined by each House.

Each House shall be the judge of the elections, returns, and qualifications of its own members. * * * Article I, section 5.

I regret the almost entire absence of authority on so important a point, but this will be a good opportunity to create authority, and I would call attention to the case of Miller against Elliot, Fifty-first Congress, first session, H. R. Report 2502, part 2, where these same laws were involved and considered in Committee on Elections, the same contestee as in one of these cases, and I quote from the majority report, page 6—

That these provisions of the registration statutes are unconstitutional and void can not be seriously questioned.

The honorable and distinguished gentleman from Georgia, Mr. CRISP, was a member of the committee and signed the minority report, and that report impliedly sustains the conclusion arrived at by the majority of the committee as to the power of Congress in this regard, as will be shown by examining it. The contestant in that case was insisting that the law under which the election was held was unconstitutional. The majority report sustained the contention of the contestant. The able gentlemen composing the minority, always ready to defend the rights of the State, and jealous of the power of the National Government, did not in the minority report controvert the position of the majority or in any manner deny the power of the House in this regard, but contented themselves in their answer to the majority by offering three reasons why the law was constitutional.

First. That contestant had not in his notice of contest stated that he relied upon the unconstitutionality of the law as one of the grounds of contest, thereby defending the constitutionality of the law, and not denying the power of Congress, conceding the power of Congress to pass upon the constitutionality of the law, by insisting upon the presence of the question in the notice of contest. If they were prepared to deny the power of Congress in this regard they would not have defended the constitutionality of the law, but would have in place thereof denied the power of Congress to pass upon the question.

Their second answer was, "That there was no proof that the law was acted upon in the strict interpretation put upon it"; and

Third. "That the minority of the committee could not have been serious in reporting that the law was unconstitutional," to say the least of it, a very serious way of answering a great constitutional question involving to so great an extent the rights, privileges, and liberties of American citizenship. The majority report was adopted without argument and without division.

Among all of the able Democratic members of the Fifty-first Congress there was not one of them willing to put himself on record as denying the power of Congress to inquire into the constitutionality of the laws of the State affecting the right of the claimant to a seat in the Congress. By their silence we have a right to argue that the Democratic party is committed to the doctrine that this power does exist in Congress. Having arrived at the conclusion that Congress has the power to inquire into the constitutionality of these statutes, the next question is as to their constitutionality. The contestants favoring the unconstitutionality of the registration laws call attention to two cases which they insist clearly establish the unconstitutionality of these laws and as fully sustaining them in their positions, and contend that these cases ought to have great weight in determining the question because the same are the opinions of two great jurists, both familiar with the laws of South Carolina and the manner of enforcement and effect of the same, and for the further reason that both cases were direct actions brought to test the constitutionality of the laws in question.

One is Mills against Green, circuit court of the United States for the district of South Carolina, reported May 8, 1895, 67 Federal Reporter, page 818, by Nathan Goff, circuit judge. The other is Butler *vs.* Ellerbee et al., supreme court of South Carolina, July 6, 1895, 22 Southeastern Reporter, page 425, opinion by McIver, chief justice. The case in the United States court was brought on the equity side of the court, to prevent the defendant Green individually and as supervisor of registration of Richland County, S. C., from delivering the books of registration to the managers of election in the different precincts in that county, on the ground that the law was unconstitutional under which he was acting. A vigorous defense was interposed, and an earnest effort made to uphold the constitutionality of the law. Judge Goff sustained the bill, granted the prayer for relief, and in an elaborate opinion pointed out the many defects in the law, and held the entire registration act invalid.

The case went to the United States circuit court of appeals and was reversed for want of equity, so the constitutional question involved was not discussed in the appellate court, the position being taken that the elector had mistaken his remedy in proceeding on the equity side of the court. The case brought in the supreme court of South Carolina was to restrain the defendants, as fiscal officers, from paying the expenses incurred under the registration laws on the alleged ground that the same were unconstitutional. The two associate justices held that the court was not one of original jurisdiction for the determination of cases like this and dismissed the bill, but the chief justice delivered a dissenting opinion, not only sustaining the original jurisdiction of the court, thereby conceding the power of the court to determine the whole question, but held that the law was unconstitutional. Both of the opinions of these learned jurists are lengthy and discuss every question in the respective cases, leaving nothing of the law. Chief Justice McIver is a Democrat, an able jurist, and evidently an upright man, familiar with the laws of the State and manner and object of enforcement of the same, and thoroughly qualified to speak of it. His opinion ought to carry great weight, and can not be said to be in any sense partisan. Both of these able jurists agree that the law in question falls under the condemnation of the test formulated by Judge Cooley, and the particular points made by these eminent jurists, briefly stated, are as follows:

BY JUDGE GOFF.

First. Requiring any certificate.

Second. Closing of the registration books on the 1st day of July preceding a general election when held in November following.

Third. That an elector qualified and entitled to register in May and June, 1882, and failing to register by reason of inadvertence, sickness, absence, or other cause when the books were open for that year, has been disqualified as a voter ever since July 1, 1882, because the only ones going on the books since that time being those coming of age since July 1, 1882.

Chief Justice McIver in his opinion nowhere refers to the opinion of Judge Goff, but fully sustains Judge Goff in conclusions 2 and 3, as I have condensed and numbered them; and while holding that to require a voter to obtain a certificate is not unconstitutional, yet to compel an elector to get a new certificate in case of loss or transfer, or in case of a removal from one place to another in the same precinct or from one precinct to another, as a prerequisite to voting after registration and once having obtained a certificate, is well calculated to impede and obstruct the exercise of the right of suffrage; and from the language implied by the learned jurist we infer that on this point he regards the law unconstitutional.

We now have the opinion of two competent to judge, after careful consideration of the question, that the registration law of South Carolina is unconstitutional. Certainly no one in South Carolina will question the opinion of Chief Justice McIver, his ability, his integrity, or the fact that he is a Democrat and has always been a Democrat. I differ from both opinions in their reasoning, and inasmuch as no injustice be done these learned gentlemen, I submit the opinions of both:

[Opinion of Judge Goff in the case of Mills *vs.* Green, in the circuit court of the United States for the district of South Carolina, decided May 8, 1895, and reported in full in 67 Fed. Rep., 818, and in the News and Courier, Charleston, S. C., May 9, 1895.]

JUDGE GOFF'S REGISTRATION DECISION.

In the circuit court of the United States for the district of South Carolina—Lawrence P. Mills *vs.* W. Briggs Green—In equity.

On the 20th day of April last, on consideration of the bill in this cause, I passed an order that the defendant, W. Briggs Green, individually and as supervisor of registration for Richland County, in the State of South Carolina, be enjoined and restrained until the further order of this court from the commission of the acts complained of in complainant's bill, and I directed that said defendant show cause before me, if any he could, at Columbia, S. C., on Thursday, May 2, instant, why such order should not be continued, or some order of like purport and effect be then granted, enjoining and restraining him, both individually and as such supervisor of registration, from the commission of said acts until the final hearing and determination of this cause.

The plaintiff, a citizen of the State of South Carolina and of the United States, brings this suit against W. Briggs Green, a citizen of said State and of the United States. The plaintiff exhibits his bill in his own behalf and for all others, citizens of the county of Richland, in the State of South Carolina, circumstanced like him, who are too numerous to be named and made parties hereto. It is set forth in the bill that the plaintiff was 26 years of age on the 4th day of February, 1895; that he is a resident of Ward 4, precinct of Columbia, in said county and State; that he is a male citizen of the United States; that he has resided in the State of South Carolina for more than one year preceding the last general election in that State, and in the county of Richland for more than sixty days prior to said election; that he is an elector of the State of South Carolina, possessing all the qualifications of an elector of the most numerous brauch of the State legislature, and is subject to none of the disqualifications set forth in the constitution of that State, and that he is under the Constitution and laws of the United States duly qualified to vote at all Federal and State elections held in said ward, county, and State.

It is set forth in the bill that section 90 of the general statutes of South Carolina, 1882, provides as follows: "All electors of the State shall be registered as hereinafter provided, and no person shall be allowed to vote at any election hereafter to be held unless registered as hereinafter required; that by section 94 of said statute it is provided: When the said registration (in certain books to be provided for and made in the manner provided for in section 93) shall have been completed, the books shall be closed and not opened for registration, except for the purposes and as hereinafter mentioned, until after the next general election for State officers. After the said next general election the books shall be opened for registration of such persons as shall thereafter become entitled to register on the first Monday in each month to and until the first Monday in July, inclusive, preceding the following general election, upon which last-named day the same shall be closed and not reopened

for registration until after the said general election, and that thereafter the said books shall be opened for the registration of such electors on the days above mentioned until the 1st day of July preceding a general election, when the same shall be closed as aforesaid until the said general election shall have taken place"; that in section 137 of said revised statutes it is provided: "After every general election the registration books shall be opened for registration of such persons as shall thereafter become entitled to register on the first Monday in each month until the 1st day of July, preceding a general election, when the same shall be closed until such election shall have taken place"; that section 97 provides: "Any person coming of age, and being qualified as an elector, may appear before the supervisor of registration on any day on which the books are opened, as aforesaid, and take oath as to his age and qualifications as hereinbefore provided, and if the supervisor find him qualified he shall enter his name upon the registration book of the precinct wherein he resides." It is also alleged that said registration laws provide that the supervisors of registration in the several counties shall issue to the voter when registered, a certificate of registration, and that said voter shall present the same at the polls to the managers of the election, and that no one shall be allowed to vote at any election to be held in said State unless his certificate of registration is exhibited when he offers to vote, and that it is required by said law that in case a voter shall remove from one county to another in said State, or from one precinct to another in the same county, or from one residence to another in the same precinct, that he shall obtain a transfer and a renewal certificate, and that should a voter lose his certificate he must obtain a renewal thereof upon furnishing evidence satisfactory to the registrar of the county wherein he resides, that his certificate has been mislaid or lost, and that the same has not been willfully or intentionally disposed of. The bill also alleges that by the provisions and requirements of said enactments, the voter failing for any reason to comply with any of the provisions of the same, is denied the right of suffrage, both in Federal and State elections. Complainant claims that the provisions of the said enactments fixing the time for registration and the closing of the books for that purpose on the 1st day of July preceding every election, and the many requirements and conditions set out in the various sections of said registration law were intended, and that they in effect do abridge, impede, and destroy the suffrage of the citizens, both of the State and of the United States.

It is also averred that on the 24th day of December, 1894, an act was passed by the general assembly of South Carolina entitled "An act to provide for calling a constitutional convention, to provide the number and qualifications of members of the convention, their compensation, etc., and to provide for the election of the same, and to define and prescribe the qualifications of the electors and the manner of the election and of declaring the result." That by section 4 of said act it is declared who shall be entitled to vote for delegates to said constitutional convention, and that in addition to the qualifications prescribed for electors by the constitution of the State of South Carolina is provided a further one, viz: "That the elector be duly registered, as now required by law, or who, having been entitled to register as a voter at the time of the general registration of electors in the State, which took place in the year 1882, or at any time subsequent thereto, failed to register at such time, or who has become a citizen of this State and who shall register as hereinafter provided in such cases."

Other provisions of the laws and of the constitution of the State of South Carolina are set forth, but I do not deem it necessary to now recite them.

The bill charges that W. Briggs Green has been appointed to the office of supervisor of registration for Richland County in pursuance of said registration laws; that he is now exercising the duties prescribed by the same, and that he intends to continue so to act, and that he intends to furnish to the several boards of managers for the precinct in which plaintiff resides in said county, who hold the election of delegates to said constitutional convention, certain paper writings purporting to be the registration books for use at such precincts.

The complainant says that he failed to register at the registration made after the general election in 1888, and during the ten days in March, 1895, provided for in the act of 1894, because although he made repeated and persistent efforts to become registered he found himself unable to comply with the unreasonable, unnecessary, and burdensome rules, regulations, and restrictions prescribed by said unconstitutional registration laws as conditions precedent to his right to register, and that he has never been allowed to vote at any Federal or State election of the State of South Carolina; that he is desirous of voting for delegates to the said constitutional convention, and that the paper writing purporting to be books of registration now in the hands of the defendant do not and will not contain his name as a registered voter, for the reason before stated; that he and others like circumstanced with him will not be permitted to vote at said special election by the managers thereof unless their names be found upon the books of registration and they produce the registration certificate mentioned; and that if the defendant be permitted to continue the aforesaid illegal, partial, and void registration, and be allowed to turn over to the managers of such election for the county of Richland the books of registration for said county, he, the plaintiff, will be deprived of his right to vote at said election and grievous and irreparable wrong will be done and damage him, which can only be prevented by the interposition of this court by way of restraining the defendant from the performance of said before-mentioned acts.

The defendant, in his return to the rule to show cause, insists that as supervisor of registration for Richland County he is not answerable to the jurisdiction of this court, and that the matters, facts, and things alleged and complained of in the bill are matters relating to the political duties of his office; that this is in effect a suit against the State of South Carolina, which is prohibited by the eleventh amendment to the Constitution of the United States; also that the bill presents no question arising under the Constitution or laws of the United States, and that this court has no jurisdiction of the case; that the bill presents no case for equity jurisdiction, as the plaintiff has a plain and adequate remedy at law; that the bill is multifarious and not properly verified; he denies that the registration laws were intended and that they in effect do abridge, impede, and destroy the suffrage of the citizens of the State and of the United States, and he claims that they are reasonable and constitutional, and submits their proper construction to the court. The other matters set up in the return will not now be recited, but will be considered in substance as the questions arising are disposed of.

The question of jurisdiction is first to be determined. Defendant insists that this suit is in effect a proceeding against the State of South Carolina, and that it should not be entertained because prohibited by the eleventh amendment to the Constitution of the United States. It is not my intention at this time to consider separately the many cases cited by counsel in argument bearing on this question. After carefully examining them all I conclude that it is the duty of the circuit court of the United States to restrain a State officer from executing an unconstitutional statute of the State when the execution of it by him would violate or abridge the rights, privileges, and immunities of the complainant that are granted by the Constitution of the United States. So far as this question is concerned, it is immaterial if the officer so restrained be the supervisor of registration, the auditor of state, the comptroller-general, the treasurer, the attorney-general, or the governor. We do not have in this country any class of people, State or national officials or private citizens, who are above the law and who are not compelled to respect it. The Constitution of the United States is the supreme law of the land, anything in the constitution or laws of any of the States to the contrary notwithstanding. The mandate of the nation's Constitution is addressed to all the officers of the United States, as well as to all the officers of all the States. The judges of the Federal, as well as of the State courts, must respect it, for it declares that the judges of every State shall be bound thereby. As is said by the Supreme Court in Dodge vs. Woolsey (18 How., 331): "To make its supremacy more complete, impressive, and practical, that there should be no escape from its operation, and that its binding force upon the States and the members of Congress should be unmistakable, it is declared that the Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution." It would be a strange admission, a startling decision, that the courts of the United States can not open their doors to the citizens of the United States who allege that they are by the unconstitutional laws of a State deprived of their privileges or immunities as citizens of the United States and denied the equal protection of the laws within the jurisdiction of such State. I am not aware that any court of the United States has ever so held. I trust I will never be advised of such a decision, and I am sure, as I now see the law and my duty, that I will not so rule, not establish such a precedent.

The case of In re Ayres (123 U. S., 443), relied on by defendant's counsel, does not in my judgment sustain the position taken by them. In that case the jurisdiction of the circuit court was denied not because the officers of the State were sued, but because the court found that the act of the legislature complained of did not violate any contract, and because the bill did not allege any ground of equitable relief against the individual defendants for any personal wrong committed or threatened by them, because it did not charge against them in their individual character anything done or threatened which constituted in contemplation of law a violation of personal or property rights or a breach of contract to which they were parties. In these particulars the Ayres case differs materially from the case now before me. In that case the Supreme Court says: "But this is not intended in any way to infringe upon the principle which justifies suits against individual defendants, who, under color of the authority of unconstitutional legislation by the State, are guilty of personal trespasses and wrongs, nor to forbid suits against officers in their official capacity either to arrest or direct their official action by injunction or mandamus, where such suits are authorized by law, and the act to be done or omitted is purely ministerial, in the performance or omission of which the plaintiff has a legal interest."

In Davis vs. Gray (16 Wall., 203) the Supreme Court held that a circuit court of the United States, in a proper case in equity, may enjoin a State officer from executing a State law which is in conflict with the Constitution of the United States when such execution will violate the rights of the complainant; that making a State officer a party does not make the State a party, although her law may prompt his action and she may stand behind him as the real party in interest. That case was a suit by Gray against Davis, the governor of the State of Texas, and Keuchler, commissioner of the land office of that State, and the injunction issued by the circuit court of the United States for the western district of Texas, restraining said officers from issuing and signing certain land warrants, was sustained, as I have mentioned, by the Supreme Court of the United States.

In the case of Pennoyer vs. McConnaughy (140 U. S., 1), in which the Supreme Court reviewed the cases bearing on the subject, Mr. Justice Lamar, speaking for the court, said: "But the general doctrine of Osborne vs. The Bank of the United States, that the circuit courts of the United States will restrain a State officer from executing an unconstitutional statute of the State, when to execute it would violate rights and privileges of the complainant which had been guaranteed by the Constitution, and would work irreparable damage and injury to him, has never been departed from. On the contrary, the principles of that case have been recognized and enforced in a very large number of cases, notably in those we have referred to as belonging to the second class of cases above mentioned." In reference to the case just referred to, he used this language: "The first class is where the suit is brought against the officers of the State as representing the State's action and liability, thus making it, though not a party to the record, the real party against which the judgment will so operate as to compel it to specifically perform its contract. (In re Ayers, 123 U. S., 443; Louisiana vs. Jumel, 107 U. S., 711; Antoni vs. Greenhow, 107 U. S., 769; Cunningham vs. Macon and Brunswick Railroad, 109 U. S., 446; Hagood vs. Southern, 117 U. S., 52.) The other class is where a suit is brought against defendants who, claiming to act as officers of the State under the color of an unconstitutional statute, commit acts of wrong and injury to the rights and property of the plaintiff acquired under a contract with the State. Such suit, whether brought to recover money or property in the hands of such officers, illegally taken by them in behalf of the State, or for compensation in damages, or in a proper case where the remedy at law is inadequate for an injunction to prevent such wrong and injury, or for a mandamus in a like case to enforce upon the defendant the performance of a plain legal duty, purely ministerial, is not, within the meaning of the eleventh amendment, an action against the State. (Osborne vs. Bank of the United States, 9 Wheat., 738; Davis vs. Gray, 16 Wall., 203; Tomlinson vs. Branch, 15 Wall., 460; Litchfield vs. Webster County, 101 U. S., 773; Allen vs. Baltimore and Ohio Railroad, 114 U. S., 311; Board of Liquidation vs. McComb, 92 U. S., 531; Poindexter vs. Greenhow, 114 U. S., 270.")

Complainant insists that his case is included in the reasoning of the court in the cases last cited, and also that he is entitled to present his bill to this court relative to the matters therein set forth, because of the provisions of the Constitution of the United States, and particularly the fourteenth and fifteenth amendments thereof. To the consideration of this point, and of the constitutionality of the registration laws of the State of South Carolina, we now come. Complainant insists that the registration laws of South Carolina are in contravention of the provisions of the constitution of South Carolina, and that they also violate the Constitution of the United States, his rights as a citizen of the United States being so affected thereby as to entitle him to be heard in this court on the complaint we now consider. The constitution of South Carolina contains the following provisions:

ART. 1, SEC. 31. "All elections shall be free and open, and every inhabitant of this Commonwealth possessing the qualifications provided for in this constitution shall have equal right to elect officers and be elected to fill public offices."

ART. 8, SEC. 2. "Every male citizen of the United States of the age of 21 years and upwards, not laboring under the disabilities named in this constitution, without distinction of race, color, or former condition, who shall be a resident of this State at the time of the adoption of this constitution, or who shall hereafter reside in this State one year and in the county in which he offers to vote sixty days next preceding any election, shall be entitled to vote for all officers that are now or hereafter may be elected by the people, and upon all questions submitted to the electors at any election: *Provided*, That no person shall be allowed to vote or hold office who is now or hereafter may be disqualified therefor by the Constitution of the United States until such disqualifications shall be removed by the Congress of the United States: *Provided further*, That no person while kept in any almshouse or asylum, or of unsound mind, or confined in any public prison, shall be allowed to vote or hold public office."

ART. 8, SEC. 3. "It shall be the duty of the general assembly to provide, from time to time, for the registration of all electors."

ART. 8, SEC. 7. "Every person entitled to vote at any election shall be

eligible to any office which now is, or hereafter shall be, elective by the people in the county where he shall have resided sixty days previous to such election, except as otherwise provided in this constitution or the Constitution and laws of the United States."

ART. 8, SEC. 8. "The general assembly shall never pass any law that will deprive any of the citizens of this State of the right of suffrage, except for treason, murder, robbery, or dueling, whereof the person shall have been duly tried and convicted."

Section 2, Article I, of the Constitution of the United States is as follows: "The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualification requisite for electors of the most numerous branch of the State legislature."

Section 1, Article XIV (amendment), is in these words: "All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

Article XV of the amendments to the Constitution reads:

SECTION 1. "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

"SEC. 2. "The Congress shall have power to enforce this article by appropriate legislation."

The Congress has given to the circuit courts of the United States jurisdiction of all suits to enforce the right of citizens of the United States to vote in the several States.

We have seen that a citizen of South Carolina is a citizen of the United States residing in that State. The rights, privileges, and immunities belonging to him as a free citizen are his as a citizen of the United States, and do not depend upon his citizenship of that State. The plaintiff, Mills, a citizen of African descent, is a citizen of the United States and of the State of South Carolina.

By the fourteenth amendment he has been made a citizen of the United States, and by the fifteenth amendment he is a voter in the State in which he resides. Previous to the adoption of these amendments the race to which he belongs had no rights that the white men of this country were bound to respect, and it was not possible for anyone belonging to it to be a citizen of the United States. In the Slaughter House Cases (16 Wall., 68) the Supreme Court of the United States, referring to the time immediately preceding and following the adoption of these amendments, said:

"The institution of African slavery, as it existed in about half the States of the Union, and the contests pervading the public mind for many years between those who desired its curtailment and ultimate extinction and those who desired additional safeguards for its security and perpetuation culminated in the effort on the part of most of the States in which slavery existed to separate from the Federal Government and to resist its authority.

"This constituted the war of the rebellion, and whatever auxiliary causes may have contributed to bring about this war, undoubtedly the overshadowing and efficient cause was African slavery.

"In that struggle, slavery, as a legalized social relation, perished. It perished as a result of the bitterness and force of the conflict. When the armies of freedom found themselves upon the soil of slavery they could do nothing less than free the poor victims whose enforced servitude was the foundation of the quarrel, and we when hard pressed in the contest these men—for they proved themselves men in that terrible crisis—offered their services and were accepted by thousands to aid in suppressing the unlawful rebellion. Slavery was at an end wherever the Federal Government succeeded in that purpose. The proclamation of President Lincoln expressed an accomplished fact as to a large portion of the insurrectionary districts when he declared slavery abolished in them all. But, the war being over, those who had succeeded in recestablishing the authority of the Federal Government were not content to permit this great act of emancipation to rest on the actual results of the contest or the proclamation of the Executive, both of which might have been questioned in after times, and they determined to place this main and most valuable result in the Constitution of the restored Union as one of its fundamental articles. Hence the thirteenth article of amendment to that instrument. Its two short sections seem hardly to admit of construction, so vigorous is their expression and so appropriate to the purpose we have indicated.

"'1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

"'2. Congress shall have power to enforce this article by appropriate legislation.' * * *

"The process of restoring to their proper relation with the Federal Government and with the other States those which had sided with the rebellion, undertaken under the proclamation of President Johnson in 1865, and before the assembling of Congress, developed the fact that, notwithstanding the formal recognition by those States of the abolition of slavery, the condition of the slave race would, without further protection of the Federal Government, be almost as bad as it was before. Among the first acts of legislation adopted by several of the States in the legislative bodies which claimed to be in their normal relations with the Federal Government were laws which imposed upon the colored race onerous disabilities and burdens, and curtailed their rights in the pursuit of life, liberty, and property to such an extent that their freedom was of little value, while they had lost the protection which they had received from their former owners from motives both of interest and humanity.

"They were in some States forbidden to appear in the towns in any other character than menial servants. They were required to reside on and cultivate the soil, without the right to purchase or own it. They were excluded from many occupations of gain, and were not permitted to give testimony in the courts in any case where a white man was a party. It was said that their lives were at the mercy of bad men, either because the laws for their protection were insufficient or were not enforced.

"These circumstances, whatever of falsehood or misconception may have been mingled with their presentation, forced upon the statesmen who had conducted the Federal Government in safety through the crisis of the rebellion, and who supposed that by the thirteenth article of the amendment they had secured the result of their labors, the conviction that something more was necessary in the way of constitutional protection to the unfortunate race who had suffered so much. They accordingly passed through Congress the proposition for the fourteenth amendment, and they declined to treat as restored to their full participation in the Government of the Union the States which had been in insurrection until they ratified that article by a formal vote of their legislative bodies."

Before we proceed to examine more critically the provisions of this amendment (on which the plaintiffs in error rely) let us complete and dismiss the history of the recent amendments, as that history relates to the general purpose which pervades them all. A few years' experience satisfied the thoughtful men who had been the authors of the other two amendments that, notwithstanding the restraints of those articles on the States and the laws passed under the additional powers granted to Congress, they were inadequate for the protection of life, liberty, and property, without which freedom to the slaves was no boon. They were in all those States denied the right of suffrage. The laws were administered by the white man alone. It was urged that a race of men distinctively marked as was the negro, living in the midst of another and dominant race, could never be fully secured in their person and their property without the right of suffrage.

Hence the fifteenth amendment, which declares that "the right of a citizen of the United States to vote shall not be denied or abridged by any State on account of race, color, or previous condition of servitude." The negro having by the fourteenth amendment been declared to be a citizen of the United States, is thus made a voter in every State of the Union.

We repeat, then, in the light of this recapitulation of events, almost too recent to be called history, but which are familiar to us all, and on the most casual examination of the language of these amendments, no one can fail to be impressed with the one pervading purpose found in them all, lying at the foundation of each, and without which none of them would have been even suggested. We mean the freedom of the slave race, the security and firm establishment of that freedom, and the protection of the newly made freeman and citizen from the oppressions of those who had formerly exercised unlimited dominion over him. It is true that only the fifteenth amendment in terms mentions the negro by speaking of his color and his slavery. But it is just as true that each of the other articles was addressed to the grievances of that race and designed to remedy them as the fifteenth.

We do not say that no one else but the negro can share in this protection. Both the language and spirit of these articles are to have their fair and just weight in any question of construction. Undoubtedly while negro slavery alone was in the mind of the Congress which proposed the thirteenth article, it forbids any other kind of slavery now or hereafter. If Mexican peonage or the Chinese cooly-labor system shall develop slavery of the Mexican or Chinese race within our territory, this amendment may safely be trusted to make it void. And so if other rights are assailed by the States which properly and necessarily fall within the protection of these articles, that protection will apply, though the party interested may not be of African descent. But what we do say, and what we wish to be understood, is that by fair and just construction of any section or phase of these amendments it is necessary to look to the purpose which we have said was the pervading spirit of them all, the evil which they were designed to remedy and the process of continued addition to the Constitution, until that purpose was supposed to be accomplished as far as constitutional law can accomplish it.

The first section of the fourteenth article, to which our attention is more especially invited, opens with a definition of citizenship—not only citizenship of the United States, but citizenship of the States. No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress. It had been the occasion of much discussion in the courts, by the Executive Departments, and in the public journals. It had been said by eminent judges that no man was a citizen of the United States except as he was a citizen of one of the States composing the Union. Those, therefore, who had been born and resided always in the District of Columbia or in the Territories, though within the United States, were not citizens. Whether this proposition was sound or not had never been judicially decided. But it had been held by this court, in the celebrated Dred Scott case (19 How., 393), only a few years before the outbreak of the civil war, that a man of African descent, whether a slave or not, was not and could not be a citizen of a State or of the United States. This decision, while it met the condemnation of some of the ablest statesmen and constitutional lawyers of the country, had never been overruled; and if it was to be accepted as a constitutional limitation of the right of citizenship, then all the negro race who had recently been made freemen were still not only not citizens, but were incapable of becoming so by anything short of an amendment to the Constitution.

To remove this difficulty primarily and to establish a clear and comprehensive definition of citizenship which would declare what should constitute citizenship of the United States and also citizenship of a State the first clause of the first section was framed:

"All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside."

The first observation we have to make on this clause is that it puts at rest both the questions which we stated to have been the subject of differences of opinion. It declares that persons may be citizens of the United States without regard to their citizenship of a particular State, and it overturns the Dred Scott decision by making all persons born within the United States and subject to its jurisdiction citizens of the United States. That its main purpose was to establish the citizenship of the negro can admit of no doubt. The phrase "subject to its jurisdiction" was intended to exclude from its operation children of ministers, consuls, and citizens or subjects of foreign states born within the United States.

While it is true that the Supreme Court has held that the fourteenth amendment did not add to the privileges and immunities of a citizen and that no new voters were necessarily made by it, it is equally true that it in effect held that it increased the number of citizens entitled to suffrage under the constitutions and laws of the States. It also held that in the light of the history of the late amendments there was no difficulty in giving a proper meaning to their provisions, and that the existence of laws in those States where the emancipated negroes resided which grossly discriminated against them as a class was the end to be remedied by them, and that by them such laws are forbidden. It also fully determined that a citizen of a State is now simply a citizen of the United States residing in that State; that his rights as such are those that belong to him as a citizen of the United States, and that they are not dependent upon his citizenship of any State, do not depend upon its legislation, and can not be destroyed by its power. As I understand the decision of the Supreme Court, they sustain the claim of this plaintiff that the courts of the United States are open for the relief of citizens of the United States whose privileges have been abridged by the State in which he resides. Certainly they should be, and I will surely so hold until advised by that court that I am in error. From these same decisions I find that while the right of suffrage is not a necessary attribute of Federal citizenship, it surely is such an attribute as is exempt from discrimination in the exercise of that right on account of race and previous condition, and that while the right to vote in the States comes from the State, the right of exemption from the prohibited discrimination comes from the United States.

While as a rule the rights of a citizen of a State are such as all citizens of the United States enjoy, yet this plaintiff has also certain rights under the constitution of South Carolina by virtue of the act of Congress of June 25, 1868, which was accepted and acted upon by that State, in which it is provided that the constitution of said State shall never be so changed as to deprive any citizen or class of citizens of the United States of the right to vote in said State who are entitled to vote by the constitution of the same, recognized in said act, except as a punishment for crime. The constitution there referred to is one from which I have before quoted, the present organic law of that State.

Are the registration laws of South Carolina constitutional? Do they

prevent the plaintiff and those situated like him from exercising the rights conferred upon and guaranteed to him? A registration law is not per se unconstitutional, but is the one referred to in the bill such as should be upheld by the courts? Does the State of South Carolina by this legislation deprive the plaintiff of any of the privileges to which he is entitled by the Constitution of the United States and of that State? Does it deprive him of his liberty by taking from him a right by which he can preserve that liberty? Does it deny him the equal protection of her laws by enacting a system of registration which does not protect but destroys his rights? If it does disfranchise him, are not his liberty and his property taken from him? If it does prevent him from voting (it is shown that he is duly qualified) for delegates to the constitutional convention mentioned in the bill, which may so change the organic law of the State as to affect his life, his property, his liberty, his franchise, does it not do him a grievous wrong, and by what authority? As pertinent to this I quote the words of Mr. Justice Swayne in the Slaughterhouse Cases: "Life, liberty, and property are forbidden to be taken without due process of law, and equal protection of the laws is guaranteed to all. Life is the gift of God, and the right to preserve it is the most sacred of the rights of man. Liberty is freedom from all restraints, but such as are justly imposed by law. Beyond that line lies the domain of usurpation and tyranny. Property is everywhere that which has an exchangeable value, and the right of property includes the power to dispose of it according to the will of the owner. Labor is property, and as such merits protection. The right to make it available is next in importance to the rights of life and liberty. It lies to a large extent at the foundation of most other forms of property, and of all solid individual and national property. 'Due process of law' is the application of the law as it exists in the fair and regular course of administrative procedure. 'The equal protection of the laws' places all upon a footing of legal equality and gives the same protection to all for the preservation of life, liberty, and property and the pursuit of happiness." (16 Wall., 127.)

It is not my intention at this time to state in detail the requirements and effect of each section of said registration law, but simply the result that I reach after a careful scrutiny of them all, aided as I have been by the exhaustive analysis of the same made by counsel. I find no warrant in the constitution for the certificate required by the registration law to be issued to the voter, the production of which is required at the polls or his vote is to be rejected. This is not registration which is simply the entering on the books of lists of voters of the names of those qualified under the constitution to vote, but it is an additional requirement to those mentioned in the organic law, not intended, I am constrained to believe, to facilitate the full, free, and legal expression of those entitled to exercise the right of suffrage. Such requirement is unreasonable, burdensome, and harassing, and clearly it impedes and artificially lessens the right of the constitutional voters of the State to cast their ballots. The additional requirement that the voter moving from one place to another in the same precinct must surrender his old and secure a new certificate is without reason and vexatious, while the mode prescribed for securing a renewal thereof in case of loss is so cumbersome and peculiarly stringent that it likely fulfils its object in deterring the ordinary voter from making the effort.

The registration of voters closes on the 1st day of July preceding a general election, which is held in November following. What possible reason is there for this unreasonable course? During the four months preceding an election—the period voters generally devote to the examination of questions then to be determined and to the placing of their names on the voting lists when such lists are required—it is utterly impossible for any duly qualified voter to have his name registered, and necessarily results in depriving many of them of the right of suffrage. The only parties permitted to register during the four months preceding the election are those becoming of age during the period, provided they furnish satisfactory proof. The constitution says that the citizen who shall have been a resident of the State for one year and of the county in which he offers to vote for sixty days next preceding any election shall be entitled to vote at such election, and no law can be prohibited by this requirement from so doing. He has completed his one year's residence after the 1st day of July, but he can not register because the books are closed, and he can not vote because his name is not upon the books, and there is no provision by which he can prove to the election officers at the polls that he is a qualified and legal voter. This entire provision is most peculiar, without a precedent, and without defense even from the advocates of the law.

Why the books should be closed for months before the election and kept open for months after it is over, to the uninformed would be passing strange, and yet in the light of the recent history of this State and the discussion of this cause is easily understood. That such requirements are not only unreasonable but unconstitutional is shown by the following cases: Morris *vs.* Powell, 29 American Law Register, 839; White *vs.* Commissioners of Multnomah County, 13 Oregon, 317; Kinneen *vs.* Wells, 144 Mass., 497; State *vs.* Williams, 5 Wis., 308; Quin *vs.* State, 35 Ind., 485; McCafferty *vs.* Guyer, 59 Pa., 109; Green *vs.* Shumway, 39 N. Y., 418; Munroe *vs.* Collins, 17 Ohio, 686; People *vs.* Canaday, 73 N. C., 198; Cooley *vs.* Const. Lim., 753; Attorney-General *vs.* City of Detroit, 44 N. W. Rep., 388.

A careful examination of the registration enactment of the State of South Carolina—excluding the act of 1894—brings me to the conclusion that if a voter who was duly qualified and entitled to register in May and June, 1882, did not, on account of absence, sickness, inadvertence, or other causes, register when the books were open in that year that he was not only prevented from voting at the general election in November, 1882, but was and has been prevented—under the law—from voting at all elections held in the State subsequent to said election in 1882. This seems almost incredible, yet I think it is correct. The statement is appalling, the outrage stupendous, the result close to the borderland that divides outrage from crime. It is not necessary to discuss it further—likely the least said about it the better.

Does the act of 1894, the convention act, with its four sections relating to registration, cure the defects I have mentioned and render valid the former unconstitutional laws I have alluded to? In my opinion it does not. These sections refer to the old law—in fact, are to be considered as part of it, as amendments thereto—and they contain all the bad features thereof, including the certificates to be produced at the polls and the closing of the books many days before the election. They also add to the qualifications contained in the constitution relative to the residence of the voter in the State and county. And they make no provision for the registering of voters between the closing of the books and the election when their names have been omitted on account of absence or other usually sufficient reason.

Again, the applicant for registration must make affidavit setting forth his full name, age, occupation, and residence at the time of the general registration in 1882, or at the time thereafter when he became entitled to register, and also give the place or places of his residence since the time when he became entitled to register. This affidavit must be supported by the affidavit of two respectable citizens who were each of the age of 21 years on the 30th day of June, 1882, or at the time the applicant became entitled to register. Our most intelligent voters would dread this ordeal, this history of their movements for years, this statement of the different places at which they have lived, this securing of two reputable affiants, who must have been 21 years of age in 1882, or at the time the applicant arrived at voting age. With what crushing force, then, must it strike the weaker race, which is thus made to suffer by the stronger? How difficult for them to thus write out the books of their lives and have all the pages thereof attested by two witnesses reputable in the estimation of the registrar who is to judge them. In my opinion the fact that there still remains several days prior to the election—during which the plaintiff may apply for registration does not, in the light of the allegations of the bill, the proofs tendered, and admissions made prevent him from asking for nor the court from granting the relief prayed for.

I was asked, in case any portion of the said registration laws should be found invalid, to eliminate the part so found and decree that the remaining section should stand. I have not been able to make the separation, for I find it all so interwoven as to render it impracticable, so far as results are concerned, and I can not winnow when there is no grain in behalf of those so treated. All interested in the welfare of their country and desirous of seeing its laws enforced should protest in order that public sentiment should no longer be dormant, but may by its activity rouse the community that has long suffered by such outrages to a realization of their cause, and to an appreciation of the beneficial results to be secured by the abolishment of the system that has caused them.

If we may judge of what the intention of the legislature was by the inevitable result of its enactment, as we are assured we can (Soon Hing *vs.* Crowley, 113 U. S., 703; Minnesota *vs.* Barber, 136 U. S., 313), then the one object that controlled the minds of those who formulated the enactment I have been considering was how best to abridge and destroy the greatest number of votes of the citizens of African descent, while at the same time interfering with as few as possible of the votes of the white race. The fact is that with a candor that was as frank as it was amazing this was virtually admitted during the argument of this case. It is evident that the effect of this registration system is to fearfully impede the exercise of the right of suffrage by the colored voters of the State of South Carolina. It is a great effort to defeate their constitutional right to vote, and it seems to be its leading, I must be permitted to say its only object, the effort being to so legislate as to apparently respect constitutional requirements, but at the same time stab to the death the rights and immunities guaranteed by them.

Finding as I do that the registration laws of South Carolina are unconstitutional, and that their enforcement will deprive the plaintiff, a citizen of the United States, of the rights of a citizen of the same, I conclude that this court has jurisdiction of this case, and that the same is not a proceeding against the State of South Carolina, prohibited by the eleventh amendment to the Constitution of the United States. I find that the bill does present a question arising under the Constitution and laws of the United States, and that the plaintiff has not a plain and adequate remedy at law; that the bill is sufficiently verified and not multifarious. Under these circumstances it is the duty of the circuit court of the United States for the district of South Carolina to entertain this complaint—an instance in which duty mingles with inclination.

I have noticed during the progress of this case a disposition to regard this court as a foreign jurisdiction, much to my surprise and regret. This is as much a court of the States of South Carolina as is the circuit or supreme court of that State. The State of South Carolina assisted in forming the Constitution and making the laws by virtue of which this court was organized and now convenes. This court is and will be as careful and as jealous of the honor and the interests of that State as any of her citizens can be, and it hopes to merit their esteem by being so. I am glad to say that the distinguished chief justice of this State is my associate on the circuit and the Chief Justice of the United States is its presiding justice. Why such a court of the United States, convening in South Carolina, administering the laws of the nation and of that State, should be regarded as a foreign court is wonderful in the extreme and as strange as is the story relative to which it is about to enter its decree.

I will pass an order, as prayed for by complainant, restraining and enjoining the defendant individually and as supervisor of registration from the performance of any of the acts mentioned and complained of in the bill.

NATHAN GOFF
United States Circuit Judge.

MAY 8, 1895.

[Opinion of McIver, C. J., of the supreme court of South Carolina, in the case of Matthew C. Butler *vs.* William H. Ellerbe and another, as fiscal officers of the State. 22 S. C. Rep., 425, 437. Rendered July 6, 1895.]

MCIVER, C. J. (dissenting). This is an action, instituted in the original jurisdiction of this court, for an injunction restraining the defendants, as fiscal officers of this State government, from applying public funds in the State treasury to the payment of certain appropriations which, it is claimed, have been illegally made by the legislature. The particular appropriations claimed to be illegal are those made in the appropriation act of 23d December, 1893, for the pay of supervisors of registration, and for the pay of commissioners, managers, and messengers of elections, for the fiscal year commencing 1st November, 1893, and the prayer of the complaint is that the defendant Ellerbe and his successors in office as comptroller-general of the State of South Carolina be perpetually enjoined from drawing any warrant on the State treasurer for the payment of any of the said appropriations, and that the said Bates, and his successors in office as treasurer of the said State, be perpetually enjoined from paying any of the said warrants.

The ground upon which this claim is based is that the registration law, as it may be briefly termed for convenience, is unconstitutional, null, and void, and any appropriations of the public funds in pursuance of any of its provisions are without constitutional authority, and should be prohibited. Inasmuch as a copy of the complaint, or petition, as it is styled, should be incorporated in the report of this case, we do not deem it necessary to make here any more detailed or particular statement of the nature and scope of the action than has been made, in general terms, above, except to say that the action is brought by the plaintiff as "a citizen and resident taxpayer of the county of Edgefield, State aforesaid, possessing all the qualifications and laboring under none of the disqualifications provided in the constitution and laws of this State for the electors and officeholders thereof, on behalf of himself and other citizens and resident taxpayers of said State in the like plight and condition as himself as to qualifications and disqualifications, too numerous to be made parties to this action, and of other citizens and resident taxpayers of said State possessing the same constitutional qualifications as himself, and laboring under no disqualifications save those imposed by the acts of assembly hereinafter mentioned, alleged hereinafter to have been enacted in violation of the said Constitution."

The main object of the action, unquestionably, is to test the constitutionality of the registration laws of this State. But, before proceeding to the discussion of this main question in the case, it is necessary first to dispose of two preliminary objections presented by the attorney-general. The first of these objections, as we understand it, is that such an action as this can not be brought by a single taxpayer, either on his own behalf or on behalf of himself and others in similar plight and condition, upon the ground that no one can be allowed to assail the constitutionality of an act of the legislature by an action unless he shows that he has been injured either in his rights of person or property by such act, or, to use the language of the attorney-general in his argument, "The validity of a statute can not be questioned on the application of a mere volunteer or person whose right it does not specially

affect." Inasmuch as the object of this action is to prevent the application of the public funds in the State treasury arising from taxation, in which every taxpayer has a direct interest, to an illegal purpose, it would seem clear that there is no foundation for the objection.

But we do not deem it necessary to discuss the question, for we think it has been determined by express adjudication in this State in at least two cases, Mauldin *vs.* City Council, 33 S. C., 1, 11 S. E., 434; and McCullough *vs.* Brown (S. C.), 19 S. E., 458, supported by numerous authorities elsewhere. (1 Pom. Eq. Jur., page 277, section 260; Cooley, Taxation, 764; 2 Dill. Mun. Corp., section 736, and cases cited in note; Crampton *vs.* Zabriskie, 101 U. S., at page 609, where Mr. Justice Field used this language: "Of the right of resident taxpayers to invoke the interposition of a court of equity to prevent an illegal disposition of the moneys of the county * * * there is at this day no serious question.") While it is true that the case of McCullough *vs.* Brown, supra, has been overruled in so far as it held the dispensary law unconstitutional, by the subsequent case of State *vs.* City Council of Aiken (S. C.), 20 S. E., 221, yet that case does not affect the point for which the case of McCullough *vs.* Brown is now cited, for that point was in no way alluded to in the Aiken case, and it is there stated that the case of McCullough *vs.* Brown, and those decided upon its authority, "are overruled *in so far as they are antagonistic to the principles upon which this case is decided.*" (Italics ours.)

The next preliminary objection is that the plaintiff herein is estopped from assailing the constitutionality of the registration law by reason of the fact that he has for many years been in the enjoyment of the emoluments and honors of an office to which he has been chosen by elections held under the provisions of the registration law. How this can affect the right of the plaintiff as a taxpayer to institute an action to prevent the application of the public funds arising from taxation, in which he as well as any other taxpayer is interested, to an illegal purpose, it is impossible to conceive. The question here is not as to the validity of any election held under the registration law, for the record presents no such case, and no proper parties for the consideration of any such question. The sole question here is whether the fiscal officers of the State government shall be restrained from applying the public funds to an illegal purpose; and that question turns entirely upon the result of the inquiry whether the registration law, in pursuance of which such application is threatened to be made, violates the constitution of the State. If it does, then, of course, it is null and void, and any appropriation of the public funds in pursuance of the provisions would be illegal and should be restrained. We see no ground whatever for the estoppel claimed.

Coming, then, to the main question in the case, we find that the question of the constitutionality of a statute requiring the registration of voters has been very frequently before the courts of the several States, and it seems to be settled that, even in States whose constitutions are silent upon the subject, a statute requiring a registration of voters is not per se unconstitutional, as such a statute is regarded as a mere regulation of the constitutional right to vote, and is designed to furnish evidence of the fact that the voter is possessed of the qualifications fixed by the constitution. But it seems to be as well settled that where the purport and effect of a registration law is to add to or to take away any of the qualifications prescribed by the constitution, or where its effect is to obstruct, subvert, or even unnecessarily to impede, the exercise of the right conferred by the constitution, it can not be sustained, but must be held an unconstitutional invasion of the constitutional right of suffrage.

These views are fully supported by the authorities elsewhere (for so far as we are informed we have no case in this State upon the subject), which, though not binding on us, are recommended to our approval by the reasoning upon which they are founded, as well as by the high character of the courts from which they come. (See Capen *vs.* Foster, 12 Pick., 485, reported also with elaborate notes in 23 Am. Dec., 632, frequently referred to as the leading case upon the subject.) In Kinneen *vs.* Wells, 144 Mass., 497; 11 N. E., 916, the question was as to the constitutionality of the registration law of that State, containing a provision forbidding any naturalized person to be registered as a voter within thirty days after his naturalization, and it was held that such provision was unconstitutional because it purported to add to the qualifications of a voter as fixed by the constitution the further qualification that such voter should be possessed of the qualifications named in the constitution for a period of thirty days before he could be registered as a qualified voter.

The court, after noticing the further objection that such a provision was unconstitutional because it was not impartial, inasmuch as it imposed a restriction upon a certain class of voters—naturalized persons—not imposed upon any other class, goes on to say that even if the provision were general in its character, applying alike to all classes of voters, it would still be unconstitutional, because it added to the qualifications of a voter as fixed in the constitution the further requirement that he should be possessed of such qualifications for a specified time before he offers himself for registration, whereas every person who is possessed of the necessary qualifications at the time he offers himself for registration is entitled to be registered, without any regard to the length of time he has been possessed of the necessary qualifications.

In delivering the opinion of the court, Devens, J., uses this language: "It is not an unreasonable provision that all persons entitled as voters shall be registered as such previously to depositing their ballots, and if the legislature deems that such an inquiry could not proceed concurrently with the actual voting or election, and both be conducted in a deliberate and orderly manner, it is not unreasonable that it should provide that such an inquiry should terminate before the election actually commences at a previous time sufficiently long to make proper preparations therefor." Again, after referring to Capen *vs.* Foster, supra, as a leading case on the subject, he says: "But, while it is held to be within the proper limits of legislative power to provide suitable regulations for exercising the right of suffrage in a prompt and orderly and convenient manner, the court, speaking through Chief Justice Shaw, was careful to add: 'Such a construction would afford no warrant for such an exercise of legislative power as, under the pretense and color of regulating, should subvert or injuriously restrain the right itself.'"

And again he says: "Every system of registration of voters contemplates that the registration will be completed and that the list of voters will be prepared before voting actually commences. No system would be just that did not extend the time of registration up to a time as near that of actually depositing the votes as would be consistent with the necessary preparation for conducting the election in an orderly manner, and with a reasonable scrutiny for the correctness of the list." In the case of City of Owensboro *vs.* Hickman (Ky.), 14 S. W., 688, the registration law there considered provided for a registration of voters in the city of Owensboro, to be made on the first Monday in July and the two succeeding days, at which those only could be registered who would be entitled to vote at the August election ensuing, and also provided that no vote shall be received at any election held within a year unless the voter's name is on the registry made in July. Held that the act was not a reasonable regulation of the elective franchise, and was void under the constitution of Kentucky, providing that every male citizen 21 years of age, who had resided in the State two years, and in the county, town, or city one year next preceding the election shall be a voter.

In that case the court, while conceding the power of the legislature to enact a uniform and reasonable registration law, used this language: "The true theory upon which those laws are based is that they must not impair or

abridge the elector's privilege, but merely regulate its exercise by requiring evidence of the right. The right can not be impaired, but it may be regulated. * * * A registration law, however, will not be held valid which, under the color of regulating the manner of voting, really subverts the right." Without quoting from or referring more particularly to the cases on the subject, we think the foregoing views will be found to be supported by numerous other cases which we have examined, and to which we will simply refer by their titles: Dells *vs.* Kennedy, 49 Wis., 560; 6 N. W., 246, 381; Daggett *vs.* Hudson (Ohio Sup.), 3 N. E., 546; Brooks *vs.* Hydone (Mich.), 43 N. W., 1122; Attorney-General *vs.* City of Detroit (Mich.), 44 N. W., 388; Page *vs.* Allen, 58 Pa. St., 338; Patterson *vs.* Barlow, 60 P. St., 75; State *vs.* Baker, 38 Wis., 71; Edmunds *vs.* Banbury, 28 Iowa, 267; Perry *vs.* Whitaker, 71 N. C., 475; People *vs.* Canaday, 13 N. C., 198; Monroe *vs.* Collins, 17 Ohio St., 686.

In the light of these principles we will proceed to an examination of the provisions of the registration law of this State, with a view to ascertain whether any of the provisions of that law are in conflict with any of the provisions of our constitution. For this purpose we will first inquire what are the provisions of the constitution in reference to the right of suffrage. In article 1, section 31, the provision is as follows: "All elections shall be free and open, and every inhabitant of this Commonwealth possesses the qualifications provided for in this constitution shall have an equal right to elect officers and be elected to fill public office."

Section 33 of article 1 provides as follows: "The right of suffrage shall be protected by laws regulating elections and prohibiting, under adequate penalties, all undue influence from power, bribery, tumult, or improper conduct." In article 8, section 2, the qualifications of electors are specifically declared, as follows: (1) He must be a male citizen who has attained the age of 21 years. (2) He must have resided one year in the State, and in the county in which he offers to vote sixty days next preceding any election. (3) He must not be laboring under any of the disabilities named in the constitution. In addition to the qualifications of a voter thus specifically declared it is expressly provided that every person possessed of these qualifications "shall be entitled to vote for all officers that are now or hereafter may be elected by the people, and upon all questions submitted to the electors at any elections." But, in addition to this, in section 8 of the same article it is positively declared that the general assembly "shall never pass any law that will deprive any of the citizens of this State of the right of suffrage, except for treason," and other offenses named in the section, "whereof the person shall have been duly tried and convicted." The provision of article 8, section 3, is as follows: "It shall be the duty of the general assembly to provide from time to time for the registration of all electors."

The original provisions for the registration of voters will be found in the act approved 9th of February, 1882 (17 Statutes at Large, page 1110), and these provisions are incorporated in General Statutes 1882, beginning with section 93 and ending with section 106; and such provisions, as subsequently amended, are incorporated in the Revised Statutes of 1893 as sections 131–156, both inclusive. From a careful examination of the various statutory provisions thus referred to, it seems to us that the manifest scope and intent of such legislation was that there should be but one general registration of voters, as provided for in 1882, and that when the registration books were closed for that year a person who was then a qualified voter, but who had failed from any cause, whether from sickness, absence, or other cause, to register, was ever thereafter deprived of this right of suffrage, for there is no provision by which such a person could afterwards be allowed to register; and section 132 of the Revised Statutes expressly declares that "no person shall be allowed to vote at any election hereafter to be held unless he shall have been heretofore registered in conformity with the requirements of chapter 7 of the General Statutes of 1882, and the acts amendatory thereof, or shall be registered as herein required."

Now, on turning to the chapter of the General Statutes of 1882 and the acts amendatory thereof, we find that, while provision is made in section 94 of that chapter, corresponding with section 137 of the Revised Statutes, for opening the books of registration after every general election, and for the purpose of registering voters generally, but "for registration of *such persons* as shall thereafter become entitled to register" (italics ours), there is no provision for the registration of persons who had previously become entitled to register. Hence it follows, necessarily, that one who had been a qualified voter and, as such, entitled to register before such general election could not then avail himself of the privilege offered by that section. The language found in section 94 of the General Statutes of 1882 is stronger than that found in section 137 of the Revised Statutes from which we have quoted, for in the General Statutes of 1882 the language is prohibitory and forbids reopening the registration books except for the purpose of registration of persons as shall become entitled to register after the next election; and even as to this privileged class, their day of grace expires on the 1st day of July preceding a general election, something over four months before the general election, which is fixed by law for the first Tuesday after the first Monday in November in every second year, reckoning from the year 1870. (Const., article 2, section 3; Rev. Stat., section 162.) It is true also that sections 96 and 97 of the General Statutes of 1882, as well as the corresponding sections of the Revised Statutes (140 and 141), do make special provisions for a certain class of voters, to wit, minors who come of age and are otherwise qualified, but this provision is confined to that particular class, and is, therefore, not an impartial provision.

It seems to us that this feature of the registration law, to say nothing of other constitutional objections, renders it obnoxious to that provision of the constitution above quoted which makes it the duty of the general assembly to provide from time to time for the registration of all electors. The language of that constitutional provision necessarily implies that its purpose was to require the general assembly to provide every facility for the registration of all electors, by providing for the registration of all electors "from time to time," so that, as far as practicable, no elector should be deprived of his right of suffrage, and that this law, which provided for one general registration more than ten years ago, and afforded no other opportunity to any elector, except those of a certain class, to comply with its provisions, even though his failure to avail himself of the first and only opportunity ever offered him to register resulted from sickness, absence, or other good cause, must be regarded as a violation both of the spirit and letter of the constitution.

Inasmuch as the right of suffrage is provided for and guaranteed by the constitution, and the general assembly is expressly forbidden from passing any law depriving any citizen of the right of suffrage, except in certain cases not pertinent to the present inquiry, it would seem at first blush as if any law making it a prerequisite to the exercise of this constitutional privilege that the voter should be registered would be in violation of the constitution as adding an additional requirement to those mentioned in the constitution for the exercise of this right. But, as we have seen, this is not the correct view of a registration law, which is a mere regulation as to the mode and manner in which this constitutional right may be exercised. The constitution simply provides that every citizen possessed of certain specified qualifications shall be entitled to exercise the right of suffrage, but it makes no provision as to how the fact shall be ascertained that a citizen claiming the right to vote is possessed of the required qualifications. It is, therefore, not only proper but necessary that the legislature should make such regulations as it may deem

best for the purpose of determining the question of fact whether a person offering to vote is possessed of the necessary constitutional qualifications; and this, in our judgment, is the true office of a registration law.

It is also nothing but reasonable and proper that such an inquiry should terminate prior to the election, as it might greatly delay and possibly defeat the full exercise of the right of suffrage if it had to be conducted while the election was going on; and hence a law which provides for closing the registration books for such a length of time as would be reasonably necessary to enable the supervisor of registration to prepare and furnish the managers of elections at each polling precinct with a copy of the list of registered voters for such precinct would not probably be regarded as an unreasonable regulation. If, however, the law provides for closing the registration books for such a length of time before the election as would be manifestly unreasonable and unnecessary for that purpose, then such a law could not be defended as a legitimate exercise of legislative power; for, under color of regulation, it would have the effect of subverting and injuriously restraining the right of suffrage, and would in some cases totally defeat such right.

It seems to us that the law under consideration is open to this objection, for it provides that the registration books shall be closed on the 1st day of July preceding every general election, which, as we have seen, is fixed for the first Tuesday after the first Monday in November in every second year, reckoning from the year 1870, and shall not be reopened prior to such general election, except for the purpose of enabling minors coming of age and possessed of the other necessary qualifications to register. Surely a period of four months is wholly unreasonable and entirely unnecessary for the closing of the registration books previous to a general election, and the inevitable effect is to deprive a certain class of citizens of the right to vote at such election, to wit, those who, being otherwise qualified, complete their required term of residence either in the State or county within such period of four months.

Take, for instance, the case of a person who, being possessed of other constitutional qualifications, only completes the required term of residence, either in the State or county, on the 1st day of October immediately preceding any general election. By this provision of the law he is deprived of his right of suffrage, although it may be susceptible of proof to a demonstration that on the day of election he is, and for more than a month preceding has been, fully possessed of all the qualifications of an elector as fixed by the constitution, simply because he had not performed an impossible act by registering prior to the preceding July, which, under the case supposed, it would have been impossible for him to have done, as he had not, prior to the preceding July, completed his required term of residence. It is manifest that such a law can not be defended as a reasonable and necessary regulation of the mode of exercising the elective franchise, and is in direct conflict with the constitution; for, in the case supposed, which no doubt has frequently occurred, the constitution guarantees the right to vote, but the registration law forbids the exercise of such right because the person in question had not shown, four months previous to the election, what it was impossible for him then to have shown—that he was then possessed of all the constitutional qualifications—notwithstanding the fact that there was ample time for him to have shown, if allowed the opportunity, that he was on the day of election, and had been for at least one month, fully possessed of all the qualifications of an elector.

Much complaint has been made in the argument against what may be designated as the certificate feature of the act, which, it is claimed, is peculiar to the registration law of this State, by which it is provided that the supervisor of registration is required to furnish to each registered voter a certificate in the form prescribed in section 142 of the Revised Statutes, which he is required to exhibit to the managers of election before he can be allowed to vote, and which forbids him from voting at any other polling precinct than that mentioned in such certificate.

We must say, however, that we are not prepared to condemn this act simply on account of that feature. Indeed, if the proper construction of the act is that the exhibition of such certificate is conclusive of the voter's right to vote, we are inclined to think that such a feature is not only unobjectionable, but preferable to a provision whereby the voter's right to vote is made to depend upon the fact that his name is found on the list of registered voters furnished the managers of election by the supervisor of registration; for in the former case the voter is made the custodian of the evidence of his right to vote, whereas in the latter case his right is made to depend upon the act of another, and he may entirely lose his right by the carelessness or incompetency of an official in making out the list, to say nothing of the danger of his being deprived of his right by the willful omission of his name from the list by a corrupt official. If, however, upon a proper construction of the act it is necessary, as is supposed by some—for which supposition the language of section 155 of the Revised Statutes affords some warrant—that to entitle one to vote he must not only exhibit his certificate to the managers of election, but his name must also appear upon the list furnished the managers by the supervisors of registration, then it does seem that such double requirement is unnecessarily burdensome, well calculated to impede the exercise of the right of suffrage, and sometimes entirely defeat such right, without any fault on the part of the voter; for, though he may have carefully preserved and promptly exhibited his certificate of registration to the managers of election, he yet may lose his right to vote solely because his name does not appear on the list furnished by the supervisor, for the act makes no provision for the publication of the list of registered voters prior to an election, whereby the voter can ascertain whether his name appears on such list and, if it had been omitted through carelessness or even oversight on the part of the official charged with the duty of preparing such list, have it inserted.

We do not deem it necessary to go into any detailed consideration of the various provisions of the act in regard to the substitution of a new certificate for one which has been lost or destroyed by no fault on the part of the voter, or of the provisions of the change of certificate where the holder changes his place of residence, even from one point to another in the same precinct, but must say that these provisions seem to be unnecessarily harsh and burdensome, and, whether so intended or not, are well calculated to impede and obstruct the exercise of the right of suffrage.

There is one feature of this act which is not without significance. Sections 151-154, Revised Statutes, expressly require that the supervisor of registration "shall, immediately preceding each election, revise the registration of electors and mark off the names of such electors as have died and such as have removed from one residence precinct, parish, ward, or county to another without notifying him and obtaining a certificate of transfer," and the other sections referred to make provision for obtaining the names of persons who, within the two preceding years, have been convicted of any offense disqualifying a person from voting, which names shall be erased from the registration list; but there is a singular absence of any like provision for revising the registration list "immediately preceding each election" by adding thereto the names of qualified electors whose names, from any cause, may have been omitted from the list. The revision thus expressly provided for is altogether one-sided, and can not, therefore, be regarded as either reasonable or just.

The features of our registration law which have thus been shown to be unconstitutional are so intimately connected with and so interwoven with its other provisions that the whole act must be declared unconstitutional. If those features which have been specially commented on are eliminated from the act, as they must be if in conflict with the constitution, then the effect would be that we would have upon the statute book a law in a form which never received the sanction of the legislature, and this can not be. To use the language of the Michigan court in Attorney-General *vs.* City of Detroit (Mich.) (44 N. W., 388), we may say: "This law being, in the respects pointed out, both unreasonable and in conflict with the constitution, and it being apparent that the legislature would not have enacted the other portions of the act had it foreseen that the courts would declare these parts unconstitutional, the whole act must fall and be held unconstitutional and void." We must therefore conclude that the registration law of this State is unconstitutional, null, and void, and hence any appropriation of the public moneys for the pay of the supervisors of registration for carrying out the provisions of this unconstitutional statute is without the warrant of law, and should be forbidden.

Mr. JENKINS. I agree with both of the learned judges that the law is unconstitutional, but disagree with both as to the reasons or points upon which the law should be held unconstitutional. I do not think that any lawyer, even in South Carolina, would have any respect for the opinion of any gentleman who would say that the law in question is constitutional. For the purposes of the discussion I will very briefly refer to the constitution and point out the defect in the law as I understand it. Article 8, section 2, of the constitution of South Carolina provides:

Every male citizen of the United States—

With certain exceptions not necessary to be noticed—

21 years or upward, resident of the State at the time of the adoption of the constitution, or who shall hereafter reside in the State one year and in the county where offering to vote sixty days preceding any election, shall be entitled to vote; in short, the only qualification in general terms required by the constitution is that the man shall be 21 years of age, a resident of the State one year, and a resident of the county where offering to vote sixty days.

It will not require any argument to prove that the lawful electors of South Carolina are by the requirements of the statute deprived of their constitutional rights, and that the statute does impair the rights of electors and imposes conditions and makes unreasonable and burdensome requirements not warranted by the Constitution; and I think the law is void for reasons following: First. As affecting electors moving into South Carolina from a sister State or from a foreign country, or from one county to another in the State; for by the terms of the constitution a person, otherwise qualified, removing into South Carolina from outside the State can vote if a resident of the State a year and of the county where offering to vote sixty days prior to any general election.

It will be observed by the terms of the statutes that the person seeking registration must be an elector when offering to register. By the terms of the constitution an elector should be permitted to register the day before the general election in order not to deny the elector the right to vote when moving into the State one year before or from one county to another sixty days before a general election. An elector who has lived all of his days in South Carolina is, if he moves from one county to another sixty-one days before election, as much affected by the statute as one coming in from outside the State, for the constitution in imposing qualifications for electors in this particular simply requires that he reside in the county where offering to vote sixty days prior to the next general election.

Neither of the learned judges so often referred to speak of this feature of the law. In other words, if at any time after the 1st day of July before a general election and sixty days before the same general election an elector of South Carolina and who has lived all of his days in the State moves from one county to another, he can not vote; for by the terms of the registry law he must be registered in the county where offering to vote, and his name must appear upon the registration books of his precinct on or before the 1st day of July, and the provisions of section 148 under the codification or 102 of the law of 1882 do not help out the voter removing from one county to another, and are really of no benefit; for the books were closed July 1 to every elector as far as registration is concerned, excepting those coming of age after July 1 or awarded a certificate on appeal.

No doubt it was intended to protect the voter removing from one county to another in the State, but taking the statute as a whole, providing explicitly for the closing of the books on the 1st day of July, it certainly disfranchises this class of electors. The section quoted only applies to such removals taking place more than sixty days prior to July 1, and affords no relief to the class who I insist are barred by these statutes. The same difficulty is met with in case a citizen of Georgia should move into South Carolina a year before a general election to be there held. By the constitution his year's residence would make him a voter; but he can not vote, for he has not been registered. He could not register, for he was not an elector on or before July 1, when the books were closed against him until after the election was held.

Second. Because the electors are required to go to the county seat to register instead of being permitted to register at the precinct where entitled to vote. This ground was not mentioned by

either of the same learned judges, but I think the objection is good. It is an unreasonable requirement greatly abridging the constitutional right of the elector, imposing greatly upon his time and ability, an imposition not warranted by the constitution, and not a reasonable regulation of the elective franchise.

Third. In case of change from one polling place to another in requiring the surrender and cancellation of the former certificate, and such evidence as the register may deem proper as to the right of the elector to such change. The constitution does not contemplate that any such extensive power should be conferred upon the supervisor of registration. An American citizen ought to be permitted to change his place of residence at will without being compelled to disclose to the supervisor of registration his reasons for making the change when endeavoring to comply with the law to entitle him to vote.

Fourth. In giving any power whatever to the supervisor of registration to mark off the name of any elector for any reason, and particularly because the law allows it to be done without notice to the elector, and in requiring the elector, if his name is improperly stricken off, to apply within sixty days after the next following election to prove to the satisfaction of the supervisor that his name should not be stricken from the book. The only disability named in the constitution of South Carolina is in case of persons kept in almshouses, asylums, or of unsound mind or confined in any public prison. All others are electors, yet the law permits the supervisor of registration to mark off the names of electors who have removed from one residence, precinct, parish, ward, or county to another, those convicted of murder, burglary, larceny, perjury, or any other infamous crime, or duelling or petit larceny. The constitution does not disqualify even a murderer. As far as crime is concerned it is only those who are confined in a public prison who are disqualified by the constitution, but it will be observed in this particular that the registration statute imposes a great many disqualifications in addition to those contained in the constitution.

Under the constitution any man convicted of crime is still an elector as soon as he gets out of the public prison, but under the statute a very large number are disqualified. In order to vote an elector should not be required to prove a negative. The ridiculousness of it is seen in striking off the name of an elector reported dead. One person in the county can not keep track of every other inhabitant, but the register is informed that the man is dead; he strikes his name off the roll, when, as a matter of fact, he is not dead; but he has got to come up before the register and prove the fact that he is alive before he can vote. Every man entitled to register should be permitted to have his name remain on the registration book without reference to any subsequent disqualification to vote. This view is not suggested by either of the learned judges, but as far as the point is concerned I consider the objection well taken.

It will be noted that both of these same learned judges expressed the opinion that the law is unconstitutional for the reason that if an elector in 1882 duly qualified to register failed to register prior to July 1 preceding the next general election, to be held November 7 of that year, he was not only prevented from voting at the general election held in November, 1882, but has ever since that time been prevented from registering, and consequently denied the right to vote.

Perhaps I ought not to express my opinion as against the opinions of these two excellent jurists; but, however, I can not agree with them, and desire to express myself according to my own understanding of the law. The particular statute in question provides in brief that all electors of the State shall be registered, and no person shall be allowed to vote at any election hereafter to be held unless he shall have heretofore been registered in conformity with the requirements of chapter 7 of the General Statutes of 1882 and acts amendatory thereof, or shall be registered as herein required, and after every general election the registration books shall be opened for registration of such persons as shall thereafter become entitled to register on the first Monday of each month until the 1st day of July preceding the general election, when the same shall be closed until such general election shall take place.

A general election having taken place in South Carolina in 1882, the electors had until the 1st day of July to register. We were not informed when the law of 1882 took effect, but presumably on or about the 1st day of May, as both judges speak of the months of May and June in which the electors had to register, so that the books would be opened on the first Monday of May and the first Monday of June, and remain open, if necessary, to hear applications for registration until the 1st day of July. Those then not registering, if otherwise qualified, would certainly be permitted to thereafter register within the letter of the statute. Certainly it could not be presumed that the legislature intended the construction claimed by the learned judges; that is, Is a man who was qualified to register in May or June, 1882, but did not, forever disqualified? In this particular the law should be liberally construed for the benefit of an elector in the light of the constitution, so as not to deprive a voter of his political rights fully and clearly expressed in the letter of the statute.

Both of the judges condemn this feature of the law as they construe it in strong terms. One of them remarks "that it was a stupendous outrage, and that while the statement is correct, it seems incredible," and evidence has been offered to prove that the construction placed upon the law in this particular by the two learned judges is the construction placed upon the law by some of the registration officers of South Carolina. I can not agree that the construction is correct, and am loath to believe that the lawmaking power of a State would ever intend such a step, and I am satisfied that if so intended the general assembly did not accomplish their intention. When the law provided that the registration books should be opened for registration after every general election for such persons as shall thereafter become entitled to register, it must have meant to apply it to every person who was a lawful elector at the time the books opened, including those entitled to register in May and June, 1882. If not, what was the language used for?—if entitled to, but not registered in May or June, 1882, he would thereafter become entitled to register.

The law must mean something, and, if not construed as I understand it, would be absolutely useless, for according to the contention of the learned judges only those coming of age after 1882 and those moving into the State would be entitled to register; but there is an express provision of law for the registration of those subsequently coming of age, and if the general assembly had intended this provision of the law for the benefit only of those moving into a State after the 1st day of July, 1882, they would have said so in plainer and more unmistakable terms. Under the law once registered, always registered, unless stricken off, and as soon as the books were opened after a general election every person not registered and otherwise qualified for registry could register. However this may be, and however much we may differ as to the reason and the extent that the law should be considered unconstitutional, it will make no difference; and while I desire to express myself in favor of the unconstitutionality of the law, I do not want to adopt the entire reasoning of the two learned judges, but express my individual views of the question.

Conceding that there is ground for a difference as to the reason and extent, fair-minded people, qualified to speak on the subject, must admit that not only is the law unconstitutional, but that in proper cases Congress should so regard it and so act as to remedy any wrong. In my view of the South Carolina cases before the House it will make no difference whether the law is unconstitutional or not, but as the question has been raised, and is so very important, it must be disposed of as justice requires, and it ought to be done so fairly and understandingly. The mere fact that the law of a State is unconstitutional would not, in my judgment, be a foundation for Congressional action or intervention, and ought not to make any difference if an election is held under it unless a sufficient number be deprived of their rights by the law to affect the result. An unconstitutional law is the same as no law, but may be a barrier until removed in proper proceedings brought by an interested party whose rights are affected, but no one can complain of it unless deprived of some rights by reason of it.

Suppose the entire registration law of a State to be unconstitutional; in an election held under it for members of the Fifty-fourth Congress, no one is deprived of his rights. What action could Congress take in regard to it? None whatever, in my judgment. Concede that contests are inaugurated in every district on the single specification of the unconstitutionality of the law under which the election was held. Could the contestants be awarded their seats? I contend not; neither could Congress deprive the contestees of their seats and declare the State unrepresented. The case would be entirely different, in my judgment, if the unconstitutional law was so worded as to deprive one party or the other of a sufficient number of votes to overcome the vote of the sitting member, and if those disfranchised voters came to Congress with a statement of facts showing that they were electors entitled by the constitution of their State to vote, had applied for registration but were denied it, had offered to vote but were refused on the ground that they were not registered, and that if they had been permitted to vote would have voted for the contestant, Congress would not be doing its duty if it did not count the vote of the disfranchised electors and seat the contestant.

Certainly before a man can be heard to declare a law unconstitutional or have it set aside for his benefit he must show that the law or manner of its enforcement impairs his constitutional rights or that he has endeavored to enforce his rights under the law and been denied his constitutional rights. As applied to this case an elector can not remain inactive and absolutely refrain from attempting to register, or if denied registration refrain from voting, and then come to Congress and ask the House in a contest to count his vote. I do not mean to be understood as claiming that

if the registration law be unconstitutional the elector must first attempt to register, because he might be permitted to register under an unconstitutional law, and if he could register under an unconstitutional law he has not been denied any of his rights. But where it is well known, as claimed in these South Carolina cases, that it would be useless for him to attempt registration, he certainly ought to go as far as he can be permitted to go in offering his vote, and then if denied the right to vote Congress should certainly count it upon competent evidence that he is a voter.

I can not think that when it is well known that the registration law is unconstitutional; that electors can refrain from exercising their rights, and then come here and ask Congress to do for them what they have not attempted to do for themselves, because it can not be known whether the same men would have voted if permitted to or how they would have voted. To attempt anything of the sort would be a dangerous exercise of power, liable in the end to do more harm than good, and it would be far safer to require a voter to take the initiative and go as far as the officers of election would allow him before complaining to Congress of the denial of his rights. It would simply be a case of another wrong. Two wrongs can not make a right. Congress would be as much in error as the election officers of the State. Congress is as much bound to observe the law as any other tribunal. They must support the proposition that every elector should be permitted to vote if he wanted to and have his vote counted, and not disfranchise electors unless entirely justified in so doing.

The power of Congress in this regard is very great, and should be fairly and honestly exercised in a judicial manner, and not as politicians would farm out appointments. I trust the time has come when the Congress will so act as to command the respect of all fair-minded people in the disposition of election cases, giving all interested parties to understand that it will always exercise its full constitutional powers in assisting to carry out the declared will of the people as expressed at the ballot box; that while it will not encourage unlawful or unreasonable contests, it will discourage every disobedience of the law, frauds, and intimidations. It is to be regretted that contests for seats in a legislative body have to be determined by the house where the membership is sought, and a tribunal should be erected in every State to dispose of all election contests, and when the National Government is interested some suitable person or persons should join the State tribunal in disposing of Federal cases.

The committee have endeavored to be governed in each case by the law and the particular facts involved in each case, and speaking for myself, I sincerely regret the condition of things existing in South Carolina as shown by the record, and earnestly hope for the education of the people and a closer conformity to the law as practically the only solution of this very threatening question. I have been speaking with reference to the constitutional questions alone, not considering or including fraud or intimidation, which, to my mind, present an entirely different question, and to aid me in determining the facts in each particular case I have not felt bound by the technical rules of evidence established for the trial of cases in courts of justice, but believe if there is a way of finding out how an elector voted that that vote should be counted just as the elector intended. Substantial justice requires that broad, equitable, uniform rules be laid down for the determination of election cases.

Another very important question arises in the case of Johnston against Stokes by reason of what might properly be called the state of the pleadings. The notice of contest contains fourteen specifications, and the contestee in his answer endeavors to raise the question of the insufficiency of the specifications, and in the opening part of his answer, referring to the insufficiency of the specifications, alleges:

ANSWER TO NOTICE OF CONTEST.

ORANGEBURG, S. C., *January 14, 1895.*

Mr. THOMAS B. JOHNSTON.

SIR: The undersigned, contestee, protests that the notice served on him by you that you propose to contest his right to sit as a member of the Fifty-fourth Congress from the Seventh district of South Carolina is merely a sweeping allegation that frauds were committed in said district at said election, as a result of which the contestant was defeated; that said charges are vague and indefinite, and do not, as by the law they should, specify particularly the grounds upon which the contestant relies in the contest, so that this contestee may be informed and know definitely what it is to which he is required to make answer and against what it is he is to defend; and as to such defective and insufficient paragraphs and allegations the contestee is not bound by the law to make answer, and will move the House, as soon as a resolution to that effect can be heard, to dismiss said notice, or such paragraphs or counts thereof as may be adjudged to be insufficient.

Second. And without waiving any objection to the irregularity and insufficiency of said notice, or any paragraph thereof, or the right to move that it or such paragraphs as may be adjudged defective and insufficient be dismissed, contestee says that the allegations of the first paragraph of said notice are not true.

The law requires the contestant in his notice of contest to "specify particularly the grounds upon which he relies in the contest." (R. S. U. S., section 105.)

There is no question but that if the law cited is to be fairly construed, every specification excepting the fourth is entirely insufficient. Not one of them would be sufficient as a pleading under any code or at common law. Not one specifies the ground with particularity. We will take the tenth and twelfth as a fair illustration of all except the fourth:

Tenth. That at the precinct of Beach Hill, in Colleton County, in the district aforesaid, the managers of election refused to receive the ballots of 300 or more legal voters who desired to vote for me, alleging as the reason therefor that their certificates of registration were for Ridgeville precinct; that the Beach Hill precinct and the said Ridgeville precinct are one and the same, the change being in name only, Ridgeville being now in Beach Hill precinct as Beach Hill formerly was in Ridgeville precinct, the metes and bounds being the same.

Twelfth. That at the precinct of Sumter, in Sumter County, in said district, the managers of election by allowing persons not registered to vote for you, while denying my friends and supporters the same right, by fraudulently abstracting from the ballot box ballots bearing my name for member of Congress which had been legally cast, and substituting and counting ballots bearing your name for member of Congress, by false returns of the votes cast and counted, and other misconduct of said managers, you were accredited at said precinct with 253 votes, and I was accredited with 65 votes, when a correct count and return and proper management would have shown that you received 65 votes and I received 253 votes.

A contestant has no right to assume fraud, make a general charge, and trust to the future to find evidence to support it.

Such general specifications imply that they are not based upon creditable evidence; merely speculation general enough to admit evidence if a sufficient number of parties can be found to testify in suport of the general wording of the specification without knowledge of the truth. The names of the persons should be given, and if any reliance is to be placed upon specification 12, the number allowed to vote not being registered and the names of the friends and supporters of the contestant, with the number of votes that were fraudulently abstracted from the ballot box bearing the name of the contestant, should be given. In short, the language is altogether too general to allow of any proof, and it is a fraud upon a contestee to uphold such general averments; for it deprives him of every opportunity to furnish evidence to defend himself.

The fourth specification charges that each and every member of the board of commissioners were Democrats. That one might be sufficient. The fluctuating decisions upon this important question in many cases open the door to fraud, and it is time that the practice was settled, so that when a notice of contest is served the contestee will know just exactly what he has got to answer and what proof is required. In some cases the House has gone so far as to hold that evidence can be received when there is no specification. Such practice is altogether too loose. The question has often been raised, and as it is meritorious it should be not only carefully but rightly considered.

In the case of Joseph Varnum, in the Fourth Congress, the House, after full discussion, resolved that the allegation that 5 votes were received and certified by the presiding officers which were given by persons by the law not qualified to vote at said meeting is not sufficiently certain, and that the names of the persons objected to for want of sufficient qualifications ought to be set forth prior to the taking of the testimony.

But in order to do the contestant no injustice, the case has been examined as though the specifications were sufficient, and we will proceed to examine the vote as returned.

Report of the secretary of state to the general assembly of South Carolina—Election returns.

SEVENTH CONGRESSIONAL DISTRICT.

Counties.	J. W. Stokes.	T. B. Johnston.	E. M. Brayton.	F. C. Caughman.	R. W. Mims.	Scattering.
Lexington	1,394	340	1	1		
Orangeburg	2,729	477	37			3
Sumter	1,142	670	11			4
Colleton	1,416	472	3	3	1	2
Berkeley	669	688	4			
Richland	8					
	7,358	2,656	56	4	1	9

STATE OF SOUTH CAROLINA,
Office Secretary of State.

We, the State board of canvassers, do hereby certify that the foregoing is a correct statement, based upon the statements made by the county boards of canvassers and the findings of this board of the whole number of votes given for the office of Representative in the Fifty-fourth Congress, held on the 6th November, 1894.

It is hereby agreed this page is to be considered as filed as a part of the testimony in the contested election case of Johnston *vs.* Stokes, Fifty-fourth Congress, Seventh South Carolina district.

April 6, 1895.

B. H. MOSS,
Attorney for Contestee.
ABIAL LATHROP,
Attorney for Contestant.

This gives the contestee a plurality of 4,702. The contestant claims the vote of the district, as it should have been received and counted, is as follows:

County.	Stokes returned.	Stokes deducted.	Johnston returned.	Johnston rejected.	Add Johnston.	Johnston not counted.
Lexington	1,394		340	543		
Colleton	1,416	368	480		932	
Orangeburg	2,729		477	2,860		229
Sumter	1,142		678	1,907		
Berkeley	672		688	836		48
Strawberry Ferry				204		
Biggin Church				102		
Richland	8		427	430		265
Totals	7,361	368	3,090	6,572	932	542

Johnston's returned vote		3,090
Johnston's rejected vote		6,572
Johnston's to be added vote		932
Johnston's not counted vote		542
		11,136
Stokes's returned vote	7,361	
Stokes's deducted vote	368	
		6,993
Johnston's majority		4,143

The contestant claims that there should be deducted 368 votes from the vote of the contestee and that 8,046 should be added to the vote of contestant, which, if correct, would change the result, giving the contestant a plurality of 4,143. The claim is itself astounding on account of the large number of votes involved and the character of the evidence and arguments of contestant in support of his claim. This increased vote of the contestant is made up of three items or classes of votes—votes rejected, 6,572; to be added vote, 932; not counted vote, 542. If the rejected vote of 6,572 be counted, contestant will be entitled to his seat. If the vote rejected be not counted and the other two classes of votes of 1,474 be counted, it will not change the result; so the case turns upon the rejected vote. As this vote is so large and the questions identified with it so important, it demands careful consideration. The facts relied upon by contestant for counting the increased vote present legal questions not free from embarrassment. I will first address myself to what the contestant is pleased to call the rejected vote:

First. Can lawful votes tendered, but not received, be made available by either party?

Second. If the number be sufficient to change the result, shall the same be counted according to the intention of the voter and the contestant seated, or shall the seat be declared vacant and the rejected votes not counted?

Third. In either case what shall be competent evidence that the vote of a qualified elector has been lawfully tendered and unlawfully rejected?

Fourth. Shall any different rule be adopted in a case like this at bar where thousands of votes are involved and in a case where only four or five or less votes be involved?

While principles of law ought to be just, equitable, and uniform, and ought not to become of more importance in one case than another, it presents at least a delicate question when arising between a State and the Federal Government. In 13 Alabama, 805; 34 Cal., 273; 19 How. Pr., 245; 13 B. Munroe, Ky., 515, and Biddle and Richard *vs.* Wing, first session Nineteenth Congress, it was held that rejected votes can not be made available for either party. Elementary rules of evidence should be followed as far as possible, and when cases arise that necessitate the making of new rules the rule should be broadly and equitably formulated so as to be followed in all cases applicable, just guides in all parallel cases not to be departed from as soon as there is a change in the political complexion of the House, but acceptable to all honest people inside or outside of Congress.

Notwithstanding the respectability of the cases supporting the doctrine that rejected votes can not be made available for either party, I think it a safer and better rule to hold that when properly proved they ought to be made available for the party that the voter intended them for. It is said in some of the cases cited that to count the rejected votes would be opening the door to fraud and give designing persons an opportunity to control the election contrary to the wishes of a majority of the electors. To my mind there is no force in the position, and I think the very reverse, that to count the vote will promote the ends of justice and have a tendency to lessen fraud and make officers of election more careful, for it is much easier to get a vote out of the box than to get one in the box, as is plainly shown in this case: Two men offer themselves for the same office. If every lawful voter was allowed to vote, A would be entitled to the office by one majority; but the officers of election see fit to reject two votes. According to the theory of the cases cited, upon due proof being made of these facts, there is no election. Now, A ought not to be denied his rights by the unlawful action of the election officers, who were guilty of no fraud, but really intended well, but did not happen to consider the law rightly. If there is to be no election, he might not be a candidate again, and thereby would be defrauded of his rights, and it would be opening the door for fraudulent acts, because in all cases where the election was close election officers might by improper construction of the law exclude a good many voters—sufficient to change the result. In short, many excellent reasons can be given in favor of counting the votes, and to my mind no good reason can be given against counting the votes.

The argument that is made in some of the cases that the voting must all be done on election day has no force. The putting of the ballot in the box on election day is the best evidence of the intentions of the voter, and the rejected vote loses none of its strength when properly offered by a qualified elector from the mere fact that it is rejected and not counted until some subsequent time. It is what took place on election day that determines the right, not what may happen afterwards. If a qualified elector makes every effort required upon his part to vote and his vote is improperly rejected, it ought to be as effective as though it actually went into the box. If we determine to count the vote, it becomes necessary in this case to find what proof will be required to permit a vote to be counted, and I think it must appear by competent testimony—

First. When no particular reason is given for rejection, but rejected generally for no reason, that the rejected voter was a male citizen of the United States of the age of 21 years and upward, a resident of the State one year, and the county where offering to vote sixty days preceding the election.

Second. That he presented his ballot and offered to vote or excuses the presentation and offer by showing that he belonged to a class of excluded voters who went to the polls for the purpose of voting and would have voted if permitted to.

Third. That the vote was rejected on his offering it or on account of the ruling made as to the class he belonged to.

Fourth. For whom he would have voted.

It might be sufficient when a voter is rejected for a particular reason to negative the objection, and the other qualifications might be assumed in his favor. It seems hard to apply the same rule in a case where the election has been fair and only one or more votes have been unlawfully rejected by the officers under the mistaken idea that they were doing their duty and in a case like this, where over 8,000 votes have been rejected, and things transpiring apparently with the approval of a large element of the people and practically of all of the officers of the State from the lowest to the highest that ought to bring the blush of shame to the face of every honest man, and to make us seriously doubt the perpetuity of popular government, when it seems to be conceded that the law under which the election was held was so framed as to deny the right of suffrage to a very large number of a certain class of voters, and each officer of the law charged with the execution of the same seemed intent on enforcing it so as to absolutely exclude those the law was aimed at.

It seemed almost like a denial of justice to require the evidence of the rejected voter himself, or, what might answer as well, the evidence of a person who stood close enough to the ballot box to hear all that was said, and could testify that he saw A tender his vote and heard him say that he wanted to vote for the contestant, and that his vote was refused because he was not registered; and it should appear by the testimony of A, or some one else knowing the facts, that the rejected voter was a qualified elector of the precinct where offering to vote.

Hard cases make a shipwreck of principles, and while the power of the House is very great, and while I think we ought not to be controlled by technical rules of evidence, I believe it very safe to be governed in these cases by common-law rules of evidence, and do not think we ought to formulate a rule for the government of any particular case; but think that every case can well afford to be proven by well-established rules of evidence that have come down to us through the many years of our jurisprudence, and that the case should be ruled without reference to the numbers of the rejected vote. Without reference to the exceptions which have no application to this case the rule is elementary—that hearsay evidence is not admissible to prove any fact, and particularly is hearsay evidence inadmissible when the fact material to be proved can be established by witnesses who speak from their own knowledge.

The contestant seeks to prove the rejected vote through what they call lists and list keepers, and in order that no injustice may be done and the question fairly presented I will give a sample of what is offered as evidence and take the very strongest for the contestant as selected by him in his reply brief. After a careful examination of the whole case I can find but very little difference in the testimony of the list keepers, and the form of the list is alike in all cases, the only difference in the lists being the difference in the names and the number of signers. While there is a little variation in the testimony of the list keepers it is not

sufficient to be material, and what is herein selected is the strongest that can be found in favor of the contestant. Here is the testimony of Mr. Ramsey, who was a witness for the contestant, and a copy of his list:

W. W. RAMSEY, Jr., being duly sworn, deposes as follows:

Q. What is your name, age, residence, and occupation?
A. W. W. Ramsey, jr.; age, 35; residence, Stateburg precinct, Sumter County; occupation, farming.
Q. Where were you on election day, the 6th of last November?
A. At the Federal poll, in Stateburg precinct.
Q. In whose interest were you there, if anyone's?
A. I was there in the interest of Col. T. B. Johnston, the Republican nominee for Congress from the Seventh district.
Q. If you did anything in his interest, state what it was.
(Counsel for contestee objects to question as leading.)
A. I kept a tally sheet or list of rejected voters.
Q. Have you the list with you? If so, produce it.
A. I have [witness produces a list].
Q. How did you secure the names on this list?
A. They were given to me by those whose votes were rejected.
Q. Was it possible for you while keeping the list to obtain a view of the ballot box, the poll list, the registration book, the managers, and the voting going on?
A. It was possible for me to obtain a view of the ballot box, registration book, but not of the poll list. I could see the managers and the voters as they deposited their ballots.
Q. Are the persons whose names you have on your list residents of Stateburg precinct?
A. They are.
Q. Do you know for whom they offered to vote?
(Counsel for contestee objects to question.)
A. They offered to vote for Col. T. B. Johnston, the Republican nominee for Congress.
Q. Please look at the list and tell us how many names it contains?
(Counsel for contestee objects to question on the ground that the list itself is the best evidence of what it contains.)
A. One hundred and forty-nine names.
Q. How many of these did you write?
A. One hundred and eleven.
Q. Did you see that day any ballots bearing the name of J. William Stokes at the polls.
(Counsel for contestee objects to the witness answering as to whose name the ballots, if any were there, bore, as the ballots would themselves be the best evidence of the name or names thereon.)
A. I did.
Q. Where were they?
A. When the polls closed, in counting the ballots there were several tickets folded together. The managers threw away the excess in that lot, and I got hold of one bearing the name of J. William Stokes.
Q. Who distributed the Johnston tickets on that day?
A. They were distributed by myself from the table at which I sat.
Q. Did you see anyone outside distributing Stokes ballots?
A. I do not recollect.
Q. Were you in Sumter during last year prior to the election on registration days?
A. I was.
Q. Were you ever at the supervisor's office on those days? If so, state for what purpose.
A. I was there for the purpose, if I could, to assist some voters in being registered.
Q. What was your success?
A. A failure.
Q. Why?
A. Couldn't get in the office because of the dense crowd which surrounded the door.
Q. Is it, or not, a notorious fact that in Sumter County Republican voters were unable to obtain an issuance change or renewal of registration certificates?
(Counsel for contestee objects to question, for the witness's information could only have been obtained by hearsay and report, and therefore incompetent.)
A. It is a fact, to my belief.
Q. Who assisted you in keeping the list of rejected voters?
A. John H. Douglass.

Cross-examined by Mr. REYNOLDS:

Q. What time did you reach the polls that day?
A. By my watch, twenty minutes past 6 o'clock a. m.
Q. Did you have that paper that day?
A. I did.
(Paper referred to being the list.)
Q. Where did you procure it?
A. It was given me by S. J. Bradley, precinct chairman for the Republican party of Stateburg.
Q. Do you undertake to swear that each and every one of the 149 voters of your own knowledge offered to vote on that day?
A. I can say that the greater portion of that number offered to vote.
Q. Can you undertake to swear what number of that portion offered to vote?
A. I can not say precisely the number, but the greater portion did so offer to vote.
Q. Can you say of your own knowledge why the greater portion on the list did not vote?
A. Because of not having registration certificates, as to some of them; others had, but because of change of residence and of failure to obtain renewals.

W. W. RAMSEY, JR.

Sworn to and subscribed before me, after being read to deponent, this 20th day of February, 1895, at Wedgefield, S. C.
[SEAL.] W. T. ANDREWS, *Notary Public.*

I now give the testimony of Messrs. Waring and Johnson, who were witnesses for the contestant.

JAS. W. WARING, sworn, says:

Q. State your name, your age, your occupation, and your residence.
A. J. W. Waring; am 33 years old; am a farmer, and I reside in Lexington County, in about 1 mile from the court-house.
Q. State where you were on the 6th day of November last, the day of election.
A. I was at Lexington Court-House precinct, at the Federal box.
Q. Did you vote there that day?—A. Yes, sir.
Q. If you did anything in the interest of Col. T. B. Johnston, the Republican nominee for Congress for the Seventh Congressional district, state what it was.
A. I kept a list of all the names of those who voted for Colonel Johnston; I also kept a list of those who presented themselves to vote for Colonel Johnston but did not have registration certificates.
(Mr. Efird objects to the first clause of the answer because it is hearsay.)
Q. Have you that list with you?
A. Yes, sir; here it is.
(Mr. Efird, for contestee, submits the following question, which is objected to by contestant: Do you say positively that it was only three-quarters of an hour from the time you say you heard the conversation between Mr. Efird and Major Frye until Mr. Frye voted, or are you guessing at it?
Objection sustained, not being cross-examined upon any new matter brought out in reply.)

JAS. W. WARING.
[L. S.] J. A. MULLER, *Notary Public.*

A. W. JOHNSON, sworn, says:

Q. What is your age?
A. I am 35 years old.
Q. What position do you hold politically in Lexington County?
A. I am county chairman of the Republican party.
Q. Where were you on the 6th day of November, 1894?
A. I was here at Lexington Court-House, round about the polls.
Q. Did you take any special interest in the election of T. B. Johnston for a member to the Fifty-fourth Congress?
A. I did.
Q. What did you do toward that in way of special interest?
A. I appointed at this precinct here a clerk to take down the names of all those that they refused to let vote, or that did vote, that he could get the names of, and authorized the precinct chairmen at other precincts to do the same.
Q. At the close of the polls in the evening did you make any request of the managers of the Federal box, in behalf of T. B. Johnston, to allow you to be present at the counting of the vote, in such position as you would be enabled to see the count as they proceeded with the same?
A. Yes, sir; I asked them to let me come in and take down the vote of Mr. Johnston.
Q. Did they grant the request asked?
A. No, sir; they did not.
Q. In what building was the election held?
A. In Mr. Marrion Hannan's storehouse.
Q. Was there any obstruction at the door to keep the public from the view of the count being made in such way that the ticket being read by the manager could not be seen by the spectator?
A. The door was open, but there was a bar across the door that is used to hold the door shut when it is closed, and they were about midway the house, and we could not see what was on the ticket.
Q. Was there anyone present inside of the polls except the managers and their clerks at the time of the count?
A. No, sir.
Q. When you made that request to be allowed to be present inside of the building at the polls, was there any parties present outside besides yourself?
A. Yes, sir.
Q. How far, in the judgment of your own knowledge, does Mr. Daniel Frye live from Lexington?
A. It is between 6 and 7 miles.
Q. Did you see Mr. Daniel Frye here on that day?
A. I saw Mr. Frye; I did not know his name was Daniel.
Q. You stated you had taken a special interest in the appointing of James W. Waring for T. B. Johnston at the polls at Lexington; what caused you to take that special interest?
A. Well, sir, we had no managers or anything else at the election, and I had been authorized to do that.
Q. Were you aware that all Federal laws relating to elections had been repealed?
A. In 1890 I know that they had asked for managers at the Federal election, and they were refused.
Q. In 1894 were they allowed?
A. No, sir.
Q. Did you know that there was no Federal protection at the Federal boxes in 1894?
(Mr. Efird objects to question as leading.)
A. I knowed that the law had been repealed.
Q. Was that your reason for having these various appointments made to look after the interest of Mr. Johnston at the various polls, and get the names of those voters who were rejected?
(Mr. Efird objects to question as leading.)
A. I was instructed to do so by Mr. Johnston.

Cross-examination:

Q. Were you permitted to stand at the door and see the managers and clerk while they counted the votes?
A. Yes, sir; on the outside of the bar.
Q. How far were you from the managers during the counting?
A. I guess it was 5 or 6 feet; it may have been a little more and may not have been quite so much; it was about halfway of the building.
Q. Was there anything between the bar at the door and the managers to obstruct your view?
A. No, sir; there was a table, but it did not obstruct.

On this class of testimony we are asked to count the rejected votes, and the contestant supports the claim by a long legal argument and the doctrine of res gestæ is invoked in order to make this evidence competent. It certainly violates the rules that the very best evidence that the case in itself is susceptible of must be offered. The very best evidence would be the rejected voter himself, or, as I have said, what I consider to be equally as good, the testimony of a person who was present and saw the vote offered and rejected, and who could testify that the rejected voter was qualified and that as a part of the offer to vote heard him state who he would vote for. I can not think of any other way in which the matter can be proved. The testimony in the record is certainly hearsay and the doctrine of res gestæ will not save it. It is certain to my mind that if there were not more than 2 votes involved no lawyer could contend for a moment that this kind of hearsay testimony would be admissible or that the doctrine of res gestæ would help it out. Now, the question

is whether the fact that there is a large number of votes involved makes any difference.

In the testimony of Mr. Ramsay there is nothing to justify the claim that a single vote can be counted. It is wholly hearsay and insufficient. There is not a word in it to show that anyone was really a rejected voter. It falls far short of what is required to show that a vote was unlawfully rejected.

The testimony of Mr. Waring is no better. It is true he says that 39 on the list offered to vote for Mr. Johnston. That is the merest conclusion. It is not such testimony as would justify any tribunal in holding that a lawful vote had been unlawfully rejected.

Johnson's testimony does not add to that of Waring. The lists, of course, can not be considered as evidence. They are not memoranda. It would be extremely dangerous to hold that such loose general statements should be regarded as evidence of so material a point, and if we are going to take the position that a lawful vote unlawfully rejected shall be counted, we ought to require that it be proved by competent testimony in order to admit the vote.

Not one of the men who signed the lists was sworn or was before the notary for examination, and not enough of them can be found to change the result who made a declaration sufficient to prove anything, even if the declaration could be considered as evidence. It was assumed that the Republicans were not to receive fair treatment and in many ways were to be defrauded of their votes, and these lists were kept in order to prove the Republican vote. If a contestant comes and asks for a seat in this House he must show, under the law by competent evidence, that his claim is good. The House can assume nothing. Two wrongs can not make a right. If the State officers have done wrong the injured party must prove it. The House must not do a wrong in order to rectify an assumed wrong committed by the State.

I can not bring myself to think that the lists and declarations made by the rejected voters can be received as part of the res gestæ. I have been willing to concede for the purposes of this case that the declarations of the rejected voter made at the ballot box as a part of his offer to vote would be competent. What he said afterwards as explanatory of what he had tried to do at the box is not evidence. What he failed to say at the box as a part of his offer to show he was a qualified voter would still have to be proven. It was urged in the argument, for the purpose of counting these rejected votes, that the declarations made by the rejected voter after he had concluded his efforts to vote, away from the ballot box, should be received as part of the res gestæ—a part of the thing itself.

Assuming what the voter said at the box as a part of his offer to vote to be competent evidence, the moment the voter left the box he left the res gestæ, and what he said and did subsequently is most certainly hearsay. In fact, it is my opinion that as soon as the vote was rejected the res gestæ terminated, and everything thereafter would be but hearsay. It would be a dangerous exercise of power for this House to call such evidence for any purpose. It was also urged that to receive the lists and other declarations as competent evidence would not be a substitution of evidence, but only a selection of weaker instead of stronger proofs. I will read from contestant's brief the strongest point of his argument in favor of the admission of the testimony:

No doubt it is true, as a general proposition, that the rule which governs the production of evidence in a court of justice is that the party offering it is required to produce the best evidence of which the case in its nature is susceptible. You will observe that the nature of the case is to be considered. Here a class of men, numbering thousands, were denied the right to vote, because of the nature, as well as the administration, of the registration law of South Carolina. To have examined each of these witnesses concerning each and all of the facts establishing his right to registration and to vote, disproving the existence of the constitutional qualifications, as the contestee insists should have been done, and subjecting the witnesses to the lengthy cross-examination which would have been given them by contestee's attorneys, would have prolonged the taking of evidence beyond the life of this House; and so it became incumbent upon the contestant to offer the best evidence of which the case in its nature was susceptible, and he did that by furnishing the written declarations of these men as to their qualifications, supplemented by the testimony of men who knew them to the effect that they were entitled to the right of suffrage. In speaking of this general rule of evidence, above stated, Professor Greenleaf, in the first volume of his work on Evidence, fourteenth edition, section 82, says:

"But where there is no substitution of evidence, but only a selection of weaker instead of stronger proofs, or an omission to supply all the proofs capable of being produced, the rule is not infringed."

We submit that the contestee's evidence was a selection of weaker instead of stronger proofs, and for the very best of reasons, considering reasons from the standpoint of existing conditions and not of theory. Hon. John H. Ostendorff, one of the contestee's witnesses (Record, page 101) testifies on this point as follows:

"Q. Why was it found necessary to make lists of rejected voters, also of those voting?

"A. Because of the repeal of the Federal election laws, which left the Republicans without any representation in the election booths, thus leaving the election absolutely in the hands of Democratic managers of election. At previous elections we had a safeguard in the person of a Republican supervisor of election, who remained at the ballot box, kept the poll list, and viewed all proceedings and was enabled to detec any unfairness or frauds by the managers of election. Hence the only guard or protection for us was to keep a list of those who said they had voted for Johnston and also those who said they had offered to vote for Johnston and were rejected. This was all we could do under the circumstances, the entire election machinery with all its powers being used against the Republican candidate and in favor of the Democratic candidate."

There is no evidence to the contrary in the record. In this connection we commend to counsel for the contestee this quotation from section 83, 1 Greenleaf on Evidence:

"All rules of evidence, however, are adopted for practical purposes in the administration of justice, and must be so applied as to promote the ends for which they were designed."

The application of these rules so as to promote the ends of justice will not reject the evidence which we are discussing.

I must confess the argument failed to convince me that the evidence is competent. It may be more laborious and expensive to take the testimony of so many men, but that will not justify the violation of the plainest and safest rules of evidence—rules adopted to promote justice and prevent injustice; rules that have the indorsement of ages, the approval of all courts and text writers wherever jurisprudence is known. My own mind is clear on the subject; but if any lawyer has a doubt when the question is first sprung upon him he has only to read the able brief of the contestant to satisfy himself that the testimony is incompetent.

The testimony of Mr. Ostendorff shows that the Republicans anticipated fraud, and substituted the keeping of the lists for an attempt to vote, and omitted to lay the foundation to properly expose the unfairness and frauds that were feared. And it is upon this class of testimony that the House is asked to count votes enough to seat the contestant. As I have said, the case turns upon what the contestant calls the rejected vote; for if there is counted for the contestant what he calls to-be-added vote, 932, not-counted vote, 542, it still leaves the contestee a plurality of 3,228. While fraud is alleged in general terms, and an attempt made to prove it, and no doubt many things were done that can not be approved of, yet enough has not been proven to make any difference in the result. Contestant in his brief takes the same view of the evidence by saying:

Owing to the fact that the whole machinery of the election was in the hands of the partisan friends of contestee, it is impossible to present direct proof of actual fraud in the conduct of the election at the various precincts, except in a few instances, and that was in most cases by admission of the different managers on cross-examination when produced as witnesses in behalf of contestee.

We are judging this case by the record, not by the cry of fraud that has come up from South Carolina for years and gone all over the land; and while no doubt, if what is told is true, there has been a deliberate attempt, according to the forms of law, to prevent the colored electors from voting, it is to be regretted, when so much has been said, that sufficient evidence has not been furnished to afford relief; but, measured by the cry of fraud in the case, it is not as bad as one would be led to believe. Here is a sample of the record, taken from the brief of the contestant:

Mayesville precinct.—In the town of Mayesville Republican voters were rejected without cause and when they presented certificates.

The circumstances attending these rejections are aggravating and mean.

We find that the managers, all Democrats, allowed 15 white voters, all non residents of Mayesville precinct, to vote (pages 373, 374, 375), and even one manager voted without a certificate (page 375).

Beginning at page 261 of the record, to page 268, inclusive, we find the testimony of 11 Republican voters who presented certificates, intended to vote for contestant, and were rejected by the managers.

It will be seen by an examination of the statutes cited that electors had a right to vote outside of their precincts (sections 142, (98), 143, 145, and 156). It is true that all or most all of the election officers were Democrats, but that of itself does not change the result. Common fairness would have suggested that the Republicans be given one member of each board. There is another aspect of the case worth considering. For over twelve years the people of South Carolina have acquiesced in these registration and election laws, and all of this time no elector of that State has been interested enough to bring an action to enforce registration or the right to vote, and thereby test the validity of those laws and determine their rights as electors.

Now one branch of Congress is invited to nullify these laws. It was said in the argument of these cases that it would not do any good to bring an action, as the State judiciary was absolutely under the control of the element unlawfully controlling the election machinery of that State. Chief Justice McIver was not, and I regret that some elector did not bring in the State court mandamus to compel the registration of his name, or bring an action to test his right to vote, and after the courts had concluded their action we could better tell whether the judiciary of the State would properly discharge its duty.

The judiciary is the bulwark of American liberty, and I place great reliance upon the courts, notwithstanding the judges are partisans. It will be a dark day for the Republic when the courts are under the control of men undermining the foundations of Government. It is to be regretted, however, that we do not have before us the opinion of the supreme court of South Carolina on these important questions. The manner of holding elections for Congressmen is within the power of State governments. While Congress has the power, it has never attempted to exercise it (section 4, Article I, Constitution United States), but has always left the manner of electing Congressmen to the States. The

House can not interfere with the manner of holding elections in the States. The duty of the House is confined to determining whether the return has been impeached.

If what has been asserted in this case is true and can be proven, notwithstanding the contestee is entitled to his seat by a vote of the House, still Congress can inquire whether the State of South Carolina has a republican form of government. But the House alone can not make such inquiry. If what has been alleged and stated by the contestant is true, it is to be regretted, in the interest of good government, that it has not been proven. Freedom and purity of the ballot box must be upheld. No American citizen can afford to uphold fraud in elections, whether he be in the North or in the South. Matters are improving in the South. It has taken longer than it ought to to bring about the present state of improvement, and we can not afford to have it stop here. I trust that the South will fairly and honestly work out the great problems that have introduced themselves as a result of the war and do its part toward national unity and prosperity, which will never come until every American citizen enjoys unmolested his full political rights. The safety of the individual and the success of the nation depend upon a free ballot, a fair count, and absolute conformity to law. No one questions the loyalty of the South; but I want to say to our Southern friends that yielding to a lawful majority and obedience to the law will be the highest evidence of loyalty and fitness for American citizenship, and will largely aid in bringing to them desired prosperity. [Applause.]

During the delivery of the foregoing remarks,

Mr. BARTLETT of Georgia. Will the gentleman yield to me for a moment?

Mr. JENKINS. Certainly.

Mr. BARTLETT of Georgia. Mr. Speaker, the gentleman from Wisconsin has prepared certain matter in connection with this contest that I ask he may have leave to print without reading.

Mr. KEM. I call for the regular order.

Mr. JENKINS. Very well, Mr. Speaker; I will read the matter myself.

Mr. LACEY. I understand from your report, if the gentleman will permit me, that you find there were rejected something over 7,000 votes believed to be legal. Is that correct?

Mr. JENKINS. The gentleman has certainly misapprehended the report.

Mr. LACEY. What is the number you think were illegally rejected?

Mr. JENKINS. If the gentleman will permit me, I will state to him that I shall reserve time at the conclusion of this debate to answer all questions of this character, and prefer not to be interrupted in the course of my argument to answer them just at this time.

Mr. LACEY. I would like to ask, also, what proportion of the various election boards had representation other than Democratic representation on them?

Mr. JENKINS. That is a question to which I will also refer later on. The answer to the question would largely now anticipate my views on the constitutional question which I desire to present.

Now, Mr. Speaker, before concluding, I wish to state to the gentleman from Iowa that every question he desires to have answered can be and will be fully and satisfactorily answered, I think, before this debate is closed.

I move that the House do now adjourn.

Mr. LOUDENSLAGER. Will the gentleman yield to me for a moment to submit a conference report?

Mr. JENKINS. Before the motion is put I desire to reserve the balance of my time.

The SPEAKER pro tempore (Mr. SHERMAN). The time of the gentleman will be reserved.

Mr. JENKINS. I yield to the gentleman from New Jersey to submit a privileged report.

ADA J. SCHWATKA.

Mr. LOUDENSLAGER. Mr. Speaker, I send to the desk a conference report, on which I ask immediate action.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 710) granting a pension to Ada J. Schwatka, widow of the late Lieutenant Schwatka, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted insert "$30"; and the House agree to the same.

H. C. LOUDENSLAGER,
DAVID G. COLSON,
Managers on the part of the House.
J. H. GALLINGER,
GEO. L. SHOUP,
Managers on the part of the Senate.

The statement submitted by the House managers was read, as follows:

The managers on the part of the House having had under consideration Senate bill 710, granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka, submit the following statement:

The Senate passed the bill allowing $30 a month.

The House amended the bill by inserting in lieu of $30 the amount of $17.

The Senate refused to agree to the House amendment and asked for a conference.

The House insisted on its amendment and agreed to a conference.

The conferees have agreed that in lieu of the amount proposed by the Senate, $30, and the amount proposed by the House, $17, that the sum of $20 per month be allowed, and recommend the concurrence of the House.

H. C. LOUDENSLAGER,
DAVID G. COLSON,
Managers on the part of the House.

Mr. LOUDENSLAGER. I ask the adoption of the report.

The report was agreed to.

On motion of Mr. LOUDENSLAGER, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 4598) granting a pension to Mary Cray;
A bill (H. R. 6293) to increase the pension of Peter Rafferty;
A bill (H. R. 3395) granting a pension to Carrie H. Green;
A bill (H. R. 3229) for the relief of Hannah Newell Barrett;
A bill (H. R. 6833) defining the standard, shape, and size for dry measures in use in the District of Columbia, and for other purposes;
A bill (H. R. 4785) to incorporate the National University;
A bill (H. R. 2373) granting a pension to Elvin J. Brown;
A bill (H. R. 3033) to increase the pension of Elizabeth T. Beall, widow of Benjamin L. Beall, late colonel First United States Cavalry;
A bill (H. R. 4724) to increase the pension of Mrs. Mary L. Aleshire;
A bill (H. R. 6111) granting a pension to Elizabeth A. Sargent;
A bill (H. R. 3857) granting a pension to Thomas Brewer;
A bill (H. R. 1109) granting a pension to Elizabeth Marshall;
A bill (H. R. 5792) granting a pension to Mrs. Julia A. Jameson;
A bill (H. R. 4283) granting a pension to Delia A. Marsh;
A bill (H. R. 5999) to correct the military record of Elbridge McFadden;
A bill (H. R. 468) granting an increase of pension to Mrs. H. J. Kiernan;
A bill (H. R. 5711) granting a pension to Richard P. Pilkington;
A bill (H. R. 248) empowering and directing the Secretary of the Navy to furnish 4 pieces of condemned cannon to the city of Hastings, Mich.;
A bill (H. R. 138) granting an increase of pension to Mary E. Hazlip;
A bill (H. R. 6134) granting an increase of pension to Caroline E. Purdum;
A bill (H. R. 6132) granting an increase of pension to Thomas M. Scott;
A bill (H. R. 5175) granting a pension to Nancy Gentry;
A bill (H. R. 3007) granting an increase of pension to Michael S. Pettit;
A bill (H. R. 7334) granting an increase of pension to William T. Applegate;
A bill (H. R. 2602) for the relief of Solomon Hyams;
A bill (H. R. 5225) for the relief of Mrs. Elizabeth M. Williams, of Monroe County, Tenn.;
A bill (H. R. 8184) granting a pension to Jesse McMillan;
A bill (H. R. 4753) granting an increase of pension to Lambert L. Mulford;
A bill (H. R. 4275) to increase the pension of Mrs. Annis H. Enochs, widow of Gen. William H. Enochs, from $20 to $50 per month; and
A bill (S. 3011) for the relief of Nicolai Bros.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

The bill (S. 685) granting a pension to Mrs. Alice Martin—to the Committee on Pensions.

The bill (S. 2507) granting an increase of pension to John N. Corgan, of McPherson, Kans.—to the Committee on Pensions.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. I desire to present a conference report on the Indian appropriation bill.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 66.

Amendment numbered 37: That the House recede from its disagreement

to the amendment of the Senate numbered 37, and agree to the same with amendments as follows: Add at the end of said amendment the following:

"That said commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after such hearing they shall determine the right of such applicant to be so admitted and enrolled: *Provided, however*, That such application shall be made to such commissioners within three months after the passage of this act. The said commission shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said commission shall respect all laws of the several nations or tribes not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and shall give due force and effect to the rolls, usages, and customs of each of said nations or tribes: *And provided further*, That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

"In the performance of such duties said commission shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, and to send for persons and papers, and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong, and the rolls so prepared by them shall be hereafter held and considered to be the true and correct rolls of persons entitled to the rights of citizenship in said several tribes: *Provided*, That if the tribe, or any person, be aggrieved with the decision of the tribal authorities or the commission provided for in this act, it or he may appeal from such decision to the United States district court: *Provided, however*, That the appeal shall be taken within sixty days, and the judgment of the court shall be final.

"That the said commission, after the expiration of six months, shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under this act, and said rolls shall be, and are hereby, made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States courts, as provided herein.

"The commission is hereby required to file the lists of members as they finally approve them with the Commissioner of Indian Affairs, to remain there for use as the final judgment of the duly constituted authorities. And said commission shall also make a roll of the freedmen entitled to citizenship in said tribes, and shall include their names in the lists of members to be filed with the Commissioner of Indian Affairs. And said commission is further authorized and directed to make a full report to Congress of leases, tribal and individual, with the area, amount, and value of the property leased, and the amount received therefor, and by whom and from whom said property is leased, and is further directed to make a full and detailed report as to the excessive holdings of members of said tribes and others.

"It is hereby declared to be the duty of the United States to establish a government in the Indian Territory which will rectify the many inequalities and discriminations now existing in said Territory and afford needful protection to the lives and property of all citizens and residents thereof.

"Sisseton and Wahpeton Indians: That all the interest due the Sisseton and Wahpeton Indians on March 3, 1896, is hereby appropriated to be paid at once in cash per capita, and hereafter all interest on the permanent fund of said Indians after deducting the amount expended for education, shall be paid in cash per capita on the 1st day of November of each year.

"Seneca Nation of Indians: That the Secretary of the Interior be, and he hereby is, authorized and directed to ascertain and report to Congress a detailed statement of all the leases made and entered into by the Seneca Nation of Indians with all persons or corporations of all lands in the Allegany Indian Reservation, in the State of New York, giving an itemized statement of each and every lease now in existence or force, with the date and terms of each lease and amount or amounts due on each lease."

And the Senate agree to the same.

On amendments numbered 64, 69, and 70 the committee of conference has been unable to agree.

J. S. SHERMAN,
CHARLES CURTIS,
GEO. C. PENDLETON,
Managers on the part of the House.
R. F. PETTIGREW,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

STATEMENT TO ACCOMPANY CONFERENCE REPORT NO. 4 ON INDIAN APPROPRIATION BILL.

The Senate recedes from its amendment numbered 66.

Senate amendment 37 is agreed to with an amendment. As passed by the Senate, it provided simply for the continuance of the Dawes Commission, making an appropriation therefor. As agreed to in conference, it gives the Commission authority to determine the question of citizenship, where the question is voluntarily submitted to it, with the right of either party to appeal to the United States court; it confirms the rolls of citizenship as they exist to that extent only, and requires the Commission to make a complete roll from the original roll and the additions within six months. It gives the Commission authority to administer oaths, issue process, etc., in the execution of their duty. It also provides that the Commission shall ascertain and make full and detailed report to Congress in reference to leases in the Indian Territory; and lastly, it declares it to be the duty of the United States to establish a government in said Territory. It also makes provision as to the interest due the Sisseton and Wahpeton Indians, and for a report as to the leases of the lands of the Seneca Indians. Neither proposition involves any appropriation.

Mr. SHERMAN. Mr. Speaker, this report is not a final report, and it does not dispose of the two questions which are most mooted, to wit, the question of sectarian schools and the Old Settlers' claims. Those questions are still in conference. I move that this report be adopted and that a further conference be ordered.

The conference report was agreed to.

Mr. SHERMAN. Now, I move to further insist and agree to a further conference.

The motion was agreed to.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The Chair will appoint the former conferees.

VETO MESSAGE—BENJAMIN F. JONES.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I return herewith without approval House bill numbered 7161, entitled "An act for the relief of Benjamin F. Jones."

This bill directs the payment of $50 to the beneficiary, late postmaster at Beauregard, Miss., or to his order, of the sum of $50, in full compensation for services and expenses in carrying and distributing the mails between Wesson and Beauregard, in the State of Mississippi, in 1883.

It appears from the report of the House committee recommending the passage of this bill that on April 22, 1883, while Mr. Jones was postmaster at Beauregard, a cyclone destroyed every building in the place, including that in which the post-office was kept. That in consequence of this disaster the mails for Beauregard were for a period of thirty-five days and until May 27, 1883, deposited at Wesson, 1 mile distant. That during that time it became necessary to transport such mails from Wesson to Beauregard, and that the postmaster caused this to be done, at an expense of $97.

A report from the Postmaster-General discloses the fact that this claim was presented to the Department in 1884 and was rejected on the ground that if the service was performed as alleged it was not authorized or directed by the Department.

In 1885 a suit was instituted against this postmaster and his sureties for a balance due the Government from him on his official accounts for the quarter ending June 30, 1883.

It will be observed that this quarter covered the period within which the alleged services were performed.

In the suit referred to a judgment was recovered by the Government against the postmaster for $190.45, being the balance found due from him. This judgment still remains unpaid.

In this condition of affairs it is quite plain that in fairness and justice no appropriation should be made in favor of the claimant.

It is the opinion of the Auditor of the Post-Office Department that even if this bill became a law, payment of the money appropriated should be withheld under a section of the Revised Statutes which provides:

"No money shall be paid to any person for his compensation who is in arrears to the United States until he has accounted for and paid into the Treasury all sums for which he may be liable."

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 26, 1896.*

Mr. SPENCER. I move that this message be printed, and that the bill and message be referred to the Committee on Claims.

The motion was agreed to.

On motion of Mr. SPENCER, a motion to reconsider the last vote was laid on the table.

BRIDGE OVER MISSOURI RIVER, ST. CHARLES, MO.

The SPEAKER laid before the House the bill (H. R. 5675) authorizing the construction of a wagon and motor bridge over the Missouri River at St. Charles, Mo., with Senate amendments thereto.

The amendments of the Senate were read.

Mr. TRELOAR. I move that the House concur in the Senate amendments.

The motion was agreed to.

On motion of Mr. TRELOAR, a motion to reconsider the last vote was laid on the table.

TITLE TO LANDS, HOMESTEAD ENTRIES, ETC.

The SPEAKER also laid before the House the bill (H. R. 1436) to quiet title to lands in persons who purchased the same in good faith, without notice and for a valuable consideration, and to enable the Government to issue patents on such lands, and that commutations of homestead entries shall take effect from date of settlement and not from date of entry, with Senate amendments.

The Senate amendments were read.

Mr. LACEY. I move to concur in the Senate amendments.

The motion of Mr. LACEY was agreed to.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

NORTHERN PACIFIC RAILROAD INDEMNITY LANDS.

Mr. LACEY. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 2221) for the relief of settlers on the Northern Pacific Railroad indemnity lands.

The conference report was read.

[For text of the conference report see House proceedings of May 20.]

Mr. LACEY. I move to agree to the conference report. My colleague upon the committee [Mr. MCRAE] has some objection to make to it, and I should like to yield to him such time as he may need to present his objection. How much time will the gentleman require?

Mr. MCRAE. I do not want very much time, but I want the right to make a motion.

Mr. LACEY. I will yield ten minutes to the gentleman from Arkansas [Mr. MCRAE].

Mr. MCRAE. Mr. Speaker, I stated the principal objection I have to this conference report when it was prematurely presented the other day. To granting relief to all settlers who had filed or entered, as was first proposed by the gentleman from Minnesota [Mr. TOWNE], I will make no objection. But this conference substitute for the two bills, one passed by the Senate and the other by

The managers on the part of the House having had under consideration | Amendment numbered 37: That the House recede from its disagreement

the House, ignores a requirement and regulation that I conceive to be important and essential in the homestead law. I do not believe that such was intended by the gentlemen who have signed this report, and therefore I think the report should be rejected and the conference committee instructed to make the correction necessary to prevent the error.

The act of October 1, 1890, which first sought to relieve these settlers, did not apply to any who had not filed upon or entered under the preemption or homestead law, and in addition to that it required as a test of good faith not less than three months' continuous residence prior to final proof. The fact that the settlers have not complied with that act shows that they do not want the lands for homes, but to sell. This bill requires no residence whatever for commutation. I doubt the wisdom of yielding that, but I will not press that point except to say that it has always been required in such laws heretofore.

I will, however, pass that; for the principal objection I make is that it allows squatters on the public domain to count, for the purpose of commuting, the time they may have occupied the land before they made entry. As long as no one applies to enter occupied land the Government will not dispossess a squatter, but he gets no right to take under the homestead law by simply getting on the land. I will ask the Clerk to read what is required of a settler before he can enter under that law.

The Clerk read as follows:

To obtain a homestead the party should select and personally examine the land and be satisfied of its character and true description.

He must file an application stating his name, residence, and post-office address, and describing the land he desires to enter, and make affidavit that he is not the proprietor of more than 160 acres of land in any State or Territory; that he is a citizen of the United States, or that he has filed his declaration of intention to become such, and that he is the head of a family, or over 21 years of age, as the case may be; that his application is honestly and in good faith made for the purpose of actual settlement and cultivation, and not for the benefit of any other person, persons, or corporation, and that he will faithfully and honestly endeavor to comply with all the requirements of law as to settlement, residence, and cultivation necessary to acquire title to the land applied for; that he is not acting as agent of any person, corporation, or syndicate in making such entry, nor in collusion with any person, corporation, or syndicate to give them the benefit of the land entered, or any part thereof, or the timber thereon; that he does not apply to enter the same for the purpose of speculation, but in good faith to obtain a home for himself, and that he has not directly or indirectly made, and will not make, any agreement or contract in any way or manner with any person or persons, corporation, or syndicate whatsoever by which the title which he might acquire from the Government of the United States should inure in whole or in part to the benefit of any person except himself; and, further, that since August 30, 1890, he has not entered under the land laws of the United States, or filed upon, a quantity of land agricultural in character, and not mineral, which, with the tracts now applied for, would make more than 320 acres, and that he has not theretofore had the benefit of the homestead laws, and must pay the legal fee and that part of the commissions which is payable when entry is made.

On compliance by the party with the foregoing requirements the receiver will issue his receipt for the fee and that part of the commissions paid, a duplicate of which he will deliver to the party. The matter will then be entered on the records of the district office and reported to the General Land Office.

Mr. McRAE. Now, Mr. Speaker, a sworn application of this character must be made and the land office fees paid before any settler can make an entry under the homestead law.

Mr. LACEY. May I ask my colleague a question?

Mr. McRAE. Certainly.

Mr. LACEY. If I understand your objection to this bill, it is that it allows these persons who took possession and who made no filing to have the benefit of the law?

Mr. McRAE. In the main, that is my objection. I am told that so far as these settlers are concerned, it was only intended to give this right to those who had made entries or filings, but the bill itself does not provide for that. It provides that "those persons who for the period of six months settled upon, improved, and cultivated any of said lands with a view of entering." Shall Congress grant people who go upon the public lands as squatters with a view of entering the same right as those who have entered? If so, then there is no necessity for entry, and all that a man has to do is to occupy and cultivate public land.

Shall we say that he must not pay the fees or give the land office notice that he intends to take it? If you are willing to say that because a settler has gone on the public land he has a right to hold it indefinitely without entry at the land office, then what use have we for land offices? Will you make the settler the judge of his own qualifications, and allow him to segregate the land he wants from the public domain without any record of it? There is no part of the homestead law that does not serve a wise purpose; and it requires every applicant to swear that he takes the land for actual settlement and cultivation and not for speculation; and the time he is required to reside upon it does not begin to run until the payment of the land office fees and the issue of the receiver's receipt. This bill also reduces the period of commutation from fourteen to six months as to homesteads and revives the repealed preemption law, with a reduction to the same period in favor of settlers who had no legal status at the time these changes were made. No preemptor could under that law enter without at least one year's residence on the land after filing, and if it was on unoffered land it required thirty months before he could get title. This bill, in short, gives these settlers who cultivated certain lands for six months the right to make cash entry of any other public land at $1.25 per acre.

Mr. Speaker, this error, I think, was committed by the committee of conference in confusing preemption and homestead entries. Under the homestead law no entry can be made until the settler has made an affidavit and paid the fees. Under the preemption law the settler was required to make a settlement before he could make his filing. If it was upon offered lands, then within thirty days after his settlement he was required to make his filing; and if upon unoffered lands, within three months from settlement. But the entry under the preemption law was not made until he made the final proof and payment. This could be done in the case of offered lands within twelve months from the settlement; but if unoffered land, then within thirty months. Under the homestead law the entry is made by the applicant declaring under oath that he wants a certain piece of land for a home, showing his qualifications for it and paying the commissions. The settlement and cultivation must in such cases follow the entry and at the end of five years be proven by at least two witnesses. In the case of preemption the settlement must precede the filing. In the case of homestead no payment, except fees, is required unless commuted. In preemption the full Government price and fees were required in all cases. One is a homestead entry, the other is a cash entry. It is perfectly clear to my mind that the person who drew this bill did not understand the proper distinction between preemption entries and homestead entries, and in trying to combine the two in general language he made a blunder that may make serious trouble unless corrected.

I have no disposition to antagonize this measure. In fact, I want it passed, in proper form, for the sake of my friend who introduced it. His constituents who have made entries or filings are entitled to it, but I do not believe that this House ought to commit itself to the dangerous principle of legalizing the right of squatters upon the public domain who have paid nothing, assumed no obligation to settle, and who have complied with no part of the law and regulations. I will therefore ask the House to vote down this report and give the conference committee the instructions which I send to the desk to be read.

The Clerk read as follows:

Strike out the following language in section 1:

"Within the period aforesaid for the space of six months settled upon, improved, and cultivated any of said indemnity lands with a view of entering the same under the homestead or preemption laws, being competent to make such entries, and who were not permitted to make such entries, upon establishing these facts before the register and receiver of the local land office, in such mode and under such rules as the Secretary of the Interior may prescribe, shall be allowed to enter under the homestead laws of the United States a quantity of land of the unappropriated public lands of the United States subject to homestead entry, equal in amount to the land settled upon, improved, and cultivated, as aforesaid, and under the homestead entry so made shall, when making proof and final entry, receive credit for the settlement, improvement, and cultivation made upon the said indemnity land as aforesaid: *Provided*, That the law in force in 1889 governing the commutation of homestead entries shall apply to the commutation of entries under this section."

And insert the following:

"In good faith settled upon, improved, and lived six months upon land in said second indemnity belt after having made filing or entry of the same, and who, for any reason other than voluntary abandonment, failed to make final proof thereon, may, within two years after the passage of this act, transfer their claims to any vacant surveyed Government land subject to entry under the homestead laws, and make proof therefor, in the same way as proof might have been made for their original entries if the same had not been canceled; and in making such proof credit shall be given for the period of their bona fide residence and the amount of their improvements upon their claims in said indemnity belt as if the same had been made upon the claims to which the transfer is made. Payment for such final selections shall be made as under existing laws. The provisions of this act shall be carried into effect under such rules and regulations as may be prescribed by the Secretary of the Interior.

Mr. McRAE. Mr. Speaker, it can only delay the passage of this bill a very short time to reject this report and give these instructions. In this way you will protect everyone who has made a filing or entry and lived upon this land for the time required under the preemption or homestead law.

Mr. LACEY. But would it not cut out those who have made no filings or to whom filing was denied?

Mr. McRAE. It ought to cut them out. The settler who did not enter under the homestead law and made no filing under the preemption law and paid nothing, lost nothing. If he applied and was denied, then he certainly could not complain that he was misled. If he did not make an entry under the homestead law, he has no legal status and ought not to be given this valuable right. If you adopt the principle of saying to every man who has squatted upon the public lands, "We will give you the right to go upon any other piece of land and have counted in your favor there the time that you have occupied the public lands as a squatter," you will find no end to the trouble and harassment to every land district in this country, and it will be the means of depriving many a poor man of a home.

The only principle upon which you can justify this bill is that, as the Government declared these lands open to settlement and

permitted homesteaders to make entries, it is the duty of the Government to protect those settlers who complied with the requirements of the law. But as to the man who settled and cultivated the land, but refused to comply with the law as to entry and payment, there is no obligation to give him a right equal in effect to land scrip which can be put upon any piece of land subject to homestead which he may find, and by paying $1.25 an acre and proving that he had settled upon and cultivated another piece of land for six months get title. The Government has not deceived him and owes him nothing. The precedent is extremely dangerous, and I warn the House against it.

Mr. LACEY. There is no scrip in this proposition.

Mr. McRAE. No; but it is about as dangerous as scrip. You reduce the period of commutation to six months and provide that every man who proves a residence for six months on any of these indemnity lands shall have the right to take any piece of public land in the United States which is subject to homestead. To illustrate: If an entry in any one of the land districts of the United States is rejected for technical reasons, and the land is declared to be public, these preferred citizens can say, "I will take this piece of land"; and all he has to do is to prove that he improved and cultivated for six months any land within the indemnity limits of the Northern Pacific grant, etc. It is the right to make a cash entry which is denied to other people. We have declared that public lands should be held in trust for actual settlers.

I hope the report will be rejected and the instructions I propose adopted, and if that is done I am satisfied that the conference committee in less than thirty minutes can agree to a proper measure for the benefit of these settlers. The gentleman from Minnesota [Mr. TOWNE] wisely proposed by his bill to give this right only to settlers who had made entries or filings, and never until to-day has it been admitted that it was sought to give this privilege to anybody else. Some of the conferees who signed this report have stated that they did so believing that it was the final proof in homestead cases which was the entry, and that a homestead entry was not made until the final proof was made.

Mr. LACEY was recognized.

Mr. KEM. Mr. Speaker, I make the point that there is no quorum.

The SPEAKER. There is no quorum present.

Mr. PAYNE. I move that the House adjourn.

The motion was agreed to; and the House accordingly (at 5 o'clock and 22 minutes p. m.) adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a list of 27 cases wherein the preliminary examination does not show that the claimants were loyal to the Government of the United States throughout the war—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting copies of the decisions of the Comptroller of the Treasury and of the Auditor for the Post-Office Department, as to the amount to be paid for the relief of George H. Lott—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 8551) to establish railroad bridges across the Cumberland and Tennessee rivers, in Kentucky, reported the same with amendments, accompanied by a report (No. 1998); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9072) to authorize the Butler and Pittsburg Railroad Company to construct a bridge across the Allegheny River, reported the same with amendment, accompanied by a report (No. 2005); which said bill and report were referred to the House Calendar.

Mr. PHILLIPS, from the Committee on Labor, to which was referred the bill of the House (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital, reported the same without amendment, accompanied by a report (No. 1999); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHAFROTH, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 2232), entitled "An act to vacate Sugar Loaf Reservoir site in Colorado and to restore the lands contained in the same to entry," reported the same without amendment, accompanied by a report (No. 2003); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PICKLER, from the Committee on Invalid Pensions, to which were referred House bills Nos. 6118 and 8552, reported in lieu thereof a bill (H. R. 9209) granting a service pension to all honorably discharged officers and enlisted men of the war of the rebellion, accompanied by a report (No. 2004); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (H. R. 3927) for the relief of James B. Russell. (Report No. 2000.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 4924) granting an increase of pension to George D. Cook, late of Company K, One hundred and tenth Ohio Volunteer Infantry. (Report No. 2001.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SPARKMAN: A bill (H. R. 9206) to establish a fish-hatching and fish-culture station in the State of Florida—to the Committee on the Merchant Marine and Fisheries.

By Mr. HOWARD (by request of James Seldon Cowdon, of Vienna, Fairfax County, Va.): A bill (H. R. 9207) to make the paper money of the United States receivable, not redeemable—to the Committee on Ways and Means.

By Mr. GILLETT of Massachusetts: A bill (H. R. 9208) to restore to the classified service persons employed in the Record and Pension Office of the War Department prior to July 25, 1894—to the Committee on Reform in the Civil Service.

By Mr. CONNOLLY: A joint resolution (H. Res. 190) to facilitate the reorganization of the Northern Pacific Railroad Company; to secure to actual settlers the right to purchase at a price not exceeding $2.50 per acre the agricultural lands within its grant, and to prohibit said company or any successor company from giving by consolidation, sale, or other corporate action control of its railroad to any corporation, company, person, or association of persons owning, operating, or controlling a parallel or competing railroad—to the Committee on the Judiciary.

By Mr. DINGLEY: A joint resolution (H. Res. 191) to authorize a scientific investigation of the fur-seal fisheries—to the Committee on Ways and Means.

By Mr. LOW: A resolution (House Res. No. 383) providing for the appointment of a committee of five members to investigate and report to the next session of Congress all the material facts connected with the removal of chiefs of divisions, etc., since March 4, 1893, in the Treasury Department and in the various offices under the said Department, and for other purposes—to the Committee on Reform in the Civil Service.

By Mr. WILSON of Idaho: A resolution (House Res. No. 384) to pay Albert E. Werner $77.78 for services as messenger under the Doorkeeper of the House—to the Committee on Accounts.

By Mr. SAYERS: A resolution (House Res. No. 386) providing for the printing of 1,000 copies of House bill No. 7977, known as the river and harbor bill—to the Committee on Printing.

By Mr. ATWOOD: A memorial relative to an amendment to the Constitution of the United States enabling Congress to enact laws regulating the hours of labor—to the Committee on the Judiciary.

By Mr. FITZGERALD: A memorial relative to an amendment to the Constitution of the United States enabling Congress to enact laws regulating the hours of labor—to the Committee on the Judiciary.

By Mr. SIMPKINS: A memorial relative to an amendment to the Constitution of the United States enabling Congress to enact laws regulating the hours of labor—to the Committee on the Judiciary.

By Mr. BARRETT: A memorial relative to an amendment to the Constitution of the United States enabling Congress to enact laws regulating the hours of labor—to the Committee on the Judiciary.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 6055) for the relief of John A. Campbell; and the same was referred to the Committee on Naval Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BAKER of Maryland: A bill (H. R. 9210) to remove the charge of desertion from Patrick H. McCall, late an enlisted man in the United States Navy—to the Committee on Naval Affairs.

By Mr. BISHOP: A bill (H. R. 9211) to grant a pension to Mrs. Charles B. Gatewood, widow of Charles B. Gatewood, late first lieutenant, Sixth United States Cavalry—to the Committee on Invalid Pensions.

By Mr. CURTIS of Iowa: A bill (H. R. 9212) granting an increase of pension to John R. Lumbert, of Preston, Iowa—to the Committee on Invalid Pensions.

By Mr. HARMER: A bill (H. R. 9213) to authorize the President to place William T. Godwin on the retired list with the rank of first lieutenant—to the Committee on Military Affairs.

By Mr. JOY: A bill (H. R. 9214) to correct the naval record of Thomas Marshall—to the Committee on Naval Affairs.

By Mr. LOUDENSLAGER: A bill (H. R. 9215) granting a pension to Martha Jennie Freer—to the Committee on Invalid Pensions.

By Mr. MCEWAN: A bill (H. R. 9216) to increase the pension of John Grimes—to the Committee on Pensions.

By Mr. STRODE of Nebraska: A bill (H. R. 9217) granting a pension to John F. Adams—to the Committee on Invalid Pensions.

By Mr. COOPER of Texas: A bill (H. R. 9218) for the relief of Martha A., widow of Joseph Hollingshead, late of Company A, Fifteenth Regiment United States Infantry—to the Committee on Invalid Pensions.

By Mr. MCCLURE: A bill (H. R. 9219) to remove the charge of desertion against George Webb—to the Committee on Military Affairs.

Also, a bill (H. R. 9220) to remove the charge of desertion from the record of John T. Jones—to the Committee on Military Affairs.

Also, a bill (H. R. 9221) to remove the charge of desertion against John G. Frost—to the Committee on Military Affairs.

Also, a bill (H. R. 9222) to remove the charge of desertion against David Edwards—to the Committee on Military Affairs.

By Mr. PEARSON: A bill (H. R. 9223) to correct the military record of Joseph J. Grasty—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolution of the Commercial Exchange of Philadelphia, protesting against the passage of House bill No. 8536 and Senate bill No. 2967, to amend the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, petition of railroad commissioners, opposing the repeal of section 10 of the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Texas: Sundry petitions of citizens of the State of Texas, asking for favorable action on House bill No. 838, to reduce letter postage to 1 cent per half ounce, and House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CRUMP: Resolutions of the executive board of the Knights of Labor, favoring the passage of the industrial commission bill (H. R. 6119), to investigate the labor problem—to the Committee on Labor.

By Mr. DOOLITTLE: Petition of citizens of Bay View, Wash., protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. GIBSON: Petition of W. H. Dietz, of Kingston, Tenn., for a children's day—to the Committee on the Judiciary.

By Mr. HATCH: Petitions of citizens of Lowell and Monon, Ind., asking for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: Petition of a convention of railroad commissioners of different States, May 20, 1896, protesting against a proposed amendment to section 10 of the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Indiana: Petition of citizens of Knightstown, Ind., asking favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. JOY: Papers to accompany House bill to correct the naval record of Thomas Marshall—to the Committee on Naval Affairs.

By Mr. KERR: Petition of George H. Ely and others, of Elyria, Ohio, favoring the passage of House bill No. 260, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. KIEFER: Petitions of citizens of Taylors Falls, Cambridge, and St. Paul, Minn., asking for favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LEIGHTY: Petition of citizens of Wolcottville, Ind., for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. MCLACHLAN: Petition of Cushing Post, No. 44, Grand Army of the Republic, of Ventura, Cal., favoring the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. MCRAE: Petition of J. E. Weir, T. S. Sandefer, and 36 other citizens of Clark County, Ark., in favor of House bill No. 6851, to aid Wilberforce University, located in Greene County, Ohio—to the Committee on Military Affairs.

By Mr. PRINCE: Petition of citizens of Moline, Ill., in favor of House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. STAHLE: Petitions of Cigar Makers' Union, No. 316, of McSherrystown, Pa., praying for Government ownership of telegraph lines—to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE: Petitions of citizens of Decatur, Dunkirk, and Geneva, Ind., for favorable action on House bills Nos. 838 and 4566, proposing amendments to the postal laws—to the Committee on the Post-office and Post-Roads.

By Mr. WADSWORTH (by request): Petition of ex-soldiers and sailors of the Union Army and Navy residing in Varysburg, N. Y., for the passage of a service-pension bill of at least $8 per month to every honorably discharged soldier, sailor, and marine who served ninety days in the late war on the Union side—to the Committee on Invalid Pensions.

By Mr. WILSON of Idaho: Petition of Knights of Labor General Assembly, in favor of House bill No. 6119, for the appointment of an impartial committee to investigate the labor problem and suggest a remedy—to the Committee on Labor.

SENATE.

WEDNESDAY, *May 27, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HARRIS, and by unanimous consent, the further reading was dispensed with.

ENROLLED BILLS SIGNED.

The signature of the Vice-President was announced to the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

A bill (S. 3011) for the relief of Nicolai Bros.;

A bill (H. R. 138) granting an increase of pension to Mary E. Hazlip;

A bill (H. R. 248) empowering and directing the Secretary of the Navy to furnish four pieces of condemned cannon to the city of Hastings, Mich.;

A bill (H. R. 468) granting an increase of pension to Mrs. H. J. Kiernan;

A bill (H. R. 1109) granting a pension to Elizabeth Marshall;

A bill (H. R. 2373) granting a pension to Elvin J. Brown;

A bill (H. R. 2602) for the relief of Solomon Hyams;

A bill (H. R. 3007) granting an increase of pension to Michael S. Pettit;

A bill (H. R. 3033) to increase the pension of Elizabeth T. Beall, widow of Benjamin L. Beall, late colonel, First United States Cavalry;

A bill (H. R. 3229) for the relief of Hannah Newell Barrett;

A bill (H. R. 3395) granting a pension to Carrie H. Green;

A bill (H. R. 3857) granting a pension to Thomas Brewer;

A bill (H. R. 4275) to increase the pension of Mrs. Annis H. Enochs, widow of Gen. William H. Enochs, from $20 to $50 per month;

A bill (H. R. 4283) granting a pension to Delia A. Marsh;

A bill (H. R. 4598) granting a pension to Mary Cray;

A bill (H. R. 4724) to increase the pension of Mrs. Mary L. Aleshire;

A bill (H. R. 4753) granting an increase of pension to Lambert L. Mulford;

A bill (H. R. 4785) to incorporate the National University;

A bill (H. R. 5175) granting a pension to Nancy Cray;

A bill (H. R. 5225) for the relief of Mrs. Elizabeth M. Williams, of Monroe County, Tenn.;

A bill (H. R. 5711) granting a pension to Richard P. Pilkington;

A bill (H. R. 5792) granting a pension to Mrs. Julia A. Jameson;

A bill (H. R. 5999) to correct the military record of Elbridge McFadden;

A bill (H. R. 6111) granting a pension to Elizabeth A. Sargent;

A bill (H. R. 6132) granting an increase of pension to Thomas M. Scott;

A bill (H. R. 6134) granting an increase of pension to Caroline E. Purdum;

A bill (H. R. 6293) to increase the pension of Peter Rafferty;

A bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes;

A bill (H. R. 7334) granting an increase of pension to William T. Applegate; and

A bill (H. R. 8184) granting a pension to Jesse McMillan.

PETITIONS AND MEMORIALS.

Mr. PEFFER. Congress has several times recently shown a disposition to encourage inventions for the purpose of aerial navigation. I have here a petition from James Seldon Cowdon, a resident of this city (a citizen of Virginia, I think), which is very brief, and I will read it, as I can perhaps get the sense of it to the Senate better by reading it than by stating it.

To the Congress of the United States:

Your undersigned petitioner would most respectfully apply to your honorable body for such financial encouragement as you may deem appropriate in the development of his plan of navigating the air upon the principle of "a live fish in the water" rather than upon the principle of "a live bird in the air."

Your petitioner would further state that he is financially unable to perfect his invention, but with, say, $15,000 and four months' time, he can construct an air ship that will move through the air at the will of the operator, and not otherwise, when finally perfected.

Your petitioner would still further ask this confidence and consideration at your hands in view of the fact that the Congress of the United States did appropriate the sum of $30,000 for the development of the Morse system of the magnetic telegraph.

And he will ever pray.

JAMES SELDON COWDON.

WASHINGTON, D. C., *May 26, 1896.*

I move that the petition be referred to the Committee on the Library.

The motion was agreed to.

Mr. QUAY presented a memorial of the Chamber of Commerce of Pittsburg, Pa., remonstrating against the adoption of certain amendments to the interstate-commerce law, as proposed by House bill No. 8536 and Senate bill No. 2967; which was referred to the Committee on Interstate Commerce.

Mr. LODGE presented resolutions adopted by the legislature of the Commonwealth of Massachusetts relative to an amendment to the Constitution of the United States enabling Congress to enact laws regulating the hours of labor; which were referred to the Committee on Education and Labor, and ordered to be printed in the RECORD, as follows:

[Commonwealth of Massachusetts. In the year 1896.]

Resolutions relative to an amendment to the Constitution of the United States enabling Congress to enact laws regulating the hours of labor.

Resolved, That in the opinion of the general court of Massachusetts it is desirable that the Constitution of the United States should be so amended as to place it clearly within the power of Congress to enact laws regulating the hours of labor in the several States according to some uniform system, and the Senators and Representatives of this Commonwealth in Congress are hereby requested to take such action as may be necessary in order to bring the question of so amending the Constitution before Congress.

Resolved, That properly attested copies of these resolutions be forwarded by the secretary of the Commonwealth to the presiding officers of both branches of Congress, and also to the Senators and Representatives in Congress from this Commonwealth.

In house of representatives, adopted May 5, 1896.

In senate, adopted in concurrence May 13, 1896.

A true copy. Attest:

WM. M. OLIN,
Secretary of the Commonwealth.

Mr. LODGE presented a petition of Boston Division, No. 122, Order of Railway Conductors, of Boston, Mass., praying for the enactment of a labor arbitration law; which was referred to the Committee on Education and Labor.

Mr. MCMILLAN presented a memorial of the American Laryngolical Association, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

ORDER OF BUSINESS.

Mr. ALLEN. I ask unanimous consent to call up the bill (S. 2118) to protect public forest reservations.

The VICE-PRESIDENT. The bill will be read for information.

Mr. HALE. Is this in the regular order of morning business?

The VICE-PRESIDENT. It is not a part of the morning business. The Senator from Nebraska asks unanimous consent for the present consideration of the bill. The Chair submits the request of the Senator.

Mr. ALLEN. I will state to the Senator from Maine that the bill is an important one, and it met the full approval at the last Congress and at the present Congress of the Committee on Forest Reservations and the Protection of Game. It is important to pass the bill. It will not lead to any discussion, I think.

Mr. HALE. Is it a long bill?

The VICE-PRESIDENT. It comprises seven pages, the Chair is advised.

Mr. HALE. It is very important to bring up the conference report on the naval appropriation bill and get it out of the way.

Mr. ALLEN. Very well; let the bill go over.

The VICE-PRESIDENT. If there are no further petitions and memorials, the reports of standing and select committees are next in order.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Foreign Relations, to whom the subject was referred, submitted a report, accompanied by a bill (S. 3230) to provide for the reorganization of the consular and diplomatic service; which was read twice by its title.

Mr. DAVIS, from the Committee on Foreign Relations, to whom was referred the bill (S. 692) for the relief of the legal representatives of James and William Crooks, of Canada, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3578) granting a pension to Elmira E. Dustin; and

A bill (H. R. 1062) to grant a pension to Armstead M. Rawlings, of Arkansas.

Mr. MITCHELL of Oregon, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 3058) to increase the pay of letter carriers, reported it without amendment, and submitted a report thereon.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (H. R. 2320) for the relief of Samuel Burrell, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. MCMILLAN introduced a bill (S. 3231) to amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, 1893; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. ELKINS introduced a bill (S. 3232) to amend section 2502 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. TELLER introduced a bill (S. 3233) for the relief of Henry A. F. Worth; which was read twice by its title, and referred to the Committee on Pensions.

JEROME KUNKEL.

On motion of Mr. BAKER, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the papers pertaining to the bill (S. 254) for the relief of Jerome Kunkel, and that they be sent to the Committee on Military Affairs of the House of Representatives.

WILLIAM B. MATCHETT.

Mr. DAVIS. I move to reconsider the vote by which the subject of the petition and papers in the claim of William B. Matchett against the Government of Venezuela was indefinitely postponed.

The motion was agreed to.

On motion of Mr. DAVIS, it was

Ordered, That the petition and papers of William B. Matchett be withdrawn from the files of the Senate under the rules of the Senate.

INVESTIGATION BY COMMITTEE ON NAVAL AFFAIRS.

Mr. CHANDLER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the expense incurred by the subcommittee of the Committee on Naval Affairs in visiting Bethlehem, Pa., in pursuance of the duty imposed on said committee by resolutions of the Senate dated, respectively, December 31, 1895, and February 13, 1896, be paid from the contingent fund of the Senate.

DONATION OF CONDEMNED CANNON.

Mr. HALE. Mr. President——

Mr. BURROWS. Will the Senator from Maine yield to me for a moment?

Mr. HALE. I will yield to morning business. I can not yield for any other purpose, because I have already declined to yield to the Senator from Nebraska.

Mr. BURROWS. I will state to the Senator from Maine that it is the case of a House bill passed by the Senate with sundry amendments. I entered a motion some time ago to reconsider the action of the Senate in passing the bill with a view to securing a disagreement to the amendments. It will take but a moment to dispose of it.

Mr. HALE. It is in the nature of morning business, and I will yield.

Mr. BURROWS. It is a privileged motion. I understand.

Mr. HALE. I yield for that purpose to the Senator from Michigan.

Mr. BURROWS. The House passed the bill (H. R. 6256) authorizing and directing the Secretary of the Navy to furnish to George F. Fuller Post, Grand Army of the Republic, of Manistique, Mich., a condemned cannon. The Senate passed the bill

town, Ind., asking favorable action on House bills Nos. 835 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. JOY: Papers to accompany House bill to correct the

A bill (H. R. 5175) granting a pension to Nancy Conry;

A bill (H. R. 5225) for the relief of Mrs. Elizabeth M. Williams, of Monroe County, Tenn.;

A bill (H. R. 5711) granting a pension to Richard P. Pilkington;

Reservations and the Protection of Game. It is important to pass the bill. It will not lead to any discussion, I think.

Mr. HALE. Is it a long bill?

thorizing and directing the Secretary of the Navy to furnish to George F. Fuller Post, Grand Army of the Republic, of Manistique, Mich., a condemned cannon. The Senate passed the bill

with sundry amendments, adding a donation of condemned cannon at other points. I have conferred with the various Senators who proposed the amendments, and they have kindly consented that the bill may be reconsidered and the amendments disagreed to, and that then the bill shall pass without amendment.

The VICE-PRESIDENT. The question is on the motion of the Senator from Michigan, to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

The VICE-PRESIDENT. The bill is before the Senate.

Mr. BURROWS. I now ask that the vote by which the amendments were concurred in be reconsidered.

The VICE-PRESIDENT. Without objection, the vote will be reconsidered. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were nonconcurred in.

The bill was ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. The amendment of the title will be disagreed to.

NAVAL APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the report of the committee of conference on the naval appropriation bill.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 23, 30, and 55.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 28, 29, 31, 50, and 54, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Add at the end of the matter inserted by said amendment the following: "And the Secretary of the Navy shall detail a clerk of class 1 to perform clerical services in the Navy Department necessary to carry on the work incident to this appropriation"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Strike out the comma (,) after the word "laboratory," in line 3, page 22 of the bill, and restore the matter stricken out by said Senate amendment; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: Strike out, in lines 4 and 5 of said amendment, the words "made for the same," and insert in lieu thereof the word "completed"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with amendments as follows: Strike out the words inserted by said amendment and insert in lieu thereof the following, "at $2,500 each; one of English studies, history, and law (after thirty years' service), $2,500"; and strike out, in lines 22 and 23, page 36 of the bill, the words "at $2,500 each"; and the Senate agree to the same.

On amendments numbered 2, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, and 53 the committee of conference has been unable to agree.

EUGENE HALE,
M. S. QUAY,
A. P. GORMAN,
Managers on the part of the Senate.

C. A. BOUTELLE,
JNO. B. ROBINSON,
AMOS J. CUMMINGS,
Managers on the part of the House.

Mr. HALE. I ask that the report be concurred in.

The report was concurred in.

Mr. HALE. I move that the Senate further insist on its amendments still in disagreement and ask for a further conference on the disagreeing votes of the two Houses.

Mr. QUAY. Unless the Senator from Maine objects, I should be glad to have another vote of the Senate on the question of the battle ships in the way of instruction to the new committee of conference.

Mr. HALE. I have been in conference with some of the Senators who are very earnest on that point, and it was suggested that it would be better, as there has been but one conference, to submit the matter to another conference and see if it can not be adjusted there.

Mr. QUAY. Very well, I give way to the wishes of the chairman of the Senate conferees.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees at the further conference on the part of the Senate; and Mr. HALE, Mr. QUAY, and Mr. GORMAN were appointed.

EXECUTIVE SESSION.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business. I do not think it will be necessary to have a session exceeding thirty minutes, but it is very important, in my opinion, that we should have such a session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-eight minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 2221) for the relief of settlers on the Northern Pacific Railroad indemnity lands.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, further insisted upon its disagreement to the amendments of the Senate numbered 64, 69, and 70, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON managers at the conference on the part of the House.

The message further announced that the House had passed a concurrent resolution requesting the President to return to the House the bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution authorizing the enrolling clerk of the House in enrolling H. R. 6248, making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, to insert in section 24, after the words "ninety-six," the following, "except as in said sections otherwise specially provided"; in which it requested the concurrence of the Senate.

PRACTICE OF MEDICINE AND SURGERY.

Mr. SHERMAN obtained the floor.

Mr. GALLINGER. I appeal to the Senator from Ohio to yield to me that I may ask consideration for a concurrent resolution which has just come from the House of Representatives, to correct an enrolled bill. It is important that it should be attended to at once. It will take but a moment.

Mr. SHERMAN. I yield to the Senator.

Mr. GALLINGER. The concurrent resolution relates to the medical and surgical bill.

The VICE-PRESIDENT. The Chair lays before the Senate a concurrent resolution from the House of Representatives, which will be read.

The Secretary read the concurrent resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives House bill 5731, to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia.

Mr. GALLINGER. The resolution is simply to secure the return of a bill in order to correct an unfortunate error which was made by the enrolling clerk of the House of Representatives, and it is important that the resolution should pass.

The VICE-PRESIDENT. The question is on concurring in the resolution.

The resolution was concurred in.

DONATION OF CONDEMNED CANNON.

Mr. BAKER. The Senator from Ohio yields to me for a moment that I may ask unanimous consent for the consideration of House bill No. 2777, relating to the donation of condemned cannon and cannon balls. I hope it may now be considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2777) authorizing and directing the Secretary of the Navy to donate condemned cannon and condemned cannon balls to certain posts of the Grand Army of the Republic. It proposes to donate one condemned cannon and condemned cannon balls for four pyramids to Shaw Post, Grand Army of the Republic, at Leavenworth, Kans., and also one condemned cannon and condemned cannon balls for four pyramids to McLouth Post, No. 279, Grand Army of the Republic, at McLouth, Kans., for soldiers' monuments.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REGULATIONS CONCERNING FILLED CHEESE.

Mr. SHERMAN. I now move that the Senate proceed to the consideration of what is known as the filled-cheese bill.

The motion was agreed to; and the Senate, as in Committee of

the Whole, resumed the consideration of the bill (H. R. 8008) defining cheese, and imposing a tax upon and regulating the manufacture, sale, importation, and exportation of filled cheese.

The VICE-PRESIDENT. The Chair will state the status of the bill. The yeas and nays have been ordered upon the amendment submitted by the Senator from Idaho [Mr. DUBOIS]. The Secretary will call the roll.

The Secretary proceeded to call the roll, and Mr. ALLEN responded to his name.

Mr. QUAY. I desire to have the amendment stated before the vote is taken.

The VICE-PRESIDENT. The Senator from Pennsylvania asks that the amendment be stated. Without objection, the amendment will be read.

The SECRETARY. It is proposed to add as a new section the following:

In order to raise revenue to meet the various expenses of the Government the sum of 75 cents shall be levied and collected, under such regulations as the Secretary of the Treasury may prescribe, on every barrel of lager beer, ale, and porter manufactured in the United States in addition to the tax now imposed thereon.

The Secretary resumed the calling of the roll.

Mr. CLARK (when his name was called). I wish to announce that for the day I am paired with the Senator from Louisiana [Mr. BLANCHARD], this pair having been transferred to me by the Senator from North Carolina [Mr. PRITCHARD].

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON]. Not knowing how he would vote if present, I withhold my vote.

Mr. MCMILLAN (when his name was called). I announce my pair with the Senator from Kentucky [Mr. BLACKBURN].

Mr. PRITCHARD (when his name was called). I have a general pair with the Senator from Louisiana [Mr. BLANCHARD], but I have transferred that pair for the day to the Senator from Wyoming [Mr. CLARK], and vote "nay."

Mr. PUGH (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR], which I transfer to the senior Senator from South Carolina [Mr. IRBY], and vote "yea."

Mr. TILLMAN (when his name was called). I have a general pair with the junior Senator from Nebraska [Mr. THURSTON], which I transfer to the Senator from Nevada [Mr. JONES], and vote "yea."

Mr. ALLEN. I wish to state that my colleague [Mr. THURSTON] is detained from the Senate on account of sickness in his family.

The roll call was concluded.

Mr. BACON. On this question I am paired with the junior Senator from Rhode Island [Mr. WETMORE], and therefore withhold my vote.

Mr. GALLINGER. I desire to announce the fact that the junior Senator from Vermont [Mr. PROCTOR] is paired with the Senator from Florida [Mr. CALL]. I make the announcement for the day.

Mr. MARTIN. I have a general pair with the junior Senator from Montana [Mr. MANTLE]. Being assured that he would vote "yea" if present, I vote "yea."

Mr. DANIEL. I inquire if the Senator from Washington [Mr. SQUIRE] has voted?

The VICE-PRESIDENT. The Senator from Washington has not voted, the Chair is advised.

Mr. DANIEL. I am paired with the Senator from Washington, and in his absence I withhold my vote. If he were present, I should vote "yea."

The result was announced—yeas 27, nays 34; as follows:

YEAS—27.

Allen,	Carter,	Lindsay,	Roach,
Bate,	Chilton,	Martin,	Stewart,
Berry,	Dubois,	Mills,	Teller,
Brown,	George,	Morgan,	Tillman,
Butler,	Gray,	Peffer,	Vest,
Caffery,	Harris,	Pettigrew,	Walthall.
Cannon,	Jones, Ark.	Pugh,	

NAYS—34.

Aldrich,	Gallinger,	Nelson,	Shoup,
Allison,	Hansbrough,	Palmer,	Smith,
Baker,	Hawley,	Pasco,	Turpie,
Burrows,	Hill,	Perkins,	Vilas,
Chandler,	Lodge,	Platt,	Warren,
Cockrell,	McBride,	Pritchard,	White,
Cullom,	Mitchell, Oreg.	Quay,	Wilson.
Davis,	Mitchell, Wis.	Sewell,	
Faulkner,	Morrill,	Sherman,	

NOT VOTING—28.

Bacon,	Daniel,	Hale,	Murphy,
Blackburn,	Elkins,	Hoar,	Proctor,
Blanchard,	Frye,	Irby,	Squire,
Brice,	Gear,	Jones, Nev.	Thurston,
Call,	Gibson,	Kyle,	Voorhees,
Cameron,	Gordon,	McMillan,	Wetmore,
Clark,	Gorman,	Mantle,	Wolcott.

So the amendment was rejected.

Mr. VEST. Mr. President, I voted for the amendment, but under no circumstances could I vote for the bill even if the amendment had carried. I have not the slightest doubt but that if I should vote for the bill in any shape I would, with my convictions upon the subject, violate the Constitution which I have sworn to support. I do not understand that I can shield myself for a violation of that instrument by assuming, or even knowing, that the Supreme Court of the United States would declare the proposed act constitutional upon the ground that every member of Congress is presumed to have the proper motive and supports a measure in order to attain proper and constitutional ends.

We know that if in enacting the oleomargarine law the motives which actuated members of Congress in supporting it had been placed upon its face the enactment would have been declared unconstitutional. The coordinate branch of the Government, the judiciary, is bound to assume that Congressmen do not violate the Constitution, and that when they impose taxes it is done under the general taxing power which is given to Congress and not to use that taxing power for unconstitutional purposes or for purposes not contemplated in granting that power to the legislative department. Tariff laws are enacted in which many of the items are placed there not to raise money to support the Government, but in order to protect certain class interests, and to give an advantage by governmental partnership to the producers of certain goods in the United States, that advantage being to the detriment always of the large body of the people who are consumers. If any tariff act contained upon its face the declaration that "these taxes are imposed in order to give protection, simple and pure, to American manufacturers," I believe the Supreme Court of the United States, no matter how constituted politically, would declare it to be unconstitutional. But those laws are enacted and sent to the Supreme Court without any declaration upon their face in regard to the object, and the Supreme Court says, as it has done repeatedly:

It is our duty to assume and to presume that the Congress of the United States has enacted this law within its constitutional discretion, and for purposes which are indicated alone upon the face of the law.

Mr. President, the pending bill is not to raise revenue. This is so plain that it is simply unnecessary iteration to make the statement. The Ways and Means Committee of the House of Representatives in their report declared that its object is not to raise revenue. They have said in so many words that they have no idea of raising revenue, and that this is not the primary object of the enactment, but it is to bring this product within the police powers of Congress. The distinguished Senator from Ohio [Mr. SHERMAN], who reported the bill as the organ of the Committee on Finance, declared that the object of the enactment is not to raise revenue, but to exercise the police power upon a fraudulent compound which he claims is deleterious to the health and comfort of the people of this country. The Senator from Minnesota [Mr. NELSON] yesterday declared that raising revenue is the smallest portion of this legislation, but that it is proposed to be done in order to take hold of this product and bring it within the police powers of Congress.

We can not escape our responsibility by saying that the Supreme Court will pass upon the law. When the law is presented to the Supreme Court they see in it a measure to raise revenue to support the Government. Does that absolve any member of this body who votes for the bill from accounting to his conscience and judgment as to why he votes for it and whether he acts within the constitutional discretion and jurisdiction of Congress?

Mr. President, the enactment of the proposed law is outrageous under the circumstances, because it takes away from the people affected by it the only redress they can have against an unconstitutional act, and that is an appeal to the Supreme Court and to the Chief Executive. The proposed law is a greater fraud than any compound which can be manufactured in any locality in this country. It is a pretense of exercising the taxing power, when, in fact, it is an exercise of police power which never has been given to Congress by the Constitution. Congress can have no police power in regard to an article made in a State, sold in a State, and never to go out of a State, unless the exercise of that power be in aid of a power clearly given by the Constitution to Congress.

I grant that Congress has the right to use the taxing power as an auxiliary to a power vested by the Constitution in Congress. If Congress sees proper to use the taxing power as an auxiliary to the interstate-commerce power conferred by the Constitution upon Congress, it can do so. If Congress sees proper to use the taxing power as an auxiliary to its absolute control over the currency of the country, it has a right to do it, as was decided in 8 Wallace in the case of Veazie Bank against Fenno. But whenever the Constitution fails to give jurisdiction to Congress over a subject-matter, it has no right to use the taxing power in order to create a power which was not originally vested in it.

The Supreme Court of the United States by this sort of fraudulent legislation is kept from giving redress to citizens of the United States who are injured by it. The Chief Executive is

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business. I do not think it will be necessary

consideration of what is known as the filled-cheese bill.

The motion was agreed to; and the Senate, as in Committee of

So the amendment was rejected.

prevented from giving redress by using his veto power. When the oleomargarine bill was passed and sent to the President of the United States he communicated to Congress by message, and I ask the Secretary to read what he said in regard to that enactment. Let the part I have marked be read.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

It has been urged as an objection to this measure that, while purporting to be legislation for revenue, its real purpose is to destroy, by the use of the taxing power, one industry of our people for the protection and benefit of another.

If entitled to indulge in such a suspicion as a basis of official action in this case, and if entirely satisfied that the consequences indicated would ensue, I should doubtless feel constrained to interpose Executive dissent.

But I do not feel called upon to interpret the motives of Congress otherwise than by the apparent character of the bill which has been presented to me.

Mr. VEST. The Chief Executive, when the oleomargarine bill was presented to him, declared that if he had been satisfied that it was an exercise of the taxing power of Congress in order to discriminate against one food product in behalf of another, or if it was a disguised exercise of the police power that had not been given to Congress, he would have vetoed the bill. But the bill was sent to him, as it would go to the Supreme Court, ostensibly a naked exercise of the taxing power; and the Chief Executive, like the Supreme Court, says he is bound to assume that members of Congress have observed their oaths to support the Constitution, and are simply actuated by a desire to raise revenue to carry on the Government.

Any Senator who knows that he votes for the bill not to raise revenue, but in order to bring this food product under the inspection laws of the United States, unless he can find in the Constitution the grant of some other power to which the taxing power is necessary as an auxiliary, violates his oath to support the Constitution. Unless he can find that originally the Constitution has given to Congress a power which requires the taxing power in order to carry it out, he can not shield his conscience or his judgment behind the fact that the Supreme Court of the United States may afterwards declare the law to be constitutional. It is his primary duty to observe his obligations and not to vote for a measure that goes outside of the legislative discretion of this body. I ask attention to what was decided even by so strong a Federalist and Republican as Mr. Justice Miller in 112 United States Reports, and I will ask the Secretary to read a small portion of the decision which I have marked.

Mr. GEORGE. What is the name of the case?

Mr. VEST. The Head Tax Cases.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

It constitutes a fund raised from those who are engaged in the transportation of these passengers, and who make profit out of it, for the temporary care of the passengers whom they bring among us and for the protection of the citizens among whom they are landed.

If this is an expedient regulation of commerce by Congress, and the end to be attained is one falling within that power, the act is not void, because, within a loose and more extended sense than was used in the Constitution, it is called a tax. In the case of Veazie Bank *vs.* Fenno, 8 Wall., 533, 549, the enormous tax of 8 per cent per annum on the circulation of State banks, which was designed, and did have the effect, to drive all such circulation out of existence, was upheld because it was a means properly adopted by Congress to protect the currency which it had created, namely, the legal-tender notes and the notes of the national banks. It was not subject, therefore, to the rules which would invalidate an ordinary tax, pure and simple.

So, also, in the case of The Packet Company *vs.* Keokuk, 95 U. S., 80, the city of Keokuk having by ordnance imposed a wharfage fee or tax for the use of a wharf owned by the city, the amount of which was regulated by the tonnage of the vessel, this was held not to be a tonnage tax within the meaning of the constitutional provision that "No State shall, without the consent of Congress, lay any duty of tonnage." The reason of this is that, though it was a burden or tax in some sense, and measured by the tonnage of the vessel, it was but a charge for services rendered, or for conveniences furnished by the city, and was not a tonnage tax within the meaning of the Constitution. This principle was reaffirmed in the case of Packet Company *vs.* St. Louis, 100 U. S., 423.

We are clearly of opinion that, in the exercise of its power to regulate immigration, and in the very act of exercising that power, it was competent for Congress to impose this contribution on the shipowner engaged in that business.

Mr. VEST. The last sentence read by the Secretary shows the ground upon which the Supreme Court decided that the head-tax levy was within the power of Congress; that it was auxiliary to the power of Congress to control and regulate immigration, which is a species of commerce with foreign nations. Mr. Justice Miller, strong Federalist that he was, never would have decided that, without being an auxiliary power, the tax was constitutional. It was simply to assist and make perfect the exercise of a power granted by the Constitution to Congress that caused him to declare the head tax to be within the jurisdiction of Congress; and in an unbroken series of decisions, which any Senator who is interested in the question may examine, the Supreme Court has drawn the line distinctly and emphatically between the power of the Congress of the United States and of the States in regard to all police matters. Some of the decisions are the Passenger Cases, in 7 Howard, 590; Henderson *vs.* The Mayor of New York, 92 U. S., 259; The Commissioner of Immigration *vs.* The North German Lloyd, 92 U. S.; The People *vs.* The Compagnie Générale Trans-Atlantique, 107 U. S.; Chy Lung *vs.* Freeman, 92 U. S., 275; Brimmer *vs.* Redman, 138 U. S., 78; Voight *vs.* Wright, 142 U. S., 62; and Crutcher *vs.* Kentucky, 141 U. S., 46.

Mr. GRAY. May I interrupt the Senator from Missouri for a moment?

Mr. VEST. Certainly.

Mr. GRAY. It is not to ask a question, but to emphasize what the Senator has just said in regard to the head-tax cases. That was an assertion of power by Congress to deal with immigration from foreign countries into this country. It could have no relation to any other subject-matter than foreign commerce in passengers. The court decided that the passenger traffic was a portion of the foreign commerce of the country. They had to decide that first before they could assent to the jurisdiction which Congress claimed, and it being a part of the foreign commerce of the country, there was no suggestion even that it touched in the slightest degree any transaction entirely within a State or affected or impinged in any fashion whatever upon the police power of any State in the Union, especially of the State where the landing was made. So there was a case plainly, palpably within the jurisdiction of Congress under the grant of the commerce clause of the Constitution, and it was in reference to that transaction that Congress was exercising its power.

Mr. MILLS. That the exercise of the taxing power was an appropriate exercise of the power to regulate commerce.

Mr. GRAY. We were taxing foreign-commerce transactions.

Mr. VEST. I challenge any advocate of the bill to find a single decision by the Supreme Court of the United States which says that the taxing power can be used in regard to a function which is not given directly or by implication to carry out an expressly granted power in the Constitution. In other words, I challenge any advocate of the bill to show where the Supreme Court has ever said that Congress could use the taxing power in order to bring a product under the police power of Congress.

Mr. GRAY. And to create a jurisdiction.

Mr. VEST. And to create a jurisdiction which the Constitution had never given to Congress.

Mr. CAFFERY. Will the Senator from Missouri allow me to interrupt him?

Mr. VEST. Certainly.

Mr. CAFFERY. If the trade in filled cheese is a matter of interstate commerce, can not the Congress of the United States pass such inspection laws and provide such funds to carry into execution those inspection laws as it may deem necessary?

Mr. VEST. Unquestionably.

Mr. CAFFERY. Then I would ask the Senator, if the bill were so amended as to make the provisions of it applicable only to filled cheese exported from the State or Territory where made, whether then his constitutional objection would be obviated?

Mr. VEST. Entirely; and I have an amendment prepared which I propose to make. I will not use the word "make," but I will ask the Senate, every individual member of it, to place himself upon record as to the very proposition indicated by the Senator from Louisiana.

Mr. CAFFERY. Then I will ask the Senator a further question, if he will pardon me. In a vote given by a Senator who has any constitutional objections to the bill as it appears upon its face, being a police regulation, would a vote given primarily with a view of obtaining revenue and not with a view of policing filled cheese be in accord with his constitutional conscience?

Mr. VEST. If any Senator says that the bill is for the purpose of raising revenue and not to bring this food product under a police jurisdiction of Congress, then of course he can justify himself from that standpoint. But how is it possible for him to do that when the framers and makers and advocates of the proposed law say they do not want revenue, but they want to prevent the sale and use of a fraudulent deleterious compound? How is it possible that any Senator can come to the conclusion that this is a revenue measure when the committees which report it, the Senators and Representatives who advocate it, all deny that it is intended to raise one dollar of revenue?

Mr. SHERMAN. Mr. President, I should like to make a statement which I believe is true historically. There never was a tariff bill passed since the Government of the United States was founded where, in addition to raising revenue, it was not alleged and the statute was not so framed as to promote some private interest. Jefferson and Madison and every one of the old Democratic Presidents advocated that in framing a tax law due regard must be had to promoting the manufacturing and other interests of the United States. That was the established doctrine.

Now, I say here that this is not the main purpose of the bill. I might say, probably, it is to prevent a fraud. But it imposes a tax, which we have a right to impose. The President of the United States, in a single remark that was read this morning, said that if the object is attained he will not veto a bill merely because some other motive or some motive that he did not approve might

actuate the making of the law. That is the same case now. This bill, if enacted into a law, will yield, as near as I can gather from the reports that I have read, probably half a million dollars of revenue. It was supposed the oleomargarine law would yield $1,000,000, and it has yielded $3,000,000.

Mr. GRAY. A million and a half.

Mr. SHERMAN. Two and a half million or three million dollars.

Mr. VEST. A million and three-quarters is the highest revenue that was ever raised from it.

Mr. SHERMAN. I think I could take issue on that point, but I do not want to debate the matter.

Mr. VEST. One million and three-quarters is the report of the Department.

Mr. SHERMAN. In every tariff law the question of benefits to the people in some other way than the mere fact of taxation has always been urged by every party that has ever governed in this country.

Mr. VEST. A tariff law is supported upon two grounds: First, that it is a regulation of foreign commerce, which is clearly within the exclusive jurisdiction of Congress; second, that it is the exercise of the taxing power to raise revenue to support the Government. A tariff enactment can be supported upon either of these clauses of the Constitution; but if a tariff law should be enacted which said the express purpose of this act is to protect American manufactures, the Supreme Court of the United States, in my judgment, no matter how constituted, would declare it to be unconstitutional. It is true that the advocates of tariff laws say the indirect and necessary effect of the imposition of the tax is to protect, but that is not the primary object of the law.

Is that this case? Here the primary object is to bring this food product under the police regulation of Congress, and not to raise revenue. The evidence before the House committee shows that if this tax should stand as the bill came to us from the House it would not raise one dollar; that it would be absolutely prohibitory.

Mr. President, if I believed about the Constitution as the Republican party and the Senator from Ohio, I would have no trouble in voting for this bill or any other measure. If I believed in the teachings of Mr. Hamilton, that under the general-welfare clause of the Constitution Congress can do anything, and that this clause overrides the special grants of power which are made in that instrument, I would have no difficulty in voting for any proposed legislation, because whenever Congress thought it expedient and necessary for the general welfare they could pass any law within their discretion, and they would have full jurisdiction under that construction of the Constitution to do so. But how any Democrat who professes to believe in the teachings of Jefferson, the great opponent of Hamilton, who left Washington's Cabinet because he refused to accede to the proposition contained in Hamilton's report upon manufactures, who handed his portfolio to Washington because he said he would not remain in the Cabinet when the Secretary of the Treasury had announced a doctrine that made this a Government of unlimited Congressional power—how any Democrat professing to believe in Jefferson's teachings can vote for the pending bill is beyond my comprehension.

The bill is not a revenue measure. Like the oleomargarine law, it is intended to discriminate against a food product. Here is a mass of testimony coming from the cheese manufacturers of the United States in which every one of them declares, "We want this commerce stopped; we want this manufacture stopped, because it interferes with our business." They are not politicians. They are men engaged in making money exclusively; and they come and, without reference to the Constitution, declare, "We want this law because it puts money into our pockets and prevents competition." I know the oleomargarine law brings a revenue of a million and three-quarters of dollars. But that was not the intention of the men who framed it. The argument that was made when the oleomargarine law was before us was that it was intended to prevent the sale of a deleterious compound to the people of this country.

Mr. HARRIS. The oleomargarine law was referred to the Committee on Agriculture against a motion to refer it to the Committee on Finance because it was not a revenue measure.

Mr. VEST. Of course, it was sent to the Committee on Agriculture and Forestry because it was not a revenue measure.

Mr. MILLS. It was referred to the Committee on Agriculture in the other House.

Mr. VEST. In the House it came from the Committee on Agriculture. I have here the testimony of my distinguished former colleague and fellow-citizen, Col. William H. Hatch, who was the author of the oleomargarine law, and who is now president of the Dairy Association of the United States, and who appeared before the Ways and Means Committee and made an argument in behalf of this filled-cheese bill, in which he says it is a deleterious compound. He appeals to Congress to stop its sale altogether in this capital. He tells Congressmen: "You are putting into your stomachs down in these restaurants filled cheese and oleomargarine without knowing it; and the poor innocent creatures must be protected or else dyspepsia will come upon the National Legislative Assembly."

Now, Mr. President, if this is a deleterious compound, what must be thought of the legislator who deliberately bargains away the health and comfort of the people of the United States in order to secure a paltry tax for the Treasury? What must be thought of the man who will vote for a law that he knows is protecting and licensing a manufacture injurious to the health of the people of the United States and destructive of their lives?

I ask the Secretary to read what Colonel Hatch says, in order that there may be no mistake and that I may not do him injustice.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Mr. CRISP. Is there anything deleterious to health in this filled cheese?

Mr. HATCH. I am very glad, Mr. Speaker—I have been so in the habit of addressing you that way, the chairman will pardon me for addressing you so, but I will say the gentleman from Georgia—

The CHAIRMAN. It is a natural mistake, and I make it myself very often.

Mr. HATCH. I will say for myself I have not a doubt on earth. I have studied this question for twenty-five years, more or less, but in the last twelve years it has been my duty to study it, and I have heard a great deal from physicians, chemists, and experts, and that it is deleterious to health I have not a doubt in the world. A great many claim that oleomargarine, or filled cheese, has nothing in it deleterious to health, but I base my answer to that question upon this one single point. I have stated repeatedly since I first studied this question that the admixture of skimmed milk and cotton-seed oil in the manufacture of oleomargarine contained nothing that was deleterious to health. Cotton-seed oil is a vegetable oil and is absolutely digestible raw. We may have our own question about the taste, but as a raw product it is as digestible as olive oil is, but no oil extracted from an animal uncooked was ever digestible, and things not digestible are deleterious to health.

You take the leaf of the hog, which makes the best lard in the world, when it is boiled for hours, and the lard is digestible, and tallow when it is roasted or thoroughly cooked is digestible, but in the raw state not one of them are, and if the leaf lard of the hog, which can only be detected by the keenest analysis and microscopic examination, happens to have in it the germs of trichina, as they are right along in that part of the hog—the tenderloin is more affected by trichina than any other portion of the hog's carcass—if it has trichina in it at all or is tainted with it, cooking by the process of rendering it into lard destroys it, but the heat of 130° or 140° has no effect upon it at all, and when they press that oil out and it goes into this product which is absolutely uncooked, it is subject to putrefaction, and in that way becomes deleterious to health; but I have stated time and again that in all these manufactures of vegetable oil that the skimmed milk that is in them is the only portion of that compound that is not deleterious to health.

Now, I do not believe, as a matter of fact, that cheese thoroughly cooked would be deleterious to health, or oleomargarine used in the frying pan is deleterious to health, but need as butter there is not one man out of ten thousand who has a good stomach who can stand it three times a day right along, and the growing impression is among chemists and the best physicians in the United States and in the world that a large class of diseases, especially stomach troubles, are due to these compounds that are used as butter and cheese.

Now, we will file with you, Mr. Chairman, before this investigation closes, a statement delivered at this convention by Professor Henry, of Wisconsin, to show that the export of cheese from the United States has been dwindling in proportion to the increase in the manufacture of this filled cheese, until to-day in the best cheese-consuming markets of the world, England, Ireland, Scotland, and Wales, our brands of Ohio, New York, Wisconsin, Michigan, and Illinois cheese have been so destroyed by this filled cheese that has gone out until our trade in it has been almost destroyed. Now, the bills which are before you need no argument to sustain them as far as their constitutionality is concerned, and what their beneficent operation will be if enacted into law, because they are both founded and follow closely the lines of the oleomargarine act.

Mr. TAWNEY. That act has been held constitutional by the Supreme Court of the United States?

Mr. HATCH. Repeatedly; by all the courts in all the States where it has been tested it has been upheld and sustained. By the last opinion by the Supreme Court of the United States in a decision delivered by Mr. Justice Harlan, and it is a tribute to that act which every member of Congress who voted for it and every farmer in the United States—

Mr. TAWNEY. Can you give me the title of that case?

Mr. HEWES. It is Plumley *vs.* The Commonwealth of Massachusetts.

Mr. TAWNEY. Have you got a memorandum of the volume?

Mr. HEWES. I think it is 156 United States.

Mr. HATCH. I want to say this much for the operation of that act. I stated on the floor of the House during its consideration and before it passed that in my judgment the passage of that law would have the most beneficial effect in this, that it would not only compel the sale of it where the law was enforced under its own name and upon its own merits, but it would do more to protect the consumers of oleomargarine throughout the United States than it would the producers of butter, and time has vindicated my statements in regard to it. At the time that oleomargarine bill passed, in 1886, there were almost numberless manufacturers of oleomargarine scattered throughout the United States. In fact, wherever there was a dead-animal factory or fourth-class slaughterhouse there was an oleomargarine factory, but to-day there are in existence, as reported, only 24 manufacturers' licenses of oleomargarine and butterine in the United States.

The CHAIRMAN. How does the quantity compare now with what it was then?

Mr. HATCH. The quantity has gradually increased. The output gradually increased. Of course we knew nothing about what was manufactured before 1886, but within the last three or four years the product has been increasing, and it fell into the hands of a few large and reputable manufacturers, who have complied strictly with the law; and not one single manufactory, as I understand, has yet been punished for violation of law, and I do not know of any wholesale dealer who has. Am I correct in that?

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be read by title.

The SECRETARY. A bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. SHERMAN. I ask the unanimous consent of the Senate to proceed for a few minutes with the cheese bill. I do not think

there will be any further debate on the bill. Unless Senators express a desire to debate it further I hope it will be proceeded with for a little while.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Ohio?

Mr. MILLS and Mr. GRAY. What is the request?

Mr. SHERMAN. I ask the unanimous consent of the Senate to proceed with the consideration of the cheese bill for ten or fifteen minutes. I hope Senators will see their way clear to the adoption of this course.

Mr. MILLS. We can not hear the Senator on this side.

Mr. HARRIS. I object to the request.

The VICE-PRESIDENT. Objection is interposed.

Mr. SHERMAN. I give notice, then, that as soon as the pending order of business is over I shall try to call up the cheese bill again.

Mr. MORGAN. I submit an amendment to the cheese bill, which I ask may be read, printed, and lie over.

The amendment was read, and ordered to lie on the table and to be printed, as follows:

Amend the bill by adding the following as an additional section:

"SEC. 20. That a tax of 1 cent per pound be levied, assessed, and collected on cheese made in the United States for sale, or that is sold in the markets by any dealer, and said tax shall be in addition to the tax on filled cheese imposed by this act, and the Secretary of the Treasury shall establish suitable regulations for the collection of the said tax, in accordance with the provisions of this act."

Mr. STEWART. I give notice of an amendment which I intend to propose to what is called the filled-cheese bill. I propose to add to the bill the following:

That on and after the 1st day of August, 1896, there shall be levied, collected, and paid 10 cents a pound upon all wools imported into the United States from any foreign country.

Mr. MITCHELL of Oregon subsequently said: I desire to give notice that when what is called the filled-cheese bill again comes up I shall offer as an amendment what I send to the desk. I ask that the proposed amendment be printed in the RECORD and also printed in regular form as an amendment. I will state in this connection that the amendment I offer is the tariff bill which was passed by the House of Representatives at the present session, without any change whatever.

The PRESIDING OFFICER (Mr. SEWELL in the chair). The amendment proposed by the Senator from Oregon will be printed in the RECORD and also printed as a document, in the absence of objection.

The amendment is to add to the bill the following as additional sections:

SEC. —. That from and after the passage of this act, and until August 1, 1898, there shall be levied, collected, and paid on all imported wools of classes 1 and 2, as defined in the act hereinafter cited, approved October 1, 1890, and subject to all the conditions and limitations thereof, and on all hair of the camel, goat, alpaca, and other like animals, except as hereinafter provided, and on all noils, shoddy, garnetted waste, top waste, slubbing waste, roving waste, ring waste, yarn waste, and all other wastes composed wholly or in part of wool, and on woolen rags, mungo, and flocks, a duty equivalent to 60 per cent of the duty imposed on each of such articles by an act entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, and subject to all the conditions and limitations of said act; and on all wools and Russian camel's hair of class 3, as defined in said act approved October 1, 1890, and subject to all the conditions and limitations thereof, there shall be levied, collected, and paid the several duties provided by such act approved October 1, 1890. And paragraph 279 of Schedule K, and also paragraph 685 in the free list of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 27, 1894, are hereby suspended until August 1, 1898.

SEC. —. That from and after the passage of this act, and until August 1, 1898, there shall be levied, collected, and paid on all imported articles made in whole or in part of wool, worsted, or other materials described in section 1 of this act, except as hereinafter provided, 60 per cent of the specific pound or square-yard duty imposed on each of such articles by an act entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, and subject to all the conditions and limitations thereof, in addition to the ad valorem duty now imposed on each of such articles by an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 27, 1894; and on carpets, druggets, bockings, mats, rugs, screens, covers, hassocks, bedsides, art squares, and other portions of carpets or carpeting, made in whole or in part of wool, the specific square-yard duty imposed on each of such articles by said act approved October 1, 1890, and subject to all the conditions and limitations thereof, in addition to the ad valorem duty imposed on such articles by said act which became a law August 27, 1894.

SEC. —. That from and after the passage of this act, and until August 1, 1898, there shall be levied, collected, and paid on all imported lumber and other articles designated in paragraphs 674 to 683, inclusive, of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 27, 1894, a duty equivalent to 60 per cent of the duty imposed on each of such articles by an act entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, and subject to all the conditions and limitations of said last-named act; but pulp wood shall be classed as round unmanufactured timber, exempt from duty: *Provided*, That in case any foreign country shall impose an export duty upon pine, spruce, elm, or other logs, or upon stave bolts, shingle wood, pulp wood, or heading blocks exported to the United States from such country, then the duty upon the lumber and other articles mentioned in said paragraphs 674 to 683, inclusive, when imported from such country, shall be the same as fixed by the law in force prior to October 1, 1890.

SEC. —. That from and after the passage of this act, and until August 1, 1898, there shall be levied, collected, and paid on all the imported articles mentioned in Schedules A, B, C, D, F, G, H, I, J, L, M, and N of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 27, 1894, a duty equivalent to 15 per cent of the duty imposed on each of said articles by existing law in addition to the duty provided by said act of August 27, 1894: *Provided*, That the additional duties imposed by this section shall not in any case increase the rate of duty on any article beyond the rate imposed thereon by the said act of October 1, 1890, but in such case the duty shall be the same as was imposed by said act: *And provided further*, That where the present rate of duty on any article is higher than was fixed by said last-named act, the rate of duty thereon shall not be further increased by this section, but shall remain as provided by existing law.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM. I ask the Chair to lay before the Senate a concurrent resolution from the House of Representatives in relation to the enrollment of the legislative, etc., appropriation bill.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution from the House of Representatives; which was read:

Resolved by the House of Representatives (the Senate concurring), That the enrolling clerk of the House, in enrolling H. R. 6248, an act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, be, and he hereby is, authorized and directed to insert in section 24, after the words "ninety-six," the following: "except as in said sections otherwise specially provided."

Mr. CULLOM. I ask that the resolution be concurred in.

Mr. HARRIS. Is that an omission in the enrollment of the bill in the House of Representatives?

Mr. CULLOM. Yes, sir; it is a mistake by which the wrong date is inserted in one section of the bill.

The PRESIDING OFFICER. The question is on concurring in the resolution.

The resolution was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 3282) to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 28, 1894; in which it requested the concurrence of the Senate.

REGULATION OF BOND ISSUES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. HANSBROUGH. Mr. President, I fully agree with the Senator from Ohio [Mr. SHERMAN] and the Senator from New York [Mr. HILL] that this is a most important bill. No two lines of type ever transferred to paper any proposition that means so much as this plain, simple declaration. It puts a very sharp edge upon a great question that had become exceedingly dull. It is the diamond point in the end of the drill. It defines and accentuates an issue that may be settled at the coming November election, or it may not be, but which must be settled before financial and commercial peace can come to the institutions and people of this country.

Let us see what it says, and then let us say what it means:

That the issuance of interest-bearing bonds of the United States for any purpose whatever without further authority of Congress is hereby prohibited.

Here is a straightforward proclamation against one-man power and in favor of paramount legislative authority. If it goes down and the principle it avows is overthrown, then the Empire is established. If it is sustained, there is yet hope for the Republic. The temporary embarrassment of a government, as our Government is temporarily embarrassed in consequence of the un-American tariff and an unfortunate Treasury policy, the fruit of a vicious financial system, is of small consideration when compared with the permanent evil that would result from a solemn declaration by this or any other Congress in favor of the supremacy of executive over legislative power. If in the past the lawmaking branch of the Government has made the mistake of yielding any of its functions to the man in the White House, it is not too late to correct the error. It is a question so full of seriousness as to completely overshadow the aims and purposes of political parties. It is greater than the gathering of political conventions or the interests of party candidates, because it affects the welfare of the whole people.

It is to this controversy what the Missouri compromise was to the great question of slavery. When Mr. Lincoln said, in 1858, that this country could not remain permanently half slave and half free, he summed up in a few words a situation concerning which there was far less light and less general knowledge among the common people than there is upon the financial question of today. The great American commoner knew that slavery was inherently wrong, just as millions of people at this time know that bond contracts and bond issues, with peace prevailing everywhere, are inherently wrong. His remedy primarily was to simply check the spread of slavery. He did not at any time during

his great debate with Mr. Douglas go to the extent of advising the total abolition of slavery.

The purpose of this bill suggests the thought that must have been in Mr. Lincoln's mind when he opposed the extension of slavery to Kansas and Nebraska. It proposes a check, but not a total prohibition of bond issues. The power to provide revenue and the control of our monetary affairs would continue to reside in the Congress. We can not succeed nor hope to succeed in doing justice to all classes of our people if we leave the "endless chain" machinery of the Treasury Department in the hands of a single individual, to be automatically and autocratically manipulated and put into motion at his own sweet will. Far better that Congress should remain permanently in session and take the responsibility..

No doubt some Senators will ask how the danger may be averted and the remedy applied. The answer to that, I think, will be found in a suggestion made in this Chamber within a week.

The Senator from Ohio, in a burst of patriotism the other day, proposed a duty upon certain articles of import in order to raise necessary revenue and avoid future Treasury deficits. I believe a majority in both branches of Congress would acquiesce in such a proposition. The question need not be discussed at length. An hour's reckoning will tell us what amount of duty should be placed upon tea and coffee and how much of a tax upon beer to bring sufficient money to the Treasury to carry on the Government. A duty upon tea and coffee has never been considered good Republican party policy, but the Senator from Ohio said he was ready to recommend it, and did recommend it, under the present emergency. I am willing to follow the distinguished Republican leader in support of such a policy in behalf of present necessities, and I have no doubt others on this side of the Chamber will do likewise.

I believe it was on Friday last that the Senator from Mississippi [Mr. GEORGE] in words and tones which indicated his deep anxiety in behalf of some kind of relief declared that he was ready to vote for a moderate duty upon raw wool. The party to which that distinguished Senator belongs has heretofore been intensely hostile to this kind of tariff duties. Thus we see party isms disappearing under the shadow of a situation which arouses the consciences and stirs the patriotic impulses of all fair-minded men.

Bond issues afford but temporary relief, while they breed distrust in the minds of honest business men and bring unrest to the breasts of a peace-loving people. They invite new raids upon the redemption fund, cause the withdrawal of capital from the channels of legitimate trade, and place the stamp of respectability upon gambling. They destroy confidence in every avenue of trade and aggravate a situation and intensify a condition that has been brought upon an unfortunate people through unwise legislation. The time to enact some measure of relief and stop plunging the country further and further into debt is now. No individual debtor can long maintain his credit by borrowing. No Government can do it. The end of credit must come sooner or later. I believe it is near at hand with us. Our debt already exceeds the assessed value of all kinds of property in this country. What must be the ultimate result of our present policy of running into debt?

I suggest to the Senator from Ohio and to the Committee on Finance that we take the emergency tariff bill from the Calendar, substitute therefor a bill carrying a duty upon tea and coffee and an additional tax upon beer, and return the measure to the House. The emergency tariff bill can not become a law. This has been demonstrated repeatedly in this chamber, and if it should pass no one believes that the President would sign it. A measure such as I have just suggested, following the lead of the Senator from Ohio, must surely meet with Executive approval, and if it did not, I believe there is enough patriotism and enough nonpartisan statesmanship in Congress to put it upon the statute books, the veto to the contrary notwithstanding. If we fail to do this another bond issue will follow within a month after the adjournment of Congress, and possibly another before the next session begins. In this event the country will believe that this Congress is open to the suspicion of being in league with the bond syndicate.

We should cease this skirmishing for party advantage, put an assessment upon the consumers of a few articles of everyday use, though not of everyday necessity, suspend forever the power of the Executive to further pile up the burden of debt, and then go home to a grateful constituency.

Mr. GALLINGER obtained the floor.

Mr. ALLEN. Will the Senator from New Hampshire yield to me?

Mr. GALLINGER. I will yield to the Senator from Nebraska. I understand he does not propose to occupy much time. Am I correct?

Mr. ALLEN. I will take just a moment.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The Senator from Nebraska will proceed.

Mr. ALLEN. Mr. President, I desire to occupy the attention of the Senate but a moment. During the discussion of this measure last week the Senator from North Carolina [Mr. BUTLER] read a circular letter, issued by the American Bankers' Association, dated March 23, 1896. That letter was regarded by him and is regarded by others, I think, as of very great importance; but in view of the fact that the honorable Senator from Delaware [Mr. GRAY] and one or two other Senators seemed to think that there was nothing strange or unusual in the letter, I think it is perfectly proper for me at this time to make known the fact that at least one of the great labor organizations of the United States has thought it of sufficient importance to issue an official order to their membership, calling attention to the conspiracy of these bankers. I send to the desk and ask to have read a circular issued a few days ago by the Knights of Labor.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

OFFICE OF GENERAL ASSEMBLY,
ORDER OF KNIGHTS OF LABOR,
Washington, D. C., May 23, 1896.

To the Order of the Knights of Labor, greeting:

In the United States Senate, on Friday, May 22, there was exposed by Senator BUTLER of North Carolina one of the most dangerous and far-reaching conspiracies ever concocted against the welfare of this Republic.

The following official circular, issued and signed by the executive council, president, and secretary of the American Bankers' Association, on March 23, 1896, and now for the first time exposed to the public, contains in its first paragraph an unexpected warning to the people of the United States of what is in store for them unless something can be done to checkmate this plot of the Bankers' Association. It is the low growl of the tiger in his Wall street lair. Read it and be warned:

THE AMERICAN BANKERS' ASSOCIATION,
2 WALL STREET AND 90-94 BROADWAY,
New York, March 23, 1896.

[President, Eugene H. Pullen, vice-president National Bank of the Republic, New York; first vice-president, Robert J. Lowry, Lowry Banking Company, Atlanta, Ga.; chairman executive council, Joseph C. Hendrix, president National Union Bank, New York; treasurer, William H. Porter, vice-president Chase National Bank, New York; secretary, James H. Branch, 2 Wall street, New York.]

To the Bankers of the United States:

At a meeting of the executive council of the American Bankers' Association, held in this city on March 11, 1896, the following declaration was made by unanimous vote:

THE EXISTING STANDARD OF VALUE.

"The executive council of the American Bankers' Association declare unequivocally in favor of the maintenance of the existing gold standard of value, and recommend to all bankers and to the customers of all banks the exercise of all their influence as citizens in their various States to select delegates to the political conventions of both the great parties who will declare unequivocally in favor of the maintenance of the existing gold standard of value."

Your influence is earnestly requested to give practical effect to this action.

EUGENE H. PULLEN, *President.*
JAMES R. BRANCH, *Secretary.*
JOSEPH C. HENDRIX,
Chairman Executive Council.

We have here reprinted this exposure of the bankers' conspiracy, in order that the members of the Knights of Labor and the wealth producers of the country may be prepared in time to take prompt and decisive action to defend themselves from the evil consequences that are sure to follow if this scheme of the bankers to fasten their gold standard-millionaire-and-pauper-producing-system upon the people of America, is successful.

This secret circular was issued over two months ago. Has it ever been published in the press of the land? Has it ever been referred to by the bankers or their attorneys, many of whom occupy seats in the United States Senate? They all knew of its existence, but for two months they have preserved the most profound silence, and even when Senator BUTLER sent it to the Clerk's desk in the Senate and had it read they either professed utter ignorance or kept silence regarding this criminal conspiracy.

The people can not longer delay action with safety.

The Bankers' Association have issued their call for recruits to help enslave the people of this country to the money lenders of Europe and America. The Knights of Labor propose to meet the issue squarely, and we hereby appeal to the farmers, laboring men, and legitimate business men of the United States to unite with us and use their combined influence "as citizens" to rescue the United States from the clutches of the gold-money shylocks whose "existing gold standard" (existing since 1893) has brought, in that brief time, more of misery, hunger, and ruin to the people of this country than all the wars and pestilences we have suffered since the foundation of the Republic.

To meet the organized bankers we must have an organized people. It devolves upon the Knights of Labor to take the lead in this great work. They must see to it that the entire country is aroused to the danger of the hour, and the importance of immediate action. Call red-letter meetings of your assemblies at once, and prepare to organize the people of your locality into the Knights of Labor. Where there are no assemblies in existence, any citizen who is not a banker can join with us in this contest against the gold power by means of our individual membership card. We can initiate one person at a time until ten or more persons are admitted, when a charter will be issued, and commission as organizers granted. The initiation fee for the first card for individual members will be 50 cents, and 25 cents for each renewal quarterly, this amount to be sent direct to the general secretary-treasurer. Under the system of organization of the Knights of Labor and the methods adopted, we can erect a solid wall of resistance against the encroachments which the confederated banks are making on popular rights.

Give immediate attention to every member of Congress and every delegate to the national convention of either party. Notify them that every man representing the people must stand for the people or be branded as a tool of the banks. By your immediate and earnest action you will show your full appreciation of the friends of the people in the Senate and House of Representatives and their great leaders, Senators TELLER, VEST, ALLEN, and others who are standing firmly against the onslaughts of the gold-standard element in Congress.

Let us hear from you at once as to the condition of affairs in your locality, and what action has been taken by the bankers toward bribing or coercing the public men in your vicinity to submit to the dictation of the gold-standard influence. If we can secure evidence sufficiently strong against them, we shall furnish you with information how to proceed against any bank which

is actively engaged in the infamous conspiracy outlined above. In the meantime organize; organize the people as rapidly as possible. For further information address General Secretary of the Knights of Labor, 63 B street NW., Washington, D. C.

Fraternally,

J. R. SOVEREIGN,
General Master Workman.
JNO. W. HAYES,
General Secretary-Treasurer.
T. B. McGUIRE,
H. B. MARTIN,
JAMES M. KENNEY,
C. A. FRENCH,
General Executive Board.

Mr. ALLEN. Mr. President, there has been furnished me also what purports to be a very complete statement of our bonded indebtedness, and, in fact, what purports to be a transcript of the books of the Government, containing the account of our bonded indebtedness. I do not know whether it is correct or not. I have assurances, however, that it is. Anyway, it is of sufficient importance, in my judgment, that it should be read, and I ask leave to make it a part of my remarks.

Mr. GALLINGER. Will the Senator be willing to have it printed in the RECORD without being read?

Mr. ALLEN. Certainly; let it be inserted without being read.

The PRESIDING OFFICER (Mr. SEWELL in the chair). It will be so ordered, in the absence of objection.

The statement referred to is as follows:

United States bonds.

Total amount of United States bonds issued and bearing interest May 22, 1896	$900,935,412.00
Bonds at 2 per cent per annum, date of maturity optional	25,364,500.00
Bonds at 4 per cent per annum ($559,634,000), date of maturity 1907	721,949,400.00
Bonds at 4 per cent per annum ($162,315,400), date of maturity 1925	
Bonds at 5 per cent per annum, date of maturity 1904	100,000,000.00
Bonds at 6 per cent per annum ($9,712,000), date of maturity 1897	53,621,512.00
Bonds at 6 per cent per annum ($29,904,952), date of maturity 1898	
Bonds at 6 per cent per annum ($14,004,560), date of maturity 1899	
Total	900,935,412.00

INTEREST.

(When due, rate, and on what amounts.)

Due quarterly, at 2 per cent per annum, on $25,364,500 for 9 months of 1896	380,467.50
Due quarterly, at 4 per cent per annum, on $559,634,000 for 11 years to 1907	246,238,960.00
Due quarterly, at 4 per cent per annum, on $162,315,400 for 22¾ years to 1925	186,121,658.66
Due quarterly, at 5 per cent per annum, on $100,000,000 for 7¾ years to 1904	38,333,333.33
Due semiannually, at 6 per cent per annum, on $9,712,000 for 1 year to 1897	582,720.00
Due semiannually, at 6 per cent per annum, on $29,904,952 for 2 years to 1898	3,588,594.24
Due semiannually, at 6 per cent per annum, on $14,004,560 for 3 years to 1899	2,520,700.80
Total interest that shall have been paid if bonds are redeemed at maturity, and the $25,364,500 of 2 per cents, January 1, 1897	477,766,434.53

RECAPITULATION.

Principal and interest of United States 2 per cents (redemption optional), 1896	25,744,967.50
Principal and interest of United States 4 per cents (consols), due 1907	805,872,960.00
Principal and interest of United States 4 per cents, due 1925	348,437,058.66
Principal and interest of United States 5 per cents, due 1904	138,333,333.33
Principal and interest of United States 6 per cents (currency), due 1897	10,294,720.00
Principal and interest of United States 6 per cents (currency), due 1898	33,493,546.24
Principal and interest of United States 6 per cents (currency), due 1899	16,525,260.80
Total, principal and interest (the twos being considered as being paid, principal and interest $25,744,967.50, January 1, 1897)	1,378,701,846.53

SUMMARY.

The interest (payable in gold) due on all United States Government bonds now issued as above set forth for one year is	37,602,510.72
Principal and interest due January 1, 1897 (of which amount the payment of $25,364,500 is optional)	36,039,087.50
Principal and interest due January 1, 1898	33,493,546.24
Principal and interest due January 1, 1899	16,525,260.80
Principal and interest due after February 1, 1904	138,333,333.33
Principal and interest due after July 1, 1907	805,872,960.00
Principal and interest due after February 1, 1925	348,437,058.66
Total	1,378,701,846.53

During this Administration there has been added to the bonded debt of the nation—

Bonds at 4 per cent per annum	$162,315,400.00
Bonds at 5 per cent per annum	100,000,000.00
Interest on 4 per cent bonds to maturity	186,121,658.66
Interest on 5 per cent bonds to maturity	38,333,333.33
Total	486,770,391.99

Mr. GALLINGER. Mr. President——

Mr. ELKINS. I ask the Senator from New Hampshire to allow me to occupy the attention of the Senate for a few moments.

Mr. GALLINGER. With the understanding that I may be permitted to follow the Senator from West Virginia, I very gladly yield to him for a short time.

Mr. ELKINS. Mr. President, I want to confine myself particularly to the question of giving the power to the President to sell bonds. I have offered a substitute for the bill under discussion. The bill before the Senate reads as follows:

That the issuance of interest-bearing bonds of the United States for any purpose whatever without further authority of Congress is hereby prohibited.

There would be no objection to this bill if we could always rely upon two conditions: First, that Congress would always be in session ready to act in an emergency; and second, that Congress could or would during its sessions pass a revenue law which would yield money sufficient to maintain the public credit and pay the current expenses of the Government until a succeeding Congress.

It is impossible that Congress can meet these two conditions. It may so happen that a revenue measure such as passed the last Congress and which is now a law will fail to yield sufficient revenue to pay the current expenses of the Government. This may happen for a number of reasons. Business may be prostrated; there may be long-continued panics which would prevent a revenue law from yielding the revenue which had been estimated or contemplated. Then, again, it might be impossible to get a quorum of both Houses of Congress. There might be a state of civil or foreign war in the United States, where more than one-half of the elected members of the House of Representatives or one-half of the members of the Senate would be prisoners of war. This is an emergency, a contingency, which we can not provide against. What, then, would become of the Government if we had to rely upon Congress to provide revenue to meet the demands against the Government? I know such contingencies are not probable, but they are barely possible. Must the Government in such a case come to a dead standstill and go into bankruptcy?

Mr. BUTLER. May I ask the Senator a question?

Mr. ELKINS. Yes, sir.

Mr. BUTLER. Do I understand the Senator from West Virginia to take the position that the President now has the power, and, if he has not, that he should have the power, to raise revenue regardless of Congress?

Mr. ELKINS. Not at all.

Mr. BUTLER. I understood the Senator to say that a particular revenue law might not raise enough revenue to meet the expenses of the Government, and therefore that the President should have the power to issue bonds at his discretion.

Mr. ELKINS. I did.

Mr. BUTLER. Then how will this authority which the Senator claims that the President has to issue bonds help him to raise revenue?

Mr. ELKINS. In reply I will state, Mr. President, that in case there is not sufficient revenue provided for under any revenue law then the Executive should have power to sell low interest-bearing short-term bonds in order to protect the integrity of the Treasury and maintain the public credit.

Mr. BUTLER. You claim that the President has that power?

Mr. ELKINS. I claim he has the power to sell bonds now.

Mr. BUTLER. To raise revenue?

Mr. ELKINS. After money is in the Treasury nobody can sort it out and tell what dollar comes from the revenues or from the sale of bonds. Money once in the Treasury, no matter from what source, the Secretary has the right to use it to pay the obligations of the Government. It is well known that the Secretary of the Treasury for the last two years has been paying out proceeds of the sale of bonds to meet current obligations.

Mr. BUTLER. How can that be done under the Constitution, when it even denies to the Senate the power to raise revenue and vests it in the legislative branch of the Government called the House of Representatives? Is it proposed to take that from the House of Representatives and give it to the President, and do you indorse such a proposition? Is that your position?

Mr. ELKINS. No, sir; that is not my position; not at all.

Mr. BUTLER. Then, does the Senator think that this present Democratic President is more patriotic than Congress, and that this one man can be trusted to meet emergencies and protect the honor and integrity as well as the property and life of the nation better than Congress?

Mr. ELKINS. No, I do not.

Mr. BUTLER. If you do, you had better nominate Cleveland for your Republican candidate for President.

Mr. ELKINS. As Republicans we think we have a better man, whom we will nominate and elect.

Mr. BUTLER. Do you intend to have your man pursue that policy, as far as your opinion goes, if he should be elected?

Mr. ELKINS. I would have him in the interest of the Government sell bonds when it happens that there is no money in the

Treasury to maintain the public credit and pay the current expenses of the Government and prevent it from coming to a standstill.

Mr. BUTLER. You want him to have that authority irrespective of the wishes of Congress or the will of the people?

Mr. ELKINS. I want him to have that power explicitly, definitely, and clearly, of course with the consent of Congress. He could not have it without its consent. I would prefer, of course, always if it could be done, that Congress have the sole power to sell bonds as it has to borrow money. But if it should happen for any reason that Congress should, for want of power to agree or because it can not get a quorum, fail to provide revenue sufficient to meet the needs of the Government, then I favor the President having the power to sell bonds of the Government, preferably low interest bearing, short term bonds.

Mr. BUTLER. Is that the policy of the Republican party?

Mr. ELKINS. That is my judgment, my individual opinion.

Mr. BUTLER. And that is the policy you will try to have the Republican party establish?

Mr. ELKINS. If the Senator will listen to me, I will endeavor to make my position clear to him.

Mr. BUTLER. You intend to support a man for President, and your party will support him, who will take that position.

Mr. ELKINS. I hope he will. I do not know what he will do.

Mr. BUTLER. That is one of the very best reasons why the country should never elect him.

Mr. ELKINS. I think I can fully answer the Senator before I get through, and to do so I shall not detain the Senate long.

I have instanced cases, which might happen, where the Congress of the United States could not be in session, at least where it might so happen that half the Senators might be prisoners of war in a civil or foreign war, and if you take from the President——

Mr. BUTLER. That is a very remote contingency, but if the Senator wants to deal in such vague suppositions, let us suppose the President himself should happen to be taken prisoner of war.

Mr. ELKINS. Then, we would have a Vice-President, and we have the members of the Cabinet to succeed to the great office. We have provided for such an emergency.

Mr. BUTLER. You think that is probable enough to have this Congress turn over its most important legislative power and function to the President?

Mr. ELKINS. Not at all. I do not want this Government to be put in a worse position than an individual, but I do want the Government to have the same rights and the same privileges that an individual, firm, or corporation has. Why deny to the Government the right to borrow money under all possible conditions? If I can find an indorser and make a note acceptable to my banker I can borrow money, and perhaps save myself from bankruptcy. Why not give the Government the same power? I can not think it wise to pass this bill. It prohibits the President from selling bonds for any purpose whatever. The position which I assume from a business standpoint is entirely unanswerable. The Senator from North Carolina can not answer it.

Suppose another case. Suppose that there should occur in one branch or the other of the Congress of the United States a deadlock, such as we have now in the Senate. We can not now pass a bill without the consent of the three parties in the Senate, the Senator's party being one of them. If this deadlock should be prolonged two or three years, and there should be no money in the Treasury, how are we to carry on the Government? As I said to the Senator, I favor the power being given the President explicitly, definitely, and clearly to sell bonds of the Government, under proper conditions and restrictions, to tide over any emergency. I do not care what that emergency may be; I do not care if it is to maintain the public credit or pay current expenses. I confess I would like that power to be given to the President in case there should be a failure of revenue.

Mr. BUTLER. Does the Senator from West Virginia prefer to borrow money and pile up debt to meet the expenses of the Government? If we can not meet expenses now, when will we ever be able to pay our debts?

Mr. ELKINS. I prefer to have the Government economically administered. I do not want to increase the public debt if it can be avoided. The Republican party for thirty years has constantly reduced the public debt. It has never increased the interest-bearing debt and, if it can have its way, never will. The strange practice or doctrine of increasing the interest-bearing public debt of the country came in vogue when the Democratic and Populist parties took full possession of the Government in all of its departments.

Mr. President, I do not look upon this bill as involving the question of the administration of the Government, whether economically and wisely or extravagantly. I look upon just what the bill means and what it says, that the President of the United States shall not have power to sell bonds except with the consent of Congress. Primarily I say that is correct and that is good doctrine, but I want to bring the attention of the Senate from a business standpoint to a condition of affairs which might occur in this Government when it would be wise and in the interest of the Government and the people that the President should have the power to raise money by the sale of bonds, if Congress did not provide it, to carry on the Government and pay its current expenses or any other obligations. This is a fair proposition, and it seems to me any business man will agree to it. Every business man, firm, corporation, or individual in the United States has that power, and certain Senators would take it from the Government under certain conditions.

Mr. BUTLER. Does the Senator from West Virginia mean that he thinks the American people should ever be taxed without the consent of their representatives in Congress?

Mr. ELKINS. Surely not; no, never, I will answer the Senator. So far as this talk about the President is concerned, I will say that I am not here to attack this or any Administration or to raise any partisan question. The President of the United States is a part, a coordinate branch, of this Government.

Mr. BUTLER. Is he a part of the legislative branch?

Mr. ELKINS. Yes; he is in a certain sense. Laws can not be made without his approval. He is equal to two-thirds of both Houses together under certain conditions.

Mr. BUTLER. Unfortunately.

Mr. ELKINS. If Congress and the people can not and will not trust the Executive of this Government, then the Government will soon come to an end. No matter if we had a Populist as President to-morrow, and no matter if we had unlimited paper money, or silver money, or gold money, I would favor the proposition that the President should have power to sell bonds under proper restrictions. This bill does not raise the question as to the kind of money for which the President may sell bonds. It does not raise any of these issues about money or the currency. I want to place this question above partisanship. I want to so provide in the laws of the land that this Government can not stop, can not be starved to death, no matter what emergency may occur or what crisis may come, and no matter what kind of money may be current.

But, Mr. President, it is possible, as I have said, that a revenue law may fail to produce sufficient revenue, and Congress may not be able to get together. What are we to do under those circumstances? The very case that is now before the Senate may occur in a more intense form, where we may have a deadlock and can not pass any revenue bill at all. The Government is going into debt every day, and every business man in the country knows it. We are to inaugurate a President on the 4th of March next. He may be a Populist, a Republican, or a Democrat, but no matter to what party he may belong, he will be our President—he will be the President of the United States—and during the first ninety days of his Administration he will have to sell bonds to raise money. We do not want, nor is it expedient, that we should take the power from him to sell bonds. On the contrary, under proper restrictions and conditions, the President, no matter to what party he may belong, should have clear and explicit authority to sell bonds. Are the Populists here on the floor ready to deny the President this authority? Are the silver men ready to do it? Are the Democrats ready to tie the hands of the Executive and to pass a bill that the Government shall come to a dead standstill and repudiate its obligations? That is the question I ask the Senator from North Carolina.

Mr. BUTLER. I will answer that question gladly. For the relief of the Senator from West Virginia, I want to say that on the 4th day of next March, when we inaugurate a People's Party President of the United States [laughter], then, instead of continuing to borrow money, we shall have the mints thrown open to the free and unlimited coinage of silver; we shall then stop the drain of gold from the Treasury, and we will stop the bondholders from demanding gold on Government obligations, and if they do demand gold we will not borrow it to get it for them, but we will pay them, according to the letter and spirit of the contract, in coin of the same standard value as that which existed when the law of 1870 was passed. We will pay them in the money that their contracts call for; we will exercise the option of paying in silver or gold. When we do this there will be no more raids upon our Treasury, and no more bond issues. That President will send a message to Congress asking this body to repeal the resumption act, so that succeeding Presidents (if, unfortunately for the country, they should happen to be Republicans or Democrats) can not abuse the law of 1875 to issue more bonds. That President would stop the policy of contraction; would urge Congress to to increase the circulating medium as fast as population and business increase. He would advise the abolishment of national banks, and have all money issued direct by the Government, and many other good things.

Mr. CHANDLER. Will the Senator from North Carolina tell me the name of the President? Let me get the name, and I will not go any further. [Laughter.]

Mr. ELKINS. I can not yield further.

Mr. BUTLER. Does the Senator want me to turn myself into a nominating convention? I will tell him the name of the next President of the United States on the 22d of July next. I will send him the news from St. Louis by telegraph.

Mr. ELKINS. We have heard something about the tailors of Tooley street getting together and running the world. I do not think the next President is going to be a Populist.

But listen to what the Senator says. He says, "We, the Populists, are going to repeal the resumption act, we are willing to starve the Government, and do divers and sundry things"; but how are you going to do all these things if you happen to have a Republican Senate here, and if you happen to have a Republican House of Representatives? You will have to get the consent of Congress to do any or all of these things.

Mr. BUTLER. The People's Party will attend to that.

Mr. ELKINS. We shall not have the People's Party in a majority in the Senate or in the other House, if you will allow me to differ with you, nor will you have the President.

Mr. BUTLER. We shall see.

Mr. ELKINS. I want to ask the Senator and all who are like disposed as he is, how they propose, in case we should have a Populist President, to carry on the Government without selling bonds? I mean in case your party should elect a President, how are you going to pay the expenses? It is impossible. The next President will inherit a bankrupt Treasury; this is inevitable. And to make matters worse, you propose to refuse him the authority to sell bonds even for the purpose of paying just debts. This will never do. The proposition is bad—bold, bald repudiation.

Mr. BUTLER. We shall try to live within our income.

Mr. ELKINS. You can not live within your income under the appropriations already made; you have not the money; and the next President of the United States will have to borrow money, no matter who he is. Why not look at the case as it is, right in the face, and say you are willing to stand before the world as repudiating just obligations and as a bankrupt, without any wish or desire to pay your debts?

We are the richest nation in the world unquestionably, and we are adding to our national wealth at the rate of $15,000,000 every twenty-four hours. But that does not count in the eyes of the world when we get into the unfortunate condition we are now in, where our Treasury is without sufficient means to pay current expenses. Europe interprets it that we are bankrupt, and Europe refuses to loan us money. There is no Populist State in the Union but wants to borrow money. There is not one of them but wants more railroads, more mines opened, more development. We are a borrowing nation. We are as yet in our infancy; and the Populists and those they represent go to New York and go to Europe with their hands wide open asking to borrow money, and yet they make it impossible to borrow it by the adoption of such measures as this.

Such bills as the one under consideration destroy confidence; they unsettle business. This Government has been for three years and six months dragging on the rocks, on the verge of bankruptcy, and nearly the whole country has been in the same condition so far as business is concerned. The people can scarcely make ends meet. I do not object to the discussion of the silver question, nor the gold question, nor the currency question. I think all these things do good in their way and are a benefit to the country; but I think, as a business man, that it is time Congress should call a halt and give the country some repose. I mean, stop useless agitation. First one thing happens and then another to disturb and unsettle confidence in the money centers of the world. The last one is that the President of the United States shall be stripped of the power to sell bonds for any purpose whatever.

Mr. DANIEL. Will the Senator allow me?

Mr. ELKINS. Yes, sir.

Mr. DANIEL. I wish to ask the Senator what has become of the large supply of confidence which was to be brought to the country by the great Republican proposition to repeal the purchasing clause of the Sherman law? If I remember aright, the leader of that party then said on this floor that we should have prosperity and confidence within ten days from the time of the repeal of that law.

Mr. ELKINS. I will answer the Senator.

Mr. DANIEL. What has become of that prosperity and confidence?

Mr. ELKINS. I was not one who shared in that prophecy. The Sherman Act and all of the agitation for its repeal originated largely with Mr. Cleveland and his party as the best means to draw attention from the fright that fell upon the people and the country after they realized that they had elected a free-trade President on a free-trade platform and the threatened panic that followed. All the trouble, fear, and anxiety that followed Mr. Cleveland's election was set down not to the fact that he had been elected on a free-trade platform, but to the Sherman Act. The Sherman Act had little to do with bringing on the panic that followed Mr. Cleveland's inauguration. The panic and distress that came upon the country were due mainly to the fact that the people began to realize that business would be prostrated; that labor would be without employment by mills and factories closing down.

Mr. DANIEL. If the Senator will allow me a moment further—I do not want to interrupt him—but, if he will remember, the proposition to repeal the Sherman law was made by the Senator from Ohio [Mr. SHERMAN] himself, and was repeated in this body in February, 1893.

Mr. ELKINS. That is true.

Mr. DANIEL. The Democrats were then deluded into adopting a Republican proposition, and I am afraid the Senator, with his persuasive voice, might do it again, and that is the reason I call attention to it.

Mr. ELKINS. I thank the Senator.

We all know, Mr. President, the proposition to repeal the Sherman Act was brought forward by Democrats, fostered by Democrats, and I admit helped by some Republicans. The Democratic party had, in my judgment, its purpose and plan in view when that proposition was brought forward, but I want to say that almost all the promises made to the country to follow the repeal of the Sherman Act have failed; and why? They have failed because under the Wilson-Gorman law and under its operation the business of the country has been depressed and confidence destroyed. We have not had enough revenue to carry on the Government. I did not believe, as a great many of my fellow-Republicans believed at the time, that the Sherman Act was the cause of all the evils and all the financial ills which then rested upon the country. They were due largely to threatened free-trade legislation which followed after the inauguration of Mr. Cleveland the second time.

As I said before, without any partisan feeling whatever, looking at this as a plain business proposition, I want the Government, under all conditions and circumstances, and our President, whoever he may be, to have the power during every moment of this Government's existence to borrow money by selling bonds whenever for any reason it occurs that there is no money in the Treasury. Why deny that power to the Government? I know the Constitution says Congress shall have power to borrow money, but this does not prevent Congress from conferring power on the President to sell a 3 per cent five-year bond to realize money to pay the debts of the Government when for any reason the money in the Treasury is exhausted. This is a wholesome power to prevent national dishonor and national bankruptcy, and this is the power for which I contend.

Mr. PERKINS. Will the Senator from West Virginia allow me?

Mr. ELKINS. Certainly.

Mr. PERKINS. If the Senator will pardon me for interrupting him, I should like to ask him a question. He is a lawyer and a distinguished statesman, as well as a business man, and he states this as a business proposition, and therefore, as a business man, I desire to ask him if he is a member of any corporation—railroad, banking, manufacturing, or other—which delegates the power of that corporation to its president and secretary to borrow money? He will be obliged to answer, I am sure, in the negative, because the directors meet, and by proper resolutions authorize the loan to be made or the bonds to be issued. It is possible that under the law the board of directors may not have the power to borrow this money. What do they then do? They call a meeting of the stockholders of the company and they, by resolutions, authorize the board of directors to perform such and such an act. We are simply the trustees of the people; we are elected here to represent them for a purpose; and I believe the people are too loyal not to support this Government. But pardon me for lengthening out the question to such an extent.

Mr. ELKINS. This is the same proposition in another form. Because the Senator from California is a business man, I wish to answer his question from a business standpoint. Take the case of a corporation, where the trustees or directors, if you please, have the power to borrow money. Suppose that for any reason the directors do not have a meeting for a year or two years, and the president would have to carry on the business of the corporation without them. Does the Senator from California mean to say here and now that he would take the power from the president to borrow money to save the corporation from bankruptcy and ruin when the directors did not meet? That is the proposition. What will become of his corporation? Suppose they owed $100,000, and suppose they had a good note and could get it discounted, should the power be taken from the president to get the note discounted?

Mr. PERKINS. The corporation would go into the hands of a receiver. That is just what I am contending for.

Mr. ELKINS. I do not want this Government to go into the hands of a receiver. This is what I want to prevent. I do not want any corporation with which I am connected to go into the hands of a receiver, especially because the directors will not authorize the president to get the notes of the corporation discounted,

nor does the Senator from California want his corporation to go into the hands of a receiver.

Mr. PERKINS. No; I agree with my friend the Senator from West Virginia, and that is the reason why we want to obtain the power from the people to issue bonds, and not permit the president or secretary to issue them without the authority of the corporation or the people.

Mr. ELKINS. In the event that Congress fails to pass a revenue bill, and there is no money in the Treasury, what do Senators who favor this bill propose? I want to ask if they propose that the Government shall starve and die—go out of existence—simply because Congress will not trust the President to sell a few bonds to pay just debts and meet a crisis or emergency.

There are more ways to destroy this Government than by war. Congress can destroy its credit, and then the Government.

I do not know what is the reason of the apparent antagonism to the President. The President is a part of the Government. He is entitled to the respect, the support, the loyalty, and the confidence particularly of the Congress of the United States and of the people. When you embarrass the President in the matter of preserving the integrity of the Treasury, maintaining the public credit, and paying just obligations, you embarrass the Government. When you embarrass the Government you embarrass the people, because the Government is but the instrumentality of the people to perform their will. I wish to have located somewhere in the Government the power to sell bonds to pay the current expenses when Congress for any reason fails to provide sufficient revenue.

Senators talk as if this were a new proposition. England, governed by wise, able, and far-seeing statesmen, meets this question broadly. Whenever there is a shortage in the revenue for any reason, the Government has the power to sell exchequer notes at low rates of interest, running five years. Just the other day, although England is in a prosperous condition, she sold £5,000,000 of those exchequer notes to provide needed revenue. You can not find a government which has not that power, and you can not run a government long without it. When you get three parties in the Senate and have a deadlock and take from the President the power to sell bonds, you will bring the Government to a standstill. I do not know whether or not that is in the mind of the Senator from North Carolina and those who favor the bill.

Mr. STEWART. Will the Senator from West Virginia permit me?

Mr. ELKINS. Do you want to stop the Government? What have you against the President?

Mr. STEWART. Will the Senator from West Virginia allow me to ask him to explain a little provision in the Constitution?

Mr. ELKINS. I will come to that later.

Mr. STEWART. I should like to have an explanation from the Senator.

Mr. ELKINS. I have heard that provision of the Constitution and have already referred to it.

Mr. STEWART. Will the Senator——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Nevada?

Mr. ELKINS. I wish the Senator from Nevada would excuse me. I am taking the time of the Senator from New Hampshire [Mr. GALLINGER]. He wanted me to finish my remarks, so as to proceed with his speech. I promised him not to speak longer than fifteen minutes.

Mr. STEWART. There is a little provision to borrow money——

Mr. ELKINS. I know what that is, and the Senator does too.

I trust I have made myself plain. I have not meant to appeal to party feeling in anything I have said. If the Populists come into power and we have the Senate Chamber full of greenbacks, and there is no prospect of getting gold, I say give the President power to sell bonds even for greenbacks, if necessary to carry on the Government. I would give it to him cheerfully and willingly, just as I would to a Republican President to sell bonds for gold. Why not treat the Government as well as you would an individual? I have power to sell my note for money so long as I have credit. That is one of the powers I possess under the law of the land. Why not give the Government the same power under all conditions?

This bill does not raise the question of the coinage of silver. It simply takes power from the President which, under certain conditions, he should have in the interest of the Government and the people. Every government in the world has the power. I am opposed to the bill. It is mischievous, because even now, while the deadlock continues in the Senate, every proposition to raise revenue is voted down by one side or the other. That has occurred within the last three months and the last three days. We go on making appropriations and make no provision for revenue. The President of the United States is sworn to uphold the Constitution. He is expected, in the discharge of his duty, to carry on the Government, and any President would be considered recreant if he did not do all in his power to protect the credit of the Government.

Mr. BUTLER. Will the Senator from West Virginia pardon me for a moment? The Populist Senators stand here ready—and they have so stood every day this session—to give six votes to help pass any measure in the interest of the welfare of the American people. You propose a revenue measure which is highly protective, to give special benefits to a few people, and we say to you that if you will couple with it a measure to increase the ability of the people to pay taxes and to add to their general prosperity, to give relief to the South and West, we will join hands with you and pass the measure. But we will never agree to pile taxes upon the people for the special benefit of a favored few while the great masses of the wealth producers of this nation have no relief, but have additional burdens placed upon their shoulders.

If that is your policy, then you are responsible for nothing being done. You are the few who stand by the protected interests and refuse to do anything to relieve the Treasury or to give relief and prosperity to the people. If you will just turn your back for one moment upon the idol of protective interests and take a broad, patriotic view and propose some measure that will be fair and equitable to the American people, you will get six votes from the People's Party to help you to pass it.

Mr. ELKINS. Every time we approach the proposition to raise money each party has its own particular notions as to how it should be done. That is what I am arguing—that you can not pass a revenue bill even now. The Republican party proposes a measure which on principle has had the sanction of the Government, in one way or another, for thirty years; yes, since its foundation. It is at once opposed and called protecting a favored few. It is called legislation in the interest of individuals, and so it is. Each party can find some objection. That is just what I am complaining about. I credit the Senator from North Carolina and his party with sincerity; I credit the Democratic party with sincerity; I credit the Republican party with sincerity. But these parties can not agree on a revenue bill.

Mr. BUTLER. I am willing to compromise——

Mr. ELKINS. The Senator must excuse me. I have been interrupted too much already.

The PRESIDING OFFICER. The Senator from West Virginia declines to yield.

Mr. ELKINS. What I complain of is that we can not agree. Suppose the Senate fails to agree for two or three years and no revenue is provided? Is the Government to stop, languish, and die? That is the question. I do not want to bring party politics into this question. I do not want to make a financial speech. I simply desire to have the power lodged in the President, under certain conditions and restrictions, to be able to sell bonds to maintain the credit of the Government. I am greatly obliged to the Senator from New Hampshire [Mr. GALLINGER] for his courtesy in allowing me to speak and take so much of his time.

Mr. GALLINGER. Mr. President——

Mr. STEWART. Will the Senator from New Hampshire pardon me for one moment? There is an old document here, more than a hundred years old, which appears to have been overlooked in this discussion. It may have some influence, and I call attention to it.

Mr. GALLINGER. The Senator simply wants to read from it and not to make a speech?

Mr. STEWART. Yes.

Mr. GALLINGER. I will allow the Senator to read it.

Mr. STEWART. Section 1 of Article I of the Constitution reads as follows:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 8 of the same article reads as follows:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

Mr. MITCHELL of Oregon. What is the title of the document the Senator reads from?

Mr. STEWART. It was formerly known as the Constitution of the United States. [Laughter.] But it appears to have been abrogated, and inasmuch as it is seriously contended that the power to borrow money is lodged in the President and ought of right to remain there, I think it well to call attention to the instrument. It may have something to do with the question.

Mr. PLATT. Will the Senator from Nevada allow me to ask him a question?

Mr. STEWART. Certainly.

Mr. PLATT. How does Congress borrow money?

Mr. STEWART. It can pass a law authorizing the borrowing of money.

Mr. PLATT. That is what we have done, and that is what the Senator wants to have repealed.

Mr. STEWART. We have not passed any law authorizing the borrowing of gold. There is no such law on the statute books. It is a bold usurpation, and the Senator from Connecticut knows it well. The borrowing of gold for the benefit of the gold gamblers without authority of law has brought dire distress upon this country.

Mr. GALLINGER. Mr. President, on the 15th day of the present month I introduced in the Senate a resolution as follows:

That the widespread business depression and rapid increase of the public debt demonstrates that the existing tariff does not produce sufficient revenue, and that a revision of the law is imperatively demanded in the interests of the people of the United States.

It was my purpose to make this resolution a text for some remarks on the question of the tariff, but as a subject is now before the Senate upon which I can properly speak, I propose to avail myself of the opportunity at this time.

Mr. President, there is, as I believe, one way, and one way only, to secure a return of prosperity to the people of this country, and that is by the repeal of the existing tariff law and the enactment of a law that will compel the manufacturers and importers of foreign goods to liberally contribute toward the support of our Government, which will be in the interests of all classes of the American people. Believing this, I propose to occupy a little time in discussing the tariff question, holding, as I do, that when a proper revenue bill is passed the necessity for the sale of interest-bearing bonds will no longer exist.

Mr. President, two years ago, in the month of May, 1894, the Senate, as in Committee of the Whole, had under consideration the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes; which bill, as finally enacted, is now the law of the land. In opposing that measure I then felt it my duty to lay before the Senate an accurate historical analysis of American tariff legislation from the day the Pilgrims placed their feet on Plymouth Rock down to that time, in order that the people of the country might be acquainted with the great fact that impartial history teaches that protective tariffs have always brought prosperity to the people of the United States, while low tariffs have invariably disturbed business, prostrated industries, and brought suffering and want to the laboring masses of our people. I endeavored to show that the history of our country for more than a hundred years had established a principle that had proved to be as invariable as the law of gravitation and as inexorable. That principle is that whenever free trade, or a tariff for revenue only, has prevailed, or there has been a threat of either, with a probability that that threat would be executed, we have had widespread business depression, lack of confidence, lack of credit, stoppage of business, lack of employment, bankruptcy, disorder, and ruin, with all their attendant evil consequences. This rule is not a matter of opinion nor of argument, but of stern, impartial, and unimpeachable history.

Having completed the historical analysis of tariff legislation in this country, I availed myself of the kind indulgence of the Senate to conclude with two contrasting pictures, the first depicting the prosperity that would immediately follow the assurance that protection was to be the established policy of the nation, the second a suggestion of the distress and ruin that would inevitably come upon the country should the measure then pending be adopted. I also ventured the prophecy that if the Wilson-Gorman bill should be enacted into law the American people would rise in their might, irrespective of former political affiliations, and elect a Congress that would reenact laws that would restore to our statute books the kind of legislation that throughout our entire history had brought employment, prosperity, and happiness to all classes of our citizens.

Mr. President, the Democratic majority gave no heed to the historical record, nor to the signs of distress everywhere apparent in consequence of the universal doubt and uncertainty that followed close upon the defeat at the polls in November, 1892, of the party that had established and maintained protection for more than thirty years. They had even then seen the literal fulfillment of the notable prophecy of Mr. Blaine, made in these words:

The business men of the country, fearing the destruction of the principles of protection, will decline to engage in business; consequently mills will shut down, and the workingmen will be thrown out of employment. The people will then see, as they have never seen before, that they can not be prosperous and have work while the principle is threatened. In the midst of their sufferings they will learn that the only way they can be prosperous and happy is to vote for the party that has built up the industries by which they have gained a livelihood; because they will then see clearly that when the manufactory is shut down there is no demand for the only thing which they have to sell, and that is their labor.

But neither the history of the past nor the fulfillment of Mr. Blaine's prediction had the slightest influence upon the leaders who controlled the legislation of that session. They were as blind to the real meaning of what was going on in the country as was President Cleveland when, in August, 1893, he wrote:

With plenteous crops, with abundant promise of remunerative production and manufacture, with unusual invitation to safe investment, and with satisfactory assurance to business enterprise, suddenly financial distrust and fear have sprung up on every side.

Numerous moneyed institutions have suspended because abundant assets were not immediately available to meet the demands of frightened depositors. Surviving corporations and individuals are content to keep in hand the money they are usually anxious to loan, and those engaged in legitimate business are surprised to find that securities they offer for loans, though heretofore satisfactory, are no longer accepted.

Values supposed to be fixed are fast becoming conjectural, and loss and failure have involved every branch of business.

Those leaders knew that the great Southern wing of the Democratic party had determined to establish the doctrine of free trade in this land and that they would be assisted by their Northern allies, as Mr. Blaine had foreseen they would be. The passage of the Wilson-Gorman bill was therefore a foregone conclusion. It was not all that the Democratic House of Representatives had intended it should be, for it was materially amended in the Senate, which led President Cleveland to say in his letter to Mr. CATCHINGS—in which he gave his reasons for allowing the bill to become a law without his signature—that there were Senators who—

Had stolen and worn the livery of Democratic tariff reform in the service of Republican protection.

And therefore, said he—

Trusts and combinations—the communism of pelf—whose machinations have prevented us from reaching the success we deserved, should not be forgotten nor forgiven.

But although the President refused to sign the bill because it was too protective, and refused to accept its results as the close of the war for tariff reform, in that same letter to Mr. CATCHINGS he said of it:

And yet, notwithstanding all its vicissitudes and all the bad treatment it received at the hands of pretended friends, it presents a vast improvement to existing conditions. It will certainly lighten many tariff burdens that now rest heavily upon the people. It is not only a barrier against the return of mad protection, but it furnishes a vantage ground from which must be waged further aggressive operations against protected monopoly and governmental favoritism.

Mr. President, with the indulgence of the Senate, I propose to show what "vast improvement to then existing conditions" has been made since the President permitted this bill to become a law; what tariff burdens have been lightened that, he claimed, then rested heavily upon the people; what a "barrier against the return of mad protection" it has proved to be, and what a splendid "vantage ground" it has furnished to free-trade Democracy from which to wage "further aggressive operations against protected monopoly and governmental favoritism."

EFFECTS UPON AGRICULTURE.

Now, Mr. President, agriculture has been fittingly termed "the mother of all industries." Because of it the civilized world "lives, and moves, and has its being." In noticing some of the "vast improvements" that President Cleveland said would follow the operations of the present tariff law let us begin with agriculture. The census of 1890 gave the number of farms in the United States as 4,564,641, comprising a total acreage of 623,218,619, of which 357,616,755 were improved and 42.6 per cent unimproved. The average size of these farms was 137 acres. The total area in farms of the 5 great States of Illinois, Ohio, New York, Pennsylvania, and Iowa was 124,668,158 acres; the total value of the land, buildings, and fences was $5,057,557,375, and their average value per acre was $40.57. These 5 States contain about 20 per cent of all the farms of the country. The farmers of these, as of their sister States, have acquired some new ideas as to what the President considers "a vast improvement," but they call it by another name. For instance, they do not think there has been any improvement in sheep husbandry; but they have known ever since they read the President's third annual message of December 6, 1883, that he had no accurate knowledge on that subject. Then he said:

I think it may be fairly assumed that a large proportion of the sheep owned by the farmers throughout the country are found in small flocks numbering from twenty-five to fifty. * * * When the number of farmers engaged in wool raising is compared with all the farmers in the country, and the small proportion they bear to our population is considered; when it is made apparent that in the case of a large part of those who own sheep the benefit of the present tariff on wool is illusory, etc.

They forgave that ignorance at the time. They have had good reason since then to regret that they were so merciful. Here are some of the reasons for their sorrow: I will give in parallel columns the free-wool value on the farm in June, 1894, and the lowest value of the same kind of wool on the farm prior to March 4, 1893, when a Democratic President and a Democratic Congress assumed control of the Administration of the country and immediately announced that wool must be placed on the free list. The farmers of this country do not consider a falling off from 25½ cents to 10 cents a pound, or from 11 cents to 2½ cents, an improvement. Certainly the old tariff on wool was anything but "illusory." The farmers know that protection did protect wool. The following table shows that there is nothing "illusory" in their belief on that point. It shows that American wool, under ten

years of protection, averaged 9½ cents per pound higher than wool of the same kind and quality in the free-trade markets of the world, and that after wool was put on the free list American wool was 5½ cents per pound lower than similar wool in the markets of the world:

A comparison of the course of the American and London wool markets during the ten years from 1885 to 1894, showing that domestic wool under ten years of protection averaged 9½ cents per pound higher than foreign of the same kind and quality, and under free trade was 5½ cents per pound lower.

	Average price, 1885 to 1894.	Under protection American higher than foreign.	Price at the close of 1895, as compared with average of ten years.	Price March 1, 1896.	Under free trade American lower than foreign.
American, Ohio XX, washed.	$0.3122	$0.09½	40.74 per cent less.	$0.18½	$0.05½
Australian, Port Philip, unwashed superior.	.2170	.....	5.99 per cent more	.24	.....

There is no industry more sensitive to the effect of favorable or unfavorable tariff legislation than sheep husbandry, as is illustrated by the history of four succeeding periods. The first was under the tariff law of 1867, when the duties upon imported wool were about 12½ cents a pound, which rates furnished adequate protection. During the last four years of that period, from 1880 to 1884, the flocks increased 25 per cent.

The second period began when the tariff law of 1883 went into operation, which decreased the wool duties from 12½ to 10 cents a pound. A blunder in the wording of that law also removed the compensatory duties from manufactures of wool. Cloth made of Australian combed wool was admitted, under the commercial name of worsteds, at lower duties than were imposed upon all other cloths. The result was that American manufacturers were crippled, and while there was a nominal duty of 10 cents per pound upon wool, American woolen mills were so injured by the importation of so-called worsteds as to injure the market for wool, and the 10 cents per pound nominal duty on wool failed to prevent a decrease in the flocks. Scoured wools, under the name of waste, were also then admitted at only the duty of unwashed. An attempt was also made, aided by the Administration then in power, to remove wool duties. Under these combined discouragements the flocks decreased 18 per cent in four years, and the destruction of sheep was only arrested by the election in 1888 of a President and Congress favorable to protection upon wool.

The third period showed an increase in the flocks from General Harrison's election in 1888 until President Cleveland was inaugurated in 1893. The prospect of increased protection to wool, with suitable compensatory duties upon manufactures of wool, which were afterwards embodied in Schedule K of the law of 1890 (the McKinley law), gave a new stimulus to sheep industry, and during this period the flocks increased 13 per cent.

The fourth division covers the free-wool period of the existing tariff law. The policy of this Administration toward wool, announced by President Cleveland in his inaugural message, was enacted into law in the Wilson-Gorman tariff passed in 1894. The certainty of the removal of wool duties and the actual accomplishment of that fact was discounted in the low free-trade price of wool, and the flocks have continued to be slaughtered in countless numbers until the number of sheep estimated on hand January 1, 1896, shows a decrease of 19 per cent since 1893. There were no more sheep in the United States on January 1, 1896, than there were in 1880. Commenting on the effect of the wool schedules of the McKinley tariff on sheep husbandry, the American Economist, that earnest, ably conducted, and most reliable advocate of protection, to which I am indebted for most of the foregoing statements, recently said:

The rate of increase of American wool under protection was greater than in any other nation of the world.

During the last twelve years of the tariff law of 1867, including the year 1884, one year after that law had been repealed, but before the effect of the repeal was visible, the wool clip of the United States doubled. The clip of 1873 was 170,000,000 pounds, which had increased to 340,000,000 pounds in 1884—an increase of 100 per cent. The greatest increase in any other nation of the world in this period was Australia, where the increase was only 64 per cent. At the Cape of Good Hope the increase was 60 per cent, and in the Argentine Republic 55 per cent. In Great Britain, the only country where the climatic conditions were at all similar to those in the United States, and the only country named in this comparison where sheep have to be fed crops during the winter months, the wool clip decreased 19 per cent under free trade, while in the United States, during the same years, the wool clip increased 100 per cent, although our winters are much more severe than those of Great Britain. The difference clearly illustrates the effect of protection and free trade upon the sheep and wool industry in the North Temperate Zone.

The Chief of the Bureau of Statistics has furnished some valuable information as to the imports of wool into the United States, and it shows the countries whose farmers are gathering the golden harvest that should have been reaped by our own. The following figures, compiled from his returns, tell their own story. There is nothing "illusory" about this table:

WHERE THE WOOL CAME FROM.

From—	1894.	1895.
	Pounds.	*Pounds.*
United Kingdom	38,576,307	109,583,124
France	5,294,040	13,098,048
Germany	730,020	882,770
Other European countries	13,005,422	20,279,230
South America	17,389,350	37,164,467
British North America	2,009,597	7,396,571
China	19,834,427	23,711,306
Asia and Oceanica	13,704,742	20,140,146
Other countries	3,872,405	16,855,526
Total	115,836,220	248,989,217

Mr. GRAY. May I ask the Senator a question?

Mr. GALLINGER. Certainly.

Mr. GRAY. By whom were those importations made?

Mr. GALLINGER. I presume largely by the manufacturers of the country.

Mr. GRAY. To be worked up into fabrics in this country?

Mr. GALLINGER. Unquestionably so, sooner or later.

Mr. GRAY. And employ American labor to do it?

Mr. GALLINGER. Mr. President——

Mr. MORRILL. Will the Senator from New Hampshire allow me?

Mr. GALLINGER. With pleasure.

Mr. MORRILL. I understand that at the present time there are something like between two and three hundred million pounds of wool unsold in this country.

Mr. GALLINGER. There is unquestionably an enormous amount of wool in the warehouses of this country and no call for it at the present time.

Mr. MORRILL. And the statement of the manufacturers is that 64 per cent only of the manufactories are now employed.

Mr. GALLINGER. A little later in this discussion I shall endeavor to show to the Senator from Delaware that under the operation of the free-wool doctrine of the Democratic party American woolen mills are largely idle at the present time, and that in such as are not idle the hands employed aggregate but a small portion of those employed under the policy of the Republican party.

Mr. President, the wool that was imported into this country in 1894 and 1895 cost comparatively as follows:

THE MONEY THAT IT COST US.

To—	1894.	1895.
United Kingdom	$5,531,409	$17,391,043
France	736,914	2,131,842
Germany	70,582	95,494
Other Europe	1,443,582	1,861,213
South America	1,444,960	3,717,574
British North America	480,446	1,358,785
China	1,342,985	1,510,372
Other Asia and Oceanica	1,682,682	2,783,576
Other countries	529,002	2,261,070
Total	13,262,512	33,016,159

In other words, the American people in 1894 paid for imported wool $13,262,512, while in 1895, under free wool, they paid $33,616,159. And yet it was contended by the Democratic party that free wool would stimulate sheep husbandry in this country.

Here are some additional statistics that show that there was an increase of wool imports in 1895 of 115,341,405 pounds over the average importations of the preceding four years, and that this cost us in gold an increase of $16,818,883 over the average of any one of the four protection years:

Imports of wool.

Calendar year.	Pounds.	Value.
1891	139,217,571	$18,798,402
1892	167,784,490	21,191,639
1893	111,752,908	13,953,549
1894	115,836,820	15,862,512
Protection average	133,647,812	16,951,276
1895	248,989,217	33,770,159
Free trade, increase	115,341,405	16,818,883

That the protective tariff on wool was not "illusory" is evident from the following facts. The total number of sheep in the several

sections of the Union and their value in the years 1892 and 1896 are given in the following table:

	Number.		Average price.		Total value.	
	1892.	1896.	1892.	1896.	1892.	1896.
New England	1,241,805	621,691	$3.58	$2.18	$3,943,035	$1,360,542
Middle States	2,802,656	1,994,882	3.89	2.34	10,726,950	4,661,919
Southern States	9,152,562	7,153,615	2.07	1.45	17,548,081	10,361,282
Western States	14,027,755	9,983,336	2.99	1.98	43,635,724	19,731,972
Pacific States	7,730,849	6,893,498	2.47	1.65	18,491,047	11,325,601
Rocky Mountain States and Territories	9,982,738	11,652,461	2.37	1.52	21,776,453	17,728,359
Total for the United States	44,938,365	38,299,483	2.58	1.70	116,121,290	65,167,675

Evidently the "illusory" feature came in when the farmers of this country voted for a change that caused a decrease of 6,638,882 in their flocks, a loss of 88 cents per head in the average value of the sheep that remained, and a total loss in the value of their flocks of $51,012,615. This is one of the "vast improvements" that the Wilson-Gorman tariff bill is responsible for.

Depreciation in farm values and in live stock values are briefly summarized in the following tables. These show how absurd the claim was that "vast improvements" would result from the Democratic tariff:

Depreciation in farm values.

	Value.		Total values.	
	1891.	1895.	1891.	1895.
Corn ... per bushel	$0.406	$0.264	$836,439,228	$567,509,106
Wheat ... do	.839	.509	513,472,711	237,938,998
Rye ... do	.548	.44	* 25,542,000	11,984,828
Oats ... do	.315	.199	232,312,267	163,655,068
Cotton ... per pound	.086	.076	297,377,014	259,164,640
Hay ... per ton	8.39	8.35	411,110,000	393,185,615
Potatoes ... per bushel	.673	.266	83,475,000	78,984,901
Wool ... per pound	.17	.09	52,258,256	28,486,705
Barley ... per bushel	.54	.337	40,500,000	29,312,413
Buckwheat ... do	.534	.452	6,948,000	6,936,325
Tobacco ... per pound	.084	.072	† 40,000,000	35,574,000
Totals			2,539,434,476	1,810,712,597

* Cincinnati Price Current. † Clapp's.

Depreciation in live-stock values.

	Value per head.		Total values.	
	Jan. 1, 1892.	Jan. 1, 1896.	Jan. 1, 1892.	Jan. 1, 1896.
Sheep	$2.50	$1.70	$116,121,270	$65,167,735
Swine	4.60	4.35	241,031,415	136,529,745
Milch cows	21.40	22.55	351,378,132	363,955,745
Other cattle	15.16	15.86	570,749,155	508,958,416
Horses	65.01	33.07	1,007,593,636	500,140,186
Mules	75.55	45.29	147,882,070	103,204,457
Total values			2,434,755,678	1,677,926,284

These tables show the alarming fact that the—

Annual loss on crops in four years has been	$728,721,879
Annual loss on live stock in four years has been	756,829,394
Being a total annual loss to farmers	1,485,551,773

Mr. PEFFER. For what length of time?

Mr. GALLINGER. There has been an annual loss for each of the last four years on live stock and farm values of $1,485,551,773.

Now, Mr. President, if the farmers of the country continue to lose money at the rate of nearly one and a half billion dollars a year, how long will they remain solvent and independent? This startling exhibit of the losses in the value of live stock on our farms is an illustration of the "vast improvement" that was promised by President Cleveland. Live stock that was worth nearly $2,500,000,000 on January 1, 1892, in the good times of McKinley protection, was worth $756,829,394 less money to the farmers exactly four years later, and after three years' experience with a Democratic Administration. Can we wonder that farmers in every section of the country, while studying the low value of their live stock, should determine to restore the policy of protection and prosperity by voting for Republican candidates for Congress and for the Republican candidate for the office of President?

A MATTER OF HISTORY.

Before leaving the field of agriculture it is interesting to note the fact that in the earlier days of the Republic there were Democratic statesmen who thought that the interests of American agriculture would be advanced by increasing the duties on articles of foreign growth or manufacture to a protective point. The annals of the Eighteenth Congress, first session, bear record that when the debate on the tariff bill was pending the House Committee on Agriculture, pursuant to instructions, investigated this subject, and through its chairman, Mr. Van Rensselaer, of New York, handed in a short report, which contained the following salient points:

1. Whatever increases the consumption of its products, whether home or abroad, necessarily advances the interests of agriculture.
2. He who cultivates the soil looks to a market for his surplus products, the home market being at all times preferred to the foreign when the reward is equal, the home market being less precarious, more permanent and certain, and beyond the reach of foreign hostility.
3. It favored an increase of duties on many foreign articles to promote agricultural prosperity. Manufacturers would open up a new market and a new demand would be created for domestic raw material.
4. If the manufactured articles then consumed by our people could all be made at home from the raw material furnished by ourselves, the value of our lands would be increased and agricultural profits augmented.
5. The extension of domestic manufactures, depending on the production of such raw materials as can be found in this country, must increase the demand for those materials and of course secure a new and ready market.
6. As to the articles of foreign growth to which an increase of duty should apply in order to promote the prosperity of our agriculture, the duty should embrace every "raw material" found or procured with ease, cheapness, and in abundance in the United States.
7. An increase of duty would not decrease the sale of our surplus products abroad, because those nations purchase from motives of self-interest or necessity and not from favor.
8. As to the amount of duty which should be imposed, it should be sufficient to secure the exclusive and constant demand for our raw material, competent to build up and protect those manufacturing establishments at present in the country, and which, with a reasonable encouragement, will present a constant demand for those raw materials.

James Buchanan, of Pennsylvania, then a member of the House, favored this feature of the bill, and said:

> If I understand the principle of this bill, it is that a moderate additional protection shall be afforded to those manufactures the raw material of which either is or may be made abundant in this country. When this raw material is a product of agriculture it has a peculiar claim to our favor, because by that means the agricultural interest will be promoted.—*Annals Congress*, 18th, volume 2, page 1890.

It will be seen that in those good old Democratic days protection on raw materials was advocated; and the wisdom of the Democratic Congressmen of that era is in striking contrast with the folly or prejudices of those who passed the existing tariff law.

MANUFACTURERS AND EMPLOYEES.

Mr. President, when mills and factories are running to their full capacity and finding a ready market for all that they can produce, there is a demand and steady employment for labor, from the lowest to the highest grades, at good wages, and every line of business in the entire country is benefited. There is a home market for the products of field, garden, and orchard, for the wares of the merchant, and for all the necessaries and the luxuries of life. The fishermen along our coasts and on the Great Lakes are rewarded for their toil, as are also the farmers and market gardeners, and all who provide sustenance for man or beast. The statistics of the growth of manufacturing in this country from 1860, which was the last of fourteen years of free trade, to 1894, when the Democratic party gave protection what was intended to be its death-blow, present a remarkable array of figures, and inasmuch as men who are employed at good wages consume much more than when they are idle or working for small pay the figures are of interest to farmers as well as others.

In 1860 there were 1,312,000 wage earners employed in our diversified manufacturing industries. In 1870 the number had increased to 2,054,000, a gain of 74,000 a year. In 1880 they numbered 2,740,000, an increase of 59,000 a year. In 1890 there were 4,712,000 employees, an increase of 196,000 a year, and in 1892 there were over 5,300,000 hands at work, a further increase of more than 300,000 a year under protection. In 1860 these workers received $380,000,000 in wages, or $289 per hand. In 1890 the pay roll amounted to $2,282,000,000, equal to $485 for every man, woman, and child so employed. In 1890 the wage earners of the country, under protection, had $196 per capita more money to spend than in 1860 under free trade. During that time, aided by and as the legitimate and almost invariable result of protection, labor steadily gained on capital in the division of the earnings. In 1860 labor received $44.50 and in 1890 $54.50 out of each hundred dollars' worth of net products, while capital had $55.50 in 1860 and $45.50 in 1890. Labor advanced from $289 to $485, or 70 per cent, while capital went from $361 to $408, an advance of only 40 per cent. This shows a difference in favor of labor of 30 per cent. In 1860, under the free-trade policy, $785 of capital and $790 worth of raw material gave employment to one hand who produced $1,438 in finished goods. The value of products over cost of material was $650. Of this sum labor received $289, or about 44½ per cent, while capital had $360, or about 55½ per cent, for expenses and profits. In 1890, under the protective policy, it required $1,385 of capital and $1,095 in raw material for each hand employed. The finished product amounted to $1,988, or $893 above cost of material. Of this amount labor received $485, or about 54½ per cent, while capital

had $408, or about 45½ per cent, reversing in the interest of labor the division of net products. While the capital required to keep one hand employed had to be increased 76 per cent from 1860 under a free-trade policy to 1890 under protection, and the needed raw material was over one-third greater, the product of labor was only increased 38 per cent. The increase in earnings over the cost of material was $243 per hand. Of this increase labor received in enhanced wages $196 while capital only received $47 as its share of this gain.

THE TRIUMPH OF PROTECTION.

To understand the significance of these figures we must remember that from 1861 to 1865 the country was engaged in waging the greatest civil war of history; that it was a period of terrible waste and destruction, and that when it ended one extensive area of our country was ruined and its labor system completely destroyed. It lacked both money and credit, and had, besides its lands, only the brave hearts and the strong hands of its men on which to depend for its rehabilitation. Then, too, many of the great industries that had grown up in the North and West to supply the Army and Navy with war supplies of every kind had to be converted to other uses, while at the same time there were restored to civil life and to the ranks of industry many hundred thousand men who had followed the flag. The nation was staggering under the burden of an immense debt and a depreciated currency. It had also to deal with the vast question of reconstruction, and to bring about harmony and brotherly love between the people of the South and those of the loyal States. It was protection that enabled the country to overcome all these difficulties, to restore the credit of the Government, to meet current expenses and carry forward great national improvements, to pension the wounded and the bereaved, to bring the vast amount of paper currency to a par with gold, to reduce by large annual payments the national debt and the heavy interest charges it carried, and to do all this with so little friction and with such steadily increasing prosperity that all civilized nations, who had watched with wonder the sublime struggle, were still more amazed at the splendid statesmanship that carried the country through its myriad perplexities and made it stronger in all that constitutes national power and national prosperity.

The years 1892 and 1893 saw the culmination of this grand period of national progress. Then influences that had been long and insidiously at work to cause a reaction finally succeeded, and in the election of 1892 administrative and legislative control was wrested from the party that for more than thirty years had carried the country onward and upward. Since then the people have been realizing more and more with each passing day how grossly they were deceived, and what a fearful blunder they were led to commit.

If it be true—and all our experience proves that it is—that national prosperity stimulates industry and creates a demand for labor that must increase the wages of workingmen, it is equally true that cheaper imported competitive commodities must destroy national prosperity, and the demand for labor must decrease in proportion to the importation, because all competitive importation supplants home production, thereby reducing the rate of wages. It has been well said that—

> It does not lie within the brain of mortal man to frame any law that can determine for the whole people a fixed rate of wages without destroying personal liberty. The prosperity of every nation is measured by the prosperity of the masses, which is determined by the rate of wages they receive. Freedom, personal liberty, and national prosperity can not continue when the wage earner is poor and dependent.

But before the passage of the Wilson-Gorman bill, during all our thirty years of prosperous progress, each wage earner had in the long run secured his fair remuneration for his services and had been as independent and free and as self-respecting as any other citizen.

LABOR STRIKES.

A recent report of the United States Commissioner of Labor on labor strikes and lockouts during the period from 1881 to June 30, 1894, gives some statistics that throw a strong side light on this subject. Summarizing briefly the result of the years 1891 to 1894, we have the following results:

	Number of strikes.	Employees made idle.
1891-92, 24 months	3,016	505,735
1893-94, 18 months	2,291	747,980

Loss to employees.

	Strikes.	Lockouts.	Total.
1891-92, 24 months	$25,574,336	$3,739,722	$29,314,058
1893-94, 18 months	38,176,519	7,116,632	45,293,151

Loss to employers.

	Strikes.	Lockouts.	Total.
1891-92—24 months	$11,322,979	$2,311,968	$13,634,947
1893-94—18 months	18,963,361	1,630,904	20,594,265

During the years 1891 and 1892 the country was under an Administration favorable to protection.

During the later period, to June 30, 1894, we were afflicted with a free-trade Administration for sixteen months, and the certainty of it during theother two months.

During the free-trade year and a half there were 242,245 more employees made idle by strikes than in the two full years of protection.

During the free-trade year and a half the loss of wages to employees was $15,979,093 more than in the two full years of protection.

During the free-trade year and a half the loss to employers of labor was $6,959,318 more than in the two full years of protection. Bringing the facts down to an average monthly basis, we have the following:

Monthly averages.

	Protection, 1891-92.	Free trade, 1893-94.	Free trade increase.
Employees made idle	21,072	41,554	20,482
Wage loss of employees	$1,221,419	$2,516,296	$1,294,867
Loss to employers	$569,123	$1,144,126	$575,003

During the present free-trade Administration there were 20,482 more employees idle every month, through strikes or lockouts, than during the protection period. The loss of wages to employees was $1,294,867 a month more under Mr. Cleveland's régime, and the loss to employers was $575,003 a month more. Both employers and employees have common ground and good reason to oppose anything that will ever help to restore to power an Administration favorable to free trade.

THE BALANCE OF TRADE.

The Democratic argument in favor of free trade has been condensed into two phrases: First, "If we do not buy, we can not sell;" second, "Give our manufacturers free raw materials, and we can command the world's markets." The statistics of the United States Treasury fully refute these specious arguments. The statement of our exports and imports for 1895 may be thus summarized:

	Twelve months ended December 31—	
	1894.	1895.
Domestic exports	$807,312,116	$807,775,849
Foreign imports	676,312,941	801,626,638
Favorable balance	130,999,175	6,149,211

In 1894, with four months of the free-trade tariff bill, we still had a balance of trade in our favor amounting to $130,999,175. But with a full year of the "perfidy-and-dishonor" tariff law the whole of this favorable trade balance was wiped out with the exception of a paltry $6,000,000. Note that our exports were practically the same in each year, but the wiping out was done by an increase of $125,000,000 in our imports for 1895. The following are the official free trade and protection records of imports and exports for the periods specified:

Protection and free-trade imports.

From—	Value for year ended—	
	June 30, 1894 (last McKinley year).	December 31, 1895 (first Gorman year).
Europe	$295,077,865	$431,514,024
North America	166,922,559	139,012,043
South America	100,148,107	117,306,447
Asia	66,186,397	87,049,876
Oceanica	21,457,923	18,253,341
Africa	3,479,338	6,786,323
All other countries	1,683,433	1,741,836
Totals	654,994,622	801,663,490
Free-trade increase in imports		146,668,868

Before leaving the field of agriculture it is interesting to note the fact that in the earlier days of the Republic there were Democratic statesmen who thought that the interests of American agri-

in raw material for each hand employed. The finished product amounted to $1,988, or $893 above cost of material. Of this amount labor received $485, or about 54½ per cent, while capital

Protection and free-trade exports.

To—	Value for year ended— June 30, 1894 (last McKinley year).	December 31, 1895 (first Gorman year).
Europe	$700,870,822	$634,503,492
North America	119,693,212	114,174,471
South America	33,212,310	34,131,572
Asia	20,872,761	19,221,535
Oceanica	11,914,182	13,846,401
Africa	4,923,850	8,519,116
All other countries	653,426	465,888
Totals	892,140,572	824,862,475
Free-trade decrease in exports		67,278,097

Thus we had as a result of one year of a free-trade tariff an increase in imports of $146,668,868 and a decrease in exports of $67,278,097, being a total loss in one year of $213,946,965.

The free-trade orators must find better arguments than the two I have quoted if they wish to convince people that they are right. Facts are against them. But the United States Treasury has an abundance of telling statistics that show how unreasonable and fallacious are these arguments. From the following table it will be seen that during the four years 1890–1893 England bought a little over two and one-half times as much from us as she sold to us, and for 1892, a year in which the McKinley bill was fully operative, she bought over twice as much as she sold us. An inspection of the table also proves that in general the less we have bought of England the more she has bought of us. From 1893 to 1895 the excess of exports was $65,000,000 less than from 1890 to 1892, proving clearly that under a policy savoring of free trade the Britisher sells us more and buys less from us. In 1895 the excess of exports was nearly $100,000,000 below the excess in 1894. So much for tariff reform.

Table showing (in millions of dollars) exports to the United Kingdom, imports from the United Kingdom, and the excess of exports over imports for the years 1888 to 1895, inclusive.

Year.	Exports to the United Kingdom.	Imports from the United Kingdom.	Excess of exports over imports.
1888	358.24	177.90	180.34
1889	379.99	178.27	201.72
1890	447.90	186.49	261.41
1891	445.41	194.72	250.72
1892	499.32	156.30	343.02
1893	421.13	182.86	238.27
1894	431.06	107.37	323.69
1895	387.16	159.11	228.05

One more quotation from the Treasury records before I pass to other subjects.

The following is the summary of Europe's tariff account with the United States for the year ended December 31, 1895:

	Value for year ended— June 30, 1894 (last McKinley year).	December 31, 1895 (first Gorman year).
Purchases	$700,870,822	$634,503,492
Sales	295,077,865	431,514,024
Balance	405,792,957	202,989,468

Europe's increased sales	$136,436,159
Europe's decreased purchases	66,367,330
Europe's total gain in one year	202,803,489

FREE RAW MATERIAL.

Mr. President, no one feature of this free-trade tariff subject is more interesting or instructive than the gratification that the Wilson-Gorman measure has afforded to our British cousins. The passage of that act was a godsend to all the textile mills of Yorkshire, to the cutlers, the potters, and various other British manufacturers who have been drawing more gold from us of late than they have handled before in many years. At the annual meeting last February of the A. S. Henry Company, Limited, of Bradford, one of the largest of the Anglo-American shipping houses of that city, Sir Henry Mitchell, chairman of that company, said:

When the shareholders assembled twelve months ago it was at the close of a very trying and very difficult year, and the directors had to put before them business results which were considerably less than the average for a number of years past, and even less than in any year since the company was formed. He was very glad to meet the shareholders with a very much more satisfactory report and very much better results. [Hear! Hear!] As they would see from the balance sheet, the net divisible profits were about £46,000 more than they were last year, and nearly £20,000 more than the highest amount realized since the company was formed. He hoped that the results

would be considered satisfactory. Then, speaking of the general prospects of trade, he said those shareholders who were at the last annual meeting would remember that he held out some hope of improved trade, and stated that the company had orders on their books of upward of £500,000 to commence the business of the year. He was now very glad to be able to say that at the present time the orders amounted to nearly £1,000,000. [Applause.] So that their prospects, at any rate, were somewhat encouraging for the new year.

It will be observed that the first year of our Democratic tariff with free wool enabled a British woolen manufacturing concern to record profits of "the highest amount realized since the company was formed." It also began the second year of our free-trade experiment with orders on hand that amounted to nearly $5,000,000. No wonder the British stockholders greeted these remarks of Sir Henry with "applause" as they compared the annual reports of 1894 and 1895, a digest of which is given in the following parallels:

A. & S. Henry Company, Limited, Bradford.

Annual report, 1894.		Annual report, 1895.	
Profit	£63,910	Profit	£95,708
Dividend	5 per cent	Dividend	7 per cent
Reserve fund	£85,000	Reserve fund	£100,000
Carried forward	£910	Carried forward	£16,708

Although only a 7 per cent dividend was paid, yet the chairman explained that the company had really earned 12 per cent, but that this was one of the years when it was prudent to add a large sum to the reserve fund. Possibly he was anticipating Republican success in this country next November. This is not a manufacturing, but a mercantile company, that handles the various goods of that district, and does an enormous trade with the dry goods merchants of the United States. But others, equally capable of talking business, have testified to how British manufacturers have profited by American folly. At the thirty-fifth annual meeting of the Chamber of Commerce of the United Kingdom, held March 12 to 14, inclusive, Sir Albert K. Rollit, its president, said:

American tariff reform has (notwithstanding the adverse influence of the resurrection of the silver question) so far stimulated our exports of cotton goods as to have doubled their value in February as against January, to have increased the quantity from eleven to eighteen million yards during 1895 as against the corresponding period of 1894, and to have made this year's shipments exceed those of two years ago in both quantity and value. Similarly there have been larger linen shipments to the States for both the last month and the two months of the present year, while in woolens the advance in values has been three times and in worsteds four times more than in 1894, and in quantity quite 400 per cent. So, too, the same beneficial influence has made itself felt in great increases during both the month and year and in both quantity and values of our consignments to America of cutlery, rails, and iron and steel goods generally, and more especially of tin plates, as also in earthenware and china, and to the extent of 600 per cent in shipments of raw wool.

Let me make a quotation to show how all Yorkshire has felt the reviving influence of that tariff measure, which has nearly paralyzed the woolen industry of the United States, but has revived and made prosperous scores of mills in Bradford and the great manufacturing district of which it is the center. A recent issue of the New York Tribune contained a long letter from its very careful and critically observant London correspondent, in which the great revival of business in the Bradford district is described at length. In part the correspondent says:

After a long series of lean years the Bradford district has been blessed with a fat one.

This correspondent goes on to say:

The American tariff was changed in 1890, and the Bradford trade with the United States in men's coatings, which had amounted to $6,500,000 in 1889, dropped to $2,500,000 in 1891, and after a temporary revival during the next two years fell again to $1,300,000 in 1894. In like manner the exports of stuff goods, which had averaged $3,000,000 in 1890, sank to the low level of $2,200,000 in 1894. The old and the new industries of Bradford suffered alike from the McKinley tariff, which largely increased the duties on stuff goods and coatings. It was a period of profound gloom for the entire district. The reaction came when the duties on goods for the American market were reduced about one-half in the Wilson tariff, and when also bright mohair and similar lustrous fabrics were again fashionable for women's wear. A well-informed specialist, whose figures I take from an exhaustive industrial review of the Bradford trade published in the London Times, states that the exports of coatings to the United States rose from $1,275,626 for the year ended September 30, 1894, to $6,575,052 in 1895 at a corresponding date. This increase of nearly 600 per cent reveals the full effect of the Wilson tariff during the first year when it was in operation. The export of stuff goods during the same period ran up from $2,200,000 to $8,375,000. It was virtually quadrupled, but a portion of this increase in the export of bright fabrics may fairly be accounted for by the change of fashion. On the basis of the consular statistics for the year ended December 30, 1895, the results of the repeal of the McKinley tariff may be enlarged considerably. The export of worsted coatings to the United States was $8,561,228; that of stuff goods, $9,748,527. The entire Bradford trade with the United States during 1895 ran up from $8,215,234 to $27,745,096.

Business improved with every portion of the world, but the largest gain was in the trade with the United States; and this was mainly due to the reduction of duties on woolen and worsted goods. The point which I am now seeking to emphasize—

Continues this correspondent—

is the fact that whatever may have been the effect of the new wool schedule upon competing American manufacturers, or the price of wool, or the cost of clothing, the reduction of duties has powerfully promoted the fortunes of the Bradford district. This has been a year of unexampled prosperity. In

the worsted trade alone 130,000 operatives are employed in the West Riding of Yorkshire, and they have had uninterrupted work on full time. During the busiest portion of the last year there was a scarcity of labor, and hundreds of young women who had gone into domestic service returned to the mills. Every worsted and woolen mill in West Yorkshire has been running on full time. Some of the old properties which had been standing idle for many years started up again under the impetus of the revival of the popularity of lustrous fabrics. The entire woolen district, with Leeds and Huddersfield, brought within a radius of a dozen miles from Bradford, contains a population exceeding 900,000, and its prosperity during the last year has been shown by unmistakable signs. There has been no lack of employment; the savings of the working class have largely increased, as is proved by the returns of the savings banks; manufacturers and merchants have had the best trade known for many years, and, in the main, there has been a rising market in prices, with fortunes to be rapidly made in certain lines of goods.

Another exultant English correspondent exclaims:

Under the Republican tariff Bradford exported worsteds worth $2,200,000 to the United States. Under the Wilson tariff last year Bradford exported $8,375,000 of worsteds to the United States. Bradford has $6,175,000 in pocket that she would not have had if Professor Wilson were not a statesman. Hurrah for Bradford! Hurrah for Professor Wilson! And damn the United States!

Now, what has happened in those British mills because of free wool and the reduced duties on woolens and worsteds under the Wilson-Gorman tariff has been exactly reversed in those industries in this country by the operation of the same law. The most accurate information respecting this is to be found in the annual reports of the Massachusetts bureau of labor. As the old Bay State does at least a fourth of the woolen manufacturing of the country, the statistics compiled there for the past five years probably furnish the best obtainable information of the condition of that industry in this country. The latest compilation covers a period of five years, from 1890 to 1894, inclusive. It gives the following statistics:

	1890.	1891.	1892.	1893.	1894.
Capital invested	$28,271,436	$27,835,204	$28,440,826	$25,554,880	$24,094,195
Stock used	$19,461,068	$21,162,373	$21,390,933	$16,674,542	$13,019,911
Goods made	$31,151,139	$33,989,399	$35,673,477	$28,061,654	$22,284,958
Number of establishments	138	138	142	115	115

This exhibit represents a substantial growth of the woolen manufacturing industry from 1890 to 1892, the value of the product made increasing by $4,500,000 in 138 establishments within the two years. A contrary condition, however, was experienced with startling results in the two subsequent years, when the output of the factories decreased by nearly $13,400,000, and the factories decreased 17 in number. Taking next the employment of labor, we find it to have been as follows in the same factories:

	Hands employed.				
	1890.	1891.	1892.	1893.	1894.
Average number	16,816	17,479	18,199	15,857	14,261
Smallest number	15,054	16,007	16,289	11,240	10,163
Greatest number	18,426	18,821	19,545	18,581	16,763

It naturally follows that more employment was given to labor in the woolen mills of Massachusetts in 1892 than in either of the two preceding or subsequent years, the average number employed that year being 1,833 more than in 1890, and nearly 4,000 more than in 1894. Turning next to the wages paid to labor in the woolen mills of that State, we find the amount of the average earnings to have been as follows:

Year.	Total paid.	Average yearly earnings.
1890	$5,607,885	$369
1891	6,616,442	379
1892	7,061,211	388
1893	5,833,015	371
1894	4,887,984	343

Here again, not only was the aggregate total the largest in 1892, but the average earnings of each man were greatest in that year. A circulation of $1,400,000 more wage earnings in 1892 than in 1890 must have meant greater general prosperity in the manufacturing centers of Massachusetts, and the falling off of money circulation by nearly $2,200,000 in 1894 must have had a dampening effect on business prosperity. An increase in the average yearly earnings of $20 per employee, followed by a decrease of $45 a year, represents a very startling condition in the value of labor. Taking the reports for the five years we are enabled to make another interesting comparison of the value of the goods made in 101 different woolen establishments for each year from 1890 to 1894, showing the increase or decrease in the value and per cent as compared with the previous year. These facts are here given.

Goods made in 101 different establishments.

Year.	Value of goods.	Increase (+) or decrease (—) as compared with previous year. Value.	Per cent.
1890	$27,378,680		
1891	30,170,615	+$2,791,935	+10.20
1892	31,035,734	+ 865,119	+ 2.87
1893	26,063,456	— 4,972,278	—16.02
1894	20,963,039	— 5,100,417	—19.80

It will thus be seen that in these 101 establishments the increase in the output was $2,791,935 in 1891, a gain of 10.20 per cent over 1890. In 1892 the further increase was $865,119, or 2.87 per cent. This improvement did not last, for in 1893 there was a decrease of almost $5,000,000, or 16.02 per cent, and again in 1894 a still further decrease of $5,160,417, or 19.80 per cent, in the output of the woolen mills. The condition of the woolen industry of Massachusetts is probably as good if not better than of the remaining mills of the country. Evidently the same law that carried peace, plenty, and prosperity to the woolen manufacturers of Great Britain has depressed the same business on this side of the ocean and made it unprofitable.

In New Hampshire the woolen industry is very seriously crippled. In Cheshire County there are eight woolen mills, employing in good times about 1,200 operatives. Recently the Keene Sentinel made careful inquiry of the managers of these mills, three of whom are Republicans and three Democrats, and note the result. The Sentinel of April 18, 1896, says editorially, under the caption of "Silent Looms":

No important business has been so disastrously affected by the Wilson-Gorman tariff law as the manufacture of woolens. All over the country the experience seems to be the same—inability to cope with English competition and the consequent closing of the mills in whole or in part, or, if the mills keep up their production, the profits are miserably small. Our mills in Cheshire County have suffered with the rest. Mill owners have lost profits, laborers have lost work, and storekeepers have lost trade. Hinsdale and Ashuelot have been struck the hardest blow. They were lively places a year ago. Now their principal industrial establishments are closed and the towns are quiet beyond precedent. Everybody in the two villages feels the hard times and almost everybody curses the Wilson law.

The loss in labor and wages owing to the depression in the woolen business is astonishingly large. In good times, say in the fall of 1892, the woolen mills of the county were employing 1,200 hands and paying out in wages about $36,000 a month. At present the same mills are employing not quite 400 hands and are paying in wages between $11,000 and $12,000 a month. In other words, the number of laborers employed and the aggregate amount of wages have been reduced two-thirds. These figures are compiled from statistics obtained from the manufacturers and are most of them found in the detailed statements given below.

Following is a comparison by mills of hands employed and aggregate monthly wages paid before the passage of the Wilson law and now:

	Hands employed. Good times.	Hands employed. Now.	Wages paid. Good times.	Wages paid. Now.
Haile & Frost	375	30	$12,000	$1,200
Thayer	300		7,000	
Dickinson	89	65	2,500	1,800
Faulkner & Colony	65	65	6,000	6,000
Cheshire Mills	115	115		
Amidon	100		4,000	
Gilsum Woolen Co.	75	50	2,500	1,300
Collins	70	65	2,100	1,600
Total	1,180	390	36,100	11,900

The proprietor of another large woolen mill in New Hampshire wrote me a few days ago: "Our business has been, and is now, as poor as poor can be."

What a commentary that is upon the Democratic contention that free wool and low tariff are of advantage to the manufacturer and the laborer. Free wool has almost entirely destroyed the woolen industry of this country, and has thrown out of employment thousands upon thousands of honest and intelligent American workingmen for the benefit of foreign mills and foreign labor.

Recently the New York Press made some inquiries among New England woolen mills, with the idea of showing their condition now as compared with a year ago. Returns from 32 mills were received, and the following is the result:

Mills shut down	14
Mills on quarter time	10
Mills on eighth time	5
Mills on half time	1
Mills practically closed	2
Operators practically idle	7,500
Estimated annual wages of these operators one year ago	$3,000,000
Estimated annual wages of operators to-day	$375,000
Loss to the country in wages	$2,625,000
Loss to the country in native raw material, say	$6,000,000

Beyond a doubt these woolen mills have shut down or reduced their force with much execration of free traders. None of the shoddy mills have shut down. They are busy making the best possible product they can that will compete with the looms in the British ragshops. Free trade in raw wool is closing American woolen mills, while it promotes the industry of the European ragpicker and of the British shoddy shops.

And what is true of the woolen industry of the country is relatively true of almost every other industry. On every hand complaints are heard, and the army of the unemployed is bitter in its denunciation of so-called tariff reform. All kinds of business is suffering. A few weeks ago I received a letter from the senior member of a business firm in New Hampshire which has been engaged in manufacturing since 1813. He is a quiet, conservative man, but he writes as follows:

I assure you the business situation is serious with all of us, and unless the Congress wakes up to the real situation there will certainly be some demonstration similar to the one at Chicago. I think I understand the position of the Senators, but I am afraid they do not realize the actual situation of the business men all over the country, who have been dragging along as best they could for the past two years, not making a cent profit, but shrinking their capital and plants in order to keep doing something until the tide turns, if it ever does, and if they can hold out.

That gentleman was making a plea for the passage of the so-called Dingley bill, which had passed the House of Representatives, and the consideration of which was voted against by every Democratic Senator.

A SUMMARY OF THE SITUATION.

Mr. President, manufacturing is fearfully depressed, workmen are either out of employment or working for reduced wages, one-half the railroad mileage of the United States is in the hands of receivers, and the Government is borrowing money to pay its current expenses. In this connection a comparison between the workings of the first nineteen months of the McKinley and the Wilson-Gorman law will be instructive. During the first nineteen months of the McKinley law the receipts of the Government exceeded the expenditures $24,988,221, while during the first nineteen months of the Wilson-Gorman law the expenditures exceeded the receipts $76,257,515.

It is estimated that when the heavy payments of June, July, and August come along they will bring the total deficiency up to nearly or quite a round $100,000,000 by the end of the second year of the new law's work. There have been but three months in the nineteen in which the law has been in operation in which it did not create a deficiency, and the prospect is not cheering for anything better. It seems impossible for the new law to reach more than about $26,000,000 or $27,000,000 in its monthly receipts, thus making the deficiency from $3,000,000 to $6,000,000 a month on an average, running up some months to $9,000,000 or $10,000,000.

The public debt was reduced as follows during the four years of the Administration of President Harrison:

1889	$120,668,600
1890	104,540,790
1891	114,783,990
1892	25,499,790
Total reduction for the four years	365,493,170

Now note the effect of the Democratic triumph of 1892. Since then the public debt has steadily increased, the increase for 1893, 1894, and 1895 being as follows:

1893	$7,770
1894	50,004,790
1895	81,160,170
Being a total increase of	131,172,730

for the years 1893, 1894, and 1895, and the debt continues to pile up every month of the present year.

Interest-bearing bonds have been sold by the present Administration to the enormous amount of $262,000,000, which when paid, with interest added, will aggregate about $500,000,000, every dollar of which the taxpayers of the country will have to sacrifice on the altar of that miserable Democratic heresy called "tariff reform."

The following is an accurate statement of the Treasury account on May 1, 1896:

Cash in Treasury March 1, 1893	$124,128,087
Cash added by sale of bonds, premium added	293,454,272
Total	417,582,359
Cash in Treasury May 1, 1896	270,099,690
Expenditures in excess of receipts	147,482,669

History has simply repeated itself. The result of the present low tariff is precisely the same as this country has experienced from every other similar law that has been passed since the Government was organized. Under it, while our own mills are half idle and our own laborers working on part time with decreased pay, our British rivals are waxing fat over profits lugged away from this market. It is a curious condition of things, and interesting just as a study of the possibilities of human folly. We pass a tariff act to prostrate our manufacturing industries. We adopt a British system to ruin our farming industries. Then we borrow money with which to pay our running expenses, and finally we try to keep gold in the Treasury by making agreements to pay out more than we take in.

The Republican party loudly proclaimed what the result would be if the McKinley law was repealed and a tariff-for-revenue law substituted. Before that folly was consummated the two eminent Republican statesmen who are to-day more prominently before the American people than any others sounded a note of alarm, which ought to have been heeded by the American Congress. Let me quote their utterances:

Major McKinley, of Ohio, the great apostle of protection, declared as follows:

A revenue tariff encourages no home enterprise; it supplies employment to no American workingman; it takes employment from him because in the encouragement of foreign importations it diminishes the demand for American products. It is an enemy to the American shop and the American workingman, to American prosperity and American industrial independence. It embraces not a single element of patriotism. It has no national spirit or instinct. To supply the needs of the Treasury is its chief and exclusive concern; it has no other. It is a sure precursor to national poverty, national bankruptcy, and individual distress. It is the forerunner of hard times. It is without a single worthy triumph. The years in which it has been tried in the United States excite neither our respect nor pride. It has furnished no inspiring page in our history. Its record has been one of deficient revenues, gathered bonded indebtedness, and universal want among the people.

Mr. President, in the light of events those words sound like prophecy, and I commend them to the careful attention of the American people. And the great Speaker of the National House of Representatives, Mr. REED, in talking to the Democratic majority in the Fifty-third Congress used this instructive language:

I confess to you that this question of wages is to me the vital question. To insure our growth in civilization and wealth we must not only have wages as high as they are now but constantly and steadily increasing. [Loud applause on the Republican side.] No applause for this sentiment, I notice, on the Democratic side. This desire of mine for constantly increasing wages does not have its origin in love for the individual, but in love for the whole nation in that enlightened selfishness which recognizes the great truth that your fate and mine, Mr. Speaker, and the fate of your descendants and mine are so wrapped up in the fate of all others that whatever contributes to their progress gives to us all a nobler future and a higher hope.

Those two utterances embody the very essence of the tariff question, and with them this discussion may well be closed.

Mr. President, what I said in this Chamber two years ago has been literally verified, and it will be emphasized in the elections to be held this year. The people have decreed the overthrow of the Democratic party and the election of a Republican President. The blight of tariff reform will in due time pass away, and it will be demonstrated that only through a return to genuine American protection can prosperity be renewed and the country be enabled to enter upon another period of commercial and industrial success. That change is inevitable, and when it comes the gloom and distress of the present will be exchanged for the joy and the gladness that the music of the loom and the spindle brings to the heart of the American toiler. Then American capital and American labor will produce most of what we consume, and a home market will be ready for the products of the farm. Then the deficit in our revenues will give way to a surplus, and American homes will be cheered and comforted, because American skill and American genius will be employed at remunerative wages. Speed the day when the doctrines and disasters of free trade will give way to the grand Republican doctrine of protection to American capital, American labor, and American agriculture.

Mr. DANIEL and Mr. PETTIGREW addressed the Chair.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The Senator from Virginia.

Mr. PETTIGREW. I desire to have the conference report on the Indian appropriation bill laid before the Senate.

The PRESIDING OFFICER. The Chair will recognize the Senator from South Dakota for that purpose.

Mr. PETTIGREW. The conference report has been printed.

Mr. DANIEL. I had wished to submit some remarks this evening, if the Senate will indulge me. I hope the Senator will not interrupt me.

The PRESIDING OFFICER. Does the Senator from South Dakota desire to proceed with the conference report?

Mr. PETTIGREW. I think it is important that we should do so. I understand that there will be discussion in regard to it, and it ought to be disposed of, as the conferees have not reached a full agreement.

Mr. WALTHALL. Is this a request for unanimous consent to proceed to the consideration of the report or is it a motion to take it up? The report was made yesterday.

The PRESIDING OFFICER. The Chair understands that it is in order to call up the report at any time without a motion.

Mr. WALTHALL. I do not so understand the rule, sir. It is in order to present a conference report, but I think it has to be taken

up by a vote of the Senate. There is no doubt about that, I presume, under the rule.

The PRESIDING OFFICER. The Senator from South Dakota will state the situation of the report.

Mr. PETTIGREW. I made the report yesterday, and stated that I desired to have it printed for the purpose of calling it up to-day. I think the RECORD will so show.

Mr. WALTHALL. It has to be taken up on motion.

Mr. PETTIGREW. I will listen to the ruling of the Chair on that point.

The PRESIDING OFFICER. It is the impression of the Chair that under those circumstances the report is a privileged question and can be called up at any time; that the report does not lose its privilege by having been printed.

Mr. WALTHALL. I ask the Chair to have the rule read.

Mr. PASCO. Rule XXVII covers the point.

Mr. WALTHALL. Let Rule XXVII be read.

The PRESIDING OFFICER. Rule XXVII will be read.

The Secretary read as follows:

RULE XXVII.

REPORTS OF CONFERENCE COMMITTEES.

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

The PRESIDING OFFICER. The Chair continues under the impression that having the report printed does not make it lose its precedence. Of course the question of consideration can be raised.

Mr. PASCO. That is raised.

Mr. WALTHALL. That is the question I have raised.

The PRESIDING OFFICER. The Chair will then submit the question to the Senate.

Mr. GORMAN. I trust the Senator in charge of the conference report will permit it to go over until to-morrow, in view of the fact that the Senator from Virginia desires to address the Senate.

Mr. PETTIGREW. Very well. I will allow it to go over, but I shall call it up the first thing after the routine business to-morrow morning. I give that notice.

Mr. WALTHALL. There is no unanimous consent given that the report shall be taken up at that time. I wish that understood.

Mr. PETTIGREW. I suppose it will be taken up under the rule.

Mr. WALTHALL. Yes; taken up by a vote.

The PRESIDING OFFICER. The Chair understands that it is in order for the Senator from Mississippi to object to the consideration of the report when it is called up. The Senator from Virginia will proceed.

Mr. DANIEL. Mr. President, the distinguished and able Senator from Kentucky [Mr. LINDSAY] yesterday addressed the Senate in an elaborate speech upon the pending question. In that speech he reproached Congress, including many if not a majority of his own colleagues, upon the ground that they had not responded to the Presidential demand upon Congress to provide measures that would restore confidence and bring relief to the country. He said:

The President has repeatedly recommended such Congressional action as would restore confidence and avert possible disaster, but nothing in that line has been done.

Those remarks, sir, were made in connection with his animadversions to the depleted condition of the Treasury, and I beg leave, before passing beyond them, to point out the fact that though far from recommending to Congress any measure which would refurnish the Treasury with supplies, the President has himself in his message scouted the idea of an insufficient revenue, and has emphatically advised the country that the issues of bonds which have been made during this Administration were not based upon any such view of the subject.

THE PRESIDENT HAS ASKED FOR NOTHING BUT GOLD BONDS.

In his message addressed to this Congress at its convening last December he said:

At no time when bonds have been issued has there been any consideration of the question of paying the expenses of Government with their proceeds. There was no necessity to consider that question. At the time of each bond issue we had a safe surplus in the Treasury for ordinary operations, exclusive of the gold in our reserve. In February, 1894, when the first issue of bonds was made, such surplus amounted to over $18,000,000; in November, when the second issue was made, it amounted to more than $42,000,000, and in February, 1895, when bonds for the third time were issued, such surplus amounted to more than $100,000,000. It now amounts to $88,072,420.30.

With this statement of facts from the President of the United States I take it, sir, that the Senator from Kentucky, with his reproach to Congress for not providing revenue, can not be sustained by those who are most familiar with the subject and who have official custody of our Governmental affairs.

Mr. President, it is very obvious that the President has called upon Congress to do but one thing, and that is to authorize him to issue gold bonds. It can not be that the country has suffered from Congress refusing to the President such authority. He has experienced no difficulty in getting all the money he asked for, and in having much more than he asked for offered to the Treasury under his interpretation of present laws which are provided. Therefore, to charge upon Congress that any condition with which we have to deal is attributable to its action, and to attempt to relieve the Administration under this condition of affairs from any share therein, is obviously incorrect, and I have only to avouch its own record and its claim to demonstrate it.

THE RAINBOW PICTURES OF THE SENATOR FROM KENTUCKY.

Mr. President, the Senator from Kentucky proceeded to paint a rainbow picture of the condition of the country. Instead of being in trouble, according to the logic of his view, the country was never so rich, so prosperous, or so pleasantly situated. As to the farmers, he said they are getting more for the proceeds of their crops than they ever did before in the history of agriculture. A farmer who has 50 cents in his pocket can buy more Barlow knives, more penknives, more inkstands, and more paper than he ever could in the history of this country, and the Senator from Kentucky can not, therefore, understand why the farmers are not happy. His view of that subject puts me in mind of the claim of the clown in the circus, who declared before an admiring audience that he could jump so high that he could not put a half dollar between him and the moon. "How is that?" asked one of the surprised auditors. He answered, "It did not make any difference how high I jumped; I did not have the half dollar to put there."

THE DEARTH OF MONEY.

This question is presented to the American people very much in that aspect. There is lack of money in this country to sustain the values of all of its manufactured articles and its agricultural produce. It does not go to the core of the matter, it does not suggest relief, to say that the laborer can get more bread for his dollar than ever before, or that the farmer can buy more knives with his dollar than ever before. It is a question of getting the dollar and of making the dollar so dear to the laborer, to the manufacturer, and to the agriculturist that all of their efforts to get dollars are circumvented by the margin of profit from one year to another fading away and leaving them depleted, with their industries prostrate.

THE VAST DEPRECIATION OF VALUES.

I hold in my hand a careful compilation of the statistics of this country, taken from the American, of Philadelphia, of April 4 of this year. I beg leave to insert it as a part of my remarks. It says:

[From the American, of Philadelphia, of April 4, 1896.]

THE WAGE EARNER NOT BENEFITED BY FALLING PRICES.

In 1872 the acreage of our cereal crops, corn, wheat, oats, barley, rye, and buckwheat, was 68,280,197 acres, and the farm value of our cereal crops $874,594,459, the average value of the yield per acre being $12.81. In 1895 the acreage of our cereal crops was 149,955,183 acres, the farm value $1,017,316,936, and the average value of the yield per acre $6.78, the value to our farmers of every acre of cereals harvested in 1895 being $6.03 less than in 1872. If the money yield per acre had been as great in 1895 as in 1872, if the farmers had been as fully recompensed in 1895 for their labor expended in raising cereals as they were in 1872, they would have received $900,000,000 more for their cereal crops in 1895 than they did.

In 1871-72 the yield of cotton in the United States was 1,384,084,494 pounds and the farm value $288,300,000. This, however, was a short crop. In 1872-73 the yield was 1,833,188,931 pounds and the value $301,087,500. For the year ending June 30, 1895, the yield was 5,036,964,409 pounds and the farm value $252,450,000. For the year before, an average year, the yield was 3,769,381,478 pounds and the farm value $263,857,000. The cotton crop of 1894-95 was nearly three times as large and the cotton crop of 1893-94 more than twice as large as the cotton crop of 1872-73, yet the money value was less. The cotton acreage for 1894-95 was more than twice the acreage for 1872-73, but the value of the crop was $40,000,000 less. Making all due allowance for the effect on the price of cotton of the extraordinary crop of 1894-95, the largest on record, and taking the 1893-94 crop as a basis for comparison, we are forced to the conclusion that the loss of income to our cotton planters caused by the fall in the price of cotton, and directly due to the competition with the cotton of silver-using countries engendered by the fall in the gold price of silver, has not been less than $350,000,000 annually for the two years ending June 30 last.

As shown in another column, the number of horses in the United States January 1, 1896, was 64 per cent greater than on January 1, 1873; of mules, 74 per cent greater; of milch cows, 53 per cent greater; of oxen and other cattle, 93 per cent greater; of sheep, 16 per cent greater; and of swine, 31 per cent greater; yet the total value of farm animals was 3 per cent less on January 1, 1896, than January 1, 1873. As we have shown elsewhere, if the value of farm animals per head was as great January 1, 1896, as it was January 1, 1873, the value of farm animals to-day would be between $2,600,000,000 and $2,700,000,000 instead of $1,000,000,000, and assuming the value of farm animals is realized by those raising live stock once in four years, this represents a loss to the farmers on account of the fall in live stock as compared to prices in 1872 of not less than $250,000,000 for the one year 1895.

Thus we have seen that because of the fall in prices since 1872, directly due to the demonetization of silver, the farm value of cereals was $900,000,000 less for 1895 than it would have been, the value of the cotton crop to the planter $350,000,000 less, and the loss to those raising live stock not less than $250,000,000, or a sum of $1,500,000,000 on agricultural products, representing three-fourths of the total value of farm products. In other words, if the agricultural classes had received proportionately the same reward for their labor expended in raising cereals, cotton, and live stock in 1895 as they did in 1872, the value of their products would have been about $3,150,000,000 instead of $1,650,000,000.

THE LOSSES OF AGRICULTURE.

From this carefully compiled statistical statement, which shows that the value of agricultural products of the United States, measured in money, is $1,500,000,000 less in 1895 than it was in 1872, it is evident that something has gone wrong in our affairs, for it

would take more than all our currency to recoup the loss of that single year. The intrinsic qualities of corn, oats, wheat, rye, buckwheat, cotton, and farm animals have not changed. The intrinsic qualities of gold and silver are also the same. And that monetary value does not vest solely on intrinsic quality is a necessary conclusion, else why is it not the same in the same quantity of such articles to-day, yesterday, and forever?

That the "new factor" of depressed prices pointed out by Sir W. Houldsworth, a delegate of Great Britain to the Brussels International Monetary Conference of 1892, is getting in its work, that the "accursed sinking of prices" pointed out by Prof. E. Benjamin Andrews, an eminent American, who was one of our representatives to that conference, is pulling down and paralyzing our farming industries and all others dependent upon it—including factories, banks, and railroads—all this is now a painful and palpable realization.

INCREASE OF DEBTS AND DISLOCATION OF MONEY.

I attribute this changed condition chiefly, as do so many of the ablest minds in the world—which are far more competent than mine to judge—to the immense increase of public and private debts and to the dislocation of our bimetallic base of credit; and I propose once more to tax the patience of the Senate. But I say this much now for introduction, for it is my desire to develop my views on our situation in a systematic way, and to take my own time to state them as I approach the question of fallen and falling prices.

NO RELIEF TO BE HOPED FOR FROM THE REPUBLICAN PARTY.

Whatever else we may expect about the condition of affairs, there is nothing to be hoped for from the Republican party in the way of any relief for the people. It may yet prove a blessing in disguise that they carried the country at the last election, for they have already had time to advertise their impotency to accomplish anything and their indisposition to endeavor to do anything that would bring relief to this situation.

Wherever we look in the direction of Government to-day there is deficiency, insufficiency, and makeshift. Deficiency of revenue, deficiency of gold, as we are told, deficiency of bonds, insufficiency of taxation, makeshift proposals for more bonds, more taxation, and more contraction of the currency are the only legislative responses. No financial system exists save a rickety, spasmodic, wheezy, panic-breeding system with the fate mark of its own death upon its forehead. No system is proposed save one that does not deserve the name; none is proposed either by the Administration or the legislative party in power unless we may call that a system which deliberately roots up and tears down what we have without the substitution of anything and without the suggestion of anything but petty palliatives for mortal wounds.

ORGANIZERS OF EMERGENCIES.

As organizers of emergencies the gold monometallists are complete successes. They have been in emergencies ever since they leaped into the saddle.

Successive emergencies follow each other like successive shocks of an earthquake. Emergencies are sandwiched between glowing prophecies of prosperity, which are made before every new issue of bonds and collapse as soon as they are taken. Every dose of medicine administered to the patient is followed by momentary calm, and then a long-protracted spasm. Our new Republican doctors came post haste, with flourish of trumpet and profusion of promise. We were told by them that the old doctors of Democracy were quacks, and that they, the new ones, knew their business. The country held its breath in December last as they wrote out their prescription. Alas, it was only Sangrado again with basin and lancet, for here are the prescriptions for an expectant people: More bonds, more taxes. To rectify the morals of the people a prohibitory tax is proposed to be imposed upon filled cheese.

The barber's pole is the only sign of relief, the razor the only remedy for depression.

THE REPUBLICAN ICONOCLASTS.

What, indeed, could we have expected other than this from the Republican party? It has been the great iconoclast of our monetary systems and institutions, and it was an evil day for the Democratic party as well as for the country when an Administration put in power by those who had opposed Republican finance for a quarter of a century joined hands with the Republicans to resist reform and construct new plans of ruin. At enormous cost to the taxpayers it provided the national banks, which, however objectionable, were admirable in the solvency secured to their currency. But when increasing population and expanding territory and expanding business needed expanding accommodations the Republican party shriveled up the banks by excessive payments of the bonded debt and provided no substitute for their retiring circulation.

The Republican party gave us also the greenback legal-tender fiat paper money, which was a stroke of genius in its way, albeit as many believe in violation of the time-honored principles of the Constitution. But at a time when this currency was needed wherewithal to pay the prodigious volume of debts and taxes it withdrew and contracted the greenback notes, shriveled up the prices of produce, land, and labor, more than doubling the debts and burdens of the people, and made the bankrupt courts the most active industries of the country. In this career of ruin its course was arrested in time to preserve three hundred and forty-six million of the greenback notes, which, by statute enactment and by Supreme Court decision, were legal and tenderable dollars. While pretending that these paper dollars were in all respects dollars, the Republican party loudly clamored against its own work, declared that it had done an unconstitutional thing, proclaimed in the presence of its own fiat money that no such thing as fiat money could exist, and made boast of superior virtue in ridiculing its own progeny.

As unprecedented usury the Republican party created a national debt payable in dollars. I make no complaint against that debt; the war necessitated it. Considering it to have been legal and honest and that it would be dishonorable to repudiate a dime of it, it has nevertheless been dealt with by the Republican party after the most approved methods of Shylock. It considered the term "dollars" to mean "coined dollars," although the Supreme Court had said that it meant either coin or paper dollars, and then, in order to make coined dollars dearer and the burden of debt greater, the Republican party stopped coining the standard silver dollars and evolved a gold reserve, providing gold only for the redemption of outstanding obligations. Meantime the Republican party had created a trade dollar composed of silver, with 420 grains of weight, whereas the standard dollar has only 412½. This would not circulate because it was not legal tender; it was less valuable than the standard dollar, though the latter had less silver in it. It lay stagnant upon the market and would not circulate; but as soon as it had been bought up by a few bankers and speculators it was paid off at par, although it contained no promise to pay anything.

Finally, in 1890, the Republicans passed the Sherman Act, a veritable Pandora's box of evils; and in 1893 it led off in the movement to repeal it, without the suggestion of a substitute. We can hope for nothing in the way of relief from a party which has such a history and from a party which has gone to the foot of the class in its first attempts at legislation.

NO RELIEF TO BE EXPECTED FROM REPUBLICAN IMITATORS.

Nor can we hope for any relief from those Democrats who, after opposing the Republican party for twenty-five years, passed like "ships that pass in the night" into imitation of Republican policies and now prescribe as a test of true Democracy the question, "Will you join with us in aping and carrying out the policies which your whole history has opposed and denounced?"

It was an evil day for Democracy and an evil day for the country when the gold fledglings of Democracy combined with the Republicans and copied their example.

Alas for the hour, when to Evelyn's bower
The lord of the manor with false vows came.

Our currency is to-day in the most distressing and confused state that it has ever been. The struggling energies of the people are more impeded in every avenue of trade and industry than they have ever been. The magnates of wealth are growing richer faster than they have ever grown before and are more potential than ever before. Poverty is a heavier load upon those who bear it than it has ever been before. Congress is paralyzed; the Presidential candidates are mute of suggestion as to any remedy that will alleviate the miseries or cheer the hopes of the people. The great protectionist of Ohio wraps himself up in the same old platitudes. Both political parties stand confronting a Presidential election, impotent of legislation and impotent of suggestion, and the Republican party, having just assumed the reins of legislation, has gone into bankruptcy with a precipitate rush that would be ludicrous if it were not appalling. As those who are in authority can not manage the business of the American people, they have shown a restless propensity to take hold of the business of other nations. Hawaii, Armenia, Cuba, and Venezuela have become the intimate and dazzling themes of American discourse, and American statesmanship interests itself in affairs in inverse proportion to our proximity from them and our relation to them.

WHAT DO WE PROPOSE?

If we were asked now, What do you propose? we would say return to the principles of the Democratic platform of 1892 upon which Grover Cleveland was nominated and elected President. That platform declared for two things:

We hold to the use of both gold and silver as the standard money of the country, and to the coinage of both gold and silver without discriminating against either metal or charge for mintage.

The second point in the platform to which I wish to call attention is as follows:

We recommend that the prohibitory 10 per cent tax on State bank issues be repealed.

I have heretofore shown, Mr. President, and, indeed, it was conceded at the time, that the platform meant the free coinage of both gold and silver. But it does not follow that the people would

be content with that platform now. A note may be very good in its inception, but if it once has the mark of protest upon it, its negotiability is lost, and this protested paper will be no longer accepted according to its face. The people will call now for plain and explicit language, and they will also demand that whoever receive their votes for President shall be committed to the platform, that he will pay respect to the voice of their representatives, and will not impede their deliberate judgment by the powers of government and by veto messages.

FOR SOUND MONEY.

I am in favor of sound money, the soundest that the world has ever known. It should consist primarily of gold and silver, the money of civilization from remote ages, the money of America from its earliest period, the money of our Federal Constitution, the money of Democratic faith throughout the career of that great party, the money upon which rests a vast superstructure of public and private debt, and the money under which we prospered as no nation has ever prospered in history. This gold and silver should be "standard money," as demanded by the national Democratic platform of 1892, and should, in its language, be coined "without discrimination against either metal or charge for mintage." This hard, solid, sound, shining, constitutional, historic, Democratic money should be supplemented by paper money or currency redeemable in coin. The units of the whole mass should be maintained at par by having given to each of them parity of legal-tender function, and be as nearly as the art of man can make them of equal value. Being myself as much for sound money as any man in the land, I deny the right of a few people to arrogate to themselves the sole title of sound-money men, and to designate those who do not agree in their new-fangled British notions as "unsound." In appropriating to their exclusive use such phrases they are merely attempting to fill vacuous minds with vague and ambiguous words.

Why change the old Democratic shibboleth of "hard money" for the new and specious and plausible title of sound money? Under analysis they evidently mean that they will give much sound to the ear and little money to the purses of their deluded followers, who, if they permit themselves to be enticed by a catch phrase, will only show that they are grown-up children, "pleased with a rattle and tickled with a straw."

LAND AND LABOR.

The land and its products are the material sources of all wealth. Labor is the means by which they are utilized. A financial policy which continuously diminishes the market values of land and its products and increases the value of money must necessarily make the rich richer and the poor poorer. Such a policy must decrease the compensation of labor just as it diminishes its fruits. It must add to the burdens of all debtors and all taxpayers, as debts and taxes are fixed charges, and thus the masses are compelled to discharge continuously increasing burdens with continuously decreasing resources. They must therefore have losses left wherewithal to employ labor and support their families, and, in short, they are all on the road to ruin.

OUR SO-CALLED SOUND-MONEY MEN ARE FOR CONTRACTION.

The so-called, self-styled, sound-money men have been quite verbose in telling us what they are against, but very reticent and slow to reveal as to what they are for. In point of fact they are not only against the free coinage of silver, but are for retiring the three hundred and forty-six millions of greenbacks and the one hundred and thirty-six millions of coin certificates issued under the Sherman Act of 1890, all of which is legal-tender money. As a rule they also propose the continuation of the 10 per cent destroying tax on all State banks. Many believe that they will soon declare against our existing volume of silver money and attempt to reduce it to a mere token money, to be made legal tender only in small sums.

SPECIFIC DECLARATIONS OF DEMOCRATIC DOCTRINES.

I will be specific in stating not only what I am against, but what I am for. I am against gold monometallism, as Democracy has always been, and regard it as Mr. Carlisle did when he was a Representative of the people, "as great a curse as war, pestilence, or famine"—a proposition which since then he has well-nigh demonstrated. I am against withdrawing the five hundred millions of greenbacks and Sherman legal-tender notes, because that would involve a contraction of about one-third of all American money, to reducing the prices of land and commodities and wages at least 30 per cent more than they are now, would increase the burdens of debt and taxation, and would ultimately produce a panic, involving land owners, laborers, merchants, manufacturers, and agriculturists in widespread ruin. I am against the increase of the public debt by borrowing gold to discharge greenbacks and Treasury notes which are payable in silver as well as gold.

No government can have any higher ideal before its mind than the conception of what an honest, just, and intelligent citizen would do. There is not an honest, just, and intelligent citizen in the United States to-day who owes silver or gold and who would tolerate for one moment the demand of his creditor that he might designate the coin which he should exercise the privilege to pay.

I am against attempting to build up again the national banks by providing a public debt in order to accommodate them. In short, I am against the contraction of the currency of the people in any way, shape, or form.

I am for:

1. The free coinage of gold as it now exists.
2. I am for the free coinage of standard silver dollars just the same as we have issued from our mint from 1792 to 1895, and such as were freely coined from 1792 to 1873.
3. I am for retaining in circulation all existing greenback legal-tender paper money of the United States.
4. I am for repealing the Federal tax of 10 per cent on State banks—a war measure—a measure against which Democracy with one voice proclaimed, a measure which destroys and dries up the local energies of the people and helps to destroy self-help, the great help of all self-respecting and self-achieving nations.

In short, I am for a liberal supply of money to meet the wants of the most energetic, progressive, and inventive people that ever lived.

IN FAVOR OF INTERNATIONAL AGREEMENT; BUT OPPOSED TO WAITING FOR IT.

Mr. President, I am also in favor of an international agreement between the great nations of the earth regulating the power of exchange between their gold and silver coins and providing for the free coinage of both metals; but I am not in favor of waiting to put out the conflagration of ruin in my own country until Queen Victoria sends us a British hose company to help to do it. When gentlemen declare the benefit of an international agreement they acknowledge how great an advantage it would be to the world to get silver money restored. But with what face can we insist that other nations whose interest is against it shall lead in the matter when the great supply-producing nation of the world, which has more to gain by it than any other, sits supinely and proclaims and advertises its helplessness to a waiting world?

The leading nation of the world, the greatest Republic that ever existed in the world, could not place itself in a more subservient attitude than by waiting hat in hand at European courts to get permission to establish a financial system to suit itself. In vain was the sword of independence drawn in 1776 if we have not acquired the purse of independence in 1896.

The first charter issued to American colonists from Great Britain—the charter of King James—to the Virginia settlers authorized them to establish a mint and coin their own money. As early as 1645 the little Virginia colony made the Spanish dollar its standard of value, and for this great nation, now in the ascendency of its power, to turn its face to the Old World and fling up its hands and say, "You have closed our mints and we can not open them any more until you give us the 'open sesame,'" is a proclamation to mankind of weakness and inanity that is absolutely appalling. And yet, Mr. President, these older nations in their commercial and in their industrial interests are feeling the necessity of the restoration of bimetallism, and they would quickly restore it if it were not for the domination of the old classes of plutocracy who are still in power.

On March 17 of the present year, just some two months ago, the following resolution was carried through the House of Commons of Great Britain with cheers:

Resolved, That this House is of opinion that the instability of the relative value of gold and silver since the action of the Latin Union in 1873 has proved injurious to the best interests of this country, and urges upon the Government the advisability of doing all in their power to secure by international agreement stable monetary par of exchange between gold and silver.

There are gentlemen of the school of the Senator from Kentucky [Mr. LINDSAY] who reproached us yesterday that we had done nothing. We have done all that we could. We passed a free-coinage bill through the Senate. We passed a seigniorage bill, which was vetoed. We elected delegates to an international conference. Now, in turn, when he and his school of thinkers and actors, say they are in favor of international agreement, I ask what have you done in order to bring it about or to accept the invitation of those who are calling to you?

WE ARE ABLE TO ACT FOR OURSELVES.

Mr. President, we are the wealthiest nation, as the Senator himself said yesterday, that ever existed on the face of the earth, and the strongest, too—for wealth, while already corroding us, has not as yet sapped the vitality and manliness of our people. It is stated by the ablest statists of Europe that there is nothing in human history to compare in this respect to the United States at the present time. While a great and devastating war raged upon our soil for four years, the working power of America has increased threefold since 1860, when we stood upon its eve. We have as much energy as Great Britain, Germany, and France collectively.

Why shall we stand back and acknowledge their precedence in the courts of the universe and say, hat in hand, "After you, master?"

Ninety per cent of our population can read and write. And that is one reason, Mr. President, why the numbers are daily increasing who are for the restoration of our constitutional money. We spend three times as much annually for schools as Great Britain and more than double as much as Great Britain, France, Germany, Austria, and Italy.

And yet, Mr. President, this enlightened nation, with its torches of enlightenment burning on every side, and with great tracts of country rising up almost solidly to restore their constitutional money, can find no greater support from the minds of those who differ from them, like the Senator from Kentucky, than a sneer of the lip and to be told that they are all crazy and should be in lunatic asylums.

Our annual accumulation of wealth is doubly what it is in Great Britain per capita. In area we are as large as Europe, and exclusive of Alaska as great as that of Great Britain and Ireland, Switzerland, Sweden, Denmark, Holland, Belgium, France, Spain, Portugal, Greece, Italy, and European Turkey, Palestine, Japan, and China proper. We are more independent of all other nations of the earth than any other people that ever existed, being able to produce more within ourselves than any other nation. Our 45 great Commonwealths form a world within themselves, and the American Congress, as their delegated representative body could, with a single vote, put the world at America's feet, and assert a commercial supremacy that would endure for ages, by boldly refusing to accept European dictation, and enacting by law an independent financial system of its own.

EUROPE'S PRIMARY INTERESTS AND OURS ARE DIFFERENT.

But we are told to wait and wait for an international agreement. Why, sir, we have been waiting for it for a quarter of a century. We are told that America could not act independently, and that we must postpone the restoration of silver until the others lead. I reply (1) that it is senseless to make a proposition for the management of our domestic concerns which must be unconditionally dependent for its sanction on the action of any others whatsoever. I reply (2) that Europe has several primary interests just as she had in the days of James Monroe, and that they are against international agreement, which pertains peculiarly to it and its institutions and its conditions. I reply (3) that Great Britain, Germany, Holland, and other nations are creditor nations and have a direct interest to oppose the liberalizing of the money systems of the world and the cheapening of what they derive from bond clipping. To make our nation dependent upon other nations would be as foolish as for an army to submit its plans to the dictation of a hostile general. (4) The prevailing systems of government in Europe are also different from ours. Great Britain with her Queen of Great Britain and Ireland and Empress of India, Germany with her imperial war Emperor, Russia with her Czar, Austria with her Emperor, and Italy with her King—all these nations are monarchies; their legislation is for the benefit of oligarchies and classes, and was pretended and claimed to be of divine right; the people do not exist for them in the sense that the American people exist for themselves; standing armies stand around the throne ready to suppress popular ebullition or popular advancement; the divine right of kings permits some liberties to flow down to the masses from the imperial reservoir in the crown, but the people are not sovereign, as they are here.

Mr. President, America can rescue herself from this difficulty the very moment she makes up her mind that it shall be done. The enunciation of her decree will make the world bow to her power and to the sovereignty of her will.

When the warning finger of this great nation was uplifted and Great Britain was told that she should not rob Venezuela after the manner that she is now plundering in Egypt and South Africa, the money changers trembled lest there might be war and coupon clipping be transiently suspended. There was no danger of war; for Great Britain is gathering more wealth from the United States than she can gather from the gold mines of South Africa or from the alluvial lands in the Valley of the Nile.

If she had dared to dictate to her colonies in the manner that she has dictated to us, they would have arisen in rebellion without waiting for a stamp act or an embargo against the port of Boston. If we choose to submit to the grinding policy of gold, let us do so; but, in the name of sense, in the name of justice, in the name of the pride and honor of our country, let us not submit on the lame and pusillanimous ground that we are not able to act for ourselves without consent by international agreement of the Old World's kings. If the text of monometallism—that we can not act for ourselves—be true, then let me say:

We have thews and sinews like our ancestors,
But wo! the while, our fathers' hearts are dead.

FORKS OF THE ROAD—SILVER OR CONTRACTION AND DEBT THE ALTERNATIVES.

Mr. President, I have thus reviewed the present situation and stated my own position. It is conceded on all hands to be deplorable, and all parties and all persons denounce it and cry out against it, and say, "We must change it! We must change it!" But how? There are two general schemes of alteration, Mr. President. The first is to restore bimetallism as it existed before 1873; the second is to move on the policy of contraction. Let everybody understand that we are at the forks of the road, and whether we move in one direction or another we move down a long lane. The contraction policy, which presents one alternative, means this:

To pay off in gold and retire the greenbacks, amounting to	$346,681,016
To pay off in gold and retire the Sherman certificates of 1890, amounting to	136,719,280
To pay off in gold and retire the silver certificates issued under the Bland-Allison Act of 1878, amounting to	344,377,504
In all	827,779,800

Or more than one-half of all our currency. In order to effect this result we would have to issue over eight hundred millions of gold bonds.

Mr. President, I can appreciate the anxiety of the Senator from Kentucky [Mr. LINDSAY] to have Congress allow the issue of any gold bonds, for if ever that were done to the extent of even a small sum it would be a declaration that Congress had put itself and the country deliberately upon the gold standard, and the rest would follow. We must turn that vast sum into a public interest-bearing burden—this vast sum of money that is now serving us as currency. Such a contraction of the currency and such a stupendous debt are terrifying to contemplate. But these are the two plans before us. We must take one or the other. We must build up and restore or we must pull down and destroy. Let not the people deceive themselves and imagine a vain thing, and let us not be parties to their deception.

OUR CURRENCIES.

We have now, Mr. President, nine different kinds of currency. Here is a statement of it from the Treasury, and here is a statement of the credit currency, showing how much of it is payable in gold, in silver, and in coin:

Statement showing the amounts of gold and silver coins and certificates, United States notes, and national-bank notes in circulation March 1, 1896.

	General stock coined or issued.	In Treasury.	Amount in circulation March 1, 1896.	Amount in circulation March 1, 1895.
Gold coin	$586,168,106	$140,874,515	$445,293,591	$468,568,100
Standard silver dollars	424,789,629	369,273,688	55,515,941	54,649,360
Subsidiary silver	78,564,547	14,820,486	63,744,061	60,940,597
Gold certificates	44,384,489	651,470	43,733,019	51,507,769
Silver certificates	344,377,504	11,831,561	332,545,943	325,816,415
Treasury notes, act of July 14, 1890	136,719,280	30,644,730	106,074,550	114,249,700
United States notes	346,681,016	106,222,443	240,458,573	261,988,258
Currency certificates, act of June 8, 1872	33,070,000	245,000	32,825,000	36,925,000
National-bank notes	217,181,917	8,630,538	208,551,379	199,889,358
Total	2,211,936,488	683,194,431	1,528,742,057	1,574,534,557

Thus it will be seen that we have—

1. Gold coin, $586,168,106, which is limited legal tender for all debts and taxes, which is freely coined at the mint into $20, $10, $5, and $2.50 pieces, which is, under certain conditions, exchangeable for gold certificates. It will be observed that no gold dollar pieces are minted.

2. The 424,780,629 standard silver dollars are legal tender for all dues and all debts except when otherwise stipulated in the contract.

3. The silver certificates issued under the Bland-Allison Act of February 28, 1878, and the act of August 4, 1886, represent silver dollars deposited in the Treasury to meet them, and are in denominations of $1, $2, $5, $10, $20, $50, $100, $500, and $1,000. These silver certificates are receivable for customs taxes and all public dues.

4. The gold certificates are issued to represent gold coin in the Treasury.

5. The United States notes, or greenbacks, first issued under the act of February 25, 1862, are legal tender for all debts and taxes under the law of their issue.

6. The Treasury notes of 1890, or the Sherman notes, as they are sometimes called, are issued under the act of July 14, 1890, for the purchase of silver bullion at the rate of 4,500,000 ounces per month. They are legal tender in payment of all debts, public and private, except where otherwise expressly stated in the contract, and are receivable for all customs taxes and all public dues, and may be counted as part of the national-bank reserve. They are payable in coin, and it is provided in the act of their issue that the Secretary of the Treasury shall, under such regulations as he may prescribe, redeem such notes, in gold or silver coin at his discretion, it being the established policy of the United States to maintain the two metals on a par with each other on the present legal ratio or such other ratio as may be provided by law; and also provided that he shall each month coin 2,000,000 ounces of the silver bullion purchased under the operations of this act into standard silver dollars until the 1st day of July, 1891, and after that time he shall coin of the silver bullion purchased under this act as much as necessary to provide for the redemption of the Treasury notes herein provided for, and any gain or seigniorage arising from such coinage shall be accounted for and paid into the Treasury.

7. Subsidiary silver, $78,564,547, are the 50-cent, 25-cent, and 10-cent pieces, issued under the acts of 1853 and 1879. They are only nine-tenths fine, as compared to our standard silver dollars, and they are legal tender in sums not exceeding $10, and are redeemable in lawful money at the Treasury or subtreasury in sums of $20 or any multiples thereof.

8. The currency certificates are issued under the act of June 8, 1872. They are not issued in denominations of less than $5,000, and are payable on demand in greenback notes, and are used by banks for the sake of convenience, and are not in general circulation.

9. The national-bank notes are secured by United States bonds, and may be equal in amount to 90 per cent of the current market value of the bonds not exceeding par. They are not legal tender, but are receivable for public dues, except duties on imports.

It will be observed that no redemption is provided for the standard silver dollars and that the greenbacks or Sherman notes are payable in coin, silver certificates payable only in silver dollars, and that the gold certificates constitute our only currency which is payable at the Treasury Department in gold. This forty-four million of gold certificates are not a source of any embarrassment to the Treasury, as there is a gold dollar representing them all in the Treasury to pay them. The silver certificates are no source of embarrassment to the Treasury because there is a silver dollar to represent every dollar of them.

WHY IS THE TREASURY EMBARRASSED?

The $346,681,016 of greenbacks and the $136,719,280 of Sherman notes make a total of $483,400,296, and are payable in coin. The greenbacks were issued at a time when there was free coinage of silver. The Sherman notes were issued at a time when we were making standard silver money at the rate of about five millions per month; and to pay either kind of these notes in coin it is only necessary to have silver money in the Treasury wherewithal to do it. The act for the resumption of specie payment was passed on the 14th of January, 1875. It was provided therein that on and after the 1st day of January, 1879, the Secretary of the Treasury shall redeem in coin the United States legal-tender notes then outstanding, on their presentation for redemption at the office of the assistant treasurer of the United States in the city of New York, in sums of not less than $50. And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized and required, he is authorized to use any surplus revenue from time to time in the Treasury not otherwise appropriated, and to issue, sell, and dispose of at not less than par any coin, either of the description of bonds of the United States in the act of Congress, approved July 14, 1870, entitled "An act to authorize the refunding of the national debt, with like qualities, privileges, and exemptions to the extent necessary to carry this act into effect, and to use the proceeds thereof for the purpose aforesaid."

WE RESUMED SPECIE PAYMENT NOT GOLD PAYMENT BY LAW.

Before the day of specie resumption came, and while the resumption act was inchoate, on the 28th day of February, 1878, there was passed the Bland-Allison Act, as it is commonly called, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character." It is provided therein that the Secretary of the Treasury is authorized and directed to purchase from time to time silver bullion at the market price thereof, not less than $2,000,000 worth per month nor more than $4,000,000 worth per month, and cause the same to be coined monthly, as fast as so purchased, into such dollars.

The whole tenor of this series of acts; the expression of coin in the greenback law; the expression of coin in the act providing for the resumption of specie payments; the provision for the utterance of at least two million standard silver dollars per month, and the authority to the Secretary of the Treasury to use any surplus revenue for the purpose of redeeming legal-tender notes—mind you, Mr. President, not gold but any surplus revenue of any kind—all show that Congress had not the slightest notion or conception of gold resumption, but only of specie resumption, and no gold bonds were authorized, but only coin bonds.

THE PRESIDENT SHOWS WE HAVE NO GOLD OBLIGATIONS BUT GOLD CERTIFICATES.

The President, in his message to Congress last December, shows that he evidently and clearly understood the law, for he urged Congress to authorize gold bonds, claiming that they would be a great saving to the Government, as they could be sold at a higher price; and a member of his Cabinet now contends in a public letter that had they been gold bonds the Government would have been saved $16,000,000.

The President had just as much authority to issue gold bonds as he had to issue any kind of bonds when there was silver coin in the Treasury as part of the surplus revenue wherewithal to pay outstanding coin obligations. And as he knows and declares by his messages that there is no law for the issue of gold bonds, so it should be equally plain to him that there is no law for providing gold to pay bonds as long as there is coin in the Treasury.

MALADMINISTRATION OF THE TREASURY.

The embarrassment of the Government arises from the arbitrary and obdurate assumptions of successive Administrations, which have made an artificial endless chain by which the Treasury may be raided for gold at the option of any creditor. If all the creditors of the Government, its salaried officers, its employees, its claimants, and its contractors were to act like its bondholders and money holders, and demand gold, and were the Treasury to manifest the same weakness toward them in recognizing their claims that it does toward bondholders, the Government might be overwhelmed at any day by gold demands, when in point of fact it had an abundance of surplus revenue and silver coin wherewithal to meet justly all its obligations. Let the people understand, then, that the apparent trouble in the Treasury is an artificial one, invented by the Treasury itself. If we are a "foolish purveyor" of gold for European monarchs, if we have filled the strong boxes of every autocrat who is hoarding gold as a war fund, it is simply because the Treasury has voluntarily persisted in doing so when it could have stopped it in a moment. It is a folly that the Secretary could have stopped at any moment by the scratch of his pen; it is a folly that is persisted in because Congress sits helpless and allows it to continue; it is a folly because with all the strong talk we have here we have also weakness of will and weakness of action and suppliance of disposition.

THE WAR ON PROPERTY AND VESTED RIGHTS.

Mr. President, I am by nature, by experience, and education a conservative. I am for property and vested rights. I believe in the virtues of a people who are characterized by moderation. I am against radicalism that would pull down and destroy; and the place for every conservative who would maintain the institutions of America and preserve the property of its people is in the ranks of the true bimetallists. The rights which attach to life, liberty, and property are those upon which all social order must rest. To protect them, government was founded, and that government is freest in which they are best protected and the most amply and securely enjoyed. Life and liberty can not be safely secured or freely enjoyed unless property is respected.

"You take my life when you do take the means whereby I live" is a plain proposition. That every man's house is his castle is an axiom of our free race, and it has always been ready to draw the sword and meet tyranny at the threshold. There are various methods of warring upon property. The robber band may go with a high hand and expel the tenant, but time has long since passed when this could be done in any land where the English-speaking race is in power. It was a splendid illustration of the genius of the Germanic race, from which we are in part descended, when there was a peasant in Berlin who had a little cottage that the king wished to possess in order to make a part of his park. The peasant refused the royal request, and declined all the gold that was offered him, and, when he was threatened, he sat securely at his door, and said: "There are laws, Your Majesty, in Berlin."

CONTRACTION OF THE CURRENCY MEANS CONFISCATION.

It is by the subtle agencies of taxation and currency that the modern wars against property are conducted, and the contraction of the currency is the most subtle and certain method of confiscating property that the wit of man has ever yet invented. To contract the currency of a country is to reduce the value of property, to increase the burden of debt and taxation, to destroy confidence. "Confidence," "Confidence," say the soothsayers of monometallism; but there is no confidence. How can confidence exist when there is a condition of organized depreciation of all property upon which confidence rests? The policy of contraction is to check enterprise; it is to stagnate circulation; it is to paralyze trade and manufactures and agriculture; it is to reduce wages; it is to organize failure, bankruptcy, and ruin; and at the end of the process it is inevitable that the rich shall be richer, the poor poorer, and society at the mercy of its money kings.

HOW CONTRACTION OF THE CURRENCY WORKS.

This consequence of the contraction of the currency results from economic laws which are as fixed and certain in their operation as the precession of the equinoxes or the law of gravitation. The whole value of the property of a country is measured by the whole sum of the currency which may be used in its purchase and exchange, and the particles of property bear the same ratio to the particles of the currency which express their price or valuation as the mass of property bears to the whole mass of currency. It results from this principle that as the mass of currency is diminished in

amount the mass of property diminishes proportionately in value as expressed in money. It follows that a very small diminution of the volume of the currency produces a very large diminution in the monetary value of property. Thus, if we were to destroy all money, it is evident that we would destroy the monetary value of all property, for there would be no money into which any part of it might be converted and exchanged. No price could be fixed, because no price could be paid. So, if we were to destroy half of the money, half of the monetary value of the property would be destroyed likewise, as the demand for the money would remain as great, with only half of the supply to meet it. So, if we were to destroy 10 per cent of the money, 10 per cent of the monetary value of property would pass away with it. Now, the value of all the property of the country is many times greater than the aggregate value of all its money, and the reduction of property value in money is just so many times greater than the amount of the reduction of the money in which the assessment or valuation is made.

HOW CONTRACTION OF CURRENCY INCREASES THE BURDEN OF DEBT AND TAXATION.

With diminishing currency and diminishing values of property, it is quite evident that the burden of debt and taxation is increased. The debt remains a fixed figure. There is a less supply of money from which the fund must be derived to pay it; there is a less aggregate value of property from which the fixed debt must be liquidated. The creditor's demand draws with the same power, and, indeed, with increasing power, since interest accumulates day by day, while the supply of funds on which the demand is made diminishes, and the supply of property from which the funds must be extracted also diminishes. Hence, a larger proportion of the debtor's property must now be taken to pay the debt. Just so with taxation. Public expenses, such as fixed salaries, contracts to supply armies and build navies, to conduct schools, and construct roads and make other improvements, and interest on public obligations, all these items in the continuous budgets remain at a stationary figure, and the funds to meet them must be derived from declining values of land, of personalty, and of business. The assessments made for taxation before the contraction of the currency took place remain, while the subjects of taxation are shrinking in value. The taxpayer must now pay a sum which no longer represents the value on which it was based. The burden is increased, the power to bear it is lessened. As soon as the reassessment comes the diminished value of property is such that taxes must be increased in order to discharge the fixed obligations.

HOW CONTRACTION OF THE CURRENCY IMPAIRS CREDIT.

Credit must necessarily be impaired under these circumstances. We may say of it, as has been said of interest, that interest follows the debt as the shadow the substance, and credit follows property and ability to accomplish as the shadow the substance. He who has trusted another to pay money must place reliance upon the other's property to make good his realization. That reliance is simply the creditor's faith that the means will be forthcoming to meet the outstanding obligation. This faith must weaken as the creditor sees the property declining in value. The trust and the security for its performance are parted. The creditor makes haste to collect lest he lose. Other creditors in similar cases do likewise. Debtors with depreciating properties are pressed, their holdings are thrown upon the market, and the weakened conditions are stimulated and precipitated by the steps taken to forestall and prevent loss.

HOW CONTRACTION OF THE CURRENCY STAGNATES IT.

With a weakened credit all enterprise must feel the checkrein of hesitation, doubt, and distrust. The circulating medium now secretes and hoards and hides itself in banks and safes and stockings. He who has money fears either to loan it upon or invest it in property which is declining in value. Self-interest stays his hand, and he refuses to buy, for he says to himself: "To-morrow I can buy cheaper." Banks of undoubted solvency find funds accumulating in their vaults and staying there, because money is constantly increasing in purchasing power, just in proportion as property is losing in selling power. The unjust steward who hoards his talent in a napkin becomes the only prudent financier, for if he loans or buys he may lose, while in the napkin the talent is growing daily in its power to command whatever property the owner desires. Seeing money heaped up in banks, the superficial observer cries out: "Money is plentiful; see how much of it is piled up here!" He forgets that it is stagnated, piled up, and heaped together for the very reason that there is no temptation to invest it or circulate it in loans upon declining values; he forgets that if there were more of it values would rise and not decline, and it would then pour out in volume, tempted to turn itself into property in order to get the benefit of rising prices: he forgets that if there was more of it it would be fulfilling the mission which its very name, "circulating medium," implies it was destined to perform. It would be circulating from the owner to the farmer and the landowner, and from them to the laborer and to the merchant, from them to the manufacturer, from the manufacturer to the lumberman, the miner, the quarryman, the mechanic, and from them again and again to all the sons of toil, in office and countingroom, and field and workshop, round and round, in the healthy activities of all the children of men.

HOW CONTRACTION OF THE CURRENCY INJURES THE MERCHANT.

The falling prices that follow every contraction and stagnation of the currency cramp and paralyze commerce, manufacture, and agriculture. The merchant buys or rents a storehouse, hires a coterie of clerks and helpers, buys a stock of goods for cash, or more generally on credit, advertises it for sale, sends out his commercial travelers, and is ready for business. Then comes contraction of the currency. His taxes remain at a fixed figure, the charges for rent, for gas, and for water remain at a fixed figure. So his advertising expenses, his laborers and the wages he pays; so his outstanding notes and obligations; but the goods fall in value. Every merchant's goods fall in price also. There is a letdown in the very base of his operations. Profits vanish; all hope of them vanish. To get out even is now his forlorn hope. Another merchant sells his goods out at auction at sacrificial prices. The bank or the wholesale dealer who has trusted him presses for the payment of all notes given. The merchant's goods must go upon the falling market. Buckle and tongue will not meet. The merchant fails.

HOW CONTRACTION INJURES THE MANUFACTURER.

The manufacturer depends upon the merchant. What use to make goods if a merchant can not buy at a profit to the maker? What use for the merchant to buy if he can not sell at a profit to himself? The contagion of the paralysis passes from the merchant to the manufacturer. He reduces wages; he cuts close and pays lesser prices for his raw material. But as the contraction of the currency continues prices of all products go lower and lower; the prices paid for this year will leave no margin of profit for the next year. The manufacturer gets desperate; his factory closes; his machinery rusts; his plant decays; his enterprise fails.

HOW CONTRACTION INJURES THE WAGE EARNER.

Meanwhile wages decline. The demand for labor decreases as enterprise decreases, and wages decrease as demand for labor decreases. The laborers can not be paid at the old rates when property declines; idle laborers can get no work, or must take any job they can get at any price that will hold soul and body together. The mechanic's wife stares starvation in the face; his children can not keep up decent appearance in the public schools, or find work for their fingers. There are strikes and lockouts; then come the tramp of soldiery and menacing steel. The capitalist, if he is oblivious of this, sits back in his easy chair and says: "We must have a big army and a strong Government"; the days of Jeffersonian Democracy have gone by, and Macaulay's letter to Randall was a true foreshadowing of our future; the old idea that a President should never fill the chair but twice belongs to a time of inexperience and adolescence. Suicides increase, burglaries increase, failures increase. Money now buys more than it ever would before; the usurer thrives; the demagogue stands out before the poor man, and with subtle flattery for his vanity tells him that he wants the poor man to have as good a dollar as the rich man, and the best money in the world. The poor man meantime, who has few dollars of any kind and little or no work of any kind, looks up with a dubious scowl upon his face and marvels much at this expression of disinterested benevolence. But money is getting dearer and dearer; it buys more and more; and the self-complacent capitalist, who is getting richer and richer on other men's ruin, declares that times are prosperous, and that the discontent is all due to the agitation of the silver question!

HOW CONTRACTION PRODUCES WANT OF CONFIDENCE.

Want of confidence is now loudly proclaimed to be the cause of the disturbances by the superficial observers who witness the panorama before them, and who can see plainly that want of confidence is an attendant circumstance. They have mistaken an effect for a cause. "Restore confidence" is at once the panacea prescribed as a sure cure for the evil. The unthinking and the crafty are alike fond of this vague phrase—for it conceals the lack of ideas of the one class, and the subtle designs of the other class. Want of confidence has existed with all the monetary panics that ever visited the earth. "To restore confidence" has been the desire of every person who ever prescribed for the infirmities of society. But want of confidence is always an effect before it becomes a cause; and the want of confidence that comes after every contraction of the currency is always the effect of the declining values produced by that contraction, and it can never be cured while the cause is operative. To restore confidence without removing the cause is impossible; and he who clamors for confidence while contraction is undermining the property on which it is based might as well cry out against buildings falling down when the foundations are crumbling beneath them.

HOW CONTRACTION RUINS THE FARMER.

What has become of the farmer in this process of stagnation and contraction? He is at the bottom of the list. He comes last. He does more for the Government and receives less from the Government than any other portion of its constituents. Feeding the world, he is driven by the world to the point of starvation. It is he who furnishes the bounteous crops, but not he who enjoys the benefit thereof. In 1872 his land produced $12 worth per acre—now but half that sum. This is largely the fruit of contraction. He works as hard as those who work hardest to get their daily bread; but he is not classed among the laboring men and wage earners who share the benefits of the protective policies of taxation. He must be a business man of knowledge, alertness, and application of method and sagacity; but he is not classed as a business man by the dealers of the exchange. The Republican party aroused the indignation of the people in 1890, when it summoned the manufacturers to Washington and allowed them to fix the taxes that the masses had to pay, and from which they derived the benefit. And now our monometic leaders go to New York and call upon the money-changers to arrange the money system without even mentioning the farmer as one who may be properly consulted. But the land and its products are the material resources of all wealth. They have ever been, and they must ever be. And to-day, with the manipulators of their products and the manipulators of the exchanges arranging schedules of taxation and establishing money systems for themselves, those who produce the basis of all their wealth are mere political castaways in the councils of the politicians who govern them.

Mr. President, at this stage I will yield at the suggestion of the Senator from Rhode Island [Mr. ALDRICH].

Mr. ALDRICH. I ask the Senator from North Carolina [Mr. BUTLER] if he will allow the pending bill to be laid aside temporarily to take up a House bill which will lead to no discussion?

Mr. BUTLER. Before that, Mr. President, I wish to ask unanimous consent that an hour shall be fixed when the vote shall be taken on the pending bill, and I suggest, if it meets the approval of the Senate, that the final vote be taken upon the bill and all amendments of which notice has been given to-morrow evening at 5 o'clock.

Mr. HILL. Let me ask the Senator a question. Does the Senator know how many Senators desire to speak upon this subject?

Mr. BUTLER. I know how many have given notice to the Chair of their intention to speak.

Mr. HILL. How many are those?

Mr. BUTLER. I think there are four on the list.

Mr. HILL. There may be others who desire to speak.

Mr. BUTLER. I would ask the Chair how many have given notice of their intention to speak?

The PRESIDING OFFICER. Three Senators have given notice of their intention to speak on the pending bill.

Mr. HILL. There are likely to be others.

Mr. BUTLER. Then, in order that everybody may have time, I will change the request, and ask that the final vote on this bill be taken at 5 o'clock on Friday evening. That will give one more day.

Mr. CHANDLER. I would not object to fixing the time of voting on this bill at the close of the recess of Congress, say, on the first Monday of December next. Congress will then be in session; and I am anxious that the act which the Senator proposes to repeal should remain on the statute books during the summer. So I object to any other time than the first Monday in December next. I will agree cheerfully, Mr. President, to that time.

Mr. STEWART. I wish to inquire of the Senator from New Hampshire if he is perfectly certain that the next bond issue can be negotiated before that time, so that his friends will all be safe from the operation of this bill?

Mr. BUTLER. I do not think the Senator from New Hampshire is serious in his suggestion, and therefore I make one more offer. I do not desire to cut off discussion, but certainly, unless there is a desire to kill the bill by talking it to death, nobody can object to the proposition which I now make.

Mr. CHANDLER. The Senator will allow me to say——

Mr. BUTLER. Let me get through with this statement.

Mr. CHANDLER. The Senator will allow me to remark——

Mr. BUTLER. No; I do not yield.

Mr. CHANDLER. Go ahead, then.

The PRESIDING OFFICER. The Senator from North Carolina declines to yield.

Mr. BUTLER. The request I now make is that the Senate shall agree to take a final vote upon this bill and all amendments thereto next Monday evening at 5 o'clock. That is one week from the time we first asked for a unanimous-consent agreement that a vote should be taken. That certainly gives plenty of time.

Mr. PLATT. The experience of the Senate has been such that I shall object to any agreement fixing a time for a final vote upon any bill unless it be understood that all parliamentary motions in reference to the bill are in order at the time agreed upon.

Mr. ALDRICH. That is all right.

Mr. CHANDLER. Mr. President——

Mr. BUTLER (at 5 o'clock and 32 minutes p. m.). I still hold the floor, I believe. I move that at 6 o'clock the Senate take a recess until to-morrow morning at 11 o'clock and 55 minutes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Carolina.

Mr. CHANDLER. I suggest the absence of a quorum.

Mr. HILL. With the consent of the Senator——

Mr. STEWART. The motion is not debatable.

Mr. TELLER. It is too late.

The PRESIDING OFFICER. The roll will be called.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich,	Chilton,	Martin,	Sewell,
Allen,	Cockrell,	Mitchell, Oreg.	Shoup,
Allison,	Cullom,	Morgan,	Squire,
Bacon,	Dubois,	Nelson,	Stewart,
Bate,	Elkins,	Pasco,	Teller,
Berry,	Gallinger,	Peffer,	Tillman,
Brown,	Gear,	Perkins,	Turpie,
Burrows,	Gibson,	Pettigrew,	Vest,
Butler,	Gorman,	Platt,	Warren.
Cannon,	Hale,	Proctor,	
Carter,	Harris,	Pugh,	
Chandler,	Hawley,	Roach,	

The PRESIDING OFFICER. Forty-five Senators have answered to their names. A quorum is present.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 710) granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka;

A bill (S. 1659) to amend the laws of the District of Columbia as to married women, to make parents the natural guardians of their minor children, and for other purposes;

A bill (S. 2221) for the relief of settlers on the Northern Pacific Railroad indemnity lands;

A bill (S. 2499) to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway Company;

A bill (H. R. 1436) relating to commutations of homestead entries, and to confirm such entries when commutation proofs were received by local land officers prematurely;

A bill (H. R. 1734) to increase the pension of Ann Catherine Hull;

A bill (H. R. 5675) authorizing the construction of a wagon and motor bridge over the Missouri River at St. Charles, Mo.; and

A bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

ALCOHOL IN THE ARTS.

The bill (H. R. 3282) to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 28, 1894, was read twice by its title.

Mr. ALDRICH. This bill has the unanimous approval of the Finance Committee of the Senate, and in its present form I think it is satisfactory to everybody in the Senate. It will lead to no discussion.

Mr. STEWART. I object to the present consideration of the bill.

Mr. BUTLER. Is my motion pending?

The PRESIDING OFFICER (Mr. SEWELL in the chair). The motion of the Senator from North Carolina is pending.

Mr. ALDRICH. Do I understand the Senator from Nevada to object to the bill if it will not lead to any discussion? I do not ask to displace the unfinished business.

Mr. STEWART. The motion for a recess is pending.

Mr. ALDRICH. I am willing that a vote shall be taken upon that motion.

Mr. STEWART. I want the motion for a recess agreed to first.

Mr. ALDRICH. I have no objection to that.

Mr. STEWART. We do not know about the other matter.

PROPOSED RECESS.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Carolina [Mr. BUTLER].

Mr. HILL. What is the distinct motion?

The PRESIDING OFFICER. That the Senate take a recess from 6 o'clock this evening until 11.55 o'clock to-morrow morning.

Mr. HILL. On that question I desire to say a word. A motion that at a certain hour we take a recess is debatable.

I simply desire to say that I can not let the remarks of the Senator from North Carolina go unchallenged. Scarcely had the bill been moved when the Senator from North Carolina began to make the statement that the bill was to be opposed by dilatory tactics. I have already explained the reasons why, on the evening when it was proposed to take up the bill, I opposed its consideration at that time. I shall not renew that portion of the discussion. On the next day, without any dilatory tactics of any sort, a vote was

permitted to be taken and was taken to proceed with the bill. It was carried. I immediately proceeded to discuss the bill. I gave way to interruptions, and the interruptions from the friends of the bill took nearly half my time. I freely allowed several Senators to make speeches in favor of the bill during my time. That was followed by a speech in favor of the bill, and the next day was Saturday last. Friday evening a suggestion was made that we should take a vote on Monday at 5 o'clock, to which I did not object, but an objection came from one of the friends of the bill. The bill went over to Saturday. On Saturday the distinguished Senator from Nebraska [Mr. ALLEN] took the whole afternoon in favor of the bill, and not an opponent of the bill had an opportunity to say a word.

Then this week came on. We have had tariff speeches, and properly so, because the tariff is mixed up with this question. We have listened for the last two hours to a very eloquent and able speech in favor of the bill, or rather in favor of free silver, by the distinguished Senator from Virginia [Mr. DANIEL], to whom we are all delighted to listen. Three or four Senators have given notice that they desire to speak on the bill. I do not know how long they are going to speak. They have just as much right to take an afternoon as had the Senator from Nebraska [Mr. ALLEN]. They have just as much right to speak one, two, or three hours.

To-morrow there will come in a very important conference report. How long will it take? Who knows? No one can tell. It is a privileged question. It is to be discussed. My attention has been called to a conference report which is going to lead to extensive debate. Now, to ask at such a time, when three or four Senators (some of whom are for the bill and some against it) have given notice that they desire to speak, to fix in advance an hour when the final vote shall be taken can not be done.

Mr. STEWART. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Nevada will state his point of order.

Mr. STEWART. It is that debate is not in order pending a motion to take a recess.

The PRESIDING OFFICER. The Chair is obliged——

Mr. CHANDLER. I desire to speak to the point of order.

The PRESIDING OFFICER. The Chair is obliged to hold that the point of order is well taken. The Chair decides that the motion is not debatable.

Mr. HILL. A motion to take a recess at a time in advance is debatable, with all due respect to the Chair.

Mr. CHANDLER. I wish to call attention to the point made by the Senator from New York, that while a motion to take a recess to a certain hour or day is not debatable, a motion that a recess shall be taken at a certain hour in the future would seem to be debatable.

The PRESIDING OFFICER. The Chair is advised that the rules were changed at a late date in relation to recess. The rules provide that—

Motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

"Motions relating to adjournment, to take a recess."

Mr. CHANDLER. The only point, if the Chair please, is that this is a motion to take a recess at some time in the future. While the rule is to be construed strictly, possibly to exclude debate, a motion that at some time in the future a recess shall be taken to some other time must be debatable.

Mr. NELSON. I move that the Senate adjourn. That motion is in order.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 28, 1896, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nomination confirmed by the Senate May 19, 1896.

COMMISSIONER OF PENSIONS.

Dominic I. Murphy, of Philadelphia, Pa., to be Commissioner of Pensions.

Executive nominations confirmed by the Senate May 27, 1896.

FIRST DEPUTY COMMISSIONER OF PENSIONS.

Napoleon J. T. Dana, of Portsmouth, N. H., to be First Deputy Commissioner of Pensions.

SECRETARY OF LEGATION.

William Franklin Sands, of the District of Columbia, to be second secretary of the legation of the United States at Tokyo, Japan.

PROMOTIONS IN THE NAVY.

Lieut. Samuel C. Lemly, of the United States Navy, a citizen of the State of North Carolina, to be Judge-Advocate-General of the Navy.

P. A. Engineer Albert B. Willits, to be a chief engineer in the Navy.

Asst. Engineer William W. Bush, to be a passed assistant engineer.

Surg. William G. Farwell, to be a medical inspector.

P. A. Surg. James D. Gatewood, to be a surgeon.

Surg. John C. Wise, to be a medical inspector.

P. A. Surg. Oliver Diehl, to be a surgeon.

APPOINTMENTS IN THE NAVY.

William M. Wheeler, a citizen of New York, and Robert S. Blakeman, a citizen of Connecticut, to be assistant surgeons.

POSTMASTERS.

Bernard Monnich, to be postmaster at Hooper, in the county of Dodge and State of Nebraska.

W. S. Cornutt, to be postmaster at Culbertson, in the county of Hitchcock and State of Nebraska.

Adrian P. Jordan, to be postmaster at Leesburg, in the county of Lake and State of Florida.

John C. Neltnor, to be postmaster at West Chicago, in the county of Dupage and State of Illinois.

Mary A. Herrington, to be postmaster at Geneva, in the county of Kane and State of Illinois.

Edward H. Chase, to be postmaster at Dexter, in the county of Penobscot and State of Maine.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 27, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read.

The SPEAKER. Without objection the Journal will be approved.

Mr. KEM. I object to the approval of the Journal, and raise the point of no quorum.

The SPEAKER. The question is on the approval of the Journal.

The question was taken; and the Speaker decided that the motion had been adopted.

Mr. KEM. No quorum.

The SPEAKER. The gentleman from Nebraska [Mr. KEM] makes the objection that there is no quorum present. [After counting the House.] A quorum being present, the point is overruled, and the Journal is approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, and had still further insisted upon its amendments numbered 2, 3, 4, 6, 7, 8, 9, 10, 12, 13, 15, 16, 17, 22, 23, 24, 25, 28, 32, 61, 91, 92, 93, 94, 96, 97, 109, 111, 112, 122, 123, 124, 125, 126, 127, 128, 129, 140, 141, 146, 147, 161, disagreed to by the House of Representatives, asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 6256) authorizing and directing the Secretary of the Navy to furnish to George F. Fuller Post, Grand Army of the Republic, of Manistique, Mich., a condemned cannon; and

A bill (H. R. 2777) authorizing and directing the Secretary of the Navy to donate condemned cannon and condemned cannon balls to certain posts of the Grand Army of the Republic.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, and had further insisted upon its amendments numbered 2, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, and 53, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. QUAY, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring). That the President be requested to return to the House of Representatives the bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia.

RETURN OF BILL FROM THE PRESIDENT.

On motion of Mr. RICHARDSON, the following resolution was read, and agreed to:

Resolved, That the President be requested to return to the House of Representatives the bill (H. R. 5731) entitled "An act to regulate the practice of surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia."

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

ENROLLMENT OF LEGISLATIVE BILL.

The SPEAKER laid before the House the following concurrent resolution, submitted by Mr. DOCKERY:

Resolved by the House of Representatives of the United States (the Senate concurring), That the enrolling clerk of the House, in enrolling the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government of the United States for the fiscal year ending June 30, 1897, and for other purposes, be, and hereby is, authorized and directed to insert in section 24, after the words "ninety-six," in said bill, the following: "except as in said sections otherwise specially provided."

Mr. DOCKERY. I move the adoption of the resolution.

The resolution was agreed to.

On motion of Mr. DOCKERY, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. LOUDENSLAGER. Mr. Speaker, I desire to submit a privileged report.

The SPEAKER. There is a privileged report pending, submitted last evening by the gentleman from Iowa [Mr. LACEY].

Mr. COLSON. Mr. Speaker, before that is taken up I ask unanimous consent for the present consideration of the bill (H. R. 2568) authorizing the construction of a road from the Mill Springs National Cemetery, in Pulaski County, Ky., to the town of Somerset, in said county.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the present consideration of the bill indicated. Is there objection?

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM].

NORTHERN PACIFIC RAILROAD INDEMNITY LANDS.

Mr. LACEY. Mr. Speaker, I wish to call up the privileged report which was under consideration when the House adjourned last evening.

I will be glad to have the attention of my colleague on the committee [Mr. MCRAE], the gentleman from Arkansas, who on last evening objected to the conference report. I think the gentleman has hardly made use of his usual care and accuracy in examining points of law in connection with these land matters as applicable especially to the pending bill. His argument was based on two errors of law.

In the first place, the original act of 1864 making the land grant to the Northern Pacific road gave rights to actual settlers both for preemption and for homestead purposes, and the Commissioner of the General Land Office held that that land was under a different rule from the public lands located outside of that grant, so far as homesteads were concerned. But in 1880 an act was passed placing the rights of homestead settlers generally on the same footing as those enjoyed by preemptors, and I call the attention of the House to section 3 of the act of March 14, 1880, which provides:

That any settlers who have settled or shall hereafter settle on any of the public lands of the United States, whether surveyed or unsurveyed, with the intention of claiming the same under the homestead laws, shall be allowed the same time to file his homestead application and protect his right of entry in the United States Land Office that is now allowed to settlers under the preemption laws to put their claims on record; and his rights shall relate back to the date of settlement the same as if he settled under the preemption laws.

My colleague has evidently overlooked this statute, and the Senate bill was drawn for the purpose of giving to the settlers who had taken possession before filing the same right accorded to them under this act of 1880.

Mr. MCRAE. The gentleman from Iowa is wrong in his construction of the act of 1880 and in his attempt to apply it to these settlers.

The gentleman should tell us, while on that point, what time was allowed under the preemption law for filing or entering——

Mr. LACEY. Three months.

Mr. MCRAE. Thirty days in one class and three months in the other.

Mr. LACEY (continuing). Three months; and, in addition, let me say to my colleague that it has been held by the Department that the three months simply gives an exclusive right for that period, and if for these three months the party still remains in possession and no filing has been made adverse his rights still remain. In short, his rights are good as against everybody in the world except somebody who files after the three months and before the settler has made his filing. So that this bill in the Senate was drawn to cover that class of cases. And that was one of the difficulties about the act of 1890 which was passed to relieve these settlers. It did not take care of this particular class of settlers. The Senate bill has this feature better than the House bill in that respect, and the gentleman from Minnesota [Mr. TOWNE] was entirely satisfied to accept this modification as prepared by the committee of conference, and which is taken in part at least from the Senate bill. Without that a number of these people would be cut out. This bill will grant relief to about 189 or 190 families who have not taken the benefits of the act of 1890.

Mr. Speaker, I think the bill as presented by the conference report protects the rights of all these settlers. It does not give rights to squatters, as my colleague on the committee [Mr. MCRAE] seems to think; for the bill in express terms says that to acquire rights under it a person must have settled with a view to taking under the homestead law. Squatters do not do that. So that the only persons covered by the provision to which the gentleman objects are persons who in good faith have entered upon the public lands within this particular territory adjacent to the Northern Pacific Railroad line with the purpose of taking under the homestead law, and who by a change of the ruling in the Interior Department were subsequently prevented from completing their filing.

Mr. TOWNE. And they must make that showing.

Mr. LACEY. And they must make that showing before they get the benefit of this act.

Mr. Speaker, I move the previous question on agreeing to the conference report.

Mr. MCRAE. I should like to say a word or two in reply to the gentleman from Iowa.

Mr. LACEY. How much time does the gentleman want?

Mr. MCRAE. Only about three minutes.

Mr. LACEY. I withhold for the present the call for the previous question and yield three minutes to the gentleman.

The SPEAKER. The gentleman from Arkansas [Mr. MCRAE] is recognized for three minutes.

Mr. MCRAE. Mr. Speaker, I am surprised that the gentleman from Iowa [Mr. LACEY], the chairman of the Committee on Public Lands, should undertake to make this House believe that this bill was framed and presented for the purpose of securing the rights which were reserved to settlers by the act making the grant to the Northern Pacific Railroad. The rights of all settlers on lands withdrawn for railroad purposes were protected, but even they were required to file proper notice within reasonable time. Why, sir, the very bill under consideration provides for relief to "those persons, their heirs, or legal representatives, who, between the dates of the 15th of August, A. D. 1887, and January 1, 1889, settled upon" land within the second indemnity belt of the Northern Pacific Railroad grant. It has no relation to the grant of 1864, nor to the settlers who may have been on lands prior to that act; and I hope the House will not be misled by any statement of that kind.

There is no pretense on the part of the friends of this bill that it would aid any settler who entered or made settlement prior to the Northern Pacific grant. By its very terms it is limited to settlements made between August 15, 1887, and January 1, 1889, upon land which has been since determined not to be subject to homestead.

The act of May 14, 1880, does not apply to settlements upon lands not subject to homestead entry. The point I insist upon is that this bill makes it possible to benefit those who never made filing or entry at all, and that we should not give such a preference over other citizens who want land.

Why are we told that these rights relate back to 1864, and also that the bill as now framed does not benefit squatters, when the mover of the bill has only asked relief for those who had "made filing or entry of the same" between said dates? I have said from the start, in committee and here, that every man who was induced to make a filing by any erroneous Department ruling should have his rights fully protected and his time and improvements allowed. I am informed that the object of the conference bill was to protect those who had made filing or entry, but had been denied the right to make final proof; and there was no pretense until yesterday that a settler who had never made a filing or entry was to be given the benefit of the bill. It was expressly so limited in the bill introduced by the gentleman from Minnesota [Mr. TOWNE], but we are now told that we should broaden it so as to reach those who did nothing except to go upon the land. I tell you, gentlemen, if you pass this bill you will find squatters upon public lands all over the country knocking at your doors and demanding that you give them the same rights granted by this bill. Why should not settlers who have occupied public lands as squatters for years and been "entered out" have just as much right as these settlers who have done nothing except to come to Congress and demand the right to purchase other land at $1.25 an acre—a right denied to other American citizens? Squatters in other parts of the country ought to have the same rights as these people, and it will be hard for you to refuse them when you have made this precedent.

Limit the benefits of this bill, as I propose and as the gentleman

from Minnesota proposed in the beginning, to those who have made filings or entry, and you do no great injustice; but if you pass the bill in its present form you establish a precedent that

Mr. KEM. I raise the point, Mr. Speaker, that that is not a question of personal privilege.

The SPEAKER. The Chair thinks it is not a question of per-

from Tennessee makes the point that he can not hear what is being said.

Mr. CANNON. I can say to the House, if they will send and

Mr. BAKER of New Hampshire. There are thousands of dollars of appropriation in this bill for the payment of simple findings of the Departments, while every one of these claims to which

P. A. Engineer Albert B. Willits, to be a chief engineer in the Navy.

Asst. Engineer William W. Bush, to be a passed assistant engineer.

Resolved by the House of Representatives (the Senate concurring). That the President be requested to return to the House of Representatives the bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia.

before the settler has made his filing. So that this bill in the Senate was drawn to cover that class of cases. And that was one of the difficulties about the act of 1890 which was passed to relieve

it will be hard for you to trace out a precedent.

Limit the benefits of this bill, as I propose and as the gentleman

from Minnesota proposed in the beginning, to those who have made filings or entry, and you do no great injustice; but if you pass the bill in its present form you establish a precedent that will open the door to every man who has lived on public lands for similar relief. You do injustice to the rights of the thousands of homeless people of this country who desire to enter public lands for the purpose of building homes upon them. It is admitted that the settlers in question decline to take the benefits of the act of October 1, 1890, because it required a residence of three months. That shows conclusively to my mind that they do not mean to take the lands for homes, but for the purpose of selling them—for speculation. This bill removes all limitations as to time when these entries can be made, and allows legal representatives—a thing unheard of in the homestead law—to make the entries.

[Here the hammer fell.]

Mr. LACEY. Mr. Speaker, the men who took possession of these lands for the purpose of entering them under the homestead law did so upon the invitation of the Government; they did so upon the ruling of the Interior Department which held the lands subject to homestead entry. They did all that the law required, and although it turned out afterwards that the land was not subject to homestead entry, yet as they had occupied it and had complied with the law in all respects, this bill proposes to put them on other lands simply upon the same footing which they occupied upon the lands in question. I now call for the previous question.

The question being taken on ordering the previous question, there were on a division (called for by Mr. MCRAE)—ayes 79, noes 23.

Mr. MCRAE. I call for the yeas and nays.

The yeas and nays were not ordered; there being—ayes 21, noes 128 (less than one-fifth voting in the affirmative).

So the previous question was ordered; and under the operation thereof the report of the committee was agreed to.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring). That the enrolling clerk of the House in enrolling H. R. 6248, making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, be, and he hereby is, authorized and directed to insert in section 24, after the words "ninety-six," the following, "except as in said sections otherwise specially provided."

PATENTS TO UNION PACIFIC LANDS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate concurrent resolution No. 38.

The SPEAKER. The Clerk will report the title of the resolution.

Mr. KEM. Is that by unanimous consent, Mr. Speaker?

The SPEAKER. The Clerk will read the title of the resolution, and then the Chair will put the question to the House.

The Clerk read as follows:

Concurrent resolution.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Interior be directed to rescind his orders to the Commissioner of the General Land Office suspending work upon the Union Pacific Railroad Company land lists now on file, embracing lands along the Union Pacific main line in western Nebraska, northern Colorado, Wyoming, and Utah, and shall cause work thereon to be resumed and patents to issue to the Union Pacific Railway Company without delay to all lands described in the several lists now on file in the United States Land Office upon which title is due to the Union Pacific Railway Company, in order to complete, through the Union Pacific Railway Company, good and sufficient title to the purchasers and present owners of such lands: *Provided,* That no patents shall be issued for any lands which have not been sold by said company prior to the passage of this resolution.

With the following amendment, recommended by the Committee on Public Lands:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Interior be, and he hereby is, authorized and directed to resume work upon and to issue patents to the Union Pacific Railway Company without delay to all lands which have been sold by said company to bona fide purchasers: *Provided,* That nothing herein contained shall be construed as waiving any right that the United States may have to declare a forfeiture as to the lands which have not been so sold by said company."

The SPEAKER. The gentleman asks unanimous consent for the present consideration of the resolution.

Mr. KEM. I call for the regular order.

The SPEAKER. The gentleman from Nebraska [Mr. KEM] objects.

Mr. MONDELL. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. MONDELL. Mr. Speaker, my question of personal privilege is that my constituents are entitled to know, and the country is entitled to know, why, at this time, it is impossible to provide relief for something like 25,000 people living along the line of the Union Pacific Railway whose property is jeopardized by reason of the fact that they have not a perfect title to their lands.

Mr. KEM. I raise the point, Mr. Speaker, that that is not a question of personal privilege.

The SPEAKER. The Chair thinks it is not a question of personal privilege.

Mr. MONDELL. Mr. Speaker, I hold that it is a question of personal privilege that my constituents and the constituents of the gentleman from the Sixth district of Nebraska, in which there are over 900,000 acres of land, owned by farmers who are threatened with financial ruin—if this resolution to afford them relief does not pass, then these 5,000 people interested in it should know who is responsible. If this resolution does not pass——

Mr. KEM. I call the gentleman to order.

The SPEAKER. The gentleman from Wyoming must be in order.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1436) relating to commutations of homestead entries, and to confirm such entries when commutation proofs were received by local officers prematurely;

A bill (H. R. 1734) to increase the pension of Ann Catherine Hull;

A bill (H. R. 5675) authorizing the construction of a wagon and motor bridge over the Missouri River at St. Charles, Mo.;

A bill (S. 1659) to amend the laws of the District of Columbia as to married women, to make parents the natural guardians of their minor children, and for other purposes;

A bill (S. 710) granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka;

A bill (S. 2221) for the relief of settlers on the Northern Pacific Railroad indemnity lands;

A bill (S. 2499) to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway Company"; and

A bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

ORDER OF BUSINESS.

Mr. POWERS. Mr. Speaker, I desire to present a conference report.

Mr. CANNON. I shall have to raise the question of consideration on that report.

Mr. POWERS. It will not take more than a minute.

Mr. CANNON. I want to dispose of the deficiency bill.

Mr. POWERS. It will not take a minute.

The SPEAKER. The Clerk will present the conference report.

Mr. DINGLEY. I hope the gentleman from Vermont will withdraw the report. The deficiency bill ought to be gotten into conference.

Mr. POWERS. I withdraw it.

Mr. KEM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KEM. I desire to be informed by the Chair if remarks made by gentlemen upon the floor out of order are entitled to go into the RECORD when objection is made.

Mr. GROSVENOR. Mr. Speaker, I make the point of order that the RECORD is not made up yet, and the gentleman is not charged with any duty in connection with it until to-morrow morning.

The SPEAKER. The Chair is obliged to say that the question of what goes into the RECORD is somewhat of a disputed point. Whatever is presented as a question of privilege and as a part of the proceedings of the House ought to go into the RECORD, but what is said after the question has been ruled upon by the Chair the Chair thinks ought not to go into the RECORD.

Mr. KEM. Then I ask that that part be stricken out.

Mr. CANNON. Oh, what difference does it make. The newspapers have got it if it is of enough importance. [Laughter.]

The SPEAKER. The Chair will endeavor to do his duty in that regard.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I now call up the motion that the House disagree to amendment numbered 233 on the general deficiency bill.

Mr. SAYERS. Mr. Speaker, with the permission of the gentleman from Illinois, I will state that that single amendment covers 75 pages of printed matter. The bill as amended by the Senate has been printed, and gentlemen can send for that bill and know exactly what is under consideration. I make this statement in order to save the necessity of reading the amendment, which covers 75 pages of printed matter.

Mr. CANNON. The gentleman's motion will cover this amendment 233.

Mr. RICHARDSON. Mr. Speaker, I would like very much to hear what these gentlemen are saying.

The SPEAKER. The House will be in order. The gentleman

from Tennessee makes the point that he can not hear what is being said.

Mr. CANNON. I can say to the House, if they will send and get the House print of the deficiency bill covering the Senate amendments that came here yesterday, and which they can get at the document room, they will find that amendment No. 233 of the Senate commences on page 139 of the bill, and that it includes all that follows, to the end of the bill, on page 214, covering, in round numbers, 700 items in one amendment.

Mr. MAHON. Do you know the exact amount?

Mr. CANNON. I have the amount here. The deficiency bill as it passed the House covered $4,793,590.45. Gentlemen will recollect that early in the session we passed an urgent deficiency bill that covered, in round numbers, $6,000,000. That and this bill as it passed the House would make about $11,000,000. The Senate has added to this bill $6,266,000, an extraordinary addition; and when I state that, substantially, the general deficiency bill as it passed the House cared for the public service under the rules of the House I am strictly within the limit of correct statement. This bill makes appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and prior years.

Mr. DINGLEY. If the gentleman will pardon me, do I understand that the Senate has sent in one amendment seventy-five pages of claims to the House?

Mr. CANNON. Precisely.

A MEMBER. Seventy-eight pages.

Mr. DINGLEY. Seventy-eight pages of claims in one omnibus provision, and expect this House, without any investigation, to immediately adopt a proposition of that kind?

Mr. CANNON. Covering over seven hundred items.

Mr. SAYERS. If the gentleman will allow me, it not only contains the French spoliation claims and the Bowman Act war claims, but it also contains the claims of Charles P. Chouteau, amounting to over $174,000, and other claims amounting to $11,000, that have nothing to do with these other classes of claims.

Mr. DINGLEY. All in one omnibus amendment?

Mr. HOPKINS. One moment. As I understand about that Chouteau claim, the Committee on War Claims of this Congress have rejected that claim.

Mr. SAYERS. I am glad to hear it.

Mr. ADAMS. I will ask the gentleman if these claims have not been adjudicated in the Court of Claims? When statements are made here that these claims have not been investigated it is not a correct statement, for they have been investigated in the court.

Mr. CANNON. If the gentleman will allow me, and I may be permitted to have quiet and proceed in my own time, I think I can cover the statement.

Mr. DOCKERY. Mr. Speaker, I would like to hear the gentleman from Illinois.

The SPEAKER. The House will please be in order.

Mr. CANNON. Mr. Speaker, this is the most extraordinary set of amendments ever proposed by the Senate of the United States in twenty years, during my service in the House of Representatives, to the general deficiency or any other appropriation bill. Now, that we may see just a minute wherein it is extraordinary, I ask the attention of the House. Gentlemen understand that it is necessary for the House and the Senate to make rules, to create committees, and make provision for doing public legislation, and to make provision touching legislation covering the claims of the private citizen. For that reason the House is divided into fifty-odd committees, and the jurisdiction of each committee is fixed by the rules of the House. You have the Committee on Appropriations. You jealously by the rules limit the jurisdiction of that committee to recommending provisions that will carry on the Government from year to year in pursuance of existing law. That is as far as we can go. It is as far as we should go on general appropriation bills.

Mr. BAKER of New Hampshire. Will the gentleman allow me to ask him a question?

Mr. CANNON. Certainly.

Mr. BAKER of New Hampshire. Is it not entirely within the province of the Committee on Appropriations in the deficiency bill to make an appropriation to pay claims found due against the United States?

Mr. CANNON. It has been held universally that we can not.

Mr. BAKER of New Hampshire. Did you not put them in this very deficiency bill?

Mr. CANNON. Not at all.

Mr. BAKER of New Hampshire. I can show them to you by the dozen.

Mr. CANNON. The gentleman has been long enough in his service in Congress to know that touching these extraordinary amendments he and I, knowing what the rules are and the distinction between audited claims under the rules and those not audited, we can not deceive each other, and I know I do not and he ought not to mislead the House.

Mr. BAKER of New Hampshire. There are thousands of dollars of appropriation in this bill for the payment of simple findings of the Departments, while every one of these claims to which the gentleman objects are findings of the Court of Claims.

Mr. CANNON. Oh, Mr. Speaker, it is a sorry case indeed which requires the eminent gentleman from New Hampshire to come and seek to muddy the water in favor of these claims before I can even get a chance to state the proposition. I have not stated it, but if gentlemen will give me their attention I will state the jurisdiction of the Committee on Appropriations, and how that jurisdiction has been exercised, and just what it is that the Senate of the United States seek to have us do in one of these amendments that they send over here in these closing days of the session. If you will look at Rule XI, you will find that all claims under the Bowman Act and all claims under the French spoliation act are to be referred to the Committee on War Claims or the Committee on Claims, and these matters that are placed in this general appropriation bill by Senate amendment were referred in House and Senate to the proper claims committees. Much has been said about the Appropriations Committee usurping the jurisdiction of other committees. I call the House to bear me witness that we have tried zealously to conform to the rules, and when general appropriation bills are sought to be made the vehicles to carry through, out of order, the business of other committees, it is not a safe or wise procedure, and I stand to protest against it. Let me call attention for a minute to the rule which governs the jurisdiction of the House Appropriations Committee:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law or changing existing law.

More; let me read the next clause, that you may see how sweepingly the House has provided for this class of amendments:

No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following-named committees: Pensions, Invalid Pensions, Claims, War Claims, Private Land Claims, and the Committee on Accounts.

Now, this deficiency bill, strictly within the rules of the House, was passed by the House. "But," says the gentleman from New Hampshire, "it covers claims that have been audited by the Treasury Department." Yes; but the statute of the United States makes the proper officers of the Treasury Department a court to do what? To pass on legal claims against this Government arising under appropriation or positive provision of law, where the money has not been appropriated; and these audited claims that come here from time to time, certified by the Department under the law, are the judgments of that court, and have always been referred under the rules to the Committee on Appropriations, and have always been appropriated for just as we appropriate for the payment of judgments of the United States courts. But it may be asked wherein do the Senate rules differ from the rules of the House in this respect? Not at all. They have substantially the same rules there that we have. Yet that coordinate branch of Congress have made this and other amendments to the general deficiency bill and sent them with their compliments to us. It is not for me to criticise the coordinate branch. I belong to this branch of the Congress, and my duties lead me to insist upon legislation and appropriation, safe legislation and appropriation, under the rules and usages of the House, and if we have to resist the encroachments of another body out of order, let us perform our function. It is not the first time the House of Representatives has had to take care of itself and the other departments of the Government.

Now, Mr. Speaker, what does this amendment consist of? It consists of these 700 items, part of them called the French spoliation claims. I am not going to discuss their legality or equity. It may be that they ought to be paid. It may be that a portion of them ought to be paid and another portion ought not to be paid. It may be that the claimant, or the descendants of the claimant, ought to be paid, and that the insurance company which took the risk and got the premium and met with the loss ought not to be paid. It may be that the assignee in bankruptcy who, three generations ago, acquired some of these claims for a song ought not to be paid. I do not know. I am not going to discuss that now. But all these questions are involved in appropriations for the payment of French spoliation claims, and the bare statement of the proposition shows the wisdom of the rule of the House that appropriations upon general appropriation bills shall be in pursuance of existing law. "But," says somebody, "has not the Court of Claims passed upon them?" Let us see. I hold in my hand volume 23 of the acts of 1885, when there was legislation touching the French spoliation claims. It referred them to the Court of Claims. For what purpose?

And they [the court] shall decide upon the validity of such claims according to the rules of law, municipal and international, and the treaties of the United States applicable to the same, and shall report all such conclusions of fact and law as in their judgment may affect the liability of the United States therefor.

Report to whom? To Congress. What else?

Such finding and report of the court shall be taken to be merely advisory as

been reported by the Committee on Claims year by year and ap-

different items, running along item after item, from $150,000 down,

Mr. MAHON. That is not in the bill.

Such finding and report of the court shall be taken to be merely advisory as to the law and facts found, and shall not conclude either the claimant or Congress; and all claims not finally presented within two years shall be barred.

Now listen:

And nothing in this act shall be construed as committing the United States to the payment of any such claims.

Congress by law made the Court of Claims like unto a committee to examine these claims and report back its findings; but the reservation is expressly made that nothing in the proceeding shall commit the United States to the payment of the claims. It is merely advisory. That is the condition of these claims covered by this one amendment, embracing something like 100 pages. And yet are we to understand that in these the last days of this session these claims are to be taken by a Cæsarian operation from the committee of the gentleman from Pennsylvania and from the Claims Committee of the Senate, and when the child is taken forcibly from its legitimate mother, legitimate under law and rule, it is to be placed here as an illegitimate child on a general appropriation bill, designed legitimately to carry on the service of the Government for this fiscal year?

Mr. ADAMS. Will the gentleman permit a question?

Mr. CANNON. Certainly.

Mr. ADAMS. Has not Congress acknowledged the legitimacy of this "child" by appropriating money in 1890 to pay all the claims that had then been reported to Congress by the Court of Claims?

Mr. CANNON. What does that prove?

Mr. ADAMS. That these are legitimate claims; and even assuming the gentleman's position that the Court of Claims in this matter acts the part of a committee, Congress has acknowledged the legitimacy of these claims by paying a part of them.

Mr. CANNON. I am not speaking of the merits of these claims. Some of these claims are made payable to the descendants of the men who are supposed to have been originally entitled; others are payable to the collateral representatives; others to assignees in bankruptcy; others to insurance companies that reaped their profit in the war premiums, and claim to be subrogated to the rights of the original claimants.

Mr. GROSVENOR. Will the gentleman allow me a question?

Mr. CANNON. Certainly.

Mr. GROSVENOR. Does not the gentleman think that if Congress goes on refusing to pay the debts of the country all those debts will after a while be due to "heirs" and "collateral representatives"? [Laughter.]

Mr. CANNON. The gentleman makes that inquiry; let me answer him. If the Court of Claims or any other court is to be invested with jurisdiction to render judgment, let us invest it with that jurisdiction, and then appropriate to meet the judgments. But because Congress fails to so invest it with jurisdiction, and honorable gentlemen like my friend from Ohio, when he asks a question of that kind in apology—if it is to be followed to its legitimate conclusion—for this class of legislation coming as an amendment on a general appropriation bill, he does not, in my judgment, perform his duty as a conservative legislator as well as he does almost invariably at other times.

But that is not all. There is a lot of claims here under the Bowman Act amounting in round numbers to half a million dollars. This amendment covers altogether claims amounting to about $2,000,000 or a little less in round numbers. Now, what is the Bowman Act? It was enacted in 1883. Let us see what jurisdiction it confers:

That whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation and determination of facts, the committee or House—

Mark you! Either—

may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims of the United States, and the same shall there be proceeded in under such rules as the court may adopt. When the facts shall have been found the court shall not enter judgment thereon, but shall report the same to the committee or to the House by which the case was transmitted for its consideration.

Gentlemen talk about these being "judgments" of the Court of Claims. The Court is prohibited from rendering judgment in these cases. Upon the request of a committee or of the House or of a Department the Court makes the investigation and returns answer as to its finding of facts, for the consideration of the Department or of Congress.

Mr. DOCKERY. Do I understand the gentleman from Illinois to say that claims of this character are carried in the Senate amendment?

Mr. CANNON. Certainly. The Senate amendment includes claims under the Bowman Act, claims arising in the Indian service, war claims, and claims touching the construction of ships or gunboats during the war—a generation ago. In fact, I may say in passing, that these claims come substantially within the following description: As early as 1864 legal claimants had a status afforded them by the Fourth of July claims act, including these claims. And that tribunal investigated and passed upon claims to the amount of six millions and a half of dollars, which have been reported by the Committee on Claims year by year and appropriated for. Then, under the Southern Claims Commission act, claims to the amount of nearly $5,000,000 were investigated and paid. Nearly all the claims embraced in the present amendment have had their day in court and been rejected. But they come, and they can come. Like hope, they "spring eternal." Under the Bowman Act these claims are referred for a finding of fact to the Court of Claims. The Court of Claims finds the facts and reports them back for our consideration.

Mr. DOCKERY. Have they been considered?

Mr. CANNON. Have they been considered on the report of the gentleman from Pennsylvania, claim by claim? No.

Mr. GIBSON. Every one of these claims has been reported by the War Claims Committee. Every one of them has been investigated and recommended for payment.

Mr. CANNON. Every one of these claims, the gentleman says, has been reported by the War Claims Committee. Let that committee perform its functions just as it did in respect to the $12,000,000 that was appropriated for similar claims under the Fourth of July act and the act creating the Southern Claims Commission.

Mr. QUIGG. Does the action of the Court of Claims in reporting its finding of facts establish legally a debt?

Mr. CANNON. No, sir.

Mr. QUIGG. It simply brings the case to Congress?

Mr. CANNON. Precisely.

Mr. DOCKERY. For consideration.

Mr. CANNON. For consideration only. The act of Congress expressly provided in the one case that it should not commit Congress to the payment of the French spoliation claims; and in the other that the reports shall be merely advisory; that they should report their findings. In other words, that the Court of Claims should not enter judgment, but leave the whole matter open, upon the findings submitted by them, for the consideration of Congress.

Now, if I have been able to place this matter before the House so that they can understand it, let me take another step forward.

Mr. KNOX. Let me ask the gentleman from Illinois whether there are not precedents for putting appropriations on the general appropriation bills simply on the findings of the Court of Claims?

Mr. CANNON. I do not recollect any except in the Fiftieth Congress; in which, my recollection is, by order of the House in the first instance, before the Committee on Appropriations was appointed, the French spoliation people got their work in, by a resolution which amounted to a rule, directing the Appropriations Committee afterwards—after it was appointed—to report to the House an item covering these claims. And I am informed, as my recollection is refreshed, that notwithstanding that order, the House Committee on Appropriations should report on a general appropriation bill these claims, afterwards, when considered in the House, they were ruled out by a majority of the House and did not go upon the bill.

Mr. DOCKERY. That is correct.

Mr. CANNON. The objection was sustained on a yea-and-nay vote in the House.

In the Fifty-first Congress—and I want to be exactly fair—the Senate of the United States, against its own rules, put the French spoliation claims on the deficiency bill in the closing hours of the session; and I recollect when that deficiency bill came over here, after midnight, with a House that was completely tired out, and with barely a quorum in attendance (having to wake members as they reclined on the lounges around the Halls and in the committee rooms), the matter was considered, and the House agreed with the Senate under those circumstances. And, if I recollect aright, the last night of the last day between 2 and 3 o'clock in the morning, this proceeding took place.

Now, Mr. Speaker, a word in conclusion. Gentlemen were present in the House on yesterday when this bill came over from the Senate. It had not then been printed. These 700 items, aggregating in round numbers some $2,000,000, were placed on the bill. I happen to be chairman of the Committee on Appropriations. I am chairman of the subcommittee that prepared this deficiency bill; and I never had read one item of these 700, aggregating $2,000,000, and my eyes met them for the first time this morning when I sent after this bill, in which I discovered these amendments. Not only the war claims, not only the French spoliation claims, but the Indian claims, the damages to shipmasters, as is alleged—claims originating over a generation ago, barred by the statutes, turned down in the courts—I find them like birds of evil omen, some of them, trooping together to fasten on this general deficiency bill that must pass or the Government stop.

Mr. DOCKERY. Does the gentleman mean to say that these claims are all grouped in one amendment of the Senate?

Mr. CANNON. I do.

Mr. NORTHWAY. All in one.

Mr. DOCKERY. In other words, that they are all pooled?

Mr. NORTHWAY. Yes.

Mr. CANNON. Precisely so. They are all grouped together in the one amendment, covering some hundred pages of the bill, 700

different items, running along item after item, from $150,000 down, and aggregating about $2,000,000.

Now, can anybody claim that the Committee on Appropriations can, in these the closing hours of this session, turn itself into a claims committee, and even read a sentence touching the merits of each one of these various claims? It can not be done.

"Ah! But," says somebody, "they may claim that these represent a judgment of the court and the adjudication of a claim." I deny it. The court never was given jurisdiction to render a judgment. That court was merely made a commission, or a committee if you please, to investigate and report its findings to the House of Representatives, and it is of no higher weight or sanctity than the reports of any other committee of the House. Each one of these cases, if it has merit, must stand upon its own merit. I think I am safe in guessing that a dozen volumes, of 500 pages each, closely printed, would not understandingly and conclusively discuss these 700 claims.

Mr. LACEY. Will the gentleman allow a question?

Mr. CANNON. Yes.

Mr. LACEY. Can you give some suggestion as to the ground on which they claim that we ought to pay the insurance companies in these French spoliation claims? Is there any reasonable suggestion as to the validity of their claims?

Mr. CANNON. Well, the gentleman understands the doctrine of subrogation. The insurance company took a risk on a vessel a hundred years ago, at a very high premium; the vessel was captured, the insurance company makes a loss; but in footing up their whole business they make a great profit. Now, the insurance company pays in part or altogether, as the case may be. This proposition would subrogate the insurance company to the rights of the man who lost the vessel. So you may take the case where an assignee in bankruptcy sells a man out, and the claim goes for a bagatelle, a cent on the dollar. It is insisted that they should be paid in full. It may be that they ought to be. I am not discussing the merits of these claims. I say that the Private Calendars of the House and Senate have been stripped, against the rules of both bodies, and literally written upon this bill in the closing hours of the session.

Mr. GROUT. If the gentleman will allow me to interrupt, there are no insurance cases in this French spoliation list.

Mr. CANNON. Can the gentleman speak from his own knowledge?

Mr. GROUT. Well, from what I believe to be reliable information, there is no insurance company provided for in this list of French spoliation claims.

Mr. CANNON. I heard that in the Fifty-first Congress; and yet the insurance companies abounded all through that appropriation, and that is just what I complain of. My colleague from Vermont [Mr. GROUT] is an able and well-equipped legislator, vigilant in the performance of his public duties. He and I serve upon the same committee. He rises in his place and says that he is credibly informed that there are no insurance claims in these 700 items. I reply that I am credibly informed that there are insurance claims in there. Now, the bare statement of the proposition, when two as smart men as my colleague and I disagree upon our information, ought to be sufficient to show the inconsistency of this method of legislation. [Laughter.] Is the whole House, that has not been charged with the preparation of this bill, to open its mouth like a chicken and gulp it down, whatever it may be composed of?

Mr. GROUT. The gentleman is now speaking of insurance claims. When I interrupted the gentleman he was speaking about insurance companies. I do not say that there may not be in this list of French spoliation claims some cases of individual underwriters.

Mr. LACEY. Look at page 146 and page 148.

Mr. GROUT. I do not say that may not be so. I say there is not the case of any insurance company in this list of claims.

Mr. GROSVENOR. If the gentleman from Vermont will allow me to call attention to the matter referred to by the gentleman from Iowa [Mr. LACEY]——

Mr. CANNON. The gentleman from Vermont has not taken the floor. I will yield to the gentleman from Ohio [Mr. GROSVENOR] in a minute. I want to say that I have not yet read these 100 pages. My colleague on the committee [Mr. NORTHWAY] calls my attention to the fact that one paragraph of these 100 pages prohibits the payment of these appropriations to insurance companies. I have not carefully read the items—I had no time to read—but was informed, and am still informed, that, as the gentleman from New Hampshire [Mr. GROUT] has admitted, there are claims in favor of individuals which are substantially and equitably insurance claims—claims owned by others than the original losers or their heirs—included in the bill.

Mr. QUIGG. Does the gentleman mean that if we pay these items we shall be paying a lot of speculators instead of heirs of original sufferers?

Mr. CANNON. I am so informed.

Mr. MAHON. That is not in the bill.

Mr. CANNON. The gentleman says it is not in the bill. Let anyone rise in his place in this House who has read this amendment, which the gentleman moves that the House concur in, since it was printed this morning.

Mr. MAHON. Every item in that amendment is an honest debt, no difference to whom it belongs.

Mr. CANNON. Has the gentleman read it?

Mr. MAHON. Yes.

Mr. CANNON. This morning?

Mr. MAHON. Yes.

Mr. CANNON. From beginning to end?

Mr. MAHON. I have looked over it.

Mr. CANNON. I have found one who says he has read it. Let No. 2 stand up.

Mr. ADAMS. Why should we read all the items? It is nothing but a list of claims which have been passed upon by the Court of Claims.

Mr. GROSVENOR. I do not intend to stand up to be shot at by a gentleman so utterly furious as the gentleman from Illinois.

Mr. CANNON. I beg the gentleman's pardon. The gentleman knows I had no intention to treat him with rudeness. It had passed from my mind that he desired to be recognized. I will now yield to him for a question.

Mr. GROSVENOR. I wanted to call the gentleman's attention to this fact: It was stated by the gentleman from Iowa [Mr. LACEY] that on page 148 he had found the name of an insurance company. I simply want to say that the Real Estate Insurance and Trust Company of Philadelphia, which was formed probably seventy-five years after the French spoliation claims were created, is the administrator, under the law of Pennsylvania, of an estate. I think that law under which that company can be the administrator is a bad one. We have the same law in Ohio. That company, under that statute, is the administrator of one James Campbell, deceased, and as the administrator of James Campbell that company is prosecuting this claim, but not as an insurance company, because there was no such thing. This company was not in existence when these claims were incurred.

Mr. ADAMS. It is not a fire-insurance company. These wild statements will all be answered in time.

Mr. CANNON. Is the gentleman from Ohio through with his question?

Mr. LOUDENSLAGER (to Mr. GROSVENOR). I should like to ask the gentleman from Ohio if the James Campbell mentioned on page 148 is the same gentleman who is mentioned on page 149 in connection with the Real Estate Title Insurance and Trust Company of Philadelphia, administrator?

Mr. GROSVENOR. In one case it is the Real Estate Insurance and Trust Company of Philadelphia, administrator of James Campbell, deceased, and in the other case it is the administrator de bonis non. They appear to be two different claims. I want to say that I made an investigation, that I might satisfy myself that there was no insurance-company claim allowed in this bill, and then, when the gentleman from Iowa pointed this out, I thought it was fair to make an explanation.

Mr. QUIGG. But the gentleman from New Jersey claims that this party had two administrators.

Mr. GROSVENOR. One is the administrator and the other is the administrator de bonis non. There is nothing incompatible in that.

Mr. CANNON. Has the gentleman from Ohio concluded his question?

Mr. GROSVENOR. Yes, for the present; and I hope the gentleman will stay on the earth on this question, so that we may have chance to ask him other questions.

Mr. CANNON. I will stay on the earth; let no man get in the dirt on this proposition. If you turn to page 214 you will find this:

The payment to the assigns in each case being at the request of the original claimants as found by the Court of Claims.

That, I suppose, would include all classes of claims.

Mr. SAYERS. I want to call the gentleman's attention to the claim found on page 212. That item is for $174,000 or more. That is an independent claim.

Mr. CANNON. Yes.

Mr. SAYERS. Has the gentleman any information respecting that claim? If so, I would be glad if he would inform the House.

Mr. CANNON. I do not know anything about it, and I do not know that anybody else knows anything about it. I know that it is for $174,000, and I know it had its origin, as it appears, in 1864. That is all. Does anybody know anything about it?

Mr. DOCKERY. Will the gentleman allow me a question?

Mr. CANNON. Yes.

Mr. DOCKERY. I desire to know of the gentleman, because it seems important to have some committee action, whether these 700 claims incorporated in one amendment were ever considered by the Senate Committee on Appropriations?

to the amount of six millions and a half of dollars, which have

the one amendment, covering some hundred pages of the bill, 700

original sufferers?

Mr. CANNON. I am so informed.

by the Senate Committee on Appropriations?

Mr. CANNON. I understand not.

Mr. DOCKERY. Then this amendment was put on in the open Senate?

Mr. CANNON. That is the way I read the RECORD.

Mr. DOCKERY. Without the action of the Committee on Appropriations of the Senate.

Mr. RICHARDSON. Still, did not the Senate put it upon the bill on the report of the Committee on Claims, the report being made by Mr. BURROWS of Michigan?

Mr. CANNON. I understand the fact to be that these claims were put on in the Senate. The claims were not reported, and can not be, to the Committee on Appropriations under the rules of the Senate.

Mr. RICHARDSON. The gentleman, I know, wants to be entirely fair.

Mr. CANNON. Yes.

Mr. RICHARDSON. If he will recur to the RECORD a minute he will find that Senator BURROWS of Michigan stated in the open Senate that he reported these claims from the Committee on Claims, and reported them favorably. I am referring to the war claims. Now, will the gentleman allow me to ask him a question?

Mr. CANNON. Has Mr. BURROWS reported 700 claims?

Mr. RICHARDSON. He stated that he reported 348 of them.

Mr. CANNON. Let me answer the gentleman and say, so far as I know, Mr. BURROWS has not information touching these 700 items, and I speak respectfully, for he is an eminent man and statesman; and they have not been argued in the Senate or House, and this House has no knowledge touching their merits.

Mr. RICHARDSON. Now, Mr. Speaker, will the gentleman allow me a moment?

Mr. CANNON. In a minute. Let me state one thing further.

Mr. RICHARDSON. I hope the gentleman will allow me to recur to his statement.

Mr. CANNON. In a minute. There are a lot of things floating around loose to convince our minds. I hold in my hand a letter to Mr. HENRY, a Representative from Indiana. He brought it over to me a minute ago, and said that I was at liberty to use it. I did not intend to do so, and I will not now read the man's name, because I do not care to do such a thing unless some gentleman should demand it.

DEAR MR. HENRY—

Mr. HENRY, I believe, says he does not know this gentleman—

DEAR MR. HENRY: Senate amendment to general deficiency bill to pay Court of Claims findings is O. K.

The cases thereon were tried while I was one of the Attorney-General's assistants, and I know the findings to be correct.

The Democrats have neglected this appropriation, and by putting same on the deficiency bill now it can be charged to them, and properly so.

Mr. BAKER of New Hampshire. What of it?

Mr. CANNON. Any action of the committee about that?

Mr. BAKER of New Hampshire. The man says he has helped try these cases and knows they are O. K.

Mr. CANNON. Does my friend know who the man is?

Mr. BAKER of New Hampshire. I do not care who he is. He is giving a statement of fact.

Mr. CANNON. Does the gentleman want the man's name made public?

Mr. BAKER of New Hampshire. I do not care.

Mr. CANNON. Was the gentleman concerned in the trial of these cases?

Mr. BAKER of New Hampshire. Myself? No, sir.

Mr. CANNON. How do you know they are correct?

Mr. BAKER of New Hampshire. Because I have studied them.

Mr. CANNON. Studied all of these 700 items?

Mr. BAKER of New Hampshire. I know that the Court of Claims is accustomed to being right, and I am willing to bear my testimony to that effect at all times.

Mr. CANNON. The Court of Claims under the law had no power to render judgment in these cases, and has not done so. Now, I have said enough about this matter.

Mr. GROSVENOR. Will the gentleman permit another question?

Mr. CANNON. With pleasure.

Mr. RICHARDSON. I thought the gentleman was going to yield to me.

Mr. CANNON. In a minute.

Mr. GROSVENOR. In reply to the question of the gentleman from Illinois whether we know these claims to be correct, I want to quote an authority to show that they are correct.

Mr. CANNON. Very well.

Mr. GROSVENOR (reading)—

Now, one word—

That is pretty familiar language—

Now, one word in respect to the French spoliation claims—

Mr. CANNON. These claims?

Mr. GROSVENOR. The same class of claims; French spoliation claims.

Mr. CANNON. These identical claims?

Mr. GROSVENOR. The same class.

Mr. CANNON. The gentleman now is about to misrepresent somebody. I do not know whom. [Laughter.]

Mr. GROSVENOR (reading)—

In a previous Congress I voted for these claims. After some careful examination on my part and listening to the arguments with regard to them, I came to the conclusion that at least a certain amount of them were just and should be paid.

Mr. CANNON. What claims does that refer to?

Mr. GROSVENOR. French spoliation claims.

Mr. CANNON. I have suspicion that I know, perhaps, whose language the gentleman is reading. Were not those claims under the Bowman Act?

Mr. GROSVENOR. This extract begins, "Now, one word in respect to the French spoliation claims." The authority whom I am quoting is one JOSEPH G. CANNON, an honored Representative from the State of Illinois. [Laughter.]

Mr. CANNON. My recollection is that those were some claims under the Bowman Act.

Mr. GROSVENOR. No; they were French spoliation claims. [Laughter.]

Mr. CANNON. Very well. Were they the claims that are in this amendment—these particular claims? If the gentleman quotes me correctly, I said there that I had investigated the particular claims there referred to and that I believed some of them were just and ought to be paid. I have no occasion to modify that language. I suppose that some of these claims are just, but which one of the 700 is just I do not know and I do not believe any member of this House knows. I believe that God Almighty alone knows now. [Laughter.]

Mr. WALKER of Massachusetts. I would like to ask the gentleman how many members of this House know of their own knowledge, derived from personal investigation, that one bill in ten or one item in one hundred that is passed here is correct? Members have to take somebody's word, and to assume that he is honest.

Mr. CANNON. Yes; and therefore we organize the House, create committees, form rules, and adopt methods of procedure for the transaction of the public business, so that when a matter comes here the House may know that the committee that reports it has investigated it and is responsible for it. All those safeguards are given; they are all absent here. No committee of this House vouches for these claims. By force they are put upon a bill that I happen to have charge of, wrongfully, by a Senate amendment, and I know nothing of them and can know nothing of them. Therefore I am against this method of legislation. They have brought the Bowman Act, claims and the Indian claims and the French spoliation claims and put them on here, not upon their separate individual merits—oh, no; but out of order, in one amendment, 700 items, $2,000,000 in amount. They have married these claims one to another. If there is to be issue of that marriage, I want to make prophecy to the gentlemen of this House that it will be deformed, it will be corrupting in its action, and it will plague its ancestors. [Laughter.]

Mr. MERCER. It is polygamy, is it not? [Laughter.]

Mr. WELLINGTON. I want to ask the gentleman from Illinois a question. What is there against the claims presented on page 190, beginning with "Maryland," on the nineteenth line, down to line 13, on page 194?

Mr. CANNON. God knows. I never saw them until this morning. I have not yet seen them. I have had no opportunity to see them.

Mr. WELLINGTON. Is it not true that every one of those claims has been before the Court of Claims and has been favorably reported to a committee of this House? And is it not further true that that report was referred to the Committee on Claims and that every one of those claims has been favorably reported to the House by that committee?

Mr. CANNON. It may be true; but even if that be true there is no judgment. It was a mere finding by the Court of Claims. The court had no authority to do more than merely to make a finding and report it to Congress for its consideration, and the fact that the report was referred to the Court of Claims shows the jurisdiction. It is the effort to take these separate claims, against the rule, against sound practice, and to put them wholesale upon a bill where they do not belong, and which must pass, that I object to.

Mr. WELLINGTON. I just want to add this: So far as these claims are concerned they come, every one of them, from the State of Maryland, every one of them from the district that I represent. The greater part of them I know something about personally. The greater part of them are due to men, or to their estates, for goods and property taken in war time. They have been proven again and again. They have gone before the Court of Claims; they have gone before the committee of this House; they have been favorably reported; and I say that it is within the

jurisdiction of this House to pay these people the honest debt which the Government owes them.

Mr. CANNON. Well, that is a pretty long question, but I like to yield to my friend when I can. He says he thinks these claims under the Bowman Act are just.

Mr. WELLINGTON. I do.

Mr. CANNON. Has my friend examined the other claims in this amendment?

Mr. WELLINGTON. Some of them I have, and some I have not——

Mr. CANNON. Hold on a moment; I want to get at the fact. Has my friend examined into the matter of the Chouteau claim for $174,000?

Mr. WELLINGTON. I have not. I have taken it just as the gentleman took the other day the twelve-thousand-five-hundred-dollar claim.

Mr. CANNON. Oh, "the twelve-thousand-five-hundred-dollar claim!" I assented to that appropriation by Senate amendment at the close of a conference after midnight and after the Senate had receded on two or three million dollars; and when that item was submitted here in a conference report the House believed it unwise and rejected the report. Let the House follow suit in this case.

Mr. WELLINGTON. But did not the gentleman know, or ought he not to have known, that this expenditure of $12,500 was not a just or correct one?

Mr. CANNON. In my judgment——

Mr. WELLINGTON. And yet the gentleman objects this morning to the payment of claims——

Mr. CANNON. I do not yield.

Mr. WELLINGTON. Claims that are correct and just, and have been year after year reported to the House.

Mr. CANNON. I claim the floor.

Mr. WELLINGTON. I say that the Government owes these just debts, and ought to pay them to these people.

Mr. CANNON. Mr. Speaker, I desire to be protected in my rights.

Mr. WELLINGTON. I want my constituents to be protected in their rights.

The SPEAKER. The gentleman from Maryland is out of order.

Mr. CANNON. Mr. Speaker, it always affords me pleasure——

The SPEAKER. The House will come to order, and gentlemen will take their seats. [After a pause.] The time of the gentleman from Illinois has expired.

Mr. CANNON. I ask for a minute more.

Mr. WELLINGTON. I move that the gentleman——

Mr. CANNON. Oh, I want but a minute—merely a part of the time that I yielded to the gentleman from Maryland.

Mr. SAYERS. Mr. Speaker, as a member of the committee I shall be entitled, I presume, to an hour; and I yield to the gentleman as much time as he may desire out of my hour.

Mr. CANNON. I want only a minute. I have already said what I desire to say about the merits of this question. I yielded to the gentleman from Maryland, for whom I have respect, that he might ask a question. In the colloquy back and forth he thought proper—I suppose in the fancied hope that he would strengthen this amendment—to refer to an irrelevant matter—an item which was carried in the conference report on the sundry civil bill; and he taunted me with the fact that that report was "turned down." The House did not assent to that Senate amendment on the merits. I was not sorry then that it was turned down; I am not sorry now. When you settle bills carrying thirty or forty million dollars, there must be something of compromise and something of yielding back and forth. But it seemed to me that the gentleman, in his zeal to try to strengthen these claims, not upon their merits, did not do himself the credit that he ordinarily does in his direct way when he turned off and lugged in something that had nothing whatever to do with the provisions before the House.

Mr. WELLINGTON. I should like to say just one word in reply to the gentleman from Illinois, if he will permit me.

Mr. CANNON. In one moment I shall be through. Is the gentleman from Ohio [Mr. GROSVENOR] in his seat?

Mr. GROSVENOR. I am here.

Mr. CANNON. I find that the language which the gentleman from Ohio read from a debate in the Fifty-first Congress and credited to me was not my language. I find that it was the language of Mr. Peters of Kansas, to whom I had yielded.

Mr. GROSVENOR. Not at all; I did not make any mistake.

Mr. CANNON. Very well; it may be the gentleman is correct; I will examine further. But if the language which the gentleman read was mine, it was precisely like that of the gentleman from Kansas, Mr. Peters. I acquit my friend, of course, of any intention of misquoting me. The book is here, and we will both examine it.

Mr. GROSVENOR. Very well. The book was sent to me with a note calling my attention to the remarks of the gentleman, and I read what was marked.

Mr. CANNON. But what the gentleman read was the language of Mr. Peters.

Mr. GROSVENOR. We will see about that.

Mr. RICHARDSON. Will the gentleman from Illinois be kind enough to state the page of the RECORD that he read from?

Mr. CANNON. Page 3807.

Mr. RICHARDSON. What Congress?

Mr. CANNON. It was in 1891—the Fifty-first Congress

Mr. MAHON obtained the floor.

Mr. GROSVENOR. If the Chair will allow me a moment, this book was sent to me with a note calling my attention to a marked paragraph. Looking at the heading, I saw that it appeared to be a part of the remarks of the gentleman from Illinois [Mr. CANNON]; and with that understanding I read a sentence or two. I find now it is the language of another member, who had interrupted the gentleman from Illinois.

Mr. SAYERS. It was not the language of the gentleman from Illinois?

Mr. GROSVENOR. It was not. I was misled in the hurry.

Mr. RICHARDSON. Now, if the gentleman from Illinois will yield to me—he promised to do so——

The SPEAKER. The gentleman from Pennsylvania [Mr. MAHON] has been recognized.

Mr. RICHARDSON. Then I will ask the floor later. I want to call the attention of the gentleman from Illinois to what I understood him to say and what the RECORD shows him to have said in the Fiftieth Congress.

Mr. CANNON. Oh, it makes no difference what I said in the Fiftieth Congress. What is it decent and proper to do now?

Mr. RICHARDSON. You said then that these claims were "decent and proper" and ought to be paid.

The SPEAKER. The gentleman from Pennsylvania [Mr. MAHON] has been recognized.

Mr. MAHON. Mr. Speaker, I advocate the amendment of the Senate to this bill not because I have any personal interest in it, or because the great State that I in part represent has much in the bill. There are but two war claims under the provisions of the Bowman Act in the amendment in which that State is interested; two cases—small ones—one from Pittsburg, represented by my colleague [Mr. DALZELL], and another from the county of Adams, where the great battle of Gettysburg was fought. It is not, therefore, the amount that the bill carries for my own State that induces me to support the amendment; but I support it for a reason which is entirely satisfactory to me, and I propose, in the time I shall occupy, to present to the House as a lawyer the cold, naked facts which to my mind should recommend this amendment to the House for adoption.

The gentleman from Illinois [Mr. CANNON] says this takes away the functions and the business of the Committee on Claims and of War Claims of the House of Representatives.

I have no complaint to make against the gentleman from Illinois or any other member of the House as to the method of legislation adopted by this body. We have regular calendars for the business of this House. I am not attributing it to any one or any two men, but the House has absolutely, during this entire session, permitted legislation that was in gross and open violation of the rules of the House to be enacted on this floor. The gentleman from Illinois says: "Why not stand to the rules of the House?" That has been my contention in the past, and is my contention to-day. The Bowman Act has resulted in presenting to this House and placing upon the Calendar of the Committee of the Whole House on the state of the Union a number of claims, legitimate claims, against the Government of the United States. This Congress has been in session six long months and yet that Calendar has never been touched for one single moment. The Calendars of this House are veritable graveyards in which the bills of the great committees of the House are buried, and buried out of sight. [Applause.]

The gentleman speaks of the "great committees of the House," fifty-seven of them, "organized for the transaction of its business." If I had the time I could show him and convince this House that there are about forty-two of these committees that are absolutely and utterly ignored. The gentlemen composing these committees have spent their time during this session at arduous and hard work on their committees; but all in vain, simply because they were not permitted to come before the House with the business they had matured. Now, if the War Claims Committee wants to put life into any legislation, wants to give birth to any legislation and write it on the statute books of the country, it can accomplish it in no other way than in the way the gentleman from Illinois indicates, and that is to apply the knife—a drastic measure—and put life into it by the Cæsarean operation, as he calls it.

Mr. Speaker, four times in past Congresses in recent years has

the Senate of the United States placed these amendments on the deficiency bills. Why is it not a pertinent and proper amendment? The reason the Senate put them on—and they represent the people as we do—the reason the Senate put them on in four Congresses, and have included them in deficiency bills, is simply because that is the only way the people can get any consideration in this body. Take, for instance, the great Committee on Public Buildings and Grounds of this House. There are present to-day gentlemen who have served a long time in the House and are on that committee; and the sole work of that committee at this session was to report a resolution, and pass it through the House, appropriating the sum of $2,000 to fix up the kitchen in the House restaurant. [Laughter.] So I might go through many of the great committees of the House and point to the fact that they have not passed a bill during this Congress.

Now, this is a deficiency bill. If the Government of the United States owes these people, and the Secretary of the Treasury has no authority to pay them, we have a right to put the claims on the bill and appropriate the money for their payment.

I will now make a brief statement as to the French spoliation claim. It is a long history. Perhaps members of the House are all familiar with it. You remember that when the colonies had declared war against Great Britain—when they had declared for their independence—another nation across the sea came to the rescue of the colonists. In 1778 a treaty was entered into by which the Government of France bound herself to help the United States colonists to secure their independence. They performed their part of that contract to the letter. They sent their men and ships of war, and the dust of thousands of brave Frenchmen is in the soil of this country to-day in recognition of the fact that they did perform their part of the contract with this Government. But in 1790, or along there, the United States Government, in violation of that treaty, after they had secured their independence, went into another treaty, known as the Jay treaty, with Great Britain; and in that treaty the United States Government wantonly and knowingly refused to perform her part of the agreement with France, which was to protect her great West India possessions as well as to give her certain rights in the ports of this country. But in place of standing with France, as she agreed to do, she turned from France to Great Britain, and what was the result?

While there was no direct declaration of war between the two countries, France began at once to prey upon the commerce of the United States. So up until about 1800 this business went on. The result of it was that some 700 vessels of the pioneer merchantmen of the United States were destroyed by the French. Then the treaty of 1800 was entered into. Up to that time the French Government, in all her legislative bodies and by all her public utterances, openly acknowledged that she was indebted to the people of the United States who had had their vessels destroyed by her privateers. There is no question about that. And the French Government was ready and willing to pay them; but at the same time they held the United States Government bound to pay damages on account of the violation or nonperformance of the treaty of 1778. So, in recognition of this fact, about the year 1800 a commission sought to settle this difficulty between France and the United States. How was it settled? It is a fact beyond all controversy that the claim of the French Government was much larger than the claims of the people of the United States—nearly two to one. France agreed that she would abandon her claim, and the United States Government was to take care of the losses to American merchantmen and relieve France from that responsibility.

Mr. SAYERS. Will the gentleman allow me?

Mr. MAHON. Yes.

Mr. SAYERS. Does the gentleman state to the House that it is a matter of official record that any such agreement as that was ever entered into between the two Governments?

Mr. MAHON. Yes; that was the discussion, or understanding, if you will read it.

Mr. SAYERS. I do not refer to the discussion, but to the agreement. The gentleman stated that there was an agreement between the two Governments.

Mr. MAHON. Does the gentleman from Texas deny that the French Government so understood it, and relinquished her claim?

Mr. SAYERS. I do not know.

Mr. MAHON. Well, I know.

Mr. SAYERS. I know there was a certain class of claims paid for depredations by the French Government upon American commerce. That class of claims related entirely to ships that were seized in the ports of France. If my recollection serves me rightly, the French Government was then sadly in need of provisions and supplies, and that character of claims was paid for by the French Government, but that as to the other character of claims, such as we have here now, and which relate to depredations upon the high seas, payment for those claims was refused.

Mr. MAHON. Well, to be short, the French Government, through her commissioners, demanded that the United States should pay her claim for violation of the treaty for the reason, as the gentleman knows, that France had not declared war against the United States and the United States had not declared war against France. If the gentleman will go back and read the speeches of Clay and Webster, and men of that kind, in the United States Senate from 1826, during the time they served in that body, he will find that those great statesmen recognized the responsibility of the United States.

Mr. SAYERS. But the claims were not paid.

Mr. MAHON. Now, Mr. Speaker, to put it in a nutshell, the United States Government took the claims of the people who owned these American vessels, and with those claims settled with the French Government, and were released from their obligations to the French Government.

Mr. HAINER of Nebraska. When did the United States settle with the French Government for those claims?

Mr. MAHON. In 1800.

A MEMBER. When we bought Louisiana.

Mr. HAINER of Nebraska. With those claims?

Mr. MAHON. Yes; they took those very claims——

Mr. HAINER of Nebraska. Will the gentleman cite us to the treaty?

Mr. MAHON. The claims which were passed in the Fifty-first Congress, to the amount of $1,300,000, and these claims which are included in this amendment to-day, and with those claims of the United States they paid to the French Government the obligations which the French Government would have insisted on being paid by the Government of the United States; and if we had refused payment we should have been compelled to pay at the point of the bayonet and in the mouth of cannon.

Mr. HAINER of Nebraska. If the gentleman can cite us to any such treaty he is entitled to it by every possible right of discovery. It is his.

Mr. MAHON. I am not talking about the treaty. I am talking about the agreement.

Mr. HAINER of Nebraska. There was no such agreement made.

Mr. NORTHWAY. If the gentleman will send to the Court of Claims he will get a very long opinion, showing the whole history of the thing, and showing how the Court of Claims uphold these claims.

Mr. MAHON. I have it here, and if the gentleman takes the floor and denies the statement I made I shall be ready to knock the pins from under him. I say there was an agreement made.

Mr. WALKER of Massachusetts. Made in some form.

Mr. MAHON. It was repeatedly declared by Webster, by Chickering, and other great statesmen who in the past graced this Government with their great intellectual powers. Now, that is the way these claims originated.

These very claims were used by the Government of the United States. In other words, the United States Government having released the French Government, so that our people could not make individual claims against the French Government, the United States Government, by that agreement or understanding relinquishing all claims against the French Government, I repeat it, was using the claims of these people to pay its obligations to the French Government. Away back, from 1800 down to the present time, these people have ever since justly and properly insisted that the United States Government should pay them back what they had lost at the hands of this Government. Now, Mr. Speaker, in 1826 President Adams sent a message to the Senate of the United States in which he set forth all the facts in relation to these claims, and if my friend from Nebraska [Mr. HAINER] will get that message and read it carefully he will find everything contained therein to show what transpired between the French Government and our Government. Prior to that time three adverse reports had been made against the payment of any of these claims; but after Mr. Adams, on May 20, 1826, placed the correspondence between the United States Government and France before the Senate in the message, from that time up to 1895 not a solitary adverse report has been made to the Senate or House of the United States against these claims. The Congress of the United States since 1826 have made 53 reports, both in the House and Senate, and every one of them urging in the strongest terms the payment of these spoliation claims. The following favorable reports have been made:

There is probably no subject submitted to Congress since the organization of the Government under the Constitution, in 1789, which has been so fully and thoroughly investigated by committees of the two Houses as the present. Every essential fact having a bearing on the question, and every consideration of the international law, combined with a full development of the proceedings of both the French and American Governments in this regard, with an exposition of our diplomacy and numerous treaties, all, in the judgment of this committee, evincing conclusively the equity of these claims, have, from time to time, been laid before Congress.

In the House of Representatives there have been presented no less than 14 reports, as follows:

No.	Session.	Congress.	By whom presented.	Committee.
1	Second	Seventh	Mr. Giles	Select.
2	....do	Ninth	Mr. Marion	Do.
3	First	Seventeenth	Mr. Russell	Foreign Affairs.
4	....do	Eighteenth	Mr. Forsyth	Do.
5	....do	Twentieth	Mr. Edward Everett	Do.
6	Second	....do	....do	Do.
7	....do	Twenty-third	....do	Do.
8	....do	Twenty-fifth	Mr. Howard	Do.
9	First	Twenty-sixth	Mr. Cushing	Do.
10	Second	Twenty-seventh	....do	Do.
11	Third	....do	....do	Do.
12	First	Twenty-eighth	Mr. C. J. Ingersoll	Do.
13	....do	Twenty-ninth	Mr. Truman Smith	Foreign Affairs (verbal).
14	....do	Thirtieth	....do	Do.

In the Senate the subject has undergone an investigation by the committees thereof in a manner equally elaborate, and reports have from time to time been submitted to this body, as follows:

No.	Session.	Congress.	By whom presented.	Committee.
1	First	Fifteenth	Mr. Roberts	Claims.
2	Second	Nineteenth	Mr. Holmes	Select.
3	First	Twentieth	Mr. Chambers	Do.
4	Second	....do	....do	Do.
5	First	Twenty-first	Mr. Livingston	Do.
6	Second	....do	....do	Do.
7	First	Twenty-second	Mr. Wilkins	Do.
8	Second	....do	....do	Do.
9	....do	Twenty-third	Mr. Webster	Do.
10	....do	Twenty-seventh	Mr. Choate	Foreign Relations.
11	Third	....do	Mr. Archer	Do.
12	First	Twenty-eighth	Mr. Choate	Do.
13	Second	....do	....do	Do.
14	First	Twenty-ninth	Mr. Clayton	Select.
15	Second	....do	Mr. Morehead	Do.

It is a remarkable fact that there has not been a report adverse to these claims in either House of Congress since the President laid before the Senate, by message of May 20, 1826, the correspondence between the United States and France relative to these claims. Prior to that disclosure three adverse reports were made, to wit, one in the Senate by Mr. Roberts, from the Committee on Claims, in 1818, and two in the House of Representatives, from the Committee on Foreign Affairs—the first by Mr. Russell in 1822, and the other by Mr. Forsyth in 1814—all of which were far from being positive in opposition to their justice.

The papers communicated by the President in his message of the 20th of May, 1826, poured a flood of light on the subject; and since then every committee having the matter in charge has been constrained to come to the conclusion that these claims are just and equitable.

This committee can only account for the unexampled delay which (in face of expositions of great cogency by some of the most accomplished jurists and statesmen that have occupied seats in this Chamber) has occurred by the magnitude of the claims, and the large draft which their allowance would make on the Treasury of the United States. It would be difficult to find anywhere a more striking illustration of the truth of the axiom that delay is a denial of justice.—*Senate Committee Report No. 44*, first session Thirty-first Congress.

Your committee add the following list of favorable reports made since 1850:

No.	Where reported.	By whom reported.	Committee.	Date.	Report.	No. of bill.
30	Senate	Mr. Tru. Smith	Select	Feb. 5, 1850	Favorable	101
31	House	Mr. Buel	Foreign Affairs.	June 14, 1850	....do	64
32	Senate	Mr. Tru. Smith	Select	Jan. 24, 1851	....do	101
33	....do	Mr. Bradbury	....do	Jan. 14, 1852	....do	64
34	....do	Mr. Hamlin	....do	Feb. 15, 1854	....do	36
35	House	Mr. Bayly	Foreign Affairs.	Jan. 4, 1855	....do	117
36	....do	Mr. Pennington	....do	Mar. 3, 1857	....do	865
37	Senate	Mr. Crittenden	Select	Feb. 4, 1858	....do	45
38	House	Mr. Clingman	Foreign Affairs.	May 5, 1858	....do	552
39	....do	Mr. Royce	....do	Mar. 29, 1860	....do	259
40	Senate	Mr. Crittenden	Select	June 11, 1860	....do	428
41	....do	Mr. Sumner	Foreign Relations.	Jan. 13, 1862	....do	114
42	....do	....do	....do	Jan. 20, 1863	....do	114
43	....do	....do	....do	Apr. 4, 1864	....do	213
44	....do	Mr. Cameron	....do	Jan. 30, 1872	....do	100
45	House	Mr. Myers	Foreign Affairs.	May 19, 1872	....do	384
46	....do	Mr. Frye	....do	May 5, 1882	....do	1465
47	....do	Mr. Hoar	Claims	Mar. 12, 1884	....do	1839
48	....do	Mr. Cox	Foreign Affairs.	Jan. 24, 1884	....do	745

Now, I want to read just briefly, but I do not want to weary the House by reading. I find that Marshall, the great Chief Justice; Madison, Pickering, Clay, Clinton, Livingston, Everett, Webster, Cushing, Sumner, and many other distinguished statesmen known to American history favored and made speeches in the Senate of the United States in favor of these very claims and acknowledged their validity. If my friend from Illinois [Mr. CANNON] will turn to Senate Document 102 he will find the reasons Mr. Webster assigned why these claims should be paid. It covers half a page, and it is too long for me to read. He puts it on the ground that these claims were just claims of the people of the United States against the French Government, and absolutely without the consent of the claimants the United States used them in payment of what they owed the French Government.

Mr. BAKER of New Hampshire. Read what Mr. Webster said.

Mr. MAHON. Gentlemen ask that I read to the House what Mr. Webster said. If the House will bear with me I will read it:

Mr. Webster, in his celebrated speech on granting indemnity to American citizens for French spoliations on American commerce prior to 1800, in the Senate of the United States January 12, 1835, says:

"A letter appeared in a newspaper published at Albany, N. Y., in which I was charged with having a direct personal interest in these claims. The assertion, like many others which I have not felt it to be my duty to take any notice of, was wholly and entirely false and malicious. I have not the slightest interest in these claims, or any one of them. I have never been conferred with or retained by anyone, or spoken to as counsel for one of them in the course of my life. No member of the Senate is more entirely free from any connection with these claims than I am. The question, sir, involved in these cases is essentially a judicial question. It is not a question of public policy, but a question of private right—a question between the Government and the petitioners. And, as the Government is to be the judge of its own case, it would seem to be the duty of the Government to examine the subject with the utmost good faith and the most solicitous desire to do justice."

And in same speech Mr. Webster, commenting upon the statement made by Mr. Clay as Secretary of State, in May, 1826, in transmitting Document 102 to the Senate, delivered the following remarks:

"Before the interference of our Government with these claims, they constituted just demands against the Government of France. They were not vague expectations of possible future indemnity for injuries received, too uncertain to be regarded as valuable or to be esteemed property. They were just demands, and, as such, they were property. The courts of law took notice of them as property. They were capable of being devised, of being distributed among heirs and next of kin, and of being transferred and assigned, like other legal and just debts. A claim or demand for a ship unjustly seized and confiscated is property as clearly as the ship itself. It may not be so valuable or so certain, but it is as clear a right, and has been uniformly so regarded by the courts of law.

"The papers show American citizens had claims against the French Government for 615 vessels unlawfully seized and confiscated. If this were so, it is difficult to see how the Government of the United States can release these claims for its own benefit with any more propriety than it could have applied the money to its own use if the French Government had been ready to make compensation in money for the property thus illegally seized and confiscated; or how the Government could appropriate to itself the just claims which the owners of these 615 vessels held against the wrongdoers, without making compensation, any more than it could appropriate to itself, without making compensation, 615 ships which had not been seized. I do not mean to say that the rate of compensation should be the same in both cases; I do not mean to say that a claim for a ship is of as much value as a ship; but I mean to say that both the one and the other are property, and that Government can not, with justice, deprive a man of either for its own benefit, without making a fair compensation.

"It will be perceived at once, sir, that these claims do not rest on the ground of any neglect or omission, on the part of the Government of the United States, in demanding satisfaction from France. That is not the ground. The Government of the United States, in that respect, performed its full duty. It remonstrated against these illegal seizures; it insisted on redress; it sent two special missions to France charged expressly, among other duties, with the duty of demanding indemnity. But France had her subjects of complaint also against the Government of the United State, which she pressed with equal earnestness and confidence, and which she would neither postpone nor relinquish, except on the condition that the United States would postpone or relinquish these claims. And, to meet this condition and to restore harmony between the two nations, the United States did agree first to postpone and afterwards to relinquish these claims of its own citizens. In other words, the Government of the United States bought off the claims of France against itself by discharging claims of our own citizens against France."

As Webster puts it is the whole question in a nutshell.

Mr. HOPKINS. Will the gentleman state what he is reading from?

Mr. MAHON. Senate Document 102.

Mr. HAINER of Nebraska. Now, the gentleman has read the speech of Webster; will he now point out the section of the treaty under which the United States discharged these claims?

Mr. MAHON. I refer the gentleman to history on this matter. I have not the time to cite it to him. He has an hour.

Mr. HAINER of Nebraska. The gentleman can not find it during the course of this debate.

Mr. MAHON. The gentleman can get Senate Document 102, and all the papers transmitted by President Adams, and you will get the whole history.

Mr. BAKER of New Hampshire. Do you think that Mr. Webster did not tell the truth about it?

Mr. HAINER of Nebraska. I am not speaking about the truthfulness of the statement. I think the gentleman is mistaken in his conclusions.

Mr. BAKER of New Hampshire. He has read from the speech of Daniel Webster.

Mr. HAINER of Nebraska. I understand that, and I ask him to point out the section of the treaty.

Mr. MAHON. Now, Mr. Speaker, it has been urged by some that these are stale claims. Old they are, but not stale. They are not unjust simply because the Government of the United States has refused to pay these claims that she ought to have paid long ago. Since 1800 these people have been thundering at the doors of the Departments of this Government and Congress for the payment of their claims. Now, Mr. Speaker, up to 1885—

Mr. HOPKINS. Will the gentleman allow me a question? I

stepped out while he was reading the speech of Daniel Webster, who favored the payment of these claims. Does the gentleman know why it was that his colleagues did not vote with him to pay these claims?

Mr. MAHON. Because they were men who in private life would pay the last dollar of their debts, even to the selling of the shirts off their backs, but when it comes to the question of the United States, are willing to rob the private citizen. [Loud applause.]

Mr. HOPKINS. Oh, no. Does not the gentleman know right there that it was disputed by leading Senators that these claims were just?

Mr. MAHON. I do not care what leading Senators might think about it. These were just claims against the Government of the United States.

Mr. HOPKINS. Does he not know that those gentlemen considered that it was just a speculation, and for that reason they were disallowed?

Mr. GROUT. Mr. Speaker, if the gentleman from Illinois will allow me——

The SPEAKER. One moment. The gentleman from Pennsylvania has the floor.

Mr. MAHON. Notwithstanding the fact that John Marshall, the great Chief Justice of the United States, approved these claims, notwithstanding the fact that some of the most brilliant jurists of this country approved them, notwithstanding the fact that after long and severe legal contests the courts one after another declared that these were just claims of our people against the French Government, and that they had been used by this Government to liquidate claims which France had made against it—notwithstanding all this, up to 1885 Congress failed to take any action for the settlement of these claims.

Mr. GROUT. If the gentleman from Pennsylvania will yield to me for a moment, I will make a brief statement of historic facts for the information of the House, and especially in reply to the gentleman from Nebraska, who asked the gentleman from Pennsylvania [Mr. MAHON] awhile ago to point out a place in the treaty where these claims were involved. These French spoliation claims arose, as gentlemen will remember, prior to 1800. They rose out of the Napoleonic wars, the wars of France under the Republic, the Directory, and in part the Consulate. The Government of the United States called on our merchants to send in statements of their losses. They did so, and a claim for them was presented by our Government to France. Our commissioners went over once on that errand, but the French Government would not receive them at all. They went a second time, and finally they were received, and what is called a convention was entered into. As soon as the convention met the representatives of the French Republic presented claims against the United States for a breach of the treaties of 1778.

What were those treaties? One was the treaty of amity and commerce, by which certain commercial privileges were to be given to the French, they agreeing to give us like privileges in their ports; but the principal treaty under which the French claims were made was the treaty of alliance, so called, by which France agreed to come and help us in the war of the Revolution, as she did, and by which we agreed in return to guarantee and defend the French possessions in America—the West India Islands. Now, remember this was in 1778, and when the wars of the French Republic arose, about 1793, Great Britain made for the West India Islands and France called on the United States Government to protect and defend them for her according to our promise in the treaty of 1778. I have the document here, but it would take an hour to read what I am stating in substance, and therefore I prefer to make this brief statement. I say France called upon the United States to defend her possessions in America. The United States never lifted a finger to do it. One of the French ministers to this country made a great fuss about it and was finally sent home, because he became somewhat uncivil in his complaints on account of the failure of our Government to carry out its treaty obligations.

Mr. WALKER of Massachusetts. Honest men are apt to become uncivil when injustice is done.

Mr. GROUT. Yes, and that is what ailed the French minister then.

But to resume my statement. When our commissioners presented the claims of our merchants for the destruction of our vessels and cargoes the French Government presented its claim for failure of our treaty obligations. In Article II of the treaty of 1800 it was at last agreed that the claims of the two Governments should be postponed till a more convenient time, and Bonaparte, First Consul, in the name of the French people, consented on the 31st day of July, 1801, "to accept, ratify, and confirm the above convention, with the addition importing that the convention shall be in force for the space of eight years, and with the retrenchment of the second article: *Provided*, That by this retrenchment the two States renounce the respective pretensions which are the object of the said article." This is the vital point in the treaty relating to these claims, namely, that "the two States renounce the respective pretensions which are the object of said article."

The Senate ratified this proposition of Napoleon, and it became the treaty, and that is how these claims of our citizens were used by the Government in settlement of a claim by the French Government of a claim against the United States, and the United States have not settled with the claimants; and this, briefly, is the ground on which these claims rest. These claims thus collected of France have never been paid to the claimants, though it is true that in 1819, when we bought Florida of Spain, we deducted $5,000,000 from the purchase money for such of these claims as arose from condemnations in Spanish courts. But these in this bill are for vessels and cargoes condemned in French courts.

Mr. HAINER of Nebraska. Does not the gentleman know that that second article was not in the treaty at all as finally made and ratified?

Mr. GROUT. That is right; the second article, which provided for an indefinite postponement of the matter, was rejected, and in the language of Napoleon, "The two States renounced their respective pretensions which are the object of the said article." In other words, the United States gave up the claims of her merchants, and France gave up her claim against the United States for breach of the treaties of 1778. They quit even. No one well informed can for a moment claim but that the merchants' claims were used to settle the claim of France against the United States for the broken treaties of 1778.

Mr. MAHON. Mr. Speaker, I can not yield further. There can not be any controversy that the United States openly and flagrantly violated its treaty with France. I will give the gentleman from Nebraska my memoranda, by which he will be able to find the Louisiana treaty and the other documents bearing upon this question. As I was saying when interrupted, Mr. Speaker, the contention about these claims went on up to 1885——

Mr. KEM. Mr. Speaker, I suggest that there is no quorum present. We ought to have a quorum.

The SPEAKER pro tempore (Mr. DINGLEY). The gentleman from Pennsylvania [Mr. MAHON] has the floor.

Mr. MAHON. Mr. Speaker——

Mr. KEM. I rise to a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Pennsylvania can not be taken from the floor by anything but a point of order directed against words uttered by him and a refusal of the House to allow him to proceed.

Mr. KEM. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Pennsylvania has the floor, and will proceed.

Mr. MAHON. As I said before, the best jurists, the ablest statesmen of this country and of France, all or nearly all, were in full accord as to the justice of these claims; and in the House of Representatives it was openly declared that these claimants were entitled to compensation from our Government, but like all other claims of private citizens, these were deferred from day to day and from year to year, and up to 1885 were still unadjudicated. In that year the justice of these claims was admitted by the Congress of the United States, and it referred the claimants to the Court of Claims, telling them to go there and establish their rights; in other words, to show that their fathers, or their grandfathers, or somebody from whom they inherited, had lost a vessel or vessels by destruction at the hands of the French, and to show the value of the property. Congress, I say, under the act of 1885, sent these claimants to the Court of Claims and thereby put out of its own hands forever the right to investigate them.

Now, Mr. Speaker, the Court of Claims did investigate; and the Fiftieth Congress (if I am not mistaken as to the date), recognizing the justice and righteousness of these claims, paid $1,300,000 upon account of them. I say that if previously there had been any controversy as to the obligation of the Government to pay these claims—if prior to that time there had been any room for such a quibble as that with which the gentleman from Illinois [Mr. CANNON] has undertaken to puzzle this House—all such controversies and quibbles disappeared at that time when Congress, by the payment of over a million dollars on account of these claims, recognized in a way that can not be escaped the legality and justice of these claims. If Congress at that time paid $1,300,000 on account of these claims, upon what ground can we refuse now to pay this amount of $1,027,000 upon claims which have since been adjudicated by the Court of Claims? Mr. Speaker, that is all I have to say on the spoliation claims.

Now I want to refer to the claims arising under the Bowman Act. I do not know whether the gentleman from Illinois has read the debate which took place when that act was passed; but I want to refer to that debate and the reasons that compelled—I say compelled—Congress to pass the act. The committee rooms of the House and Senate were crowded with claims running into the thousands and the millions. Congress could not in its business hours, through its committees, investigate these claims. Hence it

passed what was known as the Bowman Act, referring to the Court of Claims these various claims—for what purpose? For the purpose of ascertaining certain things.

The first question to be considered by the court under that act was the question, Was the claimant loyal? That was a jurisdictional fact which the court must find. If found against the claimant, that was the end of the case. If the claimant was found to be a loyal man, the question was, Did he furnish stores or supplies to the Army of the United States? And the next question was, What were those stores and supplies worth at the time they were furnished? Those were the three things which Congress could not properly investigate, and which it wanted the court to investigate. In the case now presented, the court, after long and careful examination, has found that the claimant is loyal, that he furnished stores and supplies which were used by the Army of the United States, and that those stores and supplies were worth a certain amount of money. This finding, I say, is conclusive upon Congress as to those three facts. The Supreme Court of the United States may render judgment for a million dollars against this Government in favor of you or myself; yet it can not be enforced unless the Congress of the United States sees fit to appropriate money to pay that judgment. The money or property of the United States can not be taken by attachment or execution. This Congress is the last resort. If there has been a judgment, whether a mere finding of fact or a final judgment, the parties must come here to get their money.

Now, sir, in the Bessemer Case, 93 United States, May, 1865, the Supreme Court of the United States was asked to review a finding of fact by the Court of Claims; and the Supreme Court held that "the Court of Claims has furnished the facts we are to consider; and we can not look beyond them. For the purposes of this case they import absolute verity." The finding of the Court of Claims, according to this decision of the Supreme Court of the United States, is conclusive upon both parties. If a claimant demands $600,000 and the Court of Claims allows him but $50,000, that is conclusive upon him and upon the Government.

What is the Government of the United States except the legislative, executive, and judicial departments? I say that when the courts that have been created to ascertain the facts with regard to these claims have made their finding, it is binding upon the Congress of the United States; and we can do but two things: Either pay the amount found due or repudiate debts owing to private citizens of the United States.

Now, must Congress go into the merits of these cases? I was asked by the gentleman from Illinois whether I had examined these claims. Sir, I got a copy of this amendment from the Journal Clerk yesterday afternoon in less than three minutes after the committee had made their report to this House. I spent nearly all the hours of last night in examining the amendment, and I want to say that every claim therein contained coming under the Bowman Act was before the Committee on War Claims of this House, and no claim could be favorably reported by that committee that had not been examined by the Court of Claims. I wish to say that every claim in this amendment has been favorably reported by the War Claims Committee of this House, and the bills which they have reported are on the Calendar. If the business of this House were run in accordance with the rules the omnibus bills providing for these claims would have been considered four months ago, because it is near the head of the Calendar of the Committee of the Whole on the state of the Union, a Calendar which the House has neglected, because it has squandered its time in consideration of cases brought up by unanimous consent.

Mr. WILLIS. Have these bills been before the Court of Claims?

Mr. MAHON. Every one of them. There is not a bill in the amendment—no spoliation claim and no claim under the Bowman Act—that has not been carefully scrutinized by the Court of Claims.

A MEMBER. You mean the Committee on Claims.

Mr. MAHON. No; I mean the Court of Claims. We excluded every claim that had not been thus examined. The spoliation claims in this bill, amounting to $1,027,314.09, have all been before the Court of Claims and found honestly and justly due. The claims under the Bowman Act, amounting to $587,956.75, have also been before the Court of Claims.

The Chouteau claim, a claim for the construction of a gunboat, was also before the Court of Claims, and the court found that these parties were entitled to $174,445.75. It is true that the court, after finding these facts, held that it had no jurisdiction of the case; but nevertheless, in order to give the claimants a fair hearing, they reported it to Congress. If gentlemen will refer to the records of the court they will find that what I state is true.

Mr. CANNON. The gentleman does not claim that the court had any jurisdiction to try that case judicially and render judgment?

Mr. MAHON. No; they simply found the facts.

Mr. CANNON. And reported them back for the consideration of Congress?

Mr. MAHON. Yes, sir.

Mr. CANNON. In other words, the Court of Claims under the law acted in the same capacity that a committee of Congress would act.

Mr. MAHON. Yes, sir. I want to be honest in this matter. This claim, which received a long and tedious examination at the hands of the court, was confronted by the Attorney-General of the United States with the plea of want of jurisdiction. Still the court, after having taken all this testimony, and in view of the fact that the plaintiffs had been subjected to this long and expensive litigation, found as an absolute fact that the amount was due these people, but stated that they would have to go to the Congress of the United States and present their bill for that sum—an indebtedness which did not arise under the Bowman Act.

Mr. LEWIS. Do I understand the gentleman to say that the Supreme Court held, in the opinion to which he has referred, that the finding of facts by the Court of Claims, under the circumstances suggested, was conclusive and binding?

Mr. MAHON. It found that the finding of the court was an absolute verity; and why? Because it was a competent court, created to do certain things, namely, to find the facts as to whether the claims were just and ought to be paid.

Mr. LEWIS. Did they not hold that it was binding on the Supreme Court itself?

Mr. MAHON. The court held that it was binding on the Government, because it bound the claimant, and therefore bound the Government. Now, this Government is composed of the legislative, executive, and judicial branches. If it is binding upon one, it is binding upon all; and in all good conscience when your court so decides are you not bound by it? You are not bound to pay; I admit that. You are not bound to pay, even if the court held that you owed the debt to these people; and the gentleman will not deny that they do owe the debt. The only thing, however, if you refuse to pay, is to absolutely repudiate your obligations to the honest creditor of the Government. That is the only course left open to you. Are you willing to assume that course? The plea that the Treasury is empty has been used against these unfortunate people in the years gone by to prevent payment. "Let us not pay them, because the Treasury is not able to pay them at this time," has been the cry for all these years.

But, Mr. Speaker, that plea has no force. We can remedy it very easily. We can make, for instance, our river and harbor bill $50,000,000 instead of seventy-four million. We can do with one war vessel less. I claim that you had better pay the honest debts of the Government than to make expenditures that are not absolutely necessary at the present time. Pay the honest debts and curtail the expenditures of the Government. Why, I could, at this very session of Congress, if I had the power, take enough money, without hurting the public service, out of the general appropriation bills to pay every war claim and every spoliation claim and every Indian depredation claim in twenty-four hours, and adjourn Congress without making the appropriation bills larger by a single penny.

Yes, we appropriated for war ships, and I voted for it. I voted for the river and harbor bill, too. I am not excusing myself; I am not accusing any other man. I am willing to go to the people of this country—the great mass of the people—with the record that has been made in that respect. I am willing to make the Navy of the United States such as will command the respect not only of the greatest government on this earth but of the combined forces of all the world. This Government is great enough and rich enough to do that, so I do not excuse my vote on war ships or on the river and harbor bill.

They talk of poverty! Why, do you not know that this country is richer to-day than ever before in the history of the country?

A MEMBER. And richer than any other country on earth.

Mr. MAHON. Richer than any other country. We went into the war of 1860 and spent four years in a bloody contest, and the Government lost the business of the eleven Confederate States; we paid the expenses of the largest army of the world, and by so doing we accumulated an enormous war debt, and yet the business of this country went on, the prosperity of the country continued; and from 1865 up to 1892 this Government paid two-thirds of that enormous debt, as well as meeting all of the current expenses of the Government, and yet people talk of being poor. If the Treasury of the United States is in trouble to-day, it is not because the Government is not rich and mighty and powerful, but because of the blundering of statesmen of past Congresses and of the gentleman who sits at the other end of the Avenue. [Applause.]

Now, gentlemen, you claim that we have reserved the right to review the findings of the court. If that be true, the passage of the Bowman Act was the sheerest nonsense. What possible object could you have in sending a claim to a court of this kind that would have no more power than one of the committees of the House? It is not worth the expense of keeping it up. Why were the courts established? Simply because it was absolutely impossible for Congress to go into the full investigation of these matters

ment of the second article: *Provided*, That by this retrenchment the two States renounce the respective pretensions which are the

thousands and the millions. Congress could not in its business hours, through its committees, investigate these claims. Hence it

of Congress?

sible for Congress to go into the full investigation of these matters

as they ought to be investigated, and therefore you transferred that duty to a court.

If the contention of the gentleman from Illinois is right, that the House should go into an investigation of all these claims, and he holds up as a bugaboo that there are 700 claims in this amendment of the Senate—yes, there are 700 claims; and it is a living, crying shame to-day that the Government of the United States has not paid them before. Each one has been adjudicated honestly and fairly; but if you are to examine them in detail, then abolish your court. If Congress is to deal with the subject solely and alone, let us get rid of the expense of maintaining the court. What possible value is it? And the time has come in the history of this Government when Congress should either pay the findings of the Court of Claims or abolish the court altogether, repeal the Bowman Act, and the Tucker Act, and the act sending the spoliation claims to that court for adjudication.

Why, Mr. Speaker, here are thousands of dollars in these claims that have been investigated. I know of many men in this country who believed that the law would be observed when the claims were investigated and adjudicated by this court. I know of one man with a claim of $1,100. Having faith in the Government and the representatives of the people, he spent $800, mortgaged his little home, in order to get a verdict from court, which found eleven hundred dollars in his favor, and he has been knocking at the doors of Congress for three or four years trying to get the little pittance due him.

Now, in his old age, 85 years, with the poorhouse staring him in the face, the Congress of the United States, in which he trusted, refuses to make the appropriation to pay his claim and keep him out of the almshouse. You serve on the War Claims Committee, and see the unfortunate men and women who are going down into the decline of life, with white hair upon their heads, appealing and knocking at the door of this committee for the just recognition of their claims, and I tell you, if you were approached by these people who come to this Capitol endeavoring to get simply their just dues, it would touch you and cause you to vote for this bill. Now, the statement was made here, when we had a war claim up a few weeks ago, that there were $400,000,000 of war claims pending before the Court of Claims. That statement was made in a message by President Harrison, I believe. It was made under a misunderstanding of the facts. The Attorney-General of the United States at once proceeded to investigate and ascertain what the fact was. In his report of 1894 he says:

Since my last report there has been completed a detailed examination of all the cases pending under the Bowman Act, something over 7,000 in number, in order to distinguish from others these which are to be classed as war claims, defined as those "growing directly or indirectly out of the late war for the suppression of the rebellion." I am now able to report, as a result of such detailed examination, that up to the present time 9,162 claims of this description have been referred by Congress to the Court of Claims, the aggregate whereof is about $96,000,000. Of these, about 2,177 cases have been disposed of, aggregating on the face of the claims the sum of $16,184,000—the amount found due by the court thereon aggregating $2,344,000.

There remain pending in the court 6,985 claims of this character, which aggregate upon their face about $21,500,000. In addition to the foregoing, suits are pending within either the general jurisdiction or jurisdiction conferred by special acts of Congress, based upon claims either directly or indirectly growing out of the said war, the aggregate whereof, as stated by the petitions, is about the sum of $2,600,000, thus making the total amount of war claims pending in both jurisdictions about $24,100,000, instead of the $500,000,000 stated to be pending in reports of my predecessor, presented in 1890 and 1892, and in the message of President Harrison to the second session of the Fifty-second Congress.

Mr. Speaker, that great bugaboo, that great bogie man, that has been running around through this House to frighten members, that statement about $400,000,000 of war claims under the Bowman and Tucker and 4th of July acts, is cut down to $24,000,000.

Mr. Speaker, how many of these claims will the Court of Claims allow? I want to say to this House that the pick and choice of all these claims have been passed upon long ago. After careful investigation, by the help of the officers of the Court of Claims, I find that during the last thirty-two years, of all the claims presented to the Court of Claims since the court had jurisdiction over them, only 8¼ per cent were paid, and the balance rejected. I will tell you the reason why. It was because the claimants failed to prove their loyalty, which was a jurisdictional fact, and they were kicked out of court, and that was the end of it. Now, during the past thirty-two years, if only that small percentage has been paid, it is safe for this House to presume that there will not be over 5 per cent of the claims allowed which are still pending.

Mr. WILLIS. What amount is carried in these claims that have been placed upon the bill by the Senate?

Mr. MAHON. About $1,800,000. I went to the trouble to ascertain all the claims that have been paid since 1865, and I ask the attention of the House to this matter, because this statement has been made to frighten people, and perhaps persuade them not to vote for these bills. I have examined with great care and with the help of a gentleman who is an expert, and these figures which I now read are correct to a penny. Claims for quartermaster stores furnished the Army of the United States by loyal citizens residing in the loyal States to the amount of $6,010,425.43 have been approved by the Quartermaster-General and paid to citizens of the several States by Congress under the terms of the act of July 4, 1864.

Claims for commissary supplies furnished the Army of the United States by loyal citizens residing in the loyal States to the amount of $429,552.87 have been approved by the Commissary-General and paid to citizens of the several States under the provisions of the act of July 4, 1864.

Claims for the use and occupation of church and school buildings by the Army during the late war to the number of 234 were filed in the office of the Quartermaster-General of the Army under the terms of the act of July 4, 1864. Ninety-seven of these, aggregating $102,270.29, have been paid or recommended for payment, in whole or in part, and 137 claims, aggregating $247,797.38, have been disallowed or not paid.

Claims for stores and supplies furnished the Army and the Navy of the United States by loyal citizens residing in States declared in rebellion to the amount of $4,636,920.69 have been approved by the Southern Claims Commission and paid by Congress to citizens of the several States under the terms of the act approved March 3, 1871, and acts amendatory thereof.

Claims arising under the terms of the Bowman Act have been recommended for payment by the court, and Congress has paid to citizens of the several States $751,027.41.

Congress has appropriated the following amounts to pay claims allowed under the provisions of the Bowman Act, to wit:

Forty-ninth Congress	$8,627.98
Fiftieth Congress	119,510.75
Fifty-first Congress	573,763.30
Fifty-second Congress	597.00
Fifty-third Congress	48,528.38
Total	751,027.41

Claims arising under the terms of the Tucker Act have been approved by the court and paid by Congress to the amount of $4,525. The total amount paid under these acts is $11,934,721.69.

The total amount paid since the war closed under all acts for claims growing out of the war amounts to a little over $11,000,000, or less than you spend in one year on your rivers and harbors, less than you spend in building and equipping two men of war.

Mr. Speaker, these are the facts, and still these gentlemen will come in here and undertake to convince this Congress that these claims will swamp the Government of the United States if we open the door to pay these people what we owe them.

Mr. Speaker, in closing, I want to state, as I did before, that I have no personal interest in this business. I have endeavored all my life to pay every man whom I have owed, and I propose, as a member of this Congress, as long as I remain a member, to vote to pay every citizen of this country every dollar that I believe is honestly and justly due, and that has been found to be due by the courts created by this body, and I am willing to defer other appropriations until these unfortunate people are paid. I hope this House will adopt this amendment and pay these people. It is the only way that they can get before this body, as I said before, and in order that a vote can be had, the Senate put this amendment on this appropriation bill.

I want to say to gentlemen of this House who are interested in these people, who come from all your States, you will find them in every condition of life. If you vote against this amendment, do not come to this Congress afterwards and complain that the leaders of the House have not given you a fair opportunity, a fair hearing, and a fair chance to have a vote on this matter. No obstruction is placed in your way. Here is a question that has been casting a shadow over Congress for years past. You are now confronting it face to face. If you want to pay your people the just debts that this Government owes to them, if you want to sustain the hands of this Government, and to do what is right between man and man and enforce justice and equity, vote for this amendment. It is the only chance you will have. If you depend upon the House to act on this matter, the House, under the rules, will not allow you to get it before the House. I am not as sensitive as some of my friends may be. As chairman of the Committee on War Claims I am perfectly willing to take this chance to have these claims passed. That committee will never get a bill passed through this House unless we do it as we are doing. If we desire to do justice to these claimants, we can stand this $1,800,000.

Why, Mr. Speaker, if this thing goes on, this country will become the greatest robber on the face of the earth, taking the property of her own people and using it for her own purposes and then refusing payment. What would you say of a neighbor who emptied your corncrib to feed his own stock and then refused to pay for it? An honest man will pay his debts, even if it takes the coat off his back, and an honest government, through its representatives, will pay the people it owes, even if it hurts, and even if it has to borrow money or issue bonds to pay them. [Loud applause.]

Mr. SAYERS. Mr. Speaker, how much time have I?

The SPEAKER pro tempore. The gentleman from Texas is recognized in his own right for an hour.

Mr. SAYERS. Mr. Speaker, I desire to say that I will yield of my time ten minutes to the gentleman from Tennessee [Mr. RICHARDSON], ten minutes to the gentleman from Ohio [Mr. GROSVENOR], and five minutes to the gentleman from Illinois [Mr. CANNON]. The rest of the time I will use myself.

Mr. CANNON. Before the gentleman begins, I hope to be able—and that is the reason I wanted five minutes, if the gentleman has it to spare—at the end of the time the gentleman yields, to move the previous question and get a vote.

Mr. SAYERS. The gentleman's time is yielded last. It is the understanding, then, that the other gentlemen shall speak first. If I can have order in the House I would be glad.

Mr. Speaker, I do not intend to occupy a very large portion of the time of the House, and will go directly to the proposition under consideration. It is strange, it is passing strange, that four classes of claims shall be grouped together in one amendment. In the pending proposition we find these four classes, all different from one another, sandwiched together, and attached to the bill as a single item. Upon the authority of a distinguished Senator, one of long experience in the matter of appropriations, I assert that this is the first time in the history of general deficiency bills that we have findings under the Bowman Act put upon that bill.

Now, why is it, Mr. Speaker, that these different kinds of claims are grouped together in a single amendment? If they are as meritorious as they are said to be by the gentleman from Pennsylvania [Mr. MAHON] and by other members upon this floor, whence the necessity of incorporating them, aggregating more than $1,700,000, in one proposition? It was because, Mr. Speaker, these claims could not stand upon their individual merit. Each must have support from the others in order to pass the House.

For the information of members I will read them:

French spoliation claims	$1,027,314.09
Bowman Act war claims	548,922.54
Charles P. Chouteau claim	174,445.75
Claims of E. N. Fish and others	11,214.28
Total	1,761,896.66

I believe the last-mentioned claims have grown out of Indian transactions, and that the Chouteau claim is a relic of the late war, but not what is technically known as a war claim.

Mr. MAHON. Will the gentleman allow me to ask him a question?

Mr. SAYERS. Certainly.

Mr. MAHON. The reason why they have been put as an amendment upon this deficiency bill was because during the past year it has been known that this House would not give them any consideration under the rules.

Mr. SAYERS. The gentleman assumes to speak as to the motive of the Senate in consolidating these different classes of claims. I can only look for its motives to the records of that body, and upon examination I find no expression that would justify the explanation of the gentleman from Pennsylvania. But why put all these claims into one amendment, so different from one another? It was for the purpose, Mr. Speaker, of getting the votes of the friends of each class in support of the other three classes, and in that way carry the measure through this House. What do we know about the claim of $174,445.75 due Charles P. Chouteau? Can any gentleman upon this floor explain it?

Mr. McMILLIN. I know this, that it has been rejected by several Congresses.

Mr. SAYERS. About all we know of this claim is that it has been heretofore rejected; and so have the other claims been rejected by several Congresses.

But I wish to reply to the gentleman from Pennsylvania [Mr. MAHON] in regard to the French spoliation claims. These claims have been argued again and again in this House. The first acquaintance I had with them was during the Fiftieth Congress when Mr. Burnes of Missouri had charge of the deficiency bill, and during the Fifty-first Congress, when the distinguished gentleman from Iowa, Mr. HENDERSON, was in charge. We have been told by the gentleman from Vermont [Mr. GROUT] that because of the fact that the Government of the United States yielded up the just demands of its citizens to the French Government, therefore our Government became liable for the payment of these claims. That was the ground, and the sole ground, on which the gentleman from Pennsylvania [Mr. MAHON] and the gentleman from Vermont [Mr. GROUT] based their arguments for the payment of these claims. Let us turn to the proceedings of the Fiftieth Congress. Mr. McComas of Maryland, then an able Representative, and now a distinguished member of the judicial bench of this District, was urging the payment of these claims. When the proposition was under discussion in the Fiftieth Congress, Mr. McComas said in reference to them:

The question, in my opinion, is whether war existed between the years 1794 and 1801 between the United States and France. If there was war, I think that is an end of these claims.

The issue upon which the validity of these claims must rest was plain. Did war exist between France and the United States between the years 1794 and 1801 was the question and the only question. Now, how are we to ascertain whether there was war or not one hundred years ago or thereabouts? To what better authority than to the official records of our country and to the opinions of our Supreme Court can we appeal? I have before me a copy of a letter by the Attorney-General of the United States, dated August 21, 1798, in the very midst of the troubles of that time; written not fifty or a hundred years later, but at the very time, and addressed to the then Secretary of State. In this letter, dated, as I have said, on the 21st of August, 1798, he says:

SIR: Having taken into consideration the acts of the French Republic relative to the United States and the laws of Congress passed at the last session, it is my opinion that there exists not only an active maritime war between France and the United States, but a maritime war authorized by both nations. Consequently France is our enemy; and to aid, assist, and abet that nation in her maritime warfare will be treason in a citizen or any other person within the United States not commissioned under France; but in a French subject, commissioned by France, acting openly, according to his commission, such assistance will be hostility. The former may be tried and punished according to our laws; the latter must be treated according to the laws of war. I have thought it my duty to make this communication in consequence of the information you received from Rhode Island of the intentions of a Frenchman, whose name I do not now call to mind, who is said to be somewhere in this country on the business of buying ships and military supplies for the West Indies. He should be apprehended and tried as a traitor, unless he has a commission and acts according to it, in which case he should be treated as an enemy and confined as a prisoner of war.

I have the honor to be, etc., CHARLES LEE.

To the SECRETARY OF STATE.

Mr. Speaker, this letter furnishes the reason why France would not acknowledge the justice of these claims against that Government. It was because, and only because, they originated in actual warfare.

Mr. BAKER of New Hampshire. Will the gentleman permit a question?

Mr. SAYERS. Certainly.

Mr. BAKER of New Hampshire. Do any of our standard historians give any account of such a war as that which the gentleman is talking about?

Mr. SAYERS. Ah, Mr. Speaker, is not the official opinion of the Attorney-General of the United States, written at the very time when all these things were transpiring, history? Is it not better than ordinary history? The historian oftentimes writes years and years after the events and occurrences which he narrates have transpired, but here we find the Attorney-General of the United States, at the very time, in an official communication to the Secretary of State, declaring that war did exist between the two Governments. But is that all? If gentlemen will turn to the opinion of the Supreme Court—perhaps they will say that is not history—in the case of Bas *vs.* Tingy, delivered at the August term in 1800, they will find that court stating emphatically that we were then in a condition of war with France—during the very time stated in the communication of the Attorney-General to the Secretary of State, which I have already read.

Mr. ADAMS. Will the gentleman permit a question?

Mr. SAYERS. Certainly.

Mr. ADAMS. Had Congress declared war?

Mr. SAYERS. There may be war without a declaration by Congress.

Mr. ADAMS. Had Congress declared war?

Mr. SAYERS. Not at all; but may there not be war without a declaration by Congress?

Mr. ADAMS. Nothing in the treaty of 1800 showed a state of war existing. On the contrary, both nations denied it.

Mr. SAYERS. I take it the gentleman is a lawyer, is he not?

Mr. ADAMS. I am, sir; but I am sorry to say not a very good one.

Mr. SAYERS. Will not the gentleman then abide the decision of the Supreme Court, the highest judicial tribunal of the land, upon the question whether there was then actual war or not?

Mr. ADAMS. Let me answer the gentleman's question.

Mr. SAYERS. I will hand the book to the gentleman and he can read it.

Mr. ADAMS. I will answer the gentleman's question. The decisions of the Supreme Court, so far as they relate to this country, are of course paramount, but when you come to treaties between sovereign nations, the decisions of the Supreme Court are not binding upon questions of international law. Therefore, when two nations make a treaty——

Mr. SAYERS. The gentleman is wandering into a dissertation upon international jurisprudence.

Mr. ADAMS. If the gentleman will permit me to answer his

Mr. GROSVENOR. I am referring to Congress now collect-

If the condition of war, as he contends, existed—why John Adams,

The SPEAKER pro tempore. The gentleman from Texas de-

the help of a gentleman who is an expert, and these figures which I now read are correct to a penny. Claims for quartermaster

pay the people it owes, even if it hurts, and even if it has to borrow money or issue bonds to pay them. [Loud applause.]

District, was urging the payment of these claims. When the

upon international jurisprudence.

Mr. ADAMS. If the gentleman will permit me to answer his question——

The SPEAKER pro tempore. Does the gentleman from Texas [Mr. SAYERS] yield further.

Mr. SAYERS. I decline to yield further.

Mr. ADAMS. If the gentleman, after asking a question, will not permit me to answer, all right.

Mr. SAYERS. The gentleman must be contented with the time he has already had.

Mr. ADAMS. The gentleman finds he is wrong, and backs out.

Mr. SAYERS. Mr. Speaker, I venture the assertion that no treaty stipulation can be shown by which the United States released to France the claims of its citizens. But independently of any treaty stipulation between the two Governments as to the payment of these claims, the main proposition is—and it is a controlling one—that the French Government was not responsible for the payment of these claims growing out of a state of war. If the proposition with reference to damages incurred and property destroyed in time of war be not admitted, then all the property destroyed in the South during the late war must be paid for. If the French Republic was responsible to the owners of these vessels for the destruction of their property while these hostilities existed, then the Government of the United States is responsible to every Southern man that lost property at the hands of the Union soldiery during the late war. If one proposition be good, the other necessarily follows.

Mr. BAKER of New Hampshire. If these claims were not valid against the French Government, why did the French Government pay valid claims for the relinquishment of these?

Mr. SAYERS. I do not understand that the French Government did pay any valid claims in order that it might be released from the payment of other claims. The French Government and the Government of the United States were in a state of war. There were misunderstandings on both sides. The Government of France was involved in war not only with England but with Europe, and was anxious to make peace. The Government of the United States, recognizing the fact that France had been our ally during the Revolution, when we were weak and in our infancy, was also desirous for peace; and in that way peace was brought about.

Now, let me have the attention of my friend from Pennsylvania for a moment. I have in my hand a volume of the Supreme Court Reports, 4 Dallas. Here is what the court says in regard to the existence of war at that time:

> Now, if this be the true definition of war, let us see what was the situation of the United States in relation to France.

Mr. ADAMS. Read the definition.

Mr. SAYERS (reading)—

> In March, 1798, Congress had raised an army, stopped all intercourse with France, dissolved our treaty, built and equipped ships of war and commissioned private armed ships, enjoining the former and authorizing the latter to defend themselves against the armed ships of France, to attack them on the high seas, to subdue and take them as prize, and to recapture armed vessels found in their possession. Here, then, let me ask, what were the technical characters of an American and French armed vessel, combating on the high seas, with a view the one to subdue the other and to make prize of his property? They certainly were not friends, because there was a contention by force; nor were they private enemies, because the contention was external and authorized by the legitimate authority of the two Governments. If they were not our enemies, I know not what constitutes an enemy.

Here, Mr. Speaker, we have the reason why these claims have not been paid. The Congress of the United States settled all the Revolutionary claims many years ago. The Congress of the United States assumed the payment of the debts of the different States. Congress met every year to legislate upon the affairs of the people, and yet while the participants in the Revolution were still alive and while the men who were actually present and took prominent part in that great struggle were acting as Representatives in the Halls of Congress these claims were refused payment. These Senators and Representatives were entirely familar with all the facts involved. They, it is to be presumed, were honest and patriotic. Why, Mr. Speaker, did they not provide for the liquidation of these claims?

Mr. GROSVENOR. Will the gentleman yield to me for a question?

Mr. SAYERS. Certainly.

Mr. GROSVENOR. Is not Congress—and I speak now collectively, of course—are we not great men and wise men and patriotic men——

Mr. SAYERS. I will answer the gentleman by a question——

Mr. GROSVENOR. Let me finish first, and then you can answer altogether——

Mr. SAYERS (continuing). I will most cheerfully admit the gentleman from Ohio to be a great, and a wise, and a good man. There is no use in consuming my time, therefore, in asking the question.

Mr. GROSVENOR. I am referring to Congress now collectively. If Congress be an aggregation of wise men and patriotic men, why do we not pay the honest debts that the Government owes?

Mr. SAYERS. I am discussing these particular claims.

Mr. GROSVENOR. I refer to all honest claims.

Mr. SAYERS. Ah! that is the trouble. When we begin the discussion of a particular class of claims, or one particular claim, gentlemen will introduce into the discussion the nonpayment of other claims not connected with the matter under consideration.

It seems to me, Mr. Speaker, to be rather late in the day for us to undertake to pay one million dollars and over of these claims—claims which our forefathers and their children refused to pay. We should not be considered dishonest because we refuse to pay them—claims that are more than a hundred years old, claims the payment of which have been refused again and again by Congress and once vetoed by a President of the United States and no effort made to pass the bill over his veto.

Now, Mr. Speaker, it is in the power of the majority to do so. I would say, however, to our Republican friends that they should not be overhasty in this matter. The claims have been discussed again and again and have been oftentimes rejected. Will the majority pay them now, presented as they are now presented, four different classes of claims grouped together in a single amendment, to be considered all together and as a single item?

Why, sir, I heard a gentleman in the House say that if the French spoliation claims were separate and apart he would vote for them, but he would not vote for the other claims that are connected with them. I heard another gentleman, who is friendly to the Southern war claims, say that if he could get a direct vote upon them, separate and distinct from the others, he would not vote for the French spoliation claims. And yet, in order to get all of these claims through, in order to draw support from all sides, these four classes are combined together in a single amendment, and the friends of each class are asked to support them all. The friends of the respective classes are uniting, and arm in arm they are marching to the Treasury to pay claims which some of them believe ought not to be paid, and which, if presented separately, would be rejected by this House with scarcely a discussion.

The idea, Mr. Speaker, that the Government of the United States is an insurer of the property of its citizens in time of war is an absurdity. What were these people doing on the high seas in armed ships?

Mr. WALKER of Massachusetts. What business had they on the high seas at any time? They ought to stay at home. [Laughter.]

Mr. SAYERS. Possibly so, and I hope the gentleman will vote against the claims.

Mr. MAHON. Will the gentleman yield to me for a question?

Mr. SAYERS. In a moment.

These people were on the high seas with vessels laden with their own commodities, in order to run the blockade which England had thrown around the whole of Europe. They were trying to get their goods into the European markets and to sell them at the high prices then prevailing. Their ships were armed with artillery, in case they met the French, and if they happened to be the stronger they fought and took possession of French vessels. But when they lost their own ships they came to their own Government and presented claims for compensation for the losses which they thus sustained.

I now yield to the gentleman from Pennsylvania, who wishes to ask a question.

Mr. MAHON. Was war declared between the United States and France when these ships were taken and destroyed?

Mr. SAYERS. It was not necessary that it should have been formally declared. The Supreme Court have decided that it was not necessary for the existence of public warfare that war should have been actually declared. And if the gentleman, who is a lawyer, will turn to the opinion of the court in the case which I have just cited, he will find that I am sustained by high authority.

Mr. MAHON. What was the case?

Mr. SAYERS. The case of Bas against Tingy.

Mr. MAHON. What date?

Mr. SAYERS. 1800, or about that time.

Mr. MAHON. Have you read Chief Justice Marshall's opinion?

Mr. SAYERS. This opinion was before he was a member of the Supreme Court, I believe.

Mr. MAHON. I only want the gentleman to state the fact that the judges have held that there was no such state of war existing.

Mr. SAYERS. I beg the gentleman's pardon, they have held just the reverse.

Mr. WELLINGTON. Will the gentleman permit me to ask him a question?

Mr. SAYERS. Certainly.

Mr. WELLINGTON. I would like to ask the gentleman why,

if the condition of war, as he contends, existed—why John Adams, who was President from 1797 to 1801, says something like this:

> To explain all the mysteries of that period never was and never will be in my power. It would require volumes to give a simple history of it. * * * My sole object was to preserve the peace and neutrality of the country, and that, I thank God, I obtained at the loss of my power and fame on both sides.

Mr. SAYERS. Oh, Mr. Speaker, I understand——

Mr. WELLINGTON. That is what the President of the United States contended and claimed at that time.

Mr. SAYERS. But we have the letter of the Attorney-General of the United States in 1798, and the opinion of the Supreme Court in 1800——

Mr. WELLINGTON. Thomas Jefferson in 1801 used this language:

> While we devoutly return thanks * * * we are bound with peculiar gratitude to be thankful to Him that our peace has been preserved through so perilous a season.

The President of the United States ought to have known something about the condition of the country, ought he not?

Mr. SAYERS. I will say to my friend that in what was said by the President of the United States view was had to the course which he took in order to prevent a formal declaration of war upon the part of the Government of the United States against France; and the gentleman will not, I apprehend, find in any of the writings, either of Jefferson or of Adams, any assertion that a state of war was not then existing. The character of war to which these gentlemen referred was an authorized war under an act of Congress, followed by direct and open hostilities.

Mr. WELLINGTON. Will the gentleman permit another interruption?

Mr. SAYERS. Certainly, and I will endeavor to answer the gentleman.

Mr. WELLINGTON. Would it be possible, if there were war of any kind existing between France and America, that when Washington died in 1799 the French people throughout the whole land would have put up crape and expressed their condolence with this nation?

Mr. SAYERS. I should think so.

Mr. WELLINGTON. It is scarcely supposable that a nation at war with another would do that.

Mr. SAYERS. I can see very well why they should. The French people were living under a republic, and the United States was also a republic. The people of France knew that they had the sympathy of the people of the United States in their effort to reform their Government and to establish a republic. Republicans in those days sympathized with each other, wherever they lived.

A MEMBER. And they do now.

Mr. QUIGG. Will the gentleman yield for a question?

Mr. SAYERS. Certainly.

Mr. QUIGG. Is there any adjudication on the part of Congress or on the part of the Supreme Court or on the part of any other authority that we actually owe this money?

Mr. SAYERS. None that I know of.

Mr. QUIGG. Has there ever been?

Mr. SAYERS. None that I can now recall.

Mr. DOVENER. I will show you one.

Mr. SAYERS. I hardly think so.

Mr. DOVENER. I will show you such a declaration of the Supreme Court of the United States.

Mr. MAHON. I know you want to be correct.

Mr. SAYERS. Certainly. If there has been any such adjudication, I am not advised of it. I speak subject to correction.

Mr. MAHON. You have just stated that these American merchantmen had no business to run the blockade.

Mr. SAYERS. That is what my friend from Massachusetts [Mr. WALKER] suggested.

Mr. MAHON. Now, I want to read——

Mr. SAYERS. Oh, do not do that now. You had an hour.

Mr. MAHON. I want to correct you. I quote from Wharton's International Law the following letter, written by Thomas Jefferson to the merchants of the United States:

> I have it in charge from the President to assure the merchants of the United States concerned in foreign commerce or navigation that due attention will be paid to any injuries they may suffer on the high seas or in foreign countries contrary to the law of nations or to existing treaties, and that on the forwarding hither of well-authenticated evidence of the same proper proceedings will be adopted for their relief.

Mr. SAYERS. I object to any further interruption.

The SPEAKER pro tempore. The gentleman declines to yield further.

Mr. MAHON. If you object to a letter from Thomas Jefferson, why, then, you can go ahead.

Mr. SAYERS. The gentleman should regard a decision of the Supreme Court.

Mr. MAHON. I am talking about Thomas Jefferson.

The SPEAKER pro tempore. The gentleman from Texas desires to reserve twenty-five minutes. He has now only twenty-five minutes remaining.

Mr. SAYERS. That being the case, Mr. Speaker, I yield to the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON. Would the gentleman from Ohio [Mr. GROSVENOR] prefer to proceed now? If so, I will allow him to do so.

The SPEAKER pro tempore. The Chair will say that the gentleman from Texas has twenty-five minutes remaining, and he has yielded ten minutes to the gentleman from Tennessee [Mr. RICHARDSON].

Mr. GROSVENOR. It is very kind in the gentleman, but——

Mr. SAYERS. The gentleman from Ohio asked me for time, and I yield to him.

Mr. GROSVENOR. I am very much obliged to the gentleman. It was very generous in him to yield the time. I want, if I can, to get about ten minutes more time, in my own right or otherwise.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. RICHARDSON] is recognized.

Mr. GROSVENOR. Mr. Speaker, under what principle is the time limited?

The SPEAKER pro tempore. The gentleman from Texas [Mr. SAYERS], a member of the conference committee, took the floor in his own right, and that, of course, gave him an hour. He has used all but twenty-five minutes, and he yields ten minutes of his remaining time to the gentleman from Tennessee.

Mr. GROSVENOR. Then I will wait and try to get more than ten minutes.

Mr. SAYERS. I would give the gentleman more time if I had it.

Mr. GROSVENOR. I understand. I will wait until the gentleman from Tennessee has concluded.

Mr. RICHARDSON. If the gentleman from Ohio [Mr. GROSVENOR] will not take his time now I should like ten minutes more coupled with my time, to make it about twenty minutes.

Mr. CANNON. How much time does the gentleman want?

Mr. GROSVENOR. Twenty minutes.

Mr. CANNON. I will ask unanimous consent that the gentleman's time may be extended ten minutes more, in addition to the ten minutes yielded by the gentleman from Texas.

Mr. GROSVENOR. Then the gentleman from Tennessee can proceed and use his ten minutes.

Mr. RICHARDSON. Mr. Speaker——

The SPEAKER pro tempore. The gentleman is yielded only ten minutes.

Mr. RICHARDSON. When I asked for time to speak upon this amendment I hoped I would have more than ten minutes.

Mr. GROSVENOR. Will the Chair recognize me in my own right?

The SPEAKER pro tempore. The Chair will simply say that the gentleman from Texas [Mr. SAYERS] had the floor and had twenty-five minutes remaining, and indicated an intention to yield ten minutes to the gentleman from Tennessee [Mr. RICHARDSON], ten minutes to the gentleman from Ohio [Mr. GROSVENOR], and five minutes to the gentleman from Illinois. That would make his twenty-five minutes.

Mr. CANNON. I want to say to the gentleman from Ohio that I hope to have a vote not far from 4 o'clock upon this bill. There is another conference report, on the sundry civil bill, that I want to dispose of yet to-night; there is an election case pending; and if the gentleman desires twenty minutes I will ask unanimous consent now.

Mr. GROSVENOR. You will not get that.

Mr. CANNON. If the Chair will recognize me in the time offered to me by the gentleman from Texas, I will ask for time for the gentleman.

Mr. MAHON. I yield ten minutes to the gentleman from Ohio.

Mr. GROSVENOR. Very well; the arrangement is all made.

Mr. RICHARDSON. Mr. Speaker, I ask for order. When I asked for time I hoped I would have more than ten minutes in which to discuss this measure. In ten minutes it is impossible to do so. I wanted, if I had time, to recur to the two main propositions—the war claims and the spoliation claims—and to have endeavored, if I had the time, to reply to the argument of the gentleman from Illinois and that of the gentleman from Texas, in opposing the pending amendment. I will not have time to do so to my own satisfaction.

Mr. Speaker, I want to say first, in reply to the gentleman from Illinois, who opposes the French spoliation claims, that it occurs to me that the objection does not come with good grace from him. I sought to interrupt the gentleman when he was on the floor a while ago to call his attention to the fact that in a previous Congress the gentleman himself had favored an appropriation for the payment of French spoliation claims. I could not get the attention of the gentleman then, and I only want now to recur to it briefly. He will find in the Fiftieth Congress, the second session, on page 2706 of the RECORD, the following. Mr. SAYERS, of Texas,

had yielded to Mr. CANNON five minutes. Mr. CANNON, among other things, said:

The bone of contention is this item of one and a half millions of dollars, known as the spoliation claims, ninety years old.

I want to be entirely frank and say there are two sides to this question. In former years, when most of us were boys, these claims met, after full discussion and passage in the House and Senate, with Executive veto. A year or two ago we did refer these ninety-year-old claims to the Court of Claims, not to render judgment, but to investigate and report to the House. As one member of this House I have read with great care the decision of that court. I believe from the best lights I can get the Government of the United States three generations after these claims are due and payable ought to pay them.

[Applause.]

Now, that is what the gentleman then said. As a matter standing alone, I do not favor payment of the spoliation claims, but there is no other way to get our little pittance of war claims.

Mr. CANNON. Will the gentleman just yield to me one minute?

Mr. RICHARDSON. The gentleman has time after I get through.

Mr. CANNON. I will yield him one minute of the time yielded to me by the gentleman from Texas. I want to say that I have no recollection of the debate. Further, you may find the language may be modified by all that I said. I want to say, further, that I have made no attack upon the legality of the French spoliation claims; but I make the attack that it is not parliamentary, it is not sound policy, it is not parliamentarily decent to put these claims upon a general appropriation bill, some of which claims may be right, the most of which I believe to be wrong.

Mr. RICHARDSON. Now, Mr. Speaker, I yielded to the gentleman that he might make his explanation. I want to say that was not all that he said. He went on to say that it was then within fourteen hours of the adjournment of Congress, but that we ought to vote to pay these claims. We are not within fourteen hours of adjournment. He can have ample time to examine all the claims in the Senate amendment.

Mr. CANNON. Does the gentleman say that I voted to pay them or voted against paying them?

Mr. RICHARDSON. You said they ought to be paid. There was no yea-and-nay vote, and there was no other chance of paying them but on the appropriation bill, and they were so paid, as I understand it.

Mr. CANNON. My recollection is that there never was a time when I advocated the payment or voted to put wholesale claims upon an appropriation bill.

Mr. RICHARDSON. In view of the circumstances, it is impossible to procure the consideration of these claims in any other way, and the gentleman knows it. How much time have the leaders of the House given to the Committee on Claims or to the Committee on War Claims of the Fifty-fourth Congress to consider such measures as are involved in the Senate amendment? An hour and a half, the gentleman from Pennsylvania [Mr. MAHON] says. Now, when are you going to consider them? If you wish to do justice to these claims there is no difficulty in the way of protracting this session a week or ten days and allow the gentleman and his committee to investigate them fully.

Mr. Speaker, they are brought here in a regular way, the only way they can be brought here. My friend from Texas says these claims are all grouped together, and therefore they ought not to be considered. They were not grouped together. They were considered separately in the Senate. Each one of these four propositions to which my friend refers had separate consideration in the Senate. First, the French spoliation claims were offered as an amendment. Then an amendment to that amendment was offered, and that amendment to the amendment was agreed to. That was a separate vote. Then the Chouteau claim, as it is called, was offered as an amendment to the amendment and agreed to, and so with the other amendment, all being agreed to in order. They were all separately considered. Anyone who will examine for a moment can see that these four amendments were each considered separately and passed separately, and became one Senate amendment. Therefore there is nothing in the point of the gentleman from Illinois or the gentleman from Texas. Each one of these four separate claims had separate consideration by the Senate. They each had separate consideration by the Court of Claims, organized for the express purpose of relieving this House and the other branch of Congress from the investigation of the details necessarily incident to the claims.

Why was jurisdiction given the Court of Claims to try these cases under the Bowman Act? I have the act before me. Its title is, "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government." The whole object in referring these claims under the Bowman Act to the Court of Claims was to relieve Congress of the labor of investigating the details of these cases. Yet we are told, after that court, organized for the purpose, has made the investigation, that we must have time to investigate them ourselves. If only an honest investigation is wanted, we have ample time to investigate them, now that they are before this able Committee on Appropriations. We can sit here a few days and allow the committee to complete the investigation, if they desire to enter upon it. But, Mr. Speaker, I say that the Court of Claims having found the facts in each one of these cases, it seems to me that we ought to accept their findings as final and conclusive and take action accordingly. If we had a month or three months or years for the investigation, we would not undertake to go into the records in these cases as that court does.

How is that tribunal to proceed in these cases? Take the cases referred under the Bowman Act. They are referred to the court, which in its make-up is not partial to that class of claims, which are mainly war claims arising in the South. That is a Republican court. Five members compose it, each of them a Republican, and all from Northern States. Therefore I feel justified in saying that the members of that court are not partial to this class of war claims, and yet they have found every fact that Congress required them to investigate in favor of each one of these 384 war claims, saying that they are just and proper and ought to be paid. Gentlemen say we have not time to investigate them, but I repeat that if we had a year or five years there is not a member who would go through the records with such detail and thoroughness as this court does.

When I interrupted the gentleman from Illinois awhile ago I made the statement that an able Senator who formerly occupied a seat on this floor, and with whom many of us served here for years, had reported these claims in the Senate from the Committee on Claims of that body. I want to read what he said in the Senate when these Bowman Act claims were presented as a separate amendment. After the French spoliation amendment had been adopted, this amendment was offered covering these war claims, and the Senator I refer to, Mr. BURROWS of Michigan, in answer to a question, said—I will quote his words:

I will say, in response to the inquiry which has been made, that the amount carried by this amendment is $548,922.54.

Mr. HARRIS. Can the Senator answer the question asked by the Senator from Illinois [Mr. PALMER] as to the number of claims? I could not; I have not the number in mind.

Mr. BURROWS. Yes: the number of claims carried in the amendment is 325. I became conversant with this matter because it was referred to me as a subcommittee, and I have examined it with a great deal of care and made the report in this case.

That is, Senator BURROWS said that he, as a subcommittee of the Senate Committee on Claims, had investigated this matter; had gone over the findings of the Court of Claims covering the 325 claims embraced in the war claims amendment to this bill; had examined them with great care, and had recommended that they be paid. The committee adopted his report and made the same recommendation to the Senate, and they were put upon this bill as an amendment. There was nothing unfair or unusual about it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RICHARDSON. I wish I had more time.

Mr. GROSVENOR rose.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for ten minutes, yielded by the gentleman from Texas [Mr. SAYERS].

Mr. GROSVENOR. Mr. Speaker, I desire to devote twenty minutes to the discussion on this matter—ten minutes yielded by the gentleman from Texas [Mr. SAYERS] and ten minutes yielded by the gentleman from Pennsylvania.

I think if Congress on this occasion shall refuse to pay these claims, and particularly the so-called French spoliation claims, they will never be paid. From time to time Congress has passed the French spoliation claims. It is said that they have passed in one or both Houses of Congress fifty-two times. In the brief time which I intend to devote to these I can reply to only one or two of the arguments which have been made here. The gentleman from Texas [Mr. SAYERS] has repeated the oft-told tale that there is a doubt whether there was not a war existing between France and the United States at the time of the accruing of these claims for the destruction of the commerce of the merchant marine of New England.

Now, in the first place, it is too late to put forward that argument. The question has been settled by the action of Congress over and over again. It was settled especially by the Fifty-first Congress, which paid a million and a half dollars of these claims, in face of the identical argument made by the gentleman from Texas to-day. I would like to ask some student of American history when that war began. We live in an age of civil-service reform now, and all our public servants are bound to know something about the history of the United States. When was that war? How did it begin? Who commanded the French troops? Who commanded the American troops? What battle was fought? What ship fired a gun? What was the name of some officer who participated in that war? The Supreme Court of the United

States in a case which has been cited used an unfortunate expression, which was mere obiter dictum, and from that time to this everybody who wanted to be on the side of the repudiation of these claims has been turning over that utterance of the court in his mouth as a sweet morsel. This war, if it happened at all, was in the year 1799. George Washington was alive for eleven and one-half months of that year. George Washington did not know that that war had any existence. [Laughter.] He never found it out. Living down here in quiet retirement on the banks of the Potomac, he never learned that his country was at war with its former ally.

Mr. ROBINSON of Pennsylvania. Mr. Speaker, if the gentleman will permit an interruption, I wish to say that while I am in favor of these claims, and while I do not pretend to be a student of history, I have always understood that that war was known as the quasi war with France.

Mr. GROSVENOR. The "quasi war"! Well, Mr. Speaker, one of the judges of the supreme court of Ohio told me once that whenever a lawyer wanted to bring a party into court, a corporation, and did not know exactly what its name was or where it was located, or how to describe it, he always spoke of it as "a quasi corporation." [Laughter.] I hold in my hand the Memoirs of Napoleon Bonaparte, dictated by himself after 1799, in the seclusion of the island on which he died. On page 116 he says this in regard to the death of Washington. It will be remembered that that death took place on the 15th day of December, 1799, while, according to the gentleman from Texas, war was raging between the Republic of the United States and France.

The death of Washington, which happened on the 15th day of December, 1799, gave the First Consul an opportunity of making known his sentiments toward the United States of America. He put on mourning for that great citizen and directed all his army to wear it likewise by the following order of the date of the 9th of February, 1800—

It took a good while to get the news over there in those days. The order is as follows:

"Washington is dead! That great man fought against tyranny, and established the liberty of his country. His memory will always be dear to the French people, as well as to all freemen in both hemispheres, and especially to French soldiers, who, like him and the soldiers of America, fight for equality and liberty."

The First Consul further ordered that for ten days all colors and standards of the Republic should be hung with black crape.

Hung with black crape for a distinguished citizen of a nation that was at war with France, says the gentleman from Texas!

But that there may be no misunderstanding about the matter, I hold in my hand a copy of a letter written by Washington less than a year before his death, in which he uses this language:

The inclination of France to be upon good terms with the United States is so strong that it must be our own mismanagement and disinclination to peace if matters with that country are not accommodated upon terms honorable and advantageous to this.

Washington died on the 14th of December, 1799. By order of the First Consul crape was suspended in honor of his memory from all the standards and flags of France. Napoleon spoke in most glowing terms of him. A funeral oration in his honor was pronounced by M. de Fontrews in the Hotel des Invalides

So the theory that there was war is an absurd one. We are to suppose that there was a war that nobody ever heard of—troops commanded by nobody—muster rolls never filed in the Department at Washington—a myth—a Flying Dutchman of the imagination!

Now, let us see the basis upon which these claims arose originally. Let me see whether I can condense it into about a minute and a half or two minutes.

When the treaty between the United States and France, which was ratified by the United States on the 18th of February, 1801, was in process of construction, each nation presented great claims—volumes of claims—against the other. It is unimportant what the French claims against us were. They were for violations of treaties, breaches of concessions, and other international complaints, alleged by France against the United States. The United States alleged these identical spoliation claims against France and demanded payment. An article was put into the treaty providing that after the treaty both nations should hold in reserve their respective claims. In the second article of the treaty this language was used:

And with respect to the indemnities mutually due or claimed, the parties shall arrange these matters by ulterior negotiations at a suitable time; and until they shall have agreed on these points the said treaties and conventions shall have no effect, and the relations between the two nations shall be regulated in the manner following.

That left to the future the settlement of both classes of these claims. But when the time came to settle finally that treaty by an agreement between the two nations that article was stricken out. With reference to that occurrence Napoleon says:

The suppression of this article at once put an end to the privileges which France had possessed by the treaty of 1778, and annulled the just claims which America might have made for injuries done in time of peace. This was exactly what the First Consul had proposed to himself in fixing these two points as equiponderating each other. Without this it would have been impossible to satisfy the merchants of the United States, and to banish from their memory the losses they had suffered. The First Consul's ratification of this treaty was dated July 13, 1801, and declared that it was to be clearly understood that the suppression of article 2 annulled all claims for indemnity, etc.

That is the language of Bonaparte, dictated to his scrivener during the last years of his life.

So a complete bar was created by this stipulation against the prosecution by merchants of the United States of any claims in any court anywhere for damages or losses arising out of those hostilities, and in return for that the United States obtained a complete acquittance of all the claims that France held against us; and from that day to this, Mr. Speaker, those claims have been as solemnly due from the Treasury of the United States as though they were the note of hand or the bond of the Government. And I would as soon, Mr. Speaker—and I make no aspersion upon anybody else, either a member of this body or elsewhere—but I would as soon vote not to pay a bond of the Government when it is due as to vote, in the time of a possibility to do so, against the payment of what I regard to be these just and honest claims against the Government.

I have no time to go further into the question of the French spoliation claims. I will now devote a few moments of the remaining time to the Bowman Act and the claims sent to the court under that act; and if my distinguished friend from Illinois will, in his own time, answer one or two propositions I want to put to him, he will disabuse my mind of some serious and unpleasant considerations in the matter.

In the first place, I hold in my hand, and will incorporate at this point, the law under which the French claims—going back to them for a moment—are audited, if you may call it auditing, in the Court of Claims. It is in the following words:

CHAPTER 25.

An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801.

(January 20, 1885. 23 Stat., 283.)

1. Claims for indemnity on France for illegal captures, etc., prior to July 31, 1801, referred to Court of Claims. Certain classes not included.
2. Court may make rules.
3. Validity of claims to be determined. Proceedings and evidence.
4. Attorney-General to appear and resist claims.
5. Documents and evidence from abroad to be obtained.
6. Court to report to Congress annually. Claims not presented within two years to be barred. United States not committed to payment

CLAIMS FOR INDEMNITY ON FRANCE FOR ILLEGAL CAPTURES, ETC., PRIOR TO JULY 31, 1801, REFERRED TO THE COURT.

Be it enacted, etc. [SECTION 1], That such citizens of the United States, or their legal representatives, as had valid claims to indemnity upon the French Government arising out of illegal captures, detentions, seizures, condemnations, and confiscations prior to the ratification of the convention between the United States and the French Republic concluded on the 30th day of September, 1800, the ratifications of which were exchanged on the 31st day of July following, may apply by petition to the Court of Claims, within two years from the passage of this act, as hereinafter provided.

CERTAIN EXCEPTIONS.

Provided, That the provisions of this act shall not extend to such claims as were embraced in the convention between the United States and the French Republic concluded on the 30th day of April, 1803.

Nor to such claims growing out of the acts of France as were allowed and paid, in whole or in part, under the provisions of the treaty between the United States and Spain concluded on the 22d day of February, 1819.

Nor to such claims as were allowed, in whole or in part, under the provisions of the treaty between the United States and France concluded on the 4th day of July, 1831.

COURT MAY MAKE RULES.

SEC. 2. That the court is hereby authorized to make all needful rules and regulations, not contravening the laws of the land or the provisions of this act, for executing the provisions hereof. (See rules 105, 106.)

VALIDITY OF CLAIMS TO BE DETERMINED.

SEC. 3. That the court shall examine and determine the validity and amount of all the claims included within the description above mentioned, together with their present ownership, and, if by assignee, the date of the assignment, with the consideration paid therefor.

PROCEEDINGS AND EVIDENCE.

Provided, That in the course of their proceedings they shall receive all suitable testimony on oath or affirmation, and all other proper evidence, historic and documentary, concerning the same; and they shall decide upon the validity of said claims according to the rules of law, municipal and international, and the treaties of the United States applicable to the same, and shall report all such conclusions of fact and law as in their judgment may affect the liability of the United States therefor.

ATTORNEY-GENERAL TO APPEAR AND RESIST CLAIMS.

SEC. 4. That the court shall cause notice of all petitions presented under this act to be served on the Attorney-General of the United States, who shall be authorized, by himself or his assistant, to examine witnesses, to cause testimony to be taken, to have access to all testimony taken under this act, and to be heard by the court. He shall resist all claims presented under this act by all proper legal defenses.

DOCUMENTS AND EVIDENCE FROM ABROAD TO BE OBTAINED, USED, ETC.

SEC. 5. That it shall be the duty of the Secretary of State to procure, as soon as possible after the passage of this act, through the American minister at Paris or otherwise, all such evidence and documents relating to the claims above mentioned as can be obtained from abroad; which, together with the like evidence and documents on file in the Department of State, or which

may be filed in the Department, may be used before the court by the claimants interested therein, or by the United States, but the same shall not be removed from the files of the court.

And after the hearings are closed the record of the proceedings of the court and the documents produced before them shall be deposited in the Department of State.

COURT TO REPORT TO CONGRESS ANNUALLY.

SEC. 6. That on the first Monday of December in each year the court shall report to Congress, for final action, the facts found by it, and its conclusions in all cases which it has disposed of and not previously reported.

Such finding and report of the court shall be taken to be merely advisory as to the law and facts found, and shall not conclude either the claimant or Congress.

CLAIMS NOT PRESENTED IN TWO YEARS BARRED.

And all claims not finally presented to said court within the period of two years limited by this act shall be forever barred.

UNITED STATES NOT COMMITTED TO PAYMENT.

And nothing in this act shall be construed as committing the United States to the payment of any such claims.

January 20, 1885.

My argument, it will be seen, therefore, applies now both to the Bowman Act and to these French spoliation claims. We have provided this tribunal; we have enacted the law for their consideration, and what further can we do about them? The claims have come here from that court, acting under the jurisdiction which we conferred upon it. They have followed our direction in the consideration of the claims, and have exhausted all their resources of examination. A great many of the claims were rejected; many of them were cut down, but ultimately the forum which we have chosen made its report under that law, and these claimants have no power to go further.

How, then, will the gentleman from Illinois examine these claims? Can the committees of this Congress do it? Certainly not. The committees of Congress have remitted the jurisdiction of the examination of the claims to the Court of Claims, and this court has made its investigation and findings, and have sent the report to us clothed with the ultimate and final judgment of the court.

The gentleman from Illinois asked someone this morning, during this discussion, if he would undertake to say that the findings of the court were a judgment. Certainly not a judgment in the sense that an execution can be issued under it. But let us see what the Supreme Court say in reference to the matter—as to the finality of the two great facts in the Bowman cases and the single fact in the other.

In the case of Carver *vs.* The United States (111 United States Reports, page 609) the court says:

We have no doubt that Congress, in cases under the Bowman Act, intended to establish the same practice of making the findings of facts by the Court of Claims conclusive upon both parties.

And yet, says the gentleman from Illinois, we must investigate; we must look further into them; we must consider them after a conclusive finding has been made by the court of our own choosing; after a decision has been rendered in a forum prescribed by ourselves. The gentleman says he wants us to go and examine the identical question which was submitted to the court, and whose decision the Supreme Court say was intended to be conclusive on both parties.

But let me finish the citation:

Thus removing from the halls of legislation the determination of controverted questions of facts, relieving itself and its committees of the investigation of such matters proper to be tried only by a judicial tribunal, and obtaining the full measure of the assistance and relief contemplated by the act.

Mr. CANNON. From what is the gentleman reading?

Mr. GROSVENOR. I read from the case of Carver *vs.* The United States, 111 United States Reports.

Mr. CANNON. When decided?

Mr. GROSVENOR. Well, judging by the number of the report, I would say quite recently.

Mr. CANNON. Does the gentleman refer to the sugar-bounty cases?

Mr. GROSVENOR. No; this is the Carver case. This is under the Bowman Act, for the citation says:

We have no doubt that Congress, in cases under the Bowman Act, intended to establish, etc.

And after five years the Court of Claims has been operating on these claims under our direction, and in other cases which I will cite, limited by the terms of that law, and we turn around now and say we are not satisfied with the finding of the facts, that we want more facts, and we will make a further investigation.

Now, Mr. Speaker, I have but to say, in conclusion, with reference to some of the claims in the amendment, that if I were called upon I should certainly point out one or two claims that, as an original proposition, I would not be willing to support; and if an opportunity shall come later on I will point them out. But the claims under the Bowman Act are legitimate claims against this Government; just as legitimate as the bonds of the United States. We have put these people off time and again. After fighting the war claims for ten years, when they came only as a report from a committee or were offered under unanimous consent, I have stood them off because I wanted them to come in some form that was authentic and after due investigation. Now they are here. We have battled against and defeated private-bill day all of this session. Now they come here in a form that, in my judgment, is a legitimate demand upon the Treasury of the United States, and I for one shall vote to pay both classes of these claims. [Applause.]

Mr. MAHON. I yield ten minutes to my colleague [Mr. ADAMS].

Mr. ADAMS. Mr. Speaker, I rise in my representative capacity, first because the people in my district have been waiting for many years to receive justice at the hands of the Congress of the United States, but more as a citizen of Pennsylvania who desires to see removed a blot upon the escutcheon of our fair country, and I believe that the time has now arrived so to do, or, as the gentleman from Ohio [Mr. GROSVENOR] has said, this will remain an ineffaceable stain on the jurisprudence of our country and upon Congressional action. These claims are founded in justice. They have knocked at the doors of Congress for years, but owing to the congested state of the business of this body they were referred to a court which was authorized to look into them and to report, as the act read, "from year to year" the findings. That court has from time to time reported either for or against these claims.

Mr. Speaker, the strength of our Republic is the law, and when you break down the faith of the people in the law, either as applied to Congress or as adjudicated in the courts of our country, you do, in my judgment, a dangerous thing. This representative assemblage of the people referred these claims to the courts of the United States. We sent them there in good faith, and the suitors, under our instructions, went there in equal good faith. They came back here seeking payment after making large expenditures in the employment of counsel, gathering the witnesses, and looking up the proofs. Our own Government assisted them by sending commissioners abroad to furnish all the obtainable evidence in the way of documents necessary to substantiate these claims. The claims were reported back to this House, and by the act of 1890 Congress acknowledged the findings of that court in judgments against the United States and appropriated one million and a quarter of dollars to pay these claims. It is too late now to question either the jurisdiction of this court or the act of Congress.

Do you wish the people of the country to believe that you will pay one set of these claims and that you will not pay another? Is this Republican Congress of the United States, which will be held responsible by the people, going to say to the people that we show preferences as to suitors whose claims are founded in equal force and upon substantial equality under the law?

More than that, there is a stronger side to this question. When, in the treaty of 1819, we purchased Florida from the Kingdom of Spain, we reserved $5,000,000 out of that purchase money to cover French spoliation claims for vessels which had been condemned in Spanish ports. That was a trust fund held by the Government of the United States for the benefit of these claims. It lies in the Treasury to this day, and with the exception of a million and a quarter of dollars appropriated in the Fifty-first Congress to pay a portion of these claims already adjudicated it stands there to-day as a trust fund for the settlement of these claims; and I appeal to this Congress now to appropriate the amount of money necessary to pay these claims sent over by the Senate after careful investigation.

Our country has always settled spoliation claims collected on behalf of its citizens. Under the Napoleonic wars we filed our claims, and in the treaty of 1831 we got our damages and paid them over to the people. So one year later we held The Two Sicilies responsible for depredations on our commerce. We took the money, and, like an honest Government, we paid it over to the people who had been damaged. These claims stand alone here in the history of our country. Yet we refuse to pay this money that we have obtained for damages from a foreign country over to the people who were damaged.

And who are the people who are claiming this money? They are the descendants or heirs at law of people who, when the high seas could not be protected by our Government, took all the danger to establish the commerce of the then young Republic, and carried the flag of the new Republic into every port. For the damage which they suffered in that heroic endeavor they have never been compensated since. These are just and equitable claims. The money should be in the Treasury of the United States, and I say here now, as to the cry of poverty that goes up whenever any legitimate appropriation is proposed here, if you have no money in the Treasury of the United States to pay these claims, then stop the salaries of the judges, stop the pay of the clerks, for it is ridiculous to support courts of justice and then not liquidate the solemn judgments of those courts.

Mr. HEPBURN. May I ask the gentleman a question?

Mr. ADAMS. I have only five minutes, and I have been waiting all day.

The chairman of the Committee on Appropriations in his remarks said that these claims had received no consideration.

Why, gentlemen, they have been considered in the Senate, have received the indorsement of the committees of that body; they have been debated; they have been carefully considered there. The French spoliation claims have been considered by our own committee. That committee has not been able to get the matter before the House, but the claims have been considered and reported upon, and the statement that they have received no consideration is not an accurate statement. So with the Bowman claims; they have been considered by the Committee on War Claims; they have been reported upon, not only in this Congress, but for half a dozen Congresses back. They have passed the House at one time or another. There has probably been no legislation before the Congress of the United States that has received so many reports and been considered so carefully by the different sessions of the respective Congresses.

How any man can rise in his place and say that this amendment is tacked improperly upon an appropriation bill is past my comprehension. The facts I state here are correct. Other statements have been challenged on this floor. The gentleman from Nebraska [Mr. HAINER] defied us over and over again to produce the section of the treaty of 1800 whereon these claims were founded by the convention between the two countries, and it was not until we poked the treaty under his nose that he admitted the fact. There have been other statements made upon this floor in that way.

Mr. HAINER of Nebraska. I wish to say to the gentleman that he has not stated the facts correctly.

Mr. ADAMS. I have stated the facts correctly. The gentleman defied me personally to produce the treaty.

Mr. HAINER of Nebraska. And you have not done it yet.

Mr. ADAMS. I have; and if the gentleman has not been long enough in this country to understand the English language, I refer him to the French translation, on the other page.

Mr. HAINER of Nebraska. You may be polite, but you are certainly not informed.

Mr. ADAMS. I am informed and polite. I welcome foreigners to our country; but when I rise upon the floor of this House to advocate the payment of claims, the justice of which has been established, for services upon which the commerce of this country has been built up, it comes, I say, with bad taste from the gentleman to oppose them.

Mr. HAINER of Nebraska. If you will just allow me a minute——

Mr. ADAMS. These other claims have had consideration. Now, it follows that they will have to be acted upon by Congress. I appeal for justice to our people who have presented these claims, who have followed your advice and sent them to the Court of Claims that you designated. That court has now reported and adjudicated them, and now we ask that you shall keep good faith with the people of our country as a legislative body. You first pointed out the way in which they might establish their claims, and now refuse the payment. The law is the strength of the Republic, and if you do not enforce the law and keep confidence with the people, God help the Republic! [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CANNON. Mr. Speaker, what time have I?

The SPEAKER pro tempore. The gentleman has five minutes.

Mr. CANNON. Mr. Speaker, in that five minutes——

Mr. LEWIS. I only want to say——

Mr. CANNON. At the end of five minutes I want to ask for a vote.

Mr. LEWIS. I have no objection to that: I only ask about ten minutes. My constituents are very much interested in this matter.

The SPEAKER pro tempore. Does the gentleman from Illinois yield?

Mr. CANNON. I have only five minutes.

Mr. LEWIS. Ten minutes is all I ask; and I ask it in my own right?

The SPEAKER pro tempore. The gentleman from Illinois has the floor.

Mr. LEWIS. I have not had a minute of the time of the House this whole session.

The SPEAKER pro tempore. The gentleman from Illinois has the floor. The Chair will state that no time has been fixed for closing the debate. If the House shall order the previous question all debate will be closed. The gentleman from Illinois has the floor.

Mr. LEWIS. I insist on my constitutional rights as a representative of the people.

The SPEAKER pro tempore. But the gentleman from Illinois has the floor.

Mr. CANNON. I will ask the Chair if I will have time for debate after the previous question is ordered?

The SPEAKER pro tempore. Not after the previous question is ordered.

Mr. CANNON. That was my understanding. And now, Mr. Speaker, when this is disposed of there is yet a conference report upon the sundry civil bill that I want disposed of, if I can, and send it to conference.

One word in conclusion:

Such findings or report of the court shall be taken to be merely advisory as to the law and facts found, and shall not conclude either the claimant or Congress.

That is the law as to every claim in these 100 pages of claims that have been wrongfully and against all rule and all precedent placed upon this bill by the Senate. Gentlemen can concur with the Senate if they choose, but I say this to those who are interested in appropriations for public improvements in their various sections of this country: From the standpoint of patriotism you deny yourselves authorizations and appropriations, and yet now, out of order, without investigation, you are asked to place yourselves $2,000,000 further away from those just appropriations by paying these claims, many of which, in my judgment, are stale, and no one of which any man here can rise and say is right. The question is, will you do it? Will you set this precedent? Will you break down your general appropriation bills? Will you countenance this coming together and by this log-rolling scheme putting these claims on a general appropriation bill, claims as to which I believe the gentleman from Ohio knows that a portion of them are dead wrong, and which are made up, at least in one case, by an allowance for interest and profits? Gentlemen, I ask you to turn down this method of legislation and keep clear of the scandal that I say, measuring my words, will, in my judgment, follow the action which you are asked to take. Mr. Speaker, I move the previous question. [Applause.]

Mr. LEWIS. Mr. Speaker——

The SPEAKER. The gentleman from Illinois asks for the previous question.

Mr. LEWIS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. LEWIS. I desire to be heard before the question is submitted on ordering the previous question.

The SPEAKER. The Chair regrets to state that it can not recognize the gentleman for that purpose.

Mr. LEWIS. That is always the case.

The previous question was ordered.

Mr. LEWIS. I move to reconsider the vote by which the previous question was ordered.

Mr. SAYERS. I move to lay that motion on the table.

The motion of Mr. SAYERS was agreed to.

The SPEAKER. The question is on concurring with the Senate amendments.

Mr. SAYERS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 110, nays 97, not voting 148; as follows:

YEAS—110.

Acheson,	Ellett, Va.	Johnson, Cal.	Poole,
Adams,	Elliott, S. C.	Kendall,	Richardson,
Anderson,	Ellis,	Kerr,	Robinson, Pa.
Arnold, R. I.	Fischer,	Knox,	Russell, Conn.
Atwood,	Fitzgerald,	Kyle,	Scranton,
Baker, N. H.	Fowler,	Latimer,	Shannon,
Barham,	Gardner,	Leonard,	Simpkins,
Bartholdt,	Gibson,	Lester,	Skinner,
Bartlett, Ga.	Gillett, Mass.	Lewis,	Spencer,
Brown,	Grosvenor,	Little,	Stable,
Buck,	Grow,	Lockhart,	Stokes,
Burton, Mo.	Halterman,	Long,	Stone, C. W.
Catchings,	Harmer,	Loudenslager,	Strode, Nebr.
Clardy,	Harris,	Mahany,	Sulloway,
Clark, Iowa	Hartman,	Mahon,	Tawney,
Cobb,	Heiner, Pa.	McCall, Mass.	Underwood,
Colson,	Hendrick,	McCormick,	Van Horn,
Cooper, Fla.	Henry, Conn.	McCulloch,	Van Voorhis,
Cooper, Tex.	Hermann,	McDearmon,	Walker, Mass.
Cooper, Wis.	Hicks,	Meredith,	Walker, Va.
Crowther,	Hill,	Money,	Walsh,
Cummings,	Howe,	Moody,	Washington,
Curtis, Iowa	Howell,	Neill,	Wellington,
Curtis, N. Y.	Huff,	Newlands,	Willis,
Denny,	Hullick,	Odell,	Wilson, N. Y.
De Witt,	Huling,	Otey,	Wood.
Doolittle,	Hurley,	Otjen,	
Dovener,	Hyde,	Phillips,	

NAYS—97.

Aldrich, Ala.	Cooke, Ill.	Harrison,	Layton,
Andrews,	Danford,	Hart,	Leighty,
Bankhead,	Daniels,	Hatch,	Linney,
Beach,	Dayton,	Henry, Ind.	Loud,
Bell, Colo.	Dingley,	Hepburn,	Maguire,
Bell, Tex.	Dockery,	Hilborn,	Marsh,
Bishop,	Dolliver,	Howard,	McCall, Tenn.
Blue,	Erdman,	Hubbard,	McCleary, Minn.
Burrell,	Faris,	Johnson, N. Dak.	McClure,
Burton, Ohio	Fenton,	Jones,	McLaurin,
Calderhead,	Gamble,	Joy,	McRae,
Cannon,	Graff,	Kem,	Milnes,
Clark, Mo.	Griffin,	Kiefer,	Minor, Wis.
Cockrell,	Hadley,	Kirkpatrick,	Mondell,
Connolly,	Hager,	Kleberg,	Mozley,
Cook, Wis.	Hainer, Nebr.	Lacey,	Murphy,

Northway,	Sayers,	Strait,	Updegraff,
Parker,	Shafroth,	Strong,	Warner,
Payne,	Shuford,	Strowd, N. C.	Wilson, Idaho
Pearson,	Sorg,	Sulzer,	Wilson, Ohio
Pitney,	Southard,	Talbert,	Wilson, S. C.
Prince,	Spalding,	Tate,	Yoakum.
Quigg,	Stallings,	Terry,	
Raney,	Steele,	Thomas,	
Ray,	Stewart, Wis.	Turner, Ga.	

NOT VOTING—148.

Abbott,	Crisp,	Leisenring,	Russell, Ga.
Aitken,	Crowley,	Linton,	Sauerhering,
Aldrich, Ill.	Crump,	Livingston,	Settle,
Allen, Miss.	Culberson,	Lorimer,	Shaw,
Allen, Utah	Curtis, Kans.	Low,	Sherman,
Apsley,	Dalzell,	Maddox,	Smith, Ill.
Arnold, Pa.	De Armond,	McClellan,	Smith, Mich.
Avery,	Dinsmore,	McCreary, Ky.	Snover,
Babcock,	Downing,	McEwan,	Southwick,
Bailey,	Draper,	McLachlan,	Sparkman,
Baker, Kans.	Eddy,	McMillin,	Sperry,
Baker, Md.	Evans,	Meiklejohn,	Stephenson,
Barney,	Fairchild,	Mercer,	Stewart, N. J.
Barrett,	Fletcher,	Meyer,	Stone, W. A.
Bartlett, N. Y.	Foote,	Miles,	Swanson,
Belknap,	Foss,	Miller, Kans.	Taft,
Bennett,	Gillet, N. Y.	Miller, W. Va.	Tayler,
Berry,	Goodwyn,	Milliken,	Thorp,
Bingham,	Griswold,	Miner, N. Y.	Towne,
Black, Ga.	Grout,	Morse,	Tracewell,
Black, N. Y.	Hall,	Moses,	Tracey,
Boutelle,	Hanly,	Noonan,	Treloar,
Bowers,	Hardy,	Ogden,	Tucker,
Brewster,	Heatwole,	Overstreet,	Turner, Va.
Broderick,	Hemenway,	Owens,	Tyler,
Bromwell,	Henderson,	Patterson,	Wadsworth,
Brosius,	Hitt,	Pendleton,	Wanger,
Brumm,	Hooker,	Perkins,	Watson, Ind.
Bull,	Hopkins,	Pickler,	Watson, Ohio
Chickering,	Hull,	Powers,	Wheeler,
Clarke, Ala.	Hunter,	Price,	White,
Codding,	Hutcheson,	Pugh,	Wilber,
Coffin,	Jenkins,	Reeves,	Williams,
Corliss,	Johnson, Ind.	Reyburn,	Woodard,
Cousins,	Kulp,	Robertson, La.	Woodman,
Cowen,	Lawson,	Royse,	Woomer,
Cox,	Lefever,	Rusk,	Wright.

The following pairs were announced:

Until further notice:

Mr. DALZELL with Mr. CRISP.

Mr. HUNTER with Mr. MCCREARY of Kentucky.

Mr. COUSINS with Mr. MEYER.

Mr. BOUTELLE with Mr. MCMILLIN.

Mr. JOHNSON of Indiana with Mr. COX.

Mr. ARNOLD of Pennsylvania with Mr. LIVINGSTON.

Mr. PICKLER with Mr. MILES.

Mr. FOSS with Mr. SPARKMAN.

Mr. LEFEVER with Mr. TYLER.

Mr. CORLISS with Mr. MOSES.

Mr. SNOVER with Mr. MADDOX.

Mr. BOWERS with Mr. MINER of New York.

Mr. HULL with Mr. OGDEN.

Mr. WILLIAM A. STONE with Mr. BLACK of Georgia.

Mr. COFFIN with Mr. LAWSON.

Mr. STEPHENSON with Mr. DINSMORE.

Mr. MEIKLEJOHN with Mr. ROBERTSON of Louisiana.

Mr. KULP with Mr. WHEELER.

Mr. BROMWELL with Mr. DOWNING.

Mr. HEATWOLE with Mr. HUTCHESON.

Mr. ROYSE with Mr. TURNER of Virginia (except on Tucker-Yost election case).

For this day:

Mr. TOWNE with Mr. SHAW.

Mr. TRACEY with Mr. BAILEY.

Mr. BRODERICK with Mr. SMITH of Illinois.

Mr. JENKINS with Mr. OVERSTREET.

Mr. BAKER of Maryland with Mr. ALLEN of Utah.

Mr. TAFT with Mr. TAYLER.

Mr. MERCER with Mr. ABBOTT.

Mr. MORSE with Mr. HENDERSON.

Mr. CURTIS of Kansas with Mr. PENDLETON.

Mr. BULL with Mr. OWENS.

Mr. BRUMM with Mr. PRICE.

Mr. WOOMER with Mr. RUSSELL of Georgia.

Mr. CODDING with Mr. CROWLEY.

Mr. HITT with Mr. CLARKE of Alabama.

Mr. HEMENWAY with Mr. ALLEN of Mississippi.

Mr. TRELOAR with Mr. CULBERSON.

Mr. LEISENRING with Mr. SWANSON.

Mr. SMITH of Michigan with Mr. DE ARMOND.

On this question:

Mr. COWEN with Mr. CRUMP.

Mr. BINGHAM with Mr. HALL.

Mr. GROUT with Mr. HEPBURN.

Mr. FAIRCHILD with Mr. TRACEWELL.

Mr. EVANS with Mr. HOPKINS.

Mr. RUSK with Mr. WOODARD.

Mr. WADSWORTH with Mr. MCCLELLAN.

Mr. ATWOOD. Mr. Speaker, I desire to state that my colleague, Mr. BARRETT, if he were present, would vote "aye."

Mr. DOCKERY. Mr. Speaker, I was paired with the gentleman from Pennsylvania, Mr. BINGHAM, but I have transferred the pair to my colleague, Mr. HALL, and have voted.

The SPEAKER. On this question the yeas are 111 and the nays are 97; and accordingly the House concurs in the Senate amendments. [Applause.]

Mr. MAHON. Mr. Speaker, I move to reconsider the vote by which the House has concurred in the Senate amendments and to lay that motion on the table.

The SPEAKER. Without objection, the latter motion will be——

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM].

Mr. CANNON. I withdraw the motion to reconsider, Mr. Speaker.

The SPEAKER. The gentleman from Pennsylvania [Mr. MAHON] made the motion to reconsider.

Mr. CANNON. I think the gentleman from Pennsylvania had better withdraw it.

Mr. MAHON. I withdraw the motion.

Mr. CANNON. I am not sure whether the Senate asked a conference on this bill or not. I believe my motion covered a request for a conference.

The SPEAKER. The Senate did not ask a conference.

Mr. CANNON. Then I move that the House request a conference with the Senate on the remaining disagreements on this bill.

The motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. I rise to present a privileged report, which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20, 26, 34, 36, 40, 41, 45, 46, 47, 49, 50, 51, 52, 58, 60, 75, 80, 81, 85, 86, 104, 107, 118, 120, 121, 130, 148, 149, 151, 152, 153, 154, 158, 159, 183, 184, 185, 186, 188, and 189.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 21, 27, 29, 30, 31, 35, 42, 43, 48, 53, 54, 55, 56, 59, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 77, 78, 79, 82, 83, 87, 88, 89, 90, 95, 99, 100, 101, 102, 105, 106, 108, 110, 113, 114, 115, 116, 117, 119, 131, 132, 136, 137, 138, 142, 143, 144, 150, 155, 156, 157, 162, 163, 169, 176, 179, 180, 181, and 182; and agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Fire Island light vessel, New York: For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel, with steam fog signal, $40,000; and the total cost of said steam light vessel, with a steam fog signal, under a contract which is hereby authorized therefor, shall not exceed $80,000."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"San Francisco Harbor light vessel: For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel with steam fog signal, $40,000; and the total cost of said steam light vessel, with a steam fog signal, under a contract which is hereby authorized therefor, shall not exceed $80,000."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Tender for the Second light-house district: For constructing, equipping, and outfitting complete for service a new steam tender for buoyage, supply, and inspection in the Second light-house district, Massachusetts, $37,500; and the total cost of said steam tender, under a contract which is hereby authorized therefor, shall not exceed $75,000."

And the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Tender for the Seventh and Eighth light-house districts: For constructing, equipping, and outfitting complete for service a new steam tender for buoyage, supply, and inspection in the Seventh and Eighth light-house districts, $37,500; and the total cost of said steam tender, under a contract which is hereby authorized therefor, shall not exceed $75,000."

And the Senate agree to the same.

Amendments numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert: "For constructing two revenue steamers of the first-class, under the direction of the Secretary of the Treasury, for service on the Great Lakes, $200,000; and the total cost of said revenue steamers, under a contract which is hereby authorized therefor, shall not exceed $200,000 each"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: On page 27 of the bill, in line 3, strike out the following: "for extra engraving and drawing"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to

the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$67,000"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$110,000"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$131,000"; and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the city of Bismarck, in the State of North Dakota, by and through its regular city council, shall have authority to use, upon lease from the Government by the Secretary of the Interior, Sibley Island, an island in the Missouri River, near said city of Bismarck, for a public park: *Provided*, That nothing herein contained shall be construed to authorize the felling of timber on said island for sale or consumption, nor shall any timber be cut save for the purpose of improving or beautifying the grounds."

And the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000"; and the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000"; and the Senate agree to the same.

Amendment numbered 134: That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000"; and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000"; and the Senate agree to the same.

Amendment numbered 139: That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "; this sum to be in full of any authorization or appropriation under said joint resolution"; and the Senate agree to the same.

Amendment numbered 145: That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For repairs to the Guilford battle grounds: To enable the Guilford Battle Ground Company to repair the grounds and public buildings of said company on said battle grounds, $1,000; said amount to be disbursed on the order of the president of the said company, and the United States shall be at no further expense in the future for repairs or other expenses relating to said battle grounds."

And the Senate agree to the same.

Amendment numbered 160: That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,470,478.75"; and the Senate agree to the same.

Amendments numbered 164 and 165: That the House recede from its disagreement to the amendments of the Senate numbered 164 and 165, and agree to the same with an amendment as follows: Strike out all of the amended paragraph constituting lines 22 to 25, inclusive, on page 93 of the bill, and lines 1 to 4, inclusive, on page 94 of the bill, and insert in lieu thereof the following:

"For payment of salaries, fees, and expenses of United States marshals and their deputies, $1,000,000, to include payments for services rendered in behalf of the United States or otherwise."

And the Senate agree to the same.

Amendments numbered 166, 167, and 168: That the House recede from its disagreement to the amendments of the Senate numbered 166, 167, and 168, and agree to the same with an amendment as follows; Strike out the amended paragraph constituting lines 5, 6, and 7, on page 94 of the bill, and insert in lieu thereof the following:

"For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, $275,000."

And the Senate agree to the same.

Amendment numbered 170: That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$85,000"; and the Senate agree to the same.

Amendment numbered 171: That the House recede from its disagreement to the amendment of the Senate numbered 171, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$220,000"; and the Senate agree to the same.

Amendment numbered 172: That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$225,000"; and the Senate agree to the same.

Amendment numbered 173: That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$533,000"; and the Senate agree to the same.

Amendment numbered 174: That the House recede from its disagreement to the amendment of the Senate numbered 174, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,066,000"; and the Senate agree to the same.

Amendment numbered 175: That the House recede from its disagreement to the amendment of the Senate numbered 175, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$460,000"; and the Senate agree to the same.

Amendment numbered 177: That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "And such payments shall be allowed the marshal in the settlement of his accounts with the United States"; and the Senate agree to the same.

Amendment numbered 178: That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,000"; and the Senate agree to the same.

Amendment numbered 187: That the House recede from its disagreement to the amendment of the Senate numbered 187, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided*, That hereafter the reports of the Geological Survey in relation to the gauging of streams and to the methods of utilizing the water resources may be printed in octavo form, not to exceed 100 pages in length and 5,000 copies in number: 1,000 copies of which shall be for the official use of the Geological Survey, 1,500 copies shall be delivered to the Senate, and 2,500 copies shall be delivered to the House of Representatives for distribution"; and the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment insert, after the word "company," the following: "To reimburse said company for expenses incurred and paid in connection with the Government building and exhibit"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 2, 3, 4, 6, 7, 8, 9, 10, 12, 13, 15, 16, 17, 22, 23, 24, 25, 28, 32, 61, 91, 92, 93, 94, 96, 97, 109, 111, 112, 122, 123, 124, 125, 126, 127, 128, 129, 140, 141, 146, 147, and 161.

J. G. CANNON,
E. J. HAINER,
JOSEPH D. SAYERS,
Managers on the part of the House.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.

Mr. CANNON (when the reading of the conference report had begun). I ask that the reading of the conference report be dispensed with, and that simply the statement of the House conferees be read.

The SPEAKER. The gentleman from Illinois asks to dispense with the reading of the conference report. Is there objection?

Mr. KEM. I object.

The SPEAKER. The gentleman from Nebraska [Mr. KEM] objects.

The Clerk resumed and concluded the reading of the report.

The following statement of the House conferees was also read:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year 1897 submit the following written statement in explanation of the accompanying conference report, namely:

The conference report as submitted differs from the conference report submitted on the 22d instant in respect to the following amendments only:

On amendment numbered 115: Appropriates $500, as proposed by the Senate, for the arsenal at Columbia, Tenn.

On amendment numbered 120: Strikes out the appropriation of $1,500 proposed by the Senate for a children's playground in East Washington.

On amendments numbered 138, 139, 142, and 143: Appropriates for river and harbor works under contract as follows:

At Philadelphia, $600,000, as proposed by the Senate, instead of $480,000, as proposed by the House;

At Mobile, Ala., $160,000, as proposed by the Senate, with the provision that said sum shall be in full of any authorization or appropriation under the joint resolution approved March 16, 1896;

At Point Judith, R. I., $200,000, as proposed by the Senate, instead of $240,000, as proposed by the House; and

At Humboldt, Cal., $225,000, as proposed by the Senate, instead of $159,000, as proposed by the House.

On amendment numbered 144: Appropriates $2,058, as proposed by the Senate, for purchase and use of land included in the military cemetery at Key West, Fla.

On amendment numbered 145: Appropriates $1,000 for repairs to the Guilford battle grounds, with a provision that the United States shall be at no further expense in the future for repairs or other expenses relating to said battle grounds.

On amendment numbered 183: Strikes out the appropriation of $12,500 proposed by the Senate to purchase from Gen. James D. McBride 2,500 sets of his "historical publications."

The conference committee have been unable to agree on the following amendments, namely:

On amendments numbered 2, 3, 4, 6, 7, 8, 9, 10, 12, 13, 15, 16, 17, and 22, relating to public buildings, as follows:

Boise City, Idaho, increasing limit of cost from $150,000 to $200,000, and appropriating $50,000;

Camden, N. J., increasing limit and appropriating $25,000;

Cheyenne, Wyo., increasing limit from $150,000 to $250,000, and appropriating $50,000;

Fortress Monroe, Va., for post-office building, $15,000;

Helena, Mont., increasing limit from $150,000 to $300,000, and appropriating $50,000;

Kansas City, Mo., increasing limit from $1,200,000 to $1,316,000;

Little Rock, Ark., increasing limit and appropriating $43,000;

Sioux Falls, S. Dak., appropriating $700 for bathroom and lavatory;

Martinsburg, W. Va., appropriating $5,000 for approaches;

Omaha, Nebr., appropriating $100,000, instead of $70,000, as proposed by the House;

St. Paul, appropriating $125,000, instead of $90,000, as proposed by the House;

Savannah, Ga., increasing limit $100,000, and appropriating $25,000;

Salt Lake City, Utah, appropriating $75,000 for site and commencement of building; and

New York City, post-office building, appropriating $60,000 for alterations.

On amendments numbered 23, 24, and 25, reducing the appropriations proposed by the House for work and improvements at the Marine Hospital at Chicago, $1,500.

On amendments numbered 28 and 32, appropriating $30,000 for range lights in Sandusky Bay, Ohio, and $15,000 for a light-house on Swan Island, in the Caribbean Sea.

On amendment numbered 61, appropriating $250,000 for an additional fire-proof building for the use of the National Museum.

On amendments numbered 91, 92, and 93, relating to the lighting of the Capitol Grounds by electricity.

On amendment numbered 94, appropriating $55,000 for ventilation of the Senate wing of the Capitol.

On amendment numbered 96, increasing the appropriation for surveys and resurveys of public lands from $250,000 to $400,000.

On amendment numbered 97, relating to the reclamation of arid lands.

On amendment numbered 109, appropriating $25,000 to enable the Government to take part in the International Exposition at Brussels, Belgium.

On amendments numbered 111 and 112, relating to the editing of papers and archives of the Revolution.

On amendments numbered 122, 123, 124, 125, 126, 127, 128, and 129, relating to the price to be paid for gas and electric lamps in the public grounds.

On amendments numbered 140 and 141, relating to the improvement of the Columbia River.

On amendments numbered 146 and 147, relating to the support and medical treatment of destitute patients and to the Providence and Garfield hospitals.

On amendment numbered 161, relating to the disbursement of appropriations for the National Home for Disabled Volunteer Soldiers.

The Senate, by its amendments, added to the bill $3,577,257.10. Of this sum, under the terms of the conference agreement and the action of the House when the bill was last considered, the House agrees to $2,487,828; the Senate recedes from $5,063,450, and there remains in dispute $1,086,179.10.

J. G. CANNON,
E. J. HAINER,
JOSEPH D. SAYERS,
Managers on the part of the House.

Mr. CANNON. I move that the conference report as just read be adopted.

The motion was agreed to.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

Mr. CANNON. I now move that the House further insist on its disagreement to the amendments still open, and agree to the further conference asked by the Senate.

Mr. TERRY rose.

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Arkansas [Mr. TERRY]?

Mr. TERRY. I desire to make a motion that the House concur in Senate amendment numbered 9.

Mr. CANNON. I suppose that motion would be in order.

Mr. TERRY. That is the amendment relating to the court-house and post-office building at Little Rock, Ark.

Mr. CANNON. Does the gentleman desire to discuss the matter?

Mr. TERRY. Yes, sir; I should like to say a few words.

Mr. CANNON. Will five minutes suffice?

The SPEAKER. The Chair would like to know whether there are any other of these amendments on which a separate vote is asked.

Mr. LESTER. I desire to move concurrence in amendment numbered 16.

Mr. CUMMINGS. I wish to move that the House recede from its disagreement to amendment numbered 22, and concur in that amendment.

Mr. DAYTON. I ask a separate vote upon amendment numbered 12, on which I desire to move concurrence.

Mr. LOUDENSLAGER. And I ask a separate vote on amendment numbered 3.

Mr. CANNON. I now move that upon the remaining amendments the House further insist on its disagreement.

The SPEAKER. That motion covers all the remaining amendments, except those numbered, respectively, 3, 9, 12, 16, and 22.

The motion was agreed to.

The SPEAKER. The first question now is upon amendment numbered 3.

Mr. BLUE. What is that?

The Clerk read the amendment, as follows:

For public building at Camden, N. J.: For construction of building, $25,000; and the limit of cost of said building is increased $125,000.

Mr. CANNON. I wish to say only a word touching this matter. It may be a very desirable thing to extend the limit with reference to the public building at Camden, N. J., $125,000; but after the action that the House took touching these public-building items the other day, when this subject was fully discussed, I will simply say that I should like to have this question disposed of by the House one way or the other. If the House wants to concur, well and good; but if it desires to insist on nonconcurrence I hope the Senate in the next conference will recede.

Mr. BLUE. Did we not vote to nonconcur in this amendment?

Mr. CANNON. We did.

Mr. BLUE. Why, then, is it brought back now and made an exception?

Mr. CANNON. It is a matter of difference between the House and the Senate. We report that difference; and it is in order for gentlemen to move to concur. We have taken a vote now on all the amendments except five, upon which gentlemen have asked separate votes, as they desire to move concurrence. This is one of them.

Mr. WILSON of Idaho. If the House concurs in this amendment of the Senate, let me ask the gentleman if it is not, in his judgment, a plain discrimination against public buildings in the far Western cities?

Mr. CANNON. Well, I think the House understands about that. Gentlemen understand how many public buildings have been passed at this session for those far Western places.

But one thing certain, we are not going to get public buildings authorized this session; and we are not going to get them because the Senate does not take a hundred public buildings and put them in one amendment and distribute them throughout the whole country and then attach the amendment to a general appropriation bill. [Laughter.] If the Senate did that, I am satisfied the House would concur. But they have not, and therefore we are not going to get public buildings, and it is not for me to say whether the House wants to make an exception in any particular case or not. I answer the gentleman's question in that way.

I am well acquainted with the honorable gentleman who represents that district in New Jersey; I like him. I am well acquainted with the Senator who represents that State, and I like him. [Laughter.] I understand that Camden is a large city; a growing city that needs this public building, and needs it badly. Now the matter is with the House. If you see proper, under all the circumstances, to adopt the amendment, I have nothing more to say. I am here merely, for the time being, as the servant of the House on this conference; and it is for the House to determine what it will do.

Mr. ALLEN of Utah. You have not yet answered my question, with all deference, as to whether or not the adoption of this amendment would not be a plain and a palpable discrimination against the capitals of the Western States which have no public buildings at all.

Mr. CANNON. Well, Camden in that event would have the limit broken, and the others would not have the limit broken; that is all.

Mr. HENRY of Indiana. They would be left entirely out.

Mr. WILSON of Idaho. Then there is less merit in these others, or more merit in Camden than in them?

Mr. CANNON. I do not say that. There is merit in many other places. But it is impossible to do much, if anything, in that line at this session. That is plain.

Mr. BLUE. Mr. Speaker, it is not a question of liking or disliking, as presented in this amendment, and I do not think it a good reason that Camden should be made an exception because it has a very lovable Representative on this floor. There are very many cities, in the Western country especially—and I am more familiar with them than the East—that are equally deserving.

Mr. NORTHWAY. On the same ground. [Laughter.]

Mr. BLUE. On the same ground, the gentleman from Ohio suggests, and I accept the amendment. But they are also more deserving, or equally deserving, at least, on other grounds.

The gentleman from Idaho has made a very pertinent suggestion, and addressed an inquiry to the gentleman from Illinois, which, I regret to say, my good friend from Illinois, the chairman of this committee, did not answer with his usual promptness and candor.

Mr. CANNON. Well, I aimed to be candid. I said the situation is this, and explained it. I had no intention, certainly, of covering up anything.

Mr. BLUE. Certainly not. I did not mean to intimate that my friend had done so, or to criticise him, especially in such a matter as this. But possibly, under the impulse of the moment, whether hypnotized or not by the lovable characteristics of the member from New Jersey, I fear the gentleman who represents the committee is a little too much disposed to be lenient in this particular case.

It seems to me that we ought to see, as a matter of common justice to all, that exceptions are not made in regard to these public buildings in which all parts of the country are equally interested.

Mr. CANNON. I yield three minutes to the gentleman from New Jersey [Mr. LOUDENSLAGER].

Mr. LOUDENSLAGER. Mr. Speaker, in regard to the necessity for a public building at Camden, N. J., I desire to say simply and briefly, in reply to the remarks of the gentleman from Kansas [Mr. BLUE], that that necessity does not rest on the likes or dislikes of a member who represents New Jersey on this floor, but rests solely upon the merits of the case itself.

The Committee on Public Buildings and Grounds in the previous Congress, after having had the matter under consideration and after a full investigation, decided that a public building for Camden was necessary, and that it was for the best interests of the Federal Government and the officials located there.

As I said to the House on a previous occasion when this matter was pending, and the gentleman from Kansas, if present, will remember the fact, before a title to the site was obtained by the Government officials, so much delay had been occasioned that the amount of money necessary for the construction of the buildings proper, so as to be sufficiently commodious to accommodate the public business there, was not contained in the appropriation. The amount appropriated was insufficient, and the Secretary of the Treasury, under the advice of the Supervising Architect of the Treasury, refused to contract for the building for the amount of funds at his disposal.

Since that time the city has almost doubled itself in population. The receipts of the post-office at that place have more than doubled—almost trebled. The post-office receipts when this building was authorized amounted to about $23,000. They now amount to $68,000 per annum, and there is located there an internal-revenue collector and a collector of the port.

The site of this building, already obtained by the Government,

in the center of that important city, has been boarded up and is now boarded up in some places, while a part of the inclosure has been torn down in others and in some places entirely torn down. One of the buildings that were on the site has remained there ever since. It has been partially destroyed. The shutters have been torn off, the window lights are out, the doors are open, and the building is a constant nuisance, right in the center of that city of 70,000 population. It seems to me that when a matter of such importance, of such merit, is presented to the House, it ought not to be decided upon a question of likes or dislikes, but it ought to be decided upon the merits of the case. That city of 70,000 population ought to have a public building. The Federal Government, for the purpose of conducting its Federal business, requires it, and I hope that the members of this House will give this measure fair, just, and honest consideration.

Mr. NORTHWAY. I should like about three minutes.

Mr. CANNON. I yield to my friend such time as he desires.

Mr. NORTHWAY. I am very glad the gentleman from New Jersey has made the speech he has, because it is exactly applicable to the city of Akron, in my district, a city of some 40,000 or 50,000 inhabitants, where a public building was authorized some years ago, and after purchasing the ground there was not money enough left so that the Department was authorized to enter into any contract. We need a larger building, and must have one.

Mr. LOUDENSLAGER. Will the gentleman yield for an interruption?

Mr. NORTHWAY. Yes.

Mr. LOUDENSLAGER. If you will present that matter in the House I shall gladly vote for your bill.

Mr. NORTHWAY. Yes, but here is the difficulty: When I go to the proper committee to inquire about it they turn me down, as they have turned down all others, and I find no fault, because they have treated me as they have treated others; but if this House should authorize a public building for the city of Camden, N. J., which is not yet commenced, I should like to know why they should not authorize it for the city of Akron, in my district. If I vote for one, why should I not vote for the other? If you vote for one, why should you not vote for the other?

Mr. LOUDENSLAGER. I will.

Mr. NORTHWAY. No exception should be made in favor of Camden. There are a good many other cities that desire the same thing. The Committee on Public Buildings and Grounds have declined to listen or to consider the other cases at all, and why should we make an exception of this? I submit that it would not be fair to the other sections of the country.

Mr. LOUDENSLAGER. I do not desire to make an exception. I shall gladly vote for the public building in the city which the gentleman refers to whenever the opportunity is presented.

Mr. NORTHWAY. But there are fifty other similar cases here.

Mr. CANNON. I will say to my friend that there is no amendment concerning Akron in this bill.

Mr. NORTHWAY. No; because they would not put it on, as the Senate did in favor of Camden, N. J. In the House the same Committee on Appropriations turned down both projects.

Mr. HOPKINS. Is not Ohio represented in the Senate? [Laughter.]

Mr. HENRY of Indiana. I should like a little time.

Mr. CANNON. I yield to the gentleman from Indiana.

Mr. HENRY of Indiana. It seems to me the gentleman from Ohio [Mr. NORTHWAY] has correctly stated this matter, and that the gentleman from Illinois only emphasizes it. If we make two or three exceptions, as will be the case if we vote in favor of these amendments upon which separate votes have been requested, then all the rest of the country will suffer. We are willing to suffer if we can all suffer alike, but we are not willing to suffer when some one else does not suffer. When an amendment is put upon this bill in the Senate, and it comes over here without any report from the Committee on Public Buildings and Grounds of this House, it has no sanction whatever so far as this House is concerned, and it has never received any consideration here. I am not calling in question the truthfulness of the statements of the gentleman, but this question has never received any consideration at the hands of this House. Now, would it be proper to make it an exception and leave all of these other cases out? Should all of these other cities be left out which have no public buildings and which are in great need of them? Should my State and other States suffer, while an exception is made in this case? Mr. Speaker, there is but one proper course in this matter. Let us follow the right rule of legislation, and let us not concur in these amendments of the Senate, but let us stand by the action of the House and of the committees of this House and vote in favor of nonconcurring in each of these Senate amendments.

Mr. LOUDENSLAGER. Will the gentleman allow me to ask him a question?

Mr. HENRY of Indiana. Yes.

Mr. LOUDENSLAGER. You are willing to vote for all meritorious and just bills, are you not?

Mr. HENRY of Indiana. I am when they come in the proper way; but I am not willing to vote for a bill because it is meritorious when it comes here in an exceptional way, because that is against the interest of all other similar bills which can not be reached in the same way.

Mr. LOUDENSLAGER. I do not think this is against the interest of the others.

Mr. HENRY of Indiana. It certainly is, because you can not reach all these other bills in the same way.

Mr. LOUDENSLAGER. We have never had any chance to consider any of these bills in the House.

Mr. HENRY of Indiana. We have had no chance to consider this bill, nor has it received any consideration in this House.

Mr. LOUDENSLAGER. I would say to the gentleman that I am credibly informed that the matter has received consideration in the Committee on Public Buildings and Grounds.

Mr. HENRY of Indiana. I am a member of that committee, and I am credibly informed that the bill has not received consideration at the hands of the committee.

Mr. LOUDENSLAGER. It has been considered by the committee.

Mr. HENRY of Indiana. It has not received consideration that amounts to final consideration.

Mr. KIEFER. It has not received such consideration as to be reported.

Mr. HENRY of Indiana. No consideration amounts to anything except it be a final consideration. It has been talked about, if that is consideration; but it has received no action at the hands of that committee of the House.

Mr. CANNON. I ask for a vote.

The SPEAKER. The question is on concurring in the amendment of the Senate.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. LOUDENSLAGER. Division, Mr. Speaker.

The House divided; and there were—ayes 35, noes 61.

So the House refused to concur in the Senate amendment.

The SPEAKER. The Clerk will report amendment numbered 9.

The Clerk read as follows:

For court-house and post-office at Little Rock, Ark.: For additional amount to construct an addition to the United States court-house and post-office and enlarging judge's chamber and the offices of the marshal and clerk of the circuit and district courts, and for an elevator, $43,000.

Mr. CANNON. I yield six minutes to the gentleman from Arkansas.

Mr. TERRY. Mr. Speaker, this is not a new project at all. It has received consideration. The Congress preceding this adopted a proposition to improve this building. It is urgently demanded; and the question now is simply as to whether this House will vote the amount of money recommended by the Secretary of the Treasury in his report sent to the Speaker at the present session. I hold the report in my hand in which is shown the great necessity for this work. So the point can not be made that it has not been considered and been determined upon. That has already been done. To show the imperative need for this work I will again call the attention of this House to a letter from the Federal judge, because it relates especially to the United States court building:

DEPARTMENT OF JUSTICE, EIGHTH CIRCUIT,
Little Rock, March 23, 1892.

MY DEAR SIR: I have just seen a copy of your bill relating to the United States building in this city.

I have said and written so much about this building in the past that I have grown weary of the subject. My letters are on file in Washington protesting against laying the foundations of the building under the limitations and restrictions of the act making the first appropriation.

I said then, and time has verified the correctness of my judgment, that the building which it was proposed to erect would be found totally inadequate to accommodate the public officers and business expected to be provided for within its walls. I knew this was so so far as it related to the United States courts.

I pledded for two court rooms, or a judge's chambers large enough for a chambers court room, but all in vain. There is but one court room, and the judge's chambers is barely large enough to contain my bookcases, a table, and two or three chairs.

The result is that when there are two judges here and it is desirable to hold two courts at the same time, as it frequently is, we are unable to do so except when the county court-house is not in use and is loaned to us, or we can get in the State house.

The want of another court room is a source of expense to the Government and of delay and costs to parties and witnesses.

The circuit court of appeals ought to hold its winter sessions at this place, and doubtless would do so if we had a court room, but under existing conditions it is out of the question.

I know nothing about the wants of the other departments. I only know that the present building does not furnish adequate accommodations for the United States courts.

Yours, truly,
HENRY C. CALDWELL,
Circuit Judge.

Hon. W. L. TERRY, M. C.,
Washington, D. C.

Now, gentlemen, here you have a proposition, the policy of which and the necessity for which has already been determined upon by Congress. It is a matter of such urgent necessity that a special recommendation has been sent in to the Speaker of this House,

asking that this appropriation should be made. The estimate is here and this proposition stands upon different ground to any that has been presented. Now, I appeal to the House that, in a spirit of justice and with a sense of fair play, it will concur in this amendment. Although the building in which I am interested may be beaten, I shall not stand here to aid in the dog-in-the-manger policy that some have advocated upon this floor, and say that no man shall have a public building because I got none. I will vote for a public building where it is shown to be so urgently needed, or in a special case like this. I ask the House, in that spirit of fairness which I hope will control the vote upon this matter, to allow us the poor privilege of having a United States court-house adequate to the public business, and not to put this great Government in the humiliating position of having to depend upon the courtesy of a county in order to have a building in which to hold its court.

Mr. KEM. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The Chair overrules it.

Mr. CANNON. I ask for a vote.

The SPEAKER. The question is on the motion to concur in the Senate amendment.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. TERRY. Division, Mr. Speaker.

The House divided; and there were—ayes 41, noes 72.

Mr. TERRY. I ask for tellers.

The question was taken on ordering tellers.

The SPEAKER. Twenty-eight gentlemen have arisen—not a sufficient number, and tellers are refused. On this question the ayes are 41, the noes 72——

Mr. KEM. Now I make the point of no quorum.

The SPEAKER. The Chair thinks the point is raised too late, tellers having been demanded and refused. The noes have it, and the amendment of the Senate is nonconcurred in.

Mr. CANNON. I ask for a vote on the text.

The Clerk read as follows:

For court-house and post-office at Martinsburg, W. Va.: For completion of approaches, $5,000.

Mr. CANNON. I yield to the gentleman from West Virginia.

Mr. DAYTON. Mr. Speaker, I think the members of this House upon calm consideration of the circumstances at Martinsburg will certainly make an exception. [Laughter.] It does not appear to me possible that members of this House, knowing the situation and condition of things, will say that this case is similar to the other cases in regard to public buildings. Surely it has not come to pass that this great Government of ours will haggle over the matter of clearing away the rubbish around one of its public buildings so as to afford to those who have business to transact in the court-house at Martinsburg some other means of approach to that building than a pine plank. I do not believe it is possible that we are going to take such a position as that when the small sum of $5,000 is all that is necessary to get rid of the rubbish and put in order the approaches to the building, the structure itself being completed and occupied, especially when the present condition of the approaches to that building is in violation of the municipal regulation which requires the Government as well as other owners of property to put down sidewalks. I trust that members will not go to the extent of voting against this item simply because they say they can not have their own appropriation or bills passed.

Mr. CANNON. Just a word, Mr. Speaker. The facts about the public building at Martinsburg are these: For two or three years past that building has been completed and occupied by the Government for both court and post-office purposes. There is no money to the credit of that building. The approaches from the street to a public building can not be constructed from the general appropriation for repairs.

Mr. HENRY of Indiana. This building has sidewalks around it, has it not?

Mr. CANNON. I understand that there are temporary sidewalks there. It is for the House to say what they will do with this amendment. I only want gentlemen to understand that this is not for any addition to the building—that this is a completed and occupied building.

Mr. HENRY of Indiana. If I understood the statement of the gentleman from West Virginia [Mr. DAYTON] correctly, this appropriation is asked for to build sidewalks around the property of the Government. Am I correct?

Mr. DAYTON. It is for the approaches to the building.

Mr. HENRY of Indiana. Is it for the sidewalks or for work on the grounds belonging to the building?

Mr. DAYTON. It is for the approaches and for the removal of the rubbish that is on the ground.

Mr. HENRY of Indiana. Then it is not for the purpose of building sidewalks?

Mr. DAYTON. Yes, sir; sidewalks and approaches to the building. The building itself has been completed.

Mr. HENRY of Indiana. Then, Mr. Speaker, the objection to this is twofold. For fifteen years Congress has not made any allowance for streets and sidewalks around public buildings.

Mr. CANNON. As I understand it, the Government has always taken care of the property on which it puts its buildings out to the property line of the street, making sidewalks and approaches, but for many years past the Government has not been paying for the macadamizing of the streets.

Mr. HENRY of Indiana. So far as walks upon the property itself is concerned, I think the gentleman from Illinois is correct; but the regular sidewalk is a part of the street, and the rule has been as I have stated it so far as my examination has gone. I can say very positively, so far as Indianapolis, the capital of my State, is concerned, that there are now pending in this House before various committees claims to the amount of twenty-five or thirty thousand dollars for improvements of sidewalks and streets made under laws similar to that spoken of by the gentleman from West Virginia requiring the property owners to pay for them.

Mr. CANNON. The gentleman is correct about the streets; but our public buildings, so far as I know, stand back from the property line. So far as I have knowledge or belief, the Government universally constructs the approaches upon its own property and the sidewalks around its buildings and out to the property line, or to the street.

Mr. HENRY of Indiana. In answer to that suggestion I would say that if there is a city in the United States that has the ordinary sidewalks which accompany our streets situated upon the property of the United States and not upon the street, I do not know of it. In the cases that I speak of the sidewalks along the Government property are within the line of the highway, the same as they are along private property, and, as I understood the gentleman from West Virginia, these sidewalks about the building in question are a part of the street, so that property owners are required by the local regulations or by the law of West Virginia to construct them.

Now, certainly the local authorities there would have no right to order the Government to make sidewalks upon its own property, so that can not be the ground upon which this appropriation is asked. The local authorities would, of course, have no jurisdiction whatever over that question. Therefore there must be sidewalks that are parts of the highway, parts of the street, the same as the roadway itself. Now, the rule, as I understand it, has been for at least fifteen years past that no Congress has given an appropriation for the construction of such sidewalks around a public building, unless it may have been put through by such an item as this. What I mean is that no fair, straight-out, honest appropriation has been made for the building of a sidewalk along Government property. The statement is sometimes made here that cities are glad to have public buildings, and that, therefore, they ought to improve the roadways and the sidewalks. Now, I do not believe in that doctrine, but I say it is wrong to single out an exceptional case, put it on this bill by a Senate amendment, and seek to get it through in that way.

Mr. CANNON. After all, the question is not what the gentleman from West Virginia or I may say touching this matter. The item speaks for itself:

For court-house and post-office at Martinsburg, W. Va.—

Now comes the operative language—

For completion of approaches, $5,000.

Mr. DAYTON. That is all of it.

Mr. HENRY of Indiana. If the gentleman from West Virginia says it does not include streets or sidewalks——

Mr. CANNON. If the intention were to include streets or sidewalks the money would not be available under the language I have just read.

Mr. HENRY of Indiana. I will say that I have no information on this subject except the statement of the gentleman from West Virginia the other day, and have based my objection on his statement.

Mr. DOVENER. Mr. Speaker, I inspected these grounds yesterday. When the building was completed the ground was covered with stone and was not graded. The object, as I understand, of this appropriation is to clear and improve a walk of probably 40 or 50 feet from the building to the street. The sidewalk in front of the grounds—only about 8 feet wide and 100 feet long—is entirely outside of the matter spoken of in this appropriation.

Mr. HENRY of Indiana. Will it take $5,000 to grade the lot and make the necessary improvement which the gentleman speaks of?

Mr. DOVENER. I suppose it would, on account of the size of the lot. A portion of it is not even graded; there are deep places which have to be filled up.

The SPEAKER. The question is on the motion that the House recede from its disagreement to Senate amendment numbered 12 and concur in the same.

Mr. KEM. I again make the point that no quorum is present.

The SPEAKER (after counting the House). One hundred and forty-two members are present; not a quorum.

Mr. CANNON. It is now nearly half past 5 o'clock, and I move that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, Mr. BURTON of Missouri, from the Committee on the Judiciary, to which was referred House bills Nos. 2273, 3457, and 4975, reported in lieu thereof a bill (H. R. 9226) to change the time and places for the district and circuit courts of the northern district of Texas, accompanied by a report (No. 2007); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. ANDREWS, from the Committee on Invalid Pensions:

The bill (S. 2880) entitled "An act granting a pension to Charles E. Mann." (Report No. 2008.)

The bill (S. 2433) entitled "An act granting a pension to William F. Gowdy." (Report No. 2009.)

The bill (S. 2758) entitled "An act granting a pension to Hiram H. Palmer." (Report No. 2010.)

The bill (S. 2820) entitled "An act granting a pension to Mary F. Hawley." (Report No. 2028.)

The bill (S. 205) entitled "An act granting a pension to Mary O. H. Stoneman." (Report No. 2031.)

The bill (S. 1621) entitled "An act granting a pension to Josephine I. Offley." (Report No. 2032.)

The bill (S. 2428) entitled "An act granting an increase of pension to Jacob P. Fletcher." (Report No. 2033.)

The bill (S. 1117) entitled "An act granting an increase of pension to Cornelia De Peyster Black." (Report No. 2034.)

By Mr. ANDERSON, from the Committee on Invalid Pensions:

The bill (S. 2529) entitled "An act for the relief of Sarah E. Cotton." (Report No. 2011.)

The bill (S. 2763) entitled "An act granting a pension to Silas B. Hensley." (Report No. 2012.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (S. 2645) entitled "An act granting a pension to Jane H. Vandever." (Report No. 2013.)

Also, from the Committee on Pensions: The bill (H. R. 5544) granting a pension to John Heniff. (Report No. 2030.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (S. 152) entitled "An act granting a pension to Abel S. Chase." (Report No. 2014.)

The bill (S. 3004) entitled "An act granting a pension to Jacob Saladin." (Report No. 2015.)

The bill (S. 2535) entitled "An act granting a pension to Elender Herring, of Elsmore, Kans." (Report No. 2016.)

The bill (S. 890) entitled "An act granting an increase of pension to John N. Landon." (Report No. 2017.)

The bill (S. 1809) entitled "An act granting a pension to Joshua Parker." (Report No. 2018.)

By Mr. MILES, from the Committee on Invalid Pensions: The bill (S. 1694) entitled "An act to increase the pension of Maj. Gen. Julius H. Stahel." (Report No. 2019.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (S. 759) entitled "An act granting a pension to Carrie A. Moody." (Report No. 2020.)

By Mr. POOLE, from the Committee on Invalid Pensions:

The bill (S. 856) entitled "An act granting an increase of pension to Philip T. Greely." (Report No. 2021.)

The bill (S. 2312) entitled "An act granting a pension to William T. Hill." (Report No. 2022.)

The bill (S. 3020) entitled "An act granting a pension to W. L. Faxon." (Report No. 2023.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions:

The bill (S. 2729) entitled "An act granting a pension to Emma Weir Casey." (Report No. 2024.)

The bill (S. 139) entitled "An act granting an increase of pension to Caroline B. Bradford." (Report No. 2025.)

The bill (S. 2983) entitled "An act granting a pension to Ida Emmott, dependent and invalid daughter of the late Thomas Emmott." (Report No. 2026.)

The bill (S. 2828) entitled "An act granting an increase of pension to Samuel E. Liscom." (Report No. 2029.)

The bill (S. 2220) entitled "An act to increase the pension of Ellen C. Abbott, widow of Bvt. Brig. Gen. Joseph C. Abbott." (Report No. 2035.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (S. 122) entitled "An act granting an increase of pension to Jerusha Sturgis, widow of Brig. Gen. Samuel D. Sturgis." (Report No. 2027.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. STRAIT (by request): A bill (H. R. 9224) to create a national money system by which the Government will receive and not pay interest; increase the volume of legal-tender money on a real-estate and gold and silver basis; secure all the national revenues without bonds, tariffs, or income taxes; obtain all the gold and silver that may be required by the Government without other cost than that of their coinage, and for other purposes—to the Committee on Ways and Means.

By Mr. LINTON: A bill (H. R. 9225) empowering and directing the Secretary of War to furnish 2 pieces of condemned cannon to the Grand Army of the Republic Post of St. Johns, Mich.—to the Committee on Military Affairs.

By Mr. HOWARD (by request): A bill (H. R. 9227) to provide for the assembling of Congress on the 4th day of March instead of the first Monday of December—to the Committee on the Judiciary.

Also (by request), a bill (H. R. 9228) to provide for the publication of a periodical which shall be known as the "Congressional Closure"—to the Committee on Printing.

By Mr. HARRISON: A joint resolution (H. Res. 192) relative to the expenditure of the appropriation heretofore made to the Choctawhatchee River in Alabama—to the Committee on Rivers and Harbors.

By Mr. LOUDENSLAGER: A resolution (House Res. No. 389) providing that the clerk of the Committee on Pensions be continued on the roll during the recess of the present Congress—to the Committee on Accounts.

By Mr. SOUTHARD: A resolution (House Res. No. 390) authorizing the Postmaster of the House of Representatives to employ four additional annual messengers—to the Committee on Accounts.

By Mr. DRAPER: A memorial of the general court of Massachusetts, relative to an amendment to the Constitution enabling Congress to enact laws regulating the hours of labor—to the Committee on the Judiciary.

By Mr. McCALL of Massachusetts: A memorial of the general court of Massachusetts, relative to an amendment to the Constitution enabling Congress to enact laws regulating the hours of labor—to the Committee on the Judiciary.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BARRETT: A bill (H. R. 9229) to increase the pension of George E. Tibbetts—to the Committee on Invalid Pensions.

By Mr. COCKRELL (by request): A bill (H. R. 9230) for the relief of the estate of Virginia Rosson, deceased, late of Dickens County, Tex.—to the Committee on War Claims.

By Mr. CURTIS of Iowa: A bill (H. R. 9231) granting an increase of pension to Col. Benjamin Beach, of Muscatine, Iowa—to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 9232) granting a pension to Abigail E. Bogart, of Norwalk, Conn.—to the Committee on Invalid Pensions.

By Mr. HULING: A bill (H. R. 9233) granting a pension to Andrew C. Smith—to the Committee on Invalid Pensions.

By Mr. McCLURE: A bill (H. R. 9234) for the relief of Elijah Rowe—to the Committee on Military Affairs.

Also, a bill (H. R. 9235) for the relief of Theophilus H. Stees—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9236) granting a pension to James W. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9237) for the relief of Edgar G. Abbott—to the Committee on Invalid Pensions.

By Mr. MEREDITH: A bill (H. R. 9238) for the relief of the estate of Catherine Crittenden, deceased, late of Culpeper County, Va.—to the Committee on War Claims.

By Mr. POWERS: A bill (H. R. 9239) granting a pension to Sarah A. Grennell, stepmother of Frank W. Grennell, late of Company G, Fourteenth Vermont Volunteers—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Pennsylvania: A bill (H. R. 9240) to pension Louisa Donath, dependent daughter of John G. Donath, at rate of $12 per month—to the Committee on Invalid Pensions.

building. The building itself has been completed.

Mr. KEM. I again make the point that no quorum is present.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolution of the Commercial Exchange of Philadelphia, protesting against the passage of House bill No. 8536 and Senate bill No. 2967, to amend the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, petition of railroad commissioners, opposing the repeal of section 10 of the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. BARRETT: Petition of Division No. 122, Order of Railway Conductors, of Boston, Mass., in favor of House bill No. 6119, for the appointment of an impartial committee to investigate the labor problem and suggest remedy—to the Committee on Labor.

By Mr. COOK of Wisconsin: Petitions of citizens of Plainfield and Winneconne, Wis., praying for favorable action on bill to amend the postal laws relating to second-class matter and bill to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: Paper to accompany House bill granting a pension to Abigail E. Bogart—to the Committee on Invalid Pensions.

By Mr. JOHNSON of California: Petition of A. E. Redstone, secretary State Settlers' League of California, in behalf of settlers, miners, and stock raisers of California, favoring the passage of Senate bill No. 2118—to the Committee on the Public Lands.

By Mr. OVERSTREET: Petitions of citizens of Spencer and Columbus, Ind., favoring the passage of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBINSON of Pennsylvania: Paper to accompany House bill to pension Louisa Donath, dependent daughter of John G. Donath, at the rate of $12 per month—to the Committee on Invalid Pensions.

By Mr. ROYSE: Petitions of citizens of Warsaw, New Carlisle, Elkhart, and South Bend, Ind., for favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. TRACEWELL: Petition of citizens of North Vernon, Ind., for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, *May 28, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

ACCIDENTS TO NAVAL VESSELS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of April 17, 1896, a list of accidents furnished by the Bureaus of Construction and Repair and Steam Engineering, showing the principal accidents that have occurred to naval vessels within the period mentioned, the causes thereof, and the damages resulting therefrom; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

TENNESSEE CENTENNIAL EXPOSITION.

The VICE-PRESIDENT appointed Mr. DUBOIS, Mr. GIBSON, Mr. ALLEN, Mr. BROWN, and Mr. BATE, under the resolution of May 12, 1896, as the committee to attend the celebration of the one hundredth anniversary of the admission of the State of Tennessee into the Federal Union, to be held at the city of Nashville, Tenn., on the 1st day of June next.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (H. R. 6739) for the relief of John N. Quackenbush, late a commander in the United States Navy.

Mr. HALE. I call for the regular order.

The VICE-PRESIDENT. The regular order is demanded. Petitions and memorials are in order.

PETITIONS AND MEMORIALS.

Mr. MCMILLAN presented the petition of James F. Dodge and 116 other citizens of Detroit, Mich., who earn their living in Canada, remonstrating against the passage of the so-called McCall immigration bill, on the ground that it may necessitate their removal to Canada; which was ordered to lie on the table.

Mr. DAVIS presented a petition of sundry citizens of Minneapolis, Minn., praying for the Government ownership and control of the telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the common council of St. Paul, Minn., praying for the enactment of legislation extending aid for a governmental exhibit at the transmississippi and international exhibition to be held at Omaha, Nebr., in 1898; which was referred to the Committee on Appropriations.

Mr. CANNON presented a petition of the legislature of the State of Utah, praying that an appropriation be made for the support of the Shebit Indians; which was referred to the Committee on Indian Affairs, and ordered to be printed in the RECORD, as follows:

House joint memorial.

To the Congress of the United States:

Your memorialists, the governor and legislature of the State of Utah, respectfully ask your favorable action in the matter herein set out. In Washington County, this State, are a few families of Indians, known as the Shebits. Some years ago, through the action of your honorable body and the Commissioner of Indian Affairs, a small appropriation was secured for these Indians and disbursed, under the direction of Hon. A. W. Ivins, of Washington County, in providing farms, houses, mules, wagons, and other utensils for general farming. The Indians at once settled down and went to work and have been working steadily ever since, their progress being most gratifying, and there having been something of an increase of their numbers. But through constant use and the lapse of time some of the mules are dead, the implements are in many cases broken down or altogether worn out, and further assistance is needed.

The testimony of those who have had opportunity to observe is that the money spent on these Indians was well spent, and they are progressing toward civilization and a self-supporting condition as rapidly as possible.

Your memorialists, in view of the premises, would therefore ask a further appropriation of $10,000, to be applied as needed for the relief of these Indians, under the direction of some reputable citizen of Washington County, and, hoping your immediate and favorable action thereon, we will ever pray.

GEORGE M. CANNON,
President of the Senate.
PRESLEY DENNY,
Speaker of the House.

Approved April 3, 1896.

HEBER M. WELLS,
Governor of Utah.

STATE OF UTAH, *Department of State, ss:*

I, James T. Hammond, secretary of state of the State of Utah, do hereby certify that the foregoing is a full, true, and correct copy of house joint memorial No. 3, approved April 3, 1896, as appears on file in my office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Utah this 21st day of May, A. D. 1896.

J. T. HAMMOND,
Secretary of State.

Mr. WHITE. I present a memorial, forwarded to me by telegraph, of the Chamber of Commerce of Los Angeles, Cal., remonstrating against the passage of House bill No. 8535 and Senate bill No. 2967, proposing to amend section 10 of the interstate-commerce law. I move that the memorial be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. BRICE presented a memorial of the Medical Society of Cleveland, Ohio, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of Encampment No. 124, Union Veteran Legion, of Erie County, Ohio, praying for the enactment of a service-pension law; which was ordered to lie on the table.

He also presented petitions of the Ohio State Grange, of sundry citizens of Ohio, and of the Ohio Cheese Manufacturers' Association, of Cleveland, Ohio, praying for the passage of the so-called filled-cheese bill; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the bill (S. 3188) to ratify an agreement with the Indians of the Shoshone or Wind River Reservation, Wyo., and making an appropriation to carry the same into effect, establishing the Wyoming Hot Springs Reservation, and making an appropriation for the survey thereof, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 3167) to grant to the Hudson Reservoir and Canal Company of Arizona the right of way through the Gila River Indian Reservation, reported it with an amendment.

Mr. ALDRICH. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 6259) to expedite the delivery of imported parcels and packages not exceeding $500 in value, to report it with an amendment in the nature of a substitute. I give notice that I shall ask the Senate at an early day to proceed to the consideration of the bill.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 2874) to provide for the construction of a graveled road from the termination of the graveled road and bridge on the north side of Cache River, in Pulaski County, Ill., to the national military cemetery near Mound City, in Pulaski County, Ill., and for other purposes, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. BACON, from the Committee on Naval Affairs, to whom was referred the bill (S. 1968) for the relief of the Mobile Marine Dock Company, reported it without amendment, and submitted a report thereon.

Mr. BRICE, from the Committee on Pensions, to whom was referred the bill (H. R. 979) granting a pension to Frances E. Helfenstein, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2358) for the relief of Arminda White, widow of Israel White, reported it without amendment, and submitted a report thereon.

Mr. PASCO, from the Committee on Private Land Claims, to whom was referred the bill (S. 1178) conveying to Rafael Seguro, of Iberia Parish, La., the right, title, and interest of the United States in and to certain lands in said parish of Iberia, reported it without amendment, and submitted a report thereon.

INVESTIGATION BY COMMITTEE ON NAVAL AFFAIRS.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. CHANDLER, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the expense incurred by the subcommittee of the Committee on Naval Affairs in visiting Bethlehem, Pa., in pursuance of the duty imposed on said committee by resolutions of the Senate dated, respectively, December 31, 1895, and February 13, 1896, be paid from the contingent fund of the Senate.

EMPLOYEES OF GOVERNMENT PRINTING OFFICE.

Mr. PRITCHARD. I am directed by the Committee on Civil Service and Retrenchment, who were authorized by the resolution of March 23, 1896, to investigate and report upon the administration of the civil-service law in the Government Printing Office, etc., to submit a report thereon. I ask that the report be printed in the RECORD.

The VICE-PRESIDENT. Without objection, it will be so ordered.

The report is as follows:

The Committee on Civil Service and Retrenchment, having had under consideration the following resolution, which was adopted by the Senate on the 23d day of March, 1896:

"*Resolved*, That the Committee on Civil Service and Retrenchment be, and is hereby, empowered to fully investigate and report upon the administration of the civil-service law in the Government Printing Office as affecting the separation from service of the 35 ex-employees referred to in the printed correspondence furnished the Senate under Senate resolution of January 29, 1896"—

report as follows: Your committee have examined all the parties who desired to be heard in the matter, and herewith attach a copy of the statement of each individual who appeared before the committee. There were only two questions arising before the committee for consideration, to wit:

When did the order of the President placing the Government Printing Office under the civil service go into effect?

Second. Were the parties employed on the temporary roll at the time of the adoption of the order entitled to be classified and placed on the list of eligibles?

Your committee deem it unnecessary to state any conclusion in regard to the questions suggested, and therefore submit to the Senate the statement of the witnesses, without recommendation.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 3234) donating condemned cannon and cannon balls to the Ohio Soldiers and Sailors' Home, Erie County, Ohio; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. KYLE (by request) introduced a bill (S. 3235) to regulate labor and business on Sunday in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GORMAN introduced a bill (S. 3236) to remove the charge of desertion from Patrick H. McCall, late an enlisted man in the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. STEWART introduced a bill (S. 3237) granting a pension to Annie Fowler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BRICE introduced a bill (S. 3238) to amend the military record of Silas Graham; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. HALE introduced a joint resolution (S. R. 153) authorizing the compilation of the United States customs laws and regulations thereon, the decisions in relation thereto of the Federal courts, the Treasury Department, the United States general appraisers, and the opinions of the Attorneys-General; which was read twice by its title, and referred to the Committee on Printing.

IMPORTATIONS BY EXPRESS COMPANIES.

Mr. GIBSON submitted an amendment intended to be proposed by him to the bill (H. R. 6259) to expedite the delivery of imported parcels and packages not exceeding $500 in value, imported by express companies, or other duly incorporated inland carriers; which was ordered to be printed.

REGULATIONS CONCERNING ADULTERATED BEER.

Mr. CARTER submitted an amendment intended to be proposed by him to the bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of filled cheese; which was ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. DAVIS, it was

Ordered, That the adverse report in the case of William B. Matchett be withdrawn from the files of the Senate under the rules of the Senate.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. PASCO, it was

Ordered, That the petition of Fernando I. Moreno be taken from the files in the Secretary's office and referred to the Committee on Claims.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I desire to call up the conference report on the Indian appropriation bill.

Mr. WALTHALL. I object to the consideration of that report at this time. It will lead to quite a protracted debate.

Mr. PETTIGREW. I suppose if the question of consideration is raised it will be submitted to a vote of the Senate, and that I desire.

The VICE-PRESIDENT. Does the Senator from South Dakota move to proceed to the consideration of the report?

Mr. PETTIGREW. Yes; I move that the report be taken up.

The VICE-PRESIDENT. The question is on the motion of the Senator from South Dakota, that the Senate proceed to the consideration of the conference report on the Indian appropriation bill.

The question being put, there were, on a division—ayes 24, noes not counted.

Mr. PETTIGREW. I ask for the yeas and nays.

Mr. CULLOM. What is the use? The "ayes" have it.

Mr. PETTIGREW. There was no quorum voting on the division.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PALMER (when his name was called). I am paired with the Senator from North Dakota [Mr. HANSBROUGH]. He has not voted, and I withhold my vote.

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD].

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR].

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. THURSTON]. Otherwise I should vote "nay."

The roll call was concluded.

Mr. CARTER. I desire to announce a pair between the junior Senator from Maryland [Mr. GIBSON] and my colleague [Mr. MANTLE]. I make the announcement for the day.

Mr. DUBOIS. I inquire if the Senator from New Jersey [Mr. SMITH] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. DUBOIS. I am paired with that Senator, but will transfer my pair to the Senator from Nevada [Mr. JONES] and vote. I vote "yea."

The result was announced—yeas 41, nays 13; as follows:

YEAS—41.

Aldrich,	Dubois,	Mills,	Sewell,
Allison,	Elkins,	Mitchell, Oreg.	Sherman,
Berry,	Gallinger,	Morgan,	Shoup,
Burrows,	Hale,	Morrill,	Teller,
Butler,	Hawley,	Nelson,	Turpie,
Cannon,	Hill,	Perkins,	Vest,
Carter,	Jones, Ark.	Pettigrew,	Warren,
Chilton,	Lodge,	Platt,	Wilson.
Cockrell,	McBride,	Proctor,	
Cullom,	McMillan,	Quay,	
Davis,	Martin,	Roach,	

NAYS—13.

Bacon,	George,	Mitchell, Wis.	White.
Bate,	Gorman,	Pasco,	
Brown,	Harris,	Peffer,	
Chandler,	Kyle,	Walthall,	

NOT VOTING—35.

Allen,	Daniel,	Irby,	Squire,
Baker,	Faulkner,	Jones, Nev.	Stewart,
Blackburn,	Frye,	Lindsay,	Thurston,
Blanchard,	Gear,	Mantle,	Tillman,
Brice,	Gibson,	Murphy,	Vilas,
Caffery,	Gordon,	Palmer,	Voorhees,
Call,	Gray,	Pritchard,	Wetmore,
Cameron,	Hansbrough,	Pugh,	Wolcott.
Clark,	Hoar,	Smith,	

So the motion was agreed to.

ALCOHOL IN THE ARTS.

The bill (H. R. 3282) to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 28, 1894, was referred to the Committee on Finance.

Mr. HARRIS. I believe the conference report has been taken up?

The VICE-PRESIDENT. It is before the Senate.

Mr. HARRIS. So soon as the conference report is disposed of I shall ask the unanimous consent of the Senate to allow me to report the bill that has just been referred to the Finance Committee. That committee, having anticipated the reference, considered the measure this morning. I shall report the bill back as soon as the pending matter is disposed of, if I can get the floor, and will ask the Senate to allow me to make a statement of about two minutes and a half, when I shall appeal to the Senate for unanimous consent to consider the bill this morning.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a concurrent resolution authorizing the Secretary of War to lend to the mayors of the cities of East St. Louis, Ill., St. Louis, Mo., and vicinity, a sufficient number of tents to temporarily shelter such citizens as may have lost their homes by the tornado of yesterday, and to render such other relief in the premises as he may deem necessary; in which it requested the concurrence of the Senate.

SUFFERERS BY TORNADO IN ILLINOIS AND MISSOURI.

The VICE-PRESIDENT. The Chair lays before the Senate the concurrent resolution just received from the House of Representatives.

The concurrent resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of War be, and is hereby, authorized to lend to the mayors of the cities of East St. Louis, Ill., St. Louis, Mo., and vicinity, under such regulations and restrictions as he may deem proper, a sufficient number of tents to temporarily shelter such citizens of said cities as may have lost their homes by the tornado of yesterday, and to render such other relief in the premises as he may deem necessary.

Mr. PALMER. The Senate is fully advised of the terrible calamity which has befallen St. Louis, and more particularly East St. Louis, Ill. I ask for the immediate consideration of the resolution.

The VICE-PRESIDENT. Is there objection to the present consideration of the concurrent resolution?

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

Mr. VEST. Mr. President, of course it would be a very ungracious and ungrateful proceeding, perhaps, upon my part to offer any opposition to the resolution. Yet I am compelled to say that I do not think there is any necessity for its passage. Recent advices, telegrams received within the last half hour, show that the accounts of this great disaster, which is a great one, have been terribly exaggerated, as is always the case in the first hours of a calamity.

I wish to say for the city of St. Louis and the State of Missouri, without boasting, that that city and that State can take care of their people under these or any other circumstances. I have myself received no information that tents are needed. No harm can be done by passing the resolution, but I wish to express my dissent from the custom which has obtained in all instances of States and communities which are entirely capable of meeting any exigency themselves rushing impulsively to the seat of the Government of the United States at all times and asking assistance. I myself do not like that practice. But, of course, if the Senators from Illinois, speaking for their constituents, want to have the resolution passed, I shall make no objection to it.

Mr. HARRIS. I wish to suggest whether the resolution ought not to be made a joint resolution instead of a concurrent one. I hardly think it safe to pass it as a concurrent resolution, as it is evidently in conflict with existing law. I shall interpose no objection, but I am in full sympathy with the views expressed by the Senator.

Mr. PALMER. I did not quite understand the suggestion of the Senator from Tennessee.

Mr. HARRIS. My suggestion is that the resolution should be made a joint resolution instead of a concurrent one, inasmuch as it changes existing law; and I will say to the Senator, the House having passed the resolution, that if such an amendment should be made I do not think it will involve a delay of two hours, because I think the House, which passed the resolution, would concur in such an amendment at once.

Mr. PALMER. I am impressed with the suggestion of the Senator from Tennessee, and I will move the amendment according to his suggestion. I move that the resolution be made a joint resolution.

The VICE-PRESIDENT. Without objection, the resolution will be amended by inserting the resolving clause of a joint resolution instead of a concurrent resolution. The joint resolution will be considered as having been twice read, and is before the Senate as in Committee of the Whole.

Mr. CULLOM. I simply desire to say that this is a House resolution, and while I agree with the Senator from Missouri [Mr. VEST] that there is probably no occasion for its passage, because I am very much gratified to learn that the loss of life and property there is not so great as was reported by the papers this morning, and that our respective States will be able to take care of all the interests of our people on both sides of the river, yet as the House has passed it I suggest it might be well for us to agree to it.

I desire to state further that I am very much worried over the reports which come from the Illinois side of the river. The last report which was shown me a moment ago stated that the loss of life was much greater on the east side of the river than on the Missouri side. But on whichever side the greatest suffering has occurred, I have no doubt the officials of the States will take care of the people. I hope the joint resolution will be passed, inasmuch as it comes from the other body.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The title was amended so as to read: "A joint resolution authorizing the Secretary of War to lend to the mayors of the cities of East St. Louis, Ill., and St. Louis, Mo., and vicinity, a number of tents."

INDIAN APPROPRIATION BILL.

The VICE-PRESIDENT. The report of the committee of conference will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 66.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with amendments as follows: Add at the end of said amendment the following:

"That said Commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after such hearing they shall determine the right of such applicant to be so admitted and enrolled: *Provided, however*, That such application shall be made to such Commissioners within three months after the passage of this act. The said Commission shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said Commission shall respect all laws of the several nations or tribes, not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and shall give due force and effect to the rolls, usages, and customs of each of said nations or tribes: *And provided further*, That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

"In the performance of such duties said Commission shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, and to send for persons and papers and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citzenship, or to protect any of said nations from fraud or wrong, and the rolls so prepared by them shall be hereafter held and considered to be the true and correct rolls of persons entitled to the rights of citizenship in said several tribes: *Provided*, That if the tribe or any person be aggrieved with the decision of the tribal authorities or the Commission provided for in this act, it or he may appeal from such decision to the United States district court: *Provided, however*, That the appeal shall be taken within sixty days, and the judgment of the court shall be final.

"That the said Commission, after the expiration of six months, shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under this act, and said rolls shall be, and are hereby, made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States courts, as provided herein.

"The Commission is hereby required to file the lists of members as they finally approve them with the Commissioner of Indian Affairs, to remain there for use as the final judgment of the duly constituted authorities. And said Commission shall also make a roll of freedmen entitled to citizenship in said tribes, and shall include their names in the lists of members to be filed with the Commissioner of Indian Affairs. And said Commission is further authorized and directed to make a full report to Congress of leases, tribal and individual, with the area, amount, and value of the property leased and the amount received therefor, and by whom and from whom said property is leased, and is further directed to make a full and detailed report as to the excessive holdings of members of said tribes and others.

"It is hereby declared to be the duty of the United States to establish a government in the Indian Territory which will rectify the many inequalities and discriminations now existing in said Territory, and afford needful protection to the lives and property of all citizens and residents thereof.

"Sisseton and Wahpeton Indians: That all the interest due the Sisseton and Wahpeton Indians on March 3, 1896, is hereby appropriated to be paid at once in cash per capita; and hereafter all interest on the permanent fund of said Indians, after deducting the amount expended for education, shall be paid in cash per capita on the 1st day of November of each year.

"Seneca Nation of Indians: That the Secretary of the Interior be, and he hereby is, authorized and directed to ascertain and report to Congress a detailed statement of all the leases made and entered into by the Seneca Nation of Indians, with all persons or corporations, of all lands in the Allegany Indian Reservation in the State of New York, giving an itemized statement of

each and every lease now in existence or force, with the date and terms of each lease, and amount or amounts due on each lease."

And the Senate agree to the same.

On amendments numbered 64, 69, and 70 the committee of conference has been unable to agree.

R. F. PETTIGREW,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

J. S. SHERMAN,
CHARLES CURTIS,
GEO. C. PENDLETON,
Managers on the part of the House.

Mr. HALE. Mr. President, I wish to call the attention of the Senator in charge of the bill and who submitted this conference report, before the report is accepted, to what seems to be the main feature, or the only feature of the report, aside from further disagreements:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with amendments as follows:

Add at the end of said amendment the following—

Which is a complete and carefully drawn and extended provision of new law as it has just been read from the desk. The basis of that amendment I find in the bill is amendment 37, which is referred to, and which reads as follows:

For salaries and expenses of the Commissioners appointed under acts of Congress approved March 3, 1893, and March 2, 1895, to negotiate with the Five Civilized Tribes in the Indian Territory, the sum of $40,000, to be immediately available; and said Commission is directed to continue the exercise of the authority already conferred upon them by law and endeavor to accomplish the objects heretofore prescribed to them and report from time to time to Congress.

That, Mr. President, is a clear, plain provision recognizing existing law, in no degree departing from it, making an appropriation to carry it out, and directing the Commission so to carry out the provisions of existing law. I do not see that any point of order can be made upon that amendment or could have been made at the time it passed the Senate. It is such a provision as is proper in appropriation bills, and is the provision that went to the conference.

I find, further, as to the great body of the new law proposed and reported here from the conference—which was never considered by the Senate and was never adopted in either House, but which is absolutely new—I find, on looking at the debates which arose in the course of the progress of the bill, that nearly identically the same proposition which the conferees have now reported was, upon April 23 last, submitted as an amendment, discussed for days and days, and at last ruled out of order by the Presiding Officer, thereby taking it from the consideration of the Senate; thereby, under the rules, declaring that it was not a proper subject for consideration in Congress on an appropriation bill. The ruling of the Chair is found on page 4312 of the CONGRESSIONAL RECORD during the session of April 23.

I rose, Mr. President, for the purpose of asking the Senator in charge of the bill, a member of the Committee on Appropriations, a member of large experience in this and the other body, what warrant of authority the committee of conference had to enlarge the simple amendment that is found in the bill which I have read, to ingraft upon it provisions of law that had been before the Senate and rejected under its rules, and also, as I am informed, as to the latter part of the amendment, to ingraft provisions which had never in any form been before the Senate.

I ask this question with some considerable earnestness, because it has been my fortune to serve upon the Committee on Appropriations ever since I have been a member of this body. If there is one thing that ought to be observed with most sacred obligation it is the limitation of committees of conference to subjects-matter that have been before one body or the other. The line is as clearly drawn as the walk between the two Houses in this Capitol. The disagreeing votes of the two Houses is the fundamental proposition upon which conferences are ordered. Without such disagreeing votes no conferences would be ordered or needed; and the domain under which committees of conference must always come is that limited domain. It is the subjects-matter that are in controversy between the Houses. It is subjects-matter that one House insists upon and the other House disagrees to, and one or the other on a compromise definable within the limits of the subject disagreed upon is all that conferences can ever report.

I know it is not only a tradition, but it is the experience and the history of the Committee on Appropriations on the part of the Senate, to insist rigidly upon this rule. Mr. President, if this rule is departed from, if conferees can put new matter into their report and introduce it in this body with the privileges that conference reports have of being always in order and that they can be made at any time, there is no authority, there is no committee, there is no portion of the Senate that has such power to abuse its privilege as conference committees have.

Mr. GRAY. May I ask the Senator from Maine whether I understood him to say that the provision reported by the conference committee was substantially the same as the amendment proposed in the Senate to the bill when it was before the Senate and ruled out of order by the Chair?

Mr. HALE. The two provisions are long. I have read them both, but have not had time to compare them. I do not say that they are the same, but I understand that they involve——

Mr. TELLER. They are not the same.

Mr. HALE. No; I do not suppose they are.

Mr. TELLER. They are quite different.

Mr. HALE. I understand they involve the same subjects-matter; that other things have been added to them, and that the subject-matter which was ruled out on a point of order is again introduced in the report of the committee of conference.

Mr. President, I do not know the merits of this controversy. I was not here when it was debated. When the Senator submitted the report and it was printed in the RECORD and I examined the RECORD and saw this long amendment which had been reported from the committee of conference, without consultation with any Senator I went to the RECORD, hunted up the original amendment, and hunted up the debates, because it occurred to me at once that there must be some reason why so great a body of law had been reported here, if the committee had not exceeded its authority.

Mr. President, the Committee on Appropriations ought to be very sensitive about these matters. There is no committee that is so trusted by the Senate as the Committee on Appropriations. It submits its final reports, in many cases, during the last week of the session, when there is no opportunity for critical examination. It submits its amendments agreed to, disagreed to, and amended, generally by numbers, and nothing more than the numbers and amendments are read. Senators know the Committee on Appropriations realize that there is no opportunity for full examination and investigation. The highest duty that is imposed upon the members of the Committee on Appropriations in conference on appropriation bills is to hew to the line of the rule and rigidly refuse to put in any new propositions, no matter how beneficent they are, no matter how desirable they are, no matter if they be consented to by every member of the Senate. The initiative point of the wisest legislation is never with a committee of conference, and it never ought to be there.

It is, therefore, as a member of the Committee on Appropriations that, having the gravest doubt about this matter, I have called the attention of the Senator in charge of the bill—if it can be fully explained, that it comes within the rule and is not new matter. As I said, I know nothing of the merits of the controversy, but I am interested that the committee should not in any way exceed its authority.

Mr. HILL. Will the Senator from Maine please explain, if he is familiar with the report, what was the amendment numbered 37, to which the new matter is now proposed to be added?

Mr. HALE. I have read it once. I will read it again for the Senator.

Mr. HILL. I was not in at the time.

Mr. HALE. It is very simple.

For salaries and expenses of the Commissioners appointed under acts of Congress approved March 3, 1893—

Which I have here—

and March 2, 1895—

Which is only a continuation of the appropriation and providing for two additional Commissioners—

to negotiate with the Five Civilized Tribes in the Indian Territory, the sum of $40,000, to be immediately available.

That is simply an appropriation for the salary under those acts.

And said Commission is directed to continue the exercise of the authority already conferred upon them by law and endeavor to accomplish the objects heretofore prescribed to them and report from time to time to congress.

As I said while the Senator was not in his seat, that is a very simple provision. It is giving money to carry out the existing law, and in a monitory way, and no further, suggesting to the Commissioners that they proceed to carry out the law. That has been reported by the conference committee, as I have said, as provisions embodying a wide scope of legislation, and I am informed a portion of it was ruled out in the Senate, and that another portion was not considered either by the Senate or the House. I want the Senator in charge of the bill to explain why it is that this departure has been made.

Mr. CHANDLER. Mr. President, I desire to make a point of order as to whether a conference report containing substantially a provision that was ruled out as not being in order when the bill was before the Senate is now in order as a part of the conference report. I desire to make that point of order, and to state to the Senate the reasons why I believe it to be good.

Mr. TELLER. I should like to call the Senator's attention to the fact that in making the point of order he is assuming that this provision has been ruled out by the Senate. That is incorrect. It is an entirely different proposition.

Mr. CHANDLER. It is a much stronger provision. It contains additional provisions which would have made it much more amenable to the point of order if this had been the amendment that was ruled out of order instead of the one that was ruled out.

Now, I desire to state the reasons why I think this amendment is not in order. A conference report of this kind ought to be out

of order under the rules of the Senate, whether it is or is not, because if a long and important amendment making alterations in existing law can be deliberately ruled out upon a point of order, and then can be inserted almost bodily in a conference report, it will be necessary for the Senate to be constantly watching the reports of conference committees.

Mr. JONES of Arkansas. I should like to present a parliamentary inquiry to the Chair, and that is whether a point of order can be made to a conference report? My understanding is that a conference report has to be accepted or rejected as a whole, and that points of order can not be entertained in connection with anything of this kind.

Mr. CHANDLER. That is the very point I am arguing, if the Senator from Arkansas will allow me to proceed.

The VICE-PRESIDENT. The Chair is hearing the discussion on that point. The Chair has not ruled upon it.

Mr. CHANDLER. The very point I am arguing is whether a conference report, the vote upon which must be taken either yea or nay, so that one vote disposes of it, can, according to the rules of the Senate as they ought to be construed, contain a long provision of law that was once deliberately ruled out by the Presiding Officer and his ruling acquiesced in by the Senate.

Mr. President, that is the point of order, and it seems to me that the Chair, and if not the Chair, then the Senate, ought to decide that it is not in order for a conference committee to do what this conference committee has done.

The amendment as it was proposed in the Senate on the 23d day of April provided $40,000 for the salaries of the members of the Dawes Commission, directed the Commission to proceed to make rolls of citizenship of the Five Civilized Tribes, and to make allotments of land to those whom they might find to be citizens. All the provisions in reference to the duties of the Commission were attached to the amendment appropriating $40,000 for continuing the Commission and paying their salaries, and the Senator from Maine [Mr. HALE] has stated the result. After a long debate the Vice-President decided that the amendment was out of order, particularly specifying the powers of a court that were given to the Commission. The whole amendment went out, not only the provision for the salaries to the Commission, but also the legislation changing existing law and providing for a census of the tribes and the allotment of land.

Before the bill was disposed of the Senator from Wisconsin [Mr. VILAS] moved an amendment contained on page 4316 of the RECORD, which was a mere appropriation of $40,000 for continuing in existence the Commission and directing them to go on and negotiate with the Indian tribes in accordance with the provisions of existing law.

That provision, which was adopted (it was the first part of the amendment that had been ruled out of order), did not change existing law in any manner. It simply provided for the salaries of the Commissioners and for continuing them in the work which the previous law authorized. All the rest of the amendment was ruled out of order. No appeal was taken; no criticism was made. The Senate acquiesced in the ruling, and, as ex gratia, subsequently consented to the amendment of the Senator from Wisconsin simply continuing the Commission with its existing powers, and the Senate one and all understood that so far as this bill was concerned that was an end of the question of dealing with the Civilized Tribes by an amendment upon an appropriation bill.

What do we behold? We behold the conference committee doing substantially the very thing which had been held to be out of order—doing substantially what the Senate unanimously acquiesced in as being something which could not be done upon the appropriation bill, and we have the long provision that the Chair will see by glancing at the amendment. The amendment is as long as the other. It is on the same subject-matter. It provides equally with the other amendment for a census of these Indian tribes. But I admit that it has been carefully and cunningly framed to avoid, if possible, any point of order in the Senate, so that, if possible, it may receive the approbation of the Senate, which had once been refused it.

If it can be done in this form upon a conference report, it can be done in precisely the form in which the Senate rejected it. I maintain that proposition with confidence. If it can be done with the amendment as it now stands, the conference committee might have put the very rejected amendment itself upon the bill.

Mr. HALE. Let me ask the Senator from New Hampshire a question. Suppose it is not the identical amendment which was ruled out in the Senate. Is it any the less a body of absolutely new legislation that the conference committee had no business to deal with, whether or not it is the same amendment that was ruled out? Is it not new matter?

Mr. CHANDLER. Beyond all question.

Mr. HALE. And upon which there was no disagreement between the Houses?

Mr. CHANDLER. None whatever. The subject-matter which was ruled upon by the Chair has never been discussed between the two Houses, because it never so passed one House that it could be disagreed to by the other.

There is the broad question whether the Senate wishes to approve of this attempt to legislate upon a conference report, even if it is in order to do so. There is the narrower question which I am arguing, whether it is in order to submit to the Senate and compel the Senate to vote upon a conference report which contains a provision of this kind.

Not only do we have the whole subject of dealing with the Five Civilized Tribes—about which the Senate did nothing, about which the House did nothing—disposed of by an amendment to a conference report, but we have two other extraordinary provisions, to which the Senator from Maine has also alluded. There is the following clause on the second page of the report:

> Sisseton and Wahpeton Indians: That all the interest due the Sisseton and Wahpeton Indians on March 3, 1896, is hereby appropriated to be paid at once in cash per capita; and hereafter all interest on the permanent fund of said Indians, after deducting the amount expended for education, shall be paid in cash per capita on the 1st day of November of each year.

I do not know how much money that clause appropriates from the Treasury of the United States, but I do know that that clause was not in the House bill; it was not a Senate amendment; and the conference committee have undertaken to usurp to themselves the sole function of legislation by inserting this provision which never was heard of in the House, which never was heard of in the Senate, until the conference report was presented.

Another thing, Mr. President. Curiously enough, there is a provision about the Seneca Nation of Indians:

> Seneca Nation of Indians: That the Secretary of the Interior be, and he hereby is, authorized and directed to ascertain and report to Congress a detailed statement of all the leases made and entered into by the Seneca Nation of Indians, with all persons or corporations, of all lands in the Allegany Indian Reservation in the State of New York, giving an itemized statement of each and every lease now in existence or force, with the date and terms of each lease, and amount or amounts due on each lease.

That is an entirely new provision. It does not appropriate any money. It is legislation pure and simple. Whether it is important legislation or whether it is unimportant legislation, it has no place whatever upon a conference report when the subject-matter never was mentioned in the original bill, and never was proposed to the Senate or discussed by the Senate or voted on by the Senate.

This is the most extraordinary parliamentary proceeding I have ever witnessed during my nine years' service in Congress. It is a more extraordinary proposition than I have ever observed or heard of so long as I have observed legislative proceedings anywhere. It is a new departure by the conference committee, made I know not on what conception of their powers and duties, but it is a proceeding which, if it is in order to present it to the Senate and it can not be ruled out of order and the Senate has no way of disposing of it except to vote it down, is going absolutely to revolutionize the methods of doing business in this body.

The Committee on Appropriations of the Senate has enough to carry. It has had difficulty enough hitherto in dealing with the subjects-matter that were committed to the committee. It has had difficulty enough in the selection of its conference committees which have at the last hours of the session been in the habit of dealing with the various appropriation bills. It has had difficulty enough, while the Committee on Appropriations, so far as I know and have observed, have at all times hitherto conformed to the fundamental rule of the Senate in connection with conference committees, without undertaking to constitute themselves legislators for the Senate, to bring in new legislation in the closing hours of an expiring session of Congress. If the power to do this thing exists with conference committees, if the intent to do it is not now met promptly and vigorously, I say the whole character of legislation will be changed, and instead of proceeding in a safe, prudent, and orderly way we shall have adopted methods of legislation which will open the Treasury to all manner of raids upon it through concealed paragraphs in conference reports, and the public welfare will be immensely damaged by the new practice.

My point is that the rules of this body protect the Senate against the necessity of having to vote upon this rejected proposition; that it is legislation of an extensive character, no part of which was in the original bill; that in particular there are two clauses which never were heard of or suggested in either the House or the Senate in connection with the bill until they are presented by the conference report, and that therefore the conference report ought to be ruled out of order. The committee of conference ought to be called upon to take up the matter again and to proceed to do the duty committed to them by the Senate, and to do no more than the duty which was committed to them by the Senate.

Mr. WALTHALL. Mr. President, it has not been disputed and it can not be disputed that the amendment to item 37 as reported by the conference committee proposes original legislation. It does not in any wise arise out of the disagreeing votes of the two Houses. I submit, therefore, that it is entirely without the proper sphere of a conference committee's duty.

When the Indian appropriation bill came from the other House there was no provision in it for the Dawes Commission. There was no mention of the Dawes Commission. That Commission was not referred to directly or incidentally in the bill as it came to us from the House. When the bill reached the Senate an amendment was proposed here appropriating $40,000 for the Dawes Commission, prescribing duties for the Commission which did not belong to it under the law that provided for its organization. That amendment led to protracted debate, in which some eight or nine Senators participated, and it extended through the whole of two days. The Senate decided that that amendment could not be engrafted upon an appropriation bill without an open violation of a standing rule of the body. It must not be forgotten that the Dawes Commission appeared for the first time in the proposed amendment in the Senate, no provision of any kind or character having been made, and no reference having been made to it in the bill as it came to us from the other House.

The Senate, as I have said, after full debate decided that no such provision could be ingrafted upon the Indian appropriation bill without a direct breach of one of its own standing rules. After that decision was reached the Senator from Wisconsin [Mr. VILAS] offered an amendment appropriating $40,000 for the Dawes Commission, and directing the Commission to proceed with the negotiations for which it was organized and the only purpose for which it was organized. To that amendment no objection was raised, although the appropriation for the Dawes Commission had gone out on a point of order along with the balance of the amendment. But when that harmless provision was proposed no objection was interposed to it.

After that was done, what does the conference committee do? The conference committee proposes to invest the Commission not only with duties which did not belong to it before, but to invest it with power and authority which were positively, after long debate, denied to the Commission by the action of the Senate, and, what is more, which had never been asked for by the House. Therefore there were no disagreeing votes between the two Houses, and there could not be. The provision originated here. It was not asked for by the House. It was defeated here upon the ground that we would violate one of our standing rules unless it was ruled out.

Mr. President, the proposed legislation, originating with the committee, is wholly gratuitous. It is directly in conflict with the action of the Senate, and is not responsive to anything that has been proposed on the part of the House. For one I desire to protest against such unauthorized and most questionable extension of their own powers by this committee of conference or by any other committee of conference.

That is not all. It is said that the amendment is not identical with the amendment which went out on a point of order in the Senate. It is not identical, but it is exactly the same character of legislation. It is general legislation upon an appropriation bill, and upon exactly the same subject, with many of the same provisions in it contained in the amendment which the Senate decided should not go upon the appropriation bill and could not go upon it without an open violation of a standing rule of the Senate.

I call attention to one other matter. The committee, not content with originating its legislation and building it upon the amendment providing an appropriation of $40,000 for the Dawes Commission, go further and say:

> It is hereby declared to be the duty of the United States to establish a government in the Indian Territory which will rectify the many inequalities and discriminations now existing in said Territory and afford needful protection to the lives and property of all citizens and residents thereof.

The honorable committee proposes a policy; it proposes to put into the form of law its idea of the duty of the United States upon a most complicated and difficult problem. With as much right and as much pretense of authority it might just as well have declared what the policy of the United States should be upon the financial question. With the same propriety it might have declared what the policy of the United States should be with reference to the Cuban question, or with reference to the tariff, or any other subject not connected with the matter with which they were dealing.

Whatever may be said about the changes which have been made in the proposition submitted by the committee as compared with what is known as the Platt amendment, which the Senate rejected, this I suppose the conference committee will concede and admit, that it has no right in this form to lay down a line of duty for the Government upon a question which has vexed the greatest statesmen of our day for years—the Indian problem. The Senate amendment provided that the Dawes Commission should go on under the law under which it was organized. The committee says that the policy of this Government with reference to the Indians shall be so and so; as foreign, as I said before, to its duty and proper function as if it had declared what the policy of the Government should be upon any question before the American people.

Mr. HALE. I wish to ask the Senator from Mississippi whether there is any doubt that the authority with which the Dawes Commission is invested by the amendment is entirely distinct from its present authority by law, and an enlargement of its scope of duty and of action, and entirely beyond what was contemplated in the original law?

Mr. WALTHALL. Every word contained in the long amendment in relation to the Dawes Commission is new; every word in it is an addition to the duty devolved upon it under the law by which it was organized and referred to in the amendment which the Senator from Wisconsin offered.

Mr. HALE. I so understand.

Mr. VILAS. Will the Senator from Mississippi allow me to add one other statement? It is not only that, but it is in the most flagrant violation of existing treaties with the Five Civilized Tribes, upon which ground it was opposed in the Senate during that long discussion, when the bill was before the Senate, of which the Senator from Mississippi has spoken.

Mr. JONES of Arkansas. Will the Senator from Wisconsin be good enough to explain where and how it is in direct violation of the treaties? That is a pretty broad statement.

Mr. VILAS. That can be done before the debate is ended, if necessary.

Mr. JONES of Arkansas. I think the Senator will have some difficulty in doing it.

Mr. WALTHALL. The question was up before, and no matter who was right about it the Senate determined that it was one of those questions which could not be disposed of in an amendment to an appropriation bill.

But that is not all of this most remarkable report. After declaring what the policy of the United States is upon the Indian question, they go on and dispose of some Indian interests with which the Dawes Commission have never had any connection whatever, direct or indirect. As I said, the Dawes Commission dealt with the Five Civilized Tribes and no other Indians. This report says:

> Sisseton and Wahpeton Indians: That all the interest due the Sisseton and Wahpeton Indians on March 3, 1896, is hereby appropriated, to be paid at once in cash per capita; and hereafter all interest on the permanent fund of said Indians, after deducting the amount expended for education, shall be paid in cash per capita on the 1st day of November of each year.

Having relation to a tribe of Indians that the Dawes Commission have no connection with; that the Dawes Commission was not instructed to negotiate with. But that is not all. The report says further:

> Seneca Nation of Indians: That the Secretary of the Interior be, and he hereby is, authorized and directed to ascertain and report to Congress a detailed statement of all the leases made and entered into by the Seneca Nation of Indians, with all persons or corporations, of all lands in the Allegany Indian Reservation in the State of New York, giving an itemized statement of each and every lease now in existence or force, with the date and terms of each lease, and amount or amounts due on each lease.

Now, Mr. President, I ask the Senator in charge of this conference report if either the Sisseton and Wahpeton Indians or the Seneca Nation of Indians cut any figure in any way in the matter which this conference committee had to deal with? As I said before, the Dawes Commission had no connection with them, and no duty was imposed upon that Commission with reference to those Indians. Their duties were limited to negotiations with the Five Civilized Tribes, and this conference committee, after conferring upon the Dawes Commission new powers which did not belong to it, most of which the Senate had refused to give to it, and after proposing legislation indicating what the duty and policy of the Government should be in reference to the Indians, travels outside and deals with two tribes of Indians that the Dawes Commission had no connection with.

Mr. President, it will not be denied, I take it, that this is entirely original legislation, and that it is not responsive to anything proposed by the House of Representatives and rejected by the Senate, and that it does not arise either directly or indirectly out of any disagreeing votes between the two Houses.

I think, Mr. President, that this kind of legislation is reprehensible in the last degree.

Mr. TELLER. Mr. President, the point of order raised by the Senator from New Hampshire [Mr. CHANDLER] can not be well taken. I understand the proper way to deal with the subject, if the report is not agreeable to the Senate, is to reject the report, and that is the only way it can be disposed of. If the Senate is not satisfied with the enlargement of the Senate amendment, which was disagreed to by the other House and which put the provision in conference and gave to the conference committee jurisdiction, the Senate can so declare by voting it down or declining to accept the report, and that is the only way it can be done. That is the proper way to deal with it, and that is the way I shall consider it.

There has been a good deal of indignation and a good deal of loose statement made about conference reports. The Senator from New Hampshire declares that nothing of the kind has ever occurred in the extended public service that he has had here. Why, Mr. President, in the twenty years I have been familiar with this body there has not been an appropriation bill passed which did

not contain more or less of this "reprehensible legislation" of which the Senator from Mississippi [Mr. WALTHALL] speaks; and the objection now is not that it is reprehensible. That is not what disturbs the Senator from New Hampshire and the Senator from Mississippi, but it is that they are opposed to this kind of legislation, whether it is in an appropriation bill or whether it is in any other bill.

Mr. WALTHALL. The Senator has no right to say that as to me.

Mr. TELLER. If the Senator says it is not true, of course I retract it.

Mr. WALTHALL. The Senator has no right to say that. I discussed the proposition when it was here before distinctly on the point of order and declined to take any position on it except in reference to the point of order.

Mr. TELLER. If I am mistaken, the Senator can correct me. I understand the Senator considers that he is acting under instructions of his legislature on this subject.

Mr. WALTHALL. I do not think the Senator should say that.

Mr. TELLER. The legislature of Mississippi has taken action on the subject as to what should be the action of this Government with reference to these Indians.

Mr. WALTHALL. Mr. President, I think it is due to myself and to the Senator that he allow me to make a statement.

Mr. TELLER. Certainly.

Mr. WALTHALL. I am under no instructions from anybody. My attention, as I said when the question was up before, was directed to this subject by reason of a memorial from the legislature of Mississippi.

Mr. TELLER. That is what I understood.

Mr. WALTHALL. That induced me to look into the subject; and I said then, and say now, that the legislation is not proper upon an appropriation bill. That is the extent to which I have gone on the subject.

Mr. TELLER. It may be true that it is not proper on an appropriation bill, and yet some of the most beneficial and valuable legislation on the statute books we have got on appropriation bills.

Mr. HALE. But not originated in conference committees.

Mr. TELLER. Yes; originated in conference committees.

Mr. HALE. I will venture to say that the Senator is mistaken as to that.

Mr. TELLER. I am not going into details. I make the statement, and Senators who have been here a long time will bear me out in it, that we frequently change measures in conference and that we make material changes.

Mr. HALE. And introduce new matter?

Mr. TELLER. Yes, new matter.

Mr. HALE. That has not been done so far as I have been concerned as a member of the body and as a member of the Committee on Appropriations. If it has been done, it has always been done sub silentio, no attention being called to it; and that is the reason whenever a subject does come up that the committee ought to take notice of the violation of the rule and see that it does not occur again. I can not say that in years past something of this kind may not have been done and no attention called to it, where a matter has been passed without objection; but never have I known in any conference I have been where absolutely new matter was projected and initiated by the conference, and I think the chairman of the committee will bear me out in that statement.

Mr. ALLISON. I never knew but once to my knowledge of new matter being placed on any appropriation bill by a conference committee, and then it passed without the Senate knowing it.

Mr. HALE. It was found out afterwards.

Mr. ALLISON. It was discovered afterwards; and I want to say for myself, as the matter is up, because I do not want the Senator from Colorado to rest in the belief that conference committees have ever put new matter in a conference report, that I never have done it since I have been on the Appropriations Committee for twenty-three years but once.

Mr. TELLER. I will not take back that statement, but to that extent I will admit——

Mr. ALLISON. I want the Senator from Colorado to give any instance, except the one to which I have referred, in twenty-three years in which that has been done on a conference report.

Mr. VEST. It was done in 1883 on the tariff bill.

Mr. ALLISON. That is not an appropriation bill. I am speaking of appropriation bills.

Mr. VEST. Oh!

Mr. TELLER. But it is a conference report, all the same.

Mr. ALLISON. Yes, it is.

Mr. TELLER. And it is just as objectionable on one conference report as on another. I am speaking generally of conference reports.

Mr. ALLISON. I can have no controversy about this matter. I venture the statement that there never has been, except in one instance, any new matter inserted on an appropriation bill, especially nothing containing legislation, which this amendment, if I am not mistaken, certainly does contain.

I do not wish at this stage to engage in this debate, but when it is said that it is a common thing on appropriation bills, or other bills, to inject new matter in the conference, I wish to say that I think it never has been done except when explained to the Senate, and unanimous consent asked, which probably may have been done in some instances.

Mr. TELLER. I do not intend to go into a general discussion of this question.

Mr. ALLISON. I want to say——

Mr. TELLER. I want to say a word, if the Senator will give me a chance.

Mr. ALLISON. Very well, I will give the Senator a chance.

Mr. TELLER. When I get through, the Senator can be heard. I want to say that conference committees within my experience have changed the phraseology of bills repeatedly.

Mr. ALLISON. Undoubtedly.

Mr. TELLER. And changed the interpretation, changed the meaning, and have done that from time to time. Sometimes I think the changes have gone to such an extent as to be objectionable, because they perhaps went beyond what would be germane and proper, where the objection could be made that it was legislation. I do not claim because that has been done that it follows that it is correct; but I want to say that the question should be here now, not whether this is a customary thing, but whether this is proper legislation which ought to be put on any bill. It may be objectionable to say that you shall not legislate in an appropriation bill; and yet the most important legislation of this session is in an appropriation bill which has now become a law, or, so far as we are concerned at least, I believe it has been agreed to. We have thereby torn up a system which has existed in this country for one hundred years, and we have done that on an appropriation bill; and we defend ourselves in that because we said it was an important question, that it was a very important thing to be done now, and that it could not be done otherwise because of certain objections which would be made to a general bill. We have changed the whole system of marshals, of district attorneys, and of commissioners.

Mr. HALE. That was not initiated in conference.

Mr. TELLER. That was not initiated in conference, but one of the objections now is that this is on an appropriation bill.

Mr. HALE. So far as I am concerned I did not raise that point. My point was that it was an alarming instance of initiating new legislation, which the Senator does not deny, in conference committee not behind the general subject of legislating on appropriation bills. That is not the grievance. The grievance is the other thing.

Mr. TELLER. I am coming to that; but both seem to be grievances to Senators, and if the Senator from Maine has not made that a grievance some other Senator has.

The trouble here now is, I think I may say, that if this had been legislation which was agreeable to certain Senators there would have been no objection made. This legislation, which I admit ought not to pass here in any shape without a full and free discussion, is very much controverted. There probably never has been in the history of this Senate and the House of Representatives such an active lobby against this class of legislation as there is here to-day. There never has been since I have been in public life an evil of such magnitude which ought to be taken hold of, and as to which, if there is any justification at any time for a violation of the Senatorial rule, it ought to be excused in this case by those at least who are familiar with the necessities of legislation and the deplorable condition which nearly half a million of American citizens are in to-day for want of some such legislation.

I am not going to contend that this is in order, and if the Senate thinks it is not in order and that there is not a necessity for this legislation which would justify the Senate in departing from its customary rule, the way to meet it is to vote down this report. Then the committee will know what they have to do.

We attempted in the early days of the session—but that is some time since—to put upon this bill a provision which the Chair held to be out of order. The Senate did not vote on it as I understand, but it was declared to be out of order under the rule. This is a very different proposition, however, from the one which was declared to be out of order, for that was a provision which contained all of these provisions and very much more. It contained a provision for the allotment and the distribution of the lands of the Indians, and in that respect at least it was a repeal of existing law. This does not repeal any existing law. This provides simply that a Commission which we have appointed and to which we have given certain powers may have additional powers, and that is all there is of it. It is simply an extension of the authority already given to them, recognized in the statute now. I will admit that it is an extension and that it is a detailed statement of

what they should do or what they might do without that detailed statement if they saw fit. The law creating this Commission I have before me and I will read it.

SEC. 16. The President shall nominate and, by and with the advice and consent of the Senate, shall appoint three Commissioners to enter into negotiations with the Cherokee Nation, the Choctaw Nation, the Chickasaw Nation, the Muscogee (or Creek) Nation; the Seminole Nation, for the purpose of the extinguishment of the national or tribal title to any lands within that Territory now held by any and all of such nations or tribes, either by cession of the same or some part thereof to the United States, or by the allotment and division of the same in severalty among the Indians of such nations or tribes, respectively, as may be entitled to the same, or by such other method as may be agreed upon between the several nations and tribes aforesaid, or each of them, with the United States, with a view to such an adjustment, upon the basis of justice and equity, as may, with the consent of such nations or tribes of Indians, so far as may be necessary, be requisite and suitable to enable the ultimate creation of a State or States of the Union which shall embrace the lands within said Indian Territory.

Then it goes on to give power and authority to the Commissioners to appoint a stenographer, etc., and provides how they shall discharge their duties. I have not read it all, because it is not necessary. Then it proceeds:

Such Commissioners shall, under such regulations and directions as shall be prescribed by the President, through the Secretary of the Interior, enter upon negotiations with the several nations, of Indians as aforesaid in the Indian Territory, and shall endeavor to procure, first, such allotment of lands in severalty to the Indians belonging to each such nation, tribe, or band, respectively, as may be agreed upon as just and proper to provide for each such Indian a sufficient quantity of land for his or her needs, in such equal distribution and apportionment as may be found just and suited to the circumstances, etc.

For which purposes $50,000 is appropriated.

This provision is contained in "An act making appropriations for the current and contingent expenses, and fulfilling treaty stipulations with Indian tribes, for fiscal year ending June 30, 1894."

Mr. HALE. Approved March 3, 1893?

Mr. TELLER. Approved March 3, 1893. Then it provides that the Commission shall report.

There is a most extensive authority given to this Commission—authority to deal with these Indians on every subject, to buy their lands, to allot their lands, and to negotiate with them as to their condition with reference to statehood, etc.

Mr. GEORGE. Will the Senator from Colorado allow me to ask him a question?

Mr. TELLER. Certainly.

Mr. GEORGE. Is any power under the original act given to these Commissioners except the power to negotiate to make contracts or agreements? Is anything that they do binding on anybody except by agreement with the Indian tribes?

Mr. TELLER. I suppose not. I supposed the object was to negotiate, as I said, with the Indians, and I suppose any agreement which they made with the Indians which was subsequently disagreed to would not be an agreement with the Indians.

Mr. HALE. The amendment, among other things, I see, provides that the decision of the Commissioners in all such cases shall be final.

Mr. GEORGE. To what is the Senator from Maine alluding?

Mr. HALE. To the amendment which is proposed.

Mr. GEORGE. That the action of this Commission shall be final?

Mr. HALE. Yes. I do not understand that there is any great controversy between Senators. The Senator from Colorado himself has been very frank about it, and he does not claim that this is not an enlargement of the powers granted to the Commission.

Mr. TELLER. I have said so. I have said it is an enlargement which could only be justified by the exigencies of the case.

Mr. HALE. The Senator does not contend that the power which is given by this amendment is in any way contained in the original act?

Mr. TELLER. I think very much of it is. It is not such an enlargement as Senators have professed; but it is somewhat of an enlargement, I admit. It is not so objectionable, however, it seems to me, as the Senator from Mississippi and the Senator from New Hampshire seem to think.

Mr. President, the conference committee got jurisdiction of this matter by amendment numbered 37 of the Senate, which is as follows:

For salaries and expenses of the Commissioners appointed under acts of Congress approved March 3, 1893, and March 2, 1895, to negotiate with the Five Civilized Tribes in the Indian Territory, the sum of $40,000, to be immediately available; and said Commission is directed to continue the exercise of the authority already conferred upon them by law and endeavor to accomplish the objects heretofore prescribed to them and report from time to time to Congress.

That is legislation on an appropriation bill undoubtedly, and when this came into conference—I suppose I am not precluded from saying what occurred in conference—when it came into conference, the conferees on the part of the House, the House having originated this provision in another measure, said they would accept it and agree to it provided that this substantial amendment as we have presented it here should be added. There is where the conferees of the Senate were met, and the conferees of the Senate believed that it would be better for all concerned that we should agree to this provision, which is substantially a provision which I think has already passed the House of Representatives. At all events, it was taken out of a House bill which had been considered by the House of Representatives. Am I mistaken in saying it passed the Senate?

Mr. JONES of Arkansas. I do not think the House bill has passed the Senate, but this conference report has been agreed to by the House of Representatives.

Mr. TELLER. This provision is in a House bill, though it may not have passed the other House.

Mr. JONES of Arkansas. I do not think it has ever been taken up, but I am not sure about that.

Mr. TELLER. But it met the approval of the Committee on Indian Affairs, and was taken from a House bill at the request of the conferees on the part of the other House, with perhaps some slight amendments and changes of phraseology.

I make this statement simply to show, Mr. President, that the Senate conferees have not gone out hunting for something extraordinary and that we have done what is frequently done, when one part of the conferees say, "We will accept this with some amendments," and the amendments are made.

Mr. HALE. The Senator states what I suppose undoubtedly to be the fact, that this subject-matter originating in the other House was embodied in a bill there which perhaps had been reported by the same committee which has charge of the appropriation bill—the Indian Committee.

Mr. TELLER. The same committee—the Indian Committee.

Mr. HALE. Now, in all fairness, if that committee, or any subcommittee of that committee, expected to bring this matter up before the Senate on an appropriation bill, ought not that committee to have put it onto this appropriation bill, which originated in the other House?

Mr. TELLER. Yes, they ought to have done it, but they did not.

Mr. HALE. Therefore is it not objectionable, after they have failed to do that and thereby given us notice when the bill comes in that then it should be put on in conference, as I understand they insisted that it should be put on in conference? I understand the pressure came from the House conferees. I think the Senator himself sees, as a member of the committee, some embarrassments that we are under by the House taking this course.

Mr. JONES of Arkansas. Will the Senator from Colorado allow me to ask the Senator from Maine a question?

Mr. TELLER. Certainly.

Mr. JONES of Arkansas. I do not understand the position assumed by the Senator from Maine in the question that is now submitted. Does he assume that whatever is done by the Senate must of necessity go without concurrence on the part of the House?

Mr. HALE. No; not at all.

Mr. JONES of Arkansas. We have made an amendment to this bill by putting on the Commission, and the House simply reply that they will agree to the Commission provided we limit its authority in a certain method.

Mr. TELLER. And instruct it to do certain things.

Mr. JONES of Arkansas. Precisely.

Mr. HALE. Provided you put on in effect what a House bill contained, but which the House did not put on the appropriation bill. I say the Indian Committee of the House of Representatives, if it expected this legislation to pass on an appropriation bill, ought to have put it right on the Indian appropriation bill and passed it through the House of Representatives and sent it to us, so that we could have considered it; but they declined to do that. They failed to do that, and it comes here on a bill with the ordinary clause giving money to the Commission under its old power, and then that committee comes in and insists on putting on their amendment, which they could not and would not put on an appropriation bill. I do not believe that is right.

Mr. TELLER. I do not care to go into any criticism of the other House as to what they failed to do. It is enough for us to know that the conference committee came here with our measure, and they suggested that they must have some addition to it, and that we allowed.

I want to go to the question for a moment whether there is any necessity for legislation at all here, and whether, after all, there is any such great outrage committed as the Senator from Mississippi and the Senator from New Hampshire seem to think there has been upon the Senate. It was not expected that a matter of this kind would escape the attention of the Senate. We knew very well that when this report came before the Senate it would be thoroughly discussed. We knew that with the great lobby which was hanging around this Senate, with nearly all the attorneys of this community employed, there would be some objection made to the report; and therefore we kept it as near as we could within the rule that we thought had been sometimes recognized as acceptable and not objectionable where there has been enlarged and extended in conference what has been done by one of the

Houses, with the consent or at the demand of the conferees of the other.

Mr. President, I do not intend to waste much time upon this subject, but I wish to say that we have in the Indian Territory a question which has got to be settled in the interest of good government, which has got to be settled in the interest of the Indians, which has got to be settled in the interest of the great mass of the Indians and the mass of the white people who have been allowed by the Indians to invade that Territory and to make that Territory their home.

We agreed with the Indians that we would keep from their settlements white people if they objected, and to a very great extent the Government of the United States has maintained that agreement. We have kept out of the Indian Territory the class of people as a rule that they objected to. There have been some exceptions; but there is to-day within the Indian Territory a very large population by the consent and at the request of the Indian population—a population that has made the Indian land and the Indian property worth a great deal more than it would have been. There are in the Indian Territory now, I think I may say without exaggeration (probably more than I shall name), at least 300,000 citizens of the United States who are as foreign to the government of the Indian Territory as they would be if they lived in the Island of Cuba, where every right of citizenship is denied to them, where they are compelled to raise their children in ignorance, where they can not have the benefit of schools, which are denied to them by the Indian population and the Indian government, who have declined, at the request of these white people, to open their schools and allow them to have the advantages of the schools under any terms whatever, and who have treated them as if they were foreigners in a foreign land.

There are now at least five white people in that Territory to every red man. I need not say to the Senate of the United States that that condition of affairs is an unnatural one—one that can not be continued; and that if the Indians will not make some arrangement and take some steps by which the citizenship of those people can be recognized and they be given an opportunity to educate their children, the Government of the United States must take some steps in that direction.

To do that we shall be compelled to change existing laws or treaties with those tribes. And why should we not? Of this Indian population of sixty-odd thousand, or somewhere, probably, in the neighborhood of 75,000, I will say not to exceed 10 per cent, although I do not believe it exceeds 5 per cent (I think, perhaps, one man out of ten in that community; I do not believe that is correct, for I think the number is less), are participating in the advantages and are aggregating to themselves all the benefits of the acts, very liberal acts, which the Government of the United States has passed from time to time, not for a few Indians, but for all of them. The great mass of Indians are denied as absolutely the right of property in that Territory as the white men are denied it, and a sprinkling, a few men who control that population, are the nabobs and the lords who realize the profits the Government of the United States intended that the whole tribe and all the people should have. A few families alone are aggregating to themselves all the benefits and all the wealth to the exclusion of the great mass of Indians, as well as to the detriment of the great mass of whites who inhabit that section of country.

Mr. President, the common Indian in the Indian Territory has made practically no advancement in the last quarter of a century. He stands still. He does not progress. The other class of which I have spoken as the few have grown wealthy and rich. I can name an Indian whom I met two years ago last spring in the town in which he lived. I put the question to him, "I am told that you have 130 tenants?" He said, "Yes; I have." The most of his tribe were living in squalor and poverty, while this man was living in wealth. I was told, in the southern part, in another tribe (and I do not doubt the accuracy of the statement), that a man who had no Indian blood in him whatever, but who had acquired citizenship by intermarriage, had 400 tenants, and another man who had no Indian blood in him whatever was the owner of an income of $200,000 a year from rentals, while the average Indian was not occupying more than 10 or 15 acres of that vast heritage which the Government intended should be owned by all the Indians, and not by a few.

Mr. President, that is the condition, and that is the condition which is now sought to be continued in this country. The common Indians are in the brush; the aristocratic Indians are getting all the advantages and all the benefits, the very great benefits, that the Government has conferred upon them from time to time in grants of land and grants of money. The common Indian takes what he can get. When the Senator from Connecticut [Mr. PLATT], the Senator from North Dakota [Mr. ROACH], and myself went down there two years ago as members of the Select Committee on the Five Civilized Tribes we were assailed by the common Indians. They said, "When you have any more money to be paid to this tribe, let an employee of the United States Government pay it, because if it is not paid that way we do not get it." We had just before that made to those people in purchase of their land a great grant of money that was supposed to be distributed per capita amongst all the people alike. We were told of a woman who came up there to get her money which was in the hands of the Indian officials. She brought her family certificate showing that she was entitled to $800. When she went up to the people who were by their tribe charged with the distribution of the money she was told that the United States Government had not paid the money and she could not have it, but if she would wait a few days she could get it. Returning on the street she met one of these confederates, who with effrontery walked up and said, "I will buy your certificate of $800." The ignorant woman from the brush said, "What will you pay?" He said, "I will give you $40"; and he paid her $40 for that which he had only to walk to the office to get the Government money that should have been paid to her.

That is a sample of the way the leading Indians in that country manage the affairs of the tribe to the exclusion of the great mass of them and to their own enrichment and aggrandizement. And it is not to be wondered that they are standing around the corridors of the Senate and insisting that there shall be no violation of treaties—that they shall be maintained. These Indians have never maintained a treaty that they made with the United States. Their treaties require them to give to all the Indians benefits, and equal benefits. This they do not pretend to do, and nobody pretends that such a state of affairs exists.

Mr. President, because of my knowledge that this condition of affairs existed I was willing myself to stretch the rule with reference to the authority of the conference committee and accede to what the House demanded, and what I thought they rightfully demanded, if we were to further legislate upon that subject at all, and present the conference report in the shape it is in. I have no more interest in it than anybody else, and I have no feeling about it. I am not disturbed about the criticism that is made that this is an unusual proceeding. The condition of affairs existing there is an anomalous one, an unusual one, and one that exists nowhere else under the sun, I believe. It may be true that we should wait and let this matter go on year after year until we can pass, in some general law, legislation that shall rectify these wrongs. But as I have seen on other occasions appropriation bills made use of for such a purpose, as I have seen during the present session an appropriation bill made use of for the purpose of accomplishing beneficial legislation, I am myself in favor of keeping this amendment in the appropriation bill and enacting it into law, whether it is consistent with the rules of the Senate or whether it is not.

I am not afraid of the precedent. I am not afraid that the Senate of the United States will fail, whenever there is an improper provision in an appropriation bill, to reject it. The question here for the Senate should be, Is there such a condition of affairs now in the Indian Territory as will justify the Senate in passing this kind of legislation? If there is, we will be justified if we shall adopt this report.

Mr. VILAS. Mr. President——

Mr. HALE. Will the Senator from Wisconsin allow me to make a suggestion relative to the order of business?

Mr. VILAS. Certainly.

Mr. HALE. I wish to make a suggestion to the Senator from New Hampshire [Mr. CHANDLER]. I see the difficulty of enforcing by a point of order the views which have been expressed here. It is a grave question whether it can be reached in that way. I suggest to the Senator from New Hampshire that he withdraw the point of order and that the sense of the Senate upon this whole matter can be taken by the vote on accepting the report.

Mr. GRAY. In other words, it is a question that concerns the privileges of the Senate in a very high degree and does not exactly touch the point of order made by the Senator from New Hampshire.

Mr. HALE. No; I myself think it is beyond the domain of a point of order.

Mr. TELLER. I think the Senator from Maine is right. If the Senate of the United States thinks the contingency is not such as to justify the departure, then, of course, the report ought to be voted down. That is the way to meet it, and not simply by a question of order.

Mr. CHANDLER. I comply willingly with the suggestion to withdraw the point of order. I think there ought to be a rule, and a rule that can be enforced by the Presiding Officer; but I am convinced that there is not such a rule capable of enforcement. Therefore the Senate must deal with the question of the observance of its own rules by its own vote.

The VICE-PRESIDENT. The point of order being withdrawn, the question is upon concurring in the report of the committee of conference.

Mr. PETTIGREW. Mr. President——

Mr. VILAS. I believe I have the floor.

The VICE-PRESIDENT. The Senator from Wisconsin is entitled to the floor. The Chair will state to the Senator from Wisconsin before proceeding that the hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. PETTIGREW. I ask unanimous consent that the pending order be temporarily laid aside that we may proceed with the consideration of the conference report.

The VICE-PRESIDENT. The Senator from South Dakota asks unanimous consent that the unfinished business be laid aside temporarily for the purpose of proceeding with the consideration of the conference report. Is there objection?

Mr. GEORGE. There are several objections over here.

Mr. BUTLER. I object.

The VICE-PRESIDENT. Objection is interposed to the request of the Senator from South Dakota.

ALCOHOL IN THE ARTS.

Mr. HARRIS. I ask leave at this time simply to submit a report.

I am directed by the Committee on Finance to report back favorably without amendment the bill (H. R. 3282) to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 18, 1894. I report it in order that it may go upon the Calendar, and I give notice that immediately after the reading of the Journal to-morrow morning, if I can get the floor, I shall ask the unanimous consent of the Senate to consider it at that time.

Mr. PETTIGREW. Mr. President——

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. PLATT. May I inquire what was the notice which was given?

Mr. HARRIS. I gave notice that I would to-morrow morning immediately after the reading of the Journal, if I can get the floor, ask the unanimous consent of the Senate to consider at that time the bill which I have just reported.

Mr. PLATT. That is all right.

Mr. PETTIGREW. I can not yield consent.

Mr. PLATT. It is merely a notice.

Mr. PETTIGREW. The notice I care nothing about. I wish to state that at the earliest possible moment I shall try to call up again the conference report on the Indian appropriation bill and dispose of it. I will not make the motion now, however.

The VICE-PRESIDENT. The unfinished business will be proceeded with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the concurrent resolution of the House authorizing the Secretary of War to lend to the mayors of the cities of East St. Louis, Ill., and St. Louis, Mo., and vicinity, a number of tents.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3279) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1247) to establish and provide for the maintenance of a free public library and reading room in the District of Columbia.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 193) authorizing the Secretary of War to lend to the mayors of the cities of East St. Louis, Ill., and St. Louis, Mo., and vicinity, a number of tents.

REGULATION OF BOND ISSUES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

THE ENDLESS CHAIN.

Mr. DANIEL. Mr. President, we are told that there is an endless chain in the Treasury. There is also an endless chain in the pulling-down process of a contracting currency, which pulls down first the farmer, the merchant, and the manufacturer, and presently pulls down also the investors and capitalists who must rely upon the prosperity of these industrial interests for their own. They now form trusts to sustain prices, and trusts failing, they resort to tariff taxation and to all manner of legislative, mechanical stimulants. After a while these in turn fail, and with the foundations crumbling the superstructure commences to fall. There are black Fridays in New York and black Fridays in London; railroads go into the hands of receivers, and while ruin is rampant even the Treasury of the United States passes into the hands of receivers with foreign connections, who kindly take the great Republic, with all its boundless resources, under the shadow of their wings.

THE SOPHISM THAT "THE QUANTITIVE THEORY OF MONEY IS EXPLODED."

There are certain sophisms used by the so-called sound-money men—who are in fact gold monometallists and national-bank-extension advocates—to uphold their schemes. One of these is that the quantitive theory of money, to which I have referred, is exploded, and the distinguished Senator from Louisiana [Mr. CAFFERY] fervently so declares in his able speech of recent date.

But in the very moment of his declaration he showed that he realized the quantitive theory, for he was opposing free coinage on the ground that, while within a certain limit silver dollars were not cheap, they would become cheap if freely coined. The fact is, the whole theory of monometallism and its purpose to keep money dear is based upon the idea that by keeping it small in quanity it will be kept dear and strong in purchasing power. The great thinkers of the world have, of course, universally admitted and illustrated the quantitive theory of money. Montesquieu, in his Spirit of the Laws, teaches that—

> Prices are fixed in a ratio of the whole of the commodities to the whole of the signs (gold and silver) combined with a ratio of the whole of the commodities in the channels of trade to the whole of the signs in these channels. The establishment of prices depends always fundamentally upon the ratio of the total of commodities to the total of signs.

Darvanzati, the eminent Italian, taught three hundred years ago that—

> All commodities which serve to subserve the wants of man are by convention equal in value to all the gold, silver, and copper. The parts are subject to the same rule as the whole.

So Hume taught in his Essay on Money:

> The policy of the good magistrate consists in keeping the money of the nation, if possible, still increasing, because by that means he keeps alive a spirit of industry and increases the stock of labor, in which consist all real power and riches. Accordingly we find that in every kingdom into which money begins to flow in greater abundance than formerly everything takes a new face—labor and industry gain life, the merchant becomes more enterprising, the manufacturer more diligent and skillful, and even the farmer follows his plow with greater alacrity and attention.

So Hamilton taught in his report on the mint in 1791:

> But, upon the whole, it seems to be most advisable, as has been observed, not to attach the unit exclusively to either of the metals, because this can not be done effectually without destroying the office and character of one of them as money and reducing it to the situation of a mere merchandise, which accordingly at different times has been proposed from different and very respectable quarters, but which would probably be a greater evil than occasional variations in the unit from the fluctuations in the relative value of the metals, especially if care be taken to regulate the proportion between them, with an eye to their average commercial value.
>
> To annul the use of either of the metals as money is to abridge the quantity of circulating medium, and is liable to all the objections which arise from a comparison of the benefits of a full with the evils of a scanty circulation.

Daniel Webster declared that a contraction of the currency, even if not sudden, contracts business, discourages enterprise, and restrains the commercial spirit; and that these circumstances were aggravated by sudden contraction. (See Shucker's Reply to Garfield, page 8.)

Jean Baptiste Say, the great French economist, reviewing the period of resumption and contraction in England, closes by declaring that the privileged classes, the public functionaries, the pensioners of the State and the fundholders, had profited by the resumption act, but that it had laid a burden upon the masses of the people and upon industry which only so rich and industrious a nation, so admirably administered in all respects, could support.

The difference between contraction and expansion was admirably stated by Hon. Thomas Ewing, of Ohio, in 1877, wherein he said:

> No greater wrong can be inflicted on a people by government than a contraction of the volume of currency to which their values are adjusted. The prices of commodities, whether land, product, or labor, are determined absolutely by the effective volume of the currency. An increase of the volume raises the price of all commodities, but if not carried beyond the wants of business does injury to only a comparatively small class, whose wealth or dependence is chiefly in money securities, fixed rents, annuities, or salaries. Yet, while it injures them in one way it helps them in another; it lightens the burden of taxation, promotes industry, stimulates exchanges, multiplies opportunities for safe and profitable investments, and thus indirectly compensates them for the diminution of the relative value of their money. Thus, during the war of the rebellion, so great were the general benefits from the increased volume of the currency, and so many the new opportunities for successful investment, that even the small creditor class suffered little by the decrease of the purchasing power of money.—*Speech of November 22, 1877, in House of Representatives.*

HISTORIC ILLUSTRATIONS.

In a speech which I had the honor to make against the unconditional repeal of the Sherman law, on the 14th of September, 1893, I attempted to show that the monetary panic which was then raging had begun to creep upon the commerce of Great Britain in 1888 and had burst forth in the summer of 1890 upon the announcement of the failure of the Barings. I pointed out, furthermore, that so far from the Sherman law being the cause of the panic that it had come at a time when money was so much needed in this country that the printing presses were put actively

be paid to this tribe, let an employee of the United States Govern-

Mr. VILAS. I believe I have the floor.

to work to meet the demand for them in printing Sherman notes, and so eagerly were they sought that they were printed in hundred and thousand dollar notes, the famishing money market not being willing to wait for small bills. I pointed out also that in 1890 the Bank of England, upon the failure of the Barings, went to work to supply more money, and secured from the British Government the right to issue £7,000,000, provided the same was used to assist that firm. I believed then, as I believe now, that it was more money, and not less money, that was needed, and that we could not possibly by contracting the currency in such an emergency restore confidence or revive business.

In 1825, after England had forced the resumption of specie payments that had been suspended in 1797, a period of momentary, or rather apparent, prosperity began, and the King congratulated the people that "the country was reaping, in honor and repose, all that had been sown in courage, constancy, and wisdom."

In December of that year, owing to a drain of bullion from the country and a contraction of the currency, a fearful monetary panic was in full blast. How was it met? The Bank of England in four days inflated the currency by an issue of $25,000,000 of notes. And it is said:

This audacious policy was crowned with the most complete success; the panic was stayed almost immediately. All contemporary evidence proves that it was this profuse issue of £5,000,000 of paper in a few days that stayed the panic. If the bank had persevered in its restrictive policy three days longer, it was said the total and entire destruction of commercial credit would infallibly have ensued.—*Shuckers on Funics*, page 17.

In the crisis of 1847 a similar policy of the British Government had equally beneficial effects. In October, to relieve the pressure, the Government recommended the Bank of England to enlarge its discounts. Ten minutes after this policy was announced its effect was produced:

The panic vanished like a dream. Mr. Gurney stated that it produced its effects in ten minutes. No sooner was it known that notes might be had than the want of them ceased.

Ten years after, in 1857, another panic came upon England. The Government again authorized the Bank of England to inflate the currency by extending its issue, and the beneficial effect was instantaneous.

In 1866—with singular periodicity—still another panic came. Again the Government suspended the bank act, which restricted the issue of currency; again the favorite English remedy of inflation was applied, and again, as said by Gebbart in his work on Banking, "it operated like a charm."

THE SOPHISM THAT "FINANCE IS A MERE QUESTION OF FIGURES."

In reversing the wise precedents and in stopping the coinage of money when it was most needed we have reversed the effect and have brought distress and hardship upon the country. Some of the sophists tell us that "finance is a mere matter of figures." An eminent gentleman in public life said to me lately, "Finance is a mere matter of figures; there is nothing in your free-silver business." Said he, "Let me illustrate. After the war I assessed all of my property, and it was worth $130,000. Soon the currency was contracted; silver was demonetized. I reassessed the same property, and it was then worth $30,000, and," he added, "I lost nothing, for the property was all there." "Yes," I replied, "the property was all there; but let me put another case to you and see if the matter does not appear in a different light. Suppose that when it was assessed at $130,000 a buyer had called and you had sold it to him for that price. Suppose he had paid you $60,000 in cash and given his note for the balance of $70,000, running through a series of years to come. He defaulted in payment. You then had the property sold and bought it back at $30,000, which was its then value. At the end of the transaction the buyer had lost his $60,000, he was yet $40,000 in debt, and you had all the property you started with and $60,000 to boot and $40,000 due you." So, when contraction of the currency and property take place, was it a mere matter of figures representing dollars that ruined the one and enriched the other? This process, in different degrees and in different shades, is what has been transpiring in this country in recent years.

THE WORLD-WIDE MALADY—DISLOCATION.

Within this recent period not only the United States but the world is suffering from a world-wide malady. There has been a displacement and derangement of one of the great factors of civilization—hard, bimetallic money. One of the foundation stones of money upon which three thousand years of civilization had been built up has been pulverized by the massive force of governmental power. The law has been employed to uncouple gold and silver and to confuse their relation and to discharge one of them from the monetary function, and the effort is now being made to require indebtedness accrued upon the double standard to be discharged according to a single standard, and that represented by the dearest metal. It is imagined by some that this question will soon be dismissed from public view and soon be settled by the productive powers of an active and energetic people. They reckon without their host—that is, unless the question is rightly settled. The people are just beginning to realize thoroughly the terrible effects upon all the workers of the world of this derangement and contraction of the currency, and if the projections of those who favor the contraction shall be realized, we are destined to wallow in the slough of despond for many years to come. They propose a further contraction.

PRESIDENTIAL CAMPAIGN OF 1892.

Let me now review briefly the political events with reference to our currency of the past four years. In the Presidential campaign of 1892, which resulted in the election of Grover Cleveland, the Republican, Democratic, and Populist parties differed in many things, but all of them agreed in the necessity for the restoration of silver money.

The Republicans declared in their platform:

The American people, from tradition and interest, favor bimetallism, and the Republican party demands the use of both gold and silver as standard money, with such restrictions and under such provisions, to be determined by legislation, as will secure the maintenance of the parity of values of the two metals, so that the purchasing and debt-paying power of the dollar, whether of silver, gold, or paper, shall be at all times equal. The interests of the producers of the country, its farmers and its working men, demand that every dollar, paper or coin, issued by the Government shall be as good as any other. We commend the wise and patriotic steps already taken by our Government to secure an international conference to adopt such measures as will insure a parity of value between gold and silver for use as money throughout the world.

The Democrats at Chicago said in their platform:

We hold to the use of both gold and silver as the standard money of the country, and to the coinage of both gold and silver without discriminating against either metal or charge for mintage; but the dollar unit of coinage of both metals must be of equal intrinsic and exchangeable value.

The Populist party in its platform said:

We demand free and unlimited coinage of silver and gold at the present legal ratio of 16 to 1.

The President who was elected, in accepting his nomination, accepted all the pledges which his party made in behalf of its nominee. He said:

I find much relief in the reflection that I have been selected merely to stand for the principles and purposes to which my party is pledged and for the enforcement and supremacy of which all who have any right to claim Democratic fellowship must constantly and persistently labor.

Again, in the same speech, he said:

I shall not attempt to specify at this time other objects and aims of Democratic endeavor which add inspiration to our mission. True to its history and its creed, our party will respond to the wants of the people within safe lines and guided by enlightened statesmanship.

The election came, and the Democratic party found itself in full possession of the executive and legislative departments of the Government. In the House of Representatives and in the Senate it alike had a majority, and in the Presidential chair was the present Executive, who had been elected by a popular majority and by a majority of the electoral college as well.

Over thirty years had elapsed since the Democratic party had been in power. A new generation had grown up since it had been driven into retirement. It was composed of veterans who had grown gray in its service, of recruits from the opposition who had grown weary of its extravagance, and of fresh and buoyant young men who looked forward to see the policies reversed which had been so disastrous and detrimental to the country. The chief issue of the Presidential election, by the common consent, was the tariff, but as soon as the President was inaugurated the outcry against the McKinley bill grew fainter and fainter. I was then in favor of an extra session of Congress, and so declared myself in a public letter. The iron was hot; then was the time to strike. But the weary months wore on. The robber barons were left unvexed by any attempt to relax their extortions. Presently, like a thunderbolt, came a message from the President convening Congress in extra session.

THE PRESIDENT'S CHANGE OF BASE AND HIS MISTAKEN DIAGNOSIS.

A new revelation seemed to have dawnded upon the Presidential mind. It had discovered that the tariff was not the great imposition upon the people and impediment to our prosperity that it had been represented to be, but that our silver currency, which we had promised to uphold, was the trouble.

When the message was delivered, I felt that a great mistake had been made. The physician, in my opinion, had made a false diagnosis of the disease. The message demanded the unconditional repeal of the Sherman law of 1890—that and no more. A great struggle ensued. Desiring to keep the Democratic party together, I offered upon the floor of the Senate to meet with my Democratic brethren in caucus and to abide their judgment. This was indignantly refused by the leaders of the opposition. Various compromises were proposed, and one was agreed upon, nearly all Democrats signing their names thereto, the Secretary of the Treasury himself favoring it. At the last moment this compromise was repudiated. The repeal, unconditionally, of the Sherman law was a Republican proposition. It had been made by the Senator from Ohio; it had been defeated by the Democrats in February, 1893, before the Democratic President was inaugurated. It was not called for by the Democratic platform, which

had demanded in lieu of the Sherman law "the free coinage of both metals without discrimination against either." Under no political promise or obligation to vote for the unconditional repeal, I declined to do it. It was urged that after the repeal there would be silver legislation, but I knew that then a Presidential veto would be all-powerful, and it would be difficult to agree upon a measure.

THE FALSE PROPHECIES OF THE REPEALERS.

Now, let me ask what considerations urged in favor of the unconditional repeal of the Sherman law have been substantiated? What prediction of the repealers has come true? Not one; not one. It was urged that it would prevent the further export of gold from the country, but the gold has flowed and flowed away.

(1) It was urged that it would prevent the raid upon the gold reserve. Behold the result. Two hundred and sixty-two millions of gold borrowed to keep it up, and yet it remains an organized appetite without the power of satisfaction.

(2) It was urged that it would induce foreign capital to invest here, and there would be a flow of money to our shores. The flow has been in the other direction.

(3) It was urged that it would stop the sale of our securities by foreign investors. More securities were thrown upon the market the day after its repeal and more and more.

(4) It was urged that it would restore confidence and prosperity. "Confidence, confidence," was on every lip, and a bountiful supply of it was predicted to pervade the land just as soon as the law was repealed.

The President said in his message:

Our unfortunate financial plight is not the result of untoward events nor of conditions related to our natural resources; nor is it traceable to any of the afflictions which frequently check national growth and prosperity. With plenteous crops, with abundant promise of remunerative production and manufacture, with unusual invitation to safe investment, and with satisfactory assurance to business enterprise, suddenly financial distrust and fear have sprung up on every side. Numerous moneyed institutions have suspended because abundant assets were not immediately available to meet the demands of frightened depositors. Surviving corporations and individuals are content to keep in hand the money they are usually anxious to loan, and those engaged in legitimate business are surprised to find that the securities they offer for loans, though heretofore satisfactory, are no longer accepted. Values supposed to be fixed are fast becoming conjectural, and loss and failure have invaded every branch of business.

I believe these things are principally chargeable to Congressional legislation touching the purchase and coinage of silver by the General Government.

The Hon. JOHN SHERMAN, in a speech made for the repeal, declared on October 17, 1893, with radiant and roseate inspiration:

In the present condition of affairs there is no money to buy cotton or corn or wheat for foreign consumption.

Break down the barrier now maintained by the Senate of the United States, check this viper called obstruction to the will of the majority, give the Senate free power and play, and—

Now mark the sunburst that was to come—

and in ten days from this time the skies will brighten, business will resume its ordinary course, and the clouds that lower upon our house will be in the deep bosom of the ocean buried.

Horace White wrote in the Forum for August, 1893:

What may be affirmed with positiveness is that our present scarcity of money would certainly be relieved by the surplus of Europe but for the silver scare.

What prompt and bountiful relief was thus vouchsafed to us.

PROFESSIONS OF LOYALTY TO BIMETALLISM.

(5) Associated with these alluring predictions were declarations of undying loyalty to bimetallism and assurances that after unconditional repeal was accomplished legislation would be effected that would restore silver to its accustomed place in our financial system. Many supposed to be on intimate terms with the President shook their heads wisely and said he would duly be heard from in behalf of silver. Indeed, in the very statute of repeal new vows of friendship were sealed by solemn enactment, the President himself becoming a party to those vows by approving the repealing statute, which declared:

And it is hereby declared to be the policy of the United States to continue the use of both gold and silver as standard money and to coin both gold and silver into money of equal intrinsic and exchangeable value, such equality to be secured through international agreement, or by such safeguards of legislation as will insure the maintenance of the parity in value of the coins of the two metals and the equal power of every dollar at all times in the markets and in the payment of debts.

Time wore on. A bill for coining the seigniorage passed Congress and went to the President and was vetoed. The fish had the hook in his mouth; nothing was done. Nothing can be done; nothing is even proposed.

WHERE IS THE PROSPERITY PROMISED?

In the meantime, Mr. President, what kind of prosperity is this that has come upon us? The first quarter of 1896, as stated in the financial journals, has been the most disastrous in our commercial history. Losses by failures in 1895 were greater than those in 1894, and the process of failure goes on. While the masses are thus suffering the dividends of the national banks have decreased from fifty-one millions in 1893 to forty-six millions in 1895.

LOOK AT OUR RAILROAD SYSTEM.

Let me read a little extract from the Financial and Commercial Chronicle of April 4.

Mr. GEORGE. Of what year?

Mr. DANIEL. Eighteen hundred and ninety-six.

Railroads: Decrease of gross earnings in 1894 as compared to 1893=$142,313,275=11.64. Dividends decreased $10,000,000.

We show a deficit in March (1896) of $1,894,000. This is not large, but to us it is a disappointment, though, as stated a month ago, it was to be expected, for no other result was possible with business unloading.—*The Financial and Commercial Chronicle*, April 4, 1896, page 616.

[The Manufacturer, March 28, 1896.]

This country has about one-half of the railroad mileage of the world. At the present time, according to report, two-thirds of the railroad mileage are in the hands of receivers. A few weeks ago the great Baltimore and Ohio system went over to the majority. On Monday last receivers were appointed to take charge of the Central Vermont Railway Company, a corporation having 800 miles of track. On Monday, also, the Glendon (Pa.) Iron Company failed. Not long ago it was one of the richest and most successful concerns of the kind in the country. The list of wrecks grows larger. The mass of ruin heaps higher and higher. What is the matter? The potentiality of wealth in this land is beyond computation. The soil is rich; the people are industrious, intelligent, enterprising. The Government no longer purchases silver. The credit of the public Treasury has been fully established. The gold standard is supreme. A tariff for revenue only is in full operation. Why should the clouds grow darker and the commercial situation more hopeless day by day? What else must be done to bring back again the good times? Nothing is more nearly certain than that the extension into practice by a Government of wrong theories must work toward evil. Would it not be well for the wealth producers, who suffer from the conditions as they are, to consider if indeed some of the theories now in practical operation are destructive in their nature? Mr. Cleveland represents the present tariff and the existing financial system; has he suggested any method of reaching good times which can commend itself to men of sound judgment?

POSITION AND PROPHECIES OF THE BIMETALLISTS AS TO THE UNCONDITIONAL REPEAL OF THE SHERMAN LAW.

At the time when I was resisting the unconditional repeal of the Sherman law I undertook to analyze the situation and to state my judgment as to what would occur if Congress should yield unconditionally to the Executive command.

(1) I showed that the repealing statute did not put back the law as it existed before the Sherman law was passed, for then we had the Bland-Allison Act, which put forth a minimum of two million of silver dollars every month, and unconditional repeal meant no free silver at all per month or per year.

(2) I acknowledged that some temporary benefit might flow from the repeal "under the momentary influence of declarations so vociferously made that prosperity would come," but expressed my opinion that this momentary effect would soon wear off; that, "existing mostly in the emotional nature of man, though to a degree promoted by a scheme to contract the currency, it would soon dissipate its influence," and that people who were persuaded to expect great relief would "ere long stand confronting the merciless conditions of a contracted currency without a corresponding contraction of either taxation or debt." Let the course of affairs of the last three years bear witness to the truth of that prophecy.

(3) I undertook to show that silver would further decline in value. It had declined under the demonetization in Germany and the United States twenty years ago. It fell perceptibly in India but a few years ago; and I asked, "Under demonetization would not history repeat itself if we follow these examples now?" We followed the example, and history has repeated itself.

(4) I predicted an increase of taxation; that present assessments of real and personal property would be reduced, and, meanwhile, the property holder compelled to pay a tax no longer represented by corresponding value of productive power. This prediction is verified by the very bills now before the Senate.

(5) I showed further, Mr. President, that as soon as the Sherman law was repealed monometallism would be strengthened, and that those who in America had masqueraded as bimetallists would unfurl the flag of monometallism. I declared that it would be heralded over the boards of exchange and urgently boasted by all the organs of the money power that this country had deliberately discarded silver and turned the prow of the ship of state toward the mainland of monometallism. Hear the present clamor of the single gold standard! See how the masks are being cast aside from those who danced at the masquerade ball of the Sherman silver repeal bill and witness the somersaults of the political changelings!

I predicted further that as soon as the Sherman law was repealed it would be immediately claimed that all our silver money was a mere subsidiary money to be redeemed in gold. I pointed out that our stock of gold in the Treasury was then about $103,000,000, and was then charged with the redemption of $412,000,000 of uncovered paper money; that in addition to this there was $600,000,000 of certificates and silver dollars, making over a billion of subsidiary money, resting upon a gold basis of $100,000,000, or an inflation of a billion of paper money on the unbankable basis of 10 to 1, provided the theory upon which the Sherman law was repealed was carried to its intended projections.

Now, here comes the Director of the Mint, the avant courier of further contraction, and two years later fulfills my prophecy that the withdrawal of outstanding currency would be demanded.

their host—that is, unless the question is rightly settled. The | rated. It was not called for by the Democratic platform, which

GOLD RESERVE.

[The American, February 29, 1896.]

Mr. Preston, the Director of the Mint, is authority for this statement. In his annual report for 1895, page 184, after speaking of the $346,681,016 of greenbacks and the $141,092,280 of Treasury notes outstanding November 1, 1895, a total of $487,773,296, which he assumes to be redeemable in gold, and of the insufficiency of a gold reserve of $100,000,000 to insure their convertibility at all times, he proceeds: "But this heavy task is not the only one imposed on our gold reserve of $100,000,000. As under the laws of February 12, 1878, July 14, 1890, and March 3, 1891, $423,289,309 in full legal-tender silver have been coined, against which $333,453,236 in certificates were outstanding November 1, 1895, and as the act of July 14, 1890, has declared it to be the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio or upon such ratio as may be provided by law, we have a total superstructure of $821,229,532 resting on the frail basis of a gold reserve of $100,000,000."

A gold reserve of $100,000,000 is indeed frail to support a superstructure of eight times as much. The European banks of issue, taken as a whole, hold $1 in gold to $2 of paper in circulation.

I then showed, Mr. President, that with these conditions we would have two alternatives presented to us, that is, either the withdrawal of the greenback circulation of $346,000,000, or the issue of bonds for the taking up of all our paper money. In order, if I may quote myself, I said:

To provide gold to save the Treasury, there should be a rush of silver or greenbacks for redemption, the issue of bonds would be proposed.

And I asked—

Will confidence then be restored when the already overtaxed gold resources are thus assailed? On the contrary, confidence will be weakened, and those who have been urging the President to order or recommend the issue of bonds to provide gold will renew their demand, and it must be granted or the attempted gold system will collapse and fall and bury the honor of our country in its ruin.

Every prediction which I then made, Mr. President, has been fulfilled. Two hundred and sixty-two million dollars of bonds, the greatest public debt ever contracted in time of peace, have been piled up upon the people, the increase of taxation has been demanded, and the end is not yet, for the only remedy we have now suggested from the Presidential chair is that we shall proceed to further contract the currency by the withdrawal of the greenback circulation, and that would inevitably result in appalling disaster.

THE CAUSE OF FALLING PRICES.

It is alleged that the dislocation of silver is not the sole cause of falling prices in this and other nations; and that this is shown by the fact that the fall began in 1865, not in 1873. I admit all this, that the fall began in 1865. It was natural that a fall in prices should come about in 1865, for two reasons:

(*a*) Because then over two millions of men who had been engaged in the work of war and destruction returned to peaceful pursuits—ceasing to be destroyers and consumers of other men's productions, and becoming producers themselves and vastly increasing production in all the avenues of labor.

(*b*) Because a currency that had been used only in the Northern and Western States had to diffuse and divide itself among the Southern States, who had little or no money of any kind, and whose productions were now opened to the world's markets, increasing their stock. Such a period as this, the period just after the war, is generally the opportune occasion seized by those who profit by making money dearer and commodities cheaper to get in their work. Great Britain seized such an occasion after the overthrow of Napoleon at Waterloo and demonetized silver to enhance the value of her securities; Germany did likewise after the fall of Napoleon III at Sedan, and the United States followed suit after Appomattox; and the like results followed in each case.

It is argued that the demonetization of silver in 1873 could not have been the cause of falling prices for two reasons:

1. Because in the period extending from 1818–1827 to 1843–1852—a period of twenty-five years—the fall in average prices was about the same as that which has taken place since 1873.

Admitting the fact, it is evident that the price fall was due to very much the same causes that have prevailed in the last quarter of a century.

Remember—

(1) Great Britain demonetized silver in 1816.

(2) Great Britain resumed specie payments in 1819.

(3) The Spanish-American wars cut off the world's supply of the precious metals.

Commenting upon the decreased production of the precious metals from 1810 to 1829, Jacobs, in his work on the Precious Metals, says:

We are now arrived at a period when a great and sudden change took place in the production of the mines of gold and silver. After a space of more than three centuries, during the whole of which there had been a constant increase of the quantities obtained, and each succeeding decennial period yielding a larger portion than the similar number of years that preceded it, the whole of the mines in every part of the Western Continent declined greatly in their produce; and though they have in some measure been restored, it has been by slow degrees, and they are yet very far from having the copious produce which they yielded before their general abruption from European government.

But it is urged by an able and distinguished opponent of free silver coinage that "during the long period from 1809 to 1865—a period marked first by a tremendous fall and then by a great rise in price of commodities—the price of silver varied but slightly." This is put forward in support of the idea that silver "held aloof from other commodities when it had free access to the mints," and was impotent alike to prevent the fall or promote the rise of prices.

I reply that in that period, though silver had legally free access to the mints, its decreased production kept much of it from getting there; whereas now the mine turns it out and the mints shut it out—the same result being reached by closing the mines in one case and closing the mints in the other.

Let anyone read the little volume of Sir Archibald Allison entitled England in 1815 and 1845, or a Sufficient and Contracted Currency, and he will see displayed with the clearness of the master mind the effect on prices produced by English policy. He points out that the period from 1797 to 1815 was the most glorious, and taken as a whole the most prosperous, which Great Britain had ever known; that agriculture, commerce, and manufacture had increased in an unparalleled ratio; that the landed proprietors were in affluence, and that wealth to an unheard-of extent had been created among the farmers. He shows that with the arrival of peace with its sudden contraction of war expenditures there was of necessity great temporary distress and extraordinary difficulty experienced in industry finding out new and specific channels. He shows that the Empire continued to grow richer, although for decade after decade there was never a greater amount of financial embarrassment experienced by Government or more widespread or acute suffering endured by the people. That is just the condition of this country now. And now, as then, it is largely due to the same cause. While wealth was increasing, as Allison says, to an unparalleled extent among the commercial classes, suffering and distress generally ensued amongst the rural inhabitants.

THE PREDICTED FALL OF REVENUE.

There was one prediction, Mr. President, which I took occasion to make, and that was that there would be shrinkage of revenue. I pointed out that the British commission on the Indian currency had shown that the fluctuation in relative values of gold and silver had so increased the liabilities of the Indian Government in comparison with its revenues as to make it necessary in the absence of other remedies to impose fresh taxation. This shrinkage of revenue is now a sad realization; this increase of taxation has only been avoided so far by the $262,000,000 of public debt.

Now comes the Senator from Ohio [Mr. SHERMAN], the same who told us in 1893 that the patient would be well and prosperous in ten days if he would take his repeal bolus. He comes again—the pulse is low and faint, but the physician has lost no confidence in himself, and he is ready again to tell us all about the sick man and his troubles. He says now that the whole matter is want of revenue—that is, the man is dying for want of breath. He says put up high taxes again and all will be well.

Want of revenue is indeed a malady of the Treasury visible enough, and the present Secretary of the Treasury has been as far behind in his predictions as his predecessor from Ohio, who is his model.

In 1892, while the McKinley law and the Sherman law were both in operation, we had still a small surplus revenue, although the revenues were much reduced by their passage. They were both passed in 1890, when we had a surplus of $105,344,469. This fell to $37,239,762 in 1891, to $9,914,543 in 1892, and to $2,341,674 in 1893. Now, on November 1, 1893, the Sherman law was repealed, while the McKinley law remained, and in 1894 the deficit was $72,000,000. In 1895 the deficit was $40,000,000 under the Wilson-Gorman bill, and in 1896 it was $25,000,000. This analysis shows that the great deficit followed the repeal of the Sherman law with the McKinley law yet in force.

What is the cause of this want of revenue? The Senator from Ohio says it is the Wilson-Gorman tariff bill. Certainly, but for the additions put in that bill in the Senate the deficit would be much greater, and it is gratifying to observe that while the President would not sign it in 1893 his subsequent reflections have led him to regard it as embodying—

A tariff policy which in principle is based upon the denial of the right of the Government to obstruct the avenues to our people's cheap living or lessen their comfort and contentment, for the sake of according especial advantages to favorites, and which well encourages our intercourse and trade with other nations, recognizes the fact that American self-reliance, thrift, and ingenuity can build up our country's industries and develop its resources more surely than enervating paternalism.

But here is the deficit to deal with. What caused it? A falling off in the volume of trade. Yes. But what caused the increasing falling off of trade? I answer its shrinkage and its paralysis from the accursed falling of prices, which unsettled all business relations.

FALLING PRICES AND SHRUNKEN VOLUME OF BUSINESS THE CAUSE OF FALLING REVENUES.

Let me read an extract from a recent issue of the Financial News:

If we had received 1873's prices for the quantity of produce we exported in 1895, the latter year's exports would have brought $1,769,061,584 instead of

$607,558,165. How many know that the merchandise balance of trade in our favor, had we received 1873's prices, would have been in 1895 $616,508,997 instead of $75,568,299, which they actually were? Yet such are the facts.

These figures should form interesting study for the farmers of this country. Just think of it, farmers and laborers, a falling off of more than one-half of the value of the products of your labor within twenty-two years, or from 1873 to 1895! The same products that were exported last year would have brought, had the prices of 1873 been realized, just $961,523,419 more than they did. That is just what laborers and producers lost by this falling off in prices. Now, we may ask, What is the cause of such an immense contraction of prices? Not because of overproduction, for actual facts go to prove that the increase of the world's population is greater in proportion than the increase of the necessaries of life, and they also show that people are not using proportionately as much as they did twenty years ago from the very fact that they have not the money with which to buy. Then what can be the cause? There is but one reasonable answer, and that is that silver (which had always been used by almost every nation of the world except England as primary money) was demonetized in 1873 by the United States, Germany, and the other nations forming the Latin Union in Europe, and has since been used only as subsidiary coin by these nations. Every man knows that the value of the products of the soil has ever been measured by the value of silver, and we know that ever since the United States and these nations of Europe have been degrading silver money that the value of all the products of the farmer and the laborer have in like manner been getting lower and lower, until now the expense of producing many of our staple products is more than those products will sell for on the market.

Mr. GRAY. If the Senator will permit me, the line of suggestion as to the cause of the falling off of revenue which the Senator has made is very interesting. He says truly that the apparent cause, the approximate cause, of the falling off of revenue is the falling off of business, the falling off of those transactions of daily life which make trade and imports, upon which revenue is paid and internal taxation collected. I wish to know whether he attributes the falling off in business activities to the unsettled state and the want of confidence which has been produced by the agitation of the standard of payment in the matter of silver and gold, for if, as I believe—I am not going to argue the question—it is true that the paralysis of business which so largely prevails in our country is due to that cause, then it deserves some consideration. Returning to the suggestion which the Senator made as to the business conditions, not to interrupt him again, I will add further that he would also have to account, it seems to me, in dealing with this cause which he asserts, for the fact, as stated in British trade journals, that in the year last past in the trade of Great Britain, which has not been assailed by the disturbing influences of a disputed standard and a troubled currency, there has been a most gratifying increase in every direction, and in the profits of the British people resulting therefrom.

Mr. DANIEL. No doubt, Mr. President, the British people are getting along very well on our paying them two for one.

I will try to answer the Senator's question with entire frankness. I have no doubt that any agitation on any large question of currency or taxation which is in an acute condition, independent of the right or wrong on either side, is calculated to depress trade; but I wish to call the Senator's attention to one thing. This agitation had been going on for twenty-five years; and when in 1878 it had agitated a silver free-coinage bill through both Houses of Congress, which was compromised by the Bland-Allison Act, which poured $2,000,000 more silver into the currency each month, the agitation, instead of having a depressing effect, stopped the course of the panic, increased prices, and started the country upon a career of prosperity. It is the agitation for the gold standard, and the partial success of it, which is depressing the conditions of the country, and your success will be more depressing than your agitation. Our success relieves, whilst yours destroys. If the Senator is right, why is it that the agitation of 1878 and its partial success did not depress prices? I will give the Senator time to reflect in order to invent an answer.

Mr. GRAY. Mr. President, I do not want time to invent an answer. I do not want to give any answer that is not apparent, and does not result from the conditions of the question; but the point I wanted to call the Senator's attention to and have him explain in the last part of my question was this: Why is it that a people of kindred tongue and kindred thought and blood during the last year under a condition of what he calls gold monometalism, with a perfect stable standard so far as any assault being made upon it by its own people is concerned, should have enjoyed this exceptionally prosperous year which ended in January, 1896, while we, who have such intimate intercourse with that people, should be now in the depths of what the Senator has described as a business depression wide and extended and all-prevailing in this country, including all classes of the community? Is there any other difference in the condition of the two countries which will account for this different result, except that in the one case they had a stable standard and in the other they had one that is threatened with destruction and instability?

Mr. DANIEL. Mr. President, my worthy friend has shifted his question.

Mr. GRAY. I beg pardon.

Mr. DANIEL. The first question he asked me was this: If I did not believe that the agitation of the silver question was one of the causes of depression.

Mr. GRAY. That is quite right; I did.

Mr. DANIEL. And I answered the Senator with precision that any agitation was depressing, but that whenever our agitation had been successful it had elevated conditions and had not been depressing; and I pointed to him the result of the passage of the Bland-Allison Act in 1878.

The Senator now asks me another question. He asks me, Why is it that Great Britain is prospering? I will give him a partial answer, for I am not prepared to answer fully without an analysis of all the conditions of British trade. It is because the gold standard plays into her hands and out of our hands and the double standard plays out of her hands and into our hands. It is because she is buying American cotton cheaper than she ever bought it before by the gold standard. It is because she is getting more corn and oil and wine and iron and wool and cotton, dollar for dollar, under the gold standard than she could get if we had the double standard, and what she is gaining is just to the same extent our loss.

Mr. GRAY. She need not have a monopoly of this stable condition unless we choose to give it to her.

Mr. DANIEL. We are largely the producers of the bread stuffs and raw materials and Great Britain is the consumer, and if the buyer is constantly putting down the prices of the seller, will not the buyer get rich and will not the seller lose? It depends upon which side of the counter you are buying. If I were an Englishman, especially if I were a rich English capitalist, my selfishness might prompt me to be a gold-standard man, but, instead of being an English capitalist or their representative, I am an American and the representative of American interests, and that is the reason I am for the double standard. [Applause in the galleries.]

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Chair will admonish the galleries that it is a violation of the rules of the Senate to show evidence of approval or disapproval.

Mr. GRAY. Mr. President, the Senator has sought to answer my question with an appeal, not to the reason of the thing, but to the supposed patriotism involved in his position. I do not deny the Senator's patriotism; but I should like to know from the Senator, to return to the question I just put, how it is that a stable condition of currency based upon the gold standard, unassailed by popular agitation, should be fruitful of results so beneficent to the British people, and that the like condition should not produce the same results in our own country; and, further, to ask him what other difference there was to account for this difference of condition, except that in this country there is this intense agitation and threat made against the stability of our monetary standard, to distinguish ourselves from the people who have a stable standard and abounding prosperity under it? The Senator answers, true it is, that England, with her stable-money standard, has reached beneficent results from it because she has been buying from this country cheaply with her gold-standard money, and is enabled thereby to make a profit from her traffic with the people of this country. Now, I ask the Senator from Virginia, how will she buy at higher prices, or any less cheaply, if we go upon the standard of 16 to 1 on a free-silver-coinage basis? Will not England have to pay the same price for our corn and our wheat in gold that she pays now, even though there is nominally a higher price?

Mr. DANIEL. She would have to pay more.

Mr. GRAY. Would she have to pay more for it?

Mr. DANIEL. Yes, sir.

Mr. GRAY. Why?

Mr. DANIEL. Because the entire monetary volume of the world will be swelled up, and there being more money in the world money will be cheaper and property dearer. That is the reason.

Mr. GRAY. I would ask the Senator, would every bushel of grain raised by an American farmer and sold abroad have to be settled for upon gold prices? Then, if it has to be settled for upon a gold price, the merchant abroad who buys it will buy it upon the same terms he does now. The only thing you can argue is for the benefit of the farmer that you translate the gold price he may get into a silver price here; and whether that silver price will be worth more to him when it has less purchasing power, is a question I have not heard answered yet.

Mr. DANIEL. The Senator from Delaware has diverted me from the trend of my remarks, and has anticipated much to which I had expected to refer before I got through; but he wants to know now, as my answers to his other questions do not seem to have brought him contentment, whether or not the prices of American produce in English markets would be increased by the double standard in America or otherwise. If the Senator had read the debate in the House of Commons on the 17th of March last, he would have seen that resolutions were unanimously passed by that body favoring a return to the double standard, and he is very much mistaken if he imagines that there is not agitation for the double standard in Great Britain.

Mr. GRAY. There is no evidence of it in their press.

Mr. DANIEL. I have an extract from the London Times before me, and can show the Senator the entire paper.

Mr. GRAY. In regard to those resolutions?

Mr. DANIEL. Yes, sir.

Mr. GRAY. I recollect the resolutions very well.

Mr. DANIEL. Then there is agitation, and agitation sufficient to get a unanimous vote from the House of Commons for the restoration of bimetallism by international agreement. Now, I ask the Senator not to ask me another question until I get through answering this one.

THE BRITISH WANT MUCH OF OUR PRODUCTS FOR LITTLE OF THEIR GOLD.

The resistance in the British House of Commons to the whole theory of bimetallism was based upon the proposition which the Senator from Delaware is now denying. It was based upon the proposition that it would make Great Britain pay higher prices for all the produce which she buys from other nations. I will read the Senator a portion of the speech of Sir W. Harcourt, who addressed the House of Commons on that subject. He said:

There has been something said about England as the creditor country, and nobody who heard it will have forgotten that remarkable speech which was made by Mr. Gladstone in this House when he last spoke upon this subject, when he held up to the scorn of mankind the proposal that the great creditor country should go, hat in hand, to beg the world to pay 10 shillings in the pound. [Laughter.] That is practically the result that the bimetallic system would bring about. ["Hear!" "Hear!"] Of course it is said we receive more for our money. The fact is, we are not paid in gold, as everybody knows, but in commodities. These are the commodities upon which our people live, and therefore we are to go round the world to beg them in return for the gold we have lent them to send fewer commodities. Is it possible to conceive idiocy going further than that? [Laughter and "Hear!" "Hear!"] We, who have lent £100,000,000, perhaps £1,000,000,000, to foreign nations, are to beg them to give us less in exchange for that money than they do at present. ["Hear!" "Hear!"] It is really hardly possible to state a case of that kind and imagine any person would adopt it. I know they say that under the bimetallic system silver will really be exactly worth as much as gold. If you believe that, will you show the sincerity of your belief by giving an option to the creditor as well as the debtor? ["Hear!" "Hear!"]

Sir, there is my answer to your question. The declaration of the British gold-standard men, the open and declared purpose to buy from us all that they get cheaper, and the appeal to Britons to stand by them upon the ground that it would be idiocy for Great Britain to be wanting to pay more—and while I would not use such a term as "idiocy," or use any term which might reflect upon honorable gentlemen who debate with me on this subject, I do say that it is the most singular piece of fatuity that I have ever seen for the great debtor nation of the world and the great productive nation of the world to be constantly laboring in its legislative bodies to increase the burden of those debts upon the people, and to change the standard of them in order to pay Britons $2 where they owe $1, and bear down the prices of their wheat and their corn and their iron and their wool and their cotton in the markets.

Mr. GRAY. Will the Senator allow me to interrupt him?

Mr. DANIEL. Certainly.

Mr. GRAY. What I started out to say to the Senator was that these conditions of alleged prosperity, perhaps I might say conceded prosperity, which obtain according to the financial chronicles of Great Britain in that country were by reason as I thought of the only differentiation I could make between them and this country—that there there was no substantial agitation of the currency question, there was no attack threatened upon the stability of the monetary standard, while here the situation was entirely different. But the Senator takes issue with me upon the fact that there is no agitation in Great Britain just now, and in proof of it reads resolutions passed by the House of Commons, the debate upon them, and the comments of the London Times. All I want to say in regard to that is that since those resolutions passed and since that debate the whole question so far as I know—the Senator may differ with me—has fallen entirely flat in Great Britain, and there is by general consent an abstinence from any raising of a question of changing the standard of exchange or of value in that country. It may be that reasons such as were alleged in the speech in the British House of Commons which was read by the Senator from Virginia were given, but what I contend for is that the same conditions which make prosperity there will make prosperity here, if they are allowed to work out their legitimate results without the constant threat made that there is going to be a change in the standard of value in order to pay debts contracted in the gold standard in cheapened silver.

Mr. BACON. Will the Senator from Virginia permit me to say a word?

Mr. DANIEL. I am trying to make a speech, and I hope Senators will be good enough to make their speeches in their own time.

Mr. GRAY. I have interrupted the Senator, and I beg his pardon.

Mr. BACON. Will the Senator allow me to introduce a statement from the London Statist which answers the question of the Senator from Delaware?

Mr. DANIEL. I have that statement here, and shall come to it directly, but I shall be glad if the Senator from Georgia will send it to me now, because I want to take one idea after another.

Mr. BACON. I send it to the Senator marked.

Mr. DANIEL. I am very much obliged to the Senator for his courtesy.

Mr. President, I have answered all the questions which the Senator from Delaware has asked me, and he now comes with an abstract proposition which he does not ask me as a question, but ennunciates it as a relief to himself.

Mr. GRAY. And as a comment upon your answer.

WHY THE GOLD STANDARD IS NOT GOOD FOR AMERICA.

Mr. DANIEL. And as a comment upon my answer the Senator now declares that if America would only come to the gold standard, as the gold standard has brought prosperity to Great Britain, it would bring prosperity here. I beg leave to say to the Senator that if he has read the views of the leading financiers of Great Britain, as expressed in the international monetary congresses, he will see that Mr. Rothschild declared that while the gold standard was a good thing for Great Britain, if the rest of the world were to try to come to a gold standard it would produce widespread panic and ruin. Mr. President, one man may live on bacon and another on beef. There may be enough bacon for one man to grow fat and hardy upon, and there may not be enough for two men to grow fat and hardy upon; and the trouble about the gold standard is that there are not enough rations to go around, and that you can not go to a gold standard without reducing the prices of wages in the United States, without reducing the prices of produce and land in the United States, and without paying to Great Britain double the quantity in produce and labor that we are now paying in order to discharge our debt to her.

Mr. GRAY. You recognize that we are on the gold standard in this country?

THE SOPHISM THAT WE ARE ON THE GOLD STANDARD NOW.

Mr. DANIEL. Mr. President, I do not recognize that we are on the gold standard in this country; and if we are upon the gold standard in this country, the Democratic party carried the last Presidential election by a false pretence. It elected its President upon the declaration that, "We hold to both gold and silver as standard money of the country, and to the coinage of both metals without discrimination." We could not hold on to it if we did not have it, and there was not a political party in the United States, neither Populist, Democratic, nor Republican, nor was there a Democratic Senator upon this floor, who, prior to this session, ever pretended that we were upon a gold standard.

Now, I ask the Senator a question which I hope he will not respond to with a speech, unless he makes it in his own time. I ask him, if the United States is to-day upon a gold standard, when it got there?

Mr. GRAY. I can answer, without making a speech, that the United States is on a gold standard just so long as it maintains all the silver money and all the paper money of the United States on a parity with gold, the bullion value of the silver money not being equal to gold.

Mr. DANIEL. I have just as much right to say that we are upon a silver standard because we maintain gold at a parity with silver.

Mr. GRAY. Yes; but silver bullion is not equal to gold bullion in commercial value.

OUR LAWS SHOW THAT WE ARE NOT ON THE GOLD STANDARD.

Mr. DANIEL. I look to our laws to find what standard we are upon; and, in reply to the Senator's question or assertion, I say that we can not destroy the gold standard, because we are not upon it. Our original mint law made the silver dollar the unit of coinage, and in providing for the coinage of both metals based our currency upon the double standard in the year 1792. It is true that we did not coin but 8,000,000 standard silver dollars prior to 1873, and it is also true that on the 12th of February, 1873, we stopped the coinage of these dollars, and on June 20, 1874, by the Revised Statutes, we made the silver coins of the United States a legal tender for payments not exceeding $5. But it has been truly stated that, while this made all silver dollars coined prior to 1873 legal tender only in sums not exceeding $5, it was evidently an oversight, and that this error was eliminated by the Bland-Allison Act of 1878, which provided for the restoration of the full legal-tender quality of all of the silver dollars theretofore coined by the United States of like weight and fineness to those whose coinage was provided for under that act. So that now all the silver dollars of the Government which ever possessed the legal-tender feature possess it to an unqualified extent. I take this sentence from the excellent book of Mr. Armistead C. Gordon, of Staunton, Va., on Congressional Currency, and there should be added to it "unless otherwise stipulated in the contract."

My contention is that we are upon the double standard in all transactions except when otherwise stipulated in the contract, and if you stipulate in a contract to pay gold dollars, that is on the gold standard; if you stipulate to pay silver dollars, that is on the silver standard; if you stipulate simply to pay dollars, according to the general usages of trade and as in the vast mass of our transactions, you are upon the double standard, and may pay in either.

Mr. President, if we were to go to silver coinage we should not destroy any gold standard. If we were temporarily thrown upon the sole use of silver, as soon as the spasm of alarm was over the gold and silver would mingle together and gold would be brought to us by the rising prices of our products abroad. We are upon the mixed standard of gold, silver, and paper, of limping, humpbacked bimetallism, with a supplement of paper money. It is the mass of legal-tender money that constitutes the standard. If we appropriate money to build ships in an appropriation bill in this body, if we appropriate for the salary of an officer, if we estimate for the cost of a Navy, we make those estimates and assessments in the double standard of gold or silver, supplemented by paper. We can not be upon the gold standard, nor has any political party in the United States as yet so imagined or so declared.

THE SOPHISM THAT SILVER MONEY IS SUSTAINED BY GOVERNMENT CREDIT OR REDEMPTION.

Mr. President, in this connection, and as cognate to the question which the Senator from Delaware asked me, in reply to those who declare that our silver money is sustained as a subsidiary money in this country by the credit of the Government, as is often stated—and the undertone of such a suggestion lies in the assertion of the Senator from Delaware that we are upon a gold standard—I will say that in 1894, in the canvass in the city of Richmond, I was met by the same suggestion by some of my critics; and in order that I might be possessed of official documents to answer it, I wrote to the Secretary of the Treasury, and I have here a copy of his letter, of the letter which he sent me, which I publish to show the ingenuousness and sincerity and veracity of my statement. He says:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., October 18, 1895.

SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, and to inform you, in reply to first, second, and third questions therein contained, that there is no statute or practice of this Department under which any of the standard silver dollars coined by this Government can be converted into gold at the Treasury.

In answer to your fourth question, as to whether there is any method by which gold dollars may be converted into silver dollars at the Treasury, I have to state that there is no established method, but that the Department would not refuse to receive gold dollars in exchange for silver dollars, when requested to make the exchange, if at the time of such request there should be in the Treasury a sufficient amount of silver dollars above that required to be held for silver certificates and Treasury notes outstanding.

Respectfully, yours,

J. G. CARLISLE, *Secretary.*

Hon. JOHN W. DANIEL,
Lynchburg, Va.

So that the silver dollars of the United States to-day stand upon their own bottom, not looking to any redemption, but fighting and achieving their own way throughout the world by the demand of the people for their possession and by their equal function of debt-paying, tax-paying, and purchasing power.

THE SOPHISM THAT SILVER WILL NOT CIRCULATE.

It was suggested by one of the Senator's colleagues who is in near unison with him upon this subject, the Senator from Wisconsin [Mr. VILAS], that our silver would not circulate; and we have often the sneering finger of the monometallist pointed to the Treasury and to the heaps of silver piled up there, with the declaration that our dollars will not circulate. I have here the statement of the Treasury, dated the 1st of April, 1896. Since then it has not varied, but that was the day upon which I made my figures. If you will examine that statement you will see that more silver dollars in proportion and their representatives are in circulation to-day in the United States than gold. Here is the statement:

April 1, 1896.

GOLD.

Total:	
Coin	$588,743,303
Bullion	29,054,663
	617,797,966
In Treasury	142,831,047
In circulation:	
Coin	445,912,256
Certificates	43,239,249
	489,151,505

SILVER.

Total:	
Coin	426,289,916
Subsidiary coin	78,216,677
Bullion	122,187,306
	626,693,899
In Treasury:	
Coin	371,497,164
Subsidiary coin	15,246,374
	386,743,538
Silver certificates	122,187,206
	508,930,744

In circulation:	
Coin	$54,792,752
Subsidiary coin	62,970,303
Silver certificates	337,032,426
Treasury notes of 1890	103,728,966
	558,524,447

Thus it will appear that of our whole stock of gold—that is, $617,797,966—there are $489,151,505 in circulation; and that of our whole stock of silver—that is, $626,693,899—there are $558,524,447 in circulation.

Let no one be deceived by the fact that so many standard silver dollars are in the Treasury. They are represented, every one of them except a few, by an outstanding silver certificate.

There are $386,743,538 of silver coins in the Treasury and there are outstanding $440,763,492 of certificates. So there are not enough silver dollars there to meet outstanding demand upon them. There is more money based on silver in circulation in the United States by over $50,000,000 than there are silver coins in the Treasury, and more by about $70,000,000 than there are standard silver dollars in the Treasury, and far more silver proportionately in circulation than gold. Yet we are met upon the floor of the Senate with a bald assertion that "silver will not circulate" and that we are on the gold standard.

THE SOPHISM THAT CHEAPNESS IS A BLESSING.

Mr. President, as the Senator here is so heartily at work to put down the price of American land and American produce, I know he feels that he is bent upon a benevolent and patriotic service. He is one of the gentlemen who believe that cheapness is a blessing. I should like to analyze the proposition of cheapness a little and see upon whom it dispenses its fruition.

The Senator from Wisconsin [Mr. VILAS] a few days ago took up the same song.

Is it an evil—

He asked—

which mankind should defend against that the prices of those things which make for human comfort and joy should decrease? Is it lamentable that the family which depends for bread, clothes, and education on the toiling father's wages should be able to buy now for one day of his labor many times as much of all the means of happiness as he could have thus provided in past generations? * * *

Falling prices!—

He exclaimed—

May they continue to fall until everything of excellence shall be within the reach of all deserving men; till mankind shall revel in abundance. Falling prices means shorter hours of labor, longer hours of enlightenment. It is the hope of the good and wise that looks to a coming time when all the earth affords for the needs and happiness of those man loves and toils for shall be so abundantly and cheaply provided that the curse of toil may vanish in the blessing of labor, which is only beneficent.

Such is the stream of eloquence which is poured forth from the lips of the eloquent Senator from Wisconsin, and which I have heard time and again from the eloquent Senator from Delaware. Let us argue a little. To put all the comforts and luxuries of life easily within the reach of man is a laudable undertaking. But to make one set of things dear and another set of things cheap by operation of law is to place society into two classes and is to organize class legislation.

The millennium day, which the Senator seems to behold in a vision, will be slow coming, I fear, under a system which is manifestly working out this evil. The people who are to buy cheaply, and whom the Senator has in mind, must get money to buy with. They were not born with silver spoons or with gold dollars in their mouths. They must first get money in the process of evolution of the purchase of work and by selling the produce of their labor. If their produce gets cheaper and cheaper, how in the name of sense are they to get anything without great cost of labor and without great volume of production? The trouble with the Senator's idea is that it is only one-sided. If bonds were cheap, we would all buy them and live on their interest. If money were cheap, we would all get it easily and with little labor. The trouble is that the system which the Senator advocates makes money and bonds dear by the constant appreciation of money, and labor is made cheap and its produce cheap, so that those who have the money and bonds are constantly getting richer and those who have labor to produce are constantly getting poorer. There is not a usurer upon the face of the earth who grinds the faces of the poor whose heart would not thrill with delight to hear the Senator's praise of falling prices. The mortgages are not falling, the bonds are not falling, the taxes are not falling, but it is the labor and prices that are falling. Only the means of meeting them and redeeming them are falling, and with every new weight of burden that is put on the toiler's back the Senator claps his hands and shouts with joy and says, "How prices are falling"; and the producer is going down. Rothschild rejoiced at the Brussels conference at the cheapness of wheat. What did that mean to the American farmer who supplies him and his country with it? Where are the farmers and where are the laborers who are rejoicing in the cheapness of all they produce and sell? Can the Senator point me to any constituency of that kind clamoring for the gold standard or tell me who is sustaining it out in the country?

THE LONDON TIMES REJOICING IN CHEAPNESS FOR BRITONS.

Mr. President, the Senator still keeps in pleasant chime with his admirable English friends. The London Times not long since had this remark:

It seems impossible to get bimetallists to understand that there is quite a large number of us for whom a general rise of prices has no charms whatever. We like them low, and the lower the better. If they all went down to half their present figures we should rejoice—

That is, we Britons, Englishmen, people who are buying—

because we have nothing to sell and a great many things to buy.

So the London Times answers the question which the Senator put to me as to what was the difference between Great Britain and America, and he shows you why Great Britain is getting rich—"because they have nothing to sell and a great many things to buy"; and the reason why we are getting poorer is because we have so many things to sell that we are selling to them cheaper, cheaper all the time.

Mr. GRAY. The Senator does not believe any such statement?

Mr. DANIEL. I believe it is a little extravagant, as the Senator's assertion and as many of our assertions are, but it is a rough draft of a great truth.

WHAT CHEAPNESS IS.

Cheapness is a low degree of commercial value, commercially speaking. It is that which requires but little labor. It is a relative term. There is no such thing as positive, absolute, invariable cheapness, as there is no such thing as positive, absolute, invariable value. Time, place, circumstance, demand, and supply must settle what is cheap, as they must settle what is valuable, in a commercial sense. If the price of an article falls with relation to other articles you call it in a condition of cheapness. For instance, if a peace is declared arms are cast aside. They have all the intrinsic qualities that they had in war, but they become cheap because no longer needed. The bicycle is invented; the demand for horses lessens, and they become cheap. Spring dawns with warm suns; and winter clothes become cheap. The question of cheapness or dearness depends in its interest to you upon which side of the counter you are on. Being upon the American side of the counter, where an active and industrious and working nation is pouring the fruits of its toils into the markets of the world, I want them to be dear that we may get the British gold for which they would then sell.

THE PRESIDENT ONCE MOURNED OVER DECLINING LANDS AND INCREASING DEBTS.

Nor, sir, have I always been without friends amongst those who admire and who share the Senator's philosophy. Let me ask the Senator to turn to President Cleveland's message of 1888, and he will perceive that a flash of the truth that I am now preaching went across the Presidential mind:

Our farmers, long-suffering and patient, struggling in the race of life with hardest and most unremitting toil, will not fail to see, in spite of misrepresentations and misleading fallacies, that they are obliged to accept such prices for their products as are fixed in foreign markets, where they compete with the farmers of the world; that their lands are declining in value while their debts increase; and that, without compensating favor, they are forced by the action of the Government to pay for the benefit of others such enhanced prices for things that they need that the scanty returns of their labor fail to furnish their support or leave no margin for accumulation.

The President of the United States, eight years ago, deplored a condition which was forcing down the value of American land and American produce, but to-day his defenders and champions upon this floor exalt the glory of cheapness and rejoice that the millennium of falling prices has come.

HOW THE BRITISH ARE WORKING US.

I do not know that I have the same piece from the London Statist which my friend from Georgia referred to, but I could read all day from the London press and from the London propaganda of the gold standard the doctrines upon which they rely in their commercial conquest of the world. I will read a little piece from it of January 11, 1896:

In 1895 we purchased—

Says the London Statist—

15,688,000 hundredweight of raw cotton, against 16,013,000 hundredweight in 1890, a diminution of 345,000 hundredweight or 2 per cent; but we paid for our raw cotton supplies £12,327,000 less in 1895 than in 1890. Had we purchased the same quantity in both years the benefit to this country from the fall in the price of cotton would have been £11,500,000. In 1895 we purchased 100,118,000 hundredweight of wheat and flour, as against 76,247,000 hundredweight in 1890, an increase of 23,871,000, or 31 per cent, while we have actually paid about £2,451,000 less in 1895 than in 1890, the value of our wheat and flour imports in 1895 having been £32,207,000, against £23,361,000 in 1890. In other words, at the 1890 level of prices we should have paid £42,880,000 for our wheat and flour supplies in 1895, whereas we have actually paid only £30,207,000, a benefit from the lower price of no less than £12,600,000. Our imports of wool for 1895 exceeded those of 1890 by 142,000,000 pounds, or 22 per cent; but in 1895 we actually paid £830,000 less than we did in 1890—that is to say, we have paid £28,321,000 for wool in 1895 which at the 1890 level of prices would have cost us £29,100,000, a benefit of about £6,800,000. In 1895 we imported 31,157,000 hundredweight of sugar, as against 25,693,000 hundredweight in 1890, an increase of 5,464,000, or 21 per cent, and with this enormous increase in quantity we have actually paid £390,000 less in cash, the cash value of our sugar imports in 1895 having been £17,685,000, as against £18,075,000 in 1890. At the 1890 level of prices we should have paid for sugar imported in 1895, £21,870,000, as against the actual cost of £17,685,000, a benefit from the fall in price of over £4,000,000.

London is rejoicing and pressing its policy and propagating the gold doctrine because they say, behold how the oil and the wine and the riches of the earth are flowing into our hands under this British gold-standard process.

THE SOPHISM THAT GOLD IS THE MONEY OF CIVILIZATION.

Mr. President, we are sometimes told that gold is the money of civilization. I reply that silver is also the money of civilization, for there is not a civilized country in all the world that does not use it, and not one that proposes entirely to abolish it. We are then told that the civilized nations are making gold the standard of value and simply using silver as subsidiary coin. I reply that the masses of the plain people in these civilized nations are paying very dearly for their whistle, and that America, which has free idea, more so than any of them, should lead them, and not be led by them. All the great civilized nations of the world, Great Britain, France, Germany, Russia, Prussia, Italy, and so on, were under the rule of monarchs when we declared our national independence. We set the liberty ball in motion and have had great influence in liberalizing other institutions as well as our own. Their conspiracy of kings was organized when Monroe taught them by his doctrine that America was no longer a field for their exploitation. What they sought to accomplish by steel, the kings of the earth are now seeking to accomplish by gold—by the most subtle art of gold. There is not an autocrat of Europe who is not firmly fixed upon his throne to-day through the work of America in foolishly following his policy. Napoleon was wont to declare that British gold was often the more potent factor in deciding the destinies of the European nations than the largest armies led by his ablest generals. It is British gold that has reversed the governments of liberty; and stanch American principles ought to resist it just as they would resist British bayonets upon our shores and British ships upon the ocean. Civilization has always moved in cycles. Herbert Spencer, indeed, teaches that all motion is undulatory and that all civilization has certainly been so, sagging down now and then in deterioration and then blooming out in long periods of prosperity. Nothing has so impeded the progress of this age as the disorganization of its money system and our sagging down and giving way from virile American principles; and if it shall be persisted in it will not end until standing armies are invoked to stamp out the uprisings of the people.

Mr. President, I have another speech before me that was made in the British House of Commons on the 17th of March last by Mr. Balfour, who in that address set forth the same theory that Sir W. Holdsworth set forth in his remarks at the Brussels conference, and who went on to show his British brethren that the world was not going very long to submit to it, in his opinion. He said:

The whole trend of civilized opinion is in the direction of a double standard [cries of "No!" and cheers]; and I confess that I look forward to a period when it will be accepted not merely by the great commercial nations of which I have been speaking, not merely by the great manufacturing classes of Lancashire, and by the vast majority of the representatives of agriculture, but also by the great body of opinion within this great commercial center of the Empire. [Cheers.]

THE SOPHISM THAT WE MUST SUSTAIN THE CREDIT OF THE GOVERNMENT BY GOLD PAYMENTS.

Mr. President, we are sometimes taught that we must sustain the credit of the Government, with an implied intimation that there is some one on this side of the Chamber or some portion of the American people who are not sensitive to the obligations of their Government, and who are faltering in rendering it the due and loyal support it should have from every citizen.

An axiomatic principle like this declaration I will take no issue with. I think the Senator from Connecticut [Mr. HAWLEY] spoke truly and rightly when he said that the honor and credit of this Government should be as sacred as a soldier's grave. But I resent the imputation that I am doing anything or would do anything or am capable of thinking or desiring anything that would be against the honor and credit of the American Republic, one of whose sons I am. I challenge the specification. What is credit? Credit is faith. What is faith but a reliance that a promise which has been made will be observed? It is not an assurance that something else than the promise will be done. What is the greenback promise? Here it is; read it. Let your Supreme Court interpret it to me. Let the intelligence and honor of the world sit in judgment upon it, and I will abide there. Our Supreme Court have said that the greenback is redeemable in silver dollars, and yet some of us are to be reproached because we comply with the honest text of the paper and with its fair exposition by the judges who are called upon to interpret it.

THE SOPHISM THAT FREE COINAGE IS "ONLY FOR THE MINE OWNERS' BENEFIT."

Mr. President, this great cause and its advocates are sometimes attempted to be belittled by the declaration that they are only fighting for the mine owners' benefit. The Senator from Ohio [Mr. SHERMAN], the Senator from Vermont [Mr. MORRILL], and many of their confreres are continually urging us to do something for the sheepowners' benefit by levying taxes upon those who wear

woolens. The New England men in this body never tire in their endeavor to regulate taxes and commerce to favor their fishermen and their manufacturers. Louisiana men have manifested no entire indifference to the sweetness of sugar. All States are up in arms to protect—by which they mean to tax others to protect—their wage earners and their pockets by national legislation. But the silver-mine owner is not one of the elect amongst the great protected classes. If it were true that the mine owner wanted protection and the whole silver movement was a mere movement of protection, tell me, ye gentle shepherds of Ohio, and Vermont, and Pennsylvania, and of the Western pastures, and all the Eastern factories, tell me why the mine owner is not as rightly entitled to protection as your flocks and your production. Furthermore, let me ask, is it not just as well to protect our American mines as to protect British gold mines? All the value which we have taken by our policy out of the silver mines of the West we have simply transferred, as through a legislative pipe, into the gold mines of Australia and South Africa and all other parts of the world.

Look at the statement of the production of the Witwatersrand mines in South Africa. See how they have developed—494,869 ounces of gold in 1890, and are annually increasing the output as follows: In 1891, 729,238 ounces; in 1892, 1,210,868 ounces; in 1893, 1,478,473 ounces. Then the Sherman law repeal struck in and closed the American silver mines. Ships were loaded with new mining machinery in the English ports, and went steaming on their way to exploit the British mines. The next year—1894—2,024,159 ounces were produced, and the Englishman took the profit out of his gold mine that we had destroyed in the American silver mine.

PROTECTION FOR THE MASSES IN FREE SILVER COINAGE.

The great injustice of the protective tariff system lies in the fact that it does not and can not protect all alike. In making this analogy or comparison between silver and other products I did not mean to say that I advocated that system or gave my adhesion to it. The question of silver is not one of protection, as presented to my mind, for the mine owner, but one for the comprehensive and entire benefit of all the American industrial classes of every kind—farmer, merchant, manufacturer, and taxpayer in every State, in every county, and in every community of the United States—and if it be a protection it is one in which every American citizen except some greedy usurer will have equal stock and equal benefit.

THE SOPHISM THAT "WE MUST HAVE MONEY GOOD ALL THE WORLD OVER."

We are told that we must mint money from our mints that is good all the world over. In a certain sense I do not dissent from this, but the money of different nations circulates but little beyond their borders. We never see English money in America, nor seldom see American money in Europe. It is but a small proportion of the money of Europe that comes here and a small proportion of our money that goes there. Obligations are settled by exchanges and commodities, and it is in goods that they are mostly paid. Money that would be good in America would be good all over the world, for here there is more demand for it than anywhere else in the world, and at any other place the difference in value could only be measured by the cost of transportation.

THE SOPHISM THAT "WE MUST HAVE THE BEST MONEY IN THE WORLD."

Mr. President, we are told that we should have the best money in the world. This leads me to inquire, What is the best money in the world? The judgment of three thousand years of civilization is in favor of both gold and silver as constituting the best money in the world. The fact that they are the best money in the world is attested by the further fact that all civilized nations in all times have so regarded them, and that no one proposes wholly to exclude silver. The question now raised does not concern the value of a specific silver coin, but concerns the quantity of the coin, and as to the method of employing them, and as to their particular function. The dearest money in the world is thought by no nation, and by no people, and by no person that I know of to be the best. Were this otherwise, we should coin money out of some metal dearer than gold. The best money in the world is that which the world has been long accustomed to; that which has been made or employed in its outstanding contracts and obligations; that which in its nature shows that it is fitted for the uses of the world, and is eagerly sought by all classes of people in the world all the world over.

The best money in the world is that money which will discharge any debt or obligation, public or private, of the country which creates it. This is another definition which I give of the best money in the world; and we have no such money here in the United States to-day either of silver or gold, for the Supreme Court of the United States, that marvelous body of mystics which makes and unmakes constitutions, and has recently discovered that it has been wrong for a hundred years—the Supreme Court has decided that we have no such money.

What do I mean by this declaration? I mean this: That the Supreme Court has decided that if a man enters into a contract to pay dollars of one metal of certain specific fineness, he can not discharge the debt by paying any other kind of dollars. It results from this decision that if a man promise to pay greenback dollars he must pay them and them only; if he contracts to pay silver dollars, then he must pay them only, and if he contracts to pay gold dollars, he must pay them only. This decision has undermined our bimetallic system. It has overturned our Constitution, and has put the metals that make the dollars at the mercy of speculators.

It is at the root of our disordered currency, for it enables the speculator and usurer to corner our metal at any time he pleases and force it out of circulation.

The idea of our Constitution in reposing in Congress the power to coin money and to regulate the value thereof, and that no State should make anything but gold and silver legal tender, was to put the two metals into a legislative melting pot, and to have the dollar as an ideal composed indifferently of either; and when the court parted the two metals in legal association it laid the groundwork of disintegration, and with $1,500,000,000 of money in circulation, there is not a whole, solid dollar in the whole mass that will discharge any debt or any tax which may become the burden of a citizen.

THE SOPHISM THAT "PARITY OF UNITS MUST BE SUSTAINED BY GOLD PAYMENTS OF SILVER OBLIGATIONS."

We are told in this connection that "all the units of our currency must be at parity." We are told that all our monetary units must be at parity with each other. So say we all—that is, just so far as the law can make them so. Greenbacks and gold have been at a premium recently. Silver dollars were at a premium of from 3 to 5 per cent at the very time when the Sherman law was repealed. We can not make a currency system embracing hundreds of millions of dollars, operating throughout the commerce of 70,000,000 people, operate with the nicety of a stop watch. But one thing is clear, that we can never maintain the unities of the volume of currency at a parity with each other without giving to all the units "unity of function," without giving to each unit all the functions that we give to another unit. It is the functions that the law imparts to money by which it gains its power. Money has a threefold function: First, the power to pay debts; second, the power to pay taxes; third, the power to purchase. The dollar of debt is also the equivalent to the dollar of debt or taxes that has to be paid, but the purchasing power, which is largely derived from its functions, can never be a fixed and unvariable force.

Two things are absolutely certain. First, that it is not by any of the shifts of the Treasury that we now maintain the parity of our silver money. Not one of the dollars issued under the Bland-Allison Act of 1878 has ever been redeemed in gold, and the Secretary of the Treasury has no discretion to redeem any of them in gold, nor can he either exchange a gold dollar for a silver dollar. Notwithstanding all this, silver dollars and silver certificates are now and have ever been at par, sustaining themselves as such simply by their debt and tax paying power and by the purchasing power of the silver dollar possessing such legal-tender function. Second, the pretense that the Sherman certificates and the greenbacks which are payable by law either in silver or gold must be maintained at parity by giving the holder the right to demand them in gold is a mere pretense and nothing more. The Bland certificates and dollars are just as good as they are without any such pretense existing in respect to them, and it is plain that to transfer to the holder the option which the Government possesses by law to demand either gold or silver is to stand the pyramid upon its apex and to reverse the whole system of bimetallism. So long as the holder does not know whether he will get silver or gold if he presents his greenback or Sherman silver certificate, he has no motive to exalt silver or gold the one before the other, but the moment that he is informed at the Treasury that he will be paid gold if he demands it he is given the motive to demand it whenever he fancies it is better than silver. Thus the demand for the dearer metal is increased at a time when, to preserve their equilibrium, demand should be centered upon the weaker metal. Thus reenforcement is given to a raid upon and the desire for gold at the very moment when they should be resisted. The two hundred and sixty-two millions of debt which we have already piled up is a monumental warning against a policy so professedly illogical and so obviously ruinous, and should be a warning to other ages against the inventions of modern sophistry, against the experience of ages.

THE SOPHISM OF "THE HONEST DOLLAR."

They say that the silver dollars of free coinage would not be honest dollars. I answer, the reverse of this proposition is true. It is dishonest to deny to those who have contracted debts the right to pay them in dollars that conform to the contract, and dishonest to prevent them from paying them by stopping coinage, so as to enhance the difficulty and increase the burden of paying it. There is downright wickedness in moving to the gold standard and leaving outstanding to be paid on it obligations solvable in

the double standard—the wickedness that the Master denounced when He said, "The love of money is the root of all evil."

The moralists of the stock exchange turn in abhorrence from the idea of a debtor paying a cheap dollar to his creditor. At the same time they rejoice in compelling him to pay a dearer dollar than he contracted to pay. What sort of morality is this? We can not measure great matters in apothecary scales, but Justice walks in the middle of the road without diverting its footsteps to the one side or the other. It would not clip the dollar and let the debtor pay less than he contracted to pay, neither would it pad the dollar and make him pay more than he had contracted to pay. Free coinage is right because it acts without discrimination upon both the dearer and the cheaper metal; because it walks in the middle of the way; because it is the nearest proximity to justice on all sides that can be attained.

Wherein the silver dollar is dishonest is not discernible to the naked eye of a clear conscience. It was provided for by the first coinage act of the United States. It was recommended by Hamilton and Jefferson, and approved by Washington. It is the same dollar in 1896 that it was declared to be in 1792, containing as many grains of silver, maintaining its parity with gold, filling its office with as perfect functions as any piece of machinery in the economy of States, and passing everywhere, without discount or discredit, for exactly what it purports to be. It has fought in every war of the Republic, and has been the vade mecum of the people through all the days of peace.

I would like those who are prating of "honest" dollars to read Balfour's speech in the House of Commons on the 17th of March last, and see the clear statement of an honest Englishman. He said:

I will tell the right honorable gentleman why. The right honorable gentleman tells us, and tells us truly, that the debts of this country are paid in commodities which are estimated upon a gold basis, and that the result of the appreciation of gold, which has gone on during the last twenty years, is that the creditor country paid in commodities gets a very much larger proportion of commodities than on the original gold value of the commodities it had the slightest right to. Does the right honorable gentleman think that this creditor argument is one which commends itself to those who have got to pay debts in this country? What they ask and what we ask is that some standard of debts which could be valid over a long period of years should be adopted not only between individuals but between countries. We hold—and this is held by the best scientific economic opinion of every party all over the world—that this would be more effectively secured by the bimetallic system than by the monometallic system. [Cries of "No"!] I do not say that that opinion is right, but I do say that it is the opinion of all economic authorities. ["No!" "No"!] If foreign countries hold, as they do hold, that the single standard has the result of artificially increasing the burden of their debts to this country, they will think, and think truly, that the right honorable gentleman is not so much occupied in maintaining what is called an honest currency as with the object of obtaining a currency which will get more than their just debts from our debtors.

THE SOPHISM THAT "DEMONETIZATION OF SILVER WAS NOT INSPIRED BY GREED."

It is said that the demonetization of silver in 1873 was not inspired by the greed of capital because silver was then a dearer dollar than gold. I may answer, first, that the fact that it was a dearer dollar than gold—worth a 3 per cent premium as proved—does not show that it was not demonetized, as so many contend, because it was a cheaper dollar. It was worth a premium because France was free coining silver at 15½ to 1 while we put 16 of silver to 1 of gold in a dollar. I reply, second, that the demonetization was inspired by greed if we may believe the popular declarations of the English propagandists. It mattered little to them, originally, whether they demonetized silver or gold. They selected silver as the metal to be dishonored for two reasons: First, because great mines of silver had recently been discovered in the West in America and they anticipated from them a great outflow of silver into the mints; and just as Europe organized a raid against gold when gold was discovered in California, so now it egged on a raid against silver because it had been discovered in large quantities in America.

OF EQUAL INTRINSIC VALUE.

We are also told by the same school of sophists that all the units of money must be of equal intrinsic value. I will reply first by the phrase, "If you will put the dollar in the silver bullion, you will find the intrinsic value in the dollar." I reply further that value is not a substance. It is the relation of substance and of function to demand and to use. That word "intrinsic" and that word "value" are used in most misleading and deceitful senses.

It is an admitted fact that the action of law is a factor in fixing the value of money. This is demonstrated by the fact that all agree to the proposition that the consensus of nations, "international agreement," as it is called, could establish a ratio between gold and silver and maintain that ratio. So universally is it admitted that the law is a factor in determining money value that I deem it needless further to argue it.

But it is said the United States can not alone determine the value of gold and silver so far as to fix and maintain a ratio between them. I shall not insist that it is certain that the United States can do so.

Here is a United States dollar coined at a ratio of 16 of silver to 1 of gold. We are told that it will buy two Mexican dollars, each of them containing more silver than the United States dollar, and it is argued that our dollars will go down to the value of Mexican dollars if we have the free coinage of silver. I draw very different deductions from this fact: (1) It conclusively answers the argument that the value of money is proportioned to its intrinsic qualities—or "value," as these qualities are sometimes called. It shows to me that the demand for money to pay debt and taxes is so great in the United States that it gives to the dollar fully one-half of its value; (2) it shows to me that the demand for money in the United States is at least twice as great as the demand for money in Mexico; (3) it shows that the mere function imparted to the bullion by the United States mint gives that bullion 50 per cent of its worth in exchange.

THE SOPHISM THAT "LAW CAN NOT CREATE VALUE."

And yet we are told that law can not create value; that only Deity can create it. If value were a material thing this would be true; for it is a fact, as stated by Edward Atkinson, that "man can create nothing; he can only move something." Yes; men can think and men can move things, and his change of the relation of things by their transposition is what creates value. Meissonier takes a brush, a few dollars' worth of paint, and a little canvas, and by transposing their relations makes a picture of Napoleon which sells for $75,000. Who will say that he did not create value? An artist and a chisel convert a marble stone into a Venus de Medici, and the nations vie for its image. Is not that value? Bell takes a wire and a tube, and there is a telephone. Are not the machines that spring from his thought value? Value is not a simple idea. It is a complex one. We can conceive of a single horse, of a single tree, of a single grain of sand, of a single lump of gold, of a single lump of silver, but we can not conceive of any value inherent in any one of these things by itself. We can conceive of two horses, two trees, two grains of sand, two lumps of gold, and two lumps of silver, but no reduplication of objects in our vision gives rise to the idea of value. We must conceive first of the thing, and then of the person, and third of the use or desire or need that a person has for the thing and what he is willing to do or give for it before the idea of commercial value enters into the mind. Value is therefore a relation between (1) a person, and (2) a thing, and (3) the desire of the person for the thing, and (4) the labor or whatever the person with the desire will do or give for the thing demanded or desired; and what a person is willing to do or give for the thing demanded or desired is the measure of value which he attaches to it.

A mind that can not fuse into a composite idea these four elemental ideas can not conceive of commercial value, and takes refuge in some vague notion that it is only a divine gift.

That the law can create value is an axiom of political economy. It is a self-evident fact. Protectionists know that the law can create value, and are therefore in favor of putting a high tax on the entrance of foreign articles into our ports in order that domestic articles of like character may supply the demands of our people and have a higher value attached to them by the exclusion of foreign competition. By concentration of popular demand on the domestic articles they increase their prices. Free traders and revenue-tariff men know that law creates value and diminishes value. They know that if a farmer has $500 to spend and can get his goods at 30 or 40 per cent less than he is paying for them by free trade you have created that additional value to his commodity and to the land that produced it. The law creates value in gold and silver by giving it privileges of coinage or taking it away. A piano is a musical instrument, but it is not music. Neither commodity nor money is value by itself, though both are instruments of value and valuation. When the piano comes into relation with a performer, who touches its keys, the product of the mechanism of the performer and the mechanism of the instrument is music. When the commodity or money comes into relation with one who needs and demands them, the product of the demand in the person and the supply in the thing makes the value of their relation to each other.

THE DOUBLE SOPHISM THAT FREE COINAGE OF SILVER "WILL CONTRACT THE CURRENCY BY DRIVING OUT GOLD" AND "WILL DELUGE US WITH CHEAP MONEY."

But we are told, and told for the thousandth time, in the face of the contradictions of our history, that if we have free coinage we will contract our currency by driving out our gold, and with the words yet warm upon the lips of him who utters this statement we are told that we will be deluged with cheap silver dollars. We can not have a drought and a deluge at the same time. We can not expand and contract at the same time. We can not go both ways at once. One of these propositions might possibly be true, but both of them can not possibly be true. I do not believe that either is wholly true. It is obvious that the free coinage of silver would cheapen gold, for when two things can be used for the same purpose instead of one, it takes the demand from the one and distributes it amongst the two. Gold would come down and

silver would go up in value. The silver dollars would not be cheap, and the gold dollars would not be so dear as they are now. The two would be brought together by the magnetic influence of an equal function in the discharge of debts and taxation.

They say that free coinage will drive out gold. Out of what? Out of the country? Should such be the case would not the volume of gold going into other countries increase the currency there? Would it not consequently increase prices there? Would we not therefore get more for the hundred million dollars of products which we sell? Would this not strengthen our balance of trade with foreign nations? Would not this pour wealth back into our coffers? It is evident that it would. But do they mean that it would simply drive it out of circulation and into hoards and safes and banks? If so, just as soon as property began to rise as the silver volume flowed in it would yield to that temptation which always brings money from its hiding places. It would leap forth to get an advantage of rising prices. If it were to retire for a little while it would come forth again. But the fact is, the free coinage of silver in this country has never driven out gold. It was said by the distinguished Senator from Ohio [Mr. SHERMAN] that fifty millions of silver would drive away gold, but the Bland-Allison Act was passed, and we had $50,000,000, and now we have $500,000,000. Never yet has it driven away gold, nor has gold gone away for any other purpose than to discharge our debts and to meet a superior demand in Europe to any demand we made. After the Sherman law of 1890 was enacted gold continued to come to us, nor did it leave until the panic in Europe compelled the sale of securities and carried it back. Money attracts money the world over. "To him who hath shall be given."

WHERE THE GOLD GOES NOW.

In the New York Journal Mr. George Rutledge Gibson, a well-known financial authority, shows that for five years Europe has been gaining gold, while the United States has been steadily losing it. From 1890 to 1896 Europe has gained $561,100,000 in gold, besides the gold we have mined in those years. The Journal gives Mr. Gibson's figures, and they are very interesting reading in the face of the education which is being carried on by the gold bugs:

The last five years have witnessed a struggle for gold among the nations, and Europe has obtained possession of the new supplies of the yellow metal coming from the mines, and besides a part of our Treasury and bank reserves. The aggregate gold holdings of European banks covered by monetary statistics at the end of each year, beginning with 1890, is as follows:

December 31, 1890	$970,900,000
December 31, 1891	1,112,400,000
December 31, 1892	1,222,000,000
December 31, 1893	1,217,000,000
December 31, 1894	1,400,000,000
December 31, 1895	1,532,000,000

Here is an almost continuous increase in the gold resources of these banks, while the gold holdings of our associated banks of New York and the net Treasury holdings have declined during this period as follows:

December 31, 1890:		
Treasury net gold	$148,972,000	
Associated banks of New York, specie, mostly gold	77,812,000	
		$226,784,000
December 31, 1895:		
Treasury net gold	63,262,000	
December 27, 1895:		
Associated banks of New York, specie	67,114,000	
		130,376,000
Loss within five years		96,408,000

Thus we see that in the race for the possession of gold within this period the European banks have increased their holdings from $970,900,000 in December, 1890, to $1,532,000,000 in 1895, or a gain of $561,900,000, while our chief depositories have lost $96,000,000. Europe not only relieved us of this amount of gold, but of all the gold produced during that period within our borders not consumed here in the arts. The production of gold in the United States in the years 1891, 1892, 1893, 1894, and 1895, according to Wells, Fargo & Co.'s estimates, was $189,500,000.

These figures tell a tale of gold grabbing in Europe, distrust there of American securities and their return here in vast quantities, of immense sums spent abroad by traveling Americans, large payments to foreign shipowners for passengers and freight, and of the utter lack of any power in the American banks and Treasury to attract and accumulate gold. The scramble for gold, which has been a monomania in Europe, is doubtless the result of the general preparations for war by the great state banks, particularly those of France, Germany, and Russia.

If anyone will read the following statement he will see, first, that the Bland-Allison Act of 1878 did not drive gold from us as the gold men declared it would. On the contrary, the year of its passage was the first year that gold began to flow to us, and we received from abroad in 1878 over four millions. In 1879, over a million; in 1880, seventy-seven millions; and in 1881, ninety-seven millions, and so on, until 1884 and 1886 the tide flowed the other way; but in 1887 and 1888 gold flowed to us again and continued to flow to us until the rising monetary disturbances of that year in Great Britain caused it to flow backward. In 1889 nearly fifty millions went away from us because of the increasing disturbances in Great Britain, and since then it has continued to flow abroad on account of the demand created by European nations moving to the gold standard and by reason of the widespread panic that spread from Argentina to Australia and Great Britain.

Clear it is that gold must continue to go from us and pay interest to foreign investors on American stocks and securities, and we may not be able to prevent it by any system of currency here. The trouble is that if it goes away and we do not have silver to take its place it will leave us bereaved and naked and poor indeed.

Here are the figures as to our imports and exports of gold, and they are worthy of study:

Value of gold coin and bullion imported and exported from 1846 to 1895; also annual excess of imports or of exports.

Year ended June 30—	Exports.			Imports.	Excess of—	
	Domestic.*	Foreign.	Total.		Exports over imports.	Imports over exports.
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*
1846	423,851	1,629,348	.....	910,413	.....	.....
1847	62,620	975,301	.....	21,574,931	.....	.....
1848	2,700,412	8,370,785	.....	3,408,755	.....	.....
1849	956,874	1,015,359	.....	4,068,647	.....	.....
1850	2,046,679	2,513,948	.....	1,776,706	.....	.....
1851	18,069,580	4,767,333	.....	3,569,000	.....	.....
1852	37,457,387	2,638,142	.....	3,658,059	.....	.....
1853	23,548,535	1,894,323	.....	2,427,356	.....	.....
1854	38,082,570	2,491,894	.....	3,031,964	.....	.....
1855	53,957,418	1,151,797	.....	1,092,972	.....	.....
1856	44,148,279	832,698	.....	960,305	.....	.....
1857	60,078,352	5,154,301	.....	6,654,636	.....	.....
1858	42,407,246	7,595,558	.....	11,566,098	.....	.....
1859	57,502,305	3,605,748	.....	2,125,397	.....	.....
1860	56,946,851	1,490,188	.....	2,508,788	.....	.....
1861	23,759,870	3,624,103	.....	42,291,930	.....	.....
1862	31,044,651	4,365,253	.....	13,907,011	.....	.....
1863	55,993,562	6,169,276	.....	5,530,538	.....	.....
1864	97,134,624	3,527,010	100,661,634	11,176,769	89,484,865	.....
1865	56,558,706	1,822,327	58,381,033	6,498,228	51,882,805	.....
1866	70,127,466	1,069,843	71,197,309	8,196,261	63,001,048	.....
1867	36,229,676	2,796,951	39,026,627	17,024,866	22,001,761	.....
1868	68,231,158	4,165,186	72,396,344	8,737,443	63,658,901	.....
1869	28,442,776	7,590,722	36,033,498	14,132,568	21,870,930	.....
1870	28,580,609	5,055,353	33,635,962	12,056,950	21,579,012	.....
1871	64,581,678	2,104,530	66,686,208	6,883,561	59,802,647	.....
1872	48,377,502	1,171,258	49,548,760	8,717,458	40,831,302	.....
1873	44,472,698	384,677	44,856,715	8,682,447	36,174,268	.....
1874	32,645,486	1,396,934	34,042,420	19,503,137	14,539,283	.....
1875	61,549,545	5,437,432	66,986,977	13,696,793	53,284,184	.....
1876	29,431,757	1,745,293	31,177,050	7,992,709	23,184,341	.....
1877	22,359,101	4,231,273	26,590,374	26,246,234	344,140	.....
1878	6,632,570	2,571,885	9,204,455	13,330,215	.....	4,125,760
1879	4,145,685	442,929	4,587,614	5,624,948	.....	1,037,334
1880	1,775,059	1,863,966	3,639,025	80,758,396	.....	77,119,371
1881	1,826,907	738,825	2,565,132	100,061,259	.....	97,496,127
1882	31,403,625	1,184,255	32,587,880	34,377,054	.....	1,789,174
1883	8,920,909	2,679,979	11,600,888	17,734,149	.....	6,133,261
1884	35,294,204	5,787,753	41,081,957	22,831,317	18,250,640	.....
1885	2,741,559	5,736,333	8,477,892	26,691,696	.....	18,213,804
1886	32,766,066	10,186,125	42,952,191	20,743,349	22,208,842	.....
1887	5,705,304	3,995,883	9,701,187	42,910,601	.....	33,209,414
1888	12,590,084	5,816,150	18,376,234	43,934,317	.....	25,558,083
1889	54,930,332	5,021,953	59,952,285	10,284,858	49,667,427	.....
1890	13,403,632	3,870,859	17,274,491	12,943,342	4,331,149	.....
1891	84,939,551	1,423,103	86,362,654	18,232,567	68,130,087	.....
1892	43,321,351	6,873,976	50,195,327	49,699,454	495,873	.....
1893	102,068,153	6,612,691	108,680,844	21,174,381	87,506,463	.....
1894	64,487,354	12,490,707	76,978,061	72,449,119	4,528,942	.....
1895	55,890,295	10,240,888	66,131,183	35,146,734	30,984,449	.....

*Gold and silver can not be separately stated prior to 1864, but it is probable that the greater portion of the exports was gold.

THE SOPHISM THAT "SILVER MONEY WOULD BE FIAT MONEY."

We are also put down amongst the creatures of the air who are for fiat money. I answer that all money is fiat money. Gold is fiat money to-day. There is such a thing as natural food for man—the roots of the earth, the fruits of the trees, the grain of the field, the domestic animals; there is natural drink for man, such as water and milk and the juices of natural products. There is natural shelter for man, but there is no such thing as natural money. The wampum beads, made of shells or other commodities of ornament, have been used by nations as a kind of circulating medium. They facilitated exchanges and acted in a crude way as money acts, but they were not money. The law said, "let there be money," and there was money, and without it there can be none.

As money is the only commodity created by law, so it is the only one which a man is compelled to possess by law.

There is a fiat of law in creating money; there is fiat of law in compelling its possession.

Money is the one species of property that all civilized governments compel its citizens to possess under heavy pains and penalties.

Government is sustained by taxation. Taxation consists in the levy of a compulsory contribution from the citizen by government. This contribution, according to our usages, is required to be made in money. If a man owns land he is not permitted to cut off a piece of it and accede it as his contribution. If he owns flocks and herds, mines, goods, wares, merchandise, or what not, he can not requite his contribution by giving a portion of them. He must have money. If he has not got it he must convert his property into it by sale, and if he does not do this, government

confiscates and sells enough of his property to get the money that

Yet mark the fact that during this period gold and silver kept

confiscates and sells enough of his property to get the money that it has called upon him to pay.

No matter who he is, or what he is, he must be taxed, and the tax must be paid in money. Money is therefore the one species of property that law compels the citizen to possess; else to suffer confiscation.

As Government thus imposes upon the citizen the duty to possess money, at the forfeiture of his property, the Government is a robber if it does not itself produce enough money to afford him the opportunity to contribute it without the sacrifice of his property and his home; and the trouble in this country to-day is that with the most wideawake and progressive nation in the world, there are revenue bills and billion-dollar Congresses which exact from the people contributions of money, and do not furnish the volume of currency to supply the demand without driving the citizen into cruel hardship and into enervating and crushing sacrifice.

THE SOPHISM THAT "THE POOR MAN'S DOLLAR MUST BE AS GOOD AS THE RICH MAN'S."

Ah, Mr. President, we are told by the same school of sophists that the poor man's dollar must be as good as the rich man's dollar. It goes without saying, and is so much matter of course that to say it carries insinuations.

It is a fact, however, that the poor men of our country hardly ever see a gold dollar. So far as the mints and our legislation are concerned, we have long since stopped coining the gold dollar piece, and the metallic dollars which go in circulation are nothing but silver. Let us see what the law does with the rich man's dollars, which are in gold coins or certificates of large denominations, and the poor man's dollar, which can never be anything but silver, because no longer are gold pieces produced. Let the rich man drop his dollar into a fire. The law insures its life. He may pick it up an unsightly lump and carry it to the mint and it will be turned back into a new dollar for him. But let a poor man drop a silver dollar into the fire or have it crushed by some heavy vehicle running over it, and the life of the dollar has gone, and it has gone forever, for he may take it to the mint, which will only refuse to do for it what it does day in and day out, year in and year out, for the rich man.

I am for treating all of these dollars alike. Let the man who has the silver take it to the mint and have it coined as from 1792 to 1873, and if it loses its life by accident, let the Government insure it by reimparting its dollar character to the disfigured metal.

THE SOPHISM THAT "OVERPRODUCTION OF SILVER HAS DEPRECIATED IT."

Some say that overproduction of silver has caused its depreciation. They have not read history, or else have not digested it. They do not know the A B C of money. They have not used their reason, else they could not think or say so. It will be admitted that when there is a bountiful supply in proportion to demand of the perishable articles which must be consumed in the season which produces them, such as fresh fruit and vegetables, such as wheat and corn and rye, the value will go down just in proportion as the supply exceeds the demand. But silver and gold are not the perishable products of the spring or summer, nor are they an ice crop of winter, that melts when the sun returns. The silver money which existed a thousand years before Christ is as good silver to-day as if it were minted yesterday, and so the gold. The silver and gold that are plucked from the ruins of Troy or from under the lava of Pompeii are just as good as if they came yesterday from Colorado. A larger production of silver or gold for one year or for ten years or twenty years is but a small addition to the stock of gold and silver accumulated through centuries and centuries. Hence the so-called overproduction for a particular period can not affect the market like the overproduction of green groceries.

One of my distinguished predecessors upon this floor, a scholar and thinker, Hon. R. M. T. Hunter, once a Senator from Virginia, said in a valuable report which he made on this subject:

> It seems that for fifty years, from 1750 to 1800 (see Document No. 117, page 50, first session Thirty-first Congress), the quantity of silver raised was to that of gold as 40 to 1, and yet during that period the value of gold was not more than fifteen times as great as that of silver.

The amounts of gold and silver money actually in existence are estimated as follows:

	Gold.	Silver.
1800	£120,000,000	£260,000,000
1848	150,000,000	280,000,000
1880	700,000,000	490,000,000

So, again, we see it was no overproduction of silver money that led to demonetization in 1873 or to any derangement in the par of the metals.

From 1831 to 1840 only £28,000,000 of gold was produced and £32,000,000 of silver. That is nearly two to one of silver to gold.—*Schoenhoff on Money and Prices*, page 331.

Yet mark the fact that during this period gold and silver kept close together on coinage.

I read a sentence from Schoenhoff, an author quoted a few days ago by the Senator from Kentucky [Mr. LINDSAY]:

> From 1850 to 1880 the very opposite occurred in regard to production. The world produced more than $2 worth of gold for every dollar's worth of silver.

Yet it was during this period that silver was demonetized on the ground, as alleged by the sapient expounders of monometallism, that silver was overproduced.

There is no authentic table as to the production of the two metals that does not show that it has not been the overproduction of the one or the other that has created the divergence between them, but it is plain that it took place immediately, almost instantaneously, under the process and action of the law.

THE SOPHISM THAT OVERPRODUCTION OF COMMODITIES BY INVENTION HAS DERANGED PRICES.

We are told that the overproduction of commodities through the mechanical inventions that have stimulated the energies and enlarged the powers of man is the cause of their cheapness. The steam engine pours into New York from over the land, and then into Liverpool over the ocean, the wheat crops of the Dakotas. The reaper and mower make a Briareus of every farmer, and it is true that mechanical invention has greatly increased all the productions of the earth and supplied them for the use of man. This accounts for their plentifulness, but it does not account for their continual cheapening, for mechanical invention has moved on an equal line in bringing gold from Alaska and Australia, and in opening the mines in South Africa. If we were to stop the production of commodities by law, does not everyone know that they would become dearer, because mechanical invention could not longer multiply them? Now, we have stopped the production of money by law; we have put a ligature upon the mint, and said you can not coin a silver dollar. We have put a stopper in the silver mine, and said no matter how much silver you produce you shall bring not a dollar to the mint for coinage. By leaving mechanical forces free to produce marketable commodities, and by stopping them from the equally free production of metallic money, we have increased the supply of the commodities and lessened the supply of the money. Hence, that which has been lessened has become dearer by the inevitable law of supply and demand, and that which has multiplied has become cheaper by the same law.

THE SOPHISM THAT GOLD HAS NOT APPRECIATED.

But we are told that gold has not appreciated. Not so thinks the honorable gentleman who now occupies the position of Secretary of the Treasury, and not so thinks his honorable predecessor, the Senator from Ohio [Mr. SHERMAN], who once filled the same chair.

Let me read to the Senate two articles from each of these distinguished gentlemen. In the Treasury Department in 1878 the then Secretary of the Treasury, who is now a Senator from Ohio, went on to explain how at one time he had been deluded into the advocacy of the single gold standard. He says, under date of July 15, 1878:

> During the monetary conference in Paris, when silver in our country was excluded from circulation by being undervalued, I was strongly in favor of the single standard of gold, and wrote a letter which you will find in the proceedings of that conference, stating briefly my view.

Having made this confession, the Senator then went on to announce his conversion back to the double standard, and to state his reasons therefor.

> At that time—
>
> Said he—
>
> the wisest of us did not anticipate the sudden fall of silver or the *rise of gold* that has occurred.

Mr. President, the trouble with all these gentlemen who are advocating the single standard is that they do not ever seem to have anticipated anything that happened after the country was deluded into taking their advice.

> This uncertainty—
>
> He went on to say—
>
> of the relation between the two metals is one of the chief arguments in favor of a monometallic system, but other arguments, showing the dangerous effect upon industry by dropping one of the precious metals from the standard of value, outweigh in my mind all theoretical objections to the bimetallic system.

Mr. President, an ounce of experience is worth many pounds of theory; and in view of the sad experience, ruinous and disastrous beyond all the anticipations of those whom this country has been beguiled and deluded to follow, shall we not accept the wisdom of the Senator from Ohio, thus so sententiously and so powerfully stated? Shall we not renounce those who have led us almost back to the door of the gold standard, and allow our experience to outweigh all the theoretical and sophistical objections to the bimetallic system?

SECRETARY CARLISLE'S EXPOSITION OF THE EVILS OF APPRECIATING GOLD.

The fall of silver and the appreciation of gold were the text of this sermon. Now we have another, sir, from the mature and clear and able mind of the distinguished gentleman who is now Secretary of the Treasury. I shall make no fling at him because

he has changed his opinions. It is the privilege of everyone to change his opinions; and any honest mind that undergoes a change of opinion will always be courageous and open enough to announce it. It is not to his opinion but to his reason and to his judgment as an expert and as a man of knowledge to which I now appeal. I read a little extract from his speech made in the same year the Senator from Ohio renounced the gold standard and announced himself as reconverted and rebaptized in the waters of bimetallism. Said Mr. Carlisle:

> I shall not enter into an examination of the causes which have combined to depreciate the relative value of silver and to *appreciate* the value of gold since 1873, but I am one of those who believe that they are transient and temporary in their nature, and that when they have passed away or have been removed by the separate or united actions of the nations most deeply interested in the subject, the old ratio of actual and relative value will be reestablished on a firmer foundation than ever. I know that the world's stock of precious metals is none too large, and I see no reason to apprehend that it will ever become so. Mankind will be fortunate indeed if the annual production of gold and silver coin shall keep pace with the annual increase of population, commerce, and industry. According to my view of the subject, the conspiracy which seems to have been formed here and in Europe to destroy by legislation and otherwise from three-sevenths to one-half the metallic money of the world is the most gigantic crime of this or any other age.

So thinking, Mr. President, I shall decline to join the criminals. Said Mr. Carlisle, further:

> The consummation of such a scheme would ultimately entail more misery upon the human race than all the wars, pestilence, and famine that ever occurred in the history of the world. The absolute and instantaneous destruction of half the movable property of the world, including horses, ships, railroads, and all other appliances for carrying on commerce, while it would be felt more sensibly at the moment, would not produce anything like the prolonged distress and disorganization of society that must inevitably result from the permanent annihilation of one-half of the metallic money of the world.

With the opinion of these able and experienced men, I do not think it necessary or desirable that I should elaborate the fact that gold has appreciated.

THE SOPHISM THAT SILVER WOULD REDUCE US TO THE LEVEL OF INDIA, MEXICO, CHINA, AND JAPAN.

Mr. President, our pride as a nation and our pride as men is appealed to. I am afraid it is a species of vain pride that goeth before destruction; but there are those who tell us that we must scout and reject silver money because it would reduce us to the level of Mexico, China, Japan, and India. I reply to this sophism that we have been already reduced to the level of India. By behest of our British financial masters the free coinage of silver in India was suspended in the summer of 1893. And it was in response to their behest, and by the voice of a propaganda that was organized against America simultaneously with that against India that the Sherman law was repealed in America a few months afterwards. The fact is that there was but one movement directed against the two countries, and the subjugation of America soon followed that of Great Britain's other province on the other side of the globe.

But, Mr. President, as to Mexico, China, and Japan, what is there in the cry that we should refuse silver money because they are employing it? I have before me the article of the minister of Mexico, who shows how Mexico is thriving upon her silver. We have recently seen the astonishing exploit of Japan in war and are witnessing it equally manifested in manufacture, and are we not old enough and wise enough and experienced enough to judge these questions upon their own merit without being diverted from the weight of the argument by any such catch phrases as being reduced to the level of Mexico or India or China or Japan?

THE SOPHISM THAT WE HAVE $21.65 PER CAPITA OF CIRCULATION.

We are told that we have some $21.65 per capita in the United States, and that this is more money per capita than we have ever had before, and the deduction is drawn from this fact that we do not need more money. In point of fact we had $25.57 per capita in November, 1893, when we repealed the Sherman law, and there is no logical principle ever yet discovered by which we can determine how many dollars per capita a nation needs, so diverse and complicated are the circumstances which must solve the question. But it does not follow, because we have $22, or $24, or $25 per capita, that therefore we have enough.

First. There is more for money to do in this age than there ever has been for money to do before. We were never burdened by so many debts or by more exacting demands of taxation heretofore.

Second. Mr. President, it must be remembered, in comparison with former years before the war, that for a long time foreign coins were money in the United States, and that fact is not taken into consideration in estimating the per capita volume of our circulation.

Third. It ought to be remembered that the State bank circulation of the United States is left totally out of consideration, and that when the civil war commenced there were $212,000,000 of State bank circulation that was doing service for the people.

Fourth. It is to be noted that our present estimated per capita is a very unreliable one at best. We count in it all the dollars which we have minted from the beginning of the Government, and which are unaccounted for by any knowledge of what was done with them; those which have been burned, those which have gone down in the sea, those which have been lost amid the myriad casualties of life, are all counted as part of our volume of per capita money. We are told that in some places all the dead men on the registration lists are voted, and in the per capita circulation of the gold monometallist all the destroyed and dead and ruined dollars are still doing work for their cause.

Fifth. It should also be noted that much of our gold is held as reserve by national banks, and can not fairly be counted as "circulation."

And I may observe, too, that in 1860 there was $1 in circulation for every $37 worth of property; that is to say, with $435,407,252 of money, we had $16,159,616,068 of property, but now we have but $1 to every $45 of property, showing that our ratio of money to property has much decreased, and if we take the ratio as compared to the taxes and indebtedness which the dollars must redeem, it is much greater.

THE SOPHISM THAT THE PRINCIPAL DEBTORS ARE NOT THE POOR PEOPLE BUT THE CORPORATIONS.

But we are told that the principal debtors in this country are the great corporations, not the poor people. It is contended that the chief persons who hold the obligations of the country are the railroad companies, the banks, the life insurance and fire insurance companies, and other associations. It is the very rich men, it is claimed, who would derive some temporary advantage from the free coinage of silver; but the moderately well-to-do people, the widows and the orphans and the laboring classes, would be those who would suffer from its free coinage. The banks and other loan associations and insurance companies undoubtedly are largely in debt, but they have more due them than they owe to their customers, otherwise they are insolvent to begin with. It would be well for those who are seeking to curtail our volume of currency to realize what an immense body of debt there is upon the American people and how little prospect there is of its payment if you take away the opportunity of the people to get money for their property and labor wherewithal to pay.

I have before me a tract issued from the Department of Labor, known as House Document No. 33. In that it is shown that the minimum debt of the United States, public and private, is $20,227,170,546; that the annual interest upon that debt alone is the mighty sum of $1,166,101,303. In other words, it will require every dollar of gold, every dollar of silver, every dollar of greenbanks, and every national-bank note we have to be used to pay one year's interest upon the accumulated debt of the people of the United States. If this astounding and startling fact does not arouse the attention of the gold-standard men to the dread deed they are seeking to accomplish, then I believe they would not be convinced even though one should rise from the dead.

THE SOPHISM THAT LOW INTEREST INDICATES ABUNDANCE OF MONEY.

We are told that the low rate of interest which is commanded by money in the central market of exchange is an indication that money is plentiful. Let me read in reply what the Royal British Commission not long since said on that subject:

> The rate of interest on permanent investments is also declining, for reasons, it is urged, similar to those which have been described above as affecting the rate of discount. When gold is scarce and commercial activity is checked by the resulting fall of prices, the demand for permanent investments increases and the price of such security rises. Owing either to the actual or apprehended scarcity of gold there is a tendency to invest in securities bearing a fixed interest payable in gold, which raises their price and reduces the net return obtainable from them.

The very fact that money is piled up in the vaults and is being loaned out at such a low rate of interest is the sign of the distrust of the capitalists in all property and in all industry, and it alone is a species of congestion which ought to warn the patient of his diseased condition.

THE SOPHISM THAT BUT 5 PER CENT OF BUSINESS IS TRANSACTED ON MONEY.

But we are told that we want but very little money; that only 5 per cent of the business is done by actual money payments, so vast is the use of checks and clearing-house certificates to offset one debt against another and to carry balances to the creditor's account. If it be true that only 5 per cent of the business of the country is done by money, then the displacement or loss of a single dollar must produce a vast disarrangement and displacement of business, for if every dollar is carrying a credit of $19 in the amount of business the loss of a dollar in cash is the proportional loss of $19 in business credit. The cessation of the coinage of $4,500,000 per month or $54,000,000 per year under the Sherman law therefore eliminated the superstructure of $85,500,000 per month of business or $1,026,000,000 in volume of business per year.

THE SOPHISM AS TO AMOUNT OF OUR SILVER COINAGE BEFORE DEMONETIZATION.

We are often told that we only coined $8,000,000 of silver before 1873; but let the whole truth and not a part of it be told, for we coined at the same time $77,000,000 in other denominations than dollars. The exact amount of legal-tender silver in the United States from the opening of the mint until silver was demonetized in 1873 was $84,709,000, and these figures can be found in detail in the Report of the Mint for 1894. At the same time it ought also to be remembered why it was that we were coining so few of those dollars. The reason that we did not coin more silver was because the silver metal could go into European mints, the French and other mints, at a less ratio than in our own; and in swelling the volume of international money in Europe it left our mints open to be occupied by gold; and whether the one species of metal went to one mint or another, there was an uninterrupted flow of both metals into money and into the swelling of the world's currency and the sustenance of the world's prices.

THE SOPHISM THAT JEFFERSON STOPPED SILVER COINAGE.

We are told that Thomas Jefferson stopped silver coinage. This is another half fact which should be told in connection with the other half. If Secretary Carlisle may be believed, he has stated in a recent speech that in May, 1806, President Jefferson stopped the coinage of the silver dollar, but not silver, which was still coined in small denominations.

Mr. STEWART. And was a full legal tender.

Mr. DANIEL. And was a full legal tender, as the Senator from Nevada says.

THE SOPHISM THAT "JEFFERSON AND HAMILTON WERE FOR FREE COINAGE OF BOTH METALS AT THE COMMERCIAL RATIO."

It is true as a fact that Jefferson and Hamilton tried to fix the coinage at the commercial ratio of the two metals. But at that time there was a commercial ratio in the value of the two metals, and that was 15 to 1, which was adopted in our first mint law. Now there is no commercial ratio between the value of silver bullion and gold bullion whatever. Gold bullion has a coinage value fixed by law, and silver bullion has no coinage value fixed by law. The law has destroyed the ratio, and silver bullion bobs up and down on the market like any other commodity. In 1792 the ratio of 15 to 1 existed because free coinage of gold and silver existed in the great European nations. When the United States divested silver of its coinage right in 1873 it divested it of its legal and commercial ratio to gold.

We can not reestablish a ratio between the metals without reestablishing free coinage in the United States—coining both metals "without discrimination." If we must change the ratio of 16 to 1, it should be done after and not before free coinage.

THE SOPHISM OF THE SILVER DELUGE.

That the silver deluge is a mere fancy is too obvious to those familiar with the subject to need much notice. Mr. Windom showed, when he was Secretary of the Treasury, that there was no accumulated stock of silver in the world.

Edward Atkinson, who was sent to Europe by President Cleveland in his first Administration, showed in his report that Europe was much more afraid of an avalanche of silver, from our discontinuing the use of silver and throwing our discarded stock upon its market, than of any other course we might take, and it has been demonstrated that the great body of silver in the world is in use in the coinage of other nations, which they can not afford to part with.

THE SOPHISM THAT OUR STOPPAGE OF COINAGE WOULD SQUEEZE EUROPE.

Ten years ago we were urged to demonetize silver on the ground that it would create such a tight money market in Europe as to compel the European nations to sue to us for an international agreement. The objection to the argument was that while we were squeezing the bear, the bear might, perhaps, take it into his head to squeeze us, and that we would feel the squeeze in all probability much more severely than the bear. But finally, in 1893, we entered into the squeezing business. The bear has been squeezing ever since, but has not yet cried "enough" to our squeezing. It is highly probable that if we continue to squeeze for eight or ten years and go through contracting greenbacks, destroy the rest of the silver we have, and keep up the panicky feeling in Europe as toward silver, that the world will at last become so outraged and indignant that there will be a restoration. So astute and bright a man as Cernuchi predicted such a final result in his little tract entitled Monetary Diplomacy, in 1878. He urged the United States to stop coining silver, and declared that "the United States will have a grand revenge to take on England with the United States coining no more silver. Let them repeal the Bland bill and England will be in consternation."

Ten years ago, Mr. President, these were the arguments which were used in the House of Representatives and were exploited through the press of the United States against any attempt to restore silver; and Mr. Cernuchi's pamphlet, which was at that time very much circulated, added this prediction:

The very day when no particle of silver is longer coined either in Europe or the United States monometallism will fall powerless, and it will be in its own cradle on the banks of the Thames that it will draw its last breath. The transition from monometallism to bimetallism in England will be effected without the slightest difficulty.

THE RESULT OF THE SQUEEZING PROCESS.

Mr. President, we have tried the squeezing process; we rudely cut off silver by the unconditional repeal of the Sherman law. The bear has not cried "Enough!" and I am afraid that on our part it is not a success. It may be that if Europe and if America are continually squeezed and squeezed that some future generation will come which will rise in the fire of revolution, and that under its inspiration silver may be restored. I wish to avert this hard and rigorous process and this fatal consummation. It is by the slow and patient step of reiterated argument, it is by the constant appeal of truth and justice to the unrighteous judge, that right and justice and truth go to their final triumph in this world; and I had rather see that triumph won by peaceful and moderate methods than by forcing the world into a fatal catastrophe.

HOW GREAT BRITAIN AND THE UNITED STATES ARE OPPOSITELY AFFECTED BY THE GOLD STANDARD.

But meanwhile, while we are waiting for Great Britain to cry "Enough!" and for monometallism to die, according to Cernuchi's prophecy, upon the banks of the Thames, it would be well for us to remember that such are the different attitudes of these two great nations that Great Britain can afford to support the gold standard, and that we can not. Great Britain has been, is now, and doubtless will be for years to come, the leading nation in attempting to force the world from a bimetallic to a gold basis. Her object is plain; her object is proclaimed; and her object is threefold: First, to enhance the purchasing power of debts due her as the great creditor nation; second, to enhance the value of gold mines in British possessions and owned by British subjects; and third, to lower the price of the produce and raw material which other nations sell and which she buys and consumes.

For her to succeed in the consummation of her object is to strengthen her autocratic institutions at the expense of popular institutions, to establish her commercial supremacy in all quarters, and to make herself, in short, the primate nation of the world.

She is a great creditor nation and the United States is a great debtor nation. Great Britain has in her colonies large gold mines and few silver mines, and we have large silver mines and gold mines alike. The United States is the largest silver-producing nation in the world. Great Britain does not produce the wheat, the corn, the cotton, or anything of the kind which she consumes. The United States is a large producer of all those articles, and sells much of them in the British market. The issue is, therefore, an international issue between Great Britain, chiefly, upon the one side, and the United States on the other; an issue in which British interests seek to increase the value of British credits at the expense of American debits, to increase the value of British gold mines at the expense of American silver mines, and to decrease the value of American mining and agricultural produce for the benefit of the British consumer.

BRITISH CAPITAL VERSUS AMERICAN LABOR.

The issue, broadly stated and summarized in a sentence, is, British capital against American labor; and I take the American side. For Briton or for American—that is the question; and that question ramifies into all our internal and domestic concerns. Like to like, the wide world over. The creditor sections of the United States draw sympathetically to the side of the British creditor. The sections which produce no silver show a tendency to minimize the subject to a mere mining question. The American capitalists tend to the side of the British capitalists. American bankers who are largely under pressure from British bankers tend to their side. The great cities with congested populations tend also to dear money and cheap produce, because they have proportionately more money, and only manipulate what others produce, instead of being themselves producers of raw materials and provisions. On the other hand, the instinctive intelligence of the country people puts them on the American side as the side of their interest. The instinctive intelligence of the industrial classes in cities as well as in the country puts them also largely on the same side. Thoughtful and reading commercial men see that the ultimate effect of the gold policy is to contract and reduce their business, and to make it tributary to British interests, and many of them tend to the American side.

Scholarly men, just men, everywhere resent the injustice of the gold standard; and lovers of free government see in it the most powerful and subtle enemy of free institutions. Taxpayers nearly everywhere see that it means depressed prices for property and

increased burden of debts and taxes. Wage earners know by sad experience that it depresses industry and curtails the number of employees as well as the wages of those who are employed.

Mr. President, I have thus attempted as best I could in the hours at my command to state plainly what I conceive to be the true bearings of this question. I know that those of us who advocate the money of the Constitution, the money of the fathers, and the money of the plain people face a battlefield which will require men of mettle to stand up to its duties. With a full comprehension of the power of our enemy, knowing that fashion and wealth and caste and office are all against us, I yet, sir, would be untrue to my duty as an American citizen and to my manhood as a man if I did not thus declare the truth as I see it, and pray God to give me the strength to vindicate it. Whatever may betide, I take my place in the ranks of the plain masses of the American people who appreciate their institutions and intend to defend them at whatever cost. [Applause in the galleries.]

Mr. PEFFER. Mr. President, at this late hour, I think if I am not interrupted I shall probably conclude what I have to say in about thirty or forty minutes. I would not have taken part in the discussion of this bill at all had it not been that some things have been said which I think demand my attention. I will come to those things after a short time.

The discussion that has followed the introduction of the bill has taken a very wide range. Silver in all its phases has been discussed ably. Gold monometallism has been treated with considerable ability. Both sides of almost every economic question have been considered. But the only argument which has been presented in opposition to the passage of the bill was that of the Senator from New York [Mr. HILL], which was that it is a Populist measure.

It appears that the time has come in our history when in the American Senate the merits of a measure are to be determined by the politics of the Senator who proposes it. I ask if that is Democracy, if that is Republicanism, that because a Senator who is the equal of all his colleagues introduces a bill trenching upon a particular line of party politics it must be discarded, it must be hounded and beaten and abused and ridiculed without touching the merits of the subject involved?

I assert, Mr. President, that in all of our eventful history no President before the year 1894 ever undertook or proposed to undertake to sell a Government note or a Government bond without express authority of Congress before that time enacted.

I repeat, in all our history, never until 1894 were Government bonds or notes issued or sold without express authority from the legislature for the particular act. Every one of the American colonies, at times when they were without gold or silver coin, prepared, issued, and used paper money. The seven years' war of the Revolution was fought to successful conclusion on paper money; and our new Government began the issue of paper before it was three years old. Bank notes were issued in 1791, and Treasury notes followed quickly after the first bank charter expired in 1811. Treasury notes were issued in 1812, 1813, 1814, and 1815.

The second United States bank was established in 1816, continuing twenty years, to 1836. Treasury notes were issued in 1837, 1838, 1840, 1841, 1842 (two issues), 1843, 1846, 1847, 1857, 1860, and 1861. For every one of these issues there was express authority previously granted.

During our great war there were many issues and sales of bonds and notes of the Government; and afterwards, down to 1877, there were many million dollars' worth of bonds issued and sold, every bond being expressly authorized by law previously enacted.

In 1875 the last grant of authority to issue and sell bonds was given in the resumption act, and that was for a purpose plainly stated in the law, namely, "to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required."

It was not a measure for the purpose of maintaining specie payments; it was a measure simply to provide funds in order that the resumption of specie payments might be effected. I will not stop to read the law, because it has been repeatedly read in the presence of the Senate.

But even allowing all the force that is given to that act by the friends of the present custom of bond issues, three years later, and before the resumption was to take effect, Congress passed an act positively prohibiting the withdrawal and the cancellation of the Government notes.

The resumption law has been obsolete seventeen years. I say obsolete. I mean by that that it has no force either in law or in fact; that it served its purpose; and that the act of 1878 made its further application absolutely unnecessary. But even, repeating my words, if we give it all the force that is claimed by the friends of the present bond-issuing custom, still it has no effect at this time for the purposes for which bonds are now being issued.

If good for any purpose it is only to maintain a coin fund and we have never lacked in that respect, having all the time had plenty of coin on hand and millions of dollars to spare.

But the President goes back to an older law than that, the act passed in 1862—a law that served its purpose and passed into oblivion long, long ago, and was never recalled until the President of the United States has revived it for the purposes of this Administration. That act was passed for a particular purpose, and that particular purpose was clearly expressed in the language of the law. I will read that act, for I have observed that no Senator has ever yet referred to it in the discussion of this subject, whether upon the present bill or when some other subject was pending.

It is an act of Congress approved on the 17th day of March, 1862, entitled "An act to authorize the purchase of coin, and for other purposes." It is composed of four sections. I read the first section:

That the Secretary of the Treasury may purchase coin with any of the bonds or notes of the United States, authorized by law, at such rates and upon such terms as he may deem most advantageous to the public interest; and may issue, under such rules and regulations as he may prescribe, certificates of indebtedness, such as are authorized by an act entitled "An act to authorize the Secretary of the Treasury to issue certificates of indebtedness to public creditors," approved March 1, 1862, to such creditors as may desire to receive the same, in discharge of checks drawn by disbursing officers upon sums placed to their credit on the books of the Treasurer, upon requisitions of the proper Departments, as well as in discharge of audited and settled accounts, as provided by said act.

That section is one entire paragraph; it is one entire sentence, and only one. There is a division at the word "interest," the division being marked by a semicolon. I will now read to that semicolon, repeating—

That the Secretary of the Treasury may purchase coin with any of the bonds or notes of the United States authorized by law, at such rates and upon such terms as he may deem most advantageous to the public interest—

Semicolon. It so happens that that sentence was incorporated into the Revised Statutes of 1874 as a complete paragraph and a complete section. It is known as section 3700. The President of the United States, in contracting through the Secretary of the Treasury with the gold syndicate in the beginning of last year, referred to this particular sentence which I have just read as his authority for making the contract.

Mr. President, I insist that section 3700 of the Revised Statutes has no more force in the connection in which it has been used by the President than would a passage of law authorizing the funding of the national debt; that it has absolutely no connection whatever with the transaction; that it gives no authority for the sale of bonds in 1895. It was not intended for that purpose, but for a wholly different one. It served its purpose in 1862, and has never been of any force from that day to this.

An act was passed March 1, 1862. I read its title: "An act to authorize the Secretary of the Treasury to issue certificates of indebtedness to public creditors."

There is no mistaking the meaning of that act. It is to authorize the Secretary of the Treasury to issue certificates of indebtedness, and it says so.

I turn to the next preceding act, the act of February 25, 1862, and I read its title: "An act to authorize the issue of United States notes, and for the redemption or funding thereof, and for funding the floating debt of the United States."

There can be no mistaking the meaning of that act.

I turn to the next one preceding, which was approved February 12, 1862, entitled "An act to authorize an additional issue of United States notes."

So wherever you go, through all the acts that were passed during that terrible period, you will find that the title in every instance expresses the object for which the act was enacted.

In this case the act of March 17, 1862, provides for the purchase of coin and for other purposes, and in providing for the purchase of coin provision is made as to the manner of purchasing coin, what sort of proceeding shall be had, and it is this:

With any of the bonds or notes of the United States authorized by law.

Such notes, such bonds as had already been provided by law. They are the notes and they are the bonds, and they alone, that the Secretary was authorized to issue for the purpose of purchasing coin to pay interest on the public debt and other coin obligations, not for a reserve fund, not to maintain specie payments, or to provide for specie payments, or anything of that kind.

Now, coming back again to this particular act, if it were proper that section 1 of the act of March 17, 1862, which I have read, should in 1874 be incorporated in the Revised Statutes for purposes in future, the whole section ought to have been copied.

But it may be said that I am estopped from questioning the propriety of the transaction for the reason that Congress passed upon the compilation and the revision after it had been made. I am willing to concede all of that, but that does not authorize the Secretary of the Treasury or the President of the United States or any other official to violate the plain letter and spirit of the law which they and the law officers of the Government, if they were

consulted, certainly ought to have known was enacted originally for an altogether different purpose, and that it must certainly have been an oversight upon the part of Congress in 1874, for at that time there was no expectation of there being any trouble in the future requiring that bonds would have to be issued for any purpose whatever. The bond-issuing period at that time had been passed and it was presumed then that nothing further along that line would be required.

Mr. HARRIS (at 5 o'clock p. m.). Mr. President——

Mr. PEFFER. I see the Senator from Tennessee is rising.

Mr. HARRIS. I ask the Senator from Kansas if he will be inclined to yield for a motion to adjourn, or if he desires to proceed now?

Mr. HALE. Let us go on for another hour.

Mr. PEFFER. I am entirely willing to leave that matter to the comfort and convenience of Senators, so far as I am personally concerned.

Mr. HARRIS. If the Senator from Kansas leaves it to me, I shall move to adjourn, but I will not do so of course without the consent of the Senator.

Mr. PEFFER. I think it would be better that I should go on and conclude my remarks this evening, if Senators are willing to remain; and if they are not, I shall be left so that I can make the motion to adjourn when I conclude.

The VICE-PRESIDENT. The Senator from Kansas will proceed.

Mr. PEFFER. The point that I make upon this section is that it is utterly valueless for the purposes for which the President of the United States has called it into action. Lest there may be some mistake, I read from the message of the President of February 8, 1895, as follows:

In the judgment of those especially charged with this responsibility—

The President was speaking at this particular point of the troubles we were experiencing in our financial affairs. He says:

In the judgment of those especially charged with this responsibility, the business situation is so critical and the legislative situation is so unpromising, with the omission thus far on the part of Congress to beneficially enlarge the powers of the Secretary of the Treasury in the premises, as to enjoin immediate Executive action with the facilities now at hand.

The President plainly intimates between the lines that the authority under which he and the Secretary are acting is of doubtful validity, and nothing but the acquiescence of Congress and of the people of the United States could under any circumstances justify it. Now, he proceeds:

Therefore, in pursuance of section 3700 of the Revised Statutes, the details of an arrangement have this day been concluded with parties abundantly able to fulfill their undertaking, whereby bonds of the United States, authorized under the act of July 14, 1875, payable in coin thirty years after their date, with interest at the rate of 4 per cent per annum, to the amount of a little less than $62,400,000, are to be issued for the purchase of gold coin amounting to a sum slightly in excess of $65,000,000, to be delivered to the Treasury of the United States, which sum, added to the gold now held in our reserve, will so restore such reserve as to make it amount to something more than $100,000,000.

The President uses section 3700 of the Revised Statutes, which was an act originally passed for the purpose of authorizing the Secretary of the Treasury to purchase coin to pay interest on the public debt, and to pay other little coin demands that were then in force against the Government.

Here is the contract. I shall not stop to read it, but I will have it inserted as a sort of supplement to the message:

This agreement entered into this 8th day of February, 1895, between the Secretary of the Treasury of the United States, of the first part, and Messrs. August Belmont & Co., of New York, on behalf of Messrs. N. M. Rothschild & Sons, of London, England, and themselves, and Messrs. J. P. Morgan & Co., of New York, on behalf of Messrs. J. S. Morgan & Co., of London, and themselves, parties of the second part.

Witnesseth: Whereas it is provided by the Revised Statutes of the United States (section 3700) that the Secretary of the Treasury may purchase coin with any of the bonds or notes of the United States authorized by law, at such rates and upon such terms as he may deem most advantageous to the public interests; and the Secretary of the Treasury now deems that an emergency exists in which the public interests require that, as hereinafter provided, coin shall be purchased with the bonds of the United States, of the description hereinafter mentioned, authorized to be issued under the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, being bonds of the United States described in an act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt."

Now, therefore, the said parties of the second part hereby agree to sell and deliver to the United States 3,500,000 ounces of standard gold coin of the United States, at the rate of $17.80441 per ounce, payable in United States 4 per cent thirty-year coupon or registered bonds, said bonds to be dated February 1, 1895, and payable at the pleasure of the United States after thirty years from date, issued under the acts of Congress of July 14, 1870, January 20, 1871, and January 14, 1875, bearing interest at the rate of 4 per cent per annum, payable quarterly.

First. Such purchase and sale of gold coin being made on the following conditions:

(1) At least one-half of all coin deliverable hereinunder shall be obtained in and shipped from Europe, but the shipments shall not be required to exceed 300,000 ounces per month, unless the parties of the second part shall consent thereto.

(2) All deliveries shall be made at any of the subtreasuries or at any other legal depository of the United States.

(3) All gold coins delivered shall be received on the basis of 25.8 grains of standard gold per dollar, if within limit of tolerance.

(4) Bonds delivered under this contract are to be delivered free of accrued interest, which is to be assumed and paid by the parties of the second part at the time of their delivery to them.

Second. Should the Secretary of the Treasury desire to offer or sell any bonds of the United States on or before the 1st day of October, 1895, he shall first offer the same to the parties of the second part; but thereafter he shall be free from every such obligation to the parties of the second part.

Third. The Secretary of the Treasury hereby reserves the right, within ten days from the date hereof, in case he shall receive authority from Congress therefor, to substitute any bonds of the United States, bearing 3 per cent interest, of which the principal and interest shall be specifically payable in United States gold coin of the present weight and fineness for the bonds herein alluded to, such 3 per cent bonds to be accepted by the parties of the second part at par, i. e., at $18.60465 per ounce of standard gold.

Fourth. No bonds shall be delivered to the parties of the second part, or either of them, except in payment for coin from time to time received hereunder: whereupon the Secretary of the Treasury of the United States shall and will deliver the bonds as herein provided, at such places as shall be designated by the parties of the second part. Any expense of delivery out of the United States shall be assumed and paid by the parties of the second part.

Fifth. In consideration of the purchase of such coin, the parties of the second part and their associates hereunder assume and will bear all the expense and inevitable loss of bringing gold from Europe hereunder; and, as far as lies in their power, will exert all financial influence and will make all legitimate efforts to protect the Treasury of the United States against the withdrawals of gold pending the complete performance of this contract.

In witness whereof the parties hereto have hereunto set their hands in five parts this 8th day of February, 1895.

J. G. CARLISLE,
Secretary of the Treasury.
AUGUST BELMONT & CO.,
On behalf of Messrs. N. M. Rothschild & Sons, London, and Themselves.
J. P. MORGAN & CO.,
On behalf of Messrs. J. S. Morgan & Co., London, and Themselves.

This bill has been treated by Senators as if it were the first of the kind ever proposed. But that is error. We—and when I use the word "we" I do not use it editorially, but I mean those of us who are charged with the paternity of bills of this kind—have not been derelict in our duty. The Senator from North Carolina [Mr. BUTLER], coming here nearly two years after the bond-trading business began, very properly seized the first opportunity to press the subject on the attention of the Senate, and it is greatly to his credit that he has been able to accomplish so much this soon. I allude to the matter only for the purpose of calling attention to the fact that early, even before the first sale was made, immediately, the next day after the proposition to sell was made, I offered a resolution reciting the facts and asserting as the sense of the Senate that the whole proceeding was in violation of law. The next day I addressed the Senate on the subject. A few days later the Senator from Nebraska [Mr. ALLEN] delivered a forcible argument to show that such issue of bonds is illegal, and we have not lost an opportunity from that time until the present to denounce the whole proceeding as a grievous usurpation of power.

On the 18th of January, 1894, I offered a resolution, which became Miscellaneous Document No. 39, Fifty-third Congress, second session, which reads as follows:

"Whereas on the 17th day of January, 1894, the Secretary of the Treasury did prepare and publish the following notice:

"TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
"*Washington, D. C., January 17, 1894.*

"By virtue of the authority contained in the act entitled 'An act to provide for the resumption of specie payments,' approved January 14, 1875, the Secretary of the Treasury hereby offers for public subscription an issue of bonds of the United States to the amount of $50,000,000, in either registered or coupon form, in denominations of $50 and upward, redeemable in coin at the pleasure of the Government after ten years from the date of their issue, and bearing interest, payable quarterly in coin, at the rate of 5 per cent per annum.

"Proposals for the whole or any part of these bonds will be received at the Treasury Department, office of the Secretary, until 12 o'clock noon on the 1st day of February, 1894. Proposals should state the amount of bonds desired, whether registered or coupon, and the premium which the subscriber proposes to pay, the place where it is desired that the bonds shall be delivered, and the office, whether that of the Treasurer of the United States or an assistant treasurer of the United States, where it will be most convenient for the subscriber to deposit the amount of his subscription. Failure to specify the above particulars may cause the proposal to be rejected.

"As soon as practicable after the 1st day of February, 1894, the allotment of bonds will be made to the highest bidders therefor, but no proposal will be considered at a lower price than 117.223, which is the equivalent of a 3 per cent bond at par, and the right to reject any and all proposals is hereby expressly reserved. In case the bids entitled to allotment exceed the bonds to be issued they will be allotted pro rata.

"Notices of the date of delivery of the bonds will be sent to the subscribers to whom allotments are made as soon as practicable, and within ten days from the date of such notice subscriptions must be paid in United States gold coin to the Treasurer or such assistant treasurer of the United States as the subscriber has designated; and if not so paid the proposal may be rejected.

"The bonds will be dated February 1, 1894, and when payment is made therefor as above accrued interest on both principal and premium from February 1, 1894, to date of payment, at the rate of interest realized to the subscriber on his investment, will be added.

"All proposals should be addressed to the Secretary of the Treasury, Washington, D. C., and should be distinctly marked 'Proposals for subscriptions to 5 per cent bonds.'

"J. G. CARLISLE, *Secretary.*

"And whereas there is nothing in said notice to show that there is immediate or prospective need for the sale of bonds to accomplish the object sought by Congress in the enactment of the resumption law of January 14, 1875; and

"Whereas the Secretary of the Treasury has no authority to issue and sell bonds for any other purpose than that set out in said resumption act: Therefore,

"*Resolved by the Senate*, That in the opinion of this body the Secretary of the Treasury has no lawful authority for issuing and selling bonds as proposed in the notice aforesaid."

Some time afterwards I offered a resolution instructing the Committee on Finance to report a bill repealing all laws which authorize the issue and sale of bonds, if there were any such authority. That is known as Miscellaneous Document No. 128, Fifty-third Congress, second session, and reads as follows:

"*Resolved*, That the Committee on Finance be, and it is hereby, instructed to prepare and report as soon as practicable a bill to repeal all laws authorizing or permitting the Secretary of the Treasury to issue bonds or other interest-bearing obligations of the Government, and to prohibit any and all such issues in future without express authority by act of Congress first had and obtained."

Later on I offered a resolution instructing the Committee on the Judiciary to inquire whether there was any lawful authority for the issue and sale of bonds by the Secretary of the Treasury. It is Miscellaneous Document No. 3, Fifty-third Congress, third session, and is as follows:

"*Resolved*, That the Committee on the Judiciary be, and it is hereby, instructed to inquire and report whether the acts of the Secretary of the Treasury in issuing and selling United States bonds in the months of February and December, 1894, were authorized by any act or acts of Congress then in force."

The resolution was referred to the committee, but no report has yet been made by the committee. A similar resolution was referred to the House Committee on the Judiciary with exactly similar result.

On the 4th day of December, 1894, the very day when Congress met, I introduced the bill (S. 2330) to repeal that part of the act of January 14, 1875, commonly known as the resumption act, which authorized the sale of bonds. It provided:

That so much of the act of Congress entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, as provided for the sale of bonds of the United States is hereby repealed.

On December 3, 1895, I introduced a bill to repeal all laws authorizing the issue and sale of bonds:

That so much of the act of Congress entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, as provides for the issue and sale of bonds, section 3700 of the Revised Statutes, and all laws or parts of laws that authorize the sale of bonds of the United States, are hereby repealed.

On the 7th day of January, 1896, I proposed an amendment to House bill 2904, to maintain and protect the coin redemption fund, etc. It provided:

That all laws and parts of laws authorizing the issuance and sale of bonds of the United States are hereby repealed.

So we have not been sleeping on our oars.

Not only have the bonds been illegally issued, but there was no necessity for their issue, because there was an abundance of funds in the Treasury at the time of the sale of the bonds to pay every debt that was due from the United States, whether we paid it in gold or in silver. There was an abundance of coin in the Treasury with which to redeem all the greenbacks which had been offered at that time, so that absolutely and positively no necessity for the issuance of bonds existed, except only to accommodate the speculators and the gold gamblers in New York and London.

In proof of that—it is not a mere idle assertion—I took occasion in a speech, delivered by me January 15th last, to collect the figures from the Treasury. It appears that, beginning in 1879 with $128,000,000, we go on down to 1884, when there was $154,000,000. In 1889 there was $229,000,000; in 1890, $249,000,000, the largest amount in any one year. Then we come down to the last of January, 1895, with $51,000,000. On the last of January, 1894, when the first of the last three issues was made, there was $65,000,000 of gold coin lying in the Treasury.

Statement showing the amount of gold coin (excluding bullion) in the Treasury on the last day of January each year since and including 1879.

Year.	Amount.	Year.	Amount.
1879	$128,792,903	1888	$185,906,571
1880	96,463,601	1889	229,051,535
1881	60,797,508	1890	249,963,167
1882	81,266,312	1891	229,942,686
1883	121,868,452	1892	188,454,175
1884	154,882,129	1893	147,575,054
1885	172,747,344	1894	65,490,319
1886	179,462,994	1895	51,343,230
1887	189,122,038	1895—September 30	86,216,756

I have here a statement showing the amount of net gold in the Treasury at the end of January of each year since 1878. Beginning with 1879, it was $116,000,000; coming on down to the largest amount in any one year, it was $202,000,000 in 1888, and in January, 1894, the amount was $65,650,175. That was when the first issue of the last three issues was proposed and the sale was made. There was then $65,000,000 of gold in the Treasury.

It may seem almost revolutionary, and I have no doubt that if my good friend the Senator from Connecticut [Mr. HAWLEY] were here he would regard it as revolutionary, as infamous, and anarchistic, but I yet insist with all candor, with all earnestness, and with a patriotic devotion which I do not believe any Senator will doubt, that there was no other demand upon the Treasury at the time when the bond issues were made except, and except alone, from the speculators in Wall street, New York, and their confreres in the city of London, on the other side of the Atlantic. I have asserted again and again that the United States Goverment has been forced into partnership with these men, that we are in fact the silent partner. We are expected only to tax the people and raise the money that these men want.

The only need that the Government has for money is to pay its debts. We promised to pay our debts in coin, and I have shown by the figures that we had an abundance of coin to do it.

Here is a tabulated statement showing the net gold in the Treasury on the last day of January in each year, from 1878 down to the time when the compilation was made, showing the gold, and the silver, and the amount of each and the amount of both that was on hand at the time:

Statement showing the amount of net gold in the Treasury at the end of January each year since 1878.

Year.	Amount.	Year.	Amount.
1879	$116,674,227	1888	$202,955,184
1880	143,340,027	1889	194,655,204
1881	148,052,809	1890	177,886,285
1882	159,972,569	1891	141,728,037
1883	125,648,195	1892	110,574,905
1884	144,350,736	1893	108,181,713
1885	125,187,595	1894	65,650,175
1886	136,086,610	1895	44,705,907
1887	168,475,361		

Statement showing amount of silver bullion in the Treasury at the end of January each year since 1878.

Year.	Amount.	Year.	Amount.
1879	$10,347,889	1888	$10,219,546
1880	4,888,036	1889	10,606,677
1881	6,704,197	1890	11,557,760
1882	3,258,926	1891	21,277,979
1883	3,761,958	1892	57,940,646
1884	4,674,433	1893	99,282,961
1885	4,613,582	1894	127,215,171
1886	3,658,783	1895	124,852,679
1887	4,877,639		

Fractional coin in the Treasury.

January 31, 1893	$11,346,523
January 31, 1894	15,938,847
January 31, 1895	15,481,586

Total silver in the Treasury.

1893	$111,629,484
1894	143,148,018
1895	143,334,265

I am frequently asked what are we going to do with individual persons and corporations who have promised to pay their indebtedness in gold, and whose debts are due on the other side of the Atlantic. My answer is that it is none of our business about the contracts of private individuals or corporations. If they have made contracts to pay their debts in gold, it is their business to get the gold. It is not the business of the United States to supply them with gold any more than it is the business of the Government to supply me with flour, or sugar, or coffee, or a pair of shoes when I happen to need them. If these men have promised to pay in gold let them procure their gold just as I would procure wheat and corn—by going out into the open market, where those articles are for sale. The banks have gold to sell. They have it to exchange.

That is one of the legitimate functions of banking, but the Government of the United States ought not to be called upon to furnish gold for these speculators and traders.

A good deal of talk has been indulged in here about revenue. It is insisted that our trouble all comes from the lack of revenue.

But Senators surely know that there is very little gold being collected now in the way of revenues, whether it be from customs duties or from internal taxes; that silver certificates are just as good as gold for the payment of duties on imports. United States notes, although the law provided that they should not be used in the payment of customs duties nor as interest on the public debt, are used for those purposes. They were so used in 1878 by direction of the Secretary of the Treasury, and very properly, I think. All of our paper money is now used in the payment of customs duties and in the payment of internal-revenue taxes, so there is no gold being collected in that way.

Now, we may pile up our money derived from revenues mountain high, and, as the President says, it will not cure our troubles because it is not in gold.

Here is what the President says about it in his message on January 28, 1895:

> It will hardly do to say that a simple increase of revenue will cure our troubles. The apprehension now existing and constantly increasing as to our financial ability does not rest upon a calculation of our revenue. The time has passed when the eyes of investors abroad and our people at home were fixed upon the revenues of the Government. Changed conditions have attracted their attention to the gold of the Government. There need be no fear that we can not pay our current expenses with such money as we have. There is now in the Treasury a comfortable surplus of more than $63,000,000 but it is not in gold, and therefore does not meet our difficulty.

The whole trouble—and the President of the United States is right about it—comes from the demand for gold, and it is not because the people of the United States demand gold—I mean the great body of the people of the country. They are not asking for gold. They care nothing about gold coin. They hardly ever see a gold coin. Probably ninety-nine out of every hundred would be unable to distinguish at first sight between a quarter eagle and a half eagle in gold coin. The demand for gold comes from one class exclusively, and that is the speculative class—the money changers, the bankers, and, it is an ugly term to use, the gold gamblers. I can not think of a better word to use, because it is gambling, the same as gambling on a stock exchange or a race course.

The President in his message of December 20, 1895, and again in the one I have just read from, speaks about the folly of men either in this country or in any other country suspecting or questioning the solvency of the people of the United States. The whole trouble, the President insists, and the Secretary with him, is the lack of gold, and then when we buy gold and get $100,000,000, $50,000,000, and $100,000,000, it goes out almost as fast as it comes in. It was about six months, I think, before all of the gold on account of the next to the last purchase was delivered to the Treasury, and it went out about that fast. We see now the reserve is nearly down to the one-hundred-million-dollar mark, notwithstanding the fact that it was up to $130,000,000 a short time ago. We are pouring the gold in with the sale of bonds, and in a little while we are pouring it out in the laps of the speculators, and so this revolving process goes on.

The object of the pending bill is to stop that kind of work, to tie the hands of the President, if he can not use them in accordance with the law which he has held up his hand and sworn before God faithfully to execute. We—perhaps I had better speak for myself—I denounced it upon this floor as a usurpation of authority for which, if it had been perpetrated in the better and earlier days of the Republic, the guilty one would have been impeached for high crimes and misdemeanors. I heard a democrat Senator say on this floor, "Why do you not impeach him?"

This is not the place to impeach him. At the time the bonds were issued the President was Democratic, the Senate was Democratic, the House of Representatives was Democratic by a large majority, and there is the place to begin impeachment proceedings.

But it is said, and that comes chiefly from this side of the Chamber, from old veteran Republicans, that this bill is opening up the avenue to repudiation, that it means repudiation. I appeal to Senators, especially to Republicans, a class of men with whom many of the best years of my life were spent, and not until the last six or eight years did I feel it to be my duty to separate from them on account of the tendency of that great organization toward the policy we are now pursuing. They charge me, and they charge the rest of us in this Chamber who are Populists, with attempted repudiation. No, Mr. President; the legislature that sent me to this body was composed almost wholly of men who had been Republicans within two years. There were 95 Populists in the house of representatives. Every one of them voted for me. Out of the 95 Populists 83 had been active, earnest Republicans up to and after the year 1888. They and I all voted for Benjamin Harrison. Out of those 83 old Republicans 41 had spent from two and one-half to three of the best years of their lives in the Union Army, in our great struggle to suppress the most tremendous rebellion known in human history. All of my ambition is to serve this great country. There is nothing that I venerate more highly, more intensely than I do the flag of our country. The great body of the Populist party in the Northern and Western States were Republicans only a few years ago, and there are more old Union soldiers in our party to-day in proportion to the aggregate membership than there is in the great organization of Republicans.

I resent that imputation indignantly. It is unworthy of the Senator from Connecticut [Mr. HAWLEY] and the other Senators who have uttered the sentiment upon this floor. I have said, and I do now say, that you men who are insisting upon this policy will drive the people to repudiation in the end. I would stop repudiation; I would stop all dishonor; I would stop all revolution, by taking from the hands of the usurpers the power they are improperly exercising. That is the object of the bill. I have said upon the public platform, in the presence of the people, as I say here in the Senate, that this proceeding is not only without authority of law, but it is one of the most dangerous proceedings, the most dangerous exercise of power that has ever befallen the American people.

But it is utterly impossible, certainly impracticable, to pay our obligations in gold. We have now out bonds running from ten to thirty years amounting to $747,277,300, and notes payable on demand and to be reissued and kept in circulation, to be again redeemed and again issued, and so on interminably, to the amount of $490,347,296, bonds and notes making a total debt of $1,237,624,596, all payable in coin—gold and silver—and our stock on hand is utterly inadequate.

This bonding of the people of the country in order to procure gold and then letting the gold go out again, at the rate of about $100,000,000 a year, will drive the people of this country into revolution. We have not lost the courage of our ancestors, and all this noise that we hear and all this tumult that you see—these quarrels and confusion, this commotion that we see in the political conventions that are being held over the country in regard to the question of silver coinage—there is something still deeper, far deeper than the silver question, that even the silver men themselves have not yet taken hold of. It is the beginning, the rumblings in the distance of a revolution that will shake the throne when the time comes if these usurpations are not stopped.

It has been argued, and I think wisely, that the Secretary of the Treasury is not only authorized to redeem all the outstanding notes, but the bonds as well—in silver as well as in gold. When the House of Representatives a year or more ago called the Secretary before the Committee on Appropriations the Secretary was asked this question: What objection could there be to having the option of redeeming either in silver or gold lie with the Treasury instead of the note holder?

The answer was this:

> Secretary CARLISLE. If that policy had been adopted at the beginning of resumption—and I am not saying this for the purpose of criticising the action of any of my predecessors, or anybody else—but if the policy of reserving to the Government, at the beginning of resumption, the option of redeeming in gold or silver all its paper presented, I believe it would have worked beneficially, and there would have been no trouble growing out of it, but the Secretaries of the Treasury from the beginning of resumption have pursued a policy of redeeming in gold or silver, at the option of the holder of the paper, and if any Secretary had afterwards attempted to change that policy and force silver upon a man who wanted gold, or gold upon a man who wanted silver, and especially if he had made that attempt at such a critical period as we have had in the last two years, my judgment is it would have been very disastrous. There is a vast difference between establishing a policy at the beginning and reversing a policy after it has been long established, and especially after the situation has been changed.

That means it would have been very proper in the beginning—just as Populists have been asking all the time since they have been organized—that the notes should be redeemed with silver whenever it was more convenient to the Treasury, more convenient to the Government, and not with gold. But the Secretary says inasmuch as a bad or unwise policy was begun, that therefore it must be continued. The Populist wants to stop this policy, the Populist wants to go back to correct principles, to go back where we began, to take up the thread where we dropped it, and regain our lost privilege.

Mr. President, I quote again some matter which I incorporated in the speech referred to a while ago. It shows what our people are thinking all the time—that coin for redemption purposes means the coin of the contract. I procured from the Register of the Treasury, J. F. Tillman, a copy of the reading matter on the face of the bonds that are now being issued. Here is his letter and certificate for a one-thousand-dollar bond:

> TREASURY DEPARTMENT, OFFICE OF THE REGISTER,
> *Washington, D. C., January 4, 1896.*
>
> SIR: Your letter of the 27th of December, 1895, addressed to the Treasurer of the United States, having been referred to this office by the honorable Secretary of the Treasury, I have the honor, in compliance with your request, of transmitting herewith "a certified copy of the reading matter appearing on the face and on the back of a United States bond issued under provisions of the refunding act of 1870."

You will observe I have copied the text of a $1,000 bond. The only difference to be found between this text and that of other denominations of the same loan, lies in a change of the wording relative to the denomination of the bond. That is to say, on a $100 bond the words "one hundred dollars" would appear wherever the words "one thousand dollars" appear in the copy submitted.

Respectfully, yours, J. F. TILLMAN, *Register.*

Hon. W. A. PEFFER,
United States Senate.

[FACE OF BOND.]

1877 FOUR PER CENT CONSOLS 1907 M

OF THE UNITED STATES.

PICTURE OF LINCOLN. 4 PICTURE OF UNITED STATES TREASURY. 4

Principal and interest payable in coin ONE M THOUSAND At the Treasury of the United States.

Washington, July 1st, 1877.

THE UNITED STATES OF AMERICA

(.....) (.....)

.....

Are indebted to.....or assigns

In the sum of

ONE THOUSAND DOLLARS.

This bond is issued in accordance with the provisions of an act of Congress entitled "An act to authorize the refunding of the national debt, approved July 14, 1870," amended by an act approved January 20, 1871, and is redeemable at the pleasure of the United States, after the first day of July, A. D. 1907, in coin of the standard value of the United States, on said July 14, 1870, with interest, in such coin, from the day of the date hereof, at the rate of four per centum per annum, payable quarterly, on the first day of October, January, April, and July in each year. The principal and interest are exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form, by or under State, municipal, or local authority.

Date of issue.....

Transferable on the books of this office.

Entered.....Recorded.....

Seal of Treas'y Dep't.

.....
Register of the Treasury.

Mr. President, in addition to quoting the matter appearing upon the face of the bond, I have matter which recites the history of proceedings interpreting the meaning of the word "coin," which occurred in the Senate and House of Representatives in 1878.

It seems strange that there can be now, or that there ever should have been, any question on this point. But because there seems to be now some doubt about it, I have dwelt upon the subject more at length than it would otherwise warrant. And I have not done with it. There is some official interpretation of the language and some authoritative construction of the law relating to the subject.

The present senior Senator from Ohio [Mr. SHERMAN], when he was Secretary of the Treasury, raised the point, and asked the opinion of the Attorney-General of the United States as to whether the coinage act of 1873 in any way affected the terms of our contract to pay the bonds in coin. I read his letter:

> TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
> *Washington, D. C., April 21, 1877.*
>
> SIR: I beg leave to call your attention to, and ask your opinion upon, the following questions growing out of the refunding act of July 14, 1870, to wit: Can I stipulate in the body of the 4 per cent bonds about to be issued that they shall be redeemable in coin of the present standard value—that is, the standard value at the date of their issue, or must it be the date of the law?
>
> I submit a statement, prepared by the Hon. H. M. French, Assistant Secretary, having reference to the laws.
>
> It may become important to the public interests to make the new bonds payable in coin of the present standard—that is, gold coin. Some doubts have been expressed upon whether previous bonds issued under acts passed prior to 1873 are not legally payable in silver coin. This question may become important, as any doubt upon the legal terms of a public security affects its value.
>
> Very respectfully, JOHN SHERMAN, *Secretary.*
>
> Hon. CHARLES DEVENS,
> *Attorney-General.*

In answer, the Attorney-General wrote this letter:

> DEPARTMENT OF JUSTICE, *Washington, April 26, 1877.*
>
> SIR: In answer to your letter of the 21st instant requesting my opinion upon the following question growing out of the refunding act of July 14, 1870, to wit, "Can I stipulate in the body of the 4 per cent bonds about to be issued that they shall be redeemable in coin of the present value, that is, the standard value at the date of their issue, or must it be the date of the law?" I have the honor to reply:
>
> The act provides for the issue of bonds "redeemable in coin of the present standard value." The word "present" undoubtedly refers as a matter of date to the time when the act was passed, and not to the time when the bonds were thereafter issued. It contemplated that a long period would elapse before it would finally be carried into effect, and that changes in the coinage of the country might occur during that period.
>
> Whatever changes in the coinage should occur, these bonds were, however, to be redeemed in coin of the standard value as it existed at the date of the act. By this provision the holder was guarded against any depreciation that might take place in the value of the coin, and the Government would not be compelled to pay the additional value should the coinage be appreciated. All the bonds issued under the act were to stand alike, no matter what was the date when such bonds were issued. Each was to be redeemable in coin which was included in the authorized coinage of the country at the date referred to, it being of the standard value as it then existed. Since the law was passed no change has taken place in the standard value of the coin. It is understood that there has been a certain change in the coinage of the country, and that silver dollars have now ceased to exist practically as coin.
>
> It has been further provided by the statute of February 12, 1873 (Revised Statutes, sections 3585, 3586), that "the silver coins of the United States shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment."
>
> Notwithstanding this practical change in the coinage of the country and the passage of this act in regard to legal tenders, the form of bond to be issued by you should not be changed so far as the mode in which it is to be redeemed is concerned. It was not intended that this should be varied according to the changes which might be made in the coinage, because a definite rule was given by reference to the coin of a particular date. That which will pay the bonds heretofore issued under this act will pay the bonds which you may hereafter issue.
>
> It can not be authoritatively said that the words "payable in coin" or "payable in gold" are equivalent to the words used by the statute. Even if this leaves open for discussion the question whether bonds issued under this act are or are not redeemable in silver coin of the character and standard which existed July 14, 1870, it is not a doubt which it is in your power to remedy by the use of words in the bond other than those which this statute provides.
>
> While I comprehend the difficulty suggested in your letter and the convenience that there might be in removing any question upon this matter, I am, therefore, of opinion that it would not be safe to issue the bonds except as redeemable in coin of the standard value of July 14, 1870.
>
> Very respectfully, your obedient servant,
> CHAS. DEVENS, *Attorney-General.*
>
> Hon. JOHN SHERMAN,
> *Secretary of the Treasury.*

This correspondence took place during April, 1877. Mr. Secretary Sherman, seeing that the law officer of the Government construed coin the same as it had always been construed in the United States, and desiring to make the bonds more salable by making them a more desirable investment for men who make a business of lending money in large amounts, asked Congress to authorize him to make the bonds redeemable in gold coin. The request is in the form of a recommendation in his report under date December 3, 1877, in these words:

> If, therefore, the public interests demand the issue of silver dollars—a subject hereafter discussed—it is respectfully submitted to Congress that an express exception be made requiring that gold coin alone shall be paid for principal or interest on bonds issued to public creditors since February 12, 1873, the amount of which is $362,990,700. These bonds have entered into the markets of the world. If the market value of the silver in the new coin is less than the gold dollar, a forced payment in the new coin is a repudiation of a part of this debt.

The point that was suggested by the then Secretary of the Treasury, Mr. Sherman, was that in case at the time the bonds were to be paid the amount of silver in the silver dollar should be of less value than its coin value, and creditors were forced to take it, it would be to that extent the repudiation of the debt.

Congress did not act on this recommendation. One would suppose this fact to be notice, if any were necessary, to the officials of the United States that Congress did not agree with the Secretary in his interpretation of the case, whether upon the law or the facts. Congress did not see that either the law or the equities required any readjustment. Congress knew, as all men knew, that the bondholders had taken very good care of themselves already, and had in 1870 provided for full, and more than full, payment by the passage of the provision for payment in coin of either metal.

Quoting from page 260 of Senator JONES's admirable speech of 1893—

> People who buy bonds do not buy them from altruistic motives. They buy them for their own profit and advantage. They buy bonds of the United States as they buy all bonds, only after careful scrutiny of the terms on the face of the bonds, and of the laws by authority of which these bonds have been issued.

And I have read the words printed on the face of the bonds.

> They look sharply to the figures which show the dates of payment of principal and interest, but above all, and rising beyond all other considerations, they look to the medium, or, as they term it, the standard in which the payment is, by the terms of the bond, to be made.
>
> To suppose that such a feature is neglected would be to suppose that public creditors, the keenest of men, had lost their cunning. Every bond over issued has, in plain terms, stated on its face the authority for its existence. It contains a clear citation of the law or laws which constitute the reason for its being. These laws are open to public inspection. No class of persons better than public creditors so well understand the limitations which the laws of all civilized nations place upon the functions of executive officers with respect to issuing bonds or incurring debts or obligations on behalf of their country. They know that the duties of those officers in connection with loans are specified in the laws by which the loans are authorized to be effected. Hence these loans are examined as with a mental microscope to see that no doubt exists as to the authority of the officer who executes the securities, and as to all other particulars concerning payment of the obligation. If they did not observe on the bond the plain printed statement that it was payable in the standard coin of the United States of July 14, 1870, they must have been blind indeed.

I have never heard a denial by anyone having knowledge of the legislation under which the bonds were issued that it is the legal right of the United States to pay those bonds in either gold or silver coin. It is said that at the time of the negotiation of the bonds silver money was out of use in this country. The sufficient answer to that is that gold was equally out of use. It is said that the bonds were sold to citizens or subjects of countries in which silver was not recognized as money. This was certainly not true of Germany, in which country early and considerable sales were made.

Germany was on the silver standard until December, 1871, and had considerable silver in its coin for a long time after that. Besides, our bonds were not, either by their terms or by implication, payable in foreign countries or in the money of those countries. They were payable within the United States, and it was distinctly affirmed on their face that they were payable in dollars of the United States.

While Congress took no action on the recommendation of Mr. Secretary Sherman, it did take action of its own motion. In order to place the matter beyond possibility of doubt or peradventure, this whole question as to whether the bonds of the United States were lawfully payable in either gold or silver, at the option of the United States, was thoroughly discussed by the representatives of the people in both Houses of Congress in 1878, prior to the passage of the silver-purchase law of that year. On the 16th of January, 1878, the Hon. Stanley Matthews, then a Senator from the State of Ohio, in view of the claims of the bondholders and their representatives in Congress that the bonds were legally payable in gold alone, submitted to the Senate a concurrent resolution designed to call forth the views of the members of the House and Senate nine years after the passage of the act of March 18, 1869. That was time enough for second thought. The preamble of the resolution recites the condition of existing laws relating to the payment of United States bonds. I read it just as it was presented:

Whereas by an act entitled "An act to strengthen the public credit," approved March 18, 1869, it was provided and declared that the faith of the United States was thereby solemnly pledged to the payment in coin or its equivalent of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of such obligations had previously provided that the same might be paid in lawful money or other currency than gold or silver; and

Whereas all the bonds of the United States authorized to be issued by the act entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, by the terms of said act were declared to be redeemable in coin of the then present standard value, bearing interest payable semi-annually in such coin; and

Whereas all bonds of the United States authorized to be issued under an act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, are required to be of the description of bonds of the United States described in the said act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt"; and

Whereas at the date of the passage of the said act of Congress last aforesaid, to wit, the 14th day of July, 1870, the coin of the United States of standard value of that date included silver dollars of the weight of 412½ grains each, declared by the act approved January 18, 1837, entitled "An act supplementary to the act entitled 'An act establishing a mint and regulating the coins of the United States,'" to be a legal tender of payment, according to their nominal value, for any sums whatever: Therefore,

Be it resolved by the Senate (the House of Representatives concurring therein), That all the bonds of the United States issued or authorized to be issued under the said acts of Congress hereinbefore recited are payable, principal and interest, at the option of the Government of the United States, in silver dollars of the coinage of the United States, containing 412½ grains each of standard silver; and that to restore to its coinage such silver coins as a legal tender in payment of said bonds, principal and interest, is not in violation of the public faith nor in derogation of the rights of the public creditor.

An effort was made by Senator Edmunds, of Vermont, to have the resolution modified in favor of gold payments when demanded by the creditor, but the amendment was voted down—yeas 18, nays 48—and the resolution passed the Senate by a large majority. It was at once sent to the House, where in like manner similar amendments were defeated, and the original resolution passed by 189 yeas to 79 nays.

Mr. President, in the face of the situation that now confronts us, in face of the fact that the President himself is not clear about his authority to issue bonds and avails himself of every opportunity to cast the responsibility upon Congress, where it properly belongs; in view of the fact that the gold which is purchased with the bonds of the people is going out of the Treasury just about as fast as it is coming in; in view of the fact that the people of the entire country from Maine to Washington and from Minnesota to Florida are exercised as they never were before upon this great question, I ask who, in the face of this condition of things, can oppose the passage of this bill, which proposes to take away from the Executive one of the highest and most important prerogatives of the legislative department of the Government? I ask Republicans, they who revere the memory of Lincoln, Seward, and Chase, are they willing to turn over to an executive officer of the Government the power to sell bonds ad infinitum, and to tax the people for their payment in the years to come, when most of us will be gone to our reward and our children will have these debts to pay?

I regard this proceeding, Mr. President, as not only dangerous, but as the stepping stone to monarchy, authorizing the President of the United States to exercise one of the supreme powers granted by the people to Congress, and to Congress only. I ask Democrats who revere the name of Jefferson and Jackson, how they can face the people if they vote against this bill, and how they can explain their conduct?

Mr. President, I now come to the only argument which has yet been made against this bill, that is, that it is a Populist measure, and I want to detain the Senate a few minutes while I talk to them about this Populist party, how it came into existence, what its creed is, and what it proposes to do.

Mr. MITCHELL of Oregon. Would not the Senator just as soon do that to-morrow morning? It is getting a little late.

Mr. PEFFER. I shall leave it entirely to the convenience of the Senate.

Mr. MITCHELL of Oregon. I should like to transact a little business before we adjourn.

Mr. PEFFER. I am sure what I have to say will not occupy more than fifteen minutes, if I am not interrupted.

Mr. CULLOM. Does the Senator want to go on now or in the morning?

Mr. PEFFER. I had rather finish now; and, as I have already suggested, if Senators do not remain, I shall be here to move to adjourn. [Laughter.]

Mr. President, about twenty years ago the Southern farmers—the cotton farmers—were in trouble by reason of exorbitant charges which were made by merchants for supplies furnished on credit to them, and by reason of the exorbitant charges of warehousemen for storing cotton, and by reason of high rates of interest for the use of borrowed money. They organized themselves into what they called the Farmers' Alliance. That was in Texas, in 1875. Their object was to relieve themselves from those extortions, and they proposed to effect this reform through the establishment of public warehouses in which they could store their cotton, and use the warehouse certificates as local currency for 80 per cent of the market value of the cotton deposited, the currency to be canceled and destroyed when surrendered and the cotton removed. This was the origin of the "subtreasury" plan.

The Alliance spread through all the Southern States, and finally came northward, reached Kansas, Nebraska, and Colorado, and grew to a tremendous membership of about four million in 1890.

In 1889, at the city of St. Louis, they met in a delegate assembly. Delegates were present from the Knights of Labor, from the Farmers' Mutual Benefit Association, and from the Grange or Patrons of Husbandry. They adopted a declaration of principles, taking to themselves the name of the Farmers' Alliance and Industrial Union.

The next year at Ocala, in Florida, they met and adopted the following platform, which I shall read:

ORIGINAL OCALA PLATFORM, 1890.

1. (*a*) We demand the abolition of national banks.

(*b*) We demand that the Government shall establish subtreasuries in the several States, which shall issue money direct to the people at a low rate of tax, not to exceed 2 per cent per annum, on nonperishable farm products, and also upon real estate, with proper limitations upon the quantity of land and amount of money.

(*c*) We demand that the amount of the circulating medium be speedily increased to not less than $50 per capita.

2. We demand that Congress shall pass such laws as will effectually prevent the dealing in futures of all agricultural and mechanical productions; providing a stringent system of procedure in trials that will secure prompt conviction, and imposing such penalties as shall secure the most perfect compliance with the law.

3. We condemn the silver bill recently passed by Congress, and demand in lieu thereof the free and unlimited coinage of silver.

4. We demand the passage of laws prohibiting alien ownership of land, and that Congress take prompt action to devise some plan to obtain all lands now owned by aliens and foreign syndicates; and that all lands now held by railroads and other corporations in excess of such as is actually used and needed by them be reclaimed by the Government and held by actual settlers only.

5. Believing in the doctrine of equal rights to all and special privileges to none, we demand—

(*a*) That our national legislation shall be so framed in the future as not to build up one industry at the expense of another.

(*b*) We further demand a removal of the existing heavy tariff tax from the necessities of life that the poor of our land must have.

(*c*) We further demand a just and equitable system of graduated tax on incomes.

(*d*) We believe that the money of the country should be kept as much as possible in the hands of the people, and hence we demand that all national and State revenues shall be limited to the necessary expenses of the Government economically and honestly administered.

6. We demand the most rigid, honest, and just State and national governmental control and supervision of the means of public communication and transportation, and if this control and supervision does not remove the abuse now existing, we demand the Government ownership of such means of communication and transportation.

7. We demand that the Congress of the United States submit an amendment to the Constitution providing for the election of United States Senators by direct vote of the people of each State.

Mr. President, that is the much-talked-of Ocala platform adopted by the Farmers' Alliance and Industrial Union at Ocala. It was adopted, I think, in December, 1890.

The next spring, in May, a conference of the labor organizations of the country was held at Cincinnati. I had the honor of presiding over that assembly. There were between 1,400 and 1,500 delegates from 26 States of the Union. After a free and full conference, as we say here in our conference committee reports, they agreed that the time had come when it was proper that the reform forces of the country should be organized into the People's Party of the United States. That conference appointed a committee to meet at St. Louis in February, the 22d day of that month,

in the next year, 1892. The conference met on that day and organized themselves, as they were authorized to do by the resolutions adopted at Cincinnati. They appointed a time for holding a national convention.

The national convention was to be held July 4, at Omaha, Nebr., and it was held. At that convention a platform was adopted which slightly modifies the Ocala platform. There was a very long preamble—a sort of stump speech—as is usual on such occasions, which I shall not read:

THE OMAHA PLATFORM.

First. We declare the union of the labor forces of the United States, this day accomplished, permanent and perpetual. May its spirit enter into all hearts for the salvation of the Republic and the uplifting of mankind.

Second. Wealth belongs to him who creates it. Every dollar taken from industry without an equivalent is robbery. "If any will not work, neither shall he eat." The interests of rural and urban labor are the same; their enemies are identical.

Third. We believe that the time has come when the railroad corporations will either own the people or the people must own the railroads. And should the Government enter upon the work of owning and managing any or all railroads, we should favor an amendment to the Constitution by which all persons engaged in the Government service shall be placed under a civil-service regulation of the most rigid character, so as to prevent the increase of the power of the National Administration by the use of such additional Government employees.

Mr. HAWLEY. The Senator will excuse me, but he is skipping some very important points, I think.

Mr. PEFFER. No, I am not. I want to keep it all together, and when I get through I will answer any questions the Senator may wish to ask.

Mr. HAWLEY. I should like to have it all read.

Mr. PEFFER. The platform continues:

Fourth. We demand a national currency, safe, sound, and flexible, issued by the General Government only, a full legal tender for all debts, public and private, and that without the use of banking corporations, a just, equitable, and efficient means of distribution direct to the people at a tax not to exceed 2 per cent—

The word "tax" was used in place of the word "interest"—

as set forth in the subtreasury plan of the Farmers' Alliance, or some better system. Also by payments in discharge of its obligations for public improvements.

Fifth. We demand that postal savings banks be established by the Government for the safe deposit of the earnings of the people and to facilitate exchange.

Sixth. We demand that the amount of circulating medium be speedily increased to not less than $50 per capita.

Seventh. We demand the free and unlimited coinage of silver and gold at the present legal ratio of 16 to 1.

Eighth. We believe that the money of the country should be kept as much as possible in the hands of the people, and hence we demand all national and State revenues shall be limited to the necessary expenses of the Government, economically and honestly administered.

Ninth. We demand a graduated income tax.

Tenth. The land, including all the natural resources of wealth, is the heritage of all the people, and should not be monopolized for speculative purposes, and alien ownership of land should be prohibited. All lands now held by railroads and other corporations in excess of their actual needs, and all lands now owned by aliens should be reclaimed by the Government and held for actual settlers only.

Eleventh. Transportation being a means of exchange and a public necessity, the Government should own and operate the railroads in the interest of the people.

Twelfth. The telegraph and telephone, like the post-office system, being a necessity for the transmission of news, should be owned and operated by the Government in the interest of the people.

Then follow a series of resolutions.

Now, if the Senator from Connecticut has anything to suggest about an omission, I will hear him.

Mr. HAWLEY. I do not know the platform from which the Senator has been reading, but it seemed to me as if he omitted some of the parts and did not read them in order. Is it the Nebraska platform from which he has been reading?

Mr. PEFFER. I have been reading from the platform as it was printed at the time of the proceedings. I have saved it and have had it pasted in this little book for a number of years.

Mr. HAWLEY. Is it the Omaha platform?

Mr. PEFFER. Yes; the Omaha platform. I observe there are quite a number of versions, as there are of the Old Testament. There are different versions of it, but they are substantially the same, I will say.

I will not stop to comment, for I shall not have the time, further than to say that the money that the People's Party demand is gold, silver, and paper. Populists believe in the unlimited and free coinage of both the metals, and if there is not enough of coin money in the country, supplement it with paper money. The difference between the Populists and the Democrats and the Republicans is this: That we do not believe in bank notes; we do not believe in private notes of any kind to circulate as money; we do not believe in the Government of the United States or the Congress of the United States delegating its authority "to coin money and to regulate the value thereof" to any class of people under heaven. We believe it is a function of government, and a sovereign function, to prepare and to issue its own money—its own gold money, its own silver money, its own paper money—and then we have good money all the time.

The question of redemption in gold comes up and we talk about it frequently. The redemption idea is the product of a bad system; that is, the system of banks issuing paper money. The bank is a private corporation and its paper represents a private debt—the Bank of Johnstown will pay the bearer $10, the Bank of Smithville will pay to bearer $1, and so on—and the law says, correctly, that there should be some safety, something back of, something that the people have confidence in behind these notes, and hence they were to be redeemed in coin.

But now when the Government comes to issue its own paper, what sort of sense, I ask, Mr. President, is there in requiring any redemption fund at all? Our Republican friends and our Democratic friends both say that we want money of which the different kinds of dollars shall be exactly equal, each dollar as good as every other dollar. If that be true, what in the name of common sense do you want any redemption for? Will you redeem a gold dollar with a silver dollar? Will you redeem a silver dollar with a gold dollar? And if paper money is as good as gold, why redeem it in gold?

There is where we differ in respect to the redemption matter, and it is a vital difference, I say to Senators. As long as we have national-bank notes we want them redeemed in money that the people have faith in. They have no faith in the private note of the banks, because they have been robbed time and time again by bank notes, and that is the reason why this idea of redemption has come. What do you want with the redemption of greenbacks? That is what is giving us all of our trouble now, although if the Secretary would redeem in silver, as he is authorized to do, and as he ought to do, we would have no trouble, because we would have an abundance always on hand to redeem the notes. Nobody would want them redeemed. Any man would rather have a five-dollar bill than five silver dollars in his pocket, and particularly would he rather have a ten-dollar Government note than ten dollars of silver in his pocket. It is for no other purpose under heaven that this redemption business is now going on at such a rapid rate than to serve the personal purposes of speculators and gamblers in gold.

Populists want no reserve fund to redeem their money—no redemption fund for the benefit of stockbrokers and banking syndicates. We believe Government paper is a safer money than metal of any kind. We want Government paper, not bank notes; we want money that is as good as the nation's credit—money that needs no redeemer; money as good in the hands of the poor as in the tills of the rich; money worth its face in the products of labor; money that will not slink away when trouble comes; money that speculators can not corner; money that will pay debts and taxes; money based on the people's property and the public credit; money that the Government will receive at par; money that will be good as long as the Republic endures.

Mr. President, the growth of the Populist party has been phenomenal. The New York World, which publishes an annual almanac containing a vast amount of useful statistical information, a few months ago published the following editorial showing the rapid growth of this new party:

GROWTH OF POPULISM.

As the strength of the Populists is chiefly in the West and South, it is not to be wondered at that so little attention has been paid to their movements in those parts of the country exempt from their influence.

In 1892 they cast a total of 1,041,028 votes for their Presidential candidate, Weaver, out of a total of 12,110,676 for all candidates. If they had given no evidence of growth in the meanwhile they would not cut much of a figure in the calculations of the present year. But a remarkable feature of the elections of 1894 was the great increase in the Populist vote which accompanied the overturning the Democratic candidates. In the leading States in which a Populist organization was in the field in 1892 and in 1894 the following table shows their gains:

State.	1892.	1894.	State.	1892.	1894.
Arkansas	11,831	24,541	Missouri	41,213	42,463
California	25,325	51,304	Montana	7,794	15,240
Illinois	22,267	59,793	Ohio	14,850	52,675
Indiana	22,208	29,388	Oregon	26,965	26,033
Iowa	20,595	32,118	Tennessee	23,447	23,002
Kentucky	23,500	16,911	Texas	99,698	159,224
Michigan	19,832	30,012	Washington	19,165	25,140
Minnesota	29,313	87,931	Wisconsin	9,909	25,604

These results were on straight tickets. In addition, the Populists in a fusion with the Democrats increased in Colorado from 53,584 to 82,111. In Georgia, where they cast 42,937 votes in 1892, a Republican fusion gave them 96,888 in 1894. In Kansas a Democrat fusion gave them 163,111 votes for President in 1892, and separately they cast 118,327 in 1894. In Nebraska a straight vote of 83,132 for Weaver in 1892 was increased by Democratic fusion to 97,815 in 1894.

In North Carolina a fusion with the Republicans on chief justice in 1894 increased their vote from 44,736 (in 1892) to 148,344, or more than the total Republican and Populist vote of 1892. In Virginia a similar fusion increased the vote from 12,276 to 81,229.

In Alabama the fusion vote of 85,182 in 1892 only fell off on a straight vote in 1894 to 83,283. In Mississippi the vote was substantially unchanged. In North Dakota a fusion vote of 17,700 in 1892 was reduced to a straight vote of 9,354 in 1894.

It must be borne in mind that the vote in the off year is uniformly less than in a Presidential year.

If the Populist vote increased so largely from 1892 to 1894, it becomes an interesting question to know whether it has gone on increasing? It will undoubtedly be a factor in the results of next November, especially if there should be a fusion with the free-silver bolters from one or both of the old parties.

Now, Mr. President, I have detained the Senate long enough, and I will conclude by reading a selection, not from the Psalms, but from an article that I prepared some two years ago for the North American Review. I think it appeared in the December number of 1893 or 1894, and it concluded in these words, and perhaps Senators who listen will get as much Populism in these words as they will get anywhere else in the same number:

The Populist party is an organized demand that the functions of government shall be exercised only for the mutual benefit of all the people. It asserts that government is useful only to the extent that it serves to advance the common weal. Believing that the public good is paramount to private interests, it protests against the delegation of sovereign powers to private agencies. Its motto is: "Equal rights to all; special privileges to none." Its creed is written in a single line of the Declaration of Independence—"All men are created equal."

Devoted to the objects for which the Constitution of the United States was adopted, it proposes to "form a more perfect union" by cultivating a national sentiment among the people; to "insure domestic tranquillity" by securing to every man and woman what they earn; to "establish justice" by procuring an equitable distribution of the products and profits of labor; to "provide for the common defense" by interesting every citizen in the ownership of his home; to "promote the general welfare" by abolishing class legislation and limiting the Government to its proper functions; and to "secure the blessings of liberty to ourselves and our posterity" by protecting the producing masses against the spoliation of speculators and usurers.

The Populist claims that the mission of his party is to emancipate labor. He believes that men are not only created equal, but that they are equally entitled to the use of natural resources in procuring means of subsistence and comfort. He believes that an equitable distribution of the products and profits of labor is essential to the highest form of civilization; that taxation should only be for public purposes, and that all moneys raised by taxes should go into the public Treasury; that public needs should be supplied by public agencies, and that the people should be served equally and alike.

The party believes in popular government. Its demands may be summarized fairly to be—

1. An exclusively national currency in amount amply sufficient for all the uses for which money is needed by the people, to consist of gold and silver coined on equal terms, and Government paper, each and all legal tender in payment of debts of whatever nature or amount, receivable for taxes and all public dues.

2. That rates of interest for the use of money be reduced to the level of average net profits in productive industries.

3. That the means of public transportation be brought under public control, to the end that carriage shall not cost more than it is reasonably worth and that charges may be made uniform.

4. That large private landholdings be discouraged by law.

Populists complain of legislation in the interest of favored classes. At the very time when the homestead law was passed a scheme was hatching to absorb the public lands by railway corporations. Scarcely had the great war begun when a plan was laid to establish a system of national banking based on the people's debts; and while customs duties were raised to increase the public revenues, cheap foreign labor was brought in under contract to man the factories. Banks have been specially favored. When it was to their interest to withdraw their notes it was done with impunity. They have been permitted to openly violate the law which authorized their existence, and this without rebuke. The United States Senate shields them from exposure. When the Treasury was flush public moneys were lavishly left with the banks to use without interest, and when the great banks in New York City needed funds to relieve the stringency in the "money market" there they had only to ask and they received. And now that the Treasury is running short in gold reserves, there is a demand for more bonds to purchase more gold to be used in redeeming Treasury notes which the law requires to be redeemed in silver, thus again reducing the reserves, making another bond issue necessary to procure more gold; and so on, as the "money market" may require. These "Napoleons of finance" are playing a bold game.

* * * *

Rapid accumulation of wealth by a few citizens, as we have seen it in the United States during the last thirty years, is evidence of morbidly abnormal conditions. It is inconsistent with free institutions. It is breeding anarchy and trouble. No man can honestly take to himself what he does not earn; and if he does no more than that riches will come to him slowly. It is only when he gets what he does not earn that his "success" attracts attention. Fortunes running into millions of dollars must be made up of property and profits mostly produced and earned by persons other than those who claim them.

No man ever earned a million dollars. If he was moved to great undertakings, nature's God inspired him. And if in the play of his ambition he marshaled effective forces his equipment cost him little. To a great mind success is compensation. The value of its labor can not be measured with money. A strong man's intellect moves as easily as a blacksmith's arm. Both are gifts.

The best men are content with little. Vast enterprises which move the world are maintained by contributions from the labor of the poor. Leaders do but organize and direct; the rank and file do all the rest. Apply the "iron law of wages" equally to all that work and you scale down the salaries of many useless people. If the Republic is to endure we must encourage the average man.

That is all, Mr. President.

Mr. BROWN. Mr. President, I merely wish to take the floor on the subject of the pending bill. I will proceed with my remarks to-morrow. I will now yield to Senators who have other business to transact.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; further insisted upon its disagreement to the amendments of the Senate numbered 2, 3, 4, 6, 7, 8, 10, 13, 15, 16, 17, 23, 24, 25, 28, 32, 61, 91, 92, 93, 94, 96, 97, 109, 111, 112, 122, 123, 124, 125, 126, 127, 128, 129, 140, 141, 146, 147, and 161 to the bill; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. HAINER of Nebraska, and Mr. SAYERS managers at the conference on the part of the House.

The message also announced that the House insisted upon its amendments to the bill (S. 2928) to extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company of the District of Columbia, and for other purposes; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. RICHARDSON, and Mr. CURTIS of Iowa managers at the conference on the part of the House.

The message further announced that the House had passed a concurrent resolution authorizing the Committee on Enrolled Bills of the two Houses to correct the enrolled bill (H. R. 5731) entitled "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia"; in which it requested the concurrence of the Senate.

PRACTICE OF MEDICINE AND SURGERY.

Mr. GALLINGER. I ask the Chair to lay before the Senate a concurrent resolution which has come from the House of Representatives for the purpose of correcting an error in the enrollment of a bill.

The PRESIDING OFFICER (Mr. DUBOIS in the chair). The Chair lays before the Senate a concurrent resolution of the House of Representatives, which will be read.

The Secretary read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Committee on Enrolled Bills of the two Houses be authorized to correct the enrolled bill (H. R. 5731) entitled "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia," by striking out, in section 3, lines 1 and 2, "1st day of July, 1896," and inserting "passage of this act"; also, in section 12, after the word "Columbia," strike out "nor to medical students who have matriculated in any medical college in the District of Columbia prior to January, 1896."

Mr. GALLINGER. I ask that the resolution be now considered.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. HILL. What is the resolution?

Mr. GALLINGER. I will say to the Senator that it is simply to correct an error made by the enrollment clerk of the House of Representatives in the bill to regulate the practice of medicine and surgery in the District of Columbia.

The resolution was considered by unanimous consent, and concurred in.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HALE. I ask the Chair to lay before the Senate the message of the House of Representatives in relation to the sundry civil appropriation bill.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives, agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, insisting upon its disagreement to certain amendments, and agreeing to the further conference asked by the Senate.

Mr. HALE. It requires no action, as the Senate has asked for the conference.

JOHN N. QUACKENBUSH.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (H. R. 6739) for the relief of John N. Quackenbush, late a commander in the United States Navy.

The PRESIDING OFFICER. The bill will be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the provisions of law regulating appointments in the Navy by promotion in the line, and limiting the number of commanders to be appointed in the United States naval service, are hereby suspended for the purpose of this act only, and only so far as they affect John N. Quackenbush; and the President of the United States is hereby authorized, in the exercise of his discretion and judgment, to nominate and, by and with the advice and consent of the Senate, to appoint said John N. Quackenbush, late a commander in the Navy of the United States, to the same grade and rank of commander in the United States Navy as of the date of August 1, 1883, and to place him on the retired list of the Navy as of the date of the approval of this act: *Provided*, That he shall receive no pay or emoluments except from the date of such retirement.

The PRESIDING OFFICER. Is there objection to the request for unanimous consent that the bill be now considered?

Mr. SMITH. I should like to ask if the bill was reported by the Committee on Naval Affairs?

Mr. LODGE. It was reported unanimously by the Judiciary Committee, to whom it was referred.

Mr. MITCHELL of Oregon. It was reported from the House

Judiciary Committee and sent to the Judiciary Committee in the Senate. A similar bill has been before that committee heretofore on several occasions and has been reported unanimously.

Mr. LODGE. A similar bill passed the Senate heretofore.

Mr. MITCHELL of Oregon. It is a House bill, a very meritorious bill, I think, and that seemed to be the judgment of each member of the Judiciary Committee.

Mr. HAWLEY. I never before knew a bill of this character to be referred to the Judiciary Committee.

Mr. SMITH. That is the reason why I raise the question as to its reference.

Mr. MITCHELL of Oregon. A similar bill has been before the Judiciary Committee heretofore at various sessions of the Senate.

Mr. HAWLEY. It suspends the number of commanders to be appointed in the United States naval service "for the purpose of this act only, and only so far as they affect John N. Quackenbush, and the President of the United States is hereby authorized, in the exercise of his discretion and judgment, to nominate, and by and with the advice and consent of the Senate to appoint said John N. Quackenbush, late a commander in the Navy of the United States, to the same grade and rank of commander in the United States Navy as of the date of August 1, 1883."

The Committee on the Judiciary has probably done the right thing, but it is not the committee to which the bill should go.

Mr. MITCHELL of Oregon. There are some legal questions involved in the case.

Mr. LODGE. I think it purely a legal question that was involved in this case.

Mr. HILL. The Senator from Massachusetts [Mr. HOAR] said he knew all about the matter, and I think that was one reason why the measure was referred to our committee.

Mr. HAWLEY. There are a good many Senators who have been obliged to learn all about it for several years past. Some of them are on the Naval Committee.

Mr. SMITH. I have no desire to object to the bill. I merely raised the question as to the committee which had it under consideration.

Mr. HAWLEY. I do not know that I have an objection to the bill, but I do protest against its coming from the Judiciary Committee.

The PRESIDING OFFICER. The Chair hears no objection to the present consideration of the bill, and——

Mr. SEWELL. I should like to know from the Senator from Massachusetts what date the pay accrues from, whether from 1883 or from the passage of the bill?

Mr. LODGE. From the passage of the bill. If it does not so provide I will have it amended.

Mr. SEWELL. It seems to me that it dates back to the time of retirement.

Mr. MITCHELL of Oregon. It carries no back pay or anything of that kind.

Mr. LODGE. It carries no back pay.

Mr. MITCHELL of Oregon. That is particularly guarded against.

Mr. SEWELL. Let the clause at the end be read.

Mr. LODGE. If it does not so provide it should be amended. I understood that it was so.

The PRESIDING OFFICER. The Secretary will read the proviso, as requested.

The Secretary read as follows:

Provided, That he shall receive no pay or emoluments except from the date of such retirement.

Mr. SEWELL. That would carry it back to 1883. It should be amended so as to read: "except from the date of the passage of this act."

Mr. LODGE. I suggest that the bill be so amended.

Mr. MITCHELL of Oregon. Let that amendment be made.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Strike out, in line 17, the words "such retirement" and insert "passage of this act"; so as to make the proviso read:

Provided, That he shall receive no pay or emoluments except from the date of the passage of this act.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. ALLISON. I should like to ask the Senator in charge of the bill whether it would be necessary for the President to send his name to the Senate for confirmation or if the bill makes him an officer to be placed on the retired list without confirmation?

Mr. LODGE. No; the appointment would have to be sent to the Senate for confirmation. It simply gives the President the power to appoint him in his discretion.

Mr. ALLISON. Then I think the bill should be amended so that the pay shall begin after the date of the confirmation by the Senate rather than from the passage of the act.

The PRESIDING OFFICER. The Chair suggests to the Senator from Iowa that all this discussion is out of order. Unanimous consent has not yet been given for the consideration of the bill.

Mr. ALLISON. Very well. I do not object to its consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BATE. I do not think the bill should be taken up now under the circumstances. I do not know that I oppose it. I do not want it understood that I oppose the bill, but I object to the irregularity by which it comes here from another committee when it is the universal custom of the Senate to send a military bill to the Military Committee and bills relating to matters of the Navy to the Committee on Naval Affairs. That committee has not seen it. I know it comes from a good committee, of course, but it is irregular; it is out of the usual course, and I do not think the bill ought to be considered in a slim Senate, as is the case this evening.

Mr. LODGE. I trust the Senator from Tennessee will not object. A similar bill was referred to the Committee on the Judiciary in a former Congress. It went to the House Judiciary Committee, and therefore it was referred to the Judiciary Committee of the Senate. No objection was made to the reference.

Mr. BATE. Will the Senator give me any reason for sending the bill to the Judiciary Committee instead of the Naval Committee?

Mr. LODGE. There is no reason that I am aware of except that it came from the House Judiciary Committee and was referred at the desk as a matter of course to the Judiciary Committee of the Senate. There was no objection made at the time. There was no objection made subsequently. The Judiciary Committee dealt with it. There was no objection made by any member of the Naval Committee. There is no objection made now, so far as I am aware. The bill has been considered in the Senate several times before, always favorably, and it always passed. I hope that the Senator from Tennessee will allow it to be considered and the amendment made, so that it may be sent back to the House with the amendment and go into conference.

Mr. BATE. It is certainly a bad precedent to send bills of that nature to the Judiciary Committee. It is setting a precedent here which will certainly be very bad in its operation.

Mr. MITCHELL of Oregon. The Senator will see that it is a bill which has always been considered by that committee in both Houses.

Mr. BATE. I do not want to interpose any objection to the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts [Mr. LODGE].

Mr. LODGE. The Senator from Iowa [Mr. ALLISON] suggested that it should be amended so as to read "from the date of confirmation by the Senate," which I think is a proper amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In the proviso, at the end of the bill, it is proposed to strike out the words "such retirement," after "date of," and insert "his confirmation by the Senate."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MITCHELL of Oregon. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. MITCHELL of Oregon, Mr. LODGE, and Mr. PUGH were appointed.

Mr. HILL. I call the attention of the Chair to the very dangerous precedent that has been established this afternoon, namely, the appointment of a Senator who is not a member of the committee which reported the bill as a member of a conference committee. The bill was reported from the Judiciary Committee. The Judiciary Committee had charge of it. Following the universal rule, the members of the Judiciary Committee should have been appointed, whereas the Chair appointed the Senator from Massachusetts [Mr. LODGE]. Mr. President, I congratulate the Senate upon the establishment of that precedent. It is a very good one and ought to be followed in the future.

The PRESIDING OFFICER. The Chair will state to the Senator from New York that no new precedent has been established by the Chair. It has been the custom of the Senate for a great many years to appoint other than a member of the committee reporting a bill on the conference committee.

Mr. HILL. I am very glad to hear it, Mr. President. I was

Mr. BARTHOLDT. There having been no objection made

Mr. HILL. I am very glad to hear it, Mr. President. I was looking in vain for a precedent.

Mr. CHANDLER. Particularly where they take great interest in the bill——

Mr. MITCHELL of Oregon. It is no new precedent.

Mr. CHANDLER. Then the Presiding Officer ought to go outside of the committee which nursed the bill.

Mr. HILL. I think he ought to go outside of the committee most of the time. That is my judgment about it. I congratulate the Chair upon following previous precedents, but not late precedents.

The PRESIDING OFFICER. The Chair will state that he has not established any new precedent.

B. F. DOWELL.

Mr. MITCHELL of Oregon. I ask unanimous consent for the consideration of the bill (S. 715) for the relief of B. F. Dowell. It is a brief bill for a constituent of mine. It is very short.

Mr. BATE. I do not want to interfere with that bill, but it is nearly half past 6 o'clock, and time to adjourn. There are not many Senators here.

Mr. MITCHELL of Oregon. I hope the Senator from Tennessee will not object.

Mr. BATE. I do not; but I give notice now that after the Senator gets his bill through I shall make a motion to adjourn.

Mr. MITCHELL of Oregon. All right; I will join the Senator then.

The PRESIDING OFFICER. The Senator from Oregon asks unanimous consent for the present consideration of the bill indicated by him. Is there objection?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The preamble recites that the United States, by B. F. Dowell, prosecutor, recovered judgment against W. C. Griswold in the district court of the United States for the district of Oregon, under section 3490 of the Revised Statutes, for the sum of $35,228 and costs, and upward of $15,000 is still due B. F. Dowell on the judgment, and the United States has compromised its half of the judgment without including the following-described appropriation, namely: By House Executive Document No. 30, Forty-fifth Congress, third session, and by an act of Congress of the 3d of March, 1879 (18 Statutes, page 481), there was due, allowed, and appropriated for W. C. Griswold the sum of $2,104.32, and on the 21st of June, 1891, this sum was turned into the Treasury as a special fund that should be set off against the judgment against Griswold and paid to B. F. Dowell according to the statute in such case made and provided.

The bill directs the Secretary of the Treasury to set off the sum of $2,104.32 against the judgment against Griswold, and provides that the sum shall be paid out of the special deposit to B. F. Dowell.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BATE. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 29, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 28, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The SPEAKER. The Clerk will read the Journal of yesterday's proceedings.

Mr. KEM. If in order, Mr. Speaker, I make the point that there is no quorum present.

Mr. HARDY. I object. [Laughter.]

The SPEAKER, having counted the House and ascertained the presence of a quorum, directed the Clerk to read the Journal.

The Journal was read and approved.

SHELTER FOR HOMELESS CITIZENS OF ST. LOUIS.

Mr. JOY. I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of War be, and is hereby, authorized to lend to the mayors of the cities of East St. Louis, Ill., and St. Louis, Mo., and vicinity, under such regulations and restrictions as he may deem proper, a sufficient number of tents to temporarily shelter such citizens of said cities as may have lost their homes by the tornado of yesterday, and to render such other relief in the premises as he may deem necessary.

The SPEAKER. Is there objection to the present consideration of this resolution? It requires unanimous consent. [A pause.] The Chair hears no objection.

Mr. BARTHOLDT. There having been no objection made to the consideration of this resolution, I hope it will be adopted. I called on the Secretary of War this morning in company with my colleague [Mr. HUBBARD], and was assured that if Congress would give the necessary authority, the War Department would place eight or ten boats——

Mr. KEM. I rise to a point of order. We can not hear what the gentleman is saying.

The SPEAKER. The House seems to be in order.

Mr. KEM. I hope the gentleman will speak louder.

Mr. BARTHOLDT. I was saying that the Secretary of War, or rather his assistant (he himself not being present), assured my colleague [Mr. HUBBARD] and myself this morning that eight or ten boats, which are now used for the purpose of Mississippi River improvement near Jefferson City, Mo., could be sent to St. Louis immediately to render such aid and relief as may be possible. For this reason I trust that Congress will, by the adoption of this resolution, give the War Department the necessary authority.

I shall also on behalf of my colleague and myself ask the House for leave of absence. My colleague, being a medical man, will probably be able to render valuable individual assistance; because our information is to the effect that the physicians there are unable to attend to the needs of the wounded. I trust the resolution will be adopted.

The question being taken, the resolution was adopted.

On motion of Mr. BARTHOLDT, a motion to reconsider the last vote was laid on the table.

PERSONAL EXPLANATION.

Mr. CANNON. I ask unanimous consent to be allowed two minutes for the purpose of making a statement in reference to the misquoting of the RECORD of the Fifty-first and Fiftieth Congresses, as it appears in the RECORD of this morning.

The SPEAKER. Without objection, the gentleman will proceed.

Mr. LEWIS and Mr. KEM objected.

The SPEAKER. Objection is made by the gentleman from Kentucky [Mr. LEWIS] and the gentleman from Nebraska [Mr. KEM].

Mr. LEWIS, proceeding to make some remarks, was called to order by

The SPEAKER, who said: The gentleman after making objection can not discuss the matter himself. The Reporters will not put the gentleman's remarks in the RECORD.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. I now call up the conference report on the sundry civil appropriation bill. The House was dividing yesterday on a motion to concur in the Senate amendment appropriating $5,000 for approaches to the court-house at Martinsburg, W. Va. The presence of no quorum was developed, and the House adjourned.

The SPEAKER. The Clerk will read the pending amendment.

The Clerk read as follows:

For court-house and post-office at Martinsburg, W. Va.: For completion of approaches, $5,000.

The SPEAKER. The question is on the motion that the House recede from its disagreement to this amendment and concur with the amendment.

The question being taken, the motion was agreed to; there being—ayes 92, noes 25.

The SPEAKER. The Clerk will read the next amendment on which a separate vote is demanded.

The Clerk read as follows:

For court-house at Savannah, Ga.: For continuation of building, $25,000; and the limit of cost of said building is increased $100,000.

Mr. CANNON. Does the gentleman from Georgia, who asked a separate vote on this amendment, desire any time?

Mr. LESTER. I would like a few minutes to discuss the matter.

Mr. CANNON. I yield to the gentleman five minutes, or so much time as may be necessary to explain the amendment.

Mr. LESTER. Mr. Speaker, this amendment relates to the construction of the public building in the city of Savannah, Ga., and my motion is that the House recede from its disagreement to the Senate amendment and concur in the same.

This is one of the amendments in the sundry civil bill, and proposes an increase of the limit in the construction of the court-house and post-office building in the city of Savannah. The limit fixed by the original act providing for this building (and it has been about ten years under construction and is partly finished at this time) was fixed at $400,000. When bids were called for for the purpose of facing the building, alternate bids were had both for brick and marble. It was discovered on an investigation of the bids for the marble coating that they involved more than the amount authorized by law for this expenditure by the Treasury Department to the extent of about $100,000. The bids to finish it with brick were accepted. It was understood that the bids for

marble would be accepted if Congress within a certain time (that is, by the 1st of June, 1896) would extend the limit of the appropriation so as to permit the structure to be of marble, as it ought to be, instead of brick.

The amendment of the Senate now proposes to extend the limit of the cost of the building from $400,000 to $500,000, in order that the finishing may be of marble instead of brick. It was the contemplation and expectation of every one concerned in the matter (and the whole people of the United States are concerned in this, because it is a public building of the United States) that this building should be finished with stone or marble as a building of that character and size ought to be constructed. Brick is not a proper material (and in that suggestion I think the House will agree) out of which a structure of this kind should be finished. But in order to have marble and not brick it is necessary to extend the limit of cost to the amount contemplated in this amendment.

In August last, when it was discovered that the limit of appropriation was not sufficient (and the cause of its not being sufficient, I may state, was due to the fact that the site was changed and much money lost on that account, a loss to the building, for otherwise the $400,000 would have been sufficient to finish it in marble; but, as I have said, the money was expended on another site, the location having been changed)—but in August last, when it was discovered that the appropriation was not sufficient, a communication was addressed by the Secretary of the Treasury to the contractors, to which I will refer in a moment, upon this subject. So the situation now is whether this building shall be of brick or of marble. All will agree, I think, that it ought to be of marble, and in order to provide marble for it the extension of the limit is necessary. That is the purpose I have in view in asking the House to recede from its disagreement to the Senate amendment.

In August of last year bids were advertised for to do the finishing. The groundwork and under structure had already been finished of stone. These bids were sent in and (I think it was in August) were accepted. Now the Secretary of the Treasury, concurring in the view that this building should be of marble or stone, addressed a letter to the contractors for the purpose of ascertaining whether or not they would stand by their alternative bids for marble instead of brick—they having already received the contract for the brick, and were about to begin the work. They replied that they would do so, and the Secretary of the Treasury made an arrangement with the contractors to withhold their right to carry on the contract until the 1st of June of this year, so that if this Congress would extend the limit the structure could be finished in marble. They agreed to do it, and that is the present situation.

Now, Mr. Speaker, on the 1st day of June the time expires, and unless Congress extends the limit the building will have to be finished of brick, as I am sure all will agree it ought not to be. I would be very glad, and would consent cheerfully, to join with gentlemen who say that they can not have their public buildings this session of Congress for certain reasons, and would be perfectly willing to wait until the next session of Congress to urge this matter if it were not for the facts I have stated, namely, that unless the limit is extended before the 1st of June nothing can be done thereafter on the subject, but the building will have to be finished of brick.

I ask the House, therefore, to recede from its disagreement to the Senate amendment and concur in the same for the reasons stated.

Mr. POWERS. How much is the appropriation proposed in the amendment?

Mr. LESTER. This proposes to increase the limit of the appropriation from four hundred thousand to five hundred thousand dollars.

Mr. CANNON. I yield now five minutes, or so much time as he may desire, to the gentleman from Indiana [Mr. HENRY].

Mr. HENRY of Indiana. Mr. Speaker, this case, it seems to me, is not such a one as requires the House to step outside of the ordinary rule and make an exception in its favor. The limit of cost is provided at $400,000 for this building. Now, it is sought by the adoption of the Senate amendment to extend this limit to $500,000, for the purpose, it is said, of making it a stone building instead of a brick one. There is no reason why the Department could not wait until the next session of this Congress, if they desire to do so, in letting the contract for the finishing of the building. There are many towns and cities in the land that would be glad to have a limit of $400,000 for a building, instead of $500,000.

Mr. LESTER. Will the gentleman allow me one question?

Mr. HENRY of Indiana. Yes.

Mr. LESTER. I know the gentleman does not wish to misrepresent anything. He says there is no reason why the Secretary of the Treasury should not wait until another time before giving out these bids. The truth about the matter is, that the bids have already been taken and the contract has already been signed. It was only by an agreement to extend the time for commencing the work from last August until June that the matter has been delayed this long. On the 1st of June, unless action is taken before that time, the contractor will go on with the construction of the brickwork, and the Secretary of the Treasury can not prevent it.

Mr. HENRY of Indiana. The gentleman has answered the objection himself. The contractor has agreed to wait until the 1st of June in order that he may build a stone building. If he is willing to do that, he will be willing to extend the time. It is by mutual agreement and common consent.

Mr. LESTER. If the gentleman will make that arrangement, I shall say nothing more about this business.

Mr. HENRY of Indiana. I am not making the arrangements. I am not managing the building of that structure and shall not go into that part of it; but, Mr. Speaker, the point is here: No exception should be made of this case. Let it stand where it is. If they want to continue it longer than the 1st of June, to have it considered further at the next session of Congress, all well and good. Or if, on the contrary, they want to go ahead and build a brick building, let them do that; but let us not make an exception at this late day in the session, when we can not properly consider these questions.

Mr. CANNON. Mr. Speaker, one word. This is on all fours with the Camden building, except that the Camden building has not been commenced and this has.

Mr. HENRY of Indiana. No, it has not been commenced

Mr. TATE. Yes, it has.

Mr. CANNON. But I want to say, when I asked for two minutes this morning and the gentleman from Nebraska objected, when I wished to make a statement in reference to the quotation made by the gentleman from Tennessee from the RECORD, I had to submit, as I always do when somebody objects and he has the right of it at the time; but I thought a little later I could get the two minutes, and I take the floor in these two minutes to call attention to a matter which was quoted by the gentleman from Tennessee [Mr. RICHARDSON] in the RECORD of this morning. If you will turn to page 5816 you will find that the gentleman from Tennessee [Mr. RICHARDSON]——

Mr. RICHARDSON. Mr. Speaker, let us have order. I can not hear what the gentleman says.

The SPEAKER. Will the House please be in order? Will gentlemen in the aisles take their seats and cease conversation?

Mr. CANNON. On page 5816 the gentleman from Tennessee [Mr. RICHARDSON] had the floor and did me the honor to quote from the RECORD of the Fiftieth Congress, reading from my remarks touching certain French spoliation claims then pending before the House on a general deficiency appropriation bill.

Mr. LEWIS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Illinois has the floor.

Mr. LEWIS. Is a parliamentary inquiry in order?

The SPEAKER. Not without further definition than the gentleman has given. The gentleman from Illinois has the floor.

Mr. LEWIS. If I have the opportunity I will state it. Unanimous consent was asked this morning to go into a discussion of this matter and I objected, and I desire to know what effect the objection has.

The SPEAKER. The effect which the objection had was to stop the gentleman from Illinois proceeding.

Mr. LEWIS. He is going on now with the same matter. It seems that the objection amounted to nothing.

The SPEAKER. That objection was at a different time.

Mr. LEWIS. Well, I object again.

The SPEAKER. The gentleman will have to put it in proper shape if he desires——

Mr. CANNON. I will try to proceed in order. I believe I have an hour, if I insist upon it. I think I shall occupy about three minutes. I want to say to the gentleman from Kentucky [Mr. LEWIS] that I recollect the occurrence of yesterday, and I beg to assure him now that it was without the slightest desire to offend him or to discriminate against him that, being in charge of the bill, I made the motion for the previous question. I want to disclaim any desire to in any way wound his feelings or to discriminate against him. Having said that much, I want to say now in two or three minutes that the gentleman from Tennessee [Mr. RICHARDSON] read a part of what I said in 1889. What he read left the impression upon the House that I was advocating the adoption of an amendment upon the deficiency bill away back in 1889 that would pay the French spoliation claims. What the gentleman read was as follows:

I believe from the best lights I can get the Government of the United States three generations after these claims are due and payable ought to pay them.

Here is what he did not read:

When I say that, however, I want to say there is room enough for gentlemen honestly to disagree with me in that conclusion. I stand ready, under the light of full discussion, with this measure resting on its own merits, and its own merits alone, to vote for the appropriation of money necessary to pay these claims; but while I say that, I want to say I doubt the propriety in the closing

hours of the session of putting this amendment upon a bill which carries pensions and bounty and back pay, and for the service of the Government for the remainder of this year all along the line, and saying those items shall

on to say that that was not all I said, and then he made me say that this was "within fourteen hours of adjournment of Con-

from any other public building amendment that the House is now asked to sanction.

has taken; and in what I shall now say I shall not so much discuss this item as make a statement in reference to the situation

hours of the session of putting this amendment upon a bill which carries pensions and bounty and back pay, and for the service of the Government for the remainder of this year all along the line, and saying those items shall not pass unless these claims shall pass.

For one I am willing to vote on concurrence, or I am ready to vote to insist, but I believe it is the part of wisdom in these the closing hours of this Congress that the House shall send this bill back into conference, and let the ninety years of waiting add another year to the investigation of these claims under circumstances where they can be fully and fairly investigated and discussed, and stand or fall upon their own merits alone. [Applause.]

I voted against the loading of that batch of spoliation claims in a lump on the deficiency bill, as I voted yesterday against a large batch that was added to the other claims.

Now, touching for a moment the matter that the gentleman from Ohio [Mr. GROSVENOR] referred to yesterday, in which there was a garbled extract read—I do not speak offensively—and laid to me, when it was not my words at all, but those of another member, I can excuse the gentleman from Ohio. I recollect that Rule XXXIV, in spite of the efforts of the Speaker, is almost impossible of enforcement; and I am reliably informed that ex-members of Congress were upon the floor yesterday, belonging to the lobby, dog-earing books, utilizing the employees of the House to send them about, and no wonder that members made mistakes. I do not seek to fight the battles of yesterday over. When a fight is on on this floor I make the best fight that I can while it is on, but when it is concluded, as I always have in the past, and expect to do in the future, when the majority of the House acts, whether I agree with the wisdom of its action or not, I always bow in obedience, without grumbling and without scolding. I felt it proper that I should call attention, to do simple justice to myself, to the fact that in the haste of debate the gentleman from Tennessee did not do me justice in only putting in a part of my remarks. We recollect the man who made a wager to prove by the Bible that there is no God; and he read it, "There is no God." "Hold on," said the preacher, "'The fool hath said in his heart.' You did not put it all in." So he did not make the proof.

Now, then, it does not make much difference what I said in the Fiftieth or Fifty-first Congress, or what I may have said in debate in twenty years. When somebody gets up and challenges me about it I do not know. It has passed from my mind. I know generally that I perform my duty from time to time in this House when it is necessary to act, following my judgment and conviction. I do not know how many times I have crossed my path in twenty years; and where questions are coming up under different circumstances from time to time I do not care. If I can follow my judgment in the present the past will take care of itself.

Mr. RICHARDSON. Mr. Speaker, I only want a word in reply to the gentleman from Illinois. I can assure him and the House that nothing would be further from my mind than intentionally to do him an injustice, after serving with him as I have in this House for ten or twelve years. I had no disposition yesterday to do him an injustice; but, Mr. Speaker, I think I legitimately and fairly quoted what he said in the Fiftieth Congress. I thought so then; I think so now. I did not undertake to quote all he did say, because I had only ten minutes, and it would have taken five minutes' time to read all he said, and to have done so would have used half of my time. I insist that I did not do him an injustice. I simply quoted an opinion he expressed, which was that the claims should be paid. I asked the gentleman's attention to this while he had the floor and had unlimited time. I rose with a RECORD in my hand and sought while he had the floor to call his attention to what he had said. Then he could have read it all; but the gentleman declined to yield to me.

Mr. CANNON. Not this morning.

Mr. RICHARDSON. No; yesterday. He yielded to the gentleman from Ohio, some gentleman in front of him, the gentleman who now sits at my right [Mr. ADAMS], and did not give me time to get in his statement. I wanted to give him the full benefit of it while he had the floor. It was not any intention on my part to take any advantage of him or to do him any injustice, I assure him; and I think, if he will take all the circumstances into consideration, he will not conclude I did do him injustice in what I said in my remarks. I said, "This was not all the gentleman said." I said, "He went on to make other remarks about these claims." I did not undertake to say that was all; but I gave him the benefit of stating that he said other things in respect to these claims. I did not have time to put it all in at that time. And, Mr. Speaker, what I did then say, and I repeat now, was that he took the position that the spoliation claims should be paid, and that the House was then "within fourteen hours of final adjournment." I called attention to the fact that that was not the condition now, and that his committee would have ample time to thoroughly, fully, carefully, and exhaustively investigate these claims, and that after doing that then he could make such a report upon it to the House as would govern us in our conclusions. I do not think I did him an injustice; and I again assure him that I did not intend to do so.

Mr. CANNON. Mr. Speaker, as I have the floor, just a word. I am content if the gentleman from Tennessee is. After he read a part of my remarks, and I challenged what he had read, he went on to say that that was not all I said, and then he made me say that this was "within fourteen hours of adjournment of Congress" and "that we ought to pass these claims." Yes, he did quote me that much further, but failed to quote the remainder of my remarks, which, taken with what he quoted, made my position entirely different. Now, then, I am content with it. I am satisfied with it. I could not challenge it yesterday by calling attention to the RECORD, because then there was a real fight on over 700 items grouped in one amendment, amounting to $2,000,000, covering the public service and stale claims for three generations back, and which were walking through this House out of order. I was gunning for bear then. This morning it is mere play. It makes no difference, in fact, whether I was quoted fully or not.

Mr. RICHARDSON. I am inclined to think, Mr. Speaker, that the gentleman protests too much about not intending to fight the battle over again to-day. [Laughter.] There is such a thing as protesting too much.

The question was taken on concurring in Senate amendment numbered 16; and the Speaker declared that the noes seemed to have it.

Mr. LESTER. I ask for a division.

The House divided; and there were—ayes 44, noes 77.

Mr. LESTER. I ask for tellers.

Tellers were refused, only 34 members voting in favor thereof.

So the House refused to concur in the amendment.

The Clerk read as follows:

For making certain proposed alterations in the post-office building in New York City, and for improving, arranging, and furnishing certain rooms therein in accordance with plans prepared by the Supervising Architect of the Treasury, to be done under the direction of the Secretary of the Treasury, the sum of $60,000, such sum to be immediately available.

Mr. CANNON. I yield to the gentleman from New York [Mr. DANIELS].

Mr. DANIELS. Mr. Speaker, I desire to call the attention of the House again, as it was done on Saturday, to the effect and necessity of this amendment. On that occasion the House declined to concur with the Senate by a majority of only 2 votes. Now, when members understand fully the condition of things in this building in the city of New York they will see that the adoption of this amendment is exceedingly important. All of the public business of the United States in the city of New York is done in this building. All the United States courts are held there, and those courts have increased in number since the passage of the act creating the circuit court of appeals. When the building was erected the three court rooms in it were built two stories in height from the floor to the ceiling, and it is found that a floor can be put halfway up, thus doubling the number of court rooms and giving ample room for the transaction of business.

The purpose of this amendment is to authorize and provide for making the necessary improvements by putting this flooring between the ceiling and the existing floor, thereby increasing the number of court rooms from three to six. The business in the United States courts there is larger than anywhere else in the country, unless it may be in the Supreme Court here in Washington, and a larger number of appeals are brought to the Supreme Court of the United States from that district than from any other. The business of the United States must be delayed unless additional court room can be supplied; and everyone will understand that this delay in cases that are not yet tried will of course be exceedingly perilous, because we all know that the longer the trial of a case is postponed after it has been put at issue the greater the risk of losing witnesses and of the witnesses failing to preserve their memories in such condition as to do justice by their testimony to the parties to the controversy.

This improvement is so important and so necessary for the facilitation of the public business that all of the United States judges in that district have agreed to urge upon Congress that the appropriation be made and the changes authorized. All the judges of the circuit court of appeals, Judge Wallace, Judge Lacombe, Judge Shipman, and the district judge, Judge Brown, have agreed to urge this matter upon the consideration of Congress. So has the postmaster of the city of New York, whose letter I have here. So has the district attorney. It should be remembered, too, that a larger revenue comes to the Government from that district than from any other in the United States. What is asked is simply that this amendment shall go through for the purpose of securing the convenience of the courts and the convenience of the use of the library which the judges now have. That library belongs to the institute of the city of New York, but it will necessarily be removed from the building for want of room unless these alterations are made. This is really a case of urgent necessity, so much so that a bill was introduced into the Senate in the early part of the session to authorize this work. It was passed there and sent to the House. We referred it to the Committee on Public Buildings and Grounds, but it has never come back from that committee. It will be seen, therefore, that this amendment is in a different position

from any other public building amendment that the House is now asked to sanction.

This is simply a struggle on the part of the public authorities there, and of no one else, to secure these additional conveniences for the proper transaction of the public business in the city of New York. In addition to the advantages I have stated, these changes will give the post-office one additional room, and will thus help to facilitate the transaction of the business of that great office, which has overflowed the existing conveniences of the building as at present divided. The matter is certainly a very important one, and I ask this committee to so regard it, in view of the evidence, uncontradicted by anybody, that these alterations are absolutely needed to facilitate the business of the courts, and thus secure an earlier determination of the litigation pending in those courts.

Mr. CANNON. Mr. Speaker, I want to say just a word about this motion. I want to call the attention of the House to the difference in principle involved in the public building amendments that have been put on this bill by the Senate. Take the Savannah case, for instance; there is $400,000 authorized for that building and the building has been commenced, but Savannah wants the limit broken a hundred thousand dollars so that the building may cost half a million, thus giving a better finish to the structure. Take the case of Kansas City; they want the limit broken there. Omaha did want to get on the bill with a broken limit. St. Paul wanted to get on in the same way. Several other places wanted to get on when this bill was under consideration in the House, but were ruled out on points of order. The Senate has put on limit-breaking amendments in the cases of Savannah, Kansas City, Camden, and other places.

Then they have put on several other amendments for the improvement or alteration of buildings that are now in existence and occupied. For instance, take the case at Los Angeles, where the Senate put in an amendment appropriating $12,000 to change the basement of the building so as to afford quarters for the post-office in addition to the public accommodations already afforded. The House concurred in that amendment, because it was not the breaking of a limit substantially as these others were, but it was along the line of the public service—utilizing that which we had, and by the small expenditure of $12,000 saving many thousands on account of rent which would have to be paid if the officers thus accommodated were obliged to go out of the building.

Now, I want to be exactly fair. Take this New York case. The building is occupied. There is not enough room for the courts. It is proposed to put in another floor, making two rooms where there is now only one. They could paint the building, they could repair the roof or the stairways, if the roof were burned off they could put on a new roof, from the general appropriations for repairs to public buildings. But when you come to laying a new floor and making such alterations as will double the present capacity of the building, that general appropriation for repairs is not, under Bowler, available. [Laughter.]

Now, it is for the House to say whether there is a substantial distinction between this case and the Camden case and the Savannah case. To my mind there is.

Mr. SHAFROTH. What amount of money is involved?

Mr. SULZER. Sixty thousand dollars.

Mr. CANNON. Now, I want to be exactly fair——

Mr. SAYERS. Does the gentleman think there is any substantial difference between this case and the Little Rock case?

Mr. CANNON. I was going on to say—and if the gentleman was listening he must have noted that I said, "I want to be exactly fair." I was about to say that the Little Rock case goes on all fours with this case.

Mr. SAYERS. I think this amendment ought to be concurred in, and also the amendment in relation to the building at Little Rock.

Mr. CANNON. The Little Rock building has been occupied many, many years; and in connection with that building the question is merely as to the alteration of the building so as to make it halfway large enough for the courts. There is no proposition for the erection of a building; it is not the breaking of a limit; but the object is to make such alterations that the United States will not be obliged to go outside and rent rooms. I think that technically there may be no difference between the two classes of cases; substantially there is. "The letter killeth, but the spirit giveth life."

Now, let me state what I think it would be well to do and what I am willing to do: Vote to adopt the amendment for the alteration and improvement at New York City; and if that is done, I shall then move in simple justice that we go back to the Little Rock item, reconsider our action, and concur in that amendment. That is all I want to say.

Mr. HENRY of Indiana. I should like to occupy a moment.

Mr. CANNON. I yield to the gentleman.

Mr. HENRY of Indiana. Mr. Speaker, I am surprised at the position which the chairman of the Committee on Appropriations has taken; and in what I shall now say I shall not so much discuss this item as make a statement in reference to the situation in which we find ourselves. By the rules of the House, when this bill was originally under consideration by the House, no member was allowed, under the objection of the gentleman from Illinois, the chairman of the Committee on Appropriations, to present an amendment of this character. It made no difference how urgent the case was; it was of no importance whatever how the public service was suffering. Nothing of that kind could have any effect. On each and every occasion when an effort was made to insert an amendment of this kind, there stood the gentleman from Illinois, like a stone wall, objecting to any amendment for any improvement upon any public building or for increasing the limit of cost on any public building. And now, forsooth, because the Senate has proposed an amendment to this bill, all things have changed. Let us look at the situation for a moment. In what sort of a plight do we find ourselves? As that branch of the legislative body which comes latest from the people and, as we claim, stands nearest to the people, shall we tie our hands so that we can not legislate on matters of this kind? Shall we say, "We can not put an amendment upon an appropriation bill, however important it may be"; yet, when the bill comes back from the Senate with an amendment, the chairman of the Committee on Appropriations will not only get entirely out of the way, but will absolutely advocate an amendment which he would have protested against had it been offered on the floor of the House?

Now, Mr. Speaker, not so much with reference to this case, but in justice to all this class of legislation, this House owes it to itself to stand by the position which it has taken in this matter. It owes it to itself to say, "We will not put such amendments upon these general appropriation bills." Until we do take that stand and adhere to it firmly, positively, and all the time, we can not expect to have equal-handed justice in legislation of this character.

This case, I want to say, Mr. Speaker, is no more urgent than many other cases that have come before the committees of this House. Urgent in some respects it may be; but I could, if I were willing to take up the time of the House, show at least a dozen cases where there is more urgency than in this. Yet it is proposed that we shall take this case entirely out of the class to which it belongs and make it an exception. For this reason, Mr. Speaker, I protest against concurring in the Senate amendment.

Mr. QUIGG. The gentleman surely does not wish to be understood as saying that because one good thing has not been done another good thing should not be done?

Mr. HENRY of Indiana. I do not say that this is a good thing to do. On the contrary, it is an absolutely vicious thing to do. The public service is not suffering for want of this improvement any more than it has been in the past; and to pursue this class of vicious legislation is, in my judgment, the thing which we ought not to do.

Mr. DANIELS. The cases are constantly running behind in New York because of the lack of facilities in this building. They have not force enough to do the business, and even take the judges from the eastern and northern districts to help them.

Mr. HENRY of Indiana. Mr. Speaker, it is a very strange thing that this condition of affairs has come so suddenly upon New York. Be it far from me to say anything against that great State or city; but it is not entitled to any more consideration than all of the other cities of the Union east or west of the Mississippi River. What we need to do is to follow a fair and a just course with reference to all of these matters, and for that reason I insist that no exception should be made here.

Mr. CANNON. I yield three minutes to the gentleman from New York [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker, I do not deem it necessary to stand up here in defense of the great State of New York and make reply to the arguments advanced by the gentleman from Indiana [Mr. HENRY]. Nor do I think it necessary to answer the assertion that New York is not entitled to any more consideration than any other State. We do not ask anything of the kind. This question presents itself before the House solely on its merits. It is an entirely different question from that of asking consideration for the State of New York.

I need not appeal to any lawyer who has ever practiced in the United States courts in New York, or who has ever had occasion to transact any business in the Government building there, to answer the assertion that this work is not absolutely essential. Any one of them will appreciate the absolute necessity for the improvement called for by the Senate amendment in the bill under consideration. It is an improvement that has been asked for by the judges and public officials in order to facilitate the transaction of the public business. It will necessitate, in case the appropriation of the Senate is not concurred in by the House, a removal of the public library beyond the reach of the judges of our United States courts, and compel them to go outside of the building for the

purpose of consulting the records; and I am sure there is no member of this House who would vote to cause or continue such

York will not be able to properly conduct their business there. The library upon which they rely will be removed, and it will not

Mr. CANNON. I move to lay that motion on the table.

The question was taken; and on a division (demanded by Mr.

son, Reynolds, and other great men that this House and Congress have honored in the past, and whose widows are drawing more

purpose of consulting the records; and I am sure there is no member of this House who would vote to cause or continue such a condition of affairs as that.

I trust, therefore, Mr. Speaker, that the amendment of the Senate will be concurred in by the House.

Mr. CANNON. I yield five minutes to my colleague on the committee [Mr. BLUE].

Mr. BLUE. Mr. Speaker, if this course of procedure is to be indulged in, then it will resolve itself at last into the diligence of Senators.

The gentleman from Indiana [Mr. HENRY] is eminently right when he seeks to prevent the enactment of these measures in this way. If this course is to be pursued, what is the necessity for the existence of the Committee on Public Building and Grounds?

At the inception of this session of Congress it was deemed wise and proper not to enter upon the policy of making appropriations for public buildings. This measure is not one seeking to secure an appropriation for the purpose of protecting a building which has been unroofed or partially destroyed by fire, or anything of that kind. Nothing will suffer by reason of delay until the next session of Congress; and to my mind it is an argument with but little force when it is claimed here that the public library will have to be removed if the appropriation is not made at this time. It seems to me that in the few months intervening between now and the next session of Congress there will be no very serious inconvenience in this matter, certainly not such as would warrant us in breaking a rule that seems to be an eminently wise one.

Mr. NORTHWAY. And vacation time is near anyway.

Mr. BLUE. And, as the gentleman from Ohio well suggests, vacation time is at hand, and our very much overworked judiciary will doubtless avail itself of that vacation.

I claim, therefore, that there is no good reason for making an exception in this case. It ought not to be done.

Mr. PAYNE. is not vacation time a very good time to do the work, so that they can have the buildings for the courts next winter, when they reassemble, and not have to wait until February?

Mr. BLUE. There might be something in that if it were impossible to use the present building, but it is being used now.

Mr. DANIELS. That is the very thing that is desired to be done; to get the building in readiness for the sessions of the court in the fall.

Mr. BLUE. And the other gentleman from New York suggests that that is just what is desired. Yet this does not convince me, Mr. Speaker, that there is any imperative necessity demanding the appropriation at this time and in this way.

Mr. PITNEY. Let me ask the gentleman from Kansas if he knows anything whatever of the merits of this amendment?

Mr. BLUE. Only what has been stated by the gentlemen from New York [Mr. PAYNE and Mr. DANIELS] themselves in its behalf.

Mr. PITNEY. Well, I have personal knowledge of it and the conditions existing, and I know the gentleman from Kansas well enough, I think, to be sure that he is not so narrow-minded as to object if he does not know the conditions existing. This is one of the most meritorious items in the bill.

Mr. BLUE. I take it that the gentleman from New York [Mr. DANIELS] stated it with all the force that he was capable of presenting it, and yet I failed to see anything of such an imperative character as to require us to break the record on behalf of this appropriation. And I say the rule that we have adopted is a wise one, and I hope it will be adhered to and that no attempt will be made to take from the Committee on Public Buildings and Grounds the functions for which it has been created. By taking this appropriation out of the list of those we have rejected we violate a precedent which has been wisely established in reference to these matters, and we thereby render it so that hereafter the question will resolve itself into a mere question of diligence on the part of Senators to determine whether or not public buildings shall be constructed or appropriations made for their extension. Hence it seems to me, Mr. Speaker, that this should be voted down and treated in exactly the same way that other measures have been treated which have been placed on this bill in violation of precedent and the rules of this House.

Mr. CUMMINGS rose.

Mr. CANNON. How much time does the gentleman from New York desire?

Mr. CUMMINGS. Not more than five minutes.

Mr. CANNON. Very well.

Mr. CUMMINGS. As I had the honor to move to concur in the Senate amendments, I should like to have the attention of the House for a minute. My friend from Kansas [Mr. BLUE]—and I esteem no one in the House more highly—is certainly mistaken when he says these alterations can be put off for another year, and that it will make no difference so far as the New York post-office is concerned. He is utterly mistaken, Mr. Speaker. These alterations must be made now or they will be utterly useless. If the alterations are not made at this session the Federal courts in New York will not be able to properly conduct their business there. The library upon which they rely will be removed, and it will not be brought back. It will take the members from New York City probably four years to induce Congress to give those courts another library, but in the end they will get it, and the Government will pay for it. And when you have got it and paid for it you will be compelled to make the very alterations in that building that you are called upon to make to-day.

Now, Mr. Speaker, the post-office of the city of New York pays a net profit into the Treasury of the United States of $4,500,000 a year. This net sum is distributed throughout the country for the benefit of post-offices not self-sustaining. Possibly my friend from Indiana [Mr. HENRY] may get the benefit of some of this money. I hope it is not necessary, but if it is necessary I hope he may get it. Now, it seems to me it would come with very poor grace for Congress to say that the New York post-office shall not have $60,000 out of the $4,500,000 that it pays into the Treasury annually to increase the facilities in the post-office building. That is all, Mr. Speaker.

Mr. CANNON. Let us have a vote, Mr. Speaker.

The SPEAKER. The question is on concurrence in the Senate amendment.

The question was taken; and on a division there were—ayes 90, noes 32.

Accordingly the motion to concur in the Senate amendment was agreed to.

Mr. CANNON. Mr. Speaker, keeping my word, I desire now to move to reconsider the vote by which the House further insisted on its disagreement to the Little Rock item, amendment numbered 9.

The SPEAKER. The gentleman moves to reconsider the vote by which the House refused to concur in amendment numbered 9, which the Clerk will report.

The Clerk read as follows:

For court-house and post-office at Little Rock, Ark.: For additional amount to construct an addition to the United States court-house and post-office and enlarging judge's chamber and the offices of the marshal and clerk of the circuit and district courts, and for an elevator, $43,000.

Mr. CANNON. Now I ask for a vote.

The SPEAKER. The question is on concurring in the amendment of the Senate.

The motion to concur in the Senate amendment was agreed to.

Mr. LOUDENSLAGER. Mr. Speaker, I move to reconsider the vote by which the House disagreed to amendment numbered 3.

Mr. BLUE. I move to lay that motion on the table.

The question was taken.

The SPEAKER. The ayes seem to have it. The ayes have it, and the motion to reconsider is laid on the table.

Mr. HOPKINS. There was a misunderstanding on that. The gentleman from New Jersey [Mr. LOUDENSLAGER] supposed that that was a vote on the proposition to reconsider. I did not so understand it, and was going to raise the point, but the gentleman stopped me, saying that it was on his motion.

Mr. LOUDENSLAGER. I understood the gentleman from Kansas [Mr. BLUE] to withdraw his motion to lay on the table.

Mr. BLUE. Oh, no.

Mr. HOPKINS. Then I ask another vote on that.

The SPEAKER. Without objection, the Chair will again submit the question.

Mr. BLUE. I object.

The SPEAKER. Objection is made.

Mr. THOMAS. Division, Mr. Speaker.

The SPEAKER. The Chair thinks it is too late to call for a division.

Mr. RICHARDSON. Mr. Speaker, I desire to rise to a matter of privilege.

Mr. CANNON. I believe we have concluded all the items.

The SPEAKER. The question is on agreeing to the motion for a conference.

Mr. LESTER. Mr. Speaker——

The question was taken on agreeing to the conference.

The SPEAKER. The ayes appear to have it. The ayes have it, and the motion is agreed to.

Mr. LESTER. I move to reconsider the vote on amendment 16.

The SPEAKER. It is too late, because the conference has been agreed to.

Mr. LESTER. I was trying to get the ear of the Chair to make that motion.

The SPEAKER. Does the gentleman state that he rose in time?

Mr. LESTER. I state that I did rise before that motion was put.

The SPEAKER. Did the gentleman address the Chair?

Mr. LESTER. I addressed the Chair, certainly.

The SPEAKER. The Chair will consider the other action as vacated, because it was under a mistake. The gentleman from Georgia [Mr. LESTER] moves to reconsider the vote by which amendment numbered 16 was nonconcurred in.

Mr. CANNON. I move to lay that motion on the table.

The question was taken; and on a division (demanded by Mr. LESTER) there were—ayes 67, noes 53.

Accordingly the motion to reconsider was laid on the table.

Mr. CANNON. Now I ask that the motion for a conference be put.

The SPEAKER. The gentleman moves to agree to the request of the Senate for a conference.

The motion was agreed to.

MRS. ELEANOR CARROLL POE.

Mr. THOMAS. Mr. Speaker, I rise to present a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted insert "seventy-five"; and the House agree to the same.

HENRY F. THOMAS,
F. C. LAYTON,
Managers on the part of the House.

J. H. GALLINGER,
JNO. L. MITCHELL,
Managers on the part of the Senate.

Mr. CROWTHER. Mr. Speaker, as a member of the House conference committee I have not had an opportunity to express my convictions upon the measure suggested in the report just presented, and I desire to state briefly to the House that this is one of the bills that was considered by the Committee on Invalid Pensions—a bill for the widow of a lieutenant-colonel of the Regular Army, who was pensioned by a Senate bill at the rate of $100 per month. The Committee on Invalid Pensions, after a careful, serious, and an honest investigation, amended the bill so as to grant her a pension of $50 a month, $20 more than she could have received under the general law had the death of the soldier been of service origin or had the disability occurred in service. I desire to enter my protest now, as I have done heretofore, against these extravagant appropriations in special pension bills for the widows of general officers and against the widows of the private soldier. I am in favor, and always have been, of fair pensions, nay, of liberal pensions; but I am opposed to selecting the widows of general officers as the beneficiaries of this Government in pension matters. The time has come for a halt in this business. We have given this widow now a pension at $20 a month more than she could get under the general law.

Mr. Speaker, during all the time I have served as a member of the Committee on Invalid Pensions and as a member of this House, since last December, I have never yet known that the widow of a private soldier has been pensioned at a higher rate than that allowed by the law, and I insist that the time has arrived when we should extend the beneficent operations of the pension law to the widows of the private soldiers and stop this granting of pensions excessively and extravagantly to the widows of general officers.

And, Mr. Speaker, I desire further, in conclusion, to say that in the conference committee the Senate conferees and the majority of the House conferees simply divided the difference between the amount that was contained in the Senate bill and the amount that was appropriated by the bill as it was finally passed by the House.

Mr. THOMAS. Mr. Speaker, I desire to say to the House that this bill passed the Senate granting Mrs. Poe a pension at $100 per month. It then came to the House committee, and was recommended to and passed by the House at $50 per month. The conference committee have recommended it at $75 per month. This report has been adopted by the Senate and is now before the House for its consideration. The gentleman from Missouri [Mr. CROWTHER], in his zeal to make a record for some one in his part of the country, has taken occasion, without properly considering this matter, to misinform the House; and it is in this way. He says that this is a lieutenant-colonel, and that the widows of lieutenant-colonels should not be pensioned at this amount. The record, as made by the Secretary of War, discloses the fact that Poe was a graduate from West Point; was a brigadier-general of volunteers and commanded the Ninth Corps, acting in the capacity of major-general of volunteers. General Sherman, in a letter to General Poe a short time before he was assigned to duty as engineer on the Great Lakes of this country, said:

I construe your personal and official service near my person to have begun in the spring of 1864 at Nashville, and that it will not cease till February 3, 1884, so that you will have been with me twenty years—and twenty most eventful years. In the beginning we were in the throes of a great civil war, with vast armies in motion needing guidance and maintenance, wherein your well-stored mind and sound judgment aided me more than you ever can know.

Now, the service of General Poe during the war as a brigadier-general, as a corps commander, is equal to that of Logan, McPherson, Reynolds, and other great men that this House and Congress have honored in the past, and whose widows are drawing more pension than the conference committee ask you to give to Mrs. Poe.

There is something very sad in this family history, considering the long service General Poe has given to the country. Only a few years since a son who was expected to be the support of the family sickened and died. A daughter followed. Next General Poe himself died, and the widow, who is more than 60 years of age, is now left with a dependent daughter. I know not what may be thought elsewhere, but in the State of Ohio, where General Poe was born, and in the States of Michigan and Wisconsin, where he supervised the construction of the great public works on the Lakes, the dry docks, the St. Marys Ship Canal, and others, he was held in the highest esteem. All those great works are to be credited to the ingenuity and skill and faithfulness of General Poe. With his environments it was not possible for a man receiving but $3,500 a year to accumulate property. He had been offered by railroad corporations, on several occasions, a salary many times as great as that which he was receiving from the Government, but he always refused, because his heart was in the Government work, and he expected, as every unselfish public servant has a right to expect, that the Government would look after those he left behind. I now yield to the gentleman from Kansas [Mr. BLUE].

Mr. BLUE. Mr. Speaker, the facts of this case, as I understand them, are that this was an educated soldier, and that in his chosen profession of arms he rose to the rank of lieutenant-colonel in the Regular Army. He was also a brigadier-general of volunteers and for a time served by assignment as brevet major-general of volunteers. Is that correct?

Mr. THOMAS. Yes, sir; he commanded the Ninth Corps.

Mr. BLUE. Then, so far as his service as major-general is concerned, it cuts no figure in this business of pensioning his widow, because that was a mere honorary title except where the officer was assigned to duty under orders with the rank of major-general. Besides, the service he performed as major-general seems to have been very brief. The most that can be said in this case is that under the general law this soldier's widow is entitled to a pension of $30 a month. Now, why it is necessary to take the widow of a soldier who would be entitled to only $30 a month under the general law and give her a pension of $75 a month is something that I do not understand, and it is something which I think the facts in this case do not warrant at all.

Mr. THOMAS. Do you think it was warranted in the cases of the widows of General Doubleday, General Logan, and others of that class?

Mr. BLUE. I do not believe that any general officer or his widow should receive any pension above that which the general law provides unless the case is an exceptional one. It is only by reason of distinguished and meritorious services, that that rule should ever be broken.

Mr. THOMAS. We claim such services in this case.

Mr. BLUE. I know you make that claim, but I fail to hear anything that justifies the claim.

Mr. THOMAS. I ask the gentleman if being chief of engineers of General Sherman's army in that general's great campaign should not cause a man to rank equal with any of the line officers or general officers in that command?

Mr. BLUE. I suppose it would cause him to rank just where he stood, and no higher.

Mr. LOUD. Does not the gentleman remember that this officer had a good fat job with General Sherman for twenty years, and is not that a good reason why his wife should receive $75 a month?

Mr. BLUE. I apprehend that this soldier, like every other regular soldier, was pretty well taken care of in time of peace, and the death of his son and daughter, however much to be regretted and however much it may excite our sympathy for the widow, should not be introduced as a factor in this case. I take it that the son and daughter each had passed the age of 16 years. The widow now seems to be 60 years of age. It seems to me that the throwing in of these domestic afflictions here is a piece of mere sentimentality that should have no weight with the House.

Mr. Speaker, it is not the mere difference of $20 per month that works the wrong in this kind of legislation. The Government of the United States, we all know, would not suffer seriously from these extra expenditures. It is the injustice that is wrought to the widows of other soldiers that is the crying evil of legislation of this kind. It is the discontent that it breeds amongst the people of the country when they see the widow of a soldier who happened to be a brigadier-general or a colonel given a pension two or three times as great as is allowed other equally deserving widows, without any exceptional reason. It is wrong in principle. There is no equity in it. There is no justice or fairness in it. And when this report is brought in here to pension this widow at $75 a month, it shows to my mind that somewhere there is sufficient power to exercise favoritism in behalf of this particular beneficiary. I trust that this report will not be agreed to, but that, in

the interest of fair dealing and equity and justice to the widows of other soldiers throughout the country, and to the people at large, this report will be disagreed to.

The SPEAKER. The question is on agreeing to the conference report.

Mr. CROWTHER. Mr. Speaker, I move as an amendment that the House adhere to its disagreement and ask a further conference.

The SPEAKER. That will be in order if the conference report is rejected.

Mr. THOMAS. Mr. Speaker, am I entitled to a little more time?

The SPEAKER. The gentleman has time remaining.

Mr. THOMAS. It was only the other day that the gentleman from Kansas [Mr. BLUE] advocated as high a pension as this for a general's widow, and I leave it for him to reconcile his position then with his position in this case. To feel as I feel in connection with this claim, gentlemen should have known General Poe and his works. A more conscientious man in the interest of his duty never occupied an official position. He saved millions of dollars to the Government in his supervision of the public works on the Great Lakes, many thousand times more than the paltry sum which his widow would receive as pension under this bill.

But the principal argument made, both by the gentleman from Kansas and the gentleman from Missouri, is that bills of this class breed discontent throughout the country among the soldiers. I do not know what class of soldiers these gentlemen come in contact with; but I have never seen a private soldier who has said to me that he would take one dollar away from these commanders of his army or their widows. On the contrary, the private soldiers take a pride in having the Government treat liberally their officers and the widows of officers. All that the soldiers of this country demand is justice, justice to all ranks, and a proper consideration of the condition and meritorious services of the soldiers of the Republic.

Now, if the gentleman from Kansas would take half a day and examine the business that has been considered by the Committee on Invalid Pensions during this Congress, he would find that privates are receiving as large pensions as general officers, and I think the pensions to privates exceed those to general officers.

Mr. WILLIS. Does the gentleman know of the widow of any private that has been so treated?

Mr. THOMAS. Yes, sir; I know of dependent daughters who are insane, of widows obliged to have a constant attendant, and who are receiving more at the hands of this committee than they would receive under the law.

Mr. CROWTHER. The gentleman has mentioned the imbecile and unfortunately paralyzed daughters of soldiers. Does he know of any widow of a private soldier who has had a bill passed by the Invalid Pensions Committee at this session giving her a pension of more than $12 a month?

Mr. THOMAS. I think there was such a bill only a few days ago, but I can not recall the case.

Mr. CROWTHER. It is not a question of "thinking." Does the gentleman know of any such bill?

Mr. THOMAS. I can not give the name of the case at this time.

Mr. CROWTHER. The gentleman is a member of the committee, I believe.

Mr. THOMAS. Certainly; but I can not carry in my mind all the cases considered by the committee.

Now, Mr. Speaker, I have said all that I desire to say, and I ask for a vote.

Mr. BLUE. Before the gentleman takes his seat I should like to occupy a moment or two.

Mr. THOMAS. Go ahead.

Mr. BLUE. It is true that I favored a pension of $75 a month for the widow of General Blunt; but that was an exceptional case, he having risen from the rank of a private soldier to that of major-general, and having distinguished himself in numberless battles. I did vote to make the pension of the widow of Gen. Thomas Ewing, who was a Kansas soldier when the conflict began, what the House made this pension—$50 a month. He was a brigadier-general—the highest rank that this man ever held.

The question being taken on agreeing to the conference report, it was not agreed to; there being—ayes 23, noes 42.

Mr. CROWTHER. I move that the House further insist on its amendment and ask a further conference with the Senate.

The motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed a bill of the following title:

On May 27, 1896:

An act (H. R. 2740) to carry into effect a finding of the Court of Claims in favor of the estate of George Case, late of Independence County, Ark.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Senate agree to the concurrent resolution of the House of Representatives authorizing the Secretary of War to lend to the mayors of the cities of East St. Louis, Ill., St. Louis, Mo., and vicinity, tents, etc., with the following amendments:

Lines 1 and 2, strike out "*Resolved by the House of Representatives (the Senate concurring)*" and insert "*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.*"

Give it a title to read: "Joint resolution authorizing the Secretary of War to lend to the mayors of the cities of East St. Louis, Ill., and St. Louis, Mo., and vicinity, a number of tents."

The message also announced that the Senate had passed with amendments the bill (H. R. 4020) granting an increase of pension to Mrs. William Loring Spencer, asked a conference with the House of Representatives on the said bill and amendments, and had appointed Mr. GALLINGER, Mr. PALMER, and Mr. BAKER as the conferees on the part of the Senate.

WATER-MAIN ASSESSMENTS, DISTRICT OF COLUMBIA.

Mr. HULICK. I am directed to submit the conference report which I send to the desk. I ask that it may be adopted.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3279) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same amended as follows: At the end of section 1 of the amendment add: "*Provided, however*, That where lots or parcels of land have been released from water-main taxes or assessments by reason of technical defects or errors in making such assessments, and where such lots or parcels of land have been sold by the former owner between the order of said release of said tax or assessment and the passage of this act, the Commissioners of the District of Columbia shall not reassess the same against such property in the hands of bona fide purchaser for value without notice of the failure to pay the water-main assessment on said property."

Also strike out section 2 of the amendment and insert in lieu thereof the following:

"SEC. 2. That where outside the city of Washington Potomac water shall hereafter be introduced said water-main tax or assessment shall be levied or assessed within thirty days after such introduction, and where Potomac water has been heretofore introduced the assessment or reassessment shall be made within ninety days after the passage of this act, and such levy, assessment, or reassessment on unsubdivided land shall be made on a frontage not exceeding 100 feet for each lot or parcel of land or premises into which Potomac water has been or shall be introduced and shall be considered in any subsequent subdivision of such property as having extended to a depth of not exceeding 100 feet from the front of said lot or parcel of land: *Provided, however*, That said water-main tax or assessment or reassessment shall be due, payable, and collectable on each lot or parcel of land or premises on and after the date on which the connection is made from the water main to said lot or parcel of land or premises."

And the Senate agree to the same.

GEO. W. HULICK,
J. W. BABCOCK,
JAMES D. RICHARDSON,
Managers on the part of the House.
REDFIELD PROCTOR,
CHARLES J. FAULKNER,
Managers on the part of the Senate.

The report of the committee of conference was agreed to.

FREE LIBRARY IN THE DISTRICT OF COLUMBIA.

Mr. POWERS. I submit the conference report which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 124) to establish and provide for the maintenance of a free public library and reading room in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same amended to read as follows: "In lieu of the matter inserted in section 6 by said amendment strike out all of section 6"; and the House agree to the same.

H. HENRY POWERS,
A. MILNES,
J. W. BABCOCK,
Managers on the part of the House.
JAMES McMILLAN,
GEORGE PEABODY WETMORE,
REDFIELD PROCTOR,
Managers on the part of the Senate.

Mr. POWERS. I move the adoption of the report.

The motion was agreed to.

On motion of Mr. POWERS, a motion to reconsider the last vote was laid on the table.

SHELTER FOR HOMELESS CITIZENS OF ST. LOUIS.

Mr. JOY. I desire to call up the amendments of the Senate to the resolution adopted by the House this morning and to ask that the House concur in those amendments.

The amendments were read, as follows:

In lines 1 and 2, strike out "*Resolved by the House of Representatives (the Senate concurring)*" and insert "*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.*"

Amend further, so that the title of the resolution will be: "Joint resolution authorizing the Secretary of War to lend to the mayors of East St. Louis, Ill., and St. Louis, Mo., and vicinity a number of tents."

The SPEAKER. If there be no objection, these amendments will be considered.

There was no objection.

The amendments were concurred in.

FORT OMAHA MILITARY RESERVATION.

Mr. BISHOP. Mr. Speaker, I submit a conference report.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 225) to provide for the transfer of the Fort Omaha Military Reservation to the State of Nebraska, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

R. P. BISHOP,
JOHN P. TRACEY,
GEO. B. McCLELLAN,
Managers on the part of the House.
FRANCIS E. WARREN,
W. J. SEWELL,
E. C. WALTHALL,
Managers on the part of the Senate.

Mr. DINGLEY. Let the statement be read.

Mr. BISHOP. It appears that Fort Hayes Military Reservation, near Omaha, was donated by the State to the United States——

Mr. DINGLEY. Is there a statement accompanying this report?

Mr. BISHOP. There is no written statement; but the amendments I will explain in a moment. The word "giving" or "granting" to the State of Nebraska, as used in the House bill, has been stricken out in the Senate bill and the word "lease" inserted; so that we only lease these lands to the State.

Mr. MERCER. That is all it does.

Mr. DINGLEY. With the right of resumption on the part of the Government at any time?

Mr. BISHOP. At any time.

The conference report was agreed to.

On motion of Mr. MERCER, a motion to reconsider the last vote was laid on the table.

CAROLINE A. HOUGH.

Mr. WOOD. Mr. Speaker, I submit a conference report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (H. R. 2904) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

BENSON WOOD,
C. A. SULLOWAY,
WM. BAKER,
Managers on the part of the House.
J. H. GALLINGER,
WM. F. VILAS,
FRANK J. CANNON,
Managers on the part of the Senate.

Mr. LOUD. I would like to have the statement of the conferees read.

Mr. BLUE. At what rate does that leave the pension?

Mr. WOOD. The bill as originally introduced provided $50 a month. By the action of the House committee and the House itself this was reduced to $30. The Senate amendment makes it $50 a month; and the conferees on the part of the House have agreed to the Senate amendment.

Mr. BLUE. That is, $50 a month?

Mr. WOOD. Yes.

Mr. BLUE. What was the rank of this officer?

Mr. WOOD. He was a brevet major-general; I think chief of staff of Gen. A. J. Smith, of an army corps.

Mr. BLUE. Let us hear the report.

The SPEAKER. The Chair is informed that there is no statement accompanying the report. That is a subject of objection, if the House insist upon the statement.

Mr. LOUD. I raise that point.

The SPEAKER. Then the report can not be received.

Mr. McMILLIN. I suggest the propriety of there being the statement that the statute requires in all of these cases. I think the Speaker is entirely correct in holding that that is the best way to proceed with this business.

The SPEAKER. The House rules require such a statement.

Mr. WOOD. I will withdraw the report for the present.

ECKINGTON AND SOLDIERS' HOME RAILWAY, ETC.

Mr. BABCOCK. Mr. Speaker, I desire to call up a privileged matter. I ask that Senate bill 2928 be taken up.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 2928) to extend the route of the Eckington and Soldiers' Home Railway Company and the Belt Line Railway Company, in the District of Columbia, and for other purposes.

Mr. LOUD. What is privileged about this bill?

Mr. BABCOCK. The Senate asks a conference on the part of the House.

Mr. LOUD. I would like to ask if a bill in that condition is privileged?

Mr. RICHARDSON. The exact status of the case is this: This is a Senate bill, which passed the Senate and came to the House, was considered by the House and amended, and went back to the Senate. That body disagreed with the House amendments and ask a conference. They have appointed conferees, and return the papers here.

The gentleman from Wisconsin now desires the House to agree to the conference asked by the Senate.

The SPEAKER. The Chair will hear the gentleman from California.

Mr. LOUD. I am satisfied on the statement. I understood the gentleman to say that it was a House bill with Senate amendments.

The SPEAKER. It is a Senate bill with House amendments disagreed to by the Senate and a conference asked.

Mr. DINGLEY. Has there been an actual disagreement?

Mr. LOUD. Yes.

Mr. DINGLEY. Because I have noticed in some of these cases that before an actual disagreement the Senate has asked for a conference, and whenever such a case arises I desire to submit the point that a conference asked under such circumstances does not present a privileged matter.

Mr. BABCOCK. I move that the House insist upon its amendments and agree to the conference asked by the Senate.

The motion was agreed to.

PRINTING OF RIVER AND HARBOR BILL.

Mr. RICHARDSON. Mr. Speaker, I have a privileged report which I desire to submit.

The SPEAKER. The gentleman presents a report from the Committee on Printing, which the Clerk will read.

The Clerk read as follows:

Your committee, having had under consideration resolution No. 386, providing for the printing of 1,000 copies of the bill (H. R. 7977) known as the river and harbor bill, for the use of the House of Representatives, recommend that the same do pass.

Resolved, That there be printed 1,000 copies of the bill (H. R. 7977) known as the river and harbor bill, for the use of the House of Representatives.

The resolution was agreed to.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. JENKINS. Mr. Speaker, we desire to resume consideration of the contested-election case of Johnston against Stokes.

The SPEAKER. The gentleman calls up the contested-election case——

Mr. GROSVENOR. Will not the gentleman allow a privileged report to be presented?

Mr. JENKINS. I yield the floor to the gentleman from Indiana [Mr. OVERSTREET].

Mr. GROSVENOR. Will not the gentleman from Indiana yield long enough for a resolution of inquiry to be presented to the House?

Mr. OVERSTREET. Just simply to be reported, not to be discussed.

Mr. GROSVENOR. It probably will pass without discussion.

Mr. OVERSTREET. If it will not be discussed, I am willing to yield, but otherwise not.

Mr. GROSVENOR. The previous question will be moved.

Mr. OVERSTREET. With that understanding, I will yield to the gentleman.

Mr. McMILLIN. Still we should not want to agree to the passage of the resolution without any explanation or discussion, and I should not like the gentleman to be misled.

Mr. GROSVENOR. There will be fifteen minutes' debate on a side after the previous question is ordered.

Mr. McMILLIN. We will hear it read first.

EMPLOYEES IN THE DEPARTMENTS.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Attorney-General, the Postmaster-General, the Secretary of the Navy, the Secretary of the Interior, and the Secretary of Agriculture be, and they are hereby, directed to furnish the House of Representatives the following information, to wit:

First. The number, names, salary of each, and the States to which they are credited, of all bureau officers, chiefs of division, clerks, and employees of every grade who were employed in their respective Departments on the 4th day of March, 1893, and who have since been removed or reduced in salary or who have died or resigned, stating the same in classes according to grade and salary, and stating also, separately, those who were in the classified and those who were in the unclassified service.

Second. The number, names, salary of each, and the States to which they are credited, of all officers and employees of the classes above named who

have been appointed or promoted to positions in their respective Departments since the 4th day of March, 1893, stating separately those in the classified and those in the unclassified service

Third. The number, names, salary of each, and the States to which they are credited, of all the ex-Union soldiers in their respective Departments who have been appointed, promoted, reduced, or removed, stating them separately, or who have resigned or died since the 4th day of March, 1893.

Mr. GILLETT of Massachusetts. Mr. Speaker, I move the previous question.

Mr. McMILLIN. Mr. Speaker, a parliamentary inquiry. Does the Chair hold that that resolution is privileged?

The SPEAKER. The Chair thinks it is a resolution of inquiry, which under the rules of the House would be privileged, would it not?

Mr. McMILLIN. I desire to ask the gentleman if it comes with a report from the committee?

Mr. GILLETT of Massachusetts. Yes; a unanimous report from the Committee on the Civil Service.

Mr. McMILLIN. Is there a printed report accompanying it?

Mr. GILLETT of Massachusetts. There is.

Mr. McMILLIN. I should like to have the report read.

Mr. GILLETT of Massachusetts. The Clerk has the report.

The Clerk read as follows:

The Committee on Reform in the Civil Service, to whom was referred House resolutions 355, 356, 357, 358, 359, 360, 361, and 362, have had the same under consideration, and respectfully report back the accompanying substitute for all the said several resolutions, and recommend that the said substitute do pass.

Mr. McMILLIN. Mr. Speaker, the reason I made the inquiry as to whether this was privileged is this: I realize that resolutions of inquiry are privileged ordinarily, but it strikes me—I will not make the point, however, in this case, but will suggest to the gentleman who has the bill in charge that he is offering a very wide resolution here, the substance of which is to reprint and extend the Blue Book, which is an expensive document and one that it will take hundreds of clerks to prepare, I think.

Mr. GROSVENOR. Oh, no; you are mistaken.

Mr. McMILLIN. Would the gentleman have any objection to letting it go over, with all its privileges attaching to it, until to-morrow? These gentlemen want to go on with their debate on the contested-election case.

Mr. GROSVENOR. Mr. Speaker, this is a mere matter of inquiry, the same as we have had often.

Mr. OVERSTREET. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OVERSTREET. Is not a motion pending for the previous question?

The SPEAKER. The motion for the previous question is pending.

Mr. GROSVENOR. I will say to the gentleman from Tennessee that there is no dynamite in this resolution.

Mr. McMILLIN. If there is no dynamite in it, it will not explode if it is allowed to lie over until to-morrow.

Mr. OVERSTREET. Mr. Speaker, I make the point that debate is not in order pending the motion for the previous question.

The SPEAKER. Pending the motion for the previous question debate can not continue except by unanimous consent.

Mr. McMILLIN. I will ask the gentleman whether he will not let the resolution go over until to-morrow, retaining the privilege which attaches to it? I should like to read the resolution. It strikes me that it is a very broad resolution. We do not want to do any unnecessary compiling or printing.

Mr. GILLETT of Massachusetts. There is but one reason why I object to allowing the resolution to go over, and that is that the gentleman who has it in charge is going away and will not be here for several days after to-day.

Mr. McMILLIN. The privilege which the resolution has will still attach to it.

Mr. OVERSTREET. Mr. Speaker, a point of order. I yielded the floor only under an agreement that the motion for the previous question should be made. I insist that the gentleman allow that motion to be voted on or withdraw the report.

The SPEAKER. The previous question is demanded.

Mr. DOCKERY. Will the gentleman allow me a question?

The SPEAKER. Objection is made. The Chair has allowed debate to proceed already which is not strictly in order.

Mr. DOCKERY. I am a member of that committee, and have just come into the Hall. I should like to be heard.

Mr. McMILLIN. Let it go over until to-morrow. The very printing of this report is going to cost thousands of dollars.

Mr. GROSVENOR. Oh, it is not going to cost thousands of dimes.

Mr. DOCKERY. I just came into the Hall. I did not know that this matter was coming up.

Mr. McMILLIN. It was stated that it was presented as a unanimous report from the committee.

Mr. DOCKERY. I want to say that it is not unanimous so far as I am concerned.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. McMILLIN. I demand a division.

Mr. KEM. I raise the point of no quorum.

The House divided; and there were—ayes 65, noes 27.

Mr. KEM. I make the point of no quorum, Mr. Speaker.

The SPEAKER. The point is made by the gentleman from Nebraska [Mr. KEM] that there is no quorum.

Mr. McRAE. The yeas and nays.

Mr. GROSVENOR. If this can have its place on the assembling of the House to-morrow, I suggest that it be passed over, holding its privilege. Is there any objection to that?

The SPEAKER. The gentleman can withdraw it prior to a decision on the part of the House and it will retain whatever privileged character it has.

Mr. GILLETT of Massachusetts. I withdraw the resolution.

CONTESTED-ELECTION CASE—JOHNSTON VS. STOKES.

Mr. OVERSTREET. Mr. Speaker, the consideration of this question has been broken into by the taking up of matters which at the time were thought to be of greater importance. I trust that the members now present may dismiss the thoughts which have arisen in their minds relative to appropriations and other matters which have just been under consideration, and will come to a candid, fair, and careful consideration of a question which I deem of the greatest privilege and importance, namely, the right of an individual to a seat upon this floor. The statement made in the opening of this case by the gentleman from Wisconsin [Mr. JENKINS] a few days ago in a fair manner outlined the position taken by the majority members of the Committee on Elections No. 3. I think I will be able to show to this House before I conclude my remarks that there is no majority report of this committee save and except upon the bare, plain proposition of seating the contestee [Mr. Stokes].

We are disposed, Mr. Speaker, to look lightly upon the consideration of contested-election cases from the State of South Carolina. I have been informed that scarcely a Congress has been assembled for many years, at least since the rebellion closed, except there has been a contested election case from the State of South Carolina. Many different methods have been resorted to in that State to suppress and overcome the vote of the majority of its citizens, until we are brought, in the consideration of this case, to the very latest method that is pursued by those who undertake to control the elections in South Carolina. I think, Mr. Speaker, that for the purpose of a proper consideration of this case all of the conditions which form a basis for a contest should be inquired into, and for that purpose allow me to call attention to a few facts which will be undisputed.

First, that in the year of 1893 a new apportionment law was passed in the State of South Carolina, and the first election under it was held in 1894, in which this contest originated. Remember that there are seven districts in that State, and when that apportionment law was passed those districts were not changed in their geographical grouping, except the districts numbered 1 and 7, with one single exception, that of a small portion of Colleton County, which was transferred from the Seventh to the Second district. But, practically speaking, no change was made in the outline of any Congressional district of South Carolina under the apportionment law of 1893 except the shifting or the reorganization of the same counties and townships which formerly existed in the First and Seventh districts.

No one denies the fact that for years, since the relegation of the shotgun and tissue ballot and the cipher returns in that State, they have undertaken to congest the colored population into certain districts, conceding, I think, by such conduct their right to control those districts. This Seventh Congressional district, as shown by the census report, discloses a state of facts which must confront us at the threshold of this consideration as making a prima facie case in support of the contestant, Mr. Johnston.

Remember, Mr. Speaker, that in South Carolina no effort has ever been made to draw the limitation of districts by county boundaries, but they must needs cut in and out like a saw tooth or like shoestrings that are limbered up, so as to conform to their ideas of apportionment, until they have parts of counties and parts of counties that go to make up these two Congressional districts. So that the Seventh Congressional district is composed of three full counties, namely, Lexington, Orangeburg, and Sumter, four townships of Berkeley, one township of Colleton, and one little township of Richland. An examination of the census returns of 1890 of these various subdivisions of counties discloses that in all the subdivisions of every county the colored population exceeds the white population, and the colored vote the white vote with one sole, single exception, that of Lexington County. Lexington County has 2,982 white voters and 1,650 colored; but with that

single exception every other subdivision of the Seventh Congressional district discloses that of the voting population the black exceeds the white.

The population of the district is 178,830, of which there are 12,939 white voters and 23,876 colored, as shown by the last census, leaving a clear majority of colored voters over the white voters of 10,937—that is, taking the colored vote as compared with the white vote; but when we take into consideration the fact that Colonel Johnston, himself a white man, has lived among those people ever since the war and has been a part of their new civilization in his efforts to vindicate the right of suffrage, we must conclude that at least some whites voted for him. But it may be said, what right have we to assume that all the colored voters of the Seventh district of South Carolina were Republican in 1894? In reply to that let me say, Mr. Speaker, that the efforts made, as disclosed in the testimony in this case, covering hundreds of pages, to establish that the colored vote was other than Republican have, to my mind, wholly failed. More than that, the record teems with evidence disclosing the unpopularity of the contestee and dissatisfaction among his own people; and when I say to you, without fear of contradiction, that Mr. Stokes did not make a speech in the Seventh district and had no organization which brought any speaker into the district, while Colonel Johnston in his management of the campaign displayed an organization that would have done credit to any Northern district, you will, I think, deem it reasonable to assume that the weight of evidence disclosing the natural conditions that existed there is in favor of the position taken by the contestant.

Now, what do the returns disclose? They show that in the entire district Mr. Johnston received 2,647 votes, while Mr. Stokes received 7,358 votes. I have taken the trouble to compile a table comparing the voting population of the several counties and parts of counties in that district with the returned vote as disclosed by the certificate of the Secretary of State, and I will take the time of the House long enough to call attention to it in order to show just one thing, namely, that the per cent of the vote that was cast, as disclosed by the returned votes, shows that there was something wrong. This table, showing the voting population by counties as divided upon race lines, together with the returned vote, is as follows:

County.	Stokes.			Johnston.		
	White vote.	Returned.	Per cent.	Colored vote.	Returned.	Per cent.
Berkeley	885	669	.....	4,821	688	.....
Colleton	1,970	1,416	.....	3,499	472	.....
Richland	932	8	.....	1,665	.....	.....
Lexington	2,982	1,394	.....	1,650	340	.....
Orangeburg	3,440	2,729	.....	6,346	477	.....
Sumter	2,730	1,142	.....	5,895	670	.....
Total	12,939	7,358	57+	23,876	2,647	11+

I will read these figures in order to show you, as I stated a moment ago, that my statements are based upon facts. In Berkeley County the white vote was 885 and the colored vote was 4,821. Mr. Stokes received, as shown by the returns, 669 votes, while Mr. Johnston received 688. Colleton County contained a white vote of 1,970 and a colored vote of 3,499. Mr. Stokes received 1,416 votes and Mr. Johnston 472. Richland contained a white vote of 932 and a colored vote of 1,665, and there Mr. Johnston did not receive a vote, and, according to the returns, Mr. Stokes received only 8. I will ask you to remember Richland County, as I shall have occasion later to explain the very light vote that was cast there. Lexington County had a white vote of 2,982 and a colored vote of 1,650. The returned vote there for Mr. Stokes was 1,394 and for Mr. Johnston 340. Orangeburg had a white vote of 3,440 and a colored vote of 6,346. The vote there returned for Mr. Stokes was 2,729 and for Mr. Johnston 477. Sumter County, the remaining county of the district (a full county in this apportionment), had a white vote of 2,730 and a colored vote of 5,895. The return for Mr. Stokes was 1,142 and for Mr. Johnston but 670.

The total returned vote for Mr. Stokes was 7,358. That is 57 per cent of the entire white voting population of the district, while the vote returned for Mr. Johnston was but 2,647, only 11 per cent of the colored vote of the district. As I said a moment ago, I have made this comparison merely for the purpose of showing that something was rotten in Denmark, that some explanation was needed why the light vote was cast for Mr. Johnston and the heavy vote for Mr. Stokes.

Now, Mr. Speaker, these figures establish a condition of things which may be summed up in this way: Here is a district of 11,000 Republican majority on the face of the race division of voters. Each subdivision was Republican, and yet the returns show 57 per cent of the white vote of the district and but 11 per cent of the colored vote. Let me now make a brief statement showing the condition, as disclosed by the record which brings this case before the House. The committee do not undertake to throw out a solitary vote in this district. No effort is made by the committee, or urged by the contestant, in that direction. The fact is, as disclosed by the evidence, that the organization of Colonel Johnston to which I have referred, directed its efforts to making a showing to this House that the colored vote was Republican and that it had sought to register its will by casting its ballots at the election in November, 1894. The registration law of South Carolina, which was so ably discussed by the gentleman from Wisconsin [Mr. JENKINS] the other day, fixed provisions whereby the voter must needs register before he could be entitled to cast his ballot on election day. It was my purpose to discuss at some length and, by citations of authorities and reasoning, to show the House that that registration law was unconstitutional, but I deem that I may be excused from that labor by reason of the concession made by the gentleman from Wisconsin that this law is unconstitutional. I shall therefore assume that there is no controversy on that question.

Mr. HOPKINS. As I understand, both the supreme court of the State and the Federal circuit court have decided that that registration law is unconstitutional. Is that correct?

Mr. OVERSTREET. In answer to the gentleman from Illinois [Mr. HOPKINS] I will say that this registration law of South Carolina is like a head at Donnybrook fair; it has never been exposed but it has received a telling blow. The supreme court of South Carolina, the district court of that State, this House in the Fifty-first Congress, and this committee in this Congress, have all held that that law is unconstitutional.

Mr. McLAURIN. May I interrupt the gentleman a moment? I think he is mistaken in his statement about the supreme court of South Carolina. There was a dissenting opinion filed by——

Mr. OVERSTREET. I will say to my friend that I inadvertently stated that part of the case too strongly. The question was before the court; and two of the three members held that there was no original jurisdiction; and on the jurisdictional ground alone the case was disposed of, while Chief Justice McIver held that the law was unconstitutional.

Mr. McLAURIN. And also Judge Goff, who was overruled by Chief Justice Fuller.

Mr. OVERSTREET. On the question of jurisdiction.

Mr. McLAURIN. Yes, sir; on the question of jurisdiction. The case has never been decided on its merits by a court—only on the jurisdictional question.

Mr. OVERSTREET. It may not have been decided on its merits by the court; but it has unquestionably been decided on its merits by the minority members of both courts; and Judge Goff in an elaborate opinion has held the same thing.

Mr. McCALL of Massachusetts. And, may I suggest to my friend, no jurist has ever decided that the law is constitutional. The judges who overruled their associates did so upon the question of jurisdiction.

Mr. McLAURIN. That is correct.

Mr. McCALL of Massachusetts. And in no instance has any judge pronounced the law constitutional.

Mr. McLAURIN. That is correct.

Mr. OVERSTREET. I think the gentleman is correct.

Mr. LONG. Is not the committee in this case unanimously of the belief that the law is unconstitutional?

Mr. OVERSTREET. In answer to the gentleman from Kansas [Mr. LONG], I will say that, so far as I have been able to obtain a full expression of the committee, it is unanimous. I can not speak for the minority members of the committee, the three Democratic members, because they have not so stated in the report. I will say, however, that every Republican member of the committee has so announced himself in the report which has been submitted to the House, with the exception of the gentleman from Wisconsin [Mr. JENKINS], who so declared himself in his statement of the case.

Mr. LONG. Does not the majority report contain the statement?

Mr. JENKINS. I wish to ask whether the gentleman from Indiana [Mr. OVERSTREET] has ever read the report made by "the gentleman from Wisconsin"?

Mr. OVERSTREET. I say that the gentleman from Wisconsin has held all the way through that this law is unconstitutional. Is not that correct?

Mr. JENKINS. I understood the gentleman to say that he had never been able to obtain an opinion from his colleagues on the constitutionality of this law.

Mr. OVERSTREET. Oh, no; I did not state that. The gentleman misunderstood me.

Mr. JENKINS. I simply desire to ask the gentleman whether it is not the fact that the report drawn by myself takes the ground that the law is unconstitutional——

Mr. OVERSTREET. That is true.

Mr. JENKINS. And that such is the sentiment of the committee?

Mr. OVERSTREET. That is true. That is the reason I

deemed it unnecessary for me to insist further upon the unconstitutionality of this law.

That being conceded, then it must follow as the natural, logical sequence that any legal vote proffered and rejected should be counted. Therefore, through this organization to which I have had occasion to refer, headed by Colonel Johnston, the contestant, an effort was made to furnish this House with the data of the rejected votes: and that was done by the arrangement to which I will now address myself.

At each of the voting precincts a list keeper was by prearrangement stationed with a paper headed with a uniform character of petition that was to be signed by the voters who failed in their efforts to have their ballots received. I will not stop to give in detail the character of that petition; let me say, once for all, that that petition or circular form of paper was at all these precincts, and 7,336 voters attached their names to those papers in one form or another. The custom as disclosed by the evidence—and a witness has said it was so arranged that word was passed all along the line—was that the individual who had been designated by the local committee to have this paper in charge was approached by the voter immediately upon the rejection of his vote—not at some distant point but in the immediate vicinity of the polls and immediately following the rejection of the vote. To this list keeper, as he is called, this rejected voter disclosed the facts which went to show his qualifications and the failure to have his vote received and his intention to vote for Colonel Johnston. As I have stated, 7,336 of these names appear on these papers which are brought into the record.

We do not count all those. We count the vote only in the cases where this state of facts is disclosed: First, that the voter in person approached the list keeper in the vicinity of the polling booth immediately after the rejection of the vote and disclosed to him the facts which showed his qualifications, the fact of his effort to vote, and his intention to vote for Colonel Johnston.

There were two classes of those who approached the list keepers; first, those who could read and write, who voluntarily subscribed their names, and those who could not read or write, and authorized the list keeper to subscribe their names. In those instances where the list keeper wrote the names himself, he, in two or three instances, received authority at the time to transcribe that paper; and that fact is brought clearly into the evidence by the list keepers.

In Sumter County there were six precincts, to which I will refer in detail later on, at which the voters did not approach the list keepers and make known in person the facts to which I have just referred. But at each of these six precincts the list keeper brings the list of voters into the record, and swears positively and without contradiction to these facts: First, that they were voters and offered to vote; that he saw the rejection; or, as one witness I now recall expressed it so tersely, "I saw him not vote." He testifies to the fact of residence, and to all of the facts going to show that he was a qualified voter, and then shows by his evidence that the voter was a supporter of the Republican party, and it is understood, Mr. Speaker, that Colonel Johnston was the nominee of that party. With that exception all the votes we count under this form of lists were made up by the voters themselves coming to the list keepers.

Now, I want to submit that this state of facts is undisputed: First, that there were over 7,000 colored voters who were at the polls in addition to those whose ballots were received. Let me say, in passing, that that fact in itself discloses that there was but little division in the colored vote. That is, in addition to the voters whose ballots were received, 7,000 or more—7,336, to be exact—colored voters, as shown by the evidence, were at the polls. The name of no Stokes voter was on either list. Bear that in mind; and therefore surely we have not deprived Mr. Stokes of any of his votes, nor can he claim anything more in his behalf. Of the 7,336 voters who voluntarily entered into the organization, coming on the scene under these circumstances, there is not a possibility even of concluding any one of them to have been a Stokes voter. The fact that they came and subscribed their names when there was a motion to carry out the plan of organization discloses that they were Johnston supporters and would have voted for him if there had been no rejection of their votes. These rejections were because of their not having registration certificates or that there was some irregularity in the certificate which they presented.

Mr. HOPKINS. These were all requirements under the unconstitutional law?

Mr. OVERSTREET. They were all requirements under the unconstitutional law.

If a voter, for instance, after having obtained a certificate of registration, after July 1 moved from one house to another, even if next door, he was compelled under the law to obtain a new certificate. If he did not obtain a certificate by the 1st of July, four months before the election, then, although the constitutional limitation of residence was only sixty days in the county and one year in the State, he could not obtain a certificate at all. So that the irregularities in the certificates grew in some instances out of these conditions—either that he had moved from one precinct to another in the same county, or had moved from one house to another in the same precinct, or that the number of the certificate did not conform to the number on the registration book, or, as was shown in some instances, there was a failure to insert the name of the township in the blanks furnished to the voter. Such irregularities were the basis of the rejections of the votes.

In addition to that, not a vote for Stokes has been disturbed by the committee. Surely he can not claim that he has been misused, because instead of taking a vote away from him we counted a precinct that gives him some votes. That precinct is Strawberry precinct, in Berkeley County, in which the ballots were not counted for him because the ballot box was stolen after the voting and before the returns were made up by the board of commissioners. We undertake to say by the evidence of the manager, who is a Democrat, and by the commissioner, who is a Democrat, that these votes should be counted, and we give, therefore, on that showing 92 votes to Johnston from this precinct and 12 to Stokes. The whole committee agrees to this, and I will not discuss that particular point further.

Let me say, Mr. Speaker, that when you take into account the state of affairs that I have described, which I undertake to say can not be successfully controverted, you must admit that the effort on the part of the contestant was uniform and energetic to disclose to the House the honest, fair facts on which he asks your support. There was not a member of the board in the entire district but who was a Democrat, except the two precincts in Richland County, the precincts of Gadsden and Eastover.

At Gadsden and Eastover precincts the governor, through his regular appointees, had made arrangements for Democratic managers. Richland County, as I showed awhile ago, contained 1,665 colored voters and 932 white. It was the effort of the Democratic managers to keep the votes down in Richland County. Do I speak without authority? Let me see. Mr. Speaker, on the 5th day of November, the day before the election in 1894, the Charleston News and Courier, the leading Democratic organ of that State, had a special dispatch from Columbia pertaining to the political outlook in the Seventh district, in which this statement is found:

It is stated to-night—

That is, the night before the election—

that the precincts at Gadsden and Eastover will not be open to-morrow. They are expected to have large anticonvention and Republican majorities. The managers, it is said, decline to serve. This will only be another club for the Republicans to use in their contest.

On the day following the election, the morning of the 7th of November, the same paper said editorially:

It is plainly and painfully true that the voters generally have no confidence in the fairness of the elections, and have had none for years. It is generally believed that the men who control the count decide the election, and there is no way under the present system of conducting our elections to do away with this injurious impression.

Carrying out that arrangement, announced the night before the election, the Democratic managers at these two precincts did decline to serve; but under that organization, which I undertake to commend to this House, the Republicans at the polls organized, as in my judgment they had the honest right to do, and established a board of their own, and those officers of that board so improvised, contrary to the law of South Carolina perhaps, but in justice to all men who believe in honest elections, and right in the eyes of this House, they acted and conformed to the technical rules as established by the election laws of the State and returned for Mr. Johnston 427 votes in the two precincts. So that accounts for the failure to return any votes for Colonel Johnston in Richland County, and it further accounts for the failure to return any for Mr. Stokes.

I undertake to say, Mr. Speaker, that there is not a man upon this floor who will assail the position which I have assumed, that these 427 votes should be counted for Colonel Johnston. They were refused by the returning board, so that, with the exception of Eastover and Gadsten precincts in Richland County, there was not a Republican member of a board in the entire Seventh Congressional district.

Colonel Johnston importuned the governor of that State for representation upon the board, and the Governor, in a verbal statement, as testified to by Mr. Johnston, promised that representation, but later refused to give it. Every effort was made by this contestant for an honest representation, to watch the nefarious methods of this self-organized party in its effort to suppress the vote of a majority of that district. But their efforts were futile, and it was for that reason that he organized this board of list keepers throughout the district who compiled the 7,336 votes. After the returning board of the district certified to the secretary of state these returns, the secretary of state counted these 427 votes in Richland County, so that that point will not be disputed.

Mr. JENKINS. I will ask the gentleman if the majority report, filed long before the minority report was made, did not concede

that these votes should be counted? And have we not, in our majority report, counted those votes? And is not that supported by the unanimous report of the committee?

Mr. OVERSTREET. That is very true. Had the gentleman not interrupted me I should have so stated. I have simply taken the vote in detail for the purpose of eliminating it from the remainder of these votes which were upon the lists.

Now, Mr. Speaker, one further reason for this organized effort to compile these lists. You will understand without explanation that in contest proceedings you must take evidence by notaries and deposition proof. It is a fact disclosed by the evidence that efforts have been repeatedly made to deprive these men of the services of Republican notaries, and when they can not get notaries before whom to submit their testimony it can not be received by the House. So that it was at first impossible to have 7,300 people come voluntarily one at a time and testify to those facts. It was, in the second place, difficult, if not impossible, by virtue of the great hardship which has been imposed by depriving these Republicans of the use of Republican notaries public. Sir, it was but a few years ago that the governor of South Carolina, who now may be heard at times in the other branch of this Congress, absolutely revoked numbers of notaries' commissions and appointed new ones, and when Colonel Johnston made an effort to obtain affidavits——

Mr. McLAURIN. Will the gentleman allow me to interrupt him?

Mr. OVERSTREET. In a moment, as soon as I have developed this point. When he undertook to obtain affidavits from notaries public, the very individual who was at that time acting as a notary in his behalf had his certificate revoked. I wish to call the attention of the House to this state of facts, to show the great difficulty which would have been encountered by this contestant if driven to the first and primary evidence, that of obtaining the affidavits or deposition proof of each of the seven thousand and more voters.

I have, Mr. Speaker, a paper which discloses the effort which was made to obtain evidence on the part of notaries public, resulting in the revocation of the commission of the notary public while he was in the very act of furnishing these certificates. These certificates, I will say, in order to be fair, were not to take testimony in this case, but to obtain registration certificates upon the vote for a constitutional convention. It only discloses the methods which were pursued in order to suppress the line of evidence which would have been sought in this case. I will say, Mr. Speaker, in order to make the point full and clear, that I will read this correspondence, in order to show that I have not misstated the case. The full correspondence was published March 11, 1895, in the Sumter (S. C.) Daily Item, and is as follows:

THE NOTARY PUBLIC REMOVAL.—THE CORRESPONDENCE BETWEEN GOVERNOR EVANS AND W. T. ANDREWS.

The correspondence between Governor Evans and W. T. Andrews, colored, whose commission as notary public was revoked by the governor, in reference to the revocation, which is given below, throws very little additional light upon the subject. Andrews very naturally asks the reasons for his removal, and Governor Evans does not give them:

SUMTER, S. C., *March 7, 1895.*

SIR: I am in receipt of a telegram and letter revoking "for good and sufficient reasons" my commission as notary public. This revocation is, under the circumstances, a reflection upon my character, either officially or otherwise. I therefore ask to be acquainted with the nature of the charges, if any, which have been preferred against me, and the names of my accusers; if there are no charges I then ask that the reasons be given which prompted the revocation. I ask this as a matter of simple justice and right. I am conscious of no act of my life which could in any way bring my character into question, and assert, without fear of successful contradiction, that no man can point to any act of mine involving a lack of honesty, integrity, or character.

Very respectfully, your obedient servant,

W. T. ANDREWS.

His Excellency JOHN GARY EVANS,
Governor of South Carolina, Columbia, S. C.

STATE OF SOUTH CAROLINA, EXECUTIVE CHAMBER,
Columbia, March 8, 1895.

DEAR SIR: In reply to your inquiry of the 7th instant, Governor Evans directs me to say that the power to revoke a commission of a notary public is reserved to the governor, as you will see by reference to your commission.

This privilege the governor exercises whenever he deems it for the welfare of the public, as has been done in other cases recently in your county.

Respectfully,

U. X. GUNTER, Jr., *Private Secretary.*

Mr. W. T. ANDREWS, *Sumter, S. C.*

SUMTER, S. C., *March 8, 1895.*

To the Editor of the Daily Item:

Please publish the accompanying letter, which is a copy of the one mailed by me to Governor Evans March 7, and the reply to the same, received by me Sunday morning, March 10.

In the reply to me the governor seems purposely to evade answering direct questions asked as to whether any charges were preferred against me and the names of those preferring said charges. He very kindly and gratuitously volunteers the information that "the power to revoke is reserved to the governor," and adds that "this privilege the governor exercises whenever he deems it for the welfare of the public." The reason which he ungenerously withholds from me in this letter, however, he publicly announced in the columns of The State Saturday morning. He then stated that three notaries had been removed in Sumter "upon a request from respectable white citizens, stating that they had been soliciting business and making themselves particularly obnoxious to respectable white people." I do not know who the other two are, and examination of the roll in the clerk's office fails to reveal who they are, as no record of any removal except my own can be found there.

For my own part, I decline to permit even the governor of South Carolina to publish me to the world as being offensive to the respectable white people of my home, among whom I was born and reared, and to whom I have never, in the smallest degree, public or private, given offense or cause for lack of confidence or respect. If there are "respectable white people" to whom I have made myself "obnoxious" let the governor or his informers name them and state specifically the "obnoxious" acts which I have performed. Let them state what sort of "business" I have "solicited." I assert emphatically that I have never "solicited" notarial "business," and the only ground for the charge lies in the fact that I announced that I would issue, and did issue, registration affidavits to men of my race, that they might qualify themselves to choose delegates to the constitutional convention, counted in for the avowed purpose of further oppressing them. It is for this reason that the governor of South Carolina holds me up to the world as a man unfit to perform the insignificant functions of a notary public! A shadow must be thrown across my reputation; my character must be under suspicion to the end that my people and myself shall be deprived of all voice in the framing of the fundamental law of the land. Not content with obstructing the pathway to registration with every barrier human ingenuity can devise, notaries are warned that if they permit negroes to make registration affidavits before them their commissions will be revoked. The chief magistrate of the commonwealth—God save the mark!—is become directly the chief instrument for the perpetration and perpetuation of fraud. There are more than twenty notaries in Sumter, and yet from Wednesday 2 p. m. to Saturday 1 p. m. there were only three who would issue a single affidavit for negroes, and they, after issuing less than five each, declared they could do so no longer, as their commissions would be revoked if they did.

Truly, Mr. Editor, this is a commentary upon nineteenth century civilization! What a spectacle for the rest of the civilized world to gaze upon! A people, silent and submissive during many years of oppression, hoping each year that their very submission, more eloquent and powerful than opposition, would conquer the hearts of their oppressors, and bring them to a sense of justice, are now rudely brought face to face with the brutal truth that the machinery of the Government will be used to its last extremity to strike down and obliterate the last semblance of liberty, which they now have left, and this in the name of the "public welfare."

For the "public welfare" the chief executive, sworn to execute the laws impartially, not only connives at but lends himself immediately to the commission of outrageous fraud and enters into an open conspiracy to create a constitution which he declares shall be itself a monster of fraud and an instrument for the perpetuation of perjury and fraud.

God knows that my people have already suffered enough, and I refuse to believe that now, in their extremity—offering as they are no menace to white supremacy—Anglo-Saxon civilization, Anglo-Saxon love of liberty and sense of justice, will permit so foul a stain to tarnish the shield itself of liberty; but that those who ruled in this State from 1876 until 1890 will rise up in their intellectual might and create a constitution that, while eternally assuring the rule of wealth and intelligence, will yet impartially apply to all, and will guarantee to the humblest black man his right to life, liberty, and property.

I say that the correspondence that passed between this notary public and the governor of the State disclosed that he was in the act of furnishing certificates of registration, and that five days elapsed before they could get another notary to certify to the fact of residence and qualification. Only ten days were allowed for registration, and fully half of that time was taken from these people when they would have had an opportunity to obtain registration certificates. It was because of that condition of affairs, Mr. Speaker, that this contestant was driven, in his efforts to show to this House his right to a seat, to obtain secondary evidence, which, under the circumstances, is the best evidence as to the expression of the people at the polls.

Now I yield to the gentleman from South Carolina for a question.

Mr. McLAURIN. Is not that correspondence which the gentleman has referred to after the election?

Mr. OVERSTREET. I stated that before.

Mr. McLAURIN. Then I want to make another statement, for fear you may create a wrong impression, which I know you would not do willingly. In revoking commissions of notaries public, I will say it was done to both Republicans and Democrats, and also in the case of trial justices. In the State there were a great many commissions that had been issued for years, both in the cases of notaries public and trial justices, and all of these were revoked and new commissions issued; and any man of good moral character who could get the indorsement of his fellow-citizens could receive a commission as a notary public. I suppose many of these commissions were over twenty years old. This was done under an act of the legislature, and it had no reference to election cases or anything of that sort.

Mr. HOPKINS. Was this revocation made about the time that it was necessary to use the notaries for the preservation of evidence?

Mr. McLAURIN. Oh, no; it was done under an act of the legislature that was passed about 1890.

Mr. OVERSTREET. That revocation occurred to Democrats and Republicans, but no one could get an appointment as notary after revocation unless he was recommended by a Senator and Representative, and God knows there were very few Representatives and Senators of South Carolina who would recommend Republicans as notaries.

Mr. WILSON of South Carolina. Then again the gentleman is mistaken in that statement.

Mr. OVERSTREET. I yield only for a question.

Mr. WILSON of South Carolina. Are you not inaccurate in

that statement? In the provision that revoked the old appointment, the old commission of notary public, there was a provision that anyone could be appointed on the recommendation of 20 reputable citizens.

Mr. HOPKINS. One moment. Is that the law of South Carolina—that notaries public can be appointed on the recommendation of 20 citizens?

Mr. WILSON of South Carolina. As stated by the gentleman from South Carolina, it was an act which gave the governor power to appoint notaries public. The governor had exclusive power to make these appointments without restrictions, and he imposed this restriction himself for his own guidance.

Mr. HOPKINS. Now, let me understand this. Then there is no restriction on the governor as to whom he shall appoint and what evidence he shall take to determine, in his discretion, as to whether it shall be John Jones or Bill Smith?

Mr. WILSON of South Carolina. He is simply like all other executives in a matter of that kind.

Mr. OVERSTREET. Mr. Speaker, it is all very easy to see how the two gentlemen from South Carolina would meet the issue; but when you understand that the governor holds in his own power the right to appoint whom he pleases and to accept such recommendations as he pleases, it is easy to conclude and to understand how these men were deprived of the assistance of Republicans as notaries public.

Mr. LACEY. Will the gentleman allow me to ask him a question at this time?

The SPEAKER pro tempore. Does the gentleman from Indiana yield to the gentleman from Iowa?

Mr. OVERSTREET. Yes, sir.

Mr. LACEY. Is it claimed now that the notaries public who had been selected to take the evidence during this contest had their commissions canceled during that time?

Mr. OVERSTREET. It is not. I only give instances of this to show why in this case they did not resort to the deposition proof. They were justified, in my judgment, in not undertaking that when it was a notorious fact that they could not get the aid and assistance of notaries public of their own selection. The evidence shows that in some of these counties in this district there was not a solitary Republican notary public, and that upon the request of this contestant the governor refused to appoint a notary who would be friendly to him and give him fair dealing and justice; and that was another reason why he was compelled to resort to what I concede to be secondary evidence.

Now, Mr. Speaker, I have taken much longer time than I anticipated in dealing with the questions which I am called on to answer and in the detailed statement of this condition; and I wish to go now to the very gist of this case for a few minutes, and hope that gentlemen who are attending to my argument will remember the reasons why Colonel Johnston resorted to this means of obtaining a list of the names of the voters as I have outlined.

Mr. POWERS. Do I understand that all the voters on this list of 7,000 and upward tendered their votes?

Mr. OVERSTREET. I do not contend that the proof shows that they all tendered their votes. It does not. I said a while ago that we did not count all the 7,000. All that we do count did actually tender their votes, and their intention, the candidate for whom they intended to vote is shown, and also their qualification, and the further fact that their votes were rejected; and on that basis the contestant has a majority of the votes of the district.

Mr. POWERS. Did they approach the vote taker and formally offer their votes?

Mr. OVERSTREET. If the gentleman was present a few moments ago he has doubtless forgotten that I explained that, excepting six precincts in Sumter County, the lists not only showed that every voter approached the polling place to vote, but also disclosed the other facts I have mentioned, and signed the lists when he was able to sign, or authorized the list taker to sign for him when he was not able to sign for himself. At those six excepted precincts, as I have stated, the voters did not approach the vote keeper, but the testimony shows—the testimony of parties who offered themselves for cross-examination—that the votes were tendered, that the men were qualified voters, and that they were members of the Republican party.

Mr. POWERS. You speak of the "list taker." I am not quite sure that I understand that. Is the list taker the man who had a right to take the vote, or is he the man who was taking down the names of persons who desired to vote?

Mr. OVERSTREET. The list taker is the man that was designated by the committee to stand near the polling place, the man to whom these voters went immediately upon the rejection of their votes.

Mr. POWERS. My question is: Did these voters offer their votes to anybody else before they went to this list taker?

Mr. OVERSTREET. Yes; they offered their votes to the managers of the election in the polling place, and they were rejected.

Mr. POWERS. What is the proof in the case that they offered their votes to the man who had the legal right to take them?

Mr. OVERSTREET. The proof is that in those precincts the man who gives the testimony testifies that he saw the vote offered and saw it rejected, and also testifies to the further fact that the voter thus offering his vote was a member of the Republican party. These other voters who approached the list keeper after tendering their votes and having their names enrolled, first tendered their votes and then went immediately to the list keeper, who was stationed as near the polling place as was permitted, and there made known to him what they had done, their qualifications, the fact of the rejection of their votes, and the fact of their intention to vote for Mr. Johnston. That is the point to which I am now going to address myself.

Mr. POWERS. Do you prove the fact that they offered their votes to the regular vote taker by the list keeper, or by the voters themselves?

Mr. OVERSTREET. The voters made the declaration to the list keeper.

Mr. POWERS. And you prove that by the list keeper?

Mr. OVERSTREET. We prove the declaration of the voter by the list keeper.

Mr. POWERS. So it is one step removed from primary evidence?

Mr. OVERSTREET. It is one step removed from primary evidence.

Mr. HOPKINS. Primary evidence in that case could not be procured.

Mr. OVERSTREET. It could not be procured because of the large number of voters and because of the lack of facilities.

Now I wish to address myself briefly to the question whether or not these declarations are proper proof, and I will ask attention to this point, because upon it, in all probability, will hinge the result in this case. I submit that a declaration made in the vicinity of the polling place, immediately subsequent to the rejection of the vote, while the matter was fresh in the voter's mind, before he had an opportunity to confer with others and without apparent design, may be held a part of the res gestæ, and, when brought into the record by proper proof, is as binding upon the House as primary evidence itself. This question of a declaration being a part of the res gestæ is not a new one in the House.

It has been decided so many times that I almost feel that it is trespassing upon the time of the House to argue it. In the Thirty-fifth Congress, in probably the ablest report that has been made upon this question of declarations being a part of the res gestæ, a report made by so eminent a man as Mr. L. Q. C. Lamar, of Mississippi—certainly a good authority for my Democratic friends—the question was presented to the House, and there has never been any variance since that time in the acceptance of the doctrine. I admit that this is secondary evidence, but it is not a substitution of evidence; and when we elect to take that evidence which is the best that is attainable under the circumstances, it ought to be received with the same degree of respect with which primary evidence would be received. Remember that this was an occasion where the entire community of this district was a party. I admit that in many cases the voter at the polls is not a party, but in other circumstances he is a party, and his declarations may be shown in evidence and proven to establish the case upon which you base your decision. In this case I undertake to say that we find a condition of affairs that does not appear in many cases, and which, in my judgment, strengthens the proposition that here the voter at the polls is a party to the suit.

I have told you that these lists are uniform. Not only that, Mr. Speaker, but they are in the form of a petition addressed to this House, starting out in this way:

To the honorable Senate and House of Representatives of the United States in Congress assembled:

The petition of the subscribers, citizens of the State of South Carolina, respectfully showeth that your petitioners are over the age of 21 and male residents of the county of —— and the voting precinct of ——, in the county and State aforesaid, and are legally qualified to register and vote.

And then it goes on and recites the fact of their qualification, the fact of their rejection, and their intention not only to vote but to register, and their inability to register by virtue of the act of those who had control of the registration of the State.

In one of the primary books on evidence which is always an authority, Greenleaf, the author states in section 138:

The question of the admissibility of this sort of evidence seems, therefore, to turn upon the nature of the reputed fact, whether it was interesting to one party only or to many. If it were of a public or general nature, it falls within the exception we are now considering, by which hearsay evidence, under the restrictions already mentioned, is admitted. But if it had no connection with the exercise of any public right nor the discharge of any public duty, nor with any other matter of general interest, it falls within the general rule by which hearsay evidence is excluded.

In section 128 the same author says:

And first, as to matters of public and general interest. The terms "public" and "general" are sometimes used as synonyms, meaning merely that which concerns a multitude of persons; but in regard to the admissibility of hearsay testimony a distinction has been taken between them, the term "public" being strictly applied to that which concerns all the citizens and every member of the State, and the term "general" being referred to a lesser, though still a large, portion of the community.

Taking into account the statements which I have made relative to the difficulties in the way, this contestant had no other means of putting this evidence before the House than that by which he did it; and having been brought in here, these declarations under the authority of Greenleaf can be accepted as hearsay testimony even if not a part of the res gestæ. I undertake to say that the true rule whereby we may consider these as part of the res gestæ is best put by the authority which I shall next read:

If declarations of a past occurrence are made under such circumstances as will raise the reasonable presumption that they are the spontaneous utterances of thoughts created by or springing out of the transaction itself, and so soon thereafter as to preclude the presumption that they are the result of premeditation and design, they will be admissible as part of the res gestæ. (Am. and Eng. Encl. Law, volume 21, page 101.)

To make declarations a part of the res gestæ, they must be contemporaneous with the main fact; but in order to be contemporaneous they are not required to be precisely concurrent in time. If the declarations spring out of the transaction, if they elucidate it, if they are voluntary and spontaneous, and if they are made at the time, or so near to it as reasonably to preclude the idea of deliberate design, they are then to be regarded as contemporaneous. (Stare *vs.* Garrard, 5 Ore., 216.)

[Here the hammer fell.]

Mr. WALKER of Virginia. I desired to make some remarks further on in relation to this case; but I propose now to yield to the gentleman from Indiana [Mr. OVERSTREET].

The SPEAKER pro tempore. How much time?

Mr. WALKER of Virginia. As much as the gentleman wants; all, if he needs it.

Mr. TAWNEY. Before the gentleman from Indiana [Mr. OVERSTREET] resumes, will he permit me one question? Under the rule just cited by the gentleman, why are not these declarations primary evidence—these declarations in regard to how the citizen intended to vote, etc.?

Mr. OVERSTREET. Mr. Speaker, I think it would not be straining the rule to maintain that they are primary evidence. But I have not been disposed to take so stringent a position. Even on the ground that this is the best evidence that could be had under the circumstances, it is sufficient, though it may not be primary evidence. I am inclined to believe, as a personal opinion, that these declarations made under such circumstances are, in view of the authorities, to be considered a part of the res gestæ and therefore constitute primary evidence.

Mr. FAIRCHILD. Did not the men who kept these lists, or accompanied them, go on the witness stand and swear to these declarations having been made to them at the time?

Mr. OVERSTREET. In each instance where we have counted a vote upon the evidence of the declaration of the citizen, the man to whom the declaration was made went upon the stand and testified.

Mr. LACEY. Does the gentleman claim that it is a constitutional right of these Republican voters to have somebody representing them at the election? Does the gentleman think that is a part of their constitutional rights?

Mr. OVERSTREET. It is not a part of the constitutional rights of the citizen as disclosed by the constitution of South Carolina.

Mr. LACEY. But under the Constitution of the United States have they not the right to have somebody see that they have a fair chance?

Mr. OVERSTREET. I think so.

Mr. LACEY. Then if the law of South Carolina denies them that right, and they select a list taker, tacitly or by direct agreement, do they not thereby create that list taker, at least semiofficially, their representative, to see to their side of the election; and in view of that fact, does not his act become practically official, the law having denied the right of that party to representation?

Mr. OVERSTREET. I think the gentleman is entirely correct in his expression of the rule. I believe that as a constitutional right the party at the poll is entitled to some representation, and where he is deprived of that representation, either by the express law of the State or by the action of the managers of the election, and he provides a representative who afterwards comes upon the stand and introduces the proof of the transaction, that proof becomes primary evidence, and should be so received by the House. I wish to cite these authorities sustaining this view without reading at length, because I do not care to encroach too much on the good nature of my friend from Virginia, who joins me in the expression of these views and signs the report I had the honor to prepare and submit to the House.

I only wish to say that the cases to which I refer—that of a New Jersey case in 1840, 1 Bartlett, 28; also the case of Vallandigham *vs.* Campbell, acted upon in 1858, 1 Bartlett, and found on page 230 (that is the case to which I referred awhile ago in which the report was drawn by ex-Justice Lamar of Mississippi)—the case of Smith *vs.* Jackson (Rowell, page 27), and also McDuffie *vs.* Turpin (Rowell, page 252)—these cases sustain the position I have taken, and hold that declarations are admissible as part of the res gestæ.

I wish to refer now, Mr. Speaker, to an expression used outside of the House of Representative upon the principle that I have thus rapidly undertaken to develop. In the State of Tennessee, where prosecutions were sought at the hands of the Federal authorities, in his charge to the grand jury, as great a man as Judge Howell E. Jackson, who was the idol of the Democracy of that State, and whose eminence as a jurist commended him to a Republican President as great as Benjamin Harrison, who gave him a position upon the highest court known in Christendom, uses this language:

If the prosecution had simply shown that each one of these witnesses was seen going to the poll with a Republican ticket in his hand, which he had received from Rives, with a declaration of his intention to vote such ticket, such facts and acts would have constituted circumstantial evidence that they voted such ticket.

Mr. Speaker, in all of my research for authority on the question of declaration, as constituting a part of the res gestæ, to present as a basis for the action of the House in this case, I have found none as broad and comprehensive as that used by Judge Jackson in his charge to the grand jury from which I have just read.

The men in the present case, in each instance, made their declaration to the list keeper, who brought it into the evidence. Now, I said awhile ago that we did not count all of the 7,300. Why? In one instance the evidence shows that, not the list keeper himself, but a third person, who deposes to the fact that the list keeper kept the list. We ignored that. In another instance the list was kept at a store about half a mile from the place where the votes were taken. We also ignored that. We considered, in order to be eminently fair, that that was too far removed from the voting place, and we excluded that count also. But in one of the authorities cited it is held that where a statement or declaration "was made on the day of the election, or soon after," it is a declaration within the meaning of the rule, and it is a part res gestæ.

But we have come to you asking fair dealing for this contestant, and putting it on the strictest ground, not extending the rule even as far as the last two cited authorities, and have counted no votes except where the declaration was taken at the time, in the vicinity of the polling place, and by the man who testifies to the declaration, except where we show all the facts pertinent—the qualification of the voter, the intention of the voter, and the additional fact that the voter is a member of the Republican party.

Now, Mr. Speaker, I anticipate that these gentlemen who seek to fix the title of this seat in the gentleman now occupying it will try to persuade you that the evidence is not as I have stated it; that it does not disclose the fact I have referred to. But I undertake to say, sir, that in every instance where we have undertaken to count the list the list keeper has made we show by his statement, subjected to cross-examination, that the declaration was as full and complete as I have stated.

Remember, first, that these are petitions of the voters before this House, who present their statement at the heading of the petition and come before this House asking justice at your hands and showing their right to vote, with the evidence upon which they base that right, and for whom they should have voted if they had not been prevented. I have tabulated the evidence by counties and precincts in the districts, citing the name of the precincts, the witness, the page of the record, and the number of votes we count in each.

This statement is as follows:

COLLETON COUNTY.

Precinct.	Witnesses.	Record page.	Votes.
Horsepan	J. K. Bennett	30	18
Walterboro	S. H. Campbell	45	157
Hendersonville	P. C. Hamilton	53	56
Summerville	Chas. S. Edmondston	69	91
Reach Hill	A. H. Humbert	72	251
Do	Stephen Moultry	74	
Do	Sam Pinkney	75	85
Georges Station	A. J. Hutson	78	
Grover	J. S. Jenkins	81	14
Reevesville	E. Kelly	89	52
Smoaks Crossroad	C. R. Rivers	93	117
Bells Crossroads	J. W. Stevens	98	35
Preachers Mill	H. S. C. Murdaugh	96	101
Total			1,039

BERKELEY COUNTY.

Strawberry	E. A. Jenkins	151	112
Hiltons Crossroads	S. Gaillard	142	56
Black Oak	J. D. Wright	148	93
St. Stephens	A. M. Pinkney	156	50
Holly Hill	J. S. Brown	140	117
Ten Mile	J. H. Ostendorff	100	158
Total			587
Biggin Church	C. Holmes	153	91
Strawberry	D. J. Cooper	147	92
Do	J. S. Schulze	134	
Grand total			770

LEXINGTON COUNTY.

this record of the fact, first that seven thousand three hundred

South Carolina did they not seek to count lists that were taken

it an honest effort to disclose the pains that were taken to estab-

their votes to the man who had the legal right to take them?

still a large portion of the community.

of the House of Representative upon the principle that I have

LEXINGTON COUNTY.

Precinct.	Witnesses.	Record page.	Votes.
Sandy Run	C. M. Cromartie	162	100
New Brookland	M. E. Boozer	165	63
Spring Hill	H. B. Kesler	170	20
Fork Crossroads	Sidney Caughman	172	38
Batesburg	L. P. Artemus	354	51
Total			272
Lexington Court-House	J. W. Waring	347	39
Grand total			311

RICHLAND COUNTY.

Gadsden	J. H. Garner	178	246
Eastover	W. Richardson	243	184
Total			430

SUMTER COUNTY.

Lynchburg	Albert J. Edwards	189	186
Shiloh	T. J. Smith	194	16
Do	G. T. Evans	203	7
Do	S. J. Anderson	209	17
Do	R. W. McDowell	203	119
Mount Clio	Ben Fortune	208	154
Carters Crossroads	Henry Holmes	225	45
Bishopville	J. H. Slater	233	76
Sumter	M. H. Fields	236	9
Do	J. C. Whittaker	237	74
Stateburg	W. W. Ramsey	275	110
Do	J. H. Douglas	276	38
Total			951
Wedgefield	Daniel Rich	277	161
Spring Hill	D. B. Reynolds	291	53
Concord	E. W. Gregg	239	65
Mayseville	J. H. Cooper	269	241
Privateer	G. A. Huggins	246	126
Providence	W. G. Deas	255	69
Grand total			1,666

ORANGEBURG COUNTY.

Ayers	A. Frederick	307	107
Fort Motte	H. A. Bostick	310	107
Do	D. Esau	312	188
Total			402

RECAPITULATION.

Counties.	Johnston.	Stokes.
Colleton	1,029	
Berkeley	770	12
Lexington	311	
Richland	430	
Sumter	1,666	
Orangeburg	402	
Total	4,608	12
Returned vote	2,647	7,358
Gadsden precinct	265	
Eastover precinct	162	
Grand total	7,682	7,370

Johnston's plurality, 312.

As shown by this statement, we count for this contestant 4,608 votes out of the 7,336—but little more than half—4,608 votes, where the list keeper in every instance, except in the six precincts in Sumter County, testifies to the fact of the voter coming to him in person and making the declaration to him, and to the fact of his intention as so disclosed by the declaration.

Mr. HOPKINS. Counting the number of votes you have there, what majority does it give the contestant?

Mr. OVERSTREET. The returned vote of the contestant was 2,647. We counted for the contestant at Strawberry precinct the 92 votes that the gentleman will remember were given him, and which are conceded by all parties, the full committee, and the returning board of the State. We counted at Gadsden and Eastover 427 votes, which are conceded by the entire committee and the secretary of state. Adding to those two items the 4,608 which we undertake to say come into the record by these declarations to the list keepers gives the contestant 7,682 votes and the contestee 7,370, leaving the contestant 312 majority.

Mr. DANIELS. Was any evidence given to show that the statements of these persons to the person who took down their statements concerning their voting were not true? Is there any contradiction of that?

Mr. OVERSTREET. There is no contradiction on one page of this record of the fact, first, that seven thousand three hundred and more voters were at the polls, in addition to those whose votes were counted; second, that they were colored voters; third, that their names were subscribed, either by themselves, or the proof made that they were members of the Republican party; and fourth, that not one of them was a Stokes voter. There is no contradiction of that, I will say to my friend from New York, which emphasizes the position we have taken.

Now, to return to what I have just stated, an effort will be made here, and I direct your attention to that effort, for it is sure to come, to prove that the evidence does not show these facts.

Now, Mr. Speaker, you must remember that this is an ignorant community. The voters are largely illiterate. It is a fact to be regretted that they have not the intelligence sufficient to create a basis of contest that would obtain in many if not all of the Northern districts. Their language is not correct. Their syntax is poor. But the true statement which they seek to place in this record comes to you with the force of conviction, which I undertake to say this House will commend by accepting it as proof. For example, a voter will say that he kept a list of voters that were "objected."

Well, now, I submit that that is not the technical term to use. The votes were "rejected" and not "objected." He says, "I kept a list of voters that were objected to," not the voters that were rejected. But, Mr. Speaker, all these men were appointed under a common organization. They held lists of uniform draft; they had one object in view. They acted with unanimity, and when they came upon the stand to testify you must accept that testimony as tending in the direction expressed by the great bulk of the witnesses. If I testify as a witness, following twenty other witnesses, and do not go into a detailed statement, it would not therefore be excluded, because I follow others, and we may properly assume, I think, that these witnesses, in the limited time given for this proceeding, were not all asked as carefully about the facts which are brought into the record as in some cases they were asked. But I say, Mr. Speaker, that the evidence shows that each list keeper is discussing the same kind of testimony. He has brought a list into the record headed in the same way, and it all tends in one direction. In every instance the list itself is put into the record.

Mr. HOPKINS. I should like to ask the gentleman a question.

Mr. OVERSTREET. In one moment, please. My friend from Wisconsin [Mr. JENKINS] in his report very adroitly calls the attention of the House to the fact that these lists are not in the record, because they are not filed as exhibits. But, sir, when this House undertakes to put the screws upon testimony, when it concludes that it must resort to the technical expressions of criminal courts, we had as well deliver over to these people of South Carolina the control of this Government. A list appears in the record, subjected to the scrutiny of this House and to the analysis of this committee. If it is not presented formally with the statement, "I offer the following list, and request that it be marked as Exhibit A and made a part of the record," my friend from Wisconsin [Mr. JENKINS] would exclude it; but I pass that over, believing that the fairness of this House will conclude that those lists are in the record. And in no instance—I challenge the statement—in no instance does the list differ in one iota from the statement made by the witness who submitted it, unless it is in the number of names that appear upon the list; but in no instance have those members of the committee who, with me, urge the seating of this contestant, counted a list without first counting, one at a time, the names upon the list as disclosed by the evidence, and comparing that with the vote itself; and where there is a discrepancy, as where one says the list contains 256 names and the count discloses that it contains but 251, we only count the names that the list shows, 251, as in the example which I have given. I now yield to my friend from Illinois [Mr. HOPKINS].

Mr. HOPKINS. The gentleman has covered the point I was going to speak about.

Mr. McCALL of Tennessee. In whose possession have these lists been kept since the election, until they were filed as part of this record?

Mr. OVERSTREET. The evidence discloses that in many instances the list keeper kept it himself, and in others, if he did not keep it himself, he left it in the custody of some individual who, as he says, put it away for safe-keeping; but he always says that was his list. And I will say to my friend from Tennessee that there is no evidence to show, and no effort made to show, that there has been any alteration in any of these lists since election day, when they were taken. I shall briefly refer to the evidence upon this point of bringing the lists into the record in order to illustrate the manner in which they are brought in. The original lists themselves are filed with the record and appear with the papers in the case.

Mr. McLAURIN. Will the gentleman permit a question?

Mr. OVERSTREET. I shall be very happy to answer it.

Mr. McLAURIN. In some of the contested-election cases from

South Carolina did they not seek to count lists that were taken and made up three or four months after the election?

Mr. OVERSTREET. Not in this case.

Mr. McLAURIN. But it was done in similar cases, was it not?

Mr. OVERSTREET. In answer to the gentleman from South Carolina and also in answer to the statement made by my colleague on the committee, the gentleman from Wisconsin [Mr. JENKINS], I will say that there were four cases from South Carolina, and that lists of some sort appeared in each case. The gentleman from Wisconsin undertook to impress upon the House the idea that those cases should all stand or fall together, or else I myself misjudged his remarks.

Now, we could not count enough lists in those other cases under this rule, because, as I have said, a list that was taken several days after the election we would exclude, and a list that was not brought into the record by the list holder we would exclude, and a list which sought to give declarations of voters that did not cover all of the facts required to entitle them to vote we would exclude; so that in the case of Wilson *vs.* McLaurin we seated the gentleman who has just asked me a question because of the imperfection in the evidence which brought those lists into the record. But the doctrine was the same. The other South Carolina case went off for the same reason. The doctrine of declarations being a part of the res gestæ, and the bringing in of the declarations, as we do in this case, did not bring in that evidence in the gentleman's case, and, therefore, he was given the seat.

Mr. LACEY. Were any of the lists in this case made at a different time from election day and at a different place from the place of election?

Mr. OVERSTREET. Not a single, solitary list that we counted.

Mr. McLAURIN. But were there not such lists?

Mr. OVERSTREET. Some were made at a place distant from the poll, but those we exclude.

Mr. LACEY. Then you count only those that were made on the spot, and you treat them as a part of the election itself?

Mr. OVERSTREET. That is it, exactly. We count only those lists that I undertake to say are parts of the res gestæ.

Now, Mr. Speaker, I will address myself as briefly as I can to the evidence in this case to which I have so often referred. Before doing that, however, I wish to point out to the House the line which separates the gentlemen who espouse the contestee's case from those of us who espouse the case of the contestant. We hold that these declarations are parts of the res gestæ, while you will find in the remarks of the gentleman from Wisconsin [Mr. JENKINS] the statement which I now read:

Assuming what the voter said at the box as a part of his offer to vote to be competent evidence, the moment the voter left the box he left the res gestæ—

I do not know, Mr. Speaker, what kind of an animal the gentlemen on the other side have mapped out to be termed the "res gestæ," which can be left by somebody in a particular place. [Laughter.] It is my understanding that the acts which create the transaction at a given place and within a given time, pertaining and applicable to a given individual or individuals, all together, constitute the res gestæ, and no individual has it in his power to leave it in any place. I have said that no vote has been counted by those who seek to seat the contestant except where the declaration was made at the time of election and in the vicinity of the polling place, and to the individual who brings it into the record by his deposition proof, excepting at the six precincts in Sumter County, and in each of those cases the proof is full as to the qualification of the voter, the rejection of his vote, and his membership of the Republican party.

Now, this class of evidence is shown, as I stated a moment ago, by witnesses in various ways, but all tending in one direction, and the gentlemen who support the contestee in this case in their report cite the case of Humbert at Beach Hill, in Colleton County, as an example of the testimony which we have to rely upon, and they urge upon this House to discredit that testimony. They do that on the ground that A. H. Humbert did not write the names on the list there. The evidence is found on page 72 of the record. Gentlemen who seek to retain the contestee in his seat ask you to discredit the evidence of Humbert because he did not write the names upon the list. The evidence shows upon the cross-examination that W. D. Humbert wrote the names upon that list. I concede that fact. If the gentlemen had taken the trouble to follow the other witnesses at that precinct they would have found that Stephen Moultry (page 74 of the record) and Sam Pinkney (page 75 of the record) both corroborated the statement of Humbert on page 72, going to establish this state of facts: That A. H. Humbert was the committeeman designated to stand and control the taking of the names, and that W. D. Humbert was his clerk and actually wrote the names in his presence.

I refer to that line of evidence to show the House that the list keeper was present and saw the names written by his clerk as the voters came up. They were systematic. They had uniform petitions with printed headings, tables, and pens and ink. It would be called a "conspiracy" in some localities, doubtless, but I call it an honest effort to disclose the pains that were taken to establish the rights of this contestant; and while A. H. Humbert does say that the list is not in his handwriting the evidence shows that W. D. Humbert, his clerk, wrote them, and Stephen Moultry and Sam Pinkney both corroborate the committeeman in the statement that he was there; that the voters made their declarations to him, and that W. D. Humbert was his clerk and wrote the names. The gentleman from Wisconsin asks why W. D. Humbert was not put upon the stand. But in God's name how many witnesses is it necessary to bring upon the stand to prove the name of the individual to whom the declaration was made?

Now, I have stated that every one of these 4,608 votes that we undertake to count was brought into the record by these declarations through the medium of the list keeper; that those questions were asked the list keeper as to what he did, and his statement made that he kept the list of the rejected votes; that the voters sought him in person; that they were not intimidated; that they voluntarily made known to him their desire, and that that was the list that he kept. These, I affirm without fear of contradiction, are the facts proved in each case if you will read the evidence aright, except as to these six precincts in Sumter County; and to those I wish to call your attention.

It has been held by this House in many cases—and I undertake to say that in no case has it been denied—that where all the facts are disclosed, the act of the voter, not the declarations and statements made, but his acts and conduct, the proof of his residence and other proofs showing his qualifications as a voter; second, proof of his offer to vote; third, proof of the rejection of the vote, and fourth, proof that he was a member of the given party, that evidence is sufficient to be admitted in proof. That proposition has been universally accepted. And at every one of these precincts in Sumter County where we have counted the vote and where the declaration was not made to the list keeper, that state of fact has been disclosed. I refer you to Wedgefield precinct, page 277 of the record, where the list keeper says that he was in the house where the voting was carried on; that he kept a list of voters who were rejected:

Q. Do you know to what political party they belonged?
A. To the Republican party.

And then on cross-examination we have this testimony:

Q. Do you know of your own knowledge that the names on this list are those of voters who tried to vote?
A. I do.
Q. Did you see each man on this list rejected by the managers, or did they tell you so?
A. I saw them rejected.
Q. On what grounds?
A. A portion of them on the ground that they had no registration certificates, and others that had their registration certificates had changed residence, and still others who had registration certificates, the number on the managers' registration book and voter's certificate did not correspond.

That was no fault of the voter. He had no control of the book. He presented the certificate and if the number varied they rejected it. At Spring Hill township, in the evidence of Reynolds (page 291); at Concord precinct, in the evidence of Gregg (page 239); at Mayesville precinct, in the evidence of Cooper (page 269); at Privateer precinct, in the evidence of G. A. Huggins (page 246), and at Providence precinct, in evidence of W. G. Deas (page 255), we have the evidence showing conclusively what I have stated—not the declarations, but the facts, all of which go to make up and establish the right of the voter to vote, the fact of his rejection, and that he was a member of the Republican party. Why, sir, Justice Jackson, in his charge to the grand jury in Tennessee, held that if the voter was seen with a Republican ticket in his hand en route to the poll it was a sufficient circumstance to prove that he was going to vote that ticket, and (if he got to the polls) did vote it. In this instance there is not a syllable of proof to discredit the statement of the witnesses at these six precincts. No man undertakes to deny the fact that these men were qualified voters, as declared by the list keeper. No man disputes the assertion that their votes were rejected or that they were members of the Republican party.

I wish to emphasize the statement that we have counted no votes except where the full declaration is made under the proposition of law which makes it a part of the res gestæ, except, as I have mentioned, in Sumter County; and there every substantial and material fact is disclosed by evidence to establish the right of the voter to have his vote counted.

When we take those lists that I have thus counted, it makes 4,608 votes. And I submit, Mr. Speaker, that, in view of the caution which we have exercised, in the spirit of fairness which should commend itself to the House—where we count but a little more than one-half of the lists of voters who sought to have their votes counted by this House—this result should be accepted. And this table shows that when you give Mr. Johnston the votes that the full committee gives him, that the State returning board gives him, and add to his returning vote the 4,608 which I undertake to say are absolutely his right under the propositions in regard to

declarations, he has 7,682 votes against 7,370 for Mr. Stokes, leaving the contestant a clear plurality of 312.

Now, Mr. Speaker, I called attention at the outset to the table which I had prepared comparing numerically the black and white population with the returned vote, showing that the colored voting population cast but 11 per cent of its entire vote, conceding all of it to have been Republican and none Republican except the colored, while the white voting population cast 57 per cent of its vote. And when you add the seven thousand and more voters who were on the ground seeking recognition at the polls, it accounts for the interest manifested by the Republican voters of that district. But when we make up the table that I now present to the House with the corrected vote according to the propositions which I have undertaken to impress upon the House, it discloses still that the colored vote has not received as much consideration as the circumstances of the case, in my judgment, entitled it to. When we correct this table by adding the votes which we count, distributing them by counties in the proper way, the following result is obtained:

Counties.	Stokes.			Johnston.		
	White vote.	Corrected returns.	Per cent.	Colored vote.	Corrected returns.	Per cent.
Berkeley	885	681	.....	4,821	1,458	.....
Colleton	1,970	1,416	.....	3,499	1,501	.....
Richland	932	8	.....	1,665	867	.....
Lexington	2,982	1,394	.....	1,650	651	.....
Orangeburg	3,440	2,729	.....	6,346	879	.....
Sumter	2,730	1,142	.....	5,895	2,336	.....
Total	12,939	7,370	57+	23,876	7,682	32+

This gives Stokes 7,370, 57 per cent of the entire white vote of the district, and Colonel Johnston 7,682 votes, only 32 per cent of the colored vote alone of the district. We find a condition outlined where an organization was effected by the contestant, ramifying to every precinct, where every township in the district was stumped by the contestant in his able manner, who impressed himself on the voters; where no divisions existed among the colored vote; where, conceding him no white votes, a man who at the first sound of the gun, as a member of the militia of Massachusetts, penetrated the treasonous confines of the South, and who was a member of the last regiment mustered out of the service, was the candidate of his party. What was there in the history of such a man to alienate the colored voters?

And, Mr. Speaker, when you consider the condition and the circumstances under which they labored, the energy they exerted at the polls, and since they were counted out at the election, and contrast it with the position of the Democratic party, led by a Populist candidate, a man whom the evidence shows had no organization, and did not make a speech in the district, and yet who received such a large per cent of the white vote, I ask you what can be and what must be the conclusion? I submit that it is not right and fair to undertake to say that because we have not brought in 4,600 men and placed them one at a time on the witness stand, we have not made out our case.

I wish briefly to state the position of the committee on this question. The report I have been advocating here for such a protracted time is entitled the minority report. I think it should be dignified by a better appellation than that, in the light of the circumstances under which the case was brought before the House. Ordinarily a dilemma has but two horns, but unfortunately the Committee on Elections No. 3 brings into the House a dilemma with four horns. I commit no breach of confidence within the committee when I state the various positions maintained, because they are disclosed in the four reports submitted to the House. I speak now from the reports as shown by the House records: There are nine members on the Committee on Elections No. 3. There are six Republicans and three Democrats constituting the committee. Three of us maintained the position that I have advocated this morning.

Mr. HOPKINS. Three Republicans?

Mr. OVERSTREET. Three Republicans—Mr. WALKER of Virginia, Mr. THOMAS of Michigan, and myself. Mr. MCCALL of Massachusetts, the chairman of the committee, holds that there is no election, as his report in the record discloses. The gentleman from Wisconsin [Mr. JENKINS], together with the three Democratic members of the committee, who are always together with a complacency that is refreshing and a unanimity that is always to be anticipated—three members of the minority, with the gentleman from Wisconsin, hold that the declarations are worse than hearsay and that this testimony should not be considered by the House. And Mr. JENKINS stated in the House in his speech that the res gestae was left at the ballot box when the voter left the polls. The gentleman from Pennsylvania [Mr. CODDING], who undertook to submit his views on the facts and the law to the House, but was called away by the sad news of the death of a sister and was unable to submit them in print, holds that the declarations or statements made to the list keepers are mere memoranda and can not be otherwise employed than as memoranda in his testimony, and are not a part of the res gestæ. He counts all the votes he thinks the evidence shows were proper to count from the memoranda to which I have referred, but he does not count as many as 4,600; and hence he joined with the two Democrats and the gentleman from Wisconsin in causing the majority report to be submitted to the House recommending the retention of the seat by the contestee.

Mr. JENKINS. Will the gentleman allow an interruption?

Mr. OVERSTREET. Certainly.

Mr. JENKINS. I want to ask the gentleman, in all common fairness, if it is not a fact that when the resolution was submitted to the committee that the contestant was entitled to the seat, there were six out of nine votes against him? I will ask further if the three votes were not the Republicans, including myself, the gentleman from Massachusetts [Mr. MCCALL], and our colleague, Mr. CODDING of Pennsylvania? Is not that a fact?

Mr. OVERSTREET. I will answer the gentleman's question. Since the gentleman sees fit to go outside of the record as presented to the House by the reports and inquire of me, I have no disposition to keep any of the facts from the House. It is true as he stated. I was only giving the facts as disclosed by the record, which is before the House, and not the confidential features which were stated in the committee.

Mr. JENKINS. These facts that I now state are disclosed by the reports, are they not?

Mr. OVERSTREET. The facts of the vote against the contestant are naturally shown by the four reports. If one report is that there is no election, of course that is against both contestant and contestee. The three members of the minority of the House, joined by the gentleman from Wisconsin [Mr. JENKINS] and the gentleman from Pennsylvania [Mr. CODDING], making five of the nine, are in favor of the contestee.

Mr. JENKINS. I asked the gentleman a question, in fairness, for the instruction of the House, if it is not a fact that six of the nine members of the committee have decided that the contestant in this case is not entitled to his seat?

Mr. OVERSTREET. I have not denied it. I admit that is a fact. Now, Mr. Speaker, I have disclosed, as the record discloses (because I say in fairness to my colleagues on the committee that what takes place in the committee room ought not to be mentioned) these four reports disclose what I state, that there is not a majority report of that committee upon any question except the bare statement that the contestee is entitled to his seat, because they differ upon the questions of law. And I say in all fairness to my colleague from Pennsylvania [Mr. CODDING] whose remarks will be read in the time of one of the gentlemen who will speak upon this case, that he holds to the law that the lists are memoranda, but he could not see his way clear to count enough of the memoranda to seat the contestant. And I say, Mr. Speaker, that upon the conditions that existed as we found them in this district, as I have detailed them, upon the best evidence that could be obtained in this case, showing the energy and diligence which has been displayed, within the spirit of the law, this contestant should be seated.

I wish to say, Mr. Speaker, that the gentleman from Wisconsin [Mr. JENKINS] almost concedes his case in his concluding remarks, and I want to read them in order that he may refresh his recollection and address himself to that point when he closes this case, and see whether he changes his ground in any respect.

Mr. FAIRCHILD. We are all pleased to hear this reference to the nonpartisanship of your committee, where three Republicans take one position and two Republicans another and one Republican another. I should like to ask the gentleman if the nonpartisanship of the Democrats led them to divide on any question?

Mr. NORTHWAY. O Lord, no.

Mr. OVERSTREET. As I have stated, their conduct in this, largely the same as in other cases, displays a complacency that is refreshing and a unanimity that we always anticipate.

The gentleman from Wisconsin [Mr. JENKINS] stated this:

Substantial justice requires that broad, equitable, uniform rules be laid down for the determination of election cases.

To that doctrine I say amen, and urge that it be taken home in this case, and I ask gentlemen whether they can do exact justice upon the merits of this case, in the light of the evidence and facts, unless they seat the contestant. The gentleman from Wisconsin [Mr. JENKINS] in his concluding remarks said:

If what has been asserted in this case is true and can be proven, notwithstanding the contestee is entitled to his seat by a vote of the House, still Congress can inquire whether the State of South Carolina has a republican form of government. But the House alone can not make such inquiry. If what has been alleged and stated by the contestant is true, it is to be regretted, in the interest of good government, that it has not been proven. Freedom and purity of the ballot box must be upheld. No American citizen can afford to uphold fraud in elections, whether he be in the North or in the South. Matters are improving in the South. It has taken longer than it ought to to

bring about the present state of improvement, and we can not afford to have it stop here. I trust that the South will fairly and honestly work out the great problems that have introduced themselves as a result of the war and do its part toward national unity and prosperity, which will never come until every American citizen enjoys unmolested his full political rights. The safety of the individual and the success of the nation depend upon a free ballot, a fair count, and absolute conformity to law. No one questions the loyalty of the South, but I want to say to our Southern friends that yielding to a lawful majority and obedience to the law will be the highest evidence of loyalty and fitness for American citizenship, and will largely aid in bringing to them desired prosperity.

I submit, Mr. Speaker, that in the light of the laxity with which evidence should be taken in these cases, in the light of the common justice and equity with which we should conduct and try these cases, in the spirit of patriotism and fairness between man and man as to the protection of the ballot box, as to the right of suffrage, as to his privilege to have his vote counted fairly and construed justly, this House would stultify itself did it not look into this case as we have looked into it, and seat the contestant instead of the contestee. [Applause.]

Mr. Speaker, if there is any remaining time I wish to yield it back to the gentleman from Virginia [Mr. WALKER].

The SPEAKER pro tempore. The gentleman has ten minutes remaining.

Mr. WALKER of Virginia. I do not care to speak now, and reserve that time.

Mr. DE ARMOND. Mr. Speaker, as was stated by the gentleman from Indiana [Mr. OVERSTREET], our colleague upon the committee [Mr. CODDING] was called away, and he has been unable so far to have published, either in the RECORD or in the usual way, his views upon this case. He left them with me, and I now send them to the Clerk's desk to be read.

The Clerk read as follows:

Fifty-fourth Congress, first session. House of Representatives. To accompany Report No. 1229.

THOMAS B. JOHNSTON VS. J. WILLIAM STOKES.

Mr. CODDING, from the Committee on Elections No. 3, submitted the following views:

In concurring fully with the resolutions submitted by the committee in this case, I am compelled to dissent from the reasoning by which the result is reached. The value given to the so-called "lists" has my approval. They are memoranda only, and worthy of consideration when by competent evidence the parties named are proven to be voters, present at their proper voting places for the purpose of voting for the contestant and illegally rejected. To go further than this is to establish a rule, in my opinion, incorrect and dangerous.

The report of the majority ignores the fact that many lists are supported by evidence possessing the qualities named. I shall not go into details. It is sufficient to say that, after a careful examination of the lists and evidence for every precinct in the Seventh Congressional district of South Carolina, I can not find rejected votes enough to sustain the claim of the contestant.

In dissenting from the conclusions of the minority of our committee I find a general line of reasoning, excellently presented by Mr. OVERSTREET, in which I gladly concur. But it goes too far. No authority quoted sustains the result. To adopt the computation is to give to the "lists" an importance at once startling and revolutionary.

The minority report proposes to award the seat to Colonel Johnston by a majority of 253. It will illustrate my convictions, and if correct, dissipate the majority, to refer only to the following precincts:

	Votes.
Bells Crossroads. (Record, page 98. Report, page 47)	86
Preachers Mills. (Record, page 96. Report, page 48)	101
Ayers. (Record, page 267. Report, page 92)	107

In these cases, selected almost at random, the evidence discloses not one word of citizenship or any ordinary qualification. The names are those of persons "rejected to vote," "objected from voting," "rejected from voting." No more, no less. Much as I regret it, I can not concur in counting lists supported, or rather unsupported, by such evidence.

JAMES H. CODDING.

Mr. DE ARMOND. Mr. Speaker, I thought it no more than fair to Mr. CODDING, as well as to the members of the House, that his statement of his views should be presented and printed in the RECORD for the information of such as may choose to read it. I need not say with respect to this gentleman what all who are acquainted with him know, that he is an exceedingly able and fair-minded man, and an excellent lawyer.

Mr. Speaker, as stated by the gentleman from Indiana [Mr. OVERSTREET], there are three general views entertained of this case: The view that the contestee ought to retain his seat; the view, very ably advocated by the gentleman from Indiana, that the contestant ought to be awarded the seat; and the view expressed briefly on pages 14 and 15 of the report, by the distinguished gentleman from Massachusetts [Mr. MCCALL], our honored chairman, that the House, instead of deciding that either of these candidates is entitled to the seat, ought to declare that there was no election deserving to be respected as such, and send the matter back for the further consideration and decision of the people of the Seventh district of South Carolina. There are about this case (as is true, I believe, of every case) some peculiarities of its own. The persons rejected when offering to vote were rejected largely because they had not complied with the requirements of a registration law the constitutionality of which was exhaustively discussed by the gentleman from Wisconsin [Mr. JENKINS] a few days ago, and discussed at less length but very clearly by the gentleman from Indiana [Mr. OVERSTREET] to-day.

It is enough for me to say, as to the question of the constitutionality of that law, that while different members of the committee have different opinions as to some provisions in it, we all concur in the view that it was and is an unconstitutional law. Further, we all came to the conclusion that, this being an unconstitutional law, the question presented to the House is the question of what ought to be done in view of the fact that that unconstitutional law was upon the statute book and was observed in the conduct of the election last November. There is surely a difference between the conduct of officers observing a law binding upon them, but deemed afterwards and elsewhere unconstitutional, and the acts of officers who, in violation of the law and apparently with the purpose of doing wrong for the sake of wrongdoing, deprive electors of their right to vote.

This registration law was placed upon the statute book of South Carolina in the year 1882, and was a law of that State up to 1894, when this election was held. While we deem this law unconstitutional, as I have stated, and as the other gentlemen who have addressed the House have also stated, it never has been so adjudged in the State of South Carolina. So far as the committee know, but two proceedings were ever instituted in that State during the twelve years of the existence of this law to test its constitutionality.

Those proceedings have both been referred to by the gentlemen who have spoken in this case. Both were brought since the last election. One was before the supreme court of the State of South Carolina, which held that it had not jurisdiction of the matter; that the question did not properly arise in the case presented. The chief justice of that court, however, gave an opinion to the effect that the law, for reasons which he stated, was unconstitutional. The other proceeding was in the Federal court, where Judge Goff pronounced a similar decision; but upon appeal to a higher court it was determined that he was without jurisdiction of the matter. Therefore we have virtually and actually only the opinions of these two distinguished jurists upon the question of the constitutionality of this law.

Now, in the twelve years from 1882 up to and including 1894, the time when this election was held, so far as the committee is advised—I think I am not wrong about this—the constitutionality of the law was never called in question in the way of submitting it to any tribunal in South Carolina. The election of 1894 was held with that law upon the statute book, as it had been for twelve years, the question of its constitutionality not even having arisen up to that time in any court, although the law itself provides abundant means by which any person who is denied the right to register or vote may appeal to the courts and get a decision. Then, when the time came for holding the election in November, 1894, for these election officers (managers of election they are called in South Carolina), this registration law was law, and these officers, in trying to observe the requirements of that law and to enforce its provisions, were certainly doing their duty. It was not for them, when the law had been in full force and effect and no question made about it for twelve years, to set themselves up as a supreme court or as any power high enough to declare that it was an unconstitutional law or to admit to suffrage persons not qualified to vote under that law.

Now, the first point I make about that—and I do not care to dwell longer upon it—is that the decision by which persons offering to vote were excluded from voting was a decision under the law and in accordance with the law. In that respect this case is different, I believe, from any other that has heretofore been before this House; and to some extent the questions which arise, in view of the fact that the committee concludes that the law was unconstitutional, are novel.

Now, another fact which I think I may safely state, and challenge the record for contradiction, is, that the election was fairly held. I do not mean that there were no errors committed; but I mean that in a general way, speaking of the election as a whole, the record is substantially void of any evidence tending to show fraud or intentional wrongdoing or oppression or misconduct on the part of the election officers.

The fact simply was that they had a registration law which they had had for twelve years; that persons who did not comply with that law by securing registration, in large part, I think, did not apply to vote, and those who did apply to vote were excluded from voting because they had not complied with the law. But in the conduct of the officers throughout there was good faith and an attempt to observe the law.

Having concluded, as the committee did conclude, that this registration law—and I will not go into its details; as I said, some may think it unconstitutional in one particular and some in another, some to this extent and some to that; but I simply treat it as an unconstitutional law so far as the consideration of this case goes, in order to shorten the matter—this unconstitutional law thus hampered the suffrage, as it unquestionably did, what was the duty of the committee, what is the duty of the House, what

would be a proper decision and disposition of this case upon the facts and according to law? That is the simple question submitted to the House.

Mr. HEPBURN. Will the gentleman allow me a question?

Mr. DE ARMOND. Certainly.

Mr. HEPBURN. In the event that this act which the gentleman has been discussing should be held unconstitutional, would there then exist in South Carolina any legal method of providing the machinery for the holding of the election?

Mr. DE ARMOND. Oh, yes. There is a considerable body of law, independent of the registration features. The unconstitutionality of the registration law had the effect undoubtedly to keep persons from voting who could vote if that law had not been upon the statute book, and who probably would have applied to vote had it not been there, and who undoubtedly, had it not been there, would have been permitted to vote, whereas when some of them applied they were denied that right. The law undoubtedly had that effect. In other words, a man who had not a registration certificate could not vote. If a man without a registration certificate applied to vote, the election officers rejected his vote, as under the law they were bound to do. Probably, men not having registration certificates, in many instances, did not apply to vote, because they understood that they would be rejected and could not vote—did not have the right under the law to vote. That being the case, the question arises, what should the House do with this particular contest? That there could be held an election, throwing out all this registration law, is a clear proposition from an examination of the whole body of the law. Whether the election which was held should be respected, or whether it should be declared that owing to the obstruction of this unconstitutional law the House concludes that there was no such election as to entitle anyone to the seat in controversy is a question which naturally arises in this case.

I submit, Mr. Speaker, that it is really the question in the case; and with all due deference to my friend from Indiana, who made an able presentation of his view of the case and the view of those who concur with him, I think the question before the House is whether the contestee should hold his seat or whether the whole matter should be sent back to the people of the Seventh district of South Carolina to determine by another election, without the obstruction of an unconstitutional law, who shall be their Representative in Congress. To my mind, as I shall endeavor to explain a little further on, according to the law, according to the precedents—according to the value of this case itself as a precedent—there can be no just contention that the contestant ought to be awarded this seat.

Now, then, what shall be done? If there was enough of an election, if there was enough of valid election law, if the condition of things was such and the result such, under all the evidence, that the House believes the result would probably have been the same had this registration law been out of the way, then the contestee ought surely to hold his seat.

The contestant, after the correction made by counting some votes excluded by the legal canvassers and counted by the State canvassing board, and unanimously conceded by the committee—the contestant has, I believe, some 4,275 fewer votes than the contestee.

Then how can there be gathered together enough votes—gathered together under the law and the evidence, with due regard to the merits of this case and to the value of our decision with respect to other cases that may arise anywhere at any time—how can there be gathered together enough votes to be counted for the contestant which, added to the vote actually cast for him, will entitle him to the seat? I do not believe it can properly be done.

Mr. OVERSTREET. Will the gentleman allow me to interrupt him for an inquiry?

Mr. DE ARMOND. Certainly.

Mr. OVERSTREET. The gentleman will admit that other laws have been enacted by the State of South Carolina since the last election?

Mr. DE ARMOND. I understand that is true. I have not seen them.

Mr. OVERSTREET. Then, if this case was sent back, if a new election was ordered, would it not have to be held under the new law?

Mr. DE ARMOND. Certainly; under the law as it is. I understand the laws have been changed since the last election.

Mr. OVERSTREET. And under that law is not there an educational qualification fixed by the constitution?

Mr. DE ARMOND. I really have never read a line either of the new constitution or the new law of the State, and I can not answer the gentleman from personal knowledge.

Mr. WILSON of South Carolina. If the gentleman from Missouri will allow me, I have the section of the constitution here.

Mr. DE ARMOND. It is immaterial. I am not trying to discuss the case on that basis, but as it is.

Mr. WILSON of South Carolina. I thought it well to put this citation in there.

Mr. DE ARMOND. I do not care to go into that question at this time.

Mr. Speaker, the gentleman from Indiana and those who agree with him in regard to this case, according to their view of the question, have counted enough votes for the contestant in addition to those he received to give him a plurality, as stated in their report, of 233. Now, what is necessary, first? If you are going to count as voting persons who did not vote what is necessary to lay the foundation, to establish the groundwork, in order to enable you to count such votes? It would seem that the persons to be counted as voting ought to be shown by the evidence to have all of the qualifications necessary under the South Carolina constitution and law for voters—the qualifications which a voter in South Carolina in November, 1894, ought to have had and was required to have, excluding the requirements of their registration law.

I think there can be no dispute as to that point. How is it to be shown? It must be shown in some manner, I submit, by competent testimony. It is not a thing to be presumed; it is not something to be guessed at. In order to vote enough of these persons to change the result of the election in question—and these gentlemen proceed on the theory that there was an election in which the House can carry out something that was not entirely accomplished in South Carolina by declaring the election of one of the gentlemen who were parties to the contest—in order to vote enough of them to change the result of that election, it is necessary to have cast for Mr. Johnston, the contestant in the case, more than 4,270 votes which must be obtained somehow from the "lists" upon which he relies. How were these lists kept? What are the lists? I will read the heading which appears to the most of them:

To the honorable Senate and House of Representatives of the United States in Congress assembled:

The petition of the subscribers, citizens of the State of South Carolina, respectfully sheweth:

That your petitioners are over the age of 21 years and male residents of the county of Colleton, and the voting precinct of Walterboro, in the county and State aforesaid, and are legally qualified to register and vote.

That on this the 6th day of November, 1894, they did present themselves at said voting precinct, in order to vote for member of Congress, and that they were denied the right to vote.

That your petitioners have made every reasonable effort to become qualified to vote according to the registration law of this State, but have been denied an equal chance and the same opportunity to register as are accorded to others of their fellow-citizens.

Your petitioners desired and intended to vote for Hon. Thomas B. Johnston for member of Congress.

Wherefore your petitioners pray that you investigate the facts herein stated and the practical workings of the registration and election laws of this State, and devise some means to secure to us the free exercise of the rights guaranteed to us by the constitution of this State and the laws and Constitution of the United States; and your petitioners will ever pray, etc.

Now, in that is to be found the evidence in most instances, the evidence in large part, of the so-called qualifications of these people to vote. In order to count a man on the estimate made in these petitions you must conclude that he was qualified to vote under the constitution and laws of the State independently of the registration law. We can not ignore everything of law. This is not evidence, the heading of the various petitions "to the honorable Senate and House of Representatives," "to investigate the facts and devise some means" to secure to these people their rights under the constitution of the State and the Constitution and laws of the United States. If we were to conclude that the statement in this petition—and what a remarkable proposition it is—but if we were to conclude that the statement in the heading of the petition is sufficient to constitute proof of the qualification to vote of those whose names were signed under it and on sheets fastened to the one bearing it, either by themselves or by somebody else, still if you come to look at the real qualifications of voters under the constitution and laws of the State of South Carolina, independently of the registration law, you would find some of the qualifications lacking.

There is nothing said about the length of residence in the precinct, nothing about whether the voter or would-be voter had resided in the precinct sixty days, or sixty years, or an hour. There is nothing whatever in regard to the negative qualifications. I will not insist that, as a matter of law, it would be necessary, prima facie, to show that a man was not under any of the disabilities imposed by the constitution or statute, as being a pauper or having been convicted of a crime, which disqualify persons from voting. There is no declaration of an offer to vote. The declaration is:

Your petitioner desired and intended to vote for the Hon. Thomas B. Johnston for member of Congress.

If question had arisen as to a single person offering to vote, and who had voted or who had not voted, and whose qualifications were called in question, and the testimony with regard to his qualifications were embodied in what I have quoted from these petitions, called "lists" sometimes, it would not be enough to

show that he was entitled to vote. It would not show his residence in the precinct for the necessary length of time. It would not show that he possessed the constitutional qualifications.

But how startling, Mr. Speaker, is the proposition to call evidence of the qualifications of voters the heading to a petition! A large proportion of the persons whose names are appended to these petitions could not read, could not write, did not sign the petitions themselves—could not sign them. The petitions do not disclose the slightest design or purpose that any petition, or the heading of the petition, or anything connected with the petition would be offered or should be taken as evidence, here or anywhere, to prove anything. These gentlemen make certain representations by the heading of the petition to the Senate and to the House of Representatives, and ask the Senate and the House to investigate facts and "devise means," but not to seat or unseat anybody. There is nothing about any one of the petitions which would impress upon the mind of a person signing it anything of the solemnity that ought to attach to the act, that ought to have its effect upon the mind of a conscientious person if he were to understand that what he should then and there say was to be and would be regarded as the equivalent of testimony—statements on oath. Here are certain general recitals preliminary to a petition, and that is all.

I venture to say that never in the history of this House, never in the history of the Senate, never in the history of any legislative body upon this continent or upon the other continent, never anywhere has there been found such "evidence" or such complete lack of evidence of qualification to vote, coupled with such insistence that it is proof sufficient to authorize the counting of votes not cast.

Mr. TERRY. Will the gentleman allow me to interrupt him?

Mr. DE ARMOND. Yes.

Mr. TERRY. Is that what is offered as constituting proof that these gentlemen offered to vote for the contestant?

Mr. DE ARMOND. That is what is offered in large part as proof of their qualifications to vote. There is one further thing about their offering to vote. The testimony varies, but with respect to a good many of them it is that after they came away from the polls, or at some time, they asked that their names be taken down upon a list, and their names were accordingly taken down upon this list, although the statement as to the time when the request was made is often vague and uncertain. It is in the heading of these lists, or rather petitions, that, according to the contention of the minority, the evidence is found that they were qualified to vote, and that therefore their votes ought to be counted.

Mr. WALKER of Virginia. Mr. Speaker——

Mr. TERRY. I should like to make a suggestion right there.

Mr. DE ARMOND. I will yield to the gentleman from Virginia [Mr. WALKER].

Mr. WALKER of Virginia. I ask the gentleman this question: Is not every vote that is counted by the minority of the committee counted upon the sworn deposition and evidence of the list keepers?

Mr. DE ARMOND. Mr. Speaker, what I am saying is that in very large part the only evidence of the qualifications to vote of the persons who are counted is found in the heading of these petitions or listt, as you call them. This is stated in the report. I read from page 29 of the minority report, submitted by the gentleman from Indiana [Mr. OVERSTREET], with reference to one county:

An examination of the evidence as to Colleton County, part of which we submit herewith, justifies the counting of 1,029 votes for Johnston.

The lists of voters taken at the various precincts in said county were brought into the record by the witnesses who took the declarations from the voters immediately after the vote was rejected, and in the vicinity of the polling place, the qualification of all of said voters whose ballots were so rejected being shown either by the heading of the petition or paper upon which their names were entered, or by the statement of the voter himself, for the paper, being signed by the voter or by one authorized to sign it for him, discloses the qualification and intention of the voter, and therefore becomes a part of the declaration itself; and, taken together, all constitute one and the same transaction, and each of said votes should be counted the same as if each of the voters themselves had come upon the stand and testified singly to the same statements.

Upon that rests the contention that the contestant is entitled to a seat in this House as the Representative in Congress from the Seventh district of South Carolina.

Mr. Speaker, I ask gentlemen who feel any interest in the case and any desire to get at the actual facts, and to pass their own individual judgment upon the law involved—I ask them to read that, as it appears upon page 29 of this report. All the reports are printed together, except that of Mr. CODDING. The evidence of the qualifications of voters, we are told by Mr. Johnston's advocates, is to be found in the heading of a petition to Congress to investigate matters down there, and to devise means to secure these people their rights; a petition that does not disclose a purpose to contest this election; a petition that does not carry with it a hint that the persons who signed it or who authorized the appending of their names to it ever expected that it would be paraded as testimony here or elsewhere.

Some one has a petition at the polls. In the first place, the chances are 50 to 1 that nobody would care exactly what was in the heading of that petition, because a man goes there simply to be listed, and the chances are 100 to 1 that a given voter would not know what was in the heading of the petition. We all know from common experience and observation how carelessly and recklessly petitions are signed. Here is a petition to Congress to investigate matters down in South Carolina and to devise means on general lines, and lo and behold, later comes up the same petition with its heading produced as the evidence that the persons whose names were appended to it were qualified to vote, and wished to vote for Johnston. Upon that kind of "evidence" depends the seating of the contestant, because, excluding that evidence—excluding those as to whose qualifications there is no proof but the heading of the petitions—it is utterly impossible to find enough votes, or enough persons regarded as voters, to seat him. Now, I yield to the gentleman from Indiana [Mr. OVERSTREET] for a question.

Mr. OVERSTREET. I will ask the gentleman whether there was a solitary voter challenged at the polls?

Mr. DE ARMOND. I do not understand the gentleman.

Mr. OVERSTREET. Was any voter challenged as to his right to vote?

Mr. DE ARMOND. I do not know anything about that. These men did not vote.

Mr. OVERSTREET. Now, if a voter presents himself to vote and is not challenged, is he not presumed to be qualified to vote?

Mr. DE ARMOND. I should think, Mr. Speaker, that when a person offers to vote and is not permitted to vote there has evidently been something transpiring at that polling place which would come within the ordinary meaning of the word "challenge." To challenge a man's vote is to suggest that that man is not entitled to vote. Here is a decision that a particular man is not entitled to vote, and yet the gentleman from Indiana asks me whether, when a man is denied the right to vote, there does not arise some sort of a presumption that he is entitled to vote? I think not.

Mr. WILLIS. If the gentleman will pardon a suggestion, I think I read somewhere in this report a statement that at one place 34 votes had been rejected under challenge, though I may be mistaken about it.

Mr. DE ARMOND. Now, Mr. Speaker, I pass to another point.

Mr. WALKER of Virginia. Is it not a fact that the record does show that nearly all these rejected voters were rejected for want of registration, or of proper registration, or of proper registration certificates?

Mr. DE ARMOND. A large part of them—I do not remember the percentage.

Mr. OVERSTREET. Where were they?

Mr. DE ARMOND. There are lots of lists of that kind—no evidence of qualification except the heading, which I read. Here at Preachers Mills is one, page 48 of the report. Recollect, Mr. Speaker, that in order to count in the contestant but few lists can be left out. But I was about to read from the views of the minority as expressed in this report, on page 59:

At the several precincts in Berkeley County above noted the list of voters was kept in the same manner as in Colleton County, above referred to, and the declarations of voters made to the list keeper immediately following the rejection of the vote, and in the vicinity of the polling place, and the lists in this county were either signed in person or their names authorized to be signed at the time by the voter himself, so that the action of the voter and his statements to the list keeper, together with the statements in the paper which bears the name of the voter, constitute one and the same transaction, and entitle and justify the counting of the votes in this county to the number of 587 for Johnston.

In Berkeley County, at the precinct of Biggin Church, as shown by the evidence of C. Holmes, at page 153, the names of 91 qualified voters were attached to the same character of paper herein referred to, and in all respects identical with the other lists mentioned, except that the intention of the voter is not shown in the same manner; but in this instance, as shown by the evidence of C. Holmes, the "voters belong to the Republican party," and inasmuch as Johnston, the contestant, was the candidate of the Republican party, it is by no means unreasonable to assume that these 91 votes were intended to be cast for the contestant, and for this reason we consider that they should be so counted.

Now, there are several hundreds in that category. The voters are qualified, according to this contention, by the heading of the paper and nothing else. The voter omitted to state in the list or elsewhere that he intended or desired to vote for Mr. Johnston, the contestant, but there is some testimony to show that he belonged to the Republican party and the minority say—and they are compelled to say it in order to get enough evidence—"it is by no means unreasonable to assume that these 91 votes were intended to be cast for the contestant," as he was the regular Republican nominee, and they count them accordingly. In the record, page 408, I find this:

WASHINGTON, D. C., *September 21, 1896.*

To the Republican voters of the Seventh Congressional district of the State of South Carolina:

The National Republican Congressional committee have had under consideration, and have fully investigated, the contest over the regularity of the nomination by the Republicans of the Seventh Congressional district of South Carolina, such contest being between T. B. Johnston, of Sumter, and E. M. Brayton, of Columbia.

The committee make the following findings of the fact:

The appeal for the action of the committee, upon which it assumes jurisdiction, came from the members, regularly chosen, of the district Republican committee. Mr. Brayton, early in the transaction, made direct appeal to the Congressional committee for investigation and decision, agreeing to abide by their findings. Mr. Johnston, upon being notified that this appeal had been made, declined to submit the matter to the committee, but subsequently appeared in person, and has had repeated communication with the chairman of the National Republican Congressional committee. For full investigation of the facts in dispute the committee sent an accredited and trustworthy agent into the district, who has made full investigation and report.

Both the contestants were duly notified that on the 20th day of September, 1894, the committee would give full hearing to the matter. Mr. Brayton at that time appeared before the committee, and the investigation continued during the 21st day of September, full consideration being given to the claims of both contestants. Mr. Johnston was notified that if he desired further time the investigation would be continued until the 25th day of September, to which suggestion of further delay he responded that he would not be able by that time to make a showing.

The committee, having under these circumstances assumed jurisdiction, find that the convention held at St. Matthews on the 19th day of July, 1894, presided over by W. F. Myers, was regularly called, and that its proceedings were in every respect in accord with the customs of the party, and resulted in the nomination of Mr. Brayton, who is found by the committee to be the regular Republican nominee for Congress in the Seventh Congressional district of South Carolina. The action of the convention held at Jacobson Hall upon the same date, by which Mr. Johnston is claimed to have been nominated, was irregular as to call and as to manner of proceeding.

The committee, while regretting exceedingly the necessity for its action in this behalf, feels that the cause of Republicanism and good government demands its interference, and it appeals to those who have engaged in this contest to unite in vigorous and earnest effort for Republican supremacy, especially at this critical time, when the prospect for Republican success in the South is so well assured, if unity and harmony of action shall prevail.

The Republican voters of the district, and all who favor an improved condition of local affairs and of national control, are urged to unite in vigorous support, resulting in the election of E. M. Brayton, the regular candidate.

CHARLES F. MANDERSON,
Chairman Executive Committee.
W. B. HOOKER.
L. D. APSLEY.
J. W. BABCOCK.
J. A. T. HULL.
ROBERT R. HITT.
THOMAS SETTLE.

Yet, in view of that manifesto, the gentleman from Indiana assumes that Mr. Johnston was the regular Republican nominee, and that persons shown to be Republicans, who said nothing upon the subject, must have intended to vote for Mr. Johnston, and therefore ought to be counted for him.

Mr. OVERSTREET. Let me ask the gentleman if it is not true that, subsequent to the action of the national Congressional committee to which he has called attention, and before the election, Mr. Brayton withdrew from the contest, and not only gave his support to Mr. Johnston's candidacy, but stumped the district for him.

Mr. DE ARMOND. I do not know anything about stumping the district or giving his support.

Mr. OVERSTREET. Is not that evidence in the record?

Mr. DE ARMOND. I can not say as to that; but I was just about to remark that Mr. Brayton did afterwards withdraw. But I will read from the record some testimony bearing upon this point. On page 383 of the record I find this:

TONY JOHNSON (colored), duly sworn, says:

Q. State your name, age, and residence.
A. Tony Johnson; 34 years old; live in the city of Orangeburg, in Orangeburg County.
Q. Did you have a registration certificate, and were you qualified to vote at the election for Congressman on the 6th of November last?
A. Yes, sir.
Q. Did you vote for Congressman on that day?
A. I did not.
Q. Why did you not vote?
(Objected to by Mr. Lathrop on grounds of incompetency and irrelevancy.)
A. I had no candidate.
Q. To what political party have you always belonged?
A. The national Republican party.
Q. Who received the nomination by the regular Republican convention for Congress in this district?
(Same objection by Mr. Lathrop.)
A. Colonel Brayton.
Q. Why didn't you vote for Mr. Brayton?
A. Because he had withdrawn.
Q. How long before the election did you hear that he had withdrawn?
A. A few days before the election I heard it, but did not know for certain until that morning.
Q. What kind of a candidate was Mr. Johnston?
(Same objection by Mr. Lathrop.)
A. He was with the bolting faction. I don't know what kind of a candidate he was.
Q. Were you at the Federal election poll at Orangeburg Court-house precinct on last election day?
A. I was.
Q. Did the colored Republicans at that precinct take as much interest in the last election for Congressman as they generally do when they have a regular candidate?
A. They did not.
Q. Have you ever moved your residence since you first registered?
A. Yes, sir.
Q. Did you get your registration certificate changed without trouble?
A. I did.
Q. Were the colored Republicans satisfied or dissatisfied with the candidacy of Mr. Johnston?
A. They were dissatisfied.

So, on page 463, I find the testimony of L. A. Kizer, a manager of election at Holly Hill, to the same effect.

Mr. OVERSTREET. If the gentleman will refer to the testimony on page 347 of the record, he will find what I have referred to.

Mr. DE ARMOND. Mr. Speaker, let me remark in passing that of the persons listed in order to make up this plurality of two or three hundred for Colonel Johnston are some 700 persons whose votes it is claimed were rejected at certain polls. The testimony of the election managers at those polls shows that, instead of there being six or seven hundred votes rejected, there were less than 50.

Mr. WILLIS. Thirty-four.

Mr. DE ARMOND. Now, here is an interesting question presented to the mind of anyone who wishes to dispose of this case upon its merits. And I may say it is far more important in every view of the case, for the present and for the future, to dispose of this case rightly than to dispose of it with reference to what any particular individual may gain or lose for the time being by a wrong decision. The fact, if it be a fact, that these persons were present and were deprived of their right to vote is often testified as to tens, and twenties, and fifties, and hundreds, and several hundreds by a single person—a list keeper. A list keeper says, "Here is a list of 50, 100, or 250 persons who told me that they offered to vote; that they were not permitted to vote; and they put their names down or asked me to put their names down."

Now, one man will swear to such a statement as to 20, 30, 50, 100, or 250 so-called voters. Against the statement of that one man stands in the record the testimony of 1, 2, or 3 sworn election officers, to the effect that there were but a small number—perhaps half a dozen, probably a dozen persons—whose votes were rejected at that poll, and some of them Democrats. Six or seven hundred votes are brought in in this way—not by any person swearing that the persons had offered to vote and were rejected, not by any person swearing that they had the requisite qualifications of voters, but brought in by the head lines of a petition, with the statement of a body of names. I repeat that against such evidence we have the statements of forty or fifty election officers, showing that out of the aggregate of 600 or 700 less than 50 (34 I believe the gentleman from Delaware [Mr. WILLIS] has suggested) were actually rejected.

In determining this case one is compelled to reach one of two conclusions. On the one hand, he may conclude that the testimony of the one man who kept a list, and his list of scores or hundreds must be taken against the testimony of three sworn election officers that not a tenth and in some instances not a twentieth of the number of persons mentioned offered to vote and were rejected. If you adopt such a conclusion as that you may count in the contestant. If you proceed on that basis there is no use talking about evidence. If any sound rules of evidence are to be followed, then a case supported in that way must fall.

I find that the gentleman from Indiana [Mr. OVERSTREET] has a different idea of what constitutes res gestæ from that which I entertain. The cases bearing on this subject, if carefully examined, will, I think, show that in almost all instances the declarations offered in evidence were the declarations of persons who actually voted, made at the time of their actually voting, or who actually offered to vote, made at the time of offering to vote. Now, let me read something cited by the gentleman himself upon that subject, as showing the law—and I think it is good law. It is from one of these election cases. I read from page 25 of his report:

The law is settled that the declaration of a voter as to how he voted or intended to vote, made at the time, is competent testimony on the point.

And the case of Vallandigham *vs.* Campbell is referred to.

The statement contained in the affidavits of these 19 voters—

Not the heading of a petition—

that they offered to vote the ticket attached to their respective affidavits, on each of which tickets the name of the contestant was found as a candidate for Congress, amounts to a declaration of the voter, which brings the case within the rule decided in Vallandigham *vs.* Campbell. These declarations are filed as a part of the res gestæ; and these declarations are supported by the testimony of the supervisor, who states the fact that nearly all of these 19 voters made these affidavits when they presented their certificates and with their ballots attached, and that they deposited them with him as supervisor on the day of election.

The objection that this is hearsay evidence, and that the deposition of each particular voter is the only competent evidence of the facts sought to be proven, is not well taken. The witness Butler does not prove what these 19 voters said to him, but what they did. There is a marked distinction between proof of what a party said and proof of the acts of the party or facts connected with what he did. In the first case it may be hearsay testimony. In the other it is testimony as to facts which the witness observed, which is just as competent as the testimony of the voter as to the facts in which he was an actor.

There are declarations which mingle and mix with the principal act so as to constitute a part of the res gestæ, and to be admissible as such. The voter says, "Here: I offer this vote; attached to this vote is my affidavit of my qualifications to vote; upon this ticket you will find the names of those for whom I desire to vote."

Now, in this case——

Mr. OVERSTREET. I know the gentleman does not wish to misrepresent——

Mr. DE ARMOND. No, sir; I have no such desire.

Mr. OVERSTREET. I understood the gentleman to say he was reading from the case of Vallandigham *vs.* Campbell.

Mr. DE ARMOND. No, sir.

Mr. OVERSTREET. Well, the gentleman referred to that case.

Mr. DE ARMOND. Yes; it is cited in the case from which I was reading.

Mr. OVERSTREET. The gentleman was, in fact, reading from the statement of law made in the case of Bell *vs.* Snyder.

Mr. DE ARMOND. Yes, sir.

Mr. OVERSTREET. I want to call the gentleman's attention to this expression, which is used in the case of Vallandigham *vs.* Campbell, and to ask him whether he adheres to that rule. The statement in that case is:

As to the declarations, most of them were made after or about the time of voting, on the day of the election, or soon after.

Mr. DE ARMOND. Mr. Speaker, I will discuss that, too, although my time is very brief, and I have already occupied too much time.

Here is a sentence also in that same report, showing that these "declarations" are usually admitted as "admissions" or "confessions"—statements against interest:

It is sometimes treated as an exception to the rule, excluding the hearsay declarations of third persons, but generally it is put upon the ground that in elections contested because of illegal votes being received each voter challenged is a party to the proceeding, and therefore whatever he says about his own voting is an admission or confession.

Now, an admission is not a declaration. A declaration is an affirmative proposition. It is not a confession. When I say I am qualified to vote, that is a declaration. It is not an admission. It is not a confession. These declarations against interest in general tend to show disqualification. And their admissibility rests upon a familiar principle. But the gentleman from Indiana makes a statement about a past event, a part of the res gestæ. He claims that what a man says after an event is past is competent evidence as part of that event.

Something may be said after the main transaction has taken place and yet constitute a part of and characterize the transaction. That is true. It may be said when a man is full of the original transaction, when the act is clearly in his mind to the exclusion of other things, when it has so impressed itself upon him that he is simply characterizing what he did. But what is the connection here? What is done in this case? I offer to vote. My vote is rejected by the officers of the election. I walk down the street, meet somebody, or go to a list keeper and make the remark that I offered to vote and my vote was rejected. That is my narrative of a past event. It is no part of the transaction itself. What I said at the polling place, what I did at the polling place, what I did while the transaction was carried on—while I was voting or trying to cast my ballot—that forms a part of the transaction itself. What I say when I am voting or trying to vote would be a part of the transaction. But the story to the list keeper is a recital of a past occurrence. Its repetition by the list keeper is hearsay, not evidence.

In this case it is claimed that many men offered to vote who were denied the right to vote, and went up to some selected spot near the polling place, where the list keeper had a seat, and presented the facts to him. But there is nothing in that but a recital of past occurrences; nothing more and nothing less. In the Snyder case the affidavits were attached to the ballots. The voter says: "Here, I offer to vote this ticket. Here is my affidavit as to my qualifications"; and that was supported by witnesses outside and by the inspector of the election. The ballot was handed in with the affidavit attached; it was preserved in that form, and is in the record. What is equivalent to that here? Nothing whatever.

The qualifications to vote must be found before any listed person can be counted as if he voted. The heading of the petitions does not supply the proof upon that point. The testimony—not regarding the petitions as testimony—does not disclose to us, as to hundreds and thousands of those counted by the minority for contestant, a single qualification of a voter. Not only that, Mr. Speaker, but to count in contestant it is necessary to presume that persons who made no declaration of their intentions, but are said to be members of the Republican party, meant to vote for Mr. Johnston because he was the Republican nominee, when the evidence is to the contrary, as I have shown.

There are over a hundred pages of testimony furnished by the contestee. It shows that many refrained from voting because of dissatisfaction over the withdrawal of Brayton, the regular Republican nominee. Then it is shown overwhelmingly, if evidence is to be regarded, that six or seven hundred of the people counted here were not rejected at all; did not offer to vote, and were not rejected; simply did not try to exercise the right of suffrage.

I have been addressing myself, Mr. Speaker, at too great length to the question as to whether or not the contestant is entitled to the seat. To entitle him to it, I repeat, it is necessary to get out of these lists, somehow, between 4,200 and 4,300 names of persons who should be regarded as legal voters, who tried to vote for him and were prevented from doing so. The minority find the qualifications of most of them solely in the heading to petitions. In addition to that, they presume that some six or seven hundred of them intended to vote for Johnston (although there is not a syllable of evidence that they did) because they were Republicans and because he was the regular Republican nominee, when the evidence shows that he was not the regular Republican nominee. It will be found all through the record that these listkeepers testify they did not know whether persons listed. What was told to them and the petition heading must make Johnston's case, or he has none.

Such is the case submitted to this House. Of course, Mr. Speaker, having discharged my duty as well as I could under the circumstances by placing before the House my view of the case, I am done. I think no decision has ever been made in this House that will authorize the counting of these lists as votes for Mr. Johnston. No action of the House ever has sanctioned, and I hope none ever will sanction, such views of law and evidence as must be entertained in order to seat contestant. The law is not with him; he lacks necessary evidence. More than twice as many votes counted for him by the minority as, according to them, constitute his plurality are positively proven away by the witnesses introduced by the contestee.

Mr. Speaker, if I have any remaining time, I reserve it.

The SPEAKER pro tempore. The time of the gentleman has expired.

MEDICINE AND SURGERY IN THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 27th instant (the Senate concurring), I return herewith the bill (H. R. 5731) entitled "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia."

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 28, 1896.*

The SPEAKER pro tempore. This resolution will be referred to the Committee on Enrolled Bills.

Mr. BABCOCK. Mr. Speaker, I present the privileged resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring). That the Committee on Enrolled Bills of the two Houses be authorized to correct the enrolled bill (H. R. 5731) entitled "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia," by striking out in section 3, lines 1 and 2, "1st day of July, 1896," and inserting "passage of this act." Also, in section 12, after the word "Columbia," strike out "nor to medical students who have matriculated in any medical college in the District of Columbia prior to January, 1896."

APPOINTMENT OF CONFEREES.

The SPEAKER announced the appointment of Mr. BABCOCK, Mr. RICHARDSON, and Mr. CURTIS of Iowa as conferees on the part of the House on the bill (H. R. 2928) relating to the Eckington and Soldiers' Home Railway and the Belt Line Railway Company.

The SPEAKER also appointed Mr. CANNON, Mr. HAINER of Nebraska, and Mr. SAYERS as conferees on the part of the House on the sundry civil appropriation bill.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (H. Res. 193) authorizing the Secretary of War to lend to the mayors of the cities of East St. Louis, Ill., and St. Louis, Mo., and vicinity, a number of tents; when the Speaker signed the same.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SHUFORD, for three days, on account of important business.

To Mr. PICKLER, for ten days, on account of important business.

To Mr. ROYSE, for fifteen days, on account of important business.

To Mr. BROMWELL, for three days, on account of important business.

To Mr. MORSE, for ten days, on account of important business.

MRS. ELEANOR CARROLL POE.

The SPEAKER appointed as conferees on the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe Mr. THOMAS, Mr. CROWTHER, and Mr. LAYTON.

CHARLES W. REINHARDT.

Mr. STEELE. There is a matter on the Speaker's table which will take no time, I think.

The SPEAKER laid before the House the following bill, with Senate amendments thereto:

A bill (H. R. 2054) to correct the military record of Charles W. Reinhardt, and to grant him an honorable discharge.

The Senate amendment was read.

Mr. STEELE. I move to concur in the Senate amendment. It strikes out the words "Secretary of War," a mistake having been made in supposing that the man belonged to the Army, instead of which he belonged to the Marine Corps of the Navy. Therefore the words "Secretary of War" are stricken out and the words "Secretary of the Navy" are inserted. The bill has passed both Houses.

The motion to concur in the Senate amendment was agreed to.

On motion of Mr. STEELE, a motion to reconsider the last vote was laid on the table.

And then, on motion of Mr. JENKINS (at 5 o'clock and 15 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FLYNN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 9029) to grant to the Hudson Reservoir and Canal Company the right of way through the Gila River Indian Reservation, reported the same with amendment, accompanied by a report (No. 2049); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the message of the President of the United States returning without approval the bill of the House (H. R. 1139) entitled "An act granting a pension to Caroline D. Mowatt," reported the same, accompanied by a report (No. 2050) recommending the passage of said bill, the objections of the President to the contrary notwithstanding; which said message, bill, and report were referred to the House Calendar.

Mr. WOOD, from the Committee on Invalid Pensions, to which was referred the message of the President of the United States returning without approval the bill of the House (H. R. 1185) entitled "An act granting a pension to Rachel Patten," reported the same, accompanied by a report (No. 2051) recommending the passage of said bill, the objections of the President to the contrary notwithstanding; which said message, bill, and report were referred to the House Calendar.

Mr. RUSSELL of Connecticut, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 2412) entitled "An act to make the city of Santa Barbara, county of Santa Barbara, State of California, a subport of entry," reported the same without amendment, accompanied by a report (No. 2052); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House as follows:

By Mr. ANDREWS, from the Committee on Invalid Pensions:

The bill (S. 2158) entitled "An act granting an increase of pension to Abraham Rhodes." (Report No. 2036.)

The bill (S. 2077) entitled "An act granting a pension to Richard T. Seltzer." (Report No. 2037.)

The bill (S. 2074) entitled "An act granting an increase of pension to Sarah L. Hively." (Report No. 2038.)

The bill (S. 2430) entitled "An act granting a pension to James W. Whitney." (Report No. 2039.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions:

The bill (S. 568) entitled "An act granting a pension to Mrs. Ann M. Madden." (Report No. 2040.)

The bill (H. R. 9093) granting a pension to Andrew R. Hayes. (Report No. 2068.)

By Mr. THOMAS, from the Committee on Invalid Pensions:

The bill (S. 2877) entitled "An act granting a pension to Hiram Santas." (Report No. 2041.)

The bill (S. 613) entitled "An act granting an increase of pension to Henry Wilson." (Report No. 2042.)

The bill (S. 1127) entitled "An act granting an increase of pension to Russell R. King." (Report No. 2043.)

The bill (S. 1124) entitled "An act granting an increase of pension to Albert B. Simpson." (Report No. 2044.)

The bill (S. 1679) entitled "An act for the relief of Helen Larned." (Report No. 2045.)

The bill (S. 2556) entitled "An act granting an increase of pension to Lewis D. Baker." (Report No. 2046.)

The bill (S. 2035) entitled "An act granting a pension to Julia D. Richardson." (Report No. 2047.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (S. 752) entitled "An act to increase the pension of Capt. James B. Logan." (Report No. 2048.)

By Mr. COLSON, from the Committee on Claims: The bill (H. R. 6473) for the relief of James Clark Smith. (Report No. 2053.)

By Mr. COX, from the Committee on Claims:

The bill (H. R. 8761) for the relief of Kate Wade. (Report No. 2054.)

The bill (H. R. 8760) for the relief of Nancy Susan Thompson. (Report No. 2055.)

By Mr. DENNY, from the Committee on Claims: The bill (S. 1335) entitled "An act for the relief of John Veeley." (Report No. 2056.)

By Mr. HEINER of Pennsylvania, from the Committee on Claims: The bill (H. R. 1248) for the relief of J. F. Bailey & Co. and others. (Report No. 2057.)

By Mr. GRAFF, from the Committee on Claims: The bill (S. 795) entitled "An act for the relief of John Little and Hobart Williams, of Omaha, Nebr." (Report No. 2058.)

By Mr. WATSON of Indiana, from the Committee on Claims: The bill (S. 337) entitled "An act to refer the claim of the owners of the brig *Tally-Ho* to the Court of Claims." (Report No. 2059.)

By Mr. WOODARD, from the Committee on Claims: The bill (S. 1434) entitled "An act for the relief of the legal representatives of John W. Branham, late an assistant surgeon in the United States Marine-Hospital Service." (Report No. 2060.)

By Mr. HARDY, from the Committee on Pensions: The bill (H. R. 2366) to increase the pension of John A. Anderson. (Report No. 2062.)

By Mr. STRODE of Nebraska, from the Committee on Pensions: The bill (H. R. 8450) granting a pension to Alden B. Thompson. (Report No. 2063.)

By Mr. KERR, from the Committee on Invalid Pensions:

The bill (H. R. 7290) granting a pension to Charles W. Benedict. (Report No. 2064.)

The bill (H. R. 7687) granting a pension to Eliza Stofer. (Report No. 2065.)

The bill (H. R. 3482) granting a pension to Maggie Donovan. (Report No. 2066.)

The bill (H. R. 5661) to increase the pension of Anna E. Botsford, widow of Eli W. Botsford, late major of Sixteenth Regiment Ohio Volunteers. (Report No. 2067.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LOUDENSLAGER: A bill (H. R. 9241) to amend sections 4488 and 4489 of the Revised Statutes of the United States, relating to lifeboats, etc., on the ocean, lake, and sound steamers and the penalty for refusing to provide such—to the Committee on the Merchant Marine and Fisheries.

By Mr. WILLIS: A bill (H. R. 9242) providing for the examination by the Civil Service Commission of all persons employed in the classified service of the United States who have not passed said examination, and filling vacancies caused thereby—to the Committee on Reform in the Civil Service.

By Mr. CALDERHEAD: A resolution (House Res. No. 391) making four messengers in the post-office annual employees—to the Committee on Accounts.

By Mr. ALLEN of Utah: A memorial of governor and legislature of Utah, praying for an appropriation of $10,000 for the maintenance of the Shebit Indians—to the Committee on Indian Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following petition and bill; which were referred as follows:

A petition of Mr. W. S. Edwards and others, praying for the passage of House bill No. 8914—Committee on the Judiciary discharged, and referred to the Committee on Indian Affairs.

A bill (H. R. 5982) for the relief of Elizabeth Roberts—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ACHESON: A bill (H. R. 9243) granting a pension to Capt. William McIntosh, of Carnegie, Allegheny County, Pa.—to the Committee on Invalid Pensions.

By Mr. BUCK: A bill (H. R. 9244) for the relief of Mrs. Joseph Kittridge—to the Committee on War Claims.

By Mr. DINSMORE: A bill (H. R. 9245) to carry out the findings of the Court of Claims in the case of the estate of S. P. Woods, deceased—to the Committee on War Claims.

By Mr. HARMER: A bill (H. R. 9246) for the relief of Helen Gillen, widow of Daniel F. Gillen, late captain Company I, Sixty-ninth Regiment Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. JOY: A bill (H. R. 9247) to correct the military record of William C. Kennedy—to the Committee on Military Affairs.

By Mr. LINNEY: A bill (H. R. 9248) for the relief of William Lewis Bryant, of Boone, N. C.—to the Committee on Claims.

By Mr. LINTON: A bill (H. R. 9249) for the relief of Seabury G. Davison—to the Committee on Invalid Pensions.

By Mr. MARSH: A bill (H. R. 9250) to grant a pension to William W. Gilihan—to the Committee on Pensions.

By Mr. McCALL of Tennessee: A bill (H. R. 9251) to increase the pension of Minerva Haynes—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. COUSINS: Petition of 59 members of Liberty Sunday School and Congregation of Friends and Christians, of Bangor, Iowa, in favor of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. DALZELL: Resolution of the Chamber of Commerce of Pittsburg, Pa., protesting against the passage of House bill No. 8536 and Senate bill No. 2967, proposing amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, resolutions adopted by the railroad commissioners of the different States, at a convention held at Washington, D. C., May 20, 1896, remonstrating against the proposed amendment to section 10 of the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. HEATWOLE: Petition of citizens of Goodhue County, Minn., against the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia—to the Committee on the District of Columbia.

Also (by request), petitions of citizens of Belle Plaine, Carver, Gibbon, Kenyon, Le Sueur, Pine Island, Red Wing, Renville, Winthrop, and Zumbrota, Minn., asking favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: Resolution adopted at the thirtieth annual encampment of the Department of Illinois, Grand Army of the Republic, at Cairo, Ill., May 13 and 14, 1896, urging the prompt passage of House bill No. 4339, to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg—to the Committee on Military Affairs.

By Mr. JOY: Papers to accompany House bill to correct the military record of William C. Kennedy—to the Committee on Military Affairs.

By Mr. McCALL of Tennessee: Paper to accompany House bill to increase the pension of Minerva Haynes—to the Committee on Pensions.

By Mr. RUSSELL of Connecticut: Paper to accompany House bill No. 8909, granting a pension to Esther Jackson—to the Committee on Pensions.

By Mr. WARNER: Petitions of citizens of Deland, Clinton, Arrowsmith, and Hammond, Ill., favoring the passage of House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

SENATE.

FRIDAY, *May 29, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. McMILLAN, and by unanimous consent, the further reading was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 2054) to correct the military record of Charles W. Rinehardt, and grant to him an honorable discharge.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe; further insisted upon its amendment to the bill disagreed to by the Senate; asked a further conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. THOMAS, Mr. CROWTHER, and Mr. LAYTON managers at the conference on the part of the House.

The message further announced that the House had agreed to the amendment of the Senate numbered 233 to the bill (H. R. 8293) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes; disagreed to the residue of the amendments of the Senate to the bill; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. NORTHWAY, and Mr. SAYERS managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 225) to provide for the transfer of Fort Omaha Military Reservation to the State of Nebraska.

FREE PUBLIC LIBRARY IN WASHINGTON.

Mr. McMILLAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1247) to establish and provide for the maintenance of a free public library and reading room in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same amended to read as follows: "In lieu of the matter inserted in section 6 by said amendment strike out all of section 6"; and the House agree to the same.

JAMES McMILLAN,
GEORGE PEABODY WETMORE,
REDFIELD PROCTOR,
Conferees on the part of the Senate.

H. HENRY POWERS,
A. MILNES,
J. W. BABCOCK,
Conferees on the part of the House.

Mr. HAWLEY. I should like a distinct assurance from the Senator from Michigan that the bill in no way sanctions or indirectly permits the proposition to put the whole expense upon the District of Columbia.

Mr. McMILLAN. I will state to the Senator that it does not. It simply leaves the matter of expenditures to be arranged for by each Congress.

The VICE-PRESIDENT. The question is on concurring in the report.

The report was concurred in.

DISTRICT WATER-MAIN TAXES.

Mr. PROCTOR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3279) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same amended as follows: At the end of section 1 of the amendment add: "*Provided, however*, That where lots or parcels of land have been released from water-main taxes or assessments by reason of technical defects or errors in making such assessments, and where such lots or parcels of land have been sold by the former owner between the order of said release of said tax or assessment and the passage of this act, the Commissioners of the District of Columbia shall not reassess the same against such property in the hands of bona fide purchaser for value without notice of the failure to pay the water-main assessment on said property."

Also strike out section 2 of the amendment and insert in lieu thereof the following:

"SEC. 2. That where outside the city of Washington Potomac water shall hereafter be introduced said water-main tax or assessment shall be levied or assessed within thirty days after such introduction, and where Potomac water has been heretofore introduced the assessment or reassessment shall be made within ninety days after the passage of this act, and such levy, assessment, or reassessment on unsubdivided land shall be made on a frontage not exceeding 100 feet for each lot or parcel of land or premises into which Potomac water has been or shall be introduced and shall be considered in any subsequent subdivision of such property as having extended to a depth of not exceeding 100 feet from the front of said lot or parcel of land: *Provided, however*, That said water-main tax or assessment or reassessment shall be due, payable, and collectable on each lot or parcel of land or premises on and after the date on which the connection is made from the water main to said lot or parcel of land or premises."

And the Senate agree to the same.

REDFIELD PROCTOR,
CHARLES J. FAULKNER,
Managers on the part of the Senate.

GEO. W. HULICK,
J. W. BABCOCK,
JAMES D. RICHARDSON,
Managers on the part of the House.

The report was concurred in.

FORT OMAHA MILITARY RESERVATION.

Mr. SEWELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 225) to provide for the transfer of the Fort Omaha Military Reservation to the State of Nebraska, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

FRANCIS E. WARREN,
W. J. SEWELL,
E. C. WALTHALL,
Managers on the part of the Senate.

R. P. BISHOP,
JOHN P. TRACEY,
GEORGE B. McCLELLAN,
Managers on the part of the House.

The report was concurred in.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask the Chair to lay before the Senate the action of the House of Representatives on the deficiency appropriation bill.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives, agreeing to amendment numbered 233 and disagreeing to the other amendments of the Senate to the bill (H. R. 8293) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HARRIS. I ask the Senator from Maine what amendment it is that is agreed to by the other House?

Mr. HALE. The amendment that is agreed to by the House is the conglomerate amendment that covers the French spoliation claims, the Bowman Act claims, and some other claims for which I have no designation. I move that the Senate insist upon its amendments disagreed to by the House of Representatives, and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed.

VETO MESSAGE—ELVIRA BACHELDER.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Pensions, and ordered to be printed:

To the Senate:

I herewith return without approval Senate bill No. 147, entitled "An act granting a pension to Elvira Bachelder."

This bill provides for a pension to the beneficiary as dependent mother of "J. K. P. Bachelder, late a private in Company D, Seventh New Hampshire Volunteer Infantry."

On the merits of the case I am satisfied this mother deserves a pension. I withhold my approval of the bill intended to grant her this relief solely because I am advised that the law would be inoperative, for the reason that the deceased soldier never served in the Seventh New Hampshire Infantry, and should have been described in the bill as a member of Company D, First New Hampshire Heavy Artillery.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 29, 1896.*

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, in response to a resolution of the 8th instant, calling for information as to whether any counterpoise batteries have been constructed by the Government within the last eighteen years, using or embodying substantially the principle or plan embraced in, and covered by, the patent issued by the United States to Maj. Beverly Kennon, transmitting a report of the Chief of Engineers, United States Army, on the subject; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of State, transmitting a copy of amendments suggested by the American delegates to the Washington International Marine Conference of 1889 to the act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea"; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a draft of a bill prepared by the delegates of the United States to the Washington International Marine Conference of 1889, proposing certain amendments to the act of August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea"; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of Wyoming Chapter, Daughters of the American Revolution, of Wyoming, Ohio, praying for the publication of the records and papers of the Continental Congress; which was referred to the Committee on the Library.

Mr. CULLOM presented a petition of Galesburg Division, No. 83, Order of Railway Conductors, of Galesburg, Ill., praying for the enactment of legislation providing for the proper appeal from the unreasonable decision of any Federal judge in any case of punishment for contempt of court; which was ordered to lie on the table.

He also presented a petition of Galesburg Division, No. 83, Order of Railway Conductors, of Galesburg, Ill., praying for the enactment of a labor arbitration law; which was referred to the Committee on Education and Labor.

He also presented a memorial of Aurora Council, No. 49, of Aurora, Ill., remonstrating against the continuance of the statue of Père Marquette in Statuary Hall; which was ordered to lie on the table.

Mr. PROCTOR presented a memorial of the General Conference of the Methodist Episcopal Church, in session at Cleveland, Ohio, relative to the Armenian outrages; which was referred to the Committee on Foreign Relations.

Mr. HALE presented petitions of 78 citizens of Portland, of sundry citizens of Gardiner, of 35 citizens of Monmouth, of 46 citizens of Albion, of 80 citizens of Newport, of 28 citizens of Castlehill, of 32 citizens of Deering, of 23 citizens of Canton, of 20 citizens of Pittsfield, of 20 citizens of Anson, of 37 citizens of Columbia Falls, of 16 citizens of Limerick, of 68 citizens of Princeton, of 30 citizens of Phillips, of 19 citizens of Island Falls, of 21 citizens of North Newport, of 33 citizens of South China, of 34 citizens of Norridgewock, of 42 citizens of East Thorndike, of 21 citizens of Skowhegan, of 16 citizens of Rumford Center, and of 62 citizens of Bath, all in the State of Maine, praying for the passage of the so-called Lodge immigration bill; which were ordered to lie on the table.

Mr. QUAY presented petitions of 564 citizens of Pennsylvania, praying for the enactment of legislation restricting immigration; which were ordered to lie on the table.

REGULATION OF BOND ISSUES.

Mr. PEFFER. I desire to present a petition of my own, verbally.

Yesterday evening at a late hour, as the Chair remembers well, I was addressing the Senate. A number of Senators were waiting for the conclusion of my address in order to transact some business they were interested in. In my haste to conclude early I neglected to ask the permission of the Senate to include in my remarks the date and title of a few bills that were pertinent to the line of argument. I did not discover my mistake until after the Senate had adjourned. I now ask permission to include that matter in my remarks.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and leave is granted.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 8469) to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 7469) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes, reported it without amendment.

He also, from the same committee, to whom was referred the joint resolution (S. R. 151) relating to motive power on the Eckington and Soldiers' Home Railway, the Belt Railway, and the Maryland and Washington Railway companies, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 2901) to incorporate the United States Annuity Company, of Washington, D. C., reported adversely thereon; and the bill was postponed indefinitely.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 2791) for the establishment, control, operation, and maintenance of the Northern Branch of the National Home for Disabled Volunteer Soldiers, at Hot Springs, in the State of South Dakota, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 5393) for the relief of Lucinda Rickards, widow, and the minor children of John D. Rickards, deceased, reported it without amendment, and submitted a report thereon.

Mr. PROCTOR. I am directed by the Committee on Military Affairs to report back adversely the bill (S. 1064) to fix the pay of certain noncommissioned officers of the United States Army. I will state that a bill covering the matter of this bill has already passed the Senate. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 3610) for the relief of holders of certain District of Columbia tax-sale certificates, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. DUBOIS, from the Committee on Naval Affairs, to whom was referred the bill (S. 1350) to make Commodore William P. McCann, of the Navy, a rear-admiral on the retired list, reported it without amendment, and submitted a report thereon.

Mr. ELKINS, from the Committee on Commerce, to whom was referred the bill (S. 3010) relating to the landing of any new submarine telegraph cable line or system in this country, reported it with amendments, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3771) for the relief of Stratton H. Benscoter, reported it with an amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Military Affairs, to whom was referred the bill (H. R. 4872) to correct the military record of Homer C. McCuskey, reported it with an amendment, and submitted a report thereon.

PROCEEDINGS OF BOARD OF INSPECTORS OF STEAM VESSELS.

Mr. GORMAN, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment, and it was considered by unanimous consent and agreed to.

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Treasury Department, Steamboat Inspection Service, 500 copies each of the Proceedings of the Board of Supervising Inspectors of Steam Vessels for the years 1895 and 1896.

BILLS INTRODUCED.

Mr. GORMAN introduced a bill (S. 3239) for the relief of the estate of Richard Lawson; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN. I introduce a bill and ask that it be read at length and laid upon the table.

The bill (S. 3240) relating to crimes against the circulation of lawful money of the United States was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That any agreement or conspiracy, of two or more persons, one or more of whom is an officer, agent, or stockholder of a national bank, to bring about any restriction of the current circulation or any diminution of the volume of the lawful money of the United States, of any description, at any place or places in the United States, or to refuse payment to any depositor in a national bank in such lawful money, of any sum due such depositor, for the purpose of decreasing the volume or quantity of such lawful money in circulation or to prevent such lawful money from being put into circulation at any place in the United States, is guilty of felony, and on conviction thereof, in a district court of the United States, shall be punished by a fine of not less than $1,000, to be fixed by the jury who try the case, and imprisonment, to be adjudged by the court, for not less than one year nor exceeding five years, at hard labor.

The VICE-PRESIDENT. The bill will lie on the table.

Mr. HARRIS. I ask the consent of the Senate to make a very brief statement of two minutes, and then I shall ask unanimous consent that the Senate consider House bill 3282.

Mr. HALE. Will the Senator not wait until the regular routine morning business is finished?

Mr. HARRIS. Of course, if the Senator desires, I will postpone my request until after the routine business.

Mr. HALE. I ask the Chair to enforce the regular order of routine business.

The VICE-PRESIDENT. The introduction of bills and joint resolutions is still in order.

Mr. WARREN introduced a bill (S. 3241) granting a pension to Mary A. Benjamin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SQUIRE introduced a bill (S. 3242) for the preparation of plans or designs for a memorial or statue of Gen. Ulysses S. Grant, on ground belonging to the United States Government, in the city of Washington, D. C.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HANSBROUGH introduced a bill (S. 3243) regulating the salaries of printers, binders, and other skilled workmen employed in the Government Printing Office; which was read twice by its title and referred to the Committee on Education and Labor.

Mr. WHITE introduced a bill (S. 3244) to amend an act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea"; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

REPORT ON UNDERVALUATION FRAUDS.

Mr. BURROWS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to send to the Senate, as soon as may be, a complete copy of the manuscript report of frauds arising from undervaluation submitted by Special Treasury Official T. A. Byrne and dated May 27, 1896.

REPORT ON RUSSIAN FUR-SEAL ISLANDS.

Mr. HALE submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the Public Printer is hereby authorized and directed to print 2,200 extra copies of the report of Leonhard Stejneger on the Russian fur-seal islands, being article 1 of the Bulletin of the United States Fish Commission for 1896; of the said number of copies 500 shall be for the use of the Senate, 1,000 for the House, 500 for the use of the Treasury Department, and 200 for the use of the Fish Commission.

FUR SEALS IN BERING SEA.

Mr. HALE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 1,000 additional copies of Part II, together with its accompanying atlas, of Senate Document No. 137, of the Fifty-fourth Congress, first session, for the use of the United States Fish Commission.

RULES OF THE SENATE, ETC.

Mr. DUBOIS submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That the Committee on Rules be, and is hereby, authorized to employ a suitable person to compile a history of the rules of the Senate and of amendments proposed thereto; of the Committees on Finance and Appropriations, and of the general appropriation bills from the First Congress to the present session, inclusive, the person so employed to be paid out of the contingent fund of the Senate such compensation as may be fixed by the Committee on Rules.

Resolved, That the Committee on Rules be authorized to have printed for its use such matter in the execution of the foregoing order as it may deem proper.

TENNESSEE CENTENNIAL EXPOSITION.

Mr. FAULKNER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized to pay the necessary expenses of the committee appointed by the President of the Senate to attend the celebration of the one hundredth anniversary of the admission of the State of Tennessee, authorized by the Senate resolution of May 12, 1896, upon vouchers to be approved by the chairman of the committee.

ALCOHOL IN THE ARTS.

Mr. HARRIS. Mr. President, I ask the permission of the Senate to make a brief statement in regard to House bill 3282.

The VICE-PRESIDENT. The Senator from Tennessee asks unanimous consent to make a brief statement in regard to the bill indicated by him. Is there objection? The Chair hears none.

Mr. HARRIS. Mr. President, section 61 of the tariff act of 1894 was not recommended by the Finance Committee, but was incorporated in the bill by a majority vote of the Senate. It provides for free alcohol in the arts. The Treasury Department has found it impossible to make regulations for the purpose of carrying out that section of the act without greatly endangering the collection of revenue upon alcohol in all of its forms. Therefore no regulations have been made. There are many claims, amounting to many millions of dollars, for rebates upon alcohol which has been used in the arts since the passage of that act. There are 550 suits now pending against the Government to recover rebate claimed to be due these claimants.

This bill repeals that section of the law and proposes to create a joint select committee composed of three Senators and three Representatives, which committee is required to carefully investigate the question of alcohol in the arts and to report to their respective Houses upon the first Monday in December next their conclusions, by bill or otherwise; and it is to be hoped that upon such thorough investigation as may be given the subject-matter some provision may be made which will give free alcohol to the arts without endangering the collection of revenue upon alcohol.

Mr. PEFFER. Will the Senator from Tennessee allow a question?

Mr. HARRIS. In a moment. The Treasury Department estimates that the claims growing out of this section year by year aggregate not less than $10,000,000 per annum. It is very, very important that the section should be repealed and the subject investigated, and that a well-considered and carefully drawn provision in respect to alcohol in the arts should be made.

Mr. PEFFER. I wish to ask the Senator from Tennessee whether this bill makes any provision for such persons as are authorized under existing laws to have a rebate?

Mr. HARRIS. It does not. It preserves whatever rights they have, and these rights, if rights there be, depend upon the action of the judicial department hereafter. As to what that action may be it is impossible for me to say, though I have serious apprehensions that the question may be determined in favor of the claimants.

Mr. PEFFER. So they may present their claims if they desire so to do under existing laws and have them speedily adjudicated?

Mr. HARRIS. There is no question about any claim that has accrued up to this time or up to the time the section may be repealed. Their rights remain intact even though we repeal this act. It does not prejudice or affect rights already accrued, if rights have accrued.

Mr. PLATT. Mr. President, I ask the indulgence of the Senate to make a statement as long as that which has been made by the Senator from Tennessee.

It is known, I think, that I have opposed the repeal of section 61, and the statement which I wish to make is to show why I now acquiesce in the passage of the bill.

I have felt for many years that persons engaged in legitimate manufacturing in this country, who are compelled to use alcohol, ought not to be compelled to pay upon one of the materials which enters into their manufacture a tax to the Government of from 700 to 1,000 per cent, and for many years I have endeavored to have incorporated in the statutes a provision which would allow manufacturers to have alcohol free, as their competitors in other countries do.

In 1888 the Finance Committee of the Senate reported such provisions, but the proposed law did not pass. When the act of 1894 was passed I was anxious that something should be incorporated in that act. Section 61 was incorporated in the act. It has not proved to be an operative law, but to my mind it established the principle that alcohol ought to be free in manufactures and should only be taxed when used as a beverage. Therefore I opposed the repeal of the section until Congress should consider whether some law could not be passed which would effectuate the object of section 61 without serious dangers of frauds upon the revenue.

The Ways and Means Committee of the House and the Finance Committee of the Senate, as it seemed to me, failed to give any attention to the subject, but insisted upon the immediate and

unconditional repeal of section 61. However, since there has been coupled with it, in good faith, as I believe, a proposition that in the recess a joint committee or commission shall consider the whole subject and report in December, it seems to me that the principle for which I was contending is thereby recognized by the bill, and I have faith to believe that a proper bill can be prepared which will be acceptable to Congress and which will eliminate any considerable possibility of frauds upon the revenue. It is therefore that I acquiesce in the passage of this bill.

Mr. SEWELL. Mr. President, I would not resort to any obstructive means to prevent the consideration of the bill. I think it very seriously affects a number of my constituents in New Jersey, some of whom have gone into business for the manufacture of alcohol based upon this provision. As we all know, alcohol enters into the production and is the basis of pretty much all medicines and it is used in the arts to a very great extent. There is one firm in my State that paid last year, I think, $96 a barrel for 500 barrels of alcohol on the faith of the Government that there was to be a rebate. That is one of a number that I will not detain the Senate by mentioning. The 500 barrels amounted to $48,000, which went into the manufacture of one single article connected with photography. So we can see how far-reaching the measure is.

Alcohol is made to-day for about 23 cents a gallon. The tax on it is $2.06. The foreigner can get it for 23 cents, receiving his full rebate of $2.06, and there is no reason in the world why he should not outsell in every way our manufacturers on that basis. Our people will be driven out of our own country into the West India Islands or some other place to take advantage of the rebate on alcohol and be able to manufacture their products with alcohol at 23 cents instead of $2.29.

I think it is a very serious matter, but there seems to be a majority of the people who are bound to repeal the law. I look upon it as an act of bad faith on the part of the Government to induce these people to go into this business and then to wipe out their whole profits, you might say; and many of them to-day have their capital invested in this rebate.

The VICE-PRESIDENT. The bill will be read at length.

Mr. DUBOIS. I ask unanimous consent at this time that a time be set for the final vote on Senate bill 1341.

Mr. HARRIS. I hope the Senator will postpone his request until the Senate has disposed of this measure. It will not take long.

Mr. SHERMAN. It will take but a minute to pass the bill.

The VICE-PRESIDENT. The Chair will recognize the Senator from Idaho in a moment to make his request.

Mr. DUBOIS. I am constrained to object to the unanimous consent asked for the consideration of this bill.

REGULATION OF BOND ISSUES.

Mr. ALDRICH. I hope the Senator from Idaho will make a statement of his request. Let him state when he wants to have the vote taken.

The VICE-PRESIDENT. The Chair will submit the request of the Senator from Idaho.

Mr. DUBOIS. My request is that the vote be taken on the unfinished business—the pending bond bill—at 4 o'clock Monday afternoon.

Mr. HARRIS. Monday afternoon?

Mr. DUBOIS. Monday afternoon.

Mr. MILLS (to Mr. DUBOIS). The final vote, you mean.

Mr. DUBOIS. The final vote.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Idaho.

Mr. BURROWS. Mr. President——

The VICE-PRESIDENT. The Chair will state the request of the Senator from Idaho. It is that the final vote upon the pending bond bill be taken at 4 o'clock on next Monday.

Mr. ALDRICH. And all propositions affecting the bill.

Mr. BURROWS. Whether that is agreed to or not will depend something upon the purpose of the Senate to remain in session to-morrow. To-morrow being Decoration Day, I suppose the Senate will adjourn from to-day until Monday. If that is done, then there would be no opportunity for further debate upon the bill except what time may be had to-day and on Monday. It seems to me that that would be a little short. I desire to state to the Senator from Idado that the Senator from Utah [Mr. BROWN], who has the floor on the measure, came to me this morning and said that he was so ill that it would be impossible for him to proceed to-day, and he would desire to take the floor on Monday. I do not object to the fixing of a time, but I suggest that the Senator fix Tuesday instead of Monday.

Mr. MORGAN. I hope the Senator from Idaho will name Tuesday.

Mr. DUBOIS. Very well; that suits me, as far as I am concerned. I ask unanimous consent that at 4 o'clock Tuesday the final vote shall be taken on the unfinished business—the bond bill.

Mr. HILL. Mr. President, in arriving at a time for a vote it would probably be better to understand who intends to speak upon the question. If the Senate desires to vote to-day upon that bill, so far as I am concerned, I will make no opposition. However, I do not like to fix an hour. I have expressed my objection to that course in reference to other bills, and I do not like to have an hour fixed for the vote. I will, however, suggest to the Senator that, unless there are some Senators here who want to speak, we agree to an understanding that a vote be had on the bond bill to-day before we adjourn.

Mr. DUBOIS. To-day?

Mr. HILL. Yes; to-day.

Mr. DUBOIS. I will say to the Senator——

Mr. BURROWS. That would hardly be courteous to the Senator from Utah [Mr. BROWN], who has the floor and desires to be heard on the bill.

Mr. HILL. I expressly said unless there are Senators who desire to be heard, of which I knew nothing. Of course, we were assured at the outset that the friends of the measure did not desire to debate the bill. Yesterday a proposition was made——

Mr. DUBOIS. I am perfectly willing to accommodate the Senator from New York. I have no other desire than to fix a general time when we shall take the vote. I am willing to change the request and ask unanimous consent that on Monday or Tuesday, as the Senator may desire, a final vote before adjournment shall be had on the bill and amendments.

Mr. HILL. The difficulty is, we can not tell what is going to come up between now and that time. We may be engaged all the time in conference reports, or something else may intervene. That is the difficulty about it. I am willing, so far as I am concerned, to take the vote to-day, and proceed right on with the debate, if any one wishes to speak. The Senator from Utah, who is absent, wants to speak hereafter. That is, of course, another question.

Mr. HARRIS. I wish to suggest to the Senator from Idaho——

The VICE-PRESIDENT. The Chair will state that it is impossible to hear the remarks of Senators. The Chair requests Senators to refrain from audible conversation.

Mr. HILL. I ask the Senator from Idaho what was the last suggestion he made?

Mr. DUBOIS. The last suggestion was that on Tuesday next the Senate shall remain in session until a final vote is taken on the pending unfinished business and the amendments thereto.

Mr. MILLS. Let us fix an hour. We do not want to stay here until midnight.

Mr. HAWLEY. Did the Senator say Tuesday?

Mr. DUBOIS. On Tuesday next, that the Senate shall not adjourn until a vote is had on the unfinished business.

Mr. HILL. That is entirely satisfactory to me except this, that an agreement to take the final vote shall not prevent a motion to postpone the consideration of the bill to some fixed day.

Mr. DUBOIS. Certainly not.

Mr. HILL. Before the final vote.

Mr. HARRIS. Of course that motion would be legitimate.

Mr. HILL. I want that understood as agreed to.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Idaho?

Mr. BURROWS. I only regret that the Senator does not fix an hour for the vote.

Mr. DUBOIS. I am not able to fix an hour, because there is objection.

Mr. BURROWS. It is exceedingly unfortunate that the Senate is without a system of rules governing such a case, and that it may be compelled to remain in session all night upon a single proposition.

Mr. HARRIS. There is no danger of that.

Mr. CULLOM. We will not do that.

Mr. BURROWS. I prefer that a time shall be fixed, but nevertheless I shall not object.

The VICE-PRESIDENT. The Chair submits to the Senate, Is there objection to the request of the Senator from Idaho?

Mr. HILL. As modified by myself.

The VICE-PRESIDENT. As modified by the Senator from New York. Is there objection? The Chair hears none. It is so ordered.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. MITCHELL of Oregon. I wish to give a notice. I simply desire to give notice that to-morrow morning, immediately after the routine business, or if the Senate is not in session to-morrow, then on Monday morning, I shall move to take up for consideration the joint resolution (S. R. 6) proposing an amendment to the Constitution of the United States providing for the election of Senators by the votes of the qualified electors of the States.

Mr. HALE. There may be a conference report before the Senate at that time.

Mr. MITCHELL of Oregon. I hope there will be no conference report which will interfere with my motion at that time. I simply desire to give the notice; that is all.

ALCOHOL IN THE ARTS.

Mr. HARRIS. Did I understand the Senator from Idaho [Mr. DUBOIS] as objecting to my request to consider at this time House bill 3282, the free-alcohol bill?

Mr. DUBOIS. Oh, no, I do not object.

Mr. HARRIS. Then I renew the request that the bill may be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3282) to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 28, 1894; which was read, as follows:

Be it enacted, etc., That section 61 of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 28, 1894, be, and the same is hereby, repealed.

SEC. 2. That a joint select committee is hereby authorized, to consist of three Senators to be appointed by the presiding officer of the Senate and three members of the House of Representatives to be appointed by the Speaker of the House, which select committee shall consider all questions relating to the use of alcohol in the manufactures and arts free of tax, and to report their conclusions to Congress on the first Monday in December, 1896.

Said joint select committee is authorized to sit, by subcommittee or otherwise, during the recess or session of Congress, at such times and places as they deem advisable; to summon witnesses, administer oaths, print testimony or other information, and to employ such stenographic, clerical, and other assistance as may be necessary, one-half of the expense to be paid from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRANDY FROM FRUITS.

Mr. PASCO. There is a bill which logically follows the one just passed. It was passed in the House in January and reported from the Committee on Finance of the Senate in March without amendment. Afterwards amendments were made to it in consequence of the bill which has just passed, but the necessity for those amendments no longer exists. I wish to ask that that bill be now taken up and put upon its passage. I think there will be no objection to it. It will take but a few moments. It is a bill in which the fruit growers of the country are very largely interested, particularly those of my own State.

The VICE-PRESIDENT. The bill will be stated by title.

The SECRETARY. A bill (H. R. 886) to amend section 3255 of the Revised Statutes of the United States concerning the distilling of brandy from fruits.

Mr. PASCO. I ask that the bill be passed in the shape in which it originally came from the House of Representatives and as it was originally reported from the Committee on Finance.

Mr. ALDRICH. The bill has the unanimous approval of the Committee on Finance, and there is no reason, I think, for the amendment. It may delay the passage of the bill. The amendment may be disagreed to as far as the committee is concerned.

Mr. PASCO. It was first reported from the committee without amendment.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 3255 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 3255. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may exempt distillers of brandy made exclusively from apples, peaches, grapes, pears, pineapples, oranges, apricots, berries, or prunes from any provision of this title relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so."

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The amendment reported by the Committee on Finance will be stated.

The SECRETARY. It is proposed to add to the bill the following additional section:

SEC. 2. That section 61 of the act of August 28, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," providing for the rebate, or repayment, of internal-revenue tax on alcohol used in the arts, or in any medicinal or other like compound, be, and the same is hereby, repealed.

Mr. PASCO. All the amendments are withdrawn.

The VICE-PRESIDENT. The amendments are withdrawn.

Mr. PLATT. No, Mr. President, the amendment about repealing section 61 is withdrawn, but I hope not the one about other fruits. There is a little amendment there.

Mr. WHITE. As already stated, the bill has the unanimous approval of the Committee on Finance. I do not suppose there would be any objection to the amendment proposed by the Senator from Connecticut were it not for the possible effect upon the measure in the other House. That is the only fear I have in connection with it.

Mr. PLATT. I desire to make a statement. Dates are not mentioned in the bill. There is a company already organized in the city of New York, with quite a large capital, intending, if this bill passes, including other fruits, to manufacture brandy from dates, which they will import and on which pay duty to the Government. Surely all fruits ought to be included. I do not desire in any way to prevent or endanger the passage of the bill, but I hope that that amendment will be adopted, at least provisionally, this morning, and then I will make inquiries and learn if it is likely to endanger the passage of the bill. The bill can lie over for a little time until I can make inquiries. If I were satisfied that it would endanger the passage of the bill I would not insist upon the amendment.

Mr. DUBOIS. Mr. President, this is a bill in which my constituency is very much interested. My colleague in the House, Mr. WILSON, by his energy and activity, secured its passage in that body. It came over here, and, without any consultation with the Senators from California, the Senators from Utah, the Senators from Oregon, or myself or my colleague, all of whom are very much interested in the bill, the Finance Committee added a number of amendments which would have destroyed it had they been agreed to. I submit that is unusual, to start with. It is not customary in the Senate to weigh down and load down bills of other Senators with amendments unless with the consent of those Senators. The manifest injustice of that proceeding induced the Finance Committee to take off the amendments and they are willing to have the bill passed as it came from the House. The House passed the bill without the words "other fruits," and I think the Senator from Connecticut ought not to ask for that amendment, especially as the Finance Committee has unanimously agreed not to press the amendment. The Senator from California has agreed that he will not ask for it, although he is interested in it. I think the Senator from Connecticut ought not to press that amendment, because through these various other amendments delay has occurred until now in the closing days of the session the passage of the bill will be endangered if it is amended at all. I shall certainly, so far as I am concerned, object to that amendment, and I hope the Senator from Connecticut, under the circumstances, will not press it. Let the bill go through as it came from the House.

Mr. SHERMAN. The Senator from Idaho has already stated the objection to the amendment. I do not think we ought to allow foreign fruits to be brought into this country, dried and preserved, and be converted into brandy in competition with the brandy from fruits produced in our own country. It seems to me that that is not within the scope and purpose of this proposed law. The measure itself is a wise one. It is to relieve farmers from the ordinary restrictions of the law applied to the production of alcohol or whisky from grains, etc. At the same time it imposes the same rate of duties upon brandy that is imposed upon whisky, but it simply relieves the domestic manufacturers from impossible conditions which are prescribed for great distillers.

The fruit of the country is perishable. It passes away in a short time. Apples and grapes and all those fruits have to be used immediately, and must be used mainly on the farm, at home, or near by, in small establishments. Therefore it is proposed that they shall be relieved from the heavy restrictions. But to extend this provision to foreign dried fruits it seems to me would not be within the meaning or purpose of the law. The action of the proposed law is simply to enable farmers and others to utilize their perishable products without being subjected to the severe restrictions of the law in regard to whisky.

I hope, therefore, the amendment will not be agreed to.

Mr. PLATT. I supposed that this matter was fully understood by the Finance Committee when it recommended this amendment. There was a letter of the Secretary of the Treasury, who understood the matter fully and recommended it; there was a letter from the chairman of the subcommittee of the Committee on Ways and Means in the House of Representatives, saying that it was intended that these words should be added in the House of Representatives. The matter was considered in the Finance Committee, and I supposed it was fully understood.

I do not wish, however, to endanger the passage of this bill. I do not believe the adoption of the amendment would endanger its passage. If other Senators believe it would they must pursue such a course as they think is advisable.

Mr. WHITE. Mr. President, there is this difficulty in the situation, entirely apart from the merits of the amendment proposed by the Senator from Connecticut: This is a House bill. If we amend it, it goes back to the other House; and even though the House committee should advise concurrence or nonconcurrence in our amendment—it would be immaterial which view they took on the subject—the question would not be a privileged one under the rules of the House, and the bill would go where another bill in which I am interested went two or three days ago, to the foot of the Calendar, and among those masses of forgotten things which are only the subject of memory and regret.

Mr. PASCO. I hope the Senator from Connecticut will not urge his amendment. He will doubtless remember that when this bill was first reported from the Committee on Finance on the 17th of March it came without any amendment, exactly as it passed the House of Representatives; and now if the amendment should be made at this late hour of the session, when the final passage of the bill may be prevented by it, the fruit growers all over the country may be deprived of the very great advantage which would come from the passage of this bill. We are in the season when fruits are maturing; we are in the season when this bill will be of great practical benefit to the fruit growers.

Mr. PLATT. Let it go. I will try to take care of the matter in some other way.

Mr. PASCO. I am much obliged to the Senator.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

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Mr. PETTIGREW. I now ask to have the conference report on the Indian appropriation bill laid before the Senate.

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Mr. PETTIGREW. Mr. President, in the Indian appropriation bill of 1893 the Senate provided for the appointment by the President of a Commission to treat with the Five Civilized Tribes in the Indian Territory for the cession of a portion of their lands or for a division of the lands among the Indians by allotment. That provision was pure legislation upon an entirely different subject from anything considered or provided for in the bill. It was adopted by the Senate. This Commission went to the Indian Territory and undertook to negotiate with those people, and after spending about two years' time they reported that they found it impossible to carry out any of the provisions of the law under which they were appointed; that it was impossible to treat with those Indians; that they refused to meet with the Commission, and that they have, in fact, given the Commission to understand distinctly in so many words that their presence was not desired in that country. The Commission inform us that as the act now stands there is nothing which they can do, no function which they can perform. In view of those facts the Senate amended the Indian appropriation bill and incorporated into it this provision:

For salaries and expenses of the Commissioners appointed under acts of Congress approved March 3, 1893, and March 2, 1895, to negotiate with the Five Civilized Tribes in the Indian Territory, the sum of $40,000, to be immediately available; and said Commission is directed to continue the exercise of the authority already conferred upon them by law and endeavor to accomplish the objects heretofore prescribed to them and report from time to time to Congress.

When the conference committee of the two Houses met and considered this provision it was urged on the part of the other House that it was absolutely useless and unnecessary to continue the Commission without duties to perform and that the existing law could not be carried out. The Committee on Indian Affairs of this body and the Committee on Indian Affairs of the House of Representatives have frequently talked with these Commissioners, and they have asserted that there was nothing they could accomplish as the law now stands. They thereupon prepared and suggested to the committee legislation which would give them power sufficient to accomplish something. That the necessity exists there can be no question. The conference committee, in view of the difficult and complicated questions which surrounded those people, decided to take a step in the direction of breaking up the lawlessness and want of government and protection of life and property in the Indian Territory, and we undertook to do it without encroaching upon any of the treaties and without a violation of any of the property rights of those people. Therefore the committee provided that this Commission, if continued in power, should have authority to make up a roll of those people. Some one had to make up such a roll. Heretofore the roll has been approved by the Secretary of the Interior. We have taken arbitrary powers in this direction.

We therefore provided that the Commission should make up a roll of those people and determine who were citizens of those tribes. Under the treaty of 1866 it had been provided that friendly Indians, to a certain extent limited in number, might settle among those people and become members of the tribes, and that those who had been slaves previous to that time should be admitted to citizenship, and yet their rights had been denied by the Indians who occupied that country. So we provide that this Commission shall make up a roll, considering the treaty of 1866 and all the laws and former rolls of those people, and report who are citizens of that country.

We further provided that they should make up a list of leases which had been made, and report to Congress the number of the leases, the amount and value of the property involved, who made the leases, to whom the lease money was paid, and to report that fact also to Congress.

Now, it seems to me that the conference committee came clearly within the provisions of the rule as heretofore enforced and practiced in this body. The Senate provided that the Commission, with certain powers, should continue, and made an appropriation to carry out those provisions. The conference committee simply enlarged and defined those powers, and, in my opinion, added nothing to what the Commission could perform, except the ratification of the roll, even if we had not made this enactment.

I propose, Mr. President, to show that the conference committee has not violated the precedents of this body on this subject, but, on the contrary, that it has been the custom in conference committees to enact legislation where there was less ground for it than there is in this case. But even if this were not true, I shall undertake to show that the great necessity of some legislation in connection with these tribes of Indians justifies the course pursued by the conference committee.

In the Indian appropriation bill of last year, on page 86, as the bill passed the Senate, there is this provision:

For collecting and transportation of pupils to and from Indian schools and also for the transportation of Indian pupils from all the Indian schools and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupils moral, industrial, and educational training, under arrangements in which their proper care, support, and education shall be in exchange for their labor, $40,000.

Now comes amendment numbered 199:

Of which amount the sum of $8,000 shall be immediately available.

Here is the conference report:

That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: Add at the end of said amendment, as a new paragraph, the following:

"That hereafter no Indian child shall be sent from any Indian reservation to a school beyond the State or Territory in which said reservation is situated without the voluntary consent of the father or mother of such child, if either of them are living, and if neither of them are living, without the voluntary consent of the next of kin of such child. Such consent shall be made before the agent of the reservation, and he shall send to the Commissioner of Indian Affairs his certificate that such consent has been voluntarily given before such child shall be removed from such reservation. And it shall be unlawful for any Indian agent or other employee of the Government to induce, or seek to induce, by withholding rations or by other improper means, the parents or next of kin of any Indian to consent to the removal of any Indian child beyond the limits of any Indian reservation."

Mr. HALE. Did that amendment become embodied in the law, I ask the Senator?

Mr. PETTIGREW. It did become embodied in the law as the result of the conference report.

Mr. HALE. I call the Senator's attention to the fact that while perhaps no attention was called to it and it slipped through unnoticed, and might be to a degree objectionable, it is all in the direction of limiting the original proposition which was found in the bill the Senator has read from as it came from the other House. There is a difference between conference committees limiting the expenditure of money or the operation of a clause that has been put in either by the other House or by the Senate which is the subject of disagreement—there is a great difference between that and the enlargement and magnifying and introduction of new matters enlarging and magnifying, and I think that distinction exists as to the case the Senator has cited, although I would say in that respect that the only good reason why that should have been allowed was that no attention was probably called to it at the time.

Mr. PLATT. That was not a good reason.

Mr. HALE. That was not a good reason, but that was the only reason. I should think it doubtful whether, when the attention of the Senate is called to so much of an exercise of the limiting power in detail as was exercised there, the Senate would authorize a conference committee to do that; but it is in no degree, it seems to me, like the case now before the Senate.

Mr. PETTIGREW. There is no allusion whatever to securing the consent of the parents of those children to their removal from any reservation of any of the tribes.

Mr. HALE. No; but it is a limitation of the removal, which was the subject-matter of the original proposition of the House. It is a limitation, not an extension.

Mr. PETTIGREW. It was an appropriation for the transportation of Indian children.

Mr. HALE. You can not transport them unless you start them from their homes.

Mr. PETTIGREW. Then you provide by law, clear legislation, pure and simple, and nothing else, with regard to the consent of the parents, and going into details. There are a great many other matters of that kind. In this case which is complained of the conference committee simply enlarged the power of the Commission, and yet Senators rise here with great indignation, and the Senator from New Hampshire [Mr. CHANDLER] talked about a cunningly devised change, as if something had been done which was unusual. I propose to show that this has been the practice.

Last year a clause was placed by the committee of conference on the Indian appropriation bill, and it became a law, providing that the claimants upon lands on the Crow Creek Reservation, in South Dakota, should go into the Court of Claims and sue in order to recover damages for having been removed by Executive order from that reservation—entirely new matter, legislation pure and simple. That has been the custom right along. Here is one of the most striking cases in the Indian appropriation bill of 1891. In this case there is no mention of any treaty made with the Sisseton or Wahpeton Indians, no mention made of any attorneys or any power of attorney, or any right of anybody to represent those Indians in any way as the bill passed the Senate. No one appeared here and claimed to be the attorneys of these Indians. No one appeared before the committees of either House, and the bill passed the Senate without any provision whatever, except simply ratifying an agreement made with those Indians for the sale of their lands. The report of the conference committee contains this provision, which was injected—absolutely new matter, legislation pure and simple:

Provided, however, That all contracts or agreements between said Indians, or any of them, and agents, attorneys, or other persons for the payment of any part of this appropriation for or on account of fees or compensation to said agents, attorneys, or other persons, unless the same have been made as provided by law and are yet in force and have been approved by the Department of the Interior, or have been made by and between citizens of the United States, are hereby declared null and void; and in such cases the Secretary of the Interior shall cause all moneys herein appropriated to be paid directly to the said Indians, and shall pay no portion of the same to their said agents or attorneys, and in no event shall a sum exceeding 10 per cent be paid to any agent or attorney.

That was injected without any reference to anything contained in the bill, with nothing to hang it upon except that we had made a treaty with those Indians for a cession of their land. In the same appropriation bill in 1891 we treated with the Indians in Oklahoma for the purchase of a large strip of country, and it passed both Houses of Congress. It provided simply for the cession of property and for an allotment of lands to the Indians. The conference committee inserted this provision as a new section. The report says:

And insert after said section the following:

"SEC. 15.—

Absolutely a new section, new matter, and the broadest kind of general legislation.

"SEC. 15. That before any lands in Oklahoma are open to settlement it shall be the duty of the Secretary of the Interior to divide the same into counties, which shall contain as near as possible not less than 900 square miles in each county. In establishing said county lines the Secretary is hereby authorized to extend the lines of the counties already located so as to make the area of said counties equal, as near as may be, to the area of the counties provided for in this act. At the first election for county officers the people of each county may vote for a name for each county, and the name which receives the greatest number of votes shall be the name of such county: *Provided further*, That as soon as the county lines are designated by the Secretary, he shall reserve not to exceed one-half section of land in each county, to be located near the center of said county, for county-seat purposes, to be entered under sections 2387 and 2388 of the Revised Statutes: *Provided*, That in addition to the jurisdiction granted to the probate courts and the judges thereof in Oklahoma Territory, by legislative enactments, which enactments are hereby ratified, the probate judges of said Territory are hereby granted such jurisdiction in town-site matters and under such regulations as are provided by the laws of the State of Kansas."

Then it goes on and reserves the school lands. Yet there was nothing in the world in that Indian appropriation bill as it passed the Senate upon which that could be hung in any way. It is simply injected there, and is absolutely new legislation, without any possible chance to excuse it at all, while in this case we have simply placed in the bill an enlargement of the powers of a Commission provided for by the Senate amendment.

This is not the only instance. In the bill of 1891 we opened an Indian reservation in Montana, and we injected a provision in conference, which, I think, will be well remembered by the Senator from Montana, which provided for disposing of the lands open to settlement in an entirely different manner from the way the Senate provided for disposing of those lands—absolutely another provision, absolutely another method, diametrically opposed to the method of disposing of those lands provided for by the Senate. No one, I suppose, knew anything about it until after the Senate adjourned.

These things do not always produce the best results, but how can any harm come in this case, where the matter is fully before the Senate, where everyone has a chance fully to discuss it, where the purpose to be accomplished is so absolutely necessary and important? I can cite many other instances of the same sort where we have legislated in conference, placing upon the bill in conference matters unheard of when the bill was before the Senate.

I wish to call attention for a few moments to the condition of affairs in the Indian Territory, which we propose to undertake to remedy. About 1830 we provided that certain tribes should be located in the Indian Territory, and that the land should be patented to them, and held for the equal use and benefit of every

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Mr. PETTIGREW. Mr. President, in the Indian appropriation bill of 1893 the Senate provided for the appointment by the President of a Commission to treat with the Five Civilized Tribes in the Indian Territory for the cession of a portion of their lands or for a division of the lands among the Indians by allotment. That provision was pure legislation upon an entirely different subject from anything considered or provided for in the bill. It was adopted by the Senate. This Commission went to the Indian Territory and undertook to negotiate with those people, and after spending about two years' time they reported that they found it impossible to carry out any of the provisions of the law under which they were appointed; that it was impossible to treat with those Indians; that they refused to meet with the Commission, and that they have, in fact, given the Commission to understand distinctly in so many words that their presence was not desired in that country. The Commission inform us that as the act now stands there is nothing which they can do, no function which they can perform. In view of those facts the Senate amended the Indian appropriation bill and incorporated into it this provision:

For salaries and expenses of the Commissioners appointed under acts of Congress approved March 3, 1893, and March 2, 1895, to negotiate with the Five Civilized Tribes in the Indian Territory, the sum of $40,000, to be immediately available; and said Commission is directed to continue the exercise of the authority already conferred upon them by law and endeavor to accomplish the objects heretofore prescribed to them and report from time to time to Congress.

When the conference committee of the two Houses met and considered this provision it was urged on the part of the other House that it was absolutely useless and unnecessary to continue the Commission without duties to perform and that the existing law could not be carried out. The Committee on Indian Affairs of this body and the Committee on Indian Affairs of the House of Representatives have frequently talked with these Commissioners, and they have asserted that there was nothing they could accomplish as the law now stands. They thereupon prepared and suggested to the committee legislation which would give them power sufficient to accomplish something. That the necessity exists there can be no question. The conference committee, in view of the difficult and complicated questions which surrounded those people, decided to take a step in the direction of breaking up the lawlessness and want of government and protection of life and property in the Indian Territory, and we undertook to do it without encroaching upon any of the treaties and without a violation of any of the property rights of those people. Therefore the committee provided that this Commission, if continued in power, should have authority to make up a roll of those people. Some one had to make up such a roll. Heretofore the roll has been approved by the Secretary of the Interior. We have taken arbitrary powers in this direction.

We therefore provided that the Commission should make up a roll of those people and determine who were citizens of those tribes. Under the treaty of 1866 it had been provided that friendly Indians, to a certain extent limited in number, might settle among those people and become members of the tribes, and that those who had been slaves previous to that time should be admitted to citizenship, and yet their rights had been denied by the Indians who occupied that country. So we provide that this Commission shall make up a roll, considering the treaty of 1866 and all the laws and former rolls of those people, and report who are citizens of that country.

We further provided that they should make up a list of leases which had been made, and report to Congress the number of the leases, the amount and value of the property involved, who made the leases, to whom the lease money was paid, and to report that fact also to Congress.

Now, it seems to me that the conference committee came clearly within the provisions of the rule as heretofore enforced and practiced in this body. The Senate provided that the Commission, with certain powers, should continue, and made an appropriation to carry out those provisions. The conference committee simply enlarged and defined those powers, and, in my opinion, added nothing to what the Commission could perform, except the ratification of the roll, even if we had not made this enactment.

I propose, Mr. President, to show that the conference committee has not violated the precedents of this body on this subject, but, on the contrary, that it has been the custom in conference committees to enact legislation where there was less ground for it than there is in this case. But even if this were not true, I shall undertake to show that the great necessity of some legislation in connection with these tribes of Indians justifies the course pursued by the conference committee.

In the Indian appropriation bill of last year, on page 86, as the bill passed the Senate, there is this provision:

For collecting and transportation of pupils to and from Indian schools and also for the transportation of Indian pupils from all the Indian schools and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupils moral, industrial, and educational training, under arrangements in which their proper care, support, and education shall be in exchange for their labor, $40,000.

Now comes amendment numbered 199:

Of which amount the sum of $8,000 shall be immediately available.

Here is the conference report:

That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: Add at the end of said amendment, as a new paragraph, the following:

"That hereafter no Indian child shall be sent from any Indian reservation to a school beyond the State or Territory in which said reservation is situated without the voluntary consent of the father or mother of such child, if either of them are living, and if neither of them are living, without the voluntary consent of the next of kin of such child. Such consent shall be made before the agent of the reservation, and he shall send to the Commissioner of Indian Affairs his certificate that such consent has been voluntarily given before such child shall be removed from such reservation. And it shall be unlawful for any Indian agent or other employee of the Government to induce, or seek to induce, by withholding rations or by other improper means, the parents or next of kin of any Indian to consent to the removal of any Indian child beyond the limits of any Indian reservation."

Mr. HALE. Did that amendment become embodied in the law, I ask the Senator?

Mr. PETTIGREW. It did become embodied in the law as the result of the conference report.

Mr. HALE. I call the Senator's attention to the fact that while perhaps no attention was called to it and it slipped through unnoticed, and might be to a degree objectionable, it is all in the direction of limiting the original proposition which was found in the bill the Senator has read from as it came from the other House. There is a difference between conference committees limiting the expenditure of money or the operation of a clause that has been put in either by the other House or by the Senate which is the subject of disagreement—there is a great difference between that and the enlargement and magnifying and introduction of new matters enlarging and magnifying, and I think that distinction exists as to the case the Senator has cited, although I would say in that respect that the only good reason why that should have been allowed was that no attention was probably called to it at the time.

Mr. PLATT. That was not a good reason.

Mr. HALE. That was not a good reason, but that was the only reason. I should think it doubtful whether, when the attention of the Senate is called to so much of an exercise of the limiting power in detail as was exercised there, the Senate would authorize a conference committee to do that; but it is in no degree, it seems to me, like the case now before the Senate.

Mr. PETTIGREW. There is no allusion whatever to securing the consent of the parents of those children to their removal from any reservation of any of the tribes.

Mr. HALE. No; but it is a limitation of the removal, which was the subject-matter of the original proposition of the House. It is a limitation, not an extension.

Mr. PETTIGREW. It was an appropriation for the transportation of Indian children.

Mr. HALE. You can not transport them unless you start them from their homes.

Mr. PETTIGREW. Then you provide by law, clear legislation, pure and simple, and nothing else, with regard to the consent of the parents, and going into details. There are a great many other matters of that kind. In this case which is complained of the conference committee simply enlarged the power of the Commission, and yet Senators rise here with great indignation, and the Senator from New Hampshire [Mr. CHANDLER] talked about a cunningly devised change, as if something had been done which was unusual. I propose to show that this has been the practice.

Last year a clause was placed by the committee of conference on the Indian appropriation bill, and it became a law, providing that the claimants upon lands on the Crow Creek Reservation, in South Dakota, should go into the Court of Claims and sue in order to recover damages for having been removed by Executive order from that reservation—entirely new matter, legislation pure and simple. That has been the custom right along. Here is one of the most striking cases in the Indian appropriation bill of 1891. In this case there is no mention of any treaty made with the Sisseton or Wahpeton Indians, no mention made of any attorneys or any power of attorney, or any right of anybody to represent those Indians in any way as the bill passed the Senate. No one appeared here and claimed to be the attorneys of these Indians. No one appeared before the committees of either House, and the bill passed the Senate without any provision whatever, except simply ratifying an agreement made with those Indians for the sale of their lands. The report of the conference committee contains this provision, which was injected—absolutely new matter, legislation pure and simple:

Provided, however, That all contracts or agreements between said Indians, or any of them, and agents, attorneys, or other persons for the payment of any part of this appropriation for or on account of fees or compensation to said agents, attorneys, or other persons, unless the same have been made as provided by law and are yet in force and have been approved by the Department of the Interior, or have been made by and between citizens of the United States, are hereby declared null and void; and in such cases the Secretary of the Interior shall cause all moneys herein appropriated to be paid directly to the said Indians, and shall pay no portion of the same to their said agents or attorneys, and in no event shall a sum exceeding 10 per cent be paid to any agent or attorney.

That was injected without any reference to anything contained in the bill, with nothing to hang it upon except that we had made a treaty with those Indians for a cession of their land. In the same appropriation bill in 1891 we treated with the Indians in Oklahoma for the purchase of a large strip of country, and it passed both Houses of Congress. It provided simply for the cession of property and for an allotment of lands to the Indians. The conference committee inserted this provision as a new section. The report says:

And insert after said section the following:

"SEC. 15.—

Absolutely a new section, new matter, and the broadest kind of general legislation.

"SEC. 15. That before any lands in Oklahoma are open to settlement it shall be the duty of the Secretary of the Interior to divide the same into counties, which shall contain as near as possible not less than 900 square miles in each county. In establishing said county lines the Secretary is hereby authorized to extend the lines of the counties already located so as to make the area of said counties equal, as near as may be, to the area of the counties provided for in this act. At the first election for county officers the people of each county may vote for a name for each county, and the name which receives the greatest number of votes shall be the name of such county: *Provided further*, That as soon as the county lines are designated by the Secretary, he shall reserve not to exceed one-half section of land in each county, to be located near the center of said county, for county-seat purposes, to be entered under sections 2387 and 2388 of the Revised Statutes: *Provided*, That in addition to the jurisdiction granted to the probate courts and the judges thereof in Oklahoma Territory, by legislative enactments, which enactments are hereby ratified, the probate judges of said Territory are hereby granted such jurisdiction in town-site matters and under such regulations as are provided by the laws of the State of Kansas."

Then it goes on and reserves the school lands. Yet there was nothing in the world in that Indian appropriation bill as it passed the Senate upon which that could be hung in any way. It is simply injected there, and is absolutely new legislation, without any possible chance to excuse it at all, while in this case we have simply placed in the bill an enlargement of the powers of a Commission provided for by the Senate amendment.

This is not the only instance. In the bill of 1891 we opened an Indian reservation in Montana, and we injected a provision in conference, which, I think, will be well remembered by the Senator from Montana, which provided for disposing of the lands open to settlement in an entirely different manner from the way the Senate provided for disposing of those lands—absolutely another provision, absolutely another method, diametrically opposed to the method of disposing of those lands provided for by the Senate. No one, I suppose, knew anything about it until after the Senate adjourned.

These things do not always produce the best results, but how can any harm come in this case, where the matter is fully before the Senate, where everyone has a chance fully to discuss it, where the purpose to be accomplished is so absolutely necessary and important? I can cite many other instances of the same sort where we have legislated in conference, placing upon the bill in conference matters unheard of when the bill was before the Senate.

I wish to call attention for a few moments to the condition of affairs in the Indian Territory, which we propose to undertake to remedy. About 1830 we provided that certain tribes should be located in the Indian Territory, and that the land should be patented to them, and held for the equal use and benefit of every

member of those tribes. We provided that without their consent white people should not be settled in the country, but that it should be reserved for the use and benefit of the Indians. When we made the agreement we expected that the Indians would keep it and we expected to keep it. As far as we are concerned, we have kept the agreement, but the Indians have not kept it, not through any fault of theirs, but because they have been overrun by men who have become citizens of the tribes, and who are, in reality, not Indians, but white people.

Conditions have changed. To-day in that country there are less than 65,000 Indians and 300,000 white men. Five different sovereign governments exist, holding legislatures, having courts, but enforcing practically no law, with no law maintained except the right of the individual to protect himself. The white people have no schools. There is no means of taxation by which they can be provided with schools. The Indians are governed by a small number of white people who have gained control of their tribes. The real Indians are driven back into the mountains and the woods and along the streams, many of them being wild Indians, while the property of the tribes has been acquired by the white men who have gained control of that country. There is no protection whatever to life and property, and a condition exists which would justify the United States in sending the Army to take possession of the country, ousting all semblance of government and preserving law and order. The Committee on Indian Affairs has petitioned the President—and I think the petition was signed by every member of the Committee on Indian Affairs of this body—to send a regiment of troops into the Territory at once, as the condition of affairs is intolerable.

The Dawes Commission, of which ex-Senator Dawes was chairman, examined the condition of affairs in that country, and I will read some extracts from his report:

All the functions of the so-called governments of these five tribes have become powerless to protect the life or property rights of the citizen. The courts of justice have become powerless and paralyzed. Violence, robbery, and murder are almost of daily occurrence, and no effective measures of restraint or punishment are put forth to suppress crime. Railroad trains are stopped and their passengers robbed within a few miles of populous towns and the plunder carried off with impunity in the very presence of those in authority. A reign of terror exists, and barbarous outrages, almost impossible of belief, are enacted, and the perpetrators hardly find it necessary to shun daily intercourse with their victims. We are now informed that, within the territory of one of these tribes, there were 53 murders during the month of September and the first twenty-four days of October last, and not a single person brought to trial.

In every respect the present condition of affairs demonstrates that the permission to govern themselves under the Constitution of the United States, which was originally embraced in the treaty, has proved a failure. So, likewise, has the provision that requires the United States to exclude white citizens from the Territory.

* * * * * * * *

Corruption of the grossest kind, openly and unblushingly practiced, has found its way into every branch of the service of the tribal governments. All branches of the governments are reeking with it, and so common has it become that no attempt at concealment is thought necessary. The governments have fallen into the hands of a few able and energetic Indian citizens, nearly all mixed blood and adopted whites, who have so administered their affairs and have enacted such laws that they are enabled to appropriate to their own exclusive use almost the entire property of the Territory of any kind that can be rendered profitable and available.

In one of these tribes, whose whole territory consists of but 3,040,000 acres of land, within the last few years laws have been enacted under the operation of which 61 citizens have appropriated to themselves and are now holding for pasturage and cultivation 1,237,000 acres. This comprises the arable and greater part of the valuable grazing lands belonging to that tribe. The remainder of that people—largely the full bloods who do not speak the English language—are excluded from the enjoyment of any portion of this land, and many of them occupy the poor and hilly country, where they get a scanty living from such portions as they are able to turn to any account. This class of persons in the Territory—

That is, the full-blood Indians, whom we are called upon by our treaties to protect—

are making little, if any, progress in civilization. They are largely dependent on those in control of public affairs, whose will they register at the polls, and with whose bidding, in a large measure, they comply without question. Those holding power by these means oppose any change and ask only to be let alone.

When payments of money are made to the Indians the Indians themselves do not get the money. The money is paid out almost in every instance and secured by the white men and mixed bloods who live among them.

Justice has been utterly perverted in the hands of those who have thus laid hold of the forms of its administration in this Territory and who have inflicted irreparable wrongs and outrages upon a helpless people for their own gain. The United States put the title to a domain of countless wealth and unmeasured resources in these several tribes or nationalities, but it was a conveyance in trust for specific uses, clearly indicated in the treaties themselves, and for no other purpose. It was for the use and enjoyment in common by each and every citizen of his tribe, of each and every part of the Territory, thus tersely expressed in one of the treaties: "To be held in common, so that each and every member of either tribe shall have an equal, undivided interest in the whole." The tribes can make no other use of it. They have no power to grant it to anyone, or to grant to anyone an exclusive use of any portion of it.

Let us see how this trust has been carried out. We agreed that we would hold this land in trust for the use and benefit equally of every member of the tribe. We have been powerless to carry out and fulfill that trust, owing to the dishonesty of the men who have gained control of those nations. I now read from the testimony, or rather the argument made by Judge McKennon before the House Committee on Indian Affairs, in which he shows, and he gives the names of the persons, that 61 persons have 1,500,000 acres of land in the Creek Nation under cultivation or fenced in as pasture lands.

Mr. JONES of Arkansas. That acreage is one-half of all that country.

Mr. PETTIGREW. It is one-half of the entire area of land belonging to the tribe, who number 15,000 people. The Perrymans received $25,000 in rent; Turner & Porter, $16,000; one of the Childers, I think it is the father, $6,000; another one $6,000, and another $3,000; Willison, Welden & Co., $3,000; Robinson & Chissoe, $2,000, and Bob Childers, $800; making a total of $61,800 received in rent by these eight persons from lands belonging to the Indians of those tribes.

The report shows that many of the Indians are unable to secure land fit for cultivation because it has been taken by the white men. Every one of the names which I have read is the name of a white man. They are entirely white, or have the slightest tincture of Indian blood in their veins. For the purpose of maintaining this monopoly and continuing to plunder the people, they maintain a large and active lobby at the Capitol. They have done so ever since I have been a member of the Committee on Indian Affairs, and they still continue to do so.

Aside from the vast pasture lands, aside from the vast fields cultivated by white men who are their tenants, there are immense mines of coal which are also leased by these people. There are towns of five or six thousand people where they are leasing the lots, and a very large fund is secured, not for the benefit of the Indians, but to enrich the men who have gained control of the government. Mr. McKennon says:

They say we have exaggerated the amount of crime committed there. It has been said that we adopted the statements published by a paper in one of the border States, written by some one who knew nothing about it. We have made no statement on that line. A member of this committee has in his possession a list, taken from the papers published in the Territory, of the murders committed since the adjournment of Congress on the 4th of March last—

A year ago last March—

up to the present time, amounting to 260 or 275; I do not know the exact number. Reason will teach you gentlemen, however, that those were not all the murders that were committed there. This list does not contain all of them. Many were committed statements of which never appeared in print. No one man, no half dozen men, can go through the papers and get every instance of murder committed in that Territory.

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About a year ago Governor Fishback, of Arkansas, addressed an open letter to the President of the United States—possibly you have not seen that—in which he sets out the difficulty that the State of Arkansas labors under in getting fugitives from that Territory. It is a city of refuge for criminals from the surrounding country.

Then Mr. LITTLE says:

There are robberies committed there?

Mr. McKENNON. Numbers of them; almost of daily occurrence. It is hard to tell what causes the murders. They kill for any cause and without cause.

Mr. GAMBLE. What is the rule in the courts there in regard to the punishment of these crimes? Are the courts capable of prosecuting and convicting?

Mr. McKENNON. You mean the Indian courts?

Mr. GAMBLE. Yes.

Mr. McKENNON. I have not known exceeding half a dozen punishments for murder since I have been in that Territory.

And the Dawes Commission say that 53 murders were committed in one nation in six weeks, and not a single one of the offenders was brought to justice.

Mr. GAMBLE. So they really go unpunished?

Mr. McKENNON. A number of them have come to my knowledge that were never prosecuted at all.

The statement has been made that there is no more crime in that Territory than there is in the States surrounding it. Let us see about that. I am going to give you the figures and I shall stand by the record. We will say, for instance, that there were 275 murders committed in that Territory.

Mr. GAMBLE. Within what time?

Mr. McKENNON. Since the adjournment of Congress on the 4th of March last. Let us see the magnitude of that. I have inquired of the officials of my State (Arkansas) in order to determine how many murders would probably be committed in Arkansas during that time, and they have estimated the number at from 40 to 60, not higher than 60. The estimates were made by ex-Governor Fishback, Governor Clarke, and Attorney-General Kinsworthy, and I have talked to Judge Little upon the subject. No one has fixed the number higher than 60. We will take that as the number. How does that compare with the Territory? The Territory comprises something less than 20,000,000 of acres; that would be about 33,000 square miles. Arkansas has 52,000 square miles. If 33,000 square miles has 275 murders, 52,000 square miles would have about 433.

Mr. GAMBLE. But how would the comparison stand if made by density of population?

Mr. McKENNON. I am coming to that. The population of the Territory will not exceed 400,000—

He has placed it too high, in my opinion—

and that is a high estimate. The population of Arkansas is something over 1,500,000, about four times as many. If the population of Arkansas committed as many murders in proportion, the number would be about 1,732, or 23 to the county. Do you not know that if such a condition existed in Arkansas martial law would be proclaimed there for the protection of the people? That is not an exaggeration. Make your own calculations and see if I am not correct.

Here is a letter from William M. Fishback, governor of Arkansas:

FORT SMITH, ARK., *March 7, 1896.*

DEAR BASS: We have had two recent raids upon banks, one in Arkansas and one in Kansas, from the Indian Territory. They killed Director Goodwin in Warren the other day, and were chased back to the Territory 175 miles, but not caught. They killed Dorsey in Wichita, but were caught and mobbed.

The United States Government is responsible for these murders, for it fosters the condition which tempts them.

Very truly, your friend, WM. M. FISHBACK.

Hon. J. S. LITTLE.

Mr. HALE. Let me ask the Senator from South Dakota a question. This statement discloses a remarkable and perhaps horrible condition, but were not all of these reasons for the incorporation of this legislation on an appropriation bill urged at length and with force in the Senate when the proposition was brought forward on the appropriation bill? When the ruling was made by the Chair throwing the amendment out, was any appeal taken from that ruling? Therefore, was it not the sense of the Senate that the amendment or a kindred amendment should not go on the appropriation bill? Is there anything new, although what the Senator from South Dakota is giving is interesting, that was not given in the debate when the bill was under consideration in the Senate?

Mr. PETTIGREW. I do not know whether or not all of these facts were presented to the Senate. For that matter, it makes no difference.

Mr. JONES of Arkansas. If the Senator will allow me, I should like to state that it ought not to be allowed to be taken as for granted that this is the proposition which was presented to the Senate before. That was a proposition which made the power of the Commission absolute in making the roll, and provided, in addition, for the division of the land in the Indian Territory, a measure altogether different from this one. This is a proposition simply to authorize the making of a roll, and when there is any dissatisfaction with the finding of the Commission, the action of the Commission is not to be final, but an appeal is to be had to the courts, and they are to determine whether or not people who claim to be members of the tribe have a right to be on the roll.

Mr. HALE. The advocates of the measure (I do not go into its merits; I appreciate the force of the statement that something ought to be done in a proper way and by proper channels) had the opportunity when the matter was discussed here to frame their amendment so as to avoid the point of order. They did not do that. A point of order was sustained by the action of the Senate, and no appeal was taken.

Now, the two propositions are not identical. Any man can read them and see that they are not identical, but the great feature of enlargement and expanding, by a new body of law, the power of the Commission is just as much contained in the amended report from the conference committee as it was in the amendment which was ruled out in the Senate. What is objected to is not that it has not a good case, but that it has avoided all other channels of legislation. It has avoided action by the Senate committee on a Senate bill. It has avoided action by a House committee on a House bill. It has avoided action upon an appropriation bill, considered in two bodies, and seeks now to come in here in this way, initiating legislation in committee. That is the trouble.

Mr. BERRY. Will the Senator from Maine permit me?

Mr. HALE. Certainly.

Mr. BERRY. I wish to state that the original legislation in regard to this matter was put upon an appropriation bill. When the Commission was enlarged during the last Congress it was done upon an appropriation bill.

Mr. HALE. By a conference committee?

Mr. BERRY. It was first put on here. The last time, I do not remember distinctly, but I think probably it passed the House as it was put in here, increasing the Commission.

Mr. HALE. It did, and was considered by both bodies.

Mr. BERRY. I wish to say to the Senator, furthermore, that the strip was disposed of and sold and the money distributed on an appropriation bill, and I never heard any objection from the Senator from Maine or anyone else in regard to the legislation. It has been the universal custom.

While I am up I wish to state another fact. I wish the Senator from Wisconsin to hear it, too. My recollection is that during the last Congress a conference committee in regard to the Indian courts in that country, of which the Senator from Wisconsin was a member, reported a substitute bill from the committee on conference enlarging the jurisdiction that was given by either House, enlarging the power, extending them. That was done by a conference committee, if I am not mistaken. The Senator will correct me if I am. They reported a substitute bill from the conference committee, and it was adopted by the Senate and became the law.

Mr. HALE. Was that a conference committee of the Committee on Appropriations?

Mr. BERRY. No; of the Judiciary Committee.

Mr. PETTIGREW. I do not know that it is material to this question as to whether or not the Committee on Indian Affairs has performed its full duty in this respect. The Committee on Indian Affairs has had this question under consideration, and a great many difficulties in the solution of the question covering the Five Civilized Tribes presented themselves. We found difficulty with respect to title to their lands, difficulty in determining who are entitled to allotments, difficulty in determining who are members of the tribes, the danger of Executive disapproval, etc. After spending a great deal of time upon the matter the committee unanimously reported the amendment, which was ruled out on the point of order. It was not ruled out upon its merits. Certainly the Senate on its merits would never rule an amendment on this question out—a question so pressing for solution, involving the lives and happiness and property of so many people. It seems to me that unusual proceedings would be justified in order to reach and remove the difficulty. But no unusual proceedings are undertaken or proposed.

On the contrary, it has been the practice of the Committee on Appropriations in charge of the Indian appropriation bill to inject legislation before unheard of into a conference report and enact it into law. When we purchased the Cherokee Outlet, a large portion of Oklahoma, we provided in a conference report for the organization of that Territory into counties. In no place in the Indian appropriation bill had anything been said about the organization of counties. We determined their boundaries, their area; reserved lands for county seats; provided for locating county seats; and provided for an election to name the county seats. Nothing had been said about it. No allusion was made to it in the bill as it passed here. It was good legislation. It was conducive to the peace and prosperity and happiness of the people of that country, and it was well that it was enacted, and, if necessary, enacted as part of a conference report.

The legislation which we propose is a step in the direction of the solution of difficulties which have become intolerable. The life and happiness and the property of a large number of citizens of this country are involved in this question. For the Senate to reject the amendment, to declare that nothing shall be done for the people of the Indian Territory in the next year, will make this body responsible for the lives of innumerable people who will be murdered during the next twelve months. This is properly here, it is rightfully before this body, according to a precedent, and for the Senate to undertake to shirk the responsibility of enacting it, claiming that it is proposed upon a conference report, it certainly seems to me is cowardly and unjustifiable.

Mr. WALTHALL. Will the Senator allow me to ask him a question?

Mr. PETTIGREW. I will yield to the Senator.

Mr. WALTHALL. I have listened with a great deal of interest to what the Senator has had to say in regard to the Five Civilized Tribes and the Dawes Commission. I ask the Senator if he will be kind enough to state the explanation of the last two paragraphs in the conference committee's report relating to the Sisseton and Wahpeton Indians and the Seneca Nation of Indians, which have no connection, as I understand it, with the Five Civilized Tribes or with the Dawes Commission?

Mr. PETTIGREW. Mr. President, I hardly expected that gentlemen who oppose this wholesome and just and proper legislation would shift the issue to two immaterial and indifferent matters.

Mr. WALTHALL. The issue was tendered by the conference committee.

Mr. PETTIGREW. The great question before the Senate is the question as to whether we will allow a condition of murder and crime unparalleled in the history of the world to continue. The Senate talks for hours about the wrongs of Cuba and the crimes committed by Spaniards in that island, about the danger to the life and property of our own citizens there, and yet it sits quietly by and allows a condition of things to exist within our own borders in comparison with which the scenes enacted in Cuba are nothing. There were 53 murders in one of these five tribes in six weeks last fall and no one was brought to justice and no one ever arrested. The courts at Fort Smith, Ark., and Paris, Tex., are crowded with criminals; 900 criminals were tried in those courts last year, and three-quarters of them were from the Indian Territory. Robberies are committed everywhere in the Territory; men shot down in cold blood and without any reason whatever; and yet the Senate of the United States proposes, because a step in the direction of correcting this evil is suggested in a conference report, to let that condition go on.

Mr. HALE. Mr. President——

Mr. PETTIGREW. I will tell the Senator from Mississippi about the two amendments, if that is the question he desires to have answered.

Mr. WALTHALL. That is the only question I propounded to the Senator, and I have had no reply so far.

Mr. PETTIGREW. I will reply to the Senator. The two

amendments to which the Senator refers have no relation to this question. The first one, with regard to the Sisseton and Wahpeton Indians, was adopted by the Senate and placed upon the deficiency appropriation bill. It simply provides, under the provisions of a treaty with those Indians, for the payment of their interest money. It does not appropriate a dollar, but under that treaty the interest as well as the principal of the money they received for their lands is to be disposed of under the direction of Congress.

Mr. WALTHALL. How does that find a place in legislating upon the Dawes Commission, with which it has no sort of connection?

Mr. PETTIGREW. It is simply following those precedents which have been followed heretofore, where a matter would be accepted by the Senate by unanimous consent. There is no justification for it under the rule aside from the fact that we have done these things. It has been customary on the Indian appropriation bill, as I showed a short time ago, to take up matters of that sort and dispose of them in that way, doing substantial and equal justice and harming no one.

The amendment in regard to the Seneca Indians is of exactly the same character. They have tribal property. They hold it in common. But the men who are bright and smart, who are almost white, the same as those who have taken possession of the Indian Territory, got possession of the lands on the reservation in New York. The real Indians are pushed back into the forests and mountains and are beggars. The amendment simply proposes to find out how much of the tribal property has been taken possession of by white men who claim that they are Indians of the Seneca Reservation, and to report to Congress. Can there be any objection to that? No appropriation of money is made. It is simply an inquiry for the purpose of protecting the rights of the Indians, the real Indians, of New York, who have been so grossly neglected by the Indian Rights Association, the association spending their time on Indians farther from home.

I can see no reason why those two items should lead to any excitement. They are matters that would go through this body by unanimous consent at any time. They are simply placed upon the bill as a matter of fair, substantial justice to those people.

Mr. WALTHALL. What is done by unanimous consent can be no precedent in a matter where consent is refused.

Mr. PETTIGREW. Mr. President, I am loath to believe that all this opposition, in view of the large number of cases which I have cited, has its seat in the desire of Senators to protect a conference report. Let Senators come out and discuss the issue and justify the conditions which exist down there.

Mr. HALE. What does the Senator think is the reason? He has intimated there is some covert reason that animates Senators.

Mr. PETTIGREW. I do not care to impute reasons to anyone. I say I am loath to believe that the reason is simply that it is on a conference report. It may be that that is the case with the Senator from Maine.

Mr. HALE. I should like to have one point explained by the Senator before he sits down. I have listened with interest to his statement, which is very clear and is very forcible. Just before he was interrupted, or before he answered the question of the Senator from Mississippi, he arraigned the Senate for cowardice in sitting by and allowing the opportunity to pass to cure an evil so monstrous that he said Cuba had no comparison with it, nor anything else in the history of the world. Now, if that is the case, and here is so grievous an instance of wrong that has been going on for months and years, and the Senator arraigns the Senate now for cowardice in not passing measures to regulate it and to extirpate the evil, I in turn arraign the Committees on Indian Affairs in both Houses, in the presence of this monstrous evil that has been stalking before us, as the Senator says, for months and years, that those committees have not duly reported measures for the relief of this condition and for the cure of these evils and brought them in before the Senate and passed them as other measures, but that they have waited until six men get together in a conference room and initiate legislation. I ask the Senator to explain why the Committees on Indian Affairs did not pursue that course?

Mr. PETTIGREW. Mr. President, if I have said anything that would offend anyone in the arraignment of the Senate in this connection, I am perfectly willing to have the words expunged from the RECORD. As far as the Committee on Indian Affairs is concerned, it has had this matter under consideration for several years, the question of intruders, and other questions. We found that those people had tribal patents. We found great difficulties in the way. We finally secured the appointment by a provision on the appropriation bill in 1893 of the Dawes Commission. We did not feel that we wanted to overrun or impose upon any class of people. The length and breadth and width of the iniquity that exists down there was unknown to the committee until we got the report of the Dawes Commission. The Commission have been at work some two years and a half. Last year they made a report. This last winter they made another one, corroborating the facts which they had gathered before. And now the committee came in here and was ruled out on a point of order in trying to take a step in the direction of curing these evils. We did not succeed because of the point of order.

That is the whole question before the Senate, clearly and fairly understood. Inasmuch as it is a violation of no custom, inasmuch as we have been in the habit upon indifferent matters of legislating with a conference committee, it seems to me that now is the time to correct or start to correct this evil.

Mr. HILL. Will the Senator allow me? Was there not an appeal taken on the question of order?

Mr. PETTIGREW. I did not have charge of the matter. I do not think there was.

Mr. JONES of Arkansas. There was no appeal taken on the question of order. The amendment was technically liable to a question of order. There is no question about that. Whenever anyone in the Senate chose to raise the question of order there could be no doubt that the amendment would have to go out on the question of order.

Mr. PETTIGREW. I wish to say further——

Mr. HALE. Let me ask the Senator——

Mr. PETTIGREW. We have been met with all sorts of difficulties, points of order, objections, etc., in the committees of both Houses. It seems almost impossible to reach these people, so firmly are they intrenched behind the profitable plunder which they have secured from robbing the Indians who belong to these tribes.

Mr. HALE. Does the Senator think that an entire session of Congress ought to be allowed to pass; that every other method known under the rules of providing for full discussion should be avoided, and that then the evil should be sought to be cured in this way? Does he think that is good legislation?

Mr. PETTIGREW. I think the evil should be cured in any way that we can reach it. Have we reached the point where it is said, as a person who wants to do nothing can always say, "Oh, yes; I am in favor of it, but let us do it some other time"? Now, this provision has passed the House. It is before the Senate. In thirty minutes you can send it to the President if you want to take a step toward correcting these evils; and it is our duty to do so. There is no question of rules, no question of time or method of procedure, that ought to stop us.

Mr. CHANDLER. May I ask the Senator a question? Why has not the committee reported a special bill for this purpose some time during the present session? What excuse can he give as chairman of the committee, what excuse can the Senator from Arkansas [Mr. JONES] give, or what excuse can the other Senators on the committee give, when they could have passed a special bill on the subject in two hours at any time, and they did not report it?

Mr. PETTIGREW. The Senator from New Hampshire is not a member of the Committee on Indian Affairs. There are 12 members of that committee, and they unanimously reported an amendment to the appropriation bill to cover this question, and it was ruled out of order. Now, whether we have done our duty or not is something that we shall not leave to the Senator from New Hampshire. If I chose to criticise him, I fear that I could show failure on his part as a member of the Committee on Interstate Commerce, perhaps.

Mr. CHANDLER. I am willing to discuss with the Senator any dereliction of mine in connection with any committee to which I belong.

Mr. PETTIGREW. I do not care to go into that.

Mr. CHANDLER. The Senator is imputing motives very freely.

Mr. PETTIGREW. Not at all.

Mr. CHANDLER. He is making charges; he is talking about a lobby; he is talking about responsibility for crime, and is making the heaviest arraignment of his own committee that I ever heard any Senator make in all my life. He makes an arraignment of his own committee for the grossest possible neglect of duty. If what he says is true——

Mr. PETTIGREW. Mr. President, I think the Committee on Indian Affairs will be able to survive even the criticism of the Senator from New Hampshire.

I do not think it is necessary for me to go further into this matter. I believe these questions are thoroughly understood by the Senate. I think the Senate and the country are aware of the conditions which exist in the Indian country; and it seems to me we can not possibly hesitate to take a step in the direction of correcting the present condition of things.

Mr. JONES of Arkansas rose.

Mr. PETTIGREW. I yield to the Senator from Arkansas.

Mr. JONES of Arkansas. I want the Senator from South Dakota to yield to me just one moment to make another suggestion before 2 o'clock in connection with the arraignment of the committee of the House and the committee of the Senate by the Senator from Maine [Mr. HALE]. During the present session of Congress the Dawes Commission has been here at the request of

the committees of both Houses and each committee has been in session for a considerable time. The House committee has been more actively engaged in this investigation, and has had the Commission and witnesses, people from the Indian Territory and others, before it for days and days. After a careful investigation that committee prepared a bill which has been reported favorably and is on the Calendar of the House. It has not been considered simply for want of time. The Senate committee has not urged the report of a bill simply because it was impossible for a bill to pass unless it would go through both Houses; and we believed it was best for the House committee to push its work more rapidly than we did, if there was hope for any legislation.

This proposition is a part of a section of the House bill, which provides for a number of other very important things besides. This is a single step in the right direction, conservatively proposed, and to which we believe there ought not to be any objection in the Senate at all.

Mr. HALE. If this single provision is so important, as stated here, and will avert such tremendous evils, as is said, why has not the Committee on Indian Affairs in the House or in the Senate taken it out of the general bill and made it a single measure and passed it, when no objection would be made to it? Why does it connect it with a lot of other propositions and let them lie in the pigeonholes of the committee or on the Calendar or wherever they may have no action taken and insist on picking out this provision and passing it as a matter of initiation by a conference?

Mr. JONES of Arkansas. Considering the amount of active opposition it has received here, I do not know how the Senator from Maine assumes there would have been no opposition to it if it had been reported as a separate measure.

Mr. HALE. I have heard very little opposition to the merits of the measure.

Mr. PETTIGREW. Mr. President, it is not——

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. PETTIGREW. May I ask unanimous consent that the unfinished business be temporarily laid aside and that we complete the conference report?

The VICE-PRESIDENT. Is there objection to the request of the Senator from South Dakota?

Mr. HILL. I have no objection to its being laid aside for an hour temporarily, but I must object beyond that at present. I think we understand this question pretty well, and while I do not object to reasonable debate, I do not think it is quite right to fix a time to vote upon a bill and then immediately proceed to take up another measure and exhaust all the time. If the request is made for an hour, I have no objection to it.

Mr. HALE. Let me suggest to the Senator from New York that the Senator from Utah [Mr. BROWN], who desired to go on to-day and occupy such time as he might choose in discussing the bond bill, is not able to go on, and it is not understood that any one else desires to speak upon that measure.

Mr. HILL. Oh, yes; there are other Senators who wish to speak.

Mr. HALE. It was understood, I think, when the arrangement was made about taking the vote on the bond bill that we should go on and finish this matter to-day.

Mr. HILL. How much time is wanted now?

Mr. HALE. I am not in charge of the conference report. I do not myself want to consume any time.

Mr. GRAY. An hour will do, I think.

Mr. HILL. I have no objection to an hour, and then we will see what the situation shall be. There is no disposition to prevent action. Of course the conference report ought to be disposed of.

The VICE-PRESIDENT. The Chair will submit the request to the Senate.

Mr. BUTLER. Before that is submitted I wish to say——

The VICE-PRESIDENT. The Chair will recognize the Senator from North Carolina in a moment. The Senator from South Dakota asks that the unfinished business be laid aside temporarily for the purpose of concluding the consideration of the conference report. Is that the request of the Senator?

Mr. HILL. And I propose to amend the request by the further suggestion as a part of the unanimous-consent agreement that the unfinished business be temporarily laid aside for one hour.

Mr. HALE. Let it be laid aside for two hours. I think we can get through with the report in that time.

Mr. HILL. Does the Senator from North Carolina consent to two hours?

The VICE-PRESIDENT. The Chair will state the request.

Mr. DUBOIS. Mr. President——

The VICE-PRESIDENT. The Chair will recognize the Senator in a moment. The Chair desires to state the request as submitted by the Senator from South Dakota.

Mr. PETTIGREW. I ask that the pending order be temporarily laid aside and that the Senate proceed with the consideration of the conference report.

The VICE-PRESIDENT. That is the request, and the Chair submits it to the Senate.

Mr. BUTLER. I object to it in that shape.

Mr. CHANDLER. I rise to a question of order. The conference report is privileged over the unfinished business.

Mr. BUTLER. I ask for the ruling of the Chair on the point of order.

The VICE-PRESIDENT. The Chair thinks the unfinished business is in order at this time without——

Mr. HALE. The Senator from South Dakota will then have to make a motion, and that will displace the unfinished business.

Mr. HILL. I ask unanimous consent that the bond bill be temporarily laid aside for one hour, and then we can determine the situation and possibly accommodate Senators all around.

Mr. HALE. Let that be done.

The VICE-PRESIDENT. The Chair will submit the request of the Senator from New York. It is that the pending unfinished business be laid aside temporarily for one hour in order to consider the conference report. Is there objection?

Mr. BUTLER. Tuesday has been fixed as the time for voting upon the bill. I ask the Secretary to read the unanimous-consent agreement. Inasmuch as I was not present, I want to know exactly what it is.

The Secretary read as follows:

Agreement for final vote on Senate bill 1341 some time during Tuesday, June 2.

Mr. BUTLER. Is there any hour agreed upon?

Mr. GRAY. There was no hour.

Mr. BUTLER. Is there any objection to naming some time—say before 6 o'clock?

Mr. GRAY. Let the agreement stand as it is.

Mr. JONES of Arkansas. It is better to let it alone.

Mr. HALE. The agreement was made in that way for the very purpose of not cutting off anyone who might wish to offer an amendment or anyone who might wish to speak. It is better for the Senator in charge of the bill in its present form.

Mr. BUTLER. All right. I said to the Senate I was anxious to get a vote on the bill, and when naming an early hour for a vote I said that I did not intend to speak on the bill if an early hour could be arranged; that I was desirous of having a vote and not speaking. Inasmuch as it has been agreed that at some time on Tuesday the vote shall be taken on the bill, I want to give notice that I expect to speak. I give notice now, because if there are others who desire to speak and who may think there will be plenty of time by laying the unfinished business aside temporarily, that they may choose to object to the request of the Senator from New York, I give notice now that on Tuesday—I will make it Tuesday, and let others come in first—as soon as Senate bill 1341 is laid before the Senate, I shall ask the consent of the Senate to be heard upon it. I want to give that notice so that others can come in before or come in afterwards, if there is no conflicting notice.

Mr. GRAY. When an agreement has been reached by unanimous agreement of the Senate to vote at a certain hour I suppose every one has the right to speak who can obtain the floor, and this notice is a mere matter of courtesy. It gives the Senator no right to the floor?

Mr. BUTLER. Certainly not; but inasmuch as I gave notice that I would not speak, and now having made up my mind to do so, it is my duty to make that fact known. I have no objection to laying aside the unfinished business for one hour.

Mr. HILL. That is rather a reflection upon the arguments already made, for three-quarters of the arguments have been made in favor of the bill. What is the precise time? Is it the understanding that the unfinished business is to be laid aside for one hour?

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from New York that the pending unfinished business be laid aside temporarily for the purpose of proceeding with the consideration of the conference report for the period of one hour. Is there objection? The Chair hears none.

Mr. BERRY. I should like to say one word in reply to what the Senator from Maine said just before 2 o'clock.

Mr. GRAY. Is the request granted?

The VICE-PRESIDENT. It is; and the conference report will be proceeded with.

Mr. BERRY. Mr. President, I wish to respond to a word said by the Senator from Maine just before the hour of 2 o'clock in regard to the conference report. The Senator asked why the House had not taken up and passed this bill and passed some other bill. I will tell the Senator why. This matter was heard before the House committee for six weeks. Almost every man on both sides who felt an interest in the Territory, those who opposed any legislation of every character, the delegates from the Territory, were

heard day after day and week after week. The Dawes Commission was heard, and finally the House committee made up and reported a bill unanimously, as I understand, to be passed, and which they hoped to pass during the present session. The provision in this conference report is a part of that bill, but not all of it. There were a great many other things in the bill. Now, the House committee have hoped all the time that they could get a day fixed in the House when this matter could be heard. The Senator from Maine knows the rule that prevails there, and it has been impossible to get the Committee on Rules to give them time to consider it, as I am informed.

Mr. PLATT. There has not been a single day assigned to the committee.

Mr. BERRY. There has not been a single day.

Mr. PLATT. There has not been a day assigned in the House.

Mr. BERRY. Not a day. They have been trying for weeks. I understand that it was a unanimous report, and I repeat what I said before, all parties from the Indian Territory were heard, and the delegates from those nations were heard. They took up nearly all of the six weeks that was devoted to this hearing; but a few days, probably a week or ten days, were given to the Dawes Commission, who were heard also. Those are the facts in regard to it, and there has been no dereliction of duty so far as I know upon the part of any one. Bills are pending in the Senate. They have heard this matter. The committee took from the House bill, and the House conferees, as I am informed by the Senator from Colorado, insisted that this much, at least, was absolutely necessary to be done for the peace and order of society within the Indian Territory. There were many other things that they wanted to do. There are many other things in the bill that ought to be done, but they took only that which was absolutely necessary, as I understand it, and insisted that it should go on this conference report; and without this that there would be confusion and probably bloodshed arising over questions about putting out 8,000 people in that Territory by the Secretary of the Interior.

Therefore, as the basis for any legislation, it was necessary to ascertain definitely who were entitled to rights; to ascertain whether or not certain Indians had been kept unjustly from that roll it was necessary that the full investigation could be had before any talk of allotment took place, because they wanted to know the number who would share in the allotment. Therefore they put in this provision for the Dawes Commission to make this roll, and so particular were they that they said that if any member was dissatisfied, if the Territory was dissatisfied, if the individuals were dissatisfied, an appeal lay to the courts of the United States to determine whether injustice had been done. That is all there is in it, and if the Senator defeats this, the Senator knows as well as I know that it is impossible to get a hearing in the House without the permission of three or five men who constitute the Committee on Rules; that no legislation can be had; and yet, on a technicality merely, he seeks to defeat legislation which every man who visits that Territory, every Senator who lives in that section of country, every Senator who has been there, and every man who has visited that country in an official capacity knows is an absolute necessity and is demanded, and demanded now.

Mr. HALE. I want to say to the Senator from Arkansas that I do not think the fact that legislation proper has not got the sanction of the Committee on Rules if a separate measure ought to justify us in breaking a very substantial and essential rule here. I do not think that they ought to come to the Senate and ask us to violate our rules because they can not get a special bill through there.

Now, further, if the Committee on Indian Affairs in that body found that it could not get a day assigned to it for a special bill covering this purpose, why did they not incorporate this measure, if it is so very important, in the Indian appropriation bill which that committee prepared and sent to this body? I look over the Indian appropriation bill and I find that as sent to the Senate by the House it contains in one clause and another many features as important in legislation as this; but the Indian Affairs Committee, which now beseech the Senate to override all its most important rules, waited until the conference committee met together, and did not attempt to incorporate it into their bill, that would have been boldly before the House. They did not even take the risk of a point of order, and did not get it through as they did other legislation, but waited all the stages until this last stage.

I am amazed, Mr. President, at its being urged here that it is nothing but a technicality that lies at the bottom of this objection, or that Senators are actuated by some other motive, and that there is a lobby here. I never heard of this measure—I was absent when the appropriation bill was passed—until I read what the conference committee proposed to do in submitting the conference report. I then examined into it and examined the statutes and examined the debates. I never heard the subject mentioned. I do not suppose a single Senator who is standing here now for the rules of the Senate and to prevent what will be a most disastrous result in the hereafter if this is allowed to stand as the report of the conference committee and adopted by the Senate heard of a lobby until it was stated in debate to-day that it exists here. I did not for one. I am not urging a technicality, but I am fighting to preserve the integrity of conference committees in the future. If it is the fact that on the Indian appropriation bill there have passed heretofore sub silentio important matters of legislation, that is all the more reason now, when the attention of the Senate is called to it, why it should not be allowed to be done again.

Mr. PLATT. The Senator from Maine seems to suppose that there are some rules of the Senate relating to conference reports and what shall be contained in them. It so happens that there is no rule whatever on the subject.

Mr. HALE. What is the invariable constitution and creation of a conference committee under the rules? That it is upon the disagreeing votes of the two Houses. I never knew a conference report ordered and assented to that the conference was not upon that very proposition. The rules require that when matters come to a conflict between the two Houses there shall be a conference committee upon the disagreeing votes of the two Houses.

Mr. PLATT. That is just what has taken place in this case, Mr. President. There is no rule of the Senate relating to conference reports. All that the Senator said before I rose seemed to be based upon the idea that we were violating some rule of the Senate in accepting this conference report. There are no rules relating to conference reports in the Senate, and there is no parliamentary rule relating to them so far as affects the acceptance of a report when the conferees have agreed.

The conference, of course, arises over a disagreeing vote of the two Houses. It has arisen in this case over the disagreeing vote of the two House with reference to an amendment which provides for the continuation of what is called the Dawes Commission and the payment of the salaries of the Commission. That is the matter which gave the conference committee jurisdiction, and, I agree, the only matter which gave them jurisdiction.

If you will look in Cushing's Manual, you will find there parliamentary rules laid down for conferees in their meetings; and one is—and the only one which affects this question—that if the conferees of one House, in considering a matter which comes before them, seek to incorporate matters which are foreign to the subject, or which are not directly concerned with it or legitimately associated with it, then it is the duty of the conferees to break the conference; but where the conferees of the two Houses agree, there is no rule, there is no parliamentary law, which prevents the two bodies from accepting their agreement. There may be a question of policy about it. It may not be good policy to legislate by the incorporation of anything which was not directly before one branch or the other of Congress at the time the vote was taken upon which the disagreement was had. It may be that the Congress itself—the two Houses—as a matter of policy, might limit the conferees; but as a matter of practice they are not limited by the two Houses, and it is for each House, and for both Houses, to say how far they will go in accepting the report of the conference when once made. There is no rule about it that is being violated; there is no parliamentary law about it that is being violated; it is a question for the two Houses to determine when the report is made. When the conferees have agreed to change an amendment and bring it before the Houses, the whole subject is open, and the only possible ground on which the Senator from Maine can object to this is that it is bad policy.

Mr. HALE. I said yesterday that I did not understand that it is subject to a point of order under the rules; but when I use the words "rules of the Senate," I mean the rules of conduct, of procedure of the Senate, which undoubtedly have been in the direction of not legislating in this way. The Senator knows that as well as I do, for he is an older Senator than I and he has helped in contests made heretofore against conference committees enlarging their jurisdiction.

Mr. PLATT. Perhaps, Mr. President, I have been as strenuous in objecting to legislation by conference committees as almost anyone, and I do feel myself quite embarrassed when the question arises whether I shall support this conference report; but it is not as objectionable as those who have argued against it seem to suppose. The foundation for this conference report—and all there is in it with the exception, perhaps, of the two items about the Sisseton and Wahpeton Indians and the Seneca Indians, so far as this discussion proceeds, are to my mind unimportant—is connected with and legitimately related to the amendment of the Senate which was disagreed to by the House. The Senator from Maine admits that, I think.

Mr. HALE. It is the same subject-matter; it relates to the Commission; but the Senate amendment, to which the House disagreed, is a pure limitation. It provides in its terms for a limitation; it exhausts itself and does not call for anything beyond it. The Senator has examined that, and I think he will see that.

Mr. PLATT. When the Senator was replying to the Senator

from South Dakota [Mr. PETTIGREW] with reference to conference reports on the last year's appropriation bill, or the one in 1891, I do not remember which, he drew the distinction between a limitation of law or an enlargement of it.

Mr. HALE. A limitation of law upon an amendment.

Mr. PLATT. A limitation of law upon an amendment or a limitation of an amendment—put it either way. The law was so that these children could be transported from their homes. The amendment was originally simply an appropriation for transporting children to schools, and the limitation put upon it was a limitation upon the law or a restriction of the law, just as much as it was a restriction of the amendment. It was new legislation, a limitation upon the amendment, a limitation upon legislation, and the Senator from Maine says, "How does that differ from an enlargement of the powers of a commission?"

Mr. HALE. I do not think the conferees ought to do that.

Mr. PLATT. If we can limit the power of a commission, if we can say they shall not do as much as they have done heretofore, why can we not enlarge their powers?

Mr. HALE. I do not think we ought to do either in conference.

Mr. PLATT. So that this is not so very serious a matter after all, and I venture to say that I can take the reports of conference committees composed of members of the Appropriations Committee, running back over a series of years, and find fifty cases where they have gone beyond the mere technical matter which was in disagreement between the two Houses by incorporating into it provisions which looked as if they were legislation and which in a certain sense were legislation. I have not any opportunity now to go over all these records, but every Senator will remember them.

Now, let us see what has been done here. Here is the Dawes Commission, appointed to negotiate with Indians and try to obtain from them some agreement by which the terrible condition of affairs in the Indian Territory may be remedied. We inserted in the Senate a clause continuing that Commission in existence, and they are authorized to negotiate now. It is perfectly apparent that negotiations will amount to nothing unless some other steps are taken, and some steps which specifically the Commission do not seem to be empowered to take. I think all that is required to be done here is within the spirit of the power which was conferred upon them in the first instance, but specifically, technically, according to the letter of their appointment, it would seem that they have not the power which is conferred upon them here. All that this provision does is to enlarge their power in the direction of the spirit of their appointment. In other words, it is to put out of the way a stumbling block to negotiation, one which the other House felt it was necessary to remove if our amendment was to stand paying the salaries of the Commissioners for conducting the negotiation. That is all there is to it; that is the length and breadth of it, and it does not seem to me so very objectionable—not so objectionable as a great many cases to which I might allude if I had the opportunity to consult the records. The Senator from South Dakota [Mr. PETTIGREW] has consulted the records with reference to the Indian appropriation bill, but I venture to say with regard to other appropriation bills—the Post-Office appropriation bill, the naval appropriation bill, the sundry civil appropriation bill, and the legislative appropriation bill—in times past there have been departures from the strict rule which the Senator from Maine is trying to lay down at this time.

Mr. HALE. I do not want that statement to go unchallenged. I have no doubt the Senator thinks or believes or conjectures that what he says is borne out by the record; but I do not believe the Senator can find, with the exception of one or two instances which were referred to yesterday by the chairman of the Committee on Appropriations [Mr. ALLISON], outside of the Indian appropriation bill—which does not seem to have been abused heretofore, and which ought to be stopped now—any such instances in the other appropriation bills. I am quite certain that in any appropriation bill which I have had anything to do with, new matter not in controversy between the two Houses has not been admitted, because, constantly, we are obliged in conference to contest propositions of that kind made by the House conferees.

Mr. PLATT. I have known of this thing being done repeatedly and done after discussion in the Senate, and without serious objection being made to it in the Senate, that where a bill originated in the other House and was amended in the Senate, a half dozen amendments being made in quite a long bill, when a conference committee was raised upon the disagreeing votes of the two Houses, which were upon the amendments, the conference committee would come back with an entirely new draft of a bill.

Mr. HALE. In an appropriation bill?

Mr. PLATT. Not in an appropriation bill.

Mr. HALE. I am making the distinctive point there, because appropriation bills deal with so many subjects and the Senate trusts the Committee on Appropriations so completely in its conferences that the rules which apply to other committees of conference do not apply to them. My remarks about changes in conference apply to changes by Appropriations Committee conferences; they do not apply to other conferences. I have not examined as to that.

Mr. PLATT. There is no rule as to conference committee reports on appropriation bills different from that on other bills.

Mr. HALE. Undoubtedly there is no rule; but does the Senator not see that the Committee on Appropriations, in its great jurisdiction over so many subjects-matter, ought to be held to a more stern scrutiny and to a more stern adherence to the rules—I will not say "rules" again, but practice of the Senate—about originating new legislation in conference committees than any other. It has more power and there is more opportunity to abuse it; its reports increase in the last days of the session, and it ought to be scrupulous, and I might say overscrupulous, about this very thing of reporting to the Senate in its conference reports new matter, new and extended legislation—much more so than any other committee.

Mr. PLATT. I am not seriously contending with the Senator from Maine as to the general policy which should be observed with regard to appropriation bills, but I remember, I think, a military bill within four or five years past containing some 15 or 20 sections, as to which there were certain disagreements upon amendments, and rather unimportant amendments, and when it came back from the conference committee there came the draft of an entirely new bill relating to the same subject-matter, but changing the provisions of the original bill to quite a considerable extent. Four States came into this Union under those circumstances, with an entirely new draft of a bill, where the disagreement had been upon a bill as to whether one State should be admitted. Similar instances are numerous. So there is no rule about it, and there is no settled practice about it which is being transgressed in this case.

Mr. HALE. Does the Senator not see the difference? In a matter of that kind the moment a conference report is made it is notice to everybody of what is in it. Everybody sees it; nobody is taken unawares; but in an Appropriation Committee conference report it is entirely different. The most elaborate legislation, the most offensive legislation may be embodied, and in the vast realm the appropriation bills cover in the last few days of a session the body does not get any such notice as it did in the case the Senator cites of new States. Everybody knew of that. The truth is Senators do not know what conference committees of the Appropriations Committee report. They have to trust to the precedents that they will not put in new matter, and thereby delude the Senate.

The Senator from South Dakota alluded to one case on an Indian appropriation bill where new matter was put in, and, as he said, nobody found it out until after Congress had adjourned. That is wrong, and that ought not to take place; that ought not to ever happen again. The very thing he alluded to shows the impropriety of inserting such legislation in conference reports. If a conference committee of the Committee on Appropriations did that, perhaps nobody would find it out, but it was impossible that Senators should not discover that four States were being admitted instead of one. So the cases are not alike.

Mr. PLATT. Mr. President, I still think if we could examine all the reports of conference committees upon appropriation bills and upon the disagreements as to amendments upon appropriation bills, we should find very many instances in which the conferees have so far departed from the technical thing which was in disagreement between the two Houses as that other matters, other forms of dealing with the question raised by the amendments, were introduced; as where there had been an appropriation for a specific purpose the appropriation was allowed to stand and a joint commission was attached to it, and various matters of that sort. The Senator, I think, will not claim that the conferees upon appropriation bills hold to the very technicality of what he is insisting upon should be held to in this case. I think not, but I have had no time to examine, and it takes time to examine the record upon points like this.

Mr. President, I think, on the whole, that the importance of a matter must be considered in determining the question as to how technical we shall be with reference to the acceptance of a conference report. I do not want to go into that matter at length. I have heretofore discussed it to some extent in the Senate. I simply want to say this: We recognize in this country that we ought to prevent the robbery of Indians. If there is anything which has stirred the philanthropic and benevolent heart of this country it is that in some way or other the Indians of the country are being robbed of their just rights by traders, by contractors, by persons who want to make money out of them; and it justly excites the indignation of the country that this thing takes place and that it can not be prevented by Congress. But, Mr. President, what I desire to do here with reference to this Indian question is this: I want to prevent the robbery of the real Indians by the pretended Indians; and when I have said that I have stated this whole case. The real Indian is being robbed and despoiled

by the pretended Indian, and the pretended Indian is here insisting that there shall be no legislation to prevent it.

Mr. VILAS. Mr. President, I regret that the point of order which was urged against this amendment was withdrawn. I should be disposed to renew it, except that I do not wish individually to assume to direct the course which those more particularly in charge of this subject have chosen to pursue. But I believe the point of order was well made by the present occupant of the Chair [Mr. CHANDLER].

I want to draw attention for a moment to the rule and then see wherein there can be an exception justly made to this rule by reason of the fact that it is proposed by managers of the Senate in conference. The third paragraph of Rule XVI reads:

No amendment which proposes general legislation shall be received to any general appropriation bill.

Mr. MITCHELL of Oregon. I desire to suggest to the Chair whether a point of order can be made at this stage of the proceeding to an insertion in the bill which comes back here in a conference report.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). No point of order is made by the Senator from Wisconsin.

Mr. VILAS. Mr. President, what is the significance of that rule of the Senate? Does it go simply to a mere question of the order of business? Not at all. It is the emphatic and careful declaration of this Senate, through its rules, that no general legislation ought, under any circumstances, to be put upon an appropriation bill, and the reason of it needs no particular discussion.

When we fix upon an appropriation bill general legislation, we to a certain extent deprive the Executive of his rightful part in the legislation of the country, because we threaten by the possible failure of the appropriations, injury or inconvenience, distress, perhaps, to the administration of the public business, in case he shall exert his independent judgment upon that general legislation by interposing an objection which he can only interpose at the cost of defeating perhaps the entire appropriation bill. It is for the legislative body to throw upon a coordinate branch of the Government an unfair and unjustifiable stress to compel acquiescence in measures which Congress chooses to pass; and it is unbecoming Congress, it is unworthy of the body which occupies so exalted a position in this nation and in the conduct of government among mankind, thus to abuse the power which is left in its hands.

It is impossible, Mr. President, as we all know, that a constitution should both lay down the principles of government and follow the division of the powers of government by minute and particular directions to inhibit the abuse of the authority conferred. Constitutions necessarily leave and intrust large powers to men who are supposed to be sufficiently great in character, honest in purposes, intelligent in perception to understand and observe the true principles upon which they go. Upon that basis this rule of the Senate was prescribed. It is not a rule of order merely. It is a rule which simply gives execution to the true principle of constitutional authority delegated to the Senate. The rule is, as I have said, that no amendment shall be received——

Mr. GEORGE. From any quarter.

Mr. VILAS. I was about to add that it is not to depend upon the quarter from which it comes. It depends upon the nature of the amendment.

Mr. LINDSAY. If the Senator will consent, I wish to ask him a question for information. I understand that the bill as it came from the other House made no provision for continuing the duties of the Dawes Commission?

Mr. VILAS. That is correct.

Mr. LINDSAY. And that, although the law would not have been repealed by nonaction, there would have been no appropriation under which any of its provisions could have been enforced.

Mr. VILAS. I am not so sure about that. I shall have something to say, perhaps, on that subject a little later on.

Mr. LINDSAY. Assuming that to be true for the purposes of the inquiry, the Senate amended the bill by making an appropriation to continue the execution of the duties of the Dawes Commission, and the House conferees accepted that upon the condition that certain duties should be discharged by that Commission which had not theretofore been discharged by it. Now, I ask which is the new legislation—the legislation which originated in the Senate or the amendment to the legislation which originated in the Senate?

Mr. VILAS. Mr. President, the distinguished Senator from Kentucky fails to observe the force of the adjective in the rule. This rule is not that no new legislation shall be put upon an appropriation bill, because every addition of a dollar may be in one sense new legislation; but this rule is that no amendment which proposes "general legislation" shall be received. Now, the Senate only proposes this: Here was a commission in existence, with all its powers provided by law, with appropriations perhaps sufficient to have enabled it to proceed. The House probably thought so, for it made no amendment. The Senate, in order to insure it, in point of fact, for I offered the amendment myself with a view of adjusting certain conditions that had arisen in the Senate, proposed to supply the Commission with money in order to enable it to perform the functions which it was already established to perform. That was not general legislation. That was, it is true, in a sense new legislation. Now for the House managers to so amend it, if it is to be supposed that the House managers have proposed this—it comes from the Senate managers or from an agreement between the Senate and House managers—is none the less to incorporate upon an appropriation bill what the Senate refused to permit to be put upon it—general legislation.

Mr. LINDSAY. The Senator will pardon me again. Is this general legislation? I understand that it merely authorizes the Dawes Commission to ascertain certain facts and to report them to the Congress of the United States.

Mr. VILAS. The Senator from Kentucky will, I hope, in a few minutes, if he will give me his attention, at a later point in the argument perceive and agree with me that this is not only general legislation, but that if it were enacted it would repeal, in a manner which would be almost disgraceful to this Government, its solemn guaranties to the Five Civilized Tribes of their right to do the very thing which the amendment seeks to take from them and confer on the Dawes Commission, and which we, no later than two or three years ago, solemnly agreed should be the right of one of those tribes as a consideration and condition of our accepting from them a large body of land which it was desired to purchase.

I will pass that now for the time being with the assumption, if the Senator will indulge me in it, that this is, for the reason I have but briefly indicated, general legislation. Thus it will be seen, I am sure, that this legislation is of the very character which the rule of the Senate forbids to be put upon an appropriation bill, irrespective of the source from which it comes. The force of the Senate rule does not depend upon the authorship of the amendment. It depends upon the great principle to which I have made but a very brief allusion, for an allusion is enough in this body to recall it to the attention of everyone and to insure the force in the mind of every Senator which it ought to receive. It is the execution of, it is a due respect to the Constitution of the United States, and this is a rule to preserve in proper manner the great division of power which belongs to the several departments of the Government according to the Constitution.

Mr. GEORGE. Will the Senator allow me? Will he answer, before he gets through with that part of his argument, whether there is any rule positive or any rule in parliamentary law which exempts a committee of conference from an obligation to observe the rules of the Senate?

Mr. VILAS. I had hoped to have a little more time, because I had intended to point out by Cushing and by May, writers of acknowledged authority in parliamentary law, that there is no such rule whatever.

Mr. FAULKNER. Will the Senator from Wisconsin permit me to make a suggestion?

Mr. VILAS. With pleasure.

Mr. FAULKNER. A case exactly similar to this was decided in the House of Representatives, I think, week before last. I myself was one of the conferees. We agreed to an amendment perfectly satisfactory to the entire body of conferees of both Houses, but it was not really involved in the question that was in conference. The point was made that it was new legislation and not within the scope of the conferees when the matter was submitted to them. The Speaker ruled the whole amendment out of order and out of the conference report, and they proceeded with the balance of the conference report.

Mr. PASCO. I do not wish to interrupt the Senator from Wisconsin, but I will read a decision substantially to the same effect. It was made as early as 1812 by the Speaker of the House of Representatives. It appears in the Journal of the House of Representatives for the first session of the Twelfth Congress, on page 383:

Mr. Wright, from the managers appointed on the part of this House to attend to conference with the managers on the part of the Senate upon the subject-matter of the disagreeing votes of the two Houses on the amendments of the Senate to the bill "for the more perfect organization of the infantry of the Army of the United States," made a report; which was read, and declared by the Speaker to be out of order, inasmuch as the conferees had discussed and proposed amendments which had not been committed to them by either of the Houses.

I submit it to the Senator from Wisconsin, if he wishes to make use of it.

Mr. VILAS. I am very much obliged to the Senator from Florida, whose research has discovered a precedent at so early a date in our history and so exactly conforming to the principle which I was seeking to suggest. The reading of the precedent shows itself what its force is, and I think, for myself, that the point of order ought to be made and ought to be insisted on and ruled upon. I should be very glad if others took that view, and we could have what seems to me to be the very best protection against the violation and abuse of that rule, the duty imposed upon the Chair, subject, of course, to the right of correction in

the Senate, to strike out of conference reports, on objection, new legislation which is proposed, of a character like this, not amendatory, not calculated simply to perfect and make useful the amendment which was submitted to conference, but an entirely new proposition, a suggestion of legislation so new that it would be the fit subject, of itself alone, of an independent bill, and so important that in this particular instance it seeks to strike down the rights of five nations of Indians whom we have most solemnly promised to guarantee in the very right which is thus to be taken from them. It does seem to me that it would be of the utmost importance and value if we could establish here the proposition that it is the duty of the Chair to pass upon the rule of the Senate and to give it effect precisely as he gives effect to every other rule of the Senate. We shall, if we do not insist upon this, refrain somewhat from the duty which is incumbent upon us in this instance of so marked and manifest a departure from the ordinary practice of conference reports and of violation of the rule of the Senate.

Mr. President, not only is there nothing in any work on parliamentary law which gives any such authority as this to a conference committee, but according to my reading of all works of that kind conference committees are held bound precisely as any other committee is by the rule of the Senate. It can no more depart from the rule of the Senate than a Senator can. Two Senators or three Senators are no more as against the rules of the Senate than one, and they to whom a special subject has been committed ought to be rather more than less careful to observe the rules of the Senate.

Mr. VEST. Will the Senator from Wisconsin allow me to ask him a question?

Mr. VILAS. With pleasure.

Mr. VEST. Suppose, under the rules of the Senate, granting the Senator's proposition to be true, for the sake of the argument, that this amendment ought not to have been put upon the bill, or that the rule of the Senate as to general legislation is enforced and the rules of the House of Representatives do permit such amendments, is the rule of the Senate binding upon the conferees on the part of the House?

Mr. GEORGE. It is binding on our conferees.

Mr. VEST. That is not the question. Could the Senate, by making a rule, enforce its will against that of the House of Representatives, a coordinate branch of the legislature?

Mr. GRAY. Let me ask the Senator from Missouri if the gist of the whole matter is not the question whether this matter was within the submission of the conferees by the Senate or by the House?

Mr. VEST. Of course, if it was not submitted legitimately it is not there; it can not be put there. But we contend that it was legitimately before them; that it is germane entirely to the subject-matter of the bill and the action of the two Houses. But I put now to the Senator from Wisconsin or to any other Senator the question: Can we by our rules control the action of the coordinate branch of Congress?

Mr. VILAS. I do not feel a particle of difficulty on that question as applied to this subject, and it is only as it is applicable to this question or a question presented in this aspect that we are bound to consider or that I am bound to attempt to answer the Senator's question.

The Senate made no proposal to violate the rule of the House of Representatives or to enforce anything upon the rule of the House. The House has made no attempt to violate the rule of the Senate or to impose anything upon the Senate. The Senate simply submitted as an amendment to an appropriation bill from the House of Representatives a proposal to add a further appropriation to meet the expenses of a commission already existing, and to continue it in existence only by virtue of the law which had created it, and with the powers and authority which had previously been given to it by law. They submitted simply a provision for an appropriation. That does not authorize the managers of the conference, who are but a committee of the Senate, to come in here and violate a rule of the Senate which forbids not that it shall be offered, not that somebody shall offer it, but that from any source whatever such an amendment shall be received.

That is the language of the rule, and that language of the rule depends upon the principle to which I have alluded—the principle of the division of power between the legislative and executive branches of this Government, which would be most grossly abused and overridden if Senators and Members of the other House should choose to put upon a bill like this measures which the Executive would not approve except under stress of the public necessity for appropriations.

Now, let us look at another thing in respect to this matter. See how much more flagrant this case is as an abuse of the rule when you consider that this very amendment was debated in the Senate for two or three days, both as a matter of order, as a question whether it was general legislation or not, and upon the very merits of the proposition. The greatest force of the argument presented in the Senate upon that debate against the adoption of this amendment—for the one now proposed is not so substantially different, so far as it affects the Five Civilized Tribes, that it needs to be talked about as any the less general legislation than the other; I will point that out presently—was that the subject of the proper method of dealing with the Five Civilized Tribes was too important, required too much study and attention, required too large an investigation into the facts, too much of an examination of the past history of treaties and statutes in this country, to be dealt with upon an appropriation bill; that before we could take from those Indian tribes that right and power which we had solemnly promised to them and guaranteed to them, the subject ought to be presented to the consideration of Congress in due and proper way.

So the Senate decided—it being very apparent, too, perhaps, that the Senate was not willing so to legislate at that time—that no such thing as this should be put upon the appropriation bill. It was the decision of the Senate that no legislation of this character should be received to the bill, and thereupon, after that decision was made, we committed to our conferees upon a general conference a proposition simply to maintain existing law and to provide the means for it, not to change existing law. They come back into the Senate, under the guise of a conference report, with the very thing which the Senate had thus refused after long debate, at the proper time for the debate, when the general appropriation bill was pending.

Is it to be said that when the Senate has made a rule that no general legislation shall be received on an appropriation bill, and in a particular instance in which attempt was made to violate that rule the Senate has declared that it shall not be received to the appropriation bill, then the conferees can go out and bring it in again and compel the Senate, if by any means they can secure a change of votes sufficient now, to receive that legislation? If that is in order, what is the use of having rules of order?

Mr. MORGAN. I rise to inquire whether this debate is now in order?

The PRESIDING OFFICER. The Chair will inform the Senator from Alabama that the hour will cease at ten minutes after 3 o'clock.

Mr. VILAS. I wish to draw attention for one moment to the fact that this amendment as it is proposed here is the same amendment in all substantial effect as the amendment which was proposed and rejected in the Senate as general legislation.

First look at the amendment proposed by the Senator from Connecticut [Mr. PLATT], and you will see that it contains: First, a provision that that Commission are authorized and directed to proceed to hear and determine the question of citizenship in the Five Civilized Tribes. Second, they are to make for each of the tribes a full and complete roll of all persons entitled to the rights of citizenship. Third, powers are given them to send for persons and papers, and so forth. I will not stop to read it. Fourth, the rules are provided by which they are to proceed in the determination of the question of citizenship, and they are to make up rolls of citizens including those now so recognized. Fifth, their decision shall be final. Sixth, that the rolls shall include Africans admitted to the tribes.

Now, take the amendment brought in by the committee of conference. It provides, first, that the Commission shall proceed to hear and determine the question of citizenship, of precisely the same principle as we find in the amendment proposed by the Senator from Connecticut; and the difference is this: They are also to put on the rolls of citizenship those who have been adjudicated by the nations already, but the phraseology with respect to others is changed so that instead of its being directed to hear and determine all questions of citizenship, they are to hear and determine the applications of persons to be put upon the rolls. Their powers are the same; they are given them in the same way; there is the authority to send for persons and papers; they are to pursue the same method; their judgment is to be final, subject only to one qualification, to which I will call attention—an appeal to the district court for the Indian Territory. That is all the difference there is in the provision so far as the establishment of citizenship is concerned.

Is there any man in the world who would doubt that if the amendment had had that form when it was proposed by the Senator from Connecticut [Mr. PLATT], instead of the form in which he happened to write it, that this, equally with that, would have been ruled out of order? Does it change the question of the right of the Senate to insist upon its rules of order that the verbiage is altered by the committee of conference? Are we governed and controlled by the words in which the idea is carried, or by the substance of the thing itself? In substance, so far as the determination of citizenship is concerned, this amendment is the same as the amendment proposed by the Senator from Connecticut [Mr. PLATT], except that by the conferees authority is given to the

district court to hear an appeal taken by the tribe, to whom we have given the sole power, or by the applicant, according to the determination.

The PRESIDING OFFICER. In accordance with the unanimous-consent agreement, it is the duty of the Chair to lay before the Senate the unfinished business, which will be read by title.

The SECRETARY. A bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. GEORGE. I ask unanimous consent that the bill may be temporarily laid aside until the close of the remarks of the Senator from Wisconsin [Mr. VILAS].

The PRESIDING OFFICER. The Senator from Mississippi asks unanimous consent that the unfinished business may be temporarily laid aside until the Senator from Wisconsin shall finish his remarks. Is there objection?

Mr. BUTLER. If the Senate is ready to take a vote on this question just at the present time, I will yield, of course.

The PRESIDING OFFICER. The request is that the unfinished business shall be postponed until the Senator from Wisconsin shall have finished his remarks.

Mr. GEORGE. That is all.

Mr. BUTLER. If the Senator from Wisconsin is ready to take a vote, I will yield. Otherwise I shall be compelled to object.

Mr. VILAS. I am not asking anything on the subject. I am making no appeal, even to the courtesy of the Senator. It is the Senator from Mississippi.

Mr. GEORGE. I made the request.

The PRESIDING OFFICER. The request before the Senate is that of the Senator from Mississippi [Mr. GEORGE] that the unfinished business shall be postponed until the Senator from Wisconsin [Mr. VILAS] shall have finished his remarks. Is there objection?

Mr. BUTLER. Unless there is some one else who desires to speak on the bond bill, I desire to proceed now, and after I finish this matter can be taken up. Therefore I object.

The PRESIDING OFFICER. The Senator from North Carolina objects.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCKENNEY, one of its clerks, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 886) to amend section 3255 of the Revised Statutes of the United States concerning the distilling of brandy from fruits;

A bill (H. R. 2054) to correct the military record of Charles W. Rinehardt and to grant him an honorable discharge;

A bill (H. R. 3282) to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 28, 1894; and

A bill (H. R. 6256) authorizing and directing the Secretary of the Navy to furnish to George F. Fuller Post, Grand Army of the Republic, of Manistique, Mich., a condemned cannon.

ELMIRA E. DUSTIN.

Mr. CULLOM. I ask unanimous consent for the consideration at this time of the bill (H. R. 3578) granting a pension to Elmira E. Dustin, to which I am sure there will be no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Elmira E. Dustin, of Sycamore, widow of Gen. Daniel Dustin, late colonel of One hundred and fifth Illinois Infantry Volunteers, and to pay her a pension of $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

M. S. HELLMAN.

Mr. MITCHELL of Oregon. I ask unanimous consent for the present consideration of a small private bill, which will take but a moment. It is the bill (S. 2653) for the relief of M. S. Hellman.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War and the proper accounting officers of the Government to charge to M. S. Hellman, of Canyon City, Oreg., the sum of $1,000 damages, in full for all damages sustained by the United States for the breach of his contract, made July 5, 1871, with Capt. W. H. Bell, commissary of subsistence, United States Army, for the supply of flour at Camp Warner, Oreg., to remit all further claims of damage under the contract, and to settle and adjust his unsettled accounts with the Government, after the deduction of the sum of $1,000; and directs the Secretary of the Treasury to pay the balance due upon proper vouchers therefor, the amount so found due to be in full and final settlement of all claims upon the Government.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ELEANOR CARROLL POE.

The PRESIDING OFFICER (Mr. PUGH in the chair) laid before the Senate the action of the House of Representatives, disagreeing to the report of the committee of conference on the d sagreeing votes of the two Houses on the amendment of the House to the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe.

Mr. GALLINGER. I move that the Senate recede from its disagreement to the amendment of the House.

The motion was agreed to.

REGULATION OF BOND ISSUES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. BUTLER addressed the Senate. [See Appendix.]

Mr. HILL. Will the Senator from North Carolina yield to me? I desire to move that the Senate proceed to the consideration of executive business.

Mr. BUTLER. I yield.

Mr. HILL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate adjourned until Monday, June 1, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 29, 1896.

PROMOTIONS IN THE ARMY.

Adjutant-General's Department.

Lieut. Col. Henry Clarke Corbin, assistant adjutant-general, to be assistant adjutant-general with the rank of colonel, May 26, 1896, vice Wood, retired from active service.

Maj. Arthur McArthur, junior, assistant adjutant-general, to be assistant adjutant-general with the rank of lieutenant-colonel, May 26, 1896, vice Corbin, promoted.

Corps of Engineers.

First Lieut. Joseph Ernest Kuhn, to be captain May 26, 1896, vice Fiebeger, who vacates his corps commission on accepting commission as professor of civil and military engineering at the United States Military Academy.

Second Lieut. Jay Johnson Morrow, to be first lieutenant, May 26, 1896, vice Kuhn, promoted.

SPECIAL EXAMINER OF DRUGS, MEDICINES, AND CHEMICALS.

Alexander G. Maylie, of Louisiana, to be special examiner of drugs, medicines, and chemicals, in the district of New Orleans, in the State of Louisiana, to succeed Erasmus D. Fenner, resigned.

POSTMASTER.

B. O. Guthrie, to be postmaster at Burlington, in the county of Alamance and State of North Carolina, in the place of Joseph Fix, whose commission expired December 17, 1895.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 29, 1896.

COMMISSIONER FOR ALASKA.

Kenneth M. Jackson, of Juneau, Alaska, to be a commissioner in and for the district of Alaska, to reside at Wrangel.

PROMOTIONS IN THE ARMY.

Cavalry arm.

Lieut. Col. Samuel Storrow Sumner, Sixth Cavalry, to be colonel.

Maj. Henry Carroll, First Cavalry, to be lieutenant-colonel.

Capt. James Montgomery Bell, Seventh Cavalry, to be major.

First Lieut. Horatio Gates Sickel, adjutant Seventh Cavalry, to be captain.

Second Lieut. John Paul Ryan, Third Cavalry, to be first lieutenant.

Second Lieut. Edward Anderson, First Cavalry, to be first lieutenant.

Second Lieut. William Horace Hart, Fourth Cavalry, to be first lieutenant.

Infantry arm.

Lieut. Col. David Dougall Van Valzah, Twenty-fourth Infantry, to be colonel.

Maj. Emerson Hamilton Liscum, Twenty-second Infantry, to be lieutenant-colonel.

Capt. William McCadden Van Horne, Seventeenth Infantry, to be major.

First Lieut. James Dallas Nickerson, Seventeenth Infantry, to be captain.

Second Lieut. Charles Baldwin Hagadorn, Twenty-third Infantry, to be first lieutenant.

POSTMASTERS.

I. J. Jenkins, to be postmaster at El Paso, in the county of Woodford and State of Illinois.

Harry Warren, to be postmaster at Winnemucca, in the county of Humboldt and State of Nevada.

W. A. Shepard, to be postmaster at Auburn, in the county of Placer and State of California.

Sylvester H. Day, to be postmaster at Carson City, in the county of Ormsby and State of Nevada.

Isaac N. Sherwood, to be postmaster at Elko, in the county of Elko and State of Nevada.

Moran Scott, to be postmaster at Ardmore, in the Chickasaw Nation, Ind. Ter.

Oswald Allen, to be postmaster at Loveland, in the county of Larimer and State of Colorado.

Lewis W. Christian, to be postmaster at Weatherford, in the county of Parker and State of Texas.

William H. Smith, to be postmaster at Newport, in the county of Perry and State of Pennsylvania.

Kate V. Caseber, to be postmaster at Charleroi, in the county of Washington and State of Pennsylvania.

John W. Brown, to be postmaster at Butler, in the county of Butler and State of Pennsylvania.

Harry L. White, to be postmaster at Eldred, in the county of McKean and State of Pennsylvania.

Harriet L. Hastings, to be postmaster at Port Gibson, in the county of Claiborne and State of Mississippi.

Benjamin F. Shaffer, to be postmaster at Canon City, in the county of Fremont and State of Colorado.

Frank S. Kearney, to be postmaster at Warsaw, in the county of Wyoming and State of New York.

Charles Morgenstern, to be postmaster at Attica, in the county of Wyoming and State of New York.

George W. Salisbury, to be postmaster at Cazenovia, in the county of Madison and State of New York.

Charles McCray, to be postmaster at Ash Grove, in the county of Greene and State of Missouri.

H. E. Blakeman, to be postmaster at California, in the county of Moniteau and State of Missouri.

Giles M. Stoddard, to be postmaster at Groton, in the county of Tompkins and State of New York.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 29, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read, corrected, and approved.

Mr. KEM. I make the point of no quorum, Mr. Speaker.

The SPEAKER. The gentleman from Nebraska makes the point of order that there is not a quorum present. [After counting.] The point is overruled, there being a quorum present.

ADJOURNMENT OVER.

Mr. DINGLEY. Mr. Speaker, in view that to-morrow will be Memorial Day, I move that when the House adjourns to-day it be to meet on Monday next.

The SPEAKER. The gentleman from Maine moves that when the House adjourns to-day it be to meet on Monday next.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. JENKINS. Mr. Speaker, we desire to resume the argument in the Johnston and Stokes case.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1247) to establish and provide for the maintenance of a free public library and reading room in the District of Columbia.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 3282) to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 28, 1894; and

A bill (H. R. 886) to amend section 3255 of the Revised Statutes of the United States, concerning the distilling of brandy from fruits.

The message also announced that the Senate has passed without amendment the following resolutions:

Resolved by the House of Representatives (the Senate concurring), That the Committee on Enrolled Bills of the two Houses be authorized to correct the enrolled bill (H. R. 5731) entitled "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia," by striking out, in section 3, lines 1 and 2, "1st day of July, 1896," and inserting "passage of this act"; also, in section 12, after the word "Columbia," strike out "nor to medical students who have matriculated in any medical college in the District of Columbia prior to January, 1896."

Also:

Resolved by the House (the Senate concurring), That there be printed for the use of the Treasury Department, Steamboat Inspection Service, 300 copies each of the proceedings of the Board of Supervising Inspectors of Steam Vessels for the years 1895 and 1896.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3279) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes.

The message also announced that the Senate had passed without amendment the bill (H. R. 3578) granting a pension to Elmira E. Dustin.

The message also announced that the Senate had passed with amendment the bill (H. R. 6739) for the relief of John N. Quackenbush, late a commander in the United States Navy, asked a conference with the House on the said bill and amendment, and had appointed Mr. MITCHELL of Oregon, Mr. LODGE, and Mr. PUGH as the conferees on the part of the Senate.

The message also announced that the Senate had passed the bill (S. 715) for the relief of B. F. Dowell; in which the concurrence of the House was requested.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 8293) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. ALLISON, and Mr. COCKRELL as the conferees on the part of the Senate.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following title:

On May 28, 1896:

An act (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes;

An act (H. R. 8167) to authorize the construction of a bridge across the Red River of the North; and

An act (H. R. 7285) for the relief of George McFarland.

CONFEREES ON DEFICIENCY BILL.

The SPEAKER. The Chair appoints the following conferees on the general deficiency bill: Mr. CANNON, Mr. NORTHWAY, and Mr. SAYERS.

CONTESTED-ELECTION CASE—JOHNSTON VS. STOKES.

Mr. MCCALL of Massachusetts. Mr. Speaker, after the three very able arguments that have been made in this case by my colleagues on the committee it will not be necessary at this time to have an extended statement of the case made to the House. I say that, however, upon the assumption that all the members of the House either heard those arguments or have read them in the RECORD. The majority for the contestee, as appears from the report of the minority, which is made from an accurate compilation of the figures in the case as corrected, is 4,275. The contestant, Johnston, proposes to exclude none of the returns of this district, so that in order to seat him it is necessary to prove that at least 4,276 legal voters made an offer to vote for him and had their votes rejected.

He proposes to do this, Mr. Speaker, first, by claiming that certain persons were entitled to vote who were not registered under the registration law of the State of South Carolina, on the ground that the law was unconstitutional. I think there is no doubt whatever that this position is correct so far as the unconstitutionality of the law is concerned. The registration law was passed in 1882. I may say that the constitution of South Carolina at that

time was one of the freest constitutions in this country, and provided that all male citizens of the United States over the age of 21 who had been residents of the State of South Carolina one year and of a given precinct or county sixty days should have the right to vote; this, with certain exceptions or disqualifications on account of conviction for crime. That is, they had practical universal suffrage there, and any citizen over 21 years of age who had the qualification of residence referred to was a legal voter.

The law of 1882 provided for the registration of the voters of the State. There is a ground for contending, and the chief justice of South Carolina took that view in a decision which he rendered, that all persons who were at that time voters and who were not registered during the year 1882 were forever thereafter prevented from registering, and that the operation of that law in the future after the year 1882 was only intended to apply to persons who thereafter should become voters. If this construction of the law be correct, then there were at least 100,000 persons who were entitled to vote in South Carolina in 1882, who failed to register during that year, who were forever disfranchised by this registration law.

That construction of the law has been put upon it by the chief justice of South Carolina, and it is the practical construction that has been put in force there in registration. The registration officers have almost uniformly held in all the precincts involved in the four contests from South Carolina before our Committee on Elections that where a man did not register in 1882 he could not afterwards be permitted to register. So that this law was, at the outset, put to the practical use of disfranchising this enormous number of voters. But the particular point in regard to the law which to my mind makes it clearly repugnant to the constitution of South Carolina is section 137, which provides that "after a general election the registration books shall be opened for the registration of such persons as shall thereafter become entitled to register on the first Monday in each month until the 1st of July preceding the election, when they shall be closed until such election shall have taken place."

Thus the general election occurs in November. The first month when the books would be opened after that is in December; then the books are to be kept open on the first Monday of each month until the 1st of July preceding the general election, and then they are to be closed; so that it is clear that unless the 1st of July comes upon a Monday the only days for registering under that law are the first Mondays in December, January, February, March, April, May, and June, and the registration closes upon the first Monday in June, which is fully five months in advance of the time of the general election.

Now, the constitution of South Carolina gives to any man who is a citizen of the United States and who has resided in the State a year and in the voting precinct sixty days a right to vote. Take the case of a man, for instance, who has resided in the precinct for sixty, ninety, or one hundred and twenty days before the date of the election, and there is no provision for his being registered. In fact, his registration is absolutely prohibited, so that this provision is repugnant to the constitution of South Carolina, and under the pretense of regulating suffrage it imposes a new qualification; and according to the uniform decisions in such cases in the State of Massachusetts, in the State of Kentucky, and many other States of this Union, such a provision would be unconstitutional. And being a vital and necessary part of the act, it seems to me that it renders the whole act unconstitutional and void.

Now, this opinion is fortified by authority. This case has twice been considered by judicial tribunals. The question was first considered in a case in the United States court before Judge Goff, a very eminent jurist; and he held that the law was unconstitutional. The court of appeals, however, overruled him—not holding that the law was constitutional, but holding that he did not have jurisdiction in the case. So that the result of the proceeding was that one judge, an eminent judge, gave an opinion that the law was unconstitutional, and in that opinion he was in no way contradicted by his associates.

The law then came up before the supreme court of South Carolina upon appeal. There were sitting the chief justice and two associate justices. The chief justice, in a very carefully considered opinion, held that the law was unconstitutional, and the associate justices did not hold that it was constitutional, but simply that the court had no jurisdiction. Those are the only two cases where, so far as I have been able to ascertain, this law has been submitted to judicial tribunals, and the only opinions rendered with regard to it have been that the law was contrary to the constitution of South Carolina. I may say that in the Committee on Elections the opinion is unanimous that the law is unconstitutional, although my Democratic colleagues on the committee differ somewhat as to the effect of that finding upon the validity of the entire law.

Mr. TAWNEY. Is it admitted by all the members of your committee that the law is unconstitutional?

Mr. McCALL of Massachusetts. I have just so stated. It is admitted by all that the law is unconstitutional; but my Democratic colleagues do not think that the whole law is therefore vitiated and destroyed. The majority of the committee, however, hold that it is unconstitutional in such essential provisions that the entire law is void.

Mr. BARTLETT of Georgia. Do I understand the gentleman to hold that the registration law being unconstitutional, even if there was a proper expression of all the legal voters who offered to vote and had an opportunity to vote, the election would still be void?

Mr. McCALL of Massachusetts. The gentleman is anticipating my argument. That is an obvious point that must be met in the course of the discussion of this case.

Mr. BARTLETT of Georgia. I beg the gentleman's pardon.

Mr. McLAURIN. May I ask the gentleman a question?

Mr. McCALL of Massachusetts. Yes, sir.

Mr. McLAURIN. Do you hold that if the law is unconstitutional, there was no machinery there by which an election could be held?

Mr. McCALL of Massachusetts. No; I do not claim that. The registration law is unconstitutional, but there is still an election law surviving in South Carolina with sufficient machinery under which an election can be held; and I do not think any member of the committee contends that the fact that the registration law is unconstitutional would vitiate all elections held in South Carolina.

The first proposition of the contestant, I have stated, is that the registration law is unconstitutional, and therefore he claims that all men who are qualified voters under the constitution have a right to vote, and that if they go to the polls and make proper tender of their votes for him and they are refused, then it is our duty here to count the ballots just as if they had been cast. There is no question, I think, of the truth of this proposition. But in the testimony adduced is involved the point upon which the case hinges so far as the contestant's right to the seat is concerned. The contestant had established at or near the various polling places throughout the district certain so-called list keepers; and men who had not been registered, or who had been registered and had defective registration certificates, would come to these list keepers, stationed in the vicinity of the polls, and would sign a certain paper which is in the form of a petition to the Senate and House of Representatives in Congress assembled. Those persons signed that petition, setting forth certain facts, but it was not sworn to, and the list keeper in most cases imported that petition into the record and made it evidence by swearing that he had kept it and that it was either signed by the voters who came to him or that they authorized him to sign it for them, the men being in many cases unable to read and write.

Mr. POWERS. Were those petitions printed? Did they have a printed heading?

Mr. McCALL of Massachusetts. I would say that those petitions had a printed heading and were uniform throughout the whole district.

Mr. POWERS. They were prepared in advance of the election.

Mr. McCALL of Massachusetts. They were prepared in advance of the election. I think, however, that no point should be made against the contestant with regard to that, because it was well known that men who did not have registration certificates would be denied the right to vote, and efforts were made to have at each polling place a record kept of the men whose votes were rejected.

Now, it seems to me there can be no doubt of the proposition, as the law stands to-day, that if a legal voter is denied the right to vote, if he makes the proper tender of his vote and if proper and legal evidence is brought into the House of Representatives showing that he made that tender, we should count his vote. This question arose in the Fifty-first Congress, in the case of Waddill *vs.* Wise, in the Richmond district of Virginia. There were some 500 voters in line all election day at certain precincts in that district desiring to vote. They had their ballots with them. They stayed there all day until the sun went down, until the polls closed, and they did not have an opportunity to vote. But in that case the testimony of each one of those voters who there stood in line was produced. Each voter testified that he was present there, that he got as near the poll as he could, and that he was prepared with a ballot for the contestant. He proved his qualifications as a voter, and in that case the House of Representatives—as I believe with entire justice—counted those votes. The same question arose in the case of Featherston *vs.* Cate, and the same principle was again sustained by the House.

Now, I want to call the attention of the House to the proposition that is here put forth for the contestant. In the first place, these petitions are unsworn. I have a sample here, which I show you, from the original record, containing the original petitions. On it you find the names of one, two, or three hundred men, all signed in the same handwriting, and all under the declaration that each of them is a voter. Some of them are signed under no declaration at all. I certainly know of no rule that has ever been

followed in this House or in any of the courts that would permit the election of members of this body by petition, by evidence that is absolutely unsworn to. But it is claimed in this case that these petitions are a part of the res gestæ. Now, every lawyer knows that the doctrine of the res gestæ is often made to cover cases that are very weak, and that it is the last resort of lawyers who are trying to introduce purely hearsay testimony. But if it is res gestæ in South Carolina for a voter or for any man, whether he is a voter or not, to go around the corner or perhaps out into a neighboring grove or elsewhere at some distance from the polls and sign his name to a paper—if that is a part of the res gestæ in South Carolina it is a part of the res gestæ in Massachusetts, and if we can elect members from South Carolina by petition in that way we can elect members from Ohio or from any other State in the same way. So that the great difficulty is that, in order to seat the contestant in this case, you have to adopt a new rule of law, and one which in my judgment would be most dangerous in its operation in the future in elections held all over this country.

Most of the petitions imported into this record are imported into it by the testimony of the witnesses. But the whole case does not rest on the petitions simply, and in the report of the minority, fully setting forth the testimony in regard to these lists, you will find precisely how they are set up in the record. I think that there are very few of the lists that can be held and counted as actual votes cast for the contestant. But my able colleague from Pennsylvania [Mr. CODDING], in his minority report, differing from me as he does as to the legality of most of the lists, called attention to certain lists relied on here which he says he selected at random from the report of the minority of the committee and says with reference to them:

To adopt this computation is to give to the lists an importance at once startling and revolutionary.

On page 47 of the report of the minority of the committee is list which was compiled at one of the precincts known as Bells Cross Roads and containing 86 names. In that case the list keeper, after giving his name, age, etc., says that he was near the polling place at the Federal precinct, and then was asked what he was there for. He said, "To receive the names of those who were rejected at the polls.

Q. How did you get those names?

A. I taken the names of those that applied for registration and could not get them and attempted to vote and could not vote.

Now, it could not be held, Mr. Speaker, that there is any proof whatever in that particular precinct that these men who went there were voters, that they had resided in the State a year or in the precinct sixty days; and the witness does not state even the legal conclusion that they were voters. There is no evidence whatever that the men whose names are signed to this petition had a right to vote, or that they were improperly rejected. There are also in the minority report two other cases, one at Preachers Mills and the other at Ayers precinct, involving 208 votes, which are precisely similar in all respects to the one that I have just cited.

Now, I do not believe, Mr. Speaker, that the House of Representatives, in view of the precedents established in the past, and also in view of the decisions of the courts of the country, can hold that a man who simply signs a petition in the vicinity of the polling place, who makes no affirmation or oath that he is a voter or as to his intention to vote, can be made a voter and can have his vote counted by this House, as if actually cast, upon any such testimony.

Mr. HOPKINS. Will the gentleman allow me to ask him a question?

Mr. McCALL of Massachusetts. Certainly.

Mr. HOPKINS. It is stated, is it not, that the Republicans had no representation on any of these boards; that they were composed entirely of Democrats?

Mr. McCALL of Massachusetts. I think that there was no representation by Republicans at a single precinct in the entire district.

Mr. HOPKINS. That they were all Democrats?

Mr. McCALL of Massachusetts. They were.

Mr. HOPKINS. And under them these six or eight thousand Republican voters were disfranchised. Now, let me ask the gentleman if we are not to consider petitions or papers of this character as proper to be received, and as indicating that these voters were not permitted to exercise their right, although at the polling place for that purpose; petitions setting forth the facts, and signed or authorized to be signed by each one of them, that he was a legal voter, that he was a Republican, that he went to the polling place to vote for Colonel Johnston, and was denied the privilege? I say if we do not count such votes how are the Republicans in the State of South Carolina to be represented on this floor?

Mr. McCALL of Massachusetts. Well, the gentleman from Illinois is only stating a difficulty, and we have only an illustration of the old adage that bad cases make bad laws. We can not hold that a member of this House can be elected from South Carolina on such a paper as that or by such a proceeding unless we hold that members can be elected from Iowa, Illinois, or any other State in the same manner.

Mr. NORTHWAY. Will the gentleman yield to me for a question?

Mr. McCALL of Massachusetts. Certainly.

Mr. NORTHWAY. Have you any doubt that the persons who signed the petitions were really at the polls and ready to vote?

Mr. McCALL of Massachusetts. I can only know what the record shows, and when there is absolutely no testimony, even by this list keeper, which shows that the man who signed the list was a voter, that he lived in the precinct, and had a right to vote, I certainly can not know that he was a voter.

Mr. NORTHWAY. Then your question is one of proof and not of actuality? That is, you admit that probably the voters were there, but you say the proof was not sufficient in a court of law to prove it.

Mr. McCALL of Massachusetts. The gentleman says my difficulty is one of proof and not of actuality. I do not think we can decide election cases upon faith here. This House can only act upon proof. Otherwise abolish the taking of evidence in these cases. I do not think we can assume things that are not proved, and this record here clearly and distinctly omits proof which has been required by this House in the past and which has been required by all courts.

Mr. NORTHWAY. Then tell us how to prove it?

Mr. HOPKINS. If the gentleman from Massachusetts [Mr. McCALL] will allow me right there, did not the voter certify to the party in the immediate presence of these election judges, immediately after he was refused the privilege of voting, that he was a legal voter in the State of South Carolina, in the county where the election was held, and in the voting precinct where he was denied his right as a citizen, and did he not also certify that he was a Republican and had attempted to vote for Colonel Johnston?

Mr. McCALL of Massachusetts. Now, Mr. Speaker——

Mr. HOPKINS. If the gentleman will allow me to proceed just a little further upon that, I think the conditions in South Carolina are entirely different from what they are in Massachusetts or in Illinois, where we notoriously have honest elections. A petition coming from a State like either of these, where everybody knows that every citizen, however humble he may be, can exercise his right, would be looked upon with suspicion; but here the gentleman from Massachusetts says that an election was being held under an unconstitutional law, in a State where notoriously the Republicans are disfranchised, and where a large portion of the Republican voters are ignorant; and under those conditions it seems to me that the gentleman is holding too high and too rigid requirements upon the voters.

Mr. McCALL of Massachusetts. Well, Mr. Speaker, I do not understand that we have authority here to lay down a particular rule with regard to counting excluded voters for one State that is not in the future to apply to every State in the Union. I say here with regard to these lists that there is absolutely——

Mr. HOPKINS rose.

Mr. McCALL of Massachusetts. Now, if the gentleman will permit me, he can make a speech later on.

Mr. HOPKINS. The gentleman misunderstood me there.

Mr. McCALL of Massachusetts. There is absolutely no testimony in the record anywhere showing that these persons were legal voters. The only evidence—if you can consider it evidence—upon that point is contained in these petitions, these statements, which apparently were not intended to be used in a contested-election case, and which are entirely unsworn.

Mr. HOPKINS. Here is the point I desire to make. I am not contending for a different rule. The rule can be the same. But in determining the evidence it seems to me you should take into consideration the peculiar conditions in South Carolina, that are different from what they are in the State of Massachusetts or in the State of Illinois. Now, take an ignorant witness upon the stand. In judging of his evidence you take into consideration the fact that he is not trained in the schools and can not express himself so clearly and well, and just here it seems to me that you are in your argument applying the technical requirements that might apply to a gentleman of the intelligence of the Representative from Massachusetts, but not to an ignorant colored voter in South Carolina.

Mr. McCALL of Massachusetts. Now, Mr. Speaker, it seems to me with reference to the counting of votes we have got to apply one uniform law everywhere. I do not understand that because a man is ignorant he will be permitted to sign a prepared statement and have that statement received in the courts as evidence. They will not dispense with the ordinary rules of law. They will not permit hearsay testimony, and they will not permit evidence which is absolutely unsworn to be admitted to prove facts.

Mr. NORTHWAY. Will the gentleman permit me? If you adhere——

Mr. McCALL of Massachusetts. I should be glad to proceed with my argument, but——

Mr. NORTHWAY. If you adhere to that rule, why is it that in your report you say this:

The testimony shows that many voters, some of them coming 30 or 40 miles, appeared regularly at the places of registration from month to month and were denied registration by means of a systematic obstruction. It shows further that many thousand men who had the constitutional qualification, but were not registered, and who therefore had the right to vote if the registration laws were unconstitutional, expressed their desire to vote by going to the polls. Doubtless many thousands more unregistered voters remained at home who would have come had they not known that a rule requiring registration certificates was in force and that they would be excluded if they came. * * *

The colored race is enormously in the majority in this district, and it appears—

From what evidence, I should like to know—

that as a rule the voters of that race in that district were Republicans.

Mr. McCALL of Massachusetts. I am sorry that the gentleman from Ohio should have made that interruption to quote from my report. He can only make it on the assumption that I can not say everything at the same time. I shall follow my own report and consider that point when I reach it, but I am now addressing myself to the proposition——

Mr. OVERSTREET. Will the gentleman allow me to ask him a question?

Mr. McCALL of Massachusetts. I should be glad to proceed with my argument, but I will yield to my colleague, certainly.

Mr. OVERSTREET. The gentleman has stated that no one of these lists is supported by any evidence showing the qualifications of the voters.

Mr. McCALL of Massachusetts. I did not state that.

Mr. OVERSTREET. You made that statement as to some of them, then. I want to ask you if all of the lists which carry the 4,608 votes that we count here are not supported by evidence of some kind which discloses the qualifications of the voter?

Mr. McCALL of Massachusetts. Well, Mr. Speaker, I have referred to three lists, taken from the very able report of my colleague upon the committee [Mr. OVERSTREET], which do not give the qualifications of voters; and if the members of this House will refer to page 5875 of the RECORD, in the report of the gentleman from Pennsylvania [Mr. CODDING]—if they will take the three precincts mentioned there and look upon the evidence in the gentleman's [Mr. OVERSTREET'S] own report—they will find absolutely no testimony to show that those men were voters.

Mr. OVERSTREET. Will the gentleman permit me? Are not all of these lists to which you have just referred based upon the common, uniform petition that was used in that district?

Mr. McCALL of Massachusetts. I stated that the petitions were uniform—upon printed blanks—but the gentleman himself does not rely upon the petitions alone. He claims that they are evidence because the list keepers swear to certain essential facts. I am calling attention to the absolute worthlessness in some cases of this testimony. If this House can receive these petitions, which are unsworn to, as proving the facts which are set up in them, then it will be entirely unnecessary to have any depositions taken in election cases, but a contestant can simply go around and get petitions from men who have been at an election or who say that they have the right to vote and their votes were refused.

Mr. OVERSTREET. Are there not petitions filed continuously in this House that are acted upon with greater promptness than is proposed to act on these petitions?

Mr. McCALL of Massachusetts. I do not think it has ever been the rule of this House in contested-election cases, where the statute provides a way for the taking of sworn testimony, that petitions shall be received of the character of these petitions to settle the right of a member to his seat. The gentleman's question demonstrates the weakness and the danger of his position. I should be very glad personally if I could see my way clear, without doing violence to the rules of law which have governed in such cases, to seat the contestant; but gentlemen are asking us here, in order to do what they consider a great right, to do a little wrong; and it is the old story. "'Twill be recorded as a precedent, and many an error by this example will rush into the State." Therefore, Mr. Speaker, I am unable to break down every rule of evidence and law that has been set up in cases of this character and to count the signatures to these petitions as votes actually cast.

Finding that the contestant was not elected, I come now to consider the question whether the contestee is entitled to the seat. Proceeding from the conclusion that the law was unconstitutional, what are the facts? First, the population of that district is overwhelmingly black. We find, further, that the colored voters are almost uniformly Republicans; so uniformly Republican that even if this unconstitutional law had been honestly and fairly enforced a majority of Republicans and of colored voters would have been registered, enough probably to have elected the contestant. The law was not fairly enforced. There was, for instance, but one registration place in a county, and only five or six days each year in which a man could be registered; and the record is full of evidence that the colored voters came from 20 to 30 and even 40 miles and endeavored to get registered; that they were put off in one way or another, kept standing in line all day, and denied the right to register, and they came month after month and year after year legally entitled to registration and yet were denied it. That fact is established. In the next place, the law was unconstitutional, and the voter had the right to rely upon and believe that the requirements of the law as to registration certificates would be enforced against voters, and that no man could vote who did not produce a registration certificate.

Now, what is the rule laid down upon this question? In McCrary on Elections, section 241, it is declared that—

If the officers conducting an election adopt and enforce an erroneous rule as to the qualification of voters which prevents certain legal voters who offer to vote from giving in their votes, and being made known prevents other legal voters similarly situated from offering to vote, the election may be set aside, especially if it appear that such votes if offered and received would have changed or rendered doubtful the result.

That has been decided in Pennsylvania. In the case of Scranton Boroughs, where the doctrine was held that if the officers of election laid down an erroneous rule and it was known beforehand that that rule would be adopted, voters affected by it were justified in not going to the polls and go through the useless formality of tendering their votes, and if a sufficient number of legal voters were thus prevented from voting to have changed or rendered doubtful the result, then there was no election. Now, I contend that there is no question here, there can be no question whatever after reading that record, that if this unconstitutional registration law had not been enforced, or if it had been fairly applied, more than enough voters would have turned out to have rendered the election of the contestee doubtful.

When we consider the large number of legal voters who went to the polls and were denied the right to vote—and I am considering now no debatable lists—and the large number who remained at home as a natural result of their knowledge that this statute would be enforced, we are stating the conclusion mildly when we say that if it had not been for the enforcement of this rule the result would probably have been different. My conclusion, therefore, is safely within these reasonable precedents. But upon the record it is impossible, except by creating a new, dangerous, and revolutionary precedent, for us to count these votes for the contestant in this case. So that, as the result would certainly have been doubtful, and as the operation of this unconstitutional law was to prevent a fair expression of the will of the voters there, I do not believe there has been any election.

Mr. HOPKINS. Will the gentleman permit another interruption?

Mr. McCALL of Massachusetts. Certainly.

Mr. HOPKINS. Where do you get your evidence that there was no election there? Do you not get it from the very petitions upon which Colonel Johnston seeks to be seated?

Mr. McCALL of Massachusetts. I do not.

Mr. HOPKINS. Where do you get it in the record?

Mr. McCALL of Massachusetts. I have stated that the record shows, or certainly the facts are, that the overwhelming majority of the voters in that district were black, and further, that those black voters were Republicans, and I contend that vast crowds of them did, as a matter of fact, resort to the polls.

Mr. HOPKINS. How do you know that?

Mr. McCALL of Massachusetts. Because there is ample proof in the record that there were great numbers of them who went to the polls. It is proven by the depositions.

Mr. HOPKINS. The very depositions upon which Colonel Johnston asks to be seated.

Mr. McCALL of Massachusetts. Yes, sir; but it is needless for me to repeat that they do not prove a sufficient number alone, and I find, as a result of the evidence and as the natural result of the operation of this registration rule, that many voters did not go to the polls, because they knew this statute would be enforced and their votes refused, who, if it had not been for this rule, would have gone in sufficient numbers to render the result doubtful.

Mr. HOPKINS. You say those people went to the polls to vote. To vote for Colonel Johnston?

Mr. McCALL of Massachusetts. I say that a great many of them went to the polls to vote; but I say further that it was not necessary for them to go to the polls to vote. I say that if they had stayed at home, relying upon their belief that that rule would be enforced as it had been enforced at previous elections—if enough of them stayed at home to make the result doubtful—there was no election. I have cited a Pennsylvania case covering that very point. But it certainly would be necessary for them to go to the polls to vote in order to justify us in counting their votes here.

Mr. PAYNE. Does it not appear that a large majority of the voters in that district were disfranchised by an unconstitutional registration law?

Mr. McCALL of Massachusetts. It does.

Mr. PAYNE. And that a large majority of the voters of the district were Republicans? And is not that enough to set aside the election without going any further?

Mr. McCALL of Massachusetts. Certainly; and that is what I contend. I say that with such a record as we have in this case we can not seat the contestee; we can not permit him to retain a seat here without doing violence to every principle of fair elections.

Mr. OVERSTREET. Is it not true that there were over 4,600 of those voters who were at the polls, and whose names were enrolled upon a list which declared their intention to vote for Colonel Johnston?

Mr. McCALL of Massachusetts. My friend doubtless knows what is contained in his minority report. He finds that, counting all the lists which he thinks should be admitted, there was a majority for Colonel Johnston of 233.

Mr. OVERSTREET. I will say to the gentleman that that compilation in the report is erroneous. A mistake was made in carrying forward the figures. The result should be 312, instead of 233.

Mr. McCALL of Massachusetts. Well, I was simply taking the gentleman's figures. If you will go through this evidence carefully, you will find that there are enough defective depositions to wipe out that majority over and over again; so that on your own theory you do not make out your case.

Mr. OVERSTREET. Is it not true that there are 4,600 votes enrolled upon the list which recites the intention of those voters to support Colonel Johnston? I am not asking you to admit that those lists should be counted as proof.

Mr. McCALL of Massachusetts. I have not counted the names upon those petitions, but if the gentleman says that there are 4,600 names signed to them, I am willing to admit that. What I claim is that there are not a sufficient number put into the case by depositions to overcome the majority adverse to Colonel Johnston. So my conclusion is, Mr. Speaker, if I may be permitted to state it simply as my conclusion, that there was no valid election in the district in question; that the contestant has not produced evidence in such form as we can recognize to warrant us in giving him the seat. And I believe, on the other hand, that the election was so grossly unfair, by reason of the unfair application of this registration law, as well as its unconstitutionality, that we can not hold that the contestee is entitled to the seat. And my verdict is, and I simply give it because I feel it my duty to state my own convictions to the House—my verdict is, based on the evidence, that we can not give the seat to either party.

Mr. SETTLE. Will the gentleman allow me to ask him a question?

Mr. McCALL of Massachusetts. Certainly.

Mr. SETTLE. I want to see if I correctly understand your argument or position with reference to the lists or petitions. They find their place in the record by being introduced by the gentleman who was keeping the lists and who was designated for that purpose at the various precincts. This list keeper is examined as a witness, testifies in the case, and corroborates his memory from the list. Does not that fact give the so-called petitions an additional weight, and put them on a very different legal plane from the ordinary petitions which are sent to Congress as the term "petition" is usually understood?

Mr. McCALL of Massachusetts. I have no question whatever that the petitions are memoranda, and can be imported into the testimony by depositions of witnesses, and I so stated in the course of my argument. But the trouble is that a sufficient number is not put in by deposition or other testimony so that we can legally count them. No matter if we do count three or four thousand of these names, you can not count a sufficient number, which are held up by depositions, to accomplish the purpose you have in view.

Mr. BRODERICK. You speak of the unfairness of the election. Was there any unfairness except from the operation of this unjust registration law?

Mr. McCALL of Massachusetts. I will say in regard to that, that I do not think the testimony shows that there was any fraudulent counting in the district, or any question of that sort; or that there was any stuffing of the ballot boxes. It was simply an unfair application of the registration law. I have no doubt, in view of the condition of that State, that this law was passed and enforced for the express purpose of disfranchising the colored voters. And so I can not find that if the law operated as it operated in this case, to prevent this great body of voters from expressing their will at the polls, that there had been an election in that district; and in cases like this, when a State sends Representatives here, claiming a seat in this House, the House should deny representation to such States until they had instituted fair methods of ascertaining the will of their voters.

Mr. HILL. Will the gentleman permit me to ask him this question: In the event that the House sustains your view of the case, that there was no election, and the contestee is compelled to relinquish his seat, and the case goes back to the State of South Carolina for a new election, is not the law under which such an election is to be held more unjust and unfair than the present law?

Mr. McCALL of Massachusetts. Well, I do not think we have anything to do with the result, as far as that is concerned. We are simply passing an opinion as judges in a case upon the law and evidence now before us. We do not have any right to consider results or to hold an election here. If we could do so, I would have no doubt as to which candidate I would cast my vote for.

Mr. DOCKERY. Let me ask the gentleman a question.

Mr. McCALL of Massachusetts. Certainly.

Mr. DOCKERY. Will the gentleman state why the act of June 20, 1874, was passed applicable to this District, and disfranchising the entire colored votes?

Mr. McCALL of Massachusetts. Well, my friend is going a good long way back of the record——

Mr. DOCKERY. I simply wanted to know why the Republican party, when they had a two-thirds majority in the House, disfranchised the colored people of this District?

Mr. McCALL of Tennessee. I would like to ask the gentleman from Massachusetts this question with reference to these petitions: Whether there is a single deposition in the record to show that any one of these men went to the polls, tendered his ballot to vote, and was refused? These lists refer to a large number who were refused the privilege, but what I wish to ask is, if there is any direct evidence to show that any one voter was refused the right to vote?

Mr. McCALL of Massachusetts. I think there is such testimony.

Mr. McCALL of Tennessee. In how many cases?

Mr. McCALL of Massachusetts. I have not computed them. There were quite a number of lists, but the total number presented by the contestant, sufficiently sustained by deposition, did not overcome the majority of the contestee.

Furthermore, Mr. Speaker, there is nothing in the record, no evidence anywhere, that there was any special wrongdoing in connection with the election on the part of the contestee or on the part of any of the sitting members in these South Carolina contests. In one district, certainly, where they had not for years opened certain polls, where the black voters are greatly in the majority, the contestee [Mr. ELLIOTT], before the election was held came out and urged that all the polls be opened, and it was against his protest that the polls were closed on that day.

The difficulty is that a system exists the principle of which is to disfranchise the colored voters. It is a system that permits the minority in certain districts to choose the members of the House themselves. Individuals are powerless to oppose it, and it is a duty which we owe to this Government, and even to the State of South Carolina, to refuse to seat members chosen in such a manner.

Mr. BRODERICK. Let me ask the gentleman if the constitutionality of the law under which this election was held has ever been presented to the courts for adjudication?

Mr. McCALL of Massachusetts. It has.

Mr. BRODERICK. What decision was rendered?

Mr. McCALL of Massachusetts. It was not adjudicated; but in two cases where the question was considered opinions were given that the law was unconstitutional. But the majority in each case held that the court had no jurisdiction.

Mr. BRODERICK. Was that prior to the election?

Mr. McCALL of Massachusetts. It was subsequent to the election.

I reserve the remainder of my time, Mr. Speaker.

Mr. WALKER of Virginia. Mr. Speaker, it is not my intention to detain the House for any considerable length of time; but if in the discussion of this case I should detain it a longer time than I anticipate I ask the indulgence of the members.

The constitution of South Carolina confers the elective franchise upon all the male citizens of the United States 21 years old, who have resided within the State for one year and in the election district where they seek to vote for the period of sixty days, subject to certain exceptions which it is not necessary to notice here. This constitutional right to vote can not be taken away or abridged by legislative enactment. The legislature may enact and make reasonable rules for the government of the election and for the exercise of the right, but any act of the legislature which unnecessarily restricts the right to vote is unconstitutional. The constitution of South Carolina further says that the legislature shall enact from time to time proper registration laws. In pursuance of the authority thus vested by the constitution the legislature of South Carolina has passed two sets of laws wholly separate and distinct. They have passed registration laws and election laws; that is, laws to govern the casting of the ballot upon the day of election.

The election laws are constitutional and are not attacked. The registration laws of South Carolina not only impair the right of

citizens to vote, but in effect render the exercise of that right impossible to thousands of honest voters.

It is conceded by every member of the committee that the registration laws are unconstitutional.

Mr. LACEY. I should like to ask the gentleman did the Democratic members of the committee agree that this law was unconstitutional?

Mr. WALKER of Virginia. In answer to the gentleman I will say that I have never yet been able to find out what the Democratic members of the committee think about this question. They say they think it is partly unconstitutional and partly constitutional, but where they run the dividing line I have not been able to get them to say. They so state in their report. I am not here to say what the Democratic members of this committee think, except they think the Democrat ought to occupy his seat. [Laughter.]

It is manifest from an inspection of the registration law of South Carolina that it is an almost undisguised attempt to impair the right of citizens to vote under the constitution of that State. It is not a mere regulation of the right of suffrage, as prescribed by the Constitution, but its effect and operation is to obstruct and hinder and subvert the right guaranteed by the fundamental law of the State in the following particulars:

I.

It forever disfranchises and deprives of the right to vote all constitutional voters who were entitled to register in 1882 and failed for any reason to do so. In the able opinion of Judge McIver, of the supreme court of South Carolina, rendered in the case of Matthew C. Butler *vs.* William Ellerbe et al., on the 6th day of July, 1885, and reported in 2 S. E. Reporter, 425, this construction of the law is maintained. Says Judge McIver in that case:

The original provisions for the registration of voters will be found in the act approved 9th of February, 1882 (17 Stat. L., page 1110), and these provisions are incorporated in the General Statutes, 1882, beginning with section 89 and ending with section 108, and such provisions, as subsequently amended, are incorporated in the Revised Statutes of 1836 as sections 151-156, both inclusive. From a careful examination of the various statutory provisions thus referred to, it seems to us that the manifest scope and intent of such legislation was that there should be but one general registration of voters, to wit, that provided for in 1882, and that when the registration books were closed for that year a person who was then a qualified voter, but who had failed from any cause, whether from sickness, absence, or other cause, to register, was ever thereafter deprived of the right of suffrage, for there is no provision by which such a person could afterwards be allowed to register; and section 152 of the Revised Statutes expressly declares that "no person shall be allowed to vote at any election hereafter to be held unless he shall have been heretofore registered in conformity with the requirements of chapter 7 of the General Statutes of 1882 and the acts amendatory thereof, or shall be registered as herein required."

Now, on turning to the chapter of the General Statutes of 1882 and the acts amendatory thereof, we find that while provision is made in section 94 of that chapter, corresponding with section 137 of the Revised Statutes, for opening the books of registration after every general election, not, however, for the purpose of registering voters generally, but "for registration of *such persons* as shall thereafter become entitled to register" (italics ours), there is no provision for the registration of persons who had previously become entitled to register. Hence it follows necessarily that one who had been a qualified voter, and as such entitled to register before such general election, could not then avail himself of the privilege offered by that section. The language found in section 94 of the General Statutes of 1882 is stronger than that found in section 137 of the Revised Statutes, from which we have quoted, for in the General Statutes of 1882 the language is prohibitory, and forbids reopening the registration books except for the purpose of registration of such persons as shall become entitled to register after the next election; and even as to this privileged class, their day of grace expires on the 1st day of July preceding a general election, something over four months preceding the general election, which is fixed by law for the first Tuesday after the first Monday in November in every second year, reckoning from the year 1870. (Constitution, Article II, section 11; Revised Statutes, section 162.)

It is true also that sections 96 and 97 of the General Statutes of 1882, as well as the corresponding sections of the Revised Statutes (140 and 141), do make special provisions for a certain class of voters, to wit: Minors who come of age and are otherwise qualified, but this provision is confined to that particular class, and is, therefore, not an impartial provision. It seems to us that this feature of the registration law, to say nothing of other constitutional objections, renders it obnoxious to that provision of the constitution above quoted, which makes it the duty of the general assembly to provide, from time to time, for the registration of all electors. The language of that constitutional provision necessarily implies that its purpose was to require the general assembly to provide every facility for the registration of all electors by providing for the registration of all electors "from time to time," so that, as far as practicable, no elector should be deprived of his right of suffrage, and that this law, which provided for one general registration more than ten years ago, and afforded no other opportunity to any elector except those of a certain class to comply with its provisions, even though his failure to avail himself of the first and only opportunity ever afforded him to register resulted from sickness, absence, or other good cause, must be regarded as a violation both of the spirit and letter of the constitution.

II.

The statute is unreasonable and obstructs the right of the duly qualified voters to register and vote, because it only provides one place of registration in each county, and that at the court-house.

A reasonable regulation for registration should provide certain days for registration at other election precincts in the county.

To require voters to leave their residences and places of business and go long distances, as much as 30 miles, to register tends to obstruct and hinder electors in the exercise of their rights.

III.

The law only allows registration on the first Monday of each month, from December to June, inclusive, and makes no provision for subsequently registering those who, from sickness, absence from home, or other unavoidable reason, were prevented from registering on those days.

IV.

The registration books are required to be closed on the 1st day of July, four months before the general election to be held in the November following, and no persons who were eligible to registration prior to the 1st day of July are allowed to register between that day and the election. This is clearly an unreasonable regulation, and manifestly intended to hinder and obstruct voters in the exercise of their constitutional rights.

V.

The supervisors of registration are to "determine as to the legal qualifications of all applicants for registration by summary process, requiring oath, evidence, or both, if he deem proper, subject to revision by the assistant supervisors and himself, in all cases where he has refused to register an applicant."

The powers conferred upon the supervisors by this section are absolute and unreasonable. There is no limitation upon his power to reject voters except his own will and his views as to the legal qualifications of applicants. He may refuse to register an applicant who makes oath as to his qualifications, and require evidence if he deem proper. The kind and quantity of evidence sufficient to satisfy him are left wholly to his own discretion.

He can register a white man on oath or without, "by summary process," or can refuse to register a colored man on the same oath and require evidence which he knows can not be produced in the case of the colored voter. It is true the refusal of the supervisor to register a voter is subject to revision by the assistant supervisors and himself. But how the revision is to be had, and when and where the assistant supervisors and the supervisor are to meet and consider the question of revision is not prescribed in the law. The rejected voter is left wholly in the dark as to the time and place and manner of such revision. But if he is fortunate enough to bring his application for revision before the supervisor and assistant supervisor and his application is rejected he has the right to review of their decision by the circuit court, "Provided he give notice in writing to the supervisor of his application for such review, and the grounds thereof, within five days from the date of his rejection, and commence his proceedings within ten days from the service of the said notice."

This provision for an appeal is indefinite, cumbersome, and in most cases would be unavailing to the injured party.

To avail himself of this right of appeal it will be necessary to call in the services and assistance of an able lawyer, and the expense would be beyond the means of a large majority of the voters. The time allowed for the notice—five days from day of his rejection, and the commencement of the proceedings within ten days from the service of the said notice—is an unreasonable limitation upon the right of appeal.

VI.

The provisions of the statute with reference to the certificate of registration required of the voter in all cases is an unreasonable regulation and unconstitutional. The name of the voter as recorded on the registration books must correspond exactly and precisely with the name upon the certificate. The certificate must describe accurately the occupation, age, and place of residence of the voter. When a new voting precinct is established the voter is required to get a transfer and get a new certificate, and can not vote without it. If the polling place is changed, the voters are required to surrender the old certificate and get new ones.

If the elector changes his residence, even from one place in the registration precinct to another in the same precinct, he is required to surrender his old certificate and take out a new one or he can not vote. If the certificate is defaced, he must surrender it and get a new one. If it is lost, he is required to make application, under oath, for a new certificate at least thirty days before an election, setting out the facts and circumstances attending the loss, and that he had not bartered or sold it, or parted with it for any pecuniary consideration, and that he had not willfully destroyed the same. Even after a voter has gone through all this trouble, and made the required affidavit as to loss of his certificate, the supervisor is not required to issue a new one; but, in the language of the law, the supervisor shall examine and consider the question and require other evidence under oath, if in his opinion it is necessary to determine the loss, and then, if satisfied, shall issue a renewal.

How long the supervisor shall examine and consider is not stated or limited, nor is it stated what other evidence under oath he may require or what in his opinion may be necessary to determine the loss, nor is it stated what shall satisfy this autocrat of registration. It would be hard indeed to satisfy a partisan Democratic supervisor that a colored voter was entitled to vote under any circumstances or upon any proof.

Another unreasonable regulation is found in the manner in which the supervisor of registration is allowed to refuse registration lists. By section 151 it is provided that a supervisor of registration shall, immediately preceding each election, revise the registration of electors and mark off the names of such electors as have died, and such as removed from one residence, precinct, parish, ward, or county to another without notifying him and obtaining a certificate of transfer.

The power conferred upon the supervisor by this section allows him, without notice to the elector, without legal evidence, and in effect without any evidence at all, to mark off the names of as many electors as he may choose to believe have died or changed their residence since the last registration. And from this arbitrary and one-sided action there is no provision for an appeal or for a review. By the one hundred and fifty-second and one hundred and fifty-third sections the clerks of the courts of general sessions and every trial justice in the State shall, on or before the 15th of October and biennially thereafter, make out a report to the supervisors of registration of their respective counties, a list of all persons convicted during the two preceding years of murder, burglary, larceny, perjury, or other infamous crime, or dueling; and such report shall be received by the supervisor as prima facie proof of the facts stated therein, and he shall immediately erase the names of all such persons from his registration books in his county, and they shall not be allowed to register or vote thereafter in any election in this State. Thus, upon mere report of these officers unaccompanied by any abstract from the record or any other legal evidence, voters may be disfranchised and forever disqualified from voting. It is true there is a proviso that if any person whose name is so furnished shall present to the supervisors within sixty days after the next following election a pardon from the governor or within such time prove to the satisfaction of the supervisor he was not convicted of the crime or misdemeanor stated in such certificate, his name shall be restored to the list of registered voters.

It will be seen that this provision violates all rules of evidence, and especially all rules of criminal evidence, by requiring a party charged with crime to prove his innocence to the satisfaction of such supervisor before he can be restored to his rights. In the language of the statute, he must "prove to the satisfaction of such supervisor that he was not convicted of the crime or misdemeanor stated in such certificate." Such a requirement is not a regulation of suffrage, but an unjust and unreasonable requirement, and one which not only obstructs the right to vote, but destroys that right.

It will further be noticed that the voter who is thus stricken from the registration list on or before the 15th day of October is not allowed to prove his innocence or claim the benefit of the pardon until sixty days after the next election, thereby absolutely disqualifying him and depriving him, without a remedy or without a hearing, of his vote at the next November election.

VII.

The provision of the law requiring that voters shall deposit nine different ballots in as many different boxes is unreasonable and manifestly intended to confuse and embarrass the voter in the exercise of his right, and to render the voting by ballot impracticable and in many instances impossible. That a ballot in legal form and cast by an elector who is entitled to vote and who does vote for a member of Congress should be cast out and made null and void merely because it is placed in one box when it should be deposited in another is an unreasonable regulation and deprives the voter of his right to have his ballot counted, which right is guaranteed to him by the Constitution.

VIII.

The manner in which the law is executed, as shown by the evidence, is a gross outrage. In the first place, the whole machinery of the election is placed in the hands of the Democratic party, and at a large majority of the voting places, if not at all of them, all the officers of election—the superintendent of registration, the manager of election, the clerks, and constables—are all of one political faith.

Such action is prima facie evidence of fraud, and the party placing itself in such an attitude should be required to prove that the elections and registrations and returns were fair and honest. The evidence shows that gross frauds were perpetrated in preventing negroes from registering; that intimidation was resorted to on the day of election.

IX.

The registration, being unconstitutional, is null and void, and as a consequence there were no registration laws in force in South Carolina on the 6th of November, 1894. All citizens of that State having the constitutional qualifications of voters under the constitution of South Carolina and who are entitled to vote for the most numerous branch of the general assemby of that State were entitled to vote for members of Congress at that election. And every voter entitled to vote for member of Congress whose vote was rejected for want of registration or for want of certificate of registration was illegally deprived of his suffrage, and his vote should be counted for the party for whom he desired to vote and for whom he was prevented from voting. It is proved that there were 7,336 legal voters excluded who were present at the polls on the day of election and would have voted for the contestant if they had been allowed to cast their ballots.

Now, right here we meet one question. What is the rejection of a voter? Gentlemen will tell you that a voter is not rejected unless he goes to the judges of election and offers and actually tenders his vote over the desk. I take issue with that proposition. The tender of the vote and the rejection of a voter does not depend upon any such narrow construction. I am reminded that most of them did actually tender their votes, but some of them did not. Now, what is a rejection? Right there I desire to notice a very ingenious but a very misleading argument offered by the gentleman from Missouri [Mr. DEARMOND]. He said that it was proved by five witnesses, managers of election, that only 50 votes were rejected, when affidavits and depositions were taken to show that 250 votes were rejected. Gentlemen do not tell this House that the votes, that the rejected votes, were not all of them actually tendered to the judges, because it was unnecessary, and because proclamation had been made that it was useless for men who did not hold certificates of registration to apply to vote, because they would be rejected. Therefore the attempt is made to attach the crime of perjury to these men who state that only 50 were rejected. The judges perhaps were right in one sense, because perhaps only 50 at that precinct were actually refused by the managers, but the remainder were men who had been told not to apply and not to offer their ballots, because they would be rejected, and that excused them from actually tendering the ballots to the judges. That is the law as laid down by all the authorities and is sustained by all the decisions of this House.

It is insisted by gentlemen that the elector, in order that his vote may be considered, must actually present himself at the polls and actually tender himself to the election managers as ready and willing to vote, and actually tender his ballot and have it rejected. This as a general proposition of law may be true, and it is true when applied to the case of a voter who had an opportunity to present himself to the managers of election and without excuse failed to do so. But the rule can not apply to a case like the one before us, where it is contended an unconstitutional law deprives the voter of his right, and where the voter knew that the provisions and requirements of such unconstitutional law rendered it useless and unnecessary for him to attempt to vote.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WALKER of Virginia. I should like some further time.

Mr. OVERSTREET. Mr. Speaker, it was my understanding that we were to be permitted additional time. I have no time at my disposal. I think it is just to the minority that it have some more time.

The SPEAKER pro tempore. The gentleman from Wisconsin has some time left.

Mr. JENKINS. Mr. Speaker, I do not understand that the gentleman from Indiana has asked me for any time. I am certainly willing to accommodate him as far as possible; but I now yield the floor to the gentleman from Vermont [Mr. POWERS] for ten minutes.

Mr. POWERS. Mr. Speaker, I believe it is one of the dogmas of the Republican creed that we should have honest elections and honest counts; and I have always believed that this doctrine applied not only to the procedure at the polls, but that it applied on the floor of this House; and the question before us to-day is whether we shall have an honest count of the ballots that were cast in the Congressional election now under consideration. It is conceded on all hands that there was no real fraud practiced upon the voters at that election, unless it be said that the operation of the registration law itself operated as a fraud. That did undoubtedly to some extent deter them from offering their votes on that occasion. It seems to me to be pretty clear that the registration law itself was unconstitutional when measured by the limitations of the constitution of South Carolina. But any registration law, Mr. Speaker, will be found in practical operation to exclude some voters. However perfect you may make it, in every State of this Union the registration law, if there be one in force, necessarily, in its practical application to the casting of votes by the people of a whole district, works more or less disaster and more or less unfairness. Men will be excluded who ought to be included; men will be included who ought to be excluded. That is one of the incidents that attach to all human legislation. You can never make it perfect. But this law was grossly imperfect. It practically disfranchises every voter in the State of South Carolina who failed for any reason whatever to get his name upon the registration list as early as the 1st day of July, to prepare himself to vote on the succeeding first Tuesday in November. But be that as it may; concede for the purpose of this inquiry that the law is unconstitutional, what is left? Why, then the election that is held, if it be held

in accordance with other law and in accordance with the requirements of the constitution itself, must be disposed of on that ground. It does not follow that because the registration law was unconstitutional that therefore no election—no legal election—has been held. On the contrary, I affirm that there must necessarily be a legal election. The Federal Constitution itself requires the State of South Carolina to send her delegates to this body, and if the State of South Carolina—without meddling with the methods of sending those Representatives here in a way that defeats the requirements of the Federal Constitution that we shall have Representatives from South Carolina—can do so under the State laws or the remaining body of the election laws of the State of South Carolina, and an election has been had that is fair and represents the will of the people, the gentleman who secures that election should have his seat in this House.

Now, then, Mr. Speaker, it is said in this case that the contestant should be seated because there were 7,000 and more legal voters who intended to vote for him. Well, upon the general proposition I would assume that we are to count the votes that are actually cast, and not those that somebody proposed to cast. That is the rule that we apply in our own cases. We come here with a certificate certifying that we actually received so many votes. But here is a case where a contestant comes, not with a certificate that he received so many votes actually cast, but with a petition—that is what it is called, and that is, therefore, what I will call it—a petition signed by 7,000 who intended to vote for this man.

Mr. FAIRCHILD. Will the gentleman permit me to ask him a question?

Mr. POWERS. I have not time to yield.

Now, how do these voters prove their right to vote and their attempt to vote for Colonel Johnston? I agree that, as in the case cited by the gentleman from Massachusetts [Mr. MCCALL]—the Petersburg case—where the voters stand in line with the ballots in their hands in front of the judges of election, ready to deposit their ballots in the box, and they are deprived of their right to cast that ballot—that upon their testimony that they intended to cast that particular ballot for some particular person they prove that they did, to all intents and purposes, vote for that man. But that is lacking in this case. Now, I desire to call the attention of the House to the exact import of these petitions and the exact measure of proof that we have that these 7,000 men intended to vote for Colonel Johnston, and that they had a right to vote for Colonel Johnston. It has been stated by the chairman of the committee that these petitions had printed headings that were prepared in advance of election. Now, that is a significant fact. That signifies that Colonel Johnston and his friends, instead of waiting for a fraud to be committed, went to the polls prepared to take proof that a fraud was committed. So that the language of that petition is not the language embodied by the voter himself, but he is telling his story about a wrong that somebody else prepared in advance, and the voter is asked to indorse it.

Mr. STEELE. And does indorse it.

Mr. POWERS. And does indorse it. Now, let us see what the effect of that is. I shall not take the time to read this petition. It has been read; but somebody certifies what the voter thinks. The House will notice that no way, either in the testimony or in the petition, is it stated to be under oath. It is the mere naked declaration of somebody, not testified to by himself, but testified to by a third person; so that it is nothing more nor less than hearsay testimony; a kind of testimony that would not be received on the trial of a man charged with the enormous crime of shooting a dog. Now, what does the list keeper say? The first one that I come to is this:

> Personally appeared before me, Edward Lewis, who, on oath, says that he had charge of the petition on election day last November, that it was explained to each one before signing, that each one whose name is hereunto attached, signed, or authorized his name to be signed, in the presence of deponent.

There is no certificate whatever that these voters offered their votes, or that they were qualified to vote, but simply a certificate that they signed the petition.

Take the next one:

> Personally appeared before me ——— ———, a notary public, who on oath says that he was in charge of this petition on election day last, and that each citizen who was rejected by election managers came up and signed, or authorized to be signed, his name; that each and every one was thoroughly informed as to the nature of the petition.

That is all the certificate there is in that case. Take the next one:

> Personally appeared before me ——— ———, who on oath says that each signer was informed of the nature of the petition before signing, and they each and every one signed in the presence of deponent, who had charge of the petition during the entire day.

It does not even say whether it was this particular petition or not, but simply that they signed a petition. Each one of these certificates certifies to these general facts. Then when you come to the signatures they run like this: James (his x mark) Fox, Taylor (his x mark) Edwards, Richard (his x mark) Belton, and so on. It is easy to see that the man who framed these petitions in advance and went, by his agents, to the various polling places among an ignorant set of voters could get any kind of a certificate out of them that he saw fit to ask.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. JENKINS. I yield the gentleman three minutes more.

Mr. POWERS. Now, Mr. Speaker, I desire to address myself to the legal proposition which was advanced here yesterday, that this kind of testimony is admissible on the ground that it is a declaration which is made admissible as part of the res gestæ. I submit very confidently to every lawyer on the floor of this House that this evidence has no single element that brings it within the rule that a declaration can be made admissible as part of the res gestæ. These declarations were not made accompanying any act, and it is a fundamental legal proposition that before a declaration can be admitted as a part of the res gestæ it must be shown to be not only contemporaneous with, but explanatory of, the fact that is spoken of by the witness.

Mr. OVERSTREET. The gentleman, I suppose, does not undertake to say that these declarations were made at a time different from the day of election, or that they were made at a place other than the polling place, or in reference to any other subject than the casting of the votes there.

Mr. POWERS. I undertake to say, in answer to my friend, that upon each and every one of the grounds he has enumerated in his inquiry these declarations are not admissible as a part of the res gestæ. Take the case of a dying man—where these questions come in more frequently than elsewhere—he makes a declaration about the facts of his injury. If that declaration is made by him after the injury, the courts all say that it is a mere narration of a past event, but if he makes a declaration at the time his assailant is at work upon him that is a contemporaneous declaration, and serves to explain his own conduct in the matter, and it is therefore admissible as a part of the res gestæ.

Mr. TAWNEY. Is that rule applicable to cases where men are injured in accidents?

Mr. POWERS. That rule is applicable everywhere. There is no distinction between civil and criminal cases in this respect, and I invoke every text-book that treats of the subject in support of what I say.

Mr. TAWNEY. They will all refute you.

Mr. POWERS. None of them will.

Mr. NORTHWAY. Will the gentleman permit a question?

Mr. POWERS. I can not stop for a question now; I have but three minutes.

Mr. NORTHWAY. You have made a statement that needs contradiction.

Mr. POWERS. Then answer it in your own time.

I say, Mr. Speaker, that in order to make a declaration admissible as a part of the res gestæ, it must be contemporaneous with the act itself, or so near it as to prevent any possibility of self-interest creeping in to vary or influence it.

Mr. FAIRCHILD. May I ask the gentleman a question?

Mr. POWERS. I can not be interrupted.

Mr. FAIRCHILD. Stick to the record, then.

Mr. POWERS. I will not be interrupted. I am simply stating the law as set forth by Greenleaf and Best and by every writer on this subject, and if any gentleman can produce an authority to the contrary he is at liberty to produce it.

Mr. OVERSTREET. I can produce it.

Mr. POWERS. Produce it, then, in your own time, but do not interrupt me.

Now, Mr. Speaker, I say that these parties who went up and offered their votes were engaged in the transaction which constituted the res gestæ, but when they went across the street or elsewhere and saw a man seated in a wagon and made declarations to him about it, those declarations were in no proper sense a part of the res gestæ.

Mr. TAWNEY. What is the res gestæ?

Mr. POWERS. The res gestæ is the thing that is going on.

Mr. TAWNEY. Was not that a part of it?

Mr. POWERS. No, sir. The thing that was going on was the voting at that election, and what those men chose to say about it afterwards was a subsequent narration, not a part of the thing itself.

Mr. TAWNEY. Not if made immediately afterwards?

Mr. POWERS. If made a second afterwards; if the transaction is ended, that excludes it.

Now, Mr. Speaker, I have been interrupted by several gentlemen who say they can contradict me on this proposition. I challenge any one of them to produce a law book or any authority from a respectable court that contradicts it.

Mr. OVERSTREET (holding a book in his hand). Will the gentleman read this authority?

Mr. FAIRCHILD. My point against the gentleman from Vermont was not that he misstated the law, but that he made a wrong application of it to this case.

[Here the hammer fell.]

Mr. JENKINS. I yield twenty minutes to the gentleman from Virginia [Mr. WALKER].

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. JENKINS] has no time at present. The gentleman from Virginia [Mr. JONES] is recognized.

Mr. JONES. I yield my time to the gentleman from Wisconsin [Mr. JENKINS].

Mr. JENKINS. I now yield twenty minutes to the gentleman from Virginia [Mr. WALKER].

Mr. WALKER of Virginia. Mr. Speaker, when I was cut off in my remarks I was asserting the proposition of law that the rejection of a voter does not mean simply the rejection of a man who actually applied to the judges and was refused the right to vote, but that it applied to men where classes of voters were excluded. The language of the law is (I read from McCrary on Elections, section 200):

> And in such a case, if the erroneous rule affects a class of voters and it has become generally known to the persons who are excluded by it, they may submit to it without waiving any rights, although they do not present themselves at the polls and offer their ballots. They have the right to take notice of the decision of the board in other cases precisely like their own.
>
> To require each voter belonging to a class of excluded voters to go through the form of presenting his ballot and having a separate ruling in each case would be an idle and useless formality. We are to look at the substance and not the formality.
>
> After a decision has been made by the election officers affecting the right of a class of persons to vote, and that decision becomes known, it is not necessary that every voter belonging to such class should offer his vote and have it formally rejected.

Mr. MCCALL of Massachusetts. May I ask the gentleman a question?

Mr. WALKER of Virginia. Certainly.

Mr. MCCALL of Massachusetts. Is not that statement of the law based upon the proposition that there was no election in that particular case?

Mr. WALKER of Virginia. I think not.

Mr. MCCALL of Massachusetts. I think it is.

Mr. WALKER of Virginia. I think not.

As is shown by the evidence in this case, the managers of election ruled early in the day that persons not having certificates of registration would not be allowed to vote, and they made proclamation to this effect at the polling places. This ruling was communicated to voters far and near who were on their way to the polls and were met and turned back on account of this ruling.

This principle has been sustained by the House of Representatives in a number of contested election cases. (See following cases in Digest of Contested Election Cases of the Fifty-first Congress: Miller *vs.* Elliott, 515; Goodrich *vs.* Bullit, 584; Mudd *vs.* Compton, 153; Waddill *vs.* Wise, 224.)

It seems clear, therefore, that the votes rejected as set forth in the lists furnished by the contestant and which are proved by the list keepers should be counted for the contestant.

But it is said the officers of election were guilty of no fraud and that they did their duty under the law. Mr. Speaker, if gentlemen mean by this that the election officers, all of whom belonged to the Democratic party, were guilty of no fraud, they have not read the evidence in this case. The gentleman from Missouri [Mr. DE ARMOND], and I understood he was indorsed by the gentleman from Massachusetts [Mr. MCCALL], says that the election was fairly held in a general way, and that there is no evidence of fraud; that the officers of election attempted in good faith to observe the law.

Mr. MCCALL of Massachusetts. I desire to say to my friend that I made no such statement.

Mr. WALKER of Virginia. Then I misunderstood the gentleman, and I cheerfully make the correction. Certainly that was the statement of the gentleman from Missouri [Mr. DE ARMOND], as can be seen by reference to the RECORD of this morning.

Now, Mr. Speaker, if the gentlemen mean to say that there are not many evidences of fraud upon the day of election, I accept the statement. But gentlemen know, and the record sustains the statement, that there was no necessity for fraud on the day of election. The fraud had been committed before—in the registration—which made the success and the return of the Democratic candidate a certainty beyond a reasonable doubt. There was no necessity for committing fraud on the day of election, because before that day the question had been settled by the grossest frauds ever committed upon the elective franchise of any people. Why, sir, the supervisors of registration were all Democratic officials; so were all the election officers in the State of South Carolina—all Democrats. And I say here now that whenever it is shown that every election officer at a given election belongs to one party it is prima facie evidence of fraud.

Why, Mr. Speaker, these supervisors of registration in effect denied the right of registration to voters. There was only one place of registration in each county. Voters desiring to register were required to go on foot or as best they could in order to reach the place, 25 or 30 miles away, perhaps, where they were required to register. Not only that, but the registration days were on the first Monday of each month from December till July, and on no other day could they be allowed to register. The proof in this case shows that the supervisors of registration came to the places of registration at 9 or 10 o'clock in the morning; that they dallied and fooled with the registration, and, as one witness expressed it, were the slowest men with the pen that he ever saw. They would require hundreds of men to stand in line all day when those men were of opposite politics. But whenever a Democrat came up he was promptly and immediately registered. Republican voters were told, "Stand back; we have no time to attend to you now." Some were too old and some too young to register. These supervisors would hold the poll open an hour or two in the morning, then adjourn for dinner; stay away two or three hours, and on their return hold the registry open an hour or two, and then go home, saying to those who had failed to secure registration, "Come back the first Monday of next month." When they came back on the first Monday of the next month, the same thing occurred. It is known that in some cases men attended on every registration day, six times in the year, and could never obtain registration.

When persons were registered they were furnished with a certificate of registration, which was numbered, and the number had to correspond with the name and number upon the book. When the voters went to the polls it was found that hundreds of these registration certificates did not correspond with the entries on the books. A man would be rejected, for instance, because when he presented his certificate—No. 110, we will suppose—the election officers would say, "Your name as entered here is No. 109." How did such things occur? The cases of that kind were so numerous that it can not be assumed that they arose from mistake or accident. By all the rules of circumstantial evidence we have the right to suppose that it was intentionally done. Gentlemen talk about there having been no frauds. These are illustrations of the frauds committed, not on the day of the election, but before the election—frauds which rendered it unnecessary to commit any on the day of the election.

Now, Mr. Speaker, my time is so limited that I find myself very much embarrassed in dealing with the points in this case. The evidence of these frauds appears in the result of the election. On the day of the election the contestee received 7,361 votes; the contestant only 3,090. There were rejected 7,336 votes. In other words, the rejected votes lacked only 25 of equaling the number given for the contestee. Two-fifths of the whole number of voters who went to the polls were rejected. Three-fourths of all the Republican voters who presented themselves at the polls were rejected. Hundreds of voters, as is shown, stayed away from the polls—did not offer to vote, because, being Republican voters, they knew that under the unconstitutional registration laws of South Carolina their votes would be rejected for want of the certificate of registration, or for want of some other formality required by that unconstitutional law. Almost every one of the votes rejected was rejected for failure to comply with some one or more of the provisions of the unconstitutional registration laws. This alone is sufficient to defeat the contestee.

Mr. Speaker, I ask in all seriousness whether the votes of American citizens are to be trifled with in this manner? I ask members of this House whether they can say that a man is honestly elected and returned to this House when as many votes are rejected as the number of votes he received? I say not. I say that the man who claims to be entitled to a seat in this House must show that he has received a plurality of the honest votes that were tendered at the election.

But, recognizing this, the able chairman of the committee takes the position that there was no election. Now, will it be held by this House that in this case, where it is shown that 7,336 votes were tendered, and tendered by men who are proved to have been Republicans, who were known to be supporters of the contestant, and whose votes are rejected, will it be claimed that the contestant shall be turned down and the case referred back to the people for another election? If he goes back, does he go back to be elected by the same electors? Is it contended that he will go back under the same conditions and circumstances that prevailed when the former election was held? No. We have a new election law in South Carolina by which an educational and a property qualification are prescribed as prerequisite to the right to vote. "Ah," gentlemen say, "that law does not go into effect until the 1st of next November." But the governor of South Carolina has the right to fix the time for the election, and he will not fix that time until the new law goes into effect, you may rest assured of that.

Even if you send the contestant home again to be voted for he will not be voted for by the same voters; you will not submit his

rights to the same tribunal to which it was submitted before. Things have changed since then. Why, gentlemen on the other side admit that there was fraud; they admit that there is an unconstitutional law, and yet they come forward and seek to shelter themselves behind the technicalities of the law. They shelter themselves behind the strict rules of evidence applicable to a criminal or to a nisi prius trial. I claim that the members of the House are bound by no ironclad rules of evidence. I claim that there is in the House the power to do right and to do justice, but not to sanction fraud. The same gentlemen say that we must be governed by the strict rules of evidence, and that we must try the case by the strictest technicalities of the law; themselves strain at gnats when it comes to counting votes of honest electors and swallow the grossest frauds committed by sworn election officers.

Now, if I can be allowed a minute, I propose to show that the tally lists are properly counted; that they are part of the res gestæ. Why, gentlemen say and contend that the res gestæ mean just what occurred before and in the presence of the managers of the election. I contend that the res gestæ are extended to and embrace not only what occurred in the immediate presence of the judges of the election, but what occurred from the time the elector received his ballot, passed into the booth, prepared and delivered it to the managers, and until he returned and announced immediately before witnesses then and there what took place. The lists that we count are all composed of the names of men who went into the booths and were rejected. They are made up, as I have shown, of men who immediately turned, after their rejection, and made their declaration and gave their names to the list keeper. I hold it is not only part of the res gestæ but it is the best and only evidence of which the case is capable.

How would you prove that 7,000 voters were rejected? Gentlemen say you must have the best evidence. The best evidence is insisted upon, and they say you must bring every one of the 7,000 men to the book and take his testimony. If that be insisted upon, it is a practical exclusion of justice. It is insisting upon an impossibility. Why, all a candidate need do if he desires to make his frauds unimpeachable would be to make them so great, so extensive, that you could not reach them by evidence. If he defrauded 10 men, you might prove it by the evidence of the 10 men; but if he defrauded 10,000 men you make the fraud so great that it is impossible to expose it by the testimony of the parties themselves.

Now, Mr. Speaker, the names of the voters who were thus excluded were taken down by the list keepers on the day of the election and either immediately at the polls or within a very short distance thereof. This was done openly and publicly, and in one case at least so publicly that the Democratic officers of election ordered the list keepers away and compelled them to take a position farther off. In other words, these men were so close to the polls that the managers and officers of election drove them away. The depositions of these list keepers were taken and will be found in the record in this case. They prove the following facts: First, that all the persons whose names are upon the list were at the polls on that date. Every man whose name is on the list was proved to be there on that day. Second, as soon as they were rejected they reported to the list keepers in person and claimed that they intended to vote for the contestant and were refused. It is contended by the contestee that this is not strict legal evidence to establish the rights of those persons to vote and that they can not be counted for the contestant for that reason. The counsel for the contestee contends that there is no legal proof that such persons were legal voters, possessing the qualifications required by the constitution, which are as follows:

First. That they were over 21 years of age.
Second. That they had resided in the State twelve months and in the county sixty days.
Third. That they were not laboring under some of the disabilities mentioned in the constitution.

In reply we think that the evidence furnished was the very best which, under the circumstances of the case, it was possible to obtain. The statements made by the rejected voters and the list taken by the keepers at the time and place where the elections were being held were part of the res gestæ. It was the very best evidence that it was practicable to obtain without examining on oath each and every one of the 7,336 voters illegally excluded and prevented from casting their ballots. To require the taking of all this evidence would render a contest impossible to the contestant.

The persons whose names are on the excluded list did not vote at the election, because their names are not found on the list of persons voting. The poll list shows this and is conclusive proof against the contestee that they did not vote.

The registration books will also show whether the names found on said lists are upon the registration books.

These books are in the possession of the Democratic officers, and it would have been an easy task to show whether the persons whose names are on the lists were on the registration books or not.

The lists were put in evidence by the contestant, and the contestee had ample time to inspect the lists and compare them with the registration books; to inquire whether the persons claiming to have their votes counted were legally qualified voters under the constitution. No evidence is offered by the contestee to contradict the facts sought to be established by the said lists.

First. No evidence is offered to prove that a single voter whose name is on the list was not present at the voting place on the day of election.

Second. No evidence is offered to prove that the names of any of the said persons were not on the registration books.

Third. It is not attempted by the contestee to prove that a single one of the 7,336 voters were not citizens of the State of South Carolina, having resided in the State one year and in the county sixty days before the election.

Fourth. It is not shown that any of the persons claiming to be rejected actually voted on that day.

Fifth. Is is not shown that any of the persons embraced in said lists were disqualified from voting by reason of conviction of infamous crime, larceny, or dueling.

It is said that the party claiming that his vote should be counted must show that the voter offered to vote; that he is a legally qualified voter in all respects; and that to require the opposite party to prove that he is not a legally qualified voter is to require proof of a negative.

Now, we deny the first branch of this proposition in the broad terms in which it is asserted. When a citizen who is registered as a voter applies to an officer of election to vote, and his vote is objected to and challenged on a single ground and is rejected on that ground alone, it is and must be taken as prima facie evidence that the ground of objection made is the only objection relied upon and the only objection which exists. When a voter removes that objection and none other is made against him, his vote must be received. He is not called upon or required to prove without further challenge that he is possessed of all the qualifications prescribed by the Constitution. So when the 7,336 Republican voters were rejected solely on the ground that they had not been registered or did not produce satisfactory certificates of registration at a time when there was no valid registration law in the State of South Carolina, the presumption arose that there was no other objection to their voting and that they possessed the qualifications requisite to the exercise of the right of suffrage.

On the second branch, that the contestee is required to prove a negative, we reply that the person challenging a registered voter is always required to prove that the voter is not qualified, and such a requirement does not amount to negative proof; nor is it true, as a proposition of law, that the party can never be required to prove a negative.

The fact that a voter is registered is prima facie evidence that he is a legal elector, possessed of all the qualifications required by the law, and the person who challenges a registered voter must state the ground of his challenge and prove it, though it requires him to prove a negative.

The divergent views of the members of the committee result from the different interpretations of the rules of evidence to be applied by the House in this case. The able chairman of the committee concedes that the evidence clearly establishes such frauds upon the part of the election officers as render the election void, but he holds to the view that the evidence is not sufficient to count the rejected votes or any part of them in favor of the contestant. Four of the members of the majority ignore all the rejected votes, while the fifth concedes that a portion of the rejected votes should be counted for contestant, but splits hairs upon technical rules of evidence and fails to count enough to elect him. The majority ignore the frauds practiced by the election officers in coming to a conclusion, but the gentleman from Wisconsin [Mr. JENKINS], in his very able and exhaustive speech in favor of the majority report, gives away his case when he uses the following language:

No matter how obnoxious it may be to us, we should see to it that the will of the people as declared at the ballot box is carried out. That will include condemnation of fraud and intimidation. Every effort ought to be made to have free and fair elections. It is the very substructure of government. Murder, robbery, and horse stealing should have a secondary consideration compared with the great questions involved in a free, fair election and an absolutely honest count. Any attempt at dishonesty in elections should not only be frowned upon and condemned, but those responsible for it should be punished to the full extent of the law, ostracized, and absolutely disqualified from ever participating in elections or holding any office of profit or trust. So important has the question become that it is one of the highest duties of citizenship to demand that nothing shall be more sacred than the right of the citizen to vote and have his vote counted.

All dangers of a man losing his vote by reason of technicalities should be removed. Fair and just registration and election laws should not only be favored but fairly and honestly enforced, and this political right should be so prominently advanced that it will be highly prized by every American citizen.

No American citizen can afford to uphold fraud in elections, whether he be in the North or in the South.

The safety of the individual and the success of the nation depend upon a free ballot and fair count and absolute conformity to law. It will not require any argument to prove that the lawful electors of South Carolina are by the requirements of the statute deprived of their constitutional rights, and that the statute does impair the rights of electors and imposes conditions and makes unreasonable and burdensome requirements not warranted by the constitution; and I think the law is void.

It seemed almost like a denial of justice to require the evidence of the rejected voter himself, or, what might answer as well, the evidence of a person who stood close enough to the ballot box to hear all that was said and could testify that he saw A tender his vote and heard him say that he wanted to vote for the contestant, and that his vote was refused because he was not registered; and it should appear by the testimony of A, or some one else knowing the facts, that the rejected voter was a qualified elector of the precinct where offering to vote.

Hard cases make a shipwreck of principles, and while the power of the House is very great, and while I think we ought not to be controlled by technical rules of evidence, I believe it very safe to be governed in these cases by common-law rules of evidence, and do not think we ought to formulate a rule for the government of any particular case; but think that every case can well afford to be proven by well-established rules of evidence that have come down to us through the many years of our jurisprudence, and that the case should be ruled without reference to the numbers of the rejected vote.

The gentleman in these eloquent words admits fraud and intimidation and raises a freeman's voice in behalf of a free ballot and a fair count; and yet the result reached by the majority of the committee and sanctioned by him gives full effect to the most outrageous frauds practiced under cover of an unconstitutional law. He admits and says in words that—

The lawful electors of South Carolina are, by the requirements of the statute, deprived of their constitutional rights, and the statute does impair the rights of electors and imposes conditions and makes unreasonable and burdensome requirements not warranted by the constitution.

And yet the gentleman insists that the contestee is honestly elected and that the action of the election officers of South Carolina should be approved and sanctioned. But the gentlemen who favor the majority report insist that this case must be disposed of, not upon its merits but according to the strict rules of law; that we must ignore justice and lay down rules for the government of future cases. In short, that we must do evil that good may come; do injustice to-day in order to avoid the possibility of doing injustice hereafter.

The gentleman from Wisconsin [Mr. JENKINS] expresses this idea when he exclaims, "Hard cases make a shipwreck of principles."

This is the special pleading of one who sees and admits the hardship and injustice of seating the contestee, and honestly seeks to do justice, but sticks in the bark of precedents and hesitates before imaginary evils. Every case must be decided by its own circumstances, and this House can not be bound by any iron rule of law or precedent to do wrong.

The only ground upon which it can be asked to set aside this election and order a new one is that it is not proved by legal evidence that the contestant received a sufficient number of votes to give him a majority. It is clear from the evidence in the record in this case that if the contestant did not receive a majority of the votes cast at the election he was unlawfully deprived of them by the partisan manner in which the laws were executed, by frauds in the election practiced by the contestee or his political friends, and by intimidation and illegal practices. To allow the contestee and his friends to obtain any advantage from their own wrong would be to offer a premium for such practices. It is but the exercise of a well-established rule of equity, that no man shall take advantage of his own wrong, and that when fraud is once proved all presumptions are against the wrongdoer.

If the purity of the ballot box is to be preserved, if the right of every qualified voter to have his ballot cast according to his wish and counted as cast is to be preserved, if the right of a majority of the electors, as expressed through the ballot box, to choose their representatives in Congress is to be protected and preserved, it must be done by the representatives of all the people of these United States in Congress assembled.

It is vain for the people of South Carolina to expect protection from their State laws or from the officers who are chosen to administer them. If fraud, intimidation, and unjust laws administered in a partisan spirit oppress the citizens of the State of South Carolina in the exercise of their domestic affairs and deprive them of representation in the halls of the State legislature, it behooves the House of Representatives of the United States to see that citizens of the United States are not made the victims of State tyranny and are not deprived of representation in the halls of the National Legislature by unconstitutional laws or by fraudulent practices.

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. WALKER of Virginia. I do not like to ask the indulgence of the House, but I have not disturbed it very much during the session. I have but little further to say, and would ask unanimous consent to conclude my remarks.

The SPEAKER pro tempore. Is there objection to the gentleman from Virginia concluding his remarks?

Mr. KEM. I object.

The SPEAKER pro tempore. The gentleman from Nebraska [Mr. KEM] objects.

Mr. WALKER of Virginia. Then I will ask permission to insert the balance of my remarks in the RECORD.

Mr. KEM. The gentleman from Nebraska [Mr. KEM] objects. [Laughter.]

The SPEAKER pro tempore. The gentleman from Nebraska [Mr. KEM] objects.

Mr. WALKER of Virginia. I trust the day may come when Mr. KEM will forget to object.

Mr. JOHNSON of California. Would it be in order for the gentleman to move to print his remarks in the RECORD?

The SPEAKER pro tempore. It could only be done by unanimous consent.

Mr. JENKINS. Mr. Speaker, I wish it were possible for me to make myself heard by every gentleman who must finally determine this case as a juror and as a judge of the law and the facts.

I consider that the right of a gentleman to a seat in the House of Representatives, under our form of Government, is what may properly be called a sacred right.

There is in this case an attempt upon the part of an interested gentleman to wrest from another man a seat that he now holds by virtue of the law, and I do not know, for my part, how gentlemen are to determine this very important question unless they are familiar with the facts that are involved in this case.

I want to say, Mr. Speaker, to all of my Republican associates on the floor of this House that if they will sit down and canvass this testimony as carefully as I have canvassed it for months they will have no hesitation in coming to the same conclusion that a majority of the committee have come to in this case.

I want to say to every gentleman upon the floor of this House that there is no more question about the right of the contestee to his seat in this House than there is to the right of any other gentleman upon the floor of this House. I believe that he holds it according to law, and I do firmly believe as a lawyer, as a citizen, and as a member of this House that to undertake, under the law in this case and upon the facts as I shall present them to this House, to take that man's seat away from him would be deliberate fraud not only upon him, but upon the sovereign State of South Carolina.

I do not hesitate to say that as a Republican. I have given a large amount of time, as the chairman of this committee, the gentleman from Massachusetts [Mr. MCCALL], can testify, to the consideration of this case. I have gone over every word of this evidence time and again, and I want to assert to this House that up to this moment the underlying facts in this case, that must govern it, and that ought to determine the right to this seat, have not been presented to this House. I am willing that you should take the most partisan lawyer who sits upon the Republican side of this House, and if it could be referred to him as a referee, I would refer this case to him and abide by his decision, if he would only examine the facts.

There is a great mistake made, Mr. Speaker, at the very threshold of this case. Many gentlemen attach too much importance, in my judgment, to what they call the power of this House. In other words, they look upon it as though this was a House having a power unto itself, that there was no appeal, that there was no limit to its power, and that no one had a right to criticise its action. While I recognize the high constitutional power of this House, I say, Mr. Speaker, that it must consider that constitutional power in connection with an implied power, that this House has the right of judging of the elections, returns, and qualifications of its members according to the law and the evidence.

Now, as a member of this House and of the Elections Committee, with eighteen cases pending before that committee, I have had the honor to participate in the decisions of that committee. When I sat down to determine those cases I knew of no other guide but to anchor myself to the law and the evidence as I understood it, not as some other gentlemen understood it. I was guided in all my deliberations by the law and the evidence in this case. In other words, I have tried to treat this case and every case that came within my jurisdiction exactly as a judge would upon the bench, and not as a politician would upon the rostrum when he was addressing a political convention.

Mr. HEPBURN. Mr. Speaker, will the gentleman allow me to ask him a question?

The SPEAKER pro tempore. Does the gentleman from Wisconsin yield to the gentleman from Iowa?

Mr. JENKINS. For one question.

Mr. HEPBURN. You have stated that you were guided by the law. Have you been guided by the provisions of the statute of South Carolina in the cases that you have examined from that State, with regard to the method of ascertaining the intent of the voter? Have you felt that the law of South Carolina was obligatory upon you with reference to ascertaining the intent? Probably with reference to the qualifications of the voter it would control, but does it control you in the other respect?

Mr. JENKINS. Mr. Speaker, I can not answer all the questions now that may be asked in a discussion like this, but I think, before I get through, my very learned legal friend from Iowa will be satisfied with my explanation. I want to continue my line of

thought, and I shall be willing, at the close of it, to answer any question; but the question that is now asked me is not involved in this case.

Now, Mr. Speaker, in connection with this one thought as to the constitutional power of this House, there is another constitutional provision that must be considered by this House in determining this question, and that is, Mr. Speaker, that the Constitution of the United States, which governs us, has placed the power within the States to determine the entire question of electing members of Congress. There is also a power lying within the Constitution which permits, not the House, but the Congress of the United States, to also regulate the manner of electing Representatives, but up to this day the Congress has never asserted its constitutional power in this regard. Therefore, Mr. Speaker, notwithstanding that a sovereign State may not do just exactly what is right, I insist as a lawyer that there is no power within either of the Houses of Congress separately to override the law of a sovereign State as far as this question is concerned. I say that the law of a sovereign State at this time, providing for the election of members of this House, is absolutely binding upon this House according to the Constitution of the United States.

Now, Mr. Speaker, that is a position that I am willing to leave to the country. I do not care to submit it to a politician, but I insist that, sitting here to-day, this House ought to carefully guard these great questions. Gentlemen sitting around me here to-day have said that the time has come when we ought to reach out the strong arm of this House and assert Republican rights in those States, but I want to say to the House and the country, as I replied to those gentlemen, that there is danger lurking in positions of that kind. The very first duty that devolves upon this House is to be governed by the law itself. I tell you that the Republican party has lost more power in this country by usurping rights that never belonged to it under the Constitution than it has by any other thing it has to combat.

Mr. OVERSTREET. Will you permit me to ask you a question?

Mr. JENKINS. One question; but if I am to be constantly interrupted I can not present my views in this matter.

Mr. OVERSTREET. Will you be kind enough to state what power the Republican party has usurped?

Mr. JENKINS. I will open a law school and gladly admit you, but I can not now.

Mr. STEELE. You have made a declaration you have no right to make unless you offer something to substantiate it.

Mr. JENKINS. I do not want to be interrupted by these gentlemen unless it is necessary.

Now, Mr. Speaker, I say that I have the right to my views upon this question; and I have a right to present them to this House. I do not expect that everything that I may say as a matter of law will accord with the views of every other gentleman; but I am submitting my own views. I am speaking here in answer to those gentlemen who insist that whenever we have the power to elect a Republican we should exercise that right. I say that we are just as much under the influence and power of the law in this Congress as the humblest citizen in the United States. I say now that if there is any attempt to do what is wrong, if there is any attempt to do unlawful things, any attempt to violate the Constitution, let the Democrats do it, as they have continuously been doing. I do not want that charge successfully made against the Republican party.

I say as a general proposition that I assume that some of the States of the South have not done their duty. They have not conformed to the law, but we should not make matters worse by stepping in and absolutely violating the law and counting a man in here when the law does not justify it. I am only standing here upon the law.

Now, Mr. Speaker, in personal defense of myself I want to answer one little thrust made at me yesterday; and I am sorry that the remarks are not in the RECORD, so that I could do no gentleman any injustice about the matter. A question was flauntingly asked and answered in this House with reference to my voting with the Democrats. Well, now, Mr. Speaker, I do not know that I need to enter into any defense of my Republicanism. I stood here from April, 1861, to July, 1865, with a musket defending the principles of the Republican party in my very feeble way. For over twenty-five years I have been a humble member of the Republican party; and I can say what few other gentlemen on this floor can say—I never was guilty of voting for a Democrat in my life, and by God's help never will. [Laughter.] There is something not common between the Democracy and myself; but when a matter like this is intrusted to me as a member of this House I am going to discharge my full duty without any reference to politics. Now, then, I propose to answer the question the gentleman from Indiana asked yesterday upon this floor with reference to my position in this matter, and that is all I want. I want to know—as it is now stated that the record shows that against seating the contestant in this case there were 6 votes out of 9—3 Democrats and 3 Republicans—in the committee——

Mr. OVERSTREET. Did I not admit that?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. JENKINS. I do not. I insist, Mr. Speaker, that I am supported by most excellent authority, by the gentleman from Massachusetts [Mr. MCCALL], who has honorably served in this Congress and in previous Congresses in election cases, and by the very able gentleman from Pennsylvania [Mr. CODDING], both concurring with my views that the contestant in this case is not entitled to the seat. So far I have very honorable support in my proposition. We did not come to a conclusion in a hurry. It took months of hard work to get down to a conclusion in this matter. The only difference is that Brother CODDING, as able a lawyer as there is in Pennsylvania, disagrees with me, and says that some of the lists can be counted, while he goes far enough to hold the minority report in this case was wrong. I am supported in my conclusions by the gentleman from Massachusetts [Mr. MCCALL] that you can not count a single vote on these lists.

Now, I want to know why I should be singled out and abused, and charged with confederating with my Democratic associates. I want to say, Mr. Speaker, that I am proud of my Democratic associates on this committee as legal gentlemen, as honest, conscientious gentlemen as I ever met in my life; and I regret the covert attacks that are made on those honorable gentlemen, as was done by the gentleman from Virginia [Mr. WALKER], and the assault on them in the pending minority report. Injustice was done those gentlemen. They were among the first on that committee to announce their views to us that this law was unconstitutional. It is only just to the Democrats to state that. I was absolutely surprised at them myself. My learned colleague [Mr. MCCALL of Massachusetts] is a witness to their views. He is a witness that there was no hesitation upon their part.

There was no cowardice on their part, and if my learned friend from Virginia had been as industrious in the committee as he was in getting votes in the State of Virginia at that time he would have become as familiar with their views as I am. So I say that so far as that is concerned there is no fault to be found with those gentlemen. I want to know why I should be charged with want of loyalty to the Republican party because I do not agree with these three learned gentlemen? Why, my friend who made that attack upon me was in his swaddling clothes, feeding out of a nursing bottle, when I was out here in the State of Virginia trying to keep the Democratic party from overthrowing this Government! [Laughter.] I was a Republican when my learned friend from Virginia was a Democrat, doing everything he could to overturn the Constitution of the United States. I was a Republican here when my learned friend was down in Virginia helping the Democratic party to deprive the loyal negro voters of that State of their political rights. I am a Republican yet. I admire the honesty of the gentleman. I admire his bravery and his courage. But new converts are always zealous, and he must not charge me with cowardice or want of loyalty to the Republican party because I fail to follow my colleagues on the committee in their views. Am I to be abused and charged with want of loyalty to the Republican party because I refuse to follow the views of the gentleman from Michigan [Mr. THOMAS], who was not educated for the bar? I think that, with twenty-five years' experience at the bar, I am as competent to judge of these election cases as the gentlemen who have attacked me.

Mr. OVERSTREET. Who has abused you?

Mr. JENKINS (continuing). And I do not see why a man is to be charged with being lacking in loyalty to his party because he honestly disagrees with the views of gentlemen with whom he is associated.

Mr. WALKER of Virginia. Will the gentleman yield for a question?

Mr. JENKINS. For one question.

Mr. WALKER of Virginia. Have I ever accused you of want of loyalty to your party?

Mr. JENKINS. General, if you will sit down until I get through, you and I will talk this matter over. [Laughter.]

Now, Mr. Speaker, I am very anxious to present this case to this House, but I want to say that up to this time the particular facts of the case have not been fully presented. My very learned friend from Massachusetts [Mr. MCCALL], the chairman of the committee, was prepared to present them, but he was interrupted so much that he was unable to complete his presentation of the questions that are directly involved in the case.

Let us see first about the constitutional provision. There has been much in the way of attack upon that provision. The committee were all agreed, not that the election laws of the State of South Carolina were unconstitutional, but that the registration law of that State was unconstitutional, and, as I have said, upon that subject the committee were unanimous.

Now, Mr. Speaker, what were the committee to do under the circumstances? We were confronted with the question which was presented in the brief and in the argument, and we had to deal with it. We held, as I have said, that that registration law

was unconstitutional, but the question we had to consider was, did this House have the power to declare that there was no election because that law was unconstitutional? Let me say to my friend from Delaware [Mr. WILLIS] that we agreed that we would hold that there had been an election in that State, because there had been acquiescence in that registration law for over twelve years. But our view was that there really was no registration law there. An unconstitutional law is no law, and there was nothing, so far as the registration was concerned, to prohibit those men from voting.

Mr. FAIRCHILD. Except the Democratic managers of election.

Mr. NORTHWAY. They were prohibited from voting, though.

Mr. JENKINS. The next question was, How were we to deal with the case? I have gone further in committee and in my private views, as the gentleman from Massachusetts [Mr. MCCALL] can testify, than any other member of the committee. I have said, as the gentleman from Massachusetts said this morning, that if we found that a voter had stayed at home because he was advised that his vote would not be accepted we would include that vote—that is, we would not count it, but we would include it for the purpose of holding that there was no election. We could not count it unless the man went to the poll and tendered his vote or was prevented from tendering it. How can you count the vote of a man who has never gone to the poll or offered his vote? That is the great question here, and I will show before I get through that the testimony of the contestant's own witnesses shows that there were enough voters to change the result who never tendered their votes. Being confronted with that question, we adopted the rule which was stated in my previous remarks upon this case. We said we would count the vote of every man whose vote ought to be counted, just as though it had been counted there on election day. But we required some conditions. We required it to be shown that the man was a voter. We required it to be shown that he went to the poll and tendered his vote or was prevented from tendering it. And I say here to-day that I join in the conclusion reached in the case of Waddill *vs.* Wise, that where the voter went up to vote and was prevented from reaching the poll, but was standing there intending to vote, and where it was known for whom he would vote, I would count that man's vote just as readily as though it had been cast. That is my legal position.

Mr. FAIRCHILD. What difference is there between that case and this, where these men went to the polls and tendered their votes and were not permitted to vote?

Mr. JENKINS. I am sorry my learned friend did not stay here and listen to the argument, because if he had done so he would not ask that question. The difficulty is that there is not a particle of proof as to many of these voters that they did what the gentleman says they did.

Mr. FAIRCHILD. I will say to the gentleman from Wisconsin that I have listened very carefully to the argument of this case. Besides that, I have studied it for two nights at my room, and I find plenty of evidence of just that kind—enough to seat the contestant.

Mr. JENKINS. Mr. Speaker, I object to the gentleman interjecting an argument into my time. I am not responsible for the views he may entertain. I say, Mr. Speaker, that in the case of Waddill *vs.* Wise the committee of this House insisted that the voters should be called. Each and every qualified voter was called and testified, showing his qualification, showing that he went to the polls, showing that he had his vote there, showing for whom he voted; and those facts being shown, the House counted the votes. But in this case that has not been done.

Now, I want to say to-day, answering the question which was asked by the gentleman from Massachusetts, that if you will sit down and examine this evidence—I am speaking as a lawyer, not as a layman—I say to-day that I am willing any lawyer should take this evidence and go through it, and I will give him a dollar apiece for every voter that he will say is qualified to vote on that list as obtained from the record.

Mr. FAIRCHILD. I say to the gentleman that I will take his offer.

Mr. JENKINS. Mr. Speaker, I ask protection. I do not want to be interrupted by a gentleman who knows nothing about this case. [Laughter.]

The SPEAKER pro tempore. The gentleman from Wisconsin declines to yield and must not be interrupted without his consent.

Mr. OVERSTREET. Will the gentleman yield a moment to me?

Mr. JENKINS. Yes, sir.

Mr. OVERSTREET. I wish to ask the gentleman whether in respect to the excluded voters in every one of those six precincts in Sumter County the qualification of the voter is not shown by the evidence?

Mr. JENKINS. No, sir, not in one case; and I will demonstrate it.

Mr. OVERSTREET. I hope the gentleman still keeps open his offer of "a dollar apiece," and will let me present him the proofs that he has called for. [Laughter.]

Mr. JENKINS. Now, Mr. Speaker, I have made my statement. I want it distinctly understood what I am insisting upon in behalf of the Republican party in this House. If you want to count any of these votes you must have satisfactory proof that the man who offered to cast the vote was a qualified voter under the law of the State of South Carolina, that he tendered his vote or was prevented from tendering it.

Right here is where I join issue with my learned friend from Massachusetts [Mr. MCCALL], the able chairman of this committee. I say that if he consistently accepts his own conclusion he must unite with the majority of this committee, because the only difference between us is this: He says there is no proof that these men ought to have been permitted to vote; that is, there is no proof sufficient to entitle them to have their votes counted. Well, if you can not count their votes, how can you hold a new election?

I say again, so that I may not be misunderstood, that if the proof showed that these men whose votes were rejected were qualified voters, that they were at the polls to vote and were prevented from voting, then we should count them for the purpose of declaring there was no election, but could not count them unless the voters actually tendered their votes, or were prevented from tendering them by the crowd around the polls, or something of that kind.

Now, let us see how gentlemen on the other side get at the vote in this case. In the first place, there is not a particle of difference among the members of this committee until we come to the counting of these rejected votes. We are unanimous in our view as to the unconstitutionality of the registration law. We are unanimous in counting those votes to which I called attention yesterday. The fact is, we have given the minority more lawful votes than they themselves have counted. We have been willing to do that. Now they go to work and take the vote that was contained in the official return and they add to it 427 votes obtained from Richland County. Then they say they have by that process 3,083 votes. Then they count 4,523, and, adding that to the number we have given them credit for, they claim a majority of 233. Now, remember that they themselves find a majority of only 233 out of 3,736 votes on these lists. On those lists, all they can count is 4,523.

Mr. OVERSTREET. Did the gentleman hear my statement that 233 was a misprint. It should be 312. That is an accurate computation.

Mr. JENKINS. One hundred more?

Mr. OVERSTREET. Yes, sir.

Mr. JENKINS. Now, we will give them credit for 100 more, so that they will have 333. They have made a mistake in footing up the official returns. We called attention to it in the majority report, but the minority ignored it in their report. That reduced their count 9, according to their own confession.

Now, they start out with a majority of only 333 according to their claim, which will be reduced in the manner I have stated to 312. The question is, how do they obtain this vote? The attention of the House has been called to the fact that prior to the election certain persons went to work and had printed a petition or the heading of a petition which they circulated at each poll, and the minority report claims that the heading to that petition recites every requisite to establish the right of the voter to have his vote counted. In common fairness to the rights of these parties, I will submit the heading of this petition to any gentleman familiar with the law on this subject; and I claim you will not find a single element there that qualifies the voter. The petition is addressed to this House, and it alleges that the persons who claim to have their votes counted are over 25 years of age, male residents of the precinct, and are qualified to register and to vote. Now, I do not want to be hypercritical or technical, but I will leave it to any lawyer whether that is not "leading" of the worst character. Here are men permitted to testify in this way, and no opportunity is given to cross-examine them to ascertain whether their statements are true or not.

But what do they say? They say that they desired and intended to vote. Mark that; they desired and intended to vote, not that they offered to vote, not that they tried to vote, not that they were prevented from voting, but that they desired and intended to vote. That may be all true; but what we are complaining of is that it is not sufficient evidence to show a direct offer on their part to vote.

Mr. BAKER of New Hampshire. Will the gentleman allow me to ask him a question?

Mr. JENKINS. Yes, sir.

Mr. BAKER of New Hampshire. Have you any doubt that if there had been an entirely fair election in that district the contestant would have received a majority of the votes cast?

Mr. JENKINS. I want to say to the gentleman that when a judge sits on the bench—I do not care what view he may have as to the guilt or innocence of the person arraigned—he must be governed by the record.

Mr. BAKER of New Hampshire. Will the gentleman answer my question specifically?

Mr. JENKINS. We are not here to give opinions; and I am surprised that any gentleman who claims to be a lawyer should ask another what his opinion is in a case of this kind outside of the record.

Mr. BAKER of New Hampshire. I asked the gentleman whether he had any doubt on that point.

Mr. JENKINS. Now, in the first place, I want to say there is not a word of evidence in this case from first to last to show that there was any fraud at the election. On the other hand, I will show you by the statements of leading men—witnesses called by the contestant—that it was as fair an election as was ever held in the State of South Carolina. What right has any gentleman to sit upon the floor of this House as judge and jury and make up his opinion outside of the evidence in the case as to what the result of the election would have been in a certain contingency? It would not be fair for me to express an opinion one way or the other. I have no right to know anything about this case except what this record discloses. When you take these lists and read them over, you will find, as has been so well said by the gentleman from Vermont [Mr. POWERS], that there is nothing in them going to show a single qualification of these supposed voters, except what they desired to do. Take the report, page 47—and whatever statement I make about this case I propose to follow it up by the proof. Let us take page 47 and see what the witness there swears to. Just at this point it comes to my mind that I have objected to the fact that these lists are not properly brought before this House; were not properly offered as evidence.

I never made the objection which it was charged yesterday I had made, that they were never filed. That would be hypercritical. My point was that these lists ought to be brought here as evidence, so that the House would have power to look over them, just as you would bring a document into court through the aid of a deposition. Now, I refer to this evidence, about the middle of the page I have named, where it is stated expressly that there is no paper in evidence. The witness was asked where he was on that day. He says, "I took the names of those who applied for registration and attempted to vote and could not vote"; and he says he returned that paper to Mr. Meyers. That is the statement of a gentleman who is called to introduce into this record a large number of votes—86 in all; and there is not a single word in that deposition with reference to what those men said whose votes are now to be counted. This man simply states that he took down the names of those who offered to vote and could not vote.

There is not a single statement that one of the men was qualified as a voter or that he even tried to vote. Now, let me bring your attention for a few moments to the question about which so much is said here—the res gestæ of the case. Right here is where we seriously divide on the question of the legal effect of the evidence. They say it can be introduced because it is a part of the res gestæ. What, then, is the res gestæ? It is simply the thing itself. Let me illustrate: If there is a railroad accident, that is the res gestæ; it is the railroad accident itself. Now, I may be laughed at when I say that when the engineer or the conductor leaves the train he does not take the res gestæ with him. It remains. If, at the moment the accident happens, that engineer or the conductor or any other employee of the road speaks out instantly and says, "I told the master mechanic this morning that that train was not fit to run; that it was not safe," that is a part of the res gestæ, and can be offered in evidence against the company by anybody who heard it. But when a man goes away a distance and talks generally of the accident, narrating the facts, it is not a part of the res gestæ. It is difficult to determine as to the exact time and place which marks the line of demarcation. But I have in mind a case in Missouri where it was held that after the conductor had crossed the road, only a very short distance from where the accident occurred, and had charged the company with negligence, it was not considered to be a part of the res gestæ. What a man says and does at the time is the test.

Now, the affidavit and lists are not evidence in any sense, because they are not memoranda. What is a memorandum? They must be considered, if they are considered as evidence at all, upon one of two propositions: Either that they are memoranda or that they constitute a part of the res gestæ. When we get down to it we find that the men made no statements. Is the House to hold, as a matter of law, to establish a precedent for all time, that a man can sign a paper which never was seen by the parties in interest and never was heard of, to sign a paper of that character and make it a declaration.

They say that there are over seven hundred electors, according to their statement, who have not declared any intention, and you are asked to count them without a particle of evidence of intention or anything else, simply on the mere fact that they belonged to the Republican party, and so would have voted for the Republican candidate.

Now, they say that they are forced to do that. I will demonstrate, Mr. Speaker, that they were not forced to do it. I will demonstrate that they were not confined to this class of evidence. There were abundant ways to prove it, and they are not denied any of their rights because of the number of the men and the difficulty of securing their testimony. But supposing, for the sake of the argument, that the number of men is large, and it would be hard to run around and hunt them up and take the affidavits of each and every man, ought we, as has been well said, to violate every rule of law? Hard cases do make shipwreck of legal principles, but it will not do to abolish and absolutely overturn all principles of law for the purpose of counting a man in.

These men, then, never made a declaration. I say that these lists can not be memoranda, because a memorandum is where a matter is in the memory of a man, who writes down the fact, to which he can always refer afterwards, for the purpose of refreshing his memory. But how can you call a paper a memorandum when another man signs it without a word and hands it to you? I am at a loss to understand on what principle such a contention can be based.

But now suppose you call it a declaration. I wish to submit this proposition to any lawyer on this floor (I raised it heretofore in the remarks I made on this case): That you can not find a single instance anywhere in the books, emanating from any authorities, text writer or jurist, that warrants you to receive the declaration of a man as to what he intended to do in this regard. The declaration of a voter is only received in one particular instance, and that is to impeach his right to vote. It is never received in favor of himself, but always as against himself.

Now, I am warned to hurry, as the time is very brief. But, as I was saying, they can not be considered as memoranda or received as evidence as such, because the man who made the memorandum is not here to verify it. They can not be received as declarations, for no man is in the record testifying as to what the electors said. I say he can not sign a paper and have it regarded as a declaration. I am not begging the question either. I am not asking any extreme rule to be applied, but I am sheltering myself within such authorities as Paine and McCrary, and the other great Republican authorities, who say that the best evidence the case in its nature is susceptible of applies to election cases——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McCALL of Massachusetts. Mr. Speaker, may I ask how much time I have remaining?

The SPEAKER pro tempore. The gentleman has ten minutes.

Mr. McCALL of Massachusetts. I yield that to the gentleman from Wisconsin, but would like to say first that if the substitute of the minority shall prevail, I will ask for a separate vote on the two resolutions presented by the majority of the committee, in order to test the proposition which I made to the House.

Mr. JENKINS. As I was saying, Mr. Speaker, in order to unseat this contestant, this House has got to lay down as a matter of law that whatever a man says with reference to his intention to vote and his denial to vote is evidence. Let us bring it home, so we can understand it. Suppose there is an election contest for the office of sheriff, and the successful party has 3 majority. According to the position taken here to-day, all that the defeated party has to do is to go out and take the declarations of three men that they offered to vote and were denied the right to vote, and get them to sign a petition, and he thereby secures the office.

Now, when you undertake to apply this principle so that you understand it at all you will readily see why I have not consented to count those votes in this way. Every man has a right to be confronted with the witnesses, and in this case here it is asked that the bare, naked statement of over 4,500 men be taken here and not a single effort be made to examine them and find out whether what they are telling is true or not.

There is one thing that I want to briefly call attention to, Mr. Speaker, and gentlemen have anticipated it in their report and in their argument, a matter that I should not refer to if not in self-defense. That is with reference to the division in the Republican party.

I want to say here that this case can not turn upon the proposition as to whether or not Mr. Johnston was a good soldier or a bad soldier, whether he was a Republican or a Populist, whether he was the unanimous choice of his party or not; but gentlemen have desired to give it out to the country that there was great unanimity down there in the State of South Carolina in the Republican party, that there was opposition to Mr. Stokes in his party, and that therefore any charge that is made that there was a divided Republican party is false. Now, I say I would not have introduced it except in self-defense; but I want to call attention first, Mr. Speaker, to the statement that was read here last night by my learned colleague from Missouri [Mr. DE ARMOND]—a statement signed by Charles F. Manderson and six gentlemen of this House who have a right to vote on this case, in which they have stated to the Republican party throughout the nation that Mr. Johnston was not the Republican candidate in that district,

and that Mr. Brayton was, and urging the Republican voters of that district not to vote for Mr. Johnston, but to vote for Mr. Brayton.

This was on the 21st day of September, 1894. Over their signatures they say that they invited Mr. Johnston to confer with them about this question and that he absolutely refused to do it. Does that show that there was no opposition to Mr. Johnston? Who were these learned gentlemen, sitting now in this House, who sent that forth to the country? They were W. B. HOOKER, of New York; L. D. APSLEY, of Massachusetts; J. W. BABCOCK, of Wisconsin; J. A. T. HULL, of Iowa; ROBERT R. HITT, of Illinois, and THOMAS SETTLE, of North Carolina. There is the statement of these six men that on the 21st day of September, preceding the election, Mr. Johnston was not the nominee of the Republican party, a statement advising the Republicans of that district not to vote for him, but to vote for Mr. Brayton.

Mr. STEELE. The gentleman understands that Mr. Brayton withdrew; that he was not in the race on election day at all.

Mr. FAIRCHILD. Will the gentleman from Wisconsin allow one question? Is it not a fact that before the election Mr. Brayton specificially withdrew from the race?

Mr. JENKINS. Now, my friend is too quick. If he had only waited, that is just what I was going to state.

Mr. FAIRCHILD. And whether the State executive committee did not decide in favor of Mr. Johnston's candidacy?

Mr. JENKINS. Before the election day, but at what time is not known, Mr. Brayton, it is said, withdrew; but there is nothing in the record to show when he withdrew. It is a mere statement that some time before the election he withdrew. But I will show you before I get through that it was unknown to the Republican voters in that district that he had withdrawn, and it does not make any difference. I say that at the time which I have indicated the statement signed by these gentlemen whose names I have read was sent out to the Republican party of this country, saying that Mr. Johnston was not its candidate.

Now, Mr. Speaker, so that there shall be no question, I propose that any gentleman shall have the page of the record and the record itself to verify the statements I make; statements by the witnesses called by the contestant to show that Mr. Johnston was not the Republican candidate, that he could not poll the full vote, and that they refused to vote for him, and that the colored people were not unanimous for Mr. Johnston, and that there was a fair election. The following question was asked of C. B. Brock, on page 19:

Q. Did the full Republican vote of Walterboro precinct vote or attempt to vote on the 6th of November last?

Remember, "vote or attempt to vote."

A. I don't think that the full Republican vote of Walterboro precinct voted or attempted to vote.

Now, I ask you, Mr. Speaker, in all candor, if men will not attempt to vote, how in the world can we count their votes? There is the statement of one of their leading witnesses that these men in that precinct did not vote or attempt to vote.

Q. Don't you know that there was dissension in the Republican party and that both T. B. Johnston and E. M. Brayton claimed the Republican nomination for Congress from the Seventh Congressional district?
A. Yes, sir.
Q. Don't you know that until his withdrawal Colleton supported E. M. Brayton?
A. Yes, sir.

The following question was asked James Davis, on page 22:

Q. Did all the Republican voters of the Walterboro precinct vote or attempt to vote on the said 6th of November?
A. The greater portion did not vote; a few voted.

Samuel Sumter (page 125):

Q. Did not many colored voters remain away from the poll that day?
A. Yes, sir. A great many white people stayed away from the poll that day also.
Q. Did not Mr. Brayton and his friends claim that he had received the nomination from the convention, and that Colonel Johnston was a bolter?
A. Yes; they did.

R. H. Jenkins (page 130):

Q. If you are in a position to know who were the bolters, please state who were the bolters from the nomination of the Republican party for member of Congress from the Seventh district?
A. E. M. Brayton and his friends.

F. R. Springs:

Q. Was there not a large number of colored people preferred him to Mr. Johnston?
A. At Summerville there was.

* * * * * * *

James Meatchem:

Q. Then those who did not appear at the last election did not manifest much interest in the election, did they?
A. They did not turn out; that is all I can say.

Thomas H. Howard:

Q. Did the colored people take as much interest in the last election as they did in former elections?
A. No, sir.
Q. Were there not many colored Republicans who did not vote in the last Congressional election?
A. Yes, sir.

Carolina Holmes (the very witness they depended on more than any other):

Q. Were not the Republicans at one time divided up as to whether they should support Brayton or Johnston?
A. Yes, sir.

M. E. Boozer:

Q. Was not the said T. B. Johnston nominated on that day by a set of bolters from the regular convention?
A. We considered them as such.

W. A. Smith:

Q. Was not E. M. Brayton regularly nominated by a majority of the delegates present?
A. Yes.

J. F. Boyd:

Q. Did you vote at the Federal poll on that day for member of Congress?
A. No, sir.
Q. Did you offer to vote?
A. No, sir.

His name heads the list of those rejected.

Now, I want to say that there was a man who was at the polls and kept a list, and yet he signs this petition and tells this Congress that he did not have his political legal rights there, and he testifies that he did not offer his vote; and his name is on the list of those who said they had tried to vote.

Mr. NORTHWAY. Why was it that he did not offer his vote; was it because the judges of the election declined to accept their votes?

Mr. JENKINS. He was asked the question, and says he did not offer it. I do not know why.

Mr. NORTHWAY. Was it because the judges would not receive them? I am asking for information.

Mr. JENKINS. I am reading what he said.

Mr. NORTHWAY. He did not register?

Mr. JENKINS. How do you know?

Mr. NORTHWAY. I am asking for information.

Mr. JENKINS. The record shows that he was asked if he voted, and he said that he did not; and yet he comes and signs one of these lists. And I cite this to show what little reliability there is in this class of testimony.

The SPEAKER. The time of the gentleman has expired.

Mr. BELL of Texas. Mr. Speaker——

Mr. OVERSTREET. Mr. Speaker——

Mr. JENKINS. I want a little further time, if I can get it from my colleague.

Mr. BELL of Texas. Mr. Speaker, I yield to my colleague on the committee so much of my time as he desires.

Mr. DINGLEY. Mr. Speaker, if the gentleman from Wisconsin will suspend a moment I will say to him that gentlemen are asking when a vote is to be reached. Can any information be given as to when he will move the previous question?

Mr. JENKINS. I did say to the Speaker that I expected to only occupy a few minutes further.

Mr. OVERSTREET. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OVERSTREET. Would an objection defeat this arrangement which has been made granting further time to the opposition? They have now consumed nearly an hour more than the minority has been granted, and if I can defeat the further continuation of that arrangement I desire to do so. I have objected to the arrangement to extend further time to the gentleman from Wisconsin, and I ask the Chair whether that objection is in order?

Mr. BELL of Texas. I claimed the floor as a member of the committee.

The SPEAKER. It has been the custom in the House for members to yield time to individual members. The Chair thinks that that can be done.

Mr. OVERSTREET. Is it not also the custom that the two sides shall have equal time?

The SPEAKER. It is usual for them to have equal time, but it is not the custom in the sense that the other is.

Mr. WALKER of Virginia. The other side prevented me from having more time, and cut me off in the middle of a speech. I would like to make a parliamentary inquiry. Is that either just or generous?

The SPEAKER. The justice or generosity of any proposition is not a parliamentary inquiry. [Laughter.]

Mr. DINGLEY. If the gentleman from Wisconsin will pardon me, I will simply state that the gentleman from Virginia [Mr. WALKER] was recognized and yielded a portion of his time and used the remainder; so that he has had his hour.

Mr. OVERSTREET. I desire to give notice that at the conclusion of the remarks of the gentleman from Wisconsin I shall move the previous question.

Mr. JENKINS. I supposed, Mr. Speaker, that I had the floor. I suppose that I am to have some time of the gentleman from Texas, a member of this committee, and I shall not abuse that privilege, but get through as rapidly as possible.

Without consuming the time to read, I want to say to this

House that I have the evidence here that I took out last night of over 100 gentlemen who testified in this case, all tending to show just exactly as I say, that so far as the election is concerned it was absolutely fair; that there was this great division inside of the Republican party; and I have the statement here of over 40 colored men who testified that they did not vote for the contestant in this case because they did not believe he represented the Republican party. I only speak of it as emphasizing the fact that there was not that great unanimity down there that they are talking about.

Mr. WALKER of Virginia. May I answer the gentleman about that?

Mr. JENKINS. I can not hear myself.

Mr. WALKER of Virginia. If the gentleman can have four hours to my one, I do not see why he should not permit an interruption to answer the question he is asking.

Mr. JENKINS. I want to call the attention of my legal friends to this proposition, so far as that evidence is concerned. Now take, for instance, the report of the minority. They are here insisting that the headings of these petitions are all sufficient in order to count the votes. So that there may be no question about it, I am going to give this record to my learned colleague from Delaware [Mr. WILLIS]—I know he is an honest lawyer—and ask him to look at these petitions.

Mr. Speaker, there is no heading to that petition. Now, stop and think that they are asking you to take away a seat in this House by counting those votes, when they claim that the declaration in the heading of this petition is all-important in the case, and when in fact there is not a single declaration made on the part of any of these 117 men signing that petition. I produce the record and ask gentlemen to look at it. I will not make a statement that is not backed up by the record. Read the deposition upon which they seek to count those 117 votes; it does not contain a single word in the form of a declaration. Now, Mr. Speaker, there are 326 names in my colleague's report signed to petitions which have no heading. How are we going to count those votes for the purpose of unseating a gentleman holding a seat in this House?

Mr. WALKER of Virginia. Will the gentleman yield?

Mr. JENKINS. No, sir; not now. I submit that question, Mr. Speaker, and I submit the record, and I would like any gentleman who is interested in this question to answer me how we are going to count those votes.

Mr. WALKER of Virginia. How can I answer the gentleman if he will not give me the time? [Laughter.] I desire to answer him, but he will not give me time.

The SPEAKER. The gentleman from Virginia will please be in order. The gentleman from Wisconsin declines to yield.

Mr. WALKER of Virginia. The gentleman from Wisconsin called for an answer.

Mr. JENKINS. No, General, you mistake me. I say I ask any gentleman to solve the question for himself. When the deposition itself is silent and contains not a word with reference to the intention of the voter or his qualifications, and when the petition has no heading, how are you going to count those votes? That is what I want to know.

Mr. WALKER of Virginia. Does the gentleman really want to know it? [Laughter.]

Mr. JENKINS. Yes, sir.

Mr. WALKER of Virginia. Then if you will give me ten minutes of your time I will tell you. [Laughter.]

Mr. JENKINS. You are asking too much. It is not worth the time, I will say, with all due respect to my learned friend, because my question can not be answered. There is the record in the hands of my colleague from Delaware [Mr. WILLIS]. Look at it. There is no heading to that petition. Three hundred and twenty-six names are signed to petitions without headings, without a word to show that the men had a right to vote, or that they tried to vote or offered to vote or intended to vote.

Mr. OVERSTREET. Where does the gentleman find that?

Mr. JENKINS. It is on page 141 of the record. They call 44 witnesses. Those 44 witnesses have been divided by me into three different classes for the purpose of analyzing their testimony. Eleven of those men testify they did vote. Nine of them state that they did not vote. Twenty-four of them do not say a word about it.

Now, those 24 names are signed to the list as representing that they did not vote and could not vote, but those 24 men were on the stand, and they were not asked a word in reference to whether they had voted or had tried to vote. So of the 9 who stated that they did not vote there is not a word as to why their votes were refused. There are 44 of these men, all of whom, except 1, according to their own statements, were electors of that district, but they do not give any reasons for that statement. Mr. Speaker, this is certainly a new method of obtaining a seat in Congress.

Now, in order to save time, I want to call the attention of gentlemen interested in this case to page 60 of the report. Bear in mind that they are trying to count 91 votes that have not been referred to. Now look at the testimony. The witness is asked, page 60:

Did you secure the names of the Republican voters and those rejected voluntarily?

He answers:

I received the names from each person themselves.

He goes along and states that he did not make any threats or anything of that kind, and then he is asked:

Do you know of your own knowledge whether those men offered to vote?

He says he does not. He says he was there all the time at the polls; that he was not excluded, but was at the polls. He is asked if he knows of his own knowledge whether they did offer to vote, and he says he does not. He is further asked:

Do you know of your own knowledge whether any one of these names were rejected or not?

He says that he does not know.

That is obviously the grossest kind of hearsay testimony. It is, in fact, no testimony at all. Now, I pass further along to his testimony on page 61, where he is asked:

Then those whose names appear on this list No. 2 did not attempt to vote?

He answers:

No, sir; had no certificate.

Mr. Speaker, I am addressing myself now to lawyers, and I call attention to the fact that this witness, who undertakes to draw in 91 votes to be counted in this case, himself testifies that not one of them offered to vote. They did not attempt it. He does not say that they offered to vote; he says they did not attempt to vote.

Mr. OVERSTREET. That man had two lists, had he not?

Mr. JENKINS. Yes, sir; and I am referring to the right one. He is asked this question:

Then your only possible objection to the management and result of the election is that 91 persons, who neither had certificates nor presented themselves to vote, were not allowed to vote.

He says, "Yes, sir," that that is the only objection. That is his testimony. And yet the list says that they did try to vote. Now, how are you going to count those 91 votes when this witness swears that the men did not even present themselves to vote?

As I hurry along I wish to call attention to one other very important question. I have been criticised because I raised an objection to the incompetency of the testimony. Now, if you will refer to the record, you will find that there are 779 names on lists that were not kept by the men who testified to them; 779 names by actual count that are on the lists here. And the men who testified did not keep the lists. Now, I want to know how you can count those 779 names. It appears that somebody else kept the list. There you have the grossest kind of hearsay.

Now, there are 415 names that are not on original lists; and there is no explanation as to why these names were copied. The men merely say that they copied them—that they had permission of the men whose names are given to copy them, and they made copies. There is no sort of testimony here to make that evidence competent. You will find by actual count 187 names on lists which are not identified. You will find, according to the admission of the minority in their report—they will not deny this—that there are 715 names on lists where the record is silent as to any intention on the part of the voter. But this House is asked to count those votes—presumably because the men were Republican voters.

Mr. OVERSTREET. Does not the gentleman know that not one of those is counted?

Mr. JENKINS. I will show the gentleman that they are. I refer to page 83 of the report of the minority; and I emphasize it again by reading the report. They concede that there is no evidence here as to the intention of those voters; but they say, "It is reasonable to assume that the voters at these precincts mentioned intended to cast their votes for the contestant." Now, I ask any legal gentleman here whether, sitting as a judge, he would count 715 votes when the witness himself—and we must regard this report as a witness—says there is nothing to show what was the intention of the voters, but "it is reasonable to assume that the voters at these precincts mentioned intended to cast their votes for the contestant." Sir, I could not consent to count votes on any such assumption.

There is one very important point to which I ask the attention of gentlemen, and that is this: In two counties—Lexington and Orangeburg—the attorneys took occasion to furnish proof as to the number of votes actually rejected. Remember that this was done in those two counties only, and in those two counties there were 730 names on these lists. Now, at each one of those polls every sworn officer of the election was there to testify as a witness as to the number of votes actually rejected. Remember, there are 730 names of men who the minority of the committee undertake in this very weak way to say were there as lawful voters and were denied the right to vote. Now, in opposition to this claim the sworn officers of the law testify that instead of

there being 730 votes rejected, there were only 21, of which 2 were the votes of Democrats. Mr. Speaker, I can not for a single moment believe that this House is going to say that each of these sworn officers of the law committed perjury in reference to this question. In order to seat the contestant this House must act without a particle of evidence, upon mere presumption, and hold that every single precinct officer committed perjury in coming forward and testifying that there were but 21 votes rejected in those two counties. They assign the reason for the rejection of those 21 votes that each of the 21 men, including 2 Democrats, was denied the right to vote because he did not hold a registration certificate. And the record so shows.

Mr. WALKER of Virginia. Will the gentleman yield a moment for a question?

Mr. JENKINS. If the gentleman will keep quiet the balance of the afternoon, I will yield.

Mr. WALKER of Virginia. I did not understand the gentleman.

Mr. JENKINS. I say that I will yield now, but I do not wish to yield again.

Mr. WALKER of Virginia. Does not the gentleman know that these men whose votes, it is conceded, were rejected belonged to a class—the class of men without registration certificates; that it had been announced publicly at the polls that men who were without registration certificates would not be allowed to vote, and for that reason numbers who had gone to the polls to vote did not apply to vote?

Mr. JENKINS. What I am saying is that according to these lists there were 730 men who actually tendered their votes, while in opposition to that claim the sworn officers of the law testify that there were but 21 votes rejected.

Now, there are one or two general observations which I wish to make, and then I shall conclude my remarks. It is utterly impossible for a man to say in a case like this all that he wants to say and ought to say, because there are so many things crowding upon one's mind. But there are one or two things to which I wish to invite attention as offsetting the prejudice that was sought to be created here yesterday against the contestee.

A large amount of time has been consumed in arguing in reference to the notaries public. I have felt it unjust to intrude upon this House that question. But the inquiry has been made here in a very learned way whether the law did not put the whole power of appointment of notaries public in the governor. Why, sir, as I understand, that power is vested in the governor in every State of the Union. Certainly such is the case in the State that I have the honor to represent. But the real point is here: There was not a single question raised in that whole district in reference to the action of a notary public. There is not a suggestion but that every notary yielded readily and promptly to the contestant all his rights; and if lawyers will look over the record they will see that the attorneys representing the contestee made objections all along the line—to almost every question—and every objection was overruled by the notary public and every particle of testimony admitted. Then why should we assail South Carolina and the laws of that State, or the acts of her executive, in presenting this question, unless there is evidence that there was fraud on the part of the notaries or a refusal to act?

My learned friend from Indiana [Mr. OVERSTREET] stated on yesterday that it was but fair to presume that something was wrong, because Mr. Stokes, the contestee, had such a majority and had never canvassed his district. Why, Mr. Speaker, I want to call the attention of the House to the district of one of my colleagues, the gentleman from Wisconsin [Mr. SAUERHERING]. The gentleman who preceded him in the House from that State as a member of the Fifty-third Congress came here with a majority of 6,500 votes. Mr. SAUERHERING never made a speech in his district, and yet he came here by a very large majority, overcoming the majority of the Democratic contestant and winning the election. Now, upon the arguments made in this case, the Democrat that he beat had better come here and insist on his right to have his seat in this House.

It is entirely outside of the record; there is nothing to show whether Mr. Stokes participated in the campaign or not; but he assures me, personally, on his honor as a gentleman, that he canvassed every single place in the district, made speeches in every part of the district, and just before the election; and the proof is ample, he assures me, that he spoke in every place in the district; and why should the empty charge be made that he never participated in the campaign and that he stayed at home, for the purpose of arguing or creating the inference that he felt assured that he was safe, and need not take any part in the canvass?

Mr. WALKER of Virginia. Does the gentleman want me to give him an answer?

Mr. JENKINS. Not now, General.

Mr. WALKER of Virginia. Because if I am permitted to answer I would say that he felt sure there was no need for him to do so. It was all arranged for him.

Mr. JENKINS. Now, Mr. Speaker, in view of the fact that the record in the case does disclose that Mr. Stokes did take part in the campaign, it is very unfair to say that he did not participate, and allow a latitude for belief that he felt so conscious of success that he could safely remain at home.

I want to call your attention now to one other point with reference to the vote in Richland County. Great stress is laid on the fact that but 8 votes were returned from the township. Mr. Stokes got 8 and the contestant 427 in Richland County. Did my learned friend go far enough on yesterday and tell the House that there were but two townships of the county in that district? No, only one township; I overstated it. Why did not my friend say that there was but one township in the county in that entire district?

Mr. OVERSTREET. I so stated.

Mr. JENKINS (continuing). And that accounts for the small vote; and in that one township Mr. Stokes got 8 and the contestant 427 votes.

Now I want to yield five minutes to the gentleman from Pennsylvania, my colleague on the committee [Mr. CODDING], and at the end of that time I will move the previous question.

Mr. CODDING. Mr. Speaker, I come to this subject entirely unprepared for any formal remarks, and accept this time to speak only in deference to the opinion which has been expressed that some misunderstanding might arise as to my position in reference to this contest—not personal, for that would be of no importance, but as a member of the Committee on Elections in connection with these reports.

My colleague, Mr. DE ARMOND, kindly read to the House, or caused to be read yesterday, the brief views that I had prepared with reference to the dissenting or rather contending opinions presented by the Committee on Elections No. 3. I have the distinction of disagreeing, to some extent, with both sides. In the main, however, the opinions which I have formed, based upon the legal principles involved, are those expressed in that report as read—a line following the opinion of the minority of the committee, but still just as firmly fixed in the opinion that pursuing that line leads to the retention of the seat by the contestee. For under no possible circumstances which I can conceive, having read carefully, day and night, every word of testimony embodied in the record, can I be convinced on the legal testimony that enough votes can be computed for the contestant to entitle him to the seat.

Throughout the course of my life I have been a Republican, like the gentleman from Wisconsin [Mr. JENKINS], and never voted any other ticket. But I can not but believe that in a case like this, where a judicial investigation is made and a judicial opinion needed, there can be nothing righteous, nothing justifiable, in a decision which excludes a contestee or a contestant from a seat in this body on account of his politics, or by any straining of the rules that have been followed by this House so far as precedents are concerned, or by twisting or contorting the rules of law in the presentation of ordinary evidence.

Now, I state conclusions, for the time compels such a course—conclusions and not reasons. Those conclusions have been mostly presented before. I present them here as my own, simply following the idea with which I started in these remarks: That the registration law of South Carolina, and not the election law, is unconstitutional. There has been no division in the committee on that subject; none whatever. Republicans and Democrats, almost at the very outset of the argument of the South Carolina cases, have agreed entirely, or without any marked dissent. Next the votes of those who are proved to be voters—and of that I require proof outside of these so-called lists—voters who are proved to be such and who offered their votes for the contestant, Colonel Johnston, should be counted either by the committee or in this House, or in any other way the computation should be made; should be reasonably computed and allowed to him. But in doing this it is doing violence to just principles to take a census of the colored voters of that district of South Carolina and on the presumption that they are Republicans count them bodily for the contestant. No such rule can be fairly allowed.

One other conclusion, and I have done. It is a conclusion so well expressed, so ably put, by the gentleman from Vermont [Mr. POWERS], I think, that I can agree with it, as I understood him, without the modification of a single word.

The doctrine of res gestæ, so far as I have ever been able to understand it—and it is in any case but the refuge of a man who can not prove his case in any other way—that doctrine has no application here. The lists as they were made up, I think, without a single exception, are far enough removed in time at least, and in circumstances certainly, to form no part of the actual transactions at the voting booths or polls that day.

I should prefer, Mr. Speaker, to advocate the cause of the contestant. Natural and political sympathy go that way, but I desire to raise my voice to-day simply to say to the House that I trust that neither in this case nor in any other will this House drift toward the dea or the standard that the rights of a contestant or

a contestee are to be judged by the political complexion of a majority of the House.

Mr. JENKINS. I now move the previous question.

The previous question was ordered.

The SPEAKER. The Clerk will report the resolutions and the substitute.

The Clerk read as follows:

Resolved, That J. William Stokes was not elected and is not entitled to a seat in the Fifty-fourth Congress from the Seventh Congressional district of South Carolina; and

Resolved, That Thomas B. Johnston was elected and is entitled to a seat in the Fifty-fourth Congress from the Seventh Congressional district of South Carolina.

The SPEAKER. The question is on agreeing to the substitute.

Mr. OVERSTREET. On that question I ask for the yeas and nays.

Mr. McCALL of Massachusetts. I understand that the substitute resolutions have been first read, and they are to the effect that the contestant is entitled to his seat. There seems to be some doubt in the minds of members. Let it be stated.

The SPEAKER. The substitute is in favor of the contestant.

Mr. OVERSTREET. I desire to withdraw my demand for the yeas and nays.

The SPEAKER. The gentleman withdraws his demand for the yeas and nays. The question is on agreeing to the substitute.

The question was taken; and Mr. JENKINS demanded a division.

Mr. POWERS. I desire to know what the pending question is?

The SPEAKER. The pending question is to substitute the resolutions of the minority for those of the majority.

Mr. HOPKINS. I understood the gentleman from Indiana [Mr. OVERSTREET] to present the minority resolutions, and on them to ask the yeas and nays.

The SPEAKER. But he withdrew the demand. Gentlemen in favor of the substitute will rise in their places and be counted.

The House divided; and there were—ayes 78, noes 84.

Mr. OVERSTREET. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GIBSON. Mr. Speaker, can these resolutions be divided and voted on separately?

The SPEAKER. The Chair thinks it is too late, they having already been voted upon together, and the yeas and nays having been ordered.

Mr. McCALL of Massachusetts. I shall ask a separate vote on the majority resolutions if these resolutions do not prevail.

The question was taken; and there were—yeas 95, nays 105, not voting 155; as follows:

YEAS—95.

Acheson,	Curtis, Kans.	Hopkins,	Reeves,
Aldrich, Ala.	Danford,	Hunter,	Settle,
Aldrich, Ill.	Daniels,	Johnson, Cal.	Shannon,
Allen, Utah	Dayton,	Kiefer,	Smith, Ill.
Andrews,	De Witt,	Kirkpatrick,	Steele,
Avery,	Doolittle,	Lacey,	Strode, Nebr.
Baker, N. H.	Eddy,	Leighty,	Strong,
Barham,	Fairchild,	Linney,	Sulloway,
Beach,	Faris,	Linton,	Taft,
Bennett,	Gamble,	Long,	Tawney,
Bingham,	Gardner,	Loudenslager,	Tracewell,
Bishop,	Goodwyn,	Low,	Treloar,
Brewster,	Graff,	Marsh,	Updegraff,
Brown,	Hager,	McCall, Tenn.	Van Horn,
Burrell,	Halterman,	McCleary, Minn.	Van Voorhis,
Burton, Mo.	Hardy,	Mercer,	Walker, Va.
Burton, Ohio	Harris,	Milnes,	Wanger,
Calderhead,	Hartman,	Minor, Wis.	Warner,
Cannon,	Hatch,	Mozley,	Wilson, Idaho
Clark, Iowa	Heiner, Pa.	Northway,	Wilson, N. Y.
Colson,	Henderson,	Overstreet,	Wilson, Ohio
Cooke, Ill.	Henry, Ind.	Poole,	Wood,
Crowther,	Hicks,	Prince,	Woodman.
Curtis, Iowa	Hill,	Quigg,	

NAYS—105.

Abbott,	Dockery,	Lester,	Southard,
Allen, Miss.	Elliott, S. C.	Little,	Spalding,
Apsley,	Erdman,	Lockhart,	Stahle,
Arnold, R. I.	Fletcher,	Maguire,	Stallings,
Atwood,	Gillett, Mass.	McCall, Mass.	Stewart, Wis.
Baker, Kans.	Griffin,	McClellan,	Strait,
Baker, Md.	Griswold,	McCulloch,	Strowd, N. C.
Bankhead,	Grow,	McDearmon,	Sulzer,
Barney,	Hadley,	McLaurin,	Swanson,
Bartlett, Ga.	Hainer, Nebr.	McMillin,	Talbert,
Bartlett, N. Y.	Hall,	McRae,	Tayler,
Bell, Colo.	Harrison,	Money,	Terry,
Blue,	Hart,	Moody,	Towne,
Broderick,	Hendrick,	Owens,	Tucker,
Buck,	Henry, Conn.	Parker,	Turner, Ga.
Clardy,	Jenkins,	Payne,	Tyler,
Cobb,	Johnson, N. Dak.	Pearson,	Underwood,
Cockrell,	Jones,	Pendleton,	Walsh,
Codding,	Kem,	Pitney,	Washington,
Cooper, Fla.	Kendall,	Powers,	Williams,
Cooper, Tex.	Kerr,	Raney,	Willis,
Culberson,	Kleberg,	Richardson,	Wilson, S. C.
Curtis, N. Y.	Knox,	Sayers,	Wright,
De Armond,	Kyle,	Scranton,	Yoakum.
Denny,	Latimer,	Shafroth,	
Dingley,	Layton,	Simpkins,	
Dinsmore,		Skinner,	

NOT VOTING—155.

Adams,	Draper,	Leonard,	Reyburn,
Aitken,	Ellett, Va.	Lewis,	Robertson, La.
Anderson,	Ellis,	Livingston,	Robinson, Pa.
Arnold, Pa.	Evans,	Lorimer,	Royse,
Babcock,	Fenton,	Loud,	Rusk,
Bailey,	Fischer,	Maddox,	Russell, Conn.
Barrett,	Fitzgerald,	Mahany,	Russell, Ga.
Bartholdt,	Foote,	Mahon,	Sauerhering,
Belknap,	Foss,	McClure,	Shaw,
Bell, Tex.	Fowler,	McCormick,	Sherman,
Berry,	Gibson,	McCreary, Ky.	Shuford,
Black, Ga.	Gillet, N. Y.	McEwan,	Smith, Mich.
Black, N. Y.	Grosvenor,	McLachlan,	Snover,
Boutelle,	Grout,	Meiklejohn,	Sorg,
Bowers,	Hanly,	Meredith,	Southwick,
Bromwell,	Harmer,	Meyer,	Sparkman,
Brosius,	Heatwole,	Miles,	Spencer,
Brumm,	Hemenway,	Miller, Kans.	Sperry,
Bull,	Hepburn,	Miller, W. Va.	Stephenson,
Catchings,	Hermann,	Milliken,	Stewart, N. J.
Chickering,	Hilborn,	Miner, N. Y.	Stokes,
Clark, Mo.	Hitt,	Mondell,	Stone, C. W.
Clarke, Ala.	Hooker,	Morse,	Stone, W. A.
Coffin,	Howe,	Moses,	Tate,
Connolly,	Howell,	Murphy,	Thomas,
Cook, Wis.	Hubbard,	Neill,	Thorp,
Cooper, Wis.	Huff,	Newlands,	Tracey,
Corliss,	Hulick,	Noonan,	Turner, Va.
Cousins,	Huling,	Odell,	Wadsworth,
Cowen,	Hull,	Ogden,	Walker, Mass.
Cox,	Hurley,	Otey,	Watson, Ind.
Crisp,	Hutcheson,	Otjen,	Watson, Ohio
Crowley,	Hyde,	Patterson,	Wellington,
Crump,	Johnson, Ind.	Perkins,	Wheeler,
Cummings,	Joy,	Phillips,	White,
Dalzell,	Kulp,	Pickler,	Wilber,
Dolliver,	Lawson,	Price,	Woodard,
Dovener,	Lefever,	Pugh,	Woomer.
Downing,	Leisenring,	Ray,	

So the substitute was rejected.

The following pairs were announced:

Until further notice:

Mr. COUSINS with Mr. MEYER.

Mr. JOHNSON of Indiana with Mr. COX.

Mr. ARNOLD of Pennsylvania with Mr. LIVINGSTON.

Mr. PICKLER with Mr. MILES.

Mr. FOSS with Mr. SPARKMAN.

Mr. CORLISS with Mr. MOSES.

Mr. SNOVER with Mr. MADDOX.

Mr. BOWERS with Mr. MINER of New York.

Mr. SMITH of Michigan with Mr. COWEN.

Mr. HULL with Mr. OGDEN.

Mr. COFFIN with Mr. LAWSON.

Mr. MEIKLEJOHN with Mr. ROBERTSON of Louisiana.

Mr. BROMWELL with Mr. DOWNING.

Mr. HEATWOLE with Mr. HUTCHESON.

Mr. WOOMER with Mr. RUSSELL of Georgia.

Mr. PUGH with Mr. MCCREARY of Kentucky.

Mr. LEFEVER with Mr. BAILEY.

Mr. W. A. STONE with Mr. RUSK.

Mr. KULP with Mr. MEREDITH.

Mr. DALZELL with Mr. CRISP.

Mr. ROYSE with Mr. TURNER of Virginia, except on Tucker-Yost election case.

For this day:

Mr. HOWE with Mr. CROWLEY.

Mr. MILLER of West Virginia with Mr. WOODARD.

On this question:

Mr. STEPHENSON with Mr. NEILL.

Mr. HEMENWAY with Mr. WHEELER.

Mr. COOK of Wisconsin with Mr. SHUFORD.

Mr. HULING with Mr. ELLETT of Virginia.

Mr. FISCHER with Mr. PATTERSON.

Mr. LEWIS with Mr. BERRY.

Mr. TRACEY with Mr. FITZGERALD.

Mr. LEISENRING with Mr. SPENCER.

Mr. HARMER with Mr. CUMMINGS.

Mr. WELLINGTON with Mr. SHAW.

Mr. DOVENER with Mr. CATCHINGS.

Mr. THOMAS with Mr. BELL of Texas.

Mr. ELLIS with Mr. OTEY.

Mr. BELKNAP with Mr. CLARKE of Alabama.

Mr. DOLLIVER with Mr. BLACK of Georgia.

Mr. SORG with Mr. GROSVENOR.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is upon the original resolutions.

Mr. McCALL of Massachusetts. Mr. Speaker, I ask for a separate vote on those resolutions.

The SPEAKER. The gentleman asks for a division. The Clerk will report the first clause of the resolution.

The Clerk read as follows:

Resolved, That Thomas B. Johnston was not elected a Representative in the Fifty-fourth Congress from the Seventh Congressional district of the State of South Carolina, and is not entitled to a seat therein.

Mr. WALKER of Virginia. May I rise to a parliamentary inquiry?

Mr. McMILLIN. For the information of the House, Mr. Speaker, I will ask for the reading of the second part, so that we can see what the division effects.

Mr. WALKER of Virginia. A parliamentary inquiry. If this resolution is adopted it declares that there is no election?

The SPEAKER. If both branches of the resolution are defeated.

Mr. WALKER of Virginia. What is the portion now offered?

The SPEAKER. The resolution now offered has just been read to the House, but without objection it will again be read.

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM]. [Laughter.] The question is on agreeing to the resolution.

Mr. McCALL of Massachusetts. A parliamentary inquiry. If both of these resolutions are defeated the effect will be to declare the seat vacant, will it not?

The SPEAKER. The Chair thinks so.

Mr. RICHARDSON. The second part has not been reported.

The SPEAKER. The question is on agreeing to the resolution.

Mr. LACEY. Which resolution is being offered first?

The SPEAKER. The first.

The SPEAKER put the question on the adoption of the resolution.

Mr. POWERS. I would like to know what I am voting upon.

The SPEAKER. The Clerk will please read both resolutions.

Mr. McMILLIN. That is what I wanted.

The Clerk read as follows:

Resolved, That Thomas B. Johnston was not elected a Representative in the Fifty-fourth Congress from the Seventh Congressional district of the State of South Carolina, and is not entitled to a seat therein.

Resolved, That J. William Stokes was duly elected a Representative in the Fifty-fourth Congress from the Seventh Congressional district of South Carolina, and is entitled to a seat therein.

The SPEAKER. The Clerk will now report the portion of the resolution which is to be voted on now by the House.

The Clerk read as follows:

Resolved, That Thomas B. Johnston was not elected a Representative in the Fifty-fourth Congress from the Seventh Congressional district of the State of South Carolina, and is not entitled to a seat therein.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. JENKINS. Division.

The House divided; and there were—ayes 96, noes 91.

Mr. BAKER of New Hampshire. The yeas and nays. [Cries of "Tellers!" on the Republican side, and cries of "Oh, no!" on the Democratic side.]

The SPEAKER. Does any gentleman rise to demand the yeas and nays?

Mr. McCALL of Tennessee. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 103, nays 99, not voting 153; as follows:

YEAS—103.

Abbott,	Erdman,	Lockhart,	Spalding,
Allen, Miss.	Gibson,	Maguire,	Stahle,
Baker, Kans.	Gillett, Mass.	McCall, Mass.	Stallings,
Baker, Md.	Griffin,	McClellan,	Stewart, Wis.
Bankhead,	Griswold,	McCulloch,	Strait,
Bartlett, Ga.	Grow,	McDearmon,	Strowd, N. C.
Bartlett, N. Y.	Hadley,	McLaurin,	Sulzer,
Bell, Colo.	Harrison,	McMillin,	Swanson,
Blue,	Hart,	McRae,	Talbert,
Broderick,	Hendrick,	Money,	Tate,
Buck,	Henry, Conn.	Moody,	Tayler,
Bull,	Howard,	Overstreet,	Terry,
Clardy,	Howell,	Owens,	Towne,
Cobb,	Jenkins,	Parker,	Tucker,
Cockrell,	Johnson, N. Dak.	Payne,	Turner, Ga.
Codding,	Jones,	Pearson,	Tyler,
Cooper, Fla.	Kem,	Pendleton,	Underwood,
Cooper, Tex.	Kendall,	Pitney,	Walsh,
Culberson,	Kerr,	Powers,	Washington,
Curtis, N. Y.	Kleberg,	Raney,	Wheeler,
De Armond,	Knox,	Richardson,	Williams,
Denny,	Kyle,	Sayers,	Willis,
Dingley,	Latimer,	Scranton,	Wilson, S. C.
Dinsmore,	Layton,	Shafroth,	Wright,
Dockery,	Lester,	Skinner,	Yoakum.
Elliott, S. C.	Little,	Southard	

NAYS—99.

Acheson,	Burton, Mo.	Fairchild,	Hicks,
Aldrich, Ala.	Burton, Ohio	Faris,	Hill,
Aldrich, Ill.	Calderhead,	Fenton,	Hopkins,
Allen, Utah	Cannon,	Gamble,	Hulick,
Andrews,	Clark, Iowa	Gardner,	Hunter,
Arnold, R. I.	Colson,	Goodwyn	Johnson, Cal.
Atwood,	Cooke, Ill.	Graff,	Joy,
Avery,	Cooper, Wis.	Hager,	Kiefer,
Baker, N. H.	Crowther,	Halterman,	Kirkpatrick,
Barham,	Crump,	Hardy,	Lacey,
Beach,	Curtis, Iowa	Harris,	Leighty,
Bennett,	Curtis, Kans.	Hartman,	Linney,
Bingham,	Daniels,	Hatch,	Linton,
Bishop,	Dayton,	Heiner, Pa.	Long,
Brewster,	De Witt,	Henderson,	Loudenslager,
Brown,	Doolittle,	Henry, Ind.	Low,
Burrell,	Eddy,	Hermann,	Marsh,
McCall, Tenn.	Otjen,	Strode, Nebr.	Van Voorhis,
McCleary, Minn.	Poole,	Strong,	Walker, Va.
McClure,	Prince,	Sulloway,	Wanger,
Mercer,	Quigg,	Taft,	Warner,
Milnes,	Reeves,	Tawney,	Wilson, Idaho
Minor, Wis.	Settle,	Tracewell,	Wood,
Mozley,	Smith, Ill.	Updegraff,	Woodman.
Northway,	Steele,	Van Horn,	

NOT VOTING—153.

Adams,	Draper,	Lorimer,	Russell, Conn.
Aitken,	Ellett, Va.	Loud,	Russell, Ga.
Anderson,	Ellis,	Maddox,	Sauerhering,
Apsley,	Evans,	Mahany,	Shannon,
Arnold, Pa.	Fischer,	Mahon,	Shaw,
Babcock,	Fitzgerald,	McCormick,	Sherman,
Bailey,	Fletcher,	McCreary, Ky.	Shuford,
Barney,	Foote,	McEwan,	Simpkins,
Barrett,	Foss,	McLachlan,	Smith, Mich.
Bartholdt,	Fowler,	Meiklejohn,	Snover,
Belknap,	Gillet, N. Y.	Meredith,	Sorg,
Bell, Tex.	Grosvenor,	Meyer,	Southwick,
Berry,	Grout,	Miles,	Sparkman,
Black, Ga.	Hainer, Nebr.	Miller, Kans.	Spencer,
Black, N. Y.	Hall,	Miller, W. Va.	Sperry,
Boutelle,	Hanly,	Milliken,	Stephenson,
Bowers,	Harmer,	Miner, N. Y.	Stewart, N. J.
Bromwell,	Heatwole,	Mondell,	Stokes,
Brosius,	Hemenway,	Morse,	Stone, C. W.
Brumm,	Hepburn,	Moses,	Stone, W. A.
Catchings,	Hilborn,	Murphy,	Thomas,
Chickering,	Hitt,	Neill,	Thorp,
Clark, Mo.	Hooker,	Newlands,	Tracey,
Clarke, Ala.	Howe,	Noonan,	Treloar,
Coffin,	Hubbard,	Odell,	Turner, Va.
Connolly,	Huff,	Ogden,	Wadsworth,
Cook, Wis.	Huling,	Otey,	Walker, Mass.
Corliss,	Hull,	Patterson,	Watson, Ind.
Cousins,	Hurley,	Perkins,	Watson, Ohio
Cowen,	Hutcheson,	Phillips,	Wellington,
Cox,	Hyde,	Pickler,	White,
Crisp,	Johnson, Ind.	Price,	Wilber,
Crowley,	Kulp,	Pugh,	Wilson, N. Y.
Cummings,	Lawson,	Ray,	Wilson, Ohio
Dalzell,	Lefever,	Reyburn,	Woodard,
Danford,	Leisenring	Robertson, La.	Woomer.
Dolliver,	Leonard,	Robinson, Pa.	
Dovener,	Lewis,	Royse,	
Downing,	Livingston,	Rusk,	

Mr. OVERSTREET. Mr. Speaker, I desire to know how I am recorded?

The SPEAKER. The gentleman is recorded in the negative.

Mr. OVERSTREET. I desire to change my vote to the affirmative.

The following additional pairs were announced:

On this question:

Mr. WILSON of New York with Mr. HALL.

Mr. SIMPKINS with Mr. ADAMS.

The SPEAKER. On this question the yeas are 103, and the nays are 99; and accordingly the resolution is agreed to.

Mr. OVERSTREET. Mr. Speaker, I move to reconsider the last vote.

Mr. JENKINS. I move to lay that motion on the table.

Mr. SETTLE. Pending that, Mr. Speaker, I move that the House adjourn; and on that I ask for the yeas and nays.

Mr. McCALL of Massachusetts. I make the point of order that the motion to reconsider is not in order at this time, the House not having yet voted on the whole proposition.

The SPEAKER. The Chair thinks the motion to reconsider is in order.

Mr. McCALL of Massachusetts. Then I move to lay the motion on the table.

Mr. SETTLE. Mr. Speaker, I have a motion to adjourn preceding the motion of the gentleman from Massachusetts.

The SPEAKER. Prior to the motion to adjourn the gentleman from Wisconsin [Mr. JENKINS] had moved to lay the motion to reconsider on the table.

Mr. SETTLE. Pending that, Mr. Speaker, I move, if it is in order, that the House take a recess until 8 o'clock p. m.

The SPEAKER. The Chair thinks that is not in order.

Mr. SETTLE. Is a motion to adjourn in order, Mr. Speaker?

The SPEAKER. The Chair thinks the motion to adjourn is in order.

Mr. SETTLE. Then I move that the House adjourn; and on that I ask for the yeas and nays.

The question was taken; and the Speaker declared that the noes seemed to have it.

Mr. SETTLE. I ask for a division.

The House divided; and there were—ayes 82, noes 111.

Mr. SETTLE. I ask for tellers.

Tellers were ordered; and Mr. SETTLE and Mr. JENKINS were appointed.

Mr. POOLE. A parliamentary inquiry, Mr. Speaker. If the motion to adjourn prevails, will that do away with the Friday night session?

The SPEAKER. It will.

Mr. POOLE. Then we do not want to adjourn; we want to take a recess.

Mr. BOUTELLE. Mr. Speaker, I call up the conference report on the naval appropriation bill.

Mr. McCALL of Massachusetts. Mr. Speaker, I make the point of order that there is a privileged matter pending.

The SPEAKER. The House is now dividing.

Mr. BOUTELLE. I wish to say, Mr. Speaker, that I made the motion partly in the sense of a parliamentary inquiry, as I had been advised by gentlemen whom I supposed to be thoroughly informed on the subject that the conference report would be in order at this time.

The SPEAKER. One of the express exceptions in regard to the privilege of conference reports is when the House is dividing.

Mr. CANNON. If the motion to adjourn is voted down, the conference report would be in order.

The House divided; and the tellers reported—ayes 54, noes 106.

Mr. SETTLE. I call for the yeas and nays.

NAVAL APPROPRIATION BILL.

Mr. BOUTELLE. I now present the report of the committee of conference on the naval appropriation bill.

The SPEAKER. The gentleman from Maine [Mr. BOUTELLE] presents the report of a conference committee.

Mr. McMILLIN. The yeas and nays having been demanded, I make the point that the House is still dividing—that the vote is not yet complete.

The SPEAKER. The Chair does not agree with the gentleman.

Mr. RICHARDSON. I raise the point that a conference report is not of higher privilege than the right of a member to his seat.

The SPEAKER. The rules think it is.

Mr. BOUTELLE. That question is not involved. The pending question was on the motion to adjourn.

Mr. McMILLIN. I do not wish to argue the point, but it strikes me that when a vote has begun all the steps in the process of taking that vote are of equal importance; and what can not interfere with one part of the process can not interfere with another.

The SPEAKER. The Chair thinks there is a distinction between the different methods of making the count.

Mr. McMILLIN. The Chair, then, would hold that after the conference report is acted upon, the taking of the yeas and nays on this question will still be in order. I presume that would inevitably follow. If it is now in order, pending the call for the yeas and nays, to introduce this conference report, the Chair, I presume, must hold that when the conference report has been disposed of the demand for the yeas and nays may still be acted on by the House.

The SPEAKER. The Chair thinks so. The conference report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 23, 30, and 55.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 28, 29, 31, 50, and 54, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Add at the end of the matter inserted by said amendment the following: "And the Secretary of the Navy shall detail a clerk of class 1 to perform clerical services in the Navy Department necessary to carry on the work incident to this appropriation"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Strike out the comma (,) after the word "laboratory," in line 3, page 22 of the bill, and restore the matter stricken out by said Senate amendment; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: Strike out, in lines 4 and 5 of said amendment, the words "made for the same" and insert in lieu thereof the word "completed"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with amendments as follows: Strike out the words inserted by said amendment and insert in lieu thereof the following, "at $2,500 each; one of English studies, history, and law (after thirty years' service), $2,500"; and strike out, in lines 22 and 23, page 36 of the bill, the words "at $2,500 each"; and the Senate agree to the same.

On amendments numbered 2, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, and 53 the committee of conference has been unable to agree.

C. A. BOUTELLE,
JNO. B. ROBINSON,
AMOS J. CUMMINGS,
Managers on the part of the House.

EUGENE HALE,
M. S. QUAY,
A. P. GORMAN,
Managers on the part of the Senate.

Mr. BOUTELLE. Mr. Speaker, as the Clerk, not unnaturally, finds the chirography of some gentlemen difficult to read——

Mr. RICHARDSON. I make the point that this conference report should be accompanied with a written statement of the House conferees.

Mr. BOUTELLE. Will my friend do me the great favor to listen for a moment? I was about stating that as a matter of courtesy to the Clerk, who would find some difficulty in reading some very poor handwriting in this statement, I will read it myself.

Mr. RICHARDSON. I do not object to that. I was only inquiring whether there was a statement.

Mr. BOUTELLE. I am about to read it, if that is entirely satisfactory to the gentleman.

Mr. RICHARDSON. Entirely so.

Mr. BOUTELLE (reading)—

The Senate recedes from its amendments 23, 30, and 55.

No. 23 is merely verbal.

No. 30, as agreed upon, restores the provision making mileage of marine and naval officers uniform in rate.

No. 55 embraced legislation for the safety of passengers and others on excursion steamers, etc., at regattas, which has been otherwise provided for.

The House recedes from its disagreement to amendments—

No. 1, which makes the provision for enlistment of additional men immediately available.

No. 3 authorizes employment of one draftsman at $1,200 at Naval War College.

No. 4 is a verbal correction.

No. 5 appropriates $50,000 for testing methods of throwing high explosives on board ship.

No. 6 is a verbal correction.

No. 7 increases appropriation for reserve guns for auxiliary cruisers from $250,000 to $400,000.

No. 8 authorizes the Secretary of the Navy, in his discretion, to purchase by contract all or any part of said guns.

No. 9 is a typographical correction.

Nos. 11, 12, and 13 are corrections in computation.

No. 14 provides $5,000 to purchase additional land at naval station at Port Royal, S. C.

No. 15 corrects footing.

No. 16 provides $8,000 additional to former appropriation for paving certain streets in Annapolis connected with Naval Academy.

No. 17 authorizes the Board of Visitors to inquire and report advisability of acquiring additional grounds for use of Naval Academy.

No. 19 corrects typographical error.

No. 20 changes location of proposed model tank from old observatory grounds to the navy-yard, Washington.

No. 21 authorizes use of one of the old boilers of the *Galena* for training ship *Enterprise*.

Nos. 25, 26, and 27 are verbal corrections.

Nos. 28 and 29 provide a contingent fund of $1,000 for Superintendent of Naval Academy.

No. 31 provides quarters for leader of Marine Band.

No. 50 authorizes Secretary of Navy to contract for two additional submarine torpedo boats of Holland type, at a cost not to exceed $175,000 each, provided that the vessel now building proves successful and satisfactory.

No. 54 authorizes official examination of systems for propulsion of vessels by direct action against the water without the use of screws.

The House recedes with amendments from—

No. 10 modifying the provisions of the appropriation for the naval militia, and providing that the Secretary detail a clerk of class 1 for the office work.

No. 18 restores the words "department of instruction, museum of hygiene," under Bureau of Medicine and Surgery.

No. 22 provides that the Secretary be authorized to examine and report to next session of Congress upon claims against the Government for building hulls and machinery of naval vessels completed since January 1, 1891.

No. 24 provides that after thirty years' service the professor of English studies, history, and law shall have the same salary as is now paid to the professors of mathematics, chemistry, and physics.

On amendments numbered 2, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, and 53 the committee of conference has been unable to agree.

No. 2 relates to officers appointed to any corps, after service in a different corps, having all the benefits of their previous service in the same manner as if said appointments were a reentry into the Navy or Marine Corps, and further that hereafter officers on the active or retired list of the Navy are prohibited from taking employment with any company or person furnishing material to the Government.

No. 32 is Senate amendment reducing the number of battle ships from four to two.

Nos. 33 to 38, inclusive, relate to the number, speed, type, and cost of the torpedo boats.

No. 39 provides that not more than two battle ships or three torpedo boats shall be built in one yard or by one party.

Nos. 40 and 41 are provisions for the construction of one battle ship and three torpedo boats on the Pacific coast.

Nos. 42 and 43 are merely verbal.

No. 44 provides for the construction of one torpedo boat on the Missouri River.

Nos. 45, 46, and 47 are mere verbal changes.

No. 48 extends the time within which the contracts for the construction of the vessels shall be made from ninety to one hundred and twenty days from the passage of the act.

No. 49 prohibits the Secretary of the Navy from contracting for armor plate for battle ships at exceeding $350 per ton in case of separate contracts for hulls and armor, and requires him to report to next Congress if unable to contract at that price.

No. 51 is an amendment of the Senate reducing the amount appropriated for construction and machinery from $7,670,679 to $6,370,679, based on reduction of the number of battle ships, etc.

No. 52 is an amendment reducing the appropriation for armor and armament from $4,871,454 to $4,371,454, based on same changes.

No. 53 directs the Secretary of the Navy to cause one of the light-draft gunboats heretofore authorized to be finished for a training ship for the Naval Academy.

Mr. Speaker, a number of these amendments brought up in conference were formally disagreed to, as they depend upon what may ultimately be done as to the number of battle ships which shall be provided for. The disagreement in regard to the torpedo boats is one which will be easily adjusted, the question being as to the relative number of vessels, their size, etc. The general scope of the appropriations is not substantially changed.

The important items, as the House will readily see, relate to the number of battle ships and to the contracts for armor plate. The Senate inserted an amendment providing that where the

Secretary of the Navy may make a contract for the furnishing of armor plate he shall not pay more than $350 per ton. It was thought desirable to further consider that provision in view of the various representations which have been made, including an important paper from the Secretary of the Navy, which in a moment I will read to the House. Of course everybody connected with the Government and with every department of the Government is desirous of obtaining the armor plate for our ships at the most reasonable price that is practicable. Some question, however, arose in the minds of the conferees as to the feasibility of the terms of the amendment restricting the Secretary to $350 per ton. I may say in substance that the contracts for the armor of the two ships now under construction have been at a rate in the vicinity of $500 per ton, and so far as I have been able to learn that is about the price which is paid by the great Governments of Europe for similar material.

A committee of the other branch of Congress made an investigation in connection with the furnishing of armor plate during this winter, and as one of the results, I understand, this amendment was reported to the Senate. I will say, however, that the House conferees were not satisfied at the time of our former conference that it was wise to make this restriction in the terms provided in the Senate amendment, and I find that the Secretary of the Navy has had a similar doubt as to the desirability of this provision. Hence, we disagreed in regard to it in order to obtain fuller information, and after further discussion of the whole subject we hope to be able to deal with it in a more intelligent, comprehensive, and satisfactory manner.

The Secretary of the Navy, under date of the 8th of May, addressed a letter to the chairmen of the two committees of the House and Senate, calling attention to this provision. I will read the entire communication:

NAVY DEPARTMENT, *Washington, May 8, 1896.*

SIR: I desire, through you, to call to the attention of the conferees hereafter to be appointed on H. R. 7542, making appropriations for the naval service, the forty-ninth amendment, which reads as follows:

"*And provided further*, That in case the Secretary of the Navy shall make separate contracts for the armor and armor plate for said battle ships, he shall not accept bids at a rate exceeding an average of $350 per ton of 2,240 pounds; and in case the said Secretary can not make contracts for said armor and armor plate within said limit, he shall delay action and report the offers made to the next session of Congress."

If this amendment becomes law in its present shape it limits the price to be paid by the Navy Department for armor only in cases where the Secretary of the Navy shall contract directly with the manufacturers of armor for armor and armor plate for battle ships, and does not apply in case the Department should decide to contract with the shipbuilder for a completed vessel, armor included. It has heretofore been a question seriously considered by the Department whether it should continue to contract, as has been done in the past, with the shipbuilder for the hull and machinery and separately with the armor manufacturers for the armor, or contract with the shipbuilder for the completed vessel, armor included. The amendment as it now reads leaves it within the discretion of the Secretary to pay indirectly to the shipbuilder, by contracting for a ship complete, a higher price for armor than he would be permitted to do if he should contract directly with the manufacturers of the armor. The reading of the amendment might carry with it the impression from the words used in the outset, "That in case the Secretary of the Navy shall make separate contracts for the armor and armor plate for said battle ships he shall not accept bids," etc., that it was the intention of Congress not to limit the Department at all in the price to be paid for armor in case contracts should be made with the shipbuilder for vessels complete. I can not think, however, that such is the intention, and therefore desire that this matter be called to the attention of the conferees on this bill.

It is, perhaps, proper that I should also state that the amendment, as it now reads, is somewhat indefinite in another respect. The Department is forbidden, in the case mentioned, to accept bids for armor and armor plate "at a rate exceeding an average of $350 per ton." Simple steel armor can be manufactured at a very much lower price, say from 35 to 40 per cent lower than the armor which the Government is now procuring. The expense of incorporating nickel in the armor is about $11.20 per ton, exclusive of the cost of nickel oxide, which amounts to about $30 per ton. The expense of face hardening by the Harvey or similar process, or by reforging, averages about $54 per ton.

It is suggested that if the law be passed limiting the price to be paid for armor it might be well to have the law state definitely whether the price mentioned is to include the price to be paid for the armor, finished and complete, according to the requirements of the Government.

I have written a similar letter to the chairman of the Committee on Appropriations of the Senate.

Very respectfully,

H. A. HERBERT, *Secretary.*

Hon. C. A. BOUTELLE,
Chairman Committee on Naval Affairs,
House of Representatives.

I will say that this is the desire of the House conferees. We wish to consider it more thoroughly and comprehensively as to its application, and especially in connection with the points raised by the Secretary of the Navy.

Mr. CANNON. If the gentleman will permit me, I understand you to say that we are paying now $500 per ton for this armor plate?

Mr. BOUTELLE. In the vicinity of that price.

Mr. CANNON. I am asking for information, as I do not know anything of the subject. Is that also the price at which it has been furnished to anybody else?

Mr. BOUTELLE. I will state what is well known to those who have followed the developments connected with the building up of the Navy——

Mr. RICHARDSON. Mr. Speaker, I would like to hear this exciting debate between the two gentlemen over there; it is impossible to hear it here.

Mr. BOUTELLE. I am very much gratified by this complaint of too little instead of too much of my oratory. [Laughter.]

But I will say to the gentleman from Illinois and to the House that last year the Bethlehem Iron Works, which has provided a large portion, in connection with the Carnegie Works, of the armor for the use of the Navy, made a contract with the Russian Government for a certain number of tons of American armor at a very low price; at a price which they claimed at the time would give them substantially no profit, but which was very likely to cause a loss. They made the contract for the purpose of introducing American armor into Russia. Since that time they have made another contract with the Russian Government for armor at a price almost twice that paid for the experimental lot. They are now executing a contract, as I understand, with that Government at approximately the same price paid by our Government; and so far as I have been able to learn the price we have contracted to pay for the armor for the two ships at the Newport News yard, the *Kentucky* and the *Kearsarge*, is approximately that which is paid by European governments for this class of armor.

Of course this whole matter of the price at which armor can be furnished is largely in the realm of experimentation as yet. It is a business by itself. It is a business which has only one class of customers. Governments are the sole customers. There are no private works in this country which require the output of the great steel works, as there is no other use for the great steel forgings turned out by these works except by the Government for war purposes.

The conferees desire to take the matter under further consideration in another conference; and the other branch have in a formal manner, as I learn from the RECORD, sent it back to conference on the basis of the statement that there were a number of matters that it was believed might be adjusted thereby. I ask that the House may in a similar way formally insist and send the bill with its amendments back to a further conference, as was done by the Senate.

Mr. MERCER. I desire to ask the gentleman from Maine if amendment numbered 44 is in conference yet?

Mr. BOUTELLE. What is the subject of the amendment?

Mr. MERCER. It relates to the one torpedo boat on the Missouri River.

Mr. BOUTELLE. It is either in conference or has been agreed to.

Mr. HEPBURN. I hope the gentleman will yield to me for a moment or two, as I had something to say about the torpedo boat on the Missouri River when the bill was before the House. I live up that way——

Mr. ALLEN of Mississippi. Will the gentleman from Maine allow me a question?

Mr. BOUTELLE. With much pleasure.

Mr. ALLEN of Mississippi. I notice that there are many verbal amendments mentioned in this report. I would like to know if in the report the House has yielded its dignity to the verbal superiority of the Senate? [Laughter.]

Mr. BOUTELLE. Mr. Speaker, if I felt sure that it was strictly in order to make even a remote allusion to the verbal superiority or inferiority of the august body which is supposed in some vague way to be located in the vicinity of this Capitol I should be very happy to answer my friend from Mississippi, but I will say to him that for a large number of the verbal errors referred to the responsibility lies between the clerks of the committees and the Public Printing Office.

Mr. ALLEN of Mississippi. The House is not involved?

Mr. BOUTELLE. The House is not involved. [Laughter.] And I think I may assure my friend from Mississippi that if the House will send the bill back to conference we will see that the dignity of this body is fully maintained, typographically and otherwise.

The SPEAKER. The question is on agreeing to the conference report.

Mr. HOPKINS. If there were time, I should like to be heard on the battle-ship question, but I will take some other time to submit remarks on that subject.

Mr. HEPBURN. Mr. Speaker, I think I ought to insist upon my right to be heard upon this question of the torpedo boat on the Missouri River. [Laughter.]

Mr. BOUTELLE. I yield one minute to the gentleman from Iowa.

The SPEAKER. The gentleman from Iowa is entitled to the floor for one minute.

Mr. HEPBURN. Not having any rivers in my district, I have never been able to get it into the river and harbor bill. Not having any war claims there, I did not get in on the deficiency bill. For the reason that none of my constituents were in that region of the country at the proper time, I was unable to get in on the French spoliation claims.

Mr. GIBSON. You had better move to a better country.

Mr. HEPBURN. My only hope is on this question of the torpedo boat. I am a little disturbed about that, Mr. Speaker, because, as conditions now exist, we should, if we built this torpedo boat in the only town in my district near to the river, be compelled to transport it some miles across the Missouri River bottom. [Laughter.] A few years ago we had a harbor there on the Missouri River, after the manner of the Vicksburg Harbor, but the Missouri being somewhat eccentric, one night it cut across a bend and left my town 6 miles high and dry on the prairie. [Laughter.] But we are hoping, Mr. Speaker, that the eccentricity will be repeated, and that we shall be in a position to compete for the building of this torpedo boat.

Mr. BOUTELLE. I will say to the gentleman from Iowa that, unless otherwise ordered, the conferees will consider themselves instructed to look out for the interests of the Missouri River. [Laughter.]

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. BOUTELLE. I ask that the House insist on its disagreement to the other amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman moves that the House insist on its disagreement to the other amendments, and agree to the request for a conference.

The motion was agreed to; and the Speaker appointed as conferees Mr. BOUTELLE, Mr. ROBINSON of Pennsylvania, and Mr. CUMMINGS.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia;

A bill (H. R. 2777) authorizing and directing the Secretary of the Navy to donate condemned cannon and condemned cannon balls to certain posts of the Grand Army of the Republic;

A bill (H. R. 225) to provide for the lease of Fort Omaha Military Reservation to the State of Nebraska;

A bill (H. R. 3279) to authorize the reassessment of water-main taxes or assessments in the District of Columbia, and for other purposes;

A bill (H. R. 3282) to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 28, 1894;

A bill (H. R. 886) to amend section 3255 of the Revised Statutes of the United States, concerning the distilling of brandy from fruits;

A bill (H. R. 6256) authorizing and directing the Secretary of the Navy to furnish to George F. Fuller Post, Grand Army of the Republic, of Manistique, Mich., a condemned cannon; and

A bill (H. R. 2054) to correct the military record of Charles W. Rhinehardt and to grant him an honorable discharge.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the bill (S. 715) for the relief of B. F. Dowell was taken from the Speaker's table and referred to the Committee on Claims.

VETO MESSAGE—RIVER AND HARBOR APPROPRIATION BILL.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I return herewith without approval House bill No. 7977, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes."

There are 417 items of appropriation contained in this bill, and every part of the country is represented in the distribution of its favors.

It directly appropriates or provides for the immediate expenditure of nearly $14,000,000 for river and harbor work. This sum is in addition to appropriations contained in another bill for similar purposes amounting to a little more than $3,000,000, which have already been favorably considered at the present session of Congress.

The result is that the contemplated immediate expenditures for the objects mentioned amount to about $17,000,000.

A more startling feature of this bill is its authorization of contracts for river and harbor work amounting to more than $62,000,000. Though the payments on these contracts are in most cases so distributed that they are to be met by future appropriations, more than $3,000,000 on their account are included in the direct appropriations above mentioned. Of the remainder, nearly $20,000,000 will fall due during the fiscal year ending June 30, 1898, and amounts somewhat less in the years immediately succeeding. A few contracts of a like character, authorized under previous statutes, are still outstanding, and to meet payments on these more than $4,000,000 must be appropriated in the immediate future.

If, therefore, this bill becomes a law, the obligations which will be imposed on the Government, together with the appropriations made for immediate expenditure on account of rivers and harbors, will amount to about $80,000,000. Nor is this all. The bill directs numerous surveys and examinations which contemplate new work and further contracts, and which portend largely increased expenditures and obligations.

There is no ground to hope that in the face of persistent and growing demands the aggregate of appropriations for the smaller schemes not covered by contracts will be reduced or even remain stationary. For the fiscal year ending June 30, 1898, such appropriations, together with the installments on contracts which will fall due in that year, can hardly be less than $30,000,000; and it may reasonably be apprehended that the prevalent tendency toward increased expenditures of this sort and the concealment which postponed payments afford for extravagance will increase the burdens chargeable to this account in succeeding years.

In view of the obligation imposed upon me by the Constitution, it seems to me quite clear that I only discharge a duty to our people when I interpose my disapproval of the legislation proposed.

Many of the objects for which it appropriates public money are not related to the public welfare, and many of them are palpably for the benefit of limited localities or in aid of individual interests.

On the face of the bill it appears that not a few of these alleged improvements have been so improvidently planned and prosecuted that after an unwise expenditure of millions of dollars new experiments for their accomplishment have been entered upon.

While those intrusted with the management of public funds in the interest of all the people can hardly justify questionable expenditures for public work by pleading the opinions of engineers or others as to the practicability of such work, it appears that some of the projects for which appropriations are proposed in this bill have been entered upon without the approval or against the objections of the examining engineers.

I learn from official sources that there are appropriations contained in the bill to pay for work which private parties have actually agreed with the Government to do in consideration of their occupancy of public property.

Whatever items of doubtful propriety may have escaped observation or may have been tolerated in previous Executive approvals of similar bills, I am convinced that the bill now under consideration opens the way to insidious and increasing abuses, and is in itself so extravagant as to be especially unsuited to these times of depressed business and resulting disappointment in Government revenue. This consideration is emphasized by the prospect that the public Treasury will be confronted with other appropriations made at the present session of Congress amounting to more than $500,000,000.

Individual economy and careful expenditure are sterling virtues which lead to thrift and comfort. Economy and the exaction of clear justification for the appropriation of public moneys by the servants of the people are not only virtues but solemn obligations.

To the extent that the appropriations contained in this bill are instigated by private interests and promote local or individual projects, their allowance can not fail to stimulate a vicious paternalism and encourage a sentiment among our people, already too prevalent, that their attachment to our Government may properly rest upon the hope and expectation of direct and especial favors, and that the extent to which they are realized may furnish an estimate of the value of governmental care.

I believe no greater danger confronts us as a nation than the unhappy decadence among our people of genuine and trustworthy love and affection for our Government as the embodiment of the highest and best aspirations of humanity, and not as the giver of gifts, and because its mission is the enforcement of exact justice and equality and not the allowance of unfair favoritism.

I hope I may be permitted to suggest at a time when the issue of Government bonds to maintain the credit and financial standing of the country is a subject of criticism that the contracts provided for in this bill would create obligations of the United States amounting to $62,000,000 no less binding than its bonds for that sum.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 29, 1896.*

[The message was received with applause.]

Mr. HERMANN. I move to refer the bill and message of the President of the United States to the Committee on Rivers and Harbors.

Mr. DOCKERY. Will the gentleman kindly indicate when the message can probably be returned to the House?

Mr. HERMANN. It is my impression, Mr. Speaker, that it will be not later than Tuesday.

Mr. DOCKERY. Not later than Tuesday, and probably on Monday?

Mr. HERMANN. I am not speaking by authority. That is simply my opinion.

Mr. DOCKERY. I hope the House will take notice.

The motion of Mr. HERMANN was agreed to.

The SPEAKER. The time having arrived under the rule, the House will now be in recess until 8 o'clock this evening, when the gentleman from New York [Mr. PAYNE] will act as Speaker pro tempore.

EVENING SESSION.

The recess having expired, the House was called to order at 8 o'clock p. m. by Mr. PAYNE as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will report the rule.

The Clerk read as follows:

2. The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

The SPEAKER pro tempore. The Clerk will report the first bill.

Mr. KEM. Mr. Speaker, I move that in the consideration of pension bills to-night each bill be taken up in its regular order and considered, and that no exception be made to this rule.

The SPEAKER pro tempore. The Chair will state to the gentleman from Nebraska that this is the Calendar of unfinished business, and the regular order will be to take them up in their order. The motion of the gentleman is not in order at this time. The Clerk will report the first bill.

The Clerk read as follows:

A bill (S. 819) granting a pension to Catherine Leary.

Mr. CROWTHER. Mr. Speaker, I move that that bill be passed over without prejudice.

The SPEAKER pro tempore. The Clerk will first report the bill.

The bill was read.

The amendment recommended by the Committee of the Whole was read.

Mr. CROWTHER. Now, Mr. Speaker, I move that the bill be passed over without prejudice, retaining its place upon the Calendar.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that the bill be passed over without prejudice, retaining its place on the Calendar.

Mr. LONG. Why do you do that?

Mr. CROWTHER. In explanation I desire to say this: There are ten Senate bills on this Calendar of unfinished business. The probability is that before ten days shall have expired from this time this session will have closed; and if the bills should pass at this time it might be that perhaps the President would be unable to sign them all.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that the bill be laid aside and retain its place on the Calendar.

Mr. CURTIS of New York. May I ask, then, if this action is to be taken in reference to this bill——

The SPEAKER pro tempore. The question is not debatable.

Mr. CURTIS of New York. I am not going to debate it. A parliamentary inquiry. In view of the motion made by my friend from Missouri, or the request made by him, would it not be proper to have a motion made that all Senate bills on the Calendar of unfinished business be laid aside without prejudice?

The SPEAKER pro tempore. It can not be done except by unanimous consent.

Mr. CURTIS of New York. I ask unanimous consent, in view of the statement made and the probability that unless that is done it would lead to their defeat, that all Senate bills be laid aside without prejudice.

The SPEAKER pro tempore. The gentleman from New York asks that all Senate bills on the Calendar of unfinished business be laid aside without prejudice. Is there objection?

Mr. JENKINS. I do not want to object, but I have a Senate bill that I want passed.

Mr. CURTIS of New York. With the exception of the bill to which the gentleman refers, I make that request.

The SPEAKER pro tempore. Objection is made, and the Clerk will proceed.

The amendment recommended by the Committee of the Whole was again reported:

Strike out "eight" and insert "twelve"; so as to read: "At the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CROWTHER. Mr. Speaker, I rise to a parliamentary inquiry. There was no objection to this bill retaining its place on the Calendar unprejudiced, as I understand.

The SPEAKER pro tempore. The Chair asked if there was objection, and objection was made.

SAMUEL D. GILMAN.

The next business on the Private Calendar was the bill (H. R. 7127) granting a pension to Samuel D. Gilman.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AUGUSTA G. CARY.

The next business on the Private Calendar was the bill (H. R. 4405) granting a pension to Augusta G. Cary.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MRS. CHRISTINA GRAHAM.

The next business on the Private Calendar was the bill (H. R. 4268) granting a pension to Mrs. Christina Graham.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN R. ROW.

The next business on the Private Calendar was the bill (H. R. 3380) granting an increase of pension to John R. Row, of Toronto, Kans.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB M. HAMBURGER.

The next business on the Private Calendar was the bill (H. R. 948) to remove the charge of desertion against Jacob M. Hamburger.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES WILLIAMSON.

The next business on the Private Calendar was the bill (S. 807) granting a pension to Charles Williamson.

Mr. CROWTHER. Mr. Speaker, I ask that this bill be passed over without prejudice, and that it retain its place on the Calendar.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that this bill be passed over without prejudice. Is there objection?

Mr. ERDMAN. I think the Calendar ought to be cleared up, and I will object to that request.

The SPEAKER pro tempore. Objection is made.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM GREER.

The next business on the Private Calendar was the bill (H. R. 6590) granting a pension to William Greer.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HELEN M. MALLERY.

The next business on the Private Calendar was the bill (S. 724) granting an increase of pension to Helen M. Mallery.

Mr. CROWTHER. Mr. Speaker, I move that the rules be suspended and this bill retain its place on the Calendar without prejudice.

The SPEAKER pro tempore. It requires unanimous consent.

Mr. CROWTHER. Then I will state that I have been requested to ask that this bill retain its place on the Calendar.

The SPEAKER pro tempore. The gentleman asks unanimous consent that this bill may be passed over and retain its place on the Calendar.

Mr. KEM. I think we had better make no exceptions here.

The SPEAKER pro tempore. Objection is made.

Mr. CROWTHER. I hope the gentleman will not object to this bill being passed over and retaining its place on the Calendar. That is the request of the gentleman who introduced it in the Senate.

Mr. McCLELLAN. Regular order.

Mr. CROWTHER. There can be no objection to this bill retaining its place on the Calendar. It simply saves the bill.

Mr. WOOD. I move that this bill be laid aside without losing its place.

The SPEAKER pro tempore. The gentleman from Illinois moves that the bill be laid aside, retaining its place on the Calendar.

Mr. McCLELLAN. I make the point of order that it requires unanimous consent to lay aside the bill.

The SPEAKER pro tempore. The gentleman from New York makes the point that it requires unanimous consent to lay aside the bill. The Chair sustains the point of order.

Mr. NORTHWAY. A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. NORTHWAY. Would it not be in order to postpone the consideration of this bill until the second Monday of December, 1896?

The SPEAKER pro tempore. That is in order.

A MEMBER. Move to postpone its consideration for a week.

Mr. NORTHWAY. Then I move to postpone the further consideration of this bill until one week from to-night.

The SPEAKER pro tempore. The gentleman from Ohio moves to postpone the further consideration of this bill until one week from to-night.

The motion was agreed to.

PRISCILLA R. BURNS.

The next business was the bill (H. R. 5938) for the relief of Pricilla R. Burns.

The bill was read.

The amendments reported from the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MRS. WILLIAM LORING SPENCER.

The next business was the bill (S. 1699) for the relief of Mrs. William Loring Spencer.

The bill was read.

Mr. McCLELLAN. Mr. Speaker, I ask that this bill be laid on the table. A similar House bill has been passed and sent to the Senate, where it has been amended and sent back to the House and a conference thereon has been ordered.

The SPEAKER pro tempore. Without objection, the bill will be laid on the table.

Mr. KEM. I object.

Mr. McCLELLAN. I move that the bill be laid on the table.

The motion was agreed to.

ALEXANDER C. MORRISON.

The next business was the bill (H. R. 6552) granting an increase of pension to Alexander C. Morrison.

The bill was read.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

GIDEON L. M'GINNIS.

The next business was the bill (H. R. 6549) granting a pension to Gideon L. McGinnis.

The bill was read.

An amendment reported from the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARY A. STACEY.

The next business was the bill (H. R. 6046) granting a pension to Mary A. Stacey, dependent mother of Manley T. Stacey, late private Company D, One hundred and eleventh Regiment New York Volunteers.

The bill was read.

An amendment reported from the Committee of the Whole striking out "Mary" and inserting "Sarah" was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title was amended to conform to the amendment in the body of the bill.

OLIVE M. LEWIS.

The next business was the bill (H. R. 6472) granting a pension to Olive M. Lewis.

The bill was read.

An amendment reported from the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JOSIAH P. BRADBURY.

The next business was the bill (H. R. 5852) to increase the pension of Josiah P. Bradbury.

The bill was read.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MISS JENNIE E. MOORE.

The next business was the bill (H. R. 6247) to grant a pension to Miss Jennie E. Moore.

The bill was read.

An amendment reported from the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

CATHARINE DILLON.

The next business was the bill (S. 148) granting a pension to Catharine Dillon.

The bill was read.

Mr. CROWTHER. Mr. Speaker, I move that this bill be postponed until next Friday evening.

Mr. ERDMAN. Is that in order, Mr. Speaker?

The SPEAKER pro tempore. The Chair thinks the motion is in order.

Mr. ERDMAN. I want to say that a quorum will have to do that.

The SPEAKER pro tempore. The Chair thinks the motion must be decided without debate, unless by unanimous consent.

Mr. CROWTHER. Mr. Speaker, if there is to be objection I withdraw the motion.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM GROSE.

The next business was the bill (H. R. 515) granting a pension to William Grose.

The bill was read.

In accordance with the recommendation of the Committee of the Whole, the bill was laid on the table.

Mr. HENRY of Indiana. I think the intention was that this bill should lie over until the result of the action on a Senate bill of similar tenor.

The SPEAKER pro tempore. The motion to lay the bill on the table is not debatable.

Mr. HENRY of Indiana. I understand that. I was simply inquiring as to the situation.

The question being taken, the bill was laid on the table.

LUE R. BROWN.

The next business was the bill (S. 1672) granting a pension to Lue R. Brown; which was ordered to a third reading, read the third time, and passed.

ELISE BLENKER.

The next business was the bill (H. R. 4410) to increase the pension of Elise Blenker from $30 to $50; which was ordered to be engrossed for a third reading, read the third time, and passed.

GREENVILLE PUCKETT.

The next business was the bill (H. R. 5880) granting an increase of pension to Greenville Puckett; which was ordered to be engrossed for a third reading, read a third time, and passed.

LENA D. SMITH.

The next business was the bill (S. 1342) granting a pension to Lena D. Smith.

Mr. NORTHWAY. Is it in order to move to amend this bill now.

The SPEAKER pro tempore. A motion to amend is in order, the previous question not having been ordered.

Mr. NORTHWAY. I move to amend by striking out "$50" and inserting "$30."

The amendment was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

ROBERT SMALLS.

The next business was the bill (H. R. 1874) to place the name of Robert Smalls on the pension roll.

The amendment reported from the Committee of the Whole was agreed to; and the bill as amended was ordered to a third reading, read the third time, and passed.

ELLA D. CROSS.

The next business was the bill (S. 997) granting a pension to Ella D. Cross; which was ordered to a third reading, read the third time, and passed.

MRS. JANE STEWART WHITING.

The next business was the bill (S. 1511) granting a pension to Mrs. Jane Stewart Whiting.

The amendment reported from the Committee of the Whole, to strike out "$75" and insert "$50," was read.

Mr. NORTHWAY. I move to amend the amendment by striking out "$50" and inserting "$30."

The amendment was agreed to; and the amendment as amended was adopted.

The bill as amended was ordered to a third reading, read the third time, and passed.

BARTON S. DAWSON.

The next business was the bill (H. R. 4494) granting a pension to Barton S. Dawson.

The amendment reported from the Committee of the Whole was agreed to; and the bill as amended was ordered to be engrossed for a third reading, read the third time, and passed.

DOLLY S. BROWN.

The next business was the bill (H. R. 1646) for the relief of Dolly S. Brown.

The amendment reported from the Committee of the Whole was agreed to; and the bill as amended was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE JOHNSON.

The next business was the bill (H. R. 4281) granting a pension to George Johnson, of Lenox, Iowa.

The amendments reported from the Committee of the Whole were agreed to; and the bill as amended was ordered to be engrossed for a third reading, read the third time, and passed.

SILAS ADAMS.

The next business was the bill (H. R. 4841) granting a pension to Silas Adams, reported from the Committee of the Whole with amendments.

The amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The title of the bill was amended to conform to the amendment reported from the committee.

CALEB L. JACKSON.

The next business was the bill (H. R. 6417) to complete the military record of Caleb Jackson; which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JOHN ZELLERS.

The next business was the bill (H. R. 4519) granting a pension to John Zellers, reported from the Committee of the Whole with amendments.

The amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

GABRIEL WIDMER.

The next business was the bill (H. R. 4267) granting an increase of pension to Gabriel Widmer; reported from the Committee of the Whole with amendments.

The amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

HANNAH R. QUINT.

The next business was the bill (H. R. 6792) granting a pension to Hannah R. Quint.

The bill was ordered to be engrossed and read a third time.

The question being on the passage,

Mr. ERDMAN. Mr. Speaker, I desire to call the attention of the House to the fact that this is another case of a divorced widow. Now, I think she ought to have another chance. We ought to let her wait a little while longer. Perhaps she will marry again. We ought not to hamper her; and we may seriously injure her chances by pensioning her.

Mr. RANEY. I ask for the reading of the report in that case.

Mr. LACEY. Mr. Speaker, I ask unanimous consent that this bill be laid over. The matter is pending before the Committee on Invalid Pensions on a vetoed bill; and I suppose the same action will be taken with this as in the other case.

Mr. KEM. I can not agree to that.

Mr. LACEY. I move that it be laid over for two weeks.

The motion was agreed to.

CELESTE A. BOUGHTON.

The next business was the bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton, reported from the Committee of the Whole with amendments.

The amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ELIZA G. PYNE.

The next business was the bill (H. R. 3990) granting a pension to Mrs. Eliza G. Pyne.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

AUGUSTA TULLER.

The next business was the bill (H. R. 3398) for the relief of Augusta Tuller, reported from the Committee of the Whole with amendments.

The amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MARGARET J. YOUNG.

The next business was the bill (H. R. 9139) granting a pension to Margaret J. Young; which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ETHAN A. SELLMAN.

The next business was the bill (H. R. 4490) to restore the name of Ethan A. Sellman to the pension roll, reported from the Committee of the Whole with an amendment.

The amendment was agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ORDER OF BUSINESS.

Mr. TALBERT. I ask to take up——

Mr. WOOD. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from Illinois.

Mr. KEM. I desire to renew my motion, if it is in order.

The SPEAKER pro tempore. What is the statement of the gentleman?

Mr. KEM. A parliamentary inquiry. I desire to renew my motion now, if it is in order.

Mr. TALBERT. Mr. Speaker, I had the floor, I think.

The SPEAKER pro tempore. What is the motion? The Chair recognized the gentleman from Illinois [Mr. WOOD], but if the gentleman has a question to ask——

Mr. WOOD. Mr. Speaker, I move that the votes by which the various bills have been passed be reconsidered, and I move to lay that motion on the table.

The motion to lay upon the table the motion to reconsider the vote by which the various bills were passed was agreed to.

Mr. KEM. Now, Mr. Speaker, I desire to renew my motion.

MRS. CLIFFORD NEFF FYFFE.

Mr. TALBERT. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from South Carolina.

Mr. TALBERT. I ask that the House consider the bill, Calendar No. 877, granting a pension to Mrs. Clifford Neff Fyffe.

The SPEAKER pro tempore. The gentleman from South Carolina asks for the present consideration of the following bill——

Mr. KEM. Is that by unanimous consent, Mr. Speaker?

The SPEAKER pro tempore. He asks unanimous consent——

Mr. TALBERT. I ask unanimous consent——

The SPEAKER pro tempore (continuing). For the present consideration of the bill the title of which the Clerk will report, after which the Chair will ask if there be objection.

Mr. KEM. Then I must object.

The SPEAKER pro tempore. Objection is made by the gentleman from Nebraska [Mr. KEM].

A. S. LOUDERMILK.

Mr. FARIS. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate bill 1139, increasing the pension of A. S. Loudermilk, who is suffering from a gunshot wound.

Mr. KEM. I call for the regular order.

The SPEAKER pro tempore. The gentleman from Nebraska [Mr. KEM] asks for the regular order, which is equivalent to an objection.

ORDER OF BUSINESS.

Mr. WOOD. Mr. Speaker, I move that the House do now adjourn.

Mr. KEM. Now I desire to offer my motion, if it is in order.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. WOOD] moves that the House do now adjourn. That is in order. That is the regular order which the gentleman is demanding.

The question was taken; and on a division (demanded by Mr. POOLE) there were—ayes 43, noes 51.

So the motion to adjourn was rejected.

Mr. WHEELER. Mr. Speaker——

Mr. WILLIS. Mr. Speaker, I ask unanimous consent to consider the bill H. R. 7969, and I hope no gentleman will object until he hears the report.

Mr. KEM. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Nebraska [Mr. KEM] demands the regular order, which is equivalent to an objection.

Mr. WOOD. As the House has refused to adjourn, I move that it resolve itself into the Committee of the Whole to take up bills that are subject to the order for to-night.

Mr. KEM. Now, Mr. Speaker——

The SPEAKER pro tempore. The gentleman from Illinois [Mr. WOOD] moves that the House resolve itself into the Committee of the Whole for the purpose of considering bills on the Private Calendar under clause 2 of Rule XXIV.

Mr. KEM. Mr. Speaker, a parliamentary inquiry. I desire to know if my motion is now in order?

The SPEAKER pro tempore. What is the motion of the gentleman?

Mr. KEM. The motion that I made a while ago.

The SPEAKER pro tempore. What is the motion? The gentleman will state it.

Mr. KEM. Namely, that in the consideration of pension bills to-night we take them up in the regular order and dispose of them, and that no exception shall be made to this rule.

The SPEAKER pro tempore. That motion will be in order after the House resolves itself into the Committee of the Whole. The Chair does not think it is in order now.

Mr. SWANSON. A point of order.

The SPEAKER pro tempore. The rule states that the Committee of the Whole may determine the order in which bills shall be considered. The Chair does not recall any words of the rule that authorize the House to do it.

Mr. SWANSON. A parliamentary inquiry. As I understand the rule, it provides that the Committee of the Whole can do it, provided the House has not determined before it goes into Committee of the Whole as to what the order shall be.

The SPEAKER pro tempore. The gentleman may be right about it. The Chair will cause the rule to be read.

Mr. KEM. All I desire to do is this——

The SPEAKER pro tempore. The Chair will cause the rule to be read.

Mr. SWANSON (to Mr. KEM). Offer your motion as an amendment to the motion to go into Committee of the Whole.

The SPEAKER pro tempore. The House will be in order. The Clerk will read the rule.

The Clerk read as follows:

4. In Committees of the Whole House business on their Calendars may be taken up in regular order, or in such order as the committee may determine, unless the bill to be considered was determined by the House at the time of

going into committee; but bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors shall have precedence.

The SPEAKER pro tempore. The Chair thinks the gentleman's motion would be in order.

Mr. WILLIS. I move to amend the motion to go into Committee of the Whole——

The SPEAKER pro tempore. The gentleman from Nebraska [Mr. KEM] has the floor.

Mr. KEM. Mr. Speaker, on last Friday night we went into the Committee of the Whole——

The SPEAKER pro tempore. Does the gentleman desire to submit a motion? This motion must be decided without debate.

Mr. KEM. I have already submitted my motion, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Nebraska [Mr. KEM], pending the motion to go into Committee of the Whole, moves that the House, in Committee of the Whole, proceed to take up the cases in the order in which they appear upon the Calendar.

Mr. KEM. And that no exception be made to that rule.

Mr. HICKS. I rise to a point of order. The point of order is this: That the House can not direct the Committee of the Whole as to what business they shall take up.

The SPEAKER pro tempore. The Chair caused the rule to be read, and the Chair thinks from the rule it is in order. The Chair overrules the point of order.

Mr. ANDREWS. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. ANDREWS. I rise to ask unanimous consent to take up the bill (S. 2758) granting a pension to Hiram H. Palmer.

Mr. KEM. Regular order, Mr. Speaker.

Mr. MILNES. I move that the House do now adjourn.

Mr. SWANSON. I make the point of order that that is a dilatory motion.

The question was taken on the motion to adjourn; and the Speaker pro tempore announced that the noes seemed to have it.

Mr. CROWTHER. Division.

The House divided; and there were—ayes 36, noes 53.

So the House refused to adjourn.

Mr. ANDREWS. Mr. Speaker——

The SPEAKER pro tempore. The question now is on the motion of the gentleman from Nebraska [Mr. KEM], that when the House resolves itself into Committee of the Whole it take up the bills in the order in which they appear on the Calendar without exception.

Mr. ANDREWS. I offer an amendment to that motion.

Mr. CURTIS of New York. May I offer a word?

Mr. ANDREWS. My motion is to amend the motion so that the roll be called and that each member as his name is called in alphabetical order may be permitted to call up a bill in which he may be interested or which is urgent.

Mr. LOUDENSLAGER. Make that so the call shall begin at the bottom of the alphabet.

The SPEAKER pro tempore. The Chair will recognize no gentleman until the House is in order.

Mr. MOODY. Mr. Speaker——

The SPEAKER pro tempore. All gentlemen will be seated. The gentleman from Nebraska will please reduce his amendment to writing.

Mr. ANDREWS. I will withdraw my amendment rather than reduce it to writing.

Mr. SWANSON. I would like to substitute, "to commence with the letter 'S.'"

The SPEAKER pro tempore. A substitute is not in order until the amendment to the amendment is reported to the House.

Mr. CURTIS of New York. I understand that it is withdrawn.

The SPEAKER pro tempore. The gentleman from Nebraska [Mr. ANDREWS] will reduce his amendment to writing and send it to the Clerk's desk to be read.

Mr. ANDREWS. If it is insisted upon.

Mr. WHEELER. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WHEELER. I have prepared a speech that I want printed in the RECORD, and I would like, in a parliamentary way, to have the assistance of the Chair to get it in. [Laughter.]

The SPEAKER pro tempore. The Chair will state to the gentleman from Alabama that to-morrow he will be glad to give him some instructions upon that point if he needs them.

Mr. WHEELER. Then I ask unanimous consent that I be permitted to print this in the RECORD.

Mr. KEM. Regular order, Mr. Speaker.

The SPEAKER pro tempore. Objection is made by the gentleman from Nebraska [Mr. KEM].

Mr. CROWTHER. I desire to make the suggestion that inasmuch as the gentleman from Alabama has not had an opportunity to speak during this session, that he be permitted to have these remarks printed in the RECORD.

Mr. KEM. What is the regular order?

The SPEAKER pro tempore. The Chair will not entertain any other request until the gentleman from Nebraska has reduced his amendment to writing.

Mr. WILLIS. I desire to make a parliamentary inquiry of the Chair. Is the motion made by the gentleman from Nebraska debatable?

The SPEAKER pro tempore. It is not. [Cries of "Vote!" "Vote!"]

Mr. WILLIS. As I understand the parliamentary situation, the gentleman from Nebraska [Mr. KEM] offered an amendment that when the House went into Committee of the Whole it should take the bills up in their regular order. Then another gentleman offered a substitute before taking a vote on the amendment to the original proposition.

Mr. KEM. That was my amendment.

The SPEAKER pro tempore. The gentleman from Nebraska offered a motion, pending which his colleague [Mr. ANDREWS], offered the following amendment, which the Clerk will now report, and the House will be in order until it is reported.

The Clerk read as follows:

Mr. KEM moved that in Committee of the Whole bills on the Calendar be considered in the regular order as they appear on the Calendar.

Mr. ANDREWS moves that the roll of members be called, and that each member as his name is called be permitted to call up one bill for consideration

Mr. WILLIS. I move to amend the amendment.

Mr. WOOD. Mr. Speaker, I hope this amendment will not prevail.

The SPEAKER pro tempore. Debate is not in order.

Mr. WILLIS. I move to amend the amendment.

The SPEAKER pro tempore. The Chair is of the belief that the amendment is not in order under the rules, as it might include bills not reported from committees and bills which the Committee of the Whole would not have power to consider. [Applause.] The question is on the motion offered by the gentleman from Nebraska [Mr. KEM].

Mr. FAIRCHILD. I move as an amendment to the amendment that the roll be called, and that each member as his name is called have the privilege of calling up one bill that has been reported from a committee and that is in order in this committee.

The SPEAKER pro tempore. The gentleman from New York will reduce his amendment to writing. [Laughter.]

Mr. WILLIS. I have an amendment to offer to that.

Mr. LOUDENSLAGER. I move that the House do now adjourn.

Mr. SWANSON. Mr. Speaker, I make the point that that is a dilatory motion. The House has just voted upon it twice.

The SPEAKER pro tempore. The Chair overrules the point of order.

The question being taken on the motion to adjourn, the Speaker pro tempore declared that the noes seemed to have it.

A division was called for.

The House divided; and there were—ayes 32, noes 50.

So the motion was rejected.

Mr. FAIRCHILD. Mr. Speaker, I send to the desk an amendment which I offer to the motion of the gentleman from Nebraska [Mr. KEM].

The amendment was read, as follows:

That the roll be called of members, and each member be entitled to call up one bill as his name is called, provided that such bill shall have been introduced by such member and reported and on the Calendar.

Mr. LACEY. Mr. Speaker, I make the point of order against the original motion and also against the amendment. The point of order is that when we are about to go into Committee of the Whole the House may direct what particular bill shall be taken up in committee, but in the absence of such an order selecting some particular bill the whole matter is in the control of the committee.

The SPEAKER pro tempore. The Chair has already ruled on that point of order so far as the original motion is concerned; but the Chair thinks that the amendment of the gentleman from New York is obnoxious to the point of order, in that it may include bills which are not in order at a Friday night session. The Chair therefore rules the amendment out of order.

Mr. FAIRCHILD. Then, Mr. Speaker, I renew the amendment, with the modification that it shall include only bills that are in order.

The SPEAKER pro tempore. The gentleman will reduce his amendment to writing. [Cries of "Question!" "Question!"]

Mr. WILLIS. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. WILLIS. I rise to offer an amendment to the amendment of the gentleman from New York.

The SPEAKER pro tempore. That is not yet before the House.

Mr. WILLIS. Mr. Speaker, is not this debatable?

The SPEAKER pro tempore. It is not. The Clerk will report the amendment of the gentleman from New York as modified.

The Clerk read the amendment as modified, as follows:

That the roll be called of members, and each member be entitled to call up one bill as his name is called, provided that such bill shall have been introduced by such member and reported and on the Calendar, and such a bill as is in order at a Friday night session.

Mr. WILLIS. Mr. Speaker, I move to amend that amendment.

Mr. LACEY. Mr. Speaker, I make the point of order against the amendment.

Mr. WHEELER. Mr. Speaker, is not that debatable?

The SPEAKER pro tempore. It is not debatable.

Mr. WHEELER. I respectfully appeal from the decision of the Chair.

Mr. LACEY. Mr. Speaker, I make the point of order against the amendment.

The SPEAKER pro tempore. The gentleman will state the point of order.

Mr. LACEY. It was stated a few moments ago, and the Chair sustained it, as I understood.

The SPEAKER pro tempore. The Chair did not sustain the point made by the gentleman from Iowa, and the Chair overruled the same point when previously made by some other gentleman. The question is on the amendment of the gentleman from New York [Mr. FAIRCHILD].

Mr. WILLIS. Mr. Speaker, I move to amend by adding to the amendment to the amendment that in calling the roll we begin at the bottom of the roll call. [Laughter.]

The SPEAKER pro tempore. The question is on the motion of the gentleman from Delaware.

Mr. SWANSON. Mr. Speaker, I move to lay the amendment of the gentleman from New York, as proposed to be amended by the gentleman from Delaware, on the table.

The SPEAKER pro tempore. That would lay the whole matter upon the table.

Mr. KEM. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. KEM. If that is adopted, will it carry with it the original motion?

The SPEAKER pro tempore. It will.

The question being taken on the motion of Mr. SWANSON, the Speaker pro tempore declared that the noes seemed to have it.

Mr. ERDMAN. I ask for a division.

Mr. POOLE. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The House is dividing.

The question was taken on the motion of Mr. SWANSON; and it was rejected—ayes 14, noes 28.

Mr. ERDMAN. Mr. Speaker, I make the point of no quorum.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. ERDMAN] makes the point of no quorum.

Mr. EVANS. Call the roll.

The SPEAKER pro tempore (having counted). There are 128 gentlemen present; not a quorum.

Mr. POOLE. Mr. Speaker, I move that the House do now adjourn.

The question being taken on the motion to adjourn, the Speaker pro tempore declared the ayes seemed to have it.

Mr. HARDY and Mr. MCRAE asked for a division.

The House divided; and there were—ayes 70, noes 66.

Mr. EVANS. I call for the yeas and nays.

The yeas and nays were ordered, 42 voting in favor thereof.

The question was taken; and there were—yeas 67, nays 58, not voting, 230; as follows:

YEAS—67.

Anderson,	Daniels,	Jenkins,	Pitney,
Andrews,	Dockery,	Knox,	Poole,
Arnold, R. I.	Ellis,	Kyle,	Reeves,
Atwood,	Erdman,	Leonard,	Sauerhering,
Avery,	Evans,	Long,	Simpkins,
Bankhead,	Gibson,	Loudenslager,	Smith, Ill.
Bell, Colo.	Gillett, Mass.	Low,	Spalding,
Bishop,	Griffin,	McCall, Tenn.	Stewart, Wis.
Boutelle,	Griswold,	McClellan,	Strong,
Burrell,	Hadley,	McDearmon,	Swanson,
Calderhead,	Hager,	Milnes,	Taft,
Clardy,	Hall,	Minor, Wis.	Tucker,
Codding,	Halterman,	Moody,	Van Voorhis,
Cooke, Ill.	Hart,	Northway,	Walker, Va.
Crowther,	Hepburn,	Otjen,	Willis,
Curtis, Kans.	Hicks,	Payne,	Wood.
Curtis, N. Y.	Howell,	Pearson,	

NAYS—58.

Baker, Kans.	Hatch,	Layton,	Sorg,
Baker, N. H.	Heatwole,	Leighty,	Southard,
Bartlett, Ga.	Henry, Conn.	Lewis,	Stokes,
Broderick,	Henry, Ind.	Linney,	Strode, Nebr.
Burton, Mo.	Hill,	Little,	Strowd, N. C.
Burton, Ohio	Howard,	McCulloch,	Talbert,
Cook, Wis.	Hulick,	McRae,	Terry,
Cooper, Wis.	Hunter,	Mercer,	Trelcar,
Crump,	Johnson, N. Dak.	Mozley,	Updegraff,
Curtis, Iowa	Kem,	Noonan,	Walsh,
De Armond,	Kerr,	Prince,	Warner,
Fairchild,	Kiefer,	Raney,	Wheeler,
Faris,	Kirkpatrick,	Sayers,	Wilson, Ohio.
Fenton,	Lacey,	Shafroth,	
Hardy,	Latimer,	Shannon,	

NOT VOTING—230.

Abbott,	Dayton,	Lefever,	Rusk,
Acheson,	Denny,	Leisenring,	Russell, Conn.
Adams,	De Witt,	Lester,	Russell, Ga.
Aitken,	Dingley,	Linton,	Scranton,
Aldrich, Ala.	Dinsmore,	Livingston,	Settle,
Aldrich, Ill.	Dolliver,	Lockhart,	Shaw,
Allen, Miss.	Doolittle,	Lorimer,	Sherman,
Allen, Utah	Dovener,	Loud,	Shuford,
Apsley,	Downing,	Maddox,	Skinner,
Arnold, Pa.	Draper,	Maguire,	Smith, Mich.
Babcock,	Eddy,	Mahany,	Snover,
Bailey,	Elliott, Va.	Mahon,	Southwick,
Baker, Md.	Elliott, S. C.	Marsh,	Sparkman,
Barham,	Fischer,	McCall, Mass.	Spencer,
Barney,	Fitzgerald,	McCleary, Minn.	Sperry,
Barrett,	Fletcher,	McClure,	Stahle,
Bartholdt,	Foote,	McCormick,	Stallings,
Bartlett, N. Y.	Foss,	McCreary, Ky.	Steele,
Beach,	Fowler,	McEwan,	Stephenson,
Belknap,	Gamble,	McLachlan,	Stewart, N. J.
Bell, Tex.	Gardner,	McLaurin,	Stone, C. W.
Bennett,	Gillet, N. Y.	McMillin,	Stone, W. A.
Berry,	Goodwyn,	Meiklejohn,	Strait,
Bingham,	Graff,	Meredith,	Sulloway,
Black, Ga.	Grosvenor,	Meyer,	Sulzer,
Black, N. Y.	Grout,	Miles,	Tate,
Blue,	Grow,	Miller, Kans.	Tawney,
Bowers,	Hainer, Nebr.	Miller, W. Va.	Tayler,
Brewster,	Hanly,	Milliken,	Thomas,
Bromwell,	Harmer,	Miner, N. Y.	Thorp,
Brosius,	Harris,	Mondell,	Towne,
Brown,	Harrison,	Money,	Tracewell,
Brumm,	Hartman,	Morse,	Tracey,
Buck,	Heiner, Pa.	Moses,	Turner, Ga.
Bull,	Hemenway,	Murphy,	Turner, Va.
Cannon,	Henderson,	Neill,	Tyler,
Catchings,	Hendrick,	Newlands,	Underwood,
Chickering,	Hermann,	Odell,	Van Horn,
Clark, Iowa	Hilborn,	Ogden,	Wadsworth,
Clark, Mo.	Hitt,	Otey,	Walker, Mass.
Clarke, Ala.	Hooker,	Overstreet,	Wanger,
Cobb,	Hopkins,	Owens,	Washington,
Cockrell,	Howe,	Parker,	Watson, Ind.
Coffin,	Hubbard,	Patterson,	Watson, Ohio
Colson,	Huff,	Pendleton,	Wellington,
Connolly,	Huling,	Perkins,	White,
Cooper, Fla.	Hull,	Phillips,	Wilber,
Cooper, Tex.	Hurley,	Pickler,	Williams,
Corliss,	Hutcheson,	Powers,	Wilson, Idaho
Cousins,	Hyde,	Price,	Wilson, N. Y.
Cowen,	Johnson, Cal.	Pugh,	Wilson, S. C.
Cox,	Johnson, Ind.	Quigg,	Woodard,
Crisp,	Jones,	Ray,	Woodman,
Crowley,	Joy,	Reyburn,	Woomer,
Culberson,	Kendall,	Richardson,	Wright,
Cummings,	Kleberg,	Robertson, La.	Yoakum.
Dalzell,	Kulp,	Robinson, Pa.	
Danford,	Lawson,	Royse,	

So the motion to adjourn was agreed to.

Accordingly (at 9 o'clock and 40 minutes p. m.) the House, in accordance with its previous order, adjourned until Monday next.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting, with a favorable recommendation, a draft of a bill making appropriation for the immediate repair of the United States Marine-Hospital buildings at St. Louis, Mo.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting, with a favorable recommendation, a draft of a bill to make certain amendments in the act entitled "An act to adopt regulations for preventing collisions at sea"—to the Committee on the Merchant Marine and Fisheries, and ordered to be printed.

A letter from the Secretary of State, transmitting, with a favorable recommendation, a draft of a bill to make certain amendments in the act entitled "An act to adopt regulations for preventing collisions at sea"—to the Committee on the Merchant Marine and Fisheries, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3170) entitled "An act to authorize the Butler and Pittsburg Railroad Company to construct and maintain a bridge across the Allegheny River," reported the same without amendment, accompanied by a report (No. 2091); which said bill and report were referred to the House Calendar.

Mr. BENNETT, from the Committee on Interstate and Foreign Commerce, to which was referred House bill No. 2282, reported in lieu thereof a bill (H. R. 9252) to facilitate the construction and maintenance of telegraphic communication between the United States, the Hawaiian Islands, Japan, and China, and to promote

commerce, accompanied by a report (No. 2092); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MURPHY of Arizona, from the Committee on the Territories, to which was referred the bill of the House (H. R. 243) to enable the people of Arizona to form a constitution and State government and to be admitted into the Union on an equal footing with the original States, reported the same without amendment, accompanied by a report (No. 2093); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McRAE, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 7044) for the better improvement of the Government reservation at the city of Fort Smith, in the State of Arkansas, and for other purposes, reported the same with amendment, accompanied by a report (No. 2094); which said bill and report, were referred to the Committee of the Whole House on the state of the Union.

Mr. GROSVENOR, from the Committee on Ways and Means, to which was referred the joint resolution of the House (H. Res. 191) to authorize a scientific investigation of the fur-seal fisheries, reported the same without amendment, accompanied by a report (No. 2095); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CUMMINGS, from the Committee on the Library, to which was referred the bill of the House (H. R. 1991) to purchase a painting of Abraham Lincoln, reported the same without amendment, accompanied by a report (No. 2096); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 8321) to authorize the county of St. Louis, in the State of Minnesota, to build or authorize the building of a foot and wagon bridge across the St. Louis River between Minnesota and Wisconsin at a point near Fond du Lac, in said State of Minnesota, reported the same with amendment, accompanied by a report (No. 2097); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. ANDERSON, from the Committee on Invalid Pensions:

The bill (H. R. 6215) to increase the pension of Ambrose D. Manion. (Report No. 2069.)

The bill (H. R. 8463) granting a pension to Milo Dixon. (Report No. 2070.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions:

The bill (H. R. 8511) granting a pension to Ann M. Tate. (Report No. 2071.)

The bill (H. R. 7420) granting a pension to Elizabeth M. Sale. (Report No. 2072.)

The bill (H. R. 5750) granting a pension to Joseph Crow, of Eldorado, Kans. (Report No. 2103.)

By Mr. CROWTHER, from the Committee on Invalid Pensions:

The bill (H. R. 3805) to increase the pension of Clark W. Harrington, late sergeant of Company I, Ninety-third New York Infantry. (Report No. 2073.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (H. R. 6962) granting a pension to Dennis B. Sanford. (Report No. 2074.)

The bill (H. R. 4621) granting a pension to Andrew J. Arnett. (Report No. 2075.)

The bill (H. R. 9157) granting a pension to Blanche E. Barlow. (Report No. 2076.)

The bill (H. R. 6971) granting a pension to Mary E. Bucklew. (Report No. 2077.)

By Mr. LAYTON, from the Committee on Invalid Pensions:

The bill (H. R. 8524) to pension William Rice, Company G, Tenth Ohio Cavalry, at an increased rate. (Report No. 2078.)

The bill (H. R. 4431) to place on the pension roll the name of Minerva Sample. (Report No. 2079.)

By Mr. PICKLER, from the Committee on Invalid Pensions:

The bill (H. R. 4388) for the increase of pension of Farnham J. Eastman. (Report No. 2080.)

By Mr. POOLE, from the Committee on Invalid Pensions:

The bill (H. R. 1942) for the relief of Charlotte L. Walker. (Report No. 2081.)

The bill (S. 3182) entitled "An act granting a pension to Susan E. Cunningham." (Report No. 2099.)

The bill (H. R. 6222) granting an increase of pension to Czar Dunning. (Report No. 2100.)

The bill (H. R. 7375) granting a pension to Susan I. Barrows. (Report No. 2082.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions:

The bill (S. 3133) entitled "An act granting an increase of pension to Betsey B. Olin." (Report No. 2083.)

The bill (H. R. 6604) granting a pension to Charles S. Kidder. (Report No. 2084.)

The bill (H. R. 3903) granting a pension to Olive Brown. (Report No. 2085.)

By Mr. WOOD, from the Committee on Invalid Pensions:

The bill (H. R. 7336) granting an increase of pension to James B. Crawford. (Report No. 2086.)

The bill (H. R. 6235) to grant increase pension to Ira Bacon, Company A, Fifty-second Indiana Infantry Volunteers. (Report No. 2087.)

The bill (H. R. 7976) to increase the pension of Mrs. Ann Gibbons. (Report No. 2088.)

By Mr. FENTON, from the Committee on Military Affairs:

The bill (H. R. 5757) to remove the sentence of court-martial from the military record of Thomas J. Sutton. (Report No. 2089.)

By Mr. BARNEY, from the Committee on the Public Lands:

The bill (H. R. 459) for the relief of Thomas Rosbrugh. (Report No. 2090.)

By Mr. ANDREWS, from the Committee on Invalid Pensions:

The bill (S. 2879) entitled "An act granting a pension to Charles A. Hutchings." (Report No. 2098.)

By Mr. THOMAS, from the Committee on Invalid Pensions:

The bill (H. R. 3509) granting a pension to Joseph H. Failes. (Report No. 2101.)

By Mr. LOUDENSLAGER, from the Committee on Pensions:

The bill (S. 1684) entitled "An act granting a pension to Sam P. Barbee." (Report No. 2102.)

By Mr. COLSON, from the Committee on Pensions: The bill (H. R. 6140) to increase the pension of Mary C. Cook. (Report No. 2104.)

By Mr. HOWE, from the Committee on Pensions: The bill (H. R. 4953) to grant a pension to John Thurston, of Island Pond, Vt. (Report No. 2105.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PAYNE: A bill (H. R. 9253) to amend an act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea"—to the Committee on the Merchant Marine and Fisheries.

By Mr. COLSON: A bill (H. R. 9254) to aid in the establishment and temporary support of common schools—to the Committee on Education.

By Mr. McCLEARY of Minnesota: A resolution (House Res. No. 393) allowing the messengers of the House post-office an extra month's pay—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BINGHAM: A bill (H. R. 9255) to correct the record of Charles Schmeller, late of Company G, Seventy-fifth Regiment Pennsylvania Volunteer Infantry, by removing the charge of desertion from the same—to the Committee on Military Affairs.

By Mr. CURTIS of Kansas: A bill (H. R. 9256) granting an increase of pension to James B. Cooper—to the Committee on Invalid Pensions.

By Mr. HEINER of Pennsylvania: A bill (H. R. 9257) for the relief of William H. Masters, of Blairville, Pa.—to the Committee on Invalid Pensions.

By Mr. HUNTER: A bill (H. R. 9258) for the relief of Mary F. Grider—to the Committee on War Claims.

Also, a bill (H. R. 9259) for the benefit of V. F. Andrews, of Monroe County, Ky.—to the Committee on War Claims.

By Mr. KIRKPATRICK: A bill (H. R. 9260) to increase the pension of Adam Johnson—to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 9261) granting a pension to William H. Spencer—to the Committee on Invalid Pensions.

By Mr. McCALL of Tennessee: A bill (H. R. 9262) for the relief of Ross & Mangum—to the Committee on Claims.

By Mr. MONEY: A bill (H. R. 9263) for the relief of D. M. Snowden, of Fort Stephens, Miss.—to the Committee on War Claims.

By Mr. PICKLER: A bill (H. R. 9264) to amend the military record of James H. Watts—to the Committee on Military Affairs.

By Mr. VAN HORN: A bill (H. R. 9265) to remove the charge of desertion from the military record of John Allison—to the Committee on Military Affairs.

By Mr. PICKLER (by request of the Secretary of the Interior): A bill (H. R. 9266) to repeal the act of Congress of August 13, 1888—to the Committee on Invalid Pensions.

By Mr. WASHINGTON: A bill (H. R. 9267) for the relief of William J. Thomas, of Springfield, Tenn.—to the Committee on War Claims.

By Mr. McCLURE: A bill (H. R. 9268) to remove the charge of desertion from the record of Herman Schloo—to the Committee on Military Affairs.

Also, a bill (H. R. 9269) to remove the charge of desertion against James Addy—to the Committee on Military Affairs.

Also, a bill (H. R. 9270) granting a pension to Mrs. Rebecca L. English—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9271) granting a pension to Mrs. Susannah Bennett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9272) to remove the charge of desertion against Daniel Firestone—to the Committee on Military Affairs.

Also, a bill (H. R. 9273) to remove the charge of desertion against Henry Crawford—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BULL: Resolutions of the Division of Rhode Island Sons of Veterans, United States Army, in sympathy with the Cuban patriots, in favor of resolutions definitely supporting the Monroe doctrine, and in relation to the massacres in Armenia—to the Committee on Foreign Affairs.

By Mr. CLARK of Iowa: Petition of citizens of Keokuk, Iowa, urging the passage of House bill No. 260, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Petition of J. B. Corey, of Braddock, Pa., in favor of the repeal of legislation increasing official salaries—to the Committee on the Judiciary.

By Mr. HITT: Resolutions adopted by the eighth annual encampment of the Division of Rhode Island Sons of Veterans, United States Army, held at Providence, R. I., February 12, 1896, sympathizing with the Cuban patriots, urgently supporting the Monroe doctrine, and deploring the massacre of Christians in Armenia—to the Committee on Foreign Affairs.

By Mr. KIEFER: Resolutions of the Chamber of Commerce of St. Paul, Minn., in favor of increasing the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

SENATE.

MONDAY, *June 1, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on motion of Mr. HILL, and by unanimous consent, the further reading was dispensed with.

PROPOSED FINANCIAL LEGISLATION.

Mr. MORRILL. Mr. President, I desire to state that I shall ask the leave of the Senate to address it upon the subject of the House tariff bill with the Senate silver-coinage substitute to-morrow in the morning hour, immediately after the conclusion of the routine business.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Pathological Society of Philadelphia, Pa., and a memorial of the State board of health, of Indianapolis, Ind., remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which were ordered to lie on the table.

Mr. McMILLAN presented a petition of Typographical Union, No. 122, of Kalamazoo, Mich., praying for the Government ownership and control of the telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Baptist, Congregational, and Methodist Episcopal churches of Bronson, Mich., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SHERMAN presented sundry petitions of citizens of Ohio, praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

Mr. LODGE presented resolutions adopted by Sons of Veterans, Division of Rhode Island, favoring the Monroe doctrine, sympathizing with the Cuban patriots, and deploring the Armenian massacres; which were ordered to lie on the table.

Mr. PEFFER. I present the petition of A. E. Redstone, asking for the passage of Senate bill 2118. In making this request the petitioner sets forth certain important facts that on the western slope of the Sierra Nevada Mountains certain settlers, himself among others, for whom he speaks, settled upon certain public land, made farms and other improvements, and when the Sierra forest reserve was made by act of Congress it inclosed the homes of these settlers, and that from that time until the present their homes have been practically valueless to them, cut off from all communication with the outside world, and he and his neighbors have been asking Congress from year to year since that time for relief.

Senate bill 2118 is a bill that has been introduced in the Senate and referred to the proper committee for the purpose of affording that relief. Among other things the petitioner asks that a typewritten copy of testimony which was taken at Fresno, Cal., by the Felton Commission, of the Fifty-third Congress, be printed in the RECORD, etc.

I move that the petition be referred to the Committee on Forest Reservations and the Protection of Game.

The motion was agreed to.

Mr. WHITE presented a memorial of the Trades League of Philadelphia, Pa., remonstrating against the adoption of the proposed amendment to section 10 of the interstate-commerce act; which was referred to the Committee on Interstate Commerce.

Mr. STEWART presented memorials of John H. Carper and 42 other citizens of Farmington, Wash.; of W. I. King and 19 other citizens of Clay, Cal.; of A. J. Kershner and 47 other citizens of Claylick, Pa.; of William H. Daniels and 21 other citizens of Fairhaven, Wash.; of J. W. Baker and 18 other citizens of Magnolia, Ark.; of N. G. Wilson and 37 other citizens of Auburn, Ark.; of J. F. Gwin and 75 other citizens of Galt, Cal., and of the Order of the Patriots of America of Galt, Cal., remonstrating against the passage of the so-called Loud bill, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DANIEL. I present the memorial of John Cowdon, of Washington, D. C., relative to certain items contained in the river and harbor appropriation bill.

I beg leave to state, in presenting it, that I do not mean to intimate any approval or dissent from the opinions therein expressed. I present it as a matter of courtesy upon my part, and I communicate to the Senate the request of the memorialist that his memorial may be printed.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). As a document, does the Chair understand?

Mr. DANIEL. As a document of the Senate.

The PRESIDING OFFICER. Without objection, that order will be made. The memorial will lie on the table.

REGULATIONS CONCERNING FILLED CHEESE.

Mr. SHERMAN. In the nature of a resolution, I will ask the unanimous consent of the Senate that at 4 o'clock to-day the vote be taken on what is called the filled-cheese bill. The Senate has been very kind in regard to other bills, and I hope that it will allow this bill to be voted on at 4 o'clock to-day.

The VICE-PRESIDENT. The Chair will submit the request of the Senator from Ohio to the Senate.

Mr. HILL. What is the request?

Mr. SHERMAN. I ask that at 4 o'clock this afternoon the vote shall be taken on the cheese bill and any amendments that are pending or any amendments that are offered.

Mr. HILL. I am in favor of that bill and expect to vote for it on its final passage, but in the absence of several Senators who are opposing the bill I do not think it is quite right to fix a time now for its final passage.

Mr. SHERMAN. I have inquired of several Senators about it and they made no objection at all to the proposition I now make; but I will defer the request if the Senator from New York desires and will let me know when the time comes.

Mr. HILL. I have no objection myself, but I think it would be wiser to wait until several Senators who are now absent are present.

Mr. SHERMAN. There was an agreement made on Friday last to dispose of the bond bill to-morrow. I should like to have this bill disposed of without further debate, so that it may go into conference.

Mr. VEST entered the Chamber.

Mr. HILL. The Senator from Missouri is now here.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Ohio that the vote be taken at 4 o'clock.

Mr. HARRIS. I object.

Mr. SHERMAN. At 4 o'clock to-day.

The VICE-PRESIDENT. At 4 o'clock to-day.

Mr. HARRIS. I object to any agreement on the subject.

Mr. HALE. I call for the regular order of business.

The VICE-PRESIDENT. If there are no further petitions and memorials, reports of standing and select committees are next in order.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 2941) to authorize the

Baltimore and Washington Transit Company of Maryland to enter the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2288) to provide for the removal of snow, ice, and dirt from the sidewalks, crosswalks, and gutters in the District of Columbia, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

Mr. McMILLAN. There are corresponding House bills on the Calendar.

Mr. SHOUP, from the Committee on Military Affairs, to whom was referred the bill (S. 1277) for the appointment as lieutenants on the retired list of certain survivors of the Lady Franklin Bay expedition, reported it with an amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 3049) to incorporate the Maritime Canal of North America, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2504) to incorporate the Maritime Canal of North America, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

Mr. BRICE, from the Committee on Pensions, to whom was referred the bill (S. 2989) to increase the pension of Caroline S. Baker, reported it without amendment, and submitted a report thereon.

ELVIRA BACHELDER.

Mr. GALLINGER, from the Committee on Pensions, reported a bill (S. 3245) granting a pension to Elvira Bachelder, and submitted a report thereon.

The bill was read twice by its title.

Mr. GALLINGER. A bill granting a pension to this old lady passed both Houses, but was vetoed by the President the other day for the reason that the military record was not correctly given. The President says:

On the merits of the case I am satisfied this mother deserves a pension. I withhold my approval of the bill intended to grant her this relief solely because I am advised that the law would be inoperative for the reason that the deceased soldier never served in the Seventh New Hampshire Infantry, and should have been described in the bill as a member of Company D, First New Hampshire Heavy Artillery.

This bill proposes to correct the soldier's record, and I ask for its immediate consideration, a bill granting the pension having passed the Senate before.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll, at the rate of $12 a month, the name of Elvira Bachelder, dependent mother of J. K. P. Bachelder, late a private in Company D, First New Hampshire Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

W. H. MICHAEL.

Mr. HALE, from the Committee on Printing, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the contingent fund of the Senate to W. H. Michael the sum of $1,600 for compiling and indexing all the acts imposing duties on imports heretofore passed by Congress, the said compilation having been made and completed under the authority of the Joint Committee on Printing, as authorized by concurrent resolution of January 16, 1896.

FLAGSTAFF AND CANYON RAILROAD.

Mr. TELLER. I am directed by the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (H. R. 7578) granting the Flagstaff and Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve in northern Arizona, to report it without amendment. As the bill is simply for a right of way across a forest reservation, I ask that it may be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT APPROPRIATION BILL.

Mr. PETTIGREW. I ask to have the conference report on the Indian appropriation bill laid before the Senate.

Mr. TELLER. Will the Senator from South Dakota allow me to present a conference report, that it may be printed?

Mr. PETTIGREW. I yield for that purpose.

Mr. TELLER. I submit a conference report on the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes. I ask that the report be printed.

The VICE-PRESIDENT. It will be so ordered.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 6, 22, 23, 24, 26, 29, 39, 50, 52, 59, 60, 62, 63, 68, 73, 74, 75, 76, 77, 79, 80, 81, 83, 102, 104, 106, 107, 112, 113, 114, 118, 122, 123, 127, 128, 129, 130, 132, 134, 144, 146, 148, 152, 153, 157, 158, 162, 170, and 199.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 7, 8, 10, 12, 13, 14, 17, 18, 19, 20, 21, 25, 30, 33, 34, 38, 48, 49, 53, 56, 58, 64, 65, 66, 67, 70, 71, 72, 78, 82, 84, 85, 108, 109, 110, 111, 115, 125, 133, 136, 138, 142, 145, 151, 159, 160, 161, 164, 165, 166, 168, 169, 192, 197, and 198, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$51,089"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: After the word "expenditures," at the end of line 4 of the matter inserted by said amendment, insert the following: ", not exceeding in the aggregate $9,713.50"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "deputy collector, $1,800, and such deputy collector shall hereafter perform such duties as may be required of him by the collector, and the collector may require the said deputy collector to give bond for the faithful performance of such duties; but the collector shall in every respect be responsible, as now provided by law, to the United States, the District of Columbia, and to individuals, as the case may be, for all moneys collected;" and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,000"; and the Senate agree to the same.

Amendments numbered 15 and 16: That the House recede from its disagreement to the amendments of the Senate numbered 15 and 16, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendments, and on page 4 of the bill strike out all after the word "markets," in line 21, down to and including the word "dollars," in line 23, and insert in lieu thereof the words "one thousand two hundred dollars"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27 and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment, and strike out all after the word "law," in line 5 of the matter inserted by said amendment; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,500"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with amendments as follows: Strike out the sum named in lines 6 and 7 of said amendment, and insert in lieu thereof "$10,000"; and strike out all of said amendment after the word "highways," in line 13; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$10,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$140,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,000"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,500"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$45,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$22,500"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$34,500"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$34,500"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the amount proposed insert "$1.80"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,000"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an

amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For constructing the Fifteenth street and F street portion of the F street and Easbys Point intercepting sewer, $25,000; and the total cost of constructing said portion of said intercepting sewer, under a contract which is hereby authorized therefor, shall not exceed "$87,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80,000"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,000"; and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$130,500"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "To provide for new hull and necessary repairs for harbor boat, $1,250"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,500"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$32,000"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,000"; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$38,000"; and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$30,000"; and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum named in the amendment insert "$8,000"; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "A contract is hereby authorized for the construction of an eight-room school building, Sixth Division B, Giesboro, at a total cost not exceeding $21,000; and the appropriation of $9,000 heretofore made for a four-room building, Sixth Division B, Giesboro, is hereby made available toward the construction of said eight-room building"; and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$8,000"; and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the number named insert "286"; and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$576,940"; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,500"; and the Senate agree to the same.

Amendment numbered 139: That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$27,750"; and the Senate agree to the same.

Amendment numbered 140: That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eight"; and the Senate agree to the same.

Amendment numbered 141: That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$142,100"; and the Senate agree to the same.

Amendment numbered 143: That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,500"; and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$38,500"; and the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,500"; and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$4,200"; and the Senate agree to the same.

Amendment numbered 155: That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500"; and the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,900"; and the Senate agree to the same.

Amendment numbered 163: That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment insert the following: "$1,800, to be expended under the direction of the Attorney-General"; and the Senate agree to the same.

Amendment numbered 167: That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,000"; and the Senate agree to the same.

Amendment numbered 196: That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000"; and the Senate agree to the same.

Amendment numbered 200: That the House recede from its disagreement to the amendment of the Senate numbered 200, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$37,994"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 40, 61, 69, 87, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 105, 154, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 193, 194, 195, and 201.

H. M. TELLER,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

WILLIAM W. GROUT,
MAHLON PITNEY,
ALEX. M. DOCKERY,
Managers on the part of the House.

FRIEZE IN THE ROTUNDA.

Mr. HANSBROUGH. I am directed by the Committee on the Library, to whom was referred the joint resolution (S. R. 152) appropriating $6,000 for completing the painting of the frieze in the Rotunda of the United States Capitol, to report it without amendment; and I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The joint resolution will be read for information.

The Secretary read the joint resolution, as follows:

Resolved by the Senate, etc., For completing the painting of the frieze in the Rotunda of the United States Capitol by Filippo Costaggini, after designs to be furnished by him and approved by the Joint Committee on the Library, $6,000, or so much thereof as may be necessary.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution? The Chair hears none, and it is before the Senate as in Committee of the Whole, and open to amendment. If there be no amendment as in Committee of the Whole, the joint resolution will be considered as having been reported to the Senate for a third reading, read the third time, and passed.

Mr. HAWLEY. I am not quite satisfied with the manner in which that frieze is being finished or conducted. I make no special criticism upon the President of the United States for various reasons, and he might find his place upon it, but I am not quite satisfied with an attempt to approve a history of the United States, which the frieze is supposed to suggest, that omits George Washington and Abraham Lincoln and presents Mr. Cleveland, when we consider the respective positions of Mr. Lincoln and Mr. Cleveland during the great war of the rebellion.

Mr. HANSBROUGH. In my judgment there is not an appropriate place in this fresco work for a representation of any of the Presidents, and this is the judgment of the Committee on the Library. The joint resolution proposes an appropriation of $6,000 to complete the fresco work in the Dome of the Capitol. It is very important that the unsightly scaffolding that has been hanging there for two or three years, and which one of these days will fall and kill some one, should be removed.

I have here two sketches which it is proposed to use in completing the fresco work. The one that the Senator from Connecticut objects to, or believes he objects to, represents President Cleveland pressing the electric button which notified the world that the World's Fair was open. It also represents in the background the Duke of Veragua and his family, the remnants of the Columbus family, and all there is left of it.

It will be remembered that the first painting in the frieze of the Dome is a fresco representing Columbus landing in America. The last one will be a fresco representing the opening of the World's Fair, attended by the only living descendants of the Columbus family. The committee think it a very appropriate sketch. I do not believe the Senate should permit, or any Senator here should permit his prejudices, if he has any, against the President of the United States to stand in the way of carrying out the purpose of the joint resolution.

Mr. HAWLEY. The artistic purpose of the frieze evidently is to suggest a great deal more than it tells. I wonder how a man giving the history of the United States could entirely skip the great war for the Union. If you ask how I would put it upon the frieze, if I did nothing else I would represent the apple tree at Appomattox and Grant and Lee shaking hands, with surrounding touches and intimations of troops and various designs. I am sure that an artist who had poetry and patriotism in him could easily suggest the whole history and show the whole happy conclusion of that great event. I think the scheme lacks something. I do not object to the Senator's idea of giving a hint of the great exhibition at Chicago, but I object to the utter absence of the greatest historical event since the war of the Revolution—one of the greatest in all history. However, I will let it go. It will, by

the absence of what ought to be there, suggest criticism and consideration.

The VICE-PRESIDENT. The Chair did not understand the Senator from Connecticut to object to the present consideration of the joint resolution. If the Senator objects——

Mr. HAWLEY. No, sir; I do not object, for there is more criticism of its propositions. The Committee on the Library is preparing for us, to put here in this Hall in one of these niches, a bust of John C. Breckinridge, who left the chair you now occupy, sir, to engage in the rebellion. You may say, without reference to what he was or was not in the war, that he had the elements of nobility in his character; you may say, without reference to that, that it is simply his historical relations we must consider, and he must be given his place among those honored men in the list of Vice-Presidents. I make no objection. I do not quite like some of these things, however. I want history told simply as it is; that is all.

Mr. HANSBROUGH. With regard to the bust which is to occupy a place in this Chamber, I will say that it will be placed here in compliance with a statute and at the request of at least one of the Senators from the State of Kentucky and other Senators on this floor. I am one of those who are liberal enough to believe that the war is over.

Mr. HAWLEY. Well, Mr. President, I object to that sneer.

Mr. HANSBROUGH. It was not intended as such.

Mr. HAWLEY. It was one. I am liberal about these things. I have toward the men who were in the rebellion not one particle of hostility, and I thank heaven there are many among them with whom I am upon terms of warmest friendship, and I could easily cast my eye upon some of them here, not to mention others scattered all about the country. But I do not believe in telling a falsehood about the history of my country. There was an enormous war over a great principle, which involved untold volumes of history of brave transactions, and the Confederates need not be ashamed to be mentioned as soldiers, nor the Union men, either. No, sir; I have voted here for liberal treatment of the men who were in the rebellion. They may come into public office; they may go into the Army if they get appointments now. We have wiped all those things out, but there is no use in wiping out of history the war and its significance, and it will be quite impossible to do so.

Mr. SHOUP. I desire to submit a report from the Committee on Military Affairs.

Mr. HANSBROUGH. Do I understand that the joint resolution has been disposed of?

The VICE-PRESIDENT. The joint resolution reported by the Senator from North Dakota has been passed.

Mr. WILSON. Do I understand the Chair to state that the joint resolution has been passed?

The VICE-PRESIDENT. The Chair had announced that without objection the joint resolution was passed before the Senator from Connecticut addressed the Chair. The Chair then inquired of the Senator from Connecticut whether he interposed an objection. The Chair understood the Senator from Connecticut to say that he did not object.

Mr. HAWLEY. When I heard the joint resolution read I had not been paying very close attention. I thought it was the reading that precedes consideration. I did not know that it was announced that it was passed. However, I should have asked leave to speak even had I known to what stage the bill had arrived.

Mr. WILSON. I certainly thought an objection had been interposed. Then I understood the Senator from Connecticut to withdraw whatever objection he had, and I thought perhaps the Chair would ask if objection was made, whereupon I intended to interpose an objection to the joint resolution. If the joint resolution has already been passed——

Mr. SHERMAN (to Mr. WILSON). You can move to reconsider.

The VICE-PRESIDENT. The Chair understands the Senator from Washington to object now to the consideration of the joint resolution.

Mr. WILSON. If the Senator from Washington has that right under the rule, I object.

The VICE-PRESIDENT. Objection being interposed, the joint resolution will go over under the rule.

BILLS INTRODUCED.

Mr. PEFFER (by request) introduced a bill (S. 3246) to promote aerial navigation for military purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. ALLEN (for Mr. THURSTON) introduced a bill (S. 3248) granting an increase of pension to Edward Yarton; which was read twice by its title, and referred to the Committee on Pensions.

He also (for Mr. THURSTON) introduced a bill (S. 3249) granting an increase of pension to Andrew J. Cook; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEAR introduced a bill (S. 3250) for the relief of Julia A. Devier; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

THE NICARAGUA CANAL.

Mr. MORGAN. I introduce a bill, and I wish to make a brief remark about it.

The bill (S. 3247) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889; was read twice by its title.

Mr. MORGAN. I understand that a bill similar in import has been agreed to by the House committee, and probably it may be reported to-day; I do not know. But I introduce this bill without committing myself to all its provisions, and yet I think I could agree to every one of them personally.

The bill is the production of Hon. Mr. MAHON, of Pennsylvania. It was referred to the Committee on Interstate and Foreign Commerce in the House and has been considered by them very laboriously, and after long investigation they have concluded to report it back to the House, as I am informed. At all events, I introduce it upon that supposition.

I think, Mr. President, that the country is to be congratulated that both Houses in their action, in some form or other, have indorsed all of the great outlying propositions which are involved in the Nicaraguan Canal subject. I believe it would be hardly possible, at least in the Senate, to get action upon this bill at the present session of Congress. I do not hope to realize that expectation. At the same time, if the Senate of the United States, before it should disperse, would reenact the bill that it enacted here at the last session of the last Congress, or this bill, which is substantially the same in its general features, I think that the country would feel great satisfaction with the idea that we were doing something for the benefit of the world as well as our own people.

I move that the bill be referred to the Select Committee on the Construction of the Nicaragua Canal.

The motion was agreed to.

ISSUE OF BONDS.

Mr. BROWN. I submit a resolution and ask that it may lie on the table. I shall discuss it in the course of the day.

The resolution was read, as follows:

Be it resolved, That, in the opinion of the Senate of the United States, the Secretary of the Treasury has no authority under the act of January 14, 1875, to issue any further or other bonds in addition to those already issued, and that any such bonds that may hereafter be issued by him will be without authority of law and void.

The VICE-PRESIDENT. The resolution will lie on the table for the present.

SEIZURE OF SCHOONER FREDERICH GERRING, JR.

Mr. LODGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested, if not incompatible with the public interest, to report to the Senate the facts in regard to the seizure of the American schooner *Frederick Gerring, jr.*, by the Canadian revenue cutter *Aberdeen;* whether there is any proof that said schooner was fishing inside the 3-mile limit at the time of the seizure, and to inform the Senate what action, if any, has been taken by the United States Government in regard to the seizure of said schooner.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on May 28, 1896, approved and signed the following acts:

An act (S. 144) granting an increase of pension to T. Clarkson Ingalls;

An act (S. 145) granting a pension to Maud Ardelle Bliss;

An act (S. 177) granting an increase of pension to Sophia D. Clendenin;

An act (S. 247) granting a pension to Wallace McGrath;

An act (S. 466) granting an increase of pension to William Brown;

An act (S. 1051) granting a pension to Elizabeth New, widow of Jethrow New;

An act (S. 2014) granting an increase of pension to Sarah A. Bull;

An act (S. 2175) granting a pension to James Lloyd Young, late of Company A, Sixth Regiment Kentucky Volunteers;

An act (S. 2357) granting a pension to Elizabeth Watts Kearny, daughter of the late Philip Kearny, major-general, United States Army;

An act (S. 2822) to increase the pension of Theodore V. Purdy; and

An act (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895.

The message also announced that the President of the United States had on May 29, 1896, approved and signed the following acts:

An act (S. 246) granting a pension to Nancy Carson Blunt;

An act (S. 705) granting a pension to Emily B. Muncey; and

An act (S. 746) granting a pension to Elizabeth E. Donohoe.

The message further announced that the President of the United States had on May 30, 1896, approved and signed the following acts:

An act (S. 616) granting a pension to Matilda Gresham, widow of the late Walter Q. Gresham, at the rate of $100 per month;

An act (S. 404) granting a pension to Samuel Goldwater;

An act (S. 1924) granting a pension to Carrie L. Yeaton;

An act (S. 1493) granting a pension to Mary Clare Kelly;

An act (S. 1215) granting a pension to Ellen Kingsley;

An act (S. 1044) granting a pension to Mary Newman;

An act (S. 125) for the relief of Elizabeth Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook;

An act (S. 739) granting an increase of pension to C. E. Philbrook, major of Twenty-fourth Regiment Wisconsin Volunteers;

An act (S. 1435) granting an increase of pension to Nathan Kimball; and

An act (S. 3011) for the relief of Nicolai Bros.

The message also announced that the President of the United States had on this day approved and signed the act (S. 1659) to amend the laws of the District of Columbia as to married women, to make parents natural guardians of their minor children, and for other purposes.

BILLS BECOME LAWS.

The message further announced that the following bills were presented to the President May 13, 1896, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, have become laws without his approval:

An act (S. 981) relating to the testimony of physicians in the courts of the District of Columbia;

An act (S. 2790) for the relief of Sophronia S. Stowell; and

An act (S. 2843) to authorize the construction of a bridge across the Missouri River at or near the city of Boonville, Mo.

The message also announced that the bill (S. 730) granting an increase of pension to Mrs. Helen Morrell Carroll was presented to the President May 15, 1896, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without his approval.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, further insisted upon its disagreement to the amendments numbered 2, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, and 53 to the bill, agreed to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BOUTELLE, Mr. ROBINSON of Pennsylvania, and Mr. CUMMINGS managers at the conference on the part of the House.

The message also announced that the House had passed the following bills:

A bill (S. 148) granting a pension to Catharine Dillon;

A bill (S. 807) granting a pension to Charles Williamson;

A bill (S. 887) granting a pension to Ella D. Cross; and

A bill (S. 1672) granting a pension to Lue R. Brown.

The message further announced that the House had passed the following bills, each with an amendment; in which it requested the concurrence of the Senate:

A bill (S. 819) granting a pension to Catherine Leary;

A bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton;

A bill (S. 1342) granting a pension to Lena D. Smith; and

A bill (S. 1511) granting a pension to Mrs. Jane Stewart Whiting.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 948) to remove the charge of desertion against Jacob M. Hamburger;

A bill (H. R. 1646) for the relief of Dolly S. Brown;

A bill (H. R. 1874) to place the name of Robert Smalls on the pension rolls;

A bill (H. R. 3380) granting an increase of pension to John R. Row, of Toronto, Kans.;

A bill (H. R. 3398) for the relief of Augusta Tuller;

A bill (H. R. 3990) granting a pension to Mrs. Eliza G. Pyne;

A bill (H. R. 4267) granting an increase of pension to Gabriel Widmer;

A bill (H. R. 4268) granting a pension to Mrs. Christina Graham;

A bill (H. R. 4281) granting a pension to George Johnson, of Lenox, Iowa;

A bill (H. R. 4405) granting a pension to Augustus G. Cary;

A bill (H. R. 4410) to increase the pension of Elise Blenker from $30 to $50;

A bill (H. R. 4490) to restore the name of Ethan A. Sellman to the pension roll;

A bill (H. R. 4494) granting pension to Barton S. Dawson;

A bill (H. R. 4519) granting a pension to John Zellers;

A bill (H. R. 4841) granting a pension to Mellisa Adams, widow of Silas Adams;

A bill (H. R. 5852) to increase the pension of Josiah P. Bradbury;

A bill (H. R. 5880) granting an increase of pension to Greenville Puckett;

A bill (H. R. 5938) for the relief of Pricilla R. Burns;

A bill (H. R. 6046) granting a pension to Sarah A. Stacey, dependent mother of Manley T. Stacey, late private Company D, One hundred and eleventh Regiment New York Volunteers;

A bill (H. R. 6247) to grant a pension to Miss Jennie E. Moore;

A bill (H. R. 6417) to complete the military record of Caleb L. Jackson;

A bill (H. R. 6472) granting a pension to Olive M. Lewis;

A bill (H. R. 6549) granting a pension to Gideon L. McGinnis;

A bill (H. R. 6552) granting increase of pension to Alexander C. Morrison;

A bill (H. R. 6590) granting a pension to William Greer;

A bill (H. R. 7127) granting a pension to Samuel D. Gilmau; and

A bill (H. R. 9139) granting a pension to Margaret J. Young.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I ask that the conference report on the Indian appropriation bill be laid before the Senate.

The Senate resumed the consideration of the conference report on the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

Mr. VILAS. Mr. President, at the time when the hour expired in the consideration of the conference report on Friday, I was still discussing the question of the point of order. I do not wish to spend too much time upon that point unless it shall be renewed and discussion be perhaps important to it, but I do desire to add a few words from which I was cut off on Friday.

The Senator from Mississippi [Mr. GEORGE] asked a question, "whether there is any rule positive or any rule in parliamentary law which exempts a committee of conference from an obligation to observe the rules of the Senate." I understand the precise contrary to be the rule of parliamentary law. The conferees or managers on the part of either body of Congress or Parliament or legislature were originally directed when a conference was ordered to submit to the managers of the other House on the part of that House which asked the conference simply the reasons in support of the amendment which had been passed by the House and disagreed to by the other. The old practice was to put those reasons in writing. They were carefully considered by the House which sought the conference, and they were submitted by the conferees to the managers on the part of the other House without the right to argue, and the disagreement continued if they were not accepted as sufficient to justify the proposed action.

Then came the other course, which is called a free conference, in which the managers were intrusted with the presentation verbally of the reasons which supported the course desired to be pursued by one House.

Now, I will turn to a word or two only in Cushing on Parliamentary Law to show the nature of conferences and what may be done in conference. Speaking of communications by conference, he says that—

> The most usual occasions, upon which it is competent for either house, according to the practice of Parliament, to demand a conference with the other, may be arranged under the following heads, namely—

There are five, the fifth of which only is important to the present consideration—

> 5. To offer reasons for disagreeing to, or insisting on, amendments made by one house to bills, resolutions, or addresses, passed or agreed upon in the other.

Then later he lays it down that—

> The duty of the managers, on the part of the house proposing the conference, is confined to the delivery to the managers for the other of the communication, whatever it may be, which it is the purpose of the communication to make: and the duty of the managers for the other house is merely to receive such communication. They are not at liberty to speak, either on the one side to enforce, or on the other to make objections to, the communication.

After the practice of the free conference superseded the more limited method of presenting the reasons, the difference was, in the eye of parliamentary law, only that the reasons were presented verbally, and the reasons of the other House for disagreeing were also presented verbally, and if no acceptance of the amendment resulted, the managers reported back to the House their disagreement. There is in no treatise upon parliamentary law any provision which I have fallen upon which authorizes the conferees to make amendments of their own volition to a bill. They are limited by the principles of parliamentary law to the presentation pro and con of the reasons which support the proposed amendment or the disagreement to it. So far from the rule being that conferees are exempt from the limitations in the rules of the Senate so that they can introduce to the legislation under discussion general legislation, or provisions of a character not merely in nature to perfect that which is proposed, the rule is laid down thus by Mr. Cushing, in paragraph 841 of his work:

> The only rules relating to the manner in which the discussions at a free conference are to be conducted seem to be the same by which a debate in

either house on the same subject-matter would be conducted; namely, 1. That no personalities, either toward the managers on the other side or the house which they represent are to be indulged in; and, 2—

To which I ask now particular attention—

That no irrelevant topic, that is, one not embraced within the subject-matter of the conference, as agreed upon, is to be introduced.

Such is the parliamentary law in respect to conferences. Conferences are to be conducted upon the same principles as a debate, and of course conferees are to be governed by the rules which limit debate in the House, and especially by a rule which prohibits the introduction of a new subject of legislation.

Now, let us see what is the duty of conferees in case a violation of this principle should happen in the conference, as, for example, if the House conferees in this particular issue insisted upon proposing general legislation upon this bill in violation of the rules of the Senate, the introduction of what is declared to be an inadmissible thing, an irrelevant topic, not embraced in the subject-matter of the conferences as agreed upon. He says:

If either of these rules is infringed by the managers or any of them on the one side there is no other remedy but for the managers on the other to object to any further proceeding, stating at the same time the reason of their objection, and then to withdraw from the conference and report the whole matter to the house of which they are members.

That indicates at once what the proper course of procedure of these conferees was, that the managers on the part of the Senate, if we are to suppose that this general legislation which had once been ruled out of order in the Senate was proposed again to this bill by the managers on the part of the House, instead of accepting it and reporting it as an agreed measure, it was the duty of the conferees to have reported that the managers on the part of the House declined to accept the amendment proposed by the Senate, but added to it as a condition the proposal of new legislation of a general character, which, under the rules of the Senate, they were not authorized to accept.

Now, Mr. President, it seems to me that that is a perfectly plain expression of what common sense teaches. It has been the crying evil of the legislation of Congress that too much of it was originated in conference. The same rule, however, does not in all its particulars apply, at least with equal force, to conferences upon other bills than appropriation bills, because other bills are in their nature general legislation for the most part, and there is no rule of the Senate which would forbid the offering of an amendment to such a bill germane and proper in its nature; but in the case of an appropriation bill there is the express and particular rule of the Senate that no general legislation shall be received to it from any quarter whatever, for that is the import of the rule, relating not to the source from which the proposal comes, but to the nature of the proposal, and for the reason which I gave the other day.

I might add, as was suggested to me afterwards by the Senator from Mississippi, that another strong reason supports it, and that is that Senators ought not to be put to the necessity of voting for some measure which they themselves can not approve, or else to defeat perhaps the passage of an appropriation bill which they are conscious the needs of the public service may require. In every aspect in which this business can be viewed, from the standpoint of parliamentary law, as to the obligation resting upon conferees or managers on the part of the Senate, it seems to me perfectly clear that the duty of the Chair is to protect the Senate against the imposition upon appropriation bills of legislation of this character, when proposed by the managers of the conference, with the same force which it lies upon him to protect the Senate from the imposition of such propositions when offered in the course of the discussion of a measure. I therefore think the point of order ought to have been insisted upon and sustained. Of course it comes to the same thing if the Senate takes a vote to reject it, but if we tolerate that practice we have taken away one of the safeguards which the rule provides against legislation of this character.

I called attention the other day to the fact that this is new legislation of a general character, not merely new legislation but general legislation, and I pointed out, and I do not propose to repeat it, that the difference between the original amendment which was ruled out of order in the Senate and that proposed by the conferees is insignificant so far as any claim may be made that the one is different from the other in the sense of this rule. Limiting it to the subject of the citizenship of the Indian tribes, the amendment is substantially the same; in most particulars practically identical. But there is another thing in the amendment, which was not in the amendment proposed in the Senate, that is of very great importance. Here is a declaration in the amendment proposed by the managers of the conference that goes far beyond the amendment proposed by the Senator from Connecticut [Mr. PLATT]. It is far more radical in its nature than the amendment proposed by the Senator from Connecticut. After having made the same provisions substantially with reference to the determination of citizenship and the making up of the roll of citizens which was included in the former amendment, this one now proposes the following declaration of public policy on the subject of the government of the Indian tribes:

It is hereby declared to be the duty of the United States to establish a government in the Indian Territory which will rectify the many inequalities and discriminations now existing in said Territory and afford needful protection to the lives and property of all citizens and residents thereof.

The last clause is merely an explanation of the reasons or objects of the Government, not all that might be mentioned, but the leading ones. Thus, by this amendment Congress is asked not only to interfere with the right of the tribes to make up their rolls of citizenship but to go much further than has yet been suggested—to declare the duty of this Government to establish a government in the Indian Territory.

Let us consider for a moment what that means with reference to the condition of the Indians under the treaties which have been made with them by this Government. Of course if the amendment proposes radically to alter the established government which the United States have caused to be created in a single one of those five tribes, it is not only general legislation but general legislation of a most important character; and the Senator from Kentucky [Mr. LINDSAY], who asked a question the other day in respect to the subject, will, I am sure, agree with me that that is a fair statement.

Let us, for an illustration, take a single one of these tribes, and I am now only repeating the argument which the Senate heard when the Indian appropriation bill was before it and upon which the Senate manifested its entire unwillingness to receive this proposal of general legislation. Take the case of the Cherokee Nation, and I shall not trespass upon the patience of the Senate to go at greatest length into the history of treaties with any one of those tribes. However, I desire to call attention to the engagements between the United States and the Cherokees. The Cherokee Nation formerly lived in certain Southern States, and the United States had dealt with them repeatedly as an independent nation. Finally it sought to secure their removal beyond the Mississippi River, and several different conventions were had during the course of a number of years in order to reach that result. Treaties were made in 1816, 1817, 1828, 1833, and 1835. The treaty of 1828 contained a covenant on the part of the United States to grant to the Cherokee Nation a tract of 7,000,000 acres of land west of the Mississippi, within defined bounds, and an additional agreement to grant them an outlet to the western border of the United States, so as to give them access to the Spanish or Mexican territory lying to the west of it. That outlet embraced over 6,000,000 acres. The United States covenanted to give them a patent for the land, so that the title of the lands bestowed upon them in consideration of the cession of their lands in the South and their removal to the West should be absolute and perfect in the Cherokee Nation. Now see further what was agreed to by the United States in the fifth article of the treaty of 1835, which has never been qualified or in any measure withdrawn:

The United States hereby covenant and agree that the lands ceded to the Cherokee Nation in the foregoing article shall, in no future time, without their consent, be included within the territorial limits or jurisdiction of any State or Territory. But they shall secure to the Cherokee Nation the right, by their national councils, to make and carry into effect all such laws as they may deem necessary for the government and protection of the persons and property within their own country belonging to their people or such persons as have connected themselves with them: *Provided always*, That they shall not be inconsistent with the Constitution of the United States and such acts of Congress as have been or may be passed regulating trade and intercourse with the Indians.

The last part of the article it is immaterial to read. It is in relation to travelers in the country. Now, take the next article:

ART. 6. Perpetual peace and friendship shall exist between the citizens of the United States and the Cherokee Indians. The United States agree to protect the Cherokee Nation from domestic strife and foreign enemies and against intestine wars between the several tribes. The Cherokees shall endeavor to preserve and maintain the peace of the country and not make war upon their neighbors. They shall also be protected against interruption and intrusion from citizens of the United States who may attempt to settle in the country without their consent; and all such persons shall be removed from the same by order of the President of the United States.

Now, Mr. President, what was the legal consequence of our creating, in the solemnest manner that the United States can make an engagement, an autonomous nation of Indians and bestowing upon that nation the full title, by patent granted by the United States to them, of all the territory which was to be theirs, in no future time to be included within a State or Territorial government of the United States except by their own consent? First, it implied, if it may not be said to be an explicit declaration, that they possessed the right to determine the question of their own citizens. The Supreme Court of the United States recognized that in two or three cases in terms which leave no opportunity for doubt about the meaning of those provisions. No lawyer will pretend, no man who will address his mind to this subject as a matter of fair legal interpretation will pretend, that to create an autonomous government, with full power of legislation according

to their own methods, is not to invest them with the full power of determining who constitute the citizens within that government. The Supreme Court in the Cherokee trust fund case said distinctly:

By treaties with the Cherokees the United States have recognized them as a distinct political community, so far independent as to justify and require negotiations with them in that character.

Then there followed in that case a further discussion of the right of the Eastern Cherokees, who had not migrated to the lands of the Cherokee Nation, to participate as citizens in the funds and property of the Cherokee Nation there domiciled and settled. The Supreme Court in that case said of that question:

The claim presented by the Cherokees of North Carolina to a share of the commuted annuity fund of $214,000, and of the fund created by sales of lands west of the Mississippi ceded to the Cherokee Nation, resting as it does upon the designation in the treaties of the lands originally possessed by the Cherokees and ceded to the United States, or subsequently acquired by them from the United States as "the common property of the nation," or as held for the "common use and benefit" of the Cherokee people, has no substantial foundation.

And the reason was given; and I quote further to illustrate that reason and to reenforce the proposition I am making:

If Indians in that State, or in any other State east of the Mississippi, wish to enjoy the benefits of the common property of the Cherokee Nation, in whatever form it may exist, they must, as held by the Court of Claims, comply with the constitution and laws of the Cherokee Nation, and be readmitted to citizenship as there provided.

It did not need that explicit declaration of the Supreme Court; but if anything were necessary in the way of judicial determination, that is ample and sufficient to fix the absolute and exclusive right of the Cherokee Nation to determine for itself who constitute citizens entitled to share the property and the privileges of the Cherokee government and the Cherokee people.

But let us go a step further. A few years ago the advance of frontiersmen upon the Indian Territory created a demand for the country known as the Cherokee Outlet. We created a commission to negotiate with the Cherokee Nation to buy the Outlet. It resulted in an agreement by which the United States paid a sum of money, exceeding $6,000,000, for their title to that Outlet, such as it was. It was a title limited in character and different from that by which they hold the territory of their nation. They were reluctant to give it up, but they acceded to the desire of the United States and they made a bargain to sell. But at the same time, in making that bargain they stipulated afresh not only for money but for what they regarded as of at least equal importance. They stipulated again that the United States should guarantee and protect their right to determine the question of citizenship; and now I desire to note the covenant in that agreement which the United States made only four years ago last December:

For and in consideration of the above cession and relinquishment, the United States agrees:

First. That all persons now resident, or who may hereafter become residents, in the Cherokee Nation, and who are not recognized as citizens of the Cherokee Nation by the constituted authorities thereof, and who are not in the employment of the Cherokee Nation or in the employment of citizens of the Cherokee Nation, in conformity with the laws thereof, or in the employment of the United States Government, and all citizens of the United States who are not resident in the Cherokee Nation under the provisions of treaty or acts of Congress, shall be deemed and held to be intruders and unauthorized persons within the intent and meaning of section 6 of the treaty of 1835—

Which I have read—

and sections 26 and 27 of the treaty of July 19, 1866, and shall, together with their personal effects, be removed without delay from the limits of said nation by the United States, as trespassers, upon the demand of the principal chief of the Cherokee Nation.

Mr. President, when that treaty was laid before Congress and became the subject of discussion, it was held up for some time without being ratified by Congress. But finally a law was passed—I think it was March, 1893, if I am not mistaken as to the date—by which the treaty was ratified, and this particular clause was especially ratified, with the addition only of an amendment to the effect that before any intruder should be removed the value of his improvements should be appraised and paid him, etc. I shall not stop to read the detail of that limitation.

Mr. GEORGE. May I ask the Senator from Wisconsin if that addition or modification of the agreement was made by act of Congress alone, or was it dependent upon ratification by the Cherokees?

Mr. VILAS. It was in the act ratifying the treaty, and no provision was made, as I remember, for a resubmission, nor has there ever been any other acceptance of it than may be implied in the fact that the Cherokee Nation received the money which was paid for the Outlet. But that does not alter this question at all. We thus see that from the original institution of that nation they have had the covenant of the United States guaranteeing to them their own independent autonomous form of government, their own right to determine who constitute citizens within it, authorized to share the property which that nation owns.

What is proposed by this amendment? Not general legislation. This amendment proposes to leave it to the Dawes Commission to make up a roll of citizens. True, it instructs them to accept the roll as it has already been made by the Cherokee authorities, but it commits to the Dawes Commission to determine every disputed and doubtful question, and that is all there is of value in the treaties; that is precisely what is the right of the Cherokee Nation itself by the treaties which have been made, repeated, reiterated with that nation, and only three or four years ago confirmed afresh by an act of Congress, accepting from them a large tract of country with that confirmation as one of the considerations of the trade.

If there is anything in the world that should give Congress pause, it is the attempt to override by power the obligations which the Government has made and which depend only on its good faith and its integrity.

It is said here that there is an appeal from the Dawes Commission to the district court, and the appeal may be taken within sixty days, but the judgment of the court shall be final. Why should the Cherokee people be put to take an appeal from a Commission when, by the terms of our solemn engagement with them, their judgment is final, and by what right are we to declare that it is the duty of the United States to establish a government there? Have we not covenanted, and are we not bound to respect our covenants, that no government shall be established there without their consent?

Mr. President, I recognize the fact, which no doubt will be urged in argument here, that the power lies with the United States—that Congress may, if it will, trample down every security which the pledge of this Government to those people would seem to have given to them. I recognize that we may, if we will, take from them their property, that we may divide it up and give it to the horde of adventurers who are seeking to enrich themselves at the expense of those people. We have that power. We have the power to do a great many things; but is it possible that that power shall be exerted unless the necessity has become so great and overruling as to furnish in the eye of moral, respectable, upright people a justification for the breach of an agreement like this? It may be that an engagement of such a nature as this can be justified in the breaking; it may be that in dealings between peoples you can proceed to overthrow the obligations which if a State of the Union had made, no power would tolerate the overthrow of, and no excuse could allow it; but before that is to be done Congress ought to be well advised. It is alarming that when questions involving such vast interests—the happiness of a people who have confided themselves to our faith and our sense of justice—are under discussion we can hardly get attention to the subject. Now it is proposed to do all this thing; to overthrow and override every right of these people by an amendment to an appropriation bill which the Senate has once declared to be not in order.

Mr. ALLISON. And which is unamendable.

Mr. VILAS. And which is unamendable as proposed to us, as suggested by the Senator from Iowa. If that be the method of procedure which can prevail in the Senate of the United States, there will be found justification in the fact for a greater lament over the decadence of public morals and the sense of public duties than has been heard here from any man heretofore, however eminent in character or exalted in place.

Sir, I do not intend to weary the Senate with a protracted discussion. I had desired to point out only in a direct and simple way how far-reaching is this proposed amendment in character and in principle, how contrary to every one of those rules of good faith which should govern and restrain the Congress of the United States.

I said it might happen—and I am willing to admit it may happen—that such a thing as the breach of a public engagement, even of this character, may be committed and defended without casuistry, but the case must be an extraordinary one. If a case exists in respect to our dealings with the Indian tribes to whom we have given these rights of separate existence and independent government that case ought to be submitted to Congress in an independent bill. It ought to be a measure which will carry in every part of it proper provision for the redress of such wrongs as exist, for the security of such rights of property as ought to be preserved, for the security of such rights of persons as can not but be acknowledged to be sacred even with Indians. It ought to be a measure formulated with that care which belongs to statesmanship, and be considered in the Congress of the United States with solemn attention. It is little short of legislative outrage to propose such a thing upon an appropriation bill, especially in the last moments of a session and in the guise of a conference report.

Mr. President, it is said, and it will undoubtedly be said again in the course of this debate, that disorder exists in the Indian Territory and among these tribes. It will be said that bribery and corruption prevail in their courts, yet let me remind Senators that it is not ten years since it was our habit to point to those Five Civilized Tribes as evidence of what the Indian nature was capable of when properly guarded and left to work out its rightful condition. A few years ago there were councils, as there are yet, that enacted such laws for the government of those tribes respectively, and annually their books of session laws were printed, and they would compare favorably, at least not at all

discreditably, with the volumes of session laws enacted in the States. We rejoiced in the success of that experiment. What is it that has created disorder there? It is the breach of duty on the part of the United States.

We covenanted to protect them in their independence; we covenanted to prevent them from being overrun by a horde of intruders; and we have permitted 300,000 people to go into the territory of one of those tribes where but fifty or sixty thousand Indians were living in independence, peace, and good order.

It is said that there is great misrule there. Read what Judge Stewart said of them only a short time ago, a judge of the United States court. I wish I had his language before me, so that I could give it with accuracy; but he commended that government; he commended those people as equal in obedience to law and the order of their society to their neighbors in the surrounding States.

Sir, it is perfectly evident that the trouble which those Five Tribes suffer under results from the United States having failed to discharge its duty. Shall we proceed to make that an excuse for the most flagrant disregard of every national obligation which we have entered into with those people?

I hope the Dawes Commission may continue their labors. I hope that they may secure an eventual agreement by which the United States shall be empowered to act without dishonor. I think it possible to be done. At all events, I hope before we shall proceed to such steps as those who favor this legislation would demand of us, before we shall overthrow so ruthlessly and pitilessly rights which depend only for their security upon the solemnity and good faith of our promise, that we shall wait until the Dawes Commission by further efforts have given us a greater excuse than we now possess.

It will not be difficult to find in isolated instances in States of the Union as flagrant violations of the principles of morality, of the principles of judicial administration and political government as have been pointed out in that report to have taken place in particular instances in the Indian Territory. We have in them as yet, in my judgment, no sufficient warrant for such a course of action as is now proposed to us.

Here is another thing in this amendment which it was said by the Senator from Iowa [Mr. ALLISON] we have to swallow whole, if we take it at all, not suggested in the bill. Let me read it:

> Sisseton and Wahpeton Indians: That all the interest due the Sisseton and Wahpeton Indians on March 3, 1896, is hereby appropriated to be paid at once in cash per capita; and hereafter all interest on the permanent fund of said Indians, after deducting the amount expended for education, shall be paid in cash per capita on the 1st day of November of each year.

I should like to ask the manager on the part of the Senate, the Senator from South Dakota, where the Sisseton and Wahpeton Indians are? I think perhaps I know, but I shall be glad to be accurately informed.

Mr. PETTIGREW. What was the question of the Senator?

Mr. VILAS. Where do the Sisseton and Wahpeton Indians abide?

Mr. PETTIGREW. In the eastern part of South Dakota, near Lake Travers.

Mr. VILAS. What connection has the interest upon the funds of the Sisseton and Wahpeton Nation to do with the appropriation for keeping alive the Dawes Commission?

Mr. PETTIGREW. Does the Senator want an answer?

Mr. VILAS. If the Senator will give it.

Mr. PETTIGREW. I am not aware that it has anything to do with it. I will say, however, if the Senator has no other objection to this report than that he intimates in regard to the Sisseton and Wahpeton and Seneca Indians, and will address himself to that, I do not think I shall resist very long sending it back, but the real fact of the matter is that those questions would never have been here at all had it not been for the other question, which is properly here under the precedents.

Mr. VILAS. I should like to know for what reason there should be a change of law as to the mode in which the interest should be paid to the Sisseton and Wahpeton Indians?

Mr. PETTIGREW. I will say that under the treaty made with those Indians some years ago we purchased a large tract of land from them. The treaty provided that the money should remain in the Treasury and should bear 5 per cent interest, and that the principal and interest should be appropriated by Congress. The ratification of the treaty provided that it should either be appropriated by Congress and spent for the benefit of the Indians, or by order of the President. This is simply carrying out the provisions of the treaty itself; and until either Congress acts in this way or the President issues his order none of this money can be expended for this purpose. To-day, through the neglect of the President, who for months has refused to issue the order, these Indians are starving, and the Western papers are full of complaints of their misery and distress. It is about time for Congress to step in and do something when the Executive fails to do his duty.

Mr. VILAS. Is it not somewhat curious that that state of facts first became disclosed to the Senate through a conference report, when the Indian appropriation bill was depending, and the Committee on Indian Affairs has had charge of our relations to the Indians during this entire session?

Mr. ALLISON. Allow me to say to the Senator that the provision was put on the deficiency bill in the Senate.

Mr. VILAS. I was not aware of that.

Mr. PETTIGREW. I can answer the Senator with regard to that matter if he desires.

Mr. VILAS. If the Senator from South Dakota desires to do so, I will hear him with pleasure.

Mr. PETTIGREW. I understood the Senator to ask a question, and that he wanted to know why the subject had not been disposed of before. In the first place, it was supposed the President would act, and every effort has been made in that direction. Since this bill went to conference these Indians have sent a committee of their number here to urge action in this connection. They were very desirous of securing this legislation and escaping hereafter the neglect of the Executive.

Mr. VILAS. I suppose the truth is that the treaty with the Sisseton and Wahpeton Indians provided that this interest should be expended, under the direction of the President, by the Interior Department, for the benefit of those Indians.

Mr. PETTIGREW. I will say to the Senator that it has been the custom to pay to them in cash per capita, for they are voters and citizens of the United States.

Mr. VILAS. Am I not right that the treaty provided that this interest should be expended by the Interior Department for the benefit of the Indians?

Mr. PETTIGREW. The treaty provided that the money should be expended upon appropriations to be made by Congress, nothing more and nothing further.

Mr. VILAS. But the money when appropriated by Congress was to be expended, under the direction of the President, through the Interior Department, for the benefit of the Indians, was it not?

Mr. PETTIGREW. No, sir; it was not.

Mr. VILAS. I venture to say, without now being able to recall accurately in memory all the provisions of that treaty with the Sisseton and Wahpeton Indians which was made when we purchased their country in the Dakotas, that there was provision there for expenditure for education, for the purchase for them of various articles and implements of value to them, for the assistance of the individual Indians in the art of agriculture, providing them with instructors, and other things of that kind, and this direction which now would at once put into the hands of those Indians per capita this fund into a fund which would be gathered annually year after year is a change at least of the law as it existed before. Congress has not hesitated regularly to appropriate the interest which is due upon the Indian funds. The question is one of the mode of expenditure—whether it shall be placed in the hands of the Indians themselves, with the ordinary result, that some traders have it within forty-eight hours, or whether it shall be applied according to the method hitherto pursued to insure its expenditure with benefits to their families and children.

Mr. President, there are thus in this particular instance, and as well in the Seneca Nation of Indians, two additional provisions brought in here on the conference report, and proposed to be legislated upon this bill by Congress. Where is the limitation? If the question of order is not to be made, where is the limit? Why may not conferees bring in subjects entirely independent of the measure in the last days of the session for the first time, and we be required to take the whole dose at one gulp?

The objections that may exist to that measure with reference to the Sisseton and Wahpeton Indians I am not able to declare. I know nothing of the reasons that should support that legislation; but I am of opinion that we ought not to be challenged to give our assent under such circumstances to such a measure.

With reference to the others, it is perfectly obvious that the objections are of the most importance. They are of a character which should call a halt if they were proposed in an independent bill. Why has it not been done? During this entire session this same report of the Dawes Commission had been lying on the desks of Senators or accessible to them. The Committee on Indian Affairs have had since the first day of this session of Congress every particle of information upon which action ought to have been taken, if any should be taken. Why have not that committee, or those Senators interested in the matter, proposed some scheme of legislation to meet the evils which they declare to be so insistent? For one I believe that Congress will proceed more safely if they shall wait until another session at least before they undertake to deal with a subject of so vast importance, affecting property rights so enormous—because I have no doubt that the property rights of those Indians in that Territory of theirs are worth at least $50,000,000—affecting considerations of a nature so delicate, addressed to every sentiment of national honor and good faith. I think, sir, we can wait until another session can

intervene. We can, perhaps, though I hardly know if that is possible, get over something of the frenzy which seems to rule the political hour; we can, I trust, at all events, assemble at the next session of Congress with more composure of judgment, with greater freedom, to consider questions of this kind and address ourselves to the duty, if it be a duty, of dealing so ruthlessly with the rights which these people have obtained from our covenant and are entitled to enjoy at our hands, and deal in such manner as that we shall not add another terrible imputation upon the honor of the United States in its transactions with a people so utterly helpless as these are.

Mr. President, if the Senate will not have this question of order ruled as such, I do sincerely trust that it will send this report back into conference, and with an instruction that, if the other House will not accept the amendment which the Senate has made, the Senate conferees shall no longer urge it upon them. Let us abide by the rules of conferences as laid down in Cushing's work on parliamentary law, and insist that the conference shall relate to the subject which is committed to the conferees by the two Houses of Congress.

When we debated this subject some weeks ago while this bill was under discussion, similar views to those now entertained were urged upon the floor by myself and others, and seemed to secure the almost unanimous judgment of the Senate—no, that would be too strong a statement—but seemed to secure the judgment of the Senate. We took no vote, but when the Chair ruled the amendment out of order there was no question raised of the sufficiency of the ruling, and the usage of the Senate has been to vote anything in order which they wanted to do. I think the Senator from Colorado will agree with me in that.

Mr. TELLER. I think the ruling of the Chair on that subject was right.

Mr. VILAS. No doubt.

Mr. President, after that ruling was made, after that bill had been thus left, without this injustice ingrafted upon it, at the suggestion of some of those who had favored the amendment I myself offered, with the hope that it would be a satisfactory arrangement, the amendment which proposed an appropriation for the salaries and expenses of the Dawes Commission. I do not know that they absolutely need the appropriation. I believe $50,000 was provided for them when that Commission was started. We have had, I think, no report yet to show that that has been exhausted. I believe there must still remain a considerable portion of that appropriation unexpended. But the Senator from Colorado says not much remains. It was upon the understanding that the sum named was probably insufficient that I offered the amendment which was adopted by the Senate. It seems to me that under all the circumstances the Senate is well entitled to insist that that should be regarded as a finality, that that should be regarded as not a compromise, but so much of the nature of a compromise of the existing controversy at that time as that it ought to be accepted or rejected.

Mr. HALE. Mr. President, I make a suggestion to the Senator in charge of the bill. As the report has hung along for a long time, I suggest that debate be continued—I will not say under the five-minute rule, but under the ten-minute rule—for the remainder of the time that the bill is under consideration. I make that proposition and ask that unanimous consent be given.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine?

Mr. GEORGE. I object.

The VICE-PRESIDENT. There is objection. The question is upon agreeing to the conference report.

Mr. GEORGE. Mr. President, I feel some embarrassment in attempting to occupy the attention of the few members of the Senate who are paying any attention at all to the subject now under consideration. I feel a very deep conviction that the proposed amendment by the conference committee is unjust and unfair. I might go further and say that it is a simple outrage upon the rights of five autonomous tribes of Indians who are under our wardship. I feel, sir, as two of these tribes once occupied the fair land in which I now reside and also from principles of justice to the others, that I ought to do everything in my power to prevent the consummation of this outrage.

Certainly it is a very extraordinary spectacle that in the United States Senate, a part of the treaty-making power of the Government, a body which in times past gave its constitutional sanction to the various treaties which we have made with those tribes—I say it is an extraordinary spectacle that in a solemn debate, so far conducted with very great ability and fairness and justice, we find the great body of Senators paying not the slightest attention whatever to what is said or alleged upon either side. So I am disposed, in view of the fact that the Chair is obliged to listen to the arguments of Senators, to renew the point of order, which I think was incautiously withdrawn by the Senator from Maine.

The technical discussion of the point of order has been well conducted by my colleague [Mr. WALTHALL] and by the Senator who last addressed the Senate. There is but little more on that line which might be urged. I will urge a point or two.

The Dawes Commission, the continuation of which was the amendment inserted by the Senate to the bill (and which so far as this report is concerned was the thing in dispute between the two Houses), was the matter which the Senate and the House committed to their respective conferees to settle the difference between the two Houses. That Commission, I need not remind the Chair as well as any Senator who may see proper to give any attention to this debate, was purely an executive committee. It had nothing but executive power, and it had no other executive power than the power to negotiate; that is, to confer with the authorities of the tribes to make propositions of settlement upon matters which the United States desired to settle, to receive answers from the tribes as to those propositions, and discuss the propositions, and arrive at a conclusion, if a conclusion could be reached. That was the sole power of the Dawes Commission. It could not disturb a right. It could not touch by a hair's breadth any right, political or personal, or property which belonged either to the tribes as autonomous communities or which belonged to any single member of the tribes.

That was the law which created the Dawes Commission. They were officers under the United States as created by law. The President of the United States sent to this body the names of five persons, first and last, who were to fill these five offices of negotiators. What does that involve, Mr. President? A law was enacted. The President was required to nominate and appoint, by our consent, these five negotiators. It was his duty to select five men who were qualified and who could discharge properly for the interests of the United States the duty of negotiators. That was all. They were selected for that purpose. Their names were sent to the Senate and our advice was asked as to the appointment. We gave the advice for the appointment of these officers simply as negotiators, as being persons competent and fit to be intrusted with the duty of making a bargain, which bargain was afterwards to be subject to our ratification or rejection.

The appropriation bill simply continued this Commission by making an appropriation. The House disagreed to that, and we have as the result of that disagreement, I will say with due respect to the very eminent men who signed this report, the most extraordinary document, considering the purposes for which it was designed, that ever emanated from any committee of this body or any other.

The first thing they do, under the plea, under the specious pretext of enlarging the powers of the Dawes Commission, is to make a judicial tribunal out of an executive board. Now, let us see how that changes the situation. These five men were selected by the President as fit persons for negotiators. They were confirmed by the Senate because they were supposed to be fit persons for negotiators. Without any recommittal of the propriety of choosing these five men for other distinct, separate, and, under the Constitution of the United States, inconsistent duties, we are now asked to confer upon them, without any resubmission of their qualifications either to the President or to us, the extraordinary powers mentioned in this amendment.

I will not now insist, Mr. President, that it is constitutionally incompetent for the Congress to invest with judicial powers officers who were appointed and confirmed as executive officers, though if I were disposed to go into that it would be very difficult to resist the conclusion that such a thing can not be done. I will not put it on that ground. I put it upon the good sense of the Senate whether this body will thus do violence at least to the ordinary course of procedure, to what seem to be the obvious dictates of common sense and common justice, that when a board has been created simply for the purpose of negotiation, or making a bargain, we shall convert that board into a tribunal possessing, I am bound to say, powers which are not possessed by any other court in the United States, and which, I might add, are not possessed by the courts of any nation in Christendom; that is, the power to add to the citizenship of an autonomous and self-governing body. It has done that.

But, Mr. President, as extraordinary as the end sought to be attained by this amendment is, the provisions of the amendment are equally extraordinary, and I may add, as I will show, they are utterly insufficient for the end in view.

The VICE-PRESIDENT. The Senator from Mississippi will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. HALE. I ask unanimous consent that the unfinished business be laid aside temporarily for the purpose of allowing the Senator from Mississippi to finish his remarks.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the unfinished business be laid aside temporarily in order that the Senator from Mississippi may conclude his remarks. Is there objection?

Mr. BUTLER. Mr. President, without being discourteous in the least to the Senator from Mississippi, I am compelled to object, and I will take the floor on the unfinished business to continue my remarks.

Mr. HALE. Had not the Senator from North Carolina concluded?

Mr. BUTLER. No, sir.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. CULLOM. I believe the Senator from North Carolina yields to me for the purpose of occupying the attention of the Senate a little while upon the pending bill.

Mr. BUTLER. I understand the Senator from Illinois will not speak long, so I yield the floor to him.

Mr. CULLOM. Mr. President, while I do not question the motive which prompted the introduction of the bill to prohibit the issuance of interest-bearing bonds, yet I must confess that I am surprised that, under the circumstances, it should receive serious favorable consideration in this body. No one on this floor deplores more than I do the issue of interest-bearing obligations by this Government in time of peace and the piling up of debt at the rate of $100,000,000 per year. But does any Senator imagine that the causes which made the issue of bonds necessary, and which may require further issues, can be removed by simply passing a bill prohibiting it? The consequences of the passage of the bill, if it shall become a law, to my mind, are so far-reaching as to be simply appalling.

Mr. President, in my opinion, it would be the undoing of all that has been accomplished and built up since the passage of the resumption act in 1875. It would mean the repudiation of our obligations. Its tendency would be to place this country at once upon a silver basis, whatever that may mean. It would seriously endanger every business concern in the country which has weathered thus far the terrible financial storm that has prevailed during the last three years. It would throw out of employment hundreds of thousands of laboring men and women who have begun to hope that the dawn of brighter days is at hand. It is wholly wanting in common honesty, and would forever be a blot upon the page of American history.

Mr. President, I agree with what the distinguished Senator from Ohio [Mr. SHERMAN] said a few days ago. I do not suppose any Senator believes this bill will become a law. The Executive should never be deprived of the power given him by the act of January 14, 1875, which authorized his Secretary of the Treasury to "issue, sell, and dispose of, at not less than par in coin, either of the descriptions of bonds of the United States described in the act of July 14, 1870," unless upon the passage of another act giving the President and Secretary power to maintain the reserve and also to borrow money to meet any emergency on better terms.

We have, during the present Administration, been confronted with an emergency which, in the judgment of the Executive, required the exercise of the authority vested in him by the act above quoted. And whatever money the President and the Secretary of the Treasury may have raised by the sale of bonds (whether judiciously raised or not) is not seriously claimed to have been unlawfully obtained. I have my own views as to the wisdom of the Executive action, but there is no doubt whatever of the lawful power of the President of the United States, with the Secretary of the Treasury, to sell or to provide for the sale of such evidences of indebtedness as they may deem necessary to effectuate the lawful policy of the Government. Mr. President, I shall be the last man to join in any trifling crusade against the official and personal integrity of the President. No Government should fail to guard against national dishonor. The United States can not afford to permit such a condition of things as even to hazard or jeopardize its credit or its financial honor.

General Grant, the great soldier and statesman, said in his first message, March 4, 1869:

> To protect the national honor, every dollar of Government indebtedness should be paid in gold unless otherwise stipulated in the contract. That no repudiator of one farthing of our public debt will be trusted in public place.

Such has always been the spirit and determination of the people. It is now proposed by this bill to prohibit the President from borrowing a dollar, no matter what may happen or what calamity may come upon the country. It is not only wrong but it is a crime against the honor, security, and prosperity of the nation. While the nation was struggling in civil war and groaning under the vast burdens of debt no word was ever officially uttered which had even the semblance of repudiation, and never was an attempt made to take away from the President the lawful power to make loans to protect the nation's credit. When General Grant uttered the words quoted gold was at a premium of 38 per cent, as compared with paper money, and the interest on Government bonds was 6 per cent. The total interest-bearing debt was then $2,162,000,000, but the policy of the nation was sound money, a protective tariff, and sufficient revenue. Under that policy the people prospered. We were not so great a nation then as we are now. Our population was about 38,000,000, as against 72,000,000 to-day. Then the value of our personal and real property was about $30,000,000,000. In value this has increased until it now approximates $70,000,000,000. The injunction is still as imperative to be honest and maintain our integrity and credit as it has ever been.

But, Mr. President, it is not my purpose to discuss the bond bill at length, as it will not become a law. I desire to discuss briefly the financial or monetary question.

The financial exigencies of this country and the necessary relationship which exists between the monetary systems of the United States and of the other civilized nations of the world have of late years given rise to the hope of an international agreement in regard to coinage and coin values. The money metals all over the world are gold and silver, and nearly all the civilized nations are producers, in a greater or less degree, of these metals. The commerce of the world, under the stimulating influences of steam transportation, electric communication, and other modern facilities, has been so modified in its character, and the conditions affecting it have so radically changed in a few years, that any intelligent consideration of the commercial problem must include new factors and new influences.

Our own territorial growth, unexampled as it has been, ought to demonstrate to us that other nations have grown, too. Our prosperity should remind us that other countries may prosper, too. What we, with our growth, intelligence, enterprise, and push, may have had yesterday is to-day possessed by Australia, India, Argentina, and even South Africa. Our Kansas City, Omaha, St. Paul, Minneapolis, Denver, and Leadville have their counterparts in Melbourne, Bombay, Buenos Ayres, Johannesburg, and Kimberley. The discovery of precious metals in California and Colorado was but a precursor of similar discoveries in localities but recently emerged from barbaric control in the South Sea Islands and in Africa.

So to-day we find that these comparatively new colonies and countries are vigorous competitors of the United States not only in their agricultural productions, but in valuable mineral products as well. The competition which has already met our wheat growers, from the great new wheat fields of South America, as well as from Siberia and the Black Sea provinces of Russia, has made itself painfully felt. Our exports of domestic wheat (wheat and flour), which reached 225,000,000 bushels in 1892, have fallen off largely each year until in 1895 only 144,000,000 bushels were exported, thus showing a reduction of over 80,000,000 bushels in our annual wheat exports in a four-year period. The vast production of petroleum in southern Russia has operated very greatly to the disadvantage of American producers. The increased production and importation of foreign wool has caused a specific and unfavorable effect upon the wool producers of the United States.

I cite these examples merely to show the extensive and constantly changing relations between distant countries, and the consequent changes in their trade and in their staple and important products. Commerce in the leading productions of these countries instantly responds to these variations and fluctuations, and is injured or benefited as the case may be. The laws of coinage in Australia or in Russia, or the extension or limitation of gold or silver circulation in other remote countries, may have either a beneficial or an injurious effect upon the most important commercial interests of the United States.

I do not propose to take the time necessary to detail how certainly and how absolutely these distant and apparently distinct influences may rule or ruin the commerce of the United States. But I shall assume without question that the important interests of the world's trade and of international commerce are so affected by the operation of distant and distinct governmental policies that the necessity already exists for a harmonious international arrangement in monetary affairs. The world's production of precious metals and the world's coinage of the same have become important integers which can not be overlooked in any study or discussion of the economic conditions surrounding any country of the world. Even now we can not say that the stoppage or the increase of the metallic circulation in any one of the smaller nations may not, or will not, affect for good or bad the mercantile interests of the United States.

The phenomenal fact that the world's production of silver, which had remained about stationary at thirty or forty million dollars annually for nearly a century, has of late vastly increased—and last year reached the wondrous sum of two hundred and sixteen millions—must necessarily produce some signal effects upon the varied interests of the newer commercial world which it would be mere presumption now to predict. But it does seem to

me that the only competent authority to consider the grave conditions newly created by reason of this phenomenal addition to the world's silver supply must be composed of representatives of the nations of the world. No one nation can determine the policy which shall be adopted by all, or for itself, without considering the policy of the others. There have been several monetary commissions created, and monetary conferences charged with the duty of arranging proper regulations to meet the exigencies existing at the various times in which they were called together.

But the present seems to be the most appropriate time to press to a conclusion and to an ultimate agreement between the great commercial and monetary nations the decision as to the wisest ratio between gold and silver to be made universal over the world. The reason for this urgency at the present time is the fact I have recited of the enormous production of silver which is forcing its way into the world's supply. Trade relations, as well as the conditions of domestic or internal trade, have been rudely interfered with by the injection into the supply of visible coinage material of two hundred and sixteen millions of silver per year. If this new average of supply shall become constant, or even continue for merely a few years, it must be provided for and looked after.

To illustrate the existing conditions, I will here present in tabular form some facts regarding the production of gold and silver in the world. First, a table showing the production of gold and silver in the world from 1873 to 1894, inclusive; second, a table showing the amount of gold and silver annually coined in the world during the same period; third, a table showing the product of gold and silver in the United States from 1845 to 1894; fourth, a table showing the coinage of the United States mints from 1841 to 1895; and fifth, a table showing the amount of money in the United States—gold, silver, notes, etc.—and the circulation per capita annually from 1872 to 1895, inclusive:

Production of gold and silver in the world for the calendar years 1873-1894.

Year.	Gold.		Silver.		
	Fine ounces.	Value.	Fine ounces.	Commercial value.	Coining value.
1873	4,633,675	$96,200,000	63,297,187	$82,120,800	$81,800,000
1874	4,390,631	90,750,000	55,300,781	70,674,400	71,500,000
1875	4,716,563	97,500,000	62,261,719	77,578,100	80,500,000
1876	5,016,488	103,700,000	67,753,125	78,322,600	87,600,000
1877	5,512,196	113,947,200	62,679,916	75,278,600	81,090,700
1878	5,761,114	119,062,800	73,385,451	84,540,000	94,882,200
1879	5,262,174	108,778,800	74,383,495	83,532,700	96,172,600
1880	5,148,880	106,436,800	74,795,273	85,640,600	96,705,000
1881	4,983,742	103,023,100	79,020,872	89,925,700	102,168,400
1882	4,934,086	101,996,600	86,472,061	98,222,300	111,862,300
1883	4,614,588	95,392,000	89,175,023	98,984,300	115,297,000
1884	4,921,169	101,729,600	81,567,801	90,785,000	105,461,400
1885	5,245,572	108,435,600	91,609,959	97,518,800	118,445,200
1886	5,135,679	106,163,900	93,297,290	92,703,500	120,626,800
1887	5,116,861	105,774,900	96,123,586	94,031,000	124,281,600
1888	5,330,775	110,196,900	108,827,606	102,185,900	140,706,400
1889	5,973,790	123,480,200	120,213,611	112,414,100	155,427,700
1890	5,749,366	118,848,700	126,095,062	131,937,000	163,032,000
1891	6,320,194	130,650,000	137,170,919	135,500,200	177,352,300
1892	7,102,180	146,815,100	153,151,762	133,404,400	198,014,400
1893	7,698,787	157,787,000	166,092,047	129,551,800	214,745,300
1894	8,737,788	180,626,100	167,752,561	106,522,900	216,892,200
Total	122,235,638	2,526,834,900	2,130,397,137	2,151,474,700	2,754,452,900

Coinage of gold and silver of the mints of the world for the calendar years 1873-1894.

Calendar year.	Gold.		Silver.	
	Fine ounces.	Value.	Fine ounces.	Coining value.
1873	12,462,890	$257,630,802	101,741,421	$131,544,464
1874	6,568,279	135,778,387	79,610,875	102,931,232
1875	9,480,822	195,987,428	92,747,118	119,915,467
1876	10,509,645	213,119,278	97,899,525	126,577,164
1877	9,753,196	201,616,466	88,449,796	114,359,322
1878	9,113,232	188,386,611	124,671,870	161,191,913
1879	4,330,167	90,732,811	81,124,555	104,888,313
1880	7,242,951	149,725,081	65,442,074	84,611,974
1881	7,111,864	147,015,275	83,539,051	108,010,086
1882	4,822,851	99,697,170	85,685,996	110,785,934
1883	5,071,882	104,845,114	84,541,904	109,316,705
1884	4,810,061	99,432,795	74,120,127	95,832,084
1885	4,632,273	95,757,382	98,044,475	126,744,574
1886	4,578,310	94,642,070	96,506,844	124,854,101
1887	6,046,510	124,992,465	126,388,502	163,411,397
1888	6,522,346	134,828,855	104,354,000	134,922,344
1889	8,170,611	168,901,519	107,788,256	139,362,595
1890	7,219,725	149,244,965	117,789,228	152,293,144
1891	5,782,463	119,534,122	106,962,049	138,294,367
1892	8,343,387	172,473,124	120,282,947	155,517,347
1893	11,243,342	232,430,517	106,697,783	137,952,690
1894	11,625,680	227,921,032	87,472,323	113,095,788
Total	164,702,527	3,404,703,469	2,131,920,919	2,756,423,015

Product of gold and silver from mines in the United States, 1845 to 1894.

Calendar year.	Gold.		Silver.		
	Fine ounces.	Value.	Fine ounces.	Commercial value.	Coining value.
1845	48,778	$1,008,327	38,672	$50,196	$50,000
1846	55,116	1,139,357	38,672	50,274	50,000
1847	43,009	889,085	38,672	50,583	50,000
1848	483,750	10,000,000	38,672	50,428	50,000
1849	1,935,000	40,000,000	38,672	50,622	50,000
1850	2,418,750	50,000,000	38,672	50,892	50,000
1851	2,660,625	55,000,000	38,672	51,704	50,000
1852	2,902,500	60,000,000	38,672	51,279	50,000
1853	3,144,375	65,000,000	38,672	52,130	50,000
1854	2,902,500	60,000,000	38,672	52,130	50,000
1855	2,660,625	55,000,000	38,672	51,985	50,000
1856	2,660,625	55,000,000	38,672	51,985	50,000
1857	2,660,625	55,000,000	38,672	52,333	50,000
1858	2,419,000	50,000,000	386,720	519,752	500,000
1859	2,419,000	50,000,000	77,344	105,188	100,000
1860	2,225,250	46,000,000	116,016	156,832	150,000
1861	2,080,125	43,000,000	1,547,000	2,062,151	2,000,000
1862	1,896,300	39,200,000	3,480,000	4,683,880	4,500,000
1863	1,935,000	40,000,000	6,574,220	8,842,326	8,500,000
1864	2,230,100	46,100,000	8,510,000	11,445,950	11,000,000
1865	2,574,750	53,225,000	8,701,200	11,642,206	11,250,000
1866	2,588,062	53,500,000	7,734,400	10,356,362	10,000,000
1867	2,502,197	51,725,000	10,441,000	13,865,648	13,500,000
1868	2,322,000	48,000,000	9,281,250	12,206,938	12,000,000
1869	2,370,375	49,000,000	9,281,250	12,297,656	12,000,000
1870	2,418,750	50,000,000	13,000,000	17,364,000	16,000,000
1871	2,104,300	43,500,000	17,789,000	23,588,214	23,000,000
1872	1,741,500	36,000,000	22,244,100	29,490,700	28,750,000
1873	1,741,500	36,000,000	27,650,000	35,750,000	35,750,000
1874	1,629,563	33,500,000	28,849,000	36,869,000	37,300,000
1875	1,615,725	33,400,000	24,518,000	30,549,000	31,700,000
1876	1,930,162	39,900,000	30,009,000	34,690,000	38,800,000
1877	2,268,788	46,900,000	30,783,000	36,970,000	39,800,000
1878	2,476,800	51,200,000	34,960,000	40,270,000	45,200,000
1879	1,881,787	38,900,000	31,550,000	35,430,000	40,800,000
1880	1,741,500	36,000,000	30,320,000	34,720,000	39,200,000
1881	1,678,612	34,700,000	33,260,000	37,880,000	43,000,000
1882	1,572,187	32,500,000	36,200,000	41,120,000	46,800,000
1883	1,451,250	30,000,000	35,730,000	39,660,000	46,200,000
1884	1,489,950	30,800,000	37,800,000	42,070,000	48,800,000
1885	1,538,325	31,800,000	39,910,000	42,500,000	51,600,000
1886	1,693,125	35,000,000	39,440,000	39,230,000	51,000,000
1887	1,596,375	33,000,000	41,200,000	40,410,000	53,350,000
1888	1,604,841	33,175,000	45,780,000	43,020,000	59,195,000
1889	1,587,000	32,800,000	50,000,000	46,750,000	64,646,000
1890	1,588,880	32,845,000	54,500,000	57,225,000	70,465,000
1891	1,604,840	33,175,000	58,330,000	57,630,000	75,417,000
1892	1,596,375	33,000,000	63,500,000	55,563,000	82,101,000
1893	1,739,323	35,935,000	60,000,000	46,800,000	77,576,000
1894	1,910,813	39,500,000	49,500,000	31,422,000	64,000,000

Coinage of the United States mints from 1841 to 1895.

[From the Report of the Director of the Mint.]

Calendar year.	Total coinage.			
	Gold.	Silver.	Minor.	Total.
1841	$1,001,857.50	$1,132,750.00	$15,973.67	$2,240,581.17
1842	1,829,407.50	2,332,750.00	23,833.90	4,185,991.40
1843	8,108,797.50	3,834,750.00	24,283.20	11,967,830.70
1844	5,427,670.00	2,235,550.00	23,987.52	7,687,207.52
1845	3,756,447.50	1,873,200.00	38,948.04	5,668,595.54
1846	4,664,177.50	2,538,580.00	41,208.00	6,633,965.50
1847	20,202,325.00	2,374,450.00	61,836.69	22,638,611.69
1848	3,775,512.50	2,040,050.00	64,157.99	5,879,720.49
1849	9,007,761.50	2,114,950.00	41,984.32	11,164,695.82
1850	31,981,738.50	1,866,100.00	44,467.50	33,892,306.00
1851	62,614,402.50	774,367.00	99,635.43	63,488,524.93
1852	56,846,187.50	999,410.00	50,630.94	57,896,228.44
1853	39,377,909.00	9,077,571.00	67,059.78	48,522,539.78
1854	25,915,962.50	8,619,270.00	42,638.35	34,577,870.85
1855	20,387,968.00	3,501,245.00	16,030.79	23,905,243.79
1856	30,857,768.50	5,142,240.00	27,106.78	42,027,115.28
1857	32,214,040.00	5,478,760.00	178,010.46	37,870,810.46
1858	22,938,413.50	8,495,370.00	246,000.00	31,679,783.50
1859	14,780,570.00	3,284,450.00	364,000.00	18,429,020.00
1860	23,473,054.00	2,259,350.00	205,600.00	25,938,704.00
1861	83,395,550.00	3,783,740.00	101,000.00	87,280,270.00
1862	20,875,997.50	1,252,516.50	280,750.00	22,409,264.00
1863	22,445,482.00	890,267.80	498,400.00	23,753,149.80
1864	20,081,415.00	699,917.10	926,687.14	21,618,019.24
1865	28,295,107.50	691,005.00	968,552.86	29,954,665.36
1866	31,435,945.00	982,409.25	1,042,960.00	33,461,314.25
1867	23,828,625.00	908,876.25	1,819,910.00	26,557,411.25
1868	19,371,387.50	1,074,343.00	1,097,150.00	22,142,880.50
1869	17,582,987.50	1,266,143.00	963,000.00	19,812,130.50
1870	23,198,787.50	1,378,255.50	350,325.00	24,927,368.00
1871	21,032,685.00	3,104,038.30	99,890.00	24,236,613.30
1872	21,812,645.00	2,504,488.50	369,380.00	24,686,513.50
1873	57,022,747.50	4,024,747.00	379,455.00	61,426,950.10
1874	35,254,630.00	6,851,776.70	342,475.00	42,448,881.70
1875	32,951,940.00	15,347,896.00	246,970.00	48,546,803.00
1876	46,579,452.50	24,503,307.50	210,800.00	71,293,560.00
1877	43,999,864.00	28,393,045.50	8,525.00	72,401,434.50
1878	49,786,052.00	28,518,850.00	78,383.00	78,383,085.50
1879	39,080,080.00	27,509,776.00	165,006.00	66,814,859.00
1880	62,908,279.00	27,411,693.75	391,395.95	90,111,368.70
1881	96,850,890.00	27,940,163.75	428,151.75	125,219,205.50
1882	65,887,685.00	27,973,132.00	960,400.00	94,821,217.00
1883	29,241,960.00	29,246,968.45	1,604,770.41	60,093,728.86
1884	23,991,756.50	28,538,866.15	796,483.78	53,323,106.43
1885	27,773,012.50	28,962,176.20	191,622.04	56,926,810.74

Coinage of the United States mints from 1841 to 1895—Continued.

Calendar year.	Total coinage.			
	Gold.	Silver.	Minor.	Total.
1886	28,945,542.00	32,066,709.90	343,186.10	61,375,438.00
1887	23,972,383.00	35,191,081.40	1,215,686.26	60,379,150.66
1888	31,380,808.00	33,025,606.45	912,200.78	65,318,615.23
1889	21,413,931.00	35,496,683.15	1,283,408.49	58,194,022.64
1890	20,467,182.50	39,292,908.20	1,384,792.14	61,054,882.84
1891	29,222,005.50	27,518,856.60	1,312,441.00	58,053,302.60
1892	34,787,222.50	12,641,078.00	961,480.42	48,389,780.92
1893	56,997,020.00	8,802,797.30	1,134,931.70	66,934,749.00
1894	79,546,160.00	9,200,350.85	438,177.92	89,184,688.77
1895	59,616,357.50	5,698,010.25	882,430.56	66,196,798.31

Gold and silver, United States notes, etc., in United States Treasury and in circulation, from 1872 to 1895, inclusive.

July 1—	In Treasury.		Circulation.				
	Money.	Certificates.	Money.	Certificates.	Total.	Per capita.	Population June 1.
1872	$24,412,016	.....	$738,309,549	.....	$738,309,549	$18.19	40,596,000
1873	54,078,801	$215,000	720,366,809	$31,515,000	751,881,809	18.04	41,677,000
1874	87,941,750	755,000	718,083,031	58,000,000	776,083,031	18.13	42,796,000
1875	102,141,562	445,000	696,131,947	57,970,000	754,101,947	17.16	43,951,000
1876	95,638,896	275,000	695,044,388	32,565,000	727,609,388	16.12	45,137,000
1877	94,563,964	1,135,000	668,489,883	53,825,000	722,314,883	15.58	46,353,000
1878	106,910,422	2,025,520	682,880,554	46,252,080	729,132,634	15.32	47,598,000
1879	290,058,398	3,636,350	773,582,493	45,049,300	818,631,793	16.75	48,866,000
1880	240,156,568	6,885,401	945,363,759	27,988,469	973,382,228	19.41	50,155,783
1881	291,874,503	12,354,201	1,057,717,870	56,520,249	1,114,238,119	21.71	51,316,000
1882	307,887,580	11,673,720	1,101,510,309	72,780,110	1,174,290,419	22.37	52,495,000
1883	387,676,705	38,883,415	1,084,817,640	145,488,056	1,230,305,696	22.91	53,693,000
1884	423,087,539	50,825,700	1,064,167,318	179,763,651	1,243,925,969	22.65	54,911,000
1885	502,710,611	52,164,110	1,034,722,939	257,845,676	1,292,568,615	23.02	56,148,000
1886	491,117,849	83,241,320	1,070,289,925	182,410,600	1,252,700,525	21.82	57,404,000
1887	557,987,016	33,996,513	1,075,425,689	242,113,454	1,317,539,143	22.45	58,680,000
1888	655,789,464	49,910,615	1,035,601,563	336,519,307	1,372,170,870	22.88	59,974,000
1889	669,851,558	42,632,504	989,120,855	391,240,794	1,380,361,649	22.52	61,289,000
1890	696,649,256	31,215,633	988,974,173	440,277,097	1,429,251,270	22.82	62,622,250
1891	679,755,789	41,807,579	1,048,266,672	449,174,035	1,497,440,707	23.41	64,002,000
1892	750,211,165	21,041,149	1,103,720,103	497,627,084	1,601,347,187	24.44	65,403,000
1893	720,478,491	6,222,656	1,165,520,208	431,181,037	1,596,701,245	23.87	66,826,000
1894	749,120,255	10,505,818	1,208,543,123	452,265,585	1,660,808,708	24.33	68,275,000
1895	786,928,734	9,710,213	1,178,519,223	423,449,250	1,601,968,473	22.97	69,753,000

It may be claimed that there is apparently no immediate prospect of an international agreement. That may be true, but it is likewise true that the tremendous increase in silver production everywhere has only recently begun to be noticed and its new relation to be understood. Who would have supposed in 1865–66, when the world was moving along quietly and with apparent regularity, and had been for many years producing perhaps forty millions of silver per year, that the world should to-day be piling up five times that amount?

Mr. STEWART rose.

Mr. CULLOM. I do not wish to be interrupted.

Mr. STEWART. Of course the Senator does not want to be interrupted. It would have the effect of breaking him up.

Mr. CULLOM. I suggest to the Senator that he sit down here and listen to me.

Mr. STEWART. A man who makes suc ah statement will be broken up.

Mr. CULLOM. Who could have supposed that in six years, from 1888 to 1894, the world should have increased its already enormous production of one hundred and eighteen millions to two hundred and sixteen millions of silver in a single year? No economist ever imagined such a condition. It was wholly unprecedented; yet judging by the more recent yield, it is possibly only the steppingstone to the yield of coming years. When the fact is understoodthat we are possibly to have a constant and increasing addition to the world's silver, without any similarly increasing demand for it, either as money or as a commodity, it is apparent that its value has become and must continue subject to the inflexible laws of trade, like any other commodity. It must decline in market value under such increased supply. Its quotations must fluctuate with the fluctuations of supply and demand like coal, like iron, and other products. Upon no consistent basis can any fixed ratio be established by the United States alone between silver and gold under such circumstances.

The ratio in 1873 was 16 to 1; in 1893 it was 32 to 1. In 1873 it required 16 ounces of silver to purchase 1 of gold. In 1893 it required 32 ounces of silver to buy the same ounce of gold. These are not merely the prices and ratios of the United States but they are the world's ratios and the world's values. The United States did not establish them, and who will contend that the United States can change them, except in a slight degree? Suppose for a moment that free and unlimited coinage of silver in the United States had continued from 1873 down to the present. What now would be the situation? The United States have coined in the twenty-one years following 1873, and including that year, approximately, five hundred and twenty millions of silver. According to the contention of the silver producers, if the coinage had been free during this period we ought to have coined more than double this sum, or perhaps one thousand to twelve hundred millions of dollars. But with only the five hundred millions coined we find the value has declined so that a dollar is intrinsically worth about 50 cents. What would have been the depreciation if the coinage had been so doubled? No man can tell; but would it be unreasonable to suppose that the silver dollar would have been worth no more than 35 to 40 cents? Probably not. But, say our friends, the coinage of it into standard dollars would have fixed its value. The coinage of silver or gold or the stamping of paper may declare its nominal value, but that does not establish its intrinsic value if the world does not recognize it or if commerce will not have it so. Mexican dollars and the coins of many other countries have time out of mind been used in the traffic and transactions of other nations, but they have almost always been treated as a mere commodity, worth just so much as commerce had determined, and were shoveled or weighed or counted out at their commercial worth only.

The great and omnipotent commercial public of the world makes its own laws concerning money values and determines for itself what is a just standard or measure of value, regardless of the dictum of any political congress or parliament. In view of the immense addition to the silver output to which I have called attention, and of the disturbing influence which such addition necessarily causes, I feel sure that the great commercial nations will be compelled to devise means to adjust our monetary relations so as to be just alike to the producers of silver and to determine a proper ratio by which all shall abide.

But let no man flatter himself that a determination of the great economic problem will ever be arrived at under the teachings of the empirics who vie with each other in the effort by legislation to put the dollar stamp on a half dollar's worth of silver in any single country.

In our local and municipal conventions, in the political caucuses, and on the partisan platform we see men settling this great question by insisting that the United States shall adopt free coinage regardless of the course of other nations.

The supply of silver in the world and the commercial demand for silver being what determines its value practically, it is only just that all commercial nations shall participate in establishing an international ratio, giving silver an international value equivalent to and interchangeable for a certain amount of gold between all concurring nations. If we shall devote our surplus eloquence and overflowing patriotism to securing that result we shall do far better than in exploiting intangible theories.

Let us look a little into the history of the several international monetary conferences. The first one met at Paris June 17, 1867. It was called by the invitation of the French Government. The United States of America and 18 of the European countries participated. They were unanimous in expression against a single silver standard, and, with the exception of the Netherlands, were unanimous in favor of a single gold standard. I may say, in passing, that very many of the countries engaged in the conference have had the silver standard. None of the countries participating took action toward establishing the suggestions of the commission, and although the French Government was given the power to reassemble the conference, it never exercised that power.

The second international monetary conference was called by the President of the United States in accordance with an act of Congress of February 28, 1878, and met at Paris August 17, 1878. Twelve countries were represented, the United States representatives being Reuben E. Fenton, of New York; W. S. Groesbeck, of Ohio; Francis A. Walker, of Connecticut, and S. Dana Horton. The substance of the opinions of the members was: First, that the monetary function of silver as well as of gold should be preserved in the world, but that the choice of one or both should be governed by the special situation of each group of states; second, that the restriction of silver coinage should be discretionary with each state or group; third, that existing differences of opinion prevented the adoption of a common ratio between the two metals. The conference adjourned August 29.

The third international monetary conference was called in 1881 by the joint action of France and the United States to establish a system for the use of silver and gold as bimetallic money, with a relative settled value between the two metals. Thirteen countries were represented. The United States representatives were William M. Evarts, of New York; Allen G. Thurman, of Ohio, and Timothy O. Howe, of Wisconsin. This conference closed by adjourning to April 12, 1882, but it was never reconvened.

The fourth international monetary conference was called by the United States. and met at Brussels November 22, 1892. The delegates from this country were WILLIAM B. ALLISON, JOHN P. JONES, JAMES B. MCCREARY, Henry W. Cannon, E. Benjamin Andrews, and Edwin H. Terrell. The instructions which were

given by President Harrison, through Secretary of State John W. Foster, were so concise and comprehensive that I deem them worthy of introduction here, as representing in apt language the true theory to be adopted by the United States upon the coinage question:

DEPARTMENT OF STATE, *Washington, November 10, 1892.*

* * * The main purpose which this Government seeks to accomplish by this conference is to bring about a stable relation between gold and silver.

It is the opinion of the President, and, as he believes, of the people of the United States, with singular unanimity, that a full use of silver as a coined metal at a ratio to gold to be fixed by an agreement between the great commercial nations of the world would very highly promote the prosperity of all the people of all the countries of the world. For this reason your first and most important duty—

This is addressed to the delegates—

will be to secure, if possible, an agreement between the chief commercial countries of the world looking to international bimetallism—that is, the unlimited coinage of gold and silver into money of full debt-paying power at a fixed ratio in coinage common to all the agreeing powers.

You should not lose sight of the fact that no arrangement will be acceptable to the people or satisfactory to the Government of the United States which would by any possibility place this country on a silver basis while European countries maintain the gold standard.

Failing to secure international bimetallism, the next important duty will be to secure, if possible, some action upon the part of European countries looking to a larger use of silver as currency, in order to put an end to the further deprecition of that metal. * * *

JOHN W. FOSTER.

It seems to me that that letter, signed by the Secretary of State, at that time John W. Foster, but written, I imagine, by the President of the United States, states the truth as near as it can be stated by anybody; and it states what in my judgment is the only safe position which our country can occupy upon this question.

I desire to say here that I should hail and will hail any settlement of this question that will not take our Government out of the position it has occupied and make it purely a monometallic silver country, driving out the gold. And in my opinion the time is near at hand when this Government and other commercial nations with which we are dealing will be able to settle this question so that the silver interests of this country and silver as a money metal will be cared for and will be placed, probably, as I hope, on a par with gold. But I insist that by any other course than an international agreement between ourselves and other great commercial nations it would be a dangerous experiment for this Government to undertake the free coinage of silver.

The instructions which I have read present, as I have said, the true basis of bimetallism, and in my judgment indicate the only solution which can ever be reached satisfactory to most of the great nations of the world and in the interest of the people of the United States. For the United States alone to declare for free coinage would be ineffective, except to the great injury of our own people. This country, great and powerful as it is, populated by an intelligent and enterprising people, is not the controller nor the autocrat of the monetary world. Our wishes and desires may all be right and proper, but our present power does not justify us in establishing an exclusive monetary system which shall invite the antagonism of twenty or thirty other nations, nearly all of which are greater or lesser contributors to the trade we now enjoy.

Mr. President, what the nations need is an international conference and agreement as to the use of silver, fixing the ratio, and then opening the mints for free coinage upon the ratio to be agreed upon. Every year and month and day makes it clearer to me that such a conference is sure to come, and I believe very soon. What a relief to the situation in this and other nations if this vexed, troublesome, and vastly important question could be settled—settled in harmony with the interest of silver as a money and in harmony with the best interests of the people of this and all the nations.

I may say here that in talking with a certain silver Senator, if I may so designate him, he intimated to me that he would be willing to fix the ratio at 32 to 1. I do not know whether the silver men generally would agree to such a ratio. But whatever ratio the principal nations will agree to, whether it is 15½ to 1 or 16 to 1, or 20 to 1, will be entirely satisfactory to me, because if those nations make such an agreement, in my judgment it will probably bring the commercial value of silver up to par with gold. But without such an agreement it would be utterly futile, in my judgment, for us to undertake it with any expectation that it would increase the price of silver very materially for one single nation to do so.

The great political parties in their national conventions have expressed themselves strongly in favor of the determination of the relative values of gold and silver by international action.

The Republican party said at Minneapolis in 1892:

We commend the wise and patriotic steps already taken by our Government to secure an international conference to adopt such measures as will insure a parity of value between gold and silver for use as money throughout the world.

That resolution is sound. We there took the position four years ago in favor of an international conference for the purpose of fixing a ratio which would insure a parity of value between gold and silver.

The Democratic party said at Chicago in 1892:

We hold to the use of both gold and silver as the standard money of the country and to the coinage of both gold and silver without discrimination against either metal, or charge for mintage, but the dollar unit of coinage of both metals must be of equal intrinsic and exchangeable value or be adjusted through international agreement, or by such safeguards of legislation as shall insure the parity of the two metals.

I am not sure but that the Democratic platform on that question four years ago was a little better than the Republican platform, because in addition to their favoring an international agreement for the adjustment of the exchangeable values of these two metals, they used the words "but the dollar unit of coinage of both metals must be of equal intrinsic and exchangeable value." The word "intrinsic" is not a part of the Republican platform.

The Populist party, calling itself "the People's Party," said at Omaha in 1892:

We demand the free and unlimited coinage of silver and gold at the present legal ratio of 16 to 1.

The Populist party also said:

We demand that the amount of circulating medium be speedily increased to not less than $50 per capita.

This latter enunciation of the principles of the party, which has been somewhat in evidence for a few years, would seem to be its own most certain antidote.

I hear a good many men say that "sound money" is a mere phrase; that it does not mean anything; that anybody can use the expression and still be entirely in order. But there is a definition of it which it seems to me means something. The best and most appropriate definition of the term "sound money" as applied to metallic coinage is to be found in the words of one of the most distinguished international bimetallists of the world, Henry Cernuschi, as follows:

It is by the ordeal of fire that money can be tried. The coins which, being melted down, retain their entire value for which they were legal tender before they were melted down are good money. Those which do not retain it are not good money.

Expressing it in other words, he says:

Good money consists of coin which is worth as much after it is melted as it purports to be worth in coin.

Edward Atkinson says:

Bad money can only be circulated by force. Good money requires no force. Everybody is glad to get it. Money made of gold, or its representative, convertible or redeemable in gold, is the world's standard or unit of value.

There must be a final ultimate standard or unit or coin by which all other forms or types of money—silver, nickel, copper, or paper—must be rated. All such subsidiary types of what is sometimes called money, sometimes called currency, sometimes instruments of exchange, can only be kept in circulation at a parity with the unit or standard by positive, absolute redemption or payment therein. If the law gives an employer the power to force bad money upon workmen and does not give the workman an easy and ready means of converting that bad money instantly into good money, that workman will be cheated.

The pretext is that the coinage of silver dollars at 16 to 1 should be as free as the coinage of gold dollars, and that, by itself, can be agreed to. Coinage is nothing but the manufacture of round disks of metal stamped and certified. There is no danger in free coinage. The danger lies in the efforts of these supporters of free coinage at 16 to 1 to force cheap 50-cent dollars upon the community by an act of legal tender. The moment anyone offers to any of these people to agree to free coinage without an act of force or legal tender by which they may compel uninformed people to accept these dollars, they immediately give up their case; they will not accept free-silver-dollar coinage without the power to force them upon the people.

Mr. President, both the act of 1878 and the act of 1890—the one called the Bland-Allison Act, the other the Sherman Act—were passed by Congress in response to a demand for free and unlimited coinage of silver by a portion of the people and as a compromise between the friends of free coinage and those opposed to such action. When the Sherman Act of 1890 was passed it was alleged and believed by the friends of free coinage that the effect of the act would be to send the price of silver up to about par with gold. The price of silver did increase for a time, but soon began to decline again, and for some time the commercial value of a dollar of 412½ grains of silver has been only about 50 cents in gold. The effect upon silver by the passage of the acts of 1878 and 1890, especially the latter act, has been very disappointing to the so-called silver men and somewhat to all who supported it. I myself supported it. It did not have the effect upon the price of silver that was expected, and instead of satisfying the special champions and friends of silver it has only made them more aggressive in favor of the free and unlimited coinage of silver at the ratio of 16 to 1, and at the same time embarrassed still more the financial situation.

The solution of the difficulties so apparent can only be reached by concerted international action—by the establishment of international bimetallism.

It is claimed by a recent writer that none of the recognized defenders of international bimetallism have ever declared in favor of free coinage by the United States alone. Gen. F. A. Walker, a most eminent exponent, has declared distinctly his opinion that free coinage by this country alone would delay, if it did not prevent, adoption of an international agreement establishing a par of exchange between the gold and silver using countries.

As to our former legislation he says:

Our coinage of two millions a month under the Bland-Allison Act of 1878 was directly against the interests of bimetallism, while our purchase of four millions five hundred thousand ounces of silver bullion a month under the Sherman Act of 1890 was an even worse strategic blunder.

Balfour says:

If it be possible by international arrangement to establish a joint standard throughout the world, it would not be open to the objection which a single standard is open to.

Barbour says:

No final or satisfactory settlement of the currency question is possible except by an international agreement.

Houldsworth says:

It is an international question. It is the duty of Her Majesty's Government to negotiate without delay with other nations.

Professor Foxwell says:

Bimetallism is new and involves international agreement, the question of valuation as well as the question of ratio. These matters can not be settled by isolated action. We shall never settle the monetary difficulty without international action.

The Bimetallic League:

The aim of the Bimetallic League is to secure by international agreement the opening of the mints of the leading commercial nations to the unrestricted coinage of gold and silver at such a fixed ratio as may be mutually agreed upon amongst those nations.

No settlement is, however, in our opinion, possible without international action. The remedy we suggest is essentially international in its character, and its details must be settled in concert with the other powers.

Mr. President, it seems to be apparent that after the failure of the effort on the part of the Government to hold silver at a parity with gold by the two acts referred to (under which 456,000,000 ounces of silver were purchased between the years 1877 and September 30, 1893) everybody should be convinced that it would be futile to venture upon free coinage on the basis of 16 to 1, and place it by the side of the gold dollar. The disparity between the two metals is too great. The consequences of such action by the Government would inevitably result in the disappearance of gold. The United States would at once approach a silver basis, uncertain and changing from day to day, with the fluctuations of silver.

The total estimated metallic stock in the United States on July 1, 1895, according to the last report of the Secretary of the Treasury, was gold $636,000,000, and silver $624,000,000, in round numbers. By this statement it will be seen that there is no great difference between the amount of gold and silver in use in the country. The United States, considering the great depression in silver, has dealt fairly with the white metal, showing great reluctance to give up either.

I am in favor of using all the silver as coin we can, and we may be able to use even more than we are now using, but the question of the standard should be settled. We should not depart from the gold standard until we can have the cooperation of other great commercial nations and an agreement as to the ratio for the free and unlimited coinage of silver for all the nations.

The Treasury Department shows that on April 1, 1896, there was in the Treasury of the United States six hundred and ninety-five millions of all kinds of money—gold, silver, paper, and minor coins. On the same day there was in circulation $1,528,000,000. Assuming that at that time the population of the United States numbered 71,909,000, we had in circulation $21.53 per capita. The statistics also show that in 1872 our per capita money circulation averaged $18.19; in 1873, $18.04; in 1874, $18.13; in 1878, $15.32; in 1890, $22.82, and in 1892, $24.44. So that the per capita circulation has not varied to any great extent for many years. The variation in the amount of our circulation has been largely produced by the fluctuation in the amount in the Treasury vaults.

Mr. President, since 1872 we have had good times and we have had hard times. Neither the one nor the other, it is plain to me, has been produced by the changes in our per capita circulation. This leads me to the real cause which brought about, first, good times, and next, hard times. Under Republican rule we had a protective tariff, and not so much disturbance in the financial system as of late. There was always money to spare in the Treasury; we had a revenue system that yielded it, and there was no fear ever manifested of a bankrupt Treasury. Under the change of Administration and policy there has been a continual state of anxiety in the minds of the people engaged in any kind of business. With a well-adjusted protective tariff system the depressed and embarrassed condition of the people of the Government would very soon be greatly relieved, but even with a proper tariff law the situation demands that our monetary system must be settled, so that the world may know that we mean to be honest with ourselves and with the rest of mankind. But, Mr. President, I do not intend to discuss the tariff question to-day, further than to say that without a wise protective tariff in this country we will have hard times whatever we may do in relation to our monetary system.

The creditors of the people of the country and of the Government itself have perhaps justly questioned even the good faith of the nation in meeting its obligations.

A recent editorial article in the Chicago Tribune describes the situation thus:

Those who "demand" the free coinage of silver at the ratio of 16 to 1, or 50 cents to the 100-cent dollar, assert that the fall in the commercial value of silver was due to "the crime of 1873," which forbid the coinage of silver dollars when none was being coined, nor had been for many years. They have nothing to say about the action taken by Germany prior to 1873, when that nation stopped silver coinage and adopted the gold standard. And they never mention the fact of France and the Latin Union following Germany's example two or three years later.

They are silent about these limitations in countries numbering 130,000,000 enterprising people, or more than twice the population of this country at the last census. They have not reviled Holland, Scandinavia, and Austria-Hungary for adopting the gold standard—enterprising countries containing nearly 60,000,000 people. They are not abusing Russia, with her 120,000,000 people, for putting her currency on a gold-standard basis. They seem to think that what 300,000,000 Europeans have done cuts no figure in the case of silver, and that the "future of silver" depends solely on the fiat of the American Congress for the 16 to 1 ratio or 50-cent dollar.

The chief cause of the immense cheapening of silver since 1875-76 is not legislation, either that of Europe or of America or both taken together. The principal effective cause is overproduction of silver in proportion to the demand for it. The mines have turned out more of that metal than the world needed or was able to use for coinage and other purposes, and as an inevitable consequence the price went down.

The commercial world has always determined the relative value of the precious metals to suit itself. It has never paid any attention to statutory ratios of any nation, but has exercised its own judgment as to values, just the same as it does about copper, iron, wheat, corn, and cotton. If the production of silver were to stop that metal would gradually become scarcer. The old stock would be consumed, so to speak, and the commercial world, without waiting for a law, would rate it at a higher value every year after a cessation of its extraction from the mines.

In an address delivered before the Transmississippi Commercial Congress at St. Louis, Mo., November 27, 1894, by the Hon. George E. Leighton, the following statement is made, showing by contrast the results which would follow the establishment, respectively, of the legal-tender free coinage of gold and the legal-tender free coinage of silver. Mr. Leighton says:

An act of Congress to make legal tender the gold coin of any country, or every country on the face of the earth, at rates established according to their actual weight and fineness as compared with the 25⅞-grain standard dollar of the United States would not produce a ripple of disturbance in the commercial world. Not a sovereign, or franc, or mark, or florin, or peso, would come or go, except in the normal flow created in the settlement of international balances. There would be no movement, simply because the coin would have no more value in one place than another.

To pass an act to receive the silver coin of the world as legal tender at the rates established according to weight and fineness, according to our false 412-grain dollar, would bankrupt the country, as it would mean taking the world's silver at double its present value. Does this not prove that the position is inconsistent and untenable?

In my opinion the substantial correctness of this position can not be controverted. One of these metals is the nearly universal standard, with a determinate intrinsic value, by which is measured the value of the productions of the world, while the other has but a transitory and uncertain value, dependent upon demand and supply, and contingent upon prosperity or adversity among the people. It matters not what silver was twenty years ago. It does not in any way bear upon the issue to say that before 1873 silver possessed certain attributes as a measure of values. It does not possess them now. A great change occurred. The fact exists, and governments deal only with existing facts. It can not take cognizance of obsolete and abandoned conditions. Lamentations over a change which occurred nearly a generation ago, resulting in what to-day is part of the settled coinage policy of nine-tenths of the civilized world, are wholly fruitless and unavailing.

Silver as a standard currency was retired in Germany in 1871, suspended in Belgium, France, Holland, Denmark, Sweden, Norway, and the United States in 1873, and in Italy and the Dutch Colonies in 1875, and in many other countries before and since 1873. With silver possessing the value it now bears the return of any single country to a legal-tender silver standard would imperil not only its commercial interests, but its very position among nations.

I desire to notice a few of the unfounded assertions which constantly pass current as part of the literature of the free-coinage, legal-tender advocates. It has been widely asserted that by the act of 1873 silver was secretly demonetized. An examination of the Congressional Globe of that session discloses the fact that the discussion upon the bill covers 140 columns of the Globe, and that the bill was printed more than a dozen times during its progress through Congress. In addition to the discussion of its general provisions, the matter of the omission of the silver dollar from the authorized coinage of the country was freely discussed in the House of Representatives by such members as the distinguished Republican, William D. Kelley, the distinguished Democrat, Clarkson N. Potter, with W. L. Stoughton and Samuel Hooper. Mr. Kelley said:

It is impossible to retain the double standard. * * * All experience has shown that you must have one standard coin.

Mr. Potter said:

This bill provides for substituting as legal tender coin of only one metal instead, as heretofore, of two. I think myself that this would be a wise provision, and that legal-tender coins, except subsidiary coins, should be gold alone.

Mr. Stoughton said:

Gold is practically the standard of value among all civilized nations, and the time has come in this country when the gold dollar should be distinctly declared to be the coin representative of the money unit.

Mr. Hooper said:

The committee, after careful consideration, concluded that 25⅞ grains of standard gold, constituting the gold dollar, should be declared the money unit or metallic representative of the dollar of account.

It was also discussed and amended in the Senate. This law of 1873 was not rushed secretly through without consideration. It was enacted in the same manner in which all laws are enacted, and yet, although it is claimed to have injured silver, it is a fact that the average annual coinage of silver for twenty years following "the crime of 1873" was more than ten times the annual average for the forty years prior to that year. The Government has gone out of its way to favor silver and has as a special favor stored away in its vaults some $350,000,000, for which it gives circulation to a representative paper certificate which passes for money.

Mr. President, the argument, or rather the assertion, that the act of 1873 has brought about the reduction in the price of silver is gratuitous. The depreciation in silver is due largely to the increase in production, not only in the United States, but over the whole world. I do not believe that by any logical argument or true statement of conditions can it be shown that the law of 1873 reduced the commercial value of silver materially. On the contrary, if free and unlimited coinage had been given its full effect the amount rushed through the mints would probably have brought down the price of silver much sooner, and to a lower point than it has yet reached, because those nations at that time had nearly all demonetized silver, to use the ordinary expression, so that if we had continued the free and unlimited coinage of silver, without regulation as to the admission of foreign bullion, we would have been overwhelmed with silver.

Why not give to well-known natural and commercial causes the credit or the blame for the fluctuation in silver value instead of charging it to legislation of 1873? Why, at the time that law was enacted one would hardly see a silver dollar in circulation in a month's travel. Silver, except in the smaller coins, was practically out of use. In the next four years, 1874 to 1877, inclusive, there were no silver dollars coined. But what was coined? Did silver lose anything? Not a farthing. On the contrary, in those four years there was coined $21,500,000 in half dollars and $15,300,000 in quarter dollars, or a total of over $36,800,000 in silver. This was an average of over $9,200,000 a year in silver half and quarter dollars, being a greater quantity of silver than had ever been coined into similar silver pieces in any four years either before or since 1873.

And so, Mr. President, on applying the touchstone of simple fact to the wholesale creations of the imagination which have been woven about this subject they vanish like a breath.

Let us look at another claim. It is constantly asserted that our trade demands an increase of circulating medium. The political scientists who met in Omaha in 1892 and nominated Mr. Weaver for President seriously demanded that the circulating medium should be rapidly increased "to not less than $50 per capita."

In point of fact the amount of money in actual circulation in the United States has never been less than $22 per capita since 1881. It has fluctuated between $22 and $25 during that time. And at this present time, counting the money in the Treasury in the computation, we have per capita of money in the country about $34. No other country in the world exceeds this, or anywhere nearly equals it, except France, which has about $36 per capita. It is not necessary here to discuss the reason why France should slightly exceed the United States in amount of money per capita. It is sufficient to answer the insistence that we have too little money in circulation by saying that it is a mere assertion, incapable of substantiation. The average circulating medium in thirty countries of the world is less than $13 per capita. France excepted, the United States stands at the head and has more than twice as much money per capita as the average nation of the world.

This fact ought to settle the contention without further argument, as the figures are taken from the statistical reports of the officials of the United States.

Mr. President, in the remarks I have made I have sought to give my views dispassionately on the subject in the hope that we may, guided by history, observation, and reason, arrive at a proper final decision in the interest of the general welfare of the people of this country. The monetary question presses itself upon the attention of the country. Let us meet it with courage and do right. We can not permit the free and unlimited coinage of silver at 16 to 1 if we look to the interest of the people of the United States, except as the result of an international agreement for such coinage by the leading commercial nations. With such agreement we can. We can not depart from the gold standard with safety until such international agreement is made. I believe the time will soon come when a conference of the nations will be held and by which the silver question will be settled by fixing a ratio for its use as a money metal and for opening the mints for its free coinage. I hope for it, and look for it.

Mr. BUTLER. I had agreed to yield to the Senator from Utah [Mr. BROWN] after the Senator from Illinois [Mr. CULLOM] had concluded, but, by permission of the Senator from Utah, I will now yield ten minutes to the Senator from Nevada [Mr. STEWART].

Mr. STEWART. Mr. President, I propose to call attention to the fact that the gold standard can not be maintained except by a perpetual increase of the national debt or repudiation. One or the other must be done to maintain the gold standard; and I think a moment's reflection will bring everyone to that conclusion.

Our gold obligations, while we are on a gold standard, are very large to Europe. We will not quibble about the amount, but I think from all the statements I have examined $400,000,000 a year of fixed charges would be a conservative estimate at the present time. Of course as we add to the principal these new loans, it will increase very rapidly, and is increasing very rapidly. The only means by which we can obtain gold for the purpose of paying our gold obligations to foreigners is by the sale of our commodities in foreign markets. We are compelled to sell those commodities in competition with Russia and all the Asiatics. They have about 100 per cent advantage of us in the difference of exchange in competing in those markets. I shall not elaborate upon that point; but they have such an advantage that they have been gaining in those markets and we have been losing very rapidly. During the current year we have not been able to sell enough to pay for more than we have bought. We have imported of commodities as much as we have exported in value. Consequently there has been added to our foreign debts, public and private, resulting from these fixed charges growing out of our foreign carrying trade, travelers abroad, interest and dividends on foreign investments, about $400,000,000 during this year.

So long as the Government of the United States will borrow gold and keep it on call for those who have greenbacks, and the greenbacks are out, of course we can maintain the gold standard without individuals paying a premium. But the Government is paying a premium.

The 4 per cent bonds had a very well-established market in February, 1895. They never have sold since they got fairly on the market for less than 1 per cent premium for each year they had to run. In 1888-89, having only about eighteen years to run, they sold for as high as 27 per cent premium, but that was exceptional. The market settled down finally to about 1 per cent a year for the time the bonds had to run. At the time the $62,500,000 of bonds were put upon the market in February, 1895, they were selling for about 11 or 12 per cent premium, they having then between eleven and twelve years to run. The President of the United States informed Congress at the time that he could obtain $16,000,000 more for the $62,500,000 of bonds provided Congress would authorize gold bonds. In other words, he had to pay $16,000,000 on the $62,500,000 in order to get gold.

At the last sale of bonds the premium was not so high, being only 11 or 12 per cent, and while the sale was manipulated sufficiently, it was not so absolutely a private deal as were the prior bond sales. The loss to the Government on what it had to pay on that loan to get gold was about ten to twelve million dollars, the Government paying a premium. The Government never can get a dollar of gold without paying premium. Just so soon as the Government ceases to pay a premium for gold and ceases to supply gold to those who must have it, somebody else must pay the premium for the gold. If the gold standard is maintained, payment must be made in gold; but just so soon as individuals can not come to the Treasury and get gold they must themselves pay that premium; and as soon as individuals pay the premium, your gold standard is gone. Just as soon as the Government of the United States ceases to pay a premium the individuals must pay the premium, and they can not get it otherwise if you maintain the gold standard. There is one other way, however, in which it can be done, and that is not pay at all; but if they pay at all, they must get gold at a premium. Consequently the gold standard can not be maintained longer than the credit of the Government will last to pay a premium, because when individuals pay the premium the fact is seen and recognized, but when the Government sells its bonds the country does not see that selling United States bonds at an enormous discount is paying a premium.

Gold is at a premium now, and the Government paid $16,000,000 in 1895 on sixty-two and one-half millions, and paid at least $12,000,000 premium on $100,000,000 in the last loan. The Government must pay a premium all the time, and individuals would have to pay a higher premium. The only way to prevent the payment of the premium would be for individuals to say that they would not pay at all. The gold standard can only exist while somebody will load the Government with debt to buy gold to furnish the gold to exporters. The

Government has no use for gold, for it has not promised to deliver gold. If individuals have so promised, why should all the people be taxed to pay a premium to get gold to pay gold contracts which individuals have made?

The end is near, and if you do not stop selling bonds voluntarily you will be forced to stop by the loss of credit. Turkey tried it and it can not sell any more. Austria tried it and can not sell any more, Italy can sell no more, Spain can sell no more. The wrecking process will cure itself, and the time will come when the Government will be unable to pay a premium and when the people can not endure the taxation to which they are subjected to pay this premium. We are getting behind at a geometrical ratio every year, and whenever the Government ceases to pay a premium on gold, those who have gold obligations must pay gold if you maintain the gold standard. So the gold standard means an unending increase of the public debt or repudiation by individuals.

Mr. PALMER. Will the Senator allow me to ask him what remedy he proposes for the condition of things which he describes?

Mr. STEWART. I can not answer that question without trenching on the time of the Senator from Utah.

Mr. BROWN. I yield to the Senator.

Mr. STEWART. In answer to the question of the Senator, I will say that I propose to reenact the coinage laws of Jefferson and Jackson; I propose to have more money by the use of both metals; I propose to wipe out that clandestine legislation which took away the basis of the fabric, and which put a premium on gold; I propose to return to the money of the Constitution; and then there will be no premium on gold, because we can have some other material besides gold out of which to manufacture money, but when you have to pay in that material only, there is not enough to pay, and you have to pay a premium upon it, as there always must be high prices on any article cornered in the market; and gold is cornered by means of this clandestine legislation; gold is cornered by means of the operations of the Administration, which refuses to obey the law and pay in silver; gold is pooled; and consequently I propose to break the pool. It is pooled just as stock is pooled that is put in a safe, and I propose to use both gold and silver, and break the corner that these people have made through the cooperation of the Administration.

Mr. PALMER. May I ask the Senator whether he means by all that the free and unlimited coinage of legal-tender silver at the ratio of 16 to 1?

Mr. STEWART. I certainly do mean that; and that is the only remedy. So long as you can make money out of only one metal, and that metal is pooled and cornered, the men who have it hold the world by the throat, and they have throttled enterprise and brought misery everywhere through their criminal practices.

Mr. VILAS. I should like to ask the Senator what he thinks would be the effect upon our getting plenty of gold if we made silver a legal tender in sums of $50 in amount only, removing the power to receive silver certificates for customs dues?

Mr. STEWART. I would not bind the limbs of silver and have it start on a race with gold. They had a race for four thousand years, and they stood abreast; and now the Senator from Wisconsin proposes to hamstring one of them and start it out in the race.

Mr. ALLISON. I should like to ask the Senator, if he will allow me, whether or not it would be his purpose as part of his scheme of free coinage at 16 to 1 to issue certificates upon the bullion before it is coined into money; that is, would the Senator propose to issue certificates providing for so many dollars from bullion yet to be coined and resting in the mints?

Mr. STEWART. I would issue certificates to-morrow on what bullion we have, and I would coin it forthwith. There has been a good deal said about the inability to coin silver, and that only $40,000,000 could be annually coined. I will undertake to coin all the silver brought to the mints for the seigniorage the Government gets. If they will let me have it for the space of ten years, I will undertake to coin $500,000,000 a year for the Government charges for the refining the bullion in the mints and other mint charges; that is, for just what the mint takes out of the bullion of the depositors for expenses. There is no trouble about increasing our coinage $10,000,000 a day.

Mr. ALLISON. I only wanted to know the fact. Then, of course, the Senator's idea would be either to have some provision whereby the coinage would be immensely projected, or else require the coinage of the bullion.

Mr. STEWART. I would have a sufficient amount coined. There is no excuse for not coining all the silver and all the gold that comes to the mints. There is no excuse for not doing it, because the Government charges enough for preparing the bullion for coinage and other charges to pay the whole expense. I will say to my friend from Iowa, there is one thing of which I want to notify him, and that is that there would be no trouble if mints were open except to get enough silver to coin. There is no danger of getting too much silver. I see more money and good times in the near future. There is an undercurrent coming; the common people have dropped on the gold game. They begin to understand that the public press is not telling the truth, and they have discarded its advice. They begin to understand that the public men have been misleading them. They begin to understand this Administration. The truth of what Mr. Lincoln said, that you can not fool all the people all the time, is going to be verified in the near future.

Mr. CHANDLER. I suppose the Senator excepts in his denunciation of the public press a mendacious publication in this city called the Silver Knight.

Mr. STEWART. Always excepting that. It takes an exception to prove the rule. The people are going the way of the Silver Knight more than they are going the way of the goldites just now. They have struck the exception, and if my friend from New Hampshire would read the Silver Knight attentively he might get his eyes opened.

Mr. CHANDLER. I am glad to advertise the Senator's publication. I have subscribed for it, and I also have one copy sent to me gratuitously through the favor of the Senator, and I read a great deal of truth in it. It goes to an excess sometimes, as the Senator does in his speeches.

Mr. STEWART. I hope that the Senator does not allude to the excess of circulating medium that is now among the people; that they are getting too much of it. I do not think he has reference to that. Excess! Is it possible to find language to describe a transaction which enabled a few gamblers in money to pool the circulating medium of the world, the standard money of the world, and to ask the price they had a mind to, and transform 70,000,000 of the most prosperous people on earth into 70,000,000 of dependents upon the caprice of an English syndicate? When you talk about the press, the great mass of the press has been the mouthpiece of an alien syndicate for years; and they have iterated and reiterated their nonsense and absurdities until the people have found them out.

Mr. BROWN. Mr. President, I should like to change the subject a little bit. I wish to discuss the bill before the Senate to prohibit the further issuance of bonds by the Secretary of the Treasury, and incidentally the resolution which I offered this morning declaring bonds hereafter to be issued by the Secretary of the Treasury illegal.

My reason for saying that they are illegal is the Constitution of the United States. The Congress of the United States alone, and not the Executive, is authorized, to quote the language of the Constitution, "to borrow money on the credit of the United States." I think the further issue of bonds by the Secretary of the Treasury or by the Executive is contrary to that clause of the Constitution. The authority claimed for the issue of these bonds is the act of 1875. It must be remembered by the students of the history of this country that that act was passed at a peculiar time, under peculiar circumstances, when extraordinary measures had been necessary to preserve the life of the Government and extraordinary measures were necessary to preserve the credit and honesty of the Government. Perhaps they might be called heroic measures that we had indulged in, and that it was necessary to indulge in in the year 1875. It had been the wish, the long-felt longing of the people of the United States—I might perhaps say of all parties, of certainly the dominant party—that we should at once, or as soon as possible, resume specie payments, that we should come back to the stable basis of coin, both silver and gold.

In the light of these circumstances, while one part of the country demanded it and said the way to resume was to resume—that is, at once to undertake the task—this measure was passed as a compromise one, authorizing the Secretary of the Treasury to issue bonds to meet the legal tenders then outstanding. The legal tenders then outstanding were limited to somewhere near $350,000,000. It was to redeem those. It was supposed that when we redeemed those we would return to a specie basis. In one sense it might be said in criticising that act that there was no limit as to the time when bonds should be issued, the method, or the manner of their issue. The Secretary need not issue any. He might issue or not at his discretion. He was limited, however, if we will remember the circumstances—

First, by the purpose which was expressed in the act, "to prepare and provide for the redemption." I quote the words. It was not to use money to supply deficits; it was not to pay running expenses; it was not to pile up the surplus in the Treasury, but "to prepare and provide for the redemption." Not even to maintain it. No authority was given to maintain the redemption, because it was not supposed that when once accomplished it needed any maintenance. It was simply to prepare and provide for it that the Secretary of the Treasury was authorized to issue bonds.

Second, he was limited by the amount; that is, he was limited by the quantity of legal tenders then in circulation. This grant of power to the Secretary of the Treasury was only for the legal tenders then in circulation, and not for any others.

Third, the Secretary was limited as to the time when he was to issue bonds. Not, perhaps, in so many express words; but these

grants of authority are to be strictly construed, as the law books say and common sense teaches also; and the time within which the redemption was to be made complete and to be an accomplished fact or a dismal failure was four years.

So we had, as the act was passed and at the time it was passed, these limitations upon the power of the Secretary of the Treasury. It was given to whomsoever should be Secretary. It might be well that Congress would feel authorized and were authorized to extend this extraordinary power to the Secretary of the Treasury for a limited time, knowing who would be the Secretary, knowing to what party he would be committed, and yet that Congress would not and did not indefinitely extend the authority for all time to all Secretaries to issue as many bonds as they saw fit for any purpose that they might use them for.

I have the act before me here, and I will read it in this connection with my remarks. It is as follows, cutting out those parts of it which relate to the payment of money and only quoting the passages which relate to the issue of bonds:

And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to issue, sell, and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect, and to use the proceeds thereof for the purposes aforesaid. (Volume 1, Supplemental Revised Statutes of United States, chapter 15, pages 58, 59.)

To carry this act into full effect was to redeem the legal tenders of the United States on or before the 1st day of January, 1879. That was the effect of the act. When we returned to specie payment the purpose and end of that act had been accomplished and ended.

A grave question is intimated, and it again might arise as to the constitutionality of the act at the time it was passed. It seems to have been considered then an act of doubtful constitutionality. To a certain extent it was a delegation of legislative authority, a thing which this Congress can never do. Congress can not delegate its authority to any Secretary or to any Executive whatsoever. Such delegation is wholly illegal and forbidden; and yet with this limitation, and under the circumstances, and for the purpose for which the act was passed, it has been so far considered and treated as a constitutional act, and under the circumstances I do not propose to criticise it.

The use, however, that has been made of that act since could not have been foreseen at the time of its passage. It is now used for an entirely different purpose. The original statute simply gave authority to prepare and provide for the redemption. It is now said that it is to be used to maintain permanently the legal-tender notes in circulation and their perpetual reissue. Originally it was a fixed, definite amount, of about $350,000,000 or a little more; now it is $500,000,000, and that $500,000,000 it is proposed to maintain in a constant change, a constant reissue, so that the authority which originally was limited to the Secretary of the Treasury to issue bonds in the sum of about $350,000,000 is now construed to mean issue of bonds to the extent of $500,000,000 and five hundred million as many times as they see fit to pass the legal tenders over the counter of the Treasury. That may be infinite. It is an unending amount, so that the authority claimed now and that is claimed to be exercised by the Executive and the Secretary of the Treasury is to issue bonds not only to the extent of $500,000,000, but $500,000,000 multiplied by infinity itself just as often as the pleasure of the Secretary of the Treasury sees fit to issue them.

If the exercise of this power be strictly followed and the bonds issued for no other purpose, it would not probably be necessary now to forbid or prohibit the Secretary of the Treasury or the President from the further exercise of the issue of bonds. It could not be foreseen at the time of the passage of the act that the time would come twenty years after the passage of the act, sixteen years after the resumption which the act was passed to accomplish had been perfected and a fixed fact, that the Executive of the United States would search out and bring forward this old statute and claim authority under it to issue, at his own will to any extent that he saw fit, the bonds of the United States, and would thus exercise the constitutional authority of Congress to borrow for any and all purposes all the money that he desired.

Yet that is the state of affairs we now have. The Executive borrows, not to prepare for redemption, not to provide for redemption, not even to maintain the redemption accomplished sixteen years ago, but to pay the ordinary expenses of the Government of any and all kinds; and in addition to paying the ordinary expenses of the Government, which have been unusually large since this system of issuing bonds under the act was in vogue, to accumulate a fund on hand far in excess of the needs of the Government, so that he is able at any time to set aside the wish of the Legislature and dispense with the aid of Congress in raising money. He raises it without the act of Congress.

It will be observed that as now practiced the issuing of bonds is without limit. The original limitation has substantially been equaled if not passed. There was issued prior to 1879, the date of the passage of the act of 1879, as I understand it, bonds the face of which called for ninety-five and one-half million dollars in addition to whatever bonus may have been received therefrom. There has since been issued bonds the face of which called for $262,000,000, making the face value of all the bonds three hundred and fifty-seven and one-half million dollars issued assumedly under this act. That, with the bonus and all, is about equal now to the amount of legal tender that existed at the time of the passage of the act. We are now asked to say that the Executive shall not issue more; that is, that he shall not exceed the limit which was originally fixed by the act of 1875.

It seems to me that the exercise by the present Executive of the act of Congress of 1875 is unconstitutional and to issue these bonds the Executive is without authority or warrant of law. It is our duty to protect the Treasury against further issue, and it is our duty to protect those who deal with the United States, who buy bonds, who deal with the Treasury, against receiving anything except bona fide bonds of the United States that can be enforced. Bonds of doubtful validity we have no right to sell. It is a deception to the buyer of them as well as a robbery of the country that we represent.

It follows that these bonds will be absolutely valueless in the hands of the holders. The question may be raised; and it is our duty now to warn the buyer, to pass such a resolution at this session of the Senate as to show to every would-be buyer that he is buying something which can not be enforced in the United States, and it is our duty to say to the public that these bonds are without authority, so that the cry of repudiation can not be successfully raised with regard to them. It is not repudiation to say that it is not our debt, it is not the debt of the country; but beforehand, before any person buys a single bond, I would have them warned by the Senate if they believe it to be true; I would have the Senate say to these would-be buyers of the bonds that we believe them to be illegal.

Mr. ALLEN. Will the Senator from Utah yield for a suggestion at this point? In January, 1894, before a bond had been issued under the present Administration, a resolution was introduced in the Senate declaring that the Administration had no power under the act of 1875, the resumption act, to issue bonds. That resolution was fully discussed here, and the purchasers of Government bonds from that time to this have been put upon their notice that they receive these bonds with a questionable title. Therefore there is no necessity for warning them again that there is lack of power on the part of the Government to issue bonds.

Mr. BROWN. May I answer the distinguished Senator, and ask him the further question: Did that resolution pass the Senate?

Mr. ALLEN. Oh, no, sir; it was antagonized by the other side of the Chamber.

Mr. BROWN. If the resolution passed the Senate I would sit down and have nothing further to say.

Mr. ALLEN. The honorable Senator from Ohio [Mr. SHERMAN], the leader of his party on the other side, said there was no question about the power to issue bonds; that the redemption of the notes would exist as long as water ran and grass grew. I quote his language. I simply call the attention of the Senator from Utah to the fact that he and the leader of his party are not agreed upon this question, but that the invalidity of the bonds, which I believe are invalid, was discovered and promulgated to the world long before a bond was issued. It is nothing new here, then, to warn the bondholders that they have no title.

Mr. BROWN. Our party, Mr. President, does not have leaders. Every Republican is his own leader; every Republican is a thinker. My friend from Nebraska has time and again talked about the Populist party and has made promises for the Populist party. He has leaned over and asked the Senator from Ohio [Mr. SHERMAN] and the Senator from Rhode Island [Mr. ALDRICH] to make promises as leaders of the Republican party. I assure him that while the Populist party may have leaders who can speak for it, the Republican party is democratic in that respect; every man stands on the same footing.

Mr. ALLEN. That is, every man is a thinker?

Mr. BROWN. And let me say further in reply, for I have not got quite through answering the former conundrum of the distinguished lawyer from Nebraska, that merely discussing a question is not the opinion of the Senate. When the Senator from Nebraska gave it as his opinion and offered his resolution in 1894 it went out to the world for what it was worth, for what the world thought of the distinguished gentleman's opinion. So I would not now claim any more for the resolution which I submitted this morning, and which I will read in a moment. The mere discussion of it would be nothing. That is merely an expression of a Senator's views as a lawyer or as a citizen. It carries no special weight beyond the doors of this Chamber; but when the Senate of the United States passes a resolution such

as I shall ask them to pass, I think that is another matter; that becomes the opinion of the Senate. I think that will be heard wherever a man is going to buy a bond or whenever he thinks of buying one.

Mr. ALLEN. The Senator will of course indulge me a moment?

Mr. BROWN. Certainly.

Mr. ALLEN. The Senator is a lawyer. The filing of a lis pendens is notice to the purchaser. You do not have to have a judgment declaring a thing to be illegal.

Mr. BROWN. It depends on who files it.

Mr. ALLEN. Whenever you file a notice of a lis pendens to contest the legality of a title, that notice stands good, and a person who purchases after that notice has been filed purchases caveat emptor. The Senator from Utah knows that. I simply call his attention to the fact by the filing of a lis pendens (if you may call it such, for that is what it is in legal parlance) it stands as a notice to all who purchase the bonds of the United States that those bonds are illegal. Now, as to the Senator's suggestion that every Republican is a leader and that every—

Mr. BROWN. I did not say that every Republican is a leader, but just the reverse.

Mr. ALLEN. And that every Republican is a thinker. I do not care to be pushed upon that question for an answer.

Mr. BROWN. Mr. President, I have not any desire to push the Senator from Nebraska upon that subject, because I think he knows the fact without any discussion.

As to the essay that has been read and the comment that has been made upon the law of lis pendens, I am glad to hear the opinion of the jurist representing Nebraska here. I do not so understand the notice or the law of lis pendens. I understand that every notice of every kind to put a person upon his guard must come from the person who intends to act. It is the plaintiff in the lawsuit who files the lis pendens—not some stranger. It is not second-hand cousins. I propose to file notice lis pendens by the resolutions here to-day, by the Senate of the United States. My friend, the distinguished jurist from Nebraska, in offering his resolution a year or two ago, did not happen to be the Congress of the United States or even the Senate. That was the difficulty with that notice lis pendens. However, I am very glad he filed it as a friend of the court.

Mr. ALLEN. I am in sympathy with the Senator from Utah, and I propose to vote for his measure.

Mr. BROWN. I suppose so.

The Secretary of the Treasury is the mere agent or machine through which Congress makes loans. This agent, the Secretary of the Treasury, being one designated by law, can not be delegated with any of the legislative authority of the principal. He can only do the ministerial acts—carry out the will of the Congress. The determination of those things which belong to the legislative power must exist in Congress, and can not be exercised in any event by any Secretary at any time. To make a loan and to make any further loan under this law the following elements must be determined, and they must be determined just as much under this law as if no law existed:

First, the necessity and the occasion for the loan. If we were to authorize a new loan the first thing we would have to act upon is the necessity, the occasion, for the loan. Under the law of 1875 somebody must exercise the power of judgment, of determination, of discrimination, and say that there is a necessity for the loan. As construed, the Secretary of the Treasury is authorizing it. As required by the Constitution, it is the Congress of the United States.

Second, the amount of the loan. The first question going to the parliament, going to the representatives of the people, is how much the loan shall be. It must be determined by the representatives of the people in Congress assembled. As exercised the amount, as I have already discussed, is infinite. There is no limit. Just as fast as you can bring the $500,000,000 around, as he pleases and when he pleases, he is to exercise this power. He talks about keeping good $100,000,000 in gold in the Treasury. Yet he waited until it was $49,000,000 the last time. That was not the test. He does what he pleases. He exercises discretion as to the amount and the occasion; whether he will call for $500,000 or $100,000,000 at a time. He is exercising it, not Congress, as should be.

Third, the length and time of their maturity. There is another thing as to which, in borrowing money, the principal alone must exercise the discretion. If we are to borrow money of the world, we are the parties to say how long the bonds are to run. The Secretary of the Treasury exercises it under this law to run from five years to thirty years, just as he pleases, selecting any one of the classes of bonds which are named in the former act at his discretion. All these elements are matters which require the discretion, the judgment, the wisdom, and the power of Congress itself. Manifestly the Secretary never can legally exercise them except as they have been theretofore determined and settled by Congress. To make a further issue of bonds for the purpose of redeeming the now outstanding legal tenders the determination of all of these three elements is necessary, as this power has not been and can not be delegated to the Secretary of the Treasury, any attempt by him to exercise it would be without legal authority and actually void.

Therefore, I propose the resolution which I have offered as an effective method of preventing bonds. It has been boasted here by the distinguished Senator from Ohio [Mr. SHERMAN] and others that we are powerless; that the House and the President will never concur, even if the Senate declares void the bonds. If we pass this resolution the buyers will see to it that they themselves and the country are alike protected. I have with me a copy of the resolution now on the table of the Secretary, offered this morning, and I will read it:

Be it resolved, That in the opinion of the Senate of the United States the Secretary of the Treasury has no authority under the act of January 14, 1875, to issue any further or other bonds in addition to those already issued, and that any such bonds that may hereafter be issued by him will be without authority of law.

I believe if we serve that as a lis pendens, using the expression of the Senator from Nebraska, it will be effective to stop the further issue of bonds, and the boast of the Senator from Ohio [Mr. SHERMAN] will fall as dead as he hopes the proposed act of Congress will be.

Mr. PALMER. Will the Senator from Utah allow me?

Mr. BROWN. Certainly.

Mr. PALMER. I wish to ask the Senator if he thinks the bonds already issued are authorized by existing law?

Mr. BROWN. I say frankly to the Senator that I do not think they are. I have not argued it in anything that I have said or am prepared to say, because for the purposes of this discussion, either in passing the resolution or in passing the proposed law, I do not regard it as necessary. It is a case we have not before this court to-day. Whenever it should arise it is possible that a further examination may change my opinion. I have not gone into that branch of the case; yet I think that so far as concerns those bonds which have been issued by this Administration—and I suppose that is what the Senator from Illinois refers to—they are without authority of law; that they are illegal, and could be avoided by the country.

As to those which were issued prior to the resumption act, they rest upon an entirely different basis. I think they are legal, or at least they were issued under authority. All these other bonds were issued without the authority of the act of 1875. The act of 1875 never could have imagined or foreseen Mr. Cleveland's Administration; it never could have foreseen this process of changing greenbacks for gold around through the endless chain which we have had described, and then turning it over to the general fund, until we have the accumulated surplus which we have here, a false surplus, a surplus of which and its evil result I shall have occasion to speak more hereafter.

The Senator from Georgia [Mr. BACON] in a very able argument, as it struck me (I do not see the Senator from Georgia present, and I am sorry he is not in his seat), by the way, has taken in a measure the same view that I have and in a measure not, that the act of 1878 enlarges the power of the Secretary of the Treasury to issue bonds, and it was against the evil effect of the act of 1878 that he was speaking. The act of 1878 has been quoted as if it were an extension of power to the Treasurer to issue more and more bonds. Authority given to an Executive or the Secretary of the Treasury must be strictly construed. It must be in the letter, not in the spirit. Unless the grant is given here so that every man can read it, it can not give the power by implying a necessity. You must say, "He shall have the power; he may do this, that, or the other." Grants of power are so strictly construed. There must be express words to authorize the Secretary of the Treasury to issue bonds. There can be no authority given to an officer except it is clearly and distinctly stated. The act of 1878, instead of being an extension of authority, may possibly be considered a repeal of the resumption act so far as it relates to the issue of bonds. It certainly places it out of the power of the Secretary to ever issue enough bonds to preserve the resumption. There is nothing in the act certainly which simply permits the reissue of these legal tenders that would authorize the Secretary of the Treasury to "borrow money on the credit of the United States."

The act simply says that the legal tenders then outstanding, $347,000,000, shall be reissued, and there is no grant of power given—is there?—to issue bonds; no hint that they want the Secretary of the Treasury to go and borrow money in untold quantities, and yet it is that power, that act, which is really, not professedly, assumed to be the basis and warrant for the action of the Executive at this time. It is because he has to keep those legal tenders good, keep redeeming them, that he says he exercises the power. I say that act is a repeal. It took away the power. It was repugnant to the original object. Let us see. A statute is repealed by the passage of another repugnant to and inconsistent with the first. The statute of 1878 forbids the redemption of

legal tenders. The purpose of the statute of 1875—the object of it—was to redeem legal tenders, "to prepare and provide for redemption."

What is redemption? Payment. A new statute says it never can be redeemed, never can be paid. First, remember what the evil was to be met in 1875, the object of it, the gist of the statute. It was to retire these greenbacks, to pay the legal tenders, as every other honest debtor pays his debts. It was the policy then, and I hope it is the policy of the Republican party now, to pay our debts in full, to wipe them out of existence, and not to keep them forever returning, coming back to annoy us. We were to redeem the greenbacks, and the authority was given for that; but along comes the act of 1878 and says there is danger of contraction, and instead of passing an act in 1878, as they should have done, recognizing free silver and the free coinage of silver, and paying these debts so that there would be no contraction, they passed the act of 1878 which authorized the Secretary of the Treasury to reissue forever and ever the same legal-tender notes. That was in exact contradiction of the purpose and object of the act of 1875, the one being to pay, the other to say never to pay in the wide world.

Mr. ALLISON. Will it disturb the Senator from Utah if I make a remark?

Mr. BROWN. No, sir.

Mr. ALLISON. I call the attention of the Senator to another provision in the resumption act of 1875. I was perfectly familiar with the passage of that act through all its phases, as was the Senator from Ohio [Mr. SHERMAN]. The very point that the Senator now states as a conclusive one at the time was really the tender point, the difficulty. If he will take another portion of the act he will see that the greenback notes were to be reduced to $300,000,000, and no further reduction, in the minds of most of those who voted for that bill, was to be made, and the United States pro tanto was to be a bank, redeeming and paying out.

After that law was passed a question of argumentation rose among people who supposed they knew a great deal about the act, which was that this redemption fund would retire all those greenbacks, and that it could be done under the law. That was the view taken by Mr. Edward Atkinson and other gentlemen who wished then to get rid of the greenbacks. The act of 1878 was supplemental and in support of the original act, except in one single instance, and that was that the original provision which authorized the greenbacks to be reduced to $300,000,000 was cut off specifically at $346,000,000, and the further provision that the notes should be paid out again was sacredly regarded by most of those who voted for it as a part of the original law of 1875. It was never intended by the men who passed that law that the greenbacks which had formed such an important portion of our currency should be withdrawn, canceled, and destroyed, and form no part of the circulation.

I make the statement as a part of the contemporaneous history, with which I was certainly familiar.

Mr. BROWN. I know the Senator is familiar with it. I gave myself the pleasure the other day of reading the debate. I could see how active the Senator from Iowa was in that matter. I noticed, too, that the question of $300,000,000 rose in that debate, and the question was discussed whether it should be put in or whether it would be unnecessary to put it into the law, if I remember rightly. I have not the language before me.

Mr. ALLISON. If the Senator will bear with me one moment more, I will say, as to the passage of that bill through the Senate of the United States, that the Senator from Ohio—he can speak better for himself than I can for him—had charge of the bill for the Finance Committee, and it was understood that there would be no explanation of the bill. There was none. The Senator is familiar with it. The then Senator from Missouri, Mr. Carl Schurz, undertook to catechise the Senator from Ohio, and he parried his blows and thrusts as very few Senators in the Senate could do. So there was no Senatorial debate which in any way tended to elucidate or to fix what was in the Senatorial mind upon that subject. That was fixed elsewhere.

Mr. TELLER. I do not desire to interrupt the Senator from Iowa, but I know we never will have the truth of it until the Senator tells us what occurred in the caucus.

Mr. ALLISON. That was a long time ago, and I do not know but that the statute of limitations has run against the caucus. It is more than twenty years. But I do know what I heard, not only in the Republican caucus, but elsewhere, that with two or three exceptions it was in the minds of the men who voted for the resumption act of 1875 that the greenbacks were not to be retired, canceled, and destroyed except down to $300,000,000. Beyond that the greenback notes were to be circulated and redeemed and paid out by the Treasury and kept in circulation. The act of 1878 was but a legislative declaration of what was originally contained in the act of 1875.

Mr. BROWN. I repeat what I have intimated to my friend two or three times, that it is a poor kind of interpretation of a statutory law for a man who was present and voted for it to say, "I thought so and so about it at that time. Therefore that is the construction."

Mr. ALLISON. I agree to that.

Mr. BROWN. "It was understood so and so. Therefore you must construe it so and so." Statutes are construed by what they say and nothing else. It must be located right there, and no one knows better than the distinguished and brilliant lawyer from Iowa and the great financier from Ohio how to make clear their meaning in statutes. They did it then, as they always do; and what that statute says, that must be its meaning.

I will say to the Senator from Iowa, when he says that the Senator from Ohio can better express what was thought at the time, that he himself has expressed it. He can not add to that now, either. The debate that was had on that occasion is the conclusion of what they had to say in support of the measure at that time. It was ably and thoroughly argued by the distinguished Senator from Ohio, and it was passed as he wanted it, without objection or amendment.

I wish to say a word or two as to the policy of the act of 1878, and I am reminded by the Senator from Ohio that he was not a member of the Senate at that time. I am aware he was Secretary of the Treasury. At the time of the passage of the act of 1878 silver had been demonetized, but the effect had not been extensively felt nor was the question thoroughly understood. It had not been debated in every schoolhouse in the land. We had little coin in circulation, and had not arrived at the period of absolute redemption. It was feared that if the legal tender should be retired, redeemed, and canceled when paid, there would be contraction. It was to prevent the contraction which followed and was the necessary effect of the demonetization of silver that the legal tenders were issued.

Whether intended or not, it was a cover by which the people were deceived as to the effect of demonetization. Some have been so ungenerous as to charge that demonetization was a malicious act purposely done, and it may be that the act of 1878 might be said to have been intentionally passed with a view of preventing the people from early appreciating the effect of the demonetization. But it may have been passed in entire good faith. It is not necessary to impute bad motives to it. But the effect was just the same. It was to create a false currency, a false plenty of currency, when, in truth, the money was being driven out of the country. Had silver been coined instead of the reissue of legal tenders, and that silver placed in circulation to the extent of the legal tenders at that time, silver never could have fallen as it has. We would have had a much larger circulation than we now have, a greater currency per capita, and now we would have had no legal tenders to redeem or to drive away the gold out of the country. The danger which now appalls us could not have existed. The opportunity for the issue of bonds which is now claimed was created not by the act of 1875, but by the act of 1878.

When a statute is passed for a particular object, and that object has been accomplished, the force of the statute has been spent. It amounts to a virtual repeal, not a repeal to have any retrospective effect, to invalidate that which has been done, but a repeal of its power in the future, because all its conditions have been complied with. The act of 1875 authorizing the Secretary of the Treasury to issue bonds to prepare and provide for redemption was temporary in its nature by the statement of the object which was to be accomplished at the end of four years. The four years came, the resumption of specie payment was complete; the bonds were issued under it, were issued under that authority, and the whole statute was fulfilled, accomplished, ended, and it was as impossible under that statute, after the resumption had thus been made operative, for the Secretary to issue bonds as if the statute had been actually repealed by act of Congress. The condition of it had been performed and its force had lapsed.

It can not be said that this issue of bonds is merely to meet the deficiency in the revenue, because the deficiency in the revenue is vastly less than the issue of bonds. Forty-two millions deficiency of revenue in the last fiscal year and probably thirty-five millions this year; I forget how much for the year ending 1894, but a small amount, not in all $100,000,000—the Senator from Ohio [Mr. SHERMAN] says to me more than $100,000,000 in three years. Perhaps so. I have not the figures. The Senator will not differ certainly with the result. It has been vastly smaller than the amount of the issue of bonds. I think it is less than $100,000,000. And yet to meet this deficiency an issue of bonds already of two hundred and sixty-two millions, and the probability of another one hundred million to be added shortly.

The Congress of the United States has no power and no right thus to delegate its function to borrow money on the credit of the United States. It can not resign to President Cleveland the determination of when it is necessary to borrow money for the public good. It can not resign the question of how much money should be borrowed to meet the deficiency, or for any other purpose. It can not resign to the Executive the duty of maintaining the resumption and redemption of its own legal tender and bills of credit.

I was prepared to say before I heard my friend from Iowa, and I say it yet, so far as any public debate is concerned, and so far as any act of Congress is concerned, that it was never dreamed when the act of 1875 was passed that it would be necessary to extend the power any further than four years before redemption was expected to take place. Whatever may have been thought by any member of the Senate, nowhere in the debate is to be found a hint that the power of issuing bonds under that law was to be exercised after the four years had expired. The limit was fixed when redemption was to be accomplished, and it was for that particular occasion that they were to prepare, and there was no hint that afterwards there was to be any further issue. It was not to be an indefinite grant for all future time, and as to being a contract, it was impossible for Congress to contract. The Senator from Ohio said that it is a contract binding upon us morally, if not legally, and perhaps legally, that it is our duty to fulfill. What moral obligation can exist to violate the Constitution of the United States?

If this act as now exercised by the Executive is in violation of the Constitution of the United States, is there any moral obligation? Is the Constitution of the United States the subject of barter and sale by the Forty-third Congress? Can we contract away its provisions—moral obligation to set aside the liberties of the people which we are sworn here to defend and which the Forty-third Congress were sworn to defend? They were and we are here to uphold the Constitution and to protect it, under which law we are authorized to meet here.

Yet it is said it is a contract existing with the holder of every bill, every legal-tender note, that the Secretary shall have the power to issue these bonds. These bills may never be paid if the intention is to issue and reissue them forever. If this contract scheme is to continue, the Forty-third Congress, that passed that act, would have the power to contract away the Constitution of the United States. Can any contract be said to be moral that barters away the liberties and rights of the citizens of the United States? What right had the Forty-third Congress to thus barter away Constitutional rights? The very definition of a free government is one controlled and managed entirely by the representatives of the people in Congress assembled, and the duty is upon Congress here in this instance to perform these functions and to prevent their further usurpation by the Executive. The usurpation in this instance is on the part of the Executive. This has never been attempted by any other Executive. It will be remembered that none of his predecessors since resumption have exercised or pretended to exercise this power. It has first occurred to this Executive that he can bring that law back which in reality had ceased to exist (because it has accomplished the object for which it had been passed) and, by reason of finding this old law, prevent the control over the Treasury of the United States which justly and properly belongs only to the Congress of the United States.

Mr. PALMER. I want to ask the Senator whether it is or is not true that the predecessor of Mr. Carlisle gave the same construction to this law that Mr. Carlisle has given, and even went to the extent of ordering the preparation of bonds to be issued under that act? I ask the question because the Senator may be better informed on this historical point than I am.

Mr. BROWN. I am not better informed, and do not assume to be informed at all. I will say that I neither know nor do I care. I know this, however, that he never committed the act. Many a man has thought and contemplated whether he would not commit a crime, yet he paused without doing it. It would not be competent and proper, in trying a man who had committed a crime, to say, "Well, there was another fellow who was thinking about committing the same act and wondering if he had not better do it, though he did not do it." That is about all there is in the Senator's question. I do not know, I was not familiar with the matter, I never saw the gentleman, I never heard him say anything about it, and there is nothing in the records of Congress to show about it, and I am sure if the Senator has any such information he is welcome to it; I have none.

The controversy we have here to-day is the same old one that has been going on between the executive and legislative departments. It differs only in name of acts and name of executive and name of legislative department from the controversy between the Parliament of England and Charles the First. The parallel is complete between the situation at that time and the situation now. The executive then, as now, did not approve of the legislation which the Parliament desired to enact. He had a theory of government of his own, just as Grover Cleveland has, and because Parliament desired to annex conditions to their legislation of grants of money he sought to raise money by the executive power alone. So because the Congress of the United States has its own theories, has its own scheme of legislation, with which the Executive does not sympathize, he desires to raise money by his authority only. The effect of this power, thus exercised, of borrowing money in excess of the deficiency, and using the bonds for ordinary expenses, has been in the last two years to make the Executive independent of the legislative power of Congress.

Mr. PALMER. Will the Senator allow me?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Utah yield?

Mr. BROWN. Certainly.

Mr. PALMER. I should like to express my satisfaction at the announcement that this Congress has some scheme for raising money to discharge public obligations.

Mr. BROWN. I confess the sarcasm of the Senator. I perhaps might have said, if I had gone a little further, that there might have been some scheme if it had not been for this terrible surplus on hand. We have got money enough. Perhaps I ought to have said, instead of this Congress demanding legislation, the people have demanded legislation, and legislation of a character which the Senator knows right well.

The people were heard from in 1894 from one end of this country to the other, when they told the Senator what kind of legislation was dearest to their hearts. We can not pass it to-day, and why not? Because the Executive does not need money. That is the legislation that is being prevented. If it were not for this surplus of $270,000,000 tied up in the Treasury, the unruly members would get together, and we could agree on some measure of revenue. The necessity would then be upon us, but we have no necessity now. We have got the money; we do not need any more money. We have too much money in the Treasury, some say. The President himself says in effect—I do not quote his language, as I have it not before me—that there is no question about the revenue; there is revenue enough; yet all the money that he has piled up in the Treasury is that which he has procured by a violation of the Constitution of the United States in selling bonds and preventing the legislation which would be necessary if he did not do that.

Mr. ALLEN. Will the Senator permit me at this point?

Mr. BROWN. Yes.

Mr. ALLEN. I wanted to call the Senator's attention to the fact that the $100,000,000 of gold reserve, as it is called, and which has been the source of all our evils so far as the issuance of bonds is concerned, was established by the honorable senior Senator from Ohio [Mr. SHERMAN], then Secretary of the Treasury, and without a syllable of law authorizing its establishment; and therefore the Republican party is purely responsible for the present condition of affairs.

Mr. ALDRICH. The Senator is historically mistaken now, as he is at other times.

Mr. ALLEN. I shall be glad to be corrected by the Senator from Rhode Island.

Mr. ALDRICH. The $100,000,000 reserve was first established by Mr. Manning, the first Secretary of the Treasury under Mr. Cleveland.

Mr. ALLEN. If the Senator will permit me, I still insist upon the fact that the gold reserve was established by the senior Senator from Ohio, in or about 1878.

Mr. ALDRICH. A gold reserve was established by the sale of $95,000,000 of bonds in accordance with law in 1878 and 1879, but the gold reserve of $100,000,000 was established in accordance with the provisions of the act of 1882, in the first instance by Daniel Manning, when Secretary of the Treasury.

Mr. ALLEN. The honorable Senator from Ohio sold $90,000,000 of bonds.

Mr. ALDRICH. Ninety-five millions dollars.

Mr. ALLEN. He sold $90,000,000 of bonds under the resumption act of 1875, and he converted $5,000,000 of the Geneva award into bonds, making $95,000,000, with which he purchased coin, and with which he established a reserve fund or a redemption fund when he was Secretary of the Treasury. There was not then, and there is not now, a statute upon our books authorizing the existence of that reserve fund or redemption fund. According to the first section of the act of 1882, there is a proviso which has been construed since that time into authorizing the existence of this fund; but I wanted to call the attention of the Senator from Utah to the fact that the honorable Senator from Ohio is the author of all our evils and financial ills in that respect.

Mr. BROWN. Mr. President, I never had heard before that the Senator from Ohio was the author of Populism. I have heard almost everything else laid at his door, except that one thing of all our evils, which is surely one of the greatest. I do not understand that the Senator from Ohio ever advocated irredeemable paper, nor do I understand that he has ever been a very earnest advocate for paper at all. I think sometimes that he was a little inconsistent in the extent to which he did go in that regard, but I do not understand that he has gone to the extent of irredeemable paper, though perhaps I am mistaken.

Mr. ALLEN. If the Senator will allow me——

Mr. BROWN. Before the Senator from Nebraska interrupts me, I wish to make just one other remark.

The Senator uses the Populistic logic here in his question to me,

and says the Republican party is responsible for the issue of these bonds, because they were issued by a President whom the Republican party labored so hard at the polls to defeat. That is the usual logic of the Populistic party, because a Republican President never issued one of these illegal bonds, no bonds whatever, since 1878, and the Democratic party did; therefore, the Republican party are to blame for the Democratic party doing it. That is the condition we are in.

When interrupted I was about to say, or, rather, I will interrupt myself in the line of argument I was pursuing to call attention to an ingenious argument which was made here the other day by the distinguished Senator from West Virginia [Mr. ELKINS], who is a friend of mine. I am sorry he is not here to-day, because I want to reply to something he said. It was upon the subject of these bonds, and his remedy apparently is to change the Government. His remedy is if Congress and the people will not trust the Executive of this Government, then the Government will come to an end. That seems to be the argument of some other Senators, if I understand it. What government will come to an end? The government by Grover Cleveland; the government by the Executive? The Government by the Constitution, which has confided to the representatives of the people alone the power to borrow money and to raise money by bonds, will come into new life when we enforce these provisions and do not yield to Executive usurpation. The Senator from West Virginia went on to say:

> No matter if we had a Populist as President to-morrow, and no matter if we had unlimited paper money, or silver money, or gold money, I would fa ror the proposition that the President should have power to sell bonds under proper restrictions.

That is, he favors a different Constitution to that which we have. That, as I understand, is the argument of the distinguished Senator from Ohio. It is not that the Secretary of the Treasury now has authority, but that he ought to have it. It is consistent with his theory of government, but not with the Constitution of the United States which our forefathers provided for us. The Senator from Ohio said:

> By the terms of that contract it was the agreement of Congress that the Secretary of the Treasury, an officer always at his post, an officer who is charged with these financial duties and not Congress, should pay the notes when presented, and in order to enable him to do so it authorized him to sell certain classes of bonds to pay them, and he was authorized to say which of those classes of bonds should be sold in order to provide the money.

The Secretary of the Treasury is "always at his post," said the Senator, as if that was a reason for the issuing of bonds, that a man is handy and can do it often; as if that was a thing we were looking for, somebody to keep up the machine and keep grinding out the bonds; that we want them to-day; we want them all the time; that they are something that we must have. I say it is contrary to the spirit of free government everywhere and contrary to that Constitution which we are sworn to defend. It was Congress that was to meet and see the occasion and not the Executive. It strikes me that the position taken by the distinguished Senator from Ohio on another bill was more consonant with his history of liberty-loving and with his life than the expression which I have just read, and I am proud to read and indorse the expression he made to the honorable Senator from Maryland [Mr. GORMAN] on the subject of issuing certificates of indebtedness. At that time the Senator from Ohio said:

> I would tear up every appropriation bill pending in this Senate and refuse to appropriate the money rather than issue $100,000,000 of certificates of indebtedness in a single year.

That was because he did not believe in running this country in debt. He would tear up every appropriation bill. That has the true ring of liberty and of sound finance—of appropriating nothing except what we are prepared to pay for. But let me say if we should not issue a single bond by act of Congress, which has the power, why should we issue bonds by the Executive, who has not the power? What consistency can there be in this position of the Senator from Ohio on that subject?

The President has no need to suggest any measure of immediate relief from the present condition of affairs. He sends us no message suggesting how a revenue may be raised. He has plenty of revenue, and his friends and supporters which he has in this body and in this Congress are unwilling to support any measure of obtaining revenue. The Executive is imperial; he is independent of the Congress because he has constantly before him this method of raising money whenever the gold in the Treasury becomes depleted or below the standard at which he thinks it ought to be maintained. At will he and the Secretary of the Treasury sell them, with or without notice, and thus obtain money without the need of any Congress whatever. The effect must be demoralizing both upon the Executive and upon the people themselves. I think we have seen its demoralizing effects here in this Congress and in this body.

I have already mentioned wherein I think the Executive has failed to answer to the public in recommending revenue legislation in consonance with that for which the people have expressed their wish. The effect has been equally injurious to another question; and it is with regard to this other question that the members of this Senate have been debating day after day this bond bill, because they know this question is affected by the power of issuing bonds.

There is another question which has awakened interest in the public mind all over the United States. The majority of this body, a large portion of the people—all the people, if we may believe the expression of the platforms of the two great parties made in 1892—are in favor of such legislation as will keep silver on a parity with gold, so that 371¼ grains of fine silver shall be equal to one dollar in gold. To-day the President uses this authority to raise money so as to prevent any legislation on the part of Congress which will compel him to put these two metals upon a parity with each other, the parity as defined by him being simply the privilege of using silver as a promise to pay gold. As such silver has no use whatsoever. It destroys its value as a money metal in every sense.

It has been said if it were not for this power exercised by the Executive of issuing bonds from time to time the Government would be without means of sustaining itself. That Congress would not agree upon any measure—could not agree upon any measure—to supply the deficiency, and that the wheels of the Government must stop for the lack of money and means with which to run it. This is an unnecessary and unjust aspersion upon any and every Congress. If it is true that the representatives of the people can not be trusted to furnish the means with which to carry it on, then the defect is in the organization of the Government itself, its foundation, its Constitution. The same fear, the same sensitiveness, has always existed. Those who laid the foundation of our Government were not afraid to trust the representatives of the people. The Constitution is made upon the theory that the Representatives will be always ready and willing to vote the necessary revenue to supply the needs of the Government, and leave with Congress the responsibility, the duty.

The Constitution is made upon the theory that the representatives will always be ready and willing to vote the necessary revenue to supply the needs of Government, and it leaves with the Congress the responsibility and duty. If Congress fails to furnish the revenue, invoke the proper means; then the Government fails by reason of Congress, and the blame must rest with the representatives of the people. Such criticism could always be brought against any and every free government, and yet a loan on the authority of the people only to raise money is the most stable of all. The Executive has no right, no duty to say to the Congress: "I know that you are incapable of running the Government in the constitutional manner, and therefore I will usurp it and run it in an unconstitutional manner." He has no right to assume that Congress will not fully comply with its duty when the necessity is upon it. It is a usurpation of the power of government when he assumes to take from Congress that which duty compels them to perform. The passage of this bill is not repudiation or infamy, but repudiation of the infamy of usurpation. But it is not true that there is any danger that Congress will not perform its duty.

Another evil effect of this constant loaning of money in time of peace is that it furnishes a place for those who have money to invest, so that they will not invest it in legitimate enterprises. We have a right to assume in the ordinary current of business that the money of the country will be invested in legitimate speculation—in manufacture, in farming, in buying and selling lands, in buying and selling produce, in buying and selling manufactured articles. We have a right to have the money of the country invested in business, but here we first cut off the business by the single gold standard and deprive the people of business; then we say, "We will furnish a place for the rich men of this country to receive an income from the Government by loaning their money to us, and taking it out of the channels of business, and we will pay 4 per cent interest upon it." That is one of the evils which comes from this policy, which I think is reason enough why this proposed legislation should pass.

I confess the fact of this constantly having an immense surplus in the Treasury is demoralizing to the members of Congress; it has been demoralizing in this Congress and in this Senate. Two hundred and seventy millions of surplus piled up, mainly, almost exclusively, by the sale of bonds, by constantly running in debt, has produced its usual result.

The Senator from Nevada [Mr. STEWART], whom I saw in his seat only a few minutes ago, has clamored almost every day for spending that money. He says he is in favor of the largest appropriations, whether they are needed or not needed, because he wants to disburse the $270,000,000 among the people. If this money must be raised from the people again by taxation he would not be so ready to pass the appropriations.

It has been urged here on the floor of this body that we have a surplus that we must distribute, that we must dispose of. It is true we have a surplus, but it is a disgraceful surplus, a surplus that we have gained by pledging the credit of our children and mortgaging the earnings of our grandchildren, or rather,

not by our mortgaging them, but by the Secretary of the Treasury mortgaging away the future of our children and grandchildren. It is a surplus that we have no right to have. If it were not for that surplus no appropriation bill could be passed here in this body or in the other without it being seen where the money was coming from with which to pay the appropriation. It is the theory of government that the appropriation of money and the raising of it go hand in hand.

There would be no difficulty had it not been for this corruption fund that has been created by this surplus of $270,000,000. There would be no difficulty in harmonizing the different elements in this body and passing some kind of a revenue bill had not this two hundred and seventy million been in the way.

If, with every appropriation bill, we should add a provision providing by taxation to raise the necessary revenue to meet it, which we should all have to agree to before the appropriations could pass, we should have then no river and harbor bill with $70,000,000 in it to make deep-sea harbors for British ships; we should have no million and a half of French spoliation claims or a half million Bowman Act claims. Senators would pause before they voted to spend the money if they had to find some means of raising it.

This vast accumulation has prevented any harmony or harmonious action. If it had been seen that the Government must stop except we should pass a revenue bill, it is not to be supposed that the great party to which the Executive belongs would have persistently sat in this Senate and refused to consider a bill that came from the House for the purpose of raising revenue in any form whatever, and yet we are met with the astounding situation that the party of the Administration refuse to support the Administration or try to pass any kind of a revenue measure, every member of it, if I mistake not, voting against taking up the substitute for the Dingley bill, as it is called—not voting against it, but voting not to consider it; not to take it up, and not to consider any measure of revenue.

I know it is fashionable to find fault with that particular measure and make that an excuse why this Congress has not considered, discussed, and amended that bill, and why they refused to take it up for consideration at all. The particular defects that may be reasons for refusing to pass it never can be reasons for refusing to consider a measure. To pass a measure is one thing and to take it up for consideration is another. The particular friends and supporters of the Adminis ration were in duty bound to take some measure to relieve the necessities of the public Treasury. The distinguished Senator from Maryland has said here that the country would hold the Republicans responsible for their failure to legislate on the subject of raising revenue; but the country will look and see what party is in power; the country will look and see who has taken the reins of the executive government; the country will say, "Why did not the friends of President Cleveland," and among whom the Senator from Maryland will be reckoned as one; "why did not you and the others vote for some measure?" It is not to be expected that the House of Representatives will pass a measure exactly suitable to the Senate.

It is not to be expected that the House of Representatives will pass perfect measures; they are not required to do that, but they are to make a measure as perfect as they can, and they are permitted to apply their judgment to a revenue bill; but when it comes here, it is our duty, the duty of every Senator, and the duty of this whole body, to take up that measure, good or bad, wise or foolish, and consider it. That is what we are sworn to do, because if the Dingley bill was not satisfactory to the Democratic party it was still their business to take it up and then to amend it and revise it. But there was another peculiarity about it, and another peculiarity about the refusal to consider that measure. When it left the House of Representatives and came to us it was a measure for raising revenue purely and nothing else, a measure for raising revenue by a partial act of protection. When sent to our Committee on Finance it was changed, every word of it after the enacting clause being stricken out and a line drawn through it, and it came back here a bill for the free coinage of silver and nothing else but a bill for the free coinage of silver. There was nothing else in it but word for word a bill which had been theretofore approved by the Senate as a free-coinage bill.

Such a bill as that presented to a free-coinage Senate by its own Committee on Finance ought surely to have been considered in the body where the majority of its members believe and agreed to every term in it, and yet, when it is proposed to take up this substitute to the Dingley bill, not the Dingley bill itself at all, not one word of protection in it, not one word with regard to anything but the free coinage of silver, we are met with the astonishing sight of every one of the Democratic party who have been talking free silver and free coinage of silver, even the eloquent Senator from Virginia [Mr. DANIEL], the patriotic Senator from Mississippi [Mr. GEORGE], in deliberate and long argument refusing to vote even to consider it for a moment or to allow it to come before the Senate for consideration.

Even they join hands in voting against this substitute, a free-coinage bill upon its face. With what face and by what right can those Democratic Senators who believe in the free coinage of silver go before the country and say that the Democratic party is for the free coinage of silver? And yet the venerable Senator from Alabama [Mr. MORGAN] and the venerable Senator from Missouri [Mr. COCKRELL] have said that free coinage can only be expected by the aid of the Democratic party. Free coinage from the Democratic party, when they vote down free coinage at the first opportunity that they have! It but illustrated the bad faith with which that party have dealt with every subject of finance and every subject of national importance.

The Democratic platform of 1892 was construed to be a platform for the greater use of silver and the advancement of its value. It was construed to give such authority and permission as would, during four years, bring around equality with gold at the old ratio. But no sooner did the Democratic party get in power on the basis of this half-way promise to restore silver to its old position than we find the most vicious antisilver Administration that has ever taken possession of governmental affairs; all the silver legislation, all the props that have maintained the price of it, rapidly taken away; and so it is now we find the Democratic members of the Congress of the United States standing here opposing a bill for the free coinage of silver. It can not be said that this bill was anything else when it came to this House. The motion of the chairman of the Committee on Finance to take it up did not change its nature from a free-coinage bill back to a revenue bill again. It was here the reported substitute was to be considered, and when the venerable chairman moved to take it up he moved to take up the silver bill, and nothing else.

Nor can it be said that we have already passed one free-coinage bill and it was unnecessary to pass another. We had passed one of them, and at the time the first vote was taken a motion was made for taking up the bill. Action had not been taken upon it in the House; but when the motion was made the second time, on the 25th of February, action had been taken and it had been rejected, so that no free-coinage silver was before the people at that time. There could seem to me to be no excuse for a Democratic Senator, who is posing here claiming that that party represents the free-coinage sentiment, to refuse to take up this free-coinage bill. When they go before the people this fall shouting that they are for free coinage, we can point to them their action in this body when a free-coinage bill was before it. Every one of them, without exception, voted against it, even voting against considering it when it was their duty under the Constitution to consider the bill which had come from the House as a revenue measure.

The Senator from Idaho [Mr. DUBOIS] intimated the other day in a few remarks that he made and in effect said that the free-coinage substitute to the Dingley bill was "a trap, transparent and unfair," and therefore the free-coinage men were not to be caught by such a trap and voted against the free-coinage measure. I read at length:

> We represent constituencies which are in favor of the free coinage of silver, and yet in order to vote for the Dingley bill you would have compelled us first to vote down the substitute for it, which provided for the unlimited coinage of silver. It was a trap, transparent and unfair.

Who set the trap? Who was it that made the substitute to the Dingley bill a free-coinage measure? Did any one of the Senators on this side who voted to take up that measure vote in the Committee on Finance to make the change? Who made this bait of the free-coinage bill? Was this minority responsible for it? Did they ask it? Did they urge it upon the floor of the Senate? Who set the trap? The free-coinage members of the Committee on Finance. The majority of that committee were in favor of free coinage. They set the trap. They made the change. Lo and behold, when they had made the change they did not vote for the free coinage that they themselves recommended to the Senate. If I remember aright (I have not the vote before me, but I think I can not be mistaken) every one of them in the Chamber voted against it. I would ask the Senator from Idaho [Mr. DUBOIS], if he were here—I am sorry he is away—what members of the Finance Committee set the trap? What trap could it be?

Mr. HILL. Will the Senator from Utah allow me a moment?

Mr. BROWN. Certainly.

Mr. HILL. It is not that it is my desire or intention to defend the action of the free-silver Democrats to whom the Senator has alluded, but simply that the truth of history may be preserved. I understand the criticism of the Senator from Utah is that the free-silver Democrats ought to have voted to take up the Dingley bill with the substitute for free silver attached to it. Is that the point of the Senator's criticism?

Mr. BROWN. Yes, to take up the substitute. It was the substitute only that was offered, as I understand.

Mr. HILL. I, of course, need not now discuss the question that a bill does not become a substitute until it has been acted upon by the Senate. It was the Dingley bill all the time. But I desire to inform the Senator that, I think, prior to his coming here, the Senate had taken up a bill which provided for the free coinage of

silver and had passed it, for which every free-silver Democrat voted, and it was sent to the House. It was known as the Jones bill. I therefore simply make the suggestion what was the necessity for passing it over again? I say this in justice to my associates upon this side of the Chamber who differ with me upon the financial question.

Mr. BROWN. I am glad that the free-silver Senators on the other side have so able a defender. I think they need it.

Mr. HILL. I do not think they need any defense, and in that respect I do not make it; but I simply desire to state the truth, which is, as I think, that they have already voted at this very same session for a free-silver bill; and if their votes were cast for it and it was sent to the other House, there was, therefore, no necessity for passing it again.

Mr. BROWN. The bill came from the House here, as I have already said, a tariff measure, a quasi tariff bill.

Mr. HILL. That was the Dingley bill.

Mr. BROWN. The Dingley bill.

Mr. HILL. The other was the bond bill, a certificate bill, that I referred to, which was stricken out and made a free-coinage bill and sent back to the House.

Mr. BROWN. It was referred to the Committee on Finance. They struck that bill out, as they had the power to do, and offered a substitute, as they had the power to do. That substitute was a free-coinage measure, pure and simple, Taking it up, which was on motion of the Senator from Vermont [Mr. MORRILL], did not make it the Dingley bill. It did not remove the substitute. That could only be done by the action of the Senate. To be sure, it did not pass it. Taking it up for consideration of course does not pass it. But when it had been taken up, what had we before the Senate but a simple free-coinage bill and nothing else?

Mr. HILL. What was the point in passing another one?

Mr. BROWN. That is another question.

Mr. HILL. That is the question. If they are subject to any criticism about it the Senator might make the criticism plain. What was the point in passing another free-silver bill?

Mr. BROWN. The Senator asks me two questions, and when I get through answering one he repeats the second one over and over again. I will state the reason why it was necessary to pass it again. The first coinage bill, when we voted upon it the second time, had been rejected by the House. If we wanted it to be a law it had to be passed again. To be sure it was the Finance Committee that insisted that we should have it again. They said, "Well, we are not satisfied with it once, but we will put it to you again." They were the persons. It was just as much our duty to take it up and dispose of it and discuss it and consider it whether it was brought to our attention by the Finance Committee or the Secretary of the Treasury.

Mr. HILL. Then the Senator thinks they should pass another free-coinage bill, and then possibly if the House did not agree to it pass a third one, a fourth one, and a fifth one. Is that his criticism?

Mr. BROWN. That seemed to be the position of the Committee on Finance.

Mr. HILL. I am not speaking of the Committee on Finance.

Mr. BROWN. I am not responsible for their action.

Mr. HILL. I am speaking now of the silver Democrats on this side of the Chamber whom you are criticising.

Mr. BROWN. Certainly, if they want a free-coinage bill they should pass it, or if they want a revenue bill they should take it up for consideration, or vote it down if they do not want it.

Mr. HILL. That is your criticism? They should have passed it the second time, then they should have passed it the third time, and the fourth time, every time it is put on a bill here. Is that the Senator's point? Let us understand what is the precise criticism you make of it.

Mr. BROWN. The Finance Committee say that is what we must do. Again and again they present it whenever we have a revenue bill presented. They say this free-coinage bill must be brought up as often as the Finance Committee see fit to present it. It is their duty if they want to have the bill to pass it.

When I was interrupted I was discussing what kind of a trap it was that the Senator from Idaho [Mr. DUBOIS] referred to. Suppose this rascally minority that were in favor of the tariff had actually voted for a free-coinage bill with the Senator. Would the cause of free coinage be forever ruined for that reason? Is the free-coinage cause one that is to be injured by the vote, or is it because the free-coinage bill might carry that the Senator from Idaho is so worried? Suppose the trap had been successful and the free-coinage bill had passed this body and had passed the lower House and had gone to the President for his signature. What injury could have happened to the free-coinage bill? It would seem from the Senator's fear about the free-coinage substitute that he regards it a necessary part of a free-coinage measure that it should not pass; that it should be in a minority, that there might be some occasion to complain of some other part of the country not doing justice to the free-coinage measure.

But the Senator explains, "You would have compelled us first to vote down the substitute for it, which provided for the unlimited coinage of silver." Who would have compelled the Senator from Idaho? Is there any great danger of the antisilver minority in this body rising up and seizing hold of the majority? Was there any danger of the minority that voted in favor of taking up the measure, even if it had been taken up, ever obtaining control of it? Could not the majority that voted it down still continue to control? They were in the majority and amended the bill. What compulsion was there? What reason or excuse can ever be given for not taking up this measure, which contained at once the opportunity for free coinage, an opportunity for revenue, and an opportunity for protection? The Senator from Idaho is in favor of protection. He is in favor of free coinage. Here was a bill in which both would be represented, in which both would have joined. We had the free-coinage bill. We were voting upon that. We could have voted to add the revenue measure to it.

I hope that the next Republican Administration will set the trap again, and that it will be successful in catching the Senator and all other Senators, and that free coinage will become the law. I trust the Senator from Idaho will be caught in the trap and will be found once at least voting for free coinage of silver, and never again against it.

The outcry against the Dingley bill and its free-coinage substitute by the Democratic party, and the demand by that party for a platform of a single standard, is but an attempt to divert the attention of the public and to prevent at the coming election the issue turning upon the great question on which the majority of the people have set their hearts, and upon which the Republican party are sure of victory. The issue of the tariff has been made during the years before. The Republican party upon that issue has been formed and are united. In 1892 the platform of that party demanded a high protective tariff. The Democratic party won at the polls, but failed in the performance of their promise of free trade. The people demand now that we go back and pass such measure as was pledged to them in 1892. This is the issue of the Republican party, and it is pledged to free the people from the blighting effects of the Wilson-Gorman legislation.

The attempt to talk about the financial question in New York is but an attempt of Democrats to lead away Republicans from this great question. The metropolitan press are teeming with discussion in favor of the single standard, and demand that this country shall follow in the lead of Great Britain and make our finances conform to those of that country. They have a gold standard now; what more do they want? The Democratic party stood for free trade. Do they dare shrink from it now? Do they dare avoid the question? It is evident that the Democratic party do not dare to face the issue upon which they have fought for fifty years. If they believed in it they would again demand that that should be the foremost question, but this outcry that is going abroad is only to injure and break down the Republican party.

Protection or free trade is a legitimate issue this year. The Republican party owes it to the country to restore the protective tariff which the Democracy has destroyed, and in destroying it has destroyed the prosperity of the country. Let us not be diverted into passing a platform to please the gold-standard Democrats. If they can divide us on that issue, it is possible there may be some little Democratic hope. United on the great question, the Republican party is sure of victory. Victory not only for to-day, not only for this year, but for the years to come. Break up the Republican party once, as it is sought to be done by those who go through the country and seek in the name of the financial question to have us join other issues, and then the great mainstay of the country will be taken away. Destroy protection and you destroy the country itself. I ask the Republicans on this side, I ask those who believe in a single standard, if they are willing for that standard to give up their tariff convictions of a lifetime? Are they willing to see the issue of protecting the manufacturer and the farmer sacrificed at the hands of this gold craze that has suddenly taken possession of the country?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from Utah will suspend, that the Senate may receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had passed the bill (S. 3161) amending and extending the provisions of an act of Congress entitled "An act approving with amendments the funding act of Arizona," approved June 25, 1890, and the act amendatory thereof and supplemental thereto, approved August 3, 1894.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and

for other purposes; further insisted upon its disagreement to the amendments of the Senate numbered 2, 3, 4, 6, 7, 8, 13, 15, 16, 17, 32, 61, 96, 97, 109, 122, 123, 124, 140, 146, 147, and 161 to the bill; asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. HAINER of Nebraska, and Mr. SAYERS managers at the conference on the part of the House.

VETO MESSAGE—HELEN M. JACOB.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I herewith return without approval Senate bill No. 149, entitled "An act granting a pension to Helen M. Jacob."

The purpose of this bill is to grant a pension of $12 per month to Helen M. Jacob, of Rochester, Ind., widow of Benjamin Oden West.

It appears from the records of the War Department that Benjamin O. West served in the Mexican war from January to November, in the year 1847. The beneficiary named in this bill was married to him in 1850, and he died in 1856. She was pensioned as his widow and received such pension from the date of her husband's death until April 17, 1861. On that day she was married to William W. Jacob, whereupon the pension ceased, but two minor children were awarded pensions and continued in the receipt of the same until January, 1873, when the youngest child became 16 years of age.

The entire absence of any fixed or reasonable principle or rule regulating private pension legislation at this time suggests the danger of its near approach in many cases to caprice and favoritism.

Though I have in a number of instances deferred to the judgment of Congress, and refrained from interposing objections to bills of this character which seemed to me to be of doubtful merit, I am unwilling to follow such a wide departure from a palpably just pension theory, and assent to the establishment of such an unfortunate precedent as this bill involves.

There is no duty or obligation due from the Government to a soldier's widow except it be worked out through the deceased soldier. She is pensioned only because he served his country and because through his death she as his wife has lost his support. In other words, she becomes a beneficiary of the Government because she is a soldier's widow. When she marries again and thus displaces the memory of her soldier husband and surrenders all that belongs to soldier widowhood she certainly ought not on the death of her second husband to be allowed to claim that she is again the soldier's widow.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 1, 1896.*

Mr. TURPIE. I move that the message and accompanying bill be referred to the Committee on Pensions and printed.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 948) to remove the charge of desertion against Jacob M. Hamburger; and

A bill (S. 6417) to complete the military record of Caleb L. Jackson.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1646) for the relief of Dolly S. Brown;

A bill (H. R. 1874) to place the name of Robert Smalls on the pension rolls;

A bill (H. R. 3380) granting an increase of pension to John R. Row, of Toronto, Kans.;

A bill (H. R. (3398) for the relief of Augusta Tuller;

A bill (H. R. 3990) granting a pension to Mrs. Eliza G. Pyne;

A bill (H. R. 4267) granting an increase of pension to Gabriel Widmer;

A bill (H. R. 4268) granting a pension to Mrs. Christina Graham;

A bill (H. R. 4281) granting a pension to George Johnson, of Lenox, Iowa;

A bill (H. R. 4405) granting a pension to Augustus G. Cary;

A bill (H. R. 4410) to increase the pension of Elise Blinker from $30 to $50;

A bill (H. R. 4490) to restore the name of Ethan A. Sellman to the pension roll;

A bill (H. R. 4494) granting a pension to Barton S. Dawson;

A bill (H. R. 4519) granting a pension to John Zellers;

A bill (H. R. 4841) granting a pension to Mellisa Adams, widow of Silas Adams;

A bill (H. R. 1552) to increase the pension of Josiah P. Bradbury;

A bill (H. R. 5880) granting an increase of pension to Greenville Puckett;

A bill (H. R. 5938) for the relief of Priscilla R. Burns;

A bill (H. R. 6046) granting a pension to Sarah A. Stacey, dependent mother of Manley P. Stacey, late private Company B, One hundred and eleventh Regiment New York Volunteers;

A bill (H. R. 6247) to grant a pension to Miss Jennie E. Moore;

A bill (H. R. 6472) granting a pension to Olive M. Lewis;

A bill (H. R. 6549) granting a pension to Gideon L. McGinnis;

A bill (H. R. 6552) granting increase of pension to Alexander C. Morrison;

A bill (H. R. 6590) granting a pension to William Greer;

A bill (H. R. 7127) granting a pension to Samuel D. Gilman; and

A bill (H. R. 9139) granting a pension to Margaret J. Young.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8109) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 9, and 10.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 6, 18, 19, and 20, and agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"Gun and mortar batteries: For construction of fortifications, $2,500,000; of which sum not exceeding $100,000 may be expended for the construction of necessary buildings connected therewith: *Provided*, That contracts may be entered into, under the direction of the Secretary of War, for materials and work for construction of fortifications, to be paid for as appropriations may from time to time be made by law, to an additional sum in the aggregate not to exceed $2,500,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,295,055"; and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 7 and 8, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"In all, $3,770,076: *Provided*, That the following sums, to meet payments as they become due for the afore-mentioned objects under armament of fortifications, are hereby appropriated, namely."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$650,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$750,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$300,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$200,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,075,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$650,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: After the word "guns," in line 1 of said amendment, insert the following: "of American manufacture"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree so the same with an amendment as follows: In line 1 of the matter inserted by said amendment, after the word "fortifications," insert the words "in its discretion"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "That in the act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, approved February 18, 1893, the paragraph beginning with the words 'Of the $110,000' and providing for terms of payment for the 12-inch elevating gun carriage to be contracted for with A. H. Emery under the provisions of said act be, and is hereby, amended to read as follows:

"Of the $110,000 to be paid for the carriage and its foundations, 85 per cent shall be paid in partial payments as the work progresses, in accordance with the proposals submitted by A. H. Emery to the Board in his letter of January 21, 1893. And no bond shall be required for the return of this money if the carriage is not accepted, nor shall the said Emery be required to return the money paid, and the carriage shall belong to the United States when the tests are completed. The balance of the $110,000 shall be paid as soon as said carriage shall have been completed in all respects according to contract, and shall also have undergone and endured a test satisfactory to the Board of Ordnance and Fortification. Of the $20,000 to be paid for testing of the carriage, three-eighths shall be paid the contractor when the preliminary tests are completed, and the other five-eighths shall be paid to him proportionally as the 50 rounds for proof are furnished. And the Secretary of War is hereby authorized and directed to enter into a supplemental contract with the contractor for this carriage for the supply by him of a loading apparatus to go with and belong to the carriage and to be furnished therewith as a part thereof, and the carriage shall be so constructed that a part of the work of recoil can be used for the horizontal traverse of the carriage and the working of the loading apparatus, and the payment for the work so furnished under this supplementary contract shall be $10,000, which sum shall be due and payable when said loading apparatus is completed in all respects according to contract, and shall also have undergone and endured said test hereinbefore mentioned, to make which payment the sum of $10,000 is hereby appropriated."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"To enable the Board of Ordnance and Fortification to procure and test one 8-inch caliber high-power gun, cast in one piece, on the plan of R. J. Gatling; and the Secretary of War is hereby authorized and directed to contract with said Gatling for said gun, without advertisement, which gun shall be constructed according to the plans and specifications prepared by said Gatling and under his supervision, and to be subjected to the same test now applied to the built-up gun of the same caliber, and the sum of $40,000 is hereby appropriated to pay for said gun, of which sum 85 per cent shall be paid in partial payments as the work progresses, in accordance with the contract to be entered into between the Secretary of War and the said Gatling, and the remainder

upon the completion and test of said gun: *Provided*, That before said contract is entered into the plans and specifications for said gun shall be deposited with the Secretary of War, which plans and specifications may be modified, in the discretion of said Gatling, from time to time as the work progresses: *And provided further*, That the said gun shall conform in general form and dimensions to modern ordnance, and shall not, therefore, differ materially in form and dimensions from service guns, in order that it may admit of being mounted on a service carriage and in a service emplacement or fortification."

And the Senate agree to the same.

GEORGE C. PERKINS,
W. B. ALLISON,
A. P. GORMAN,
Managers on the part of the Senate.
E. J. HAINER,
WILLIAM W. GROUT,
FRANKLIN BARTLETT,
Managers on the part of the House.

The report was concurred in.

SOUTHERN STATES EXPOSITION AT CHICAGO.

Mr. BACON. Will the Senator from Utah [Mr. BROWN] permit me for a moment?

Mr. BROWN. Certainly.

Mr. BACON. Senate concurrent resolution No. 42, relating to the Southern States exposition at Chicago, was submitted by myself and referred to the Select Committee on International Expositions. I ask that the committee may be discharged from the further consideration of the resolution in order that I may ask the Senate to permit its withdrawal. I desire to state that I ask for the withdrawal of the resolution at the request of the parties at whose instance it was originally presented. Let the committee be discharged from its consideration and the resolution withdrawn without my calling the attention of the Senate further to it.

The PRESIDING OFFICER. Without objection, that order will be made.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask that the sundry civil bill may be laid before the Senate with the action of the House thereon.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives agreeing to the report of the committee of conference of the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

He also laid before the Senate the action of the House of Representatives further insisting upon its disagreement to certain amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I ask that the report may be now considered.

The PRESIDING OFFICER. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 24, 25, 111, 112, 125, 126, 127, 128, and 129.

That the House recede from its disagreement to the amendments of the Senate numbered 10, 28, 91, 93, and 94, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert "macadamizing"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$24,000"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 2, 3, 4, 6, 7, 8, 13, 15, 16, 17, 32, 61, 96, 97, 109, 122, 123, 124, 140, 141, 146, 147, and 161.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.
J. G. CANNON,
E. J. HAINER,
JOSEPH D. SAYERS,
Managers on the part of the House.

Mr. PLATT. I ask the Senator from Iowa to state what is still left open.

Mr. ALLISON. The important amendments left open are those relating to public buildings, which have not been agreed to by the House; amendment No. 97, which relates to arid lands; the amendment relating to the survey of public lands; also the amendment which was inserted by the Senate relative to the Brussels Exposition; also the items respecting the charities in the District of Columbia. There may be one or two other small items which I have not named.

Mr. PLATT. Does the Senator remember the numbers of the amendments relating to charities?

Mr. ALLISON. I do not.

Mr. CULLOM. They are not agreed to.

Mr. ALLISON. There is no agreement about them. The House, it will be remembered, placed them under contract, and the Senate amended the provision by inserting Providence and Garfield hospitals. Those are still open.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was concurred in.

Mr. ALLISON. I move that the Senate further insist upon its remaining amendments and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. ALLISON, Mr. HALE, and Mr. GORMAN were appointed.

POST-OFFICE APPROPRIATION BILL.

Mr. ALLISON. I ask the indulgence of the Senator from Utah for a moment that I may present the report of the committee of conference on the Post-Office appropriation bill.

Mr. BROWN. Certainly.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897, having met after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 6, 7, 9, 10, 11, 12, 13, and 14, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,400,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For pay of letter carriers, $12,240,300;

"For marine free-delivery service, $3,500;

"For horse-hire allowance, $344,000;

"For car fare and bicycle allowance, $170,000;

"For street letter boxes, posts, and pedestals, $15,400;

"For package boxes, $10,250;

"Twelve mechanics in the six largest cities, exclusively employed in repairing boxes and locks, and erecting boxes, planting posts and pedestals, at $900 per annum, $10,800;

"Incidental expenses, including repairs, painting, freight, straps, time cards, maps, directories, furniture, etc., $24,000;

"In all, $12,818,250: *Provided*, That 10 per cent of the foregoing amounts for free-delivery service may be available interchangeably for expenditure on the objects named, but no one item of appropriation shall thereby be increased more than 10 per cent: *Provided further*, That $10,000 of this amount may be used to defray the expense of experiments in rural free delivery under the direction of the Postmaster-General, and that the amount heretofore appropriated for this purpose and still unexpended be available for said experiments."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$28,000,000"; and the Senate agree to the same.

On the amendment of the Senate numbered 1 the committee of conference have been unable to agree.

W. B. ALLISON,
R. F. PETTIGREW,
CHARLES J. FAULKNER,
Managers on the part of the Senate.
E. F. LOUD,
GEORGE W. SMITH,
J. C. KYLE,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

Mr. PLATT. I do not think that we ought to agree to these conference reports where we have had a serious difference with the other House without some explanation. I listened to the reading of the report as well as I could with the confusion in the Chamber, but I was utterly unable to learn what the conferees have done with reference to the action of the Senate for the continuance of the experimental free-delivery system. I should like to have some explanation as to that item, to say the least.

Mr. ALLISON. Amendment numbered 1, inserted by the Senate, relates to the consolidation of post-offices. It consists of two parts, the first relating to county seats and the other confining consolidation to corporate limits. The conferees were unable to agree to that provision. As to item No. 2, the House appropriated for compensation to clerks in post-offices $10,350,000. The Senate, by an amendment, increased it to $10,500,000. The House conceded $50,000 in addition to the amount already appropriated, leaving the sum agreed upon $10,400,000.

The next amendment is No. 4, wherein the House specified in detail the uses to which the appropriation for the free-delivery service should be applied, and giving the appropriations in detail. The Senate struck out that provision entirely and inserted what has hitherto been found in the Post-Office appropriation bill, a gross amount for the free-delivery service. The House insisted upon its detailed appropriations. The Senate conferees agreed to recommend to the Senate that the detailed appropriations should be made, with a provision that 10 per cent of each detailed amount

may be transferred from one item to another, thus leaving a flexible sum in the discretion of the Postmaster-General.

It was provided that $50,000 of the amount should be used to defray the expense of experiments in rural delivery, under the direction of the Postmaster-General. The sum of $50,000 was stricken out and $10,000 inserted in lieu thereof, and in addition to that the amount heretofore appropriated for this purpose and still unexpended is made available in the future.

Mr. PLATT. I notice that a little more is done than to strike out $50,000 from the Senate amendment and insert $10,000. The Senate amendment read:

Provided further, That $50,000 of this amount be used to defray the expense of experiments in rural free delivery under the direction of the Postmaster-General, and that the amount heretofore appropriated for this purpose and still unexpended be available for said experiments.

I see that the word "may" has been inserted. It is a small word, but I am very much afraid it may come to be a very important word. It now reads:

Provided further, That $10,000 of this amount may be used to defray the expense of experiments in rural free delivery.

As we understand that the Postmaster-General is not very favorable to these experiments, the little word "may" may result in there being no experimental free delivery after the 1st of July, 1896.

Mr. ALLISON. The Senator from Connecticut will also observe that the amount heretofore appropriated for this purpose and still unexpended is made available. The word "may" is not inserted there. I have no doubt that the Postmaster-General will so use the money.

Mr. PLATT. While I am on my feet I wish to ask a question. Have the conferees any information upon the subject as to whether even in towns where the delivery has been paying its way it will be continued after the recommendation of the Postmaster-General, as I remember, that the whole matter should be discontinued?

Mr. ALLISON. I understand from the House conferees that that will be done. They had a consultation with the Postmaster-General. I have no doubt it will be done. I think in appropriations where the words "may in his discretion" or "in the discretion of the Postmaster-General" are not inserted it is generally regarded as equivalent to "shall."

Mr. CHANDLER. I do not wonder that the Senator from Connecticut [Mr. PLATT] interrogates carefully the chairman of the committee of conference. In view of the precedent attempted to be established in the Senate it will be necessary to spend a great deal of time over these conference reports. I now take occasion to ask the Senator from Iowa whether there is any provision in the conference report changing the rates of postage either on letters or on second, third, or fourth class matter?

Mr. ALLISON. I will state to the Senator from New Hampshire that there is nothing in the conference report relating to those subjects.

Mr. CHANDLER. The amount that is asked in certain bills before the Senate for establishing a postal telegraph system and taking charge and control of all the telegraph lines is about $28,000,000. I notice an appropriation of $28,000,000 here in the conference report. I should like to ask the Senator from Iowa whether it is for taking the telegraph lines and establishing a postal telegraph system?

Mr. ALLISON. No. I will say to the Senator from New Hampshire that that item was not in conference. It is one of the original appropriations made by the House of Representatives which was assented to by the Senate. It is for the purpose of conveying the mails from one place to another, known as transportation, and I think under no construction could it be used for purchasing or leasing telegraph lines.

Mr. CHANDLER. Then it is not entirely a new item inserted in the conference report by the committee of conference?

Mr. ALLISON. It is not.

Mr. CHANDLER. I suppose I may infer, then, that there is nothing in this report for steamship subsidies. I can cover the point I desire to assure myself about by asking the Senator whether there is anything in this report that was not the subject of difference between the two Houses?

Mr. ALLISON. There is nothing in this report that was not a subject of dispute between the two Houses.

Mr. CHANDLER. I beg pardon of the Senator for putting these questions to him, but evidently it will be necessary hereafter to catechise the chairmen of committees of conference on every imaginable subject that by any possibility can connect itself with the subject-matter of an appropriation bill if the precedent is to be approved by the Senate which has been set by the Senate on the Indian appropriation bill, which is now being defended by Senators upon this floor.

Mr. ALLISON. There was a provision inserted by the Senate relating to the Australian Steamship Company, which has been assented to by the House conferees.

Mr. CHANDLER. If the Senator is sure that the committee of conference has added no other steamship line——

Mr. ALLISON. They have added no other steamship line.

Mr. CHANDLER. There ought to be, I will say, a renewal of the Brazilian steamship subsidy, and I very much regret, if this system is to go on, that the conference committee, knowing that fact just as well as I do, did not put the Brazilian subsidy upon the Australian subsidy.

Mr. ALLISON. That question was not considered by the committee.

Mr. PLATT. If the Senator from New Hampshire has got through illustrating that story of Henry Ward Beecher about the dog Noble, I will venture to ask the Senator from Iowa how much is the amount reduced in Senate amendment numbered 2? It is now $10,400,000, the Senator stated.

Mr. ALLISON. It is reduced from the amount named in the Senate amendment $100,000.

Mr. PLATT. It makes an increase of $50,000.

Mr. ALLISON. Fifty thousand dollars.

Mr. PLATT. The $150,000 which the Senate put in there, so far as I remember, was to enable the Postmaster-General to classify the post-office clerks; at least it was stated that if we would put in $150,000 additional to the amount appropriated by the House, the Postmaster-General would be able to make a reclassification of the post-office clerks in the country, for which they have been struggling, and in which they are very much interested. This reduction, I suppose, will make it impossible for that to be done.

Mr. ALLISON. It is probable that under the report as agreed to there will be a deficiency next winter. Of course if the Postmaster-General sees proper to do what the Senator thinks he ought to do, it can be done as well under this appropriation as under a larger one, but the deficiency would be larger in that instance than it will be under the appropriation made. That is all.

Mr. LODGE. The Senator has not stated another matter of disagreement.

Mr. ALLISON. I have stated that there is only one matter in disagreement, and that is amendment numbered 1, an amendment originally placed upon the bill upon the motion of the Senator from Maryland, and added to on the motion of the Senator from Florida.

Mr. LODGE. It was on that I desired to say a word.

Mr. ALLISON. I ask the Senator to first allow this report to be agreed to.

Mr. LODGE. All right; but in regard to the item of disagreement to which the Senator has now referred I desire to be heard for a moment.

Mr. ALLISON. That will be in order as soon as the report is concurred in.

The PRESIDING OFFICER. The question is on concurring in the report of the conference committee.

The report was concurred in.

Mr. HAWLEY. Mr. President, I have the consent of the Senator from Utah [Mr. BROWN]——

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. LODGE] has been recognized.

Mr. LODGE. I only want to say in regard to that portion of the disagreed item which was added on the motion of the Senator from Florida at the close of a long discussion in the Senate by a somewhat narrow majority, that I trust the Senate will recede from that portion of the amendment. As it now stands it is going to inflict very great hardship on a very large population. I have not looked the question up for all the cities, but I have looked it up with some care for the city of Boston.

There are no less than 157,786 persons now served from the Boston city post-office who are not within the municipal limits, who under this amendment will be thrown out of that service and forced back on fourth-class post-offices and the service greatly deteriorated thereby. I have received petitions, which I have filed here, and I have received representations from different city governments, and the strongest protests against this plan of taking from them a postal service which they have had for years.

The cities included in the Boston metropolitan circuit, but which are not within the municipal limits of Boston, are, with their populations, as follows:

Brookline	12,103
Cambridge	70,028
Chelsea	27,109
Revere	5,668
Winthrop	2,726
Somerville	40,152
Total	157,786

All these people are now served from the central metropolitan office. This amendment, which declares that no station or substation shall hereafter be established or maintained outside of the municipal limits of a city, will throw all those towns and cities outside. I trust that such a sweeping measure as that will not be inflicted upon these persons and these communities; and I shall therefore move that the Senate recede from that portion of the amendment.

Mr. ALLISON. I ask the Senator from Massachusetts to consent that this matter be now allowed to go over until to-morrow morning, when we have a fuller Senate. I shall then be glad to have the attention of the Senate to this amendment.

Mr. LODGE. Very well.

Mr. ALLISON. In view of the fact that so many matters are pressing upon us now, and that we have an order for to-morrow which includes an agreement to vote upon the bond bill, so called, before adjournment, I ask unanimous consent that when the Senate adjourn to-day it adjourn to meet at 11 o'clock to-morrow morning.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa, that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow morning? The Chair hears no objection, and it is so ordered.

Mr. HARRIS. Is the conference report disposed of?

Mr. ALLISON. The conference report has been concurred in, but the motion of the Senator from Massachusetts [Mr. LODGE] goes over until to-morrow.

Mr. HAWLEY. I desire to present some morning business.

Mr. HARRIS. I desire to ask the Senator from Utah if it will be agreeable to him to yield to a motion to proceed to the consideration of executive business? It is now twenty minutes to 6 o'clock.

Mr. BROWN. Mr. President, I have already said to the Senator from Connecticut [Mr. HAWLEY] that I would yield for a very important matter which he wishes to present. So I shall not go on further to-night.

Mr. HARRIS. I had intended to move an executive session, but I do not like to come in conflict with my friend from Connecticut if there is any especial matter in which he is interested.

Mr. HAWLEY. I rose to a matter which would occupy two or three minutes, but it is important——

Mr. HARRIS. I yield to the Senator from Connecticut.

Mr. HAWLEY. I had rather speak to a fuller Senate than is now present, and do not claim the floor.

CATHERINE LEARY.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 819) granting a pension to Catherine Leary, which was, in line 6, before the word "dollars," to strike out "eight" and insert "twelve."

Mr. HANSBROUGH. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 2, 1896, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 1, 1896.

UNITED STATES ATTORNEY.

William B. Childers, of New Mexico, to be attorney of the United States for the Territory of New Mexico, vice John B. H. Hemingway, deceased.

CHIEF EXAMINER, CIVIL SERVICE COMMISSION.

Abram R. Serven, of New York, to be chief examiner of the Civil Service Commission, vice William H. Webster, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 1, 1896.

PROMOTIONS IN THE ARMY.

Adjutant-General's Department.

Lieut. Col. Henry Clarke Corbin, assistant adjutant-general, to be assistant adjutant-general with the rank of colonel.

Maj. Arthur McArthur, junior, assistant adjutant-general, to be assistant adjutant-general with the rank of lieutenant-colonel.

Corps of Engineers.

First Lieut. Joseph Ernest Kuhn, to be captain.

Second Lieut. Jay Johnson Morrow, to be first lieutenant.

RECEIVER OF PUBLIC MONEYS.

Henry C. Fink, of Montrose, Colo., to be receiver of public moneys at Montrose, Colo.

POSTMASTER.

Clinton O. Talcott, to be postmaster at Glastonbury, in the county of Hartford and State of Connecticut.

REJECTION.

Executive nomination rejected by the Senate June 1, 1896.

COLLECTOR OF INTERNAL REVENUE.

William H. Fowle, of Virginia, to be collector of internal revenue for the Sixth district of Virginia.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 1, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The SPEAKER. The Clerk will cause the Journal of the preceding session to be read.

Mr. KEM. I make the point of no quorum.

The SPEAKER (after counting the House). A quorum appearing, the Clerk will proceed with the reading of the Journal. The Chair hopes that members will be present promptly and save these annoyances.

The Journal was read.

Mr. GIBSON. On page 5914 of the RECORD I am recorded as not voting, which is a fact. But when my name was called I answered "present,' and I desire the RECORD to show that I so answered.

The SPEAKER. There is no record made in the Journal of those present upon a roll call and not voting except on particular occasions where members present and not voting are necessary to be counted in order to make a quorum. The gentleman's explanation will appear in the RECORD.

ELECTION CONTEST—JOHNSTON VS. STOKES.

The SPEAKER. The Chair would like the attention of the House for a moment. The matter which now comes before the House in regular order is the election case of Johnston against Stokes. As the House will recollect, the previous question was ordered upon the resolutions reported by the Committee on Elections and upon a substitute submitted on behalf of the minority of the committee. A vote was taken on the substitute, and it was disagreed to. The question recurring on the resolutions of the committee, a division of the question was asked for; the first resolution was voted upon and adopted. A motion to reconsider was then made, and a motion to lay that motion on the table is now pending.

As the Chair understands, some members of the House, perhaps all members, desire to vote not merely upon the two propositions—that Mr. Stokes was elected and Mr. Johnston was not, or that Mr. Johnston was elected and Mr. Stokes was not. They desire to vote in addition upon the question whether either of these gentlemen was elected; and the present situation does not give an opportunity to do that. Hence the Speaker thinks it proper for him to say that if the House should reconsider the vote by which the first of the resolutions reported by the committee was adopted, it would then be open to the House to reconsider the vote by which the amendment was negatived and also to reconsider the vote by which the previous question was ordered; and if that were done, a motion could be made (which would be in the nature of a substitute for the amendment) that the seat is vacant. The question now before the House is on the motion to lay on the table the motion to reconsider.

Mr. JENKINS. Mr. Speaker, I withdraw the motion to lay on the table.

The SPEAKER. Then the question recurs on the motion to reconsider.

The motion to reconsider was agreed to.

Mr. McCALL of Massachusetts. Now, Mr. Speaker, I move to reconsider the vote whereby the House refused to substitute the resolutions of the minority.

Mr. HENDERSON. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HENDERSON. I do not exactly understand the parliamentary status, and I would be glad, before the question is submitted, to have it clearly understood by the House.

The SPEAKER. A motion is now made by the gentleman from Massachusetts to reconsider the vote by which the amendment of the minority of the committee was rejected.

Mr. HENDERSON. But what is the amendment? That is the question I want the House clearly to understand.

The SPEAKER. It is the minority resolutions, namely, that Mr. Stokes was not elected, and is not entitled to the seat; and that Mr. Johnston was elected, and is entitled to a seat. If the House shall agree to reconsider the vote by which the minority resolutions were rejected, then the matter will stand precisely as it did when the previous question was ordered.

The motion to reconsider was agreed to.

Mr. OVERSTREET. Now, Mr. Speaker, I move to reconsider the vote by which the previous question was ordered.

The motion was agreed to.

The SPEAKER. The question now recurs on the demand for the previous question.

Mr. JENKINS. I withdraw the demand for the previous question.

Mr. McCALL of Massachusetts. Mr. Speaker, I now move as an amendment to the substitute resolutions proposed by the minority of the committee the resolution which I send to the desk, and on that demand the previous question.

The resolution was read, as follows:

Strike out all after the word "*Resolved*," in the resolutions submitted by the minority, and insert:

"That there was no valid election for Representative in the House of Representatives of the Fifty-fourth Congress from the Seventh Congressional district of South Carolina on the 6th day of November, 1894, and that neither Thomas B. Johnston nor J. William Stokes is entitled to a seat therein."

The previous question was ordered.

Mr. HOPKINS. Before the question is submitted on the resolution, Mr. Speaker, I desire to submit a parliamentary inquiry. If this is voted down, then the proposition will be as to whether Mr. Johnston is elected or not?

The SPEAKER. Or Mr. Stokes.

Mr. McMILLIN. If the proposition is voted down, it leaves the question in exactly the situation, as I understand it, that it was in when the previous question was demanded by the gentleman from Wisconsin on Friday last?

The SPEAKER. Precisely.

Mr. MOODY. Mr. Speaker, a parliamentary inquiry. If the proposition is adopted by the House, is the sitting member deprived of his seat and the seat declared vacant?

The SPEAKER. If the resolution is adopted, it vacates the seat.

Mr. HEPBURN. May the resolution be again reported?

The SPEAKER. Without objection, it will be again read.

The resolution was again reported.

Mr. OVERSTREET. If I understand the situation correctly, in the event the resolution fails, then a vote may be had on the original substitute?

The SPEAKER. That is correct.

Mr. LACEY. Mr. Speaker, there is one parliamentary inquiry I would like to make involving a somewhat more difficult position. Suppose the resolution is voted down and each of the other two resolutions submitted by the minority are defeated, what then will be the parliamentary situation? [Laughter.]

A MEMBER. In other words, where are we at?

The SPEAKER. The Chair absolutely declines to say. [Laughter.]

The question being taken on the amendment proposed by Mr. McCALL of Massachusetts, the House divided; and there were—yeas 104, nays 103.

Mr. OVERSTREET. I demand the yeas and nays.

The yeas and nays were ordered.

The question being taken, there were—yeas 130, nays 125, not voting 100; as follows:

YEAS—130.

Abbott,	Dinsmore,	Latimer,	Shafroth,
Allen, Miss.	Dockery,	Layton,	Shuford,
Anderson,	Downing,	Lester,	Simpkins,
Babcock,	Ellett, Va.	Little,	Skinner,
Bailey,	Elliott, S. C.	Lockhart,	Sorg,
Baker, Kans.	Ellis,	Loud,	Southard,
Bankhead,	Erdman,	Maguire,	Spalding,
Bartlett, Ga.	Evans,	McCall, Mass.	Sparkman,
Bartlett, N. Y.	Fowler,	McCleary, Minn.	Sperry,
Bell, Colo.	Gardner,	McClellan,	Stewart, Wis.
Berry,	Gibson,	McCulloch,	Stone, C. W.
Bishop,	Gillett, Mass.	McDearmon,	Strait,
Black, Ga.	Griffin,	McLaurin,	Strowd, N. C.
Blue,	Griswold,	McMillin,	Sulzer,
Broderick,	Grow,	McRae,	Swanson,
Buck,	Hadley,	Money,	Talbert,
Catchings,	Hainer, Nebr.	Moody,	Tate,
Clardy,	Hall,	Noonan,	Tayler,
Clarke, Ala.	Harrison,	Ogden,	Terry,
Cobb,	Hart,	Otey,	Towne,
Cockrell,	Hendrick,	Otjen,	Tucker,
Codding,	Henry, Conn.	Owens,	Turner, Ga.
Cook, Wis.	Hepburn,	Payne,	Tyler,
Cooper, Fla.	Howell,	Pearson,	Underwood,
Cooper, Tex.	Jenkins,	Pendleton,	Walsh,
Cooper, Wis.	Johnson, N. Dak.	Pitney,	Wheeler,
Culberson,	Jones,	Powers,	Williams,
Cummings,	Kem,	Raney,	Wilson, S. C.
Curtis, N. Y.	Kendall,	Richardson,	Woodard,
Dalzell,	Kerr,	Robertson, La.	Wright,
De Armond,	Kleberg,	Russell, Conn.	Yoakum.
Denny,	Knox,	Sayers,	
Dingley,	Kyle,	Scranton,	

NAYS—125.

Adams,	Belknap,	Cannon,	Dayton,
Aldrich, Ala.	Bennett,	Clark, Iowa	De Witt,
Aldrich, Ill.	Bingham,	Clark, Mo.	Doolittle,
Allen, Utah	Brewster,	Coffin,	Dovener,
Andrews,	Bromwell,	Colson,	Eddy,
Arnold, Pa.	Brosius,	Cooke, Ill.	Fairchild,
Avery,	Brown,	Crowther,	Faris,
Baker, N. H.	Bull,	Crump,	Fenton,
Barham,	Burrell,	Curtis, Iowa	Fischer,
Barney,	Burton, Mo.	Curtis, Kans.	Gamble,
Barrett,	Burton, Ohio	Danford,	Gillet, N. Y.
Beach,	Calderhead,	Daniels,	Goodwyn,
Graff,	Hulick,	Milnes,	Taft,
Grosvenor,	Huling,	Minor, Wis.	Thomas,
Grout,	Hunter,	Mozley,	Tracewell,
Hager,	Hurley,	Northway,	Tracey,
Halterman,	Johnson, Cal.	Odell,	Treloar,
Hardy,	Kiefer,	Overstreet,	Updegraff,
Harmer,	Kirkpatrick,	Poole,	Van Horn,
Hartman,	Lacey,	Prince,	Van Voorhis,
Hatch,	Leighty,	Pugh,	Walker, Va.
Heatwole,	Lewis,	Quigg,	Wanger,
Hemenway,	Linney,	Reeves,	Warner,
Henderson,	Linton,	Sauerhering,	Wellington,
Henry, Ind.	Long,	Settle,	White,
Hermann,	Loudenslager,	Shannon,	Wilber,
Hicks,	Low,	Smith, Ill.	Wilson, Idaho
Hill,	Marsh,	Smith, Mich.	Wood,
Hooker,	McCall, Tenn.	Steele,	Woodman.
Hopkins,	McLachlan,	Strode, Nebr.	
Howe,	Mercer,	Strong,	
Hubbard,	Miller, W. Va.	Sulloway,	

NOT VOTING—100.

Acheson,	Foss,	McCreary, Ky.	Rusk,
Aitken,	Hanly,	McEwan,	Russell, Ga.
Apsley,	Harris,	Meiklejohn,	Shaw,
Arnold, R. I.	Heines, Pa.	Meredith,	Sherman,
Atwood,	Hilborn,	Meyer,	Snover,
Baker, Md.	Hitt,	Miles,	Southwick,
Bartholdt,	Howard,	Miller, Kans.	Spencer,
Bell, Tex.	Huff,	Milliken,	Stahle,
Black, N. Y.	Hull,	Miner, N. Y.	Stallings,
Boutelle,	Hutcheson,	Mondell,	Stephenson,
Bowers,	Hyde,	Morse,	Stewart, N. J.
Brumm,	Johnson, Ind.	Moses,	Stokes,
Chickering,	Joy,	Murphy,	Stone, W. A.
Connolly,	Kulp,	Neill,	Tawney,
Corliss,	Lawson,	Newlands,	Thorp,
Cousins,	Lefever,	Parker,	Turner, Va.
Cowen,	Leisenring,	Patterson,	Wadsworth,
Cox,	Leonard,	Perkins,	Walker, Mass.
Crisp,	Livingston,	Phillips,	Washington,
Crowley,	Lorimer,	Pickler,	Watson, Ind.
Dolliver,	Maddox,	Price,	Watson, Ohio
Draper,	Mahany,	Ray,	Willis,
Fitzgerald,	Mahon,	Reyburn,	Wilson, N. Y.
Fletcher,	McClure,	Robinson, Pa.	Wilson, Ohio
Foote,	McCormick,	Royse,	Woomer.

So the proposition of Mr. McCALL of Massachusetts to amend the substitute was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. MAHON with Mr. CRISP.

Mr. WOOMER with Mr. RUSSELL of Georgia.

Mr. WILLIAM A. STONE with Mr. RUSK.

Mr. BOWERS with Mr. MINER of New York.

Mr. SNOVER with Mr. MADDOX.

Mr. CORLISS with Mr. MOSES.

Mr. JOHNSON of Indiana with Mr. COX.

Mr. PICKLER with Mr. MILES.

Mr. COUSINS with Mr. MEYER.

Mr. KULP with Mr. MEREDITH.

Mr. HYDE with Mr. LAWSON.

Mr. ROYSE with Mr. TURNER of Virginia.

On this vote:

Mr. JOY with Mr. McCREARY of Kentucky.

On this question:

Mr. DOLLIVER with Mr. HUTCHESON.

Mr. FOSS with Mr. SHAW.

Mr. BARTHOLDT with Mr. LIVINGSTON.

Mr. MORSE with Mr. STALLINGS.

Mr. LEWIS with Mr. WASHINGTON.

Mr. LEFEVER with Mr. COWEN.

Mr. HULL with Mr. PATTERSON.

Mr. BAKER of Maryland with Mr. FITZGERALD.

Mr. LEISENRING with Mr. SPENCER.

Mr. STEPHENSON with Mr. NEILL.

For this day:

Mr. MEIKLEJOHN with Mr. CROWLEY.

Mr. STEELE. Mr. Speaker, this is a very important vote. I think we had better have a recapitulation of it.

The SPEAKER. The Chair thinks so too. The Clerk will recapitulate.

The Clerk recapitulated the names of those voting.

The result of the vote was announced as above recorded.

The SPEAKER. The amendment to the substitute is agreed to. The question is now upon the substitute as amended.

The substitute as amended was agreed to.

The SPEAKER. The question is on the passage of the resolution; that is, the resolution presented by the gentleman from Massachusetts [Mr. McCALL].

The resolution was agreed to.

The SPEAKER. The resolution is agreed to, and the seat is declared vacant.

On motion of Mr. McCALL of Massachusetts, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks,

announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3071) to authorize the construction of a bridge over the Monongahela River from the borough of Braddock to the township of Mifflin, Pa.; and

A bill (S. 2653) for the relief of M. S. Hellman.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 3282) to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 28, 1894; and

A bill (S. 3245) granting a pension to Elvira Bachelder.

The message also announced that the Senate had agreed to the amendment of the House to the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe.

The message also announced that the Senate had agreed to the report of the conference committee on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 225) to provide for the transfer of the Fort Omaha Military Reservation to the State of Nebraska.

The message also announced that the Senate had passed without amendment the bill (H. R. 7578) granting the Flagstaff and Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve in northern Arizona.

The message also announced that the Vice-President had appointed Mr. FAULKNER one of the conferees on the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897, in place of Mr. BLACKBURN.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 2653) for the relief of M. S. Hellman—to the Committee on Claims.

A bill (S. 3245) granting a pension to Elvira Bachelder—to the Committee on Invalid Pensions.

A bill (S. 3071) to authorize the construction of a bridge over the Monongahela River, from the borough of Braddock to the township of Mifflin, Pa.—to the Committee on Interstate and Foreign Commerce.

CERTAIN BONDS OF NEW MEXICO TERRITORY.

Mr. OWENS. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 9275) which I send to the Clerk's desk.

The SPEAKER. The gentleman moves to suspend the rules and pass the bill which the Clerk will report.

The bill was read, as follows:

A bill (H. R. 9275) approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory, and for other purposes.

Be it enacted, etc., That the coupon bonds and indebtedness of the Territory of New Mexico, amounting to $75,000, authorized by section 7 of an act of the Thirty-first legislative assembly of the Territory of New Mexico, entitled "An act authorizing the rebuilding of the Territorial capitol at Santa Fe, which was destroyed by fire May 12, 1892, and to provide the necessary means therefor and a board with authority to rebuild the same," approved February 5, 1895, and designated as capitol rebuilding bonds of the Territory of New Mexico;

Also, the bonds and indebtedness, amounting to $15,000, authorized by section 1 of an act of the said legislative assembly of the Territory of New Mexico, entitled "An act to provide for the maintenance of the military institute at Roswell, N. Mex.," approved February 13, 1895;

Also, the bonds and indebtedness, amounting to the sum of $30,000, authorized by section 1 of an act of the said legislative assembly of the Territory of New Mexico, entitled "An act to provide an addition to the insane asylum of New Mexico for the accommodation of all the insane persons of the Territory, and for other purposes," approved May 13, 1895; and

Also, the bonds and indebtedness, amounting to the sum of $35,000, authorized by section 1 of an act of the said legislative assembly of the Territory of New Mexico, entitled "An act to provide for the completion of the buildings for the normal schools of New Mexico at Las Vegas and Silver City, and to provide for the necessary furnishings therefor; and for additions to the New Mexico College of Agriculture and Mechanic Arts, at Las Cruces," approved February 27, 1895, be, and the same are hereby, approved, confirmed, and made valid; also, the certain bonds and indebtedness, $172,500 in amount, together with the interest coupons thereto attached, of the county of Santa Fe, Territory of New Mexico, dated March 1, 1892, issued under the provisions of an act of the Territorial general assembly known as the refunding act. Such bonds having been issued in refunding and in lieu of $150,000 of bonds, and the overdue interest thereon, of said county of Santa Fe, theretofore issued and outstanding, are hereby validated, approved, and confirmed.

Also the certain bonds and indebtedness, together with interest coupons thereto attached, of the county of Santa Fe, Territory of New Mexico, dated September 29, 1891, issued under the provisions of an act of the Territorial general assembly of the Territory of New Mexico, entitled "An act for the financial relief of counties and municipalities," approved February 26, 1891. Such bonds having been issued in refunding and in lieu of $150,000 of bonds, overdue interest, and a judgment rendered thereon, of said county of Santa Fe, theretofore, in the year 1880, issued and outstanding, are hereby validated, approved, and confirmed. Also the certain bonds and indebtedness, $56,000 in amount, together with the interest coupons thereto attached of the county of Grant, Territory of New Mexico, dated July 1, 1883, being the unretired part of an issue of $90,000 in bonds issued by said county of Grant under the provisions of an act of the Territorial general assembly, dated February 1, 1872, are hereby validated, approved, and confirmed. Also the certain bonds and indebtedness, $50,000 in amount, together with the interest coupons thereto attached, of the city of Silver City, county of Grant, Territory of New Mexico, dated March 1, 1893, issued under the provisions of an act of the Territorial general assembly of the Territory of New Mexico entitled "An act enabling the authorities having charge of the finances of any town or city of the Territory of New Mexico to refund any bonds or other obligations of said town or city by the issuance of similar obligations, bearing a less rate of interest," approved February 11, 1891. Such bonds having been issued in refunding and in lieu of bonds and indebtedness to the amount of $50,000 of said city of Silver City, county of Grant, theretofore issued and outstanding, are hereby validated, approved, and confirmed.

It is intended hereby to validate, approve, and confirm any and all laws, ordinances, and proceedings, and bonds relating to the matter necessary to the validation of the said Santa Fe County, Grant County, and town of Silver City bonds, but no further and for no other purpose.

The said county of Santa Fe is hereby authorized and empowered to again refund all or any portion of the indebtedness thereof by this act validated within one year from the passage of this act, in accordance with the terms and provisions of an act of the legislature of the Territory of New Mexico, being chapter 79, entitled "An act for the financial relief of counties and municipalities" (house bill No. 192), approved February 26, 1891, except that such refunded bonds shall bear interest at the rate of 4 per cent per annum, payable semiannually, and shall become due twenty-five years from the date of the issue of such refunded bonds, and shall be issued for the amount of unpaid principal of the bonds of said county by this act validated, with interest thereon from the date thereof, to wit, September, 1891, and March, 1892, respectively, at the rate of 4 per cent per annum until the date when the sum shall be refunded as herein provided, less the amount of interest heretofore paid on such bonds; and when said bonds shall be so refunded they shall be subject in all other respects to all the provisions, liabilities, rights, obligations, benefits, and advantages of said act of the legislature herein referred to. In case said bonds shall not be refunded by said county of Santa Fe upon the terms and conditions in this section set forth, then the bonds validated by this act shall remain as the legal obligation of said Santa Fe County.

If said bonds shall be refunded as herein provided, the holders of the bonds herein validated shall, upon actual notice given by said county, deliver to said county the bonds herein validated, and shall receive in lieu thereof the refunded bonds provided for in this section: *Provided*, That any of said bonds which shall not be delivered for refunding to said county of Santa Fe within six months after said notice shall be given, as herein required, shall not bear a rate of interest greater than 4 per cent per annum from date of issue: *Provided*, That nothing in this act shall be so construed as to make the Government of the United States liable or responsible for the payment of any of said bonds by this act approved, confirmed, and made valid.

Mr. BAKER of New Hampshire. I demand a second.

Mr. TERRY. Mr. Speaker, can we have the report on this bill read?

Mr. LACEY. I ask that a second be considered as ordered.

Mr. BAKER of New Hampshire and Mr. BARTLETT of Georgia objected.

The SPEAKER appointed Mr. OWENS and Mr. BAKER of New Hampshire as tellers.

The House divided; and the tellers reported—ayes 90, noes 14.

The SPEAKER. A second is ordered. The gentleman from Kentucky [Mr. OWENS] is entitled to twenty minutes——

Mr. BARTLETT of Georgia. I make the point of no quorum.

The SPEAKER. It is very apparent that there is a quorum present.

Mr. HENDERSON. Is the point of no quorum insisted on, Mr. Speaker?

Mr. DOCKERY. It has been overruled by the Chair.

The SPEAKER. The gentleman from Kentucky [Mr. OWENS] is entitled to twenty minutes in the affirmative, and the gentleman from New Hampshire [Mr. BAKER] to twenty minutes in the negative.

Mr. OWENS. Mr. Speaker, as most of the members of the House will recall, the bill now up for consideration is one passed some months ago by the House of Representatives to validate certain municipal bonds issued by different towns in the Territory of New Mexico. That bill went to the Senate, and was there amended so as to validate certain other bonds issued by the county of Santa Fe, N. Mex., and also by the city of Santa Fe—bonds that had been issued some ten or fifteen years ago for the purpose of aiding in the construction of a railroad within the Territory of New Mexico. When that came back to the House it was referred to the Committee on Territories; which committee added a still further provision or amendment validating certain bonds issued by the county of Grant and also by Silver City for a like purpose.

A short history of the bonds issued, included in the Santa Fe and Grant County and Silver City bonds, will present the issue before the House.

There is no controversy, I believe, but that these bonds all stand upon a like basis, and were issued in perfect good faith by the people of New Mexico. They desired the construction of a railroad, which was largely beneficial to the people of Santa Fe County and also of Grant County, as well as the adjacent counties. After contracting with a company for the purpose of securing the construction of these roads, they agreed, in consideration of their construction, to issue the bonds named in the bill just reported. The constructing companies, operating in like good faith, went ahead and constructed the road, in compliance with the contract made with the people.

There is no contention indulged in by anybody here or elsewhere but that the bonds issued to the construction company had been issued in perfect good faith, and that the bonds were used in the construction of this railroad, and that the company did construct

the road. The fact is before me now that Grant County gave $100,000 in bonds for the construction of that road, and the railroad has paid back to that city and county $110,000 in taxes, more than enough to pay the original bonds with the accrued interest thereon. The county of Santa Fe was in the same position. The bonds were issued by all the parties in perfect good faith. It was supposed by everybody that they had a perfect right to issue them; and when these bonds were issued they went ahead paying the interest for a number of years on the idea that they were completely within the terms of the law. But a few years ago, in the case of some bonds that were issued in a certain county in Arizona, the Federal court, passing upon their validity, determined that those bonds, similar to the Santa Fe bonds, were not issued within the terms of the law. In other words, these bonds were issued under an act which authorized the Territories to issue bonds to aid in internal improvements, and these bonds having been issued in order to build a railroad, they did not fall within the term "internal improvements," and therefore were invalid.

Now, that is the sole objection to them, a technical one, which seems strained and farfetched. Many of the best lawyers of the country had not supposed up to that time that that objection could lie against these bonds. Prior to the time when this decision was rendered the people acquiesced in the regularity of the bonds and paid the interest upon them. Their regularity had been tested in the Territorial courts of New Mexico, and that court had decided that the bonds were valid and regular. They were issued at a high rate of interest; and, desiring to fund them at a lower rate, they had the benefit of an enabling act, and put their bonds upon the market under that act, and with the moneys thus secured from that loan they had paid off the old bonds issued by the construction company and issued new bonds to the present holders. Thus you see if there had been any trouble, if there had been any irregularity in the original issue of the bonds, that question ought not and can not be valid in this controversy.

There is no question but those who hold the new bonds parted with their money in perfect good faith, parted with it on the faith of the decision of the Territorial courts of New Mexico, on the faith of the representations made by the attorney of the Territory of New Mexico and concurred in by the United States district attorney of the Territory. There was then, I say, no possible claim that these bonds were in any sense invalid or irregular. The men who own the bonds had taken the money out of their pockets and placed it in the hands of the people in New Mexico solely for the purpose of taking up their bonds, for which they were paying a higher rate of interest, and giving to them the benefit of a low rate; and it can scarcely be denied that these people have acted in good faith in furnishing the money to enable the Territory to take up the old bonds and furnish the money at a comparatively low rate. It can not be contended, I think, that they should escape the payment of these bonds, and this thought of irregularity was not entertained by anybody until after the decision I have referred to.

Mr. BLACK of Georgia. If the gentleman will allow me to ask him a question, was the money obtained from the sale of these bonds used in the construction of the railroad?

Mr. OWENS. The money was used for the construction of the railroad, and it was paid to the construction company in consideration of their engagement to build this railroad. The construction company did build the road, and it is now being operated. In one of those counties that railroad has paid into the treasury in taxes $110,000, while the county only paid $100,000 in bonds in aid of the construction of the road.

Mr. TERRY. Is this the same bill that was opposed by the gentleman from Texas [Mr. COOPER]?

Mr. OWENS. Yes, sir.

Mr. TERRY. Is not he a member of the committee?

Mr. OWENS. Yes, sir.

Mr. TERRY. Did not he contend on this floor that there had been really no consideration given for these bonds?

Mr. OWENS. Not at all, sir. Nobody has ever contended that. Every member of the committee except the gentleman from Texas referred to was in favor of the passage of the bill with the amendments. Not even the representative from New Mexico protested against the passage of the bill, or even contended that no valid consideration was given by the construction company which had been given these bonds; but when the Federal courts had determined that they fell outside of the terms of the law the contention was, for that reason the counties ought not to be compelled to pay them.

Mr. COCKRELL. Will the gentleman state whether the representative of New Mexico favors the payment of these bonds?

Mr. OWENS. The representative of New Mexico does, and I have here a letter from him asking the passage of this bill. In fact, this bill comes here as the result of an agreement between the parties interested directly in the bonds and the Territorial representative from New Mexico, the agreements having been based on the proposition that the bonds shall pay a still lower rate of interest than is provided in the Senate amendment, and the bonds to be issued are to be twenty-five-year bonds, at 4 per cent interest instead of 10 per cent, at which they were originally issued.

Mr. DOCKERY. I understood the gentleman to say that he had a letter from the representative of the Territory of New Mexico favoring the passage of this bill as amended.

Mr. OWENS. Yes, sir; asking for the passage of this bill with the Senate and House amendments.

Mr. COCKRELL. I ask that that letter be read.

Mr. OWENS. I am going to have it read.

The letter was read, as follows:

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., May 30, 1896.

DEAR SIR: Having accepted an invitation to make an address before the Alumni Association of the University of Missouri, which has been fixed for June 2, I am compelled to be absent during the coming week to fulfill that engagement.

It is very important that H. R. No. 4052, in regard to the validation of certain bonds of New Mexico, be acted upon by the House before the close of the session. The original bill provided for the validation of bonds to aid in the construction of buildings of certain educational institutions, the asylum for the insane and the Territorial capitol, the history and necessity for the same being set out in the report made by me on behalf of the Territorial Committee when that bill was presented, and to which I refer. After the bill passed the House it was amended in the Senate so as to validate certain other bonds issued as refunded bonds by the county of Santa Fe. It was returned to the House, and on reference to the Committee on Territories it was there again amended by validating certain other refunded bonds of the county of Santa Fe and certain bonds of the county of Grant and city of Silver City. The bonds of Santa Fe County, when refunded, had the interest thereon decreased from 7 to 5 per cent. The amendment of the House committee now authorizes the further refunding of said bonds and a reduction of the interest to 4 per cent.

When this bill was called up by Representative Low, after the Territorial Committee had reported it with the amendment, I opposed its passage at that time in order that information might be furnished, if any existed, as to the validity of those bonds, which, it had been said, would be furnished from Santa Fe. No information has been furnished to me, however. I have made inquiry in regard to them, and am personally acquainted with their status of my own individual knowledge. As a matter of law, I do not believe the Santa Fe County bonds are invalid, and I know that no fraud was perpetrated when they were issued; that is, when the original bonds were issued, which were afterwards refunded. The indebtedness was voted or authorized in each instance by a majority of the taxpayers of the county. It was believed by everyone at the time that such bonds would be valid, and that the county had authority to issue them on the consent of the taxpayers. The legal profession in the county all agreed that such bonds would be legal. They were voted in aid of the construction of railroads into the county. The roads were constructed as stipulated and are now in operation. I have made inquiry of many of the taxpayers of the county since these amendments came up for action and they say that they favor the passage of the bill with these amendments. I furnish you with this two telegrams from taxpayers and prominent citizens of Santa Fe County, which will show you the feeling of the people of the county in regard to this bill.

There has been a general demand on me throughout the Territory, since the passage of the bill was delayed at my request, in order to get further information, to have the bill passed, as it will be for the general interest of the Territory. The institutions for which the bonds are intended to furnish aid already have contracts made for the completion of the buildings. They can not realize on the bonds unless they be validated. Those institutions will remain paralyzed without it. I therefore ask you to have the bill passed, if within your power to do so, before the close of the present session. Should it be brought up during my absence you can use this letter as expressing my views, as well as the telegrams I have furnished you. I have many other letters and telegrams from various parts of the Territory urging the passage of this bill on the ground of its great interest to the whole people, and I do not furnish them to you, because it will encumber the RECORD to have them read.

Hoping that you will give this matter attention and secure the passage of the bill, I am,

Very respectfully,

T. B. CATRON,
Delegate from New Mexico.

Hon. WILLIAM C. OWENS,
House of Representatives, Washington, D. C.

Mr. OWENS. I reserve the remainder of my time.

Mr. BAKER of New Hampshire. Mr. Speaker, I wish, in the first instance, to call attention to the fact that this matter has already been before the House at this session. It was called up on the 6th day of April, and there was quite an extended discussion of it at that time, after which the House proceeded to vote, and the vote then taken on the very question which is before the House now was against the validation of these bonds—ayes 42, noes 73. It will be seen, therefore, that this is the second attempt which has been made at this session to pass this bill, which, I trust, I shall be able to show is in part, at least, without justification. If gentlemen will, at their leisure, turn to pages 3641 et seq. of the RECORD of this session they will see the reasons then assigned why these bonds should not be validated.

This is not a new question, Mr. Speaker. In a form almost identical with that in which it is presented to this House the question has been before the Supreme Court of the United States. I refer to the case of Lewis *vs.* Pima County (155 U. S., 54), on appeal from the supreme court of the Territory of Arizona, where bonds issued in like manner with these were before the court. I will not detain the House by reading the opinion of the court in full, but will read sentences from it here and there. The court says:

Now, unless a debt thus incurred in aid of the construction of a railroad can be said to be an obligation necessary to the administration of the internal

affairs of Pima County, it must necessarily follow, irrespective of every other consideration, that the legislature exceeded its powers in authorizing and requiring the county to issue these bonds in exchange for those of the railroad company in question, and that the bonds are void.

The question in that case was, as I have said, almost identical with the one now before the House. Then, in closing, the court said:

We are compelled to hold that the bonds in question create no obligation against the county which a court of law can enforce.

I hold in my hand an issue of the Santa Fe Daily New Mexican of date Thursday, April 1. This is a paper printed in the very city where these bonds were issued, and, if legalized, will be a tax upon the people. It contains an article of which the headings are as follows:

A BLACK SHOWING—FULL EXPOSURE OF SCHEME TO VALIDATE FRAUDULENT BRICE AND COLER BONDS—HOW BRICE AND COLER HAVE LOADED IT WITH AMENDMENTS AIMED TO ROB PEOPLE OF SANTA FE AND GRANT COUNTIES—RECORD OF PERFIDY AND FRAUD—SUBSTANTIAL REASONS WHY PEOPLE OF THIS COUNTY FEEL THEY ARE NEITHER LEGALLY NOR MORALLY BOUND TO PAY THESE BONDS—REASONS THAT OUGHT TO WEIGH WITH CONGRESS.

This article says:

In 1872 the legislature of New Mexico passed an act authorizing the counties to issue bonds in aid of railroad construction, but expressly provided that not more than 5 per cent of the assessed valuation of the property in any county should be issued to aid in the construction of any one railroad, and contained the following proviso, to wit: "*Provided*, That no bonds or other evidence of debt created in this act shall be sold for less than par value, nor such bonds or other evidence of debt shall be paid or delivered to any railroad or person or persons for the use of such company, nor shall they be permitted to leave the hands of such commissioners except on the certificate of the governor that the railroad to which said aid has been conceded has been completed in the county where such aid was voted." (See section 2712, Compiled Laws of New Mexico.) The same law also provides that railroad stock shall be issued to the county in consideration of such bonds.

Afterwards, in 1878, for the purpose of limiting the power of the counties and municipal corporations in issuing bonds, Congress passed a law expressly providing that no county or municipal corporation shall issue bonds for any purpose "except where absolutely for the management of its internal affairs."

Is there any member of this House who believes that the building of a railroad is necessary to the management of the internal affairs of a municipal corporation? If not, then these bonds, every one of them, are absolutely against not only the statutes of the Territory of New Mexico but also in violation of an act of Congress.

This article goes on to say:

In the face of this absolutely prohibitory provision of Congress the county of Santa Fe, in 1880, voted to issue at one election to the New Mexico and Southern Pacific Railroad $75,000 in bonds for the construction of the Santa Fe-Lamy branch and $75,000 for the construction of the main line, the assessed valuation of the property of Santa Fe being $2,300,000. These bonds were voted to one company at one election, and were really intended to be used to build the branch, as the New Mexico and Southern Pacific built its entire line throughout the Territory without asking aid from any county, except exemption from taxation and other exemptions provided by law; and no other county except Santa Fe voted any aid to the main line of railroad.

These bonds were void for two reasons: First, they were absolutely prohibited by an act of Congress in 1878, and it was a fraudulent evasion of the Territorial law by pretending that they were issued for the purpose of aiding in the construction of two roads when they were intended to apply to the construction of only one road.

The railroad received the bonds and held them until $42,350 of interest had accrued—the citizens from the very first refusing to pay them, and the law being so weak that the holders dare not undertake to force collection.

At this time the railroad company sold the bonds to Messrs. Coler & Co., of New York, at a little less than 50 cents on the dollar, including the accrued interest, as will appear from the following telegram of the broker who sold them.

Now, the very statute under which they were issued said they should not be sold for less than par.

Mr. OWENS. What were they sold for?

Mr. BAKER of New Hampshire. For less than 50 cents on the dollar.

Mr. OWENS. Is it not a fact that when the original owners parted with them they parted with them at par under the contract to give the construction company so many dollars in bonds at par for the construction of this railroad?

Mr. BAKER of New Hampshire. The gentleman can make any explanation of this dispatch that he desires to make in his own time.

Mr. OWENS. By whom were they sold?

Mr. BAKER of New Hampshire. I am not worrying about that.

Mr. OWENS. They were sold by the man who got possession of them under that contract, not by the county.

Mr. BAKER of New Hampshire. Here is the dispatch:

SILVER CITY, N. MEX., *March 23.*

W. T. THORNTON, *National Hotel, Washington, D. C.:*

Fifty thousand dollars bonds and $42,350 past due coupons, Santa Fe County issue, sold at 64 flat.

GEORGE H. UTTER.

The article proceeds:

It will thus be seen that the bonds were taken as a speculation, not a dollar's worth of stock being issued by the New Mexico and Southern Pacific Railroad to Santa Fe County as a consideration, and the county therefore absolutely received no benefit, except the construction of the branch road, 18 miles in length.

The statute absolutely required that an equal amount of stock should be issued with the bonds, but not a dollar's worth of stock has been issued and turned over to the county.

Mr. OWENS. How do you know that?

Mr. BAKER of New Hampshire. I know it by the statement of this paper, printed in Santa Fe, N. Mex., and I trust that if the gentleman wishes to assault the paper he will do it in his own time.

Mr. OWENS. I do not want to assault the paper, but I assault that dispatch.

Mr. BAKER of New Hampshire. I wish to state to the gentleman from Kentucky that he has reserved the remainder of his time and can answer me in it. I can not give up mine, limited as it is, for his argument. The article proceeds to say:

After Messrs. Coler & Co. had obtained these bonds they brought suit to recover the defaulting interest, and obtained judgment for seventy-odd thousand dollars, Messrs. Catron, Knaebel & Clancy appearing for the plaintiffs. The decision of the supreme court of the Territory affirming this judgment will be found in the 27 Pacific Reporter.

An attempt was made upon the part of the citizens to appeal this case to the Supreme Court of the United States—the citizens offering to pay the entire expense of the appeal, making transcript and all costs in connection therewith, which was refused by the county commissioners, the commissioners being entirely under the influence of the bondholders.

That is the statement of the Santa Fe paper. If anyone has anything to controvert it I am perfectly willing that he shall produce it in his own time; but I do not presume that a paper issued at the very capital of the Territory, where every citizen knows the facts, would make such statements if there was not at least a preponderance of proof in their favor.

The bondholders afterwards, through the influence of their attorney, Mr. J. H. Knaebel, secured the passage through the Territorial legislature of a refunding act, and the $250,000 of Santa Fe County bonds included in the Coler amendment are the funded bonds issued under this act to take up the original $150,000 issued, with accrued interest. How completely the bondholders dominated this legislature will be proved by an examination of the law (chapter 79, page 146, Laws of New Mexico of 1891) which provides not only for the refunding of the bonds but makes it a penitentiary offense to refuse to levy the tax or for the collector to refuse to collect the taxes to pay overdue interest on these bonds.

Mr. DOCKERY. Will the gentleman state where those bonds are held now?

Mr. BAKER of New Hampshire. I do not know, but I suppose they are held in New York City. I do not know where they are held. I do not know a person who owns them.

Mr. DOCKERY. It might be interesting to identify their ownership at this time.

Mr. BAKER of New Hampshire. But it does not matter what the ownership is if the bonds were fraudulent in their inception.

Mr. DOCKERY. Certainly not.

Mr. BAKER of New Hampshire. These bonds were sold originally at a small figure, leaving a margin large enough so that parties interested could come and bedevil legislatures and Congresses in connection with them.

Mr. LOW. Why does the gentleman from New Hampshire suppose that those bonds are held in New York?

Mr. BAKER of New Hampshire. Because in this country bonds of this kind are generally held in New York. That is the only reason.

Mr. LOW. In fact, they are scattered all over the country.

Mr. BAKER of New Hampshire. I do not care where they are held.

Mr. LOW. You simply suppose they are held in New York without any knowledge.

Mr. BAKER of New Hampshire. I do suppose so without any personal knowledge, for reasons sufficient for myself.

Mr. WATSON of Ohio. What is the amount of these bonds?

Mr. TERRY rose.

Mr. BAKER of New Hampshire. I yield for a moment to the gentleman from Arkansas [Mr. TERRY].

Mr. TERRY. The statement of a member of the committee on that subject, made in the previous debate, is to this effect:

In one instance, bonds that had been purchased by some agent or broker named Coler, and known as the "Coler bonds," which originally amounted to $150,000, but in the refunding act you find that after having been refunded they amount to $250,000.

Mr. BAKER of New Hampshire. That was my understanding, that they were originally $150,000, and that about $50,000 was accumulated in interest. Where the rest of the amount comes from I must confess myself ignorant, for I do not know.

Then this railroad was sold. As appears by Record Book O, page 19, it was conveyed by George S. Preston and wife to CALVIN S. BRICE and wife, of New York.

Mr. DOCKERY. Will the gentleman allow me to ask whether he has received any petition from citizens of Boston in connection with this bill?

Mr. BAKER of New Hampshire. I have a letter from a gentleman in Boston calling my attention to the preceding action of this House; stating that he was familiar with the matter; that these bonds were fraudulent, and that he hoped I would do anything I could to prevent the passage of this bill.

Mr. LACEY. Will the gentleman yield for a question?

Mr. BAKER of New Hampshire. Yes, sir.

Mr. LACEY. Is it not true that this Boston man has some bonds which he thinks will be strengthened if these bonds can be repudiated? Is not that all there is in it?

Mr. BAKER of New Hampshire. I am reading from a paper published in Santa Fe, N. Mex., showing that the people in Santa Fe are opposed to the validation of these bonds; and I do not suppose there is a person on this floor who is in favor of validating them that has not some friend who owns some of these bonds.

Mr. OWENS. What was that statement?

Mr. BAKER of New Hampshire. I say that every person who is in favor of validating these bonds, if he has looked into the question, must have some friend who owns some of them.

Mr. OWENS. Well, sir, I can say for myself I do not know an individual on earth that owns one of them. I am in favor of validating these bonds, because I am against repudiation in every form and wherever it comes from.

Mr. BAKER of New Hampshire. I am in favor of repudiation of every bond which was absolutely void at the time of its issue.

Mr. LOW. Is it not a fact in regard to these refunded bonds that when they were refunded an act was passed by the legislature of New Mexico validating them?

Mr. BAKER of New Hampshire. That is true; but the assertion is openly made in Santa Fe and elsewhere that the legislature which did it was corrupted; and the Supreme Court of the United States has held in a similar matter that bonds so validated are absolutely void.

Mr. LOW. One more question, and I will take my seat. Why is it, then, that to-day the largest taxpayers in New Mexico want these bonds validated?

Mr. BAKER of New Hampshire. I do not believe they do.

Mr. LACEY. And why is it that Boston men are fighting these bonds? Explain that, if you please.

Mr. BAKER of New Hampshire. The account from which I have been reading goes on to say:

The road was completed from Espanola to Santa Fe, and was operated by the Santa Fe Southern system until a short time ago, when it went into the hands of a receiver and was sold. For the purpose of giving validity to its bonds the assessments of Santa Fe County were padded. Large quantities of property exempt from taxation were placed upon the assessment rolls, as will fully appear by the accompanying certificate prepared from the records of Santa Fe County by George W. Knaebel, secretary of the Santa Fe Board of Trade:

SANTA FE, N. MEX., *March 20, 1896.*

DEAR GOVERNOR: At the request of Judge Downs I assisted him in getting the data called for in your telegram to him of the 19th instant, and such data are as follows:

1884.		
Total assessed value of real estate		$1,504,139.00
Total assessed value of personal property		1,729,005.00
		3,233,144.00
Exemption not included in above:		
To heads of families	$144,400.00	
Of railroads assessed	3,129,000.00	
		3,273,400.00
Total assessed valuation 1884		6,506,544.00
1885.		
Real estate, etc		2,765,085.71
Railroads		4,733,425.94
Total		7,498,511.65
Amount exempt, etc., railroads, etc		4,662,943.55
Net amount, subject to taxation		2,835,568.10
1896.		
Real and personal		2,792,105.00
New Mexico and Southern Pacific Railroad Company	$725,000.00	
Unconfirmed grants	260,125.00	
Pueblo grants	59,493.00	
		1,044,618.00
		3,836,633.00
1887.		
Real and personal		3,785,309.00
Exemptions		126,200.00
		3,659,109.00
1895.		
Total assessment		2,356,895.00
Exemptions		204,503.00
Net		2,152,392.00

Taken from records of the Territorial auditor.

Very truly, yours,

GEO. W. KNAEBEL,
Secretary Santa Fe Board of Trade.

Gov. W. T. THORNTON,
National Hotel, Washington, D. C.

When these bonds were issued there was a Congressional statute absolutely forbidding the issue of the bonds; the Supreme Court of the United States has held identically similar bonds to be void ab initio; and it appears that there is grave suspicion in regard to the enactment of the Territory of New Mexico which undertook to validate them; and that that action of the Territorial legislature was in contravention of an existing statute of Congress—the act of 1878—no one denies.

Mr. DOOLITTLE. Will the gentleman allow me to ask him how the matter he mentions can cut any figure morally, so far as innocent holders of these bonds are concerned, ratified, as the bonds have been, by the action of the legislature?

Mr. HEPBURN. How can there be "innocent holders" in this case?

Mr. BAKER of New Hampshire. I do not suppose that there is any man who buys a bond in the United States of America anywhere who buys it without knowing something of it; and if he knows anything of these bonds he is not an innocent holder.

Mr. DOOLITTLE. But is not the record of these bonds straight as far as the acts of the legislature are concerned? In other words, did not the legislature, in passing the acts ratifying the issue of these bonds, settle that question?

Mr. BAKER of New Hampshire. No; because the act of a Territorial legislature in contravention of an act of Congress is void, and because it was contrary to the decision of the Supreme Court of the United States. That ought to be enough to put a banker on his guard in dealing with such securities as these bonds.

The bonds issued to the New Mexico and Southern Pacific Railroad were speculative, received by the railroad as a bonus which they accepted with a view of realizing what they could out of them, and sold them for 50 cents on the dollar, when the law provided they should only be sold at par.

The county received no consideration. Not a dollar's worth of stock was issued, when the law required that it should be issued. Double the amount permitted by the Territorial law was issued by the fraudulent pretense that they were to be used in the construction of the two roads.

The bonds issued to the Texas, Santa Fe and Northern road were issued to a corporation that was fraudulent from its very inception, being fraudulently organized, having instigated fraudulent assessments to evade the Congressional act prohibiting such action, and were issued in fraud in that they were issued to a company that did not own the road under construction, and the stock which the county was to receive would have been in a corporation bankrupted, and therefore absolutely valueless. For these reasons the citizens contend that they are neither legally nor morally bound to pay this obligation, and there is certainly no precedent for going to Congress and asking Congressional aid in validating bonds which have been issued in direct violation of the acts of Congress.

It would certainly lead to serious consequences for Congress by its actions in this instance to set a precedent wherein it would declare that municipal corporations in the Territories might create indebtedness in violation of an act of Congress, issue bonds therefor, sell them to speculators, who, failing to collect in the courts, finally come and ask Congressional aid, to make legal such illegal issues. There is no telling where this may end.

Representatives of these bondholders pretend that they have found a precedent for this action in the Yankton County (Dak.) Case, found in 101 United States Reports, but, with all due respect, it is submitted that they are in no way or respect similar. In that case, the governor of the Territory of Dakota had called the legislature together in an extra session, in the year 1871, which was without authority of law. This legislature, among other things, passed an act authorizing the organization of a railroad company, and providing for the vote of bonds in aid thereof. Under this law Yankton County subscribed stock in a railroad and voted bonds in aid thereof. In 1872 Congress passed an act declaring all proceedings of such legislature void, except the one with reference to the issuing of bonds by Yankton County; that act it affirmed, adding certain provisions for the protection of the county for the bonds issued, but these bonds were not issued until after this Congressional act ratifying the action of the Territorial legislature, and placing safeguards upon the county subscription, so that the bonds at the time of their delivery were delivered in pursuance of an existing law made by Congress. Here, the bonds in question were issued, delivered, and sold in direct violation of the law, and nearly sixteen years afterwards, and after the Supreme Court had held that the issuance of such bonds was void, the owners come to Congress and ask for the passage of an act making valid void bonds issued in such direct violation of a law. There certainly can be no excuse for the issuance of the bonds of the Texas, Santa Fe and Northern Railroad in 1887, some months after the approval of the act of Congress, on July 30, 1880, which expressly provided that "no Territory, or any political or municipal corporation, or subdivision thereof, shall in any manner loan its credit to, or use it to the benefit of any company or association, or borrow any amount of money for the use of said company or association."

No language could be plainer than this, and yet, in violation of it, bonds were issued to the Texas, Santa Fe and Northern Railroad Company nearly six months after its adoption upon an election held only two days before said action by Congress.

Mr. HARRISON. Where does the gentleman from New Hampshire get the information he is now giving the House?

Mr. LOW. Will the gentleman please repeat his question so that the House can hear it?

Mr. HARRISON. I ask where the gentleman gets the information he is giving the House? These facts were not in evidence before the committee.

Mr. BAKER of New Hampshire. I get the information from the document I hold in my hand.

Mr. WATSON of Ohio. Is that the only authority the gentleman from New Hampshire has that these bonds were sold at 50 cents on the dollar in place of at par?

Mr. BAKER of New Hampshire. No, sir; it is not the only authority. I have read the telegram to which I have referred, which states the fact.

Mr. WATSON of Ohio. Will the gentleman be kind enough to state the authority for the information he has given the House that they were sold at 50 cents on the dollar?

Mr. BAKER of New Hampshire. If the gentleman had listened to what I said he would not have had occasion to ask the question.

Mr. WATSON of Ohio. I did not care about wasting my time.

Mr. LACEY. You do not suppose a newspaper would lie, do you? [Laughter.]

Mr. DOOLITTLE. Especially when it is an interested party.

Mr. POWERS. What was the original issue of the bonds and what is the amount sought to be validated? I understand the gentleman to claim that the amount has been increased in some improper manner.

Mr. BAKER of New Hampshire. The original amount authorized was $150,000, but through some kind of a hocus-pocus proceeding they have reached $250,000.

Mr. KNOX. If the gentleman from New Hampshire will permit me, that was made up of the accrued interest and the costs of the suit brought for the purpose of collecting the coupons. It was made up on the judgment of the court, and increased the amount to this extent.

Mr. BAKER of New Hampshire. The accrued interest is only about $50,000.

Mr. LACEY. There was a judgment in the first instance of $78,000 for accrued interest on $150,000, which amounted to $228,000, and the costs run it up to $250,000.

Mr. BAKER of New Hampshire. I hope I may be permitted to proceed without interruption; I should like to occupy the floor a little while.

Neither the gentleman from Iowa, the gentleman from Massachusetts, nor the gentleman from New York, nor anyone else has been able to show in any way how bonds which were void in the beginning can be found right subsequently.

The SPEAKER pro tempore (Mr. PAYNE). The time of the gentleman has expired.

Mr. OWENS. I yield now five minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, we have here presented the remarkable spectacle of the gentleman from New Hampshire [Mr. BAKER] making a determined fight in opposition to the validity of certain New Mexican bonds or obligations as against the Delegate from New Mexico, who wants them validated.

Mr. BAKER of New Hampshire. Will the gentleman yield to me for a question?

Mr. LACEY. I will yield to the gentleman for one question.

Mr. BAKER of New Hampshire. Are there not some people in your immediate neighborhood who are interested in this matter, who own some of these bonds, and who are represented by you?

Mr. LACEY. Mr. Speaker, these bonds are held part in Iowa, part in Chicago, part in New York, and elsewhere. They are held by various people all over the country. They were issued for the purpose of refunding other bonds outstanding in that Territory. When they were originally issued under the law they were believed to be valid. The question of validity arose subsequently; the interest on the bonds was in default, and suit was brought upon them. That question went to the supreme court of the Territory of New Mexico, which court declared the bonds to be valid, and the legislature of that Territory passed a law authorizing the refunding of the bonds. And the gentlemen living around throughout the country, to whom my friend from New Hampshire refers as owning the bonds, furnished the money to pay for them; furnished and put good, honest money into these bonds.

The Delegate from New Mexico [Mr. CATRON] asks that the bonds be validated and left unquestioned by an act of Congress. It is true that in the Lewis Case from Arizona a decision was rendered some years afterwards, which practically would affect the validity of these bonds. Whether it would do so as to bonds that had been once merged in judgment and that subsequently were reissued in the form of refunding bonds is a question that is not entirely clear; but the Territory of New Mexico prefers, through its Delegate in Congress—and he sends a written communication to that effect—that no question be raised against them, and that the fair faith of the Territory of New Mexico be upheld. Now, the newspaper that has been read, issued in Santa Fe last April, contains some very rash statements, and I am surprised to see my friend from New Hampshire [Mr. BAKER] relying so implicitly on what he finds in a newspaper. I am not inclined to accept a mere newspaper statement as against the solemn declaration of the gentleman who represents the Territory. If he is perpetrating a fraud upon his constituents in asking us to validate these bonds, his constituents will notify him of that fact next November. He takes his political life in his hand when he asks us to validate these bonds.

Mr. DOCKERY. Suppose they do? How will that leave us?

Mr. LACEY. How is it going to leave these men who have furnished this money if these bonds are not validated? I want to suggest that to my friend from Missouri [Mr. DOCKERY], because it is not likely that the gentleman, who lives there upon the spot and knows the situation, would make any representation that was not correct when he advocates this measure here in his official capacity upon the floor of this House. The gentleman who inspired this newspaper article was at one time governor of New Mexico, and he came here in person to fight these bonds. The Delegate said upon the floor of this House when the bill was before us some time ago that he thought some further time ought to be given, and asked that the House would not pass the bill at that time in order to enable him to communicate with his people. The House refused to pass the bill by a two-thirds vote at that time, but since then he has had ample time to communicate with his people, and he says in his letter that the people are satisfied. Let me call the attention of the House to the statement signed by Governor Prince and others when these bonds were first issued. The statement was in these words:

We, the undersigned, members of the Santa Fe Board of Trade and taxpayers of Santa Fe County, respectfully represent that the issue of $150,000 in Sante Fe County bonds, issued in 1880 to aid in the construction of the Santa Fe, New Mexico and Southern Railroad, affords a safe and reliable investment. * * *

That is signed by L. Bradford Prince, the very gentleman who inspired this article in the newspapers and who contests these bonds.

Mr. WATSON of Ohio. He was the governor of the Territory.

Mr. KNOX. Allow me to suggest that these bonds were certified to be good by the United States district attorney for the Territory.

Mr. LACEY. They were certified by many of the leading citizens of the Territory, by the Board of Trade of Santa Fe, and others. They voted these bonds four times before they could get anybody to take them.

Mr. KNOX. Five times.

Mr. LACEY. Five times. And the fifth time the bonds were issued the money was furnished and the railroad was built. After the Territorial supreme court had declared the bonds valid, they issued new bonds to take up and pay off the old bonds. Now, my friend from New Hampshire [Mr. BAKER] wants the bonds repudiated, in order that some gentlemen in the city of Boston, who have some bonds, may have the opportunity to get in on the ground floor with their own bonds, by having the Territory repudiate its honest debts to somebody else.

[Here the hammer fell.]

Mr. OWENS. How much time have I left?

The SPEAKER pro tempore. One minute.

Mr. OWENS. I yield that time to the gentleman from Ohio [Mr. WATSON].

Mr. WATSON of Ohio. Mr. Speaker, I want to make just one statement in connection with this matter. The gentleman from New Hampshire [Mr. BAKER] a moment ago said he did not think that any gentleman upon the floor of this House would vote to validate these bonds unless he had some personal friend who owned some of them. That is a very serious reflection upon gentlemen who constitute this House. I never heard of this transaction in my life until the gentleman rose to make his speech. I do not know anyone who has any money interest in these bonds, but I intend to vote to validate these obligations, because I believe them to be just.

The SPEAKER pro tempore. The question is on the motion to suspend the rules and pass the bill.

The question was taken, and the Speaker pro tempore announced that in his opinion two-thirds had voted in favor of the motion.

Mr. BAKER of New Hampshire and Mr. TERRY demanded a division.

The House divided; and there were—ayes 65, noes 23.

Mr. BAKER of New Hampshire and Mr. TERRY made the point of no quorum.

The SPEAKER pro tempore proceeded to count the House.

Mr. HEPBURN (during the count). I make the point of order, on the counting of a quorum, that those members who enter the House after the announcement of the vote can not be counted.

The SPEAKER pro tempore. The Chair overrules the point of order.

Mr. BAKER of New Hampshire. On this question I demand the yeas and nays.

The SPEAKER pro tempore announced a sufficient number in support of the demand for the yeas and nays.

Mr. LACEY demanded the other side.

The yeas and nays were ordered.

The question was taken; and there were—yeas 150, nays 43, not voting 161; as follows:

YEAS—150.

Adams,	Blue,	Cobb,	Fairchild,
Aldrich, Ala.	Brewster,	Codding,	Faris,
Aldrich, Ill.	Broderick,	Coffin,	Fischer,
Apsley,	Bromwell,	Cummings,	Fletcher,
Arnold, Pa.	Brosius,	Curtis, Iowa	Fowler,
Arnold, R. I.	Brown,	Curtis, N. Y.	Gardner,
Avery,	Brumm,	Danford,	Gibson,
Babcock,	Buck,	Dayton,	Gillet, N. Y.
Barney,	Bull,	Dingley,	Goodwyn,
Beach,	Burrell,	Doolittle,	Griffin,
Belknap,	Burton, Mo.	Dovener,	Griswold,
Bennett,	Cannon,	Ellett, Va.	Grosvenor,
Bingham,	Chickering,	Ellis,	Grow,
Bishop,	Clardy,	Erdman,	Hadley,
Black, Ga.	Clark, Iowa	Evans,	Hager,

Haines, Nebr.	Harley,	Murphy,	Steele,
Hall,	Jenkins,	Odell,	Stewart, Wis.
Halterman,	Johnson, Cal.	Otjen,	Stone, C. W.
Hardy,	Johnson, N. Dak.	Owens,	Strode, Nebr.
Harmer,	Knox,	Payne,	Taft,
Harrison,	Lacey,	Phillips,	Tayler,
Hart,	Latimer,	Pitney,	Tracey,
Hartman,	Layton,	Poole,	Treloar,
Hatch,	Leighty,	Powers,	Turner, Ga.
Heatwole,	Lewis,	Prince,	Updegraff,
Henderson,	Long,	Pugh,	Wadsworth,
Hendrick,	Loud,	Reyburn,	Walker, Va.
Henry, Conn.	Loudenslager,	Richardson,	Walsh,
Henry, Ind.	Low,	Russell, Conn.	Wanger,
Hermann,	McCall, Mass.	Sauerhering,	Watson, Ohio
Hicks,	McCleary, Minn.	Scranton,	Wellington,
Hilborn,	McClellan,	Sherman,	White,
Hill,	McCormick,	Simpkins,	Willis,
Hopkins,	McLachlan,	Sorg,	Wilson, Ohio
Howe,	Mercer,	Southard,	Wilson, S. C.
Howell,	Miller, W. Va.	Spalding,	Wood.
Hulick,	Milnes,	Sparkman,	
Hunter,	Minor, Wis.	Sperry,	

NAYS—43.

Abbott,	Curtis, Kans.	McCall, Tenn.	Sulloway,
Baker, Kans.	De Armond,	McCulloch,	Sulzer.
Baker, N. H.	Denny,	McRae,	Talbert,
Bankhead,	Dockery,	Mozley,	Tate,
Bartlett, N. Y.	Hemenway,	Otey,	Terry,
Bell, Colo.	Hepburn,	Pendleton,	Tucker,
Bell, Tex.	Kem,	Raney,	Underwood,
Burton, Ohio	Kirkpatrick,	Shuford,	Williams,
Cockrell,	Linney,	Stallings,	Woodard,
Crowther,	Little,	Strait,	Yoakum.
Culberson,	Marsh,	Strowd, N. C.	

NOT VOTING—161.

Acheson,	Draper,	Maddox,	Russell, Ga.
Aitken,	Eddy,	Maguire,	Sayers,
Allen, Miss.	Elliott, S. C.	Mahany,	Settle,
Allen, Utah	Fenton,	Mahon,	Shafroth,
Anderson,	Fitzgerald,	McClure,	Shannon,
Andrews,	Foote,	McCreary, Ky.	Shaw,
Atwood,	Foss,	McDearmon,	Skinner,
Bailey,	Gamble,	McEwan,	Smith, Ill.
Baker, Md.	Gillett, Mass.	McLaurin,	Smith, Mich.
Barham,	Graff,	McMillin,	Snover,
Barrett,	Grout,	Meiklejohn,	Southwick,
Bartholdt,	Hanly,	Meredith,	Spencer,
Bartlett, Ga.	Harris,	Meyer,	Stahle,
Berry,	Heiner, Pa.	Miles,	Stephenson,
Black, N. Y.	Hitt,	Miller, Kans.	Stewart, N. J.
Boutelle,	Hooker,	Milliken,	Stone, W. A.
Bowers,	Howard,	Miner, N. Y.	Strong,
Calderhead,	Hubbard,	Mondell,	Swanson,
Catchings,	Huff,	Money,	Tawney,
Clark, Mo.	Hulling,	Moody,	Thomas,
Clarke, Ala.	Hull,	Morse,	Thorp,
Colson,	Hutcheson,	Moses,	Towne,
Connolly,	Hyde,	Neill,	Tracewell,
Cook, Wis.	Johnson, Ind.	Newlands,	Turner, Va.
Cooke, Ill.	Jones,	Noonan,	Tyler,
Cooper, Fla.	Joy,	Northway,	Van Horn,
Cooper, Tex.	Kendall,	Ogden,	Van Voorhis,
Cooper, Wis.	Kerr,	Overstreet,	Walker, Mass.
Corliss,	Kiefer,	Parker,	Warner,
Cousins,	Kleberg,	Patterson,	Washington,
Cowen,	Kulp,	Pearson,	Watson, Ind.
Cox,	Kyle,	Perkins,	Wheeler,
Crisp,	Lawson,	Pickler,	Wilber,
Crowley,	Lefever,	Price,	Wilson, Idaho
Crump,	Leisenring,	Quigg,	Wilson, N. Y.
Dalzell,	Leonard,	Ray,	Woodman,
Daniels,	Lester,	Reeves,	Woomer,
De Witt,	Linton,	Robertson, La.	Wright.
Dinsmore,	Livingston,	Robinson, Pa.	
Dolliver,	Lockhart,	Royse,	
Downing,	Lorimer,	Rusk,	

The following additional pairs were announced:

Mr. JOY with Mr. MCCREARY of Kentucky, for this day.

On this question:

Mr. HUBBARD with Mr. SAYERS.

Mr. HULL with Mr. PATTERSON.

Mr. LEWIS with Mr. WASHINGTON.

Mr. MORSE with Mr. STALLINGS.

Mr. BARTHOLDT with Mr. LIVINGSTON.

Mr. BAKER of Maryland with Mr. FITZGERALD.

Mr. LEISENRING with Mr. SPENCER.

The SPEAKER. On this question the yeas are 150, the nays 43; two-thirds having voted in the affirmative, the rules are suspended, and the bill is passed.

Mr. OWENS. Mr. Speaker, I want to see if the record is right. I understand the record is that the bill was passed, while it was really to concur in the Senate amendment. The bill passed the House some time ago.

The SPEAKER. This is a House bill with a Senate amendment which the House has passed.

Mr. OWENS. It is just this way: It was a House bill with a Senate amendment, which the House committee passed with another amendment.

The SPEAKER pro tempore. The bill that the gentleman sent up is a House bill with a Senate amendment.

Mr. OWENS. The only question was whether the record read right. I know that it was the right bill.

The SPEAKER. It seems that the House has passed the same bill which the Senate passed, and the regular way in which to have passed it would have been to concur in the Senate amendment.

Mr. OWENS. With an amendment.

The SPEAKER. With an amendment. And if there be no objection that will be considered as the action of the House.

Mr. KEM. I object.

Mr. HENDERSON. It is a House bill that has passed with a Senate amendment. That seems to meet the case.

The SPEAKER. The trouble is that the House has passed the bill with a Senate amendment and an amendment thereto.

Mr. OWENS. I move that the record be made to conform to the action of the House.

Mr. HENDERSON. The bill has passed with a Senate amendment and an amendment to that.

The SPEAKER. Will the Reporters have the kindness to give the Chair the statement made by the gentleman from Kentucky?

Mr. LACEY. The motion was to concur in the Senate amendment with an amendment.

The SPEAKER. The Chair thinks the bill will have to be regarded as a House bill with a Senate amendment.

Mr. HENDERSON. We have just passed the House bill with a Senate amendment.

The SPEAKER. With the Senate amendment amended.

Mr. OWENS. That is all I wanted.

The SPEAKER. It seems to the Chair that that was not the transaction of the House.

Mr. LACEY. That is the transaction as the House understood it.

Mr. HEPBURN. Mr. Speaker, would it have been competent under this order of business to have taken up this bill and adopted the amendment of the Senate without unanimous consent?

Mr. OWENS. I moved to suspend the rules.

Mr. HENDERSON. For the purpose of passing the bill.

The SPEAKER. It would have been competent to concur in the Senate amendment with an amendment under suspension of the rules.

Mr. LACEY. That is the effect.

The SPEAKER. It would have been competent to do that.

Mr. HENDERSON. It goes to the Senate as a House bill.

The SPEAKER. The Chair thinks the action of the House ought to prevail, but of course can not control an individual member who may think otherwise.

Mr. OWENS. Would a motion to correct the record to that effect be in order?

The SPEAKER. The trouble is that the record has got to be corrected with reference to the facts. It can not be corrected to make the facts conform, but the gentleman can be recognized to make the proper motion.

Mr. OWENS. Mr. Speaker, I move to reconsider the vote by which the House has passed the bill.

The SPEAKER. That can not be done; but the gentleman can now be recognized to make the proper motion.

Mr. OWENS. Then I move to suspend the rules and concur in the Senate amendment with the amendment proposed by the House committee.

The bill and amendments were read.

Mr. BAKER of New Hampshire. Mr. Speaker, I demand a second.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

Mr. BAKER of New Hampshire. I object.

Mr. OWENS. I withdraw the motion to suspend the rules, Mr. Speaker.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and joint resolutions of the following titles:

On May 28, 1896:

An act (H. R. 9030) declaring a certain bridge across the Tallahatchie River, in Tallahatchie County, State of Mississippi, a lawful structure, and for other purposes;

An act (H. R. 8590) granting to the Denver, Cripple Creek and Southwestern Railroad Company a right of way for a railroad through the South Platte and Plum Creek forest reserves in the State of Colorado;

An act (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation in said State as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes;

An act (H. R. 3013) to amend section 4131 of the Revised

Statutes of the United States, to improve the merchant marine engineer service and thereby also to increase the efficiency of the Naval Reserve, and for other purposes;

Joint resolution (H. Res. 193) authorizing the Secretary of War to lend to the mayors of the cities of East St. Louis, Ill., and St. Louis, Mo., and vicinity, a number of tents; and

Joint resolution (H. Res. 174) granting permission to the circuit and county courts in Rockingham County, Va., to occupy the Federal court room in Harrisonburg, Va.

On May 29, 1896:

An act (H. R. 4452) to amend section 416 of the Revised Statutes of the United States relating to the District of Columbia.

On May 30, 1896:

An act (H. R. 515) granting a pension to William Grose;

An act (H. R. 2326) granting a pension to Thomas Holaday;

An act (H. R. 2844) granting a pension to Martha McNeil;

An act (H. R. 4712) granting a pension to Margaret A. Luthy;

An act (H. R. 5814) granting a pension to Cassie A. Davis, widow of James P. Davis and mother of Mary T. Davis, an invalid daughter;

An act (H. R. 5854) granting a pension to John Caster;

An act (H. R. 1181) for the relief of Maria E. Wilson;

An act (H. R. 483) for the relief of Mary Jane Lynn, the daughter of John R. Lynn, a Revolutionary soldier;

An act (H. R. 5140) for the relief of Michael H. J. Crouch, late of Company M, Sixth Regiment Pennsylvania Cavalry;

An act (H. R. 3426) granting a pension to Eugenia R. Sweeny, widow of Brig. Gen. Thomas W. Sweeny, deceased;

An act (H. R. 4182) granting increase of pension to Georgianna C. Hall, dependent mother of Maj. John W. Williams, deceased, late surgeon United States Army;

An act (H. R. 5226) to give increased pension to Gen. James C. Parrott;

An act (H. R. 485) for the relief of Kate Eberle, an Indian woman;

An act (H. R. 1601) to amend the military record of John S. Evans;

An act (H. R. 7816) for the relief of John S. Burwell, administrator of the estate of A. L. Burwell, deceased;

An act (H. R. 248) empowering and directing the Secretary of the Navy to furnish four pieces of condemned cannon to the city of Hastings, Mich.; and

An act (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes.

On June 1, 1896:

An act (H. R. 4785) to incorporate the National University.

WILLIAM H. MAHONEY.

The SPEAKER. The Chair lays before the House a message from the President of the United States, which the Clerk will read.

The message was read, as follows:

To the House of Representatives:

I herewith return without approval House bill numbered 900, entitled "An act to provide for the payment of the claim of William H. Mahoney."

This bill directs the Secretary of the Treasury to receive and pay to W. H. Mahoney, without the indorsement of N. A. Rogers, a certain bond issued by the United States in 1861 for the sum of $500, such payment to be made upon the giving by said Mahoney of a bond to hold harmless the United States against repayment of said bond.

The bond mentioned is one of a large issue which was authorized under an act passed March 2, 1861, and known as Oregon war-debt bonds. They were made payable in 1881.

In 1864 an act was passed directing the Secretary of the Treasury to issue or cause to be issued to E. F. and Samuel A. Ward duplicates of 19 of these bonds, particularly described by their numbers and otherwise. Among others are mentioned "Nos. 1352 to 1359, inclusive." This of course includes the bond numbered 1358, which is directed to be paid in the bill under consideration. Nothing can now be discovered to indicate the occasion for the issuance of these duplicates, but from the fact that a bond of indemnity was required it is inferred that they were issued because of the loss or destruction of the original bonds.

Pursuant to this act, a duplicate of the bond in question, among others, was issued and made payable to the order of Thomas Pritchard, attorney, who was the payee in the original bond.

In 1881 this duplicate was paid by the Treasury Department and is now in possession of the Government. The indorsement of the payee, "Thomas Pritchard, attorney," appears thereon, and all other proper indorsements to show title in the party to whom the payment was made.

The Government has therefore once paid the amount of this bond to the party apparently entitled to it. If the beneficiary named in this bill has a better right to the money, the Government, not being in default, should be protected against double payment. I suppose to sustain a claim upon the indemnity bond given when the duplicate was issued in 1864 we should be prepared to show that the second payment on the original bond was made upon such a state of facts as compelled or at least justified it. The passage of an act simply directing such payment would alone not be sufficient. The bond directed to be given by this bill would afford the Government no protection, since it only provides against repayment of the bond in the future, whereas the payment we should suffer from has already been made.

I suggest that an act be passed directing the Secretary of the Treasury to investigate the entire subject with a view of determining to whom this money should be paid, in a manner to bind, if possible, by the results of the examination the party to whom it has already been paid and who should refund if another has a better right.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 29, 1896.*

Mr. JOHNSON of California. Mr. Speaker, that is a bill that was introduced by my colleague, Mr. BARHAM. He is not present, but from conversation with him I know that he would wish to have it referred to the committee which considered the bill.

The SPEAKER. Without objection, the message and accompanying bill will be referred to the Committee on Claims.

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM].

Mr. JOHNSON of California. I move that the message and bill be referred to the Committee on Claims.

The motion was agreed to; and the reference was made accordingly.

AMANDA WOODCOCK.

The SPEAKER laid before the House a message from the President of the United States; which was read, as follows:

To the House of Representatives:

I return without approval House bill No. 6057, entitled "An act granting a pension to Mrs. Amanda Woodcock."

The bill provides for the granting of a pension to the beneficiary therein named, describing her as the "widow of Robert Woodcock, deceased, late a private in the Fourth United States Volunteer Infantry in the Mexican war."

My action in this case is based upon the following statement concerning the bill from the Pension Bureau:

"The bill, if approved, would be inoperative, inasmuch as there was no such organization in the Mexican war as named in the bill (Fourth United States Volunteer Infantry), and the service alleged by the soldier having been in the Fourth Kentucky Volunteer Infantry.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 30, 1896.*

Mr. ANDREWS. Mr. Speaker, I move that the message and accompanying bill be referred to the Committee on Pensions.

The motion was agreed to, and the reference was made.

JONATHAN SCOTT.

The SPEAKER also laid before the House a message from the President of the United States; which was read, as follows:

To the House of Representatives:

I herewith return without approval House bill No. 4526, entitled "An act granting a pension to Jonathan Scott."

This bill directs that the Secretary of the Interior place upon the pension roll, at the rate of $72 per month, subject to the provisions and limitations of the pension laws, the name of Jonathan Scott, late of Company M, Sixth Regiment Iowa Volunteer Cavalry.

The beneficiary was dropped from the pension roll in October, 1895, after a very thorough examination for fraud, it appearing to the satisfaction of the Pension Bureau that the disability for which he was pensioned was not due to his army service. There certainly ought to be a strong presumption that the case was fairly and justly determined by the Bureau, and the evidence strongly tends to support the conclusion reached. If restored to the rolls, such restoration would still be "subject to the provisions and limitations of the pension laws," and he would not be exempt from further investigation if circumstances or newly developed facts justified such a course.

Whatever may be the merits of the case, however, I am advised by the Pension Bureau that the bill, if it became a law in its present form, would be inoperative, for the reason that the beneficiary is therein described as having been a member of the Sixth Regiment of Iowa Volunteer Cavalry, whereas he actually served in the Fifth Regiment of the Volunteer Cavalry of that State.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 30, 1896.*

Mr. ANDREWS. I move the reference of this message, with the accompanying bill, to the Committee on Invalid Pensions.

The motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. I rise to present a privileged report—the report of the committee of conference on the sundry civil appropriation bill. I ask that the statement of the House conferees may be read and that the reading of the conference report be dispensed with.

The SPEAKER. Without objection, the statement will be read without the reading of the report.

Mr. KEM. I object.

The SPEAKER. The gentleman from Nebraska [Mr. KEM] objecting, the conference report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7654) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 24, 25, 111, 112, 125, 126, 127, 128, and 129.

That the House recede from its disagreement to the amendments of the Senate numbered 10, 28, 91, 93, and 94; and agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert "macadamizing"; and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$24,000"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 2, 3, 4, 6, 7, 8, 13, 15, 16, 17, 32, 61, 96, 97, 109, 122, 123, 124, 140, 141, 146, 147, and 161.

J. G. CANNON,
E. J. HAINER,
JOSEPH D. SAYERS,
Managers on the part of the House.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.

The following statement of the House conferees was read:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year 1897 submit the following written statement, in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on each of said amendments, namely:

On No. 10: Appropriates $300 for bathroom and lavatory in the public building at Sioux Falls, S. Dak., as proposed by the Senate.

On Nos. 23, 24, and 25: Appropriates $8,950, as proposed by the House, instead of $7,450, as proposed by the Senate, for certain improvements of the marine hospital at Chicago.

On No. 28: Appropriates $30,000, as proposed by the Senate, for range-light stations in Sandusky Bay, Ohio.

On Nos. 91, 92, and 93: Appropriates $24,000, instead of $13,000, as proposed by the House, and $26,000 as proposed by the Senate, for lighting the Capitol and Capitol Grounds, and $45,000, as proposed by the Senate, for extension of electric-light plants in the Capitol and to the grounds about the Capitol.

On No. 94: Appropriates $55,000, as proposed by the Senate, for ventilation of the Senate wing of the Capitol.

On Nos. 111 and 112: Strikes out the appropriation of $5,000 proposed by the Senate for editing documents relating to the war of the Revolution.

On Nos. 125, 126, 127, 128, and 129: Appropriates for electric lights on the grounds south of the Executive Mansion, and in Lafayette, Franklin, Judiciary, and Lincoln parks, at the prices per lamp as proposed by the House.

The committee of conference have been unable to agree on the following amendments, namely:

On Nos. 2, 3, 4, 6, 7, 8, 13, 15, 16, and 17, relating to public buildings, as follows:

Boise City, Idaho, increasing limit of cost from $150,000 to $200,000, and appropriating $50,000;

Camden, N. J., increasing limit and appropriating $25,000;

Cheyenne, Wyo., increasing limit from $150,000 to $250,000, and appropriating $50,000;

Fortress Monroe, Va., for post-office building, $15,000;

Helena, Mont., increasing limit from $150,000 to $300,000, and appropriating $50,000;

Kansas City, Mo., increasing limit from $1,200,000 to $1,316,000;

Omaha, Nebr., appropriating $100,000, instead of $70,000, as proposed by the House;

St. Paul, appropriating $125,000, instead of $60,000, as proposed by the House;

Savannah, Ga., increasing limit $100,000, and appropriating $25,000; and

Salt Lake City, Utah, appropriating $75,000 for site and commencement of building.

On amendment numbered 32, appropriating $15,000 for a light-house on Swan Island, in the Caribbean Sea.

On amendment numbered 61, appropriating $250,000 for an additional fire-proof building for the use of the National Museum.

On amendment numbered 96, increasing the appropriation for surveys and resurveys of public lands from $250,000 to $400,000.

On amendment numbered 97, relating to the reclamation of arid lands.

On amendment numbered 109, appropriating $35,000 to enable the Government to take part in the International Exposition at Brussels, Belgium.

On amendments numbered 122, 123, and 124, relating to the price to be paid for gas lamps in the public grounds.

On amendments numbered 140 and 141, relating to the improvement of the Columbia River.

On amendments numbered 146 and 147, relating to the support and medical treatment of destitute patients and to the Providence and Garfield hospitals.

On amendment numbered 161, relating to the disbursement of appropriations for the National Home for Disabled Volunteer Soldiers.

J. G. CANNON,
JOSEPH D. SAYERS,
Managers on the part of the House.

The question being taken, the conference report was agreed to.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

Mr. CANNON. I move that the House further insist on its disagreement to the Senate amendments still in controversy, and ask a further conference with the Senate.

Mr. LOUDENSLAGER. I ask a separate vote on Senate amendment numbered 3, on which I desire to move concurrence.

The SPEAKER. The question will be put on the motion of the gentleman from Illinois [Mr. CANNON], excepting amendment numbered 3.

The motion was agreed to.

The SPEAKER. The Clerk will now read amendment numbered 3.

The Clerk read as follows:

For public building at Camden, N. J.: For construction of building, $25,000; and the limit of cost of said building is increased $125,000.

Mr. LOUDENSLAGER. I move that the House recede from its disagreement and concur in the amendment.

The motion was not agreed to; there being—ayes 33, noes 64.

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. CANNON] that the House further insist on its disagreement to Senate amendment numbered 3, and ask a conference with the House thereon.

The motion was agreed to.

On motion of Mr. CANNON, a motion to reconsider the vote by which the House further insisted on its disagreement to Senate amendments and asked a conference with the Senate thereon was laid on the table.

The SPEAKER. The Chair will appoint the former conferees.

LABOR COMMISSION.

Mr. PHILLIPS. I move a suspension of the rules for the consideration and passage of House bill No. 9188.

The bill was read, as follows:

A bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital.

Whereas many of those engaged in the various fields of labor and also many of those engaged in agricultural pursuits are organized and, together with those engaged in commerce, are presenting grievances to Congress and to the various State governments, seeking and demanding legislation in their behalf: Now, therefore, in order to give a hearing and to meet the requirements of this large number of citizens,

Be it enacted, etc., That the President of the United States is hereby authorized and directed to appoint a commission, to be called the "industrial commission," composed as follows: Three men representative of labor, three men representative of agriculture, three men representative of manufacturing, and three men representative of business. A majority of this commission shall not belong to any one of the political parties which took part in the last Presidential election. The President shall have the power to remove any member of said commission for inefficiency, neglect of duty, or malfeasance, or for any other reason duly set forth.

SEC. 2. That each division of three shall have the right to employ one legal adviser, whose compensation shall be the same as hereinafter provided for a member of the commission, and one secretary, at a salary of $300 per month; the commission shall convene in the city of Washington, D. C., within sixty days after its appointment, and shall organize by the selection of one of its members as president, who shall designate from time to time one of the secretaries provided for in this section to act as secretary of the commission. The president and officers shall be chosen by a majority vote of the commission, and may be removed from office at any time by a vote of two-thirds of the commission; the president shall serve for such term as the commission may determine; a majority of the commission shall determine the composition of its standing committees and their duties, and shall appoint any subcommissions that may be required as provided for in section 5, and committees and subcommissions shall report to the commission. The commission shall have power to make such rules as it may deem necessary for carrying out the purposes of this act.

SEC. 3. That it shall be the duty of this commission to investigate questions pertaining to immigration, to labor, to agriculture, to manufacturing, and to business and to recommend to Congress such legislation as it may deem best upon these subjects.

SEC. 4. That it shall furnish such information and suggest such laws as may be made a basis for uniform legislation by the various States of the Union, in order to harmonize conflicting interests and to be equitable to the laborer, the employer, the producer, and the consumer.

SEC. 5. That the commission shall receive petitions and other papers on subjects pertaining to its duties and give reasonable time for hearings, if deemed necessary, and if necessary it may appoint a subcommission or commissions of its members to make investigation in any part of the United States, and it shall be allowed actual necessary expenses for the same. It shall have the authority to send for persons and papers and to administer oaths or affirmations. All necessary expenses, including reading clerk, shorthand reporters, messengers, rent for place of meeting, furniture and fixtures, and printing and stationery shall be allowed; however, not to exceed $50,000 per annum for expenditures under this section.

SEC. 6. That it may report from time to time to the President of the United States, and shall at the conclusion of its labors submit a final report.

SEC. 7. That the term of the commission shall be two years. The salary of each member of this commission shall be $5,000 per annum and actual traveling expenses from the home of each commissioner to Washington and return once each year.

SEC. 8. That any vacancies occurring in the commission by reason of death, disability, or from any other cause, shall be filled by appointment of the President of the United States.

SEC. 9. That a sum sufficient to carry out the provisions of this act is hereby appropriated out of any moneys in the Treasury of the United States not otherwise appropriated.

The SPEAKER. Is a second demanded on the motion to suspend the rules?

Mr. BARTLETT of New York. I demand a second.

The SPEAKER. Does the gentleman desire that a second be considered as ordered?

Mr. BARTLETT of New York. Yes, sir.

The SPEAKER. Without objection, a second will be considered as ordered.

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM]. The gentleman from New York, Mr. BARTLETT, and the gentleman from Pennsylvania, Mr. PHILLIPS, will please take their places as tellers.

The House divided; and the tellers reported—ayes 122, noes 1.

So a second was ordered.

The SPEAKER. The gentleman from Pennsylvania [Mr. PHILLIPS] is recognized to control twenty minutes, and the gentleman from New York [Mr. BARTLETT] the same amount of time.

Mr. PHILLIPS. I reserve my time for the present.

Mr. BARTLETT of New York. Mr. Speaker, my object in demanding a second was to obtain the opportunity to criticise certain provisions of this bill from the standpoint of a lawyer and from a constitutional point of view. This bill being brought up to-day in this peculiar manner, under a motion to suspend the rules, every member, no matter how earnest and ardent he may be in the interest of labor, is denied opportunity to suggest any amendments. As gentlemen are well aware, no amendment is now in order. So this bill, different in form from the original bill—different from the bill as amended a few days ago on the motion of the gentleman from Pennsylvania—this bill revamped comes up for consideration without any member having had any opportunity in advance to read it. I am aware, Mr. Speaker, that the

members of this House are afraid even to criticise a bill which comes to the House in the name of the labor interests of the country. But I shall indicate, sir, two objections, of a constitutional nature, which I consider are serious, and so serious as to demand that this bill should not be passed.

Bear in mind that when the labor organizations of this country recommended such a bill it was not the bill now before the House. It was a bill proposed in the Fifty-third Congress, some time in the year 1894. We have had no opportunity to examine that bill to-day, and I call your attention to the fact that one of the labor organizations in recommending that bill conditioned its approval of it upon strict economy in expenditure. What is the case in regard to this bill? You give each of the 12 members of your composite committee $5,000 a year, and you also provide that there shall be four legal advisers—an entirely unnecessary expenditure. I certainly, Mr. Speaker, should advocate at all proper times the interests of the bar. But on this occasion I see no necessity whatever for legal advisers; hence there is a clear waste of $20,000 per annum in this one item. You also provide a number of clerks, at the salary fixed in the bill, amounting in the aggregate to $9,600 for the two years, and further $50,000 per annum in the way of general expenditures, making the sum total for the two years $279,200 as carried by the bill.

Now, Mr. Speaker, the first objection to the bill is that it provides that the members of the commission shall be appointed by the President of the United States alone. If we take the test of the decisions of the Supreme Court of the United States, going back to the case of The United States *vs.* Hartwell, in 1867, reported in 6 Wallace, and continued in the Germaine case of eleven years later, and in the latest case, The United States *vs.* Monat, decided in 1887, you will find certain rules are laid down as to what constitutes an office. It is laid down by the Supreme Court that the indicia are duration, tenure, emoluments, and duties, and you find in the ideas in this particular case under consideration appertaining to the functions of these officials all the indicia of a United States officer.

Now, if they are superior officers, they must be appointed, under our Constitution, by the President, by and with the advice and consent of the Senate. If they are inferior officers, by the President, or the head of a Department, or by the courts alone. But no one will contend, when it is remembered that even a second lieutenant or an officer of inferior rank in the Army or Navy is dependent for his appointment on the confirmation of the Senate—no one will maintain that one of these commissioners is not an officer of high rank in the constitutional sense, and hence that his appointment must not be confirmed by the Senate. Now, appoint your men on that commission, but beware lest they never be paid their salaries, lest after serving two years and applying for their salaries the Supreme Court of the United States shall decide that they were officers of the United States and had been appointed in violation of the Federal Constitution.

Now, what is the other objection? It is that by the Constitution of 1787 all legislative powers are vested in the Congress of the United States. If this had been an act providing for the appointment of a commission to collate or take evidence as to strikes, lockouts, and so on, or the interests of capital as opposed to labor, I should say well and good. I should gladly support such a measure. But here is a proposition to delegate the legislative powers of Congress—that is, to delegate the powers of suggestion, with a mandatory force almost equal to that of Congress—to a body of 12 men who are to consider the whole subject-matter of legislation upon the subjects involved. And I say that there, gentlemen, you violate one of the first principles of the Federal Constitution, the principle of the tripartite division of power into the executive, legislative, and judicial branches. And if you read the Constitution of the United States you will find that Article I, section 1, provides that—

All legislative powers herein granted shall be vested in a Congress of the United States.

And yet to-day you are about to advertise yourselves to the people of this country, far and wide, as incapable of legislation. You have your great Committee on Ways and Means, your committees on Immigration, on Labor, on Banking and Currency, on Coinage, Weights, and Measures, on every civil relation of the Government, and yet you propose to say to the people of the United States that we, the members of the Fifty-fourth Congress, have not the brain power, we have not the knowledge, the experience, or the capacity to legislate for the people of the United States, and desire now, at the end of the nineteenth century, to abdicate our powers and to delegate them to a tribunal composed of twelve men.

Why, I say, Mr. Speaker and gentlemen, that this is a most unconstitutional attempt to exercise the powers of the Government. I say you have no right, taking in view the fact that the only ones to be considered are the people of this country—the electors of this country—on the one hand and we, their Representatives, on the other, to abdicate your powers. They give us certain powers by electing us and sending us to Congress. The Federal Constitution gave us other powers to which the people at large consented; but nobody has ever yet voted in favor of such a change of the Federal Constitution as that which you practically will inaugurate to-day. Legislative powers are vested in the Senate and the House of Representatives. These powers from 1787 have been exercised by the Congress of the United States.

Mr. DINGLEY. Will my friend permit me? I have been listening to what he has said—that there is something in this bill which gives to this commission legislative powers. I have read the bill very carefully. I have seen nothing of that kind in it. This commission may inquire into and investigate certain problems relating to labor, immigration, etc., and may recommend, may suggest to those who have the legislative power, any propositions of legislation or otherwise, that may seem to them desirable for the promotion of these great interests. Where is there anything in that bill to vest in this commission legislative powers? This is a mere commission of parliament, which Great Britain has created over and over again, and which we have created. We have a Labor Commissioner, who suggests legislation. I do not see anything in this bill which goes beyond that, as I have read it.

Mr. BARTLETT of New York. Mr. Speaker, in answer to the distinguished gentleman from Maine, to whom I am always glad to listen, because his suggestions are always full of point and interest, let me say that if we do not violate the letter of the Federal Constitution we violate its spirit. Let me call the attention of the distinguished gentleman from Maine to the decisions of the courts in our various States, where the judges have said if the general legislative power can not be delegated with propriety to an individual it can not be delegated to communities or to the electors of the whole State.

Mr. DINGLEY. Is there any delegation of legislative power in this bill? I do not find anything of the sort.

Mr. BARTLETT of New York. I say that it violates the spirit of the Federal Constitution. It was intended by those great men who met at Philadelphia in 1787 that the only suggestions as to legislation should come from the people at large. Now, you give this special body of twelve men a standing between the people who have sent you here and yourselves, their representatives. If you do not give them the absolute power to legislate, you give them power to investigate on all these questions. With what intent and purpose? That their suggestions shall have a certain degree of force, be it more or less binding. I should agree with the gentleman from Maine [Mr. DINGLEY] if this bill were only to investigate questions of the relations of capital and labor, that is, as concerned in lockouts and strikes. That might be a pertinent and proper subject of investigation, to hold hearings, and to report the evidence taken to this body, in order that we might be guided in the future; but it is wrong to write ourselves down as incompetent, and to relegate to this commission questions pertaining to immigration, as to which we have just passed a bill, with full enlightenment from the distinguished gentleman from Missouri, the distinguished gentleman from Pennsylvania, and the distinguished gentleman from Massachusetts. You have passed your immigration bill. What more need of inquiry? Then as to labor, let that pass, if that were the only question. But you go further, and say all questions as to agriculture and all questions as to business. The last, Mr. Speaker, covers nearly every field of inquiry as to which the gentleman from Maine [Mr. DINGLEY] is regarded by a large part of this country as the highest exponent and the most worthy legislator.

Mr. Speaker, I speak in the true interests of American labor. I am in favor of and I shall always advocate the true interests of the laboring man, of the mechanic, the artisan, and the agriculturist. I do not, for one, understand the subdivision, which must be new and artificial, between labor and agriculture. That is a division which would hold that the man who follows the plow is not embraced in the ordinary ranks of labor, but that the railway conductor is. Now, can it be said—and I ask the distinguished gentleman from Maine—that when you pass a bill authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation, to meet the problems presented by labor, agriculture, and capital, that the recommendations of this commission, inchoate to-day but probably springing full into being a week hence, shall have no force with this body? Can you say that they shall have no binding effect to any extent whatsoever? Does the gentleman maintain for one moment that if that commission recommends various schemes of legislation we shall be as free as we are to-day? No, there will stand another body, another armed force, between us and our constituents, a force which shall say, "Vote in accordance with these measures which we recommend or be relegated forever to political obscurity."

Mr. LOW. Will the gentleman allow me to ask him a question?

Mr. BARTLETT of New York. In a moment, before I have finished. Now, I maintain, gentlemen, that this bill is unconstitutional for the reasons which I have indicated. In the first

place, because the appointments of the commissioners will be made without the advice and consent of the Senate, and that therein we trench upon the constitutional powers of the other body of our legislature; but beyond and above that, that the fundamental principle of the Federal Constitution that each and every measure of legislation shall come through Congress alone and through the people, by their representatives in Congress, is violated; that an attempt to form a new legislative body violates at least the spirit and intent, if not the letter, of the Federal Constitution.

Why, sir, if you go back to the formative period of American history and consider the body which led up to the convening of the Federal convention in 1787, when you consider the Annapolis convention of 1786—if I mistake not, only four of the eight colonies called upon were represented—you will find it was to be the function of that body before we had any real government, before we had any Federal Constitution, to suggest legislation.

This object which you provide for in your bill to-day might be all very well if we had not been existing with a written Constitution for the last century and more; but I appeal to you, gentlemen, do not pass this bill which will say to the people of the United States we are not competent to legislate for them at large. Do not pass such a bill because one or two gentlemen, representatives of labor organizations, said that they believed in a bill which was before us in 1894. This is a serious matter. The people of this country will not regard with favor any attempt on our part, their chosen representatives, to abdicate our functions.

Mr. LOW. Will the gentleman permit me to ask him a question?

Mr. BARTLETT of New York. Certainly.

Mr. LOW. Is it not a fact that the Venezuela Commission was appointed by the President for the specific purpose of obtaining information, and that the members of that Commission were not appointed subject to the approval of the Senate?

Mr. BARTLETT of New York. In answer to the gentleman from New York, I will state that I believe that the Venezuela Commission was appointed for the purpose of acquiring information; but that Commission was not appointed, Mr. Speaker, for the purpose of suggesting legislation or recommending legislation to the Congress of the United States. As to the other point, I call the attention of the gentleman from New York to the indicia to office, as laid down by the Supreme Court of the United States—duties and emoluments, tenure and duration. That Commission is a temporary commission; but this commission, lasting as it will for a fixed and definite period of two years, carries with it, perforce, the ideas of duration and tenure.

The SPEAKER. The time of the gentleman has expired.

Mr. PHILLIPS. I yield five minutes to the gentleman from Iowa.

Mr. HENDERSON. Mr. Speaker, this is what is known as the "labor bill," reported from the Committee on Labor; and I rise to support it as a lawyer and as a laboring man. [Laughter and applause.]

My friend from New York [Mr. BARTLETT] criticises the bill because of the way that it is brought in. It was introduced on the first day of this Congress, and was reported to the House on the 15th day of February, so that the bill and the able report thereon have long been in our possession. On the 23d of this month this bill, with certain amendments, was introduced, which is the bill to be voted upon now—the only changes made cut down the number of the officials—so that everyone is familiar with this bill, and the original bill has been discussed most ably by the gentleman from Pennsylvania [Mr. PHILLIPS].

Now, it is simply this: It creates a commission, consisting of three representatives of labor, three representatives of agriculture, three representatives of manufactures, and three representatives of general business. They are each paid $5,000 a year, and each of these groups is to be aided by a legal adviser, who is to be paid the same amount. This makes the total annual salaries $80,000, the object being to bring into one council chamber the representatives of all the great interests of the country. That in itself is argument enough for me to support it. In reply to my friend from New York [Mr. BARTLETT] I say that we abdicate nothing; we abdicate no power of Congress. We have it in our power to pass a law, with the help of the Senate, which shall make the officers to be confirmed with the advice of the Senate or not as we choose. We are the lawmaking power.

When it comes to getting information, notwithstanding the high attainments of the distinguished gentleman from New York, I have never been so much convinced as within the last twenty minutes of the necessity for more information for the benefit of lawmakers. [Laughter and applause.]

I submit, Mr. Speaker, that we may be able lawyers—some may be able doctors, some may be able preachers—but if we can have recommendations to this body coming from the labor interests, the great agricultural interests, and the great manufacturing interests, and representing general business, we will all get information that will be a surprise to most of us. I say to you, talk not of the $80,000 per annum. This commission in its counsels, in my judgment, will avert clashes between the great industrial interests of this country. It will prevent strikes and struggles. Where a million dollars will be saved in a single hour, why talk of your $80,000?

The gentleman from New York [Mr. BARTLETT] refers to the expense of this commission. What is the expense? This bill provides for twelve commissioners at $5,000 per annum each and one lawyer for each group, at the same rate of compensation, making a total annual expense for salaries of $80,000. To provide for this is in my judgment great economy, and is called for by the conditions of the country. It will prevent great loss and expense by bringing the great interests of this country into close and cordial consultation, and I believe that recommendations will come from this commission which, when enacted into laws, will save our people millions of dollars.

Let me make a brief quotation from the able report of Mr. PHILLIPS on the cost of strikes:

> That our relations are most intimately bound up with the wage earner is shown by the many strikes and lockouts in recent years, which have entailed great suffering and loss of property, as well as the sacrifice of life. Upon this subject of strikes we desire to state that the Hon. Carroll D. Wright, Commissioner of Labor, in his third annual report submitted the results of an extensive investigation as to strikes and lockouts in the United States from 1880 to 1886. It will be seen by an examination of this summary that during the years named (1881 to 1886, both inclusive) there were 3,902 strikes in the United States.
>
> There were 22,304 establishments and more than 1,323,203 employees involved.
>
> It will be seen also by this report that—

The loss to the strikers for the period of six years was	$51,814,723
Loss to the employees by reason of lockouts	8,157,717
Loss to employers of labor	34,163,814
Amount of assistance to strikers by contribution	4,430,595
Total loss in the six years	98,566,859

> These figures represent the actual loss to the parties engaged, and do not represent the enormous loss which incidentally came to the community by reason of such disturbances.
>
> The facts and figures of the last few years in regard to strikes and lockouts are not fully accessible. They are recent history and are still more appalling than those given. One writer has estimated the loss caused by strikes in 1894 at $80,000,000. Others estimate it as high as $100,000,000.

What is the cost of this commission in the face of these figures? If we are going into this matter, let us do it right and make such provisions as will secure the services of the very best men.

The Interstate Commerce Commission is paid $7,500 each annually. The Commissioners of the District of Columbia get $5,000 each. The Dawes Indian Commission get $5,000 each, and the same rate was paid to the Utah Commission. In my opinion this is a more important commission than either of these. This commission should rank in point of ability with Senators and Representatives in Congress, and should receive as much compensation. The abler the men the more valuable will be their recommendations. Do not haggle over the expense in the face of the mighty interests involved.

But the wisdom of creating such a commission is called in question. Mr. Speaker, "the world moves," and the lawmaker that closes his eyes and heart to the growing needs of this world, and especially of this country, will soon be left at home, and ought to be. Labor and its associates, agriculture and manufacturing, are growing with modern civilization in importance, and their relations must be studied for their good and the good of the whole people. The spirit of the age is calling for statistics touching these great interests. In proof of this I again quote from the report of the Committee on Labor of the House:

> Labor statistical bureaus are of recent origin, and were first established in the United States—the first one in Massachusetts in 1869. They have since been established in 32 of our States. The first Commissioner of Labor, the Hon. Carroll D. Wright, was appointed under the General Government in 1885. The English royal labor commission was appointed by royal warrant dated April 21, 1891, and is composed of 27 members. The fifth and final report of this commission was made to both houses of Parliament in June, 1894. The German commission of labor statistics was appointed in 1891, and it consists of 14 members, 168 civil servants, and 84 assistants. The higher council of labor was established in France in 1891. It consists of 50 members, chosen from among manufacturers, workingmen, and persons well informed upon economic and social questions. The Belgian higher council of labor was appointed in 1892. It consists of 48 members, chosen in equal numbers from workingmen, employers, and specialists in economic science.

Let the American Congress keep pace with the spirit of the age and seek for all possible light affecting these great and growing interests.

I say to this House that the labor interests and the agricultural interests of this country with united voice ask for the passage of this bill, and I am sorry that a lawyer from the great Empire State should rise and antagonize it. Let us with one voice vote for it. I hope my friend from New York will join us—I believe he will, because I see his face mellowing up with a kindly disposition. [Laughter.] Let us obey the mandates, the prayers, of all these great interests, and dedicate this petty sum to try to bring together all the great interests of this country and give us all the light that is possible before we legislate. [Applause.]

Mr. PHILLIPS. I yield five minutes to the gentleman from New Jersey [Mr. GARDNER].

Mr. GARDNER. Mr. Speaker, the gentleman from New York stated with great distinctness and deliberation, as he usually makes statements, that he proposed to criticise this bill from the standpoint of a lawyer. I beseech the House to take that part of the gentleman's statement, whether by reason or by courtesy, as a matter of fact, and to assume that he did criticise it as a lawyer, and that he has said against it from that standpoint all that is to be said.

The gentleman seemed concerned because the Senate of the United States is not to confirm the members of this commission. In the first place, Mr. Speaker, I take it that the Senate has the capacity to take care of itself and of the Constitution in that regard. Secondly, the view of the gentleman that that is necessary is but a part of that error which makes him set down the creation of this commission as at least an attempt on the part of Congress to create these commissioners officers of the United States possessing legislative power. I admit that the gentleman is great on the Constitution. I admit that he began somewhere this side of where the lamented Webster left off, and that he is far ahead of the most advanced stage of that great lamented expounder of the Constitution, when he discovers that there is great danger that the Congress of the United States is going to get information from an unconstitutional source. [Laughter.] If there is a suggestion in the gentleman's argument when analyzed, if there is anything left, it is that Congress is going to find an unconstitutional source from which to get information for legislation.

Now, I do not wonder—I would not wonder, I prefer to say—if some gentleman should conceive the notion that it was entirely unconstitutional to proceed to investigate questions pertaining to statesmanship outside of the area of their own horizon, but as to the great majority of this body, I trust and believe that that is not true. Mr. Speaker, nobody denies or will deny that there are in our society great questions at issue; nobody denies or will deny that there are looming above the political horizon social and political problems of mighty moment. They are neither timid nor inconsiderate people who believe that it may be possible that if society does not proceed to solve those problems, they, by and by, may proceed to solve society. If the gentleman from New York, or anybody else, would suggest a better method of meeting these questions than to appoint a commission that represents as nearly, I take it, the main interests involved——

Mr. LINNEY. Why should not this House, by a change of its rules, appoint a new committee and place the distinguished gentleman from Iowa, General HENDERSON, at the head of it, and thus get all the information by a committee of this House that could possibly be obtained by the expensive process proposed in this bill?

Mr. GARDNER. I am afraid, Mr. Speaker, that the great mass of the people who are interested in the solution of these problems, finding a commission so constituted, would believe that there was about as much politics involved in its make-up as there appears to be in the questions propounded and the suggestions made in opposition to this bill.

Mr. LINNEY. But would not a committee be less open to that objection than a commission to be appointed by the President, who himself represents politics at white heat?

Mr. GARDNER. Mr. Speaker, I do not care to consume time in a discussion as to whether the President of the United States, upon an occasion like this, may or may not rise above petty partisan considerations and appoint a commission such as the country has a right to expect at the hands of the Chief Magistrate. I was about to say that this commission will represent the interests involved in most of the disputes that now arise in the business of the country. They will come together, and they must and will seek to reconcile their differences. They will be free from political bias and party bickering. They will have faith in the sincerity of each other, and the public in all of them. If they agree, perplexing problems will be solved. If they can not agree, they and the world will understand why, and whether there is an "irrepressible conflict." That there are problems none will deny; that they will be solved without effort nobody believes. To pass and put into operation this bill is, in my opinion, an imperative duty of the hour.

The SPEAKER. The time of the gentleman has expired.

Mr. PHILLIPS. I yield five minutes to the gentleman from Illinois [Mr. BELKNAP].

Mr. BELKNAP. Mr. Speaker, I will consume but a few minutes of the time of the House in which to express my earnest advocacy of the passage of this measure. Some seem to think that strikes and disorders of like character are always occasioned by the impetuosity or unwise acts of labor. I deny this to be the fact. All fair-minded citizens, upon reflection, must admit that often capital is oppressive and unjust, and therefore at fault; and remember, gentlemen, labor does not ask for charity; all it wants is justice.

Under our form of government all men are equal before the law, but when we recall the frequent occurrence of strikes, lockouts, and similar events, causing suffering and distress to many, we can not but conclude that often misunderstanding exists between the employer and the employee, or that there is frequently oppression and injustice. Therefore, it is our highest duty as the immediate representatives of the people, honored as we are by their suffrages with seats in this branch of our chief legislative body, to adopt such measures as will do away with this unfortunate condition of affairs. This can not be done without a careful consideration of the interests of all. The facts must all be weighed in an unselfish, thoughtful manner, so that a fair and just conclusion may be reached.

The appointment of the "industrial commission," as authorized by this bill, I believe, will accomplish this most desirable end. Composed, as it will be, of competent representatives of labor, of agriculture, of manufacturing, and of business, all sides may have a full hearing and all interests carefully weighed, and as a result proper legislation for the remedying of existing evils may be recommended.

This measure has received the earnest attention of able men, fully competent to come to a wise and proper decision upon such matters, and it has their unanimous recommendation.

By referring to the third annual report of the Hon. Carroll D. Wright, Commissioner of Labor, we find the results of an extensive investigation as to strikes and lockouts in the United States. It shows that during the years named (1881 to 1886, both inclusive) 3,902 strikes occurred in our free and grand Republic. Establishments to the number of 22,304 and more than 1,323,203 employees were involved. The report also shows that—

The loss to the strikers for the period of six years was	$51,814,723
Loss to the employees by reason of lockouts	8,157,717
Loss to employers of labor	34,163,814
Amount of assistance to strikers by contribution	4,430,595
Total loss in the six years	98,566,859

These figures, which I take from the report of the House of Representatives Committee on Labor, in connection with the bill we are considering, show the losses in dollars and cents; but, gentlemen, I ask you to reflect upon the fact of how insignificant and inconsequential are these losses in comparison with the heartaches, the distress, and sorrow brought about by these unfortunate occurrences. Think of the sorrowing wife, the suffering children, the heartbroken father; hunger and want staring in the face him and his; and all this unhappiness brought about by the selfishness of some, or on account of unfortunate misunderstandings between man and man; all occurring right here in our own prolific land, filled with plenty, and where none who are worthy should ever want. Answer by your votes if it is not high time that we, the people's servants, should act, and at once, and afford a proper method of relief.

Further, Mr. Speaker, all will recall the fact that since 1886, the last year covered by the report of the Commissioner of Labor, heretofore referred to, strikes have occurred greater and more distressing than those mentioned in the period named. Aye, sir; something must be done without delay to right this hurtful and unhappy condition of affairs.

The investigation of the questions involved must be made in a nonpartisan manner. This bill requires that a majority of the commission shall not belong to any one of the political parties. Therefore it meets that most necessary requirement.

Mr. Speaker, as members of this body we have considered varied and important questions, but none of which concerns more closely the welfare of the Republic and the happiness of its people than the one now before us. This bill brings together the chosen representatives of capital and of labor, in the same room, around the same table, where the needs of all may be carefully considered; where the interests of all may be discussed. It harmonizes these conflicting elements. Instead of pulling against each other they will pull together. Instead of working as enemies they will act as friends. What better method could we adopt, Mr. Speaker? This bill has the hearty approval of every labor organization in the land. It is a fair and just measure, and we owe it to the bone and sinew of our country that it should be passed.

I ask you, gentlemen, to bear in mind the fact that the Union of the States was preserved by the men who guided the plow, who swung the hammer, who pulled the throttle, or followed some other worthy avocation in the ranks of labor. To the heroism and self-sacrifice of the laboring man capital owes the preservation of the best form of government ever known to man.

Some seem to think that patriotism is dying out, that love of country is diminishing; but, Mr. Speaker, this can not be. On the heathered hills of Scotland the sword of Wallace is yet a bright tradition. The genius of France, in its brilliant literature of the day, still pays its high tribute to the young Maid of Orleans. On the mountains and in the valleys of the picturesque Republic of Switzerland the story of William Tell is still rehearsed and his memory most highly honored. The sons of the Fatherland still love the country through which runs the lovely Rhine. And the

sons of the Emerald Isle still cherish the records of her heroes and are loyal to her cause. And here in our own fair land, if at any time our country should be in trouble; if at any time our free Republic should be attacked by some monarch from across the sea, the so-called laboring man would be the first to respond to a call; to see to it that the principles represented by the Stars and Stripes, the dearest flag that waves, always triumph.

Mr. Speaker, the signs of the times are auspicious; the return to power of the party of protection is assured. Then will the worthy unemployed be given the work of which they have been deprived by an unjust and uncalled-for free-trade policy.

Therefore, gentlemen, pass this bill and give to all right and justice, and thus take a grand step forward toward that happy epoch of "peace on earth, good will toward men." [Loud applause.]

Mr. PHILLIPS. I yield three minutes to the gentleman from New York [Mr. HOWE].

Mr. HOWE. Mr. Speaker, to my mind this bill is one of the most important that has come up for consideration before this House. It has for its object the bringing about of a better understanding between capital and labor, and therefore I am in favor of its passage. Any legislation that has for its object the bringing about of a better understanding between capital and labor should commend itself to our most earnest thought, for it concerns the enlargement of our internal commerce and the enrichment and happiness of 70,000,000 people. This bill has the support of labor organizations throughout the country, and the fact that not a single board of trade or commercial or manufacturing organization has protested against its passage shows that it will be acceptable to all classes of our citizens, and will go far toward solving the vexed questions that so often arise between capital and labor.

It will be far-reaching in solving the problem as to the conditions that attain in all parts of this country, in Europe, and throughout the world, and, Mr. Speaker, not the least of its achievements will be to put a quietus upon the traffic in human labor as now practiced through the importation of foreign paupers; men who are bartered and sold like cattle, men who are imported by unscrupulous demagogues to compete with and degrade American labor. These foreign paupers are not immigrants; they do not come here to stay; they do not intend to make this country their home; they are scavengers; they are antagonistic to American institutions; they are as clay in the hands of the potter, and are guided by their demagogic slave owners and are only here to steal from the fruits of honest toil.

The passage of this bill will blot out this inhuman traffic in foreign pauper labor. It will also be an eye opener to the next Congress in placing the bars of protection high enough in the interests of American labor so that it will not have to compete with unfavorable conditions in Italy, Japan, and India, for, Mr. Speaker, this commission will show that the conditions that attain in this country will not compare with those in lands that are but now emerging from the dark-lantern ages of the middle century. The characteristics, results, and fruits of civilization can not be brought to the low level of ignorance and poverty without suffering loss. It will show that values here are established on quite a different basis, and that they can not be brought to the low level and conditions that exist in countries that are only now, in the beginning of the twentieth century, emerging from barbarism without bringing depreciation, stagnation, and general demoralization upon the business and labor interests of our country, for, Mr. Speaker, in proportion as we still the hammer and the chisel by foreign pauper labor, in proportion as we silence the wheels of industry, so in proportion do we breed discontent and unrest among the masses of our countrymen.

In conclusion, allow me to say that in my humble opinion the enactment of this bill will go far toward bringing all lines of business and labor to an intelligent understanding with each other, so that all will share in the general prosperity of the country. [Applause.]

Mr. PHILLIPS. Mr. Speaker, I now call for a vote.

The question was taken on the motion to suspend the rules and pass the bill; and two-thirds voting in favor thereof, it was agreed to.

JUDICIAL ADMINISTRATION IN THE TERRITORIES.

Mr. CULBERSON. I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 4154) to amend section 9 of an act entitled "An act to provide for the appointment of additional judges of the United States court in the Indian Territory, and for other purposes."

Be it enacted, etc., That section 9 of an act entitled "An act to provide for the appointment of additional judges of the United States court in the Indian Territory, and for other purposes," approved March 1, 1895, be amended so as to read as follows:

"SEC. 9. That the United States court in the Indian Territory shall have jurisdiction of all offenses committed in said Territory of which the United States court in the Indian Territory now has jurisdiction, and shall have such original jurisdiction of civil cases as is now vested in the United States court in the Indian Territory, and appellate jurisdiction of all cases tried before said commissioners acting as justices of the peace where the amount of the judgment exceeds $20: *Provided*, That the United States courts now held in Arkansas, Kansas, and Texas, outside of the limits of the Indian Territory, shall have, retain, and possess their present jurisdiction as to offenses in said Indian Territory, as defined by law, and that all laws heretofore enacted conferring jurisdiction upon said United States courts held in Arkansas, Kansas, and Texas, outside of the limits of the Indian Territory, over the offenses aforesaid committed in the Indian Territory, and not in conflict with the provisions of this act, be, and the same are hereby, reenacted and continued in full force and effect: *Provided further*, That every case, civil or criminal, pending in the United States court in the Indian Territory shall be tried and disposed of by the court where the same is pending unless the venue therein be changed as herein provided."

SEC. 2. That all laws and parts of laws in conflict with this act are hereby repealed.

Mr. CURTIS of Kansas. Mr. Speaker, I demand a second, but I am willing to consider a second as ordered if there be no objection.

The SPEAKER. The gentleman from Kansas asks that a second be considered as ordered.

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM]. The gentleman from Kansas [Mr. CURTIS] and the gentleman from Texas [Mr. CULBERSON] will act as tellers.

The House divided; and the tellers reported—ayes 108, noes 2.

So a second was ordered.

The SPEAKER. The gentleman from Texas [Mr. CULBERSON] is recognized.

Mr. CULBERSON. I yield twenty minutes to the gentleman from Arkansas [Mr. LITTLE].

Mr. LITTLE. Mr. Speaker, Doubtless the House is aware that for more than twenty years the Federal court at Fort Smith, Ark., has exercised jurisdiction in the Indian country. Later that jurisdiction was divided between that court and the court at Paris, Tex. In 1889 there was a court established, an inferior court, in the Indian country. Later on, during the last session of Congress, that court was increased to three judges, and it was provided in the bill that the jurisdiction at Fort Smith, Ark., and at Paris, Tex., should cease from the 1st of September, 1896. As a member of Congress at that time I voted for that bill, hoping that it might be sufficient to accommodate the business of that country and protect the lives of the people. But the record of the courts in that country show that they are wholly unable to transact the business. The fact is, as gentlemen here have doubtless learned, that in the Indian Territory crime has increased very materially in the last year, and the relations between the whites and the Indians in many parts of the country are becoming daily more strained. This bill simply seeks to continue the outside jurisdiction until the conditions are better arranged.

I have before me a statement which I have prepared from the report of the Attorney-General giving an idea of the business of those courts. In three districts in the Indian Territory there were instituted in the year ended July 1, 1895, 1,740 criminal cases, while there remained undisposed of on the docket July 1, 1895, 693 criminal cases. In the States of Ohio, Indiana, and Iowa during the same length of time there were instituted 1,690 cases, 1,120 of which remain undisposed of. As to the civil business in that country, there were instituted during the year 1,521 cases. In the three States named there were instituted 1,344 cases, being 177 cases more in the Territorial courts than in the three States of Ohio, Indiana, and Iowa.

I cite this, Mr. Speaker, to show the House how utterly impossible it is for the courts there to transact the business for that Territory and to punish crime so prevalent there.

Mr. HOPKINS. Will the gentleman yield for a question?

Mr. LITTLE. Certainly.

Mr. HOPKINS. If that statement be correct, and I have no disposition to dispute it, why did not the Judiciary Committee bring in a bill to increase the judicial force in the Territory instead of giving some foreign State jurisdiction of these cases?

Mr. LITTLE. I can not speak for the committee on that point, but I can say to my distinguished friend that so far as I was able to ascertain, from information outside of the committee, there was a general disposition against increasing the appointees at this particular time.

Mr. HOPKINS. Does not the gentleman from Arkansas think that it is rather a doubtful policy to allow the courts of a foreign State to take jurisdiction of matters arising in the Indian Territory, when there are regularly constituted courts there?

Mr. LITTLE. I am very glad the gentleman asked that question. I will answer it with pleasure. Do not forget this: That there are no local governments there——

Mr. HOPKINS (interrupting). Well, they have a court, as the gentleman has stated.

Mr. LITTLE. Yes.

Mr. HOPKINS. And with full jurisdiction in civil and criminal matters.

Mr. LITTLE. Oh, no; not full jurisdiction, and never had.

Mr. HOPKINS. Well, they have full jurisdiction in all matters arising in the Indian Territory, have they not?

Mr. LITTLE. They have jurisdiction of all matters where the jurisdiction is not now vested in the courts at Paris and Fort Smith.

Mr. HOPKINS. Are there any cases where the courts of the Territory do not have jurisdiction?

Mr. LITTLE. Certainly.

Mr. HOPKINS. What class of cases?

Mr. LITTLE. The higher felony cases, principally. Cases against the laws of the United States are within the jurisdiction of the Fort Smith court on the line on the east, and at the Paris (Tex.) court on the south.

Mr. HOPKINS. As a matter of fact, under existing law, by September 1 next, would not the courts of the Territory have full jurisdiction?

Mr. LITTLE. Certainly.

Mr. HOPKINS. Then this bill will take from the courts of the Territory a certain jurisdiction in some classes of cases at least and transfer them to Paris, Tex., and Fort Smith, Ark.?

Mr. LITTLE. This continues the jurisdiction exactly as it now stands.

Mr. HOPKINS. By the legislation of Congress certain jurisdiction has been taken from the courts—from these foreign courts in the States—and is given to the courts of the Territory.

Mr. LITTLE. That is true; but it does not take effect until September.

Mr. HOPKINS. And this bill takes from the courts of the Territory the jurisdiction they will exercise in September under the law.

Mr. LITTLE. That is it. It repeals the limitation.

Now, in the entire Indian country they have not a well-established jail. There is scarcely a court-house in the Territory. There is in the jail in the city of Fort Smith an average of about 250 lawless men. But there are not sufficient facilities for the courts to execute the law, in spite of the vigilance of the officers, no matter how honest they may be, or how efficient, for they have not the means at their command to protect the country from the lawless characters there and who come into that country. And there is but little objection to this measure from the Indians from any quarter. I have talked to many of them, and have letters from others, and they all agree that the great protection of the Indians against the aggressions of lawless people invading the Territory has been in a large measure due to the court at Fort Smith. It is not a foreign court. The only difference is that Fort Smith being on the border, the jurors are taken from a State where they can act firmly and impartially without being influenced by the desperadoes. One is on one side of the line and the other is on the other side. The Indians have been going there for twenty years, and any man familiar with the conditions existing there will see that the court presided over by Judge Parker, by his vigorous and determined enforcement of the law, has done much to punish and deter the red-handed murderers who infest that land.

I hoped when Congress passed the present law taking away this jurisdiction, September 6, that sufficient provision would be made to enable them to enforce the law, but it has not been done. But when I saw the rapid increase in crime; when I saw the absolute impossibility of controlling lawlessness there and the inadequacy of the jails, I believed it would be better that the jurisdiction should be continued in these extraterritorial courts, and that it could be done without doing injustice to the people of that country. More than that, I believe that when this jurisdiction ceases there will be an increase of crime. I believe, sir, that the lives and homes of the people inhabiting that country demand a continuance of its exercise, and I am not willing to meet these perils without an earnest effort on my part to stay the rising flood of crime in that country by giving the protection of all the courts as they now exist.

Mr. HOPKINS. Does the gentleman from Arkansas state to the members of this House that the residents of the Indian Territory will not enforce the laws of the Territory against crime, and that it is necessary to go to a foreign State to have jurors selected, and to a foreign State to administer the laws of the Territory? Is that the gentleman's contention?

Mr. LITTLE. No, sir; that is not my contention. That is not the position I occupy. The position I occupy is, first, that the courts as organized there can not enforce the laws with vigor, for they have not the means. You can not confine the desperate outlaws there without the best facilities. There are no well-built jails. There is in my city one of the very best jails in the country, and yet they can hardly restrain the outlaws who are crowded into it.

I do not question that there are many good people in the Indian country, but I believe that there are many of the worst outlaws there who have ever disgraced the country; and when the people go to the jury box, they go there under restraint and fear of these desperadoes and outlaws. I do not care how good they are or may be, these influences will have much to do with the enforcement of the laws.

The SPEAKER. The time of the gentleman has expired.

Mr. CURTIS of Kansas and Mr. CULBERSON rose.

Mr. CURTIS of Kansas. I would just as soon take my time now.

Mr. Speaker, I hope this bill will be defeated. On the 1st day of March, 1895, the Fifty-third Congress passed a bill creating 13 courts in the Indian Territory, giving them jurisdiction to try the criminal cases which are now being tried at Fort Smith, Ark., and Paris, Tex.; and now these gentlemen, before these courts have had an opportunity to try a criminal case, ask that we nullify that act. The only reason given for the continuation of the courts at Fort Smith, Ark., and Paris, Tex., is that they can not obtain a fair jury in the Indian Territory to try criminal cases. I want to call attention to the fact that there are in the Indian Territory to-day 300,000 people, 250,000 of whom are white men and white women. At least 75,000 of these citizens are eligible to jury service, the most of whom are honest and law-abiding, and they should have the right to try the crimes that are committed there.

Now, we have established these courts for that purpose. That is not all. The reason these gentlemen desire to have these two courts continued is perfectly apparent. It is because of the great amount of money that has been paid out in these two cities, and will be as long as they retain jurisdiction over crimes committed in the Indian Territory. It has virtually kept these two cities for twenty years. I have a report here given out by Judge Kilgore, in which he informs us that it costs $10 to prosecute a case in his court while it costs $350 to try a similar case in the United States court at Paris, Tex., or Fort Smith, Ark. Why? Because men charged with crime are arrested in the Indian Territory and are taken to Fort Smith or Paris, having to travel hundreds of miles; the dockets are crowded, the cases are continued, the witnesses return home, and then they are forced back again and again. There is absolutely no excuse for the continuance of these courts; and let me call attention of the House to the fact that the law enacted March 1, 1895, was based on a report of the Attorney-General for the year 1893. He says:

In 1889 Congress established courts for the Indian Territory, being the courts now held at Muscogee, South McAlester, and Ardmore. Their jurisdiction, chiefly civil, does not, however, extend to the common or the grosser criminal offenses. These are under the jurisdiction of two courts situated outside of the Territory—one at Fort Smith, Ark., and the other at Paris, Tex.

Since that time additional courts have been provided for, and there are now 13 places where court is held in that Territory.

Your attention is also called to the following statement, contained in the same report:

In almost all cases situated very remote from the localities of the offenses. Hence defendants and witnesses are compelled to travel hundreds of miles from their homes to the places of trial, while the two courts upon which all the business is accumulated are so crowded with work that defendants and witnesses are frequently obliged to remain in waiting for weeks before their cases are called, and sometimes to return at subsequent terms because their cases are not reached at all, but continued. The necessary results are that lawlessness and crime are greatly encouraged and that their investigation and punishment are attended with great uncertainty and difficulty, with great hardship both upon the accused and upon witnesses, and with most inordinate expense to the Government.

Mr. HOPKINS. What report is that?

Mr. CURTIS of Kansas. This is the report of the Attorney-General for the year 1893.

Mr. HOPKINS. Before you get through, I want to ask you if, in pursuance of the report made by the Attorney-General, legislation was had such as suggested by which the Territory is given thirteen additional courts?

Mr. CURTIS of Kansas. That is right. That bill was passed by the Fifty-third Congress on the 1st day of March, 1895. The very gentlemen who are now asking that the jurisdiction of these two courts be continued were here in support of that measure, and now they are asking that the law be repealed, and they have not given a chance to have a single criminal case tried in the new courts. That is not all. The Attorney-General says further——

Mr. LITTLE. If the gentleman will allow me. We are not here insisting on destroying the courts out there. Does not he know that the courts at Ardmore, South McAlester, Vinita, and Muscogee, four of the principal places where the courts are held—that the business of those courts is more than two years behind?

Mr. CURTIS of Kansas. I do not know that to be the case.

Mr. LITTLE. I have a letter stating that fact.

Mr. CURTIS of Kansas. The judges of these courts can try the cases just as well as they can in Texas or Arkansas. Another thing; it is well known that the criminal cases are always tried first, and no matter how far behind the docket may be, the criminal docket is called first and the cases upon it are the first to be tried.

Mr. LITTLE. Will the gentleman allow me to ask him another question. Are the people there entitled to have their civil causes tried?

Mr. CURTIS of Kansas. They can have them tried. If they need more courts, instead of piling up the expense of continuing these courts, that cost us over $600,000 a year, give them more courts in the Territory. What is the use of spending $310 in the

trial of a criminal case when it can be tried for $10, and tried just as well in the new courts as the old?

Mr. LITTLE. Did not my friend introduce a bill to that effect as to these other courts?

Mr. CURTIS of Kansas. I did not.

Mr. LITTLE. I have seen the letter of Judge Kilgore, who seems to be advocating an increase of his own powers instead of attending to his judicial business.

Mr. CURTIS of Kansas. I decline to yield for a speech.

Now, the Attorney-General continues:

In the face of a situation like this, which should be changed for the better at whatever cost, to advert to the expense of maintaining the existing system seems almost like trifling with a subject of grave importance. Yet the wastefulness of the system is probably as marked as its inefficiency.

The expenses of the United States courts incurred and paid during the fiscal year ending July 1, 1893, throughout the entire country, with its population of 65,000,000, amount to $1,528,676.87. The corresponding expenses incurred and paid during the same period on account of the courts of the Indian Territory, with less than one-twentieth of the population, amount to $625,226, or between one-seventh and one-eighth of the whole.

These are the courts they want you to continue, that cost us $625,000 that year. Now, why do they want them continued? Here is a letter published in one of the leading papers of the Territory and signed by Mr. Powe, in which he says:

Why is it that men are daily arrested in various parts of the Territory and taken scores and even hundreds of miles to the Fort Smith court for selling whisky to Indians, and are heavily fined and often sent to the pen, while right in Fort Smith, under the shadow of the court, a score of saloons have for twenty years sold whisky to Indians openly without molestation, and not only this, but the marshal's office is made a collection agency for the saloonists? The saloon men have runners who keep up with the court witnesses. The latter, Indians, whites, or blacks, are given credit for whisky, and in return give an order on the marshal for a certain amount of their witness fees. This order is filed in the marshal's office, and when the witness is paid the amount is withheld by the clerk and by him turned over to the saloonist or his agent. This seems incredible, but is a notorious fact which the writer has witnessed time and again and will not be denied.

The following is his opinion as to the benefits these two courts have been to the country:

Many of the most notorious outlaws this country has ever known, among them the Daltons and Starrs, have graduated out of the marshal's office and out of the Fort Smith jail, where they were incarcerated unjustly upon trivial charges and returned to their homes smarting for revenge.

I venture the assertion that this court has manufactured two criminals where it has punished one.

Why, it is a well-known fact that one of the Dalton boys was a deputy United States marshal, and yet he was the leader of one of the gangs they complain of. What do the papers down there say about the matter? I read from one of the Indian Territory papers, the Muscogee Phœnix. It says:

It could hardly be expected that the towns of Fort Smith and Paris, which for years have fattened at our expense, would be willing to give up the "snap" without a dying struggle of some kind. That struggle has materialized both from Arkansas and Texas quarters in the shape of bills introduced into Congress by Congressman LITTLE of Arkansas and Congressman BAILEY of Texas. LITTLE wants the Fort Smith court to retain jurisdiction over this country and have that jurisdiction extended. BAILEY wants a court established at Gainesville, Tex., with jurisdiction over the Indian country. In other words, they both seek to levy tribute upon the Indian Territory to bolster up the decaying grandeur and crumbling greatness of their home towns.

The House should stand by the existing law, at least until after it has been determined whether or not these courts can try the cases. I submit further that it is an insult to the 300,000 people of the Indian Territory, a large majority of whom are honest and law abiding, to say that it is impossible to get a jury from among them, when those men have gone there from every State in the Union. They talk about gangs being organized and going out to commit crimes. If they do, then they are answerable to the laws of the States where the crimes are committed and can be prosecuted there. That is not all. We have an extradition law under which if a man commits a crime in one State, in Kansas or Arkansas, and flees to the Indian Territory, he may be apprehended upon an order of a United States court. We have United States commissioners in every part of that Territory. We have given them thirteen courts, and it will not cost us one-thirtieth as much to prosecute the criminals in the Indian Territory as it costs to prosecute them in Texas or in Arkansas. I therefore hope that the House will defeat this bill. [Applause.]

I reserve the remainder of my time.

The SPEAKER pro tempore. The gentleman from Kansas has seven minutes remaining.

Mr. CULBERSON. I yield five minutes to the gentleman from Kentucky [Mr. LEWIS].

Mr. LEWIS. Mr. Speaker, this bill was before the Judiciary Committee and was very carefully considered. It has been favorably reported to the House. The act conferring jurisdiction upon the courts of the Indian Territory to try persons accused of crimes committed in that Territory does not take effect until the 1st day of September next. It has never taken effect as yet. And the simple question here is whether the time has arrived when it is wise and in the interest of justice, and in the interest of the protection of lives and property of the people involved, to change the jurisdiction over these matters that has heretofore existed for years in the Federal court at Fort Smith, Ark., at Paris, Tex., and somewhere in southwestern Kansas.

Upon the facts as presented to the committee, which seem to be overwhelming in their purport and perfectly clear and satisfactory, the committee determined that that time had not arrived. It is notorious to the country and the world that some of the most terrible, outrageous, and ruinous crimes of every description have been committed in that country. It is also well known that the courts in Arkansas, Texas, and Kansas have efficiently dealt with the criminals. The purpose of a court is to uphold the law and to administer justice. Whether it is expensive or not, the court is utterly useless unless that result can be obtained. I presume that if the jurisdiction were placed in the local courts it would be attended with costs, and as they have no jails in which to confine these criminals and hold them until justice can be enforced upon them, the probability is that instead of diminishing expenses and costs there would be a considerable increase over the present system.

Mr. CURTIS of Kansas. What is there to prevent the sending of criminals for safe-keeping to other jails, as they do in other States, in case the local jails are not sufficient?

Mr. LEWIS. Would not that be attended with expense?

Mr. CURTIS of Kansas. The expense would not be nearly as great as the traveling expenses of all the witnesses in each case.

Mr. LEWIS. I think the jail ought to be within the jurisdiction of the court whose duty it is to administer justice upon an offense. That is my idea of that. I want to say further that it is well known to the country that justice has been effectively administered in those courts which have heretofore held this jurisdiction, and that they have afforded protection to life and property. Great transcontinental lines of railway traverse this Territory. It has been made a harbor and a resort of criminals and refugees from justice from all over the country, and it seems that these crimes are committed by these classes more than by the residents of the Territory. They have to be tried by jury, and the juries trying them in the Indian Territory would be under terrorism of the confederates of those criminals. The days of martyrdom have passed, and it is no reflection upon the integrity of any man who sits as a juror to say that he would be unwilling to return a verdict of guilty when he knew that assassination or destruction of his property was impending over him. It would be too much to ask of him. The distinguished judge of the western district of Arkansas, in a letter which was before the committee, uses the following language:

As you know, the Government has at Fort Smith a very fine court-house, and perhaps the best jail in the United States, built at great expense. There is attached to the jail a Government hospital in which are cared for, treated, and nursed the persons who are brought here charged with crimes. None of these things exist in the Indian country. In fact, there is not a jail there to-day, nor is there likely to be soon, that would hold the lawless and desperate men who are now confined in the jail at Fort Smith. If there ever was a time when the protecting power of these courts should be exercised to secure the peace and protection which should be afforded to the honest and upright citizens in the Indian country it is now, because that country is in a formative condition. Hundreds and thousands of men, many of them reckless, many of them criminals, have flocked into that country in anticipation of some opportunity that might be afforded them, and they have to be dealt with by a power that is so free and independent that it can exercise the full measure intended by the law to be exercised to secure the rights of the people.

As you know, there can not be obtained better jurymen anywhere than make up the panels in the Federal court at Fort Smith. They are men of intelligence, men of integrity, men who, as a rule, dispose of cases without bias, or without prejudice, and then they are so situated that they can act independently. While it matters not how good men may be in the Indian country, and how willing they may be to uphold the law, their environment is such that they can not with safety enforce the law against the members of the banditti that at times have infested that country, though by the vigilance and activity of the courts at Fort Smith and Paris they are now largely broken up. It is not likely that men can afford, if willing, to find verdicts of guilty, say for murder, against members of lawless bands when the confederates of the man convicted would shoot them down or destroy their property.

Men can not afford to uphold the law of the United States, great as the duty may be, under such circumstances. And it is my judgment, after twenty years' experience with these conditions which exist, that the strong judicial arm of the Government, as it has been wielded by what are sometimes called these outside courts, should remain extended over the Indian country, and that the higher crimes affecting life and property should be brought before these outside courts, and that their jurisdiction to try such crimes should remain until that country is able to place its star on our flag—until its autonomy is changed from what it is now to statehood.

Respectfully, etc.,

I. C. PARKER.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEWIS. I wish to have printed as a part of my remarks a portion of a letter received from a distinguished gentleman——

The SPEAKER pro tempore. That can be done only by unanimous consent. Is there objection?

Mr. KEM. I object.

The SPEAKER pro tempore. Objection is made by the gentleman from Nebraska.

Mr. CULBERSON. I ask the gentleman from Kansas [Mr. CURTIS] whether he desires to use the remainder of his time?

Mr. CURTIS of Kansas. I reserve my time.

Mr. CULBERSON. I have the conclusion.

The SPEAKER pro tempore. The gentleman from Texas [Mr. CULBERSON] has five minutes and the gentleman from Kansas

[Mr. CURTIS] has seven minutes. Does the gentleman from Kansas desire to use his time?

Mr. CURTIS of Kansas. No, I do not.

Mr. CULBERSON. Very well, then. I yield to my colleague [Mr. BAILEY] to make a statement.

Mr. BAILEY. Mr. Speaker, I simply desire to say that the newspaper article which has been read by the gentleman from Kansas [Mr. CURTIS], so far as it relates to me, is an unmitigated lie. I have not introduced the bill that I am accused of introducing, nor has such a bill been introduced by anyone.

Mr. CULBERSON. Mr. Speaker, since the act of 1895 was passed a great many lawyers have migrated to the Indian Territory and have flooded that country and filled the pockets of the gentleman from Kansas [Mr. CURTIS] with stale statements about the courts at Paris and at Fort Smith—such statements as are read here, one of which has just been denounced as an unmitigated lie. I have on my desk a report made by the gentleman from Illinois [Mr. CONNOLLY], which is one of the ablest reports I have ever read upon a subject like this, and if members want to understand the real reasons why this bill seeks to repeal the act of 1895 I ask them to listen to this report. The papers referred to are all on file. They are in the room of the Committee on the Judiciary. They come from reputable business men, not from political lawyers and hotelkeepers who have gone into that country to prey upon the substance of the people when the provision for this court goes into effect. I ask to have the portions of the report of Judge CONNOLLY that I have marked read in my time.

The Clerk read portions of the report until the time of Mr. CULBERSON had expired. By unanimous consent, leave was given to print the whole report in the RECORD. It is as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 4154) to amend section 9 of an act entitled "An act to provide for the appointment of additional judges of the United States court in the Indian Territory, and for other purposes," submit the following report:

By sundry acts of Congress jurisdiction over offenses against the Federal laws in the Indian Territory has heretofore been given to the Federal courts for the western district of Arkansas, the eastern district of Texas, and the district of Kansas. By an act passed March 1, 1895, provision has been made for a transfer of this jurisdiction September 1, 1896, to the new courts organized by that act.

It is well known that the district courts in Arkansas, Texas, and Kansas have long been a terror to the criminal classes in the Indian Territory, and the efficiency of these courts in enforcing the Federal laws in the Territory has been the means of making life and property comparatively safe there, notwithstanding the notorious fact that organized bands of outlaws make their hiding places there, who are in great measure restrained in their criminal career by the knowledge that condign punishment will certainly follow their arrest and conviction.

The great efficiency of these courts in enforcing the criminal laws and convicting criminals has arisen from the fact that the juries in those courts have been absolutely free of any domination or terrorism that the indicted criminals or their friends could exercise over them.

While there is no doubt that conditions of life and society are changing in the Indian Territory, yet the change has not yet reached that stage where it would be safe to intrust the enforcement of Federal laws to the average juries that would necessarily be found in the Territory, subjected as they would be to the terrorism and other influences of criminals and their friends, knowing, as they would, that a verdict of guilty against any criminal who had friends would probably be followed by a reign of terror against the jurors who should return such a verdict.

The effect of this act of March 1, 1895, is to transfer on September 1, 1896, to the care of the three courts in the Indian Territory and to the verdicts of juries in that Territory the lives and property of the denizens of the Indian Territory. And the property, business, and employees' lives of the various railroad and express companies doing business in and through that Territory, as well as of the travelers through the Territory, will be forced to depend on juries of the Indian Territory for security, for it is well known that no matter how stringent the criminal laws may be or how learned and incorruptible the courts may be, still the safety of life and property from injury, loss, and destruction by violence depends upon the courage and integrity of juries.

Already the change of jurisdiction which is threatened by the act of 1891 has aroused and alarmed the peaceable residents as well as the various business interests in the Territory, and express companies doing business through the Territory have withdrawn their money-carrying business from the Territory.

Your committee have before them a communication on this subject, dated January 25, 1896, from the general superintendent of one of the leading express companies of the country, from which we quote:

"Recently a bill has been presented to Congress * * * for the retention of jurisdiction over crime committed in the Indian Territory by the United States courts at Fort Smith, Ark., Paris, Tex., and for the southern division of Kansas. Express companies which do business in the Indian Territory are very much interested in having this bill become a law. A little over a year ago the express companies found it so hazardous to handle money within the Indian Territory that they were compelled to withdraw from that Territory that part of their business.

"The Territory was overrun with bandits, who not only robbed the trains, but robbed the express offices. One of the agents of the Pacific Express Company has been killed while his office was being robbed. The loss to the express companies did not consist wholly in the money taken by the robbers, there having been very great expense in endeavoring to protect the trains and agents and in efforts to capture the robbers.

"About that time the marshals and deputy marshals of the courts I have referred to instituted a vigorous crusade against the bandits, which resulted in the capture of a large number of them, some of whom have paid the penalty of their crimes with their lives. This resulted in breaking up nearly all the numerous bands, and the vigorous and fearless administration of justice by these courts has, up to this time, deterred the formation of new bands. The new courts which have been established in the Indian Territory have been, as I understand it, given jurisdiction over these crimes, and I wish to say that such jurisdiction by these courts within the Territory can not, in my opinion, be made effective for the prevention of crime.

"Juries for such courts having sufficient courage and patriotism to enforce the law could not be obtained.

"These bandits have the citizens of the Indian Territory thoroughly terrorized, and any jury which would find one of these desperadoes guilty would be sure to be assassinated by his friends. This assertion is based upon our experience and knowledge of the condition of things within the Territory.

"Recently we have received information that bands of robbers are now forming, and it is their avowed intention to begin operations against railroad and express companies and others in September, or as soon as the law giving to the Territorial courts the jurisdiction referred to becomes effective."

Your committee has also received a memorial from the governor and over fifty of the officials and leading men of the Chickasaw tribe of Indians, residents of the Territory, which sets forth their views as follows:

"We are heartily and sincerely in favor of that peace and security in the Indian country which can alone come from an enforcement of the laws of the United States applicable thereto, and if this continues to be done, as it has been done by the United States courts at Fort Smith, Ark., and Paris, Tex., we feel that we can take care of our own criminal classes.

"Under treaty obligations, and therefore in justice to us, the Government of the United States is pledged and in duty bound to take all necessary steps to effectually suppress lawlessness and crime in the Indian Territory.

"No more effective means can be taken, looking to the effective enforcement of the law, than to continue and retain the present jurisdiction over the Indian country of the United States courts at Paris, Tex., and Fort Smith, Ark., over the higher and graver classes of criminal offenses.

"These Federal courts, having jurors free from prejudice or bias, and who therefore act without fear or favor, have been most effective in the trial and conviction of the worst criminals who ever infested our country. Besides, they have ever shown that they are the true friends of the Indian; that they know his rights and have dared maintain them.

"We assert that the majority of the higher and graver class of criminal offenses in the Indian country are committed by those people known in that country as the criminal-intruder class from the States, and the crimes not committed by them are very largely committed through their instigation and example.

"This jurisdiction should be given and retained in said courts for the following reason, as we believe:

"As is well known, there are two distinct classes of people now occupying the Indian country. One class, the members of the tribes or citizens of the respective nations; the other class is the white man who has settled in this country. Conflicts are frequent between these two contending classes, and crimes are committed by the one upon the other. When these conflicts arise they should be settled by a fair and impartial tribunal. This can not be done if the person charged with such offense is to be tried in the Indian Territory. The jurors there necessarily belong to one or other of these two classes, each with a sympathy for his own people, and will be incapable of doing justice to the other.

"The jurors of the United States courts at Fort Smith, Ark., and Paris, Tex., are beyond these influences, and therefore entirely unbiased and unprejudiced, and besides the United States courts at these places have demonstrated by experience that they have been the only effective barriers between such contending classes.

"The abandonment of such jurisdiction would, we believe, greatly increase such class of crimes, as we believe such criminal classes would have no fear of the courts and jurors in said Indian Territory."

Your committee also have a memorial from the officers of the Kansas City, Pittsburg and Gulf Railroad Company—which company does a large business in and through the Indian Territory—in which they strongly urge the retention of criminal jurisdiction over graver crimes of the Indian Territory in the United States courts at Fort Smith, Paris, and in Kansas.

They say of these courts:

"They are the greatest blessing the people of the Indian country have had; that they have aided them in their journey along the pathway of civilization; they fearlessly declare and vindicate rights; they have stood by the people of the Territory in their contest with the criminal invader of their country; they have taught the peaceable people of the Indian Territory to rely upon that great handmaiden of civilization whose mission is peace and harmony—the law—as upheld by brave, fearless, just, and impartial courts. * * *

"We fear the gravest consequences to express and railroad companies in that country if, in its present condition, the jurisdiction of these courts is taken away. They and they only, in our judgment, can cope with the lawless criminals who have refugeed into the Indian country."

To the same effect, and in equally vigorous terms, is a memorial your committee has received from the officers of the Wells-Fargo Express Company, which does a large business in the Territory. They say:

"The environment of the whole class of people in the Indian country is such that they can not act with that spirit of freedom and independence necessary to secure an impartial and an efficient enforcement of the law for the protection of life and property in the Indian country. In our judgment these strong judicial arms of the Government should remain extended over the Indian country until that country is able to place its star on our flag—until its autonomy is changed from what it is now to Statehood."

The United States district judge at Fort Smith, Ark., who has had over twenty years' experience in that court in dealing with the criminal classes of the Indian Territory, and whose judgment is therefore of great value on this question, writes to the committee, under date of January 21, 1896, as follows:

"DEPARTMENT OF JUSTICE, EIGHTH CIRCUIT,
"*Fort Smith, January 21, 1896.*

"In reply to your letter of the 17th instant, asking me to give my views upon the proposition as to whether the jurisdiction now in the United States courts at Fort Smith, Ark., and Paris, Tex., over the Indian country should remain until there is a change in the condition of that country: As you are well aware, as far as I am personally concerned, to take away this jurisdiction would remove a great burden from my shoulders, because for twenty years I have had to wrestle with one of the greatest problems of the age, a problem growing out of a contest between civilization and barbarism, a problem which exists because of the intrusion into the Indian country of large numbers of refugee criminals from the different States in the Union. To relieve me of this responsibility would be to take from me a great burden; but at the same time, while the Indian country is in its present condition, I can not see that it would inure to the benefit of that country or its peaceable and law-abiding people, but on the contrary, in my judgment, it would increase crime there.

"As you are aware, the Federal court for the western district of Arkansas has been held at Fort Smith since the year 1871. After the State was divided into two districts the court for the western district of the State, up to 1873, was held at Van Buren. The United States courts for the State of Arkansas, and then for the western district of Arkansas, have had jurisdiction for the punishment of crimes committed in the Indian country ever since the 15th of April, 1844. For over half a century have the people of Arkansas, as jurors in the Federal courts, administered the law for the Indian country. These courts, first for the State of Arkansas, and then for the western district of Arkansas, have had criminal jurisdiction over the whole of the Indian country.

From its eastern boundary to the Texas and Colorado lines was within the jurisdiction of this court. For some years this jurisdiction has been divided between the United States courts for the eastern district of Texas and the United States courts for the district of Kansas, held at Wichita. More recently the United States courts in the Indian Territory have been established. They have as yet but limited jurisdiction over any of the higher crimes under the laws of the United States.

"The fact that the criminal laws of the United States have been extended over the Indian country, and that the United States courts for the western district of Arkansas have had jurisdiction to enforce those laws, is why it is there are so many criminal cases tried in this court, and the same remark applies with equal force to the condition which exists in the United States courts for the eastern district of Texas, held at Paris, Tex. There have been perhaps more criminal cases of great magnitude tried in the courts at Fort Smith than in any one court in the world, yet there are fewer of these cases which come from that part of the district in the State of Arkansas than come from any district in the United States. The great majority of criminal cases in the Federal courts usually are violations of the laws of the United States regulating the operations of the Government, such as counterfeiting, offenses under the postal laws, offenses affecting the revenue department of the Government, such as violations of the revenue laws, cutting timber, etc.

"Now, there are less of these crimes committed in the State part of the western district of Arkansas than in any other Federal jurisdiction I know of. That part of the district is proverbially quiet and orderly, and largely free from violations of the Federal laws, and its people have as high a respect for the laws of the United States as people to be found in any section of the country. The whole country can with slight effort understand that these great crimes for which criminals are tried and punished in the Federal courts here are not crimes committed by the people of Arkansas, but they are very largely crimes committed in the Indian country by the refugee criminals from every State in the Union. Everyone should know that the Federal courts do not have jurisdiction over cases of murder committed in the State or over other criminal offenses affecting individual rights, such as the rights to persons or property.

"It can therefore be seen that the court here, with its juries, has had cast upon it the great responsibility of trying escaped criminals from every State in the Union. This is true also of the court at Paris, Tex. The records of the Federal court show that the great proportion of criminals tried for murder and other high crimes are not Indians, but whites and negroes, citizens of the United States, many of whom have refuged into the Indian country. As you well know, courts are the greatest agencies of civilization to be found in any system of government, because, if efficient and able, they overcome the great enemy of peace and order, and consequently of civilization—the man of crime, the man of blood. He represents savageism and brutality, while the majesty of the law, as upheld by the courts, represents a state of public order and tranquillity growing out of the security of the citizen in all his rights.

"As you well know, I have for almost twenty-one years been the presiding judge over the United States courts at Fort Smith, and I think it may be truthfully said that during that time more has been accomplished by the United States courts at Fort Smith to establish the supremacy of the law in the Indian country than was ever before accomplished in any country with the same conditions affecting it. I think my large experience here has enabled me to understand the necessity for a vigorous enforcement of the laws in that country; the necessity for having the opportunity of selecting jurors who can from their surroundings act without fear, favor, or affection. It may be said without contradiction that the laws of the United States have been more often vindicated in the Federal courts at Fort Smith than in any other.

"The worst bands of desperadoes, murderers, and outlaws to be found in any civilized land have infested the Indian country, having run from the laws of the States. A greater per cent of them have been captured and brought to merited punishment by the United States courts here and at Paris, Tex., than in any other court. It is a maxim that certainty of arrest and reasonable certainty of conviction follows the commission of crime in the Indian country. The members of banditti after banditti have been captured, sent to prison, convicted of murder or other high crimes. The terror of certain punishment has been held before the criminal minded. Because of this certainty of punishment in the United States courts here and at Paris, Tex., and the confidence the law-abiding people have in their integrity, ability, and desire to protect the good people of the Indian country, mobs rarely exist in that country. The enforcement of the laws of the United States in these courts has rightfully, properly, and justly been vigorous, impartial, just, and most efficient. These courts have done more than courts anywhere to uphold the laws of the land, to protect the innocent by the punishment of the guilty. They do more than all agencies besides to make civilization a reality in the Indian country.

"As you are aware, the Indian courts have no jurisdiction over offenses committed by citizens of the United States, and if they had, surrounded as they now are, they are hardly strong enough, notwithstanding their willingness to uphold the law, to contend with and punish this vast horde of refugee criminals who have in violation of law sought nesting places in the Indian country. The United States courts at Paris and Fort Smith are courts where certainty of arrest and surety of punishment exists. The greatest blessing the Indian people have had or now have is these Federal courts, who have stretched their strong arms over them for their protection as well as the protection of all the peaceable and law-abiding citizens in that country. They have aided the Indian in his journey along the pathway of civilization. These courts have stood by all the peaceable and law-abiding citizens in the Indian country in their contest with the criminal invader of that country—the man of blood. These courts have taught such people to rely upon that great handmaiden of civilization whose mission is peace and harmony—the law as upheld by courts who have the opportunity of performing their duty.

"Now, in the condition of that country, there is a greater necessity for the strong arm of the Government as wielded in the Federal courts at Fort Smith and at Paris, Tex., to be stretched out over it now than ever before, and in regard to the change of jurisdiction in its present condition, to my mind it would be almost fatal to the safety of the good citizens of that country. There are many good people there among the Indians as well as among the whites who are in that country, but their environment is such that in my judgment it would be very difficult to put them in a position where they could fearlessly perform their duty as jurymen. The juries in the Federal courts both at Paris and at Fort Smith are entirely without any feeling of race prejudice, and they decide the cases before them irrespective of any feeling that may be entertained for or against the one accused or those who accuse him.

"As you know, there are many lawless and desperate men who have infested that country, and they justly fear these courts of the United States which have been engaged in bringing them to justice. For twenty years, by my own personal observation, the Federal court at Fort Smith has been placed in direct contact with this element, and it has taught the criminal element an object lesson which has inured to the lasting benefit of the Indian country. It has not only taught the Five Civilized Tribes that they can safely rely upon the laws of the United States when they are properly enforced, but it has taught the whole country a lesson of the greatest benefit to it.

"As you know, the Government has at Fort Smith a very fine court-house, and perhaps the best jail in the United States, built at great expense. There is attached to the jail a Government hospital in which are cared for, treated, and nursed the persons who are brought here charged with crimes. None of these things exist in the Indian country. In fact, there is not a jail there to-day, nor is there likely to be soon, that would hold the lawless and desperate men who are now confined in the jail at Fort Smith. If there ever was a time when the protecting power of these courts should be exercised to secure the peace and protection which should be afforded to the honest and upright citizens in the Indian country it is now, because that country is in a formative condition. Hundreds and thousands of men, many of them reckless, many of them criminals, have flocked into that country in anticipation of some opportunity that might be afforded them, and they have to be dealt with by a power that is so free and independent that it can exercise the full measure intended by the law to be exercised to secure the rights of the people.

"As you know, there can not be obtained better jurymen anywhere than make up the panels in the Federal court at Fort Smith. They are men of intelligence, men of integrity, men who, as a rule, dispose of cases without bias or without prejudice, and then they are so situated that they can act independently. While it matters not how good men may be in the Indian country, and how willing they may be to uphold the law, their environment is such that they can not with safety enforce the law against the members of the banditti that at times have infested that country, though by the vigilance and activity of the courts at Fort Smith and Paris they are now largely broken up. It is not likely that men can afford, if willing, to find verdicts of guilty, say for murder, against members of lawless bands when the confederates of the man convicted would shoot them down or destroy their property.

"Men can not afford to uphold the law of the United States, great as the duty may be, under such circumstances. And it is my judgment, after twenty years' experience with these conditions which exist, that the strong judicial arm of the Government, as it has been wielded by what are sometimes called these outside courts, should remain extended over the Indian country, and that the higher crimes affecting life and property should be brought before these outside courts, and that their jurisdiction to try such crimes should remain until that country is able to place its star on our flag—until its autonomy is changed from what it is now to statehood.

"Respectfully, etc.,

"I. C. PARKER."

The Indian Territory is no longer a closed country. Railroads have made public passageways through it, along which thousands of citizens of the States are annually compelled to travel from east to west and from north to south in pursuit of business or pleasure, and over which millions of dollars' worth of property and treasure belonging to citizens of the different States are necessarily carried in the ordinary course of commerce between the States, and no chances should be taken that would imperil the safety of these travelers or this commerce between the States; and your committee, regarding it as a dangerous experiment to remit the protection of these travelers and this commerce to the courts and juries of the Indian Territory, believe that the jurisdiction heretofore and now exercised over crimes committed in the Indian Territory in violation of the Federal laws should be continued as provided by this bill, instead of being turned over to the Indian Territory courts, as will be the case on September 1, 1896, unless this bill becomes a law. Your committee therefore report this bill back with the recommendation that it do pass.

The question being taken on suspending the rules and passing the bill, there were—ayes 63, noes 66.

So the motion was rejected.

ARIZONA FUNDING ACT.

Mr. MURPHY of Arizona. Mr. Speaker, I move to suspend the rules and pass the Senate bill which I send to the desk.

The bill was read, as follows:

Be it enacted, etc., That the provisions of the acts of Congress approved June 25, 1890, and August 3, 1894, authorizing the funding of certain indebtedness of the Territory of Arizona, are hereby amended and extended so as to authorize the funding of all outstanding obligations of said Territory, and the counties, municipalities, and school districts thereof, as provided in the act of Congress approved June 25, 1890, until January 1, 1897, and all outstanding bonds, warrants, and other evidences of indebtedness of the Territory of Arizona, and the counties, municipalities, and school districts thereof, heretofore authorized by legislative enactments of said Territory bearing a higher rate of interest than is authorized by the aforesaid funding act approved June 25, 1890, and which said bonds, warrants, and other evidences of indebtedness have been sold or exchanged in good faith in compliance with the terms of the acts of the legislature by which they were authorized, shall be funded, with the interest thereon which has accrued and may accrue until funded into the lower interest-bearing bonds as provided by this act.

SEC. 2. That all bonds and other evidences of indebtedness heretofore funded by the loan commission of Arizona under the provisions of the act of Congress approved June 25, 1890, and the act amendatory thereof and supplemental thereto approved August 3, 1894, are hereby declared to be valid and legal for the purposes for which they were issued and funded; and all bonds and other evidences of indebtedness heretofore issued under the authority of the legislature of said Territory, as hereinbefore authorized to be funded, are hereby confirmed, approved, and validated, and may be funded as in this act provided until January 1, 1897: *Provided*, That nothing in this act shall be so construed as to make the Government of the United States liable or responsible for the payment of any of said bonds, warrants, or other evidences of indebtedness by this act approved, confirmed, and made valid, and authorized to be funded.

The SPEAKER pro tempore. Is a second demanded?

Mr. HEPBURN. I demand a second.

Mr. MURPHY of Arizona. I ask unanimous consent that a second be considered as ordered.

Mr. KEM. I object.

Tellers being ordered upon the question of ordering a second, the House divided; and the tellers reported—ayes 80, noes 1.

So a second was ordered.

Mr. MURPHY of Arizona. Now, Mr. Speaker, I ask that the report upon this bill be read. It is a unanimous report and explains the object of the bill clearly.

The report (by Mr. HARRIS) was read, as follows:

The Committee on the Territories, to whom was referred House bill 8885, beg leave to submit the following report:

The act of Congress entitled "An act approving, with amendments, the funding act of Arizona" became a law June 25, 1890, and authorized the funding of all Territorial, county, municipal, and school district indebtedness of Arizona which had accrued and would accrue, with the interest thereon, until and including December 31, 1890, into 5 per cent bonds, and under the provisions of the act a loan commission, consisting of the governor, secretary of the Territory, and Territorial auditor, was created to fund indebtedness under the terms of the act.

The purpose of the law was to effect an annual saving in interest and place the Territory upon a cash basis. The floating indebtedness of the Territory represented by warrants bore 10 per cent interest, and upon that indebtedness an immediate saving was had of 5 per cent. The average rate of interest on the bonded indebtedness of the Territory was 8 per cent, and the operation of the law effected a saving of 3 per cent upon all indebtedness funded. Only such bonded indebtedness could be funded as had matured or was voluntarily surrendered by the holders thereof.

A supplemental act of Congress was passed and approved August 3, 1894, extending the time for funding outstanding warrants for Territorial expenses only until December 31, 1896. The object of the present bill is to further extend the provisions of the funding act approved June 25, 1890, until January 1, 1897, so as to permit and authorize the funding of such outstanding indebtedness as might have been funded under the original act had the same been surrendered before the act had lapsed.

It is not proposed to fund any indebtedness which could not have been funded under the original act had said indebtedness been presented in time.

No new indebtedness is proposed to be funded in excess of the limit prescribed by law. In authorizing the funding of the outstanding liabilities the act also validifies the indebtedness already funded and authorized to be funded, so as to prevent the possibility of repudiation of bona fide obligations.

The eighteenth legislature of Arizona unanimously memorialized Congress to validate securities about which doubt existed.

Upon investigation the committee believe the legislation beneficial and wise and in the interest of good government, and therefore recommend the passage of the bill.

Mr. MURPHY of Arizona. I reserve the balance of my time, unless some gentleman desires to ask questions.

Mr. HOPKINS. Mr. Speaker, I think it is quite important that the gentleman should explain the provisions of this bill somewhat.

Mr. MURPHY of Arizona. I supposed that the report explained it sufficiently, but if the gentleman thinks it does not I will gladly supplement it with a brief explanation. Under the working of the act of Congress approved June 25, 1890, the Territory of Arizona was authorized to fund all its indebtedness of whatever nature into 5 per cent bonds, thereby effecting an average saving of 3 per cent upon its indebtedness. That law applied to all kinds of indebtedness—school district, Territorial, county, and municipal.

A commission was organized under the act, consisting of the governor, the secretary, and the Territorial auditor, for the purpose of executing the law, but of course the outstanding indebtedness bearing a higher rate of interest could not be compelled to be surrendered or funded unless it had matured, and therefore there still remained a considerable portion which could not be funded. Many obligations were about to mature, and they were funded. A portion of the 8 per cent indebtedness was funded, but some of the higher interest-bearing bonds of counties and municipalities were refused to be surrendered for funding. The expectation was to put the Territory upon a cash basis, but that expectation was disappointed, and the members of the Territorial government came here and asked the last Congress to extend the funding act for a year longer, covering the floating indebtedness and the Territorial expenses only, but not including the outstanding indebtedness of municipalities bearing a higher rate of interest. That act was passed August 3, 1894.

A question was raised here this morning about a cloud being on Territorial bonds, and a bill was passed validating certain bonds of New Mexico. A large amount of the bonds of Arizona might possibly give rise to the same questions if our people desired to repudiate their obligations, but there is no such desire on their part, and the Territorial legislature, recognizing the danger to the credit of the Territory if anyone should undertake to litigate these securities, have unanimously memorialized Congress to pass this act to validate both the bonds which have been funded and others outstanding, bearing a higher rate of interest, upon their voluntary surrender by their holders. There is about $200,000 involved altogether. I will ask the Clerk to read the memorial of the legislature, if the gentleman desires.

Mr. HOPKINS. That is not necessary.

Mr. JOHNSON of North Dakota. I wish to ask the gentleman whether there is anything in the act of 1890 safeguarding these bonds against being sold for less than par?

Mr. MURPHY of Arizona. Yes, sir; they can not be so sold.

Mr. JOHNSON of North Dakota. I do not see any provision of that kind in the bill.

Mr. MURPHY of Arizona. Well, this bill refers to the provisions of the other act, which prohibits the selling of the bonds for less than par.

Mr. JOHNSON of North Dakota. What arrangement is there for securing a premium on the bonds, provided the market should warrant it?

Mr. MURPHY of Arizona. The Territorial officers constituting the loan commission are required, under the provisions of the act, to advertise for bids.

Mr. JOHNSON of North Dakota. What experience have you had on that subject since the act of 1890?

Mr. MURPHY of Arizona. Bonds to the amount of $500,000 were sold at a premium, bringing 102.

Mr. JOHNSON of North Dakota. The bonds, as I understand, which were sold under the act of 1894 were gold bonds; that is, the interest was payable in gold.

Mr. MURPHY of Arizona. Yes, sir; and the principal in lawful money.

Mr. JOHNSON of North Dakota. And the same requirement applies with regard to these bonds?

Mr. MURPHY of Arizona. Yes, sir.

Mr. McCORMICK. Will this issue of bonds cover the entire indebtedness of the Territory?

Mr. MURPHY of Arizona. Yes, sir; the entire indebtedness of the Territory may be funded under this act.

Mr. JOHNSON of North Dakota. Will this bill, if it becomes a law, have the effect of validating any bonds which are now questionable?

Mr. MURPHY of Arizona. Yes, sir; to a certain degree. None of the bonds have been repudiated by the Territory, but there is a cloud to a certain extent resting upon some of them.

Mr. HEPBURN. This indebtedness, or the larger part of it, was incurred, I believe, while a statute of the United States forbidding the Territory from issuing bonds was in force?

Mr. MURPHY of Arizona. Oh, no; only a very small portion of it—about $200,000.

Mr. HEPBURN. What is the total amount that has been funded or may be funded under this act—the total amount of the indebtedness of the Territory?

Mr. MURPHY of Arizona. Probably less than $2,000,000. I funded $1,600,000 while I was governor. The aggregate I have named covers not simply debts of the Territory proper, but indebtedness of cities, counties, townships, and school districts. No one would call the debt of New York City the debt of New York. The amount of indebtedness I have named includes every kind of obligation of the Territory proper and the indebtedness of municipalities, school districts, etc.; and the funding of this debt will save us on the average 3 per cent interest.

Mr. HEPBURN. What portion of the $2,000,000 of indebtedness has been or will be incurred in the refunding of bonds of the prohibited class of which we have been speaking?

Mr. HILBORN. The Pima claims?

Mr. MURPHY of Arizona. None of the Pima claims; but of obligations similar to those, about $200,000.

Mr. HEPBURN. I am willing to yield the floor to any gentleman who wants to speak on this subject. [Cries of "Vote!" "Vote!"]

The question was taken; and the motion to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

GOVERNMENT OF INDIAN TERRITORY.

Mr. SHERMAN. I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 7907) for the protection of the people of the Indian Territory, extending the jurisdiction of the United States courts, providing for the laying out of towns, the leasing of coal and other mineral, timber, farming, and grazing lands, and for other purposes.

Be it enacted, etc., That the criminal laws of the United States be, and the same are hereby, extended over the Indian Territory, and the United States courts now in existence, or that may be hereafter created in or for said Territory, are hereby given jurisdiction over all prosecutions for crimes and misdemeanors committed within their respective jurisdiction, without regard to the race or citizenship of the person or persons violating or charged with having violated any of the laws of the United States, or the laws of the State of Arkansas heretofore put in force in said Territory by acts of Congress, and sections 1636 to 1644, inclusive, entitled embezzlement, and sections 1711 to 1718, inclusive, entitled bribery and embracery of Mansfield's Digest of the State of Arkansas, are hereby extended over and put in force in said Territory, and the word officer where the same appears in said laws shall include all officers of any of the governments of either of said tribe of Indians: *Provided*, That this section shall in no way destroy or curtail the jurisdiction of the United States courts at Fort Smith, Ark., and Paris, Tex., under existing laws. The fifteenth section of the act of Congress entitled "An act to establish United States courts in the Territory, and for other purposes," approved March 1, 1889, limiting jurors to citizens of the United States, is hereby repealed, but not to affect any causes now pending in said court or crimes committed prior to the passage of this act.

SEC. 2. That said United States courts withing their respective districts be, and they are hereby, given exclusive jurisdiction to hear and determine all civil suits arising between citizens of the United States or between citizens of the United States and members of any of said five tribes of Indians, or between Indians of the several five different tribes, and said courts shall also have jurisdiction over all appeals from any judgment or determination of any Indian court in said Territory, and the said United States court may, in the event of a reversal of any such judgment or determination of an Indian court, order a new trial to proceed within its own jurisdiction.

SEC. 3. That said courts are hereby given jurisdiction in their respective districts to try cases against those who may unlawfully and forcibly enter into lands and tenements and detain the same, and also those who having originally made a lawful and peaceable entry into lands and tenements and unlawfully and by force hold the same beyond the legal period, and also those who claim to hold as members of a tribe and whose membership is de-

nied by the tribe but continue to hold said lands and tenements notwithstanding the objection of the tribe; and if it be found upon trial that an unlawful and forcible entry has been made, or that the said lands and tenements are held by force, or that the same, after lawful or peaceable entry, are held unlawfully, or that the same are held unlawfully against the tribe by those claiming to be members thereof, and the membership and right is disallowed by the court, then said court shall cause the parties charged with unlawfully holding said possessions to be removed from the same and cause the lands and tenements to be restored to the person or persons or nation or tribe of Indians entitled to the possession of the same.

SEC. 4. That before any action by any tribe or person shall be commenced under section 3 of this act it shall be the duty of the party bringing the same to notify the adverse party to leave the premises for the possession of which the action is about to be brought, which notice shall be served at least thirty days before commencing the action by leaving a written copy with the defendant, or if he can not be found, by leaving the same at his last known place of residence or business with any person occupying the premises over the age of 12 years, or if his residence or business address can not be ascertained, by leaving the same with any person over the age of 12 years upon the premises sought to be recovered and described in said notice.

SEC. 5. That the summons shall not issue in such action until the chief or governor of the tribe or person or persons bringing suit in his own behalf shall have filed a sworn complaint on behalf of the tribe or himself with the court, which shall as near as practicable describe the premises so entered upon or detained, and shall set forth either an unlawful and forcible entry and detention or an unlawful and forcible detention after a peaceful entry, or a detention without the consent of the person bringing said suit or the tribe by one whose membership is denied by it: *Provided*, That if the chief or governor refuse or fail to bring suit in behalf of the tribe, then any person authorized by the council of the tribe may make complaint and bring said suit.

SEC. 6. That no continuance shall be granted for a longer period than thirty days, unless the defendant applying therefor shall give an undertaking, if required by the court, to the adverse party, with good and sufficient sureties, to be approved by the judge of the court, conditioned for the payment of all damages and costs and double the rent that may accrue if judgment be rendered against the defendant.

SEC. 7. That when a judgment for restitution shall be entered by the court the judge shall, at the request of the plaintiff or his attorney, issue a writ of execution thereon which shall command the proper officer of the court to cause the defendant or defendants to be forthwith removed and ejected from the premises and the plaintiff given complete and undisturbed possession of the same. The writ shall also command the said officer to levy upon the property of the defendant or defendants subject to execution, and also collect therefrom the costs of the action and all accruing costs in the service of the writ; said writ shall be executed within ten days.

SEC. 8. That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within six months from and after the passage of this act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

SEC. 9. That the commission heretofore appointed under acts of Congress approved March 3, 1893, and March 2, 1895, or their successors, to negotiate with the Five Civilized Tribes in the Indian Territory, in addition to the authority already conferred upon them by law, are authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after such hearing they shall determine the right of such applicant to be so admitted and enrolled: *Provided, however*, That such application shall be made to such commissioners within six months after the passage of this act. The said commissioners shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said commission shall respect all laws of the several nations or tribes not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and shall give due force and effect to the rolls, usages, and customs of each of said nations or tribes.

SEC. 10. That the said commission, after the expiration of nine months, shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under sections 8 and 9 of this act, and said rolls shall be, and are hereby, made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States courts, as provided herein.

In the performance of such duties said commission, and each of them, shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, and to send for persons and papers, and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud and wrong, and the rolls so prepared by them shall be hereafter held and considered to be the true and correct rolls of persons entitled to the rights of citizenship in said several tribes: *Provided*, That if the tribe, or any person, be aggrieved with the decision of the tribal authorities or the commission provided for in this act, it or he may appeal from such decision to the United States district court: *Provided, however*, That the appeal shall be taken within sixty days, and the judgment of the court shall be final, and such appeal shall not suspend or delay the allotment of lands as provided for in this act.

When the roll of citizenship of any one of said nations or tribes is fully completed, as hereinbefore provided, and the survey of the lands of said nation or tribe is also completed, the said commission shall proceed to allot the exclusive use and occupancy of all the lands of said nation susceptible of allotment among the citizens thereof, to them and their heirs, as shown by said roll, giving to each so far as possible his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same. All known and valuable coal and mineral deposits and town sites are reserved to the several tribes, and shall be set apart as incapable of division. When such allotment of the lands of any tribes has been by them completed, said commission shall make full report thereof to the Secretary of the Interior for his approval, reporting all town sites, coal and other mineral deposits thus reserved, or other property which they find incapable of division, and giving reasons why the same can not be divided; and the Secretary shall thereupon direct the disposition of the use of such undivided property in the best manner for the benefit of the respective tribes: *Provided*, That allotments herein provided for shall not impair any rights heretofore granted by Congress: *Provided further*, That whenever it shall appear that any member of a tribe is in possession of lands to an amount in excess of the number of acres to which he shall be entitled by reason of the allotment hereinbefore provided for, his allotment shall be made out of the lands in his possession if the holder so desires as the said commission may select: *Provided further*, That if the person to whom an allotment shall have been made shall be declared, upon appeal as herein provided for by any of the courts of the United States in or for the aforesaid Territory, to have been illegally accorded rights of citizenship, and for that or any other reason declared to be not entitled to any allotment, he shall be ousted and ejected from said lands; that all persons known as intruders who have been paid for their improvements under existing laws, who may be found under the provisions of this act to be entitled to citizenship, shall, within thirty days thereafter, refund the amount so paid them, with 6 per cent interest, to the tribe entitled thereto; and upon their failure so to do said amount shall become a lien upon all improvements owned by such person in such Territory, and may be enforced by such trib; and unless such person makes such restitution no allotments shall be made to him.

SEC. 11. That the Secretary of the Interior is hereby authorized and directed to provide rules and regulations in regard to the leasing of coal, mineral, and timber lands, and whenever either of the tribes shall hereafter make a lease of coal, mineral, or timber land the same shall be done in compliance with the directions of the Secretary of the Interior; and any lease for any such land hereafter made shall be absolutely void until approved by him: *Provided*, That nothing herein contained shall impair the rights of any holder or owner of a leasehold interest in any coal rights, coal claims, mineral or timber rights, which have been acquired with the consent or authority of Congress, but all such interests shall continue unimpaired hereby: *And provided further*, That when, under the customs and laws heretofore existing and prevailing in the Indian Territory, leases have been made of different groups or parcels of coal deposits and possession has been taken thereunder and improvements made for the development of such coal deposits by lessees or their assigns, which have resulted in the production of coal in commercial quantities by such lessees or their assigns, then such parties in possession shall be given preference in the making of new leases, in conformity with the laws of the tribe, and in compliance with the directions of the Secretary of the Interior; and in making new leases due consideration shall be made for the improvements of such lessees, and in all cases the leasing or renewal of leases of coal deposits preference shall be given to parties in possession who have made improvements.

SEC. 12. That when the allotment of lands of any member of a tribe is made, a record of the same shall be made and kept by the officers of the tribe, and a full report thereof made to the Secretary of the Interior, and after the said Secretary of the Interior shall confirm the same, the persons making such selections shall remain in peaceable and undisturbed possession thereof, subject to the provisions contained in section 2 hereof.

SEC. 13. That if the person to whom an allotment is made shall die, leaving no widow or descendants surviving him, then such land shall revert to the tribe and may be allotted by the Secretary of the Interior to any citizen of said tribe who shall be without allotted land. But in the event of the death of any person to whom an allotment is made, who shall leave a widow or children surviving him, then said lands shall go to the use and occupancy of said widow during her lifetime, and his children during their minority, and upon her death the same shall go to the use and occupancy of the children of the original allottee, share and share alike, with the same rights, however, as said lands were originally held by the original allottee.

SEC. 14. That all actions for restitution, ejectment, and possession of real property under this act must be commenced by the service of a summons within two years after the passage of this act where the wrongful entry, detention, and possession began prior to the date of its passage, and all actions which shall be commenced hereafter based upon wrongful entry, detention, and possession committed since the passage of this act must be commenced within two years after the cause of action accrued. And nothing in this act shall take away the right to maintain an action for unlawful and forcible entry and detainer, given by the act of Congress passed May 2, 1890 (26th United States Statutes, page 95).

SEC. 15. That said commission is further authorized and directed to cause to be surveyed and laid out town sites at such places as they may deem expedient and necessary for the needs of the people and the prosperous growth of the country, at the present sites of towns and at such other places as may seem necessary, opening or laying off such streets, alleys, and other grounds as they may deem sufficient, and giving to such town sites such extent of territory as may appear necessary for the future growth thereof, and making correct and proper plats of each town, and filing said plats in the clerk's office of the United States court in the district in which said towns are located, to be there recorded: *Provided*, That nothing herein shall be construed to vest any right or title in anyone occupying any of said lots or lands so laid off into town sites: *Provided further*, That the said commission provided for in this act may exempt from ground rental a sufficient amount of land near such town for cemetery purposes, and such lots inside of such towns upon which to erect churches, public-school buildings, or buildings for the purpose of education or charity, and public parks, and also shall exempt from ground rental all property used or occupied under former acts of Congress.

SEC. 16. That upon the approval by the Secretary of the Interior of the plats the said commission is authorized to let and lease any and all of the lots in such town at not less than the annual ground rental fixed by them and approved by the Secretary of the Interior, and for terms of one year, and renewals shall be for the same period as the original letting. The ground rental herein provided for shall be paid by the lessee into the Treasury of the United States for the benefit of the tribe or nation in whose territory such town is located, under such rules and regulations as the Secretary of the Interior may prescribe.

In making such leases, and the renewal of leases, preference shall be given to the owner of the improvements upon such lots, or to the person in the possession of the same, as the case may be. Should the owner of any such improvement neglect or refuse to lease the said lot or lots, then said commission shall lease to any other person or persons on the terms provided in this act. The rightful owners of improvements or the possessors of lots shall have preference to lease as herein provided.

SEC. 17. That should any lessee of lots, in such towns as are provided in this act, in possession of any lot or lots, neglect or refuse to pay the ground rental within thirty days after the same be due and demanded by the proper officer, such overdue ground rental shall become a lien upon the improvements situated thereon.

SEC. 18. That the inhabitants of any town in said Territory having two hundred or more residents therein may proceed, by petition to the United States court in the district in which such town is located, to have the same incorporated as provided in chapter 29 of Mansfield's Digest of the Statutes of Arkansas, if not already incorporated thereunder, and such town government, when so authorized and organized, shall possess all the powers and exercise all the rights of similar town governments in said State of Arkansas. All male inhabitants of such towns over the age of 21 years, who are citizens of the United States or of either of said tribes, who have resided therein more than six months next before any election held under this act shall be qualified voters at such election.

All elections shall be conducted under the provisions of chapter 56 of said digest, entitled "Elections," so far as the same may be applicable; and all

inhabitants of such towns, without regard to race, shall be subject to all laws and ordinances of such town governments, and shall have equal rights, privileges, and protection therein. Such town governments shall in no case have any authority to impose upon or levy any tax against any lands in said towns; but all other property, including all improvements on town lots, which for the purposes of this act shall be deemed and considered personal property, together with all occupations and privileges, shall be subject to taxation. And the town councils of such town governments, for the support of the same, and for school and other public purposes, may provide by ordinance for the assessment, levy, and collection, annually, of a tax upon such property, not to exceed in the aggregate 1 per cent of the assessed value thereof, in manner provided in chapter 129 of said digest, entitled "Revenue," and for such purposes may also impose a tax upon occupations and privileges.

Such town councils may also establish and maintain free schools in such towns, under the provisions of sections 6258 to 6276, inclusive, of said digest; and may exercise all the powers conferred upon special school districts in towns in the State of Arkansas by the laws of said State when the same are not in conflict with the provisions of this act.

For the purposes of this section all the laws of said State of Arkansas herein referred to, so far as applicable, are hereby put in force in said Territory; and the United States court therein shall have jurisdiction to enforce the same, and to punish any violation thereof: *Provided*, That owners and holders of leases shall be privileged to transfer the same.

SEC. 19. That it shall be unlawful for any person, after the passage of this act, to claim, demand, or receive for his own use or for the use of anyone else any royalty on stone, coal, or other mineral, or on any timber or lumber, or any other kind of property whatsoever, or any rents on any lands or property belonging to any one of said tribes or nations in said Territory, or for anyone to pay to any individual any such royalty or rents or any consideration therefor whatsoever; and all royalties and rents hereafter payable to the tribe shall be paid, under such rules and regulations as may be prescribed by the Secretary of the Interior, into the Treasury of the United States to the credit of the tribe to which they belong: *Provided*, That where any citizen shall be in possession of only such amount of agricultural or grazing lands as would be his just and reasonable share of the lands of his nation or tribe and that to which his wife and minor children are entitled, he may continue to use or receive the rents thereon until allotment has been made to him: *Provided further*, That nothing herein contained shall impair the rights of any member of a tribe whose allotment of lands may hereafter disclose coal or other minerals from using the same for his or her own use and benefit.

SEC. 20. That it shall be unlawful for any citizen of any one of said tribes to inclose, or in any manner, by himself or through another, directly or indirectly, to hold possession of any greater amount of lands or other property belonging to any such nation or tribe than that which would be his approximate share of the lands belonging to such nation or tribe, and that of his wife and his minor children as per allotment herein provided; and any person found in such possession of lands or other property in excess of his share and that of his family, as aforesaid, or having the same in any manner inclosed, at the expiration of nine months after the passage of this act, shall be deemed guilty of a misdemeanor.

SEC. 21. That any person convicted of violating any of the provisions of sections 19 and 20 of this act shall be deemed guilty of a misdemeanor and punished by a fine of not less than $100, and shall stand committed until such fine and costs are paid (such commitment not to exceed one day for every $2 of said fine and costs), and shall forfeit possession of any property in question, and each day on which such offense is committed or continues to exist shall be deemed a separate offense. And the United States district attorney in said Territory is required to see that the provisions of said sections are strictly enforced, and he shall at once proceed to dispossess all persons of such excessive holding of lands and to prosecute them for so unlawfully holding the same.

SEC. 22. That all per capita payments hereafter made to the citizens of any of said nations shall be paid directly to each individual citizen by a bonded officer of the United States, under the direction of the Secretary of the Interior, who shall be required to render strict account for such disbursements to Congress.

SEC. 23. That said commission shall have power to employ such assistants as may be found necessary to the performance of its duties, such employment to be first approved by the Secretary of the Interior, who may fix their compensation.

SEC. 24. That all rights of way granted to railroad corporations whose lines have heretofore been constructed, and at the time of the passage of this act are being operated, and those granted by act of Congress which are now in the course of construction, or are hereafter constructed as provided in the act or acts of Congress granting the right, together with such lands as they were or are authorized to take or acquire for depot or rights of way, sidings, and freight or storage purposes, are hereby confirmed.

SEC. 25. That whenever the executive of any State or Territory shall demand of the United States judge of any of the districts in the Indian Territory any person as a fugitive from justice, and shall have complied with the requirements of the act of Congress in regard to requisitions on governors of States in similar cases, it shall be the duty of the judge of the district to issue a warrant, under the seal of the court, directed to the United States marshal, for the apprehension of such person.

SEC. 26. That every warrant so issued may be served in any part of the Territory, and when the person named in the warrant is arrested, he shall be taken before the judge; and if, upon hearing, the judge is satisfied that the person arrested is a fugitive from justice, he shall order that the prisoner be delivered to the agent or officer of the State demanding him.

SEC. 27. That no act, resolution, ordinance, or decree of the councils of either of said tribes in any manner affecting the public domain, moneys, or other property of the tribe, the right of any person to employ any kind of labor, the rights of persons who have taken the oath of allegiance to the United States Government, or its authorities, shall be of any validity after the passage of this act, until approved by the President of the United States; and all such acts, resolutions, ordinances, and decrees so approved shall be published in at least two newspapers having a bona fide circulation in the Territory of the tribe affected thereby, with such approval, before the same shall be valid.

SEC. 28. That the said commission is hereby authorized and directed to make a full and complete roll of all those persons residing in the Choctaw and Chickasaw Nations, and designated in article 3 of the treaties of said nations of April 28, 1866, as "persons of African descent residing in said nation at the date of the treaty of Fort Smith, and their descendants, heretofore held in slavery among said Indians," who shall not be found by said commission to be entitled to be enrolled as citizens of said nation; and the said Secretary of the Interior shall make his report thereon, showing whether the stipulations described in said treaty of April 28, 1866, for the benefit of said persons, have been fulfilled, with his recommendation for such action by Congress as in his judgment is required.

Mr. KIRKPATRICK. I demand a second on the motion to suspend the rules.

The SPEAKER. Without objection, a second will be considered as ordered.

Mr. TATE. I object.

Mr. TATE and Mr. SHERMAN were appointed tellers.

The House divided; and there were—ayes 77, noes 14.

Mr. TATE. No quorum.

The Speaker proceeded to count the House.

Mr. TRACEY (before the count was concluded). I move that the House do now adjourn.

The motion was not agreed to.

The SPEAKER. One hundred and eighty members are present—a quorum. The motion to suspend the rules is seconded.

Mr. SHERMAN. Mr. Speaker, I shall occupy but a moment in speaking on this bill; and then I shall yield to the gentlemen composing the subcommittee that did most of the work in framing the measure. There were introduced some three or four bills on the general subject of ameliorating the condition of affairs in the Indian Territory. Those bills were considered by the Committee on Indian Affairs for many weeks. The members of the Dawes Commission were before the committee time and time again, discussing fully the condition of affairs in the Indian Territory. Full hearings were given to the representatives of every tribe of Indians in the Territory. The Committee on Indian Affairs sat daily between three and four weeks until every interest desiring to be heard upon the propositions covered by the various bills had had the fullest possible hearing. And then that subcommittee took up the subject and framed the bill which is now presented as a substitute for the various propositions which were before the committee for its consideration.

It has the approval, Mr. Speaker, of these gentlemen; it has the unanimous approval of the full committee; it has the approval of the Indian Bureau, the Secretary, and of the Dawes Commission; and I believe it has the approval of every person who has any understanding of the condition of affairs in that Territory and who desires to see a step taken in the line of better government and progress among the people there. The bill as presented gives proper consideration to every interest involved, and is the first important step to civilize the uncivilized and advance the condition of over one-quarter of a million of people, now residing within the limits of the Indian Territory. I believe it ought to pass; yes, without opposition.

I now yield to my colleague on the committee, Mr. LITTLE of Arkansas, for ten minutes.

Mr. LITTLE. Mr. Speaker, the recent history of this country furnishes no more striking examples or illustrations of a lawless condition of affairs which has worked to unsettle all progress and destroy all material interests than are to be found in the Indian Territory. The growing shame of that country is, first, the nonenforcement of law in the Indian courts; second, a monopoly in landholding, and thirdly, the unfortunate condition of the many towns inhabited by good citizens situated in all parts of it.

The bill that the Committee on Indian Affairs has now presented for the consideration of the House has been the result of many months of labor on the part of that committee. Objections have been met and remedied, until the bill now presented is the unanimous voice of that committee as to what they believe ought to be done; not what many of us believe should have been done, but that this, at least, should be done under present circumstances as an urgent necessity.

In the first place it has become a notorious fact that the Indian courts in that Territory are incapable of enforcing their laws and unable to protect the lives and the property of their own people. This is a well-recognized fact by all persons who are at all familiar with the condition of affairs existing in that Territory.

This bill provides that all criminal jurisdiction shall be vested in the Federal courts in the Territory. It gives the right of appeal from the Indian courts in civil cases to the Federal courts. To that extent it affects the jurisdiction of the courts there. It provides next for completing and finishing the rolls of citizens of that country for a just, equitable, and legal distribution of the common property. These rolls are essential and necessary before a step can be taken looking to a just division of this property.

It is a crying shame, as I said at the beginning of my remarks to-day, that a few people, some of them members of the Indian tribes, and many of them in whose veins not a drop of Indian blood flows, should absorb the public domain of the Territory, as they are absorbing its wealth steadily, in violation of the treaty rights of the Indian people.

This bill seeks to remedy what all recognize as an evil in that respect, and that is that the lands, as soon as they are surveyed (not the title, for the title is maintained intact to the tribes under the treaties)—but it is made the duty of the commission, after the survey of the land is made, to set apart the right of occupancy equally to every member of every tribe in the Territory.

It seems to me that any man who loves justice to the Indians must see the wisdom and the necessity of such an enactment, and

that there can be no possible objection to this provision. It is in proof beyond controversy that in one tribe 61 people occupy no less than 1,250,000 acres of this land. In another tribe 21 people occupy 164,000 acres of the public domain. And yet hundreds and thousands of their citizens are without homes and land.

This bill does not affect the title, but decrees that the occupancy of the land shall be set apart to these people. In the towns, many of them with three, four, five, or six thousand inhabitants they stand in that country absolutely without any corporate or municipal law governing them. They have no means of enforcing health regulations or sanitary rules, no means of protection against fire or otherwise. They are absolutely helpless to-day. The bill provides for the incorporation and organization of the towns.

More than that, Mr. Speaker, there are some hundred and fifty thousand white children in that country without schools, growing up in utter ignorance to become part of the bone and blood of this great nation. This bill provides that they shall have the benefit of a common-school education; that school shall be established and maintained by taxes levied on the property of noncitizens, and I believe a provision of that character looking to the education of these children will meet the approval of this House without any dissent. As to the leases in that country, this bill maintains those that are legal. The others are disregarded, and the land is directed to be set apart, as I have said.

As to the abolition of the criminal jurisdiction of these courts, I have in mind an instance where only a few weeks ago the sheriff of one of the counties was murdered in open daylight, and the next day the murderer announced himself as a candidate for successor to the position of the man he had murdered.

In the courts of the Choctaw Nation 14 criminals charged with murder forfeited their bonds and went into an organization and defied the courts of the Territory. This bill, in order to create uniformity in the administration of the law, invests the criminal jurisdiction over all the people, without regard to race, in the Federal courts of that country. More than that, the bill provides for an investigation of the condition and status of the colored population of the Choctaw Nation who claim the rights of citizenship.

I wish I had time to consider this bill section by section and explain it to this House, because I feel sure that it would commend itself to every man who wants to see the right done and the treaties carried out with these people.

This bill does not violate a treaty with the Indians. In every treaty between the United States and any tribe it is provided that it shall be the duty of the Government to maintain and protect life and property in the Territory. That right is reserved to the Government, and order can not be restored until the conditions in that country are broken up.

Why, sir, if you will travel over that country—the richest in almost all the land, you will see men occupying hundreds and thousands of acres to which they have no right. On the other hand, you will see the young Indian who has called to his heart the young, loving squaw who is to preside over his home in future hunting for land on which to erect an honest little cabin home in which to live. He finds the land guaranteed to him by the treaties, guaranteed to him by this Government, yet he can not obtain it. It is in the possession of another. And disappointed and broken-hearted they enter the battles of life, while others feast upon their inheritance. These things have commended themselves to the committee. The committee have acted with great earnestness, and have endeavored to protect every interest in that country. We urge this Congress to raise its hand in defense of these defenseless people, the Indians themselves. The lobbyists who hang around this Capitol pay their expenses out of money which they have extorted from their own people, and are not representative in their character. The fruits of their own criminality is used to further their extortions and monopolies.

I beg this Congress, in the name of the rights of the people in the Indian Territory, to give to them, under the law, the rights which the treaties guarantee to them. Do not let the tribes handle these rolls as a political football. Let the authorities of the Government make an authorized roll and then set apart the lands for these Indians. Why, sir, it is not infrequent in that country when a man is arrested, charged with crime, for him to stand in with the Indian authorities and have his name placed on the roll as an Indian. That defeats the jurisdiction of the Federal courts. Then, if the Indian courts seek to pursue him, they strike him off the roll and the Indian courts have no jurisdiction.

A number of cases of that sort have happened, resulting in a mere trifling with the sacred rights of the people and resulted in the exoneration of the worst criminals. I urge upon Congress the necessity of prompt action. We have waited and waited for these Indian governments to do something to relieve their people, but they are dumb to the appeals of justice. Commission after commission and committee after committee have gone into that country and investigated the condition of these tribes, and they return here telling you with one voice of the conditions which exist there. There is no disagreement in that regard. If you seek to make that country a country of law, of order, and of equal rights of the people to whom it belongs, it is the duty of Congress either to pass this measure or some other measure of similar import, giving to the Indian his rights and to the good, honest American citizens of that country protection to their lives and families and education for their children. [Applause.]

How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has one minute remaining.

Mr. LITTLE. I yield that back to the gentleman in charge of the time.

Mr. TURNER of Georgia. I should like to ask the gentleman is this bill approved by the Dawes Commission?

Mr. LITTLE. It is substantially on the same line as their bill. It is not so radical as the one which they recommend.

Mr. KIRKPATRICK. I yield ten minutes to my colleague, Mr. TRACEY.

Mr. TRACEY. Mr. Speaker, in my opinion this bill is entirely too important to be passed under a suspension of the rules, without opportunity for amendment. There are some good features in the bill, which, in my opinion, ought to become law, but it ought to be amended in some respects; and without an opportunity to amend it it ought not to be taken up and passed. There are several particulars in which amendments are necessary in order to preserve existing rights. Those rights ought not to be disregarded, because they are the rights of men who have invested considerable sums of money in the development of property in the Territory. Those rights ought not to be trampled upon. They ought not to be disregarded, and unless the bill is amended in some particulars they will be disregarded.

Now, I hold this to be an absolutely just position. In the years gone by men have been invited to go into the Indian Territory and other portions of that country down there and develop the coal and mineral lands. They have accepted that invitation and gone there. Some of them, about whom I know personally, have invested a good many thousands of dollars in the development of those lands.

Mr. LITTLE. Will the gentleman permit me?

Mr. TRACEY. Yes; certainly.

Mr. LITTLE. The bill protects their rights.

Mr. TRACEY. In my opinion it does not.

Mr. LITTLE. It certainly does.

Mr. TRACEY. I understand it is the belief of the committee that in section 11 they have protected all these rights, but I do not think the section is sufficiently explicit to protect the rights to which I refer.

With reference to what constitutes the matter in issue in the case of the renewal of a lease, the language is not sufficiently explicit, in my opinion. I should like to make it more explicit, and that is one of the reasons why I am opposed to the consideration of so important a bill as this in this way.

Mr. SHERMAN. Will the gentleman kindly read section 11, which covers that point?

Mr. TRACEY. I have read section 11 three or four times, or half a dozen times. The provision to which the gentleman refers reads as follows:

> That when, under the customs and laws existing and prevailing in the Indian Territory, leases have been made of different groups or parcels of coal deposits and possession has been taken thereunder and improvements made for the development of such coal deposits by lessees or their assignees——

Mr. SHERMAN. Read the provision that begins on line 8.

Mr. TRACEY (reading):

> That nothing herein contained shall impair the rights of any holder or owner of a leasehold interest in any coal rights, coal claims, mineral or timber rights which have been acquired with the consent or authority of Congress, but all such interests shall continue unimpaired hereby.

That is all very true. But when you come to the succeeding provision, talking about the renewal of leases, you do not continue the language used in that provision; and hence in the following provision, if it is necessary to put it in at all, the same explicit language ought to govern and control the leases; that is to say, specifying the right that any holder or owner of the leasehold has under the provision referred to:

> *And provided further*, That when under the customs and laws heretofore existing, etc.

Now, under that provision, instead of using the language of the provision just read, you have:

> In making new leases due consideration shall be made for the improvements of such lessees, and in all cases the leasing or renewal of leases of coal deposits preference shall be given to parties in possession who have made improvements.

Now, if the language of the provision covering the first provision had been continued, so that the subject of the leases or the renewal of leases of coal deposits was included as specifically

as in the first provision for coal claims and mineral or timber claims, then I think it would not still be perfect as to the rights of the parties about which I am talking, but they would be certainly much better protected than they are in the bill as it is. In other words, it is not sufficiently explicit in the latter part. "And in all cases of the leasing or renewal of leases" it should be, and the specification should be made as in the first provision, where the words "coal and coal deposits" are used in the latter part of the section. It ought to be construed, and the law ought to so state, as to "coal rights, coal claims, mineral or timber rights." That ought to be provided for in the last as well as in the first provision.

Evidently it was the intention of the framers of the bill to guard and protect the interests of these men who have invested their money for the purpose of developing the coal mining in that country. It is evident that they intended to do it, but I do not think they have done it. There is at least a question of doubt as to whether they have done it; and when it comes to the renewal of leases down there, there ought to be a provision more explicit than there is here, which gives a preference to those men who have invested their money. That is attempted to be guarded here in the bill, but I do not think the language is as explicit upon that point as it ought to be in order to guard and protect the rights of the people who have invested their money down in the Territory.

Now, for these reasons, Mr. Speaker, I am opposed to the passage of this bill in this way, and for an additional and larger reason than that—that no bill involving what is involved in this bill, no bill having the importance that this bill has, ought to be taken up and passed under a suspension of the rules.

Mr. KIRKPATRICK. Mr. Speaker, I have been endeavoring to consider this bill in a few moments. Of course I was not aware that it would be taken up at this time. I have examined it to some extent heretofore, and I am inclined to believe that the bill in many particulars is a very excellent one. There is one objection I had to the bill, but since making that objection I have been informed by a member of the committee that the committee concede the correctness of my opposition and that an effort will be made in the Senate to have an amendment inserted.

Now, from our part of the country quite a number of people have gone down into the Indian Territory, have been invited down there, for the purpose of improving the farms, and they made leases that have been heretofore recognized as valid. These parties have acted upon these leases and have expended large amounts of money in the improvement of farms with the privilege of keeping them from five to seven and eight years to pay them for making these improvements. Now, it seems to me that this bill does not protect the rights of these persons; but the committee suggests that an effort or application will be made in the Senate to amend this bill so as to protect the rights of these people. You can readily see that if this bill should go through in its present condition, if the construction is to be placed on it that it annuls and vacates all these leases, it would be a manifest injustice to a large number of persons. For that reason I have opposed the passage of this bill. It seems to me it is an unsafe thing to pass a bill and then submit it to the other body, the Senate, and take our chances to secure an amendment which is conceded should be made in this House.

It would have been far better for those who have been interested in this bill that it should wait until it could be considered in a proper way, and all suitable amendments could be suggested. This is a bill dealing with very important questions. That we need legislation along the line proposed in this bill there is no question; but we should proceed in a careful way about this matter, so as not to do an injustice to a great number of citizens who have honestly gone down there to develop that country and have expended their time and their money. They should not have their rights, I say, trampled under foot, in order that we may protect the rights of some one else. For that reason I can not vote for this measure in its present condition. I reserve the remainder of my time.

Mr. SHERMAN. I wish the gentleman would occupy all his time now.

Mr. KIRKPATRICK. Unless some other gentleman desires to be heard, I have no further remarks to make.

Mr. SHERMAN. Then let us take the vote.

The question being taken on the motion to suspend the rules and pass the bill, the Speaker declared that the ayes seemed to have it.

Mr. TATE. I ask for a division.

Mr. KEM. Mr. Speaker, it is evident that there is no quorum, and I make that point.

The House divided; and there were—ayes 85, noes none.

Mr. TATE. No quorum, Mr. Speaker.

Mr. SHERMAN. I move that the House do now adjourn.

The motion was agreed to; and the House accordingly (at 5 o'clock and 40 minutes p. m.) adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. KERR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5287) for the relief of widows who were wives of soldiers and sailors while in the service of the United States, reported the same with amendment, accompanied by a report (No. 2125); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DOOLITTLE and Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 35) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, reported the same with amendment, accompanied by a report (No. 2126); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 3926) to correct the war record of David Sample. (Report No. 2106.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (H. R. 5693) for the relief of the city of Racine. (Report No. 2107.)

By Mr. LOUDENSLAGER, from the Committee on Pensions: The bill (H. R. 2336) to grant a pension to Theresa Bonnaveau. (Report No. 2108.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 5128) to increase the pension of Jere Smith. (Report No. 2109.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 3858) granting a pension to Charles L. Stephens. (Report No. 2110.)

By Mr. KERR, from the Committee on Invalid Pensions:

The bill (H. R. 8461) granting a pension to Theodore Jones, late brigadier-general of volunteers. (Report No. 2111.)

The bill (H. R. 2060) to pension Oscar Dunham. (Report No. 2112.)

The bill (H. R. 3245) granting a pension to Alfred Vansickles. (Report No. 2113.)

The bill (H. R. 7563) to pension Sarah A. Halter. (Report No. 2114.)

The bill (H. R. 5041) to pension Ella F. Sydnor. (Report No. 2115.)

The bill (H. R. 6092) granting a pension to Delia Fry. (Report No. 2116.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 5263) granting a pension to Henry Willis. (Report No. 2117.)

By Mr. WOOD, from the Committee on Invalid Pensions:

The bill (H. R. 5457) to increase the pension of John Yahne. (Report No. 2118.)

The bill (H. R. 7342) to pension Ella S. Mannix. (Report No. 2119.)

The bill (H. R. 2321) to increase pension of John J. Cross. (Report No. 2120.)

The bill (H. R. 7581) granting a pension to Mrs. Maria N. Flint. (Report No. 2121.)

The bill (H. R. 7440) to increase the pension of Albert G. Dow. (Report No. 2122.)

The bill (H. R. 1896) granting a pension to Sarah E. Hoadley. (Report No. 2123.)

By Mr. OTJEN, from the Committee on War Claims: The bill (S. 2871) entitled "An act to amend an act for the correction of the military record of Wilhelm Spiegelburg," approved July 21, 1892. (Report No. 2124.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JOHNSON of Indiana: A bill (H. R. 9274) to amend an act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, and to repeal a certain provision therein—to the Committee on Appropriations.

By Mr. SULLOWAY: A bill (H. R. 9276) to increase the pensions of widows when they become 65 years of age—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A concurrent resolution (House Con. Res. No. 53) relative to the printing of 10,000 copies each of the majority and minority reports of the Committee on Ways and Means concerning reciprocity and commercial treaties, and also 10,000 copies of the hearings before the subcommittee of Ways and Means on the same subject—to the Committee on Printing.

By Mr. JOHNSON of California: A concurrent resolution (House Con. Res. No. 54) authorizing the local United States engineers in the State of California to examine and survey Mormon Channel and Calaveras River, etc., in California, and to report the results to the Chief of Engineers of the United States—to the Committee on Rivers and Harbors.

By Mr. McCLEARY of Minnesota: A resolution (House Res. No. 394) giving to each messenger of the House post-office an extra month's salary—to the Committee on Accounts.

By Mr. HEATWOLE: A resolution (House Res. No. 395) to authorize the Clerk of the House to employ two messengers during the remainder of the first session of the Fifty-fourth Congress—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BUCK: A bill (H. R. 9277) to remove the charge of desertion from John L. Arms—to the Committee on Military Affairs.

By Mr. CALDERHEAD: A bill (H. R. 9278) granting a pension to Ezra Crosby, of Barnard, Kans., late first lieutenant of Company A, Thirty-eighth, and Company F, Thirty-fourth Regiments Iowa Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 9279) for the relief of Wesley Porter—to the Committee on Military Affairs.

By Mr. LONG: A bill (H. R. 9280) granting a pension to John Fuller—to the Committee on Invalid Pensions.

By Mr. PEARSON: A bill (H. R. 9281) to complete the military record of John Jenkins—to the Committee on Military Affairs.

Also, a bill (H. R. 9282) to complete the military record of William Johnson—to the Committee on Military Affairs.

By Mr. SHERMAN: A bill (H. R. 9283) to increase the pension of Mrs. Nettie B. Smith—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 9284) to increase the pension of Edward Blanchard, Company L, Second Michigan Cavalry—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 9285) granting a pension to Henry H. Tucker, of Minneapolis, Kans., late a sergeant of Company E, Thirty-first Ohio Volunteer Infantry, and a first lieutenant of Company B, One hundred and forty-third Illinois Infantry—to the Committee on Invalid Pensions.

By Mr. GROUT: A bill (H. R. 9286) granting a pension to Frank W. Gold—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CALDERHEAD: Papers to accompany House bill to pension Henry H. Tucker—to the Committee on Invalid Pensions.

By Mr. COFFIN: Petitions of citizens of Annapolis and Prince Frederick, Md., asking favorable action on House bill No. 838, to reduce letter postage, and House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIS of New York: Petition of citizens of Ogdensburg, N. Y., asking for favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. GROUT: Testimony in the matter of granting a pension to Frank W. Gold, late an employee of the Quartermaster's Department, Army of the Potomac—to the Committee on Invalid Pensions.

Also, testimony in the matter of granting a pension to Mary B. Chamberlin, mother of Charles L. Chamberlin, late of Company D, Ninth Vermont Volunteers—to the Committee on Pensions.

Also, resolutions adopted by the General Conference of the Methodist Episcopal Church, held at Cleveland, Ohio, in relation to the Armenian atrocities—to the Committee on Foreign Affairs.

By Mr. HARMER: Paper to accompany House bill for the relief of John Amrein—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: Petition of citizens of Evansville, Ind., asking favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. KERR: Petition of Albert F. Remy and others, asking favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. R. McKnight and 32 others, of Huron County, Ohio, on behalf of House bill No. 6851, to aid Wilberforce University—to the Committee on Military Affairs.

By Mr. KNOX: Petition of the Old South Methodist Episcopal Church, of Reading, Mass., favoring the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. LINTON: Statement to accompany House bill No. 8304, for the relief of David J. Newman—to the Committee on Invalid Pensions.

Also, statement to accompany House bill for the relief of Charles Coles—to the Committee on Invalid Pensions.

By Mr. MERCER: Resolutions of the Chamber of Commerce of Los Angeles, Cal., in favor of the transmississippi exposition at Omaha, Nebr.—to the Committee on Ways and Means.

By Mr. RUSSELL of Connecticut: Petition and papers from citizens of Connecticut, in favor of free alcohol for use in manufactures and arts—to the Committee on Ways and Means.

By Mr. SAUERHERING: Petition of 88 citizens of Hustisford, Wis., favoring the passage of House bill No. 8315, for the manufacture of pure beer—to the Committee on Ways and Means.

By Mr. SMITH of Illinois: Petition of citizens of Penn Yan, N. Y., asking favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SOUTHWICK: Petition of citizens of Albany and Troy, N. Y., remonstrating against the acceptance of the Marquette statue—to the Committee on the Library.

SENATE.

TUESDAY, *June 2, 1896.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

COST OF PRODUCTION OF GOLD AND SILVER BULLION.

Mr. PEFFER. I have had frequent requests recently for Senate Report No. 1310, second session Fifty-second Congress. Upon inquiry I find that the edition has been exhausted. I ask that it may be reprinted. It is a report of the Committee on Mines and Mining.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8283) "making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 12, 20, 58, 59, 62, 75, 76, 77, 89, 114, 146, 176, and 186.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 13, 15, 16, 17, 18, 19, 21, 22, 23, 25, 26, 28, 29, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 60, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 78, 84, 85, 86, 87, 88, 90, 94, 95, 96, 97, 98, 99, 100, 101, 102, 107, 108, 109, 110, 111, 112, 113, 115, 116, 117, 118, 119, 120, 121, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 138, 139, 140, 141, 142, 144, 145, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 177, 178, 179, 180, 181, 182, 183, 184, 185, 187, 188, 189, 191, 193, 194, 195, 196, 197, 198, 201, 202, 203, 204, 205, 206, 209, 210, 211, 212, 213, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, and 232, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$904"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: Insert said amendment after line 10 on page 57 of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$54,951.03"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$207,634.62"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$134.85"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"To pay Mrs. Hattie Newsom, widow of James A. Newsom, who died while a member of the Capitol police, $450, being one-half of a year's salary."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 214 and 215, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendments insert after the matter inserted by amendment numbered 179 the following:

"To pay Henry A. Du Pont, in full compensation for all his time and expenses, including printing and counsel fees, in prosecuting his claim to a seat

in the Senate of the United States as a Senator from the State of Delaware, $2,500.

"To pay James L. Wolcott, for himself and associates, counsel in opposition to the claim of Henry A. Du Pont, the same to embrace all their disbursements and expenses of the prosecution of their case in such opposition, $2,500."

And the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 14, 24, 25, 27, 30, 31, 37, 74, 79, 80, 81, 82, 83, 103, 104, 105, 106, 122, 137, 147, 148, 190, 192, 200, 207, and 208.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

J. G. CANNON,
S. A. NORTHWAY,
JOSEPH D. SAYERS,
Managers on the part of the House.

The report was concurred in.

Mr. HALE. I move that the Senate further insist on its amendments still in disagreement between the two Houses, and request a further conference thereon.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Downing and Lawrence Dry Dock Company, of Brooklyn, N. Y., remonstrating against the adoption of amendment numbered 45 to the river and harbor appropriation bill, giving to the estate of the late J. P. Robinson land in Gowanus Bay Channel, at the foot of Court street; which was referred to the Committee on Commerce.

Mr. PRITCHARD presented a petition of Biltmore Branch, Journeymen Stone Cutters' Association of North America, of Asheville, N. C., praying for the enactment of legislation to prohibit the use of stone cut by convict labor in penitentiaries in the construction of public buildings by the Government; which was ordered to lie on the table.

Mr. BURROWS (for Mr. McMILLAN) presented petitions of the Methodist Episcopal Church, the Woman's Christian Temperance Union, and the Woman's Foreign Missionary Society, of Somerset Center, Mich., praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. GALLINGER (for Mr. McMILLAN), from the Committee on the District of Columbia, submitted a report to accompany the bill (H. R. 8469) to authorize the Baltimore and Washington Transit Company of Maryland to enter the District of Columbia, heretofore reported from that committee.

He also (for Mr. McMILLAN) from the same committee, submitted a report to accompany the bill (S. 2840) to incorporate the East Washington Heights Traction Railway Company of the District of Columbia, heretofore reported from that committee.

He also, from the Committee on Pensions, to whom was referred the bill (S. 3218) granting an increase of pension to Charles D. Hanscom, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1551) granting a pension to Mrs. Selena McKay, of Suwanee County, Fla., reported it with an amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Education and Labor, to whom was referred the bill (S. 3243) regulating the salaries of printers, bookbinders, and other skilled workmen employed in the Government Printing Office, reported it without amendment, and submitted a report thereon.

He also (for Mr. HANSBROUGH), from the Committee on Pensions, to whom was referred the bill (H. R. 1820) granting a pension to Neil McNeil, reported it without amendment, and submitted a report thereon.

Mr. BERRY. I am directed by the Committee on Patents, to whom was referred the bill (S. 1453) for the relief of Daniel Drawbaugh, to report it with an amendment, and submit a report thereon.

Mr. PLATT. I desire to state that this is not a unanimous report; that I disagree to it, with other members of the committee. I ask for a little time in which to prepare the views of the minority, which may be printed with the report.

The VICE-PRESIDENT. Leave will be granted, in the absence of objection.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (H. R. 3787) for the relief of H. C. Herndon, reported it without amendment.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 2009) to simplify the system of making sales in the Subsistence Department to officers and enlisted men of the Army, reported it without amendment, and submitted a report thereon.

Mr. LINDSAY, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4721) granting an increase of pension to Orleina J. Clark, of Louisville, Ky.;

A bill (H. R. 4720) granting an increase of pension to Isaac H. Whetsel, of Louisville, Ky.;

A bill (H. R. 950) granting increase of pension to John Coombs;

A bill (H. R. 2359) granting a pension to Katherine Zeigenheim, of Louisville, Ky.; and

A bill (H. R. 4604) granting a pension to Jane Fisher.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (S. 2916) granting an increase of pension to Mary Sprague, reported it with an amendment, and submitted a report thereon.

Mr. PALMER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1022) to increase the pension of Byron Cotton; and

A bill (H. R. 6466) to increase the pension of George V. Barnard.

Mr. BRICE, from the Committee on Pensions, to whom was referred the bill (H. R. 4888) for the relief of George Hager, reported it without amendment, and submitted a report thereon.

Mr. WHITE, from the Committee on Commerce, to whom was referred the bill (S. 3224) to amend an act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea," reported it without amendment, and submitted a report thereon.

MARY E. CHAMBERLIN.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 6221) granting an increase of pension to Mary E. Chamberlin, to report it without amendment. I will state that the Senate passed a bill for this claimant increasing the pension to $40 per month. The House, instead of acting on the Senate bill, passed a House bill at $30 a month. The Senate committee has concluded to report the House bill back without amendment, and I ask for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Mary E. Chamberlin, widow of Lowell A. Chamberlin, late a captain in the First United States Artillery, and pay her a pension of $30 a month, in lieu of the pension she is now receiving or of that to which she is entitled.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

W. H. MICHAEL.

Mr. GALLINGER. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back favorably the resolution referred to that committee yesterday, and on behalf of the Senator from Maine [Mr. HALE] I ask that it be considered at the present time.

The resolution submitted yesterday by Mr. HALE was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the contingent fund of the Senate to W. H. Michael the sum of $1,600 for compiling and indexing all the acts imposing duties on imports heretofore passed by Congress, the said compilation having been made and completed under the authority of the Joint Committee on Printing, as authorized by concurrent resolution of January 16, 1896.

HENRY H. BAILEY.

Mr. LODGE. I ask unanimous consent to call up the bill (H. R. 3582) to remove the charge of desertion now standing against Henry H. Bailey.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to remove the charge of desertion now standing against Henry H. Bailey, private of Company H, First Massachusetts Heavy Artillery, and record the fact that this soldier died on or about December 21, 1862, while in the service of the United States and in the line of duty.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILITIA ORGANIZATION.

Mr. HAWLEY. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 2849) to promote the efficiency of the militia, to report it with amendments.

I beg leave to say a very few words. The report is not yet ready to be submitted. This bill may be called the essence of the acts that have been attempted in Congress from time to time for a hundred years.

The original militia act of 1795 had hardly passed before George Washington begged that somebody would take up the subject and reorganize the militia properly. Every President from that time down to—I think the last formal recommendation was in 1843—repeatedly called attention to the inefficiency and utter uselessness of the act, which required the enrollment of every single

man between the ages of 18 and 45 and required that he should be trained every year, etc.

The act died. Gradually there has grown up by natural selection a system of national guards throughout the States, which is practically an organized militia. Other citizens are practically a reserve militia.

The bill proceeds upon that theory, and we have simply recognized what is in fact in existence and put it in form, and repealed the rubbish of the old law.

There are some delicate questions in regard to the use of the Army, as at elections, for example, and in certain circumstances to enforce the statutes and protect public property, that are provided for in other statutes. Those questions have nothing to do with this bill and we have nothing to do with them. Our bill is simply the business of revision, repealing an old and obsolete act and covering with statute law the National Guard system, which has so happily grown up under the independent legislation and expenditures of the individual States.

The bill will not be called up until the next session, and I make these remarks only that I may forefend misapprehension and speak for its kindly consideration.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. HAWLEY, from the Committee on Military Affairs, to whom were referred the following bills, reported adversely thereon; and the bills were postponed indefinitely:

A bill (S. 1285) to promote the efficiency of the militia; and

A bill (S. 833) to promote the efficiency of the militia.

ABRAHAM H. PARKER.

Mr. LINDSAY. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 5946) granting an increase of pension to Abraham H. Parker, to report it back favorably without amendment, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place the name of Abraham H. Parker, late private of Company A, Forty-fifth Regiment Kentucky Mounted Infantry, on the pension roll of the United States at the rate of $50 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. KILE.

Mr. PRITCHARD. I am directed by the Committee on Pensions, to whom was referred the bill (S. 3184) granting an increase of pension to James H. Kile, to report it with an amendment. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Pensions was, in line 6, before the word "dollars," to strike out "thirty-six" and insert "twenty-four"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay James H. Kile, late first lieutenant, Battery D, First Tennessee Light Artillery Volunteers, $24 per month, in lieu of $17 he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CELESTE A. BOUGHTON.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton.

The amendment of the House of Representatives was, in line 8, before the word "dollars," to strike out "seventy-five" and insert "thirty."

Mr. GALLINGER. Inasmuch as the amendment to the bill made by the House of Representatives grants the beneficiary precisely the amount of pension that she is now drawing under the general law, I am constrained to move that the Senate disagree to the amendment and ask for a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. PALMER, and Mr. HANSBROUGH were appointed.

LENA D. SMITH.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1342) granting a pension to Lena D. Smith.

The amendment of the House of Representatives was, in line 7, before the word "dollars," to strike out "fifty" and insert "thirty."

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

NANCY G. ALLABACH—VETO MESSAGE.

Mr. PALMER. I desire to give notice that to-morrow morning, after the regular morning business is disposed of, I shall ask the unanimous consent of the Senate to call up and consider the bill (S. 894) granting a pension to Nancy G. Allabach, which has been returned to the Senate with the disapproval of the President.

FRANCIS E. HOOVER—VETO MESSAGE.

Mr. GALLINGER. I give notice in the same connection that if the Senate will be kind enough to permit me, I shall at the same time ask for the consideration of the pension veto on the bill (H. R. 1094) granting a pension to Francis E. Hoover, a case that I am very sure will not consume much time when all the facts are known to the Senate.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 3251) to procure a site and erect a peace monument at Appomattox, Va.; which was read twice by its title, and referred to the Committee on the Library.

Mr. CANNON introduced a bill (S. 3252) to increase the pension of Esther Brown; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WOLCOTT introduced a bill (S. 3253) granting an increase of pension to Mark Hathaway; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BRICE introduced a bill (S. 3254) to increase the pension of Mrs. Helen A. De Russy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VILAS introduced a bill (S. 3255) granting a pension to Anna B. Gillett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON introduced a joint resolution (S. R. 155) to authorize a scientific investigation of the fur-seal fisheries; which was read twice by its title, and referred to the Committee on Finance.

PRICES OF ARMOR FOR NAVAL VESSELS.

Mr. GORMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate 1,000 copies of the testimony taken before the Naval Committee entitled "Prices of Armor for Naval Vessels."

AFFAIRS IN INDIAN TERRITORY.

Mr. CHANDLER. I submit a resolution which I ask to have read.

The resolution was read, as follows:

Resolved, That the Judiciary Committee be directed to inquire, respecting the southern judicial district for the Indian Territory, into the manner in which contracts have been made for court-houses, jails, and other public buildings, and whether the rentals paid for the same are reasonable, and into the cause for any excessive rentals; into the fees and compensation received by the clerk, commissioners, and other officers before as well as since the creation of said district, and whether any such fees or compensation have been paid by such officers directly or indirectly to any persons not legally entitled to the same, and if so, the cause or consideration for such payment, and whether such fees and compensation have been fair and reasonable; into the appointment of jailers, janitors, criers, deputy clerks, and deputy marshals; whether any appointments have been made in direct or indirect violation of section 7 of the judiciary act approved August 13, 1888, and whether the persons holding these positions have been permitted to receive and retain the full compensation allowed by the Government, or have been required to divide the same with any other persons, and whether the same person has been permitted to hold more than one office; into the appointment of receivers and the granting of injunctions, and the disposition of property in the hands of receivers, and whether any abuses have existed in connection with the receiverships and injunctions and like cases; into the question whether railroads are being constructed wholly on receivers' certificates; into the conduct and appointment of masters and referees in chancery and the class of cases and questions submitted to them, the compensation allowed and how collected, and whether any abuses have existed in the employment of masters or referees; and whether demurrers or other contested questions of law which it was the duty of the judge to hear and determine have been referred to masters and the parties required to pay the expenses of such hearings, and whether any arbitrary methods have been employed to compel the parties to pay for services which it was the duty of the judge to render; and generally into the administration of justice in said district, to determine whether irregularities and abuses have existed, and if so, whether any legislation is necessary to apply remedies therefor.

Mr. CHANDLER. I shall not ask for the adoption of the resolution, but its reference to the Judiciary Committee. I wish, however, to call the especial attention of the Judiciary Committee—and I should like the attention of the junior Senator from Arkansas [Mr. BERRY], if he will listen to me—to the singular fact about which inquiry is made in the resolution, as to whether in the Indian Territory a railroad is being constructed wholly upon receivers' certificates. I had heard of this in one or two ways, and I now have a letter inclosing to me a slip from a newspaper, not stating from what newspaper it came, as follows:

Judge Kilgore, at Ardmore, in the United States court for the southern district of the Indian Territory, on motion by the creditors of the road, placed the Denison and Northern in the hands of a receiver, Moran Scott being appointed such receiver. Now, the court has authorized and directed said receiver to proceed with the construction and equipment of the Denison and Northern from Dougherty, Ind. T., on the Gulf, Colorado and Santa Fe Railway, easterly to a point near Coalgate, in said Territory, and from a point near Pennington, in said Territory, on the line of the Denison and Northern, south to

the Red River, near the city of Denison, Tex., the lines so to be constructed being about 104 miles. For the purpose of carrying on this construction work the receiver is empowered to issue receiver's certificates at the rate of $11,000 per mile, said certificates to be issued "at the par value thereof," to bear 6 per cent interest per year and to be payable January 1, 1897, to be secured by a lien upon all the rights, franchises, equipment, and appurtenances of every kind, "with right of priority over all other claims except those of complainants in this cause."

I am informed that this company has no assets whatever; that substantially no money whatever has been paid into the treasury of the company, but that the court has appointed Moran Scott a receiver, and that all the means for building this railroad of 104 miles are the receiver's certificates. If this be true, it is a gross perversion of justice, and it ought to be promptly checked by the action of Congress. I call it to the attention of the Senator from Arkansas. He may know something about it.

Mr. BERRY. A Senator told me that the Senator from New Hampshire made some reference to me. What was the reference?

Mr. CHANDLER. The inquiry was whether the Senator knew anything about the construction of the Denison and Northern Railroad in the Indian Territory on receiver's certificates.

Mr. BERRY. I had never heard of the Denison and Northern Railroad, or receiver's certificates, or anything in reference to it in any way whatever until the Senator made his statement. I know nothing about it at all. I never heard any intimation in regard to it.

Mr. CHANDLER. If any judge of a United States court in the Indian Territory or in any other Territory is building a railroad wholly on receiver's certificates the proceeding ought to be checked. I have reason to believe that is being done, and my belief is that the certificates never will be worth the paper they are written on.

Mr. HILL. I suggest to the Senator from New Hampshire that this is a practical illustration of the Government running a railroad, and is in accordance with the doctrine advocated by certain people.

Mr. CHANDLER. The broad and statesmanlike view taken on this subject and the lesson which the Senator from New York proposes to draw from it I do not care to discuss now. I am on a narrower line of debate, and that is the proposition that this thing should be arrested by the aid of the Judiciary Committee of the Senate, if it can possibly be done.

Mr. BERRY. I would suggest that it is another illustration of the necessity of agreeing to the conference report made by the Senator from South Dakota [Mr. PETTIGREW], and that legislation should be had with reference to the Indian Territory. The condition of affairs there should be changed at the earliest practicable moment.

Mr. CHANDLER. I am happy to perceive that all is fish that comes to the net of the Senator from Arkansas.

Mr. CHILTON. Mr. President, just a word. Allusion has been made by the Senator from New Hampshire to the action of Judge Kilgore, of the United States district court for the Indian Territory. I have no familiarity with the particular transaction about which the Senator reads—the newspaper clipping—but I remember at an early day in the present session to have had a conversation with a gentleman connected with the Denison and Northern Railway, and my recollection of the state of the matter is that after a great deal of money had been spent upon the grading of that railroad the company failed and the road was put into the hands of a receiver. Its promoters came to Congress and asked for an extension of time for the construction of their road. Some citizens of Texas were interested in it, and I enlisted myself in securing the necessary extension.

While I know nothing about the particular order of Judge Kilgore to which the Senator from New Hampshire alludes, my information in a general way has been that finding, after the grading of the road was largely completed, that they had no money to continue its construction, in order to prevent the whole project from failing they secured an order from the court to buy the iron so as to make the railroad a serviceable enterprise.

The Senator from New Hampshire criticises that sort of judicial order, and I think myself that such a method of administering receiverships merits disfavor; but it certainly is no novelty. Federal courts have frequently ordered the issuance of receiver's certificates to complete the construction of unfinished lines. The practice has sometimes been a matter of judicial censure. I remember that the late Judge Miller, of the Supreme Court of the United States, on one occasion enlarged a good deal upon this topic, referring sharply to the difficulties in building railroads and protracting receiverships in the Federal courts.

But in this case, as I have said, according to my information, these certificates were authorized as a matter of necessity, and by general consent, to make the railroad an active concern.

The VICE-PRESIDENT. The resolution will be referred to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6994) relating to the sale of gas in the District of Columbia.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; and

A bill (H. R. 9275) approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory, and for other purposes.

The message further announced that the House had passed a concurrent resolution requesting the President to return to the House the bill (H. R. 3279) to authorize the reassessment of water-main taxes, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 148) granting a pension to Catharine Dillon;

A bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe;

A bill (S. 807) granting a pension to Charles Williamson;

A bill (S. 819) granting a pension to Catharine Leary;

A bill (S. 997) granting a pension to Ella D. Cross;

A bill (S. 1247) to establish and provide for the maintenance of a free public library and reading room in the District of Columbia;

A bill (S. 1672) granting a pension to Lue R. Brown;

A bill (S. 3161) amending and extending the provisions of an act of Congress entitled "An act approving with amendments the funding act of Arizona," approved June 25, 1890, and the act amendatory thereof and supplemental thereto approved August 3, 1894;

A bill (H. R. 3578) granting a pension to Elmira E. Dustin; and

A bill (H. R. 7578) granting the Flagstaff and Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve in northern Arizona.

PROPOSED FINANCIAL LEGISLATION.

The VICE-PRESIDENT. The morning business is closed.

Mr. MORRILL. I ask the Secretary to read the title of the House tariff bill.

The SECRETARY. A bill (H. R. 2749) to temporarily increase revenue to meet the expenses of Government and provide against a deficiency.

Mr. MORRILL. Mr. President, the discussion of the tariff, free coinage, and collateral matter by the Senate having been conducted very largely by one side only, I hope it will not be intrusive for me to ask to be briefly heard on the other side, though I could wish it were represented by more ability.

When Congress met here in December last, all Republicans were supposed to be agreed, in view of the failure of the Wilson tariff bill in supplying sufficient revenue, to add to the receipts of the Treasury thirty or forty million dollars by amending the existing Democratic tariff. They knew that it could not be done by a plenary and thoroughbred Republican tariff bill so long as the executive department was under Democratic control, nor so long as the leadership of the Senate Populists wabbled between the learned and iridescent farmer of Nebraska and the veiled prophet of Kansas. All knew, however, that any tariff additions would afford some incidental protection. The tariff bill of the House of Representatives at the present session proposed this, and very little more. The business of agriculture, manufacture, mercantile trade, and transportation might all be classified, if not wholly in the group of nondividend-paying enterprises, certainly as enterprises so very seriously depressed that even a little incidental protection would have been refreshing to all the group, while the direct aid of more revenue to the Treasury would have been highly appreciated even by Democrats, if conferred, and no questions asked.

The Democratic party might well blush for having proposed in time of peace a clumsily made income tax, but after its defects had been exposed, and the law ignominiously thrown overboard by the Supreme Court, the party might well have admitted without a blush that there would be a shortage of thirty to forty million dollars of revenue. Otherwise the party must concede that it had maladroitly attempted to obtain thirty or forty millions of unnecessary revenue. The expenditures of the Government, compared with its receipts, every month still show a deficit.

The Democrats have broken away from the leadership of their President, and, while marching to the drum and fife of a North Carolina Populist, are in such dread lest the Populists should get control of their party that they seem to be in a hurry to become Populists themselves.

The executive department would seem to be bound by law to

maintain the parity of gold and silver money, but with no other means within its reach for the purpose than an issue of bonds for whatever amount might be required. The Republicans were not only willing to provide bonds, as more quickly available in the emergency, but were willing also to provide a more ample revenue to prevent an endless recurrence of such emergencies.

To the bond bill of the House of Representatives the Democrats and Populists of the Senate, in sheer mockery, at once proposed a free-coinage substitute. The stiff refusal of the go-it-alone free-coinage Senators to favor any measure by which gold can be cheaply obtained to maintain the parity of all our money now in circulation undeniably uncovers a purpose, whether acknowledged or not, to stampede the country, if they get the power, to silver monometallism.

The recent obstructive tactics brought forth in the Senate to defeat the "coin redemption fund" bill, as well as also to defeat the emergency tariff bill of the House of Representatives, with a silver coinage substitute, wholly irrelevant, and having no possibility of becoming a law, but contemptuously obtruded solely to defeat the measures of the House, can hardly be regarded as standard Senatorial statesmanship, nor as legitimate opposition by regular party opponents, still less when promoted by those who claim to be friends, and the excuses of such participants, if not merely accusatory of somebody else, must always have a fair hearing, even if unsatisfactory.

The Democratic vote for the substitute is poorly justified by the fact that the party deny any present deficiency of revenue and repudiate all tariff protection, but the hot and cold prevailing reasons for the adverse votes of their auxiliaries was conspicuous, some claiming to hold to the doctrine of protection, yet, like Ensign Stebbins, on prohibition, were against its enforcement, and asserting that the present Democratic tariff was protective or high enough on everything except wool, and that all further revenues should be collected by internal-revenue taxes, that the bill should have been made nonpartisan, and, finally, that the bill was not of a Republican protective tariff character and did not change ad valorem duties to specifics, well knowing that such a tariff bill would not receive an Executive approval.

The incongruous free-coinage silver substitute for the House tariff bill was a repetition of the Senate substitute for the House bond bill—a legislative twin, of which the Committee on Finance only may now be supposed to be especially proud—and illustrates the old apothegm that "Men are but children of a larger growth," as they appear to have as much pleasure in playing with cheap toy silver substitutes to House bills as juveniles ever enjoyed with the repeated and stunning toy show of a jumping-jack-in-the-box.

The tariff bill of the Republican House of Representatives, subjected to remarkable assaults by Republicans, and made with much ability, but with some condiments, perhaps, most agreeable to the taste of our Democratic opponents, was merely an emergency bill to last only until 1898, when it is believed the Executive Mansion will have a Republican occupant and that a less number of free traders in the Senate will disport themselves with revenue bills. Some obloquy seems to have been borrowed to be thrown upon the tariff bill suggesting that "while little or nothing was proposed for wool, the New England woolen mills were very well taken care of." A more careful reading of the House bill might have made it unnecessary to call upon either Ahithophel or Abishai for its true interpretation, as that would have shown the bill to have squarely proposed on first and second class wool, now free, 60 per cent of the duties imposed by the McKinley Act of 1890, and only an equal compensatory duty on woolens, but that the woolen Schedule K was wholly excluded from the additional 15 per cent ad valorem duty proposed upon all other schedules. Was this not right? And does it not choke the life out of any borrowed charge of neglect on wool, or of sectionalism?

When, even in friendly hands, the promotion of sheep husbandry has long been a difficult problem where land is dear and where winter feeding is most expensive. The wools of Australia, Africa, and South America are produced at a cost so small comparatively with all other countries that the duty on wool imported into the United States has to be placed at a rate almost as high as would be expedient if it were a luxury, or it would yield little revenue, and the protection would be wholly inadequate.

The wide difference in the market price of wool before protective duties were repealed and after will show the benefit derived by the woolgrower. The market price of Ohio XX wool in July, 1892, was 28 to 29 cents per pound; in December, 1894, after wool was made free, it was 18 to 18½ cents per pound, and to-day (1896) it is less.

The Democratic tariff has made sheep husbandry no longer successful in any American State, and this most attractive national industry, if free-trade supporters hold the power, is to be wholly and forever abandoned and extinguished. Now, while the woolen mills of Great Britain are busy and have nothing to complain of, here in the United States it is different, where it is reported that only 64 per cent of the hands in the woolen manufacture are now employed, and those at a reduction of wages. The sales of wool daily reported are the smallest ever known, and, among the non-dividend class of mills, the woolen mills are more largely represented than any other.

The bill was sent to the Senate by a Republican majority of the House of Representatives the largest we have had in many years. A Republican caucus of the members of the Senate had instructed the Republican members of the Committee on Finance to support the bill without any amendment. As chairman of a committee, though it was erroneously supposed to have had a majority of its members who were, at least, in favor of incidental protection, I did not think it an "unseemly" discharge of my duties to move the consideration of the tariff bill in the Senate, February 13, and repeated the motion February 25. Both of these motions were defeated, showing conclusively that the tariff bill was not to have any chance, even of amendment, but that the plot of the majority to obtain, through the threatened policy of coercion, the free coinage of silver, was to be inaugurated at once, if possible, by stopping all further tariff supplies.

Whenever the Republican party shall be so unfortunate as to have presented for its adoption any measure not practically for the general welfare, or not worthy of national favor, the party will not mourn to see it slide into oblivion, but the party will spurn the success of even a cardinal measure if it is to degrade its members by being obtained contingently for an equal support of any other measure, good or bad. No man of independence, no freeman goes even to his dinner on compulsion, and no political party will be prone to suicide when it is nearing the goal which promises the mastery with its highest honors.

The National Republican platform of 1892 in relation to silver, though constructed, as recently disclosed, by the distinguished Senators from Colorado and Nevada [Messrs. TELLER and JONES] with the exception only of the best and most important part which provided for the preservation of the money parity of silver with gold, did not secure, as it will be remembered, either the vote of Colorado or Nevada for the Republican ticket. But, if the same distinguished platform builders should this year be intrusted with full authority to give form and substance to the financial part of the Republican platform, there would be as little doubt of their learning and ability to so frame and dovetail it that a victory would be as plump and sure in Colorado and Nevada as would be a Waterloo defeat in other equally important States.

As there have been already elected to the St. Louis convention between seven and eight hundred sound-money delegates, and less than one hundred who favor the free coinage of silver without the cooperation of any other Government, or who want the pockets of the American people to jingle with silver money only, it is very certain that the platform of the Republican party in 1896 will place every dollar of our money in circulation on a parity with the best dollar of the world.

It seldom happens that any member of a political party is read out of the party to which he may have attached himself. Such parties are apt to be tolerant, even of the vagaries of their friends, and do not rashly pursue technical heresies. Occasionally some members will put themselves outside of the party breastworks, especially if pondering a divorce from their party, and then they feel bound to put forth some plausible pretext by finding fault with pending measures. The retention of constantly growling members of a party, like the retention of loose teeth, is rarely possible and never very serviceable.

The political ground under the Democratic party appears dangerously volcanic. In South Carolina a portentous revolt is threatened unless the convention at Chicago favors the free coinage of the 16 to 1 fifty-cent dollar. In Missouri, no longer conservative, an irruption hardly less sublime is indicated by the meteoric denunciations poured out upon sound-money Democrats who may dare to go to their Chicago convention. Even a Democratic President can not adhere to the sound-money doctrine of Jackson and Jefferson without being "barked at by Tray, Blanche, and Sweetheart" of his own party.

Some Republicans of Colorado, also afflicted with the same epidemic, have announced with telling emphasis that if the Republican convention at St. Louis should not sufficiently recognize the claims of silver Colorado would bolt as heretofore, and Mr. Belford claims the State should secede. Idaho, too, is training a bolt, which the trainers do not expect will be as

Harmless as summer lightning.

It does not yet appear, however, whether these bolters will all cuddle together in one thunderclap, or each one have a separate and independent bolt. They are all of age, and have the right in a Presidential race to go, bolt, or burst as they please.

No doubt had our country been shielded by a sound protective tariff, during the hopeless years of the present Democratic Administration, much of the business distress and woe of unemployed labor might have been averted; but another adverse and sore bewitchery of all business affairs in the United States, hardly less

potent than a free-trade tariff, has been the unceasing agitation of the free coinage of silver, and on a ratio that would not fail to reduce the standard value of our money, as well as the whole fabric of public and private credit, to one-half of its present value. Parties most respectable in numbers and ability, as well as parties with that reputation all yet to win, have together made what they call demonetized silver their snarling and woeful jeremiad, and to them might justly be imputed the fatherhood of much of the unrest and distrust in many industries which now becloud even republican institutions. They have disclosed the fact that the people of several States are not unwilling to pay debts in cheaper money than what they borrowed, nor to obtain wealth by compelling the Government to take their silver bullion at twice its value. The extreme positions thus proclaimed have jostled and prodded all American securities abroad, insomuch that their easily frightened holders have been sending them home on a canter.

There is a lofty imperial assumption among its 16-to-1-standard advocates that silver has a miraculous dignity of character as one of the elect money metals, and that it must not be wickedly degraded by having its value subjected to criticism or to the vulgar test of a commercial market. Therefore any inquiry into the present standing and character of the white metal, even if not as white as it should be, is to be regarded as worthy only of wicked Pharisees and uncircumcised gold bugs.

The droll and weak-backed contention appears to be, if the United States should alone open its mints to the free and unlimited coinage of silver, that it would at once be hoisted to its ancient full-coinage value, and would not only increase the value of the silver actually coined in the United States, but would hypnotize and increase the value of silver in all the markets of the world. The insurmountable impediment to this high-stepping theory is that it is proposed to have the American people assume all of the risk, loss, and shame of a gigantic boomerang in the perilous attempt to boom silver.

It is preposterously claimed by leading supporters of the silver 16-to-1 standard that its consumption in the arts as merchandise, or in whatever manner, however large, except that of free coinage as standard money, will debase and not increase its value, and that even the purchase and coinage of silver is not an equivalent of bimetallism. Nothing less than the perpetual free coinage of silver until the crack of doom, and giving to the owners all the difference between its nominal and its real value, with no charge of seigniorage, it is seriously urged, will prove a wholesome tonic and restore silver to its former prestige and standard value.

According to this hysterical theory the United States may thus indefinitely inflate our currency with silver dollars, but, should their coinage at our mints ever cease or be suspended, the Treasury and our people would find these dollars had suddenly tumbled from their fiat value to that of the paralytic class of 50-cent dollars.

The increase of the annual silver product of the world since 1873 has been very great, that of the United States alone being, in 1894, in coinage value, $77,575,757, or almost as much as the $81,800,000 of the whole world in 1873. Our present stock of silver, now mainly in the Treasury, and a drug wherever pushed as circulation, $624,000,000, is excessive and far beyond any legitimate demand. No one hoards or covets for himself a stock of dear-bought silver any more than he would nurse or covet carbuncles, but all prefer "some other fellow," especially bond-holding gold bugs, should exclusively enjoy the blessing.

If the President now finds it a task of some difficulty to sustain our silver and silver certificates on a parity with gold, obviously an unlimited increase of such currency would be perilous.

If the Government has been sadly overreached financially by taking at a cost much too dear from the mine owners several hundred millions of silver, for which its obligations were exchanged, to circulate as money, it appears to have only prompted the mine owners, after silver has had a further and profounder slump, to shove a bigger job upon the Government and people, and the demand now made is for the free and unlimited coinage of all the silver bullion, domestic or foreign, which may be brought to our mints. For all this our paper obligations, in the shape of silver certificates, are to be exchanged, to circulate as the chief part of our paper money, and be receivable for customs, taxes, and all public dues at the rate of $1 for 371¼ grains of silver, or at nearly twice the present value.

The Government can never recoup its loss of over $150,000,000 on its recently acquired stock of silver, as that loss, like the depreciated silver itself, came to stay, but the loss may be indefinitely expanded if the silver autocrats now succeed in their world-wide 16 to 1 free coinage plot. In spite of all past experience, we are asked to stubbornly embark alone in the knight errantry of a world-bounded coinage of silver dollars, having the very significant legend of "Trust in God" prayerfully stamped on their face, but dollars only in circumference and number of pennyweights, not in real value, and with the honorable pledge of the United States to preserve their parity with gold carefully, silently, and wholly omitted.

If it was a great crime in the sixth, fourteenth, and sixteenth centuries for the rulers of nations to grossly debase their silver coins for their own profit and to defraud their subjects by shoving such coins into circulation as standard money, a similar act to-day of defrauding the people can not be sweetened by the denial of any depreciation of the metal or made innocuous by providing that the profit of coining depreciated silver shall accrue to and be pocketed wholly by the owners of silver mines. It would be even more reprehensible for our Government to incite the greed and cupidity not only of our own people, but to spread out an invitation over the whole world to all holders of silver bullion to bring it to our market to be coined as dollars, wrongly stamped as dollars, and paid for and held by our people as dollars, although known to be much less in real value.

Hamilton and Jefferson are entitled to the credit of establishing the ratio of our gold and silver coins, and their labor then was what it would be were they here to-day—to fix the ratio precisely in proportion to the intrinsic value of gold and silver. In 1805, under the Administration of President Jefferson, the coinage of silver dollars was wholly suspended and not resumed for over thirty years. Jefferson then furnished the precedent for what is now denounced as the "demonetization of silver and the great crime of 1873," and yet the learned and alert Senator from Nevada has neither denounced the thirty years of silver demonetization nor the great crime of Tom Jefferson in 1805.

Even at the present reduced value of silver bullion, its pursuit is indisputably more remunerative than that of agriculture or manufactures, and this fact appears to be confirmed by a distinguished Senator from one of the silver fertilized States, who with pardonable exultation has told us that the wealth per capita of his people is two dollars to one compared with that of the more populous Eastern States of Massachusetts and Pennsylvania, and yet all the Senators from the States now enriched or pregnant with silver, rigorously demand about 100 per cent additional profit on their silver bullion through its coinage by the Government, although that profit must come out of the more limited earnings of those whose wealth per capita, after two hundred years of hard labor, by themselves or their ancestors, is only one dollar to two, compared with that in some of these young and more wealthy silver States.

We are often sympathetically informed by silver-tongued orators that Japan manufactures numerous articles—bicycles especially—far cheaper than they can be made in the United States, and that it is the silver currency of the oriental people which confers upon them this mastery by the cheaper payment of their wage earners, who are now receiving less than one-third of what is paid in the United States, and are paid in silver, as they were before its great superabundance had so largely depreciated its value throughout the world.

The patent and only remedy of the United States, as we are pitifully told, is to crush this all-conquering Japanese competition by equalizing our exchanges; that is to say, by pushing our silver coinage to the front, leaving gold behind as a commodity to be bought and sold at a premium, and thus to obtain the supremacy of cheap silver with which to pay all American wage earners. To thus equalize exchanges would not relieve us of the competition unless it brought down American wages, as would be the manifest tendency, to the level of wages in Japan, or brought up Japanese wages to the level of wages in America.

Beyond all controversy, wherever the silver standard of money alone practically prevails, the lowest and poorest standard of wages prevails. The wages of the progressive Japanese, however, within the last ten years have been much increased, and their workmen are likely to demand American wages long before Americans will stoop to accepting wages now current in Japan.

The ludicrous misinformation which supports the broad assertion that countries where the silver-money standard prevails have a hundred per cent premium in their favor of exchange is as much a travesty on the facts as on common sense. The country which uses a depreciated currency falls under many disadvantages and as certainly and swiftly as the man of business whose credit is depreciated. What we buy of silver-standard countries can be paid for in depreciated silver. What they buy of us must be paid for in the best of sound money and nowhere subject to any discount. Free coinage of silver as a remedy against Japanese or any cheap foreign labor would prove very much like taking refuge in a pest-house to avoid the plague.

Bimetallism is nothing more than two-metallism, though sometimes industriously and artfully used to mean the unlimited free coinage of gold and silver, and was first used by Cernuschi, a distinguished Frenchman, soon after Germany and the Latin nations had lost confidence in the stability of silver money, who then began the agitation of a larger use of silver among nations. When this prominent leader of bimetallism visited this country some years later, he was invited by me as the honored guest to a dinner party, and his advice then was against the free coinage of silver without the cooperation of other leading nations, as no nation was

competent alone to handle so large a question. M. Cernuschi has reiterated this opinion several times since. If the United States start in this desperate silver risk alone, of course we shall be defeated, and silver will be further humbled and take a lower position in the estimation of all commercial nations.

Certainly an invitation from commercial nations to join in a cooperative agreement for a larger money use of silver would here be accepted by a Republican Administration, and it would be more desirable that the United States should receive rather than offer the invitation, as the American production of silver is comparatively so large that any initiatory step on our part might subject us to the charge of being inspired by the thrifty purpose of securing a better market for our annual domestic product.

Were it as certain, as some extreme silver advocates represent, that no cooperative agreement among leading nations for a larger use of silver can be obtained, that fact alone would be a cogent and sufficient reason why the United States should decline to stultify itself by embarking single-handed in an experiment so reckless and so distrusted as to be shunned and coldly rejected by the statesmen of every enlightened nation.

But this hopeless representation of the silver question in Europe is untrue. The trend of public opinion in Germany and in Great Britain favors tolerance of the question. Very recently Mr. Balfour, the first lord of the treasury, in response to an inquiry whether the Government had refused to cooperate with Germany in furthering an international monetary agreement by reopening the Indian mints, replied that there was no truth in the rumor, and added that "we should willingly consider, in conjunction with the Indian government, the reopening of the Indian mints, if the measure comprised a satisfactory scheme of currency."

As recently as April 20, 1896, there was an international bimetallic conference held at Brussels, with the view of paving the way to international negotiations on the subject, to which delegates were present from Germany, the United States, Great Britain, France, Austria, Russia, Belgium, Denmark, Holland, and Roumania.

It would almost look as though—if the vociferous cry here about opening our mints alone to the free coinage of silver were only to cease—the United States might be invited to a conference where silver would have some practical favor besides wind.

Our Southern States are for the most part far less densely populated than their sister States of equal age, and the acreage of their uncultivated land is enormously greater. The unused water power of their numerous rivers, and their inexhaustible iron ores and coal fields would seem to invite an unlimited expansion of diversified industries as well as a large increase of population. Their material prosperity and advance in the value of their estates in land must be, for generations to come, wholly based upon inspiring confidence in the owners of capital and in many people to move there with the view of finding a safe and conservative home for both labor and property. Instead of this the silver heresy, threatening the stability of all values, rages like an epidemic, and is rampant in the South, where it may be supposed that some advantage will be derived by cheap money in payment of cheap labor, and where, I fear, they are about to show their willingness to bid adieu to any large additional Anglo-Saxon growth.

The highest ambition of all the enterprising people of our new States must be to attract large accessions of an industrious and intelligent class of citizens to their respective States. Will this be accomplished where one industry alone is made dominant, and where all other occupations, if not deemed intrusive, are held as subordinate, or where there is the same dictator in politics as in business? They also want to attract capital to make great and permanent investments within their magnificent boundaries, but, as an attractive sign to tempt either domestic or foreign capital and labor to go west of the Mississippi to build up safe and happy homes, will it be wise to advertise and tolerate no other financial flag but the silver standard at 16 to 1?

If the silver States want tariff on silver as a raw material in which they are largely interested, they may feel sure that Republicans will make no opposition to the imposition of such a tariff; but, if it is only an attempt to unload the depreciated white metal upon the people of the United States by demanding its unlimited coinage as the standard money of final redemption, then it must be discussed upon its present intrinsic or commercial merits, and the ratio of 16 to 1 of gold must now be dismissed as a stupendous fraud upon the pockets of the people, as well as an imputation upon their business capacity.

The free coinage of silver is treated by most of its advocates, not as a great national question touching many large commercial nations, and challenging all of their financial resources, but merely as a local affair to be exclusively handled here by bluffing the whole world with a standing offer by statute law to receive at our mints and coin the present surplus and all the world's product of silver which may be annually presented. For all this, with no charge of seigniorage, the United States is to exchange silver certificates, to go into circulation as money at double the value of the silver received, and then it is claimed, with smooth-faced solemnity, that silver will at once spontaneously flop upward to the same value where it stood years ago, when the annual product was comparatively small and when its coinage had not ceased, as it has now ceased altogether among the largest commercial nations.

There are some persons who accept with reluctance the miracles of the Bible who eagerly accept in advance the miracle thus prophesied by stump orators concerning the resurrection of silver by the magic wand of the United States.

My interest in the silver question is no other than that of every American citizen who would promote the interest and happiness of the greatest number, and the public credit of our Republican Government. I believe the prosperity of the South is absolutely essential to that of the North, and that the prosperity of the West, where the East finds kith and kin in every school district and every church, is the prosperity of the same family. The growth of every State is a subject of national pride. I am glad not to belong to a party which flourishes most in times of adversity, and whose prospects brighten when calamities threaten. I believe the party soon expected to control national affairs will best flourish in days of prosperity, and whose prospects will brighten when our people find full employment and full wages, and are paid in money that will suffer no degradation in contact or exchange with the sound money of the most enlightened and leading nations of the world.

THE NICARAGUA CANAL.

Mr. MORGAN. I am instructed by the Select Committee on the Construction of the Nicaragua Canal to report back the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 28, 1881, and submit a report thereon. I ask that the report may be printed, and that the bill may be put upon the Calendar.

I am also instructed by the committee to ask the Senate to fix Monday, the 14th day of December next, as the day on which the bill may be taken up for consideration. I now ask unanimous consent to that effect.

Mr. PETTIGREW. What is the request?

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Senator from Alabama asks the unanimous consent of the Senate that the 14th day of December next shall be fixed for the consideration of the bill which he has reported. Is there objection?

Mr. PETTIGREW. I object.

Mr. TURPIE. Mr. President——

The PRESIDING OFFICER. Objection has been made by the Senator from South Dakota [Mr. PETTIGREW].

JUDGMENTS IN INDIAN DEPREDATION CASES.

Mr. MILLS. I ask unanimous consent for the adoption of the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the Attorney-General be directed to transmit forthwith to the Senate a list of all final judgments rendered in Indian depredation claims since the 21st day of May, 1896, being the date of the last report to Congress.

Mr. HILL. What is the point of the resolution?

Mr. MILLS. The resolution merely calls on the Attorney-General for a report of judgments in Indian depredation cases.

Mr. HILL. Have not all the appropriation bills been passed? No one proposes to legislate in conference committees any more.

Mr. MILLS. It merely asks for a report for the benefit of the Senate. I ask for the adoption of the resolution.

The resolution was considered by unanimous consent, and agreed to.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I ask to have the conference report on the Indian appropriation bill laid before the Senate.

The Senate resumed the consideration of the conference report on the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. GEORGE] is entitled to the floor.

Mr. VILAS. I should like to ask of the Senator from Mississippi, before he begins, the privilege of adding a word or two of information in respect to one branch of the amendment which I did not have yesterday. It will take but a moment. It has reference to the Sisseton and Wahpeton Indians of South Dakota.

Mr. GEORGE. Certainly.

Mr. VILAS. The treaty was made with these Indians on the 12th day of December, 1889, and was ratified on the 3d day of March, 1891. It contained this provision in reference to the lands which were sold by those Indians to the United States:

That the sum so to be paid—

That is, in consideration of the land—

shall be held in the Treasury of the United States for the sole use and benefit of the said bands of Indians; and the same, with interest thereon at 3 per

cent per annum, shall be at all times subject to appropriation by Congress for the education and civilization of the said bands of Indians or members thereof.

Under that act it has been the custom of the Government to make appropriation from the annual interest in such manner as shall best employ it for the education of the Indians and their civilization.

In reference to that also the Commissioner of Indian Affairs has sent to me a copy of a letter which he addressed to the honorable Senator from South Dakota [Mr. PETTIGREW] on the 26th day of May last, which I suppose probably the Senator may have received before yesterday's discussion. It had reference to the amendment which for the first time I was informed yesterday by the Senator from Iowa [Mr. ALLISON] the Senate had adopted on the general deficiency bill. His letter related, therefore, to the proposed amendment to the general deficiency bill, but of course it has precisely the same effect as applied to the amendment when now proposed through the conference committee as an attachment to the Dawes Commission appropriation. I will read it:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington May 26, 1896.

SIR: I notice on page 5564 of the RECORD of yesterday the following adopted amendment to the general deficiency bill, namely:

"That the Secretary of the Treasury is directed to pay to the Sisseton and Wahpeton Indians of South Dakota all interest money due them up to July 1, 1896, and that thereafter all interest money as it shall accrue shall be paid on the 1st day of November annually."

If this amendment should become a law it will have the effect of stopping all educational work upon the Sisseton Reservation and leave the Indians without necessary employees to conduct the agency. Under the direction of the President there is paid out of this interest fund the sum of $4,000 for agency employees and $8,450 for school employees, and the sum of about $12,000 for school supplies annually. This money accrues from the agreement concluded with them December 12, 1889, and ratified by act of Congress approved March 3, 1891. Section 27 of the agreement provides that the principal and interest shall be at all times subject to appropriation by Congress or to application by order of the President for the education and civilization of said Indians. Their present annual interest amounts to $75,000.

I am of the opinion that this amendment should be changed so as to provide that at least $25,000 should be reserved for education and necessary employees.

Very respectfully, D. M. BROWNING, *Commissioner.*

Hon. R. F. PETTIGREW,
United States Senate, Washington, D. C.

Mr. ALLISON. I will simply say, in view of what the Senator from Wisconsin has stated, that this amendment is still in disagreement on the deficiency bill. We have in the Committee on Appropriations a similar letter to that just read by the Senator, and of course modifications will be made in the amendment so as to comply with what seems to be necessary under the agreement.

Mr. PETTIGREW. I wish to state, in reply to the Senator from Wisconsin, that I received the letter which he has read before the amendment was agreed to in conference. The amendment agreed to in conference protects the schools upon the reservation, while the amendment placed upon the deficiency bill does not protect them.

The act of Congress or the agreement with those Indians reads as follows:

In consideration for the lands ceded, sold, relinquished, and conveyed as aforesaid the United States stipulates and agrees to pay to the Sisseton and Wahpeton bands of Dakota or Sioux Indians, parties hereto, the sum of $2.50 per acre for each and every acre thereof, and it is agreed by the parties hereto that the sum so to be paid shall be held in the Treasury of the United States for the sole use and benefit of the said bands of Indians; and the same, with interest thereon at 3 per cent per annum, shall be at all times subject to appropriation by Congress for the education and civilization of the said bands of Indians or members thereof, as provided in section 5 of an act of Congress approved February 8, 1887.

The act ratifying this agreement varied its terms and provided that the money might be paid out upon the order of the President or by appropriation on the part of Congress. The Indians insist upon a compliance with their agreement and their treaty. The money has always been paid to the Indians in cash per capita, except that which was expended for agency employees and for schools.

Now, as to that question, those Indians live in my State, and I know their situation and position fully as well as the Department knows it. Many of them are very intelligent and educated gentlemen, fully capable of managing their own affairs. The agent is paid by the Government of the United States in the regular appropriation. He has no duties to perform except to pay out this money and in a general sort of way to look after their affairs. They are all voters. Some of them are officeholders in the county where they reside. They do not believe that $4,000 of their fund should be spent for agency employees, and they object to that distribution of their money. They are willing that the schools shall be continued, and that the money necessary to run them shall be paid out by the Department. The amendment inserted in conference provides for the schools and does not provide for the surplus agency employees. Those people know better than anybody else whether the agency employees should be employed and paid out of their money.

One thing is certain, and that is that very few, if any, of those people get any benefit from the agency employees. It is doubtful if an agent is needed, but even if an agent is needed it is not required that in addition to that $4,000 of their money shall be paid perhaps to men as a reward for political service. For that reason it was left out of the amendment, and properly so, in my opinion.

Mr. CHANDLER. I should like to ask——

The PRESIDING OFFICER. The Senator from Mississippi [Mr. GEORGE] is entitled to the floor.

Mr. CHANDLER. Will the Senator from Mississippi allow me?

Mr. GEORGE. I yield to the Senator from New Hampshire.

Mr. CHANDLER. I was puzzled yesterday by the remark made by the Senator from Iowa [Mr. ALLISON] to the effect that there was a clause already upon the deficiency bill in connection with the Sisseton and Wahpeton Indians. I could not understand why this clause should be in these two places. If it is on the general deficiency bill, why is it on this bill? Why is it in two places? Why, if the clause is upon the deficiency bill, is it necessary to write it into the conference report on this bill? That is what I can not understand.

The remark of the Senator from Iowa was mysterious to me. I thought it was bad enough to have the clause on the conference report, but to learn that it was also in the deficiency bill was a great puzzle. I thought perhaps I was getting dizzy in the matter of legislation and unable to comprehend the modern methods of the Senate.

Mr. ALLISON. The Senator from New Hampshire is laboring under a misapprehension. The amendment was not put on the deficiency bill by the conferees. It was put on in the Senate before we had any knowledge of the conference now in charge of the Senator from South Dakota.

Mr. CHANDLER. Why, if it is on the deficiency bill, is it put in the Indian appropriation bill?

Mr. ALLISON. That I do not know.

Mr. GEORGE. Mr. President, at the close of my remarks yesterday I stated that this amendment of the bill, as recommended by the committee of conference, was inartificially drawn, ambiguous, and seemed to be impossible of execution. I desire to call the attention of the Senate, and especially I desire to call the attention of the members of the conference committee, if there be any of them present and take an interest in this matter, to what I am now about to state as to the effect of the amendment. It is provided—

That said commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after such hearing they shall determine the right of such applicant to be so admitted and enrolled.

That is one distinct provision for the purpose of amending the rolls of the citizenship of the various tribes. There is another provision on the same subject to which I desire to call the attention of the Senator from Colorado [Mr. TELLER], if he will give me his attention, so that he may explain it:

Provided, however, That such application shall be made to such commissioners within three months after the passage of this act. The said commission shall decide all such applications within ninety days after the same shall be made.

* * * * * * *

And provided further, That the rolls of citizenship of the several tribes as now existing are hereby confirmed.

This is the point to which I desire especially to call the attention of the conferees:

And any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

So it appears there are two distinct provisions for the purpose of adding to the rolls of the tribes. One is that the addition shall be made by the Dawes Commission. The second is that an addition may be made by any one of the authorized committees or tribunals of the several tribes. So it appears that there are two boards, two tribunals, having equal authority, having the same jurisdiction, who at the same time are to hear the applications of these parties. What I desire to call the attention of the Senator from Colorado to is, if a man should apply to one of these tribunals and at the same time should apply to the other, because he has a right to apply to both, and one should decide one way and the other the other, what would be the situation of the applicant? Would he be a member of the tribe or would he be excluded? I think that ought to be answered. I hear no answer.

The amendment proposes these two distinct and contradictory and inconsistent tribunals to decide the same thing. Either may act or both may act, and if one acts one way and the other the other there is no provision here as to which shall prevail.

I call the attention of the Senate, too, as it is very pertinent, to the question whether we ought on a mere conference report to decide to legislate upon these important matters. They are always drawn up in haste; they are always acted upon without amendment in this body, so that incongruities and inconsistencies occur, as they do here.

There is another provision to which I call attention. The Dawes Commission is required to decide an application within ninety days after the application is made. When the application is made to the Indian commissions, to the Indian committees, to the Indian tribunals, they must make the decision within thirty days. I should like to know what motive or reason influenced the committee in giving the Dawes Commission ninety days in which to make the decision and confining the tribunals of the tribes to thirty days?

Then I should like to know, and it is a very pertinent inquiry, if a man shall apply to the Indian committee and it should be decided against his right within thirty days, there would be sixty days, then, in which he could apply to the other commission; and is it the meaning of the amendment that an applicant shall experiment in this way with both tribunals, that he shall apply to the Indian commission or to the Indian tribunals that are to decide within thirty days, and then after the thirty days he is allowed sixty days more in which to apply to the Dawes Commission? How is that? Why was that done? Will the Senator from Colorado or any other member of the committee explain it to the Senate?

Then, there is another ambiguous provision in the amendment, and one on a very important point:

That in determining all such applications said commission shall respect all laws of the several nations or tribes, not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and shall give due force and effect to the rolls, usages, and customs of each of said nations or tribes.

What is due force? Is it just such force as the commission shall see proper to give them? If so, there is no use for the introduction of this provision at all. What is due force? I should like to have that explained. I will read further to show what a very remarkable provision this committee of conference have given to the Senate for its ratification:

In the performance of such duties said commission shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, and to send for persons and papers, and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory.

What affidavits? Taken before whom? Taken in what kind of proceeding? Taken merely ex parte, without any judicial proceeding pending in which affidavits can be used? If that be the meaning of it—and I think it is—then every affidavit, every deposition, not taken under judicial proceedings and with the view of being used in judicial trial and pertinent to the issue in that trial will be utterly worthless, because if the party swore falsely in a case of that sort he could not be indicted or punished for perjury. Do the committee of conference mean to say that mere ex parte statements, made by anybody at any time, may be used for the purpose of determining the very great question whether a man is a citizen of one of these tribes or not?

Then here is another very important provision, such as I undertake to say was never found in any statute which attempted to regulate proceedings for the determination of rights of person or property. They are not only to take these ex parte affidavits, taken at any time and anywhere and for any purpose, but they are also—

To use every fair and reasonable means within their reach.

What are "fair and reasonable means"? Simply the discretion of the Commission. Whatever the Commission may determine to be fair, whatever they may determine to be reasonable, for the purpose of ascertaining the truth in this case, whether they be legal or not, they are authorized to use; and that, too, in a case which I have just said is one of the most important that could be submitted to any tribunal in the world—the right of citizenship.

Then we come to another very extraordinary provision, one which the committee of conference must have supposed to be effectual for the purpose of securing right and justice to these tribes. It is the proviso—

That if the tribe or any person be aggrieved with the decision of the tribal authorities or the commission provided for in this act, it or he may appeal from such decision to the United States district court.

There is no provision as to how the appeal shall be granted. There is no provision as to any bond or want of bond for costs that may be given. There is no provision as to whether an appeal shall operate as a suspension of the decision of the commission, and, what is more important, there is no means provided whereby the nation shall know the date of the decision of the commission, so that it may take the appeal within the time specified. There is no provision for any notice to be given to the nation or any one of its authorities when an appeal is taken. There is no provision as to what record shall be sent by this commission on an appeal. There is no provision whether the trial in the district court shall be upon a record or whether it shall be de novo. No man can tell.

I should like to hear some member of the conference committee explain these things. How is the appeal to be taken? What notice is to be given to the other side? Then what record is to be made and sent up? Then how the district court shall proceed—whether upon testimony introduced originally in that court or whether upon the testimony certified? It must do one or the other. Now, see. If they are to try it upon the record made in the court below, then there is no provision for any record at all to be made in the court below. There is no clerk. There is no duty imposed upon the commission but to make one record, and that record is to be made at any time after six months, after the performance of all the duties imposed upon the commission. Next, sir, I was going to remark, there is no provision made for the purpose of putting in the record any evidence that might be introduced before this commission. How is the court to decide it? There is but the one record required to be made, and I will read to the Senate what that record is:

The commission is hereby required to file the lists of members as they finally approve them with the Commissioner of Indian Affairs, to remain there for use as the final judgment of the duly constituted authorities.

After everything has been done, after six months have expired, then the first record that this Commission is authorized to make is to be made, and what is it? Is there any evidence to be reported? No; nothing but the simple names of the parties who have been admitted to the roll.

I should like for some member of the conference committee or for some member of the Senate who favors this report to explain to the Senate how that appeal is to be taken, how it is to be tried.

Then here is another remarkable thing. While the two boards, while the Commission and any tribunal in the Territory are limited as to the time in which they shall make their decision, there is no limit as to the time in which the court shall make its decision. So it may be years after the final adjournment of all the proceedings under the Commission before the decision of the district court.

Mr. President, it may be said or it may be thought (I do not think any lawyer will say it in the Senate openly) that all these omissions to which I have called the attention of the Senate may be supplied by the action of the Commission. In answer to that I have but to cite to the Senate a very simple rule of law, which every lawyer recognizes at once as soon as it is stated. Where a tribunal of any kind, having judicial powers, has a limited jurisdiction, it has no power to go beyond the letter of the law which created it. The reason is very simple. Here is a board, not a court, an executive board, with no common-law powers, who are endowed with certain powers by act of Congress. What are the powers? They are simply the powers specified in this amendment, and where there is no specification of a right or of a duty by a well recognized principle of law, not disputed by anybody, there is no power on the part of the board.

Mr. BUTLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from North Carolina?

Mr. GEORGE. Does the Senator desire to interrupt me?

Mr. BUTLER. If the Senator from Mississippi will pardon me, I call attention of the Chair to the fact that the morning hour has expired. The Senate having met at 11 o'clock, the morning hour ends at 1. I ask that the bond bill be laid before the Senate.

The PRESIDING OFFICER. The Senator from North Carolina raising the question of consideration of the unfinished business, if there is no objection, the unfinished business will be laid before the Senate.

Mr. GEORGE. Does not that come up at 2 o'clock?

The PRESIDING OFFICER. The morning hour comprises two hours. When the Senate meets at 11 o'clock, of course 1 o'clock is the end of the morning hour. The question of the consideration of the unfinished business being made, the Chair will lay, if there is no objection, the unfinished business before the Senate.

Mr. CHANDLER. I do not object, but I do contend that a conference report has priority over the unfinished business. It is a subject that may be discussed hereafter. If the unfinished business was pending a conference report could be presented, and being presented it must stay before the Senate until it is disposed of in some way by a vote of the Senate. It seems to be a unanimous-consent agreement that the bond bill shall go on, but I do not acquiesce in any such decision of parliamentary law as will give the unfinished business preference over a conference report.

Mr. GEORGE. I have no objection to the conference report going over. I do not claim any rights in the matter. I am willing to abide by the rules of the Senate. If by the rules of the Senate the unfinished business does not come up until 2 o'clock, I will go on; if it is the rule of the Senate to lay the matter before the Senate at 1 o'clock, I will yield very cheerfully.

The PRESIDING OFFICER. The unfinished business, as a general rule, will come up at 1 o'clock when the Senate meets at 11.

Mr. VILAS. If the unfinished business has rightful precedence over this business, I am willing to yield to it. If it has not, I insist upon the conference report being proceeded with. I desire to observe the rule if there is one.

Mr. JONES of Arkansas. I suggest to the Senator from Wisconsin that there was an agreement a day or two ago that there should be a vote on the unfinished business to-day. If there are Senators who desire to speak it seems to me to be very unfair, without regard to the question whether it is absolutely right, that the unfinished business shall give way to the conference report. The unfinished business ought at least to have the right, in view of the fact that there has been a unanimous-consent agreement that there should be a vote to-day on the unfinished business.

Mr. VILAS. I understand that the unanimous-consent agreement did not limit the hour.

Mr. JONES of Arkansas. No, sir, it did not; but Senators prefer not to stay all night in session.

Mr. GEORGE. I think that the suggestion of the Senator from Arkansas has great force, and ought to weigh and prevail with the Senate.

Mr. CHANDLER. In view of the point suggested by the Senator from Arkansas, that it has been agreed to finish the bond bill to-day, I make no objection to going on with the unfinished business, if the Senator from Mississippi does not care to go on.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, if there be no objection.

REGULATION OF BOND ISSUES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

The PRESIDING OFFICER. The Senator from Utah [Mr. BROWN] is entitled to the floor.

Mr. ALDRICH. Will the Senator from Utah allow me to offer an amendment?

Mr. BROWN. Certainly.

Mr. ALDRICH. I move to add at the end of the bill:

Unless in case of an emergency it is necessary, in the opinion of the President of the United States and the Secretary of the Treasury, to issue such bonds in accordance with the provisions of existing law, to preserve the public credit or to meet obligations of the United States created by such existing law which can not otherwise be met, and all such bonds when so issued shall first be offered at public sale.

Mr. HILL. Will the Senator from Utah give way a moment for me to make a suggestion? The Senator yesterday introduced a resolution in regard to this same bond question. He was discussing it yesterday, and I presume he may continue that discussion to-day. In order that the whole bond question may be disposed of at once, as the Senate will probably be as prepared to understand the question now as ever and not have it come up hereafter, I suggest to the Senator whether it would not be wise to ask unanimous consent to take up that resolution and vote upon it without further debate immediately after the bond bill is acted upon.

Mr. BROWN. I had intended to ask it at that time.

Mr. HILL. There ought to be an understanding now, if at all.

Mr. BROWN. If it is more fitting to ask it now, I will do so.

Mr. ALLEN. I think the resolution of the Senator from Utah is worthy of very serious discussion and very close examination by the Senate. I am in favor of the resolution; I have been in favor of it for a great number of years; but I feel as though the remarks of the Senator from Utah ought not to pass without a reply of some kind from the Populist representation in this Chamber. Therefore I shall object to its——

Mr. HILL. Object to the consideration of the resolution?

Mr. ALLEN. No; I shall not object to its consideration, but I shall object to voting on it immediately after the vote is taken on the pending measure.

Mr. BUTLER. I should like to suggest to the Senator from Nebraska and the Senator from Utah that we get unanimous consent, if that is the pleasure of the Senate, to vote on the resolution to-morrow evening at 6 o'clock. I should like to be heard ten minutes on it.

Mr. HILL. No; let us dispose of this whole bond business to-day, or not at all. We do not want this thing hanging along to interfere with other business. Let us clear the floor of the whole thing or else not at all. I am sorry that there is a disposition to filibuster against action on the resolution.

The PRESIDING OFFICER. The Senator from Utah asks that after the vote on the bill which is now the unfinished business the resolution that he introduced relating to the same subject be voted upon without further debate. Is there objection?

Mr. ALLEN. There is objection upon the ground alone that I desire to debate the resolution before it is finally disposed of.

The PRESIDING OFFICER. Objection is made.

Mr. BROWN. With regard to that matter, I believe that it is our duty to take action, and I shall call the attention of the Senate to it immediately after the vote has been taken upon the measure now pending before the Senate.

Mr. CHANDLER. I should like to ask the Senator from Nebraska if he has any objection to voting upon it and answering the Senator from Utah after it has been voted on.

Mr. ALLEN. Probably not.

Mr. CHANDLER. That is the customary method in the Senate these days. If the Senator would do that it would be a great convenience to other Senators.

Mr. ALLEN. I am decidedly in favor of the resolution of the Senator from Utah, and the only serious objection I would have to letting it be voted on and then debating it afterwards would be the absence, I am afraid, of my distinguished friend from New Hampshire. I should like to have him here until the question is disposed of.

Mr. CHANDLER. I assure the Senator I will be here when the vote is taken, and if I absent myself when he speaks it will be from no disrespect whatever to the Senator.

Mr. ALLEN. Will the Senator from New Hampshire be present when I speak?

Mr. CHANDLER. I will give consent to the arrangement. I will agree to stay even if no other Senator does.

Mr. ALLEN. Then I will consent, too.

Mr. BROWN. Then it is the unanimous agreement, I understand.

The PRESIDING OFFICER. The Senator from Utah asks unanimous consent that after the vote is taken on the unfinished business the resolution that he introduced touching the bond question shall also be voted upon immediately after the other votes without debate.

Mr. TURPIE. I object.

The PRESIDING OFFICER. The Senator from Indiana objects.

Mr. BROWN. I will say, so that there may be a fair test of the question, that immediately after the vote has been taken on the pending bill, if it is in order, and I understand it will be, I shall move to take the resolution from the table and pass it.

Mr. ALDRICH. I suggest to the Senator from Utah that he has a remedy in his own hands. He can move it as an amendment to the pending bill.

Mr. BROWN. I can move it independently.

Mr. ALDRICH. You can move it as an additional section to the pending bill. I presume that the friends of one measure are also the friends of the other.

Mr. ALLEN. We are losing all the remarks of the Senator from Rhode Island, which are no doubt very entertaining.

Mr. ALDRICH. I suggested to the Senator from Utah that he move his resolution as an amendment to the pending bill, either in the form of an amendment to the first section or as an additional section; and then he will be sure to get a vote on it.

Mr. ALLEN. I hope the Senator from Utah will not be persuaded to walk into that trap.

Mr. ALDRICH. I presume Senators who are in favor of one measure are also in favor of the other.

Mr. BROWN. Undoubtedly I should have been misled by it had I not had the light of my friend from Nebraska to warn me. Otherwise I should have allowed this purely Senatorial resolution, to be passed by the Senate as the expression of their judicial opinion, to have been attached to the bill. But in view of the fact that the Senator from Nebraska has put me upon my guard I think I shall not add the Senatorial resolution to an act of Congress.

Mr. ALLEN. Mr. President, I shall always feel as though I have accomplished something.

Mr. HILL. The gentleman is satisfied with very little, though. [Laughter.]

The PRESIDING OFFICER. The Senator from Utah has the floor and will proceed.

Mr. BROWN. Mr. President, recurring to the subject which I was discussing when we adjourned last night, I wish to say that protection in the sense in which it is used—protection of our American industries—and the free coinage of silver go together. They are kindred. They are measures of the same class. Both are for the protection of the same persons. Both are for the protection of the American farmer, the American laborer, American enterprise, and American institutions as against the foreigner.

The merits of each have been tried and each has been found an efficacious remedy for hard times. The period when we have been deprived of both—the last three years—is the period of the greatest depression in all classes of industry and all enterprises. Since the beginning of the war we have had protection in greater or less measure. It has brought us prosperity notwithstanding our calamities. The Senator from New Hampshire has most ably presented in detail the benefits derived from a purely protective-tariff law. I agree with all his conclusions. I presume he is correct in his figures; I know he is correct in his argument, and yet I apply the word protection in a little broader sense. Protection is not only a tariff on imports, but is such legislative assistance to each kind and class of industry, labor, production, or manufacture as that particular form of enterprise may, under all the circumstances, need to place it on an equal footing with every other and to enable such industry to successfully compete with foreign rivals. The

nature of the protection must depend upon the nature of the business. It may mean a tariff for one article, a bounty for another, a subsidy for a third, and discrimination in duties for a fourth.

We applied the doctrine of Republican protection when we voted a subsidy to the oceanic steamship for carrying the United States mail. It was in the line of upbuilding that industry. The Senator from West Virginia [Mr. ELKINS] has introduced a most beneficial protection and Republican measure in proposing to discriminate in duties in favor of American ships. The shipbuilding and shipowning can not be built up merely by tariff protection; but it may be built up by proper discrimination in duties and, if necessary, by subsidy. So with silver. Silver is a production of American soil. The miner and manufacturer of silver and the laborer who digs it out are equally entitled to the protection of the United States; not merely as an article of commerce, not merely for the benefit of the laborer and the silver-mine owner. That is but a trivial benefit subsidiary to the great, vast good that is to come to the whole community by the free coinage of silver. It is a money, and coinage is the true protection, not only for the silver miner, but for the whole nation.

We meet with two classes of opponents to the free coinage of silver; one class who believe theoretically in a single standard, who wish all nations and our nation to come to the one gold standard all over the world, and thus accomplish two objects—one to have, it is believed, but one measure of value, a single uniform measure of all values, and have also, as necessary to it, the concomitant and constantly appreciating value of money; the other class is in favor of the free coinage of silver at a uniform ratio to be agreed upon by us with all the rest of the world. They desire, or say they desire, or believe that they desire, to enhance the value of silver so that it shall remain constantly on a par with gold at the ratio that may be thus agreed to. They believe in a double standard, an appreciating value of production or a depreciating value of money, but think that the United States is not strong enough or large enough to bring about a double standard alone, and that the free coinage of silver in this country would force us to a single standard of silver. The fact remains, however, recognized by each of these classes and by the advocates of free coinage by the United States only, that a single standard constantly does increase the value of money and decreases the value of products. The believer in the theoretic gold standard regards this as the goal to be reached, the constantly increasing power of money, constantly enhancing the value of it and the depreciation of all other interests, all other property. The true way, however, as we believe who are not only silver advocates, but also that branch of the advocates of the present status of affairs who say that they desire to return to a silver basis if they can do so safely, and I am sure the only way to prosperity is that, as the population of the nations is increasing, as the needs of money are constantly greater, as civilization spreads over the face of the earth, the value of the dollar should be all the time slightly, very, very slightly, depreciated; that is, that the value of human labor, of human enterprise, of human production the world over should be constantly, slightly, very slightly, increasing, so that enterprise and commerce, agriculture and manufacturing may always be having the advantage of advancing prices, subject to the competition which improved methods will always produce.

The natural competition which comes from inventive genius and enterprise, so far as that depresses prices, is proper, that is a proper depression; but the price of products should never be depressed in any other manner; it should not be depressed by law or by a constantly growing measure of value. The world is not at a standstill; the world is advancing. It demands more and more money. It can only do its increasing business upon a double standard. It demands money more and more because it is doing more and more business everywhere over the face of the earth. We need more and more railroads, more and more manufactures, more and more enterprises; and labor, in a broader and wider sense of the definition of that term, is called for from one end of the earth to the other. The single standard is but an experiment. It never has been put in practice for a sufficient length of time to know whether it is a success or not. No country or nation or series of nations, not even Great Britain, has ever, until the last twenty years, tried the experiment of a single standard of gold, and never yet has the single standard of gold been successful to the single nation or to the world at large. I might say, perhaps, that with the apparent exception of certain classes of Great Britain, but not to Great Britain, has the single gold standard been entirely a success. To her agricultural classes, to the great mass who have created Great Britain free and independent and glorious, the single standard has been a curse. If we may believe the public press and the discussions in the newspapers, the agricultural classes have suffered immensely by the single gold standard of Great Britain. It must be remembered that at some ratio silver and gold have always been measures and standards of value in all countries until 1873. I do not forget that Great Britain nominally, by law, abolished the silver standard as early as 1816. But alone, the act of Great Britain's legislation had no effect whatever.

Silver circulated as money side by side with gold in Great Britain freely and constantly at par on the usual ratio from 1816 to 1873, and in all the rest of the nations of the world. All the other nations together were enabled to hold up the other standard so it was fully equal and sometimes more valuable than the gold standard. At no time was there any serious departure from the value of these two standards. Whenever the one became more valuable, the cheaper was used until that in turn equaled the value of the other, and thus we have had the true measure of values by adjusting one standard by the other. The double standard prevents the single standard from appreciating constantly in value. It prevents any fictitious value of the single standard, which may for a time exist and thus destroy the proper relation of commerce, product, and money. By the double standard the cheaper metal will always be used, and thus, making an increased demand, will enhance its value until it passes the limit of the dearer. It was only after the leading representative nations and the United States legislated against silver that its price began seriously to decline as compared with the gold price, and the price of gold to advance in proportion. The result has been from that time to this a constantly falling price. I care not to go into particular details of the tables, which have been so often repeated and spread before the Senate, in different arguments which have been made upon that subject, though the tables will show that there has been constantly falling values in everything that can be produced.

Differences exist as to the extent of those values. There have been slight variations. It has been shown that the values have not fallen exactly in proportion to the fall of silver, but as a whole, looking through the twenty years past, silver has substantially been the measure of the value of land and of land products. It has been substantially the measure of the value of the manufactured products. It has been the measure of everything excepting indebtedness. I say that we need not go to statistics to prove this, because every argument that has been addressed against the free coinage of silver begins by that statement and ends in it. It has been said here on this floor that the effect of free coinage of silver would be to permit the debtors to pay their debts in 50-cent dollars. In that sentence is the concession of all that can be claimed for the falling prices. How can the debtors get possession of these 50-cent silver dollars with which to pay their debts, except it be that their prices for that which they have to sell will advance from 50 cents to 100 cents in nominal valuation? They get 50-cent dollars and are able to pay their debts in 50-cent dollars, because they get twice as much for whatever they have to sell. The land will advance; the land production will advance; the manufactured products will advance exactly in the proportion of 50 cents to 100 cents. It does mean that the indebtedness of this nation and the private debt shall be paid in just one-half the product that it is required to pay it in, or just such a proportion as silver bears to gold. And this statement of 50-cent dollars not only shows that this is to be the result, but it shows that this is the right result, because if it is true that restoring silver to its place equal to gold, at the ratio of 16 to 1, will double the price of products and of manufactures, if it will advance everything in that proportion, then it must follow that had silver never been dethroned from its position as a money metal, had it remained on a parity with gold at the ratio of 16 to 1, these prices never would have fallen to where they are, but they would have kept at the prices to which we would restore them.

"Fifty-cent dollar" means that, with a double standard, dollars will buy only half as much as now—that is, the farmer, manufacturer, and producer of all kinds get double the price. "Fifty-cent dollar" means that if the double standard had been maintained as it was before 1873, produce would now be worth just twice what it is and dollars worth just half as much.

The use of the phrase "50-cent dollars" concedes all that silver men have ever claimed to have been the effect of demonetization of silver, viz, that the relative value of production and money has changed so that production is worth only one-half and money has doubled. It means that the indebtedness payable in money (coin) has been doubled by the single standard. It means that we must pay our English creditor twice as much as we did under the double standard, twice as much as we will if we return to a double standard. It means that we are willing to aid in the robbery by the English creditor taking 200 cents on the dollar for 100 cents contracted from the American farmer.

The single standard means bankruptcy. It is dishonest to change the contract and double the obligation, just as dishonest as to forge a note doubling the promise.

"Fifty-cent dollar" is a phrase intended to imply turpitude in those that advocate double standard. When examined the phrase is used to cover a steal. It is twice as dishonest to demand 200 cents for a dollar as it is to pay 50 cents.

All this vast indebtedness of the United States and all the indebtedness of the world was in equity contracted under the old system—under the system which has kept gold and silver at a

parity at that ratio, and under promises which have been made ever since by every platform and by the nation in its law to keep the parity of gold and silver at that ratio. It has been said here on this floor that the old contracts have been changed, have taken new forms, have been created within a few years, and that the present indebtedness is a new contract. That is but paltering with the letter. The debt that the United States owes is a sacred one, because it was contracted in behalf of the Union and for the preservation of the nation.

It was contracted from 1861 to 1865. It is that which makes it sacred; when it dates back to that, when values were formed upon the basis of a double standard, there can be nothing but injustice and wrong in attempting to pay an indebtedness thus created in a single standard. It is the payment and has been the payment of an indebtedness contracted on 100-cent dollars and not 200-cent dollars. It is not a 50-cent dollar that we now ask to be restored, but we do ask to abolish the 200-cent dollar. When men speak as if it were dishonest to pay in 50-cent dollars, they must remember that the indebtedness has been advanced to 200 per cent of its original amount. It is the doubling of the dollar which we now demand shall be reduced to its old figure.

The cry of 50-cent dollars will be equally true, even more true, of bimetallism procured by international agreement. Then all nations will have agreed that the relative value of production and money shall change, that money shall be reduced to one-half what it now commands under the single standard, or that production shall be doubled. It is but the other form of stating the same proposition. We in this country accomplish the same result, however, alone and by ourselves, if we are able, by passing a free-coinage measure to raise the standard of silver the world over, so that it shall be worth, not only in our own country but in the markets of other countries, as much as gold, dollar for dollar, at the ratio of 16 to 1. We shall have doubled the value of production the world over if we are able to accomplish that, of which it seems as if there could be no possible doubt. But at all events the effect will be the same whether we do it by international agreement or whether we do it alone. As soon as the price of silver goes up relatively to gold, so that they stand equal at the old ratio, the value of production will at once be doubled and the value of the dollar will be cut in two. It is just as true whether we do it alone or whether we do it by the aid of all the nations.

The effect of the single standard has been to drive out of business all kinds of effort to manufacture or to produce or to speculate. How can any person safely buy with a view of profit any product of the hand, of the soil, or the soil itself upon a constantly falling market? Every man that ever dealt in any property whatever knows that it is never safe to buy upon a falling market. It is only when the market begins to rise, when there is hope for the future, that anybody will invest. The single standard has produced a constantly falling market from the moment that we have embarked upon it, from 1879 to 1896. The market of everything has been down, down, down. The Senator from Kentucky shows the relative price of wheat to be to-day one-half what it was when the single standard was adopted. The fall in the other 23 items he had in his list was equally as great in proportion.

Perhaps a test better than any test of marketable articles may be found by every Senator by applying it to farming lands in his own vicinity. Go outside of a city anywhere, into any farming community from New York to California, go through the large States, go to Ohio or Michigan, and as soon as you get into the country where farming lands are, you will find that they are worth a little less to-day than they were last year. That they are worth only half the price that they were in 1873. That land has kept pace with silver. That it is down, down, down, and going lower. How can any man be expected to invest in lands, or in farming, or in producing anything when it is certain that his price is going down and getting to be less each year? The Senators who have argued in favor of the single standard have not held out any other hope. They do not pretend to any other expectation. They simply say that this is all owing to some other cause, and that it is right that it should fall; but it is not land only, it is manufactured articles as well. How can a man engage in manufacturing when the manufactured article will every year sell for less and less and less, and stack his warehouse with something that will produce him less than cost—something that if he does not happen to sell it immediately in the market, the next year he knows somebody else can make it cheaper. The only profitable business to do under the single standard, and apparently the only business intended to be profitable by the single standard, is the lending of money. Somebody has to be a borrower and somebody a creditor. That business alone is successful.

The result of a single standard means slavery to Great Britain, and nothing else. We still owe her. We have this enormous debt to pay. The decline is not going to stop here on 50-cent dollars and 50-cent prices and 50-cent wheat and 50-cent land, but it is going lower so long as the single standard is maintained, because with but one metal to supply the needs of the whole world, by which to measure all the values of all the world, that metal, according to the law of supply and demand, the supply being not equal to the demand, must appreciate in value. The desire for that gold dollar is greater, and greater, and greater, and the supply is less, and less, and less, or at least not in proportion to this enhanced demand. That is the trouble with this redemption fund, or the lack of it. There is but little gold in the world. All the nations are striving for it. If we are to redeem constantly and every year the five hundred millions of greenbacks in gold it will soon be an impossibility with all the mortgages that we may place upon our property. Mortgage it as you will, it will only be a few years until the debt will get so high that we can not raise money by mortgage or bonds, which is the same thing. Our property is already bonded or mortgaged almost to the extent of its value.

The time is nearly at hand when instead of our bonds going at a premium of 11½ or 16 per cent they will go below par. The inevitable result of a single standard has been outlined in the expression of the Senator from Connecticut. The single standard means "repudiation, bankruptcy, anarchy, infamy." It means bankruptcy because, like "the affluent spendthrift," to use the expression of the Senator from Ohio, running in debt and giving a bond upon what we have leads to the inevitable result of expensive habits and expenditures that we would not otherwise indulge in. It leads to seventy-million-dollar harbor bills. It leads to every other conceivable improper bill that can possibly be passed, and then when the debt is due we have no means from the revenue to pay it with, and we have no revenue with which to raise means. The people are getting poorer and poorer, and nothing is left but constantly mortgaging over and over again. Where is it to end, and where can it end? The President has shown by his message that the constant presentation of the legal tenders for gold produces the endless chain by which the Treasury is being depleted and by which it will be infinitely and forever depleted. There is no way to stop it until the wealth of this country is wholly absorbed and wrapped up in this loan or this series of loans. Must this process of drawing the gold out of the Treasury and replacing it with bonds be continued? That is bankruptcy, to mortgage in time of peace our property and our wealth. To mortgage to pay the common ordinary expenses of the Government, the ordinary expenses of existence, is bankruptcy in either a government or an individual.

It is worse than bankruptcy; it is repudiation. The Senators have already heard the growl of repudiation on the floor of the Senate at this session. I do not believe in repudiation. I believe that every cent should be paid, but there comes a time when the constantly enhancing debt and the enhancing value of a dollar will render the nation wild and crazy. Usurpation leads to anarchy, and anarchy is repudiation. The holder of the indebtedness of the United States should be willing, must be willing, to accept its payment in the same coin in which the debt was contracted. He will either be paid in silver, as his debt was contracted in silver, or he must be content to take the result which his own avarice is bringing upon this country—bankruptcy, repudiation, anarchy, infamy.

The "affluent spendthrift" designation of the United States by the Senator from Ohio, in seeking the single standard, borrowing money from year to year to live upon, has the same result as to a private individual. What would we think of a man who would mortgage year after year all his own earnings, mortgage his inheritance, and when the interest came due, instead of earning it and paying it, would run in debt and issue bond after bond? A single standard and issuing bonds will indeed take the last shirt from the people, as the Senator said he is anxious to do, to protect the public credit by gold monometallism. And yet the Senator from Ohio is among those who vote for aiding in spending the means of the affluent spendthrift; to vote the river and harbor bill of seventy millions when we have not a cent with which to meet it; to run in debt to build deep-sea harbors for British ships, even though it takes the last shirt from the people to pay for it.

If this nation is really to govern itself as an individual should be governed, the appropriations must always be within and less than the system of revenue provides; and, first, we must agree upon the system of revenue before we can take anything to appropriate. If a farmer of Ohio had raised both corn and wheat to sell, and he should insist on burning up and destroying his corn, locking it up so it could not be used, and only utilized his wheat crop, and should then go and borrow money to make good the deficiency for what he might have received for his corn crop, we all would agree that he was not only a spendthrift, "affluent or otherwise," but that he was insane. And yet that is just exactly what is being asked of us here. We are asked to destroy our silver crop. The United States is the greatest producer of silver in the world. The others that produce are small, so small that their product amounts

to little or nothing compared to that of the United States. The wealth that would flow to us, a debtor nation and a nation producing silver, from making this one article commercial the world over at a dollar for 371¼ grains would be immense, and the Senator from Virginia has estimated it as equivalent to over a billion per annum. Perhaps the estimate may be a little indefinite; but certain it is that in a short time it would wipe out the indebtedness. The effect of the legislation against silver has been to deprive the United States of this great source of revenue. I know it is said that if we adopt the system to-day by law—the free coinage of silver alone and unaided—that gold will disappear, go to a premium, and therefore we shall lose one of the elements of the circulating medium. But why should it disappear? It can not unless it goes to a premium. It can not go to a premium unless there is plenty of silver money to supply its place. The question is, is there silver to be shipped to this country to supply its place? It is said by those who believe in the gold standard that there is danger that silver will be brought in here and coined, so that this country will have to pay $1.29 per ounce for foreign silver. Where is it to come from? What silver is there in existence outside of that produced by the United States? European silver is coined. It is in use. We ship from here to Europe, and from Europe to Asia. It is the United States that supplies the silver, and not Europe that supplies it to us. It is not shipped from Asia here.

The single standard has never yet been fully tried in any of the countries, and it has been successful in none, unless it is in Great Britain, the great creditor country, and unsuccessful there so far as the agricultural classes go. Ever since the single standard was adopted by law prices have been falling in this country. We have been able to check in a measure the force of the wrong and evil by that other kindred necessity, a protective tariff, and from the date of our resumption in 1879 to the date when the Republican party went out of power in the fall of 1892, the protective tariff and Bland-Allison Act had broken the force of the blow which had been made to our industries by the single-standard law.

It should not be forgotten that we did not entirely go upon the single-standard basis during those years. We broke the force of the injury that came to us by another measure, and that was the Bland-Allison silver law. We had the free coinage of $2,000,000 per month, the amount provided by that law, and it produced great benefit up to the time of its repeal. It aided in keeping up prices. Yet notwithstanding a protective tariff, notwithstanding the Bland-Allison law, notwithstanding the Sherman Act of 1890, notwithstanding the different efforts which have been made to keep prices up, they have gone down in consequence of the single standard. True, notwithstanding the tariff, there had been a deficiency. The tariff was essential to our welfare, and it enabled us to tide over, but prices fell constantly even under the beneficent effects of that. We only received the full benefit of the single standard and free trade when in 1892 it was believed that the Democratic party was about to come in power and enforce their free-trade doctrine. Then it was, believing that the Democratic party would keep their platform, that every manufacturer ceased to buy and every consumer at once ceased to buy. Then it was that trade was brought to the condition in which it must always be with the single standard and free trade. The effect of it from the fall of 1892 to the fall of 1893 I need not recall. The memory of it will always be with the American people—the gradual constant injury, the loss and financial crash, ruining and blighting wherever these two doctrines were brought together. It destroyed the banks which created the panic, and it destroyed the manufacturers, ruining debtor and creditor alike and impoverishing the farmer. It was only when the Wilson bill was found not to be a free-trade measure that in part the country slowly rose from the staggering blows which had been given to it. Now, there is but one method by which we can return to prosperity; that is to return to the finances of our forefathers; return to the double standard. Coin silver freely, so that the debtor may pay his creditor and not be bankrupted.

It has been said here that the employee, the workman, the wage earner will be thus compelled to receive less. It may be true that his dollar will be worth less, but, on the other hand, he will be enabled to obtain it. As it is now, under the conditions of a single standard, the employers of the wage earners—those who take the risk of business enterprise—are growing fewer and fewer. There are 15,000,000 employees and wage earners in the United States, it is estimated, and when we subtract from the 70,000,000 the women and children who are neither wage earners nor employees, and then deduct the million or more of those who have accumulated wealth and live only by loaning money, it must be apparent that the number of employers—those who are enabled to pay wage earners—must be very few, probably not more than a million as against the 15,000,000 wage earners. Who can become an employer with the certainty staring him in the face that the article he produces by hired labor is constantly diminishing in value? From the farmer to the manufacturer the lesson is the same. The farmer may possibly till his soil for himself with his own hands—be laborer and owner at once, for his own subsistence—but he can not afford to hire help to enable him to run his farm when the products of his farm will not pay for that hired help. The manufacturer who must depend entirely upon hired employees can not afford to manufacture goods when the articles, after they are produced, will not pay the price of his employees; and yet that is the condition of affairs we have to-day, and the result is that just as rapidly as the men who are employers can get out of the business of employing help they cease.

The single standard and free trade make war upon every man who is engaged in promoting industry, every rustler, every person who hires, and thus prevents the employees from having an opportunity. A wage earner can do better to be paid $1 a day for six days than to be paid $2 a day for three, and yet that would be the effect of free coinage of silver. His dollar may not be worth so much, but his opportunity is vastly greater; his chance of employment is five times greater. The whole amount of money that will be paid out to all the wage earners of the United States under free silver coinage will be double that paid now to the laborers of the United States. The single salaried officer might complain that his dollar will not buy so much, but the great mass of wage earners are the very ones that will be benefited by it. Among those who are equally benefited is the creditor. The free coinage of silver is for the benefit of the debtor and creditor alike. In the first place, there are few, if any, creditors in these United States. It is almost impossible to say when a man is a creditor. The same man is debtor and the same man is creditor in so many complicated transactions of this world that it is impossible almost for the man himself to say whether he is a debtor or creditor on the whole balance. We are all in debt. We all owe our share and portion of the national indebtedness. However wealthy the capitalists imagine themselves, they owe a part of the national debt. We all owe a part of the municipal debt. We all owe a part of the railroad debt. Whether we like it or dislike it, whether we live near or far from the railroad, the railroad indebtedness of this nation to foreign nations, to Great Britain, must be paid by all of us. By means of their rates they reach down to the pocket of every man, woman, and child in this country. They reach all property as if with taxing power.

No man can use the railroad to ride himself or to transport what he produces or to purchase what he consumes without paying in some measure some part of the railroad indebtedness. He can consume nothing unless it has been brought to him by the railroads, roads of which he knows nothing, whose names perhaps he may never have heard. But he is paying in every consumption he makes a portion of the indebtedness of railroads. It must come from us all, and we are all debtors to the extent of our proportion of it. But so with all the rest of the debt of the nation. When this shall have been adjusted, when this shall have been paid, it is impossible to say whether an individual is a debtor or creditor. The benefit, however, of the free coinage of silver is to all alike.

It is not right for this Congress to adjourn without making some effort to pass some measure to raise revenue for the benefit of the Government. We do not do our duty until we do. It is our duty now to return to constitutional methods, our duty to see to it, first, that the Executive is stripped of that evil power which he is now exerting, contrary to the Constitution and contrary to its law, of himself determining when, where, and how much money shall be borrowed. It is our duty to deprive him of that first, and then proceed to pass some measure, upon which we must agree, to furnish revenue by means of a proper and suitable bill. The occasion is here. The bill is still before us as it came from the House. It is our duty to-day to take that bill up, to consider it, to amend it, and provide revenue and to thus prevent the need of the Executive usurpation.

This country can well afford at once to undertake the free coinage of silver. The coinage itself is necessarily slow, and no great amount of foreign silver could be received or coined at our mints. Joined with protection, which the nation is demanding, free coinage would stop the constant fall of prices of everything. We would begin upon an era of industry, prosperity, higher prices, and success in all parts of the country. Both parties were in 1892 committed to a double standard. True, there were certain qualifications detracting from the force of the plain statements that they were in favor of the double standard, but the declarations still stand, and all the United States is pledged to this double standard. The Republican party is pledged to carry out measures to bring this country to a double standard. That promise remains unredeemed. It is the duty of the party to fulfill that promise. Strike from the platform the qualifications, leaving the simple declaration in favor of the use of both gold and silver at the old ratio and the free coinage of both, added to the protective policy, which is the index of American patriotism, and then the country and prosperity will join hands and thank with acclaim the fulfillment of these promises.

Mr. CHANDLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New Hampshire suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Daniel,	Hill,	Pugh,
Allen,	Davis,	Jones, Ark.	Quay,
Allison,	Dubois,	Lindsay,	Sherman,
Bate,	Elkins,	McBride,	Smith,
Berry,	Faulkner,	Mitchell, Oreg.	Stewart,
Brice,	Gallinger,	Morgan,	Teller,
Brown,	Gear,	Morrill,	Tillman,
Butler,	George,	Nelson,	Vest,
Cannon,	Gibson,	Peffer,	Walthall,
Carter,	Gorman,	Perkins,	Warren,
Chandler,	Hale,	Pettigrew,	White,
Chilton,	Harris,	Platt,	Wilson,
Cullom,	Hawley,	Pritchard,	Wolcott.

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. A quorum of the Senate is present.

Mr. CANNON. Mr. President, it is probable that 90 per cent of the American people believe that the power to issue bonds should be withdrawn from the Administration, if it ever existed there constitutionally and legally, and that it should be reposed again in the hands of the representatives of the people. The granting of such authority was a threat of danger. Its appalling misuse by the present Administration is an achieved disaster. I believe in the bill now pending and shall therefore vote for it, as also for the resolution which has been proposed to serve notice that all bonds hereafter issued without consent of Congress shall be considered void.

Having said so much, Mr. President, which is all that is necessary on this question, I might conclude, but for the necessity of referring to strictures which have been passed upon those Republicans who chose on the 25th day of February of the present year to vote according to conscience and the will of their constituents and against consideration of the so-called Dingley bill.

It has become the fashion of late on the part of those Senators who do not believe in the free coinage of silver to hold up to popular disapproval and to invoke the detestation of the people upon the Senators of Republican faith who joined with the Democracy and the Populists in favor of silver as against a partial and indefensible tariff. It is quite noticeable that such remarks usually come from Senators who have political fences to repair at home, and who, feeling the need of an argument to reenforce a position already declared by their people to be untenable, seek to transfer disapproval from themselves either to their colleagues or to other Senators belonging to their own party. I have the utmost sympathy with such gentlemen, and I do not desire to resent with any unkindness the attacks which they may choose to make. If any man can find comfort in this way, if he can win back the lost love of his people, if he can again acquire their confidence by such methods, no matter who may be the object of attack, I simply pity him, as I always pity weakness. But, Mr. President, it is not within the province of any man on this floor to cast aspersion upon any one of the five Senators of Republican faith who on the 25th of February voted against the consideration of an iniquity, a monstrosity in legislation; nor is it just to allow such aspersion to be attempted without comment. The Dingley bill would have taken from those who had not to give to those who already had too much. It was a narrow, a sectional, an unjust measure. This is not to question the conscientious vote, or speech, or conduct of any man upon this floor. I believe that those who themselves are honest in their motives and in their deeds are ready to concede that others are also honest. The imputation of insincerity attempted to be cast upon us reflects directly back upon the men who utter it. A hypocrite fancies all others are guilty of hypocrisy, no matter how straightforward their course.

I know of only two influences which should guide a man in this Chamber or in any position of public trust. The highest and the first—that which should always control—is conscience. A man should first satisfy his own idea of right. Next to that he should gratify the wishes of the people who sent him here. I do not care to fall into the custom, which is more honored in the breach than in the observance, of making a speech to my constituents from this Chamber, by which to repair some break in the lines of selfish or political interests at home. But I do wish to say that there is not one of the five Senators upon the Republican side who voted against the consideration of the Dingley bill who has not had a vindication which any man, no matter how high his station, might well take with pride unto himself.

THOMAS H. CARTER and LEE MANTLE, Senators of the United States from the State of Montana, voted against consideration of that bill. At the ensuing State Republican convention they were unanimously returned to the national convention of the Republican party. FRED T. DUBOIS, a Senator from the State of Idaho, voted against consideration of the Dingley bill. At the ensuing State Republican convention in Idaho he was returned to head his delegation to St. Louis with only 5 dissenting votes; and by the way, Mr. President, he was the only Senator from the State of Idaho who was thus honored by his people, as he was the only Senator from the State of Idaho who chose to vote against consideration of the Dingley bill. HENRY M. TELLER, a Senator from the State of Colorado, voted against consideration of the Dingley bill, and he was unanimously sent to St. Louis at the head of the delegation from that State, and the other delegates were instructed to follow his leadership. One Senator from the State of Utah voted against the consideration of the Dingley bill, and at the ensuing State convention he received 501 votes out of a total of 522, and his nearest competitor received more than 200 votes less than that number.

Mr. President, the five Senators from the silver States who declared that a protective tariff, sectional and unjust, should not become a part of the revenue system of the United States by their votes, and who declared in public announcement that no protective tariff disassociated from bimetallism would be sufficient to relieve the distresses of the people of the United States, have all the consolation which they need. Doubtless each one of them feels the approval of his conscience, and each one of them has positively received the indorsement of his people at home.

I have no desire to reflect upon any gentlemen on this floor or elsewhere, but I do know that the great beating heart of the intermountain States is for free and unlimited coinage of silver, and that the people there take for their leader on this question HENRY M. TELLER, rather than the distinguished Senator from Ohio [Mr. SHERMAN]. Any gentleman who seeks to pacify his people at home by saying that he voted for the free and unlimited coinage of silver, or for the consideration of a measure looking in that direction, by following the leadership of the Senator from Vermont [Mr. MORRILL] and the Senator from Ohio [Mr. SHERMAN] and the Senator from Rhode Island [Mr. ALDRICH] rather than the leadership of the senior Senator from Colorado [Mr. TELLER] will find that his people reject magnificent technicality and splendid hairsplitting and plant themselves on the plain common sense of the proposition.

Mr. ALLISON obtained the floor.

Mr. ALDRICH. Will the Senator from Iowa yield to me for a moment?

Mr. ALLISON. Certainly.

Mr. ALDRICH. The Senator from Utah [Mr. BROWN], who has addressed the Senate at considerable length on this subject, entered into an elaborate argument to show that the power granted by the act of January 14, 1875, had been exhausted, and that any further issue of bonds under its provisions is illegal and void. I should like to ask that Senator, who is a distinguished lawyer, what disposition he would make of section 3700 of the Revised Statutes, under which all the bonds which have been issued recently have been issued.

Mr. BROWN. I do not understand that they were issued under that section, and I ask the Senator whether he claims that they were issued under it or the act of 1875?

Mr. ALDRICH. The Secretary of the Treasury and the President say so in a published communication, both to Congress and the country.

Mr. BROWN. In the published statements, as I understand and as I have read, they say that they are issued under the law of 1875. If I am not very much mistaken, the bonds themselves state that they are issued under the law of 1875. The discussion in their favor has been upon the law of 1875, the discussion against them has been upon the law of 1875, although of course that would not weigh.

Mr. ALDRICH. The President in his annual message stated that the bonds were issued under section 3700 of the Revised Statutes.

Mr. BROWN. The last one?

Mr. ALDRICH. Yes, the last one.

Mr. HARRIS. If Senators would address the Chair and not each other perhaps the rest of us could hear what is going on.

Mr. ALDRICH. And the Secretary of the Treasury makes the same statement. If there is not sufficient power under the act of 1875, there is certainly under the provisions of section 3700 of the Revised Statutes. This is surely too serious a question to be disposed of without full consideration. If the Senator from Utah expects to get the action of the Senate upon this proposition it seems to me that he and the gentlemen who think with him should state what view they take of section 3700. If the bonds which have been issued recently have not been legally issued, if they are not valid, if they are void in the opinion of Senators, it is time that the holders of those bonds and the country should understand it.

Mr. BROWN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. ALLISON. I will yield to the Senator from Utah.

Mr. BROWN. I should like to ask the Senator from Rhode Island whether he claims that these bonds were not issued and not authorized by the law of 1875 or whether they were wholly

issued by the law of 1862 and section 3700 of the Revised Statutes? Because it must be true that they were issued under one or the other. There must be some explicit law to authorize it. They must be authorized by one or the other, and we must plant our right to issue them upon that particular law. I had supposed from the argument of the venerable Senator from Ohio—I had supposed from the statement made by the President that it was assumed that the law of 1875 was the only power for their issue. I can state, if necessary, why I think that section 3700 does not give authority.

Mr. ALDRICH. The Senator from Utah has asked me a question as to my opinion. I have not the slightest doubt myself that both the act of 1875 and section 3700 of the Revised Statutes authorize the Secretary of the Treasury to sell bonds of the United States to any extent he pleases whenever it is necessary to maintain the public credit, for the redemption of United States notes, or for the payment in whole or in part of the public debt of the United States.

Mr. STEWART. May I be allowed to say a word?

Mr. BROWN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. STEWART. I wish to say just one word.

Mr. ALLISON. I will yield with great pleasure to my friend from Nevada.

Mr. STEWART. I have taken this matter into consideration before. Section 3700 of the Revised Statutes reads as follows:

The Secretary of the Treasury may purchase coin—

Not gold coin—

with any of the bonds or notes of the United States authorized by law, at such rates and upon such terms as he may deem most advantageous to the public interest.

It does not authorize the Secretary to purchase coin with any other bonds than those authorized by law. He can not sell bonds to buy coin unless he is so authorized by law.

This was passed in 1862, when from time to time laws were being passed to buy coin to pay interest on the public debt which was payable in coin. But the funding act of July 14, 1870, provided what kind of bonds should be issued, and all the bonds now issued were issued under that law. There is no other law in existence on the statute books describing a bond that may be issued. The bonds issued under that law were confined, in the first place, to the refunding of the national debt, with a provision that the national debt should not be increased in amount. When the national debt had been funded and the full amount issued there was no further power to issue under that act.

The only other act that authorized the issue of bonds was the provision in the act of 1875 authorizing the Secretary of the Treasury to sell bonds to the extent necessary and to buy coin to redeem the greenbacks which would be outstanding on the 1st day of January, 1879. So the law is absolutely inoperative unless you can point to a provision that authorizes the issuance of the bonds. If there is any law authorizing the issuance of the bonds the Secretary can sell them for coin whenever the law authorizes it.

Mr. ALDRICH. The act of 1870 does it in express terms.

Mr. STEWART. The act of 1870 authorizes the issuance of bonds?

Mr. ALDRICH. Yes, sir; of various denominations.

Mr. STEWART. I beg pardon; it authorizes the issuance of bonds enough to fund the public debt, and it declares that there shall be no more issued than an amount sufficient to fund the public debt, and that the public debt shall not be increased thereby. When the public debt was funded all the bonds authorized by the act of 1870 were issued and no more could be issued. The only authority for issuing bonds must be found in the act of 1875. That is a limited authority and does not apply to the issuance of bonds now.

Mr. BROWN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. ALLISON. Certainly.

Mr. BROWN. The Senator from Rhode Island put a question to me which I in part answered, but not fully. I desire to answer why section 3700 did not, in my judgment, authorize the issue of bonds. My answer is that that statute permits the sale of bonds for coin, but in itself does not authorize the borrowing of money or the issuing of bonds. It presupposes that bonds have been authorized by some other statute. Of itself it would not be operative. But if bonds were authorized by another statute, and there were other statutes then in force stating the amount to which the Executive might borrow, the Secretary could issue the bonds which he was allowed then to issue; he could exchange them for coin. That was the sole purpose of that statute as it has just been read here and as it appears in and of itself. It is not sufficient to warrant the Secretary of the Treasury to borrow money. But if he were authorized by some other statute he might exchange bonds for coin. That is my answer, and I think it is conclusive.

Mr. ALDRICH. There is no authority of law for the Secretary of the Treasury to issue bonds to borrow money to pay current expenses. There is no contention of that kind here or anywhere else, so far as I know. He is authorized to issue bonds for two purposes. One is to provide for the redemption of United States notes; the other is to obtain coin to pay the public debt, the whole or any part, either the principal or interest; and no Secretary of the Treasury has any authority of law to issue bonds for any other purpose.

Mr. ALLISON. Now, having yielded to Senators about me, I hope, as I intend only to speak briefly, that I may proceed without interruption and say what I desire to say on the pending bill. I regret that we have occupied several days of the closing hours or days of the session in the discussion of a proposition which it is well known can not pass at the present session, and therefore will have no other effect than to enable those who desire so to do to express their opinion upon the subject.

There is, I think, no doubt of the fact that every Senator on this floor agrees that the power to borrow money is not an executive power. It does not rest in the President or in the Secretary. It is a power conferred upon Congress.

The PRESIDING OFFICER. The Senator from Iowa will suspend while the Senate receives a message from the House of Representatives.

RIVER AND HARBOR APPROPRIATION BILL.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. 7977) making appropriations for the construction, preservation, and repair of certain public works on rivers and harbors, and for other purposes, with his objections thereto, the House proceeded in pursuance of the Constitution to consider the same; and

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to the same.

Mr. VEST. Will the Senator from Iowa permit me?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. ALLISON. I will yield.

Mr. VEST. I ask unanimous consent that the river and harbor bill and the message of the President thereon be taken up for consideration immediately after action upon what is known as the bond bill.

The PRESIDING OFFICER. The Senator from Missouri asks unanimous consent that the bill known as the river and harbor bill, with the message of the President of the United States, be taken up for consideration immediately after final action upon the pending unfinished business. Is there objection?

Mr. SHERMAN. I must object unless some arrangement is made in regard to the bill which has been before the Senate two or three times, and which ought to have been disposed of several days since. I shall object to any order being made until we have some agreement in regard to the measure known as the filled-cheese bill.

The PRESIDING OFFICER. The Senator from Ohio objects.

Mr. VEST. If the Senator wants to take that responsibility he can do so. He will get no agreement about the filled-cheese bill.

The PRESIDING OFFICER. The Senator from Ohio objects.

Mr. VEST. I give notice that I shall move to take up the river and harbor bill to-morrow morning immediately after the routine business.

SALE OF GAS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6694) relating to the sale of gas in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the first and second amendments of the Senate, and agree to the same amended so that the first section of the bill, down to the proviso, shall read as follows:

"That the Washington Gas Light Company of the District of Columbia is authorized to charge and collect, after the 1st day of July, 1896, for illuminating gas furnished to and paid for by private consumers in the District of Columbia, at the rate of not exceeding $1.10 per thousand cubic feet until the 1st day of July, 1901, after which last-named date the rate shall not exceed $1 per thousand cubic feet; and that after the 1st day of July, 1896, the Washington Gas Light Company of the District of Columbia shall furnish to the United States Government and the District of Columbia gas at the rate of $1 per thousand cubic feet."

And that the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 3 and 4, and agree to the same amended so that the second section of the bill, down to the proviso, shall read as follows:

"SEC. 2. That the Georgetown Gas Light Company, doing business in that part of the District of Columbia formerly known as Georgetown, is authorized to charge and collect after the 1st day of July, 1896, for illuminating gas furnished to and paid for by private consumers in that part of the District of Columbia, at the rate of not exceeding $1.35 per thousand cubic feet, until the 1st day of July, 1901, after which last-named date the rate shall not exceed $1.25 per thousand cubic feet; and that after the 1st day of July, 1896, the said Georgetown Gas Light Company shall furnish to the United States Government and the District of Columbia gas at the rate of $1.25 per thousand cubic feet."

And that the Senate agree to the same.

That the House recede from its disagreement to the fifth, seventh, and eighth amendments of the Senate, and agree to the same.

That the House recede from its disagreement to the sixth amendment of the Senate and agree to the same amended as follows: In lieu of the words "twenty-four" insert the words "twenty-five"; and that the Senate agree to the same.

That the House recede from its disagreement to the ninth amendment of the Senate and agree to the same amended so that section 5 shall read as follows:

"SEC. 5. That neither the Washington Gas Light Company nor the Georgetown Gas Light Company shall hereafter issue any greater number of shares of stock than shall be equal to the actual cash value of said plants and necessary cost of the construction of future extensions or future enlargement of plant, which cash value and cost of extensions shall first be ascertained and authorized upon petition therefor to the supreme court of the District of Columbia, under such regulations as the chief justice and the justices thereof shall prescribe; also if either of the said corporations shall desire hereafter to issue bonds upon their property, secured by mortgage or otherwise, upon petition therefor to said court, setting forth the necessity thereof and the amount of stock issued and outstanding, it may and shall be lawful for said court, or the chief justice and justices thereof, as the case may be, or one of them, upon public notice, to be prescribed by the rules of said court, to permit the issuance of such bonds and mortgage as desired: *Provided*, That the amount of stock and bonds issued shall not exceed the actual cash value of said plants and the cost of such extensions or enlargement of plant: *And provided further*, That the Washington Gas Light Company is hereby authorized to issue such additional amount of capital stock as will provide for the conversion into such stock of its outstanding certificates of indebtedness, which conversion of said certificates is hereby authorized to an amount not exceeding $600,000."

And the Senate agree to the same.

That the Senate recede from its tenth amendment.

That the House recede from its disagreement to the eleventh amendment of the Senate, and agree to the same amended so that said amendment shall stand as section 6, and the Senate agree to the same.

JAMES McMILLAN,
CHARLES J. PAULKNER,
J. H. GALLINGER,
Managers on the part of the Senate.

J. W. BABCOCK,
B. B. ODELL,
JAMES D. RICHARDSON,
Managers on the part of the House.

The report was concurred in.

REASSESSMENT OF WATER-MAIN TAXES.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the House of Representatives; which was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House the bill (H. R. 8279) to authorize the reassessment of water-main taxes, and for other purposes.

HOUSE BILL REFERRED.

The bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital was read twice by its title, and referred to the Committee on Education and Labor.

REGULATION OF BOND ISSUES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. BUTLER. I should like at this time to get unanimous consent in reference to a vote. The Senator from Iowa knows about how along he will speak. About how much time will the Senator from Iowa occupy?

Mr. ALLISON. It is impossible, I will say in answer to the Senator, for me to know precisely how much time I shall occupy. I will be as brief as possible. I think there will be no trouble in reaching a vote.

Mr. BUTLER. If the Senator himself has no objection I would suggest that we have a unanimous agreement to stop general discussion at 4 o'clock, and then continue under the five-minute rule until 5 o'clock, if the Senate so desires, but to take a vote as soon after 4 o'clock as there is no desire to continue discussion under the five-minute rule, and to take the final vote on the bill and all amendments thereto not later than 5 o'clock.

Mr. TELLER. I think the Senator from North Carolina had better let the order stand, which is that we shall come to a vote some time to-day.

Mr. BUTLER. I suggest to the Senator from Colorado, if he will pardon me, that, as all are aware, a great many Senators would like to attend to some social duties this evening, and it will be very hard to hold a quorum here.

Mr. TELLER. We are very likely to get through with the bill early. I shall object to fixing a time.

The PRESIDING OFFICER. The Senator from Colorado objects. The Senator from Iowa will proceed.

Mr. ALLISON. Mr. President, I will repeat that the power to borrow money rests in Congress under the Constitution, and therefore the bill is simply a declaration on its face, which has the intent and purpose only of repealing the existing power in our statutes to borrow money. Therefore it appeared to be necessary for the Senator from Utah [Mr. BROWN] to hold in his observations and argue that there is no power under existing laws to borrow money for any purpose. When on yesterday I interrupted him with a view to express an opinion as respects the powers contained in the law of 1875, he responded to me very properly that statutes could not be construed by the mazy and misty memories of those who participated in their enactment, but that we must take the laws as they are found upon the statute books and interpret them in their letter and spirit.

I believe and have believed since the statute of 1875 was put upon our statute books that it carried with it, by its own force and vigor, the power to borrow money to execute its purposes. The Senator from Utah [Mr. BROWN] yesterday argued at some length that the plain import of that statute is that when a United States note under it was redeemed in the Treasury it was then to be destroyed and canceled, and that there was under it no power to borrow to reissue, and that therefore this power to borrow money exhausted itself for that and other reasons on the 1st of January, 1879.

When we look at the contemporary circumstances that surround the passage of that law we can readily see and know that the plain import of the language of the statute taken as a whole was meant and intended to provide that only those greenback notes over and above $300,000,000 should be canceled and retired, and that $300,000,000 and no more should be allowed to continue in circulation as bank notes were continued in circulation, redeemed, and reissued by the Government of the United States.

It will be remembered that we had a contest, long and serious, respecting these notes before the resumption act of 1875. In April, 1866, we passed a law through the two Houses that the Secretary of the Treasury could withdraw and retire and cancel $10,000,000 of these notes within six months, and that he should thereafter retire and cancel $4,000,000 per month of the notes until they were all canceled and destroyed. That law was on our statute book for two years, and under it there were canceled $44,000,000 of greenbacks, the total issue authorized by law during all the period of the war being $400,000,000, with an emergency act authorizing the issue of $50,000,000 more. During all that period the greenback circulation of the war was limited to $400,000,000. In December, 1865, after the war closed, in the House of Representatives, Democrats and Republicans alike, with but 5 dissenting votes, declared it to be wise public policy to retire all those greenbacks, but as time went on the opinions of men changed, and when 1866 came that same Congress limited the retiring of greenback notes to $4,000,000 a month after six months.

In 1868, when there were $356,000,000 of these notes in circulation, Congress passed a joint resolution, as I remember, prohibiting the further retiring of a single dollar of the greenbacks then in circulation, and, therefore, from 1868 to 1875, with an exception to which I shall allude, the destruction or retirement of greenback circulation was inhibited by the joint resolution of 1868.

In 1873, during the panic which occurred in that year, the then Secretary of the Treasury construed the law which authorized the issue of $400,000,000 to permit and enable him to reissue up to the amount of $400,000,000; and the Secretary of the Treasury, under the stress of that panic, issued greenbacks to the extent of $27,000,000. So when the statute of 1875 came into play the limit of the greenback notes was $383,000,000 in round numbers. It is not important to my purpose, but I am reminded that both Houses of Congress afterwards passed provisions looking to the justification of that issue by the Secretary of the Treasury.

There is another bit of history that should be remembered in connection with this law of 1875, and that is that in December, 1861, the banks of the United States suspended specie payments, and from 1861 to 1879, a period of eighteen years, there was a suspension of specie payments in the United States. I merely allude to this, for it is useless for us to stand here and talk about the double standard, the gold standard, or the silver standard between those years. There was no standard in the United States, except for a brief period, between 1861 and 1879 but a paper standard, fluctuating day by day and hour by hour as measured in gold, and gold was sold upon the marts of our great cities at a premium during all that period; the premium at first being small, I agree, at least being small as we approached the year 1879. It is well known to those who are familiar with that period, and to most of us here, that during all that time, especially after the close of the war, there was a condition of unrest and distrust, followed at times by panic, by people not knowing how to transact business, for they could not tell, owing to the rise of gold or its fall, whether they would make profits or losses. Therefore the great business interests of this country had knocked at the doors of Congress over and over again and asked that Congress should in some way provide for the convertibility of the irredeemable paper of the United States into coin. We had the greenback agitation running through four or five years, some insisting upon an indefinite issue, and others insisting that the greenbacks which were already authorized and had been issued should continue in circulation.

Mr. President, if you will look at the fluctuations of this money during all these years you will see that in 1862 it fluctuated from 101¼ to 134, in 1863 from 122 to 172, in 1864 from 151 to 285, in 1865 from 128 to 234, and so on until in 1869, long after the close of the war, the fluctuations were from 119½ to 162½ in a single year, a fluctuation of over 40 per cent in a single year in the currency of our country, which measured all values, controlled all

purchases and all sales of property, and measured the wages of labor. So it is not singular that during these years, continuing up to 1875, the fluctuations ranged from what I have stated to 9, 10, 15, and 20 per cent.

When we convened in 1874, after the elections of that year, when the Democratic party for the first time since 1861 had secured a majority of the House of Representatives, there was a pressure of public opinion upon the Congress of the United States to deal with this question in some form. There were then, as there are now, men in both political parties who believed that the greenbacks should be obliterated from our circulation; that the United States itself should be free from any responsibility respecting the circulating money of the country. These divers opinions found their way into a caucus of the Republican party in 1874, in December, and that caucus, consisting of eleven Senators, prepared a bill which became a law on the 14th day of January, 1875. I wish to take note of the provisions of that law for a moment. The first section of it directed the Secretary of the Treasury to proceed immediately to the coinage of fractional silver—for what purpose? For the purpose of placing in circulation fractional silver coins in lieu of the fractional paper money which was then in circulation, and no other. Not only the silver dollars of the United States had found their pathway out of this country, but the 10-cent pieces, the 25-cent pieces, and the half dollars had taken wing and flown to more remote places where they could find circulation. So when this law was passed the first section was designed to deal with the minor paper money which was then in circulation, and we provided for a substitution of fractional silver for the paper money then in circulation, there being no fractional silver in circulation when this law was passed.

The second section related to the charge for coinage. Section 3 provided—

That section 5177 of the Revised Statutes, limiting the aggregate amount of circulating notes of national banking associations, be, and is hereby, repealed.

What was that for? There had been by prior statute a limitation of $354,000,000 upon the aggregate circulation of national banks. That was repealed in order that there might be an addition to the paper circulation; and for what purpose? It is shown further on in the act, where it is provided that—

Whenever, and so often, as circulating notes shall be issued to any such banking association, so increasing its capital or circulating notes, or so newly organized as aforesaid, it shall be the duty of Secretary of the Treasury to redeem the legal-tender United States notes in excess only of $300,000,000, to the amount of 80 per cent of the sum of national-bank notes so issued to any such banking association.

That is to say, as fast as $100 in national-bank notes were issued $80 of greenbacks might be retired, until the sum of $300,000,000 was reached.

Mr. GEORGE. What is the date of that act?

Mr. ALLISON. The act of January 14, 1875, which is called the resumption act. Then comes the remaining provision:

And on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem, in coin, the United States legal-tender notes then outstanding, on their presentation for redemption at the office of the assistant treasurer of the United States in the city of New York, in sums of not less than $50.

In the face of the surrounding circumstances at that time, is it to be supposed for a moment that this law was intended by those who made it to be construed into a provision whereby the entire greenback circulation should be destroyed and canceled and retired? When, however, this law appeared upon the statute books, and when this process authorized by the act itself was going on, it became a moot question, I agree—and I am not surprised that the Senator from Utah has been misled by it—among the people who wished to destroy the greenback currency whether, as applied to the Government, the word "redeem," in the latter part of this statute, did not mean to pay off, and require the Government to borrow money in order to redeem and pay off every dollar of the greenback currency. In order that there might be no question about the construction of that law, later, in 1878, there was a statute passed, which was alluded to by the Senator from Utah yesterday. The only purpose and intent and effect of that statute was to limit the retirement of greenback notes to $346,000,000, and to require specifically that they should be again paid out.

Mr. President, when you take the whole of this statute you will see that its purpose was to require the Secretary of the Treasury to provide for the redemption of these notes, first using the surplus revenue, and then selling as many bonds as he chose to sell for that purpose, of course in the expectation that no unnecessary debt would be created for the redemption of these notes.

The then Secretary of the Treasury, the honorable Senator from Ohio, whose duty it was to execute this law, so managed that great office during that period as that the redemption of these notes on the 1st day of January, 1879, became a pleasing pastime, and the business men and the industrial people of this country, its wage earners and producers, knew nothing of the change. The Secretary of the Treasury borrowed $95,500,000 as a preliminary step to the execution of the law, and a surplus revenue was also provided. Did the Secretary of the Treasury or any of his successors ever for a moment dream that when these greenbacks were paid into the Treasury they must be retired and canceled, even though money had to be borrowed for that purpose? That law was uniformly construed as I construe it, as meaning that down to $300,000,000, and afterwards $346,000,000, these greenback notes were to continue a circulating money as bank notes are circulating money, to be redeemed and reissued in the ordinary course of business.

Mr. STEWART. May I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nevada?

Mr. ALLISON. I can not refuse the Senator.

Mr. STEWART. Was it ever contemplated at the time spoken of by the Senator from Iowa that those notes should be redeemed only in gold?

Mr. ALLISON. If the Senator will have patience I will deal with that question frankly; but I am dealing with another question now.

Since 1879 what I have stated has been the course of the Secretary of the Treasury. During that time—I do not remember just when—those who believe as the Senator believes brought a suit in one of the courts of New England to test this law and the amendment to it, claiming that when greenbacks were redeemed they could not be paid out again by the Secretary of the Treasury, and if he did so pay them out it was a new issue of greenbacks, which was unauthorized by law and was in violation of the Constitution of the United States. That case went up to the Supreme Court. The Senator from Missouri [Mr. VEST] will remember the details of it. I believe it was upon that case that every member of the Supreme Court of the United States united in the opinion that it was a question for Congress to decide as to the emergency and the time of dealing with the notes of the United States.

Mr. BROWN. May I interrupt the Senator?

Mr. ALLISON. Certainly.

Mr. BROWN. That decision was limited solely to the legal tenders. No word is to be found in the decision as to the legality of the bonds.

Mr. ALLISON. Certainly; I understand that.

Mr. BROWN. It is reported in 110 United States Reports.

Mr. ALLISON. I did not quote it for that purpose. I only mentioned it for the purpose of showing that it was never the intent of this original statute, or of any subsequent statute, or of anybody in the United States, to dispute the intent and purpose and manifest meaning of this law, which was, first, that the greenbacks should be reissued; and, secondly, that they should be redeemed in coin. Look at the language:

The Secretary of the Treasury shall redeem in coin.

Mr. SHERMAN. I wish the Senator would be kind enough to read that clause of the section in answer to the claim made yesterday that after one redemption there can be no other redemption. The language is:

And on and after—

That word "after" was thoroughly construed, and thoroughly debated, and held to extend to all time.

And on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem in coin the United States legal-tender notes then outstanding on their presentation for redemption at the office of the assistant treasurer of the United States in the city of New York, in sums of not less than $50.

That was construed at the time by all the best lawyers in the Senate and by the court as well as a continuous provision—"after"—not until doomsday; not for five years, not for ten years, not for any period, but for all time.

Mr. ALLISON. On and after that time.

Mr. SHERMAN. Yes.

Mr. ALLISON. "And the Secretary of the Treasury shall redeem."

What did Congress do to enable the Secretary of the Treasury to execute that imperative duty imposed upon him? They said to him first that he could use the revenues, and next that he could use the credit of the Government. What is that? It is to borrow money; and the experience of the last eighteen years prior to that time had taught the American people that the credit of the Government was a precious boon to them, and that it ought not to be lightly interfered with or lightly trampled under foot.

What was that credit? It was that the laborer who toiled in his shop on one day should not be required on the next day to take a less sum in purchasing power for his day's wages than he had agreed to take the day before; it was to create a stable measure of value as to all property, all credit, all debt, and all measure of the wages of labor. So you see when you come to analyze the act of 1875 it is one of the marking points in the period of the progress of our country. It was put into play years after its date. This was to give ample preparation not only to the Treasury but to the people of the United States to gradually reach the point of convertibility which was anticipated by that action.

Mr. President, I have characterized this as a great boon. Was it or was it not? Are these great interests which I have described

such as that we can deal with them here as we deal with the balls upon a billiard table? That law took effect upon the 1st of January, 1879, and, without fear of successful contradiction in this place or any place, I can maintain, but need only state, that from that time forward until 1892 we had a period of unprecedented prosperity in the United States, whether that prosperity is measured in the accumulation of wealth, whether it is measured in the wages of labor, whether it is measured in the value of property, or whether it is measured in the surplus profits of earnings which came to all those who toiled.

I listened the other day to the speech of the junior Senator from Kentucky [Mr. LINDSAY], in which he portrayed the growth and development of our country from 1880 to 1890. I have had occasion more than once to make that investigation, and it applies to the great Northwest region in which I dwell. It is shown by the census of 1890 that the five States carved out of the Northwest Territory and the seven States which were created from the Louisiana purchase west of the Mississippi River, being twelve States in all, in 1890 had two-fifths of the population of the United States and more than two-fifths of the sixty-four thousand million dollars of wealth in the United States. Twenty-five thousand millions of it were aggregated in the twelve States I have named, against eleven States upon the Atlantic Seaboard, including the great States of Pennsylvania, Maryland, New York, and the whole of New England.

So whatever may have been the mutations and changes as to the effect of this great act of 1875, it must be admitted that at least for the period I have described it did not in any way deter or impair the power of the citizens of the United States to largely increase their wealth.

Without going into a discussion of the question, I think it must be agreed that in order to have prosperity in our country whatever measures our values or measures our property or measures the wages of labor must have a reasonable stability. It is not possible, I agree, to have an exact measure, but it must have that reasonable stability whereby during short periods one class of men shall not be robbed for the benefit of another.

Therefore, from what I have already said, it must be apparent, it seems to me, to every Senator that it would be a most unwise and unjust thing to all the people of the United States for us to run the slightest risk of a relapse into the condition under which we labored between 1861 and 1879. In other words, no part of the people of the United States, it seems to me, can be benefited by relapsing into an unstable and fluctuating, and it may be a depreciating currency, nonmetallic, and that we should take no risk whatever in that direction.

Mr. President, it must be remembered that we are taking this question as it exists in 1896. We are not dealing, as we all think we ought to, with this financial question by and large. There is no proposition here for free coinage of silver; there is no proposition here for the enlargement of our currency and giving it flexibility; there is no proposition here dealing with this general subject. Is it wise for us in the closing hours of the session, even by our votes, to say that we are willing to deal with this question in a spasmodic or in a partial manner?

I have heard it said that this taking away of the authority which is given by law to the Secretary of the Treasury is a mere bagatelle. What is it? We have now in circulation as many greenbacks, less the loss in shrinkage, as we had in 1879 on the 1st of January. We have, in addition to that, in round numbers, $130,000,000 of Treasury notes. I do not claim that they come within the purview of the law of 1875. Therefore I need not be interrogated upon that point. We have the same number of greenbacks; but we have weighting down those greenbacks—although the act of 1875 does not apply to them—$130,000,000 of Treasury notes, which are a full legal tender. We have in addition to that three hundred and sixty-odd millions, I believe—I have not the tables before me—of silver certificates, each of which has behind it, I agree, a silver dollar, but which constitute a redemption fund, each dollar for itself. What have we—and I address that to the Senator from North Carolina [Mr. BUTLER] and to those who propose to vote with him—what have we to maintain the redemption of the $346,000,000 of greenbacks?

Mr. BUTLER. Will the Senator yield to me for an answer?

Mr. ALLISON. I am not asking for an answer now.

Mr. BUTLER. I am anxious to answer the Senator's question.

Mr. ALLISON. I intend to answer it myself.

Mr. BUTLER. I may not want to rely on the Senator's answer.

Mr. ALLISON. I shall be glad to hear the Senator after I have done. I do not want to occupy much time, and shall be glad to yield to him when I finish my statement.

Mr. BUTLER. I hope the Senator will make a good answer.

Mr. ALLISON. I may not make a good answer, but I will make the best I can.

I have here a statement issued by the Treasury Department on June 1, which shows the situation of the Treasury. This statement shows that there is in the Treasury $108,345,233.91 in gold coin, $100,000,000 of which, the Secretary says, is devoted and applicable to redemption purposes.

What else have we? I am now speaking on the assumption that silver should be paid out. We have now in the Treasury $18,864,000 of free silver, that is, silver belonging to the Treasury. That constitutes our redemption fund, and nothing less and nothing more. I heard it said by some one here the other day that we have seigniorage on silver to the extent of $55,000,000, which might be coined and thus used. If it could be coined and thus used, it would be a bagatelle. But how can it be coined and used? Not by this law. It can not be thus coined and used until Congress, by an affirmative statute, authorizes such coinage and use.

Mr. TELLER. We have done that.

Mr. ALLISON. We have?

Mr. TELLER. We passed an act of that kind which the Executive vetoed.

Mr. ALLISON. Oh!

Mr. TELLER. I think the Senator from Iowa voted to sustain the veto.

Mr. ALLISON. Of course the Senator from Colorado wishes to be perfectly fair. I voted against the proposed law because it authorized, among other things, as I plainly showed in this Chamber, not only an equivalent amount in certificates or notes, but it authorized on its face twice the amount, and I was not willing to give $55,000,000 in addition of fiat money for the sake of having $178,000,000 of other money coined.

Mr. TELLER. I think the Executive, who hunted for some excuses, did not make that one of them.

Mr. ALLISON. Perhaps he did not. It only shows how the Executive fails to see a good point now and then. We may have passed such a bill, but as the Senator from Colorado says, it was vetoed, and it did not pass over the veto. Therefore it is not a law now.

How is the silver to be coined? It is to be coined in the discretion of the Secretary of the Treasury, and the Secretary of the Treasury has no seigniorage until it is coined. What is seigniorage? It is the thing that arises out of coinage. It can not exist until the dollars are coined under existing law. I know we could provide a law whereby we could rescue, as it were, or rejuvenate probably $50,000,000, but not $55,000,000, because a portion of it has been coined since that time.

Mr. STEWART. Let me ask the Senator from Iowa a question. Does the Senator contend that there is no power in the Secretary of the Treasury to coin the silver in the Treasury?

Mr. ALLISON. Per contra, I have just stated that he can coin every ounce of silver in the Treasury, and as he coins it the seigniorage arises.

Now, how would he coin it? We have, with the existing mints, as has been shown here over and over again, the ability to coin between forty and fifty million dollars of silver per annum, which is the ultimate coining capacity of the mints, and if we are to build new mints it will take at least a year to do it. Allowing that $50,000,000 of silver can be coined, there would be a residuum fund of probably twelve to fifteen million dollars arising out of it, and nothing more. So here we are playing with the great question of the convertibility of all our paper money upon the idea that if we choose we shall find, without this power, a sufficient amount of money to redeem the greenbacks, which by law and by solemn obligation, as sacred as any obligation we have, we are bound to redeem, when the holder of one of the greenbacks presents it.

We might take some hazard as respects this matter if there were a great overpowering emergency; we might take some hazard if we had a full Treasury, as we did have for many long years after this law came into play; but here we are with a deficit for the current year amounting, in round numbers, probably to thirty-three or thirty-four million dollars, swelling each month, because, as I saw in a newspaper this morning, supposed to be reliable, the receipts during the month of May just passed were less than the receipts in any May for five years. Yet I heard another Senator say the other day that there is a large amount of money in the Treasury. So there is; but does it redeem greenbacks? Can you redeem greenbacks with a greenback? The money in the Treasury, over and above the reserve of $100,000,000, is the same kind of money, practically, that is to be redeemed.

So we are here now running the hazard not of the silver standard of money, but of going back within thirty days, if it were possible to enact this bill into law, to an inconvertible paper-money standard, irredeemable, with nothing behind it except the credit of the Government, because if you take away the prop that sustains the house you destroy the house itself. Are we ready for that? The prop which sustains the greenback currency is the credit of the nation and the reserve, and the power to create it, which we gave in 1875. It is proposed now to take away the only prop that is left after the reserve of $100,000,000 is gone, because confessedly—and it is made the subject of criticism on both sides of this Chamber—those who have voted appropriations this year

have voted a considerable sum beyond the current receipts of the Treasury. If we pass this bill we shall have put gyves upon our wrists and shall have tied ourselves in such way that we will be likely within a short space of time to go to inconvertible paper money.

I have talked longer than I intended upon the subject, but I wish to say a few words more in relation to the matter.

Mr. BUTLER. Will the Senator pardon me? He has finished the answer to his own question?

Mr. ALLISON. Yes, sir.

Mr. BUTLER. Therefore, if he will pardon me, before he proceeds I should like to correct his answer.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. ALLISON. I yield for a few moments.

Mr. BUTLER. I think I can answer in a few moments. It would be very easy to reply to the Senator's statement in detail, but the bill was drawn especially in order to prevent the necessity of doing that. Has the Senator from Iowa read the bill? It was drawn to prevent wasting time over splitting hairs, over detail and catch phrases and various sophistries which the men who support the gold standard use on all occasions. We can not argue with these gold advocates, because they dodge facts and arguments and at once jump back to their pet phrases. What is the language of the bill?

The issuance of interest-bearing bonds of the United States for any purpose whatever, without further authority of Congress, is hereby prohibited.

The Senator's argument all falls flat when he simply looks at the bill. It is true we have no free-coinage measure on the statute books, which I regret more than does the Senator from Iowa.

Mr. ALLISON. I have no doubt of it.

Mr. BUTLER. It is true we have not such a bill now pending with a possibility of passage, which I regret more than does the Senator from Iowa. It is true we need some method to increase the currency, which we have not, which I regret more than does the Senator from Iowa. But the pending bill was drawn to prevent those Senators who uphold the gold standard from dodging the real issue and basic question that lies at the bottom of the whole financial troubles of the country and the hard times that oppress——

Mr. ALLISON. I do not yield to the Senator from North Carolina for any observation of that character. Let us understand that in the beginning.

Mr. BUTLER. Unless the Senator considers that the patriotism, the desire to uphold the credit and power of this Government, rests with the President of the United States, and unless he has more confidence in the President than he has in himself and others on this floor, he can not oppose the bill. There is not a country in Europe that claims any credit for solvency or respectability where it would be necessary to pass such a bill as this, because no such monstrous power has ever been given even their kings to borrow money and pile up debt without limit.

Mr. ALLISON. Mr. President——

Mr. BUTLER. There can not be raised a single dollar by the Crown of Spain without the authority of the legislative power. The Crown of Great Britain lost his head for attempting to usurp such power.

Mr. ALLISON. Mr. President, I decline to yield further.

The PRESIDING OFFICER. The Senator from Iowa declines to yield further.

Mr. ALLISON. The Senator from North Carolina talks in a circle.

Mr. BUTLER. Not at all.

Mr. ALLISON. I said in the very beginning of the discussion that there is no power anywhere except in Congress to authorize the issuance of bonds. I have argued in vain if I have not shown that the point here is the convertibility of the greenback notes into coin and not into other fiat money; I have stated that all the money can be made applicable to the redemption and reissue of those notes, and therefore the answer of the Senator from North Carolina is no answer.

Of course we all agree that you can not authorize the Secretary of the Treasury to borrow money in any other way than by law. There is such a law now. The Senator's proposition is to take that power from the Secretary. Why? Because he thinks that by that indirection he will force this country not to the silver standard, but to an irredeemable paper-money standard, having neither silver nor gold behind it. He supposes still further that he will force the people of the United States who disagree with him, by indirect methods and not by bold movements, to carry out what he believes ought to be carried through the two Houses and approved by the Executive—a law authorizing the free coinage of silver at 16 to 1 by the United States alone.

Mr. BUTLER. The Senator from Iowa can not wish to do me injustice. He puts words into my mouth without any authority.

Mr. ALLISON. I will only ask the Senator from North Carolina to tell me whether he does not favor the free coinage of silver at 16 to 1, and whether he does not believe that what he proposes here will be a step in that direction? If he does not believe it he is playing with idle balls.

Mr. BUTLER. I believe that if the pending bill is passed before any more gold is borrowed to support the gold standard, the President will call Congress together and Congress will decide the question which the Senator is now trying to dodge. Congress will decide whether or not we shall borrow gold; whether or not we shall have free coinage; whether or not we shall have an increase of the standard money of the country by some other method, and this body is the one to decide it. That is bold; that is honest; and that is the honest way in which I want to do it. The Senator's method, I must say, in justice to truth, is indirection, because he wishes to dodge the question and leave the power in the Executive.

Mr. ALLISON. I have endeavored to show, first, that the power to borrow money under the law of 1875 is an essential power. I have undertaken to show, and I think I have shown, that if it is taken away we shall go back again to inconvertible paper money. Now I am told indirectly that because I have so stated I am dodging the real question at issue here.

I do not expect to weary the Senate by arguing the silver question, nor do I expect to deal with the historical part of it. I merely wish to say that when the law was passed we had neither silver nor gold. We had a gold standard, it is true, created by the act of 1873, but that act was as inoperative then as a statute that could not be made operative before 1879. When the statute of 1873 was passed we were upon an inconvertible paper system, with neither gold nor silver in our country, except a small amount to pay duties on imports and interest upon the public debt. On the Pacific Coast the gold standard prevailed, and there greenbacks were at a discount, instead of gold being at a premium. There all contracts were made in gold coin alone. Provisions for such contracts in the laws and statutes of some of those States have not been repealed to this day, I believe. But with the exception of the Pacific Coast we had at that time no metallic standard of money. We had a fluctuating and, it is true, an appreciating paper standard, but we had neither silver nor gold.

I wish to say, with respect to the question which we have in hand, that it will be decided, I have no doubt, in a greater or less degree in the future, but it will never be decided until it is decided right. I have always believed, and I believe now, that the United States can not by itself open its mints to the free coinage of silver at the ratio of 16 to 1 without becoming a monometallic silver nation. I believe that it should be done by means of international arrangements with other commercial nations. So believing, I have voted always, and so long as I thus believe, and until some Senator can convince me that I am wrong, I shall continue to vote against the free coinage of silver at the ratio of 16 to 1 by the United States alone. When the law of 1875 was passed, I repeat, we had the gold standard, but we had neither silver nor gold. So long as the coins are at a parity with each other, as they are now, the greenback notes are redeemable in either, and they are so held, I believe.

Without arguing the belief I entertain upon this subject, and without, in any sense, intending to unite or in any way to join the two questions, I believe that it is the height of unwisdom for us to deal partially with this question. When the question as to the free coinage of silver by the United States alone and the opening of our mints to its free coinage at a ratio of 16 to 1 is before the Senate, I expect, I will say in answer to my friend, to vote as I have hitherto voted.

Mr. STEWART obtained the floor.

Mr. BUTLER. Before the Senator from Iowa sits down I should like to ask him a question.

Mr. CHANDLER. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from New Hampshire?

Mr. BUTLER. I wish to ask a question.

Mr. ALLISON. I have agreed to yield to the Senator from North Carolina, who seems to have a speech of mine in his hand.

Mr. BUTLER. Inasmuch as the distinguished Senator from Iowa——

Mr. CHANDLER. Who has the floor?

The PRESIDING OFFICER. The Chair understood that the Senator from Iowa had closed his remarks, and recognized the Senator from Nevada [Mr. STEWART].

Mr. ALLISON. I was about closing my remarks when the Senator from North Carolina asked me to yield for a question before sitting down, and I will be glad to do that, although I do not crave the opportunity.

Mr. BUTLER. That is very evident.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada as entitled to the floor.

Mr. STEWART. I yield to the Senator from North Carolina to ask a question.

Mr. BUTLER. As the Senator from Nevada yields a moment, I wish to enter my protest against the statement made by the Senator from Iowa [Mr. ALLISON] that all of the purpose and

scheme on the part of Populists and others to whom he refers in this connection is to run this Government to irredeemable fiat money, whatever he means by that—something horrible, he says.

Mr. ALLISON. I did not say that was the purpose. I said that was the effect.

Mr. BUTLER. I so understood the Senator. He says it is the effect. Does not the Senator himself fear that it means free coinage, for does not the Senator know that during the coming summer, as soon as Congress adjourns, the gold reserve jumping down every morning, being only $108,000,000 this morning, more bonds will be issued to sustain the system which he is advocating and supporting? He knows it, and he is willing to see it done.

Now, he knows this in connection with it, that if the bill which I have offered becomes a law, instead of the President issuing bonds, he will call Congress together if the emergency arises and Congress, this body, will sit in judgment and decide whether or not those bonds shall be issued or whether the free coinage of silver shall increase the circulating medium or some other method.

Does the Senator object to the legislative branch of the Government deciding this question? That is what he fears. It is not paper money. He fears the judgment of the American people in Congress assembled. He thinks that the gold ring have a cinch on the President of the United States and he wants to see that they keep it. He wants to see that the next President keeps it. He wants to see that the man whom the Republican party will put up, if he should be elected, will keep it, and they now pretend to be trying to make Eastern men scared of your candidate [turning to Senator SHERMAN] from Ohio, to fool the Senator from Colorado, and to fool people in the South and West. They know that McKinley belongs to the gold ring as much as Cleveland does, but they are trying to fool the free-silver men in the Republican party—trying to make them believe that McKinley is for silver, trying to make them believe that the gold ring is not satisfied with him. That game worked a few years ago, but it will not work now. The Eastern goldbugs are pretending to be afraid of McKinley's goldbuggery. They say they will bolt if McKinley does not satisfy them on this point. They have known for years where McKinley stood. He is the special candidate picked out by the gold ring. My dear friend, that game was smart a few years ago, but the American people have waked up. It will not work. What the Senator from Iowa and those who stand with him fear is that this dangerous and terrible bond-issuing power will be vested in the people and their representatives to decide what shall be done, and that is all that he fears, and I challenge him to stand up and say before his God and his conscience that he fears anything else.

Mr. CHANDLER and Mr. STEWART addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

Mr. STEWART. I have not given up the floor.

The PRESIDING OFFICER. The Chair understood the Senator from Nevada to yield the floor.

Mr. STEWART. I did not yield the floor at all.

Mr. BUTLER. The Senator from Nevada held the floor.

Mr. STEWART. I yielded for a question.

The PRESIDING OFFICER. The Chair understood that the Senator from Nevada yielded the floor. There can be no farming out of the floor of the Senate.

Mr. CHANDLER. I yield to the Senator from Nevada. There is time enough.

The PRESIDING OFFICER. The Senator from New Hampshire yields to the Senator from Nevada.

Mr. STEWART. Mr. President, we have made some progress to-day. The Senator from Iowa [Mr. ALLISON] has relieved us from all the laboring part of our argument. He has conceded and stated that the greenbacks and Treasury notes are redeemable in silver coin as well as gold.

Mr. ALLISON. As long as silver is kept at a parity with gold.

Mr. STEWART. So long as they are at a parity? Can the Senator find the word "parity" in the language of the law? What does he mean by that? The statute says "coin of standard value" and nothing else. "So long as they are at parity." What does the statute of 1875 say about parity? It says that the Secretary may purchase coin to redeem the greenbacks outstanding on the 1st day of January, 1879—then outstanding. It does not say silver coin or gold coin, but coin, and the question as to what was meant by "coin" has been very well settled by about a three-fourths vote in the two Houses of Congress in the passage of the Matthews resolution in 1878.

I think my friend the Senator from Iowa [Mr. ALLISON] voted for that resolution. He voted for it. The present Secretary of the Treasury voted for it, and there can be no question about the language. That being taken for granted; that being the law, and nobody can question it, it solves the whole practical difficulty, because if the Secretary of the Treasury will exercise the option to pay in silver no gold gambler will come to get the silver. Every one of our silver certificates stays out. They do duty as money. Nobody takes them to the Treasury to get silver. They are the best money we have. You go into any bank, and three-fourths of the money you get is in the shape of silver certificates. The greenbacks and Treasury notes are redeemable in the same way, and they would be just as good money and just as safe if the Secretary would exercise his option to pay in silver as well as gold. That is the only trouble.

Now, there is of silver coin in the Treasury $18,000,000, and of silver certificates $10,000,000, making $28,000,000, in round numbers, of silver coin in the Treasury, because these silver certificates can be exchanged at the option of the holder for coin. If the Government owns them it can go to the other counter and obtain coin for them. We have $28,000,000 of coin. That is silver. Then it is made the duty of the Secretary of the Treasury to coin the silver for the purpose of redeeming the Treasury notes issued under the act of 1890. He has not done that. He has used a large amount of gold, I do not remember the amount, bought with bonds, to redeem the Treasury notes issued under the act of 1890, when the law says in so many words that he shall provide for the redemption of those notes by coining the silver purchased under the provisions of the act of 1890. So if he proceeds to coin the silver he would have an ample amount. He ought to have done it long ago. He could have had it all coined now if he had done his duty, because the whole of it should be coined.

The Senator from Iowa says only $40,000,000 of silver can be coined in a year. I undertake to say that an expenditure of ten or fifteen thousand dollars will double the capacity, and so far as coining is concerned, as I said the other day, if you will pay to any private party the charge that is paid to the Government by the owners of bullion to have it coined, what is deducted from their bullion for preparing it for coinage, you will have $500,000,000 a year coined.

A public institution, self-sustaining, would enable private parties to make at least 50 per cent profit, if not 75 per cent, because there is a great deal of machinery about the mint. So there is no difficulty about the coinage if there was any disposition to coin it. We have, then, $108,000,000 of gold, $30,000,000 of silver, $50,000,000 of seigniorage, $130,000,000 of coin besides bullion that should be coined—ample provision, more than would be called for.

Let the Secretary of the Treasury say that the Treasury notes and greenbacks would hereafter be redeemed in silver. They would go into circulation immediately. Those notes would be as good money as the silver certificate which circulates. They do not now circulate; they are either tied up in the Treasury or are in the banks to be prepared for a raid at any time. Over $100,000,000 of these legal tenders are tied up in the Treasury.

There are $270,000,000, in round numbers, of money in the Treasury, with $55,000,000 more of silver bullion, which it is the duty of the Secretary to coin, making, in round numbers, $325,000,000, the larger portion of which ought to be in circulation. It is tied up, and we are threatened with another bond issue. We are threatened by the Administration, or rather Wall street says we are going to have more bonds. And for what purpose? To buy up more currency and impound in the Treasury this unhealthy surplus, a larger surplus than when parties were running upon the question and the issue was to relieve the Treasury of the surplus which was collected in taxes. Now we have a surplus collected by bond dealing, a surplus taken out of the circulating medium, and a further threat to take out more; and it is claimed that Congress can not pass this law resuming its function to regulate the borrowing of money without bankrupting the Treasury. Is it possible that the gold and silver will be drawn out before Congress can meet? We know very well that $28,000,000 of silver is a sufficient bar to protect the Treasury.

Germany, with only $150,000,000 of silver in the Empire, is able to protect all her gold by her practice of paying silver when gold is asked for export. France protects her gold from export by the exercise of her option to pay in silver. If the United States would exercise her option as other nations do her credit would be as good as theirs. It is because the United States undertakes to do an impossibility, because the United States opens her Treasury to speculators, because the Administration combines with stock jobbers to drain the Treasury, to wreck the credit of the Government, that our credit is impaired.

There is enough silver in the Treasury now to maintain the credit of the Government through all time. They will not take the $28,000,000, and besides silver is coming daily into the Treasury. One-half of the revenue, I am informed, is paid in silver certificates, which means silver coin, and there is no limit to the amount of silver that will come in during the year, and it can be used for redemption purposes. There will be an ample redemption fund in silver coin pouring into the Treasury daily, coming in the way of revenue, and that is the kind of redemption first mentioned.

The statute of 1875 says that the Secretary of the Treasury shall use the revenue that comes in to redeem these greenbacks. When that is insufficient he may sell bonds. Everybody knows the revenue now is ample. There is a great surplus, and he can use all

the revenue that comes in from taxes for the purpose of redeeming the Treasury notes. There are more silver certificates constantly coming into the Treasury in payment of taxes than there are greenbacks presented for redemption in gold. The outstanding Treasury notes would be as good money and as free from uses for fraudulent purposes as the silver certificates if the Secretary would do his duty. In the face of what the Secretary has done, in the face of the bond deal of February, 1895, in the face of the charges made in the public press, in the face of the conviction on the part of the people that something is wrong, in the face of this manipulation of the Treasury Department, in the face of the fact that the Senate has passed a resolution to investigate those transactions, shall we leave the Administration in power to continue the speculation upon the nation's credit—to continue, in other words, to wreck the nation's credit and impair the moral standing of the Administration? Everybody knows it has been badly impaired. Everybody knows what we now demand is that in the absence of Congress there shall be no more scandals.

It is said by the Senator from Ohio that this bill will not become a law, and that if it passed the other House it would not be approved by the President. Let the other House take its responsibility if the other House wants to assume it. If the other House is desirous of sanctioning this stock jobbing, if it is anxious to sanction the bond deal of 1895 and the bond deal of this year, if it is anxious to sanction the disregard of the law, if it is anxious to sanction the robbery of the Treasury to pay gold when the Government owes no gold—if the other House is anxious to do that, send it this bill and let it take the responsibility. If the Republican party indorses the Cleveland Administration, if the Republican party indorses these bond deals, let it be done by their votes. Let the people of the United States know who is responsible, who are engaged in this practice of wrecking the public credit, who are in it, who support it, who are backing it. If these bond deals, I say, have the backing of the Republican party, let the votes tell; and if the Republican party in the other House want to back Cleveland and Carlisle and Pierpont Morgan and encourage them to make further deals, let them refuse to pass this bill when it reaches them. But let the Senate act, a majority of which is opposed to these deals, a majority of which is opposed to wrecking the public Treasury, opposed to stock jobbers and gold gamblers raiding the Treasury and bringing disgrace upon the country, opposed to buying up currency and impounding it in the Treasury. That has been shown by several votes. Let it be shown by the votes to-day, and let those who are in favor of it take the responsibility.

Mr. CHANDLER. Mr. President, it was not worth while for me to make so much effort to get the floor to make the few brief remarks that I desire to submit. I rose to deprecate the spirit and the manner of the Senator from North Carolina [Mr. BUTLER] which he has brought into this debate. The remarks which he made the other day I do not find reported in the RECORD. I suppose they are kept for revision. But if they are printed as they were uttered they will contain what I conceive to be undignified and unbecoming threats against those who differ from him in opinion. If I am not mistaken, the Senator talked about revolution and bloodshed. He was willing that the views which he entertains upon public questions should prevail without revolution and without bloodshed if they could thus prevail, but, if necessary, the Senator very clearly intimated the disposition of himself and of those with whom he is associated in the party known as the Populist party to resort to any means to accomplish the purposes which they have in view.

Mr. BUTLER. Now, Mr. President, I should like——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from North Carolina?

Mr. CHANDLER. I would rather the Senator would reply after I finish.

Mr. BUTLER. But I would rather, if the Senator will be just, that he would not misrepresent me further, because I am sure he does not intend to do it purposely. The Senator says there was a clear inference from my remarks that if the People's Party could not have its way, the purpose of the People's Party was to resort to bloodshed. He states what I think he can not find another Senator on the floor to sustain him in saying, for no others will say, I think, that they drew such conclusions from my remarks, or that any such inferences could fairly or justly be drawn from them.

Mr. CHANDLER. Mr. President, I allow the Senator from North Carolina to make the disclaimer before I go on, and I proceed to say that I think those words will be found in his remarks. I think the Senator said that he was willing, that he hoped—perhaps that is the way he put it—that these evils with which humanity and society are afflicted might be removed without revolution and without bloodshed.

Mr. BUTLER. That is about the language I used. I used the word "hope."

Mr. CHANDLER. I chose to assume, for the purposes of these remarks, that there was an implied threat in that kind of language.

Mr. BUTLER. Then the Senator is the only one who can——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield?

Mr. CHANDLER. I do not yield any more.

The PRESIDING OFFICER. The Senator from New Hampshire declines to yield.

Mr. CHANDLER. That is a question which I leave to the Senate. I undertake to say that the language of the Senator then, the language of other Senators on some occasions, and the language of other members of the Populist party, are calculated not for the calm discussion of public questions, but are calculated to produce the revolution and the bloodshed which they say they hope to avoid and which they say they hope will not be found necessary, in order that the objects which the People's Party desire to secure may be accomplished.

Mr. President, the spirit and the language of the Senator found quick response in the Southern country. I have the Philadelphia Inquirer of Monday morning, June 1, in my hand, and it contains the following telegram:

TALLAHASSEE, FLA., *May 31.*

At a Populist picnic near Lairds Mill, Washington County, yesterday, Henry Dangley shot James Powers through the stomach, after having had his arm nearly severed with an ax in the hands of his assailant.

The wives of the two men are sisters. The women became engaged in a quarrel, one championing gold and the other free silver. The men also differed on financial questions and took up the quarrel.

Powers infuriated Dangley, who rushed at him with a knife. Powers seized an ax and sunk the blade so deep into Dangley's arm at the shoulder that the member hung only by shreds. Dangley retreated to his wagon, where his wife seized a Winchester and hurriedly handed it to her husband.

He took the weapon in one arm and resting the barrel over the wheel of the cart fired several shots at Powers. Finally one bullet struck Powers in the stomach and he fell to the ground. It is thought he can not recover.

Dangley was placed in the cart and driven to Lairds Mill, where his wound was dressed. On the way he lost so much blood that his life is also despaired of.

That, Mr. President, comes from only one Southern Populist picnic since the Senator from North Carolina expressed the hope that all the great benefits to society which he and his party desired might be accomplished without revolution and without bloodshed.

I hold in my hand a copy of a newspaper published at Raleigh, N. C., the issue of May 28, 1896, the Caucasian, "published every Thursday by the Caucasian Publishing Company, Marion Butler, president." I find on the third page of this sheet a very full "Account of the National Congress"; "Some record of what the people's representatives are trying to do in the Senate."

In the Senate Senator Butler's bill to prevent the further issue of bonds without the consent of Congress was the main feature of interest.

Mr. President, what follows is so bad, is so violent and so abusive and so unjust to the Senator from New York [Mr. HILL] and the Senator from Ohio [Mr. SHERMAN], that I do not dare to take the responsibility of putting it in the RECORD. I hand it to the Senator, so that he can see what kind of language his newspaper is engaged in printing in connection with Senators upon this floor with whom he is in the habit of meeting in friendly intercourse and in constant daily debate.

I rose only to suggest to the Senator from North Carolina that if he expects to make proselytes for the views which he entertains it will be necessary to approach the subject in a different spirit and with different utterances from those which he puts forth on this floor and publishes in his Caucasian newspaper in the State of North Carolina.

Mr. President, this is about all I had to say, except to express the hope that this bill may not pass. I am afraid that there is a small majority in its favor, but I hope that the sober sense of the Senate will assert itself, and that we will not upon the eve of final adjournment repeal the only law upon the statute book which enables the President and the Secretary of the Treasury to protect the national credit and the public honor during the six months which will intervene before Congress again meets.

Mr. President, everyone knows that Congress has been unable to pass any bill for the relief of the public Treasury, or to avert the public calamity which may result from a depleted Treasury. The House of Representatives has passed a bill, but nothing has been done with it in the Senate. Our Populist friends, who stand between the two parties here, and, I regret to say, a few vainglorious Republican Senators, have interposed to prevent any legislation which would relieve the public Treasury at this crisis in our affairs. Now, as we can not pass any affirmative legislation, why not for heaven's sake leave upon the statute book the little remnant of authority there is in the President and Secretary of the Treasury to take care of the national credit and the national honor during the coming half year?

Mr. President, it is only a question of interest on bonds. Not even my violent friend from North Carolina [Mr. BUTLER] nor my stalwart friend from Nebraska [Mr. ALLEN] contends that the President or the Secretary of the Treasury has laid dishonest hands upon one dollar of money that has been borrowed. They do not steal it. It goes into the Treasury. There is not one dollar embezzled; it is a mere question, as I said, how much interest we shall pay upon the bonds which are issued. However much

we may differ from our President and our Secretary of the Treasury, as we do on many questions, as Republicans on this side of the Chamber differ fundamentally upon many questions, yet we give to them the credit of possessing absolute personal integrity. No one has ever ventured to say that the Secretary of the Treasury ever had a dishonest dollar in his life; and certainly no one will undertake to make any impeachment of the personal integrity of the present President of the United States.

Mr. President, they are not the President and the Secretary of the Treasury of my choice, but while we are to be absent at our homes, there they will stand representing the power as well as the credit and the honor of the United States. In my judgment they are to be trusted with that power; and we ought to leave with them every particle of power which the statutes of this country to-day give them to enable them to see to it that the national credit and the national honor receive no detriment during the recess of Congress.

I am happy to say that two-thirds or three-quarters of the Republicans upon this side of the Chamber propose to vote that to this extent, of leaving the laws as they now are, they have confidence in the Democratic President of the United States; and I ask Senators upon the other side of the Chamber who participated in the election of President Cleveland, every one of them, who is of the same politics as that of John G. Carlisle, to sink all animosity against the President of their choice and the Secretary of the Treasury of their choice and to join with us at least in one patriotic vote, where all Senators shall rise above party and say to the people of this country and to the people of the whole world that at least the law as it now stands upon the statute book, and which enables these executive officers to protect the honor and the credit of the United States, shall not be stricken down by our votes.

Mr. President, it is of no use to say that this bill will not pass the House of Representatives, and therefore we might as well pass it as not. There are Senators here to-day, I regret to say, who will vote for this bill and send it to the House of Representatives who would not take the responsibility of voting for it if they believed it would become a law, and I do no more than justice to my friend from Nebraska [Mr. ALLEN] now sitting before me when I say that if he had the responsibility of taking away absolutely from the Secretary of the Treasury all the power to borrow money he would not do it merely to make a platform for the People's Party, but would himself refrain from voting to put this law upon the statute book, which strikes down all power upon the part of the Secretary of the Treasury to borrow money to protect the credit of the United States.

Mr. President, realize how we should feel if we were in Europe to-day. There is not a Senator here, whatever he may say in private conversation or whatever he may be led to say upon the floor of this Senate occasionally in debate against the President of the United States, who, if he were abroad and were to hear his American President maligned, would not rise in his defense and denounce with fiery indignation any criticism which might be made upon his nation's President.

Mr. President, it is a strange thing for me to be defending your President [Mr. FAULKNER in the chair] when two-thirds of his own party on this floor are afraid to trust him with the existing power upon the statute books of the United States to borrow money—not one cent of which either he or his Secretary of the Treasury will ever be charged with misappropriating—to borrow money to protect the honor of the United States during the period when the custody of that honor passes out of our hands because we go to our homes for six months.

Mr. PETTIGREW. Mr. President, I rise at this time not for the purpose of discussing this question, but to make a statement personal in its nature.

Mr. BUTLER. Will the Senator from South Dakota yield to me for a moment?

Mr. PETTIGREW. I yield to the Senator from North Carolina.

Mr. BUTLER. Mr. President, I want to say first that the action of the Senator from New Hampshire [Mr. CHANDLER] in taking an irresponsible newspaper squib about some local and unfortunate if not exaggerated affair in Florida and bringing it into this discussion as a dignified argument or as worthy of consideration is resorting to a kind of unsenatorial method that puts him on a plane where he can not with good grace criticise the methods of any other Senator which may not meet his fastidious taste. Suppose I should rise here every morning after there had been a fight in a Republican town, or in any kind of Republican caucus, meeting, or gathering, where the distribution of Republican patronage and spoils or campaign funds was the trouble, and should call attention to it as a forcible argument on the floor of the Senate against that party, I should not think that I was doing myself or my cause any credit. I should think that it was not dignified. I should think it was unbecoming.

Mr. President, aside from that, I wish now to say a word with reference to the paragraph in my own newspaper, the Caucasian, to which the Senator from New Hampshire referred.

Mr. President, I do not go behind the backs of Senators here to express myself. I say what I think, and in as mild and courteous language as I think the occasion demands or justifies or will permit, and say it on the floor of the Senate. I do it boldly; I do it candidly; I do it as a right and as a duty. I do not think I have ever taken occasion to attack any man in my paper with language which I would not use on the floor of the Senate. The Senator did not mean to intimate that, I hope, by his reference to my paper, but what he did say by implication makes it necessary for me to make this statement, since he left that impresssion upon the minds of Senators possibly——

Mr. CHANDLER. May I ask the Senator if he is willing to read upon the floor of the Senate the language that was used in the Senator's paper about Senator HILL and Senator SHERMAN and put it in the RECORD?

Mr. BUTLER. I will say—and that is what I rose to say—that the language used, of which the Senator complains, is language which I would not myself have used on the floor of the Senate or in the newspaper, and I regret, I say frankly, that it was used. But it is not in an editorial; it is not in the Washington communications; it is in what is called in this paper, and known among its readers, as an abstract of Congressional proceedings, which is made sometimes by one man on the paper and sometimes by another, and the man who does it has often taken occasion to make comments. He quotes from the CONGRESSIONAL RECORD each week and takes what he considers to be the salient points, and he has often commented upon the parts he clips. I, of course, never read these extracts of Congressional proceedings, nor has my attention ever been called before to any comments interspersing these clippings from the RECORD of which I or anyone else could complain. Therefore I have never given any attention to this department of the paper, and have had no occasion to give any instructions with reference to it. I have just now read the paragraph referred to for the first time, and wish to say here and now that I do not approve of the language used with reference to the Senator from Ohio and the Senator from New York, however much I oppose their policies and methods, and shall take occasion to say so by next mail to the resident manager of the paper.

One word further, Mr. President. I do not think the Senator from New Hampshire was fair in taking an isolated statement, made in my speech a few days ago, without the connection, and attempting to misrepresent it—I will not say attempting, but that was the result—by connecting it with that newspaper clipping. The Senator well knows, and every Senator here knows, that the connection in which I used that statement was this: I called attention to the record on the pages of history, to the empires which have fallen and to what caused them to fall; the dangers to the body politic are now threatened, and history shows what the result has been when certain conditions existed and proceeded unchecked to their logical and direful conclusion. Then I called attention to the fact that those evils existed here, and that if they are not checked by legislative means or at the ballot box—that if we can learn anything from history, if we can learn anything from experience, the same thing will happen here that has happened there, and it was then that I said that I hoped and prayed that such a result would never come here, but that these evils would be remedied by peaceful and legal means.

I submit that that was a patriotic utterance, and it is one that I am not ashamed of; it is one that I am proud of, and from the bottom of my soul am sorry for the man who can not and does not entertain the same sentiments.

Charles I lost his head, and the cause, as well as the result, is a historical fact that is not wholly inappropriate to consider at this time; but if he could have issued bonds ad libitum without the authority or protest of the English Parliament and the English people, he would not have been disturbed about ship money and might have saved his head at the expense of English liberty. England has already passed the danger point that we stand on now. No crowned head of England can borrow money without limit. It must be done with the permission of the legislative branch of the Government and for a specific purpose. This is no threat; but it is the cold facts of history and a solemn warning for us at this time.

Mr. PETTIGREW. Mr. President, last week one of the newspapers in this city in publishing the platforms of the various State conventions published the following with regard to the convention in South Dakota:

Previous to choosing delegates a resolution was adopted requiring all nominees to go upon the floor and declare for McKinley and sound money, and not only to vote, but to work to accomplish this end.

As I am one of the delegates to the St. Louis convention from my State, I concluded to challenge this statement, not because it appeared in the newspaper press, for it has gone the rounds of the newspapers for the past month, but because there was placed in the RECORD on the 6th of last month an editorial from a South Dakota newspaper reiterating this statement with many adjectives. I therefore have decided to state the facts to the Senate with regard to the matter.

The assertion is that having for years on all proper occasions, as a member of this body, voted for the free and unlimited coinage of silver at the ratio of 16 to 1, for the purpose of procuring a seat in the St. Louis convention I abandoned my position upon that subject and was willing to announce that I was ready to go to St. Louis and work for McKinley and sound money. I do not care to go into a definition of "sound money," but I simply wish to say to my fellow-Senators here that the statement that any delegate was required in the South Dakota convention to pledge his support to the gold standard or to any sort of financial plank or platform whatever is absolutely and unqualifiedly false and without any possible foundation for it whatever and made by designing persons for a purpose.

The convention in South Dakota on the 25th of March was a Republican convention. The chairmen, both temporary and permanent, were elected by acclamation; the platform was adopted by acclamation, and the chairman of the committee on resolutions was an ardent advocate of the free coinage of silver. The platform simply said that inasmuch as the Republicans of South Dakota were divided upon the financial question we would refer that subject to the St. Louis convention. There was no test of strength—no division—on the subject whatever. I was elected a delegate by acclamation, and so were the other delegates elected by acclamation; and there was no controversy, no issue, and no test vote whatever taken upon this or any other question.

It seems to me, Mr. President, that it is no more than fair and just to myself that I should have read at the Secretary's desk a letter which I wrote and which was published in February, 1894. I at that time was a candidate for reelection to the Senate of the United States. The people of my State had never taken a test vote on the question of the free coinage of silver, but it was well known that I had always voted and acted with those who advocated the free and unlimited coinage of silver at the ratio of 16 to 1. Some of the newspapers which advocated the gold standard in my State attacked me, and I wrote the editor of one of these papers the letter which I will ask the Secretary to read, as it gives briefly, in a measure, my views at that time and ever since and my views at the present time upon the subject of silver.

I want to say further, Mr. President, that there is no position, much less the position of delegate to the St. Louis convention, however high and honorable the position of delegate may be, in the gift of the people of South Dakota or anyone else, that would lead me to sacrifice my convictions upon this subject. This letter will disclose that I took that position in the face of a campaign for reelection to this body.

The PRESIDING OFFICER. If there be no objection, the Secretary will read as requested. The Chair hears no objection.

The Secretary read as follows:

FROM SENATOR PETTIGREW.

Senator PETTIGREW thinks the attitude of the Blade is entirely wrong on the silver question and has favored us with a letter under date of January 25 in which he sets forth his views and the arguments on which they are based. As this is a public question in which all our readers are interested, some on one side and some on the other, and as his words will be read just now with especial interest, we herewith publish all of the letter which treats of that subject, deeming it a service both to him and the public. It reads as follows:

"I object to nothing that you have published except the statement that I am catering to the Populist vote in my attitude on silver. That is not the fact. I am catering to my own conscience and to what I honestly believe is for the interests of the people I represent, and to nothing else. I had rather be right on this question than be Senator. I consider it the greatest and most important question of the age, a question of civilization. I have given this question care and thought, and while I am in favor of an honest dollar, I consider the single gold standard the most dishonest dollar ever conceived by man. It is a dollar which grows in value all the time. The unearned increment which comes with every credit, resulting from the appreciation of the gold in which it is to be paid, is robbing the producing classes and has produced the present panic. An honest dollar is one that honestly at all times is an honest measure of debts. This must be a dollar which will not depreciate or appreciate. In order that this result may be accomplished the number of dollars must increase with the increase of population. It makes no difference what substance the dollar is composed of so the quantity is limited to the needs of business and the demands of population.

"The value of the unit of money depends upon the number of units, and not upon the stuff of which the units are composed. This is proven by the fact that the silver certificates remain at a par with gold, although they are redeemable in silver dollars, and can not be redeemed in anything else, but the functions they perform, and the fact that the quantity is not sufficient for the needs of business, maintain them at par, although the silver in the dollar is only worth about 50 cents. An honest dollar is a dollar which requires no more of human sacrifice and effort and toil to earn when the debt is due than when the debt was contracted. A gold dollar is therefore dishonest for the reason that it commands each year more of all the products of labor than it did the year before.

"In 1873, when silver was demonetized by this country and several nations of Europe, it took $1.06 to buy the same amount of vegetable food product that can be purchased for 75 cents now; animal food, meats, etc., it took $1.09 to buy what can be purchased for 81 cents now in gold; sugar, coffee, and tea, it took $1.06 to buy what can be purchased for 71 cents now; all mineral products, it took $1.41 to buy what can be purchased for 76 cents now; all textile fabrics, it took $1.03 to buy what can be bought for 59 cents now, and this decline has been steady and practically constant from year to year from that time to this. In other words, a man who owned a farm in 1873 and mortgaged it for $1,000 will have to produce one-third more of all the things which grow upon his farm to pay the debt than he would have had to produce at that time; in fact, the ratio would be greater than this. It would take nearly one-half as much more, and the same would be true of the yearly interest. Take, for instance, the item of wheat alone. To-day wheat is worth about 58 cents in Chicago, then it was worth $1.42.

"The decline in wheat has been greater, I think, than that of very many other products, for the reason that in addition to the appreciation of gold the bounty on the export of wheat resulting to the India merchant by the decline of silver has stimulated exportation from that country, so that, although the world produces no more wheat now than it did in 1873, and has not increased its production of wheat since that time, and the number of consumers of wheat have increased some 80,000,000, still the price has kept going on down, and the India people who produce no more wheat now than they did then ship their wheat and live on other things. In other words, for the last twenty years an ounce of silver would buy a bushel of wheat in India and lay it down in England, and that is true of the situation to-day. However, I am not going to discuss the silver question with you.

"I could not change my position on the silver question if I knew it would result in my defeat. I have refrained from making a speech upon this subject because I know the Republican party of the State of South Dakota are divided with regard to it and I do not care to make it a test of Republicanism or injure Republican success, but if attacked I shall try to meet this issue before the people. I am ready to defend my position anywhere and everywhere."

Mr. PETTIGREW. I think in justice to myself it should be known how this report came to be put into circulation and how the editorial came to be written which was placed in the RECORD. The editorial which was placed in the RECORD on the 6th of last month is from a Democratic newspaper, published in the town where I reside, and the editorial was written by J. Tomlinson, jr. Tomlinson has devoted a great deal of his time to me during the last three or four years, and has published a great many editorials of a personal and abusive nature. It was well known that his prejudice against and his personal dislike of myself is very bitter, and it seems to deprive him of the ability or capacity, if he ever possesses it, of telling the truth. He edits a Democratic newspaper, and is known to be a Republican, and therefore he is a Democrat only for revenue. Under his management and as editor of the leading Democratic newspaper of the State the Democratic party has nearly disappeared, not having elected a single Democratic member of the last legislature and having but 8,000 votes out of 80,000.

I do not care to say anything further with regard to Mr. Tomlinson, but I propose to put in the RECORD that which others have said with regard to this editorial.

I will say further that the Sioux Falls Press, the leading Republican newspaper in the State, offered $10 apiece for every credible person who would corroborate the statement of the Argus-Leader, or the editorial which has been placed in the RECORD. No witness has ever been produced, and the reward has never been claimed, and no person, with or without character, has been found to sustain the fables, fictions, and falsehoods of this pretended Democratic editor.

The Sioux Falls Press, after the editorial appeared which has been put into the RECORD, interviewed several prominent people in regard to the truth or falsity of the facts therein stated, among them Judge C. S. Palmer, who was for years a circuit judge in South Dakota, and who is one of the prominent lawyers of the city. I send the interview of Judge Palmer to the desk and ask the Secretary to read it, and also a statement by Mr. Ravndahl, the editor of the leading Scandinavian newspaper of my State on the same subject.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Secretary will read as indicated.

The Secretary read as follows:

The Press prints the following interviews, in addition to those of yesterday, regarding the estimate of gentlemen from this city who were in attendance at Huron, concerning the false and nonsensical reports sent out by Tomlinson and Cavalier:

Judge Palmer: "Yes; I have read the Argus' report of the convention yesterday and their published telegrams of to-day. I look at the Argus-Leader's attitude the same now as before the convention. Two distinct purposes seem apparent:

"First. Revenge upon Senator PETTIGREW growing out of the Postmaster Tinsley appointment.

"Second. To sow seeds of discord and, if possible, disrupt the Republican party in the State.

"Not one nor both of these purposes, I think, warrants the strange conclusions published in the Argus-Leader of yesterday. To say 'that Senator PETTIGREW was compelled to get upon the floor and pledge himself to not only vote but work for the adoption of a sound money (or gold) plank at St. Louis' is so glaringly unfair as to be absolutely untrue and sufficient to cast a great cloud of suspicion over the whole report. It is a matter of little importance to me whether Democracy calls the result at Huron a PETTIGREW or anti-PETTIGREW victory. To me it was a Republican victory. That Senator PETTIGREW had bitter political enemies at Huron amongst Republicans, Democrats, and railroad lobbyists is very true; but in my opinion there was never a moment in that convention when all of these forces combined could have defeated the Senator as a delegate to St. Louis. That the old railroad lobby, which was there in force, repeatedly tried to form combinations to do so is well known. The conservative leaders upon both sides were in the saddle at Huron. Concessions were made upon both sides with a view to Republican success, and no concessions were exacted or made upon either side which were not readily assented to for reasons stated. The committee on resolutions came near at one time to reporting a financial plank similar to this one, which declared for the use of both metals as well as the paper dollar; but believing that even this might provoke useless discussion prematurely they finally decided to relegate the whole question to the St. Louis convention, where it belongs.

G. Ble Ravndahl: "The effrontery of that Argus-Leader account of the Huron convention is amazing. I would not have believed it possible that such a thing would be done. The deliberations of the convention were dignified and proper, both in spirit and form. A few irresponsible parties occasionally showed bad taste, but the strong interest of good Republicans in their party's success caused the almost unanimous action of the convention upon nearly

every matter of importance before it. No one was humbled. Senator PETTIGREW made a strong, manly statement of his position and received the nomination as delegate at the hands of conservative Republicans and against the desire of a lobby which was composed largely of men who had been defeated by their own people at home. It was a PETTIGREW victory and so conceded by all but a few of the opposition. The Senator had to enlarge the band wagon several times to hold the people who had fought him and who struggled to get on. That report was gross."

Mr. PETTIGREW. I also desire to have the Secretary read an interview with C. A. Jewett, who is the largest wholesale merchant in my State, doing a business of $2,000,000 a year, and an interview with C. P. Bates, who is the city attorney of the city in which I reside, upon the same subject.

The PRESIDING OFFICER. The Secretary will read as requested, if there be no objection. The Chair hears none.

The Secretary read as follows:

C. A. Jewett: "I told Mr. Tomlinson last night that I never saw such an exhibition of nerve and courage as the speech of Senator PETTIGREW when talking to the convention just before his election. So far as I could discover, and my thought was, the convention was a perfect success for Senator PETTIGREW. I talked with a great many on that subject, both to delegates and those who were not delegates, and I frankly say that I failed to find in a single instance any other view taken of the matter. I think the enemy was routed upon every issue and at every turn. In my judgment, Senator PETTIGREW came away from that convention with more true friends than he ever enjoyed before in the State."

C. P. Bates: "The Argus-Leader statement is entirely misleading and full of false assumptions and misrepresentations. So far as I know, the result of the convention is exactly what the Minnehaha delegates worked for from the time they left Sioux Falls. There was not a man in the Minnehaha delegation who worked against instructions as to the candidate from the time he left this city. During the campaign in Minnehaha County the railroad lobby worked against Senator PETTIGREW. At Huron the same lobby fought the proposition of his going to the St. Louis convention, and the result in both battles was the same. The delegation from Minnehaha County was unanimous in insisting that he must go to St. Louis, whether such was his personal wish or not. Senator PETTIGREW's desires as to resolutions were ultimately carried out by the committee upon resolutions and ratified by the convention. They left him standing squarely upon the same platform upon which he has consistently stood for four years. He was not placed in a false position regarding the money question at all. The convention, by a unanimous vote, left it to the judgment of the St. Louis convention, and this was the position taken by his friends. The victory was complete, certain, and decisive. It struck the lobbyists their second crushing blow."

Mr. PETTIGREW. I also desire to have the Secretary read an interview with H. H. Keith on the same matter. He is a prominent lawyer in the city where I reside.

The PRESIDING OFFICER. If there be no objection, the Secretary will read as requested. The Chair hears none.

The Secretary read as follows:

H. H. Keith: "I have read the Argus-Leader's report of the convention, and also its labored attempt in last night's issue to prove the correctness of its report. If the Argus-Leader was conscious of having made a correct and truthful report, it ought not to have been necessary for it to take so much trouble to prove its assertions true. The purported telegrams from the delegates elected come very far short of sustaining the allegations of the Argus-Leader. To my mind they are a complete refutation of its version of the convention. Senator PETTIGREW and his friends accomplished everything they wanted in the convention. They did not go to the convention for the purpose of waging a fight on anyone, but to take an active part in shaping the policy of the convention for the good of the Republican party of the State. Senator PETTIGREW's friends insisted that he should go as a delegate to the national convention. They made no opposition to instructions for McKinley; in fact, they were as enthusiastic for him as any delegates in the convention.

"Senator PETTIGREW and his friends were opposed to having the convention declare for a gold or silver platform, but thought it wise to leave the financial question to be settled by the national convention. Senator PETTIGREW addressed the committee on resolutions, as did other members of our delegation, and the resolution adopted by the committee was entirely satisfactory to the Senator and his friends, and they so expressed themselves to the committee before it decided to adopt them. The resolutions speak for themselves, but there is not a word of instructions in them in reference to the financial question. Every delegate to the national convention, with the exception of one or two, will work in perfect harmony with Senator PETTIGREW at the national convention, and I speak advisedly on this question. It seems hardly necessary to refute a Democratic version of a Republican convention, or even reports sent to Republican newspapers instigated by a Democrat. All I care to say further is, we got everything we asked for, and the convention adjourned with the best of feeling on the part of the delegates."

Mr. PETTIGREW. There are a great many other interviews in the same line, and it is unnecessary to place them in the RECORD. The editorial to which these interviews refer was written, as I said before, by J. Tomlinson, jr., editor of the Sioux Falls Argus. He secured an appointment as a representative of the press associations, and attended the convention in my State, apparently for the purpose of sending out these false reports, and he is the author of all the telegrams which were published by the Associated Press. He is the writer and instigator of the entire story, untrue in every particular from the beginning.

I do not care to say anything about Mr. Tomlinson except that his reputation for truth and veracity in the community where he resides is bad, and I do not believe he could sustain it in a court of law. He is unworthy of the notice I have given him, unworthy of my anger or contempt, and I feel that I owe my fellow-Senators an apology for having directed your attention to him even for one brief moment.

Mr. TELLER. Mr. President, at this hour I do not intend to enter into a general discussion of the silver question. The bill before the Senate is not connected with that question at all, or at least not necessarily. The question before the Senate is whether the American Congress will abdicate its power to determine when, how, and under what conditions the Government shall borrow money.

The Senator from New Hampshire [Mr. CHANDLER] has assumed that the Republicans of this body are in favor of putting that power in the hands of the Executive and leaving it there. I deny the right of the Senator from New Hampshire to speak for the Republicans of this country. It will be enough for him to speak for the Republicans of New Hampshire.

Mr. CHANDLER. May I ask whether the Senator from Colorado undertakes to speak for the Republicans of the country?

Mr. TELLER. I am going to speak for myself.

Mr. CHANDLER. I will accept the rebuke of the Senator and shall not undertake to speak except for the Republicans of New Hampshire, and I hope the Senator from Colorado will not undertake to speak except for the Republicans of Colorado, and then we are even.

Mr. TELLER. The Republicans of the country at the last election expressed themselves on the question of the increase of the public debt in time of peace. In one State represented in the other House 19 conventions that nominated members declared against the issue of bonds. I believe there were 19 members from that State who voted in favor of a bond issue. In my judgment the American people are not in favor of increasing the public debt in time of peace, and in my opinion the people who dissent from propositions to issue bonds are quite as honest and quite as tenacious of the public credit and the public honor as any gentleman anywhere who cries out for the lodgment of the most important function of government in the hands of the Executive, unrestrained and unhindered.

During the whole debate that has taken place in this Chamber over the pending bill the opponents of the bill have taken the position simply, and will admit no alternative, that the representatives of the States and the representatives of the people are not to be trusted to maintain the credit of the American Government. I dissent from that view. My education has been of a different character. I believe that the American people can be trusted at all times to maintain the honor and the integrity and the credit of the nation, and when the representatives of the States in this Chamber and the representatives of the people in the other can not be trusted to do that there might as well be an abandonment of this Government of ours and the pretense that it rests upon the consent of the governed.

It is to me a most astonishing spectacle that the Senator from Iowa [Mr. ALLISON], who has spent almost a lifetime in the public service, and who has been honorably mentioned in connection with great offices in addition to those which he has held, should in substance address the Senate and appeal to the Senate not to pass the bill, because if we do Congress, when called upon in an emergency, will not respond in a way to maintain the public credit. Then the Senator from New Hampshire [Mr. CHANDLER] follows in the same strain and congratulates himself and the country that at least three-fourths of the representatives in this body of the party to which he belongs insist that the legislative department is incompetent and untrustworthy to deal with this subject.

It is not at all a question of free coinage, nor is it a question whether the public will recognize as valid and legal the bonds which have been issued within the last two years. I do not myself intend to enter into any discussion as to the validity of the bond issues. It may be a controverted question. There is one thing I know, and that is that the American people intend, without respect to their belief upon the question of silver or gold, that every bond which shall be issued by the Government of the United States under the current pretense of law shall be paid according to the letter and the spirit of the bond. It is because there is a claim—and a claim, too, that may be made, I think, with great force—that the bonds when issued are obligations upon us which we are bound to pay that we desire to put upon the statute book a law which will determine when and how and where and under what conditions the Government of the United States shall incur indebtedness and increase its debt in time of peace.

I am willing myself to trust the American people. I have never seen an hour since I have been in this body when there has not been a majority of it ready and willing to incur any and all indebtedness that was necessary and requisite to the maintenance of the public credit, and the discharge properly of the public obligations. It is a part of the stock in trade of the people who are arrogating to themselves now, first, superior financial knowledge, and then superior financial integrity, to charge that everybody who does not agree with them is dishonest. We have heard it in this Chamber, we have heard it in the other, and we have heard it through the press; and yet those of us who here contend for what we claim is a decent system of finance have upon all occasions been found as active, as earnest, and as intelligent in maintaining the public credit and the public honor as these self-satisfied Pharisees who claim that they alone possess the honesty and the ability to deal with this question.

The question is not one that requires a great deal of examination or discussion, and at this hour I do not intend to go into any general argument in relation to it. The authority for the issue of bonds, if found at all, must be found under the act of 1875, in my judgment. If this act does convey to the President of the United States the full authority which it is asserted it does, and which I am not now denying—if it was intended to lodge that power with the Executive, it was under circumstances absolutely dissimilar to those now presented to us that the power was lodged with the President. The Senator from Ohio [Mr. SHERMAN] himself, who has spoken of his connection with the act of 1875, could not have contemplated at any time that such a condition of affairs would exist as prevails now. When it was determined by the American people through their representatives that the Government would redeem the greenbacks in coin, it was not anticipated that the greenback would be used as an agency for the accumulation of money for export, whether it might be gold or silver. It was supposed that in the course of business affairs occasionally a man holding a greenback or a paper note would want gold or silver, the money of the world, and the Government undertook, as every just government should, to provide for a proper exchange for the paper money of the money recognized as the world's money, which I repeat was gold and silver, and in that day a decided preference for silver over gold existed.

The act took effect four years after its passage. I was not connected with this body when the act was passed. I was a member when it went into operation, as I had been for some time previous. We had provided in that act for what we thought would be the ordinary demands of business and trade. We had left it with the executive department to determine how much should be accumulated. There had been nothing said about the amount, and the Secretary of the Treasury fixed the sum in the neighborhood of $100,000,000. I will say that there was a good deal of controversy in the public press and some in this Chamber and some in the other body as to whether $90,000,000 or thereabouts was enough. It was asserted by some that the people would make a rush for the gold and that it would be all at once taken out. In the first year there was $11,000,000 of greenbacks presented to the Treasury for redemption or exchange, and in the succeeding eleven years and six months there was $23,000,000 in round numbers and a few odd hundred thousand dollars exchanged. It is apparent from this fact that this exchange of greenbacks for gold was a legitimate transaction, not for export but for use. Occasionally a man might have desired gold to lay away; occasionally he might have obligations that required him to produce gold to pay his debts; and in the eleven years and six months $28,000,000 alone was exchanged. That brings us up to 1890, and in the succeeding two years there was $15,000,000 more. There was in thirteen years and six months $43,000,000 of greenbacks exchanged for gold. We had maintained up to that time from $100,000,000 to $150,000,000 of gold in the Treasury to make sure that the men who wanted the gold could get it.

Since 1892, when the $43,000,000 had been exchanged, how much gold has been exchanged from the Treasury for greenbacks? From July 1, 1892, to December, 1895—and I have not followed it beyond that, because I have taken the Secretary's report for it—we had exchanged $360,266,000 in gold for either greenbacks or Treasury notes. During that time we had exported $305,000,000, leaving about $55,000,000 that was withdrawn from the Treasury that did not go abroad. What became of that I do not know. I presume some of it has been lodged in safe deposits, some of it has been made probably a special deposit in banks, largely growing out of the fact that the Treasury Department and the Government itself as an entity has been engaged during the last three years in declaring to the public that there were grave doubts whether the Government had either the honesty or the ability to continue this system.

It would be interesting to go into the reason why $305,000,000 have been withdrawn from the Treasury and exported. There is no time to-night. The gold people will tell us and do tell us that it has arisen from the fact that the silver question was especially alive and especially being discussed. In 1876 the silver question was here. In 1876 I first came into this Chamber, and amongst the first things that I heard discussed during the following winter was the silver question. In 1877 and 1878 it was as live a question as it has ever been in this body and in the other, and the public were discussing it everywhere. It has been a live question ever since.

In 1893 we changed Administrations. For myself I did not believe then, and I am free to say now, that I doubt whether it was wise that we made the change. It is asserted by those who represent the views that I do, in part at least, that the whole disarrangement of our finances and the withdrawal of gold from the Treasury, running from comparatively nothing to the rate of $100,000,000 a year, has grown entirely out of the discredit thrown upon the Government by a change of Administration. Mr. President, there never was a greater mistake than those make who believe that to be the case. The same condition, in my judgment, would exist to-day if Mr. Harrison had been reelected. I will add that a change of Administration must, in some degree, disturb and disorder business; and if Mr. McKinley, with all the promises that he and his friends are making, shall be inaugurated on March 4, 1897, there will be some disturbance then growing out of a change of Administration.

The other day, in looking over the financial reports of the city of New York issued by the great financial papers, I found that there had been a disturbance in the money market, and then I found the statement made by leading financiers that that had been largely the result of the almost certainty that McKinley was going to be nominated as the next candidate of the Republican party. It is easy enough to get up a fright and to disturb business. But the three hundred and odd million dollars that have gone out of this country, to which I have called attention, have not gone out of the country because of any fright; it was not because they were afraid of the party that is in power, nor is it because they are afraid of the party that is coming into power.

Mr. ALLEN. I should like to ask the Senator from Colorado a question.

Mr. TELLER. Certainly.

Mr. ALLEN. The Senator says that the financial journals spoke of some fright existing in consequence of the prospect of Mr. McKinley becoming President. Does the Senator mean to be understood that the bondholders are becoming frightened because Mr. McKinley, if President, would favor bimetallism, the restoration of silver, or anything of that kind?

Mr. TELLER. I do not think there is anything in the statement that the public were frightened because of Mr. McKinley's candidacy. It was only a statement that the financial papers made to excuse the disordered condition of the finances of the country. It would be very interesting if I could bring here and read to the Senate—I follow them with some closeness myself—the monthly and daily circulars that are issued. To-day one cause is given as the reason why prosperity has not come. Sometimes it is a storm in the West; sometimes it is a speech that some one has made on the silver question; and sometimes it is something else. Childish and foolish and weak are the excuses which have been made for two years now by those who promised the country prosperity, and I mean to say that the statement in regard to Mr. McKinley was but an excuse.

Mr. President, I do not think that the gold people need to have any fears of Mr. McKinley. I do not think that they have any fears of him, either. When you see the declaration that is made by his friends and when you study his record I do not think there need be any distrust on their part as to his attitude on the money question.

I did not mean that as an indication that it was a truthful statement, but simply to show that all the difficulties which exist must be attributed to something. Probably no one had made a silver speech within a few days, and they could not attribute it to that, and so they said: "Well, it is the looming up of the McKinley candidacy which has now disturbed the finances of the country."

Mr. President, if our finances are in such a deplorable condition as to show that there is something wrong about the system, that is not the cause. We are a debtor nation. We have by our system of finance destroyed the price of our products out of which we are compelled to pay our debts abroad. Their value is one-half what it was a few years ago. Seventy-five per cent of all our exports are the products of farms and fields. We double them in quantity, and when we have doubled them in quantity we find we have halved them in value.

If since 1873 the products that we have sent to Europe had brought the gold prices of 1873 the American people would not owe a dollar to Europe. That statement was made in one of the financial papers of London last summer, and it is undoubtedly true. The exports of gold are legitimate and proper, because we are in debt and because we have not products enough that we can send abroad to meet the demands that are made upon us. The conditions have changed since 1875. If we thought then that we could afford to sell bonds and keep on hand gold to exchange for greenbacks whenever any citizen desired such exchange, we must see that to-day the conditions are so different that it is not justifiable that we should continue the same system. We must either now adopt some other system or we must undoubtedly continue to sell bonds.

Mr. JONES of Nevada. Or go into bankruptcy.

Mr. TELLER. Or go into bankruptcy, as suggested. Mr. President, I do not know but that we shall go into bankruptcy. Certainly there will be no prosperity brought to this country by the sale of bonds. It is true we may borrow some money abroad. We borrowed some with the first issue of bonds and we borrowed some on the second, and I am told by those who ought to know that in ninety days all the bonds that we sold on the second issue were in New York. Whenever the price rises a little above what was paid for them here they come to this country, and that process will be continued to the end of time.

Mr. President, we shall have to adopt some other system. The President of the United States has a system. He says that to retire the greenbacks and relieve the Treasury will do it; that if we retire the greenbacks and the Treasury notes the Treasury will no longer have raids made on it by the exporters of gold. The great American sentiment is against that policy. That is a contraction of currency of more than one-third of all we have in circulation. That is impossible, Mr. President. It is impossible unless we devise some method of putting in its place other money. I do not know how we can do it except by bringing into use the gold and silver that we have in such abundance.

Mr. President, we are producing to-day, I think I may say without question, as much gold as any other nation in the world, and more silver. We could, by a wise system of legislation, make every ounce of gold that comes out of our mines, and every ounce of silver, equal in purchasing power at a ratio we may establish. The Senator from Iowa in front of me [Mr. ALLISON] says he does not think we can. He does not think that we can open our mints now. The Senator from Iowa did not think in 1878, when the House sent us a free-coinage bill, that we could open our mints, when silver was only 7 or 8 per cent below par, when the divergence between the bullion in the silver dollar and the bullion in the gold dollar was less, as I recollect, than 8 per cent. The Senator said then, "You can not do it," and the American Senate followed his lead, and there never has been a legislative act, in my judgment, by any nation on the face of the earth that has been fraught with more evil as that act. Had we accepted the bill as it came to us from the House we would have stopped the fall of silver, and silver would have retained its place as the money metal of commerce, as the favorite money metal of the world.

The Senator, as much as I cherish and respect him, can not ask me, in view of what I regard as one of the greatest legislative blunders of the present age or any other, to follow him upon his mere suggestion that in his judgment it can not be done. The history of the world is against him. The logic of the position is against him. The philosophy is against him. We can go to free coinage and maintain the parity of the two metals, as Mr. Gibbs said, when asked by the English commission. It was said, "Can Great Britain handle this question alone and maintain the parity of the two metals?" He replied, "Any great nation can do it."

The Senator from Illinois [Mr. CULLOM] yesterday gave us his opinion. I respect the Senator from Illinois for things he has studied and knows. He said: "I do not believe you can maintain the parity. I do not believe the divergence between silver and gold is the result of legislation, but, on the contrary, it is overproduction." The English commission, composed of 12 men, and it will not be invidious if I say that every one of them was the peer of any man here on this subject, declared with a universal voice that the depreciation of silver was not overproduction, but it was the disuse of it by legislative enactment, and that alone.

The $200,000,000 that is now put out upon the world, according to the statement of the Senator from Illinois, is less in proportion to the demands of commerce and trade that the world is now demanding than the gold that was put out by California, Australia, and the Ural mines. It is one of the laws of commerce and trade that with the output of more gold and more silver there is a greater demand for it, and there has never been an hour in the history of the world when the silver and gold reached up to the demands of commerce and trade. It has not done so yet. It will not do it. If it doubles in amount use will be found for it in the stimulated activities. Ah, Mr. President, had we not better try it? Can we not try it? Is the condition of the people of this country so good, is it so desirable and so satisfactory that we can not afford to take any chances or try any experiments?

Mr. PALMER. May I ask the Senator from Colorado a single question?

Mr. TELLER. Certainly.

Mr. PALMER. Does the Senator regard it as an experiment?

Mr. TELLER. I do not.

Mr. PALMER. The Senator spoke of trying the experiment.

Mr. TELLER. But I say if it is an experiment we had better try it. The Senator from Vermont [Mr. MORRILL] this morning, whom I do not see now in his seat, repeated the objections to free coinage which he has urged here for the last twenty years in my hearing. He told us of the great French economist, Mr. Cernuchi, whom he had the honor of inviting to his table—and it was an honor, for he was a great thinker and a great political economist—that he had declared when here that we could not afford, as a nation, to "go it" alone. It is true, Mr. President, that he did so declare at that time. But years afterwards and years ago in the most pronounced manner possible he declared that the American people were rich enough and strong enough, and if they would only take hold of this question they could handle it alone. The Senator from Vermont forgot to tell us that. It is only a half truth that you hear on this subject.

We hear of a 50-cent dollar. Mr. President, any man who gets up here and uses that argument insults the intelligence of the Senate and he insults the intelligence of the American people. There is not a 50-cent dollar anywhere on the face of God's earth to-day. There is no depreciation in a silver dollar anywhere compared with commodities. Take Mexico. Take the Mexican silver dollar that exchanges here at the rate of 54 cents for your gold. Is it a 50-cent dollar in Mexico? Take the Japanese yen. Is it a 50-cent yen in Japan? Not at all. Everybody knows better. The Mexican dollar in every market where it is treated as money, and that is on more than one-half of the face of the earth, and that, too, in the hands of three-fourths of the people of the globe——

Mr. VILAS. Mr. President——

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. TELLER. Not now.

The PRESIDING OFFICER. The Senator from Colorado declines to yield.

Mr. TELLER. Three-fourths of the people of the globe are using it, and not as a 50-cent dollar, but as a 100-cent dollar. It will buy in Japan, it will buy in China, it will buy in India, it will buy in the Straits Settlements, it will buy in Mexico, and it will buy here as much of human products as it would ever buy. Yet the Senator from Illinois spent the most of his time in talking about the dishonesty of the 50-cent dollar. He never saw a 50-cent dollar.

Mr. President, if you will go to Mexico to-day you will find the Mexican dollar will purchase as much property there as it would thirty years ago; if you go to Japan you will find that the Japanese yen, equivalent to the Mexican dollar in the amount of silver it contains, will purchase as many commodities as it would ever purchase. It is in this country when measured with gold, and gold alone, that you can say that the depreciation exists. You have a 200-cent dollar. That is what is the difficulty here. You have a dollar when measured by commodities which measures more than twice what it measured when I came into this body, more than twice what it measured when we passed the Bland-Allison Act. It measures 21 per cent more of farm products than it did when you repealed the Sherman law. That is the trouble with this country, and that is the trouble with your dollar.

I do not intend to detain the Senate at this time with a discussion of this question. I am moved to say these things because I regard the statements which have been made on this floor by those who are contending that we are too weak to have a financial system of our own as lacking in patriotism and, I will say, not meaning to be offensive, as an insult to my intelligence, as it is to that of every other thoughtful man. We are big enough and rich enough and strong enough to have a financial system of our own; and I myself do not believe there would be any experiment or any loss. But if there were, what becomes of the patriotism of the country, and what becomes of your confidence in the people, who are supposed to be the fountain of all power and authority, if you dare not trust them, if you dare not let the American people have their say upon this question—not only upon the question whether the bonds shall be sold, but also upon the question whether we shall make use of silver as our fathers made use of it, and as it is being made use of in a great portion of the earth; in fact, the greater portion of it to-day as primary money?

Mr. CULLOM. Would it interrupt the Senator if I should read a paragraph from a newspaper and ask a question for information from the Senator from Colorado? Because I think he can explain it, and I am sure I can not. What I wish to read is in reference to the Mexican dollar, of which the Senator has just spoken. The quotation is as follows:

To the Editor:

I saw in the Record recently a letter from W. W. containing some financial queries, the first being in regard to what part of Mexico one can get two Mexican dollars for one American dollar. In any large city near the Mexican border or in Mexico money can be changed, but not quite two dollars for one. If both coins contained an equal amount of silver the ratio would be 2 to 1, but the Mexican dollar contains the most silver; one United States dollar being worth $1.88 in Mexican money.

At Monterey, Nuevo Leon, Mexico, I cashed a $50 Chicago draft, receiving $94 Mexican money; at Durango, Mexico, I was paid at the Wells-Fargo Express office, for $100 wired from Chicago, 188 Mexican silver dollars (no light load in that warm climate).

What I desire to inquire, in perfect good faith, is (because I do not understand the reason for it), if the Mexican dollar has as much silver in it as the American dollar, or more, how it happens that we can get almost two Mexican dollars for one American dollar?

Mr. TELLER. The Senator ought not to have any great difficulty in that.

Mr. CULLOM. I should like to have it explained.

Mr. TELLER. One can go to Japan and do the same thing with the Japanese yen. The reason simply is that we are on the gold basis, and everything in the world which is measured with gold is worth practically but half what it was a few years ago. In other words, where the gold standard prevails there has been a shrinking and shriveling of values. You can go to Great Britain to-day, which is on the gold standard, and you can buy land in that country for one-fifth of what you would have had to pay

for it thirty years ago. You can go to the rich State of Illinois, which the Senator represents, and within 125 miles of the city of Chicago you can buy the best land that the sun ever shone upon for 40 per cent less than it could have been bought for twenty years ago. You may go to the State of Ohio, in the neighborhood of the great city of Cincinnati—I am not speaking now at random—and you will find that you can buy land there now for half what you could have bought it for less than twenty years ago.

Mr. CULLOM. Mr. President——

Mr. TELLER. In one moment I will yield to the Senator.

Take Illinois. The city of Chicago has trebled her population since the time that I have been familiar with the Rock River Valley, and yet land in the Rock River Valley, or 125 miles from it, will not bring as much now as it would have brought eighteen or twenty years ago. Why should that be? Illinois has a good government; Illinois has a good climate; Illinois has had prosperity, and has filled up her great city with thousands and thousands of men who are demanding the products of farmers; and yet the products of farmers are lower now than they were twenty years ago, and the farms themselves in any portion of that great State will bring but little more than half of what they would have brought then.

Mr. CULLOM. I only wanted to say that, while I am not familiar with the prices of land in all parts of the State, I think in the central portion the land is substantially holding its own, and has been during recent years.

Mr. TELLER. "Substantially holding its own," when you have quadrupled your population. The price of land ought to have doubled.

Mr. CULLOM. That may be so, but the Senator knows very well there are other reasons besides the question whether or not we are on a gold basis which have materially affected the prices of all things in this country, land included.

Mr. TELLER. I deny that there is any particularly powerful agency which has depreciated land in this country in the sections of which I am speaking. I will admit that the railroads which reach Chicago and the great prairies did depreciate somewhat the value of land in New York; I will admit that the competition has put down the prices of farm products in New York; but that is not true of the great prairie West. In that section they have nothing beyond them in the way of competition. What I said of Illinois is true of Kansas; it is true of Nebraska; it is true of Minnesota. The only places where the value of land has appreciated are in the vicinity of cities and towns where it has a prospective value with reference to either being cut up into small farms or that it shall be occupied as town lots.

Mr. President, the Senator wants to know why you can get $2 down in Mexico for one American dollar. It is because you can bring back that American dollar and you can purchase twice as much with it now as you could purchase twenty years ago. The only exception there is to the ability to purchase twice as much is labor. There is an exception there. I will admit that you can not purchase twice as much labor. The labor organizations have held up the price of labor; but does not everybody know that that can not be continued; that ultimately the price of labor must drop with that of the products of labor?

In every gold country without exception the condition prevails which prevails here; that is to say, we are worse off to-day than we were formerly. We have grown poorer. I suppose there never was an hour in the history of this country when there was so much discontent; when there was so much complaint; I may say, when there was so much distress.

The other day I received a letter from one of the great, rich States of the West, asking me, as a member of the Judiciary Committee, to do something with the bankruptcy bill; and the writer, whom I do not know, but from the character of his letter I have no doubt he is a truthful man, said:

> We need a bankruptcy law; our homes are being taken from us under mortgage claims; and when they have taken our all, they leave us in debt.

That was from a State for which nature has done as much as for any State in the Union, both as to climate and as to soil.

A few days since an intelligent medical man from the State of Nebraska said to me:

> In the neighborhood in which I am practicing my profession there is not, to my knowledge, 5 per cent of the whole farming community that are not in absolute distress; not entirely, I will admit, owing to the financial question, but largely owing to that.

Mr. President, there is nobody here, save the Senator from Kentucky [Mr. LINDSAY], who will rise and assert that the present financial condition of the United States is a satisfactory one. "Oh, we have held our own," the Senator from Illinois says; but we ought to have done more. They have done more than that in Mexico; they have done more than that in Japan; they have done more than that in China. Progress is the rule in China; progress is the rule in Japan; progress is the rule in Mexico and Central America, and retrogression, depreciation, and fall in values is the rule in this country and in every other gold-standard land.

I only wish to say a word or two more, and that in reply to a suggestion made by the Senator from Utah [Mr. BROWN]. The Senator from Utah, in a very ingenious, but not ingenuous, speech, undertook to make it appear that I, with others, had been found voting against a silver proposition in this Chamber. He, representing a community interested in silver, found himself training under the leadership of the distinguished Senator from Vermont [Mr. MORRILL] and the distinguished Senator from Ohio [Mr. SHERMAN]. He was following them in their mad zeal to accomplish something for silver. The people of Utah are a people of intelligence, and that kind of talk will fool nobody in Utah; it certainly will fool nobody in Colorado. If the Senator is proud of his silver leaders and wants to train with the senior Senator from Ohio and the senior Senator from Vermont, he will hardly establish a character in the great Northwest of being zealous for silver.

So far as I am concerned, I believe the silver question to be the paramount question before the American people. I believe, as I believe that I am alive, that it is the duty of every man here and everywhere else to settle this question, and to settle it so that there shall be a return to the use of both metals on an equality to be established by law. I do not believe that you will ever have prosperity until that is done. I do not believe the unfortunate condition now existing will be reversed and set aside until you make that the paramount question of all questions in legislative life and in legislative fields.

I know that the Senator from Connecticut not long since told us here that, as to those of us who had said we put the financial question in front of the protective system, the people of our States would not sustain us in that view. Mr. President, the people of four of the States whose representatives took action here have been heard from. There has been no condemnatory voice from those States. The people of the great Northwest understand that this is the great question that is being presented for their consideration. I want to say to the Senator from Connecticut that the people of my State have been attached to the protective system as the people of his State have not been. We have given Republican victories and Republican officials when his State, the center of manufacturing as it is, has given other votes; and yet we know that the protective system as applied to our section of the country has not been of local benefit. We, however, have been protectionists, as I have said before in this Chamber, because we believed that the greatest good to the greatest number should be the rule, because we believed that if we brought prosperity into Connecticut we should bring prosperity into Texas and Colorado. I so believe now; but we must have a system of finance not local, not applying to one section, but applying to all.

I am not advocating the use of silver as money because it is created or dug out of the earth in my State, but because, in my judgment, the use of silver will promote the interests of those people who are now crying out against it, and who are telling us, as they were a few days since, that the silver question had been relegated to the rear, and that nothing more would be heard of it.

Mr. President, I said here two months ago that the silver question was a lively corpse. It is more than lively. Two or three months ago great effort was made to control the great political parties and to put them in harmony on the money question. The bankers and the bankers' conventions told the people, "You must see to it that both political organizations, Democrats and Republicans, declare for the gold standard." We were told that a large sum of money had been raised to accomplish that desirable end. There was no secret about it. It was proclaimed from the house tops that that was to be done and that it was being done, and we have had the proof in various sections of the country that it was being done. Yet, notwithstanding that, Republican States, States in the Union, States of equal intelligence with any other, have been declaring for free silver, and the great Democratic party is now, I believe, practically ready to inscribe on its banner free coinage.

The people of the United States have learned that the question of free coinage is one that comes home to them. They know that the money question is one which touches every man's interest. They know that there is no legislation which can be enacted, that there is no legislation which ever has been enacted, that comes so close home, to the men on the farm and in the shop and in the mill and in the mine, as the financial question, and they know that a mistake upon that question is a mistake which goes deeper and outrages them more than any other mistake that can be made in legislation; and they are taking hold of it.

We had an election in Oregon yesterday. The Senator from Oregon [Mr. MITCHELL] has been an intelligent and pronounced advocate of free coinage for many years by my side. He is a candidate for reelection. All the powers of the gold field and the gold standard have been arrayed against him. The great press of his State has been bought up. And yet, if we are not misinformed to-day, he has made a triumphant success in his candidacy, and he has been indorsed by the people as he never was indorsed before. The Representative who ran as a silver man is elected. The Representative who defeated a silver man in the House for the nomination and who ran as a gold man or a straddler, if not an avowed gold man, is reported to be defeated.

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CONTAINING

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The American people are alive to this question, and if the Republican party, the great party that it has been, is of the opinion that it can hold in its folds the great mass of intelligent people in the Northwest who have voted its ticket, who have defended its interests, who have believed in its principles, with the gold standard incorporated in its platform they never made a greater mistake. If they choose to adopt the gold standard, as the demand now is that they shall, they will see their vote in this Chamber disappearing, because there are States in the West which have maintained the Republican flag here and kept the party in power in this body for twenty years which will not longer send men here who will regard the tariff question as the paramount one when it comes to legislation.

What the Republican party will do at St. Louis I do not know, but I believe I know enough of the public sentiment of the great West, I believe I know enough of the public sentiment of the plain people, the honest people, to know that the party which inscribes on its banner "The gold standard" inscribes on its banner "Defeat."

Mr. BURROWS obtained the floor.

Mr. BROWN. I should like to ask the Senator from Colorado a single question.

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Utah?

Mr. BURROWS. Certainly.

Mr. BROWN. I wish to ask the Senator from Colorado if he thinks the sole test of devotion to silver is to vote against the Senator from Vermont [Mr. MORRILL] or the Senator from Ohio [Mr. SHERMAN]?

Mr. TELLER. Oh!

Mr. BROWN. If they should propose a silver measure or be in favor of it or vote for it should we as silver men vote against it?

Mr. TELLER. That question is not worth answering.

Mr. CULLOM. Will the Senator from Michigan allow me to put a few facts into the RECORD?

Mr. BURROWS. Certainly.

Mr. CULLOM. The Senator from Colorado [Mr. TELLER] has referred to Illinois lands and property. I desire simply to put their value into the RECORD. The farm values in Illinois were, in 1850, $96,133,000; in 1860, $408,944,000; in 1870, $920,506,000; in 1880, $1,009,594,000; in 1890, $2,262,870,000. The value of lands in Illinois is not declining very rapidly.

Mr. TELLER. I should like to say one word. I did not go into the details. The authorities state that in Pennsylvania there has been a shrinkage of $120,000,000 in farm values. In the products of farm and field in the United States in the last five years there has been a shrinkage of $1,400,000,000.

Mr. BURROWS. Mr. President I scarcely possess the assurance at this late hour, when I know how impatient the Senate is to vote upon the pending proposition, to ask the attention of the Senate to anything I may have to say, and I desire to assure Senators at the outset that I shall not detain the Senate long to state the reasons why I can not give the pending measure my support.

The bill presented by the Senator from North Carolina [Mr. BUTLER], and which has engaged the attention of the Senate for many days, involves the consideration of only three propositions, namely: First, the terms of the existing law; second, the proposed change; and third, the probable effect which would follow such change. It in no way involves directly the silver question, and I shall not, therefore, discuss that issue.

THE EXISTING LAW.

The existing law which it is proposed to modify is the act of January 14, 1875, commonly known as the resumption act. I beg to insert it here in my remarks:

ACT OF JANUARY 14, 1875.

An act to provide for the resumption of specie payments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and required, as rapidly as practicable, to cause to be coined, at the mints of the United States, silver coins of the denominations of 10, 25, and 50 cents, of standard value, and to issue them in redemption of an equal number and amount of fractional currency of similar denominations, or, at his discretion, he may issue such silver coins through the mints, the subtreasuries, public depositaries, and post-offices of the United States; and, upon such issue, he is hereby authorized and required to redeem an equal amount of such fractional currency, until the whole amount of such fractional currency outstanding shall be redeemed.

SEC. 2. That so much of section 3524 of the Revised Statutes of the United States as provides for a charge of one-fifth of 1 per cent for converting standard gold bullion into coin is hereby repealed; and hereafter no charge shall be made for that service.

SEC. 3. That section 5177 of the Revised Statutes, limiting the aggregate amount of circulating notes of national banking associations be, and is hereby, repealed; and each existing banking association may increase its circulating notes in accordance with existing law without respect to said aggregate limit; and new banking associations may be organized in accordance with existing law without respect to said aggregate limit; and the provisions of law for the withdrawal and redistribution of national bank currency among the several States and Territories are hereby repealed. And whenever, and so often, as circulating notes shall be issued to any such banking association, so increasing its capital or circulating notes, or so newly organized as aforesaid, it shall be the duty of Secretary of the Treasury to redeem the legal-tender United States notes in excess only of $300,000,000, to the amount of 80 per cent of the sum of national-bank notes so issued to any such banking association as aforesaid and to continue such redemption as such circulating notes are issued until there shall be outstanding the sum of $300,000,000 of such legal-tender United States notes, and no more. And on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem in coin the United States legal-tender notes then outstanding on their presentation for redemption at the office of the assistant treasurer of the United States in the city of New York in sums of not less than $50. And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required he is authorized to use any surplus revenues, from time to time, in the Treasury not otherwise appropriated, and to issue, sell, and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect, and to use the proceeds thereof for the purposes aforesaid. And all provisions of law inconsistent with the provisions of this act are hereby repealed.

It will be observed by the express provisions of this act it is declared that on and after the 1st day of January, 1879, the Government of the United States would undertake to redeem in coin, on demand, all its outstanding United States notes, commonly known as "greenbacks."

At the close of the war, in 1865, it was found that the Government of the United States had outstanding $400,000,000 of paper currency, or promises-to-pay "dollars," worth at one time only 35 cents on the dollar. At that time there was no expectation in the public mind, nor any other course suggested, than to pay these obligations at an early day. It was the only honest thing to do. Secretary McCullough but reflected public sentiment when, in 1865, he recommended, as Secretary of the Treasury, the payment and retirement of these outstanding notes.

On the 12th of April, 1866, Congress approved of the recommendation of the Secretary by passing the following act:

ACT OF APRIL 12, 1866.

To amend an act entitled "An act to provide ways and means to support the Government," approved March 3, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to provide ways and means to support the Government," approved March 3, 1865, shall be extended and construed to authorize the Secretary of the Treasury, at his discretion, to receive any Treasury notes or other obligations issued under any act of Congress, whether bearing interest or not, in exchange for any description of bonds authorized by the act to which this is an amendment; and also to dispose of any description of bonds authorized by said act, either in the United States or elsewhere, to such an amount, in such manner, and at such rates as he may think advisable, for lawful money of the United States, or for any Treasury notes, certificates of indebtedness, or certificates of deposit, or other representatives of value, which have been or which may be issued under any act of Congress, the proceeds thereof to be used only for retiring Treasury notes or other obligations issued under any act of Congress; but nothing herein contained shall be construed to authorize any increase of the public debt: *Provided*, That of the United States notes not more than $10,000,000 may be retired and canceled within six months from the passage of this act, and thereafter not more than $4,000,000 in any one month: *And provided further*, That the act to which this is an amendment shall continue in full force in all its provisions, except as modified by this act.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury shall report to Congress at the commencement of the next session the amount of exchanges made or money borrowed under this act, and of whom, and on what terms, and also the amount and character of indebtedness retired under this act and the act to which this is an amendment, with a detailed statement of the expense of making such loans and exchanges.

Under the operation of this law the Secretary had retired only about $44,000,000, when there arose a public clamor that the further retirement of these notes should cease. Not only this, but a demand was made that the Government, instead of paying its outstanding obligations of irredeemable paper, should increase its volume until, in the popular phrase, it should be "equal to the demands of trade," whatever that might be.

In the campaign of 1868 the issue was fought upon these lines, and all sorts of financial schemes were devised and suggested to avoid the honest payment of our national obligations. The idea took possession of the public mind that an inflated and irredeemable cheap currency meant increased prices and enlarged prosperity. It was even proposed to pay the 5-20 interest-bearing bonds in United States notes, discharging interest obligations with noninterest obligations, and some people actually believed one debt could be liquidated by another. All sorts of financial vagaries were rife, including the theory that a "stamp made money," and that therefore all that was necessary to secure sufficient currency to meet the "demands of trade" was to issue paper stamped as money, redeemable in nothing and payable to nobody. That was a popular idea in some portions of the country. As General Butler, one of the leaders of this faction, said: "As in the beginning God said, 'Let there be light,' and there was light; so might the Government of the United States say 'Let there be money,' and there is money." I have been astonished to hear that same sentiment repeated in this Chamber during the progress of this debate. But such was the public apprehension that the Government of the United States was about to embark upon the perilous and boundless sea of irredeemable paper money that even the public-credit act of March, 1869, which declared:

The United States solemnly pledges its faith to make provision, at the earliest practicable period, for the redemption of the United States notes in coin—

even this did not serve to allay public apprehension or avert the panic of 1873. With that panic came, of course, hard times and

low prices, and the demand became more violent for an increased issue of irredeemable paper, and Congress, yielding to this demand, by the act of 1874 directed a reissue of the $44,000,000 of greenbacks which had previously been retired.

This act was promptly vetoed by President Grant, with the declaration that the road to prosperity was not paved with irredeemable paper money.

The people at last learned in the severe school of experience that there could be no assured and permanent prosperity until the Government returned to a sound financial basis.

Hence the resumption act of 1875.

By the terms of that act the Government promised on the 1st day of January, 1879, to redeem in coin all its outstanding notes, and the holders of these notes, which heretofore bore no date of payment, were authorized to write in the body of these obligations "January 1, 1879," so that they should read: "The United States will pay the bearer ——— dollars January 1, 1879."

In order to enable the Secretary of the Treasury to make good this public declaration, he was authorized not only to use all the surplus revenues of the Government not otherwise appropriated, but was also empowered to issue, sell, and dispose of the bonds of the Government for the purpose of securing coin with which to keep faith with the public. This power to borrow money, conferred upon the Secretary, knew no limit save the credit of the nation, and it was given him for the very purpose of making the resumption of specie payment a certainty, and place it beyond the possibility of failure.

The propriety of conferring upon the Secretary this extraordinary and unusual power for the purpose indicated was never objected to in the debate in either House during the consideration of the resumption act either by Senator Thurman, Senator Schurz, or any gentleman in either House participating in the debate, but on the contrary it was deemed absolutely essential to insure a return to specie payment.

Under this act and by virtue of it alone the 1st day of January, 1879, saw the Treasury of the United States with $133,000,000 of gold, and prepared for resumption.

It is worthy of mention that this condition of the Treasury was secured by the sale of bonds only to the extent of $95,500,000, and such was the confidence of the public in the intention and ability of the Government to resume and maintain specie payments, that before the day of resumption arrived every United States note was at par with gold, and the "gold room" in New York City closed forever.

From the 1st day of January, 1879, to this hour the Government has not permitted one of its $346,000,000 of outstanding United States notes to go to protest, but has kept them at all times as good as gold and convertible into gold on demand. It is also worthy of note in this connection that from the 1st of January, 1879, to February, 1894—a period of fifteen years—the Government was not compelled to issue a single bond for redemption purposes. Such was the confidence in the purpose and ability of the Government to maintain specie payments that during the first year after the date of resumption only $11,000,000 were presented for payment, and from January 1, 1879, to July 14, 1890—a period of eleven years—there were presented only $28,250,000; while since July 14, 1890, to June 1, 1896, there have been presented for redemption over $390,000,000.

I beg to submit the following table in support of this statement. The total redemptions of notes in gold and the exports of that metal during each fiscal year since the resumption of specie payments have been as follows:

Fiscal year.	United States notes.	Treasury notes of 1890.	Total.	Exports of gold.
1879	$7,976,698	.....	$7,976,698	$4,587,614
1880	3,780,638	.....	3,780,638	3,639,025
1881	271,750	.....	271,750	2,555,132
1882	40,000	.....	40,000	32,587,880
1883	75,000	.....	75,000	11,609,888
1884	590,000	.....	590,000	41,081,957
1885	2,222,000	.....	2,222,000	8,477,892
1886	6,863,699	.....	6,863,699	42,952,191
1887	4,224,073	.....	4,224,073	9,701,187
1888	692,596	.....	692,596	18,376,234
1889	730,143	.....	730,143	59,952,285
1890	732,386	.....	732,386	17,274,491
1891	5,986,070	.....	5,986,070	86,362,654
1892	5,332,243	$3,793,600	9,125,843	50,195,327
1893	55,319,125	46,781,220	102,100,345	108,680,844
1894	68,242,408	16,599,742	84,842,150	76,978,061
1895	109,783,800	7,570,398	117,354,198	66,131,183
1896 (3 months)	36,403,249	1,307,097	37,708,346	37,958,844
Total	309,343,878	76,032,057	385,375,935	679,103,689
Total June 1, 1896	416,304,929	79,757,922	469,062,851	.....

This in outline is the existing law and the result of its enforcement.

THE PROPOSED CHANGE.

It will be observed that under the terms of the resumption act the Secretary of the Treasury was empowered to obtain coin for redemption purposes from two sources, viz, the surplus revenues of the Government and from the sale of United States bonds. And I declare here if it had not been for the power vested in the Secretary of the Treasury to sell bonds, as we are without surplus revenues, all the United States notes and the Treasury notes of 1890 would have gone to protest long ago and the Treasury of the United States been forced to suspend. The measure under consideration—and this brings me to the second point—proposes virtually an amendment to the resumption act by striking out—

And to issue, sell, and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect, and to use the proceeds thereof for the purposes aforesaid. And all provisions of law inconsistent with the provisions of this act are hereby repealed—

and inserting the following so it will read:

And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus revenues, from time to time, in the Treasury not otherwise appropriated but—

In the language of the Senator's bill—

the issuance of interest-bearing bonds of the United States for any purpose whatever without further authority of Congress is hereby prohibited.

Such is the startling modification proposed by the Senator from North Carolina.

THE PROBABLE EFFECT.

If it were possible, Mr. President, to so modify the resumption act as suggested by the Senator from North Carolina, then the only reliance of the Government for a resumption fund would be upon its surplus revenues. But it is conceded we have no surplus revenues. Look at the Treasury exhibit. Our deficiency June 30, 1894, was $69,800,000; June 30, 1895, it was $42,800,000; and June 30, 1896, this very month (thirty days estimated), will be over $30,000,000, aggregating during the three years of this Administration a deficit of $142,000,000.

So it will be observed that the power to maintain resumption from the surplus revenues is utterly destroyed.

NO GOLD REVENUES.

Without this power to sell bonds, gold redemption is absolutely impossible, for our gold revenues are reduced practically to nothing. Where are we to secure gold without the power to borrow? I hold in my hand a statement showing the percentage of gold received for customs during the fiscal years from 1890 to 1896:

Statement showing the percentage of gold received for customs during the fiscal years from 1890 to 1896 (nine months).

Period.	Receipts from customs.	Amount paid in gold.	Per centage of gold received for customs.
Fiscal year—			
1890	$229,668,584.57	$178,988,528.00	77.9
1891	219,522,205.23	147,835,416.50	67.3
1892	177,452,964.15	47,584,479.00	26.8
1893	203,355,016.73	20,747,888.50	10.2
1894	131,818,530.62	27,885,538.80	21.2
1895	152,158,617.45	6,668,398.50	4.6
1896 (9 months)	126,288,486.74	5,069,638.50	4
Total	1,240,264,405.49	435,049,857.80	35.1

OFFICE OF TREASURER UNITED STATES, *May 23, 1896.*

It would seem, therefore, that we have no way of securing gold from our customs revenue and we have no other source of supply. With only a hundred and six millions, in round numbers, of gold in the Treasury, including the reserve, and that constantly decreasing, and without the power to purchase gold, and with substantially no revenues payable in gold, it is perfectly apparent that under the measure proposed gold redemption would have to be abandoned. But if the Senator's bill should become a law it would inaugurate a raid upon the Treasury for the redemption of the outstanding "greenbacks" which would not cease until the last dollar of gold had been drawn from the Treasury and the Government forced to close its doors and suspend specie payments.

Mr. STEWART. Will the Senator from Michigan allow me to ask him a question?

Mr. BURROWS. I do not care to yield.

Mr. STEWART. Suppose they should pay silver first?

Mr. BURROWS. I will come to that. But the answer is as suggested this moment by the Senator from Nevada, we will redeem in silver. That, of course, means a silver basis at once. But we could not even maintain redemption in silver for any considerable time, for we have only twenty-eight millions of free silver, which would hardly be regarded a sufficient sum to redeem on demand nearly five hundred millions of outstanding paper. So it is seen to what condition we would be reduced. With no

power to purchase either gold or silver, and with no surplus revenues at our command in either coins, the suspension of specie payments would become inevitable.

But it is stated that this power has been abused by the present Administration. Grant it if you please. That is no reason why it should be wholly withdrawn. All power is subject to abuse, but that is no reason why its legitimate exercise should be withheld. And I repeat if this power had not existed under this Administration, and had not been exercised with vigor and courage the doors of the Treasury would have been closed long ago and our paper gone to protest. But let me suggest in this connection that the exercise of the power to sell bonds to the extent of more than $260,000,000 has been made necessary by the free-trade policy of this Administration, by which the revenues of the Government have been cut off and reduced far below the necessary expenses of the Government.

From 1879, the day of resumption, to March 4, 1893, when this Administration came into power with its policy of free trade, there was no complaint and there was no "endless chain" drawing the gold out of the Treasury, because we always were in possession of a surplus revenue.

As I have already stated, there were no bond sales to secure a redemption fund from 1879 to 1894, and not until the revenues under this Administration became insufficient to meet the ordinary expenses of the Government was public apprehension aroused lest the Government would be unable to meet its demand paper. So the "endless chain" was set in motion, which, from July 14, 1890, until June 1, 1896, this very month, drew more than $390,000,000 of gold from the Treasury.

How far the apprehension that we are to go to a silver basis has contributed to this disaster I shall not now stop to inquire.

THE SENATE'S PATRIOTISM?

One word more and I am done. It is said no harm will come, although we have no means of securing gold or silver. It is said that no harm will come, because Congress can be convened at any time and its patriotism can be relied upon to meet any emergency. Several Senators have given expression to such a sentiment. It might be responded to gentlemen who express such unbounded confidence in the patriotism of Congress as was said of old. "I have not seen such faith; no, not in Israel."

The patriotism of the people in the end will settle this question, and settle it rightly, but I fear if we depend upon the patriotism of Congress it will be found that we lean upon a broken reed. Rely upon the patriotism of Congress! If there was ever a time in the history of this Government when there was an opportunity for the exhibition of patriotism and business judgment it has been during the last six months, while this Congress has been in session, when the Treasury has been depleted and the public credit imperiled.

Unfortunately the course of the present Congress, so far as the Senate is concerned, has not been such as to inspire public confidence either in the patriotism or financial wisdom of this body. The House of Representatives, within thirty days after its organization, proposed and passed a measure to increase the revenues of the Government by $40,000,000. The Senate referred that bill to its Committee on Finance, which committee loaded it down with a proposition for the free and unlimited coinage of silver, knowing when they did it that as thus amended it could never pass the House of Representatives, or if it did it could not receive Executive approval. Was that patriotic? The Senate then refused to even take the measure up for consideration, and I am safe in saying that it never will be considered by this body.

This is the patriotic response of Congress to the demand to replenish an exhausted Treasury. Neither can the patriotism of Congress, so far as this Senate is concerned, be relied upon to confer upon the Secretary of the Treasury the power to issue bonds to acquire coin for the purpose of maintaining the public credit. The House of Representatives at the present session very promptly passed an act authorizing the Secretary of the Treasury to issue and sell bonds bearing interest at 3 per cent, and requiring him to use the proceeds from such sale for the redemption of United States legal-tender notes, and for no other purpose, so as to avoid the abuse of that power, and also to issue $50,000,000 of certificates of indebtedness, drawing a like rate of interest, for the purpose of meeting any temporary deficiency.

What was the "patriotic response" of this Senate to that proposition? Free and unlimited coinage of silver—the same proposition that was attached to the tariff bill—the coinage of the seigniorage in the Treasury, and providing for the issuing of silver certificates for the same in advance of its coinage. The Senate could not wait even for the coinage; and then, to cap the climax, providing for the redemption of the United States and Treasury notes in gold or silver, at the option of the Government. So much for the patriotism of the Senate of the United States.

But, I repeat, this measure is a proposition to force this Government to a silver basis by cutting off the revenues and then depriving the Secretary of the Treasury of the power to purchase coin.

Take from the Secretary of the Treasury the power to sell bonds for the purpose of obtaining coin for the maintenance of specie payments and convene this Congress for the purpose of reinvesting him with such power, and I hazard nothing in saying the only response that would be made would be a proposition for the free and unlimited coinage of silver and the payment of our outstanding demand obligations in either gold or silver at the option of the Government.

If it is not the purpose of the author and supporters of this measure to secure this end, the effect of it will surely be to force the Government to a silver basis.

But fortunately for the country this proposition can not receive, whatever may be its fate here, the approval of the House of Representatives or the sanction of the Executive. It will be most unfortunate if it shall receive the approval of a majority of the United States Senate. It is to be deplored that this great body, regarded as the most august legislative assembly on earth, should attempt to strip the Government of all power to maintain its credit, even in times of profound peace.

If it were possible for such a proposition as this to receive legislative approval and Executive sanction, bringing upon the nation financial distress and dishonor, for myself I had rather it had gone down in the awful storm of war than to survive a hissing and a byword among the nations of the earth.

Unfortunate for the country, most unfortunate for our financial reputation and good name, if this bill shall pass the Senate. Each Senator, however, must act and will act upon his own responsibility to the State which he represents, and I hope, in a higher sense, upon his responsibility to the whole country.

We are approaching a crisis in our financial affairs fraught with incalculable danger, which I trust and believe the sober second thought of the American people will avert. For myself, however, whatever the outcome and whatever the consequences to me personally, I will never lend a hand to remove the last prop by which the public credit of my country is sustained.

Mr. PALMER obtained the floor.

Mr. BUTLER. I wish to ask the Senator from Michigan a question before he yields the floor. Will the Senator from Illinois allow me to ask a question of the Senator from Michigan?

Mr. PALMER. I yield to the Senator from North Carolina for that purpose.

Several SENATORS. Let us vote.

The PRESIDING OFFICER. The Senator from Illinois has been recognized.

Mr. BUTLER. The Senator from Illinois has yielded for a question of the Senator from Michigan. I wish to ask the Senator from Michigan a question. He has seen fit to criticise the American Senate with severe strictures, and upon these criticisms he makes the astounding statement that he could not trust the judgment and patriotism of this body to say when bonds shall or shall not be issued. He would rather see this country plunged into war than to see Congress consulted about this vital matter. I should like to ask him if he can trust the judgment and patriotism of the Democratic Executive rather than the will of the people as expressed in the legislative branch of the Government? Will he investigate with the same scrutiny the actions of the Administration and then say that he can trust the patriotism of the Executive before he can trust the patriotism of the Senate? If he votes against this bill, then he is willing to take from Congress the most important and tremendous legislative power and put it into the hands of one man; not only that, but into the hands of a man who is responsible for the secret bond deal, the most indefensible and disgraceful action in the history of this or of any other Government. He will be equally responsible for the wrong already done by the President and for any wrong that may be done in bond transactions in the future.

The Senator from Michigan has, however, done the country a valuable service in one respect at least. He has shown that you can not get gold from revenue. Then his proposition is——

Mr. PALMER. I did not yield to the Senator from North Carolina for a speech.

Mr. BUTLER. One sentence only, and I am through. You can not, according to your own admission, get gold from revenue. The gold standard must be maintained. You can not maintain it from revenue raised by taxation, no matter if you had a thousand millions of surplus revenue. Therefore your only hope and method for maintaining the gold standard must be by selling bonds. You do not expect to do it in any other way, and that is why you are opposed to this bill; that is why you do not want to intrust the credit and honor of the country in the hands of Congress. You know, first, that Congress will never authorize the maintenance of the gold standard and, second, that Congress will adopt the bimetallic standard and provide for meeting all of the coin obligations of the Government with gold and silver coin, according to the letter and spirit of the contract. You know Congress can and would do this without selling bonds. But you are anxious for bonds to be sold, therefore you are opposed to this bill.

Mr. PALMER. Mr. President, I observe around me such a desire to vote upon this question that if I could be assured that a vote would be taken at once I would not weary the Senate by any extended remarks certainly, and I shall not detain the Senate now beyond a single point. I have before me the bill prepared by the Senator from North Carolina [Mr. BUTLER]. Its language is—

That the issuance of interest-bearing bonds of the United States for any purpose whatever without further authority of Congress is hereby prohibited.

I understand that the Senator by this bill intends to affirm or confirm all the issues that have heretofore been made, and that the $260,000,000 that have been issued are, in his judgment, supported by existing legislation.

I have before me the amendment proposed by the Senator from Utah [Mr. BROWN] and the amendment proposed by the Senator from West Virginia [Mr. ELKINS]. I understand the Senator from Utah desires nothing more than to establish what my friend from Nebraska [Mr. ALLEN] terms the proposition of notice, and that the reason why the Senator from Utah desires that this measure shall be voted upon by the Senate is simply that notice may be given. Caveat emptor, I think my friend from Nebraska said, is the proper term; and I will remark to my friend from Nebraska that that term in Illinois has an official interpretation. Governor Reynolds, of Illinois, was once asked by a young lawyer, "What is the meaning of 'caveat emptor'?" He said: "My young friend, it signifies 'flee from the wrath to come.'" [Laughter.] I understand, therefore, that the Senator from Nebraska has himself by a resolution or by some speech he has made warned the purchasers of bonds to flee from the wrath to come, and that the Senator from Utah has done no more by his proposed amendment.

Mr. President, in view of the urgent desire of Senators present to vote upon this proposition, it seems to me that I ought to limit my remarks to a very narrow extent. I understand, and I fully sympathize with that view, that this bill is not only intended—I will not say intended, but that the effect of this bill will be to shut up the public Treasury. We all know that the revenues of the Government are not sufficient now to pay its current expenses; we all know that if the public debt is met at all, whether in silver or in gold, it can only be done by borrowing money for that purpose.

Senators say that we ought to have had laws, we ought to have had legislation that would have afforded abundant revenues for the Government. We have no such legislation. It is not important now to inquire whose fault it is. We are called upon to meet this particular question, Shall we strip the Secretary of the Treasury of all power to borrow money? I say it is not important whose fault all this is, or what legislation has produced this result. Can the Senator from North Carolina [Mr. BUTLER] say that he desires now that the Secretary of the Treasury shall be stripped of all means of maintaining the public credit either by the payment of gold or silver? Undoubtedly the latent motive which dictates the support of this bill is the desire that by some means or other we shall reach the point of free coinage of silver.

Mr. President, I have great respect for my Democratic friends who favor the free coinage of silver, but I am astonished that they should seek to accomplish that result by indirection; that they should seek to bankrupt the Treasury, deprive it of all means of raising temporary supplies, if it be so regarded, and that they should by that means not establish the free coinage of silver, but endeavor to reach the free coinage of silver through the bankruptcy of the public Treasury.

We know, I know, and I assert that bankruptcy of the Treasury would result if it were possible for this bill to pass, which, thank God, it is not, because this debate is only intended to affect the approaching election. Nobody expects the bill to become a law. It is pressed here merely that men may commit themselves; but still I say I rejoice that it can not become a law. I rejoice, too, that the authors of the bill do not expect it to become a law. It is intended as a mere part of the agencies by which Presidential elections are to be influenced, if not controlled.

Mr. President, having thus expressed my own views on this subject, having asserted that this is an essential, necessary power to be retained by the Secretary of the Treasury, and being earnestly desirous to avoid bankruptcy, earnestly desirous to avoid the discredit of the Government by an inability to pay, I can only say that I shall, with the greatest satisfaction, vote against this bill.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Rhode Island [Mr. ALDRICH].

Mr. BACON. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

Unless in case of an emergency it is necessary, in the opinion of the President of the United States and the Secretary of the Treasury, to issue such bonds, in accordance with the provisions of existing law, to preserve the public credit or to meet obligations of the United States created by such existing law which can not otherwise be met, and all such bonds when so issued shall first be offered at public sale.

Mr. ALLEN. I move to lay the amendment on the table.

The PRESIDING OFFICER. The Senator from Nebraska moves to lay the amendment of the Senator from Rhode Island on the table.

Mr. HILL and Mr. LODGE called for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired on all the votes on this question with the Senator from Missouri [Mr. COCKRELL].

Mr. BERRY (when his name was called). On this question I am paired with the Senator from Delaware [Mr. GRAY]. If he were present, he would vote "nay" and I should vote "yea."

Mr. PASCO (when Mr. CALL's name was called). My colleague [Mr. CALL] is paired on all these votes with the Senator from Vermont [Mr. PROCTOR].

Mr. CARTER (when his name was called). I am paired on all matters relating to this question with the junior Senator from Maryland [Mr. GIBSON].

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON]. If he were present, I should vote "nay."

Mr. CARTER (when Mr. MANTLE's name was called). I desire to announce that my colleague [Mr. MANTLE] is paired on all phases of this question with the Senator from West Virginia [Mr. ELKINS]. My colleague is in favor of the bill of the Senator from North Carolina, and if present would vote "yea" on the pending question and the Senator from West Virginia would vote "nay."

Mr. HILL. Perhaps I might as well call attention right here to a fact, to which I invite the attention of the Senator from Nevada [Mr. STEWART]. Last week the Senator from Nevada asked me to have my colleague [Mr. MURPHY] paired upon this question with his colleague [Mr. JONES], which I did. I merely call attention to it.

Mr. STEWART. My colleague is here now.

Mr. HILL. He is here, but my colleague is not, and the Senator's colleague [Mr. JONES of Nevada] has voted.

Mr. STEWART. Then the Senator's colleague [Mr. MURPHY] is not paired.

Mr. HANSBROUGH. On this question the Senators in charge of the pairs have arranged a pair between the Senator from Wyoming [Mr. CLARK] and the Senator from New York [Mr. MURPHY].

Mr. HILL. The pair, then, with my colleague has been transferred to the Senator from Wyoming?

Mr. HANSBROUGH. Yes; on this question.

Mr. HILL. Very well.

Mr. JONES of Nevada. I understood the pair had been transferred before I voted.

Mr. HILL. That is all right, then.

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL], but as we are agreed on this subject, I vote "nay."

Mr. PASCO. I will state that the pair of the Senator from New Jersey [Mr. SEWELL] has been transferred to the Senator from Louisiana [Mr. BLANCHARD], which permits the Senator from Wisconsin [Mr. MITCHELL] to vote.

Mr. PERKINS (when his name was called). Upon this question and all of its different phases I am paired with the Senator from Maryland [Mr. GORMAN]. If present, he would vote "nay" while I should vote "yea."

Mr. PRITCHARD (when his name was called). I have a general pair with the Senator from Louisiana [Mr. BLANCHARD], but inasmuch as we agree on this proposition, I exercise my choice and vote "yea."

Mr. PUGH (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR]. On this question I transfer my pair with him to the junior Senator from Virginia [Mr. MARTIN] and vote "yea."

Mr. SHOUP (when his name was called). I announce on all phases of this question that I am paired with the Senator from Ohio [Mr. SHERMAN].

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Nebraska [Mr. THURSTON], who is absent. With the consent of the Senator from Florida [Mr. PASCO], who has charge of the pairs on this side of the Chamber, I will transfer that pair to the Senator from North Dakota [Mr. ROACH] and vote "yea."

Mr. ALLEN. My colleague [Mr. THURSTON] is detained from the Senate by sickness in his family.

Mr. HALE (when Mr. VOORHEES's name was called). My colleague [Mr. FRYE] is paired with the Senator from Indiana [Mr. VOORHEES]. If present, my colleague would vote "nay" and the Senator from Indiana, I presume, would vote "yea."

The roll call was concluded.

Mr. BURROWS. I desire to announce that my colleague [Mr. McMILLAN] is paired with the senior Senator from Kentucky [Mr. BLACKBURN]. If present, my colleague would vote "nay."

Mr. HARRIS. I have a general pair with the Senator from Vermont [Mr. MORRILL]. If he were present, I suppose he would vote "nay" upon this motion, and I should vote "yea." I will, however, transfer that pair to the senior Senator from South Carolina [Mr. IRBY], and record my vote "yea."

Mr. GALLINGER. I rise to announce that on this vote and on all votes relating to this bill the junior Senator from Kansas [Mr. BAKER] is paired with the Senator from South Dakota [Mr. KYLE].

Mr. BERRY. I am paired with the Senator from Delaware [Mr. GRAY], and the Senator from Iowa [Mr. ALLISON] is paired with the Senator from Missouri [Mr. COCKRELL]. By transferring our pairs the Senator from Iowa and I will be at liberty to vote. I vote "yea."

Mr. ALLISON. Assenting to that arrangement, the Senator from Delaware [Mr. GRAY] will stand paired with the Senator from Missouri [Mr. COCKRELL], and I vote "nay."

The result was announced—yeas 32, nays 25; as follows:

YEAS—32.

Allen,	Daniel,	Mitchell, Oreg.	Teller,
Bacon,	Dubois,	Morgan,	Tillman,
Bate,	George,	Pasco,	Turpie,
Berry,	Hansbrough,	Peffer,	Vest,
Brown,	Harris,	Pettigrew,	Walthall,
Butler,	Jones, Ark.	Pritchard,	Warren,
Cannon,	Jones, Nev.	Pugh,	White,
Chilton,	Mills,	Stewart,	Wolcott.

NAYS—25.

Aldrich,	Davis,	Lodge,	Smith,
Allison,	Faulkner,	McBride,	Vilas,
Brice,	Gallinger,	Mitchell, Wis.	Wetmore,
Burrows,	Hale,	Nelson,	Wilson.
Caffery,	Hawley,	Palmer,	
Chandler,	Hill,	Platt,	
Cullom,	Lindsay,	Quay,	

NOT VOTING—32.

Baker,	Elkins,	Irby,	Proctor,
Blackburn,	Frye,	Kyle,	Roach,
Blanchard,	Gear,	McMillan,	Sewell,
Call,	Gibson,	Mantle,	Sherman,
Cameron,	Gordon,	Martin,	Shoup,
Carter,	Gorman,	Morrill,	Squire,
Clark,	Gray,	Murphy,	Thurston,
Cockrell,	Hoar,	Perkins,	Voorhees.

So the amendment was laid on the table.

Mr. ALDRICH. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of the bill it is proposed to insert the following:

Provided, however, That nothing contained in this act shall be construed to impair the obligation of the United States to redeem in coin upon presentation, as now required by law, outstanding United States legal-tender notes and Treasury notes, nor to restrict or lessen the authority now given by law to the Secretary of the Treasury to obtain the necessary coin for the purposes of such redemption.

Mr. ALDRICH. Mr. President, I do not intend to detain the Senate by discussing this amendment, but it is important that this bill should be clearly understood and that its purpose should be clearly defined. If it is the purpose of the Senate in passing this bill to stop the redemption of United States notes and Treasury notes in coin, they should be willing to say so in definite set terms, and I therefore ask that a vote may be taken on the amendment by yeas and nays.

Mr. MILLS. I move to lay the amendment on the table.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas.

Mr. ALDRICH. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HALE (when Mr. FRYE's name was called). My colleague [Mr. FRYE] would vote "nay" if here. He is paired with the Senator from Indiana [Mr. VOORHEES].

Mr. GEAR (when his name was called). I am paired, as I before stated, with the Senator from Georgia [Mr. GORDON]. Were he present, I should vote "nay."

Mr. HARRIS (when his name was called). Being paired with the Senator from Vermont [Mr. MORRILL], and supposing he would vote "nay" upon this motion, I transfer my pair to the senior Senator from South Carolina [Mr. IRBY] and vote "yea."

Mr. LODGE (when Mr. HOAR's name was called). My colleague [Mr. HOAR] now stands paired with the Senator from Virginia [Mr. MARTIN]. If my colleague were present, he would vote "nay."

Mr. BURROWS (when Mr. McMILLAN's name was called). I make the same announcement in regard to my colleague [Mr. McMILLAN] that I before made.

Mr. PERKINS (when his name was called). I desire again to announce my pair with the senior Senator from Maryland [Mr. GORMAN].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "nay."

Mr. TILLMAN (when his name was called). I make the same announcement as to pairs, and I will vote. I vote "yea."

The roll call was concluded.

Mr. BERRY. I am paired on this question with the Senator from Delaware [Mr. GRAY]. If the Senator from Delaware were present, he would vote "nay." With the consent of the Senator from Iowa [Mr. ALLISON], we will make the same arrangement, and I will transfer the pair with the Senator from Delaware to the Senator from Missouri [Mr. COCKRELL]. I will vote "yea."

Mr. ALLEN. It is due to the junior Senator from South Dakota [Mr. KYLE] to say that he stands paired on this question with the junior Senator from Kansas [Mr. BAKER].

The result was announced—yeas 31, nays 25; as follows:

YEAS—31.

Allen,	Daniel,	Mitchell, Oreg.	Tillman,
Bacon,	Dubois,	Morgan,	Turpie,
Bate,	George,	Pasco,	Vest,
Berry,	Hansbrough,	Peffer,	Walthall,
Brown,	Harris,	Pettigrew,	Warren,
Butler,	Jones, Ark.	Pugh,	White,
Cannon,	Jones, Nev.	Stewart,	Wolcott.
Chilton,	Mills,	Teller,	

NAYS—25.

Aldrich,	Davis,	Lodge,	Smith,
Allison,	Faulkner,	McBride,	Vilas,
Brice,	Gallinger,	Mitchell, Wis.	Wetmore,
Burrows,	Hale,	Nelson,	Wilson.
Caffery,	Hawley,	Palmer,	
Chandler,	Hill,	Platt,	
Cullom,	Lindsay,	Quay,	

NOT VOTING—33.

Baker,	Frye,	McMillan,	Sewell,
Blackburn,	Gear,	Mantle,	Sherman,
Blanchard,	Gibson,	Martin,	Shoup,
Call,	Gordon,	Morrill,	Squire,
Cameron,	Gorman,	Murphy,	Thurston,
Carter,	Gray,	Perkins,	Voorhees.
Clark,	Hoar,	Pritchard,	
Cockrell,	Irby,	Proctor,	
Elkins,	Kyle,	Roach,	

So the amendment was laid on the table.

Mr. HILL. I offer an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill:

It is further provided that upon the redemption of any United States notes the Secretary of the Treasury shall not reissue the same.

Mr. MILLS. I move to lay the amendment on the table.

Mr. HILL. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I again announce my pair with the Senator from Vermont [Mr. MORRILL], and for the last time. I transfer my pair to the senior Senator from South Carolina [Mr. IRBY]. I vote "yea," and shall continue to vote hereafter upon these questions, making that transfer without further statement.

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SEWELL]. I understand that the Senator from North Carolina [Mr. PRITCHARD] is paired with the Senator from Louisiana [Mr. BLANCHARD].

Mr. PRITCHARD. I am so paired.

Mr. MITCHELL of Wisconsin. If it is agreeable to the Senator from North Carolina, we will transfer our pairs.

Mr. PRITCHARD. That is perfectly agreeable.

Mr. MITCHELL of Wisconsin. I vote "nay."

Mr. PERKINS (when his name was called). I desire again to announce my pair with the senior Senator from Maryland [Mr. GORMAN].

The roll call was concluded.

Mr. ALLISON. I am paired with the Senator from Missouri [Mr. COCKRELL], but understanding that he would vote "yea" on this vote, I am at liberty to vote. I vote "yea."

Mr. GEAR. I am paired with the Senator from Georgia [Mr. GORDON]. If he were present, I should vote "yea."

The result was announced—yeas 43, nays 12; as follows:

YEAS—43.

Allen,	Daniel,	Lindsay,	Stewart,
Allison,	Davis,	McBride,	Teller,
Bacon,	Dubois,	Mills,	Tillman,
Bate,	Gallinger,	Mitchell, Oreg.	Turpie,
Berry,	George,	Morgan,	Vest,
Brown,	Hale,	Nelson,	Walthall,
Butler,	Hansbrough,	Pasco,	Warren,
Cannon,	Harris,	Peffer,	White,
Chandler,	Hawley,	Pettigrew,	Wilson,
Chilton,	Jones, Ark.	Pritchard,	Wolcott.
Cullom,	Jones, Nev.	Pugh,	

NAYS—12.

Brice,	Hill,	Palmer,	Smith,
Caffery,	Lodge,	Platt,	Vilas,
Faulkner,	Mitchell, Wis.	Quay,	Wetmore.

NOT VOTING—34.

Aldrich,	Cockrell,	Irby,	Roach,
Baker,	Elkins,	Kyle,	Sewell,
Blackburn,	Frye,	McMillan,	Sherman,
Blanchard,	Gear,	Mantle,	Shoup,
Burrows,	Gibson,	Martin,	Squire,
Call,	Gordon,	Morrill,	Thurston,
Cameron,	Gorman,	Murphy,	Voorhees.
Carter,	Gray,	Perkins,	
Clark,	Hoar,	Proctor,	

So the amendment was laid on the table.

Mr. QUAY. I offer an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill:

When any Treasury note shall be received at the Treasury for redemption it shall be canceled, and it shall be the duty of the Secretary of the Treasury to issue in lieu thereof a note of similar denomination, payable in gold, at the option of the United States, and receivable for all debts, public and private, except duties upon imports and interest on the public debt.

Mr. HARRIS. I move to lay the amendment on the table.

Mr. CHANDLER. I ask that the amendment may again be read.

The Secretary again read the amendment.

Mr. PLATT. I should like to be advised as to what a Treasury note is.

Mr. ALDRICH. Treasury notes issued under the act of 1890.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee to lay on the table the amendment offered by the Senator from Pennsylvania.

The motion was agreed to.

Mr. HILL. I wish to make one more motion before the final vote is taken. I move to postpone the further consideration of the pending bill until the first Monday in December next.

The PRESIDING OFFICER. The Senator from New York moves to postpone the further consideration of the bill until the first Monday in December next.

Mr. HILL. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEAR (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON]. If he were present, I should vote "yea."

Mr. BERRY (when Mr. GRAY's name was called). The Senator from Delaware [Mr. GRAY] is paired with the Senator from Missouri [Mr. COCKRELL]. If the Senator from Delaware were here, he would vote "yea," in favor of postponement, and the Senator from Missouri would vote "nay."

Mr. LODGE (when Mr. HOAR's name was called). My colleague [Mr. HOAR] is paired with the Senator from Virginia [Mr. MARTIN]. If my colleague were present, he would vote "yea."

Mr. PERKINS (when his name was called). I desire again to announce my pair with the senior Senator from Maryland [Mr. GORMAN].

The roll call was concluded.

Mr. BURROWS. My colleague [Mr. MCMILLAN] is paired with the Senator from Kentucky [Mr. BLACKBURN]. If my colleague were present, he would vote "yea."

The result was announced—yeas 24, nays 32; as follows:

YEAS—24.

Aldrich,	Cullom,	Hill,	Palmer,
Allison,	Davis,	Lindsay,	Platt,
Brice,	Faulkner,	Lodge,	Quay,
Burrows,	Gallinger,	McBride,	Smith,
Caffery,	Hale,	Mitchell, Wis.	Vilas,
Chandler,	Hawley,	Nelson,	Wetmore.

NAYS—32.

Allen,	Daniel,	Mitchell, Oreg.	Teller,
Bacon,	Dubois,	Morgan,	Tillman,
Bate,	George,	Pasco,	Turpie,
Berry,	Hansbrough,	Peffer,	Vest.
Brown,	Harris,	Pettigrew,	Walthall,
Butler,	Jones, Ark.	Pritchard,	Warren,
Cannon,	Jones, Nev.	Pugh,	White,
Chilton,	Mills,	Stewart,	Wolcott.

NOT VOTING—33.

Baker,	Frye,	McMillan,	Sherman,
Blackburn,	Gear,	Mantle,	Shoup,
Blanchard,	Gibson,	Martin,	Squire,
Call,	Gordon,	Morrill,	Thurston,
Cameron,	Gorman,	Murphy,	Voorhees,
Carter,	Gray,	Perkins,	Wilson.
Clark,	Hoar,	Proctor,	
Cockrell,	Irby,	Roach,	
Elkins,	Kyle,	Sewell,	

So the motion was not agreed to.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr HILL and Mr. HAWLEY called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. PASCO (when Mr. CALL's name was called). I wish to announce that my colleague [Mr. CALL] is paired with the Senator from Vermont [Mr. PROCTOR]. If my colleague were present he would vote for the passage of the bill, and he would have voted against all the amendments which have been offered.

Mr. HALE (when Mr. FRYE's name was called). My colleague [Mr. FRYE] would vote "nay," if he were here. He is paired with the Senator from Indiana [Mr. VOORHEES].

Mr. GEAR (when his name was called). I will again announce my pair with the senior Senator from Georgia [Mr. GORDON]. If he were present, I should vote "nay."

Mr. BERRY (when Mr. GRAY's name was called). Upon this question the Senator from Delaware [Mr. GRAY] is paired with the Senator from Missouri [Mr. COCKRELL]. If the Senator from Delaware were present, he would vote "nay," and the Senator from Missouri would vote "yea."

Mr. LODGE (when Mr. HOAR's name was called). My colleague [Mr. HOAR] is paired with the Senator from Virginia [Mr. MARTIN]. If my colleague were present, he would vote "nay."

Mr. ALLEN (when Mr. KYLE's name was called). The junior Senator from South Dakota [Mr. KYLE] is paired with the junior Senator from Kansas [Mr. BAKER], and would vote "yea" if he were present.

Mr. HILL (when Mr. MURPHY's name was called). My colleague [Mr. MURPHY] is paired with the Senator from Wyoming [Mr. CLARK]. If my colleague were present, he would vote "nay."

Mr. PERKINS (when his name was called). I again announce my pair with the senior Senator from Maryland [Mr. GORMAN]. If he were present, he would vote "nay" and I should vote "yea."

The roll call was concluded.

Mr. SMITH. My colleague [Mr. SEWELL] is paired with the Senator from Louisiana [Mr. BLANCHARD]. If my colleague were present, he would vote "nay."

Mr. BURROWS. My colleague [Mr. MCMILLAN] would vote "nay" if he were here. He is paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. WARREN. My colleague [Mr. CLARK] is detained from the Chamber and is paired with the Senator from New York [Mr. MURPHY]. If present, he would vote "yea."

The result was announced—yeas 32, nays 25; as follows:

YEAS—32.

Allen,	Daniel,	Mitchell, Oreg.	Teller,
Bacon,	Dubois,	Morgan,	Tillman,
Bate,	George,	Pasco,	Turpie,
Berry,	Hansbrough,	Peffer,	Vest,
Brown,	Harris,	Pettigrew,	Walthall,
Butler,	Jones, Ark.	Pritchard,	Warren,
Cannon,	Jones, Nev.	Pugh,	White,
Chilton,	Mills,	Stewart,	Wolcott.

NAYS—25.

Aldrich,	Davis,	Lodge,	Smith,
Allison,	Faulkner,	McBride,	Vilas,
Brice,	Gallinger,	Mitchell, Wis.	Wetmore,
Burrows,	Hale,	Nelson,	Wilson.
Caffery,	Hawley,	Palmer,	
Chandler,	Hill,	Platt,	
Cullom,	Lindsay,	Quay,	

NOT VOTING—32.

Baker,	Elkins,	Irby,	Proctor,
Blackburn,	Frye,	Kyle,	Roach,
Blanchard,	Gear,	McMillan,	Sewell,
Call,	Gibson,	Mantle,	Sherman,
Cameron,	Gordon,	Martin,	Shoup,
Carter,	Gorman,	Morrill,	Squire,
Clark,	Gray,	Murphy,	Thurston,
Cockrell,	Hoar,	Perkins,	Voorhees.

So the bill was passed.

REGULATIONS CONCERNING FILLED CHEESE.

Mr. ALLISON, Mr. BROWN, and others addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

Mr. ALLISON. I move, in accordance with an understanding and at the request of the Senator from Ohio [Mr. SHERMAN], to take up the bill known as the filled-cheese bill, not, however, with a view of proceeding with its consideration to-night.

Mr. HARRIS. I hope the Senator will let that motion go over until to-morrow. It is now a little after 7 o'clock.

Mr. ALLISON. I will state to the Senator from Tennessee that the Senate is now very full. It was understood that this should be the next order of business, and I hope that arrangement will not be disturbed.

Mr. HARRIS. I do not know that there was any understanding that it should be the next order of business; and it will require a majority vote of the Senate to make it such.

Mr. ALLISON. I move that the Senate proceed to the consideration of the bill.

Mr. HARRIS. Very well.

The PRESIDING OFFICER. The Senator from Iowa moves to proceed to the consideration of a bill the title of which will be read.

The SECRETARY. A bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of filled cheese.

Mr. HARRIS. I move, at 5 minutes after 7 o'clock, that the Senate do now adjourn.

The PRESIDING OFFICER. The Senator from Tennessee moves that the Senate do now adjourn.

The motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Iowa to proceed to the consideration of the bill indicated by him.

The motion was agreed to.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole.

Mr. VEST, Mr. HILL, and others addressed the Chair.

Mr. HILL. I was going to move that the Senate adjourn.

Mr. ALLISON. I ask the Senator from New York to wait one moment. The Senator from Missouri wishes to say a word.

Mr. VEST. I renew the notice I gave, that to-morrow morning after the routine business is finished I shall move that the Senate proceed to the consideration of the river and harbor bill and the veto message upon it.

I move that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow.

The motion was agreed to.

Mr. HILL. I move that the Senate adjourn.

The motion was agreed to; and (at 7 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 3, 1896, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 2, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read.

The SPEAKER. The Journal should have contained the statement: "A quorum appearing, the Speaker caused the Journal to be read." With that modification, in the absence of objection, the Journal will be approved.

HOUR OF DAILY MEETING.

Mr. HENDERSON. Mr. Speaker, I am instructed by the Committee on Rules to present the privileged report which I send to the desk.

The report was read, as follows:

The Committee on Rules, to whom was referred the following resolution: "*Resolved*, That during the remainder of the present session the hour of the daily meeting of the House will be 11 o'clock a. m.," have had the same under consideration, and ask leave to report it with the recommendation that it be agreed to.

The resolution was agreed to.

Mr. HENDERSON. Mr. Speaker, in connection with this report, I would like to have the gentleman from Maine, the chairman of the Committee on Ways and Means, make a statement to the House.

Mr. DINGLEY. Mr. Speaker, I desire simply to call the attention of members of the House to the condition of the business of this body. There remain seven of the general appropriation bills in conference, on several of which there are disagreements between the House and the Senate which appear to be causing considerable delay, and on which some votes are likely to be called for in the House. I desire, therefore, to call attention to the importance of preserving a quorum, especially on account of these remaining appropriation bills, and to warn members who are leaving, as I notice many are inclined to do, that, in view of the condition of business in the House, it will undoubtedly be necessary to have a quorum for the purpose of closing up the business. I therefore hope that members who are intending to leave will bear in mind that in the absence of a quorum it may become necessary to send for them through the Sergeant-at-Arms.

Mr. CANNON. Mr. Speaker, I desire to supplement what the chairman of the Committee on Ways and Means has said with this statement: I am constantly asked for an opinion as to when this session will come to an end. In my judgment there is no prospect of the present session of Congress ending before Wednesday of next week, and more probably it will not end until Friday or Saturday.

Mr. HENDERSON. But the adjournment will be expedited by keeping an effective quorum on hand.

Mr. CANNON. Oh, if there is not a quorum in attendance we shall not get away in a month from now.

The SPEAKER. The Chair desires to add that he trusts that quorum keeping will commence each day at 11 o'clock precisely.

GAS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I desire to present a conference report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6694) relating to the sale of gas in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the first and second amendments of the Senate, and agree to the same amended so that the first section of the bill, down to the proviso, shall read as follows:

"That the Washington Gas Light Company of the District of Columbia is authorized to charge and collect, after the 1st day of July, 1896, for illuminating gas furnished to and paid for by private consumers in the District of Columbia at the rate of not exceeding $1.10 per thousand cubic feet until the 1st day of July, 1901, after which last-named date the rate shall not exceed $1 per thousand cubic feet; and that after the 1st day of July, 1896, the Washington Gas Light Company of the District of Columbia shall furnish to the United States Government and the District of Columbia gas at the rate of $1 per thousand cubic feet."

And that the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 3 and 4, and agree to the same amended so that the second section of the bill, down to the proviso, shall read as follows:

"SEC. 2. That the Georgetown Gas Light Company, doing business in that part of the District of Columbia formerly known as Georgetown, is authorized to charge and collect, after the 1st day of July, 1896, for illuminating gas furnished to and paid for by private consumers in that part of the District of Columbia at the rate of not exceeding $1.35 per thousand cubic feet until the 1st day of July, 1901, after which last-named date the rate shall not exceed $1.25 per thousand cubic feet; and that after the 1st day of July, 1896, the said Georgetown Gas Light Company shall furnish to the United States Government and the District of Columbia gas at the rate of $1.25 per thousand cubic feet."

And that the Senate agree to the same.

That the House recede from its disagreement to the fifth, seventh, and eighth amendments of the Senate, and agree to the same.

That the House recede from its disagreement to the sixth amendment of the Senate, and agree to the same amended as follows: In lieu of the words "twenty-four" insert the words "twenty-five"; and that the Senate agree to the same.

That the House recede from its disagreement to the ninth amendment of the Senate, and agree to the same amended so that section 5 shall read as follows:

"SEC. 5. That neither the Washington Gas Light Company nor the Georgetown Gas Light Company shall hereafter issue any greater number of shares of stock than shall be equal to the actual cash value of said plants and necessary cost of the construction of future extensions or future enlargement of plants, which cash value and cost of extensions shall first be ascertained and authorized upon petition therefor to the supreme court of the District of Columbia, under such regulations as the chief justice and the justices thereof shall prescribe; also, if either of the said corporations shall desire hereafter to issue bonds upon their property, secured by mortgage or otherwise, upon petition therefor to said court, setting forth the necessity thereof and the amount of stock issued and outstanding, it may and shall be lawful for said court, or the chief justice and justices thereof, as the case may be, or one of them, upon public notice, to be prescribed by the rules of said court, to permit the issuance of such bonds and mortgage as desired: *Provided*, That the amount of stock and bonds issued shall not exceed the actual cash value of said plants and the cost of such extensions or enlargement of plant: *And provided further*, That the Washington Gas Light Company is hereby authorized to issue such additional amount of capital stock as will provide for the conversion into such stock of its outstanding certificates of indebtedness, which conversion of said certificates is hereby authorized to an amount not exceeding $800,000."

And that the Senate agree to the same.

That the Senate recede from its tenth amendment.

That the House recede from its disagreement to the eleventh amendment of the Senate, and agree to the same amended so that said amendment shall stand as section 6; and that the Senate agree to the same.

J. W. BABCOCK,
B. B. ODELL,
JAMES D. RICHARDSON,
Managers on the part of the House.

JAMES MCMILLAN,
CHAS. J. FAULKNER,
J. H. GALLINGER,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The effect of the bill agreed upon by the Senate and House conference committees will be as follows:

1. To reduce the price of gas to the United States Government and to the District of Columbia to $1 per thousand, to take effect July 1, 1896.

2. To reduce the price of gas to private consumers to $1.10 per thousand, commencing July 1, 1896, and continuing until July 1, 1901, when it will reach a basis of $1 per thousand.

3. We have fixed the standard of gas at 25 candlepower, measured by the methods in common use. Under the present methods in use in the District for testing gas this will show about 21 candlepower, or an increase over the present law of about 5 candles.

4. The effect of this bill will be to save to the consumers of gas in the District of Columbia $120,000 per year, based upon the consumption of gas for 1895. As the consumption of gas increases, as it is likely to do at this reduced price, the saving will be greater, and, in the opinion of your committee, will reach a sum equal to $150,000 within the next five years.

This conclusion has been reached after numerous conferences with the Senate committee, and the report has been unanimously agreed upon at a full meeting of the conference committee.

Mr. HEPBURN. Mr. Speaker, I think a mistake will be made if the amendments of the Senate to this bill are agreed to with reference to the price of gas and in regard to the ninth proposition, authorizing the increase of the capital stock of this company. I hold in my hand a copy of the hearings before a subcommittee of the Senate Committee on the District of Columbia as to the price of gas furnished by the Washington Gas Light Company. In these hearings, had in 1886, it was shown by the testimony of the then president of the company that coal gas was being made

in this city by his company at a cost of 42 cents a thousand feet, and water gas at a cost of 39.6 cents per thousand feet. That is the price at which it was put into the reservoir, the cost of distribution being 14 cents a thousand feet, making the total cost of manufacturing the gas and delivering it to the consumer 56 cents for coal gas and less than that for the water gas.

Mr. BABCOCK. Does the gentleman mean 56 cents or 76 cents?

Mr. HEPBURN. Fifty-six cents. That was at a time when the material used for the manufacture of gas cost the company as much as or more than it does now, and when no part of the residuum was sold because of the want of a market for it in this place. That was the cost when a little over 500,000,000 feet were manufactured in a year. Now more than 900,000,000 feet are made, and of course at a large reduction of cost for distribution.

It was shown in that investigation that every dollar of the original capital stock that had been paid into this company had been returned in extraordinary dividends—dividends above and beyond 10, 12½, or 15 per cent annually. It was shown that for the first thirty-one and a half years of the existence of the company there had been an annual dividend of 10 per cent upon the alleged capital stock, and from the expiration of that period down to this time it is capable of being shown that the dividends have been even larger.

At that time it was shown that one-third of the gas used was water gas. It has been recently shown that since that period, through new processes adopted, the water gas can be manufactured for about one-half of the then cost, and that in the manufacture of the composition that is distributed to this city the company, instead of using one-third of the cheaper quality as they did then, use now a much larger percentage.

There is no reason in the world, Mr. Speaker, why gas might not be sold in the city of Washington at 75 cents a thousand feet and yet yield a handsome dividend upon all of the alleged capital invested in this corporation. It can be done. There has been testimony before this committee showing that fact; and I am confident that it is the opinion of the chairman of the House committee that gas can be manufactured in this city for less than 65 cents a thousand feet.

Now, I am content to believe that our conferees have up to this time done all that they could do, without a further expression on the part of the House, to secure gas at a just and proper price; and I think that the House ought to express itself now in a positive way in the direction of demanding some recognition of the rights of the people of Washington at the hands of this corporation.

Mr. Speaker, I want to remind the conferees that we are not powerless in this matter; that there is in the District appropriation bill a provision on the subject of gas, and that even if this bill should fail (which I suppose the gas company would desire) we still have the possibility of compelling something like a proper agreement on this subject. If the House will stand firm we can compel dollar gas in the District appropriation bill, for the Senate will not dare to lose that bill in the effort to serve the interest of a gas corporation at the expense of the rights of the people of this District.

Mr. Speaker, I object to this measure as now reported for the further reason that it will fix the price of gas at $1.10 for the next five years; for it will be said that this act is in the nature of a compromise; that some of the obligations of contract are created by this stipulation; and we shall not be able to change the price during that period.

Again, sir, I object to the ninth proposition in this report allowing capital stock to be issued to the full value of the plant of this company. I make the statement without the fear of contradiction that every dollar that was placed in this enterprise has been returned in the shape of extraordinary dividends—dividends of 50 per cent at one time, of 50 per cent at another time, of 40 per cent at another time, of 30 per cent at another time. Dividends of this class have returned to the original projectors every dollar of the $2,000,000 of alleged stock. Further, let me say that well on to a million dollars has been put into the permanent improvements of the company out of the earnings of the company, in addition to the payment of all these dividends.

Now, what will be the result of the adoption of this provision with reference to the issue of additional capital stock? Under the terms of this bill you will allow the issue of stock to the amount of $1,200,000 now represented by certificates of indebtedness, because that enters into the cost. Provision is made for the issuance of stock to that amount. There will be $2,400,000 of additional stock. Then all these betterments that have been made out of current earnings will be capitalized in the same way; and under the terms of this bill I undertake to say there may be issued not less than $5,000,000 of stock, not one dollar of which is represented now in the plant of the concern excepting the present certificates and bonds of a million two hundred thousand dollars. I do not believe that it is wise or right or fair to the people of this District—who must pay the dividends on this stock—75 per cent of which will be water—who it will be insisted must do so in order to be honest—to adopt the provision suggested by the conference committee.

Mr. BABCOCK. Mr. Speaker, if I can have the attention of the House for a few moments I will make a fair and accurate statement of this report.

In answer to the gentleman from Iowa [Mr. HEPBURN], I would say that he brings before the House a report upon this subject which was made in 1886. He might have gone back ten years further, for Congress has handled the subject for twenty years and never yet has been able to pass a bill changing the price of gas in the District.

This bill, if passed, will make a saving to the consumers of gas in the District of Columbia of from $120,000 to $150,000 a year. And I desire to say on behalf of the conference committee of the House that we have persistently maintained the position and views of the House on this subject; and only at the end of four conferences and after a full and thorough consideration of the subject, when it became evident that it was this or nothing, have we agreed to accept the Senate provision which is embodied in this report. We have insisted on our bill for dollar gas all the way through, until we have reached the point where, as I have said, it is this bill or nothing.

The gentleman well said that the gas company of the District would like to see this bill fail. Undoubtedly they would, for it would be a saving to them of from $120,000 to $180,000 a year—just that much money in their pockets—if the House refuses to adopt the report.

As to the continuing price for five years, I would say that the bill contains the full repealing clause, and it is entirely in the power of Congress to change it at any time.

Now, in reference to the stock; some years ago this company issued $600,000 worth of certificates that draw interest at 6 per cent. These certificates state on their face that they are redeemable in stock at the option of the holders. The company simply asks authority now to take up the certificates of indebtedness and issue stock in their stead, and to which the holders are entitled by the terms of the agreement. They also ask authority to go before the supreme court of the District of Columbia, when desiring to make extensions or betterments of their plant, or at any other time they can show that the cash value of their plant is in excess of the present capitalization, and issue stock to the amount of such cash value at the rate of 100 cents on the dollar.

Mr. HEPBURN. If the gentleman will permit me, these certificates bear interest at 6 per cent——

Mr. BABCOCK. Yes.

Mr. HEPBURN. And there are $1,200,000 instead of $600,000.

Mr. BABCOCK. I beg the gentleman's pardon; there are $600,000 of certificates and $600,000 of bonds.

Mr. HEPBURN. And the stock is worth nearly 3 to 1.

Mr. BABCOCK. About 2 to 1. It is 45 now for each twenty-dollar share.

Mr. HEPBURN. Oh, a good deal more than that.

Mr. BABCOCK. The stock is selling at $45 per share.

Mr. HEPBURN. I have seen it quoted at $49 a share quite recently. It would be a good investment if the certificates held by the present stockholders should be converted into this high interest or dividend bearing stock, would it not?

Mr. BABCOCK. The certificates are worth 150 cents on the dollar to-day. They can not be bought really at any price.

Now, this is the proposition we lay before the House, as I have explained it. It is the very best we can do. We have maintained and backed up the position of the House to the fullest extent; and, gentlemen, now we put it in your own hands. If the House thinks there should be no legislation on the subject, then take the responsibility and relieve the committee. We have reported this proposition, which is the only proposition, in our judgment, that it is possible to pass, or, at all events, the best that can be had. It will relieve the citizens of the District to the extent of $120,000 to $150,000 a year as a saving on gas bills.

I ask a vote on the adoption of the report.

Mr. HEPBURN. I would like a vote on the two propositions separate.

The SPEAKER. It is not possible to divide the report and have two votes upon it. It must be accepted or rejected as a whole.

Mr. RICHARDSON. Mr. Speaker, before the question is taken I desire to say a word or two (as I have been serving on the committee of conference on the part of the House) to gentlemen on this side of the Chamber.

We have sought in every possible way to reduce the cost of gas to the people of the District to $1 per thousand feet. We have had four or five conferences—four I think—with the Senate, and have reached this agreement at $1.10 per thousand feet for the term prescribed in the bill, that is, five years, after which the price shall be $1 per thousand. I agree with what the chairman of the

Committee on the District of Columbia has so well said, that this is all we can do. I think it likely the gas company would be glad to have the report voted down, for they will make a large saving thereby. The cut made in the price of gas will cost them more than $120,000 a year each year for five years, making a total of over $600,000 within that period. At the same time the District of Columbia and the Government of the United States will immediately get gas at $1 per thousand feet instead of about $1.25 which they are now paying. I believe that it is the very best we can do, and we feel safe in advising the House to accept the report of the conference committee.

Mr. COOPER of Florida. Mr. Speaker, I should like a little further light, before voting on this question, as to why this is the best that the House committee can do? Reference has been made by the chairman of the Committee on the District of Columbia [Mr. BABCOCK] to the fact that the report read by the gentleman from Iowa [Mr. HEPBURN] was made in 1886. I hold in my hand a report made in 1894, upon full investigation, made by the Committee on the District of Columbia.

Mr. BABCOCK. One moment. I desire to ask the gentleman if Congress has ever succeeded in passing any regulation in regard to the price of gas for twenty years?

Mr. COOPER of Florida. No; but this House has passed such a bill several times. In 1894 that matter was fully investigated. I was on the District Committee and one of the subcommittee that made that report. I went into that investigation as devoid of prejudice as a man could possibly be. I examined it simply as I would have examined any proposition of law or business in my office. We gave an impartial and careful hearing to all parties in interest, and we determined and reported that at $1 a thousand the gas company could pay all its fixed charges, pay the interest upon its bonds and certificates of indebtedness, pay 10 per cent per annum upon its stock, and have an ample surplus for contingencies. That was demonstrated by the facts and the figures.

The House passed a bill then reducing the price of gas to a dollar a thousand. It passed it again at this session. There is no reason that I know why the law should not fix the price at that, except that it is said that we can not pass it through the Senate. I think that the House should make one more effort at least, should instruct its conferees to further insist on making the price of gas at a just and reasonable figure. The extension to $1.10, together with the provision for a term of years, is simply yielding to compulsion, for which justice makes no demand. I know that the chairman of the District Committee [Mr. BABCOCK] sympathizes with the demand for gas at $1 a thousand. I know that he believes that it is a reasonable demand. I think this House should emphasize it, in justice to the people of this District, in justice to the Government, and that if this gas company is to go on with this blackmail it shall do it over the emphasized and repeated protests of this House at least.

Mr. BABCOCK. Mr. Speaker, I desire to say that this House has emphasized its position on this matter for twenty years, and has accomplished nothing, and I believe that unless the House adopts this report the whole legislation will fall, and we shall still pay a dollar and a quarter for gas.

On this question, Mr. Speaker, I ask the previous question.

The previous question was ordered.

The question was taken on agreeing to the conference report; and on a division (demanded by Mr. HEPBURN) there were—ayes 126, noes 29.

Accordingly the conference report was agreed to.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8109) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, had further insisted upon its remaining amendments, had agreed to the conference asked for by the House of Representatives; and had appointed Mr. ALLISON, Mr. HALE, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 819) granting a pension to Catherine Leary.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1342) granting an increase of pension to Lena D. Smith.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 5946) granting an increase of pension to Abraham H. Parker;

A bill (H. R. 6221) granting an increase of pension to Mary E. Chamberlin; and

A bill (H. R. 3582) to remove the charge of desertion now standing against Henry H. Bailey.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton; asked a conference with the House on the disagreeing votes of the two Houses thereon; and had appointed Mr. GALLINGER, Mr. PALMER, and Mr. HANSBROUGH as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8293) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes, had further insisted upon its amendments numbered 14, 24, 25, 27, 30, 31, 37, 74, 79, 80, 81, 82, 83, 103, 104, 105, 106, 122, 137, 147, 148, 190, 192, 200, 207, and 208, disagreed to by the House of Representatives; had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. ALLISON, and Mr. COCKRELL as the conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 3161) amending and extending the provisions of an act of Congress entitled "An act approving, with amendments, the funding act of Arizona," approved June 25, 1890, and the act amendatory thereof and supplemental thereto, approved August 3, 1894;

A bill (S. 807) granting a pension to Charles Williamson;

A bill (S. 997) granting a pension to Ella D. Cross;

A bill (S. 1672) granting a pension to Lue R. Brown;

A bill (S. 819) granting a pension to Catherine Leary;

A bill (S. 148) granting a pension to Catharine Dillon;

A bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe;

A bill (S. 1247) to establish and provide for the maintenance of a free public library and reading room in the District of Columbia;

A bill (H. R. 3578) granting a pension to Elmira E. Dustin; and

A bill (H. R. 7578) granting the Flagstaff and Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve in northern Arizona.

RETURN OF A BILL FROM THE PRESIDENT.

Mr. BABCOCK. Mr. Speaker, I desire to call up a privileged resolution on the Speaker's desk, with reference to the return of a bill.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House the bill (H. R. 3279) to authorize the reassessment of water-main taxes, and for other purposes.

The resolution was agreed to.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. HOOKER. Mr. Speaker, I am directed by the Committee on Rivers and Harbors to report back the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, with the veto message of the President, and the recommendation that the bill pass notwithstanding the disapproval of the Executive. On that, Mr. Speaker, I desire to send up the report of the committee.

The SPEAKER. Does the gentleman desire the report read as a part of his remarks?

Mr. HOOKER. I do.

The Clerk read as follows:

The Committee on Rivers and Harbors, to which was referred House bill 7977, together with the message of the President of the United States, dated May 29, 1896, disapproving the same, have had the same under consideration and beg leave to report the same back with the unanimous recommendation of the committee that said bill do pass, the veto of the President to the contrary notwithstanding.

Your committee feel that they would be remiss in their duty to the House of Representatives if they should fail to make some statement regarding the merits of said bill, and especially as the same may be affected by the criticism thereof contained in the message of the President. It may be well to state at the outset that of the 417 items of appropriations contained in the bill all of them except 27 are for projects contained in river and harbor bills heretofore enacted into law, and which projects now and for some years have been in process of construction and completion by the Government. No new projects were added to the river and harbor bill of 1894. It will thus be seen that the principal work of the Committee on Rivers and Harbors has been the investigation and examination of works of improvement to which Congress has by repeated acts committed itself. The river and harbor bill of 1892 also contained a very limited number of new projects. The river and harbor bill of 1890 appropriated $25,136,295, and placed certain works under the contract

system, which involved the additional expenditure of $15,282,980. It appears, therefore, from this statement that by far the greater number of projects appropriated for in this bill were also appropriated for in the bill of 1890 and which are not yet completed. That bill was referred by President Harrison to Gen. Thomas L. Casey, then Chief of Engineers, who was noted for his rugged honesty, his great executive capacity, and his superb mastery of all matters coming under his supervision, for his opinion as to the merits of the several projects therein contained. After an examination of the bill he reported to President Harrison that only eight items in the bill, in his judgment, seemed to be of limited or local benefit. The gross amount appropriated for these items was $72,500. All other items in that bill were considered by him to be in the interest of commerce. From this it will be seen that by far the larger part of the projects contained in the present bill passed the scrutiny and received the approval of General Casey and have gone unchallenged until now. The bills of 1890 and 1892 were approved by President Harrison, and the bill of 1894 was permitted by the present Executive to become a law by limitation.

The President in his message states:

"Many of the objects for which it appropriates public money are not related to the public welfare, and many of them are palpably for the benefit of limited localities or in aid of individual interests."

Your committee is not advised as to the objects against which this criticism is directed. They can only state that this bill was prepared after a most careful examination of the reports of the engineers and after giving hearings to delegations and others interested in the various projects named in the bill, and they respectfully submit that they were careful to avoid making provision for any objects which were not directly related to the public welfare and in the interests of commerce.

The President also states that—

"On the face of the bill it appears that not a few of these alleged improvements have been so improvidently planned and prosecuted that after an unwise expenditure of millions of dollars new experiments for their accomplishment have been entered upon."

Your committee, in the absence of any direct information upon this point, have concluded that this criticism is based upon a misconception of the language used with regard to quite a number of the projects named in the bill. It has often occurred that after a project had been adopted in accordance with certain defined plans submitted by the engineers the interests of commerce required that a greater and more effective improvement than that first contemplated should be made. In such cases it has long been the custom of Congress, amply justified by results, to order from time to time new surveys and estimates to be made with a view to enlarging the scope of these projects. In making appropriations for these enlarged projects the bill often directs that the money appropriated shall be expended in accordance with the modified or enlarged projects submitted by the engineers. It may be that the President inferred from the language so used that the original plans had been improvident and ill advised and the money expended upon them had been wasted, whereas the truth is that the money expended upon the original plans was judiciously expended and would have been expended even if the modified or enlarged plans had been originally adopted, the work under the original plans being in all cases included in that embraced in the modified plans. Instances of these so-called modified or enlarged projects may be found in the cases of Baltimore Harbor; Portland Harbor, Maine; Newtown Creek, which is a part of New York Harbor; Wilmington, Del.; St. Johns River, Florida; Savannah Harbor, and many others.

The President also states:

"I learn from official sources that there are appropriations contained in the bill to pay for work which private parties have actually agreed with this Government to do in consideration of their occupancy of public property."

When this bill was originally reported your committee were not aware that it contained such appropriations as those described by the President. Since the reception of his message they have reexamined the bill and made diligent inquiry to ascertain if in fact it does contain such appropriations, and they feel justified in asserting and do assert that the information upon which the President bases this charge is wholly without foundation. There is nothing in the reports of the engineers or in any information laid before your committee from any source whatsoever calculated to suggest even a suspicion that any such appropriations as indicated by the President are contained in the bill.

The President states that this bill—

"Directly appropriates or provides for the immediate expenditure of nearly $14,000,000 for river and harbor work."

In so far as this statement is calculated to produce the impression that it is contemplated that the whole amount of cash appropriated by this bill is to be immediately expended it is an error. It is well understood that only one river and harbor bill is passed by each Congress. The cash appropriated therefore by this bill is intended to cover the expense of the prosecution of works named in the bill, except as to those placed under the contract system, for the whole of the two fiscal years ending June 30, 1898. The actual cash appropriation carried by this bill is $12,621,800, which includes the cash appropriation amounting to $2,525,500 for projects placed under the continuous contracts in the bill.

After alluding to the $3,000,000 carried by the sundry civil bill for works heretofore placed under contract the President adds:

"The result is that the contemplated immediate expenditure for the objects mentioned amounts to about $17,000,000."

For the reason already given, it is obvious that this statement is an error. As already stated, $12,621,800 is intended to be expended during the two fiscal years ending June 30, 1898.

The President is also mistaken in his statement that this bill authorizes contracts for river and harbor work amounting to more than $62,000,000. The true amount for which such contracts are authorized is $59,616,404.91.

The President also states in connection with his discussion of these contract works:

"Of the remainder, nearly $20,000,000 will fall due during the fiscal year ending June 30, 1898, and amounts somewhat less in the years immediately succeeding."

This is also an error for the reason that if all the contracts authorized by this bill are promptly entered into by the Secretary of War for the full amounts estimated for the completion of each by the Chief of Engineers the maximum amount that can be expended under the limitations of this bill in any one fiscal year is $16,612,873.91.

The President also says:

"There is no ground to hope that in the face of persistent and growing demands the aggregate of appropriations for the smaller schemes not covered by contracts will be reduced or even remain stationary. For the fiscal year ending June 30, 1898, such appropriations, together with the installments on contracts which will fall due in that year, can hardly be less than $30,000,000."

The President here falls into the error of assuming that there will be another appropriation for the "smaller schemes" not covered by contracts to be expended during the fiscal year ending June 30, 1898. As a matter of fact, the next river and harbor bill, should one be passed, will only cover the cost of prosecuting these smaller works for the two fiscal years ending June 30, 1900, and no additional appropriations for the smaller works will be made for the fiscal year ending June 30, 1898.

The accusation of extravagance in this bill is most effectually disproved by a comparison with the appropriations for river and harbor improvements already made for the six years ending June 30, 1896:

There has been appropriated, commencing with the river and harbor bill of 1890, including $3,000,000 carried in the pending sundry civil bill	$100,200,000.00
Or an average per annum of	16,700,000.00
The amount carried under contract in the present bill, which will be distributed over a period of six years, is	59,616,404.91
Our experience with the contract system in the past, together with positive statements laid before your committee, justify the expectation that these contract works will be completed for at least 30 per cent less than the amount stated, or in round figures, say	42,000,000.00
To this should be added necessary to complete harbor works hitherto undertaken	4,000,000.00
And it is safe to assume that the river and harbor bills which will probably be passed in 1898 and 1900 will each carry not exceeding	10,000,000.00
Add to this cash appropriated in the present bill	12,621,800.00
And it may be estimated that during the ensuing six years there will be expended for river and harbor improvements in all	78,621,800.00
This would involve the expenditure during each of the next six years of	13,100,000.00
As against	16,700,000.00

during each of the past six years. This does not include the item for probable expenditure under condemnation proceedings authorized for dams and locks upon the Monongahela River. This amount can not be definitely stated.

It should be borne in mind that the sum of $59,000,000 and more embraced in these continuous contracts provided for in this bill are the estimates of the engineers upon the old plan of doing the work by piecemeal, and that these estimates were many of them made three, four, five, or more years ago, when the cost of construction was much greater than it is now; that in formulating this bill we have limited in all cases the cost of any projects put upon the continuous-contract plan to the estimates of the engineers, and there is every reason to believe that the experience of the past will be the experience of the future in the saving upon these contracts; and when we say that we believe these contracts will all be completed for $42,000,000 we think we are easily within the range of accurate statement.

Your committee can not too strongly recommend the adoption of the continuing contract system in the prosecution of public works. It has already been tried, and official estimates carefully prepared have shown a saving differing in amount somewhat, but averaging 30 per cent when compared with the estimates furnished by the engineers. So far from this method affording opportunities for the concealment of the magnitude of projects, as would seem to be intimated by the message of the President, we regard it as much more open to examination and to understanding than the old method of making appropriations. Under the method formerly employed appropriations were made from year to year without an adequate understanding as to the ultimate cost of the project. Under the continuing contract system the total cost is stated in each bill and a limit fixed beyond which the officers controlling the work are not allowed to go. On this subject Secretary Lamont, in his last annual report, states:

"The policy some time ago adopted by Congress in respect to certain of the more important river and harbor improvements for which fixed projects have been adopted for the completion of the work results in much economy of money and, what is more important, secures to the country early and appreciable benefits from the expenditures. In the main the objects for which such provision has been made are those which so eminently promote the enlargement of our commerce as to commend themselves to liberal consideration, and the extension of that policy to embrace other worthy improvements is earnestly commended."

Your committee confidently assert that the old system by which appropriations for river and harbor improvements were made biennially resulted in extravagance and waste. The continuing contract system secures more prompt and satisfactory results. It avoids the exasperating delay incident to the old system, provides for the completion of contracts entered into at a greatly diminished cost, and secures the early utilization of useful improvements. This system is a distinctive feature of the present bill, and your committee strongly recommend its continuation.

After a full consideration of the message of the President and a reexamination of the principal features of the bill your committee are satisfied that it should be passed notwithstanding the veto, and that no good reason has been assigned why the House should recede from its action with regard to the bill. It must not be forgotten that if this bill should fail there are hundreds of useful projects of improvement that have been in process of completion for a number of years and against which the most captious critic could urge no objection, which would be suspended, whereby great waste would be incurred and great loss sustained.

Notwithstanding all that has been said against the bill, your committee make bold to assert that if it should become a law it would yield most substantial benefit to the farmers, the producers, the consumers, the merchants, and the business communities of this country and contribute largely to general prosperity.

APPENDIX.

Amounts appropriated in river and harbor appropriation acts, Forty-eighth to Fifty-third Congresses:

Forty-eighth Congress, first session	$13,949,200.00
Forty-ninth Congress, first session	14,473,900.00
Fiftieth Congress, first session	22,397,616.00
Fifty-first Congress, first session	25,136,295.00
Fifty-second Congress, first session	21,154,218.00
Fifty-third Congress, first session	11,643,180.00
Fifty-fourth Congress, pending bill	12,621,800.00

Mr. HOOKER. Mr. Speaker, I move to pass the bill, the objections of the President to the contrary notwithstanding. I desire to say in behalf of the committee that we were of the opinion that the message of the President raised all the possible objections to the bill that could be raised. We have endeavored, in the report which has just been read, to cover every objection which he has raised to the pending measure.

There are a large number of members who have applied to me for time to discuss this measure, and had I yielded to them and allotted to them the time that they have asked, it would consume

two, three, or four days. It has been thought best by the committee, under the circumstances, to submit to the House the question whether or not we desire to engage upon a long and exhaustive debate upon this measure, and for the purpose of testing the sense of the House, without in any manner expressing the views of the committee or myself on the subject, I demand the previous question. [Applause.]

Mr. DOCKERY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DOCKERY. I ask the gentleman to yield to me for a moment.

Mr. HOOKER. Regular order!

Mr. DOCKERY. The gentleman agreed with me yesterday that we should have debate upon this bill, and it is unfair, it is unjust, and it is unmanly to pursue this course. [Great confusion on the floor.]

The SPEAKER. The House will please be in order. Gentlemen will take their seats.

Mr. CATCHINGS. The gentleman from New York——

The SPEAKER. The gentleman from Mississippi is not in order. This is a matter for the House to determine. The gentleman from New York [Mr. HOOKER] asks for the previous question. If the previous question is ordered, the House will proceed immediately to vote on the question of reconsideration.

Mr. DOCKERY. Mr. Speaker, will the Chair allow me to ask the gentleman from New York a question?

The SPEAKER. The gentleman demands the regular order. [Cries of "Regular order!"]

Mr. DOCKERY. I desire to say—— [Cries of "Regular order!"] I desire to state that the gentleman had agreed that we should have debate. [Renewed cries of "Regular order!"]

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. RICHARDSON and Mr. DOCKERY. Division.

The House divided; and there were—ayes 178, noes 60.

Mr. DOCKERY. The yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER. Forty-six gentlemen have arisen—not a sufficient number [applause]; the yeas and nays are refused, and the previous question is ordered. The question now is: Will the House upon reconsideration agree to pass the bill; and on this question the yeas and nays, by the Constitution, are to be taken.

Mr. DOCKERY. I desire to know whether there will be any debate under the rules on this question of reconsideration?

The SPEAKER. There will not be.

Mr. DOCKERY. Then, on a proposition to reconsider as required by the Constitution, no debate is permitted under the policy pursued by the gentleman from New York.

The SPEAKER. Provided the House of Representatives so vote.

Mr. DOCKERY. And they have so voted——

Mr. HENDERSON. Regular order!

Mr. DOCKERY (continuing). To stifle debate.

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 219, nays 61, not voting 74; as follows:

YEAS—219.

Acheson,	Clarke, Ala.	Fowler,	Hurley,
Adams,	Cobb,	Gamble,	Jenkins,
Aldrich, Ala.	Codding,	Gardner,	Johnson, Cal.
Aldrich, Ill.	Coffin,	Gibson,	Johnson, N. Dak.
Apsley,	Colson,	Gillet, N. Y.	Joy,
Arnold, Pa.	Cook, Wis.	Gillett, Mass.	Kendall,
Arnold, R. I.	Cooke, Ill.	Goodwyn,	Kerr,
Atwood,	Cooper, Fla.	Graff,	Kiefer,
Avery,	Cooper, Tex.	Griffin,	Kirkpatrick,
Babcock,	Cooper, Wis.	Griswold,	Knox,
Baker, Md.	Crowther,	Grosvenor,	Kulp,
Bankhead,	Crump,	Grow,	Kyle,
Barham,	Culberson,	Hadley,	Lacey,
Barney,	Cummings,	Halterman,	Latimer,
Barrett,	Curtis, N. Y.	Hardy,	Lefever,
Beach,	Dalzell,	Harmer,	Leisenring,
Belknap,	Danford,	Harris,	Lester,
Bennett,	Daniels,	Hartman,	Lewis,
Berry,	Dayton,	Hatch,	Linton,
Bingham,	Denny,	Heatwole,	Little,
Bishop,	De Witt,	Hemenway,	Lorimer,
Blue,	Dingley,	Henderson,	Loudenslager,
Boutelle,	Dinsmore,	Henry, Conn.	Low,
Brewster,	Dolliver,	Henry, Ind.	Mahany,
Broderick,	Doolittle,	Hermann,	Marsh,
Bromwell,	Dovener,	Hicks,	McCall, Mass.
Brosius,	Eddy,	Hilborn,	McCormick,
Brumm,	Elliott, Va.	Hill,	McCulloch,
Buck,	Elliott, S. C.	Hooker,	McLachlan,
Bull,	Ellis,	Hopkins,	McMillin,
Burton, Mo.	Evans,	Howe,	McRae,
Burton, Ohio	Fairchild,	Howell,	Mercer,
Cannon,	Faris,	Hubbard,	Meyer,
Catchings,	Fenton,	Huff,	Miller, W. Va.
Chickering,	Fischer,	Hulick,	Milliken,
Clark, Iowa	Fitzgerald,	Huling,	Minor, Wis.
Clark, Mo.	Fletcher,	Hunter,	Mondell,
Money,	Reeves,	Strait,	Walker, Va.
Moody,	Reyburn,	Sulloway,	Wanger,
Mozley,	Robertson, La.	Taft,	Warner,
Murphy,	Robinson, Pa.	Talbert,	Washington,
Northway,	Russell, Conn.	Tawney,	Watson, Ohio
Odell,	Sauerhering,	Tayler,	Wellington,
Ogden,	Shannon,	Terry,	White,
Otjen,	Simpkins,	Thomas,	Wilber,
Owens,	Smith, Ill.	Towne,	Williams,
Parker,	Smith, Mich.	Tracey,	Willis,
Payne,	Southard,	Treloar,	Wilson, Idaho
Phillips,	Spalding,	Turner, Ga.	Wilson, N. Y.
Poole,	Sparkman,	Tyler,	Wilson, Ohio
Powers,	Sperry,	Underwood,	Wilson, S. C.
Price,	Stahle,	Van Horn,	Wood,
Prince,	Stewart, N. J.	Van Voorhis,	Woodman,
Pugh,	Stewart, Wis.	Wadsworth,	Wright.
Quigg,	Stone, C. W.	Walker, Mass.	

NAYS—61.

Allen, Miss.	Dockery,	Long,	Sherman,
Allen, Utah	Erdman,	Maguire,	Skinner,
Anderson,	Grout,	McCall, Tenn.	Sorg,
Andrews,	Hager,	McClellan,	Stallings,
Baker, Kans.	Hainer, Nebr.	McClure,	Strode, Nebr.
Baker, N. H.	Hall,	McDearmon,	Strowd, N. C.
Bartlett, N. Y.	Harrison,	McEwan,	Sulzer,
Bell, Colo.	Hart,	Pearson,	Tate,
Bell, Tex.	Hendrick,	Pendleton,	Tracewell,
Black, Ga.	Hepburn,	Pitney,	Tucker,
Brown,	Jones,	Richardson,	Turner, Va.
Calderhead,	Kem,	Sayers,	Updegraff,
Clardy,	Kleberg,	Scranton,	Walsh.
Cockrell,	Layton,	Settle,	
Connolly,	Leighty,	Shafroth,	
De Armond,	Linney,	Shaw,	

NOT VOTING—74.

Abbott,	Foss,	Meiklejohn,	Rusk,
Aitken,	Hanly,	Meredith,	Russell, Ga.
Bailey,	Heiner, Pa.	Miles,	Shuford,
Bartholdt,	Hitt,	Miller, Kans.	Snover,
Bartlett, Ga.	Howard,	Milnes,	Southwick,
Black, N. Y.	Hull,	Miner, N. Y.	Spencer,
Bowers,	Hutcheson,	Morse,	Steele,
Burrell,	Hyde,	Moses,	Stephenson,
Corliss,	Johnson, Ind.	Neill,	Stone, W. A.
Cousins,	Lawson,	Newlands,	Strong,
Cowen,	Leonard,	Noonan,	Swanson,
Cox,	Livingston,	Otey,	Thorp,
Crisp,	Lockhart,	Overstreet,	Watson, Ind.
Crowley,	Loud,	Patterson,	Wheeler,
Curtis, Iowa	Maddox,	Perkins,	Woodard,
Curtis, Kans.	Mahon,	Pickler,	Woomer,
Downing,	McCleary, Minn.	Raney,	Yoakum.
Draper,	McCreary, Ky.	Ray,	
Foote,	McLaurin,	Royse,	

Mr. BAILEY. Mr. Speaker, I am paired with the gentleman from Georgia, Mr. BARTLETT. I desire to withdraw my vote.

Mr. LOUD. Mr. Speaker, I am requested by my colleague, Mr. BOWERS, who is detained at home by illness, to state that if he were present he would vote "nay."

Mr. BARRETT. Mr. Speaker, my colleague, Mr. MORSE, who is unavoidably absent, was very anxious to be paired on this question. I thought I had arranged a pair for him with the gentleman from Vermont, Mr. GROUT, but that gentleman informs me today that he deems it his duty to vote on the bill. It is now too late for me to pair my colleague, and I desire to state that if Mr. MORSE were present he would vote in the affirmative.

Mr. SWANSON. Mr. Speaker, I am paired with the gentleman from Georgia, Mr. CRISP. If he were present he would vote to pass the bill over the veto, while I would sustain the veto.

The following pairs were announced:

Until further notice:

Mr. WOOMER with Mr. RUSSELL of Georgia.

Mr. COUSINS with Mr. LIVINGSTON.

Mr. BOWERS with Mr. MINER of New York.

Mr. SNOVER with Mr. MADDOX.

Mr. CORLISS with Mr. MOSES.

Mr. JOHNSON of Indiana with Mr. COX.

Mr. PICKLER with Mr. MILES.

Mr. MEIKLEJOHN with Mr. CROWLEY.

Mr. FOSS with Mr. MCLAURIN.

Mr. FOOTE with Mr. HUTCHESON.

For this day:

Mr. RANEY with Mr. WHEELER.

Mr. WILLIAM A. STONE with Mr. MCCREARY of Kentucky.

On this question:

Mr. HYDE with Mr. DOWNING.

Mr. ROYSE with Mr. WOODARD.

Mr. SPENCER with Mr. CURTIS of Kansas.

Mr. DRAPER with Mr. LOCKHART.

Mr. COWEN with Mr. WASHINGTON.

Mr. BARTLETT of Georgia with Mr. BAILEY.

Mr. CRISP with Mr. SWANSON.

Mr. MAHON with Mr. OTEY.

Mr. BLACK of New York with Mr. LAWSON.

Mr. STEPHENSON with Mr. MILNES.

Mr. OVERSTREET with Mr. PATTERSON.

Mr. STEELE with Mr. RUSK.

Mr. NEILL, to pass over veto, with Mr. ABBOTT, to sustain veto.

Mr. THOMAS. Mr. Speaker, I desire to say that my colleagues, Mr. CORLISS and Mr. SNOVER, who are unavoidably absent, would have voted for the bill if they had been present.

Mr. ABBOTT. Mr. Speaker, I am paired with the gentleman from Arkansas, Mr. NEILL. I want the RECORD to show that I would vote to sustain the veto, and Mr. NEILL would vote against the veto.

The SPEAKER. On this question the yeas are 220, the nays are 60. [Applause.] Two-thirds having voted in the affirmative, the House determines, upon reconsideration, to pass the bill.

Mr. HOOKER. Mr. Speaker, I desire the present consideration of a resolution which I send to the Clerk's desk to be reported.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the resolution which will be reported.

The Clerk read as follows:

Resolved, That there be printed, for the use of members of the House, 10,000 copies of the message of the President and the report of the committee on the river and harbor bill.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. DOCKERY. Is that privileged?

The SPEAKER. It is not. The Chair asks if there is objection.

Mr. DOCKERY. I will not object.

The SPEAKER. Does the gentleman object?

Mr. DOCKERY. I do not.

Mr. STROWD of North Carolina. I do.

The SPEAKER. Objection is made.

MEMORIAL ASSOCIATION OF THE DISTRICT OF COLUMBIA.

The SPEAKER. Under the act of June 14, 1892, the Chair appoints the following members of the Memorial Association of the District of Columbia: Mr. W. D. Davidge and Mr. A. T. Britton.

CONTESTED-ELECTION CASE—MITCHELL AGAINST WALSH.

Mr. LONG. Mr. Speaker, I call up for consideration the contested-election case of Mitchell against Walsh, and I ask that the resolutions be read.

The Clerk read as follows:

Resolved, That James J. Walsh was not elected a Representative to the Fifty-fourth Congress from the Eighth Congressional district of New York, and is not entitled to his seat.

Resolved, That John Murray Mitchell was elected a Representative to the Fifty-fourth Congress from the Eighth Congressional district of New York, and is entitled to his seat.

Mr. MAGUIRE. I desire to offer a substitute for the resolutions.

The Clerk read as follows:

Resolved, That James J. Walsh was duly elected a Representative in Congress from the Eighth Congressional district of the State of New York at the election held on the 6th day of November, 1894, and is entitled to the seat which he now holds as such Representative.

Mr. LONG. Mr. Speaker, before proceeding with the discussion of this case, I would like to know from the opposite side whether we can agree upon the time at which this debate shall close. Will the gentleman from California [Mr. MAGUIRE] who represents the minority agree that a vote may be had on these resolutions at 4 o'clock?

Mr. MAGUIRE. It is impossible to discuss a case of this kind in one hour on each side—utterly impossible. There is a record of some 1,400 pages and the charges are fraud and bribery. The evidence is voluminous and is largely hearsay. To attempt to discuss it in an hour as it should be discussed before decision would be perfectly idle. I stated to the gentleman from Kansas the other day, when we tried to agree on time, that less than two hours on a side would be unreasonable.

Mr. LONG. Then the gentleman declines to agree?

Mr. MAGUIRE. I can not agree that we shall take the vote at 4 o'clock.

Mr. LONG. I will state to the House that it is the intention of the committee that a vote shall be had on these resolutions before adjournment this evening.

This case, Mr. Speaker, involves the right to the seat from the Eighth Congressional district of the State of New York. James J. Walsh is the sitting member, and has a returned majority of 367. The district is composed of certain election districts in the Second, Third, Seventh, Eighth, Ninth, Tenth, Eleventh, and Twelfth assembly districts of the State of New York. An assembly district is a subdivision of that State which is entitled to a representative in the State assembly, which is the lower branch of the State legislature. This contest is confined to the Second assembly district. There are 34 election districts in the Second assembly district. An election district is the smallest subdivision of the State for election purposes, and corresponds to a precinct in the majority of the States. All these 34 districts were attacked by the contestant for fraud and bribery, but by the report of the committee the controversy relates to but five election districts—the twenty-fifth, thirtieth, thirty-fifth, thirty-sixth, and forty-fourth.

It certainly will be gratifying to the House, after its experience in the contested election case of Johnston *vs.* Stokes, in which the committee that reported that case was divided into four sections, each with different views as to the law and the facts, to be informed that in this case there is no division in the committee as to the law, and but very little controversy as to the facts. The majority of the committee find that an organization to bribe the electors existed in these five election districts. The minority of the committee admit that it existed in one, the forty-fourth, and take issue as to its existence in the other four.

Mr. MAGUIRE. Will the gentleman permit a suggestion?

Mr. LONG. Certainly.

Mr. MAGUIRE. The minority does not concede the existence of fraud in the forty-fourth district, but admits that the failure on the part of the contestee to call one witness (Thomas Dineen) who should have been called leaves unanswered a prima facie showing that some men were bribed to vote the Democratic ticket in that election district, and makes it inexpedient to contest that question here.

Mr. LONG. Very well. Then upon the record and upon the report of the minority, from which I shall read, I will leave it to the House to decide whether or not the minority do concede the existence of this organization in the forty-fourth election district. This is probably the first time, Mr. Speaker, in a contested election case in this House where the views and conclusions of the majority of the committee are fortified and reenforced by the report of the minority, and I will shortly call attention to that report.

This organization that existed in these five districts was known as Tammany Hall. In its inception it appears to have been a charitable institution, but for some years it has neglected its original purpose and design [laughter], has devoted itself exclusively to the management and control of politics in the city of New York, and has interested itself in the success of the Democratic party and its candidates. However, it still appears to be a nonpolitical organization. [Laughter.] This organization, outside of its general officers, had a "leader" in each assembly district and a "captain" in each election district. The leader in the Second assembly district was Patrick Divver. There was a captain in each one of the five election districts in controversy. The election law of the State of New York provided for official ballots, not one official ballot, as in a majority of States, but a number of them. It appears that there were nine official ballots used in the Second assembly district. Under certain regulations any organization might have an official ballot, and Tammany Hall had one, and it was the Democratic ticket from governor down, including contestee for Congress. It may be well to observe that the contestee in this case was a vice-president of the Tammany Hall organization.

Mr. MAGUIRE. Will the gentleman state where that evidence is and what it is?

Mr. LONG. It is in the record.

Mr. WALSH. In what part of the record? Produce it.

Mr. LONG. The gentleman appears to question the finding of the majority in regard to the contestee being a vice-president of Tammany Hall. Do you [Mr. Walsh] deny being a vice-president of that organization?

Mr. WALSH. I do deny being a vice-president of the Tammany organization in 1894.

Mr. LONG. Then you deny the record.

Mr. WALSH. Produce the record. I would be proud to have been a vice-president of that organization at that time, but you can not produce the record to show that I was.

Mr. LONG. I have here the original record in this case. [Exhibiting a large volume.] In it is a book containing the names of the members of the "Democratic-Republican general committee of the city of New York, Tammany Hall, 1894. New York, Tammany Hall Print, 1894."

Mr. WALSH. What month? [Laughter.]

Mr. LONG. Here, on page 4 of this book, I find the name of "James J. Walsh, 27 City Hall," in the list of vice-presidents. Is that your name?

Mr. WALSH. My name is James J. Walsh.

Mr. LONG. Do you reside at 27 City Hall?

Mr. WALSH. I do not.

Mr. LONG. Did you then?

Mr. WALSH. I did, in 1893.

Mr. LONG. In 1894, also?

Mr. WALSH. I did until after the election, when I moved.

Mr. LONG. Then you ceased to be a vice-president before the election came off?

Mr. WALSH. The general committee is elected four months before election. The members of the committee whose names are contained in that book that you have there were elected in 1893, before the election in question. But it is immaterial.

Mr. LONG. Oh, it is?

Mr. WALSH. Yes, entirely so.

Mr. MAGUIRE. Is that all the evidence the gentleman has of the fact?

Mr. LONG. This is the record, showing that the contestee is a vice-president of the organization.

Mr. MAGUIRE. I deny that there is any evidence of that fact. All you have shown is that somebody printed a book containing those names. That is not evidence.

Mr. LONG. This was introduced in evidence by a witness. It is Exhibit L of the contestant's evidence, and it is in this record and unrefuted.

Mr. MAGUIRE. So are several newspaper interviews, but they are not evidence.

Mr. QUIGG. Will the gentleman from Kansas permit a question?

Mr. LONG. Certainly.

Mr. QUIGG. Did the gentleman discover in his investigation of this case that gentlemen in this House connected with Tammany Hall felt themselves humiliated by the representation that they were officials of that body? [Laughter.]

Mr. LONG. Outside of the contestee in this case I have not found it so.

Mr. WALSH. Speaking for myself, I will say that I am proud of my membership in Tammany Hall, and always will be.

Mr. LONG. Yes, but you do not like to be called a vice-president. [Laughter.]

Mr. WALSH. Not when the fact is not so.

Mr. LONG. Now, Mr. Speaker, when I was interrupted I was speaking in regard to the law providing for a number of official ballots. Tammany Hall had an official ballot, which was the Democratic ticket. The law also provided for what is known as a "paster." The voter could take any one of the official ballots and use a paster on it. He could place the paster over the name of any one candidate or over the entire face of any official ballot, and could vote that instead of an official ballot, and could return the unused official ballots to the election officers. The paster might have but one name on it, or the names of all the candidates that were to be voted for at that election.

This nonpolitical organization, this nonpartisan organization (because it is referred to here as the Democratic-Republican organization), this "charitable institution" had a paster, and it was known as the Tammany paster. It was identical with the Democratic ticket, and in these five districts it was used exclusively in the corruption of the voters. This is the way it was done: The Tammany captain had his headquarters near the voting booth. He had his "inside" workers and his "outside" workers. The outside workers brought the voters to his place of business. The voter was there instructed how to prepare his ballot. The instruction consisted in handing him a Tammany Hall paster, and informing him that he could paste that on any official ballot, and he was instructed to do so. He was then taken to the election booth, where he received all of the official ballots. He retired to the election booth and prepared his ballot—placed the Tammany paster over one of the official ballots. It did not make any difference which he got it on. He came out and returned the unused ballots to the election officer. Having voted an official ballot with the Tammany paster on its face, he was then taken to the headquarters, the captain was informed that he was "all right," and he received the money agreed upon in advance—usually a dollar or two dollars.

This was carried on all day in these five election districts under the leadership of Tammany captains. It was done in these five districts principally because in these districts were found many of the lodging houses of New York City. In these lodging houses beds could be obtained at from 10 to 25 cents a night. They were occupied largely by transients who had no fixed abode. These were the places where the Tammany Hall organization did its work. The managers of these houses were generally members of the organization. The clerks took an interest in the registration of the lodgers, and saw on election day that they voted. These lodgers only take an interest in elections when they are paid for it. They have no fixed opinions on political questions, and they vote as they are paid. The only organization that is there to see that they are paid is Tammany Hall.

To show the extent of the vote from these lodging houses it is only necessary to state that in four of these districts, the thirtieth, thirty-fifth, thirty-sixth, and forty-fourth, 837 persons registered from 20 lodging houses. The contestee in these four districts received 582 votes, and 558 voters gave as their places of residence these lodging houses. The committee believe it fair to assume that nearly all of these lodging-house voters voted for the contestee, for the reason that they voted only when purchased and for the reason that his organization was the only one that was there to do the purchasing.

The returned vote of the contestant is not attacked in any particular. There is not a particle of evidence that indicates that the contestant or his political adherents were in any manner connected with obtaining votes by bribery.

A great deal of evidence was introduced by the contestant relative to the manner of carrying on the operations in those five districts. He went down and secured the evidence of the men who were purchased—the evidence of the men who assisted the Tammany Hall workers. They came upon the witness stand and confessed to their own infamy. Their evidence is in the record, and we have referred to a part of it in the report of the committee.

Allow me now to call attention to what the minority report states in relation to one of these districts—the forty-fourth. Remember the evidence in regard to all these districts is similar; it came from the men who were engaged in the proceedings I have described. It was the only kind of evidence that could be produced under the circumstances. Let me read what the minority say in regard to the forty-fourth district; and I wish to call the special attention of the gentleman from California [Mr. MAGUIRE] to the statements in this minority report which warranted me in believing and saying that we did not differ on the evidence in relation to the forty-fourth district. I refer to page 14 of the minority report:

In the forty-fourth election district there is a prima facie showing of bribery committed by Dineen and Grant and Parmlee in the interest of the Democratic ticket, from which the contestee, if his name was on the Democratic ticket, may have reaped an advantage.

His name was on the Democratic ticket.

Mr. MAGUIRE. It was not. It was on but one official ballot—the Tammany ballot. Your own evidence shows that it was not on the official Democratic ticket.

Mr. LONG. I call the gentleman's attention to page 211 of the record, where the official ballots are printed. There is the Tammany Hall ticket—No. 4 on that page.

Mr. MAGUIRE. Yes; Mr. Walsh's name is on that ticket.

Mr. LONG. The head of that ticket is DAVID B. HILL, for governor; then follows the full Democratic ticket, and down further is, "For Representative in Congress for the Eighth Congressional district, James J. Walsh."

Mr. MAGUIRE. And on page 211, Exhibit E, the New York State Democratic ticket will be found with the name of Congressman omitted.

Mr. LONG. That is not the Democratic ticket of the State of New York. That is the ticket of the New York State Democracy, an organization in opposition to Tammany Hall. [Applause on the Republican side.] But it was not the New York State Democratic ticket, and you know it. The contestee will not dare to stand up in his place and say that he was not the Democratic candidate for Congress in that district. If he does I am willing to yield to him the time to make the declaration now.

Mr. MAGUIRE. We do not propose to try the case here. That proposition belongs to the province of what may be called pettyfogging.

Mr. LONG. If the contestee will stand up in his place and say that he was not the candidate on the Democratic ticket——

Mr. MAGUIRE. I say his name was not on any official ticket that was denominated "Democratic."

Mr. LONG. There is a difference between the New York Democratic ticket and the ticket of the New York State Democracy. The State Democracy is a local organization in the city of New York, and the contestee's name was not on their ticket, although he was indorsed by them. Tammany Hall was the regular Democratic organization in that district, and contestee was the candidate on their ticket for Congress, and he will not deny it.

Mr. MAGUIRE. You are evidently referring to the Democratic State ticket. The official designation of the ticket on which Mr. Walsh's name appears was the "Tammany Hall" ticket.

Mr. LONG. But that was the Democratic ticket, and the gentleman knows it.

Mr. MAGUIRE. It was the Tammany Hall ticket.

Mr. LONG. Was it not the Democratic ticket?

Mr. MAGUIRE. It does not so appear from the evidence. [Derisive laughter on the Republican side.]

Mr. LONG. Of course, the contestee was not on the Democratic State ticket, for he was running for Congress, but he was on the Democratic ticket of the State of New York, the only Democratic ticket there on which his name could be. And it is a strange position for Tammany Hall and their representative here, the gentleman from California in charge of this case, that after all the claims of regularity which they set up in New York at that election they now come in and say that there was not a regular Democratic organization in that district. [Applause on the Republican side.]

Mr. MAGUIRE. The gentleman is mistaken. I do not represent Tammany Hall nor the New York State Democracy on this floor. I am here in a judicial capacity to pass on the question presented here on the evidence submitted; and I say to you that if you unseat Mr. Walsh you will not do so on the evidence in this case.

Mr. LONG. Allow me to call your attention to page 133 of the record.

Mr. MAGUIRE. I will be pleased to examine it.

Mr. LONG. I find this admission on the part of the contestee:

The contestee admits that he resides at No. 27 City Hall Place, in the city of New York, in the Eighth Congressional district.

Contestee admits that he was nominated for Representative in Congress of the Eighth Congressional district at the last election, held November 6, 1894, and was indorsed by what was known as the State Democracy and the Empire State Democracy. All other organizations were opposed to him.

The contestee concedes that the regular Democratic organization is commonly called Tammany Hall.

[Applause.]

There is the record admitted by the contestee himself in the taking of the evidence in this case. I call the attention of the gentleman from California to it.

Mr. HEPBURN. Of course that makes no difference to him. [Laughter.]

Mr. LONG. Of course it makes no difference to him. He will be denying the minority report before we get through with this case. [Laughter.]

Mr. MAGUIRE. I would suggest that I have not yet done so, and there will be time enough to make such prophecies when the gentleman has better grounds on which to proceed.

Mr. LONG. No; you have not yet denied it, but when you deny matters that are clearly in evidence in the record——

Mr. MAGUIRE (interrupting). I do not.

Mr. LONG (continuing). It is to be presumed that before you get through you will be found denying your own minority report.

Now, I return to this report of the minority because, as I before stated, probably this is the first instance in the history of contested election cases where the views of the majority of the committee are reenforced and strengthened by the report of the minority. Let me read again what is said in the minority report relative to the forty-fourth district:

In the forty-fourth election district there is a prima facie showing of bribery committed by Dineen and Grant and Parmlee in the interest of the Democratic ticket, from which the contestee, if his name was on the Democratic ticket, may have reaped an advantage.

His name was there. There is not any question about it. The Dineen here referred to was the Tammany captain of the forty-fourth election district. Here follows a criticism or aspersion on the witnesses. Then follows this:

But if this House of Representatives is disposed to accept such testimony to unseat a member, then by giving credit to it the House may hold that a prima facie case has been made against contestee, so far as the forty-fourth election district is concerned, and, under the rule set forth in Payne on Elections, section 491, cited in the majority report, and which we concede to be correct, namely, "When evidence of bribery by an active supporter of respondent is shown, the court will draw unfavorable conclusions from the neglect or refusal of the person so charged to explain his conduct in the witness box," would justify the exclusion of the vote cast in that precinct from consideration.

I call your attention to the closing part of the report of the minority:

We submit that there is no justification whatever for disregarding or excluding from consideration the votes cast in any of the election districts in question, save and except the votes cast in the forty-fourth election district, and, in our opinion, even votes cast in that district ought not to be thrown out, because, while there is nominally testimony to justify a finding of general bribery in favor of the Democratic ticket, including contestee's office, in that precinct, the testimony is shown by the witnesses themselves to be utterly unworthy of credence and utterly insufficient in point of credibility to justify the making of any finding based upon it. The throwing out of the entire vote cast in that precinct, however, may be conceded, thus reducing contestee's returned plurality from 267 to 255, leaving contestee still elected by a plurality of 255.

There is the position of the minority. They say, "Throw out the forty-fourth district." Why? Because of the bribery that was carried on there by the Tammany Hall captain and his assistants. The majority of the committee go further. They say that it is a reflection upon the ability and shrewdness of the great Tammany Hall organization to say that, while it was interested in electing one of its vice-presidents to Congress, it confined its operations to one little insignificant election district and did not operate in other districts that were near it. For remember that four of these districts, the twenty-fifth, thirtieth, thirty-fifth, and thirty-sixth, are contiguous. They are on the Bowery. The forty-fourth is separated from these districts by a block only, and it is on the Bowery. And these five districts, as I have stated before, take in the lodging houses of the city of New York.

There is no difference, then, between the majority and the minority as to the rule to be followed. There was no evidence introduced which proved that the contestee received bribed votes equal to the number of votes that were returned for him in the forty-fourth district. There was a showing that in that district there existed an organization to bribe, carried on under the leadership of a Tammany Hall captain, and that it was impossible to determine the extent of the bribery or how far it extended, and the committee were of the opinion—and we have followed the precedents in this House—that it was right and proper to exclude the vote of that district from the count, as it was impossible to separate the bribed votes from the legal votes. That was done in the forty-fourth district, and on the same kind of evidence the twenty-fifth, thirtieth, thirty-fifth, and thirty-sixth were excluded by the majority of the committee.

I want to call the attention of this House to the fact that the contestant placed upon the witness stand witnesses to prove the bribery and the existence of this organization to bribe in these five election districts. Remember that the contestee did not go upon the stand and deny these charges. Remember that not a Tammany Hall captain in any election district upon whom the crime of bribery was fixed by the evidence went upon the stand and testified that he was not engaged in corrupting the voters. Remember that from the beginning of this record to the end of it not a particle of evidence was introduced by the contestee to disprove or dispute in any way any of the evidence introduced by the contestant showing that bribery was practiced in these districts by Tammany Hall.

The exclusion of the entire vote of these five districts will elect the contestant by 76 majority. If you adopt the other theory, that only the votes of the contestee should be excluded, there being no evidence of bribery on the part of the contestant, the contestant will be elected by 343 majority.

[Mr. MAGUIRE addressed the House. See Appendix.]

Mr. TAYLER. Mr. Speaker, the judicial posture which the gentleman from California [Mr. MAGUIRE] assumes respecting the right of a member of this House to consider matters of public knowledge is novel, especially coming from that side of the House. I suppose that the gentleman from California ought to be informed of the fact that there is such an organization in the city of New York as Tammany Hall; that it is a political organization, and that it is popularly known to be the place of abode of all the civic virtues. It is the asylum for all retired members of good-government clubs. It is an organization that produced and is about to canonize Dr. Parkhurst; it is the organization that brought out Colonel Strong as a candidate for mayor, and that gave a start, life, and vitality to the committee of one hundred, and it is intended that two great sons of New York shall be lifted up as models to the American generations, and Tammany Hall's representative will be Mr. Patrick Divver.

Now, the gentleman from California insists, with an ignorance that is absolutely appalling, that we have no right to consider facts that are facts within the common knowledge of the people. The fact is that the contestee in this case was the only Democratic candidate for Congress in the Eighth Congressional district of New York. He was the Democratic candidate, and recognized as such. He is here as a Democratic member, proud of his Democracy and of his association with Tammany Hall, and he now and here nods his head in admiring assent to the proposition I have just laid down. The ticket that Tammany Hall gave out was indorsed "Tammany Hall," for there is little of Democracy in the city of New York except Tammany Hall.

I am only going to detain this House a moment. I am going to answer an inquiry that was put by the gentleman from California [Mr. MAGUIRE] to any lawyer in this House. I may truthfully say that I am "any lawyer," even if I am not much of a lawyer. The first proposition that I want to speak about, and that but for a moment, is as to the sufficiency of William A. Hoar as an officer before whom testimony could be taken. I am not going to discuss the question as to whether William A. Hoar was a notary public when these witnesses stood up before him, holding up their hands and swearing before Almighty God that they would tell the truth. It was supposed that Mr. Hoar was a notary. All of the parties to this controversy acted upon the theory that he was a notary. He signed himself as a notary. If he was not a notary, it was the duty of those who now question his notarial capacity to have known it then. They were chargeable with knowledge of the status of William A. Hoar as a notary, and it is now too late for them to object to his capacity to thus act.

Mr. MAGUIRE. Will the gentleman permit a question?

Mr. TAYLER. I would, cheerfully, if I had more than a moment.

Mr. MAGUIRE. I call attention to the fact that I yielded frequently to the gentleman from Kansas and others.

Mr. TAYLER. I will yield to the gentleman.

Mr. MAGUIRE. If Mr. Hoar was not a notary, could the witnesses before him be prosecuted for perjury?

Mr. TAYLER. I am coming right to that. I am not going to dally with the proposition, but will meet it squarely. It is my judgment as a lawyer to the extent which qualifies me to enter into this discussion, that not one of these witnesses who testified before William A. Hoar during the time that he pretended to act as a notary could to-day be prosecuted for perjury. That is merely a personal opinion of mine, but it bears not at all upon the question as to the sufficiency of the testimony for the consideration of this House. And that is precisely the proposition I was coming to. What is this House? It is a body charged by the Constitution with the power to pass upon the elections, qualifications, and returns of its own members. It may determine that question in any way

it sees fit. This House, acting as a House, will look at such facts as come before it. What were the facts? A crowd of witnesses came before one who not only held himself out as a notary public, but whom every party to this controversy, the contestant and the contestee, and the horde of lawyers about them, treated as though he were a notary public. The witnesses held their hands up as solemnly as if the chief justice of the Supreme Court was administering the oath, and took an oath to tell the truth, the whole truth, and nothing but the truth. Therefore, even though a witness does not come here subject to the charge of perjury, he comes here under all the solemnity that the most solemn oath could give his testimony, and therefore, since the witnesses come before this House, testifying, as they believed, under the sanctity of an oath, the testimony comes into this House with a sufficient solemnity to justify this House in considering it.

Mr. DANIELS. If the gentleman will allow me to interrupt him, in the case of the People against Cook, which was reported in 4 Selden, New York, the officers of election were sworn upon a copy of Watts's Hymns, and the court of appeals decided that that would be sufficient to bind them in the discharge of their duties.

Mr. MAGUIRE. But the oath was administered by a person competent to administer oaths.

Mr. DANIELS. Yes; but upon a copy of Watts's Hymns.

Mr. MAGUIRE. In California they can be sworn without any book.

Mr. TAYLER. But I regard that as entirely immaterial. This House is not a court of law created by statute. It is a court that is self-created. It is the product of the Constitution, and in its own way it seeks to do right, and no man can say that for this House to consider this testimony, precisely as if it had been sworn to by one qualified to administer oaths, would be departing one hair's breadth from the path that the House ought to follow, seeking to do justice and to act judicially, as it must act under its constitutional duty. The question here is not as to whether this notary was a notary de facto, with the right to administer oaths. But as I take it, that is a question entirely unimportant. I would rather stand upon the other principle, as sustaining the dignity and the power of this House to take that which came before it with all the solemnity that any testimony could have, and pass upon the question.

But the gentleman says that there is not a word of testimony here showing that these men were Tammany captains, or that these witnesses were bribed, or that they saw anybody bribed, or that, if bribed, they voted for the Democratic ticket, or that Mr. Walsh's name was on it.

Mr. MAGUIRE. There is no evidence that they voted for the contestee.

Mr. TAYLER. I understand Mr. Walsh to admit by the fact that he is here that he ran as a candidate at that election.

Now, I want to give to this House the testimony of one witness, which is merely typical of a vast volume of testimony which leads to the same effect, and speaks respecting all of the five precincts to which we have given consideration. We have examined other branches of the testimony, and we have examined other questions. There were certain technical objections made to certain returns. I imagine that if they had been pressed, or if the committee had been compelled to pass upon them, they would have demanded that we entirely exclude certain returns. But we do not do that. We simply say this: In five precincts in which the majority for Mr. Walsh exceeds his majority in the entire district, an organized system of bribery was carried on in nearly every instance by men who were described and known to be leaders, to be captains of Tammany Hall election districts. These witnesses who testify respecting these various violations of law were not witnesses of the highest character. They came from the gutter. We had to take them from the gutter, and such character as that class of people have must be allowed to them. They came from this eleemosynary institution.

Mr. MAGUIRE. That was at New London—the eleemosynary institution. [Laughter.]

Mr. TAYLER. The New London eleemosynary institution was probably no better than any other. But as to these five precincts the witnesses testified with particularity. They pointed their fingers at a Tammany captain and said: "You bought my vote," or "I saw you buy 5 or 10 or 15 or 20 votes; I saw you give the men pasters and instruct them to vote the Democratic ticket." That specific testimony is given by witnesses as to each one of these five precincts.

Mr. MAGUIRE. I deny that there is any such evidence in the case.

Mr. TAYLER. I can not be interrupted further, Mr. Speaker. I would yield if I had time. The testimony of these witnesses, I say, is as specific as I have stated in relation to these five precincts. Now, I repeat that the character of these witnesses is not of the best. Their testimony is unreliable. They are not witnesses of the most truthful character. But after all, let the House consider that no man lives but can at times tell the truth, and when the meanest and the lowest creature testifies that a certain thing transpired respecting another person, reflecting on that other person, and when that other person, with full opportunity, with every inducement under heaven to deny it, declines to deny it, then I say the testimony of the most unreliable witness is entitled to full credence. Now, that is the case here. Witnesses testify respecting these five precincts. They name the men who bribed the voters. Let me read, as typical of these five and others, this testimony:

Q. Do you know Dan O'Rourke?
A. Yes, sir.
Q. Is he the Tammany captain of that district?
A. Yes, sir.
Q. Did you see him on election day?
A. Yes, sir.

My friend from California [Mr. MAGUIRE] says this witness is a liar, but he is the only man that has ever had the temerity to call him a liar. Why did not Dan O'Rourke call him a liar?

Mr. MAGUIRE. Hermin himself——

Mr. TAYLER. This is not Hermin. This is John Reilly, and Mr. O'Rourke, thus referred to by name and referred to as a Tammany captain, and, as will be seen later on in the testimony of Reilly, charged with doing certain things, never denied this testimony.

Mr. WALSH. Did John Reilly ever sign his testimony?

Mr. TAYLER. I do not care whether John Reilly ever signed his testimony or not. Did Dan O'Rourke ever deny that he had bribed voters?

Mr. WALSH. Why should he deny something that was not sworn to? Reilly never signed his testimony and never swore to it.

Mr. TAYLER. Did O'Rourke know that?

Mr. WALSH. I do not know whether he did or not. He was not there.

Mr. TAYLER. Did you tell him?

Mr. WALSH. No, sir.

Mr. TAYLER. Well, O'Rourke was here charged by a witness who testifies in this case seriously, declaring that O'Rourke did these things, and O'Rourke went away. How far did he go? Did he go to where indictments could not reach him?

Now, Reilly goes on and testifies that he was given Tammany pasters. Let me say here that the Australian ballot exists in New York only in name. There is an official ballot, but there is an unofficial "paster" which can be plastered all over the ballot, so that when a Tammany captain wanted to see that his man voted right he would give him a paster and say to him, "Go to the polls and plaster that on anything you please and that will be a Democratic vote." It was a blanket paster covering everything—all of the candidates. Reilly testifies on this point as follows:

Q. You went in and voted the Democratic paster?
A. Yes, sir.
Q. Did you see O'Rourke after he had voted?
A. Yes, sir.
Q. Did he give you anything?
A. Yes, sir.
Q. What did he give you?
A. One dollar.
Q. Did you see any other men around there on election day that received any money from O'Rourke?
A. Yes, sir.
Q. How many men did you see?
A. Well, there was about fifteen, I would think.
Q. Fifteen men?
A. Yes, sir.
Q. You saw O'Rourke giving them money?
A. Yes.
Q. Had you seen any of these men going into the voting place?
A. Yes, sir.

Now, it is assumed that because, by some technical effort, it is made to appear that Mr. William A. Hoar was not a notary, or because it is said this witness, John Reilly, did not sign his name to the transcript of his testimony, therefore Mr. O'Rourke was not bound to deny this charge thus made under oath. If that gives comfort to gentlemen on the other side, they are welcome to it.

Mr. QUIGG. Let me ask the gentleman how many witnesses of whom Reilly is a type were examined in this case?

Mr. TAYLER. There are two, I believe, cited in the report, and the evidence is multiplied in every precinct. I can not answer the gentleman's question exactly, because I have not analyzed the testimony for the purpose of determining just how many witnesses testified with respect to each precinct. But the important thing is this: We have got in this record all that a court or a jury would need for the purpose of coming to the conclusion that bribery was carried on in these five precincts to such an extent as to invalidate the returns from them, because it is brought home to the parties themselves. Every one of the parties charged had an opportunity to testify. Not one of them was even called as a witness. Not one of them even undertook to shield himself behind his privilege on the ground that this testimony might tend to criminate him. Not an excuse was offered why these persons

should not testify, except, perhaps, in the case of Dineen, who was under indictment.

The failure of these persons to speak when they ought to have spoken is affirmative testimony supporting contestant's witnesses. Any cloud on the veracity of contestant's witnesses was dispelled by the silence of these Tammany captains. Not an excuse is offered why these people should not testify, except that Dineen was then under indictment and others were not. Let me say that as to the forty-fourth precinct, where Dineen was the Tammany captain, the evidence is absolutely overwhelming; there is a vast cloud of testimony upon the proposition that Dineen was there bribing witnesses, and also as to the other four. But the report of the minority admits our contention respecting the forty-fourth precinct, and therefore we have given it no attention.

But it must be borne in mind that these other four precincts were in the immediate vicinity of the forty-fourth precinct, and were themselves contiguous. Those four precincts besides the forty-fourth did not cover the area of half of this Capitol square, and the same means which were resorted to in one were resorted to in the others. They were all down on the Bowery, where "they say such things and they do such things" on election day. [Laughter.]

As I said, there is a certain probative force in any man's declaration, however slight may be his means of information, however reckless may be his manner of statement, or however vile may be his character, when set up against the statement of a truthful man; and whenever a man in whom we have not the highest confidence makes a statement we are apt to discount the value of his statement, not because he is intrinsically not entitled to credence, but because we discount in advance the denial of the party who is charged with some impropriety by him. But these witnesses who testify were at least of as high character as the Tammany captains themselves; and they testify here that they were bribed, that they were offered bribes, that they saw bribes given. And no Tammany captain thus specifically charged with committing this crime had the courage to come and testify, or was even called and asked to testify by the contestee in this case.

So I say, Mr. Speaker, that if there were nothing in this case but the testimony of men whose character was such that you would not take their statement against the statement of anybody else, yet when they themselves under the supposed solemnity of an oath swear to a certain fact, and the people concerning whom they testify do not come forward and deny it, it makes a case that is absolutely complete, both in philosophy and in law and in the common sense of life, which would compel this House to say that this contestee must be unseated.

Mr. QUIGG. I should like to ask the gentleman a question or two, simply to identify this election. The election was in 1894, and there was elected in the city of New York at that time a mayor, was there?

Mr. TAYLER. Yes, sir.

Mr. QUIGG. This election was the one held immediately after the Lexow investigation?

Mr. TAYLER. Precisely.

Mr. QUIGG. And it was the election at which Tammany Hall was defeated and Colonel Strong elected mayor?

Mr. TAYLER. Yes, sir. I might add that this election showed Tammany Hall at the nadir of its power, because there was at that time an honest board of elections, or one supposed to be such, in each election district; and therefore Tammany Hall—I trust I may be pardoned for making so offensive a use of that name—Tammany was compelled, in order to carry those elections in the lower districts, to resort to bribery and the use of pasters, for it could no longer stuff ballot boxes or use the judges of the election.

Mr. QUIGG. And the five contiguous election districts which have been described in this case were in a down-town assembly district, and these five election districts contained a number of lodging houses, as I understand?

Mr. TAYLER. A large number—far more lodging houses than any other quarter of the city of the same size. The center of the four districts other than the forty-fourth is the Five Points of New York, in the neighborhood of Chatham Square.

Mr. SULZER addressed the Chair.

The SPEAKER pro tempore (Mr. GROSVENOR). For what purpose does the gentleman rise?

Mr. SULZER. I ask for recognition.

The SPEAKER pro tempore. The gentleman will proceed.

Mr. SULZER. Mr. Speaker, in discussing this case I do not desire to go beyond the record. I have no disposition to discuss the local politics of New York City other than as they may apply to the case. In my judgment there are only two questions in this case which should be considered by the members of this House, and I will confine myself to a discussion of those two questions.

At the election held in the city of New York in 1894 Mr. Walsh was the candidate of the Democratic party and Mr. Mitchell was the candidate of the Republican party in the Eighth Congressional district of the State of New York. I know something about that election; I know something about the politics of New York city; and I stand here and say—and I defy any New York representative to successfully contradict me—that the election in New York City of 1894 was as honest and as fair an election as ever was held in this country. It was so admitted at the time by the candidates and the representatives of all parties. No charge was made of fraud, bribery, intimidation, or corruption.

In that election Mr. Walsh received 9,466 votes; Mr. Mitchell received 9,099 votes, giving Mr. Walsh a very clear and decisive majority. No one doubted the election of Mr. Walsh the morning after the election. There was not a Republican newspaper in the city of New York that challenged the validity of his election when the votes were counted. This contestant did not challenge the honesty of that election at the time, and he did not begin the contest until the day before the expiration of the time under the statute. At first he seems to have been satisfied he was not elected. What finally induced him to institute this proceeding does not appear in the record, but no one can doubt that it was an afterthought, and prompted by the hope that a Republican House would give him the seat on the slightest pretext. So the contest was begun. How the alleged testimony in the case was procured I will discuss later on.

Just a word or two at this time in regard to the way in which elections are held in the city of New York. No man can vote in New York City until he has registered. He has got to register according to law. That registration law compels the elector on one of four several days, either one of which he may choose, to go to the designated voting place in the election district in which he lives and have his name written on the registry books. There is no question in this case regarding the honesty of the registration. The registration was fair; it was honest; it was correct and according to law. No claim is made, I believe, that it was otherwise. So much for the registration.

Now, in regard to the election. I was amused by hearing the gentleman from Kansas [Mr. LONG] tell all he knew, or rather all he did not know, about Tammany Hall. He said that Mr. Walsh was the regular Democratic nominee of Tammany Hall; that he was the vice-president of Tammany Hall. He seemed inclined to rest his case on those two allegations, and on them demand Mr. Walsh's seat. Well, suppose Mr. Walsh was the regular Democratic nominee. Suppose he was the vice-president of Tammany Hall. Does that make any difference? That is quibbling, is it not? Let us be fair and honest. It makes no difference what organization nominated you; it makes no difference what party you belong to; it makes no difference what your political affiliations may be, if you get a majority of the votes in your Congressional district and the election was fair and honest under the law and under the Constitution, you are entitled to a seat in this House. That is the position of Mr. Walsh; that is what I claim, and it is on that line that I intend to argue the question presented here to-day by the record in this case. If I can not convince any fair-minded and honest Representative here that Mr. Walsh was duly elected and is entitled to retain his seat, then I am inclined to believe that this is no longer a representative body, where election cases and questions are decided according to law and according to the facts, but rather according to politics. Then you are going to unseat Mr. Walsh, not because he was not honestly elected, not because he is not entitled to the seat he now occupies, but because, forsooth, he is a Democrat and the man who wants his seat is a Republican.

Mr. Speaker, I know something about Mr. Walsh's district. It adjoins mine. Part of this Congressional district involved in the pending controversy I had the honor to represent five times in the legislature of the State of New York. Many of the persons mentioned in the record I know. Let us see how this district went. That was a peculiar election, if you remember aright—one of the most peculiar elections ever held in this country. It was a tidal wave against the Democracy. Districts that had always been Democratic before went Republican. The State of New York went Republican that year; New York City elected a Republican mayor that year. There are men here to-day sitting in this House who were elected Republican members from strong Democratic districts, districts that were overwhelmingly Democratic, districts that had always been Democratic, and districts that will be Democratic next fall.

In that election there is no question about the honesty of the registration, as I have already shown. There can be no question about the counting of the votes. The Republican party was represented equally with the Democratic party on the boards of registration; the Republican party was represented equally with the Democratic party on the day of election in the voting booths; the Republican party was represented equally with the Democratic party after the polls were closed and the vote counted; and after that vote had been fairly, honestly, and legally counted the returns were signed by the Republicans and Democrats and were sent to the police commissioners, to the county clerk, and to the clerk of the board of aldermen. These returns showed Mr. Walsh

duly elected. The board of aldermen, according to the law of the State of New York, is the board of county canvassers. They canvass the votes and declare the result of the election.

That board canvassed the vote, went over every figure, line upon line, and declared Mr. Walsh elected. The State board of canvassers subsequently canvassed the same vote in the same way and declared the same result. The State board of canvassers was a Republican board, every one a Republican, and that board gave the certificate of election to James J. Walsh, and if you take away his seat you override that Republican board of State canvassers and reverse the decision of the Republican county board of canvassers, and you deprive the people of the Eighth Congressional district of their chosen Representative. There was no doubt when this canvass was made regarding the election of Mr. Walsh. No one appeared before these boards of canvassers and contested the validity of his election. No one appeared for the contestant and claimed his election. At that time every Republican on these boards conceded and declared officially that Mr. Walsh was duly, fairly, and honestly elected; but the day before the time expired under the Federal statute for the contestant to file the notice of contest he did so.

Now, I submit to you, as men of logical minds, as men of intelligence, if the contestant thought that he was so surely elected, why did he not make a contest before the county board of canvassers? Or why did he not file his protest before the State board of canvassers? But no; he never claimed in any way whatever in any newspaper, before any of these boards, or to a single human being that I know of, that he, the contestant, was elected or claimed he was elected. This contest was an afterthought. So much for that. Now let us see what there is in the record. As I said, there are only two points in this case. The two points are in regard to the validity of the testimony taken and in regard to the character of that testimony. One is a question of law: the other is a question of fact. Both points should be determined in favor of the contestee.

Let me discuss the legal aspect of the case briefly. The eloquent presentation of that part of the case by the distinguished gentleman from California [Mr. MAGUIRE] is unanswerable and conclusive. I claim as a matter of law, and it is conceded by the committee, that part of the testimony taken in this case by the contestant is entitled to no credence, is irregular, and should be stricken from the record. It is invalid, and it was, in my judgment, the duty of the committee to throw out that testimony. That testimony was taken before a man named Hoar who was not a notary public. He claimed to be a notary public, but by reason of his removal from Kings County to New York County he vacated his office. This is admitted by all. Every bit of that testimony should be expunged from the record. The gentleman from Ohio [Mr. TAYLER], in his remarks, conceded and admitted that Mr. Hoar, when he took this testimony, was not a notary. He practically admitted that no witness who appeared before Mr. Hoar and was sworn could be indicted for perjury if he swore falsely. That is undoubtedly so, and there can be no question about it. The committee in its majority report, conceding that this man was not a notary under the law, conceding that he had no right to take this testimony, conceding that this testimony could not be used in a case under that exception in any court of record in any State in this Union, conceding that no witness who testified before that notary, if he swore falsely, could be indicted and convicted of perjury, says this:

The Revised Statutes of the United States, section 110, provides that the contestant may apply for a subpœna to any notary public—among others—who may reside in the Congressional district in which the contested election was held.

It is provided, in section 120, that all witnesses who attend the examination shall be examined under oath.

It appears that William A. Hoar was, in 1893, a resident of Kings County, N. Y., and, as a resident of that county, was appointed a notary public.

The statutes of New York provide that a notary public, appointed for the county of Kings—as well as for some other counties—upon filing a certified copy of his appointment, etc., in the clerk's office of New York County, may exercise all the functions of his office in that county, as well as in the "county in which he resides and for which he was appointed." In compliance with this provision, Hoar filed a certified copy of his appointment in the clerk's office of New York County.

Prior to the taking of testimony in this case Hoar removed from Kings County and took up his residence in the Congressional district in which this contested election was held, which is in the city and county of New York.

The statute of New York, section 2[illegible], chapter 68[illegible], laws of 1892, provides, among other things, that an office shall be vacant when an incumbent, if he is a local officer, ceases to be an inhabitant of the political subdivision of which he is required to be a resident when chosen. The courts of New York have held that a notary public is an officer within the meaning of the statute.

The contestee made no claim as to any infirmity in Hoar as a notary public, or as to any want of validity in his acts as such, until after the taking of contestant's testimony in chief was completed.

The several notices to take testimony served upon the contestee described Hoar as a resident of the Eighth Congressional district of New York, while the transcripts of testimony, copies of which were from time to time served on the contestee, described Hoar as a "notary public of Kings County, certificate filed in New York County."

When Hoar commenced taking testimony in rebuttal objection was made on the ground that he was not a notary with power to administer oaths.

We are of opinion that the testimony taken before William A. Hoar ought to be considered by the committee and the House, for the reasons following:

1. Because it is too late for the contestee to be permitted to object on this ground. He knew, or, what is the same in legal effect, he was charged with knowledge of the fact as to whether Hoar was a notary authorized to administer oaths. He knew that the notary was described, in the notice, as residing in the Eighth Congressional district, and in his signatures to the transcript of testimony, as notary of Kings County, with certificate filed in New York County. To say the least, he was put upon inquiry.

The contestee is in the same position as if he and the contestant had agreed that the testimony might be taken before a person who was not, by any law, authorized to administer oaths. It is true that such an agreement might not be recognized by the House of Representatives. It might abrogate that, as it might any other agreement between parties. But it does not lie in the mouth of either party who has, either in fact or constructively, so agreed, to object to the validity of testimony so taken.

That is ridiculous. It is a well-settled proposition of law known to every lawyer in this House that on the taking of depositions before an officer authorized to take them, if you fail to object at the time of the taking of the testimony you have a right to object in court when the testimony is offered in evidence.

If this testimony were offered in a court of justice under an objection it would be excluded. We should exclude it here. Do so and the contestant has not a leg to stand on. Do so and Mr. Walsh retains his seat.

The committee say that the contestee was at least put upon inquiry. The contestee could not be put upon inquiry in a matter of this kind. How could he know? How could he find out? The man claimed to be a notary. He was held out to be a notary by the contestant. He was sitting there in a quasi judicial capacity, and it was not for the contestee to ascertain whether he was the proper officer to take this testimony or not, but it was the duty of the contestant to know that he was the proper officer, and if he was not the contestant must suffer the consequences.

Throw out that testimony taken before that notary, and the case of the contestant falls to the ground. He has no standing in court. And remember, if you follow the two reports, the report of the minority and the report of the majority, you can honestly and consistently throw out all of this testimony, because btoh concede that he had no right to take it, that he was not a notary, and that the testimony was not taken according to the statutes of the United States. This testimony should be excluded, and we should vote to retain Mr. Walsh in his seat.

Now, in regard to the second proposition—the question of fact. I suppose there is not a member of this House whose seat would be safe if some few tramps in his Congressional district should come forward and swear, to hearsay testimony, that there had been bribery in his Congressional district. Take this hearsay testimony as it appears in the record. If the members of this House will read the testimony and decide this case as a jury would decide a case of fact submitted to it in a court of justice, Mr. Walsh will keep his seat. The witnesses who testified for the contestant are not entitled to belief. If you could see them that would be enough to discredit them. They were from the cheap lodging houses of the Bowery, men without honor or homes, outcasts of humanity, drunkards; men with several names, bums, the scum of the earth, the worst people you could pick up anywhere in the United States from one end to the other; men who gravitate to the Bowery; men who have no homes, no local habitation; men who live in lodging houses where they only pay 5, 10, or 15 cents a night for lodging, and when they have not that to pay they sleep on the benches in the parks.

These are the kind of witnesses that the contestant has brought before this alleged notary to prove his case. Read the character of these men, read their antecedents, read how the contestant got them. If you are honest, if you are fair, and if you are not going to decide this case on account of politics, you will keep out of Congress the man who procured these witnesses and relies on their testimony and you will allow Mr. Walsh to remain in his seat. The contestant has failed to prove his case. No fair man who will examine the case can possibly doubt it. If you unseat a man on this kind of perjured testimony no man's seat is safe.

How did the contestant get these witnesses? The gentleman from Kansas [Mr. LONG] does not know. The gentleman from Ohio [Mr. TAYLER] does not know. The members from New York know how he got them, and how anybody could get them, under the same or similar circumstances. Get a lawyer who has not very many scruples. Have him pay these poor creatures, feed them, get them drunk, and tell them what to testify to, and they will do it. That was what was done in this case. That is how this testimony was procured. The contestant's lawyer went to these men, he intoxicated them, he gave them money, he gave them clothes, he took them up to Connecticut and kept them in a hotel up there and fed them, gave them all they could drink, did all of these mean, contemptible things, which in my judgment—and I say it deliberately—are just as much bribery as if he had paid them so much money to go on the stand before this alleged notary and swear to what he told them to swear to. Let me give you a few samples of this testimony:

It appears that Morris, Nathan, Fitzpatrick, and others in the employ of Rawson, who was the attorney for contestant in this case, went about the Bowery scouring it for witnesses who were willing to testify that they themselves had sold their votes on election day, and had seen others sell their votes on that day, at from $1 to $2 apiece; that inducements were offered to those

vote sellers in the way of board and lodging and beer and money (page 535) to give affidavits and testimony in support of contestant's charges in this case; that these witnesses were herded by agents of contestant in various places; that they were boarded and lodged at the expense of contestant for a considerable period before giving their testimony. (See record, pages 534 to 541, 546 to 548, 549 to 569, 512 to 514, 525 to 530. See also the extraordinary questions asked by Mr. Rawson himself of the witness Fitzpatrick, on page 541.)

"Q. (By Mr. RAWSON.) Didn't I very often trust you to give the men (witnesses) a few dollars here and there?

"A. That is right.

"Q. Didn't I place every confidence in you?

"A. That is proper.

* * * * * * *

"Q. Did you see any of the witnesses get drunk in our office?

"A. I never seen them get drunk because it was always in the other room. I never seen anybody get full there.

"Q. Wasn't the beer given to them with the lunch now and then?

"A. I know there was plenty of beer given to them.

"Q. You didn't take any that time yourself at all?

"A. Oh, yes; I did. I didn't take any when I first started in.

"Q. Afterwards you had some?

"A. Yes, sir; everybody had some.

"Q. And cigars?

"A. Oh, yes.

* * * * * * *

"Q. You were never promised anything for trying to get Mr. Bobolsky or Mr. Bernstein or Mr. Nathan away from us?

"A. No, sir; not a cent.

"Q. Nor attempted it?

"A. No; I did not promise them anything. They were always, week after week, hanging after me.

"Q. Did you ever tell them if they came up and worked for the other side there would be a good deal more in it for them?

"A. No, sir; I never told them that. I never seen these people."

The extraordinary thing about these questions is that they should have been asked by Mr. Rawson himself of one of the agents who had been in his employ and under his direction during a large portion of the period covered by the contest. It reveals the legal methods pursued by Mr. Rawson in the contest as hardly any other showing could reveal them. It may be urged that as the events concerning which contestant was obliged to produce testimony occurred in the Bowery region of New York, that he was obliged to rely upon the testimony of such people as usually frequent that quarter, and upon the methods which alone can procure either the testimony or the votes of such people, but that explanation can not establish the credit of such witnesses testifying under such circumstances, nor justify this Congress or any court or tribunal on earth in determining any great question of right upon such utterly disreputable and unworthy testimony.

Here is another piece of testimony, given by a Mr. Hermin (see pages 549 and 550 of the record):

I was picked up by a man named Nathan. Asked me to come and have a drink. We had several drinks and he brought me down and said, "If you come down here you will make all kinds of money. Come down to 44 Pine street—to Rawson's office, attorney for John Murray Mitchell." Had several drinks before I went there. Half drunk when I got there. I had a bottle of beer in the office of Mr. Rawson. * * * Nathan said that I could make $10 to $50 and a suit of clothes out of it before the thing got through. Nathan paid for my lodging that night. We had several drinks together; went to bed pretty well drunk. Saw him next morning. Had drinks with him. He brought me down to Rawson's office. He called me one side and asked me, "Don't you want to go up to New London?" Saw Nathan following day. Took me down to Rawson's office. Said when he left, "I guess I will take care of you again to-night." He showed me a two-dollar bill and a one. Saw him next morning. Went again to Rawson's office. Had several drinks on the way down. I had a bottle of whisky in my pocket when I got to Rawson's office. Nathan bought it for me at No. 9 Bowery. And when I went into the office I was pretty well full; and in that condition I gave my testimony. After that I went to New London; four men with me—McDonald, Bernstein, Paddy Ryan, and another. Saw Mr. Mitchell when I came down. He treated me to a couple of whiskies and one cigar, three rounds. I received a dollar that night from Mr. Corcoran, a witness in this case. The following Sunday Corcoran gave three of us a half dollar apiece to come down the following Wednesday. Went down the following Wednesday. Bernstein gave me half a dollar. I had a couple of drinks before I signed my testimony—Bernstein and I. At New London I stopped at the Hoffman House with a man named Ryan—Lynch, Bernstein, McDonald, and myself. We were all pretty well drunk up there.

I saw plenty of beer in Mr. Rawson's office. We had all we wanted to drink at New London. I did not pay a cent for it. Mr. Rawson's agents paid for it. I do not know what ticket I voted election day. I was too drunk. I don't know whether I voted at all.

That is the kind of testimony on which the contestant relies. This man Rawson—and if you will read the testimony you will see what kind of a man he is—gathered up these tramps, this miserable scum of humanity. He took them to Connecticut to a nice hotel, with beautiful rooms. Why, they had not had such a good time in years, not since their earlier days, when they first began to go wrong and journey down the broad highway that leads to ruin and destruction. Oh, what a sight that was for representative government! How insecure every man's seat on the floor of this House would be if those things were resorted to by every contestant. He took these witnesses to Connecticut, paid their fare from New York, got them into a nice hotel owned by the contestant's lawyer. There he got them drunk, so they did not know anything. He gave them everything they wanted to eat and drink. He admits that he gave them money. And after he got them in a receptive mood—to use a very gentle phrase—he no doubt intimated to them what to swear to when they went on the stand before this alleged notary.

Accept this kind of testimony under all the surrounding circumstances, and you will establish a precedent that will rise up frequently in the future to plague and harass you.

The way this testimony was procured and the nature of it is, to say the least, discreditable to the agents of the contestant. We should not take away a man's seat on such flimsy statements.

We should not mince words in denouncing this kind of testimony. It is best to be honest and aboveboard. You all know I am telling the truth, and if I am not strictly according to the printed record of the case I want some member who seeks to take away Mr. Walsh's seat to get up and say so. I pause for an answer. You have made aspersions, gentlemen, all outside of the the record, however, but you can not asperse my colleague's character; you can not show by any testimony in the record that he did anything wrong or discreditable in the whole case.

You can not show that he did anything wrong at the election, but I regret that the same can not be said for the agents of the contestant. I refer to the way in which he got this testimony. These witnesses came down from that hotel in Connecticut after they had been fed, wined, clothed, given everything they wanted; and they went on the stand and testified to what? I have not time to read their testimony in detail. I wish I had. If I had the time to read this testimony before the members of this House, there is not an honest man here whose cheek would not flush with mad indignation. These poor wretches, outcasts of humanity, men who would testify to almost anything and for anybody, provided you treated them well and paid them for it—these men came down to the office of the contestant's lawyer, where this testimony was to be taken, and there they had 600 bottles of beer!

No witness testified there who was not under the influence of liquor; no witness testified who would be believed in any court; no witness testified who was not a disgrace to civilization. If you could see them and hear them you would not believe them; and if you will read the testimony of these men in the record I am satisfied you will not believe it even in its printed form. They told of the way they had been induced to give their testimony. And what did they say—all hearsay, all hearsay; nothing direct, nothing positive. All, with the exception, I believe, of three or four witnesses in this case, testified to matters of hearsay. All of them when they were put on the stand afterwards in a criminal trial refused to testify to what they had testified to in this record. You will remember it has been said that Mr. Dineen, one of the election district captains, was indicted for bribery on the testimony given by these three witnesses on their examination in this case.

These witnesses went before the grand jury and the grand jury found an indictment. Mr. Dineen was subsequently tried on that indictment. The jury saw these men and heard them testify. These witnesses did not testify on the trial against Mr. Dineen as they testified in this case. They could not identify him; they refused to say that he was the man they had referred to; they went back on their previous testimony, and the jury without leaving their seats acquitted Mr. Dineen. That is the whole story. Those are the facts. That is the kind of case you have. That is all you have got to support your case. Do you want to take away my colleague's seat upon such a state of facts and on the testimony of such witnesses? I hope not; I trust not. Remember the precedent you establish here will frequently rise to taunt you, and, like Banquo's ghost, it will not down. Mr. Walsh was fairly and honestly elected, and should retain his seat. As he desires to speak in his own behalf, I take great pleasure in yielding to him the balance of my time.

Mr. WALSH rose.

The SPEAKER pro tempore (Mr. GROSVENOR). The gentleman is recognized for the remaining time of the gentleman from New York, Mr. SULZER.

Mr. WALSH. How much time is that, Mr. Speaker?

The SPEAKER pro tempore. Twenty minutes.

Mr. WALSH. Am I not entitled to one hour in my own right?

The SPEAKER pro tempore. Not at this time.

Mr. WALSH. I ask for recognition in my own right.

Mr. SULZER. Mr. Speaker, as I understood it, I was entitled to one hour's time.

The SPEAKER pro tempore. That is correct.

Mr. SULZER. And my friend and colleague on the committee, Mr. MAGUIRE, suggested that I turn over the balance of my time to my colleague from New York, Mr. WALSH.

The SPEAKER pro tempore. The Chair has recognized the gentleman's right to yield his time to his colleague.

Mr. SULZER. Now, as my colleague is to be given an hour in his own right, I would like to conclude my argument.

The SPEAKER pro tempore. The gentleman from New York, Mr. WALSH, has been recognized for the remaining time of his colleague from New York, Mr. SULZER, so that the latter gentleman has no time left.

Mr. WALSH. Mr. Speaker, I recognize the delicate situation in which any man is placed who stands in a body of this kind to argue his own case, and I would be very diffident about accepting the responsibility were it not for the fact that some statements in the majority report which have not yet been referred to by the

gentlemen who have argued the case on the other side are made to reflect personally on me. It is therein stated that I threw every obstacle in the way of the contestant procuring his evidence. That statement is not justified by a single line of testimony in the record, yet it was made as boldly as any other finding in the majority report. But, Mr. Speaker, I will not stop to waste time upon personal matters, when we are all so much concerned in the rights of a member to his seat. I appeal to you as a judicial tribunal to determine this question. If it is determined after just consideration adversely to me, I promise you that no one will be less complaining than I, because I would not voluntarily occupy for one moment a seat that did not belong to me by the right of the vote of the people.

In 1894, in the State of New York, we had one of the most important elections that ever took place in that State. On the Republican ticket was Governor Morton, whose election meant that he would probably be the candidate of his party in that State for the Presidency of the United States. On the Democratic side the candidate was DAVID B. HILL, whose election at that time almost certainly meant that he would be the candidate of his State, if not of his national party, for President of the United States. The parties were deeply interested in those elections. Congressional fights were forgotten. The main bent of all the parties in that State that year was toward the election of the Democratic or the Republican State ticket. In the city of New York we had a contest the like of which had not been seen in forty years.

William L. Strong was the candidate for mayor of that city; and it was whispered about at that time that his election as mayor was one stroke toward the nomination of McKinley for President of the United States. Against him the forces on the other side were arrayed behind Hugh J. Grant; and the winning of that election determined for at least five or six years to come who should control the vast patronage in the city of New York. Yet this committee would have you find that the Democratic party turned aside from these great questions, from these important matters, to bribe a few voters in the lodging houses in one Congressional district to vote for a Representative of humble capacity who they could not believe could help them much in this representative body; that neglecting the candidacy of Morton and HILL, the candidacy of Strong against Grant; neglecting the canvass of CUMMINGS, one of our colleagues on this floor, who was running that year against Mr. Shannon, and who had rendered valuable services to his party on this floor; neglecting the canvass of Mr. BARTLETT, who had been a useful member of this House; neglecting the canvass of Sickles and of every important candidate for Congress, they turned in to bribe voters for me at that election. That is the position of the majority of the committee.

Mr. QUIGG. Will my colleague yield a moment?

Mr. WALSH. I have not much time.

Mr. QUIGG. I will ask only one question.

Mr. WALSH. Certainly.

Mr. SULZER. Will the gentleman agree to extend the time of the contestee?

Mr. QUIGG. Of course I would be delighted to do so.

Mr. SULZER. I suppose that everybody on your side will agree to the same thing.

Mr. QUIGG. There is a single question which I would like the contestee to answer, and I tell him frankly that his answer will control my vote. If there was bribery done in the interest of the Democratic ticket in that election district, was not the gentleman the beneficiary of it just as much as any other candidate on that ticket?

Mr. WALSH. No; and I will tell the gentleman why. I was nominated by the Tammany Hall Democracy. I am a Tammany Hall man yet. But my colleague [Mr. QUIGG] asked the question of a gentleman heretofore occupying the floor: Was not Tammany Hall a part of the regular State Democratic organization? I state frankly that it has been so recognized in State conventions. But there is another organization there which claims to be regular and which also nominated me; and my name should have gone on the official ballots of that organization. The gentleman knows as well as I do there should have been two official ballots for every voter who was registered; 46,000 official ballots should have been at the polls, so that the voters of that organization might be able to select their ballot from those official ballots and to vote for me if they desired to do so. Those 46,000 ballots were sent to the polls and not a single ballot contained my name. Yet the majority of this committee would have you believe that I was not elected and that my opponent was elected by only 76 majority.

How much was I hurt by the failure to produce those 46,000 ballots at the polls? Was I hurt 76 votes? There were 675 blank votes cast at that election. How many of those were State Democratic ballots? Why was not my name on them? I had complied with every requirement of the law; the record shows that; it is conceded that I was the State Democratic candidate, and my name should have been on those ballots. Yet 46,000 of them were sent to the polls, and my name not on a single ballot; and that according to the contestant's testimony—not mine.

Mr. QUIGG. That was the State Democratic ticket, I understand?

Mr. WALSH. Well, as much the State Democratic ticket as any other.

Mr. QUIGG. But on the Tammany ticket—the regular ticket—your name appeared?

Mr. WALSH. On the Tammany ticket my name appeared.

Mr. QUIGG. The regular ticket?

Mr. WALSH. Do you want me to decide which is the regular Democracy?

But, gentlemen, I do not want you to take my word as to the condition of things at that election. I hold in my hand the report of the Lexow committee which was sitting in New York at that time—the committee that investigated the election and the police department as thoroughly as any committee could. Remember, it is complained here that my majority was abnormally large in the second district, because I received a majority of 1,675 votes over Mitchell. Why, sir, the year before the Democratic majority was 9,900. It is claimed that fraud was committed in the forty-fourth election district of the Second assembly district because these scamps come forward and testify that they heard other people say that they had received money for voting. The truth is that Mr. Mitchell ran 17 votes ahead of the vote for the Republican governor in that district, and 17, 18, or 20 votes ahead of every other Republican candidate in that district. And that is the district where I am charged, and my party is charged, with fraud by the majority of this committee. But I ask you to consider this Lexow report for a little while. They allude in this citation which I will make to the election of 1893 as compared with the election of 1894, as being far less important than the election of 1894. They say that in 1893 there was only a judge of the court of appeals to be elected, while in 1894 there was the governor and many other important State officers on the ticket to be elected. They say—

In 1893 the judge of the court of appeals and minor State officers only were candidates. In 1894 the governorship, lieutenant-governorship, the judge of the court of appeals, and mayoralty of the city were in the balance, and yet the vote cast in 1894 in the district referred to was smaller by more than 4,000 votes, or by more than 25 per cent of the total votes cast, than that cast in 1893; while in view of the greater importance of the issues involved, there should normally have been a large increase in the number of votes polled, indicating that in 1893 more than 4,000 fraudulent votes were cast and counted in a single assembly district of the city. It was due to the presence of and the revelations before your committee that similar frauds were not enacted at the late election.

They sat in New York City during that election. It is not disputed here that there was a nonpartisan board of election. There were two Republicans and two Democrats on every election board, appointed by a board of police commissioners composed of two Republicans and two Democrats, and when I name the Republicans you will see that they were absolutely impartial boards, appointed by such dyed-in-the-wool Republicans as Charles Murray and Michael Kirwin.

They were the Republicans on the board, and the law provides that the minority representation on the board, otherwise the Republicans, shall be appointed by the members of the board in the minority party, and that the Democratic members of the board of election inspectors, there being two, shall be appointed by the majority; that is to say, the Democrats and Republicans combining for their appointment. That is the law of 1894. That board of election in this case was honestly constituted. There has never been any question of that. There is an absence of every indication of corruption or fraud, an absence of every motive for fraud in regard to the matter, and yet there is a finding on the part of this committee, in the majority report, that this formidable antagonist who was contesting a seat with me in that district, who had never been heard of before, was so dangerous in a district that never sent a Republican to this House that Tammany Hall devoted all of her strength in the Eighth Congressional district for the purpose of defeating him by fraud.

Just think of it. A man who had never been regarded as formidable to overcome! Is such a statement reasonable? Is it consistent with the facts or with the course of affairs that the great Tammany organization should have done such a thing as that under such circumstances? Where was the motive for it? What reasons could have been assigned for it? Where was the formidable competitor to vanquish that the entire strength of this organization should be turned aside from Presidential politics—from vast local issues—for the purpose of sending to this body its most humble representative? And yet they tell us that there was a conspiracy; a conspiracy without naming a single perpetrator who was engaged in it. That Tammany Hall was a conspirator, a great secret organization they say, and yet not a line of evidence to sustain such an allegation. There is—and they forget to make the distinction—there is a distinction between Tammany Hall and the Tammany Society. I am not a member of the Tammany Society,

which is a secret society, as I understand. Tammany Hall, of which I am a member, is a political society. I am a member of the Tammany Hall committee. Tammany Society is a charitable organization; Tammany Hall is a political one, and I trust her banners may long wave! [Laughter and applause.] We conflict with gentlemen on the other side, but only on questions of principle. I do not think that our opponents will ever say that we give anything but a square and honest fight. And I trust in my career, at least, that I shall never see her downed again, though a couple of years ago she got a pretty bad smash. [Laughter.]

Now, my friends, there are 23,000 voters in this Congressional district. They called about 50 witnesses out of the whole number as to that conspiracy to bribe voters of which they speak. How many of the voters out of the 23,000 did they name? How many out of the whole registered number have you named to establish your allegations of bribery? Just 6! Out of 23,000, 6 were named, and one witness, a man who swore to 4 as having voted, John Hendrick by name, never returned to sign his testimony; and we find on an investigation of the record that it is in evidence that one of the men he swore was bribed registered and did not vote at all, and that the other three were never registered even, and did not vote. That is the kind of testimony on which you are asked to unseat me. That is the kind of testimony that this committee presents for the purpose of giving the seat to another. John Riley, whose testimony was referred to by the gentleman from Ohio [Mr. TAYLER], got on the witness stand. He was on the stand, and one of the contestant's own employees swore that while he was on the witness stand a note was passed to him by the witness, telling him to get out of the room, because his presence embarrassed this witness Riley, because he was swearing under a false name and sent this note for the purpose of getting this man Fitzpatrick, who knew him, to leave the room during his testimony. Fitzpatrick left the room, and it seems that Mr. Mitchell's attorney followed him and asked him what the trouble was, and he said that the man testified in the name of Riley; that he knew the witness' name was not Riley but Phelon; and that the witness knew that he knew it, and passed this note to him requesting him to leave the room so that he might not be embarrassed pending the delivery of his perjured testimony.

Riley did not return to sign his testimony at all; and yet this testimony of a man who was guilty of perjury is the only testimony on which you are asked to throw out over 200 votes in that one district. The only testimony in the district on which you are to throw out over 200 votes of honest voters, who are to be disfranchised, is the testimony of a man who did not even sign the testimony that he undertook to swear to—a man who committed perjury before a notary public; practically admitted that he committed perjury; who was convicted of perjury by Mitchell's own witness, and who never dared return to sign his own testimony.

And the same is true as to John Hendrick. He was caught in perjury, and he never returned to sign his testimony. You may cry, "Fraud, fraud!" and you may think it a convenient cry, considering the repeated slanders on Tammany Hall in recent years; but it will not do. There is a constituency beyond you that we can appeal to. We are with them always. We are in touch with them. They have better opportunities for observing us than you have, and they will observe us; and we shall hear from the appeal in the future.

Now, gentlemen, I am not here to beg. I am here to demand my rights, and not mine alone, but the rights of my people of the Eighth Congressional district. I believe as firmly as I stand here that by an honest majority of the votes cast in that district I was elected as their Representative in Congress. Since I have been here I have tried in my humble way to serve those people faithfully. If it is true that I was not elected, I hope that the mistake has made no difference to them. At the same time, I believe that I was elected, and I believe that you are establishing a precedent that will be awfully dangerous to you in saying that a man can be unseated on testimony taken before an officer who is not authorized to administer oaths, hearsay testimony in most cases, testimony of a character such as this is, purchased testimony, bribed testimony, suborned testimony, testimony that no reasonable man and no reasonable court can accept. I will not trouble you with the details of this case. They are to be found in the minority report, in the brief, and in the record. I can not believe that you have read them all through, because the record is the most voluminous which has been submitted in any contested election case at this session of Congress. I will say that, whatever your action may be—and I am afraid, from the partisan character of the House, that it is going to be adverse—you do not do me half as great a wrong as you do the people who sent me here, and I shall take pains that they know it. [Applause.]

Mr. LONG. One word only in answer to the Tammany representative [Mr. SULZER], who spoke before the contestee rose. The threat of that gentleman does not have the effect to cause me to change my position in this case, which I believe to be right. The fact remains that the majority of the committee find that an organization to bribe existed in five districts. The minority of the committee concede that it existed in one—the forty-fourth. The same kind of evidence was introduced as to all these districts. The majority of the committee believe that it was sufficient to exclude the five districts from consideration.

Talk about the downfall of Tammany Hall! The records of this House prove that it has retrograded. In the Fifty-second Congress there stood on this floor a Tammany chieftain who stated what he thought the rule should be in reference to bribery and bribed votes. I refer to the Hon. Bourke Cockran. I read his language, in the contested election case of Noyes *vs.* Rockwell:

> Why, sir, if there were no contest before the House, if Mr. Noyes sat in this seat, and nobody appeared to question his right to represent his district, and it became apparent to the members of this body that one single vote cast for him had been purchased; that he was the beneficiary of one single vote acquired by corrupt and discreditable methods, it would be the duty of this House, and it would be the duty of every member of it, under the Constitution, to expel him as something too unclean for contact with honorable men.

Probably that rule is too severe, but in the closing part of that speech Mr. Cockran made use of this language, in which he agrees with the position of the committee in this case:

> I hope that when this vote is recorded there will be found some men on this side of the House [the Republican side] to declare their belief that purchased votes can not be considered as the expression of the popular will, and that no title to a seat can be maintained upon a record tainted with bribery, corruption, and fraud, and which seeks to establish itself not by denial of crime, but by an attempt to shelter itself behind a technicality unfairly and improperly injected into the case by the report of the majority.

Mr. SULZER. Will the gentleman permit a question?

Mr. LONG. Certainly.

Mr. SULZER. I have no fault to find with that language——

Mr. LONG. I am pleased to know that you indorse it.

Mr. SULZER. But what is your opinion about a man who seeks admittance on this floor who concedes that he has purchased, or that his agents have purchased, testimony?

Mr. LONG. There is no such admission.

Mr. MAGUIRE. Read page 141 of the record.

Mr. SULZER. Read the record.

Mr. LONG. I have read the record, and you have not. You have not denied the bribery. You have not put a witness on the stand to disprove the evidence that was taken by the contestant. I believe that this House should adopt the report of the committee and seat the contestant, who received a majority of the legal votes cast at the election.

Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Kansas [Mr. LONG] moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the substitute.

Mr. SULZER. I make the point of order that there is no quorum.

The SPEAKER. That will develop, if there is none.

The substitute was rejected.

The SPEAKER. The question is on the original resolution.

Mr. RICHARDSON. I should like to have the resolution reported.

The SPEAKER. It has been reported.

Mr. RICHARDSON. When was it reported?

The SPEAKER. Reported when the discussion commenced.

Mr. SULZER. I ask that this resolution that we are to vote on may be read for the information of the House.

The SPEAKER. The Clerk will read it, if there be no objection.

Mr. KEM. I object, Mr. Speaker. [Laughter.]

The SPEAKER. The question is on agreeing to the resolution.

Mr. SULZER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SULZER. My point is, that no proposition should be put before a legislative body that anybody in that legislative body does not know what he is voting on. I do not presume that any man——

The SPEAKER. The gentleman will please be in order. The gentleman started to make some inquiry, but the Chair thinks he has not made one yet. [Laughter.]

Mr. SULZER. I ask, then, Mr. Speaker, whether it is not in order that this resolution, which I know nothing about and have not heard, may now be read for the information of the House.

The SPEAKER. The resolution was reported to the House.

Mr. SULZER. At what time?

The SPEAKER. At the time the case was brought up for consideration, and the proposed amendment was also reported.

Mr. SULZER. I did not hear it.

The SPEAKER. Was the gentleman present?

Mr. SULZER. I do not think I was present, Mr. Speaker. [Laughter.]

The question being taken on the resolution reported by the committee, the Speaker declared that the ayes seemed to have it.

Mr. MAGUIRE. I ask for a division.

The House divided; and there were—ayes 138, noes 32.

Mr. SULZER. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 162, nays 39, not voting 153; as follows:

YEAS—162.

Acheson,	Danford,	Kem,	Scranton,
Adams,	Daniels,	Kerr,	Shafroth,
Aldrich, Ala.	Dayton,	Kiefer,	Shannon,
Aldrich, Ill.	De Witt,	Kirkpatrick,	Sherman,
Anderson,	Dingley,	Kulp,	Simpkins,
Andrews,	Dolliver,	Lacey,	Smith, Ill.
Apsley,	Doolittle,	Lefever,	Southard,
Arnold, Pa.	Dovener,	Leisenring,	Spalding,
Arnold, R. I.	Faris,	Leonard,	Sperry,
Avery,	Fischer,	Linton,	Stahle,
Baker, N. H.	Gamble,	Long,	Steele,
Barham,	Gardner,	Lorimer,	Stewart, N. J.
Barney,	Gibson,	Marsh,	Stewart, Wis.
Beach,	Gillet, N. Y.	McCall, Mass.	Stone, C. W.
Bennett,	Goodwyn,	McClure,	Strode, Nebr.
Bingham,	Graff,	McCormick,	Strong,
Bishop,	Griffin,	McEwan,	Strowd, N. C.
Blue,	Griswold,	McLachlan,	Sulloway,
Boutelle,	Grosvenor,	Mercer,	Taft,
Brewster,	Grow,	Miller, W. Va.	Tayler,
Broderick,	Hadley,	Milliken,	Thomas,
Bromwell,	Hager,	Milnes,	Tracewell,
Brosius,	Hainer, Nebr.	Minor, Wis.	Tracey,
Brown,	Halterman,	Mondell,	Updegraff,
Brumm,	Hardy,	Moody,	Van Horn,
Bull,	Hatch,	Mozley,	Van Voorhis,
Burton, Mo.	Henry, Conn.	Otjen,	Walker, Mass.
Burton, Ohio	Henry, Ind.	Overstreet,	Walker, Va.
Calderhead,	Hepburn,	Parker,	Wanger,
Cannon,	Hilborn,	Payne,	Warner,
Chickering,	Hill,	Pearson,	Watson, Ohio
Clark, Iowa	Hooker,	Phillips,	White,
Codding,	Hopkins,	Pitney,	Wilber,
Connolly,	Howe,	Poole,	Willis,
Cook, Wis.	Howell,	Powers,	Wilson, Idaho
Cooke, Ill.	Hulick,	Prince,	Wilson, N. Y.
Crowther,	Hunter,	Pugh,	Wilson, Ohio
Crump,	Hurley,	Quigg,	Wood,
Curtis, Iowa	Jenkins,	Reeves,	Woodman.
Curtis, Kans.	Johnson, Cal.	Russell, Conn.	
Curtis, N. Y.	Joy,	Sauerhering,	

NAYS—39.

Allen, Miss.	Dockery,	Maguire,	Sorg,
Bailey,	Erdman,	McClellan,	Sulzer,
Bankhead,	Fitzgerald,	McCulloch,	Terry,
Bartlett, N. Y.	Hart,	McDearmon,	Tucker,
Bell, Tex.	Hendrick,	McRae,	Turner, Ga.
Buck,	Jones,	Meyer,	Tyler,
Clardy,	Kleberg,	Ogden,	Underwood,
Cummings,	Kyle,	Pendleton,	Wheeler,
De Armond,	Layton,	Richardson,	Wilson, S. C.
Denny,	Little,	Sayers,	

NOT VOTING—153.

Abbott,	Ellett, Va.	Lester,	Robertson, La.
Aitken,	Elliott, S. C.	Lewis,	Robinson, Pa.
Allen, Utah	Ellis,	Linney,	Royse,
Atwood,	Evans,	Livingston,	Rusk,
Babcock,	Fairchild,	Lockhart,	Russell, Ga.
Baker, Kans.	Fenton,	Loud,	Settle,
Baker, Md.	Fletcher,	Loudenslager,	Shaw,
Barrett,	Foote,	Low,	Shuford,
Bartholdt,	Foss,	Maddox,	Skinner,
Bartlett, Ga.	Fowler,	Mahany,	Smith, Mich.
Belknap,	Gillett, Mass.	Mahon,	Snover,
Bell, Colo.	Grout,	McCall, Tenn.	Southwick,
Berry,	Hall,	McCleary, Minn.	Sparkman,
Black, Ga.	Hanly,	McCreary, Ky.	Spencer,
Black, N. Y.	Harmer,	McLaurin,	Stallings,
Bowers,	Harris,	McMillin,	Stephenson,
Burrell,	Harrison,	Meiklejohn,	Stone, W. A.
Catchings,	Hartman,	Meredith,	Strait,
Clark, Mo.	Heatwole,	Miles,	Swanson,
Clarke, Ala.	Heiner, Pa.	Miller, Kans.	Talbert,
Cobb,	Hemenway,	Miner, N. Y.	Tate,
Cockrell,	Henderson,	Money,	Tawney,
Coffin,	Hermann,	Morse,	Thorp,
Colson,	Hicks,	Moses,	Towne,
Cooper, Fla.	Hitt,	Murphy,	Treloar,
Cooper, Tex.	Howard,	Neill,	Turner, Va.
Cooper, Wis.	Hubbard,	Newlands,	Wadsworth,
Corliss,	Huff,	Noonan,	Walsh,
Cousins,	Huling,	Northway,	Washington,
Cowen,	Hull,	Odell,	Watson, Ind.
Cox,	Hutcheson,	Otey,	Wellington,
Crisp,	Hyde,	Owens,	Williams,
Crowley,	Johnson, Ind.	Patterson,	Woodard,
Culberson,	Johnson, N. Dak.	Perkins,	Woomer,
Dalzell,	Kendall,	Pickler,	Wright,
Dinsmore,	Knox,	Price,	Yoakum.
Downing,	Latimer,	Raney,	
Draper,	Lawson,	Ray,	
Eddy,	Leighty,	Reyburn,	

The following additional pairs were announced:

Until further notice:

Mr. DALZELL with Mr. CRISP.

Mr. ALLEN of Utah with Mr. TALBERT.

Mr. STEPHENSON with Mr. NEILL.

Mr. MAHON with Mr. PATTERSON.

Mr. BLACK of New York with Mr. LAWSON.

Mr. SMITH of Michigan with Mr. BERRY.

Mr. PERKINS with Mr. HALL.

Mr. GILLETT of Massachusetts with Mr. COWEN.

Mr. DRAPER with Mr. SPENCER.

Mr. HEATWOLE with Mr. DINSMORE.

Mr. LOUD with Mr. SWANSON.

Mr. BURRELL with Mr. COCKRELL.

Mr. BARTHOLDT with Mr. COOPER of Florida.

Mr. COLSON with Mr. KENDALL.

Mr. FOOTE with Mr. HUTCHESON.

Mr. ROYSE with Mr. TURNER of Virginia (except on the Tucker-Yost election case).

On this question:

Mr. HUFF with Mr. STALLINGS.

Mr. HEINER of Pennsylvania with Mr. LOCKHART.

Mr. HARRIS with Mr. CULBERSON.

Mr. RANEY with Mr. COBB.

Mr. HICKS with Mr. ABBOTT.

Mr. HUBBARD with Mr. ROBERTSON of Louisiana.

Mr. HARMER with Mr. CLARKE of Alabama.

Mr. TRELOAR with Mr. MCCREARY of Kentucky.

Mr. EDDY with Mr. YOAKUM.

Mr. HEMENWAY with Mr. WILLIAMS.

Mr. MCCLEARY of Minnesota with Mr. BLACK of Georgia.

Mr. ODELL with Mr. WASHINGTON.

Mr. LOW with Mr. CATCHINGS.

Mr. ELLIS with Mr. OTEY.

Mr. TAWNEY with Mr. SPARKMAN.

Mr. WELLINGTON with Mr. TATE.

Mr. FAIRCHILD with Mr. LESTER.

Mr. HENDERSON with Mr. MCMILLIN.

Mr. LOUDENSLAGER with Mr. OWENS.

Mr. MCCALL of Tennessee with Mr. WOODARD.

Mr. BARRETT with Mr. SHAW.

Mr. HULL with Mr. STRAIT.

Mr. TOWNE with Mr. ELLETT of Virginia.

Mr. EVANS with Mr. RUSK.

Mr. FOWLER with Mr. BARTLETT of Georgia (on all election cases except Underwood's).

Mr. MCLAURIN with Mr. JOHNSON of North Dakota (also Murray-Elliott election case).

Mr. TALBERT. Mr. Speaker, I have voted, but I withdraw my vote, being paired with the gentleman from Utah, Mr. ALLEN.

Mr. LOUDENSLAGER. Mr. Speaker, I voted in the affirmative, but I withdraw my vote, being paired with the gentleman from Kentucky, Mr. OWENS.

Mr. EVANS. Mr. Speaker, I am paired upon this question, but wish to be noted as present.

The result of the vote was then announced as above recorded.

SWEARING IN OF A MEMBER.

Mr. LONG. Mr. Speaker, Mr. Mitchell is present and desires to take the oath.

Mr. Mitchell appeared at the bar of the House, and the oath of office was administered by the Speaker.

BILLIARD AND POOL TABLES, DISTRICT OF COLUMBIA.

Mr. CURTIS of Iowa. Mr. Speaker, I desire to present a conference report.

The report was read, as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes, having met, after a full and free conference respectfully report that they have been unable to reach an agreement.
>
> G. M. CURTIS,
> A. MILNES,
> J. H. HULING,
> *Managers on the part of the House.*
>
> ISHAM G. HARRIS,
> GEORGE P. WETMORE,
> *Managers on the part of the Senate.*

Mr. CURTIS of Iowa. Mr. Speaker, I move that the House insist on its disagreement and ask for a further conference.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6994) relating to the sale of gas in the District of Columbia.

The message also announced that the Senate had passed the bill (S. 3184) granting an increase of pension to James H. Kile; in which the concurrence of the House was requested.

The message also announced that the Senate had agreed to the concurrent resolution of the House requesting the President to return to the House the bill (H. R. 3279) to authorize the reassessment of water-main taxes, and for other purposes.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the following Senate bill was taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 3184) granting an increase of pension to James H. Kile—to the Committee on Invalid Pensions.

ELECTION CONTEST—MARTIN VS. LOCKHART.

Mr. BAILEY. I ask unanimous consent to file and have printed the views of a minority of the Committee on Elections in the case of Martin *vs.* Lockhart.

The SPEAKER. Is there objection?

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM].

NAVAL APPROPRIATION BILL.

Mr. BOUTELLE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference, have agreed to recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 53.

That the House recede from its disagreement to the amendments of the Senate numbered 33, 34, 35, 36, 37, and 38, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Restore the matter stricken out by said Senate amendment; and the Senate agree to the same.

On the amendments of the Senate numbered 32, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, and 52 the committee of conference have been unable to agree.

C. A. BOUTELLE,
JOHN B. ROBINSON,
AMOS J. CUMMINGS,
Managers on the part of the House.

EUGENE HALE,
M. S. QUAY,
A. P. GORMAN,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The Senate conferees recede from their amendment numbered 53, which was a provision for finishing one of the gunboats heretofore authorized as a training ship for the use of the Naval Academy.

The House conferees recede from their disagreement to the Senate amendments numbered 33 to 38, inclusive, relating to character, speed, and cost of the torpedo boats authorized.

The House conferees recede from their disagreement to the Senate amendment numbered 2, and agree to the same with an amendment restoring the provision of the House bill, that all officers of the Navy or Marine Corps after service in a different corps shall have all the benefits of their service in the same manner as if said appointments were a reentry into the Navy or Marine Corps. The Senate amendment thus agreed to provides further, "That hereafter no payment shall be made from appropriations made by Congress to any officer in the Navy or Marine Corps on the active or retired list while such officer is employed, after June 30, 1897, by any person or company furnishing naval supplies or war material to the Government; and such employment is hereby made unlawful after said date."

The committee of conference have been unable to agree upon Senate amendment numbered 32, which proposed to reduce the number of battleships from four to two, and upon amendments numbered 39 to 49, inclusive, which relate to the location and conditions of the construction of the battleships and torpedo boats, and to price to be paid for armor plate, and amendments numbered 51 and 52, which are simply changes in the totals of appropriations to conform to proposed amendments.

Mr. BOUTELLE. I move the adoption of the conference report.

The report was adopted.

Mr. BOUTELLE. I move that the House further insist on its disagreement to the Senate amendments still in controversy, and ask a further conference with the Senate.

The motion was agreed to.

The SPEAKER. The Chair appoints the same conferees.

FORTIFICATIONS APPROPRIATION BILL.

Mr. HAINER of Nebraska submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8109) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 9, and 10.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 6, 18, 19, and 20, and agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"Gun and mortar batteries: For construction of fortifications, $2,500,000; of which sum not exceeding $100,000 may be expended for the construction of necessary buildings connected therewith: *Provided*, That contracts may be entered into, under the direction of the Secretary of War, for materials and work for construction of fortifications, to be paid for as appropriations may from time to time be made by law, to an additional sum in the aggregate not to exceed $2,500,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,205,038"; and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 7 and 8, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"In all, $3,770,076: *Provided*, That the following sums, to meet payments as they become due for the afore-mentioned objects under armament of fortifications, are hereby appropriated, namely."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$650,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$750,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$300,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$200,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,075,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$650,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: After the word "guns," in line 1 of said amendment, insert the following: "of American manufacture"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In line 1 of the matter inserted by said amendment, after the word "fortifications," insert the words "in its discretion"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "That in the act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, approved February 15, 1893, the paragraph beginning with the words 'Of the $110,000' and providing for terms of payment for the 12-inch elevating gun carriage to be contracted for with A. H. Emery under the provisions of said act be, and is hereby, amended to read as follows:

"Of the $110,000 to be paid for the carriage and its foundations, 85 per cent shall be paid in partial payments as the work progresses, in accordance with the proposals submitted by A. H. Emery to the Board in his letter of January 21, 1893. And no bond shall be required for the return of this money if the carriage is not accepted, nor shall the said Emery be required to return the money paid, and the carriage shall belong to the United States when the tests are completed. The balance of the $110,000 shall be paid as soon as said carriage shall have been completed in all respects according to contract, and shall also have undergone and endured a test satisfactory to the Board of Ordnance and Fortification. Of the $20,000 to be paid for testing of the carriage, three-eighths shall be paid the contractor when the preliminary tests are completed, and the other five-eighths shall be paid to him proportionally as the 50 rounds for proof are furnished. And the Secretary of War is hereby authorized and directed to enter into a supplemental contract with the contractor for this carriage for the supply by him of a loading apparatus to go with and belong to the carriage and to be furnished therewith as a part thereof, and the carriage shall be so constructed that a part of the work of recoil can be used for the horizontal traverse of the carriage and the working of the loading apparatus, and the payment for the work so furnished under this supplementary contract shall be $10,000, which sum shall be due and payable when said loading apparatus is completed in all respects according to contract, and shall also have undergone and endured said test hereinbefore mentioned, to make which payment the sum of $10,000 is hereby appropriated."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"To enable the Board of Ordnance and Fortification to procure and test one 8-inch caliber high-power gun, cast in one piece, on the plan of R. J. Gatling; and the Secretary of War is hereby authorized and directed to contract with said Gatling for said gun, without advertisement, which gun shall be constructed according to the plans and specifications prepared by said Gatling and under his supervision, and to be subjected to the same test now applied to the built-up gun of the same caliber, and the sum of $40,000 is hereby appropriated to pay for said gun, of which sum 85 per cent shall be paid in partial payments as the work progresses, in accordance with the contract to be entered into between the Secretary of War and the said Gatling, and the remainder upon the completion and test of said gun: *Provided*, That before said contract is entered into the plans and specifications for said gun shall be deposited with the Secretary of War, which plans and specifications may be modified, in the discretion of said Gatling, from time to time as the work progresses: *And provided further*, That the said gun shall conform in general form and dimensions to modern ordnance, and shall not, therefore, differ materially in form and dimensions from service guns, in order that it may admit of being mounted on a service carriage and in a service emplacement or fortification."

And the Senate agree to the same.

E. J. HAINER,
WILLIAM W. GROUT,
FRANKLIN BARTLETT,
Managers on the part of the House.

GEORGE C. PERKINS,
W. B. ALLISON,
A. P. GORMAN,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8109) making appropriations for fortifications, submit the following written statement in explanation of the action agreed upon and recommended in the accompanying conference report on each of the Senate amendments, namely:

On amendments numbered 1 and 2: Appropriates $2,500,000, instead of $1,885,000, as proposed by the House, and $5,000,000, as proposed by the Senate, for construction of fortifications, and authorizes contracts for materials and work additional to said sum to the amount of $2,500,000, instead of $3,375,000, as proposed by the House.

On No. 3: Appropriates $500,000, as proposed by the Senate, instead of $250,000, as proposed by the House, for sites for fortifications and seacoast defenses.

On Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15: Appropriates $2,075,000 instead of $1,729,000, as proposed by the House, and $2,576,000, as proposed by the Senate, for the various objects under "Armament of fortifications"; authorizes contracts for a sum additional to said amount of $1,695,076, instead of $2,167,276, as proposed by the House, and $1,079,076, as proposed by the Senate; authorizes the procurement of forgings for one type 16-inch gun, as proposed by the House, and limits the price under contracts for steel for high-power coast-defense guns and mortars to not exceeding 24 cents per pound.

On No. 16: Appropriates $650,000, instead of $497,449, as proposed by the House, and $1,000,000, as proposed by the Senate, for payment for 8, 10, and 12 inch guns manufactured by contract under the fortification acts of 1890 and 1891.

On No. 17: Appropriates $35,000, as proposed by the Senate, for purchase of machine guns of American manufacture, including $15,000 for such guns of approved musket caliber.

On No. 18: Appropriates $50,000, as proposed by the Senate, instead of $66,500, as proposed by the House, for projectiles, including shrapnel for issue to the service.

On No. 19: Provides, as proposed by the Senate, that hereafter the ordnance storekeeper on duty in Washington as disbursing officer and assistant to the Chief of Ordnance shall have the rank of major.

On No. 20: Appropriates $150,000, instead of $100,000, as proposed by the House, for expenses under the Board of Ordnance and Fortification.

On No. 21: Authorizes the Board of Ordnance and Fortification, in their discretion, to procure and test, as proposed by the Senate, one 10-inch counterpoise carriage of the type patented by Commodore J. A. Howell, of the United States Navy.

On No. 22: Inserts the provision proposed by the Senate, modifying the fortification act of 1896 as to authority to contract with A. H. Emery for a gun carriage, the full text of which is set forth in the conference report.

On No. 23: Inserts the provision which the full text is set forth in the conference report, to enable the Board of Ordnance and Fortification to procure and test one 8-inch caliber high-power gun, cast in one piece, on the plan of R. J. Gatling.

The bill as it passed the House appropriated $5,845,837 and authorized contracts additional to that sum to the amount of $5,542,276, making in all, for fortifications and authorizations, $11,384,613. The bill as it passed the Senate appropriated $10,763,888 and authorized contracts additional thereto to the amount of $1,079,076, making in all, for appropriations and authorizations, $11,842,964.

The bill as agreed upon by the conference committee appropriates $7,377,888 and authorizes contracts additional thereto to the amount of $4,195,076, making in all, appropriations and authorizations, $11,572,964.

E. J. HAINER,
WILLIAM W. GROUT,
FRANKLIN BARTLETT,
Managers on the part of the House.

Mr. HAINER of Nebraska. I move the adoption of the report.

Mr. DINGLEY. One question before that is done. As I understand, the amount of appropriations and authorizations taken together is substantially the same in the bill as agreed to in conference as in the bill passed by the House.

Mr. HAINER of Nebraska. A trifle reduced.

Mr. DINGLEY. But the appropriations of money from the Treasury are larger in the bill as now agreed on than in the bill as passed by the House.

Mr. HAINER of Nebraska. That is correct.

Mr. DINGLEY. How much have the appropriations been increased in amount?

Mr. HAINER of Nebraska. Very nearly a million and a half of dollars.

Mr. DINGLEY. And that increase is taken off the amount of the authorizations?

Mr. HAINER of Nebraska. Yes, sir.

Mr. DINGLEY. In other words, having an abundance of money, we have increased the appropriations!

Mr. HAINER of Nebraska. We agreed in conference as best we could. The bill is not in as good condition now as when it left the House; but it is in better shape than at one time we feared it might be.

Mr. STEELE. What is the style of this Gatling gun for which the sum of $40,000 is appropriated? It is not the old rapid-firing gun, is it?

Mr. HAINER of Nebraska. No, sir; this is a gun of new device. It is intended to be cast in a vacuum. It is a cast-steel gun, which the Senate thought it would be very advisable to try.

Mr. STEELE. Is it made on the plan of cooling the gun from the inside first, instead of casting it solid and then boring it out?

Mr. HAINER of Nebraska. Yes, sir.

The SPEAKER (having put the question on agreeing to the conference report). The ayes seem to have it.

Mr. KEM. No quorum, Mr. Speaker.

The SPEAKER. Does the gentleman demand a division?

Mr. KEM. Yes, sir.

The House divided; and there were—ayes 83, noes none.

Mr. KEM. No quorum.

Mr. HAINER of Nebraska. I move that the House adjourn.

The SPEAKER (having put the question). The motion is agreed to; and the House, in accordance with the order already adopted, stands adjourned until to-morrow morning at 11 o'clock.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of W. T. Ratcliff, administrator of Mrs. Nancy Wells, deceased, against The United States, was taken from the Speaker's table, referred to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CURTIS of New York, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8443) to amend section 4878 of the Revised Statutes, relating to burials in national cemeteries, reported the same without amendment, accompanied by a report (No. 2127); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2420) entitled "An act to regulate the pay of noncommissioned officers in the Army," reported the same without amendment, accompanied by a report (No. 2128); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARNEY, from the Committee on the Public Lands, to which was referred the joint resolution of the House (H. Res. 154) providing for an investigation by the Secretary of the Interior of the claims of certain homestead entrymen in the State of Wisconsin for loss occasioned by the subsequent cancellation of their entries, and appropriating a sum of money to pay the expenses thereof, reported the same without amendment, accompanied by a report (No. 2130); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CUMMINGS, from the Committee on the Library, to which was referred the joint resolution of the Senate (S. R. 27) granting permission for the erection of a monument in Washington, D. C., for the ornamentation of the national capital and in honor of Samuel Hahnemann, reported the same without amendment, accompanied by a report (No. 2131); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRIFFIN, from the Committee on Military Affairs, to which was referred House bill No. 9024, reported in lieu thereof a bill (H. R. 9289) to amend an act entitled "An act to promote the administration of justice in the Army," approved October 1, 1890, and for other purposes, accompanied by a report (No. 2132); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 8814) to authorize the construction by the Duluth and North Dakota Railroad Company of two bridges across the Red River of the North between the States of Minnesota and North Dakota, reported the same without amendment, accompanied by a report (No. 2133); which said bill and report were referred to the House Calendar.

Mr. PAYNE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 9253) to amend an act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea," reported the same without amendment, accompanied by a report (No. 2134); which said bill and report were referred to the House Calendar.

Mr. ALLEN of Utah, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 2047) entitled "An act extending the time within which the University of Utah shall occupy lands heretofore granted to it," reported the same without amendment, accompanied by a report (No. 2135); which said bill and report were referred to the House Calendar.

Mr. QUIGG, from the Committee on the Library, to which was referred the bill of the Senate (S. 1922) entitled "An act creating an art commission of the United States, and for other purposes," reported the same without amendment, accompanied by a report (No. 2136); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7860) making an appropriation for the erection of a monument to commemorate the services and achievements of the private soldiers and sailors of the United States in the late war of the rebellion, reported the same with amendment,

accompanied by a report (No. 2137); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9151) to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, and cannon balls in their respective Departments, reported the same without amendment, accompanied by a report (No. 2163); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. HURLEY, from the Committee on War Claims, a resolution (House Res. No. 396) to refer the bill (H. R. 2466) for the relief of John Carney, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 2466. (Report No. 2129.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 7504) granting an increase of pension to Charles McAllister. (Report No. 2139.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (S. 916) entitled "An act granting an increase of pension to Mrs. Cornelia I. Skiles." (Report No. 2140.)

The bill (S. 2401) entitled "An act granting a pension to Mrs. Hattie E. Redfield, of Omaha, Nebr." (Report No. 2141.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (H. R. 4622) granting a pension to Mrs. J. J. Woods. (Report No. 2142.)

The bill (H. R. 6464) granting a pension to John S. Dukate, late assistant surgeon, Fifty-third Regiment Indiana Veteran Volunteers. (Report No. 2157.)

The bill (H. R. 8094) granting a pension to Alfred D. Johnson. (Report No. 2158.)

The bill (S. 248) entitled "An act granting a pension to Martha Allen." (Report No. 2159.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 6419) granting an increase of pension to Maj. Samuel P. Dill. (Report No. 2143.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 9089) granting a pension to Benjamin F. Whitehouse. (Report No. 2144.)

The bill (H. R. 9090) granting an increase of pension to Jacob Stebler. (Report No. 2160.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 2961) for the relief of Angus McVigor. (Report No. 2145.)

The bill (H. R. 3845) granting a pension to Eunice Taylor. (Report No. 2146.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 3245) entitled "An act granting a pension to Elvira Bachelder." (Report No. 2138.)

The bill (H. R. 5851) to increase the pension of Edward O. Fisher. (Report No. 2148.)

The bill (H. R. 6946) granting a pension to Maria Kenney. (Report No. 2147.)

The bill (H. R. 9294) granting a pension to James Donovan, reported in lieu of the bill H. R. 4811. (Report No. 2149.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 5718) granting a pension to Malinda Kelly, of Jackson County, Ill. (Report No. 2150.)

The bill (H. R. 1187) granting a pension to Rev. J. M. Madding. (Report No. 2151.)

The bill (H. R. 7663) to increase the pension of Jesse Sims. (Report No. 2152.)

The bill (H. R. 7283) granting pension to Mary Dozha. (Report No. 2161.)

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 2308) for the relief of John L. Jefferies, late a captain in the One hundred and tenth Regiment Pennsylvania Volunteer Infantry. (Report No. 2153.)

By Mr. BISHOP, from the Committee on Military Affairs: The bill (H. R. 1937) for the relief of Robert McFarland. (Report No. 2154.)

By Mr. GRIFFIN, from the Committee on Military Affairs: The bill (H. R. 4853) for the relief of John Duncan. (Report No. 2155.)

By Mr. HARDY, from the Committee on Pensions: The bill (H. R. 7206) granting a pension to Frank Stay. (Report No. 2156.)

By Mr. PARKER, from the Committee on Military Affairs: The bill (H. R. 8364) for the relief of Capt. Henry C. Seaman. (Report No. 2162.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LACEY: A bill (H. R. 9287) to enforce obedience to subpœnas in criminal cases—to the Committee on the Judiciary.

By Mr. MEREDITH (by request): A bill (H. R. 9288) to promote aerial navigation for military purposes—to the Committee on Military Affairs.

By Mr. DENNY: A bill (H. R. 9290) for the purchase of a site at Congress Heights, D. C., to be used as a summer residence for the President of the United States, and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. HICKS: A bill (H. R. 9291) granting 4 condemned cannon and 100 cannon balls to Lieutenant S. C. Potts Post, No. 62, and Fred C. Ward Post, No. 468, Grand Army of the Republic, of Altoona, Pa.—to the Committee on Naval Affairs.

By Mr. ROBINSON of Pennsylvania: A bill (H. R. 9292) for the erection of a public building at Phœnixville, Pa.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9293) to provide for the construction of a public building at West Chester, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. CHARLES W. STONE: A joint resolution (H. Res. 194) extending the scope of the investigations by the Agricultural Department in the matter of the improvement of public roads—to the Committee on Agriculture.

By Mr. CATRON: A resolution (House Res. No. 388) for special order for consideration of House bill No. 4052 and Senate bill No. 2022—to the Committee on Rules.

By Mr. SHERMAN: A resolution (House Res. No. 397) requesting the Secretary of the Treasury to furnish information in reference to defaulted bonds formerly belonging to Indian funds and assumed by the United States Government—to the Committee on Indian Affairs.

By Mr. ODELL: A resolution (House Res. No. 398) authorizing the appointment of Daniel J. McKeever as an additional page—to the Committee on Accounts.

By Mr. SMITH of Michigan: A resolution (House Res. No. 399) relative to the President notifying the Governments of Mexico, Brazil, etc., for the purpose of considering and recommending to each Government some measures for arbitration, etc.—to the Committee on Foreign Affairs.

By Mr. BARRETT: A resolution (House Res. No. 400) relative to the employment of an extra laborer in the Doorkeeper's department—to the Committee on Accounts.

By Mr. HOOKER: A resolution (House Res. No. 401) authorizing the printing of 10,000 copies of the message of the President and the report of the Committee on Rivers and Harbors—to the Committee on Printing.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 2939) for the relief of John E. Welch, a citizen of the United States—Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

The bill (H. R. 3995) granting a pension to George K. Knowlton, late of United States Navy—Committee on Invalid Pensions discharged, and referred to the Committee on Naval Affairs.

The bill (H. R. 9211) to grant a pension to Mrs. Charles B. Gatewood, widow of Charles B. Gatewood, late first lieutenant, Sixth United States Cavalry—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. HARRIS: A bill (H. R. 9295) granting a pension to Sturgis O. Lovell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9296) granting a pension to William H. Zombro—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9297) for the relief of Leonard B. Johnson, of Sandusky, Ohio, for the use of his land for a Confederate military cemetery—to the Committee on Claims.

Also, a bill (H. R. 9298) to reimburse Henry Gregg for moneys expended at the last sickness and burial of a deceased soldier—to the Committee on Claims.

By Mr. HICKS: A bill (H. R. 9299) to correct the military record of Joseph Albert Miles—to the Committee on Military Affairs.

Also, a bill (H. R. 9300) to increase the pension of Henry D. Roger, of Belsano, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9301) to correct the military record of Joseph P. Swope—to the Committee on Military Affairs.

By Mr. HUNTER: A bill (H. R. 9302) granting a pension to W. H. Dunbar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9303) granting a pension to John A. Loudon—to the Committee on Invalid Pensions.

By Mr. JOY: A bill (H. R. 9304) for the relief of Cass Avenue Distilling Company—to the Committee on Claims.

By Mr. MARSH: A bill (H. R. 9305) to grant an honorable discharge to Peter Hoots—to the Committee on Military Affairs.

By Mr. McCREARY of Kentucky: A bill (H. R. 9306) granting a pension to Amanda Woodcock—to the Committee on Invalid Pensions.

By Mr. MEYER: A bill (H. R. 9307) for the relief of the heirs of Pierre Sauvé—to the Committee on War Claims.

Also, a bill (H. R. 9308) for the relief of the New Orleans Gas Light Company—to the Committee on War Claims.

Also, a bill (H. R. 9309) for the relief of John F. Kranz—to the Committee on War Claims.

By Mr. MEREDITH: A bill (H. R. 9310) for the relief of the estate of Phillip Otterback, and for other purposes—to the Committee on the District of Columbia.

By Mr. PICKLER: A bill (H. R. 9311) granting a pension to Daniel Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9312) granting an increase of pension to Stephen H. Morse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9313) granting a pension to Charles Stow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9314) granting a pension to Newman C. Nash—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9315) granting a pension to H. R. Draper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9316) granting an increase of pension to Isaac Smouse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9317) granting an increase of pension to George W. Bolster—to the Committee on Invalid Pensions.

By Mr. STEELE: A bill (H. R. 9318) granting an increase of pension to Catherine Clifford—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 9319) granting a pension to Malachi Salters, a sergeant of Company F, Ninth Regiment Illinois Volunteer Cavalry—to the Committee on Invalid Pensions.

By Mr. FARIS: A bill (H. R. 9320) to correct the military record of Henry W. Prince—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARRETT: Resolutions of the board of aldermen of the city of Chelsea, Mass., protesting against the adoption of the so-called Pasco amendment to the Post-Office appropriation bill, now pending—to the Committee on the Post-Office and Post-Roads.

By Mr. BROMWELL: Memorial of Wyoming Chapter, Daughters of the American Revolution, concerning the publication of papers of the American Continental Congress—to the Committee on Printing.

By Mr. BULL: Paper to accompany House bill to promote Lieut. William McCarty Little—to the Committee on Naval Affairs.

By Mr. CRUMP: Resolutions of the Board of Trade of Chicago, Ill., remonstrating against the adoption of House bill No. 8536 and Senate bill No. 2967, being amendments to the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, petition of Rev. C. T. Patchell and 300 members of the Congregational church of Bay City, Mich., favoring the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. COCKRELL: Petition of the Woman's Christian Temperance Union of Iowa Park, Tex., favoring the Denny bill, prohibiting the issuance of United States liquor permits in prohibition districts—to the Committee on Alcoholic Liquor Traffic.

By Mr. FARIS: Papers to accompany House bill No. 9080, for the relief of William H. Wood—to the Committee on Military Affairs.

By Mr. HARDY: Papers to accompany House bill No. 9279, for the relief of Wesley Porter—to the Committee on Military Affairs.

By Mr. KERR: Petition of Wolfersberger & Page, protesting against the passage of House bill No. 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. MEIKLEJOHN: Petition of the common council of Columbus, Nebr.; also of the delegates to the Democratic State convention, asking for the passage of the bill providing for the transmississippi and international exposition at Omaha—to the Committee on Ways and Means.

By Mr. RICHARDSON: Papers relating to the claim of Rice A. Coffey, of Jackson County, Ala.—to the Committee on War Claims.

By Mr. SKINNER (by request): Petition of certain citizens of Washington, D. C., in relation to irregularities in the administration of education within the District—to the Committee on the District of Columbia.

By Mr. TURNER of Virginia: Petition of George W. Fisher, for pay for extra services—to the Committee on Accounts.

By Mr. WHEELER: Papers relating to the claim of Jesse Jefferson—to the Committee on War Claims.

Also, papers relating to the claim of John Haynes—to the Committee on War Claims.

Also, papers relating to the claim of Benjamin Carter—to the Committee on War Claims.

Also, papers relating to the claim of Cyrus Jones—to the Committee on War Claims.

Also, papers relating to the claim of David Vincent—to the Committee on War Claims.

Also, papers relating to the claim of William S. Kerr—to the Committee on War Claims.

SENATE.

WEDNESDAY, *June 3, 1896.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. HALE, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, in response to a resolution of the 29th ultimo, directing him to transmit a report of Special Employee T. A. Byrne, relative to an investigation of the alleged undervaluation of merchandise imported into this country, stating that the report has been transmitted to the United States attorney at New York, with the request that proper proceedings be taken, etc.; which was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Attorney-General, in response to a resolution of the 2d instant, calling for a list of all final judgments rendered in Indian depredation claims since the 21st day of May, 1896, transmitting a list of judgments rendered in the Court of Claims in favor of claimants on June 1, 1896; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

MRS. JANE STEWART WHITING.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1511) granting a pension to Mrs. Jane Stewart Whiting.

The amendment of the House of Representatives was, in line 5, before the word "dollars," to strike out "seventy-five" and insert "thirty."

Mr. MITCHELL of Wisconsin. I move that the Senate nonconcur in the amendment of the House of Representatives.

The motion was agreed to.

Mr. MITCHELL of Wisconsin. I move that the Senate request a conference with the House of Representatives on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. CANNON, and Mr. MITCHELL of Wisconsin were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes; further insisted upon its disagreement to the amendments to the bill numbered 32, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, and 52; asked a further conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. BOUTELLE, Mr. ROBINSON of Pennsylvania, and Mr. CUMMINGS managers at the conference on the part of the House.

PETITION.

Mr. PRITCHARD presented the petition of Rev. Z. Sams and sundry other citizens of Madison County, N. C., praying for the enactment of legislation to amend the military record of Stephen Rice, of Company A, Second North Carolina Mounted Infantry; which was referred to the Committee on Military Affairs.

BILL INTRODUCED.

Mr. SHERMAN introduced a bill (S. 3256) to remove the charge of desertion from James H. Troy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

MARITIME CANAL OF NORTH AMERICA.

On motion of Mr. HANSBROUGH, it was

Ordered, That 2,000 additional copies of Senate Report No. 1094, on S. 3049, to incorporate the Maritime Canal of North America, and for other purposes, be printed.

ELIZABETH W. SUTHERLAND.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 1420) granting an increase of pension to Elizabeth W. Sutherland.

METRIC SYSTEM OF WEIGHTS AND MEASURES.

Mr. CANNON. I submit the following resolution, and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Committee on Finance collect and have printed for the use of the Senate all obtainable information on the subject of a metric system of weights and measures, the expense for the collection and preparation of such data to be paid from the contingent fund of the Senate.

The VICE-PRESIDENT. The resolution will, under the rule, have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. HALE. If it is a matter of any magnitude it should first go to the Committee on Printing.

Mr. CANNON. Very well.

The VICE-PRESIDENT. The resolution will be referred to the Committee on Printing.

RIVER AND HARBOR BILL—VETO MESSAGE.

Mr. SHERMAN. I move to proceed to the consideration of House bill 8008, known as the cheese bill.

Mr. VEST. Mr. President——

The VICE-PRESIDENT. The Chair has recognized the Senator from Ohio.

Mr. VEST. I beg pardon. Some one had called my attention away at the moment. The understanding was yesterday that the filled-cheese bill should become the regular order of business and should be laid aside for appropriation bills, and I stated then that at the end of the routine business this morning I would move to reconsider the river and harbor bill, that the President's veto message might be laid before the Senate.

Mr. SHERMAN. I did not know when I made the motion that the cheese bill is the unfinished business, to come up at 1 o'clock.

The VICE-PRESIDENT. The Chair so understands.

Mr. SHERMAN. In that case I will give way for any other business until that time.

Mr. VEST. I move to reconsider the bill.

Mr. GEAR. Will the Senator from Missouri yield to me a moment to call up the bill (H. R. 3771) for the relief of Stratton B. Bencoster?

Mr. VEST. Certainly.

Mr. PETTIGREW. I ask to have the conference report on the Indian appropriation bill laid before the Senate. I suppose it takes precedence over other business.

The VICE-PRESIDENT. The Chair will submit the motion of the Senator from Missouri. It is for the Senate to determine as to the precedence of the two measures.

Mr. PETTIGREW. I wish to say that there will be another conference necessary, and it is very important, it appears to me, that the first business we should transact is to dispose of the report now before the Senate. It seems to lead to some discussion. I think we can dispose of it this morning, however, and thus be enabled to hold another conference, which will be upon the question of Indian sectarian schools, and may lead to another controversy in the Senate. I hope that the Senator from Missouri will not insist upon taking up this measure until the conference report is disposed of.

Mr. VEST. The trouble is that the debate threatens to be almost interminable upon the Indian appropriation bill. There is a great deal of feeling in regard to it, and it is very evident that a number of Senators propose to address the Senate upon it, the Senator from Mississippi [Mr. GEORGE] having only commenced his remarks. If we are to act upon the river and harbor bill and the veto message of the President, it is very obvious that it should be done as speedily as possible. No question can be presented to the Senate outside of the national honor which can be more important to the people of the United States than to know whether the great works of improvement are to be suspended, a large number of them destroyed, or whether in the contingency that the veto is sustained we should proceed and attempt to enact another river and harbor bill at the present session. That question ought to be determined now, and it seems to me that it is largely superior to any appropriation for Indian schools or any other provisions in the Indian appropriation bill, however important they may be.

Mr. GEORGE. Will the Senator from Missouri allow me to interrupt him?

Mr. VEST. Certainly.

Mr. HALE. I call for the regular order.

Mr. GEORGE. I desire to state to the Senator from South Dakota that it would probably facilitate the passage of the Indian appropriation bill, at least it would not obstruct it, if he would allow a vote to be taken upon the river and harbor bill.

The VICE-PRESIDENT. The Chair submits to the Senate the motion of the Senator from Missouri to reconsider the river and harbor bill.

Mr. PETTIGREW. On that motion I demand the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEAR (when his name was called). I have a general pair with the Senator from Georgia [Mr. GORDON]. Knowing how he would vote on this question, I vote "yea."

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL], but as we agree on this question, I vote "yea."

Mr. WHITE (when his name was called). I am paired with the Senator from Idaho [Mr. SHOUP], but we agree upon this question, and I vote "yea."

The roll call was concluded.

Mr. BROWN (after having voted in the negative). I wish to withdraw my vote. I am paired with the Senator from Maine [Mr. FRYE].

Mr. CULLOM. I have a general pair with the Senator from Delaware [Mr. GRAY], but I feel satisfied that he would vote "yea" if present, and I will therefore vote. I vote "yea."

Mr. BURROWS (after having voted in the affirmative). I am paired with the senior Senator from Louisiana [Mr. CAFFERY], but I am advised that he would vote in the affirmative. So I will let my vote stand.

Mr. PALMER. Has the Senator from North Dakota [Mr. HANSBROUGH] voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. PALMER. I withhold my vote. I should vote "nay" if the Senator from North Dakota were present.

Mr. BROWN. At the request of friends of the Senator from Maine [Mr. FRYE], with whom I am paired, I will vote to make a quorum. I renew my vote "nay."

Mr. GALLINGER (after having voted in the affirmative). I have a general pair with the senior Senator from Texas [Mr. MILLS], who has not voted. I will transfer that pair to the Senator from Connecticut [Mr. HAWLEY] and allow my vote to stand.

Mr. PALMER. As my vote is probably necessary to make a quorum, I will take the liberty of voting. I vote "nay."

The result was announced—yeas 38, nays 10; as follows:

YEAS—38.

Aldrich,	Faulkner,	McBride,	Quay,
Allison,	Gallinger,	Mitchell, Oreg.	Sherman,
Berry,	Gear,	Mitchell, Wis.	Smith,
Burrows,	George,	Morgan,	Turpie,
Cannon,	Gorman,	Nelson,	Vest,
Carter,	Hale,	Pasco,	Walthall,
Chandler,	Hill,	Peffer,	White,
Cullom,	Jones, Ark.	Perkins,	Wolcott.
Davis,	Lindsay,	Platt,	
Dubois,	Lodge,	Pugh,	

NAYS—10.

Bate,	Harris,	Pettigrew,	Vilas.
Brown,	Morrill,	Pritchard,	
Chilton,	Palmer,	Teller,	

NOT VOTING—41.

Allen,	Cockrell,	Jones, Nev.	Squire,
Bacon,	Daniel,	Kyle,	Stewart,
Baker,	Elkins,	McMillan,	Thurston,
Blackburn,	Frye,	Mantle,	Tillman,
Blanchard,	Gibson,	Martin,	Voorhees,
Brice,	Gordon,	Mills,	Warren,
Butler,	Gray,	Murphy,	Wetmore,
Caffery,	Hansbrough,	Proctor,	Wilson.
Call,	Hawley,	Roach,	
Cameron,	Hoar,	Sewell,	
Clark,	Irby,	Shoup,	

So the motion was agreed to; and the Senate proceeded to reconsider the bill (H. R. 7977) making appropriations for the

construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The VICE-PRESIDENT. The Chair lays before the Senate the veto message of the President, which will be read.

Mr. GEAR. I understood that the Senator from Missouri agreed to yield to me to call up a private bill.

Mr. HALE. I call for the regular order.

The VICE-PRESIDENT. Objection is interposed. The message will be read.

The Secretary read the message, as follows:

To the House of Representatives:

I return herewith without approval House bill No. 7977, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes."

There are 417 items of appropriation contained in this bill, and every part of the country is represented in the distribution of its favors.

It directly appropriates or provides for the immediate expenditure of nearly $14,000,000 for river and harbor work. This sum is in addition to appropriations contained in another bill for similar purposes amounting to a little more than $3,000,000, which have already been favorably considered at the present session of Congress.

The result is that the contemplated immediate expenditures for the objects mentioned amount to about $17,000,000.

A more startling feature of this bill is its authorization of contracts for river and harbor work amounting to more than $62,000,000. Though the payments on these contracts are in most cases so distributed that they are to be met by future appropriations, more than $3,000,000 on their account are included in the direct appropriations above mentioned. Of the remainder, nearly $20,000,000 will fall due during the fiscal year ending June 30, 1898, and amounts somewhat less in the years immediately succeeding. A few contracts of a like character, authorized under previous statutes, are still outstanding, and to meet payments on these more than $4,000,000 must be appropriated in the immediate future.

If, therefore, this bill becomes a law, the obligations which will be imposed on the Government, together with the appropriations made for immediate expenditure on account of rivers and harbors, will amount to about $90,000,000. Nor is this all. The bill directs numerous surveys and examinations which contemplate new work and further contracts, and which portend largely increased expenditures and obligations.

There is no ground to hope that in the face of persistent and growing demands the aggregate of appropriations for the smaller schemes not covered by contracts will be reduced or even remain stationary. For the fiscal year ending June 30, 1898, such appropriations, together with the installments on contracts which will fall due in that year, can hardly be less than $30,000,000; and it may reasonably be apprehended that the prevalent tendency toward increased expenditures of this sort and the concealment which postponed payments afford for extravagance will increase the burdens chargeable to this account in succeeding years.

In view of the obligation imposed upon me by the Constitution, it seems to me quite clear that I only discharge a duty to our people when I interpose my disapproval of the legislation proposed.

Many of the objects for which it appropriates public money are not related to the public welfare, and many of them are palpably for the benefit of limited localities or in aid of individual interests.

On the face of the bill it appears that not a few of these alleged improvements have been so improvidently planned and prosecuted that after an unwise expenditure of millions of dollars new experiments for their accomplishment have been entered upon.

While those intrusted with the management of public funds in the interest of all the people can hardly justify questionable expenditures for public work by pleading the opinions of engineers or others as to the practicability of such work, it appears that some of the projects for which appropriations are proposed in this bill have been entered upon without the approval or against the objections of the examining engineers.

I learn from official sources that there are appropriations contained in the bill to pay for work which private parties have actually agreed with the Government to do in consideration of their occupancy of public property.

Whatever items of doubtful propriety may have escaped observation or may have been tolerated in previous Executive approvals of similar bills, I am convinced that the bill now under consideration opens the way to insidious and increasing abuses, and is in itself so extravagant as to be especially unsuited to these times of depressed business and resulting disappointment in Government revenue. This consideration is emphasized by the prospect that the public Treasury will be confronted with other appropriations made at the present session of Congress amounting to more than $500,000,000.

Individual economy and careful expenditure are sterling virtues which lead to thrift and comfort. Economy and the exaction of clear justification for the appropriation of public moneys by the servants of the people are not only virtues but solemn obligations.

To the extent that the appropriations contained in this bill are instigated by private interests and promote local or individual projects, their allowance can not fail to stimulate a vicious paternalism and encourage a sentiment among our people, already too prevalent, that their attachment to our Government may properly rest upon the hope and expectation of direct and especial favors, and that the extent to which they are realized may furnish an estimate of the value of governmental care.

I believe no greater danger confronts us as a nation than the unhappy decadence among our people of genuine and trustworthy love and affection for our Government as the embodiment of the highest and best aspirations of humanity, and not as the giver of gifts, and because its mission is the enforcement of exact justice and equality and not the allowance of unfair favoritism.

I hope I may be permitted to suggest, at a time when the issue of Government bonds to maintain the credit and financial standing of the country is a subject of criticism, that the contracts provided for in this bill would create obligations of the United States amounting to $62,000,000 no less binding than its bonds for that sum.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 29, 1896.*

The VICE-PRESIDENT. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. VEST. Mr. President, there are statements in the President's message, however great may be my respect for him and his high office, that make it absolutely necessary that something should be said in defense of the action of the two Houses of Congress in passing this bill. I shall endeavor to say just as much as I deem necessary, and no more.

While unquestionably the President of the United States has the constitutional power to exercise his veto prerogative as to any measure enacted by Congress, I must be permitted to state that in my judgment the spirit of the Constitution is not consistent with the idea that the veto power should be exercised as one of the ordinary instrumentalities in administering the Government.

The debates of the Convention that framed the Constitution and the practice of the earliest Presidents show beyond question that the intention in giving this power to the President was that it should be exercised only in extraordinary emergencies when Congress had enacted an unconstitutional measure or when, through popular passion or prejudice, there had been hasty and ill-advised legislation.

During the Administrations of Washington, Adams, Jefferson, and Madison, embracing twenty-eight years of our history, the veto power was exercised seven times—twice by Washington and five times by Madison. It was never exercised by John Adams in his four years of administration, nor by Thomas Jefferson during the eight years he presided over the executive department. This convinces me beyond question how the men who were nearest to the Constitution in an era of experimental legislation when great difficulties and dangers confronted the infant Republic understood this grant of power to the Chief Executive.

Mr. President, with great respect for the President and his high office, manifest injustice has been done to the two Houses of Congress. I speak as one familiar with the details of this legislation. I wish to say frankly that there is much in this bill which I do not approve. I agree with the venerable Senator from Ohio [Mr. SHERMAN], who stated some time ago in this Chamber that he had never voted for a river and harbor bill or a tariff bill that met his entire approval.

Without elaborating the idea, the very nature of this legislation prohibits the possibility of all its details being acceptable to every legislator. It must be the result of compromise, or else there is no legislation at all. I have very little respect for the judgment of any man engaged in legislating for a country with such divers interests and immense geographical area as the United States who expects ever to find a river and harbor bill or a tariff bill, with all the conflicting interests that come together in such an enactment, absolutely harmonious and approved by his judgment.

Now, in this veto message, going into particulars, the President states, in the first place, that there is about $14,000,000 of direct appropriations contained in the bill. Without intending to be hypercritical, I submit that with all the official data before him, and the entire Bureau of Engineers at his command, the President of the United States, before criticising the action of Congress in the face of our constituency, should have stated exactly the amount of direct appropriation in the bill. Instead of being about $14,000,000, it is by actual computation $12,608,900, making a difference between the statement of the President and the actual figures in the bill of $1,391,100. Familiarity with large measures and expenditures may have brought the Executive mind to the conclusion that $1,391,100 was too inconsiderable to make him pause; but it is a large amount, and it shows that the message was drawn, not with that accuracy which generally characterizes the emanations from Mr. Cleveland, but that it is rather the result of the general trend of his mind, having never served in a representative body in his life, to minimize the sense of responsibility that rests upon a Representative or Senator as to the relations with his constituency.

Again, the Chief Executive says that the continuing contracts in the bill amount to $62,000,000. As a matter of fact they amount to $59,656,404, being a difference between the statement of the President and the bill itself of $2,343,596.

The President, in general terms, rhetorically charges Congress with extravagance. Mr. President, if he had turned to the river and harbor bills which we have enacted for the last six years he would have discovered that considering the size of the country, considering the demands of the internal commerce of the country, the largest in the world, this bill is comparatively economical. For instance, by the official report—I shall place this table in the RECORD—in 1889 we appropriated $22,397,616.96 for the two years 1889 and 1890. In 1891 we appropriated $25,136,295; and in addition to this there was $1,951,200 in the sundry civil bill, which must be added to the amount I have already given. In 1894 there was appropriated for rivers and harbors $14,166,153. It must be remembered, which was entirely overlooked obviously by the President, that these appropriations are not for one year but for two, and that the direct appropriations which we make in the pending measure must go for the next fiscal year and the year succeeding. So we have actually appropriated, instead of $14,000,000, as the President says, for the next fiscal year a little over $6,000,000, being one-half of the $12,608,900 which I have enumerated already.

RIVER AND HARBOR BILLS.

1877 to 1886, inclusive.		1887 to 1896, inclusive.	
1877	$5,015,000.00	1887	$14,473,900.00
1878	.....	1888	.....
1879	8,201,700.00	1889	22,307,616.90
1880	7,846,600.00	1890	.....
1881	8,951,500.00	1891	25,136,295.00
1882	11,441,300.00	1892	*1,951,200.00
1883	18,738,875.00		
1884	.....	1893	*814,000.00
1885	13,949,200.00		21,154,218.00
1886	.....		21,968,218.00
Total	74,144,175.00	1894	*14,166,153.00
		1895	11,643,180.00
			*8,400,000.00
			20,043,180.00
		1896	*11,462,115.00
		Total	131,598,677.90

* This amount for rivers and harbors, appropriated in sundry civil bill, is included here under river and harbor bill and deducted from sundry civil bill.

Total amount, 1877 to 1896, inclusive, $205,742,852.90.

Again, it is stated by the President that there is $3,000,000 appropriated in the sundry civil bill at this session, which must be added in addition to the $14,000,000 appropriated, as he said, by the pending bill. This is obviously unjust to the river and harbor bill, because that is the result of legislation already had in 1890. That $3,000,000 is absolutely necessary to preserve the faith of the Government, and this Congress is no more responsible for it than will be the Congress ten or twenty years hence.

The President also says that under this bill there will be appropriated or expended $30,000,000 for the fiscal year 1898, and he states that during that year $20,000,000 will be necessary, under the provisions of this bill, in order to meet these appropriations. As a matter of fact, the amount of continuing appropriations in 1898, instead of being $20,000,000, will be $16,612,873, a difference of $3,387,327 between the estimate of the President and the actual facts. If we add to this $6,000,000 in round numbers, being one-half of the direct appropriations for this year in the bill, we have in the year 1898, which carries the largest of all the expenditures under the continuing contracts, a little over $19,000,000, or, say, $20,000,000 in round numbers, instead of $30,000,000, as stated in the Executive message.

The President states in his message, and I shall not misquote him, that work has been entered upon without the approval of the Board of Engineers. There is no law of the United States which makes the recommendation of the Corps of Engineers imperative or coercive upon Congress. The general statutes of the United States provide that the local engineer shall first make an estimate, which shall be forwarded to the division engineer, who shall revise and pass upon it, and his report shall go to the Chief of Engineers, who shall revise that report and give such recommendations or views—that is the language of the law—such views as he may entertain upon the subject to the Secretary of War, who transmits them to Congress. There is nothing imperative, therefore, and the President so admits in his message.

But I am at a loss to know why the President, when vetoing a bill of this size and importance, did not specify the items of the bill that were obnoxious to the Executive prerogative. I have no disposition to do his excellency injustice, and therefore, upon seeing this veto message, I addressed, as the senior Senator in service upon the Commerce Committee, and in the absence of the chairman [Mr. FRYE], the following communication to the Chief of Engineers, from whom Mr. Cleveland must have obtained the information upon which he based this message. I ask that it be read.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

UNITED STATES SENATE, *Washington, D. C., May 30, 1896.*

MY DEAR SIR: As Senator FRYE has left Washington for the session, I find myself, as the oldest Senator in service upon the Commerce Committee, in charge of the river and harbor bill, and as the President has vetoed the measure I desire to call your attention to certain statements in his message, with a view to ascertaining upon what official information these statements are made, the President alleging in his message that he is officially informed of the facts which he communicates to Congress.

In his message the President says: "It appears that some of the projects for which appropriations are proposed in this bill have been entered upon without the approval or against the objections of the examining engineers." Again he says: "I learn from official sources that there are appropriations contained in the bill to pay for work which private parties have actually agreed with the Government to do in consideration of their occupancy of public property."

As the President must have obtained his information in regard to this bill from the Corps of Engineers, whose duty it is to make recommendations in regard to the improvements of rivers and harbors and superintend the expenditure of appropriations made for that purpose, I have no hesitation in asking from you a statement of the facts upon which the President based his charges.

I was not present in the Committee on Commerce at the time you first appeared before it, but Senator FRYE and other members of the committee informed me that you explained the discrepancy between the estimates of the local engineers and of yourself, as Chief of the Engineer Corps, by saying that you had been requested by the Secretary of War to make your estimates as low as possible, and you had therefore estimated for the smallest possible amount in each case.

Senator FRYE also stated to me, on the eve of leaving Washington, that you had said to him after the bill had passed both Houses of Congress that it was a good measure, and not amenable to the criticism which had been made against it.

I would be very much obliged if you could give me the information requested in this letter at once, as the veto message will probably come up for discussion in the Senate on Tuesday next.

Very respectfully, G. G. VEST.

Brig. Gen. W. P. CRAIGHILL,
Chief of Engineers, United States Army, Washington, D. C.

Mr. VEST. As the date of that communication shows, it was addressed to the Chief of the Corps of Engineers last Saturday morning. Not receiving any reply to it, upon Monday afternoon late I telephoned just before 4 o'clock, when the Department closed, to the Chief of Engineers, asking him if he had received my communication and if he proposed to answer it. I received from him a telephonic message to the effect that my communication had been referred to the Secretary of War for instruction and that he knew nothing more in regard to it. I have up to this date received no information, and I take it, therefore, that for reasons best known to the Administration it is not considered necessary to enter into details in regard to this bill, but to indulge in general and rhetorical declamation against the extravagance and favoritism that is charged to exist in it.

Mr. President, we are now confronted with one proposition overwhelming in its character. I have already said there are details in the bill to which I did not assent except in order to procure the larger advantages which I thought would come to the whole country from these improvements. As a committeeman I was confronted with the proposition whether there should be no river and harbor bill or one with all the details of which I could not agree. We are now individually and collectively confronted with the same proposition. Are we to stop all the improvements that are so necessary to the internal commerce of this country because a creek here and a branch there have received appropriations which we think should not be made, because the Corps of Engineers have not seen proper, in their discretion, to recommend these appropriations, and because individual Senators and Representatives with local knowledge have brought such facts before the committee and caused them to recommend the appropriations?

If this bill be vetoed the probability is there will be no other enactment in this direction during the present session of Congress. What will be the result? The millions of dollars that we have appropriated heretofore upon continuing improvements will possibly go for nothing. The action of the elements, the wear and tear and decay will obliterate all that has been done heretofore by the watchful care of Congress. Because of the twenty-five or thirty or forty thousand dollars which for the sake of the argument I grant is thrown away, we are to waste millions. The great works of the country which are absolutely necessary to its internal commerce, the Mississippi River, the Baltimore Harbor—all these large improvements are to be stopped now because there are details in the bill which the Executive does not think proper to lay before Congress, but upon which he bases a veto.

I do not know and I would not be authorized to speculate as to what items of the bill are so obnoxious to the President. There is in the message one singular expression. The President says that although private parties have been heretofore permitted to go into possession of public property, we are now paying them large sums in violation of the contract originally made. I have puzzled myself as to what his Excellency refers, and I can in the wildest conjecture think of nothing else than the improvement at Brunswick, in Georgia, which is sui generis and stands upon its own foundation. In 1892 a gentleman named Goodyear, a lawyer by profession, advanced the idea that by the use of dynamite he could destroy the obstructive bar at Brunswick, Ga., a place of the largest commercial importance next to Pensacola in the Southern States. He brought his project before the Bureau of Engineers, who rejected it, as I am informed.

It was then brought by the Senators and Representatives from Georgia before the Congress of the United States. The offer was based on the idea upon which the jetties at the mouth of the Mississippi River were successfully constructed; in homely verbiage, "No cure, no pay." He was to secure 21 feet of water, for which he was to receive $30,000 or nothing. It was a mere experiment. But the bar was there, commerce was obstructed, and Congress was liberal enough, in this age of advance and invention, to give to this man the opportunity to make good what he

believed to be a great idea. He went to work and put all his means into it, borrowed and begged like these inventors generally do, and he secured within a fraction of 21 feet, amidst difficulties unparalleled and the stern, unyielding opposition by the Corps of Engineers, who, like all close corporations, resent invasion from any outsider upon their domain.

He came to Congress in 1894 with an adverse report from the investigating engineers as to the depth of water, and after hearing him, and in consideration of the great misfortune that had come upon Brunswick, financially and otherwise, and believing Goodyear to be an absolutely honest man, who had sacrificed all his estate in this venture, we recommended on the part of the Senate that the $30,000 should be paid to him, and we extended his contract. He was then to obtain 23 feet, for which he was to receive $40,000 at this session of Congress, provided he had achieved that result. He had sold his library, let me mention, to show how earnest his belief was in the idea which he had brought to light.

He came back to this Congress with another adverse report against him. The Senators and Representatives from Georgia appeared before our committee and before that of the House and urged the efficacy of the improvement. They showed 8 feet of water upon the bar in addition to what had been there when the original contract was made; and I stand here to-day, in the face of the Bureau of Engineers, and say that it is the cheapest harbor improvement ever made in the United States, one of the most worthy, done by a private citizen with his own means, done in the face of this professional opposition, as the jetties at the mouth of the Mississippi were built, in face of the criticism and opposition of the entire Bureau of Engineers. Eight feet additional water have been obtained for a cost of $30,000, a thing unheard of before in the engineering of the United States. We extended his contract in the conference committee, making it 200 feet width of channel instead of 100 feet, and paying him in the same proportion for every foot obtained.

I am here to defend this. It was right. I say there should be no monopoly, even of engineering talent, in this free country of ours, and if any private citizen comes to me as a legislator and shows where he can do work better than the Corps of Engineers and more economically I am prepared, for one, to face their criticism and to defend my action. We put that clause in the pending bill, and I stand by it, and I believe the result will be the absolute destruction of the bar at a cost below what has ever been that of any other similar work in the United States.

I shall not go further into the details, because I would enter into the field of conjecture. The result upon the great Mississippi River, in which all the Western States are peculiarly interested, would be most disastrous if the veto should be sustained. There are 16 agricultural States—and I shall not detain the Senate by statistics—immediately tributary to this great river. These 16 States produced in 1895 1,686,000,000 bushels of corn, or 78 per cent of all the corn produced in the entire United States. In 1895 they produced 325,774,000 bushels of wheat, or 68 per cent of all the wheat produced in the United States. In 1895 they produced 629,667,000 bushels of oats, or 78 per cent of all the oats produced in the United States. And I will ask permission of the Senate, without detaining them, to put into my remarks a most interesting statement made by a constituent of mine from St. Louis, Mr. Web. M. Samuel, who has studied the enormous commerce on the Mississippi River, and how it has increased from year to year, even under the partial improvement of that great stream made by Congress:

The sharp competition of other countries to supply the markets of eastern Europe has brought about this era of low prices, and these countries mainly employ their interior waterways, as is evidenced by the great awakening in their improvement in carrying their heavy products to market. A result of the condition of low water prevailing during recent years can be seen by the following statement of tonnage shipped by river from St. Louis since 1882, and it is officially recorded that the river tonnage registered at St. Louis is larger than at any other points on the Mississippi River:

	Tons.		Tons.
1882	769,905	1889	712,930
1883	677,340	1890	601,862
1884	574,910	1891	512,930
1885	534,175	1892	502,215
1886	561,895	1893	436,900
1887	657,060	1894	363,080
1888	510,115	1895	303,358

Shipment of bulk grain St. Louis to New Orleans by river since 1876.

[Reported by Geo. H. Morgan, Secretary Merchants' Exchange, St. Louis, Mo.]

	Bushels.		Bushels.
1876	1,774,379	1886	8,834,924
1877	4,101,353	1887	11,556,799
1878	5,451,603	1888	7,252,578
1879	6,164,838	1889	14,158,046
1880	15,762,094	1890	10,217,244
1881	12,903,047	1891	8,468,546
1882	8,333,417	1892	8,414,940
1883	11,059,508	1893	7,004,168
1884	6,647,58	1894	3,481,350
1885	8,667,919	1895	1,600,417

A statement of the St. Louis and Mississippi Transportation Company, which has a larger equipment for moving grain than any on the entire river, the tonnage capacity of their 90 model barges exceeding 100,000 tons, gives the movement of grain down the river for five years as follows:

	Bushels.		Bushels.
1891	10,281,083	1894	3,650,954
1892	12,716,735	1895	2,590,045
1893	9,926,796		

For the same period the total bulk-grain tonnage movement of this company has been—

	Tons.		Tons.
1891	413,789	1894	171,229
1892	456,061	1895	161,005
1893	348,825		

No complete record of interior commerce has been collected which I can find since 1890, but the following statement of tonnage business of New Orleans has been compiled with great care by a reliable authority, and is as follows:

Report, January 25, 1894, port of New Orleans.

	Tonnage.	Value.
Sea commerce:		
1876	1,908,114	$137,126,873
1892*	3,893,658	233,178,089
Railroad commerce:		
1880	878,494	99,761,708
1892†	3,980,996	245,492,900
River commerce:		
1876	3,313,014	173,826,434
1892‡	1,934,925	72,760,956

* Increase, 70 per cent.
† Increase, 350 per cent tonnage; 150 per cent value.
‡ Decrease, 41½ per cent tonnage; 59 per cent value.

These evidences of the rapid decline of the commerce of this great river are certainly not attributable to the abandonment of water transportation, but can only be attributable to the obstacles to navigation which appear at the season of the year when most needed.

In marked contrast with the falling off of tonnage on the Mississippi River, we will state the effects of improvement in water transportation by the lakes since the completion of the St. Marys or Soo Canal, and the removal of obstructions at other points connecting the lakes. In 1886 the deepening of the St. Marys Canal was completed, securing a depth of from 12 to 16 feet. The amount of freight carried through it in 1881 was 1,878,000 tons; it was increased to 3,070,000 tons in 1886, and 9,400,000 tons in 1891. The United States engineer in charge, Major Poe, reported that it reduced the carrying rate on grain 3½ to 4 cents per bushel, and the saving on wheat alone was $2,600,000 for 1886, nearly the entire cost of the improvement.

The further increase of the depth of the locks of this canal to 20 feet has resulted in a further augmentation of tonnage to over 13,000,000 in 1894. A corresponding increase is shown in the movement of freight along the entire length of the lake route. The large reduction from 2.3 mills per ton per mile in 1887 to 0.099 mills per ton per mile in 1895 is shown as the great beneficial result. The freight traffic of the canals, according to the latest official compilation of the whole country, shows an increase from 21,044,298 tons in 1880 to 48,608,325 tons in 1890. It would be impossible to furnish a more effective argument in favor of the economy of improvements to make water carriage safe, easy, and cheap than that afforded by the almost marvelous results that have attended the deepening of the Soo Canal; and as the laws of trade are the same all over the country, on the Mississippi and on the lakes, it is strictly warrantable to assume that the deepening of the low-water channel on the river would be attended by similar results.

It should also be considered that this canal is open only, on an average, seven months in the year.

Previous to 1880 climatic difficulties were urged against grain moved by way of the Gulf; the successful movement of large quantities at all seasons and the large increased movement by rail have long since disproved this illusion. What, therefore, except the existence during the most useful period for navigation of obstacles to its easy navigation, can have produced the results of the past decade? In marked contrast with the falling off in shipment of grain down the river, you will find an astonishing increase of export of corn during the single month of December at New Orleans, carried there by rail. Her exports of corn during this month was 3,175,000 bushels. Contrasted with other leading ports of the United States, the export of corn for that month was as follows:

	Bushels.
New Orleans	3,175,111
Baltimore	2,325,188
New York	1,725,694
Philadelphia	652,000
Boston	202,647

I take these figures from a recent and most elaborate editorial in the Manufacturers' Record, of Baltimore, a paper most reliable in all its statements. Commenting upon the facts, it says:

"It will be seen that New Orleans has steadily advanced as a corn exporting port, and during the past month of December led all the American cities and handled one-third of all the corn shipped out of the country."

There are two explanations of this remarkable turn of the tide southward.

First. While the river channel south of St. Louis during the last fall, when freight engagements were made for the coming season, was blockaded by sand bars, the river from New Orleans to the Gulf, by reason of the great success of the Eads jetties, was open for the steamships of the world.

Second. In the movement of their grain, the producers of the Mississippi Valley, being unable to use their natural cheap waterways, still found the cheapest outlet by rail to tide water at that seaport.

The result is an enormous and unnecessary tax upon the people of the grain-producing States in shape of increased transportation rates.

It has been shown in the memorial of the Merchants' Exchange that, on a fair navigable stage of water, grain has been moved from St. Louis to New Orleans for $1.60 per ton for the distance, or 1.59 mills per ton per mile, while the rail rate for the whole country for last year was 8.30 mills per ton per mile. The present schedule rate of transportation from St. Louis to New Orleans is 12 cents per bushel; the rate per bushel by river, supposing the river channel is in ordinary stage, is 4 cents per bushel; thus you see a difference of 8 cents in favor of the river. The total export of wheat and corn

alone from the United States during the year 1894 was 230,772,658 bushels, the main part of which was produced in the States resting upon the Mississippi and its navigable tributaries. If only one-fourth of this was shipped by New Orleans for export, the annual saving would be $4,615,353; but this is only the direct saving, as you are well aware. Waterways regulate the transportation rate of railways running parallel and across them, as has been demonstrated time and again by the experience of the Erie Canal, the Lakes, etc. If, therefore, the Mississippi reduces directly by 8 cents per bushel the rates of shipments down the valley, it is fair to presume they will reduce the rates at least 4 cents per bushel on the remaining three-fourths of the 230,772,658 bushels transported to the seaboard for export. This would make a saving of $6,000,000 additional. There is, however, at least 200,000,000 bushels of this product that goes into our interior commerce and to consumers in sections where the consumption exceeds the production.

This would add another saving of $8,000,000; the surplus we have to sell for export regulates the price of that which finds a home market, and the amount of saving in freight charges adds to the value of all that remains, and considering this increased value only half of the above, or 2 cents per bushel, on the remaining 2,200,000 bushels, which finds a home market and enters into the production of food products, you can easily see that you would save to the producers of this valley in one year over $25,000,000 on their grain crop alone. This estimate includes but a small portion of the traffic of the vast valley tributary to its navigable rivers, the tonnage of grain referred to being only 25,000,000 tons, while it is estimated that from the combined industries of this valley there is placed annually upon the distributive market of the world 150,000,000 tons freight, and considering a small saving on this whole amount, which would be produced by the active competition of an improved and regular navigable channel, it is certainly safe to assert that the benefit would exceed $50,000,000 annually, and so closely are we bound in commercial relations it would be felt in every portion of our country.

Mr. President, who can overstate the importance of the waterways of the United States? Take the great Soo Canal, for which we commenced appropriating in the years before 1886. The Soo Canal, according to the official reports, was completed in 1886, procuring a depth of from 12 to 16 feet. The amount of freight carried in 1881 was 1,878,000 tons. It was increased to 3,070,000 tons in 1886, and to 9,400,000 tons in 1891. These enormous figures are beyond any logic, beyond any statement in regard to the effect of an improved waterway upon the internal commerce of the country. The amount of freight carried through it in 1881, as I have stated, was 1,878,000 tons, which was increased to 3,070,000 tons in 1886, and to 9,400,000 tons in 1891. The United States officer in charge, Major Poe, reported that it reduced the carrying rate on grain 3½ to 4 cents per bushel, and the saving on wheat alone was $2,600,000 for 1886, nearly the entire cost of the improvement. We went on with this improvement, under appropriations from Congress, to deepen the canal, and the result has been an enormous increase in the tonnage. I could go on until my strength was exhausted proving mathematically that every dollar judiciously expended upon the great waterways of the country comes back tenfold in advantage to the people of this country.

Mr. President, I know it is usual with cheap talk in both Houses of Congress to fill the public press with criticisms of macadamized streams and insignificant creeks and branches that are unworthy of improvement. This has gone on for years; but here in one single item is a mathematical demonstration of the fact that cheap water transportation is absolutely necessary and is becoming more so each day to the people of this country. Go to Europe and look at what those great nations have done and have been compelled to do on account of the necessity for economizing in transportation. We have now brought down railroad transportation to a minimum cost in this country. It can go no lower without placing the railroads in bankruptcy. We must turn now to what nature has given us in the great rivers of the continent. I prophesy—and I hope that "coming events cast their shadows before"—that in a very few years the attention of the legislators of the United States will be drawn to the necessity of improving these waterways in order that we may give to the people of the United States economical and cheaper transportation.

Have Senators noticed the revolution in the grain traffic of the United States as illustrated by the exports from the harbor at New Orleans? In December last—and I shall not detain the Senate longer with statistics—there passed through the harbor of New Orleans outward bound 3,173,111 bushels of grain; in the same month at Baltimore, 2,393,168; at New York, 1,735,694, and at Boston, 202,647 bushels. The grain trade of the United States to Europe has been revolutionized as to transportation. This grain did not go down the Mississippi River to New Orleans. It went by rail, because we have not sufficiently improved that great river to give a uniform depth from Cairo to the mouth. It went by rail. On account of the construction of the jetties below New Orleans, against the opposition of the Bureau of Engineers, New Orleans has been made the nearest point upon tidewater for the outgoing grain of the Northwest.

Mr. President, the Chief Executive alludes in the closing part of his message to the fact that the $62,000,000 of continuing appropriations contained in the bill are just as obligatory upon the people of the United States as the bonds which have been issued by the Government, as he says, to sustain the public credit. If I were disposed to inject a financial proposition into this debate, which I shall not, I would mildly suggest that there is no interest upon the $62,000,000 which we propose to pay for these continuing improvements; that we do not propose to mortgage posterity, to use an expression in one of his messages, but we are simply providing for cheaper and more economical transportation for the people of the United States at this time and in the immediate future.

The President says that these continuing appropriations furnish concealment for extravagance. Upon the other hand, they have the exact opposite effect. Under the old system there was a scramble at each session of Congress for as large appropriations as possible for specific objects. Under the continuing-contract system every dollar to be expended is nominated in the law, and the Bureau of Engineers have no right to expect any other appropriation at the hands of Congress than that already made. The advantage of the system, as known to every intelligent man, is that the Bureau can see ahead exactly upon what they must depend, and their work is graduated and measured according to the means which Congress has put at their disposal. Every engineer officer who has come before our committee or made a report has indorsed in the warmest terms the contract system. The Secretary of War, in his last report, spoke of it in the highest terms, and said it had saved an enormous amount of money to the Treasury of the United States. It has been stated by intelligent engineers that 30 per cent is saved by the continuing contracts. Where is the extravagance in making them? It is safe to assume that of the $62,000,000, taking the estimate of the President as correct, there will be only $42,000,000 expended to finish these projects which are contained in the continuing contracts.

From what quarter comes the assault upon continuing contracts? Not from the Bureau of Engineers; not from the Secretary of War, who has officially indorsed the system. Has it originated with the President of the United States? I will not assume that the President has the slightest idea of opposing the improvement upon these great rivers and waterways. In his first message to Congress, when elected the first time, he warmly, eloquently, enthusiastically indorsed the improvement of the great waterways of the United States. In the platform upon which he was first elected President there was a clause put by the Democratic national convention in our platform specifically indorsing the improvement of the Mississippi River, and Mr. Cleveland accepted the nomination upon that platform, and, as I have always understood, has remained upon it ever since.

This, Mr. President, is all I propose to say in regard to the pending bill. If Congress see proper to sustain the Chief Executive and to stop these improvements, as a matter of course they fully appreciate the responsibility assumed; but I do not believe that any such purpose is entertained.

Mr. SHERMAN. Mr. President, I shall very briefly state, for I do not wish to detain the Senate, the reasons why I shall vote for the passage of the bill, the opinions of the President to the contrary notwithstanding. In fact, I believe no appropriation bill like this ought ever to be vetoed under any circumstances. This bill does not contain mandatory provisions. It is an appropriation by the people of the United States, through their Representatives and Senators, setting aside or designating so much money for the various improvements of rivers and harbors throughout the United States. That the improvements are of vital necessity and great benefit to the people of the United States there can be no doubt.

It is true, as the President states, that sometimes appropriations are made for insignificant objects, but they are generally for small amounts, and even they are very important to the people affected by them. All of these great improvements for the Mississippi and other rivers and the lakes and the Atlantic coast are vitally important. They add to the wealth of our people; they add to our commerce. Without them this country could not have advanced at the enormous rate that it has done within the last fifty or sixty years. In every country in the world, and among the most intelligent countries on earth, much larger sums are expended for this purpose than we spend. The islands of Great Britain, the whole of which could be embraced within a portion of the Atlantic coast, expend vast sums of money on their harbors. They are wonderful works of art; they are of immense advantage to the commerce of that great nation.

Then there is another reason why the President never ought to veto an appropriation bill. These appropriation bills are not mandatory. Let me read the beginning of the pending bill:

> That the following sums of money be, and are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be immediately available, and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the construction, completion, repair, and preservation of the public works hereinafter named.

It is not a mandatory appropriation of so much money that must be expended by the Secretary of the Treasury under the direction of the Secretary of War, but it is merely permissive; and in the case of every one of these appropriations, if the Secretary of the Treasury should say he has no money for this purpose that is not otherwise appropriated, as a matter of course he is not bound to expend it. The President of the United States has complete control over all these various subjects. Therefore I can not conceive a case where one of the ordinary regular appropriation bills should

be vetoed by the President, for, after all, it is a mere permission granted by Congress to the executive officers to do certain things. It does not require them to do it, but only permits them to do it, and authorizes the money to be paid out of the common Treasury of the United States for that purpose. But if the officers who are allowed discretion in the matter say, "There is no money in the Treasury for that purpose; it is otherwise appropriated," or if the President of the United States should see proper to say, "That object of appropriation is not a wise one; I do not concur that the money ought to be expended," that is the end of it. There is no occasion for the veto power in a case of that kind.

The provision in regard to contracts is a vitally important one. Every man of business knows that if he were about to build a house or any other structure he would make careful estimates in detail; he would apply to a contractor to build the house or whatever the improvement might be, and the contractor would make his contract and go on and build the work. That is all right. There is a contract, but here there is no demand, no direction, no requirement in the law; there is not a single feature of it that requires the President or the heads of the Departments to make the contracts ahead of time. But the bill says uniformly they may do it. It leaves the entire discretion to the officer, and therefore the Secretary of War, as the officer authorized to make the contracts, is not bound to make them. He is merely authorized to make them. If, in his judgment, the situation of the Treasury or other causes combine to render the improvement important he makes the contract in advance. That recent stipulation and provision put in laws has been very beneficial indeed, not only in this branch of the public service but in every other branch of it where permission is given ahead of time to make complete contracts for any given work.

Under these circumstances it seems to me the House of Representatives and the Senate of the United States ought to stand by their undoubted and exclusive power to appropriate money, leaving it to the President to expend it according to the terms of the law only when there is sufficient money in the Treasury for that purpose, or when the Executive authorities concur with the Congress of the United States as to the appropriation. There is a wide distinction between a mandatory law, which is binding upon the President and all the Departments and all the people of the United States, and the mere permission to expend so much money for a particular object.

I can not imagine a veto of any bill of this kind which I would support, because the veto is rather a dangerous power to confide in anybody. It is confided to the President of the United States, and it is the greatest mark of confidence that the people of the United States could possibly repose in the President of the United States. That power ought never to be abused. It ought never to be exercised except in a clear case where an unconstitutional act has been passed or a mandatory provision has been made which the President of the United States thinks is against the public policy and the good of the people. The veto power ought to be watched. It has been exercised of late years, it seems to me, with too much latitude. As the Senator from Missouri [Mr. VEST] properly says, in the early period of our history it was a rare event to have a veto message come to us, while in modern times we have them almost every week or so or almost every day or two.

We ought to curb or check, if possible, the exercise of this power, unless it is exercised only in those great cases contemplated by the Constitution, when the President may, appealing to the people of the United States, say Congress in this measure has gone wrong; it has required what ought not to be done, and therefore he can interpose his veto. But it should only be applied to cases like that, which come within the plain meaning and object of the grant of the veto power to the President of the United States.

Mr. SMITH. Mr. President, after listening to the speeches of the Senator from Missouri [Mr. VEST] and the Senator from Ohio [Mr. SHERMAN], two of the most able, astute, and adroit Senators in this body, favoring the bill as they do, I hesitate to offer views which differ from theirs. In doing so, however, I feel that I am but carrying out what I believe to be right and proper.

I desire to say at the outset, for the benefit of the Senator from Ohio and the Senator from Missouri, that the question of Executive veto is not new in this Chamber. It is not of recent origin. It dates back to the days of Andrew Jackson, when he vetoed a similar bill, followed by President Tyler, President Polk, and President Pierce, and coming down to the protest of General Grant, which, I think, it would not be amiss for me to read at this time. In 1876, when Congress had passed a bill which did not amount to one-fifth of the present measure, he said:

> There is very great necessity for economy of expenditure at this time growing out of the loss of revenue likely to arise from a deficiency of appropriation to insure a thorough collection of same. The reduction of the revenue districts, diminution of special agents, and total abolition of supervisors may result in great falling off of the revenue. It may be a question to consider whether any expenditure can be authorized under the river and harbor appropriation further than to protect works already done and paid for. Under no circumstances will I allow its expenditure upon works not clearly national.

With Jackson, Tyler, Polk, Pierce, Grant, and coming down to President Arthur, these bills have met Executive disapproval. I do not believe we need any stronger argument than the fact that these men believed it necessary to veto such bills to show that there is something wrong, and has been practically from their inception.

I desire to say, so far as concerns the present veto, that a difference has arisen between the figures of the President and those of the Senator from Missouri. The estimates of one, no doubt, have been computed and compiled by the engineers of the Government, while the Senator from Missouri, who is as efficient as they are, has arrived at figures which differ with them.

But both are entitled to consideration. So far as the continuing-contract system is concerned, no one, so far as I know, undertakes to find fault with that system, provided any is to be followed. I am not opposed to the improvement of the great highways of navigation in the way of river and harbor appropriations; but at a time like this in the history of this country, such as has never been known before, when this committee appears before this body with a bill carrying $10,500,000 for objects concerning the worthiness of which the judgment of the Engineer Corps has not been asked, and when $1,500,000 is appropriated for objects which the engineers have reported to be unworthy, making a total of $12,000,000 which this bill carries which does not meet the approval of the engineers, or as to which their judgment or opinion has not been asked, I say, Mr. President, with these facts before us, and with the present condition of the revenues of this Government, we are not justified in making extraordinary appropriations of this character without providing some means for their payment.

Mr. WHITE. Will the Senator yield to me for a question?

Mr. SMITH. Certainly.

Mr. WHITE. Will the Senator furnish the items constituting the sums to which he has just alluded? He has made a statement that there is a large amount of money appropriated by this bill for objects deemed unworthy, and has summed the whole amount up. I hope he will be more particular than the President in that regard, as the members of the committee are anxious to get some information.

Mr. SMITH. I should suppose that the members of the committee would not want any information regarding the $10,500,000 for improvements for which the engineers have not reported or as to which their opinion has not been asked.

Mr. WHITE. What are the items which constitute those sums?

Mr. SMITH. They no doubt will be furnished by the engineers.

Mr. VEST. The Senator from New Jersey is laboring under a misapprehension, and the Corps of Engineers will so inform him. Under the general statute passed in 1894, after the regular surveys which were authorized by the river and harbor bill, we enacted that no other surveys or reports should be made except under a direct resolution of Congress. During this session a large number of resolutions have been passed by Congress calling for additional surveys and reports. These reports of the Bureau of Engineers, as they themselves will state and have stated, and I can produce the proof, are considered as recommendations, and Congress is entirely authorized to act upon these reports, which are filed and are accessible to the Senator or anybody else. So it is not true, it is an incorrect statement, to say that there were no recommendations by the Bureau of Engineers. They were required to make surveys and to report the condition of the work with the view to improvement, and while they did not say in reponse to those resolutions, "we recommend the appropriation of so much money," they made such reports that the necessity for the improvements was apparent. That is the whole case.

Mr. SMITH. I desire to say, Mr. President, that the statement I have made was made after my personal call at the Department of Engineers of this Government, and the information was furnished me in that way. So I made no mistake in making the statement that $10,500,000 is appropriated in this bill without any warrant of fact or inquiry from the engineers, and $1,500,000 was appropriated for objects which the engineers have reported to be unworthy. That is $12,000,000.

I would not under ordinary circumstances oppose any measure which was likely to benefit the agricultural interests of this country. I recognize the fact that the farmer and the manufacturer must go hand in hand, and that what is for the benefit of one is for the benefit of the other.

Whilst the appropriations contained in this bill are extremely large, under ordinary conditions they would not receive any objection at my hands, nor should my voice be raised or my vote be cast against them; but with the revenues of this Government $30,000,000 less this year than the expenditures, for Senators to vote for the passage of a bill of this character, knowing the facts which surround us, without providing any means whatever for the payment of the expenditures, does not seem to me to be wise, proper, or prudent legislation.

I desire to say, in conclusion, Mr. President, that with the necessity that follows the passage of such laws, with the expenditure of these moneys, which necessitates the issuing of bonds in order to raise the funds wherewith to pay them, it does not seem to me consistent for Senators who criticise the action of the Executive in issuing bonds to make their issuance necessary by voting for appropriation bills of this character.

Mr. VILAS. Mr. President, I desire to say only a few words on this subject. The Committee on Commerce was so considerate of every interest which was connected with the State which I represent in part that if I could have yielded to the sense of obligation which sometimes presses heavily by reason of considerate treatment by the committee, I should have felt myself bound to vote for the passage of this bill. Yet when the direct question was presented to me whether I could lend my vote to the bill, important as were the interests which our State, or some localities in it, possessed in its passage, valuable as I believe the improvements projected in the State would be to the public interests, I could not bring myself to face the conviction, under the present circumstances of our affairs, that an appropriation of such magnitude ought not to be superadded to the weighty obligation already incumbent upon the distressed shoulders of the people of this country.

I do not disagree with the theory of the committee in respect to continuing contracts. I look upon the action of the committee and of Congress, so far as adopting that system of making public improvements is concerned, as wise and prudent. It is the true way beyond all question in which these great public improvements ought to be projected, carried on, and consummated.

Nor, Mr. President, in what I say do I desire to enter into any specific or particular defense of the veto message which has been read. Indeed, I am sure that Senators will recognize that the criticism upon it has been of a somewhat inconsequential nature.

The distinguished Senator from Missouri [Mr. VEST], who addressed us with that sweet captivation of eloquence which he always brings to the support of everything he presents to the Senate, ingeniously suggested a sort of laxity or inexactness in the figures of the President in his message as if it intimated, I suppose, a want of that particular and minute consideration which was to have been expected; yet I venture to say that even the distinguished Senator from Missouri, with that faithful and patient study which he is in the habit of giving to public business intrusted to him, did not himself make the computations and figures from which he presented the summary of results in the bill. More likely it was the work of a clerk, I should suppose.

Mr. VEST. Will my friend permit me?

Mr. VILAS. Certainly.

Mr. VEST. I ought to have stated at the time the Senator from New Jersey [Mr. SMITH] made his remarks upon that portion of what I said that the estimate which I presented to the Senate was the result of the labor of experts, including the clerks of the Committee on Rivers and Harbors of the House of Representatives and of the Commerce Committee of the Senate, and of the absent chairman of the Committee on Commerce and myself. We all made this calculation, compared it, and corrected it; and, without arrogating to myself any especial aptitude for figures, I think I can state I know it to be absolutely correct.

Mr. VILAS. Mr. President, I should be very far from challenging the correctness of the figures of the Senator from Missouri or manifesting any want of confidence in him, but the statement which he has just made corroborates my impression beforehand. He used figures not of his own making, although they had his supervision.

Mr. VEST. Taken out of the bill.

Mr. VILAS. Taken out of the bill by clerks. I have not a question of doubt but that the President must have used figures also taken out of the bill by the engineers; and when you come to apply the figures of the bill to this, that, or the other, or undertake to state in figures what the directions of the bill may require in this or that respect, there is some element of judgment entering into the matter, and there might be very easily a variance of judgment doubtless, which could be reconciled at once if the different bodies of experts were to confer together.

But all that I desire to say on that subject is simply that, of course, the President must have taken—I know nothing of it—the figures which were given by the Engineer Department, and of course he only professes in his message to speak of round numbers by the million. It was not important that he should mention the last particular cent of calculation. I remember well that when this subject incidentally—I do not know whether it was when this bill was under debate or some other—but when this subject incidentally was before the Senate the distinguished Senator from Maryland [Mr. GORMAN] spoke of this bill as carrying $62,000,000 of contracts, using the same figures which we find in the message. So it seems to me it is hardly worth while to introduce to the subject, as if it were a matter of serious complaint or an indication of a want of particular thought, that there is some little difference between the figures of estimated results or estimated aggregates by the committees and by the Engineer Corps.

Mr. President, if we are correctly informed, the amount of money appropriated by this Congress before we come to the river and harbor bill at all, that is, by the other bills, exceeds $500,000,000. The Senator from Missouri will correct me if I am wrong in supposing that it approaches $510,000,000.

Mr. VEST. That includes the appropriations for rivers and harbors.

Mr. VILAS. No; I think the river and harbor bill will carry it to above $520,000. That is my understanding.

Mr. VEST. That was the statement of the Senator from Maryland [Mr. GORMAN]. I never made it.

Mr. VILAS. Since the statement of the Senator from Maryland was made there have been considerable additions put upon the appropriation bills as they passed through the Senate; the amounts have been increased; and if the bills shall finally become laws as they were amended the amounts will be larger.

Now, this is the proposition which I desire to make, and it is the one ground of objection upon which I find myself, I may say, absolutely convinced of the duty which rests upon the representatives of the people of the country to oppose this expenditure. I can not now undertake to criticise, and I shall not go into the items to criticise, particular appropriations in this bill. The practice of throwing all appropriations for the improvement of rivers and harbors into one omnibus appropriation carries with it the aspect of the job; it is trade always when that is done, and it can not be helped; perhaps it could not be helped even if it were done by separate bills, yet I think the practice of Congress would be much more in accordance with its dignity and eventuate in the public interest if each separate and particular public improvement were made the subject of a separate and particular bill, although, in my own judgment, no scheme will ever yield a very good result for the public until the entire system of public improvement, both of rivers and harbors and public buildings, is placed under some competent executive board or bureau which shall have a control over the subject, to which Congress will give respect. However, I am not going to debate that question at this moment. I desire to draw attention to the enormous aggregate of our expenses.

The Senator from Missouri has depicted the value of our improvements. That has been in instances very great, and, with his accustomed judgment, he has selected those in respect to which the value of the improvement has been enormous, but at the same time who here does not know that millions of dollars have been wasted which have been appropriated by river and harbor bills? And millions more will be wasted undoubtedly upon alleged improvements or schemes of improvement which will result in no public benefit, or none at all compared with the public loss.

Now, let me ask the attention of the Senate for one moment to the state of expenditure in this country at this time as compared with what it was a generation ago. We have gone on in the habit of making large appropriations, expending millions where formerly thousands were sufficient, until at last we deal in figures as magnificent as were ever conceived in the brain of an oriental prince who had no sort of regard for the people upon whose shoulders his obligations and burdens were laid. We have come to deal in a spirit of magnificence about our country which has entirely excluded from view the fact that our people are composed simply of individual men, and that the sum of aggregate advantage is but the sum of individual advantage, that the sum of burdens is but a collection of individual responsibilities and liabilities.

We have gone on until now the term which shocked us but five or six years ago, the billion-dollar Congress, has become so familiar to us that we are going beyond the billion-dollar Congress already in a session which was begun under professions of the strictest economy to be observed by that highest of sanctions for Congressional performance—political apprehension; for in this very Congress our appropriations bid fair to outstrip by many millions the appropriations of that Congress which became famous in history, and will doubtless always retain its place, as the billion-dollar Congress.

Sir, let me draw attention but briefly to the extent to which this has gone on, and then I shall withhold further discussion, for I do not care to stand merely breasting the surge, when I know that in all probability but one result can be expected. I draw attention, first, to the receipts of this Government in the years preceding the great civil strife, and I will ask to print a table showing the receipts of the Government for the years from 1845 to 1861, the fiscal years ending June 30. I shall not detain the Senate by going more deeply into the figures than to say, if I may be permitted to print this table in my remarks, that the largest sum of receipts from taxation of the people in any year previous to the war was the year 1854, when the receipts were $64,224,190.27. In no other year but that of 1856–57 afterwards were the receipts from taxation by this Government above $60,000,000.

The table referred to is as follows:

Receipts of the Government.

Fiscal year ended June 30—	Taxation.	Lands.	Miscellaneous.	Loans.	Total.
1845	$27,528,112.70	$2,077,022.30	$163,998.56	.....	$29,769,133.56
1846	26,712,667.87	2,694,452.48	92,126.71	.....	29,499,247.06
1847	23,747,864.66	2,498,355.20	100,570.51	$25,679,199.45	52,025,989.82
1848	31,757,070.96	3,328,642.56	351,037.07	21,256,700.00	56,693,450.59
1849	28,346,738.82	1,688,959.55	1,038,649.13	28,588,750.00	59,663,097.50
1850	39,668,686.42	1,859,894.25	1,847,218.23	4,045,950.00	47,421,748.90
1851	49,017,567.92	2,352,305.30	943,106.65	.....	52,312,979.87
1852	47,339,326.62	2,043,239.58	345,820.69	.....	49,728,386.89
1853	58,931,865.52	1,667,084.99	738,623.89	.....	61,337,574.40
1854	64,224,190.27	8,470,786.39	854,716.54	.....	73,549,703.20
1855	53,025,794.21	11,497,049.07	481,087.27	.....	65,003,930.55
1856	$64,022,863.50	$8,917,644.93	$977,633.03	.....	$73,918,141.46
1857	63,875,905.05	3,829,486.64	926,121.98	.....	68,631,513.67
1858	41,789,620.96	3,513,715.87	1,354,232.76	$23,716,300.00	70,273,869.59
1859	49,565,824.38	1,756,687.30	2,082,559.33	28,257,400.00	81,662,471.01
1860	53,187,511.87	1,778,557.71	1,010,764.31	20,775,200.00	76,752,033.89
1861	30,582,125.64	870,658.54	892,199.64	41,861,709.74	83,206,693.56
Total	762,323,697.37	.....	.....	.....	.....

Mr. VILAS. I add next the following statements of the expenditures during those same years:

Sundry expenditures.

Year ended June 30—	Legislative.	Executive.	Judiciary.	Pensions.	Under Interior Department (omitting pensions).
1845	$713,594.16	$847,342.26	$623,012.17	$2,498,191.06	.....
1846	944,270.84	856,909.44	544,732.30	1,914,783.14	.....
1847	974,324.14	875,718.80	571,577.88	1,841,794.40	.....
1848	953,392.75	953,170.80	593,654.81	1,296,323.06	.....
1849	1,105,421.57	1,095,044.85	595,925.22	1,246,746.46	.....
1850	1,127,909.92	1,120,663.02	635,963.38	1,654,891.80	$1,765,533.07
1851	1,274,348.58	1,209,039.23	772,248.33	2,209,435.19	2,905,599.79
1852	1,248,017.90	1,248,011.91	715,065.44	2,945,223.86	2,853,605.03
1853	2,015,313.16	1,611,814.36	878,309.54	1,727,320.10	3,602,215.49
1854	1,656,102.47	1,683,154.09	886,386.37	1,238,094.15	1,370,920.64
1855	2,207,880.40	1,890,572.97	1,033,797.37	1,443,887.57	2,682,851.63
1856	2,000,362.23	2,055,125.07	1,228,333.93	1,279,342.78	3,595,493.88
1857	3,498,109.77	1,990,363.51	1,117,629.72	1,328,663.47	4,031,411.25
1858	3,583,523.79	1,856,017.53	1,062,631.61	1,218,883.31	4,833,040.07
1859	2,290,659.44	1,883,689.49	1,258,404.58	1,218,598.35	3,535,374.25
1860	2,619,529.43	1,826,804.58	1,181,667.93	1,092,726.96	2,863,959.66
1861	2,819,930.13	1,882,397.37	964,824.70	1,097,866.57	2,722,127.15

Expenditures.

Fiscal year ended June 30—	Civil list.	Foreign interest.	War Department (omitting pensions).	Navy Department (omitting pensions).	Miscellaneous.	Debt.	Total.
1845	$2,387,423.05	$399,668.54	$7,168,601.01	$6,095,049.93	$2,831,115.77	$8,588,157.62	$29,968,206.98
1846	2,523,624.20	397,933.29	11,794,440.05	6,321,087.86	3,861,442.35	1,217,823.31	28,031,114.20
1847	2,562,008.99	391,113.95	39,554,820.91	7,816,624.99	3,762,732.04	3,522,032.37	59,451,177.05
1848	2,647,955.92	390,897.70	26,625,278.09	9,315,290.21	2,546,216.05	15,429,197.21	58,241,167.94
1849	2,655,615.88	a343,723.11	16,191,723.63	9,722,284.79	3,179,192.66	16,453,272.39	57,631,657.83
1850	3,042,770.07	b529,732.44	9,401,239.16	7,923,313.18	6,958,360.24	7,437,366.41	43,002,168.69
1851	3,478,549.24	c558,079.19	11,811,792.73	8,987,797.67	8,177,247.71	4,217,986.10	48,005,873.65
1852	3,422,939.29	d419,190.67	8,225,246.92	8,928,226.05	9,824,158.02	6,275,815.53	46,007,498.20
1853	4,784,336.93	599,030.14	9,947,290.87	10,891,639.59	11,762,339.70	10,482,555.39	54,026,518.21
1854	4,649,384.98	e726,677.13	11,753,629.48	10,768,192.89	13,531,310.33	24,336,380.66	75,354,630.26
1855	5,684,496.37	964,310.37	14,773,826.36	13,281,341.01	17,534,680.69	9,844,528.24	66,309,923.04
1856	5,916,429.67	f568,769.09	16,948,196.80	14,077,047.12	15,739,010.14	12,776,390.38	72,948,792.02
1857	7,207,112.42	1,019,435.16	19,261,774.16	12,726,856.69	19,305,874.79	5,943,695.91	70,822,724.85
1858	7,059,196.75	g862,676.47	25,485,383.60	13,976,000.59	17,957,217.54	9,694,537.99	81,585,697.76
1859	5,963,795.66	1,035,890.02	23,243,822.38	14,712,610.21	16,636,165.26	17,405,285.44	83,751,511.57
1860	6,148,655.41	1,163,207.15	16,409,767.10	11,513,150.19	20,658,007.92	17,613,628.00	77,462,102.72
1861	6,156,199.25	1,142,973.41	22,981,150.44	12,428,577.09	15,888,030.53	22,221,881.03	84,578,834.47

a $7,629,108.90 paid to Mexico under treaty and act of July 29, 1848, omitted.
b $4,308,866.31 incurred by treaty with Mexico omitted.
c $5,759,091.11 incurred by treaty with Mexico omitted.
d $3,713,490.73 incurred by treaty with Mexico omitted.
e $7,000,000 paid under treaty of 1853 with Mexico omitted.
f $3,050,122.09 paid under treaties of 1848 and 1853 with Mexico omitted.
g $408,731.44 paid under treaty with Denmark omitted.

What were our expenditures? Sir, the entire civil list of the Government in only two years exceeded $7,000,000. Our expenditures, excluding the payment on the public debt, rarely ran as high as $60,000,000, all told, excluding, of course, the Post-Office, which I am not reckoning in the calculation, but including the deficit in the Post-Office Department, which is reckoned. I will add that table of the expenditures of the Government to the receipts for that year.

Let me now draw attention to another point. I have here a table showing the receipts from taxation by the Government during the fiscal years beginning with 1879 and ending with 1894. The highest receipts from taxation of any year of our history were in the year 1890, which was the culmination of our prosperity. In that year the total taxation was $373,576,616.96, of which about $230,000,000 were from customs, the largest of any year, I believe, in the history of our country.

Mr. GEORGE. What year was that?

Mr. VILAS. The fiscal year ending June 30, 1890. I will put that statement of receipts and expenditures into the RECORD, with the permission of the Senate.

The statement referred to is as follows:

Receipts.

Fiscal year ended June 30—	Customs.	Internal revenue.	Bank taxes.	Total by taxation.
1879	$137,250,047.70	$113,561,610.58	$6,747,500.32	$257,559,158.60
1880	186,522,064.60	124,009,373.02	7,014,971.44	317,546,409.06
1881	198,159,676.02	135,294,385.51	8,116,115.72	341,540,177.25
1882	220,410,730.25	146,497,595.45	8,956,794.45	375,865,120.15
1883	214,706,496.93	144,720,368.98	9,111,008.85	368,537,874.76
1884	195,067,489.76	121,586,072.51	3,108,730.13	319,762,292.40
1885	181,471,939.34	112,498,725.54	2,914,222.25	296,884,887.13
1886	192,905,023.44	116,805,936.48	2,693,712.87	312,404,672.79
1887	217,286,893.13	118,823,391.22	2,385,851.18	338,496,135.53
1888	219,091,173.63	124,296,871.98	1,748,566.85	325,136,610.46
1889	223,832,741.69	130,881,513.92	1,536,087.16	356,250,342.77
1890	229,668,584.57	142,606,705.81	1,301,326.58	373,576,616.96
1891	219,522,205.23	145,686,249.44	1,236,042.60	366,444,497.27
1892	177,452,964.15	153,971,072.57	1,261,338.11	332,685,374.83
1893	203,355,016.73	161,027,623.93	1,392,623.63	365,775,284.29
1894	147,111,232.81	131,818,530.62	1,610,867.56	280,540,630.99

Mr. VILAS. Sir, let it be observed, not that we have simply fallen off in our expenditures, but that we have greatly fallen off from our receipts in some portions of this period, and if we are correct in the estimates which have been given to us of the outlays proposed by this Congress in the appropriation bills now to be passed, we have not only to make up the highest measure of taxation ever paid by the people of this country in a single year, but we must put $50,000,000 on top of that before we reach the expenditure in this river and harbor bill at all.

Where is the money to come from? Senators say, as has been said somewhat recklessly in another quarter, too, it seems to me, "We have got the money in the Treasury." That money in the Treasury was borrowed only for the purpose of maintaining the credit of the United States, and while I do not deny that Congress has a right to appropriate it—indeed, two years ago I made an elaborate argument upon the floor to prove the duty of the Secretary of the Treasury to pay it when Congress made the appropriation—yet when you pay it, you must resort to taxation or you must resort again to bonds to get the money to maintain the national integrity and public credit.

The Senator from Missouri says that there is a marked difference between the $62,000,000 of obligations incurred by this bill and the bonds of the United States, because the former bear no interest, and therefore that the President's observations at the conclusion of his message omitted a material circumstance. Ah, but the Senator from Missouri will recognize at once that if we expend by this river and harbor bill the moneys which we have on hand from borrowings already made, we have to follow it by more bonds, or else we have to provide more money by taxation of the people of our country; and if this money could be taken from the Treasury and applied with safety to any obligations of the United States, it seems to me the first should be those which are outstanding undischarged and upon which interest is being paid. We can save the interest by using the money to pay upon the public debt instead of using it for expenditures, if we are not to keep it in the Treasury. I think, therefore, that the observation of the President is not much out of the way.

The Senator from Ohio says also that this appropriation bill is not a mandatory bill, and he adopts the theory that all that is

necessary is for the President and Secretary of the Treasury to say, "We will not pay out the appropriation." I doubt if Senators upon this floor will agree to the proposition which he made, that it is within the discretion of executive officers to refuse to pay out appropriations which they have been commanded to discharge by Congress, if there be money in the Treasury.

But the Senator from Ohio says they need not pay these appropriations when there is no money in the Treasury. Which appropriation will the Secretary of the Treasury first be called upon to pay if you command him to pay $100,000,000 more than there is money in the Treasury? Shall he discharge the river and harbor appropriations and leave the legislative, executive, and judicial appropriations to go undischarged? Shall he pay money out upon the river and harbor improvements and leave the ordinary forces of the Government to go without their pecuniary nutriment? Of course the Secretary of the Treasury will be obliged to stop paying when he has no money to pay with, but is it the desire of this Congress to drive the Treasury to bankruptcy?

Mr. SHERMAN. Will the Senator from Wisconsin allow me to call his attention to the difference between such an appropriation and an appropriation made to carry into effect existing contracts, as salaries and the like? Nearly all our expenditures are in the form of salaries, pay to the Army, pay to the Navy, all of which are fixed by law, and therefore until they are disposed of the Secretary of the Treasury would have no right to pay under any merely contingent or permissive authority granted by law. I think that distinction has been marked all through our history, from the beginning down.

Mr. VILAS. Suppose the Secretary of the Treasury has discharged the last one of those appropriations due for the last quarter, if you please, and he has a certain sum of money in the Treasury which Congress has appropriated for improvement of some harbors or rivers, shall he refuse to go on because by and by he will come short of money? The appropriation has been made, the obligation and mandate are there, and unless you are to set up the Secretary of the Treasury and the President of the United States in a general superintending authority, with such a discretionary power over the appropriations of Congress as that would imply, to make choice between them, not according to the words of the act of appropriation, you will find that if you appropriate more than the moneys in the Treasury you soon make your Treasury bankrupt. I do not believe that Senators upon this floor can for a moment agree to that theory of the administrative function of the Secretary of the Treasury that he may exercise a discretionary superintendence over the appropriations which Congress shall see fit to make. When there is money in the Treasury his duty, beyond all question, is to observe the law as it is given to him by Congress.

Mr. President, I have pointed out summarily the extent of the obligations upon the Government, the enormous increase of revenue which must be taken from the people in some way if we are to pile up this mass of appropriations. I have pointed it out only in general figures, referring to these tables to show what our history was in the past. But, sir, when we had but 30,000,000 people we were not obliged to spend more than $2 a head. Now, when we have more than twice that number of people, our appropriations are running up to six or seven dollars a head. What is the necessity? With our increase of population are taxation and obligation of the Government expenditures to be increased in some arithmetical ratio, not in the ratio of increased numbers, when even a less ratio would seem to be the natural one?

We are going too recklessly on, Mr. President. It is for that reason that, interested though my State may be, I can not bring myself to support this measure, which will thus impose such great additional burdens upon the people of this country at a time when a period of distress has left them less capable of sustaining them.

The Senator from Ohio has argued that all the difficulty the country is under is the lack of revenue, as if revenue were something that it is a trick of party skill to provide. Let us understand that revenue comes from taxation of our own people.

Mr. GEORGE. And in no other way.

Mr. VILAS. And in no other way. All the substantial revenue which this Government derives or receives to meet its expenditures and obligations is sucked with the tremendous force of law from the produce of daily labor in this country. It comes from the produce of toil, and it marks its shoulders with new stripes and new galls when increased force is applied to them by the Government. Revenue is not something which is produced by mere party manipulation or party skill. Revenue must come from payment by the people of what they are obliged to yield in one form and another for the support of their Government.

Much complaint has been made of the Government deriving money from the sale of bonds. Oh, but there is one thing that ought to be said with reference to that, and it is that in a period of great public distress, when labor has been more harmed and has suffered more than in any other period for a considerable time, whatever we gained by borrowing was not, at least, for the moment extracted from the produce of overburdened toil. We have not lost it, and when we have thus in a certain sense aided the present condition by borrowing money, we ought not to waste it.

Mr. President, I have said already more and have occupied the time of the Senate longer than I meant to under the circumstances; and as I have indicated the general ground upon which I voted against this bill, so I have indicated the ground upon which I must adhere to that conclusion and vote to sustain the veto which the President has sent to Congress.

Mr. BERRY. Mr. President, I do not propose to discuss this bill at any length. I wish, however, to reply to a statement made by the Senator from New Jersey [Mr. SMITH], in which he stated that there were $10,000,000 in this bill not approved by the Engineer Department and a million and a half to which they were opposed. I take issue with the Senator from New Jersey and say that that statement is not correct. The estimates made by the local engineers amounted, I will not be specific, but I think to more than double the amount of the appropriations in this bill, including all the continuing appropriations. The estimate made by the Chief of Engineers was far less than that made by the local engineers, but the Chief of Engineers stated to the committee that the Secretary of War had directed him to make the estimates the very least upon which it was possible to continue and do the work that was proper to be done.

With very few exceptions there is no appropriation in the bill which is an increase over and above the amount estimated by the Chief of Engineers, while large numbers of the appropriations are far less than the recommendation made by the Chief, and which he himself said that the Secretary of War had directed him to make the very least possible upon which they could proceed with these important works.

The Senator from New Jersey states that these amounts were put in the bill without the estimates of the engineers, and refuses to specify the items named in the bill. The Senator from Missouri [Mr. VEST] called upon the Chief of Engineers to name these items, and he has refused to name them. Then I take issue with him and say the facts are not as stated, and the appropriations are not $10,000,000 over and above the estimate made by the Chief of Engineers.

Now, I want to say one word in regard to the statement made by the Senator from Wisconsin [Mr. VILAS]. The Senator from Wisconsin says that the appropriations for the State of Wisconsin are all right and proper appropriations to be made, but that there are some others, which he fails and refuses to name, that ought not to be made that make the bill too large. I state that the Senator from Wisconsin himself came before the Committee on Commerce and urged an increase of the appropriations for the State of Wisconsin, and the increase that was made by the Senate committee was made at his earnest solicitation, and because he said it was absolutely necessary to preserve the public works there.

I call upon him or some one else who opposes this bill to name the State where appropriations have been improperly made. If it be true that it be not in Wisconsin, then in what State is it?

This much I have felt that it was my duty to say, being a member of that committee.

I agree with much that the Senator from Wisconsin has said in regard to extravagant appropriations. I have stood here year after year since the time I have been in the Senate and opposed extravagant appropriations; but they have gone on. He speaks of the immense amount appropriated this year. We appropriated largely for naval vessels. I did not hear the Senator from Wisconsin oppose that and speak against that immense appropriation.

Mr. VILAS. It is because the Senator from Arkansas must have been absent at the time, because I think no naval bill has gone by without my opposing it.

Mr. BERRY. I am glad to know he did oppose it, but it is remarkable to me that he should pick out this particular appropriation in which the farmers and agricultural classes of this country are more interested than all others. I regret that he has selected this bill when, if there be no appropriation for the Mississippi River, works that have cost the Government millions of dollars will go to absolute destruction before two years, unless the appropriations are made to continue the work. The failure to pass this bill may mean destruction to the homes of thousands of people in the Mississippi Valley. I regret that he has urged this as being extravagant when the river transportation is the only protection that the farming class of this country has against the exorbitant charges of the railroads of the country.

Mr. President, if there be extravagant appropriations this is not the one upon which we should begin to economize. I do not wish to say anything that may sound sectional, but this is the only appropriation that ever comes from Congress when one large section of this Union, the South, receives any benefit whatever, and yet it is that particular appropriation in which the farmers of the Mississippi Valley—16 States, as shown by the Senator from Missouri—are deeply and vitally interested, which is their sole protection against confiscation by the railroads of the country. It is

an appropriation that the Senator selects and expends his eloquence upon to show that extravagance prevails in Congress.

The VICE-PRESIDENT. The Senator from Arkansas will suspend. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H.R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of filled cheese.

Mr. VEST. I ask that the unfinished business be laid aside temporarily in order to finish the river and harbor bill.

The VICE-PRESIDENT. Is there objection?

Mr. SHERMAN. Let the unfinished business be laid aside temporarily without losing its place.

The VICE-PRESIDENT. Is there objection? The Chair hears none. The Senator from Arkansas will proceed.

Mr. BERRY. Mr. President, I have said all that I desire to say. I state frankly to the Senator from Wisconsin that there are some items in the bill to which I was opposed and against which I voted, but it is this bill or no appropriation for rivers and harbors. This matter is of most vital consequence to the people of the Mississippi Valley. If there be no appropriation, the work that has gone on there for years and years, and which now approaches a state of completion, will in all probability be swept from the face of the earth, and all protection gone. It is those people and that farming community who are so vitally interested; and while there are items in this bill for which I would not vote as a separate measure, I will not strike down the interests of so many agricultural people of the country because a few objectionable items may have slipped into it.

The Senator from Wisconsin says again that these great works ought to be appropriated for, but it is the small works upon which millions of dollars he said had been appropriated. I state that the people in the Southern States, those who live on the small rivers in that country, on the bayous, if you will, where it is their only means to transport their products to market, have as much right to an appropriation for that stream as the Senator has for the waterways in Wisconsin, Michigan, or Minnesota. If we get $5,000 or $10,000 for the small river and Wisconsin and Minnesota or Michigan get $200,000, in proportion it benefits as many citizens on the small bayous and the rivers as it does on the great works of which he speaks. They have got as much right to have this means of protecting themselves from railroads, and we have as much right to appropriate for these smaller streams in proportion as you have to provide for the harbors on the coast of New York or the great rivers and lakes in the Northwestern States.

Mr. PETTIGREW. Mr. President, if I were opposed to the river and harbor bill I should yet feel bound to vote against sustaining the President's veto, because I believe it is based upon wrong principles and a violation of the Constitution.

I believe the time has come when Congress should propose an amendment to the Constitution of the United States limiting the veto of the President to those rightful subjects contemplated by the Constitution itself, or by proposing an amendment to annul a veto by a majority vote of both Houses of Congress. The veto is a relic of despotism, and was incorporated into the European constitutions to protect the monarch's prerogative from legislative encroachment, and was never intended to serve any other purpose; and therefore has no place in a free government based on the fundamental principle that the will of the majority is supreme.

I am of the opinion that the Constitution as it now stands does not confer any power upon the President to defeat with the veto the will of the majority of Congress when properly expressed upon any rightful subject of legislation. The President has no legislative discretion conferred upon him by the Constitution, for if he has, then legislative responsibility is also imposed. If the President has legislative discretion and responsibility, he has no right to sign any bill without that care and attention, investigation, and knowledge which are exercised by and incumbent upon the two Houses of Congress—a duty which it would be physically impossible for him to perform.

If it is urged that the President has the right and that it is his prerogative to veto any bill Congress may pass, a usurping President, having secured one vote over one-third of one House of Congress, could veto all measures, and representative government would be at an end and the Constitution overturned. As well might it be argued that the two Houses of Congress have a right under the Constitution to refuse to pass any act appropriating money for the courts or the Department of Justice or the Army, thus making it impossible for the decree of the court to be enforced, and so destroy a coordinate branch of the Government created by the Constitution. The power exists in Congress to do so, but to exercise it would be unconstitutional and destructive of the Constitution itself. So if the President shall undertake to exercise legislative discretion in the use of the veto. The power may exist, but the Constitution would be violated and the will of the majority defeated. Section 1 of Article I of the Constitution provides that "all legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives."

The framers of the Constitution only intended to confer the veto power upon the President for the purpose of protecting the executive office from encroachment by the legislative power, or to protect the Constitution. Any other use of the veto is unconstitutional and should be resisted.

Senator DAVIS, of Minnesota, for the majority of the Senate Committee on Pensions, on April 28, 1888, in a report to the Senate on some recent vetoes, took this view of the matter, as will be seen from the following extracts from this report:

> The right to so use the power of executive disapproval as to change the ordinary methods of legislative action by a majority vote upon proper subjects of legislation, merely because the Executive differs from Congress upon the sufficiency of proof or the expediency of relief, does not, in the opinion of your committee, exist. Such a misconception of the extent of executive power, making it limitless, is fraught with dangers to the independence and to the constitutional powers of Congress, and it clearly implies that a factious or usurping President, who proposes to subordinate to his will that department to which the Constitution has confided the principal powers of Government, can rightfully do this, and prevent the will of the people from taking statutory form, except by two-thirds vote of each House of Congress.

Senator PLATT, of Connecticut, in an able speech on this subject, delivered in the Senate on August 3, 1888, used the following language:

> All legislative power is vested in Congress, and if it be established that the President of the United States may properly veto any and every bill which is submitted to him for approval which as a legislator he might not "approve," then the legislative power which is declared to be vested in Congress is a snare and a delusion. If it be established that the President can veto any and every bill which is passed by the two Houses, having at his back a faction of one-third of each House, prevent legislation, then the day of majority rule in this Government is over with us and the day of minority legislation has been ushered in.

At about the same time Mr. GEAR, now a Senator from Iowa, but at that time a Representative in Congress, took the same position in a speech in the House of Representatives. In fact, this is the doctrine of the Republican party, as opposed to the usurping policy of Grover Cleveland as represented in his numerous vetoes, exceeding in number that of all other Presidents.

This view of the Constitution in relation to the veto power is well sustained by the various Presidents previous to Grover Cleveland, only 109 acts of Congress having been vetoed from 1789 to 1885. It is also sustained by the opinions of the ablest men in all times. Mr. Jefferson, when Secretary of State, in an official opinion delivered to President Washington, said:

> It must be added, however, that unless the President's mind, on a view of everything which is urged for and against the bill, is tolerably clear that it is unauthorized by the Constitution, if pro and con hang so as to balance his judgment, a just respect for the wisdom of the legislature would naturally decide the balance in favor of their opinion. It is chiefly for cases where they are clearly misled by error, ambition, or interest that the Constitution has placed a check in the negative of the President.

Mr. Madison says:

> The primary inducement, in conferring the veto power upon the President, is to enable him to defend himself. Indeed, even in England, where the King is considered a part of Parliament, and therefore possessing a share of legislative power, the royal negative would only be permitted in cases where encroachments were attempted upon the royal prerogative.

Daniel Webster, in a speech at Worcester, Mass., October 12, 1832, said:

> The power of the veto is exercised—
>
> Speaking of Jackson's veto of the bank bill—
>
> not as an extraordinary, but as an ordinary power, as a common mode of defeating acts of Congress not acceptable to the Executive. This practical innovation on the mode of administering the Government so much at variance with its general principles, and so capable of defeating the most useful acts, deserve public consideration. Its tendency is to disturb the harmony which ought always to exist between Congress and the Executive, and to turn that which the Constitution intended only as an extraordinary remedy for extraordinary cases into a common means of making executive discretion paramount to the discretion of Congress in the enactment of laws.

Again, Webster, in his speech in the Senate on the veto of the bank bill, referring to question of expediency and of policy, says:

> This power, if constitutional at all, is only constitutional in the hands of Congress. Anywhere else its exercise would be plain usurpation. If, then, the authority to decide what power ought to be granted to a bank belongs to Congress, and Congress shall have exercised that power, it would seem little better than absurd to say that its acts nevertheless would be unconstitutional and invalid if, in the opinion of a third party, it had misjudged on a question of expediency in the arrangements of details. If Congress decides right its decision may stand; if it decides wrong its decision is nugatory, and whether its decision be right or wrong, another is to judge, although the original power of making the decision must be allowed to be exclusively in Congress. This is the end to which the argument of the message will conduct its followers.

Von Holst, in his Constitutional History of the United States, volume 2, pages 46 and 47, in speaking of the veto of the bank bill by Jackson, says:

> Since the President, as already said, is not to be considered as a power coordinate with Congress in the matter of legislation, we may call it running counter to the spirit of the Constitution that the President should think himself, the moment any provision in the details of a bill did not entirely suit him, to exercise his veto power. The President, if he were consistently to carry out this new doctrine, should endeavor to prevent all legislation which did not in every particular entirely correspond with his views, and he might do it in all instances in which he could count on one-third of the members of both Houses of Congress.

Mr. Clay, in discussing the veto power in 1832, said:

The veto is an extraordinary power which, though tolerated by the Constitution, was not expected by the convention to be used in ordinary cases. It was designed for instances of precipitate legislation in unguarded moments. Thus restricted, and it has been thus restricted by all former Presidents, it might not be mischievous. During Mr. Madison's Administration of eight years there occurred but two or three cases of its exercise. In a period of little upward of three years the present Chief Magistrate has employed the veto four times.

What would have been Clay's thoughts and comments if instead of four times it was four hundred times in the space of three years, as in the case of the present occupant of the White House during his first Administration?

Kent, in his Commentaries, says:

This qualified negative of the President has become a very grave power and applied in a way not anticipated by the generation which adopted the Constitution.

Two Democratic Presidents of the Republic at least have expressed their opinion on this question—Pierce and Polk. These Presidents far surpassed the present Executive in character and ability.

President Pierce said:

The power of the executive veto was exercised by the first and most illustrious of my predecessors and by four of his successors who preceded me in the administration of the Government, and it is believed in no instance prejudicial to the public interests. It has never been and there is but little danger that it ever can be abused. No President will ever desire unnecessarily to place his opinion in opposition to that of Congress. He must always exercise the power reluctantly, and only in cases where his convictions make it a matter of stern duty which he can not escape. Indeed, there is more danger that the President, from the repugnance he must always feel to come in collision with Congress, may fail to exercise it in cases where the preservation of the Constitution from infraction or the public good may demand it than that he will ever exercise it unnecessarily or wantonly. It is apparent, therefore, that the circumstances must be extraordinary which would induce the President to withhold his approval from a bill involving no violation of the Constitution.

Justice Miller, on the Constitution of the United States, page 174, says:

It has been contended that the only proper occasion for the President to deny his approval by message to Congress refusing to sign a bill is when the bill is not in his judgment within the constitutional power of the legislature. In such cases it has been thought to be his duty to interpose his objection, and the doctrine has been advanced with much earnestness that on no other account is he justified in setting up his opposition to the more popular legislative branch of the Government.

President Polk said:

He must always exercise the power reluctantly, and only in cases where his convictions make it a matter of stern duty which he can not escape.

Neither Mr. Polk nor Mr. Pierce, who knew and defined the limitations of the veto power, ever conceived that from the sin-engendering loins of a prostituted Democracy could spring such a monstrosity of Presidential despotism as Grover Cleveland.

While the Constitution of the United States empowered the President to veto any act of Congress, under the restriction that all legislative authority was vested in Congress, in all of the earlier constitutions of the various States of the Union except Massachusetts the veto was not conferred upon the governor. In the following States no veto power exists to this day: Delaware, North Carolina, Ohio, and Rhode Island. The veto is annulled by a majority vote of the legislatures in the following States: Alabama, Arkansas, Connecticut, Indiana, Kentucky, New Jersey, Tennessee, West Virginia, and Vermont.

In Nebraska and Maryland the veto of the governor is sustained unless three-fifths of a quorum of the legislature votes to annul it. In the remaining States of the Union it requires two-thirds of the votes of each house to pass a bill over the veto of the governor. The convention that framed the constitution conferred the veto power with great reluctance, and it was finally agreed to for the reason that, as it was pointed out, there was no danger of its abuse, as no English monarch had used the veto since Queen Anne in 1707, who refused her assent to a bill for settling the militia in Scotland (1 Cooley's Bl., third edition, page 185), and that there was no danger of the president of a free republic doing that which a king dare not do.

As this veto of Queen Anne's in 1707 is the last in English history, and as it is now nearly two centuries since any monarch has dared to thwart the people's will in England, it can safely be presumed that the English constitution is changed in this respect and that the power to veto is forever abandoned.

The unusual and unconstitutional exercise of the veto power by Grover Cleveland should receive the attention of Congress; for, during his two Administrations up to May 1, 1896, he had vetoed 542 pension bills alone. Washington, in his two full terms, vetoed but two bills, and the veto power was not exercised by Adams and Jefferson at all. It was exercised by Monroe but once. John Quincy Adams, Van Buren, Taylor, and Fillmore did not veto any measure passed by Congress; while Lincoln vetoed but one act of Congress during the exciting epoch through which that great statesman conducted this country in safety.

The average number of vetoes since the adoption of the Constitution has been about one a year up to the time Grover Cleveland became President of the United States.

I insert a table showing the number of vetoes by each President since the adoption of the Constitution:

Vetoes.

Administration of—	Period.	Years.	No.
Washington	1789 to 1797	8	2
Adams, J.	1797 to 1801	4	----
Jefferson	1801 to 1809	8	----
Madison	1809 to 1817	8	6
Monroe	1817 to 1825	8	1
Adams, J. Q.	1825 to 1829	4	----
Jackson	1829 to 1837	8	11
Van Buren	1837 to 1841	4	----
Harrison and Tyler	1841 to 1845	4	9
Polk	1845 to 1849	4	3
Taylor and Fillmore	1849 to 1853	4	----
Pierce	1853 to 1857	4	9
Buchanan	1857 to 1861	4	4
Lincoln	1861 to 1865	4	1
Lincoln and Johnson	1865 to 1869	4	20
Grant	1869 to 1877	8	27
Hayes	1877 to 1881	4	12
Garfield and Arthur	1881 to 1885	4	4
Harrison	1889 to 1893	4	----
			109
Cleveland	1885 to May 1, 1896		551

If it were not for this usurpation on the part of the President, regarded with such indifference by our people, the question of finance, which is not and should not be a party question, would not enter into and vex our contests for the election of a President. If the people could feel that the President would execute the laws—would obey the Constitution, so that the majority should rule—the financial questions which now tear asunder and threaten to destroy the great political parties of this country would be determined by the two Houses of Congress untrammeled by Executive interference. The people of this country would embrace with great satisfaction the assurance in the platforms of both political parties that the judgment of Congress in relation to all questions of finance shall be accepted as conclusive and binding, and that the exercise of the veto by the President to overturn the will of the majority is a violation of the Constitution.

Mr. President, the present occupant of the White House is not content with the violation of the Constitution by the exercise of the veto power alone, but with an utter disregard of his sacred oath of office, as well as the Constitution, he overrides the laws, influences Congressmen with patronage, enriches his favorites at the public expense—in fact, permits no restraint but his imperial will. I think he might fairly be charged with high crimes and misdemeanors. He has exercised the veto power in direct violation of the Constitution. He has appointed men to office without the advice and consent of the Senate. He has defied the Senate and the Constitution alike by appointing men to official positions after the Senate had twice refused its consent, and still retains them in office.

During his first term he openly used his appointing power to intimidate members of Congress, and during his second term he has given appointments to members of Congress for the purpose of securing their votes upon measures pending in the two Houses.

On his own motion he has undertaken to overthrow the Hawaiian Government, doing acts in direct violation of the Constitution. He has borrowed money in violation of law for the ordinary expenses of the Government, and then falsified the facts in relation thereto in a message to Congress. He has refused to remit taxes as required by law, and has collected taxes unlawfully. He has refused to enforce the laws of Congress so often that the list of violations is next only to the list of his vetoes. He has sold bonds at private sale to his favorites and former associates upon terms and at a price many millions of dollars below the market price of the bonds on the day of such private sale. In view of these facts it is time for Congress to give some attention to these usurpations. If this Government is to survive we can no longer look with indifference upon the shameful autocracy of Grover Cleveland.

Mr. BATE. Mr. President, it is not my purpose to go to much extent into this question, but I voted against the bill, and it is one of the occasions when I differed with a large majority of the party with which I cooperate. My convictions of constitutional right, as well as with reference to the policy of the country, run in line with the Democratic party. I have been endeavoring the best I could, in my representative capacity, to carry out those principles which have been enunciated by our party in its various platforms, beginning with 1876, and every convention since that time has enunciated the doctrine of economy and has laid especial stress upon the fact that there should be an economical and honest administration of the Federal Government.

Having been guided by those principles and cooperating with the party that has enunciated them in its various platforms, I

am here to-day not to depart from those teachings or from the course which I have pursued in following the declarations made by the party to which I belong and which have been engrafted in the platforms as a part of the principles of the Democratic party.

I do not purpose now to enter into a small criticism, or a large one either, for that matter, in regard to the exercise of the veto power. It belongs to the Executive of the United States by virtue of the Constitution of our country. Whenever in his judgment he sees fit, as President, to exercise that power it is proper that he should do it; and he would not be an honest man, and he would be unfit to represent the people of this country as Chief Executive, unless he did it. It has been exercised in this case, and while I differ with the President upon his policy, especially his fiscal policy, almost in every iota, yet when the President of the United States, in the exercise of his constitutional right, seeks to carry out those principles of economy and honesty which the Democratic party have been adhering to and enunciating in their platform I will sustain him.

I am one of the few who voted against the bill, and it was with regret that I differed with Senators for whose opinions I have the highest respect; men of vast experience and ability, who have studied the Constitution and laws of the country and who have been here as exemplars, in a representative capacity, of the people who sent them, and have made national reputations. I felt and knew, sir, that it was a hopeless effort so far as defeat of the bill was concerned, because, if for no other reason, of the character of the committee that had it in charge, and for whom I have the highest respect. It is a committee of picked Senators, among the very first who belong in this Chamber, and who have charge to a great extent of the commercial interests of this country. When that committee deliberately pass judgment upon a matter and bring it before the Senate it is almost a conclusion that it will pass. It would ordinarily be so with me, for I have such regard for them that I would feel assured that they have done the best they could. But the Democratic party at least, and I think many of the Republicans, are self-thinkers and self-actors. They think for themselves and act for themselves as men and Senators. There is an individuality of character which belongs to the party with which I cooperate that is peculiar. We bind ourselves to no committee and no influence, and act and vote independently if our judgment dictates such a course. Mine does in this instance, and I voted among those, only nine of us, who opposed the bill, because I regard it as an extravagant appropriation of the public money at a most inopportune moment.

Independent of the platforms of the Democratic party, which would to some extent influence me touching matters of this kind, independent of my purpose to be as economical in appropriations for the support of the Government as existing circumstances will permit, the sentiment of the State which I in part represent has within the last three or four weeks been expressed in convention of the party to which I belong. At that convention, on the 8th of May last, expression was given upon this very question of economy by the Federal Government, which would guide me as a faithful representative and exponent of the doctrines they laid down in their platform. The Democratic party, through its chosen delegates, assembled in a convention, such as perhaps was never surpassed in our State, more than a thousand delegates being present. Every county was represented. It was really the voice of the Democratic party of Tennessee, which has spoken in no uncertain terms sentiments in regard to the administration of the Federal Government in a few chosen and emphatic words. I will read it:

We demand that all Federal taxation shall be strictly and only for revenue for the support of an economically administered Government, and we condemn the policy of the Republican party in prostituting the taxing power to enrich the few at the expense of the many.

We demand—

Not recommend—

We demand that all Federal taxation shall be strictly and only for revenue for the support of an economical administration of the Government.

They demand that taxation shall be strictly and only for the economical administration of the Government. That would guide me, as I have no doubt it would guide my colleague in this matter. It is the most recent expression of the people of the State which I have the honor in part to represent, and if I were to vote for sixty or eighty million dollars appropriated by this bill I would feel that I had violated those declarations which are semi-instructions, to say the least, and which have so recently fallen from the people of my State as expressed at our convention not a month since.

I voted against the bill. I shall vote against it still. I am against it upon conviction. I have no criticism to make here in regard to its constitutionality—none whatever. I omit any expression upon that point. But those who have gone before me, men who helped to mold the Constitution and to establish the principles which now guide us, have denied the constitutionality of such appropriations—notably Presidents Jackson and Polk of my State. But I think that the time has come, under changed conditions, if there is no question in regard to the constitutionality, when something ought to be done in this regard. I am not here to oppose appropriations for the purpose of improving navigable rivers and those large estuaries and grand waterways like the Mississippi River or the Ohio and their tributaries, as well as others of a similar character.

I believe in the policy as laid down in the Democratic platform of 1884, but there is a time for all things. This is not the time for that to be done. You see, sir, what character of extravagance this Congress has indulged in. More than $500,000,000 has been appropriated. Mr. President, we were shocked a few years ago, at least the party to which I belong was, and we raised the battle cry in our campaign against the "billion-dollar Congress," then, as now, under the control of the Republican party. But here at this session, although we are not in power, we are giving our assent, to a certain extent, to appropriations which already exceed $500,000,000 and which will be perhaps $520,000,000 or more. Here, now, is a proposition to add seventy or eighty million dollars more, not, as laid down in the platform of my State, for the support of the Government, but for benefits which could at least be postponed to a more propitious condition of the Federal Treasury, and especially as many of the enterprises have unexpended balances for continuing the works of improvement.

With these expenditures staring us in the face, and with the fact, which has been stated here time and again, and which is an undeniable one, that there is an actual deficit of more than $20,000,000 in the present year, I ask, Where is the money to come from to carry out the provisions of these appropriation bills? Where is the money to come from that is to meet the appropriations proposed in the pending bill, not $20,000,000, but nearly $80,000,000, as is shown and admitted? Sixty million dollars of it is for continuing contracts. I do not know that to be the correct policy. I am not clear upon that, for experience has not shown to my satisfaction whether the continuing-contract system is best or not. I am against the principle of the Government entering into contracts with individuals for so large an amount of money unless it makes provision at the time for the payment of it by a sinking fund or by some other course which may properly be pursued.

Yet here we have the fact before us that, independent of the appropriations to carry on these works during the ensuing year, for which about $20,000,000 will be required, there is $60,000,000 in this bill. That $60,000,000 can be dispensed with. You know it, Mr. President. The Democrats around me who profess the policy of economy in the administration of the Government know it. And we ought to stand by our guns. In 1892 "economy" was the battle cry, and a declaration was placed in the platform for economy in the administration of the Government.

Mr. BERRY. Will the Senator yield to me for a question?

Mr. BATE. Yes, sir.

Mr. BERRY. Do I understand that the Senator from Tennessee is opposing the continuing contracts in the bill?

Mr. BATE. I was questioning the wisdom of it, because of the want of experience.

Mr. BERRY. I want to ask the Senator——

Mr. BATE. Very well.

Mr. BERRY. Will the Senator answer?

Mr. BATE. I understand the Senator from Arkansas does favor that system.

Mr. BERRY. I wish to ask the Senator whether Tennessee has not one continuing contract, and if the Senator did not urge the committee to put another continuing contract in the bill?

Mr. BATE. I am glad the Senator has brought that point out. I have this to say in regard to it: When the committee have up a bill and they are making appropriation and my State is involved, it is my duty, whether I am going to vote for the bill or not, to see that the State of Tennessee is properly represented before the committee, and if the committee conclude that the contract system is best, and go on and do it in that way, let it be so.

But I have not examined the question of the effect of continuing contracts. I heard no testimony in regard thereto. Therefore I hold my judgment in abeyance on that question. I did, and I am glad the Senator has called attention to it, go before the committee with the Representative in Congress, Mr. WASHINGTON, from my home. Mr. WASHINGTON made a statement to the committee, and I indorsed what he said in regard to the Cumberland River, where I live. I did that. If I said anything in regard to continuing contracts other than to indorse what Mr. WASHINGTON said, I do not recall it. But I think that the propriety of continuing contracts depends a good deal upon the manner in which they are managed and guarded. They are as yet but experiments. That is all I mean to say about them.

If there is one inducement which more than another would influence me to favor the bill—personally, I mean—of course it would be the advantage that would be obtained by my State. The committee have been liberal in one sense to the place where

I live and the river upon which I was born and reared and where I now live—the Cumberland River. As has been said here by the chairman of the committee, $600,000 has been given for a continuing contract for how many years I do not know. Neither do I know how much that will be each year. The other project was refused, and I have no complaint to make. If that was the judgment of the Senate, I bow to it as gracefully as the refusal will permit. But whether I can get all I want is no reason why I shall forego my conviction and vote for the bill. I rise, I think, above those personal considerations, and although my State did get, in one sense, a moderate share, yet I hope that in my representative capacity I have strength of character and moral courage enough to rise above any personal interest and consider what is best for the common country.

That particular place is only one part of Tennessee. I represent in part the entire State, and I want to act upon it as a whole and not as to the individual locality where I live—a place I love most dearly. It would be ungenerous to do so, and I hope I am generous enough not only to take in my own State in all its borders, but that I am morally strong enough to look to the good of our whole State and country.

Mr. President, there are objects behind these things which are far-reaching. We can not see exactly the ulterior objects, but we know they exist. The issuance of bonds is behind this proposition, and if there is any one thing above another which the people I have the honor in part to represent dislike in the administration of the General Government it is the issuance of bonds by the Federal Government, especially in time of peace. I see in the distance and predicated upon those bonds a firmer foundation and a longer continuance of the national-banking system, against which the Democratic party of Tennessee, in its last platform, emphatically expressed itself.

Many of the speeches which have been made, especially by those on the other side of the Chamber, look to further taxation by the tariff. There is a tariff bill now lurking behind this bill that in point of amount of duties upon articles that may be taxed will overtop even the McKinley Act, and when we vote for this bill we put an additional demand to carry out existing laws upon the Government of the United States which has to be met, for these continuing contracts are obligations. Is not one obligation of this country as sacred as another? Is not the obligation to pay a debt where you have made a contract and the services of poor men and laborers have been performed in carrying out that contract as high and binding upon this Government as it is to meet the bonds that bear interest upon their face? These contracts are continually growing, because they are not without profit. No man is going to contract to do work for the Government unless he sees profit in it. So these continuing contracts have profit in them, as bonds have, in the shape of interest.

Therefore I say there is something behind all this. There is a tariff bill in the distance. There is, as I believe, the issuance of bonds in the near future and a prolonging of the life of the national banks beyond their legal limitation, growing out of the condition which this bill will create.

I do not oppose appropriations for improving our great highways. The Senator from Missouri referred to the platform of the Democratic party in 1884, mentioning the name of the Mississippi River. I am for giving aid to it, as I am for those of like character in the East and the West. I would do that because I believe that the making of those improvements would relieve to some extent those who grow the products of this country, the laborers upon the farm lands, who want to send their products to market in competition with railroad transportation lines. That is why I would do it, but not at the expense of $80,000,000. This is a potent argument with me.

Why, then, I may be asked, do you not vote for the bill, especially when it helps your own home and your own State? I say, because there are distempered times upon us. When the platform of 1892 calls for reform from the Democratic party, I want to adhere to it. It is the last national platform we have. The last State platform we have had in Tennessee I have read to the Senate, and you see the very strong terms it uses in regard to the matter of public economy. I want to follow that; and I say that the times forbid such expenditures now. The great expenditures of the last session, and those already made at this session, the unhappy condition of our people now, whether oppressed by gold bonds or not, are upon us, a fact we can not deny.

I am one of those who believe that the gold standard has had much to do with it, and I want to rectify it by the substitution of the two metals of equal value and both alike—money of redemption. That is not the question of which we are now speaking, however. It is a question as to the condition of our country—a question as to whether we can afford, in the condition of our Treasury, to appropriate seventy or eighty million dollars for purposes of this kind, especially, as I stated, when our revenues are not sufficient to meet the appropriation. That is the question. How are you going to meet it? It has been well stated by the Senator from Wisconsin [Mr. VILAS] who has just taken his seat, that there is no money in the Treasury by which it can be met. Therefore if you are to keep up the credit of your Government and to pay your obligations to the laborers who do the work, you will have to issue bonds in time of peace. The bonds bear interest and weigh like a mortgage upon the people of this country, poor and impoverished as they are, and as much as they are ground to powder with the onerous taxation upon them.

I say because of that it is ill timed. We should postpone it until times are better, or have less and more reasonable amounts appropriated. In 1884, when this declaration came from my party in its platform in regard to the Mississippi River, the Treasury was in a comparatively easy condition. The products of your farms were worth much more than they are now. The trouble of 1893, the bank panic, came upon us like a crash, and it did crash the monetary condition of this country, and it dragged down many of the commercial men, and with them those upon whom they relied, and the farmer and laborer felt it more acutely than anyone else.

This being true, I can not reconcile myself, in view of the record I have tried to make in regard to economy, to vote for the bill. But I must be frank and say that while I would approve under different circumstances a river and harbor bill, one that improves the means of transportation and enables competition in the matter of transportation, yet I beg to say that the present unhappy financial condition of our country and the oppressed condition of our people, together with the vast amount already appropriated, admonish that we put no greater burden upon them now.

I heard the Senator from Maryland [Mr. GORMAN], who is now sitting just to my right, talk about this matter in discussing the condition of the finances of the country, when he spoke clearly, specifically, and conclusively as to the condition of the Treasury, and showed that it was improper for us to make extravagant appropriations, or even any that could be dispensed with. I became satisfied that we ought to make no more appropriations than were absolutely necessary—in the language of the platform of my State, "than are necessary to support the Government." The Senator from Maryland was right in what he then said, but I do not know how he will vote upon this question.

Whatever may have been the influence, or the reason, or the excuse which prompted the enormous appropriations in this bill, it can not be denied that there has been a desertion of the principles of reform and economy as laid down in the Democratic platforms—a desertion which now superadds nearly $80,000,000 in this bill to the $500,000,000 in the other appropriation bills.

I regret to differ with Senators and others with whom I have always cooperated upon Democratic principles. I have no foolish pride of opinion in regard to being with the majority; but I mean to stand by the principles, to stand by the platform of the party, State and national, whether in victory or in defeat. I mean to stand by the principles of my party and to follow the instructions of my State, regardless of the fact that appropriations, as is said, for the South are, I regret to say, disproportioned to her necessities and to her rightful share. The South needs more appropriations; but the South does not want appropriations, Mr. President, at the expense of the laboring classes of this country, who have to be taxed in order to pay them. The appropriations desired must come from a surplus, and not from a deficit in the revenues.

I have nothing further I care to say, Mr. President. I shall content myself with voting to sustain the veto of the President, which is a vote, of course, against the original appropriation bill.

Mr. STEWART. Mr. President, I have three very strong reasons for voting to pass this bill ever the veto of the President. The first is because I am opposed to the use of the veto power to control legislation. Such use of it was condemned when the Constitution was framed. It was claimed by the friends of the veto power that it never would be used to obstruct legislation; that it never would be used except in cases of great emergency. Alexander Hamilton was the principal advocate of the veto power. He said that it had not been used in England since the revolution in that country, and of course would not be used here to interfere with the legislative department. Benjamin Franklin warned the convention of the great danger in the veto power, and cited the abuses of it in Pennsylvania. He said it had become the practice of the governors in that State to demand a fee for the signing of every bill; that it had gone to such an extent that when the savages were murdering the citizens on the frontier, and it was necessary to raise money to support the militia, they had to make up a purse for the governor before he would sign the bill; and Benjamin Franklin said then that if the veto power was continued in a few generations we should find the same abuses of it in this form of our Government; that the Executive would grasp all the power he could, and that the veto power was a weapon to break up the harmony of the coordinate departments of the Government.

We now know that the shadow of the veto constantly hangs over the deliberations of both Houses of Congress. Other things being equal, I should always vote to pass a bill over the Presidential

veto; in fact, I shall do it on all occasions whether I like the bill or not, unless I believe it to be unconstitutional. If a bill has been passed by the two Houses which, in my judgment, is constitutional, I should, whether I liked it or not, vote to pass it over the veto, because I think the veto power is one of the dangerous powers, is one of the agencies which are subverting our Government and destroying the equilibrium of its coordinate departments.

My next reason is that I believe that the river and harbor bill is good and beneficial legislation. I believe it will do more good to the people than any other bill which has been passed during the present session of Congress. All the other bills are to take money out of the Treasury without making any visible sign or show of benefit to the people; they are to pay salaries or to pay money out of the Treasury for various other purposes. This bill provides that the money shall go back to the people, so that labor may be employed in these dull times, and that work shall go on. It also makes provision for the people in benefiting commerce and transportation, and I believe it is the most meritorious legislation of the session.

My third reason is that this is the time, of all others, that this bill should be passed, because we have in the Treasury an unhealthy surplus. We have in the Treasury $270,000,000 cash balance, which has been taken from the people and locked up where it does no good. Money is exceedingly scarce with the people, and the impounding of money in the Treasury at this time is cruel and unjust. Some suggest that we must not take this money out of the Treasury because it may endanger the gold standard. Not at all. There is plenty of money outside of gold coin. There is $160,000,000 outside of the gold coin held in reserve.

Mr. LINDSAY. I wish to ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from Nevada yield?

Mr. STEWART. In a moment.

The paying out of that surplus would certainly not affect the operations of the Treasury so far as gold is concerned. In fact the President of the United States has informed us in his annual message and in other messages that there is plenty of money to carry on the Government, that he did not sell bonds to obtain money for that purpose, but that the bonds were sold exclusively for the purpose of obtaining gold. Paying the money out for needful improvements will not trench upon your gold reserves at all. It will simply take out of the Treasury that idle money which has been taken from the people and put it in circulation and give labor employment.

I will now yield to the Senator from Kentucky.

Mr. LINDSAY. I wish to ask the Senator from Nevada whether he agrees with the junior Senator from Tennessee [Mr. BATE] that the purpose of this bill is to promote the further issue of bonds?

Mr. STEWART. I do not believe that any honest man could have such a purpose under the circumstances. With an overflowing Treasury; with abundant coin for redemption; with silver flowing into the Treasury in the shape of silver certificates every day; with abundant means of meeting all the obligations for the Government, and with $270,000,000 impounded and taken from the people, I do not see how any honest man who loves his country could suggest the issuance of more bonds now to take more money from the people and impound it.

Mr. BUTLER. Will the Senator from Nevada pardon me just there?

Mr. STEWART. Certainly.

Mr. BUTLER. If the other House passes the very meritorious bill which we passed yesterday evening, which, of course, it is bound to do in duty to the country, then there can not be any more bond issues for this purpose or any other without the consent of Congress, and if the other House does not pass the bill, then the responsibility rests on that House and not on this body. This body is not responsible for what that one does or does not.

Mr. STEWART. This body has done its duty in that regard and the people will approve it. The responsibility is now on the other House; but the passage of the river and harbor bill will not affect the question of issuing bonds to buy gold, for it will take no gold out of the Treasury. It will simply liberate the money of the people which is impounded and lying idle, when it is so much needed for circulation. It has nothing whatever to do with the gold reserve. I want to draw out a portion of that reserve, which is there accomplishing no other purpose except to deprive the people of a circulating medium.

Mr. HAWLEY. Mr. President, I shall vote to override the veto, and I shall do so deliberately, satisfied that I am doing what is right.

I do not find, upon recurrence to the facts and upon a search among the papers in the rooms of the Committee on Appropriations, that the figures involved here are so large as some Senators are claiming. I do not speak of the continuing contracts which run over four or five or six years all together, but only taking into account the estimates for the next two years. I am told by the veteran clerk of that committee that the appropriations provided for in this bill are $12,609,800; that there are in the sundry civil bill certain other appropriations relating to contracts upon which the Government is already bound to the amount of $3,284,597. There was a remnant in the urgent deficiency bill, and as a matter of economy there was appropriated $300,000. The total is $16,692,397. There will probably be no river and harbor appropriation bill for the fiscal year 1897-98, as the rule now seems to be only to pass a river and harbor bill every two years. The pending bill is for 1896-97. Under that rule we have been going on with a bill every other year for some time, and are frequently in the habit of skipping a year. The money appropriated for the succeeding fiscal year would be about $13,000,000, making, in round numbers, $30,000,000 for two years, or an average of $15,000,000 a year.

As to the general usefulness of this bill and its appropriations I have no shadow of doubt. The constitutional scruples indulged by some of our fathers have gone. The work is recognized as important and as useful. It is obviously so to those who live near the works that are being done and are familiar with the trade and commerce in the various localities.

The President speaks of many of these improvements being for the benefit of limited localities. Why, Mr. President, there are some bills of greater importance than others, some bills that touch infinitely a greater multitude than others do; but there is no such thing as an improvement of commerce that belongs, fairly speaking, to a limited locality. We might as well talk about legislating for individuals, when we mean the individuals constituting the 70,000,000 of our population. Sometimes a measure will help 1,000,000 people, and sometimes another will help 10,000,000; but the aggregate is an advantage to the whole of our 70,000,000 people.

The President says:

> There is no ground to hope that in the face of persistent and growing demands the aggregate of appropriations for the smaller schemes not covered by contracts will be reduced or even remain stationary.

I agree with the President that there is no hope that they will remain stationary. They will probably increase. As the population grows a greater multitude of people will be working toward the coast and the rivers to establish their business and save transportation. The people and their wants are increasing. There was a humorous member of the other House from Alabama many years ago who offered two resolutions, which contained propositions that nobody could dispute. They were as follows:

1. *Resolved*, That this country is a great country.
2. *Resolved*, That it is getting bigger.

That has been the rule of all our legislation, appropriation bills included, from the beginning.

Again the President says:

> Some of the projects for which appropriations are proposed in this bill have been entered upon without the approval or against the objections of the examining engineers.

I have seen nothing of that myself in my limited examination of the bill; but if such a thing has been done by that committee, it has been done in obedience to the weight of scientific and other testimony which convinced it, without being obliged to rely solely upon the Department. I have known cases of that sort.

I am very sorry to find in a message from the head of our great Government the following expression in one of the last two paragraphs:

> I believe no greater danger confronts us as a nation than the unhappy decadence among our people of genuine and trustworthy love and affection for our Government as the embodiment of the highest and best aspirations of humanity.

That reminds me of a very unhappy remark the President made in New York concerning the people of the West. I am sorry to find the President dominated by this spirit of pessimism. I think all of us believe, and all the people of intelligence and sense that I know of believe, that there is no decadence of love for the country or its institutions. There is no great war, no awful emergency to test it just now. We are controverting a great deal with each other on some great and important questions; sometimes we get very angry about them and we charge each other with fighting against the best interests of the country. That is all right. It is from debate that is evolved the judgment of the people, and in the long run it is a sound judgment. When great national calamities or awful emergencies come upon the people—more often of Europe, thank God, than upon us—who can imagine, who can estimate the enormous elasticity, the tremendous will, and the crushing power of this people? Who does not know that millions of men can be found ready to die—not only to offer themselves for death, but to die—for the good of their country and of the flag and the prosperity of republican government. I do not think the President of the United States ought lightly to make such a remark.

Mr. HILL. Mr. President, before this debate began I labored under the delusion that the President of the United States had the constitutional power to veto legislative bills. The tendency of this debate has been to deny that power. I pick up the Constitution, and I find that my previous recollection in regard to its contents was accurate, that notwithstanding the suggestions which

have been made the Constitution has not been amended in regard to the Presidential veto power. It stands as it has always stood, giving the President the absolute power to withhold his assent to legislation, and providing that no bill shall become a law which does not receive his approval, unless it be passed by a two-thirds vote over his veto; yet I have listened to suggestions that this veto power is limited; that it is restricted; that it is circumscribed by clauses not in the Constitution itself, but which must be contained in the brains of Senators.

It is said that the President has no right to veto legislation of Congress which largely involves questions of discretion. I do not find any such limitation of the power. I do not find anything in the Constitution which requires the President to exercise the veto power moderately. I find nothing in this instrument which says that he can only exercise the veto power upon proper occasion or with propriety. I find that he is vested with the sole power of withholding his approval without limitation, without restriction, without any tribunal to question it, unless it be both Houses of Congress by passing a bill over his veto. Therefore, I do not concur in the argument of the distinguished Senator from South Dakota [Mr. PETTIGREW]—a second Daniel come to judgment—in which he said that it is unconstitutional for the President to exercise a constitutional power. I can not comprehend that logic—unconstitutional to exercise a constitutional power! It is said the President must exercise it with propriety—he must not abuse it. The power exists, nevertheless. If he has not that power, what are we doing here now? This body expects to pass this bill over the veto. The appropriations have been distributed so that of course the bill is to pass over the veto; but if Senators believe their own arguments, what is the use of this farce? This bill involves merely the exercise of a discretionary power in making appropriations on the part of Congress. Why, in the closing days of this session, are we proceeding to pass it over the veto when absolutely this veto is of itself per se unconstitutional? Why not take the case directly to the Supreme Court, and not proceed deliberately to override the Presidential veto? Those who make this argument do not believe it themselves.

The Constitution stands just as I have stated it, despite the argument of the distinguished gentlemen who have assailed it, who have sought to enlarge it, sought to improve it, sought to attack the wisdom of our fathers; but there it stands, and will stand for years to come. So long as the veto power exists it is useless to enter into any constitutional argument about the propriety of its exercise. The question of propriety is one thing.

I know that the distinguished English author, Prof. James Bryce, who visited this country and immediately thereafter wrote a criticism of its institutions, criticised our Presidents for the very liberal manner in which they exercised this conceded power. I do not share in his criticism. I do not think that Professor Bryce knew enough about American institutions, according as our fathers framed them, to be able to criticise the exercise of the veto power on the part of our Presidents.

Mr. President, there is a certain class of Senators who are going to vote to override the veto, first, upon the ground that it is unconstitutional to veto this bill. There is a second class going to vote for it, like my friend from Nevada [Mr. STEWART], who does not believe in vetoes anyhow and is always against the President. There are others who think that Congress is the sole judge of the propriety of making appropriations, and they propose to override the veto. There are others who think like my friend from Nevada, who says there is an unhealthy surplus in the Treasury, and he is anxious to take it out. If that surplus is unhealthy now, this bill will make it sicker. So we have a conglomeration of different views and ideas upon which Senators are going to aggregate their votes and override this Presidential veto irrespective of its real intrinsic merits.

One would think from listening, as I have patiently done, to all that has been said against the Presidential veto that this was one of the very few instances in the history of the Government when a President had dared to withhold his approval from this class of bills. I heard Senators read from distinguished opponents of Andrew Jackson, criticising Old Hickory because he had the audacity to exercise the veto power. I thought it was unwise for Senators upon the other side to read those criticisms of Andrew Jackson for the purpose of getting Democratic votes against this veto. I had supposed he was one of the patron saints of our party; I had supposed that we in the main thought Andrew Jackson was right, and that we were disposed to follow him in his enunciation of the principles of Democracy; and now we are told that Andrew Jackson was one of those violent, obstructive Presidents who used the veto power harshly and unwisely, and that was the reason urged why Democrats on this side of the Chamber should make haste to override this veto.

That argument reminds me that the vetoing of river and harbor bills originated with Andrew Jackson. The vetoing of river and harbor bills began as early as in the days of Andrew Jackson, who, on December 6, 1832, sent a veto to the House of Representatives of a bill entitled "An act for the improvement of certain harbors and the navigation of certain rivers." Old Hickory himself inaugurated this vicious precedent which President Cleveland is following. The principal objection urged by President Jackson was that the appropriations therein contained involved the sanction of a principle that concedes to the General Government an unlimited power over the subject of internal improvements, to which he could not assent. It was argued then, as it is argued now, that Congress had the supreme power over this question, and to grant appropriations anywhere in any part of this country, whether it related to foreign commerce or internal commerce or whether it related to no commerce at all. He asserted his willingness to approve appropriations for the construction of light-houses, beacons, buoys, public piers, and the removal of sand bars, sawyers, and other temporary or partial impediments in our navigable rivers and harbors, but as the bill contained provisions for works of a different character, depending on principles which extend the power of making appropriations to every object which the discretion of the Government may select, and lost sight of the distinctions between national and local character, he could not consistently approve the bill as a whole.

Mr. President, his veto was not overruled, and there does not appear to have been any effort in that direction.

President Polk, on August 3, 1846, withheld his approval from a similar bill. He, the great Young Hickory, did not have the idea of the Constitution that is held up here, but he deliberately put his seal of condemnation upon a river and harbor bill at that early period. Those men, however, according to these new-fangled notions, did not have that respect for the Constitution which it is now said they ought to have.

What was the bill that President Polk vetoed? It provided for appropriations amounting to $1,378,450, to be applied to more than forty distinct and separate objects of improvement.

If such a bill seemed extravagant and dangerous in its tendencies, what would President Polk have thought of the present measure, which contains 417 distinct items of appropriation, and contemplates the immediate expenditure of $17,000,000, or thereabouts, and authorizes contracts to the extent of $62,000,000 more, or thereabouts.

President Polk's very able and elaborate veto message, following the example of President Jackson, protested against the practical removal of all constitutional restraint upon the power of Congress in the matter of such appropriations, and insisted that they should not embrace works of a local or individual character, but should be confined to those of national benefit and importance. His reasoning was based, and properly so, upon a strict and reasonable construction of the Federal Constitution, which interpretation must commend itself to the judgment of thoughtful men. Among other things he said:

> It will be found also that the bill contains appropriations for rivers upon which there not only exists no foreign commerce, but upon which there has not been established even a paper port of entry, and for the mouths of creeks, denominated harbors, which, if improved, can benefit only the particular neighborhood in which they are situated. It will be found, too, to contain appropriations the expenditure of which will only have the effect of improving one place at the expense of the local, natural advantages of another in its vicinity. Should this bill become a law, the same principle which authorizes the appropriations which it proposes to make would also authorize similar appropriations for the improvement of all the other bays, inlets, and creeks, which may with equal propriety be called harbors, and of all the rivers, important or unimportant, in every part of the Union. To sanction the bill with such provisions would be to concede the principle that the Federal Government possess the power to expend the public money in a general system of internal improvements, limited in its extent only by the ever-varying discretion of successive Congresses and successive Executives. * * * It not only leads to a consolidation of power in the Federal Government at the expense of the rightful authority of the States, but its inevitable tendency is to embrace objects for the expenditure of the public money which are local in their character, benefiting but few at the expense of the common Treasury of the whole. * * * It will produce combinations of local and sectional interests, strong enough when united to carry propositions for appropriations of public money which could not of themselves, and standing alone, succeed, and can not fail to lead to wasteful and extravagant expenditures.

Then, speaking of the spectacle which would be presented if such a system of favoritism was inaugurated, he further most truthfully says:

> It must produce a disrespectable scramble for the public money, by the conflict which is inseparable from such a system, between local and individual interests and the general interests of the whole. * * * Should the system of internal improvements proposed prevail, all these evils will multiply and increase with the increase of the number of the States and the extension of the geographical limits of the settled portions of our country. With the increase of our numbers and the extension of our settlements the local objects demanding appropriations of the public money for their improvement will be proportionately increased. * * * In a country of limited extent, with but few such objects of expenditure (if the form of government permitted it) a common treasury might be used for their improvement with much less inequality and injustice than in one of the vast extent which ours now presents in population and territory.

Then with almost prophetic vision he adds:

> The treasure of the world would hardly be equal to the improvement of every bay, inlet, creek, and river in our country which might be supposed to promote the agricultural, manufacturing, or commercial interests of a neighborhood.

The sound and convincing views of President Polk thus so concisely and felicitously expressed are peculiarly applicable to the

present times and to the present measure. His veto was sustained in the House by a vote of 97 yeas against 91 nays.

President Pierce, another Democratic authority, on August 5, 1854, added his condemnation of the growing tendency toward extravagance in measures of this character, and withheld his approval from a river and harbor bill which was liable to the same criticisms which pertain to the bill now under consideration. The bill had reached him, as all such bills usually do, during the closing days of the Congressional session, and his examination of its provisions was necessarily hurried, but he expressed grave doubts not only of its expediency but of its constitutionality. His veto was sustained in the House, where the bill originated, by a vote of 95 yeas against 80 nays.

President Grant, as already stated, did not actually veto any river and harbor bill, but on August 14, 1876, while formally affixing his signature to such a measure, sent to the House a protest against its provisions. He expressly stated that if he regarded it as obligat ry upon the Executive to expend all the money therein appropriated, he should have returned the bill without his approval. He further said, adopting the course of President Cleveland, in his message:

> Without enumerating, many appropriations are made for works of purely private or local interests, in no sense national. I can not give my sanction to these, and will take care that during my term of office no public money shall be expended upon them.

He then adds something in reference to the necessity for economy, which has been also read by the Senator from New Jersey [Mr. SMITH], and winds up with this statement:

> Under no circumstances will I allow expenditures upon works not clearly national.

If in 1876 there was "very great necessity for economy of expenditures," as asserted by President Grant, a condition which impelled him to protest against unnecessary and unreasonable appropriations and to announce his intention of preventing all "expenditures upon works not clearly national—an announcement which unquestionably met the approval of the country—do not existing financial conditions furnish still greater reasons for the enforcement of rigid economy and for insisting that appropriations shall not be authorized except for works at important places, and so imperative in their nature that they can properly be regarded as clearly national in their character? As in 1876 the country still felt the effects of the panic of 1873, so now the country has not recovered from the panic of 1893.

The next and last veto (except the present) of a river and harbor bill was that of President Arthur, on August 1, 1882. That bill appropriated the sum of $18,743,875. In a brief but comprehensive message he declared, among other things, as follows:

> My principal objection to the bill is that it contains appropriations for purposes not for the common defense or general welfare, and which do not promote commerce among the States. These provisions, on the contrary, are entirely for the benefit of the particular localities in which it is proposed to make the improvements. I regard such appropriations of the public money as beyond the powers given by the Constitution to Congress and the President. I feel the more bound to withhold my signature from the bill because of the peculiar evils which manifestly result from this infraction of the Constitution. Appropriations of this nature, to be devoted purely to local objects, tend to an increase in number and in amount. As the citizens of one State find that money, to raise which they, in common with the whole country, are taxed, is to be expended in another State they demand similar benefits for themselves; and it is not unnatural that they should seek to indemnify themselves for such use of the public funds by securing appropriations for similar improvements in their own neighborhood. Thus as the bill becomes more objectionable it secures more support. This result is invariable and necessarily follows a neglect to observe the constitutional limitations imposed upon the lawmaking power. The appropriations for river and harbor improvements have, under the influences to which I have alluded, increased year by year out of proportion to the progress of the country, great as that has been. In 1870 the aggregate appropriation was $3,975,000; in 1875, $6,648,517.50; in 1880, $8,976,500, and in 1881, $11,451,000, while by the present act there is appropriated $18,743,875. * * * The extravagant expenditure of public money is an evil not to be measured by the value of that money to the people who are taxed for it. They sustain a greater injury in the demoralizing effect produced upon those who are intrusted with official duty through all the ramifications of government.

President Arthur's veto message was read in the House, and the next day it was called up and the previous question moved on its passage, and the previous question was moved yesterday in the House; and thereupon, without debate, the bill was passed over the veto by a vote of 122 yeas against 59 nays, 108 Representatives not voting; while in the Senate it was repassed by a vote of 41 yeas against 16 nays, 19 Senators not voting, and thus became a law.

An inspection of the RECORD shows that among the Senators who are still members of this body who voted to sustain the President's action were the Senators from Maine, Messrs. HALE and FRYE, both Senators from Connecticut, Messrs. HAWLEY and PLATT, the venerable Senator from Vermont, Mr. MORRILL, and the Senator from Pennsylvania, Mr. CAMERON; and among others who thus voted, but not now members of this body, were Senator Harrison of Indiana, Senators Logan and Davis of Illinois, Senator Pendleton of Ohio, Senator Ingalls of Kansas, and last, but not least, Senator Bayard of Delaware. While this was the only instance in our history where a river and harbor bill has been passed over the veto of a President, it may be safely asserted that the veto increased rather than diminished the confidence of the people of all parties in the wisdom, prudence, and statesmanship of President Arthur.

The message of President Cleveland, which we are now considering, unlike those of his predecessors, does not base his objections upon any violation of constitutional limitations, but rather upon grounds of expediency.

He naturally lays great stress upon the enormous amounts required to be expended now and in the future. It must be conceded that the sum total would be regarded as startling even in prosperous times. After a painstaking consideration of the whole measure—a consideration which, I assume, has been more careful and extensive than any Senator here, aside from those upon the Commerce Committee, has been able to devote to the subject—he finds that "many of the objects for which it appropriates public money are not related to the public welfare, and many of them are palpably for the benefit of limited localities and in aid of individual interests." If that is so his action should be sustained rather than overruled. I am not able to dispute the facts which he asserts, and must accept his statement as substantially correct.

I frankly confess that I do not share his hostility to continuing contracts per se, and am inclined to believe that in many instances such contracts are necessary and extremely beneficial, provided, of course, they are not excessive in amount or unreasonable in number. They have probably been tolerated to an unusual degree in the present measure, and to an extent not warranted by the necessities of the situation. Mortgaging the future by anticipating and pledging revenues not realized, and in the present instance not even provided for, is clearly objectionable.

I prefer to place my opposition to this measure not alone upon the ground of the vastness or extravagance of the appropriations granted, the unprecedented number of continuing contracts authorized, the favoritism manifested in behalf of works designed for the promotion of local or individual interests over those of national and pressing importance, or the stimulation of a vicious system of paternalism which many of its provisions seem to encourage, but largely upon the ground that the present condition of our finances does not warrant the incurring of such vast expenditures. Neither, unless unforeseen events occur, is any material improvement to be expected in that condition in the near future.

No one can safely predict from what fund these immense appropriations are to be paid. The Senate has already refused its assent to the issuing of certificates of indebtedness to supply temporary deficiencies in revenue which may arise. The Senate—a majority of the Senate—is opposed to any further issue of bonds for any purpose whatever. The very surplus in the Treasury today is only about equal to the proceeds of the bonds sold during the present Administration, and that surplus has already been anticipated in all the other appropriation bills which we have passed and are now daily passing. There is no reasonable prospect of an agreement upon any new revenue bills materially increasing our revenues, and under these conditions and in this crisis, when radical changes in our monetary system are being proposed and vigorously pressed, we are asked to authorize appropriations to the extent of about $80,000,000 under the provisions of this bill. Even if this condition of affairs would warrant the expenditure of reasonable sums for the completion of works already in progress, it seems difficult to justify enormous outlays for the commencement of new improvements. It is no answer to suggest that these expenditures which we authorize may be delayed or evaded or largely controlled through the exercise of the discretion vested in the Secretary of War. That is a shifting of responsibility which we ought not to sanction. It is the unloading of a burden upon an executive official which we ourselves should largely bear. Appropriations when made by Congress are expected to be expended and should be expended, unless when unexpected or most difficult emergencies arise which would justify or excuse the interposition of an executive discretion to prevent an appropriation being used as intended by Congress. Under our system of government the propriety of appropriations must continue to be determined by Congress itself, acting in conjunction with the President, and not by a subordinate executive official who, although intrusted with details of management, must in good faith carry out the evident intention of Congress.

If this bill shall become a law, notwithstanding the objections of the President, the responsibility for these expenditures rests mainly upon Congress, and can not be transferred to or imposed upon the Secretary of War, who is not vested with legislative functions. From these premises it necessarily follows that it is our duty to sustain the action of the President. He has exercised his constitutional prerogative in withholding his signature from a bill which he can not conscientiously approve, and in a message admirable in its tone and temper he respectfully asks us to give the measure further consideration. That, at least, we are bound to do. Abuse of the President will not change the facts

which he presents, misconstruction of his motives will not render the bill more acceptable, and unfair reflections upon his patriotism and good judgment add nothing to the argument and will not shake the public confidence in the wisdom of his deliberate conclusions.

More than this I need not say; and less than this I felt I ought not to refrain from saying. As one who voted against the bill on its original passage, the message confirms my convictions of its undesirability as a whole at the present time.

It is evident that the bill contains many unwise provisions and authorizes some wasteful or at least useless expenditures. As much was admitted during the debate. The distinguished chairman of the Commerce Committee [Mr. FRYE], in his eloquent plea for the bill, made just prior to its final passage, admitted that there had been extravagance in the use of money for river and harbor improvements, and that there were items in the bill to which he had been and was still utterly opposed. These admissions could be multiplied from others familiar with the details of the measure, but they are unnecessary.

The President has had a better opportunity than any of us (except possibly the Commerce Committee) to investigate from official and other sources the existing and pressing needs of our rivers and harbors, especially those of national importance, and I should be disposed to accept his conclusions upon the subject, even if I had not otherwise been convinced of the correctness of his position.

The consideration of this matter naturally leads to the suggestion that it is to be regretted that the Constitution does not permit the President to veto distinct items of appropriations in general appropriation bills. It is a necessary and desirable power, and one which, according to my observation, is not liable to abuse. It has existed for many years in the constitution of New York and in that of many other States of the Union, and there has been exhibited no disposition to abandon it anywhere where it has been tested. Its exercise would enable a President to discriminate between good and bad appropriations, between urgent and unnecessary ones, between those in the public interest and those designed for private benefit. It would preserve and save the meritorious appropriations embraced in the present measure and eliminate its objectionable ones.

Believing that until such a remedy shall be adopted the meritorious and the ill-advised items must suffer alike under the general policy, which my experience teaches me is desirable, of sustaining every Executive disapproval where any good reasons exist for its exercise in relation to any portion of a measure, I beg leave to propose a constitutional amendment, designed to confer upon the Chief Executive the power to withhold his approval from distinct items in an appropriation bill while approving others, which measure I shall now introduce, and after its reading shall ask that it may lie upon the table for future consideration.

The joint resolution (S. R. 156) proposing an amendment to section 7 of Article I of the Constitution of the United States was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That an amendment to section 7 of Article I of the Constitution of the United States is hereby proposed by adding to said section the following:

"If any bill or joint resolution presented to the President contain several items of appropriation of money he may object to one or more of such items while approving of the other portion of the bill or resolution. In such case he shall append to the bill or resolution, at the time of signing it, a statement of the items to which he objects, and the appropriation so objected to shall not take effect. If the Congress be in session, he shall transmit to the House in which the bill or resolution originated a copy of such statement, and the items objected to shall be separately considered. If, on reconsideration, one or more of such items be approved by two-thirds of each House, the same shall be part of the law, notwithstanding the objections of the President. All the provisions of this section in relation to bills and resolutions not approved by the President shall apply in cases in which he shall withhold his approval from any item or items contained in a bill or resolution appropriating money."

The VICE-PRESIDENT. The joint resolution will lie on the table.

Mr. BUTLER. Mr. President, the amendment to the Constitution just offered by the Senator from New York [Mr. HILL] is a most natural one to be offered by a Senator who opposed the anti-bond bill which passed yesterday afternoon. It is a most natural one to be offered by a Senator who believes that the revenue power of this Government should be taken from Congress and placed in the hands of one man—the Executive. In addition to the power which the President already has to accept or reject a measure on its general merits, he proposes to give him the power to strike out and insert—that is, to legislate in detail.

Mr. President, the veto power as it now stands and is used is a dangerous evil, but the Senator from New York desires to complicate that evil and to make it worse. I wish now to ask to have read an amendment to the Constitution relating to this question which I have already introduced and which is still lying on the table. It strikes at the root of the whole trouble.

The Secretary read the joint resolution introduced April 7 by Mr. BUTLER, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution of the United States be proposed to the legislatures of the several States, which, when ratified by three-fourths of said legislatures, shall become and be a part of the Constitution, and shall be known as the sixteenth amendment:

"ARTICLE XVI.

"Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States. If he approve, he shall sign it; but if not, he shall return it with his objections, to that House in which it shall have originated, who shall enter the objections at large on their Journal and proceed to reconsider it. If after such reconsideration a majority of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered; and if approved by a majority of that House, it shall become a law.

"Every order, resolution, or vote to which the concurrence of the House of Representatives and Senate may be necessary (except on a question of adjournment) shall be presented to the President of the United States, and before the same shall take effect shall be approved by him; or, being disapproved by him, may be repassed by a majority of the Senate and House of Representatives according to the rules and limitations prescribed in the case of a bill."

Mr. BUTLER. If this is not a Government by legislative action of the people through their representatives, then it is not a Republic. The amendment just read will correct the evils and dangers of the present veto power. Besides, it preserves every idea with reference to safeguards from checks and balances that the forefathers and founders of our Constitution had in framing the Constitution. It preserves the dignity and the importance of the Executive. It defers to the Executive and asks his opinion, it gives him time to investigate any measure passed by these bodies, and awaits respectfully his reply and his approval or his objection. It then refers the whole matter with all the light the Executive can put upon it, if he shall disapprove, to the representatives of the people for final action, who should always be the final arbiters in matters concerning the general welfare.

That is what the founders of our Constitution had largely in mind when the Constitution was framed, and, as I have said before, one of the few mistakes, if I may be pardoned as one man for saying it, of the founders of this Government was in leaning too much to monarchical institutions, in not being able to wrench themselves, as it were, in one effort from all the traditions and from all the associations, from all the early training which they received from the mother country and the institutions that are not republican and democratic in form. They felt the veneration which the people in the Old World feel for the crowned head, the veneration which the people in the Old World feel for rulers who come down from generation to generation by heredity.

It still clung about them, and they were not able to rid themselves of it all. Hence they vested this excessive power in a man—the Executive—who in their minds to some extent took the place of a king. They failed fully to comprehend that in a republic that the king is the people and that the officers are the subjects. There were some among the framers of our Constitution who seemed to think it was necessary to put some check upon the people; they did not seem to realize that it was the officials upon whom it was necessary to place a check. They should have made our President simply an executive officer to carry out the legislative will of the people. If they could have foreseen when they did it that there would grow up, in spite of the Constitution, in spite of the fundamental principles of this Government, and hedge around that Executive the tremendous power of patronage, the tremendous power of party spoils; if they could have foreseen that that Executive would ever abuse his high office, that he would ever use the thousands and tens of thousands of appointments which are lodged in the Executive, and which necessarily must be lodged somewhere, to influence the legislative branch of the Government, that he would ever have used them in elections, that he would ever have used them to thwart the will of the people from the primary and township up to the legislative halls of Congress, they would have taken precautions against all of these dangers instead of putting into the hands of the Executive the dangerous power of veto.

Those two added together, the power of patronage growing greater with each succeeding year, with the power of veto, the power to nullify what does pass in spite of his will and his influence, not to say abuse of influence and power, make him an autocrat, make him more dangerous than a crowned head, who is simply a limited monarch. It makes him more dangerous to the welfare of this people than the King of England can ever be under their constitutional arrangement. Yet, Mr. President, strange to say, within the last few days Senators have stood upon this floor and claimed that there should be added to the excessive powers of the Executive a power greater than the veto power, a power greater than patronage, that he should be given the power to borrow money without limit, the power to levy a tax without limit upon every cent of property and every individual in America.

It is the most astounding proposition that has ever been seriously advanced before any legislative body in the world. Yet we

see Senators to-day standing on this floor and defending the President and the veto power who yesterday advocated placing in his hands the unlimited power to borrow money, to place debt upon the people, to raise revenue, and then expend it without consulting the people. There is not to-day a government on the topside of this earth, whether a republic or a constitutional monarchy, that allows in the hands of its executive, without the will of their legislative branch of the government, the power that is in the hands of ours.

The Senator from New York, however, says that the President of the United States in vetoing the bill does not place it on constitutional grounds. If the forefathers were right, that is the only way he should use it. It never was supposed that it would be used in any other way, except possibly to correct obvious blunders that were made without due deliberation. The Senator says that the President vetoes the bill on the ground of economy. The idea of the Senator from New York—the man who has not stood for economy, the man who has supported and defended the action of the Administration in turning over unwisely, needlessly $27,000,000 as a bonus to the gold ring within the last year—speaking of economy! The idea that an Executive who through folly, if nothing worse, has taken that much money from the people and put that much taxes upon the people and turned it over as a free gift, for that is what it amounts to, to the gold ring of America and Europe, should veto a bill on the ground of economy! Yet the Senator now rises and says that this bill, carrying only the sum of $17,000,000 for this year, must be vetoed on the ground of economy. I should have thought that the Senator from New York would have got somebody else to say that for him.

The $17,000,000 that the bill will carry for this year, according to his own statement, goes where? It goes nearer to the people, it goes nearer to the homes and firesides of our people, than any other money of equal amount that this Congress has appropriated or will appropriate this session. It goes not only to break down the barriers to commerce, it goes not only to open the gates of commerce between the States and other countries, but it goes to open up an avenue for transportation to our farmers and laborers and wealth producers in every section, and peculiarly in those sections where they have no railroad transportation. It opens up an avenue of commerce for the corn farmer, who tills the lowlands along the river banks, and who can not get his corn to market, his only product to raise money, if he must haul it, or if he must depend upon railroad transportation.

The Senator from New York says that President Jackson vetoed a river and harbor bill, and that President Cleveland is simply following Jackson's lead. This is an unfortunate reference, both for the President and for the Senator from New York. He must be ignorant of the fact that Jackson vetoed the bank bill and fought bravely the gold ring. Let the Senator from New York and the President also emulate the example of Jackson in this very important respect. Such action on their part would be both patriotic and timely now.

Mr. President, instead of it being an objection to this bill that improvements are not even in every State, I wish to say the only objection that could possibly be made, and the only regret we should have in making the river and harbor appropriations, is that we have not rivers open for commerce in every State of the Union and to every quarter of the country where the people could be benefited equally by river and harbor improvements. I would that there were water transportation in every State and every neighborhood in this whole country, and that we could spend money judiciously to improve that means of transportation, not only to give the people the benefit of God's highway, but to act as a check and balance upon our great railroad corporations; not to rob them of a living, but to make them live and let live, to make them charge fair rates and fair ones only; to solve, if possible, the problem that railroad commissions have not solved; to solve, if possible, the problem that the Interstate Commerce Commission has not solved and never will solve; to solve, if possible, the problem that never in my opinion can be solved in but one way, and that is for the iron highways to be used as common highways for people, as the rivers and the oceans are used, to be used as a public highway, as a public function for the public good.

My good friend the Senator from Tennessee [Mr. BATE] says that he is afraid there is something behind this bill. He fears our Republican friends are getting ready to manufacture an excuse for a big tariff bill next year. He says he is afraid that we will be giving Mr. Cleveland an excuse for another bond issue. In answer to that I wish to say that this body has done its duty. We passed yesterday a bill to prevent a further issue of bonds. The House of Representatives should do its duty and restore the legislative power of this Government to the people, where it belongs. But shall we stand here, timid and afraid—shall we refuse to make appropriations where they ought to be made because forsooth an Executive who seems to desire to serve the gold ring every chance he gets will borrow gold for that purpose? I say, if there is no way to stop this wrong but by an object lesson, then let us do our duty in improvements; let us do our duty in appropriations; and if the President, who has vetoed the bill, desires to resort to the issuance of bonds to raise money for these improvements out of his delicate, sensitive desire to obey the will of the people as expressed in this bill, then if he can stand it the people will stand it till they have put another House of Representatives in the other end of this Capitol and have elected a different kind of man for President.

During the next campaign this Democratic President of yours [turning to Senator GALLINGER and the Republican side]—you have adopted him—will issue more bonds if your House, which is defending him and helping him in his ruinous policy, does not stop him. When he does, then your men in the other House, who are now defending him, can no longer abuse him, as you did in the last campaign. Half the Republican Congressmen at the other end of the Capitol abused President Cleveland in the last campaign for issuing bonds. They denounced his methods, and they were elected largely on it.

Now, I wish to say to you that if you want to see a Republican House, you had better go and pray with them not to act as you have done here, but get them to pass that antibond bill. Yes, the responsibility rests there, and I say to the Senator from Tennessee, if he stands with me and with others on this question as he did yesterday, let us place that responsibility there; let us allow the people to place it there, as they will next November. Let us draw the issue squarely.

Now, as to our Republican friends having an excuse to frame a big tariff, I want to say that I am in favor of that question and all others being settled by the people and Congress. If the people, before they cast their votes next November, looking the situation in the face, decide that they want so much money for such a purpose and that the way to get it is by a high protective tariff, whether it meets my will or not, I shall bow to the will of the American people. There is no objection to a tariff if it is justly levied and if the resulting benefits are fairly and equitably distributed between the different sections and the different industries in each section. But I want to see the question settled by Congress and not by the Executive. Let Congress come together in special session or in regular session; let it decide how money shall be raised; let it decide whether by bonds, whether by tariff, whether by income taxes, whether by other means; let it decide, also, whether or not it will give the people an opportunity and the ability to pay taxes when it levies them; let the whole situation be before them; and the whole situation will be before them. Men will be in the next Congress who will view both questions together, and before they tax the people more by borrowing money or by tariff they will see that the people have the ability to pay those taxes.

Then, I say to the Senator from Tennessee and those who feel as he does on this question, let us not shirk our duty in this matter for fear the Republicans may have a campaign issue. Let us be merciful toward them, because they have an issue before them greater than the tariff, which they can not dodge. They have an issue before them which they must face squarely; it is the financial question; and the voters of this country from now on will take sides on that dividing line. I am willing to stand with the majority that is opposed to the gold ring. I am willing to help that majority which stands opposed to them in legislation and to bow to the will of that majority on other questions which is opposed to Tory methods and opposed to English rule. If that should mean a higher tariff or a lower tariff, and there is no other solution, it would be the lesser of the evils.

In conclusion, I wish to say that I believe in economy. I would rather, in the condition of our people as a rule, cut down expenses than increase taxes for any purpose, unless it be a case of absolute necessity. But I believe that the measure now before the body is one that will unlock money that is now piled up in the Treasury, which the President himself tells us can not be used for preserving the public credit. The President tells us himself that it makes no difference how much revenue he has, so long as he maintains the gold standard he must borrow money. The Senator from Michigan [Mr. BURROWS] admitted the same thing yesterday evening. Therefore the money that is in the Treasury to-day can not help the people of America, its credit or its prosperity, until it is in circulation. When it is in circulation, provided it goes for a good purpose, provided it goes for a purpose that enables the people to prosper and to pay more taxes, if necessary, they are better off, if it is used judiciously, and then pay taxes to put the same money back, because they will have a profit left to themselves. Yes, I believe in economy in the public service, though not niggardly economy; but I do not consider it economy to refuse to do what is necessary for commerce, what is necessary for a large portion of our people, simply for the fear that the President may issue bonds or that the Republicans may have a campaign issue. It is not statesmanship. It is not wise. I had almost said it is hardly patriotic.

On the ground of economy only, if I could be convinced that it is best, then I should vote against the measure; but I believe it

would be false economy. Therefore I shall vote to sustain the bill. I shall not vote to sustain the veto message, and I believe it is the duty of every Senator, unless he favors the veto power and the way it has been used, whether he is for this bill or against it, to vote to sustain the majority who favor and have passed this bill. Let every Senator here who was fairly beaten on the vote of a majority vote now with the majority, simply because he believes in majority rule; simply because he believes in the rule of the people, and not in the rule of the Executive. I say it is the duty of every American Senator to vote in this case with the majority, to show his faith in the majority of the American people and in the majority of this legislative branch, and to show that he does not approve of legislation by the Executive and by veto messages. If I had voted against the bill when it passed, I should vote to-day to sustain it, because a majority of the Senate is for it, and I am opposed to sustaining the veto power when so used.

The VICE-PRESIDENT. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding? The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BURROWS (when his name was called). I am paired with the senior Senator from Louisiana [Mr. BLANCHARD]. If I could be assured how he would vote——

Mr. FAULKNER. He would vote "yea."

Mr. BURROWS. I am assured that he would vote "yea." I will therefore vote. I vote "yea."

Mr. PASCO (when Mr. CALL's name was called). My colleague [Mr. CALL] is paired with the Senator from Vermont [Mr. PROCTOR]. If my colleague were present, he would vote "yea."

Mr. QUAY (when Mr. CAMERON's name was called). I desire to announce that my colleague [Mr. CAMERON], on this question, in conjunction with the Senator from New Jersey [Mr. SEWELL], is paired with the Senator from Tennessee [Mr. HARRIS]. My colleague and the Senator from New Jersey would vote "yea" if present. The Senator from Tennessee, I understand, would vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. GRAY], but I believe if he were present he would vote "yea" on this question, and I therefore vote "yea."

Mr. ELKINS. I wish to state to the Senator that I was paired with the Senator from Delaware [Mr. GRAY].

Mr. CULLOM. I understand that the Senator from Delaware is paired with the Senator from West Virginia [Mr. ELKINS], and I will therefore let my vote stand.

Mr. ELKINS (when his name was called). I transfer my pair with the Senator from Delaware [Mr. GRAY] to the Senator from Kansas [Mr. BAKER], and I vote "yea." The Senator from Delaware would vote "nay" if present.

Mr. GEAR (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. GORDON], but knowing he would vote as I do on this question, I vote "yea."

Mr. BACON. I will state that if my colleague [Mr. GORDON] were present he would vote "yea."

Mr. HARRIS (when his name was called). On this question I have a pair with the senior Senator from Pennsylvania [Mr. CAMERON] and the junior Senator from New Jersey [Mr. SEWELL], each of whom would vote "yea" if present, I am informed, and I should have voted "nay" if not paired.

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL], but as we agree on this question I vote "yea."

Mr. MORRILL (when his name was called). I am paired on this question with the Senator from Kentucky [Mr. BLACKBURN] and the Senator from Louisiana [Mr. BLANCHARD]. If I were not so paired I should vote "nay."

Mr. PERKINS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. ROACH], but as he would vote in the affirmative upon this question if present, I vote "yea."

Mr. PROCTOR (when his name was called). I have a general pair with the Senator from Florida [Mr. CALL]. If he were present I should vote "nay."

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR], who I understand would vote "yea" if present, and I give the same vote.

Mr. SQUIRE (when his name was called). I have a general pair with the Senator from Virginia [Mr. DANIEL]. I feel quite sure that he would vote "yea" if present, but in order to obviate any possible misunderstanding, I will transfer the pair to the Senator from Wyoming [Mr. CLARK], so that the pair will stand between the Senator from Virginia and the Senator from Wyoming, and I vote "yea."

Mr. TILLMAN (when his name was called). Understanding that the Senator from Nebraska [Mr. THURSTON], with whom I am paired, would vote for the passage of the bill over the veto if present, I vote "yea."

The roll call was concluded.

Mr. CULLOM. A few moments ago I stated that the Senator from Delaware [Mr. GRAY] would have supported the bill against the veto. I am now informed that that Senator is opposed to the bill. I make this statement because I was entirely misled as to his position, and I do not want anything to go upon the record that looks as if I were stating his position incorrectly.

Mr. ALLISON. I have a general pair with the Senator from Missouri [Mr. COCKRELL], who is absent, necessarily, but he informed me before leaving the Senate that if here he would vote for the passage of the bill, and that he would have a pair arranged with some other Senator. I do not know whether such a pair has been arranged.

Mr. PASCO. The Senator from Missouri [Mr. COCKRELL] is paired with the Senator from Illinois [Mr. PALMER].

Mr. ALLISON. Very well. Then I vote "yea."

Mr. BROWN. On this question I am paired with the Senator from Maine [Mr. FRYE] and the Senator from Michigan [Mr. MCMILLAN]. If they were here, they would both vote "yea" and I should vote "nay."

Mr. CLARK. I heard a moment ago a Senator making a pair in my name. I desire to say that I wish to vote upon this question, and that I vote "yea."

Mr. SQUIRE. Inasmuch as the Senator from Wyoming [Mr. CLARK] is present, I am requested by those on the Democratic side having charge of the pairs to substitute the Senator from Louisiana [Mr. CAFFERY] for the Senator from Wyoming [Mr. CLARK]; so that the Senator from Louisiana will stand paired with the Senator from Virginia [Mr. DANIEL], and I will let my vote stand. I also wish to state that if the Senator from Louisiana were here I am informed he would vote "yea." He is detained from the Senate by reason of sickness.

Mr. PALMER (after having voted in the negative). Since I have voted the Senator from Florida [Mr. PASCO] reminds me that I made an arrangement with the Senator from Missouri [Mr. COCKRELL] to pair with him. I therefore withdraw my vote. I am very much obliged to the Senator for reminding me of it.

Mr. PASCO. I desire to announce that the Senator from Louisiana [Mr. BLANCHARD] is absent from the city. His pair with the Senator from Vermont [Mr. MORRILL] has already been announced. If the Senator from Louisiana were present, he would vote "yea."

Mr. PEFFER. I ask that the pairs be announced. I want to see that my colleague [Mr. BAKER] is protected.

Mr. HARRIS. Before that is done, I desire to suggest that upon a question like this, where one negative is equal to two affirmative votes, the announcement of a single pair seems to me to fall a little short of the rule that should prevail. Of course the result in this case would not be changed even though the strictest rule should be observed, nor is it a question for the Chair to take any action upon. I simply desire to say that I think upon questions such as this it would be a wise and better policy for the Senate to observe the strict constitutional rule in respect to pairs.

Mr. PASCO. Having charge of the pairs upon this side, I wish to state that this is generally a matter of individual arrangement. Where it has been otherwise, we have arranged it in the way the Senator from Tennessee [Mr. HARRIS] suggests, but there are some six, eight, or ten friends of this measure for whom we have been unable to obtain pairs.

Mr. CHANDLER. This question arose on the 2d of August, 1882, when the President pro tempore of the Senate declared the Chair recognized the pairs as Senators announced them. I dislike to interrupt the Senator, but certainly debate is not in order on this question. That can come afterwards.

Mr. TELLER, Mr. VEST, and others. Regular order.

The VICE-PRESIDENT. The Chair will recognize the request of the Senator from Kansas. Will the Senator again renew his request?

Mr. PEFFER. The request was that the pairs might be announced. My object in making the request is that I want to know whether the Senator from South Dakota [Mr. KYLE] and my colleague [Mr. BAKER] are protected. I do not care myself particularly about the other pairs.

The VICE-PRESIDENT. It can only be done by unanimous consent. If there be no objection, the Reporter will announce the pairs, at the request of the Senator from Kansas.

Mr. FAULKNER. I will state to the Senator from Kansas that his colleague [Mr. BAKER] is paired with the Senator from Delaware [Mr. GRAY].

Mr. PEFFER. I do not know but that the Senator from Delaware would vote the same way.

Mr. ALDRICH. He would vote "nay."

Mr. FAULKNER. The Senator from Delaware would vote "nay" on this proposition and the junior Senator from Kansas [Mr. BAKER] would vote "yea."

The VICE-PRESIDENT. Is that statement satisfactory to the Senator from Kansas?

Mr. PEFFER. It is satisfactory so far as my colleague is concerned. How about the pair of the Senator from South Dakota [Mr. KYLE]?

Mr. BATE. I think the pairs ought to be announced.

The VICE-PRESIDENT. Is there objection?

Mr. WILSON. I object.

Mr. JONES of Arkansas. Let the result of the vote be announced.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kansas? If there is objection, the announcement of the vote will be made.

Mr. JONES of Arkansas. I object.

The VICE-PRESIDENT. Objection is made. The Chair will announce the result.

The result was announced—yeas 56, nays 5; as follows:

YEAS—56.

Aldrich,	Elkins,	McBride,	Sherman,
Allison,	Faulkner,	Mills,	Shoup,
Bacon,	Gallinger,	Mitchell, Oreg.	Squire,
Berry,	Gear,	Mitchell, Wis.	Stewart,
Brice,	George,	Morgan,	Teller,
Burrows,	Gibson,	Nelson,	Tillman,
Butler,	Gorman,	Pasco,	Turpie,
Cannon,	Hale,	Peffer,	Vest,
Carter,	Hansbrough,	Perkins,	Walthall,
Chandler,	Hawley,	Pettigrew,	Warren,
Clark,	Jones, Ark.	Platt,	Wetmore,
Cullom,	Jones, Nev.	Pritchard,	White,
Davis,	Lindsay,	Pugh,	Wilson,
Dubois,	Lodge,	Quay,	Wolcott.

NAYS—5.

Bate,	Hill,	Smith,	Vilas.
Chilton,			

NOT VOTING—23.

Allen,	Cameron,	Hoar,	Murphy,
Baker,	Cockrell,	Irby,	Palmer,
Blackburn,	Daniel,	Kyle,	Proctor,
Blanchard,	Frye,	McMillan,	Roach,
Brown,	Gordon,	Mantle,	Sewell,
Caffery,	Gray,	Martin,	Thurston,
Call,	Harris,	Morrill,	Voorhees.

So the bill was passed, two-thirds of the Senators present having voted in the affirmative.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the second committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes; further insisted upon its disagreement to the amendments to the bill numbered 32, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, and 52; asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BOUTELLE, Mr. ROBINSON of Pennsylvania, and Mr. CUMMINGS managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8109) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8293) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes; receded from its disagreement to the amendments numbered 27, 207, and 208, and agrees to the same with amendment in which it requested the concurrence of the Senate; further insisted upon its disagreement to the amendments numbered 14, 24, 25, 30, 31, 37, 74, 79, 80, 81, 82, 83, 103, 104, 105, 106, 122, 137, 147, 148, 190, 192, and 200 to the bill; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. ARNOLD of Rhode Island, and Mr. SAYERS managers at the conference on the part of the House.

The message also announced that the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes, reported that, having met, after full and free conference were unable to agree; the House insisted upon its disagreement to the amendment of the Senate to the bill, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CURTIS of Iowa, Mr. MILNES, and Mr. HULING managers at the conference on the part of the House.

The message also announced that the House had passed a concurrent resolution to print 10,000 copies each of the majority and minority reports of the Committee on Ways and Means concerning reciprocity and commercial treaties, etc.; in which it requested the concurrence of the Senate.

REGULATIONS CONCERNING FILLED CHEESE.

Mr. SHERMAN. I call for the regular order.

The VICE-PRESIDENT. The Chair lays before the Senate the regular order, the title of which will be stated.

The SECRETARY. A bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of filled cheese.

Mr. SHERMAN. Mr. President, I will ask the unanimous consent of the Senate to take the vote upon the bill—it will require but a single vote—in one hour from this time, or at any particular hour this evening that may be named.

The VICE-PRESIDENT. The Chair will submit to the Senate the request of the Senator from Ohio. The Senator from Ohio asks unanimous consent that the vote be taken on the pending bill one hour from this time. Is there objection?

Mr. VEST. I can not agree to that.

Mr. SHERMAN. Will the Senator fix an hour?

Mr. VEST. I do not want to fix any hour, because the bill is now the regular order, and the Senator will get a vote upon it without any agreement. I will not make any agreement about it.

Mr. HALE. Mr. President, I rise to a privileged report.

The VICE-PRESIDENT. The Chair will recognize the Senator from Maine in a moment.

Mr. SHERMAN. I understood, if others did not, that at the close of the debate upon the bond bill the filled-cheese bill should be disposed of—that one bill should follow the other. It may be that the Senator from Missouri did not so understand it.

Mr. VEST. The Senator from Iowa [Mr. ALLISON] is present and can state. He made the motion yesterday evening that the filled-cheese bill be made the special order and carried that vote.

Mr. VILAS. I ask the Senator from Ohio to observe that the Senator from Missouri [Mr. VEST] says there will be a vote on the bill.

Mr. VEST. Of course there will be a vote. We are not filibustering against the bill. We could beat it if we chose by filibustering, but we do not intend to do so.

NAVAL APPROPRIATION BILL.

Mr. HALE. I present the report of the conference committee on the naval appropriation bill.

The VICE-PRESIDENT. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 53.

That the House recede from its disagreement to the amendments of the Senate numbered 33, 34, 35, 36, 37, and 38, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Restore the matter stricken out by said Senate amendment; and the Senate agree to the same.

On the amendments of the Senate numbered 32, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, and 52 the committee of conference have been unable to agree.

EUGENE HALE,
M. S. QUAY,
A. P. GORMAN,
Managers on the part of the Senate.

C. A. BOUTELLE,
JOHN B. ROBINSON,
AMOS J. CUMMINGS,
Managers on the part of the House.

Mr. HALE. The Senator from New Hampshire [Mr. CHANDLER] desires to submit some remarks.

Mr. CHANDLER. Mr. President, I desire to take the floor upon the pending subject, but before speaking I should like to have the Senator from Maine state explicitly, so that the subject of debate may be understood, what matters have been adjusted and what matters are still in controversy between the Senate and House committees.

Mr. HALE. The only subjects-matter that are in controversy are in relation to the number of new ships and certain provisions with reference to their construction, the places where they shall be built, and the limitations, all involved in the one question of how many ships shall be built. The other question which remains open is upon the price of armor plate for the contemplated ships. All other subjects-matter have been adjusted and agreed to and are in the report, which I ask may be adopted, and then the matters in controversy will stand open.

The PRESIDING OFFICER (Mr. PLATT in the chair). The question is on concurring in the report of the conference committee.

The report was concurred in.

Mr. PRITCHARD. I ask leave at this time to make a report from a committee.

Mr. HALE. Let us have the regular order, Mr. President.

The PRESIDING OFFICER. The Senator from Maine demands the regular order.

Mr. SHERMAN. The regular order is the filled-cheese bill.

Mr. HALE. Not at present. The conference report is privileged.

Mr. NELSON. I rise to a point of order. When the Senator from Ohio [Mr. SHERMAN] had the floor and called up the filled-cheese bill, can anybody take him off the floor by a conference report or any other report?

The PRESIDING OFFICER. The present occupant of the chair was not in the chair at the time the bill was called up.

Mr. SHERMAN. The Senate can not take up the conference report except upon motion.

Mr. CHANDLER. I wish to make a suggestion to the Senator from Ohio.

Mr. HALE. A conference report is in order at any time.

Mr. SHERMAN. It is in order to move to take it up, but not to take it up.

Mr. HALE. It is in order to present it at any time. If the question of consideration is raised by anybody opposing it, that question can be submitted to the Senate; but a conference report can be made at any time, and can only be displaced or got out of the way on the question of consideration being made against it. I suppose the Chair recognizes that.

Mr. CHANDLER. If the Senator from Ohio will listen to me one moment, I hope that we may avoid either a vote or a decision of the Chair on the question of order. There are two members of the Naval Committee who wish to speak upon this conference report, who are obliged to leave the city this afternoon, and it was my intention to ask the Senator from South Dakota with reference to the Indian appropriation conference report, and the Senator from Ohio with reference to the filled-cheese bill, that debate upon this conference report might be allowed to go on this afternoon for the convenience of those two Senators. Of course the filled-cheese bill will not be displaced, as it is the regular order.

Mr. SHERMAN. According to my view, at least, it seems not to have been so considered by others. It was understood that after the bond bill was disposed of the filled-cheese bill should next be disposed of. The accommodation of two Senators at this period of time who want to go out of the city does not weigh with me a feather. I think every member of the Senate at this stage of the session ought to be here, and therefore that is not a good ground for the postponement of the bill.

Mr. CHANDLER. I took an active interest myself yesterday afternoon, as the Senator from Iowa [Mr. ALLISON] knows—when the Senator from Ohio was not here, and had gone away when he ought to have been in his place, as he says of other Senators—to get up the filled-cheese bill. The Senator from Iowa only asked that it might be taken up and made the unfinished business. The Senator from Ohio is accommodated every afternoon when he goes away, and he ought to be willing to accommodate two other Senators who want to go away for a day or two.

Mr. SHERMAN. The filled-cheese bill has been debated to some extent, and I do not understand that anyone wishes to speak upon it except the Senator from Missouri [Mr. VEST], who has a right to be heard, and I think he ought to be heard now. It does seem to me now that we ought to proceed regularly. Last evening the filled-cheese bill was made the order of business, and the unfinished business coming over to-day. I intended to call it up this morning before the hour of 1 o'clock, but was unable to do so.

Mr. CHANDLER. The Senator knows that a conference report has precedence over the unfinished business.

Mr. SHERMAN. That depends on the vote of the Senate.

Mr. CHANDLER. Undoubtedly.

Mr. ALLISON. Mr. President, I am very anxious that the filled-cheese bill should be passed, and I think it ought to pass at the earliest moment; yet I do think that where there are conference reports on appropriation bills they ought to be considered, especially where there are no agreements, in order that we may get them in position for further agreements. I had hoped, as the Senator from Ohio hopes, that there would be no further debate upon the filled-cheese bill, at least no prolonged debate, and I do not see how there can be. I was anxious that that bill should be made the unfinished business, so that nothing could intervene except conference reports. That is my desire now, and I should be glad if the Senator from Ohio would give way, as he can give way from time to time, to conference reports. I do not wish to endanger the bill.

Mr. VEST. Allow me to say a word.

Mr. SHERMAN. Upon the statement of the Senator from Iowa, I will be very glad to carry out his wishes, as the filled-cheese bill was upon his motion made the unfinished business. Therefore I have no objection to his proposition so far as the naval appropriation bill is concerned. Then I hope the filled-cheese bill will be taken up, retaining its place as the unfinished business.

Mr. ALLISON. It will retain its place.

Mr. VEST. I want to say one word. I have been sitting here listening rather impatiently to these statements about the absolute necessity of rushing the filled-cheese bill through the Senate. The bill came here with a majority of the Finance Committee against it. Two of the Senators on the committee—if I may be permitted to speak of what happened in committee—after an adverse vote on the bill, agreed rather reluctantly, as they stated, to allow the bill to be reported; but there was a majority of the Finance Committee who declared themselves against it. There are more than twenty of us, without speaking accurately, who believe the bill to be unconstitutional. I have myself fought that sort of legislation for fifteen years in the shape of the oleomargarine bill and all kindred bills. I have no more doubt about its unconstitutionality than that I am here now a member of this body. With those convictions we could defeat the bill, as every intelligent man knows, under the rules of the Senate, but we have decided not to filibuster against it, but to allow a fair vote to be taken; and whilst I have spoken without any unnecessary prolixity, simply stating my position and that of the Senators who agree with me, and whilst I have spoken a very short time, less than a half hour, then the morning hour expired and took me off the floor, to which I did not object, and we have not made the slightest attempt to delay action upon the bill, it is thrust upon us now at every moment, it seems to me, during the day. "The filled-cheese bill." "The filled-cheese bill must be passed." It seems that it is enough for us to state that we are willing, after a fair discussion and after stating our position, which we have a right to do and will do, as a matter of course, to allow a vote to be taken under the rules of the Senate as the regular order; that that should be enough; and I am a little tired of having this thing thrust on me every hour in the day and the demand made that the filled-cheese bill shall take the place of all other legislation, when I believe it is rather the worst bill we have had here this session.

Mr. CHANDLER and Mr. PETTIGREW addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

Mr. CHANDLER. I yield to the Senator from South Dakota, who desires to make a statement in reference to the order of business.

Mr. PETTIGREW. I think that as soon as the pending conference report is disposed of I shall ask the Senate to take up the other conference report in regard to the Indian appropriation bill. I can see plainly that the filled-cheese bill will occupy a good deal of time, and it is important before we adjourn to dispose of the Indian appropriation bill.

Mr. HALE. I make the formal motion, customary in such cases, the conference report on the naval appropriation bill having been concurred in, that the Senate further insist upon its amendments disagreed to by the House and agree to the conference asked for by the House, the conferees to be appointed by the Chair.

The PRESIDING OFFICER. The question is before the Senate.

Mr. CHANDLER. Mr. President, it is not my intention, as the Senator from Ohio [Mr. SHERMAN] kindly assents to allow the consideration of this conference report to proceed, to take up the time of the Senate at any great length. I hope to state very briefly my position with reference to the remaining points of disagreement between the Senate and the House of Representatives, and I believe that the debate upon the conference report can be kept within reasonable limits.

As to the first question, whether there shall be four battle ships or two, I do not regard it as of great importance. There has been a disposition to make the authorization of four battle ships or of two battle ships at this session a matter of great public moment. I desire to call the attention of my friend from Maryland [Mr. GORMAN] to my statement. I do not consider that the naval appropriation bill involves the whole financial policy of the Government; neither do I think that questions of patriotism are to be decided according as we vote for two or four battle ships at the present session.

There has been a disposition to make this question something more than a mere matter of business details. For instance, I have heard elsewhere the Senator from Texas [Mr. MILLS] criticised because he is an ardent friend of Cuba, almost willing, perhaps entirely willing, that the United States should recognize the independence of Cuba, and yet voted for two battle ships at this session instead of four, as if the Senator was inconsistent in so doing. I did not so regard the Senator from Texas.

Mr. MILLS. If the Senator from New Hampshire can give me any guaranty that these vessels shall be used in aid of the independence of Cuba I will vote for four, five, or six or them.

Mr. CHANDLER. I will say to the Senator that I think myself it will not make any difference in the settlement of the pending Cuban question whether we authorize four battle ships or two battle ships at this time, and therefore the Senator from Texas did not abate any of his sympathy with Cuba by voting for two battle ships instead of four battle ships.

Mr. President, I did not vote for two battle ships. My vote counted in favor of four battle ships, as I was paired on the question. But I do not see myself, as a mere business proposition,

what difference it makes whether we authorize four battle ships now, or whether we authorize two now and two next winter. The facts are that the Secretary of the Navy has only within a few days made a contract for the *Kentucky* and *Kearsarge*. I have the contract for the armor for those vessels in my hand. It appears that the Government has nine months in which to prepare the specifications for the armor. After that the contractor is to furnish the armor at the rate of 300 tons a month, provided that the final detailed drawings are furnished within six months. So the armor for the *Kentucky* and the *Kearsarge* doubtless will not be furnished before one year from the 1st day of July of this year. If two more battle ships are authorized, and the same kind of a contract is made, the armor for those ships is not likely to be furnished until two years from the 1st day of July; and if we authorize two more battle ships next winter the contractors for the armor are likely to furnish that armor just as expeditiously as if we authorize the four battle ships at this time.

Now, I object to having this mere question of detail made a test of the patriotism of Senators or made a test of their disposition to continue the reconstruction of the Navy.

Mr. President, I am in favor of the construction of two battle ships a year for the next ten years. As I now view the subject, in the light of the debate that has taken place, I am not in favor of the construction of four battle ships in any one year. Therefore I am content with the vote of the Senate and shall be entirely satisfied if the Senate insists upon that vote, and more than satisfied if the conference committee insists in its conferences with the Representatives of the House upon two battle ships rather than four battle ships. I resist the argument that anything more is involved in the question of the authorization of two or four battle ships at this time than a mere business question, to be settled according to ordinary business principles, and I repeat it need make, and in all probability will make, no difference whatever as to the time in which the third pair of battle ships shall be finished whether they are authorized now or authorized next winter.

Next, Mr. President, as to the limitation which the Senate has put upon the cost of armor for the battle ships. The provision is that unless the Secretary of the Navy can make a contract for the armor for an average price of $350 per ton he shall make no contract, but shall report the bids to Congress. I am confirmed by the lapse of time in the judgment that that is a wise provision which the Senate has inserted in the bill. I hope that the Senate will insist upon that provision. I hope that the Senate conferees will not consent to recede from that provision.

The Senate Committee on Naval Affairs made quite a careful but not exhaustive examination of the question of the cost of armor. According to the testimony before the committee the cost of armor is not over $300 per ton. It appeared before the committee that the Bethlehem Iron Company had made a contract with the Russian Government to furnish them armor at $300 per ton. It was the testimony of the experts who appeared before the committee, who were willing to testify as to the cost of armor, that $300 a ton was a full price, so far as the material and the labor were concerned, for such armor as is placed upon these vessels. In view of the testimony, which stood uncontradicted before the committee, it was the opinion of the committee that we ought not to go on any longer paying $500 and $550 per ton for armor.

Mr. HAWLEY. If the Senator from New Hampshire will allow me to interrupt him, I should like a little explanation. It is well known, of course, that it makes a very great difference whether a concern of that sort has continuous work, for it has very costly machinery and many very skillful workmen, whom it is not easy to collect at wide intervals. Did the committee take into consideration or did the company make representation that they are not certain of continuous employment for a series of years? It would make quite a difference, I know, with ordinary manufacturing concerns if that should not be the case.

Mr. CHANDLER. The suggestions made by the Senator from Connecticut are quite pertinent to the issue. The fact of the uncertainty as to the quantity of armor to be furnished was called to the attention of the committee; was considered by the committee. The representatives of the two concerns made, I will say, a fair appearance before the committee. They said that if they could have a guaranty for continuous work for a considerable number of years they would make a large reduction in the price. The committee were not able to give them any assurance on that point. I suppose the Government is not willing at this time to make a large contract for armor. I would myself be willing that the Government should make a ten-year contract for armor at the rate of 3,000 tons a year, which would be, speaking generally, what I have suggested, the armor for two battle ships a year. Reckoning about 3,000 tons of armor for the battle ships, with 30,000 tons we could go on for ten years. Congress has authorized no contract of that kind, but we were impressed with certain facts in reference to the past which I will state to the Senate as to the prices that have been hitherto paid.

Mr. HAWLEY rose.

Mr. CHANDLER. I yield to the Senator from Connecticut.

Mr. HAWLEY. I want to suggest that I hardly think it safe to make a contract for ten years for anything known to mechanics, because with the ingenuity of the American workman he is always getting out something new. We may want to change our style of armor in less than ten years. Five years would be long enough.

Mr. CHANDLER. I will say to the Senator a contract would be made which would cover all those points. I would have been willing myself to make contracts with these two establishments extending over a period of ten years, the contract subject to change according to circumstances; but nothing of the kind seemed likely to be consented to by Congress. The facts that appeared to the committee were that the Bethlehem Company has received, or will have received when the existing contracts are fulfilled, $6,423,156.27 for 10,086 tons of armor. The Carnegie Company will have received for 8,865 tons of armor $5,353,614.29. Taking that quantity of armor, the 10,000 tons furnished by Bethlehem, estimated at $300 a ton, which is $50 a ton less than the limitation proposed by the Naval Committee, and the cost of the armor was $3,000,000. Estimate the value of the plant of the Bethlehem Company at three and a half million dollars—and, as will be seen, that is a million dollars more than the cost of the Carnegie plant—the total expenditure of the Bethlehem Company to produce the 10,000 tons of armor and for that plant was $6,500,000, while they will have received $6,423,156.27. In other words, dealing in round numbers, we have already paid to the Bethlehem Company the cost of producing 10,000 tons of armor, and we have paid them all the money which the whole plant for making the armor has cost them.

And so with the Carnegie Company. The 8,800 tons of armor at $300 a ton is $2,640,000. The cost of the plant, as stated by Mr. Carnegie—the amount charged to construction—was $2,500,000. That makes $5,100,000, and they have already received $5,353,614,29. In other words, we have paid them all the armor has cost them and we have paid them every dollar which their plant has cost them.

While this investigation has been going on the Secretary of the Navy has made new contracts with the Carnegie Company and the Bethlehem Company for 3,000 tons more of armor at about $500 a ton.

Under these circumstances, with the facts clearly before us and not denied that armor does not cost more than $300 a ton, in view of the fact that the Bethlehem Company have made foreign contracts of $300 a ton, and in view of the further fact, which appears in the testimony before the committee, that even the foreign armor manufacturers, who are in a combine with the armor manufacturers in this country to keep the price of armor up to $500 a ton, make a price for armor at $300 a ton for the foreign trade, the committee felt that they were called upon to put some limitation upon the cost of the armor. Therefore they said, not that these contracts should not go forward at a greater price than $350 a ton, but that unless the Secretary could make a contract for the armor for these two or four ships at an average price of $350 a ton he should make no contract prior to the first Monday in December next, but should report the bids to Congress.

Mr. GORMAN. Would it interrupt the Senator from New Hampshire for me to ask him a question?

Mr. CHANDLER. Not at all. I desire to be interrupted.

Mr. GORMAN. The Senator is perfectly familiar with the testimony taken by the Committee on Naval Affairs, and he states very positively that $300 a ton is a fair price for this armor. I should like to have the Senator enlighten me and the Senate as well by telling us upon what information that statement is based, upon whose testimony, or is it admitted by the manufacturers as well as the experts? In other words, I should like, before the Senator leaves the question——

Mr. CHANDLER. The manufacturers tell us nothing about it. The testimony before us is this: First, the foreign bid at $300 a ton or thereabouts. Secretary Herbert said that he understood the price was as low as $250 a ton. The manufacturers themselves were not pressed to show us the cost of the armor. We felt delicate about pressing it, and we felt especially delicate, as the Senator knows, about pressing the retired naval officers upon the list of the Navy who were in the employ of these manufacturers. But we did take the testimony of our two experts, Commander Horace Elmer and Lieutenant-Commander Rodgers. I will read from the testimony taken by the committee on page 309 as to the price of armor for naval vessels:

Mr. ELMER. I can not see how that armor can cost the Carnegie Steel Company more than $250 a ton anyway—that is, leaving out all interest in the plant, or how much the plant cost, or how much there is of wear and tear. I merely take the basis of the metal to begin with, and go through the whole process to the end.

Senator SMITH. Outside of the question of capital invested and the wear and tear of machinery?

Mr. ELMER. Outside the question of wear and tear.

Senator TILLMAN. To make that fuller, let me ask you, in the event of the Government establishing its own plant where there was another plant equally as well equipped in existence, do you think that the Government itself or

the proprietors of the other plant could make for $250 a ton the armor for which we are now paying $500 a ton?

Mr. ELMER. Do you mean to exclude the idea of the cost of the plant?

Senator TILLMAN. I am speaking about a plant duplicating the one which now exists at Carnegie's works. Would the necessary skilled labor and the material and the supervision entail a cost in producing armor of more than $250 a ton?

Mr. ELMER. I do not think so.

That is the testimony of Commander Horace Elmer. On page 325 the Senator from Maryland will find the testimony of Lieutenant-Commander Rodgers.

Mr. GORMAN. I merely wanted to understand the question. Has Commander Elmer, in the opinion of the Senator, sufficient information as to the cost of producing the armor to give his opinion the slightest weight?

Mr. CHANDLER. The Senator from Maryland will allow me first to state the testimony of Lieutenant-Commander Rodgers, and then I will answer that question. I read on page 325:

Mr. RODGERS. I have no knowledge about the cost of manufacture of the armor, hearsay or otherwise, except from estimates I have made of the cost of labor and material. These estimates were made from a slight amount of information received from sources outside of the Bethlehem Iron Company's works, from the records of my office, from personal observation, and guesswork. The estimates probably lack accuracy in nearly every essential feature, and I am unable to make up my mind as to the probable error; but assuming that my estimates are correct, I am of the opinion that the average cost of labor and material will not be more than $250 per ton of armor.

Now, the Senator asks me whether I think——

Mr. LINDSAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Kentucky?

Mr. CHANDLER. Certainly.

Mr. LINDSAY. I ask the Senator from New Hampshire if the committee has any information as to what similar armor costs the French and British Governments?

Mr. CHANDLER. I will say to the Senator from Kentucky that we have, and that, as I stated a little while ago, they keep up the price to $500 a ton and make the price for the foreign trade $300 a ton. I say further to the Senator, what other members of the Naval Committee will testify to, that the price is kept up to $500 a ton by reason of a close combine of the foreign manufacturers of armor, into which combine have recently been taken the two armor establishments in this country. So, in my judgment, the establishments abroad and the establishments in this country are charging their respective governments $500 and $550 and $600 a ton for Harveyized armor which costs them for labor and material not over $300 a ton, in all human probability not over $250 a ton, for labor and material.

Mr. President, that is the evidence upon which the committee acted. The manufacturers knew that this question was under investigation and they could have submitted to us any evidence which they had desired to submit. In the face of this combination, in the face of this fact——

Mr. LINDSAY. I will ask the Senator from New Hampshire another question. He states that the home manufacturers export armor and sell it for $300 a ton. To whom do they sell? What foreign market have they if there is a combination between the foreign manufacturers and the home manufacturers?

Mr. CHANDLER. I am very much obliged to the Senator from Kentucky for asking the question, because it requires me to state what I understand to be the exact facts. The Bethlehem Company went abroad in order to break into the foreign market and to secure admission to the foreign combination. They bid for armor for a foreign government at $300 a ton and obtained the contract. Thereupon there was, of course, more or less commotion among the foreign manufacturers abroad, who were in a combination among themselves, but had not anticipated this American inroad into their field. The result was, as the Committee on Naval Affairs believe, a close combination was made between the two American establishments and the foreign establishments, and now the price of armor is again raised to $500 a ton. Have I made the statement so that it is intelligible to the Senator from Kentucky? That is our belief, I will say to the Senator. As long as there was competition or wherever there was competition the price of armor went down to $300 a ton. Whenever competition was destroyed by combination—the Senator is familiar with the principle—the price of armor went up and is now reestablished; and notwithstanding the fact that we have paid to the Bethlehem Company and to the Carnegie Company, over and above the cost of producing their armor, a sum equal to the whole value of their plant, the only reduction that the Secretary of the Navy could obtain from these two concerns, who are in combination now and not in competition, was a reduction of $50 a ton. Under these circumstances, with the evidence satisfactory to our minds that from $250 to $300 a ton was the cost of armor, in the face of the fact that the Secretary of the Navy, as to the *Kentucky* and the *Kearsarge*, had only been able to get a reduction of the price of armor from $550 down to $500 a ton, we felt that we would be derelict in our duty if we did not insist upon the limitation which was proposed by the committee and which went upon the bill without objection from any Senator on this floor.

Now, Mr. President, if we intend to surrender to this foreign and home combination and to pay as much a pound for the armor that goes on the outside of our battle ships as we do for highly and elaborately finished cannon, then we will recede from the amendment.

But if we intend to exercise the power of Congress and to perform the duty of Congress to extricate the Navy Department from the clutches of this great combination, then we will insist upon the limitation which the Senate, without objection, put upon the bill.

Mr. LODGE. Mr. President, I supposed the Senator from Pennsylvania [Mr. QUAY], whom I do not now see in his seat, was going to make a motion in regard to receding from the amendment as to battle ships. I understand there are two subjects, the battle ships and the armor plate, disagreed to.

Mr. HALE. All the other amendments have been adjusted. There are several amendments, as I stated before, connected with the battle ships, as to where they shall be built, the limitations, etc., but they all go with the question of ships. They can easily be adjusted if the number of ships is fixed.

Mr. LODGE. Mr. President, in regard to the matter of fixing the price of armor plate, I have no desire to make any motion. It seems to me wise to fix a price in the bill, although I am inclined to think the price as originally fixed in the Senate is too low. But it can be easily raised and agreed upon in conference.

But in regard to the battle ships, I trust the Senate will now be ready to recede and to accept the bill as it came from the House. The House, or a large portion of it, at the outset of this session, as also a large number in the Senate, desired very strongly to have six ships, and the House accepted four only by the advice of the House Committee on Naval Affairs. It is not an excessive authorization. On the contrary, it is a moderate one, in my judgment. The battle ships are part and parcel of the general system of coast defense. We must have proper coast defenses. We must have a proper Navy if we are to put the United States in a proper position of defense. We need coast defenses to protect our navy-yards as well as our ports, and we need to have battle ships because they can be used to defend the whole range of coast.

I do not think it is necessary to go over all the arguments that have been made in this regard, but when we read, as we may have read within the week, in the British publication the Broad Arrow, which is a military and naval publication of wide circulation, and represents the views of the British army, that a war is sure to come to the United States, when we see that it is proposed in England to add to the immense line of fortifications which they have drawn around our coast, additional fortifications at Newfoundland, it seems to me that these menacing facts ought to awaken in us a very keen sense of the necessity of putting our coasts in a proper condition of defense against any enemy.

There is not the slightest danger of the United States ever getting into any war with anybody if we have a sufficient Navy and proper coast defenses. The only thing that could ever plunge this country into the calamity of war would be the temptation offered to a foreign power by our exposed coasts and our weak naval force. Four battle ships is a trifling authorization. They voted in England this year the largest credit they have ever voted for their navy, and it is not three years since they voted ten millions sterling to build battle ships, and here we are haggling over two ships.

We have passed the great river and harbor bill over the President's veto. We have adopted all the proper and reasonable appropriations for the conduct of the Government. There is absolutely nothing that is so important to the United States, to its peace, prosperity, and welfare, as a proper system of coast defenses, and yet that is the only point which has been selected for economy, as I pointed out before when this bill was up.

I have no desire to detain the Senate by entering at length into this question, but I think it must be obvious to Senators who have followed the drift of foreign discussion during the past winter that the United States must look now, as we always have looked, to her own resources and her own strength for her peace and safety. With the exception of Russia, there is not a country in Europe which is not hostile to the United States whenever she seeks to vindicate a single one of her interests. It has been apparent throughout in the tone of the European press this year. We stand alone, and we stand of necessity alone. As was written many years ago by Dr. Holmes to Mr. Motley, at that time minister to England, we stand alone because our very existence is a menace to the principles on which foreign governments are for the most part founded. It is not our aggressions that anger them, for we make none. It is the fact that they dislike and distrust and hate the principles of free government on which the United States have been built up. They are jealous of our success and fear our rivalry in trade industries and commerce.

If we stand alone in the world, as we necessarily do, it is preeminently our duty to take care of our interests and to see to it

that we are in a position where we can command peace. As I have already said, there never will be the slightest danger of war to the United States except from the temptation which an impotent and weak Navy and a coast naked of defense will offer to the nations of Europe.

I shall not make the motion to recede from the amendment as to battle ships, because I see the Senator from Pennsylvania, who is a member of the Committee on Appropriations and of the conference, has returned, and I will leave it to him.

Mr. QUAY obtained the floor.

Mr. MORGAN. Will the Senator from Pennsylvania yield to me to submit a resolution to go over?

Mr. QUAY. Certainly.

CAPTURE OF THE COMPETITOR.

Mr. MORGAN. I desire to present a resolution for the purpose of having it printed. I ask that it may lie upon the table until to-morrow.

The PRESIDING OFFICER. Does the Senator from Alabama desire to have the resolution read?

Mr. MORGAN. If it is printed, I do not care about its being read.

Mr. HALE. What is the resolution? I do not wish to consent to its being introduced until I can hear it read.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent to submit a resolution which will be read for information.

The Secretary read as follows:

Resolved, That the Senate, being informed by common rumor, and by testimony taken by the Committee on Foreign Relations, that a vessel of the United States called the *Competitor* has been captured by a Spanish ship of war, and that one or more citizens of the United States were captured on board said vessel, and have been tried and condemned to death by a military tribunal in Cuba, and are now in prison, at Habana, awaiting the execution of the sentence. And the Senate having instructed said committee to inquire into and make report respecting the rights of said citizens, under the treaties existing between the United States and Spain, and under the laws of nations, the President is requested, in conformity with section 2001 of the Revised Statutes, to inform the Senate whether any such capture has been made by a Spanish war ship, and whether any citizen of the United States has been captured on or near such vessel, and "has been unjustly deprived of his liberty by or under the authority of" the Government of Spain, and whether the President forthwith demanded of Spain the reasons of such imprisonment, and, if such imprisonment is unlawful, and if such sentence to death violates the laws of nations, or the treaties with Spain, whether the President has demanded the release of such citizens.

And that the President communicate to the Senate all the facts and proceedings relative to such capture, sentence, and imprisonment of such citizens, as soon as practicable, in accordance with the statute in such cases made and provided, as follows:

"SEC. 2000. All naturalized citizens of the United States, while in foreign countries, are entitled to and shall receive from the Government the same protection of persons and property which is accorded to native-born citizen.

"SEC. 2001. Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty, by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall, as soon as practicable, be communicated by the President to Congress."

Mr. HALE. I will object for the present. I wish to examine the resolution in order to see if it has the usual clauses.

The PRESIDING OFFICER. The Senator from Maine objects to the presentation of the resolution.

Mr. HALE. I object to its presentation for the present.

The PRESIDING OFFICER. The Chair supposes it requires unanimous consent to present the resolution at this time.

NAVAL APPROPRIATION BILL.

The Senate resumed the consideration of the disagreeing votes of the two Houses upon the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes.

Mr. QUAY. I make the motion indicated by the Senator from Massachusetts, that the Senate recede from its amendment to the bill striking out the word "four," in the section, the number of which I have forgotten, and inserting "two," reducing the number of battle ships to be constructed from four to two. I do that, as probably the Senator from Maine has mentioned, for the reason that the House having twice voted upon this question, its members of our committee conceive themselves to be strictly instructed upon the subject. On the other hand, but one vote has been taken in the Senate, in which a very meager majority was secured for the amendment. I have reason to believe that if the Senate will either one way or the other signify its judgment in relation to the number of battle ships the committee can reach a conclusion.

I understand that the question upon the other amendment relating to armor plate has been discussed during my absence. That depends to a large extent upon the result of the vote as to the battle ships. When the number of battle ships is determined I think the committee can reach a conclusion as to the value of armor plate. The amendment of the Senate limiting it to $350 a ton to my mind means the absolute construction of no battle ships. But I do not care to advert to that question now, unless it is discussed in other quarters. I should like to have a vote testifying the sense of the Senate as to the number of battle ships.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that the Senate recede from its amendment providing for two battle ships instead of four.

Mr. BACON. I understand the suggestion of the Senator from Pennsylvania to be that the debate as to armor plate shall be pretermitted. Am I correct?

Mr. QUAY. I suggest that the amendment as to armor plate shall go back, as it depends to a large extent upon the result of a test vote as to battle ships.

Mr. BACON. I have no objection to that direction, but as I shall probably be absent when the matter comes back I desire to occupy the attention of the Senate for four or five minutes in giving some reasons why I think the amendment should be insisted upon by the Senate, and it is only on account of my prospective absence that I propose now to do so.

Mr. QUAY. If the Senator from Georgia proposes to enter into that subject, I may as well, inasmuch as I have the floor, say a few words upon the point of division between the two Houses.

Mr. BACON. Certainly.

Mr. QUAY. Mr. President, it is eight or ten years since the Government of the United States contracted with the Bethlehem Iron Company for furnishing armor plate for United States vessels. The enterprise was new and experimental. At the solicitation of the then Secretary of the Navy the Bethlehem Iron Company agreed to enter upon the construction of armor plate. The Government is the only customer in this country for that ware. A very expensive plant was necessary, which the corporation proceeded to construct. The testimony taken before the Naval Committee shows that the cost of the plant in 1890 was $2,500,000, and by 1896, when the president of the company appeared before the Naval Committee, it ran up to $4,500,000, or in that neighborhood. The plant is worthless to the company for any use except that of manufacturing armor plate, for which the Government is the only customer.

The Bethlehem Iron Company, under contract with the Government, has furnished since the completion of the plant up to the present time between ten and eleven thousand tons of armor plate. I have not here the average figures of the contract of the Bethlehem Company with the Government. In 1890 or later they failed to supply the demand, and at the request of the then Secretary of the Navy the Carnegie Company established a plant. In its construction they had for their instruction the experience of the Bethlehem Iron Company, and the actual cost, according to the testimony before the Naval Committee, was about $1,000,000 less. I think the testimony showed—and if I am wrong the Senator from New Hampshire [Mr. CHANDLER] will correct me—that the actual cost of the plant was about $3,000,000.

Mr. CHANDLER. The Senator from Pennsylvania will excuse me. Mr. Carnegie said that up to that time they had charged to construction $2,500,000.

Mr. QUAY. I will read in a moment what Mr. Carnegie did actually say. Here is the reply of Mr. Carnegie to a question of the chairman of the Naval Committee upon that point. I read from page 7 of the printed statement of Mr. Carnegie:

The CHAIRMAN. What amount have you estimated that you have spent for this purpose to compare with Bethlehem—

That is, the other company.

Mr. CARNEGIE. About $3,000,000 for such additions as were necessary to our preexisting steel-making plant; we had nothing to spend for making the steel for armor. Our books show $2,500,000 and something over, I think, but we charged nothing for the land, nothing for the connections; we charged nothing for water, for light, or for superintendence, or for anything like that, because we had all those things. Half a million would not cover what we supplied beyond the $2,500,000.

The CHAIRMAN. The actual cost was about $2,500,000?

Mr. CARNEGIE. The actual cash expenditure, and what we ourselves contributed, as just explained, making three millions.

That I estimate as fixing the cost of the Carnegie plant. Under contract with the Government from that day to this the Carnegie Company, according to the testimony taken before the committee, has furnished 8,865 tons of armor. These are the statistics as to the cost of the plant and the quantity of armor furnished.

I understand the question raised here is, what amount of profit has been derived by these corporations from the armor they have delivered? Before the Naval Committee it was testified by the Government inspectors at each of these plants that the actual cost of each ton of armor, taking the labor and material represented, without any profit, was about $250. The total cost, therefore, of the 11,000 tons furnished by the Bethlehem Iron Company would be $2,750,000. That is, the company has actually paid out that much money upon the armor it has furnished for labor and material. Its plant, as I said before, cost $4,000,000, making a total of $6,750,000 for the actual cost of the plant and the armor furnished. To

that interest ought to be added. To show exactly what the Bethlehem Company is out until to-day on its contract with the Government interest should be added upon the plant and upon the labor and material to the extent of the money paid for them. At 5 per cent per annum interest on the plant alone would amount to $2,000,000. But I put it at a low estimate, $1,000,000, making the total cost of the plant and armor furnished $7,750,000. The Bethlehem Company has received from the Government in all up to this date $6,110,314, leaving the corporation actually out of pocket to-day $1,631,686.

The Carnegie Company, as I said before, invested in its plant $3,000,000. The cost of the armor which it furnished, 8,865 tons, at $250 a ton, is $2,216,250, making a total investment by the Carnegie Company in cash of $5,216,250. Estimating interest as in the other case, there is due them on their outlay $750,000, making a total of $5,966,250. They have received from the Government up to date $4,940,021, making a total balance in their favor, for actual cash outlay, of $1,026,229; that is, admitting the actual cost of the armor to be $250 a ton, which the corporations do not admit as the actual cost of material and labor without profit, and allowing nothing for the wear and tear of the plant, which they declare has to be supplied once at least in every ten years. Taking the interest and the loss on the plant, if they are correct, those items alone will amount to $200 a ton upon all the armor they furnish.

The question here is how much these corporations have made, and whether they are making too much on the armor they are now delivering. Instead of having made anything, I have shown they are out over $3,000,000 in cash. As to what the actual profit is upon the armor they are now delivering, I do not know; but it seems to me that the Government and the corporations ought not to be restricted in their contracts until these corporations, which have invested this money at the instance of the Government, have at least gotten it back; and they ought to get it back with a fair profit before we undertake to take from them the right to bid at fair figures. My own belief is that if the amendment is insisted upon there will be no battle ships built. The corporations would be willing to-day to turn over their plants to the Government at cost, with a fair interest on the money they have expended.

Mr. QUAY subsequently said: I omitted at the time I had the floor to ask to have printed the testimony of Mr. Carnegie before the Committee on Naval Affairs as part of my remarks. I now make that request.

The PRESIDING OFFICER. It will be so ordered, in the absence of objection.

The testimony referred to is as follows:

PRICES OF ARMOR FOR NAVAL VESSELS.

Statement of Andrew Carnegie in relation to prices paid for armor for vessels of the Navy before the Committee on Naval Affairs of the United States Senate February 8, 1896.

The CHAIRMAN. Mr. Carnegie, we desire generally the same information from you as to your works that Mr. Wharton has given us in respect to Bethlehem.

Mr. CARNEGIE. Mr. Chairman and gentlemen, then I can only corroborate what Mr. Wharton has said. Our own experience in the manufacture of armor corresponds exactly with his. We were nearer toward making armor than the Bethlehem Iron Company, having very powerful machinery for our own business, but we declined to go into its manufacture when invited by Secretary Whitney. We declined to Secretary Tracy, his successor. My judgment never was in favor of going into the armor business. I knew it could never be a safe, permanent, and profitable business. It has not been as profitable as several departments of our own business, even in proportion to capital invested, and it requires infinite care, skill, and constant attention. That gentleman [pointing to Mr. Tracy] and the President of the United States are responsible for forcing us into the making of armor. If it had not been for a telegram received when I was abroad, stating that Secretary Tracy had requested us to do so, as our duty, to help the United States Government out of its difficulty when its ships were standing in the stocks and it could not get armor, you would never have found the Carnegie Steel Company engaged in the manufacture of armor.

The CHAIRMAN. You did so because of the failure of the Bethlehem Company to fulfill their contract?

Mr. CARNEGIE. It was only a delay, not a failure.

The CHAIRMAN. It was an inability.

Mr. CARNEGIE. No; the Bethlehem Company were too sanguine. They did not know so much about armor making as I think I did. I had often visited the European works, and nothing could have induced me to go into the manufacture of armor plate as a money-making business. If we had put the money we have in the armor plant to-day and the time and skill into our own regular business, we could have made much more money than we have made, and we would have had no trouble.

We sometimes make 150,000 tons of steel per month, and the petty 300 tons of armor that we make gives us more trouble than all the 150,000 tons. It takes the best brains and the unremitting attention of the staff away from our business, and I have never ceased to regret the day that we were called upon to undertake the task.

Senator HALE. Why did you go into it?

Mr. CARNEGIE. Because the President of the United States and the Secretary of the Navy had told us that the United States Government was in a difficulty, and if the President of the United States were to ask me to-day to double our armor plant, I would do it. If he were to ask me to go to Kamchatka for the United States, I would do it. I never went into this business for money. I knew better.

Senator HALE. It was because of your patriotism?

Mr. CARNEGIE. Yes, sir; just, Mr. Senator, as you would obey the wish of the Commander-in-Chief of the United States, the President, if he told you that you were the only person that could serve your country. Mr. Tracy can tell you how often we declined. Secretary Whitney can tell you also. But when we did go into it I personally took up the matter with our partner, Mr. Lander. We visited the tool makers of Europe, contracted for tools nearly completed, paying a bonus to those entitled to get them. Three sets of men began work at our works, eight hours each, never stopping even Sundays or Sunday nights. We rushed everything, and in twelve months—November to November—after the contract was signed we delivered the armor. Had we done what we did for any European Government, a peerage or the Legion of Honor would have been offered to us.

Ex-Secretary TRACY. I have said, Mr. Carnegie, that I did not recall how the first interview between Mr. Abbott and myself came about. Have you any information on the subject? If you have, I wish you would give it to the committee. You know what occurred at the Department.

Senator HALE. What brought you to Washington?

Ex-Secretary TRACY. Do you recollect?

Mr. CARNEGIE. I remember the first time Mr. Secretary Tracy spoke to me in Washington about the matter. You said, "How is it, Carnegie, that we can not get steel that will stand our specifications except from you?" I said, "Mr. Secretary, because nobody in the world has machinery powerful enough to make it except ourselves. We have the most powerful mill in the world."

Ex-Secretary TRACY. I remember that statement.

Mr. CARNEGIE. You then said to me, "We are getting into a hole about armor. I can not get it. If we can not get it you will have to do the best you can to get the Government of the United States out of trouble." Did you not, Mr. Tracy? I left you, and when I was abroad I got a telegram from Mr. Abbott advising me that you had sent for him—he was then our chairman—and wanted us to help the Government out of its trouble and go into the manufacture of armor. Mr. Blaine also spoke to me about it, and said it was feared there would not be a ship finished during the Administration of President Harrison. I believe the Cabinet congratulated Secretary Tracy upon the bargain that he had made which brought us into the armor business.

Mr. Chairman, one reason why armor making is not profitable is that we get only about 3,000 tons a year. We have $3,000,000 invested in the plant. We have to stop that plant every now and then for five or six months, but interest and maintenance run on, and some of our best men we must keep. Our men have just been scattered for six months now. We took a contract from the Russian Government for 1,000 tons of armor, and that has kept them running a few months, but in three weeks from now part of them will be out of work, and all of them will be idle again three months, for it will be three months before we get a chance to make armor plate for any of the new battle ships, and no concern—Senator SMITH, you are a manufacturer and know that this is true—can be successful or make money under such circumstances.

When Secretary Tracy asked us to go into the making of armor and we had reluctantly consented, it was a question of price, and we said that we could take no advantage of the Government's necessities. Whatever was the price paid the Bethlehem Company, which was the lowest bidder in competition, there being three parties in all, was our price. It was exactly the English price, as near as I could figure it.

I was amazed that the Bethlehem Iron Company bid at such a price, for armor making is largely a question of labor, and we ought to have 30 per cent more for armor in this country than they get in England, as skilled labor costs so much more. I think if the Government of the United States gets its armor at the same price as England pays it is to be congratulated. Our armor is superior to any. However, we went on. Requirement after requirement was made by the Government of the United States. The armor we are making at present costs us $105 a ton more than the armor we contracted for; not that the Government does not pay the extra cost, for it does pay it, but it costs us that much more. This causes the cost per ton to seem high, but the armor now furnished is really cheaper than the first, as its resistance is so much greater. I will just give you the items.

We contracted with Secretary Tracy to make common steel, such as Great Britain and France and Germany were getting made. It was afterwards changed to nickel. Nickel is harder. I once heard that the President said Mr. Tracy could make good bargains. He did make a good bargain with us. He allowed us only $10 a ton more to make nickel steel.

Then we go on to the Harvey process. The Secretary of the Navy wanted harveyized armor. He required us to build the furnaces for Harvey armor, which are good for nothing else in the world. We spent over $200,000 on them. Anybody else would have spent $300,000, because we had the ground, the connections, the heat, and the water, and we had our staff. We have harveyized only about 4,000 tons of armor, and if the Government adopts some other process to-morrow the Harvey furnaces are a complete loss to us; they are specially constructed for this process and are good for nothing else. The Secretary allows us $90.80 a ton for that, while the British Government allows $100 a ton for the same.

The CHAIRMAN. Just double.

Mr. CARNEGIE. Yes. They allow it in this manner: The manufacturer divides it. He says, "There is $60 a ton for the armor," for which we get $50.80. Then he charges 2 cents a pound royalty for the Harvey process; that is $40. Secretary Tracy bought the right to use the Harvey process for $100,000, and of course it does not cost the Government the royalty. But in England the manufacturers own five-sixths of the Harvey patent, and therefore, by my figuring, they get $93 net for harveyizing and we get $60. The other $7 goes to the American shareholders in Harvey patents. The British Government pays, as I have said, $100 per ton. They do not harveyize thin plates. They have not been able to do it. We are compelled to do it, and it is very difficult and costly.

Senator HALE. Deck plates, etc.?

Mr. CARNEGIE. Turret plates. It is very hard to do. Now, under the Harvey process, it takes a month to harveyize every plate.

Senator HALE. Thirty days?

Mr. CARNEGIE. Yes, sir; it takes a week to heat it in a great furnace up to the necessary temperature. It takes two weeks to harden it. It takes a week for it to cool. All our operations are delayed one month for every plate we harveyize. We are not paid fairly for this work. Thus nickel costs $10 to work over plain steel; there is $45 per ton patent royalty; total, $55. Harvey costs $50; that is $105. Then we are now required to reforge armor under our own patent. I have just received the London Engineer, which gives its annual review of naval affairs. This is the highest authority. I will not read it all, but I quote its concluding words: "Double forging has come in the United States, and this recent 'record breakers,' as they call them, have chiefly been double-forged plates of Carnegie." That is our record.

Senator HALE. You have a patent upon that process?

Mr. CARNEGIE. Yes, sir.

Senator HALE. The Corey patent?

Mr. CARNEGIE. Yes, sir; but we do not charge the Government any royalty for it. If the Government of the United States would give us what the British Government gives its armor-making plants—steady work—we should be all right. For instance, to-day you see in the papers that it has ordered five more battle ships. The British armor-plate establishments have never been out of work for I do not know how many years; I should say ten. They work night and day. One of them made 6,000 tons last year. What do we get? Scarcely anything this year.

If the Government would keep us in work 6,000 tons a year, it would be a highly profitable business; but as it is now, gentlemen, I assure you that many departments of our works are making more money and have made more

money on the capital. Note Mr. Wharton's figures: Six millions invested means annual interest $360,000. Upon 3,600 tons of armor this means $100 per ton interest cost. Assume that the Government orders armor for ten years, and then its Navy is finished; this means that $400,000 per year depreciation upon plant has to be charged—more than a second hundred dollars per ton. Because some uninformed people only see the high price per ton, and do not calculate properly, they think armor plants are extremely profitable. They are not so. Take the $3,000,000 which we are just now spending for blast furnaces. I know that investment will make more profit than the armor-plate plant, and it costs about the same. It will involve no special care, have few it any stoppages, and be in use as long as we can look ahead. It is a far more desirable investment of capital.

Senator SMITH. What is the capacity of your armor-plate establishment?

Mr. CARNEGIE. It is about the same as that of Bethlehem. The present Secretary of the Navy recently asked me how much we could do. I replied, "It is a question of money." If the Government of the United States give us 20,000 tons of armor to make, we can double the plant and furnish it before they are ready for the plate. Some one has asked to-day, I think it was Senator HALE, why we did not increase the capacity of our plants to fill the Government wants. I will take a contract to deliver all the armor that the Government wants—Bethlehem could close or Bethlehem could continue and we shut up—and make all the armor. Neither establishment can be kept more than half employed at the present rate. Another gentleman asked about the Government erecting an armor plant. Gentlemen, you can not make armor without making steel, can you?

Senator HALE. Not very well.

Mr. CARNEGIE. I wish the committee would come with me and visit the armor plant and let us show you what we have. In order to make armor plate we sometimes have an ingot weighing 150 tons; that is for the big plates we have to make. We cut off one-third from the top and one-third from the bottom of the ingot. We are now required by the contract to do it; one-third is what we are required to cut off by the contract, but we find we can not make armor plate that will break records without throwing away one-third at bottom and top. The pure, solid steel is in the center of the ingot.

We get five or six of our steel-melting furnaces running into a great pit until 150 tons are there. By an electric crane we lift 150 tons right up. That is all the Government business for two days that the plant will have to do, as a rule. If it is a 40-ton plate, we would not cast another until the third day. If you have other work for the heating furnaces, where you are making steel, it would be all right. As it is with us, we keep the furnaces and the forces busy upon general work and only cast an ingot for armor once in two or three days. That is one reason why no Government has attempted to make armor. It would have to go into the steel business. Armor making is an adjunct to a great steel-making concern. The tonnage for armor is so small, 3,000 tons in a whole year, when we make sometimes in one month 150,000 tons of steel.

The CHAIRMAN. What amount have you estimated that you have spent for this purpose to compare with Bethlehem?

Mr. CARNEGIE. About $3,000,000 for such additions as were necessary to our preexisting steel-making plant; we had nothing to spend for making the steel for armor. Our books show $2,500,000 and something over, I think, but we charged nothing for the land, nothing for the connections; we charged nothing for water, for light, or for superintendence, or for anything like that, because we had all those things. Half a million would not cover what we supplied beyond the $2,500,000.

The CHAIRMAN. The actual cost was about $2,500,000?

Mr. CARNEGIE. The actual cash expenditure, and what we ourselves contributed, as just explained, making three millions. Mr. Wharton's figures in my opinion are right. The Government would spend about $5,000,000 certainly to make a steel-making plant and an armor-plate plant for the Government. We should have to do so if we had to start de novo and were not in the steel-making business—

Senator PERKINS. It would require another million for stock.

Mr. CARNEGIE. You can not do it for $1,000,000. We have to-day in one group nearly half a million of dollars' worth of finished armor waiting test and acceptance by the Government. It takes much more capital now since everything takes one month longer for Harvey process.

The CHAIRMAN. In your judgment, then, to start an establishment for this purpose equal to yours—I do not mean the entire establishment, but simply the armor-plate plant—it would require about $10,000,000 of capital?

Mr. CARNEGIE. Five million dollars.

The CHAIRMAN. For capital and all?

Mr. CARNEGIE. Five million plant and two million capital, as Mr. Wharton says—$7,000,000.

Senator CHANDLER. What did you say about the foreign armor makers having an interest in the Harvey patent?

Mr. CARNEGIE. The continental manufacturers purchased the Harvey patent. They purchased it for $100,000 cash for Great Britain, and a sixth of the stock. Therefore, the British manufacturers have five-sixths of that stock. One hundred thousand dollars for Great Britain in proportion to the armor it makes would be equal to about $15,000 for the patent right for the United States.

Senator CHANDLER. That is the way they disposed of the Harvey patent?

Mr. CARNEGIE. Yes, sir. It is a profit to the manufacturers. They charge the British Government $40 per ton royalty and $60 as cost of the process.

Senator CHANDLER. That is about 2 cents a pound?

Mr. CARNEGIE. Yes, sir.

Senator CHANDLER. The United States, having made a contract at a half cent a pound, may be said to have bought out the patent right?

Mr. CARNEGIE. Yes, sir; the foreign manufacturers bought the patent and the United States Government bought the patent. The United States Government, I think, paid $5, or something, per ton.

Ex-Secretary TRACY. A half cent a pound.

Mr. CARNEGIE. Very well. The British Government pays 2 cents a pound to the manufacturers. We have not anything.

Senator CHANDLER. And they own five-sixths of the stock.

Mr. CARNEGIE. Yes, sir; they pay themselves back. We have no patent for which we charge the Government. We are not interested in the nickel process, or in any other patent other than our own Corey patent, which was invented in our own works.

Senator CHANDLER. How many patents have you?

Mr. CARNEGIE. Only our own patent. The Corey, as far as armor is concerned, and one for nickel.

Senator CHANDLER. How many patents are there, your own and other people's patents, on the armor that you are going to bid for, or have already bid for, to the Secretary of the Navy?

Mr. CARNEGIE. There would be the nickel patent and the Harvey patent.

Senator CHANDLER. What do you mean by nickel reforging?

Mr. CARNEGIE. No. The introduction of nickel into steel.

Senator CHANDLER. What are those patents?

Mr. CARNEGIE. The Schneider patents.

Senator CHANDLER. Then there is the Harvey process, the nickel, and the process of reforging?

Mr. CARNEGIE. Yes, sir.

Senator CHANDLER. What else is patentable, or what other patent do you use or will you use to carry out the new contract with Secretary Herbert, if one is made?

Mr. CARNEGIE. I can not recall any other important patents.

Senator CHANDLER. Those are all the patents that now occur to you?

Mr. CARNEGIE. Yes, sir.

Mr. BACON. Mr. President, I think I am perfectly safe in saying that there is no desire on the part of any member of the Committee on Naval Affairs to defeat the manufacturers of naval armor in the getting of a fair and liberal profit on the work which they do for the Government. The only thing which is desired is to prevent their getting an improper profit. The committee are probably not in a position to state what profit these gentlemen are making, but there is very grave reason for believing that the Government is being made to pay very much too high a price for this armor, and the purpose of this amendment is not to fix arbitrarily a rate at which this armor shall be paid for, but to put such an amendment on the bill as will bring to the knowledge of the Congress of the United States at the proper time and in due time the fact of what is a proper price for this armor.

The two battle ships, the *Kearsarge* and the *Kentucky*, required their armor to be furnished immediately, and therefore no delay was permissible for the purpose of gaining this information. This amendment does not apply to them. On the contrary, the committee, before this amendment was introduced into the Senate, notified the Secretary of the Navy that they did not propose to take any action which would in any manner delay his making of the contracts for the armor of these two battle ships, and the contracts have been made. The whole scope of this amendment is that the Secretary of the Navy shall not make any contracts for this armor at a rate exceeding $350 per ton, which I presume means an average. I have forgotten whether the word "average" is used.

Mr. CHANDLER. The word "average" is used.

Mr. BACON. It says an average for the battle ships to be authorized by the pending bill, and if he can not make contracts within that figure he shall report to the next session of this Congress.

The point is that it is not necessary that any contract should be made prior to that date. If contracts can be made at that figure, well and good. If not, the matter is to be reported to Congress, so that additional information, if possible, can be procured as to whether this is a proper price; and if found to be an improper price, then that such steps shall be taken by Congress as may be deemed proper to see that the Government is not required to pay an exorbitant price for this material.

The armor which the Government has heretofore bought has cost over $600 per ton. That is an enormous price to pay for iron in any shape. It is in evidence that the steel—not simply crude iron, but the steel after it has been cast into an ingot—is only worth to these people $17 per ton. Seventeen dollars a ton is what the steel is worth after it has been cast into an ingot, which is subsequently forged into armor. Now, let Senators for a moment think of the processes there must be which will raise a ton of iron or of steel from the value of $17 a ton to over $600 a ton, for that is exactly the problem that is here. The committee struggled in vain to get from anyone interested in this manufacture such information as would enable the committee to determine from their testimony whether or not the Government was paying the proper price for this material.

Now, Mr. President, it is perfectly competent for these manufacturers to ascertain within reasonable proximity to the exact truth what is the cost of this armor. I am informed, for instance, by the Senator from California [Mr. PERKINS], who is interested in large shipbuilding operations, etc., that contracts are frequently made with large manufacturers by which 10 per cent is agreed to be paid upon the actual cost for a ship that is constructed, in which is taken into consideration the value of the plant, the interest upon the money invested in the plant, the wear and tear on machinery, the actual expenditure for wages, and the cost of material. A man is selected who is put in the establishment, who keeps the time of all the laborers and mechanics who are engaged in the construction of the ship.

Mr. QUAY. Will the Senator permit me to interrupt him a moment?

Mr. BACON. Certainly.

Mr. QUAY. The Senator will remember that the Government inspectors, I think, at the Bethlehem plant and the Carnegie plant testified that the actual cost of labor and material was $250 per ton; so that the Senator can take that for a starting point as to the price.

Mr. BACON. I think if the Senator will examine the testimony he will find that he does not state it with exact accuracy; and if the Senator had been present when the testimony was given, he would have known that these officers did not intend to be understood as estimating that it would cost that sum, but they put it as an outside limit, if I recollect aright. I think they used the word "possibly."

Mr. QUAY. I have here their testimony.

Mr. BACON. Having been present when these witnesses were examined, I know that they did not assume to give with any degree of accuracy the cost. They said they had not the information that was necessary, and they did not assume to give with any degree of accuracy what the cost would be. But it is impossible, Mr. President, from any statements made by any of the officials, to add up any such amount as $250 per ton; it is impossible to calculate from any statement they gave as to the cost of material, the cost of labor, and any of these various processes, to come anywhere in the neighborhood of $250 per ton, and I do not believe it can be shown that the actual cost of labor and the actual cost of material will amount to $150. As to the cost of plant and interest upon the investment, I have nothing to say, because that we have not had sufficient information upon. But the design is that there shall be full information gotten.

I was handed by the Senator from South Carolina [Mr. TILLMAN] the testimony of these officers with reference to the cost of this material, and I was quite sure I was correct—although I have not seen the testimony for some time—in the statement that neither of the officers fixed that as the cost, but fixed that as the possible limit. The question was asked by the Senator from New Jersey in the committee of Commander Elmer:

Senator SMITH. I ask you to state the cost approximately?

Mr. ELMER. I can not see how that armor can cost the Carnegie Steel Company more than $250 a ton anyway.

That is simply putting it as an outside estimate.

The distinguished Senator from Pennsylvania [Mr. QUAY] suggests that if this amendment be adopted it will prevent any contracts for ships.

Mr. QUAY. If the Senator will permit me, I did not say that. I said it would prevent it, not that it was intended to prevent it.

Mr. BACON. It would prevent it. I possibly did not catch the exact words of the Senator. In that I think the Senator is mistaken. The contracts for those ships are made by parties who do not themselves make the armor, and that part of the construction of these ships can proceed without any contract for the armor being made. Of course, after the contracts for the construction of ships are made, if there should be more than one, the construction of those ships will be proceeded with; and when Congress meets again in December will be ample time to determine what shall be done with reference to making contracts for the armor, or whether, in case proper contracts for armor can not be made, the bill introduced by the Senator from New Jersey [Mr. SMITH] for the construction of a plant by the Government itself shall be considered. In other words, the whole purpose is to hold this thing in a position where the Government may not be required to go forward if two, three, or four ships shall be authorized, and make contracts at a figure which every member of the committee, so far as I know, who was present at this examination believed to be an exorbitant price for the armor. We may be mistaken. If we are mistaken it can be shown at the proper time, and proper contracts can be made.

The Senator from New Hampshire [Mr. CHANDLER] spoke of the fact that there was an evident combination between the manufacturers of armor plate, not only between those in this country, but between those in this country and European manufacturers. I had noticed in the newspapers some statements as to the contracts which had been made for the armor for the *Kentucky* and the *Kearsarge*, and I was somewhat struck by a fact which indicated to my mind that there was a combination, and I sent to the Navy Department and got a statement as to those two contracts. I ask that the Secretary may read the paper which I send to the desk, as I desire that it shall go into the RECORD. It is a report from the chief of the Bureau of Ordnance to the Secretary of the Navy, which the Secretary of the Navy inclosed to me in a letter from himself.

The PRESIDING OFFICER. The Secretary, without objection, will read as requested.

The Secretary read as follows:

[Memorandum for the honorable Secretary of the Navy.]

WASHINGTON, D. C., *May 26, 1896.*

The Bureau forwards herewith copies of the proposals recently submitted and accepted for armor for the *Kearsarge* and *Kentucky*. The prices are for the armor complete, except the nickel oxide to be supplied by the Department, which will increase the cost of armor by $19.60 per ton.

The Department accepted the lowest bid for each exhibit in all cases, which resulted in awarding to the Carnegie Steel Company 3,007 tons of armor, amounting to $1,660,518.20, an average cost per ton of $552.22, and to the Bethlehem Iron Company 2,653 tons, amounting to $1,462,191.80, an average cost per ton of $551.15.

The difference between the average cost for the two companies is due to the varying rates for Harveyizing thick and thin armor.

W. T. SAMPSON,
Chief of Bureau Ordnance.

Mr. BACON. The point to which I desire especially to call the attention of the Senate is the close correspondence of those two bids. As stated in the public press, one of those bids was for the armor plate for one ship, which had been accepted from the Carnegie Company, and the other was a bid for the armor for the other ship, which had been made by the Bethlehem Company and accepted. I noticed the publication in the press—I do not know whether it is correct or not, but I presume it is—gave fuller information than this memorandum does. It gave the bids. In one case the Carnegie Company bid higher for the armor of one ship than the Bethlehem Company bid for the armor of that ship, and in the other case it was exactly reversed, evidently showing the intention to be that one should get one contract and one the other, and at the same time with such very little difference in the price as that it made no substantial difference in the result to them.

Mr. CHANDLER. Has the Senator any objection to my stating here, in justice to the Secretary of the Navy, that it is not pretended that there was competition? It is admitted that there was not competition. The Secretary admitted it; the companies admitted that they were in combination; and the committee were well aware of the fact that there was no competition. The Secretary of the Navy thought he had done well for the Government under the circumstances in reducing the price of harveyized armor from an average of $600 a ton down to an average of $550. So while what the Senator states may be new to the Senate, it has been openly admitted everywhere else.

Mr. BACON. Mr. President, the Senator from New Hampshire is quite correct. The fact was apparent during the investigation before the committee.

I desire to say, in connection with what the Senator from New Hampshire has said, that I am quite sure the Secretary of the Navy has done everything he could and has accomplished all that could have been accomplished under the circumstances. But here were two battle ships already contracted for, and it was necessary that there should be contracts for the armor. There were but two concerns in this country which could make the armor; they were in combination, and the Secretary of the Navy was absolutely powerless to do more than he did, which was to get a reduction of about $50 per ton as compared with the former price.

I do not desire to go into this in detail. If this were a question as to whether or not we should fix the price, I should do so, because I believe it can be demonstrated, according to the testimony of those gentlemen before the committee, that it is an impossibility that this steel, which was worth only $17 a ton, should, by the processes of manufacture and with the addition thereto of the cost upon the plant and the interest upon it, have been brought to a cost exceeding $600 per ton. They can not specify the items of cost, either of material or of labor, which would bring it to anything in that neighborhood, or even within 50 per cent of it, in my opinion. I may be entirely wrong, but I shall not go into that now, because this amendment does not fix the price. It simply requires the Secretary of the Navy not now to make contracts at these exorbitant prices, but requires that if we can not get contracts within a limit which we think is ample for the profits to which these gentlemen are entitled, then he shall report the fact to Congress, when we shall have ample opportunity to make arrangements by which we can ascertain what is a proper price; and if that can not be done and proper contracts can not be made with them, then the question can be considered and the bill introduced by the Senator from New Jersey for the construction of a plant by the Government itself be considered.

I do not see how any harm can come to anybody by this amendment. It does not prevent a contract being made at a proper time. It simply prevents an improper contract being made now; and there is ample opportunity and will be ample time hereafter to determine whether or not these gentlemen be right or not in saying that this material is worth $600 a ton or $500 a ton, or whether we are right when we say it is an exorbitant price. That is a matter which ought to be determined by Congress before any final action is taken. The whole scope and purpose of the amendment is to prevent action until that information has been had.

Mr. GORMAN. Will the Senator permit me to ask him a question?

Mr. BACON. I yield to the Senator.

Mr. GORMAN. When this amendment was offered by the Senator from Georgia, I think, from the Committee on Naval Affairs, I only heard it read at the desk, and supposed at the time that the amendment provided that no armor or armor plate should be purchased at a rate exceeding $350 per ton of 2,240 pounds, and that it was the intention of the author of the amendment to absolutely prohibit, until the Secretary of the Navy should report to Congress, the payment of a greater price than that being paid for armor.

Mr. BACON. The Senator has the amendment before him, and can doubtless read the exact terms of it.

Mr. GORMAN. I have the amendment, but what I want to get at is whether that is the intention of the amendment. I will read it:

And provided further, That in case the Secretary of the Navy shall make separate contracts for the armor and armor plate for said battle ships, he shall not accept bids at a rate exceeding an average of $350 per ton of 2,240 pounds; and in case the said Secretary can not make contracts for said armor and armor plate within said limit, he shall delay action and report the offers made to the next session of Congress.

The criticism I have to make is that under this phraseology the Secretary of the Navy could contract with Mr. Cramp, or with the yard at Norfolk, or with the yard at San Francisco, for the construction of an entire ship, including the armor, and he would be at liberty to pay any price he saw proper, and the limitation of $350 a ton would only apply if he purchased the armor direct from the manufacturers. Is that the intention of the committee?

Mr. BACON. It is not. I think the criticism of the Senator upon the language is good criticism, and that the amendment ought to go further, and ought to prohibit the Secretary of the Navy making any contract with a party who would contract for the building of an entire ship, including the armor, unless similar estimate was put upon the armor; and I will state——

Mr. CHANDLER. Will the Senator allow me a word on that point?

Mr. BACON. Permit me to finish the sentence.

Mr. CHANDLER. Very well.

Mr. BACON. I will state that I should think it to be the undoubted duty of the Secretary of the Navy, if he were to make a contract with the Cramps or with Mr. Huntington or with anyone else for the construction of an entire ship, including the armor, to observe what is intended there to be a restriction upon him, and he would transcend his duty, or rather he would not be conforming strictly to what I should conceive to be his official duty, if he were to make a contract of that kind and failed to observe that injunction on the part of Congress.

Mr. CHANDLER. Will the Senator now allow me a moment?

Mr. QUAY. I ask the Senator to permit me to say a word.

Mr. BACON. The Senator from New Hampshire asked me to yield to him.

Mr. QUAY. My recollection is that the Secretary of the Navy, in a letter to the chairman of the Committee on Naval Affairs of the House of Representatives, called attention to this very defect in the amendment which has been referred to by the Senator from Maryland [Mr. GORMAN].

Mr. CHANDLER. I am very glad of the statement made by the Senator from Maryland and the Senator from Pennsylvania, because it gives me an opportunity to make an explanation on this point which the Senator from Georgia will recognize as correct.

Mr. BACON. The Senator from New Hampshire will remember that he drew the amendment, although I offered it.

Mr. CHANDLER. The Secretary of the Navy did write to the chairman of the House committee that there was a limitation upon him to $350 a ton if he made a separate contract for the armor, but no limitation if he made a contract for the completed ship for one sum.

The committee in the amendment which they adopted, which was moved by the Senator from Georgia by direction of the committee, adapted themselves as well as they could to the decision of the Secretary of the Navy in the *Kentucky* and *Kearsarge* case. There was brought before the Secretary the question whether he should make a contract for the whole ship for one sum with one person, or whether he should make a contract for the hull of the ship with one person and a separate contract with the armor manufacturers for the armor. After a full discussion of the question, carried on between the Chief of the Bureau of Ordnance, who advocated separate contracts, and the Chief of the Bureau of Construction, who advocated a single contract, the Secretary deliberately decided to make separate contracts for the armor, changing what had been understood to have been his previous decision. So the committee adapted themselves to the Secretary's position as well as they could.

The Secretary wrote the letter to the chairman of the House committee. Thereupon I set myself to see whether the Secretary's views could be met, and I drafted this amendment which I handed to the Senator from Maine in charge of the bill, an added clause suggested by me, as follows:

And if the Secretary in any case shall decide to make a contract for the completed ship, including armor, and the lowest bid shall exceed a fair estimated price, allowing for the finished armor said average of $350 per ton, he shall accept none of the bids, but shall report the same to Congress on the first day of its next session.

I showed this to the Secretary of the Navy. I asked him if it would be a practicable limitation. He said that it would be, because he said that in giving out the contracts the Department always make their own estimate as to the cost; that they knew the fair value of the hull of the ship, and that by adding to the estimated fair value of the hull of the ship the price of the armor at $350 a ton, they could ascertain the gross amount which would be a fair price for the ship, and could determine whether or not the bid was an exorbitant bid.

So there can be no reasonable objection made to the limitation in the two forms that are now suggested; but the committee did not in the first instance draft this, because they understood it to be the settled policy of the Secretary of the Navy to make separate contracts for armor.

Mr. HALE. And the Senate can put that amendment on the clause in the bill at any time before the bill leaves the Senate.

Mr. CHANDLER. The committee of conference can insert that provision.

Mr. QUAY. Mr. President——

Mr. BACON. If the Senator from Pennsylvania will pardon me, I have just one more sentence to utter and then I will yield the floor to him.

Mr. QUAY. I wish to call attention to another criticism which the Senator will probably deal with before he leaves the floor. The Secretary calls attention to another defect in the amendment. He says:

It is, perhaps, proper that I should also state that the amendment, as it now reads, is somewhat indefinite in another respect. The Department is forbidden, in the case mentioned, to accept bids for armor and armor plate "at a rate exceeding an average of $350 per ton." Simple steel armor can be manufactured at a very much lower price, say from 35 to 40 per cent lower than the armor which the Government is now procuring. The expense of incorporating nickel in the armor is about $11.20 per ton, exclusive of the cost of nickel oxide, which amounts to about $30 per ton. The expense of face hardening by the Harvey or similar process, or by reforging, averages about $34 per ton.

It is suggested that if the law be passed limiting the price to be paid for armor it might be well to have the law state definitely whether the price mentioned is to include the price to be paid for the armor, finished and complete, according to the requirements of the Government.

That is to say, they can get $350 armor, $250 armor, or $100 armor, but it will not be fit to send a ship into action with.

Mr. BACON. I hold in my hand copies of the bids which were accepted and which were made, the one by the Bethlehem Iron Company and the other by the Carnegie Company. I have also presented to the Senate the report to the Secretary of the Navy by Commander Sampson of the prices at which the contracts have been let. In that report the exact language is used which is used in this amendment, to wit, that they had been let at a certain average. Here are the detailed statements of the different pieces of armor. Of course the general language which was used in the amendment would apply to a condition of affairs exactly similar to that which existed at the time the contract was made for the two battle ships now being built, the *Kentucky* and the *Kearsarge*.

I think, Mr. President, if this amendment should be adopted, the purpose the committee had will be subserved, which was, if the price could not be reduced to this figure, to bring about such an investigation as would put Congress in possession of the facts as to what is a proper price to be paid for the armor.

Now, I have but one more word to say unless some gentleman desires to inquire of me further on the subject. In the progress of the investigation the committee, having this point in view, specially inquired whether it was necessary that the contract for armor for the additional battle ships should be given out prior to the next session of Congress. My recollection is that the general statement was that it would not be necessary to give out the contracts until some time in January or February. So if the matter is delayed, if there are no contracts given out between now and then, it will not delay the construction of the ships, and no hardship that I can see will come to anyone in the matter.

Mr. QUAY. It is fair that these plants, having been established at the instance of the Government, should be kept running, that they should not go to decay, and that the force of skilled laborers there employed should not be scattered. The fact is that they are in such condition that the Carnegie Iron Company can begin the manufacture of this plate at once, as soon as the limitation expires, which under the bill is one hundred and twenty days; and in six months from date the Bethlehem Iron Company can be running.

Mr. SMITH obtained the floor.

Mr. CHANDLER. I should like to say a word on that point. The Navy Department reserve nine months before they are to furnish the drawings of the armor for the *Kentucky* and *Kearsarge*, and then it will take from nine months to a year to furnish that armor. There is not the slightest possibility that within nine months or a year from this time any work will be done upon the armor of either the two or the four ships to be authorized by this bill.

Mr. HAWLEY. Yes; but——

Mr. QUAY. That depends entirely upon the rapidity with which the Navy Department complete the contracts.

The PRESIDING OFFICER. The Chair has recognized the Senator from New Jersey.

Mr. SMITH. I yield to the Senator from Connecticut.

Mr. HAWLEY. I only want to say that every business man knows it is sometimes of immense importance to a large concern like either of these to know that even nine months ahead it is going to have a hundred-thousand-dollar or a five-hundred-thousand-dollar contract.

Mr. BACON. I think it may be very safely assumed that whenever the proper price can be ascertained these parties will not only have a contract, but a contract at a liberal profit. I should favor giving them contracts above all others, and I should favor that they should have a liberal profit which, in general estimation, should exceed ordinary profits, from the fact that they are engaged in this business, in which they can have only the Government as a customer.

Mr. HAWLEY. And, I may add, they went into it at the earnest solicitation of a great mass of patriotic men, who were very much interested in seeing the work of furnishing heavy armor and heavy guns begun. They were encouraged to believe that if they would establish a plant of $2,000,000 or more they should have reasonable contracts that would be a fair return.

Mr. BACON. And I think there is every disposition to give it to them, and to give them the most liberal profit that would be deemed at all reasonable.

Mr. QUAY. I do not think the Senator from Georgia is so far apart from my position on this question. I do not wish the Government to pay exorbitant prices to either of these corporations, neither does the Senator from Georgia. But it does seem to me that before we apply a restrictive provision such as this amendment to the dealings between the Government and a corporation we ought to permit them at least to get out of the concern the money they have actually invested in it. No matter how large the profit is for the time being, the time for restriction and repression is when they are at large and out of the shackles of the Government.

Mr. SMITH. Mr. President, as a member of the Naval Committee I introduced a bill in the Senate providing that the Government should erect its own armor-plate manufactory, and from that has come the measures we are now discussing. My object in presenting the bill for the Government to erect its own armor works arose from the fact that when the Government induced the Bethlehem Iron Works and the Carnegie Iron Company to manufacture armor plate, the understanding, while not specially provided in writing, was that the price then paid to them was practically a subsidy by which the Government paid for their works over and above the actual cost, or even the cost with a fair profit added for their construction. From the figures that we compiled the members of the Naval Committee believe that the Government has carried out its part of the contract and that we have absolutely paid for the money that they have invested in their armor works.

Further proof was furnished by the fact that the Russian Government asked for a contract for armor plate. These same companies who are charging some $600 a ton to the Government of this country, after we had practically supplied the money for the erection of their plants, went abroad and furnished to foreign countries an armor plate, under the evidence we have, which was more costly than ours, at $250 a ton.

I felt that, in justice to our Government and to our people, we should at least make some effort to stop the unwarranted expenditure and the outrageous price that we were paying for this plate. The evidence that we have had furnished us is very conclusive to my mind that the cost of this plate does not exceed $200 per ton, and that when we agree to pay $350 a ton we are very liberal, liberal to such an extent that if we are to build but two ships the profits on the armor plate to these men will amount to between $600,000 and $700,000.

Mr. President, with these facts before us and with the very liberal proposition that we make of $350 a ton (because I do not want to stand on the floor of the Senate and advocate any manufacturer supplying the Government with any material at cost or without a profit), I think that we are liberal far beyond the necessities of the case.

But I recognize another fact, and the evidence is pretty conclusive, which makes me believe that we shall still be obliged to erect an armor-plate concern in this country. I am reliably informed that after the gentlemen here went abroad and broke into the combination on the other side and received a contract for them, they made a combination that not only covers the continent but covers this country, and from the bids we have just received and that have been read by the Senator from Georgia it is evident that the gentlemen here have an understanding and that perhaps it reaches abroad. But no matter whether it does or not, we owe it to ourselves to insist on this amendment as being fair and just and right. If we can not build these ships by the purchase of plate at this price then we will have ample time to order it at the fairest price at which we can obtain it. I hope that the Senate will be prepared and ready, in case these gentlemen propose to ask extortionate prices, to commence the construction of our own armor plate.

Mr. HAWLEY. Mr. President, I remember so well the discussions and the negotiations among these private parties, and investigations conducted by the Government before they began this work, that I can not help feeling very considerable interest in this debate and in these propositions.

There was a great deal of hesitation as to whether it was worth while to undertake to contract with the Government anyhow involving so heavy an investment. A contract with the Government is not an unusual thing in my part of the country for Hotchkiss guns, or Colt's pistols, or a great variety of other guns, and I am familiar with the facts and with the feelings of manufacturers. There are some of them who say they will never make another contract with the Government anyway. One reason is the annoying and small inspection, if you choose to call it so. A spit or blowhole somewhere is made the excuse for throwing away a fine piece of iron. Young men just out of the Academy go there to pass judgment upon the work of men who have been for fifty years engaged in making steel and the other processes that relate to it. The Government, in my judgment, ought to be as fair, honorable, and square with all these men as private parties are among themselves, and not take advantage of its greater power to oppress, and not insist upon unjust and illiberal terms.

When I first saw in the papers that the Bethlehem Works had made a contract with Russia I was aware that it was likely to make them some trouble. They made it at $259 a ton, made it at a loss, as it proved, and no one, I think, acquainted with the subject doubts it; but their object was twofold. One was to break into a foreign market, to get a field for their goods. The other was the common one among manufacturers, to keep good workmen together, reaching over a chasm when there was no work to be done. They then afterwards entered into competition before the Russian Government with English and French makers and got contracts at $259 a ton. That, I understand, is easily susceptible of proof.

Mr. CHANDLER. The Senator wants to understand that transaction just it was. They not only wanted to break into the foreign markets but they wanted to break into the foreign combination, and when the combination was made of foreign and American manufacturers, then they were able to force up the price on the foreign Governments, and that is the reason why the prices went back to $550 a ton. There is no doubt about that.

Mr. HAWLEY. The Senator's idea, then, is that there was a combination of Carnegie and Bethlehem with foreign makers?

Mr. CHANDLER. Undoubtedly.

Mr. HAWLEY. To force up the price?

Mr. CHANDLER. Undoubtedly there was such a combination.

Mr. QUAY. Where is the evidence of it?

Mr. HAWLEY. I do not know whether that has been proved or not. The Senator perhaps believes it, but can he prove it?

Mr. CHANDLER. I said I thought every member of the Naval Committee was convinced that there was. That is the basis upon which we have been arguing this case. So when the Senator says the price went up again to $550 a ton after they had broken into the foreign market, it went up again when they had broken into the combination and made a newer and a larger combination. That is the way we understand it. If any member of the committee understands it differently from myself he will so state.

Mr. HAWLEY. I do not understand it in that way at all. I understand it as I have stated.

Mr. QUAY. Let me ask what convinced the committee?

Mr. HAWLEY. It can not be proved, I think.

Mr. QUAY. Was there evidence of such a combination before the committee or not? I have not examined the report on that point.

Mr. CHANDLER. There was evidence before the committee that the foreign companies had taken nine-tenths of the stock in the Harvey patents. They had obtained that, I think, in connection with the American companies; and we were informed (I do not know whether it is on record or not) that the new contract with a foreign government, at about $500 a ton, which the Bethlehem Company have since received, was a contract given to them or assigned to them as a part of their share of the combine business of the armor trust.

Mr. QUAY. Who was giving this outside information to the committee?

The PRESIDING OFFICER. The question is upon the motion of the Senator from Pennsylvania that the Senate recede from amendment numbered 32, striking out "four battle ships" and inserting "two battle ships."

Mr. QUAY. Of course I make the motion for the purpose of taking the yeas and nays on this question. I ask that the vote be taken by yeas and nays.

The yeas and nays were ordered.

Mr. TILLMAN. Mr. President, as a member of the Naval Committee I have followed the investigations by which we sought to arrive at the facts and the true inwardness of this armor and its cost, and I have some very strong opinions about it. Perhaps I am so constituted that I can not have any other kind of opinions except positive ones. It is doubtless a fact that I sometimes arrive at erroneous conclusions, all of which I am willing to acknowledge.

As I understand the situation, we have a monopoly in the United States created by the Government, paid for by the Government, and yet the men who make this armor plate and who have the monopoly in the business paid for by the Government are robbing the Government to-day unmercifully.

In the first place, we have a law forbidding contracts by the Secretary of the Navy for any vessel which shall use armor not

manufactured in this country. I agree that that is patriotic and right and just. We ought to manufacture everything that we consume in this country. I am protectionist enough to go that far. It may astonish somebody to hear me say so, but I am honestly in favor of this country manufacturing everything that it consumes. But I do say that this Government ought not to be robbed by those whom it protects, and that the benefits to be derived should not go alone to the capital invested, but to the labor as well; that when they have had a reasonable protection and get a reasonable income on the capital and reasonable wages for the skilled labor that is far enough, and when we go further by our laws we just simply provide a means by which a certain class of men who are special favorites of the Government become millionaires at the expense of the taxpayers.

We are face to face with the fact that there are two armor manufactories in the United States—Carnegie and Bethlehem—and that you can not get any armor from any other factory than those two, either in the country or out of the country. The evidence is clear enough, and if anybody disputes it I want somebody to dispute the proposition which I now lay down, and which the Senator from New Jersey [Mr. SMITH] just enunciated, that the Government in making the original contracts with these armor manufacturers paid enough bonus over and above the reasonable price to pay for the factories. Does anybody dispute it?

Mr. HAWLEY. We do not know.

Mr. TILLMAN. You do not know? Well, I will let the former Secretary of the Navy, Mr. Tracy, have a word to say on that point. I ask that the Secretary read the part marked in the testimony given by him before the committee.

The PRESIDING OFFICER. The Secretary will read, without objection.

The Secretary read as follows:

Senator TILLMAN. I was absent for a few minutes, having been called out of the room unavoidably, and you may have touched upon the point; but let me ask on what, in making your contracts with the Carnegies, you based your action as to price?

Ex-Secretary TRACY. You were out, Senator. I said when I came to negotiate with Mr. Carnegie the negotiation began with Mr. Abbott, the manager of their works; and when Mr. Carnegie came into it later I started by insisting that they should reduce the price that was paid to Bethlehem. I thought that was an excessive price, and I wanted them to reduce that price.

Senator TILLMAN. Did they mention as a reason why they could not reduce the price that they would be at a great expense?

Ex-Secretary TRACY. Of course.

Senator TILLMAN. Which would have to be considered in undertaking the contract?

Ex-Secretary TRACY. Yes.

Senator TILLMAN. Did they give you any estimates?

Ex-Secretary TRACY. Oh, yes; verbally. No estimates in detail.

Senator TILLMAN. Can you recall the amount roughly, generally?

Ex-Secretary TRACY. I think it was more than $2,000,000 that they would have to expend.

Senator TILLMAN. That they would have to expend over and above their existing outlay?

Ex-Secretary TRACY. Yes.

Senator TILLMAN. Before they could make the armor?

Ex-Secretary TRACY. Yes. I will not be positive about the precise figure. However, it was a very large sum.

Senator HALE. They had a large plant for other purposes?

Ex-Secretary TRACY. They had a large plant.

Senator TILLMAN. I knew they had a large plant. I am trying to get at what ought to be the present price of armor after the Government has practically paid for these plants in the original contracts. That is the point I want to strike.

Ex-Secretary TRACY. As I stated, Mr. Carnegie said flatly, "I will make no contract unless I can have the same terms that are accorded to Bethlehem, at the same prices and substantially the same quantity of armor. If you will give me that, I will found the plant; if you do not, I will not."

Senator TILLMAN. Did your experts, those who reported to you in regard to the delay in furnishing the armor and complying with the original contract of the Bethlehem Company, ever lead you to suppose that there was any intentional procrastination?

Ex-Secretary TRACY. No; not willful.

Senator TILLMAN. Was it necessary?

Ex-Secretary TRACY. Necessary in one sense. In the founding of that plant Bethlehem sought very largely to make its own tools instead of purchasing them. Then they had made great mistakes with their hammer. No; I am not willing to charge Bethlehem at all with any willful delay. The delay was very great; but I think the Senator was out when I stated that one of the controlling factors which led me to think it desirable to found a second plant was because the experience of the English armor makers is that in their largest establishments they turn out only about 300 tons a month each, and at 300 tons a month two establishments could manufacture armor for only about two battle ships a year the size of the *Indiana*.

Senator TILLMAN. This is merely a question as to your opinion, but let me ask you whether from your intimate knowledge of the matter you have any reason to believe that those two companies are in collusion or that they at that time had an understanding with each other?

Ex-Secretary TRACY. No; not at the time of making the contract, of course. I do not want to pass upon that question. I have no evidence sufficient to justify me in saying that they were in collusion. We were required to advertise for the materials.

Senator TILLMAN. Did any other steel makers make any propositions or come to you?

Ex-Secretary TRACY. There is no one else in the country who has a plant, and so others could not compete.

Senator TILLMAN. None except Carnegie and the Bethlehem Company.

Ex-Secretary TRACY. They are the only two plants in the country that can compete.

Senator TILLMAN. Are we then to-day practically forced to buy from those two or none?

Ex-Secretary TRACY. We are.

Senator HALE. Unless we build a plant of our own?

Senator TILLMAN. Or unless there are others who would go to the expense those firms have gone to?

Ex-Secretary TRACY. Yes, sir; that is it, unless you found another plant.

Senator TILLMAN. I just want to get the idea of a monopoly or of a combine between those companies brought out prominently in the investigation.

Senator CHANDLER. Without reference to a combine, it is admitted that those two companies are the only ones now that can compete?

Senator TILLMAN. I am not speaking of the present time.

Ex-Secretary TRACY. You do not understand me as saying that there is any combine.

Senator TILLMAN. I am trying to bring out the facts that will prove that, however.

Senator HALE. At the time when, under the circumstances you have stated, you made the arrangement which resulted in the establishment of the second plant, was there anything that indicated any collusion or sympathy or correspondence between the Carnegies and the Bethlehem Company, or do you believe now that there was anything of the kind?

Ex-Secretary TRACY. No; there was nothing at the time.

Senator HALE. On the other hand, was it not considered by you that you could create an additional and rival establishment to the Bethlehem Company?

Ex-Secretary TRACY. Yes, sir. I have assumed that if this Government had followed the practice of England and appropriated $100,000,000, or even $75,000,000, to a building scheme, to be expended so much per year during a series of years, the cost of our ships in every respect could have been greatly reduced, because more people would have gone into the business of furnishing the frames of ships, the plates of ships, the decking; more men would have gone into the projectile business; more armor men would have gone into the armor business. We could really have got up an active competition under a guaranty of constant and continuous employment for a series of years. But where you ask a man to found an expensive plant, costing millions of dollars, on a very small contract, with nothing more than a mere probability that something may afterwards follow, of course he is likely to exact a much higher price for that one contract.

Senator HALE. That is true.

Ex-Secretary TRACY. I assume now that if the present Congress should authorize the building of four more battle ships in addition to the two being built, the present Secretary of the Navy could negotiate a contract for armor at considerably less than the present prices.

Mr. TILLMAN. From the statement made by the Secretary of the Navy it is very clear that when he took upon himself the responsibility of founding or attempting to found a new armor plant at Carnegie's, he hoped to get competition. We have seen that the competition is not in existence; that these people are together. We have seen that after the Government has paid an enormous price for the first contracts, aggregating something like twelve or fourteen million dollars, in which was included the cost of the factory or the additional expenditure to which they were put in order to be able to create the armor and make it, they still hold up and say, "You must now pay us just what you originally paid us. We will not reduce it." "Why?" "We have you by the throat. We have your Congress by the throat. We have men in the Senate and in the House who will stand by us. We propose to steal from this country or to take it vi et armis, by votes." That is what they say in plain English.

We will see by the vote here this evening whether the entire Naval Committee, all of us who have examined this question, four of whom have gone up to Bethlehem and seen the process, going from the creation of the Bessemer steel right on through until we came out with the finished armor plate, are to be turned down at the instigation of—I will not say who. That is it. I see that Congress is run by its committees. I have been here long enough to find that out. It seems that here is one committee which is not going to run its Department. While we are put in charge of naval matters, and are supposed to be looking after the interests of the Government and trying to protect it, we are to be overslaughed, and a committee of conference is to legislate us out, so to speak, and let the job, for it is nothing but a job, go through.

I have heard a little something about the way it was done. I am not complaining of the committee of conference, except that the proposition is made here that we shall now recede from the amendment which we passed here, and to allow the armor robbers just simply to put their hands into the pocket of the Government and steal another million or two or three or four or five. The armor for the four battle ships will cost—what is it, I ask the Senator from New Hampshire?

Mr. CHANDLER. About $3,000,000 for each pair.

Mr. TILLMAN. Three million dollars for each pair. That is $6,000,000 which we are proposing to give now by contract.

Mr. BACON. For the four vessels.

Mr. TILLMAN. At our price or their price?

Mr. BACON. The present prices.

Mr. CHANDLER. A million and a half for each battle ship.

Mr. TILLMAN. That is $6,000,000 for the four.

I contend, as a practical man—I do think I have a little common sense about how much it takes even to make steel, although I never saw a steel factory until I went to Bethlehem—and there I agree with the Senator from Georgia [Mr. BACON] that you can not possibly suggest any scheme of figuring which will make the armor cost four or five hundred dollars a ton. It is impossible. They handle great blocks of steel, 20 to 30 feet long, with the same facility and ease that a woman cuts out a dress lying on a table with a pair of scissors.

There is another aspect to this case. I have here a volume

entitled Violation of Armor Contracts—Report and Evidence before the Committee on Naval Affairs of the House for 1894. The report is too long to read, but I will ask that an extract be incorporated in my remarks:

CRIMINALITY.

If the criminality of a wrongful act is to be measured by the deliberation with which it is committed, the magnitude of the evils likely to result from its perpetration, and the want of provocation with which it is done, the frauds which your committee have found are worthy to be called crimes. The servants of the Carnegie Steel Company (whether with or without the knowledge of the company), to increase their gains, deliberately continued for many months to commit acts whose natural and probable consequence would be the sacrifice of the lives of our seamen in time of war, and with them, perhaps, the dearest interests of the nation.

The company were hired to make the best possible armor plate and paid an enormous price for so doing. They were hired to make an armor that would stand the shots of an enemy and upon which the nation might rely in time of need. They were paid between $500 and $700 a ton and thousands of dollars a plate for so doing. Resting under these obligations, the company or its servants have perpetrated manifold frauds, the natural tendency of which was to palm off upon the Government an inferior armor, whose inferiority might perchance appear only in the shock of battle, and with incalculable damage to the country.

No fine or mere money compensation is an adequate atonement for such wrongs. The commission of such frauds is a moral crime of the gravest character. Your committee do not consider it as within their province to draft a criminal statute; but they do feel under obligation to call the attention of the House to the importance of protecting in the future the interests of the Treasury, the lives of our seamen, and the safety of the nation by appropriate legislation, denouncing as crimes all such acts of fraud and deception practiced upon the Government in connection with armor plate and other material of war, and making such acts severely punishable in all persons who commit them or aid and abet their commission.

THE PLATES MUST BE TESTED.

Notwithstanding all the admissions made by the superintendents employed by the Carnegie Company, they claim that all the plates paid for by the Government are up to the specifications of the contracts. They allege that they not only made the best plate that could be made at that time, but that the plates will all surpass the minimum acceptance test required by the Government without regard to the alleged false treatment, plugging of blowholes or manipulation of tensile tests.

Paragraph 92 of the contract of February 28, 1893, states that the obligation is imposed upon the contractor to satisfy the inspector that everything has been done in strict accordance with the terms of the contract. It has been conclusively shown that the inspectors have been satisfied and the armor plates passed by the most notorious frauds. The efforts of the company, and of its superintendents, Cline, Corey, and Schwab, have been to satisfy your committee that the armor is up to the requirements of the contract, notwithstanding the false reports to inspectors, doctoring of specimens, plugging of plates, fraudulent re-treating of test plates, and "jockeying" of the testing machine. The unblushing character of the frauds to which these men have been parties, and the disregard of truth and honesty which they have shown in testifying before your committee, render them unworthy of credence.

And everything bears against their contention. It is not to be supposed that such manifold frauds were continued for so long a time without an important object to be gained. As the individual plates and the groups of plates passed in many cases by fraud, the fair conclusion is that without the frauds they would not have passed.

Two questions remain, however; first, whether, notwithstanding the frauds and the failure to attain the high standard required by the contracts, the armor is not still good steel and fair armor; and second, the extent to which the Government has been damaged by the frauds and irregularities practiced upon it.

The terms of the resolution under which your committee is acting require them to ascertain the amount of damages. It is impossible, however, for them to do this with their present powers. The only way to determine the actual condition and strength of the armor is by subjecting certain plates of the groups passed by fraud to ballistic tests. This your committee has no power to do. For the information of the House, in relation to the question of further continuing this investigation by making such ballistic tests, your committee have ascertained the whereabouts of 59 representative plates, alleged to have been falsely treated. The following table shows their weight, cost, and defects, and the ships upon which they can be found:

List of most important alleged defective plates.

MONTEREY.

Size.	Location.	No.	Weight.	Cost.	Defect.
13 inches	Belt. K. L. starboard.	X8	17.5 tons	$9,138.45	Pipe 4 feet long, page 87.
13 inches	Belt. No. 4, H. G. port.	X13	16.74 tons	8,728.94	Bad holes, page 88.
7.5 inches	After turret (porthole).	214	6.7 tons	3,929.38	Oil burnt off.
7.5 inches	do	225	9.2 tons	5,414.50	Do.

MONADNOCK.

11.5 inches	Barbette	702		$10,596.15	Changed colors; not heated; test pieces stretched, page 105.
11.5 inches		661		15,507.05	Fake treatment after bending.
11.5 inches		985		10,875.00	Test pieces stretched, page 105.
11.5 inches		669		10,727.00	Tempered, no annealing.
9 inches	Belt	448	No. 10, starboard.	7,643.00	Scrap ends only in furnace tested.
9 inches	do	473 452 486	No. 13, port No. 8, port No. 12, starboard.	6,826.86 7,855.00 8,010.00	Heated to cherry for rectification after treatment.

NEW YORK.

10 inches	Barbette	490		$9,134.00	Test pieces substituted, page 109.
10 inches	do	X56	15.491 tons	9,080.00	Annealing heat, five minutes.
10 inches	do	X57		8,992.00	Not heated for treatment.
10 inches	do	X47		9,108.00	Heated eleven hours to cherry red after tests.
10 inches		248	15.492 tons	9,081.00	In pit from bending; no other heat.
5.5 inches	Turret	2969	5.279 tons	3,094.00	Heated one end thirty minutes; forty-eight hours in pit.
5.5 inches	do	2952	6.399 tons	3,749.00	Do.
4 inches	Side	X18a X22a X19b	No. 9, starboard sponson.	2,410.00	Ends only, oil burnt off.

AMPHITRITE.

9 inches	136, belt	410	No. 13, starboard.	$6,890.00	Dipped in oil, burnt off.
9 inches	11 P, belt	397		7,662.00	Do.
9 inches	12 P, belt	420		7,758.00	Dipped in oil, ends changed.
5 inches	Belt	218		1,834.00	Dipped in oil, burnt off.

TERROR.

7 inches	Belt	492	No. 7, starboard.	$8,741.00	Ends only treated.
7 inches	do	705	No. 12, starboard.	8,023.00	Edges only heated.
7 inches	do	678	No. 6, starboard.	7,830.00	Do.

OREGON.

8 inches	Barbette	586		$8,231.00	Tempered O. K.; no annealing.
8 inches	do	583		8,214.00	One end only Bot.; other end blackened.
8 inches	do	587		8,008.00	Irregular treatment.

OLYMPIA.

Size.	Location.	No.	Weight.	Cost.	Defect.
4.5 inches	Barbette	370		$4,830.00	No treatment. Oil burnt off.
4.5 inches	do	400		4,667.00	Do.
4.5 inches	do	403		4,836.00	Do.

Four-inch casemate.

INDIANA.

Plates.	No.	Location.	Cost.	Defect.
Diagonal	222	No. 13, starboard	$2,172.00	Insufficiently heated before annealing.
Do	224	No. 15, port	2,530.00	Do.
Do	226		419.00	Fourth treatment same.
Do	233	No. 14, port	2,540.00	Edges only.
Do	237	No. 12, port	2,162.00	Ten minutes heat, thirty-six hours pit.
Side	240	No. 4, port	3,235.00	Blue heat annealed.
Do	241	No. 4, starboard	3,419.00	Do.

MASSACHUSETTS.

Diagonal	253	No. 13, starboard	$2,157.00	Not oil-tempered.
	324	No. 5, starboard	3,394.00	On fourth and fifth heat top ends only heated.
	332	No. 4, port	3,414.00	
Door	379¼	do	720.00	No treatment at all.

OREGON.

	273	No. 2, port	$3,849.00	In oil cold, burnt off.

Four-inch sponsons.

Ships.	No.	Location.	Cost.	Defect.
New York	2641	No. 7, port	$2,432.00	Ten minutes heat before annealing.
	2557	No. 5, port	2,377.00	Do.
Columbia	X19B	No. 9, starboard	2,468.00	Ends only treated.
	A284	No. 6, starboard	2,469.00	Do.
	542	No. 4, starboard	1,210.00	Do.
Minneapolis	449	No. 7, port	2,744.00	Oil burnt off.
	663	No. 6, starboard	2,444.00	Edges only for annealing.
	645	No. 3, starboard	2,444.00	Do.
Olympia	2453	Starboard after between 64 and 65.	3,117.00	Oil burnt off.
	2136	Port after between 57 and 58.	3,129.00	Do.
	472	Port forward, No. 29 frame.	3,080.00	Oil burnt off; heated to cherry after treatment.
Cincinnati	627	No. 2, starboard	2,909.00	Ends only.
	641	No. 3, port	2,909.00	Do.
Raleigh	2050	Port after board	2,830.00	Do.
	2063	Port forward board.	2,860.00	Do.

The resolution of investigation directs your committee to inquire into the condition and character of all armor plate, bolts, and other appurtenances delivered to the Government by the Carnegie Steel Company and to investigate and inquire as to what amount of inferior or damaged plate, bolts, and other appurtenances had been delivered to the Government by said company, and the amount of compensation which should be paid to the Government in settlement for such damaged or inferior armor plate, bolts, and appurtenances. The committee can go no further into this investigation without knowing the actual ballistic resistance of groups of plates passed by a test of plates that did not really represent these groups. The company has admitted this charge. If the Government is precluded from making these tests at their expense by the settlement made January 18, 1894 (see House Executive Document, Fifty-third Congress, pages 37 and 38), they must be made at the expense of the Government. Believing that a test of these plates should be made, your committee have selected the plates which, in their opinion, ought to be tested. They recommend that the money necessary for such a test be taken from any moneys heretofore appropriated for the increase of the Navy under the head of "Armor and armament." They therefore recommend the adoption of the accompanying joint resolution (H. Res. 226):

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized and directed to remove from the ships hereinafter mentioned the armor plates hereinafter mentioned, and subject said armor plates to the same ballistic tests, in every respect, as were given to the plates upon the ballistic tests of which the respective groups of armor plate containing the hereinafter mentioned plates were accepted. The armor plates to be tested, with the ships from which they are to be removed, are as follows, to wit:

From the ship *Monadnock*, the 9-inch belt plate, No. 10, starboard, manufacturing number 448;

From the monitor *Terror*, the 7-inch belt plate, No. 6, starboard, manufacturing number 678;

From the ship *Oregon*, the 8-inch barbette plate, No. 587;

From the ship *Indiana*, the 4-inch casemate diagonal plate, No. 14, port, manufacturing number 233;

From the ship *Massachusetts*, the 4-inch casemate door, No. 379¼.

Be it further resolved, That the Secretary of the Navy be, and he is hereby, authorized and directed to remove the 13-inch belt plate KL, starboard, No. X8, from the ship *Monterey*, and ascertain whether said plate contains a pipe-hole 4 feet long; and if such pipe-hole be found, the Secretary of the Navy is hereby further authorized and directed to subject the said plate to a ballistic test identical in every particular with that which was given to the plate upon the test of which the group containing the said plate, X8, was accepted, and that the first shot be placed in that part of the plate containing the pipe-hole.

The Secretary of the Navy is further requested and directed to send to the Congress a full and detailed report of the hereinbefore-directed tests as soon as may be.

The members of the Committee on Naval Affairs of the House of Representatives heretofore engaged in investigating the armor-plate frauds are hereby directed to witness, as far as possible, each of the hereinbefore-mentioned tests; and said tests are to be made at the Indian Head proving ground.

The Secretary of the Navy is authorized and directed to pay from any moneys heretofore appropriated for the increase of the Navy, under the head of armor and armament, such sums as may be necessary for the carrying out of the hereinbefore-directed tests, and for placing on the ships before mentioned other armor plates, in place of the plates removed for the purpose of being tested, as hereinbefore directed.

I will simply read a brief extract from the summing up of the Committee on Naval Affairs of the House of Representatives as to one of the armor-plate factories. Charges were made as to frauds in the manufacture of armor; that they were putting up shoddy, so to speak, if you can have shoddy steel; and the committee of the House formulated charges and sent for the experts and the employees and the bosses of the Carnegie Company, and upon their admitted statements, not denied, admitted in open court, so to speak, before the committee, the report was made. They confessed that they had put off fraudulent armor on the Government. The committee summed up in this way:

If the criminality of a wrongful act is to be measured by the deliberation with which it is committed, the magnitude of the evils likely to result from its perpetration, and the want of provocation with which it is done, the frauds which your committee have found are worthy to be called crimes. The servants of the Carnegie Steel Company (whether with or without the knowledge of the company), to increase their gains, deliberately continued for many months to commit acts whose natural and probable consequence would be the sacrifice of the lives of our seamen in time of war, and with them, perhaps, the dearest interests of the nation.

Then the committee goes on, as will be seen, and sums up, giving a list of 10 or 12 battle ships upon which this fraudulent, spongy, plugged-up armor has been put. The ships are in New York Harbor now, and when the House committee asked to have the armor taken off and tested, so as to determine whether it would stand the ballistic test, the thing died somewhere. I was told by the chairman of the committee of the House this evening that it got here at this end and died. So it died in this body, like this other thing is to die, I suppose. They admit their fraud. Yet they have so much influence with the Senate, so much influence with the Secretary of the Navy and the President, that you can not get the test made as to whether the rotten steel that they have put on those vessels will stand the test which they contracted to have it stand.

Now we are asked to give them $6,000,000 more of contracts under that system. First, it is a monopoly; secondly, that the Government pay for the plant in the first contract. Then we say, "We will let you put your fraudulent armor on us; we will let you charge what you please; we will not reduce the price." The Naval Committee is to be laughed out of court by these—shall I say attorneys? Have we a lobby here? Have we Senators who are interested in seeing these contracts given out? I only ask. I do not know.

There is another aspect to the case which I have heard since I have been in Washington, and that is in reference to the question whether we shall have four or two battle ships. I look for it, and I have been looking for it for two months—that they would settle down on three ships. Why? Because there are three shipyards, and they want another job. Each one would agree to take one ship, and they would fix up a price which would give them a handsome profit. There would be no competition, and the Government would be robbed of several millions more. If we can hold on to two ships there will be at least a struggle between the three shipyards as to which shall have them. One of them will have to go lacking, and the likelihood is that there will be actual and honest competition between them, and the Government will get some benefit from it. I have been told that if we put in four the big Philadelphia yard will take two, and the two little yards—one at San Francisco, and the other at Newport News—will take the other two. There will be no competition in that case, and there will be some more happy millionaires.

However, aside of the question whether or not there is any job in this business and whether the Government is to be robbed right here in broad daylight, while we as Senators sit and submit to it or act as though we were in collusion with somebody, is this question which appeals to me as a practical one. I went to New York last Saturday at the invitation of the zealous chairman of the Committee on Coast Defenses, to see what had been done there to protect our Manhattan gold bugs from their friends in Europe if they should get a notion to come over here and levy tribute. I spent the whole day there. I went down to Sandy Hook, where the outer line of defenses is, and what did I see? Now, pity my ignorance and my innocence. But I went into a mortar battery—16 mortars, in groups of four, down in a hole. The man who aims the mortar has to have an officer upon an eminence, who will tell him what angle to set it as regards compass, what angle to set it as to altitude, so as to try to reach a certain point, and after it has been loaded all of the cannoneers actually have to go around into a hole 50 yards away, while a man touches a button to fire these guns aimed in the dark.

That is the kind of defenses we have there. Our Army engineers say that is the modern method of defending harbors. The fact of the business is that for thirty years the United States and every other Government in the world has been spending millions and hundreds of millions of dollars on theories of war. When they come down to practical tests, as to whether their theories will pan out, I think they will find that people who go to war hereafter will have to go in sight of each other, and men will put guns up to their shoulders and do some shooting like the Confederates and the bluecoats used to do about thirty years ago.

To come back to New York, I saw a battery of five steel guns mounted at Fort Wadsworth, and there are two down at Sandy Hook. Lots of them are lying there in the sand, but there are no carriages. It will take ten or fifteen million dollars, at the lowest calculation, to put New York harbor in a defensive position. You can not protect it otherwise with England having four times the vessels you have, with guns of the caliber and four or five times the strength that you ever expect to get even. Your Navy would be the prey of the overpowering English navy, and they would steam right in and take your vessels unless you fortify some one harbor by coast defenses sufficiently to protect your Navy from the navy of England. That is your condition, and yet you want more big ships, more five and six million dollar ironclads.

We are not going to undertake to compete with England in the matter of a navy. Her vitality, her life, her existence depend upon the preservation of her supremacy on the sea, because she

would starve to death inside of two years if she could be kept from supplies from the outside. We are not in that condition. All we want is navy enough to make our flag respected wherever it may go, and if we want to defend our seacoast, as I think we ought to do; if we want something to take care of the cities which are unprotected, it ought to be by preparing batteries and steel cannon and such other appliances, even though they be mortar batteries, which will aim out of sight and shoot out of sight, and whatever modern science shall dictate as being the best system of defense. Let us spend our money on that; but to go and put out a whole pile of money is entirely wrong.

Here is $25,000,000 to be spent on these four battle ships which we are now discussing. If we are to continue that sort of thing, if we are to continue to pay these exorbitant prices to protected and monopolizing concerns, our Navy will cost twice what it ought to cost, and will be of no account when we get it. So far as defending New York is concerned, you will have to depend upon torpedoes and upon the use of dynamite to keep foreign vessels out, because we could never build vessels enough to prevent the English navy from overpowering our Navy, unless it were in a place where there would be some equality. We have no harbor now to shelter a navy; there is no place where one can hide; there is no place into which one can poke its head for safety. It is a question of practical statesmanship as to whether the Senate will spend more money for more vessels to be unprotected, or whether it will protect some one city, even though it be New York, which I do not think deserves much protection, owing to the way it is stealing from the rest of us. I am willing, however, to protect even New York, and I hope some day to see those fellows loosen their grip on the throat of this country and keep them from robbing us so badly. But it is a question of practical statesmanship as to whether we want to protect and defend our cities or whether we are going to spend the money to create a big navy which will be helpless when we have created it; helpless to protect our coast cities and helpless to protect itself.

Mr. HALE. Mr. President, it is evident that no vote can be taken to-night, as so many Senators have left the Chamber, and I move that when the Senate adjourn it be to meet at 11 o'clock to-morrow morning.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maine.

The motion was agreed to.

Mr. CULLOM. I ask leave to have a little bill taken up, which I have been solicited to have passed.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia wish to speak to the question before the Senate?

Mr. BACON. I did not know that there was a question before the Senate.

Mr. CULLOM. I hope the Senator from Georgia will allow me to have the bill to which I refer passed.

Mr. BACON. If the Senator from Illinois wants to proceed to another matter, I wish to state that I am compelled to leave here to-night, and there is a matter as to which I am very anxious to have an executive session. It will occupy but a very few moments, and I wish to move that the Senate proceed to the consideration of executive business.

Mr. HALE. Before departing from the subject-matter before the Senate, I ask unanimous consent that the conference report on the naval appropriation bill be taken up to-morrow, immediately after the routine morning business, that the debate proceed under the five-minute rule, and that the final vote be taken at half past 12, or, I will say, 12 o'clock.

Mr. STEWART and others. Say half past 12 o'clock.

Mr. HALE. I will say half past 12. That will give ample opportunity.

Mr. PASCO. Say not later than half past 12.

Mr. GORMAN. Do I understand that the Senator from Maine asks that this matter may be considered under the five-minute rule?

Mr. HALE. I incorporated that as part of my request in order that the time might not be used too much by one or two Senators, so as to give all Senators an opportunity to participate in the debate.

Mr. GORMAN. I doubt very much whether we can discuss this important question in that time.

Mr. HILL. We have discussed it pretty thoroughly, have we not, so that every Senator understands how to vote? It is time, I think, that the five-minute rule ought to be applied if we are going to get away from here this summer. It is simply a question of whether we are to have two or four battle ships. I think we can easily decide that question.

Mr. HALE. The request will apply to each amendment, and there are several. Each Senator can speak upon each amendment.

The PRESIDING OFFICER. The Chair will state the request of the Senator from Maine, which is that immediately after the routine morning business to-morrow the conference report on the naval appropriation bill shall be taken up and proceeded with under the five-minute rule, and that the final vote shall be taken not later than half past 12 o'clock.

Mr. GORMAN. I have no desire to delay the consideration of this measure, as the Senator from Maine knows perfectly well, but I doubt very much whether we can dispose of this question under the five-minute rule.

Mr. ALLISON. I suggest that the ten-minute rule be substituted.

Mr. HALE. I will accept that suggestion, and ask that the debate shall proceed under the ten-minute rule.

Mr. GORMAN. I have no objection to that.

The PRESIDING OFFICER. Is there objection?

Mr. MORGAN. I object, Mr. President.

Mr. HALE. I will name the hour of 1 o'clock instead of half past 12. That substantially gives two hours, and I think everybody will concur in that proposition.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

Mr. MORGAN. I object to it.

The PRESIDING OFFICER. There is objection.

LICENSING OF BILLIARD AND POOL TABLES.

Mr. CULLOM. Mr. President——

Mr. HARRIS. Will the Senator from Illinois permit me a moment that I may ask to have laid before the Senate a conference report, which has come over from the House of Representatives, on House bill 5490? It will take but half a minute to dispose of it.

Mr. CULLOM. I yield for a conference report.

The PRESIDING OFFICER. The Chair lays before the Senate the conference report referred to by the Senator from Tennessee [Mr. HARRIS], which will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes, having met, after full and free conference have been unable to agree.

ISHAM G. HARRIS,
GEORGE PEABODY WETMORE,
Managers on the part of the Senate.

JOSEPH W. BABCOCK,
JAMES H. HULLING,
ALFRED MILNES,
Managers on the part of the House.

Mr. HARRIS. I move that the Senate further insist upon its amendments, and agree to the further conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. HARRIS, Mr. WETMORE, and Mr. PROCTOR were appointed.

DONATION OF CONDEMNED CANNON.

Mr. MORGAN. Mr. President——

Mr. CULLOM. I have the floor, I believe. I ask unanimous consent to call up House bill 7171, which is a small bill donating condemned cannon.

Mr. MORGAN. I appeal to the Senator to yield to me for a moment until I can get a matter printed. That is all I desire.

Mr. CULLOM. I hope the Senator will wait a minute until I can get the bill to which I have referred out of the way.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 7171) authorizing and directing the Secretary of the Navy to donate 4 condemned cannon and 4 pyramids of condemned cannon balls to James T. Shields Post, No. 45, Grand Army of the Republic, of Galesburg, Knox County, Ill., and for other purposes.

Mr. CULLOM. I hope that bill may now be considered and passed.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE COMMUNICATION.

The PRESIDING OFFICER laid before the Senate a communication from the Attorney-General, in response to a resolution of the 2d instant, relative to judgments rendered in favor of claimants in Indian depredation cases by the Court of Claims, transmitting the judgment rendered in the claim of T. R. and T. P. Gossett; which was ordered to lie on the table and be printed.

REPORTS OF COMMITTEES.

Mr. HAWLEY. I have an item of morning business which I should like to get off my hands. I desire to present two favorable reports from the Committee on Naval Affairs.

The PRESIDING OFFICER. The reports will be received at this time, if there be no objection.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 2355) to correct the military record of Peter Buckley, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3206) to grant a right of way through the new Fort Bliss Military Reservation to the El Paso and Northeastern Railroad Company, reported it without amendment, and submitted a report thereon.

Mr. CHILTON. I should be glad if the Senate would give me permission to have considered at this time Senate bill 3206, to grant a right of way through the Fort Bliss Military Reservation, which has just been reported by the Senator from Connecticut [Mr. HAWLEY].

Mr. MORGAN. I can not consent to that. I have been on the floor for half an hour, and the Chair has once recognized me.

The PRESIDING OFFICER. Objection is made to the present consideration of the bill referred to by the Senator from Texas [Mr. CHILTON].

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 3755) to increase the pension of Mary C. Thompson, reported it without amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Naval Affairs, to whom was referred the bill (S. 3150) authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander, reported it without amendment, and submitted a report thereon.

Mr. PERKINS. I am instructed by the Committee on Education and Labor, to whom was referred the bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital, to report it favorably, and without amendment.

I ask that the bill which I have just reported may be substituted for Order of Business 628, being Senate bill 293, on the same subject.

The PRESIDING OFFICER. The bill reported by the Senator from California will be substituted on the Calendar for Senate bill 293, which will be indefinitely postponed, if there be no objection.

CAPTURE OF THE COMPETITOR.

Mr. MORGAN. I offer the resolution which I send to the desk, and ask that it be printed and laid on the table.

Mr. HALE. It has been already read.

Mr. MORGAN. Yes; it has been read.

The PRESIDING OFFICER. The resolution will be printed and laid on the table, in the absence of objection.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills:

A bill (S. 1342) granting a pension to Lena D. Smith;

A bill (H. R. 3582) to remove the charge of desertion now standing against Henry H. Bailey;

A bill (H. R. 5946) granting an increase of pension to Abraham H. Parker;

A bill (H. R. 6221) granting an increase of pension to Mary E. Chamberlin;

A bill (H. R. 6994) relating to the sale of gas in the District of Columbia; and

A bill (H. R. 8109) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

NAVAL APPROPRIATION BILL.

Mr. HALE. I rise to the order of business. I renew the proposition I made with reference to disposing of the conference report on the naval appropriation bill, that the report be taken up on the termination of the routine morning business to-morrow, and that the debate be continued under the five-minute rule.

Several SENATORS. Say ten minutes.

Mr. HALE. Well, I will say ten minutes to each Senator upon the general proposition, and that the final vote be taken not later than 1 o'clock.

Mr. ALDRICH. I hope the Senator will make it half past 12 o'clock. It seems to me, if we are expecting to adjourn this Congress at any time within a reasonable period, we should dispose of some of these pending matters.

Mr. HALE. If we do not get an agreement for 1 o'clock, we are likely to run to 3 o'clock. I think there will be abundant time for debate if we agree that the final vote shall be taken at 1 o'clock.

Mr. GORMAN. I think there should be an opportunity for full debate upon the proposition.

Mr. HALE. I have named 1 o'clock as the time for taking the vote.

Mr. GORMAN. I suppose we may be able to get through by 1 o'clock.

The PRESIDING OFFICER. The Chair will state the proposition of the Senator from Maine, which is, that the conference report on the naval appropriation bill be taken up immediately after the routine business to-morrow morning, that debate shall proceed under the five-minute rule, and that the vote be taken on the conference report not later than 1 o'clock. Is there objection?

Mr. ALLISON. And all questions connected with it.

Mr. NELSON. I object to it, because the filled-cheese bill is the unfinished business, and that should come up to-morrow and be disposed of.

Mr. HALE. The filled-cheese bill does not come up until 1 o'clock, and my proposition is to vote at 1 o'clock.

Mr. NELSON. The voting may take some time.

Mr. HALE. It will not take five minutes.

Mr. NELSON. It is most important that the filled-cheese bill should be disposed of, and I hope that nothing will be allowed to interfere with it.

The PRESIDING OFFICER. Does the Chair understand the Senator from Minnesota to object to the agreement suggested by the Senator from Maine?

Mr. HALE. The Senator withdraws his objection.

The PRESIDING OFFICER. The objection is withdrawn. The Chair hears no further objection, and the request of the Senator from Maine [Mr. HALE] is agreed to.

STRATTON H. BENSCOTER.

Mr. GEAR. I ask unanimous consent for the present consideration of the bill (S. 3771) for the relief of Stratton H. Benscoter.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 4, after the words "directed to," to strike out "set aside and annul the sentence of court-martial against Stratton H. Benscoter, of Company I, Ninth Iowa Cavalry Volunteers," and insert "revoke the order approving the proceedings, findings, and sentence of the general court-martial at Fort Smith, Ark., dishonorably discharging Stratton H. Benscoter, late private in Company I, Ninth Regiment Iowa Cavalry, from the service, with loss of pay and confinement in the penitentiary"; so as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby empowered and directed to revoke the order approving the proceedings, findings, and sentence of the general court-martial at Fort Smith, Ark., dishonorably discharging Stratton H. Benscoter, late private in Company I, Ninth Regiment Iowa Cavalry, from the service with loss of pay and confinement in the penitentiary, and to grant him an honorable discharge from the said service, said discharge to date December 5, 1865.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

DELIVERY OF IMPORTED PARCELS AND PACKAGES.

Mr. ALDRICH. I ask unanimous consent for the present consideration of the bill (H. R. 6259) to expedite the delivery of imported parcels and packages not exceeding $500 in value.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Rhode Island for the consideration of the bill named by him?

Mr. TELLER. I object to the consideration of that bill.

The PRESIDING OFFICER. Objection is made to the consideration of the bill.

DONATION OF CONDEMNED CANNON.

Mr. WARREN. I ask the Senate to take up the bill (S. 3216) donating condemned cannon and condemned cannon balls to the Wyoming State Soldiers' Home, at Cheyenne, Wyo.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES D. HANSCOM.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 3218) granting an increase of pension to Charles D. Hanscom.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Charles D. Hanscom, late of Company I, Second Regiment Massachusetts Infantry Volunteers, and to pay him a pension at the rate of $50 per month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF PROCEEDING.

Mr. CHANDLER. Mr. President——

The PRESIDING OFFICER. The Senator from California [Mr. PERKINS] is recognized.

Mr. CHANDLER. If there is a list I wish to have my name placed on it.

Mr. CHILTON. I ask unanimous consent to call up the bill reported a few moments ago from the Committee on Military Affairs.

Mr. TELLER. Mr. President, I am not going to interfere with the present arrangement, but I want to protest against a system which has grown up that does not belong here, and is not necessary in this body. It is, I think, against the sentiment of the great majority of the Senate that the Presiding Officer shall make a list of Senators who are to be recognized and shall decline to recognize those who rise and address him first. If that is repeated I shall take the liberty myself simply to object, and there shall be no unanimous consent.

Mr. CHILTON. So far as I am concerned——

Mr. TELLER. Wait a minute; I am not going to object now.

Mr. CHILTON. I want to yield my place to the Senator from Colorado, because I recognize——

Mr. TELLER. There is no measure that I want to call up. I am protesting against this practice in the interest of the Senate and the decent way of doing business.

Mr. CHANDLER. How would the Senator from Colorado have the business done?

Mr. TELLER. I would have it done just as it has been done at all times here, by Senators rising and getting the eye of the Chair.

Mr. CHANDLER. Does not the Senator see that that gives Senators who sit right in front of the desk, or take a position boldly in the center aisle, as the Senator from Colorado has done, an advantage over Senators who sit away off to the right or left?

Mr. TELLER. There has been no complaint of it in the twenty years that I have been acquainted with the Senate.

Mr. CHANDLER. There has always been a list.

Mr. TELLER. No; there never has been a list.

Mr. HAWLEY. Oh, yes.

Mr. TELLER. I will not say never. A few years ago an effort was made, but it was broken up. I understood yesterday when the bond question was before the Senate that certain Senators had to go and get their names put on a list. Senators who had been here twenty years and more were compelled to go up and put their names down on the list or the Chair ignored them. I did not put my name on the list yesterday. I declined to do it. I should decline to do it. I do not want to interfere with anything that has been done to-day, and I do not object to it. I want to enter my protest against this system, no matter who is in the chair or no matter who does it. Having said this, I shall not interfere further with the Senator from Texas.

Mr. HAWLEY. May I make a suggestion that might help out of the difficulty? It is to call the roll alphabetically.

Mr. TELLER. That would do very well.

The PRESIDING OFFICER. The Chair would like to have an opportunity to make a suggestion. The Senator from Colorado is quite right, and the Chair would not have indulged in the practice at this time if it had not become apparently the settled practice of the Senate.

Mr. TELLER. I should like to say that I did not know that it was a settled practice. I remember when Mr. Ingalls was Presiding Officer it was attempted, and an objection was made then just as it is made now, and he declared, as the Chair has now declared, that it ought not to be done, and it was abandoned. I did not know until yesterday that it had ever been repeated.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas [Mr. CHILTON].

Mr. CHILTON. I ask unanimous consent to call up a bill just reported from the Committee on Military Affairs to grant a right of way through a military reservation to a railroad company.

Mr. ALDRICH. I move that the Senate adjourn.

Mr. BACON. I hope the Senator will not insist upon that motion.

The PRESIDING OFFICER. The Senator from Rhode Island moves——

Mr. BRICE. I do not often ask the indulgence of the Senate, but those of us who are here for the purpose of attending to the business of our constituents ought not to be cut off simply because we are not importunate in our demands for place. I will withdraw my request to be heard to-night if the Senator from Rhode Island moves to adjourn, but I feel that it is not the proper thing to do.

The PRESIDING OFFICER. Does the Senator from Rhode Island insist on his motion to adjourn?

Mr. ALDRICH. I am willing to yield for a motion to go into executive session.

Mr. BACON. I will thank the Senator if he will allow——

Mr. CHILTON. I hope the Senator from Rhode Island will not insist upon his motion, as I had already been recognized to call up a bill.

Mr. BACON. Two or three Senators here want to get some bills through to-night, if possible.

Mr. ALDRICH. It seems possible for two or three Senators to get bills through, but not anyone else.

The PRESIDING OFFICER. The motion to adjourn is not debatable.

Mr. QUAY. If the Senator from Rhode Island will yield for a motion to proceed to the consideration of executive business I will make that motion. There is some executive business that ought to be disposed of.

Mr. HARRIS. I hope the Senator from Texas will not be taken off the floor in this way. I appeal to the Senators to withdraw their motions for the present. The Senator from Texas has made his request for the consideration of a bill.

Mr. HAWLEY. The Senator from Texas got the floor and made his request. I hope he will be given a minute.

Mr. HARRIS. I hope he will be heard.

Mr. QUAY. So far as I am concerned I do not desire to take the Senator from Texas off the floor, but the Senator from Rhode Island having declined to yield for any purpose except a motion to proceed to the consideration of executive business, I shall make that motion.

Mr. ALDRICH. I have no objection to withdrawing the motion to adjourn for the purpose of having a motion made to go into executive session. If that motion is not made, I insist on my motion to adjourn.

Mr. QUAY. If the Senator from Rhode Island is going to insist upon his motion, I insist upon my motion to go into executive session.

The PRESIDING OFFICER. That motion is in order. The question is on the motion of the Senator from Pennsylvania to proceed to the consideration of executive business. [Putting the question.] The noes seem to have it. The noes have it.

Mr. ALDRICH. I beg pardon. What is the decision?

The PRESIDING OFFICER. The motion is not agreed to. The Chair recognizes the Senator from Texas.

Mr. ALDRICH. I ask for a division on the motion to proceed to the consideration of executive business.

The question being put, there were on a division—ayes 1, noes 18; no quorum voting.

Mr. MITCHELL of Oregon. I move that the Senate adjourn.

Mr. BACON. I hope the Senator from Oregon will permit me to call up a bill. I am compelled to leave to-night and I have a little matter in charge that I am extremely anxious to have disposed of.

Mr. MITCHELL of Oregon. I yield to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Oregon moves that the Senate do now adjourn.

Mr. MITCHELL of Oregon. I yield to the Senator from Georgia, as he states that he is about to go away.

The PRESIDING OFFICER. The Senator from Oregon can not yield. There being no quorum, no motion is in order except a motion to adjourn or to send for absentees.

Mr. HARRIS. A call of the Senate would be in order.

Mr. HAWLEY. A call of the Senate is in order; but I would not call the Senate. Let us adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Oregon that the Senate adjourn.

The motion was not agreed to.

The PRESIDING OFFICER. There being no quorum, the Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Carter,	Hill,	Shoup,
Bacon,	Chandler,	Mitchell, Oreg.	Smith,
Bate,	Chilton,	Nelson,	Squire,
Berry,	Dubois,	Pasco,	Stewart,
Brice,	Gallinger,	Perkins,	Teller,
Brown,	Hansbrough,	Pettigrew,	Tillman,
Butler,	Harris,	Platt,	Turpie,
Cannon,	Hawley,	Quay,	Warren.

The PRESIDING OFFICER. Thirty-two Senators have answered to their names.

Mr. QUAY. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 13 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 4, 1896, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 3, 1896.*

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

Mr. KEM. Mr. Speaker, I make the point of no quorum.

The SPEAKER (at 11 o'clock and 16 minutes a. m., having counted the House). A quorum being present, the Journal will be read.

The Journal was read and approved.

PERSONAL EXPLANATION.

Mr. CURTIS of Iowa. Mr. Speaker, I was informed by a prominent member of the River and Harbor Committee that the river and harbor bill would in all probability be debated and a vote thereon would not be reached in all likelihood before 4 o'clock in the afternoon. Having important business matters to which I desired to give some attention, I was detained from the House until after that vote was taken. I desire to state that had I been present I would upon that bill have voted aye.

Mr. DOCKERY. I am glad the gentleman had an opportunity to say that much. [Laughter.]

PRINT OF VETO MESSAGE AND REPORT ON RIVER AND HARBOR BILL.

Mr. CHICKERING. Mr. Speaker, I am directed by the Committee on Printing to submit the following report:

The Clerk read as follows:

Your committee having had under consideration the resolution (No. 401) providing for the printing of 10,000 copies of the message of the President and the report of the committee on the river and harbor bill recommend that the same be passed.

The SPEAKER. The Clerk will read the resolution.

The resolution was read, as follows:

Resolved, That there be printed for the use of the members of the House 10,000 copies of the message of the President and the report of the committee on the river and harbor bill.

The resolution was agreed to.

On motion of Mr. CHICKERING, a motion to reconsider the last vote was laid on the table.

LEAVES OF ABSENCE.

Mr. DINGLEY. Mr. Speaker, I desire to give notice to the House that I shall be compelled hereafter to object to all leaves of absence of members, except on account of personal sickness or sickness in family, so important is the necessity of the presence of a quorum at this stage of the session.

FORTIFICATION APPROPRIATION BILL.

Mr. HAINER of Nebraska. Mr. Speaker, I believe the first business in order before the House is the consideration of the conference report, which was presented on yesterday afternoon, on the fortification appropriation bill.

The SPEAKER. The first motion is on the adoption of the conference report, which was pending when the House adjourned.

The question was taken; and the conference report was agreed to.

On motion of Mr. HAINER of Nebraska, a motion to reconsider the last vote was laid on the table.

CONTESTED-ELECTION CASE—MURRAY VS. ELLIOTT.

Mr. OVERSTREET. Mr. Speaker, I call up for present consideration the contested election of Murray against Elliott, and ask the reading of the resolutions submitted by the committee.

The Clerk read as follows:

Resolved, That William Elliott was not elected and is not entitled to a seat in the Fifty-fourth Congress from the First Congressional district of South Carolina.

Resolved, That George W. Murray was elected and is entitled to a seat in the Fifty-fourth Congress from the First Congressional district of South Carolina.

RECIPROCITY AND COMMERCIAL TREATIES.

Mr. RICHARDSON. Mr. Speaker, I ask the gentleman if he will not yield to me for a moment to report a resolution from the Committee on Printing, authorizing the printing of certain statistics which the Committee on Ways and Means desire? It will take but a minute or two.

Mr. OVERSTREET. I yield.

Mr. RICHARDSON. This is a concurrent resolution, and if not passed now it will be too late at this session.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 10,000 copies each of the majority and minority reports of the Committee on Ways and Means concerning reciprocity and commercial treaties, and also 10,000 copies of the hearings before the subcommittee of said Committee on Ways and Means on reciprocity and commercial treaties.

Three thousand copies of said reports and hearings for the use of the Senate and 7,000 copies for the use of the House of Representatives.

Mr. RICHARDSON. I ask that the report of the committee accompanying the resolution be read.

The report (by Mr. RICHARDSON) is as follows:

Your committee having had under consideration concurrent resolution 83 (by Mr. HOPKINS), providing for the printing of 10,000 copies each of the majority and minority reports of the Committee on Ways and Means concerning reciprocity and commercial treaties, and also 10,000 copies of the hearings before the subcommittee of said Committee on Ways and Means on reciprocity and commercial treaties, recommend that the same do pass.

Three thousand copies of said reports and hearings are for the use of the Senate and 7,000 copies for the use of the House of Representatives.

The Public Printer estimates the cost of printing the same at $2,410.

The resolution was agreed to.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress; in which the concurrence of the House was requested.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the following Senate bill was taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress—to the Committee on Ways and Means.

DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I submit a privileged report from the committee of conference on the deficiency appropriation bill.

The Clerk proceeded to read the report.

Mr. CANNON. I ask that the statement of the conferees be read, which fully sets forth the action of the conference.

The statement was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8293) making appropriations to supply deficiencies on account of the fiscal year 1896 and prior years submit the following written statement in explanation of the agreements reached by the conference committee and submitted in the accompanying conference report, namely:

The Senate by its amendments added to the bill $6,266,456.10. Of this sum $1,761,966.66 was carried in the amendment numbered 223, which was agreed to by a vote of the House. Of the remaining sum added by the Senate amendments the conference committee recommend that the House agree to $3,536,998.30, the same being to supply deficiencies in appropriations for the support of the different branches of the Government which have been ascertained and certified to Congress since the passage of the bill by the House, including judgments of the United States courts and the Court of Claims, the conference committee agreeing to recommend that the Senate recede from amendments involving $22,073.58.

The conference committee have been unable to agree upon the following amendments, namely:

On No. 14, increasing the amount for collecting the revenue from customs from $850,000 to $1,150,000;

On No. 24, to pay claim of B. B. Bouldin, $205.15;

On No. 25, to pay claim of W. L. Hall, $178;

On No. 27, appropriating $162,300 to pay for injuries on account of the Ford's Theater disaster;

On No. 30, to pay claim of W. H. Crook, $4,000;

On No. 31, to pay claim of Calvin Gunn, $700;

On No. 37, to pay claim of Stout, Hall & Bangs, $31,802.52;

On No. 74, to pay claim of Emmart, Dunbar & Co., $14,548.22;

On No. 79, to pay certain claims for barracks and quarters, $38,512;

On No. 80, to pay claim of George Baber, $1,662.50;

On No. 81, to pay claims certified in Senate Miscellaneous Document No. 57, last Congress, $8,000;

On No. 82, to pay claims in Senate Executive Document No. 33, last Congress, $19,000;

On No. 83, to pay claims in Senate Executive Document No. 98, last Congress, $35,791.67, and to pay claims in House Miscellaneous Document No. 56, last Congress, $37,313.54;

On No. 103, to pay claim of Richmond Locomotive and Machine Works, $89,558.39;

On No. 104, to pay claim of Portland Company, $20,867.46;

On No. 105, to pay claim of William S. Grant, $77,989.38;

On No. 106, to pay claim of Nancy E. Day, $3,041.66;

On No. 122, regulating the payment of interest due the Sisseton and Wahpeton Indians;

On No. 137, authorizing credit in accounts of William M. Masi, late postmaster at Cheyenne, Wyo., of $2,624.14;

On No. 147, to pay claim of Winslow Warren, $500;

On No. 148, to pay claim of R. D. Benedict, $500;

On No. 190, to pay Francis M. Cox, a Senate employee, $300;

On No. 192, to pay Benjamin Durfee, a Senate employee, $2,500;

On No. 200, authorizing payment of one month's salary to discharged employees of the Senate and House; and

On Nos. 207 and 208, appropriating $54,698.95 on account of expenses in contested election cases in the House of Representatives.

J. G. CANNON,
S. A. NORTHWAY,
JOSEPH D. SAYERS,
Managers on the part of the House.

The conference report was agreed to.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

Mr. SAYERS. Mr. Speaker, I ask the gentleman from Illinois [Mr. CANNON] to have read at the Clerk's desk or inserted in the RECORD the communication received from the Acting Secretary of the Treasury respecting the item of $1,500,000 for services of the Southern Pacific Company.

Mr. CANNON. I forward to the desk, to have printed in the RECORD, a letter from Mr. C. S. Hamlin, Acting Secretary of the Treasury.

Mr. SAYERS. Let it be read.

Mr. CANNON. All right.

The Clerk read as follows:

JUNE 1, 1896.

The item in the general deficiency appropriation bill of $1,542,979.44 is to pay for services of the Southern Pacific Company over nonbond-aided lines. None of this amount is for services over Central Pacific nonbond-aided lines, and the whole of said amount is entirely distinct from and in addition to the $2,409,818.29 incorporated in the Pacific Railroad funding bill, as reported to both Houses this session, which latter amount stands credited on the books of the Treasury Department and is due from the Government to the Central Pacific Railroad Company for nonbond-aided service.

C. S. HAMLIN, *Acting Secretary.*

Hon. J. G. CANNON,
Chairman Committee on Appropriations,
House of Representatives.

Mr. CANNON. Mr. Speaker, I desire to move that the House concur in Senate amendments numbered 207 and 208, with two amendments, and as one of the amendments merely affects the total, I ask that they be considered together. I will explain them after they are read.

The Clerk read as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment as follows: After the last line of said amendment insert the following: "George Denny, jr., $2,000; Henry C. Miner, $2,000."

Mr. CANNON. I ask the Clerk to read the next amendment.

The Clerk read as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$108,861.82."

Mr. CANNON. The effect of these amendments, if adopted by the House, will be to provide for two election contestees, certified by the Election Committees, $2,000 to each. That is the only way it can be done. The last amendment merely corrects the total.

Mr. McMILLIN. They are contests for this year, are they?

Mr. CANNON. Oh, yes.

Mr. GROSVENOR. I want to ask the gentleman if these allowances for the expenses of contests are based upon actual expenditures, or whether they are a sort of bounty that is paid, regardless of any expenditure? I ask that in the light of the fact that I think in one of these contests just mentioned, the case of Mr. MINER, there was no testimony, or practically no testimony, taken. There was no question in the case; there was nothing in the case to justify a moment's consideration. It was never heard of in the House here, except on a report of the committee. I want to protest against paying a bounty to men who see fit, as in that case, to get up a contest which has not a thing in it, when everybody knows there is not a thing in it, coming in here to get $4,000 or $2,000 on a side.

Mr. CANNON. In reply to the gentleman, I have to say that I know nothing, from any investigation that I have made, of any of the allowances to twenty or thirty contestants and contestees contained in this Senate amendment, or in these two amendments. I do know that the law limits the allowances to $2,000.

Mr. GROSVENOR. That is the maximum.

Mr. CANNON. That is the maximum. I do know further that Election Committees Nos. 1, 2, and 3, respectively, in pursuance of law, have certified to the Committee on Appropriations these various allowances, and I may say that in many of the cases they have certified three, four, five, and six thousand dollars; and that the Committee on Appropriations, in making these recommendations, have had regard to the law, and have in no case exceeded $2,000. Therefore I leave my friend from Ohio [Mr. GROSVENOR] with his protest to quarrel it out with the proper Elections Committee that forwards this certificate.

Mr. HENDERSON. And the law itself.

Mr. SAYERS. If the gentleman will yield for a moment, I will state to my friend from Ohio [Mr. GROSVENOR] that if I understand the law aright under which these claims are paid the Committee on Appropriations have no jurisdiction to inquire into them.

Mr. GROSVENOR. That is what I supposed.

Mr. SAYERS. The inquiry is made the duty of the Committee on Elections. They certify these claims to the Committee on Appropriations. The amount is recommended by them. The Committee on Appropriations have reserved this right, and have exercised this right, that in no instance would they recommend for appropriation an amount exceeding $2,000, which is the maximum limit allowed by law.

Mr. CANNON. I yield to the gentleman from Massachusetts, the chairman of Committee on Elections No. 3.

Mr. McCALL of Massachusetts. Mr. Speaker, I simply desire to say, in regard to the question of the gentleman from Ohio, that the Committee on Elections with which I am connected have not granted or have not recommended any larger sum in any case than they thought the party was entitled to. In some cases we have only recommended $350; in one case, I think, as low as $175; and in no case have we recommended more than $2,000, although we had no question whatever that in some cases justice and equity would have required that the parties be allowed more than $2,000. I think all the committees have followed the rule of allowing only fair and reasonable expenses; certainly the Committee on Elections No. 3 has.

Mr. GROSVENOR. If the gentleman will allow me, I had no doubt but that the committee was governed by what it thought to be just and right; but I was asking if the allowance to each party in the case of Campbell *vs.* Miner was too much. I would like to be undeceived if I am in error concerning it; but there are a great many members of this House who thought that there was no evidence of a struggle in that case.

Mr. CANNON. I will say to the gentleman that the law requires the Committee on Elections to have vouchers, to pass upon the claims sworn to, and that they are fully considered and sent by that committee to the Committee on Appropriations. Now, whether that committee has performed its duty or not I do not know, but the certificate came to the Committee on Appropriations, and upon that certificate we make the amendment.

Mr. McCALL of Massachusetts. That was not before my committee.

Mr. TAYLER. Will the gentleman allow me to make a statement?

Mr. CANNON. Certainly.

Mr. TAYLER. I desire to say, for the information of the gentleman from Ohio and the House, that the services performed in the Campbell-Miner case were fully worth the sum of $2,000. There was a large amount of work done which did not come to the surface on the floor of the House, but was apparent to the committee in the several arguments made before the committee and in the record which was presented to it. There is no doubt whatever about the propriety of the allowance in the Miner case.

Mr. CANNON. And the gentleman is a member of that committee?

Mr. TAYLER. I am a member of that committee.

Mr. CANNON. Then the certificate is praiseworthy and trustworthy, and it otherwise complies with the law, so that this $2,000 seems quite proper. I ask for a vote on this particular amendment.

The SPEAKER. The question is on agreeing to the Senate amendment as proposed to be amended by the amendment read by the Clerk.

The question was taken; and the amendment of the Senate was concurred in with an amendment.

Mr. CANNON. Now, Mr. Speaker, I move that the House further insist upon its disagreement to the remaining Senate amendments referred to in the report, and agree to the conference asked.

Mr. SAYERS. Mr. Speaker, I desire——

Mr. HENDERSON. I would like to ask the gentleman from Illinois to state what are the main amendments on which an agreement has not been reached.

Mr. CANNON. Well, there are a number of claims. There is a claim of the Richmond Iron Works, and various claims, aggregating about $9,000,000. Then there is the Ford's Theater disaster claim, so-called. These are the principal items.

Mr. HENDERSON. All right.

Mr. SAYERS. Mr. Speaker, I ask a separate vote on amendment numbered 27.

Mr. HENDERSON. What is that amendment that you ask a vote on?

Mr. SAYERS. It is the Ford's Theater matter.

Mr. ELLETT of Virginia. Mr. Speaker, I ask a separate vote on amendment numbered 103.

The SPEAKER. There are two amendments gentlemen ask for separate votes upon. What are their numbers?

Mr. ELLETT of Virginia. One hundred and three.

Mr. SAYERS. And 27.

The SPEAKER. On the other amendments the gentleman from Illinois moves that the House further insist on its disagreeing votes and agree to the conference requested.

The motion was agreed to.

Mr. SAYERS. I will ask the Clerk to read amendment 27. It is quite a long one, and is what is known as the Ford's Theater disaster amendment.

Mr. CANNON. Let it be considered as reported, and let the gentleman make his motion.

There was no objection.

The Clerk read as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with amendments as follows:

"Strike out of said amendment, where the same occurs, the following:

"'Thomas D. Anderson, $200;
"'Ethelbert Baier, $2,500;
"'Edward C. Carroll, $200.
"'George R. Garnett, $1,500;
"'Thomas Morley, $2,250;
"'Charles R. Miller, $3,500;
"'George W. Smoot, $1,200;
"'Smith Thompson, $2,000;
"'Nathan F. White, $1,500;
"'H. P. Willey, $300;
"'James A. White, $500;

"'Nina A. Kime, sole legatee of Arthur J. Kime, $5,000;
"'Mrs. Georgie R. Baldwin, sole legatee of David Henry Porter Brown, $5,000;
"'Julia Miller, sole legatee of William Schrieber, $5,000.'

"And strike out all of the concluding paragraph of said amendment after the words 'eighteen hundred and ninety-three,' where the same occur in said concluding paragraph, and insert in lieu thereof the following:

"'And the claims of Thomas D. Anderson, Ethelbert Baier, Edward C. Carroll, George R. Garnett, Thomas Morley, Charles R. Miller, George W. Smoot, Smith Thompson, Nathan F. White, H. P. Willey, James A. White, Nina A. Kime, Mrs. Georgie R. Baldwin, and Julia Miller be, and the same are hereby, referred back to the joint commission authorized in the sundry civil appropriation act approved August 18, 1894, to investigate and report upon the Ford's Theater disaster, with instructions to reexamine and report thereon.'

"And in lieu of the sums named in lines 5 and 6 of said amendment insert '$131,550.'"

Mr. SAYERS. Mr. Speaker, if I can get the attention of the House I will have read a statement in reference to the parties named in the pending resolution.

The statement was read, as follows:

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, May 21, 1896.

SIR: In returning herewith Senate Report No. 984, and the letter from the Committee on Appropriations of the House of Representatives calling for information "respecting the awards to the sufferers in the Ford Theater disaster," I beg to say that in my opinion, and in the opinion of section chiefs and others who were in position to be fully advised as to the nature and extent of the injuries received by the clerks who were employed in the Ford Theater building at the time of the disaster, some of the persons for whom awards are recommended in the accompanying report either sustained no injuries whatever or were but slightly injured, and it is believed that their cases are absolutely without merit. No one of these persons whose names are given below fell with the floors, and no one of them reported himself to the office at or near the time of the accident as being more than slightly injured, and most of them did not report any injury whatever.

The accident occurred on Friday, June 9, 1893, and on the following Monday, June 12, all clerks who were able to report at the office were called upon to register their names and to state what injuries, if any, they had sustained. The record made at the time shows that most of those whose names are given below reported and registered on June 12 without claiming any injury whatever, while the remainder claimed to have received only very slight injuries. The condition of all of them after the disaster was well known throughout the office, and it was and still is generally understood that not one of them incurred any material or permanent disability.

It will be observed that, as shown by the accompanying report, the medical board, composed of a medical officer from the Army, one from the Navy, and one from the Marine-Hospital Service, which was appointed for the purpose of examining all the claimants, reported to the joint committee that it did not find any one of the men whose cases are now under consideration to be permanently disabled.

* * * * * * *

ANDERSON, THOMAS D.: Reported on June 12 and registered without remark. Was on duty continuously after the accident and so far as known claimed no injury.

BAIER, ETHELBERT: Reported June 12 and registered without remark. He was seen on the streets daily after the accident and was conspicuous at the coroner's inquest. He presented no evidence whatever of having been injured. Was able to report for duty as soon as work was resumed, and at no time reported to the office that he had received any injury.

BROWN, D. H. P.: Reported on June 12 and registered without remark. He was daily seen on the streets and in attendance on the coroner's jury after the accident, and usually under the influence of liquor. He claimed at one time that his left wrist was sprained and his right leg injured, but in a later communication he declared that he sprained his "right wrist and right ankle jumping from one house to the other and suffered for a month or so." He was able to return to duty as soon as work was resumed in the office, and at no time presented any appearance of having been injured at all. He was retained in the office for about ten months after the accident, and was finally discharged for misconduct. His death did not take place until about eighteen months after his discharge, or more than two years after the accident. He was a man of notoriously intemperate habits, and it is not believed that the accident was in the remotest degree the cause of his death.

CARROLL, E. C.: After the accident reported that he sprained his ankle in getting out of the building. Spent some time in Baltimore and filed a medical certificate to the effect that he was suffering from diarrhea, and that after this was checked he had "complete nervous prostration * * * caused by Ford Theater disaster."

GARNETT, GEORGE R.: Reported that he was slightly injured in getting out of the building. He was around the building immediately after the accident, evidently uninjured, and was frequently seen on the streets, apparently in perfect health, prior to his return to duty.

MORLEY, THOMAS: Reported on June 12, and registered without remark, and was on duty continuously thereafter. His duty was that of local mail carrier, which required constant walking and the use of his arms. He performed this duty without difficulty, and at no time reported to the office that he had received any injury whatever. So far as known, he never set up the claim of having been injured until after his discharge, which was ordered on December 12, 1893, because of misconduct on his part.

SMOOT, GEORGE W.: Reported that he received a slight injury in getting out of the building, but was seen on the streets continuously after the accident and showed no evidence of any injury. Reported for duty on June 26, soon after work was resumed, and not on January 29 following, as is erroneously stated in the accompanying report.

THOMPSON, SMITH: Reported on June 12 and registered without remark. During the week succeeding the accident he was conspicuous on the streets and at the coroner's inquest, and presented no evidence of having received any injury. He never reported to the office at any time that he had been injured, and it is well known that he received no injury whatever. When work was resumed on June 19 he received an ordinary leave of absence for four days, and at the expiration of this leave he reported for duty without claiming or mentioning any disability. His statement, as shown in the accompanying report, to the effect that he suffered a fracture of the rib at the time of the accident, is believed to be wholly without foundation.

WILLEY, HAL. P.: Reported on June 12 and registered without remark. During the week succeeding the accident he was seen daily on the streets and was conspicuous at the coroner's jury, to all appearances entirely free from any injuries. Reported for duty when work was resumed on June 19, was continuously on duty thereafter, and at no time reported to the office that he suffered any injury or other ill effects from the accident.

WHITE, N. F.: Reported on June 12 and registered without remark. Was present when work was resumed on June 19, and at no time presented any evidence of having been injured. A fellow clerk, who assisted him in getting to the ground from the second story at the time of the accident, reports that he was apparently uninjured.

* * * * * * *

Attention is invited to the case of Charles R. Miller, to whom the accompanying report proposes to award $3,500. It is true that he fell with the floors, but long before this accident he was pensioned at the rate of $72 a month for total disability. In view of this fact, and in the light of the report of the medical board to the effect that he did not receive any permanent injury in the disaster except to a finger joint, and that there was no evidence of any severe wounds received by him at that time, it is believed that his present condition is chiefly, if not wholly, the result of the disability for which he was pensioned long before the accident, and has no connection with that accident.

* * * * * * *

There are other cases embraced in the accompanying report which are of a doubtful character, but no mention is made of them here because it is desired to avoid even the possibility of doing injustice to anyone, and because it is proposed to confine this report to those cases concerning whose lack of merit there is no doubt. It may not be out of place, however, in this connection to call attention to the fact that of the 104 survivors' cases embraced in the accompanying report there were only 17 in which the medical board reported any present or permanent disability.

Very respectfully,

O. R. BROWN,
Chief of Division,
In charge of Tenth Street Branch (Old Ford's Theater Building).

We, the undersigned, were employed in the Old Ford's Theater Building at the time of the disaster and afterwards. We fully concur in the statements made in the foregoing communication, and from our own personal knowledge and observation we are of the opinion that the cases cited above are not meritorious.

ERNST SCHMID,
Assistant to Chief, Tenth Street Branch.
J. D. LEONARD,
In charge of Daily Reports and Time Clerk.
J. R. IMBRIE,
Section Chief.
J. W. WEBB,
Section Chief.
W. E. COVERT,
Superintendent of Building.

The honorable SECRETARY OF WAR,
Through the Chief of the Record and Pension Office.

Mr. SAYERS. Mr. Speaker, I know nothing of the facts which are set forth in that statement, but I have felt it my duty to call the attention of the House to this communication, so as to afford the House an opportunity of determining whether, in the face of the facts therein presented, it will vote an appropriation of about $30,000 out of the Treasury into the hands of undeserving people, if they be undeserving, as would appear from the statement just read. I have nothing further to say. This statement speaks for itself. It has been read in the presence of the House and each member can now vote upon the proposition understandingly. I desire to yield to the gentleman from New York [Mr. BARTLETT].

Mr. CANNON. The gentleman from New York [Mr. DANIELS], a member of the Commission that investigated these claims, desires to make a brief statement, after which I will yield to the gentleman from New York [Mr. BARTLETT].

Mr. DANIELS. Mr. Speaker, I can say in reference to the investigations that were made of claims against the Government for injuries sustained by the falling of Ford's Theater that they were most carefully pursued, and every possible avenue that seemed to be open to the committee for the purpose of obtaining evidence was explored, so that when doubtful cases came up, or cases as to which, upon the evidence that had been already taken, doubts were entertained, the proceedings were immediately suspended and other parties were brought in to give their evidence. The evidence was taken as fully and completely as it was in the power of the committee to obtain it during the course of the investigation.

In reference to the claims referred to in the letter of Mr. Brown just read, they were among those that were most carefully investigated, but now it seems from the statement which comes to us from the War Department that certain of these claims are alleged to have been unfounded, and that the persons making them were not injured in the least degree. As to one of the claims mentioned there, perhaps the largest claim among those objected to, according to my recollection, the evidence was of the most satisfactory character, but as to the others I am not able to speak from memory. It struck me, however, when I read the letter coming from the War Department, that it would be prudent to allow the claims thus objected to to stand over for the present and send them back to the Commission for further investigation, so that these persons who claim to have knowledge relative to the merits of the claims may be brought before the Commission and examined as witnesses in view of the statements which they have made. It certainly was not creditable to the War Department that while these investigations were going on—and they were made publicly and progressed through a long period of time—the evidence that is now alleged to exist should not have been brought in any way to the attention of the Commission.

There was clearly a grave fault on the part of the officers of the War Department in that respect, but at the same time if it is true that any of these claims are unfounded, then I for one, as a member of the Commission, am in favor of those claims going

back, so that the Commission may take the evidence of these persons and ascertain whether there is any foundation for the statements they make that these claimants were not injured by the disaster. That is, perhaps, all that I ought to say upon the subject at this time. Even though the persons who join in this letter were negligent and grossly at fault in not having brought to the attention of the Commission the fact that they could give this evidence, at the same time, if it is true that they are able to show that these claims are unfounded, the claims certainly should not be sanctioned here, and for that reason I have been disposed to agree, on the basis of this letter, that we should make further investigation and bring these witnesses before us and oblige them to give their testimony under oath, in order that it may be ascertained whether these claims were exaggerated or were without foundation. To that extent, therefore, it strikes me that some half dozen claims, amounting to about $20,000, should be excluded from the provision contained in the deficiency bill, in order that the Commission may ascertain what is just and right in those cases, and it was to make this suggestion that I desired for a few minutes the attention of the House.

Mr. CANNON. Before the gentleman takes his seat I would like to ask him a question. I know nothing of these claims, but the gentleman speaks of the evidence embodied or referred to in the letter which has just been read. Now, does the gentleman know whether the War Department or the parties signing this letter were called upon to testify before the Commission making the investigation?

Mr. DANIELS. There was no direct application to the War Department for evidence, but the claimants were all brought before the Commission and their testimony was taken, as well as the testimony of the physicians who had been in charge of their cases.

Mr. CANNON. I mean the parties who write this letter or who indorse it; were they applied to by the Commission?

Mr. DANIELS. No; we never heard a syllable about these alleged facts.

Mr. CANNON. Was anybody from the War Department called except the claimants?

Mr. DANIELS. I think not. We had the record of the Department, made immediately after the occurrence of the disaster, containing memoranda of these cases.

Mr. CANNON. One other question. There are claims of this character in the bill amounting to $162,000. Now, the amendment of the gentleman from Texas [Mr. SAYERS] proposes to re-refer claims aggregating about $30,000, which would leave an appropriation of one hundred and thirty or one hundred and thirty-two thousand dollars for the balance. I understand that the proposition to re-refer these claims aggregating twenty or thirty thousand dollars meets with the approval of the gentleman from New York, as he has indicated.

Mr. DANIELS. Oh, I should say so; for the purpose of determining whether these claims are fictitious or whether they have been grossly exaggerated by the parties or by the witnesses, so as to call for payments from the Government which ought not to be made. I think that justice ought to be the end in view.

Mr. CANNON. In other words, the gentleman regards the challenge of the correctness of the claims as of sufficient importance to require in fairness to the Government that they be referred back to the Commission so that substantial justice may be done—that claims if ill founded may be turned down and if well founded be paid.

Mr. DANIELS. Undoubtedly.

Mr. CANNON. There is one other question I want to ask the gentleman. The motion of the gentleman from Texas covers three items of $5,000 each which it is proposed to send back to the Commission, and which I will read:

Nina A. Kime, sole legatee of Arthur J. Kime, $5,000; Mrs. Georgie R. Baldwin, sole legatee of David Henry Porter Brown, $5,000, and Julia Müller, sole legatee of William Schrieber, $5,000.

These parties who have died appear to have named certain persons as their legatees. In one case, as I understand, the legatee is a third cousin of the deceased, possibly and probably not a member of his family. As to the other legatees I am not informed. As I understand, this appropriation would give the $5,000 in each case to the legatee to the exclusion of creditors.

Mr. DANIELS. Yes, sir.

Mr. CANNON. So that if this be a legal claim of these injured parties against the Government, the creditors might well be entitled to $5,000 more in each case.

Mr. DANIELS. As to that matter, I will say there were no claims of creditors appearing at all except the claims of physicians whose services were rendered after the occurrence of the accident. These physicians desired that some order or decision should be made by which their charges should be paid out of the proceeds of the claims against the United States. But it was concluded on the part of the Commission that we had no authority to adopt such a provision, because there had not been in any case any agreement relied upon by the physicians that they were to be paid out of the awards; hence they were left to take the ordinary course for the collection of their debts.

Mr. CANNON. Following the gentleman's opinion, I favor the reference of these cases, aggregating $30,000, back to the Commission, for the reason indicated, including these three claims to which I have just referred. And I suggest that in my judgment if any of these sums are to be paid to legal representatives or legatees of the deceased, the Commission ought to inquire whether there are in fact debts against the respective estates of the deceased parties that might constitute claims in fairness and justice which the Government would be called on to pay; and also whether these appropriations are not in the nature of a gratuity, like our appropriations to the widows of deceased Representatives—a gratuity which the Government in fairness and justice may well pay to the injured parties or those dependent upon them, but which there would be no equity in paying to a legatee unless such legatee was a member of the family of the deceased or in some way entitled to be taken care of by him as a dependent.

Mr. POWERS. Why not make these appropriations payable severally to the estates of the injured parties who are dead? If there are no creditors, the appropriation would go to the legatee under a will or to the legal representative.

Mr. DANIELS. My impression is that these amounts go into the hands of executors or executrixes.

Mr. POWERS. But the provision as read by the gentleman from Illinois [Mr. CANNON] is that the appropriations shall go to the legatees—not the executors.

Mr. DANIELS. If the law gives creditors a prior claim, then the money must be devoted to the payment of debts.

Mr. POWERS. That might be so but for the particular form in which the appropriation is proposed. Under the provision as it now stands a legatee might come into court and say, "This is a gratuity to me; it does not go to the estate of the deceased."

Mr. DANIELS. The matter might be made certain by a provision that payment should be made to the legal representatives.

Mr. POWERS. Very well; let it be amended in that way.

Mr. CANNON. In my judgment the three claims to which I have called attention ought to be referred back to the Commission to be looked at from every standpoint; and I wish to suggest that the United States Government is not called upon, where the injured parties are dead, to make a gift to anybody upon their request, unless in fairness and justice the person designated would have been entitled to the nurture or care of the deceased—for instance, a widow, a child, or some such dependent person.

Mr. DANIELS. In this matter there is no pride of opinion on the part of members of the Commission. What was desired and aimed at was to reach a conclusion morally and equitably just in reference to these claimants. If it is thought that additional testimony may show in any case that the United States should not pay this money, then there should be a further investigation for the purpose of discovering whether such is the case.

Mr. BARTLETT of New York. Do I understand the gentleman to advocate the payment of these claims?

Mr. DANIELS. I do not, if it is thought desirable on the part of the House that there should be further investigation; and if investigation is to be had it should be broad enough to make clear the justice or injustice of these respective claims.

Mr. BARTLETT of New York. Does the gentleman from Illinois yield to me now?

Mr. CANNON. How much time; five minutes?

Mr. BARTLETT of New York. Only a few minutes.

Mr. CANNON. I yield five minutes to my colleague from New York [Mr. BARTLETT].

Mr. BARTLETT of New York. Mr. Speaker, I wish to say a word against the payment of these claims; in other words, in opposition to concurring in the amendment of the Senate to this bill.

It seems to me it matters not when the letter which has been read came from the War Department. We have a letter from the proper Department of the Government substantially covering all of the points, it being a statement from the chief of this division, the Tenth-street division of the Department, the section chiefs under him, the superintendent of the building, and all of the employees of the Government who could be or are supposed to be familiar with the facts in connection with the disaster which was the origin of the claims in question. Their report is unanimous against the allowance of the claims, and it seems to me that it would be an extraordinary proceeding if the House should approve them under such circumstances.

Consider for a moment the fact that the Committee on Claims of this House take the position that they are inclined to report against any claim sounding in tort against the Government on the theory that the employee takes the risk of the employment when he enters upon the discharge of the duties to which he is assigned and assumes the responsibility for accidents to himself, differentiating the risk of Government employment from the employment by labor employers in ordinary life. And so the Committee on

Claims, with reference to ordinary claims sounding in tort, do not report any such bills.

Mr. DANIELS. Will the gentleman allow me a single interruption just there, to state that that principle was acknowledged by the Commission in its investigation? But the evidence shows that this work was done under the authority of the United States in such manner as to charge the United States officers with negligence, actual, positive negligence; so if it had been an accident that occurred in the business of an individual or a corporation, it was such a character of negligence that would make the party liable, where the law has charged such liability in the different States.

Mr. BARTLETT of New York. I do not agree with the views of the Committee on Claims; and I think that they have made an exception in the present session in one instance, where they made a report in favor of a Mr. Williams, who was injured in the folding room; but they fail to report in other cases before them.

I repeat, I do not concur in the views of the Committee on Claims with reference to that question. I think a Government should be held liable for torts. But here we have an extraordinary condition of affairs. We have a development of facts here which we can not ignore. We have an official report from Government employees familiar with the facts—or in a position to be familiar with them—against the allowance of the claims in question.

It is impossible in the limited time at my disposal to go through this report and analyze it in full, but in the case of Ethelbert Baier, to whom an allowance of $2,500 is made, and Smith Thompson, who is awarded $2,000, it is in evidence that both reported on the 12th day of June, just three days after the accident, and registered without remark. The evidence seems clear that they were not injured at all. Examine all of the other claims and the same condition exists——

Mr. DANIELS. If my colleague will permit me, in these claims, particularly the Smith Thompson claim, the evidence is clear and full as to the injury, the time when received, and the amount of injury.

Mr. BARTLETT of New York. Now, as to the other class of claims, providing for the allowance of $5,000 each, not to the next of kin, not to the creditor, not to anyone having any legal or equitable claim on them, but to their alleged legatees, I agree with the gentleman from Illinois [Mr. CANNON] that there is grave doubt about allowing such sums to legatees. I go further and say that we should not do it. We should not refer the claims to this Commission. We should not decide at once, or provide that the allowance, being a gratuity or a bounty, is for the purpose of paying for the injury which these people who suffered in that accident received and that it dies with the party injured. If not rejected on that ground it should be allowed to the next of kin on the theory that the party could not dispose of an inchoate gratuity by will and testament.

So, Mr. Speaker, it seems to me, in view of all the facts connected with the case, and in view of the able argument of Judge DANIELS, that the amendment should not be allowed and that the Government should not be mulcted to the extent of $32,000 for claims that have not any justice or equity.

Mr. CANNON. I yield ten minutes to the gentleman from Iowa [Mr. UPDEGRAFF].

Mr. UPDEGRAFF. Mr. Speaker, the accurate knowledge of the gentleman from New York [Mr. BARTLETT] with respect to the subject-matter he talks of is evidenced by the fact that he thinks this comes from the Committee on Claims.

Mr. BARTLETT of New York. Will you allow me——

Mr. UPDEGRAFF (continuing). The Committee on Claims has nothing to do with it, never had anything to do with it, and never heard of it perhaps except in the newspapers.

Mr. BARTLETT of New York. Will the gentleman permit an interruption?

Mr. UPDEGRAFF. I can not be interrupted——

Mr. BARTLETT of New York. I only wish to say that I did not state that this came from the Committee on Claims.

Mr. UPDEGRAFF. Well, the RECORD will show.

This is the report of a commission created by an act of Congress. It is proposed to refer it back to the Commission; but the Commission is extinct. This very act extinguishes the Commission, and there is no commission left now to refer anything back to, for, if I am correctly informed, that part of the bill is already agreed to.

Now, a word or two about the claims. I have been over every syllable of testimony relative to every one of these claims. I have reduced that testimony to the lowest denomination and made abstracts of it. My impression is that justice would not be done the sufferers and victims of that disaster until 50 per cent is added to the allowances that have been made to them. I speak of what I know, and I have had some experience in those matters.

Now, I have no time to go over these claims that have been referred to here in this communication from some unknown source, God knows what—a communication not signed by the Secretary of War, but signed, possibly, by some of the authors of that dire disaster. Daniel S. Lamont will never affix his signature to that instrument, or I mistake the man.

Now, let us take the case of Captain Miller, which in that document is supposed to be the worst one. I am familiar with the facts. He now resides in Michigan. He was a soldier of the Republic. He was shot through the knee, and his knee was anchylosed, so that he could not dress himself. Under a perhaps too liberal ruling of the Pension Office, being obliged to have an attendant, he was allowed a pension of $72 a month, on appeal to the Secretary of the Interior of the United States. Otherwise he was a sound man in every way, except that he had at one time had a urinary or bladder trouble, but nothing that incapacitated him from his duties and nothing but what yielded to treatment readily. That was his condition when this building was pulled down upon him by the officers of the United States, with a negligence so gross as to go to the very verge of the criminal. That was his condition then. He is now, as he himself says, an object of disgust. He is unable to appear in the society of his fellowmen most of the time owing to the injuries he received in that disaster. His bladder is paralyzed, and he has to wear continually a rubber urinal.

He received a nervous shock which has caused an inability to use a pen, and he is utterly unfit for any occupation. That man incurred $2,662 expense for medical attendance and for appliances, and has paid all of it but $140, which the poor man yet owes, and will pay whenever he has an opportunity. He was allowed $3,500 by that Commission, and that is the case upon which the principal complaint was made. I only wish I had time to read the testimony in his case in full. Three medical men in Michigan of high character say:

We, the undersigned physicians and surgeons, residents of the city of Flint, Mich., have carefully and thoroughly examined Charles R. Miller, of Washington, D. C., a victim of the disaster in the Government building known as the Old Ford's Theater, on this 28th day of July, at the request of himself and friends, and find him to be very badly disabled; in fact, a physical wreck.

In describing his case more in detail we shall endeavor to clothe our ideas in language that can readily be understood by nonprofessionals and hope to present a pen picture that will intelligently represent his present physical condition and future prospects.

Charles R. Miller is 5 feet 7 inches in height, weighs 175 pounds (says he weighed at time of accident 190 pounds), age 46 years, married, and a pensioner of the United States Government for injuries received in the war of the rebellion.

General appearance: The face is purplish red, suffused, and has a bloated appearance, with a constant trembling or shaking of the head; in fact, the whole body and limbs partake of this muscular tremor; he hobbles about on crutches, but his powers of locomotion are very deficient and limited.

Scars: We find a long red tendo-cicatrix or scar on the right temple extending from near the center of the arch of the eye backward and outward over the scalp about 4 inches long. This is evidently of recent origin and of considerable severity. We also find evidences of many flesh wounds on various parts of the scalp, as well as the whole body, recently healed, but yet tender.

The most severe external injury we find on the left leg, below the knee, extending nearly the length of the tibia. The soft tissues are red and swollen, and pit on pressure, showing a dropsical condition.

The deeper tissues show evidences of periostitis or chronic inflammation of the membrane that surrounds and nourishes the bone, a condition that will probably result in the death of all or a portion of the bone, if not in the loss of the limb itself. This is the leg that was injured in the war and has on it many old umbilicated scars which adhere closely to the bone. The knee and ankle joints are completely anchylosed or stiffened, with the large tendon contracted, drawing the foot out of shape. There is great atrophy or wasting of muscles of this leg and thigh, which may be seen by the following comparative measurements:

Left thigh, 19½ inches circumference; right, 23¼.
Left thigh, middle, 17 inches circumference; right, 21.
Left, above knee joint, 13½ inches circumference; right, 19.
Left, over knee joint, 13½ inches circumference; right, 14.
Left leg, below knee joint, 11½ inches circumference; right, 12¾.
Left leg, calf, 12 inches circumference; right, 14.
Left leg, ankle, 7½ inches circumference; right, 8½.

The circulation in this leg is very poor, and in all probability will never be of much service to him; in fact, it would be far more serviceable if it was off, and an artificial leg substituted.

There is a dark, bruised surface on the knee joint not yet healed. The left index finger is stiffened and sore, showing evidences of severe injury. A steel pen was removed from this finger seventeen days after the accident.

Internal injuries: The heart is enlarged, with a very nervous, jerky beat, much too fast in its action—120 per minute instead of 72, normal. The rhythm is abnormal, showing a severe nervous shock. The muscular and nervous system, including the spine, has received a severe shock and injury, which we think is of a permanent character. The lower half of the spine is very tender on pressure, causing severe pains. The lower end of the spine has an external injury of the bone, as well as the soft tissues. Spicula of dead bones has been removed. There is a curvature of the spine. The muscles of the back over the kidneys and the lumbar regions are very tender, showing injury of these parts.

The bladder has evidently been injured, and there is paralysis of the walls. As he is unable to void his urine, this has to be drawn several times a day with a catheter. There is a loathsome condition of the urinary organs—a constant dribbling, which soils the clothing. This will necessitate the wearing of a urinal to catch the dripping of the injured bladder. The penis is very much shrunken and retracted; has passed blood quite often.

From the above it can be readily seen this man is totally disabled from all manual or mental labor, and in our opinion, his injuries are of a permanent character and of such a nature that it will require the aid of an attendant to care for him the rest of his life.

BELA COGSHALL, M. D.,
G. V. CHAMBERLAIN, M. D.,
HIRAM H. BARDWELL, M. D.

He himself swears—and nobody contradicts him—that when that building fell upon him an iron girder fell upon his abdomen and he received severe injuries. I have not time to read the testimony. I have it here by me, and know what it is. I undertake to say that the allowance of only $3,500 to that crippled soldier is a gross mistake, and I should be very glad, indeed, to double it, and then he would not be compensated.

It may be that to me there is something sacred in that wound which that man had on his knee, which he incurred in the salvation of these institutions of ours. It may be there is some sentiment in it. Every grain of that wound is to my mind more sacred than a Kohinoor "of the purest ray serene." But, apart from that, he has been maimed for life, and maimed by the wrong of the agents of this Government. I am glad that they singled out this case as the worst injustice to the Government that they could find.

One of the signers of this document is a man named Covert. I have a sample of his evidence that he gave before the coroner's jury. He was the superintendent of the building at the time of this disaster, and I give you just one sample of his evidence.

He says:

I was looking on a good part of my time—

That is, while the work was going on—

never thought about the work being done safely or unsafely; got my orders from Colonel Ainsworth, and was not to instruct the contractor, but if anything threatened the building I was to telephone Colonel Ainsworth; he was there every day.

He was the superintendent of the building, and had not brains enough to think whether there was danger in undermining the center piers which supported a building of that immense weight containing 500 human souls. He is one of the men who signs this letter, which is a disgrace to the signers. They speak of what they know nothing. I know——

[Here the hammer fell.]

Mr. UPDEGRAFF. I should like a minute or two more.

Mr. CANNON. I yield two or three minutes more to the gentleman from Iowa.

Mr. UPDEGRAFF. The Commission has before it all the records from which the facts stated there were taken, if they may be called records. That was the statement of the men who reported, when they reported, after the disaster; but what they claim, God knows who it was that took it, and God knows whether they took it down rightly or not. Nobody knows who made it. We had that, whatever it is. The Commission had that before it, and consulted it in every case. What difference does it make if a man did report on the 12th of June if his disabilities increased afterwards? And many of them did. Many of them were able to go down there and report who were just able to crawl down there. Whether they made complaint or not I do not know, and I do not care; and the Commission, perhaps, does not. I only speak for myself. I considered the sworn testimony that we had before us. This testimony that I have read in the Miller case is corroborated by physician after physician. There was a medical board; I do not know who they were. I know this: They reported one man with one-quarter disability; and he was dying when they examined him and is dead now. That is Charles H. Test. The autopsy showed that his broken ribs had extended into his liver, and they were there when that examination was made, and yet these men did not report it. He was no doubt dying at the time the examination was made. But here is doctor after doctor who examined Mr. Miller. Anybody can see his condition; and it is an especially bad case.

I want to say just one word more. It is better for all parties that this report of the Commission be approved and paid now and not left so as to come up here in special bills in other Congresses. It will be cheaper for the Government if the amount is allowed in the aggregate given by this Commission; but I think that the amount to be allowed should be 50 per cent greater than the Commission has allowed.

Now, if it be parliamentary, I would like to move an amendment to the motion of the gentleman from Texas, which is to strike out a part of the amendment.

Mr. HENDERSON. Agree to the report of the Commission.

Mr. CANNON. To concur in the report of the Commission.

Mr. HENDERSON. As provided in the Senate amendment.

Mr. UPDEGRAFF. Would not the Clerk read that again?

Mr. CANNON. The gentleman moves to recede with an amendment.

Mr. UPDEGRAFF. That is it.

Mr. SAYERS. I would suggest to the gentleman from Iowa that if my amendment is voted down by the House he may move to recede and concur in the Senate amendment.

Mr. HENDERSON. That is right. I want to ask the gentleman from Illinois one or two questions about this, and also my colleague from Iowa. I understand that the Commission was appointed, of which my colleague is one, and I know he has been giving a great deal of time to it in vacation and during Congress to investigate into all these claims of what is known as the Ford's Theater disaster. The House on the final report made no appropriation. The Senate put on an amendment appropriating the money for each man, as allowed by the Commission.

Mr. UPDEGRAFF. That is it, exactly.

Mr. HENDERSON. The amendment appropriates $160,000 in round numbers. The conference committees have agreed to $130,000 in round numbers.

Mr. CANNON. I will correct the gentleman's statement. The House has not agreed, by conference report or otherwise, to the Senate amendment; but the gentleman from Texas now moves that the House concur in the Senate amendment—striking out these claims, aggregating $30,000—and that the $30,000 be referred to the Commission, striking out also the Senate provision, which abolishes the Commission.

Mr. HENDERSON. And to appropriate about $130,000?

Mr. CANNON. That is correct.

Mr. HENDERSON. Now, I want to ask my colleague from Iowa [Mr. UPDEGRAFF] a question. Was the Commission unanimous in its report in favor of an appropriation of $160,000?

Mr. UPDEGRAFF. Yes; it was unanimous; although I was unwilling to sign the report, owing to the insufficiency of the compensation agreed upon by the Commission.

Mr. HENDERSON. Then the only conflict among the members of the Commission was that you represented a class who believed that not enough compensation had been allowed?

Mr. UPDEGRAFF. I think I may say that without violating the etiquette of the occasion.

Mr. HENDERSON. Confound the etiquette! [Laughter.] Now, if my friend from Illinois will allow me, I want to add just a word. This Ford's Theater disaster shocked not only the people of this country, but the civilized world. A Commission of able and earnest men have investigated the matter and fixed the amount of compensation. I do not believe that the American Congress should split up and haggle over this appropriation. I believe that the motion of my friend from Texas [Mr. SAYERS] should be voted down and the whole sum of $160,000 appropriated here and now by the instruction suggested by my colleague [Mr. UPDEGRAFF] that the committee of conference recede and agree to the Senate amendment. [Loud applause.]

Mr. SAYERS. Mr. Speaker, the motion which I have made does not assail the integrity of the Commission, nor does it impugn in the least the honesty or proper conduct of any one of its members. I especially disavow any such intention. The resolution provides for the payment of $130,000, in round numbers, upon these claims. But the attention of the House has been called in an official manner to certain allowances which have been made by the Commission, and if information which has reached me independent of this statement is to be believed—information given by parties who say that they are willing to go before the Commission or before any court in the land and show that certain beneficiaries embraced in this appropriation are not entitled to the beneficence of the Government—then I say that, in my opinion, it is the duty of the House to allow these doubtful cases, amounting to about $30,000, to go back to the Commission to be again inquired into. I join with the gentleman from Iowa [Mr. HENDERSON] in his statement that the Ford Theater disaster awakened a feeling of horror throughout the country. We all regretted it. We all regret it now. But, Mr. Speaker, is that any reason why we should not say that the cases of men who are not entitled to the beneficence of the Government—men who can be shown by testimony as competent and reliable as ever was produced in any court of justice to be undeserving of this compensation—is that any reason, I ask, why we should hesitate to say that the claims of such men should be sent back to the Commission for further investigation? I have been told by a gentleman of high standing in this city that on the day of the disaster a telegram was sent to him from Zanesville, Ohio, by the father of a man employed there—one of those mentioned in the statement which has been read from the desk—asking him to ascertain whether his son had been injured or not. This gentleman went and found the son. He was not injured at all. He had not even fallen with the floor. There was not even a pin scratch on him, and yet he is to be allowed payment for his suffering—mental suffering—I suppose. Now, Mr. Speaker, that is all I have to say. It is for the House to vote just as it pleases on this question.

Mr. FARIS. Will the gentleman tell us why these persons to whom he has referred as competent witnesses to prove the unworthiness of these claims were not before the committee during the examination?

Mr. SAYERS. I do not know. I knew nothing about this matter until this session of Congress, after the report of the Commission had been made. I know nothing at all about the subject myself.

Mr. FARIS. Another question. Why is not this communication which you had read signed by some official at the head of the Department?

Mr. SAYERS. It is signed by gentlemen who were present at the time of the disaster.

Mr. CANNON. I want to ask the gentleman a question for my own information. Who transmitted this statement which the gentleman has had read here?

Mr. SAYERS. I will answer the gentleman if he wishes me to speak fully. I was informed that if I would write to the Secretary of War—but not by the Secretary—that if I would write to the Secretary of War I could get some information respecting these claims. The gentleman from Illinois, the chairman of the Committee on Appropriations, will recollect that I spoke to him about it, and said to him that if he had no objection I would address a letter to the Secretary of War on this subject.

Mr. CANNON. That is correct.

Mr. SAYERS. But I assume all responsibility in the matter. If there is any blame let it rest on my shoulders.

Mr. CANNON. The gentleman from Texas did speak to me about it, and I assented to the suggestion that he should write to the Secretary, as the information had come to him. I assented, not knowing whether the information was true or false, but I indorsed the writing of the letter.

Mr. SAYERS. I am not criticising or referring to my friend from Illinois at all.

Mr. CANNON. What I want to ask the gentleman is whether, in fact, this reply was transmitted to him from the Secretary of War?

Mr. SAYERS. It was. Now, Mr. Speaker, one word more and I am done. It is true that I am a member of the minority on this floor, and of a very small minority at that. It is true that I am a member of the minority in the Committee on Appropriations. But, Mr. Speaker, that does not exempt me from the duty of endeavoring, so far as I can, by any information that I can bring before this House, to enable it to act properly and understandingly upon any question that may come up for consideration. Minorities have duties to perform as well as majorities. No member of the minority on the Committee on Appropriations can refuse to accord to the majority of the House such information as he may be able to secure touching any item of appropriation.

Mr. FARIS. I should like to ask the gentleman another question.

Mr. SAYERS. I yield with pleasure.

Mr. FARIS. A moment ago the gentleman from Iowa [Mr. UPDEGRAFF], a member of this Commission, assailed this communication as coming from one of the men connected with the War Department who might be chargeable with responsibility, to some extent at least, for this disaster. Now, the gentleman from Texas has just said that the intimation came to him that if he would address the Secretary of War information would be forthcoming——

Mr. SAYERS. Not from the Secretary of War.

Mr. FARIS. What I was attempting to get at by my inquiry was this: The suggestion having been made to you to address the War Department, whether the communication which followed came from anybody who was in such a relation to this great disaster that he might want to cover up the facts relative to it.

Mr. SAYERS. Mr. Speaker, of course I can not give the name, but the suggestion came to me from a witness of the disaster. It came from a gentleman who said he knew certain parties who were to be the beneficiaries under the report of the Commission—a gentleman of such character that I felt it my duty to write a letter of inquiry to the Secretary of War. The Secretary had sent no message to me, either in writing or verbally. He is not responsible for this statement being before the House. I am responsible for calling for it; and it was his duty, as an officer of the executive branch of this Government, to give the information when called for by me.

Mr. HOPKINS. I was not here when this discussion began, and I wish to inquire what officer it was that gave the information.

Mr. SAYERS. It was not any officer. It was a citizen who gave it to me.

Mr. HOPKINS. What officer made the answer?

Mr. SAYERS. The answer was transmitted by the Secretary of War.

Mr. HOPKINS. Who wrote the letter? Who gave the information from the War Department?

Mr. SAYERS. Three chiefs of division and the superintendent of the building. If the gentleman will go to the Clerk's desk he can he see the paper, with the names attached.

Mr. HOPKINS. Is the paper signed by any of the men who were indicted as being responsible for the disaster by which so many Government employees were killed or injured?

Mr. SAYERS. I do not know whether Colonel Ainsworth's name is attached to the paper. He was indicted; the others, I understand, were not.

Mr. BARTLETT of New York (to Mr. SAYERS). Colonel Ainsworth's name is not signed to the paper.

Mr. SAYERS. The gentleman from New York [Mr. BARTLETT] tells me that the name of Colonel Ainsworth is not signed to the paper. The other three officials, as I understand, were not indicted.

Mr. HOPKINS. They were charged, were they not, with culpable negligence?

Mr. SAYERS. The gentleman knows as much about the disaster as I do. All I know is what appeared in the newspapers.

Mr. Speaker, I have no personal feeling in this matter. At the last Congress, when I had the honor to be chairman of the Committee on Appropriations and in charge of the sundry civil appropriation bill, an amendment similar to this for the relief of other parties was put on that bill and was passed without any trouble. My only purpose now in bringing this matter before the House is to call attention to the facts embraced in the statement coming from sworn officers of the Government. Now the House can do as it pleases.

Mr. WILLIS. Let me ask the gentleman from Texas a single question. As I understand, certain letters have been written to this House disputing the right of these persons to receive any part of this appropriation?

Mr. SAYERS. No, sir; the only communication is the statement which has been read.

Mr. WILLIS. In rebuttal of the statements contained in these letters, we have the declaration of a member of the Commission, who himself tells us that with reference to one of these cases he knows that those statements are incorrect; that the man referred to has been crippled by that accident and is now a wreck. What is the gentleman going to do about such a case as that?

Mr. SAYERS. The gentleman can do as he pleases. I have no feeling about it. If gentlemen here wish to vote money out of the Treasury for this purpose, let them do so. I will give the names signed to this paper, as they were called for a few moments ago: O. B. Brown, chief of division, in charge of Tenth street branch, Old Ford Theater building; Ernst Schmid, assistant to chief, Tenth street branch; J. D. Leonard, in charge of daily report and time clerk; J. R. Imbrie, section chief; J. W. Webb, section chief; W. E. Covert, superintendent of building.

Mr. UPDEGRAFF. Is W. E. Covert one of the signers of that paper?

Mr. SAYERS. Yes, sir; W. E. Covert, superintendent of building.

Mr. UPDEGRAFF. The man who superintended the work that brought about the disaster.

Mr. SAYERS. I will not detain the House any longer. I felt that I had a public duty to discharge, a duty which I owe to members of the majority as well as the minority of this House. I have discharged that duty as well as I could. I have no personal knowledge of the facts of this case. I was not an eyewitness of the occurrence. Only two persons have come to me since this statement was printed and spoken to me in regard to it. I am perfectly willing to vote and shall vote for the appropriation of $130,000 for the payment of the findings under the Senate amendments, but I think the House, in the discharge of its duty, ought to refer these other findings back to the Commission. If upon further examination it be found that these parties named are entitled to compensation, let the Commission so report, and no man will be more willing than myself to vote for their payment.

Mr. CANNON. I yield now three minutes to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON. I just want to say one or two more words, and that is all.

We have here, Mr. Speaker, in this amendment of the Senate, a total sum for payment of the sufferers by this catastrophe, unanimously reported by a commission of which honest TOM UPDEGRAFF, whom I have known from my boyhood, is a member, one of the ablest lawyers of my State, and a man that no power in the world can browbeat. They have approved, under oath and with testimony, every dollar of this $162,000. For one I do not intend that any secret hissings, coming from men who were here when this Commission was in session, when they could have come forward and given their testimony, shall keep me from giving every dollar of this appropriation at the first opportunity [applause] and clearing my heart and soul, as far as I can clear them, of this blot that is on the escutcheon of my country. [Applause.]

Mr. CANNON. I yield now two minutes to the gentleman from Indiana [Mr. HARDY], who wishes to be heard on this question.

Mr. HARDY. Mr. Speaker, something has been said in this small debate that a man seeking employment must accept the risks of that employment. While that may be true in certain cases, it is also true in law that where a man accepts employment and his employer shows himself to be guilty of gross and willful negligence he must respond in damages for any injury inflicted upon the employee.

The greatest tragedy this world has ever known since the God Man was taken up the hill and crucified on Calvary was enacted

at Ford's Theater, when the life of Lincoln went out by the bullet of a crazed assassin. I am not a fatalist, but I am willing to be so much of a fatalist as to say to-day that I believe that building stands accursed of God, and on that April day thirty-one years ago it should have been shrouded in black and had inscribed on its portals, "Abandon hope, all ye who enter here."

These Senate amendments in this bill have been reported by a Commission duly authorized by Congress, and the gentleman from Texas [Mr. SAYERS] and others would have us set aside the report of that Commission, made upon evidence taken under the solemnity of the oaths of witnesses, and substitute in its stead the ex parte statements of some Government officials, evidence which would not be accepted as legal testimony in any court of justice in the United States. And I hope the House will stand by the judgment and opinion of the honest gentleman from Iowa [Mr. UPDEGRAFF] and vote against the amendment of the gentleman from Texas [Mr. SAYERS]. [Applause.]

Mr. CANNON. Mr. Speaker, I crave the attention of the House for a very brief period.

I know nothing whatever of these claims. The Congress of the United States organized a Commission under the law, and the gentleman from Iowa [Mr. UPDEGRAFF] was a member. The gentleman from New York, Judge DANIELS, was a member of it, and certain members of the Senate were members, and with others outside constituted the Commission. That Commission performed its functions and reported a year ago damages to certain people who were injured, and that report was adopted and appropriation made.

Mr. DANIELS. That was in reference to those who were killed.

Mr. CANNON. Those who were on the death list. The amount of that award I do not recollect. Now the report comes in covering claims put into this bill, as it comes to us from the Senate, aggregating $162,000. The Senate placed the amendment upon the bill. The House would have put it on cheerfully if it had been presented to the House for consideration before the bill passed from its hands. The Senate put the amendment on.

Now, then, after the Senate put the amendment on and it came to the House there was a publication made that a part of these claims were improperly or improvidently allowed. Information came to my colleague on the committee [Mr. SAYERS]; a letter was written by him to the Secretary of War, which brought the response which has been read. In that statement, or the response of the Secretary of War, are suggestions that challenge $15,000, in round numbers, of these claims; it gives the names and gives the facts and circumstances connected with it. I do not know whether they are correctly challenged or not. The gentleman from New York [Mr. DANIELS], who is on the Commission—equally as worthy as my excellent friend from Iowa [Mr. UPDEGRAFF], but no more worthy; both honest and accomplished men—the gentleman from New York says that in his opinion the appropriation ought to be made for the $130,000 or $145,000, and that the $15,000 challenged ought to be referred back to the Commission for further inquiry, to either demonstrate that this communication transmitted by the Secretary of War is without foundation, or to demonstrate, on the other hand, that the claims are not well founded. Now, that is the opinion of the gentleman from New York, and, as I judge from what he said, the gentleman from New York is of opinion that the claims are well founded, but that there comes the challenge with reference to them.

Now, I want to say a word in reply to the gentleman from Iowa [Mr. UPDEGRAFF], a member of the committee, and in reply to my friend the gentleman from Iowa [Mr. HENDERSON]. These men who are allowed these claims, aggregating $15,000, can not afford, with this challenge, to take this appropriation, if they have good claims. That is my judgment about it. Ah, but, says my friend from Iowa, one of these men was a soldier, disabled in defense of the country, for years receiving $72 a month, and now receiving $72 a month, and he says he can not find it in his heart to send this man, thus wounded, back to the Commission for a rehearing. I can not find it in my heart, when that man, with an honorable record, totally disabled and getting $72 a month for years, is challenged as a fraud in this communication transmitted from the Secretary of War. I can not find it in my heart to refuse that man a chance for vindication. In my judgment, the gentleman from New York [Mr. DANIELS] is right. We ought to appropriate this $130,000, and we ought to send the remaining claimants back to my friend from Iowa [Mr. UPDEGRAFF] on the Commission, and the other Commissioners, for reexamination and report on the first Monday in next December. So much for that.

Now, independent of this report from the Secretary of War, there are three claims here of three legatees. That ought to be amended so that the money, instead of going to the three legatees, who are not, so far as I am informed, members of the family, shall go to the personal representatives of the deceased. In other words, we do not want to be called upon to pay again.

Having said that much, I am ready to vote, and ask a vote on the amendment of the gentleman from Texas [Mr. SAYERS].

The SPEAKER pro tempore. The question is on the motion of the gentleman from Texas [Mr. SAYERS] that the House recede from its disagreement to amendment numbered 27, and agree to the same with the amendment or amendments which have been read.

Mr. UPDEGRAFF. Mr. Speaker, I rise to a parliamentary inquiry. Will not a motion to recede and concur take precedence of the motion pending? If so, I desire to make that motion. The motion of the gentleman from Texas [Mr. SAYERS] is to concur with an amendment. This motion of mine is in the interest of agreement and therefore has precedence.

Mr. CANNON. In reply to that matter, I want to be heard just for a minute. This is a motion to recede and concur with an amendment. There can be but one motion to recede pending at a time, and therefore another motion to recede is not in order.

Mr. UPDEGRAFF. My motion is a motion to recede and concur. It is in the interest of agreement and in the interest of perfecting legislation.

Mr. CANNON. This is a motion to recede and concur, with an amendment.

Mr. UPDEGRAFF. My motion makes an agreement. The other motion has a tail to it.

Mr. GROSVENOR. The motion of the gentleman from Iowa [Mr. UPDEGRAFF] is a motion to go forward. The other is a motion to go backward. The motion of the gentleman from Iowa [Mr. UPDEGRAFF], if agreed to, would end the controversy. The other is a motion which keeps the controversy open. I have no doubt about what the rule is.

The SPEAKER pro tempore. The Chair is of the opinion that at the present period of the disagreement between the two Houses a motion to recede and concur takes precedence of a motion to recede and concur with an amendment. That has been the ruling on previous occasions. The motion to recede brings the two Houses together.

Mr. UPDEGRAFF. I move to recede.

The SPEAKER pro tempore. The motion to concur, before this stage, would have been in order; but a motion to recede with an amendment can only come up now after the motion to recede and concur shall have been voted down.

Mr. UPDEGRAFF. My motion is to recede and concur.

Mr. CANNON. Does the Chair hold that motion to be in order.

The SPEAKER pro tempore. The Chair holds that motion in order.

Mr. CANNON. I want to be heard just a moment before the vote is taken, and I want the attention of the gentleman from Iowa [Mr. UPDEGRAFF] and of the House. The motion to recede with an amendment, made by the gentleman from Texas [Mr. SAYERS], if adopted, excepts these claims, aggregating $30,000. If it is voted down, then the motion of the gentleman is in order; but if the motion of the gentleman is put and carried, it shuts off the amendment that ought to prevail and that I shall offer if the motion of the gentleman from Texas [Mr. SAYERS] is voted down, although I think the motion of the gentleman from Texas [Mr. SAYERS] is the correct one; that is, I will offer an amendment to except these legatees who are appropriated for by name, $5,000 each. So far as I know and believe, they are not members of the families of the deceased. They ought to be omitted. If we pay that $15,000 it ought to be paid to the executors or administrators, so that it may be distributed after the debts are paid, perchance debts that were incurred during the last sickness of the deceased.

Now, if the amendment of the gentleman from Iowa [Mr. UPDEGRAFF] is adopted, that means that we go back on the whole thing, and that these three legatees take the $5,000 apiece.

Now I am ready to vote, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Iowa [Mr. UPDEGRAFF].

Mr. DOCKERY. I rise simply to express the hope that my good friend from Iowa [Mr. UPDEGRAFF] will not press his motion to recede. I do not think, under the circumstances, he would desire to include the three legatees.

Mr. UPDEGRAFF. I certainly would, and if I am allowed the time I will state my reasons, and they are good reasons.

Mr. CANNON. I ask for a vote.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Iowa [Mr. UPDEGRAFF], that the House recede from its disagreement to amendment numbered 27, and agree to the same.

The question being taken, the Speaker pro tempore announced that the ayes seemed to have it.

Mr. SAYERS demanded a division.

The House divided; and there were—ayes 67, noes 76.

Mr. UPDEGRAFF. The yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 96, nays 123, not voting 135; as follows:

YEAS—96.

Acheson,	Fischer,	Howell,	Russell, Conn.
Aldrich, Ala.	Fowler,	Huling,	Sauerhering,
Apsley,	Gamble,	Hunter,	Scranton,
Arnold, Pa.	Gardner,	Jenkins,	Sherman,
Arnold, R. I.	Gillet, N. Y.	Johnson, Cal.	Simpkins,
Atwood,	Goodwyn,	Johnson, N. Dak.	Sperry,
Babcock,	Griffin,	Kiefer,	Stahle,
Baker, Md.	Griswold,	Kirkpatrick,	Stewart, N. J.
Barney,	Grosvenor,	Knox,	Stewart, Wis.
Brown,	Grow,	Kulp,	Stone, C. W.
Bull,	Hager,	Lacey,	Sulloway,
Burton, Mo.	Halterman,	Lefever,	Tayler,
Calderhead,	Hardy,	Leisenring,	Thomas,
Chickering,	Harmer,	Lewis,	Updegraff,
Clark, Mo.	Harris,	Loudenslager,	Van Horn,
Coffin,	Hartman,	Mahany,	Van Voorhis,
Crowther,	Heatwole,	McLachlan,	Walker, Mass.
Crump,	Henderson,	Mercer,	Walker, Va.
Curtis, Iowa	Henry, Conn.	Miller, W. Va.	Warner,
Curtis, N. Y.	Hepburn,	Milliken,	Watson, Ohio
Danford,	Hermann,	Minor, Wis.	Wellington,
Dayton,	Hill,	Phillips,	White,
Doolittle,	Hooker,	Quigg,	Willis,
Downing,	Hopkins,	Reyburn,	Woodman.

NAYS—123.

Abbott,	Curtis, Kans.	Lester,	Shafroth,
Adams,	Daniels,	Linney,	Shuford,
Allen, Miss.	Dingley,	Linton,	Skinner,
Allen, Utah	Dinsmore,	Long,	Smith, Ill.
Anderson,	Dockery,	Maguire,	Sorg,
Avery,	Eddy,	Marsh,	Southard,
Baker, N. H.	Elliott, S. C.	McCall, Tenn.	Sparkman,
Bankhead,	Ellis,	McClellan,	Stallings,
Barrett,	Erdman,	McDearmon,	Strait,
Bartlett, N. Y.	Faris,	McEwan,	Strode, Nebr.
Belknap,	Fitzgerald,	McMillin,	Strowd, N. C.
Bell, Colo.	Gibson,	McRae,	Sulzer,
Berry,	Graff,	Meredith,	Talbert,
Bingham,	Grout,	Mitchell,	Tate,
Bishop,	Hadley,	Mondell,	Tawney,
Black, Ga.	Hainer, Nebr.	Money,	Terry,
Blue,	Hall,	Mozley,	Towne,
Broderick,	Harrison,	Ogden,	Tracewell,
Brumm,	Hart,	Overstreet,	Tracey,
Buck,	Hemenway,	Owens,	Treloar,
Burton, Ohio	Hendrick,	Pendleton,	Turner, Ga.
Cannon,	Henry, Ind.	Pitney,	Tyler,
Catchings,	Hubbard,	Poole,	Underwood,
Clardy,	Hulick,	Powers,	Wanger,
Clarke, Ala.	Jones,	Pugh,	Wheeler,
Cobb,	Joy,	Reeves,	Williams,
Codding,	Kem,	Richardson,	Wilson, Idaho
Cook, Wis.	Kleberg,	Robertson, La.	Wilson, N. Y.
Cooper, Fla.	Latimer,	Russell, Ga.	Wilson, S. C.
Culberson,	Layton,	Sayers,	Wood.
Cummings,	Leighty,	Settle,	

NOT VOTING—135.

Aitken,	De Witt,	Lorimer,	Pickler,
Aldrich, Ill.	Dolliver,	Loud,	Price,
Andrews,	Dovener,	Low,	Prince,
Bailey,	Draper,	Maddox,	Raney,
Baker, Kans.	Ellett, Va.	Mahon,	Ray,
Barham,	Evans,	McCall, Mass.	Robinson, Pa.
Bartholdt,	Fairchild,	McCleary, Minn.	Royse,
Bartlett, Ga.	Fenton,	McClure,	Rusk,
Beach,	Fletcher,	McCormick,	Shannon,
Bell, Tex.	Foote,	McCreary, Ky.	Shaw,
Bennett,	Foss,	McCulloch,	Smith, Mich.
Black, N. Y.	Gillett, Mass.	McLaurin,	Snover,
Boutelle,	Hanly,	Meiklejohn,	Southwick,
Bowers,	Hatch,	Meyer,	Spalding,
Brewster,	Heiner, Pa.	Miles,	Spencer,
Bromwell,	Hicks,	Miller, Kans.	Steele,
Brosius,	Hilborn,	Milnes,	Stephenson,
Burrell,	Hitt,	Miner, N. Y.	Stone, W. A.
Clark, Iowa	Howard,	Moody,	Strong,
Cockrell,	Howe,	Morse,	Swanson,
Colson,	Huff,	Moses,	Taft,
Connolly,	Hull,	Murphy,	Thorp,
Cooke, Ill.	Hurley,	Neill,	Tucker,
Cooper, Tex.	Hutcheson,	Newlands,	Turner, Va.
Cooper, Wis.	Hyde,	Noonan,	Wadsworth,
Corliss,	Johnson, Ind.	Northway,	Washington,
Cousins,	Kendall,	Odell,	Watson, Ind.
Cowen,	Kerr,	Otey,	Wilber,
Cox,	Kyle,	Otjen,	Wilson, Ohio
Crisp,	Lawson,	Parker,	Woodard,
Crowley,	Leonard,	Patterson,	Woomer,
Dalzell,	Little,	Payne,	Wright,
De Armond,	Livingston,	Pearson,	Yoakum.
Denny,	Lockhart,	Perkins,	

So the motion to recede and concur was not agreed to.

The following pairs were announced:

Until further notice:

Mr. DALZELL with Mr. CRISP.

Mr. STEPHENSON with Mr. NEILL.

Mr. MAHON with Mr. PATTERSON.

Mr. BLACK of New York with Mr. LAWSON.

Mr. SMITH of Michigan with Mr. BERRY.

Mr. GILLETT of Massachusetts with Mr. COWEN.

Mr. DRAPER with Mr. SPENCER.

Mr. LOUD with Mr. SWANSON.

Mr. BURRELL with Mr. COCKRELL.

Mr. COLSON with Mr. KENDALL.

Mr. FOOTE with Mr. HUTCHESON.

Mr. MEIKLEJOHN with Mr. CROWLEY.

Mr. PICKLER with Mr. MILES.

Mr. JOHNSON of Indiana with Mr. COX.

Mr. CORLISS with Mr. MOSES.

Mr. SNOVER with Mr. MADDOX.

Mr. BOWERS with Mr. MINER of New York.

Mr. COUSINS with Mr. LIVINGSTON.

Mr. NORTHWAY with Mr. PRICE.

Mr. FOSS with Mr. MCLAURIN.

Mr. MCCALL of Massachusetts with Mr. DE ARMOND.

Mr. BARHAM with Mr. KYLE.

Mr. HITT with Mr. OTEY.

Mr. BARTHOLDT with Mr. DENNY.

Mr. ROYSE with Mr. TURNER of Virginia, except on Tucker-Yost election case.

For this day:

Mr. WILLIAM A. STONE with Mr. SHAW.

Mr. PERKINS with Mr. MEYER.

Mr. MORSE with Mr. MCCULLOCH.

Mr. MOODY with Mr. LOCKHART.

Mr. LEONARD with Mr. LITTLE.

Mr. HICKS with Mr. COOPER of Texas.

Mr. BROMWELL with Mr. BELL of Texas.

Mr. LEWIS with Mr. BARTLETT of Georgia.

Mr. RANEY with Mr. WASHINGTON.

Mr. STEELE with Mr. MCCREARY of Kentucky.

Mr. MCCLEARY of Minnesota with Mr. RUSK.

Mr. BROSIUS with Mr. BAILEY.

Mr. WADSWORTH with Mr. TUCKER.

Mr. WOOMER with Mr. YOAKUM.

Mr. SPALDING with Mr. WOODARD, on this question.

Mr. HEINER of Pennsylvania with Mr. FITZGERALD, on this vote.

Mr. KYLE. Mr. Speaker, I am paired with the gentleman from California, Mr. BARHAM, and inadvertently voted. I desire to withdraw my vote.

Mr. LOUD. Mr. Speaker, I think I am paired with the gentleman from Virginia, Mr. SWANSON. If so, I withdraw my vote.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore. The question recurs on the motion of the gentleman from Texas to agree to the Senate amendment with an amendment which has been read.

The motion was agreed to.

On motion of Mr. SAYERS, a motion to reconsider the vote by which the House agreed to the Senate amendment with an amendment was laid on the table.

Mr. CANNON. Mr. Speaker, I now move to reconsider the action of the House on agreeing to amendments numbered 207 and 208, with an amendment. This is touching the allowance of election expenses. I make the motion for the reason that on examination the gentleman from Maryland [Mr. RUSK] finds that the amendment, by mistake, leaves his name out, although he has a certificate from the committee, and the certificate was sent to the Senate when the amendment was put on.

The SPEAKER pro tempore. The gentleman from Illinois moves to reconsider the vote by which the amendments of the Senate numbered 207 and 208 were agreed to with an amendment. Without objection, it will be so ordered.

There was no objection, and it was so ordered.

Mr. CANNON. Now, Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment as follows:

"At the end of the matter inserted by said amendment insert:

"'To Henry C. Miner, $2,000.

"'To Harry W. Rusk, $2,000.

"'To George Denny, jr., $2,000.'"

That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows:

"In lieu of the sum proposed insert '$110,861.82.'"

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois.

The question was taken; and the amendment was agreed to.

Mr. CANNON. Now, Mr. Speaker, the gentleman from Virginia [Mr. ELLETT] desires a separate vote on an amendment—I think he has the number.

Mr. ELLETT of Virginia. It is amendment numbered 103.

Mr. CANNON. Does the gentleman desire to move that the House concur?

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Award of Secretary of the Navy: For payment in full to the Richmond Locomotive and Machine Works its audited and adjusted claim for damages and losses incurred in the construction of the armored battleship TEXAS, $33,558.30.

The SPEAKER pro tempore. The gentleman from Virginia moves that the House recede and concur in the Senate amendment which has just been read.

Mr. ELLETT of Virginia rose.

Mr. CANNON. Mr. Speaker, I believe I am entitled to the floor. I understand this is a subsidiary motion.

The SPEAKER pro tempore. The gentleman is entitled to the floor.

Mr. CANNON. How much time does the gentleman from Virginia desire?

Mr. ELLETT of Virginia. Ten or fifteen minutes.

Mr. CANNON. I will yield the gentleman ten minutes, and if he finds that he needs five minutes more I will yield him the time.

Mr. ELLETT of Virginia. I thank the gentleman.

Mr. Speaker, in the absence of nearly all of my colleagues from Virginia to-day, I desire, in a few brief minutes, to call the attention of the House to two things in relation to this claim. The first is the absolute justness of the claim and the fact that it has been audited and adjusted; and the second is the urgent reasons for its immediate payment. By an act of Congress this claim was referred to the Secretary of the Navy, and he was directed to audit and adjust it. He did so, and under that audit he reported that $80,049.29 was due.

Since that time the claim has been before four committees. Three of them confirmed the action of the Secretary of the Navy. The fourth committee, in the Senate a few days ago, reported that they thought certain items allowed by the Secretary ought not to be paid, those items being interest, insurance, and security, and upon that report the claim was reduced to $69,000. The proprietors of the Richmond Locomotive and Machine Works accepted that award, although they thought the audit by the Secretary of the Navy was equivalent to a judgment. They accepted it because it is absolutely essential to them that this claim be speedily paid in order that their works may go on.

I maintain, Mr. Speaker, that a general audit by the Auditor of any one of the Departments of the Government is equivalent to a judgment, and that when there is a special act of Congress directing the Secretary of the Navy to audit, through the proper bureaus in his Department, any special claim, and he does so, that audit should in law occupy the same dignified position and become equivalent to a judgment. Certainly this position can be attacked only on technical grounds. Morally the claim stands as an adjudicated claim. That being the case, let me now call attention to the urgency of this case. Mark you, the claim at $80,000 had been passed upon and audited by the Secretary of the Navy and by four committees, one in this House and three in the Senate.

As I have already said, it was reduced in the Senate to $69,000, which the claimants agreed to accept under the circumstances I have stated. The Richmond Locomotive Works undertook to construct the machinery for the battle ship *Texas* on the suggestion of Mr. Tracy, then Secretary of the Navy. His reason for having the work done there was that in case of war or trouble with foreign countries he desired to have strategic points throughout the country where naval armament, or ships, or torpedo boats might be constructed with safety, and, to use the words of Secretary Tracy to me at the time, he was well aware that it was a very difficult undertaking to capture the city of Richmond; that it was almost an impregnable point, and it being easy of access to the Atlantic Seaboard, he thought it would be of great advantage to the Government to have works established there competent to construct naval vessels, torpedo boats, and naval armament.

Under that suggestion of Secretary Tracy certain gentlemen in Richmond, not with large means, but with a good deal of nerve, undertook the construction of the machinery for the battle ship *Texas*, while the Government undertook the construction of the hull. There has been a good deal of criticism of the hull of that vessel, but there has never been any criticism of the machinery; and no longer ago than the day before yesterday we received a letter from Captain Glass, the gallant commander of the *Texas*, in which he stated that with a few changes in the hull of the vessel he expected to command one of the finest ships in the Navy—that he would have a battle ship with the speed of a cruiser.

Now, gentlemen, I am here to frankly concede that the Richmond Locomotive Works are in great need of this money. If they get it without delay, 2,000 workingmen will continue to receive employment in those works. If they fail to get it, the works will be shut down and 2,000 men will be thrown out of employment. It is conceded on every hand that this is a just claim. It will be seen, therefore, from what I have stated how urgent the necessity is for the immediate payment of this claim, and I appeal to you, gentlemen, to bear in mind what I have said about these workingmen and their families, and to vote to concur in the Senate amendment and let this just claim due to the Richmond Locomotive and Machine Works be paid. I yield now to my colleague from Virginia [Mr. WALKER].

The SPEAKER pro tempore. The gentleman from Illinois [Mr. CANNON] has the floor.

Mr. ELLETT of Virginia. The gentleman yielded me fifteen minutes, and I desire to yield some of the time to my colleague.

Mr. CANNON. No; I yielded the gentleman ten minutes.

Mr. ELLETT of Virginia. Well, there are two gentlemen who want to say something about this claim. My colleague [Mr. WALKER of Virginia] desires a minute.

Mr. CANNON. Very well. I yield a minute to the gentleman from Virginia [Mr. WALKER].

Mr. WALKER of Virginia. Mr. Speaker, I can add nothing to the very clear statement that has been made by my colleague from Virginia [Mr. ELLETT]. This is conceded to be a just claim. I am not aware that there is any objection to it upon the ground that the Government does not honestly owe the money. I will ask the gentleman from Illinois whether there is any objection to the claim on the ground that it is not just? I have never heard of any.

Mr. CANNON. I will answer that in my own time.

Mr. WALKER of Virginia. Then, Mr. Speaker, this being a just claim, conceded to be so, having been reported favorably by four committees, one of them a special committee, and previously audited by the Navy Department, I trust that the House will vote to concur in the Senate amendment and let this money be paid. From what I have heard I think the only objection to the amendment is that it is not in its proper place upon this bill, but I hope that no mere technical consideration will induce members to vote here against a just claim like this, but rather that they will vote to pay it and not to put this company, which is struggling with hard times, in a position of great financial stress for want of money which is justly due to them.

Mr. MCMILLIN rose.

Mr. CANNON. Does the gentleman desire one or two minutes?

Mr. MCMILLIN. Yes, sir.

Mr. CANNON. I yield two minutes to the gentleman.

Mr. MCMILLIN. Mr. Speaker, I have had occasion to examine this claim, but I do not know that I can add anything to the very clear statement which has been made by the gentleman representing the district in which these works are located [Mr. ELLETT of Virginia], who has addressed you. It is not denied, I believe, that the Government owes a debt to these parties. The question to be determined now is whether the amount sought to be appropriated is in excess of the amount due. Upon that subject it is sufficient to say that the auditing officer to whom the matter was referred by act of Congress found not simply what is reported here as due—sixty-nine thousand and odd dollars—but above $80,000. Three or four different committees of Congress have also found that the debt due was about that amount. The Senate committee left out some items that it considered not proper charges against the Government, although they were items of expenditure that had been incurred by the parties. In that way the claim was reduced from eighty thousand and odd dollars to $69,000, and the question is, will we appropriate and pay this amount?

It strikes me that it is proper the Government should pay this debt, which, as I believe, it owes. I think the preponderance of evidence is largely to the effect that this amount at least is due, and it is very questionable in my mind whether or not the item of insurance, and possibly other items which have been left out by the Senate, would not also be a proper charge against the Government. But the portion which is included is, it seems to me, justly due and ought to be paid to these parties. Here are enterprising citizens who built one of our greatest war vessels. She fulfilled every requirement. Her speed and strength were all the Government required. A balance remains due them. Every consideration of honor, honesty, fair dealing, and good faith demands that we keep our contract and pay what we owe.

Mr. BENNETT. I should like to occupy one minute.

Mr. CANNON. I yield to the gentleman.

Mr. BENNETT. I do not wish to take much of the time of the House in the discussion of this question, but I want to call the attention of the House to the fact that this amount, $69,558.39, is within the contract price.

Mr. CANNON. What is the gentleman's statement?

Mr. BENNETT. I say that this amount, as I understand, is within the contract price, and is a legal obligation of the Government, which should be paid.

Mr. CANNON. Oh, no, it is not a legal obligation. The gentleman is mistaken.

Mr. BENNETT. Well, that is my understanding.

Mr. CANNON. I do not doubt that such is the gentleman's understanding, but——

Mr. ELLETT of Virginia. That is correct in this way—by allowing for the additional time granted by the Government to the Richmond Locomotive Works the same rate of compensation that was allowed under the contract.

Mr. CANNON. I will say to the gentleman that this is not a legal claim at all, and will not be regarded as such by anybody who has read the report.

Mr. ELLETT of Virginia. I have explained that matter in the remarks I have just made. Technically it is not as strong as a

claim audited by any Department, but morally it is stronger, because audited by special act and direction of Congress.

Mr. BENNETT. Mr. Speaker, I want to quote a word or two from the statement of the captain of the *Texas*, Capt. Henry Glass, for whom I have the greatest possible respect; and I am sure any member of this House acquainted with him would allow to his statement very great weight and consideration. He says: "The *Texas*, when completed—when the repairs are made to the hull that are now under way—will be a battle ship with the speed of a cruiser." I commend this statement to the consideration of gentlemen of the House. I trust that the amendment of the Senate will be concurred in.

Mr. BRUMM. I should like to ask the gentleman from Illinois a question.

Mr. CANNON. I yield for a question.

Mr. BRUMM. I understand that this is a claim which should properly have been referred for examination to the Committee on Claims of this House. As chairman of that committee I say that this claim has never been before our committee, but as I understand it has been placed on this bill by a committee of the Senate. I want to know whether that is correct?

Mr. CANNON. According to my examination, the gentleman is correct, and I have made a pretty thorough examination.

Mr. BRUMM. Then I wish simply to say, with the gentleman's permission, that I think this House ought to put a stop to this system of legislation. We have our committees here for the purpose of investigating cases of this kind and reporting upon them. The Committee on Claims is made up largely of lawyers. The members of that committee are competent to investigate the law as well as the facts governing these cases. This case not having been before our committee, it would be a bad precedent for us to permit the Senate to add to appropriation bills claims of this sort that have never gone through the proper committee of this House.

Mr. ELLETT of Virginia. This claim was before the Naval Committee of the House.

Mr. BRUMM. But that was not the proper committee. The Committee on Claims should have examined it.

Mr. ELLETT of Virginia. It was referred by the Speaker of the House to the Naval Committee, and by that committee reported favorably.

Mr. CANNON. Mr. Speaker, a very few words will inform the House in regard to this matter. This is a claim pure and simple. It may have merit. I have read the report of the facts within the last twenty-four hours. I doubt whether the claim has merit to the amount represented. I rather think that if the claim were being considered in Committee of the Whole, where it would be open to amendment, I might say that a portion of this amount might well be granted by legislation. But how much I am not prepared to say. I repeat, it is a claim pure and simple—as much so as any to be found on the Private Calendar. Now, then, how does this claim come here? Does it come here upon an estimate transmitted through the Secretary of the Treasury? No. Gentlemen know how the estimates on which we frame our general appropriation bills are made up. Does this claim come here in that way? No. There has never been a line of an estimate sent to the House covering this claim. Does it come here even upon the report of the committee of the gentleman from Pennsylvania [Mr. BRUMM]—the Committee on Claims? No; his committee has not investigated the case. Does it come here upon a report from the Committee on Naval Affairs? No. There was a communication addressed to Congress by the Secretary of the Navy, and referred to the Committee on Naval Affairs, and there it stays without any action.

Now, how did it come? It came by a man getting up in the Senate of the United States, when this general deficiency bill was being considered in that body, and offering this amendment as an amendment to the bill. Now it is said—I do not say it is so—it is said that courtesy has much to do with these matters. Well, I think the plain way, the safer way, for us is to go by rule. That is what we have got to do on this side.

But by the grace of God, and the Senate of the United States, we are permitted in this House to consider claims here, separate claims—I am not now speaking of the spoliation claims or the claims under the Bowman Act, for we have disposed of them—but we are permitted to consider claims here, sent over by the Senate, aggregating some $900,000—claims, hundreds of items, that come to us on this bill. We can consider and adopt them if we choose. But, Mr. Speaker, if you adopt this one amendment now under consideration you want to adopt every other one, for so far as I know the others have just as much merit as this has.

Now, whether my friend from Pennsylvania, with his business, with his calendar, might have gone to another body and got his entire calendar put on as an amendment to this bill I do not know.

Mr. BRUMM. I never did and never would. I never tried it.

Mr. CANNON. The gentleman says he never tried it.

Mr. BRUMM. And never would.

Mr. CANNON. I am very glad to hear it. In my judgment we could not, in the five minutes we have for the consideration of these matters, safely undertake any such policy. This question ought to be considered in Committee of the Whole on its own merits on a report from the committee of the gentleman from Pennsylvania, and after full consideration. It should "walk on its own legs" and not fasten itself, like a senatorial leech, on this general deficiency bill, which must pass or the Government stop.

Mr. MCMILLIN. Is it not a fact, I would suggest to the gentleman from Illinois—is it not a fact that the gentleman himself opposed the consideration of these amendments in Committee of the Whole?

Mr. CANNON. Not at all.

Mr. MCMILLIN (continuing). Was there not a proposition to consider these amendments in Committee of the Whole when they came from the Senate, and the gentleman himself resisted it?

Mr. CANNON. Oh, no; not at all.

Mr. MCMILLIN. I think the gentleman will find, on examination of the RECORD, that his memory is a little at fault. I know the proposition was suggested and it was resisted, and I was thinking that the gentleman himself opposed it.

Mr. RICHARDSON. I made the point myself that they should be so considered.

Mr. CANNON. Ah, but it was too late then. The gentlemen can not muddy the waters here in this way——

Mr. ELLETT of Virginia. Will the gentleman allow me?

Mr. CANNON. I do not yield. I have been entirely courteous to the gentleman, and have yielded him time to present his case.

Mr. ELLETT of Virginia. But the gentleman does not desire to do an injustice to anybody.

Mr. CANNON. Certainly not; and I yield to the gentleman, on that suggestion, for a question.

Mr. ELLETT of Virginia. You stated that this should have been passed on by a Committee of the House?

Mr. CANNON. Yes.

Mr. ELLETT of Virginia. I say it has already been passed on by a committee of the House.

Mr. CANNON. What committee? Just send it to me, please.

Mr. ELLETT of Virginia. By Mr. Clancy, in the Fifty-third Congress.

Mr. CANNON. Ah, but I am not talking of the Fifty-third Congress. I am speaking of a committee of this Congress.

Mr. ELLETT of Virginia. Just let me say that you stated that it was not a legal claim——

Mr. CANNON. I do.

Mr. ELLETT of Virginia. And yet that committee reported a bill which the House passed, directing the Secretary of the Navy to audit and adjust the claim. And I say when he did it it has the same moral effect as a judgment, if it is not technically a judgment against the United States.

Mr. CANNON. Ah, Mr. Speaker, there is no heresy but what somebody stands ready to bless it with a text. There are the simple, plain facts about it; and now, after yielding a minute or two to my colleague from Illinois [Mr. HOPKINS], I will ask a vote.

Mr. HOPKINS. Mr. Speaker, I think my colleague is entitled to great credit in resisting the payment of this claim.

The contract price entered into between the Government and the Richmond Locomotive Works for building the engines for the *Texas* was in round numbers $634,000. According to their statement, the cost of labor and material was $522,039.08. They have added to this, as cost of the engine, contingent (which is 30 per cent of the cost of material and labor that went into the construction of the engine), $151,940.39. They have also added an item of interest amounting to $59,612.66, and then they have added an item of profit, over labor and material, of $52,203.91. These three items, aggregating $263,756.96, were not included in the contract at all. Now, this company entered into this contract with a full knowledge of what they were required to do. They were to build these engines for the *Texas* under plans that were purchased by Secretary Whitney in Europe several years ago, and in making their estimates they were in competition with other parties, and they made their contract under such conditions that they believed they could make money by it. Now, without any fault whatever on the part of the Government, these people claim that they should be allowed additional money. Over $52,000 of this amount they charge for tools that they claim they were required to purchase or to build in order to construct these engines. Now, is there any person in the world who will make a contract with the Cramps up here at Philadelphia for the building of a ship and then allow them extras for the tools and machinery necessary for the building of that ship? That is precisely what this Richmond company has asked.

Mr. ELLETT of Virginia. You are mistaken.

Mr. HOPKINS. Not at all.

Mr. ELLETT of Virginia. I know the gentleman from Illinois does not desire to misrepresent.

The SPEAKER pro tempore. Does the gentleman from Illinois [Mr. CANNON] yield?

Mr. CANNON. I can not yield for a controversy about the merits of this matter.

Mr. HOPKINS. Let me have a word or two further. This is one of the items that were publicly charged; and then they have also charged an item of 30 per cent profit on this entire sum, in order to make up the total that was presented to the Secretary of the Navy. Now, this is done, not upon an investigation, but simply upon an affidavit that was filed by a representative of this company with the Navy Department. The Navy Department has not sent out experts to go and investigate this thing in the way that an investigation ought to be made before money is voted away by this House——

Mr. ELLETT of Virginia. May I interrupt the gentleman?

Mr. HOPKINS. An investigation should be made by the proper Department, and this question should be considered; and I say, under the facts as presented here——

Mr. ELLETT of Virginia. Will the gentleman yield to me? I know he does not wish to make a misstatement.

Mr. CANNON. I will yield two minutes more, and then I will ask for a vote.

Mr. ELLETT of Virginia. Experts have been sent out by the Navy Department. The Chiefs of the Bureau of Construction and Repair and the Bureau of Steam Engineering passed upon the claim of the Richmond Locomotive and Machine Works and reported the damages due to said company by the Government as follows, namely:

Direct damage	$56,179.73
Interest	8,740.24
Insurance	1,150.72
Dock trial	12,778.66
Damage to schooner	600.00
Security	600.00
Total	80,049.35

This sum is entirely due to the default of the Government by the admission of its own experts after investigation.

The report of these experts was passed upon by a committee of this House, and by four committees of the Senate. In all, $80,000 was admitted and conceded by these four committees and audited by the Secretary of the Navy.

Mr. HOPKINS. Now, Mr. Chairman, I deny——

Mr. ELLETT of Virginia. One moment. Then, three items—interest, insurance, and surety—were stricken out by the last committee, making the fifth committee that has reported upon this matter.

Mr. HOPKINS. I can not yield any further. The items as presented by the gentleman are not the items the Richmond Locomotive Company have made their claim upon at all. Their items are: Contingent, $151,940.39; interest, $59,612.66; profit over labor and material, $52,203.91. And I am credibly informed that the $52,000 represents what they claim for extra tools and machinery to construct these engines.

Mr. ELLETT of Virginia. That is a mistake. There is no claim against the Government for tools, but merely a statement of the fact that that sum was expended by the company in tools in order to equip themselves to do the work in a creditable manner, which they did. The entire amount is due to confessed failure upon the part of the Government to carry out its contract, the statement of the gentleman from Illinois notwithstanding.

Mr. HOPKINS. When the gentleman talks about investigation, I undertake to say that it was no investigation at all, and that it was a disgrace to the Government. I undertake to say, further, that if this claim is rejected by this House, as I trust it will be, and the conferees of the House succeed in striking that from the bill, if we can have a proper examination, not a dollar of this money will be allowed to this company. They ought not to have it. They were paid the contract price, and I know of no reason, either in morals or in law, why this company should be paid an immense amount of money, as claimed here, when it has been denied to such shipbuilders as the Cramps, of Philadelphia, and to old John Roach, who was driven to his grave by the class of men who now seek to foist this bill upon Congress.

Mr. CANNON. Mr. Speaker, a word only in conclusion. The speech of the gentleman from Virginia [Mr. ELLETT] and the speech of my colleague from Illinois [Mr. HOPKINS], equally strong and equally honest, show that there is a difference of opinion about this claim, and it demonstrates better than I could by a ten hours' speech the impropriety of having this thing upon a general appropriation bill. I ask for a vote.

The SPEAKER pro tempore. The question is on the motion that the House recede from its disagreement to Senate amendment numbered 103, and agree to the same.

The question being taken, on a division (demanded by Mr. ELLETT of Virginia) there were—ayes 44, noes 76.

Mr. ELLETT of Virginia. I call for the yeas and nays.

Mr. CANNON. I hope not. The House is clearly the other way.

Mr. ELLETT of Virginia. I withdraw the demand for the yeas and nays.

Accordingly, the motion was rejected.

Mr. CANNON. The action of the House just taken is a nonconcurrence. I move that the House further insist on its disagreement to amendment numbered 103, and agree to the conference asked for by the Senate.

The motion was agreed to.

The SPEAKER pro tempore. The Chair will announce as conferees on this bill Mr. CANNON, Mr. ARNOLD of Rhode Island, and Mr. SAYERS.

APPOINTMENT OF CONFEREES.

The SPEAKER pro tempore. The Chair announces the appointment of the conferees on the bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes, Mr. CURTIS of Iowa, Mr. MILNES, and Mr. HULING.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 1511) granting a pension to Mrs. Jane Stewart Whiting; asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. CANNON; and Mr. MITCHELL of Wisconsin as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 1420) granting an increase of pension to Elizabeth W. Sutherland.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate having proceeded in pursuance of the Constitution to reconsider the bill entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," returned to the House of Representatives by the President of the United States with his objections, and sent by the House of Representatives to the Senate with the message of the President returning the bill:

Resolved, That the bill do pass, two-thirds of the Senate agreeing to pass the same.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, who also announced the action of the President on bills of the following titles:

On June 3, 1896:

An act (H. R. 886) to amend section 3255 of the Revised Statutes of the United States concerning the distilling of brandy from fruits;

An act (H. R. 3282) to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 28, 1894; and

An act (H. R. 5675) authorizing the construction of a wagon and motor bridge over the Missouri River at St. Charles, Mo.

NOTE.—The following bills were presented to the President May 19, 1896, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, have become laws without his approval:

An act (H. R. 4528) granting a pension to Katherine S. McCartney, widow of William H. McCartney; and

An act (H. R. 3607) to increase the pension of Kate Grant.

CONTESTED-ELECTION CASE—MURRAY VS. ELLIOTT.

Mr. OVERSTREET. Mr. Speaker, before proceeding I desire to yield to the gentleman from Virginia.

Mr. JONES. Mr. Speaker, I desire on the part of the minority of Election Committee No. 3 to offer the following resolutions as a substitute for those offered by the committee.

The SPEAKER pro tempore. The gentleman from Indiana calls up the contested-election case——

Mr. OVERSTREET. The resolutions have already been read.

The SPEAKER pro tempore (continuing). The Clerk will report the resolutions.

The Clerk read as follows:

Resolved, That William Elliott was not elected and is not entitled to a seat in the Fifty-fourth Congress from the First Congressional district of South Carolina.

Resolved, That George W. Murray was elected and is entitled to a seat in the Fifty-fourth Congress from the First Congressional district of South Carolina.

The SPEAKER pro tempore. The gentleman from Virginia offers the resolutions which the Clerk will read as a substitute.

The Clerk read as follows:

Resolved, That George W. Murray was not elected as a Representative to the Fifty-fourth Congress from the First Congressional district in the State of South Carolina.

Resolved, That William Elliott was duly elected, and is entitled to retain his seat.

Mr. OVERSTREET. Mr. Speaker, so many gentlemen have made the inquiry of me concerning the time of taking a vote upon this question that I think it is due to them, as well as to myself, to say that the probabilities are, the strong probabilities are, that no vote will be reached this afternoon. I feel, however, that I can safely say that the vote will occur immediately after the reading of the Journal to-morrow morning.

Mr. HOPKINS. Will not two hours and a half be enough time for the discussion of this case?

Mr. OVERSTREET. I make this statement in deference to the minority of the committee, which felt that it should have ample time to present its case.

Mr. HOPKINS. I think the gentleman ought in justice to the House to say that he will take a vote not later than 5 o'clock.

Mr. BARTLETT of New York. Will the gentleman permit me to ask him a question?

Mr. OVERSTREET. I will.

Mr. BARTLETT of New York. Is there any doubt as to the result without reference to argument? Why not vote at once? Why have any argument on either side?

Mr. OVERSTREET. I think that is a question hardly worthy an answer.

Mr. DOCKERY. The gentleman from Indiana ought to control this matter.

Mr. HULICK. I would like to ask the gentleman a question.

The SPEAKER pro tempore. Does the gentleman from Indiana yield to the gentleman from Ohio?

Mr. OVERSTREET. I do.

Mr. HULICK. The question I desire to ask is, whether you have left the impression on the minds of so many members that no vote would be taken to-day that it would affect the result in this case? Upon your suggestion that there would not be a vote, have not members left the House; and if so, would it not be best to have your suggestion carried out?

Mr. OVERSTREET. My statement was made for the reason that the minority decided that they should have ample time in which to present their side of the case, and the hour was so late before calling up this case that I do not believe they can get through this afternoon.

Mr. DOCKERY. You make this suggestion in the interest of fair play?

Mr. PAYNE. The matter is entirely within the control of the gentleman from Indiana, and I do not see why further time should be wasted. We can not come to any agreement by unanimous consent.

Mr. OVERSTREET. Mr. Speaker, I will ask unanimous consent that the vote be taken upon this question the first thing after the reading of the Journal to-morrow morning, and that debate be closed at 5 o'clock.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent that the discussion of this case be closed at 5 o'clock, the vote to be taken immediately after the reading of the Journal to-morrow morning. Is there objection?

Mr. KEM. There is objection, Mr. Speaker.

Mr. OVERSTREET. Mr. Speaker, before proceeding I will state that at 5 o'clock I shall move the previous question upon this question.

Mr. Speaker, this case comes from the First Congressional district of South Carolina. The experience of the House a few days ago satisfied us of the peculiar political conditions existent in that State. The question that is brought up this morning for your consideration comes from the same section of the State of South Carolina from which the case of Johnston *vs.* Stokes hailed. I shall not for that reason enter into a detailed statement of the peculiar political conditions existing in that State. The same election law prevails in this district that prevailed in the former. One change only do I care to note, and that is concerning the registration law. The law that by the report in the Johnston and Stokes case was declared unconstitutional is not the registration law that pertains to the city of Charleston, which is located in the First South Carolina district.

A registration law was passed in December, 1890, applying to the city of Charleston only, so that in the remaining portion of the First Congressional district of South Carolina the registration law that we the other day declared to be unconstitutional was in force, while the new registration law, enacted in 1890, was in force in the city of Charleston, which is in this district. The First South Carolina district is situated on the eastern coast of the State and its eastern border coincides with the coast line of the State, with the exception of Horry County, located in the extreme northeast corner of the State.

As I stated in the discussion in the Johnston-Stokes case, in 1893, immediately preceding the election of 1894, an apportionment law was passed which fixed a new boundary for the Seventh Congressional district and also for the First. It was only a regrouping or reorganization of the same counties and parts of counties that prevailed under the old apportionment law, excepting a small portion of Colleton County, which went into the Second district; so that whatever conditions existed prior to the passage of that apportionment law of 1893 existed after its enactment, except so far as the registration law pertaining to the city of Charleston is concerned.

The irregularities that prevailed at this election outside of the city of Charleston will not be considered in this discussion, for the reason that in the judgment of the committee a sufficient ground exists in the vote in the city of Charleston upon which to base the action that we recommend. At some of the precincts in these outer counties no polls had been opened for several years, and none were opened at this election at three or four of the precincts. It is a notorious fact that the precincts at which polls were not opened in 1894 contain a large Republican majority.

I mention one only, that of Haut Gap, in Berkeley County, because there the voters, having discovered the failure of the managers to open the poll regularly, organized a board of their own, improvised managers, and conducted the election in the same detailed manner that the law prescribed, the only difference being that the managers who conducted the election at Haut Gap were not the managers regularly appointed for that purpose. Two hundred and seventeen votes were cast at that precinct for the contestant, Mr. Murray, and the entire committee counts those 217 votes. There is no difference between us and the minority concerning that finding. In the other precincts where polls were not opened and votes were not received the evidence, in our judgment, is not sufficient to warrant us in counting the votes that were sought to be counted there, and the entire committee agree that no consideration should be given them.

Permit me to say, Mr. Speaker, that the allegations concerning all the precincts foreign to the city of Charleston show a demoralized condition politically, where the lack of proper operation of the registry laws evidently deprived a large number of colored men of the opportunity of casting their votes. But while it appears that a large number of voters were at the polls, the evidence, in our judgment, is not sufficient to count all of the votes that were there present. There is some ground upon which to count a portion of those votes, but it would only tend to increase the plurality of the contestant, and for the sake of saving time and to expedite the determination of the case we do not discuss those votes.

Let me say at this point that the mere fact of a large number of voters being present at a poll might show some doubt to exist as to whether the majority had had a proper expression of their vote if those votes are not counted, but where the voters are of a given class, like the colored voters in that district, and where all the evidence tends to show that they are members of one party, namely, the Republican party, no doubt exists; because had they been permitted to vote and had those votes been counted by the committee it would simply have tended to increase the plurality of the contestant. For these reasons we pass from the consideration of these counties and precincts not within the city of Charleston, and I shall direct my argument entirely to that locality.

The registration law of 1882, which was in force up to December, 1890, was discussed here in the case of Johnston *vs.* Stokes. The hindrances imposed upon the voters, the delays occasioned by the supervisors, the lack of proper administration of the law are all facts with which you are now familiar, so it is clear that the conduct of the supervisors of election in the First South Carolina district, in undertaking to operate under the registration law of 1882, denied the right of registration to all who had failed to ask for it in 1882, unless they became of age subsequent to that time, or unless they moved into the State subsequent to that date.

When the law of 1890 went into effect as to the city of Charleston it did not change the details, it did not change the minutiæ of the registration office. It changed only the names of the supervisors, and instead of one provided for three supervisors, the clerk of the board being also required to sign the certificate. The same rules governed the new registration in Charleston that controlled under the first registration law. The same interpretation was given the new law that had obtained under the old law, and when they came to organize the registration board in 1890 they held that no one was entitled to a certificate unless he had been registered under the law of 1882, conditioned only upon his having become of age subsequent to that time. Furthermore, by the notice for the issuing of the registration certificates, that new board under the law of 1890 announced that none would receive certificates except such as would surrender their old certificates or would prove their lack of ability to produce those old certificates.

Mr. JONES. I understand the gentleman to say that although there was a new registration in Charleston the new board of three commissioners held they could register no person unless he was entitled to registration under the law of 1882.

Mr. OVERSTREET. I most certainly said that.

Mr. JONES. Well, I should be glad if the gentleman would point out a particle of testimony in the record which shows that

Mr. OVERSTREET. I will do so. I have said that the new registration board under the law of 1890 held that no one was entitled to a certificate in the city of Charleston unless he had a certificate under the law of 1882 or had come of age since that time.

Mr. JONES. I should be glad if the gentleman would show the evidence that they held any such thing.

Mr. OVERSTREET. The notice which was published by this board of supervisors in the daily prints of the city of Charleston announced the purpose for which they would meet and under what conditions they would issue certificates. Having announced that at a certain time and at a particular place they would be prepared to issue certificates, they say this—and I quote from the notice:

For the purpose of calling in and canceling all registration tickets—

Mr. JONES. Is that in the record?

Mr. OVERSTREET. It is the notice issued by the board of supervisors. Does the gentleman deny that it is the notice?

Mr. JONES. I do not know what the gentleman is reading from.

Mr. OVERSTREET. I am reading from the notice of the supervisors of registration of the city of Charleston, published in the Charleston News and Courier March 3, 1891.

Mr. JONES. Is that in the record?

Mr. OVERSTREET. What difference does it make? It is the published notice.

Mr. JONES. If not in the record, it is no part of the case. I never heard of it before.

Mr. OVERSTREET. I will pay attention to this part of the argument:

For the purpose of calling in and canceling all registration tickets in the name of the electors residing in the precincts and issuing new certificates in lieu thereof; and for the further purpose of registering and issuing certificates to all electors in the said precincts who have become entitled to such since the closing of the books of registration in July, 1890, those electors of the wards who have lost their certificates, and desire to make proof of such loss, can obtain new certificates and will be herewith notified of the day fixed for them to make such applications.

This notice was signed by the registration commissioners—George W. Williams, Bernard O'Neill, and Jacob Small.

In the evidence of J. N. Robson, on page 380 of the record, this question and answer are found:

What persons were allowedto register by the commissioners?

Referring to this registration.

A. Those that brought their old certificates. We took them in and gave them a new one.

This man was the clerk of the board of registration. When that law first went into effect, acting under the old registration law, one supervisor was in charge, and he continued to issue certificates over his own signature. I refer to the supervisor by the name of Cantwell. Mr. Cantwell pursued that course for a time. Injunction proceedings were brought against him. The books were subsequently taken from him. He undertook to issue certificates under the law of 1890, and did issue a large number of them. Not a certificate issued by Cantwell was admitted by the managers of any election precinct in the city of Charleston.

After the injunction proceedings had been determined, and the three commissioners whose names I have read from the notice were put in charge, they began to issue new certificates, and for a while all three of these supervisors subscribed their names to the certificates of registration. By and by, for some reason known only to them—possibly from negligence or carelessness—two of the members of the commission withheld their presence from the sittings of the board, and the certificates were signed by George W. Williams only, as deputy for all. I have no word of criticism to pass upon Mr. Williams. He possibly thought he was acting right. He signed those certificates as deputy for all. But not a certificate issued by Mr. Williams alone was received at a solitary precinct in the city of Charleston.

These supervisors of registration kept a clerk who aided them, doubtless, in the transaction of their business, and in order, perhaps, to give authenticity to their signatures, it was required that the name of the clerk should be added to the certificates. I have said that Robson was the clerk. But not a certificate bearing Robson's name was received at a precinct in the city of Charleston. Meyer was one of the clerks for a while, and Mr. Meyer signed certificates bearing the name of George W. Williams. Not a certificate signed by those two was received at a precinct in the city of Charleston.

I simply mention that to show how a new burden was put upon these voters at Charleston, in addition to the millstone that already hung from their necks under the operation of the infamous and unconstitutional law of 1882. Let me say that the constitutionality of the law of 1890 is not in question here; neither is that of 1882, because it is not raised by the pleadings. Possibly some may claim that the House of Representatives, being the sole judge of the election of its members, should take cognizance of an unconstitutional law, and having so found in the Johnston-Stokes case, should hold also in this case that the law is unconstitutional.

But we have not seen fit to raise that issue. I do not believe it makes a bit of difference in this case. If the law of 1882 was unconstitutional and there could be no evidence upon which to base an election, as shown by the returns, because of the unconstitutionality of that law, still I undertake to say that the election held at the little precinct of Haut Gap in Berkeley County, where the honest voters were deprived of their rights under the action of the managers who refused to serve, would be sufficient basis to find that an honest election was held in that district. And if all of the other precincts were rejected, and no election should obtain in any, because of the finding of the unconstitutionality of the law of 1882, and if the vote of Charleston was thrown out by reason of the misconduct that obtained in that city, still I insist, without fear of doing violence to any lawyer's opinion, that the election in the First Congressional district of the State of South Carolina, conveying the seat to Mr. Murray, the contestant, would be based on the vote at the Haut Gap precinct in Berkeley County alone, and on that vote all are agreed.

Not only did the supervisors of registration of Charleston make the mistakes that I have referred to, which are not contradicted, but possibly by virtue of other mistakes of law or by carelessness, or by other reasons which are unnecessary to mention, resulting in irregularity, the contestant was deprived of votes and rights to which he was clearly entitled under the law. These discrepancies, defects, and irregularities have been conceded in this case. And remember that the certificate held by the voter on the day of the election would not correspond with the number of the certificate that appeared on the books; hence his vote was rejected. Sometimes the ward or the precinct number would not correspond with that of the residence of the voter. Mark you, now, whenever a voter moved he was entitled to a renewal. But I challenge the inspection of the record, that anywhere can you find that a challenge of the voter was made because he had moved from the place where he resided at the time the certificate was issued in any instance where I have called your attention to the irregularity of the certificate.

The evidence shows that the number of the certificate did not correspond to the number on the books; that the certificate did not call for the residence of the voter, nor that the man did not live where he said he lived when he asked for the certificate; but that the certificate itself did not correspond with the residence. I submit that whenever a voter lived at a certain place at the time he obtained his registration certificate, and an effort is made to keep him from voting because of the change of residence, the evidence must show that there was a change of residence and not that there was a discrepancy between the certificate and the place of residence.

Sometimes the certificate would not contain the name of the township, because you will understand that it is customary in printing such blanks that they print the registration certificates for the entire district; and under the law of 1882, which obtained in this district at that election, there were townships which constituted registration groups, or parishes, as they call them there; and so if they had a blank in Charleston calling for a township, and the certificate was issued for a certain precinct, and contained the names of the ward and the precinct, but not the name of the township, it was considered as an irregularity that would not permit the vote to be cast; and yet there is not a fair-minded man who would hold that that was an irregularity that was fatal to the certificate. Hence a large number of certificates issued by the proper board of supervisors of the election in Charleston had these irregularities borne on their face, and were therefore rejected when presented at the polls by the voter.

I stated, Mr. Speaker, in my argument in the Johnston-Stokes case, that there was nothing in the law of South Carolina that compelled the party in power to give representation on the board of elections to another party. The Democratic party in power there refused representation upon any of these boards in the First South Carolina Congressional district to the Republican party. An effort was made to obtain representation—an effort that, in my judgment, was based on the constitutional right of a party that is second, if not first, in the lead of votes in the district, to have that representation. That, I undertake to say, was their right; and yet I venture the assertion that there was not a solitary election board in the First South Carolina Congressional district except in the little precinct of Haut Gap that contained a Republican representative, excepting in the county of Georgetown, in which county there is no point raised as to the irregularity of the election.

Every member of the Democratic organization in that State, from the governor down to a usurping challenger at the polls, was a member of the Democratic party. They appointed the registration commissioners; they appointed the commissioners of election; they appointed the boards of election for the county; the

boards of election appointed the managers of election for the precincts, and the managers of elections appointed the clerks; and so, from top to bottom, every mother's son of them was a partisan of the Democratic party, following the same idea, which was to seat the contestee in this case. I submit that that principle is not contrary to the law of South Carolina; but I submit also that it is a right that they have to demand, and when it is refused on request, we have a right here to challenge the fairness of the election even though that action on their part might not be sufficient upon which to base the action of the House to seat the contestant.

But in addition to the regularly appointed members of the election board, there was a challenger at almost all of the precincts. Now, that challenger is unknown to the law of South Carolina.

It will not do, Mr. Speaker, for gentlemen to say that it is right to keep out fraudulent votes, that it is the duty of a party to exclude men from the polls who are not entitled to cast votes, and that a challenger is a peace officer for the sole purpose of expediting the election and guaranteeing its fairness; because these challengers possessed the information of the irregularities and defects that existed upon the registration certificates to which I have referred. There is the rub, on the challenger question. When an illiterate man came to the polling place—and nearly all these poor fellows were illiterate—bearing a defective certificate, the challenger knew before he came in that that defect existed in his certificate, and his vote was challenged. I undertake to say that there is not an instance in this record from beginning to end where a challenger challenged a vote, but what that vote was excluded.

Now, Mr. Speaker, the evidence shows, first, the irregularities of these supervisors themselves in the issuing of certificates that were not valid; second, that they issued certificates containing defects on their face; third, that the challenger, familiar with those defects, carried out the operation of that irregular conduct and challenged the vote and kept it from being recorded.

The evidence shows that every Monday in the month when the supervisors held their offices open for the issuing of certificates, colored men failed to obtain certificates, from various causes. I refer to the simple fact that the record contains the names of 25 witnesses who testified upon that point alone.

Now, I submit, Mr. Speaker, that because you can not seat this contestant upon the evidence of those 25 men alone, therefore it does not follow that he has no case. That is but one point in the case. These witnesses testified to the fact of their hindrances in obtaining certificates, to the fact of crowds of men at the registration offices, to the fact of their failure to obtain certificates—all pointing to one fact, namely, the misconduct or the irregularities of the action of the board of registration commissioners. So that when I refer to those witnesses it is not for the purpose of basing this case solely upon their evidence, but to say that they prove the second step in this argument, namely, that there were hindrances of the colored men to obtain certificates under the law of 1890.

So that, first, there was the misconduct of the board of registration commissioners because they issued invalid certificates, not enough of their number signing them; and, second, that they did not permit the colored voters of that city to register, as they had a right to register.

Now, Mr. Speaker, not only that. Not only does the challenger come upon the scene and carry out his part in the programme, but the board of managers at these precincts in the city of Charleston recognized the challenger as the authority upon that day, and in every instance where he pointed out a defect, regardless of what the defect was, they denied the voter the right to vote. Then these managers further failed, in many instances, to conform to the law that directs their part of the conduct of the election.

The law provided that before the opening of the poll, or immediately upon opening the poll, they should exhibit the interior of the ballot box, that they should count the vote in public, and not in private; but the record teems with evidence of the failure of these boards in the city of Charleston to exhibit the interior of the ballot box upon the opening of the polls, and the fact that they counted the vote in private instead of in public.

Couple these three things together, Mr. Speaker, the failure of the colored men to obtain certificates in the first instance, the fact that they received defective certificates in the second instance, the fact that the challenger stood like a stone wall between them and the ballot box in many instances, and to that add the misconduct, or irregular conduct, if nothing worse, of the board of managers, and you will have the conduct that permeates the entire election in the city of Charleston. The law is plain, that wherever you can show by circumstances that the irregular conduct of the board of election officers connected with the election tends to show a fraudulent intent, wherever they have interpreted the law wrongly, by reason of which interpretation voters are denied the right to vote, that is sufficient ground upon which to base the charge that the returns are properly and fully impeached.

I wish to call attention briefly to a little of this evidence, in order to show the character of it. I have said that 25 witnesses testified to the fact of the irregular conduct or the misconduct of the registration supervisors. I wish to quote from some of those witnesses to show you the manner in which these registration supervisors conducted their part in this election. I read from the evidence of Alexander McNeill, page 427 of the record:

Q. Give your name, age, and residence.
A. Alexander McNeill; aged 39 years; reside at No. 63 King street.
Q. State where you were on the 6th day of November last.
A. At Federal poll, Ward 5, precinct 2.
Q. At what time did you arrive and how long did you remain at that poll?
A. I got there between 3.30 and 4 o'clock and remained until the poll closed.
Q. Did you vote there that day?
A. No, sir; they would not allow me.
Q. Did you have a registration certificate?
A. Yes, sir.
Q. The registration certificate that you had, did you try to have it changed?
A. I did, every Monday in the month until they finished and closed the office.
Q. Did you see the supervisor at any of the times you went there?
A. Yes, sir; and when it came on late the police would drive us away.

Cross-examination:

Q. Why did you try to have your certificate changed?
A. Because I had moved from the place I lived when I got it.
Q. Then, when you tried to vote that day you were living at a different place from that upon your certificate?
A. Yes, sir.
Q. Was there four or five Mondays in the month that you tried to get your certificate?
A. Well, I don't know; I tried to get it as long as the office was opened.
Q. Did you go there as often as four times during the month?
A. I went there four days during the month and two times each day.
Q. Was the supervisor's office opened each time you went there?
A. Yes, sir; each time.
Q. Was the place crowded every time you went there?
A. No, not crowded; about a dozen people.

This man failed to obtain a certificate. Scipio Brown, page 409, says:

Q. Give your name, age, occupation, and residence.
A. Scipio Brown; aged 50; laborer; reside at No. 10 Smith street, Charleston, S. C.
Q. At what poll did you present yourself to vote on the 6th day of last November?
A. At Ward 6, precinct 1, the Federal poll, city of Charleston.
Q. Did you try to vote; and if so, for whom did you desire to vote?
A. Yes; and was registered. I desired to vote for George W. Murray.
Q. Did you have a registration certificate?
A. Yes, sir.
Q. Did you ever attempt to have that certificate changed?
A. Yes, sir; I went to the supervisor of registration twice to have it changed, but did not get to him but once. I presented my certificate, the one I have now, and told him I had moved and wanted to get a renewal of it. He simply said to me that he did not have time to do it. Both times I went to him it was on the regular registration days.

Edward Grant, page 409, testifies as follows:

Q. Give your name, age, and residence.
A. Edward Grant; aged 42; reside at 67 Drake street, city of Charleston.
Q. At what poll did you try to vote on the election day in last November?
A. At the Federal poll in Ward 9, precinct at the corner of America and Amherst.
Q. Did you have a registration certificate?
A. None since 1888.

And the gentleman from Virginia [Mr. JONES] thinks it is startling for me to announce that they did not issue certificates under the law of 1890 except where they had been issued under the law of 1882.

Mr. JONES. What is the name of the witness whose testimony you are quoting?

Mr. OVERSTREET. Edward Grant, page 409:

Q. How often have you tried to get a renewal?
A. Every time the office was opened for registration. The first time I went there he told me I could not get a renewal because I must have sold the original one I had—

Under the law of 1882, if they sold their registration certificates they were denied a renewal; but there was no such provision in the law of 1890—

The next time I went I remained there from 11:30 until the office closed at 2 o'clock. The policeman was there and drove us off. The next time I went he told me this was not my day—

Every dog has his day, but it seems that some of the colored voters of the First South Carolina district did not even have their day—

it was only opened to those who had moved, and become of age. They always had some excuse to turn me away, and never gave me a certificate.

James Carter, whose testimony appears on page 30, was asked:

Q. Was the registration officer fast or slow in his work of registering voters?
A. He was slow.
Q. How many lines—if there were more than one—of persons applying for registration certificates at the office at the time that you were there?
A. Two lines.
Q. State the character of those lines.
A. One was white, the other colored.
Q. Did those in the white line have any difficulty in getting registered?
A. No difficulty.

But again, the challenger, when he came to inspect the voter at the time he sought to deposit his vote, showed his familiarity with the defects that appear upon these registration certificates, and the Democratic managers, recognizing his authority, excluded the vote. I wish to read some samples of evidence concerning the

conduct of the challenger and the board of managers in some of these precincts. I read from Austern McFall, on page 407:

Q. State what you know of the general conduct of the managers during the progress of the election.

A. They had two bottles of liquor in there, and became very lively and noisy. Democratic voters were brought to the poll by one of the managers and allowed to vote. The tickets were given to the Democratic voters to vote by the managers inside of the booth.

Q. Did you hear any of the managers say anything concerning the election after the closing of the poll?

A. Yes; I heard O'Donald, who came out, saying that he didn't care a damn, he got $3, his meals, and all the rum he could drink, and that was a great deal more than we got. At one time during the day one of the policemen went into the booth and drank with the managers.

I think the statement true. O'Donald is not called by the contestee to dispute that statement.

There is the plain statement of this witness that during the whole day they were drinking, and their misconduct is stated plainly in words that you must accept as plain; and they were not called, or if called, did not dispute it. These managers consisted of Eaton and Brodie, and I forget the name of the other. Eaton and Brodie were called and testified in their testimony, as found on pages 209 and 301, respectively; and yet neither one of them denies the statement of McFall. This O'Donald was the challenger. The witness says he was a "manager"; but he is simply mistaken that far, and is not to be criticised for that misstatement, because his conduct as "challenger" was such as to give anybody the impression that he had a right equal to that of a "manager." O'Donald does not deny that statement, and yet he states he does not care anything about it. "He got his $3 a day and all the rum he could drink."

I call attention to the testimony of Duncan Frazer on page 461. He calls attention to the fact that a man by the name of Police went out and got liquor and brought it into the polling booths, where the managers drank it; yet Mr. Police is not called to deny that statement. He said that there was another man who knew of that, and that was Sammie Matthews. The evidence shows that he stated:

They were drinking all during the day. As fast as they emptied one flask they would go out and fill another one.

He was asked the question, "How many persons were inside the booth during the progress of the election, and who were they?" and he answered:

About fifteen or sixteen. I only know two of them, Frank Police and Sammie Matthews.

And yet neither Sammie Matthews nor Frank Police was called to dispute that statement. The contestee called a man named L. E. Williams to dispute all that this witness testified to as to the irregularity of the registration. He is the man who denied the statement of these 25 witnesses, and yet he is not a registration supervisor. It was George W. Williams. But they did not have the heart to put either Police or Sammie Matthews on the stand and deny the statement of misconduct of these managers. I wish to say, Mr. Speaker, that all the way through this evidence is to be found statements concerning the conduct of these managers equal to that from which I have read.

One more I desire to call attention to, and that is the evidence of Clark, on page 443 of the record. Clark testifies that he was at precinct 2 of the Seventh Ward, and he testified, as did this other witness, to the failure to exhibit in public the ballot box at the opening of the polls, and to the counting of the vote in private instead of in public. He testified that the election managers closed the poll, took the ballot box down into the basement of the building where the polls had been opened, and there counted the ballots privately. When he undertook to obtain an entrance he was refused. They said to him "they would see him later." In answer to the question:

At the closing of the poll, state what the managers did, if they did any thing.

He says:

They said the poll was closed. They took the box, brought it downstairs, carried it in the yard, and went into the basement and shut the door. I then asked could I come in. One of the managers replied, saying that "I'll see you later."

And he could not get in.

Now, Mr. Speaker, it is sought by the minority members of the committee to dispute that statement.

On page 33 of their report they undertake to say that this evidence is contradicted by the evidence of Churchhill, whose evidence is on page 328 of the record. And I quote from the minority report, which undertakes to quote Churchhill's evidence. He says, "The count was open, public, and above board, as going into the basement was impossible." It was very adroit, if not careless, on the part of the writer of this report to use the word "into" in this extract, and not follow the evidence of Churchhill.

I state, Mr. Speaker, that an examination of the record will not show that that was the statement of Churchhill, because he says, on page 328 of the record, "As going under the basement was impossible." There is quite a difference between the meaning of the word "into" and the meaning of the word "under." They undertook to set aside the evidence of a party who spoke of going into the basement by saying, not that they did not go into the basement, but that it was impossible to go under the basement. Nobody has contended that they did go under the basement.

Now, the evidence is that in that precinct there were two booths, one for the State poll and one for the Federal poll; and that they were held upon an open piazza, an open porch; that it was not exceeding 10 by 12 feet in size; and one of the witnesses testifies that when they came to count one board gave way, and that this board went into the basement.

Now, Mr. Speaker, I wish to call attention to the returns from these election precincts. The city of Charleston, as contended by the Charleston News and Courier on the day following the election, was a city of 65,000 people, with a voting population of at least 11,000, and yet the total vote for Congress in that city was only 3,208. It must be remembered that the return for Murray was only 397 in a county where the colored population exceeded the white population and the colored vote exceeded the white vote, while Elliott received 2,811. This First South Carolina district is the black district of the State. Nearly 22,000 more colored Republicans than white Democrats live in that district, yet Mr. Elliott was given 5,650 votes in the district and Murray only 3,913, leaving a plurality for the contestee of 1,737. In the city of Charleston the vote for Murray was 397 and for Elliott 2,811.

I ask the House to bear in mind also that other officers were voted for at this same election. The governor was to be voted for, and further than that, the greatest importance was attached to the vote on the constitutional convention to be held in South Carolina. The evidence shows, and it is undenied—it is a matter of history, known to every reader of the current events—that the question of a constitutional convention or no convention in South Carolina divided one race from the other. The colored vote was unanimous against the convention, and the Tillmanites, who supported Evans for governor, were in favor of a constitutional convention.

Now, I want to point out a few things that may open gentlemen's eyes in relation to the vote in the city of Charleston and largely explain the misconduct of the challengers, the supervisors, and the managers at the election in that city. I have said that Evans was the Democratic candidate for governor. He was the candidate who was entitled to the support, and who did receive the support throughout the State of the men who were in favor of holding the constitutional convention. Pope was the candidate opposing Evans and was in favor of no convention, though he was an independent candidate. The colored men, or Republicans, did not have any candidate for governor, but concentrated their vote against the constitutional convention, but wherever the colored Republicans supported any candidate for governor, they supported Pope.

At this election where Murray received only 397 votes and Elliott 2,811 in the city of Charleston, the total vote for governor was only 1,823—988 votes less than Elliott received there. The total vote on Congress in the city was 3,208, while the total vote on the question of the constitutional convention, both yea and nay, was only 2,176. In other words, Mr. Elliott was 988 votes stronger than all the candidates for governor, and 635 votes stronger than all the votes on the constitutional convention.

Now, Mr. Speaker, I submit that an analysis of these returns discloses the fact that the failure to expose the interior of the ballot boxes in the city of Charleston and the failure to make a public count explain in large measure the return for Elliott in that city. If Pope was supported by all the no-convention voters, then his vote ought to conform reasonably to that vote; but the return was—Pope 1,259, no-convention 1,707. But Murray was on that side of the house, too. He was for Pope, so far as his voters supported any candidate for governor, and he was against the convention, yet Pope received 1,259 votes and the no-convention party 1,707 votes, while poor Murray had only 397. Evans was the candidate for governor of the party that supported Elliott. Evans was the candidate for governor of the party that supported the constitutional convention. Evans received 564 votes. The vote for the convention was 469, so there was a reasonable conformity between the two votes. Elliott, who was on the same side as Evans, received 2,811 votes. You can not explain this difference save upon the theory that the men who were undertaking to deprive the colored voter of his registration right, who did not allow him to cast his vote because of irregularities in his certificate for which he was not responsible, that the challengers and managers who resorted to those methods did it in the interest of the Democratic candidate for Congress in that district.

There is another thing to be explained; that is, that the 2,811 votes returned for Elliott did not all happen to be alike. It seems that they have in that district a method of politics which gives them clubs, and when a man belongs to a club he is presumed to belong to a given party. But I call attention briefly to certain facts relating to certain precincts, where the evidence shows beyond doubt that certain voters were recorded who never cast their votes—another reason for the failure to expose the interior of the ballot boxes and to render a private count.

At some of these precincts, notably in the Seventh and Tenth wards, the names of voters appeared upon the poll lists who never voted. These voters whose names so appeared either came upon the witness stand and testified that they did not vote or witnesses testified that the persons whose names so appeared were either dead or absent.

There are not many of these names, but quite enough to expose the practice resorted to to swell the poll list.

The minority of the committee seeks to discredit the statement I have made in this report by alluding to the fact that we have said, what I still repeat, that in no instance where a voter went upon the stand and testified that he did not vote or that a certain other individual did not vote is anyone called to deny that statement; and they refer to the evidence of Craddick, who came upon the stand and testified that he had not voted. It is true that a Mr. Craddick went upon the stand and so testified; but, Mr. Speaker, there seems to have been two Craddicks in this precinct. This man to whom the gentleman from Virginia in his report has referred did go upon the stand and testify that he voted; but he did not deny that there was another Craddick in that same precinct. I want to call attention to a discrepancy in the evidence concerning this report, showing that the Craddick who says he did not vote was just as reliable a man and as much entitled to credit at the hands of the House as the Craddick who testifies that he did vote.

The SPEAKER pro tempore (Mr. HOPKINS). The time of the gentleman has expired.

Mr. MCCALL of Massachusetts. If I can be recognized I will yield to the gentleman.

The SPEAKER pro tempore. The gentleman from Massachusetts yields to the gentleman from Indiana [Mr. OVERSTREET].

Mr. OVERSTREET. Mr. Speaker, this man Craddick who testifies that he lived in that precinct, but did not vote, testified that he lived at a certain number on Jackson street. When the other Craddick is brought on the witness stand to disprove the statement that we have made, he was asked the question whether or not he lived on Gadsden street, and he said he did not. Then they go out and bring a man in who testified that he lived at 23 Gadsden street. Well, I do not care if half the population live at 23 Gadsden street. We have made no effort to prove that anybody lived there. The first Craddick testified that he lived at 23 Jackson street—not Gadsden street. Yet they have directed their attack upon some resident in Gadsden street.

Now, Mr. Speaker, I have but a few more statements to make. There is only one thing that can be brought up against the facts I have stated, and that is the effort to show that the colored vote of the First South Carolina district was divided upon this candidate. Some evidence is introduced in the record to show that a colored barbers' association adopted resolutions against the contestant, and that he was unpopular among the colored barbers. There is other evidence in the record, Mr. Speaker, to show that a large number of the barbers of that city supported this contestant. Perrin is a barber; Jameson, Dudman, and Johnson are barbers; yet they all testified that Mr. Murray received their support. The witness who testified that the barbers' association was against Mr. Murray admitted that he was in the employ of a white Democrat at a barber shop where they did not permit black men to enter.

Another colored man testified that he was connected with the State militia and that Murray was not the choice of all the colored men of that city. But the evidence shows that he is a suppliant for favors at the hands of the governor of that State. I submit, Mr. Speaker, you can not point to the evidence of a witness who undertakes to say that there was objection among the colored voters to Mr. Murray, unless the witness is some man who was associated with men who did not allow colored men around them, or else was a recipient of favors from the managers of the election and the officers of the State.

Mr. Speaker, this man was the choice of his party at the polls. It is notorious, as was admitted by the opposition in the Johnston-Stokes case recently, that colored voters of that State generally and practically are members of the Republican party. This contestant was not a stranger in their midst. He had held the position of member of Congress before. He had been the accepted nominee in two campaigns. What was there connected with him to alienate the colored vote?

Mr. Speaker, this city of Charleston is located upon an historic spot. It is the birthplace of secession and treason. It was within the confines of Charleston that the first gun directed against the flag of this Union belched rebellion from its treasonous throat. Many of the colored men of that city and district who are now alive heard the report of that gun, whose echo resounded around the world. The memory of that day when the men who had sought to deprive them of their right of suffrage inaugurated a war against the Union for the purpose of holding them in bondage is still fresh. This man not only was one of them, but he had been associated with them; he was one of their own color; and yet forsooth, because Mr. Elliott seeks recognition in this House by the votes of the city of Charleston, they must necessarily prove that there was a division among the colored voters of that State. The records of this House show that in three Congresses Mr. Elliott has been a contestee, and in each instance an effort has been made to show a division among the colored voters of the district. I undertake to say that the evidence showing the conduct of the nominating convention which placed Mr. Murray before the people, showing the fact that his opponents in that convention gave him support in the canvass and at the polls, showing the fact that these colored men were out in force on that day, disproves the allegation that there was any difference of opinion among the colored voters.

Mr. Speaker, the morning after this election the News and Courier of Charleston made this statement, speaking of the election in the city of Charleston:

The day was devoid of any incident of a startling nature. A striking feature of the election was the presence at many polls of groups of colored voters, a sight that has not been seen here in many years, and which recalled to many of the old voters the days of Bowen and MacKay and the Hunkidori.

Ah, Mr. Speaker, it was in the days of the "Hunkidori," from 1876 to 1880, when the colored people undertook to exercise the right of suffrage, that the efforts were inaugurated by their opponents to deprive them of that right. And yet the organ of that very party on the day after this election says that the conduct of the colored men recalled to many of the old voters the days of the Hunkidori. Was there a difference of opinion amongst the colored voters then? Could it be possible that Mr. Elliott's vote could be accounted for in that way? Why were these colored men there? It is stated in the record in many places that they were there in the interest of their candidate, the contestant in this case.

The returns of the election show, Mr. Speaker, that the total vote in the city of Charleston gives to Mr. Murray but 4 per cent of the entire colored vote in the city, while it gives to Mr. Elliott 43 per cent of the white vote alone. The city of Charleston contains 1,945 more colored voters than white voters; and yet the returns for Mr. Elliott are 2811 and Mr. Murray but 397, which was in the ratio of 10 to 1.

It is a fallacy to assert in view of the fact of the overwhelmingly majority—the colored majority—the overwhelming interest in Mr. Murray and in the election that it was possible for Mr. Elliott to have received that number, 2811, and Mr. Murray only 397.

Mr. Speaker, it is the opinion of the committee, ratified by the majority of the members, that in the city of Charleston all of the precincts should be thrown out excepting precinct 1, in ward 2; precincts 1 and 2, in ward 6; and precinct 1, in ward No. 10. The law on this subject is clear and explicit. I quote from McCrary on Elections. In speaking of the subject of the incompetency, the inefficiency, or reckless disregard of essential requirements of the law, on the part of officers conducting an election, so that their acts become unreliable and of necessity work the same result as actual fraud, this writer says:

No doubt this is so, for it may be regarded as a fundamental principle of the law of elections that whatever renders the returns or certificates of election officers unreliable, or which, in other words, destroys their value as evidence, is sufficient to set them aside, and to make it necessary to prove the fairness and legality of the election by other evidence.

And I quote again from section 483:

To set aside the return of an election is one thing; to set aside the election is another and very different thing. The return from a given precinct being set aside, the duty still remains to let the election stand and to ascertain from other evidence the true state of the vote. The return is only to be set aside, as we have seen, when it is so tainted with fraud or with the misconduct of the election officers that the truth can not be deduced from it. The election is only to be set aside when it is impossible from any evidence within reach to ascertain the true result, when neither from the return nor from other proof nor from all together can the truth be determined. It is important to keep this distinction in mind.

I submit that when we have rejected the precincts in Charleston that I have mentioned, for the reasons given, other evidence is to be found in the remaining parts of the district to insure the contestant his right to the seat. By adding to the remaining vote for Mr. Murray the 217 votes from Haupt Gap, and leaving the Charleston precincts out, it gives the aggregate vote for Mr. Murray as 3,866 and Mr. Elliott 3,432, leaving Murray a plurality of 434 votes. I submit, sir, that the findings of this committee, under the evidence and law that I have outlined, should be recognized by the House by giving this colored man the seat to which he was fairly and clearly elected. [Applause.]

I reserve the remainder of my time.

[Mr. JONES addressed the House. See Appendix.]

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 1342) granting a pension to Lena D. Smith;

A bill (H. R. 8109) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

A bill (H. R. 6221) granting an increase of pension to Mary E. Chamberlin;

A bill (H. R. 6994) relating to the sale of gas in the District of Columbia:

A bill (H. R. 3582) to remove the charge of desertion now standing against Henry W. Bailey; and

A bill (H. R. 5946) granting an increase of pension to Abraham H. Parker.

WITHDRAWAL OF PAPERS.

Mr. QUIGG, by unanimous consent, obtained leave to withdraw from the files, without leaving copies, papers in the case of William H. Sloan (Forty-sixth Congress), no adverse report having been made.

LEAVE OF ABSENCE.

The following requests for leave of absence were submitted:

By Mr. CURTIS of Iowa, for three days, on account of important business.

By Mr. SMITH of Michigan, for one week, on account of important business.

By Mr. LORIMER, for five days, on account of important business.

By Mr. SPENCER, for ten days, on account of important business.

By Mr. CROWLEY, for ten days, on account of important business.

By Mr. CATRON, for ten days, on account of important business.

By Mr. COLSON, indefinitely, on account of important business.

By Mr. BARHAM, indefinitely, on account of sickness.

By Mr. MCLAURIN, indefinitely, on account of sickness in his family.

By Mr. WILLIAMS, for the rest of this day, on account of sickness.

By Mr. MAHON, for four days, on account of sickness in his family.

Mr. DINGLEY. I must object to all these requests for leave of absence except those which are asked on account of sickness of the member or of some of his family.

The SPEAKER. Without objection, the requests made on account of sickness will be considered as granted.

There was no objection.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Claims was discharged from the further consideration of the bill (S. 2540) to provide compensation for a bridge and for buildings and other improvements constructed by certain persons upon public lands afterwards set apart and reserved as the Yellowstone National Park; and the same was referred to the Committee on the Public Lands.

WATER-MAIN ASSESSMENTS—RETURN OF BILL FROM PRESIDENT.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying bill, was referred to the Committee on the District of Columbia:

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 2d instant (the Senate concurring) I return herewith the bill (H. R. 3279) entitled "An act to authorize the reassessment of water-main taxes or assessments in the District of Columbia, and for other purposes."

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 3, 1896.*

CONTESTED ELECTION—MURRAY VS. ELLIOTT.

Mr. OVERSTREET. Mr. Speaker, I shall detain the House but very briefly, for the purpose of closing the debate this afternoon, by calling attention to one or two remarks which the gentleman from Virginia [Mr. JONES] has made in the course of his argument.

I stated when I was on the floor before that 25 witnesses testified concerning the impediment to registration and the irregularities, as shown by the registration supervisors in the city of Charleston, S. C. I anticipated the gentleman's argument, who seeks to impress the House with the idea that upon this evidence alone depends the action in this case.

I stated then, as I state now, that their evidence was directed to but one point, and that the evidence was but one class of evidence upon which we relied. All of the evidence concerning the action of the supervisors themselves, in issuing not fraudulent but absolutely worthless certificates, was not testified to by any of these 25 men. The supervisors of registration undertook honestly, possibly, to conform to the law, but erroneously issued worthless certificates, which were refused by the managers of the election when they were presented by the voters at the polls, and hence the holders of them lost the privilege of voting.

He has by some form of mathematics undertaken to demonstrate to the House by a calculation the number of registered colored voters in the city of Charleston, S. C., and ascertained that it was about 4,000, by enumerating the highest registration certificate offered at something over 11,000, and subtracting therefrom the entire Democratic vote of the city. Now, in answer to that I call your attention to the evidence of Henry Smalls, which is found on page 413 of the record, who offered a certificate signed by the full board of supervisors under date of March 31, 1891, and bearing the certificate number 15217.

I have already said, sir, that under the operation of that law of 1890 the supervisors of registration who issued the certificates issued them to none save those who had the certificates under the law of 1882; and that they issued the certificates under the law of 1890, conforming their numbers to the certificates formerly issued under the law of 1882. I call your attention also to the evidence of Scipio E. Dentzler, found on page 418 of the record, who presented a certificate signed by the entire board of registration officers and bearing the certificate number 11213, and dated the 24th of March, 1891. These two instances exemplify all of the evidence that is necessary to present at this time to disprove the allegation the gentleman from Virginia made concerning the number of registered colored voters in the city of Charleston. His calculation was made upon a basis that did not exist.

When you read the evidence not only of the 25 witnesses referred to concerning the action of the registration officers, the irregularity in the certificates, of the failure to permit them to obtain certificates, and when you study the evidence of the worthless certificates issued by the three different boards of supervisors, and the evidence of challengers and the boards of managers concerning their misconduct, the entire conduct of all the election officers, from the supervisors to the challengers, goes to make up a conspiracy under the law which was established by unimpeachable testimony.

He would have you believe that a spirit of pure sentiment is the basis of the action proposed here in the report of the committee. I repudiate the assertion absolutely. I believe I have been approached by lobbyists as much as any member on the floor, and I undertake to say that no man has ever approached me concerning this case until after the report was submitted to the House, and if the gentleman from Virginia undertakes to stigmatize the colored people of this district by saying they petition to seat a representative of that race upon the floor without a proper right to the seat, he does it without evidence. They have the right, as the contestant has, to urge a consideration of the case when it is placed on the Calendar. It is true, sir, that he, with other contestants in this House, has sought hearings at the hands of the House after the cases were submitted and passed beyond the scope of the committee and onto the Calendar; but when the gentleman from Virginia undertakes to say that this action is based upon sentiment alone he is simply begging the question.

The gentleman from Virginia has brought into view the record as made up in the contested-election case of Johnston *vs.* Stokes. I made no illusion to that, save and except to show the relation between the two districts under the one apportionment.

Mr. JONES. I will say to the gentleman that his colleague from Indiana [Mr. HARDY] asked about that.

Mr. OVERSTREET. I certainly did not bring it up.

Mr. JONES. Your colleague from Indiana asked about it. I did not bring it in.

Mr. OVERSTREET. Permit me to say, in reply to his charge that I had stultified the statements of men on this floor, that not a Republican on this floor changed his position upon the vote in the case of Johnston *vs.* Stokes, save the men who signed the original committee report. The vote of every other gentleman was consistent, and while I failed in my effort to seat the contestant, it was not because members of my own party had changed their positions, but because the Democratic members of this House, driven either to accept the situation as I had outlined and urged it or do as they did, were forced from their position, voted against the members of their own party, and repudiated the report of their own members and voted solidly against the position they had first taken.

Now, Mr. Speaker, the record of every Democratic national convention recites something to which their party can point with pride; but in the wreck of industries in this country, in the humiliation of the administration of the foreign office under the present Democratic rule, in the records of their own party, split from one end to the other upon the currency question, they will have little to which to point with pride except that in the Fifty-fourth Congress, having abandoned the position they first assumed in the Johnston-Stokes case, they declared as one man that there was not a valid election in the Seventh Congressional district of South Carolina. I would urge them, as one other spasm of virtue, that in this case, which teems with justice and equity, they turn from the same men whose report they repudiated in the case of Johnston *vs.* Stokes and vote to seat this contestant, Mr. Murray.

Mr. Speaker, it being evident that no quorum is present, I desire to give notice that immediately after the reading of the Journal to-morrow I shall move the previous question on this case. [Applause.]

Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 54 minutes p. m.), the House adjourned until to-morrow at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CONNOLLY, from the Committee on the Judiciary, to which was referred the joint resolution of the House (H. Res. 190) to facilitate the reorganization of the Northern Pacific Railroad Company; to secure to actual settlers the right to purchase at a price not exceeding $2.50 per acre the agricultural lands within its grant, and to prohibit said company or any successor company from giving by consolidation, sale, or other corporate action control of its railroad to any corporation, company, person, or association of persons owning, operating, or controlling a parallel or competing railroad, reported the same with amendment, accompanied by a report (No. 2181); which said bill and report were referred to the House Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred House bill No. 1247, reported in lieu thereof a bill (H. R. 9324) to provide for the adjudication and payment of damages sustained by citizens of the United States in the State of Kansas by the invasion of Confederate troops, bands of guerrillas, and marauders during the late war of the rebellion, accompanied by a report (No. 2182); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. QUIGG, from the Committee on the Library, to which was referred the bill of the House (H. R. 882) for the erection of an equestrian statue of Maj. Gen. John Stark in the city of Manchester, N. H., reported the same without amendment, accompanied by a report (No. 2183); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the Senate (S. R. 135) providing for the appointment of a commission to report upon the practicability of establishing near Washington, D. C., a ground map of the United States, reported the same without amendment, accompanied by a report (No. 2184); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. SHAFROTH, from the Committee on the Public Lands: The bill (H. R. 3222) for the relief of James H. Wimpey, of McDonald County, Mo., authorizing him or his legal representatives to select 160 acres of unoccupied and unappropriated land of the United States (not mineral), and subject to homestead entry, and directing the issue of scrip therefor, in legal subdivisions. (Report No. 2168.)

By Mr. PUGH, from the Committee on War Claims: The bill (H. R. 3767) for the relief of Joel A. King. (Report No. 2169.)

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 5090) to correct and amend the military record of Capt. Alexander McDonald, of Company I, Seventeenth Wisconsin Volunteer Infantry. (Report No. 2170.)

By Mr. MARSH, from the Committee on Military Affairs: The bill (H. R. 9063) to relieve James M. Wilson, late private Company C, First Mississippi Marine Brigade, from the charge of desertion. (Report No. 2171.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 5307) granting a pension to Anna M. Sweet, of Newport, Ky. (Report No. 2172.)

The bill (H. R. 6671) for the relief of Charles A. Nazro. (Report No. 2173.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 6757) granting a pension to Andrew J. Molder. (Report No. 2174.)

The bill (H. R. 6231) to restore Jonathan Hess to the pension roll and pay him $12 per month. (Report No. 2186.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (H. R. 6965) granting a pension to T. B. Limbocker. (Report No. 2175.)

The bill (H. R. 4518) granting an increase of pension to Joseph Thompson. (Report No. 2176.)

The bill (H. R. 7884) granting a pension to Isaac N. Cisson. (Report No. 2177.)

The bill (H. R. 8756) granting a pension to C. A. Howke. (Report No. 2178.)

The bill (H. R. 6967) granting a pension to William T. Buckner. (Report No. 2179.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 1946) to increase the pension of Harrison Kilburn, Company H, Thirty-eighth Illinois Volunteer Infantry. (Report No. 2180.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 2235) to pension John F. Foster. (Report No. 2185.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 3658) granting an increase of pension to Woodbury Day, alias John White. (Report No. 2187.)

The bill (H. R. 4648) granting a pension to Cyrus S. Bailey. (Report No. 2188.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PAYNE: A bill (H. R. 9321) to provide for repairing damages to the trees, foliage, and planting of the United States Capitol Grounds made necessary by recent violent storms—to the Committee on Appropriations.

By Mr. SHAFROTH: A bill (H. R. 9322) concerning the election of Representatives to Congress—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. BABCOCK: A bill (H. R. 9323) to amend the provision of the act of February 25, 1885, creating the policemen's fund—to the Committee on the District of Columbia.

By Mr. ALDRICH of Illinois: A joint resolution (H. Res. 195) to pay officers and employees of the Senate and House of Representatives on the day following adjournment—to the Committee on Accounts.

By Mr. SHAFROTH: A joint resolution (H. R. 1867) proposing an amendment to the Constitution of the United States.

By Mr. PHILLIPS: A resolution (House Res. No. 403) authorizing the Committee on Labor to have printed such arguments, briefs, etc., as have been or may be submitted to its consideration relative to bills pending before it—to the Committee on Printing.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9306) granting a pension to Amanda Woodcock; and the same was referred to the Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ARNOLD of Pennsylvania: A bill (H. R. 9325) to correct the military record of W. J. Miller—to the Committee on Military Affairs.

By Mr. BURRELL: A bill (H. R. 9326) to grant a pension to James Chapman—to the Committee on Invalid Pensions.

By Mr. FENTON: A bill (H. R. 9327) to correct the military record of Charles K. Dawson—to the Committee on Military Affairs.

By Mr. HERMANN: A bill (H. R. 9328) to increase the pension of Charles T. Blumenrother—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9329) to pension Isaac Grier for services in Oregon Indian wars—to the Commttee on Pensions.

Also, a bill (H. R. 9330) for the relief of B. H. Cammann—to the Committee on Claims.

Also, a bill (H. R. 9331) to increase the pension of Louis Alexander Dunlop, alias Alexander Dunlop—to the Committee on Invalid Pensions.

By Mr. KULP: A bill (H. R. 9332) granting a pension to Isaac Kobel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9333) granting a pension to Michael O'Brien—to the Committee on Invalid Pensions.

By Mr. SKINNER: A bill (H. R. 9334) granting a pension to Dorcus F. Murphy, widow of Rufus D. K. Murphy—to the Committee on Invalid Pensions.

By Mr. TRELOAR: A bill (H. R. 9335) granting a pension to William A. Benton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9336) granting an increase of pension to Jefferson A. Mayhall—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 9337) granting an increase of pension to Mazie V. Sullivan—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: A bill (H. R. 9338) to remove the charge of desertion against Charles Abbott—to the Committee on Military Affairs.

By Mr. GRAFF: A bill (H. R. 9339) to remove the charge of desertion from the military record of Robert White—to the Committee on Military Affairs.

Also, a bill (H. R. 9340) to remove the charge of desertion from the military record of Joseph Moll—to the Committee on Military Affairs.

Also, a bill (H. R. 9341) granting a pension to Lemuel Shook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9342) granting a pension to Elizabeth Tinksham—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARRETT: Resolutions of the Board of Trade of Revere, Mass., protesting against the adoption of the so-called Pasco amendment to the Post-Office appropriation bill—to the Committee on the Post-Office and Post-Roads.

By Mr. FARIS: Paper to accompany House bill No. 4723, relating to the claim of George W. Higer—to the Committee on Invalid Pensions.

By Mr. STEWART of Wisconsin: Resolution of the Superior Commercial Club, relative to the Maritime Canal of North America—to the Committee on Railways and Canals.

SENATE.

THURSDAY, *June 4, 1896.*

The Senate met at 11 o'clock a. m.

NAMING A PRESIDING OFFICER.

Mr. PLATT called the Senate to order, and the Chief Clerk, Mr. JOHN S. MCEWAN, read the following letter:

JUNE 3, 1896.

To the Senate:

In the absence of the Vice-President and President pro tempore of the Senate, by authority of Rule I, I hereby name O. H. PLATT, Senator from Connecticut, to perform the duties of the Chair during the 4th day of June, 1896.

WM. P. FRYE,
President pro tempore.

Thereupon Mr. PLATT took the chair as Presiding Officer for to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. WALTHALL, and by unanimous consent, the further reading was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (S. 1420) granting an increase of pension to Elizabeth W. Sutherland.

ENROLLED BILLS SIGNED.

The signature of the Vice-President was announced to the following enrolled bills; which had previously been signed by the Speaker of the House of Representatives:

A bill (S. 1342) granting a pension to Lena D. Smith;

A bill (H. R. 3582) to remove the charge of desertion now standing against Henry H. Bailey;

A bill (H. R. 5946) granting an increase of pension to Abraham H. Parker;

A bill (H. R. 6221) granting an increase of pension to Mary E. Chamberlin;

A bill (H. R. 6994) relating to the sale of gas in the District of Columbia; and

A bill (H. R. 8109) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask the Chair to lay before the Senate the action of the House of Representatives on the deficiency appropriation bill.

The PRESIDING OFFICER laid before the Senate the message of the House of Representatives announcing its agreement to the amendments of the Senate numbered 27, 207, and 208, with certain amendments, to the bill (H. R. 8293) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes; and its further disagreement to the amendments numbered 14, 24, 25, 30, 31, 37, 74, 79, 80, 81, 82, 83, 103, 104, 105, 106, 122, 137, 147, 148, 190, 192, and 200 to the bill.

Mr. HALE. I move that the Senate disagree to the amendments of the House to certain Senate amendments and also insist further upon its own amendments, and request a further conference with the House on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented a petition of General Assembly, Order of the Knights of Labor, of Washington, D. C., praying for the passage of the so-called Phillips bill, providing for the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which was ordered to lie on the table.

Mr. PEFFER presented the petition of James Seldon Cowdon and 100 other citizens of the United States, praying for the passage of Senate bill No. 3246, to promote aerial navigation for military purposes; which was referred to the Committee on Military Affairs.

Mr. CHANDLER presented the petition of Rev. Albert E. Hall and 17 other citizens of Canterbury, N. H.; the petition of E. S. Coller and 118 other citizens of East Rochester, N. H., and the petition of Deacon J. D. Martin and 38 other citizens of Piermont, N. H., praying for the passage of Senate resolution No. 28, proposing an amendment to the Constitution of the United States acknowledging Almighty God as the source of all power and authority in civil government, etc.; which were referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of the Old South Methodist Episcopal Church, of Reading, Mass., praying for the enactment of a Sunday-rest law in the District of Columbia; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 1892) granting a pension to Catharine Darragh, to report it favorably without amendment and submit a report thereon. In behalf of the Senator from Pennsylvania [Mr. QUAY], who is greatly interested in the bill, I ask that it be now considered. It will take but a moment.

Mr. BATE. I object to the consideration of the bill until the morning business is over.

The PRESIDING OFFICER. Objection to the consideration of the bill being made, it will be placed on the Calendar.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 3094) granting an increase of pension to George W. Palmer, reported it without amendment, and submitted a report thereon.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 5127) for the relief of Abraham O. Waucop, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 540) to correct the military record of and grant an honorable discharge to Isaac H. Fitzmorris, he having served in the Army of the United States three years six months and six days, reported adversely thereon, and the bill was postponed indefinitely.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (H. R. 4405) granting a pension to Augustus G. Cary, reported it without amendment, and submitted a report thereon.

Mr. CHANDLER, from the Committee on Naval Affairs, submitted a report to accompany the bill (S. 2630) authorizing and directing the Secretary of the Navy to donate condemned cannon to the Londonderry Soldiers' Monument Association, of Londonderry, N. H.; which was ordered to be printed.

Mr. SHERMAN. In the absence of the Senator from South Dakota [Mr. KYLE], I present certain papers to accompany the report on the bill (S. 1292) to establish a university of the United States. I move that the papers be printed to accompany the report.

The motion was agreed to.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 877) granting an increase of pension to Oliver P. Silvey, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. SHOUP introduced a bill (S. 3257) donating condemned cannon and cannon balls to the Idaho Soldiers' Home, Boise City, Idaho; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. GALLINGER introduced a bill (S. 3258) to amend the provision in the act of February 25, 1885, creating the policemen's fund; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CHANDLER (for Mr. PROCTOR) introduced a joint resolution (S. R. 157) extending the scope of the investigations by the Agricultural Department in the matter of the improvement of public roads; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. CARTER introduced a joint resolution (S. R. 159) to authorize the further retention of certain money in the Treasury; which was read twice by its title, and referred to the Committee on Indian Affairs.

DISTILLED SPIRITS IN BOND.

Mr. CARTER submitted an amendment intended to be proposed by him to the bill (H. R. 8582) to allow the bottling of distilled spirits in bond; which was referred to the Committee on Finance, and ordered to be printed.

ELIZA SANDFORD.

Mr. SEWELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 1189) granting a pension to Eliza Sandford.

ISSUE OF BONDS IN NEW MEXICO.

Mr. DAVIS. I ask that House bill 9275 be laid before the Senate.

The bill (H. R. 9275) approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory, was read twice by its title.

Mr. DAVIS. I wish to make a statement about the bill. It is rather a peculiar situation. It is a House bill. It was passed by the Senate with an amendment. It was sent to the House and passed by the House with a House amendment and was sent over here as a passed bill by the House. There has been some question as to whether a motion to concur would be sufficient. I think not. I report the bill favorably from the Committee on Territories, and ask that it be now considered, which will close all question in regard to it.

Mr. HALE. Not to give rise to any debate?

Mr. DAVIS. Oh, no.

The PRESIDING OFFICER. The Senator from Minnesota asks for the present consideration of the bill.

Mr. BATE. It is a bill of considerable importance. I am a member of the Committee on Territories, and——

Mr. DAVIS. I will say to the Senator from Tennessee that it is the bill I spoke to him about yesterday.

Mr. BATE. Is that the one?

Mr. DAVIS. It is the one.

Mr. BATE. I opposed it in committee. I want that understood.

Mr. DAVIS. That is understood.

Mr. GALLINGER. Before consent is given, I should like to make simply one inquiry of the honorable Senator from Minnesota. I noticed when the bill was before the House recently it was there sharply antagonized, and the statement was there made pretty broadly that the bonds it is proposed to validate were questionable bonds. I should like simply a statement from the Senator on that point. I think there are certain parties in my own section of the country holding other bonds who are very strongly opposed to the passage of this bill, and yet I shall not interpose any factious opposition to it.

Mr. DAVIS. No objection has been made before the Committee on Territories. There was laid before the House of Representatives a letter from the Delegate from New Mexico stating that the validation of the bonds was all right.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill? The Chair hears none, and the bill will be read as in Committee of the Whole.

The Secretary read the bill.

Mr. SHERMAN. I should like to have the last clause read again. I want to know from the Senator whether the United States is at all liable?

Mr. DAVIS. Not in the least.

Mr. HALE. If the bill is to give rise to debate I must object.

The PRESIDING OFFICER. The Chair understood the Senator from Maine to reserve that right.

Mr. SHERMAN. Were the bonds issued for good consideration?

Mr. DAVIS. They were issued for good consideration.

Mr. SHERMAN. At par?

Mr. DAVIS. I do not know what they were sold for, but the Delegate from the Territory——

Mr. BATE. Mr. President, we can not hear the colloquy on this side, and it is a very important question. There are several issues of bonds proposed to be validated and I do not indorse the proposition exactly.

Mr. HALE. I must object if it gives rise to debate. I am in this position: Last night the Senate agreed to take up the naval appropriation bill at the end of the routine morning business. Several Senators desire to debate it. The Senate agreed to take the final vote at 1 o'clock. Every minute now is not encroaching upon me but encroaching upon Senators who desire to speak upon that measure, as the time for a vote has already been fixed.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole. If there is no amendment and no objection, the bill will be reported to the Senate.

Mr. BATE. I desire to state that I am not prepared to debate the bill, neither do I care to delay its consideration. I know there was controversy in the committee room in regard to it, though I am not familiar with the exact details. I understand that it elicited a sharp debate in the other House. I do not know, but I may be mistaken about that.

Mr. DAVIS. Let it go over.

Mr. BATE. I do not propose to debate it, and I would not delay the action of the Senate upon it.

The PRESIDING OFFICER. Objection is made, and the bill will go over.

Mr. BATE. I do not desire to debate it, and I do not propose to delay action if the Senate desire to dispose of it now, although I shall enter my objection to the measure.

Mr. CULLOM. I hope if it goes over the Senator from Tennessee will look at the bill, so that when it comes up again it can be disposed of. It is a very important measure to the people of that Territory.

Mr. BATE. I will do so.

Mr. HALE. I call for the regular order.

Mr. CHILTON. I hope the Senator from Maine will let me call up a bill which must be passed to-day if it is to do the parties any good, and I do not suppose there is a human being in the United States who objects to it.

The PRESIDING OFFICER. It is not in order at this time.

Mr. CHILTON. I rose to ask unanimous consent for that purpose.

The PRESIDING OFFICER. Concurrent and other resolutions are in order.

CAPTURE OF THE COMPETITOR.

Mr. MORGAN. I ask that the resolution I offered yesterday, requesting the President to send information to the Senate in regard to the *Competitor* case, may be taken up and postponed until to-morrow without prejudice.

The PRESIDING OFFICER. The Senator from Alabama asks that the resolution which he introduced yesterday, and which was laid on the table and printed, be postponed until to-morrow without losing any right it may have at the present time.

Mr. HALE. I hope that will be done.

The PRESIDING OFFICER. If there be no objection, it will be so ordered.

NAVAL APPROPRIATION BILL.

Mr. HALE. Now, Mr. President, if the morning business is concluded, let the naval appropriation bill be proceeded with.

The PRESIDING OFFICER. If there are no further resolutions, the morning business is closed.

Mr. HALE. I ask that the naval appropriation bill, about which there was an agreement last night to vote at 1 o'clock, be laid before the Senate, and then, if no one objects, I will yield to the Senator from Texas [Mr. CHILTON] on a matter which will give rise to no debate.

The PRESIDING OFFICER. The Chair lays the naval appropriation bill before the Senate. The pending question is on the motion of the Senator from Pennsylvania [Mr. QUAY] that the Senate recede from its amendment numbered 32, disagreed to by the House of Representatives.

Mr. HALE. I now yield to the Senator from Texas for a moment.

EL PASO AND NORTHEASTERN RAILROAD.

Mr. CHILTON. I ask unanimous consent for the present consideration of the bill (S. 3206) to grant a right of way through the new Fort Bliss Military Reservation to the El Paso and Northeastern Railroad Company. It is a very short bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INVESTIGATION OF FUR-SEAL FISHERIES.

Mr. MORRILL. I am unanimously directed by the Committee on Finance to report back without amendment the joint resolution (S. R. 155) to authorize a scientific investigation of the fur-seal fisheries, and to ask for its present consideration. It is a measure of considerable importance, and I think the Senator from Maine will not object to its consideration at this time.

Mr. HALE. If it will give rise to no debate I shall not object, provided it is not a long resolution; but, as I have just stated, I am under constraint. Senators who wish to debate the naval appropriation bill are limited by the agreement that a final vote shall be taken at 1 o'clock, and yielding to anything takes away their right to debate.

Mr. MORRILL. I do not think this measure will excite a moment of debate, but in order to have it explained I will ask that a communication received from the Assistant Secretary of the Treasury be read.

Mr. HALE. I must object. I call for the regular order.

The PRESIDING OFFICER. Objection is made, and the joint resolution will be placed upon the Calendar.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 3d instant approved and signed the following acts:

An act (S. 2499) to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway Company";

An act (S. 1247) to establish and provide for the maintenance of a free public library and reading room in the District of Columbia; and

An act (S. 2221) for the relief of settlers on the Northern Pacific Railroad indemnity lands.

The message also announced that the following bills were presented to the President May 20, 1896, and not having been returned

by him to the House of Congress in which they originated within the ten days prescribed by the Constitution have become laws without his approval:

An act (S. 1100) granting a pension to Russel N. Reynolds;

An act (S. 1522) granting a pension to Catherine Smith; and

An act (S. 2514) granting an increase of pension to Mrs. Annie E. Colwell.

The message further announced that the bill (S. 1837) granting a pension to Ellen C. Ewing, widow of Bvt. Maj. Gen. Thomas Ewing, was presented to the President on May 21, 1896, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without his approval.

NAVAL APPROPRIATION BILL.

The Senate resumed the consideration of the disagreeing votes of the two Houses upon the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes.

The PRESIDING OFFICER. The pending question is on the motion made by the Senator from Pennsylvania [Mr. QUAY], that the Senate recede from its amendment numbered 32, by which the Senate reduced the number of battle ships from four to two.

Mr. GORMAN. I take it that the Senator from Maine does not intend to have the vote taken on this question until about 1 o'clock. I understand that that agreement was made yesterday, so that we might have a full vote of the Senate on the proposition.

Mr. HALE. The agreement was that the final vote should be taken not later than 1 o'clock, and that was done for the purpose of enabling Senators who desire to take part in the debate. I have been able to keep the regular order before the Senate and it is now open, of course, to debate on any of the subjects-matter that are in the bill. I shall not call for a vote prior to 1 o'clock unless the debate ends before that time.

Mr. ALDRICH. I suggest, if no one is ready to go on upon this question, that there is another conference report and some other business before the Senate which might be taken up in the meantime. I take it for granted there is no use in keeping this question before the Senate until 1 o'clock simply because we made an agreement to vote at that time. Why not take up some other measure?

Mr. GORMAN. I do not know that there is to be any extended debate upon this proposition, but it seems to me very important that we should have a vote of the Senate upon it, and I should like very much to see a full vote. As the case stands now between the two Houses, the Senate voted for two battle ships and the House refused by a very large vote to concur in the Senate amendment. Necessarily that leaves the conferees on the part of the House in a position to insist that they are practically instructed for four. The Senate voted upon the question only when the bill was being considered as in Committee of the Whole, and voted for two. We ought now to have a full and decisive vote of the Senate. It is a perfectly plain proposition and one that does not require very much discussion. The only question is whether it is wise for us to recede.

Mr. CULLOM. Is there any reason why we can not have a full vote to-day?

Mr. GORMAN. Oh, no. On the contrary, I suppose by our agreement yesterday we are to vote at a fixed hour, at 1 o'clock, so as to have all Senators present. That is the only object I had in suggesting that hour to the Senator.

Mr. CULLOM. That is the time fixed.

Mr. GORMAN. I only want the vote taken promptly at that time. So far as the debate is concerned, I do not know how far it is desired. I do not wish to go into any extended discussion of the question. I said all I desire to say when the bill was before the Senate.

There are only two propositions involved. One is whether it is wise to attempt to authorize the construction of more than two great war vessels at this time, at a time when it is ascertained in reference to those which have heretofore been ordered and are now being constructed by the Government that, if there are not defects in them, it is believed that great improvement can be made in the structure of the vessels themselves. There is a board now in session to determine that question. So they have been improving from year to year and will continue to make improvements in the structure of the vessels. Therefore, in my judgment, we ought not to proceed more rapidly than we have heretofore gone, and should not order more than two vessels.

As to the matter of the expenditure of money, that is a question with which the Senate is entirely familiar and with which Congress is familiar. It would seem as if we do not take that matter into account very much about anything. At the same time, if the Senate on reflection desires to recede from its amendment and adopt the House provision we ought to have a full vote of the Senate upon the proposition. So far as I am concerned, I shall not change my mind upon the subject. I believe, however, that with the provision the Senate inserted, after mature consideration by the Committee on Naval Affairs, limiting the cost of the armor to $350 a ton, probably we shall not have any of these vessels built.

Mr. FAULKNER. If the Senator from Maryland will permit me, I should like to ask him a question. I voted for the amendment limiting the cost of armor to $350 a ton with the understanding from the members of the Committee on Naval Affairs that that was above the price at which armor had been sold by our manufacturers to foreign countries. If that is true, I feel like adhering to my vote; but if it is not true I should like the Senator to explain in what respect the facts differ from that statement.

Mr. GORMAN. Two years ago, I think, the Bethlehem Company contracted with the Russian Government for a small amount of armor at two hundred and fifty-odd dollars a ton. I believe $259 was the exact amount. When we had the naval appropriation bill under consideration a year ago that matter was brought to the attention of Congress, and the House of Representatives inserted a clause in that bill providing that no armor should be purchased at a higher rate per ton than was paid by any foreign government for like armor purchased in the United States. It referred to a single contract with the Bethlehem Company. I do not believe the matter was considered at that time by the Naval Committee. It was, however, brought to the attention of the Appropriations Committee. The Bethlehem Company made a very frank statement, as I remember, to the effect that they were without work, or probably had not enough work to continue the operations of their factory, and this offer was made to the Russian Government for two reasons, first, to keep their factory in operation, and secondly, to introduce American armor on the other side; and being a small order, and not a very great amount of money involved in it, they closed it at $259 a ton, about one-half of the price at which the French makers offered it to the Russian Government and about one-half of the price the Government of the United States has been paying. But during the last year in competition with the English and French manufacturers they have secured another contract from the Russian Government at about $515 or $529 per ton, I have forgotten which, but about the same price they are charging the United States. They claimed that it was a movement on the part of the American manufacturers which they could afford to make at a loss for the purpose of introducing our armor, which is confessedly better than the English or the French armor.

The Senate at that time struck out the provision prohibiting a greater amount to be paid for armor than they had charged to foreign governments, because the testimony of all the manufacturers was that it was impossible to make it for that price. Since then the Committee on Naval Affairs have made their investigation. The Senator from New Hampshire [Mr. CHANDLER], the Senator from Georgia [Mr. BACON], and the Senator from South Carolina [Mr. TILLMAN] yesterday made very full statements to the Senate, which are before us to-day in the RECORD. I know nothing of that testimony except what I heard yesterday; I have not had time to read it. It was taken by a committee of this body, and they believe that we ought to adhere to our amendment. If the Senate agrees to it, I say frankly, from the investigations that I have given to the subject in the last two or three years, I do not believe it will be possible to procure the armor for such a price, and therefore the construction of the ships will be delayed, for in the construction of all the vessels made to this time the delay has been not in the frame, not in the general work of the shipbuilders, but in the supply of the armor itself. Therefore I take it that the Department will not think of making a contract at all for any portion of the ships unless they can get the armor at the price named in the amendment.

Mr. HALE. Let me suggest to the Senator from Maryland and also to the Senator from West Virginia that if the Senate does not insist on the amendment then the whole matter ends; but if the Senate does insist upon the amendment which fixed $350 as the limitation upon the Secretary of the Navy the matter goes into conference, and there will be an opportunity in conference, if it is believed that the limitation is too low, to fix it at $375 or $400. By the Senate insisting on its amendment it gives the conferees an opportunity to do that. If the Senate does not insist the whole subject, of course, passes away, and there will be no limitation whatever. Is not that the parliamentary situation?

Mr. GORMAN. That is unquestionably the case. I want to say to the Senate frankly that after the positive statements made by the distinguished Senator from New Hampshire, who has had probably more personal experience in this matter than any other member of the body, was a most distinguished Secretary of the Navy, and is a member of the Naval Committee (and I listened attentively to the statements made yesterday), I should feel as one of the conferees on the bill that we ought not to surrender except by a vote of the Senate. Honorable members of the Naval Committee yesterday intimated, indeed they stated broadly, that there was a combination among these manufacturers. It was intimated that there were lobbies in Washington in the interest of the manufacturers, in Congress and near it, and the price had been kept

up to a point where high officials of the Government had intimated that it was an extortion upon the Government of the United States. Under the circumstances it does not seem to me that the responsibility alone of changing this amount from $350 a ton to $450 ought to be placed upon the conferees. As one of the conferees I would not feel at liberty to make such an adjustment after an honorable committee of this body has been supported by the Senate and when the Naval Committee were practically unanimous in making this broad statement to the Senate of the United States.

Mr. HALE. Is it not peculiarly a matter for adjustment in conference? Because the Senate will not give up its proposition of some limitation, when the conferees of this body meet the conferees of the other House, who are not willing to consent to so narrow a limitation but will consent to some other limitation, does the Senator think that such an adjustment would be in any way a breach of the privileges of a conference? Is not that done on matters of amount every day in conference committees?

Mr. GORMAN. Yes, unquestionably; and in all ordinary cases that must, of necessity, be the rule. Otherwise the two Houses could never come to an adjustment. But this is a unique case. This is a case where the Committee on Naval Affairs of this body have unanimously determined, as I understand it, that $350 should be the outside limit of the cost of the armor.

Mr. HALE. The committee unanimously agreed that there should be some limitation. As was stated in the debate yesterday by the Senator from Georgia [Mr. BACON], who presented the case very clearly and who offered this amendment, it is difficult to fix with any accuracy just the amount of the limitation. That being the case, for one, while the feature of a limitation is insisted upon, it being difficult except upon full conference to finally fix it, I should not consider that I am estopped from an agreement at some other figure when we get into conference unless the House conferees accept our proposition. I think the limitation of $350 is large enough, but I am not so set and determined as a member of the Appropriations Committee or of the Naval Committee upon that figure that I could not agree to some other figure.

Mr. GORMAN. There is one peculiar phase of this case. From the beginning of the construction of these great vessels of war Congress has left with the Secretary of the Navy unlimited power as to the price of all materials that enter into a ship, and no price has been fixed for armor. The Department has been under the control of two great political parties, the Democratic and the Republican, and their action heretofore in the contracts that were made with the armor-plate people up to within the last year has not been criticised, so far as I know. So far as I know, to-day no officer of the Government who is responsible in making these contracts or whose duty it is to make them has suggested to Congress that there ought to be a limit by law as to the price of armor. I have not been able to secure from the officers in charge of this particular branch, in either the War Department or the Navy Department, any suggestion whatever as to a limitation. In the matter of annealed steel for the guns to be used in the fortifications, we absolutely failed to get the ordnance officers to agree to any limitation whatever. I think it is true that they are opposed to a limitation. But in that matter we did reduce the price from 27.3 cents a pound to 24 cents, making the price $550 a ton for the steel for the guns, and it has been said, not officially, that even that limitation may embarrass the Department.

I am as much in favor of a proper limitation as to the price in all of these things as any Senator upon this floor. I am unalterably opposed to the great increase proposed by the House of Representatives in the number of ships and the amount of armor which is to be purchased, because I do not believe the condition of the Treasury warrants it. I do not believe that the condition of the construction of these ships warrants the entering upon it on so large a scale as is proposed in this bill; but I am, on the other hand now, as I always have been, in favor of a fair increase of the Navy. I am in favor of making liberal appropriations for it, and not of placing in the appropriation bill any provision which would nullify the action of Congress when we have determined as to the number of ships to be constructed.

The PRESIDING OFFICER. It is the duty of the Chair to remind Senators that debate was to proceed by agreement under the five-minute rule, though something was said when the arrangement was proposed about ten minutes.

Mr. CULLOM. I suggest that by unanimous consent the Senator from Maryland, who is familiar with this subject, be allowed to proceed, as there seems to be nobody else who desires to speak now.

Mr. CHANDLER. What was the agreement?

The PRESIDING OFFICER. The agreement, as stated by the Chair, was that debate should proceed under the five-minute rule; but, on examining the RECORD, the Chair thinks the understanding was that debate was to proceed under the ten-minute rule.

Mr. CULLOM. Under the ten-minute rule?

Mr. HALE. I so made the proposition.

Mr. CULLOM. I make the suggestion that the Senator from Maryland be allowed to complete his remarks.

Mr. CHANDLER. I should like to have the Senator from Maryland made an exception to the ten-minute rule, because he wished to speak yesterday and was prevented from doing so.

The PRESIDING OFFICER. No objection is made, and the Senator from Maryland will proceed.

Mr. GORMAN. I am grateful to Senators for their courtesy, but I do not desire to detain the Senate very long.

Mr. President, going back to armor, two distinguished members of the Committee on Naval Affairs stated yesterday that, as they understood the situation, we have a monopoly in the United States created by the Government and paid for by the Government, yet the men who make this armor plate, who have a monopoly of the business paid for by the Government, are robbing the Government to-day unmercifully. That is practically the statement, in language a little different, of the Senator from New Hampshire [Mr. CHANDLER], the Senator from Georgia [Mr. BACON], the Senator from New Jersey [Mr. SMITH], and the Senator from South Carolina [Mr. TILLMAN], that these two armor-plate manufacturers have made a combine, not only between themselves, but with foreign manufacturers. The fact stands out perfectly plain that the English Government, the French Government, and the Russian Government, as well as the Government of the United States, are paying $500 a ton for this material, and it would look on the face of it as if that combination had been entered into. If it has, if the price we are compelled to pay is robbery, as suggested by the Committee on Naval Affairs, who have examined this matter, then I say we ought to cease the construction of ships. That is the way to meet the question. We ought not to order four great battle ships and let their constructors who make the hulls and the machinery get them ready and have them on the dry docks waiting until we can adjust this armor matter. If it be true, as said by this honorable committee of this body, that this combination exists and this robbery goes on, then the executive officers of the Government have been derelict in their duty. It was their business and it is their business to inform Congress if that be true, and if it be true we ought to suspend all operations until we either establish a factory, as proposed by the bill introduced by the distinguished Senator from New Jersey [Mr. SMITH], or else compel these manufacturers to fix the price within a reasonable limit.

While the Senator from Maine [Mr. HALE] suggests the rule that is always adopted, the only rule in ordinary cases, where differences occur between the two Houses they must be adjusted by the conferees, I again say to the Senate that, so far as I am concerned, I can not accept the responsibility which is usually given to conferees, to increase this price beyond the report of the Committee on Naval Affairs. The Senate ought to take the responsibility; the Committee on Naval Affairs ought to assume the responsibility. They are aware that the Secretary of the Navy and the Chief of Ordnance of the Navy do not believe that they can proceed under this limitation. After all the extreme statements which have been made, I do not feel, as one of the conferees, that I can agree to the usual method suggested by the distinguished Senator from Maine. I believe we ought to have a vote of the Senate first upon the number of ships. If the majority of the Senate say it shall be four, so be it, let us recede; if the majority of this body insist upon two, as I believe they ought, then the Senate conferees will stand upon an equality with those of the other House, who believe they are instructed for the four battle ships by a vote in the other House since this bill passed the Senate.

When it comes to the other proposition as to armor and armor plate, after full debate in this body I trust the Senate itself will decide whether the price shall remain at $350, $450, or $500 a ton.

Mr. President, one other word. I have never believed, and I do not believe now, that there is any fact which has been brought out by any investigation anywhere on the face of the earth which would warrant the intimation that Secretary Whitney or Secretary Tracy, the two great Secretaries who made the contracts with the Bethlehem and the Carnegie companies, made improvident contracts for the Government. I think there never was a wiser action on the part of executive officers than that by those two gentlemen. We had not within the confines of our country a single establishment which could make a shaft for a great steamer. We had to buy such shafts from England, from Germany, and from France. There was not a steamer in the merchant marine or one in the Navy which could be furnished with a piece of steel or iron at that time suitable for a shaft; there was not a single forge which could turn out a pound of armor for any of our vessels.

Congress made a liberal provision to establish such a plant and the Bethlehem Company was the only concern in the whole country that would undertake that enterprise. Their contract was for 6,000 or 8,000 tons of armor, but the price which the Government paid for it was not sufficient to reimburse them for their expenditure. There was no other customer for that work except the Government. In their statements, made frankly before the committees, they said, as they have said to the Navy Department, that

their understanding was, though it was not named in the bond, that they were to continue to furnish armor for these ships; but when Secretary Tracy came into office the Bethlehem Company was not able to furnish the armor in the time required by the builders of the ships, and he was anxious for competition, anxious for more speedy delivery, and so he made a contract with Mr. Carnegie for a given amount of armor at the same price which had been paid the Bethlehem Company.

I believe from a thorough examination of these contracts and the result which has been produced that they were wise contracts. They were liberal in amount, unquestionably liberal, but they have created these great works, which have not only been able to furnish the Navy but have been able to go on with the construction of great vessels of commerce, two or three of which are now afloat on the ocean, equal to any that are constructed on the Clyde, and we are confessedly ahead of every other nation in the world in the character of the armor we have made, the ships we have constructed, and even in the speed of the boats which are used as torpedo-destroyer boats, and also in the machinery.

I would not, Mr. President, for one, embarrass either of these great works. If we can not arrange this matter by fair adjustment, any action that is taken ought to be taken only after the most careful consideration by the executive officers of the Government, as well as by the committees of Congress, to reduce the price of this armor as we go on, which is natural and right, and I should like to see the price cut down to the lowest possible figure at which it can be done with safety. But when it is proposed to be done in this way I want the Senate to take the responsibility and not thrust it upon three conferees.

Mr. CHANDLER. Mr. President, I speak only because of the inquiry made by the Senator from West Virginia [Mr. FAULKNER] as to the evidence as to the price of armor, and I omitted in speaking yesterday to put in a table, which is found on page 83 of the testimony taken by the committee. It comes from Commodore Sampson, Chief of the Bureau of Ordnance, and was submitted by Secretary Herbert to the committee. I desire that the table may be printed exactly as it is found in this book. The table is as follows:

The following table of prices of armor is submitted with full reservation as to the accuracy of those asked by foreign makers:

Grade.	England.			France.		
	Plain.	Nickel.	Harveyized.	Plain.	Nickel.	Harveyized.
Lower limit	[1]$413.00	.....	.....	.....	[2]$449.00	[3]$521.00
Upper limit	[1]438.00	.....	.....	.....	[2]463.00	[3]540.00
Special			(4)			
Foreign trade	[5]312.00	[6]358.00	[7]302-341.00	[8]312.00	[9]311.46	389.92

[1] Vickers, makers for H. M. S. *Centurion*.
[2] Acier special for the *Bouvet*.
[3] For the *Charlemagne* and *St. Louis*.
[4] Said to be $88 more than for plain steel; hence $501 to $528.
[5] Vicker's bid.
[6] Cammell's bid for armor of Russian *Three Saints*.
[7] Cammell's bid.
[8] Le Creuzot bid.
[9] Le Creuzot bid for Russian *Three Saints*.

Mr. President, I was able myself to come to no other conclusion than this, that the cost of armor to the foreign manufacturers and also to the Bethlehem Company and the Carnegie Company was less than $300 a ton, and that by a combination only were the prices kept up to $550 and $600. The two contracts made in this country, the first with the Bethlehem Company and the second, at the same rate, with the Carnegie Company, at about $600 a ton, not reckoning interest, as the Senator from Pennsylvania [Mr. QUAY] has reckoned, gave in dollars to the two concerns all that they paid out for the production of the armor and all that they paid out for establishing the plant; and in addition to those contracts, there have come this year the contracts for the *Kentucky* and the *Kearsarge*, which are reduced only $50 a ton; so that these two concerns are to receive about $3,000,000 more at the price of $550 a ton; and the question was, what was the duty of the Congress of the United States in reference to the two or to the four new ships that are to be now authorized?

The committee came to the conclusion—they may be mistaken, and it may be that there ought to be further investigation—that unless the contracts should be made before the first Monday in December at $350 a ton, allowing at least $50 a ton profit, the bids ought to be reported to Congress. That is the position of the committee.

I again call the attention of the Senate to the fact that no possible harm is done. The drawings for the armor for the *Kentucky* and the *Kearsarge* are not, by the contract, to be furnished to the manufacturers before next winter, although, as a matter of fact, the Department may furnish them sooner; but it will take them all next year to furnish the armor for the *Kentucky* and the *Kearsarge*, and there is not the slightest need, as I said yesterday, as a business proposition to make these armor contracts until next winter.

Mr. HALE. Now let us have a vote, Mr. President.

Mr. CHANDLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cullom,	McBride,	Quay,
Allison,	Dubois,	Mills,	Sewell,
Bate,	Faulkner,	Mitchell, Oreg.	Sherman,
Berry,	Gallinger,	Morgan,	Shoup,
Brown,	Gear,	Morrill,	Smith,
Burrows,	Gorman,	Palmer,	Teller,
Butler,	Hale,	Pasco,	Turpie,
Carter,	Harris,	Peffer,	Vest,
Chandler,	Hawley,	Pettigrew,	Vilas,
Chilton,	Hill,	Platt,	Walthall,
Clark,	Lindsay,	Pritchard,	Warren,
Cockrell,	Lodge,	Pugh,	White.

The PRESIDING OFFICER. Forty-eight Senators having responded to their names, a quorum is present. The question is on the motion of the Senator from Pennsylvania [Mr. QUAY], that the Senate recede from its amendment providing for two battle ships instead of four, upon which the yeas and nays have been ordered.

Mr. GORMAN. A vote "yea" on this question means four battle ships, and "nay" two battle ships. That is the condition of the question, I understand.

Mr. HALE. To recede from the Senate amendment leaves the number of battle ships at four, and not to recede leaves it open to conference.

Mr. GORMAN. A vote "yea" means four battle ships, and "nay" means two.

The Secretary proceeded to call the roll.

Mr. CARTER (when his name was called). I am paired usually with the Senator from Maryland [Mr. GIBSON], and I therefore withhold my vote.

Mr. CULLOM (when his name was called). I am paired with the senior Senator from Delaware [Mr. GRAY]. Not knowing how he would vote on this question, I shall withhold my vote.

Mr. FAULKNER (when Mr. ELKINS's name was called). My colleague [Mr. ELKINS] is paired on this question with the junior Senator from Maryland [Mr. GIBSON].

The PRESIDING OFFICER. The Chair thinks the Senator from Montana [Mr. CARTER] announced a pair with the junior Senator from Maryland. The Chair inquires of the Senator from Montana if such is not the case?

Mr. CARTER. I was not informed of any pair of the Senator from Maryland on this particular vote. I announced a general pair with him, but if he is otherwise paired on this question I will vote. I vote "yea."

Mr. FAULKNER (when his name was called). On this question I am paired with the senior Senator from Indiana [Mr. VOORHEES]. If he were present, he would vote "nay" and I should vote "yea."

Mr. GEAR (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON], but knowing how he would vote on this question if present, I vote "yea."

Mr. PERKINS (when his name was called). I have a general pair with the Senator from North Dakota [Mr. ROACH]. I will transfer that pair to the senior Senator from Montana [Mr. MANTLE] and vote "yea."

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR], but I transfer that pair to the Senator from Louisiana [Mr. BLANCHARD] and vote "nay."

Mr. SEWELL (when his name was called). I am paired with the Senator from Wisconsin [Mr. MITCHELL]. If he were here, I should vote "yea."

Mr. WALTHALL (when his name was called). On this question I have a pair with the senior Senator from Pennsylvania [Mr. CAMERON], which I transfer to the Senator from South Dakota [Mr. KYLE] and vote "nay."

The roll call was concluded.

Mr. BURROWS (after having voted in the negative). I withdraw my vote. I am paired with the Senator from Louisiana [Mr. CAFFERY]. I desire to say that my colleague [Mr. MCMILLAN] is absent from the Senate, and is paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. DUBOIS. I will announce on this vote the pair of the Senator from Utah [Mr. CANNON] with the Senator from Nebraska [Mr. ALLEN]. The Senator from Utah, if present, would vote "yea."

The result was announced—yeas 17, nays 33; as follows:

YEAS—17.

Aldrich,	Gear,	Mitchell, Oreg.	Shoup,
Brown,	Hansbrough,	Morgan,	Wilson.
Carter,	Hawley,	Perkins,	
Davis,	Lodge,	Platt,	
Dubois,	McBride,	Quay,	

NAYS—33.

Allison,	George,	Nelson,	Teller,
Bate,	Gorman,	Palmer,	Vest,
Berry,	Hale,	Pasco,	Vilas,
Butler,	Harris,	Peffer,	Walthall,
Chandler,	Hill,	Pettigrew,	Warren,
Chilton,	Jones, Ark.	Pritchard,	White.
Clark,	Lindsay,	Pugh,	
Cockrell,	Mills,	Sherman,	
Gallinger,	Morrill,	Smith,	

NOT VOTING—39.

Allen,	Cannon,	Irby,	Sewell,
Bacon,	Cullom,	Jones, Nev.	Squire,
Baker,	Daniel,	Kyle,	Stewart,
Blackburn,	Elkins,	McMillan,	Thurston,
Blanchard,	Faulkner,	Mantle,	Tillman,
Brice,	Frye,	Martin,	Turpie,
Burrows,	Gibson,	Mitchell, Wis.	Voorhees,
Caffery,	Gordon,	Murphy,	Wetmore,
Call,	Gray,	Proctor,	Wolcott.
Cameron,	Hoar,	Roach,	

So the Senate refused to recede from its amendment numbered 32.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Maine [Mr. HALE], that the Senate further insist upon its amendments and agree to the conference asked for by the House of Representatives.

Mr. HALE. Amendment numbered 49 is not included in the report which has been agreed to. It is an amendment left open which is subject to the action of the Senate. Before taking a vote upon the pending question, I move an amendment to amendment numbered 49.

Mr. SHERMAN. Let the amendment be read, and then the amendment as proposed to be amended.

The PRESIDING OFFICER. The Chair doubts——

Mr. ALDRICH. I suggest that the amendment is not in order. We can not amend the amendment at this stage.

Mr. HALE. Let me state the case.

Mr. QUAY. It seems to me the amendment had better go to the committee of conference.

Mr. HARRIS. If the Senator from Maine will allow me, I will suggest to him that the bill has passed beyond the amendment stage except in one way, and that is through the report of a committee of conference.

Mr. HALE. I will not insist upon it.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine, that the Senate further insist upon its amendments still in disagreement and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. HALE, Mr. QUAY, and Mr. GORMAN were appointed.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I ask that the conference report on the Indian appropriation bill may be laid before the Senate.

The Senate resumed the consideration of the conference report on the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

The PRESIDING OFFICER. The question is upon concurring in the report of the committee of conference.

Mr. PETTIGREW. I think the Senator from Mississippi [Mr. GEORGE] had the floor when we were last considering the report. I do not desire to take the floor from him.

Mr. ALDRICH. I hope we may have a vote.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

Mr. CHANDLER and Mr. MILLS called for the yeas and nays; and they were ordered.

Mr. WALTHALL. What is the question upon which we are about to vote?

The PRESIDING OFFICER. The question is upon concurring in the report of the committee of conference on the Indian appropriation bill.

Mr. BATE. It involves the question which has been discussed here for two or three days?

Mr. BURROWS. What has become——

Mr. ALDRICH. Debate is not in order.

The PRESIDING OFFICER. Debate is not in order. The Chair in reply to the Senator from Tennessee will state that this involves the question which has been discussed.

Mr. PASCO. What about the point of order in this case? It has not yet been decided.

The PRESIDING OFFICER. The present occupant of the chair is not advised of any point of order.

Mr. ALDRICH. Regular order.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BURROWS (when his name was called). I am paired with the senior Senator from Louisiana [Mr. CAFFERY].

Mr. DUBOIS (when Mr. CANNON'S name was called). I announce the pair of the Senator from Utah [Mr. CANNON] with the Senator from Nebraska [Mr. ALLEN].

Mr. CHANDLER (when his name was called). At the request of the Senator from Arkansas I am paired on this question with the junior Senator from Virginia [Mr. MARTIN]. If he were present, I should vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. GRAY]. He not being present, I withhold my vote.

Mr. FAULKNER (when Mr. ELKINS's name was called). I desire to announce a pair between the Senator from West Virginia [Mr. ELKINS] and the Senator from Indiana [Mr. VOORHEES].

Mr. FAULKNER (when his name was called). I desire to state that I am paired on this question with the Senator from Georgia [Mr. BACON]. If he were present, I should vote "nay." He would vote "yea."

Mr. GEAR (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. GORDON]. I therefore withhold my vote.

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. ROACH]. If he were present, he would vote "yea" and I should vote "nay."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD].

Mr. PROCTOR (when his name was called). I have a general pair with the Senator from Florida [Mr. CALL]. He gave me a generous discretion, and I am satisfied that if he did not fully agree with me he would not object to my voting. I will therefore vote. I vote "nay."

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR].

Mr. SEWELL (when his name was called). I announce my pair with the Senator from Wisconsin [Mr. MITCHELL].

The roll call was concluded.

Mr. HALE. I announce the pair of my colleague [Mr. FRYE] with the Senator from West Virginia [Mr. ELKINS].

Mr. CULLOM. I am informed that the senior Senator from Delaware [Mr. GRAY] has spoken against the report. I will therefore take the liberty of voting. I vote "nay."

Mr. BURROWS. I withheld my vote because I am paired with the senior Senator from Louisiana [Mr. CAFFERY]; but I am advised that he would vote the same as I will vote, in the negative. I therefore desire to vote. I wish to state that if my colleague [Mr. MCMILLAN] were present, he would vote "nay."

The result was announced—yeas 27, nays 20; as follows:

YEAS—27.

Berry.	Jones, Ark.	Nelson,	Smith,
Carter,	Jones, Nev.	Palmer,	Teller,
Clark,	Lindsay,	Pettigrew,	Vest,
Cockrell,	McBride,	Platt,	Warren,
Davis,	Mills,	Quay,	White,
Dubois,	Mitchell, Oreg.	Sherman,	Wilson.
Hansbrough,	Morgan,	Shoup,	

NAYS—20.

Allison,	Chilton,	Hawley,	Peffer,
Bate,	Cullom,	Hill,	Proctor,
Brown,	Gallinger,	Lodge,	Turpie,
Burrows,	George,	Morrill,	Vilas,
Butler,	Hale,	Pasco,	Walthall.

NOT VOTING—42.

Aldrich,	Chandler,	Hoar,	Roach,
Allen,	Daniel,	Irby,	Sewell,
Bacon,	Elkins,	Kyle,	Squire,
Baker,	Faulkner,	McMillan,	Stewart,
Blackburn,	Frye,	Mantle,	Thurston,
Blanchard,	Gear,	Martin,	Tillman,
Brice,	Gibson,	Mitchell, Wis.	Voorhees,
Caffery,	Gordon,	Murphy,	Wetmore,
Call,	Gorman,	Perkins,	Wolcott.
Cameron,	Gray,	Pritchard,	
Cannon,	Harris,	Pugh,	

So the report was concurred in.

Mr. TELLER. I ask that we may take up the conference report on the District of Columbia appropriation bill.

Mr. LODGE. I do not understand that the Indian bill is yet disposed of. There are three amendments still in disagreement, on which it is possible to move to recede.

Mr. HILL. Is there any more general legislation?

Mr. TELLER. The motion was to agree to the conference report, and that being agreed to, it takes the matter out of the Senate.

Mr. LODGE. It does not dispose of the three amendments still in disagreement.

Mr. BERRY. Not those disagreed to.

Mr. LODGE. The motion, I understood, was to agree as to this particular amendment.

Mr. CULLOM. No; to the report.

Mr. BERRY. It was to agree to the conference report.

Mr. TELLER. Either to adopt or reject the conference report. We have adopted it, and that is the end of it.

Mr. LODGE. We will see whether it is the end of it.

The PRESIDING OFFICER. The conference report will be read.

The Secretary read as follows:

On amendments 64, 69, and 70 the committee of conference has been unable to agree.

Mr. HILL. Of course it leaves those three items open.

Mr. LODGE. Certainly it does.

Mr. HILL. The Senator from Massachusetts is right.

Mr. LODGE. I spoke to the Senator in charge of the bill while the amendment just voted on was pending——

The PRESIDING OFFICER. The Chair thinks the agreement to the conference report leaves open those amendments as to which the conferees have been unable to agree.

Mr. TELLER. Certainly; nobody doubts that.

Mr. LODGE. We were told only a moment ago that it was all disposed of.

Mr. TELLER. It is disposed of so far as we are now concerned.

Mr. LODGE. It leaves it open to a motion which I propose to make.

Mr. PETTIGREW. I move that the Senate further insist upon its amendments in disagreement, and agree to the request for a further conference.

The PRESIDING OFFICER. The Senator from South Dakota moves that the Senate insist upon its amendments as to which agreement has not been had, and accede to the request of the House of Representatives for a further conference.

Mr. LODGE. There are three amendments in disagreement. One is the amendment relating to the Old Settlers' claim. The other two relate to the amendments to the House paragraph in regard to sectarian schools. I desire to make a motion that the Senate recede from its amendments numbered 69 and 70, relating to sectarian schools; and I now make that motion, which I think has precedence.

Mr. HALE. It has precedence.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate recede from its amendments numbered 69 and 70, as to sectarian schools.

Mr. PETTIGREW. I trust the Senate will not recede in regard to these amendments, but will send them back for further conference. I do not believe we ought to abandon those schools at the request of the House. I think the Senate amendment is entirely fair and just, and I still have hopes of results from a further conference upon the subject.

Mr. HARRIS. Let amendments 69 and 70 be read.

The PRESIDING OFFICER. The amendments will be stated.

The SECRETARY. On page 46, line 24, the Senate struck out all after the word "Alaska" down to and including the word "school," in line 7, on page 47, and inserted:

And it is hereby declared to be the settled policy of the Government to make no appropriation whatever for the education of Indian children in any sectarian school, just as soon as it is possible for provision to be made for their education otherwise, and the Secretary of the Interior is hereby authorized and directed to make such provision at the earliest practicable day, not later than July 1, 1898: *Provided*, That the Secretary of the Interior may make contracts with present contract schools for the education of Indian pupils during fiscal year 1897, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children and to an amount not exceeding 50 per cent of the amount so used for the fiscal year 1895.

On page 47, line 7, after the word "*Provided*," the Senate inserted the word "*further*"; so as to read: "*Provided further*," etc.

The PRESIDING OFFICER. The question is on agreeing to the motion to recede from the amendments of the Senate which have just been stated.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PETTIGREW. As I understand it, a vote "yea" is to recede from the Senate amendments in regard to the schools.

Mr. LODGE. It affects only the schools. It does not relate to the amendment as to the Old Settlers' claim.

The PRESIDING OFFICER. The Chair will state that Senators in favor of receding from the amendments will vote "yea" and those opposed to receding will vote "nay." The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DUBOIS (when Mr. CANNON's name was called). I desire to announce the pair of the Senator from Utah [Mr. CANNON] with the Senator from Nebraska [Mr. ALLEN].

Mr. FAULKNER (when Mr. ELKINS's name was called). My colleague [Mr. ELKINS] is paired on this question with the Senator from Indiana [Mr. VOORHEES].

Mr. GEAR (when his name was called). I announce my pair with the senior Senator from Georgia [Mr. GORDON]. If he were here, I should vote "yea."

Mr. PERKINS (when his name was called). I again announce my pair with the junior Senator from North Dakota [Mr. ROACH]. If he were present, he would vote "nay" and I should vote "yea."

Mr. PRITCHARD (when his name was called). I am paired on this question with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "yea."

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR]. I transfer my pair to the junior Senator from New York [Mr. MURPHY] and vote. I vote "nay."

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON]. I transfer my pair to the senior Senator from South Carolina [Mr. IRBY] and vote "nay."

The roll call was concluded.

Mr. CULLOM. I have a general pair with the senior Senator from Delaware [Mr. GRAY]. He being absent, I withhold my vote.

Mr. BURROWS. I am paired with the senior Senator from Louisiana [Mr. CAFFERY], and this announcement will apply to all votes taken to-day. I shall not repeat it. If he were present, I should vote "yea."

The result was announced—yeas 17, nays 31; as follows:

YEAS—17.

Brown,	Gallinger,	Peffer,	Warren,
Butler,	George,	Platt,	Wilson.
Chandler,	Lodge,	Quay,	
Clark,	Mitchell, Oreg.	Sewell,	
Dubois,	Morrill,	Teller,	

NAYS—31.

Allison,	Gorman,	Mills,	Shoup,
Bate,	Hansbrough,	Mitchell, Wis.	Smith,
Berry,	Harris,	Morgan,	Turpie,
Carter,	Hawley,	Palmer,	Vest,
Chilton,	Hill,	Pasco,	Vilas,
Cockrell,	Jones, Ark.	Pettigrew,	Walthall,
Davis,	Lindsay,	Pugh,	White.
Faulkner,	McBride,	Sherman,	

NOT VOTING—41.

Aldrich,	Cannon,	Irby,	Roach,
Allen,	Cullom,	Jones, Nev.	Squire,
Bacon,	Daniel,	Kyle,	Stewart,
Baker,	Elkins,	McMillan,	Thurston,
Blackburn,	Frye,	Mantle,	Tillman,
Blanchard,	Gear,	Martin,	Voorhees,
Brice,	Gibson,	Murphy,	Wetmore,
Burrows,	Gordon,	Nelson,	Wolcott.
Caffery,	Gray,	Perkins,	
Call,	Hale,	Pritchard,	
Cameron,	Hoar,	Proctor,	

So the Senate refused to recede from its amendments numbered 69 and 70.

The PRESIDING OFFICER. The question recurs on agreeing to the motion of the Senator from South Dakota [Mr. PETTIGREW], that the Senate further insist upon its amendments, and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 2006) to increase the pension of Harriet C. Gregg, widow of Col. John Irvin Gregg, from $30 to $50 per month; and

A bill (H. R. 6739) for the relief of John N. Quackenbush, late a commander in the United States Navy.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 2143) granting a pension to Mrs. Emily Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer, agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SULLOWAY, Mr. WOOD, and Mr. BAKER managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 4020) granting an increase of pension to Mrs. William Loring Spencer, agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ANDERSON, Mr. KERR, and Mr. MCCLELLAN managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 4354) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. POOLE, Mr. KERR, and Mr. MCCLELLAN managers at the conference on the part of the House.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. TELLER. I ask that the conference report on the District of Columbia appropriation bill may be taken up.

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes.

The PRESIDING OFFICER. Does the Senator from Colorado desire that the report shall be read? It has been printed.

Mr. TELLER. No; it is not necessary to read the report, as it has been printed.

[For report see Senate proceedings of June 1.]

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was concurred in.

Mr. TELLER. I move that the Senate further insist on its amendments and request a further conference with the House of Representatives on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. TELLER, Mr. ALLISON, and Mr. COCKRELL were appointed.

REASSESSMENT OF WATER-MAIN TAXES.

Mr. FAULKNER. A few days ago a bill passed the Senate, reported from the District of Columbia Committee, in reference to the reassessment of water taxes, and there was an error found in it after it was passed. I report from the Committee on the District of Columbia a joint resolution to correct the error. It is a very trifling one, but still important, and I ask unanimous consent that the joint resolution, which is short, may be now considered, so that the error may be corrected.

The joint resolution (S. R. 158) to amend an act to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes, was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That an act entitled "An act to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes," be, and the same is hereby, amended in section 2, so that the said section shall read as follows:

"SEC. 2. That where outside the city of Washington Potomac water shall hereafter be introduced said reassessment shall be levied or assessed within thirty days after such introduction, and where Potomac water has been heretofore introduced the reassessment shall be made within ninety days after the passage of this act, and any levy, assessment, or reassessment on land not subdivided into blocks and lots shall be made on a frontage not exceeding 100 feet for each lot or parcel of land or premises into which Potomac water has been or shall be introduced, and shall be considered in any subsequent subdivision of such property as having extended to a depth of not exceeding 100 feet from the front of said lot or parcel of land: *Provided, however*, That said water-main tax or assessment or reassessment on land not subdivided into blocks and lots shall be due, payable, and collectible on each lot or parcel of land or premises on and after the date on which the connection is made from the water main to said lot or parcel of land or premises."

The PRESIDING OFFICER. The Senator from West Virginia asks unanimous consent for the present consideration of the joint resolution. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INVESTIGATION OF FUR-SEAL FISHERIES.

Mr. MORRILL. I now ask leave to call up the joint resolution (S. R. 155) to authorize a scientific investigation of the fur-seal fisheries, reported from the Committee on Finance this morning, and in order to have it fully understood by the Senate I will ask to have read a note received from the Treasury Department.

The PRESIDING OFFICER. The Senator from Vermont asks for the present consideration of the joint resolution which will be read, and before considering it he asks for the reading of a letter from the Treasury Department. The letter will be read, in the absence of objection.

The Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., June 3, 1896.

SIR: I have the honor to inform you that at the request of Her Majesty's Government two scientists have been given permission to visit the Pribilof Islands during the present season to examine into the condition of the fur-seal herds thereon. I believe it is of the utmost importance that authority be given for the appointment of an eminent zoologist to visit said islands this season in behalf of the United States Government. A resolution granting such authority has already been favorably reported by the Ways and Means Committee of the House of Representatives. Inasmuch as the representatives of the British Government are now in this city on their way to the Pribilof Islands, it will be apparent that there is urgent need of granting this authority at the earliest practicable moment.

Respectfully, yours,

C. S. HAMLIN, *Acting Secretary.*

The Hon. JUSTIN S. MORRILL,
Chairman Finance Committee, United States Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution; which was read, as follows:

Resolved by the Senate, etc., That the Secretary of the Treasury be, and is hereby, authorized to expend, from any moneys in the Treasury not otherwise appropriated, a sum sufficient to provide for the employment of persons to conduct a scientific investigation, during the fiscal years 1896 and 1897, of the present condition of the fur-seal herds of the Pribilof, Commander, and Kurile Islands in the North Pacific Ocean and Bering Sea, said amount not to exceed for both said years the sum of $5,000.

The Secretary is also authorized to employ a stenographer in connection with this investigation at a rate of compensation not exceeding $1,500 per annum, and to pay his compensation and expenses out of any moneys in the Treasury not otherwise appropriated.

The President is authorized to detail, for the purposes of assisting in this investigation, any officer or officers or employees of the United States Government, their actual expenses and the expenses of the person or persons employed under the preceding paragraph to be paid by the Secretary of the Treasury out of any moneys in the Treasury not otherwise appropriated.

The President may detail a vessel of the United States for the purpose of carrying out this investigation.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PACIFIC RAILROADS.

Mr. GEAR. I wish to make a motion regarding the funding bill, pertaining to the Union and Central Pacific roads. In explanation of the motion, I will briefly state, with the consent of the Senate, that there are $115,000,000 due from these two roads to the United States Government, a portion of it falling due early in the beginning of the coming year. The Union Pacific road has defaulted on its first-mortgage bonds, and suit is now being brought to foreclose the mortgage. Therefore, it seems to me, it is incumbent on Congress that some action should be take in regard to this matter for the purpose of protecting the interests of the Government.

In regard to the bill which I had the honor to report in behalf of the Pacific Railroads Committee, there is some difference among the members of the committee. The honorable Senator from Alabama [Mr. MORGAN] made a dissenting minority report. The honorable Senator from Colorado [Mr. WOLCOTT] reserved the right also to make a minority report to that part pertaining to the Union Pacific road. In view of this fact, after consultation with Senators on both sides, I move that on the eighth legislative day of the next session, at the conclusion of the morning business, Senate bill 2894 shall be taken up and made the continuing order from day to day until some disposition is had in regard to these matters. I do this after consultation with the Senator from Alabama and other Senators, and I ask for a vote on my motion.

Mr. MORGAN. If I can have permission to say a word, I will state that the subject-matter which is included in the bill reported by the committee ought to be disposed of at the December session. It is a matter of very great national importance. While I am opposed to the bill that is reported here and have made an adverse report upon it, I think the subject ought to come up for consideration. The fact is that we can not safely postpone the consideration of the bill after the next session of Congress. Therefore, I am cordially in favor of setting a time for the hearing of the bill. I think, though, that the chairman of the committee ought to move in this connection for the printing of all the hearings that took place before the committee in reference to the bill.

Mr. GEAR. I will state in reply to the Senator that there is a large amount of hearings in the room of the Committee on Pacific Railroads, but if he thinks that is not enough matter I will add——

Mr. MORGAN. No, I think that what we have gathered on that subject ought to be printed for the use of the Senate.

Mr. GEAR. I will modify my motion to this extent, that the bill be taken up at 2 o'clock on the eighth legislative day of the next session, and that it shall be the continuing order from day to day until the measure is disposed of. And in addition I will ask an order to print, for the use of the Senate, 500 copies of the bill and the evidence taken before the committee.

The PRESIDING OFFICER. The Senator from Iowa moves that Senate bill 2894, reported by the Committee on Pacific Railroads, be postponed until the eighth legislative day of the next session, when it shall be taken up at 2 o'clock, and that its consideration shall be continued from day to day until disposed of.

Mr. GEAR. That it shall be considered the unfinished business.

The PRESIDING OFFICER. Is there objection?

Mr. TELLER. I am not going to object that the bill shall be set down, but I am going to object that it shall have any special privileges. If the Senator from Iowa insists that the bill shall not take its chances with the ordinary methods of doing business, I shall object.

Mr. CHANDLER. The Senator from Iowa modifies his request.

Mr. GEAR. I modify my request, that it shall be considered the unfinished business.

Mr. TELLER. If the Senator asks that the bill shall be set down and that is all, I shall not object, but I shall object to any special privileges being secured for the bill.

Mr. CHANDLER. That makes it the unfinished business.

Mr. GEAR. I want a clear understanding. If fixing it for consideration at that time will make it the unfinished business, that is all right.

Mr. FAULKNER. That will be the result.

Mr. BERRY. What is the bill?

Mr. FAULKNER. It is the Pacific railroads funding bill.

Mr. TELLER. It can be made the unfinished business, but it must be subject to any motion to postpone or to do whatever the Senate may choose with it, like any other bill.

Mr. BERRY. I object to the proposition.

Mr. GEAR. I have made a motion, I will say to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Iowa submits a motion, and one objection is not sufficient.

Mr. HILL. What is the motion?

Mr. GEAR. The motion is that Senate bill 2894 be taken up at 2 o'clock on the eighth legislative day of the next session of Congress for consideration, and that in addition 500 copies of the evidence and of the bill be printed for the use of the Senate.

Mr. TELLER. I suggest to the Senator to make the printing a separate motion.

Mr. GEAR. All right; I will make that a separate motion.

Mr. CHANDLER. I hope the Senator from Arkansas will not object, as the bill is only to be the unfinished business, subject to be displaced on motion, as the Senator from Colorado says.

Mr. BERRY. I could not hear the Senator from New Hampshire.

Mr. CHANDLER. As the bill is to come up as the unfinished business, subject to be displaced on motion, the Senator will hardly care to object to having this important matter set down for that day.

Mr. BERRY. The Senator from Iowa informed me that he did not ask unanimous consent. He has made a motion.

Mr. GEAR. I have made a motion, and I ask that the question be put.

The PRESIDING OFFICER. Is the Senate ready for the question?

Mr. JONES of Arkansas. I should like to ask if a motion to make a bill the unfinished business at a day in the future is in order? I think it is not.

Mr. GALLINGER. If the Senator raises that point, I quite agree with him that it is not in order.

Mr. VILAS. I suggest that Rule X be read.

Mr. SHERMAN. I suggest that the proper way is to get the bill before the Senate and then to move to postpone it until the eighth legislative day of the next session.

Mr. JONES of Arkansas. If the Senator from Iowa can have it taken up he can then move to postpone it, I imagine, if he chooses.

Mr. GEAR. I will change my motion. I will move that the bill be taken up for consideration for that purpose.

Mr. FAULKNER. I understand that if the motion to take up is carried it will be followed by a motion to postpone the bill until the eighth legislative day of the next session.

Mr. GEAR. That is it.

Mr. FAULKNER. That was the understanding of the committee. The committee are unanimous on that question, the Senator from Alabama and all the other members.

Mr. HILL. It makes it a special order. That is the only effect, and that requires a two-thirds vote.

Mr. SHERMAN. Not at all.

The PRESIDING OFFICER. The bill will be read by title.

The SECRETARY. A bill (S. 2894) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; and also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned.

Mr. HARRIS. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Iowa moves that the further consideration of the bill be postponed until the eighth legislative day of the next session.

Mr. GEAR. At 2 o'clock.

The PRESIDING OFFICER. At 2 o'clock.

Mr. JONES of Arkansas. The bill has not been taken up.

Mr. HARRIS. The motion, as I understand it, is that the Senate proceed to the consideration of the bill the title of which has just been read.

The PRESIDING OFFICER. The Chair thought that had been assented to.

Mr. GEAR. That is correct.

Mr. HARRIS. That being the motion, if it carries it displaces the unfinished business, and the Pacific Railroad bill becomes the unfinished business.

Mr. FAULKNER. It is not yet 1 o'clock.

Mr. HARRIS. That is true. It would be the case after 1 o'clock.

Mr. GEAR. I will state to the Senator from Tennessee that if the bill is taken up I am going to follow it by a motion to postpone its consideration until the next session.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa to take up the bill.

Mr. VILAS. I wish to make an inquiry.

Mr. ALDRICH and Mr. LODGE. Debate is not in order.

Mr. VILAS. After it is taken up for consideration, can it be postponed to a future day so as to stand as the unfinished business of that day? Rule X——

Mr. FAULKNER. I rise to a question of order.

The PRESIDING OFFICER. Debate is not in order.

Mr. VILAS. I am not debating. I make a parliamentary inquiry.

Mr. FAULKNER. The question is not before the Senate at all.

Mr. VILAS. The inquiry is before the Senate.

Mr. LODGE. I call for the regular order.

Mr. BERRY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Gallinger,	Morgan,	Shoup,
Allison,	Gear,	Morrill,	Smith,
Bate,	Gorman,	Nelson,	Stewart,
Berry,	Hale,	Palmer,	Teller,
Brown,	Hansbrough,	Pasco,	Turpie,
Butler,	Harris,	Peffer,	Vest,
Carter,	Hawley,	Perkins,	Vilas,
Chandler,	Hill,	Pettigrew,	Walthall,
Chilton,	Jones, Ark.	Platt,	Wetmore,
Clark,	Lindsay,	Pritchard,	White,
Cockrell,	Lodge,	Pugh,	Wilson.
Davis,	Mills,	Quay,	
Dubois,	Mitchell, Oreg.	Sewell,	
Faulkner,	Mitchell, Wis.	Sherman,	

The PRESIDING OFFICER. Fifty-three Senators have responded to their names. A quorum is present. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, being House bill 8008.

Mr. GEAR. I do not wish to interfere with the regular order, but I give notice that I shall renew my motion to-morrow morning.

Mr. WHITE. I was unable to hear the Senator from Iowa.

Mr. GEAR. I stated that I do not wish to interfere with the regular order and that I would not endeavor to have it laid temporarily aside, but that I shall renew my motion to-morrow morning.

Mr. WHITE. At what time? After the routine business?

Mr. GEAR. After the regular order of morning business.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House insisted upon its amendments to the amendments of the Senate numbered 27, 207, and 208 to the bill (H. R. 8293) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes, disagreed to by the Senate; further insisted upon its disagreement to the amendments of the Senate numbered 14, 24, 25, 30, 31, 37, 74, 79, 80, 81, 82, 83, 103, 104, 105, 106, 122, 137, 147, 148, 190, 192, and 200 to the bill; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. ARNOLD of Rhode Island, and Mr. SAYERS managers at the conference on the part of the House.

REGULATIONS CONCERNING FILLED CHEESE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of filled cheese.

Mr. SHERMAN. The bill was read, I believe, in full on a former day.

The PRESIDING OFFICER. It has been read. The Senator from Missouri [Mr. VEST] is entitled to the floor.

Mr. VEST. Mr. President, I have very little more to say in regard to the pending measure. I am very well aware from the votes which have been had that the majority of the Senate seem determined to pass the bill, and, I may say most respectfully, without pretending to answer the arguments that are made against it. There is an old Latin maxim, Inter arma silent leges; and it

seems in this country now, when large interests are involved, the Constitution is generally silent.

When I left the floor before when discussing this measure the Secretary had just read the testimony of Colonel Hatch, a distinguished citizen of my State and a former member of Congress, the author of the oleomargarine law, and now the president of the National Dairy Association. I have great respect for Colonel Hatch personally and we agree politically, but I think his enthusiasm and zeal in behalf of this class of legislation have caused him to make certain misstatements, not intentionally of course, as to legislation that has been had and as to the facts involved in this discussion. In his testimony which was read by the Secretary he congratulates himself upon the authorship of the oleomargarine law and states that the result of that law has been to secure a cheap and a pure article of food to the people of the United States.

The argument made in behalf of the oleomargarine law by Colonel Hatch, its author, and by Hon. Warner Miller, who was then chairman of the Agricultural Committee of the Senate, was that oleomargarine was an impure, unhealthy, deleterious product, dangerous to human life, and we had an array of horrors as to the ingredients of oleomargarine that rivaled the description of the witch's caldron in Macbeth. It was said to be made of rotten bones, hair, diseased meat, refuse of all sorts, and that the human stomach was absolutely inflamed to a degree that amounted almost to death by taking that compound into it.

Now, what has been the result of that legislation? I predicted it. I can refer in the RECORD to a speech which I made here, which fell, as this does, upon ears that refused to hear. I predicted then that the only result of the oleomargarine law would be to put a tax upon the poor people of the United States who were unable to buy Elgin butter at 35 and 40 cents a pound; that it would collect a small revenue, which would be paid by the consumers of oleomargarine; that the production of oleomargarine would go on in the hands of a few large dealers, and the small factories, if there were any (and nobody knows how many there were), would be wiped out and Mr. Armour and Mr. Nels. Morris would control the entire trade. Colonel Hatch says in his evidence that that has been the absolute result.

There are 24 manufacturers of oleomargarine now in the United States. Those 24 firms have a monopoly. They paid last year to the Government $1,750,000. They sell, according to Colonel Hatch, an absolutely pure product, and the whole of that $1,750,000 is paid by the poorer classes of consumers in the United States. Mr. Armour congratulates himself that Congress passed that law. He says it has given him control of the trade. Every cent that is paid in the shape of taxation upon oleomargarine was paid by the mechanics and the poor people of the United States, who were unable to buy Elgin butter at 30, 35, and 40 cents a pound. Colonel Hatch says you can go down to the market here in Washington and see piles of oleomargarine openly sold. Of course you can. And to whom is it sold? It is sold to the poor. Mr. Oyster, who testified against oleomargarine at the same time with Mr. Hatch, sells at his stall just across the hall Elgin and dairy butter at 30, 35, and 40 cents a pound. In the winter time it goes up to 40 cents. All of us have paid that price who keep house here. In the summer time it falls with the approach of grass to 35 and 30 cents. But the mechanics and the poor people—the wage earners—are compelled to buy oleomargarine at 15 and 20 cents a pound.

Mr. Armour and Mr. Nels. Morris immediately paid the Government tax upon the cost of oleomargarine and collected it from the consumer. That has been the result of your oleomargarine legislation. It was passed notoriously for the purpose of legislating out of existence an impure and unhealthy product. Instead of legislating it out of existence you have simply put another tax upon the poor people of this country in behalf of a lot of manufacturers. That has been the only result; and that will be the result of this legislation in regard to filled cheese, which is a kindred law and copied almost exactly from the oleomargarine law.

If any Senator here wishes to know whether this is a revenue law or a police regulation, let him turn to the fifteenth section of the bill. I am perfectly aware that I am beating the empty air upon this question. The Constitution amounts to nothing when you come to a great interest that has a large number of votes, and which is now sending to each Senator and Representative threatening letters and circulars, "Vote for the bill to stamp out filled cheese or you will hear from us at the election." I receive by every mail a half dozen or more of these missives from my own State, telling me, "Your election is coming on, and if you want to go back to the Senate stamp out filled cheese or we will stamp you out." I have been here long enough not to be frightened. Without boasting, I do not propose to violate the Constitution, as much as I may need votes at the next election.

I want the Secretary to read the fifteenth section of the bill, and I will ask any man here, whether lawyer or layman, to tell me if that does not show the nature of the pending measure. The fifteenth section is a copy of the oleomargarine law.

The Secretary read as follows:

SEC. 15. That the Commissioner of Internal Revenue is authorized to have applied scientific tests, and to decide whether any substances used in the manufacture of filled cheese contain ingredients deleterious to health. But in case of doubt or contest his decision in this class of cases may be appealed from to a board hereby constituted for the purpose, and composed of the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Secretary of Agriculture, and the decision of this board shall be final in the premises.

Mr. VEST. The next section provides, as the oleomargarine law provided, that if they find any deleterious substances the compound shall be confiscated by the Government. Will any Senator tell me that that is a revenue provision? It is a naked inspection police law. What has the collection of revenue to do with the deleterious nature of the compound called filled cheese? What is that but an absolute surrender of any pretense that this is a revenue bill? Yet Senators vote for it and pretend not to see the nature of this proposed legislation, as they pretended on the oleomargarine law to be entirely oblivious as to its character. When you talk to them about the Constitution all they say is, it is the fraud that is in this bill.

Mr. President, the makers of the Constitution divided the jurisdiction of the Federal Government and of the Constitution as to fraud. The States have entire control of the question of fraudulent or counterfeit products. The Government of the United States has nothing to do with anything of the kind unless it be necessary absolutely to carry out some grant of power to the Federal Government made by the Constitution. In other words, it must be an auxiliary power to one expressly granted by the Constitution itself. If any Senator has any doubt upon this subject I refer him to one decision of the Supreme Court of the United States, which is absolutely conclusive and which is found in 9 Wallace, page 11, the case of The United States *vs.* De Witt.

1. The twenty-ninth section—

Says the headnotes—

of the internal-revenue act of March 2, 1867 (14 Stat. L., 484), which makes it a misdemeanor, punishable by fine and imprisonment, to mix for sale naphtha and illuminating oils, or to sell or offer such mixture for sale, or to sell or offer for sale oil made of petroleum for illuminating purposes inflammable at less temperature or fire test than 110° F., is in fact a police regulation, relating exclusively to the internal trade of the States.

Now, says the Supreme Court:

2. Accordingly, it can only have effect where the legislative authority of Congress excludes, territorially, all State legislation—

Now, mark the language—

all State legislation, as, for example, in the District of Columbia. Within State limits it can have no constitutional operation.

In other words, the Supreme Court, in the body of the decision delivered by the Chief Justice, carries it out fully, deciding that Congress could not go into a State except to exercise an auxiliary power, and one specially granted to Congress by the Constitution, in order to pass a police regulation of any sort. What are we proposing to do here? Under this law, if it shall be enacted, the officers of the United States Government can go inside of my State as to filled cheese made in the State not to be exported from the State, and under the pretense of collection of revenue exercise the police power which is given by the Constitution exclusively to the State of Missouri. Senators may be able to meet the clamor in some sections for this legislation successfully, but they will never be able to meet the results of such legislation upon the people of the United States when they strike down and obliterate the limitations of the Constitution, put there by the framers of that instrument.

But, Mr. President, what makes this matter clear beyond any sort of question is the fact that even if this pretense be true, even if it is fairly and honestly attempted here to do away with a deleterious and unhealthful compound, why is it that skimmed cheese is not also included within the provisions of this proposed law? Colonel Hatch states in his evidence, as do all the other witnesses, that of all the compounds of cheese skimmed cheese is the most deleterious to the human system. Skimmed cheese has no fat in it of any sort. It is made out of skimmed milk; there is no lard in it. The butter element is all eliminated. It is the blue milk that we hear of in the country, without any oleaginous qualities whatever, and therefore entirely indigestible, the most villainous compound in the shape of cheese or pretended cheese that was ever made. You can see it anywhere in the cheap groceries down in the purlieus of the large cities. It is deleterious to human life because there is no fat in it. Yet that is permitted to go without taxation by this very bill. The attack here is made upon filled cheese, which has 3 pounds of leaf lard to every hundred pounds of milk. Why is it that skimmed cheese is not struck at by this proposed law by those gentlemen who are so solicitous in regard to the stomachs and the lives of the people of the United States?

I have here a number of petitions from cheese manufacturers in St. Louis, Chicago, and other cities of the United States, some of which I shall incorporate in my remarks, which I have not

formally offered to the Senate, in which they ask that skimmed cheese be included within the provision of this proposed law.

The petitions referred to are as follows:

To the Congress of the United States:

We, the undersigned, cheese merchants of Chicago, most respectfully urge that the manufacture and sale of skim cheese of all descriptions be made subject to the same conditions as "filled cheese," as embodied in the bill (H. R. 8008) defining cheese, and imposing a tax upon and regulating the manufacture, sale, importation, and exportation of "filled cheese."

Signed—

John Muir, 69 South Water street, Chicago; G. N. Easton & Co., 61 South Water street, Chicago; E. I. Piggott & Co., 43 South Water street, Chicago; Elgin Creamery Co., 34 Clark street, Chicago; S. R. Udell & Co., 71 South Water street, Chicago; T. W. Brennan, 167 South Water street, Chicago; Geo. Braunling & Co., 193 South Water street, Chicago; A. H. Barber, 229 South Water street, Chicago; Orris Uhlmann & Co., 231 South Water street, Chicago; Merrill & Elaudge, 126 South Water street, Chicago; Price & Keith, 137 South Water street, Chicago; Geo. W. Linn & Son, 87 South Water street, Chicago; Lepman & Heggie, 108, 110 South Water street, Chicago; R. L. Larimore, South Water street, Chicago; Coyne Brothers, 161 South Water street, Chicago; Henry Boehmer, South Water street, Chicago.

To the honorable Senate and House of Representatives of the United States:

We, the wholesale grocers of Chicago, most respectfully urge that the manufacture of and sale of "skimmed cheese" of all descriptions be made subject to the same conditions as "filled cheese," as embodied in the bill (H. R. 8008) defining cheese and imposing a tax upon and regulating the manufacture, sale, exportation, and importation of "filled cheese."

Signed—

Franklin MacVeagh & Co.; John A. Tolman Co.; W. M. Hoyt Co.; Merriam, Collins & Co.; Reed, Walsh & Lange; Corbin, May & Co.; N. A. Coble & Co.; McNeil & Higgins Co.; W. J. Quan & Co.; Deane Bros. & Lincoln; L. A. Talcott Co.; Steele, Wedele & Co.; Sprague, Warner & Co.; Reid, Murdock & Co.; Strassheim, Yaeger & Co.; Reiss & Brady (per Chas. Treieblinger, manager).

To the honorable Senate and House of Representatives of the United States:

We, the wholesale grocers, cheese dealers, and commission merchants of St. Louis, Mo., most respectfully urge that the manufacture of and sale of "skimmed cheese" of all descriptions be made subject to the same conditions as "filled cheese," as embodied in the bill H. R. 8008, "defining cheese and imposing a tax upon and regulating the manufacture, sale, exportation, and importation of 'filled cheese.'"

Signed—

Scudder-Gale Grocery Company (per E. G. Scudder, president); Goddard, Peck Grocery Company (Joseph W. Goddard, president); Alkire Grocery Company (by F. H. Bemiss, president); James W. Scudder & Co.; Adam Roth Grocery Company, (Geo. A. Roth, vice-president); Bauer Grocery Company (Wm. S. Hofman, vice-president); Schwepp Grocery Company (W. E. Schwepp, president); F. Smith & Son Grocery Company (A. H. Smith); Jno. L. Furth Grocery Company (per Jno. L. Furth, president); Meeks-West Grocery Company (Jno. C. Meeks, president); C. E. Udell & Co.; Thompson & Cooke Cheese Company; Hudson Brothers Commercial Company (B. F. Hudson, president); D. G. Tutt Grocery Company (per D. G. Tutt, president).

Mr. VEST. The testimony before the committee showed that this skimmed cheese was not only far inferior to the filled cheese, but was absolutely without one single ingredient that assisted digestion; not only that, but that it was absolutely antagonistic to digestion in the human stomach. That is passed over in silence, and the attack is made upon filled cheese, because filled cheese has come in competition with the dairies of the United States, and this legislation is intended to stamp out one food product in behalf of another, just as the oleomargarine law was passed for the same purpose—openly and avowedly for the purpose of stamping out of existence, if possible, and putting the brand of Congressional disapproval upon a food product that to-day is as legitimate as the dairy products made in New York or in any other State of the Union.

I shall never consent to legislation which says to the people of the United States, "You shall not be the judge of what you will eat and drink." In my judgment it is unadulterated tyranny; it is a mockery of free government to pass any such law as this. Senators say, "Oh, but it is the element of deceit; if they would only brand their product it would be all right."

Mr. President, under whose jurisdiction are the inspection laws of the United States? When were they given to Congress to go into my State and inspect food products which are not to go out of that State? If Senators care nothing for the Constitution, let them say so, but not indirectly attack it and tear it to pieces by such pretended beneficial legislation as this.

I propose—and I do not intend to extend my remarks much further—to offer an amendment to this bill at the proper time including skimmed cheese within its provisions. I then propose to offer another amendment, that nothing in this bill shall be held to mean an extension of the police power by the General Government to products within a State where the police power is granted exclusively to the State government.

That is all I propose to say now upon the subject.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The bill is in Committee of the Whole and open to amendment. If there be no amendment proposed the bill will be reported to the Senate.

Mr. VEST. I now propose, after the words "filled cheese," in line 2, on page 2, of the copy of the bill I have before me, to insert the words "and skimmed cheese"; and to insert the words "and skimmed cheese" after the words "filled cheese" wherever they occur in the bill, so as to make the same enactment apply to skimmed cheese as to filled cheese; and to make such other amendments as may be necessary to apply to all the provisions of the proposed law.

The PRESIDING OFFICER. The amendment proposed by the Senator from Missouri will be stated.

Mr. ALDRICH. I think it is understood by the Senate.

The SECRETARY. After the word "cheese," in line 11, section 2, it is proposed to insert the words "and skimmed cheese."

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri [Mr. VEST].

Mr. MILLS. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SHERMAN. Mr. President, I desire to make a few remarks, but I do not wish to detain the Senate, for I hope a good deal of business will be done to-day.

This amendment seems to me entirely unnecessary, because, as I understand it, all milk which is converted into cheese, and nearly all the cheese made in the country before this new kind of filled cheese was manufactured, was made out of both skimmed milk and cream. Both the skimmed milk and cream contain articles making a healthful food in the form of cheese, and I think, therefore, in all the chief dairies of the country, where cheese is an article of great importance to the farmers of the country, milk and cream are used in the manufacture of cheese. I do not myself know that any cheese is made out of skimmed milk alone. Indeed, I think that would be very difficult to do. I am not, as a matter of course, an expert in such matters, but I never heard of cheese being made out of skimmed milk alone. It is always made in connection with cream, which forms the chief part of it. I think that is enough to say in regard to that point.

There is no complaint made by anybody in regard to cheese made out of skimmed milk; but the complaint is—and the Senator ought to take this view of it—that where manufacturing establishments are started in a community they take the milk which is not consumed by the farmers. One of these establishments sends its wagons about the country for a distance of 2, 3, or 4 miles, according to the nature of the business. Those wagons gather in the milk generally in as early a stage as possible. If you will go through the Western Reserve of Ohio you will see early in the morning in front of many of the houses a bucket or tin can of large dimensions to receive the milk. The agent of the manufacturer comes along, takes it, and carries it to the cheese factory, where butter is made. In some cases they make butter alone and do not use the skimmed milk. In other cases they make the skimmed milk into cheese, using both the skimmed milk and the cream for that purpose.

Now, it is complained recently that in order to get a cheaper form of cheese they take the skimmed milk only. So far as the milk is concerned, they take the cream and convert it into butter and sell the butter. They then take the skimmed milk, which my friend from Missouri says is so unwholesome—although I suppose we have drunk a good deal of it in our lifetime without being very dangerously injured—and add to it not cream, or the product of cream, but they add to it lard—the lard of the hog—and they take this lard, reduced, or rendered, as they call it, melted by a heat of probably 120, 130, or 140 degrees, and they mix that lard with the milk and make what is called filled cheese. That is, it is skimmed-milk cheese, filled with lard instead of with butter, or butterine, or cream, which is the foundation of butter. That is all there is in this case.

The manufacture and sale of filled cheese have grown to be an abuse so great as to destroy a large industry in many of the agricultural States of the Union, North, South, East, and West. It has become so great an evil that the farmers in their meetings and conferences have denounced it, and they claim that it is injurious to their business.

This filled cheese, which is manufactured not of cream and milk but manufactured of skimmed milk, the cream which is taken out of it and made into butter being superseded by lard, is believed by many to be unhealthy. Certainly it is not what is called cheese, which is a product always of the cow and not of the hog. The distinction there is marked.

The business amounts to a fraud. It is true that a person who did not have some mode of testing this cheese might not distinguish it from ordinary cheese, but most persons could tell the difference between it and the genuine cheese; but still it is colored precisely like the genuine cheese. Not only is it a fraud, but it is not sold at the ordinary price of such a compound; for, while tallow may be worth 10 cents a pound, lard may be worth only 2 or 3 cents a pound, and all the difference in cost between cream and lard, as a matter of course, goes into the hands of the manufacturer; and yet this filled cheese, so called, is sold in all the markets of the world, and has been sold in this very building, as cream cheese. Here is the testimony of witnesses without number.

I might go over the testimony, but it is not necessary to do so to show you that in all parts of the country there is a general denunciation of this fraud upon the people. This cheese, manufactured not out of the ordinary articles of which cheese is made, is sold and labeled in large letters as "Wisconsin cream cheese," or "Ohio cream cheese." It is true the manufacturers who make this article do not put these labels upon it; they do not label their product at all; but when it goes into the hands of the dealers who sell it to the consumers they put on this stamp, and there is no way to prevent it. It is not done by the manufacturer, and therefore he can not be called to account. That is sold as a merchantable article by the dealers. That is a fraud which ought to be corrected or punished, if possible.

The bill is but a copy, as the Senator from Missouri says, of the oleomargarine law, which has worked well and beneficially in every respect. The people, when they buy oleomargarine, know what they get. Probably it will make it popular. I have no doubt but that this bill will be beneficial.

The Senator from Missouri says it is a charge upon the poor. It is not intended to be charged upon the poor. It is intended to protect the poor against a fraud. That is the object of it. Why should not every man stamp his production truly? Then the consumer will be able to find out exactly whether he ought to buy the article or not. That is what is required here, and this legislation is generally demanded. I have received a great many letters and communications from Missouri and from other parts of the country, from people who are pressing this measure upon us. Therefore, perhaps I have shown a little impatience in getting it before the Senate, but it is my desire, if possible, to secure the passage of the bill at the earliest possible moment.

Mr. WHITE. Mr. President, as I understand, there are several amendments pending to the filled-cheese bill. I think when the measure was under discussion three or four days ago that a member of the Senate proposed as an amendment the Dingley bill, so-called, and I also remember that an amendment was proposed with reference to a tariff upon wool.

Mr. ALDRICH. There is no amendment pending except the one which has been stated.

Mr. WHITE. I am informed that those amendments have not yet been proposed, and therefore they are not now, perhaps, subject to discussion. I think notice was given, however, that such amendments would be proposed.

Mr. MITCHELL of Oregon. I will say to the Senator from California that I gave notice of an amendment, and I propose to offer it.

Mr. WHITE. If I understand the Senator from Oregon, or if my recollection is correct, he proposes to offer the Dingley bill as an amendment.

Mr. MITCHELL of Oregon. I propose to offer as an amendment to the pending bill the Dingley bill, pure and simple, without the change of a word, the dotting of an "i" or the crossing of a "t."

Mr. WHITE. I call the attention of the Senator from Ohio to that subject. I do not know how he desires us to vote upon the Dingley bill in this connection.

Mr. President, so far as the filled-cheese bill, pure and simple—if it can be called either pure or simple—is concerned, I am opposed to it, because I do not believe that the Congress of the United States has any right to engage in legislation of this character. We might just as well legislate regarding every article that is manufactured or sold within the borders of a State, and pressing this subject to its logical conclusion, we might take charge of all the domestic affairs of the States, almost infinite in variety and importance.

There is unquestionably much fraud in connection with the sale of filled cheese. There is no doubt that this article is sold—and all the evidence before the Committee on Finance demonstrates that fact—as true cream cheese, but a corresponding statement might be made with reference to a thousand or ten thousand other food products. It seems to me that there are other topics legitimately and fairly committed to the care of Congress adequate to command our patient attention without entering into such numerous subjects as those suggested by this bill.

I have been requested by citizens in my own State, persons for whom I have a great deal of respect, and who are engaged in legitimate dairy business, to vote for this measure; but I can not do so with my view of my duty under the organic law, much as I should like to please personal or political friends.

I have opposed anything in the nature of a filibuster on this bill. I think it is proper and right that those who favor this measure and who represent the sentiments of a very large and respectable number of the American people should have an opportunity for a final vote, but I shall not support any amendment except such as is strictly germane to the measure itself. I shall vote for the amendment advocated by the Senator from Missouri [Mr. VEST] by which he designs to restrict the operation of the bill to cheese exported from the State where manufactured, for I do not think it a legitimate matter of national legislation to enter upon the State domain for the purpose of enforcing police regulations regarding property which never has been and never can be used for any purpose without that State's jurisdiction.

Mr. President, I will not extend the discussion of this matter. The amendment intended to be proposed by the Senator from Oregon [Mr. MITCHELL] is legitimate, if this be a revenue measure. We know, Mr. President, that the name given to this bill indicates that it is a revenue measure. But this name is merely a cunning method of obtaining jurisdiction by the use of the revenue power given to Congress, when, as a matter of fact, we are not legislating for the collection of revenue at all. The object of this bill is shown by those who have spoken concerning it, and by every advocate before the committees and out of the committees, is to prevent the perpetration of a fraud upon those who consume cheese food and upon those who manufacture it. We are informed—and such is the fact—that several of the State legislatures have absolutely prohibited the manufacture of filled cheese upon the ground that it is not fit to eat; and yet we are about to place ourselves in a position where we must say to the people of the United States: "We hereby authorize the manufacture of this article under the restrictions contained in this bill." This is not the language of the bill, but it is fairly inferable from it. Senators in whose States this prohibitive legislation has been enacted, and who themselves have advocated it, are here in direct contradiction to their home theories, seeking to legalize by process of national legislation that which locally they declare should be inhibited.

Mr. VEST. If the Senator from California will permit me, the State of Maryland, the State of Minnesota, the State of Michigan, and, I believe, the State of New York—though I am not certain about New York, but I have so heard—have absolutely prohibited the sale or introduction into those States of what is known as filled cheese.

Mr. WHITE. The Senator from Ohio [Mr. SHERMAN], in his very able remarks, has sought to convince us that the use of filled cheese is injurious to health. This is a matter upon which I do not feel myself competent to pass. The Secretary of Agriculture, whose authority has been doubted heretofore by some of the participants in debate upon other subjects, tells us in a report made by him that it is not injurious to health, but he thinks it ought to be stamped "lard cheese," so as to show its actual composition as nearly as possible. But the Senator from Ohio rests his case, so far as his appeal to us is concerned, upon the theory that filled cheese is injurious to health and that its manufacture is detrimental to the dairy business. He rests his case, so far as the constitutionality of this enactment is involved, upon the idea that it is a revenue measure.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER (Mr. PLATT in the chair). Does the Senator from California yield to the Senator from Minnesota?

Mr. WHITE. Certainly.

Mr. NELSON. I supposed the Senator from California was through. I do not desire to interrupt him.

Mr. WHITE. I shall retain the floor but a moment longer, Mr. President.

The Supreme Court, it is said, has sustained this kind of legislation. That is true enough, but it is because the Supreme Court of the United States has not been able, owing to its limited power, to penetrate the cloak covering such enactments. In several of the States there are constitutional provisions prohibiting the legislature from making any appropriations of money except for labor performed or for contracts executed in pursuance of law; and yet there are cases where money has been absolutely appropriated by the State legislatures without any consideration at all; and such laws have been upheld, because the several courts of those States have decided that they are conclusively bound to assume that the legislature enacting such bills found that there had been labor performed, service rendered, or work done pursuant to contracts legally made; and so when we pass a bill declaring it to be a revenue measure and provide for the collection of some revenue, however small it may be, that the Supreme Court will sustain us upon the theory that we have acted in good faith, and will not assume that we have done that which the Senator from Ohio advises us here to do as a means of evading the terms of the Constitution. The court will presume that we have not done that which we have in fact done.

Mr. TELLER. Will the Senator permit me to ask him a question?

Mr. WHITE. Yes, sir.

Mr. TELLER. Does the Senator think if we pass this bill it will specifically repeal acts of the State legislatures by which they have interdicted this kind of business?

Mr. WHITE. I have made no such intimation whatever. I know it will not.

Mr. TELLER. I supposed it would not; but I did not quite understand the Senator.

Mr. WHITE. There is no question about that. I made reference to such State legislatures, not because I assumed this bill

would overturn the action of the State legislatures in prohibiting the manufacture of filled cheese, any more than it could be said that because the United States issue licenses for the sale of liquors there can not be any prohibitory legislation by the States. I referred to the fact that gentlemen who assisted in the enactment of State laws absolutely prohibiting the vending of this article were, it seemed to me, personally inconsistent in attempting to license it by national legislation. A compound dangerous to health should not be tolerated anywhere. But this bill comes here under the false pretense made to sustain its validity that it is a revenue measure.

As I before stated, I shall interpose no obstacle to the obtaining of a final vote upon this measure on its merits. On the contrary, I will endeavor to facilitate action upon it.

Mr. GEAR. Mr. President, I have here a letter from the Chief of the Chemical Division of the Agricultural Department in reference to this subject, which I should like to have the Secretary read.

The PRESIDING OFFICER. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE.
DIVISION OF CHEMISTRY.
Washington, D. C., April 15, 1896.

SIR: "Filled cheese" is a trade term given to cheese which is made from skim milk. The deficiency in fat is usually supplied by the addition of lard. In all the samples which have been examined in this laboratory the added fat has been found to be lard. It is said that only the purest leaf lard of a neutral reaction is used for filling, but this, of course, can not be confirmed by our own investigations, which have extended to only a few samples. The lard found in the samples examined by us has apparently been of a high grade of purity.

The casein, or cheese-making property, of filled cheese and full cream cheese does not differ greatly in amount, and from an ordinary analysis the two kinds of cheese might be easily confounded, as they may have the same quantities of water, of casein, and of fat. If, however, the fat be examined the difference between the two cheeses is readily appreciated; in the full milk cheese the fat present being butter fat, while in the filled cheese nearly the whole of the fat present is lard or some fat foreign to milk. I inclose a table giving some data of analyses which have lately been made in this Division.

The fraud which is practiced in the case of filled cheese is in the abstraction of a more valuable and the insertion of a less valuable fat, the price of lard being, as a rule, much less than the price of good butter. Thus the skim milk which is left after the separation of the cream, by setting or by mechanical appliances, and which is of very little value, can be turned into a cheese which in appearance and general properties resembles very nearly that made from full milk. It is not difficult to discriminate, however, between the taste of a full milk cheese and that of filled cheese, and especially for cooking purposes. When the cheese is to be cooked as a whole or where it enters as an ingredient in other foods the difference is most marked. As an illustration of this it may be said that it is quite impossible to make a presentable Welsh rabbit from a filled cheese.

The fraud in filled cheese can not properly be said to be a nutritive one, inasmuch as the nutritive value of the lard which is added is probably nearly the same as the fat which is abstracted. In my opinion there would be no objection to the manufacture and sale of filled cheese as such if it were cleanly labeled, sold, and bought as filled cheese. The fraud as in the case of oleomargarine, consists in selling this adulterated article for the genuine, and it is for the prevention of such fraud as this that legislation would be especially valuable. You will pardon me if I suggest, however, that special legislation directed against a single article of food can never secure the approbation of the community to the degree which would be accorded to general legislation against food adulteration. All these cases should be covered by a general law, easily enforced, and which would command the undivided support of the public.

I shall be glad at any time to offer any suggestions which you may ask for in regard to this subject.

Respectfully, H. W. WILEY, *Chief of Division.*

Hon. JOHN H. GEAR,
United States Senate, Washington, D. C.

[Inclosure.]

Results of analyses of samples of filled cheese sent to this Division by the House Committee on Agriculture.

In the analyses represented below the samples are designated by serial numbers which were given to them on their arrival at the laboratory. The substances whose percentages were determined directly were water, fat, ash, casein or nitrogenous matters, and the Reichert number. The data calculated from the results of analyses are the pounds of fat for 1 pound of casein, pounds of fat per pound of solids not fat, percentage of cream removed before the cheese was made, and sugar and undetermined bodies. The Reichert number represents the total proportion of volatile acids in the fat. For a pure butter this number is 28, while the low numbers obtained show the extent to which the butter fat had been removed in the cream. The other data need no further explanation.

Serial No.	Pounds fat for pounds casein.	Pounds fat for 1 pound solids not fat.	Water.	Fat.	Ash.	Casein.	Reichert number.	Cream removed (per cent).	Sugar and undetermined.
14682	0.97	0.80	29.81	31.13	3.93	32.13	7.29	65-75	3.00
14683	1.21	.87	12.39	40.82	4.85	28.21	5.00	75-85	13.92
14686	1.53	.98	31.09	34.02	5.44	22.25	1.80	85-95	7.20

The average ratio of fat to casein in full milk cheese is 1 pound of casein to 1.46 pounds of fat. The average ratio of fat to solids not fat in full milk cheese is 1 pound solids not fat to 1.17 pounds fat. No. 14682, the second in the above samples, was in an abnormally dry condition when received.

H. W. WILEY.

Mr. GEAR. Mr. President, I am certain in my own mind that the article of filled cheese is not so nutritive and healthful as the genuine article of dairy cheese. It is a serious damage to the people of the State which I in part represent. There are a million people in Iowa engaged in farming. They own in round numbers 1,500,000 dairy cows. The value of a large amount of cheese manufactured in that State is seriously endangered by the permission to ship into it from other States the article called filled cheese.

The Senator from Ohio [Mr. SHERMAN] has stated that he does not understand that filled cheese is falsely branded by the persons who manufacture it. I beg to differ with him. It is in evidence, given to me by the dairy commissioner of my State, that filled cheese is shipped into Iowa marked "First-class Iowa cheese," "Full cream cheese," "Dairy cheese," and so on, and as such it is sold and has been sold in numerous and numberless instances to the people whom I in part represent.

Mr. GALLINGER. And it is going on all over the country.

Mr. GEAR. And, as the Senator from New Hampshire says, it is going on all over the country. Yes; that is so.

Now, I hold myself that when filled cheese comes in conflict with and is sold for the genuine article, as oleomargarine was sold for pure butter, it is wrong. The people who make it have a perfect right to manufacture it if they wish to, but they should be compelled not only by State but by national law to brand it exactly what it is.

The farmers in my State suffer each and every year to the extent of nearly $3,000,000 by the adulteration of lard by the introduction into the manufacture of lard of cotton-seed oil produced in the South. I do not doubt that lard manufactured or adulterated in that way is healthful. I know it is. I know that cotton-seed oil properly prepared is a healthful product; but the fraud comes in in marking it as first-class leaf lard and pure family lard.

It is an evil which my people will not stand if they can prevent it. The result of the manufacture of filled cheese on the farmers of this country is very damaging. A few years ago we exported an immense amount of cheese to Europe, especially to England. Let me call the attention of the Senate to a table prepared by a friend in the other House regarding the exportation of dairy cheese. Early in the fifties, sixties, and seventies the United States constantly increased the amount of her dairy products and their exportation. Canada at that time, our neighbor on the north, had but a small export trade in this article. From 1881 to 1885 we exported each year on the average 118,831,685 pounds, while Canada exported 61,502,949 pounds. The export trade from the United States has gone on declining each and every year until 1895, when we exported only 60,448,421 pounds, while Canada exported 146,004,650 pounds. That, it seems to me, shows that it is a damage to the American farmer, and if we can prevent it by legislation we certainly ought to do so, in my judgment.

The result has been that we are falling off constantly in our exports, and the reason why Canada gains is that she prohibits by enactment of her Parliament the manufacture of filled cheese or any product of that kind. I think we owe it to the farmers of this country, who are getting so little legislation in these days, and who have got so little in the past, that we should protect them by all means that we can, and should pass the pending bill without amendment.

It is simply, in my opinion, a bill to regulate this industry, not so much for revenue, for revenue is an incident, and I am frank to say that we take advantage of that clause of the Constitution which gives us the police regulation of these matters to impose a small revenue, so that Congress can control it. I think we should exercise that power in every way we can to protect the farmers. It makes a vast difference to the people of this country. The oleomargarine act has been a great measure for Iowa and a great measure for this country. The value of dairy products in my State one year with another amounts to nearly as much as the silver product of this country, and in one year exceeded the value of silver.

Congress has no right, in my judgment, to strike a blow at the farmers of Iowa and of this country by the nonpassage of an act of this kind. The sale of filled cheese has been prohibited by stringent regulations in Iowa, and you can not now buy a pound of filled cheese in that State, notwithstanding it has been shipped into the State in the past and came in competition with our own dairy products, being branded as "Cream cheese" and "Iowa dairy cheese," etc.

Mr. VILAS. Mr. President, I have great respect for the opinions of gentlemen who oppose a bill because they feel they will exceed by its passage the constitutional authority which is vested in them as Representatives or Senators, and if I could agree with that opinion in reference to the pending bill I should be compelled to vote against it, however important I might think it to the interests of the country, and especially to the agricultural interests, which have been sorely injured by the invention of this fraudulent manner of dealing with the particular product in question.

I wish, therefore, to make a few remarks from the standpoint

of the Constitution, as it seems to me, and most considerately of the opinions of those who differ. As I recognize the objection, there is no pretense that the bill, when it shall be enacted into law, will not be supported by the courts as strictly within the constitutional authority of Congress. It is framed upon the exact lines of the oleomargarine bill as it passed Congress and as it has been sustained by the Supreme Court.

Mr. VEST. What decision, may I ask the Senator from Wisconsin, sustained that law?

Mr. VILAS. I have not the decision at hand, but I understand that the act has been passed upon by the Supreme Court.

Mr. VEST. I beg the Senator's pardon.

Mr. VILAS. I may be mistaken in reference to it, for I did not take the pains to look up the decision, but I was informed that it has been passed upon.

Mr. VEST. If the Senator will permit me, without breaking into the line of his argument, I will be obliged to any Senator who will find me or point me to a decision of the Supreme Court of the United States which declares that the oleomargarine law is constitutional. In the case of Eaton, reported in 144 U. S., the Supreme Court passed upon a regulation of the Interior Department which was required by the oleomargarine act, and said that a dealer in oleomargarine could not be fined and imprisoned for a violation of that regulation. But there is not one word in that decision which says that the oleomargarine law is constitutional or a proper exercise of the taxing power.

In the case of Plumley *vs.* Commonwealth of Massachusetts, which I have before me in pamphlet form from the clerk's office of the Supreme Court, the Supreme Court passed upon a law of Massachusetts and upon that law alone. It declared that when coloring matter was put in oleomargarine for a fraudulent purpose, in order to pass it off for creamery butter, the legislature of Massachusetts had the right to make it a misdemeanor under the recognized and palpable police power of the respective States. But there is no decision by the Supreme Court of the United States directly affirming the constitutionality of the oleomargarine law.

Mr. VILAS. The Senator from Missouri may be right in respect to it. I will not affirm that the constitutionality of the oleomargarine law has been, in its entirety, passed upon by the Supreme Court, certainly not in view of what the Senator has stated on the subject. The circuit court of appeals in the Eighth circuit has passed upon it. The supreme court of the District of Columbia has passed upon it within a few days, and the decision of the Supreme Court of the United States in one or two cases, incidentally, and in some other cases, I think, has practically covered the ground.

Mr. VEST. If the Senator will permit me, I will concede this much, to help his argument, whatever my opinion as a lawyer may be worth. I have not the slightest doubt that the Supreme Court would, upon the face of the oleomargarine law, unless they take into consideration the fifteenth section of that law, like the fifteenth section of the pending bill, assume that individual legislators had not violated their oaths to support the Constitution and had passed the law in order to collect taxes. But if the real meaning and intent of the law were put on the face of it, the Supreme Court would declare it to be null and void. And what I complain of in this legislation is that it is a pretext, a fraud upon the face of the proposed law to say it is an exercise of the taxing power.

Mr. VILAS. The Senator from Missouri practically admits what I say about that, and puts himself upon the very ground upon which I was about to place the opposition, as I understand it. That this bill when enacted will be regarded as a constitutional law whenever it is presented to the court, I apprehend nobody here is likely to deny. The oleomargarine law has been upon the statute books now for nearly ten years, has it not? I have forgotten the exact date of its passage.

Mr. VEST. It was passed in 1886.

Mr. VILAS. It has been upon the statute books about ten years, but nobody has yet challenged the constitutionality of it in such way as to bring it before the Supreme Court, at least.

Mr. VEST. If the Senator will permit me again, I will state that it is nobody's interest to challenge it, because the men who have a monopoly of making oleomargarine want the law to stay as it is. If you apply to Mr. Armour and to Mr. Nels. Morris they will tell you there never was a law which put so much money into their pockets as the oleomargarine law.

Mr. VILAS. I do not know what Mr. Nelson Morris and Mr. Armour may say on the subject. We do know they resisted the passage of the law with all the power they could bring to bear on the subject, and with the aid of all the constitutional lawyers they could get impressed with the idea that it ought not to be adopted. If they have changed their opinion, I am aware of no public expression to justify us in that belief.

Mr. VEST. They have not attacked the law.

Mr. VILAS. They have not attacked the law, because they have been advised, undoubtedly by every lawyer they have consulted, that there is no chance of its being declared unconstitutional.

Mr. VEST. If the Senator will permit me—and I will not interrupt him again——

Mr. VILAS. I do not object to the interruptions.

Mr. VEST. I should like him to state as a lawyer whether he believes that the fifteenth section of the proposed law, which provides for the inspection of the article of filled cheese (it is the same section copied in haec verba from the oleomargarine law, providing for an inspection of oleomargarine by officers of the Government to determine whether or not it is a deleterious product) is a part of the taxing power of the United States?

Mr. VILAS. I do not have any difficulty with the question of constitutionality, for although it may not be a part of the taxing power yet it may be incidentally necessary to the exertion of the taxing power, as we have provided in revenue laws a great many stringent inspections in order to collect the revenue upon liquors. But nobody can doubt for an instant that the provisions are constitutional for the most part. There may be now and then some unconstitutional excess.

Mr. GEORGE. Will the Senator allow me to call his attention to the last half of section 16?

Mr. VILAS. I have not that section before me.

Mr. GEORGE. It supplements section 15.

Mr. VEST. It is the confiscation clause.

Mr. GEORGE. It uses these words:

And all filled cheese intended for human consumption which contains ingredients adjudged as hereinbefore provided—

That is, by the commission—

to be deleterious to the public health, shall be forfeited to the United States.

Does the Senator think that is constitutional? It provides for forfeiture without trial by jury upon a mere declaration of one of the bureaus of the Departments of the Government.

Mr. VILAS. If you were to separate the latter part from the first, there would be a very different question raised in respect to it from what perhaps would be raised upon the whole section.

Mr. GEORGE. Take the whole section.

Mr. VILAS. But I take it that there is no difficulty at all with the section which provides for forfeiture of property which is required by law to pay a tax by stamp and the tax is not paid.

Mr. GEORGE. That is not the provision of the last half of the section. It is forfeiture upon the finding by the Surgeon-General of the Army that it contains a deleterious ingredient.

Mr. VILAS. I desire to take up this argument from a little different standpoint, and afterwards, when we have the foundation of the argument upon which I am presenting the case before the Senate, if any Senator desires to ask questions with reference to a particular matter, it will certainly be my pleasure to answer him as well as I can.

Mr. GEORGE. I will postpone the question until that time.

Mr. VILAS. To start again, I recur to the proposal which I made as the basis of the argument I was about to submit and which the Senator from Missouri finally, as I understand him, agrees to as a matter of law; that is, not limited to some particular provision in the bill, but with reference to the general structure and principle upon which the bill is based, that it is constitutional in a judicial sense, so that the courts would enforce it as they find it on the statute books.

Mr. VEST. Of course the Senator does not want to misquote me.

Mr. VILAS. Certainly not.

Mr. VEST. I never would admit that the proposed act is constitutional, judicially or extrajudicially, or in any other way. I simply mean to say that the Supreme Court of the United States, finding that we had passed a law which ostensibly upon its face is to collect taxes, would say, "It is to be presumed that every legislator voted for the bill as a revenue measure, and we can not go outside of the text of the law to ascertain what is the object of the bill." If you were to put the real object upon the face of the bill and show that it is a police power, as it is, which is to be conferred, and that the revenue, as all Senators admit, amounts to nothing, then the Supreme Court would declare it to be unconstitutional; and I am called upon, and every other Senator, knowing distinctly that this is an invasion of the Constitution, to vote for a bill which the Supreme Court possibly can not reach because of their courteous conclusion that we had not violated the Constitution, but had passed a law for legitimate purposes.

Mr. VILAS. The Senator from Missouri is stating again precisely what I understood before, and I think I correctly characterized it in a single adjective when I said that it is constitutional in a judicial sense; that is, from the point from which courts must view it, which is what I meant, for I intended then to address the argument I am about to make to the point of the objection which the Senator from Missouri now insists upon, namely, that the motive which he understands to underlie it renders the bill an unconstitutional exercise of power by Senators or Representatives

in passing it, although the courts would be obliged to find it constitutional.

I wish first, therefore, to call distinct attention to the proposition that this is the exercise of the constitutional power of taxation, and that the right to exercise it is given by the Constitution. Now, have we the right to exercise that power in this particular case? Senators say no, because we are exercising it inspired by the motive of regulating a subject of interstate and foreign commerce.

Mr. VEST. Oh, no! Within the States.

Mr. VILAS. I will come to that point in a moment. I want first to draw attention, not to what we are wrongfully accused of desiring to do, but to the true governing motive which actuates this legislation.

We are not seeking by this legislation to exert a police power in the States, or to intrude upon or in any way to dispossess the States of any internal police power. I recognize what the Senator from Missouri has shown by the decision of the Supreme Court; that just so far as the proposed act shall be the assertion of a mere police power within the several States, it will be held void, because as the State can not intrude upon the power of Congress to regulate interstate and foreign commerce, so Congress can not intrude upon the power of the State to exert within its own borders the true police power.

So I desire to call attention first to the motive which does actuate Senators who do favor the legislation. I wish to point out that we are governed by the desire to regulate interstate and foreign commerce, and that so far as I am concerned I find the right to regulate interstate and foreign commerce ample and sufficient to justify the exertion of every particle of the power which is exerted in this bill, unless there may be some particular instance to which I have not given attention that is a mere speck on the general effect, purpose, and scope of the bill.

In other words, I say no object which the Constitution has authorized Congress to pursue is an unconstitutional object, and that Congress may properly address to its accomplishment whatever power the Constitution has invested it with. That is the proposition. We can not be accused of dealing unconstitutionally when we are seeking only to enforce a power which the Constitution has given us to exercise, and which it has made it our duty to exercise.

Mr. President, this is the third of the enumerated powers in the Constitution. It follows after the power to levy taxes, which is the first, and the power to borrow money, which is the second. Thus really the very first of the duties laid down in the Constitution for Congress to discharge for the general welfare of the country is the power and duty to regulate commerce.

Mr. VEST. The general welfare?

Mr. VILAS. The general welfare is not prescribed as one of the powers of Congress. It is given power to levy taxes in order to promote the general welfare, but the power given is to levy taxes. As we have often argued (and I agree with my friend on that subject and I do not think he means to assert a different principle now), the general welfare is to be accomplished by the exertion of the other powers which are given in the Constitution, not that the power to levy taxes to promote the general welfare meant that whatever Congress saw fit to do was to be regarded as a promotion of the general welfare, and taxes might therefore be levied for that end; but the power to levy taxes to promote the general welfare is simply to levy taxes to be expended in the exercise of the other powers thereafter enumerated in the Constitution as those with which Congress was invested; and first of all those enumerated, first in the scale of importance in the estimation of the Constitution makers, was the power to regulate commerce between the States of the Union and with foreign nations and with the Indian tribes.

Well might it be said to be so. The free commerce on this continent among the numerous States between the Atlantic and the Pacific is the greatest illustration of the beneficial influence of free trade that has ever been presented anywhere. No other area on this globe begins to enjoy so much of prosperity from enlarged and free intercourse as that part of the American continent which constitutes the dominion of the United States. The exclusive superintendence and control of that commerce was necessarily vested in the Federal Government, if there was to be the realized future which we have come to see in part. No duty can be superior to that which is thus imposed upon Congress by the Constitution, the duty to regulate commerce between the States and with foreign nations.

Let us observe the next important fact, which is that the States are powerless to do this for themselves. The Supreme Court have repeatedly determined that it is a dominion of legislation from which the legislatures of the States are utterly excluded.

Let me draw attention for a moment to the opinion of the court in the Head Money Cases. In that case a tax of 50 cents per head levied by Congress upon immigrants from foreign countries, with the design only of promoting the good order of immigration, was under consideration. It was said that the court had never yet declared the power of Congress to pass such a tax law. The court says on it briefly that, though the previous cases in this court on that subject related to State statutes only, they held those statutes void, on the ground that authority to enact them was vested exclusively in Congress by the Constitution, and necessarily they decided that when Congress did pass such a statute, which it had done in the case then at bar, it would be valid.

I can not understand how any honest-minded man, however scrupulously observant of his oath of fidelity to the Constitution or tender of every phase of that obligation, need hesitate about the exertion of any power committed to Congress for the purpose of accomplishing any rightful end which Congress is bound under the Constitution to seek, because, the end being a constitutional one, the duty to attain it most perfectly is of the highest constitutional import and obligation, and the exertion of that power which will most efficiently accomplish the desired and constitutional result is the most faithful execution of the duty imposed upon Congress.

So the court in the Head Money Cases say that the tax was levied to accomplish a humane and proper regulation of commerce, commerce by immigration; and therefore, though it was called a tax, and perhaps could be supported as a tax, its true and proper constitutional motive and its constitutional support lay in the fact that it was levied as a regulation of commerce.

Mr. GEORGE. I should like to ask the Senator from Wisconsin a question, to see if I understand his position.

Mr. VILAS. I yield with pleasure.

Mr. GEORGE. Does the Senator wish to be understood as defending the constitutionality of this proposed tax upon the ground that it is a regulation of interstate and foreign commerce?

Mr. VILAS. I am saying that, so far as any other motive intervenes to secure the passage of this law than the motive of raising revenue, it is the motive of regulating interstate and foreign commerce.

Mr. GEORGE. That being the end, and the other the means of accomplishing it?

Mr. VILAS. Yes. So far as that is the end, so far the other is the means. That is precisely the argument I am making.

Mr. GEORGE. I merely wished to understand the Senator; that is all.

Mr. VILAS. Now, understanding that basis of our legal, constitutional power, let us just see for a moment where we are.

Within a few years an absolutely new manufacture has sprung up, the making of what is called filled cheese, a new invention. After all that has been said here it does not need to be added that it is a gross fraud in the manner of its manufacture and sale. A thing worse than skimmed-milk cheese (which the Senator from Missouri animadverted upon perhaps with remembrance of some time in early youth when he had more particular reason to dislike it) is made and put upon the market as if it were the very best product of cheese from dairy milk. It has not only been skimmed, so to speak, but by machinery very much more perfect in its accomplishment than the old skimming dish of the dairywoman; by machinery so perfect that by its use the last particle of oleaginous matter is expelled from the milk, and therefore the machinery-skimmed milk is more deleterious than that skimmed in the dairy.

An oil made of lard, lard not heated enough even to destroy the trichinæ, if they happen to be there, is injected into the milk by the use of steam in such a way as to simulate the restoration of the natural butter properties of fresh milk; and out of such a substance something called cheese is manufactured by flavoring and coloring, and so made into the likeness of cheese that for a time after its manufacture it is incapable of being distinguished, at least by any ordinary person. I suppose it requires a chemist to tell the difference for the time being. But after a while, and no very long while, this new substance, so I am informed, by chemical action in the counterfeit fat which has been put into it, becomes changed. Chemical action changes the oils so that the cheese will appear spotted when it is cut. But that does not take place for some time after it is made, as I am informed.

Now, such a product as that costs only 4½ cents a pound to make. It is put upon the market bearing such a perfect resemblance to cream cheese as that it can not be distinguished from it, and cream cheese can not be made and sold for less than 12 or 14 cents a pound. What is the result? This miserable product of fraudulent ingenuity is sold to the people of our country at the price of cream cheese. The Senator from Texas [Mr. MILLS] spoke the other day about our interfering with the price of cheap food to the poor. This very act will put the price of that product down to where it ought to be, if the poor are obliged to eat filled cheese instead of honest cheese. We want to distinguish the article so that the poor will not be cheated, nor anybody else who buys cheese.

The Senator from Missouri [Mr. VEST] said in his argument this morning that this tax will be a tax upon the poor people. If

the poor people desire to buy filled cheese because it is cheaper this tax will be welcomed as a boon by them, for instead of their paying twice the price they ought to pay for a fraudulent article they will at least buy that article knowing what it is, and with competition in it, which will put the price down to where it belongs. It can not be held up to the price of cream cheese after it has had the fraudulent cover stripped off from it, and the tax which will be paid of a cent a pound will be accompanied by several cents a pound of relief in price to those who will pay it.

Mr. VEST. If the Senator from Wisconsin will permit me, I do not propose to be put in the attitude of defending any sort of fraud in branding or otherwise. Mr. Sherwin, one of the principal manufacturers, or the attorney for the principal manufacturer of filled cheese, appeared before our Finance Committee, and here is his testimony. He said that they desired a law to be passed by Congress which would require the filled-cheese manufacturers to brand their filled cheese what it is, and that they had no objection whatever to inspection laws being passed by Congress; that, on the contrary, they desired them. I am just as much opposed to Mr. Sherwin as I am to the views of the Senator from Wisconsin. Without any reference to the fraud, with which I have nothing to do and which does not touch my position at all in the case, my position is that Congress has not the constitutional power to go into my State and inspect products of that State which are not intended for foreign or interstate commerce. When the Senator says that he is voting for this law because it applies to interstate and foreign commerce, he ignores the fact that there is not one word in the bill that confines it to those objects. If you will put such an amendment on it I will vote for it.

Mr. VILAS. I am going to deal directly with every aspect of the case, for I recognize the Senator's position, I think, with clearness and distinction. I wish to make another step or two of progress before I reach it.

So far as the testimony of the attorney of the manufacturers of filled cheese is concerned, I do not think we ought to give much time to that. If they were so anxious to have their product branded as filled cheese they probably would not have stamped over every cheese they made the fraudulent lie that it is the best Ohio cream cheese or the best Wisconsin cream cheese.

Mr. VEST. He denied that. He said it was not true that they did so.

Mr. VILAS. The Senator from Missouri will not doubt one thing, and that is that the testimony before the Committee on Finance showed that this cheese was invariably sold to the customer under a brand of some such character.

Mr. VEST. No, Mr. President, that was not the testimony. I heard every word of it and paid very close attention to it. There was a difference in regard to the testimony, as there always is in such cases.

Mr. VILAS. That was the weight of the testimony.

Mr. VEST. There were witnesses who testified that they had known such instances, and then these manufacturers swore that they never had done anything of the kind. The principal witness in that regard was an officer of the Internal Revenue Department, who said he had tracked certain filled cheese and that the boxes had come back branded "Elgin cheese," or something of that sort. That was the testimony. There was not a concurrence of testimony about it. I do not care anything about that part of it.

Mr. VILAS. Without stopping to read testimony, which I did not intend to do at the moment, and I will not, I had supposed there was nothing better established before the Committee on Finance than the fact that this cheese found its way to customers under a fraudulent brand.

Mr. VEST. They claimed that the retailers did it.

Mr. VILAS. It is the "other fellow" who does it always, of course. But the fact is that the cheese finds its sale by reason of its fraudulent brand.

Now, I wish to note another thing. This whole business is practically interstate and foreign trade. Our distinguished friend from Missouri speaks of it as if a great portion of it were infrastate trade. It is not. This whole scheme of rascally invention is for interstate and foreign commerce. Within the State there is very little opportunity for the trickster; within the State the people are on their guard against it; and the fraudulent manufacturers of filled cheese about Elgin, Ill., do not sell their products to the people of Illinois except in the course of interstate and foreign trade. They sell directly or indirectly to the Southern States and foreign countries, and it goes off by the ton, marked "Best Wisconsin cream cheese," "Best Iowa cream cheese," etc.

Now, Mr. President, that being the nature of the trade, it is against it, as interstate and foreign commerce, that we are objecting and seeking to interpose regulation. As the Supreme Court said in the Head Money Cases, speaking of the tax imposed there:

> That the purpose of these statutes is humane, is highly beneficial to the poor and helpless immigrant, and is essential to the protection of the people in whose midst they are deposited by the steamships is beyond dispute. That the power to pass such laws should exist in some legislative body in this country is equally clear. This court has decided distinctly and frequently, and always after a full hearing from able counsel, that it does not belong to the States. That decision did not rest in any case on the ground that the State and its people were not deeply interested in the existence and enforcement of such laws, and were not capable of enforcing them after they had enacted them, but upon the ground that the Constitution, in the division of powers which it declares between the States and the General Government, has conferred this power upon the latter, to the exclusion of the former. We are now asked to decide that it does not exist in Congress, which is to hold that it does not exist at all—that the framers of the Constitution have so worded that remarkable instrument that the ships of all nations, including our own, can, without restraint or regulation, deposit here, if they find it to their interest to do so, the entire European population of criminals, paupers, and diseased persons without making any provision to preserve them from starvation and its concomitant sufferings, even for the first few days after they have left the vessel.

In like manner it is to be observed that the purpose of this act is humane; is highly beneficial to the interests of our countrymen; is essential to the protection of the people who are engaged in the great agricultural pursuits upon which the prosperity of the country must depend, and to the protection of consumers who can hardly otherwise escape the consequences of successful fraud and imposition. That the power to pass such a law should exist somewhere is so obvious as to require no argument. That it does not exist in the States the Supreme Court has decided. That it does exist in this Congress under the power to regulate commerce is as reasonable and perfectly satisfactory as it is that the power to purify and regulate immigration is a part of the power to regulate commerce given by the Constitution. Therefore the end which is sought by this bill, so far from being a fraudulent and unconstitutional end, is one of strictest constitutionality as of the highest importance; and it is strange, indeed, that able and excellent gentlemen, incited by a preconception in respect to the strict construction of the Constitution, which never has been observed as they would observe it, not even by themselves, and never could be in government, are found throwing themselves like a Swiss bodyguard in desperate phalanx around some fraud when they are seeking to insist upon the dignity of the Constitution.

Now, let me pass to one other point. I desire to ask, in answer to the only question which the Senator from Missouri puts, upon which he stands distinctively, can anybody devise a more satisfactory regulation than this bill proposes to deal with the evil against which it is aimed? The case is just the same as that of oleomargarine, and the bill which was passed with reference to oleomargarine had most beneficial results. It raised considerable revenue for the Government, a million and three-quarters a year. That article is sold upon the market for less than it was sold before, and instead of being a tax by which a food product is increased in price to those who buy it, it is a tax by which the price of a food product has been lessened to those who buy it. It is put under regulation, so that it is made pure, and the manufacture of it is conducted on much safer principles than before. As a food product, if it is one, it has been very much improved by the inspections under that law. At the same time its fraudulent competition with butter, to the injury of the dairy interests of this country, has been done away with.

This is a most considerate and fair bill in every respect. It does not interfere with the right to make this article of food, to vend it, to get anybody to buy it who will prefer the stuff at a cheaper price than good cheese is worth. There is no interference with the liberty of trade, even the liberty to trade in a deleterious food product, in respect to which it might be thought that Congress could well abridge individual liberty without peril to the principles upon which it rests. But the article is to be put under regulation merely. Its manufacture is to be subject to inspection, reported upon, and understood, and the thing itself so put upon the market that whoever buys it will do so with his eyes open and understandingly. That is the end of it, except that a tax is imposed upon it.

This tax is imposed primarily to maintain the expense of the enforcement of the regulations themselves. It is in that respect precisely like the duty put upon oleomargarine by a law of Congress, and supported primarily as a tax, but also as an expedient regulation of commerce, like the tax under discussion in the Head Money Cases already referred to. But it goes beyond that. It seeks also to raise whatever revenue may be derived from this article which is thus produced in such a manner as that it can fairly afford to pay a tax. It is not laid as a protective tax at all. The amount is not 20 per cent of the difference between the cost of filled cheese and honest cheese. It will undoubtedly produce considerable revenue, and in the same way as the tax upon oleomargarine produces revenue. It is therefore a just and proper measure.

But the Senator from Missouri and other Senators say there may be some of this filled cheese sold and consumed in the State in which it is made. Of course there may be. But it is less likely to be; because there the nature of the product will be better known, and consumers will be less likely to be deceived. But that is a mere incidental circumstance and, indeed, an insignificant one in comparison. It is shown that this whole trade is substantially interstate trade and foreign trade, to an inconsiderable

degree infrastate. It is for traffic beyond the lines of the State where it is made that the product itself is manufactured.

It may happen, it is true, that this tax will be laid upon some of the cheese made and sold in the State. But that in no wise goes to its constitutionality, even in spirit, for the reason that it is but an inevitable and necessary incident of the proper use of this power for a proper end, and because it is strictly necessary to its employment for that rightful and constitutional end. The motive and the power are to be judged by the substance of the effect sought and produced, not by the inescapable but accidental incidents.

I should say at once that the bill was open to the objection which the Senator from Missouri makes if it were true that we were seeking by this legislation to interfere in the State; but if we are pursuing a strictly constitutional and just end, and we are employing a power unquestionably given us, then the mere fact that incidentally the tax may happen to fall upon some cheese within a State in no manner goes to the rightfulness or the justifiableness of the motives with which we seek to impose the tax. The object is not to interfere with the intrastate dealing nor with the police power of the State. The object is simply to tax this article with a view to a regulation of commerce for the common benefit of the people of the United States.

Mr. GEORGE. Will the Senator allow me to ask him a question there?

Mr. VILAS. Certainly.

Mr. GEORGE. Then, why do you tax the manufacturer?

Mr. VILAS. Because that is the only way in which you can reach the object; that is the only way in which you can effectually deal with this article of interstate commerce.

Mr. GEORGE. Why should you not require the manufacturer to brand it as an article of food? Why levy a tax upon his business?

Mr. VILAS. We are levying the tax because he is engaged in a business which requires us to provide a regulation of commerce; and therefore we have a right to make that article pay the expense of the regulation and inspection.

Mr. GEORGE. Therefore you have a right to tax any manufacturer who makes goods which enter into interstate commerce?

Mr. VILAS. Certainly, if we confine ourselves to an article of foreign commerce by reason of frauds which the system of manufacture has imposed upon us. We may charge that article with a tax to cover the expenses of the regulation. I suppose nobody would object to a rebate or to any provision which would meet an objection of this kind. But these amendments, which are offered for the mere purpose of interposing an obstacle to the passage of the bill and not with a view of accomplishing the end apparently on the surface of the amendments, of course the friends of the bill must vote against.

Now, let me call attention to one point more, and I shall detain the Senate no longer. I was asked in reference to this clause in the sixteenth section. I happen to have in my hand what the Supreme Court said in respect to the oleomargarine law in the case of Plumley *vs.* Massachusetts, in 155 United States Reports. The decision of the court answers the whole force of the argument of the Senator from California [Mr. WHITE], which hardly needed answer, for he said he himself recognized that the proposition was erroneous and that this bill does not license the manufacturer of filled cheese at all; but here is the point of the decision.

Mr. GEORGE. Was not that decision as to an act of Congress?

Mr. VILAS. The oleomargarine law. Here is the decision:

> The act of August 2, 1886, chapter 840, 24 Statutes, 209, does not give authority to those who pay the taxes prescribed by it to engage in the manufacture or sale of oleomargarine in any State which lawfully forbids such manufacture or sale, or to disregard any regulations which a State may lawfully prescribe in reference to that article; and that act is not intended to be and is not a regulation of commerce among the States.

It stands as a taxing act before the judicial power. Then the court say another thing. Here is the statute of Massachusetts which was under discussion:

> "To prevent deception in the manufacture and sale of imitation butter," in its application to the sales of oleomargarine artificially colored so as to cause it to look like yellow butter and brought into Massachusetts, is not in conflict with the clause of the Constitution of the United States investing Congress with power to regulate commerce among the several States.

Let me read two or three sentences in reference to the question of deleterious food which the Senator from Mississippi [Mr. GEORGE] asked, showing what Justice Harlan said upon that subject in rendering the opinion of the court:

> The statute seeks to suppress false pretenses——

Mr. GEORGE. That is a State statute.

Mr. VEST. Yes; a statute of the State of Massachusetts.

Mr. VILAS. The court says:

> The statute seeks to suppress false pretenses and to promote fair dealing in the sale of an article of food.

Mr. GEORGE. That is exactly what the State has a right to do.

Mr. VILAS. I understand, but I want to draw attention to the words I am about to read. Let us see:

> It compels the sale of oleomargarine for what it really is, by preventing its sale for what it is not. Can it be that the Constitution of the United States secures to anyone the privilege of manufacturing and selling an article of food in such manner as to induce the mass of people to believe that they are buying something which in fact is wholly different from that which is offered for sale?

Mr. GEORGE. Against the State regulation on that subject.

Mr. VILAS. Of course. The court is speaking of the State statute, but it is equally applicable in spirit to the question of a statute of the United States.

Mr. President, I shall not detain the Senate longer.

Mr. CHANDLER. Mr. President——

Mr. VEST. Just a word, and I will yield to the Senator from New Hampshire with pleasure. I simply want to notice the quotation from the decision of Justice Harlan in Plumley *vs.* Massachusetts.

Justice Harlan pertinently asked the question, Is it possible that the Constitution of the United States interferes as to the prevention of the sale of a fraudulent product? No; because the Constitution of the United States gives the power to the respective States to prevent any such sale. If the Constitution of the United States destroyed that power and prohibited it to the States, then the criticism would justly lie as to such a provision. But what we contend for here is that this bill ignores the distinction between Federal and State power, and is a fraud upon the Constitution, because it perverts the taxing power to police purposes, not as to interstate commerce and foreign commerce, but, as the Senator himself admits, as to the product in a State, made in a State, sold in a State, and not intended to go outside of a State.

The Senator quotes from the Head Money Cases. His own quotation shows that Justice Miller made his decision upon the distinct ground that the power to regulate immigration was a part of the power given to Congress under the foreign-commerce clause of the Constitution, and no State has a right to interfere with it. It is an exclusive grant of power to Congress to regulate immigration; and if imposing the head-money tax upon immigrants was necessary, says Justice Miller, to perfect the execution of that power by Congress, then it was a legitimate exercise of power on the part of Congress to pass the head-money-tax statute. So the Senator is driven in his extremity to sustain this dairy interest to instituting a parallel between this miserable bill and the excise power of taxing whisky.

What is the whisky tax for? In all civilized nations of the world it is the principal object of excise taxation. In this country we have a large tax upon whisky to raise revenue to support the Government; and the advocates of this bill stand here and, with damnable iteration, repeat again and again that they do not want the revenue. I saw to-day upon this floor the projector of this bill in the other House, who appeared before the Finance Committee in order to press this bill, and I put the question to him distinctly, "Was this bill passed by the House of Representatives to raise revenue?" "No," he said, "we want to get hold of this filled cheese in order to inspect it." I said, "Do your States not prohibit it? You have done so in Michigan, in Minnesota, in Wisconsin, in Maryland, in New York." "Oh," he said, "so long as one single State fails to pass a law against filled cheese, they can export it from that State to the balance of the States of the country." See what a proposition that is. If every State in this Union does not pass a law prohibiting the sale or providing for the inspection of a certain article, then Congress must necessarily intervene, wrest the Constitution from its moorings, and usurp a power that was never given to it.

The police power is reserved to the States; and I charge here that it is being exercised fraudulently under the guise of the taxing power—in the face of the declaration by every Senator who has spoken, except the Senator from Wisconsin [Mr. VILAS], who has ingeniously endeavored to avoid it—for the sole purpose of exercising an inspection power, and not to raise revenue to support the Government.

Mr. CHANDLER. Mr. President, I am glad to hear the Senator from Missouri [Mr. VEST] restate his constitutional objection to this bill, because I rose to ask him to explain his views more distinctly upon that point. I recognize the Senator from Missouri as a great constitutional lawyer.

Mr. VEST. Oh, no.

Mr. CHANDLER. Almost, if not quite, as great as the Senator from Mississippi [Mr. GEORGE]; and I think I should be influenced, if I desired to be guided in voting upon constitutional questions by the advice of the constitutional lawyers upon the other side of the Chamber, rather by the Senator from Missouri and the Senator from Mississippi than by the Senator from Wisconsin [Mr. VILAS].

I do not exactly comprehend the full force of the argument of the Senator from Wisconsin. I shall vote for this bill as the legitimate use of the taxing power of the Government under the Constitution. The Senator from Missouri says that if we were to

put upon the face of this bill the exact motive which influences the legislators in passing it the Supreme Court would decide it to be unconstitutional. If I am mistaken in this statement, the Senator will correct me. I think he said that the decision that the law is unconstitutional will not be made, because the Legislature evades the Supreme Court by not putting upon the face of the statute the reason why the bill was passed. Now, I want to ask the Senator whether this is a correct statement of the object of passing the bill: Suppose the bill on the face of it or somewhere in the body of it contained the following:

"This bill raises public revenue by the taxation of cheese in various forms. It also regulates the manufacture of cheese so as to secure pure food and honest trade. The purpose of the Legislature is to do both those things. Both motives influenced the legislators. The strongest motive is to secure pure cheese and honest trade." There, I think, is as strong a case against this bill as the Senator from Missouri can make; that is to say, that the strongest motive, the principal motive, is to secure pure cheese and honest trade, and the desire to collect revenue is a minor and an incidental purpose. If this statement was right upon the face of this bill, I ask the Senator from Missouri whether the Supreme Court would declare it to be unconstitutional? If it would not, then I ask the Senator where there is anything in the Constitution which forbids the legislator from having two motives in voting for the passage of a bill—one a motive to raise revenue, the other a motive, by making regulations concerning the manufacture of the article taxed, to secure pure food and honest trade? Where in the Constitution am I forbidden to have both these motives, I ask the Senator?

Mr. VEST. Mr. President, the question has been asked again and again, in committee and out of it, of the projectors and promoters of this measure, "Would you have put the provision for a tax on filled cheese in the bill except for the purpose of obtaining the power of inspection over it?" and they have invariably answered, "No." That shows the object of this bill.

Mr. CHANDLER. No Senator or Representative, I undertake to say, has disclaimed the purpose of raising revenue in the passage of this bill.

Mr. VEST. They have stated distinctly that they would not have put that provision in the bill except to have the power to put the police clause in it.

Mr. CHANDLER. That is not the question. I supposed that we put upon the face of the law the statement that the principal motive is pure food and honest trade; but there still remains the motive of raising revenue, and where, I say, is there any constitutional prohibition against having this additional motive in exercising the taxing power? I say—but I am not going to detain the Senate by arguing this case—that it is perfectly legitimate to have this other motive, this principal motive, if the Senator will have it, this larger motive, standing side by side with the constitutional motive of raising revenue by taxation for the support of the Government.

Mr. MITCHELL of Oregon. May I ask the Senator a question?

Mr. CHANDLER. Certainly.

Mr. MITCHELL of Oregon. Suppose this bill recited in a preamble on its face that the principal purpose of the bill was to provide proper food for the people, and then incidentally went on to levy a tax, would the Supreme Court sustain it?

Mr. CHANDLER. I do not think the Supreme Court would declare it to be void then.

But, Mr. President, I have supposed and have put on record—if the Senator from Oregon will read what I have said—an exact statement of the whole case in the passage of the bill, that the purpose of it is to raise revenue; and when there is this purpose to raise revenue, and revenue is raised, it is no argument against a bill, so far as its constitutionality is concerned, to say that there exists the other, and, if you please, the principal and the larger motive, of getting pure food and honest trade.

Mr. SHERMAN. I wish simply to remind my friend from New Hampshire that the first tariff law passed, and which was approved by George Washington and framed by James Madison, expressly declared in the title of it that it was a bill to raise revenue and to build up American manufactures. I am not giving the exact language, but that is the substance.

Mr. CHANDLER. Certainly. Protection of American industries was the object of the first tariff bill, so stated in the title of the bill, and yet the opponents of protection for a hundred years have been barking at us, down to 1892, that protection was contrary to the Constitution. They will not take that ground now. This year they are going in for free silver, with incidental protection to American manufactures by tariff legislation.

To come back again to the proposition which I made, so long as there is a purpose, and an honest purpose, to raise revenue, it does not make any difference if there is an additional and a further motive, such as I have supposed. I call the attention of the Senator of Missouri, in all good faith and with perfect respect, to the fact that if there ever was a time when the Congress of the United States should seek methods of raising revenue it is now. I do not know how much revenue this tax will bring in, perhaps a million dollars, perhaps $2,000,000. I do not know how much the oleomargarine tax has brought in; but I do know this, that we all ought to be seeking by every fair means to put upon the statute books laws which will give us money. The Senator from Missouri within the last twenty-four hours has put through this Senate, by the aid of my vote and the votes of all but five Senators, a bill that will take a dozen or fifteen million dollars out of the Treasury this year and will take $60,000,000 out of the Treasury within two or three years. It is wise; it is for the public interest; it is for the general welfare of the United States that the Senator should have put that bill through with the same zeal and energy that he is showing in trying to defeat this bill; but it puts a duty upon him and upon me of searching everywhere to find sources of revenue with which to pay for the river and harbor improvements.

Mr. VEST. If the object of this bill is to raise revenue, why have the majority of the Finance Committee reported to cut down the tax in the bill one-half of what it was as it came from the other House?

Mr. HILL. I am going to move to restore that tax as it came from the House of Representatives when the bill comes into the Senate.

Mr. VEST. I am not talking about what the Senator from New York is going to do. I am talking about what has been done by a majority who are clamoring for revenue, and now cut down the tax proposed in this bill one-half.

Mr. CHANDLER. The Finance Committee has not been satisfactory to me for the last four years.

Mr. VEST. Nor to me.

Mr. HILL. Nor to anybody else.

Mr. CHANDLER. It is no more satisfactory to me now than it was in the last Congress, when the Senator from Tennessee [Mr. HARRIS], the Senator from Missouri [Mr. VEST], the Senator from Texas [Mr. MILLS], and the Senator from Arkansas [Mr. JONES] undertook to make a tariff bill which raised the mischief with the industries of this country. [Laughter.]

Mr. MILLS. I ask the Senator will he agree to put some tax on clothing and other objects of that kind in order to get revenue?

Mr. CHANDLER. I am for seeking out every legitimate subject of revenue; and I want to keep in mind the incidental protection of American manufactures. The plank which the Democratic convention of 1892 came very near laying down in its platform, the plank which the Senator from Wisconsin advocated, but which was voted down, and the plank of unconstitutionality substituted by the aid of the friends of the Senator from New York [Mr. HILL], and also the friends of the Senator from Ohio [Mr. BRICE]——

Mr. VILAS. The Senator from New Hampshire does me an injustice.

Mr. CHANDLER. I am for the plank of the Senator from Wisconsin which was voted down in the last Democratic national convention.

Mr. VILAS. The Senator will not do me the injustice of saying that I advocated that plank. I was opposed to it.

Mr. CHANDLER. I get a little confused about what goes on in Democratic conventions [laughter], but I had an idea that President Cleveland in 1892 wanted to run on the plank that was reported by the majority of the committee, but the unconstitutionality plank was put in by a vote of the convention. I thought the Senator from Wisconsin was in favor of the plank which I have understood President Cleveland wanted to run upon; but really I have forgotten which side the Senator did speak on.

Mr. President, I say that with the great drain upon the Treasury which will be made by the river and harbor bill, it is the duty of the Senate to pass all the laws it can for the raising of revenue. If we can not pass one law, let us pass another law. If we are so hamstrung here by our Populist friends, who do not know what they do want, who vote one day with the Republicans, the next day with the Democrats, and the next day sit still and do not vote at all [laughter]; if this Senate is paralyzed by such extraordinary Senators as these, let us pass the best revenue laws we can get and put them upon the statute books. If the Senator from Ohio [Mr. SHERMAN] and the Senator from Vermont [Mr. MORRILL] have been unable to report to this body any greater revenue-producing measure than this, we ought to be thankful for this. If we can not get $30,000,000 or $60,000,000 and can get $1,000,000, then I say let us get that million dollars; and I say in all good faith to the Senator from Missouri that, having aided in imposing a sixty-million-dollar burden upon the United States Treasury, he ought now to take hold and help the Treasury to the extent of the $1,000,000 or the $2,000,000 that this constitutional measure will put into the Treasury.

Mr. SMITH. May I ask the Senator a question?

Mr. CHANDLER. Certainly.

Mr. SMITH. I want to ask, if there be no objection, whether this revenue bill has the united support of the Republican side of the Chamber?

Mr. CHANDLER. Mr. President, I do not know. The Republican party is somewhat dilapidated, but nothing like so dilapidated, I assure my friend, as the Democratic party is on his side of the Chamber. [Laughter.] We do not flock together quite so harmoniously as we should and we are continually deranged by the presence of these half dozen Populists. [Laughter.] How the vote will be I do not know. I do not keep the score on this side of the Chamber. I do not know whether or not the Senator from New Jersey keeps the score on his side.

Mr. VEST. I have been so thoroughly converted by the logical and eloquent remarks of the Senator from New Hampshire that I offer an amendment which, in view of what he has said, I have no doubt will be unanimously adopted by both sides.

The PRESIDING OFFICER. The Senator from Missouri has an amendment pending.

Mr. VEST. I withdraw that amendment, if there be no objection.

The PRESIDING OFFICER. The amendment is withdrawn. The amendment now offered by the Senator from Missouri will be stated.

The SECRETARY. It is proposed to add the following as an additional section:

SEC. 20. It is hereby declared that the special taxes imposed by this act are levied and collected to furnish revenue for the United States, and not to enable the Federal authority to make inspection of the article known as filled cheese or to prevent its sale and consumption when sold as such.

Mr. SHERMAN. I wish now to give notice, as the bill has been discussed at some little length, and as its object is very clear on its face, that I shall feel it my duty, having reported the bill from the committee, to move to lay upon the table all amendments which do not really relate to the subject-matter of the bill. I have no objection at all to any amendment that tends to improve the bill in any way or to change it, but any amendment extraneous in character, having no connection with the subject, I shall feel justified in moving to lay upon the table. I will vote for those motions if nobody else does. I will vote to lay such amendments upon the table whether right or wrong in themselves, because I think this bill should be confined to the subject-matter involved and should not be loaded down with extraneous questions that may be presented. I therefore move to lay on the table the amendment proposed by the Senator from Missouri. I should like to have it read first.

Mr. VEST. Let the amendment be again read. Several Senators have asked me what it is, and that is the easiest way to answer.

The PRESIDING OFFICER. The amendment will again be read.

The Secretary again read the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Ohio, to lay on the table the amendment offered by the Senator from Missouri.

Mr. VEST. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GEORGE. I ask permission to say one word.

The PRESIDING OFFICER. Debate is not in order except by unanimous consent.

Mr. GEORGE. I shall occupy but a moment. Are we compelled to vote against the amendment on the ground that it contains a false statement as to the object of the bill?

The PRESIDING OFFICER. The roll will be called.

The Secretary proceeded to call the roll.

Mr. DUBOIS (when Mr. CANNON'S name was called). I announce the pair of the Senator from Utah [Mr. CANNON] with the Senator from Nebraska [Mr. ALLEN]. I will make this announcement for the day.

Mr. GEAR (when his name was called). I announce my pair with the senior Senator from Georgia [Mr. GORDON]. If he were present, I should vote "yea."

Mr. PALMER (when his name was called). I am paired with the Senator from North Dakota [Mr. HANSBROUGH]. I believe he has not voted. I therefore withhold my vote.

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "yea."

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR]. If he were present, I should vote "nay."

Mr. WETMORE (when his name was called). I am paired with the junior Senator from Georgia [Mr. BACON]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. MITCHELL of Oregon. I desire to state that my colleague [Mr. MCBRIDE] is detained from the Senate. He is paired with the Senator from Mississippi [Mr. GEORGE]. If my colleague were here, he would vote to lay the amendment on the table.

Mr. CULLOM. I am paired with the Senator from Delaware [Mr. GRAY]. I therefore withhold my vote.

Mr. BURROWS. I am paired with the senior Senator from Louisiana [Mr. CAFFERY], and the Senator from Alabama [Mr. PUGH] is paired with the Senator from Massachusetts [Mr. HOAR]. We will transfer the pairs, and the Senator from Massachusetts [Mr. HOAR] and the Senator from Louisiana [Mr. CAFFERY] will be paired. That will permit the Senator from Alabama and myself to vote.

Mr. BRICE. I am paired with the junior Senator from Colorado [Mr. WOLCOTT].

Mr. HANSBROUGH (after having voted in the affirmative). I inquire if the junior Senator from Illinois [Mr. PALMER] has voted.

The PRESIDING OFFICER. He has not voted.

Mr. HANSBROUGH. I withdraw my vote, being paired with that Senator.

Mr. BATE. I desire to announce that the Senator from Maryland [Mr. GIBSON] is paired with the Senator from Montana [Mr. CARTER].

Mr. PERKINS (after having voted in the affirmative). I desire to announce that I am paired with the junior Senator from North Dakota [Mr. ROACH]. But as he and I are in accord on this bill, I have voted.

The result was announced—yeas 32, nays 14; as follows:

YEAS—32.

Aldrich,	Dubois,	Morrill,	Sherman,
Allison,	Gallinger,	Nelson,	Shoup,
Brown,	Hale,	Peffer,	Smith,
Burrows,	Hawley,	Perkins,	Stewart,
Butler,	Jones, Nev.	Pettigrew,	Teller,
Chandler,	Lodge,	Platt,	Vilas,
Clark,	Mitchell, Oreg.	Quay,	Warren,
Davis,	Mitchell, Wis.	Sewell,	Wilson.

NAYS—14.

Bate,	Hill,	Morgan,	Walthall,
Berry,	Jones, Ark.	Pasco,	White.
Chilton,	Lindsay,	Pugh,	
Harris,	Mills,	Vest,	

NOT VOTING—43.

Allen,	Cockrell,	Gray,	Pritchard,
Bacon,	Cullom,	Hansbrough,	Proctor,
Baker,	Daniel,	Hoar,	Roach,
Blackburn,	Elkins,	Irby,	Squire,
Blanchard,	Faulkner,	Kyle,	Thurston,
Brice,	Frye,	McBride,	Tillman,
Caffery,	Gear,	McMillan,	Turpie,
Call,	George,	Mantle,	Voorhees,
Cameron,	Gibson,	Martin,	Wetmore,
Cannon,	Gordon,	Murphy,	Wolcott.
Carter,	Gorman,	Palmer,	

So the amendment was laid on the table.

Mr. STEWART. I desire to offer an amendment, which is as follows:

That on and after the 1st day of August, 1896, there shall be levied, collected, and paid 10 cents a pound upon all wools imported into the United States from any foreign country.

Inasmuch as this is a revenue bill and there has been so much said with regard to revenue, I offer the amendment, believing, as I do, that it will be a mode of raising revenue entirely agreeable to the people whom I represent. I offer it simply as a method of raising revenue which will benefit the Treasury and be agreeable to the people of the West and Middle States, and I think to the entire farming community.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add the following:

That on and after the 1st day of August, 1896, there shall be levied, collected, and paid 10 cents a pound upon all wools imported into the United States from any foreign country.

Mr. SHERMAN. I know that the effect of the amendment is to defeat the bill, and I move to lay it upon the table. Otherwise I should support the proposition with great pleasure.

Mr. STEWART and Mr. TELLER called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY]. If he were present, I should vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PALMER (when his name was called). I am paired with the Senator from North Dakota [Mr. HANSBROUGH]. I should vote "yea" if he were present.

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "nay."

Mr. WETMORE (when his name was called). I am paired

with the junior Senator from Georgia [Mr. BACON]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. PRITCHARD. On this vote I will transfer my pair to the Senator from Maine [Mr. FRYE] and vote "nay."

Mr. BRICE. I again announce my pair with the junior Senator from Colorado [Mr. WOLCOTT].

Mr. GEAR. I again announce my pair with the Senator from Georgia [Mr. GORDON]. I should vote "yea," if he were present.

The result was announced—yeas 32, nays 17; as follows:

YEAS—32.

Aldrich,	Davis,	Nelson,	Sherman,
Allison,	Gallinger,	Palmer,	Smith,
Bate,	Hale,	Pasco,	Turpie,
Berry,	Hawley,	Perkins,	Vest,
Burrows,	Hill,	Pettigrew,	Vilas,
Chandler,	Lodge,	Platt,	Walthall,
Chilton,	Mitchell, Wis.	Quay,	White,
Clark,	Morrill,	Sewell,	Wilson.

NAYS—17.

Brown,	Harris,	Mitchell, Oreg.	Teller,
Butler,	Jones, Nev.	Peffer,	Warren.
Dubois,	Lindsay,	Pritchard,	
George,	McBride,	Pugh,	
Hansbrough,	Mills,	Stewart,	

NOT VOTING—40.

Allen,	Carter,	Gorman,	Murphy,
Bacon,	Cockrell,	Gray,	Proctor,
Baker,	Cullom,	Hoar,	Roach,
Blackburn,	Daniel,	Irby,	Shoup,
Blanchard,	Elkins,	Jones, Ark.	Squire,
Brice,	Faulkner,	Kyle,	Thurston,
Caffery,	Frye,	McMillan,	Tillman,
Call,	Gear,	Mantle,	Voorhees,
Cameron,	Gibson,	Martin,	Wetmore,
Cannon,	Gordon,	Morgan,	Wolcott.

So the amendment was laid on the table.

Mr. LINDSAY. I offer an amendment to see if we can ascertain exactly what the purpose of the bill is.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to amend the bill by inserting, in line 4, section 3, page 2, between the word "that" and the word "special," the following:

For the protection of manufacturers and dealers in cheese against unfair and fraudulent competition and to protect the public against fraudulent practices by the manufacturers, vendors, and retailers of filled cheese in vending, selling, and retailing the same as and for cheese and for the incidental and collateral purpose of raising revenue.

So as to read:

That, for the protection of manufacturers and dealers in cheese against unfair and fraudulent competition, and to protect the public against fraudulent practices by the manufacturers, vendors, and retailers of filled cheese in vending, selling, and retailing the same as and for cheese, and for the incidental and collateral purpose of raising revenue, special taxes are imposed as follows.

Mr. SHERMAN. I move to lay the amendment on the table.

Mr. HILL. Mr. President——

The PRESIDING OFFICER. The question is on agreeing to the motion to lay the amendment on the table.

Mr. HILL. Has a motion been made to lay the amendment on the table?

The PRESIDING OFFICER. The Senator from Ohio made the motion to lay the amendment upon the table, which is not debatable. The question is on agreeing to that motion.

Mr. LINDSAY. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BRICE (when his name was called). I again announce my pair with the junior Senator from Colorado [Mr. WOLCOTT].

Mr. CARTER (when his name was called). On this question and on all questions relating to the pending bill for the day I am paired with the junior Senator from Maryland [Mr. GIBSON].

Mr. CULLOM (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY].

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "yea."

Mr. WETMORE (when his name was called). I am paired with the junior Senator from Georgia [Mr. BACON]. If he were present, I should vote "yea."

The roll call having been concluded, the result was announced—yeas 35, nays 13; as follows:

YEAS—35.

Aldrich,	Gallinger,	Mitchell, Wis.	Sherman,
Allison,	Hale,	Morrill,	Shoup,
Brown,	Hansbrough,	Nelson,	Smith,
Burrows,	Hawley,	Palmer,	Stewart,
Butler,	Hill,	Peffer,	Teller,
Chandler,	Jones, Nev.	Perkins,	Vilas,
Clark,	Lodge,	Pettigrew,	Warren,
Davis,	McBride,	Platt,	Wilson.
Dubois,	Mitchell, Oreg.	Sewell,	

NAYS—13.

Bate,	Jones, Ark.	Pasco,	White.
Berry,	Lindsay,	Pugh,	
George,	Mills,	Vest,	
Harris,	Morgan,	Walthall,	

NOT VOTING—41.

Allen,	Chilton,	Gray,	Roach,
Bacon,	Cockrell,	Hoar,	Squire,
Baker,	Cullom,	Irby,	Thurston,
Blackburn,	Daniel,	Kyle,	Tillman,
Blanchard,	Elkins,	McMillan,	Turpie,
Brice,	Faulkner,	Mantle,	Voorhees,
Caffery,	Frye,	Martin,	Wetmore,
Call,	Gear,	Murphy,	Wolcott.
Cameron,	Gibson,	Pritchard,	
Cannon,	Gordon,	Proctor,	
Carter,	Gorman,	Quay,	

So the amendment was laid on the table.

Mr. MITCHELL of Oregon. Mr. President, I am in favor of the pending bill. I earnestly desire to see it become a law. I gave notice a few days since, this being a revenue bill, that at the proper time I should offer an amendment. I submitted the amendment at the time, and it has been printed and is on the desks of Senators. The amendment is what is known in the Senate and in the country as the Dingley tariff bill. That bill passed the national House of Representatives on the 26th of last December. It did not purport to be very much of a protective tariff bill. On the contrary, it was said to be more a bill to supply revenue than anything else. It was accompanied by a report made by the chairman of the Ways and Means Committee of the House of Representatives, in which it was stated that the revenues were falling short every month $3,000,000 or more of being sufficient to meet the ordinary expenses of the Government. The bill was passed by a large majority and sent to the Senate. It was referred here to the Committee on Finance, and it was amended in the committee by striking out the tariff provision and inserting a free-coinage amendment, and it was so reported to the Senate.

I had voted previously, and only a few days prior to the day when the bill was reported to the Senate, for an amendment to what was known as the bond bill, providing for the free and unlimited coinage of silver, and that amendment being adopted, I then voted for the bill as amended, as did a large majority of the Senate, including, I believe, 18 Republicans. I was opposed then and am opposed now to complicating the question of revenue or interfering in any manner with a proper revenue bill by putting on an amendment relating to coinage. Therefore I was one who was earnestly in favor of trying to get up that tariff bill in the Senate, not for the purpose of voting for the amendment placed upon it by the Committee on Finance, but with a view and in the hope that the Senate might vote down the amendment and pass the bill as it came from the other House. I was not opposed then nor am I now to legislation such as was incorporated in the amendment, but, on the contrary, favored it; but the Senate had expressed itself on that subject, as I have said, but a few days before, and sent the bill to the House of Representatives. Therefore I was opposed, as I have said, to putting upon the tariff bill an amendment relating to coinage of any kind or character.

Hence, when the venerable Senator from Vermont [Mr. MORRILL], chairman of the Committee on Finance, moved on two different occasions to take up the bill in the Senate, for the purpose of endeavoring to bring it to a vote and to get an expression of the Senate upon the two propositions, the free-coinage amendment and the tariff bill, I voted with him. I have been misrepresented in some of the papers in my own State in regard to my action in reference to that matter, and that is why I am now making the statement I make.

Mr. President, as I said before, I desire to see this bill passed; but I thought in all good faith that we might with propriety, and without endangering the passage of the bill, take this tariff bill that the House has already expressed itself on, put it on this bill as a proper amendment, send it to the House, let the House readopt it, and send the bill to the President. We were given to understand (I do not know by what authority, but it was a current rumor at the time the bill passed the House and at the time it was pending in the committee of the Senate) that inasmuch as it was a bill mild in its protective features, and a bill that would raise some $40,000,000 of revenue annually, it would in all probability receive Executive approval. If that were so then it is so now, I take it, inasmuch as Congress has made no provision whatever for the revenues of the Government.

Therefore it occurred to me that it was not only a proper thing, but a most appropriate thing for the Republicans of the Senate, and as many Democrats and Populists as might be willing, for the sake of providing this much revenue, that we should place this amendment upon the pending bill. Notice, however, has been served on me by some of my Republican friends and leaders in the Senate that they will not vote for the amendment in the event I offered it, fearing it might defeat the bill, and I hesitate

as to whether under the circumstances I ought to offer the amendment. I want it distinctly understood that it is not by reason of any opposition whatever to the bill that I have given notice of the proposed amendment, but solely in the hope of in this way accomplishing two purposes; first, in giving some measure of protection to wool and other farm products, lumber, coal, etc.; and second, by providing some $40,000,000 revenue, and thus avoid a further issue of bonds.

Mr. NELSON. Will the Senator from Oregon allow me to make a statement?

Mr. MITCHELL of Oregon. Certainly.

Mr. NELSON. The farmers of the Northwest, the farmers of the country, and the people of the country come here and want this little piece of relief. The Senate has already expressed itself heretofore on the tariff bill. Why complicate this simple measure of relief with a tariff bill? We have all made a record on the tariff bill, and what is the use of going over the ground again? I appeal to the Senator, being friendly to the bill, to withdraw the amendment.

Mr. MITCHELL of Oregon. If the Senator from Minnesota will allow me, I will state that the Senate has not expressed itself on the tariff bill except as the mere failure to take up the bill has been an expression. I admit that there have been two efforts made by the chairman of the Committee on Finance to take up the bill, and he failed to get enough votes to take it up. The Senate has as yet had no opportunity to express itself on that bill by voting either for it or against it.

Mr. STEWART. Will the Senator from Oregon allow me to make a suggestion?

Mr. MITCHELL of Oregon. Certainly.

Mr. STEWART. I have a little amendment in my hand which, if added to his amendment, will help it. It reads as follows:

The owner of silver bullion may take the same to any mint of the United States, and the same shall be coined into standard dollars for his benefit, upon the terms and conditions which are provided by law for the coinage of gold.

I offer that as an amendment to the Senator's amendment, and I think it will help it through.

Mr. MITCHELL of Oregon. That is all very well as separate legislation, but it has nothing to do with a tariff bill. I have already voted for that proposition at this present session, and the bill has passed the Senate.

Mr. WHITE. Will the Senator from Oregon permit me a question?

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Does the Senator from Oregon yield to the Senator from California?

Mr. MITCHELL of Oregon. Certainly.

Mr. WHITE. I desire to ask the Senator from Oregon, as he has no doubt informed himself carefully upon this subject, if the Senate should add the Dingley bill as an amendment and we should thereupon desist from further ornamentation, has he any doubt of the passage of the measure elsewhere?

Mr. MITCHELL of Oregon. I do not see why I should have any doubt, as the House of Representatives has already passed upon both measures.

Mr. DUBOIS. May I ask the Senator from Oregon a question?

Mr. MITCHELL of Oregon. Certainly.

Mr. DUBOIS. Did I understand the Senator to say that he did not wish to consider a free-coinage measure in connection with a tariff proposition; that he thought they should be considered separately and independently?

Mr. MITCHELL of Oregon. I said in substance that I did not propose to embarrass the passage of a proper tariff bill by putting on it an amendment relating to the coinage of money, for the reason that I think each subject should stand by itself; one should not embarrass the other.

Mr. DUBOIS. I thought I understood the Senator correctly, and I regard him as a strong and able advocate of free coinage; but owing to some strictures which were made here a day or two ago by the Senator from Utah [Mr. BROWN] it is proper to state, after this very candid answer of the Senator, that it had come to the knowledge of other silver Republican Senators who differ with him as to the best method of advocating free coinage and who place silver above tariff that a great many free-coinage men besides himself would not vote for a free-coinage substitute for the Dingley tariff bill, and when we were unable to substitute, on that account, the free-coinage bill for the tariff bill then they would vote for the tariff bill and it would pass and become a law without anything being accomplished for silver. Owing to the very technical argument of the Senator from Utah [Mr. BROWN], which made no impression upon the Senate, of course, but was designed and intended to mislead people in parts of the country remote from here in regard to the effect of the votes of the five silver Senators on this side of the Chamber who voted against taking up the Dingley bill, I am very glad that their position and the effect of their vote has been made so plain by the frank statement of the Senator from Oregon.

The Senator from Oregon, the Senator from Utah [Mr. BROWN], and all other free-coinage Republican Senators who voted to take up the Dingley bill intended to pass that bill, without regard to free coinage, while the five Senators who refused by their votes to take up the Dingley bill intended that the Dingley bill should not pass without free coinage being joined with it. I hope each Senator will stand squarely by the record and effect of his vote at that time, and that no further effort will be made to pervert the record.

Mr. MITCHELL of Oregon. I simply speak for myself, and no one else. I have stated my position. I think it was pretty well understood in the Senate, however, before, so far as that is concerned. I desire it should be understood elsewhere.

Mr. VILAS. I should like to ask the Senator from Oregon if he thinks, for the reason he has just given, we ought to embarrass one bill with another.

Mr. MITCHELL of Oregon. Upon reflection, in view of the appeals made to me by my friend from Minnesota, in view of other appeals that have been made to me by leaders of the Senate on this side of the Chamber, I will not offer the amendment, although I should be very glad to have an opportunity to vote some relief to the woolgrowers of this country. I voted with great pleasure against laying on the table the amendment of the Senator from Nevada providing for a tariff of 10 cents a pound on wool, and whenever I get an opportunity hereafter to vote for a proper tariff bill I propose to do it; and I do not propose to embarrass it with any other subject. When the question of free coinage comes up all know where I stand on that, and it is not necessary to make any statement in regard to it.

Mr. TELLER. I should like to inquire of the Senator from Oregon, no matter what might be the action of this or the other body, if the Dingley bill should be attached to the pending bill, whether he has any reason in the world to suppose it would become a law?

Mr. MITCHELL of Oregon. I know nothing about it at all. I should hope that the President, in view of the deficiency in the revenues, would sign the bill. Of course I have no knowledge upon the subject.

Mr. STEWART. I shall not offer my amendment now, since the Senator from Oregon has withdrawn his, although it would benefit the filled-cheese bill very much. It would be very appropriate on this or any other bill to have silver coined upon the terms and conditions applied to gold. I thought it germane to the Senator's amendment, and a very necessary amendment, to make it successful in the Senate. But inasmuch as he has not offered his amendment, I do not propose to embarrass the bill with my amendment. I am in favor of the filled-cheese bill.

Mr. TELLER. Mr. President, I do not want to debate the tariff bill when it is not before the Senate, but with the freedom we have here I want to read an extract from a letter written by the President of the United States July 2, 1894, to a member of the House. I heard the Senator from Michigan [Mr. BURROWS] talk about great faith the other day, and I want to suggest that the Senator from Oregon must be a man of great faith. The President said:

It must be admitted that no tariff measure can accord with Democratic principles and promises or bear a genuine Democratic badge that does not provide for free raw material. In the circumstances, it may well excite our wonder that Democrats are willing to depart from this the most Democratic of all tariff principles, and that the inconsistent absurdity of such a proposed departure should be emphasized by the suggestion that the wool of the farmer be put on the free list and the protection of tariff taxation be placed around the iron ore and coal of corporations and capitalists. How can we face the people after indulging in such outrageous discriminations and violations of principles?

It is quite apparent that this question of free raw materials does not admit of adjustment on any middle ground, since their subjection to any rate of tariff taxation, great or small, is alike violative of Democratic principle and Democratic good faith.

If anybody after that thinks there is a chance for a duty on wool, he must have wonderful faith.

Mr. HAWLEY. Mr. President, the record of Democratic opinion is not quite complete without this extract from the tariff plank of 1888, when Mr. Cleveland and Mr. Thurman were the candidates. It is a protective tariff:

Our established domestic industries and enterprises should not and need not be endangered by the reduction and correction of the burdens of taxation. On the contrary, a fair and careful revision of our tax laws, with due allowance for the difference between the wages of American and foreign labor, must promote and encourage every branch of such industries and enterprises by giving them assurance of an extended market and steady and continuous operations.

Mr. MILLS. The Senator is reading from a repealed law. That was repealed in 1892.

Mr. HAWLEY. I read from the Democratic platform of 1888.

Mr. TELLER. Mr. President, the present Executive did not make that platform, although he ran on it. But we all understand how easy it is for a man to run on a platform and fail to

adhere to it after he is elected. The President, in his annual message to Congress December 6, 1893, I think likely uttered his true sentiments on this question. He said:

I think it may be fairly assumed that a large proportion of the sheep owned by the farmers throughout the country are found in small flocks numbering from 25 to 50. * * * When the number of farmers engaged in wool raising is compared with all the farmers in the country and the small proportion they bear to our population is considered; when it is made apparent that, in the case of a large part of those who own sheep, the benefit of the present tariff on wool is illusory, etc.

I think probably that expresses his opinion on the wool tariff.

Mr. PALMER. I desire to know whether it is the purpose of the Senator from Connecticut [Mr. HAWLEY] and the Senator from Colorado [Mr. TELLER] to prove that the President would not be likely to sign the Dingley bill if passed? Is that the purpose?

Mr. TELLER. I should like to say to the Senator that I think it would be entirely out of order for me to suggest that he would not. I have not suggested that he would not sign it. I heard some such suggestion here that he would. I shall not violate the rules of the Senate by suggesting that he would not. I simply wanted the Senate to understand his sentiments on the subject.

Mr. PALMER. I wish to say to the Senator from Colorado and the Senator from Connecticut that I am fully convinced he would not.

Mr. HALE. The Senator read first from the President's letter of 1894?

Mr. TELLER. I read from the letter of President Cleveland to the chairman of the Committee on Ways and Means of the House, Mr. Wilson, dated the 2d of July, 1894.

Mr. HALE. Did not the President allow that bill to become a law, notwithstanding the protest the Senator has read?

Mr. TELLER. But there was not any provision for a duty on wool in it.

Mr. LINDSAY. Mr. President, there has been a good deal of discussion here this morning of the present tariff bill and its defects. It seems that the Senators on the other side of the Chamber are not willing to put a tariff on wool, although they declare that such a tariff tax ought to be levied. There is one provision of the existing tariff law which I think we all agree ought to be changed. Senators on the other side of the Chamber voted against it when it was incorporated into the present law, and most of the Senators on this side who voted for it were in the position of the distinguished senior Senator from Ohio [Mr. SHERMAN] when he voted for what is known as the Sherman silver bill. He voted for it under stress of circumstances in order to defeat some other measure which he regarded as more objectionable, and he was ready to vote to repeal it the next day. A number of Senators on this side voted for the differential tax on sugar in order to secure the passage of a tariff bill at all, and were willing the day after the bill became a law to vote to repeal that tax. For the purpose of having it repealed I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Kentucky will be read.

The SECRETARY. Add the following as an additional section:

SEC. 20. That so much of section 182½ of Schedule E of the act which became a law August 27, 1894, entitled "An act to reduce taxation and to provide revenue for the Government, and for other purposes," which provides as follows: "And upon all sugars above No. 16, Dutch standard, in color, and upon all sugars which have been discolored, there shall be levied, collected, and paid a duty of one-eighth of 1 cent per pound, in addition to the said duty of 40 per cent ad valorem," be, and the same is hereby, repealed, and the collection of said additional duty, from and after the passage of this act, is hereby discontinued.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Kentucky.

Mr. SHERMAN. It does seem to me unfair that in a body like the Senate of the United States, when a measure has been framed and carefully considered, debated in both Houses of Congress, it should be attempted to be loaded down with extraneous subjects. It seems to me it is not exactly a fair mode of legislation. I do not believe I have ever tried it myself. I do not think I would do it. Here is a simple bill for the relief of the farmers from what they regard as a fraud. It is not a measure of great magnitude, involving large sums of money, although it will yield probably half a million or a million dollars of revenue. Under the circumstances I appeal to my friend from Kentucky not to delay the pending measure. I move to lay the amendment upon the table.

Mr. MILLS. On that let us have the yeas and nays.

Mr. SHERMAN. I will vote for a duty on sugar; I will vote for a duty on tea; I will vote for a hundred duties I might name; but it is not exactly a fair thing to attempt it here as an amendment to a bill like the one pending. When we take up the question of revenue we shall have ample time to consider it. Besides, whatever may be the intention of the Senator from Kentucky, the amendment would tend to prolong the session. It would open up new subjects of controversy and defeat this bill. If it is the object to defeat the bill, let it be done by a direct vote. I move that the amendment lie on the table.

Mr. TELLER. I wish to make an inquiry before the motion is put. Do I understand this to be a proposed repeal of all duties on sugar?

Mr. MILLS. Only the differential duty.

Mr. LINDSAY. It is a repeal of only the one-eighth differential duty. It leaves the 40 per cent duty to remain as it is.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio, to lay on the table the amendment proposed by the Senator from Kentucky, upon which the yeas and nays are demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BRICE (when his name was called). I am paired with the junior Senator from Colorado [Mr. WOLCOTT].

Mr. CARTER (when his name was called). I am paired with the junior Senator from Maryland [Mr. GIBSON].

Mr. CULLOM (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY].

Mr. FAULKNER (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS]. I should vote "nay" if he were present.

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON].

Mr. GORMAN (when his name was called). I am paired with the Senator from Maine [Mr. FRYE].

Mr. PASCO (when his name was called). I am paired for the rest of the afternoon with the Senator from Missouri [Mr. COCKRELL]. In his absence, I withhold my vote.

Mr. PERKINS (when his name was called). On this political question I am paired with the Senator from North Dakota [Mr. ROACH].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "nay."

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON].

Mr. WETMORE (when his name was called). I am paired with the junior Senator from Georgia [Mr. BACON]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. CARTER. I desire to announce a general pair of my colleague [Mr. MANTLE] with the junior Senator from Virginia [Mr. MARTIN].

The result was announced—yeas 31, nays 16; as follows:

YEAS—31.

Aldrich,	Hale,	Morrill,	Shoup,
Allison,	Hansbrough,	Nelson,	Smith,
Brown,	Hawley,	Palmer,	Stewart,
Burrows,	Jones, Nev.	Pettigrew,	Vilas,
Chandler,	Lodge,	Platt,	Warren,
Clark,	McBride,	Quay,	White,
Davis,	Mitchell, Oreg.	Sewell,	Wilson.
Gallinger,	Mitchell, Wis.	Sherman,	

NAYS—16.

Bate,	George,	Lindsay,	Pugh,
Berry,	Harris,	Mills,	Teller,
Chilton,	Hill,	Morgan,	Turpie,
Dubois,	Jones, Ark.	Peffer,	Vest.

NOT VOTING—42.

Allen,	Carter,	Gray,	Proctor,
Bacon,	Cockrell,	Hoar,	Roach,
Baker,	Cullom,	Irby,	Squire,
Blackburn,	Daniel,	Kyle,	Thurston,
Blanchard,	Elkins,	McMillan,	Tillman,
Brice,	Faulkner,	Mantle,	Voorhees,
Butler,	Frye,	Martin,	Walthall,
Caffery,	Gear,	Murphy,	Wetmore,
Call,	Gibson,	Pasco,	Wolcott.
Cameron,	Gordon,	Perkins,	
Cannon,	Gorman,	Pritchard,	

So the amendment was laid on the table.

Mr. MORGAN. Mr. President, it is apparent that no amendment at all is to be allowed of this bill, it makes no difference how proper it may be, and as I am opposed to the bill I rather congratulate myself that that is the fact, and that that fact is established, not only by all the votes which have been cast upon the bill here to-day and heretofore, but I understand it has been decreed by a caucus that no amendment is to go on this bill. So my objections to it will be stated in the form of objections to the text of the bill. I shall not engage in the discussion of the constitutional question, which has been so fully and so clearly presented by the Senator from Missouri [Mr. VEST], but it seems to me that this bill is drawn very inartistically, and that upon the definition that is given here Senators will find that, if passed into a law, it will be extremely difficult of execution.

Mr. ALLISON. Will the Senator allow me to correct one misapprehension under which he labors?

Mr. MORGAN. Yes.

Mr. ALLISON. I wish to say that I know of no decree of a Republican caucus respecting what this bill should contain or should not contain. Therefore, whatever may be the truth upon

this subject, it does not apply to any Republican caucus, for we have had none.

Mr. MORGAN. I gather my information from the public prints here in the city. That is all I know about it.

Now I will read section 2. It provides—

That for the purposes of this act certain substances and compounds shall be known and designated as "filled cheese," namely: All substances made of milk or skimmed milk, with the admixture of butter, animal oils or fats, vegetable or any other oils, or compounds foreign to such milk, and made in imitation or semblance of cheese.

If any compound or any substance foreign to milk is put into cheese, it is filled cheese, according to this definition. Well, salt is a substance that is foreign to milk. The excellent Edam cheeses that come from New York are very heavily salted. So if you put any salt in your cheese, under this definition, it is filled cheese; and if you put any of those nice herbs in your cheese that the Germans are so fond of putting in for the purpose of enriching it and giving it a flavor, of course they would be substances foreign to milk, and then it would be filled cheese; or if in the manufacture of it you would undertake to imitate the Rochefort cheese, or the Neuchatel, or even the Limburger, you would find yourself in a very great strait by putting in foreign substances that are evidently necessary to get the flavor of Rochefort or Neuchatel cheese or to get the odor of Limburger. In fact, I do not know how you would ever get the odor of Limburger unless you put asafetida or something of that kind in it, and your law and your definition compels you to have nothing in it at all except milk or skimmed milk; you must not add butter to it; you must not add any admixture of butter or animal oils or fats or vegetable or other oils or compounds if they are foreign to milk. I think the inventor of that definition must have been very hard put to it to find out some means of ascertaining what he did not intend to do.

Is it not on its face absolutely absurd that a definition of filled cheese should exclude from that cheese every substance that is foreign to milk? If you want to put in coloring matter, that is foreign to milk; flavoring matter is foreign to milk. But the test of whether cheese is filled cheese or not filled cheese is whether or not the substance incorporated with it is foreign to milk. That is your definition. I am glad that you have got it screwed down so tight that you can not get away from it without amending it yourselves, because I suppose somewhere else this bill is to be scrutinized; and the object of this bill, as declared in this definition of filled cheese, must be to exclude from it every substance that is foreign to milk; and unless it does not exclude every substance that is foreign to milk it is not filled cheese. Enough on that point in the case.

This bill seems to be designed also not merely to destroy the industry of making a preparation of cheese by putting lard in it, or butter, or fat, or oils, or vegetables, but it also strikes very heavily, I think, at some other species of manufactures. Section 6 provides—

That filled cheese shall be packed by the manufacturers in wooden packages only—

Why not put it in tin packages? Why not in paper packages? Why do you confine the packages in which this cheese shall be put to wood only? And it must be wood—

not before used for that purpose.

When you manufacture cheese and put any substance in it that is foreign to milk, you must then put it into a wooden package, and not only a wooden package, but a wooden package that has never been used before. It makes no difference if you have a package on hand and it cost you a dollar or a half dollar, and you scoured it up so as to get every mark off of it, you could not put cheese in that package. That is giving a very decided advantage to the manufacturers of wood over the manufacturers of paper poxes and tin boxes and other material which might be found suitable for packing cheese. That is not a very slight circumstance in the effort to prop up the dairymen of the Northwest against those who manufacture filled cheese.

There seems to be a general strike at everybody and everything that comes in reach. After you have got the cheese in a wooden box it must be marked:

In black-faced letters not less than 2 inches in length—

How wide they are to be we do not know. I have seen letters 2 inches in length that were so narrow that you could scarcely read them; and it would take a very fine reader to understand printed letters 2 inches long. No width is prescribed, but the "black-faced letters" must be made; and how must they be put on? Put on—

in a circle in the center of the top and bottom of the cheese.

It must be put on the cheese first, and that is in a wooden box. I do not know how you are going to put the "black-faced letters" on the bottom of a cheese in a wooden box so that the words will be readable, or how you can do it without spoiling the material. It must be—

Marked, stamped, and branded with the words "filled cheese" in black-faced letters not less than 2 inches in length, in a circle in the center of the top and bottom of the cheese; and in black-faced letters of not less than 2 inches in length in line from the top to the bottom of the cheese, on the side in four places equidistant from each other.

Why, Mr. President, that is closer work than we have in this ballot printing with which we intend to prevent fraudulent elections.

But is it not impossible to conceive that anyone drawing a bill that was intended to be intelligently designed to convey correct ideas and that was capable of execution should require "black-faced letters" to be put on cheese inside the box and then that the box itself should be painted with "black-faced letters" on the outside?

This looks like a small matter, but it shows, in the eagerness to pass this bill, which is simply a bonus to the makers of cheese out of cream or milk that is not skimmed, that the person who drafted the bill and the committees who have passed upon it have gone entirely out of line and have put provisions in it which make it an odious measure, not merely to the persons engaged in the manufacture of filled cheese, but to several other very important industries of the country.

We come now to another feature of this bill, which I confess that I find difficulty in understanding:

Every person, firm, or corporation who manufactures filled cheese for sale shall be deemed a manufacturer of filled cheese.

The preceding paragraph, which aids in defining, reads thus:

Manufacturers of filled cheese shall pay $240 for each and every factory per annum.

Whether you work in your factory or not. You may have established a factory for three or four years without having worked it at all. It is the factory that is taxed; it is not the manufacture. You tax the establishment. The factory, of course, must consist of a piece of real estate with some houses upon it, some structures; but this bill taxes the factory, without reference to the question of whether the men who own the factory are actually engaged in the manufacture of cheese.

Having pointed out these matters in this bill. I am content to let it pass into the hands of any part or department of this Government that has the scrutiny of law, to see whether or not such a bill as this can find its way to the statute book.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER (Mr. PLATT). The question is, Shall the amendments made as in Committee of the Whole be concurred in?

Mr. NELSON. I think there are some committee amendments to the bill which have not yet been acted upon.

The PRESIDING OFFICER. The Chair is informed that all the committee amendments have been acted upon.

Mr. HILL. Mr. President, I do not know that any motion is necessary, but when the bill is in the Senate I wish to reserve the question as to concurring in the amendments reported by the Committee on Finance.

Mr. ALDRICH. The bill is in the Senate now.

Mr. SHERMAN. The bill has been reported to the Senate, and it is in order to ask for a separate vote on any of the amendments which have been agreed to.

The PRESIDING OFFICER. The bill is in the Senate, and the question is on concurring in the amendments which have been made as in Committee of the Whole.

Mr. HILL. I trust the amendments made as in Committee of the Whole, which were made pro forma and without discussion, will not be adopted. They were adopted as a mere matter of form. The Senate committee has seen fit to reduce the tax from the amount fixed by the House of Representatives.

Mr. SHERMAN. Mr. President, it is true that there were two amendments reported by the Committee on Finance, which were adopted as in Committee of the Whole, as to the amount of the tax on the manufacturers and wholesale dealers. There was no change made in the tax on the retail dealer. So far as those two amendments are concerned there was some difference of opinion about the reduction of the amount in the committee. My honored colleague on the committee to my right, the chairman of the committee [Mr. MORRILL], thinks we ought to nonconcur in those amendments. It is a matter of indifference to me, as it is only a question whether the tax shall be $400 or $240.

Mr. HILL. The bill as it passed the House of Representatives made the tax on manufacturers $400.

Mr. SHERMAN. Yes.

Mr. HILL. I think the tax should be made exactly as the House passed it upon the manufacturers. The amount to be paid by the wholesale dealer, as the bill passed the House, was $250, and the amendment of the Senate was to reduce it to $200.

Mr. President, I favor the passage of the bill, not upon the grounds stated by the distinguished Senator from Ohio [Mr. SHERMAN], who has the bill in charge, but I favor it as a revenue measure, and therefore I am anxious that it shall produce as much revenue as it is capable of producing. For that reason I favor leaving the bill exactly as the other House passed it.

There are some features of the measure which I do not very cordially approve, but in the present exigency of the Treasury I am in favor of the passage of this bill to relieve the Treasury as much as possible. I regret that there has not been any estimate produced here from any source as to the precise amount of revenue which this measure, if it become a law, is likely to produce. I do not favor the bill upon any ground other than the raising of revenue. The very object of the bill, as stated in one of the amendments offered, was correctly detailed, according to the statement of some of the Senators who have favored the bill. I place my support of the bill entirely upon the ground of its revenue provisions, and upon those only. The States have ample power to regulate this question for themselves.

So far as the protection features of the bill are concerned, the National Government has the right to take this fraud by the throat and to tax it, and it is not an abuse of the taxing power so to do. The oleomargarine bill was subject to the same objection, but it is upon the statute book and nobody has proposed its repeal from the time it was passed to the present; there is no effort to repeal it, nobody is asking for its repeal. It is bringing revenue for the support of the Government, and it is a precedent for the enactment of this bill into law. As the oleomargarine law has produced nearly $2,000,000 annually, in the present exigency of the Treasury I think we might well supplement it by the passage of this measure, but I do not believe in minimizing this tax. Therefore I think it is wise not to concur in the amendments of the committee, but to leave the tax as the other House left it, and I trust the distinguished Senator from Ohio will see the propriety of this action.

Mr. SHERMAN. So far as the committee are concerned, after consulting with the members around me, I have no objection to disagreeing to the amendments and letting the bill stand just as it came from the House of Representatives.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole. Is it desired that the vote shall be taken in gross or separately?

Mr. MORRILL, Mr. SHERMAN, and others. In gross.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were nonconcurred in.

The bill was ordered to a third reading, and read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. VEST. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CARTER (when his name was called). I am paired with the Senator from Maryland [Mr. GIBSON], and therefore withhold my vote.

Mr. CULLOM (when his name was called). I have had a general pair with the Senator from Delaware [Mr. GRAY]. The Senator from Florida [Mr. PASCO] has had a pair with the Senator from Missouri [Mr. COCKRELL]——

Mr. PASCO. On this question.

Mr. CULLOM. On this question. We have paired the Senator from Missouri with the Senator from Delaware, and therefore are at liberty to vote. I vote "yea."

Mr. FAULKNER (when his name was called). I am paired with my colleague from West Virginia [Mr. ELKINS].

Mr. GEAR (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON]. If he were here, I should vote "yea."

Mr. GORMAN (when his name was called). I am paired with the Senator from Maine [Mr. FRYE].

Mr. PASCO (when his name was called). Under the arrangement announced by the Senator from Illinois [Mr. CULLOM] I am at liberty to vote. I vote "nay."

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. ROACH]. If he were present, he would vote in the affirmative. I therefore vote "yea."

Mr. WALTHALL (when his name was called). On the passage of this bill I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "nay."

Mr. WETMORE (when his name was called). I am paired with the junior Senator from Georgia [Mr. BACON]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. PRITCHARD. I am paired with the Senator from Louisiana [Mr. BLANCHARD], but for the purpose of this vote I transfer that pair to the Senator from Maine [Mr. FRYE], who is paired with the Senator from Maryland [Mr. GORMAN], and vote "yea."

Mr. GORMAN. Under that transfer of pairs I am at liberty to vote. I vote "nay."

Mr. HANSBROUGH. I desire to announce that the Senator from Utah [Mr. CANNON], who is absent, would vote for this bill were he present.

Mr. BRICE. I am paired with the Senator from Colorado [Mr. WOLCOTT].

The result was announced—yeas 37, nays 13; as follows:

YEAS—37.

Aldrich,	Hale,	Nelson,	Shoup,
Allison,	Hansbrough,	Palmer,	Smith,
Brown,	Hawley,	Peffer,	Stewart,
Butler,	Hill,	Perkins,	Teller,
Chandler,	Jones, Nev.	Pettigrew,	Turpie,
Clark,	Lodge,	Platt,	Vilas,
Cullom,	McBride,	Pritchard,	Warren.
Davis,	Mitchell, Oreg.	Quay,	
Dubois,	Mitchell, Wis.	Sewell,	
Gallinger,	Morrill,	Sherman,	

NAYS—13.

Bate,	Gorman,	Mills,	White.
Berry,	Harris,	Morgan,	
Chilton,	Jones, Ark.	Pasco,	
George,	Lindsay,	Vest,	

NOT VOTING—39.

Allen,	Cannon,	Gray,	Roach,
Bacon,	Carter,	Hoar,	Squire,
Baker,	Cockrell,	Irby,	Thurston,
Blackburn,	Daniel,	Kyle,	Tillman,
Blanchard,	Elkins,	McMillan,	Voorhees,
Brice,	Faulkner,	Mantle,	Walthall,
Burrows,	Frye,	Martin,	Wetmore,
Caffery,	Gear,	Murphy,	Wilson,
Call,	Gibson,	Proctor,	Wolcott.
Cameron,	Gordon,	Pugh,	

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8293) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes; further insisted upon its disagreement to the amendments of the Senate numbered 40, 61, 69, 87, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 105, 154, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 193, 194, 195, and 201, upon which the committee were unable to agree; agreed to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GROUT, Mr. PITNEY, and Mr. DOCKERY managers at the conference on the part of the House.

ELIZABETH W. SUTHERLAND.

The PRESIDING OFFICER laid before the Senate the bill (S. 1420) granting a pension to Elizabeth W. Sutherland, returned from the House of Representatives at the request of the Senate.

Mr. GALLINGER. I move that the Senate reconsider the votes whereby it nonconcurred in the House amendments and requested a conference with the House of Representatives on the bill and amendments.

The motion to reconsider was agreed to.

Mr. GALLINGER. The Senate passed the bill granting a pension at the rate of $75 a month. The House amended it by making the sum $50 a month. The Senate appointed a committee of conference. We have been waiting on the House for more than two weeks to do us the courtesy of appointing a committee of conference on their part. They have failed to do so. Wishing that Mrs. Sutherland may get some relief during the present Congress, I, with her consent, requested the recall of the bill from the House for the purpose of concurring in the House amendments.

I move that the Senate concur in the amendments of the House of Representatives. It is the best we can do.

The amendments were concurred in.

RECIPROCITY AND COMMERCIAL TREATIES.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed 10,000 copies each of the majority and minority reports of the Committee on Ways and Means concerning reciprocity and commercial treaties, and also 10,000 copies of the hearings before the subcommittee of said Committee on Ways and Means on reciprocity and commercial treaties; 3,000 copies of said reports and hearings for the use of the Senate and 7,000 copies for the use of the House of Representatives.

HOUR OF MEETING ON FRIDAY.

Mr. ALLISON. I ask unanimous consent that when the Senate adjourn to-day it be to meet at 11 o'clock a. m. to-morrow.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that when the Senate adjourn to-day it be to meet at 11 o'clock a. m. to-morrow. Is there objection? The Chair hears none, and it is so ordered.

DESIGNATION OF PRESIDING OFFICER.

Mr. GORMAN. I ask the indulgence of the Senate to make a request. The Vice-President and the President pro tempore both being away, no designation of a Presiding Officer can be made over one day except by unanimous consent. I ask unanimous consent that the Senator from Connecticut [Mr. PLATT], who now occupies the chair, may act in that capacity until the adjournment to-morrow afternoon.

The PRESIDING OFFICER. If there is no objection, that order will be considered as made.

PROPOSED RESTRICTION OF IMMIGRATION.

Mr. LODGE. I move that the Senate take up the bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. MILLS and Mr. HILL addressed the Chair.

Mr. ALDRICH. Debate is not in order.

The PRESIDING OFFICER. The Chair will state that the question is on agreeing to the motion to proceed to the consideration of the bill indicated by the Senator from Massachusetts.

Mr. HILL. Mr. President——

Mr. GALLINGER. Debate is not in order.

Mr. HILL. I know the question is not debatable, but I desire simply to say that I gave notice some time ago that I desired to move to take up the bill reported by the Judiciary Committee in relation to contempts of court. I was cut off on several occasions by other business, and I wish now to move that we proceed to the consideration of the bill, not necessarily to antagonize the immigration bill, but my bill, if I may use that expression, the contempt bill, has not passed the other House, and there is more propriety in taking up that bill, in order that it may go to the other House, than there is in taking up a bill which has already passed the House and which can be acted upon very quickly. Therefore I shall have to call for the yeas and nays on the motion of the Senator from Massachusetts, because I can not amend the motion, and I wish to have the contempt bill taken up and disposed of.

Mr. HARRIS. I wish to say a word to the Senator from Massachusetts before the question is taken, if I can get permission of the Senate so to do.

The PRESIDING OFFICER. The Senator from Tennessee can proceed by unanimous consent. The motion is not debatable.

Mr. HARRIS. I am quite aware of the fact that it is not debatable.

I want to suggest that the junior Senator from Maryland [Mr. GIBSON] before leaving for Annapolis, where he is now performing an official duty, especially requested me to ask that the bill should not be considered until he should return.

Mr. LODGE. I will say to the Senator from Tennessee that I merely desire to have the bill taken up and made the unfinished business, and I shall then give way for conference reports which the Senator from Maine [Mr. HALE] and the Senator from Iowa [Mr. ALLISON] desire to present. I do not intend to press the bill in the absence of the Senator from Maryland.

Mr. HARRIS. I have no desire to antagonize. I simply want to perform a duty to an absent Senator.

Mr. HILL. Mr. President——

Mr. TELLER. Let us have the regular order.

Mr. ALDRICH. Regular order.

Mr. HILL. I do not understand how the Senator from Massachusetts can control the bill in that way.

The PRESIDING OFFICER. The motion is not debatable.

Mr. HILL. I should think a Democrat would have the right once in a while to make a motion.

The PRESIDING OFFICER. The question is, Will the Senate proceed to the consideration of the bill?

Mr. HILL. On that question I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CARTER (when his name was called). I am paired with the junior Senator from Maryland [Mr. GIBSON]. I therefore withhold my vote.

Mr. CULLOM (when his name was called). I have a general pair with the Senator from Delaware [Mr. GRAY]. If he were present, I would vote "yea."

Mr. FAULKNER (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS].

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON].

Mr. PASCO (when his name was called). I am paired with the Senator from Missouri [Mr. COCKRELL]. In his absence I withhold my vote.

Mr. PERKINS (when his name was called). I am paired with the junior Senator from North Dakota [Mr. ROACH].

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. WALTHALL (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. WETMORE (when his name was called). I am paired with the junior Senator from Georgia [Mr. BACON]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. PUGH. I was requested by the Senator from Michigan [Mr. BURROWS] to state that he has a general pair with the Senator from Louisiana [Mr. CAFFERY].

Mr. SHOUP (after having voted in the affirmative). I am paired with the Senator from California [Mr. WHITE], and therefore withdraw my vote.

Mr. BRICE (after having voted in the negative). I have a general pair with the Senator from Colorado [Mr. WOLCOTT]. I withdraw my vote.

The result was announced—yeas 24, nays 6; as follows:

YEAS—24.

Aldrich,	Dubois,	Lodge,	Pettigrew,
Allison,	Gallinger,	McBride,	Platt,
Brown,	Hale,	Mitchell, Oreg.	Quay,
Butler,	Hansbrough,	Morrill,	Sewell,
Chandler,	Hawley,	Nelson,	Sherman,
Davis,	Jones, Nev.	Peffer,	Teller.

NAYS—6.

Bate,	Clark.	Lindsay,	Palmer.
Chilton,	Harris,		

NOT VOTING—59.

Allen,	Daniel,	McMillan,	Squire,
Bacon,	Elkins,	Mantle,	Stewart,
Baker,	Faulkner,	Martin,	Thurston,
Berry,	Frye,	Mills,	Tillman,
Blackburn,	Gear,	Mitchell, Wis.	Turpie,
Blanchard,	George,	Morgan,	Vest,
Brice,	Gibson,	Murphy,	Vilas,
Burrows,	Gordon,	Pasco,	Voorhees,
Caffery,	Gorman,	Perkins,	Walthall,
Call,	Gray,	Pritchard,	Warren,
Cameron,	Hill,	Proctor,	Wetmore,
Cannon,	Hoar,	Pugh,	White,
Carter,	Irby,	Roach,	Wilson,
Cockrell,	Jones, Ark.	Shoup,	Wolcott.
Cullom,	Kyle,	Smith,	

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich,	Dubois,	McBride,	Pugh,
Allison,	Faulkner,	Mills,	Quay,
Bate,	Gallinger,	Mitchell, Oreg.	Sewell,
Berry,	Gear,	Morgan,	Sherman,
Brice,	George,	Morrill,	Shoup,
Butler,	Gorman,	Nelson,	Teller,
Carter,	Hale,	Palmer,	Vest,
Chandler,	Hansbrough,	Pasco,	Walthall,
Chilton,	Harris,	Peffer,	Wetmore.
Clark,	Hawley,	Perkins,	
Cullom,	Lindsay,	Pettigrew,	
Davis,	Lodge,	Platt,	

The PRESIDING OFFICER. Forty-five Senators have responded to their names. A quorum is present. The question recurs upon the motion of the Senator from Massachusetts [Mr. LODGE] to proceed to the consideration of the bill known as the immigration bill.

Mr. HALE. Allow me to appeal to the Senator from Massachusetts. I sympathize with him about his bill——

Mr. LODGE. I should like to have another yea-and-nay vote on the motion.

Mr. HALE. There will be no quorum, I presume, on a test vote. I should like to get up a conference report.

Mr. LODGE. I should like to develop that fact again.

Mr. GORMAN. I trust the Senator from Massachusetts will withdraw his motion until to-morrow, when it can be renewed, and we shall have a voting quorum present. He can withdraw it now and make it again in the morning.

Mr. HALE. Pending the motion, I present a privileged report and ask for its consideration.

Mr. GORMAN. I suggest that the motion to proceed to the consideration of the immigration bill had better be withdrawn for a moment. We are dividing upon the question, and the Senator from Massachusetts will have to withdraw it if other business is to intervene.

Mr. LODGE. I do not feel like withdrawing the motion. It will come up to-morrow; it is the unfinished business, and it can be voted on.

Mr. GORMAN. Then I shall object to any other business being transacted.

Mr. HALE. I have presented a privileged report which, of course, under the rule I can do at any time when a quorum is present.

Mr. GORMAN. But the Senate is dividing. It is voting on a proposition which can not be debated.

Mr. LODGE. There is nothing else in order.

Mr. GORMAN. We are actually in process of dividing.

Mr. LODGE. Nothing is in order but the call of the roll.

Mr. GORMAN. Absolutely nothing.

Mr. HALE. I understand the roll call has developed the presence of a quorom.

Mr. LODGE. But nothing is in order now except the calling of the roll on the motion to proceed to the consideration of the bill.

Mr. HALE. The Chair has the rule before him.

The PRESIDING OFFICER. The Chair is of opinion that the point of order is well taken. The Secretary will read Rule XXVII.

The Secretary read as follows:

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

The PRESIDING OFFICER. The question was taken on the motion to proceed to the consideration of the immigration bill. It developed the want of a quorum. Then the roll was called, and a quorum appeared. The question, the Chair thinks, recurs upon the original motion, and the Senate is dividing. The question is, Will the Senate proceed to the consideration of the immigration bill? Upon which the yeas and nays have been ordered. The question is not debatable.

Mr. HALE. I ask unanimous consent that the Senate proceed to the consideration of the conference report.

Mr. GORMAN. I must object to that request, and I will state my reason for interposing an objection. I desire to say to the Senator that we have appealed to the Senator from Massachusetts to withdraw his motion until to-morrow morning, when the question can be taken without further debate. In the meantime we can proceed with the conference report and facilitate business in the Senate. There is not the slightest desire to impede the business of the Senate. On the contrary, the purpose has been, and is, to facilitate it in every way. But there are reasons why we do not desire a vote to be taken on this question to-night. I again appeal to the Senator from Massachusetts to withdraw his motion. He can renew it in the morning. Then we can go on with the ordinary business.

Mr. LODGE. The presence of a quorum has been developed by the last roll call. I should like one more vote on the motion to take up the bill.

Mr. GORMAN (at 4 o'clock and 50 minutes p. m.). I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maryland that the Senate adjourn.

Mr. ALDRICH. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY].

Mr. FAULKNER (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS].

Mr. GEAR (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON].

Mr. GORMAN (when his name was called). I am paired with the Senator from Maine [Mr. FRYE].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. SEWELL (when his name was called). I am paired with the Senator from Wisconsin [Mr. MITCHELL].

Mr. SHOUP (when his name was called). I have a standing pair with the Senator from California [Mr. WHITE], and therefore withhold my vote.

Mr. WALTHALL (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. WETMORE (when his name was called). I am paired with the junior Senator from Georgia [Mr. BACON].

The roll call having been concluded, the result was announced—yeas 9, nays 22; as follows:

YEAS—9.

Bate,	Chilton,	Jones, Nev.	Mills,
Berry,	George,	Lindsay,	Palmer.
Butler,			

NAYS—22.

Aldrich,	Dubois,	McBride,	Quay,
Allison,	Gallinger,	Mitchell, Oreg.	Sherman,
Brown,	Hale,	Peffer,	Teller,
Chandler,	Hansbrough,	Perkins,	Warren.
Clark,	Hawley,	Pettigrew,	
Davis,	Lodge,	Platt,	

NOT VOTING—53.

Allen,	Elkins,	Mantle,	Squire,
Bacon,	Faulkner,	Martin,	Stewart,
Baker,	Frye,	Mitchell, Wis.	Thurston,
Blackburn,	Gear,	Morgan,	Tillman,
Blanchard,	Gibson,	Morrill,	Turpie,
Brice,	Gordon,	Murphy,	Vest,
Burrows,	Gorman,	Nelson,	Vilas,
Caffery,	Gray,	Pasco,	Voorhees,
Call,	Harris,	Pritchard,	Walthall,
Cameron,	Hill,	Proctor,	Wetmore,
Cannon,	Hoar,	Pugh,	White,
Carter,	Irby,	Roach,	Wilson,
Cockrell,	Jones, Ark.	Sewell,	Wolcott.
Culloon,	Kyle,	Shoup,	
Daniel,	McMillan,	Smith,	

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Davis,	Lodge,	Pugh,
Allison,	Dubois,	McBride,	Quay,
Bate,	Faulkner,	Mills,	Sewell,
Berry,	Gallinger,	Mitchell, Oreg.	Sherman,
Brice,	Gear,	Morgan,	Shoup,
Brown,	George,	Nelson,	Teller,
Butler,	Gorman,	Palmer,	Turpie,
Carter,	Hale,	Pasco,	Walthall,
Chandler,	Hansbrough,	Peffer,	Warren,
Chilton,	Harris,	Perkins,	Wetmore,
Clark,	Hawley,	Platt,	White.
Cullom,	Lindsay,	Proctor,	

The PRESIDING OFFICER. Forty-seven Senators having answered to their names, the question recurs on the motion of the Senator from Massachusetts [Mr. LODGE].

Mr. LODGE. I am now entirely satisfied, having developed the character and quality of the opposition to taking up the immigration bill, and I withdraw the motion so that the Senator from Maine can submit the conference report.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask that the conference report on the deficiency appropriation bill be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8236) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 24, 25, 30, 31, 37, 74, 103, 104, 105, 106, 147, 148, and 200.

That the House recede from its disagreement to the amendments of the Senate numbered 14, 79, 80, 81, 82, 137, 190, and 192, and agree to the same.

That the Senate recede from its disagreement to the amendments of the House to the amendments of the Senate numbered 27, 207, and 208, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: Strike out all after the word "cents," in line 8, down to and including line 20 of said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the Secretary of the Treasury is directed, until otherwise provided by law, to pay, after reserving not exceeding $30,000 per annum for educational purposes and expenses of necessary employees, to the Sisseton and Wahpeton Indians of South Dakota all interest money due them up to July 1, 1896; and that thereafter all interest money as it shall accrue shall be paid, except as herein provided, on the 1st day of November annually."

And the Senate agree to the same.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

J. G. CANNON,
W. O. ARNOLD,
JOSEPH D. SAYERS,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on concurring in the report.

Mr. FAULKNER. I ask the Senator who has the bill in charge to give the status of the Ford's Theater question.

Mr. HALE. The amendment of the House was agreed to which directs the Commission to reexamine certain claims. Rather than strike the whole of them out, which was the alternative with which the Senate conferees were confronted, we thought this the most fitting and just thing to all the claimants; and it will only cause a delay extending from the present time until December.

Mr. FAULKNER. I will ask the Senator whether the Senate conferees receded from the amendment which was put on by the Senate repealing the law under which the Commission was created?

Mr. HALE. Oh, the Commission remains intact.

Mr. FAULKNER. I desire, in justice to myself, as a member of that Commission, to make a few remarks in reference to the subject, and yet I will do it in a way as brief as possible, knowing that the Senate is anxious to get away this evening.

The amendment of the House is one to which I can never agree, as the conferees have receded from three death claims in

which the parties are very much in need of the money, and it was done without any comment or criticism whatever as to those three claims, not even from the War Department official who addressed the letter to Mr. SAYERS, a member of the House of Representatives from Texas, in reference to the subject.

I desire to have incorporated, without reading, in the RECORD, in justification of the Commission, the evidence in reference to the case of Ethelbert Baier, on page 3, which I will give the Reporter, with the part marked which I desire to have inserted. It is very short, but it shows the action of the Commission and the reason for that action. Also, the case of Edward C. Carroll, on page 6; also, the case of George R. Garnett, on page 9; the case of Charles R. Miller, on page 17; the case of Thomas Morley, on page 18; the case of George W. Smoot, on page 25; the case of Smith Tompson, on page 26, and the case of Nathan F. White, on page 28.

An examination of the testimony by Senators, if they ever take the trouble to read it in the RECORD (and it is a condensed statement of the evidence in each of the cases commented on), will convince any impartial mind that the judgment reached by the Commission was fair and just.

I desire to say on behalf of the Commission that the memorandum sent by the Department to the Representative from Texas on the Appropriations Committee of the House was laid before the Commision. It was a mere memorandum obtained on or about the time of the disaster by the chiefs of division. It was considered by the Commission as a part of the evidence affecting the rights of the claimants, and was overthrown completely by the testimony that was laid before the Commission by disinterested witnesses heard before them.

With this statement I do not propose to make any objection to concurrence in the conference report, for the reason that I think the others are in such need that it is the duty of Congress to give them this relief as promptly as possible.

Mr. CULLOM. Is the Senator from West Virginia prepared to state how many of the claims have been dropped out of the bill?

Mr. FAULKNER. Eleven claims and three death cases were dropped out; and in the case of all but one of the death cases there is no comment, no criticism made by any Department officer or member of Congress or by anyone else I know or have been able to learn of. Why those claims were stricken from the amendment I do not understand.

The PRESIDING OFFICER. If there be no objection, the matter referred to will be inserted in the RECORD by the Reporter.

The matter referred to is as follows:

ETHELBERT BAIER.—Age, 25; wife; journalist; $1,000 clerk.

Claim.—Doctors, $570; medicine, $15; total, $585.

Claim.—Right arm and back severely strained by descending fire hose hand over hand from third story; acute nervous shock resulting in insomnia and nervous headaches. February, 1894: Easily startled, causing numbness, choking, and palpitation; hands in a semi-numb state; insomnia, getting only from two to five hours' sleep a day; sitting puts hips and thighs asleep; lost one-half physical strength; frequent nervous headaches; was free from any organic trouble before; fell 25 feet from the end of the hose to the ground. May, 1895: Have not recovered; back weak; incapable of manual labor; right arm is affected; was obliged to resign August 24; lost much in weight; complain now of headaches, twitches in chest, nervousness, loss of memory, inability to do any work; never had headache and was sound as a dollar before; hand and ankles are numb now; when I wake up at night I find my whole side paralyzed if I lay on my side.

Dr. Wooster: Claimant was well and strong before; saw him a week after accident; he was suffering from shock and it developed into neurasthenia; found tenderness in dorsal region; found well-marked symptoms of neurasthenia; it was a little early, but was a case of marked depression; found no bruises on back, but a nervous condition.

Dr. Irving C. Ross: Subjective symptoms, mainly neurasthenic; objective facts, heart's action excited and irregular, sounds normal, no appreciable lesion; pupils somewhat dilated; slight muscular tremor, within coordination when motions are unaccompanied by the eyesight. The patella tendon reflexes exaggerated and respond unequally to test. There is apparent lessening of grip of right hand. Evident tenderness exists over the dorsal spine, with disturbance of tactile sensibility; vaso-motor disturbance is shown in the cold and clammy extremities; seems to suffer from impairment of memory and the psychic depression common to such cases. Think it probable the disability was incurred as alleged and is of uncertain duration. (Foregoing statement made April 17, 1894.)

Medical board: No permanent disability.

Dr. Wooster, December 19, 1893, certifies: Treated claimant from and after June 15, 1893. Upon careful examination this day made, found him suffering from a nervous condition, no doubt due to the theater disaster. This condition did not readily yield to treatment, as it developed into neurasthenia. I ordered him to leave the office entirely. While he has somewhat improved, he will, in my opinion, be a sufferer of this injury to his nerves to the end of his days. By a careful and quiet life he may be able to finally recover, but it is doubtful, as his case has resisted treatment.

Ernest Vasmer, of Texas (witness): He was in my employ from May, 1889, until April, 1891, living in my house. He was sound and healthy in every way.

EDWARD C. CARROLL.—Age, 64; one son dependent; $1,200 clerk.

Claim.—Paid hospital $64.

Claim.—Injured sinews of right knee and left ankle; diarrhea; complete nervous prostration February, 1894; still under doctor's care July, 1894. My nerves and stomach are the trouble now, diarrhea gone; claims for indigestion; live on bread and milk; claims for shock also.

Dr. Kolipinski. He has chronic gastritis; the accident aggravated it.

November 18, 1893, United Life Insurance Association, of New York, refused to reinstate lapsed insurance after medical examination, on account of bad health.

Medical board: No present disability.

GEORGE R. GARNETT.—Age, 52; wife; returned to duty July 1; discharged next May; laborer; twenty-four years a soldier.

Claim.—Doctors, drugs, seashore, etc., $140.90.

Claim.—Severe bruises and sprain of back and right hip; internal injuries; nervous shock; persistent vomiting for several days; bloody urine—albumen constantly present. February, 1894: Back is very sore yet; have been completely impotent; stoop with great difficulty; piles continue troublesome; insomnia; constant headache; previous heart disease greatly aggravated; have experienced very little improvement. June, 1894: Spine out of trace; spine hurts all the time; have been discharged; does not mention impotency; before surgical board June, 1894, complained of impotency, shrunken testicles. (Examination by board showed them rather small.)

Dr. Jenner. Had bloody urine several days; spine is tender; was crazy as a loon at times; threatened suicide; don't know how to explain relation of injury to back with testicle troubles; hardly think there is any permanent injury; can't say whether his spine is injured or not; he was pensioned for heart trouble.

Medical board: Find no permanent disability.

CHARLES R. MILLER.—Age, 46 in 1893; wife and two children, and partially supports mother; been clerk in Record and Pension Office since 1882; salary, $1,200, paid to June 30, 1894; efficiency record, 91.9; No. 105 out 465 clerks; has pension of $72 per month on appeal to Secretary of Interior; spinal anchylosis and destruction of spinal nerves; injury to left leg; unable to reach foot with hand by 23 inches, hence needs attendance.

Claim.—Medical attendance, drugs, appliances, nursing, traveling expenses paid, $2,662.65.

Claim.—Loss of ability to earn $100 per month in office; abbreviated expectancy of life; intense and permanently continuing physical suffering; necessity for constant medical attendance and drugs and appliances, and unavoidable offensiveness from bladder injury.

Dr. Darragh, who attended him at and for the first month after the accident, says: "Numerous contusions and abrasions of scalp; hardly a sound spot as big as a dollar on top of head; unable to move his body or lower extremities; passive movements very painful; lacerated wound 2 inches long on right eye; bruise on abdomen from pubes to crest of ilium; spine badly sprained in lumbar region; neighboring tissue much swollen; partial paralysis and intense pain; both hands cut and bruised; the anchylosed knee badly bruised, poor nutrition making it serious; on the leg was an abrasion extending entire length of tibia, ending in a gouge at the ankle; had muscular tremor before the accident when excited."

Dr. Beebe, of Walled Lake, Mich., attended him after August, 1893, and says: "Totally and permanently unfit for manual or mental labor; suffers from shock and permanent injury of spine, paralysis of bladder, and periostitis of the membranes of the left tibia; shock to muscular and nervous system permanent; heart injured by shock; muscles of back and kidneys and lumbar region indicate severe injury; his head and entire body is in constant muscular tremor."

Three other doctors at Flint, Mich., corroborate this.

Normal weight, 190 to 200 pounds; present weight, 179 pounds.

S. H. Dickson, surgeon, and Leonard Wood, assistant surgeon, United States Army, say: "He is well nourished; heart and lungs apparently normal and doing their work perfectly; moderate muscular tremor, which seems to be general; temperature normal; skin healthy. In regard to injuries at Ford's Theater, we find partial loss of motion in joint left finger, due to injury from broken pen point; no evidence of any severe wounds; careful search discloses no cicatrices, but simply slight discoloration; no indications of any severe injuries to left leg could be discovered except old war injuries. Examination of urethra disclosed severe stricture, which existed before accident, for which proper treatment will to a very great extent bring relief. We think he did not receive any permanent injury in the disaster except to finger joint, and find no evidence of any severe wounds received at the time."

THOMAS MORLEY.—Age, 66; mechanical engineer; assistant messenger; wife and four minor children; $6 pension for bronchitis and varicocele; pay, $60 a month; discharged December, 1893.

Claim.—Medicine and attendance paid, $50; bills yet unpaid, $122; total, $172.

Claim.—Right arm greatly bruised from shoulder down; back severely injured. January, 1894: Arm swollen at first, then withered so as to be useless, and is gradually withering; back still painful at times; injury permanent. June, 1894: Tried to run elevator and fell on account of nervousness, and was then discharged; can use arm but little now; before accident could strike a 200-pound blow.

Lizzie Martin (witness): He seems very much shocked and in great pain; he has never been the same since the accident.

Dr. William Ward (swears): Atrophy of the muscles of the arm; thinks there is progressive muscular palsy; in all probability it will terminate in further disability.

Medical board: Find no permanent disability.

May 6, 1896, Dr. William Ward testified before the Commission that claimant has progressive muscular palsy in his arm, is incapacitated for manual labor, and is likely to die suddenly from the effect of the palsy.

Several witnesses testified to the fact that claimant was in the building at the time of the accident.

GEORGE W. SMOOT.—Age, 55; wife and three children; pensioned for heart trouble; discharged July, 1894; clerk.

Claim.—Expenses, $25.

Claim.—Severe injury to back and nervous shock. April, 1894: Have severe pains in back of head and soreness in back and spine, and very nervous. June, 1895: Resumed work 20th of January; could not turn over in bed for a week; was laid up last Monday; numbness and pain in back; have no tender place in back; got heart disease in the Navy in 1863; heart trouble has increased since the accident; did not have much trouble before.

George Morgan (witness): Helped claimant home; he was almost helpless; thought his back was broken; he was completely prostrated.

Dr. N. F. Graham: He was pretty badly shaken up; can not say that his heart is worse now than before the accident; he is more nervous than he used to be.

Medical board: No permanent disability.

May 5, 1896, a pension board of this city, after examination of claimant, state that he has serious injury to the back, that the back is still tender and painful, lumbar region painful on motion, muscular portion of lower limbs moderately diminished, right patellar reflex abolished, left diminished; claimant's gait is slow and cautious; he is very nervous.

SMITH TOMPSON.—Age, 75; $1,000 clerk; wife, requiring constant care and attention; discharged in April, 1894, along with 18 others, who testified before a coroner's inquest; attributes discharge to this fact.

Claim.—Doctors, nursing, and medicine, $90; nursing, $20; forty-nine days' lost time without pay, $133.15; doctors, $48; total, $291.15.

Claim.—Green fracture of rib; no distinct statement of precise character of injuries found; in April, 1894, he refers for this to his doctor, Elmer Southeron, who says, December, 1893, that claimant's nervous system is completely wrecked, and his statement that he passes sleepless nights, waking up at short intervals of fitful slumber and terrible forebodings, is well borne out by his condition; that shattered health is the direct result of the disaster. The doctor fears there is little hope of improvement; thinks it is a bad case. In May, 1895, the claimant says: My standing had been 90, reduction followed, and discharge came; I have little use of this arm; can write, but can not lift my arm; my injury nothing but a broken rib and a general shake up; can not take a full breath without pain where the rib was broken.

Dr. Elmer Southeron: He has gone down from 158 to 121 pounds; has insomnia and hallucinations; he was a man of splendid physique before the

accident; since that his condition has been growing worse; has some symptoms of pleurisy; think he will grow worse; treated him before accident; suffered only from bilious attack.

Medical board. No permanent disability.

NATHAN F. WHITE.—Age, 65; clerk class 1; three invalid sisters and brother dependent entirely; $12 pension; reported to office June 25; unable to work until five days thereafter; was then compelled to leave for six weeks; was under doctor's care until July, 1894; then discharged.

Claim.—Can not furnish itemized statement of expenses.

Claim.—Strangulated hernia in escaping; insomnia; injury permanent; had to use crutches for eight months; had a slight rupture before accident; it had given him no trouble for three years.

Dr. B. D. Adams: Claimant had mild hernia before accident; sometimes wore truss, sometimes not; perhaps he did not wear truss before accident; after accident I saw hernia very much enlarged; had considerable trouble in reducing it; had to give chloroform; he has to be very careful even with truss; slightest exertion brings it out; there is no question but that his hernia is a permanent disability; it was aggravated considerably by the accident.

Medical board find permanent disability and fix its degree at one-eighth.

Mr. HARRIS. May I inquire of the Senator from Maine if this is the final report upon the bill and if it disposes of the disagreement between the two Houses?

Mr. HALE. It is the final report, disposing of the bill.

The report was concurred in.

BALTIMORE AND WASHINGTON TRANSIT COMPANY.

Mr. GALLINGER. I ask the Senate to proceed to the consideration of the bill (H. R. 8469) to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia. It is a measure that ought to be passed before the adjournment of Congress. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE S. BAKER.

Mr. BRICE. I ask unanimous consent to call up for consideration a pension bill which I reported from the Committee on Pensions, being the bill (S. 2989) to increase the pension of Caroline S. Baker.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Pensions with an amendment, in line 5, before the word "dollars," to strike out "fifty" and insert "thirty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at $30 per month, subject to the provisions and limitations of the pension laws, the name of Caroline S. Baker, widow of John Howard Baker, late assistant engineer, United States Navy, in lieu of the pension she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE HAGER.

Mr. BRICE. I should like to have one other pension bill considered, if I can get unanimous consent for that purpose. I ask the Senate to proceed to the consideration of the bill (H. R. 4888) for the relief of George Hager.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to revoke the order of the Commissioner of Pensions of the date of April 10, 1895, to recover from George Hager, late a private of Company B, Ninety-ninth Regiment Ohio Volunteer Infantry, in the late war of the rebellion, by withholding from his current pension the sum of $2 per month from July 29, 1863, to September 14, 1881, inclusive.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARITY HOSPITAL AT BILOXI, MISS.

Mr. WALTHALL. I ask the Senate to proceed to the consideration of the bill (H. R. 7919) granting a site for the erection and maintenance of a charity hospital by the city of Biloxi, Miss.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOPHIA SPARKS AND JULIA C. SPARKS.

Mr. MITCHELL of Oregon. I ask unanimous consent for the present consideration of the bill (H. R. 956) for the relief of Sophia Sparks and Julia C. Sparks, of Annapolis, Md.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay jointly to Sophia Sparks and Julia C. Sparks, of Annapolis, Md., the sole heirs and surviving children of Edward Sparks, deceased, the sum of $670.58, in full payment for sundry supplies furnished by Edward Sparks at various dates between January, 1863, and July, 1866, to the United States Naval Academy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SURVIVORS OF LADY FRANKLIN BAY EXPEDITION.

Mr. SHOUP. I ask unanimous consent for the present consideration of the bill (S. 1277) for the appointment as lieutenants on the retired list of certain survivors of the Lady Franklin Bay expedition.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause, and insert:

That the President be, and he is hereby, authorized to cause Henry Biederbick, Julius R. Frederick, Francis Long, and Maurice Connell, survivors of the Lady Franklin Bay expedition, to be enlisted as sergeants of the Signal Corps of the Army and to place them on the retired list of the Army with the pay and allowances of sergeants of the Signal Corps who have been retired after continuous active service of fifteen years: *Provided*, That said pay and allowances shall be in lieu of any and all pensions that may have heretofore been granted to the persons hereinbefore named.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to place Henry Biederbick, Julius R. Frederick, Francis Long, and Maurice Connell on the retired list of enlisted men of the Army."

CLAIMS OF B. H. HENRY AND OTHERS.

Mr. LODGE. I ask unanimous consent for the present consideration of Calendar No. 1015, being a resolution reported by me from the Committee on Foreign Relations on the 13th of May last.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the President is hereby requested to continue the investigation and efforts hitherto made by the United States in the matter of the claims of B. H. Henry and other American citizens against the Government of Great Britain in regard to certain lands in the Fiji Islands, to the end that such an adjustment of such claims may be made as may be warranted by the facts and by the law applicable thereto.

MRS. SELENA M'KAY.

Mr. PASCO. I ask consent of the Senate for the consideration at this time of the bill (S. 1551) granting a pension to Mrs. Selena McKay, of Suwanee County, Fla.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, after the word "war," in line 9, to insert "and rate her at $8 per month"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension rolls, subject to the provisions and limitations of the pension laws, the name of Selena McKay, of Suwannee County, Fla., widow of William McKay, a soldier in Capt. C. C. Coffee's Company of Florida Volunteers, raised for service in the Mexican war, and rate her at $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN B. BESLER.

Mr. HAWLEY. I ask the Senate to permit me to call up at this time for consideration the bill (H. R. 5258) granting an honorable discharge to John B. Besler.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to correct the military record of, and grant an honorable discharge to, John B. Besler, late a private in Company M, First Regiment Connecticut Heavy Artillery, now a resident of New Haven, Conn.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADOLPH VON HAAKE.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (S. 1785) for the correction of muster of Adolph von Haake, late major Sixty-eighth Regiment Veteran Volunteer Infantry.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay Adolph von Haake the difference of pay and emoluments between major and captain of infantry from October 25, 1863, to November 12, 1863, and from March 4, 1865, to June 10, 1865.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HELEN LARNED.

Mr. CHANDLER. I ask unanimous consent for the present consideration of the bill (H. R. 6607) for the relief of Helen Larned.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll, at $25 per month, the name of Helen Larned, widow

of the late Frank H. Larned, major First Regiment United States Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH R. DRESSER.

Mr. TELLER. I ask leave to call up for present consideration the bill (S. 915) for the relief of Sarah R. Dresser.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Indian Affairs with an amendment, in line 21, after the word "from," to insert "the 16th day of April, 1888"; so as to make the bill read:

Be it enacted, etc., That the act entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same," approved June 15, 1880, be, and the same is hereby, amended by the substitution of the name of Mrs. Sarah R. Dresser for the name of George Dresser where it occurs in the first section of that act; and the Secretary of the Treasury is hereby directed to pay to the said Sarah R. Dresser, out of the portion of the money going to the White River Utes under this agreement, the sum of $300 per annum during her life, or until the expiration of the term of twenty years from the time the payment of the annuity to the said George Dresser under this agreement was begun; and, further, that the Secretary of the Treasury shall pay the said Sarah R. Dresser, out of the above-described fund, a sum equal in the aggregate to $300 per annum from the 16th day of April, 1888, the time of the said George Dresser's death, until the payment herein provided for shall be begun under the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

C. M. KIRKPATRICK.

Mr. TURPIE. I ask unanimous consent for the present consideration of the bill (S. 1488) appropriating $6,332.30 in payment of the claim of C. M. Kirkpatrick for paving the street adjacent to the United States arsenal at Indianapolis, Ind.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments.

The first amendment was, in section 1, line 5, after the word "thousand," to strike out "three hundred and thirty-two dollars and thirty" and insert "and forty-four dollars and twenty-two"; so as to make the section read:

That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $6,044.22 for the payment of the claim of C. M. Kirkpatrick for improving with brick the street known as Clifford avenue from the tracks of the Cleveland, Cincinnati, Chicago and St. Louis Railroad Company to a point 145 feet east of Newman street, including the roadway in front of and adjacent to the ground owned by the United States Government, known and designated as the United States arsenal, at Indianapolis, Ind.

The amendment was agreed to.

The next amendment was to insert as an additional section the following:

SEC. 2. That when this settlement is made the Secretary of the Treasury shall take proper steps to secure for the United States the same benefit that the city of Indianapolis has obtained for other property holders interested in this improvement, to wit: That the said Christian M. Kirkpatrick shall keep in repair the portion of the said Clifford avenue belonging to the United States for five years from the completion of the work, for the payment of which provision is hereinbefore made, without additional cost to the Government.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the payment of the claim of Christian M. Kirkpatrick for paving the street adjacent to the United States arsenal at Indianapolis, Ind."

GOVERNMENT RESERVATION AT FORT SMITH, ARK.

Mr. BERRY. I ask unanimous consent for the present consideration of the bill (S. 2923) for the better improvement of the Government reservation at the city of Fort Smith, in the State of Arkansas, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Lands with an amendment, in section 2, line 22, page 3, after the word "flagging," to insert "and maintain the same"; so as to read:

And shall grade, curb, and pave the sidewalks around said block reserved to the United States with good, substantial stone curbing and flagging, and maintain the same, the work to conform to the ordinances of said city.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JERUSHA H. BROWN.

Mr. PETTIGREW. I ask unanimous consent for the present consideration of the bill (H. R. 5279) granting a pension to Jerusha H. Brown.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll, at $12 per month, Jerusha H. Brown, of St. Paul, Minn., daughter of Samuel Hayward, a soldier in the American Revolution.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NORTH GEORGIA AGRICULTURAL COLLEGE.

Mr. CHANDLER. The Senator from Georgia [Mr. BACON], who was called away yesterday afternoon, endeavored to get up a bill, and he requested me to call it up for him. It is a very brief one. It is the bill (H. R. 4921) to relieve the North Georgia Agricultural College from the payment of $450 for damaged gun.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. LUCY ALEXANDER PAYNE.

Mr. WARREN. I desire to call up the bill (S. 1501) for the relief of Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 7, after the words "lieu of," to strike out "any pension to which she may be entitled under existing laws" and insert "the pension she is now receiving"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to put the name of Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry, on the pension roll at $50 per month, in lieu of the pension she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry."

CHARLES FLETCHER, ALIAS JAMES H. MITCHELL.

Mr. HAWLEY. I beg leave to call up the bill (S. 2742) for the relief of Charles Fletcher, alias James H. Mitchell.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 10, after the word "discharge," to insert:

Provided, That no pay, allowance, or pension shall accrue by reason of this act.

So as to make the bill read:

Be it enacted, etc., That the charge of desertion standing against Charles Fletcher, who served under the name of James H. Mitchell as a private in Company H, Ninety-fifth Regiment of New York State Infantry Volunteers, is hereby removed; and the Secretary of War is hereby authorized and directed to discharge the said soldier as of the date of July 16, 1865, to which said company and regiment were paid on their discharge: *Provided*, That no pay, allowance, or pension shall accrue by reason of this act.

Mr. HAWLEY. I did not know before that the words just read were reported by the committee as an amendment. I do not know whether the beneficiary wants a pension. He is a brother of the Chief Engineer of the Navy, a worthy man, and the circumstances are such that I do not think any penalty ought to attach. He was within a day or two of discharge when he got leave to come from Arlington Heights and spend a night with his friends. He was then afflicted with rheumatism, being taken very ill, and when he got better his regiment had gone to New York City and been discharged. I hope that the amendment will be disagreed to.

Mr. GALLINGER. It is not usual to attach such a clause.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Military Affairs.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DONATION OF CONDEMNED CANNON.

Mr. HILL. I ask unanimous consent to call up a rather unusual bill, relating to condemned cannon. It is the bill (H. R. 8262) authorizing and directing the Secretary of the Navy to furnish condemned cannon to certain Grand Army posts, a monument association, and an army post.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with an amendment, in line 17, after the word "Vermont," to insert:

Also, to the Sackanosset School for Boys, of Cranston, R. I., one unserviceable or condemned cannon for use by the school.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill authorizing and directing the Secretary of the Navy to furnish condemned cannon to certain Grand Army posts, a monument association, an army post, and a school."

Mr. CARTER. During the consideration yesterday afternoon of the bill (S. 3216) donating condemned cannon and condemned cannon balls to the Wyoming State Soldiers' Home, at Cheyenne, Wyo., I endeavored to obtain recognition in order to move an amendment. But I was unfortunate in not being able to do so. I now move that the votes by which the bill was read the third time and passed be reconsidered.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment.

Mr. CARTER. I now offer an amendment to the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "Wyoming," in line 6, it is proposed to insert:

And four condemned cannon and four pyramids of condemned cannon balls to the Montana State Soldiers' Home, at Columbia Falls, Mont.

The amendment was agreed to.

Mr. DUBOIS. With the consent of the Senator from Wyoming [Mr. WARREN], I should like to move a similar amendment for the Soldiers' Home at Boise City, Idaho. I will say that the amendments have been heretofore agreed to, but we consented to have the amendments go off of the bills on which they were put at the request of other Senators.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the amendment just adopted it is proposed to insert:

And four condemned cannon and four pyramids of condemned cannon balls to the Soldiers' Home at Boise City, in the State of Idaho.

Mr. WARREN. I am perfectly agreeable that these two amendments shall go on the bill if it does not go any further, as the three States are closely connected.

The amendment was agreed to.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. CARTER, the title was amended so as to read: "A bill donating condemned cannon and condemned cannon balls to the Wyoming State Soldiers' Home, at Cheyenne, Wyo., and for other purposes."

AWARD OF LIFE-SAVING MEDALS.

Mr. PERKINS. I ask unanimous consent to call up the bill (S. 2334) construing the acts of Congress in relation to the award of life-saving medals.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in line 7, after the words "award of," to insert "life-saving"; and in the same line, after the word "medals," to strike out "in certain cases of exceptional bravery"; and in line 9, after the word "bestow," to strike out "life-saving" and insert "such"; so as to read:

That so much of the acts relating to life-saving stations and the Life-Saving Service approved June 20, 1874, June 18, 1878, and May 4, 1882, as provide for the award of life-saving medals shall be construed so as to empower the Secretary of the Treasury to bestow such medals, etc.

The amendment was agreed to.

The next amendment was, in line 10, after the word "persons," to insert the word "hereafter"; so as to read:

Shall be construed so as to empower the Secretary of the Treasury to bestow such medals upon persons hereafter making signal exertions in rescuing and succoring the shipwrecked.

Mr. PERKINS. I hope this amendment will be disagreed to.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills:

A bill (S. 1420) granting an increase of pension to Elizabeth W. Sutherland;

A bill (H. R. 6739) for the relief of John N. Quackenbush, late a commander in the United States Navy; and

A bill (H. R. 7171) authorizing and directing the Secretary of the Navy to donate four condemned cannon and four pyramids of condemned cannon balls to James T. Shields Post, No. 45, Grand Army of the Republic, of Galesburg, Knox County, Ill., and for other purposes.

JUDICIAL DISTRICTS IN TEXAS.

Mr. PETTIGREW. I move that the Senate adjourn.

Mr. CHILTON. I hope the Senator from South Dakota will withhold that motion for a few moments.

Mr. HILL. I ask the Senator from South Dakota to withdraw the motion for a few moments, so that I may make a report from the Judiciary Committee.

The PRESIDING OFFICER. Does the Senator from South Dakota withdraw the motion for the purpose indicated?

Mr. PETTIGREW. Yes.

Mr. HILL. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. 2708) to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court, to report it with amendments.

Mr. PETTIGREW. I move that the Senate adjourn.

Mr. CHILTON. I hope the Senator from South Dakota will yield for just a moment. It will not take long to dispose of the bill just reported. It is very short, and there is no objection to it.

Mr. CHANDLER. It is the bill reported just now from the Judiciary Committee?

Mr. CHILTON. Yes, sir.

Mr. CHANDLER. I object.

Mr. CHILTON. The bill has already passed the other House.

Mr. CHANDLER. I object to its consideration to-night, having just been reported from the committee.

LANDS AT PORT ANGELES, WASH.

Mr. SQUIRE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota insist upon his motion that the Senate adjourn?

Mr. SQUIRE. I hope the Senator from South Dakota will withdraw the motion.

Mr. PETTIGREW. I withdraw the motion to adjourn, as I understand it is desired to have an executive session.

Mr. SQUIRE. I wish to ask unanimous consent to offer a resolution. I have consulted the Secretary of the Interior about it. It simply directs the Secretary of the Interior to suspend the time of sale of certain lots at Port Angeles, in the State of Washington, when payments are not made. There is no contest whatever about it. I submit the resolution at the request of the Secretary of the Interior, who advises that this action shall be taken, in view of pending legislation.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That in view of pending legislation the Secretary of the Interior be, and is hereby, directed to suspend the time for the payment to be made by such persons as have heretofore made due proof according to law of residence and improvements upon lots in blocks 103, 104, 105, 97, 134, 136, 137, 138, 146, 147, 111, and 116 in the town site of Port Angeles, in the State of Washington, and who have not yet completed the purchase of the same from the United States, until the 3d day of March, 1897, when payment shall be made to the receiver of the United States land office at Seattle, in the said State of Washington.

Mr. PETTIGREW. Unless there is a desire for an executive session, I shall renew my motion.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 6 o'clock and 9 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 5, 1896, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 4, 1896.

CONSULS-GENERAL.

William Churchill, of New York, to be consul-general of the United States at Apia, Samoa, to fill a vacancy.

David N. Burke, of New York, to be consul-general of the United States at Tangier, Morocco, vice John Judson Barclay, recalled.

CONSUL.

George F. Smithers, of Delaware, to be consul of the United States at Chungking, China, to take effect July 1, 1896.

APPOINTMENT IN THE NAVY.

Harry W. Jones, a resident of New Jersey, to be a chaplain in the Navy, to fill a vacancy existing in that grade.

PROMOTIONS IN THE ARMY.

Subsistence Department.

Lieut. Col. Thomas Wilson, assistant commissary-general of subsistence, to be assistant commissary-general of subsistence with the rank of colonel, June 1, 1896, vice Barriger, retired from active service.

Maj. William Anthony Elderkin, commissary of subsistence, to be assistant commissary-general of subsistence with the rank of lieutenant-colonel, June 1, 1896, vice Wilson, promoted.

Capt. Frank Edward Nye, commissary of subsistence, to be

commissary of subsistence with the rank of major, June 1, 1896, vice Elderkin, promoted.

Cavalry arm.

First Lieut. Andrew Goodrich Hammond, Eighth Cavalry, to be captain, May 31, 1896, vice Gillmore, Eighth Cavalry, retired from active service.

Second Lieut. George Edward Stockle, Tenth Cavalry, to be first lieutenant, May 31, 1896, vice Hammond, Eighth Cavalry, promoted.

Infantry arm.

First Lieut. Charles Walter Rowell, Second Infantry, to be captain, May 29, 1896, vice Ulio, Second Infantry, retired from active service.

POSTMASTERS.

Jennie T. Dessert, to be postmaster at Macon, in the county of Macon and State of Missouri, in the place of Frank A. Dessert, deceased.

John M. Vandiver, to be postmaster at Rome, in the county of Floyd and State of Georgia, in place of Mulford M. Pepper, deceased.

Alexander M. Brownley, to be postmaster at Franklin, in the county of Southampton and State of Virginia, in the place of Fulgence De Bordenave, whose commission expired April 8, 1896.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 4, 1896.

SURVEYOR OF CUSTOMS.

John F. Nash, of New York, to be surveyor of customs for the port of Syracuse, in the State of New York.

CONSUL-GENERAL.

William Churchill, of New York, to be consul-general of the United States at Apia, Samoa, to fill a vacancy.

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Second Lieut. George Edward Stockle, Tenth Cavalry, to be first lieutenant, May 31, 1896, vice Hammond, Eighth Cavalry, promoted.

Infantry arm.

First Lieut. Charles Walter Rowell, Second Infantry, to be captain, May 29, 1896, vice Ulio, Second Infantry, retired from active service.

POSTMASTERS.

Jennie A. Harmon, to be postmaster at Palmyra, in the county of Wayne and State of New York.

John M. Vandiver, to be postmaster at Rome, in the county of Floyd and State of Georgia, in the place of Mulford M. Pepper, deceased.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 4, 1896.*

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read.

The SPEAKER. The question is on the approval of the Journal.

The question was taken; and on a division (demanded by Mr. KEM) there were—ayes 137, noes 0.

Mr. KEM. No quorum, Mr. Speaker.

The SPEAKER. The gentleman makes the point that there is no quorum present. If gentlemen will have the kindness to present themselves in the Hall, so that they can be counted, it will save just so much time and annoyance. [After counting the House.] One hundred and seventy-nine gentlemen are present. The ayes have it, and the Journal is approved.

RETURN OF A BILL TO THE SENATE.

Mr. LOUDENSLAGER. Mr. Speaker, I wish to present a privileged report from the Committee on Pensions.

The Clerk read as follows:

Resolved, That the Committee on Pensions be discharged from the further consideration of the bill (S. 1420) granting an increase of pension to Elizabeth W. Sutherland, and that the said bill be returned to the Senate, in accordance with their request.

Mr. LOUDENSLAGER. Mr. Speaker, this is a bill on which the Senate have appointed conferees.

The resolution was agreed to.

Mr. SHERMAN. Mr. Speaker, I wish to present a privileged resolution.

Mr. OVERSTREET. I call for the regular order.

CONTESTED-ELECTION CASE—MURRAY VS. ELLIOTT, FIRST SOUTH CAROLINA DISTRICT.

The SPEAKER. The regular order is the contested-election case of Murray *vs.* Elliott, from the First district of South Carolina, which is before the House.

Mr. OVERSTREET. I move the previous question, Mr. Speaker.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the substitute.

The question was taken; and on a division (demanded by Mr. JONES) there were—ayes 32, noes 119.

Mr. JONES. Yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 48, nays 144, not voting 162; as follows:

YEAS—48.

Bankhead,	Erdman,	McCulloch,	Sorg,
Bartlett, N. Y.	Fitzgerald,	McDearmon,	Sparkman,
Bell, Colo.	Hall,	McMillin,	Stallings,
Bell, Tex.	Harrison,	McRae,	Sulzer,
Buck,	Hart,	Owens,	Talbert,
Catchings,	Jones,	Parker,	Tate,
Clardy,	Kleberg,	Patterson,	Terry,
Clarke, Ala.	Latimer,	Pendleton,	Turner, Ga.
Cobb,	Layton,	Richardson,	Wheeler,
Cooper, Tex.	Lester,	Russell, Ga.	Williams,
Culberson,	Little,	Sayers,	Wilson, S. C.
Ellett, Va.	Lockhart,	Shaw,	Yoakum.

NAYS—144.

Adams,	Curtis, Kans.	Hubbard,	Reeves,
Aldrich, Ala.	Danford,	Hunter,	Russell, Conn.
Aldrich, Ill.	Daniels,	Hurley,	Scranton,
Allen, Utah	Dayton,	Johnson, Cal.	Shafroth,
Andrews,	De Witt,	Joy,	Sherman,
Arnold, Pa.	Dingley,	Kerr,	Simpkins,
Atwood,	Dolliver,	Kiefer,	Smith, Ill.
Avery,	Doolittle,	Kirkpatrick,	Spalding,
Babcock,	Eddy,	Knox,	Sperry,
Baker, N. H.	Evans,	Lacey,	Stahle,
Barney,	Faris,	Lefever,	Stewart, Wis.
Barrett,	Fischer,	Leighty,	Stone, C. W.
Belknap,	Gamble,	Leonard,	Strode, Nebr.
Bennett,	Gibson,	Linney,	Strong,
Bingham,	Gillet, N. Y.	Long,	Sulloway,
Bishop,	Goodwyn,	Loudenslager,	Taft,
Black, N. Y.	Graff,	Mahany,	Tawney,
Blue,	Griswold,	Marsh,	Tayler,
Brewster,	Grow,	Mercer,	Thomas,
Broderick,	Hadley,	Miller, W. Va.	Thorp,
Bromwell,	Hager,	Milnes,	Towne,
Brumm,	Hainer, Nebr.	Minor, Wis.	Tracewell,
Bull,	Halterman,	Mitchell,	Tracey,
Burton, Mo.	Hardy,	Moody,	Updegraff,
Burton, Ohio	Harmer,	Mozley,	Van Horn,
Calderhead,	Harris,	Murphy,	Van Voorhis,
Cannon,	Hartman,	Otjen,	Walker, Mass.
Chickering,	Hatch,	Overstreet,	Wanger,
Clark, Iowa	Hemenway,	Payne,	Warner,
Clark, Mo.	Henderson,	Pearson,	Watson, Ohio
Codding,	Henry, Ind.	Pitney,	White,
Connolly,	Hepburn,	Poole,	Willis,
Cook, Wis.	Hilborn,	Powers,	Wilson, Idaho
Cooke, Ill.	Hill,	Prince,	Wilson, N. Y.
Crowley,	Hopkins,	Pugh,	Wilson, Ohio
Crump,	Howe,	Quigg,	Wood.

NOT VOTING—162.

Abbott,	Cowen,	Hanly,	Livingston,
Acheson,	Cox,	Heatwole,	Lorimer,
Aitken,	Crisp,	Heiner, Pa.	Loud,
Allen, Miss.	Crowther,	Hendrick,	Low,
Anderson,	Cummings,	Henry, Conn.	Maddox,
Apsley,	Curtis, Iowa	Hermann,	Maguire,
Arnold, R. I.	Curtis, N. Y.	Hicks,	Mahon,
Bailey,	Dalzell,	Hitt,	McCall, Mass.
Baker, Kans.	De Armond,	Hooker,	McCall, Tenn.
Baker, Md.	Denny,	Howard,	McCleary, Minn.
Barham,	Dinsmore,	Howell,	McClellan,
Bartholdt,	Dockery,	Huff,	McClure,
Bartlett, Ga.	Dovener,	Hulick,	McCormick,
Beach,	Downing,	Huling,	McCreary, Ky.
Berry,	Draper,	Hull,	McEwan,
Black, Ga.	Elliott, S. C.	Hutcheson,	McLachlan,
Boutelle,	Ellis,	Hyde,	McLaurin,
Bowers,	Fairchild,	Jenkins,	Meiklejohn,
Brosius,	Fenton,	Johnson, Ind.	Meredith,
Brown,	Fletcher,	Johnson, N. Dak.	Meyer,
Burrell,	Foote,	Kem,	Miles,
Cockrell,	Foss,	Kendall,	Miller, Kans.
Coffin,	Fowler,	Kulp,	Milliken,
Colson,	Gardner,	Kyle,	Miner, N. Y.
Cooper, Fla.	Gillett, Mass.	Lawson,	Mondell,
Cooper, Wis.	Griffin,	Leisenring,	Money,
Corliss,	Grosvenor,	Lewis,	Morse,
Cousins,	Grout,	Linton,	Moses,

Neill,	Reyburn,	Southwick,	Underwood,
Newlands,	Robertson, La.	Spencer,	Wadsworth,
Noonan,	Robinson, Pa.	Steele,	Walker, Va.
Northway,	Royse,	Stephenson,	Washington,
Odell,	Rusk,	Stewart, N. J.	Watson, Ind.
Ogden,	Sauerhering,	Stone, W. A.	Wellington,
Otey,	Settle,	Strait,	Wilber,
Perkins,	Shannon,	Strowd, N. C.	Woodard,
Phillips,	Shuford,	Swanson,	Woodman,
Pickler,	Skinner,	Treloar,	Woomer,
Price,	Smith, Mich.	Tucker,	Wright.
Raney,	Snover,	Turner, Va.	
Ray,	Southard,	Tyler,	

So the substitute was rejected.

The following pairs were announced:

Until further notice:

Mr. DALZELL with Mr. CRISP.

Mr. GILLETT with Mr. COWEN.

Mr. SMITH of Michigan with Mr. BERRY.

Mr. DRAPER with Mr. SPENCER.

Mr. LOUD with Mr. SWANSON.

Mr. BURRELL with Mr. COCKRELL.

Mr. STEPHENSON with Mr. NEILL.

Mr. STEELE with Mr. MCCLELLAN.

Mr. HEATWOLE with Mr. DINSMORE.

Mr. BARTHOLDT with Mr. DENNY.

Mr. MCCALL of Massachusetts with Mr. DE ARMOND.

Mr. FOSS with Mr. MCLAURIN.

Mr. NORTHWAY with Mr. PRICE.

Mr. COUSINS with Mr. LIVINGSTON.

Mr. BOWERS with Mr. MINER of New York.

Mr. SNOVER with Mr. MADDOX.

Mr. CORLISS with Mr. MOSES.

Mr. JOHNSON of Indiana with Mr. COX.

Mr. PICKLER with Mr. MILES.

Mr. BARHAM with Mr. KYLE.

Mr. MEIKLEJOHN with Mr. CROWLEY.

Mr. FOOTE with Mr. HUTCHESON.

Mr. COLSON with Mr. KENDALL.

Mr. WILLIAM A. STONE with Mr. LAWSON.

Mr. ELLIS with Mr. OTEY, except Aldrich-Underwood election case.

Mr. ROYSE with Mr. TURNER of Virginia, except on Tucker-Yost election case.

For this day:

Mr. MCCLEARY of Minnesota with Mr. RUSK.

Mr. BROSIUS with Mr. BAILEY.

Mr. RANEY with Mr. WASHINGTON.

Mr. PERKINS with Mr. MEYER.

Mr. MORSE with Mr. ABBOTT.

Mr. WOOMER with Mr. ALLEN of Mississippi.

Mr. HICKS with Mr. STRAIT.

Mr. LEONARD with Mr. DOWNING.

Mr. MCCALL of Tennessee with Mr. ROBERTSON of Louisiana.

Mr. MAHON with Mr. OGDEN.

On this question:

Mr. GROSVENOR with Mr. CUMMINGS.

Mr. LEISENRING with Mr. TUCKER.

Mr. SOUTHARD with Mr. MONEY.

Mr. HOOKER with Mr. MCCREARY of Kentucky.

Mr. JENKINS with Mr. TRELOAR.

Mr. LINTON with Mr. SKINNER.

Mr. FENTON with Mr. STROWD of North Carolina.

Mr. WRIGHT with Mr. BLACK of Georgia.

Mr. KULP with Mr. MAGUIRE.

Mr. LEWIS with Mr. HENDRICK.

Mr. HERMANN with Mr. MEREDITH, on this vote.

Mr. JOHNSON of North Dakota with Mr. MCLAURIN, on the election contest of Murray *vs.* Elliott.

Mr. FOWLER with Mr. BARTLETT of Georgia, on all election cases except Aldrich *vs.* Underwood.

Mr. HULICK with Mr. TYLER, on contested election cases.

Mr. HEATWOLE. Mr. Speaker, I am paired with the gentleman from Arkansas, Mr. DINSMORE. If he were present I would vote "nay."

Mr. DAYTON. My colleague, Mr. HULING, was sick this morning and could not be present and desires me to announce that if he were present he would vote "nay."

Mr. KYLE. Mr. Speaker, I desire to state that I am paired with the gentleman from California, Mr. BARHAM. I therefore withdraw my vote.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is on agreeing to the resolutions.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. JONES. Division.

The House divided; and there were—ayes 114, noes 37.

Mr. JONES. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 153, nays 33, not voting 168; as follows:

YEAS—153.

Acheson,	Dayton,	Johnson, Cal.	Scranton,
Adams,	De Witt,	Joy,	Settle,
Aldrich, Ala.	Dingley,	Kerr,	Shannon,
Aldrich, Ill.	Dolliver,	Kiefer,	Sherman,
Allen, Utah	Doolittle,	Kirkpatrick,	Simpkins,
Andrews,	Dovener,	Knox,	Smith, Ill.
Arnold, Pa.	Eddy,	Lacey,	Spalding,
Atwood,	Evans,	Lefever,	Sperry,
Avery,	Faris,	Leighty,	Stahle,
Babcock,	Fischer,	Leonard,	Stewart, N. J.
Baker, N. H.	Fletcher,	Linney,	Stewart, Wis.
Barney,	Gamble,	Long,	Stone, C. W.
Barrett,	Gardner,	Loudenslager,	Strode, Nebr.
Belknap,	Gibson,	Mahany,	Strong,
Bennett,	Gillet, N. Y.	Marsh,	Sulloway,
Bingham,	Goodwyn,	McClure,	Taft,
Bishop,	Graff,	McEwan,	Tawney,
Black, N. Y.	Griswold,	McLachlan,	Tayler,
Blue,	Grout,	Mercer,	Thomas,
Brewster,	Hadley,	Miller, W. Va.	Thorp,
Broderick,	Hager,	Milnes,	Towne,
Bromwell,	Hainer, Nebr.	Minor, Wis.	Tracewell,
Brumm,	Halterman,	Mitchell,	Updegraff,
Bull,	Hardy,	Mondell,	Van Horn,
Burton, Mo.	Harmer,	Moody,	Van Voorhis,
Burton, Ohio	Harris,	Mozley,	Walker, Mass.
Calderhead,	Hartman,	Murphy,	Walker, Va.
Cannon,	Hatch,	Otjen,	Wanger,
Chickering,	Hemenway,	Overstreet,	Warner,
Clark, Iowa	Henderson,	Payne,	Watson, Ohio
Clark, Mo.	Henry, Ind.	Pearson,	White,
Codding,	Hilborn,	Phillips,	Willis,
Cook, Wis.	Hill,	Pitney,	Wilson, Idaho
Cooke, Ill.	Hopkins,	Poole,	Wilson, N. Y.
Crowther,	Howe,	Prince,	Wilson, Ohio
Crump,	Howell,	Pugh,	Wood.
Curtis, Kans.	Hubbard,	Quigg,	
Danford,	Hunter,	Reeves,	
Daniels,	Hurley,	Russell, Conn.	

NAYS—33.

Abbott,	Culberson,	McCulloch,	Talbert,
Bankhead,	Fitzgerald,	McRae,	Tate,
Bartlett, N. Y.	Jones,	Parker,	Turner, Ga.
Bell, Tex.	Kleberg,	Patterson,	Underwood,
Buck,	Latimer,	Pendleton,	Williams,
Clardy,	Layton,	Sayers,	Yoakum.
Clarke, Ala.	Lester,	Sparkman,	
Cobb,	Little,	Stallings,	
Cooper, Tex.	Lockhart,	Sulzer,	

NOT VOTING—168.

Aitken,	Draper,	Leisenring,	Ray,
Allen, Miss.	Ellett, Va.	Lewis,	Reyburn,
Anderson,	Elliott, S. C.	Linton,	Richardson,
Apsley,	Ellis,	Livingston,	Robertson, La.
Arnold, R. I.	Erdman,	Lorimer,	Robinson, Pa.
Bailey,	Fairchild,	Loud,	Royse,
Baker, Kans.	Fenton,	Low,	Rusk,
Baker, Md.	Foote,	Maddox,	Russell, Ga.
Barham,	Foss,	Maguire,	Sauerhering,
Bartholdt,	Fowler,	Mahon,	Shafroth,
Bartlett, Ga.	Gillett, Mass.	McCall, Mass.	Shaw,
Beach,	Griffin,	McCall, Tenn.	Shuford,
Bell, Colo.	Grosvenor,	McCleary, Minn.	Skinner,
Berry,	Grow,	McClellan,	Smith, Mich.
Black, Ga.	Hall,	McCormick,	Snover,
Boutelle,	Hanly,	McCreary, Ky.	Sorg,
Bowers,	Harrison,	McDearmon,	Southard,
Brosius,	Hart,	McLaurin,	Southwick,
Brown,	Heatwole,	McMillin,	Spencer,
Burrell,	Heiner, Pa.	Meiklejohn,	Steele,
Catchings,	Hendrick,	Meredith,	Stephenson,
Cockrell,	Henry, Conn.	Meyer,	Stone, W. A.
Coffin,	Hepburn,	Miles,	Strait,
Colson,	Hermann,	Miller, Kans.	Strowd, N. C.
Connolly,	Hicks,	Milliken,	Swanson,
Cooper, Fla.	Hitt,	Miner, N. Y.	Terry,
Cooper, Wis.	Hooker,	Money,	Tracey,
Corliss,	Howard,	Morse,	Treloar,
Cousins,	Huff,	Moses,	Tucker,
Cowen,	Hulick,	Neill,	Turner, Va.
Cox,	Huling,	Newlands,	Tyler,
Crisp,	Hull,	Noonan,	Wadsworth,
Crowley,	Hutcheson,	Northway,	Washington,
Cummings,	Hyde,	Odell,	Watson, Ind.
Curtis, Iowa,	Jenkins,	Ogden,	Wellington,
Curtis, N. Y.	Johnson, Ind.	Otey,	Wheeler,
Dalzell,	Johnson, N. Dak.	Owens,	Wilber,
De Armond,	Kem,	Perkins,	Wilson, S. C.
Denny,	Kendall,	Pickler,	Woodard,
Dinsmore,	Kulp,	Powers,	Woodman,
Dockery,	Kyle,	Price,	Woomer,
Downing,	Lawson,	Raney,	Wright.

So the resolution was adopted.

The following additional pairs were announced:

Mr. TRACEY with Mr. HALL.

Mr. CURTIS of Iowa with Mr. RICHARDSON, for this day.

Mr. HALL. Mr. Speaker, I am paired with my colleague, Mr. TRACEY. If he were present, I should vote "no."

The result of the vote was then announced as above recorded.

Mr. OVERSTREET. Mr. Speaker, Mr. Murray, who has just been declared entitled to a seat on this floor, is present and desires to take the oath of office.

Mr. Murray on appearing at the bar of the House was greeted with loud applause on the Republican side. The oath of office was administered by the Speaker.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate still further insists upon its amendments to the bill (H. R. 8293) making appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes, numbered 14, 24, 25, 30, 31, 37, 74, 79, 80, 81, 82, 83, 103, 104, 105, 106, 122, 137, 147, 148, 190, 192, and 200, disagreed to by the House of Representatives, had disagreed to the amendments of the House to the amendments of the Senate numbered 27, 207, and 208, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. ALLISON, and Mr. COCKRELL as the conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and joint resolution were taken from the Speaker's table and referred by the Speaker as follows:

Joint resolution (S. R. 147) concerning the improvement of the Kennebec River, Maine—to the Committee on Rivers and Harbors.

A bill (S. 2526) for the relief of Twyman O. Abbott—to the Committee on Claims.

A bill (S. 581) for the relief of the legal representatives of Hiram Somerville—to the Committee on War Claims.

A bill (S. 2859) changing the time for holding circuit court of the United States at Hartford, in the district of Connecticut—to the Committee on the Judiciary.

A bill (S. 2954) to increase the pension of Margaret Custer Calhoun—to the Committee on Pensions.

A bill (S. 206) to provide an American register for the steamer *Kahului*—to the Committee on the Merchant Marine and Fisheries.

A bill (S. 2281) to amend an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892—to the Committee on Pensions.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had further insisted upon its amendment to the bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HARRIS, Mr. WETMORE, and Mr. PROCTOR as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, had still further insisted upon its amendments numbered 32, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, and 52, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. QUAY, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, had further insisted upon amendments numbered 40, 61, 69, 87, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 105, 154, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 193, 194, 195, and 201, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. TELLER, Mr. ALLISON, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, had further insisted upon its amendments numbered 64, 69, and 70, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the bill (H. R. 7171) authorizing and directing the Secretary of the Navy to donate four condemned cannon and four pyramids of condemned cannon balls to James T. Shields Post, No. 45, Grand Army of the Republic, of Galesburg, Knox County, Ill., and for other purposes.

GENERAL DEFICIENCY BILL.

Mr. CANNON. Mr. Speaker, I call up from the Speaker's table the general deficiency bill, and move that the House insist upon its amendments to the Senate amendments numbered 37, 207, and 208, and agree to a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. CANNON, Mr. ARNOLD of Rhode Island, and Mr. SAYERS.

MRS. EMILY M. VAN DERVEER.

The SPEAKER laid before the House the bill H. R. 2143, with amendments of the Senate thereto.

The bill and amendments were read.

Mr. THOMAS. Mr. Speaker, I move that the House nonconcur in the Senate amendments and agree to the request for a conference.

The motion was agreed to, and it was so ordered.

The SPEAKER appointed as conferees on the part of the House Mr. SULLOWAY, Mr. WOOD, and Mr. BAKER of Kansas.

JOHN KEHL.

The SPEAKER also laid before the House the bill (H. R. 1261) for the relief of John Kehl, and to restore him to his former rating, with amendments of the Senate thereto.

The bill and amendments were read.

Mr. BROMWELL. Mr. Speaker, that is a bill that was introduced by me, and I ask that it be referred back to the Committee on Invalid Pensions.

There was no objection, and it was so ordered.

MRS. EMILY GOULD CARR.

The SPEAKER laid before the House the bill (H. R. 4354) granting a pension to Mrs. Emily Gould Carr, with amendments of the Senate thereto.

The bill and amendments were read.

Mr. THOMAS. I move that the House nonconcur in the amendments of the Senate and ask for a conference.

The motion was agreed to, and it was so ordered.

The SPEAKER appointed as conferees on the part of the House Mr. POOLE, Mr. KERR, and Mr. MCCLELLAN.

HARRIET C. GREGG.

The SPEAKER also laid before the House the bill (H. R. 2006) to increase the pension of Harriet C. Gregg, with an amendment of the Senate thereto.

The bill and amendment were read.

On motion of Mr. THOMAS, the amendment of the Senate was concurred in.

MRS. WILLIAM LORING SPENCER.

The SPEAKER also laid before the House the bill (H. R. 4020) granting an increase of pension to Mrs. William Loring Spencer with an amendment of the Senate thereto.

The bill and amendment were read.

On motion of Mr. THOMAS, the amendment was nonconcurred in and a conference asked for.

The SPEAKER appointed as conferees on the part of the House Mr. ANDERSON, Mr. KERR, and Mr. MCCLELLAN.

JOHN N. QUACKENBUSH.

The SPEAKER also laid before the House the bill (H. R. 6739) for the relief of John N. Quackenbush, late commander United States Navy, with an amendment of the Senate thereto.

The bill and amendment were read.

Mr. HEPBURN. Mr. Speaker, I move that the House concur in the amendment of the Senate.

The motion was agreed to.

On motion of Mr. HEPBURN, a motion to reconsider the vote by which the amendment of the Senate was concurred in was laid on the table.

MARTIN VS. LOCKHART.

Mr. STRODE of Nebraska. Mr. Speaker, I desire to call up the contested-election case of Martin *vs.* Lockhart, from the Sixth Congressional district of North Carolina.

Mr. BAILEY. Mr. Speaker, against that I desire to raise the question of consideration; and with the permission of the Speaker and of the House, I would like to say that I do this because the views of the minority have not been printed, and they have not been printed because of the objection made by the gentleman from Nebraska [Mr. KEM].

The SPEAKER. The Chair will submit a request for unanimous consent to file the views of the minority, if the gentleman from Texas desires it.

Mr. BAILEY. I do desire it, Mr. Speaker.

The SPEAKER. The Chair will state to the House that the rules require that the views of the minority shall be presented at the same time as the report of the committee, and it is only a question of delay on which the unanimous consent of the House is asked.

Mr. BAILEY. With the permission of the Chair, I will say that the reason the views of the minority were not presented with the report of the committee is that the gentleman who prepared the report told me he would hand it to me as soon as they were prepared, but they were filed and I never saw them until they were in print. I had no opportunity to inspect them, and when we attempted to make a unanimous agreement looking to the filing of the views of the minority after the report of the majority had been filed objection was made. I then prepared the views of the minority, and on Tuesday last I asked consent that they might be filed and printed, but again objection was made.

The SPEAKER. The Chair thinks the proposition is a reasonable one, and will submit it to the House. If there be no objection, the gentleman from Texas [Mr. BAILEY] will be allowed to file the views of the minority.

Mr. KEM. I object, Mr. Speaker.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM]. The gentleman from Texas raises the question of consideration. The question is, Will the House consider the resolutions?

The question having been put,

The SPEAKER. The ayes seem to have it.

Mr. BAILEY. I call for a division.

The SPEAKER. The Chair thinks the resolutions have not been read. The Clerk will read them.

The Clerk read as follows:

Resolved, That James A. Lockhart was not elected a Representative to the Fifty-fourth Congress from the Sixth Congressional district of North Carolina and is not entitled to the seat.

Resolved, That Charles H. Martin was elected a Representative to the Fifty-fourth Congress from the Sixth Congressional district of North Carolina and is entitled to the seat.

The SPEAKER. The question is, Will the House consider the resolutions just read?

Mr. BAILEY. Of course, if the House should decide to consider these resolutions, I shall submit a substitute.

The SPEAKER. There will be opportunity to do so.

The question being taken, there were—ayes 90, noes 15.

Mr. BAILEY. No quorum.

The SPEAKER (after counting the House). One hundred and seventy-eight members are present; a quorum. The ayes have it; and the House decides to consider the resolutions.

Mr. BAILEY. I now ask to submit a substitute.

The SPEAKER. The gentleman from Texas desires to present a substitute, which will be read and considered as pending.

The Clerk read as follows:

Resolved, That James A. Lockhart was duly elected a Representative to Congress from the Sixth Congressional district of the State of North Carolina at the election held on the 6th day of November, 1894, and is entitled to the seat which he now holds as such Representative.

Mr. STRODE of Nebraska. Mr. Speaker, this contest comes from the Sixth Congressional district of the State of North Carolina. In the majority report, which is printed as House Report 2002, and which members can obtain by sending to the document room, there is a mistake in the printing of the title of the case. By a typographical error it is entitled "James A. Lockhart *vs.* Charles H. Martin." The names should be reversed and the title should read "Charles H. Martin *vs.* James A. Lockhart," as Mr. Martin is the contestant.

Mr. Speaker, before entering upon a discussion of the case I desire to say, because many members are inquiring of me how long this case will probably occupy the attention of the House, that I shall call for the previous question at as early an hour as possible. I hope to secure a vote upon this case before 3 o'clock this afternoon.

Mr. LOUDENSLAGER. Before 3?

Mr. STRODE of Nebraska. At 3 o'clock, or as soon after 3 o'clock as I can get the floor to move the previous question.

Mr. Speaker, the six Republican members of Elections Committee No. 2, to which this case was referred, have unanimously agreed upon the report finding that the contestant is entitled to his seat in this House. There is no minority report on file; but I understand the three Democratic members of the committee unite in a dissenting report, which has not been filed or printed.

It may not be out of place here to say that the Republican members of this committee—Elections Committee No. 2—have been fair and nonpartisan in the decision of all the cases that have been referred to this committee, and determined by it, during this session of Congress. The Republicans of this committee have voted five times solidly in favor of allowing Democratic contestees to retain their seats in this House. The Democratic members of the committee have always voted with them when they have reported in favor of a Democrat retaining his seat. The Republicans during the session have agreed upon majority reports in favor of seating two Republicans. In one of those reports we were unanimous; in the other there was one Republican who dissented from the majority of the committee.

Mr. BAILEY. As the gentleman from Nebraska wants of course to be accurate, he ought to have stated that there have been three Democrats unseated, instead of two.

Mr. STRODE of Nebraska. I will state the matter correctly if the gentleman from Texas will wait until I can do so. In one case the Republicans of the committee were unanimously in favor of unseating a Democrat and declaring the election void.

The Democratic members of this committee have always voted solidly in favor of the sitting member, and we have disposed of nine cases in which the sitting member was a Democrat. This case makes the tenth one. Our Democratic colleagues have always been solidly with us when we reported in favor of Democrats and always solidly against us when we have reported against Democrats.

In the present case the Republican members of the committee are unanimous in their report in favor of seating the contestant, who is a Populist, but who was indorsed by the Republicans of that Congressional district; and he ran upon what is known in North Carolinia as a Fusionist or cooperative ticket.

Before I commence to deal with the facts of this case, it may be necessary for me to explain some of the provisions of the election law of North Carolina in force in 1894; a law which has since been repealed because of its many odious features; repealed by a legislature in which the Democrats were in the minority.

Mr. GROSVENOR. As I want to be informed about this matter, will the gentleman allow me a question?

Mr. STRODE of Nebraska. Yes, sir.

Mr. GROSVENOR. I understand that the views of the minority of the committee have not been printed?

Mr. STRODE of Nebraska. No, sir.

Mr. GROSVENOR. I understand that some objection was made to the request for filing and printing the minority views?

Mr. STRODE of Nebraska. Yes, sir.

Mr. GROSVENOR. There was a single objection by a Populist Representative from Nebraska?

Mr. STRODE of Nebraska. Well, I suppose the RECORD will show as to that. He is here to answer for himself; or if not, the RECORD will furnish the answer.

Mr. GROSVENOR. And but for that objection, the views of the minority would have been laid before the House upon this question involving a contest between a Democrat and a Populist?

Mr. STRODE of Nebraska. For the information of the gentleman from Ohio [Mr. GROSVENOR] I will say that before I presented the majority report I went to my colleague from Nebraska [Mr. KEM], who had been objecting to everything that required unanimous consent, and informed him that I desired to present the majority report, and that the minority would doubtless ask unanimous consent to present their views. I informed him that the contestant, whom the majority proposed to seat, was a Populist, and I asked him to not object to a unanimous consent for the minority to have their report printed.

He informed me that he could not help it; that if it was his father, or his own brother, he would still raise the objection. So his objection was made with a full knowledge of its effect upon his part. And I will say further, that when the minority of the committee a few days ago again asked unanimous consent to print their views, and the gentleman from Nebraska had objected, I went to him again and asked him to withdraw the objection, for the reason that I feared it would carry the case over this session, and that we desired to present it at the earliest possible moment. But he still refused to withdraw his objection, and the minority have not had their views printed, and assign that as a reason why they do not want to proceed with the hearing of the case at this time. But notwithstanding the objection of my colleague from Nebraska [Mr. KEM] the minority could have had their report printed and on the desks of members at this time, and they knew quite well what course to pursue to procure the printing of their views.

This election law which was in existence in 1894, when this Congressional election was held, was one of the most iniquitous ever enacted by any of the Southern States in some of its features, and particularly so with reference to the appointment of election officers, organization of canvassing boards, and the powers given to canvassing boards, and also with reference to the registration of voters. The election board in each voting precinct consisted of a registrar and four judges, commonly called in North Carolina "poll holders." These election officers were all appointed by the board of county commissioners. The board of county commissioners were appointed by the board of justices of the peace for the county. The boards of justices of the peace in the different counties of the State were appointed by the legislature of the State. This law was enacted by a Democratic legislature. Nearly all of the counties of that State were at the time of its enactment under the control of the Democrats, and of course the Democratic members elected to the legislature having the appointment of the justices of the peace were influenced by the county Democratic committees in their selection of men to fill these offices. Under this law, in 1894, the entire machinery of the election was under the control of the Democratic party.

The registrar was, under this law, a member of the election board. The four judges were to be selected, two from the Democratic party and two from some other party; that is, two were to be from the majority party and two from the minority party; the apparent intention being that both parties should be represented fairly on the election boards. The constitution of the State requires that every voter must be registered before he can vote. There is no limitation, however, on the rights to register and vote, except the usual ones, namely, that the voter shall be a citizen of the United States, a resident of the State and the county for the required time, 21 years of age, and not an idiot or lunatic.

When the county commissioners in some of the counties in this Congressional district, and particularly in those counties where the returns of the votes are in controversy in this case, appointed a Republican or a Populist representative on the precinct election boards they made it a rule to select negroes who were illiterate, or weak and easily influenced, or those whose politics were doubtful; or if they appointed white men they appointed those only who were under the control of the Democratic leaders of the precincts, and if they named any good or representative men for the election boards they would name persons whom they knew would not serve. In one precinct they named a Republican for judge of election who was qualified in every way except that he was hard of hearing—intelligent enough, with sufficient education, but he would not serve because he could not hear well. So they appointed in other precincts negroes under 21 years of age. Such cases as these appear in the record. It was left in the hands of the Democratic registrars to appoint persons to fill vacancies on the election boards, and they always filled such vacancies as existed with Democrats, i. e., vacancies caused by Republicans failing to serve.

When the vote was cast and counted the Democrats, who always had at least three out of five of the members of the election board in every precinct, selected one of their number to convey the official returns of the precinct to the register of county deeds, and there the vote was canvassed by the board of county canvassers. This county canvassing board was made up of the one member from each precinct who had been selected by the precinct election boards to take the returns and file them in the office of the register of deeds. So that the county canvassing boards were always solidly Democratic. The county canvassing boards were given the power and authority to judicially pass upon all the facts relative to the election, and judicially determine and declare the result of the same; they also had the power and authority to send for papers and persons, and examine the latter on oath. They had the power to throw out votes or whole precincts, and to make just such returns or abstracts of votes as they in their judicial capacity saw fit to make; and these abstracts of votes made up by the county canvassing boards were forwarded to the secretary of state. Such power I do not believe has ever been conferred on the county canvassing boards in any other State of this Union. But the precinct election boards had performed their duties so satisfactorily that the Democratic county canvassing board of this Congressional district did not find it necessary to "judicially" throw out any votes or precincts.

Those provisions of the law applicable to questions involved in this case are printed in the report of the majority of the committee.

I desire now to call your attention to the precincts that are attacked by the contestant, and which the majority of the committee have noticed in their report. First, however, I had better, as I have not yet done so, I believe, state what the returns of this district show the vote to have been for the contestant and contestee. There are eight counties in this Congressional district. There were returned by the State canvassing board for the contestee (Mr. Lockhart) 13,996 votes, and for the contestant (Mr. Martin) 13,552 votes, giving to the contestee a majority of 444 votes. A majority of the committee, six members of it, have agreed upon a majority report, which finds that Mr. Martin should have accredited to him a majority of 330 votes.

Now I shall proceed to discuss the testimony upon which we arrive at that conclusion. And first I will take up Rockingham precinct, in Richmond County. In this precinct there were 479 white and 310 colored voters. There were challenged at this precint 103 colored men who were not allowed to vote, and not a white man was challenged. Seventy-two out of the 103 who were challenged, and whose votes were rejected, were called by the contestee as witnesses in this case, and their testimony is in the record. The list is published in the report so that members desiring to examine it may do so and determine for themselves the peculiarities of registration in the State of North Carolina where Democrats had control of the registration of voters. Rockingham Township contains within its boundary lines the incorporated town of Rockingham. The incorporated town of Rockingham is inside of the township bearing the same name.

Now, bearing these facts in mind, I desire to call your attention to some of the testimony in this case, and before doing so, I want to state that the Democratic registrar in this township, when a colored man would come to register whom he knew to be a Republican or a Fusionist, he would ask him: "Where were you born," and the colored man would reply, "in Rockingham"; and he would register him as if he were born in the incorporated town of Rockingham, when he knew the voter meant the township. If on election day he presented himself to vote he was asked: "Where were you born?" and replied, "I was born in Rockingham Township," the election board would say, "But you are registered as having been born in Rockingham; you can not vote. Get out of here." If he said that he was born in Rockingham Township and happened to have been born in Rockingham, they disfranchised him for that reason. So, in registering his place of residence, the registrar would ask him, "Where do you live?" "I live in Reckingham." The registrar was careful not to add the word township, although he knew full well that Rockingham town was in Rockingham Township, and that the voter lived in the township and not in the town. And on election day the man's vote would be rejected because he was registered as residing in Rockingham, when as a matter of fact he resided in the township.

I desire to call your attention to some of the testimony in support of this. The list of rejected voters is published in the report, and you will see by an examination of that list, which appears on pages 6, 7, and 8 of the report, that the registration book had six headings under which entries were to be made when registering a voter—the name, age, occupation, and place of birth, place of residence, date of registration, and the township or county from whence removed. I call your attention to the fact that in Rockingham Township, out of 103 rejected voters, there is but one entry under the head of the "Township or county from whence removed." On election day some of these voters, as the evidence in this record shows, were refused the right to vote because under the heading "Township or county from whence removed" there was no entry made by the Democratic registrar. How can you account for the fact that in 102 cases there was no entry made in that column upon any other theory than that the registrar himself neglected to ask the voter from what township or county he came into Richmond County, and into Rockingham Township? Ought this House to refuse to count all such votes when they are shown by the evidence to have been offered for contestant? Shall we permit that Democratic registrar, by his neglect of duty toward those who had attempted to register and vote, to disfranchise such voters.

Now, with these peculiarities with reference to this registration list, I call your attention to the following testimony; first to that of Emanuel Cole, jr., which is found on page 21 of the printed record. The printed record in this case contains about 400 pages:

Q. What is your name?
A. Emanuel Cole, jr.
Q. What is your age?
A. Twenty-nine.
Q. Did you register to vote at the election held for Rockingham Township Richmond County, N. C., in November, 1894?
A. Yes, sir.
Q. Did you vote?
A. No, sir.
Q. Why not?
A. I was challenged.
Q. What was you challenged for?
A. The place of residence.
Q. Where did you reside in November, 1894—what township?
A. Rockingham Township, Richmond County, N. C.
Q. How long have you resided in Rockingham Township?
A. Twenty-nine years.

All his lifetime. He was only 29 years old. He was born and raised in that township.

Q. What ticket did you offer to vote?
A. Republican and Populist ticket.
Q. Who did you offer to vote for for Congress?
A. Charles H. Martin.

This voter when he went to register was asked by the registrar, "Where do you reside?" "I reside at my father's place." He was born and raised there. The registrar knew where that was, and knew it was in Rockingham Township. "His father's place" was the only entry made. On election day his vote was challenged, and the challenge sustained, because the registration book did not show that he resided in Rockingham Township.

The next witness to whose testimony I call your attention is Edward Cole. His testimony is found on page 9 of the report and on page 23 of the record:

Q. What is your name?
A. Edward Cole.
Q. How old are you?
A. Twenty-three.
Q. Did you register to vote at the election held for Rockingham Township, in Richmond County, N. C., in November, 1894?
A. Yes, sir.
Q. Did you vote?
A. No, sir.
Q. Why were you not allowed to vote?
A. I was challenged on my place of residence.
Q. What was you told about your place of residence as a challenge?
A. Was told I did not give it in right.

Q. How did they say you had given it in?
A. They didn't say.
Q. Where was your place of residence at that time?
A. Rockingham Township, Richmond County, N. C.
Q. How long have you resided in Rockingham Township?
A. Twenty-three years.

All his lifetime; born and raised there.

Q. What ticket did you offer to vote?
A. Republican and Populist ticket.
Q. Who did you offer to vote for for Congress?
A. Charles H. Martin.

Cross-examination:

* * * * * * *

Q. Did you claim to the judges of election when you offered your vote that you were registered as residing in Rockingham Township, Richmond County, N. C.?
A. Yes, sir.
Q. And they informed you that you were not so registered, did they not?
A. Yes, sir.

Under the heading of "Place of residence" the registrar wrote "with his father," omitting the township, and so he was challenged and the challenge sustained, and his vote rejected, for the same reason that Emanuel Cole's vote was rejected.

I call your attention to some of the testimony of the registrar himself. It is found on page 47 of the record:

Q. Did the judges of election have a division on any challenged voter's vote during the day? And if so, state how many and how you voted on them.
A. My recollection is that there was a division among the judges of election only as to the right of one negro to vote. I cast the deciding vote in his favor, and his vote was received.
Q. In every other case in which the vote was rejected, is it not your recollection that the rejection was made without objection of any judge of election?
A. Yes, sir.

I imagine that gentlemen on the other side of this case will say, when they come to review this testimony, that here was an election board at Rockingham township that had two Republicans upon it. It is true; and they voted with the Democrats every time. The registrar of election here, from whose testimony I have just read, was one of the proprietors of a cotton mill in this township. One of those Republican poll holders, or judges of election, who had been appointed by the county commissioners, was an employee in that mill; the other Republican poll holder had his children working in a mill owned by a company of which this registrar was also the president; and the record in this case shows that the county commissioners appointed these two Republicans to represent the Republicans upon this election board who were, both of them, completely and thoroughly under the control of the Democratic registrar.

I want to call your attention to the testimony of Levi Steele, on page 18 of the record and page 10 of the report:

Q. What is your name?
A. Levi Steele.
Q. How old are you?
A. Twenty-seven.
Q. Were you registered to vote in the election of November, 1894?
A. Yes, sir.
Q. Did you vote?
A. No, sir.
Q. Why were you not allowed to vote?
A. They said I lived in town.
Q. How long have you lived in Rockingham Township, Richmond County, N. C.?
A. Three years in the township; in the county all my life.
Q. What ticket did you offer to vote?
A. The Republican and Populist ticket.
Q. Who did you offer to vote for for Congress?
A. Charley Martin.

Cross-examination:

Q. How far from the town of Rockingham do you live?
A. Four miles.
Q. When you came to vote did you not tell the registrar of election that you lived 4 miles from Rockingham?
A. No, sir.
Q. Didn't you tell the registrar of election when you offered to vote, when asked where you lived, that you lived outside of the town of Rockingham?
A. I told him I lived in Rockingham Township.
Q. Did you tell the poll holders, on the day of election, that you lived inside the town of Rockingham?
A. No, sir.
A. Did they not tell you that the only Levi Steele on the registration books was one registered as living in Rockingham, Richmond County, N. C.?
A. Yes, sir.
Q. You did not claim to them that you lived in the town of Rockingham, did you?
A. No, sir.
Q. Can you read?
A. I can read print a little bit.

The next testimony to which I will refer is that of Wheeler Leak. His testimony appears on page 20 of the record and page 11 of the report:

Q. What is your age?
A. Twenty-seven.
Q. What is your name?
A. Wheeler Leak.
Q. Did you register to vote at the election held for Rockingham Township, in Richmond County, N. C., in November, 1894?
A. Yes, sir.
Q. Did you vote?
A. No, sir.
Q. Why not?
A. I told them I lived in Rockingham Township; then they said I lived in the corporation.
Q. What corporation?
A. Rockingham town.
Q. What ticket did you offer to vote?
A. Populist and Republican.
Q. Who did you offer to vote for for Congress?
A. Charles Martin.

Then the cross-examination comes. Contestee's attorneys bring out the fact, if the contestant's do not, upon which the challenges were based.

Q. You do not live in the town of Rockingham, Richmond County, N. C., do you?
A. I live in Rockingham Township, Richmond County, N. C.
Q. Please answer the question last asked you. Do you live in the town of Rockingham, Richmond County, N. C.; yes or no?
A. I don't live in the town of Rockingham, but I live in Rockingham Township, Richmond County, N. C.
Q. Did you claim before the poll holders, when offering your ballot, that you lived in Rockingham, Richmond County, N. C.?
A. No, sir: I told them I lived in Rockingham Township, Richmond County, N. C.

I now call your attention to the testimony of Joe Neal, found on page 28 of the record and page 11 of the report:

Q. What is your name, age, and residence?
A. Joe Neal; 48 years; residence, Richmond County, N. C., Rockingham Township.
Q. How long have you lived in Rockingham Township?
A. All my life.
Q. Were you registered to vote at the elect. on held for Rockingham Township in November, 1894?
A. Yes, sir.
Q. Did you offer to vote and did you vote?
A. I offered; I did not vote.
Q. Why did you not vote?
A. On account of my birth was the reason they said I could not vote.
Q. Where were you born?
A. Rockingham Township, Richmond County, N. C.
Q. Who did you offer to vote for for Congress?
A. Charlie H. Martin.

Cross-examination:

Q. What part of Rockingham Township were you born in?
A. Outside of the town.

Yet he was registered as having been born in the town, and because so registered, when as a matter of fact he was born outside of the corporation, his vote was rejected; and so were a number of others, for the same defect in registration.

I now call your attention to the testimony of one Louis Wall:

Q. What is your name, age, residence, and how long have you lived there?
A. Louis Wall; 32 years old; Rockingham Township, Richmond County, N. C.; lived there all my life.
Q. Did you register to vote at the election held for Rockingham Township in November, 1894?
A. Yes, sir.
Q. Did you offer to vote; did you vote?
A. I offered; did not vote.
Q. Who did you offer to vote for for Congress?
A. Charles H. Martin.
Q. Was your vote rejected?
A. Yes, sir.

Now, the cross-examination brings out the fact why he was not allowed to vote.

Q. Were you born in Rockingham, N. C.?
A. Not in the town of Rockingham.

The record shows that out of these 72 rejected voters that were called to the witness stand more than 40 of them—I think it is 48, but I am not certain—were actually born and raised in Rockingham Township or in Richmond County. Upon such trivial grounds as I have pointed out in the testimony I have read to you, their votes were challenged and rejected. Of the 103 that were rejected the contestant called 72 of them to the witness stand, and their testimony is similar to that I have quoted.

The committee finds that out of that 72 there was one man who was called to the witness stand who did not offer his vote. He found that he was challenged and did not offer to vote. There was another who was challenged and offered to vote against whom there was a criminal record. He had been convicted of a felony, and there was no evidence that he had been pardoned or restored to citizenship, and so his vote was rejected. And as to the other 70 the testimony shows that they were legal voters, every one of them. All of them swore positively that they went to the polls and offered to vote for this contestant, Charles H. Martin. They were registered; and this Democratic registrar believed them to be voters when they registered or he would not have placed their names on the registration list. On the election day they were all rejected for imperfect registration. I think this contestant has done remarkably well to procure the testimony of 72 of 103 to show why their votes were rejected, and if he could have procured the testimony of all the 103 he would have probably shown anywhere from 90 to 100 entitled to vote whose votes were rejected. But it would doubtless have been an impossibility for the contestant to have found and called to the witness stand all of the 103 voters in the short length of time allowed him for taking testimony. Seventy legal voters, whose names were on the registration list and whose votes were tendered for the contestant and refused, should be counted for him and added to

the number of votes returned for him from Rockingham Township.

I pass now from Rockingham Township to Stewartsville Township. In that township there were registered 307 white and 414 colored voters. Eight white voters and 284 colored voters were challenged. The challenges to the eight white voters were all overruled except one. Every white man challenged was allowed to vote except one, and he was a Populist. One hundred and sixty-seven negroes were prevented from voting by reason of challenges; that is to say, the challenges were sustained and the votes were rejected by the election board. There were 265 whites who voted at this precinct on election day. There were 41 whose names appeared upon the registration list who did not offer to vote. There were 133 colored men who voted on that day, and 112 colored men had registered who did not offer to vote. Mr. Lockhart was given by the returning board in this precinct 295 votes and Mr. Martin 14. The registrar in this precinct was a Democrat. Upon the witness stand he admitted that in registering the names of voters he had put them on the registration list in such form that he knew challenges to such voters could and would be sustained on election day. In other words, he made the same kind of entries in this township as were made by the Democratic registrar in Rockingham Township. I will not stop to go into the details of this registration, but I will call attention to some of the testimony in the record touching it. I read from the testimony of this Democratic registrar, which is found on page 18 of the report:

Q. When a voter, in registering, in answer to the question, "What is your place of residence?" stated John A. McBryde's, as did Jesse W. Graham, did you not know as a fact that John A. McBryde's was in Stewartsville Township, and, notwithstanding such knowledge, register his residence John A. McBryde's, without stating the township you knew John A. McBryde's to be in, and thus leave him incompletely registered?

A. I knew that the registration was incomplete in such cases, and invariably explained that place of residence meant a legal division of the country, such as incorporated towns, townships, counties, and States; except when they were with their coachers, several answered John A. McBryde's, Daniel A. Patterson's, Roper's, and other farms, and I would try to get them to tell where those farms were located without success. I did not register for any of them. Frequently they would find out that they were wrong in their answers, and when they would return I would make such corrections as they wished. Some, in giving the place of birth, would say Richmond. I would explain to them that there was a Richmond, Va., Richmond, Ky., Richmond, N. C., and a Richmond County, Ga., Richmond County, Va., Richmond County, N. C., and asked them what Richmond they wished to put down, the same as the other localities that were not definite. I knew that John A. McBryde's, Daniel A. Patterson's, Roper's, and other plantations mentioned by voters were in Stewartsville Township; but when they would not say so, I would not put it down.

Q. Was there a single white man and Democrat rejected for improper registration?

A. The only white man rejected was for improper registration, and he was a Populist.

If you will turn to the list of rejected voters of this township, printed in the report, you will find that Populist's name first on the list. The difficulty in his case was this: In stating his occupation and place of birth he had said, "Moore County," omitting to add "North Carolina," or, if he did say North Carolina, it was not put down. He was the only white man whose vote was rejected at this precinct, and there were 167 of these imperfect registrations of colored voters whose votes were rejected.

The election board in this precinct was made up of four Democrats and one Republican. The Republican and Populist voters sought representation upon the board. I read an extract from the testimony of Angus Currie, found on page 60 of the record:

Q. Do you know of any effort made either by the Republican or Populist voters to secure a different arrangement of the boxes? If so, state it.

A. I don't know of any with regard to the boxes. I do know we wanted some representation as to judges of election.

Q. State that.

A. We got up a petition of some 400 or 500 names and sent before the county commissioners asking them to give us some representation, and if they would not give us any Populist, to give us some good men. We named three or four Democrats that they could choose from. They did not put any of them on. We were not asking for all of them, but we wanted some of them.

The testimony touching other precincts is to the same effect. The Populists and the Republicans petitioned these Democratic boards to appoint men of their own choice, and it would be satisfactory to them, to represent them upon the election boards, but in not a single instance was any man appointed who was named by the minority party. On the contrary, the men selected were tools that the Democratic managers knew they could make use of, though the men appointed pretended, in most instances, to be Republicans or Populists.

I will call attention to some of the testimony with reference to this precinct. There is testimony in this record tending to prove that the Democratic party there attempted to intimidate negro voters. On this point I call attention to some testimony which is found on page 61 of the record and is cited on page 16 of the report:

Q. If you know anything of guns being stored in the back of this building, back of the ballot boxes, on the day of election, tell it.

A. That day, about 12 o'clock, Mr. Calvin McKinnon went in and got his gun out; said he reckoned they would not need it in there any more. That night, about the time they were done counting the votes, came three or four out of the back end of the house with guns.

This testimony is wholly uncontradicted. This witness also testified as to the marking of the ballot boxes. One thing I forgot to state which enters largely into the consideration of the case touching this and other precincts. In North Carolina they had several ballot boxes at all the precincts. They had one for the State legislative ticket, one for the State judicial ticket, one for the county ticket, one for the Congressional ticket, another for the ticket for constable, etc. The law required that these several ballot boxes should be marked in plain Roman letters. On this point, of the ballot boxes in Stewartsville precinct let me call attention to this bit of testimony:

Q. What time of day did you vote?

A. I voted about 8 o'clock in the morning.

Q. State whether you could easily tell the names of the ballot boxes or not, and whether you had to examine closely to distinguish them.

A. I could not easily tell; the boxes were badly marked. I could tell one box from another, but none was marked what I considered right and proper. I was here on the evening before the election and the boxes was very well labeled in good letters that anybody could read; that was about sundown that evening. When I got back next morning the boxes had all been changed, the letters on them fine, and sorry letters were on in their stead.

One or two others testified to the same state of facts. The voter, if he cast his own vote, was required to read the names upon the ballot boxes and put in his vote. If he did not cast it himself, he handed his tickets to the poll holders and they put them in for him.

I call attention to the testimony of a prominent citizen of this township:

Q. What is your name, age, residence?

A. Daniel A. Patterson; aged 35 years; residence, Stewartsville Township, Richmond County, State of North Carolina.

Q. Were you present at the election held for Stewartsville Township in November, 1894?

A. I was.

Q. Describe the voting place for Stewartsville Township.

A. It was in a two-story brick building with a wall in front of the door, several feet from the door, extending to the ceiling; there was room enough at either end for one person to pass; back of that wall 8 or 10 feet was another wall extending up nearly to the ceiling. I think; higher than a man's head, with an entrance to the back room; between the two walls were two old counters; the judges of election was behind the one facing the front door, with their faces toward the front door; there was a wall rather dividing the front entrance and extending back to the front wall; a voter came in and turned to the right, I think it was; as he voted he went out to the left and came out the same door he came in.

Q. Could the ballot boxes and judges of election be seen from the front of the building?

A. They could not.

Q. Did you see any men who exercised the authority of marshals or constables that day? And if so, tell what was their actions.

A. I saw several acting as special police; did not know them all; they seemed to have charge of the election; acting as though they were running it.

(Answer objected to by contestee for the reason that the witness has sworn not what was, but what seemed to be.)

Q. State how these marshals were placed about the polling place.

A. There were one or two at the entrance all day, and in the space between the counters around the polls I saw two or three.

Q. Did these marshals control the entrance of voters to the polls and their exit from them?

A. They did.

Q. Did any one of these marshals make threats to you? And if so, state what it was and how it happened.

A. That morning when I got to the polling place I went into the bull pen; I noticed the labels on the boxes had been changed; that is, the evening before they were in large, plain letters; two of the regular nominated judges of election were there at the boxes. I said to them, if I were in their places as judges of election, that I would have those boxes plainly labeled; that they had a right to do so. I went in back room, back of this wall, where there was another one of the judges, and was speaking to him about it, when Mr. James P. McRae came up and said I was using incendiary language and ought not to be—or words to that effect—using such language or talking that way to those negroes. I replied that I only advised them as judges of election to do what they had a right to do, or what I would do if I was judge. I left the room and went back to where the boxes were, the polling place, where Mr. Maxcy L. John followed me, and said that I had better mind how I talked around there; that if there was a riot raised there that day that myself and two or three others, I don't think he mentioned their names, will be the first to fall, or suffer; I think fall was the word he used. There was something said about bullets; I don't remember what it was.

Q. Were the ballot boxes fairly and plainly labeled?

A. No, sir; they were not. Some of them were not spelled right; one, at least, the Congressional box; some letters left out and was very poorly written.

Q. Were there any windows in that part of the building which was walled off to keep the ballot boxes in?

A. No windows in that part of it.

Q. Was the light in this walled-off part of the building where the ballot boxes were good or dim?

A. Rather dim: it was not good.

Q. Where was the public and general entrance to the voting place?

A. Front door.

Q. Was there any back entrance to the voting place? And state what you know about it.

A. Judging from the number of Democratic votes, I think there was; very few went in the front door. I don't know of my own personal knowledge, for I did not go back there.

Q. State what you may know or have been informed about guns being stored in the building in which the election was held, in November, 1894, in Stewartsville Township?

A. Personally, I know nothing. It was generally understood that there were guns stored in upper part of the building. I was reliably informed that there was a gun taken from there during the day. One party came out with a gun; there were two or three taken from there after the voting was over. It was talked all during the day that guns were there. I believe there were, from the fact that people told me that there were.

Q. If you know anything about liquor being stored in that building, tell it.

A. Don't know anything about liquor.

Q. Was the election held in Stewartsville Township on November 6, 1894, a fair election?

A. No.

Q. State whether any vote or votes were rejected by the judges of election who were entitled to vote.

A. They were, to my own knowledge, properly registered; had been there all their lives.

Q. State whether the number of marshals present at the election; their acts and manner; the rejection of qualified voters by judges of election; storing of guns in the building, and holding the election in a walled-off space in the building, where the light was dim or not good, and the number of Democratic bystanders who stood around and about the ballot boxes, had the effect to intimidate any of the voters; filled them with indifferent feeling about voting, or caused some of them to leave the polls and go home.

A. It undoubtedly did, of my own personal knowledge.

Q. State whether any effort was made by any class of people to get the election held in an open and fair way; and if so, what was that effort?

A. Yes, sir; Mr. D. O. Cameron and myself went to Mr. A. F. Bizzell and told him that we would furnish lumber, and haul it there, and help build the bull pen or voting place, if they would let us have the saying as to how it should be built, or built according to the Payne election law; that is, rail it off instead of wall it off. His answer was, "We are not broke yet."

Q. State why a great many voters offered to vote only the county ticket.

A. From the fact the conducting and general management of the election was such that a great many of them could not get their tickets in the proper boxes, and they voted one ticket in all the boxes so as to be sure of one.

Q. What class of voters voted this way?

A. They were illiterate. Both white and black; both Republican and Populist voted the Cooperation ticket.

Q. What ticket did those vote who could read?

A. They voted the straight Populist or Cooperation ticket.

Q. You say those who could read voted the Populist or Cooperation ticket. Is that the same ticket; and what do you mean by the Populist or Cooperation ticket?

A. Yes, sir; we gave a full ticket. The Populist and Cooperation ticket was one and the same ticket. We did not have but one ticket. A Populist would call it a Populist ticket, a Republican would call it a Republican ticket, and some would call it Cooperation.

Q. What particular work did you do in connection with the election?

A. I was distributing Cooperation tickets most of the time.

Q. Do you know anything of voters getting money, or orders for money, in the building where the election was held on election day for voting the Democratic ticket? If so, tell it.

A. Not of my own personal knowledge.

Q. If any voter told you so, tell it.

A. Several of them reported that they were not allowed to vote, and after not being allowed to vote were called back and offered money to vote the Democratic ticket.

Now, I call attention to some other testimony in the record. I read from the testimony of the registrar himself, showing how he registered these voters:

Q. State how many of the voters you have named who registered their occupation as farming or farmer were challenged on account of such registering?

A. About 113 so registered were challenged for occupation, and a good many of them for other defective registration.

Now, notice that these voters were challenged for imperfect registration of their occupation. One hundred and thirteen of them, according to the testimony of this Democratic registrar, had given their occupation as "farming" or "farmer." Now, notice this testimony:

Q. Please explain the challenge made to the voter who was challenged for occupation, and who stated his occupation as farming or farmer.

A. None of the cases challenged as farmer or farming reached me for decision, the judges of election deciding all of them on testimony as to whether he was engaged as a farmer or cropper or worked for wages on a farm. My recollection is that the judges decided that where a man worked his own land, rented land for stipulated price or part of the crop, that farmer or farming applied to him, and when he worked for wages on a farm or elsewhere it did not apply to him as a farmer any more than a clerk in a store as a merchant.

In other words, 113 of these negroes who gave their occupation as "farmers" or "farming," and who were only hired hands upon plantations in that precinct, were disfranchised by the election board on the ground that a man working for wages on a farm was not a "farmer," and that his occupation could not be described as "farming."

It was upon such technicalities as these that 167 colored voters were refused the right to vote in Stewartsville Township at the election in November, 1894.

There is evidence of bribery in that township. I read from the testimony of John M. McKennon, found in the record at page 56:

Q. What do you know about money being used to buy votes with on the day of election?

A. There was two voters that brought two checks to Mr. Zack Long and myself for $2 apiece, and stated that they were directed to go to Mr. Charlie Coble and they would be cashed. We then—Mr. Long and myself—walked up street together and told them to go and get the money and bring it back to us across the street opposite the store; each one brought $2 in greenbacks to us; we saw the money; they said they had gotten the checks in the polling place for voting the Democratic ticket. While we were standing there another man came up with $5 which he said he had received for voting the Democratic ticket; we did not see the check.

This testimony is corroborated. I read from the testimony of Angus Currie, at page 61 of the record:

Q. Do you know anything about money being used to buy voters that day? If so, tell it.

A. I saw one darky come out with a little card of pasteboard. Mr. A. F. Bizzell's name was written on the bottom of the card. The darky said they gave it to him for voting the Democratic ticket, and to carry it up to Mr. Charlie Coble's and he would give him $2 for it. There was three names on the card—the name of the voter, the name of the man that carried him in, and Bizzell's. His name was on with pen and ink; the others with lead pencil. There was others, but I did not examine their cards; told me they had them.

Q. State whether A. F. Bizzell and Charlie Coble are Democrats or not.

A. Yes, sir; they are Democrats.

Q. Did these men, who had the tickets for money, come out of the back or front door of the voting place?

A. They come out of the back door.

Q. Did they say they got those tickets in the voting place or not?

A. They said they got them in the voting place for voting the Democratic ticket.

This testimony, gentlemen, stands wholly uncontradicted in this record. There is further testimony of the same kind. Bribery is thus proven by four or five witnesses who saw the evidence of it. It was committed in the polling place in the presence of the election officers. So the majority of the Committee on Elections say that the election in this precinct, by reason of the storing of guns, the presence of marshals, the apparent intention to intimidate the colored voters, the bribery proven, the sustaining of challenges, and the rejection of votes upon trivial and insufficient grounds, should be declared void. There is no way to ascertain what would have been the result had a fair and honest election been held in this precinct. The returns have been thoroughly impeached, by reason of the corruption of the election board, so that we say, "Throw out the precinct," the effect of which is to take away from the contestee 295 votes and from the contestant 14 votes that were returned for them.

I come now to Lumberton precinct, Robeson County; and I shall have to pass on very rapidly, for my time is brief. In order to bring this matter directly to the attention of the House I will read from the testimony of Mr. D. P. Allen (record, page 153), which will bring some of the features of the case distinctly to the minds of those who are giving me attention:

Q. 104. Are you a resident and qualified elector of the county of Robeson and precinct or township of Lumberton, State of North Carolina?

A. I am.

Q. 105. Did you vote at the election held in said precinct or township the 6th day of November, 1894?

A. I did.

Q. 106. Please state, to the best of your recollection, the condition of the ballot boxes and the position occupied by the judges of election at the time you cast your ballot.

A. The ballot boxes, five of them, were on a long table in midway of the court-house hall, and these five were held by Messrs. John Pitman, J. R. Fuller, and —— Roach; I don't know his first name. The other box, "constable's," was on a small table a few paces off and held by Alfred Merrick.

Q. 107. Was there any inscription, and of what nature, to designate what ballots were to be put into each of the several boxes?

A. There were inscriptions on the boxes of small printed type when I when in.

Q. 108. Was it sufficient to inform the elector at ordinary examination to tell in which box to place the ballot?

A. I do not think it was.

[Here the hammer fell.]

Mr. BAILEY. I ask unanimous consent that the gentleman be permitted to proceed.

Mr. MILLER rose.

Mr. STRODE of Nebraska. My colleague on the committee [Mr. MILLER] will yield me a part of his time.

Mr. BAILEY. As a matter of course, two gentlemen would not be entitled to speak in succession on the same side. I therefore ask that the gentleman from Nebraska be permitted to proceed by unanimous consent.

The SPEAKER pro tempore (Mr. DOLLIVER). The gentleman from Texas asks that the gentleman from Nebraska be permitted to proceed with his remarks.

Mr. KEM. I object.

Mr. MILLER. I yield to the gentleman all my time, if he wants it.

Mr. STRODE of Nebraska. I thank the gentleman very much for his courtesy. I was reading from the testimony of D. P. Allen, and I will continue the reading:

Q. 109. Were you in any way intimidated before or at the time you cast your ballot?

A. Well, sir, when I first came in at 7 the two colored poll holders was standing in the middle of the hall and were not holding any boxes. I asked them where were their boxes; they said they had none but the constable's box. I told them they had a right to half of the boxes, as there were six, and to go and get two more; they said the others wouldn't give them any more. I told them I would take some more of them; they said they had asked them for some more boxes, but they would not give them any more. I told these colored men that if I was appointed poll holder I would not be "bullied" in this way; that they had the same right, being appointed by law to hold polls, as the other gentlemen, and I would have some more boxes; they said that they did not want to get in any fuss. One of them, Mosely, said he was not going to have anything more to do with it. About this time the registrar arose and came up to me and said, "Look here, you are disturbing this election, and if you do not stop I will have you arrested and put in the guardhouse." I said to him, "I am doing nothing but contending for what is right. These two men were appointed to hold polls; they have a right to half of these boxes." He said that I had nothing to do with this matter. Seeing that there was no use to argue, I left and went and called Mr. Proctor and Dr. Norment, and told them to come over here and see how the judges were conducting business. Mr. Proctor did not come, but Dr. Norment did, and when we got back to the door the door was shut, so that neither of us could get in except to vote. Dr. Norment stood at the door and talked to the poll holders about not giving the two colored men their share of the boxes, but the poll holders did not do any different.

One of these poll holders left; he was disgusted. The constable's box was placed, as the evidence shows, about 15 or 20 feet away from the other five boxes; and these two colored Republican poll holders were told that they might take care of the constable's box. There was running for constable in that township but one man, and he was a Democrat. Those men were not afraid to trust these two Republicans to take care of his interest, there being but one

candidate. The Democratic poll holders directed these two colored Republicans to take charge of the constable's box, which, as I have said, was placed 15 or 20 feet away from the other boxes. Under those circumstances one of the Republican poll holders got angry and left; the other stayed and remained in charge of the constable's ballot box. The Democratic registrar immediately appointed another man in the place of the one who left. The man appointed was a Democrat. Remember that just a moment before his appointment they would not allow either of the two colored Republicans to be at or have anything to do with the other five boxes.

Now, here is what was sworn to by the Democrat who was substituted for the colored poll holder who left:

Q. 849. What box did you have charge of?
A. I didn't have charge of any particular box. Five of the boxes were setting on the table, and I deposited tickets in all of the five boxes.
Q. 850. What box was on the table by itself, and who had charge of that?
A. The constable box; Merrick had charge of it.

Merrick was the Republican poll holder. I read now from his testimony:

Q. 142. Where were you put to keep the constable's box?
A. About 4 yards from the long table, toward the back door.
Q. 143. What was on the long table?
A. The five boxes.
Q. 144. Did the other poll holders allow you to have anything to do with the other five boxes?
A. No, sir.

Now, this is important, and I hope members will note it carefully:

Q. 145. Did you see anyone who went in to vote and ask the poll holder to put his tickets in the right boxes?
A. Yes, sir.
Q. 146. What did the poll holders do or say at that time?
A. They said, "Which box?" and the voters said, "You ought to know which is the proper box." They refused to take their ticket for about five minutes. Then the poll holders said, "I will put it in this box if you say so;" and so they did.
Q. 147. Did you offer or try to put his tickets in the right boxes?
A. Yes, sir; I made the attempt five times. I was told to "Keep away from these five boxes, for you have nothing to do with them;" and I said, "I think I have something to do with these boxes." Rather than raise any confusion at all I wouldn't say any more to them; but I noticed how the voters voted, and I saw the ticket placing in the wrong box. I said, "You have placed the tickets so far in the wrong boxes, and you said I have nothing to do with those five boxes; therefore I don't think that I have any right to sign the scroll, and I'll leave."
Q. 148. Were you kept from putting those tickets in the right boxes by the other poll holders?
A. Yes, sir.
Q. 149. What did they do to you to keep you from it?
A. They told me to keep away the fourth trial I made; and the fifth attempt I made came up to me and pushed me, and told me to keep away from these five boxes.
Q. 150. Were you afraid to try again?
A. No, sir; but to keep down a fuss I wouldn't attempt.
Q. 151. Do you know whether the poll holders refused to put any other ticket in the right boxes?
A. No, sir.
Q. 152. Do you know whether or not one of the poll holders who stayed at the five boxes did not wish to put the voters' tickets in the boxes?
A. They all refused our men.
Q. 153. Did they refuse to put any Democratic voters' tickets in the right boxes?
A. No, sir; for they reached out their hands before their men got quite to the table.
Q. 154. Did you sign the returns from this precinct as one of the poll holders, or judges of election?
A. No, sir; I did not.
Q. 155. Why?
A. Because I knew it wasn't just; the election wasn't carried on justly.
Q. 156. Why wasn't the election just?
A. Because, sir, I didn't think I was treated right.
Q. 157. How did they treat you?
A. They say that I must keep away from these five boxes, when I know that I had a right to tend to those boxes—as much so as you, when casting the vote therein.
Q. 158. Do you mean to say that you had as much right to be around the other five boxes as the other poll holders did?
A. Yes, sir.

I ask particular attention to this:

Q. 159. Did the poll holders who had charge of the five boxes put the fusionist tickets in the right boxes?
A. No, sir; not all.
Q. 160. Was there any legal fusionist voters denied the privilege of voting?
A. Yes, sir.
Q. 161. Were you selected as one of the Republican, or fusionists, poll holders at said election?
A. Yes, sir.
Q. 162. Who was appointed, besides yourself, to represent the Republicans, or fusionists, at the polls on election day to help hold the election?
A. Charlie Mosely.
Q. 163. Did he serve as poll holder?
A. No, sir.
Q. 164. Why did he not serve?
A. There was but one box for he and him, and it was set well down towards the back door; and myself and Charlie Mosely did not require but one box.
Q. 165. Who did they appoint in Charlie Mosely's place?
A. A young fellow by the name of Roach.
Q. 166. Was Roach a Republican, Populist, or Democrat?
A. He was a Democrat.
Q. 167. Was Roach sworn to act in said election?
A. I noticed from the time Charlie Mosely resigned, Roach was replaced; he was standing inside of the back door; the door was closed the moment that they called for a man; Roach stepped forward; he went behind the table; commenced putting tickets in the box; if he was sworn, he was sworn at the back door before the poll opened.

The testimony shows that these Democratic poll holders refused to take the tickets of the fusionists and put them in the proper boxes. When the fusionists tendered their votes the poll holders asked, "What box do you want us to put these tickets in?" And the illiterate negroes, who could not read, were expected to point out the box each ticket should be put in. There were six boxes. The Congressional ticket, in many cases, was deposited in some other box than the Congressional box. And when the votes were counted, if the officers found a ticket in the wrong box, they threw it away; no record and no count was kept of such tickets. Dr. Norment, a leading man in that community, a prominent man in North Carolina, was present when the count was made. He examined 111 tickets that were taken out of different boxes, having been put there wrongfully by the judges of the election or by mistake of the voters, and which were rejected—thrown away—not counted; and they had printed upon them the name of Charles H. Martin for Representative in the Fifty-fourth Congress.

There are other things with reference to this precinct that ought to be noticed, but in the short time allotted to me I can not take up all the details. I am justified in saying that this election board was corrupt and rotten. We would have been justified in throwing out the entire vote of the precinct. Witnesses testified that they saw the votes purposely put in the wrong boxes. Dr. Norment, who was present when the count was made and took note of the actual number of tickets voted for the contestant and thrown away not counted, because they were found in the wrong boxes, swears positively that there were 111 of these ballots, and his testimony is uncontradicted. So that your committee, instead of throwing out the whole precinct, simply say here are 111 votes, honestly cast for Mr. Martin, but put in the wrong boxes, either by the voters themselves by mistake or by judges of election purposely, which should be counted and added to his vote.

An elector ought not to be deprived of his vote either by the mistake or fraud of an election officer in depositing it in the wrong box, if the intention of the voter can be ascertained with reasonable certainty. Nor should ballots be rejected because of being put in the wrong box by the honest mistake of the voters themselves. Wherever such mistake is shown it may be corrected, if not by the election officers, at least by this House in trying and deciding this contest. I have stated the law as laid down by McCrary on Elections and many other authorities.

The evidence in this case establishes the following facts:

First. The election board consisted of the Democratic registrar, two Democratic poll holders, one Republican poll holder (colored), and one poll holder (colored) who claimed to be a Republican, but about whose politics there is a conflict of testimony. He had been convicted of a felony, sent to the penitentiary, and was pardoned.

And this man was selected to represent the Republican party on that election board by a Democratic board of county commissioners.

Second. The Republican poll holder was placed at the constable's box. There was but one candidate for constable, and he was a Democrat.

Third. The Democratic poll holders placed the tickets of a large number of fusionists in the wrong boxes, and then refused to count them because they were in the wrong boxes.

Fourth. The Republican poll holder refused to sign the returns because of the frauds committed.

Fifth. The fusionists kept a list of those who claimed to have voted the fusionist ticket, which has 169 names upon it, and is printed in the record.

One man sat there at the door of the polling place giving out the tickets and another entered the names on the book or list. They gave out the full fusion ticket to the fusionist voters, so that they entered the place with the full fusion ticket in their hands, declaring their intention to vote it—169 of them. But 44 were counted for contestant in that precinct.

Sixth. There were 29 tickets thrown out of the Congressional box because in the wrong box, 80 out of the legislative box, 81 out of the State box, and an unknown number were thrown out of some of the other boxes. No Democratic tickets were found in the wrong boxes.

Tickets were put in the Congressional box that belonged in the legislative box, or the judiciary box, or some other box, and having been placed in the Congressional box were thrown out and not counted. Likewise Congressional tickets were found in the wrong boxes. But no Democratic tickets, strange to say, were found in the wrong boxes. No Democrat got his ticket in the wrong box, but 200 or more fusionist tickets were found in the wrong boxes. How many of these were Congressional tickets nobody can tell.

Seventh. The name of the contestant appeared upon all the Congressional tickets that were found in the wrong boxes, and not counted.

Eighth. The poll book of this township returned to the office of the register of deeds shows that 239 voted; and the returns show that contestee received 98 and the contestant 44 votes, leaving 97 unaccounted for.

There is some evidence tending to prove that some of the fusionists who entered the polling place with the fusion tickets in their hands changed them and substituted others before voting, and that others scratched their tickets. There is no evidence tending to prove that any voter put in the boxes, or caused to be put in, more than a single vote for Congressman. Not a single Democratic voter, illiterate or otherwise, got any of his ballots in the wrong boxes. There is but one rational conclusion to be reached from a careful examination of the evidence pertaining to this precinct, and that conclusion is that the conduct of the election officers in this precinct was such as to destroy the integrity of their returns. It is impossible to ascertain with certainty the true vote, and the returns of this precinct should be rejected, which takes 44 votes from the contestant and 98 votes from the contestee, returned from this precinct.

I will not stop to discuss Lilesville precinct in detail. A man who saw the votes counted and saw the votes that had been deposited in the wrong boxes by the Democratic members of the board thrown out and not counted declares that there were 40 votes for Mr. Martin thrown out because they were found in the wrong boxes. The majority of the committee find that these 40 votes ought to be added to the returned vote from this precinct for contestant.

In Ansonville precinct another peculiarity arose. The tickets of the contestant as candidate for Congressman disappeared soon after the polls were opened. They were stolen or mysteriously disappeared; so that the fusionist voter deposited written, instead of printed, ballots thereafter. They were correct in form, but they were written with pen and ink and had contestant's name on them as the candidate for Congressman. Fifty-three of these votes were thrown out for the reason that they were written instead of printed. So we say these votes must be counted for the contestant and added to the number of votes returned for him.

Mr. LOCKHART. Did I did not in my brief consent that the 53 votes to which the gentleman refers should be counted?

Mr. STRODE of Nebraska. Yes, sir.

Mr. LOCKHART. Even though they were informally prepared, being written ballots. The only trouble about it was that the judges of election misunderstood their duties. In all other respects the ballots were received as formal, and I conceded that they should be retained and counted.

Mr. STRODE of Nebraska. That is correct; you conceded it. But I desire to call attention to the conduct of this election board. They were unfair and corrupt, and we would have been justified in reporting in favor of throwing out the entire vote of the precinct.

Mr. LOCKHART. They were neither unfair nor corrupt, but men of as high character as the gentleman from Nebraska himself.

Mr. STRODE of Nebraska. The next precinct I shall notice is Red Springs. The evidence shows that the election board was made up of four Democrats and one Republican. The election board returned 110 votes for contestant and 143 votes for contestee.

We believe that the evidence in this case clearly establishes the fact that the contestant received 126 votes in this precinct, which is 16 more than were returned for him. I will read an extract from the testimony of Dr. Rowland, found on page 115 of the printed record:

Q. 527. Were you present when the count took place after the polls were closed on said day?
A. I was.
Q. 528. Did you see the count of the Congressional box?
A. I did.
Q. 529. State how many votes or ballots were counted for Charles H. Martin.
A. The tally sheet numbered for Lockhart 143, Martin 126.
Q. 530. State who counted and kept tally of that box.
A. Calvin Blue, Republican poll holder, called out, and John A. McKay, a Democratic merchant, of Red Springs, kept the tally.

And on cross-examination he testified as follows:

Q. 555. Were you present when Calvin B. Blue and J. A. McKay commenced to count the Congressional box?
A. I was.
Q. 556. Who was with you?
A. I went through the crowd alone, stood by the side of N. A. McQueen after arriving at the table.
Q. 557. Were there any Populists with you at this time?
A. Two or three came during the counting of the vote, but didn't notice that anyone stayed long.
Q. 558. Did you or any other Populist have anything to do with counting the Congressional box?
A. No.
Q. 559. How did you ascertain the number of votes which were cast in the Congressional box?
A. I asked for the tally sheet and counted the score.
Q. 560. When was this, and who gave you the tally sheet?
A. I think we got to the counter where the other boxes were held in the other room. Before I got hold of it, though, I had been helping to look on and make the count with McKay before Winston Buir, I think, handed me the tally sheet.
Q. 561. Was W. F. Buir a poll holder?
A. No.
Q. 562 Who was with you when W. F. Buir handed you this paper?
A. I think J. P. Smith, but not certain.
Q. 563. When you were assisting J. A. McKay did he and Blue, or you and he, add together the number of votes which were counted in the Congressional box? If so, what was the number declared?
A. I don't think there was an entry made of the count, but the score as made by J. A. McKay numbered 143 for Lockhart, and 126 for Martin.
Q. 564. Did you add up at that time the total of the tally, or did you wait until W. F. Buir handed you this sheet?
A. I added up the tally at that time and looked over the score to see that tallies were right, and then set down the result, which was as we had counted it in the room.
Q. 565. Where had you been just before you went to the Congressional box, and what doing, if anything?
A. I had been sitting by the fire in my room for a short while. On going to the street they announced the election closed, on which I went on to the Congressional box.

Redirect:

Q. 566. Was J. A. McKay one of the judges of said election at said precinct?
A. He was not.

I also read an extract from the testimony of John G. Brown, found on page 108 of the record:

Q. 408. Were you present when the count of the votes took place after the close of the polls?
A. I was present at the legislative box.
Q. 409. Did you see the tally sheet which was kept as the votes were called out for the Congressional box at the close of that count that day?
A. I went from the legislative box to the Congressional box and counted the tally with Dr. W. H. Rowland, J. A. McKay, and C. B. Blue, a poll holder.
Q. 410. Who kept the tally of the Congressional box?
A. J. A. McKay; he was not a poll holder; he was a Democrat.
Q. 411. How many votes were counted at said count for Chas. H. Martin, this contestant?
A. One hundred and twenty-six votes.

And on cross-examination he testified as follows:

Q. 433. Of those who counted the Congressional box, how many were Populist-Republican or fusionist and how many Democrats?
A. C. B. Blue, the poll holder, was a Republican, I suppose; J. A. McKay, who kept the tally sheet, was a Democrat; Dr. W. H. Rowland and myself were Populists.
Q. 434. Well, why did you and Rowland, who were not election officers, assist in counting this box; did anyone ask you to do so?
A. C. B. Blue and McKay counted the box. W. H. Rowland and myself assisted them in counting the tally sheet.

These two witnesses, both reputable men, I take it, from the evidence in this record, swore positively that they counted the number of votes tallied for contestant on the tally sheet after the count had been made, and they both swore that the tally sheet showed that contestant had received 126 votes. The man who kept the tally sheet was not an election officer. Contestee did not call him to deny the statement of these two witnesses as to the number of votes he tallied for contestant. The Republican poll holder took the tickets out of the Congressional box and called the name of the person voted for on each ticket, and the Democratic merchant kept the tally. The record shows that this poll holder was present when the contestee was taking testimony touching this precinct, but he was not called to contradict the testimony of Rowland and Brown. The evidence shows that 143 voters called for the full fusionist ticket, and that they entered the polling place with these tickets in their hands, and with no other tickets. This is a circumstance tending to prove that contestant received more than 110 votes.

It appears from the evidence that no election officer took any part in counting the votes in the Congressional box, except the Republican poll holder. He did not keep the tally. The election officers obtain their information as to the number of votes for the candidates for Congress from the keeper of the tally sheet, who was not under oath. Dr. Rowland saw this vote counted and tallied, and he and Mr. Brown afterwards counted the votes tallied for the candidates for Congress, and Dr. Rowland made a memorandum thereof. The tally was not made a part of the returns and does not appear to have been preserved. The poll book was put in evidence, which shows that 275 persons voted at this precinct. If contestee received 143 and contestant 126, it would make but 269. A few tickets were found in the wrong boxes and were not counted, which may account for the other 6 votes.

Doubtless the other side will contend that the sworn returns of the election board are of such high character that they ought not to be overturned or corrected by the evidence of Rowland and Brown. But the testimony of these two witnesses is so positive and so strongly corroborated, and standing wholly uncontradicted except by the return of the election officers, that no reasonable doubt exists in the minds of the majority of the committee but that contestant received 126 votes at this precinct instead of 110, the number returned for him.

I now call your attention to Maxton Township. The election board in this precinct was solidly Democratic. The county commissioners named two Republicans and two Democrats for judges or poll holders, but the two Republicans did not appear on time, on the Saturday prior to the election, when the registration list was to be corrected, and the Democratic registrar appointed two Democrats in their places. One of the witnesses described the place where the election was held as follows:

Q. 272. Describe the place where the polls were held.
A. They were held in a large room 30 by 75 feet, as near as I can guess at; two windows on the front, one on the side near the off end; no windows on the other side, on which was erected a small inclosure in which the voting was conducted; the windows were darkened, if I recollect, to some extent by curtains; I don't say that they were put there then for that purpose; they may have been there before, but couldn't see from the outside what was going on.

Democratic doorkeepers were placed at the entrances to the

building. No one could see from the outside what was going on inside of the building. Fusionists were not allowed inside the voting place while the voting was in progress, except one at a time, as they went in to vote. Democrats, other than the election officers and those who went in to vote, were allowed inside of the polling place while the voting was going on. After the polls closed the election officers called in four Democrats to assist in counting the vote and keeping the tally. No Populist or Republican was permitted to assist in this work. The Democrats who assisted in making up the returns were not under oath.

There were returned by the precinct returning board 160 votes for contestee, 15 votes for contestant, and 12 votes for John L. Matheson.

The Populists of this township, anticipating an attempt to cheat and defraud them at the election, arranged to have one or more of their number at the door of the polling place on the day of election to issue fusion tickets and to keep a list of the fusionist voters to whom tickets were issued as they entered the polling place to vote. They did this with a view of furnishing evidence of the number and character of votes cast—or offered to be cast—by them in the event of any attempt to cheat or defraud them at the election. It appears from the evidence that at this precinct this system was carefully carried out. Intelligent men stood at the door of the polling place and issued contestant's tickets to the voters who came to get them and had their names enrolled on the list, and then, one by one, went straight into the polls to vote them. The persons who kept this list and issued the tickets were sworn as witnesses in this case and testified as to the number of persons who so received tickets and entered the polling place to vote them. It also appears from the evidence that the most of these persons immediately afterwards returned and reported that they had voted or attempted to vote the tickets given them. The list so kept was produced, identified, and incorporated into the evidence, and a copy of it appears at pages 350–353, in the printed record. I give here an extract from the testimony of W. J. Currie, who kept this list and entered nearly all the names upon it:

Q. 280. What do those check marks indicate?

A. First, as to whether the voter was white or colored; second, as to the office the candidate was running for.

Q. 281. Why are check marks placed in both columns; which are for Congress?

A. I don't know that I can tell you that.

Q. 282. Are there any check marks placed in the Congressional column when the voter was going to vote for James A. Lockhart, the contestee?

A. No, sir; there were none placed there only when the voter indicated his intention to vote the fusion ticket.

Q. 283. Who was the Congressional candidate on the fusion ticket?

A. Charles H. Martin.

More than 200 names appear upon this list. About 25 of them appear to have been challenged, but there is no evidence in the record showing how many of the challenges were sustained.

It is evident that the voters in many of the townships in this Congressional district have been entrapped into putting their tickets in the wrong boxes, and have been otherwise cheated out of their votes for years. The voters of Maxton Township were determined to throw the responsibility upon the Democratic election board if tickets were found in the wrong boxes and not counted. Accordingly, the fusionist voters in this township were instructed by their leaders that the poll holders were required, under the law, to take their ballots and deposit them in the proper boxes. I give here an extract from the testimony of J. P. Smith, a Republican who desired to vote the fusionist ticket:

Q. 237. Did you ask the poll holder to take your tickets and put them in the proper boxes?

A. I asked the poll holder to do it; all the one I saw there when I went to vote; I asked him to take my tickets and put them in the proper boxes, and he refused; I then asked him where the other poll holders were, and I looked around over the hall and saw none of the other poll holders; I asked him again to put my ticket in and he refused a second time; asked him the third time to take them and put them in the boxes and he refused to do so; he then told me to get out of the house, and I got out, and that ended it.

Q. 238. What did you then do with your tickets?

A. I laid them down on the table or counter where the boxes were sitting; I did that when he told me to get out.

I quote also from the cross-examination of W. J. Currie:

Q. 324. Did not you and other Populist and Republican leaders, by agreement made before election day, instruct the fusion voters to offer their tickets in mass to the poll holders, and if the poll holders refused to assort the tickets and put each in the proper box, to throw them down and refuse to vote?

A. We were informed by both the Democratic and fusionist nominees for the legislature publicly, on the stump, that it was the duty of the poll holders to place the tickets in the proper boxes when requested so to do by the voter, and we did advise them to offer them, and if refused to lay them down before them.

Q. 325. Are you a Populist or Republican leader?

A. I am the chairman of the township executive Republican committee.

All fusionist voters tendered to the Democratic poll holders all the tickets they desired to vote, and requested the poll holders to deposit each ticket in its proper box. The Democratic poll holders refused in every instance, and after such refusal a large majority of the fusionist voters laid their tickets on the table or on the ballot boxes and left the room without having deposited their ballots. The tickets were brushed from the table or the ballot boxes to the floor by the Democratic poll holders. A few, however, who could read deposited their own ballots after being so refused by the poll holders. All Democratic poll holders demanded that the voters select out their tickets and offer them one at a time. The voters having refused to do this, the poll holders refused to receive and deposit their ballots. I do not believe the voters were bound to select and deliver to the poll holders their tickets separately. The statute of North Carolina in force at that time provides as follows (section 2658):

The polls shall be opened on the day of election, from 7 o'clock in the morning until sunset of the same day, and no longer, and each voter whose name here appears registered, or who shall not be challenged and rejected, shall hand in his ballot to the judges, who shall carefully deposit the ballots in the ballot boxes.

A part of section 2688 reads as follows:

Only one voter shall be allowed to enter such polling place at one time, and no one except the judges of the election shall be allowed to speak to or interfere with the voter while in the polling place casting his vote, which shall be put into the proper box or boxes by said voter, or by the judges at the request of the voter.

It appears from the evidence that there were some Republican voters in this precinct who did not desire to support the contestant as the candidate for Congress, and the returns show 12 votes for Matheson. There were probably a few others who desired to vote the same way, whose ballots the Democratic poll holders refused to deposit, but the exact number of such can not be ascertained from the evidence. Some fusion tickets were found in the wrong boxes and were not counted. No record was kept of these ballots, and the number can not be ascertained. There is no possible way of ascertaining the true state of the vote in this precinct. The return is so tainted with fraud and the misconduct of the election officers that the truth can not be deduced from it. The election in this precinct should be set aside and 160 votes for contestee and 15 votes for contestant should be deducted from the number returned for them, respectively.

There are other precincts which we have noticed in our report, but I have now consumed much more time than I ought to have consumed, and I owe an apology to the House for having detained you so long. I desire to say, however, that the evidence in this record, aside from that to which I have called your attention, shows that there was much corruption, fraud, and some intimidation at the election in this Sixth Congressional district of North Carolina in 1894. In one precinct, the home of the contestee, the fusionist leaders were rotten-egged, and stinking chemicals thrown on them while at the polls working for their ticket.

In another precinct the election officers held the election and refused to count the votes and make any returns. They claimed to have been intimidated and prevented from making the returns. But I do not think that was the reason the vote was not counted and returned. The evidence in the record shows that the fusionists had a large majority of the votes cast, and that, in my opinion, was the reason the vote was not counted. But the committee have not attempted to count that precinct.

In another precinct no Populists or Republicans voted, but they made an effort to count the Democratic voters who entered the polling place during the day. The election board returned 250 votes for contestee from that precinct. The persons who kept a list of the Democrats seen to enter the polling place did not see one-half that number of Democratic voters enter the polling place. We believe the vote was much smaller for contestee than the returns made, but we have allowed it to stand.

It is my opinion, formed from a careful and thorough examination of the evidence in the record of this case, that contestant actually received more than 1,000 majority over contestee. We have been exceedingly conservative in arriving at the result set forth in the majority's report. The members of this committee who have joined in this majority report have performed their duty conscientiously and with no partisan prejudice or feeling. The evidence in this case clearly establishes the contestant's right to his seat in this House and it is our duty to give it to him. The people of his district have declared that he was their choice, and it is our duty to rise above all partisan considerations and prejudices and carry into effect the will of the people of the Sixth Congressional district of North Carolina by seating this contestant. [Applause.]

I reserve the remainder of my time.

The SPEAKER pro tempore. The gentleman has occupied one hour and thirty minutes.

Mr. BAILEY. Mr. Speaker, even if I were in condition to argue this case, I should deem it a waste of time and strength to do so, because it seems to me that a House which will determine to proceed to the decision of a case before that case has been properly made up is ready to decide it without any argument at all.

I am all the more induced to believe that the decision of the House is foregone because the failure to file the views of the minority was due to no negligence on the part of the minority.

Mr. PRINCE. Mr. Speaker——

Mr. BAILEY. Certainly.

Mr. PRINCE. I should like to ask my colleague on the committee if he could not have introduced a resolution similar to the one that was introduced by the gentleman from California [Mr. MAGUIRE] with reference to getting the report in this case printed, as the gentleman from California did in the case of Mitchell *vs.* Walsh? When the gentleman from Nebraska [Mr. KEM] objected to that report being printed, I will ask the gentleman from Texas if he does not recollect that our colleague [Mr. MAGUIRE] had a resolution introduced, referred to the Committee on Printing, and they promptly brought in a report favoring the printing of the minority report in that case, under the rule giving them the privilege to report at any time? Could you not have done so?

Mr. BAILEY. Why waste the time to ask that question? Doubtless I could have obtained recognition on Monday last to move a suspension of the rules and have secured the passage of an order to print the views of the minority; but I have pursued the usual course, so usual that there was no question made about it. When the gentleman from Nebraska came and said to me that his report had been prepared, and asked me whether I would rather see it in the manuscript or in print, I said I would prefer to see it in print. It was then at the Printing Office. He said to me that as soon as it was printed he would bring me a copy. I never saw the report until it had gone to the Printing Office, never saw it until it was filed in this House, and it was absolutely impossible for me to have filed a minority report. I felt, inasmuch as the majority report seated a political friend of the gentleman from Nebraska, that, however much he might feel inclined, and however much he might feel it to be his duty, to object in mere matters of favor to members, in a matter affecting the title to a member's seat, and especially in a matter which seated one who agrees with him politically, he would feel under no obligation to persevere in his objection.

But, sir, whatever might have been the course which ought to have been pursued, or whatever might have been the course which could have been pursued, there has been no negligence on the part of the minority.

I am consoled, however, by the fact that so far as I am personally concerned I can not engage in the discussion of it, even if I could hope for a different or better result; for the House easily perceives now that I am suffering from a throat trouble, which the doctor warns me might result seriously if I were to undertake to make anything like a speech. I told the gentleman from Nebraska so a day or two ago, that it was a physical impossibility for me to make a speech, and I asked that the case go over, as I had been charged by my colleagues of the minority of the committee with the preparation and defense of it so far as it was to be prepared and defended; but neither the physical disability of a colleague nor the fact that the case has not been prepared can deter the majority from its purpose to unseat the gentleman who holds the certificate of a sovereign State that he is entitled to sit here as one of its Representatives.

Despairing of anything like a fair conclusion, I yield the remainder of my time to the gentleman from North Carolina [Mr. LOCKHART].

Mr. LOCKHART. Mr. Speaker, I had no idea that this question would be called up for consideration to-day. Therefore, to me it is a surprise; and I have not my argument arranged in that method which I would like when I come to present it to a body like this. But so strong, Mr. Speaker, are my convictions about this matter and so comprehensive and accurate is my knowledge of the details of this case that I feel that I should present this matter to this House—so much of it as does me the honor and the justice to sit and hear this case discussed. The gentleman from Texas [Mr. BAILEY], who has charge of the minority report on this side, has stated that he has attempted to get this minority report before this House and have it printed and laid upon the desks of members, that they might investigate this matter and see what the truth of it is.

This House has refused to wait until that could be done, and proposes to vote upon this question regardless at the same time of law or testimony. I say, Mr. Speaker, in view of this fact, that while there has not been a printed copy of the minority report in this case presented to this House, which is now about to vote upon this question, there is not one-half of a quorum in this House who are to decide this matter present now in this House to hear this discussion and know what is the truth of the matter. I have been a country practitioner of law for twenty-two years. It is not improper for me to say that perhaps I have appeared in as many cases before juries as any man in this House who has had no longer experience than I. I have appeared before courts, and I have never seen a court anywhere——

Mr. CANNON. Mr. Speaker——

The SPEAKER pro tempore (Mr. DOLLIVER). Does the gentleman from North Carolina yield?

Mr. LOCKHART. I do.

Mr. CANNON. Will the gentleman yield for a very short time, until I can ask the House to adopt the final report in the general deficiency bill?

Mr. LOCKHART. I will.

GENERAL DEFICIENCY BILL.

Mr. CANNON. Mr. Speaker, I present a conference report, submitting a final report and agreement on the part of the conferees of the House and the Senate on the general deficiency bill. I ask to omit the reading of the report and that the statement may be read.

The SPEAKER pro tempore. If there be no objection, the reading of the conference report will be omitted and the statement will be read.

There was no objection, and it was so ordered.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8293) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 24, 25, 30, 31, 37, 74, 103, 104, 105, 106, 147, 148, and 200.

That the House recede from its disagreement to the amendments of the Senate numbered 14, 79, 80, 81, 82, 137, 190, and 192, and agree to the same.

That the Senate recede from its disagreement to the amendments of the House to the amendments of the Senate numbered 27, 207, and 208, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: Strike out all after the word "cents," in line 8, down to and including line 20 of said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the Secretary of the Treasury is directed, until otherwise provided by law, to pay, after reserving not exceeding $30,000 per annum for educational purposes and expenses of necessary employees, to the Sisseton and Wahpeton Indians of South Dakota all interest moneys due them up to July 1, 1896; and that thereafter all interest money as it shall accrue shall be paid, except as herein provided, on the 1st day of November annually."

And the Senate agree to the same.

J. G. CANNON,
W. O. ARNOLD,
JOSEPH D. SAYERS,
Managers on the part of the House.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8293) making appropriations to supply deficiencies, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report, namely:

On amendment numbered 14: Appropriates $1,150,000, as proposed by the Senate, instead of $850,000, as proposed by the House, for expenses of collecting the revenue from customs.

On Nos. 24 and 25: Strikes out the appropriations proposed by the Senate to pay the claims of B. B. Bouldin for $295.15 and W. L. Hall for $198.

On No. 27: Appropriates for payments on account of the Ford's Theater disaster, the conference committee agree to recommend that the Senate agree to the amendment of the House referring back to the Joint Commission certain claims, with instructions to reexamine and report thereon.

On Nos. 30, 31, 37, and 74: Strikes out the appropriations proposed by the Senate to pay claims of W. H. Crook, $4,000; of Calvin Gunn, $700, and of Stout, Hall & Bangs, $31,802.53.

On Nos. 80, 81, 82, and 83: Appropriates, as proposed by the Senate, to pay the audited accounts certified to Congress as follows: In House Executive Document No. 234, Fifty-third Congress, third session, $38,500.12; in Senate Document No. 217, this session, $1,092.50; in Senate Miscellaneous Document No. 57, Fifty-third Congress, third session, $8,000; in Senate Executive Document No. 33, Fifty-third Congress, third session, $19,600; in Senate Executive Document No. 98, Fifty-third Congress, second session, $35,791.67; and in House Miscellaneous Document No. 56, Fifty-third Congress, third session, $37,313.54.

On Nos. 103, 104, 105, and 106: Strikes out the provisions proposed by the Senate to pay the claims of the Richmond Locomotive and Machine Works, $69,558.39; of the Portland Company, $80,867.46; of William S. Grant, $77,989.28; and of Nancy E. Day, $3,041.66.

On No. 122: Inserts the provision proposed by the Senate, regulating the payment of interest money to the Sisseton and Wahpeton Indians of South Dakota, so modified as to require the reservation of not exceeding $30,000 per annum for educational purposes and expenses of necessary employees.

On No. 137: Inserts the provision proposed by the Senate, authorizing a credit in the accounts of William M. Masi, late postmaster at Cheyenne, Wyo., of $2,624.14.

On Nos. 147 and 148: Strikes out the appropriations proposed by the Senate to pay the claims of Winslow Warren, $500, and of R. D. Benedict, $500.

On Nos. 190 and 191: Appropriates, as proposed by the Senate, to pay Francis M. Cox, an employee of the Senate, $900, and Benjamin Durfee, an employee of the Senate, $2,500.

On No. 200: Strikes out the provision proposed by the Senate authorizing the payment of one month's pay to discharged employees of the House and Senate.

On Nos. 207 and 208: It is agreed to recommend that the Senate agree to the amendments of the House inserting $9,000 for payment of expenses in contested-election cases.

The bill as finally agreed upon appropriates $10,639,621.75, being $420,424.80 less than as it passed the Senate, and $5,846,031.30 more than as it passed the House.

J. G. CANNON,
JOSEPH D. SAYERS,
Managers on the part of the House.

Mr. CANNON. Mr. Speaker, if I had an hour in my own right I would submit some remarks touching appropriations and revenue and in explanation of this bill, but as I have not the time, and do not wish to trench upon the courtesy of the gentleman [Mr. LOCKHART] who so kindly yielded the floor in order that I

might call up this conference report, I will not attempt to detain the House at this time, but will, without objection, present in the RECORD a statement covering the subjects that I have mentioned.

Mr. SAYERS. Mr. Speaker, I desire to say that as one of the members of the minority of the Committee on Appropriations I will, under leave of the House (which has always been accorded to members of that committee), submit on behalf of the minority of the committee a statement as to this bill, and also as to other appropriation bills passed by this House.

The SPEAKER. If there be no objection, the gentleman from Illinois and the gentleman from Texas will——

Mr. KEM. I object, Mr. Speaker; I object.

The SPEAKER. Oh, the gentleman from Nebraska [Mr. KEM] objects. [Laughter.]

Mr. SAYERS. Mr. Speaker, I did not ask for unanimous consent, but intimated that I would ask the Committee on Rules to ask the House to accord to the members of the Committee on Appropriations this privilege, which I believe has never been refused on such an occasion.

Mr. CANNON. It is, in my opinion, a very proper privilege to be granted, because the amounts appropriated in these bills can not possibly be ascertained definitely until about the time of the adjournment of this session.

The question being taken on agreeing to the conference report, the Speaker declared that the ayes seemed to have it.

Mr. KEM. Division, Mr. Speaker.

The House divided; and there were—ayes 136, noes 0.

The SPEAKER. The vote seems to be unanimous.

Mr. KEM. No quorum, Mr. Speaker.

The SPEAKER (after a count). There are 179 gentlemen present; a quorum. The ayes have it, and the conference report is agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GROUT. Mr. Speaker, I submit a conference report on the bill making appropriations for the District of Columbia, and ask that the statement be read.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5210) making appropriations for the expenses of the government of the District of Columbia for the fiscal year 1897 submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on each of the amendments, namely:

On Nos. 1, 2, 3, 4, and 5: Appropriates for an additional assistant inspector of plumbing, at $1,000; increases the pay of the deputy property clerk from $1,000 to $1,200; inserts the provision proposed by the Senate authorizing the settlement of certain suspended accounts of the ex-Boards of Commissioners, and strikes out the proposed increase of one additional assistant inspector of buildings, at $1,000.

On No. 6: Strikes out the provision proposed by the Senate to repay to the Protestant Episcopal Cathedral Foundation the sum of $1,223.08 for water-main tax.

On Nos. 7 and 8: Strikes out the provision for the special-assessment clerk in the office of the assessor, the same being provided for elsewhere in the bill.

On Nos. 9, 10, and 11: Provides for a deputy collector, at $1,800, instead of at $2,000, as proposed by the Senate, and strikes out the provision for one clerk, at $1,000, in the collector's office.

On Nos. 12 and 13: Increases the pay of the disbursing clerk in the auditor's office from $1,500 to $1,600, as proposed by the Senate.

On Nos. 14, 15, 16, and 17: Appropriates for two market masters, at $1,200 each, as proposed by the Senate, instead of at $1,000 each, as proposed by the House; and appropriates $1,200, as proposed by the Senate, instead of $960, as proposed by the House, for hire of laborers for cleaning the markets.

On Nos. 18 and 19: Provides for one messenger clerk, at $720, as proposed by the Senate, instead of at $600, as proposed by the House, in the engineer's office.

On No. 20: Appropriates $11,900, as proposed by the Senate, for a special-assessment clerk and for nine clerks heretofore paid from the appropriation for assessment and permit work in the special-assessment office.

On No. 21: Appropriates $24,000, as proposed by the Senate, for employees in the street-sweeping office who have heretofore been paid from the appropriation for street sweeping.

On Nos. 22 and 23: Strikes out the increase of $650 proposed by the Senate for employees in the surveyor's office.

On Nos. 24, 25, 26, and 27: Appropriates $22,500, as proposed by the House, instead of $24,000, as proposed by the Senate, for contingent expenses; requires, as proposed by the House, that the whole cost of maintaining and keeping in good order the laboratory and apparatus in the office of the inspector of gas meters shall hereafter be paid by the Washington Gas Light Company; and requires, as proposed by the Senate, that the recorder of deeds shall make no charge for reporting to the assessor transfers of real estate as required by law.

On No. 28: Appropriates $9,000, instead of $7,000 as proposed by the House and $10,000 as proposed by the Senate, for rent of District offices.

On No. 29: Strikes out the appropriation of $12,000 proposed by the Senate for a morgue.

On No. 30: Appropriates $2,500, as proposed by the Senate, instead of $1,900, as proposed by the House, for general advertising.

On No. 31: Appropriates $7,500, instead of $7,000 as proposed by the House and $8,000 as proposed by the Senate, for advertising notice of taxes in arrears.

On Nos. 32 and 33: Appropriates $3,000, instead of $2,000 as proposed by the House and $4,000 as proposed by the Senate, for transcribing the general assessment and preparing the numerical book, with the provision as proposed by the Senate, that employees in the office of the assessor may be assigned to such work and be allowed a reasonable compensation therefor.

On Nos. 34 and 35: Makes the appropriation for photolithographing plats of subdivisions in Georgetown immediately available, and appropriates $2,000, instead of $1,500 as proposed by the House and $2,500 as proposed by the Senate, for plats of subdivisions outside of Washington and Georgetown.

On No. 36: Appropriates $10,000, instead of $12,500, as proposed by the Senate, for expenses of completing the plan for extension of a permanent system of highways.

On No. 37: Appropriates $10,000, instead of $14,000, as proposed by the Senate, for advertising and court expenses under the act to provide a permanent system of highways.

On No. 38: Appropriates $28,684.09, as proposed by the Senate, for payment to owners of lots and parts of lots on the Potomac River Flats, under decrees of the supreme court of the District.

On No. 39: Strikes out the provision proposed by the Senate, setting aside the Potomac Flats as a public park under the name of Riverside Park.

On No. 41: Appropriates $140,000, instead of $125,000 as proposed by the House and $165,000 as proposed by the Senate, for assessment and permit work.

On Nos. 42, 43, 44, 45, 46, 47, 48, 49, and 50: Appropriates $150,000, instead of $100,000 as proposed by the House and $284,000 as proposed by the Senate, for paving streets and avenues; and $6,000, as proposed by the Senate, for paving Florida avenue south from Connecticut avenue to Eighteenth street, and $7,500 for paving P street northeast from North Capitol street to Florida avenue; and strikes out the appropriation of $15,000 proposed by the Senate for paving Eighteenth street extended and Cincinnati street from Eighteenth street to the east entrance of the Zoological Park.

On Nos. 51 and 52: Limits the price of asphalt paving of the ordinary quality to $1.80 per square yard, instead of $1.75 as proposed by the House and $1.90 as proposed by the Senate; and to $2, as proposed by the House, instead of $2.15, as proposed by the Senate, for asphalt paving of exceptional strength.

On Nos. 53, 54, 55, 56, 57, 58, 59, and 60, relating to sewers: Appropriates $50,000, as proposed by the Senate, instead of $45,000, as proposed by the House, for cleaning and repairing sewers and basins; $75,000, instead of $18,500 as proposed by the House and $121,000 as proposed by the Senate, for surburban sewers; $25,000 for constructing the Fifteenth street and F street portions of the F street and Easbys Point intercepting sewer, with authority to contract for the whole work at a cost not exceeding $87,000, instead of appropriating $87,000 therefor, as proposed by the Senate; $1,000 for sewer in Fifteenth street extended, between Columbia road and Kenesaw avenue, with authority to lay a water main in said street; $60,000, instead of $40,000 as proposed by the House and $100,000 as proposed by the Senate, for continuation of the Rock Creek and B street intercepting sewer; $4,000, as proposed by the House, instead of $5,000, as proposed by the Senate, for completion of the Kenesaw avenue sewer; and $1,000, as proposed by the House, instead of $2,000, as proposed by the Senate, for condemnation of rights of way for public sewers.

On No. 62: Appropriates $40,000, as proposed by the House, instead of $60,000, as proposed by the Senate, for repairs of county roads.

On Nos. 63, 64, 65, 66, 67, 68, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, and 86, relating to the construction of county roads: Appropriates $10,000, as proposed by the House, instead of $12,000, as proposed by the Senate, for grading and regulating Sherman avenue, Roanoke and Irving streets; $7,500 for taking down the brick building at Garfield Memorial Hospital grounds and constructing another building on said premises, made necessary by widening and grading Sherman avenue at that point; $5,000 for grading and regulating Columbia road, Sixteenth street extended, Prospect street, Crescent street, Superior street, and Meridian and Ontario avenues; $10,000 for grading Massachusetts avenue extended; $9,000 for grading and graveling Albemarle street; $5,000 for grading Illinois avenue; $3,000 for grading and graveling Pearce and High streets, Anacostia; $9,000 for court expenses and ground taken to open and extend Thirty-seventh street; $10,000 for improving and protecting Connecticut avenue extended; $5,000 for continuing the macadamizing of the road from the Broad Branch road to Chevy Chase circle; and $17,000, instead of $15,000 as proposed by the House and $25,000 as proposed by the Senate, for grading and regulating Yale, Bismarck, Princeton, Harvard, and Columbia streets; and strikes out the appropriations for county roads proposed by the Senate, as follows: $5,000 for paving Massachusetts avenue extended; $5,000 for grading Michigan avenue; $3,000 for paving Harewood avenue; $4,000 for grading Twenty-second and Twenty-fourth streets, Langdon; $10,000 for grading and regulating Twelfth street extended; $1,000 for grading and regulating Belmont and Kalorama streets; $10,000 for grading and graveling Pennsylvania avenue extended and Branch avenue; $4,500 for grading and regulating Emporia and Frankfort streets; $5,000 for grading and graveling Kenesaw avenue and Park row; and $2,500 for grading and regulating Twentieth street extended.

On No. 88: Makes an increase of $8,500, instead of $34,950, as proposed by the Senate, for sprinkling, watering, and cleaning streets.

On No. 89: Appropriates $20,000, instead of $17,000 as proposed by the House and $22,000 as proposed by the Senate, for the parking commission.

On Nos. 101 and 102: Appropriates $1,250, instead of $900, as proposed by the House, for repairs of harbor boat, and strikes out the appropriation of $50,000 proposed by the Senate for a new fire, ice, and wrecking boat.

On No. 103: Appropriates $8,500, instead of $7,000 as proposed by the House and $10,000 as proposed by the Senate, for public pumps, including the drilling of deep wells.

On No. 104: Strikes out the appropriation of $5,000 proposed by the Senate for protecting the inlet to the Aqueduct at Great Falls.

On Nos. 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, and 129, relating to public schools: Strikes out the increase of $200 proposed by the Senate in the salary of the clerk to the superintendent of schools and secretary to the board of trustees; provides for four additional teachers at $1,200 each in lieu of three at $1,000 each and one at $900; strikes out the appropriation of $1,200 for an additional engineer and machinist of the manual training school, and the increase from $500 to $900 proposed by the Senate in the compensation of janitors of 53 school buildings; appropriates $13,100 instead of $12,500, as proposed by the House, for rent of school buildings; $32,000, instead of $31,000 as proposed by the House and $33,000 as proposed by the Senate, for repairs to school buildings; $9,000, instead of $8,000 as proposed by the House and $10,000 as proposed by the Senate, for purchase of tools and material for instruction in manual training; $35,000, as proposed by the House, instead of $36,500, as proposed by the Senate, for fuel; $38,000, instead of $35,000 as proposed by the House and $40,000 as proposed by the Senate, for purchase of text-books and school supplies; $30,000, instead of $32,000, as proposed by the Senate, for reconstructing the Anthony Bowen school building; $8,000, instead of $10,000, as proposed by the Senate, for a four-room school building at Langdon; $8,000, instead of $10,000, as proposed by the Senate, for a two-room building near the line of Connecticut avenue extended; authorizes the purchase of a site out of the appropriation heretofore made for a school building on the Conduit Road; authorizes a contract for the construction of an eight-room building at Giesboro to cost not exceeding $21,000 instead of appropriating $14,000 therefor, as proposed by the Senate; strikes out the appropriations proposed by the Senate of $10,000 for a four-room addition to the Bennings school and of $10,000 for a four-room building at Hillsdale; and authorizes a contract for the new Western High School building, as proposed by the House, instead of appropriating in full therefor, as proposed by the Senate.

On Nos. 130, 131, 132, 133, 134, 135, 136, 137, 138, and 139, relating to the Metropolitan police: Appropriates for 25 additional policemen, instead of 75, as proposed by the Senate, and for two additional drivers, as proposed by the Senate; strikes out the provision for an additional lieutenant of police proposed by the Senate, and the increase in the pay of drivers from $480 to $600 each; authorizes the Commissioners to deposit with the Treasurer of the United States, out of receipts from fines in the police courts, a sufficient sum to meet any deficiency in the police fund or the firemen's relief fund; authorizes the allowance of twenty days' leave of absence each year to the members of the Metropolitan police, as proposed by the Senate; appropriates $19,500, instead of $18,500 as proposed by the House and $20,750 as proposed by the Senate, for miscellaneous and contingent expenses; and appropriates $3,500, as proposed by the Senate, for extending the patrol system.

On Nos. 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, and 152, relating to the fire department: Appropriates for 8 watchmen, instead of 6 as proposed by the House and 10 as proposed by the Senate, at $600 each; inserts the provision proposed by the Senate, regulating the firemen's relief fund; appropriates $3,500, instead of $3,000 as proposed by the House and $4,000 as proposed by the Senate, for repairs to engine houses; $3,000, as proposed by the House, instead of $3,500, as proposed by the Senate, for repairs to apparatus; $7,000, as proposed by the Senate, instead of $6,000, as proposed by the House, for purchase of hose; and $3,000, as proposed by the House, instead of $4,000, as proposed by the Senate, for fuel; appropriates $3,500, instead of $4,000, as proposed by the Senate, for exchange of an engine; $4,200, instead of $4,500, as proposed by the Senate, for a new engine for Mount Pleasant; and $15,500, as proposed by the Senate, for a house and lot in the vicinity of Brightwood, to accommodate chemical engine now at Mount Pleasant; strikes out the appropriations proposed by the Senate of $3,500 for an aerial truck, and of $35,000 for two additional engines, lots, houses, and furniture therefor.

On No. 153: Appropriates $11,000, as proposed by the House, instead of $13,000, as proposed by the Senate, for general supplies for the telegraph and telephone service.

On Nos. 155, 156, 157, and 158, relating to the health department: Appropriates $1,500, instead of $1,200 as proposed by the House and $1,800 as proposed by the Senate, for a chemist; strikes out the appropriation of $15,000 proposed by the Senate for incinerating combustible waste collected in the District of Columbia; and appropriates $5,000, as proposed by the House, instead of $8,000, as proposed by the Senate, for enforcing the act to prevent the spread of scarlet fever and diphtheria.

On Nos. 159 and 160: Appropriates $7,000, as proposed by the Senate, instead of $6,000, as proposed by the House, for witness fees in the police courts, and makes the appropriation for repairs to police-court furniture available for replacing the same.

On Nos. 161, 162, and 163: Requires that the appropriations for employees in the court-house and for salary of the warden of the jail be expended under the direction of the Attorney-General; strikes out the increase of $200 proposed by the Senate in the salary of the warden of the jail, and the appropriation of $20,000 for a wall around the jail grounds.

On Nos. 164, 165, and 166: Appropriates $1,748, as proposed by the Senate, for an additional overseer, night watchman, and carpenter for the Washington Asylum.

On No. 167: Appropriates $1,000, instead of $1,500, as proposed by the Senate, for painting and repairs of the almshouse and workhouse.

On Nos. 168, 169, and 170: Appropriates $5,040, instead of $4,700, as proposed by the House, for teachers and assistants for the Reform School for Boys, and strikes out the appropriation of $2,600 for a new bake oven, including brick building, at the said Reform School.

On No. 192: Makes the appropriation for the municipal lodging house available for the payment of rent.

On Nos. 196 and 197, relating to the militia: Appropriates $3,000, instead of $2,500 as proposed by the House and $3,500 as proposed by the Senate, for expenses of rifle practice and matches, and inserts the provision proposed by the Senate requiring that hereafter all leases and contracts on account of the militia shall be made by the Commissioners, and that appropriations for the militia shall be disbursed only on vouchers authorized by the Commissioners.

On Nos. 198, 199, and 200: Appropriates for an additional inspector at $900, as proposed by the Senate, in the water department, and strikes out the increase of $200 in the salary of the foreman of the distribution branch of the water department, proposed by the Senate.

The committee of conference have been unable to agree on the following amendments, namely:

On No. 40: Appropriating $232,380.56 for payment for property condemned for the extension of Sixteenth street:

On No. 61: Regulating the use of underground electric or cable street railways by other street railway companies;

On Nos. 69 and 87: Appropriating $6,000 for paving Connecticut avenue and Columbia road, and requiring that Connecticut avenue shall be extended straight from Le Roy place to the District line;

On Nos. 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, and 100: Appropriating for and regulating the price of gas and electric lighting;

On No. 105: Appropriating $266,546.38 out of the District revenues and reappropriating out of the general Treasury a like sum for completing the Washington Aqueduct tunnel;

On No. 154: Regulating telephone charges in the District of Columbia;

On Nos. 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 193, 194, and 195: Relating to appropriations for charities in the District of Columbia; and

On No. 201: Requiring that not exceeding $300,000 of the surplus revenues of the District of Columbia be applied in payment of the water debt of the District.

The Senate, by its amendments, added to the bill $1,866,179.03. Of this sum, under the terms of the conference report, the Senate will recede from $870,960; the House will agree to $446,722.09; and $548,496.94 is involved in the amendments on which the conference committee have been unable to agree.

WILLIAM W. GROUT,
MAHLON PITNEY,
ALEX. M. DOCKERY,
Managers on the part of the House.

Mr. GROUT. Mr. Speaker, I do not propose to enter into any explanation of the work of the conference beyond what is submitted in the statement which has just been read and which deals briefly with every item. While most of the items and the largest part of the sum in controversy has been disposed of, there are still several items, among which are those relating to charities, on which the conferees of the two Houses still disagree.

Mr. Speaker, I move the previous question on the adoption of the report.

The previous question was ordered.

The conference report was adopted.

Mr. GROUT. Now, Mr. Speaker, I move that the House further insist upon its disagreement to the Senate amendments and agree to a further conference.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. GROUT, Mr. PITNEY, and Mr. DOCKERY.

CONTESTED-ELECTION CASE—MARTIN VS. LOCKHART.

Mr. LOCKHART. Mr. Speaker, when I was broken in upon by the chairman of the Committee on Appropriations with his conference report, I was about to say that in all my experience I have never seen the right of a litigant to have all his pleadings and his whole matter of defense or of complaint, as the case might be, placed before the tribunal which was to try his cause unless there had been such gross neglect on his part as to forbid his receiving consideration; and in the present instance it can not be claimed that there has been any such neglect on our part. About nine days ago the majority report in this case was filed. It was filed without opportunity being given the minority to see the report, so as to ascertain on what matters the majority had based their conclusions. It was understood and agreed that the minority should have a definite time in which to prepare and file their views. Those views were prepared within the agreed time and submitted to the House, and the request was made by the minority that they be allowed to file their views and have them printed. Objection was made by the gentleman from Nebraska [Mr. KEM], who is of the same political faith and order (as they say down in my country) as the contestant in this case. He was appealed to by the majority of the committee to withdraw his objection; that he refused to do, and he has persistently objected up to this hour—for what purpose or reason I do not know, but it has had the effect to prevent the triers of this question from having before them the facts in this case as presented by the opposite sides.

Mr. Speaker, I do not know how it may be in a legislative body. I do not know whether men in such a body abandon their sense of right and justice and those methods which they would pursue in dealing with their fellow-men in their private relations or not. I can not say. I have not had sufficient experience or observation to enable me to judge of that.

But my idea has always been that when men came to try a grave and serious matter such as this is, they desired the opportunity to inform themselves on it in all its aspects and reach their conclusions as just, fair, and honest triers. This House is the sole judge of the qualifications and elections of its own members. It weighs the testimony; it adjudicates the law; and I should think that under such conditions it would want the whole matter before it.

I have twice in my life been a member of a legislative body—once in the house of representatives of my State, and once in its senate. In both those bodies I served on the judiciary committee, and in both on the committee on privileges and elections. In both I made reports in behalf of Republicans who were contesting for seats in those respective bodies. At one time (and I am the only man in North Carolina who ever did it) I filed a report in favor of a colored contestant who was opposed by a dear friend of mine—a classmate who had been with me in school. My life has been spent largely in training at the law; I have known but little else. I have never recognized any other rule than to try to do justice and right. And I want to say another thing. Not an election contest has arisen in my section of the State since I became a member of the bar and down to 1894 (none having occurred in my own county) when I have not been called upon by those who differed with me in politics to go and represent them before the courts and before the legislative tribunal.

A large part of the attack made upon the validity and integrity of my election has been based upon the election law of the State of North Carolina. And I want to pause here to say that a large part of it has been based upon the fact that the law of North Carolina requires at each poll several boxes in which shall be deposited the votes for different candidates. That is not anything new in North Carolina. It can not be said that this was resorted to in order to entrap, inveigle, or defraud illiterate voters. Such has been the practice and the law in North Carolina ever since I was born and long before, and for many years prior to the time when there was a colored voter recognized in that State. I will say that colored voters were always recognized in North Carolina prior to 1835, when by constitutional amendment the right to vote was taken from free negroes. But, sir, at our elections in North Carolina we have always had as many boxes as there were classes of officers to be voted for.

Now, as to the policy of the election law of North Carolina, that is not for this body to determine, if the States have any rights whatever remaining as a sisterhood in this Union; and I think they have. Every State regulates its own elections according to such methods as it deems best; and whatever may be said about this election law, under it in the last election the Democratic party had returned against it by Democratic poll holders and judges of election more than 20,000 majority.. That does not look

very much as if there were great frauds and abuses committed in North Carolina by the Democratic party, as some people now pretend and claim to have been the case. There have been men of all political parties elected. There sit now in this House three Populists, three Democrats, and three Republicans returned as elected under the election laws of North Carolina. Whatever may have actuated the legislature in passing this law is not now for this House to inquire. Furthermore, I will state that the last general assembly of North Carolina was largely anti-Democratic; and these laws which have been complained of are now repealed: officers in opposition to the Democracy of the State have charge of the election machinery of the State. This has been all consummated, brought about, and perfected under the laws which gentlemen here denounce.

There has been decided by the courts of our State a somewhat celebrated case, in which the supreme court of North Carolina has passed upon the election law of the State as it existed in 1894. I had the honor to be one of the attorneys in that case asking that the provisions of that law be declared simply directory; and, as a lawyer, I took the ground that some of its provisions were unconstitutional. The parties to that case were a Republican against a Democrat; and I represented the Republican in all the courts. That law according to its very letter was sustained by the judicial tribunals that passed upon it.

Sir, in all this testimony there is not a single instance shown in which the election officers violated or disregarded the provisions of that election law. They construed it as the courts had construed it; they pursued it as the courts had directed they should pursue it. Whatever determination they made under it was according to the law of the State as interpreted by the supreme court of the State, the highest tribunal in the land for the settlement of that matter. If there was any fault in this case it is not the fault of the election officers; and this House should not stand here now to pass upon that law and condemn these honorable men (for most of them I know personally and know them to be honorable men) who conducted this election.

The majority report in this case rests its conclusions upon matters arising in the following precincts in the Sixth Congressional district: Wadesboro, Lilesville, Ansonville, and Lanesboro, in Anson County; Rockingham and Stewartsville, in Richmond County; Maxton, Red Springs, Alfordsville, and Lumberton, in the county of Robeson. Considerable is said in the report about Ansonville precinct. That township was discussed at length by the gentleman who has charge of this case for the contestant. As soon as I knew the facts in that case, as soon as I knew that the election officers had made an honest mistake with reference to 53 votes, I conceded that those votes should be counted for the contestant in this case.

In our State the ballots are printed—printed by the parties themselves. The law regulates how they shall be printed and what they shall contain. The printed ballots of contestant in this case, some way or other, were lost on the morning of the election. The contestant in the case charges their loss to the Democratic officers of election or to some of the Democrats. The testimony wholly disproves any such charge, insinuation, or assertion. They were in the possession of an old man, who was a crazy Populist, and who was so much afraid that somebody would do something to his ballots—for there never was a set of men so suspicious as these people are—he was so fearful that somebody would do something to these ballots that he took them and carried them off himself. That is amply proven in the testimony, and if this body will take the trouble to investigate the record of this case it will be seen. After quarreling about the loss until about noon on the election day the tickets were found about his own clothes and restored, and the people went on voting.

Now, pending their loss, or their seeming loss, or secretion by this old gentleman, somebody wrote ballots for the contestant, and he would write them in this way: "For Congress, Mr. Martin," "For Congress, Charles Martin"; "For Representative in Congress," So and So—in an informal and irregular way; and when the election officers came to count the ballots and found them in that condition (they were plain countrymen holding that election)—finding them in that condition, following out the custom and the regulation of elections in that State, they cast them out and made no return of them. When the proof was brought in showing how it happened, my counsel and myself conceded that these 53 ballots should be counted for the contestant and made no question about them.

Then in Lanesboro precinct or township it seems that there were two voters who were denied the right to vote by the judges of election. In this case two of the judges of election were Democrats and two of them were Republicans. They were Republicans whose character is as good as that of anybody—intelligent men—one of them long time a justice of the peace and a member of the board of commissioners of the county in which I live, and they joined with the other judges in excluding the voters in question from voting. The majority count the vote which I refer to, after first looking into it and showing their reasons, and the minority concede that probably the contestant was entitled to these votes and do not make any controversy about them.

At Wadesboro precinct they take two votes from the contestee—myself—on the ground that one was a minor when he voted and one had not been a resident of the State a sufficient length of time to entitle him to vote under our constitution and laws. The minority of the committee make no controversy about them, but yield that point.

In Lilesville precinct they add 40 votes to the returned vote of the contestant in this case: and I want to read to the House the testimony upon which that finding is made. I can not think that the distinguished gentleman who wrote the report weighed that testimony carefully before he arrived at that conclusion. It is a difficult job, a difficult undertaking to wade through a great mass of testimony printed as this is in book form like that which I hold in my hand. It is a matter of great difficulty. And when one has a predisposition in his mind—I do not mean to make any improper reflection on anybody; I do not do that—but when he has it in his mind that certain things have been done, and when his mind is filled with such an impression it is an easy matter to misconstrue or misinterpret the weight, the scope, or the proper construction of testimony.

Here is the testimony on which he asks these 40 votes, and says he is corroborated by other witnesses to the same extent. So, then, if there is other testimony such as this, it is merely corroborative of this state of fact, and whatever testimony there is corroborative of the same is merely circumstantial.

B. K. Jones is called as a witness for the contestant. He witnessed the count and his testimony is as follows:

B. K. Jones, of lawful age, being by us first duly sworn, deposes and says as follows:

Q. 388. What is your age and place of residence?
A. Thirty-nine years old and reside in Lilesville Township.

And the testimony is that on that day when the polls were closed 10 Democrats and 10 Populists were called in by the officers of election to view the count and see that it was correct. All citizens have the right to attend and see the count; but in order that there might be no charge of unfairness these election officers asked 10 men of the opposing parties, the most intelligent they could get on the other side, to come in and view the count; and these men saw the count, all of them. That did not look very much like anybody was trying to rob anybody at that election. This witness is asked:

"Q. 389. Did you vote at Lilesville precinct, Anson County, at the election held on the 6th day of November, 1894? If so, what ticket did you vote?
"A. Yes; the Populist ticket.
"Q. 390. Were you one of the Populists who were called in to witness the count after the close of the polls that day?
"A. I was.
"Q. 391. Did you see any tickets thrown out of the Congressional box and not counted because they were not in the right boxes?
"A. I did.
"Q. 392. About how many?
"A. I did not count the tickets, and can't be positive; but at least 40, I think."

Now, these could not have been the Congressional tickets. They were tickets for other officers, and were thrown out of the Congressional box because they were not in the proper box. The election law of the State requires a ticket to be put into the proper box and the box to be labeled.

One Mr. Smith, a Republican poll holder for that precinct, says he endeavored by all the means in his power to get the voters to put their tickets in the right boxes there; that the Populists on the outside were trying to control the election and domineer and direct it; and when the voter did get in, and had a Populist ticket, he would refuse to be guided by the advice of the election officers or refuse to be aided by them and would go on and vote in his own way.

These were madmen, and the testimony in this case shows it. All men who have experience and observation and knowledge of people know how individuals who are not of the very highest order of intelligence, and sometimes those of the highest order of intelligence, suffering under real or supposed wrongs in matters of legislation, as these people have been taught, distrust everybody, lose confidence in every human being, repudiate the integrity and sincerity of their own neighbors, fly away and do the most foolish and the maddest of things. That was the conduct and that was the spirit of these men who were attempting to vote the Populist ticket in that election. If members of this House would take the trouble to read this testimony carefully, and weigh it, as judges, impartially, they would see the mad state of wild riot existing among these people who were following after the Populist banner in the Sixth Congressional district. Why, the gentleman from Nebraska [Mr. STRODE] says that the Republicans of the Sixth Congressional district indorsed the nomination of Mr. Martin, my reverend competitor. The testimony in this case is that this is not so. He has simply misread the testimony.

Mr. R. B. Russell, chairman of the Republican executive committee of that district, said that when Colonel Dockery, the Republican nominee, withdrew from that campaign the executive committee met and refused to indorse the Rev. Mr. Martin.

The Rev. J. S. Settle, a Republican member of that executive committee, swears that the committee met and refused to indorse the candidacy of the Rev. Mr. Martin. Mr. R. B. Russell is to-day the chairman of the Republican executive committee of the Sixth Congressional district. He was then. He has been recently reelected chairman. He is to-day high in the counsels of his party in that district. I want to read you what he says about this election. He was a delegate in the last State convention from his county. At present, by reelection, he is chairman of the Republican committee of his district. The counsel who appeared before the committee undertook to malign and traduce him, and to say he had sold out to the Democrats, and all that sort of thing. I never had heard of that before. I have never heard of it since, except from that source, and I am prepared to believe that it is unqualifiedly false, for I never knew anything about it or heard of it.

It has been shown to be false in this, that he is still the trusted leader of his party in that district, and he says: "If any considerable number of Republicans in that district voted for contestant, he does not really believe they knew what they were doing." That is his testimony in this case. It is shown through all his testimony that at all these precincts on which this contest is based the Populists took charge of the elections, as opposed to the Democrats, and would place tickets in the hands of these people and send them off to vote, and the proof is that in numerous instances, after they would get away from them, they would throw their tickets down and get others. I want to read from the testimony of one of the witnesses for the contestant in this case.

The gentleman from Nebraska [Mr. STRODE] dwells largely upon Stewartsville Township in Richmond County, where he says a large number of voters were prevented from voting by reason of the defective registration of the voters. I read the following as a sample of the kind of men who were controlling the elections there. This is from the testimony of Mr. John McKinnon, who is an aspirant for Congress in that district on the Populist ticket:

Q. Did you not, in a speech at Rockingham last fall, refer to Senator SHERMAN, of Ohio, substantially, as "Old John Sherman, the greatest thief in the United States"?
A. Yes, sir, I did; and I am still of that opinion.
Q. You have made a great many public speeches on the subject of politics within the last three years?
A. Yes, sir.
Q. Did you not in all of them, or nearly all of them, denounce the Republican party as a great enemy of the people?
A. I denounced both the Republican and Democratic parties as enemies of the people, and styled them as twins.
Q. Did you not denounce the leaders of both the Democratic and Republican parties as conspirators against the liberties and prosperity of the people?
A. I denounced both the old parties as conspiring against the liberties and prosperity of the people, especially against the farming and laboring class.

That man was in charge of the Populist tickets at the town of Laurinburg, in the township of Stewartville, in the county of Richmond. Now, what is the evidence in that case? The contestee introduced no testimony from that precinct. His attorneys did not think it necessary that he should, after the abundant testimony which justified the conduct of the election officers and their returns as adduced by the contestant himself.

I will say, furthermore, that I had but little to do with the taking of testimony in my own behalf, and knew but little about it. That was left entirely to attorneys who directed that matter. I was present at scarcely any time when any testimony was being taken. I was present when two or three witnesses, out of two or three hundred, were examined. Beyond that I had nothing at all to do with it, and did not know what the testimony was until after it was all in, and much of it, not until after it was printed.

The registrar at that precinct pursued the law as he understood it. He is introduced and vouched for by the contestant. All of his witnesses who were asked about the matter at all testify that he is a man of good character. His first experience in elections was when he was appointed by General Canby, the military commander of that department, to hold an election in North Carolina in 1868. He testified that from that time to this he had had more or less to do with every election. He was an intelligent man, with the law before him. If you will take his testimony and read it, you will see that in every instance he endeavored to his utmost to get the electors to register their names in accordance with the law. He made all manner of suggestions to them that would lead them up to the subject and cause them to have the proper answers made on the registration books; but those people would decline his offices. They would bring their coachers and prompters with them, and insist that the registration should be made in accordance with the manner in which they directed it to be made.

What was he to do? The supreme court of North Carolina says that when the registrar reads the headings of the registration books in a manner which is suggestive of the proper answers to be given by the voter that that is a sufficient compliance with the law of the State. This man went further than that. These men refused to register according to his directions, and in their madness, in their foolishness, in their distrust, in their lack of confidence, inspired by men whose language was incendiary, they would not hear to anybody, and refused to register as the law prescribes they should.

When they came to vote they were excluded from voting; these were Republicans largely. There were Republican county candidates running in that county, and Mr. Martin, my honorable competitor, was the candidate for Congress. The testimony of McLaurin is that between 8 and 10 o'clock on the day of the election all the Republicans ceased to vote for Mr. Martin and only voted for the Republican county and legislative tickets; and that of those who were rejected on that day for defective registration 95 per cent of them, at least, did not offer to vote the Martin ticket in that election. There were one hundred and sixty-odd; give him the 5 per cent and it only makes a change of about 9. On what ground do the majority say they ceased to vote? Because the election officers were trying to cheat them.

There is no evidence to sustain that. There is no evidence here to sustain that grave charge against these honorable gentlemen. They are as brave and true men as ever lived, as incapable of wrong or injustice as they may see the right as anybody. The testimony here goes to show that the Populists had well-nigh excited the people of that community who were opposed to the Democracy to a spirit of riot on election day. All the testimony comes from the mouths of witnesses introduced and examined by the contestant. There was such conduct on that day, there were such questions asked on that day, such a manner displayed on that day as would indicate to all reasonable beings that those people who proposed to vote against the Democracy were in a state of high excitement, and unwarrantedly so.

Why, it was said they did it because they had a suspicion that the boxes were being changed. No man testifies that the order of the boxes was changed. A Republican judge of election who was there on that day, an intelligent colored man, and present the whole livelong day, was examined by the contestant, and nowhere does he say, or pretend to say, that the boxes were changed under any circumstances, or that the election officers attempted to prevent the voters from putting their ballots into the right box. Men get impressions sometimes and come to conclusions from general knowledge and suspicion which they have in their minds; but when we come to deal with a serious problem of fact and law just men are not to be guided by them, and voters are not to be permitted to act on unwarranted suspicion, abandon their right, and then come to this House, or any other body, and ask, because they have acted foolishly, that those who have acted sensibly shall be deprived of their right of franchise to the exclusion, the total exclusion, of their ballots.

Now, that is the Stewartsville precinct of Richmond County, where I received 295 votes and Mr. Martin 14. These people did not try to vote for him there; made no honest effort to vote for him. They did not want to vote for him. The testimony of Mr. Russell, chairman of the Republican committee of that district, is true—that these people did not desire to vote for him. They had no views in common. He and those who canvassed for him and thought as he did were the critics of the party and its leaders—that party with whom and with which they had been acting ever since they had been given the right to deposit a ballot.

That is Stewartsville precinct. That is to be thrown out and my defeat compassed, and the seat which I am entitled to under the laws and by the certificate which I hold taken from me and another put in it.

Now, as to the Lumberton district in Robeson County. There the testimony is that there were some irregularities, which I very much regret. The minority do not contend for the votes there which the committee give to Mr. Martin, my competitor. They count for him 111 votes in addition to those which he received. I do not believe he is entitled to them. But, however that may be, they have given them to him, and the minority of the committee do not claim them and grant that they take those 111 votes.

In the Red Springs district, in the county of Robeson, where the returned vote of Mr. Martin was 116 and the returned vote of the contestee, myself, some larger, the committee raised his vote from 116 to 126, adding those additional votes on the testimony of two men who were bystanders. The judges of election made their returns, swore to them, and the returns are changed by the majority of the committee here on the testimony of two bystanders. The testimony of the poll holders, who were examined, is this: That after the returns were made up they read aloud the returns to all the bystanders, these two men being among the number, and there was no objection to the returns when made up. These two men say that they counted the tallies. Who is most likely to make a mistake, these judges of election or these two bystanders? It is quite evident the returns are correct and that the 10 votes should not be added to Mr. Martin's vote.

Then at Alfordsville precinct, where I received 96 votes and Mr.

Martin 44 votes, that vote is entirely excluded by the majority. It is excluded on the ground, as they say, that the ballots were put in the wrong box, that the election officers were guilty of fraud, and that one of the election officers, a Republican, had formerly been convicted of crime, and then the distinguished chairman or acting chairman of this committee comments at some length on that matter.

Now, what is the evidence in respect to that? The testimony is that one voter said that he gave his Congressional ticket and his State ticket to one of the judges of election, who reversed them and put each in the wrong box. He says that the tickets were very much alike and very nearly the same size, though there was some difference, and that they were reversed and put in the wrong boxes. The judge of election says that is not true, that he never did any such thing. Still the honorable committee, or the majority of the committee, find that the testimony of this voter, who may have been mistaken, should overthrow that of an honorable man who had charge of the election and who, if he made the mistake, must have done it fraudulently, while the voter could honestly have been mistaken as to what he thought he saw.

Mr. Speaker, that is not fair trying; that is not righteous trying; that is not just trying. It is not such trying as ought to be had in any tribunal where the facts are sought to be arrived at upon proper testimony and after due consideration. One man, a judge of election, says that he saw two or three tickets put in wrong boxes, but he does not pretend to say that the judges of election put them there. He says that he saw two or three legislative tickets put in a county box, but he does not say a word about the Congressional ticket. This judge of election refused to sign the returns. All the returns were made at once. There were votes for Congressmen, for three judges of the supreme court, for county officers, sheriff, clerk, etc., for two members of the house of representatives of the general assembly, and for a State senator.

Elections for all these officers were being carried on at the same time. This man swears that he refused to sign the returns because the judges of election threw out legislative tickets on the ground that they were not written or printed on white paper, as the law directs. That is true. The law of the State requires that all ballots shall be without device and written or printed upon plain white paper. The judges of election did throw out ballots because they were not on white paper; but that did not apply to any other election for any other officer. It seems difficult for gentlemen in other parts of the country to understand the system of having several boxes to vote in at the same election, and I believe the system does not exist in a great many places, but it has existed in North Carolina time out of mind, since long before there was a Republican party in the State. I remember going to elections when I was not more than 6 years of age, a country boy, and sitting on my father's knee and seeing him put his hat down and spread a bandanna handkerchief over it, and the voters would come up and deposit their ballots.

That is the way that we used to hold elections in North Carolina. The system of having different boxes for the candidates of the different offices has prevailed in our State for a great many years. I will add, however, that since I have been grown I have never seen a box of ballots counted in any election; I go to the polls and vote and then go about my business.

Now, take the case of Alfordsville, that is thrown out. It is improperly thrown out. I have not time to go through with all the testimony, but if you would print the report of the minority of the committee, gentlemen, and read it, I should be better satisfied. If you should take that report and read it carefully and take time to investigate, and should then find the case against me, I should have no complaint to make; but I do not feel, and I shall not feel, that I have been treated right, if this House, without availing itself of the opportunity to investigate the whole case, deprives me of my seat in this body. I shall not feel that I have been treated with the justice or with the consideration which every citizen and every man who holds a seat in this body, or in any other, is entitled to at the hands of his fellows who are to pass upon his claim.

All I ask is fair and just treatment. It is easy to pick out extracts from the testimony. All men do not tell the truth. We know that some men tell falsehoods. But there are certain cardinal doctrines, some subtle and some plain, by which to judge of the testimony of individuals. You try these matters at best under disadvantages and difficulties. You have here a little record, printed in small type; it is irksome to examine, and you are deprived of that great advantage, that great aid in the trial of questions depending upon human testimony, the advantage of seeing the witnesses and having an opportunity to judge by observation of their manner, their frankness, their general bearing, and character.

I would be very glad if the witnesses who have testified on the one side and on the other in this case could be brought before this House to give their testimony orally, so that you might have an opportunity to judge of their trustworthiness by personal observation. I would be glad if that could be done, but of course it is impossible. I do ask the poor boon of having the whole of this case presented to you. I do ask the little privilege of having the report of the minority printed and laid upon your desks, that you may read it and judge of the whole case as presented there. All that I ask is a fair and impartial trial. I would not try a dog in this way. I would not try a dog under this rule. I can not believe that, when this House this morning voted to take up this case for consideration, members understood the circumstances. I do not believe they intended to jeopardize their own good name for fairness by proceeding in such a manner. I do not believe it.

Now, Mr. Speaker, I come back to Wadesboro Township, in Anson County, my home, where some things occurred that I would have preferred had not occurred. I was not present at the election myself, except long enough to vote. As I have before remarked, I go to the poll, deposit my vote, and then go about my business and leave other gentlemen to do the same. I never in my life solicited a vote of any man on election day. I have never solicited a voter. The election at that poll was held in an upper room in the court-house, adjoining the court room. The Populists took charge of the court-house. It seems that during the day a gentleman walked up to a Populist who was keeping a book of some kind and asked to be allowed to see it. The man declined to permit him to see it. They had been friends all their lives and the gentleman said that he did not wish to injure the book, but that he would like to see it. He was treated rudely. He remonstrated, and there was a controversy. The testimony of all the witnesses is that it was over in a minute.

The whole testimony goes to show that some boy went into the court room and threw two or three spoiled eggs. I learned of the fact a few minutes afterwards, when somebody came and told me. The sun was just about down when it happened. I expressed the deepest regret that any such foolishness had been carried on. The election officers knew nothing about it, and the testimony is that it did not affect a single vote.

It is charged here that the court room was darkened. It is true that some of the witnesses have so testified; have testified that the blinds of the court room were closed. But there are other witness, and a multitude of them, who say there is no word of truth in that statement; that the sun had disappeared behind the hills and houses, and dusk was coming on in that closed room. There was not a vote affected; nobody attempted to vote after that time.

The SPEAKER. The gentleman's time has expired.

Mr. STRODE of Nebraska. I would like to ask the gentleman a question.

Mr. PRINCE obtained the floor.

Mr. SULZER. I move that the time of the gentleman from North Carolina [Mr. LOCKHART] be extended.

The SPEAKER. For how long?

Mr. SULZER. For twenty minutes.

The SPEAKER. The gentleman from New York asks unanimous consent that the time of the gentleman from North Carolina be extended for twenty minutes. Is there objection?

Mr. KEM. I object.

Mr. BAILEY. Inasmuch as the gentleman from North Carolina has been speaking in the time which I had yielded to him, I submit to the Chair that he should now be recognized in his own right.

Mr. PRINCE. I do not desire to cut the gentleman off from any right he is entitled to. If the House desires to hear him for the remainder of the time allowed to that side, I have no objection.

Mr. McMILLIN. The time of the gentleman from North Carolina could be extended, and an equal amount of additional time granted to the other side.

The SPEAKER. How much time does the gentleman from North Carolina desire?

Mr. LOCKHART. I think I shall be through in a very few minutes.

Mr. PRINCE. I have not yielded the floor. I am willing to yield the gentleman ten minutes out of my time.

The SPEAKER. The Chair will state that the gentleman from North Carolina has occupied an hour in addition to the seven minutes yielded to him by the gentleman from Texas.

Mr. BAILEY. Why, Mr. Speaker, there must be some misunderstanding. I could not have consumed more than four or five minutes of the hour to which I was entitled when recognized, and I yielded the entire residue of my time to the gentleman from North Carolina.

The SPEAKER. The gentleman from Texas consumed seven minutes. The remainder of that hour has been consumed by the gentleman from North Carolina, and seven minutes more.

Mr. BAILEY. What I intended to suggest to the Chair was whether, after the gentleman had occupied the time in my right, he was not entitled to recognition in his own right.

Mr. PRINCE. I have no objection to giving more time to the sitting member. I think he ought to have a full hearing upon

the case now before the House. I will grant him fifteen or twenty minutes of my time.

A MEMBER. Make it twenty.

Mr. PRINCE. I yield the gentleman twenty minutes if he desires it. If he does not need it, I should like to use it myself.

Mr. LOCKHART. Mr. Speaker, I will not consume much more time. As I stated in the outset, I did not expect this question to be discussed to-day and I did not have any argument arranged for presentation to the House, thinking that the views of the minority would be printed, and then time would be given hereafter for the hearing of this case. I can not, therefore, present this matter as I had wished. Indeed, I could hardly hope to present it effectively.

In the precinct to which I was just now referring it is not shown that the spoiled eggs were thrown by any voter. Among the men who testified was a colored minister of the gospel who said he was present, and he thought it was some foolish, wild boy, in the back part of the court-house, that dropped those eggs upon the bystanders—Democrats, Republicans, and all. That is immaterial. I only refer to it because it has been alluded to by the gentleman who opened the discussion of this case.

That precinct is not thrown out. The committee does not interfere with that precinct. They do deprive me of 2 votes there for reasons which were satisfactory to themselves and which may be entirely correct, 1 vote being that of a minor, the other that of a man who, it is claimed, had not been a resident of the State long enough to acquire citizenship and entitle him to vote. But that does not affect the result.

I must discuss one more precinct, Mr. Speaker, and I only discuss such as are criticised in the report and are made a part of the views of the majority of the committee. At Maxton precinct, which the committee utterly rejected, the minority find that that ought not to have been done. The testimony in this case shows that the men there who were in charge of the contestant's canvass did all they could to provoke and irritate the election officers in charge of the polls.

The law of the State of North Carolina is that the voter shall deposit his ballot himself, or he may hand his ballot to the judges of election, and they shall take the ballots and deposit them in the proper boxes. That is done in order that the illiterate voter may have his ballot put into the proper box. Generally they see fit to vote for themselves, and in their own way. They are educated to a system of lack of confidence and of distrust, and wrongfully so, in my judgment. Judge Ewart, a distinguished Republican judge in North Carolina, wrote an extensive article a year or two ago on the subject of elections in that State; and he said that in that State the elections were as fair and as honest as they were anywhere in the world. He was once a distinguished member of this House; and is to-day a distinguished member of a court in that State, and a Republican—an ardent Republican. I wish I had the article here, so that I could exhibit it to this House. It is a long, exhaustive document treating of the whole subject, and therein he says that there are as honest elections in North Carolina as anywhere else in the country.

In that precinct (Maxton) men who could read or write, intelligent men, Populists who came to the polls to put in their votes, by their conduct accused the election officers of a design to cheat them out of their right, and out of their votes. They would carry all of their tickets in their hands, offer them to one of the judges of election to deposit in the box, and on being tendered in that manner the judge declined to take them. Under the law, I believe the judge did right; that he had a right to decline to take them under such circumstances. But he said to them, "Hand me your tickets one at a time, and I will take them and put them in the proper boxes." That, however, they declined to do. Is there any excuse for this conduct on their part? Will any man say the judge of election was not entirely right in his request? Was it not pure, unadulterated, unmitigated contrariness on the part of these voters? Was it not a reasonable regulation or requirement on the part of the election officer.

He could not tell how many tickets the man had in his hand. He might have had 10, 12, 14, or more. Coming in that way and acting in that manner, it seemed as if the attempt was to lay the foundation for an accusation against him, and the officer of election, believing that it was an effort on the part of the voter to accuse him of wrongdoing, absolutely refused to receive the ballots except one at a time, as he had a perfect right to do. The boxes were labeled in plain roman letters, that anybody could see, that any man who could read at all could read, and yet these men, intelligent men, some of them, would not deposit their ballots, and attempted to make one of the judges take all of the ballots, as I have just suggested, and deposit them in the boxes for them. The judges of election not only refused to receive the ballots in a bunch that way, but pointed out to voters the various boxes, telling them, "There is the constable's box, there is the box for the sheriff, the box for the legislative officers, the box for the judiciary, State treasurer's box, and so on. There is a box for Congressman; put the tickets in yourself."

Mr. Speaker, there is not a witness introduced from this precinct, in respect to this election and the refusal of the judge of election to receive the ballots in that manner, who could not read or write for himself and deposit his own ballot.

When that precinct was counted every citizen who desired to do so was present and saw the count; and the minority and I say that it is wrong to throw out that box.

Now, at the Rockingham precinct, 103 votes were challenged and refused. The supreme court of the State of North Carolina, as I have already said, have construed the election law; and that decision prescribed the proper course for the voter to pursue when he came to register. There is a copy of the registry book in evidence here and filed with the majority report. There is one man counted for the contestant by the majority of the committee whose name does not appear at all on the register's list. He swore, however, that he offered to vote on election day, and is counted by them; Ben Parker, I think, is the name; and the majority in their report attempt to set up a copy of the registry list as testimony, and yet his name is not on the book at all. This only goes to show, Mr. Speaker, how the most careful men and the most scrutinizing may be misled at times in such matters.

Mr. STRODE of Nebraska. If the gentleman will permit me, is it not a fact that the registrar, who put the list in, says that he is not sure that he has given the names of all whose votes were challenged and rejected? And the list that is published is simply the list that he gave, although, as he said when he looked over it, he might have omitted certain names that were rejected.

Mr. LOCKHART. But this purports to be a copy of the registration book.

Mr. STRODE of Nebraska. That is true; but the registrar pointed out in his testimony that he may have omitted some names.

Mr. LOCKHART. Well, that may be so. I may be mistaken in my view of the matter. I am only taking the testimony that appears of record. I am not infallible, and am as liable to make mistakes as any other man. At all events, this man's name does not appear in the copy of the registry book.

Mr. STRODE of Nebraska. That is correct; the name does not appear.

Mr. WILLIAMS. And yet you vote him for the contestant, notwithstanding that his name does not appear on the registry list?

Mr. STRODE of Nebraska. His testimony is that he was registered and offered to vote, but his vote was rejected, and the registrar says he may have left his name off the list of rejected voters.

Mr. WILLIAMS. And on no stronger testimony, although he is not on the list, and not on the copy of the registration book which is offered here, you propose to count him as a voter?

Mr. LOCKHART. That is a copy of the registration book. The registrar copied from the registration book all those who were introduced there, whose names were upon the registration book, as I understand this matter.

Mr. WILLIAMS. And all who are registered are copied?

Mr. LOCKHART. Yes; all who are registered are copied, as I understand the testimony in this case. The majority report says that a list of them is given from the registration book, and this man is not among them.

Mr. STRODE of Nebraska. Will the gentleman allow me to read just a line or two, to correct this?

Mr. LOCKHART. Yes.

Mr. STRODE of Nebraska. This is the testimony of Mr. W. C. Leak:

> From a recent review of the registration book I find that 433 votes were cast by white men; this I believe to be correct, though I may have made an error in the count, or there may have been an error made in checking the registration book on election day.

Mr. LOCKHART. That is an entirely different matter. It just shows how men, in hurriedly looking over a thing of this sort, may misinterpret the meaning of a whole mass of testimony. The reading of that does not bear the construction which the distinguished gentleman seeks to give it.

Mr. OWENS. It does not indicate that his name has been left off. There might have been an error in the count.

Mr. LOCKHART. It does not bear that construction. But a number of these men were brought up there, and they testified on cross-examination that they voted for Mr. Martin for United States Senator, that they voted for him for governor, and for this, that, and the other thing. The truth is they were picked up, and they were prepared to swear to anything, many of them, and when put to the crucial test of a cross-examination they broke down. But let that go, as it does not change the result.

The minority of the committee figure out, after conceding many things in this matter, that I was elected by 256 majority. I want to call your attention to one other thing. So far as has been disclosed, there was but one precinct thrown out. Charges have been made that in North Carolina whole precincts have been thrown out by election officers and returning boards. So far as

appears here—and this is the truth—there was but one precinct thrown out in my entire Congressional district by election officers, and that was a precinct wherein I had, according to the testimony, 54 majority. The evidence is that I received those 54 votes. The contestant was notified to be present to examine the witnesses. The registrar, the poll holders, the judges of election, were examined about that matter, and testified that I received 54 lawful votes, and a majority of the committee declined to count them for me. They give no reason in the world why they decline to do it, but they leave them out. I suppose it is an inadvertence and that they did not see them at all. That escaped their attention. I can not account for it in any other way. So that is the result of the minority figuring up of this matter.

Gentlemen, this matter has two sides at least, and I should like this House to consider it in that view. I should like this House to consider it carefully and not at haphazard. Majorities of committees can be mistaken. The distinguished gentleman who wrote the report in this case did not hear a word of the argument made before the committee by counsel. When it was voted upon in committee, I doubt if he had ever read a line of the evidence. It has been gone over by him, and he has given his view of the matter.

I think I have represented the matter here in such a way as to show you the state of uncertainty there is about this thing, at least, and that the contestee has some rights as well as other people, and that this House can well afford to take up this matter and consider it impartially, and after a full knowledge of all the facts, as they have not been able to get them here at this time. It is impossible to present the case fully. One man can not do it when he feels circumscribed and bound for want of time. Especially is it difficult for the contestee to do so himself, being a party in interest in the matter.

I have endeavored to present the case as plainly as the time and the circumstances would allow, and as impartially as it could be presented under the circumstances, without undue excitement or feeling, without bitterness or ill feeling toward any human being upon the face of the earth. But if this House should not place this matter in such a condition that they could see for themselves how this is I should feel that I had been treated unfairly, and that judgment had been pronounced upon my cause without full opportunity on the part of the triers to know what they were about.

I am very much obliged to those gentlemen of the House who have done me the honor to listen to the rather incoherent presentation which I have necessarily made of this matter. Whatever may be the result, I am able to stand it as a man and as a citizen. I can go to my people conscious of having done no wrong in connection with this matter. I have not sought the favor of anyone in this respect. Since I have been here I have felt cramped, constrained, fettered with chains, by reason of the fact that title to my seat has been brought in question. I have, I hope, demeaned myself with propriety. I have not gone to the committee seeking this or that favor. I barely know the members of the committee. I have purposely abstained from making more than a bare acquaintance with them. I would not have any human being think I would bow or cringe to power or authority. I stand on my rights and my own, and what I have said is in vindication of myself and of those good people who have honored me with their suffrages and their certificate of a seat in this House. [Applause.]

Mr. PRINCE. Mr. Speaker, I can imagine how my fellow-members here in the House may have some hesitancy as to how they should vote on the pending question. I can appreciate the feeling that some of them may have because, they say, they have only one side of this case before them, namely, the report of the majority of the committee. Whose fault is that? Was it the fault of the majority of the committee? Is not that a committee of this House designated to do the work, namely, the Committee on Elections No. 2, and have not they manfully gone forward to do their work and reported their doings to this House? Have they transgressed their rights in that respect? Have they made a false report to this House? Should they be censured by this House in any way? Not in the least. On the 26th of May the chairman of the committee, who had this case in charge, reported the majority views to this House.

A little early history may be well now in reference to this case, to see whether our colleague, the sitting member, has had fair treatment in the matter. This case was presented to the committee at an early day. We gave to it careful investigation, and when the time for its final disposition came it was unanimously reported to this House. As a court we passed upon it, and, with one accord, unanimously agreed to the report of the majority of the committee that is reported to this House. Gentlemen representing the minority asked for two weeks in which to look up the matter, which privilege we accorded them.

Mr. MAGUIRE. Will the gentleman permit me to ask him a question?

Mr. PRINCE. Certainly.

Mr. MAGUIRE. Was the majority report shown to any member of the committee before it was filed?

Mr. PRINCE. I presume so.

Mr. MAGUIRE. I think not.

Mr. PRINCE. The gentleman from Nebraska can answer that question for himself.

Mr. STRODE of Nebraska. It was.

Mr. PRINCE. He says that it was.

Mr. MAGUIRE. Does he say that it was?

Mr. PRINCE. He says so.

Mr. MAGUIRE. I never heard of it, and I certainly did not see it.

Mr. PRINCE. The report was brought to the gentleman from Texas [Mr. BAILEY], and he was asked if he requested to see it, and he said he did not want to examine it until it was printed.

Mr. BAILEY. The fact is, I did not examine it. The gentleman from Nebraska asked me which I would rather do—examine the report in manuscript or examine it in print, and I replied, "In print."

Mr. PRINCE. But be that as it may——

Mr. LACEY. Will the gentleman allow me to ask him a question?

Mr. PRINCE. Certainly.

Mr. LACEY. Is not the contestant in this case a Populist?

Mr. PRINCE. The contestant in this case is a Populist, indorsed by the Republicans of his district.

Mr. LACEY. Well, the minority report could have been printed, could it not, if it had not been for the objection of one Populist? [Applause.]

Mr. KEM. Mr. Speaker, the gentleman——

Mr. PRINCE. I will say to the gentleman from Iowa that we are members of the American Congress, that as men representing freemen we ought not to vent our spite against a man who is elected to a seat because another man interposes an objection.

Mr. LACEY. Is there not some way in which the minority report can be printed?

Mr. MAGUIRE. The Committee on Rules can do it in fifteen minutes.

Mr. QUIGG. I would like to make a suggestion to the gentleman.

Mr. PRINCE. I yield to the gentleman.

Mr. QUIGG. I quite concede the suggestion that as members of the American Congress we ought not to vent our spite on a gentleman, nor are we to deny a man who is entitled to a seat in this House the right to have his place in it because he is a Populist.

Mr. PRINCE. True.

Mr. QUIGG. But does not the gentleman, as a member of the American Congress, think we ought to see both sides of the case before we decide? [Loud applause.]

Mr. PRINCE. I will say this to the gentleman: You can see, and if you will listen to my argument you will find that you have had an opportunity to see; but gentlemen upon the other side have fixed your eyes so that you can not see.

Mr. QUIGG. I beg pardon.

Mr. PRINCE. Well, wait until I get through.

Mr. QUIGG. I know about my own eyes.

Mr. PRINCE. Have you seen the report?

Mr. QUIGG. I can see both sides when I have a chance.

Mr. PRINCE. Have you seen the minority report?

Mr. QUIGG. No, sir; I have not seen it.

Mr. PRINCE. Did you see the report in the case of Mitchell against Walsh at the time it was presented and objected to by the gentleman from Nebraska [Mr. KEM]?

Mr. QUIGG. Let me answer your question. So far as the case of Mitchell against Walsh is concerned, I was very familiar with the facts myself and did not require to see the minority report.

Mr. PRINCE. Answer my question as frankly as I do yours. Did you see that report?

Mr. QUIGG. No, sir; I did not wish to see it.

Mr. WILLIAMS. Did the gentleman have an opportunity to see it?

Mr. PRINCE. If the gentleman will permit me, I will explain that when Mr. MAGUIRE of California, a member of the minority, asked leave that that be printed, it was objected to by the gentleman from Nebraska [Mr. KEM]. He then, knowing the rights that he possessed in this House, moved that it be referred to the Committee on Printing, which committee brought in a resolution, and it was made a privileged matter and laid before this body. Now, what would have prevented the gentleman from Texas, representing the gentleman from North Carolina, from doing the same thing? Will the gentleman from New York answer?

Mr. QUIGG. I do not care anything at all about the machinery by which the report is brought into the House. I choose to see and read the minority report in this case if I can get it. So far as regards the case the gentleman speaks of, that of Mitchell *vs.* Walsh, I knew something about that case. It was a New York City case, and I have studied it from the beginning. I have read

the reports in each of the cases I have voted upon here where there were two sides to the question, where there was anything else than a formal resolution, and I think we ought to have an opportunity of reading the reports in this case.

Mr. PRINCE. I have no objection so far as that is concerned; but I wish to say to the gentleman that as I understand the matter, being only a new member—and I heard it first from the lips of the Speaker, who does know—under the rules of the House, when the majority report is presented is the proper time to present the views of the minority, and unless they are presented at that time they can be presented only by unanimous consent. Now, here was the report in this case presented on the 26th, and in addition to that the gentleman from Nebraska [Mr. STRODE] had gone to the gentleman from Texas [Mr. BAILEY], previous to submitting the report to the House, and notified him that he was about to do so. Now, why could not the gentleman from Texas have presented his report at the time the majority report was presented?

Mr. BAILEY. I desire to say to the gentleman, because I suppose he wants to know, that the theory upon which the majority and the minority reports are required to be presented at the same time is that the majority report shall be read to the whole committee and approved as the report of the committee. In this case the majority report was never laid before the full committee. The committee never had a session from the day that report was ordered until it was filed. The gentleman from Nebraska had more than two weeks in which to prepare the report, but as he was sick the larger part of that time I acquit him of any intention to delay. I knew he would prepare the report as soon as he could, and he tells me that he had it in his hand when he came to me; so I make no question about that. Neither did I make any question that the usual time and opportunity would be given to the minority to file their views, and when the gentleman from Nebraska came to me and asked me about it he said—I believe I repeat his very words—"Would you prefer to read this in manuscript or after it is printed?" I will ask the gentleman if that is correct?

Mr. STRODE of Nebraska. I think so.

Mr. BAILEY. That was the gentleman's question, and I said I would prefer to see it after it was printed. He replied, "Very well," and sent his report to the Printing Office. No doubt if I had had an opportunity to examine that report at that time, and had done so, I could have prepared a reply, but nobody dreamed but that we would have ample time to prepare and file the views of the minority. In my absence the gentleman from California [Mr. MAGUIRE] very kindly tried to arrive at an agreement with the gentleman from Nebraska [Mr. STRODE]——

Mr. PRINCE. Mr. Speaker, I was willing to yield to the gentleman, but I do not want the gentleman's speech made in my time.

Mr. BAILEY. But since you have attempted to impute some degree of negligence to me, I think you can well afford to give me an opportunity to vindicate myself.

Mr. PRINCE. I will yield for any question which my colleague desires to put or for any statement he desires to make, but I do not want him to make a speech in my time.

Mr. BAILEY. When that understanding was presented by the gentleman from Nebraska we proceeded with the preparation of the report. I had it here on Monday, as it had been agreed that it should be filed that day. On Monday afternoon I had it before me ready to be presented to the House, but the House adjourned on the point of no quorum made by the gentleman from Nebraska [Mr. KEM]. I could not present it at that time, according to the agreement between the gentleman from Nebraska [Mr. STRODE] and the gentleman from California [Mr. MAGUIRE]. On Tuesday I again asked consent to file it and again objection was made. To-day is Thursday.

Mr. PRINCE. Why did you not introduce your resolution on Tuesday, the same as was done in the case of Mitchell against Walsh?

Mr. BAILEY. I asked consent right at the heels of the session, and I will be frank with the gentleman. As the majority report proposed to seat a Populist, if a Populist member undertook to prevent the House from making up the case in the usual way, I thought the Populist party ought to suffer for for it.

Mr. KEM. Will the gentleman from Illinois yield to me to ask the gentleman from Texas a question?

Mr. PRINCE. No, I can not.

Mr. KEM. Mr. Speaker, I have been assailed here and I think I have a right to reply.

Mr. PRINCE. I can not yield. The gentleman has objected to everybody else and now we will object to him.

Now, Mr. Speaker, with reference to this case—going on from where I stopped when I was interrupted—two weeks had come and gone before final action was taken on this matter by the committee. After two weeks had passed, we then determined as to what we would do with this question. Then three weeks more intervened, making in all five weeks, during which it was known how the majority would decide this question. It is true the formal report had not been made, but every member of the committee knew what the determination of the committee was. Then it came to the 26th of May; and you have heard in the shape of a running debate, questions asked and answered, the further history of this report.

Now, as to the report itself, let me say to you, fellow-members of this House, that there has been no election contest presented to Election Committee No. 2 in which it has been so clear as in this case that the contestant should be seated. We have had many cases before us. We have permitted five Democratic contestees to remain in their seats. We have declared one seat vacant. We have seated one Republican. We have turned down a Republican in North Carolina, and told a Democrat to keep his seat. We have told a Populist who knocked at the doors of this House, "You can not come in, but the sitting member, a Democrat, shall remain in the seat."

Have we undertaken to say that because a man was a Populist we would so lower ourselves as men as to say that a man who differed from us in political opinions should not have a seat here? The gentleman from Texas has said to you frankly and fairly, "I say to you that I thought because he was a Populist, and because a Populist had objected, therefore he ought not to be seated in this House." Oh, fellow-members, if such were the reasons why a man should not be seated, would the great Republican party ever have had a member on the floors of this House in the days gone by? We were once a minority party; we were once struggling against the party in power. We were right. I do not believe that the Populists are right or that their doctrine is true, but if the people of any district say at the polls that a man of that party shall represent them, it is our duty as members on this floor, having taken an oath to examine the evidence and the law and decide in accordance with them, to find that he is entitled to a seat. It is our duty to say he shall have the seat. [Applause.]

But objection is made on the ground that the views of the minority are not in print before us. Gentlemen, you have heard the evidence; you have heard the statements of the contestee. He has admitted that there was bribery; he has admitted that 53 votes on which the name of C. H. Martin was written should be counted. He has admitted that in his own home city, where the contestant had received a majority, there in the nighttime when the ballots were being counted and the returns were being prepared, rotten eggs were hurled at freemen who had cast their votes and were exercising their rights.

Mr. LOCKHART. That is a mistake.

Mr. PRINCE. Is that a fair ballot and an honest count—a free, fair election? Is it right that in this country of ours, North or South, East or West, men shall not have the right to cast their ballots and have them counted as cast? Gentlemen say that this right has been accorded to voters in this election. Not at all. Let me read the evidence of what occurred in the contestee's home city. I read from page 165:

Q. 54. What reasons, if any, existed to deter or prevent any elector from voting for Martin for Congress?

A. While we were distributing tickets there was a crowd around the table pushing against each other and against me. Some of them had clubs—

These were Federal officers, I suppose, though the law under which such officials could be appointed has been repealed—

I mean walking sticks (with large ends); some one of the crowd, while pushing against me, emptied a vial of stinking chemicals in my pocket; some parties threw several rotten eggs in the crowd, which fell near the table where we were distributing the Fusion tickets. The poll book in which we were recording the names of those who called for Fusion tickets was taken out of the hands of R. M. Flake, who was keeping a record of those names. The person who took the poll book refused to give it to R. M. Flake until I got up, and reached over, and took the book out of the gentleman's hand. I was then abused, cursed; telling me that he was "not going to hurt the durned old book, durn you." During the time the rotten eggs were being thrown the window blinds were closed, or a portion of the blinds on the west side of court room, so as to make the room dark. During the day I was informed while sitting at the table that I was going to be treated to a coat of tar and feathers if I remained here till night. Mr. J. T. Martin, during the time the rotten eggs were being thrown, proposed to leave the court room, stating that he did not wish to be rotten-egged. So we all left the court-house. Just as we were leaving one man wanted to vote; we took his name; gave him some tickets, but never recorded on the book the candidates voted for. After we got on the street a man told me he wanted to vote our ticket. I told him we had done broke up and left; thought perhaps he might be able to find some tickets up here at the table; so we all went home; don't know anything about how the vote was counted.

A nice procedure, is it not? No wonder the sitting member says he regretted exceedingly that little episode occurred in his home town.

Mr. MAGUIRE. Will the gentleman permit me a question?

Mr. PRINCE. I will.

Mr. MAGUIRE. What effect does the committee find all that had on the election, and what weight do they give to it in determining who was entitled to this seat?

Mr. PRINCE. The committee saw that there was no necessity for straining a point; that there was no necessity for taking advantage of the passions and prejudices of this House by playing

upon them in that way, because the evidence was so overwhelming outside of anything of that kind——

Mr. MAGUIRE. Then that constitutes, we understand, no part of the case on which you ask the House to unseat this man. Why, then, appeal to prejudice by going outside of the case to raise such a question?

Mr. PRINCE. I am undertaking to show in this way the character and conduct of these men who it is stated were so fair and honest in conducting the election.

Mr. MAGUIRE. Is there any evidence that a Democrat ever threw a rotten egg there?

Mr. STRODE of Nebraska. Yes, sir.

Mr. PRINCE. Yes, sir; the record shows it; and the names are given.

Mr. LOCKHART. Will the gentleman allow me a moment? I do not think he wants to misstate this case.

Mr. PRINCE. I yield to the gentleman.

Mr. LOCKHART. There is nothing in the evidence as to who threw the eggs.

Mr. PRINCE. It was done by Democrats.

Mr. LOCKHART. No, sir.

Mr. PRINCE. The record shows it.

Mr. LOCKHART. One man says that the parties who did it were Democrats, but he does not know who did it; and there is nobody, so far as I have been able to find out, who, up to this time, does know who did it. A colored preacher, a very respectable man, says that it was done by some boy in the back part of the court-house.

Mr. PRINCE. Very likely!

Mr. LOCKHART. There is another thing about which I wish to correct the gentleman. When the vote was counted there was present one Perry Robinson, a colored man, who was candidate for constable. He testifies there were Republicans in the room, and that nobody who wished was prevented from going there.

Mr. PRINCE. Well, there is enough in this evidence to make it as clear as the noonday sun that the contestant (though you may be prejudiced against him as a Populist) is entitled to the seat in accordance with the rulings of this House. There is no question about it.

But gentlemen say they want to see the minority report; they want to know something more about the case. I do not believe it is the policy of the Republican party, which is in the majority in this House, to take advantage of any man. I believe it has ever been its policy to see that the rights of every human being shall be properly protected before the law, whether at the polling booth or in the Halls of Congress. We have always adhered to that policy. We have succeeded by it. And the great Grant himself said that so long as certain proceedings and practices were carried on with reference to elections in portions of the country, just so long would it be necessary that there should be Republicans and a Republican party to see that men are accorded their legitimate rights under the law.

Our colleague from North Carolina feels perhaps that he has not been properly treated. It is not the fault of the Committee on Elections. He can not charge it to us. He feels perhaps that the House is going to railroad him out of his seat. We do not want to do that. It is not the disposition of the majority of the committee, and, Mr. Speaker, I am willing here and now to have the minority report read in my own time [applause] to avoid the objection of the gentleman from Nebraska [Mr. KEM], which he saw fit to make, and let it go into the RECORD and be laid on the desk of every member of the House, at his home or here in the House, so that he may read it to-morrow morning; and, after reading the Journal at 11 o'clock, if the House sees fit to pass upon it, I assure the House that there will not be a shadow of a question of doubt in the mind of any man that this contestant is entitled to the seat that is now occupied by the sitting member on this floor.

Mr. HENDERSON. If that is done there will be a good many more men acquainted with the report than if it was printed in the usual way, or if it was read in the hearing of the House.

Mr. PRINCE. Well, I do not know about that. That may be. But I imagine the majority of the House, when a committee of the House in whom they have confidence reports, as this committee has always reported, without any partisan bias or prejudice; a committee whose record is as free from such a charge as this one, and which committee has never in any questions on this floor in the discussions of these cases even used the words "Democrat" or "Republican," except when forced upon them—I think that report must command the respect and the confidence of the House. We have forgotten politics when we come to act as members of this committee. If these political questions arise they are forced upon us by gentlemen in discussing the cases. We have sought to do our duty under our oaths; and in our reports to the House we present the best views and our honest views as we understand the cases which we consider. You will find, gentlemen, if there is a member of this House who wears his conscience on the lapel of his coat, or has any doubt of the committee, you will find the case fully set out in our report; and I have no objection now, if the House desires it, to have the Clerk read the minority views in my own time. And I now offer that time and ask to have it done. [Prolonged applause.]

Mr. HENDERSON. That is business.

Mr. TAYLER. I ask unanimous consent that the views of the minority be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. KEM. I object.

The SPEAKER. The gentleman from Nebraska [Mr. KEM] objects. [Laughter.]

Mr. PRINCE. In view of the objection, and believing that the right of a member to a seat on this floor presents a question of higher privilege than the objections of an objector, I ask that it be read in my own time. [Applause.]

Mr. BAILEY. I want to admonish the Clerk that there are certain interlineations that must be followed.

A MEMBER. Read it yourself.

Mr. PRINCE. Let the Clerk read it. I will not attempt to read it. It is enough for me to give the time.

The Clerk read as follows:

Mr. BAILEY, from the Committee on Elections No. 2, submitted the following:

VIEWS OF THE MINORITY.

The undersigned members of Election Committee No. 2, being unable to agree with the majority of the committee, respectfully submit their dissenting views.

The majority of the committee rest their view of the final result and conclusion at which they arrive on the townships or precincts of Wadesboro, Ansonville, Lanesboro, and Lilesville in Anson County, Rockingham and Stewartsville in Richmond County, and Lumberton, Maxton, Red Springs, and Alfordsville in Robeson County.

ANSONVILLE.

The majority of the committee discuss at length the vote in Ansonville Township, and conclude that 53 votes should be added to the originally returned vote of the contestant. That was entirely unnecessary, as contestee in his brief conceded that such should be done.

LANESBORO AND WADESBORO.

The majority add 2 votes to the originally returned vote of contestant at Lanesboro and subtract 2 votes from the originally returned vote of contestee in Wadesboro. These findings the minority will not dissent from.

LILESVILLE.

At this precinct 263 votes were returned for contestee and 103 for contestant. The majority propose to add 40 votes for contestant. The majority base this addition on the following testimony of B. K. Jones, a witness for contestant:

"Q. 390. Were you one of the Populists who were called in to witness the count after the close of the polls that day?

"A. I was.

"Q. 391. Did you see any tickets thrown out of the Congressional box and not counted because they were not in the right boxes?

"A. I did.

"Q. 392. About how many?

"A. I did not count the tickets, and can't be positive, but at least 40, I think."

Examination of the testimony will plainly show that the majority entirely misapprehend the meaning of this testimony. The meaning of this testimony is, that the votes thrown out and not counted from the Congressional box were ballots for candidates other than for Congress. If these ballots had been for either of the competing candidates for Congress they would have been counted, as they were in the Congressional box; that is, the right box. This testimony in no sense warrants the conclusion arrived at by the majority.

The testimony of all the judges of election, Democratic and Republican, and the registrar is that the election was fairly and honestly conducted, and that the voters received such proper aid from the election officers as they requested.

Toney Smith, a Republican judge, testifies that some of the voters disregarded his efforts to direct them in a proper manner, so that whatever votes were in wrong boxes were placed there by the willful neglect of the voters themselves.

W. J. Harris, a witness for contestant, testifies that the election was fair and honest.

It is undisputed that 10 Democrats and 10 Populists were specially called in at the close of the polls to witness the count.

VOTES IN WRONG BOXES.

It has been the law in North Carolina for fifty years to have separate ballot boxes for the different classes of offices voted for. This law has given satisfaction to all parties.

A voter can deposit his own ballot, so that one man can put the same ticket folded for the same candidate in each box. In that case, when the judges count the votes at the close, it may happen that one candidate for Congress has 6 ballots from the same individual, one of his tickets having been placed in each box. It will thus be seen that when a ticket for Congress, for instance, is in the wrong box great injustice will follow if such vote is counted. The absurdity of counting tickets found in the wrong box is plainly illustrated by the evidence in this very case. At Stewartsville precinct, in Richmond County, it is proved that a large number of voters voted the same ticket (the legislative) in all the different boxes. If allowed, that would give the candidates voted for 6 votes from each voter.

ALFORDSVILLE.

The vote of this precinct is rejected from the count by the majority, but from the testimony that action is without reason. Daniel McCallum, J. L. Lassiter, Enoch McCallum, Isaac T. McLean, Malloy McPhail, and J. W. McLean were the only witnesses examined by contestant, and there is not a scintilla of evidence that there was any violence, or intimidation, or any wrong upon the part of the election officers, except that Enoch McCallum, a colored voter, testifies that he gave his Congressional and State treasurer's tickets to R. A. Atkinson, one of the poll holders, and that he put each of them in the wrong box by reversing them. Accuser testifies that the tickets were of about the same appearance. Atkinson positively denies the charge. Daniel McCallum (page 118) testifies that he saw the county ticket placed in

the legislative box two or three times, and he does not pretend to state that such was the fault of any election officer. He was a poll holder.

The testimony of all the witnesses examined in relation to this precinct is that where a voter offered his ballots to a poll holder the latter took them and put them in the boxes; that some of the voters deposited their ballots themselves and did not offer them to the poll holders. The evidence is that all persons who desired to do so were present at the count and viewed it. One witness for contestant stated that there were 29 tickets in the Congressional box that did not belong there, so that at the outside there could not have been more than 29 of contestant's tickets in the wrong boxes, but there being no testimony except as to 1 ballot that any of them were so placed by the fault of the election officers, and that one positively denied, it is apparent that none in wrong boxes should be counted for contestant, and if they should be, then Martin's vote at that precinct would be 73 and Lockhart's 98.

One of the judges of election, McCallum, refused to sign the returns on the alleged ground that the county and legislative tickets were excluded entirely from the returns by the judges of election on the ground that the same were not on white paper. The evidence is that none other than the legislative was excluded on that ground. The witnesses for contestee state that McCallum has repeatedly said that he had no other reason for not signing the returns. He is a Populist.

The returns were signed by the registrar and the other three judges, two of whom were Democrats and the other a Republican, all of whom testify to the fairness and freedom of the election. The majority report attacks the Republican judge, Trussie Taylor, who was once convicted in the State of South Carolina while a resident of the State of North Carolina of interfering with an officer in the discharge of his duties in South Carolina, but he was soon pardoned by the governor of the State, because it was made to appear to the governor that he was guilty of no crime. A number of witnesses testify that he is a man of excellent character, by profession a teacher, and not one testified to the contrary. His conviction and imprisonment were some twelve years before this election, and he has in the meantime been a resident of Robeson County. There is nothing in the record which upon careful consideration warrants the rejection of the returns from this precinct. A number of witnesses, who are uncontradicted, testify that voters came to the polling place with Populist tickets in their hands, and after getting in threw them away and got Democratic tickets and voted them. (See testimony of R. A. Atkinson, pages 212 and 204; V. G. Pleasants, pages 205 and 206; A. L. Bullock, pages 207 and 208.)

RED SPRINGS.

The vote of this precinct, as returned by the officers of election, is 110 for contestant and 143 for contestee. The majority propose to add 16 votes to that returned for contestant on the testimony of Brown, page 108, and Rowland, page 116, who state that they were present when the vote was counted, and that Martin's vote was 126. The vote was counted in the presence of many persons. After the returns were made out the vote was announced in the presence and hearing of the persons present, including Rowland and Brown, and there was no objection or protest from them or anyone else. (Record, page 224, questions 691, 692, 693, and 694.) The judges are men of good character, and it is not disputed. The conduct of the election is shown to have been perfectly fair and honest. A Republican judge had control of the Congressional box, and all of the boxes were fastened down so they could not be moved. The arrangement was such that there could be no mistake about the Congressional box, as it was some 10 feet from the others. The sworn and duly signed returns of the election officers, who, before they sealed up the returns, made known to all bystanders the result of the vote, in order that those who witnessed the count might know the result, should not be overthrown on the testimony of two witnesses who were present, and though they now claim they knew there was a discrepancy in the returns as about to be made and the actual count, said nothing about it. Their conduct shows that if such had been the fact they did not fear to speak out. The openness and fairness of the count, and the method pursued by the election officers in respect to the same, render the testimony of those two men ineffectual to discredit the returns. The circumstances, and the testimony of the election officers examined, render the further discussion of this question unnecessary. For a fuller understanding of the respective contentions of the majority and minority with regard to the remaining points of difference, it is necessary to make some reference to the law of North Carolina under which the election was held. It has been the rule of Congress to follow the laws of the State from which the contest comes.

The constitution of North Carolina, Article VI, section 2, provides that "no person shall be allowed to vote without registration," and the supreme court in the case of Harris vs. Scarborough (110 N. C. Rep., 232) holds that "invalid registration is no registration at all."

The legislature of the State, under the authority of the constitution, passed a registration law which provides:

"SEC. 2016. No registration shall be valid unless it specifies, as near as may be, the age, occupation, place of birth, and place of residence of the elector, as well as the township or county from whence the elector has removed, in the event of removal, and the full name by which the voter is known."

This provision in the State law, intended to protect the purity of the ballot box and prevent repeating and colonizing of voters, has been sustained by the supreme court in the case referred to supra.

In the construction of this provision of the law the court declared it to be not only constitutional, but mandatory, and in the able opinion rendered uses the following language:

"If the legislature sees fit to enact a reasonable regulation as to the manner of recording the names of voters, and the information which the voter must impart (in order that persons so inclined may inquire into the truth of his statements), and to pronounce the registration of each particular name invalid unless the elector shall comply with the requirements, it is manifest that the same reason exists for rejecting the ballot of each voter whose registration is not valid as for not counting a whole township not registered at all."

And in the same case the court says:

"Where such migratory characters are compelled to state on oath their ages, occupations, place of birth, place of residence, the township from which they have removed, and the full name by which they are known, they give data which, if upon inquiry it prove to be false, it invites further investigation to ascertain the fraudulent purpose that induced the perjury, and if it be a true history of the movements of the voter, affords the means of verifying or contradicting his statements as to age or disqualification for crime.

"In absence of proof to the contrary it is always presumed that the officer has done his duty. Every citizen is presumed to know the law governing his relations with others, as well as the mandatory rules which prescribe how he may secure the enjoyment of his rights. In the absence of any definite information on the subject, the failure to enter upon the registration books such facts connected with the history of an elector as the statute imperatively requires as a prerequisite to the exercise of the elective franchise must be considered due to the carelessness or inexcusable ignorance of such elector. The presumption can be rebutted only by showing that he offered to comply with the requirements of the statute, and was prevented by the neglect or willful act of the registrar. (McCrary, section 161.)

"We concur with the court below that it was the duty of the elector to make the answers as specific as the statutes require them, and that the registrar, if he read the headings calculated to elicit the requisite answers, certainly did all that the law required of him."

Reason, as well as authority, commend the view taken in the court below that the burden of showing a strict compliance with the law was on the relator instead of requiring the registrar to charge his memory with all that occurred, so as to be able to state whether the elector refused, when asked, or simply neglected to state definitely his places of birth and residence.

The electors of Little River Township who caused the name of the county of their birth to be recorded opposite their names and "Montgomery County" to be entered as their place of residence we think complied with the requirements of the statute; but the registration at Beans Mills precinct was fatally defective in stating the elector's place of birth to be "North Carolina."

The election which we are now considering was held under this law, and we must regard its provisions in deciding this case. It is proved in the record that the county commissioners in every precinct in dispute complied with the law in appointing two judges of election of different politics from the registrar. In some cases the Republicans refused to serve and in such cases it was the duty of the registrar to fill the vacancy. In every case where there were not two Republican judges it was because those originally appointed declined to serve.

ROCKINGHAM.

At this precinct the majority add 70 votes to the returned vote of contestant. While there may be ground of dispute as to all of these, there certainly should be none as to 8 of them, who, under the registration laws of the State, were clearly not entitled to vote.

Ben Parker, who, though examined by contestant, does not appear from the registration list to have been registered at all. See page 94 of record.

Ben Little, Thomas Terry, and Datus Wall, who registered their birthplace as "North Carolina," which is held by the supreme court to be insufficient. Therefore they were not legal voters.

Kit Little stated his residence as "North Carolina," and Samuel Boss stated his birthplace as "South Carolina." These are not such specifications as the law requires, and they are not legal voters.

Austin Leak and George McDonald, according to their testimony, had removed to the township since the election preceding that of 1894, and in registering they failed to give the places from which they removed. So that at the most only 62 votes should be added for contestant.

STEWARTSVILLE.

From this precinct there were returned 295 votes for contestee and 14 votes for contestant. The majority of the committee exclude this entire vote, setting forth their reasons at length. We think this vote should be counted as returned; but as there is some doubt raised as to 3 votes, though it does not distinctly appear that they voted for contestee, we assent to their being deducted from his returned vote.

Only the contestant took testimony at this precinct, and we think that contestee was fully warranted in relying upon the testimony of witnesses of contestant to establish his case, and that the whole of it, taken together and weighed by the rules of evidence, will not sustain the contention of contestant that this precinct should be excluded from the count. There is no evidence of violence or intimidation. There is no evidence that any elector was fraudulently deprived of his vote by the election officers.

The witness W. H. McLaurin was the registrar, and he was vouched for as a man of good character by contestant and his witnesses. The ballots of a number of voters were rejected because in the honest judgment of the judges of election they were not entitled to vote. The majority fix the responsibility for defective registration on the registrar. A careful scrutiny of the testimony discloses the fact that the voters at this precinct had been by their leaders rendered suspicious and distrustful; that they came, prompters with them, when they went to register, and insisted on having their registration made in their own way. The registration book contained columns with headings indicating the character of questions to be asked of the voters by the registrar to elicit the proper answer for entry on the register. The supreme court of North Carolina has declared, in construing the law, that if the registrar read over these headings in the form of an interrogatory to the candidate for registration this was a sufficient compliance with the law, and if the voter did not give the proper answers the fault was his, and if proper answer was not given the person should not be allowed to vote.

The testimony of McLaurin shows that he not only went as far as the court said he should, but used all necessary means to suggest the proper answers to the voters. It is to be noted that the contestant did not introduce the rejected voters to show that they endeavored to register properly, or to contradict the registrar, or to explain their conduct, or to show that they were entitled to vote. It is evident from the testimony of McLaurin that the voters excluded would not follow any suggestions made by the registrar nor permit him to aid them in the answers properly to be given. We can not see that the strictures of the majority on McLaurin and other officers of election are justified by the evidence. It is proven that between 8 and 10 o'clock a. m. on the day of election all the so-called fusion voters ceased to make any effort to vote for Martin, and the reason assigned is wholly untenable, there being only a rumor, entirely unfounded, so far as the testimony discloses, that the boxes were being changed. The Republican judge of election, John McLean, testified for contestant. He was present all day, and he nowhere says that any box was changed, and no one else says so. McLaurin testifies that at least 95 per cent of the rejected voters did not offer to vote or attempt to vote for Martin. So that if 5 per cent of the 168 rejected were counted for contestant, his vote at this precinct would be increased by 9 votes.

At this precinct most of the voters opposing the Democratic ticket were Republicans; and we find that one McKinnon, who was a former Democrat, whose testimony appears in the record, was contestant's active manager at the polls that day. He was an active canvasser before the election, and his testimony shows the character of his harangues, and shows that they were not calculated to inspire the confidence of Republicans in his candidate for Congress—Mr. Martin. Here is a sample of his testimony:

"Q. Did you not, in a speech in Rockingham last fall, refer to Senator SHERMAN of Ohio as 'Old John Sherman, the greatest thief in the United States'?

"A. Yes, sir, I did; and I am still of that opinion.

"Q. You have made a great many public speeches on the subject of politics within the last three years?

"A. Yes.

"Q. Did you not in all of them, or nearly all of them, denounce the Republican party as the great enemy of the people?

"A. I denounced both the Republican and Democratic parties as enemies of the people, and styled them as twins."

And, in answer to another question, said:

"I denounced both the old parties as conspiring against the liberties and prosperity of the people, especially against the farming and laboring classes."

While the officers of election owed the electors the duty of properly conducting the election, the voters owed it to themselves and to the officers to treat the election officers fairly and respectfully, and to make for themselves an honest effort to vote their will. This they did not do at this precinct. If they saw fit to govern their conduct by idle and unfounded rumors and

throw away their votes, it should not be assigned as ground for throwing away the ballots of more than 300 citizens who did their duty, asserted their rights, and gave expression to their will by their ballots. Precincts should not be thrown out except on the clearest evidence of willful neglect or other disregard of obligations by the officers. In this precinct the voters themselves abandoned Martin, the contestant, manifestly for the reason that they were not in sympathy with him, or because they were content to act upon idle and false rumors of misconduct on the part of election officers.

The testimony as to any bribery is confined to three persons who possibly voted for contestee, but this testimony is of a vague and shadowy character. The finding of the majority that bribery was carried on in presence of election officers is not supported by the testimony.

To reject this precinct is not only an injustice to the more than 300 voters whose ballots were properly cast and counted, but as well to the sitting member, who has a right to these votes.

Irregularities in election, unless fraudulent, or so gross as to be equivalent in their effects to fraud, should not vitiate an election. In this instance a careful perusal of the testimony will conclusively show that the voters themselves who did not express themselves by ballot are the authors of their own failure to vote. Honorable men conducted the election, and the witnesses award them the highest character.

So important is this precinct in determining the result in this case that we ask the House to carefully examine all of the testimony relating to it. That it may do so, we here set out in full the testimony of the officers of election introduced and examined by contestant.

Our opinion is that in no view of this case should this precinct be thrown out from the count, nor can more than 3 votes be taken from contestee or more than 9 votes be added to those of contestant.

The following is the testimony referred to:

"W. H. McLAURIN, being duly sworn, says:

"(The contestee objects to the taking of the deposition of W. H. McLaurin for the reason that he has not had notice of the same in time, form, and manner as provided by law; and for the further reason that if any notice, as provided by law, was originally served on this contestee, and that fact is not admitted, but denied, then there has been a discontinuance of said notice, for the reason that said alleged notice of the taking of the deposition of the said W. H. McLaurin was returnable on the 25th day of February, 1895, and any continuance of the same now claimed to have been made was not entered of record until the present hearing, nor was said alleged continuance made by the express authority of this notary.

"This entry is made at the request of contestee's counsel.)

"Q. What is your name and where do you reside?

"A. William H. McLaurin; Stewartsville Township, Richmond County, N. C.

"Q. What position did you hold in connection with the election held in Stewartsville Township in November, 1894?

"A. I was registrar.

"Q. Who were the poll holders at that election?

"A. John Blue, William R. McEachin, John E. McLean, and John C. Davis.

"Q. How did John Blue come to be a poll holder?

"A. He was appointed by the county commissioners, I think.

"Q. Was he originally appointed or appointed to fill a vacancy, and was not Berry Bryant the original appointee?

"A. I don't recollect whether Bryant was originally appointed or not; we tried to get Bryant to serve, and he would not serve; don't know whether he was appointed and resigned or not.

"Q. You say, 'We tried to get Bryant to serve and he would not.' Who do you mean by 'we'?

"A. Those who selected men to recommend them to the county commissioners for appointment.

"Q. Well, who made these selections and who were selected; were they Democrats?

"A. I can not say. They were Democrats.

"Q. Who were selected?

"A. I don't know; all who were recommended.

"Q. Name those you do recollect.

"A. Randolph McEachin, M. H. McBryde, Rod McRae, Berry Bryant, Mack McKinnon, and A. M. McKinnon; they were all spoken of for poll holders; and John Blue. There may have been others. We tried to recommend men from all parts of the township among the Democrats, and John McLean and Jess Graham, Republicans.

"Q. Do you mean to say that Democrats in Stewartsville Township were actually recommending to the commissioners of Richmond County who they should appoint as the Republican judges of election of the township?

"A. We did not wish to be understood as saying that the commissioners should appoint any particular persons of either party as poll holders. These parties are mentioned as representative men of their parties.

"Q. Please give me a direct answer to the above question.

"(The contestee objects to this question for the reason that the party now on the stand is a witness for the contestant, and being asked by him what he meant by his answer to the previous question, and having stated what he meant, it is not competent for him to enter into a cross-examination of his own witness.)

"A. The Democrats of Stewartsville Township never presumed to select men for the Republican judges of election.

"Q. Did Democrats of Stewartsville Township recommend to the commissioners of Richmond County the appointment of John E. McLean and Jess Graham as Republican judges of election for the township, and did not the commissioners appoint these two men Republican judges of election for the township?

"A. They appointed these men judges of their own selection; they were among a number of men spoken of as competent. There was no formal recommendation of their appointment.

"Q. Was their appointment recommended formally or informally?

"A. Not as I know of; they were simply spoken of as competent representatives of their race.

"Q. Were they the equals in intelligence and education to the Democratic judges of election, and were they not obscure men?

"A. They were not as intelligent as the Democratic judges of election, but they are by no means obscure men. John McLean could read and write before the war, and has been a poll holder and judge of election frequently since the war. Jesse Graham is above the average negro in intelligence, and stands well with both races.

"Q. Did not some Democrats of Stewartsville Township decide or talk that they would approve of the appointment of these two men as judges of election before their appointment?

"(Question objected to by contestee.)

"A. As was said before, these and others were mentioned as representative Republicans, and the Democrats of Stewartsville Township do not wish to be understood as intending to act for the opposing party in the selection of judges.

"Q. How did John C. Davis come to be a poll holder?

"A. Jesse Graham did not present himself at the polls to act as judge of election, and as registrar I appointed John C. Davis to act in his stead.

"Q. What are the politics of Graham and of Davis, and did not the appointment of Davis make three Democratic judges of election and one Republican?

"A. Jesse Graham is a Republican; John C. Davis is a Democrat. There were three Democratic and one Republican poll holders.

"Q. Were you advised to appoint Davis?

"A. I can't say that I was. There were several spoken of as good men by Democrats, Republicans, and Populists.

"Q. What position did you hold in your party during last year?

"A. I acted as chairman of the Democratic executive committee of my township.

"Q. Do you hold any office in your county now?

"A. I am justice of the peace.

"Q. Did Berry Bryant attend the election in Stewartsville Township in November, 1894?

"A. He did.

"Q. Was he present at the polls in any capacity other than a voter?

"A. He was. I asked him to take charge of the selecting of men to keep the door and see that there was no obstruction to the voters in going to or away from the polls.

"Q. Did he not challenge some of the voters who offered to vote?

"A. My recollection is that he challenged quite a number of voters.

"Q. Were not the men who kept the door to the polls, and whom Mr. Bryant was in charge of, marshals or constables?

"A. The mayor of the town appointed a number of special constables or police for the town, and some of them may have been also selected by Mr. Bryant during the day for services about the polls. I do not know that he was in charge of them as a town officer or in any connection with the town.

"Q. Whose officer was Mr. Bryant?

"A. So far as I know he was only acting at my request around the polls.

"Q. Did you appoint him marshal or such like officer?

"A. I asked him to select men to guard the entrance and exit of voters. I don't know how to designate his office, but he was acting for me to keep order around the polls and prevent crowding going in and out.

"(The taking of the deposition of W. H. McLaurin was continued from February 27, 1895, to February 28, 1895, at 9 o'clock a. m., when it was again resumed, both parties being present by attorneys.)

"Q. How many colored voters and how many white voters were challenged at the election held for Stewartsville Township in November, 1894?

"A. I have made a hurried examination of the registration book and find 8 white and 284 colored voters challenged.

"Q. How many of these voters were rejected.

"(Question objected to.)

"A. I find 1 white and 167 colored voters marked rejected.

"Q. How many voters of each color voted?

"A. Two hundred and sixty-five whites are marked voted on the registration book; 41 are not marked as voted or being rejected; 133 colored are marked as voting, and 112 colored are not marked as voting or being rejected.

"Q. Give me the number of each color that are registered to vote.

"A. Three hundred and seven whites and 414 colored.

"Q. How many whites did not vote?

"A. Forty-one not marked voted or rejected.

"Q. Tell me the names of such persons as you recollect or made memoranda of as doing the challenging of voters.

"(Question objected to.)

"A. A. F. Bizzell, M. L. John, K. A. Blue, Walter P. Evans, D. McCormack, Berry Bryant, W. H. Neal, W. R. McEachin, John Blue, Peter McRae, J. P. McRae, Rod McRae, A. L. James, W. D. B. McEachin, Alex. Jones.

"Q. Do you know whether all these gentlemen are Democrats or not, except W. P. Evans?

"A. They are all Democrats. Evans is a Republican.

"Q. What became of the challenge of W. P. Evans, and did he challenge more than one man?

"A. My recollection is that he challenged only Charlie McArthur on residence. Charlie McArthur has lived several years on the farm of John Blue, having his residence there. Evans was called when Charlie offered to vote; he did not sustain his challenge and Charlie voted.

"Q. Did these gentlemen whose names you have called stand in and about the polling place when not actually voting?

"A. They were in calling distance, and when a man was reached whoever challenged him would be called for and they would come into the polling place. They were at different times in the voting place, but I can't say how long they stayed there-consecutively.

"Q. Give me the names of each voter who was rejected and the particular entries in his registration, stating first his color?

"A. (As answer see book herewith sent, marked Exhibit A.)

"Q. Did you, as registrar of Stewartsville Township, make any record, memoranda, or entry of the causes on which were based the challenges of the voters you have just named?

"A. Some I did and some I did not.

"Q. State how many of the voters you have named who have registered their occupation as farming or farmer were challenged on account of such registering.

"(Question objected to by contestee's counsel as calling for secondary evidence.)

"A. About 113 so registered were challenged for occupation, and a good many of them for other defective registration.

"(Answer objected to by contestee's counsel.

"After the witness had answered the last question, and after the contestee had entered his objection to the answer, the counsel for contestee suggested to the witness 'does he mean of the number 113 that there were additional causes of challenge,' without the witness having been turned over to him for cross-examination, and when remonstrated with by contestant for speaking to or making suggestions to the witness, says that he knew he did wrong, and was just feeding the contestant out of the same spoon he had been fed out of. This entry made at the dictation of contestant's counsel.

"Counsel for contestee denies the occurrences in every material statement in the above entry made at the dictation of contestant's counsel.)

"Q. Please explain the challenge made to the voter who was challenged for occupation, and who stated his occupation as farming or farmer.

"(Question objected to by contestee's counsel as secondary evidence, except as to those cases which the registrar was called upon to vote as to whether voter's vote should be received or rejected.)

"A. None of the cases challenged as farmer or farming reached me for decision, the judges of election deciding all of them on testimony as to whether he was engaged as a farmer or cropper or worked for wages on a farm. My recollection is that the judges decided that where a man worked his own land, rented land for stipulated price or part of the crop that farmer or farming applied to him, and when he worked for wages on a farm or elsewhere it did not apply to him as a farmer any more than a clerk in a store as a merchant.

"(Answer objected to by contestee's counsel because twice while the witness was making his answer counsel for contestant made suggestions to the witness about his answer.

"After the counsel had made the above objection he laughed; whether at

himself or the time he had consumed is not understood. The above entry made at request of contestant.)

"Q. From what did you give the names stated in Exhibit A?

"(Question objected to by contestee's counsel because there is no evidence that the persons named therein as having been refused the right to vote offered to vote for contestant.)

"A. The registration book of Stewartsville Township.

"Q. Did you give their names and registration as shown by the registration book?

"A. We took them off of the registration book, and I think they are approximately correct. There might have been one or two left off or there might have been one or two not checked.

"(Objected to by contestee's counsel as secondary evidence.)

"Q. Did you give the 167 names mentioned in Exhibit A and their manner of registration to the notary as the same appear on the registration books?

"(Question objected to by contestee because it calls for secondary evidence.)

"A. I did.

"Cross-examination:

"Q. When you were appointed registrar for Stewartsville Township did you open the books for the registration of voters at the time required by law and keep the same open in accordance with the laws of North Carolina?

"A. I did.

"Q. How often since the war have you served as an election officer for your township?

"A. I held the election for the adoption of the Canby constitution by appointment of General Canby and have been either registrar or poll holder, either by appointment of the Republican or Democratic commissioners, in half or two-thirds of the elections held since.

"Q. You were appointed an officer of the election by a board of Republican county commissioners some years ago, were you not?

"A. I was.

"Q. Did you propound to each man offering for registration at the last election the questions provided by law, and did you record the answers exactly as each voter whose vote was rejected on the day of election gave them to you?

"A. I did.

"Q. Did you attend on the days provided by law for the books to be open for the inspection of the public, and were the books open to the public at the polling place on that day?

"A. I did; and the books were open.

"Q. Did you remain at the polls on election day as the law required you to do?

"A. I did; was only absent while I was eating dinner and absent for necessary purposes.

"Q. How long were you absent for necessary purposes?

"A. About five minutes.

"Q. Did you leave the registration books in the custody or under the supervision of the judges of election while you were so absent?

"A. I did.

"Q. Did you permit anyone to vote whose name was not on the registration book of your own knowledge?

"A. Not that I know of.

"Q. Whenever a voter was challenged did the poll holders or judges hear the evidence on both sides when it was tendered?

"A. They did, and permitted several of the challenged to bring evidence in their behalf before them more than once.

"Q. Challenged cases in which you were called on to vote, did you vote for or against receiving the ballots of challenged parties out of a partisan spirit, regardless of the law, or did you decide each case presented on the merits as you understood the law of North Carolina to be?

"A. I decided all cases of registration as I understood the law, without regard to the effect upon parties or individuals; the only case that reached me for decision on challenges on the day of election was a Republican; I decided in his favor and he voted.

"Q. Did all of the Republicans and Populists who voted in Stewartsville Township vote for Charles H. Martin for Congress, or did some of them vote the county and legislative ticket alternately in all of the boxes?

"A. They did not; the larger part of those who voted, voted county or legislative ticket in every box; a large number of those that was rejected had county and legislative tickets in their hands and not Congressional tickets.

"Q. What per cent of those whose votes were rejected did not offer Congressional tickets; give me your best judgment?

"A. I would say 95 per cent did not offer Martin tickets. Some who were rejected early in the day may have had Martin tickets. After 9 or 10 o'clock the negro voters began voting county and legislative tickets in every box.

"Q. How many white voters were rejected on election day?

"A. One.

"Q. Were not most of the colored men whose votes were rejected illiterate?

"A. They were; but some of the most intelligent ones were also rejected.

"Q. How many of the latter do you suppose there were?

"A. Half a dozen.

"Q. Did you see any guns or whisky about the polls on election day?

"A. I did not see any guns nor did I see any whisky or any man take a drink of whisky about the polls on that day.

"Q. Did you and the judges of election and the officers of the election have any rule that discriminated against any party in the use of the entrances to the polling place?

"A. There were none that I know of.

"Q. Did any of the persons who came in at the back door at any time during the day vote or offer to vote the Republican or Populist ticket?

"A. So far as I know there were very few who voted who did not come in at the front door, nor do I know or believe there was any discrimination against any party which for special reasons wished to enter through the back door.

"(Answer objected to by contestant.)

"Q. Did any colored men vote the Democratic ticket at the last election in Stewartsville Township?

"A. There were quite a number of colored men there who are in the habit of voting the Democratic ticket and who voted it in the last election.

"(Answer objected to by contestant.)

"Q. Did you see any effort to bulldoze or intimidate Republican or Populist voters in your township on the day of election by Democrats?

"A. I did not.

"Q. Was the election not quiet and peaceable?

"A. It was as peaceable, quiet, and good-humored an election as I ever saw in the township.

"Q. Was there sufficient light in the inclosure in which the election was held to plainly see the letters and words upon the ballot boxes?

"A. The light was amply sufficient for all purposes. There was no difficulty in reading the marks on the ballot boxes or the smaller type of the printed tickets.

"Q. Were the boxes marked with roman letters?

"A. They were.

"Q. Was any error in the marking of the Congressional box called to your attention? If so, state when, and whether or not you made the correction suggested.

"A. My attention was called to an omission of some letter in the marking of a box—I don't remember what letter or box—before the voting began. The omission was promptly supplied, and satisfactorily; at least I heard no complaint. It may have been at the Congressional box.

"Q. Was any person refused the right to vote within your knowledge because he owed one of the judges of election 15 cents?

"A. I heard nothing of any debt from anyone in the polling place. If I had I would have overruled such objection and permitted the elector to vote unless otherwise disqualified.

"Q. Was any voter's vote rejected because he was too old and had been voting too long, within your knowledge?

"A. There was not, so far as I know. The judges of election excluded none but for legal cause.

"Q. Do you know the general character of W. R. McEachin and John Blue, who acted as judges of election for Stewartsville Township in the election for 1894? If so, state what it is.

"A. I do. Both of them are men of good character.

"Q. One Jesse W. Graham swore that he presented himself to serve as judge of election for Stewartsville Township in the election for 1894, and in your direct examination you testified that Jesse Graham, one of the judges of election appointed by the county commissioners, failed to appear to serve as a poll holder, and thereupon you appointed John C. Davis in his stead. Please explain this whole transaction.

"A. Jesse W. Graham registered October 9, and was particular to have W put in his name. On the day appointed for the judges of election and registrar to be at the polling place with the books open for inspection he appeared there to act as judge of election, and presented a notice he said was served on him as judge of election. I called his attention to the fact of his registering as Jesse W. Graham, and urged him to return the notice to the sheriff that it might be served on Jess Graham. He stayed around the polls the greater part of the day, perhaps all day, but was not sworn in or recognized as a judge of election. He insisted upon striking the W out of his name, that the notice might apply to him. When asked how he would register again after registering once as Jesse W. Graham, and called his attention to the fact that by registering in any other name than the one in which he was generally known he might endanger his chances of voting at all, he did not insist upon reregistration. On the morning of the election he appeared at the polls to act as judge of election, and said that he did not return the notice of election to the sheriff because he had been advised to hold on to it and act as judge. I did not recognize him as Jesse Graham. The judges of election agreed with me that he was not Jesse Graham, and I appointed John C. Davis poll holder and judge in the place of Jess Graham, who was not present at the opening of the polls. Sometime during the day he came in to vote as Jesse W. Graham. He was rejected on account of registration having given his place of residence as John A. McBryde's.

"Q. Is there a Jesse Graham in Stewartsville Township?

"A. There is; and he voted, as he appears as marked on the registration book; he is a colored man.

"Q. When you refused to recognize Jesse W. Graham as a judge of election, was you honestly of the opinion that he was not the man appointed a judge of election by the board of county commissioners?

"A. I was; and my frequent connection with the elections of the township familiarized me with his being familiarly known as Jesse W. Graham; he was formerly a school-teacher, and frequently acted as school committeeman for his school district, and as magistrate; I have approved vouchers for him as Jesse W. Graham.

"Q. Was John C. Davis, the man whom you appointed in Jesse Graham's place, a discreet person, as required by the law of North Carolina, in your judgment?

"A. He is!

"Redirect examination:

"Q. Will you swear the man who offered himself as Jesse Graham, to act as judge of election, was not the man the commissioners thought of when they made the appointment?

"(Question objected to by contestee's counsel as an improper question for contestant's counsel to ask his own witness.)

"A. I did not know who they thought of in appointing judges of election, and acted only upon the name contained in the notice.

"Q. When registering a voter did you not know, at the time of registration, whether his answers to questions were incomplete in point of law or not?

"(Question objected to as irrelevant and immaterial, and because it calls for witness's opinion on a question of law.)

"A. I thought I did, and frequently would ask questions and make suggestions to get them to complete their answers, especially when they come without prompters to register; some appeared to be suspicious that they were going to be tricked and would stick to their wrong registration; when they came in crowds, with prompters, and showed that they had evidently been drilled, I put down what they said, and would even permit those coaching them to suggest to them what to answer.

"Q. When one registered in an incorrect and incomplete way would you tell him he had not made complete answers under the law?

"(Question objected to as irrelevant and immaterial.)

"A. As I said before, when their answers were wrong or incomplete I tried, by questions and suggestions, to get them to complete them without expressing the opinion that the registration was wrong.

"Q. When a voter in registering in answer to the question, 'What is your place of residence,' stated John A. McBryde's, as did Jesse W. Graham, did you not know as a fact that John A. McBryde's was in Stewartsville Township, and notwithstanding such knowledge, register his residence John A. McBryde's, without stating the township you knew John A. McBryde's to be in, and thus leave him incompletely registered?

"(Objected to by contestee.)

"A. I knew that the registration was incomplete in such cases, and invariably explained that place of residence meant a legal division of the country, such as incorporated towns, townships, counties, and States; except when they were with their coachers, several answered John A. McBryde's, Daniel A. Patterson's, Roper's, and other farms, and I would try to get them to tell where those farms were located without success. I did not register for any of them. Frequently they would find out that they were wrong in their answers, and when they would return I would make such corrections as they wished. Some, in giving the place of birth, would say Richmond. I would explain to them that there was a Richmond, Va., Richmond, Ky., Richmond, N. C., and a Richmond County, Ga., Richmond County, Va., Richmond County, N. C., and asked them what Richmond they wished put down, the same as the other localities that were not definite. I knew that John A. McBryde's, Daniel A. Patterson's, Roper's, and other plantations mentioned by voters were in Stewartsville Township; but when they would not say so, I would not put it down.

"Q. Was there a single white man and Democrat rejected for improper registration?

"A. The only white man rejected was for improper registration, and he was a Populist.

"Cross-examination:

"Q. Did you think you had the right under the law to put down as an answer to questions asked the voter when registering anything except his exact final answer?

"(Objected to by contestant.)

"A. I did not; and when several asked me to put down what was right, I told them, whites and blacks, that if I could put down their answers to the different questions as I might know they ought to be, there would be no use to put any of them to the trouble of coming to register, as I would have the same right to do it for all others and thus make the book myself.

"Q. Did you make any discrimination in the manner of asking the white voters and the colored voters the questions which the law required when they were registering?

"A. I did not. "W. H. McLAURIN.

"JOHN E. McLEAN, being duly sworn, says:

"(The contestee, James A. Lockhart, objects to the taking of said deposition for the reason that he has not had the notice served on him in time and manner as required by law, and waives no right by his appearance and cross-examination of witnesses.)

"Q. What is your name?

"A. John E. McLean.

"Q. How old are you?

"A. About 53.

"Q. What position did you hold at the election held in Stewartsville Township in Richmond County, N. C., in November, 1894?

"A. I was judge of election.

"Q. What box did you have charge of as judge of election?

"A. Township constable's box.

"Q. How did you happen to get charge of that box?

"A. Before the polls were open there was no particular box for anyone, and I taken the county box; did not know anybody had any claim on any box. Mr. Davis came in and said it was his box; he was going to hold it; Mr. John Davis; there was no other box there but what was claimed; and some of the judges told me to take charge of the constable's box; I could not remember which one told me.

"Q. How many judges of election was there?

"A. Four.

"Q. How many of the judges was Republican and how many Democrats?

"A. One Republican and three Democrat.

"Q. Who was the Republican judge of election?

"A. John E. McLean.

"Q. State whether there was regularly nominated candidates for the office of township constable to be voted for at the last election or not.

"A. Not as I know of.

"Q. Was the ballot prepared for the office of township constables as the ballots for other candidates; and state the kind of ballots voted for constables.

"A. No, sir; they were not prepared as the State and county tickets; they were written.

"Q. How was the State and county tickets prepared?

"A. They were printed.

"Q. Do you know where the tickets for the constable's office were written at? If so, state where.

"A. They were written in the room where they were voting.

"Q. When was the constable's tickets written?

"A. On the day of election, 6th day of November, 1894, where we was voting.

"Q. How many men were being voted for for constable?

"A. One.

"Q. State whether he was a Democrat or not.

"A. He was a Democrat.

"Q. State whether there was any cursing by any of the judges of election at the polls on the day of election or not; and if so, who was cursed?

"(The contestee objects to this question for the reason that it is not competent or relevant, and is not responsive to any matter or allegation set forth in the contestant's notice of contest.)

"A. I was cursed; John E. McLean.

"Q. Who cursed you?

"A. Mr. John Davis.

"Q. State whether Mr. John Davis was acting as a judge of election or not and what box he had charge of, if any.

"A. He was judge of election; he had charge of the county box.

"Q. What did he curse you about?

"A. I spoke to him about what I thought was right about the voting.

"Q. State whether any voters offered their tickets to any of the judges of election or not.

"A. Some of them offered them their tickets, and some told them to put them in themselves, and some put them in themselves.

"Q. Was there any persons besides the judges of election and registrar and the voter who was voting around the polls during the day of election?

"A. Yes, sir.

"Q. State how many bystanders there were at the election, what was their politics, and what was their business?

"A. I could not tell exactly how many there were—five or six a great many times. So far as my understanding, they were Democrats. They were looking after the election—the voters as they come in to vote.

"Q. Was any of them marshals?

"A. Yes, sir.

"Q. State how these marshals looked after the voters.

"A. As they come in they would show some how to vote; some they did not.

"Q. What was the politics of those they showed how to vote?

"A. The one that was being showed how to vote was a Democrat.

"Q. What did the marshals do for those who were offering to vote the Republican and Populist tickets? Did they show them how to vote or put them out?

"(Question objected to by the contestee because the form of the question is leading and because it suggests to the witness the kind of an answer which the contestant wishes the witness to make.)

"A. I can't recollect all what was done; they showed some of them; some they did not show.

"Q. Did they put any out?

"A. They did not put anyone particular out. The law was when they could not vote to go right on out; if anyone didn't go they put him out.

"Q. Who appointed these marshals?

"A. I don't know.

"Q. Did you see them appointed or have anything to do with their appointment?

"A. I did not have anything to do with their appointment, nor did not see them appointed.

"Q. Where was the election for Stewartsville Township held?

"A. In the town of Laurinburg, in a brick building called Mrs. Butler's.

"Q. Describe how the building was fixed for the election.

"A. It was a two-story building; it was prepared on the lower story for election.

"Q. State how it was fixed.

"A. Long counter, and the boxes was on the counter; it was walled up in front of the front door. On each side of the wall, just inside of the door, the voters would come in one side and vote and go out the other side.

"Q. What voters came in the front way?

"A. All that wanted to come in, I reckon.

"Q. Did the voters come in from any way except from the front of the house?

"A. Yes, sir.

"Q. Where did they come in at?

"A. They came in the back part of the building.

"Q. How did the voters that came in from the back of the house vote—what ticket?

"A. I don't know, only what they told me.

"Q. State what they told you.

"(Objected to by the contestee for the reason that the evidence proposed by this question is hearsay.)

"A. They told me that they voted the Democratic ticket.

"Q. State whether anyone except Democrats were allowed behind the wall and around the ballot boxes during the election who were not actually voting at the time.

"A. I could not say whether there were or not: I did hear no objection.

"Q. Was there anyone except the Democrats behind the wall at the boxes who was not voting?

"A. Not as I can remember.

"Cross-examination:

"Q. You were at the polls all the day, were you not?

"A. Yes, sir.

"Q. There was no fighting or broiling at the polls that day?

"A. No, sir.

"Q. Everything passed off, did it not, in a peaceful, lawful, and orderly manner?

"A. Except a few cross words me and Mr. Davis had.

"Q. The few word that passed between you and Mr. Davis was just before the polls opened, was it not?

"A. Good while after the polls opened; way along about 10 o'clock.

"Q. Did you see the other judges of election cast their ballots?

"A. I think I did; I think me and Mr. Randolph voted together.

"Q. Did you examine the ballots that the other judges of election cast to see what tickets they voted?

"A. I did not examine the ballots, but I saw the tickets they voted, Democratic tickets, on the table.

"Q. Did you examine all the tickets on the table?

"A. I did not examine all, but I examined some of them.

"Q. If you did not examine the ballots which the other judges of election placed in the box, and also all the ballots on the boxes, please explain how you can swear that the other judges voted the Democratic ticket?

"A. I examined the tickets on the table and saw nothing but Democratic tickets.

"Q. State how many constable's tickets you saw written?

"A. I could not tell how many.

"Q. State whether or not you saw the candidate for constable vote; and if so, what time of day did he vote?

"A. I don't recollect what time.

"Q. Will you swear he did vote that day?

"A. I can't recollect.

"Q. State whether or not you had any talk with that candidate for constable, before the election or since the election, as to whether or not he was a Democrat; and if so, tell the time and place.

"A. I never had any questions with him as to what was his politics.

"Q. How, then, can you swear that he was a Democrat?

"A. I did not swear that he was a Democrat.

"Q. Will you swear that the judges of election did not permit any person in the voting place except Democrats?

"A. No, sir.

"Q. Is it not a fact that during the day and while the voting was going on that the judges of election permitted various voters, irrespective of their political opinions, to be in the voting place while the voting was going on?

"A. Yes, sir.

"Q. After the polls had been closed were not the ballots counted out in the full presence and view of Populists, Republicans, and Democrats?

"A. Yes, sir.

"Q. Do you recollect about a month ago having a conversation with Mr. Randolph McEachin in front of Henry McNair's butcher shop, and did you not state to him that so far as you saw that election was fairly and honestly conducted under the law?

"A. I did not state it that way. I can explain it; he told me—he asked me did I recollect Mr. Dan Patterson bringing up a man to be voted: I told him I did; and the judges of election agreed by their own judgment that he was not a qualified voter, and he did not vote; furthermore, I told him under the law a great many could have voted had they registered right.

"Q. When a man came in to vote, I ask you if the matter was not proceeded with in this way—if he was challenged the judges of election passed upon the challenge, and if it was decided by a majority of them that he was not entitled to vote, he was politely requested to pass out?

"A. They told him to go out.

"Q. Please give the name of any marshal who stood at the polls and showed people how to vote.

"A. I can explain to best of my judgment on that: Mr. Walter McEachin, Mr. John McEachin, and Mr. Copeland, and Mr. Beasley; that was all I can recollect.

"Q. How many voters did you see those four gentlemen show where to place their ballots?

"A. I don't know; never kept an account of them.

"Q. Will you swear that you saw those four gentlemen each direct six men how to vote?

"A. I swear I saw them show more than six how to vote.

"Q. How many more?

"A. I could not tell; but was more than six.

"Q. Did you see any person while the voting was going on refuse information from those four gentlemen in reference to the proper box in which their ballots should be deposited?

"A. I did not.

"Q. You did not see any effort on the part of any person to intimidate or bulldoze?

"A. I did not.

"Q. You did not make any effort, did you, to hold any other box except the county box?

"A. No, sir.

"Q. Will you be kind enough to tell me the names of all the parties for whom you voted in the last election now under discussion?

"A. I can't recollect all their names.

"Q. Give them as near as you can recollect.

"A. Mr. Sheriff Smith, Zack Long, Mr. Dockery; I can't exactly recollect any more; I did not vote a full ticket.

"Q. If I understand you right, John, you voted your own party ticket for the legislature and county officers and did not care anything about the balance?

"A. I didn't say it.

"Q. What ticket did you vote except your county and legislative ticket?

"A. Don't recollect.

"Redirect examination:

"Q. Did you see behind the wall, where the ballot boxes were, Mr. W. H. Cox, M. L. John, Rod McRae, J. C. Ray, Kendall, J. P. McRae, A. F. Bizzell, Berry Bryant, Key Ritch, Archie Roper, Jno. D. Jones, on the day of election?

"(Question objected to by contestee for the reason that the contestant in his direct examination covered the same ground as that indicated by this question, and for the further reason that this question is not necessary or proper in response to any matter developed upon the cross-examination.)

"A. Yes, sir.

"Q. State as near as you can what they were doing.

"A. Mr. W. H. Cox was doing nothing but setting there and challenged one man; M. L. John wasn't doing anything there, but he written some of the tickets for Mr. Ray; Rod McRae was not doing anything but standing in there; J. C. Ray, I can't remember anything he was doing; Kendall was sort of a guard some of the time; did not see J. P. McRae do anything; sometimes A. F. Bizzell would be challenging the voters; Berry Bryant, I don't remember what he was doing; don't remember anything Key Ritch was doing; Archie Roper was there; don't remember anything he was doing; Jno. D. Jones challenged one or two; I don't recollect how many.

"Q. Do you know who was mayor of town of Laurinburg time of election?

"A. My recollection Mr. Fields was.

"Q. Do you know who was constable?

"A. Mr. Beasley was constable.

"Q. What was done with the ballots after they were counted?

"A. They were thrown down on the floor.

"Cross-examined:

"Q. Did you not see Mr. Rod McRae and Mr. M. L. John acting as clerk for the election at different times during the day?

"A. They may; don't recollect now.

"Q. Did you not also see Mr. Jno. D. Shaw, jr., attorney for the contestant, Martin, in the polling place on election day for some time after he had cast his ballot?

"A. If he come back after he voted, I don't remember.

"Q. Will you swear that he left as soon as he cast his ballot?

"A. I think he did, as far as my recollection; I think he did.

"Q. State what your politics are, and state if you can read and write.

"A. My politics are Republican, and I can read and write.

"JOHN E. McLEAN."

MAXTON.

At this precinct 15 votes were returned for contestant and 160 votes for contestee.

The majority reject this whole precinct. We can not agree that this course is proper. It is plain from the testimony that the Populists at this precinct were captious, unreasonable, and offensive in their dealings with the election officers. All of the ballot boxes were plainly labeled, so that anyone who could spell in large Roman letters was able to deposit his ballot for himself. Contestant's witnesses, every one of whom could read and write, testify that they offered their ballots to the election officers, who refused to take them, but told the voters to place them in the boxes themselves; and instead of doing so, the voters threw down their ballots and did not vote at all. The election officers swear that the voters offered them a bundle of ballots, and the officers asked them to pass in one at a time and they would put them in the proper boxes as they were handed in. This the voters refused to do, and refused to put the ballots in the boxes themselves. It may be that the judges of election might very properly have taken the ballots offered in bunches, but to require them to be handed in one at a time was not unreasonable, and a voter who lost his vote by his refusal of so reasonable a request was himself at fault and can not complain. It is doubtful if, where there are several ballot boxes and several officers, an offer to hand in all of the ballots to one officer, accompanied by a refusal to offer the ballots one at a time, is a tender of a ballot at all, and we are inclined to think it is not. These voters had the option to place the ballots in the boxes themselves. This they refused to do, and there being no sufficient testimony that the election officers refused to direct them how to vote properly, those who lost their right to do so of their own wrong can not fairly complain. So, on the whole evidence, the vote of this precinct should be counted as returned.

WELCHS CREEK TOWNSHIP, COLUMBUS COUNTY.

The majority make no reference to this precinct, so we assume that the same escaped their attention. The contestee established by unquestioned testimony that there were returned for him 54 legal votes which were not included in the tabulation made by the board of county canvassers of Columbus County, and returned to the board of State canvassers. The testimony is found on pages 187, 188, and 189 of the record. This vote should be added to the returned vote of contestee.

CONCLUSION.

The majority claim that contestant was elected by 330 majority.

We can not concur with this conclusion. We find according to the evidence in the case and the election laws of North Carolina that contestee was fairly elected.

As to Lilesville precinct, there is no ground for adding 40 votes to contestant. The testimony of B. K. Jones, upon whose testimony the change in the vote is proposed, is entirely misapprehended, and to call attention to the error is sufficient to correct it.

As to Rockingham precinct, of the 70 votes added to contestant, 8 are undoubtedly illegal, as shown in the report.

As to Red Springs, the majority add 16 votes to contestant. There is no good reason for this claim.

As to Alfordsville precinct, the majority propose to reject the entire vote of the precinct, where contestee received 54 majority. This claim is not sustained by the evidence.

As to Stewartsville precinct, where contestee received 281 majority, the majority of the committee propose to reject the entire returns. In this report we have given testimony from contestant's witnesses showing that the election officers did their duty, and that the election was fairly conducted. There is no just ground for rejecting the official returns. Nine rejected votes are conceded to contestant and 3 votes are to be deducted from contestee, leaving the majority at this precinct for contestee 209 instead of 281.

As to Maxton precinct, where contestee received 145 majority, it is proposed to reject the returns upon insufficient evidence.

As to Welch's precinct, it is proven that contestee received 54 votes which were not counted for him.

Our conclusions as to these precincts are that the majority has erroneously made changes against contestee of 40 votes at Lilesville, 8 at Rockingham, 16 at Red Springs, 54 at Alfordsville, 209 at Stewartsville, 145 at Maxton, and 54 at Welch's, making 586 votes. This overcomes the majority of 330 claimed for contestant, and shows that contestee was elected by 256 majority.

We therefore recommend the adoption of the following resolution, as a substitute for the resolution reported by the majority:

Resolved, That James A. Lockhart was duly elected a Representative in Congress from the Sixth Congressional district of the State of North Carolina, at the election held on the 6th day of November, 1894, and is entitled to the seat which he now holds as such Representative.

J. W. BAILEY,
JAMES G. MAGUIRE,
J. C. KYLE.

During the reading of the above report the hammer fell.

The SPEAKER. The time of the gentleman has expired.

Mr. LONG was recognized, and yielded to Mr. PRINCE, who directed the continuation of the reading of the report as above.

Mr. PRINCE. It seems to me, Mr. Speaker, that there is no need to discuss this question further. The majority of the committee have presented their report. They have now, through their members, submitted to the House for its inspection the views of the minority, and I desire to state that while we do not expect to have a vote this evening upon the main question, I now move the previous question.

Mr. BAILEY. I suggest to the gentleman to withhold that motion until to-morrow morning, because it can not be acted upon to-night anyway. I think there will be no disposition for further argument in the morning.

I will say frankly to the gentleman that I have in contemplation the withdrawal of the substitute which I offered, with the view to make a motion to recommit this case to the Committee on Elections. I feel confident, of course, that the motion to recommit would be in order, but there is some question about the withdrawal of the substitute after the previous question is ordered; and, upon thinking over the matter, I am not so clear as to what would be the proper parliamentary procedure.

But I think no good purpose would be served by insisting upon the previous question now, and that no delay will ensue from the House just adjourning and leaving the matter as it is.

Mr. PRINCE. I should prefer, Mr. Speaker, to close the matter up so that the House can act upon it.

Mr. BAILEY. It is perfectly apparent that the previous question can not be ordered if I insist.

The SPEAKER. If the previous question is ordered it would still be in order to move to recommit.

Mr. BAILEY. With the understanding that I have the right to withdraw the substitute if I conclude to take that course, I will agree.

Mr. PRINCE. I have no objection so far as I am concerned.

The SPEAKER. If there be no objection the substitute can be withdrawn.

Mr. KEM. I object.

The SPEAKER. But there is objection.

Mr. PRINCE. I renew my motion for the previous question.

Mr. BAILEY. I will serve fair notice on the gentleman that he can not adopt that motion. There is no use of putting the House in that attitude when the gentleman has a conference report over there.

Mr. PRINCE. Very well. I yield to permit the presentation of a conference report.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendment the bill (H. R. 3771) for the relief of Stratton H. Benscoter; in which the concurrence of the House was requested.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 1420) granting an increase of pension to Elizabeth W. Sutherland.

The message also announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 3218) granting an increase of pension to Charles D. Hanscom;

A bill (S. 3206) to grant a right of way through the new Fort Bliss Military Reservation to the El Paso and Northeastern Railroad Company;

Joint resolution (S. R. 155) to authorize a scientific investigation of the fur-seal fisheries; and

Joint resolution (S. R. 158) to amend an act to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6296) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes.

The message also announced that the Senate had passed without amendment the bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of "filled cheese."

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and joint resolution were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 3218) granting an increase of pension to Charles D. Hanscom—to the Committee on Invalid Pensions.

A bill (S. 3206) to grant a right of way through the new Fort Bliss Military Reservation to the El Paso and Northeastern Railroad Company—to the Committee on Military Affairs.

Joint resolution (S. R. 158) to amend an act to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 1420) granting an increase of pension to Elizabeth W. Sutherland;

A bill (H. R. 6739) for the relief of John N. Quackenbush, late a commander in the United States Navy; and

A bill (H. R. 7171) authorizing and directing the Secretary of the Navy to donate four condemned cannon and four pyramids of condemned cannon balls to James T. Shields Post, No. 45, Grand Army of the Republic, of Galesburg, Knox County, Ill., and for other purposes.

MRS. WILLIAM LORING SPENCER.

Mr. ANDERSON. Mr. Speaker, I present a conference report. The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4020) to increase the pension of Mrs. William Loring Spencer, widow of Gen. George E. Spencer, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted insert "fifty"; and the House agree to the same.

W. C. ANDERSON,
W. S. KERR,
Managers on the part of the House.
J. H. GALLINGER,
JOHN M. PALMER,
Managers on the part of the Senate.

The question was taken; and the report of the committee of conference was agreed to.

Mr. PRINCE. Mr. Speaker, I now move that the House adjourn.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MCRAE, indefinitely, on account of sickness.

The motion to adjourn was then agreed to; and accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mrs. Pamelia H. Chamberlain, administratrix of Jacob Crizer, deceased, against The United States, was taken from the Speaker's table, referred to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HOOKER, from the Committee on River and Harbors, to which was referred the concurrent resolution of the House (House Con. Res. No. 54) for the examination and survey of Mormon Channel and Calaveras River, in the State of California, with special reference to a dam at Bellota and cut-offs in the San Joaquin River below the city of Stockton, Cal., reported the same without amendment, accompanied by a report (No. 2189); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIS, from the Committee on the Public Lands, to which was referred House bill No. 9148, reported in lieu thereof a bill (H. R. 9345) to enable certain persons in the State of Mississippi to procure title to public lands, accompanied by a report (No. 2202); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. WOOD, from the Committee on Invalid Pensions:

The bill (H. R. 6321) granting an increase of pension to Cynthia J. Capron. (Report No. 2190.)

The bill (H. R. 7995) granting an increase of pension to Jackson Neace, late a member of Company H, Twenty-seventh Regiment Illinois Volunteers, in the war of the rebellion. (Report No. 2215.)

The bill (H. R. 8114) granting a pension to S. V. Cornish. (Report No. 2216.)

The bill (H. R. 8688) granting a pension to Andrew R. Jones. (Report No. 2217.)

By Mr. CROWTHER, from the Committee on Invalid Pensions:

The bill (H. R. 8896) to increase the pension of George W. Walton. (Report No. 2191.)

The bill (H. R. 8029) granting a pension to Mrs. Jane G. Kelly. (Report No. 2192.)

The bill (H. R. 5143) granting a pension to John Black. (Report No. 2193.)

By Mr. KERR, from the Committee on Invalid Pensions:

The bill (H. R. 8172) granting a pension to Matilda Zimmerman. (Report No. 2194.)

The bill (H. R. 5342) granting a pension to Richard M. Johnson. (Report No. 2207.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (H. R. 3253) granting a pension to Jane Dykes. (Report No. 2195.)

The bill (H. R. 6964) granting a pension to Zebediah Robertson. (Report No. 2196.)

The bill (H. R. 8753) granting a pension to Henry Gilham. (Report No. 2208.)

The bill (H. R. 8365) granting a pension to Dr. J. B. Thurman. (Report No. 2209.)

The bill (H. R. 8150) granting a pension to James P. Newton. (Report No. 2210.)

The bill (H. R. 7221) granting a pension to Lafayette Taber, of Fort Dodge, Kans. (Report No. 2211.)

The bill (H. R. 8754) granting a pension to Martin M. Flint. (Report No. 2212.)

The bill (S. 1689) entitled "An act granting a pension to John F. Hathaway." (Report No. 2219.)

By Mr. MILES, from the Committee on Invalid Pensions: The bill (H. R. 7055) increasing the pension of Anna G. Valk. (Report No. 2197.)

By Mr. PICKLER, from the Committee on Invalid Pensions:

The bill (H. R. 9343) for the relief of John A. Courtney, reported in lieu of the bill H. R. 4092. (Report No. 2198.)

The bill (H. R. 9317) granting an increase of pension to George W. Bolster. (Report No. 2199.)

The bill (H. R. 9316) granting an increase of pension to Isaac Smouse. (Report No. 2213.)

The bill (H. R. 9163) granting an increase of pension to W. H. Williams. (Report No. 2218.)

By Mr. THOMAS, from the Committee on Invalid Pensions:

The bill (H. R. 3510) granting a pension to Alexander Purdy. (Report No. 2200.)

The bill (H. R. 3861) granting an increase of pension to Bernard Dunn. (Report No. 2201.)

By Mr. COFFIN, from the Committee on Pensions: The bill (H. R. 5995) granting a pension to Henrietta B. Lee, surviving child of Lieut. Daniel Bedinger, a soldier and officer in the Revolutionary war. (Report No. 2203.)

By Mr. BAKER of Kansas, from the Committee on Pensions: The bill (H. R. 8360) granting a pension to C. S. Alvord. (Report No. 2204.)

By Mr. HARDY, from the Committee on Pensions: The bill (H. R. 9048) granting an increase of pension to Lawyer Sugs. (Report No. 2205.)

By Mr. BRUMM, from the Committee on Claims: The bill (H. R. 8070) for the relief of Theodore F. Swayze, administrator de bonis non of the estate of John S. P. Wheeler, deceased. (Report No. 2206.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 7392) granting a pension to Ann S. Andrews. (Report No. 2214.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. TRACEY: A bill (H. R. 9346) to establish a department

of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. CUMMINGS: A bill (H. R. 9360) regulating the salaries of printers, bookbinders, and other skilled workmen employed in the Government Printing Office—to the Committee on Printing.

By Mr. LESTER: A joint resolution (H. Res. 197) to correct an error in the river and harbor act—to the Committee on Rivers and Harbors.

By Mr. RICHARDSON: A resolution (House Res. No. 404) authorizing the Public Printer to rebind such of the "original messages" of the Presidents as may require it for their preservation—to the Committee on Printing.

By Mr. HENDERSON: A resolution (House Res. No. 405) for printing 5,000 copies of House bill No. 8110, to establish a uniform law on the subject of bankruptcy throughout the United States—to the Committee on Printing.

By Mr. BLUE: A resolution (House Res. No. 406) for appointment of a committee to investigate the Soldiers' Home at Leavenworth, Kans.—to the Committee on Accounts.

By Mr. WILSON of Idaho: A resolution (House Res. No. 407) authorizing the employment of Albert E. Werner to continue as a messenger in the post-office of the House until December 3, 1896—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. HAINER of Nebraska: A bill (H. R. 9344) granting an increase of pension to Charles F. Thorp—to the Committee on Invalid Pensions.

By Mr. CURTIS of Kansas: A bill (H. R. 9347) for the relief of James J. McCool—to the Committee on Military Affairs.

By Mr. EVANS: A bill (H. R. 9348) for the relief of James Trigg—to the Committee on War Claims.

By Mr. KERR: A bill (H. R. 9349) granting an honorable discharge to Wilson S. Lafferty—to the Committee on Military Affairs.

By Mr. PICKLER: A bill (H. R. 9350) granting an increase of pension to Patrick H. Smith—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Connecticut: A bill (H. R. 9351) granting a pension to William H. Burbeck—to the Committee on Pensions.

Also, a bill (H. R. 9352) granting a pension to John C. Burbeck—to the Committee on Pensions.

Also, a bill (H. R. 9353) granting a pension to Charlotte A. Burbeck—to the Committee on Pensions.

By Mr. SOUTHARD: A bill (H. R. 9354) to correct the military record of John T. Glascoe, late private Henderson Guards, Second Battalion, District of Columbia Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 9355) to correct the military record of John Sauzenbacher, late private Company B, Thirty-seventh Ohio Volunteer Cavalry—to the Committee on Military Affairs.

By Mr. WHEELER: A bill (H. R. 9356) to pension widow and minor children of W. F. Matheny—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9357) to pension John S. Long—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9358) for the relief of Mrs. Mary S. Thompson—to the Committee on Pensions.

Also, a bill (H. R. 9359) to pension Mrs. Rebecca Wood—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DALZELL: Four petitions of sundry citizens of Pittsburg, Pa., in favor of House bill No. 260, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DOWNING: Petition of citizens of Calhoun County, Ill., remonstrating against the improvement on the Mississippi River at Bulls Landing, Calhoun County, Ill.—to the Committee on Rivers and Harbors.

Also, petitions of citizens of Manchester, Pittsfield, and Jacksonville, Ill., asking for favorable action on House bill No. 838, to reduce letter postage to 1 cent per half ounce, and House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HILL: Petition of Warren W. Porter, of Fairfield, Conn., in favor of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. MILLER of West Virginia (by request): Petition of E. Ensign, James A. Hughes, and others, citizens of Huntington, W. Va., in favor of bill to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLIKEN: Remonstrance of W. B. Richmond and others, against military training in public schools—to the Committee on Education.

By Mr. OTJEN: Petition of F. F. Ladwig and 11 others, of Milwaukee, Wis., in favor of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. POOLE: Petition of citizens of Syracuse, N. Y., praying for the passage of House bill No. 260, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON: Papers relating to the claim of James C. Parker, of Carroll County, Tenn.—to the Committee on War Claims.

By Mr. SCRANTON: Petition of the Board of Trade of Scranton, Pa., in favor of Senate bill No. 2447, creating a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE: Resolution of typographical union No. 97, of Peru, Ind., praying for Government ownership of telegraph lines—to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, *June 5, 1896.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

Mr. PLATT took the chair as Presiding Officer, under the designation made by the unanimous consent of the Senate yesterday.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

COMMISSION ON FORD'S THEATER DISASTER.

Mr. FAULKNER. I ask to be relieved from further service on the Ford's Theater Commission, and that the President of the Senate be authorized to fill the vacancy.

The PRESIDING OFFICER. The Senator from West Virginia asks to be excused from further service on the Ford's Theater Disaster Commission, and that the President of the Senate be authorized to fill the vacancy. Is there objection? The Chair hears none, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (S. 3152) granting an increase of pension to Ransom S. Angell, late private of Company G, First Regiment Wisconsin Cavalry, reported it with an amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Pensions, to whom was referred the bill (H. R. 3990) granting a pension to Mrs. Eliza G. Pyne, reported it without amendment, and submitted a report thereon.

Mr. PLATT (Mr. PEFFER in the chair). A few days ago a report was made by a majority of the Committee on Patents upon the bill (S. 1453) for the relief of Daniel Drawbaugh. I now present the views of the minority of the committee, and ask that the views of the minority be printed with the majority report.

The PRESIDING OFFICER. Such will be the order, without objection.

RECIPROCITY AND COMMERCIAL TREATIES.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed 10,000 copies each of the majority and minority reports of the Committee on Ways and Means concerning reciprocity and commercial treaties, and also 10,000 copies of the hearings before the subcommittee of said Committee on Ways and Means on reciprocity and commercial treaties; 3,000 copies of said reports and hearings for the use of the Senate and 7,000 copies for the use of the House of Representatives.

FUR SEALS IN BERING SEA.

Mr. HALE, from the Committee on Printing, to whom was referred the concurrent resolution submitted by himself on the 29th ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 1,000 additional copies of Part II, together with its accompanying atlas, of Senate Document No. 137, of the Fifty-fourth Congress, first session, for the use of the United States Fish Commission.

Mr. HALE. Let the accompanying communication be printed as a report.

The PRESIDING OFFICER. It will be so ordered.

REPORT ON RUSSIAN FUR-SEAL ISLANDS.

Mr. HALE, from the Committee on Printing, to whom was referred the resolution submitted by himself on the 29th ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Public Printer is hereby authorized and directed to print 2,200 extra copies of the report of Leonhard Stejneger on the Russian fur-seal islands, being article 1 of the Bulletin of the United States Fish Commission for 1896; of the said number of copies 500 shall be for the use of the Senate, 1,000 for the House, 500 for the use of the Treasury Department, and 200 for the use of the Fish Commission.

The PRESIDING OFFICER. The accompanying letter will be printed.

ABNER D. LEWIS.

Mr. BURROWS, from the Committee on Claims, to whom was referred the bill (S. 1286) for the relief of Abner D. Lewis, of Fayette County, Tenn., reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 1286) entitled "For the relief of Abner D. Lewis, of Fayette County, Tenn.," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of section 14 of such act, and report to the Senate in accordance therewith.

ESTATE OF JAMES WARR.

Mr. BURROWS, from the Committee on Claims, to whom was referred the bill (S. 22) for the relief of the estate of James Warr, of Fayette County, Tenn., reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 22) entitled "A bill for the relief of estate of James Warr, of Fayette County, Tenn.," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of section 14 of such act, and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. WARREN introduced a bill (S. 3259) granting a pension to Mrs. Maria N. Flint; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3260) granting an increase of pension to Arthur Mahar; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3261) granting a pension to S. J. Brainard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CHANDLER introduced a bill (S. 3262) granting a pension to John E. Farrell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

MORMON CHANNEL AND CALAVERAS RIVER.

Mr. PERKINS submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the local United States engineers in the State of California, under the direction of the Chief of Engineers of the United States, be, and they are hereby, authorized and directed to examine and survey Mormon Channel and Calaveras River, in the State of California, with special reference to a dam at Bellota and cut-offs in the San Joaquin River below the city of Stockton, Cal., and to report the result thereof to the Chief of Engineers of the United States as speedily as possible.

AMENDMENT OF THE RULES.

Mr. PROCTOR submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That paragraph 1 of Rule XVI of the standing rules of the Senate be amended by striking out the words, "All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce," and inserting the following:

The general appropriation bills shall be referred to committees as follows:

To the Committee on Appropriations: The bills for legislative, executive, and judicial expenses, for sundry civil expenses, and for all deficiencies, and for pensions.

The other appropriation bills shall be referred in the first instance as follows:

To the Committee on Agriculture: The bill for the Agricultural Department.

To the Committee on Foreign Relations: The consular and diplomatic bill.

To the Committee on Military Affairs: The bill for the military establishment, including the Military Academy.

To the Committee on Naval Affairs: The bill for the naval establishment.

To the Committee on Post-Offices and Post-Roads: The Post-Office appropriation bill.

To the Committee on Indian Affairs: The bill for Indians and Indian tribes.

To the Committee on Commerce: The bill for rivers and harbors.

To the Committee on Coast Defenses: The fortifications bill.

To the Committee on the District of Columbia: The bill making appropriations for the District.

And when the bills are reported to the Senate from these several committees, they shall be referred with the accompanying report to the Committee on Appropriations for final report.

In appointing committees of conference on appropriation bills which have been considered by two committees, two members of the committee shall be taken from the Committee on Appropriations, and one from the committee which first considered and reported the bill.

NORTHERN PACIFIC RAILROAD COMPANY.

Mr. MITCHELL of Oregon. On the 21st of April I reported from the Judiciary Committee the joint resolution (S. R. 124) to facilitate the reorganization of the Northern Pacific Railroad Company, to secure to actual settlers the right to purchase at a price not exceeding $2.50 per acre the agricultural lands within its grant, and to prohibit said company or any successor company from giving, by consolidation, sale, or other corporate action, control of its railroad to any corporation, company, person, or association of persons owning, operating, or controlling a parallel or competing railroad.

I now desire to submit a proposed amendment to the joint resolution, to come in at the end of the first section. I ask that the amendment may be printed, and I give notice that either this afternoon, if opportunity should present, or to-morrow, I shall ask the Senate to proceed to the consideration of the joint resolution. I ask that the proposed amendment may be read and go into the RECORD.

The PRESIDING OFFICER. The resolution will be received, read, and printed.

The Secretary read as follows:

Amendment intended to be proposed by Mr. MITCHELL of Oregon to the joint resolution (S. R. 124) to facilitate the reorganization of the Northern Pacific Railroad Company, etc.:

Add to the end of the first section the following:

"*And it is further provided*, That in every case of failure of the title to any lands heretofore conveyed or contracted to be sold by said Northern Pacific Railroad Company, any and all rights of such purchaser or his assigns in respect of such land, or in respect of the failure of such title, or in respect to the liability of said Northern Pacific Railroad Company on said contracts for the sale of lands, and all judgments heretofore or hereafter rendered against said Northern Pacific Railroad Company, or against any of the receivers thereof in any court of the United States, or in any State court on account of any such failure of title, or on any covenants of warranty, or on account of any injury to any person or property, shall survive and may be enforced against such successor company with the same force and effect and in the same manner as against the Northern Pacific Railroad Company; and all debts and liabilities which said Northern Pacific Railroad Company or the receivers thereof may have incurred on account of injuries to person and property, and on any covenants of warranty in any contract or deed for the conveyance of lands, shall, when final judgment thereon has been or may hereafter be obtained, be paid by such reorganized company, and may be enforced by execution or other proper final process directly against such reorganized company and its property, and shall be a prior lien thereon; and this act is upon condition that such successor company shall within thirty days from the passage of this act file in the office of the Secretary of the Interior its assent thereto and all the provisions thereof, and on failure to do so this act shall become ipso facto null and void."

Mr. CHANDLER. I should like to make a suggestion in reference to this proposed amendment. Do I understand the Senator from Oregon to state that it is an amendment to a bill that has been reported by a committee?

Mr. MITCHELL of Oregon. It is an amendment to a joint resolution which has been reported by a committee.

Mr. CHANDLER. I suggest to the Senator that the amendment is so important that before it is considered by the Senate it ought to go to some committee of the Senate. There would be objection, doubtless, to its adoption, unless it was considered by a committee. I suggest to the Senator, therefore, to have it referred.

Mr. MITCHELL of Oregon. I will state to the Senator from New Hampshire that I had intended to consult members of the committee, perhaps all of them, in regard to it. I do not think there will be any objection at all to the amendment; but I ask that it be referred to the Committee on the Judiciary.

Mr. CHANDLER. I would prefer to have it go to the committee.

Mr. MITCHELL of Oregon. I ask to have it referred to the Committee on the Judiciary, and we will endeavor to consult in regard to it.

Mr. NELSON. In connection with that amendment, and as bearing on the same matter, I beg leave to offer an amendment, to take the same course. I ask to have it read.

Mr. MITCHELL of Oregon. All right. I desire to explain in a word the two provisions of the amendment proposed by myself.

Mr. JONES of Arkansas. Let this amendment be read.

Mr. MITCHELL of Oregon. It can first be read.

Mr. NELSON. It is an amendment to the same joint resolution.

The PRESIDING OFFICER. The amendment submitted by the Senator from Oregon will be referred to the Judiciary Committee. The amendment submitted by the Senator from Minnesota will be read.

Mr. NELSON. It is to be added at the end of the joint resolution.

The Secretary read as follows:

And provided further, That such successor company, its successors and assigns, shall succeed to all the rights and be subject to all the liabilities created by any and all contracts for the sale of lands heretofore granted by Congress to the Northern Pacific Railroad Company, which said railroad company or its receiver or receivers have made or shall make prior to the acquisition of said lands by said successor company.

Mr. NELSON. I ask that that amendment may have the same reference as the other amendment.

The PRESIDING OFFICER. It will be so referred.

Mr. NELSON. And that it be printed.

The PRESIDING OFFICER. It will be printed.

Mr. MITCHELL of Oregon. The amendment proposed by the Senator from Minnesota is precisely in one respect the amendment offered by myself. It is intended to make the successor company, if organized, liable on the warranties of the old company for the sale of lands where there was a failure of title. In addition to that, my amendment goes one step further and makes the successor company liable for any damages on account of injuries to person or property by the present Northern Pacific Railroad Company after such liability shall have been merged in judgment. I do not think there ought to be any objection from any source to those two amendments.

Mr. CHANDLER. Mr. President, a word by way of suggestion merely. Here are railroad mortgages, and it is expected that there shall be foreclosures under them. The purchasers take under a foreclosure the rights which the original mortgages provide they shall take. They are subjected to the liabilities which the oirginal mortgages provide shall go with the purchase. I very much doubt (I take the liberty of making the suggestion to the Judiciary Committee) whether any law of Congress can either add to or take from those privileges and liabilities; and acts of Congress which undertake to deal with contracts already made in the mortgages should be scrutinized with care before they are passed.

Mr. MITCHELL of Oregon. Just one word, Mr. President, in reply to the Senator from New Hampshire. This new company, or proposed new company, are before Congress asking for certain rights, asking for the grant of a franchise, to be a corporation, and to exercise all the functions of a national corporation, which they can not exercise at all unless in pursuance of an act of Congress. Congress, therefore, has the right in making that grant, I take it, to impose any reasonable restrictions that may be thought prudent and proper. Those proposed restrictions are not very extensive. They do not go to the extent, by any means, of making the new company liable for all contracts and liabilities of the present Northern Pacific Railroad Company. They do propose, however, to make the new company, if we shall give them this grant, responsible on the warranties of the old company for the sale of lands where there has been a failure of title, where they received the money from purchasers and have failed to deliver the lands, and where in such a case judgment has been heretofore obtained or may hereafter be obtained against the company in any court of the United States or any State court. The other provision is simply to make them responsible for any judgment that may be obtained against the old company on account of injuries to person and property. That is all; nothing more.

Mr. CHANDLER. I still say that we can not impose any such liability by act of Congress. It is possible that we may annex conditions to a new grant which may effectuate the purpose which the Senator from Oregon seeks to carry out, but not otherwise.

Mr. MITCHELL of Oregon. I am a good deal surprised at the statement of the Senator from New Hampshire, I confess, because the Senator from New Hampshire is a most excellent lawyer and a very genial, pleasant gentleman besides, as we all know. That he should assert, however, as a lawyer that we have no right to impose upon this new company the conditions proposed by my amendment is simply amazing to me.

Mr. CHANDLER. The Senator misunderstood me.

Mr. MITCHELL of Oregon. Perhaps so. I hope I did.

Mr. CHANDLER. He is very apt to misunderstand. I said that I was not certain but that they could be imposed.

Mr. MITCHELL of Oregon. Oh, I beg pardon. I am glad I did misunderstand the Senator.

Mr. CHANDLER. I accept the compliment the Senator paid me, nevertheless.

Mr. NELSON. I ask just a minute to make a brief explanation in response to the statement of the Senator from New Hampshire.

The PRESIDING OFFICER. There is no question before the Senate, but the Senator from Minnesota, by unanimous consent, will proceed.

Mr. NELSON. There is as much before the Senate as there was when the Senator from Oregon and the Senator from New Hampshire were speaking.

The PRESIDING OFFICER. The Chair perhaps ought to have suggested that the debate was proceeding by unanimous consent.

Mr. NELSON. I desire simply to say that these railroad companies in connection with mortgaging their franchise also mortgaged their lands. The lands are constantly being sold to actual purchasers in little driblets. The deeds and contracts are signed first of all by the president and secretary of the company. Then they are signed (and I have seen many of them) by the trustees of the mortgage. So it becomes a deed on the part of the company and on the part of the owners of the mortgage. The proceeds of these lands have gone to pay the mortgages in part. By this reorganization the old company is extinguished, the new company steps into the shoes of the old, and why should not the purchasers of these lands, who hold contracts and deeds signed, not only by the officers of the company, the president and the secretary, but also by the trustees of the mortgage, be protected? Is it anything more than just both in law, equity, and morals? That is the entire scope of the amendment which I have proposed.

Mr. CHANDLER. I will say to the Senator that they should be protected if Congress can protect them, but can Congress protect them by altering the existing contract written in the mortgage?

Mr. NELSON. They come in here and ask of us to legalize their organization, and coming in as they do with that request, we have a right to impose conditions.

Mr. MITCHELL of Oregon subsequently reported from the Committee on the Judiciary without amendment an amendment this day submitted by him intended to be proposed to the joint resolution (S. R. 124) to facilitate the reorganization of the Northern Pacific Railroad Company, etc., and moved that it be printed; which was agreed to.

CAPTURE OF THE COMPETITOR.

Mr. MORGAN. I ask the Chair to lay before the Senate the resolution which I offered that came over from yesterday.

The PRESIDING OFFICER. If there are no further concurrent or other resolutions, the Chair lays before the Senate a resolution coming over from a former day.

Mr. MORGAN. I ask that it be read.

The Secretary read the resolution submitted by Mr. MORGAN on the 3d instant, as follows:

Resolved, That the Senate, being informed by common rumor, and by testimony taken by the Committee on Foreign Relations, that a vessel of the United States called the *Competitor* has been captured by a Spanish ship of war, and that one or more citizens of the United States were captured on board said vessel, and have been tried and condemned to death by a military tribunal in Cuba, and are now in prison at Habana awaiting the execution of the sentence. And the Senate having instructed said committee to inquire into and make report respecting the rights of said citizens, under the treaties existing between the United States and Spain, and under the laws of nations, the President is requested, in conformity with section 2001 of the Revised Statutes, to inform the Senate whether any such capture has been made by a Spanish war ship, and whether any citizen of the United States has been captured on or near such vessel, and "has been unjustly deprived of his liberty by or under the authority of" the Government of Spain, and whether the President forthwith demanded of Spain the reasons of such imprisonment, and, if such imprisonment is unlawful, and if such sentence to death violates the laws of nations, or the treaties with Spain, whether the President has demanded the release of such citizens.

And that the President communicate to the Senate all the facts and proceedings relative to such capture, sentence, and imprisonment of such citizens, as soon as practicable, in accordance with the statute in such cases made and provided, as follows:

"SEC. 2000. All naturalized citizens of the United States, while in foreign countries, are entitled to and shall receive from the Government the same protection of persons and property which is accorded to native-born citizens.

"SEC. 2001. Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty, by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall, as soon as practicable, be communicated by the President to Congress."

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. MORGAN. Mr. President, the resolution heretofore adopted by the Senate upon which the resolution under consideration is predicated read as follows:

Resolved, That the Committee on Foreign Relations is directed to inquire and report to the Senate what are the rights of the United States, under our treaties with Spain, as to the trial of our citizens arrested in Cuba and now under condemnation and sentenced to death by the Spanish military tribunals for alleged offenses of a political or other character against the Spanish laws or Government, and to report on that subject by bill or otherwise.

This resolution is dormant and can not be executed, properly at least, until the resolution now before the Senate is acted upon by the President and until he answers it, or again refuses to answer it.

That resolution was adopted on the 16th day of May. The *Competitor* incident had occurred, it appears from information that the Committee on Foreign Relations have derived from the sworn testimony of Mr. Lawrence, some days prior to the offering and passage of that resolution.

The Senate, acting under the statute, section 2001, found it to be its duty to get information in some way or other about the

Competitor affair. We have no information on that subject except as this resolution recites, by public rumor and through the testimony which was taken by the subcommittee of the Committee on Foreign Relations. The subcommittee consisted of the Senator from Minnesota [Mr. DAVIS] and myself. Now, we are here for the purpose of executing that mandate of the Senate without the slightest information from the executive department that there has been any seizure of such a ship, or any capture of an American citizen, or any official information or intimation on the subject of that very grave affair from the executive department of the United States.

For the purpose of trying to get hold of information on this subject, the Senate addressed in the usual form a resolution to the President, the third branch of the same resolution from which I have just been reading, passed on the 16th day of May, as follows:

That the President is requested, if it is not incompatible with the public service, to communicate to the Senate copies of any correspondence that has taken place between the Governments of Spain and the United States respecting the said protocol and its bearing or effect upon the trial and condemnation of citizens of the United States who were recently captured on or near the vessel called the *Competitor*, which was seized under Spanish authority in Cuban waters or near to that island.

The second resolution of that series called for a literal copy, both in the Spanish text and in English, of a protocol which was signed on the 12th of January, 1877, by the Hon. Caleb Cushing, our minister to Spain, and Señor Collantes, minister of the Spanish Government to the United States.

By reference to the language of this statute we will find, I think, a good deal that is worthy of consideration in the action that we propose to take and some reasons for its justification that are absolutely insuperable, it seems to me. I will read that statute again:

SEC. 2001. Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign Government, it shall be the duty of the President forthwith to demand of that Government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall, as soon as practicable, be communicated by the President to Congress.

It is a custom of Congress, of both Houses, and it is a very proper one, in regard to diplomatic affairs which are pending and are not completed, that the President should be requested to send any such communications as Congress may desire to examine, if he considers it compatible with the public interest to do so. That evidently relates to such matters as are continuing and are incomplete in themselves, to such matters of diplomatic intercourse between ourselves and a foreign country which have not been entirely completed. This is also simply a courtesy extended by Congress to the President of the United States, for the Constitution does not exempt the President in any case whatever from giving information as to the state of the Union or the state of public affairs to the Congress of the United States. In this case the law requires that he shall communicate all the facts and proceedings relative thereto as soon as practicable. But the mandate of the Constitution is a continuing one and operates upon the President of the United States at all times and under all circumstances so as to require of him to lay before the proper tribunal, either the Senate or the Congress, such information as he may consider important in regard to the state of the Union or in regard to any matter which concerns the foreign relation of the United States.

The construction that was placed upon the constitutional privileges of the President received a very early interpretation in our Government in the fact that President Washington was on some occasions present in the Senate by the invitation of the Senate for the purpose of conferring with that body on treaties and other diplomatic matters, and the confirmation of persons who were appointed to office. That was found to be an extremely inconvenient practice, and thereupon the President resorted very properly to the sending in of messages or his appointments and also of having those messages considered in his absence. But any information that the Senate might desire to gain in regard to the competency or qualifications of an appointee, or any information that they might desire to gain in regard to a negotiation that was being conducted, was something that the President, I suppose until a very late day, never thought of withholding from the Senate of the United States. Thereupon the courtesy arose of sending resolutions of inquiry to the Executive couched in the words which I have mentioned, and qualified so that he might have a discretion in sending in such matters as were not required positively by law to be sent into the Senate, such matters as related to pending negotiations between this Government and a foreign Government on any subject that was in hand.

Now, it is perfectly obvious that in respect to the *Competitor* case, if there is such a case (when we get official information about it from the President we will then know officially that there is such a case), and according to the statement made in the sworn testimony of Mr. Lawrence, which I will ask leave to append to my remarks in order that I may not take up too much time of the Senate just now, official information is indispensable in regard to all of those facts which are essential for the guidance of the committee in the execution of this command of the Senate——

Mr. TURPIE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Indiana?

Mr. TURPIE. With the permission of the honorable Senator, I should like to ask him what is the paper he has requested to have appended to his remarks?

Mr. MORGAN. It is the testimony of Mr. Lawrence, taken before the Committee on Foreign Relations.

Mr. TURPIE. That testimony was taken in confidence, and has only been printed for the use of the committee.

Mr. MORGAN. I have not so understood it.

Mr. TURPIE. The chairman of the committee is here.

Mr. HALE. We can not hear the colloquy between the two Senators upon the other side.

The PRESIDING OFFICER. The Senator from Alabama asked that some paper might be incorporated in his remarks. The Senator from Indiana rose to inquire what the paper is.

Mr. MORGAN. I was a member of the subcommittee, and I was not at all aware that there was any confidence about it. The committee, when it instructed its subcommittee to make this inquiry and administer oaths to the witnesses, or at least to take their testimony, did not impose upon us any qualification of confidence at all. I would be, I think, as reluctant as anybody could be to violate any rule of the committee, and if I misunderstand it now even, I will not ask that the testimony shall be printed. But I had no information until this moment to the effect that it was printed in confidence for the use of the committee. It is without any confidential marks upon it at all.

Mr. SHERMAN. What paper does the Senator refer to?

Mr. MORGAN. It is the testimony of Mr. Lawrence, taken before the subcommittee by the Senator from Minnesota [Mr. DAVIS] and myself about the trial in the *Competitor* case.

Mr. SHERMAN. I do not recall the paper, but I suppose it is some paper which was sent to the Committee on Foreign Relations.

Mr. MORGAN. The Senator can not fail to remember, I suppose, that he appointed the Senator from Minnesota [Mr. DAVIS] and myself a subcommittee to take the testimony of Mr. Lawrence and Mr. Diaz?

Mr. SHERMAN. Oh, yes; that is true.

Mr. MORGAN. Very good. Now, the question is, was that a confidential communication on the part of these witnesses to the subcommittee?

Mr. SHERMAN. I think it would be until the committee acted upon it. So far as I know, I see no objection at all to its being made public, but at the same time I think it ought not to be made public until the committee say so, because it is evidence taken by the committee. I submit it to the judgment of the Senator.

Mr. MORGAN. I will not make it public, then, until the committee say so.

Mr. SHERMAN. I submit it to the judgment of the Senator.

Mr. MORGAN. If the committee want that sort of delay about the matter by any hiding of facts here and their concealment from the country, very well. I prefer to have it done in a different way.

Mr. SHERMAN. I have no objection to its being printed if the Senator from Alabama thinks it ought to be made public.

Mr. DAVIS. That report has not at all been considered confidential. It has gone out to the country and it is as well known as any document reported to this body.

Mr. TURPIE. The Senator is not heard on this side.

The PRESIDING OFFICER. The Senator from Minnesota is not heard.

Mr. DAVIS. There ought to be no objection to its being incorporated in the RECORD.

The PRESIDING OFFICER. The Senator from Alabama asks that the paper which he has mentioned be incorporated in the RECORD. Is there objection? There being none, it will be put in the RECORD as a part of his remarks.

Mr. MORGAN. Now, I wish to comment a little further upon the legal duty and the legal powers of the President of the United States in the matter of communicating to either House of Congress whatever facts are in the possession of the Executive of an official character respecting any matter that we want to inquire into and feel it our duty to inquire into. I have referred to the courtesy that we have extended to the Executive to enable him to withhold from either House, at least from this body, any communication which he thinks might disturb the public tranquillity or might in any wise compromise the Government; but I contend that those transactions which he has the right thus to withhold

are not completed transactions, but they are transactions that are in fieri. It would be improper, and I think the Senate has always recognized that fact, that we should interfere with the diplomatic correspondence between the President and any foreign government upon a matter touching any vital interest or important question while that correspondence was going on. But here is a case which is covered by a statute, and that statute prescribes certain specific duties to the President of the United States in such a case, and the question arises whether the President is bound to obey the law or whether he may escape through some courtesy extended to him by the Senate. That is the question.

Matters of this kind are regarded by the Congress of the United States as extremely important and extremely critical. In the enactment of this law, which required the President to interpose a demand upon a foreign government under the circumstances that exist, as we are informed, in the *Competitor* case, in precisely the same state of circumstances, if it appears that a citizen of the United States has been wrongfully deprived of his liberty in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen. That does not give him an option to postpone it to some future time or to some convenience on his part. He must do it at once, if he is satisfied that the imprisonment is illegal, and must at once ascertain if it is illegal. The American statute as well as American honor demands that when its citizen is thus imprisoned, contrary to law, in violation of law, the President of the United States shall forthwith demand his release, "and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release."

Why was the qualification "not amounting to acts of war" put into that statute? It is because the President of the United States does not possess the war power except with the consent of Congress, and here is a plain, palpable declaration of restraint upon him in this statute that is in exact conformity to the Constitution of the United States. He can not go out of this Union, out of our own domain, and make war against any foreign country or perform acts of war, even in a case where one of our own citizens is arrested unlawfully and may be sentenced to death under the decree of a foreign country, without first referring the matter to Congress and obtaining their consent.

It therefore becomes necessary in a matter of this kind that Congress shall cooperate with the President. It is indispensable that Congress shall cooperate with him, or else the citizen must lie there in chains and under condemnation of death until such time as Spain and the President of the United States may concur in agreeing that he may be discharged. Not released from a false imprisonment, but discharged from a rightful imprisonment by a pardon.

We, fortunately for ourselves, have enacted this law to compel the President to prompt action, and Congress has carefully defined a legal status between ourselves and the President of the United States and between our Government and foreign countries which is mandatory and is alike imperative in its requirements upon Congress and upon the President. He shall forthwith demand the release, "And if it is unreasonably delayed, or if it is refused, the President of the United States shall take such steps, not amounting to war, as shall be sufficient to obtain the release." Suppose the steps taken by the President, not amounting to war, fail to secure the release. What then? Congress must act or the citizen must perish. The duty comes right home to us. It comes home to us under our own laws as well as under the impulses of all sympathy and all humanity.

Now, what next? The resolution requires that all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress. This is done to enable Congress to act so as to save our citizens. When we asked the President, extending the courtesy to him of withholding this information as to correspondence, and nothing else, to send those papers here, he sent a message to us on the 23d day of May, in which he says:

It being in my judgment incompatible with the public service, I am constrained to refrain from communicating to the Senate at this time copies of the correspondence described in the third paragraph of said resolution.

This resolution now under consideration does not call for copies of any correspondence. It calls for an executive, official statement of the facts, a part of which are the acts of the President alone, not his correspondence with Spain.

Mr. DAVIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Minnesota?

Mr. MORGAN. Certainly.

Mr. DAVIS. I should like to inquire of the Senator from Alabama if he recollects whether the resolution which called upon the President for information referred to any particular case?

Mr. MORGAN. Yes, sir; it did. I will read it in answer to the Senator from Minnesota.

Mr. DAVIS. I ask the question in order to make the statement of facts complete.

Mr. MORGAN. I have the wrong print here, but I can interpolate the words as the resolution was amended:

That the President is requested, if it is not incompatible with the public service, to communicate to the Senate copies of any correspondence that has taken place between the Governments of Spain and the United States respecting the said protocol and its bearing or effect upon the trial and condemnation of citizens of the United States who were recently captured on or near the vessel called the *Competitor*, which was seized under Spanish authority in Cuban waters or near to that island.

Mr. DAVIS. I merely asked the question to make the statement of facts complete.

Mr. MORGAN. I want to be definite. The third paragraph of the resolution called for the correspondence in respect to the seizure of the *Competitor* and the bearing and effect of the alleged protocol upon that seizure, and the President declined to furnish it. The pending resolution calls for the facts relating to the capture and condemnation of our citizens.

I wish to ask the Senate whether, without one word of official information from the President of the United States, when we know through the newspapers and through the sworn testimony of Mr. Lawrence, who witnessed the trial, that our citizens have been condemned by Spain, after a pretense of trial by a court-martial, without the assistance of counsel or witnesses, and sentenced to death, and are now in prison in Habana under that sentence, is not the Senate entitled, under this mandatory statute to the President of the United States, again to request him to furnish us with this information? If there had been no more done about it than the act of the Senate instructing its Committee on Foreign Relations to make this inquiry in regard to the rights of American citizens, that would be a sufficient predicate for this request. But in addition to that we have the sworn testimony of Lawrence to show how the trial took place, what sort of trial it was, who the parties were, and the condemnation that was passed upon those American citizens. We have all that here. But the President of the United States has paid no more attention to it or to the Senate's request for information than if it had been a case of the slaughter of some native negro or mulatto in the Cuban army engaged in the war.

The citizen of the United States is entitled to something more than that. The Senate of the United States is entitled to something more than that. The President of the United States, whatever may be his motive—I do not care what it is—has not any right under the statute to withhold from us this information; and I think the action of the Senate will be moderate when, after this long delay and after this request, which has heretofore been made and rejected, we merely request him to make an official statement to us whether there was a seizure of the *Competitor*, whether an American citizen was seized on board of it or near to it, whether that man or those men have been tried by any Spanish tribunal and are held in arrest and in prison, and whether sentence of death has been passed upon them, and whether the President has made a demand for the release of those people. I do not want to leave Washington City, when the Congress shall have adjourned, and commit this matter to the hands of the President, either to make war actual upon Spain or to manufacture stage thunder out of it. I want us to perform our duties to the American citizens who are in chains, under condemnation of death, in a foul Spanish prison. If it requires acts of war to release them, the President is prohibited by this statute from engaging in such acts.

Mr. MILLS. The Senator recollects, too, that the whole proceeding was in the Spanish language, and the man said he did not understand it.

Mr. MORGAN. The testimony which the Senate have kindly permitted me to incorporate in my remarks is here. All of the proceedings before the court-martial were in the Spanish language, and when the accused were required to stand up and to make answer to the accusation after the trial had ended, one of them said, "I know nothing of what you have been saying or doing. None of it has been translated to me. It is all Spanish to me. I can not answer. I do not even know of what I am accused." Thereupon immediately a translation was made by some officer——

Mr. DAVIS. There was no translation.

Mr. MORGAN. That is true.

Mr. DAVIS. There was a short explanation, and he was asked if he wanted to say anything.

Mr. MORGAN. Yes. Thereupon immediately, after some short explanation, sentence of death was pronounced upon that American citizen by that court-martial.

That was done when we have a treaty of 1795 with Spain which forbids absolutely any such proceeding against an American citizen, except in the civil courts, at least in time of peace. The legal attitude between the United States and Spain in respect to war in Cuba is an attitude of recognized peace. It has never been disturbed in the slightest degree, according to Spanish assertion, nor have we recognized that war exists there. So in every view of this question which can possibly be taken the understanding

between the United States and Spain is that a state of peace prevails in Cuba.

Mr. DAVIS. Will the Senator allow me to interpose at this point? Furthermore, Spain has never declared martial law against these belligerents on her own territory.

Mr. MORGAN. I was not aware of that fact.

Mr. DAVIS. I mean in regard to forbidding intercourse from the outside.

Mr. MORGAN. Yes. There has been so much obscurity as to the situation in Cuba imposed upon the whole world by Spain's censorship of the press and the cable and telegraph lines that of course we are in the dark—the whole world is in the dark—in regard to what transpires in Cuba. We hear the groans and the shrieks and the outcries of old men, women, and children as they are borne on the breath of rumor. Occasionally some missive is sent by a private citizen to the outside world to inform us of the revengeful and inhuman butchery that is going on in that terrible place. But so far as authentic information is concerned, either relating to what is transpiring in the massacre of human beings in Cuba or relating to the legal status that exists there, we have in large measure to rely upon mere rumor as we gather it from the press and other sources—private letters. I have received a good many letters, some with the seals broken by the Spaniards before they got out of the mails in Cuba, giving information to me as to what has been going on in the island. But we are thrown upon these precarious sources of information, and therefore the Senate will have to excuse me if I am not so well informed as my colleague on the Committee on Foreign Relations, the Senator from Minnesota [Mr. DAVIS], in respect to the fact that martial law has not been declared in Cuba as to any particular province.

Mr. DAVIS. As to the act of introducing arms into the island and seizure upon the sea.

Mr. MORGAN. Is it an unreasonable request on the part of the Senate of the United States, or is it a request as to which the President of the United States could take the slightest umbrage, respectfully to ask him, under section 2001, to perform his duty immediately, or as soon as practicable, that being the language of the statute, communicating these facts, which are known to him and unknown to us, officially to the Senate? That is the whole purpose of the resolution, to get his declaration and statement of facts. Upon what justifiable ground can this official statement be withheld from us?

The Senate wants to know if there was a *Competitor;* if there were Americans on it; if they were seized; if they were tried; if they were condemned to death. I want to know whether an immediate demand for their release has been made. I want to know the response to it. I want to know why it has been unreasonably delayed; why it is that these American citizens are required to remain in jail in Habana, in a place that is described as being utterly beastly, where as many as a hundred men are confined in a room that is not one-fourth the size of the Senate Chamber, and are not given even enough water to drink. I want to know of the President of the United States what the situation is before Congress shall adjourn and we shall go hence. Are we going to adjourn on Monday or Tuesday and leave these men in jail in Habana without information even as to their condition, and that, too, when the Senate has called for it and suggested to the President the duty that the statute requires him to perform?

I wish to state that I have the utmost reverence and respect for the office of Chief Executive of the United States. That is an American characteristic. It is one in which I really rejoice. At the same time this is a country of law. No man can move in the executive department, the judicial department, or the legislative department except as he is moved by the laws of this country and as he is restrained and directed by those laws. This is a country of laws. It is not a country that is ruled by the private will of the incumbents of any of the departments of this Government.

The President of the United States is enjoined by the Constitution faithfully to execute the laws, and then he swears in his official oath that he will obey the Constitution of the United States, so that he is as much under an obligation to obey that statute as is the Senate and every citizen of the United States. He can not say to us, "It is inconvenient for me, or it might put me in an unpleasant attitude, or it might disturb some diplomatic correspondence that I am conducting with Spain if I should give the Senate information as to facts where the statute requires that I shall do it, and do it as soon as possible."

Now, who supposes that it is too early for the President of the United States to inform us in regard to the state of facts inquired about in the resolution? Who will say so? I am not moving in this matter for any other purpose than merely to execute the laws of the United States and to obey the order of the Senate as a member of the Committee on Foreign Relations.

It is with exceeding regret that I have to bring forward a matter of this kind. It is unpleasant to me in the highest possible degree. At the same time, as a member of the Committee on Foreign Relations and as a Senator on this floor, when the Senate has instructed that committee to make an inquiry and to report by bill or otherwise all the facts relating to the *Competitor* case, I do not see how we can go away from here without requesting the President again to send us this information. When we get it, we will know whether it is necessary as a committee to make any report to this body at this session, whether the exigency is such as to require it. It may turn out—we do not know—that the Spanish Government has receded from the assertion of its right to arrest our citizens under the circumstances and to try them by military court, or it may turn out that we shall be humiliated by having the jurisdiction and power of the Spanish Government over our citizens reasserted, and that we shall have to go as a Government, or that the individual who has been condemned to death will have to go on his own account, and humbly beg pardon of Spain and get a pardon from the supreme authority in that State. I do not know how it will turn out. I would be glad to save the lives of these people in any way at all. At the same time I can not feel very proud if we shall save their lives under an order from Spain for their pardon, when we are demanding and asserting that the Spanish Government had no right to arrest them and no right to condemn them by military court, and that such a court had no jurisdiction to try them.

I do not suppose that in respect to any other Government existing in this world to-day the President of the United States would hesitate for one moment to make a demand for the release of these prisoners. Why does he hesitate to say to the Government of Spain, "You have no power or right to do this thing in time of peace. You can not take these people up and condemn them to death under your municipal laws, as you have done here in time of peace. In time of peace you can not try our citizens by military court-martial." That is an incident of war. That is a court that derives its jurisdiction in time of peace alone from the relation which the party charged holds to the military establishment of the country—necessarily so. Here is a military court-martial assembled in time of peace, and it pronounces summarily sentence of death upon one of our citizens, and, to appear extremely just to Spain, he leaves our citizens to the mercy of that Government. Has the President of the United States made a demand for their release upon the ground that the court had no jurisdiction, and will he consent to accept the pardon of these people? What will be the condition of the next batch of men who go there? We shall have admitted the jurisdiction of Spain to condemn them to death by permitting this sentence to go into execution and by our predicating upon it a plea for pardon. Spain would say, "Your Government, in the case of the *Competitor* and the men there arrested, has admitted the jurisdiction of the courts-martial to try them." Spain will say to us, "You came here and sued for pardon for these men, thereby admitting all the predicate in respect to our jurisdiction to arrest them and try them by a military tribunal." I do not want to leave this question in that shape.

I deprecate—perhaps there are some people in this world who disbelieve what I am stating now—the spirit the American people are now exhibiting in breaking away from our laws and keeping the executive department in hot chase after men who are trying to escape from the United States with arms and munitions of war to put them into the hands of the rebels in Cuba. I deprecate it because it violates the laws of the United States, and so long as there is a law upon the statute books of the United States I am in favor of its being executed. It makes no difference what the consequences may be to anybody. Let the law have its course, because this is a land of law. If we are to set aside the law because of our sympathy or anything like that, of course the whole fabric goes to pieces through the caprice of popular will. But as much as I deprecate that, and as much as I think every man in the United States who is a right-thinking man is bound to deprecate it, do we not know that it is a physical, a political, a moral impossibility to keep individuals from going to Cuba or to keep expeditions from being secretly organized to go to Cuba and carry arms and munitions of war? The people have broken over all bounds in regard to it, and the Government of the United States to-day has no power to prevent its people from going there. The people have so long fretted at the enormities of Spanish barbarity in Cuba that they have become restive and they are unwilling to obey their own laws, and those laws are virtually stricken down by the instincts and sympathies of a common humanity. But that is the situation. We can not prevent it.

It behooves us, Mr. President, to have an understanding with Spain upon this question, and inasmuch as the President is forbidden by the statute to perform any act amounting to war in order to get the release of one of our citizens thus captured and condemned to death—inasmuch as he can not make war for a purpose of that kind, it is the duty of the Congress of the United States to make such declarations now as are necessary to assist him if war has to be made. A joint resolution ought to be passed by this body, if the facts are as I suppose they are, that in the event these American prisoners are not speedily delivered to our consul, or in the event that they are not released within a reasonable time, according

to the language of this statute, the President shall be authorized to send ships to Cuba and there make war that shall be effectual to secure their release. But the President can not do this unless we authorize him to do it. The statute prohibits him. But, to justify such a course, Congress must first determine whether the condemnation of our citizens is just and in accordance with our treaties with Spain.

I wanted to present this subject to the attention of the Senate merely to inquire whether or not we are going away from here and leave this matter in the shape it is in. Let us pass the resolution and get the official facts from the President. He can recommend to us whatever he thinks is necessary to aid his powers in order to obtain the release of these men. They have been there nearly a month and have not been released, and every day that these men are imprisoned in that jail under sentence of death is a day of dark and marked dishonor to the United States of America. We have no right to stay here and have our citizens treated in this way, because we are not able even to get a response to a proper request from the President of the United States as to what the facts actually are. Let us again ask for information from the President, and, failing that, proceed to do our full duty to these men.

I move the adoption of the resolution.

APPENDIX.

CONDITION OF AFFAIRS IN CUBA.

WEDNESDAY, *May 20, 1896.*

Statement of Frederick W. Lawrence.

FREDERICK W. LAWRENCE was duly sworn.

By Senator DAVIS:

Q. What is your full name?
A. Frederick W. Lawrence.
Q. Where do you live?
A. In New York City at present.
Q. What is your employment?
A. Correspondent of the New York Journal.
Q. How long have you been so employed?
A. Since December.
Q. Are you a citizen of the United States?
A. Yes, sir.
Q. Have you visited the Island of Cuba recently?
A. Yes, sir.
Q. When did you arrive there?
A. Nine weeks ago last Saturday.
Q. Until when did you remain?
A. A week ago last Sunday.
Q. In what capacity?
A. As correspondent to the Journal.
Q. In what place in Cuba did you remain?
A. At Habana.
Q. Were you during your stay in Cuba at any time within the lines of the insurgent troops?
A. No, sir; I made no effort to disobey the laws of the Government of Cuba.
Q. Did you make any excursions from Habana?
A. Yes, sir.
Q. How many?
A. Three.
Q. State to what places and the distance to each place.
A. To Guines, a distance of about 40 miles; Guanabacoa, a distance of about 7 miles, and to Marinoa, a distance of about 9 miles.
Q. Were all of these places within the Spanish line?
A. Every one of them; yes, sir; that is to say, the Spanish claimed them, and at the time I went to them they were; but recently the insurgents have gone to at least one of them, that is Marinoa.
Q. Do you mean permanently advanced their line?
A. No, sir; they have no lines; that is, their columns have gone in and got out again; they have broken the Spanish lines.
Q. Under what circumstances did you leave the Island of Cuba?
A. I was expelled by order of the captain-general.
Q. Was that order verbal or in writing?
A. In writing.
Q. Have you a copy of it?
A. I have it in New York.
Q. Will you furnish a copy to the committee?
A. With pleasure.
Q. When was that order delivered to you?
A. It was delivered to me on Thursday before I left Habana.
Q. Does the order allege for what reason it was given?
A. Yes, sir.
Q. What reason was given?
A. It is alleged that both James Creelman and myself, he being named in the same order, were expelled from the Island of Cuba for sending to our papers false notices of cruelties by the Spanish troops, and inventing news of insurgent victories.
Q. Were those statements true?
A. Not a single statement made in the order of deportation is true, except the words that we are the correspondents. I so informed the captain-general in writing before I left there.
Q. Did you receive any response?
A. No, sir.
Q. When you arrived in Habana, which I understood you to say was March 20, 1896, did you place yourself in communication with the Spanish authorities?
A. Yes, sir.
Q. For what purpose did you place yourself in communication with them?
A. For the purpose of gathering information concerning the situation of affairs there and gathering news that would be of interest to the people of this country or to my paper.
Q. Did you state your purpose to them?
A. I made no statement to them, but made no attempt to conceal from them my purpose, and openly and avowedly stated I was there for the purpose of obtaining information.
Q. Did you desire to obtain information from the Spanish authorities as to the condition of affairs in Cuba?
A. Yes, sir.
Q. With what success?
A. Very little; absolutely none as far as the true condition of affairs was concerned.
Q. Did they give you at all their version of current events?
A. Yes, sir.
Q. Did you ascertain whether such information was reliable or unreliable?
A. At the time, having no other information at hand, I was compelled to accept it as reliable, and so sent it, but found afterwards that statements given to me were untrue.
Q. From what source did you find those statements were untrue?
A. From gentlemen who came into Habana and also gentlemen in Habana.
Q. From gentlemen who came from where?
A. From gentlemen who came into Habana from where the scene of action was laid.
Q. From territory occupied by the insurgents?
A. Yes, sir.
Q. In what respects, stating generally, did you find this information to be unreliable?
A. As to battles fought.
Q. Well, in what respect as to them?
A. The military censor is the man who gives out the Government reports of engagements between the Spanish and insurgents. He has hours for doing it, and at those hours all the newspaper men in Habana are supposed to be present. He edits them and the Habana newspapers are compelled to print them. Before they are written up they are compelled to be submitted to the censor, who arranges them as to what he wishes the public to know, and if the published news is changed in the smallest particular from the way it is handed in, the papers are subject to fine and the editors are subject to imprisonment. I found that in the reports of skirmishes the military censor invariably reported that the Spanish had killed from three to a dozen, or perhaps more, men, and had captured so many horses, or had killed so many horses, and had wounded so many, while communication from the ranks of the insurgents to their friends in Habana would be entirely the reverse. The news I received, then, would be entirely different from that given out from the Spanish censor. That was invariably the case.
Q. The result, then, was, you could not know which was nearest the truth?
A. Personally I have no knowledge of it. I did not go outside the lines and did not count the dead and dying or anything of that kind; but the gentlemen who would bring me information—and I did not have to seek for it; they were only too willing to give it to me—were men of the very highest character. They were men whose word is certain to be believed, at least on an equality with that of any man who walks the earth. I found that those gentlemen who brought me such information were conservative; that sometimes they would give the Spanish a victory and sometimes they would give the insurgent side a victory in these little skirmishes, while the news given us by the Spanish censor invariably gave the Spanish a victory.
Q. Were these gentlemen on the side of the insurgents?
A. Yes, sir.
Q. So for that reason you were inclined to give their account greater credit than that of the censor?
A. Yes, sir; and for this reason: I found the sympathizers with the insurgents were more conservative than the other; that is, they were willing to concede a battle now and then to the other side, while the Spanish side of the news was that of a Spanish victory.
Q. Was there anything in the Spanish account about the capture of Pinar del Rio?
A. The censor did not report the capture of Pinar del Rio; and, in fact, when it was reported that it was captured it was vehemently denied by the authorities.
Q. Did the censor give out that Maceo had attacked that town and been repulsed?
A. No, sir.
Q. I see in your report to Secretary Olney you say that "the Government gave out the announcement that Maceo had attacked the town and been repulsed in short order and with great loss, the Spanish loss not being stated."
A. That statement is made upon the statement of William Shaw Bowen, as ardent an admirer of Cuba as ever stepped foot in Habana. He told me that within a week after the account of the capture of Pinar del Rio was printed Weyler had informed him personally that the Cubans had not only attacked Pinar del Rio but had been repulsed.
Q. Did you report that?
A. Yes, sir.
Q. Did you afterwards state that was untrue?
A. From all the information I could gather from people who came in from Pinar del Rio—Cuban sympathizers, it is true, but honorable men—the city of Pinar del Rio was held for nearly two hours, and they created great destruction and were not driven off, but vacated the town of their own accord.
Q. Do you know anything of your own knowledge in regard to the treatment of American citizens by the Spanish authorities during your stay?
A. Do you mean by that was I personally present when ill treatment was inflicted upon them or have I the knowledge from the men themselves?
Q. Just answer that. Did you personally see or know of ill treatment of American citizens?
A. Yes, sir. I found Mr. Walter Grant Dygert, a citizen of the United States, from the State of Illinois, imprisoned at the prison at Guines, in a little cell, probably not half as large as this room, in which there were 22 other men and in which there were no sanitary arrangements worth speaking of.
Q. That would be a room about 16 by 18 feet. How many people were there with him?
A. Twenty-two; he made 23.
Q. Closely confined there all the while?
A. Yes, sir.
Q. What was the condition of the room as to cleanliness?
A. It was simply filthy. The people with him were the dirtiest men I ever looked on in my life, and I have been in a great many American prisons.
Q. How long had he been there?
A. About three months.
Q. How long did he remain there after you discovered him?
A. About two weeks.
Q. What was the charge made against him?
A. The charge made against him was that he was outside the territory designated as that proper to travel in by General Weyler. He was found on the outskirts of the city of Guines. That was one charge against him, and the other charge made against him was that he was William Gold, otherwise known as "Inglesito."
Q. Had there been any investigation made by the Spanish authorities?
A. Yes, sir.
Q. Any investigation at which he was present?
A. Yes, sir; and testimony taken; and Marquis Palmerola told me the Government was thoroughly satisfied of his innocence for two weeks. I saw the Marquis on a Saturday, and he told me they would have released him the day before or the day before that but for the fact that they were holy days—Holy Thursday and Holy Friday—and the Spanish do nothing on those days.

Q. Did you know anything about the kind of food furnished him?
A. Only what Mr. Dygert told me.
Q. What did he say?
A. He told me the food was execrable. He told me that but for the fact that the commandant of the prison, whose name I forget, but it is in my papers, was a pretty decent sort of a fellow, he would have committed suicide long before he saw me.
Q. Did these prisoners take any exercise?
A. I did not ask about that. They were in a cell with iron bars on the side; that is, they could get air, but not sufficient in that cell.
Q. Was it a stone cell?
A. Yes, sir; with the iron bars on one side.
Q. What kind of a floor?
A. Stone floor. Mr. Dygert told me at the time I was conversing with him that at that very moment he was crawling with vermin, and his scratching and conduct generally was pretty good evidence that he was.

By Senator MORGAN:

Q. What were the sleeping arrangements?
A. None. They had to sleep on the floor.
Q. They furnished him blankets, I suppose?
A. No, sir; that was perhaps unnecessary, for I suppose blankets would have been too warm.

By Senator DAVIS:

Q. Did he speak of being allowed a change of clothing?
A. He had not been allowed a change of clothing during his imprisonment.
Q. How long before his release was it that Marquis Palmerola told you that the Government had known his innocence?
A. He told me the Government had known it two weeks absolutely.
Q. That was three weeks before his discharge?
A. The Marquis Palmerola told me that the Government had been absolutely sure of his innocence two weeks prior to the day I saw the marquis.
Q. Then that makes about four weeks after they knew or confessed they knew he was innocent?
A. Yes, sir; and the testimony had been in the possession of Marquis Palmerola over two months.
Q. Did he tell you why he had not examined that testimony until after it had been two months in his hands?
A. It was not his business to examine it.
Q. Do you give that to me as his answer or your reason?
A. My reason—
Q. No; answer my question. Did he tell you why he had not examined that testimony for two months after it had been in his hands?
A. He did not.
Q. State any other instances of maltreatment of American citizens by the Spanish authorities there.
A. If you will permit me to state what the American citizens told me—
Q. I will cover that by a subsequent question.
A. I saw no other ill treatment, unless you consider the expulsion of American citizens from Habana ill treatment.
Q. Did you see any expulsion of American citizens?
A. Yes, sir. Mr. Rapley, correspondent of the New York Mail and Express, was resting in his bed—
Q. Did you see this?
A. No; I did not.
Q. Well, during your stay in Habana did you learn from sources you considered reliable of other instances of ill treatment of citizens of the United States by the Spanish authorities? If so, go on and state them, and give your sources of information.
A. Mr. Rapley, the correspondent of the New York Mail and Express, came to me one day about two or three weeks after I arrived at Habana and told me that upon the night before, between 2 and 3 o'clock in the morning, he had been aroused in his bed by the chief of police and three or four commissioners—police inspectors—and had been served with a notice of deportation. He showed me the notice, but it was in Spanish and I could only guess at its contents. He applied to Consul-General Williams to have his time extended. He was to leave on the first steamer, and the first steamer sailed on the following day and he could not get ready to go on it, so he applied to Consul-General Williams for permission to prolong his stay until the following steamer, and Mr. Williams secured him that permission. He left on the following steamer.
Q. What was the alleged cause?
A. Sending false information to his paper. That has been the reason that General Weyler has alleged for the expulsion of all the correspondents whom he has expelled. There were four of us expelled.
Q. Go on and give the next instance.
A. The case of Mr. Darling, an artist for Harper's Weekly, who has been arrested in territory that is not included in the captain-general's edict, released each time, but detained from one hour to several hours—by several hours I mean eight or ten. I am not certain about the American citizenship of Mr. O'Leary, so I will not state his case. Mr. Creelman, of the New York Herald, was expelled at the same time I was; forbidden to remain longer on the island.
Q. Upon what charge?
A. Upon the charge of sending false information as to the state of affairs in Cuba. I was expelled for the same reason at the same time.
Q. Now, these cases are those of newspaper correspondents. I apply my main question to ill treatment of other American citizens, resident or temporary, of the island.
A. The cases of Alfred Laborde and Milton.
Q. Citizens of the United States?
A. Citizens of the United States.
Q. Is your information derived from what they told you?
A. No, sir.
Q. Who did you get it from?
A. From the testimony produced at the court-martial and from Vice-Consul Joseph Springer.
Q. With what were these two men charged?
A. They were charged with bringing a filibustering expedition into the Island of Cuba.
Q. Is that the case of the *Competitor?*
A. Yes, sir. Those two men, American citizens, were arrested, and, so far as the testimony of the men who captured them goes, had no arms upon their persons. They were brought to Habana, tried by general court-martial, against the energetic protest of the United States consul-general there, condemned to death, and, as I am informed, their sentence delayed by the Madrid Government at the request of the Secretary of State, and still held in jail.
Q. Do you know whether they were assisted by counsel at their trial?
A. From the American point of view, they were not assisted by counsel at their trial; from the Spanish military point of view, they were.
Q. In what way?
A. They had a lieutenant in the navy, who asked no questions, who cross-examined no witnesses. There were none produced except Captain Butron and the other officers of the *Mensajerra.*
Q. Did this lieutenant advance by way of plea that these men were American citizens?
A. He stated in his plea that they were American citizens.
Q. Upon what grounds did he rest their defense?
A. He asked for mercy for Laborde, for the illustrious place his name had borne in the Spanish navy, and on account of the things his people had done for the Spanish Government.
Q. And the other man?
A. He asked for mercy for him, stating that he was not there for the purpose of fighting, but merely in his business as a newspaper correspondent.
Q. Do you know whether it appeared on that trial how far the *Competitor* was from the shore of Cuba when she was captured?
A. I do not remember.
Q. Do you know whether there was any evidence of that given on the trial?
A. At the trial there was no evidence given whatever.
Q. I mean as to the distance.
A. As to the distance or anything else.
Q. Have you any information as to the distance she was from the shore?
A. As to the exact distance, I do not know whether she was within the 3-mile limit or not.
Q. Was this trial secret or public?
A. Public.
Q. Did you attend it?
A. Yes, sir.
Q. Were the men in irons when tried?
A. No, sir.
Q. How long did it last?
A. From a little after 8 o'clock in the morning until afternoon.
Q. How many were tried?
A. Five, at once.
Q. How long was this after their arrest?
A. It was in the neighborhood of a week, more or less.
Q. Was any application made at the trial for postponement until they could communicate with their Government?
A. No, sir. Mr. Williams, however, saw them before the trial commenced and asked the judge-advocate in my presence what sort of a trial it was to be, and the judge-advocate replied, "A summary trial." Mr. Williams then replied, "I refuse to lend any official recognition to this trial. I protest against it"; and left.
Q. So that no officer of the consular service of the United States was present at that trial?
A. No, sir.
Q. In what manner was this lieutenant appointed?
A. I do not know. If you care for presumption, I presume the judge-advocate appointed him.
Q. Was he appointed as deputy judge-advocate?
A. No; he was appointed as what they call "defensor." There was a prosecutor also. He made his plea in about the same way as one of our district attorneys would make a plea in this country.
Q. Well, this person was an officer in the Spanish navy, was he?
A. Oh, yes. He asked no questions, however. Neither the prosecutor nor the counsel for defense asked a single question of anybody. There was not a particle of testimony offered except the officers of the *Mensajerra.*
Q. Was there an interpreter present?
A. There was an interpreter present, but he did not make his presence known to the prisoners until they were asked whether they had anything to say in their own defense. These long statements were read by the judge-advocate in Spanish.
Q. These long statements of the prosecuting officer, you mean; was the evidence given in Spanish and translated in their hearing?
A. No, sir.
Q. Did their defender communicate to them the substance of it?
A. He did not utter one single word to them.
Q. Can he speak English?
A. I did not hear him.
Q. Have you any reason to think he could speak the English language?
A. No, sir; I have every reason to think he could not?
Q. So that all this long harangue was delivered in Spanish?
A. Yes, sir.
Q. And then they were asked what they had to say?
A. Yes, sir; what they had to say in defense.
Q. Did he ask that in English?
A. He did not even do that. The presiding officer of the court-martial—there were ten of them, what we might call the jury—the presiding officer of that body said to Laborde in Spanish, "What have you to say?" He said a few words, and so it went until the last man was reached—William Gilday—and the presiding officer spoke to him and he did not understand him, and then the interpreter got up and said, "Do you wish to say anything?" Gilday arose and said, "All I have got to say is I do not understand one word that has been said to-day, for me or against me, and at any rate I appeal to both the British and American consuls."
Q. Now, how many of these prisoners could not speak or understand Spanish?
A. I believe there were two who could not speak and understand Spanish.
Q. Which two?
A. Milton and Gilday. Laborde understood Spanish.
Q. Milton was the American and Gilday the naturalized American subject?
A. Yes, sir; I believe there is some question whether Gilday is a British subject or American. The British consul claims that he is a naturalized American, but he himself says he never renounced his allegiance to Great Britain.
Q. How long was it after they were asked whether they had anything to say before the trial terminated?
A. The trial terminated immediately upon the last man having made his statement.
Q. And when was it the defense summed up in their behalf, if at all?
A. Immediately after the prosecution.
Q. How long did it take him to conclude that summing up?
A. It took probably fifteen minutes.

By Senator MORGAN:

Q. But his appeal, as I understand you, was entirely for mercy, and not for justification?
A. All for mercy, except you can call his plea for Milton that he was not there as a filibuster, but merely as a newspaper correspondent.

By Senator DAVIS:

Q. Did Milton undertake to give any account of why he was there?
A. Yes, sir.
Q. What account did he give?
A. He stated he came aboard the schooner as the correspondent of the Jacksonville Times-Union.
Q. Did he state he knew anything of the mission of the schooner?

A. He did not say. That is the statement that was made by him several days before the trial.
Q. What did Gilday have to say for himself?
A. He said he was a poor sailor earning his living, and he went aboard thinking the schooner was bound from Key West—I think it was for Sable Keys, going fishing; that he knew nothing of the nature of the business until after it started. Laborde claimed that his ship had been hired by some person for the purpose of going to Sable Keys for the purpose of fishing there, and he was simply held up by a revolver and told to go to Cuba.
Q. Laborde was the owner of the schooner?
A. No; he was the captain.

By Senator MORGAN:

Q. What did you ascertain to be the general feeling of the native Cubans you saw as to this rebellion or war?
A. The Cubans, all the natives of Cuba that I have seen who in the past have possessed any wealth at all, told me they had wrecked themselves to help along the war.
Q. I have seen statements in the papers about volunteer companies and regiments and perhaps brigades of native Cubans under the Spanish flag. Did you see anything of that sort there?
A. Yes, sir.
Q. To what extent, probably, were those enlistments?
A. Well, just giving a rough estimate—I never looked into the official records—but giving a rough guess, judging by the numbers of volunteers I saw in the streets, I should judge there were 3,000 volunteers.
Q. Were they volunteers for service in the field or for particular duty?
A. No, sir; they were volunteers for service in and around the outskirts of the city of Habana, guarding the banks, public buildings, theaters, and the like.

By Senator DAVIS:

Q. A sort of gendarmes?
A. That is it.

By Senator MORGAN:

Q. Sort of home guards?
A. Yes, sir. In fact they were not required to go into the field at all. Several of the volunteers who are now disgusted with the step they have taken would willingly join the insurgents.
Q. Have any of these volunteer organizations been sent to the trocha?
A. I could not find out. I tried to find out, but the government authorities would give me no information on the subject at all.
Q. What impression did the Spanish make upon you as to the character of the troops—the people employed in the army—as to whether they were substantial men, and men of intelligence and physical vigor, and so on?
A. They impressed me as being very patriotic and very courageous men—the Spanish themselves—but with one drawback, and that was lack of patriotism, caused, as they told me—that is, the privates, not the officers—caused by the fact that they are illy fed, illy clad, compelled to do the most menial service, and have not been paid for nearly five months. You go into the streets of Habana any hour of the night and if you look like a man of any means at all you will be asked for alms by Spanish soldiers. I used to go along there and give them 10 cents or a nickel or a quarter, whatever I might happen to have in my pocket when they asked me, and at the same time say "Americano," knowing that there was no knowing how long it might be before I would be in the hands of those men, and wished to be friendly with them. So, whenever I gave them anything, I always said "Americano."

By Senator DAVIS:

Q. In the course of that trial, were any attacks made by the prosecuting officer upon the United States Government?
A. No, sir.

By Senator MORGAN:

Q. While in Cuba did you visit any places around Habana?
A. Only the places I have named.
Q. How far out?
A. Forty miles.
Q. Did you leave the railroad track?
A. I did not leave the railroad track. I got off the train at the town of Guines and went about my business, which was to see Walter Dygert.
Q. Did you observe, or could you observe, the condition of the people in the country?
A. Yes, sir.
Q. What was it?
A. Wretched. Take a few coppers from your pocket and throw them in the street and half the population would scramble for them. I remember now where I went down one morning to the club and a little child playing around there attracted my attention. I gave it a few coppers and soon a dozen people came out and begged, saying they had no food. I went out on the drive one morning and went into a grocery store and was besieged by people who wanted me to buy groceries for them.
Q. What is the currency about Habana?
A. Copper, silver, and gold.
Q. No paper money?
A. No; no paper money, except now and then an American greenback.
Q. They have no national paper currency?
A. No, sir; not in Habana, at least.

By Senator DAVIS:

Q. Is there anything else of detail you would like to state that we have not interrogated you about?
A. I can not think of anything that would be of interest. Before leaving there I wrote to the captain-general, offering to prove to him every line I had written.

By Senator MORGAN:

Q. What, in your judgment, derived from what you ascertained while in the Island of Cuba, is the prospect of success of the insurgent government?
A. A very long fight and the ultimate success of the insurgent government if left alone—if left in the condition they are now. The insurgents are in a position, in my judgment, to fight for fifty years in the way they are fighting now.
Q. Did you derive any impression from Spanish sources while you were there as to their hopes for subjection of the insurgents?
A. Yes, sir.
Q. What was it?
A. Captain-General Weyler told me himself, within a week after I landed there, that he would have it suppressed within three months, and every Spanish officer I spoke to was very sanguine of it.
Q. I understand that the forces of Maceo and Gomez are divided now by what is called the trocha?
A. Well, they are divided by the trocha and quite a good deal of territory east of the trocha.

Q. In the military arrangements of that country Maceo has been assigned to the district called Pinar del Rio?
A. That is true.
Q. And other generals to two other different provinces, and Gomez is commander in chief of the whole army?
A. Of the entire army; and if Antonio Maceo obeys his orders that he has received from his chief, he will remain in Pinar del Rio.

By Senator DAVIS:

Q. Mr. Lawrence, I hold in my hand the New York Journal of May 19, containing your statement to the Secretary of State, signed by you, dated May 18, 1896. Is that statement true?
A. Every word of it.
The statement is as follows:

Hon. RICHARD OLNEY, *Secretary of State:*

In accordance with the understanding between yourself and Mr. Edward Marshall, of the New York Journal, I herewith submit to you a statement embracing such of my observations of the condition of affairs in Cuba as it seems likely may be of interest to yourself and the State Department. These were gained during my sojourn in Habana as the correspondent of the New York Journal. It is as much the duty of a newspaper man as it is the duty of a diplomatic agent to sift rumors and ascertain exact facts. This is what I endeavored to do.

I went to Cuba entirely unprejudiced and with instructions from Mr. W. R. Hearst, the proprietor of the New York Journal, to exercise the utmost care in preparing my telegrams and letters, and to especially avoid giving favor to one side at the expense of the other. At that time the impression generally prevailed that the wrongs which had led to the insurrection and the strength of the rebels had been somewhat exaggerated by the correspondents of American newspapers. I was one of those who believed that to be true.

On my arrival in Habana (March 20) I immediately placed myself in communication with the recognized Spanish authorities. It was my first effort to gain an impartial and complete view of the condition of affairs in Cuba as it then existed. I found that it was most difficult to obtain information from the Spanish authorities. Such information as they chose to give out—even of military movements long passed—was not announced in the form in which it had been communicated to the authorities by the commanders in the field, but was revised and changed in Habana. This became immediately evident.

SPANIARDS DISTORTED FACTS.

Even after the correspondents had made up their news dispatches from these revised Government reports the dispatches were subjected to the most rigid scrutiny by the press censor, who often changed facts so that they were in complete conflict with the statements which the Government had a few hours previously issued as truths. This was, it was noticeable, only done when the strength and operations of the insurgents could be belittled thereby, or the successful operations of the Spanish troops magnified.

For example, I will instance the capture of the city of Pinar del Rio, a Spanish fortress and stronghold in the Province of Pinar del Rio, in two hours, by the army of the Cuban Republic under the command of Gen. Antonio Maceo. This occurred during my first week on the island. The Government gave out the announcement that Maceo had attacked the town and been repulsed in short order and with great loss, the Spanish loss not being stated.

I accepted the Government's statement as true, and cabled it to the Journal. A few days later reliable information was received from General Maceo that the battle had resulted in a victory for the army of the Cuban Republic, the Spanish garrison having been driven from the town in a demoralized condition, after which the Cuban soldiers destroyed over 200 houses. The Cuban loss did not exceed 50 men, while 300 Spaniards were killed. This news I telegraphed to my paper after having verified it absolutely.

After its publication the Spaniards in Cuba vehemently denied its truth, reiterating their previous statements. Later the truth of the Cuban story was verified by cable dispatches from Madrid, the verification being based upon Captain-General Weyler's own report to the home Government. I may say that my second dispatch announcing the Cuban victory did not pass through the hands of the press censor. It was sent by means of a private messenger, via Key West, Fla. This is a fair sample of the methods which the Spanish authorities in Habana follow in giving out news to all parties.

FOREIGN POWERS DECEIVED.

The representatives of all the foreign governments in Habana receive their information through the same unreliable channels through which information is passed to the newspaper correspondents. It is invariably scrutinized and altered to suit the Spanish authorities before it is made public. On the other hand, it is quite as true that unreliable information and exaggerated reports are constantly being offered to correspondents and others by the insurgents and their sympathizers. This false news from the insurgent side, however, is without the official stamp. Such news as goes to the correspondents or others through the Cuban headquarters there, under the sanction of the authorities of the Cuban Republic, is, my experience teaches me, invariably reliable.

It is almost always ultimately verified by the Spaniards themselves, either in Habana or Madrid.

These statements, I think, dispose of any question which may arise concerning the reliability of the announcements made by American newspaper correspondents in Habana which have been denied by the Spanish authorities.

TREATMENT OF AMERICANS.

A matter which should, I think, be especially called to the attention of yourself and the State Department concerns the treatment of American citizens by the Spanish authorities in Habana. I will first refer to the case of Walter Grant Dygert, of Illinois. While taking a morning walk on the outskirts of the town of Guines, in the Province of Habana, within 20 miles of the Spanish capital of Cuba, he was arrested by Spanish soldiers under the supposition that he was William Gold, otherwise known as "Inglesito," a noted Cuban officer. He was placed in the military jail at Guines.

Evidence was found in his possession which proved conclusively that he had arrived in Cuba only three days prior to his arrest, and therefore could not have been "Inglesito," who had been fighting with the army of the Cuban Republic for almost a year past. Still, he was placed "incomunicado," which means that he could neither send nor receive communications to or from any living human being except the Spanish authorities. He asserted his American citizenship and his complete innocence of any offense against the Spanish laws, but the authorities even refused to notify the United States consul-general at Habana of the fact that Dygert had been arrested.

Through Cuban sympathizers who had learned of his predicament Mr. Charles Michaelson, who was then the Journal correspondent at Habana, was informed of Dygert's arrest. He immediately laid the facts before United States Consul-General Williams. I am informed that Consul-General Williams made every effort to communicate with Dygert, but that he could not gain from the Spanish authorities even an admission that Dygert was under arrest until the fact became so publicly known that further equivocation was useless.

A. They had a lieutenant in the navy, who asked no questions, who cross- | Q. Did he state he knew anything of the mission of the schooner?

INNOCENT MAN IN PRISON.

In the end the authorities admitted the innocence of Dygert—admitted it even to the American consul-general—but still held him in jail for over two months, in spite of the protests of Consul-General Williams. The reason that he was not released sooner was because he refused to sign a waiver of any claims for damages that he might have against the Spanish Government.

Another case is that of Frank Agramonte, a citizen of New York State, and a member of the militia of that Commonwealth. He was arrested and confined in the military jail in the Province of Santiago de Cuba. What has become of him no man except those who have been concerned in his disappearance can tell. The American consular office at Habana informed me that it has never been notified of the arrest of Agramonte, and that inquiries made at the palace of the captain-general have been met with the reply that they knew nothing about the case.

Personally I made inquiry concerning him, but was not able to learn from the Spanish authorities whether he was in prison or at liberty, alive or dead. That he was arrested there is not the slightest doubt. I have come in personal contact with four men who saw him in the custody of the Spanish soldiers.

You are probably better informed than myself regarding the cases of the Americans arrested in connection with the so-called *Competitor* expedition, but I may add to your information the facts that upon learning of their capture the captain-general issued orders for a court-martial to convene immediately upon their arrival, and personally expressed the hope that they would be executed within twenty-four hours, as a warning to others who might accompany or seek to accompany insurgent expeditions to Cuba. This was before the captain-general knew that the prisoners had been taken on the water, and were, therefore, subject to the jurisdiction of the naval and not the land authorities.

SPAIN VIOLATED THE PROTOCOL.

You know that in the trial of these men the Government of Spain violated both the letter and spirit of the protocol of 1877, known as the Cushing protocol. I was personally present when Consul-General Williams and Vice-Consul Springer protested against such procedure in the cases of American citizens. The protest was made in the name of the United States Government, and, as Mr. Williams stated, by order of the State Department. The officer who received the protest was the judge-advocate of the court-martial, and the time was one hour before the beginning of the trial.

I may state, however, that Mr. Williams had made the same protest in writing several days previously, and that his letter was read at the court-martial. The judge-advocate consulted with the prosecuting officer, who decided that the trial must proceed, notwithstanding the objections raised by the American Government. The fact that the trial was held and that the prisoners were found guilty and sentenced to death are matters on which you have already been informed by Consul-General Williams. Even though the Madrid authorities have ordered a suspension of sentence, at the request of Minister Taylor, the prisoners are still subject to the sentence, which may be carried out at any time at the will of the Spanish Government.

WEYLER'S QUEER IDEAS.

It should also be called to the attention of the State Department that Captain-General Weyler does not openly recognize the treaty rights of the United States in this matter, but that he describes concessions which are evidently made under treaty provisions as favors to the United States, thus placing this Government in the attitude of being under obligations to Spain. This may be illustrated by citing the cases of Charles Michaelson and Lorenzo Betancourt, correspondents of the Journal, who were arrested in Habana and confined in Morro Castle.

Messrs. Michaelson and Betancourt were arrested on the charge that they had passed the Spanish lines without the permission of the authorities. It immediately became evident that it was a case of mistaken identity, as neither of the men arrested had, in reality, passed the Spanish lines or had attempted to do so. Shortly after their arrest, and after the consul-general of the United States had made a formal demand upon the Spanish authorities for the release of the men, the *Bermuda* expedition was stopped by the United States Government officials as it was leaving New York Harbor.

Captain-General Weyler then released Michaelson and Betancourt with the statement that he did it as a favor to the United States in recognition of the prompt action of your Department in stopping the *Bermuda*. Thus, instead of admitting the treaty rights of the United States and according a civil trial to all American citizens arrested in Cuba not actually "with arms in hand," he places this Government in the humiliating position of suing for and accepting favors at the hands of the Spanish Government. I was informed shortly before I left Habana that the cases of Messrs. Michaelson and Betancourt had not been closed, but were still open. The two men are, then, merely on parole. The Spanish Government may take their cases up at any time. Michaelson has left Cuba, but Betancourt is still in Habana.

RECOGNIZES NO TREATY RIGHTS.

In not a single instance has Captain-General Weyler officially recognized the treaty rights of United States citizens in such matters. Invariably when he has ordered a civil trial he has announced that he did it as a favor to the United States. In the case of the *Competitor* Americans, he absolutely refused to concede their rights to other than summary trial by court-martial. He insisted, without any foundation in fact for the assumption, that these men were captured with "arms in hand." His own witnesses, Captain Butron, the engineer, and other officers of the war launch *Mensajerra*, which captured the *Competitor*, testified that the men made no resistance whatever; that they yielded to the demands of the officers of the *Mensajerra* without a struggle, and that they had no arms upon their persons.

Nevertheless, the captain-general would have carried out the sentence of death imposed had not the activity of your Department compelled an order from the home Government at Madrid ordering the sentences to be suspended. It is the general belief in Habana that dozens of Americans occupy cells in the military prisons in the eastern part of the island, and have been there for months past, without a hearing of any kind. In this contemptuous manner does Captain-General Weyler regard and treat Americans generally.

My statements of outrages perpetrated on the peasantry of Cuba by the officers of the Spanish army, and Colonel Melquizo in particular, are susceptible of the clearest and most conclusive proof, while on the other hand they are, I am convinced, only the merest hints of the dreadful state of affairs which really exists in Cuba. Were it possible to relieve some of the most important and highly respected men in the Island of Cuba from the fear of revengeful punishment by the Spaniards, I would give the names of the men of the highest standing and wealth who have witnessed every one of the horrors to which I have referred in my press dispatches.

VICTIMS OF THE "BUTCHER."

Some of the cases to which I have referred are as follows:

These men were shot without the slightest pretense at a trial near Campo Florida, near Habana: Domingo Laumones, Ramon Castellinos, Manuel Martinez, Jose Cejas, Jesus Ochoa Rodriguez, Joaquin Merina, Bargarito Zarzas, Eleno Guerra, Marguerito Verole, Basilio Rubiro, M. V. Collina, Florencio Rabelli, Benigno Galloso and son, Pedro Cardenas, his wife, Julia, and another woman named Maria Luiz; Apolo Camaronas, Inocento Rabell, Eduardo Sardenes, Cruse Ferrer, Abelardo Cartaya, Martin Diaz and son, Francisco Ferrer, Leonardo Llerena, Caridad Roys, Luz Guiterrez and son, and many others.

I might cite by name a list of men and women which would cover many pages of this statement, all of whom were murdered by the Spanish troops without the slightest excuse other than the unproved belief that they were Cuban sympathizers. It should be remembered that all these to whom I refer were noncombatants—peaceful white citizens engaged in following their daily callings when ruthlessly assassinated by the heartless men under Captain-General Weyler. Such murders are occurring daily, almost hourly, throughout the island. Weyler absolutely denies that these men are murdered, and asserts that they are killed in battle.

OFFERED TO PROVE HIS STORIES.

I personally offered to prove to the captain-general that if his officers report that these deaths are the regular casualties of battle their reports are false. I offered to take him or any reliable man whom he might designate and who should not be known as a Spanish official to the districts where these brutal killings occurred and bring him in contact with men who saw the executions, who knew that the victims were not soldiers in the army of the Cuban Republic, had never borne arms, and were not intending to bear arms; that they were peaceful farmers and farm laborers who, at the time they were murdered, were pursuing the peaceful callings of their inoffensive lives.

It was also called to my attention and proved that Captain-General Weyler was at the time I left Habana engaged in equipping his men with brass-tipped bullets, contrary to the convention signed at Geneva by Spain and all other civilized nations. Thus he violates the law of nations in the conduct of his warfare. After this bullet enters the body the brass tip spreads, mutilating flesh, tissues, and bones, and being likely to cause blood poisoning. These bullets I have myself seen.

Forty-eight hours before leaving Habana I wrote a farewell letter to Captain-General Weyler, in which I informed him of the monstrous conduct of his officers in the field, and concluded with this language:

"You still have time to order my arrest. I invite you to do so, and guarantee that an investigation shall be made, the result of which will prove you to be the most barbarous military savage the world has ever known."

The captain-general ignored such a vigorously worded challenge as that. In the letter I described to him the conduct of Colonel Melquizo's command while on the march from Jiquiabo to Minas. The soldiers were in the town of Jiquiabo.

CONDUCT OF SPANISH TROOPS.

From an eyewitness, a man of the highest standing in Cuba, who was present that night, I gathered the following information:

There was not a morsel of food in the town that had not been confiscated by Melquizo's men. Every food animal and fowl had been killed, and the people were compelled to appeal to the soldiers for sufficient food to drive away hunger. The women of Jiquiabo were in a state of terror bordering upon insanity because of the infamous conduct of the soldiers toward them. This conduct aroused the indignation of the men of the town, and they appealed to Melquizo in person for protection for the women.

His reply was that no loyal Spanish woman would refuse a Spanish soldier anything, and he presumed the women of Jiquiabo were loyal Spanish subjects. An instance was related by my informant of two soldiers entering a hut where they found a woman alone. They first spoke to her in such language as no good woman would listen to. Finally they attacked her. She secured a knife and fought them off as best she could until, when her strength was almost exhausted, she broke away from them and ran into the field. The men followed her and, realizing that the thought of escape was hopeless, the poor woman drove a knife into her breast and within a few minutes was a corpse. The name of this woman was Maria Garmuza.

This is only one of dozens of similar cases that have been reported to me. My information is of the most reliable kind, and, were a proper investigation made, I could prove it beyond a shadow of a doubt.

THE MILITARY SITUATION.

As to the military situation on the island: Enough people in this country to command respect believe that the Spaniards represent the only real army in Cuba from a soldier's point of view, and that the army of the Cuban Republic is composed of mere wandering bands of destroying outlaws led by men who respect and are subject to no law whatever. This is untrue. The Spaniards are in point of numbers superior to their opponents, but the leaders of the army of the Republic have exhibited superior brains, courage, and military genius.

Landing on the island with only a small following a year ago last February, Generals Gomez and Maceo have now under their command in the neighborhood of 100,000 men, whose numbers would be very largely increased if the men who desire to join them could pass through the Spanish lines. The Republic is in possession of almost the whole of the interior of the island. There is scarcely a town that they have not attacked and occupied.

To do this they have been compelled to drive the Spanish garrisons out of the cities, and they have done it most successfully whenever it has been attempted. The only portions of Cuba which the Spaniards have managed to hold are the capital, Habana, and other towns on the seacoast, where they have been favored with the protection of the Spanish gunboats. With their menas well armed as are the Spaniards, the Cubans could unquestionably overcome that advantage and hold the entire island against any force Spain might send against them. Even as it is the Cubans now menace the capital. General Gomez, with nearly 30,000 men, is marching westward and has reached a point in Matanzas close enough to the city of Habana to cause the authorities great trepidation.

HABANA CAN BE TAKEN.

The capital is in almost a defenseless condition against a land attack, the captain-general having sent nearly all of his available forces to the Province of Pinar del Rio to reenforce the trocha which he has established from the northern to the southern coast of the island. The fortress at Cabanas and the fortress of Santa Clara, which is situated in the city of Habana to the west of the harbor, might prove quite effectual against an attack by sea, but would, in the opinion of military men whom I have interviewed in Habana, prove totally inadequate to defend the city from an invasion on the land side. The only protection the capital has from an attack by land are a few insignificant stockade forts erected around the outskirts and garrisoned by poorly equipped, undrilled, half-starved volunteers, who, during the hours when they are off duty, may be seen in the streets of Habana asking alms of citizens like ordinary beggars.

It seems incredible that such men would succeed in holding Habana against an attack by such fighters as the Cubans under General Gomez have, on more than one occasion, proven themselves to be. In a march of over 300 miles which the commander-in-chief of the Cuban army has made since he left Puerto Principe on his second invasion he has not had a battle nor even a skirmish with the Spaniards, who have persistently avoided a trial of strength. The march has been made without the loss of a single man on either side,

and, incidentally, hundreds of peasants have swelled the ranks of the Cuban army by enlisting under General Gomez.

In Pinar del Rio Province General Maceo is commander of the situation. He has a comparatively small force, consisting, I have been told, of not over 5,000 men, who, however, are well-trained fighters and splendidly equipped with arms and ammunition. On the trocha, it was reported to me, there are over 40,000 Spanish soldiers, against which body of men flying columns of Spaniards, consisting of from 1,500 to 5,000 soldiers each, are attempting to drive Maceo's troops.

GENERAL MACEO'S VICTORIES.

They find it impossible, however, to get Maceo into a position from which he can not escape, and whenever he has met a force of Spaniards in battle he has invariably succeeded in defeating his enemies. For proof of this, his battles with the Alphonso XIII Battalion and with the force under General Suarez Inclan at the battle of Cacarajicara may be cited. After ten hours of fighting Maceo drove Colonel Dubos and the Alphonso XIII Battalion back to the seacoast, where they were compelled to take refuge on board the gunboat *Alerta*. The Spanish loss at this engagement was nearly 1,000, while General Maceo suffered a loss of not more than 200.

At Cacarajicara Maceo led Inclan into a trap and drove him back to Bahia Honda with great loss. This appears to be the fate of the flying columns that are sent after Maceo, while, on the other hand, hundreds of Spaniards on the trocha are being exterminated daily by yellow fever and other diseases.

The death rate is so high on the trocha that the supply of Spanish soldiers to take the places of those who have succumbed to disease is exhausted, and General Weyler has been driven to the extremity of calling upon the volunteers from Habana to reenforce the line. At the time I left Habana the captain-general had attempted to make a draft on the volunteers to go to the trocha, and these young men (who correspond to the State militia in this country) were in open rebellion against his order. The position they assumed was that it was their duty to guard the banks and public buildings of Habana in addition to doing guard duty generally around the city and its outskirts, and that neither General Weyler nor any other commander had authority to order them into the field.

CUBANS IN GOOD CONDITION.

The Cubans are in a position to maintain the present state of affairs for the next twenty years if Spain can find resources to keep up her end of the war for that length of time. In the mountains the leaders of the army of the republic have established ranches, where men are engaged in breeding and raising cattle for food purposes. The raising of vegetables is also encouraged by the Cuban commanders, and in addition to this means of subsistence they have the native food plants that grow in wild profusion all over the island.

From this it will be readily understood that no matter how long the war should last, or how much privation they should suffer in other directions, the republican army will never suffer dangerously from lack of food. As the Cubans are in a position to stop all farming except such as they indulge in themselves, the Spaniards will presently find that their own shortage of food is a great drawback to their campaign, and they will be compelled to resort to importing their rations from the United States, Spain, or some other country.

The Cubans have been accused of incendiarism in a criminal sense because they have destroyed sugar cane, tobacco, mills, and plantations. They insist that they should not be regarded as criminals, but that the orders which the commanders issued for the destruction of the island were justifiable war measures.

DESTROYED WITH OWNERS' CONSENT.

I have personal knowledge that in a great many cases the plantations have been destroyed with the consent of the owners. In fact, a great number of owners of plantations that have been destroyed informed me personally that they had invited the Cubans to do so because they did not want to grind their cane and thereby supply revenues to the Spanish Government. The fact that wealthy men cherish such hostility to Spain and are ready to help the Cubans in their fight should be sufficient refutation of the charge that the war for Cuban freedom is only backed by the ignorant classes and negroes.

I found that nearly three-fifths of the population of the island were either actively engaged in the war on the Cuban side or that the revolution enjoyed their active sympathy and support. Of course, these men dare not utter their sentiments openly, but they have willingly ruined themselves to aid the cause, and to those whom they can trust not to betray them they are not in the least backward in expressing their views.

Respectfully submitted.

FREDERICK W. LAWRENCE.

MAY 18, 1896.

Mr. MITCHELL of Oregon obtained the floor.

Mr. HALE. Mr. President——

Mr. MITCHELL of Oregon. I yield to the Senator from Maine.

Mr. SHERMAN. I rise to make a privileged motion under the thirty-fifth rule.

The PRESIDING OFFICER. The Chair recognized the Senator from Oregon, and he yielded to the Senator from Maine. Does the Senator from Oregon yield to the Senator from Ohio?

Mr. SHERMAN. I desire under the thirty-fifth rule to make a privileged motion. In my opinion the pending business requires secrecy, and I therefore ask that the galleries be cleared and the doors closed.

The PRESIDING OFFICER. Is there a second to the motion of the Senator from Ohio?

Mr. MILLS. I second the motion if the Senator from Ohio wishes to make it.

The PRESIDING OFFICER. The motion is seconded. Under the thirty-fifth rule the Chair directs the galleries to be cleared and the doors to be closed.

The Senate proceeded with closed doors to consider the resolution.

After forty minutes (at 1 o'clock and 2 minutes p. m.) the doors were reopened.

Mr. LODGE and Mr. MORGAN addressed the Chair.

Mr. HILL. I move that we go into secret session. That motion is in order.

The PRESIDING OFFICER. Is the motion seconded?

Mr. VEST and Mr. WHITE. I second the motion.

Mr. ALDRICH. I suggest that the rule be read. I think there is nothing in the rule which provides that we can go into secret session unless there is a matter pending before the Senate which in the opinion of Senators is required to be conducted in secret. No such matter is now pending before the Senate.

Mr. HILL. Yes; there is.

Mr. ALDRICH. Not that I am aware of.

Mr. HARRIS. I ask the unanimous consent of the Senate that the doors, notwithstanding the vote just taken, remain closed until the Senator from Alabama [Mr. MORGAN] shall have concluded his remarks.

Mr. MORRILL. I second that request.

Mr. HILL. Until otherwise ordered. Who knows but that some one else may want to speak?

Mr. HARRIS. Very well; until otherwise ordered by the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. MITCHELL of Oregon. I object to it.

Mr. SHERMAN and others. Question.

Mr. MITCHELL of Oregon. I do not object to the Senator from Alabama concluding his remarks.

Mr. MORRILL. That is all we ask.

Mr. HARRIS. I will confine my request to the conclusion of the remarks of the Senator from Alabama.

Mr. MITCHELL of Oregon. To that I do not object.

Mr. HARRIS. And then the future can take care of itself.

Mr. CULLOM. I hope there will be unanimous consent given to the request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee? The Chair hears none. The Sergeant-at-Arms will clear the galleries and close the doors.

The doors were thereupon closed, and at the expiration of twelve minutes were reopened.

PROPOSED RESTRICTION OF IMMIGRATION.

Mr. LODGE. I move that the Senate proceed to the consideration of the bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. MORGAN. May I inquire, as a matter of parliamentary information, what is the status of the resolution on which I have been talking?

The PRESIDING OFFICER. The Chair supposes that the resolution goes to the Calendar. The question is on agreeing to the motion of the Senator from Massachusetts to proceed to the consideration of the bill indicated.

Mr. MILLS. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS].

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON].

Mr. MCBRIDE (when his name was called). I am paired with the Senator from Mississippi [Mr. GEORGE]. If he were present, I should vote "yea."

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON]. In his absence I withhold my vote.

Mr. PERKINS (when his name was called). I am paired with the junior Senator from North Dakota [Mr. ROACH]. If he were present, he would vote "nay" and I should vote "yea."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "yea."

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR].

Mr. SEWELL (when his name was called). I am paired with the Senator from Wisconsin [Mr. MITCHELL]. If he were present, I should vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. WETMORE (when his name was called). I am paired with the junior Senator from Georgia [Mr. BACON]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. PALMER. I should like to ask if the Senator from North Dakota [Mr. HANSBROUGH] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. PALMER. I withhold my vote, being paired with that Senator.

Mr. CARTER. I have a general pair with the junior Senator from Maryland [Mr. GIBSON], and therefore withhold my vote. I desire to announce that my colleague [Mr. MANTLE] is paired with the junior Senator from Virginia [Mr. MARTIN].

Mr. DUBOIS. I am paired with the senior Senator from New Jersey [Mr. SMITH].

Mr. BATE (after having voted in the negative). I voted, but I

am paired with the Senator from Utah [Mr. BROWN], whom I do not see in the Chamber, and as he has not responded to his name, I withdraw my vote.

Mr. CULLOM. I have a general pair with the Senator from Delaware [Mr. GRAY]. If he were present, I should vote "yea."

Mr. BURROWS. I have a pair with the senior Senator from Louisiana [Mr. CAFFERY].

The result was announced—yeas 23, nays 8; as follows:

YEAS—23.

Aldrich,	Gallinger,	Peffer,	Shoup,
Butler,	Hale,	Pettigrew,	Stewart,
Cannon,	Hawley,	Platt,	Teller,
Chandler,	Lodge,	Proctor,	Warren,
Clark,	Mitchell, Oreg.	Quay,	Wolcott.
Davis,	Morrill,	Sherman,	

NAYS—8.

Berry,	Chilton,	Jones, Ark.	Vilas,
Brice,	Harris,	Lindsay,	White.

NOT VOTING—58.

Allen,	Daniel,	Jones, Nev.	Pugh,
Allison,	Dubois,	Kyle,	Roach,
Bacon,	Elkins,	McBride,	Sewell,
Baker,	Faulkner,	McMillan,	Smith,
Bate,	Frye,	Mantle,	Squire,
Blackburn,	Gear,	Martin,	Thurston,
Blanchard,	George,	Mills,	Tillman,
Brown,	Gibson,	Mitchell, Wis.	Turpie,
Burrows,	Gordon,	Morgan,	Vest,
Caffery,	Gorman,	Murphy,	Voorhees,
Call,	Gray,	Nelson,	Walthall,
Cameron,	Hansbrough,	Palmer,	Wetmore,
Carter,	Hill,	Pasco,	Wilson.
Cockrell,	Hoar,	Perkins,	
Cullom,	Irby,	Pritchard,	

The PRESIDING OFFICER. No quorum has voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Davis,	Morgan,	Shoup,
Allison,	Faulkner,	Palmer,	Stewart,
Bate,	Gallinger,	Pasco,	Teller,
Blanchard,	Gear,	Peffer,	Turpie,
Brice,	George,	Perkins,	Vilas,
Burrows,	Harris,	Pettigrew,	Walthall,
Butler,	Hawley,	Platt,	Warren,
Carter,	Hill,	Pritchard,	Wetmore,
Chandler,	Lindsay,	Proctor,	White.
Chilton,	Lodge,	Pugh,	Wolcott.
Clark,	McBride,	Quay,	
Cockrell,	Mills,	Sewell,	
Cullom,	Mitchell, Oreg.	Sherman,	

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present. The question recurs upon the motion of the Senator from Massachusetts to proceed to the consideration of the bill known as the immigration bill.

Mr. HILL. Will the Senator from Massachusetts indulge me for just a moment?

Mr. LODGE. Certainly.

Mr. HILL. The Senator from Maryland [Mr. GIBSON], who is a member of the Immigration Committee, is opposed to this bill, and desires to be present when it is considered, I understand. Has the Senator from Massachusetts had any conversation with him in regard to it?

Mr. LODGE. I have had several conversations with him. I have told him over and over again that I should call up the bill at the earliest opportunity. He has been fully notified in regard to it. He knows that I intended to call it up at the earliest opportunity; that I considered it a bill of great importance and desired to get it up.

Mr. HILL. The Senator from Maryland [Mr. GORMAN] made a statement on the floor yesterday afternoon, the exact details of which I do not recollect, to the effect that the junior Senator from Maryland [Mr. GIBSON] was expected here some time this afternoon.

Mr. FAULKNER. He is on the Naval Academy Board.

Mr. HILL. He is on the Naval Academy Board, on official business.

Mr. HARRIS. If the Senator from New York will allow me, I will state that before leaving the Senator from Maryland [Mr. GIBSON] especially requested me to ask that the bill should not be considered until he could return. He is one of the Visitors to Annapolis. I do not know how soon, but I suppose it can not be more than a day or two or three days before the work of the Board will be completed, and I hope, as a courtesy to an absent Senator, off on official duty, that the bill may go over.

Mr. LODGE. The bill will not be disposed of in the absence of the junior Senator from Maryland. It is a matter, I take it, which will arouse some discussion. I do not myself know whether it will or not, but I suppose it will. If the bill never is to be taken up in the absence of a given Senator, he has nothing to do but to absent himself in order to kill any bill. I told the junior Senator from Maryland that I meant to call up the bill at any time. He is perfectly aware of my intention. I said it over and over again. He consulted me about going to Annapolis, but I told him that I could not agree to delay the consideration of the bill; that I must take advantage of the first opportunity to call it up.

Mr. HARRIS. Am I mistaken in supposing that I understood the junior Senator from Massachusetts to say yesterday evening that if the bill were taken up——

Mr. LODGE. I said I would not ask that it be taken up for consideration at that time. I assumed that the junior Senator from Maryland would return to-day.

Mr. HARRIS. My impression is that the Senator said he would allow the bill to go over until the return of the junior Senator from Maryland.

Mr. LODGE. No; on the contrary, I said that I would call it up to-day.

Mr. CHANDLER. I should like to state, in the same connection, that I said to the junior Senator from Maryland that I would endeavor to make it certain that the bill would not be taken up on Monday or Tuesday of this week, in order that he might go to Annapolis. But notwithstanding that he has talked with me on the subject several times, he has had no assurance from any one that he could remain away all of this week with the idea that the bill would be delayed on that account.

Mr. HILL. I ask the indulgence of the Senate one moment further. Can the Senator from Massachusetts give us the assurance that the bill will not be disposed of finally, if it shall be taken up, until the return of the junior Senator from Maryland, or until after a reasonable opportunity for him to return? With that understanding I suppose there will be no objection to taking up the bill.

Mr. LODGE. I do not understand exactly what the statement of the Senator from New York is.

Mr. HILL. I understood the Senator from Massachusetts to say a moment ago that the bill would not be or could not be disposed of—would not be probably—until the junior Senator from Maryland had an opportunity to return. What did the Senator mean by that statement?

Mr. LODGE. I meant that the bill might give rise to discussion. I do not know whether or not it will. No one has said anything about opposing the bill except the junior Senator from Maryland. It has been discussed. It is the Senate bill which is here and which has been discussed already.

Mr. HILL. If the junior Senator from Maryland is the sole opponent who desires to discuss the bill, I do not believe, from my observation here in the Chamber, that the Senator will take very long. He has not participated in debate very frequently, although he has a great interest in this bill.

Mr. LODGE. He has already made one speech of a couple of hours against the bill, and I dare say he may wish to renew it.

Mr. HILL. That, I think, was in answer to the speech of the Senator from Massachusetts, which took about an hour.

Mr. LODGE. Yes, sir; I think so.

Mr. CHANDLER. I desire to state further that the visitation at Annapolis concludes to-morrow, so that the junior Senator from Maryland can certainly be here on Monday. Possibly the Senator from New York can give us some information as to how soon Congress will get off the hands of the President and go away.

Mr. HILL. I am not controlling this Congress.

The PRESIDING OFFICER. The debate has thus far proceeded by unanimous consent.

Mr. LODGE. I should like to say one word.

Mr. HILL. I was only endeavoring to reach some adjustment of the matter.

Mr. LODGE. I am aware that the debate is proceeding by unanimous consent. The junior Senator from Maryland, whose interests are being cared for, is only so far away as Annapolis. I will gladly agree not to press the bill this afternoon. If it is taken up, I will agree that it may be temporarily laid aside. That will give the junior Senator from Maryland ample time to return to-morrow.

Mr. FAULKNER. I do not think the Senator from Maryland will get back here before to-morrow evening. I was on the Board last year. We worked very hard and could not get through before Saturday evening. I think it will take the Board fully until Saturday evening before the members can leave.

Mr. LODGE. If the junior Senator from Maryland is so interested in this bill as he is described to be, I think he could make an effort to come back here to-morrow. I will willingly agree not to press the bill this evening, but I should like to have it taken up and made the order of business. I will gladly agree not to press the bill for consideration to-day.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts [Mr. LODGE] to proceed to the consideration of the immigration bill, upon which the yeas and nays have been ordered. The Secretary will call the roll on agreeing to the motion of the Senator from Massachusetts.

The Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS].

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON]. If he were present, I should vote "yea."

Mr. PALMER (when his name was called). I announce my pair with the Senator from North Dakota [Mr. HANSBROUGH] and withhold my vote.

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON]. In his absence I withhold my vote.

Mr. PERKINS (when his name was called). I again announce my pair with the junior Senator from North Dakota [Mr. ROACH].

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. SEWELL (when his name was called). I again announce my pair with the Senator from Wisconsin [Mr. MITCHELL].

Mr. WETMORE (when his name was called). I am paired with the junior Senator from Georgia [Mr. BACON].

The roll call was concluded.

Mr. BATE (after having voted in the negative). I desire to inquire if the vote of the Senator from Utah [Mr. BROWN] is recorded?

The PRESIDING OFFICER. It is not recorded.

Mr. BATE. Then I withdraw my vote, being paired with that Senator.

Mr. CULLOM. I have a general pair with the Senator from Delaware [Mr. GRAY]. If he were present, I should vote "yea."

Mr. PRITCHARD. On this vote I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "yea."

The result was announced—yeas 25, nays 9; as follows:

YEAS—25.

Aldrich,	Gallinger,	Peffer,	Smith,
Allison,	Hale,	Pettigrew,	Teller,
Cannon,	Hawley,	Platt,	Warren,
Chandler,	Lodge,	Proctor,	Wolcott.
Clark,	McBride,	Quay,	
Davis,	Mitchell, Oreg.	Sherman,	
Dubois,	Morrill,	Shoup,	

NAYS—9.

Brice,	Harris,	Lindsay,	Vilas,
Chilton,	Hill,	Morgan,	White.
Cockrell,			

NOT VOTING—55.

Allen,	Cullom,	Jones, Ark.	Pugh,
Bacon,	Daniel,	Jones, Nev.	Roach,
Baker,	Elkins,	Kyle,	Sewell,
Bate,	Faulkner,	McMillan,	Squire,
Berry,	Frye,	Mantle,	Stewart,
Blackburn,	Gear,	Martin,	Thurston,
Blanchard,	George,	Mills,	Tillman,
Brown,	Gibson,	Mitchell, Wis.	Turpie,
Burrows,	Gordon,	Murphy,	Vest,
Butler,	Gorman,	Nelson,	Voorhees,
Caffery,	Gray,	Palmer,	Walthall,
Call,	Hansbrough,	Pasco,	Wetmore,
Cameron,	Hoar,	Perkins,	Wilson.
Carter,	Irby,	Pritchard,	

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cockrell,	Mitchell, Oreg.	Quay,
Allison,	Cullom,	Morgan,	Sewell,
Bate,	Davis,	Morrill,	Sherman,
Berry,	Dubois,	Palmer,	Shoup,
Brice,	Faulkner,	Pasco,	Stewart,
Burrows,	Gallinger,	Peffer,	Teller,
Butler,	Gear,	Perkins,	Turpie,
Cannon,	Harris,	Pettigrew,	Vilas,
Carter,	Hawley,	Platt,	Warren,
Chandler,	Lindsay,	Pritchard,	Wetmore,
Chilton,	Lodge,	Proctor,	White,
Clark,	McBride,	Pugh,	Wolcott,

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. A quorum is present. The question recurs upon agreeing to the motion of the Senator from Massachusetts to proceed to the consideration of the immigration bill.

Mr. HILL. I have learned from the Senator from Michigan [Mr. BURROWS] that the Senator from Maryland [Mr. GIBSON] is still on official business at Annapolis. The Senator from Massachusetts [Mr. LODGE] informs me that he does not desire to press the bill to a conclusion in the absence of the junior Senator from Maryland, and if the bill is taken up, as I understand it, he has no objection to its going over for actual consideration until Monday.

Mr. LODGE. I will very gladly allow the bill to be laid aside temporarily, by unanimous consent, until Monday, when I understand the junior Senator from Maryland will return.

Mr. HILL. With that understanding I can see no objection, so far as I am concerned, to allowing the bill to be taken up. I think that is the wisest course under all the circumstances.

Mr. HARRIS. I ask unanimous consent that the demand for the yeas and nays may be withdrawn.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the demand for the yeas and nays is withdrawn. The question is on agreeing to the motion to proceed to the consideration of the immigration bill.

The motion was agreed to.

Mr. MORGAN. I send to the desk an amendment which I intend to propose to the immigration bill, which I ask to have read.

The PRESIDING OFFICER. The proposed amendment will be stated.

The Secretary read as follows:

Provided, That this act shall not apply to persons arriving in the United States from any port or place in the Island of Cuba.

The PRESIDING OFFICER. The proposed amendment will be printed, and lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4020) to increase the pension of Mrs. William Loring Spencer, widow of Gen. George E. Spencer.

MRS. EMILY E. CASH.

Mr. PRITCHARD. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 8248) to increase the pension of Mrs. Emily E. Cash, to report it without amendment. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to increase the pension of Mrs. Emily E. Cash, widow of Private Thomas W. Cash, a soldier in the Mexican war, to $20 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORT OF THE MONETARY COMMISSION OF 1876.

Mr. BUTLER. I offer a resolution, which I ask may be read and considered at the present time. It is simply to have a document printed.

The Secretary read the resolution, as follows:

Resolved, That there be printed 5,000 additional copies of Report No. 703, Forty-fourth Congress, second session, known as the Report of the Monetary Commission of 1876.

The PRESIDING OFFICER. By the rules of the Senate the resolution will go to the Committee on Printing.

Mr. BUTLER. It is to print additional copies. It is done every day here. I suppose there will be no objection to it. The edition of the document is exhausted.

The PRESIDING OFFICER. By the rules of the Senate the resolution has to go to the Committee on Printing.

Mr. BUTLER. If the Chair will pardon me, inasmuch as the edition is now entirely exhausted, I ask that the resolution be amended so as to read "3,000 copies," and that will bring it within the rule.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

Mr. HANSBROUGH. I think it will be necessary to send the resolution to the Committee on Printing, for the reason that in cases of this kind the committee are obliged to obtain an estimate of the cost of the work from the Government Printer before authorizing the printing.

Mr. BUTLER. I will limit the number to a sum that will bring it within the rule. I hope the Senator from North Dakota will not object to it. This is the size of the document [exhibiting], and the resolution is for an additional number.

The PRESIDING OFFICER. The Chair was of the impression that the rule to refer to the Committee on Printing said "unless otherwise ordered by the Senate," but the Chair finds that motions to print an additional number shall be referred to the Committee on Printing. The rule is imperative. The resolution must go to the Committee on Printing.

Mr. BUTLER. By unanimous consent the Senate has often waived the rule. I have often had resolutions of this kind passed. I ask unanimous consent that 1,000 copies may be printed without a reference to the Committee on Printing. I will make the number small, but inasmuch as the edition is exhausted, I ask that a thousand copies be printed, because there is not one copy left in the document room.

Mr. HANSBROUGH. I shall not object to the printing of that number.

The PRESIDING OFFICER. The Senator from North Carolina proposes to modify the resolution. The resolution as modified will be read.

The Secretary read as follows:

Resolved, That there be printed 1,000 additional copies of report No. 703, Forty-fourth Congress, second session, known as the Report of the Monetary Commission of 1876.

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent that the resolution may be considered at this time without a reference to the Committee on Printing. Is there objection?

Mr. HALE. What is the question?

The PRESIDING OFFICER. The resolution will be again read.

The Secretary again read the resolution.

Mr. HALE. Let the resolution go to the Committee on Printing.

Mr. BUTLER. I ask the Senator from Maine not to object. There is not one copy in the document room. This is the size of the document [indicating]. I ask for only 1,000 copies.

Mr. HALE. The rule of the Senate is an arbitrary one as to resolutions for printing, as it is in reference to payments from the contingent fund.

Mr. CULLOM. It is the law.

Mr. HALE. It is the law. Heretofore no question has ever been raised, and a request for unanimous consent has never been presented. Such resolutions go, as a matter of course, to the Committee on Printing. The committee will examine the subject, and, if it is a suitable and proper thing to do, will report the resolution very quickly.

Mr. PEFFER. I will say for the information of all parties concerned that early in the present session I offered a resolution of a similar character, and it was referred to the Committee on Printing and has not yet been reported. I do hope that whatever action is taken we shall have this printing done. It is a very important document. There is great demand for it.

Mr. HALE. I will state to the Senator from Kansas that I understand the printing he proposed would involve a very large expense and the committee did not think it worth while to embark on it.

Mr. BUTLER. I say to the Senator from Maine that I have myself presented several resolutions at this session where I would find a document exhausted and had requests from my constituents for them, and unanimous consent was given for the printing of additional copies, and there was never an objection interposed. This has been frequently done at the present session by others, and I have done it several times. There is not a copy of this document in the document room, and I have a number of requests for it. I have waited at this session because the Senator from Kansas told me he would ask to have it done. I ask the Senator from Maine not to object. Congress is about to adjourn and there is not a copy of it in the document room.

The PRESIDING OFFICER. The Secretary will read paragraph 2 of Rule XXIX.

The Secretary read as follows:

Motions to print additional numbers shall also be referred to the Committee on Printing; and when the committee shall report favorably the report shall be accompanied by an estimate of the probable cost thereof; and when the cost of printing such additional numbers shall exceed the sum of $500, the concurrence of the House of Representatives shall be necessary for an order to print the same.

The PRESIDING OFFICER. The Chair thinks that the resolution must go to the Committee on Printing.

Mr. BUTLER. Then, if it is going to the committee, as I am anxious to get a few copies before we adjourn, I ask leave to modify my resolution so as to provide for 3,000 copies and put it under the $500 limit. We can just as well print 3,000 copies as 1,000, and that number will come under the limit.

The PRESIDING OFFICER. The Senator from North Carolina proposes to modify his resolution so that it will provide for 3,000 copies instead of 1,000 copies. The Senator has that right. The resolution, as modified, will be referred to the Committee on Printing.

MRS. WILLIAM LORING SPENCER.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4020) to increase the pension of Mrs. William Loring Spencer, widow of Gen. George E. Spencer, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted insert "fifty"; and the House agree to the same.

J. H. GALLINGER,
JOHN M. PALMER,
Managers on the part of the Senate.
W. C. ANDERSON,
W. S. KERR,
Managers on the part of the House.

The report was concurred in.

SECOND-CLASS MAIL MATTER.

Mr. BUTLER. I submit a resolution which will not lead to any discussion, and I ask for its adoption.

The resolution was read, as follows:

Resolved by the Senate, That the Postmaster-General be, and is hereby, directed to send to the Senate a copy of any and all rulings that have been made by him, or any official in the Post-Office Department, with reference to second-class mail matter during the last six months, including a ruling recently made prohibiting the passage through the mails, as second-class matter, certain publications which had before been allowed to pass as second-class matter, or any such orders or rulings that have been made and temporarily suspended, accompanied with the reasons for making such orders, and also the reasons for temporarily suspending such orders, if such orders have been made and temporarily suspended.

Mr. WOLCOTT. Let the resolution go over.

The PRESIDING OFFICER. The resolution will go over.

CONTEMPTS OF COURT.

Mr. BUTLER. I submit an amendment intended to be proposed by me to the bill (S. 2984) in relation to contempts of court, which the Senator from New York [Mr. HILL] gave notice that he would call up at an early day.

Inasmuch as the bill proposes to deprive persons of the right of trial by jury, I should like to get the amendment in. It relates to a vital question.

The PRESIDING OFFICER. The amendment will be received and printed.

ISSUE OF BONDS IN NEW MEXICO.

Mr. BRICE. I ask that the bill (H. R. 9275) approving certain acts of the legislative assembly of the Territory of New Mexico authorizing the issue of certain bonds of said Territory, which was called up yesterday by the chairman of the Committee on Territories, the Senator from Minnesota [Mr. DAVIS], be taken up and put upon its passage. It was read yesterday.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent for the present consideration of the bill indicated by him.

Mr. BRICE. I ask that the Secretary read the statement made by the chairman of the Committee on Territories yesterday and what immediately followed.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. It is requested that the Secretary shall read the statement made by the chairman of the Committee on Territories yesterday.

Mr. HALE. That is not needed.

Mr. DAVIS. The bill has been read.

Mr. BRICE. The Senator from Minnesota is in the Senate Chamber, and I will withdraw the request and ask that the bill be put on its passage.

Mr. DAVIS. The bill was read in full yesterday. There is no occasion to read it again.

Mr. BATE. Mr. President, I wish to state that yesterday when this bill was called up I indicated my opposition to it, and I caused it to be laid over for a day that Senators might inform themselves of its object and terms, and I oppose it now. I do not desire, however, to delay the action of the Senate upon it. The bill in substance, though not this one, was before the Committee on Territories, of which I am a member. I observed yesterday when this bill was called up that no one of the committee was present except myself and the chairman, who reported the bill, and he reported it as coming from the committee. I want to say that it was not a unanimous report, and that I, at least, opposed it. The chairman brought it to me, and I agreed that he might report it to the Senate for its action, although I opposed the bill. And I now oppose it.

I think, without pretending to go into a discussion of its merits or demerits by detail, for I have not the data on which to do so, that it is unwise legislation. There are several series of bonds that have been issued by the Territory of New Mexico for quite a large amount, and of different character, due at different times, and some of those bonds have been refunded. The measure presents quite a complication in that regard, and I hold that it is unwise legislation for the General Government to permit the Territory to go on and pass her laws and issue her bonds, and then come afterwards and ask that the Congress of the United States shall, in the language of the bill, validate, approve, and confirm the issuance of those bonds, thus validating the laws under which they were issued and the means by which it was done. Yes, Mr. President, this bill is to validate, confirm, and approve the action of the legislature and the issuance of these bonds, although the United States Government is not bound for their payment. Some of them have been in the courts, as I am informed, and I believe in one instance perhaps adverse decision has been given, but that may have been remedied. I do not know how that is. If it is argued that it is essential that Congress should give its consent to such Territorial action, I think that consent should have been obtained before and not subsequent to the action of the Territory in the issuance of the bonds. However, I am not informed as to the details of this bill, nor as to the sentiment of the people of the Territory in regard thereto. I have understood that there was a division of sentiment there in regard to this matter, but I am not advised in such an authentic way that I can state it. Therefore, without

going into the details of this matter, I shall content myself by giving my vote against the bill. I do not desire to delay the action of the Senate at this late hour of the session upon this bill, but shall vote against it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POST-OFFICE APPROPRIATION BILL.

Mr. ALLISON. I desire to call up the Post-Office appropriation bill. I think it will take but a moment to dispose of it. The pending question is on the motion of the Senator from Massachusetts [Mr. LODGE] to recede from a portion of what is known as the Pasco amendment.

The Senate resumed the consideration of the disagreeing votes of the two Houses on amendment numbered 1 of the Senate to the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts [Mr. LODGE] to recede from amendment numbered 1.

Mr. ALLISON. I hope the Senator from Massachusetts will withdraw the motion, and I think the conferees on the part of the Senate and the House will be able to adjust it so as to meet the views expressed by him a few days ago respecting the situation in Boston and vicinity.

Mr. LODGE. I merely desire to protect the 190,000 people in the neighborhood of Boston who are affected by the amendment. With the assurance of the Senator from Iowa that the amendment can be modified in conference to meet that difficulty, I will withdraw the motion to recede.

The PRESIDING OFFICER. The motion to recede is withdrawn.

Mr. PASCO. Mr. President, I had intended to make some remarks in reference to the amendment, but as it is going back into conference I will not at present have anything to say. I will state, however, that I have received some communications from the section of country to which the Senator from Massachusetts refers, and I can assure him that the sentiment is by no means unanimous with reference to the amendment. There are very strong influences there which are entirely in favor of the amendment which was offered in and adopted by the Senate. But in the present condition of things I will not have anything to say at this time.

Mr. ALLISON. I move that the Senate insist upon its amendment and request a further conference with the House of Representatives on the disagreeing votes of the two Houses thereon.

Mr. CHANDLER. Mr. President, I am in favor of the motion, and I take occasion to express the hope that the members of the Committee on Appropriations and members of conference committees will expedite their business as fast as possible. I know that with the enlarged jurisdiction which has recently been given to conference committees they require more time in the preparation of their reports, as we require more time to watch the reports when made. Therefore the committees ought to use extraordinary diligence. There is practically no business before the Senate, and we are anxiously waiting here, I will say to the chairman of the committee, now that the New Mexican bond bill has been disposed of, for the reports of conference committees. We are greedy for them, anxious for them, and when they come within reasonable limits we want to vote upon them.

Mr. BRICE. If there is nothing before the Senate I should like to call up a bill.

The PRESIDING OFFICER. There is a motion pending. The Senator from Iowa [Mr. ALLISON] moves that the Senate further insist upon its amendment numbered 1 and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. ALLISON, Mr. PETTIGREW, and Mr. BLACKBURN were appointed.

MRS. EMILY M. VAN DERVEER.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2143) granting a pension to Mrs. Emily M. Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

J. H. GALLINGER,
CALVIN S. BRICE,
Managers on the part of the Senate.
C. A. SULLOWAY,
BENSON WOOD,
WILLIAM BAKER,
Managers on the part of the House.

The report was concurred in.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. MITCHELL of Oregon. Mr. President, I have been endeavoring for some time to have the Senate proceed to the consideration of Senate joint resolution No. 6, providing for an amendment to the Constitution of the United States relating to the election of United States Senators.

Mr. HILL. Will it lead to debate? [Laughter.]

Mr. MITCHELL of Oregon. I have the floor now for that purpose.

Mr. BUTLER. Mr. President——

Mr. MITCHELL of Oregon. I decline to yield further.

Mr. President, it is now so late in the session that I have abandoned any hope of being able to get a final vote on the proposed amendment to the Constitution at this session. I shall ask, however, to have it taken up at this time to enable the Senator from California [Mr. PERKINS] to submit some remarks. I also wish to make a few remarks on the subject, and then I shall ask the Senate to join with me in fixing a time next December when the joint resolution shall be set down for consideration.

I now ask unanimous consent that the regular order be laid aside temporarily, and that the Senate proceed to the consideration of Senate joint resolution No. 6.

The PRESIDING OFFICER. The Senator from Oregon asks unanimous consent that the present order may be laid aside temporarily, and that the Senate proceed to the consideration of the joint resolution named by him. Is there objection? The Chair hears none.

Mr. HILL. I desire to give notice that at the conclusion of the two or three speeches to be made on the proposed constitutional amendment, I shall ask the Senate to take up the bill to provide for the punishment of contempts of court, etc.

Mr. LODGE. I understand that the unfinished business keeps its place.

The PRESIDING OFFICER. The unfinished business keeps its place, it being laid aside temporarily by unanimous consent.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 6) proposing an amendment to the Constitution of the United States providing for the election of Senators by the votes of the qualified electors of the States.

Mr. MITCHELL of Oregon. Mr. President, it is not my intention at this time to delay the business of the Senate with any extended remarks. I have heretofore on several occasions during the last ten years addressed the Senate at length in favor of the pending proposed amendment to the Constitution. I have on these occasions presented to the extent of my ability the arguments which to my mind are controlling in favor of this legislation, and answered, so far as I could, the objections in opposition to it.

From the first I have not by any means minimized or underestimated the importance of any proposition which has for its purpose any change, no matter what, in our fundamental law. I have realized that any attempt in this direction should only be contemplated, much less sought to be carried out, after the most deliberate consideration of every element involved in the proposition; and especially in proposing any amendment to the Constitution should we be quite certain that the amendment proposed does not either directly or inferentially impinge to the slightest extent on that fundamental principle involved in our governmental structure which the framers of the Constitution by express provision wisely provided should never without the consent of the State interested be disturbed by amendment.

That principle is the one involved in the constitutional provision providing for equal State suffrage in the United States Senate.

The men who made the Constitution, foreseeing the probable necessity that might arise for amendment, provided in that instrument that the Constitution might in all but one respect be amended, and they provided the manner in which any such amendment might be made. In one respect, however, and only one, the framers of the Constitution, regarding that as fundamental, and believing any change in that respect would be destructive of our Government, provided there should never be any change without the consent of the State to be affected. It is well, therefore, that we consider with care whether this proposed amendment trenches, even in the minutest degree, on the principle thus sought to be protected and forever perpetuated.

Article V of the Constitution, after providing the manner in which that instrument may be amended, contains the following proviso:

Provided, * * * That no State, without its consent, shall be deprived of its equal suffrage in the Senate.

This clause is the embodiment of a principle deemed by the framers of the Constitution absolutely essential to the framework—the fundamental political structure of our present form of government—a principle indispensable to the maintenance of the equilibrium of political forces emanating from and operating upon the national and State governments respectively. As to this,

therefore, it was wisely decreed by the authors of our present system of government there never should, on any pretense whatever, while our Government lasted, be any amendment or change without the consent of the State interested.

If, then, it could be shown that the pending proposed amendment in any degree, or to any extent whatever, invades the principle enunciated in this proviso, or that it in any manner opens the door in the slightest degree to future legislation which might have such tendency or effect, then I should at once concede the proposed legislation should not be enacted.

The principle of equal State suffrage in the United States Senate I believe to be one vital to the existence of our Government, and one, therefore, which should not under any circumstances be invaded by legislation of any character whatever; but, while believing this, I am equally firm in the conviction that a change in the mode of choosing United States Senators in no manner enters the domain of this principle or in any manner opens the door to its invasion by future legislation.

The principal objection urged against this amendment, as I understand it, is that, while not directly an infringement of this clause of the Constitution which forever prohibits any amendment which will deprive any State without its consent of its equal suffrage in the Senate, it does, nevertheless, in a measure open the door in a dangerous manner and to an alarming extent to the suggestion of such an amendment in the future, and that, therefore, it is one which should not obtain the sanction of Congress. That this criticism is not warranted is clearly manifest from a careful consideration of the proposed amendment.

The question of the ratio of representation and State suffrage in the United States Senate is one thing, and the manner or mode of choosing the number of Senators allotted to each State is quite another and entirely different thing. The one—the former—that is, equal State suffrage in the Senate, was irrevocably fixed by the Constitution. Therefore as to that there can be no change while our Government in its present form exists; whereas the other, that is, the mode of choosing Senators, is one open to amendment in the one or the other of the two modes of amendment pointed out in the Constitution, that is, either by the action of two-thirds of each House of Congress or by a convention called by the legislatures of two-thirds of the several States, the action in either case to be ratified by three-fourths of the legislatures of the several States.

The pending amendment relates solely to the latter; that is, it proposes a change in the mode of choosing Senators upon the part of the several States from that of the legislatures respectively to that of a vote by the people, the qualified electors.

The framers of the Constitution, in pursuance clearly of widely conflicting views upon this subject, provided that Senators should be chosen by the legislatures respectively of the several States.

It is believed by those who advocate the adoption of the pending amendment that the political history of this country touching this question, and especially the history of Senatorial elections during the past few years, as also their effect upon many other important questions of state and general polity, loudly demand this change in the mode of choosing Senators. The advocates of the measure are unwilling to yield to any their loyalty to that principle of equal State suffrage in the United States Senate which we all believe so absolutely essential to State and national equilibrium and to the maintenance and perpetuity of our present form of republican representative government. It is, therefore, with entire confidence we give to this measure our cordial and energetic support, being assured it in no respect disturbs in the slightest degree the relation now existing between the National Government and that of the several States respectively.

Whatever of independent sovereignty now attaches to either the General Government or the States respectively is in no wise either enlarged or diminished by the proposed amendment. The ratio of representation in each House of Congress is left precisely by this amendment as it exists to-day. The physical and political structure of our Government, both national and State, is not in the least modified. The political relation of the one to the other and of each to all remains precisely as now. This being so, the only remaining question to be considered is this: Is it wise, is it politic to provide for a change in the mode of choosing Senators, as proposed by the pending amendment? Are there any good reasons which operate to demand the change? Are there any controlling reasons why the change should not be made?

Some of the more salient reasons in favor of the proposed change in the mode of choosing Senators may be summarized as follows:

First. What the people are authorized to do indirectly through the means of the ballot they should be permitted to do directly through that medium. This is republicanism; this is democracy.

The present mode is tinctured with the spirit of aristocracy; it is tainted by the odor of monarchy. The proposed change is, therefore, an enlargement and widening of the individual right of suffrage, by permitting the people to do in their own right, and directly, that which they are only permitted to do now in a vicarious and indirect manner in the matter of choosing United States Senators.

Second. The present system of choosing Senators has a tendency to divert the attention of legislators from matters of legislation in which the State and the people of the State are vitally interested, and to the great detriment of the best interests of the State and of the people.

Third. The present system of choosing Senators converts primary and other elections into pool rooms of debauchery wherein the question absorbing every mind in the selection of members of the legislature is not as to the capacity or fitness of the selection for legislative duties, but rather how he will vote for Senator.

Fourth. The proposed change will, more than any other suggested reform of the present day, have a tendency to destroy the power of local and State political bosses and eliminate them, as they properly should be, from American politics, thus remitting to the people, where it properly and rightfully belongs, the control of political affairs in the State.

Fifth. The proposed change will place the position of United States Senator in a greater measure than at present beyond the reach of those whose sole qualification for the position is their wealth. In other words, it will minimize to a great degree the debauchery of legislatures, now unfortunately quite too prevalent.

Sixth. The proposed change will have a tendency to disarm unjust criticism of the United States Senate and to create more amicable relations between the Senate and the people, a consummation most devoutly to be wished.

Seventh. The change, in my judgment, will tend to elevate the character of the United States Senate and will tend to the exaction from each Senator of a fuller recognition of the rights of the people than is the case now under the present system.

Eighth. The history of Senatorial elections in the United States during the past ten or fifteen years, notably in the Senatorial elections in the States of New York, Oregon, Washington, Idaho, Montana, Wyoming, Delaware, Kentucky, Louisiana, and other States, furnishes an unanswerable argument in favor of the proposed change.

Ninth. The choosing of Senators by a direct vote of the people instead of by the legislatures of the several States is more in accordance with a republican and democratic government and less in sympathy with that of a monarchy or aristocracy. It is only in this manner that the moral and political sense of the people can find fitting and adequate expression.

Tenth and lastly. It is a reform demanded by the great majority of the people of this country, irrespective of party, and one that should, therefore, be promptly met and acceded to by Congress, and by no branch of the legislative department of the Government should this acquiescence be so readily and cheerfully given as by the United States Senate.

Having thus briefly outlined, as I believe, and accurately stated the real character and effect of the proposed legislation, and having heretofore on several occasions argued here and elsewhere in favor of the amendment, citing perhaps all the more salient arguments to be adduced in its support, and as other Senators have also heretofore ably argued in the same direction, notably the distinguished Senator from Indiana [Mr. TURPIE] in several elaborate and able speeches at this and other sessions of the Senate, and as the distinguished Senator from California [Mr. PERKINS] is desirous of speaking at some length on the same subject in support of the proposed amendment, I shall not at this time detain the Senate further, but shall give way to him, in the hope that any extended debate may be avoided, to the end that this measure, demanded by the people of this country irrespective of party, and one which, in my judgment, stands in the front rank of the reforms of the present age, may have early consideration.

Mr. PERKINS. Mr. President, the people whom I, in connection with my distinguished colleague, have the honor to represent have manifested their opinion on this question in no uncertain way. By a vote of 187,000 against 13,000 they have shown how strong is their belief that the election of United States Senators should be by popular ballot. In entering a plea for that mode of election I am, therefore speaking for practically all persons in California who have a right to demand representation in those bodies that make the laws by which they are governed and levy the taxes which they are to pay. It is a right in defense of which their ancestors took up arms. It is a right which was established at the cost of suffering, privation, and blood, and which is recognized to be the foundation upon which rests the liberty that 70,000,000 people now boast of. It is because the people of the United States are jealous of that right and believe that it either has been, or is in danger of being, denied them that from one ocean to the other there has arisen a demand that they themselves shall by votes deposited in the ballot box by their own hands elect the Senators who are to represent them in this Chamber.

In debating this question attention has been called to the study

given to the principles of self-government by the framers of our Constitution which has imposed upon us the election of Senators by the legislatures of the several States. The members of the convention were, as has been said, of English stock, trained in the principles of English liberty. No deliberative body that has ever assembled has been influenced by so pure a patriotism, has so unselfishly devoted itself to a great cause, has been so earnest in its effort to establish human liberty on a sure foundation. But the members of the convention were men, and man is not infallible; neither can he foresee the conditions which the progress of civilization brings about. He is compelled as best he may to judge of the future by the present and the past, and shape his course by the light which history affords. And so these men of English blood, who had had occasion to study the principles of liberty as found in England, could not wholly emancipate themselves from the influence which English institutions exerted.

THE SENATE AND THE HOUSE OF LORDS.

Throughout our Constitution this influence is observable, but in no part in so marked a manner as in that provision relating to the United States Senate. It was here that their dependence upon the past was most strongly felt. Different conditions and different material necessitated some change, but as far as the members of the convention were able they fashioned the United States Senate after the English House of Lords. Mr. Dickinson, a member of the Constitutional Convention, frankly wished to make the Senate as nearly as might be like the upper house of the British Parliament. Hamilton said:

> The best form of government, not attainable by us, but the model to which we should approach as near as possible, is the British constitution. * * * Its House of Lords is a noble institution. * * * It forms a permanent barrier against pernicious innovations on the part of both Crown and Commons. * * * The English model it the only good one.

The delegates believed that a difference in the interests of the two Houses was necessary, in order that, as in Parliament, all questions coming before Congress might be looked at from different points of view. The Federalists said that we must have a landed estate. There was here, however, no landed aristocracy, no titled nobility, no class distinct from that of the people at large, from whom such a Senate could be formed. All citizens of the United States were, and were to continue to be, free and equal, and entitled to representation. That great fact lay as an obstacle in their way, and gave rise to the fiction of the State as distinct from the people, and of its representation by Senators elected by legislatures, and not by popular vote. This idea of the necessity of a difference in the basis of representation still clings to the Englishman, though he is anxious to get rid of that House in which it has been so conspicuously manifested.

Those who propose to reconstruct the House of Lords—

Says Mr. Bryce—

> are at their wits end to discover some plan by which it may be strengthened and made practically useful without such a direct election as that by which members are chosen to the House of Commons.

But they will find, as the United States has found, that there can be no true representation of the people unless the people themselves cast the vote.

THE MANNER OF ELECTING SENATORS.

It has been the custom of those who have spoken and written in praise of the United States Senate to ascribe much of its strength and usefulness to the manner in which its members are elected. It is assumed that the removal of their choice from the direct action of the people has given them an independence which they would not otherwise possess, and a point of view in looking at public questions which the man elected by the people by direct vote does not have. Though coming from the same State, surrounded by the same influences, imbued with the same popular ideas as his neighbor who goes to the House of Representatives, the Senator is supposed, by reason of the mere manner of his election, to view things differently. Mr. Dickinson, who wished to make the Senate as nearly like the House of Lords as possible, recognized the independence which a long term of office would give, and argued that, endowed with authority permanent and irrevocable for three, five, or seven years, Senators would decide with uncommon freedom from influence, freedom from the chances that they would take in the coming elections, freedom from those to whom they owe their position.

Mr. Mason argued that election by the people was the only security for their rights, and Mr. Rutledge could see no distinction between election by the people and election by the people's representatives. Mr. Wilson held that the General Government is not meant for the States, but for the individuals comprising the States, and that the individuals, therefore, not the States, ought to be represented in it.

WHY COMPLAINTS ARE MADE.

Mr. President, the complaints which are now heard on every side regarding the manner of election of United States Senators are due to the fact that the framers of our Constitution did not incorporate with every part of that instrument that idea of freedom for which they had heroically fought. There was that distrust of the people which is prevalent in England to-day and which is there the principal reason for the hesitation to reform the House of Lords. There was the same fear of popular corruption that has been expressed in this country by the defenders of the present method of electing Senators. Mr. Madison thought that if an election by the people promised as uncorrupted and impartial choice there could be no necessity for appointment by legislatures, nor was it apparent, he said, that a more useful check would be derived through legislatures than through the people. But has the history of the several States justified him in refusing to give the people the right of election? Have the scandals that have arisen shown that legislatures are above suspicion? The resolution introduced here during the present session and now under consideration is sufficient answer to that question.

Mr. Gerry thought it was necessary that the people should appoint one branch of the National Legislature in order to give them confidence. If the popular election of one branch would give confidence, would the popular choice of both branches give too much? The experience of the past twenty-five years has been that the election by the people of only one branch has failed to give the confidence expected. Mr. Gerry also thought that the election of United States Senators by the people would give the landed interest too much power and render the commercial interest insecure. But one of the criticisms made by those who disapprove of election by legislatures is that the present method gives the commercial interests too much power and renders the landed interests insecure. There was also an idea that unless the State legislatures were given what was called representation there would be danger that they would be abolished. But has not experience demonstrated the fact that contests for the selection of Senators have been in many instances at the sacrifice of local legislation for the State?

THE PEOPLE'S GOVERNMENT.

It will be seen therefore, Mr. President, that those supporters of the present method of election should not place too much confidence in an argument based upon the prescience of the framers of our Constitution. To amend our Constitution is not to cast discredit upon those great and patriotic men. They were human and liable to error, and it is our duty to correct their mistakes. Were they alive to-day they would be among the strongest advocates of any amendment which would improve their work. Thomas Jefferson, in that document which every patriot venerates, gave utterance to the thought that governments derive their just powers from the consent of the governed, and that whenever any form of government becomes destructive of this and other principles affecting their life, liberty, and the pursuit of happiness it is the right of the people to alter or abolish it and to institute a new form of government that will most effectually secure those ends. The great Webster, too, in a speech delivered in the Senate sixty years ago, alluded to the Republic as "the people's Government, made for the people, made by the people, and answerable to the people."

This noted saying, in one form or another, has been used by various orators, and notably by the immortal Lincoln in that famous address delivered in the presence of the nation's dead at Gettysburg. That the framers of the Constitution had these thoughts in mind when they drafted that instrument is evident from the report of every day's proceedings of the Constitutional Convention. But they had embarked upon an unexplored sea of democracy, and they wanted to mark well the beacon lights of experience that faintly glimmered through the mist of doubt from the most liberally constituted monarchy of the world. No question caused more discussion than the plan of choosing the Senators in such a manner as would best cherish and foster the principles of State sovereignty and at the same time express the will and choice of the people.

AMENDMENTS ADOPTED.

But with all the wisdom displayed by the fathers of the Government, with all the care they took in drafting that which was to be the supreme law of the land, some of the members of the convention would not sign the Constitution and much dissatisfaction was expressed by the people; and during the very first session of Congress ten amendments were proposed, and the eleventh within a few years afterwards, and all were promply ratified by the requisite number of State legislatures, in accordance with the provisions of the Constitution.

Even the manner of choosing the President of the United States was changed by an amendment afterwards adopted. Tinkering with the Constitution, I realize, is a serious thing. I also realize that many young legislators first making their advent into political life feel called upon to propose some amendment to the Constitution. I remember in the early days in California, when first sent to the legislature from one of our mining towns, I thought the first duty incumbent upon me was to offer an amendment to the constitution. Experience, however, has taught us a lesson and many of us have profited by that experience. I realize, as I

said before, that tinkering with the Constitution is a serious undertaking and should not be encouraged unless actually needed; but who is there who does not think those amendments were needed? Who would advocate the repeal of any one of them? They are adopted in accordance with the principles enunciated by Jefferson as to the right of the people to alter or amend forms of government that become destructive of their rights.

We have presented to us many petitions asking for different amendments to the organic law of the land that are not necessary and are not demanded by the people. One petition that has been extensively circulated and presented to Congress calls for the words "Almighty God" to be placed in the Constitution. It seems to me a conclusive answer to this petition is in the fact that God has inspired every line of the Constitution that breathes religious and civil liberty and has for its object the betterment of humanity. If we put God into our daily lives, in our love to Him, in obeying His commandments and doing to others as we wish them to do to us, He will never forsake us as a nation, but will give our people wisdom and strength to right every wrong, and generations yet unborn will rise up to call blessed those who framed this Constitution, a gift from God to man, a sacred heritage that it is the duty of every son of this great Republic to jealously guard.

THE TENDENCY OF CHANGES.

The tendency in all changes of our organic law affecting elections has been to secure more certainly and more directly than ever the influence of the people themselves in governmental affairs. They may be trusted at all times. Lincoln, in one of those sayings for which he was noted, remarked that a part of the people may be deceived all the time, and all the people a part of the time, but all of the people could not be deceived all the time. The people choose the members of the legislatures, and often pledges are given in advance that candidates, if elected, will vote for this or that citizen for United States Senator. There have been instances where State conventions have nominated candidates for Senator and the legislatures afterwards chosen have ratified the nominations thus made. This is similar to the present method of choosing our President. A national convention nominates a candidate and the several electors nominated in the various States are selected upon the theory that they will vote for the candidate designated by the national convention. The electors chosen in a State on the Presidential ticket are bound only in honor to vote for the names of the candidates who head the tickets; but that is enough; and there is not a man in the land that would dare betray the trust.

Thus it has come to pass that the action of the members of the electoral college is merely perfunctory or ministerial. Custom gives them no discretion; they merely meet to formally ratify the choice of their party as expressed in the national convention and the will of the people as expressed at the ballot box. But in the selection of United States Senators it has happened that a legislature fails to carry out the will of the State or district conventions in voting for a Senator. Each of us can recall instances of the kind where previous to the election but one candidate for the Senatorship was mentioned and the people were satisfied therewith, voting for members of the legislature firm in the belief that no other Senatorial candidate would be chosen should the legislature be dominated by men of his political faith, but after the election an entirely new man would come to the front and secure the patronage of the gentlemen whose votes were so essential to success.

The recognized campaign party candidate was supplanted by one who, much to the surprise of all, had been able to win to his side a majority of the party caucus and eventually the majority of the legislature. The result was that the public press teemed with charges of undue and improper influences and partisan slander, and rancor became unbridled, and it has been openly asserted that the choice of the people had been betrayed. I am, however, not prepared to admit that anyone ever improperly obtained his seat in this body; but all will agree that had there been a direct vote of the people in the election of Senators the partisan press would be disarmed from making the charge and the files unencumbered by the slanders.

IMPROPER INFLUENCE MORE DIFFICULT.

It may be said in reply to this argument that bribery and corruption are known in connection with State and Congressional elections, and, even if this amendment prevails, that in the years to come the charge will many times be made, possibly sometimes truthfully; but it is self-evident to every thinking person that it is much easier to manipulate by influence 100 members of a legislature than to improperly influence tens of thousands of voters of an entire State at the ballot box. Besides, it removes the unjust aspersion of the defeated candidate that is frequently used against the successful one, as well as that against the true and loyal friends that have stood by him.

It is urged that State conventions may make as bad selections as legislatures, but to this the reply may be made that the people, when the election comes off, will surely correct the mistake. The unfit candidate is always rejected when the people have a voice in the proceeding; but if the legislature choose an unfit man for Senator there is no redress; the people have no power to correct the mistake. It is useless for them to protest; they must abide the consequences.

Still another strong argument in favor of the proposed change is suggested by the liability under the present method that States may continue for a long time unrepresented. Technical questions seem to arise more easily over a legislative election than over one by the people. Witness the fact that during the Fifty-third Congress the States of Montana, Washington, and Wyoming were deprived of equal representation in this Chamber, the gentlemen sent here with certificates as Senators being regarded as lacking in title. In the present Congress the State of Delaware has had but one representative on this floor through a difference of opinion as to the law by the members of this Senate. Another State has wasted the whole limit of time allowed by law for the session of that legislature in the futile attempt to elect a Senator, and if a special session of the legislature is not convened for the purpose, that great State will have but one Senator on this floor after the 4th day of March next. I need not recapitulate the facts in the cases I have referred to; they are too familiar to all.

PROTRACTED CONTESTS THAT NOW OCCUR.

Not only in the States named, but in many of the other States, it is a frequent occurrence for the legislature to have long and protracted struggles before the Senator is finally selected. This is too often to the exclusion of other business and to the neglect of important local interests. Thus the burdens of the taxpayers are increased without corresponding benefits to them. The unseemly contests which sometimes begin many days before the meeting of the legislature are followed by schemes to insure control of the organization or to favor one section of a State to the exclusion of another. All this is unseemly and unworthy the dignity of the Republic.

It will probably be urged that technicalities may arise in elections by the people whereby vacancies might be created in the Senate. But while questions have arisen and will continue to arise concerning elections by the people, they do not approach in complexity the vexatious character of those which arise touching legislative contests.

It is the boast of writers who support constitutional monarchies that in some instances they are more responsive to the will of the people than is this Government of ours; that the will of the people in other lands is more quickly manifested in the administration of affairs than in our own country.

Public opinion is the safety valve of this great republican Government. It is public opinion that makes men do their duty, and God forbid the time should ever come when public opinion does not rule those whom the people send here to legislate and to make their laws. They are the source of all power in this form of government, and that man is not true to himself, not true to the people, who is so callous that he is not sensitive to the opinion of the people. We all desire the good opinion of our associates. We all desire the commendation and good will of those whom we respect. First of all, we desire to have, and we have if we do our duty, our own self-respect, and next to that we covet the good opinion of the people. So, after all, public opinion is the equalizer, the regulator, that will not permit this Government to go very far wrong.

It is explained that our President is elected for four years and he may hold office for that term without regard to public opinion as to his policy or official acts. Representatives are chosen for two years and Senators for six years, but the latter are not elected by the direct vote of the people. The Representatives do not meet until more than a year elapses after their election, and it is possible that in that period the will of the people may have changed; but, granting that they enact legislation in entire accord with prevailing sentiment among the people, their action may be annulled by the Senate, the members of which were elected by assemblymen whose official terms have come to an end and who can not longer exert any influence, if they would, to coerce the Senate in response to the popular will.

I do not presume to assail the conservatism which a longer term of office tends to impart to the membership of this body, for that conservatism I regard as the greatest safeguard against excesses in legislation and a wise provision for the preservation of the institutions of the Republic; but there is lacking that relationship which exists between the Representatives and the people and even between the President and the people, for the President is chosen more in response to public sentiment than are the Senators, since his nomination is first made by representatives of the people in party national convention assembled and afterwards ratified by the people, by their direct vote for representative electors at the ballot box in the respective States of the Union.

THE ONE GREAT TRUTH.

It is impossible to escape from the great truth that the strength of our Union of States lies in direct representation by men who are elected by the votes of those entitled to cast ballots. In discussing this question efforts are made to withdraw this fundamental principle from consideration and to satisfy the people with a shadow. But even the most learned and able of the defenders

of the present system are at last compelled to turn to the people as the source of national strength and as the only foundation upon which can be built a nation. Even so strong a supporter of election by legislatures as a former and very distinguished member of this body seemingly unintentionally reveals the bearing of this truth on this very question now under debate. He has made a very subtle distinction between the people and the State as one justification for the election of Senators by legislatures, but in speaking of this choice he says that each member of the legislature—

Must vote openly, so that their constituents may know whether or not their representatives have followed the general judgment of the particular communities they represent, a matter of vital importance in all representative government.

It seems to me that in this sentence the whole case of the defenders of election by legislatures is given away.

The eminent jurist dwells at length upon the theory that the Senate as such upholds the doctrine of State sovereignty by reason of the fact that in its membership all States, regardless of population, area, or wealth, are equally represented. The proposed change in no way affects the equality of representation which the States now possess, nor does it in any way change that representation; it only provides a different and more direct mode of ascertaining the choice of the people for their representatives on the floor of this Senate.

It is one of the most frequent, and is regarded as one of the strongest, arguments in favor of the present system that the House of Representatives and the Senate must have different constituencies; that one must be elected by the people and the other by the State. Yet in the quotation that I have just given it is tacitly acknowledged that there is not such a thing as a State in the sense that it can be represented without reference to the people; and even more, that if such representation were possible it would be destructive of all representative government. It shows how impossible it is to escape reliance upon the will of the people; that even legislatures which, in theory, are the depositories of the power of that mysterious thing, the State, are actually compelled to show by open ballots whether or not they have paid regard to the wishes of the people in respect to votes for Senatorial candidates.

THE PEOPLE THE ULTIMATE FACTOR.

In fact, Mr. President, in whatever way we look at this question the people—the people with votes in their hands—are found to be the ultimate factor in the problem. It is their will which it is the object of our institutions to make effective, and wherever there is an obstacle put in the way of its free exercise there will be found unrest. Is it possible to conceive of scandals in cases where legislatures elect as United States Senators those who are the choice of the majority of the people who vote? Would this same people complain if their choice were made the choice of their representatives? It is the constant effort of the people that they so constitute their State legislatures that they may be sure a Senator may be elected who will represent them and not some other constituency. It is true that they are often disappointed in the selection made; that those whom they would have rejected are chosen. And this happens most frequently because of the very method of Senatorial election, and not because corrupt means are used to defeat the popular will. In too many cases the method alone is at fault, and the people who demand and will have representation insist that it shall be changed.

Every person—

Says George William Curtis—

is born with an equal claim to every kind of protection of his natural rights which any other person enjoys. The practical question, therefore, is, How shall this protection be best attained? And this is the question of government which, according to the Declaration, is established for the security of these rights. The British theory was that they could better be secured by an intelligent few than by the ignorant and passionate multitude. * * * Nobody denies that the government of the best is the best government; the practical question is how to find the best. * * * And our fathers answered the question of the best and surest protection of national right by their famous phrase, "the consent of the governed."

But although the fiction of the State was brought forward as a justification for election by legislatures, it has been more and more ignored as political education has progressed and popular rights have become better understood. The resistless movement of the century toward the goal of direct and unfettered political action is manifested here and in this matter as in similar questions abroad.

THE PEOPLE ARE THE STATE.

Every change in European institutions has brought the people nearer to the seat of power. Reform in England has been in the direction of a full and direct representation of the people. One by one the fetters which bound them have been stricken off. One by one classes have gained a right to a voice in the conduct of public affairs. More and more influence have the people secured in public affairs; more and more intolerant have they become of that which stands between them and their will. One by one the fictions of government have been exposed, and step by step they have pressed forward toward a government for the people by the people. The body which has different interests from theirs, whose point of view is widely removed from their own, they now wish to cast aside as one of the relics of a time in which freedom was denied them. They distrust as makers of laws those who do not represent them. They are beginning to fully realize that they are the State; that government is for them and should be by them; and that this can be attained only by direct representation. They will be content only when every man shall know that his vote will count in the election of those who make the laws. They demand and will secure the same measure of liberty which the people of the English colonies in America demanded for themselves, and which has been so fully secured to them by our Constitution. "Plymouth Rock," said George William Curtis, "was but a stepping stone from one continent to another in the great march of the same historical development."

It was a denial of representation which caused our ancestors to take up arms. It is representation which now enables them to bear with equanimity the burdens and annoyances which mistaken legislation imposes upon them. They recognize the errors of those who were elected by their votes as their own errors, which they have it in their power to avoid in future. What we do here concerns not ourselves alone individually. If it did, the evil would not be so far-reaching; but the errors we commit here must be charged up as errors of the people who send us here to represent them. If we misrepresent those people it is almost an unpardonable sin in a republican form of government. But this attitude of mind has been made possible only by the belief that by their own acts have the governing bodies been constituted. Raise but a suspicion that they have been denied their right to influence the course of government, and their temper is changed and everything which stands between them and their representatives is looked at with suspicion. Nothing will remove their distrust but a right to cast their ballots and have them honestly counted for him whom they believe will best represent them.

RELATION OF SENATORS AND LEGISLATORS.

This constant, ever-active desire of man to exercise his right of suffrage has gradually wrought a change in the position which the United States Senator bears to the legislature which nominally elects him. As the people have become more conversant with public affairs, as they have become better educated through the public press and the schools which have been established on every side, they have understood more clearly their rights, and have sought to make the choice of United States Senators their own. Their efforts have not yet been wholly successful, but they have changed radically the character of elections by State legislatures. The latter are not the free, untrammeled agents that the Constitution designed them to be. Senatorial elections are not wholly uninfluenced by agencies outside the Senate Chamber. "Indeed," says Mr. Bryce, "it is worth observing that the election of Senators has in substance almost ceased to be indirect."

If we have lost the substance, why should we retain the shadow? It seems to me that it is as idle to assume that the entire people of a State would be more exposed to fraud and corruption in the case of the popular election of United States Senators than they are now in the election of Presidents. It seems to me that the argument based on the fear that there would be created temptations giving rise to corruption applies with equal force to the election of President. The latter, as I have before stated, is practically elected by popular vote, the whole people of each State casting ballots for certain members of the electoral college. The electoral candidates on each party ticket, however, are virtually one man, and that man a Presidential candidate. The case, therefore, is parallel with that of the election of a United States Senator by the people, and there can be no reason for believing that there would be more fraud, bribery, corruption, or illegal practices under the latter than under the former. The cases stand on one and the same footing, and an argument in favor of one is also in favor of the other; an argument against one is also against the other.

ELECTION OF SENATORS AND THAT OF PRESIDENT.

It seems to me, too, Mr. President, that other objections to the proposed change in the Constitution apply with equal force to the present mode of electing our Presidents. It is objected that if Senators are elected by popular vote they will be selected by men who are not chosen in pursuance of law, upon whom no oath is imposed, who have no other responsibility than to make that selection, of whose action there is no record, who act by proxy, and who compose a body which lasts but a day. I do not see on what ground it can be maintained that greater evils would flow from the nomination of a Senator by a State convention than from the nomination of a President by a national convention. I do not see in what particulars the latter convention is more permanent, more subject to law, more responsible, or that it has any record of its action which a State convention has not. I do not see in what respect a national convention can be more in accord with the Constitution than a State convention, or how our scheme of government can be endangered by the action of the latter. The equality of the States would still be maintained, for that is assured by the constitutional provision establishing equality of representation, with which methods of election have nothing whatever to

do. The independence of the Senate would not be lessened, for that, too, has been insured by fixing the tenure of office. These are the two essential facts in the constitution of this body, and neither is in any way dependent upon a given method of election.

Mr. President, the scandals which have accompanied many Senatorial elections are without doubt baseless. I can not believe that such bodies of men as compose our legislatures are fairly open to so many or to such charges as have been brought against them. But the fact that such charges have been made has to a great extent impaired the confidence of the people in the present mode of election, and has led them to demand that the election of their Senators be placed in their hands. They believe the assumption that the State can exist apart from themselves should now be set aside forever. The physical conditions existing within the boundaries of the several States determine the industries by which the people shall live, and as these differ so do the interests of the people of the States differ. Within the borders of each State there is a community whose needs are not precisely those of its neighbor.

THE RIGHT OF THE PEOPLE.

In the large affairs of the nation this community should have power to at least protest against action that would injure it and to strive for that which would benefit, as well as to have a voice in the determination of measures for the common good of all. This community is the State. There can be nothing apart from it which can be represented by the election of representatives. There can be no other interests to represent than those of the entire community if liberty is to be maintained. There can, therefore, be no point of view of public affairs different from that of the community, and its representatives can not, by the mere manner of their election, be made to look with other eyes. In the bitterest moment of his life, when the legislature of his State passed the resolution censuring him for his action in this Chamber, Charles Sumner said: "I seem to lean on the great heart of Massachusetts." In that hour of his grief and despondency he found consolation in the thought that he could lean upon the people whom he represented. So does every Senator who here does his work according to his conscience rely upon the great and generous hearts of the people whom he represents, and whose wishes they expect him to regard.

The movement in favor of Senatorial elections by the people is growing stronger every year. Already at the ballot box or through their legislatures the voters of nine States have declared in favor of the change, and it is bound ultimately to be made. Its establishment by an amendment to the Constitution would tend to restore confidence between the people and those chosen by them to make the laws of the country, without which confidence in free government can not long endure. What the people now demand is that which our forefathers contended for when they supported by force of arms the Declaration of Independence; that for which the framers of the Constitution hoped and prayed; that for which the world has given its grandest examples of heroism—a government by the people, of the people, and for the people.

Mr. CHANDLER obtained the floor.

Mr. MITCHELL of Oregon. I suggest the absence of a quorum.

Mr. CULLOM. Before that suggestion is made I wish to present some petitions.

Mr. MITCHELL of Oregon. I suggest the absence of a quorum. I desire the Senate to hear the Senator from New Hampshire [Mr. CHANDLER].

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cullom,	McBride,	Sewell,
Allison,	Davis,	Mills,	Sherman,
Bate,	Dubois,	Mitchell, Oreg.	Shoup,
Berry,	Elkins,	Morrill,	Smith,
Blanchard,	Gallinger,	Palmer,	Squire,
Brice,	Gear,	Peffer,	Teller,
Brown,	George,	Perkins,	Turpie,
Burrows,	Hansbrough,	Pettigrew,	Vilas,
Butler,	Harris,	Platt,	Walthall,
Chandler,	Hawley,	Pritchard,	Warren,
Chilton,	Hill,	Pugh,	White,
Clark,	Lodge,	Quay,	Wolcott.

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. A quorum is present. The Senator from New Hampshire [Mr. CHANDLER] is recognized.

Mr. ALDRICH. Will the Senator allow me to offer a resolution for reference?

Mr. CHANDLER. Certainly.

FINAL ADJOURNMENT.

Mr. ALDRICH. I offer the concurrent resolution which I send to the desk.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read as follows:

Resolved by the Senate and House of Representatives, That the President of the Senate and Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on Monday, the 8th day of June, instant, at 2 o'clock p. m.

Mr. ALDRICH. I move that this resolution be referred to the Committee on Appropriations, and I call the attention of the chairman of that committee to what I believe is a very natural impatience on the part of Senators to have the business of this session brought to a close. There are, I believe, some four or five of the principal appropriation bills now in conference. With the large experience of the Senate and House of Representatives in connection with such conference reports there ought to be no trouble in coming to an agreement upon those various bills within twenty-four hours, and I believe that there would not be if there was sufficient pressure brought to bear in the way of a sentiment in both Houses upon the committees of conference to secure agreements. I hope the Committee on Appropriations will give this matter very careful consideration.

The PRESIDING OFFICER. The resolution will be referred to the Committee on Appropriations, if there be no objection.

Mr. ALLISON. Only a word in respect to the resolution. Of course I have no objection to its reference to the Committee on Appropriations.

Mr. GEORGE. I should like to say something about the resolution.

Mr. ALLISON. Just one moment. The committees of conference having charge of appropriation bills are doing the best possible to bring them to a conclusion. There are differences of opinion, and of course time must be taken to settle those differences. I had hoped that by to-morrow we should be able to report upon all of those bills, but I now doubt very much whether we shall be able to do so before Monday. I assure the Senator from Rhode Island, and all other Senators who are interested in the spirit of the resolution, that we are doing the best possible. I will also say that during the session of the Senate it is almost impossible for the conference committees to make much progress, from the fact that Senators who are members of such committees are brought in here constantly to help make a quorum.

Mr. GEORGE. Mr. President, I know everybody is tired and wants to get away, but there is a measure on the Calendar of the utmost importance to the people of the country, which has passed the other House and been reported from the Judiciary Committee of the Senate with an amendment, in which a large number, a very large number, of the people of this country are interested. I do not think that we ought to adjourn until action is taken upon that measure. I refer to the bankruptcy bill; and I do hope that no adjournment will take place until the Senate has taken action upon it. I have letters from every State in the Union, except New England, urging the passage of that bill—letters stating that a large number of meritorious men, by the accidents of life and other causes, have been reduced to insolvency, that they can not pay their debts, and can not embark in any other business on account of their indebtedness.

I therefore hope that Congress will not adjourn, and, so far as I am concerned, I must be allowed to protest against the adjournment of Congress without action upon this measure.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. The Senator from New Hampshire [Mr. CHANDLER] is entitled to the floor. Does he yield to the Senator from Wyoming?

Mr. CHANDLER. I do.

Mr. WARREN. Mr. President, I do not wish to detain the Senate or take advantage of the courtesy of the Senator from New Hampshire [Mr. CHANDLER], who has so kindly yielded me the floor for a moment. I approve of the idea of an early adjournment, but it seems to me it is now too early to even consider an hour or a day when we shall finally adjourn. The Appropriations Committee, through its conferees, have very properly, in my judgment, insisted upon certain Senate amendments in disagreement with the House of Representatives. It requires only a casual glance at some of the appropriation bills to show that a number of the States, I might say a group of States, interested to but a slight extent, it is true, in these bills, are yet, nevertheless, interested in such a way that their only interests in the appropriation bills of this session are still at stake and yet unsettled. The Senate committees of conference are, in my judgment, faithful in undertaking to protect these interests. I do not believe we should cut short their time. So far as I am concerned, I shall certainly resist with my vote and voice any adjournment which will force upon our Appropriations Committee any action other than what they deem to be proper in holding out for the rights of such amendments as the Senate have insisted and are now insisting upon. I believe if the Committee on Appropriations would look in upon certain States of this Union and see the condition existing there and the necessities as to certain appropriations, not large in the aggregate, they would be willing to stay here days or even weeks rather than surrender certain Senate amendments. I know, so far as I am concerned, that I had sooner stay here in session all the remainder of the year, and even lose my vote next November thereby, than to undertake to explain to the people in my State why it is that

the Senate can not remain yet a few days in session, until the conference committees can have time and can so arrange and so insist upon an adjustment of differences in appropriation bills as to at least name the State which I in part represent, and some of the neighboring States, in one or more of the great appropriation bills.

The PRESIDING OFFICER. The resolution will be referred to the Committee on Appropriations.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills:

A bill (H. R. 956) for the relief of Sophia Sparks and Julia C. Sparks, of Annapolis, Md.;

A bill (H. R. 2006) to increase the pension of Harriet C. Gregg, widow of Col. and Bvt. Maj. Gen. John Irvin Gregg, from $30 to $50 per month;

A bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of "filled cheese"; and

A bill (H. R. 8293) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes.

BUREAU OF ANIMAL INDUSTRY.

Mr. WARREN. Mr. President, I wish to record a notice. I shall move at the first opportunity to take up the bill (S. 1147) for the establishment of a bureau of animal industry for the inspection of meat products and live stock, suppression and extirpation of contagious and infectious diseases among cattle and live stock, to regulate the transportation of cattle and live stock and prevent the exportation or importation of diseased cattle, live stock, or other animals, and for other purposes. I shall certainly call up the bill as soon as the pending matters are disposed of, and if a lull occurs in the meantime I shall ask the Senate to take it up, it being a bill which I think will not require much time, and it is a measure which is important to the entire country and especially to the agricultural interests and to the exporters.

PACIFIC RAILROADS.

On motion of Mr. GEAR, it was

Ordered, That 500 copies of Report No. 778, on the Pacific Railroad bill, and hearings on the same, be printed for the use of the Senate.

ELECTION OF SENATORS BY DIRECT VOTE.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. 6) proposing an amendment to the Constitution of the United States providing for the election of Senators by the votes of the qualified electors of the States.

Mr. CHANDLER. Mr. President, it is not my purpose to take up the time of the Senate at this late period of the session by any lengthy discussion of the question whether United States Senators should be chosen by the people. I do not intend even to attempt to reply to the eloquent argument of the Senator from California [Mr. PERKINS]. I wish, however, to make one or two suggestions and to emphasize again one or two points connected with the subject which I have hitherto presented to the Senate.

I am unable to understand why the proposition to elect the President and Vice-President by the people has dropped out of the minds and hearts of the advocates of a reformed Constitution. It is my design, whenever the pending amendment is seriously pressed for a two-thirds vote of this body, to move an addition which shall include the election of President and Vice-President by a direct vote of the people. I do not think that either Senators or the President and Vice-President ought to be so chosen; but if Senators are to be I think that the President and Vice-President ought to be. I do not myself believe with the Senator from California that the desire for the proposed change is strengthening in the minds of the people of this country. On the contrary, I believe it is a craze, a Populistic notion which has not really taken hold of the members of either of the two great political parties, but is only a hobby or a fad of the Populistic party; and I regret to see such naturally conservative Senators as the Senator from Oregon and the Senator from California on this side of the Chamber, the Senator from Illinois [Mr. PALMER] and the Senator from Indiana [Mr. TURPIE] on the other side of the Chamber, who have arrived at years of wisdom and gravity, allowing themselves to be swept away by this mere Populistic notion, which, if it is not adopted within a few years, will never be heard of again.

But, Mr. President, if the legislatures of the States are to vote upon a change in the Constitution under which Senators of the United States shall be chosen by the people, they ought also to have the opportunity to decide whether or not they will hereafter choose the President and Vice-President by direct vote. Indeed, these two things were in the beginning coupled together. They were both together the shibboleth under which the assumed movement for greater popular rights in this country began.

The first Senator on this floor who came here claiming to be the product of this new popular idea was the junior Senator from Illinois [Mr. PALMER], who now does me the honor to listen to me. The Senator came here in some sense himself a representative of the new development, because he was, I believe, named for the Senatorship by a State convention of the Democratic party. This practice of having the State conventions name Senators is unobjectionable, so far as I can perceive, and it can be adopted quite as well whether the Senators are actually elected by the people or by the legislatures in the present manner. But the Senator from Illinois entered the Senate advocating the election, not only of Senators by the people, but of President and Vice-President by the people. In his speech in the Senate he made this statement:

> From what I have said the conclusion is inevitable that none of the reasons which led the framers of the Constitution to deprive the people of the direct control of the executive department and of the Senate now exist. Experience long ago demonstrated the uselessness of the electors as agents for the selection of President and Vice-President. Electors are now but counters for the enumeration of the votes of the States, the John Does and Richard Roes of our political system.

Various State conventions of the Democratic party and all the conventions which have spoken on the subject of the Populist party have, I believe, declared that the President and Vice-President, as well as the Senators, should be elected by a direct vote of the people. Now, I ask in all seriousness, why is this part of the programme to be now omitted? I ask the Senator from California, who recently so eloquently addressed the Senate, why he proposes to elect United States Senators by the people and yet intends to deprive the people of the privilege of electing the President and Vice-President by direct vote? Why does he insist upon retaining these useless John Does and Richard Roes of our political system, as they have been characterized by the Senator from Illinois? Why does the reform stop with the United States Senators, if we are to change our Constitution at all? And I desire to know of the Senator from Illinois, whom I have learned to respect, whose views upon public questions often meet with my approval and secure my vote, why he, as a member of the Committee on Privileges and Elections, who has helped make the majority which has reported this joint resolution which is taken up in the last hours of the session, has given up the idea of electing the President and Vice-President by the people? I do not myself see when the Senator contemplates the programme with which he started when he entered the Senate, of a change in the Constitution in these two particulars, how he can justify himself in now striking down the most important feature of his change and saying no more to the Senate about the election of President and Vice-President by the people.

Mr. President, I know no reason why one change is not demanded as much as the other change. I have heard no such reason stated by the Senator from Oregon, though he may have stated it in some of the numerous reports and many speeches which he has made upon this subject in parts where I have omitted to read what he has said. I say if we are going to seriously enter upon this work of changing the Constitution we ought to let the people have the opportunity to change it in these two respects. But, of course, if all is mere buncombe, if the Senators are merely making their speeches in order to secure favor with the people at home, in order to make it easier for them to get reelected to the Senate, and can accomplish this object by the advocacy of the popular election of Senators only, then, as the half of a loaf is better than no bread, the purpose which they have in view may be as well accomplished without any advocacy of the election of President and Vice-President by the people, because there is no real seriousness whatever in the movement. I have always thought that the Senator from Oregon was serious in his advocacy of the proposition until now, when he insists, at this late hour in the session, upon getting it up, when there is no possibility of action, and it has been universally supposed it was to slumber at least until the coming short session of Congress.

Having given notice that I shall move the amendment for choosing the President by the people whenever the pending proposition is pressed, I desire to call the attention of the Senate, as I have done once before, to the fact that in one hundred and eight years there has never been any change in the form of the United States Government under the Constitution. This may seem strange to Senators who recall the fact that fifteen constitutional amendments have been adopted; and yet the truth indeed remains that in all these fifteen amendments we have made no change whatever in the form of our Government. It is exactly the same now that it was in 1788.

Mr. MITCHELL of Oregon. Will the Senator from New Hampshire allow me a question?

Mr. CHANDLER. I am anxious to be interrupted.

Mr. MITCHELL of Oregon. I imagine as much from the way the Senator has been plying other Senators with questions.

Mr. CHANDLER. I congratulate myself that I have succeeded.

Mr. MITCHELL of Oregon. Conceding what the Senator has just stated to be true, that there has never yet been in the one hundred and eight years of the existence of the Government any amendment that changes our form of government, I should like the Senator to point out wherein, to what extent, and in what respect the proposed amendment changes our form of government? I insist that it does not do it at all.

Mr. CHANDLER. It will change the form of carrying on the Government, the method of carrying on the Government, and I say that as yet we have not changed the form and method of carrying on the Government. The only exception to this statement is the one indicated by the Senator from Illinois in his speech, and that has been made without a formal change in the Constitution. The original intention was that the electors of President and Vice-President should be governed by their own discretion and their own judgment in voting for a President and Vice-President. They have come in the process of time merely to register the decrees of political conventions, being the John Does and Richard Roes of our political system, to revert to the expression of the Senator from Illinois. But there has been no other change in the methods of carrying on this Government, and that has not been formally made. Here is, therefore, the wonderful fact which I wish to impress upon Senators who may think of this subject, if the Senator from Oregon chooses to bring it up again in this Chamber, that we have lived one hundred and eight years under this Constitution and have not changed the form and method of government at all. I said that might seem strange. Is it not, however, entirely true?

The first amendments of the Constitution were the ten that were proposed by the First Congress to the States in order to meet the objections that had been made in various State conventions when the Constitution was being ratified. On the 25th of September, 1789, Congress sent out the first ten amendments, and they were in due time ratified by the States. The Senator from Oregon will admit that those do not make any change. They are mere bills of rights. There is no change whatever in the Government itself in those ten amendments. Then comes Article XI.

Mr. MITCHELL of Oregon. The Senator will concede that those amendments impose a great many restrictions upon the power of Congress that did not exist under the original Constitution.

Mr. CHANDLER. They did not change in one single particular the method or the form of getting or continuing the Government in operation, and they did not make any change at all in anything. It was contended and believed almost universally by the wisest men of that day that the Constitution meant precisely the same before the ten amendments were adopted that it meant after the ten amendments were adopted.

Mr. MITCHELL of Oregon. Under the original Constitution there was no restriction on the power of Congress to legislate upon the subject of freedom of speech or freedom of the press.

Mr. CHANDLER. That is not changing the form of government. I do not say that the powers of the Government may not have been changed somewhat, as the powers of the Government had been diminished and enlarged by construction during one hundred and eight years, but the method of getting a government into existence and of carrying on that government has not been changed in all this time.

Mr. HAWLEY. It has always been stated by writers on this subject that the amendments were rather in the nature of a bill of rights, a general declaration of rights having been in a sense omitted in the Constitution.

Mr. CHANDLER. I had the fortune a few moments ago to anticipate the suggestion of the Senator from Connecticut. There is nothing making a change in the form of government in the ten amendments. Now, what is the eleventh?

> The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.

I will not discuss that. It does not change the form of government. Not even the Senator from Oregon will say that it does, and he will argue almost any point that seems to strengthen any case he is trying to win.

Article XII is a long amendment, which I will not read, because everybody knows what it is. Here I shall have to qualify a little what I have said. Here is a slight change in the manner of getting a President and Vice-President. Under the Constitution as it was originally written, when the electors voted for President and Vice-President they did not designate for whom they voted for President and for whom they voted for Vice-President, and so affairs became mixed very soon. The person who had the largest number of votes was to be President and the person having the next largest number was to be Vice-President; but it so happened that shortly two persons received the same number of votes. That was in 1800, when Jefferson and Burr each received 73 electoral votes, and therefore it could not be determined who was elected President and who Vice-President, and the election had to be made by the House of Representatives.

This was a singular omission on the part of the very wise founders of the Constitution. Very much wiser were they, notwithstanding this little slip, than our modern Constitution tinkers who are appearing in the Populist party and in the Senate and House of Representatives. The twelfth amendment only makes the necessary change that when the electors vote for President they shall name A B for President, and when they vote for Vice-President they shall name C D for Vice-President. That is the twelfth amendment; and those of which I have spoken were all the amendments made to the Constitution down to the time of the civil war. We went on seventy-two years without any change. We grew from 4,000,000 people to 32,000,000 people. We did not find that we needed to change by a hair's breadth the form of the government of the United States which these wise fathers of ours had framed for the people of the several States and had put into operation.

Mr. President, it is almost unnecessary for me to say that what are known as the war amendments make no change in the Constitution. Article XIII, as everybody knows, declares the unconstitutionality of slavery. That was merely negative.

Article XIV first declares that citizens of every State shall be entitled to the privileges and immunities of the citizens of all the States. It is very general in this provision and makes no manner of change in the form of government. Neither does it in section 2, which provided a limited disfranchisement of rebels, and, as we all know, that when colored people were excluded from voting they should also be excluded from the basis for Representatives in the House of Representatives. There was also the declaration that the rebel debt should never be assumed either by the United States or any State. Lastly came the fifteenth amendment, which provides that the right to vote shall not be abridged in any State by reason of race, color, or previous condition of servitude.

Mr. President, I have recited all the amendments to the Constitution from I to XV, inclusive, and I defy anybody to show me that the form of government is changed in any particular. We have grown since the war began from 32,000,000 people to 70,000,000 people. Here appears the conservative character of the American people. Here it is shown that, notwithstanding we are reputed as being a people of mercurial temperament, there is really an element of conservatism down in the hearts of the people.

It was with the utmost difficulty that the people of this country were prevailed upon to lay their hands upon that sum of all villainies, human chattel slavery. In 1852 both political parties declared against any agitation of the subject, and it was only through the folly and madness of the slaveholders themselves, who undertook to extend slavery into Kansas and Nebraska, that the war of secession was begun, which resulted at last, after much tribulation, in the destruction of the system of human slavery. I insist the people of this country were in truth conservative on the slavery question; and when the war closed, and since the war, and down to this hour, when we have increased 40,000,000 of people, there has been no serious attempt to undertake the improvement of the wonderful Constitution of the United States.

So, Mr. President, I stand here to-day as a conservative on this pending question. I regret that the Senator from Illinois has lent himself in his riper years to the effort to amend the Constitution which was good enough for his fathers and has been good enough for him, and which he has fought bravely to maintain against armed rebellion. I regret that the Senator from Illinois has undertaken to proclaim the necessity of an alteration in this venerable instrument.

The more I study the Constitution of the United States the more I stand amazed at the marvelous wisdom, the far-reaching sagacity of the framers of that instrument. It is a wonder of brevity, to begin with. There is not in the whole range of human literature a document that contains so much expressed in so few words. When you take up the Constitution and turn over its pages in ordinary print, it is hard to realize that you have finished it within so few pages. The men who framed it were inspired not only by great love of country, not only by high moral and religious principles, as I believe, but they were controlled by a method of conciseness and brevity which it would be well for some of our modern legislators to imitate.

Here it is. Yet here is the Populist party crazy to change it. There are more propositions twice over in the astounding platform of the Populist party which the Senator from Nebraska [Mr. ALLEN], whom I regret not to see in his seat, read the other day, which are indorsed word for word and letter for letter, the whole of them, by the courteous and cultivated Senator from Kansas [Mr. PEFFER], than there are in the whole Constitution of the United States which our fathers wrote. I have no doubt the Populists would write them all in as one amendment if they could only secure the help of the Senator from California [Mr. PERKINS], the Senator from Oregon [Mr. MITCHELL], and the Senator from Illinois [Mr. PALMER] in the effort to put them in.

I close by saying I do not think the sober common sense of the American people will indorse this movement. I think it will disappear when the Populist party goes out, and that party will go out very soon unless it entirely absorbs, as possibly it may, the Democratic party. This change is a notion that will not continue to find favor with the American people, and when their judgment is challenged and their attention is drawn to the movement, it will be found that they will say in emphatic terms that they reject, with all the other wild ideas that are now floating about the country, the notion that it is necessary, in order to get honest

and capable and faithful Senators in this body, that the people shall take them from the nominees of political conventions, elected by the people, instead of taking them from the legislatures of the States as they have taken them during the last one hundred years, under a system of which we here now ought not to speak in derogation, as it has sent us here to represent our respective Commonwealths.

It is a good plan to speak well of the bridge that has carried us safely over, and I doubt not that when the Senator from California and the Senator from Oregon have been safely returned here by the legislatures of their respective States, chosen in the good old-fashioned way, as they will be, they will be entirely content to leave the Constitution just exactly as it is. I am half inclined to say that I regret that neither the people nor the legislature of Illinois will send to us our respected friend the junior Senator from Illinois, whom I see before me.

I had the honor to submit in a former Congress briefly my reasons against the adoption of the resolution to be sent out to the States for the election of Senators by the people, then proposed by the Senator from Oregon [Mr. MITCHELL]. It was numbered 8 and the present one is numbered 6. Strike out "8" and insert "6," and I ask to submit this as a report of the minority. It was a majority report before, I think. There has been one change in the committee, and by a bare majority the resolution is now reported to the Senate. I desire that this may be printed as a minority report.

The PRESIDING OFFICER. The Senator from New Hampshire asks that a report heretofore made by him may be printed as the views of the minority of the committee. Is there objection? The Chair hears none.

Mr. PALMER. Mr. President, no compliment can be paid to the wise conservatism of the American people that does not meet my very cordial approval. We have evinced under circumstances of great trial the conservative character of our people and the conservative nature of our institutions. The fact that to-day a part of the Senate is composed of Senators who have heretofore been in armed resistance to the Government and who with their people have submitted to the arbitrament of a great civil war is one of the highest compliments to the American people. We have also shown our conservatism by our contentment at least with all the methods and forms of the Federal Constitution. It has been the subject of fierce criticism, and the subject, too, of very strong intellectual and moral resistance on many occasions in our history. But still the Federal Constitution, with its great fundamental principles, embodying the Federal Union and the dignity and authority of the States, remains substantially intact, and those principles are still venerated and loved by all our people.

In this attempt to improve the Constitution no war is made upon its principles. The fundamental doctrine of the American Government to-day is that all power resides with the people, and that the methods of election are merely the means by which the popular will is ascertained. No one questions that doctrine, and in this movement, which has for its object a mere change in the manner of election, nothing more is expected or hoped for than that the people may more directly and emphatically and more truly express their preferences for United States Senators.

The Senator from New Hampshire [Mr. CHANDLER] intimates that if this doctrine is sound it ought to be extended to the election of the President and Vice-President. That may be so for aught I am prepared to controvert now, but whether that shall be done or not does not affect this question at all. It is not necessary for me to show, either, that the questions are entirely different, and that this, which concerns but one of the States, because it must be true that in the election of a Senator but a single State speaks, and the other proposition, which concerns all the States, is altogether different.

I have said before that the American doctrine is that all power resides with the people, and that all elections are made by them. The amendment proposed to the Constitution violates no principle. It does not obstruct the expression of the popular will. Indeed, it proposes to remove an obstruction to the free expression of the will of the people of the States. And that will bring me in a moment to another question. How is it now? The people choose the senators and representatives who compose the legislature of the State, to whom the election of Senators is confided by the Federal Constitution. What advantage has that method over the method proposed?

I do not mean to overlook the great changes which have been made in our political system. I have lived longer than most of the Senators now on this floor. I have witnessed the growth of that arbitrary, despotic institution known as the convention or the caucus, and that change in our system is as well and as completely fixed as any other alteration that can be imagined. To-day the primary question before the American people is, to which one of these arbitrary, despotic, extraconstitutional organizations shall we submit, and to which shall the American freemen submit? The caucus governs now, the convention governs now, and the Senator from New Hampshire, while no doubt his mind is at ease, expects to be the implicit, obedient servant of his party. He expects to obey. He expects to vote for the nominee of that convention, a purely extraconstitutional organization, one that has no place in our constitutional system. So the question may be addressed to each Senator here: Which one of these despotic organizations will you obey? And if you refuse to obey them, what will be the penalty of disobedience to this purely extraconstitutional institution which has become a part of our system?

Again, there are the minor caucus and the county caucus and the State caucus and the national caucus. This institution has grown up since the adoption of the Federal Constitution, and the legislatures of the States are dictated by these minor or superior caucuses. These extraconstitutional organizations we submit to with far more submissiveness than we do to the Constitution and the laws of the land. The penalty of disobedience to caucus domination, convention domination—perhaps I ought to use a milder phrase—the penalty for refusing to submit to the domination of these caucuses, the caucuses that make legislatures, is much more serious than the penalty for a mere misdemeanor, which looks to a violation of the law, because in the case of a mere misdemeanor it may involve a very few months of imprisonment or a fine, but under this despotic system it may involve the political life of a public man to disobey the dictates, the imperious, despotic commands of a party convention. By such means legislatures are made, and it is to these caucus-made legislatures that the Constitution has confided the election of Senators in the Congress of the United States.

What is the proposition on the other hand? It is that the people shall be invited to elect Senators. How much they will submit to in the way of preliminary dictation none of us can tell. It depends upon the habits of men. But this much will be certain, that the caucus will be compelled, after it makes its selection of a candidate for Senator, to submit its nominee to popular criticism. The people will at least have that much advantage which is not possible under the existing system. How is it now? The legislatures are composed of men chosen in different districts in a State. What particular influences dictate their selection none of us knows. At least I do not know in any particular instance. They assemble, and they are charged with the duties of State legislation, and when they thus have legislative powers, the Senatorial election becomes involved in controversies in regard to local and State interests, while, at least if the elections were made by the people, there would not be the facility for organizing and combining influences that are afforded under the present system.

Under the present system, I believe I could take the testimony of the Senator from New Hampshire himself that the legislatures which choose Senators are not always immaculate, but that interests, monetary interests, corporate interests, control them very often. It is possible, too, that corporate interests may exercise a very large influence on the people. But still, when the nomination is made by the party caucus in the legislature, the election follows immediately, while the two or three months or whatever the length of time which intervenes between the nomination and the election by the people affords ample time for popular criticism. It is impossible under present circumstances.

I repeat the proposition with which I started out, that the theory of our Government is that all power resides in the people, and to that I add a proposition which necessarily results from it. Every agency which interposes between the direct expression of the popular will is of necessity the subject of abuse. I may take examples found in the States. A member of the legislature is chosen by particular interests to advance certain purposes that are entirely legitimate on the part of the people who choose the representative or the senator. Other considerations enter into the choice of a Senator that are entirely distinct from the motives that led to his election, or if the senator or the representative in the State legislature is elected to serve party interests or to serve local interests that deserve consideration, the influences that control his vote for this great place may lead to an entire abandonment of the interests of his constituents on account of which he was chosen. That mode which contemplates the most direct expression of the public will, which suggests the fewest possible reasons for an abandonment of duty, is to my mind a consideration of very great consequence.

The Senator from New Hampshire intimates that I was nominated by a State convention. The fact is, I was not nominated by a State convention. I was nominated for the Senate by the votes of the primaries in 90 of the 102 counties in Illinois. The State convention did nothing more than to canvass the votes. I was a candidate as the result of the popular expression, and not as the result of the combinations that sometimes attend State conventions. I made the canvass before the people in more than 45 of the 102 counties in Illinois. I expressed my opinion upon every public question, and I declined to write letters otherwise than for publication. The plurality in the State for the members of the legislature who voted for me was over 33,000. The Senator from New Hampshire intimates that the same people would probably not return me now, and the Senator is doubtless correct. Since

that time new issues have been made, upon which I have the misfortune to differ with the machine of my State. One of the difficulties in the matter, and one of the ends to be secured by a popular election, is that the machine shall not have the power to dictate who shall represent the people of Illinois or of any other State. The machine has control in Illinois. The machine has control in other States. The machine differs with me in my opinion in regard to public measures. I defy the machine, and whether or not the machine is more powerful than the people I can not tell. I have never been in the habit of submitting to dictation from any quarter in regard to my individual views or my public conduct.

I have during my life entertained and expressed my own opinions. I say, therefore, that one of the objects that ought to be contemplated by this great change in the mode of electing a Senator is that a candidate for the Senate may appeal to the people against the machine, may resist it, and, perchance, may overthrow it. The machine will control the legislature beyond doubt. Two machines will control the legislature. The Republican machine in Illinois will control the Republican organization and the Democratic free-silver machine will control the Democratic part of the general assembly. The two machines will struggle, and one of those machines will elect, under the present system, a Senator. If the people had the right and power to choose a Senator by their direct vote, there would be some opportunity for a man of energy and force and patriotism and fearlessness; there would be some possibility of resisting and even overthrowing both those machines.

Mr. President, I have no expectation of a vote on this subject at this session of Congress. I have not interested myself very much in attempting to bring the matter before the Senate because the public mind is now engaged in other questions, and it is not probable that this question will be largely considered in the approaching canvass.

The Senator from New Hampshire [Mr. CHANDLER] speaks of this as a Populistic idea. Mr. President, I am not usually terrified by mere names. If the Populists should favor a truth, I would not reject it because of Populistic favor. I grant that the fact that the Populists teach a particular tenet is only prima facie evidence of its truth. I should want to investigate very thoroughly before I accepted it; but the Populists are wise in their generation. The Populists are attempting to appeal to the people; and my own opinion is—and I express it as a formula almost—that the rights of the people of this country are safe with the people. I recognize the old expression made half a century ago, that the sober second thought of the people will generally be right. I am quite content that this question shall lie over. I think just now the people are too profoundly engaged in the consideration of other questions to give it that consideration which it deserves. I am satisfied, too, that the machine which is found in the Republican party and the machine which will probably control the Democratic party, or such of them as will submit to the machine—I say these machines will control those serviceable party men, the men who are timid and who hesitate, the men who had rather follow the machine blindly than to encounter its wrath. Such men, I say, the machine will control.

Mr. CHANDLER. I wish to ask the Senator——

Mr. SQUIRE. I ask the Senator if he does not think it possible that the machine might control the popular nominations for Senator?

Mr. PALMER. The machines control the nominations?

Mr. SQUIRE. I refer to the nominations made by State conventions in the usual way.

Mr. PALMER. I do not quite understand the Senator.

Mr. SQUIRE. If the Senator were nominated by a popular convention, a convention of his party in his State, might not that convention be controlled by the machine?

Mr. PALMER. Possibly.

Mr. CHANDLER. Brilliant minds frequently strike the same idea. I was about asking the Senator the same question which the Senator from Washington [Mr. SQUIRE] has asked him; and as I addressed the Chair first, I had hoped that I should have had the advantage of priority of application. What I wanted to ask the Senator, seriously, was whether the election of a Senator by popular vote tends in any way to break up caucus rule and machine rule? I do not think it does. I should like to have the Senator elucidate that point.

Mr. PALMER. I think it does.

Mr. CHANDLER. I agree with the Senator that there is nothing more wicked and atrocious than machine rule when it drives one out of office instead of driving him in [laughter], but the question with me is how the election of Senators by the people will disestablish the caucus and the machine? I do not think the Senator has made that point clear.

Mr. PALMER. Mr. President, I have said that the election of Senators by the people gives to the people the opportunity at least of criticising the acts of the machine, and that it gives them an opportunity, if they think proper to exercise it, to resist and resent the domination of machines. The Senator from New Hampshire speaks of the machine as being an inconvenient institution when it turns men out of office. That, of course, is a sentiment which the Senator must feel very deeply, and one which will occur to him no doubt, but does not occur to other men with the same degree of force.

I have never myself submitted to a machine; I have never yet allowed myself to be controlled by a machine. My political life has been a somewhat varied one. I think I have come into fashion about once every ten years; very much like Sir Roger de Coverley's garments, I go out of fashion and come into fashion every now and then. I am inclined to think now on Democratic lines that I am out of fashion. But there is another consolation I have, that I am no longer in the political field. I have for three-score years and ten, at least, played my part in the politics of my State and of this country. I have always acted according to the dictates of my own judgment. Some people speak of the blessings of enjoying one's opinions. I have struggled to be and act as a free man. I have reached that limit in human life when submission to the machine is not so attractive to me as it is to my friend from New Hampshire, who may feel necessities which I do not feel.

Mr. President, it will be found on investigating this question thoroughly, and, indeed, I predict now, that the chains which make parties despotic are falling from the limbs of the people of this country. During the war, when the preservation of the Union was everything, when under the terrible pressure of the hour men yielded everything for the sake of the great result, none of us was particular about means, about how ends were to be accomplished; the great end was kept steadily in view. After the war its resentments and its bitternesses chained men into political parties—made us the slaves of mere organizations. That time has passed. The country is at peace, the authority of the Union is restored to all parts of the Republic, and there is no vestige anywhere within the limits of the United States, between the oceans or between the Lakes and the Gulf, of an unpatriotic spirit.

We are all once more Americans, and we are all intent, and the people are intent, upon the consideration of the preservation of their constitutional Government and the promotion, under that constitutional Government, of their own highest interests. Conditions as they existed one hundred years ago or fifty years ago no longer exist. To-day the schoolhouse is found everywhere; the newspaper, inaccurate as much of its information is, invades every neighborhood, and men are wiser than they were. I say wiser without meaning any disparagement to our patriotic ancestors; but men know more. Inventions have taken place, marvelous changes have taken place which embarrass us by their extent and their marvelous influence, and the people of the country are beginning to reach that point at which they are leveled up. Yes, I repeat the expression, they are leveled up, and they are far more competent now to select their President. I should have no objection myself, while the autonomy of the States is retained, to the election of President and Vice-President by the people. I am attached to the autonomy of the States, to their independence and sovereignty, and I desire that they shall preserve their just authority; and within that limit I should be perfectly satisfied that the election of President should be accomplished by direct vote. There are difficulties about it, as, for instance, the adjustment of the respective votes of the States.

As to the expression that the Senator from New Hampshire quotes from me, that the electors are now the mere counters in the election of a President, the mere John Does and Richard Roes, they are merely used as a means of determining the relative power of the States in the electoral college, and I do not know that that could be improved. But on this point, this is a question where the people would seriously select their candidate for the Senate, and the plurality would elect as it ought in the election of all public officers and does in regard to all public officers.

So this proposition involves nothing novel which ought to alarm the most conservative. It is simply a question whether the legislature, which is charged with the duty of conserving the interests of the State, shall be also required to separate themselves from those great duties and continue the exercise of the power of choosing Senators. That the duties interfere with each other nobody can doubt, because if there were no political influences—I mean if the legislatures of the States were disconnected entirely from the election of Senators—they would be the representatives of the real and present interests of the people of the States. Now, whatever may be the wants or the necessities of the people of the States with respect to local legislation, the legislators are elected with reference to the vote they will cast for Senator, and thus these duties are made to conflict, and the national interests, the party interests, are so overwhelming in comparison with those of the people of the States, of the local interests, that a Democratic legislature, or a Republican legislature, or a Populist legislature, instead of consulting the interests for which they are elected assume at once the sphere and field of political action, and if they elect a

Senator who is satisfactory to the party in power all their shortcomings in regard to the interests of the people of their States are forgiven, unless indeed they should be guilty of some crime which would subject them to indictment. It is a mixture of authority and a confusion of duties from which the legislatures of the States ought to be relieved.

Mr. HILL and Mr. HAWLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New York [Mr. HILL] first addressed the Chair.

Mr. HAWLEY. If the Senator from New York will withhold his motion for a moment, I should like to say a few words on the pending bill.

Mr. HILL. I yield to the Senator.

Mr. HAWLEY. Of course I am not intending to take much of the Senate's time, but I should like to put on record my entire dissent, my vigorous dissent, from the Senators who are advocating the pending proposition to change the Constitution by providing for the election of Senators by the people.

The Senator from Illinois reminds me of one of the traditional stories of John Randolph, who, on some occasion like this, stretched his long form, threw forward his hand, and pointing with his skinny, long finger, lifted up his high-keyed voice and screamed, "Change is not reform." The American people have learned that, and it has been the general caution in considering constitutional changes. Certain it is that they have been made with exceeding deliberation and care. The amendments which followed speedily after the adoption of the Constitution have just been described, and I need not enlarge upon them. They were the deliberate judgment of the various States, and they were intended to supply what appeared to be simply broad general declarations, as in a bill of rights, and to more specifically describe reserved rights.

In the process proposed Senators would be chosen by a convention—if these gentlemen have their way, a popular convention. They are now chosen by a convention; and the question is, which is the more dignified and deliberate and safe body to which to refer this great question?

We all know what the popular State convention is. Each party would nominate in such a body a candidate for the Senate. How are the members of the convention chosen? A notice is put up that there will be a caucus at a hotel, or a schoolhouse, or a public hall at the county seat or in the township. How many attend? Perhaps 10 or 20, or in times of great excitement 50 per cent of the voters of the party.

They are the active party men, the young men out for a social afternoon or evening, and include the thoughtful schemers. Delegates are selected sometimes upon the nomination of a committee, sometimes by ballot. It is a compliment to be sent to the State convention, but it is by no means certain that a careful choice is made. Now, the millionaire or multimillionaire who is keen and a practiced hand and is determined to secure the convention, and will use money in large or small sums, according to the size of his State or the necessities of the case, has an enormous advantage. He can send his agents in advance or engage agents on the spot throughout the State to arrange for favorable delegations by packing caucuses.

Is not that so? Is not that a fair description of the manner in which a State convention can be and sometimes is controlled? Observe, it is a temporary affair, usually for a single day only. But there would be a far greater probability of selecting abler and truer men as candidates for the legislature.

But what is the other convention which now chooses a United States Senator? It is the legislature. The members of it are chosen at a formal election under the sanction of statutes, with a formidable list of careful restrictions as to how the voters shall be registered, how the ballots shall be printed, how they shall be received, how they shall be counted, and how the result shall be forwarded, and out of that comes the choice of a man to go to a convention that is to last a month or five months, as the case may be, according to the size of the State and the quantity of business. And it is a convention which has unlimited power to tax and is the maker of and mender of the whole body of laws.

It is a great deliberative convention, and to add to its dignity and secure the conservativeness, if I may say so, of the proceedings, the United States statute comes, without asking permission, into the legislature of the sovereign State, and regulates minutely the details of choosing a Senator. The election shall be held on the Tuesday after the meeting and organization of the legislature. The two houses assembled shall vote separately for him whom they would have to be their United States Senator. The next day the two houses meet in joint convention—a complete reconstruction of the old legislature, now, mind you, meeting as one body—and there the votes of the previous day are compared. If the two houses shall have agreed, then the election of a Senator is announced; if they shall not have agreed, they are to meet each day and give at least one ballot for their choice for Senator.

How can we lead the people—to use the old-fashioned New England phrase—how can we lead the people through a more deliberate and better-guarded process, a more conservative process, than this for choosing a Senator?

In the other case, the case of a nomination by a popular convention, there is no statutory sanction, no laws against double voting, no oath of office, no official record, no laws against bribery, no protection whatever be put around the vote. The whole affair is open to the rush and corruption, the unbarred and unpunished corruption of great popular assemblies.

I call attention to what you all know already, the extreme conservativeness of the Constitution of the United States. In many respects there is nowadays a rush and a cry in behalf of the people—"The people want this," "The people demand this," "Let this be referred to the people." Sir, the people made this conservative Constitution, with all its balances and checks, that their own hasty will or enthusiasm, their temporary passion, might have some check, some delay before taking the form of permanent statutes.

The choice of the electors of President and Vice-President was supposed to give a halting place for the will of the people; it was supposed that the electors would accept the trust and exercise an independent judgment, but that has become a fiction of law, yet not without its uses. Why, Mr. President, the Senate itself is one of those conservative interventions between the immediate expression of the will of the people and the final crowning of legislation. Why do not these gentlemen who talk so much about the will of the people, about referring measures to a popular vote, and all that, demand that the nation shall abolish the Senate and content itself with but one voice, and that the voice of the House of Representatives, who are called the strictly popular representatives of the people's will? Because the judgment of the wisest men in the world, not those of our great convention alone, but those of other countries, is that there ought to be two bodies, one, if possible, chosen for a longer term than the other, theoretically chosen from among men of rather more age and experience, and theoretically with a little more wisdom. And to them is given a longer term and the renewal of one-third only every two years. So this very Senate itself is one of those devices of the fathers for a halting, a stepping-stone, a place to consider, a check, a balance, before rushing popular action into final constitution and law.

I say with the Senator from New Hampshire, the longer I live the more I am amazed by those men striding about in that great convention of 1789 as if they had full knowledge of what was to happen in hundreds of years, and creating a Constitution which, as has often been said, is the greatest work of human hands. I would approach it with solemnity. I would hesitate long before I would change it. Of course nothing human is absolutely perfect, but there is nothing of human creation, in my judgment, so nearly perfect as that Constitution.

Now, a single lesson from history, a minor lesson from history in this matter. Our friends the enemy, the late Confederates, had a convention. They had a chance to make a complete constitution. What did they do? They took the old Constitution? What changes did they make in it? They did not content themselves with the present Democratic doctrine that protection by taxation is not permitted by the Constitution. They specifically prohibited it in their revised constitution. What else? They gave cabinet officers the right to sit in the two deliberative bodies. Now, if they made any other serious change, if those were not the two chief changes, my memory fails me. Does the Senator from Mississippi [Mr. WALTHALL] recollect anything further of consequence? There were some phrase changes besides. There were men in that convention who had seen all the errors, if there be such, all the defects and shortcomings of the old Constitution. They had a chance to make a perfect instrument. Did they change the method of electing Senators? They did not touch it. I doubt if they thought of it.

The present method, in my judgment, is the most conservative, the safest, the wisest. If I were to characterize this new process roughly with the freedom of the press, I should say that it was an attempt to provide that the United States Senate shall belong to rich and corrupt men.

Mr. HILL. Mr. President——

Mr. MITCHELL of Oregon. Will the Senator from New York yield to me a moment? We have made much more progress in the discussion of this important question to-day than I hoped we would be able to do. We have had a number of interesting speeches on both sides of the question. I do not know whether there is any disposition, in fact, upon the part of any Senator upon either side to discuss the measure further. If there is not, for one, I should be glad if we could come to a vote now in regard to the matter, but as I said before, if there is a disposition to discuss it further, then I would ask the unanimous consent of the Senate that the joint resolution go over until the next session and

be put down as the special order for the second Monday of December next. I ask unanimous consent that that be done.

The PRESIDING OFFICER. The Senator from Oregon asks unanimous consent that the joint resolution under consideration may be postponed until the next session and be made the special order for the second Monday of December at 2 o'clock. Is there objection? The Chair hears none, and that order is made.

CONTEMPTS OF COURT.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. The Chair had recognized the Senator from New York. He yielded to the Senator from Oregon.

Mr. HILL. I ask that the unfinished business be temporarily displaced to take up for consideration the bill (S. 2984) in relation to contempts of court.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent that the unfinished business may be further temporarily laid aside, and that the Senate proceed to the consideration of a bill which will be stated.

The SECRETARY. A bill (S. 9284) in relation to contempts of court.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The bill will be read.

Mr. ALDRICH. Mr. President——

Mr. HAWLEY. Will the Senator yield to me for morning business?

Mr. ALDRICH. Before the Senator proceeds——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Rhode Island?

Mr. HILL. Yes, sir.

Mr. ALDRICH. As the Senator's bill is a Senate bill and there are some important House bills that should be acted upon at this session, I ask the Senator from New York to yield to me to ask consent to take up a House bill which has been amended by the Senate committee, and which, I think, will not take any time.

Mr. HILL. I will yield.

IMPORTED PARCELS AND PACKAGES.

Mr. ALDRICH. I ask that House bill 6259 may be taken up.

The PRESIDING OFFICER. The Senator from Rhode Island asks unanimous consent that the Senate proceed to the consideration of a bill which will be read by title.

The SECRETARY. A bill (H. R. 6259) to expedite the delivery of imported parcels and packages not exceeding $500 in value.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. There are some matters requiring action in executive session. I move that the Senate proceed to the consideration of executive business.

Mr. HAWLEY. No; I trust not. Please let us transact some morning business.

Mr. WOLCOTT. Is this measure morning business?

Mr. HAWLEY. I have some morning business to present.

Mr. WOLCOTT. I supposed the Senator had finished. Of course I will give way for morning business.

Mr. ALDRICH. I hope the Senator from Colorado will allow this bill to be taken up and discussed. If there is any objection to it, of course I will not press it.

The PRESIDING OFFICER. The Senator from Colorado moves that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

The PRESIDING OFFICER. Is there objection to the consideration of the bill indicated by the Senator from Rhode Island?

Mr. WOLCOTT. I object, Mr. President.

The PRESIDING OFFICER. The Senator from Colorado objects to the consideration of the bill for which unanimous consent is asked.

Mr. ALDRICH. I move that the Senate proceed to the consideration of the bill. I will state that I do not expect to continue the discussion of it.

Mr. LODGE. I should like to ask if that would displace the unfinished business?

The PRESIDING OFFICER. The Chair will state the question. Objection having been made, the Senator from Rhode Island moves that the Senate now proceed to the consideration of the bill indicated by him.

Mr. ALDRICH. I will state that I do not intend to keep the bill before the Senate if it leads to long discussion. I should like to have an opportunity to have it considered for a few minutes in order that I may make a statement of the purposes of the bill and the reasons why I desire to have it acted upon.

Mr. LODGE. I ask if that would have the effect of displacing the unfinished business?

The PRESIDING OFFICER. If the motion should prevail the Chair understands that it would displace the unfinished business.

Mr. LODGE. I trust that will not be done.

Mr. WOLCOTT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Davis,	Lodge,	Pugh,
Bate,	Dubois,	Mitchell, Oreg.	Quay,
Berry,	Elkins,	Mitchell, Wis.	Sewell,
Brice,	Gallinger,	Morgan,	Shoup,
Brown,	Gear,	Nelson,	Smith,
Butler,	George,	Palmer,	Squire,
Cannon,	Hale,	Pasco,	Turpie,
Chandler,	Hansbrough,	Peffer,	Walthall,
Chilton,	Harris,	Perkins,	Warren,
Clark,	Hawley,	Pettigrew,	Wolcott.
Cockrell,	Hill,	Platt,	
Cullom,	Lindsay,	Pritchard,	

The PRESIDING OFFICER. Forty-six Senators have answered to their names. A quorum is present.

Mr. HALE. It is evident that we can do nothing to-night. We have been sitting very late during all the week. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 6 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 6, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 5, 1896.*

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The SPEAKER. The Clerk will cause the Journal of the preceding session to be read.

Mr. KEM. Mr. Speaker, I make a point of no quorum.

The SPEAKER (after counting the House and a quorum appearing). The Clerk will read the Journal.

The Journal of yesterday's proceedings was read.

The SPEAKER. The question is on approving the Journal.

Mr. BROMWELL. Mr. Speaker, the Clerk, as he read the Journal, made it appear that the gentleman from New Jersey [Mr. LOUDENSLAGER] asked to have the bill relating to the relief of John Cahill referred to the Committee on Invalid Pensions. It was I who made that motion, having introduced the bill.

The SPEAKER. The correction will be made.

The Journal was approved.

SPECIAL ORDER FOR SATURDAY.

Mr. HENDERSON. I offer a privileged resolution, which I send to the Clerk's desk.

The Clerk read as follows;

The Committee on Rules, to whom was referred resolution No. 376, have had the same under consideration and report the following substitute therefor:

Resolved, That on Saturday, June 6, 1896, it shall be in order for individual members to move to suspend the rules, under the regulations and requirements of Rule XXVIII.

The resolution was agreed to.

ORDER OF BUSINESS.

Mr. STRODE of Nebraska. Mr. Speaker, I now move the previous question upon the contested-election case of Martin *vs.* Lockhart. I am requested to yield a moment, however, to the gentleman from Ohio [Mr. GROSVENOR] before asking a vote on the question.

EMPLOYEES IN THE DEPARTMENTS, ETC.

Mr. GROSVENOR. Mr. Speaker, I desire to call up House resolution numbered 357.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish to the House of Representatives the following information, to wit:

First. The number of bureau officers, chiefs of division, clerks, and employees of every grade who were employed in the Treasury Department on the 4th day of March, 1893, and who have since been removed, or have died, or have resigned, separately stating the numbers of the several grades of clerkships, and separately stating those holding positions in the classified service under the civil-service law and those not in the classified service.

Second. The number, by the same designation of grades, of those appointed in the Treasury Department since the said date, with the same classification, to wit, those who have received appointments under the civil-service rules and those appointed not under the civil-service rules.

Third. The number of employees, clerks, chiefs of division, and other officers of the Treasury Department who were appointed during said period without civil-service examination and civil-service rules and who are now covered by the orders of the President extending the civil-service law, rules, and regulations to the employees of said Department.

Mr. GROSVENOR. Mr. Speaker, there is a substitute. I ask that the substitute be read.

The Clerk read as follows:

Resolved, That the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Attorney-General, the Postmaster-General, the Secretary of the Navy, the Secretary of the Interior, and the Secretary of Agriculture be, and they are hereby, directed to furnish the House of Representatives the following information, to wit:

First. The number, names, salary of each, and the States to which they are credited, of all bureau officers, chiefs of division, clerks, and employees of every grade who were employed in their respective Departments on the 4th day of March, 1893, and who have since been removed or reduced in salary, or who have died or resigned, stating the same in classes according to grade and salary, and stating also, separately, those who were in the classified and those who were in the unclassified service.

Second. The number, names, salary of each, and the States to which they are credited, of all officers and employees of the classes above named who have been appointed or promoted to positions in their respective Departments since the 4th day of March, 1893, stating, separately, those in the classified and those in the unclassified service.

Third. The number, names, salary of each, and the States to which they are credited, of all the ex-Union soldiers in their respective Departments who have been appointed, promoted, reduced, or removed, stating them separately, or who have resigned or died, since the 4th day of March, 1893.

Mr. GROSVENOR. Mr. Speaker, the original resolutions were addressed to each of the Departments of the Government separately. The Committee on Reform in the Civil Service have reported back a substitute for one of the resolutions, and have made the substitute broad enough to cover all of the Departments, so that it will obviate the necessity or propriety of acting on the several resolutions which were introduced. This resolution is simply to make certain inquiries which can not be answered at the present session of Congress doubtless, but which will afford the country some knowledge of how skillfully and adroitly matters are being carried on in the interest of the enthronement of civil-service reform. Upon the adoption of this resolution I demand the previous question.

Mr. DOCKERY. I hope we shall have order, Mr. Speaker, so that we can hear the gentleman.

The SPEAKER. The gentleman asks for the previous question.

Mr. DOCKERY. Mr. Speaker, I hope that the gentleman will not call for the previous question at this time, because I desire to offer an amendment to the resolution.

Mr. GROSVENOR. I insist on the previous question.

Mr. DOCKERY. I ask my friend from Ohio——

Mr. GROSVENOR. I should like to accommodate my friend, but in the present condition of business I dislike to have any amendment offered to so pertinent a resolution.

Mr. DOCKERY. Will the gentleman allow me to state what the amendment is?

Mr. GROSVENOR. The gentleman can offer his as a separate resolution. I will support it without knowing what it is.

Mr. McMILLIN. I believe my friend from Missouri is a member of the committee.

Mr. DOCKERY. I am a member of the committee, in good standing, too, let me say. [Laughter.] I should like to have the privilege of offering the amendment. I ask the gentleman to let me read the amendment, and then perhaps he will accept it. I desire to strike out, in line 11 of the resolution, the words "ninety-three," so that the resolution will read "March 4, 1889." In other words, I desire to secure a statement from the Departments of all the removals since March 4, 1889, and covering the period to which the gentleman refers. The resolution, as it now stands, is under the suspicion of being a partisan resolution, and I know my nonpartisan friend——

Mr. GROSVENOR. Oh, nobody would believe that if it were stated. [Laughter.]

Mr. DOCKERY. I know my friend does not desire the resolution to be subject to any such suspicion.

Mr. CANNON. Why not go back to 1883?

Mr. DOCKERY. No; I want to go back to 1889, so that we can cover the period from March 4, 1889, to March 4, 1893, and show the removals made under the last Administration. Now, it is alleged—of course I would not state it here—that the civil-service rules were suspended in the Post-Office Department for the purpose of turning out 1,700 Democrats.

Mr. McMILLIN. Twenty-one hundred.

Mr. GROSVENOR. Oh, I can not yield for a speech.

Mr. DOCKERY. I believe the number was 2,100. That is the allegation of some wicked Democrat, especially this Democrat from Tennessee who has just made it.

Mr. GROSVENOR. That is a wicked Democrat. You have got the right man. [Laughter.]

Mr. DOCKERY. This amendment if agreed to will allow the late Republican Administration to vindicate itself from that aspersion just made by the gentleman from Tennessee [Mr. McMILLIN]. [Laughter.]

Mr. GROSVENOR. Mr. Speaker, I decline to further continue debate on this subject. I want to preserve the pristine purity of my resolution.

Mr. DOCKERY. Then the gentleman denies me an opportunity to offer an amendment.

Mr. GROSVENOR. Let your proposition stand on its own merits. It has merit.

Mr. DOCKERY. Let the House have a vote on it.

Mr. McMILLIN. Surely the gentleman would not in a matter which was brought up two or three weeks ago debate it for two or three minutes so that debate could not be had after the previous question was ordered, and also thereby cut off an opportunity for offering amendments?

Mr. GROSVENOR. I did it for that express purpose.

Mr. McMILLIN. You did it for that purpose! I am glad you are bold enough to state that.

Mr. GROSVENOR. You would have understood it that way if I had denied it. [Laughter.]

Mr. McMILLIN. I am glad also—— [Renewed laughter.]

Mr. DOCKERY. The country understands the gentleman's purpose.

Mr. McMILLIN. The country understands your proposition.

The SPEAKER. The gentleman from Ohio demands the previous question.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. McMILLIN and Mr. DOCKERY. Division.

The House divided; and there were—ayes 146, noes 40.

Mr. McMILLIN. Let us have the yeas and nays on that. If we are to be cut off from debate we will have a little opportunity to meditate, at least.

The SPEAKER. The gentleman from Tennessee is not in order.

Mr. McMILLIN. I will try to make myself in order. I demand the yeas and nays. I will conform myself to the most fastidious requirement.

The yeas and nays were ordered.

The question was taken; and there were—yeas 170, nays 53, not voting 131; as follows:

YEAS—170.

Acheson,	Dovener,	Jenkins,	Scranton,
Adams,	Draper,	Johnson, Cal.	Shafroth,
Aldrich, Ala.	Eddy,	Johnson, N. Dak.	Shannon,
Allen, Utah	Ellis,	Kerr,	Sherman,
Anderson,	Evans,	Kiefer,	Shuford,
Andrews,	Fairchild,	Kirkpatrick,	Simpkins,
Arnold, Pa.	Faris,	Knox,	Skinner,
Arnold, R. I.	Fenton,	Kulp,	Smith, Ill.
Avery,	Fischer,	Lacey,	Southard,
Baker, Kans.	Fletcher,	Lefever,	Spalding,
Baker, Md.	Gamble,	Leighty,	Sperry,
Baker, N. H.	Gardner,	Leonard,	Stahle,
Barney,	Gibson,	Linney,	Stewart, N. J.
Belknap,	Gillet, N. Y.	Linton,	Stewart, Wis.
Bennett,	Goodwyn,	Long,	Stone, C. W.
Bishop,	Graff,	Mahon,	Strode, Nebr.
Black, N. Y.	Griffin,	Marsh,	Strong,
Blue,	Griswold,	McCall, Tenn.	Strowd, N. C.
Boutelle,	Grosvenor,	McClure,	Sulloway,
Brewster,	Grow,	McCormick,	Taft,
Broderick,	Hager,	McLachlan,	Tawney,
Bromwell,	Hainer, Nebr.	Mercer,	Tayler,
Brown,	Halterman,	Miller, W. Va.	Thomas,
Bull,	Hardy,	Milliken,	Thorp,
Burton, Mo.	Harmer,	Milnes,	Tracewell,
Burton, Ohio	Harris,	Minor, Wis.	Tracey,
Calderhead,	Hartman,	Mitchell,	Treloar,
Cannon,	Hatch,	Mondell,	Updegraff,
Chickering,	Hemenway,	Noonan,	Van Horn,
Clark, Iowa	Henderson,	Otjen,	Walker, Mass.
Clark, Mo.	Henry, Conn.	Overstreet,	Walker, Va.
Coffin,	Henry, Ind.	Parker,	Wanger,
Cook, Wis.	Hepburn,	Payne,	Warner,
Cooke, Ill.	Hicks,	Pearson,	Watson, Ohio
Cooper, Wis.	Hilborn,	Phillips,	Wilber,
Crowther,	Hill,	Pitney,	Willis,
Crump,	Howe,	Poole,	Wilson, Idaho
Curtis, Kans.	Howell,	Powers,	Wilson, N. Y.
Daniels,	Hubbard,	Prince,	Wilson, Ohio
Dayton,	Hulick,	Pugh,	Wood,
Dingley,	Huling,	Raney,	Wright.
Dolliver,	Hunter,	Reeves,	
Doolittle,	Hurley,	Russell, Conn.	

NAYS—53.

Abbott.	Dockery,	McCulloch,	Sparkman,
Allen, Miss.	Downing,	McDearmon,	Stallings,
Bailey,	Erdman,	McMillin,	Sulzer,
Bartlett, N. Y.	Fitzgerald,	McRae,	Swanson,
Bell, Tex.	Hall,	Meredith,	Talbert,
Black, Ga.	Harrison,	Money,	Tate,
Buck,	Hart,	Ogden,	Terry,
Catchings,	Hendrick,	Otey,	Turner, Ga.
Clardy,	Jones,	Owens,	Underwood,
Clarke, Ala.	Kleberg,	Pendleton,	Woodard,
Cobb,	Layton,	Robertson, La.	Yoakum.
Cooper, Tex.	Lester,	Russell, Ga.	
Culberson,	Little,	Sayers,	
Cummings,	McCreary, Ky.	Sorg,	

NOT VOTING—131.

Aitken,	Bowers,	Crowley,	Grout,
Aldrich, Ill.	Brosius,	Curtis, Iowa	Hadley,
Apsley,	Brumm,	Curtis, N. Y.	Hanly,
Atwood,	Burrell,	Dalzell,	Heatwole,
Babcock,	Cockrell,	Danford,	Heiner, Pa.
Bankhead,	Codding,	De Armond,	Hermann,
Barham,	Colson,	Denny,	Hitt,
Barrett,	Connolly,	De Witt,	Hooker,
Bartholdt,	Cooper, Fla.	Dinsmore,	Hopkins,
Bartlett, Ga.	Corliss,	Ellett,	Howard,
Beach,	Cousins,	Foote,	Huff,
Bell, Colo.	Cowen,	Foss,	Hull,
Berry,	Cox,	Fowler,	Hutcheson,
Bingham,	Crisp,	Gillett, Mass.	Hyde,

Johnson, Ind.	McCleary, Minn.	Patterson,	Stephenson,
Joy,	McClellan,	Perkins,	Stone, W. A.
Kem,	McEwan,	Pickler,	Strait,
Kendall,	McLaurin,	Price,	Towne,
Kyle,	Meiklejohn,	Quigg,	Tucker,
Latimer,	Meyer,	Ray,	Turner, Va.
Lawson,	Miles,	Reyburn,	Tyler,
Leisenring,	Miller, Kans.	Richardson,	Van Voorhis,
Lewis,	Miner, N. Y.	Robinson, Pa.	Wadsworth,
Livingston,	Moody,	Royse,	Washington,
Lockhart,	Morse,	Rusk,	Watson, Ind.
Lorimer,	Moses,	Sauerhering,	Wellington,
Loud,	Mozley,	Settle,	Wheeler,
Loudenslager,	Murphy,	Shaw,	White,
Low,	Murray,	Smith, Mich.	Williams,
Maddox,	Neill,	Snover,	Wilson, S. C.
Maguire,	Newlands,	Southwick,	Woodman,
Mahany,	Northway,	Spencer,	Woomer.
McCall, Mass.	Odell,	Steele,	

So the previous question was ordered.

The following pairs were announced:

Until further notice:

Mr. DALZELL with Mr. CRISP.

Mr. GILLETT of Massachusetts with Mr. COWEN.

Mr. BURRELL with Mr. COCKRELL.

Mr. STEPHENSON with Mr. NEILL.

Mr. STEELE with Mr. MCCLELLAN.

Mr. HEATWOLE with Mr. DINSMORE.

Mr. BARTHOLDT with Mr. DENNY.

Mr. MCCALL of Massachusetts with Mr. DE ARMOND.

Mr. FOSS with Mr. MCLAURIN.

Mr. NORTHWAY with Mr. PRICE.

Mr. COUSINS with Mr. LIVINGSTON.

Mr. BOWERS with Mr. MINER of New York.

Mr. SNOVER with Mr. MADDOX.

Mr. CORLISS with Mr. MOSES.

Mr. JOHNSON of Indiana with Mr. COX.

Mr. PICKLER with Mr. MILES.

Mr. BARHAM with Mr. KYLE.

Mr. MEIKLEJOHN with Mr. CROWLEY.

Mr. FOOTE with Mr. HUTCHESON.

Mr. COLSON with Mr. KENDALL.

Mr. WILLIAM A. STONE with Mr. LAWSON.

Mr. HICKS with Mr. SPENCER.

Mr. HITT with Mr. WASHINGTON (except Underwood case).

Mr. ROYSE with Mr. TURNER of Virginia (except Tucker-Yost election case).

Mr. SMITH of Michigan with Mr. BERRY.

On this question:

Mr. LEWIS with Mr. TYLER.

Mr. HOOKER with Mr. COOPER of Florida.

Mr. LOUD with Mr. WILSON of South Carolina.

Mr. BINGHAM with Mr. WHEELER.

Mr. VAN VOORHIS with Mr. WILLIAMS.

For this day:

Mr. BRUMM with Mr. ELLETT.

Mr. PERKINS with Mr. MEYER.

Mr. MCCLEARY of Minnesota with Mr. RUSK.

Mr. LEISENRING with Mr. TUCKER.

Mr. CURTIS of Iowa with Mr. RICHARDSON.

The result of the vote was then announced as above recorded.

Mr. DOCKERY. Mr. Speaker, I move to recommit the resolution to the Committee on the Civil Service, with instructions to report it back to the House with the words "ninety-three," in line 11, stricken out, and the words "eighty-nine" substituted therefor.

The question being taken on the motion to recommit, the Speaker announced that the noes seemed to have it.

Mr. DOCKERY. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 61, nays 163, not voting 130; as follows:

YEAS—61.

Abbott,	Cummings,	McCreary, Ky.	Sparkman,
Allen, Miss.	Dockery,	McCulloch,	Stallings,
Bailey,	Erdman,	McDearmond,	Strowd, N. C.
Bankhead,	Fitzgerald,	McMillin,	Sulzer,
Bartlett, N. Y.	Hall,	McRae,	Swanson,
Bell, Colo.	Harrison,	Meredith,	Talbert,
Bell, Tex.	Hart,	Money,	Tate,
Berry,	Hendrick.	Ogden,	Terry,
Black, Ga.	Jones,	Otey,	Turner, Ga.
Buck,	Kem,	Owens,	Underwood,
Catchings,	Kleberg,	Patterson,	Williams,
Clardy,	Latimer,	Pendleton,	Woodard,
Clarke, Ala.	Layton,	Robertson, La.	Yoakum.
Cobb,	Lester,	Sayers,	
Cooper, Tex.	Little,	Shuford,	
Culberson,	Maguire,	Skinner,	

NAYS—163.

Acheson,	Arnold, R. I.	Bennett,	Bull,
Adams,	Avery,	Bishop,	Burton, Mo.
Aldrich, Ala.	Baker, Md.	Black, N. Y.	Burton, Ohio
Allen, Utah	Baker, N. H.	Brewster,	Calderhead,
Anderson,	Barney,	Broderick,	Cannon,
Andrews,	Beach,	Bromwell,	Chickering,
Arnold, Pa.	Belknap,	Brown,	Clark, Iowa
Clark, Mo.	Halterman,	Marsh,	Shannon,
Coffin,	Hardy,	McCall, Tenn.	Sherman,
Connolly,	Harmer,	McClure,	Simpkins,
Cook, Wis.	Hartman,	McCormick,	Smith, Ill.
Cooke, Ill.	Hatch,	McEwan,	Southard,
Crowther,	Hemenway,	McLachlan,	Spalding,
Crump,	Henry, Conn.	Mercer,	Sperry,
Curtis, Iowa	Henry, Ind.	Miller, W. Va.	Stahle,
Curtis, Kans.	Hepburn,	Milliken,	Stewart, N. J.
Daniels,	Hicks,	Milnes,	Stewart, Wis.
Dayton,	Hilborn,	Minor, Wis.	Stone, C. W.
Dingley,	Hill,	Mitchell,	Strode, Nebr.
Dolliver,	Howe,	Mondell,	Strong,
Doolittle,	Howell,	Mozley,	Sulloway,
Dovener,	Hulick,	Murphy,	Tawney,
Draper,	Huling,	Murray,	Tayler,
Eddy,	Hunter,	Noonan,	Thomas,
Ellis,	Hurley,	Otjen,	Thorp,
Evans,	Jenkins,	Overstreet,	Tracewell,
Fairchild,	Johnson, Cal.	Parker,	Treloar,
Faris,	Johnson, N. Dak.	Payne,	Updegraff,
Fenton,	Kerr,	Pearson,	Van Horn,
Fischer,	Kiefer,	Phillips,	Walker, Mass.
Fletcher,	Kirkpatrick,	Pitney,	Walker, Va.
Gamble,	Knox,	Poole,	Wanger,
Gibson,	Lacey,	Powers,	Warner,
Graff,	Lefever,	Prince,	Watson, Ohio
Griffin,	Leighty,	Pugh,	Wellington,
Griswold,	Leonard,	Raney,	Wilber,
Grosvenor,	Linton,	Reeves,	Wilson, Idaho
Grout,	Long,	Russell, Conn.	Wilson, N. Y.
Grow,	Loudenslager,	Russell, Ga.	Wood.
Hager,	Mahany,	Scranton,	Wright.
Hainer, Nebr.	Mahon,	Shafroth,	

NOT VOTING—130.

Aitken,	De Witt,	Leisenring,	Royse,
Aldrich, Ill.	Dinsmore,	Lewis,	Rusk,
Apsley,	Downing,	Linney,	Sauerhering,
Atwood,	Ellett,	Livingston,	Settle,
Babcock,	Foote,	Lockhart,	Shaw,
Baker, Kans.	Foss,	Lorimer,	Smith, Mich.
Barham,	Fowler,	Loud,	Snover,
Barrett,	Gardner,	Low,	Sorg,
Bartholdt,	Gillet, N. Y.	Maddox,	Southwick,
Bartlett, Ga.	Gillett, Mass.	McCall, Mass.	Spencer,
Bingham,	Goodwyn,	McCleary, Minn.	Steele,
Blue,	Hadley,	McClellan,	Stephenson,
Boutelle,	Haily,	McLaurin,	Stone, W. A.
Bowers,	Harris,	Meiklejohn,	Strait,
Brosius,	Heatwole,	Meyer,	Taft,
Brumm,	Heiner, Pa.	Miles,	Towne,
Burrell,	Henderson,	Miller, Kans.	Tracey,
Cockrell,	Hermann,	Miner, N. Y.	Tucker,
Codding,	Hitt,	Moody,	Turner, Va.
Colson,	Hooker,	Morse,	Tyler,
Cooper, Fla.	Hopkins,	Moses,	Van Voorhis,
Cooper, Wis.	Howard,	Neill,	Wadsworth,
Corliss,	Hubbard,	Newlands,	Washington,
Cousins,	Huff,	Northway,	Watson, Ind.
Cowen,	Hull,	Odell,	Wheeler,
Cox,	Hutcheson,	Perkins,	White,
Crisp,	Hyde,	Pickler,	Willis,
Crowley,	Johnson, Ind.	Price,	Wilson, Ohio
Curtis, N. Y.	Joy,	Quigg,	Wilson, S. C.
Dalzell,	Kendall,	Ray,	Woodman,
Danford,	Kulp,	Reyburn,	Woomer.
De Armond,	Kyle,	Richardson,	
Denny,	Lawson,	Robinson, Pa.	

So the motion to recommit was rejected.

The question being taken on the adoption of the substitute reported from the committee, there were—ayes 111, noes 50.

Mr. MCMILLIN. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 167, nays 48, not voting 139; as follows:

YEAS—167.

Adams,	Cooper, Wis.	Hardy,	McCall, Tenn.
Aldrich, Ala.	Crowther,	Hatch,	McClure,
Anderson,	Crump,	Hemenway,	McCormick,
Andrews,	Curtis, Kans.	Henderson,	McEwan,
Arnold, Pa.	Daniels,	Henry, Conn.	McLachlan,
Arnold, R. I.	Dayton,	Henry, Ind.	Mercer,
Atwood,	Dingley,	Hepburn,	Miller, W. Va.
Avery,	Dolliver,	Hicks,	Milliken,
Baker, Kans.	Doolittle,	Hilborn,	Milnes,
Baker, Md.	Dovener,	Hill,	Minor, Wis.
Baker, N. H.	Draper,	Hopkins,	Mitchell,
Barney,	Eddy,	Howe,	Mondell,
Beach,	Ellis,	Howell,	Mozley,
Belknap,	Evans,	Hubbard,	Murphy,
Bennett,	Fairchild,	Hulick,	Murray,
Berry,	Faris,	Huling,	Noonan,
Bishop,	Fenton,	Hurley,	Otjen,
Black, N. Y.	Fischer,	Jenkins,	Overstreet,
Blue,	Fletcher,	Johnson, Cal.	Parker,
Boutelle,	Gamble,	Johnson, N. Dak.	Payne,
Brewster,	Gardner,	Joy,	Pearson,
Broderick,	Gibson,	Kerr,	Phillips,
Bromwell,	Gillet, N. Y.	Kiefer,	Pitney,
Brown,	Goodwyn,	Kirkpatrick,	Poole,
Bull,	Graff,	Knox,	Powers,
Burton, Mo.	Griffin,	Lacey,	Prince,
Burton, Ohio	Griswold,	Lefever,	Pugh,
Calderhead,	Grosvenor,	Leighty,	Raney,
Cannon,	Grout,	Linney,	Reeves,
Chickering,	Grow,	Linton,	Reyburn,
Clark, Iowa	Hadley,	Long,	Russell, Conn.
Clark, Mo.	Hager,	Loudenslager,	Scranton,
Coffin,	Hainer, Nebr.	Mahany,	Shannon,
Connolly,	Halterman,	Mahon,	Sherman,
Simpkins,	Strong,	Updegraff,	Willis,
Smith, Ill.	Sulloway,	Van Horn,	Wilson, Idaho
Southard,	Taft,	Walker, Mass.	Wilson, N. Y.
Sperry,	Tawney,	Walker, Va.	Wilson, Ohio
Stahle,	Tayler,	Wanger,	Wood,
Stewart, Wis.	Thomas,	Warner,	Woodman,
Stone, C. W.	Tracewell,	Watson, Ohio	Wright.
Strode, Nebr.	Tracey,	Wellington,	

NAYS—48.

Allen, Miss.	Erdman,	McCreary, Ky.	Russell, Ga.
Bankhead,	Fitzgerald,	McDearmon,	Sayers,
Bartlett, N. Y.	Hall,	McMillin,	Sparkman,
Bell, Tex.	Harrison,	McRae,	Stallings,
Black, Ga.	Hart,	Meredith,	Sulzer,
Buck,	Hendrick,	Money,	Talbert,
Catchings,	Jones,	Ogden,	Tate.
Clardy,	Kleberg,	Otey,	Terry,
Clarke, Ala.	Latimer,	Owens,	Turner, Ga.
Cooper, Fla.	Layton,	Patterson,	Williams,
Culberson,	Lester,	Pendleton,	Woodard,
Dockery,	Little,	Robertson, La.	Yoakum.

NOT VOTING—139.

Abbott,	Danford,	Livingston,	Settle,
Acheson,	De Armond,	Lockhart,	Shafroth,
Aitken,	Denny,	Lorimer,	Shaw,
Aldrich, Ill.	De Witt,	Loud,	Shuford,
Allen, Utah,	Dinsmore,	Low,	Skinner,
Apsley,	Downing,	Maddox,	Smith, Mich.
Babcock,	Ellett,	Maguire,	Snover,
Bailey,	Foote,	Marsh,	Sorg,
Barham,	Foss,	McCall, Mass.	Southwick,
Barrett,	Fowler,	McCleary, Minn.	Spalding,
Bartholdt,	Gillett, Mass.	McClellan,	Spencer,
Bartlett, Ga.	Hanly,	McCulloch,	Steele,
Bell, Colo.	Harmer,	McLaurin,	Stephenson,
Bingham,	Harris,	Meiklejohn,	Stewart, N. J.
Bowers,	Hartman,	Meyer,	Stone, W. A.
Brosius,	Heatwole,	Miles,	Strait,
Brumm,	Heiner, Pa.	Miller, Kans.	Strowd, N. C.
Burrell,	Hermann,	Miner, N. Y.	Swanson,
Cobb,	Hitt,	Moody,	Thorp,
Cockrell,	Hooker,	Morse,	Towne,
Codding,	Howard,	Moses,	Treloar,
Colson,	Huff,	Neill,	Tucker,
Cook, Wis.	Hull,	Newlands,	Turner, Va.
Cooke, Ill.	Hunter,	Northway,	Tyler,
Cooper, Tex.	Hutcheson,	Odell,	Underwood,
Corliss,	Hyde,	Perkins,	Van Vorhis,
Cousins,	Johnson, Ind.	Pickler,	Wadsworth,
Cowen,	Kem,	Price,	Washington,
Cox,	Kendall,	Quigg,	Watson, Ind.
Crisp,	Kulp,	Ray,	Wheeler,
Crowley,	Kyle,	Richardson,	White,
Cummings,	Lawson,	Robinson, Pa.	Wilber,
Curtis, Iowa	Leisenring,	Royse,	Wilson, S. C.
Curtis, N. Y.	Leonard,	Rusk,	Woomer.
Dalzell,	Lewis,	Sauerhering,	

So the resolution was adopted.

Mr. BAILEY. I desire to know whether I am recorded. If not, I desire to announce my presence if necessary to make a quorum.

The SPEAKER pro tempore. The gentleman is not recorded. His announcement that he is present will appear in the RECORD.

The result of the vote was announced as above stated.

Mr. GROSVENOR. I move to reconsider the last vote and also move that the motion to reconsider be laid on the table.

The SPEAKER pro tempore. If there be no objection, the motion to reconsider will be laid on the table.

Mr. MCMILLIN. On that question we want a vote.

The SPEAKER pro tempore (having put the question on laying on the table the motion to reconsider). The ayes seem to have it.

Mr. MCMILLIN. Let us have a division.

Mr. GROSVENOR. I withdraw the motion.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2989) to increase the pension of Caroline S. Baker;

A bill (S. 3216) donating condemned cannon and condemned cannon balls to the Wyoming State Soldiers' Home, at Cheyenne, Wyo., and for other purposes;

A bill (S. 2923) for the better improvement of the Government reservation at the city of Fort Smith, in the State of Arkansas, and for other purposes;

A bill (S. 2742) for the relief of Charles Fletcher, alias James H. Mitchell;

A bill (S. 2334) construing the acts of Congress in relation to the award of life-saving medals;

A bill (S. 1785) for the correction of muster of Adolph von Haake, late major Sixty-eighth Regiment Veteran Volunteer Infantry;

A bill (S. 1551) granting a pension to Mrs. Selena McKay, of Suwanee County, Fla.;

A bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry;

A bill (S. 1488) to provide for the payment of the claim of Christian M. Kirkpatrick for paving the street adjacent to the United States arsenal at Indianapolis, Ind.;

A bill (S. 1277) to place Henry Biederbick, Julius R. Frederick, Francis Long, and Maurice Connell on the retired list of enlisted men of the Army; and

A bill (S. 915) for the relief of Sarah R. Dresser.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 8469) to authorize the Baltimore and Washington Transit Company of Maryland to enter the District of Columbia;

A bill (H. R. 4888) for the relief of George Hager;

A bill (H. R. 7919) granting a site for the erection and maintenance of a charity hospital by the city of Biloxi, Miss.;

A bill (H. R. 956) for the relief of Sophia Sparks and Julia C. Sparks, of Annapolis, Md.;

A bill (H. R. 4921) to relieve the North Georgia Agricultural College from the payment of $450 for damaged gun;

A bill (H. R. 5258) granting an honorable discharge to John B. Besler;

A bill (H. R. 5279) granting a pension to Jerusha H. Brown; and

A bill (H. R. 6607) for the relief of Helen Larned.

The message also announced that the Senate had passed with amendments the bill (H. R. 8262) authorizing and directing the Secretary of the Navy to furnish condemned cannon to certain Grand Army posts, a monument association, and army post; in which the concurrence of the House was requested.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 1189) granting a pension to Eliza Sandford.

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That the local United States engineers in the State of California, under the direction of the Chief of Engineers of the United States, be, and they are hereby, authorized and directed to examine and survey Mormon Channel and Calaveras River, in the said State of California, with special reference to a dam at Bellota and cut-offs in the San Joaquin River below the city of Stockton, Cal., and to report the result thereof to the Chief of Engineers of the United States as speedily as possible.

Also:

Resolved by the Senate (the House of Representatives concurring), That there be printed 1,000 additional copies of part 2, together with its accompanying atlas, of Senate Document No. 137, of the Fifty-fourth Congress, first session, for the use of the United States Fish Commission.

Also:

Resolved by the Senate (the House of Representatives concurring), That the Public Printer is hereby authorized and directed to print 2,200 extra copies of the report of Leonhard Stejneger on the Russian fur-seal islands, being Article I of the Bulletin of the United States Fish Commission for 1896. Of the said number of copies, 500 shall be for the use of the Senate, 1,000 for the House, 500 for the use of the Treasury Department, and 200 for the use of the Fish Commission.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That there be printed 10,000 copies each of the majority and minority reports of the Committee on Ways and Means concerning reciprocity and commercial treaties, and also 10,000 copies of the hearings before the subcommittee of said Committee on Ways and Means on reciprocity and commercial treaties; 3,000 copies of said reports and hearings for the use of the Senate and 7,000 copies for the use of the House of Representatives.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and resolutions were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 915) for the relief of Sarah R. Dresser—to the Committee on Indian Affairs.

A bill (S. 1277) to place Henry Biederbick, Julius R. Frederick, Francis Long, and Maurice Connell on the retired list of enlisted men of the Army—to the Committee on Military Affairs.

A bill (S. 1488) to provide for the payment of the claim of Christian M. Kirkpatrick for paving the street adjacent to the United States arsenal at Indianapolis, Ind.—to the Committee on Claims.

A bill (S. 2923) for the better improvement of the Government reservation at the city of Fort Smith, in the State of Arkansas, and for other purposes—to the Committee on the Public Lands.

A bill (S. 1551) granting a pension to Mrs. Selena McKay, of Suwanee County, Fla.—to the Committee on Pensions.

A bill (S. 1785) for the correction of muster of Adolph von Haake, late major Sixty-eighth Regiment Veteran Volunteer Infantry—to the Committee on War Claims.

A bill (S. 2334) construing the acts of Congress in relation to the award of life-saving medals—to the Committee on Interstate and Foreign Commerce.

A bill (S. 3216) donating condemned cannon and condemned cannon balls to the Wyoming State Soldiers' Home, at Cheyenne, Wyo., and for other purposes—to the Committee on Naval Affairs.

A bill (S. 2742) for the relief of Charles Fletcher, alias James H. Mitchell—to the Committee on Military Affairs.

A bill (H. R. 8262) authorizing and directing the Secretary of the Navy to furnish condemned cannon to certain Grand Army posts, a monument association, and army post, with Senate amendments—to the Committee on Naval Affairs.

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring), That the Public Printer is hereby authorized and directed to print 2,200 extra copies of the report of Leonhard Stejneger on the Russian fur-seal islands, being article 1 of the Bulletin of the United States Fish Commission for 1896. Of the said number of copies 500 shall be for the use of the Senate, 1,000 for the House, 500 for the use of the Treasury Department, and 200 for the use of the Fish Commission.

To the Committee on Printing.

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring), That there be printed 1,000 additional copies of Part II, together with its accompanying atlas, of Senate Document No. 137 of the Fifty-fourth Congress, first session, for the use of the United States Fish Commission.

To the Committee on Printing.

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring), That the local United States engineers in the State of California, under the direction of the Chief of Engineers of the United States, be, and they are hereby, authorized and directed to examine and survey Mormon Channel and Calaveras River, in the said State of California, with special reference to a dam at Bellota and cut-offs in the San Joaquin River below the city of Stockton, Cal., and to report the result thereof to the Chief of Engineers of the United States as speedily as possible.

To the Committee on Rivers and Harbors.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the reports of committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

A bill (H. R. 4020) granting an increase of pension to Mrs. William Loring Spencer; and

A bill (H. R. 2143) granting a pension to Mrs. Emily W. Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 8248) to increase the pension of Mrs. Emily E. Cash; and

A bill (H. R. 9275) approving certain acts of the legislative assembly of the Territory of New Mexico authorizing the issue of certain bonds of said Territory, and for other purposes.

The message also announced that the Senate had further insisted upon its amendment to the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897, numbered 1, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. PETTIGREW, and Mr. FAULKNER as the conferees on the part of the Senate.

ORDER OF BUSINESS.

Mr. POOLE. I desire to present a privileged report.

Mr. STRODE of Nebraska. I believe I had the floor and yielded it temporarily.

The SPEAKER pro tempore. The gentleman from Nebraska [Mr. STRODE] is entitled to the floor.

Mr. POOLE. Will not the gentleman yield a moment for the presentation of a conference report?

Mr. STRODE of Nebraska. If it is a matter which will not take any time I shall be glad to yield.

Mr. POOLE. I think it will take but a few moments.

The SPEAKER pro tempore. Does the gentleman from Nebraska yield?

Mr. STRODE of Nebraska. I think I can not. I am afraid we may get engaged in something which will involve another call of the yeas and nays.

Mr. POOLE. This matter will probably not take five minutes.

ELECTION CONTEST—MARTIN VS. LOCKHART.

Mr. STRODE of Nebraska. I now ask the previous question on the pending contested-election case from the Sixth Congressional district of North Carolina.

The previous question was ordered.

The SPEAKER pro tempore. The first question is on the adoption of the substitute submitted by the gentleman from Texas [Mr. BAILEY].

Mr. BAILEY. Mr. Speaker, I believe that under the rules a motion to recommit would not be order in this case until after the substitute has been disposed of. But for reasons which the House will perfectly well understand, I ask unanimous consent that the vote may be taken on a motion to recommit before we vote upon the substitute.

The SPEAKER pro tempore. Is there objection?

Mr. KEM. I object.

The SPEAKER pro tempore. The gentleman from Nebraska objects. The question is on agreeing to the substitute.

The question being taken, there were on a division (called for by Mr. BAILEY)—ayes 49, noes 115.

Mr. BAILEY. No quorum, Mr. Speaker.

The SPEAKER pro tempore. The Chair overrules the point, as there was a quorum on the vote last taken.

Mr. BAILEY. I call for the yeas and nays.

The yeas and nays were ordered, 48 members voting in favor thereof.

The SPEAKER pro tempore. The Clerk will call the roll.

Mr. ATWOOD. Mr. Speaker, I ask unanimous consent that the resolution upon which we are about to vote be read. Sitting over in this corner, I can not hear much that is going on. I should like to have the resolution of the gentleman from Texas read.

The SPEAKER pro tempore. Without objection, the substitute offered by the gentleman from Texas will be reported.

Mr. KEM. I object.

The SPEAKER pro tempore. Objection is made by the gentleman from Nebraska [Mr. KEM].

Mr. LACEY. I make the point of order that we have the right to have a resolution read a second time when during the first reading there has been such confusion that it could not be heard.

The SPEAKER pro tempore. The Chair overrules the point of order. It is not in order to ask for the reading of the resolution after the roll call has been ordered.

The Clerk proceeded to call the roll.

Mr. ABBOTT (when his name was called). Mr. Speaker, I do not know what this resolution is. I ask that it be read.

The SPEAKER pro tempore. The roll call can not be interrupted. The gentleman is out of order.

The question was taken; and there were—yes 57, nays 156, not voting 141; as follows:

YEAS—57.

Abbott,	Cummings,	McCreary, Ky.	Sparkman,
Allen, Miss.	Erdman,	McCulloch,	Stallings,
Atwood,	Fischer,	McDearmon,	Sulzer,
Bailey,	Fitzgerald,	McMillin,	Swanson,
Bankhead,	Hall,	Meredith,	Talbert,
Bartlett, N. Y.	Harrison,	Ogden,	Tate,
Berry,	Hart,	Otey,	Terry,
Black, Ga.	Hendrick,	Owens,	Turner, Ga.
Buck,	Jones,	Pendleton,	Underwood,
Catchings,	Kleberg,	Robertson, La.	Williams,
Clardy,	Latimer,	Russell, Ga.	Woodard,
Clarke, Ala.	Layton,	Sayers,	Yoakum.
Cobb,	Lester,	Shaw,	
Cooper, Fla.	Maguire,	Sherman,	
Culberson,	McClure,	Sorg,	

NAYS—156.

Adams,	Dayton,	Jenkins,	Pugh,
Aldrich, Ala.	Dingley,	Johnson, Cal.	Raney,
Allen, Utah	Dolliver,	Johnson, N. Dak.	Reeves,
Anderson,	Doolittle,	Joy,	Reyburn,
Andrews,	Dovener,	Kem,	Russell, Conn.
Apsley,	Draper,	Kerr,	Scranton,
Arnold, Pa.	Eddy,	Kiefer,	Shafroth,
Avery,	Ellis,	Kirkpatrick,	Shannon,
Babcock,	Fairchild,	Knox,	Simpkins,
Baker, Kans.	Fletcher,	Lacey,	Skinner,
Baker, Md.	Gamble,	Lefever,	Smith, Ill.
Baker, N. H.	Gardner,	Leighty,	Stahle,
Barney,	Gibson,	Leonard,	Stewart, N. J.
Beach,	Gillet, N. Y.	Lewis,	Stewart, Wis.
Belknap,	Goodwyn,	Linney,	Stone, C. W.
Bell, Colo.	Graff,	Long,	Strode, Nebr.
Bennett,	Griffin,	Mahon,	Strowd, N. C.
Bishop,	Griswold,	Marsh,	Sulloway,
Black, N. Y.	Grosvenor,	McCall, Tenn.	Taft,
Blue,	Grow,	McEwan,	Tawney,
Boutelle,	Hadley,	McLachlan,	Tayler,
Brewster,	Hager,	Mercer,	Thomas,
Broderick,	Hainer, Nebr.	Miller, W. Va.	Thorp,
Bromwell,	Halterman,	Milliken,	Tracewell,
Brown,	Hardy,	Milnes,	Tracey,
Bull,	Harmer,	Mitchell,	Treloar,
Burton, Mo.	Harris,	Mozley,	Updegraff,
Burton, Ohio	Hartman,	Murphy,	Van Horn,
Calderhead,	Hatch,	Murray,	Walker, Va.
Cannon,	Hemenway,	Otjen,	Wanger,
Chickering,	Henderson,	Overstreet,	Warner,
Clark, Mo.	Henry, Ind.	Parker,	Watson, Ohio
Coffin,	Hicks,	Payne,	Wellington,
Cooke, Ill.	Hill,	Pearson,	Willis,
Cooper, Wis.	Hopkins,	Phillips,	Wilson, Idaho
Crowther,	Howe,	Pitney,	Wilson, N. Y.
Crump,	Howell,	Poole,	Wood,
Curtis, Kans.	Hubbard,	Powers,	Woodman,
Daniels,	Huling,	Prince,	Wright.

NOT VOTING—141.

Acheson,	Brumm,	Cox,	Downing,
Aitken,	Burrell,	Crisp,	Ellett,
Aldrich, Ill.	Clark, Iowa	Crowley,	Evans,
Arnold, R. I.	Cockrell,	Curtis, Iowa	Faris,
Barham,	Codding,	Curtis, N. Y.	Fenton,
Barrett,	Colson,	Dalzell,	Foote,
Bartholdt,	Connolly,	Danford,	Foss,
Bartlett, Ga.	Cook, Wis.	De Armond,	Fowler,
Bell, Tex.	Cooper, Tex.	Denny,	Gillett, Mass.
Bingham,	Corliss,	De Witt,	Grout,
Bowers,	Cousins,	Dinsmore,	Hanly,
Brosius,	Cowen,	Dockery,	Heatwole,

Heiner, Pa.	Lockhart,	Neill,	Sperry,
Henry, Conn.	Lorimer,	Newlands,	Steele,
Hepburn,	Loud,	Noonan,	Stephenson,
Hermann,	Loudenslager,	Northway,	Stone, W. A.
Hilborn,	Low,	Odell,	Strait,
Hitt,	Maddox,	Patterson,	Strong,
Hooker,	Mahany,	Perkins,	Towne,
Howard,	McCall, Mass.	Pickler,	Tucker,
Huff,	McCleary, Minn.	Price,	Turner, Va.
Hulick,	McClellan,	Quigg,	Tyler,
Hull,	McCormick,	Ray,	Van Voorhis,
Hunter,	McLaurin,	Richardson,	Wadsworth,
Hurley,	McRae,	Robinson, Pa.	Walker, Mass.
Hutcheson,	Meiklejohn,	Royse,	Washington,
Hyde,	Meyer,	Rusk,	Watson, Ind.
Johnson, Ind.	Miles,	Sauerhering,	Wheeler,
Kendall,	Miller, Kans.	Settle,	White,
Kulp,	Miner, N. Y.	Shuford,	Wilber,
Kyle,	Minor, Wis.	Smith, Mich.	Wilson, Ohio
Lawson,	Mordell,	Snover,	Wilson, S. C.
Leisenring,	Money,	Southard,	Woomer.
Linton,	Moody,	Southwick,	
Little,	Morse,	Spalding,	
Livingston,	Moses,	Spencer,	

So the substitute was rejected.

Mr. QUIGG. Mr. Speaker, on this question I am paired with the gentleman from Massachusetts [Mr. MOODY]. If he were present, he would vote in the negative; I should vote "aye."

Mr. HURLEY. On this question I am paired with the gentleman from Texas [Mr. COOPER]. If he were present, he would vote "aye," and I should vote "no."

Mr. RICHARDSON. I am paired with the gentleman from Iowa [Mr. CURTIS], and withdraw my vote.

The following additional pairs were announced until further notice:

Mr. TOWNE with Mr. WILSON of South Carolina.

Mr. BINGHAM with Mr. DOCKERY.

The following were announced for this vote:

Mr. HURLEY with Mr. COOPER of Texas.

Mr. VAN VOORHIS with Mr. WHEELER.

Mr. ARNOLD of Rhode Island with Mr. MCRAE.

Mr. SOUTHARD with Mr. MONEY.

Mr. HOOKER with Mr. SPENCER.

Mr. HILBORN with Mr. STRAIT.

Mr. HULICK with Mr. TYLER.

Mr. FOWLER with Mr. BARTLETT of Georgia.

Mr. MOODY with Mr. QUIGG.

Mr. LOUDENSLAGER with Mr. SETTLE.

The result of the vote was then announced as above recorded.

Mr. BAILEY. Mr. Speaker, I move to recommit the pending resolution to the Committee on Elections No. 2.

The question was taken; and on a division (demanded by Mr. BAILEY) there were—ayes 39, noes 70.

Mr. BAILEY. No quorum.

The SPEAKER pro tempore (Mr. PAYNE). The point of order is overruled.

Mr. BAILEY. From that decision I appeal.

The SPEAKER pro tempore. The Chair declines to entertain the appeal. [Applause on the Republican side.]

Mr. BAILEY. Yeas and nays——

The SPEAKER pro tempore (continuing). The question is on the adoption of the resolution. [Applause on the Republican side.]

Mr. BAILEY. I demand the yeas and nays on the motion to recommit. I was endeavoring to do so when interrupted by Republicans applauding the Speaker for denying the constitutional right of a member.

The yeas and nays were ordered.

The question was taken; and there were—yeas 51, nays 149, marked present 1, not voting 153; as follows:

YEAS—51.

Allen, Miss.	Culberson,	McCreary, Ky.	Shaw,
Bailey,	Cummings,	McCulloch,	Sherman,
Bankhead,	Erdman,	McMillin,	Sorg,
Bartlett, N. Y.	Fitzgerald,	McRae,	Sparkman,
Bell, Tex.	Hall,	Meredith,	Swanson,
Bennett,	Harrison,	Money,	Talbert,
Black, Ga.	Hart,	Ogden,	Tate,
Buck,	Hendrick,	Otey,	Terry,
Catchings,	Henry, Conn.	Owens,	Turner, Ga.
Clardy,	Jones,	Pendleton,	Underwood,
Clarke, Ala.	Kleberg,	Robertson, La.	Williams,
Cobb,	Latimer,	Russell, Ga.	Woodard.
Cooper, Fla.	Lester,	Sayers,	

NAYS—149.

Acheson,	Belknap,	Calderhead,	Dolliver,
Adams,	Bell, Colo.	Chickering,	Doolittle,
Aldrich, Ala.	Bishop,	Clark, Iowa	Dovener,
Allen, Utah	Black, N. Y.	Clark, Mo.	Draper,
Anderson,	Blue,	Coffin,	Eddy,
Andrews,	Boutelle,	Cooke, Ill.	Ellis,
Apsley,	Brewster,	Cooper, Wis.	Fairchild,
Arnold, Pa.	Broderick,	Crowther,	Fischer,
Baker, Kans.	Bromwell,	Curtis, Kans.	Fletcher,
Baker, Md.	Brown,	Daniels,	Gardner,
Baker, N. H.	Bull,	Dayton,	Gibson,
Barney,	Burton, Mo.	Dingley,	Gillet, N. Y.

Goodwyn,	Joy,	Murray,	Strode, Nebr.
Graff,	Kem,	Otjen,	Strowd, N. C.
Griffin,	Kiefer,	Overstreet,	Sulloway,
Griswold,	Kirkpatrick,	Parker,	Tayler,
Grosvenor,	Knox,	Payne,	Thomas,
Grow,	Kulp,	Pearson,	Thorp,
Hadley,	Lacey,	Phillips,	Tracewell,
Hager,	Lefever,	Poole,	Tracey,
Hainer, Nebr.	Leighty,	Powers,	Treloar,
Halterman,	Leonard,	Prince,	Updegraff,
Hardy,	Lewis,	Pugh,	Van Horn,
Harmer,	Linney,	Raney,	Walker, Mass.
Harris,	Long,	Reeves,	Walker, Va.
Hatch,	Mahon,	Reyburn,	Warner,
Hemenway,	Marsh,	Scranton,	Watson, Ohio
Henderson,	McCall, Tenn.	Shafroth,	Wellington,
Hepburn,	McCormick,	Shannon,	White,
Hicks,	McEwan,	Shuford,	Willis,
Hill,	McLachlan,	Simpkins,	Wilson, Idaho
Howe,	Mercer,	Skinner,	Wilson, N. Y.
Howell,	Milliken,	Smith, Ill.	Wood,
Hubbard,	Milnes,	Southard,	Woodman,
Hulick,	Mitchell,	Stahle,	Wright.
Hull,	Mozley,	Stewart, N. J.	
Jenkins,	Mondell,	Stewart, Wis.	
Johnson, Cal.	Morse,	Stone, C. W.	
Johnson, N. Dak.	Murphy,		

MARKED PRESENT—1.

Loudenslager.

NOT VOTING—153.

Abbott,	De Witt,	Linton,	Robinson, Pa.
Aitken,	Dinsmore,	Little,	Royse,
Aldrich, Ill.	Dockery,	Livingston,	Rusk,
Arnold, R. I.	Downing,	Lockhart,	Russell, Conn.
Atwood,	Ellett,	Lorimer,	Sauerhering,
Avery,	Evans,	Loud,	Settle,
Babcock,	Faris,	Low,	Smith, Mich.
Barham,	Fenton,	Maddox,	Snover,
Barrett,	Foote,	Maguire,	Southwick,
Bartholdt,	Foss,	Mahany,	Spalding,
Bartlett, Ga.	Fowler,	McCall, Mass.	Spencer,
Beach,	Gamble,	McCleary, Minn.	Sperry,
Berry,	Gillett, Mass.	McClellan,	Stallings,
Bingham,	Grout,	McClure,	Steele,
Bowers,	Hanly,	McDearmon,	Stephenson,
Brosius,	Hartman,	McLaurin,	Stone, W. A.
Brumm,	Heatwole,	Meiklejohn,	Strait,
Burrell,	Heiner, Pa.	Meyer,	Strong,
Burton, Ohio	Henry, Ind.	Miles,	Sulzer,
Cannon,	Hermann,	Miller, Kans.	Taft,
Cockrell,	Hilborn,	Miller, W. Va.	Tawney,
Codding,	Hitt,	Miner, N. Y.	Towne,
Colson,	Hooker,	Minor, Wis.	Tucker,
Connolly,	Hopkins,	Moody,	Turner, Va.
Cook, Wis.	Howard,	Morse,	Tyler,
Cooper, Tex.	Huff,	Moses,	Van Voorhis,
Corliss,	Hulick,	Neill,	Wadsworth,
Cousins,	Hull,	Newlands,	Wanger,
Cowen,	Hunter,	Noonan,	Washington,
Cox,	Hurley,	Northway,	Watson, Ind.
Crisp,	Hutcheson,	Odell,	Wheeler,
Crowley,	Hyde,	Patterson,	Wilber,
Crump,	Johnson, Ind.	Perkins,	Wilson, Ohio
Curtis, Iowa	Kendall,	Pickler,	Wilson, S. C.
Curtis, N. Y.	Kerr,	Pitney,	Woomer,
Dalzell,	Kyle,	Price,	Yoakum.
Danford,	Lawson,	Quigg,	
De Armond,	Layton,	Ray,	
Denny	Leisenring,	Richardson,	

So the motion to recommit was rejected.

The following additional pairs were announced:

Mr. PITNEY with Mr. MAGUIRE.

Mr. GROUT with Mr. DOWNING.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore. The question recurs on the adoption of the resolutions submitted by the Committee on Elections.

The question was taken; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. BAILEY. I demand a division.

The question was taken; and on a division there were—ayes 118, noes 5.

Mr. BAILEY. No quorum.

The SPEAKER pro tempore. The Chair overrules the point of order, a quorum having been disclosed on the vote just taken.

Mr. BAILEY. I appeal from the ruling of the Chair. The empty seats about me testify to the fact that there is no quorum present.

The SPEAKER pro tempore. The gentleman will be in order. The Chair declines to entertain the appeal. [Applause on the Republican side.]

So the resolutions were adopted.

Mr. STRODE of Nebraska. I move to reconsider the vote by which the resolutions were adopted, and also move to lay that motion on the table.

The SPEAKER pro tempore. In the absence of objection, the latter motion will be agreed to.

Mr. BAILEY. I object.

Mr. STRODE of Nebraska. I withdraw the motion.

Mr. BAILEY. I renew it.

The question was taken on the motion to lay on the table; and the Speaker pro tempore announced that the ayes had it.

Mr. BAILEY. Division.

Mr. GROW. I demand the yeas and nays.

Many MEMBERS. Oh, no.

Mr. GROSVENOR. Mr. Speaker——

Mr. GROW. I withdraw the demand for the yeas and nays.

Mr. BAILEY. I renew the demand.

The yeas and nays were refused, 4 members only rising in support of the demand, and 75 in opposition.

So the motion to lay on the table the motion to reconsider was agreed to.

Mr. BAILEY. I move that the House do now adjourn.

The SPEAKER pro tempore. The Chair declines to entertain the motion.

Mr. BAILEY. I appeal from the decision of the Chair.

The SPEAKER pro tempore. The Chair declines to entertain the appeal. [Applause on the Republican side.]

Mr. STRODE of Nebraska. Mr. Speaker, the contestant is ready to take the oath of office, and I ask that he be now sworn in.

Mr. Martin, having appeared at the bar of the House, was duly qualified, taking the oath of office required by law.

Mr. BAILEY. Call the next case on the docket. [Laughter.]

INTERNATIONAL EXPOSITION AT OMAHA.

Mr. MERCER. Mr. Speaker, I ask consent for the consideration of Senate bill No. 1506, to authorize and encourage the holding of a transmississippi and international exposition at the city of Omaha, in the State of Nebraska, in the year 1898; and I ask that the bill be read before objection is called for, as I desire the House to understand exactly what this matter is.

The bill was read at length.

Mr. MERCER. Mr. Speaker, I also desire to have read, as a part of my remarks, the report of the Committee on Ways and Means.

Mr. DINGLEY. Mr. Speaker, has consent been given for the consideration of the bill?

The SPEAKER pro tempore. It has not. Is there objection to the present consideration of the bill?

Mr. KEM. Mr. Speaker, "the gentleman from Nebraska, Mr. KEM," objects. [Laughter.]

The SPEAKER pro tempore. Objection is made by the gentleman from Nebraska [Mr. KEM].

Mr. MERCER. Mr. Speaker, if it is in order, I move that the House resolve itself into the Committee of the Whole for the consideration of this bill.

The SPEAKER pro tempore. That would not be in order.

CONTESTED-ELECTION CASE—RINAKER VS. DOWNING, SIXTEENTH DISTRICT OF ILLINOIS.

Mr. MOODY. Mr. Speaker, I desire to call up the contested-election case of Rinaker *vs.* Downing, and to present a report of Committee on Elections No. 1 thereon, which report has been prepared in accordance with the order of the House heretofore made. It is very brief, and I ask that it be read in my time, for the information of the House.

Mr. MCMILLIN. I would ask the gentleman whether he proposes to proceed to the disposition of the case at this time?

Mr. MOODY. Mr. Speaker, I am directed by the committee to ask for a disposition of the case at the present time.

Mr. MCMILLIN. I wish to state that one of the gentlemen who represents the minority on that Committee on Elections has been called home. Another [Mr. DINSMORE] is, as is well known, temporarily crippled and on crutches, and is absent from the Hall at this time. The only other is sick. I understand that the conclusion of the majority has only been reached within the last few minutes, or at least within half an hour, and that no opportunity has been given for the presentation of the views of the minority. I ask on behalf of the contestee, Mr. Downing, that a short time, a reasonable time only, be given for the presentation of the views of the minority. It is unheard-of to call a case up and dispose of it the hour the committee reports it, over the protest of the member, and when he asks only time to prepare the minority report.

Mr. MOODY. Mr. Speaker, I should like to ask the gentleman from Tennessee——

Mr. MCMILLIN. I do this as preliminary to the presentation of the report.

Mr. MOODY. I did not catch the meaning of the gentleman. Does he ask time for the presentation of the report or time for some debate?

Mr. MCMILLIN. For the presentation of the report. I think it is but reasonable, and I do all of this pending the presentation of the report of the committee, and before it is read, in order that we may have an understanding concerning it.

Mr. MOODY. Mr. Speaker, if the request of the gentleman from Tennessee [Mr. MCMILLIN] may remain pending, I think if the House will hear the report read they will be in a condition to act more intelligently upon that subject.

Mr. MCMILLIN. But I want to state that if that very reasonable request is not granted I shall feel that it is our duty to raise the question of consideration on the case to get a little time to prepare the report. If an amicable arrangement, however, can be made as to the presentation of the views of the minority, why I have no desire to make that point.

Mr. MOODY. Let the report be read in my time.

Mr. MCMILLIN. Pending the right to raise the question of consideration.

The SPEAKER pro tempore. Without objection, the report will be read.

Mr. KEM. I object.

The SPEAKER pro tempore. Does the gentleman from Massachusetts offer any resolution?

Mr. MOODY. The resolution is contained in the report.

The SPEAKER pro tempore. The Clerk will report the resolution.

Mr. MCMILLIN. Then I raise the question of consideration.

The SPEAKER pro tempore. That will be in order when the resolution is read. The Clerk will read the resolution.

The Clerk read as follows:

Resolved, That Finis E. Downing was not elected a member of the House of Representatives of the Fifty-fourth Congress from the Sixteenth Congressional district of Illinois and is not entitled to the seat.

Resolved, That John I. Rinaker was elected a Representative to the Fifty-fourth Congress from the Sixteenth Congressional district of Illinois, and that he is entitled to the seat.

Mr. MOODY. Mr. Speaker, my purpose—I do not know but it may be modified by some objection—was to ask for the reading of the report in my time.

The SPEAKER pro tempore. That would be in the nature of debate.

Mr. MCMILLIN. The question of consideration would have to be raised at this time?

The SPEAKER pro tempore. Yes, it would.

Mr. MCMILLIN. Then I raise the question of consideration, if the gentleman insists. I want to state, to be entirely candid with the House, that it is insisted by the contestee that in order to reach this conclusion they had to count the 39 "assisted votes," which he claims were not legal votes, and that the gentleman himself now making the report agreed should not be counted before. To count these votes is in direct violation of the election law of Illinois.

The SPEAKER pro tempore. Debate is not in order except by unanimous consent.

Mr. MCMILLIN. Then some votes that are not legal votes, and that look very much like doctored votes, have to be counted, and then only 5 majority is obtained. I think we ought to have the right to present these views. These numbered 26. After 158 of the 160 polling precincts had been examined and no material change, these were found and counted, though not folded as required by law.

Mr. MOODY. If the gentleman will pardon me, the statement that I make will appear fully in the report. The gentleman who presents his report has not changed his individual views in respect to the question of "assisted voters," but, as appears in the report——

Mr. MCMILLIN. Will my friend permit me to ask him a question in that connection?

Mr. MOODY. Certainly.

Mr. MCMILLIN. If the gentleman's contention the other day was correct, would not this contestee still be entitled to his seat? Do you not have to count these "assisted" votes in order to reach this result?

Mr. MOODY. If the contention which I made the other day, and which I still adhere to personally, is correct, the sitting member is entitled to retain his seat by a plurality of 27 votes.

Mr. MCMILLIN. That is what I thought, and I wanted an opportunity to enter a protest by way of a minority report. Even after all of these are counted they are only able to oust Downing by 5 majority in a total vote of nearly 39,000.

Mr. MOODY. I will simply say what is indicated in the report, that I do not think that that is a practicable matter of discussion in the House. Whatever my personal views may be on the subject, I do not believe that on that branch they will be adopted by the House, as they were on the other branch when this case was here for consideration before; and I do not desire at this time of the session to take the time of the House in debating a subject which I believe is finally decided in the minds of the majority.

Mr. MCMILLIN. But, Mr. Speaker——

The SPEAKER pro tempore. This debate is out of order.

Mr. KEM. Regular order, Mr. Speaker.

Mr. MCMILLIN. I raise the question of consideration, but am willing to have the report read.

The SPEAKER pro tempore. The question is, Will the House now proceed to consider the resolutions offered by the gentleman from Massachusetts.

Mr. MOODY. Have I not the right to have the report read, Mr. Speaker?

The SPEAKER pro tempore. The Chair thinks not, except when the matter is under discussion.

Mr. CANNON. Well, I suppose we can determine to consider

the question, and then we can discuss it. We can hear the report read and be prepared to act intelligently on it.

Mr. HENDERSON. Undoubtedly.

Mr. MCMILLIN. I insist that there should not be consideration without an opportunity to give this contestee a chance to present his side of the cause.

Mr. KEM. Regular order, Mr. Speaker.

The question was taken on the question of consideration; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. MCMILLIN. Division, Mr. Speaker.

The House divided; and there were—ayes 126, noes 25.

Mr. MCMILLIN. No quorum, Mr. Speaker.

The SPEAKER pro tempore (after counting). One hundred and eighty-one present—a quorum; the ayes have it.

Mr. MCMILLIN. Tellers.

The question was taken on ordering tellers.

The SPEAKER pro tempore. Twenty-seven gentlemen have risen—not a sufficient number—and tellers are refused. The ayes have it, and the motion is agreed to, and the House determines to consider the resolution.

Mr. MOODY. Mr. Speaker, I ask for the reading of the report in my time.

The Clerk read as follows:

In obedience to the resolution of the House adopted May 13, 1896, Committee on Elections No. 1 has caused the ballots cast in the disputed election to be recounted, under its direction and supervision.

The returns as originally canvassed were as follows:

Counties.	John I. Rinaker.	Finis E. Downing.	M. M. Cooper.	Peter D. Stout.
Cass	1,892	1,932	58	95
Morgan	3,838	3,478	168	218
Scott	1,113	1,209	20	144
Pike	2,631	2,911	164	921
Greene	1,736	2,104	95	153
Macoupin	4,486	3,749	214	311
Calhoun	667	752	13	58
Jersey	1,413	1,681	70	29
Total	17,776	17,816	802	1,929

Total vote for Congressman, 38,323.

The plurality for Mr. Downing upon the returns was 40.

The ballots in all the counties except Morgan County have been carefully preserved. In that county, although the custody of the ballots has been such as to prevent any unauthorized handling, they were returned and kept in so slovenly a manner that the committee deemed it wise in that county to accept the official returns instead of the recount, although the latter differed only slightly from the returns, and not enough to affect the result.

The following table shows the result of the recount by counties, so far as the contending parties are concerned:

Recount.

Counties.	Rinaker.	Downing.	Rinaker's gain.	Downing's gain.
Cass	1,900	1,930	10	.....
Morgan	3,838	3,478	.....	.....
Scott	1,140	1,219	17	.....
Pike	2,643	2,915	8	.....
Greene	1,751	2,117	2	.....
Macoupin	4,485	3,737	11	.....
Calhoun	671	755	1	.....
Jersey	1,412	1,687	.....	7
Total	17,840	17,838	49	7

Thus it appears that by the recount of the committee Mr. Rinaker made a net gain of 42 votes, and of the ballots cast had a plurality of 2 votes.

The committee heretofore has determined that 1 illegally rejected vote should be given to Mr. Rinaker, and 6 illegally cast votes should be taken from Mr. Downing and 4 illegally cast votes should be taken from Mr. Rinaker.

With these corrections the plurality for Mr. Rinaker is 5.

In this computation are included the ballots of illiterate voters who were assisted in marking their ballots without first taking the oath prescribed by the law of Illinois. If these ballots are rejected Mr. Downing's plurality would be 27. The majority of the committee, however, are of the opinion that these ballots ought to be counted. The minority of the committee, while still adhering to the opinion that the law requires the rejection of these ballots, which was fully expressed in a former report to the House, yet believe that the House would not adopt their opinion in that respect in the absence of a controlling decision by the court of final resort in the State of Illinois.

We therefore submit the following resolutions:

Resolved, That Finis E. Downing was not elected a member of the House of Representatives of the Fifty-fourth Congress from the Sixteenth Congressional district of Illinois and is not entitled to the seat.

Resolved, That John I. Rinaker was elected a Representative to the Fifty-fourth Congress from the Sixteenth Congressional district of Illinois, and that he is entitled to the seat.

Mr. MOODY. Mr. Speaker——

Mr. MCMILLIN. Now, if the gentleman will permit me, I will make a request——

Mr. MOODY. Certainly.

Mr. MCMILLIN (continuing). In the interest of what will at least be fair——

Mr. MOODY. The understanding is that the gentleman is speaking in my time, and that I do not yield the floor.

Mr. MCMILLIN. Entirely so. This report, Mr. Speaker, shows that after even counting 39 "assisted" votes that the gentleman making the report thinks should not be counted, there is only 5 majority, by the greatest figuring that can be done, in favor of the contestant. This result was reached since this House assembled to-day, when we were in the midst of yea-and-nay roll calls, when it was impossible for members to attend committee meetings, and no opportunity has been given to the contestee to present his side of the cause. His attorney and he were prepared to do so, one gentleman, who is crippled and on crutches and away from here, was not able to be present, another sick, and a third out of the city, and I think it is but decent and fair that a reasonable time should be given; and I ask that it be given to file the minority report and allow this case to be decided on its merits.

Mr. MOODY. Mr. Speaker, I have no discretion in reference to this matter. The committee have directed me to prepare this report, to present it to the House, and to ask present action on it.

Mr. MCMILLIN. The gentleman having the matter in charge has discharged his duty in that respect, and I can see how the demand of the committee would carry him thus far; but I think that, knowing his fairness as I do, he will agree with me that this is not an unreasonable request. The result is certainly a surprise to the contestee.

Mr. HOPKINS. I will ask the gentleman one question. If Mr. Downing had not secured an injunction, would not these ballots have been counted a year and a half ago?

Mr. MCMILLIN. I am not informed as to that; but if that be true, a few hours' time will not hurt the presentation of it. When this case was up before it was of so questionable a character that the party in power in this House, with two-thirds majority, thought it ought to go back to the committee. The committee have reported the case, and the minority were trying to present their views, and here we have the committee asking, in hot haste, to take the matter up now and dispose of it without giving the sitting member a chance. I know it is entirely within your power to do so, but I do insist, as a member of the House, that I am making no unreasonable request when I ask that the case be postponed.

Mr. HULICK. I would like to ask the gentleman a question.

The SPEAKER pro tempore. The gentleman from Massachusetts has the floor. Does the gentleman yield to the gentleman from Ohio?

Mr. MOODY. I yield to the gentleman.

Mr. HULICK. Does the gentleman want to discuss the original question and all the facts in connection with the case, or does he wish to have presented to the House an exception to the recount as it was ordered by the House? Is it a new case that you wish to raise in regard to the count of these ballots and the conduct of the committee in reporting the case, or do you wish to go back and discuss all the original questions we have already discussed?

Mr. MCMILLIN. We want to show, and I believe we could show to a fair-minded tribunal, as I trust this would be on presentation of the facts, that the conclusion reached in this report is not the result of such a legal count as ought to have been made. We desire to show, first, that 39 assisted votes were counted here in direct violation of the statute of Illinois, and secondly, that 24 votes were counted that have every appearance of having been doctored for a purpose since the election was held last November. We ask for justice, not merely delay.

Mr. MOODY yielded to Mr. CANNON, but subsequently said: If the gentleman from Illinois will first permit me to make a brief statement of the position of this case, I will then yield to him. The House will recall that when the case was last here for consideration the majority of the committee believed from the record that Mr. Rinaker was entitled to the seat by a plurality of 30 votes, and they based that belief largely upon the testimony of a person who had made an unofficial count of certain portions of the vote. The minority of the committee believed that it was safer to recommit the whole case to the committee and order a recount of the ballots, and the view of the minority was adopted by the House. Accordingly, the committee, with the purpose of finishing the controversy at the earliest possible moment, with all due diligence procured the ballots to be brought from the State of Illinois to this building, and proceeded to have them counted under their direction and supervision. There can be no possible doubt about the fairness and the diligence with which every member of the committee devoted himself to that recount.

There were 160 precincts in the district. As the recount proceeded 157 of those precincts were counted and the sitting member was still left in his seat by a considerable plurality. The one hundred and fifty-eighth precinct then came up for a recount. That was a precinct over which no doubt had been cast by the record. The contestant had not hoped to gain any votes in that precinct. The sitting member had not feared that he would lose any votes in that precinct. But when the recount was made it was found that there was a net gain of 26 votes made in that precinct for Mr. Rinaker. At once it was seen that the whole result

of the recount depended upon that precinct, which never had been referred to before in the controversy. Naturally enough at that point in the count the attention of the committee was challenged by the extraordinary gain made there for the contestant, and the sitting member, who had felt that he was to be safe in his seat, expressed the greatest doubt of the accuracy and honesty of the ballots in that precinct. The extraordinary character of the result there challenged the attention of the committee and they had the ballots counted again twice over, the last time in the presence of the parties to the contest and of their attorneys.

They then, in accordance, I believe, with my own suggestion, caused the ballots to be counted with respect to every other candidate upon the ticket, and with respect to the vote upon two constitutional amendments which at that election were submitted to the people of Illinois.

In the first place, it appeared that there was nothing whatever suspicious about the ballots themselves. There was nothing upon the face of the ballots to indicate any wrongdoing on the part of anybody. That was conceded by the counsel for the sitting member.

In the second place the great weight of evidence was that when the inclosure containing those ballots was opened it was found sealed under the seal of the election officers of the precinct, which seals were not broken until the ballots were brought here. There was some evidence tending to show the contrary, but in my opinion, and in the opinion, I think, of every member of the committee who heard and read it, the great weight of the testimony was the other way, and we were satisfied that the ballots which showed this gain for the contestant were taken from a package which had been honestly and carefully secured from the day of the election until it was opened in this building.

In the third place, the precinct was one which was in Democratic control. There are six election officers in Illinois under the law. There are three judges of election, and at this precinct two of the judges were Democrats and one Republican. There are also three clerks, of whom two were Democrats and one Republican; making four Democrats and two Republicans election officers in that precinct. All of them are conceded to be honest, upright men. When these ballots left the hands of the precinct officers they passed into the hands of a Democratic clerk of the court. He was succeeded in a short time by another Democratic clerk of the court, and the ballots out of which these gains arise have been, from the time they left the hands of the voter until they were brought and opened here in the presence of our committee, in Democratic custody. It is not strange, Mr. Speaker, that the sitting member, under the conditions I have stated, when he found that the views which had been adopted by the majority of the committee heretofore had been entirely overthrown by the recount—it is not strange, I say, that he should feel solicitude when he thought he saw his seat taken from him by a loss in an entirely unexpected quarter. As I have said, the gain for Mr. Rinaker in this precinct challenged the attention of the committee, but I believe, and I think every other member of the committee believes, that that gain came from an honest ballot box, and that the reason it did not appear in the return was simply because the election officers had made a mistake.

Mr. ALLEN of Utah. Will the gentleman yield for a question?

Mr. MOODY. In a minute.

I will say in addition that according to the law of Illinois there must be a record kept of the voters by name who vote at any election—a poll list, as it is called. The poll list showed that 433 persons voted at that precinct; the ballot box showed 433 ballots cast at that precinct; and it was conceded by the counsel for the sitting member that those ballots bore no marks of suspicion; nay, he went further, and conceded that they were the very ballots themselves which were cast at that election.

Mr. ALLEN of Utah. The gentleman said that among the ballots counted were some for candidates for other offices. How did the count of those ballots compare with the count with regard to the candidate for Congress?

Mr. MOODY. Mr. Speaker, in reply to that question I will say that very many of the candidates upon the Republican ticket made precisely the same gain that General Rinaker did; some others made a less gain. I attached no very great significance one way or the other to that recount. I hoped I might be able to do so.

Mr. Speaker, I have gone thus far for the purpose of showing to the House that the only question rising on the recount arises out of that one ballot box alone. I have stated my views about it. If there is any way, without prolonging the debate here—and I shall have to be informed by others more skillful than I am in parliamentary proceedings—if there is any way in which an outline of the views of the other side can be presented to this House without any great delay, I shall be glad to have it done. But I do not want to precipitate a general debate and take up much time on that simple question.

Mr. HOPKINS. One question right there. Is it not a fact that when the committee met this morning to formulate the report that has just been read the Democratic members of the committee absented themselves from the meeting?

Mr. MOODY. Well, I should not say "absented themselves"; they were not present. [Laughter.]

Mr. McMILLIN. The gentleman from Illinois [Mr. HOPKINS] has made an insinuation which he ought not to make. In order to meet that insinuation——

Mr. HOPKINS. There was no insinuation at all.

Mr. McMILLIN. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOODY] is entitled to the floor.

Mr. McMILLIN. Will the gentleman yield to me a moment?

Mr. MOODY. If I do not cover the matter in a moment in what I am about to say, I will yield to the gentleman. I beg pardon of the House for not saying it before. There are three Democratic members of that committee. One of those is at his home in Georgia; another, the gentleman from Arkansas [Mr. DINSMORE], has been injured by an accident, as many know; the other, the gentleman from Virginia [Mr. TURNER], is ill at his home. That accounts for the absence of those three gentlemen. I had no purpose of insinuating that they had purposely remained away; and that is the reason I did not accept the expression of my friend from Illinois [Mr. HOPKINS], who used the words "absented themselves." I simply said they were not present. I did not mean to insinuate that there was any purpose in their absence. On the contrary, I do not think there was any such purpose on the part of any member.

Mr. GROSVENOR. Then there is nobody here to make a minority report.

Mr. MOODY. One other remark, and I am done. It has been suggested by the gentleman from Tennessee that if the assisted voters be rejected in the count the sitting member is entitled to retain his seat. That is true. In that case, as appears by the report, he is entitled to hold the seat by a plurality of 27. It is also true, in my opinion, that the law requires the rejection of those votes. But, Mr. Speaker, the facts showed that those men voted in good faith; they were legal voters, and they supposed they were complying with the law. They had the right to vote, and while I personally believe that those votes ought to be rejected, I am not fool enough to believe that I can get a majority of this House to agree with me, whether I am right or wrong.

Mr. McMILLIN. Permit me right there. The gentleman admits that he believes those votes were not legally cast.

Mr. MOODY. Not legally counted.

Mr. McMILLIN. Not legally counted. In the next place, he admits that if those votes were not counted, the contestee would retain his seat.

Mr. MOODY. Yes, sir.

Mr. McMILLIN. Therefore the gentleman who brings in this report believes that the contestee is entitled to this seat?

Mr. MOODY. Yes; and I intend so to vote. I am doing my duty by the committee and by the House. But my single point is that I do not care to bring up for discussion my private views on that question when I am satisfied that they will not be adopted by the House.

Mr. POWERS. Will the gentleman be kind enough to state the question which arises in regard to the assisted voters?

Mr. MOODY. Possibly the gentleman from Vermont [Mr. POWERS] was not present when that question was under discussion. I will therefore briefly state that the statute of Illinois contains a provision which in substance permits illiterate persons to have their votes marked for them whenever they shall take an oath that they are illiterate.

The statute contains no provision that if they did not take the oath the vote should not be counted. But in my own opinion, following the controlling authorities, in the first place in the State of Minnesota, in the second place in the State of Michigan, and in the third place in the State of Kentucky, legally the votes ought not to be counted even though cast in good faith; for a decision the other way would open the door wide to fraud; and also, Mr. Speaker, because the House, or rather the committee of the House, unanimously reported upon the same statutes of Illinois in the last Congress that the votes under such circumstances could not be counted.

Mr. POWERS. Did the evidence show that the voter was not sworn?

Mr. MOODY. There is no doubt whatever of the facts. The evidence is clear on that point. But I have already stated my conclusion in the matter, and, knowing that the House will not adopt that conclusion, I do not see the necessity for arguing the point. It has been once debated, and very fully debated in the House, and I do not desire to go into it again.

Mr. CANNON. Will the gentleman yield to me for a question?

Mr. MOODY. Certainly.

Mr. CANNON. I want to ask the gentleman if the evidence

showed that these assisted voters were, in fact, entitled to the assistance?

Mr. MOODY. The evidence in some cases did show it, but not in all of them.

Mr. CANNON. If entitled to assistance, by whom would they be assisted?

Mr. MOODY. By the election officers.

Mr. CANNON. Well, the gentleman has cited the Minnesota and Michigan cases. Let me ask if it is not true that the line of decisions in Illinois, with reference to the election law, do not tend to the conclusion, so far as that State is concerned, that this provision is directory only?

Mr. MOODY. That is the contention of our friends on the committee who do not agree with me. I think the contention is the other way since the adoption of the Australian ballot system. But the majority of the committee do not agree with my view on that point.

The thing in my mind, when the case was before the House on the report of the committee a few weeks ago, was what I conceived to be the iniquity of seating the contestant on the record as then made up. And I may be permitted to say, Mr. Chairman, that even in the eyes of my colleagues of the committee I was justified in that view, and the action of the House has testified, I think, that I was justified in the position I took before it. But I had no such feeling about the other questions. I had expressed my views fully with regard to the rights of the contestant and the contestee in this respect, and I desire to adhere to them.

Mr. RICHARDSON. Will the gentleman allow me to ask him a question?

Mr. MOODY. Certainly.

Mr. RICHARDSON. I understood you to say that in the recount of the 158 voting precincts the Committee on Elections unexpectedly discovered what they think is an error in one of them, which results in a loss to the sitting member of 26 votes?

Mr. MOODY. Yes, sir.

Mr. RICHARDSON. Will the gentleman please describe how this fact was developed, and in what the error consisted?

Mr. MOODY. Has the gentleman been here since the discussion of this case commenced?

Mr. RICHARDSON. I have been; and think I heard all the gentleman said on the question.

Mr. MOODY. I do not know, then, that I can explain any more clearly than I have already done the source of this error and its discovery. I will say to the gentleman, however, that these ballots were cast in a Democratic precinct, where Democratic officers were in control, where all of the Democratic and Republican officers are conceded to be honest men. They were counted in a way to give Mr. Downing a plurality of some 20 or 30 votes—the exact number does not matter—and nobody deemed at the time but that it was a correct count; no evidence was placed in the record with regard to the precinct. After the election the ballots were taken from the election officer, handed to a Democratic clerk according to the law, a man who is conceded to be an honest man, by him turned over to a Democratic successor, an honest man, and by him brought here under the subpœna of the Committee on Elections to be counted. According to the weight of evidence the package in which the ballots were contained was sealed up when opened here, and was in substantially the same condition that it was in when it left the election precinct on the night after the election.

The gain was in this way: Mr. Rinaker gained 24 votes, which seem not to have been counted for him, and Mr. Downing loses 2, the net gain for the contestant in the precinct being 26 votes. Without that gain of 26 votes, Mr. Downing, unquestionably, would be entitled to retain his seat by a considerable plurality. In my judgment and in the judgment of every member of the committee there was no fraud in this precinct, but simply an error in making up the count after the election. This error we correct; for the theory of a recount is that we may discover errors and correct them. No other errors were discovered in the precinct, and no one would question that this was merely an error, except that it was so great, so unexpected, and so disastrous in its consequences.

Mr. RICHARDSON. I want to ask the gentleman if he thinks that the same error which was detected in the count for Congressman obtained in the count for the other officers voted for in these ballots?

Mr. MOODY. It does in a great many, but not in all cases. There is a gain for the Republican ticket. Four or five of the officers upon the Republican ticket gained just 24 votes, as General Rinaker did. Some of them gained a less number. One man gained 25.

Mr. RICHARDSON. But as to the county officers, there is a gain.

Mr. MOODY. Yes.

Mr. RICHARDSON. Did it change the result in any of those cases?

Mr. MOODY. No; it was too late to change any result. Everybody accepted the result as final.

Mr. McMILLIN. It seems not too late to change this one.

Mr. REEVES. Will the gentleman now yield to me for a question?

Mr. MOODY. Yes.

Mr. REEVES. I want to ask if it is not true that in another precinct in some one of these counties a gain for Mr. Downing of 12 votes was discovered in substantially the same manner that the gain of 24 appears here for the other man?

Mr. MOODY. Mr. Speaker, that is true; but it deserves this qualification, that when the record was made up the sitting member put in evidence which satisfied me that the officers made a clerical mistake on the night of election and then and there corrected it, and so the cases are not quite on all fours. Now, Mr. Speaker——

Mr. McMILLIN. Will the gentleman permit me to ask another question?

Mr. MOODY. Yes.

Mr. McMILLIN. Touching those ballots, I hold in my hand one of the Illinois ballots, and I will get the gentleman to state whether the law does not require that the ballot shall be folded more than once; that it shall be folded in this way [illustrating], so as to make more than two folds?

Mr. MOODY. Yes.

Mr. McMILLIN. Now, I will get you to state whether or not those ballots that were found marked and not counted were not simply folded one time and strung on the wire.

Mr. MOODY. That is true, Mr. Speaker.

Mr. McMILLIN. Then they were not——

Mr. MOODY. Let me finish my answer. And it is also true of a great many other precincts throughout the district.

Mr. McMILLIN. And would it not be possible, with those ballots thus folded, to have simply turned them over and marked them for either ticket?

Mr. MOODY. Yes; possible, but not easy.

Mr. McMILLIN. Then it could be done. I think the gentleman is in error in supposing it could not be easily done. If he will take this one and fold it up in that way, he will see he is mistaken about that.

Mr. MOODY. It is hardly profitable to discuss one part of the evidence; but I will say, in reply to the gentleman from Tennessee, that those ballots were strung upon a wire so that they were held closely together. While it would be possible, if a person were so disposed, to get at parts of the ballot and mark, say, the Republican circle, in my opinion it could not be done without showing some result, and I will state to the House that there was no loss on the Democratic ticket. If these ballots had been marked by some fraudulent person there would probably have been not only a gain for the contestant, but there would have been shown, as the effect of the markings, a loss for the Democratic ticket, which did not appear. My opinion, therefore, is that by some of the accidents that may happen the ballots were overlooked in the count, honestly overlooked; and I say again that the evidence shows conclusively that nobody could have had any chance to get at these ballots in the manner in which it is suggested. Now, Mr. Speaker, if the gentleman on the other side will make some agreement as to some short time in which he desires to present his views to the House, I shall be glad to do that. Otherwise, I ought, I think, in obedience to the instructions of my committee, to ask the previous question.

Mr. McMILLIN. On behalf of the contestee, against whom this proceeding was not perfected in the Elections Committee until within the last hour, I have asked that the case be postponed a reasonable time, say until to-morrow, or whatever time is reasonable, in order that the views of the minority may be presented, and that Mr. Downing, contestee, may have that hearing to which he is entitled. The fact already appears that one member of this minority is sick, another away from the city, and the only remaining one crippled and on crutches. This is not unreasonable. It is extraordinary not to grant it. I have never in many years' service known this right denied. You claim only 5 majority in a poll of over 38,000. We can show that this claim is not true and Downing is entitled to the seat.

Mr. MOODY. Mr. Speaker, I move the previous question.

Mr. TERRY. I would like to ask the gentleman from Massachusetts a question.

The SPEAKER pro tempore. The gentleman from Massachusetts demands the previous question.

Mr. TERRY. I would like to ask the gentleman——

Mr. MOODY. If it is really a question I will yield.

Mr. TERRY. That is what it is, sir.

Mr. MOODY. I ask the gentleman if he wants to ask me a question?

Mr. TERRY. I want to ask you a question in order that the House may understand exactly from your answer and from the record what we are asked to do in this case. [Cries of "Regular order!"]

The SPEAKER pro tempore. Does the gentleman from Massachusetts yield?

Mr. MOODY. I do not know how I can make any further answer.

The SPEAKER pro tempore. The question is on the previous question.

Mr. TERRY. Will the gentleman permit me to ask him a question?

The SPEAKER pro tempore. The gentleman from Arkansas will be in order.

Mr. TERRY. I am endeavoring to be in order.

The SPEAKER pro tempore. The gentleman from Massachusetts declines to yield.

Mr. TERRY. I did not know that he had declined.

The SPEAKER pro tempore. The Chair informed the gentleman that he declined to yield.

Mr. TERRY. I preferred to hear that declaration from his lips.

The SPEAKER pro tempore. The gentleman from Massachusetts declined to yield. The question is on ordering the previous question, and no debate is in order.

Mr. FITZGERALD. I would like to ask the gentleman a question.

The SPEAKER pro tempore. Debate is not in order.

Mr. FITZGERALD. Have I not the right to ask the gentleman a question if he wishes to answer it?

The question was taken on ordering the previous question; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. MCMILLIN. Division.

The House divided; and there were—ayes 146, noes 8.

Mr. MCMILLIN. The yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 165, nays 56, not voting 132; as follows:

YEAS—165.

Acheson,	Dayton,	Huling,	Prince,
Adams,	Dingley,	Hunter,	Pugh,
Aldrich, Ala.	Doolittle,	Jenkins,	Quigg,
Aldrich, Ill.	Dovener,	Johnson, N. Dak.	Reeves,
Anderson,	Draper,	Joy,	Reyburn,
Andrews,	Eddy,	Kerr,	Scranton,
Apsley,	Ellis,	Kiefer,	Shannon,
Arnold, Pa.	Evans,	Kirkpatrick,	Simpkins,
Arnold, R. I.	Fairchild,	Knox,	Skinner,
Atwood,	Faris,	Kulp,	Smith, Ill.
Avery,	Fenton,	Lacey,	Southard,
Babcock,	Fletcher,	Lefever,	Spalding,
Baker, Kans.	Gamble,	Leighty,	Sperry,
Baker, Md.	Gardner,	Leonard,	Stewart, N. J.
Baker, N. H.	Gibson,	Lewis,	Stewart, Wis.
Barney,	Gillet, N. Y.	Linney,	Strode, Nebr.
Belknap,	Goodwyn,	Linton,	Strong,
Bishop,	Graff,	Long,	Strowd, N. C.
Black, N. Y.	Griffin,	Loudenslager,	Sulloway,
Blue,	Grosvenor,	Mahany,	Taft,
Boutelle,	Grow,	Mahon,	Tayler,
Brewster,	Hadley,	Marsh,	Thomas,
Broderick,	Hager,	McEwan,	Thorp,
Bromwell,	Hainer, Nebr.	McLachlan,	Tracewell,
Brown,	Halterman,	Mercer,	Updegraff,
Burrell,	Hardy,	Miller, W. Va.	Van Horn,
Burton, Mo.	Harmer,	Milliken,	Walker, Mass.
Burton, Ohio	Harris,	Milnes,	Walker, Va.
Calderhead,	Hatch,	Minor, Wis.	Wanger,
Cannon,	Hemenway,	Mitchell,	Warner,
Chickering,	Henderson,	Mondell,	Watson, Ohio
Clark, Iowa	Henry, Ind.	Moody,	Wellington,
Clark, Mo.	Hepburn,	Mozley,	White,
Codding,	Hermann,	Murphy,	Willis,
Coffin,	Hicks,	Noonan,	Wilson, Idaho
Connolly,	Hilborn,	Otjen,	Wilson, Ohio
Cooke, Ill.	Hill,	Overstreet,	Wood,
Cooper, Wis.	Hopkins,	Parker,	Woodman,
Crowther,	Howe,	Payne,	Wright.
Crump,	Howell,	Pearson,	
Curtis, Kans.	Hubbard,	Phillips,	
Daniels,	Hulick,	Poole,	

NAYS—56.

Abbott,	Cobb,	Kem,	Sayers,
Allen, Miss.	Cockrell,	Kleberg,	Sherman,
Allen, Utah.	Cooper, Fla.	Latimer,	Shuford,
Bailey,	Cooper, Tex.	Layton,	Sorg,
Bankhead,	Culberson,	Lester,	Stallings,
Bartlett, N. Y.	Cummings,	Little,	Sulzer,
Bell, Colo.	Erdman,	McCreary, Ky.	Swanson,
Bell, Tex.	Fitzgerald,	McCulloch,	Talbert,
Bennett,	Hall,	McMillin,	Tate,
Berry,	Harrison,	Money,	Terry.
Black, Ga.	Hart,	Otey,	Underwood,
Catchings,	Hendrick,	Owens,	Williams,
Clardy,	Johnson, Cal.	Pendleton,	Woodard,
Clarke, Ala.	Jones,	Russell, Ga.	Yoakum.

NOT VOTING—132.

Aitken,	Colson,	De Armond,	Gillett, Mass.
Barham,	Cook, Wis.	Denny,	Griswold,
Barrett,	Corliss,	De Witt,	Grout,
Bartholdt,	Cousins,	Dinsmore,	Hanly,
Bartlett, Ga.	Cowen,	Dockery,	Hartman,
Beach,	Cox,	Dolliver,	Heatwole,
Bingham,	Crisp,	Downing,	Heiner, Pa.
Bowers,	Crowley,	Ellett,	Henry, Conn.
Brosius,	Curtis, Iowa	Fischer,	Hitt,
Brumm,	Curtis, N. Y.	Foote,	Hooker,
Buck,	Dalzell,	Foss,	Howard,
Bull,	Danford,	Fowler,	Huff,
Hull,	McDearmon,	Powers,	Stephenson,
Hurley,	McLaurin,	Price,	Stone, C. W.
Hutcheson,	McRae.	Raney,	Stone, W. A.
Hyde,	Meiklejohn,	Ray,	Strait,
Johnson, Ind.	Meredith,	Richardson,	Tawney,
Kendall,	Meyer,	Robertson, La.	Towne,
Kyle,	Miles,	Robinson, Pa.	Tracey,
Lawson,	Miller, Kans.	Royse,	Trelcar,
Leisenring,	Miner, N. Y.	Rusk,	Tucker,
Livingston,	Morse,	Russell, Conn.	Turner, Ga.
Lorimer,	Moses,	Sauerhering,	Turner, Va.
Loud,	Murray,	Settle,	Tyler,
Low,	Neill,	Shafroth,	Van Voorhis,
Maddox,	Newlands,	Shaw,	Wadsworth,
Maguire,	Northway,	Smith, Mich.	Washington,
McCall, Mass.	Odell,	Snover,	Watson, Ind.
McCall, Tenn.	Ogden,	Southwick,	Wheeler,
McCleary, Minn.	Patterson,	Sparkman,	Wilber,
McClellan,	Perkins,	Spencer,	Wilson, N. Y.
McClure,	Pickler,	Stahle,	Wilson, S. C.
McCormick,	Pitney,	Steele,	Woomer.

So the previous question was ordered.

Mr. TRELOAR. Mr. Speaker, I have voted "yea," but being paired with the gentleman from Florida, Mr. SPARKMAN, I withdraw my vote.

Mr. TRACEY. Mr. Speaker, I am paired with the gentleman from Arkansas, Mr. MCRAE. If he were present, I would vote "yea."

The following additional pairs were announced:

Mr. TRACEY with Mr. MCRAE, until further notice.

Mr. PITNEY with Mr. MAGUIRE, on this question.

Mr. TRELOAR with Mr. SPARKMAN, for this day.

The result of the vote was then announced as above recorded.

Mr. MCMILLIN. Mr. Speaker, I now move to recommit this report to the Committee on Elections No. 1.

The question being taken on the motion of Mr. MCMILLIN, the Speaker pro tempore announced that the noes seemed to have it.

Mr. MCMILLIN. I ask for a division.

The House divided; and there were—ayes 31, noes 130.

Mr. MCMILLIN. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 48, nays 165, not voting 140; as follows:

YEAS—48.

Abbott,	Clarke, Ala.	Layton,	Shuford,
Allen, Miss.	Cooper, Fla.	Lester,	Stallings,
Bailey,	Cooper, Tex.	McCreary, Ky.	Sulzer,
Bankhead,	Culberson,	McCulloch,	Swanson,
Bartlett, N. Y.	Cummings,	McMillin,	Talbert,
Bell, Tex.	Erdman,	Money,	Tate,
Bennett,	Fitzgerald,	Otey,	Terry,
Berry,	Harrison,	Owens,	Turner, Ga.
Black, Ga.	Hart,	Pendleton,	Underwood,
Buck,	Hendrick,	Russell, Ga.	Wheeler,
Catchings,	Jones,	Sayers,	Williams,
Clardy,	Kleberg,	Sherman,	Yoakum.

NAYS—165.

Acheson,	Dingley,	Jenkins,	Pugh,
Adams,	Dolliver,	Johnson, Cal.	Quigg,
Aldrich, Ala.	Doolittle,	Johnson, N. Dak.	Reeves,
Anderson,	Dovener,	Joy,	Robinson, Pa.
Andrews,	Draper,	Kerr,	Russell, Conn.
Apsley,	Eddy,	Kiefer,	Scranton,
Arnold, Pa.	Ellis,	Kirkpatrick,	Shafroth,
Arnold, R. I.	Fairchild,	Knox,	Simpkins,
Atwood,	Faris,	Kulp,	Skinner,
Avery,	Fenton,	Lacey,	Smith, Ill.
Babcock,	Fletcher,	Lefever,	Spalding,
Baker, Kans.	Gamble,	Leighty,	Stewart, N. J.
Baker, Md.	Gardner,	Leonard,	Stewart, Wis.
Baker, N. H.	Gibson,	Lewis,	Stone, C. W.
Barney,	Gillet, N. Y.	Linney,	Strode, Nebr.
Belknap,	Goodwyn,	Linton,	Strong,
Bishop,	Graff,	Long,	Strowd, N. C.
Black, N. Y.	Griffin,	Loud,	Sulloway,
Blue,	Griswold,	Loudenslager,	Taft,
Brewster,	Grosvenor,	Mahany,	Tawney,
Broderick,	Grow,	Mahon,	Tayler,
Bromwell,	Hadley,	Marsh,	Thorp,
Brown,	Hager,	McLachlan,	Tracewell,
Brumm,	Hainer, Nebr.	Mercer,	Updegraff,
Bull,	Halterman,	Miller, W. Va.	Van Horn,
Burrell,	Hardy,	Milliken,	Walker, Mass.
Burton, Mo.	Harmer,	Milnes,	Walker, Va.
Burton, Ohio	Harris,	Minor, Wis.	Wanger,
Calderhead,	Hatch,	Mitchell,	Warner,
Cannon,	Hemenway,	Mondell,	Watson, Ohio
Chickering,	Henderson,	Moody,	Wellington,
Clark, Mo.	Henry, Conn.	Mozley,	White,
Codding,	Henry, Ind.	Murphy,	Willis,
Coffin,	Hepburn,	Noonan,	Wilson, Idaho
Connolly,	Hermann,	Otjen,	Wilson, Ohio
Cooke, Ill.	Hilborn,	Overstreet,	Wood,
Cooper, Wis.	Hill,	Parker,	Woodman,
Crowther,	Hopkins,	Payne,	Wright.
Crump,	Howe,	Pearson,	
Curtis, Kans.	Hulick,	Poole,	
Daniels,	Huling,	Powers,	
Dayton,	Hunter,	Prince,	

NOT VOTING—140.

Aitken,	Bartlett, Ga.	Brosius,	Corliss,
Aldrich, Ill.	Beach,	Clark, Iowa	Cousins,
Allen, Utah	Bell, Colo.	Cobb,	Cowen,
Barham,	Bingham,	Cockrell,	Cox,
Barrett,	Boutelle,	Colson,	Crisp,
Bartholdt,	Bowers,	Cook, Wis.	Crowley,

Curtis, Iowa	Huff,	Meredith,	Shaw,
Curtis, N. Y.	Hull,	Meyer,	Smith, Mich.
Dalzell,	Hurley,	Miles,	Snover,
Danford,	Hutcheson,	Miller, Kans.	Sorg,
De Armond,	Hyde,	Miner, N. Y.	Southard,
Denny,	Johnson, Ind.	Morse,	Southwick,
De Witt,	Kem,	Moses,	Sparkman,
Dinsmore,	Kendall,	Murray,	Spencer,
Dockery,	Kyle,	Neill,	Stahle,
Downing,	Latimer,	Newlands,	Steele,
Ellett,	Lawson,	Northway,	Stephenson,
Evans,	Leisenring,	Odell,	Stone, W. A.
Fischer,	Little,	Ogden,	Strait,
Foote,	Livingston,	Patterson,	Thomas,
Foss,	Lorimer,	Perkins,	Towne,
Fowler,	Low,	Phillips,	Tracey,
Gillett, Mass.	Maddox,	Pickler,	Trelcar,
Grout,	Maguire,	Pitney,	Tucker,
Hall,	McCall, Mass.	Price,	Turner, Va.
Hanly,	McCall, Tenn.	Raney,	Tyler,
Hartman,	McCleary, Minn.	Ray,	Van Voorhis,
Heatwole,	McClellan,	Reyburn,	Wadsworth,
Heiner, Pa.	McClure,	Richardson,	Washington,
Hicks,	McCormick,	Robertson, La.	Watson, Ind.
Hitt,	McDearmon,	Royse,	Wilber,
Hooker,	McEwan,	Rusk,	Wilson, N. Y.
Howard,	McLaurin,	Sauerhering,	Wilson, S. C.
Howell,	McRae,	Settle,	Woodard,
Hubbard,	Meiklejohn,	Shannon,	Woomer.

So the motion to recommit was rejected.

The following additional pairs, for this day, were announced:

Mr. COOK of Wisconsin with Mr. HALL.

Mr. HICKS with Mr. LITTLE.

Pending the announcement of the vote the Speaker pro tempore presented a report from the Committee on Enrolled Bills, as follows:

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 956) for the relief of Sophia Sparks and Julia C. Sparks, of Annapolis, Md.;

A bill (H. R. 2006) to increase the pension of Harriet C. Gregg, widow of Col. and Bvt. Maj. Gen. John Irvin Gregg, from $30 to $50 per month;

A bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of "filled cheese"; and

A bill (H. R. 8293) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes.

CONTESTED-ELECTION CASE—RINAKER VS. DOWNING, SIXTEENTH DISTRICT OF ILLINOIS.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore. On this question the yeas are 48 and the nays are 164, and the motion to recommit is disagreed to.

The question being taken on the resolution reported from the Committee on Elections No. 1, the Speaker pro tempore announced that the ayes seemed to have it.

Mr. MCMILLIN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 140, noes 31.

Mr. MCMILLIN. I ask for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 167, nays 52, not voting 134; as follows:

YEAS—167.

Acheson,	Connolly,	Henry, Ind.	Milnes,
Adams,	Cooke, Ill.	Hepburn,	Minor, Wis.
Aldrich, Ala.	Crowther,	Hermann,	Mitchell,
Aldrich, Ill.	Crump,	Hilborn,	Mondell,
Anderson,	Curtis, Kans.	Hill,	Mozley,
Andrews,	Daniels,	Hopkins,	Murphy,
Apsley,	Dayton,	Howe,	Noonan,
Arnold, Pa.	Dingley,	Howell,	Otjen,
Arnold, R. I.	Dolliver,	Huling,	Parker,
Atwood,	Doolittle,	Hunter,	Payne,
Avery,	Dovener,	Hurley,	Pearson,
Babcock,	Draper,	Jenkins,	Phillips,
Baker, Kans.	Eddy,	Johnson, Cal.	Poole,
Baker, Md.	Ellis,	Johnson, N. Dak.	Powers,
Baker, N. H.	Fairchild,	Joy,	Prince,
Barney,	Faris,	Kerr,	Pugh,
Belknap,	Fenton,	Kiefer,	Quigg,
Bishop,	Gamble,	Kirkpatrick,	Reeves,
Black, N. Y.	Gardner,	Knox,	Reyburn,
Blue,	Gibson,	Kulp,	Russell, Conn.
Boutelle,	Gillet, N. Y.	Lacey,	Scranton,
Brewster,	Goodwyn,	Lefever,	Shafroth,
Broderick,	Graff,	Leighty,	Skinner,
Bromwell,	Griffin,	Leonard,	Smith, Ill.
Brown,	Griswold,	Lewis,	Southard,
Brumm,	Grosvenor,	Linney,	Spalding,
Bull,	Grow,	Linton,	Sperry,
Burrell,	Hadley,	Long,	Stewart, N. J.
Burton, Mo.	Hager,	Loudenslager,	Stewart, Wis.
Burton, Ohio	Hainer, Nebr.	Mahany,	Stone, C. W.
Calderhead,	Halterman,	Mahon,	Strode, Nebr.
Cannon,	Harmer,	Marsh,	Strong,
Chickering,	Harris,	McCormick,	Strowd, N. C.
Clark, Iowa	Hatch,	McLachlan,	Sulloway,
Clark, Mo.	Hemenway,	Mercer,	Taft,
Codding,	Henderson,	Miller, W. Va.	Tawney,
Coffin,	Henry, Conn.	Milliken,	Tayler,
Thomas,	Walker, Mass.	Wellington,	Wilson, Ohio
Thorp,	Walker, Va.	Wheeler,	Wood,
Tracewell,	Wanger,	White,	Woodman,
Updegraff,	Warner,	Willis,	Wright.
Van Horn,	Watson, Ohio	Wilson, Idaho	

NAYS—52.

Abbott,	Culberson,	Lester,	Shuford,
Allen, Miss.	Cummings,	McCreary, Ky.	Sorg,
Bailey,	Ellett,	McCulloch,	Stallings,
Bankhead,	Erdman,	McDearmon,	Sulzer,
Bartlett, N. Y.	Evans,	McMillin,	Swanson,
Bell, Tex.	Fitzgerald,	Money,	Talbert,
Berry,	Harrison,	Moody,	Tate,
Black, Ga.	Hart,	Newlands,	Terry,
Buck,	Hendrick,	Otey,	Turner, Ga.
Catchings,	Jones,	Pendleton,	Underwood,
Clardy,	Kleberg,	Russell, Ga.	Williams,
Clarke, Ala.	Latimer,	Sayers,	Woodard,
Cooper, Tex.	Layton,	Sherman,	Yoakum.

NOT VOTING—134.

Aitken,	Fischer,	Maddox,	Robinson, Pa.
Allen, Utah	Fletcher,	Maguire,	Royse,
Barham,	Foote,	McCall, Mass.	Rusk.
Barrett,	Foss,	McCall, Tenn.	Sauerhering,
Bartholdt,	Fowler,	McCleary, Minn.	Settle,
Bartlett, Ga.	Gillett, Mass.	McClellan,	Shannon,
Beach,	Grout,	McClure,	Shaw,
Bell, Colo.	Hall,	McEwan,	Simpkins,
Bennett,	Hanly,	McLaurin,	Smith, Mich.
Bingham,	Hardy,	McRae,	Snover,
Bowers,	Hartman,	Meiklejohn,	Southwick,
Brosius,	Heatwole,	Meredith,	Sparkman,
Cobb,	Heiner, Pa.	Meyer,	Spencer,
Cockrell,	Hicks,	Miles,	Stahle,
Colson,	Hitt,	Miller, Kans.	Steele,
Cook, Wis.	Hooker,	Miner, N. Y.	Stephenson,
Cooper, Fla.	Howard,	Morse,	Stone, W. A.
Cooper, Wis.	Hubbard,	Moses,	Strait,
Corliss,	Huff,	Murray,	Towne,
Cousins,	Hulick,	Neill,	Tracey,
Cowen,	Hull,	Northway,	Trelcar,
Cox,	Hutcheson,	Odell,	Tucker,
Crisp,	Hyde,	Ogden,	Turner, Va.
Crowley,	Johnson, Ind.	Overstreet,	Tyler,
Curtis, Iowa	Kem,	Owens,	Van Voorhis,
Curtis, N. Y.	Kendall,	Patterson,	Wadsworth,
Dalzell,	Kyle,	Perkins,	Washington,
Danford,	Lawson,	Pickler,	Watson, Ind.
De Armond,	Leisenring,	Pitney,	Wilber,
Denny,	Little,	Price,	Wilson, N. Y.
De Witt,	Livingston,	Raney,	Wilson, S. C.
Dinsmore,	Lorimer,	Ray,	Woomer.
Dockery,	Loud,	Richardson,	
Downing,	Low,	Robertson, La.	

The following additional pairs were announced:

Mr. SIMPKINS with Mr. STRAIT, on this question.

Mr. FOWLER with Mr. BARTLETT of Georgia, on all election cases except Underwood's.

Mr. HULICK with Mr. TYLER, contested-election cases.

Mr. SPARKMAN. Mr. Speaker, I have voted, but I am paired with the gentleman from Missouri [Mr. TRELOAR], and I withdraw my vote.

Mr. RICHARDSON. Mr. Speaker, I ask respectfully to have the vote recapitulated.

The SPEAKER pro tempore. The Chair declines to direct a recapitulation of the vote.

Mr. RICHARDSON. Does the Chair decline to comply with a reasonable request like that?

The SPEAKER pro tempore. On this question the yeas are 167, and the nays are 51. The yeas have it, and the resolutions are adopted.

Mr. WHEELER. Mr. Speaker, I move to reconsider the vote.

Mr. COOKE of Illinois. I move that the motion to reconsider be laid on the table.

The question being taken on the motion of Mr. COOKE of Illinois, there were on a division (called for by Mr. WHEELER and others)—ayes 143, noes 15.

Mr. WHEELER, Mr. MCMILLIN, and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 155, nays 45, not voting 154; as follows:

YEAS—155.

Acheson,	Brewster,	Dayton,	Hadley,
Adams,	Broderick,	Dingley,	Hager,
Aldrich, Ala.	Bromwell,	Dolliver,	Hainer, Nebr.
Aldrich, Ill.	Brown,	Doolittle,	Halterman,
Anderson,	Brumm,	Dovener,	Harmer,
Andrews,	Bull,	Draper,	Harris,
Apsley,	Burrell,	Eddy,	Hartman,
Arnold, Pa.	Burton, Mo.	Ellis,	Hatch,
Arnold, R. I.	Burton, Ohio	Evans,	Henderson,
Avery,	Calderhead,	Fairchild,	Henry, Conn.
Babcock,	Cannon,	Fenton,	Hepburn,
Baker, Kans.	Chickering,	Fletcher,	Hilborn,
Baker, Md.	Clark, Iowa	Gamble,	Hill,
Baker, N. H.	Clark, Mo.	Gardner,	Hopkins,
Barney,	Codding,	Gibson,	Howell,
Beach,	Connolly,	Goodwyn,	Hubbard,
Belknap,	Cooke, Ill.	Graff,	Huling,
Bishop,	Cooper, Wis.	Griffin,	Hunter,
Black, N. Y.	Crowther,	Griswold,	Jenkins,
Blue,	Curtis, Kans.	Grosvenor,	Johnson, Cal.
Boutelle,	Daniels,	Grow,	Johnson, N. Dak.

Kirkpatrick,	McLachlan,	Pugh,	Tawney,
Knox,	Mercer,	Quigg,	Thomas,
Kulp,	Miller, W. Va.	Reeves,	Thorp,
Lacey,	Milliken,	Russell, Conn.	Updegraff,
Lefever,	Milnes,	Scranton,	Van Horn,
Leighty,	Minor, Wis.	Shafroth,	Walker, Mass.
Leonard,	Mitchell,	Simpkins,	Walker, Va.
Lewis,	Moody,	Smith, Ill.	Warner,
Linney,	Mozley,	Southard,	Watson, Ohio
Linton,	Murphy,	Spalding,	Wellington,
Long,	Noonan,	Sperry,	White,
Loudenslager,	Otjen,	Stewart, N. J.	Willis,
Mahany,	Payne,	Stewart, Wis.	Wilson, Idaho
Mahon,	Pearson,	Stone, C. W.	Wilson, Ohio
Marsh,	Phillips,	Stro'e, Nebr.	Wood,
McCleary, Minn.	Poole,	Strong,	Woodman,
McCormick,	Powers,	Sulloway,	Wright.
McEwan,	Prince,	Taft,	

NAYS—45.

Abbott,	Cummings,	McCreary, Ky.	Swanson,
Allen, Miss.	Ellett,	McCulloch,	Talbert,
Bailey,	Erdman,	McDearmon,	Tate,
Bankhead,	Fitzgerald,	McMillin,	Terry,
Bell, Tex.	Harrison,	Miles,	Turner, Ga.
Black, Ga.	Hart,	Money,	Wheeler,
Buck,	Hendrick,	Otey,	Williams,
Catchings,	Jones,	Pendleton,	Woodard,
Clardy,	Kleberg,	Sayers,	Yoakum.
Cooper, Fla.	Latimer,	Sorg,	
Cooper, Tex.	Layton,	Stallings,	
Culberson,	Lester,	Sulzer,	

NOT VOTING—154.

Aitken,	Foote,	Maddox,	Russell, Ga.
Allen, Utah.	Foss,	Maguire,	Sauerhering,
Atwood,	Fowler,	Martin,	Settle,
Barham,	Gillet, N. Y.	McCall, Mass.	Shannon,
Barrett,	Gillett, Mass.	McCall, Tenn.	Shaw,
Bartholdt,	Grout,	McClellan,	Sherman.
Bartlett, Ga.	Hall,	McClure,	Shuford,
Bartlett, N. Y.	Hanly,	McLaurin,	Skinner,
Bell, Colo.	Hardy,	McRae,	Smith, Mich.
Bennett,	Heatwole,	Meiklejohn,	Snover,
Berry,	Heiner, Pa.	Meredith,	Southwick,
Bingham,	Hemenway,	Meyer,	Sparkman,
Bowers,	Henry, Ind.	Miller, Kans.	Spencer,
Brosius,	Hermann,	Miner, N. Y.	Stahle,
Clarke, Ala.	Hicks,	Mondell,	Steele,
Cobb,	Hitt,	Morse,	Stephenson,
Cockrell,	Hooker,	Moses,	Stone, W. A.
Coffin,	Howard,	Murray,	Strait,
Colson,	Howe,	Neill,	Strowd, N. C.
Cook, Wis.	Huff,	Newlands,	Tayler,
Corliss,	Hulick,	Northway,	Towne,
Cousins,	Hull,	Odell,	Tracewell,
Cowen,	Hurley,	Ogden,	Tracey,
Cox,	Hutcheson,	Overstreet,	Trelour,
Crisp,	Hyde,	Owens,	Tucker,
Crowley,	Johnson, Ind.	Parker,	Turner, Va.
Crump,	Joy,	Patterson,	Tyler,
Curtis, Iowa	Kem,	Perkins,	Underwood,
Curtis, N. Y.	Kendall,	Pickler,	Van Voorhis,
Dalzell,	Kerr,	Pitney,	Wadsworth,
Danford,	Kiefer,	Price,	Wanger,
De Armond,	Kyle,	Raney,	Washington,
Denny,	Lawson,	Ray,	Watson, Ind.
De Witt,	Leisenring,	Reyburn,	Wilber,
Dinsmore,	Little,	Richardson,	Wilson, N. Y.
Dockery,	Livingston,	Robertson, La	Wilson, S. C.
Downing,	Lorimer,	Robinson, Pa.	Woomer.
Faris,	Loud,	Royse,	
Fischer,	Low,	Rusk,	

So the motion to reconsider was laid on the table.

The following additional pair was announced:

Mr. PICKLER with Mr. RUSSELL of Georgia.

Mr. MAGUIRE. I am paired with the gentleman from New Jersey [Mr. PITNEY]. If he were present, I should vote "no" on this q estion.

Mr. RICHARDSON. I am paired on political questions with the gentleman from Iowa [Mr. CURTIS]. I do not know how he would vote; but if he were present, I should vote "no."

The result of the vote was announced as above stated.

Mr. COOKE of Illinois. Mr. Speaker, the gentleman who has just been declared elected is present; and I ask that the oath of office be administered to him.

Mr. John I. Rinaker, amid applause on the Republican side, came forward (accompanied by Mr. COOKE of Illinois) and was duly qualified by taking the oath of office prescribed by law. As he retired to his seat, Mr. Rinaker was again greeted with applause.

ORDER OF BUSINESS.

Mr. DINGLEY rose.

Mr. JONES. I move that the House do now adjourn.

The SPEAKER. The gentleman from Maine [Mr. DINGLEY] is recognized.

Mr. DINGLEY. Inasmuch as it is understood that a quorum will be required for the transaction of business this evening, and as no quorum can probably be obtained, I move that the House do now adjourn.

Mr. RICHARDSON. I submit that the remark just made by the gentleman from Maine is not in order, and should be excluded from the RECORD. Remarks have been excluded from the RECORD to-day on the same ground.

The SPEAKER. The Chair really thinks the gentleman from Tennessee [Mr. RICHARDSON] understands the difference between such a case as he refers to and the present——

Mr. RICHARDSON. But the gentleman from Maine stated——

The SPEAKER. And also the propriety of not interr upting the Speaker when he is addressing the House. [Laughter.]

Mr. RICHARDSON. "The gentleman from Tennessee" submits with becoming grace to the lecture from the Chair; but nevertheless the remark of the gentleman from Maine, which reflected upon this side of the House, was not in order, and the Chair knows it.

The SPEAKER. The Chair heard no remark of the gentleman from Maine which reflected on anybody.

Mr. RICHARDSON. He stated it was understood there would be no quorum here to-night.

Mr. GROSVENOR. Perhaps he meant it was understood that the Republicans would not be present. [Laughter.]

Mr. RICHARDSON. I do not think a remark like that of the gentleman from Maine ought to be made.

The SPEAKER. The Chair did not understand it to be a reflection on anybody. Perhaps if the present occupant of the chair had been here all the afternoon he might adopt a different construction. [Laughter.]

REPRINT OF A REPORT.

On motion of Mr. HURLEY, by unanimous consent, a reprint of House Report No. 795, to accompany the bill H. R. 7251, was ordered, the supply of the same having been exhausted.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MURRAY for ten days, on account of sickness in family.

The motion of Mr. DINGLEY was then agreed to; and accordingly at (4 o'clock and 55 minutes p. m.) the House adjourned until 11 o'clock a. m. Saturday.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting an acknowledgment of the receipt of the House resolution of February 17, 1896, and making reply to the inquiries contained therein in regard to the amount of bonds offered and sold under the resumption act of 1875, greenbacks and Treasury notes redeemed, the surplus or deficiency of revenues, and amounts paid on account of the reduction of the public debt between July 1, 1879, and March 1, 1893, and between March 1, 1893, and January 1, 1896—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting, in compliance with the provisions of the act of January 12, 1895, a statement of the documents received and distributed by the Department from January 1, 1895, to December 31, 1895—to the Committee on Printing, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. McCALL of Massachusetts, from the Committee on Elections No. 3, to which was referred the bill of the House (H. R. 1987) relating to contests of elections of members of the House of Representatives, reported the same with amendment, accompanied by a report (No. 2234); which said bill and report were referred to the House Calendar.

Mr. McRAE, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 2923) entitled "An act for the better improvement of the Government reservation at the city of Fort Smith, in the State of Arkansas, and for other purposes," reported the same without amendment, accompanied by a report (No. 2236); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GAMBLE, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 9146) to provide for the revision and adjustment of the sales of the Otoe and Missouria Reservation lands, in the States of Kansas and Nebraska, and to confirm the titles under said sales, reported the same with amendment, accompanied by a report (No. 2237); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DINGLEY, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 1341) entitled "An act to prohibit the further issuance of interest-bearing bonds without the consent of Congress," reported the same adversely, accompanied by a report (No. 2246); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions:

The bill (H. R. 8683) granting a pension to Frederick Lierman. (Report No. 2220.)

The bill (H. R. 7551) for the relief of Oliver J. Lyon. (Report No. 2221.)

The bill (H. R. 9319) granting a pension to Malachi Salters, a sergeant of Company F, Ninth Regiment Illinois Volunteer Cavalry. (Report No. 2238.)

The bill (H. R. 9285) granting a pension to Henry H. Tucker, of Minneapolis, Kans., late a sergeant of Company E, Thirty-first Ohio Volunteer Infantry, and a first lieutenant of Company B, One hundred and forty-third Illinois Infantry. (Report No. 2239.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (H. R. 3250) granting a pension to Levi R. Long. (Report No. 2222.)

The bill (H. R. 4525) granting a pension to Henry Hubbell. (Report No. 2224.)

The bill (S. 2456) entitled "An act granting a pension to Oliver P. Gooding." (Report No. 2225.)

The bill (H. R. 1306) to increase the pension of Benjamin F. Douglass. (Report No. 2240.)

The bill (H. R. 3585) granting a pension to George W. Bailey. (Report No. 2245.)

By Mr. PICKLER, from the Committee on Invalid Pensions:

A bill (H. R. 9362) granting an increase of pension to Col. Benjamin Beach, reported in lieu of House bill No. 9231. (Report No. 2226.)

The bill (H. R. 9350) granting an increase of pension to Patrick H. Smith. (Report No. 2227.)

The bill (H. R. 9312) granting an increase of pension to Stephen H. Morse. (Report No. 2228.)

The bill (H. R. 9315) granting a pension to H. R. Draper. (Report No. 2241.)

By Mr. POOLE, from the Committee on Invalid Pensions:

The bill (H. R. 7350) to increase the pension of Susan D. Yates. (Report No. 2229.)

The bill (H. R. 921) granting a pension to Ira Ingraham. (Report No. 2230.)

By Mr. THOMAS, from the Committee on Invalid Pensions:

The bill (H. R. 616) granting a pension to Charles Beckwith. (Report No. 2231.)

The bill (H. R. 617) granting a pension to Lovinia Parker. (Report No. 2232.)

The bill (H. R. 7964) granting a pension to Annie E. Bassett. (Report No. 2242.)

The bill (H. R. 5262) granting a pension to Maria C. Hill. (Report No. 2244.)

By Mr. LOCKHART, from the Committee on Military Affairs: The bill (H. R. 4498) to correct the date of muster of Rosalvo Brazelton as second lieutenant of Company D, Forty-second Regiment Indiana Volunteer Infantry. (Report No. 2233.)

By Mr. HURLEY, from the Committee on War Claims: The bill (S. 581) entitled "An act for the relief of the legal representatives of Hiram Somerville." (Report No. 2235.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 3218) entitled "An act granting an increase of pension to Charles D. Hanscom." (Report No. 2243.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PARKER: A bill (H. R. 9361) to increase the efficiency of the Regular Army of the United States and to localize the recruiting of regiments in time of war—to the Committee on Military Affairs.

By Mr. McLACHLAN: A bill (H. R. 9381) granting lands to the city of Santa Barbara for the purpose of a permanent water supply for said city—to the Committee on the Public Lands.

By Mr. GROSVENOR: A joint resolution (H. Res. 198) to authorize the further retention in the Treasury of the residue from the first payment derived from the sale of the Cherokee Outlet—to the Committee on Indian Affairs.

By Mr. CHICKERING: A resolution (House Res. No. 410) to have printed 10,000 additional copies of the majority and minority reports of the Committee on Ways and Means on Senate bill 1341, for the use of the House—to the Committee on Printing.

By Mr. BISHOP: A resolution (House Res. No. 411) for the relief of Samuel Lee—to the Committee on Claims.

By Mr. BOUTELLE: A resolution (House Res. No. 412) for the consideration of Senate resolution No. 149 on Saturday, June 6, immediately after reading of the Journal—to the Committee on Rules.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9331) to increase the pension of Louis Alexander Dunlop, alias Alexander Dunlop; and the same was referred to the Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BLUE: A bill (H. R. 9363) granting a pension to Anna B. Gillett—to the Committee on Invalid Pensions.

By Mr. CURTIS of Kansas: A bill (H. R. 9364) granting an increase of pension to Stephen R. Smith—to the Committee on Invalid Pensions.

By Mr. HARRIS: A bill (H. R. 9365) for the relief of George Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9366) to grant an honorable discharge to James Geissinger—to the Committee on Military Affairs.

Also, a bill (H. R. 9367) to grant an honorable discharge to John M. Bassler—to the Committee on Military Affairs.

By Mr. KERR: A bill (H. R. 9368) to pension Levi Benedict—to the Committee on Invalid Pensions.

By Mr. McCLEARY of Minnesota: A bill (H. R. 9369) granting a pension to Mrs. Lavina Estlick—to the Committee on Pensions.

By Mr. McCREARY of Kentucky: A bill (H. R. 9370) for the benefit of Harrodsburg Presbyterian Church—to the Committee on War Claims.

By Mr. McEWAN: A bill (H. R. 9371) to remove the charge of desertion from the record of Samuel C. Shureman, alias Samuel C. Wadsworth—to the Committee on Military Affairs.

By Mr. McMILLIN: A bill (H. R. 9372) granting a pension to Lon M. Staring—to the Committee on Invalid Pensions.

By Mr. SPALDING: A bill (H. R. 9373) granting a pension to Jane Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9374) granting a pension to Eliza Ann Harrington—to the Committee on Invalid Pensions.

By Mr. McLACHLAN: A bill (H. R. 9375) to grant a pension to Clara A. Wycoff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9376) for the relief of Lucy M. Cleveland—to the Committee on Pensions.

Also, a bill (H. R. 9377) for the relief of Henry S. Hill—to the Committee on Military Affairs.

Also, a bill (H. R. 9378) for the relief of the legal representatives of John Moshier—to the Committee on War Claims.

Also, a bill (H. R. 9379) for the relief of Homer A. Wells—to the Committee on Invalid Pensions.

By Mr. McCLEARY of Minnesota: A bill (H. R. 9380) placing Capt. Aaron Tyler's company of Minnesota militia on the roll of United States Volunteers—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOUTELLE: Petition of citizens of Bangor, Me., in favor of House bill No. 260, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Petition of sundry citizens of Pittsburg, Pa., in favor of House bill No. 260, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DOLLIVER: Sundry petitions of citizens of the State of Iowa, asking for favorable action on House bill No. 838, to reduce letter postage to 1 cent per half ounce, and House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. FARIS: Petition of A. A. Hargrave and 40 other citizens of Rockville, Ind., favoring House bill No. 6851, in behalf of Wilberforce University—to the Committee on Military Affairs.

By Mr. GROSVENOR: Memorial of Columbus Golden Post, No. 89, Department of Ohio, Grand Army of the Republic, in favor of House bill No. 7860, favoring the erection of a monument to the memory of the private soldiers and sailors of the Union armies—to the Committee on the Library.

By Mr. HENDERSON: Telegram from Thomas J. Elderken, of Chicago, Ill., urging the passage of the seamen's bill—to the Committee on Rules.

Also, telegram from P. P. Morrissey, grand master of the Brotherhood of Railroad Trainmen, urging the passage of the arbitration bill—to the Committee on Rules.

By Mr. McLACHLAN: Petition of members of the California Yearly Meeting of Friends, assembled in Whittier, Cal., protesting against military drill in public schools—to the Committee on Education.

Also, petition of George R. Trampton and others, urging the removal of the Marquette statue from the Capitol—to the Committee on the Library.

By Mr. SPALDING: Papers to accompany House bill No. 3924, to remove charges from the record of Franklin Benham—to the Committee on Military Affairs.

By Mr. WATSON of Ohio: Telegram from F. W. Arnold, general secretary and treasurer of the Brotherhood of Locomotive Firemen, urging the passage of the arbitration bill—to the Committee on Rules.

SENATE.

SATURDAY, *June 6, 1896.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The VICE-PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

ENROLLED BILLS SIGNED.

The signature of the Vice-President was announced to the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

A bill (S. 1420) granting an increase of pension to Elizabeth W. Sutherland;

A bill (H. R. 6739) for the relief of John N. Quackenbush, late a commander in the United States Navy;

A bill (H. R. 7171) authorizing and directing the Secretary of the Navy to donate 4 condemned cannon and 4 pyramids of condemned cannon balls to James T. Shields Post, No. 45, Grand Army of the Republic, of Galesburg, Knox County, Ill., and for other purposes;

A bill (H. R. 956) for the relief of Sophia Sparks and Julia C. Sparks, of Annapolis, Md.;

A bill (H. R. 2006) to increase the pension of Harriet C. Gregg, widow of Col. and Bvt. Maj. Gen. John Irvin Gregg, from $30 to $50 per month;

A bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of "filled cheese"; and

A bill (H. R. 8293) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes.

RIVER AND HARBOR BILL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, acknowledging the receipt of the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," returned by the President of the United States with his objections, and passed by both Houses of Congress, upon reconsideration of the same; which was read, and ordered to be placed on the files.

ALCOHOL IN THE ARTS.

The VICE-PRESIDENT appointed (in compliance with the act approved June 3, 1896, entitled "An act to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 28, 1894") Mr. PLATT, Mr. ALDRICH, and Mr. JONES of Arkansas members of the joint select committee on the part of the Senate to consider all questions relating to the use of alcohol in the manufactures and arts, free of tax, etc.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of the Trade and Labor Assembly of Galesburg, Ill., praying for the Government ownership and control of the telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Atwood Camp, No. 73, Sons of Veterans, of Atwood, Ill., praying for the enactment of legislation to constitute organized camps of Sons of Veterans, United States Army, a national reserve, and directing the Secretary of War to furnish them with arms, etc.; which was referred to the Committee on Military Affairs.

He also presented a petition of Encampment of the Department of Illinois, Grand Army of the Republic, praying for the enactment of legislation to establish a national park to commemorate the campaign, seige, and defense of Vicksburg; which was ordered to lie on the table.

Mr. BURROWS (for Mr. McMILLAN) presented a petition of the Baptist Church of Wheatland, Mich., and a petition of the Woman's Foreign Missionary Society of the Methodist Episcopal Church of Detroit, Mich., praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also (for Mr. McMILLAN) presented a petition of the Council of Trades and Labor Unions of Detroit, Mich., praying for the enactment of legislation restricting immigration; which was ordered to lie on the table.

He also (for Mr. McMILLAN) presented a petition of Wolverine Division, No. 182, Order of Railway Conductors, of Jackson, Mich., praying for the passage of the so-called arbitration and contempt bills; which was referred to the Committee on Education and Labor.

He also (for Mr. McMILLAN) presented a memorial of the faculty of the University of Michigan, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

Mr. TELLER presented a petition of Bainbridge Council, No. 14, Junior Order United American Mechanics, of Leadville, Colo., praying for the enactment of legislation restricting immigration; which was ordered to lie on the table.

He also presented a memorial of the Medical Society of Weld County, Colo., remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Colorado praying that the right of equal suffrage be granted to women; which was ordered to lie on the table.

He also presented sundry memorials of citizens of Colorado, remonstrating against the reception of the Père Marquette statue; which were ordered to lie on the table.

He also presented a petition of the Granite Cutters' National Union of Denver, Colo., praying for the enactment of an eight-hour law; which was referred to the Committee on Education and Labor.

He also presented a petition of the Trades and Labor Assembly of Denver, Colo., praying for the enactment of legislation prohibiting the use of convict labor in the construction of public buildings erected by the Government; which was referred to the Committee on Education and Labor.

He also presented petitions of the Trades and Labor Assembly of Aspen, Colo.; of Typographical Union, No. 29, of Peoria, Ill.; of Local Union, No. 1, Association of Buffers and Polishers, of Meriden, Conn., and of Local Union, No. 10, United Brotherhood of Carpenters and Joiners, of Chicago, Ill., praying for the free and unlimited coinage of silver; which were ordered to lie on the table.

Mr. VILAS. I present a memorial of citizens of Polish nationality, of Milwaukee, Wis., setting forth at some length their reply to certain criticisms that have been made in regard to the immigration of citizens of Poland. It is, I think, a very interesting and important memorial. It is not very long, and I ask that it be printed as a document.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The memorial will be referred to the Committee on Immigration, and it will be printed as a document, if there be no objection. It is so ordered.

Mr. BRICE presented a petition of the Trades and Labor Assembly of Sandusky, praying for the enactment of legislation authorizing money-order post-offices to receive money on deposit; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Christian Endeavor Union of Cincinnati, Ohio, and a petition of the Citizenship League, of Cincinnati, Ohio, praying for the enactment of legislation to prevent interstate gambling by telegraph, telephone, etc.; which were referred to the Committee on Interstate Commerce.

SPECIAL LIQUOR TAXES.

Mr. PEFFER. I present two petitions, both relating to the same subject, one being the petition of John A. Reed and 13 other citizens of Kansas, praying for the passage of Senate bill No. 239, to prohibit the collection of special liquor taxes from persons other than those who are duly authorized by State laws to traffic in intoxicating liquors; and also the petition of H. H. Bowen and 19 other citizens of Kansas, asking for the same relief.

In this connection I wish to make a brief statement. I think this is the proper time to make it, as there seems to be a misapprehension in the public mind as to the object of Senate bill 239, to which the petitions relate. In order to relieve the misapprehension I will read that bill. It is entitled "A bill to prohibit the collection of special liquor taxes from persons other than those who are duly authorized by State laws to traffic in intoxicating liquors." The bill itself has but one section, as follows:

Be it enacted, etc., That whenever, in any State, by the laws thereof duly enacted, traffic in spirituous, vinous, malt, or other intoxicating liquors is limited to particular persons or classes of persons, collectors of United States internal revenue shall not hereafter collect special liquor taxes from, nor

shall they issue stamps or receipts therefor to, any person or persons within such State other than those who at the time are duly authorized by the laws of such State and in accordance with the provisions thereof to engage in or carry on such trade or traffic: *Provided*, That nothing in this act shall be held to relieve any person or persons from the penalties prescribed under provisions of existing laws for engaging in the business of manufacturing or dealing in any kind of intoxicating liquors without having first paid the special taxes imposed by the laws of the United States.

A week or ten days ago a meeting of Presbyterians was held in the State of Kansas, and, as has been the custom with other religious denominations in that State the last three months or more, the preachers in the assembly proposed a resolution indorsing the object of Senate bill No. 239. The report of that meeting, as it is printed in the newspapers, shows that some lawyers present quibbled at the proposed legislation, and gave it as their opinion that the bill was based on or was the product of ignorance on the part of the Senator from Kansas. The trouble with the lawyers was that they themselves did not understand the object of the bill.

The object of this bill has not been, it is not now—and the bill so provides—to prohibit in any manner interference with the rights of either the Government or the rights of the States. It simply provides that in States where the liquor traffic is limited to particular persons, no revenue-tax receipts shall be issued to persons other than those who are authorized by the State laws to engage in the traffic in intoxicating liquors, and it applies the same in a license State or in a local-option State as in a prohibition State.

I found extreme difficulty—practical impossibility—in getting favorable consideration of that bill upon the part of the Finance Committee of the Senate. I then introduced another bill, which I thought would relieve our situation in Kansas and in other places where we have like trouble. I proposed to amend the existing statute so as to require the collectors of internal revenue in the several districts, at the end of every calendar month, to make out a list of the persons who had paid the taxes in the several counties in the district during the last preceding calendar month, and to supply the county officers having charge of the county records with that list. The Committee on Finance referred the bill to the Treasury Department. Here is the answer of the Secretary of the Treasury:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., May 28, 1896.

SIR: I have the honor to acknowledge the receipt of your letter of the 21st instant, inclosing Senate bill No. 3115, "to amend section 3243, Revised Statutes, relating to taxes under the internal-revenue laws."

You request my views on the bill. In reply I have the honor to state that your letter and the bill were referred to the Commissioner of Internal Revenue, and herewith I transmit copy of his report.

I fully concur in his opinion that "the proposition to impose upon collectors of internal revenue the duty of making monthly reports to State officers is in every way objectionable," and therefore I can not approve the bill.

Respectfully, yours,
J. G. CARLISLE, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman Committee on Finance, United States Senate.

This is the letter of the Commissioner of Internal Revenue:

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., May 25, 1896.

SIR: I have the honor to acknowledge receipt by your reference from the Committee on Finance of the Senate of a copy of Senate bill 3115, on which you ask my views.

The bill proposes to add to section 3243, Revised Statutes, as it now stands, the following: "And in order to make the provisions of this section more effectual it shall be the duty of collectors of internal revenue, on the first day of every calendar month, to prepare and forward by mail to the officer or person having custody of county records in each of the counties within the particular collection district a statement showing how many and what persons, with their post-office addresses, paid such taxes in said county during the last preceding month, and for what trade or business the tax was paid."

In my opinion the proposition to impose upon collectors of internal revenue the duty of making monthly reports to State officers is in every way objectionable. The law as it now stands (section 3240, Revised Statutes) requires an alphabetical list of special taxpayers to be kept conspicuously in the collector's office for public inspection. In my opinion it would be contrary to sound public policy to enlarge this provision as proposed in the bill.

I return the papers as requested.

Respectfully, yours,
G. W. WILSON,
Acting Commissioner.

To the honorable the SECRETARY OF THE TREASURY.

Mr. President, we have the statement of the Secretary of the Treasury in approval of the opinion of the Commissioner of Internal Revenue that such a proposition is contrary to public policy, and I make some emphasis upon this point in order that persons who are interested in the passage of such legislation as I am proposing here may understand that the Government of the United States has finally removed itself wholly and absolutely from all sympathy and connection with the laws of any State in the Union with respect to the enforcement of its penalties against the illicit traffic in intoxicating liquors.

This is all I care to say.

The VICE-PRESIDENT. The petitions will be referred to the Committee on Finance.

GOLD AND THE WHEAT FARMERS.

Mr. LODGE. I present a paper by L. G. Powers, containing certain data relative to gold and the world's wheat farmers. I move that the paper be printed as a document. It will involve a very small cost.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 1604) for the relief of John A. Fairfax, of the District of Columbia, reported it with amendments, and submitted a report thereon.

Mr. MITCHELL of Wisconsin, from the Committee on Military Affairs, to whom was referred the bill (S. 111) to correct the military record of Reese P. Peoples, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 2424) to provide for the appointment of five police magistrates for the District of Columbia, and for other purposes, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. 9139) granting a pension to Margaret J. Young, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 396) granting a pension to Henry Farmer, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 5407) to remove the charge of desertion now standing against Oscar A. Bulette, known in his military title as Austin Bulette, late private in Company E, Fifty-second Illinois Infantry Volunteers, during late war, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2202) to reorganize the line of the Army, etc., reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 4199) to correct the military record of Edward H. Munson, late a private in Company H, Thirty-second Regiment New York Infantry, reported it without amendment, and submitted a report thereon.

Mr. BROWN. I was unanimously instructed by the Committee on Indian Depredations, to whom was referred the bill (S. 2726) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, to report it with amendments, and submit a report thereon.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. WARREN, from the Committee on Agriculture and Forestry, to whom was referred the joint resolution (S. R. 157) extending the scope of the investigations by the Agricultural Department in the matter of the improvement of public roads, reported it without amendment.

Mr. HANSBROUGH, from the Committee on the Library, to whom was referred the bill (S. 3251) to procure a site and erect a peace monument at Appomattox, Va., reported it with an amendment, and submitted a report thereon.

REPORT OF LIBRARIAN OF CONGRESS.

Mr. HANSBROUGH submitted the Annual Report of the Librarian of Congress for the calendar year 1895; which was ordered to lie on the table.

He also, from the Committee on the Library, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Annual Report of the Librarian of Congress be printed, and that 500 copies, with covers, be printed for distribution by the Librarian.

BILLS INTRODUCED.

Mr. TURPIE introduced a bill (S. 3263) for the relief of Henry Folkenning, of Indianapolis, Ind.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. PUGH introduced a bill (S. 3264) for the relief of I. J. Lee; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. WETMORE introduced a bill (S. 3265) to promote Lieut. William McCarty Little, United States Navy, retired, to be a commander on the retired list; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. CARTER introduced a bill (S. 3266) for the relief of Albert L. Pitney; which was read twice by its title, and referred to the Committee on Claims.

NORTHERN PACIFIC RAILROAD.

Mr. SMITH submitted an amendment intended to be proposed by him to the joint resolution (S. R. 124) to facilitate the reorganization of the Northern Pacific Railroad Company, etc.; which was ordered to be printed.

Mr. BORROWS (for Mr. McMILLAN) presented a petition of internal revenue shall not hereafter collect special liquor taxes from, nor

PURCHASES OF INTERNAL-REVENUE STAMPS.

Mr. PLATT. I introduce and ask to have considered at this time a resolution for the restatement of some accounts.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury and the proper accounting officers be, and they are hereby, authorized and directed to restate the accounts of the persons and firms named herein, and report the same for the information of the Senate, showing the balance of commissions due them on their purchases of internal-revenue stamps printed from their private dies, as provided in section 3525 of the Revised Statutes of the United States, on the full amount, face value, of stamps purchased without distinction as to the time when such purchases were made, namely:

William Bond & Co., William Roeber, H. & W. Roeber, The New York Consolidated Card Company, Samuel Hart, John J. Levy, Lawrence & Cohen, Andrew Dougherty, Byam, Carlton & Co., Byam & Carlton, C. W. Lord, Lord & Robinson, James H. Wheedon, Excelsior Match Company, American Match Company, James Eaton, P. Eichele & Co., Cowles & Leete, C. S. Leete, Phineas T. Ives, William Gates, A. J. Griggs, Henry Stanton, F. P. Newton, Brocket & Newton, The Clark Match Company of Woodbridge, Conn.; Joseph Loehr, Swift & Courtney, Michael Daily, J. R. Brown, Brown & Durling, Newhauer & Co., B. Bendel & Co., A. Messenger, Griggs & Scott, Griggs & Goodwin, L. G. Hunt, Schmitt & Schmittdiel, John Loehr, J. E. Hethrington, Jeremiah Curtiss & Son, John I. Brown & Son, I. S. Johnson & Co., The Centaur Company, Johnston, Holloway & Co., Dr. J. H. McLean, B. Brandreth, George A. Brandreth, executor; J. E. Schwartz, Schwartz & Haslett, B. A. Fahnestock & Co., J. H. Schenck & Son, Dr. J. C. Ayer & Co., R. P. Hall & Co., Demas Barnes, Demas Barnes & Co., P. H. Drake & Co., Fleming Bros., H. R. Stevens, A. L. Scoville & Co., Thomas J. Husland, Kennedy & Co., A. Vogeler & Co., C. N. Crittenton, Frederick Brown, Barclay & Co., D. Ransom, Son & Co., Dr. D. Jayne & Son, The World's Distributing Medical Association, Dr. R. V. Pierce, John Bull, A. S. Low, C. E. Hull & Co., J. Burnett & Co., Merchant's Gargling Oil Company, Hiscox & Co., R. H. McDonald & Co., Trenton Match Company, George F. Wilson, Herman Tappan, W. T. Brown & Co. (or Portland Match Company), Iron City Match Company, The Swift and Courtney and Beecher Company, A. Beecher & Sons, E. R. Tyler, Curtiss & Brown, D. M. Richardson, The Richardson Match Company, S. R. Hartman & Co., and Henry Dalley, jr.

Mr. ALLISON. It does not occur to me that the Senate can authorize a restating of an account. It seems to me that if an account is to be restated it must be done by a joint resolution. I do not know what object the Senator has in view, but certainly this would require a great number of investigations to be made relating to old accounts. I do not like to object to the resolution, but I do not quite understand why there should be a restating of the account by the auditing officers of the Treasury and then open an account already closed, as it appears to me.

Mr. PLATT. I suppose that it is necessary in order to put them in a position where Congress can pass upon them.

Mr. SHERMAN. Is there a bill?

Mr. ALLISON. This is a Senate resolution, I understand.

Mr. PLATT. Let it be made a joint resolution.

Mr. ALLISON. I do not see how the Senate can direct an accounting officer.

Mr. PLATT. It may be made a joint resolution, if that is deemed necessary.

Mr. SHERMAN. The object is to get information in regard to a bill pending here?

Mr. PLATT. The bill is pending here.

Mr. ALLISON. It is a request for the accounting officers to restate an account. That means that they shall open an account already closed in the Treasury and restate it here for the purpose of laying a foundation for a claim. I do not believe that ought to be done.

Mr. SHERMAN. Information in support of a claim or against a claim could be called for, but it seems to me that there is no necessity for restating the account.

Mr. PLATT. Let it be made a joint resolution and go over.

The VICE-PRESIDENT. The resolution will be modified as indicated, and go over under the rule.

The joint resolution (S. R. 160) for the relief of William Bond & Co. and others was read twice by its title.

SECOND-CLASS MAIL MATTER.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from North Carolina [Mr. BUTLER] coming over from yesterday. The resolution will be stated.

The SECRETARY. A resolution directing the Postmaster-General to send to the Senate a copy of any and all rulings made with reference to second-class mail matter during the last six months.

Mr. HILL. Is the resolution printed?

The VICE-PRESIDENT. The resolution has been printed. It comes over from a previous day.

Mr. HILL. I have not a copy of it at my desk.

Mr. SHERMAN. I do not think the resolution is understood. I ask that it be read.

The Secretary read the resolution submitted yesterday by Mr. BUTLER, as follows:

Resolved by the Senate, That the Postmaster-General be, and is hereby, directed to send to the Senate a copy of any and all rulings that have been made by him, or any official in the Post-Office Department, with reference to second-class mail matter during the last six months, including a ruling recently made prohibiting the passage through the mails, as second-class matter, certain publications which had before been allowed to pass as second-class matter, or any such orders or rulings that have been made and temporarily suspended, accompanied with the reasons for making such orders, and also the reasons for temporarily suspending such orders, if such orders have been made and temporarily suspended.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2143) granting a pension to Mrs. Emily M. Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer.

The message also announced that the House had passed the bill (S. 2169) to regulate mail matter of the fourth class.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 2143) granting a pension to Mrs. Emily M. Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer;

A bill (H. R. 4020) granting an increase of pension to Mrs. William Loring Spencer;

A bill (H. R. 4888) for the relief of George Hager;

A bill (H. R. 4921) to relieve the North Georgia Agricultural College from the payment of $450 for damaged gun;

A bill (H. R. 5258) granting an honorable discharge to John B. Besler;

A bill (H. R. 5279) granting a pension to Jerusha H. Brown;

A bill (H. R. 6607) for the relief of Helen Larned;

A bill (H. R. 7919) granting a site for the erection and maintenance of a charity hospital by the city of Biloxi, Miss.;

A bill (H. R. 8248) to increase the pension of Mrs. Emily E. Cash;

A bill (H. R. 8469) to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia; and

A bill (H. R. 9275) approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7634) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 141.

That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$325,000"; and the Senate agree to the same.

The committee of conference have been unable to agree upon the amendments of the Senate numbered 2, 3, 4, 6, 7, 8, 13, 15, 16, 17, 32, 61, 97, 109, 122, 123, 124, 146, 147, and 161.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.

J. G. CANNON,
E. J. HAINER,
JOSEPH D. SAYERS,
Managers on the part of the House.

The VICE-PRESIDENT. The question is on concurring in the report.

Mr. ALLISON. When the report is concurred in I shall make a statement in regard to the disagreeing votes.

Mr. SHERMAN. I think the Senator ought to state the leading features of the agreement. What is the first amendment which was agreed to? We can not tell by the numbers to what the amendments relate.

Mr. ALLISON. No. 140, which is the first amendment on which the House recedes, is an amendment relating to the Oregon improvement. The House inserted the word "completed," while making the appropriation. The Senate inserted the word "continuing," the appropriation not being sufficient to complete the work, and the House recedes from its disagreement.

Mr. MITCHELL of Oregon. So that the word "continuing" remains in the bill?

Mr. ALLISON. The word "continuing" remains in. The Senate receded from amendment numbered 141, the substance of the same being in the river and harbor bill.

As to amendment 96, the House recedes from its disagreement with an amendment. That is the amendment of the Senate relating to the survey of public lands. The House originally inserted "$250,000" for surveys. The Senate increased the appropriation to $400,000. The item was divided, and the amount retained in the bill, if the conference report is agreed to, will be $325,000.

Those are the only amendments which have been agreed to in conference. When the report is agreed to I desire to make a statement in respect to the amendments still in disagreement.

The report was concurred in.

Mr. ALLISON. Mr. President, I desire to make a brief statement respecting the disagreements between the two Houses on the amendments stated in the conference report as read at the desk. I make this statement with a desire that in some way the Senate may express its opinion as respects the differences. There is, I know, some restlessness on account of the prolongation of these conferences. The Senate conferees, representing the views of the Senate, have not been willing to recede from certain amendments until they could know something more of the wish of Senators respecting them. The House conferees refuse to agree to certain amendments proposed by the Senate having reference to public buildings. These public buildings are of two classes.

Mr. PLATT. May I inquire of the Senator from Iowa whether those are all the matters now in disagreement?

Mr. ALLISON. They are not. I am mentioning first the disagreement on the public-building amendments. These items are of two classes, one class relating to the enlargement of the limit of certain buildings as compared with the limit prescribed hitherto. They comprise six buildings in all. First, they relate to the buildings at the capitals of the three new States of Idaho, Wyoming, and Montana; secondly, they relate to public buildings that have already had expended upon them large sums of money, but which can not be completed, as reported from the Supervising Architect's Office, without a small addition to the limit of cost. These are the buildings at Kansas City, Mo., Savannah, Ga., and Camden, N. J., three in all.

The Senate also inserted an item for a new public building at Salt Lake City, Utah, that being a State capital, and also for a new public building as an addition to the National Museum in this city.

The House conferees refuse to deal with any of these public buildings where a limit has been increased, embracing not only these capitals of new States, but also embracing two or three public buildings that are far on the way toward completion and upon which large sums of money have been expended. So much for the public-building amendments, which embrace practically the amendments from 2 to 17.

Mr. HAWLEY. Before the Senator from Iowa passes from the public-building amendments I should like to make an inquiry, if he will pardon me, because it is rather difficult to keep the run of the bill by the numbers merely. There was in the bill an innocent little public-building proposition to give the great sum of $15,000 to replace the rotten old building at Fortress Monroe for a post-office. Has that gone out?

Mr. ALLISON. I thank the Senator from Connecticut for calling my attention to that item. It is still in disagreement. The Senate conferees felt that they could not give up so important an office, although the amount is small, without the consent of the Senate, and therefore that is also in disagreement.

Mr. HAWLEY. I am glad to hear it.

Mr. ALLISON. I omitted to mention that, as I ought to have done.

There is another important amendment still in disagreement, known as amendment numbered 97, relating to the reclamation of arid lands in the new States, which I think I need not dwell upon, because I believe that can be arranged if another conference is ordered.

The next item is a small appropriation made by a Senate amendment for the International Exposition at Brusels next year, to which the Government of the United States is invited. We made, by an original amendment in the Senate, an appropriation of $35,000 for this purpose. We proposed to the House conferees to reduce that amount greatly, changing the phraseology so that a small sum could be used, having been informed that it is absolutely necessary for the Congress of the United States in some way to make recognition of the International Exposition in order that the State Department may accept the invitation of the Government of Belgium. The House conferees refused to put anything in the bill for that purpose. That item is still in disagreement, and we shall be glad to know the sense of the Senate upon it.

Amendments 122, 123, 124, on page 81 of the bill, relate to the lighting of the Executive Mansion and the public grounds. The question of lighting has been under consideration during most of the present session. It is found not only in the sundry civil bill, but it is also found in the bill making appropriations for the government of the District of Columbia.

During the progress of the conferences it was tacitly agreed by the conferees on both sides that we would abide by and conform to the bill that was pending in both Houses of Congress relating to the price of gas in this District. Therefore this matter was held in abeyance until the question of the price of gas, not only to private consumers, but to the Government of the United States and the government of the District of Columbia, should be settled by the action of the two Houses upon the subject. The two Houses have acted upon the subject, and have agreed on the price to be paid by private consumers and the price to be paid by the Government of the United States and by the government of the District of Columbia. Now the House conferees refuse to conform to the recent statute upon the subject, but insist that we shall go on and deal with the subject as though the two Houses had not done anything respecting it. The conferees on the part of the Senate felt that we were bound by the action of the two Houses on this subject, and therefore proposed to the conferees on the part of the House that the rates to be provided for in this bill should be the rates provided by law, without mentioning any rates. That is disagreed to.

There are two amendments relating to hospitals of this city, the Garfield Hospital and Providence Hospital, upon which the conferees have not been able to agree.

There is another amendment on page 107 of the bill, known as amendment 161, relating to the regulation of the distribution of materials and articles used in the various Soldiers' Homes. This amendment was proposed by the Managers of the National Soldiers' Home, and it has been stated as absolutely important and essential to the efficient and careful and economical management of those Homes. The amendment was inserted in the Senate as a regulation of the appropriations for that purpose. The conferees on the part of the House of Representatives refuse to agree to it, and that item is still in disagreement.

Now, I believe I have stated all the disagreements between the two Houses upon the subject. Most of them are important, and the Senate conferees do not feel that they would be justified in abandoning these carefully prepared provisions, affecting as they do many States and many people in various portions of the country, without taking the advice of the Senate.

I shall be glad for one to have the members of the Senate familiar with the arrangement in regard to the price of gas make some statement before I make the motion which I intend to make later on, that the Senate shall still further insist upon these amendments.

Mr. DUBOIS. Mr. President, I desire to address the Senate briefly in regard to the amendment numbered 2, public building at Boise City, Idaho; numbered 4, public building at Cheyenne, Wyo.; numbered 7, public building at Helena, Mont., and numbered 17, public building at Salt Lake City, Utah.

As has been stated on this floor a number of times, there is not a public building in any one of those States. The representatives from those States in the Senate vote cheerfully $11,000,000 for fortifications. We are absolutely safe so far as we are concerned; there is no gun that could shell us; but we believe it is for the public interest. Our constituencies indorse us in voting for that appropriation and we do it cheerfully. We vote $60,000,000 for rivers and harbors, scarcely a dollar of which will be spent in our part of the country. It is for the general good, and our constituencies indorse our action in that respect. We vote from eight to twelve million dollars for battle ships. That subject is of less interest to us directly than to any other portion of the country, yet it is for the general good. But when we ask that you give us one public building in each of our capital towns, we are confronted with the statement by the House that we shall not have them.

In these capitals are the courts, the offices of the surveyors-general, all the Federal offices, which have been enumerated in the Senate before. Outside of any matter of justice or right it would be economy for the Government to erect these buildings. Yet it is an open secret that the Speaker of the House and the chairman of the Committee on Public Buildings and Grounds of that body say that there is no further need for public buildings at this time, and that they have determined that no public buildings shall be erected.

I wish to call attention to the fact that the First district of Maine, where the Speaker resides, has 153,000 people, and they have in that district $1,153,929 worth of public buildings. In the Second district, with 169,000 people, there is a public building at Lewiston, one at Bath, one at Wiscasset, and one at Waldoboro. In the district represented by the chairman of the Committee on Public Buildings and Grounds of the House there is a public building at Ellsworth, one at Castine, one at Belfast, one at Rockland, and one at Augusta, and there is in that district a population of 154,000 people.

I dare say there is no more need for public buildings in those districts. There is no place in which to put them. Yet when the Senate says that these new States ought to have public buildings those gentlemen insist that there is no occasion for the erection of other public buildings. The chairman of the Committee on Appropriations of the House lives in a town which would not make a respectable suburb of some of these capitals. He has a very handsome public building there. It is only a county seat. There is not a United States court and there is no Federal office at that place.

Mr. CULLOM. It has been provided for.

Mr. DUBOIS. There is none at the present time. They have public buildings sufficient. I insist that in fairness, in justice, public buildings ought to be granted to these new States.

There are county seats in those States larger than any of the

towns I mentioned in the districts represented by these gentlemen, yet we do not ask for public buildings for those places. We do not ask one for Butte, Mont., which has a population of nearly 60,000 people, but we do ask for public buildings at our capitals. I move that the Senate insist on the amendments numbered 2, 4, 7, and 17, which provide for public buildings at the capitals of the new States; and I shall ask for a yea-and-nay vote of the Senate on the proposition.

Mr. SHOUP. Mr. President, I desire also that the committee of conference on the part of the Senate shall insist on the retention in the bill of the appropriations for the buildings in the recently admitted States. In the Fifty-first Congress my colleague at that time introduced a bill for a public building at Boise City, the capital of Idaho. The bill passed the Senate, but did not pass the House of Representatives. In the Fifty-second Congress I introduced a bill appropriating $200,000 for a public building at Boise City. The bill passed the Senate and was reported favorably by the Committee on Public Buildings and Grounds in the other House, but did not pass that body. In the Fifty-third Congress I again introduced a bill for a public building at Boise City. So we have been striving ever since Idaho has been admitted to the Union to secure an appropriation for a public building at that place, but up to the present time have failed. While the bill introduced in the Fifty-third Congress did not pass the Senate, there was at that time an agreement made with the Appropriations Committees of both branches of Congress whereby it was arranged that an appropriation should be made in the Fifty-fourth Congress for the erection of public buildings at the capitals of the new States.

For this reason, and for the reason that there is not a public building at any of the capitals of these new States, I believe, Mr. President, that the conferees on the part of the Senate should insist on the retention of these items in the appropriation bill.

Mr. SEWELL. It appears to me, Mr. President, that the item of the bill appropriating $125,000 for the construction of a public building at Camden, N. J., should be retained in the bill. If we delay much longer the erection of a public building at that place the price of land will have quadrupled in value, so that we shall have to come to Congress and ask for a great deal more money for the purpose. I trust that the conferees on the part or the Senate will be instructed to hold out for the appropriation for all the public buildings appropriated for by the amendments of the Senate.

Mr. VEST. Mr. President, I simply desire to state in regard to the items of the sundry civil bill which apply to these public buildings that, having served upon the Committee on Public Buildings and Grounds since I have been a member of the Senate, part of the time as chairman of the committee, I am familiar with these provisions. A rule has obtained in that committee for many years before I became a member of it, which was some eighteen years ago, that the capitals of all the States in the Union should have public buildings; and when these new States were admitted this question was taken up for consideration. An adjustment was finally made as to the cost of the sites in those new States, and sums were agreed upon as to the public buildings to be erected in the capitals in each one of them. Utah at that time had not been admitted. Since that adjustment was made the State of Utah has come ito the Union, and, as is known to every Senator present, Salt Lake is one of the most beautiful cities of the Union, as well as one of the most important, and promises to be the metropolis of a vast section of country, which agriculturally and for mining wealth is unsurpassed. I must express my astonishment that the House of Representatives should oppose appropriations so manifestly just as these in regard to the capitals of the new States.

In regard to the sums which are absolutely necessary to those buildings that are already in process of construction at Kansas City, Savannah, and Camden, N. J., those improvements were entered upon deliberately, with the full knowledge of every Senator who paid the slightest attention to that matter. We have put up the foundations and partially constructed the buildings, and, as they are exposed to the weather, it is worse than extravagance to leave them in their present condition. If we do the materials will be injured. We shall be not only retarding the work, but absolutely throwing away the money which has already been expended. It is false economy in a business point of view, and it is utterly indefensible to leave these partially constructed buildings in their present condition. It is useless to consider now whether it was right or wrong to commence them; but we made appropriations for them, we bought the sites, we commenced the work, and we have entered into contracts as to a great deal of it. Now, the other House, by refusing to approve these appropriations put in by the Senate, deliberately says it is willing to risk losing all the expenditures we have made.

I sincerely hope the Senate will insist upon its amendments.

Mr. MORRILL. Mr. President, the rule was first established in the Senate Committee on Public Buildings and Grounds that the capital of every State should have a public building if they asked for it and there was any business for it. There was never any trouble at all about bills which were reported from that committee for public buildings in the State capitals receiving the attention of the other House and passing there until they changed their rules, so that the Committee on Public Buildings and Grounds of that House does not have charge of public buildings, but they go to the Committee on Appropriations, thereby depriving the House Committee on Public Buildings and Grounds of any control of any part of that business so far as appropriation is concerned.

Mr. DUBOIS. I move that the Senate further insist on its amendments numbered 2, 4, 7, and 17, providing for public buildings at the capitals of the States of Idaho, Wyoming, Montana, and Utah, respectively.

Mr. VEST. Does the Senator's motion include the partially constructed buildings in other cities?

Mr. DUBOIS. Whilst I should cheerfully vote for the other amendment, I prefer to keep the four State buildings separate and free from any other complication.

The VICE-PRESIDENT. The Secretary will state to the Senate the motion of the Senator from Idaho.

The SECRETARY. That the Senate further insist upon its amendments numbered 2, 4, 7, and 17.

Mr. BACON. Mr. President, I understand the desire of the Senator from Idaho to be that the vote shall be taken separately as to the public buildings which are authorized by the Senate amendments, and also separately upon the amendments relative to the public buildings now in the process of construction.

Mr. VEST. If the Senator from Georgia will permit me, I will ask the Senator from Idaho to embrace in his motion the amendments in regard to the public buildings in Kansas City, Savannah, and Camden, so as to take the vote upon all together.

Mr. BACON. I think that should be done.

Mr. DUBOIS. Very well.

Mr. PLATT. I think the motion ought to be with reference to all the amendments relating to public buildings.

Mr. ALLISON. If the motion of the Senator from Idaho is modified to that extent, it will include amendments numbered 2, 3, 4, 6, 7, 8, 13, 15, 16, and 17.

Mr. PLATT. I do not know specifically what amendments it will include.

Mr. BACON. I have not yielded the floor, Mr. President.

The VICE-PRESIDENT. The Chair had recognized the Senator from Georgia [Mr. BACON], who has not yielded the floor.

Mr. PLATT. I was not aware of that.

Mr. BACON. Mr. President, I shall detain the Senate but a moment. I simply desire to state in reference to the public building at Savannah that the matter is now at a stage where if it is not acted upon, as is proposed by the Senate amendment, at the next session it will be too late. It must either be done now or not at all. There is a proposed change in the building, which has had the architect's estimate, and there is a communication from the Secretary of the Treasury stating the fact that it is necessary that it shall be done at once; that it can not be postponed. I trust, in view of the statement made by the distinguished Senator from Missouri, to which I will not attempt to add, that this amendment will be insisted upon by the Senate, as well as the other amendments which the chairman of the Committee on Appropriations has reported back to the Senate.

I have nothing further to say except to present the fact of the necessity for immediate action, and that postponement will defeat the object which is sought to be attained.

Mr. PLATT. Mr. President, I do not know where these buildings are located which are partially completed and the work upon which the Senate thinks and the Senate conferees think should be continued. The Senator from New Jersey [Mr. SEWELL] says there is one in his State. There is certainly none in mine, and therefore I may say a few words in reference to this subject without the suspicion that I have any interest in representing my State on the subject.

I can not understand the feeling that seems to prevail on the part of the House conferees that no money shall be expended upon a public building, no matter how great the necessity or the economy. I can understand perhaps that another body shall say that no new buildings shall be commenced, but to say that the work on those in process of construction shall stop simply because of the arbitrary determination that money shall not be expended for such a proposition, is, it seems to me, entirely unjustifiable, and I think the Senate ought to take a very firm stand upon the question.

This Government is not going into bankruptcy. I think we have heard that quite too often in the Senate. There is no prospect of the bankruptcy of the United States. Senators even seem to roll that word under their tongue as though it were a sweet morsel. It would not be sweet to them if they believed there was any real danger of bankruptcy in this country. The truth about it is that we have a good deal of money in the Treasury. It was obtained by the sale of bonds, which I wish it had not been necessary to sell, but it is there, and no amount of deficiency which can be contemplated is going to exhaust the surplus in the Treasury within the next two years. I can not understand the policy

which, in the case of an individual, would lead him to borrow money and pay interest upon it and put the money in his pocket, keeping it to pay the note when it should fall due. It certainly can not be the policy of this Government, having borrowed money and having $170,000,000 that we have no use for, to keep it until the bonds fall due, thirty years from now. We have plenty of money to make these improvements and to build these buildings, and I think the Senate ought to insist, and to do so very strongly, on the subject.

Mr. WARREN. Mr. President, I shall detain the Senate only a moment.

I indorse very heartily what has been said in favor of sustaining the conferees on the part of the Senate both as to the buildings in the capitals of the new States and as to the other public buildings yet in disagreement. There is a little difference in the situation as to the two classes, and I should prefer that the vote be taken on them as separate propositions. I hold myself ready to vote yea upon them as separate propositons or if voted on together. I think it is better, however, to vote on them separately, because the capitals are exactly on the same basis one with another and from one view, and are on a little different ground from the others in another view and from another standpoint. Some will consider that the unfinished buildings should have preference; others that the capitals should have preference; and I think a separate vote will injure neither one nor the other.

Now, as to the buildings at the capitals, there is a business side and a sentimental side. Go, for instance, to the town in which I reside, the capital of Wyoming, and ask for the State offices and you will find a magnificent capitol building, costing more money than is asked for to build this United States building. You will find all the State officers comfortably and safely lodged therein. If you ask for the county offices—it being a county seat—you will be directed to a building which cost nearly one-half as much as is proposed for this building. You will find all of the county and school-district officers comfortably and safely housed and papers covered at night by sufficient fireproof vaults. Ask for the city offices and you will find a suitable city hall and office building; you will find magnificent buildings for the fire companies and their apparatus, and, in fact, suitable offices and buildings for all branches of the service. The officers are housed and properly taken care of. You ask for the United States offices and you will find them scattered all over the city, some in third stories, some in second stories, some on ground floors, and perhaps some in basements and isolated rooms. You will find the United States land office, the register and receiver's office, in quarters otherwise sufficient, but which have no fireproof vaults. Their papers are subject to be destroyed any day or any night by fire.

Thus, in a country where the people think enough of themselves to provide for all branches of their Government proper buildings and proper safeguards for their papers and valuable documents, we find the United States with nothing at all. There are no permanent United States improvements. Not a dollar has ever been spent by the National Government inside of the State for permanent improvements for civil purposes. It seems to me that as a matter of safety for the records, as a matter of business, to save rent and expenses, the Government should provide a proper building in which to house its officers and documents. If we fail to do this, what are the people of that State to think of the paternal Government, when they, the people of that State, have gone forward in their infancy and comparative poverty and have built all these State and municipal buildings, while the United States would seem to have so little regard for the people of that State, and has so little confidence in the State, that it neglects to carry out by appropriations in the pending bill legislation that has already been had, in fact, because these buildings have been authorized by laws heretofore passed?

It seems to me we ought not to be confronted with the proposition, whenever we are asked where the United States buildings are, and where the United States is represented in Wyoming, to have to admit that, so far as tangible evidence is concerned, the United States has not yet been apprised of the fact that the State of Wyoming is in the Union.

Mr. CULLOM. Mr. President, I only desire to say a word in reference to this subject, pertaining to public buildings in the country especially.

It seems to me there is no question about what the duty of the Senate is in the premises, and so far as I am concerned I am perfectly willing to have a separate vote, if the Senators who are representing the States in which the capitals interested are located are desirous that the proposition shall be separately voted upon, or I am willing to vote to adhere to the appropriations inserted in the bill by the Senate in favor of all the buildings that are named in the measure.

I find upon inquiry of the chairman of the committee, the Senator from Iowa, that altogether the amount for appropriations involved in this matter in the pending bill is only $395,000, and I am informed by the Senator at least $100,000 of that amount can be taken off without at all interfering with the progress of the work. So it seems to me there is no question as to the duty of the Senate to adhere to those appropriations, so that the public buildings in these State capitals shall be constructed, and so that the work on the buildings which are in progress of construction shall be carried on. I hope that the Senate will give a united expression in favor of adhering to these items of appropriation. If $100,000 of the total sum is taken off it will amount to only $295,000. It seems to me it is a very small item to be disputed between the two Houses of Congress, when everybody knows that the construction of these public buildings has to be carried on in order to protect the work, and to get the buildings completed to accommodate the people.

In the case of the new States, where they have State capitals and no public buildings, I do not think Congress ought to hesitate a moment in allowing a reasonable appropriation, so that the work there can be begun.

The VICE-PRESIDENT. The Chair understood the Senator from Idaho [Mr. DUBOIS] to agree to the suggestion. Is that correct?

Mr. DUBOIS. I prefer to have a separate vote. I am for the others, and will vote for them very cheerfully. My colleagues on the floor representing the new States agree with me, I think, that under the circumstances, as the question of buildings in their State capitals occupies a peculiar position, we will desire a separate vote, all of us being willing and anxious to vote for the other appropriations and will do so.

Mr. SEWELL. I do not think the Senators representing the new States ought, on reflection, to ask for a separate vote. It looks like they will get through their matters, and we will be left. I shall be obliged to move to amend the motion by putting the others on.

Mr. VEST. We can not hear what the Senator from New Jersey says.

Mr. SEWELL. I shall feel obliged to move to amend the motion, if the Senator will not consent to take a vote on the whole proposition.

Mr. DUBOIS. I will say to the Senator that if he prefers it we will vote on his proposition first. I can not see how it will jeopardize the other buildings in the least degree. If it does, then it will have the effect of defeating the proposition for our buildings. That must be the logical sequence.

Mr. SEWELL. Will the Senator from Idaho explain to the Senate the object of having a separate vote? I can not understand that.

Mr. DUBOIS. I can explain it very easily. Everyone admits the absolute justice of our claim, and the last Congress, as a matter of fact, appropriated money for the construction of these buildings in the new States, but the money has never been expended or the work carried on.

Mr. SEWELL. The State I represent has a stronger claim than that, as the original appropriation for the building I refer to was made before the Senator's State was admitted.

I wish to amend the proposition of the Senator from Idaho by including all of the other public buildings the appropriations for which have been disagreed to by the House of Representatives.

Mr. DUBOIS. I shall accept the amendment, if the Senator from New Jersey is so insistent upon it.

Mr. SEWELL. I think it is but right that all should be included.

Mr. CARTER. I hope the Senator from Idaho will accede to the request of the Senator from New Jersey [Mr. SEWELL] to incorporate in his motion all the public-building propositions provided for by the amendments of the Senate, to the end that there may be a vote to insist upon the primary proposition of the Senate.

Mr. CULLOM. I think that is the proper course, and the one more likely to secure a solid vote of the Senate.

Mr. CARTER. I hope the Senator from Idaho will accept that.

Mr. DUBOIS. I have accepted the suggestion of the Senator from New Jersey.

The VICE-PRESIDENT. The Chair submits to the Senate the question, Will the Senate further insist upon its amendments, the numbers of which will be stated by the Secretary?

The SECRETARY. Amendments in relation to public buildings, numbered 2, 3, 4, 6, 7, 8, 13, 15, 16, and 17.

The VICE-PRESIDENT. The question is on the motion of the Senator from Idaho [Mr. DUBOIS] that the Senate still further insist on the amendments the numbers of which have been stated.

Mr. DUBOIS. On that I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the Senator from Delaware [Mr. GRAY], but I am satisfied that if present he would vote on this question as I do, and therefore I vote "yea."

Mr. DUBOIS (when his name was called). I will ask the Senator from New Jersey [Mr. SEWELL] whether I can assume that his colleague [Mr. SMITH], with whom I am paired, would vote "yea" on this proposition, if present?

Mr. SEWELL. Yes.

Mr. DUBOIS. Then I vote "yea."

Mr. GEAR (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON], but being satisfied that he would vote the same way as I do upon this proposition if he were present, I vote "yea."

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON], but understanding that he would vote "yea" if present, I vote "yea."

The roll call having been concluded, the result was announced—yeas 58, nays 0; as follows:

YEAS—58.

Aldrich,	Cullom,	McBride,	Quay,
Allison,	Davis,	Mills,	Sewell,
Bacon,	Dubois,	Mitchell, Oreg.	Sherman,
Bate,	Faulkner,	Mitchell, Wis.	Shoup,
Berry,	Gallinger,	Morgan,	Stewart,
Blanchard,	Gear,	Morrill,	Teller,
Brown,	George,	Nelson,	Turpie,
Burrows,	Gorman,	Palmer,	Vest,
Butler,	Hale,	Pasco,	Walthall,
Cannon,	Hansbrough,	Peffer,	Warren,
Carter,	Harris,	Perkins,	Wetmore,
Chandler,	Hawley,	Pettigrew,	White,
Chilton,	Jones, Ark.	Platt,	Wolcott.
Clark,	Lindsay,	Pritchard,	
Cockrell,	Lodge,	Pugh,	

NAYS—0.

NOT VOTING—31.

Allen,	Elkins,	Jones, Nev.	Smith,
Baker,	Frye,	Kyle,	Squire,
Blackburn,	Gibson,	McMillan,	Thurston,
Brice,	Gordon,	Mantle,	Tillman,
Caffery,	Gray,	Martin,	Vilas,
Call,	Hill,	Murphy,	Voorhees,
Cameron,	Hoar,	Proctor,	Wilson.
Daniel,	Irby,	Roach,	

So the motion was agreed to.

Mr. SEWELL. I would inquire whether the Senator from Iowa has submitted any further motion as to the sundry civil bill?

Mr. ALDRICH. I understood the Senator from Iowa to move that the Senate still further insist on its amendments which have been disagreed to by the House of Representatives.

Mr. ALLISON entered the Chamber.

Mr. CULLOM. The Senator from Iowa is now present.

The VICE-PRESIDENT. The Chair understood the Senator from Iowa to intimate that he would subsequently make the motion referred to by the Senator from Rhode Island [Mr. ALDRICH], but the motion is not pending.

Mr. ALLISON. I believe the motion of the Senator from Idaho [Mr. DUBOIS] covers all the amendments to No. 17, inclusive. I now move that the Senate insist upon the remainder of the amendments still in disagreement and ask for a further conference. Before the vote is taken I desire to have some expression of the Senate respecting amendments numbered 122, 123, and 124, in order that I may be either strengthened or weakened in what I understand to be the situation respecting those amendments.

Mr. FAULKNER. Mr. President, I shall only detain the Senate a moment in response to the request of the Senator from Iowa.

I am very much surprised to hear from the Senator that there is any disagreement upon those amendments by the House of Representatives, as a bill which has been passed by the Senate and House of Representatives and is now in the hands of the President on this subject is the original bill of the House of Representatives which had been sent to the Senate, and the very question about which the other House disagrees with the Senate the Senate gave way to the House in conference upon that bill. The original bill provided—

That the Washington Gas Light Company of the District of Columbia is authorized to charge and collect, after the passage of this act, for illuminating gas furnished to and paid for by the Government of the United States, and other consumers in the District of Columbia, at the rate of not exceeding $1

The Senate amended that by making the rate $1.15, and the conference report on it, which was adopted by both Houses, fixed the amount at $1.10 for private consumers, and yielded to the House in reference to dollar gas for the Government and for the District of Columbia. Therefore the Senate has in reference to this question agreed to the original proposition contained in the House bill as to the cost of gas for the District of Columbia and for the Government of the United States.

The conference report on the amendments submitted by the Senate conferees embraced the words "Government buildings," but for fear that that phrase would prevent the price for street lamps from being fixed at a dollar, the House conferees insisted upon striking out the word "buildings," using the words "United States Government and the government of the District of Columbia," which was agreed to by the Senate conferees. Therefore I can not understand, the Senate having yielded the entire question as to the particular subject in controversy, how, in the conference committee represented by the Senator from Iowa, those representing the House of Representatives should maintain a disagreement when the Senate is willing to yield to the original proposition of the House.

I desire also to submit this statement, that in the House bill the amount was fixed definitely at $1 per thousand cubic feet of gas consumed either by the Government or by the District, for this reason: Some members of the House conference were of the opinion that the plan of lighting the city of Washington was a mistake; that, instead of having the same number of street lamps we have now burning 6 cubic feet of gas per hour, we should have double the number of street lamps burning 3 cubic feet an hour, which would not cost any more to the city, but would diffuse the light more generally throughout the streets, especially on those streets where there are a number of trees; and for that reason they declined to fix any amount as to street lighting, except fixing it by the thousand cubic feet, which they fixed at $1 per thousand. That was another reason why the bill fixed definitely the amount to be paid per thousand cubic feet.

As to the repair and keeping in proper condition of the street lamps, the House conferees very properly said that was a matter that the District Commissioners have the right to control themselves; they have the right either to do it themselves or they have the right to lease it by contract to a third party, and the gas company has no right to complain one way or the other in reference to this subject. All they are required to do under this bill is to furnish the gas, which is paid for at a certain rate per cubic foot.

I will not add anything further, but will ask that there may be incorporated at the end of my remarks a table furnished to the Committee on the District of Columbia by the District Commissioners of the cost of street lights in 24 cities, including Washington, and I will state to the Senate that that table, which includes all the leading cities in the United States, shows that Washington is getting its light cheaper than any other city in the Union, except two, and those are Cleveland and Allegheny, where the cost of material is not more than one-fourth what it is here.

The table referred to is as follows:

Price of gas for the year 1893 in a list of 24 cities, being the same list adopted by the Board of Commissioners for the District of Columbia in its report made to the second session of the Fifty-first Congress in the year 1891.

Cities.	Gas burned per lamp per year.	Cost per M for gas used in public lamps.
New York	12,000	$1.53
Chicago	15,144	1.32
Philadelphia	19,402½	1.14
Brooklyn	11,700	1.74
St. Louis	14,000	2.64
Boston	15,312	1.07
Baltimore	20,000	1.16
San Francisco	17,272.5	2.28
Cincinnati	15,276	1.34
Cleveland	24,440	0.76
Buffalo	15,800	1.32
Milwaukee	*19,422	1.26
Newark	13,200	1.64
Minneapolis	13,200	1.18
Jersey City	12,957	1.54
Louisville	20,000	1.00
Omaha	20,000	1.25
Rochester	22,000	1.07
St. Paul	24,000	1.22
Kansas City	10,310	1.90
Providence	16,700	1.25
Indianapolis	10,000	1.50
Allegheny	14,400	0.70
Washington	18,000	0.94⅞

* Average.

Mr. GORMAN. Will the Senator from West Virginia permit me to ask him a question for information?

Mr. FAULKNER. Certainly.

Mr. GORMAN. Do I understand the Senator from West Virginia to say distinctly that in this adjustment made between the Committees on the District of Columbia of both Houses, where there has been allowed $1 a thousand for gas for the use of the Government and the District of Columbia, that that is exclusive of the cost of the maintenance and repair of street lamps?

Mr. FAULKNER. I do state so most emphatically; and that the whole subject of the cost, including the cost of repair and keeping in condition the lamps, was fully considered by the conference committee; and the whole subject of the reduction of price to the Government from $1.25 to $1 in its buildings was included in the consideration of this question.

Mr. GALLINGER. Mr. President, a single word before this matter passes from the consideration of the Senate. I have served on the Committee on the District of Columbia during the entire five years that I have been a member of this body, and among the vexed questions which have troubled us at every session of Congress has been the matter of regulating the price of gas in the District of Columbia. We have given a great deal of consideration to it at the present session, and I am sure that every member of the committee congratulated himself, as I congratulated myself very recently, that we had reached a fair and just agreement on this question and that we probably would not be troubled with it in the near future again.

We have reduced the price of gas from $1.25 to $1.10 for private consumers and from $1.25 to $1 for the Government of the United States and for the government of the District of Columbia. It is a very large reduction, and it seems to me, after a very careful consideration of the matter, that we shall be doing ourselves and the gas company with which we are dealing an injustice if we undertake a further reduction than that which was made.

I desire to put on record my dissent from legislation such as is contemplated on this appropriation bill. Both Houses of Congress have recorded their verdict on this question. They have passed a bill that undoubtedly will receive the sanction of the President of the United States, and why, after Congress has given its time, and after committees of this body have given days and weeks to the consideration of this question, we should have it disturbed upon an appropriation bill, passes my comprehension. We have given to the subject what we claim to have been intelligent consideration; we have listened patiently hour after hour and day after day to the representations of all parties in interest; and we reached a conclusion that both Houses of Congress unanimously ratified. It does seem to me, in view of that fact, that this body ought to stand by the Committee on the District of Columbia and ought to instruct its conferees to insist that the conclusions reached in the bill which has passed both Houses of Congress should stand for the present as the law.

We went beyond that. At the request of the House conferees we increased the candlepower of gas from 24 to 25. I am inclined to think that in that bill the candlepower is perhaps higher than is required or given in any other city in the United States. We have done everything that we could consistently and properly do to relieve the people of this District and the government of the District and of the nation from the exactions from which it was claimed they were suffering because of this company, which they are pleased to call a monopoly. I am astounded, Mr. President, that after both Houses of Congress have recorded their votes, and I think upon the conference report without a dissenting voice, this question should be reopened and we should be asked to disturb it on an appropriation bill.

I do not know that the Senator from Iowa [Mr. ALLISON] desires that a vote shall be taken on this question; but if he does, I am prepared to move that it is the judgment of the Senate that the conferees on the part of this body shall insist upon keeping this matter at the same rate which is provided in the bill that has recently passed both Houses of Congress. Of course I shall defer to the Senator from Iowa in that matter.

Mr. ALLISON. Unless there is some objection in the Senate, as one of the conferees I shall take it for granted that the Senate does not now propose to reverse its action taken after so many months of examination.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Iowa [Mr. ALLISON], that the Senate further insist on the remainder of its amendments disagreed to by the House of Representatives and ask for a further conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. HALE, and Mr. GORMAN were appointed.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I present a conference report on the Indian appropriation bill. It is a final report. It is very important that it should go to the House, and I ask for its present consideration.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the Secretary of the Interior be, and he is hereby, directed to withhold any further distribution and payment out of the money derived from 35 per cent of the judgment in favor of the Old Settler or Western Cherokee Indians against the United States in the sum of $800,386.31, set apart for the payment of expenses and for legal services justly and equitably payable on account of the prosecution of said claim, until otherwise authorized by law."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Strike out, in line 9 of the matter inserted by said amendment, the word "ninety-eight" and insert in lieu thereof the word "ninety-seven"; and the Senate agree to the same.

R. F. PETTIGREW,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

J. S. SHERMAN,
CHARLES CURTIS,
GEORGE C. PENDLETON,
Managers on the part of the House.

Mr. LODGE. I understand that an agreement is reported upon the three amendments which went back to conference on disagreement. Two of those amendments, numbered 69 and 70, relate practically to one subject. The House conferees recede from their disagreement to one amendment and they recede from their disagreement to the other with an amendment. The other amendment, 64 I think the number is, relates to the Old Settlers' claims, so called. I desire a separate vote on amendments numbered 69 and 70, relating to schools.

Mr. CULLOM. That can not be done.

Mr. LODGE. Very well. Then I shall ask for a yea-and-nay vote on the whole report, which covers those three amendments, because—I will state my objection—the report substantially agrees to the Senate amendments to the House proposition in regard to sectarian schools. It reduces the time provided in the original Senate amendment from two years to one, but it practically leaves the whole matter open to be fought over again in the next Congress. It is really a concession to the Senate amendment, to which I have been opposed from the beginning, and therefore I am opposed to agreeing to this settlement of it. On that question I should like a vote.

Mr. CULLOM. I should like to inquire of the Senator from South Dakota whether this is the final report upon all the amendments which have not been disposed of heretofore?

Mr. PETTIGREW. It is a final report.

Mr. CULLOM. It closes up the bill if the report is adopted.

Mr. PETTIGREW. The Senate practically recedes from its amendment in regard to the Old Settlers' attorneys' fees matter and leaves the matter as it stands now—that is, with an amendment that the money shall not be distributed until further provided by law.

The House recedes from its disagreement to the Senate amendment in regard to schools, with an amendment to it which makes the time for finally disposing of the question of sectarian contract schools July 1, 1897, instead of July 1, 1898, as provided in the Senate amendment. Amendment numbered 70 simply inserts the word "*further*" after the word "*Provided*," which creates a subhead, and has no material effect so far as the merits of the bill are concerned. The House recedes from its objection to that amendment.

Mr. TELLER. We leave in the bill the declaration as to the policy of the Government to take charge of these schools in the future, so that it practically closes up the sectarian schools or the non-Government schools after the 1st of July, 1897. I do not think it leaves it open for further controversy. I think it establishes what is the policy of the Government in respect to the matter from that time on.

Mr. LODGE. It seems to me it does leave it open, but as it is impossible to get a separate vote on it, and we can only vote on concurring in the whole report, which is a final report, I shall not press the request for the yeas and nays.

The VICE-PRESIDENT. The question is on concurring in the report of the committee of conference.

The report was concurred in.

IMPORTED PARCELS AND PACKAGES.

Mr. SEWELL. I ask unanimous consent to call up the bill (H. R. 6259) to expedite the delivery of imported parcels and packages not exceeding $500 in value.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment, to strike out all after the enacting clause and insert:

That articles, not merchandise intended for sale, not exceeding $500 in value, imported in packages not exceeding 100 pounds in weight, in vessels of the United States, may be specially delivered to and appraised at the public stores, and the entry thereof liquidated by the collector under such regulations as the Secretary of the Treasury may prescribe, and after such appraisement and liquidation may be delivered, upon payment of the liquidated duties under the bond provided for in this act, to express companies or other duly incorporated inland carriers bonded for the transportation of appraised or unappraised merchandise between the several ports in the United States: *Provided*, That not more than one such consignment to one ultimate consignee from the same consignor shall be imported in any one vessel: *And provided*, That the original appraisement of and liquidation of duties on such importations shall be final against the owner, importer, agent, or consignee, except in the case of manifest clerical errors, as provided for in section 24 of the act of June 10, 1890: *Provided*, That nothing contained in this act shall apply to explosives, or any article the importation of which is prohibited by law.

SEC. 2. That such express companies or other inland carriers shall be responsible to the United States under bond for the safe delivery of such articles to the ultimate consignee: *Provided*, That if any package shall not be delivered to the ultimate consignee by the express company or other inland carrier, and shall be returned to the collector of the port where such articles are entered under the provisions of this act within ninety days from the date of importation intact, the collector shall take charge of such package and dispose of it as unclaimed merchandise, and the duties, including additional duties, if any, under section 7 of the act of June 10, 1890, paid shall be refunded by the Secretary of the Treasury out of any moneys in the Treasury not otherwise appropriated; and the express company or other inland carriers shall be relieved of any liability therefor under its bond; and before any express company or other inland carrier shall be permitted to receive and transport any such articles they shall become bound to the United States in such bonds, in such form and amount, and with such conditions not inconsistent with law, as the Secretary of the Treasury may require.

SEC. 3. That articles transported under the provisions of this act shall be corded and sealed in such manner as shall from time to time be prescribed by

the Secretary of the Treasury; and the collector of the port of first arrival shall retain in his office a permanent record of such merchandise so forwarded.

SEC. 4. That such packages may be consigned to and entered by the agents of the express company or other inland carrier or steamship company, who shall at the time of entry state the ultimate consignee, and in all cases where a certified or other invoice is now required by law such invoice may be attached to or inclosed in the package, under such regulations as the Secretary of the Treasury may prescribe; and the delivery of such articles to the express company or other inland carrier shall not be delayed because of the nonarrival of the triplicate invoice, but the ultimate consignee shall be liable for any increased duty found due on reliquidation, if any, after receipt of said merchandise from the express company or other inland carrier or steamship company making entry under this act; and the provisions of section 2837, Revised Statutes, shall not apply to importations under this act.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Finance.

Mr. MILLS. I should like to have the bill explained. It seems to me to be a very important measure.

Mr. ALDRICH. The bill was reported from the Committee on Finance, and it is proposed to be amended upon the suggestion of that committee. The bill in its present form merely permits merchandise, not intended for sale, which is sent here by express companies, to be expedited. It does not change the law in any respect whatever as to appraisement of merchandise. It simply allows expedition in cases of merchandise, not intended for sale, forwarded by express.

Mr. MILLS. What is it intended for?

Mr. ALDRICH. For that very purpose.

Mr. MILLS. To be expressed where?

Mr. ALDRICH. Between this country and any other country.

Mr. MILLS. It relates to merchandise transported in bond?

Mr. ALDRICH. Merchandise transported under bond given by the express company. It has the hearty approval of the Treasury Department, and everybody else, I think, who has investigated the subject.

Mr. MILLS. I merely want to understand it. There is a law now in relation to transporting goods in bond.

Mr. BATE. What is the meaning of the provision that the express company shall be relieved from its bond?

Mr. ALDRICH. It can not be relieved except on the return of the goods. If the goods are not delivered to the ultimate consignee, if he can not be found, and the goods are returned to the collector of the port of original entry, then that provision applies.

Mr. BATE. In that event the company is relieved.

Mr. ALDRICH. That is all. It is not relieved in any other case. The bill is very carefully guarded.

Mr. BATE. And the Treasury Department approves the bill?

Mr. ALDRICH. Yes; it has the hearty approval of the Department.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on agreeing to the amendment reported by the Committee on Finance.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ALDRICH. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. ALDRICH, Mr. ALLISON, and Mr. VEST were appointed.

HUDSON RESERVOIR AND CANAL COMPANY OF ARIZONA.

Mr. PEFFER. I ask unanimous consent to call up the bill (S. 3167) to grant to the Hudson Reservoir and Canal Company of Arizona the right of way through the Gila River Indian Reservation.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Indian Affairs with an amendment, in section 8, line 13, after the word "*Provided*," to insert the following proviso:

Provided, That the rights herein granted are upon the express condition that the grantee thereof, its successors or assigns, shall at all times during the continuance of the grant furnish the Indians located under its canal along said right of way with water sufficient for all domestic and agricultural purposes and purposes of irrigation, on such just and reasonable terms and under such rules and regulations as shall be prescribed by the Secretary of the Interior.

Mr. HILL. I should like to inquire who introduced that bill.

The PRESIDING OFFICER. The bill was introduced by the Senator from Kansas [Mr. BAKER] by request, and reported by the Senator from South Dakota [Mr. PETTIGREW].

Mr. PEFFER. From the Committee on Indian Affairs.

The PRESIDING OFFICER. From the Committte on Indian Affairs.

Mr. PEFFER. It has the approval of the Secretary of the Interior.

Mr. HILL. The bill seems to create a very great monopoly, and I was rather surprised to find it championed by the Senator from Kansas [Mr. PEFFER]. It needs some explanation to the Senate.

Mr. VILAS. What is the Calendar number?

The PRESIDING OFFICER. Eleven hundred and eighty-four is the Calendar number.

Mr. PEFFER. If it will relieve the Senator from New York——

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. PEFFER. Question.

The amendment was agreed to.

Mr. BATE. Is this a Senate bill? We know nothing of it over here.

Mr. HILL. Do I understand that the Senator from Kansas declines to explain this bill?

Mr. PEFFER. I do not know what the Senator from New York says. I only guess at it spiritually. I will say to the Senator, however, for his relief, that my colleague, Mr. CURTIS, in the House, called my attention to the bill and is very anxious to have it disposed of, so that it may become a law during the present session.

Mr. BATE. I ask that the bill be read again.

The PRESIDING OFFICER. The bill will be again read.

Mr. TURPIE. I object to the further consideration of the bill.

The PRESIDING OFFICER. The Senator from Indiana objects to the further consideration of the bill.

RHODA AUGUSTA THOMPSON.

Mr. PLATT. There are two pension cases on the Calendar, House bills, which I think there is special reason for passing at this session. I will ask the indulgence of the Senate to consider them now. The first is the bill (H. R. 6826) granting a pension to Rhoda Augusta Thompson, daughter of the late Thaddeus Thompson, a private in the Revolutionary war.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place upon the pension roll the name of Rhoda Augusta Thompson, daughter of the late Thaddeus Thompson, a private in Colonel Lamb's regiment of artillery and in Capt. Joseph Thomas's company of artillery, and to pay her a pension of $12 per month during her natural life.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINOR CHILDREN OF PATRICK F. REYNOLDS.

Mr. PLATT. The next case on the Calendar which I desire to call up is one of peculiar merit and hardship. It is the bill (H. R. 6603) to pension the minor children of Patrick F. Reynolds.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the names of the minor children of Patrick F. Reynolds, deceased, late a member of Company H, First Connecticut Volunteer Cavalry, and to pay to their legal guardian the pension to which they would have been entitled under the act of June 27, 1890, had not the soldier left a widow surviving at the date of his death.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM SODEN.

Mr. VILAS. I ask the Senate to take up and consider the bill (S. 3059) granting a pension to William Soden, which has been reported by the Committee on Pensions.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place upon the pension roll the name of William Soden, late a private of Company E, Twenty-third Wisconsin Volunteer Infantry, at $20 a month.

Mr. MILLS. The bill has been reported, I take it, by the Committee on Pensions?

Mr. VILAS. Oh, yes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY PRINCE.

Mr. PUGH. I ask the Senate to take up and consider the bill (H. R. 1826) granting a pension to Henry Prince.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place upon the pension roll the name of Henry Prince, late private in companies commanded by Captains Christmas and Spirey, Georgia Volunteers, Indian war of 1836, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. QUAY. Mr. President——

Mr. PUGH. I also ask the Senate to take up the bill (H. R. 1827) granting a pension to Nancy B. Prince, widow of Elbert Prince.

Mr. HALE. I rise to a privileged report.

Mr. QUAY. Will the Senator from Maine pardon me for one moment? I wish to have passed a private pension bill.

Mr. HALE. I will yield to the Senator from Pennsylvania, but I must insist upon presenting a conference report when that matter is concluded.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. QUAY. At the request of my colleague [Mr. CAMERON], who is necessarily absent, I ask unanimous consent to call up the bill (S. 3141) granting a pension to Rachel Kern.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 8, after the words "Reserve Corps," to insert "at the rate of $12 per month"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rachel Kern, foster mother of James M. Allen, late corporal of Company D, Twelfth Regiment Pennsylvania Reserve Corps, at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS E. HOOVER—VETO MESSAGE.

Mr. GALLINGER. I desire to make a statement. Some days ago I gave notice that on June 3, after the routine morning business, I would ask the consideration of the message of the President of the United States vetoing the bill (H. R. 1149) granting a pension to Francis E. Hoover. I will say that I am very anxious to get an opportunity to call that bill up to-day, inasmuch as the claimant is moved by machinery and is utterly helpless. The committee are unanimous in their view that the bill ought to pass notwithstanding the objections of the President. I beg consideration at the earliest possible moment that I may ask that that bill be laid before the Senate.

PROPOSED RESTRICTION OF IMMIGRATION.

Mr. HALE. I submit a conference report on the naval appropriation bill.

Mr. LODGE. The hour of 2 o'clock having arrived, is it not in order that the unfinished business shall be laid before the Senate?

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. HALE. I ask that the unfinished business be temporarily laid aside, that the Senate may proceed with the conference report.

Mr. HILL. I desire to call the attention of the Senator from Massachusetts to the fact that this bill was temporarily laid aside and the contempts bill was taken up last night.

Mr. LODGE. It has to come up each day, I think, and be temporarily laid aside, so as to keep its place as the unfinished business.

The PRESIDING OFFICER. Under the rule it is proper that it shall be laid before the Senate at this hour. What is the pleasure of the Senate in regard to the bill?

Mr. HALE. I ask that it be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Maine asks the unanimous consent of the Senate that the bill be temporarily laid aside in order that the Senate may proceed to the consideration of other matters.

Mr. HALE. Of a conference report.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

NAVAL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 39, 42, 43, 44, 45, 46, 47, 48, 51, and 52, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the word "two" inserted by said amendment insert the word "three"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Insert after the word "one," in line 24, page 49 of the bill, the following: "and not more than one"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: Strike out in line 3 of said amendment the word "five" and insert in lieu thereof the word "four"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with amendments as follows: Strike out, in line 5 of said amendment, the words "three hundred and fifty" and insert in lieu thereof the words "four hundred and twenty-five"; and add at the end of said amendment the following: "That if the Secretary of the Navy in any case shall decide to make a contract for the completed ship, including armor, and the lowest bid shall exceed a fair estimated price, allowing for the finished armor said average of $425 per ton, he shall accept none of the bids, but shall report the same to Congress on the first day of its next session: *And provided further*, That the Secretary of the Navy shall examine into the actual cost of armor plate and the price for the same that should equitably be paid to contractors therefor, and shall report the result of his investigation to Congress not later than January 1, 1897"; and the Senate agree to the same.

EUGENE HALE,
M. S. QUAY,
Managers on the part of the Senate.
C. A. BOUTELLE,
AMOS J. CUMMINGS,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on concurring in the report.

Mr. CHANDLER. As I understand the report, the conferees on the part of the Senate have consented to three battle ships instead of two. I still adhere to my opinion that the third battle ship will not be advanced a single month or a single day by being authorized at this time instead of being authorized next winter. Two battle ships a year are all we ought to build, and we ought to build two each year for the next ten years. We ought not to overwhelm the contractors for armor with a great amount of work to-day and leave their establishments empty and idle to-morrow. The moment that we adopt this policy, when they have no work they come here and complain that the Government has induced them to build up the establishments, to put large sums of money in them, and they say, "Now, you are bound to give us work; you are under a moral obligation to give us work"; and they make that outcry notwithstanding we may have paid them enough for the work already done to repay to them every dollar of the whole cost of their plant.

Mr. GEORGE. I desire to ask the Senator from New Hampshire a question.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Mississippi?

Mr. CHANDLER. Certainly.

Mr. GEORGE. How many establishments, navy-yards, or whatever you call them, are there in this country at which these ships can be constructed?

Mr. CHANDLER. There are only two concerns that now have the hydraulic press and the heavy machinery for shaping armor.

Mr. HALE. The Senator from Mississippi is asking about the construction of the battle ships.

Mr. CHANDLER. There are only two establishments that can make the armor. There are half a dozen establishments that could build the hulls of the ships. There are, I will say, half a dozen manufacturers of steel who could in nine months get ready to make this armor by getting their hydraulic press and some of their machinery from abroad. There is no doubt about that. There are only two establishments now fitted up, however, to make armor; but within nine months a third or a fourth establishment could get ready to manufacture armor.

I repeat, there is not the least need of authorizing a third battle ship at this time. But that is not my principal objection to the conference report. It is that the Senate conferees have consented to increase the price of armor which the Secretary of the Navy may pay from $350 a ton for finished armor, the amount recommended by the Senate Committee on Naval Affairs, to $425 per ton. The judgment of the committee was that the cost of the armor was $300 a ton. The allowance of the committee was $350 a ton. The conference report carries that amount up $75, from $350 to $425, which is an increased cost of the armor of each battle ship, assuming the quantity to be 3,000 tons, of $225,000.

Mr. GEORGE. An increased cost.

Mr. CHANDLER. An increased cost by the concession of the conference committee over the $350 a ton which by the decision of the Senate committee and the decision of the Senate itself was a fair price with a fair profit added. I do not believe that that concession ought to be made. I do not believe that we ought to pay the price which shall be paid under this conference report for armor.

I agree with the graphic statement made by the Senator from Georgia [Mr. BACON], that it is impossible to conclude that a steel ingot, which can be procured at the price of $17 a ton, and which is only hardened and shaped into great masses of armor to go upon a ship's side, can be increased to $425 a ton before it is placed upon the side of the ship. The price we are paying for armor is as much per pound as a highly finished gun costs. Take one of the most elaborately finished cannon of the Navy, which is bored and polished and made almost as carefully as a watch is made, and it does not cost more than $450 or $500 a ton. Here for these great masses of armor, which require heavy machinery to handle it, of course, but which is not difficult to fabricate, we propose to pay 20 cents a pound.

Mr. PLATT. May I ask the Senator——

Mr. CHANDLER. It is an extravagance that we ought not to commit ourselves to by adopting this conference report.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Connecticut?

Mr. CHANDLER. I yield to the Senator.

Mr. PLATT. If we fix in the bill $425 as the maximum cost, does not the Senator believe that $425 per ton will be the cost? Does the Senator suppose that there will be any competition which will bring the price below that figure?

Mr. CHANDLER. Undoubtedly we shall pay $425, because there is no competition. There is a large profit in the armor at $425. The makers of the armor have already made armor for foreign governments at $300 a ton, and we propose now to better that price by $125 a ton, which is too much profit, when you consider the fact that we propose to give these two establishments the armor to build for three ships in addition to the contracts for two ships that have lately been made.

Mr. HAWLEY obtained the floor.

Mr. MITCHELL of Oregon. I should like to ask the Senator in charge of the bill a question.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MITCHELL of Oregon. The question simply is whether any change has been made, and, if so, what, in regard to the place where the battle ships are to be constructed.

Mr. HALE. That is all left as the Senate fixed it.

Mr. MITCHELL of Oregon. It is as the Senate fixed it?

Mr. HALE. The House receded from all those amendments.

Mr. SQUIRE. In this connection, may I be allowed a question before the Senator from Connecticut proceeds? Has there been any change in the provision in regard to the construction of torpedo boats?

Mr. HALE. All those items are left unchanged.

Mr. CHANDLER. Mr. President, is debate going on upon the bill?

Mr. BACON. We are unable to hear anything the distinguished gentlemen say.

Mr. HALE. All the Senate amendments were left in regard to that matter. The House receded.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

Mr. HAWLEY. I have been once recognized. I think I have the floor. Have I not?

The PRESIDING OFFICER. The Senator from Connecticut was recognized, and he will proceed.

Mr. HAWLEY. Mr. President, I am, I freely say, a good deal surprised by the tone of the remarks made by the Senator from New Hampshire, and I regret them, because his former very honorable experience as Secretary of the Navy will give an undue weight to what he has been saying. I am bound to suppose that he speaks without interest or prejudice. I certainly do. I have not a personal friend aside from the ordinary general friendly acquaintance with officers. I have no citizen friend who has any interest whatever in the Bethlehem works or in the Carnegie works, and none myself, direct or incidental. If the Senator from South Carolina [Mr. TILLMAN] were here I should make some remarks upon his intimation as to whether there were lobbyists in the Senate, and all that sort of thing.

Now, one question is, shall we get a contract at all if we make the price $425 per ton for armor? I am very glad that the conferees have brought back so favorable a report as they have done. I happen to know from a very thorough investigation what was the custom in Europe some eight or ten years ago, and an inquiry at the Navy Department shows me that it has not changed. No government in Europe manufactures armor. The Senator from New Jersey [Mr. SMITH] has proposed that the Government shall erect and build an establishment for the manufacture of its own armor. The experiment has been tried. We have not discussed any proposition on this subject for the last two years that has not been discussed by the European governments and the experiments have been mostly tried. In the manufacture of guns the British Government entered into a sort of partnership with Gray, Armstrong & Co. some years ago. After going on with it a while the Government went out of it and paid $325,000 to get rid of the whole concern. Some of them do make some guns, but they make contracts usually for the rough parts, as we do, and have them finished in finishing establishments where the fine finishing is put on, and the pieces are assembled.

I asked the Navy Department, with all these contracts made by European governments with private concerns, as we have been doing here, if there had not come to be a market rate; whether there was not a price which was understood from the experience which has been had to be a reasonable one. We have a bureau of information with some very bright, active men in it; we have the attaches of our legations abroad, whose business it is to secure all the information of this sort which may be useful to our Government. The Navy Department tell me that the bids on the last award of contracts made they considered a fair average price, and the lowest price to be received by one of these manufacturers is the one to be received by the Bethlehem works for $525 a ton.

I suppose there are some Senators here who have been to these establishments, and who have seen and been able to judge from their own inspection what must be the enormous cost of such a plant. The Bethlehem Company claim to have a plant for this work costing $4,000,000; and they say that they should have a 5 per cent dividend at least; that they should have what is usual in many establishments, a 10 per cent allowance for the repair and replacement of their machinery and of their great machine tools. I really do not believe that fairly we can expect them to make this armor under perhaps $500 per ton.

I have spoken not only of the enormous plant, the waste, and the reasonable dividends to be made upon the investment, but there is another very large element which every business man and every experienced Senator understands perfectly well, and that is the element of uncertainty as to the number of tons they will be allowed to make. Whenever the concern is stopped, whenever it is without a Government contract, the waste is going on, the pay of the men to keep the machine tools in order, the pay of many workmen who must be kept within reach somewhere ready for the renewal of business.

You could not get up a very general competition upon this matter if you embraced the whole civilized world, because there are no concerns that are going to spend three or four million dollars simply to go into a general competition. No capitalists can be assembled anywhere who will advance such an amount of money without quite a reasonable probability—yes; you might say an absolute certainty—that they would be able to get some business which would be sufficient to compensate them for their outlay; for what other use is a 125-ton hammer, such a one as there is at Bethlehem, except perhaps occasionally for making steel shafts or propellers? There is nothing else for which such a hammer can be used, I believe, except it may be used in the manufacture of some of the larger parts of a great engine. But the money invested in such establishments is practically idle capital if they can not get contracts from the Government.

I am willing to vote for this report, but I protest against the idea that $300 or $350 is sufficient compensation for armor. I will inquire of the Senator from New Hampshire [Mr. CHANDLER] what was the contract made with the Russian Government by the Bethlehem concern?

Mr. CHANDLER. Two hundred and fifty-nine dollars.

Mr. HAWLEY. Two hundred and fifty-nine dollars. That is no guide in the world. I am assured by the representatives of that concern, and every great steel man in the country will tell you the same, that there was a large loss to them upon that contract; but they plunged into the field in competition with European manufacturers, determined to make an impression, if possible, because there was a possibility of their being compelled to lie idle here, and it is one of the commonest things in the history of great enterprises that they will carry on their works at a decided loss for a time rather than to allow the machinery to rust and throw their skilled hands out of employment. Now they are in what may be called fair competition; and they have been awarded the manufacture of some armor at a cost of $525 per ton.

As I have said, I am willing to vote for the conference report.

Mr. GEORGE. Mr. President, the first thing that strikes one who is unacquainted with the arcana of this matter is this, that steel, which costs the manufacturer $17 a ton, is turned out to the Government at $425 a ton in the shape of armor plate. I believe that is so.

Mr. HAWLEY. Not a plate exactly. It is a curved armor.

Mr. GEORGE. A curved plate?

Mr. HAWLEY. It is in the curving form of armor plate.

Mr. GEORGE. I want to call the attention of the Senate to the very extraordinary pains which the committee have taken in making this report to secure for these contractors the sum of $425 per ton.

The report is rather a curious one, and I will read it and explain it to the Senate. Before I do that, though, I had as well call the attention of the Senate to a fact pretty well known—that there are only two establishments in the United States which can make this armor plate, and therefore there will be no competition, and unless the United States is protected either by the action of Congress or by the action of the Secretary of the Navy there is no protection at all to the Treasury. Now, I will read from this report, so that the Senate may understand it:

> That if the Secretary of the Navy in any case shall decide to make a contract for the completed ship, including armor, and the lowest bid shall exceed a fair estimated price, allowing for the finished armor said average of $425 per ton, he shall accept none of the bids.

Mr. President, on its face that would appear to be fair. If it had provided that upon the making of bids and examination of the contract he thought no contract was low enough he should not accept the bids, that would be right; but the committee are particular to exclude from him and from his consideration the question whether $425 per ton is a fair price or not.

Then I want to call the attention of the Senate to the remainder of the amendment, which shows the wrong of thus excluding from the consideration of the Secretary of the Navy, when he comes to determine whether he will accept the bid or not, the question whether $425 is a fair average price or not. The committee seems to have been of the opinion that the true, equitable price of this plate was unknown; and in what I am going to read to the Senate they require the Secretary of the Navy to inquire into that; but all his information, however much he may get, is excluded from his consideration when he accepts this bid, for the report says:

> *And provided further*, That the Secretary of the Navy shall examine into the actual cost of armor plate and the price of the same that should equitably be paid to contractors therefor, and shall—

Do what? Shall deduct it from the $425, if he shall believe that is too much? No. But if he reaches the conclusion that $300 per ton, as the Senator from New Hampshire [Mr. CHANDLER] says, is a fair price, he must nevertheless go on and make the contract at $425 per ton. I will read the whole sentence:

> *And provided further*, That the Secretary of the Navy shall examine into the actual cost of armor plate and the price for the same that should equitably be paid to contractors therefor, and shall report the result of his investigation to Congress not later than January 1, 1897.

Mr. GORMAN. Will the Senator from Mississippi permit me to interrupt him?

Mr. GEORGE. Certainly.

Mr. GORMAN. The Senator from Mississippi will not understand this amendment as being one framed by the conference committee. This amendment was reported from the Committee on Naval Affairs and adopted by the Senate. It was not the verbiage at all of the conference committee.

Mr. GEORGE. I am reading from the conference report.

Mr. GORMAN. That amendment is the action of the Senate, and no change whatever has been made in that language by the conference committee. This was the amendment offered by the distinguished Senator from Georgia [Mr. BACON] from the Committee on Naval Affairs.

Mr. GEORGE. What was the action of the Senate?

Mr. GORMAN. The provision as adopted was for $350 a ton.

Mr. GEORGE. It makes a great deal of difference, Mr. President, whether it is $350 a ton or $425. So the way the thing stands now is this: The conference committee acknowledged they do not know, and it is not known, what is a fair and equitable price for this armor plate. They fix it at $425 per ton, and they require the Secretary of the Navy to reject a bid which appears to be too high on all other parts of the contract, but he must stand by that. It is for that reason that I think we ought to reject this conference report.

Mr. PETTIGREW. Mr. President, I judge from what was said in the Senate a few days ago that the situation in regard to this armor-plate controversy is about this: There are two establishments which make armor plate in this country, the Carnegie Works and the Bethlehem Steel Works, and those two plants are in a combination, so that there is no competition. They make a price that they will charge the Government, and they bid for a foreign contract, at $259 per ton while they charge us four hundred or five hundred dollars per ton for the same plate.

It is said that in bidding for this foreign contract they put the price so low as to be compelled to make the plate at a loss. I believe that it is practically stated that they did that because they saw foreign armor-plate makers were plundering the foreign governments by charging $550 per ton, and they went over there and made their bid in order to get in. Having got in, the price was at once raised to $525 a ton for foreign nations, and they got part of it. This is urged as a reason why we should pay this same outrageous price.

The Committee on Naval Affairs, it appears, have investigated the cost of armor plate, and they find it can be made at a profit for about $300 a ton, and they reported for the payment of $350 a ton, so that there should be a profit to those people who, it is also admitted, out of the first contracts which they received from this Government, made a profit which paid for their entire plant. Now, Senators stand here and say we must give them $425 a ton, so that they shall be sure to reap a profit upon a plant which we have bought and presented to them. That is about the proposition.

It seems to me, in the face of these facts all the way through, that all the Senate can do under the circumstances is to refuse to build any battle ships at all, and yet the astonishing proposition is brought in here by our committee that we shall increase the number of battle ships from two to three and give the armor companies $75 more per ton as a gratuity. In what kind of a position is the Republican party going to be in the next campaign, taking these admitted facts? Who is going to defend this sort of thing on the stump? It will be heard at every schoolhouse throughout the West. The Populist party will use what has been said on this floor here, and how are we to go forward and undertake to defend it? I am not going to do it.

It seems to me that the Senate ought to recede from the position, the outrageous and astonishing position, in which we are placed, and ought to refuse to buy one pound of armor plate. Have we not an antitrust law? And yet we propose to be the third party in a trust and to reach our hands into the Treasury of the United States and take out $75 a ton, or $225,000 on 3,000 tons, more than our own committee has reported to the Senate is a fair profit.

I can not vote for a conference report on the naval appropriation bill which justifies any such transaction. I think we ought to reject the report and send the committee back and see if it can not make a better bargain with the other House.

Mr. BACON. Mr. President, I can scarcely doubt, if the Senate fully appreciate the exact situation, that they will fail to agree with this report. If it were the fact that these ships were now about to be constructed and no delay in the decision of this question were practicable, then, rather than decide in a manner which would do injustice to those contractors, we might with propriety go forward and agree to pay an amount larger than we thought was a proper amount, but the fact exists that it is not necessary in order that these ships shall be constructed in due time that the question of the price of this armor shall be settled at this session of Congress.

We are in this remarkable position. The Committee on Naval Affairs of the Senate sat for months engaged diligently in the effort to ascertain what was the proper price to be paid for this armor. Those who are most directly interested in the matter had it in their power to inform us what was the cost of this armor. They had the information. It can not be conceived that these great works are blundering in the dark and do not know what is the cost of the armor which they are furnishing to the Government; and yet, in face of the fact that the Government, through a committee of this Senate, was diligently seeking to get that information, with that information in their possession and with these two companies by their principal officers before that committee giving testimony, that information is withheld from us.

Mr. SQUIRE. Will the Senator allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Washington?

Mr. BACON. Yes, sir.

Mr. SQUIRE. Does the Senator state to this body that the committee are absolutely without facts as to what the armor costs?

Mr. BACON. I mean to state, in reply to the inquiry of the Senator, that so far as any information given by the proprietors of those two plants is concerned we are absolutely without information as to the cost of the armor.

Mr. SQUIRE. May I inquire what information the committee had?

Mr. BACON. It is set out in the report. There is a great mass of information, from which various conclusions may be drawn, and from which conclusions were drawn by the committee.

Mr. QUAY. Will the Senator permit me?

Mr. BACON. I hope the distinguished Senator from Pennsylvania will permit me to answer the question asked by the Senator from Washington before he interrupts me. I shall then be very glad to respond to what he intends to ask me, if I can.

There was, as I say, a great mass of information. This examination as to the cost of material, the cost of labor, and the cost of plant occupied months, but from that information only general conclusions can be drawn. No specific, direct, accurate, absolute figures can be stated as those which are taken from the testimony. But we had this much of direct testimony: There is at the Bethlehem works and at the Carnegie works an officer of the Navy detailed, whose duty it is to inspect this armor, and while they have not detailed minute information as to the cost of processes, etc., as educated men, familiar with this kind of work, they have had very general opinions formed, and upon a careful consideration of the question propounded each one of these officers has stated to the committee, and through that committee to the Senate, that he does not believe that it is possible that that armor could have cost those two companies exceeding $250 a ton for material and labor, not including the question of interest on the plant.

In that immediate connection I want to call the attention of the Senate to this significant fact: Not only have these companies failed and refused to give us information as to what is the cost of this armor, but in the face of the fact, known to them, that this testimony had been given by these two officers, that the armor did not cost exceeding $250 a ton, they were still dumb and have never denied or sought to prove the contrary.

Mr. President, what is the situation in view of that fact? I agree with the distinguished Senator from Connecticut [Mr. HAWLEY] that we ought to deal liberally with these parties, and I want to deal liberally with them; I want them to have what would be considered by everyone as a liberal profit; and, in order to do that,

in order that liberality on our part may be properly exercised, it is due to the Government that the gentlemen who compose these companies should give to Congress the information which they have, and should let us know what is the cost of this armor.

Mr. SQUIRE. I desire to still further inquire on this subject of the cost of armor whether the committee—I understand the Senator from Georgia was a member of the committee——

Mr. BACON. I was.

Mr. SQUIRE. Therefore I suppose I am quite right in addressing him for information, not only for myself, but other Senators on the floor. I would ask him whether the committee took into consideration, in their endeavor to ascertain the real and full cost of this armor, the cost of what are called running expenses in manufacturing—that is to say, the cost of the power, the cost of the office help, the light, and everything else which goes into the production of a great manufacturing plant.

Mr. President, in explanation of this question perhaps I may be permitted to state that for many years of my life I was connected with a very large manufacturing institution, an establishment for the manufacture of arms for the Government, and I know how important it is that those items should be considered in getting at the real cost.

Mr. BACON. I hope the Senator will make his argument in his own time If he has any distinct question to ask me, I shall be happy to answer it, but it is not exactly the thing——

Mr. SQUIRE. I am not endeavoring to make a speech, but I should like to know whether the Senator has taken the cost of the items which I have mentioned into consideration.

Mr. BACON. If the Senator asks me that question I shall try to answer it.

It is not pretended by the committee that we, in suggesting $350 a ton, have fixed a price which, upon a consideration of all the items of expenditure is deemed by us as the exact, accurate price; but upon a survey of all the testimony, upon a consideration of all that could be learned from the owners of this property and from others with the information within their power to give as to what is the cost of this armor, if they will not give it, we suggest that Congress shall fix it at this price, not as the absolute, final determination of the matter, but fix it with a limit beyond which the Secretary of the Navy shall not make a contract, with the view that if he can not make a contract within that figure that fact shall be reported to Congress in order that Congress within the time, which will be ample, may make the proper investigation and see what is the proper price.

Mr. President, I declined to yield to the Senator from Pennsylvania [Mr. QUAY] at a particular time. I shall be glad to hear now what he wished to ask me.

Mr. QUAY. I merely wished to put the question to the Senator which he has answered in reply to the Senator from Washington [Mr. SQUIRE] as to statements before the Committee on Naval Affairs as to the cost of the labor and material in the production of a ton of armor, and to say that the contention of the armor manufacturers is that they ought not to be held to a mere ordinary measure of profit upon the capital invested and the labor and material until they have received back the money invested in the plant at the request of the Government. That is the entire question involved here. The Senator from Georgia holds, I think, with me, that this manufacture of armor can not be treated as though it was an ordinary branch of business, for the product of which there were consumers all over the world, and which was free to all. The fact is that this plant can produce nothing but armor plate, and there are no customers for it but the Government. The plants were established at the request of the Government, and with the understanding that the price of the armor was to be upheld until they had got back the money invested.

Mr. BACON. I desire to say, what I have not only once said, but twice, and probably three times said, that I quite agree with the proposition of the distinguished Senator from Pennsylvania [Mr. QUAY], which had been previously announced by the Senator from Connecticut [Mr. HAWLEY], that we ought to deal liberally with these parties, and that they ought to be allowed a profit greater than the profit which ought to be considered sufficient for ordinary enterprises.

Mr. QUAY. Mr. President——

Mr. BACON. I ask the Senator to excuse me one moment before yielding further.

I say, before we can do that, before we can understand, before we can determine what is a liberal profit, we must know the cost. How can it be estimated what is a liberal profit if the cost is concealed? These parties have it in their power to give us the information and will not do so.

I have been supporting the proposition for four battle ships. I want to see a navy which will be a protection to us, and which will stand in readiness in a case of an emergency demanding that protection. I know that in this day especially a navy can not be improvised, and for that reason I am in favor of proceeding as rapidly as possible in the construction of an efficient navy. But I am here to say now that if this proposition is to be carried through, if the Government of the United States is to be called upon to make contracts for armor for the ships at these prices, which I consider to be exorbitant, then I will not only go down to three battle ships, but I will stand with those who are willing to vote for only two battle ships. If the emergency is such or the conditions are such that we have to make contracts in the dark, with the absolute refusal of those parties to tell us what is the proper price to pay for armor, then I shall not vote for the number of ships that I think ought to be constructed under proper circumstances, and I shall only vote for those which I conceive to be absolutely necessary and without which we can not afford to do.

Mr. GEORGE. Let me ask the Senator from Georgia a question. Did the parties when they were before the committee know that the committee were inquiring into the cost of making the armor?

Mr. BACON. They did know it in the most absolute and unqualified manner that it is possible for information to be conveyed to man.

Mr. GEORGE. And they declined to give the information?

Mr. BACON. Yes, sir; they absolutely failed to give us any information, and we are standing here to-day with the proposition that ingot steel, which costs $17 a ton for both material and labor after it has been cast and is ready to be forged into armor, and which subsequently has incorporated into it nothing except that which it derives from the Harveyizing process, is to be converted into a product at the enormous price of $425 per ton by the processes through which it is put by these companies, and they will not tell us how much of that is the actual cost and how much is profit, and we are proceeding in the dark.

Mr. SQUIRE. Will the Senator tell me what is the reduction proposed from the price formerly paid?

Mr. BACON. It is only about $75 a ton.

Mr. SQUIRE. It was $500 a ton before?

Mr. BACON. Five hundred dollars a ton was paid before for what they did, and the extra processes and the material furnished by the Government ran the price up to over $600 per ton. It is a fact that an iron plate not so long as the desk at which the clerks sit, taller or wider, as you may term it, will cost from $25,000 to $30,000—a piece of iron.

Whenever we are called upon to pay such exorbitant prices, those who demand them should give us the information and should not say, "You must pay this sum, or we demand that you pay this sum, and at the same time we will not let you know how much profit we are to make upon it." We concede that they ought to have liberal profits, but how is it possible to estimate the amount of profit without knowing the cost?

Mr. SQUIRE. Does the Senator from Georgia charge that there is any collusion between the firms engaged in this business, or any combination or trust?

Mr. BACON. We went all over that matter the other day when the distinguished Senator from Washington was not present. If he will turn to the RECORD of last Wednesday he will see full statements on that question. I desire to say, though, on this question, that of course I take no part in any charges of impropriety on the part of anybody, and nothing that I have said can be construed into anything of the kind. It is purely a business matter. But I do not think these manufacturers are dealing with the Government in a proper business way. It is true they are entitled to the consideration of the Government. It is true they have gone forward and put up a plant for the purpose of constructing the armor plate for the Government, and it is further true that they can not look to any other parties, possibly, except foreign governments, for whom they make some of this armor. But practically in this country at least they can look to no other parties for patronage than the Government. Therefore, they are entitled to the consideration of the Government. They are entitled to be given the work, if they will do it at proper prices, and I think they are entitled to compensation exceeding in liberality the compensation given to parties engaged in ordinary enterprises. But, I repeat, the whole scope of the contention is this: The contracts for the construction of the hulls of the ships can proceed. They will not be delayed by this.

The report of the committee shows, from the evidence of distinguished officers who were before it, that it is not necessary that the contracts for the armor shall be given out until next winter. If within proper limits a contract can be made prior to that time, so that the manufacturers will know what work they will have ahead, well and good. But if they decline to give us information, and if contracts are only to be made at prices which we think are too high, is it too much to ask that the Government shall wait until next winter to determine this matter? The amendment from the committee simply provided that if the Secretary of the Navy could make contracts at $350 per ton no further communication with Congress on the subject was needed; but believing, as we

did, that that was an ample price, we named that sum, and said that if he could not get armor at that price he should report to Congress in order to make further investigation.

In closing I will simply add one thing in respect to the question whether the manufacturers were informed of the fact that we were charged with the duty of inquiring as to the cost of the armor. They not only knew that we were inquiring into the cost of the armor for the purpose of determining what is a proper price for the Government to pay, but they knew that we were inquiring as to the cost of armor, because the Senator from New Jersey [Mr. SEWELL] had introduced a bill under which, if enacted into law, the Government would erect its own plant and make its own armor. So the parties were upon the most distinct notice that the purpose of the committee was to get the most accurate information which was obtainable. In the face of that knowledge we stand to-day before the Senate to say that the committee was absolutely unable to get from those men anything which would give us information upon which we could base a legitimate and proper and accurate conclusion.

Mr. QUAY. Before the Senator from Georgia takes his seat I desire to ask him a question for information. I understand that the president of the Carnegie works and the president of the Bethlehem Iron Company were before the committee. Were they asked what was the cost of the armor?

Mr. BACON. They were asked a number of questions, all of which were asked for the purpose of eliciting information on that point.

Mr. QUAY. Why was not a straightforward question put to them? Why could not the committee put the straightforward question to them, "What does the armor cost you per ton?" I ask for information. I do not know.

Mr. BACON. I understand that, and if the Senator will take the evidence he will find a number of questions asked of Mr. Wharton, to which in each instance he replied: "That is a matter of detail about which I do not know. You must ask some one else." If the Senator will examine the evidence he will not be in any doubt that the committee not only sought diligently to ascertain from the gentlemen what was the proper cost of the armor, but that the gentlemen themselves could be in no doubt whatever that such was the desire of the committee.

Mr. QUAY. The desire of the committee could have been manifested by its asking the question, it seems to me.

Mr. BACON. The testimony is rather lengthy, and I can not stop to read to the Senator several hundred pages of testimony. It is printed, and I presume the Senator has a copy in his desk. If the committee has failed in its duty to propound proper questions I have no doubt he can point it out. The committee is not composed of gentlemen of the inexperience of myself, but contains among its number the distinguished Senator from Maine [Mr. HALE], who has been so long connected with the committee, the distinguished Senator from New Hampshire [Mr. CHANDLER], who has not only long been a member of the committee, but was formerly Secretary of the Navy, and the Senator from California [Mr. PERKINS], familiar with shipbuilding, and others, and any man who will examine the testimony must come to the conclusion that the committee did all it was proper to do.

I recollect one question put to Mr. Wharton was what dividends were paid, and he declined to tell. What is the use of pressing further when questions are asked and a man says "I do not know; that is a matter of detail. To find that out you must go to somebody else." What is the use of pressing further if, when a crucial question is asked, by which the committee could form some conclusion as to what is the cost and fair profit, such as "What dividends does your company pay?" the witness declines to tell?

Mr. SQUIRE. Mr. President, I do not desire to make any extended remarks on this subject, but on the very point which has come up during the interlocutory discussion this morning I desire to say a very few words.

I do not think the committee can blame manufacturers for refusing to disclose the secrets of their business. I do not think the committee has a right to exact from the company information which the company does not see fit to publish to the world.

Mr. BACON. As the distinguished Senator from Washington interrupted me several times, will he pardon me right here to make a suggestion?

Mr. SQUIRE. I should like to finish the statement, if the Senator will permit me.

Mr. BACON. Very well.

Mr. SQUIRE. Often manufacturers have obtained peculiar processes that reduce the cost as compared with the cost of a similar process conducted by like institutions throughout the world, and they do not care to impart this information to all those engaged in similar business. It is not right that they should be required to lay bare all the secrets of the business establishment.

I remember very well that during the late war, and near the end of it, there was a commission (I think Robert Dale Owen was a member of it; it is sometimes called the Robert Dale Owen Commission) appointed to make an investigation as to contracts in regard to the cost of small arms which were being purchased by the United States Government from contractors with the United States, and that an endeavor was made to ascertain the cost of the manufacture of the separate parts and the cost of various processes. When various manufacturers were called upon to give information they declined, I believe, in all instances except one that I happen to think of. Perhaps there were others, but I recall but one instance where a manufacturer was disposed to give the commission the information as to the exact cost in detail of the various processes. It so happened that in this case the manufacturer saw fit to make such a statement, and he was given the benefit of his frankness. But the others refused to do so, and nobody charged that they were wrong, nobody proposed that the Government should refuse to give them contracts for that reason. They received their contracts from the Government just as they had before.

It seems to me unreasonable that we should exact from these manufacturing institutions details as to the cost of their various processes. It is not fair to them. It is right for the Government to patronize these great institutions. They are of great service to the Government in time of peace, and particularly so in time of war. They save the Government a large outlay which would be necessary to establish plants, whether for the manufacture of armor plate or of great guns or of other instruments of war. I believe it is to the advantage of the Government to encourage private parties and private companies to engage in the manufacture of materials of war. I believe it can be done far cheaper. So far as my information goes, and it has been extensive in some directions in connection with the manufacture of war material, such material can be constructed at far less cost by private individuals and by private companies than it can by the Government, when you come to take into consideration the cost of the plant, the deterioration, the improvements constantly to be introduced.

The Senator from Connecticut [Mr. HAWLEY] referred a few moments ago to the 125-ton steam hammer at Bethlehem. I was in Bethlehem a few days ago. I have no personal or private interest whatever in the work, of course, as the Senator from Connecticut said he had none; but I visited the place a few days ago, and my attention was called to the fact that this steam hammer was absolutely idle. It cost thousands and thousands of dollars. It is not used. Why? Because another process has been adopted by which the work of forging is conducted to better advantage, and of course the last improvement was introduced expressly with the view to the manufacture of these plates, which we saw forged on the day the Committee on Naval Affairs visited that great establishment.

I believe it to be for the interest of the Government to promote the manufacture of its war material by private persons rather than that the Government should engage in its manufacture. Let the risk be taken by these people. Let them have a profit. The time will come soon enough when they will have to go out of business. They can not keep the institutions running forever at this rate, and some allowance must be made for the fact that the plant after a time will become of less value. I believe it is right for the Government to stimulate not only the building of ships by private parties, but the building of ships' armor and the building of great guns. I wish that more of our guns for the Army and Navy could be supplied by private companies or persons. It would be of advantage.

When we come to consider the question of cost we must regard all elements, not only the cost of material and labor, but we must take into consideration all that comes under the head of running expenses. These running expenses are ordinarily figured at from 25 to 50 per cent on the cost of labor and material. Take $250 as the cost, and say 40 per cent, which would be $100, and that would make $350, without considering the question of interest upon plant or any profit to the manufacturer.

Mr. BACON. Will the Senator from Washington allow me to make a suggestion?

Mr. SQUIRE. Let us be reasonable, and——

The PRESIDING OFFICER (Mr. BURROWS in the chair). Does the Senator from Washington yield to the Senator from Georgia?

Mr. BACON. I wish the Senator would pay me one-fifth of the time he took from me, in order to permit me to say a few words at this point.

Mr. SQUIRE. Very well; I yield.

Mr. BACON. I wish to suggest, in reply to the argument of the Senator from Washington that we ought not to require any manufacturer to disclose his secrets; that while it is eminently true in a case where there is competition, it is not true where there is no competition. In the case of an ordinary manufacturer who deals with the Government, if the Government does not like his price or his work it can go to somebody else; but in the case of a business recognized as a monopoly, recognized as one established with the expectation that it would be a monopoly, the most

open dealing is required on the part of the party who deals with the Government in order that the Government may see what is a proper price to pay, so that with a knowledge of the cost a proper liberality may be exercised in determining what price shall be paid for the material. There is no competition in this case.

Mr. SQUIRE. I agree with the Senator if it is really true that there is no competition whatever and that the plant is confessedly under a Government subsidy. But is such the admitted fact? Is the latter point proven? No, sir. It is an assumption not warranted.

Mr. BACON. One other word, if the Senator will permit me. He and I were both at the works together. There is no secret there. There is nothing intricate there. The distinguished Senator says he is familiar with machinery. He will bear with me that the machinery there, while extremely ponderous, is not intricate and not delicate. It has to be accurate, of course, but it is nothing like the machinery which is used in the building immediately alongside where guns are made, and nothing like the accuracy or delicacy of work is required in the one that there is in the other.

Mr. SQUIRE. We all know that it is needful to have some special knowledge and skill to conduct these great operations. We all understand that it takes a high class of talent. While the Senator says these operations appear to be simple, there are many of them the result of a great deal of study. It is very simple to see it done. It is a good deal like the problem of making an egg stand on its end. It is easy after you know how. I believe it was said that it was very easy for Columbus to discover America after he had done it. When somebody referred to the fact, Columbus asked him to stand an egg on end. He could not do it. Columbus just tapped the end of it. It stood up. Then it was said, "That is nothing." It is easy to do a thing after you know how. So it is very easy, apparently, for us to witness these operations and say how beautiful and simple they all are, but it takes a great deal of study, a great deal of time. There is a great loss of time, and oftentimes when money has been expended it is practically of no value, because the work has to be done all over again.

What did we see when we visited that establishment? The Senator from Georgia will remember that we saw one of those plates, which cost $25,000, thrown aside, not accepted by the Government. That is a little item—$25,000. One of the plates had been thrown aside and was not paid for; so often these incidents occur. I do not know that there are many such instances, but that one was an object lesson to us that day. It seems to me we ought to indulge in a reasonable amount of liberality in this business. The idea of a great Government screwing and twisting down a manufacturer to the last cent is absurd. I believe in being fair and honorable and expecting good work and a high grade of inspection. I believe we ought to have the best, and I believe we are now getting better material than the nations which are paying lower prices. I know we are getting a higher grade of inspection. That is an open secret; it is a fact. In my judgment we are getting a better class of armor plate than that furnished abroad at the lower prices.

As the Senator from Connecticut [Mr. HAWLEY] said a few minutes ago, it is a fact that sometimes great manufacturing concerns do take work to be supplied to foreign nations at rates for which they could not afford to do it in their own country as a regular business. They do that because they have to keep their works running and keep their men together. Here are two or three or perhaps five thousand men. You discharge them and they go away. They are scattered all over the country. Many of them are specialists. You can not begin to get the same class of men together in a short time. We should be reasonable about this proposition. The idea of quibbling over a few dollars a ton more or less! It seems to me all wrong that we should criticise this measure so severely as it has been criticised.

Mr. CHANDLER. How much does the Senator from Washington think it costs to manufacture armor, and what does he think is a fair profit on it?

Mr. SQUIRE. In the first place, I am not qualified; but if I were to make a shrewd guess at it, when the officers who have been interrogated put the price at $250 a ton for labor and material alone, I should say the actual cost of the work, including money expended, would probably be $350 a ton; and then on that I think there should be a fair profit. There should be enough profit to provide for deterioration and the final abandonment of this class of business, because this work is conducted at the pleasure of the Government. It is a great business while it runs, but after it is all over there is no use for such an establishment. Of course the other branches of the business can go on, but I refer to the manufacture of cannon or armor plate. You know it is proverbial that republics are changeable as to their policies in some respects, particularly in regard to building a navy. I was talking with Admiral Ammen a few days ago on that subject, and he made use of that remark. He said, "Our nation is going on swimmingly and we are all agreeable to the doctrine of an increase in the Navy; but how long will the American people be in that condition?" It is different in those great imperial nations where absolutism exists and a fixed policy is to prevail for a long term of years. When the time comes that there is a change on that subject the people owning this great plant will have nothing to do or comparatively little in this line of business. Hence great risks are being taken for which there should be reasonable compensation. I repeat that in a fair estimate of the cost other items should be considered beyond the bare cost of labor and materials.

I say this fact ought to be taken into consideration, and we ought to give them a good, fair price. I want to see these three ships built. It has been suggested that we should be satisfied with two. I do not believe in bunching the ships together too much. I think, as the Senator from New Hampshire [Mr. CHANDLER] very wisely said a few moments ago, it would do to have two or three ships a year for perhaps eight or ten years to come. It would be well to do so. There are going to be improvements in ships. We have seen that in the past. We see the improvements that have taken place in the last ten years in naval architecture. There will be other improvements, and it is not wise or well to have too many ships of one pattern made in any one year or in any one limited period. But I believe we need a greater Navy. We ought to have at least a dozen battle ships, and the sooner we have them the better for our trade as a nation, the better for our safety as a nation, and for reasonable independence in our foreign intercourse. We ought to have a larger Navy, and I should be willing to vote for four battle ships to-day, as I did when the bill was before the Senate, but I shall be satisfied if we have three.

I believe the Senate and the House have spent enough time on this subject, and that we ought to come to a conclusion and sustain the conferees in their report.

Mr. GORMAN obtained the floor.

Mr. QUAY. Will the Senator from Maryland yield to me for a moment?

Mr. GORMAN. Certainly.

Mr. QUAY. In reply to the suggestion of the Senator from New Hampshire [Mr. CHANDLER] to the Senator from Washington [Mr. SQUIRE], I am not, so far as I am concerned, prepared to say what, under the circumstances, would be a reasonable profit to the manufacturers of armor. But I am prepared to say what, in my judgment, is an unreasonable profit. The only figures given in the testimony taken before the Naval Affairs Committee upon which to base an estimate of cost and profit are those of the naval officers who inspect at the different works that $250 is the probable cost of labor and material. With that information before them, the committee agree that $350 will pay the companies for the cost of labor and material and a reasonable profit. In other words, that a reasonable profit will be a hundred dollars.

It appeared before the committee that $3,000,000 has been invested in the Carnegie plant alone, and that they have delivered to the Government 8,800 tons of armor since the plant was established. It would make the actual profit received from the Government up to date $880,000 against an original investment of $3,000,000 in the works. I do not think the Senate will consider that a fair rate of profit, notwithstanding the prophecy of the Senator from New Hampshire.

Mr. GORMAN. Mr. President, as one of the conferees on this bill, I feel it due to myself that I should make a statement to the Senate of the reasons why I did not concur in the report. I do not care to detain the Senate by contesting the matter of the construction of ships. It is perfectly well known that I have from the beginning been very earnest in advocacy of the reduction of the number of battle ships from four to two. I never have contemplated stopping altogether the construction of these machines of war. But it is due that I should say to the Senate that the conferees on the part of the Senate have in my judgment obtained the very best possible arrangement they could get from the conferees on the part of the House without delaying and possibly putting the bill in jeopardy. With respect to the number of battle ships, the usual course has been followed which conference committees as a rule pursue—compromising the differences. The Senate conferees added one to the number which the Senate had voted for, making three. Of course I myself did not agree to that change. If the entire responsibility were put upon my shoulders I never could have agreed to it.

As to the other matter—the armor for the ships—it was said to those representing the Senate, and said with truth, that neither the Department nor any officer of the Government charged with the duty of protecting the Government's interest has ever suggested a reduction or limitation of the prices to be paid for the armor; that it never had been investigated except by the Committee on Naval Affairs of this body, and, so far as they could gather from that testimony, it was not by any means conclusive that the armor could be manufactured at all, even for the amount inserted in the report—$425 a ton. They said to us with great force, "There are the Secretary of the Navy and the Chief of the

Ordnance Bureau of the Navy Department, who are opposed to limitation, and we do not believe it is safe to make any limitation whatever." They further said to us that in view of the fact that the French Government pays $540 a ton for the same class of armor and that the English Government pays $438 a ton, they could not agree to make much of a discount below the prices paid by those two great countries, and that therefore, on the basis of the information, on the statements presented, they could not agree to the radical reduction that the Senate had made. That is all there is in the case.

It was new legislation, practically, on the part of the Senate, objected to on the part of the House; and while, as I said a moment ago, I have not agreed to the report and have not signed it, I do not believe, from the temper exhibited and the earnestness exhibited and the statements they have made, that better terms can be made. I deem it due to myself and the other conferees to make that statement, although I could not agree with them in the report.

Mr. WHITE. Mr. President, I have no doubt the conferees have done the best the circumstances would permit; but I rise more particularly for the purpose of calling the attention of the Senate to a matter already noted by the Senator from Washington [Mr. SQUIRE]. He says that in his judgment the manufacturers referred to ought not to be required to divulge their secrets. Of course not. For instance, if they told us that their dividends were enormous we would have an absolute basis upon which we could proceed to reduce the price of the armor plate, and that would be highly improper.

The Senator from Washington says that we ought to have some confidence in these people—that faith is all that we require; and I call the attention of the Senator from New Hampshire especially to the fact that what he lacks in this connection is faith. We ought to have entire faith in the proposition that the proprietors of these works would not charge the Government a cent beyond the very lowest market rate.

There is one thing also which strikes me as being particularly pertinent in this discussion, as sustaining the report of the conferees and likewise the views of the Senator from Washington. He says that our inspection produces a better class of armor plate than is furnished to any other purchaser. Of course, the fact must not get abroad that the inspection results in a better class of armor plate, and we ought, therefore, to pay more for it. The precise number of additional blowholes that may be in the plate sold to our enemies is not given, but it is somewhat cheering and encouraging to us to know that in these warlike days we are furnishing our enemies with armor plate which we may penetrate with ease. [Laughter.]

Mr. SMITH. Mr. President, I am not going to detain the Senate more than a very few minutes on this question, because I do not think a great amount of talk is needed to vote intelligently on what we shall do with the report of our conferees.

The question is simply this: We are confronted with a combination of armor-plate manufacturers for whose work we have practically paid in a price for armor plate beyond what was a fair and reasonable profit, believing when we agreed to pay it that they in return would be willing to make the armor plate for the Government at a fair and reasonable price after the manufacture was established. They now refuse to do that. We have carried out our part of the contract.

Mr. QUAY. Will the Senator from New Jersey permit an interruption?

Mr. SMITH. Certainly.

Mr. QUAY. A few days ago when this subject was under consideration I presented figures to the Senate showing that, instead of the Government having paid in full for these plants, the Carnegie Company and the Bethlehem Company were actually $3,000,000 short of their outlay. I took those figures from the report of his own committee.

Mr. SMITH. With all due respect to the Senator from Pennsylvania, the figures will not warrant that statement. The facts are as I state them, that we have paid enough money over and above the actual amount, with a fair profit on the works, to own them.

Now, the question is whether we are willing to go on record as Senators to continue that monopoly. I believe that it is our duty to send the report back into another conference; and whether there are any battle ships built or not we owe it to ourselves to try and keep these men on a fair businesslike basis when we are to give them a price such as will permit them to realize more than any ordinary profit that is given to any manufacturer in this country that I know of at this time, except perhaps the manufacturers of bicycles.

Mr. President, I am not going to detain the Senate in regard to this matter. It is purely a business question whether we want to continue to pay enormous prices for armor plate without an effort to get it at a fair price. If we believe that we ought to make an effort to get it at a fair price, the conferees should be instructed to go back and insist on our amendment. If we think that we ought to continue in the hands of this monopoly and pay them any price they demand, then I say we should vote to receive and accept the proposition of the conference report.

Mr. CHANDLER. Mr. President, I do not wish to be understood as criticising the Senate conferees for agreeing to advance what may be called the Senate price of armor from $350 to $425 a ton. I certainly can not blame the honorable Senator from Pennsylvania [Mr. QUAY] who sits before me for endeavoring to secure what he deems to be a fair and reasonable price for armor for the Bethlehem works and the Carnegie works. Those are great industrial enterprises in his own State. There are at the Carnegie works regularly employed, I think, 25,000 men; at the Bethlehem works there are over 5,000 men employed; and it is a commendable act in the Senator from Pennsylvania that he endeavors to secure a liberal price, so that these battle ships may go forward. It would be far from me to suggest that the Senator from Pennsylvania has been in any degree influenced by the fact that this work is to go to his own State to think that a larger price should be paid than his public duty would require him to advocate.

The Senator from Maryland [Mr. GORMAN], I believe, did not sign the conference report, and I did not distinctly understand his position upon the question after he had finished the remarks which he lately submitted to the Senate.

The Senator from Maine [Mr. HALE] has the natural desire which a member of the Appropriations Committee has to bring this session to an end, and he recognizes the necessity of having an agreement reached. The Senator, with his great skill and adroitness in the management of conference reports, has met with firm, strong, determined antagonists at the other end of the Capitol. The House, with views championed by young and active and energetic committeemen, have fought with zeal, possibly with desperation, according to the character of some committees and some members of some committees, for the views which they have entertained, and they have insisted upon it that we should make contracts for this armor without any limitation whatever upon the contractors; that we should legislate the Secretary of the Navy into their hands, so that when the combination of these two great concerns fixed a price and said to the Secretary of the Navy, "That is the lowest price we will give you," the Secretary of the Navy should have nothing to do but to make the contract, as he has had nothing to do in connection with the contracts for the *Kentucky* and *Kearsarge* but to take the price of $550 a ton which these two combined armor concerns have chosen to affix. The Secretary of the Navy congratulated himself that in connection with the contracts for the *Kentucky* and the *Kearsarge* he had succeeded in reducing the price of finished armor from $600 a ton down to $550 a ton, and the Secretary of the Navy stands, unless he is assisted by Congress, helpless in the presence of this combination of armor manufacturers.

The Senator from Pennsylvania and the Senator from Washington and other Senators say we have not sufficient evidence as to the cost of armor. Mr. President, we have such testimony as we have been able to procure. The Senator says that the committee believe that it costs for labor and material $250 a ton to make this armor. That was the impression of the Government experts; but, if I am not mistaken, there is no member of the committee who thinks it costs in labor and material alone $250 to make the armor. There are one or two members of the committee who believe that it does not cost and could not possibly be made to cost for labor and material $150 a ton.

Mr. President, we have the further fact, to which I call the attention of the Senate, that although the foreign combination and the American combination, formerly two and now one, get $550 a ton whenever they can get it, whenever there is no competition or they can prevent competition, yet, as reported by the Chief of the Bureau of Ordnance, as recorded in the testimony taken before the committee, and as found in my remarks on this subject the other day, their price for the foreign trade is $300 a ton. If anybody believes that they make and sell that armor in the foreign trade for less than cost or that they make and sell that armor in the foreign trade without a reasonable profit, he does not comprehend the situation in this country and in Europe in connection with the manufacture of armor.

The great fact with which the Senate is confronted is that which has been stated by the Senator from New Jersey [Mr. SMITH], that there is no competition in this country for the armor. Ex-Secretary Tracy testified as a reason for making the contract with Carnegie, Phipps & Co. that we had but one concern in the country which could make armor—the Bethlehem Company—and he thought it was a mistake for this Government to be wholly in the hands of one concern, and, therefore, he invited the Carnegie Company to take a contract for the manufacture of an amount of armor equal to that manufactured by the Bethlehem Company. He induced them to do it, in order that there might be two concerns in this country that could make armor, and in order that, if

we went on to build additional battle ships, we might have competition.

Mr. President, the two concerns were built, and in my belief—without reckoning interest, and I think if the Senator from Pennsylvania is going to reckon interest on one side he ought to reckon it on both sides—we have paid these concerns every dollar that their armor has cost and every dollar that they have put into the plant with which they are now engaged in making armor.

Mr. President, these figures are apparent. The result depends somewhat upon what you think armor costs. I do not believe that the cost for labor and material, as I said, is over $150 a ton.

The unpleasant fact to which I call the attention of the Senate is that, notwithstanding the efforts that were made, advisedly made, deliberately made, to put the Navy Department in a position to have competition when it should wish to purchase armor, there is no competition to-day. There is a close combination between the Carnegie Company and the Bethlehem Company. This was proved by the Senator from Georgia [Mr. BACON] the other day, when he showed how carefully the two concerns, in bidding for armor for the *Kentucky* and the *Kearsarge*, had so planned it that the price of one for armor should be a little lower than the price of the other on the one ship, and a little higher than the price of the other on the armor of the second ship, and that both prices should be substantially the same, with just the necessary difference to give each one the armor for one ship, and that the price should be about $550 a ton, exactly what the representatives of the two concerns had told the Secretary of the Navy a few days before that they would bid, and they told him that not one dollar less than that would they bid.

The Secretary of the Navy, having made the two contracts for the hulls of the *Kentucky* and the *Kearsarge*, was obliged to agree to pay $550 a ton for armor to these two combines and to give the armor for one ship to the one concern, and the armor for the other ship to the other concern. And the House of Representatives, to-day represented on this floor, has insisted upon it from the beginning to the end of these conferences that we should legislate the Secretary of the Navy into the hands of this combination, and that we should order the construction of four more battle ships without the slightest protection against extortionate prices for armor, and in the face and eyes of the fact, which the House of Representatives well knew, that one of these same concerns had furnished a large quantity of armor to a foreign government for less than $260 a ton.

Mr. President, I care no more for this measure than any other Senator. As I said, I do not criticise the chairman of the conferees on the part of the Senate for his anxiety to have an end to this business. I do not criticise the Senator from Pennsylvania, who, as a member of the conference committee, represents his own State, and the United States as well, in the performance of public duty. I do not criticise even the Senator from Maryland, who refused to sign the conference report, yet who has not made the fight against its adoption which is characteristic of the Senator from Maryland when he has deep convictions upon any subject.

Mr. President, for one I propose to discharge my duty on this question. I stand by the members of the Senate Committee on Naval Affairs, who, after investigating this subject, are still of the opinion that $425 is an enormous price for the armor, which we propose to submit to if this conference report is adopted, because the whole scheme of competition in the manufacture of armor has failed and because the House of Representatives is unwilling to have any legislative protection whatever enacted against the extortions of the combined armor manufacturers.

Mr. HAWLEY. Mr. President, I am not going to take the time of the Senate. I do not see how the House of Representatives is dictating to us, for I do not see how it has turned over the Government bound hand and foot to the manufacturers of armor plate. The House prescribed no price at all for armor, as I understand it, in the bill as it came to us, leaving the Secretary of the Navy and the very capable officers under him to go on and build the ships. Such has been the uniform custom up to this time. I am entirely willing, speaking only for myself, to eliminate entirely from the bill any reference whatever to prices, and I have the highest confidence that if the present Secretary of the Navy should make a contract at four hundred next year it would be found upon investigation that he was entirely justified in what he had done. I do not understand what the Senator means by the House of Representatives having a representative on this floor, and the House having dictated to us, or dictated to the Government, or anything of the sort.

Mr. PERKINS. Mr. President, as a member of the Committee on Naval Affairs I have listened to the argument of the Senator from New Hampshire and the Senator from Georgia and other members of the committee, and I want to say that which they have not stated, I think, that we did not volunteer to go into an investigation of this question. It was brought before the Naval Committee by a resolution properly presented in the Senate and adopted. After communicating with the Secretary of the Navy upon the subject-matter, and obtaining what information he could present to us, we then called before us witnesses who were competent by reason of their profession to give us such testimony as the committee desired or thought necessary to have in order that they might arrive at an intelligent conclusion. We had no feeling whatever in the matter. It is a matter of common notoriety, aye, of official record, that there has been severe criticism in years gone by of those who manufacture armor plate.

It has been stated here, and not controverted, perhaps, that we had no real data whereby we could fix an absolute figure the steel was costing this great trust, for it evidently is a trust, because if one company receives a contract for one ship the other company receives a contract for the other ship, as was the case with the *Kearsarge* and the *Kentucky*. We first ascertained what was the price of billet or ingot steel, which was $17 a ton. Then we asked the manner in which it was manipulated to make it into armor plate fit to protect a ship against the shell and shot of its adversary. As has been so well stated, we believed that $350 per ton would leave them a handsome margin of profit, from the fact that the same companies had furnished steel armor plate to the Russian Government for $300 per ton, and those who know their energy, their business zeal, and capacity would never accuse them of manufacturing the plate and selling it for less than it has cost them.

But what impressed me perhaps more strongly than any proposition was my own knowledge of what certain classes of machinery cost to forge. I am somewhat familiar with the forging of steel and the cost of heavy steel engine plates, and especially steel shafting. The shafting for a great steamer is a ponderous piece of work. It requires a steam hammer of great capacity, of 50 tons or more, and after it has been forged into shape and prepared as near as a rough implement can get it, it must then go into a lathe, and it is turned down carefully in that lathe; every inch of it being carefully scrutinized, for the very life and safety of the ship and her cargo and passengers depends perhaps upon the solidity of that piece of steel shafting, to which the propeller, which forces her through the water, is attached. For one of these shafts when completed the very highest price in the market, I think, is about 10 cents a pound, or about $224 a ton for a long ton of 2,240 pounds. Why should this armor cost us nearly twice that much—25 cents a pound more? Why should this piece of plate cost that much more?

But I do not care to weary the Senate by going into details. I want the Senate to understand that your committee did investigate, so far as it was practicable for them to do so, and the result of that investigation has been presented in the printed testimony submitted to the Senate.

The question now before us, however, is the report of the conference committee. The Senate believed that the price fixed in the report of the Naval Committee was right; the Senate conferees believed that it was right and so stated, but we are only one branch of the legislative department of this Government, and while we may wrap around ourselves the robes of our own assumed self-knowledge and righteousness and think we know it all, yet there is another, a coordinate branch, which is, I think, our equal in every respect. We have disagreed upon this proposition. It is one of compromise now, and we have selected our committee, as did the House of Representatives select theirs. They have met, they have consulted and interchanged views upon this question, and have submitted their report to us for our ratification or disapproval.

The naval bill carries in it much more than the question of armor plate. It makes declaration to the country that we are going to continue to build up this great Navy to defend our country and maintain the dignity and honor of the old flag whether on our own shores or in foreign waters, and I am so deeply interested in the success of the bill that I am more than half disposed to vote to concur in the recommendation made by the committee of conference, to refer this matter to the Secretary of the Navy, who is not obliged to make a contract immediately for this armor plate. The bill provides that the contract for the three battle ships, if we provide for building that many, shall not be entered into for three months—ninety days—which brings it late into the autumn. Then there will be plenty of time to make a contract for the armor plate, and knowing the Secretary of the Navy as we do, knowing how zealous he is in maintaining the efficiency of that Department, how zealous he is in guarding its finances so that the Government shall get value for every dollar expended, I do not believe, with the light he now has before him on this question, that he will enter into any contract for armor plate for these three additional ships until Congress shall have again convened.

I would make a suggestion to him, if I might be permitted to do so, in regard to his dealings with this trust. I do not mean to use the term "trust" in an offensive way. They are two great companies, developing our great manufacturing resources, employing thousands and thousands of men, taking the iron ore from the earth, running it into pig iron, from pig iron into ingots of steel,

and from ingots of steel rolling it out into great plates, and putting those plates upon those vessels, which are magnificent pieces of marine architecture. I say all honor to those engaged in American industry who develop the great resources of our country. But, nevertheless, these companies have combined upon the manufacture and upon the price of this armor plate, and it is our duty, representing the Government here in our legislative capacity, and it is the duty of the Secretary of the Navy, to say to them: "Other great works, machine shops, are taking contracts to repair ships, to build pieces of machinery, for 10 per cent advance upon the cost. That percentage will leave you a good profit. I may be willing to enter into such a contract with you for armor plate for two or three of those ships. Then we will show to our representatives just what it costs, just what you can manufacture it for, and at the same time leave you a handsome profit."

I want to say one word in defense of these two great manufacturing companies; and that is, that while they have been receiving great profits in the manufacture of this plate, we must not forget that they have not had continuous work for their different great factories. Only a part of the time have they been employed, and the balance of the year they have remained idle. As has been said also, they have no other customers except the Government; and therefore we should, as the Senator from Georgia [Mr. BACON] says, deal with them liberally, give them a generous profit, but not permit them to take advantage of our Government by extortionate charges or by a combination and forming a great trust.

But, as I said, the question now is, shall we concur in the report of the committee of conference, or shall we reject it, thereby placing in jeopardy the very life of this bill? It would be a great misfortune if the bill should fail to become a law; and believing, as I have said, that the Secretary of the Navy will use that wise business judgment, that wise discretion, with which we all credit him, and that he will not hastily enter into a contract for the manufacture of this armor plate for these three ships, if we authorize the construction of that many, I shall vote to concur in the report of the committee of conference.

Mr. HAWLEY. I wish to ask the Senator one question for information. The Senator spoke, and I was very glad to hear him speak, from knowledge of the manufacture of those splendid shafts for steamships. They are made in sections, it is true, and they are the simplest form of straight and round pieces of steel, and yet they cost what?

Mr. PERKINS. Two hundred and forty dollars a ton.

Mr. HAWLEY. Two hundred and forty dollars a ton. Now, these great plates for the turrets, and other similar pieces of armor, are made with a great deal of care, and a large expenditure is incurred in forming them into the shape required. The shape of the plates must be perfectly adapted to the vessel, and they must be tempered with exquisite care and skill; and yet Senators think that to make such armor plate would not cost twice as much as to make a straight, simple shaft.

Mr. PERKINS. The plate is made by a great hydraulic press, a great power press, while the shaft must go into the lathe and there be turned down with an exact nicety and skill, which is necessary for it to revolve smoothly and without moving out of its center.

Mr. HAWLEY. Yes; but all the pieces of armor must always exactly fit.

Mr. PLATT. Mr. President, I think, on the whole, I shall vote to sustain the conference report, and yet there are some very embarrassing conditions with reference to it. One thing which I do not like is that Congress shall attempt to fix the price which the Government shall pay for the material or the labor or in any way the cost of what it has to purchase. In the carrying on of the operations of this Government I think that is an innovation. I do not remember that an executive officer has ever before been limited in this way by the action of Congress, and if we are going to limit an executive officer with reference to the amount which shall be paid for the armor which is to go on a ship, we may as well limit him with reference to the woodwork, the machinery, the boilers, and all the other materials which go to make up the ship.

Mr. CHANDLER. Will the Senator allow me a moment?

Mr. PLATT. Yes.

Mr. CHANDLER. We have never authorized any vessel of the Navy whatever without putting a limit to the price.

Mr. PLATT. A limit to the price, perhaps, but not a limit as to the rest of the materials of which the vessel is constructed, and there is no reason why we should do it with reference to a vessel and should not do it with reference to other supplies which the Government has to purchase. Congress should investigate, I think, the cost of steel which is furnished by private parties for the Government to make cannon if they are going to investigate the price of armor plate; and this discussion has really suggested that probably the steel which is furnished out of which the Government constructs its guns may be extravagant in price; or, when we construct a public building, like the Congressional Library, for instance, or the post-office, that we should investigate and see whether we should not limit the price of the granite which enters into the work. So it seems to me that, unless here is a very clear case, we ought not to put any limit upon the Executive. The only reason which can be given why we should limit the Executive in obtaining these supplies as to the price for steel armor is that there are only two concerns in the United States which can make it, and they are supposed to be in combination not only as between themselves but with foreign makers.

When the Senator from New Jersey [Mr. SMITH] introduced his bill directing that the Government should establish a plant for the making of steel armor, I thought that that was hardly advisable; I thought it much better that armor should be supplied by private concerns. I think always, where it is practicable, the Government had better buy what it needs from private manufacturers rather than to attempt to go into the manufacturing business itself. But perhaps, Mr. President, that is the only way in which we can obtain steel for armor plates, for cannon, and for the various uses in our naval and military operations in which we must have it, and I am not sure that the Senator from New Jersey has not hit the real way in which to remedy any extravagance of price to which the Government may have been submitting or may have to submit. I do not like that feature of the amendment.

Mr. HALE. The Senator will remember that this amendment was not reported from the Committee on Appropriations on the bill originally, but was put on in the Senate.

Mr. PLATT. I know it was. I am not finding any fault.

Mr. BACON. Will the Senator from Maine kindly repeat his observation, so that we may hear it on this side?

Mr. HALE. I say the amendment to which the Senator from Connecticut is objecting was not put on by the Appropriations Committee, but was put on the bill in the Senate on the report of the Naval Committee. I do not know but that the Senator from Georgia himself offered it. I think he did.

Mr. BACON. That amendment did not fix the price, but simply fixed the limit beyond which it should not go, and directed if a contract could not be made within that limit that the matter should be reported to Congress for its action at the next session.

Mr. HALE. That was an amendment offered in the Senate.

Mr. PLATT. Mr. President——

Mr. BACON. If the Senator from Connecticut will pardon me, that was an amendment I offered under the instructions of the Naval Committee. It was not my amendment, but an amendment of the Naval Committee.

Mr. PLATT. I am not criticising the conference committee and I am not criticising the Naval Committee; I am not finding any fault with either; but I do not like to find myself in this position, voting that unless certain materials can be obtained at a certain price we are to stop building ships; or if material can not be obtained for our cannons at a certain price we are to stop having cannon. It seems to me that this Government ought in some way to be run so that the Executive can be trusted with obtaining what the Government needs to carry on its military and naval operations. If there is any great scandal about it, it would be the subject of investigation, and if shown to be improper upon investigation public sentiment would compel it to cease. The trouble about this case in particular seems to me to be that there has not yet been any such investigation as to determine whether there is anything which amounts to a scandal. So in the second branch of the case we do not know whether the limitation which is put upon this armor plate is too low or too high. We are going in the dark about it. I am not sure this investigation of the Naval Committee was directed especially to this point. I think possibly this was a matter which came out as incidental to the object of the investigation of the Naval Committee. At any rate we find ourselves in this position: That the Naval Committee say that not more than $300 or $350 a tons ought to be paid for this armor plate, and the Senator from Pennsylvania [Mr. QUAY] and other Senators here, and I think my colleague [Mr. HAWLEY], think that that is too small, and that even the compromise sum of $425 per ton is probably, under the circumstances, altogether less than we ought to pay. This is legislation by guesswork, Mr. President; that is to say, we guess that armor plate ought not to cost more than so much to the Government, and legislate that if the Government can not get it for that sum then we shall stop building ships.

I do not like it in either branch. I do not like to limit the executive. I do not like to fix the price of armor plate by legislative action and then say that if it can not be obtained for that we shall stop building ships. But, on the whole, I am left nothing to do except to vote for the conference report.

The PRESIDING OFFICER. The question is on the motion

of the Senator from Maine [Mr. HALE] to concur in the report of the conference committee.

Mr. MILLS. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HALE. Mr. President, I shall not long detain the Senate at this hour, but shall try to state the situation in a business way.

The two Houses came to a deadlock on two general and important propositions; first, as to the number of new battle ships that should be authorized by the bill—an old controversy which had between the two Houses been fought out repeatedly before and almost always settled by compromise, as conference reports are wont to settle controversies.

The other controversy was not an old controversy that had been settled heretofore by adjustment, but was an absolutely new proposition put upon the bill, not by the committee reporting it, but by the Naval Committee, which had considered a new subject and reported a proposition limiting the cost of armor plate in any future contract, thereby taking upon itself what, as the Senator from Connecticut [Mr. PLATT] has well said, had not been undertaken before by the legislative body in determining and limiting the price of particular materials used by the Department to whom Congress commits the discretion of making the contracts. The Senate conferees could not avoid that conflict. They met on equal terms with the House conferees and the House conferees on equal terms with them. The first point that was settled, as I have said, was settled by a compromise, as it invariably is or almost invariably is.

The House of Representatives had committed itself more than once by a yea-and-nay vote in favor of four battle ships; the Senate had equally committed itself by more than one yea-and-nay vote to two battle ships; and unless both sides yielded partially, or one side yielded entirely, the two Houses would remain at loggerheads, and every vote which had been taken in either body after a determined resistance and disagreement would have only hardened each body in its attitude, and we should have been here with the subject suspended in the air, each House fighting for its own proposition, and believing earnestly and seriously in its own proposition—the House that four ships were not too much, we that two ships were enough.

On that proposition the conferees at last determined that it was a fair subject-matter for adjustment, that three ships were large enough, that three ships were not too large; better upon one side, as we thought, than four; better upon the other side, as the House thought, than two; and so, in the spirit of adjustment and of compromise, we agreed to the three ships. I do not say that two would not have suited me better; I do not say, and am not called upon to say, that four would not have suited me better. I was well content to take three. It is enough; it is a large enough grant to be given this year. It is not, I think, sir, too large. Under this condition that the popular body, which originates appropriation bills, which comes direct from the people, believing that the general feeling on this subject required four ships to establish our Navy upon a basis that would not bring us into war, but would hinder war—that being, as I considered, the main thing in the controversy, and I do so consider it now—the conferees, exercising their best wisdom, agreed to the three ships.

Then we came to another subject-matter, and that was a limitation for the first time put upon an appropriation bill, in which it is declared—

That in case the Secretary of the Navy shall make separate contracts for the armor and armor plate for said battle ships, he shall not accept bids at a rate exceeding an average of $350 per ton of 2,240 pounds; and in case the said Secretary can not make contracts for said armor and armor plate within said limit, he shall delay action and report the offers made to the next session of Congress.

Mr. President, that was put on the bill by the Naval Committee in the Senate, and by the united action of the Naval Committee. I was myself a member of the committee which conducted that investigation, and a considerable part of the time had charge of the proceedings, presiding in the body. The Committee on Naval Affairs was faithful and industrious, early and late, in bringing out what it could of the facts. It was engaged in a new domain; it was engaged in a difficult domain. The impression made upon that committee was—and it was made upon my mind—that the contractors were receiving an undue profit, a larger profit than they should make; but as to what the amount of that profit was one man had one view and another man had another.

When we came into conference, the House committee did not put itself upon the ground especially that one price was needed, or one limit or another; but they said that while the Senate has the information upon this subject-matter, it is an innovation and it can not be urged upon us that we shall consent necessarily to the Senate proposition, which imposes a measure never before put upon a Department without more reasons. Finally I said, as did my colleague on the committee—I did especially, because I represented both committees—"The Senate committee investigated this subject thoroughly." "Where is the report?" "Well, the committee has made no report." The committee has not been able to make a report, Mr. President. The Naval Committee has not reported as a conclusion fixed in dollars and cents that $350 is the absolute figure beyond which a contract shall not be made. Some of the committee believe that is too high, and some, perphaps, believe that it is too low, but we have submitted no report; we were not able to submit a report; we have had no time to submit a report; we have had no opportunity of coming to a conclusion. "There is the testimony," we said, "and the House must take it for what it is worth." But the House had a right to say that under present conditions the Senate should not drive the House to absolutely submit to this amendment that the Senate had put on, fixing $350, while one of the conferees, and perhaps two, on the part of the Senate, are urging here that there should be no limitation whatever. The Senator from Maryland [Mr. GORMAN] was in favor of no limitation, and the Senator from Pennsylvania [Mr. QUAY] was in favor of no limitation. There was the attitude of the Senate conferees.

Mr. BACON. Permit me to call the attention of the Senator to the fact that the Senator from Pennsylvania and the Senator from Maryland, to whom he has referred, are not members of the Senate Naval Committee.

Mr. HALE. Undoubtedly, but they were members of the conference, and were dealing with the House conferees, who are members over there of the House Naval Committee. But there was the difficulty we were in.

Now, what should be done, Mr. President? One question has been asked me which I have not been able to answer, "If $350 is an absolute rule of limitation that ought to be put in the bill, why was it not put on the Secretary last winter when you were conducting your examination as applied to the *Kearsarge* and the *Kentucky?* Was it not before the committee?" What was the answer I could make? This was the only answer: "Yes," I said; "it was more than that. The Secretary of the Navy asked the Naval Committee, which was investigating this subject of armor plate, if it desired to indicate any limitation to him on the *Kearsarge* and the *Kentucky*, as he had made no contract, and the answer that the committee sent back in the midst of their examination was that it did not intend to interfere with those ships, although the Secretary waited for an admonition." Why, Mr. President? Because some of us believed that a certain figure was not enough. We did not believe that we had come to an actual demonstrated result and conclusion that would justify us in saying to the Secretary of the Navy that he should not make those contracts. He made those contracts at $550 per ton.

I was not able to answer when I was asked why, if it were so important that this contract price should be $350, we did not stop a contract at $550. But we were not able; we had not gone far enough; we had not arrived at a definite conclusion. What was the result? The result was that at last we were not willing to yield absolutely the question of limitation to the House conferees, and my coconferees at last agreed, or at least the Senator from Pennsylvania [Mr. QUAY] and I did, making two of us, that we would take $425.

Now, Mr. President, I want to say as a matter of fact—and I want Senators to listen to this—it is not that $425 is going to fix the price of armor for these new ships; it is not that $350 is going to fix the price; I do not know that I would have agreed to $425 if I had not been face to face with the other fact that we had already agreed to an amendment providing that the Secretary of the Navy in making contracts for the hulls alone shall have one hundred and twenty days, or four months, which carry him nearly to the middle of October, six weeks before the meeting of Congress, and therefore Congress will not commit itself to $425 or $350. There will be no contract made by any Secretary until the next Congress gets together.

But we did not stop there—I did not. I was anxious to save the rights of the Government, as I have been all through this controversy in the Naval Committee, as earnest as any other member. We put on another provision asking the Secretary to make a full examination into the actual cost of armor and to report to Congress the result of his investigation in the early part of the next session, so that we shall have the result of that investigation and the result of the investigation of the Naval Committee and everything else. On that basis the conferees agreed to this result. It was the best that they could do.

Mr. President, I am not in favor of legislating the Secretary of the Navy into the hands of contractors, and have never in any controversy taken any such position; but I realized that we were confronted here by the House of Representatives that had made no such investigation; that we had not even made a report and formulated our results; that we had declined to interfere with the contract that the Secretary had already made, and the best thing we could do out of this controversy was to get the three ships and get the limitation of $425, which I do not count as of any importance, and request the Secretary to make an examination and report the facts.

If we have done wrong, if we have been legislating anybody

into the hands of contractors, then, if the Senate wants to reject this report and send it back, let it do it; but there will be only one result out of it.

Mr. SQUIRE. Mr. President——

Mr. HALE. I wish the Senator would not interrupt me.

If you go back, it will only be a question of figures. What if you get $400, which everybody will agree to, instead of $425? It is leather and prunella. It is not of the slightest account. No contract will be made at either price, and you will have the whole thing open with a chance, as the House conferees notified us, that if they go back into conference they will feel at liberty to revert to the original House proposition, in which they were largely sustained by that body, providing for four battle ships instead of three or two; and we will be hung in the air again.

I leave it to the Senate, and if they think the conference have not done the best, they will reject the report. If, on the other hand, the Senate believe under these conditions that we have done our best, put the report through by a vote of the Senate, and Senators will find when Congress assembles in December that no harm will have been done.

Mr. SQUIRE. There is only one question I should like to ask, in order to make it perfectly clear. Is there any implication, either in law or in any other way, that the Secretary shall make the contract at $425? I understand the Senator to mean that there is no implication whatever. In the case of river and harbor contracts, an outside figure is named for the improvement, and it is supposed that the work will proceed up to the extent of the appropriation for that purpose.

In this case I understand the Senator to mean that there is no implication whatever. We are not binding the Secretary to make contracts at that price. There is no reason in the world why he should make contracts at that price.

Mr. HALE. I have said that already. I am entirely willing to have a vote. The yeas and nays have been called for and ordered.

Mr. PETTIGREW. It appears in this case that there are two parties only in this country who can make armor plate. That they are in collusion is admitted. They have a combination, and yet Senators stand up here and assure us that there is no probability that we will pay $425 a ton. It seems to me it takes a great deal of confidence to vote upon it with any such belief.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY]. Not knowing how he would vote, I withhold my vote.

Mr. HANSBROUGH (when his name was called). I am paired with the junior Senator from Illinois [Mr. PALMER].

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON].

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. ROACH]. I transfer my pair to the Senator from Montana [Mr. MANTLE] and vote "yea."

Mr. PUGH (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR].

Mr. SHOUP (when his name was called). I am paired with the Senator from California [Mr. WHITE]. I am informed that he would vote "yea" if present, and I will therefore record my vote. I vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. I transfer my pair to the Senator from Kentucky [Mr. LINDSAY] and vote "nay."

The roll call was concluded.

Mr. MITCHELL of Oregon. I was requested by the Senator from Nevada [Mr. STEWART], who was compelled to leave the Chamber, to announce that if he were present, he would vote against the adoption of the report.

Mr. PRITCHARD. I am paired with the Senator from Louisiana [Mr. BLANCHARD], but I understand that he would vote "nay" if present. I will therefore vote. I vote "nay."

Mr. GEAR. I am paired with the Senator from Georgia [Mr. GORDON]. If he were present, I should vote "yea."

Mr. PUGH. I transfer my pair with the senior Senator from Massachusetts [Mr. HOAR] to the senior Senator from South Carolina [Mr. IRBY] and will vote. I vote "nay."

Mr. GORMAN. I announce my pair with the Senator from Maine [Mr. FRYE].

Mr. BACON (after having voted in the negative). I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE]. Under our arrangement either has the right to vote in his discretion and in matters not political. I will therefore permit my vote to stand in this case, although he is not present.

Mr. ALLISON. I have a general pair with the Senator from Missouri [Mr. COCKRELL], who is absent to-day on account of illness. I am authorized to vote in case my vote is necessary to make a quorum. I vote "yea."

Mr. SQUIRE. I should like to announce that I have a general pair with the Senator from Virginia [Mr. DANIEL], but in this case I feel at liberty to vote under our understanding. I vote "yea."

Mr. BATE (after having voted in the negative). I should like to inquire whether the Senator from Utah [Mr. BROWN] has voted.

The PRESIDING OFFICER. The Senator from Utah has not voted, the Chair is informed.

Mr. BATE. I have a right to vote to make a quorum, and for that purpose I will allow my vote to stand.

Mr. CULLOM. I feel at liberty to vote in order to make a quorum. I vote "yea."

Mr. HANSBROUGH. I will record my vote to make a quorum. I vote "yea."

The result was announced—yeas 22, nays 24; as follows:

YEAS—22.

Allison,	Hansbrough,	Morrill,	Squire,
Burrows,	Hawley,	Perkins,	Teller,
Clark,	Lodge,	Platt,	Turpie,
Cullom,	McBride,	Quay,	Warren.
Davis,	Mitchell, Oreg.	Sewell,	
Hale,	Morgan,	Shoup,	

NAYS—24.

Bacon,	Chandler,	Jones, Ark.	Pritchard,
Bate,	Chilton,	Mills,	Pugh,
Berry,	Dubois,	Mitchell, Wis.	Smith,
Butler,	George,	Nelson,	Vest,
Caffery,	Harris,	Peffer,	Walthall,
Cannon,	Hill,	Pettigrew,	Wolcott.

NOT VOTING—43.

Aldrich,	Daniel,	Irby,	Roach,
Allen,	Elkins,	Jones, Nev.	Sherman,
Baker,	Faulkner,	Kyle,	Stewart,
Blackburn,	Frye,	Lindsay,	Thurston,
Blanchard,	Gallinger,	McMillan,	Tillman,
Brice,	Gear,	Mantle,	Vilas,
Brown,	Gibson,	Martin,	Voorhees,
Call,	Gordon,	Murphy,	Wetmore,
Cameron,	Gorman,	Palmer,	White,
Carter,	Gray,	Pasco,	Wilson.
Cockrell,	Hoar,	Proctor,	

So the report was nonconcurred in.

Mr. HALE. I move that the Senate further insist on its amendments and request a new conference.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. HALE, Mr. QUAY, and Mr. GORMAN were appointed.

REPORT OF THE MONETARY COMMISSION OF 1876.

Mr. QUAY. I move that the Senate proceed to the consideration of executive business.

Mr. BUTLER. I desire to offer a resolution.

Mr. QUAY. I withdraw the motion for the purpose of enabling the Senator from North Carolina to offer a resolution.

Mr. BUTLER. I submit a resolution and ask that it be read and lie on the table. I shall call it up on Monday.

The resolution was read, as follows:

Resolved, That there be printed 3,000 additional copies of Report No. 703, Forty-fourth Congress, second session, known as Report of the Monetary Commission of 1876.

Mr. HARRIS. The resolution should go to the Committee on Printing.

The PRESIDING OFFICER. The request of the Senator from North Carolina is that it lie on the table.

Mr. HARRIS. If that be the request, let that course be pursued.

The PRESIDING OFFICER. The resolution will lie on the table and be printed.

EXECUTIVE SESSION.

Mr. QUAY. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-three minutes spent in executive session the doors were reopened.

COLUMBIA INSTITUTION FOR DEAF AND DUMB.

Mr. VILAS, Mr. HANSBROUGH, and others addressed the Chair.

Mr. HALE. One trouble is, if Senators get bills through in which they are interested, they may leave the city and on Monday we shall have no quorum.

Mr. VILAS. I am not going to call up a bill.

Mr. HALE. I do not object.

Mr. VILAS. Mr. President, some time ago you did me the honor to appoint me a director on the part of the Senate of the Columbia Institution for the Instruction of the Deaf and Dumb in place of the Senator from Mississippi [Mr. WALTHALL], who

left the Senate, very much to the regret of his associates, but has now returned. I ask leave to resign that position.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. VILAS. The Vice-President has the power under the law to make the appointment.

The VICE-PRESIDENT. The Chair will appoint Mr. WALTHALL as the successor of Mr. VILAS.

MARITIME CANAL OF NORTH AMERICA.

Mr. HANSBROUGH. I ask unanimous consent for the present consideration of the bill (S. 3049) to incorporate the Maritime Canal of North America, and for other purposes.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary proceeded to read the bill, but before concluding was interrupted by

Mr. HALE. That bill can not go through, Mr. President, by unanimous consent. It is a great project for a canal.

Mr. HAWLEY. From what committee was the bill reported?

Mr. HALE. The bill can not go through without discussion.

Mr. HANSBROUGH. The bill was reported unanimously by the Committee on Commerce. It has the sanction of the War Department. It does not ask for a cent of money from the Government of the United States, not even to make a survey. It is for the construction of a canal entirely upon American soil, and it simply asks for a charter for the incorporation of the company.

Mr. HALE. Where is the canal proposed to be located?

Mr. HANSBROUGH. Between Lake Erie and the Hudson River.

Mr. HALE. That clearly can not go through without debate.

Mr. PLATT. From what I heard of the reading of the bill so far as it has gone it is proposed to give by the United States power to condemn land in the State of New York.

Mr. HAWLEY. A corporation wholly in one State.

Mr. HALE. Of course.

The VICE-PRESIDENT. Objection is made, and the Chair will recognize the Senator from Texas [Mr. CHILTON].

Mr. CHILTON. I ask leave to call up a bill.

Mr. HANSBROUGH. Do I understand there is objection to the consideration of the bill which I called up?

The VICE-PRESIDENT. The Chair understood the Senator from Maine [Mr. HALE] to object.

Mr. HALE. Yes, sir. The bill will be debated, Mr. President. I move that the Senate adjourn.

Mr. CHILTON. I hope the Senator will allow the bill which I desire to have considered to be passed. I tried to get it up yesterday, but the Senator from New Hampshire objected in order that he might have time to investigate it, and it was passed over. It will only take a moment, and it is a very short bill.

Mr. HALE. Well, let us see, Mr. President.

EASTERN JUDICIAL DISTRICT OF TEXAS.

Mr. CHILTON. I now ask unanimous consent for the present consideration of the bill (H. R. 2708) to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court.

The VICE-PRESIDENT. The bill will be read for information, subject to objection.

The bill was read; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider it.

The bill was reported from the Committee on the Judiciary with amendments, in section 1, line 4, after the name "Tyler," to strike out "Angelina"; so as to make the section read:

That the counties of Jefferson, Orange, Newton, Jasper, Hardin, Liberty, Tyler, San Augustine, Sabine, Polk, and San Jacinto shall constitute a division of the eastern judicial district of Texas.

The amendment was agreed to.

The next amendment was, in section 3, line 3, after the name "Tyler," to strike out "Angelina"; so as to make the section read:

SEC. 3. That all civil process issued against persons resident in the said counties of Jefferson, Orange, Newton, Jasper, Hardin, Liberty, Tyler, San Augustine, Sabine, Polk, and San Jacinto, and cognizable before the United States courts shall be made returnable to the courts, respectively, to be held at the city of Beaumont; and all prosecutions for offenses committed in either of said counties shall be tried in the appropriate United States court at the city of Beaumont: *Provided*, That no process issued or prosecution commenced or suit instituted before the passage of this act shall be in any way affected by the provisions hereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE W. FREEMAN.

Mr. BURROWS. I ask unanimous consent for the present consideration of the bill (H. R. 5280) for the relief of George W. Freeman.

Mr. HALE. I do not make the suggestion, Mr. President, but I am afraid there is not a quorum.

Mr. BURROWS. This is a very brief bill, and there will be no objection to it.

Mr. HALE. We ought to adjourn.

Mr. BURROWS. We can adjourn after the passage of this bill. It will give rise to no discussion.

Mr. HALE. Very well.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5280) for the relief of George W. Freeman. It directs the Secretary of War to amend the military record of George W. Freeman for the removal therefrom of the charge of desertion, and that he issue to him an honorable certificate of discharge from the military service of the United States, to date July 12, 1868, but no back pay, bounty, or other emoluments shall become due and payable by virtue of its passage.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNIFORM STANDARD OF CLASSIFICATION OF GRAIN.

Mr. GEAR. I ask unanimous consent for the present consideration of Senate bill 353.

I wish to state in advance that if the bill creates any debate I shall withdraw it. It is the same as a bill introduced by the senior Senator from Ohio [Mr. SHERMAN] two years ago, which then passed the Senate unanimously. It is indorsed by the late Secretary of Agriculture, General Rusk, and also by the present Secretary, Hon. Sterling J. Morton.

The VICE-PRESIDENT. The bill will be read for information, subject to objection.

The Secretary read the bill (S. 353) to provide for fixing a uniform standard of classification and grading of wheat, corn, oats, barley, and rye, and for other purposes.

Mr. HALE. That is a very important bill. It ought not to pass without debate.

Mr. GEAR. I do not consider it a very important bill. It is a bill that provides for a standard measure for oats and all kinds of grain, provided it does not conflict with the Chicago or New York or any other standard for the measure of grain that is established.

Mr. HAWLEY. It can not agree with them all.

Mr. GEAR. It does not propose to. In the absence of an agreement, if you buy a carload of grain——

Mr. HAWLEY. Let me make a suggestion——

Mr. TURPIE. I object to the consideration of the bill, Mr. President.

The VICE-PRESIDENT. The Senator from Indiana objects.

Mr. HALE. I move that the Senate adjourn.

Mr. MITCHELL of Oregon. Let me pass one bill.

Mr. HALE. No; I move that the Senate adjourn.

Mr. SHOUP. Will the Senator yield to me?

Mr. PLATT. If the Senator from Maine does not insist upon his motion I shall.

The VICE-PRESIDENT. The Chair submits the motion of the Senator from Maine, that the Senate do now adjourn. [Putting the question.] The ayes appear to have it. The ayes have it.

Mr. HAWLEY. Ought we not, if we now adjourn, to adjourn until 11 o'clock on Monday?

Mr. HALE. It is too late now, and we have committees to meet on Monday morning.

The VICE-PRESIDENT (at 5 o'clock and 15 minutes p. m.). The motion is agreed to; and the Senate stands adjourned until Monday, June 8, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 6, 1896.

APPOINTMENT IN REVENUE-CUTTER SERVICE.

William E. Atlee, of New York, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed A. L. Gamble, promoted.

PROMOTIONS IN THE ARMY.

Artillery arm.

Lieut. Col. Francis Luther Guenther, Fifth Artillery, to be colonel, June 6, 1896, vice Closson, Fourth Artillery, retired from active service.

Maj. William Sinclair, Second Artillery, to be lieutenant-colonel, June 6, 1896, vice Guenther, Fifth Artillery, promoted.

Capt. Edward Field, Fourth Artillery, to be major, June 6, 1896, vice Sinclair, Second Artillery, promoted.

First Lieut. Harry Reuben Anderson, Fourth Artillery, to be captain, June 6, 1896, vice Field, Fourth Artillery, promoted.

Second Lieut. Wilmot Edward Ellis, Fifth Artillery, to be first lieutenant, June 6, 1896, vice Anderson, Fourth Artillery, promoted.

POSTMASTER.

Frank Boynton, to be postmaster at Fayetteville, in the county of Onondaga and State of New York, in the place of John A. Ecker, whose commission expires June 20, 1896.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 6, 1896.

CONSUL-GENERAL.

David N. Burke, of New York, to be consul-general of the United States at Tangier, Morocco.

CONSUL.

George F. Smithers, of Delaware, to be consul of the United States at Chungking, China.

SPECIAL EXAMINER OF DRUGS, ETC.

Alexander G. Maylie, of Louisiana, to be special examiner of drugs, medicines, and chemicals in the district of New Orleans, in the State of Louisiana.

CHIEF EXAMINER, CIVIL SERVICE COMMISSION.

Abram R. Serven, of New York, to be chief examiner of the Civil Service Commission.

APPOINTMENTS IN THE NAVY.

Samuel B. Palmer, a citizen of Georgia, to be an assistant surgeon in the Navy.

Harry W. Jones, a resident of New Jersey, to be a chaplain in the Navy.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Third Lieut. Aaron L. Gamble, of Indiana, to be a second lieutenant in the Revenue-Cutter Service of the United States.

APPOINTMENT IN THE REVENUE-CUTTER SERVICE.

William E. Atlee, of New York, to be a third lieutenant in the Revenue-Cutter Service of the United States.

POSTMASTERS.

Frank Boynton, to be postmaster at Fayetteville, in the county of Onondaga and State of New York.

James McCloskey, to be postmaster at Johnsonburg, in the county of Elk and State of Pennsylvania.

Jennie T. Dessert, to be postmaster at Macon, in the county of Macon and State of Missouri.

B. O. Guthrie, to be postmaster at Burlington, in the county of Alamance and State of North Carolina.

Henry G. Walter, to be postmaster at Lebanon, in the county of Lebanon and State of Pennsylvania.

Boyce Rankin, to be postmaster at McDonald, in the county of Washington and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 6, 1896.*

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

THE JOURNAL.

The SPEAKER. The Clerk will read the Journal of the proceedings of yesterday.

The Clerk proceeded to read the Journal.

Mr. KEM. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The Clerk will suspend. [After a pause, during which the Speaker counted the House.] The Chair hopes the members of the House will remember that it is their duty to be here at 11 o'clock promptly, and that we have been delayed this morning for fifteen minutes by the neglect of members to attend to their duty.

A quorum being now present, the Clerk will read the Journal.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

The SPEAKER. The unfinished business first in order this morning is the matter which was under consideration on the last suspension day.

RECIPROCITY AND COMMERCIAL TREATIES.

Mr. HOPKINS. Mr. Speaker, I have a privileged report which I desire to submit from the Committee on Ways and Means. This is a report of the hearings of the committee on reciprocity and commercial treaties, a matter which was referred to the committee for consideration. I am directed by the Ways and Means Committee to submit that report, and ask to have it printed.

Mr. TURNER of Georgia. Mr. Speaker——

The SPEAKER. The gentleman from Illinois submits the following privileged report from the Committee on Ways and Means, concerning reciprocity and commercial treaties, which will be printed.

Mr. HOPKINS. Mr. Speaker, a moment. The gentleman from Georgia [Mr. TURNER] has a minority report which he desires to submit.

Mr. TURNER of Georgia. Mr. Speaker, may I be recognized?

The SPEAKER. The gentleman from Georgia will submit the minority views, and the report of the committee, together with the views of the minority, will be printed.

PROPOSED ADMISSION OF NEW MEXICO.

Mr. CATRON. Mr. Speaker, I present a privileged report from the Committee on the Territories on the bill (H. R. 7909) to enable the people of New Mexico to form a constitution and State government, and ask that it be printed and recommitted to the committee.

Mr. KNOX. Mr. Speaker, the minority of the committee desire to submit their views in connection with the matter.

The SPEAKER. Unless the views are submitted now, it can only be done by unanimous consent.

Mr. KNOX. I am ready to submit them now.

The SPEAKER. Then the gentleman moves that the report of the committee, together with the views of the minority on this subject, be printed and recommitted to the committee.

The motion was agreed to.

ISSUANCE OF INTEREST-BEARING BONDS.

Mr. CHICKERING. Mr. Speaker, I desire to submit a privileged report from the Committee on Printing.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Printing have considered House resolution 410, to print 10,000 additional copies of the majority and minority reports of the Committee on Ways and Means on Senate bill 1341, and beg leave to report the following resolution, and recommend its passage.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That there be printed 10,000 additional copies of the majority and minority reports of the Committee on Ways and Means on Senate bill 1341, for the use of the House.

The resolution was agreed to.

PAY OF OFFICERS OF HOUSE AND SENATE FOR JUNE.

Mr. ALDRICH of Illinois. Mr. Speaker, I desire to submit a privileged report from the Committee on Accounts.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Accounts, to whom was referred the accompanying joint resolution (H. Res. 195) to pay the officers and employees of the House and Senate for the month of June on the day following the adjournment of Congress, report back and recommend the passage of the same.

The SPEAKER. The joint resolution will be read.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and directed to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of June, 1896, on the day of said month next following adjournment.

Mr. ALDRICH of Illinois. I move the adoption of the resolution.

The joint resolution was read a first and second time, ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

THE INDIAN TERRITORY.

The SPEAKER. The matter before the House first in order is the unfinished business coming over from the last suspension day, being the motion of the gentleman from New York [Mr. SHERMAN] to suspend the rules and pass the bill (H. R. 7907) the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 7907) for the protection of the people of the Indian Territory, extending the jurisdiction of the United States courts, providing for the laying out of towns, the leasing of coal and other mineral, timber, farming, and grazing lands, and for other purposes.

The question being taken on the motion to suspend the rules and pass the bill, two-thirds voting in favor thereof, the rules were suspended and the bill passed.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives, by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

On June 3, 1896:

An act (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia;

An act (H. R. 1436) relating to commutations of homestead entries, and to confirm such entries when commutation proofs were received by local land officers prematurely;

An act (H. R. 3689) increasing the pension of Jefferson Fueston, of Company M, Tenth Ohio Volunteer Cavalry;

An act (H. R. 75) granting a pension to Mary F. Davenport;

An act (H. R. 2605) granting pension to Henry V. Andrews, of Fulton County, Ill., a survivor of the Black Hawk war;

An act (H. R. 3932) granting a pension to Mrs. Elizabeth Richardson;

An act (H. R. 4475) granting a pension to Mrs. Catherine Gaffney;

An act (H. R. 3001) granting a pension to Cynthia A. Lapham, widow of William B. Lapham;

An act (H. R. 3221) granting a pension to John Dalton;

An act (H. R. 3254) granting a pension to William Durley;

An act (H. R. 4395) for the relief of Miss Juliette Betts;

An act (H. R. 4122) granting an increase of pension to James H. Jones;

An act (H. R. 3216) granting an increase of pension to James P. Hurley;

An act (H. R. 7983) to pension Frances E. Wickware; and

An act (H. R. 5999) to correct the military record of Elbridge McFadden.

FOURTH-CLASS MAIL MATTER.

Mr. LOUD. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2159) to regulate mail matter of the fourth class.

The bill was read, as follows:

Be it enacted, etc., That mailable matter of the fourth class shall embrace all matter not embraced in the first, second, or third class which is not in its form or nature liable to destroy, deface, or otherwise damage the contents of the mail bag or harm the person of anyone engaged in the postal service, and is not above the weight provided by law, which is hereby declared to be not exceeding 4 pounds for each package thereof, except in case of single books weighing in excess of that amount, and except for books and documents published or circulated by order of Congress, or printed or written official matter emanating from any of the Departments of the Government or from the Smithsonian Institution, or which is not declared nonmailable under the provisions of section 3893 of the Revised Statutes as amended by the act of July 12, 1876, or matter appertaining to lotteries, gift concerts, or fraudulent schemes or devices.

The SPEAKER. The gentleman from California moves to suspend the rules and pass the bill which has just been read.

Mr. RICHARDSON. Mr. Speaker, I demand a second. I am willing to agree that it be considered as ordered.

Mr. CANNON. Is it proposed to pass this bill under a suspension of the rules?

The SPEAKER. The Chair thinks that is the proposition.

Mr. CANNON. Who makes the motion?

The SPEAKER. The gentleman from California [Mr. LOUD].

Mr. LOUD. I will say to the gentleman from Illinois that he need not get frightened. This is not the bill he thinks it is.

Mr. CANNON. I think this is the bill touching packages.

Mr. LOUD. Oh, no; this is perfectly harmless.

The SPEAKER. A second is demanded. The gentleman from Tennessee asks that a second be considered as ordered.

Mr. KEM. I object.

The SPEAKER. Objection is made. The gentleman from California [Mr. LOUD] and the gentleman from Tennessee [Mr. RICHARDSON] will please take their places as tellers.

The House divided; and the tellers reported—ayes 125, noes 4.

Accordingly a second was ordered.

The SPEAKER. The gentleman from California [Mr. LOUD] has the floor for twenty minutes, and the gentleman from Tennessee [Mr. RICHARDSON] for the same time. Matters will be presented to-day under suspension of the rules which are of serious public importance, and the Chair hopes that particular attention will be given by the House to their consideration, and that proper order will be maintained.

Mr. LOUD. Mr. Speaker, this is a simpler matter than members of the House probably suppose. Alarm may have been unnecessarily aroused in relation to a bill which I have introduced—H. R. 4566. This bill—S. 2169—passed the Senate unanimously and I trust that it will pass the House unanimously. I do not believe there is a person in the House who can raise any possible objection to it. We reenact the law relating to fourth-class matter, adding to it just two words. I will read that portion of it that you may know the object of the insertion of these two words. The old law allows the Government to send through the mails anything that may be termed official matter under this reading:

And except for books and documents published or circulated by order of Congress, or official matter emanating from any of the Departments of the Government.

We amend that law by inserting the words "printed or written" so that if this bill shall pass it will confine mailable matter of the fourth class—and this does not apply to anything beyond free matter—it will confine mailable matter of the fourth class to its original intent, of printed and written matter. I will say to the members of this House that it will not disturb you in any of your documents or matter that you are now in the habit of franking, because any written or printed matter can be sent under this law as under the present law.

Mr. CANNON. What does it cut out?

Mr. LOUD. I will read a portion of the report of the Postmaster at Washington, and then the gentleman from Illinois will understand what we intend to cut out. This is in reply to a letter addressed to the Postmaster-General by Senator WOLCOTT, the chairman of the Post-Office Committee in the Senate. He says:

WASHINGTON CITY POST-OFFICE, OFFICE OF THE POSTMASTER,
Washington, D. C., February 8, 1896.

SIR: In reply to your reference slip "C. V. 7631," February 5, 1896, transmitting letter of Senator E. O. WOLCOTT, chairman Committee on Post-Offices and Post-Roads, United States Senate, respecting the class of Government matter passing through the Washington City post-office, I would refer you to section 1667, Postal Laws and Regulations, which has been stretched to cover the articles enumerated below.

During the past year there have been dispatched from this office from the—

Stationery division of the Treasury Department:	
3,302 cases and packages, an average of 200 pounds each	660,400
79 bales of carpet, an average of 90 pounds each	6,570
Stationery division, Interior Department, 2,638 cases, packages, and sacks, 125 pounds each	330,750
Document division, Interior Department, 1,576 sacks, 125 pounds each	197,000
Agricultural Department, 300 sacks, at 75 pounds each	22,500
War Department, 467 sacks, at 110 pounds each	51,370
Total	1,268,590

This is all registered matter. It consists of supplies for the various Departments. Under this, the act of 1879, which put in the words "official matter," all of the supplies of the various Departments have been dumped upon the Post-Office Department and sent through as mail.

Mr. CANNON. I ask my friend, why not? These are Government supplies for the Government service. Why drive all this matter to the express companies at a much higher rate?

Mr. LOUD. I am very glad my friend has asked that question.

Mr. CANNON. I want an answer to it. Perhaps it is all right.

Mr. LOUD. I wish I had more than twenty minutes in which to go over this subject, but I think I can explain it in two. It costs the Government to transmit its mail matter double the price that it ought to cost, and it costs the Government to-day more than four times as much as it would cost to transmit the same matter by express. Now, that is one of the principal reasons.

Mr. CANNON. Is not that a good argument for the abolition of the whole mail service, and the doing of it all by express?

Mr. LOUD. Oh, well; I do not propose to enter now upon that subject. Mr. Speaker, I want to say to the House that packages weighing three, four, five hundred, a thousand, fifteen hundred, and as high as eighteen hundred pounds are frequently brought to the post-office for mailing. That matter costs the Post-Office Department on an average 8 cents a pound to transmit, not taking into consideration the question of handling. This matter is all registered. It is handled with great care. It must go through from city to city and be transmitted by contract wagon service, and must be delivered. You will find that this matter is costing the Government on an average more than 12 cents a pound to transmit and handle, where it could be transmitted by express companies and delivered at an average of less than 2 cents a pound. And this is not express; it is simply freight matter.

Mr. WILSON of Idaho. May I ask the gentleman a question?

Mr. LOUD. Certainly.

Mr. WILSON of Idaho. Will the Government have to lessen the facilities for doing postal business; and if this matter is transferred to the express companies would not the Government lose exactly what it pays the express companies, the Government having to pay the expenses of shipping these supplies?

Mr. LOUD. If the gentleman understood the working of the Post-Office Department he would know that mail is carried by weight, and while the representatives of the railroad companies before our committee, in discussing this bill, said that the Government had withheld heavy matter during the weighing, any gentleman who has read the exposé made by our Postmaster-General with reference to the Coast or Seaboard Air Line here he will see that the facts exist, as I stated here, that the mails are stuffed during the weighings; and we must not forget that 1,000 pounds of this Government matter transmitted during the weighing has to be paid for every day for four years.

Mr. CANNON. May I ask the gentleman right at that point this question? The weighing is once in four years, as I understand it?

Mr. LOUD. That is right.

Mr. CANNON (continuing). But it is entirely discretionary on the part of the Department to weigh as often as it chooses. Now, then, is it possible that the Postmaster-General will allow a fraud of that kind knowingly to exist and allow it to run four years instead of reweighing and discharging every employee who had anything to do with the perpetration of such a fraud?

Mr. LOUD. Oh, well, permit me to say further that the Postmaster-General can not put himself in every nook and corner of the United States and examine the weighing. He can and probably will order a new weighing of the line mentioned, but a weighing or reweighing costs a good deal of money and is an expensive

luxury. I want to say to the House that this matter is only technically mailable matter. It has no business in the Post-Office Department. We have no business to flood the Post-Office Department with the supplies of the various Departments.

Mr. LONG. Will the gentleman allow me to ask him a question?

Mr. LOUD. Certainly.

Mr. LONG. Will this bill prohibit the sending of garden seeds through the mail?

Mr. LOUD. If in packages under 4 pounds—no.

Mr. LONG. It says "printed and written official matter."

Mr. DOCKERY. This does not affect the franking privilege, does it?

Mr. LOUD. It would confine all mailable matter, outside of printed and written matter, just the same as we confine it to every individual in the country, to 4 pounds weight.

Mr. LONG. It affects that kind of matter only.

Mr. ARNOLD of Pennsylvania. Will the gentleman allow me to ask him a question?

Mr. LOUD. Certainly.

Mr. ARNOLD of Pennsylvania. Suppose I were to mail a sack of garden seeds, a large mail sack, to my home, to have its contents addressed there to my constituents. Would that affect it?

Mr. LOUD. If in packages of over 4 pounds they would be affected; but I assume that put up in packages as they are usually sent it would not affect them.

Mr. ARNOLD of Pennsylvania. Suppose the sack, with all included, should weigh over 4 pounds.

Mr. LOUD. Why, no. The Post-Office Department have urged and continued to urge Congress for the last ten years to pass a law of this character. The gentleman on my right [Mr. SHAFROTH] asked me what character of matter has been going through the mails. During the last fall, in the city of Baton Rouge, there was offered for mailing the camp equipage of a Coast Survey party. It was refused mailing, and the correspondence is here in this report. In an appeal to the Department the Chief of the Coast Survey stated that this was the first time that the supplies of the Coast Survey had ever been refused mailing. These supplies contained tents, tent poles, saddles, and everything that a party of that character would have.

I want to say to the House, in all candor, that there is nothing in this bill that will affect any privilege now exercised by any member of Congress. There is nothing except what is right, just, and proper; and it will save the Government at least a million dollars a year.

Mr. TRACEY. Does it affect the sending of garden seeds?

Mr. LOUD. Not at all, under 4-pound packages. If I had it in my power I would do so; but this bill does not affect that.

Mr. WILSON of Idaho. Will the gentleman allow me to ask him a question?

Mr. LOUD. How much time have I, Mr. Speaker?

The SPEAKER. The gentleman from California has eleven minutes remaining.

Mr. LOUD. I yield to the gentleman for a question.

Mr. WILSON of Idaho. If this bill passes, you contemplate the discharge of postal employees sufficient to make this million dollars?

Mr. LOUD. Oh, no; we do not contemplate the discharge of any employees.

Mr. WILSON of Idaho. How are you going to save the million dollars?

Mr. LOUD. Now, one moment. The full effect of this will not be felt for three or four years. It will be felt in the next annual weight of the transmittals; it will gradually affect the railway postal clerks, and the clerks in the post-office, because there will be no increase of business.

Mr. WILSON of Idaho. If this bill passes, will not the business immediately go to the express companies instead of being carried through the mails?

Mr. LOUD. Certainly it will go by express or freight, where it properly belongs.

Mr. WILSON of Idaho. And then we shall have the burden of an expensive organization for the handling of this matter without having the business to do.

Mr. LOUD. Possibly, if the gentleman wants it that way.

Mr. MILLIKEN. Let me ask the gentleman where is the saving to be effected if we have to pay the same amount for mailing this matter and at the same time pay for sending it by express?

Mr. LOUD. Permit me to say, Mr. Speaker, that if gentlemen come in every three or four minutes and ask me the same questions that I have already answered, I can not make much progress. I have stated that it costs the Government to transmit and handle this matter 12 cents per pound, and that the same matter can be sent by express at an average cost of 2½ cents per pound, and by freight at 1½ cents per pound, and really it is nothing but freight—it is not even express matter.

Mr. MILLIKEN. Since the gentleman professes to know so much and thinks that I know so little about that, I should like to hear an explanation from him as to why it costs the Government 12 cents a pound to do this business while it can be done by express for 2 cents a pound?

Mr. LOUD. I explained that a few moments ago, and if the gentleman had been here he would have heard my explanation.

Mr. MILLIKEN. I am always unfortunate when I fail to hear the gentleman from California.

Mr. LOUD. I will put one point to the gentleman now, if he will give me his attention. All of the Western roads which are land-grant roads are carrying the mails at 40 per cent less than the Eastern great trunk lines receive, and they are so anxious to secure the carriage of the mails that they are bidding against one another for the privilege. All of the Western roads starting out from these great trunk lines are very anxious to carry this mail matter at a reduction of 40 per cent below what the Eastern roads receive, although the Eastern roads get the large concentration of mails. Does that satisfy the gentleman?

Mr. MILLIKEN. I do not know whether it satisfies me or not. I do not think I have got much information out of that answer.

Mr. LOUD. I have stated that we are paying for the transmission of the mails more than double what any corporation or individual would pay for like service. Is that satisfactory?

Mr. ARNOLD of Pennsylvania. As the law now exists, why can not the heads of Departments direct that this matter be sent not by mail but in some other way?

Mr. LOUD. Because the law prohibits it. The law permits the Departments of the Government to send any official matter by mail.

Mr. ARNOLD of Pennsylvania. That is simply permissive; but the heads of Departments can direct that the matter be sent otherwise, can they not?

Mr. LOUD. If that portion of the law is permissive, then the whole law relating to fourth-class matter is permissive.

Mr. ARNOLD of Pennsylvania. Not necessarily.

Mr. LOUD. Well, it is all in the same section and reads right along, and if the gentleman is right, the head of the Department might refuse to accept any fourth-class matter.

Mr. MITCHELL. Is not the real difference this, that this matter, being carried by weight, is carried at a much less rate by express than by post-office rates?

Mr. LOUD. Of course it is. I have said so several times.

Mr. DOCKERY. I understand that this proposition was recommended by Postmaster-General Wanamaker and is also recommended by the present head of the Department?

Mr. LOUD. Yes, sir; it has been recommended by Mr. Wanamaker, by Mr. VILAS, by Mr. Bissell, and by the present Postmaster-General. The Department has been begging Congress to make this enactment.

Mr. BRUMM. Is not this more a question of antagonism between the different Departments than a question of merit?

Mr. LOUD. I have never heard of any such antagonism. Can the gentleman advance any reason why the Post-Office Department should be required to carry the freight matter of the War Department?

Mr. BRUMM. It does seem that the other Departments, if they chose, could prevent this evil which the gentleman describes.

Mr. LOUD. But they do not choose to do so. They get a certain allowance for the transmission of their matter and then they force this class of matter on the Post-Office, and thereby save the funds of their own Department.

Mr. MILLIKEN. Then is there really any loss to the Government? Does it make any difference to us whether we pay the same amount of taxes for the benefit of one Department or of another?

Mr. LOUD. It costs us 12 cents a pound to transmit this matter by mail, while it can be transmitted for 2½ cents by express.

Mr. RICHARDSON. If this War Department matter were to be sent by express rather than by mail, that Department would have to pay the cost of transmittal, would it not?

Mr. LOUD. Certainly. Each Department would pay out of its own funds.

Mr. DOCKERY. Of course the saving would apply to matter transmitted by the Government, but as it stands now individuals get the benefit of this cheap mail transportation. Does this bill apply to individuals or does it relate entirely to the Department?

Mr. LOUD. It relates to departmental matter wholly.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I differ with the gentleman from California [Mr. LOUD] with great diffidence. It may be that he is right in his contention that the law on this subject ought to be amended; but I am not prepared to say that he is. This whole question is in a nutshell, as I understand it. The private citizen can send through the mail packages not exceeding 4 pounds in weight. That has been a very great benefit to the country, because

it has kept down the express rates and has yielded revenue to the Government.

Now, some years ago I had this matter called to my attention. The practice of the Government touching supplies for the public service has been changed. Reforms have been brought about through appropriations and limitations upon appropriation bills. This reform commenced many years ago, was followed up by Mr. Randall, and right or wrong has been followed since. Formerly postmasters, registers and receivers of land offices, and various Government officers throughout the country bought, each one for himself, the supplies necessary for his office, getting poor supplies at high rates. Under our system the supplies are furnished under contract by the various Departments and shipped on requisition to the various postmasters and other officers.

Now, the Government has all the machinery for doing this work. It has its thousands of postal clerks. It has its 67,000 or 70,000 postmasters. It has its mail service over 175,000 miles of railway. Now, why should not the Government utilize its own machinery to transmit these supplies? Suppose we do not do it. The result is that all the post-office supplies—the postal cards, the envelopes, etc.—and all the Treasury supplies will have to go by express instead of by mail.

Mr. HEMENWAY. A railroad company that has just had its weighing gets for three years and eleven months the rate of pay called for by that weighing, while at the same time every express company would be paid for this same service if this bill becomes law.

Mr. CANNON. Certainly. Now, the gentleman from California says that it costs 12 cents a pound to transmit these supplies.

Mr. LOUD. To transmit and handle them; 8 cents a pound to transmit them.

Mr. CANNON. I do not agree with the gentleman. I think that the cost of sending out these supplies through the post-office is largely inappreciable, because we have all the machinery; and to make now the change proposed will not cut down the service to the extent of a single employee.

Mr. LOUD. Will the gentleman allow me a moment?

Mr. CANNON. Certainly.

Mr. LOUD. The gentleman must know that this matter of transportation is not a question as to the number of Government employees at all. We contract with the railroad companies for carrying the mails at so much per pound.

Mr. CANNON. I know that.

Mr. LOUD. And it costs us in a single year $38,000,000, in round numbers, for transportation. Now, dividing that by 450 any child can estimate what this transmission costs us per pound.

Mr. CANNON. And so does it cost you to transmit by the express companies. The moment you throw these packages of matter required in the Government service out of the mails that moment you are at the mercy of the express companies. That is all there is of it. And I undertake to say that your bills for transportation by express will amount to more than the present cost of the service through the postal system. At least I am afraid that would be the case.

The mails are weighed once in four years. The gentleman says that when they are weighed the cost is cheapened; that these officers of the Government—the Postmaster-General, the Secretary of the Treasury, and the Secretary of the Interior—take this bulky stuff sent out and weigh it for thirty successive days. I do not believe it.

The SPEAKER. The time of the gentleman from Illinois [Mr. CANNON] has expired.

Mr. CANNON. I ask the gentleman from Tennessee [Mr. RICHARDSON] to give me a minute or two more.

Mr. RICHARDSON. I yield the gentleman two minutes more.

Mr. CANNON. If it should be found that the Departments permit the kind of fraud which is suggested, it would be an impeachable offense. And here is a safeguard: If frauds are committed in the way suggested, there is a discretion on the part of the Postmaster-General under the law to have the weighing once every year or once every six months.

Some gentlemen say that this proposed change will cut our seeds from the advantage of mail transportation. I do not know whether it will or not. The gentleman from California says it will not, and if he has examined the matter I have great respect for his opinion, for he is a most competent man.

Mr. LOUD. The gentleman has misquoted me. I hope he wants to be fair. Let us settle this question now.

Mr. CANNON. I can not yield to the gentleman. He has some time left and can answer me in his own time.

Mr. LOUD. I will yield you a minute additional.

Mr. CANNON. All right.

Mr. LOUD. The gentleman misquotes the statement I made. I did not say or intimate that the heads of the Departments were stuffing the mails. I have not time in twenty minutes to show how the mails have been stuffed; but in this instance it was done not by the heads of Departments, but upon certain matter sent South by gentlemen who have the franking privilege.

Mr. CANNON. Well, sir, if anybody stuffs the mails—if any member of Congress or anybody else who has the franking privilege does it—turn on the "X rays" and let the whole thing be exposed. If such frauds have been committed, somebody ought to be expelled.

Oh, gentleman, I have been long enough in Congress to see great popular waves against the franking privilege. I have seen statistics upon the subject piled up mountain high to influence Congressional action against its continuance. But the amount of matter—governmental matter—transmitted through the mails in comparison with the great private service of the Department—that that is sent throughout the mails by private citizens—is in my judgment insignificant.

That is all I desire to say upon the subject.

Mr. RICHARDSON. Mr. Speaker, I yield now five minutes to the gentleman from Mississippi [Mr. KYLE].

Mr. KYLE. Mr. Speaker, I want to state to the House, briefly, my reasons, or some of the reasons at least, why in my opinion this bill ought to pass. I can not in the brief time allotted to me discuss it fully.

In the first place, it is in the interest of economy and better postal service to pass the bill. According to the best information the Committee on the Post-Office and Post-Roads has been able to obtain, it will result in a saving of about $1,000,000 a year to the Government. In the next place, it is in accordance with good business principles to pass it. Why? Because the chief in control of this Department of the Government, not only the present Postmaster-General, but that Department year after year for a long time past, has exhibited a desire for the passage of such a law as this. Why do they want it passed? In order to keep out of the mail matter not proper to put there.

Now let us examine for a moment what they have been carrying through the mails. According to a letter written by the Postmaster-General which is embodied in this report, tent poles and I do not know what else—every sort of stuff—have been dumped into the mails to be transported instead of sending it by freight or express, as it should have been sent. Now, how is the postal service of the Government affected by this condition? In the first place, it must be remembered that it costs the Government more, in dollars and cents, to transport matter of this character through the mails, under present conditions, than to send it in any other way that you can think of by any transportation company in the country. It has been suggested by the gentleman from California [Mr. LOUD] that it costs about 12 cents a pound to transmit such matter through the mails and to handle it. But let us put it at only one-half of that, and say it costs but 6 cents a pound to transmit it, I ask whether, in the range of your imagination, you can imagine any transportation company that is charging at the rate of 6 cents a mile for transporting tent poles or camp equipage or any such matter?

In this Louisiana case, to which reference has been made in the report, there were put into the mails at Baton Rouge for transportation, as we are informed by the Department, four parcels which had a penalty label, as follows: One sack weighing 68 pounds, one box weighing 200 pounds, one trunk weighing 78 pounds, and one set of tent poles weighing 34 pounds, all addressed to the United States Coast and Geodetic Survey, Baton Rouge, La.

Now, the gentleman from Illinois says that this is a matter the Postmaster-General can control; and that he has the discretion now to weigh the mails, if he deems proper, every six months or every year. That may be true; he may have the discretion; but it is very expensive to weigh the mails every six months.

Mr. ADAMS. Will the gentleman allow an interruption for a suggestion?

Mr. KYLE. Well, if it be a very brief one.

Mr. ADAMS. I was five years on the Geological Survey of the United States; and I wish to suggest to the gentleman that the time that would be saved in transporting the tent poles and camp equipage through the mails, rather than by freight or otherwise, might save to the Government a month's wages of thirty or forty men engaged in these expeditions. They can get them by mail much faster than by freight.

Mr. KYLE. Why, you can purchase tent poles for less than the amount it costs to transport them from point to point through the mails.

Now, why is it that the Government is to be burdened with this sort of thing? The gentleman said, and I started to reply to him, that the Government might weigh the mails every six months, and get rid of it in that way. I am at a loss to conceive how you are to get rid of it in that way, even if it were possible for the Postmaster-General to weigh the mails so frequently. He can not do it, to begin with.

As I said before, there is no reason why this bill should not pass.

The Postmaster-General, after careful investigation of the question, and not only the present one, but his predecessors, have been anxious, as I am informed, for the passage of such a bill, because they say it would be in the interest of the best business principles and the most economic management of the office. I hope, therefore, the motion of the gentleman from California will prevail.

Mr. RICHARDSON. I yield three minutes to the gentleman from Missouri [Mr. HALL].

Mr. HALL. Mr. Speaker, I wish to state to the House that this matter has been carefully considered by the Committee on the Post-Office and Post-Roads of the House; and it is unnecessary to say that we can not discuss in the brief time allotted to us under the rule the merits of the matter. I will state, however, that the seventeen members of the Committee on the Post-Office and Post-Roads, after hearing all of the testimony in the case on both sides, are unanimous in their opinion on this question and are in favor of this bill.

Under the present law it costs $10,000,000 a year more to run the Post-Office Department than the receipts of the postal business produce to the Government. The result of it is that whenever we ask for an extension of mail privileges we are met constantly on the threshold by this immense deficit of $10,000,000 with regard to mail transportation.

The testimony is undisputed and indisputable before our committee that it costs 12 cents per pound to handle this matter as it is at present handled. Now, just consider for a moment what they are mailing under this franking privilege. They are mailing such things as saddles, blankets, harness, and thousands of yards of carpet, and not carpet in the original bulk as it comes from the manufacturing department, but these carpets are sent here and made up, and put up in bulky bundles, after being made to fit the rooms for which they are intended. They are then shipped by mail. Desks and things of that kind are mailed, in spite of the fact that the same matter could be sent by the express companies at the rate of 2 cents a pound, which would save the Government 10 cents a pound, and decrease the deficit with which we are constantly faced when we ask for an extension of mail privileges. I wish to state that there is no division in the committee on this question. After a careful investigation we are all united in favor of the proposition.

Mr. WILSON of Idaho. Do you say this matter could be sent by express for 2 cents a pound?

Mr. HALL. That is the testimony before the committee.

Mr. WILSON of Idaho. You do not mean to say it could be sent across the continent for 2 cents a pound, or for 6 cents a pound, by express? It would cost more than that to ship it across the continent. It might go from here to Baltimore at the rate you mention, but these charges are made according to the distance.

Mr. HALL. I understand from the statement of the Department that 2 cents a pound is the average cost of transportation by express, as compared with 12 cents a pound, the average cost of transportation through the mail under the law.

Mr. WILSON of Idaho. That certainly is not 2 cents a pound.

Mr. HALL. I do not believe there is any lawyer in this House who would have thought that anyone would have attempted to send saddles and harness and desks through the mail under the words "official matter." All the amendment we ask to the law is to put in the words "printed or written," not abridging the right of any member of Congress, but to allow the Government to save this sum, so that when we who live in the West especially come forward and ask an extension of mail privileges, we shall not be met constantly with a ten-million-dollar deficit.

Mr. RICHARDSON. I do not desire to use any time myself in opposition to this measure; but if any member of the House desires time, inasmuch as I control the remainder of the time in opposition, I will cheerfully yield to him. If not, I have nothing further to say.

Mr. LOUD. I ask for a vote, Mr. Speaker, unless some gentleman wants to ask some question.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and on a division there were—ayes 102, noes 32.

Accordingly, two-thirds voting in favor thereof, the rules were suspended and the bill passed.

ATLANTIC AND PACIFIC RAILROAD COMPANY.

Mr. POWERS. Mr. Speaker, I move to suspend the rules and pass the bill S. 1832, which I send to the Clerk's desk.

The bill was read, as follows:

An act (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company.

Be it enacted, etc., That whenever any mortgage made by the Atlantic and Pacific Railroad Company under and by virtue of acts of Congress is foreclosed in any court of the United States, or of any State or Territory thereof, and any sale of the road, equipment, lands, franchises, privileges, and other rights and property covered by said mortgage is made under a decree or decrees of such courts, the purchaser at any such sale or sales, and their associates or assigns, shall constitute a new company, which shall have and shall be entitled to hold and possess the franchises and property so sold, and to exercise the same rights, powers, privileges, grants, and franchises, including the franchise to be a corporation, granted by the act of Congress approved July 27, 1866, incorporating the Atlantic and Pacific Railroad Company, and by acts amendatory thereof and supplemental thereto, which were owned and possessed by said Atlantic and Pacific Railroad Company, or said mortgagees at the time of such decree of foreclosure; and the incorporation as hereby provided shall be completed and become effective whenever the said purchasers and their associates or assigns shall file with the Secretary of the Interior a certificate of incorporation hereunder, duly acknowledged, specifying the name of such new corporation, its president, and the names of its directors, the amount of its proposed capital stock and bonds, together with certified copy of the decree or decrees ratifying such sale; but nothing in this act shall make such purchasers and their associates or such new corporation liable for any debts or claims or contracts of the old corporation not expressly assumed in their contract of purchase at said judicial sale: *Provided*, That the amount of the proposed issue of stock of such new corporation shall not exceed the aggregate amount which the Atlantic and Pacific Railroad Company has already issued and is now outstanding, except that said corporation may issue an additional amount of stock which, with the stock heretofore issued, shall not exceed the aggregate amount heretofore authorized by Congress, and such additional stock shall not be issued except for money, labor, or property, estimated at its actual cost value, in exchange for such stock at its full or par value: *Provided further*, That nothing herein contained shall be construed as making any additional grant of lands or other franchises to such successor corporation, or as a waiver of any rights of the United States now existing to enforce any forfeiture of lands heretofore granted to the said Atlantic and Pacific Railroad Company, or as in any manner affecting the vested rights of any settler or settlers on any of the lands heretofore granted to the Atlantic and Pacific Railroad Company or of any purchaser or purchasers of said lands from said company.

SEC. 2. That Congress shall at all times have the power to alter, amend, or repeal this act.

Mr. HOPKINS. Mr. Speaker, I demand a second on that.

The SPEAKER. Does the gentleman desire to consider a second as ordered?

Mr. HOPKINS. Yes, Mr. Speaker.

The SPEAKER. Without objection, a second will be considered as ordered.

Mr. TERRY and Mr. KEM objected.

Mr. POWERS and Mr. HOPKINS were appointed tellers.

The House divided; and the tellers reported—ayes 55, noes 15.

Accordingly a second was ordered.

Mr. POWERS. Mr. Speaker, this is a bill to enable the bondholders of two several mortgages of sections of the Atlantic and Pacific Railroad to organize themselves into a corporation upon the completion of foreclosure proceedings which are now pending upon these two mortgages.

The history of the road, briefly stated, is this: In 1866 Congress passed an act chartering the Atlantic and Pacific Railroad Company, with authority to build a railroad from Springfield, in the State of Missouri, through the Indian Territory and one or two other Territories, to California and the Pacific Coast. Certain land grants were made to enable that road to complete its line. It was then supposed that the need for a railroad was urgent enough to call out popular subscriptions to the capital stock of $100,000,000, fixed by the original act, and that thereby the road would be completed; but like most other projectors of railroad enterprises, these gentlemen were disappointed in their expectations, and found themselves under the necessity of obtaining authority to mortgage their road, which authority did not exist under the original act. Accordingly, in 1871, they came to Congress, and on the 20th of April in that year Congress authorized them to mortgage their property under a section which has been held by the court to be too narrow to enable them to mortgage the franchise, to become corporations.

Now the holders of those mortgages are in just this plight: They have a valid mortgage, covering the property of the company, but they have no mortgage that would enable them, under it, to reorganize into a corporation with the power to be a corporation. It becomes necessary, therefore, to confer this additional franchise upon them. I am sure that no gentleman who has read the report in this case, that was made in the Senate, and which has been duplicated in the House, can fail to see that the measure is one entirely just to the owners of these two mortgages. The road was built from Springfield to the east line of the Indian Territory some years ago, and has passed out of the hands of the original company and now forms a part of the St. Louis and San Francisco Railway. The central division was that line from the line of the Indian Territory to Albuquerque, N. Mex., and this mortgage on that division is in controversy in this matter. The western division runs from Albuquerque west to California, and the mortgage of that division is also in question.

Now, then, the bondholders of the two mortgages last named, on the central and western divisions, have foreclosed their mortgages, and very soon the property under those foreclosures will be sold and the bondholders are probably the only persons who will bid for the property. It is of no interest to anybody else. It is mortgaged for probably far more than it is worth. They desire this additional legislation to enable them to become a corporation and operate their line under their corporate existence.

This bill was unanimously reported by the Committee on the Judiciary of the Senate, passed the Senate unanimously, came to the House, and has been unanimously reported by the committee

of this House. I am not conscious that there can be any objection to this matter at all. I once attempted to get it up before the House and asked unanimous consent for that purpose, but objection was made by two or three gentlemen, with whom I have since conversed, and upon examination of it since with them I am authorized to say that they have no personal objection whatever to the bill.

Mr. CONNOLLY. Will the gentleman allow me to ask him a question?

Mr. POWERS. Certainly.

Mr. CONNOLLY. Was there any provision in the original land grant requiring that the lands should be sold in any particular time to settlers, or at any particular price?

Mr. POWERS. I am very glad my friend called out that matter. I meant to state it. The land grant to this road under act of Congress has been forfeited. The company resisted the forfeiture, and the case is now pending in the Supreme Court; but this bill reserves whatever rights the United States may have in that case in the event the decision is made against us; but the lands are actually forfeited by act of Congress.

Mr. HENDERSON. Then this is for the purpose of enabling the purchasers under the foreclosure sale to become a corporation?

Mr. POWERS. Yes; to become a corporation.

Mr. HENDERSON. Under State or Federal law?

Mr. POWERS. Under Federal law, because the line runs through the Indian Territory.

Mr. HENDERSON. Does the gentleman say they can not organize and incorporate under a State law?

Mr. POWERS. The road does not run through States altogether. It runs through the Indian Territory; and there is no way for it to be incorporated through State law.

Mr. HENDERSON. Except by act of Congress?

Mr. POWERS. Exactly. So that it becomes necessary to have a Federal charter.

Mr. CONNOLLY. Are there not several roads running through the Indian Territory under State charters?

Mr. POWERS. That may be. But my friend will see the awkwardness of the situation which this would be in. This charter was originally granted by Congress, and you are simply extending this provision to the new corporation. The gentleman will see how awkward it would be to have it incorporated by a different jurisdiction.

Mr. CONNOLLY. Why not have a general provision? Notwithstanding the Federal charter, it should, for the purpose of giving judicial jurisdiction, be regarded as a citizen of each State or Territory through which it runs.

Mr. POWERS. I will say to my friend there is a general bill pending, and I hope it will pass, applying to all such corporations.

Mr. CONNOLLY. If that bill should pass, that would not affect this.

Mr. POWERS. If there is a general law, of course it would be applicable to all Federal corporations, because the right to alter and amend remains.

Mr. HENDERSON. Now, what provision is made for judgments and claims against the old company, and damage suits, and all that sort of thing.

Mr. POWERS. Of course any judgment against the old company is a valid judgment that no legislation of ours can affect. It will be a vested right that could not be disturbed by the granting of a new charter.

Mr. HENDERSON. Do you make any provision for the preservation of the rights of judgment holders?

Mr. POWERS. We do not, any more than the general law.

Mr. MITCHELL. Will the gentleman kindly define a little more fully what is meant by lines 28 to 32?—

But nothing in this act shall make such purchasers or their associates or such new corporation liable for any debt or claims, or contracts of the old corporation not expressly assumed in their contract of purchase at said judicial sale.

Mr. POWERS. It means, as to the rights of the mortgagee, he shall not be compelled to pay any debt except such as his mortgage is subject to. You can not compel the mortgagee of a farm to pay the mortgagor's debts unless those debts are paramount to the mortgage.

Mr. CONNOLLY. We could refuse to give him any new rights unless he did that.

Mr. POWERS. My friend from Illinois is too good a lawyer not to know that he could not have any new rights better than those which he has.

Mr. CONNOLLY. But we could refuse to give him a charter which would put him beyond the reach of the State courts.

Mr. POWERS. My friend would not ask us to legislate for a thing that the law protects everybody in already.

Mr. CONNOLLY. We have reported from the Judiciary Committee a measure providing for the reorganization of the Northern Pacific, and containing a requirement that they shall pay the debts of the old company.

Mr. POWERS. I understand that in the resolution relating to the reorganization of the Northern Pacific Railroad a specific regulation was made with reference to that matter, but it is wholly unimportant in this case, because these mortgages all antedate any debts created against this corporation.

Mr. BURTON of Missouri. Did not the original charter exempt the property, or certain property, of this road from taxation?

Mr. POWERS. I have not seen the original charter in full, but I think I can with perfect safety say that Congress never passed such a charter.

Mr. BURTON of Missouri. I know that at one time the road contested the right to levy a certain tax upon its property, but I can not now recall the result of the contest.

Mr. POWERS. Well, I think I can say, in answer to my friend, that Congress never has chartered a corporation of this kind and exempted it from taxation.

Mr. BURTON of Missouri. I may be confused in regard to the road. It may have been a road which was merged into this.

Mr. POWERS. States have sometimes passed such laws, but Congress never has, according to my recollection. Mr. Speaker, I reserve the balance of my time.

Mr. CONNOLLY. Before the gentleman sits down I wish to ask him another question. Has not this Atlantic and Pacific Railroad been running for some years as a part of the Southern Pacific system?

Mr. POWERS. Not at all.

Mr. CONNOLLY. To what system does it belong?

Mr. POWERS. To the Santa Fe system. The western division, from Albuquerque westward, is now a part of the Santa Fe system. It has no relation whatever to the Southern Pacific Railroad.

Mr. BRUMM. I understood the gentleman from Vermont to say that the provision here exempting these parties from liability for debts, etc., is inserted because the law would exempt them at any rate—that this being a first mortgage, and being basic, it could not be held liable for debts subsequently incurred. Now, that being the law, and the gentleman knowing it to be the law, what is the use of having such a provision in this bill?

Mr. POWERS. I will be perfectly frank with the gentleman and say that I do not know why that provision is in the bill. This bill came over from the Senate containing that provision.

Mr. BRUMM. But should it not be stricken out if there is no reason for having it in the bill?

Mr. POWERS. I think not, because it is entirely harmless; and if it is stricken out, my friend can see what will be the probable fate of the bill at this stage in the session.

Mr. BRUMM. The only question is whether there is not something hidden here.

Mr. POWERS. Oh, no. My friend will understand that this is a very important matter to the mortgagees below, and the bill having come to us from the Senate in this form, containing this provision, about which I feel as the gentleman does, we did not wish, at this late hour of the session, to run the risk of its failing, so we made no point about that.

Mr. HOPKINS. Mr. Speaker, I opposed this bill when the gentleman brought it up some time ago and asked unanimous consent for its consideration. My purpose in doing so was to force him to have the bill go to a committee, where it could be considered and amended if, in the judgment of the members of the House, amendments should be made. This is a bill for the reincorporation of an organization that first received its corporate authority in 1866, at a time when the Congress of the United States was giving extravagant donations to railroad companies, or proposed railroad companies, extending over different parts of the country. Gentlemen will remember that the date of this charter was only a year or two after the grants were made to the Central Pacific and the Union Pacific railroads. The termini of this road were to be Springfield, Mo., on the east and the Pacific Ocean on the west, and the capital stock was to be $100,000,000. The road was never built in accordance with the terms of the charter granted in 1866; neither was it completed under the terms of the amendment adopted in 1871. Mortgages were given, and it is claimed that those mortgages have been foreclosed.

Now, this bill proposes to give the purchasers under the foreclosure decree all the powers, rights, and authority that were granted to the original incorporators, including the land that was granted in aid of the construction of the road. A number of years ago the members of the House and of the Senate agreed upon a bill forfeiting a large portion of the lands granted to this road, but the company resisted that act, and has taken the question into the courts and is litigating it and undertaking to defeat the will of Congress in the matter of restoring these great tracts of land to the Government. Now, it seems to me that if this road is to be allowed to be incorporated under this bill, as proposed here, the corporation ought not to have the rights granted to the original incorporators. They do not pay for those rights. They get this road at a minimum price. The chartered rights, the rolling stock,

and the other interests which they get under the decree will be a full equivalent for all that they pay, even if the lands are permitted to revert to the United States. But under this bill they have, as I have just suggested, the same rights that the original corporators had. At the same time, all the obligations of those original corporators outside of these mortgage obligations are cut off by the decree; and the persons who purchase under that decree take the road, stripped from the obligations to which the original corporators would be subjected. I think, Mr. Speaker, that in this matter rights and obligations should be reciprocal. If the new company is to have the same rights that the original company enjoyed, it ought to assume the same obligations. Another reason why I oppose this bill is that under the motion to suspend the rules no amendment can be made to the measure.

Mr. POWERS. Will the gentleman yield a moment?

Mr. HOPKINS. I will.

Mr. POWERS. I think my friend has failed to notice the proviso in this bill.

Mr. HOPKINS. If I have failed to notice anything important as bearing on this question I shall be pleased to be corrected.

Mr. POWERS. The last proviso is—

That nothing herein contained shall be construed as making any additional grant of lands or other franchises to such successor corporation, or as a waiver of any rights of the United States now existing to enforce any forfeiture of lands heretofore granted to the said Atlantic and Pacific Railroad Company, or as in any manner affecting the vested rights of any settler or settlers on any of the lands heretofore granted to the Atlantic and Pacific Railroad Company or of any purchaser or purchasers of said lands from said company.

Mr. HOPKINS. Does not the gentleman see that by the very provision he has just read the right which belonged to the original corporators to resist forfeiture by the Government of the United States is conveyed to the new corporation? That is the effect of the express language of the clause which the gentleman has just read.

Mr. POWERS. Why should they not have that right?

Mr. HOPKINS. The point I am making is that there ought to be a provision here prohibiting this new company from prosecuting a proceeding in the courts to take those lands from the United States.

Mr. POWERS. Does the gentleman as a legislator on this floor propose to interfere with the right of people to go into the courts and establish their rights?

Mr. HOPKINS. These people are here asking for privileges which they claim are necessary.

Mr. POWERS. Suppose they are; does that give us the right to exact from them something which they are under no obligation to surrender—to practically levy blackmail?

Mr. HOPKINS. The persons constituting this new company have bought this road at a merely nominal figure; and there is no reason on earth why, acquiring the property in that way, they should have the same right that the original corporators had to litigate the question of forfeiture in the courts. The question is whether this vast territory which was granted to the original corporators should be given to this new company.

Now, Mr. Speaker, I yield seven minutes to the gentleman from Arkansas [Mr. TERRY].

Mr. TERRY. Mr. Speaker, this is a very important matter and one which really ought to have been considered by the Committee on the Judiciary. It involves questions which, as suggested by the distinguished gentleman from Illinois [Mr. HOPKINS], may gravely affect important rights of the United States Government. By this bill it is proposed to grant to the purchasers under foreclosure proceedings the right to take all the lands originally granted to the Atlantic and Pacific Railroad, and to use them in such way as the purchasers may deem proper. Under this bill all the coal and mineral lands (if there be such) along the right of way embraced in the great empire originally given to this company for nothing will become the property of this new company, which may organize itself virtually into a coal company and obtain a monopoly on the coal business and supply by furnishing discriminating facilities to themselves or those they may designate, and shutting out all others. In the great West—in Colorado and other Western States—this is one of the crying evils of the present day. Where the railroad company obtains possession of a coal mine and is allowed to operate the same, it can discriminate in favor of its own mines and against those owned by others so as to destroy competition, thus raising the price of this great necessity of civilization to whatever point the monopolists may please.

In the bill for the reorganization of the Northern Pacific Railroad Company which was referred to the Committee on the Judiciary that committee after careful consideration adopted amendment after amendment to protect the people against things of that kind. It was also provided that the company should pay its debts. Under this bill you permit this reorganized company to take all the benefits of the Government's bounty and to assume none of the burdens which should accompany the gift. This is not a measure which this House can afford to pass under suspension of the rules. Furthermore, in the Northern Pacific Railroad bill there was inserted by the Judiciary Committee a proviso requiring that company to submit itself to the jurisdiction of the State courts in the States through which the roads might pass. There is nothing of that kind in this bill. Under the pending measure this reorganized corporation, when sued by a citizen of any of the States or Territories, can drag him hundreds of miles to a Federal court in order to maintain his suit. Do gentlemen suppose that the people of that part of the country will look with any degree of toleration upon an act of Congress permitting an outrage of that sort upon their rights? What will they say to a House that is responsible for legislation of this character? I think the majority of this Congress, on that side of the House, should heed the warning given to them by the gentleman from Illinois and go slowly, considering well before passing such a bill.

I might go further, Mr. Speaker, but there are other gentlemen from the States specially interested in this matter who may wish to say something, and I will yield back to the gentleman from Illinois the time I have not consumed.

Mr. HALL. I wish to direct the attention of my friend from Arkansas, before he takes his seat, to page 2 of the bill, line 28, beginning with the word "but." I will read the paragraph to which I refer:

But nothing in this act shall make such purchasers and their associates, or such new corporation, liable for any debts or claims or contracts of the old corporation not expressly assumed in their contract of purchase in said judicial sale.

Now, if this is the common law, why should that clause be put into the bill?

Mr. TERRY. That is an express provision evidently put in to give them the rights and privileges which the old company possessed without requiring them to assume any of the obligations. It is simply emphasizing the point I was trying to make.

Mr. HOPKINS. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has seven minutes.

Mr. HOPKINS. Before concluding——

Mr. DOCKERY. If the gentleman will permit me, I desire to ask whether this bill has been submitted to the gentlemen representing any part of the State of Missouri through which the line of road runs?

Mr. HOPKINS. I am informed by one of the members from Missouri that it has not been.

Mr. DOCKERY. I have an impression that some of the Representatives from that State are opposed to the passage of the bill.

Mr. HOPKINS. Mr. Speaker, I think the objection I originally made comes with additional force to-day, that this bill ought not to go through under a suspension of the rule.

The gentleman from Arkansas [Mr. TERRY] has pointed out the fact that under the original act, if this bill becomes a law, this company will succeed to all of the rights and privileges of the old organization—the new company taking the place of the other organization—with a view to assuming charge and control of that great empire which the United States Government forfeited in 1886 and which is being resisted by this very company in the United States court to-day.

I desire to emphasize the fact that if these gentlemen seek to have a bill passed and are to be exempted from all of the obligations expressly as they are exempted from the obligations in this bill, as appears by reference to lines 28, 29, 30, 31, and 32 of the bill, that they should also be excluded from the great benefits that inured to the original corporation by reason of the land grants made by the Government.

Every person familiar with the condition of legislation relating to the great continental lines knows that that legislation went through the House without very great care, or such care as the importance of the subject seems now that it should have demanded, and that it gave millions upon millions of acres of land to these incorporators. And I see no reason at this late date, when we have plenty of lines of railroad between this and the Pacific Coast, to reincorporate the old company, reviving and giving new life to it, and give it the privilege of contesting in the courts the right to take these lands.

I trust the members of the House will defeat the bill to-day, and let the gentleman bring it up at the next session of Congress, where we can go into it fully, where it can be considered in the Committee of the Whole and amended so as to properly protect the interests of the United States. If it passes to-day it passes without amendment, with all these objectionable features embodied in it, precisely as it is presented here.

We have seen enough even in this desultory debate here to-day to know that the interests of the United States are not properly guarded and protected by the pending bill.

Mr. MITCHELL. Will the gentleman yield to me for a question?

Mr. HOPKINS. Yes, sir.

Mr. MITCHELL. I would like to ask the gentleman if he can

ern Pacific, and containing a requirement that they shall pay the debts of the old company.

incorporators. They do not pay for those rights. road at a minimum price. The chartered rights, the rolling stock,

not a measure which this House can afford to pass under suspen-

Mr. MITCHELL. I would like to ask the gentleman if he can

explain how it is that this provision embraced in lines 28, 29, 30, and 31 got into the bill? It seems to be a most extraordinary provision.

Mr. HOPKINS. I do not know, but I can understand, of course, that it was put in for the benefit of the company, or the proposed company.

Mr. WELLINGTON. Will the gentleman allow me to ask him a question?

Mr. HOPKINS. Certainly.

Mr. WELLINGTON. If this bill passes, would it not give to this corporation the powers and privileges which were conferred upon the old corporation, while at the same time it relieves them of all of the debts and obligations?

Mr. HOPKINS. That is contained in express terms in the bill.

Mr. WELLINGTON. I have so understood.

Mr. McMILLIN. If the gentleman from Illinois will yield to me for a moment, I desire to submit a suggestion to the gentleman in charge of this bill. This bill relieves the new company from the obligations of the old company and gives it all of the rights of the old company. It seems to be a measure of vast importance, involving many interests; and it is proposed by the gentleman from Vermont to pass it under a suspension of the rules, when there is no opportunity for amendment. Neither is there an opportunity for an adequate explanation of the bill.

I ask the gentleman whether he is not willing to change the motion for a suspension of the rules and passage of the bill to a motion to fix the time for the consideration of the bill, so that it may be subject to amendment when it is taken up for consideration? That insures to him consideration of the bill. That insures to the House an opportunity to fully understand it, and insures to the country such a consideration as can not be had here now.

Mr. DOCKERY. Will the gentleman allow me just one word?

Mr. HOPKINS. I yield to the gentleman from Missouri.

Mr. DOCKERY. I only desire to say that I have not had an opportunity to examine the provisions of this bill. I do not know whether they are wise or unwise, but I do know there is no right of amendment under a motion to suspend the rules, and inasmuch as this bill affects, perhaps, the people of Missouri, I hope the House will vote down the motion, if it is insisted upon, to suspend the rules and pass this bill. I quite agree with the suggestion of the gentleman from Tennessee [Mr. McMILLIN] that the motion should be changed so as to fix a time for consideration.

Mr. HOPKINS. I yield three minutes to the gentleman from Missouri [Mr. TRACEY].

Mr. POWERS. In view of the suggestion just made, I have no objection myself to the bill being postponed until Monday, immediately after the reading of the Journal, and that it be considered at that time, subject to such amendment as is proper to be made. I do not want to have it drop out. There is nothing in this bill, I can assure the House, but what is perfectly proper when it is understood, and for that reason I am entirely willing that the House should have all the opportunity that is desired to consider it.

Mr. McMILLIN. It strikes me that would be the better course to pursue.

Mr. TRACEY. I believe I am entitled to the floor.

The SPEAKER. The gentleman from Missouri [Mr. TRACEY] is entitled to the floor, if he claims it.

Mr. TRACEY. Mr. Speaker, I desire to say to the members of the House that this bill affects my own district, or at least I believe it does. The road to which the land grant was originally given, and which this bill affects, runs through my district. The people whom I represent are interested. It would certainly be wrong and unjust, it seems to me, to pass a bill of this kind in this way, which gives no member——

Mr. POWERS. Will the gentleman yield to me for a moment? He is entirely mistaken in supposing this road runs through his district. No part of it which is affected by this bill is in Missouri. It is simply the central and western divisions of the road, running through the Indian Territory and west, which are affected.

Mr. TRACEY. This affects the Atlantic and Pacific Railroad?

Mr. POWERS. Very good; but if you will read the bill——

Mr. TRACEY. The Atlantic and Pacific Railroad begins at my town.

Mr. POWERS. I know, but this bill does not affect any part of the road in your town nor in your State.

Mr. BRUMM. It touches the road, however.

Mr. POWERS. No; it does not touch the road. That has gone into other hands. I want to say that this mortgage is not on the Missouri portion of the road.

Mr. TRACEY. The purchasers under the foreclosures and sales that have heretofore taken place are affected by this bill, and I want time, as a representative of those who I think are affected by the bill, to investigate it and to amend it if necessary, so as to protect the interests that I believe I represent; or I want to have an opportunity to convince myself that the interests I represent are not affected by the bill. I think I am entitled to that, and I trust the bill will be postponed until I can have that opportunity.

Mr. HENDERSON. Will the gentleman from Illinois [Mr. HOPKINS] yield to me for a minute?

Mr. HOPKINS. I yield to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON. Mr. Speaker, I do not want to discuss this bill, but I should like to say to the membership of this House that if we want to get away at an early date we should all stay here to-day and attend to the business that will be brought before the House. We have conference reports and other matters coming in which are of great importance, and if we keep together and attend to our work we are going to get away very soon. Otherwise we shall be here for several days.

Mr. HOPKINS. What would be your suggestion about this bill?

Mr. HENDERSON. I am not discussing that now.

Mr. POWERS. I yield two minutes to the gentleman from Kansas [Mr. BLUE].

Mr. BLUE. Mr. Speaker, I am convinced from this discussion that very many gentlemen on the floor of the House are not conversant with this bill or its features. They evidently have not examined either the bill or the report of the committee. I apprehend, sir, that no gentleman here desires to do any injustice. Neither, as I understand it, is it the desire of those interested in having this bill become a law to take any undue advantage. There may be some omissions that ought to be supplied. If this original charter does not provide for making this corporation a citizen of each of the States and Territories through which it passes, that amendment should go on this bill. Gentlemen are mistaken when they say that this bill provides for the bondholders to reorganize. It provides that the purchasers under this mortgage foreclosure may reorganize. It is entirely likely, I suppose, that the bondholders may become the purchasers, but that is not necessarily so. I think that the provisions of the latter part of this bill are amply sufficient to protect the rights of all parties. I do not apprehend that any gentleman here, when he considers this matter fully, will wish to compel a reprisal by saying that the rights which are claimed by the original corporation must all be surrendered, and that a suit now pending in the courts for the purpose of determining the meaning of a law shall be dismissed before this bill becomes a law.

It may be doing injustice to defeat this bill, because this is for the purpose, as I understand it, of reorganization, and it is an imperative necessity; but in the interest of fairness, so that all may understand it, I trust that the suggestion of the gentleman from Tennessee will be followed. In that way the defeat of the bill may be prevented, and it can be modified to suit all parties.

Mr. BRUMM. Will the gentleman permit me to ask him a question?

Mr. BLUE. Certainly.

The SPEAKER. The time has expired upon both sides.

Mr. FARIS. Mr. Speaker, I would like to suggest to my colleague in charge of the bill that he withdraw it, and let it go over until next session.

Mr. POWERS. In accordance with the suggestion that has been made, I will move that the bill be postponed until Monday, immediately after the reading of the Journal.

The SPEAKER. The difficulty about that is that it would disarrange the whole proceedings of the House.

Mr. DINGLEY. Such a motion would not be in order—to postpone further consideration of a bill under an order for suspension of the rules that continues only to-day.

Mr. POWERS. My desire is to substitute for the original motion an understanding that the bill be considered on Monday.

Mr. McMILLIN. That is what I would do.

Mr. DINGLEY. I hope that will not be done, and that no assent of that kind will be given on a bill of that character.

Mr. DOCKERY. Let it go over until next session.

Mr. POWERS. Mr. Speaker, I withdraw the bill from consideration.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Vice-President had appointed, in compliance with the act approved June 3, 1896, entitled "An act to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 28, 1894," Mr. PLATT, Mr. ALDRICH, and Mr. JONES of Arkansas members of the joint select committee on the part of the Senate to consider all questions relating to the use of alcohol in manufactures and arts free of tax, etc.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; had further insisted upon its amendments numbered 2,

3, 4, 6, 7, 8, 13, 15, 16, 17, 32, 61, 97, 109, 122, 123, 124, 146, 147, and 161, disagreed to by the House of Representatives; had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposee.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 6826) granting a pension to Rhoda Augusta Thompson, daughter of the late Thaddeus Thompson, a private in the Revolutionary war;

A bill (H. R. 6603) to pension the minor children of Patrick F. Reynolds; and

A bill (H. R. 1826) granting a pension to Henry Prince.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 6259) to expedite the delivery of imported parcels and packages not exceeding $500 in value, asked a conference with the House on the bill and amendments, and had appointed Mr. ALDRICH, Mr. ALLISON, and Mr. VEST as the conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry—to the Committee on Pensions.

A bill (S. 2989) to increase the pension of Caroline S. Baker—to the Committee on Pensions.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 4020) granting an increase of pension to Mrs. William Loring Spencer;

A bill (H. R. 4888) for the relief of George Hager;

A bill (H. R. 8469) to authorize the Baltimore and Washington Transit Company of Maryland to enter the District of Columbia;

A bill (H. R. 7919) granting a site for the erection and maintenance of a charity hospital by the city of Biloxi, Miss.;

A bill (H. R. 8248) to increase the pension of Mrs. Emily E. Cash;

A bill (H. R. 2143) granting a pension to Mrs. Emily M. Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer;

A bill (H. R. 9275) approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory, and for other purposes;

A bill (H. R. 5258) granting an honorable discharge to John B. Besler:

A bill (H. R. 5279) granting a pension to Jerusha H. Brown;

A bill (H. R. 6607) for the relief of Helen Larned; and

A bill (H. R. 4921) to relieve the North Georgia Agricultural College from the payment of $450 for damaged gun.

VETO MESSAGE.

The SPEAKER. The Chair desires to lay before the House the following message of the President of the United States.

The Clerk read as follows:

To the House of Representatives:

I hereby return without my approval House bill No. 8293, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes."

To the extent that the Constitution has devolved upon the President a participation in legislation, I suppose his action on bills presented to him for approval involves a duty to be performed, like others pertaining to his office, with care and circumspection, and in full view of his responsibility to the people and his obligation to subserve the public welfare. It is difficult to understand why, under the Constitution, it should be necessary to submit proposed legislation to Executive scrutiny and approval except to invoke the exercise of Executive judgment and invite independent Executive action.

The unpleasant incidents which accompany the use of the veto power would tempt its avoidance if such a course did not involve an abandonment of constitutional duty and an assent to legislation for which the Executive is not willing to share the responsibility.

I regret that I am constrained to disapprove an important appropriation bill so near the close of the present session of Congress. I have, however, by immediate action after the receipt of the bill endeavored to delay as little as possible a reconsideration of this proposed legislation, though I am thus obliged to content myself with a less complete explanation of my objections than would otherwise be submitted.

This bill is, in many of its features, far removed from a legitimate deficiency bill, and it contains a number of appropriations which seem to me to be exceedingly questionable. Without noticing in detail many of these items, I shall refer to two of them which in my judgment justify my action in the premises.

The bill appropriates $1,027,314.09 for a partial payment upon claims which originated in depredations upon our commerce by French cruisers and vessels during the closing years of the last century. They have become quite familiar to those having Congressional experience, as they have been pressed for recognition and payment, with occasional intervals of repose, for nearly one hundred years.

These claims are based upon the allegations that France, being at war with England, seized and condemned many American vessels and cargoes in violation of the rules of international law and treaty provisions, and contrary to the duty she owed to our country as a neutral power and to our citizens; that by reason of these acts claims arose, in favor of such of our citizens as were damnified, against the French nation, which claims our Government attempted to enforce, and that in concluding a treaty with France in the year 1800 these claims were abandoned or relinquished in consideration of the relinquishment of certain claims which France charged against us.

Upon these statements it is insisted by those interested that we as a nation having reaped a benefit in our escape from these French demands against us through the abandonment of the claims of our citizens against France, the Government became equitably bound as between itself and its citizens to pay the claims thus relinquished.

I do not understand it to be asserted that there exists any legal liability against the Government on account of its relation to these claims. At the term of the Supreme Court just finished the Chief Justice, in an opinion concerning them and the action of Congress in appropriating for their payment, said: "We think that payments thus prescribed to be made were purposely brought within the category of payments by way of gratuity—payments of grace and not of right."

From the time the plan was conceived to charge the Government with the payment of these claims they have abided in the atmosphere of controversy. Every proposition presented in their support has been stoutly disputed and every inference suggested in their favor has been promptly challenged.

Thus, inasmuch as it must, I think, be conceded that if a state of war existed between our country and France at the time these depredations were committed, our Government was not justified in claiming indemnity for our citizens, it is asserted that we were at the time actually engaged in war with the French nation. This position seems to be sustained by an opinion of the Attorney-General of the United States, written in 1798, and by a number of decisions of the Supreme Court delivered soon after that time.

We had certainly abrogated treaties with France, and our cruisers and armed ships were roaming the seas capturing her vessels and property.

So, also, when it is asserted that the validity of these claims was acknowledged in the treaty negotiations by the representatives of France, their declarations to a contrary purport are exhibited.

And when it is alleged that the abandonment of these claims against France was in consideration of great benefits to the Government, it is as confidently alleged that they were in point of fact abandoned because their enforcement was hopeless and that even if any benefit really accrued to us by insistence upon their settlement in the course of diplomatic negotiation, such result gave no pretext for taxing the Government with liability to the claimants.

Without noticing other considerations and contentions arising from the alleged origin of these claims, a brief reference to their treatment in the past and the development of their presentation may be useful and pertinent.

It is, I believe, somewhat the fashion in interested quarters to speak of the failure by the Government to pay these claims as such neglect as amounts to repudiation and a denial of justice to citizens who have suffered. Of course the original claimants have for years been beyond the reach of relief; but as their descendants in each generation become more numerous the volume of advocacy, importunity, and accusation correspondingly increases. If injustice has been done in the refusal of these claims, it began early in the present century and may be charged against men then in public life more conversant than we can be with the facts involved, and whose honesty and sense of right ought to be secure from suspicion.

As early as 1802 a committee of the House of Representatives reported the facts connected with these claims, but apparently without recommendation. No action was taken on the report. In 1803 a resolution declaring that indemnity ought to be paid was negatived by a vote of the same body. A favorable committee report was made in 1807, but it seems that no legislative action resulted. In 1818 an adverse report was made to the Senate, followed by the passage of a resolution declaring "that the relief asked by the memorialists and petitioners ought not to be granted." In 1822 and again in 1824 adverse committee reports on the subject were made to the House, concluding with similar resolutions.

The presumption against these claims arising from such unfavorable reports and resolutions and from the failure of Congress to provide for their payment at a time so near the events upon which they are based, can not be destroyed by the interested cry of injustice and neglect of the rights of our citizens.

Until 1846 these claims were from time to time pressed upon the attention of Congress with varying fortunes, but never with favorable legislative action. In that year, however, a bill was passed for their ascertainment and satisfaction, and $5,000,000 were appropriated for their payment. This bill was vetoed by President Polk, who declared that he could "perceive no legal or equitable ground upon which this appropriation can rest." This veto was sustained by the House of Representatives.

Nine years afterwards and in 1855 another bill was passed similar to the one last mentioned, and appropriating for the settlement of these claims a like sum of money. This bill was also vetoed, President Pierce concluding a thorough discussion of its demerits with these words: "In view of what has been said, there would seem to be no ground on which to raise a liability of the United States unless it be the assumption that the United States are to be considered the insurer and the guarantor of all claims of whatever nature which any individual citizen may have against a foreign nation." This veto was also sustained by the House of Representatives.

I think it will be found that in all bills proposed in former times for the payment of these claims, the sum to be appropriated for that purpose did not exceed $5,000,000. It is now estimated that those already passed upon, with those still pending for examination in the Court of Claims, may amount to $25,000,000. This indicates either that the actual sufferers or those nearer to them in time and blood than the present claimants underestimated their losses or that there has been a great development in the manner of their presentation.

Notwithstanding persistent efforts to secure payment from the Government and the importunity of those interested, no appropriation has ever been made for that purpose, except a little more than $1,300,000, which was placed in the general deficiency bill in the very last hours of the session of Congress on March 3, 1891.

In the long list of beneficiaries who are provided for in the bill now before me on account of these claims, 152 represent the owners of ships and their cargoes and 186 those who lost as insurers of such vessels or cargoes.

These insurers by the terms of their policies undertook and agreed "to bear and take upon themselves all risks and perils of the seas, men-of-war, fire, enemies, rovers, thieves, jettison, letters of mart and counter mart, surprisals, takings at sea, arrests, restraints, and detainments of all kings, princes, or people of what nation, condition, or quality whatsoever."

The premiums received on these policies were large, and the losses were precisely those within the contemplation of the insurers. It is well known that the business of insurance is entered upon with the expectation that the premiums received will pay all losses and yield a profit to the insurance in addition; and yet without any showing that the business did not result in a profit to these insurance claimants, it is proposed that the Government shall indemnify them against the precise risks they undertook, notwithstanding the fact that the money appropriated is not to be paid except "by way of gratuity—payments as of grace and not of right."

The appropriations to indemnify against insurance losses rest upon weaker grounds, it seems to me, than those of owners; but in the light of all the facts and circumstances surrounding these spoliation claims, as they are called, none of them, in my opinion, should be paid by the Government.

Another item in this bill which seems to me especially objectionable is an appropriation in favor of Charles P. Chouteau, survivor, etc., of $174,445.75 in full satisfaction of all claims arising out of the construction of the ironclad steam battery *Etlah*.

The contract for the construction of this battery was made by the Government with Charles W. McCord during the war, and he was to be paid therefor the sum of $386,000. He was paid this sum and $210,991 for extras, and in May, 1866, gave his receipt in full. The assignee of McCord in bankruptcy assigned to Chouteau and his associates in 1868 all claims of McCord against the United States for the precise extras for which he had receipted in full two years before. Chouteau brought suit in the Court of Claims for such extras and was defeated. I can not gather from the facts I have been able to collect concerning this appropriation that it is justified on any ground.

In 1891 my immediate predecessor vetoed a bill allowing the matter to be examined again by the Court of Claims.

If the additional payment proposed in this bill was made, the cost of the battery in question would be almost double that of the contract price.

I have determined to submit this incomplete presentation of my objections to this bill at once in order that the Congress may act thereon without embarrassment, or the interruption of plans for an early adjournment.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 6, 1896.*

[Applause.]

Mr. CANNON. Mr. Speaker, I would be glad, after a minute of observation, to have a vote that will dispose of the veto. I want to say that, in my judgment, if amendment numbered 233 on the general deficiency bill, covering 700 items, aggregating in round numbers $2,000,000, had been fully understood by any and all members of the House in all its provisions the House would not have concurred in that amendment. I did the best I possibly could, along with other gentlemen, against concurrence, as gentlemen will recollect. I do not now expect to discuss the merits of the 700 provisions. I have neither the knowledge nor the time. That amendment could not get in on any House bill except by unanimous consent. The Senate picked them out, put them in an omnibus, and sent the matter here with their compliments.

Now, I do not believe that any member on the floor of this House would have voted to concur, whatever he might think of the French spoliations claims, whatever he might think of the claims under the Bowman Act, if he had known that, fastened as a leech, under false pretenses, that Chouteau claim was on. The Chouteau claim is there. A brief statement will cover it. I have had occasion to examine into it since. It was paid in full. Full receipt given by the contractors; suit in the Court of Claims in 1873, and the contractor or his assignees defeated. A well-considered opinion was rendered. It was sent by the Committee on Claims of the House under the Bowman Act to the Court of Claims and turned down, the Court of Claims refusing to take jurisdiction, saying that the Committee on Claims had no power to send it to them. Now, then, so much for that—$174,000! It is not necessary for me to discuss it. I will not take time.

There are others, some of which I hold in my hand, and I have examined them. They are not under the Bowman Act and are without merit and without equity.

Now, the President, a coordinate branch of the Government, vetoed it, refuses to concur; and it is for us to pass the bill over the veto or to ratify the veto. And in the event it fails to get the two-thirds, then to take up a deficiency bill that will provide for the ordinary expenses of the Government for the remainder of the year.

I want to say to the House that I have here in my hands, prepared with great care, a bill concerning which, if the Speaker will recognize me and this bill should not pass over the President's veto, I will move to suspend the rules and pass a deficiency bill that is precisely as the deficiency bill that is vetoed, except that it is freed of these 700 items contained in amendment numbered 233, in which the House concurred.

Mr. SAYERS. Will the gentleman allow me?

Mr. CANNON. Certainly.

Mr. SAYERS. In other words, I understand the gentleman from Illinois to say that he has in his hand, if the Speaker will recognize him, a deficiency bill, word for word and figure for figure, as passed both Houses of Congress, leaving out the Senate amendment which includes the French spoliation claims, the Southern war claims, the Chouteau claim, and about $11,000 of another claim. In other words——

Mr. WALKER of Massachusetts. What other claim?

Mr. SAYERS (continuing). There are four distinct classes of claims in this single Senate amendment.

Mr. CANNON. I will answer. I believe I have the floor.

Mr. RICHARDSON. I would like to ask the gentleman a question.

Mr. CANNON. One moment. Gentlemen ask what other. To Fish & Co., assignees; Sutro & Co., assignees; and then to Charles W. Roberts, not Southern war claims, and without merit, and all large amounts; but I do not expect to go into that matter. There is not time during the remainder of this session to discuss the merits of these claims. I say to the gentleman, in reply to his question, the bill which I hold in my hand is the deficiency bill as it passed the House without that amendment 233 that he refers to.

Mr. SAYERS. My question was asked in order that members might have exact information as to what they would be called upon to vote on in case the veto should be sustained and the Speaker should then recognize the gentleman from Illinois to move to suspend the rules and pass another deficiency bill.

Mr. ADAMS. Will the gentleman from Illinois permit a question?

Mr. CANNON. In a minute. Mr. Speaker, if the House concurs with the President in his veto or refuses to pass the deficiency bill over his veto—a question on which, as I understand, we shall vote in the near future—then, under a motion to suspend the rules, this bill, which, as I have said, has been prepared with great care and which provides for the necessary deficiencies to carry on the Government, can be passed here inside of sixty minutes, and, if the Senate is equally prompt, it can be sent to the White House before the sun goes down.

Mr. ADAMS. It takes a two-thirds vote to suspend the rules. Now, suppose you do not get that, what position will you be in then?

Mr. CANNON. Oh, suppose that Congress fails to appropriate the money to pay the ordinary expenses of the Government!

Mr. ADAMS. We have appropriated it.

Mr. CANNON. If Congress fails to appropriate the money necessary to carry on the Government unless by attaching to the bill 700 items of claims, then there is nothing on the Lord's earth but a wholesome, honest, public sentiment to fall back upon. [Applause.]

Mr. WILLIAMS. Will the gentleman permit a question?

Mr. CANNON. I will hear the gentleman from Tennessee first, who first asked me to yield.

Mr. RICHARDSON. The question I desire to ask the gentleman from Illinois is this: The President having vetoed this bill, which has passed both Houses of Congress, does not the gentleman think that it is but fair to report his new deficiency bill from his committee containing every item in the first bill to which the President has not objected?

Mr. CANNON. No.

Mr. RICHARDSON. In other words, the President has made no objection to the appropriation to pay the claims of loyal people in the South, and I insist that the gentleman from Illinois ought not to come in here now and undertake to exclude those claims, inasmuch as the President has made no objection to them.

Mr. CANNON. The President expressly says that he has not had time to examine all the matters in the bill, nor have any of us had time to do it, and if the Committee on Appropriations should accept the suggestion of the gentleman from Tennessee and report a bill covering the Southern war claims, a single point of order would strike every one of them out.

Mr. RICHARDSON. Not upon a motion to suspend the rules.

Mr. CANNON. Well, the Speaker would have to recognize somebody other than myself to move to suspend the rules to pass a bill covering any of the claims embraced in amendment numbered 233 sent here from the Senate. [Applause.]

Mr. RICHARDSON. The President does call attention to other claims in the bill, and it is obvious that he did not intend to object to these Southern war claims, because, while they amount to some $548,000, he does not mention them, but does call attention to a claim which amounts only to a little over $170,000, a much less sum.

Mr. CANNON. Now, Mr. Speaker, I will yield to the gentleman from Mississippi.

Mr. WILLIAMS. The question I desired to ask would have been pertinent to what the gentleman had just been saying when I asked him to yield, but it would not be pertinent or interesting now.

Mr. CANNON. Very well. I yield five minutes to the gentleman from Pennsylvania [Mr. MAHON].

Mr. MAHON. Mr. Speaker, am I recognized in my own right?

The SPEAKER. The gentleman is recognized for five minutes.

Mr. MAHON. I want ten.

Mr. CANNON. I can not yield the gentleman more than five minutes.

Mr. MAHON. Mr. Speaker, I do not propose to discuss over again at this time the merits of the French spoliation claims. I simply say that I will put against the gentleman at the other end

of the Avenue men like Calhoun and Webster and Clay, men who were among the greatest lawyers that ever graced the bar of this nation, and who went upon record without hesitation over and over again to the effect that this Government, not as a matter of charity, not as a gratuity, but as a bounden duty, ought to pay those claims. I am willing to take my teaching on all legal questions from men like Webster and Calhoun rather than from the gentleman who now occupies the Presidential chair. [Applause.] But, Mr. Speaker, as I have said, I have not time now to discuss again the merits of the French spoliation claims. I simply want to call attention to the fact that these claims to the amount of $1,085,240.43 were passed by the Fifty-first Congress, a Republican Congress presided over by the present Speaker, and were signed by a Republican President, a man who has always held and will hold the highest esteem of the people of this country as a lawyer and as a statesman.

Mr. HENDERSON. And they were beaten at the next session out of sight.

Mr. MAHON. Not on this question. Then, again, Mr. Speaker, in the deficiency bill for 1892 these claims to the amount of $102,440.74 were contained, and the bill was duly approved by President Harrison. In the deficiency bill for 1893 I find French spoliation claims to the amount of $19,776, and Mr. Cleveland himself did not object to them at that time. In the deficiency bill for 1894, which he signed, there were claims of this character to the amount of $4,190.16. In the deficiency bill for 1895, which he signed, there were claims of this character, French spoliation claims, to the amount of $21,830—the amount that had been passed upon by the court up to that time. I have thrown this statement into tabular form, as follows:

Statement showing amount of money appropriated by Congress for the payment of "French spoliation claims."

For the fiscal year—	Approved by—	Amount.
1891	President Harrison	$1,085,240.43
1892	do	102,440.74
1893	President Cleveland	19,776.00
1894	do	4,190.16
1895	do	21,830.00
Total		1,233,477.32

This bill which the President has vetoed also contains appropriations to pay claims arising under the Bowman Act. Appropriations for the payment of such claims have been heretofore made by Congress and approved by President Harrison and President Cleveland as follows. Congress has appropriated the following amounts to pay claims allowed under the provisions of the Bowman Act, to wit:

Congress.	Approved by—	Amount.
Forty-ninth	President Cleveland	$8,627.98
Fiftieth	do	119,510.75
Fifty-first	President Harrison	573,763.90
Fifty-second	do	597.60
Fifty-third	President Cleveland	48,528.38
Total		751,027.41

Claims arising under the terms of the Tucker Act have been approved by the court and paid by Congress to the amount of $4,525. The total amount paid under these acts is $11,934,721.69.

In the present Congress bills have been passed and approved by President Cleveland to pay the claims of John G. Shipman, $17,811.96; Sarah Case, administratrix, $475, and John Biglow, $284.66.

The total amount of French spoliation claims approved by President Cleveland is $56,000. The total amount of claims arising under the Bowman Act approved by him is $187,207.75.

Now, Mr. Speaker, the Senate of the United States and this House have by a majority vote decided to pay a certain amount of these claims. This is not a question for the President of the United States to settle. He has not only repudiated his own party, he has repudiated the courts of this Government; he is now repudiating the Congress of the United States and his own action.

Mr. Speaker, even if I had voted against this amendment when acted on in the House, I would, after a majority of the House and the Senate had put it upon the bill, stand by the dignity of this House and teach the occupant of the White House that Congress has its function to perform and he has his. If we propose to allow him to dictate to us what bills we should pass and what we should not pass we might as well surrender the whole business to him and go home.

The gentleman from Illinois has a bill prepared as a substitute for the one now returned by the President. I do not know what may finally have been done in committee of conference upon some of the amendments of the Senate, but I know in the deficiency bill as it came from the Senate there were, outside of the amendment we are now discussing, war claims to the amount of $200,000 carried by that bill. Whether they are in it to-day or not I can not say; I do not know whether they were stricken out in conference.

Mr. CANNON. To what does the gentleman refer?

Mr. MAHON. I refer to war claims that were on this bill as it came from the Senate, and as it went to the committee of conference—war claims outside of those embraced in the amendment we are discussing.

Mr. CANNON. I do not know of any war claim such as the gentleman refers to that is in the bill.

Mr. MAHON. I say they were among the amendments to the bill when it came from the Senate.

Mr. CANNON. I was a member of the conference committee, and I think there is no such war claim upon the bill.

Mr. MAHON. Well, they were in the bill as it came from the Senate.

Mr. CANNON. Has the gentleman read the bill since the conference committee agreed to it?

Mr. MAHON. No, sir; I have not had time to do so, and I do not propose, if my vote can prevent it, to allow you to pass through this House under a suspension of the rules a bill which no one else has had an opportunity to lay his hands on. [Applause.]

Mr. CANNON. I did not expect to get the gentleman's vote.

Mr. MAHON. The bill of the gentleman has not been printed and I have had no chance to examine it. I ask him whether there are in the bill any items covering claims growing out of the war?

Mr. CANNON. As I understand, not.

Mr. MAHON. Is the Grant case?

Mr. CANNON. No. Now ask about another case.

Mr. MAHON. I will recall other cases in a moment. Claims of that kind were on the bill as it came from the Senate.

Mr. CANNON. They are not in the bill as passed by the conference committee.

Mr. MAHON. I say to the gentleman that in the bill as it came from the Senate there were war claims outside of the big Senate amendment. I have not had opportunity to examine the bill that the gentleman proposes to present. I simply wanted to know as a matter of information whether such claims are in the bill now.

Mr. CANNON. Does the gentleman from Ohio [Mr. GROSVENOR] desire some time?

Mr. GROSVENOR. Yes, sir.

Mr. CANNON. I yield five minutes to the gentleman.

Mr. GROSVENOR. Mr. Speaker, I do not know which to admire most—the enormous capacity of the President of the United States in being able to write such a message as that in the few brief hours that have passed since the delivery to him of the deficiency appropriation bill, or the wonderful resources of the Appropriations Committee, who can under this new system of illumination—these rays that penetrate the minds of other people——

A MEMBER. "X rays."

Mr. GROSVENOR. X rays—who can thus be prepared on this very brief notice with a bill which just fits into the veto message of the distinguished President of the United States. [Laughter.] That shows that we have a mighty country.

A MEMBER. And mighty men in it.

Mr. GROSVENOR. It shows that we are capable of meeting almost any possible emergency that can happen. We are told by the public prints—and I suppose we have a right to rely on them—that this bill had not been signed by the Vice-President of the United States until some time during the hours of darkness last night.

Mr. MAHON. It was signed this morning at the depot.

Mr. GROSVENOR. I understand that the bill was signed by the Vice-President at the depot this morning; and in the short space of time that has elapsed between the arrival of that distinguished functionary and the appearance in this body of the genial messenger from the White House the President of the United States, having acquired information in the public way that he has, has sent here a rehashing of all the stale old repudiated arguments upon this question. He has gone back to his Democratic predecessors of nearly half a century ago; but he has failed to state how often the greater men of this country, in the Senate and the House, have approved of these French spoliation claims. He has made two distinct mistakes of fact. In the first place, he cites the decision of the Attorney-General of the United States, made, as he says, in 1798, before this treaty had been made between France and the United States, giving his opinion as to the legal efficacy of it. Then again he says there are in this bill 180 claims of insurance companies for losses upon vessels caused by these spoliations; and there is not one such claim.

We have a President of the United States who, in vetoing a bill, makes against it allegations of that character, not one word of which is justified by the facts of the case. He points out that there are 180 claims for insurance losses on these vessels, and then uses the old, stale, stock argument that these insurances were put at a rate that justified the extra hazard of the service in those

times. And yet the Senate has carefully excluded every one of them, and in the debate on this floor the question was put directly to the gentleman from Pennsylvania [Mr. ADAMS]; and when, in great triumph, one member pointed out that some insurance company had a claim, it was discovered to be a company organized nearly a hundred years after the claims originated, and was simply the guarantor on the administration of an estate in which the claim, or one of the claims, was involved. And the President comes here and repeats that statement.

Mr. Speaker, I have only this to say: This particular occupant of the Executive chair has done more to bring into disrepute and unpopularity in the United States the power conferred on the President to veto bills than all of his predecessors combined, because he has defied public opinion; he has defied the opinion of the lawmaking branch of the Government; he has defied the power to which has been assigned, under the Constitution, the sole power to originate money bills, and he has done it so often that the people of this country are delighted to think that they may count on the fingers of their two hands, and with a surplus left over, the length of time that he can thus tyrannize over the people's wishes in this regard. [Applause on the Republican side.] He has made more vetoes, ten to one, than all of his predecessors combined; and I suppose he justifies it under his statement in the message sent here a few days ago in which he says that patriotism is at a low ebb. But it will be news to the country that this President is now upholding the flag of patriotism. [Applause on the Republican side.]

We have been unable to supply the demands of the country for money. The fact might as well be recognized one time as another that the advent of the Democratic party into power has placed the country into a substantial condition of bankruptcy. Labor is unemployed because we are buying our goods abroad. Money is piling up in the great money centers, but lying idle for want of employment.

I append here a statement from official sources showing the imports of merchandise into the United States during the fiscal year 1894 and the calendar year 1895. This statement will show where our money goes and why our producers are idle:

Comparative statement of the imports of merchandise into the United States during the fiscal year 1894 and the calendar year 1895.

Fiscal year ended June 30, 1894; Wilson law began operation August 28, 1894; calendar year began January 1, 1895. Compiled by O. P. Austin, from official records.]

Articles.	Fiscal year 1894, last full official year under McKinley law.		Calendar year 1895, first full official year under Wilson law.	
	Quantities.	Values.	Quantities.	Values.
		Dollars.		*Dollars.*
Agricultural implements ... free				4,487
Animals (number):				
Cattle ... do	312	5,349	9,253	57,118
Do ... dutiable	1,280	13,355	227,635	1,391,394
Horses ... free	1,516	836,157	1,145	199,688
Do ... dutiable	4,650	483,415	12,188	641,627
Sheep ... free	2,537	63,022	3,928	43,793
Do ... dutiable	240,031	725,159	319,525	796,886
All other, including fowls ... free		186,339		166,069
Do ... dutiable		88,450		69,548
Total { free		1,090,867		465,668
Total { dutiable		1,310,379		2,899,455
Antimony ore, and regulus or metal ... free (lbs.)			4,051,022	230,946
Articles, the growth, produce, and manufacture of the United States, returned, n. e. s. ... free		2,543,924		3,234,252
Art works ... do		240,810		4,580,010
Do ... dutiable		1,484,184		
Asphaltum or bitumen, crude ... free (tons)	77,449	203,883	79,204	212,407
Bark, hemlock ... free (cords)	46,300	212,350	52,766	259,765
Bolting cloths ... free		194,632		224,394
Books, music, maps, engravings, etchings, photographs, and other printed matter ... do		1,875,286		1,970,533
Do ... dutiable		1,584,182		1,468,186
Brass, and manufactures of ... do		167,270		158,822
Breadstuffs:				
Barley ... dutiable (bush.)	791,061	358,744	1,235,098	501,137
Corn ... do	2,199	1,508	14,644	6,465
Oats ... do	8,345	3,928	154,097	40,715
Oatmeal ... dutiable (lbs.)	421,459	24,483	446,002	19,407
Rye ... dutiable (bush.)	50	37	288	497
Wheat ... do	1,181,060	769,177	1,929,139	1,284,789
Wheat flour ... dutiable (bbls.)	401	1,946	2,185	8,996
All other, and preparations of, used as food (farinaceous substances, etc.) ... free		220,462		314,992
Do ... dutiable		821,602		710,638
Total		2,201,887		2,886,736
Bristles (pounds):				
Crude, not sorted, bunched, or prepared ... free			1,354	2,030
Sorted, bunched, or prepared ... dutiable	802,520	929,231	1,525,424	1,427,472
Total	802,520	929,231	1,526,778	1,429,502
Brushes ... dutiable		559,767		719,976
Buttons and button forms ... do		464,912		1,311,713
Cement, Roman, Portland, and other hydraulic ... dutiable (lbs.)	1,015,133,873	3,265,087	1,198,958,147	3,873,123
Chemicals, drugs, and dyes:				
Alizarin and alizarin colors or dyes, natural or artificial, including extract of madder ... free (lbs.)	3,959,572	722,265	6,356,162	1,004,956
Argol, or argol, or crude tartar ... do	22,373,180	1,504,200	28,688,331	2,196,707
Barks, cinchona, or other, from which quinine may be extracted ... do	2,497,439	143,249	2,018,421	123,737
Coal-tar colors and dyes ... dutiable		1,490,978		2,834,364
Cochineal ... free (lbs.)	104,284	28,124	194,646	59,996
Dyewoods—				
Logwood ... free (tons)	53,705	1,313,376	69,153	1,649,335
All other ... free		136,907		124,442
Extracts and decoctions of ... dutiable (lbs.)	2,582,646	189,197	5,165,850	319,160
Total		1,639,480		2,092,937
Glycerin ... dutiable (lbs.)	8,321,853	519,296	16,234,827	938,352
Gums (pounds)—				
Arabic ... free	1,089,589	108,868	1,229,856	121,822
Camphor, crude ... do	1,323,932	309,407	1,158,875	240,439
Gambier, or terra japonica ... do	27,397,460	981,329	37,421,443	1,252,537
Shellac ... do	4,868,681	996,706	6,426,434	1,330,889
All other ... do		2,783,420		3,460,892
Total		5,179,730		6,406,599

Comparative statement of the imports of merchandise into the United States during the fiscal year 1894 and the calendar year 1895—Continued.

Articles.	Fiscal year 1894, last full official year under McKinley law.		Calendar year 1895, first full official year under Wilson law.	
	Quantities.	Values.	Quantities.	Values.
		Dollars.		*Dollars.*
Chemicals, drugs, and dyes—Continued.				
Indigo ... free (lbs.)	1,718,534	1,218,576	3,933,667	1,842,593
Licorice root ... do	70,158,301	1,209,728	83,361,779	1,367,465
Lime, chloride of, or bleaching powder ... do	81,610,463	1,507,676	108,317,993	1,628,877
Mineral waters, all not artificial ... free (galls.)	1,627,965	356,416	1,951,448	478,127
Opium (pounds)—				
Crude or unmanufactured ... free	716,881	1,691,914	344,005	693,326
Prepared for smoking, and other containing less than 9 per cent of morphia, dutiable	50,102	310,771	117,262	837,200
Potash (pounds)—				
Chlorate of ... free	4,131,180	530,571	4,917,636	456,342
Muriate of ... do	81,611,438	1,280,795	81,732,736	1,296,184
Nitrate of, or saltpeter, crude ... do	9,671,217	251,418	11,419,660	305,207
All other ... do	21,123,547	543,716	29,780,401	793,758
Total	116,537,382	2,596,500	127,849,863	2,851,491
Soda—				
Caustic ... dutiable (lbs.)	38,987,832	850,753	72,019,114	1,211,090
Nitrate of ... free (tons)	88,079	2,785,048	118,477	3,778,360
Sal soda ... dutiable (lbs.)	16,893,700	120,794	23,002,982	114,889
Soda ash ... do	256,263,395	2,530,921	284,023,122	2,206,723
All other salts of ... do	14,829,622	104,800	9,943,015	155,006
Total		6,382,316		7,466,068
Quinia, sulphate of, and the alkaloids or salt of cinchona bark ... free (oz.)	2,485,490	488,929	2,153,843	499,846
Sulphur, or brimstone ... free (tons)	86,995	1,337,900	125,959	1,593,148
Sumac, ground ... dutiable (lbs.)	8,383,570	192,647	14,461,018	269,959
Vanilla beans ... free (lbs.)	171,556	727,853	192,206	769,816
All other ... free		4,486,116		4,594,787
Do ... dutiable		3,810,106		4,911,994
Total chemicals, drugs, and dyes { free		27,433,907		31,663,628
Total chemicals, drugs, and dyes { dutiable		10,119,263		13,798,737
Chicory root, raw, unground ... free (lbs.)	7,951,042	168,892	12,848,803	185,850
Clay, or earths of all kinds ... dutiable (tons)	67,330	526,543	98,862	716,590
Clocks and watches, and parts of:				
Clocks, and parts of ... dutiable		101,648		510,410
Watches, and watch materials, and movements ... do		1,068,972		1,132,695
Coal, bituminous ... dutiable (tons)	1,148,454	3,704,113	1,226,386	3,637,085
Cocoa or cacao, crude, and leaves and shells of ... free (lbs.)	17,634,779	2,402,382	29,969,518	3,198,659
Coffee ... do	531,705,072	87,173,108	642,318,319	96,512,370
Coffee (section 3, act of Oct. 1, 1890) ... dutiable (lbs.)	19,229,265	3,141,568		
Total ... (lbs.)	550,934,337	90,314,676	642,318,319	96,512,370
Copper, and manufactures of:				
Ore (fine copper contained therein) ... dutiable (lbs.)	7,251,157	494,422		
Ore and regulus ... free (tons)			9,634	404,439
Pigs, bars, ingots, old, and other unmanufactured ... free (lbs.)			9,381,800	839,603
Do ... dutiable (lbs.)	3,571,206	312,934		
Manufactures of ... dutiable		53,544		60,342
Total, not including ore		366,478		899,945
Cork wood or cork bark, unmanufactured ... free		985,913		1,074,478
Cotton, and manufactures of:				
Unmanufactured ... free (lbs.)	27,705,949	3,003,888	49,692,431	5,171,099
Manufactures of—				
Cloth (square yards)—				
Not bleached, dyed, colored, stained, painted, or printed ... dutiable	1,152,798	95,565	1,926,732	159,078
Bleached, dyed, colored, stained, painted, or printed ... do	27,172,415	3,385,241	48,380,746	5,826,863
Total ... do	28,325,213	3,480,806	50,307,478	5,985,941
Clothing, ready-made, and other articles of wearing apparel, etc ... do		1,658,778		2,866,735
Knit goods: Stockings, hose, half hose, shirts, drawers, etc ... do		4,369,655		6,729,760
Laces, edgings, embroideries, insertings, neck ruffings, etc ... do		8,021,769		11,965,007
Thread (not on spools), yarn, warps, or warp yarn ... dutiable (lbs.)	747,038	326,224	3,072,303	806,267
All other ... dutiable		4,498,315		6,657,809
Total manufactures		22,346,547		35,101,832
Earthen, stone, and china ware:				
China, porcelain, parian, and bisque, earthen, stone, and crockery ware—				
Not decorated or ornamented ... dutiable		1,258,881		2,016,427
Decorated or ornamented ... do		5,222,075		8,085,796
All other ... do		398,481		422,385
Total		6,879,437		10,524,608
Eggs ... dutiable (doz.)	1,791,430	199,536	1,954,962	219,459
Feathers and downs, crude, not dressed, colored, or manufactured ... free				2,189,157
Feathers and downs, natural, dressed, colored, or manufactured, and dressed and finished birds for millinery ornaments ... dutiable		726,692		844,469
Feathers, flowers, fruits, grains, and leaves, artificial, for millinery use ... do		1,727,996		1,798,728
Fertilizers (tons):				
Guano ... free	5,260	96,606	4,066	48,917
Phosphates, crude or native ... do	23,879	114,799	17,840	122,898
All other ... do		927,889		806,872
Total		1,139,294		978,687
Fish (pounds):				
Fresh—				
Salmon ... free			1,337,233	127,444
Do ... dutiable	1,631,336	146,606	33,405	3,498
All other ... free				1,522,236
Do ... dutiable		413,043		274,439

Comparative statement of the imports of merchandise into the United States during the fiscal year 1894 and the calendar year 1895—Continued.

Articles.	Fiscal year 1894, last full official year under McKinley law.		Calendar year 1895, first full official year under Wilson law.	
	Quantities.	Values.	Quantities.	Values.
		Dollars.		*Dollars.*
Fish (pounds)—Continued.				
Cured or preserved—				
Anchovies and sardines, packed in oil or otherwise ....dutiable..		976,952		952,149
Cod, haddock, hake, and pollock, dried, smoked, salted, or pickled ....do....	13,406,193	509,395	12,559,756	488,479
Herring—				
Dried or smoked ....do....	3,227,808	77,079	3,549,516	68,455
Pickled or salted ....do....	29,180,600	962,311	31,183,172	1,132,884
Mackerel, pickled or salted ....do....	19,655,609	1,133,509	14,880,702	1,049,232
Salmon, pickled or salted ....do....	1,107,081	84,715	900,844	61,853
All other ....do....		340,136		456,727
Total		4,643,746		6,147,398
Fruits, including nuts (pounds):				
Bananas ....free..		5,122,503		4,533,621
Currants ....do....	52,664,843	774,802	26,096,544	423,786
Do ....dutiable..			3,709,576	54,759
Dates ....free..	12,408,192	387,586		
Do ....dutiable..			12,823,118	228,756
Figs ....do....	7,985,959	392,040	13,440,604	698,894
Lemons ....do....		4,285,278		4,080,897
Oranges ....do....		1,127,005		2,830,330
Plums and prunes ....do....	9,908,122	416,342	3,963,007	168,656
Raisins ....do....	13,751,050	554,081	10,429,642	445,082
Prepared or preserved fruits ....do....		526,561		619,240
All other fruits ....free..		1,820,274		629,867
Do ....dutiable..		1,160,310		1,312,271
Total fruits		16,568,782		16,026,119
Nuts—				
Almonds ....dutiable..	7,436,784	769,453	6,814,838	670,016
Cocoanuts ....free..		786,777		
Do ....dutiable..		631,759		493,865
All other ....do....				755,455
Total fruits and nuts		18,754,841		17,945,455
Furs:				
Fur skins, undressed; and dressed, suitable only for hatters' furs ....free..		2,641,205		3,573,398
Furs, and manufactures of ....dutiable..		4,979,079		7,759,183
Glass and glassware:				
Bottles, vials, demijohns, and carboys, empty or filled ....do....		506,183		424,112
Cylinder, crown, and common window glass, unpolished ....dutiable (lbs.)..	52,437,068	1,067,787	37,952,366	798,350
Cylinder and crown glass, polished (square feet)—				
Unsilvered ....dutiable..	102,438	22,314	423,361	91,765
Silvered ....do....	3,006,010	786,004	4,148,962	1,168,163
Plate glass (square feet)—				
Fluted, rolled, or rough ....do....	727,346	38,121	481,821	25,209
Cast, polished, unsilvered ....do....	1,956,605	449,086	3,571,598	806,551
Cast, polished, silvered ....do....	243,228	75,106	60,663	23,865
All other ....do....		2,272,215		4,191,880
Total		5,216,816		7,529,895
Grease and tallow ....free (lbs.)..				1,542,875
Hair:				
Unmanufactured ....free..		839,972		1,392,625
Manufactures of ....dutiable..		122,466		1,432,766
Hats, bonnets, and hoods, materials for, composed of straw, chips, etc ....free..		2,017,678		2,764,771
Hay ....dutiable (tons)..	86,784	761,940	278,226	2,191,635
Hides and skins, other than fur skins (pounds):				
Goatskins ....free..	(a)	8,170,563	59,764,036	12,537,317
Goatskins (section 3, act of Oct. 1, 1890) ....dutiable..	1,780,183	412,603		
All other ....free..	(a)	7,668,325	223,742,757	23,895,672
All other (section 3, act of Oct. 1, 1890) ....dutiable..	6,014,559	534,661		
Total		16,786,152	283,506,793	36,432,989
Hops ....dutiable (lbs.)..	828,022	484,415	2,578,797	547,045
Household and personal effects, and wearing apparel in use, etc ....free..		2,775,982		2,507,139
India rubber and gutta-percha, and manufactures of:				
Unmanufactured (pounds)—				
Gutta-percha ....do....	498,763	84,340	3,031,155	181,025
India rubber ....do....	33,757,783	15,077,993	41,766,774	19,164,047
Total unmanufactured	34,256,546	15,162,333	44,797,929	19,345,072
Manufactures of—				
Gutta-percha ....dutiable..		30,654		75,962
India rubber ....do....		309,308		309,513
Total manufactures		339,962		385,475
Iron and steel, and manufactures of:				
Iron ore ....dutiable (tons)..	218,550	388,720	524,153	786,207
Pig iron ....do....	25,763	585,988	53,232	1,337,978
Scrap iron and steel, fit only to be remanufactured ....do....	2,822	45,967	6,066	103,323
Bar iron, rolled or hammered ....dutiable (lbs.)..	22,763,623	421,997	44,910,023	772,822
Bars, railway, of iron or steel, or in part of steel ....dutiable (tons)..	3,178	42,325	1,447	27,076
Hoops or ties for baling purposes, barrel hoops, etc ....dutiable (lbs.)..	1,792,392	32,032		
Hoop, band, or scroll iron or steel ....do....	2,225,690	64,158	33,168	2,925
Ingots, blooms, slabs, billets, and bars of steel, and steel in forms, n. e. s ....do....	27,880,946	820,541	58,811,051	1,610,889
Sheet, plate, and taggers iron or steel ....do....	60,523,632	1,191,045	32,559,127	727,638
Ties for baling cotton ....free (lbs.)..			7,806,304	102,309
Tin plates, terne plates, and taggers tin ....dutiable (lbs.)..	454,160,826	11,969,518	491,780,709	11,482,380
Wire rods of iron or steel ....do....	56,228,155	993,802	60,107,521	1,090,707

Comparative statement of the imports of merchandise into the United States during the fiscal year 1894 and the calendar year 1895—Continued.

Articles.	Fiscal year 1894, last full official year under McKinley law.		Calendar year 1895, first full official year under Wilson law.	
	Quantities.	Values.	Quantities.	Values.
		Dollars.		*Dollars.*
Iron and steel, and manufactures of—Continued.				
Manufactures—				
Anvils ....dutiable (lbs.)..	735,811	47,805	1,124,425	70,901
Chains ....do....	462,384	25,120	1,061,065	87,097
Cutlery ....dutiable..		805,799		2,002,038
Files, file blanks, rasps, and floats ....do....		36,800		61,083
Firearms ....do....		122,710		623,760
Needles, hand sewing and darning ....free..		278,101		314,426
Machinery ....dutiable..		1,419,512		2,199,518
Shotgun barrels, forged, rough-bored ....free..		53,302		56,665
All other ....dutiable..		1,494,164		2,291,515
Total, not including ore		21,314,489		25,772,151
Ivory (pounds):				
Animal ....free..	123,843	374,685	232,716	745,258
Vegetable ....do....	7,220,799	101,397	9,563,704	108,743
Jewelry, manufactures of gold and silver, and precious stones:				
Diamonds and other precious stones, rough or uncut, etc ....do....		566,267		111,033
Jewelry, and manufactures of gold and silver ....dutiable..		498,000		1,051,208
Precious stones, and imitations of, not set ....do....		4,844,809		6,623,609
Lead, and manufactures of:				
Lead, and manufactures of (as reported previous to January, 1894) ....do....		4,270,573		
Pigs, bars, old and other in ore (since January, 1894) ....dutiable (lbs.)..	43,266,859	2,335,609	200,996,955	2,909,647
Manufactures of (since January, 1894) ....dutiable..		683		12,961
Leather, and manufactures of:				
Leather—				
Bend or belting, and sole leather ....do....		16,459		294,353
Calfskins, tanned, or tanned and dressed, and patent, enameled, and japanned, dutiable		384,796		692,975
Skins for morocco ....dutiable..		2,484,740		4,105,939
Upper leather, dressed, and skins, dressed and finished ....do....		1,622,335		2,651,825
Total leather		4,508,330		7,745,092
Manufactures of—				
Gloves, of kid or other leather ....dutiable..		4,412,597		7,453,320
All other ....do....		495,218		592,289
Total manufactures		4,907,815		8,045,609
Malt, barley ....dutiable (bush.)..	5,010	5,676	5,621	5,092
Malt liquors (gallons):				
In bottles or jugs ....dutiable..	931,172	885,537	1,052,987	1,013,520
In other coverings ....do....	1,979,368	625,230	2,188,031	654,713
Total	2,910,540	1,510,767	3,241,018	1,668,233
Marble and stone, and manufactures of:				
Marble, and manufactures of ....dutiable..		807,141		864,733
Stone, and manufactures of, including slate ....do....		481,855		411,122
Total		1,288,996		1,275,855
Matting for floors, manufactured from round or split straw, including Chinese matting, free		1,874,977		1,947,365
Metals, metal compositions, and manufactures of:				
Bronze manufactures ....dutiable..		523,574		521,505
All other ....do....		3,962,821		4,179,991
Total		4,486,395		4,701,496
Mineral substances ....dutiable..		180,856		
Musical instruments		619,466		1,252,686
Oils (gallons):				
Animal or rendered—				
Whale and fish ....dutiable..	569,835	179,556	212,139	220,639
Other ....do....	3,567	1,232	15,970	4,069
Mineral ....free..			7,891	5,573
Do ....dutiable..	194,028	26,751	1,909,932	49,390
Vegetable—				
Fixed or expressed—				
Olive, salad ....do....	757,478	909,897	842,654	1,044,764
Other ....free..		1,336,802		2,129,249
Do ....dutiable..	438,360	393,995		591,299
Volatile or essential ....free..		914,023		1,219,907
Do ....dutiable..	1,133,255	188,085		332,937
Total		3,950,341		5,617,808
Paints, pigments, and colors ....free..				87,670
Do ....dutiable..		980,715		1,276,987
Paper stock, crude:				
Rags, other than woolen ....free (lbs.)..	49,089,521	739,602	64,814,373	1,133,815
All other ....free..		2,308,492		2,767,574
Total		3,048,094		3,901,389
Paper, and manufactures of ....dutiable..		2,628,351		3,180,079
Perfumeries, cosmetics, etc ....do....		427,850		635,068
Pipes and smokers' articles ....do....		314,578		415,639
Platinum, unmanufactured ....free (lbs.)..	2,995	397,037	5,115	690,584
Plumbago ....free (tons)..	7,935	410,819	8,984	200,111
Provisions, comprising meat and dairy products:				
Meat products—				
Meat and meat extracts ....dutiable..		412,606		523,643
All other ....do....		12,291		28,397

Comparative statement of the imports of merchandise into the United States during the fiscal year 1894 and the calendar year 1895—Continued.

Articles.	Fiscal year 1894, last full official year under McKinley law.		Calendar year 1895, first full official year under Wilson law.	
	Quantities.	Values.	Quantities.	Values.
Provisions, comprising meat and dairy products—Continued.				
Dairy products (pounds)—				
Butter ... dutiable	144,346	*Dollars.* 23,356	65,155	*Dollars.* 10,866
Cheese ... do	8,742,851	1,247,198	10,440,863	1,471,091
Milk ... do		102,336		74,163
Total		1,797,847		2,106,130
Rice (pounds):				
Rice ... dutiable	77,695,053	1,183,662	112,959,082	1,664,573
Rice (free under reciprocity treaty with Hawaiian Islands) ... free	9,115,483	357,330	3,791,500	153,394
Rice flour, rice meal, and broken rice ... dutiable	55,351,281	833,843	84,256,365	1,137,362
Total	142,161,817	2,374,835	201,106,947	2,955,329
Salt ... free (lbs.)			548,823,139	747,162
Do ... dutiable (lbs.)	345,479,096	592,722	8,045,916	13,649
Total	345,479,096	592,722	556,869,055	760,811
Seeds:				
Linseed, or flaxseed ... dutiable (bush.)	592,820	701,866	3,030,727	2,975,988
All other ... free		1,328,116		1,101,587
Do ... dutiable		365,621		572,855
Total				4,650,430
Silk, and manufactures of:				
Unmanufactured (pounds)—				
Cocoons ... free	181,824	112,385	366,429	158,642
Raw, or as reeled from the cocoon ... do	4,956,875	15,627,822	9,119,870	28,458,400
Waste ... do	763,786	493,975	985,651	392,732
Total unmanufactured	5,902,485	16,234,182	10,471,950	29,009,774
Manufactures of—				
Clothing, ready-made, and other wearing apparel ... dutiable		1,496,699		2,715,177
Dress and piece goods ... do		9,695,893		9,763,659
Laces and embroideries ... do		2,320,224		3,178,000
Ribbons ... do		1,053,116		1,159,053
All other ... do		10,235,871		14,842,777
Total manufactures		24,811,773		31,658,666
Soap:				
Fancy, perfumed, and all descriptions of toilet soap ... dutiable (lbs.)	693,760	294,870	835,561	250,268
All other ... dutiable		283,940		585,742
Total		578,810		836,010
Spices:				
Unground (pounds)—				
Nutmegs ... free	1,140,878	395,977	1,576,386	506,627
Pepper, black or white ... do	12,764,215	665,576	19,331,305	752,640
All other ... do	14,857,688	943,155	20,045,335	1,051,041
All other ... dutiable	1,664,246	257,845	2,503,525	307,598
Total ... lbs.	30,427,027	2,262,553	43,456,551	2,617,906
Spirits, distilled (proof gallons):				
Of domestic manufacture, returned (subject to internal-revenue tax) ... free	1,060,627	910,526	835,713	763,247
Brandy ... dutiable	201,433	568,458	298,347	776,930
All other ... do	893,131	931,146	1,232,821	1,388,148
Total	2,155,191	2,410,130	2,366,881	2,928,325
Sponges ... dutiable		259,446		450,559
Sugar, molasses, and confectionery:				
Molasses ... free (galls.)	19,670,663	1,984,778	505,388	31,463
Molasses above 40° polariscopic test ... dutiable (galls.)			13,894,595	1,245,242
Sugar (pounds)—				
Not above No. 16 Dutch standard in color—				
Beet sugar ... free	510,350,276	15,793,041		
Do ... dutiable			293,607,429	3,611,646
Cane and other sugar ... free	3,775,878,029	108,842,016	290,219,354	7,688,225
Do ... dutiable			2,994,623,902	56,112,455
Above No. 16 Dutch standard—				
Beet and cane sugar ... do			91,374,039	2,355,502
Cane and other sugar ... do				
All above No. 16 (kind not specified), as reported previous to September, 1894, dutiable	58,965,576	2,236,832		
Total ... free	4,286,228,305	124,635,057	290,210,354	7,688,225
Total ... dutiable	58,965,576	2,236,832	3,289,605,400	62,079,093
Confectionery		42,215		33,335
Tea ... free (lbs.)	93,518,717	14,144,243	97,883,051	13,320,341
Textile grasses and vegetable fibers, and manufactures of:				
Unmanufactured (tons)—				
Flax, and tow of ... free			7,344	1,398,516
Flax, hackled, etc ... dutiable	4,352	1,336,845	1,702	840,404
Hemp, and tow of ... free			10,159	1,171,584
Hemp, hackled, etc ... dutiable	1,635	239,918	174	40,659
Istle or Tampico fiber ... free	4,789	257,089	11,715	649,138
Jute and jute butts ... do	50,037	1,716,298	106,874	2,337,817
Manila ... do	35,233	4,013,255	46,404	3,365,261
Sisal grass ... do	48,468	3,742,673	48,618	2,758,321
All other ... do	10,297	858,093	5,719	239,048
Total unmanufactured ... free	148,734	10,586,718	236,833	11,919,685
Total unmanufactured ... dutiable	5,987	1,576,763	1,876	881,063

Comparative statement of the imports of merchandise into the United States during the fiscal year 1894 and the calendar year 1895—Continued.

Articles.	Fiscal year 1894, last full official year under McKinley law.		Calendar year 1895, first full official year under Wilson law.	
	Quantities.	Values.	Quantities.	Values.
Textile grasses and vegetable fibers, and manufactures of—Continued.				
Manufactures of (pounds)—				
Bags for grain, made of burlaps ... free		*Dollars.*		*Dollars.* 1,591,150
Bagging, gunny cloth, and similar material suitable for covering cotton ... do				63,033
Bags and bagging ... dutiable		1,431,683		
Burlaps ... free				6,189,279
Burlaps, except for bagging for cotton ... dutiable		4,566,798		
Cables, cordage, and twine, n. e. s ... do	333,746	26,726	374,889	34,294
Coir yarn ... free	5,492,993	130,740	4,785,769	97,553
Twine, binding ... do			1,157,515	65,572
Yarns or threads ... dutiable	3,070,641	469,207	3,375,688	561,989
All other ... do		12,735,607		19,131,430
Total manufactures		19,360,761		27,734,300
Tin, in bars, blocks, pigs, etc. (pounds) ... free			54,252,045	7,405,619
Do ... dutiable	16,785,362	2,640,770		
Tobacco, and manufactures of (pounds):				
Leaf—				
Suitable for cigar wrappers ... do	4,447,308	5,098,461	4,630,738	5,570,471
Other ... do	15,215,951	5,886,925	26,724,682	9,655,255
Total leaf	19,663,259	10,985,386	31,355,420	15,225,726
Manufactures of—				
Cigars, cigarettes, and cheroots ... dutiable	463,923	2,083,984	473,753	2,052,367
All other ... do		70,202		74,575
Total manufactures		2,154,186		2,126,942
Toys ... dutiable		2,149,660		2,337,061
Vegetables (bushels):				
Beans and pease ... do	1,184,081	1,117,969	1,032,788	1,138,632
Potatoes ... do	3,002,578	1,277,194	1,048,970	516,728
Pickles and sauces ... do		341,135		308,234
All other—				
In their natural state ... do		653,259		683,248
Prepared or preserved ... do		505,510		729,134
Total		3,895,067		3,375,976
Wines:				
Champagne, and other sparkling ... dutiable (doz.)	237,360	3,498,522	249,507	3,674,512
Still wines—				
In casks ... dutiable (galls.)	2,599,693	1,817,813	2,933,177	2,034,612
In bottles ... dutiable (doz.)	296,007	1,423,143	320,879	1,512,978
Total		6,739,478		7,222,102
Wood, and manufactures of:				
Unmanufactured—				
Cabinet woods—				
Mahogany ... free (M feet)			14,804	692,191
All other ... free				721,649
Logs and round timber ... free (M feet)			302,080	2,459,047
Timber, hewn and sawed, etc ... do			9,098	93,741
Do ... dutiable		48,018		
Lumber—				
Boards, planks, deals, and other sawed lumber ... free (M feet)			759,215	8,332,309
Do ... dutiable (M feet)	514,619	6,136,961	116	1,570
Shingles ... dutiable (M)	378,632	732,284		
Other lumber ... dutiable		1,419,665		27,370
All other unmanufactured ... free		5,966,472		4,095,670
Do ... dutiable		44,020		310
Manufactures of—				
Cabinetware or house furniture ... do		272,843		431,216
Wood pulp ... dutiable (tons)	35,587	1,664,547	36,029	1,024,103
All other ... dutiable		1,869,293		2,028,291
Total wood and manufactures		18,154,073		19,907,469
Wools, hair of the camel, goat, alpaca, and other like animals, and manufactures of:				
Unmanufactured (pounds)—				
Class 1 ... free			126,435,569	19,657,912
Do ... dutiable	10,685,469	1,748,359		
Class 2 ... free			18,757,042	4,092,656
Do ... dutiable	1,548,505	399,875		
Class 3 ... free			103,798,606	10,019,591
Do ... dutiable	42,918,584	3,959,204		
Total unmanufactured ... free			248,989,217	33,770,159
Total unmanufactured ... dutiable	55,152,558	6,107,438		
Rags, noils, and wastes ... free (lbs.)			18,174,321	1,949,819
Do ... dutiable (lbs.)	143,002	47,522	2,543,787	809,659
Manufacturers of—				
Wool, carbonized ... do			250,265	64,980
Carpets and carpeting ... dutiable (sq. yards)	421,758	959,526	873,558	1,428,684
Clothing, ready made, and other wearing apparel, except shawls and knit goods, dutiable		858,827		1,401,379
Cloths ... dutiable (lbs.)	7,456,417	6,756,321	40,070,143	25,281,668
Dress goods, women's and children's ... do	41,667,031	8,580,962	30,143,137	22,549,455
Knit fabrics ... dutiable		1,005,899		2,305,949
Shawls ... do		157,352		438,047
Yarns ... dutiable (lbs.)	546,408	357,414	3,651,550	1,783,288
All other ... dutiable		715,549		2,318,483
Total manufactures		19,391,850		60,319,301

Comparative statement of the imports of merchandise into the United States during the fiscal year 1894 and the calendar year 1895—Continued.

Articles.	Fiscal year 1894, last full official year under McKinley law.		Calendar year 1895, first full official year under Wilson law.	
	Quantities.	Values.	Quantities.	Values.
		Dollars.		*Dollars.*
Zinc or spelter, and manufactures of:				
In blocks or pigs, and old ... dutiable (lbs.)	327,242	14,129	864,113	29,352
Manufactures of ... dutiable		13,079		12,183
Total		27,208		41,535
All other articles ... free		15,099,564		10,067,527
Do ... dutiable		5,873,810		8,190,620
Total value of merchandise dutiable		275,199,086		416,853,327
Total value of merchandise free of duty		379,795,536		384,810,163
Total value of imports of merchandise		654,994,622		801,663,490
Imported direct from foreign countries		617,840,920		751,163,799
Imported through exterior ports, without appraisement		37,153,702		50,499,691
Entered for immediate consumption		559,689,443		690,206,171
Entered for warehouse		95,305,179		111,457,319
Brought in cars and other land vehicles		29,623,095		37,169,386
Brought in American vessels: Steam		69,174,077		79,201,885
Sailing		52,387,116		39,082,104
Brought in foreign vessels: Steam		466,219,183		611,169,349
Sailing		37,591,151		35,040,766

SUMMARY—IMPORTS AND EXPORTS OF MERCHANDISE.

Groups.	Fiscal year 1894, last full official year under McKinley law.		Calendar year 1895, first full official year under Wilson law.	
	Dollars.	Per cent.	Dollars.	Per cent.
IMPORTS.				
Free of duty:				
Articles of food and live animals	244,414,833	64.36	132,992,389	34.56
Articles in a crude condition for domestic industry	105,281,017	27.72	194,888,463	50.64
Articles manufactured—				
For mechanic arts	16,164,529	4.26	29,199,386	7.59
For consumption	11,106,160	2.93	19,106,475	4.97
Articles of voluntary use, luxuries, etc	2,828,997	.73	8,623,450	2.24
Total free of duty	379,795,536	100	384,810,163	100
Dutiable:				
Articles of food and live animals	34,238,734	12.44	98,556,386	23.64
Articles in a crude condition for domestic industry	33,641,718	12.23	24,632,569	5.91
Articles manufactured—				
For mechanic arts	47,797,155	17.37	73,283,600	17.58
For consumption	89,830,519	32.64	131,752,371	31.61
Articles of voluntary use, luxuries, etc	69,690,960	25.32	88,628,401	21.26
Total dutiable	275,199,086	100	416,853,327	100
Free and dutiable:				
Articles of food and live animals	278,653,567	42.54	231,538,775	28.88
Articles in a crude condition for domestic industry	138,922,735	21.21	219,531,032	27.38
Articles manufactured—				
For mechanic arts	63,961,684	9.77	102,482,986	12.78
For consumption	100,936,679	15.41	150,858,846	18.82
Articles of voluntary use, luxuries, etc	72,519,957	11.07	97,251,851	12.14
Total imports of merchandise	654,994,622	100	801,663,490	100
Per cent of free		57.98		48
EXPORTS.				
Domestic:				
Products of—Agriculture	628,363,038	72.28	545,714,375	67.56
Manufactures	183,718,484	21.14	201,152,771	24.90
Mining	20,449,598	2.35	19,820,505	2.45
Forest	28,010,953	3.22	30,662,093	3.80
Fisheries	4,261,920	.49	6,232,224	.77
Miscellaneous	4,400,944	.52	4,158,048	.52
Total	869,204,937	100	807,740,016	100
Foreign:				
Free of duty	8,841,180	38.60	8,474,579	49.50
Dutiable	14,094,455	61.40	8,647,880	50.50
Total	22,935,635	100	17,122,459	100

Mr. DOCKERY. Will the gentleman from Illinois yield to me for a few moments?

Mr. CANNON. I will yield two minutes to the gentleman from Missouri [Mr. DOCKERY], then to my colleague on the committee [Mr. SAYERS], and will follow that by two minutes to the gentleman from Pennsylvania [Mr. BRUMM], after which I will occupy two minutes myself, and then I will take the sense of the House on the demand for the previous question.

Mr. DOCKERY. Mr. Speaker, I want to say but one thing; that is, to emphasize the suggestion of the President that bills carrying appropriations for the necessary support of the Government should not be permitted to degenerate into general claims bills. And on that ground, if for no other reason, I shall sustain the veto of the President. [Applause.]

This general deficiency bill, providing appropriations for the collection of customs dues and for maintaining the various branches of the public service, is loaded down with an amendment carrying 700 items in all of claims put on the bill by a coordinate branch of the legislative department. Against such a policy I earnestly protest, and will sustain the veto of the President, and I believe and trust the House will. [Renewed applause.]

Mr. CANNON. I yield now two minutes to the gentleman from Texas [Mr. SAYERS].

Mr. SAYERS. Mr. Speaker, I sustain the veto of the President on two grounds. One is that the claims—four classes of them, one class of which has never appeared on a general appropriation bill before, at least since I have been a member of Congress—are involved in a single amendment, and I believe that such action is altogether unjustifiable.

In the second place, I think that his objections to the French

spoliation claims and to the Chouteau claim stand upon substantial grounds; for which reasons, if for none other, I will vote to sustain the veto. [Applause.]

Mr. CANNON. I yield two minutes to the gentleman from Pennsylvania [Mr. BRUMM].

Mr. BRUMM. Mr. Speaker, I simply want to say that on general principles I have grave doubts, and had all along, whether it was a proper policy to put the French spoliation claims and the other claims to which reference has been made by the gentleman from Illinois on this bill. As chairman of the Committee on Claims of this House I questioned it all along, and I question it now.

But I rose more especially to say that the assertions of the President with reference to the French spoliation claims are not errors. Setting aside the billingsgate he indulges in——

Mr. SAYERS. Mr. Speaker, I call the gentleman to order. He has no right to refer to the President of the United States in such manner.

Mr. BRUMM. I am entirely responsible for what I assert.

Mr. SAYERS. Oh, your responsibility amounts to nothing.

Mr. BRUMM. And I repeat my assertion, with a full sense of my responsibility.

Mr. SAYERS. A responsibility which does not amount to anything.

Mr. BRUMM (continuing). And his declaration as to the existence of war between this country and England at that time is absolutely false; and when he cites the decision of a Chief Justice he cites one that was rendered, as already stated, before the treaty negotiations were entered into——

Mr. GROSVENOR. You mean the Attorney-General, not the Chief Justice?

Mr. BRUMM. The Attorney-General; but the decision of the court was before the correspondence between this country and France was unearthed, and before we had possession of it. Therefore I say that it is deceptive; it was intended as a cheat and a fraud and a falsehood, to go before this country. That is all I have got to say about it.

Mr. SAYERS. I desire a minute or two now. The language of the gentleman from Pennsylvania [Mr. BRUMM] is not only unparliamentary but it is absolutely indecent. [Applause on the Democratic side.] The President of the United States, in his reference to the French spoliation claims, has quoted the opinion of an Attorney-General who was Attorney-General at the very time——

Mr. BRUMM. Before the facts were known.

Mr. SAYERS (continuing). At the very time when these claims were accruing, and the question is whether the Attorney-General in the year 1798 or the gentleman from Pennsylvania is the better qualified to judge. I must protest, Mr. Speaker, against the gentleman from Pennsylvania or any other member upon this floor using such language with reference to a coordinate branch of the Government, and especially since that language is unparliamentary and discourteous.

Mr. WILLIS. I ask this question in good faith and in cool blood: Why does the gentleman not protest against the moral lectures that the President sees fit to administer to this Congress, and the insinuations which he incorporates into his veto messages?

Mr. SAYERS. I do not see that the President has delivered any moral lecture. The President has simply exercised a constitutional duty imposed upon him.

Mr. CANNON. I desire just a minute or two in conclusion. It is well enough to proceed in a matter of this kind in the light of judgment, and not of abuse or partisanship. Let us find out what is right, what is our duty under the peculiar circumstances that we have now before us. I desire the attention of the gentleman from Ohio [Mr. GROSVENOR]. I have no desire to go with him into an argument touching the French spoliation claims. It is not necessary for me to condemn or to indorse them; nor touching the Bowman claims. It is not necessary for me to condemn or indorse them. The question is, under the Constitution, what is our duty as American Representatives? As this matter is presented—an omnibus provision put on by the Senate, with so much in it that everybody will condemn it as improper, whatever views he may have about the French spoliation claims—we have to turn it down or swallow it all. I am for turning it down and then passing a proper bill. [Applause.] The gentleman from Ohio [Mr. GROSVENOR] says there are no insurance claims in this bill.

Mr. MAHON. Not one.

Mr. CANNON. Yet it is stated, and I believe it to be true——

Mr. MAHON. The President alone has stated it, and it is not true.

Mr. CANNON (continuing). That there are over a hundred insurance claims.

Mr. MAHON. They are not in it.

Mr. CANNON. I say, from reliable information, they are in it.

Mr. MAHON. And if the President had taken time to examine it, in place of having had an hour to examine it, he would have found out that fact.

Mr. CANNON. The gentleman now seeks to muddy the water, following the example of the gentleman from Ohio [Mr. GROSVENOR] by saying that the President had only a short time——

Mr. MAHON. Ten or fifteen minutes.

Mr. CANNON. Ten or fifteen minutes to consider this bill, when the bill, with all its provisions printed, containing information such as the gentleman and I had about it, has been for days, if not weeks, accessible to the whole country, the President included!

Now, a word in conclusion. Generally I have differed from the President of the United States. He is my President and your President. I have differed radically, but always respectfully, and I do not differ from him touching this veto. I believe it is well conceived and patriotic. I believe this omnibus amendment never ought to have gone on the bill, that it is a vicious method of legislation; and while it may contain some good things, it is a whited sepulcher, filled with dead men's bones. [Applause.] Now, Mr. Speaker, I move the previous question.

Mr. MAHON. Will the gentleman allow me to ask him a question?

Mr. CANNON. I can not.

The previous question was ordered.

The SPEAKER. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding? Under the Constitution the vote must be taken by yeas and nays.

The question was taken; and there were—yeas 39, nays 171, not voting 144; as follows:

YEAS—39.

Adams,	Gibson,	Hurley,	Reyburn,
Anderson,	Griswold,	Johnson, Cal.	Richardson,
Arnold, Pa.	Grout,	Knox,	Russell, Conn.
Arnold, R. I.	Grow,	Mahany,	Smith, Ill.
Atwood,	Harmer,	Mahon,	Sperry,
Baker, N. H.	Hartman,	McDearmon,	Sulloway,
Boutelle,	Henry, Conn.	Meredith,	Van Horn,
Draper,	Hicks,	Milliken,	Wellington,
Fairchild,	Hill,	Moody,	Willis.
Gardner,	Howell,	Newlands,	

NAYS—171.

Abbott,	Cummings,	Layton,	Reeves,
Aldrich, Ala.	Curtis, Iowa	Lefever,	Rinaker,
Allen, Miss.	Curtis, Kans.	Leighty,	Russell, Ga.
Allen, Utah	Dalzell,	Leisenring,	Sayers,
Andrews,	Daniels,	Lewis,	Scranton,
Apsley,	Dayton,	Linney,	Shafroth,
Avery,	De Witt,	Linton,	Shannon,
Babcock,	Dockery,	Little,	Sherman,
Bailey,	Eddy,	Long,	Simpkins,
Baker, Kans.	Ellett,	Loud,	Skinner,
Bankhead,	Erdman,	Low,	Sorg,
Barney,	Faris,	Marsh,	Southard,
Beach,	Fenton,	Martin,	Stahle,
Belknap,	Fletcher,	McCall, Mass.	Stallings,
Bell, Colo.	Gillet, N. Y.	McCall, Tenn.	Stewart, N. J.
Bell, Tex.	Graff,	McClure,	Stewart, Wis.
Bennett,	Griffin,	McCreary, Ky.	Strong,
Bingham,	Grosvenor,	McCulloch,	Strowd, N. C.
Bishop,	Hager,	McLachlan,	Swanson,
Blue,	Hainer, Nebr.	McMillin,	Talbert,
Brewster,	Hall,	Mercer,	Tate,
Broderick,	Hardy,	Miles,	Tawney,
Bromwell,	Harris,	Miller, W. Va.	Terry,
Brown,	Harrison,	Milnes,	Thomas,
Brumm,	Hart,	Minor, Wis.	Thorp,
Burrell,	Hatch,	Mitchell,	Tracewell,
Burton, Mo.	Hemenway,	Mondell,	Treloar,
Calderhead,	Henderson,	Mozley,	Tucker,
Cannon,	Henry, Ind.	Murphy,	Turner, Ga.
Chickering,	Hepburn,	Ogden,	Underwood,
Clardy,	Hooker,	Otey,	Updegraff,
Clark, Iowa	Hopkins,	Overstreet,	Walker, Va.
Clark, Mo.	Hubbard,	Patterson,	Wanger,
Clarke, Ala.	Hulick,	Payne,	Warner,
Cobb,	Hunter,	Pearson,	White,
Cockrell,	Johnson, N. Dak.	Pendleton,	Williams,
Codding,	Joy,	Phillips,	Wilson, Idaho.
Connolly,	Kem,	Pitney,	Wilson, Ohio.
Cook, Wis.	Kiefer,	Poole,	Wood,
Cooper, Fla.	Kirkpatrick,	Prince,	Woodard,
Cooper, Wis.	Kleberg,	Pugh,	Wright,
Crowther,	Lacey,	Quigg,	Yoakum.
Culberson,	Latimer,	Raney,	

NOT VOTING—144.

Acheson,	Cooke, Ill.	Fisher,	Huling,
Aitken,	Cooper, Tex.	Fitzgerald,	Hull,
Aldrich, Ill.	Corliss,	Foote,	Hutcheson,
Baker, Md.	Cousins,	Foss,	Hyde,
Barham,	Cowen,	Fowler,	Jenkins,
Barrett,	Cox,	Gamble,	Johnson, Ind.
Bartholdt,	Crisp,	Gillett, Mass.	Jones,
Bartlett, Ga.	Crowley,	Goodwyn,	Kendall,
Bartlett, N. Y.	Crump,	Hadley,	Kerr,
Berry,	Curtis, N. Y.	Halterman,	Kulp,
Black, Ga.	Danford,	Hanly,	Kyle,
Black, N. Y.	De Armond,	Heatwole,	Lawson,
Bowers,	Denny,	Heiner, Pa.	Leonard,
Brosius,	Dingley,	Hendrick,	Lester,
Buck,	Dinsmore,	Hermann,	Livingston,
Bull,	Dolliver,	Hilborn,	Lorimer,
Burton, Ohio	Doolittle,	Hitt,	Loudenslager,
Catchings,	Dovener,	Howard,	Maddox,
Coffin,	Ellis,	Howe,	Maguire,
Colson,	Evans,	Huff,	McCleary, Minn.

McClellan,	Odell,	Shuford,	Towne,
McCormick,	Otjen,	Smith, Mich.	Tracey,
McEwan,	Owens,	Snover,	Turner, Va.
McLaurin,	Parker,	Southwick,	Tyler,
McRae,	Perkins,	Spalding,	Van Voorhis,
Meiklejohn,	Pickler,	Sparkman,	Wadsworth,
Meyer,	Powers,	Spencer,	Walker, Mass.
Miller, Kans.	Price,	Steele,	Washington,
Miner, N. Y.	Ray,	Stephenson,	Watson, Ind.
Money,	Robertson, La.	Stone, C. W.	Watson, Ohio
Morse,	Robinson, Pa.	Stone, W. A.	Wheeler,
Moses,	Royse,	Strait,	Wilber,
Murray,	Rusk,	Strode, Nebr.	Wilson, N. Y.
Neill,	Sauerhering,	Sulzer,	Wilson, S. C.
Noonan,	Settle,	Taft,	Woodman.
Northway,	Shaw,	Tayler,	Woomer,

Mr. BERRY. Mr. Speaker, I desire to withdraw my vote. I am paired with the gentleman from Michigan, Mr. SMITH.

Mr. WILLIAMS. Mr. Speaker, my colleague, Mr. KYLE, voted upon the roll call. He was called from the House by a conference committee meeting, and requested me to ask that his vote be withdrawn, because he is paired with the gentleman from California, Mr. BARHAM.

Mr. TRACEY. Mr. Speaker, I voted inadvertently. I am paired with the gentleman from Arkansas, Mr. MCRAE, and desire to withdraw my vote. Were he present, I would vote "nay." I would like at the same time, if I am in order, to ask that the RECORD of yesterday be corrected so as to show the same thing.

The SPEAKER. It will not be in order.

Mr. TRACEY. At present?

Mr. DINGLEY. I am paired, and withdraw my vote.

The following pairs were announced:

Until further notice:

Mr. GILLETT of Massachusetts with Mr. COWEN.

Mr. STEPHENSON with Mr. NEILL.

Mr. SPALDING with Mr. SPENCER.

Mr. STEELE with Mr. MCCLELLAN.

Mr. HEATWOLE with Mr. DINSMORE.

Mr. BARTHOLDT with Mr. DENNY.

Mr. FOSS with Mr. MCLAURIN.

Mr. NORTHWAY with Mr. PRICE.

Mr. COUSINS with Mr. LIVINGSTON.

Mr. BOWERS with Mr. MINER of New York.

Mr. SNOVER with Mr. MADDOX.

Mr. TOWNE with Mr. WILSON of South Carolina.

Mr. SMITH of Michigan with Mr. BERRY.

Mr. TRACEY with Mr. MCRAE.

Mr. CORLISS with Mr. MOSES.

Mr. JOHNSON of INDIANA with Mr. COX.

Mr. BARHAM with Mr. KYLE.

Mr. MEIKLEJOHN with Mr. CROWLEY.

Mr. FOOTE with Mr. HUTCHESON.

Mr. COLSON with Mr. KENDALL.

Mr. WILLIAM A. STONE with Mr. LAWSON.

Mr. HITT with Mr. WASHINGTON, except on election contest of Aldrich vs. Underwood.

Mr. ROYSE with Mr. TURNER of Virginia, except on Tucker-Yost election case.

For this day:

Mr. MCCLEARY of Minnesota with Mr. RUSK.

Mr. KULP with Mr. MAGUIRE.

Mr. HADLEY with Mr. COOPER of Texas.

Mr. JENKINS with Mr. DE ARMOND.

Mr. PICKLER with Mr. CATCHINGS.

Mr. DINGLEY with Mr. WHEELER.

Mr. WOOMER with Mr. SULZER.

On this question:

Mr. ROBINSON of Pennsylvania with Mr. CRISP.

Mr. SPARKMAN with Mr. LESTER.

Mr. CHARLES W. STONE with Mr. OTJEN.

The SPEAKER. On this question the yeas are 39, the nays are 171; and accordingly the House, upon reconsideration, refuses to pass the bill.

DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the following bill.

The SPEAKER. The gentleman moves to suspend the rules and pass the following bill.

The Clerk read as follows:

A bill making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896.

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the reading of this bill may be dispensed with, and I would state in that connection that this is an exact copy of the bill that passed the House and the Senate and went to the President——

Mr. RICHARDSON. I object to debate, Mr. Speaker.

Mr. CANNON. I ask unanimous consent to dispense with the reading of the bill.

The SPEAKER. Unanimous consent is asked to dispense with the reading of the bill.

Mr. RICHARDSON. I object; because I do not know what is in the bill.

The SPEAKER. Objection is made by the gentleman from Tennessee.

The Clerk proceeded to read the bill.

Mr. RICHARDSON (interrupting the reading). Mr. Speaker, I think that the bill which the Clerk is reading can not be the original bill, or else parts of it are being omitted in the reading, as it does not correspond to the one I have here.

The SPEAKER. The Chair understands that the Clerk is reading the proper bill.

The Clerk resumed and continued the reading.

Mr. RICHARDSON (during the reading). Mr. Speaker, I rise to a question of order. I desire to call the attention of the gentleman from Illinois [Mr. CANNON] to the fact that the bill the Clerk is reading is not the bill which I understood the gentleman to say he had reported from his committee.

Mr. CANNON. Mr. Speaker, I will take this opportunity to say to the gentleman again that the bill the Clerk is reading is precisely the bill that went to the President, minus the items covered by amendment No. 233, put upon the bill by the Senate.

Mr. RICHARDSON. That is what I understood; but the Clerk is reading a list of names of claimants and omitting some names that are in the copy of the bill that I have here.

Mr. CANNON (inspecting Mr. RICHARDSON'S copy). This is not a copy of the bill as it went to the President. This is the first print of the bill in the House, with the Senate amendments. Let the gentleman send to the document room and get a copy of the bill as it passed when the conference report was adopted. Of course the copy he has here does not correspond to the bill at the desk.

Mr. RICHARDSON. I should not have thought that the list of the claimants for the Ford's Theater disaster would have been changed.

Mr. CANNON. It is changed, Mr. Speaker. Now that the gentleman knows exactly what the bill contains, I appeal to him again to withdraw his objection to dispensing with the first reading of the bill. I ask unanimous consent that the further reading of the bill be dispensed with.

Mr. SAYERS. I will say to the gentleman from Tennessee that there is no question as to this bill being the same as the deficiency bill which passed the House, with the exceptions stated by the gentleman from Illinois.

Mr. RICHARDSON. Mr. Speaker, I do not think that a bill carrying thirty or forty millions——

Mr. CANNON. Oh, no. It was only eleven millions, and now it is only nine millions.

Mr. RICHARDSON. Well, I do not think that a bill carrying $9,000,000 ought to be passed without being read to the House.

The SPEAKER. Does the gentleman object?

Mr. RICHARDSON. I think we ought not to pass the bill without reading it.

The SPEAKER. The Chair hears no objection.

Mr. RICHARDSON. I object.

The SPEAKER. Objection is made. The Clerk will resume the reading of the bill.

The Clerk continued the reading of the bill.

Mr. RICHARDSON (during the reading). Mr. Speaker, I desire to call the attention of the gentleman from Illinois to Senate amendment No. 89 and to ask him whether it is omitted from his bill. It appears in the bill that I have before me, but it has not been read by the Clerk in the bill at the desk. It is the amendment relating to the pay of the Mexican Boundary Commission.

Mr. CANNON. The gentleman will find that that amendment went out in conference.

Mr. RICHARDSON. Just before this there was an omission of about half a page, although I understood the gentleman from Illinois to say that, with certain exceptions, this new bill was identical with the one passed here a few days ago.

The SPEAKER. The Chair desires to say that this discussion of a bill while it is being read is somewhat irregular. He does not object to it if it facilitates the passage of the bill, but would be unwilling that it should be drawn into a precedent. [Laughter.]

Mr. CANNON. The gentleman from Tennessee has not the proper bill at all.

Mr. RICHARDSON. This is the bill which the messenger brought me after the gentleman from Illinois suggested that the one I had first was not the proper bill.

Mr. CANNON. Neither one is the proper bill.

Mr. RICHARDSON. Well, I will ask the gentleman whether there are any printed copies of the bill which is now being read?

Mr. CANNON. The gentleman should know that better than I. Whether an act that has been passed by the House and by the Senate and signed by the Speaker of the House and by the Vice-President of the United States is usually printed or not I do not know. I ask that the Clerk proceed with the reading of the bill.

The Clerk proceeded and completed the reading of the bill.

The SPEAKER. The question is on the motion of the gentleman from Illinois to suspend the rules and pass this bill.

Mr. MAHON. I demand a second.

Mr. CANNON. I ask unanimous consent that a second be ordered.

Mr. MAHON and Mr. KEM objected.

The House divided on the question of ordering a second; and there were—ayes 166, noes 18.

So a second was ordered.

Mr. CANNON. Does the gentleman from Tennessee desire to say anything upon the bill? If not, I am ready for a vote. [Cries of "Vote!" "Vote!"]

Mr. RICHARDSON (to Mr. MAHON). Do you want to debate this?

Mr. MAHON. Yes.

Mr. CANNON. I think the House understands it.

Mr. RICHARDSON. The gentleman from Pennsylvania [Mr. MAHON] controls the time in opposition.

Mr. ATWOOD. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ATWOOD. Do I understand that if the rules of this House are now suspended upon the motion of the gentleman from Illinois no amendment to this bill will be in order?

The SPEAKER. That is correct.

Mr. ATWOOD. I hope the House fully understands that point at least.

The SPEAKER. If no debate is desired, the Chair will put the question on the motion of the gentleman from Illinois to suspend the rules.

Mr. MAHON. I desire to debate it, Mr. Speaker.

Mr. RICHARDSON. I wish to speak.

Mr. MAHON. We want to occupy our twenty minutes. I yield five minutes of the time to the gentleman from Tennessee.

Mr. RICHARDSON. Mr. Speaker, as I have only five minutes, I must necessarily speak rapidly. The proposition here is to pass this bill under a motion to suspend the rules—a bill which has not been considered by any committee of this House, a bill of which the gentleman from Illinois himself could not tell the contents when the inquiry was propounded to him by the gentleman from Pennsylvania [Mr. MAHON]. This bill is not even open to amendment. The President of the United States vetoed the deficiency appropriation bill, because, as he stated, it contained appropriations for the payment of the French spoliation claims, and for a claim that is known as the Chouteau claim. Now, if the gentleman from Illinois had presented the vetoed bill, with those items eliminated, there would have been no possible objection or word of dissent to its passage. But after the President exercised his constitutional right to veto the bill, on account of these two, and no other objections, the gentleman from Illinois interposes his veto, and says you must take the bill now with not only those items eliminated which the President vetoed, but also with the additional claims stricken out which the gentleman from Illinois vetoes. [Laughter and applause.]

Now, Mr. Speaker, I say we ought to vote down the proposition to pass the bill by a two-thirds vote, and if two-thirds of the members should fail to vote for it we will defeat the motion and defeat the bill. Then if the gentleman desires to prepare it, with the Southern claims embodied in it—the claims voted on by this House for payment of the loyal citizens of the border States, the States of Pennsylvania, Maryland, and other States—we can pass it in five minutes. The gentleman from Illinois sees fit, however, to go even beyond what the President did, and says he would not be willing to allow the House even to vote upon a proposition for the payment of these war claims. He will not even allow an amendment to the bill. He will not allow the House to do what it has already done by a yea-and-nay vote. They decided on a yea-and-nay vote to pay the claims to the loyal citizens in my section and in the other border States of the Union. The House decided by a yea-and-nay vote that it would pay them, but the gentleman from Illinois comes and says, "You must take the bill as I present it without these claims embodied in it"; and will not even permit a vote of the House, in the shape of an amendment, to put them back in the bill.

Mr. Speaker, I say this is not right. We ought to vote down the motion of the gentleman and refuse to pass the bill by a two-thirds vote. Let the gentleman place back in it the claims he has eliminated but which the House decided should go into the bill, which the Senate decided should go into the bill, and to which the President interposes no objection. [Applause.]

This $550,000 of claims goes to the loyal people of the South—the border States. It does not come to my district, except $450 of it. In the Fifty-first Congress we passed a bill through the House and Senate appropriating $550,000 for the payment of such claims without objection. What has come over the gentleman from Illinois since that time that has caused him to object to the payment of the claims now? He says that they ought not to go on the deficiency bill; but this bill has now in it claims standing precisely on the same basis. There are claims in it involving the same conditions. I call the attention of the gentleman to the Quartermaster's findings on page 53 of the printed bill.

Mr. CANNON. I challenge the gentleman's statement as incorrect.

Mr. RICHARDSON. Well, I undertake to say that I am correct, and in this respect the gentleman from Pennsylvania [Mr. MAHON] will concur with me, that I am accurate in that statement.

Mr. CANNON. I challenge the statement of both gentlemen as being absolutely incorrect.

Mr. RICHARDSON. Well, I have the floor, I believe. You confessed this morning, when the gentleman from Pennsylvania asked if these claims were in the bill, you admitted that you did not know whether they were or not. [Laughter and applause.] And I certify here and now that you paid no attention to the reading of the bill at the Clerk's desk, so that you do not know now what is in it. The gentleman has not read the bill himself, that is the trouble. He has had it made up for him, but does not know what is in it, I venture to say.

Now, that is a question of fact. The gentleman from Pennsylvania [Mr. MAHON] is a very intelligent gentleman, the chairman of the War Claims Committee, and he says these claims are exactly like this.

The SPEAKER. The time of the gentleman has expired.

Mr. RICHARDSON. Well, I am very sorry, I would like to have had a little more time.

Mr. MAHON. I yield five minutes to the gentleman from Kentucky [Mr. EVANS].

Mr. EVANS. Mr. Speaker, I had an opportunity a short time ago to express to the House the very earnest views that I entertained upon the subject of the war claims which had been adjudicated by the Court of Claims, a tribunal to which Congress had submitted their consideration. These claims were passed upon by the House; they were passed upon by the Senate, and if any consideration is to be given to these acts of the House and Senate it would seem to require that the Committee on Appropriations of this House, if they considered this bill at all, which I doubt, should have included all of these claims in this measure when they proposed to suspend the rules and pass it.

I have not an objection to a single item in the proposed bill, so far as I know; probably all of them should be paid, and probably all are proper subjects for appropriation in this manner. But this House, after the most mature consideration, expressed its judgment, its decision—I might say its order—to the committee with reference to these particular claims; and the President of the United States, in the exercise of those functions that he is constitutionally entitled to exercise, has not in his veto of the former bill objected to the claims now sought to be included in the new bill by those who are opposed to it in its present shape. It seems to me that if there can be any instruction or command of the House which should be obeyed by the Committee on Appropriations or its chairman it is our instruction to include these claims in the measure now brought before the House for passage. I do sincerely hope for one that Congress will not adjourn until this measure of justice has been done to a number of long-suffering creditors of the United States, whose claims are as just, whose demands are as meritorious, as the most highly lithographed evidence of indebtedness could make a claim in favor of any creditor of the United States. These claims have been ascertained perfectly well. We all understand them. The Committee on Claims of this House has considered and reported them, whether the Appropriations Committee has done so or not; and I do most earnestly hope that Congress will continue in session, that it will not finally adjourn, until these claims are provided for and the persons entitled to this money paid.

Mr. EVANS. Mr. Speaker, I ask the House to consider now whether there is any reason given by the President of the United States, the chairman of the Committee on Appropriations, or anybody else why we should reverse our action of a week or two ago and say now that because some one or two men do not want these claims inserted in the general deficiency bill the House will not order them to be put there. Let us not suspend the rules, but leave this matter open until we can get them in. Let us vote down this proposed measure and see whether the Committee on Appropriations will not obey the will of the House as heretofore expressed frequently, clearly, and unequivocally.

If the gentleman from Illinois representing the Committee on Appropriations had, as remarked by the gentleman from Tennessee [Mr. RICHARDSON], brought before us a bill which left in every item except those which the President had objected to in the vetoed bill there would have been no objection whatever interposed by anybody to such a bill. It does seem to me—and I respectfully submit it to members who shall vote on this question—that that was the proper, the right, the just thing for the gentleman from Illinois to do. He should have brought before us a bill on which we could vote this afternoon, embracing every item except those the President of the United States objected to; for these war claims, resting upon findings of the Court of Claims, are just as good debts against the United States—I mean they have as much

merit in them—as any item provided for in this bill from beginning to end. For one I think these items stand on stronger ground than many others in the bill, because they are supported by the solemn judgment of a court that they are just claims against the United States. That very fact, it seems to me, should induce us to make the appropriation to pay them. I hold the doctrine that the Government ought to pay every honest debt as soon as it is ascertained to be honestly due and the amount properly fixed.

For these reasons I hope, gentlemen, that you will consider whether we should allow this bill to pass until these claims which were left in the former bill pursuant to our judgment and order have been embraced in this bill. [Applause.]

I yield back any time I may have to the gentleman from Pennsylvania [Mr. MAHON].

Mr. MAHON. I yield five minutes to the gentleman from Maryland [Mr. WELLINGTON].

Mr. WELLINGTON. Mr. Speaker, I voted the other day for the passage of this general deficiency bill, including every line, as it was sent to us from the Senate. I believed it right to pass the bill in that way; and if I thought so then I believe so now. I voted this afternoon to pass the bill over the veto of the President, and I shall vote now against the bill as proposed by the chairman of the Appropriations Committee [applause]; and I call upon members of this House to stand by us in this matter.

The claims that gentlemen are attempting to strike out here are as much claims against the Government of the United States as any other debt or demand embraced in the bill. The other day we passed in this House a bill which would drive into bankruptcy individuals who refuse to pay their honest debts. I believe that governments and individuals should stand upon the same moral plane in this matter. If the Government owes a debt, it should as well pay it as an individual. [Applause.]

These claims are war claims. A part of these claims that members have to-day stricken out or attempted to strike out arose in the State from whence I come; several pages of this bill were devoted to claims due the citizens of the State of Maryland. When the great war began, our State, bordering on the two sections, was wedged in between them. One day the Confederates would be on our soil; the next the Federals would be with us. The property of citizens of Maryland was taken by the Government. They have waited year by year for reimbursement. They have proven their claims again and again. Under an act of Congress known as the Bowman Act those claims have been taken before the Court of Claims. Every claimant stood upon his trial; every man proved his claim. And then these claims were sent to your Committee on War Claims. Every one of them was passed upon by that committee as an honest claim against the Government.

Those claims have been included by the House and the Senate in this bill, and I stand here to-day to appeal to this House not to strike out these claims because the chairman of the Committee on Appropriations says that you must do so. It has been intimated that the chairman of that committee and a leading Democratic member of the committee gave the President the assurance that if he would veto this bill—if he would strike it down and send it back to the House—they would see that this House would pass such a bill as he wanted. They go one step further. They propose not only to pass a bill such as the President wanted, but to cut out a great many things to which the President in his message has made no allusion. The President said not one word against the war claims in that bill. He said not one word against the honest claims of the citizens of Maryland for goods taken from them by the soldiers of the Army during the war. Therefore I say these gentlemen go one step further, and they strike out these claims, and they come to this House and say, "Under a suspension of the rules to-day during the latter hours of this session of Congress you must pass just such a bill as we offer to you or you can have no bill at all."

Now, if that is the question, then I say, let us have no bill until we can get some consideration for these honest claims of the Government. [Applause.] I for one, as I say, believe that this Government if it owes an honest debt should pay it. I contend here to-day that these claims are honest. They have been proven again and again. These men are loyal. This money belongs to them, and why should you say that it shall not go to them?

So far as the other claims are concerned, so far as the French spoliation claims are concerned, I believe that they ought to be paid, and I will again vote for a bill that will say that they should be paid. But if there is any division of opinion, if they must go out, very well; I am satisfied. But I say here to-day, I want to emphasize it again, that the Republican party owes it to itself, this House owes it to itself, not to strike down these claims. What did you do the other day when the President vetoed the river and harbor bill? I am sure that there were claims in that bill which were more objectionable than the war claims for which we are asking payment to-day. Yet this House passed that bill over the veto of the President. I voted for that, and am willing to stand upon that vote, but in what position——

[Here the hammer fell.]

Mr. MAHON. I think the other side ought to use a little of their time before we exhaust ours.

Mr. CANNON. Does the gentleman desire to say anything more?

Mr. MAHON. Yes.

The SPEAKER. The question is on suspending the rules——

Mr. MAHON. Mr. Speaker, I am not through. I simply asked the gentleman whether he would consume some of his time.

Mr. RICHARDSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. Will the gentleman from Illinois have twenty minutes after the gentleman from Pennsylvania has used his remaining five?

The SPEAKER. He will have twenty minutes.

Mr. RICHARDSON. I ask, Mr. Speaker, if it is not usual and customary, under the rules of the House, for each side to alternate?

The SPEAKER. The Chair thinks it is usual and customary, under the rules of the House, to alternate the time; but if a gentleman chooses to have a vote taken without saying anything, and does not desire to use his twenty minutes, and if the other gentleman does not use his five, why, that is his right.

Mr. RICHARDSON. I have never known a case in which one side consumed the entire time without the other side alternating.

Mr. CANNON. I want to be entirely fair. I expect to use, probably, from three to five minutes. That is my present intention. I was quite willing that a vote should be taken without discussion. Now, in complete fairness, as I do not expect to consume my time, I ask the gentleman from Pennsylvania [Mr. MAHON] if he desires to go ahead?

Mr. MAHON. Mr. Speaker, I do not desire to say anything more about the French spoliation claims or the Choutean claim. The President of the United States has exercised his right to veto this bill on the ground that these two items were in it, and he has objected to these two items alone. Now, Mr. Speaker, that bill was not signed by the Vice-President until this morning at 10 o'clock. This bill which the gentleman has introduced here to-day was in the Public Printing Office last night. If the gentleman from Illinois [Mr. CANNON] and the gentleman who assisted in making up that bill had stricken from the bill the items that the President indicated to them that he would veto there would be no contest here to-day. But pray, sir, after the Senate and the House have passed upon another item in this bill, upon which the President makes no objection, I say why should the gentleman from Illinois or any other two or three gentlemen, in a star chamber, in the dark hours of the night, strike out a portion of this bill that has been passed by both Houses and that was not objected to by the President? Mr. Speaker, we have one man in this country who is using the veto power to excess, about as much as this country can stand, and we do not want to introduce any other gentleman into the legislation of this country to use the veto power too. [Applause.]

Mr. CANNON. Will you nominate him?

Mr. MAHON. The gentleman from Illinois [Mr. CANNON] and the gentleman who assisted him did not strike out from this bill the Bowman Act cases because the President objected to them, but they put this House in this position to-day. You have passed the Bowman Act claims, which are right and just, and the Senate passed them; but the gentleman from Illinois [Mr. CANNON] and the gentleman from Texas [Mr. SAYERS] say: "We have got you. You have got to pass the deficiency bill under a suspension of the rules, and we will make you pass it with certain items stricken out to which the President has no objection."

I want to say to members of this House that I know what I am talking about; and if this House will pass the bill with the Bowman claims on it, the Senate will pass it and the President will sign it; and I simply plead here, not because I have a few people in my State who are interested in this matter, because they are scattered all over the country—I say, as chairman of the Committee on War Claims, that every Bowman Act case included in that amendment was for three months carefully scrutinized and passed upon by the Committee on War Claims. The Court of Claims has passed upon them, and declared that those people were loyal people; that they furnished the property to the Government of the United States; that the Government of the United States used it, and that the Government owes these people for it.

Mr. GIBSON. And the Government has been owing them for thirty years. [Laughter and loud applause.]

Mr. MAHON. I plead the cause of the poor people of this country who had their property taken. I come from Franklin County, where 280,000 men tramped over the ground during the war, and when the last bluecoat left you could not see a blade of grass, and there was not a particle of wheat or a fence rail or a chicken coop left, for the county was stripped. The gentleman from Illinois was safe with his constituents on the Illinois prairies. He knows nothing about the character of the troubles that befell the people who lived in the border States. These are not claims for devastations of war. They are for stores, corn and oats, cattle, and other

stuff of that kind furnished to the Army of the United States to feed her soldiers and her cavalry and artillery horses. In the name of Heaven, do you propose to repudiate these debts? I want to say that they are as honest as any that are contained in this bill. In this very bill I find claims allowed for Indian depredations on findings by the Court of Claims, put in by the gentleman from Illinois himself. There are judgments for Indian depredations committed by the Indians during Indian wars. If there is a place in the deficiency bill for such claims, the Bowman Act claims stand upon as high ground and should have the same place. I say to members who are interested in these claims, you have been struggling here for four years to get the payment of these claims. The Senate has decided in your favor. You will have to stand by yourselves. Refuse to suspend the rules, and keep on refusing until these gentlemen do what is right for these people. [Loud applause.]

I yield the remainder of my time to the gentleman from Massachusetts [Mr. WALKER].

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. Now, Mr. Speaker, if I can have special attention for a minute or two I can cover practically the situation. The deficiency bill that the House and Senate passed was vetoed. It is as dead as Julius Cæsar. [Laughter.] We all want to get away from here.

Mr. WELLINGTON. We do not want to get away until we settle this matter [applause], and I will stay here all summer for that purpose.

Mr. CANNON. "And still the villain pursues." [Laughter.]

Mr. WELLINGTON. And I will keep on pursuing.

Mr. CANNON. That is all right. We all want to get away. [Cries of "Oh, no!"] Well, then, stay!

The SPEAKER. The House will be in order.

Mr. CANNON. This is not the first time. It is possible by great industry, if we can keep a quorum, we may get away from here Wednesday next.

Now, the Speaker of the House recognized me to move to suspend the rules and pass the bill which has been read. I have stated to the House what it contains—appropriations of judgments of the Court of Claims, audited claims, adjudicated by the Departments, such as invariably go upon the bill. Then for the current service of the Government, including the contingent fund of the House, for the payment of members' clerks in vacation, and so forth, and so on. Now, then, I did this for the reason that there is not now time to originate a new bill in the Committee on Appropriations and report it regularly to the House, have it go to Committee of the Whole on the state of the Union, and pass it as such bills usually pass; and the gentlemen now cry out, "Let us rebuke Mr. CANNON, because he has dared to move to suspend the rules without putting on the Bowman claims!" Well, suppose you do. Suppose you clap your hands——

Mr. MAHON. Let me ask you a question.

Mr. CANNON. Suppose you clap your hands and rebuke Mr. CANNON for proposing to pass this bill under suspension of the rules. Let us see what you gain.

Mr. MAHON. I want to ask you a short question.

Mr. CANNON. Oh, well, now—say, who is making this speech anyhow? [Laughter.]

Mr. Speaker, I ask attention. I only want a minute.

The SPEAKER. The gentleman asks for order, and the members of the House will please take their seats. The Chair must insist upon it.

Mr. CANNON. I did not move to suspend the rules and include the claims under the Bowman Act, because under the rules of this House they have no place upon a general appropriation bill. Let me say to gentlemen one of two things must happen: You have either to change the rules of this House or I have got to be out of the House before those claims can go upon a general appropriation bill originating in the House of Representatives under the rules of the House. [Applause.] Therefore if you take the course that is suggested here you will gain nothing. You can follow the gentleman from Pennsylvania [Mr. MAHON] and the gentleman from Maryland [Mr. WELLINGTON] and the eloquent gentleman from Tennessee [Mr. RICHARDSON] if you choose. If you do, you are without any deficiency bill, and you can not adjourn this Congress without very seriously embarrassing yourselves and all the Departments of the Government by a failure to provide for the current expenses of the Government.

Now, I will tell you what I think is wise. I think it is wise to vote two-thirds to pass this bill and send it to the Senate. If you think not, if you see proper to say that the Committee on Appropriations shall go to work and originate a new deficiency bill, we will do it and bring the bill in here; but I notify the gentleman from Pennsylvania now that when he moves to put the Bowman Act claims upon that bill by way of amendment, I will stand here and make the point of order under Rule XX, and he knows as well as I do that they will not go on the bill.

Mr. MAHON. They will "get there."

Mr. HENDERSON. Let me ask the gentleman from Illinois a question. If this bill goes through in its present shape, will not gentlemen who are interested in these claims under the Bowman Act have the same rights at the other end of the Capitol that they had in the first instance?

Mr. CANNON. Certainly.

Mr. MAHON. We want to hold on to them while we have got them.

Mr. HENDERSON. You can not do it in the House under the rules.

Mr. WELLINGTON. We can prevent the consideration of this bill until you gentlemen do right. This House has the right to do that.

Mr. HENDERSON. Not under the rules.

Mr. WELLINGTON. Under the rules it has that right.

Mr. CANNON. Let us keep our judgment, gentlemen. I do not believe that the American House of Representatives stands ready to follow the lead of the gentleman from Maryland and the distinguished gentleman from Pennsylvania——

Mr. WELLINGTON (interrupting). I tell you that the House of Representatives can not go wrong in following the lead of Maryland in this particular.

Mr. CANNON. The gentleman is soon to be transferred to another body, but I hope he will observe the rules of this body while he remains here. [Laughter.]

Mr. WELLINGTON. I have not been transferred yet, and I have a right——

The SPEAKER. The gentleman from Illinois has the floor. The gentleman from Maryland is out of order.

Mr. WELLINGTON. I bow to the decision of the Chair.

Mr. CANNON. I do not believe, Mr. Speaker, that the American House of Representatives stands ready, out of all rule, to follow the lead of these two eminent gentlemen and to say that the appropriations for the ordinary expenses of the Government shall not be made unless we submit to having them carry through these 30-year-old claims. I ask for a vote.

The question being taken on the motion to suspend the rules and pass the bill, the Speaker declared that the ayes seemed to have it.

Mr. MAHON and Mr. RICHARDSON demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 172, nays 44, not voting 138; as follows:

YEAS—172.

Aldrich, Ala.	Crump,	Howe,	Phillips,
Aldrich, Ill.	Culberson,	Howell,	Pitney,
Allen, Miss.	Curtis, Iowa	Hulick,	Poole,
Allen, Utah	Curtis, Kans.	Hurley,	Prince,
Andrews,	Dalzell,	Jenkins,	Pugh,
Arnold, Pa.	Daniels,	Johnson, N. Dak.	Quigg,
Arnold, R. I.	Dayton,	Joy,	Raney,
Avery,	De Witt,	Kem,	Reeves,
Babcock,	Dingley,	Kiefer,	Rinaker,
Bailey,	Dockery,	Kirkpatrick,	Russell, Conn.
Baker, Kans.	Draper,	Kleberg,	Russell, Ga.
Bankhead,	Eddy,	Knox,	Sayers,
Barney,	Ellis,	Kulp,	Scranton,
Beach,	Erdman,	Lacey,	Shafroth,
Belknap,	Faris,	Layton,	Sherman,
Bell, Colo.	Fenton,	Lefever,	Simpkins,
Bell, Tex.	Fletcher,	Leighty,	Smith, Ill.
Bennett,	Gardner,	Leonard,	Sorg,
Bingham,	Gillet, N. Y.	Linton,	Southard,
Bishop,	Goodwyn,	Long,	Sperry,
Blue,	Graff,	Loud,	Stallings,
Boutelle,	Griffin,	Low,	Stewart, N. J.
Brewster,	Grosvenor,	Maguire,	Stewart, Wis.
Broderick,	Grout,	Martin,	Strong,
Brown,	Grow,	McCall, Tenn.	Strowd, N. C.
Brumm,	Hager,	McCleary, Minn.	Talbert,
Buck,	Hainer, Nebr.	McClure,	Tawney,
Bull,	Hall,	McLachlan,	Thomas,
Burrell,	Hardy,	Mercer,	Thorp,
Burton, Mo.	Harmer,	Miller, W. Va.	Tracewell,
Calderhead,	Harrison,	Milliken,	Treloar,
Cannon,	Hart,	Milnes,	Turner, Ga.
Chickering,	Hatch,	Minor, Wis.	Updegraff,
Clark, Iowa	Hemenway,	Mitchell,	Walker, Va.
Clark, Mo.	Henderson,	Mondell,	Wanger,
Clarke, Ala.	Hendrick,	Money,	Warner,
Cockrell,	Henry, Conn.	Moody,	Watson, Ohio
Codding,	Henry, Ind.	Murphy,	White,
Connolly,	Hepburn,	Overstreet,	Wilson, Idaho
Cook, Wis.	Hilborn,	Owens,	Wood,
Cooke, Ill.	Hill,	Parker,	Woodard,
Cooper, Wis.	Hooker,	Payne,	Woodman,
Crowther,	Hopkins,	Pearson,	Yoakum.

NAYS—44.

Atwood,	Fitzgerald,	Mahany,	Richardson,
Baker, Md.	Gibson,	Mahon,	Robertson, La.
Baker, N. H.	Hermann,	McCreary, Ky.	Skinner,
Catchings,	Hicks,	McCulloch,	Sparkman,
Clardy,	Hunter,	McDearmon,	Sulloway,
Cobb,	Johnson, Cal.	McMillin,	Terry,
Cooper, Fla.	Kerr,	Noonan,	Van Horn,
Cooper, Tex.	Latimer,	Ogden,	Walker, Mass.
Cummings,	Lester,	Otey,	Wellington,
Evans,	Lewis,	Patterson,	Williams,
Fairchild,	Little,	Pendleton,	Wilis.

[Here the hammer fell.]

tions of war. They are for stores, corn and oats, cattle, and other

NOT VOTING—138.

Abbott,	Fischer,	McClellan,	Snover,
Acheson,	Foote,	McCormick,	Southwick,
Adams,	Foss,	McEwan,	Spalding,
Aitken,	Fowler,	McLaurin,	Spencer,
Anderson,	Gamble,	McRae,	Stahle,
Apsley,	Gillett, Mass.	Meiklejohn,	Steele,
Barham,	Griswold,	Meredith,	Stephenson,
Barrett,	Hadley,	Meyer,	Stone, C. W.
Bartholdt,	Halterman,	Miles,	Stone, W. A.
Bartlett, Ga.	Hanly,	Miller, Kans.	Strait,
Bartlett, N. Y.	Harris,	Miner, N. Y.	Strode, Nebr.
Berry,	Hartman,	Morse,	Sulzer,
Black, Ga.	Heatwole,	Moses,	Swanson,
Black, N. Y.	Heiner, Pa.	Mozley,	Taft,
Bowers,	Hitt,	Murray,	Tate,
Bromwell,	Howard,	Neill,	Tayler,
Brosius,	Hubbard,	Newlands,	Towne,
Burton, Ohio	Huff,	Northway,	Tracey,
Coffin,	Huling,	Odell,	Tucker,
Colson,	Hull,	Otjen,	Turner, Va.
Corliss,	Hutcheson,	Perkins,	Tyler,
Cousins,	Hyde,	Pickler,	Underwood,
Cowen,	Johnson, Ind.	Powers,	Van Voorhis,
Cox,	Jones,	Price,	Wadsworth,
Crisp,	Kendall,	Ray,	Washington,
Crowley,	Kyle,	Reyburn,	Watson, Ind.
Curtis, N. Y.	Lawson,	Robinson, Pa.	Wheeler,
Danford,	Leisenring,	Royse,	Wilber,
De Armond,	Linney,	Rusk,	Wilson, N. Y.
Denny,	Livingston,	Sauerhering,	Wilson, Ohio
Dinsmore,	Lorimer,	Settle,	Wilson, S. C.
Dolliver,	Loudenslager,	Shannon,	Woomer,
Doolittle,	Maddox,	Shaw,	Wright.
Dovener,	Marsh,	Shuford,	
Ellett,	McCall, Mass.	Smith, Mich.	

So (two-thirds voting in favor thereof) the motion of Mr. CANNON was agreed to, and the bill was passed.

The following additional pairs were announced:

For this day:

Mr. LOUDENSLAGER with Mr. ABBOTT.

Mr. LEISENRING with Mr. TUCKER.

On this vote:

Mr. CHARLES W. STONE with Mr. OTJEN.

Mr. KYLE. I am paired with the gentleman from California, Mr. BARHAM. I desire to be noted as present.

Mr. TATE. Mr. Speaker, I wish to inquire how I am recorded.

The SPEAKER. The Clerk informs the Chair that the gentleman is not recorded.

Mr. TATE. I was present during the roll call and did not hear my name.

The SPEAKER. Was the gentleman listening?

Mr. TATE. I was here in my seat during the roll call.

The SPEAKER. Was the gentleman listening at the time when his name should have been called, and did he fail to hear it?

Mr. TATE. I was present and failed to hear my name called.

The SPEAKER. The Chair desires to say that in matters of this kind he simply enforces the rule of the House. The exception under which gentlemen are allowed to have their votes recorded after the roll call rests upon the idea that by some mistake the name was not called. The object of the rule is to command the attention of members during the vote. The gentleman, understanding now the state of the case, can answer as he thinks correct.

Mr. TATE. I did not hear my name. I was in my seat and attending all the time.

The SPEAKER. The Chair thinks that the gentleman can not vote under the rule.

Mr. TRACEY. I should like to vote.

The SPEAKER. Was the gentleman present and listening at the time when his name should have been called, and did he fail to hear it?

Mr. TRACEY. I was listening and did not hear it. A member sitting close to me heard it and called my attention to the fact after my name had been passed. I did not hear it myself.

The SPEAKER. The gentleman's name having been called, the Chair can not entertain his request to vote now.

Mr. TRACEY. I was listening for my name and did not hear it.

The result of the vote was announced as above stated.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. I rise to present a conference report, which I send to the desk.

The Clerk proceeded to read the report, but was interrupted by

Mr. CANNON. I ask that the accompanying statement of the conferees be read in lieu of the report.

The Clerk read the following statement of the House conferees:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the sundry civil bill submit the following written statement in explanation of the action recommended in the accompanying conference report on each of said amendments, namely:

On No. 96: Appropriates $325,000, instead of $250,000 as proposed by the House and $400,000 as proposed by the Senate, for surveying public lands.

On Nos. 140 and 141: Makes the appropriation for improving the canal at the cascades of the Columbia River available for continuing the work, as proposed by the Senate, instead of completing, as proposed by the House, and strikes out the provision proposed by the Senate requiring that $20,000 of said appropriation be applied to certain work proposed in the modified project of October 18, 1894.

The committee of conference have been unable to agree on the following amendments, namely:

On Nos. 2, 3, 4, 6, 7, 8, 13, 15, 16, and 17, relating to public buildings, as follows:

Boise City, Idaho, increasing limit of cost from $150,000 to $300,000, and appropriating $50,000;

Camden, N. J., increasing limit and appropriating $25,000;

Cheyenne, Wyo., increasing limit from $150,000 to $250,000, and appropriating $50,000;

Fortress Monroe, Va., for post-office building, $15,000;

Helena, Mont., increasing limit from $150,000 to $300,000, and appropriating $50,000;

Kansas City, Mo., increasing limit from $1,200,000 to $1,316,000;

Omaha, Nebr., appropriating $100,000, instead of $70,000, as proposed by the House;

St. Paul, appropriating $125,000, instead of $60,000, as proposed by the House;

Savannah, Ga., increasing limit $100,000, and appropriating $25,000; and

Salt Lake City, Utah, appropriating $75,000 for site and commencement of building.

On amendment numbered 32, appropriating $15,000 for a light-house on Swan Island, in the Caribbean Sea.

On amendment numbered 61, appropriating $250,000 for an additional fire-proof building for the use of the National Museum.

On amendment numbered 97, relating to the reclamation of arid lands.

On amendment numbered 109, appropriating $35,000 to enable the Government to take part in the International Exposition at Brussels, Belgium.

On amendments numbered 122, 123, and 124, relating to the price to be paid for gas lamps in the public grounds.

On amendments numbered 146 and 147, relating to the support and medical treatment of destitute patients and to the Providence and Garfield hospitals.

On amendment numbered 161, relating to the disbursement of appropriations for the National Home for Disabled Volunteer Soldiers.

J. G. CANNON,
E. J. HAINER,
JOSEPH D. SAYERS,
Managers on the part of the House.

Mr. CANNON. I move the adoption of the conference report.

Mr. RICHARDSON. I do not think the report has been read. We ought to hear it, if there is any. It has not been read.

Mr. CANNON. I understood that the reading was waived. I asked that the statement might be read.

The SPEAKER. As the Chair is informed at the Clerk's desk, the gentleman from Illinois requested that the reading of the conference report be omitted.

Mr. RICHARDSON. Did the Chair submit the request?

The SPEAKER. The Chair did not submit it. The conference report must be read if objection is made.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as fo lows:

That the Senate recede from its amendment numbered 141.

That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$325,000"; and the Senate agree to the same.

The committee of conference have been unable to agree upon the amendments of the Senate numbered 2, 3, 4, 6, 7, 8, 13, 15, 16, 17, 32, 61, 97, 109, 122, 123, 124, 146, 147, and 161.

J. G. CANNON,
E. J. HAINER,
JOSEPH D. SAYERS,
Managers on the part of the House.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the report.

Mr. LESTER. I wish to know whether the adoption of the report will cut off other questions that may arise as to amendments not agreed to.

Mr. CANNON. Let us close up the matter by adopting the conference report on the matters on which we have agreed.

Mr. LESTER. I wish to ask the Speaker——

Mr. CANNON. I will say to the gentleman from Georgia [Mr. LESTER] that there has been no agreement in regard to the public building at Savannah, Ga., and that will not be affected by the vote on the adoption of the report.

Mr. LESTER. I wish to ask the Speaker what will be the effect of agreeing to the conference report—whether the amendment to which the gentleman from Illinois has referred will go back immediately to conference, or whether I can ask a vote of the House upon concurring in that amendment?

The SPEAKER. Agreeing to the conference report will not send back to conference amendments still in controversy without a further order of the House.

The question being taken, the report of the committee of conference was agreed to.

Mr. CANNON. Mr. Speaker, I move that the House further insist on its disagreement to the amendments of the Senate, as specified in the report, and agree to the conference asked by the Senate.

Mr. LACEY. Mr. Speaker, I move to recede from the disagreement to No. 97——

The SPEAKER. Does the gentleman yield?

Mr. CANNON. The gentleman from Iowa, I understand, desires a separate vote on one of the amendments, and wishes to make a motion, and I suppose the gentleman from Georgia [Mr. LESTER] also desires to make a motion to recede from the disagreement to another amendment.

Mr. LACEY. I wish to call the attention of the House to amendment 97, and propose to move to concur in that amendment.

Mr. LESTER. I move to concur in amendment 16, on the Savannah post-office building.

Mr. HARTMAN. Mr. Speaker, I move that the House recede from its disagreement to the Senate amendments numbered 2, 3, 4, 6, 7, 8, 13, 15, 16, and 17, being the public building amendments.

Mr. CANNON. Does the gentleman want a separate vote on each amendment?

Mr. HARTMAN. No; let it be in bulk.

Mr. CANNON. Oh, well, I guess we will possibly get along better by letting each case stand on its own merits. We must have a separate vote.

The SPEAKER. The Chair understands a separate vote is asked on the amendments named by the gentleman from Montana, and also on amendments 97 and 16. The Chair will submit the question on the other amendments.

The question being submitted, the House insisted on its disagreement to the other amendments.

The SPEAKER. The Clerk will now read amendment numbered 2, on which a separate vote is demanded.

Mr HARTMAN. Are we not entitled to have a vote on my motion as a whole?

The SPEAKER. The Chair thinks, the gentleman from Illinois having demanded a separate vote on the amendments, that they must be voted on in detail, each one of the amendments standing by itself. The Clerk will read amendment numbered 2.

The Clerk read as follows:

On page 2, after line 8, insert:

"For public building at Boise City, Idaho: For continuation of building, $50,000; and the limit of cost of said building and site is increased from $150,000 to $300,000."

The question being taken on the motion of Mr. HARTMAN to recede from disagreement, it was rejected.

So the House insisted upon its disagreement.

Mr. HARTMAN. In order to save the time of the House, the temper of the House being evidenced by the vote just taken, I will withdraw the demand for a separate vote on the other amendments.

The SPEAKER. The gentleman from Montana withdraws the demand for a separate vote, and as the Chair understands it, separate votes are only asked on amendments 16 and 97.

Mr. KEM. Do I understand, Mr. Speaker, that unanimous consent is asked to withdraw the demand for a separate vote?

The SPEAKER. Unless the gentleman from Nebraska demands a separate vote, it will not be taken on any of them.

Mr. KEM. I shall object to unanimous consent to withdraw.

Mr. CANNON. The gentleman has a right to withdraw the demand.

The SPEAKER. It is withdrawn; and the disagreement to these amendments, except 16 and 97, will be considered as insisted upon.

There was no objection.

Mr. LESTER. Now, Mr. Speaker, I ask a separate vote on amendment numbered 16, the other amendments having been nonconcurred in.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 3, after line 14, insert:

"For court-house at Savannah, Ga.: For completion of building, $25,000; and the limit of cost of said building is increased $100,000."

Mr. CANNON. I yield to the gentleman from Georgia for five minutes.

Mr. LESTER. Mr. Speaker, I move that the House concur in this amendment.

In reference to this matter I have stated to the House on a former occasion the situation of that public building. Ten years ago this building was provided for, and shortly afterwards the erection was begun. Last year the foundation of the building—the first story, as it is called—was completed. Bids were then called for for the completion of the building, and also for finishing the face of it in marble to correspond with the ideas of the structure that ought to have been erected at that place, and for the purpose for which it is intended, namely, a court-house, post-office, and public building of the United States.

It turned out during the progress of the work that a site had been purchased and the building commenced, which was unsatisfactory. Afterwards an exchange was made for another site, and in the exchange the appropriation lost about $100,000. The consequence of this is that, instead of being able, so the Secretary of the Treasury informs me, to finish the building in marble or stone, they can finish it only in brick, as the limit of cost will not permit the other material to be used. That, however, is a fault lying in the fact that a loss was made on account of the $400,000 provided for in the first instance, because of the reason I have already stated, and unless the limit is extended to give to the Secretary the amount of money sufficient to complete the building in marble it will have to be completed in brick.

Now, we think, Mr. Speaker and gentlemen, that such a building ought not to be completed in that way. We do not think a Government building of that kind, in such a place, should be limited in cost so as to require the structure to be completed of brick, which is not suitable for the purpose. In order, however, that that shall be done this limit of cost must be extended. I will say to the House that bids were submitted both for brick and marble. It turned out that the bid for marble was more than the limit would allow, and the consequence was that the bid for brick was accepted. Afterwards it was discovered that the brick would not be suitable, and the contractor, at the instance of the Secretary of the Treasury, suspended his right to proceed with the contract until June 1, in order to give Congress an opportunity to extend the limit of cost of this building, so as to permit it to be built as it ought to be built. That time is now up. The Secretary of the Treasury has made an arrangement with the contractor to wait for two or three days more. At the end of that time he will go on with the construction of brick, because he has a right to insist upon his contract. He is willing to complete the contract in marble, provided the amount allowed by Congress is sufficient to pay him for doing it. That is the situation of affairs.

I ask that the Senate amendment which provides for the extension of the limit of cost for that purpose, and that purpose alone, be concurred in. I ask that the House recede from its disagreement and concur in the amendment of the Senate to that effect.

Mr. CANNON. Mr. Speaker——

Mr. GROSVENOR. I should like to know from the gentleman from Illinois [Mr. CANNON] how much is involved in all this disagreement between the two Houses.

Mr. CANNON. About $125,000 for a National Museum down here, and, I suppose, a matter of about five or six hundred thousand dollars on other buildings.

Mr. GROSVENOR. Somebody, in the end, will have to get down, of course.

Mr. CANNON. Yes.

Mr. GROSVENOR. Would it not be better for us to get down here, and let the other fellows get down part way?

Mr. CANNON. If the gentleman can reconcile this House to getting down on the public-building propositions, I have no objection.

Mr. GROSVENOR. I should like to aid the committee in reaching a conclusion.

Mr. CANNON. I want to be entirely frank. I think the gentleman from Ohio [Mr. GROSVENOR] could not have been present during all the time of the contest about this bill. The limit is broken for public buildings at Savannah, Camden, Kansas City, and three points in the Western States. A new building is authorized at Salt Lake. Now, there is no Senate amendment breaking the limit at Omaha or St. Paul, or any one of probably twenty or twenty-five other places where there are public buildings authorized and where gentlemen desire increases. There is no amendment for the public building in my district, nor any at Akron, Ohio; and so with reference to other places all over the country.

Mr. GROSVENOR. There is also a lack at Chillicothe, in my district, too.

Mr. CANNON. Yes. Now I want to say to the gentleman that I have no opinion about this contrary to the wishes of the House. I have said to the House time and again that if these public-building matters were receded upon, the House must do it; that as long as I was a conferee I would not assent to making a report that receded——

Mr. GROSVENOR. Without a vote of the House.

Mr. CANNON. Certainly. Now, let me say to the gentleman that the Senate, through its courtesy to various Senators, is standing pat, if I may use that word.

Mr. GROSVENOR. I do not understand that.

Mr. CANNON. Well, I will educate the gentleman if he will come around and see me this evening. [Laughter.]

Mr. MILLIKEN. How much will the gentleman's education probably cost him? [Laughter.]

Mr. CANNON. Now, a word. The Senate proposes legislation as well as appropriation in every one of these amendments. The rule between the House and the Senate has always been that where one body, on a general appropriation bill, proposes legislation and the other body will not agree to it, the body proposing the legislation recedes. Now, by that rule, if the House is stubborn and does not recede on this legislation authorizing these buildings, why, the Senate will have to recede. If, however, the House desires to recede, I hope it will do so at once.

Mr. GROSVENOR. I understand there is one of these buildings at Camden, one at Savannah, one at Kansas City, and one at Salt Lake City.

Mr. CANNON. Yes; and one at Boise City, one in Montana, and one at Cheyenne. There is also one at Salt Lake City, and the National Museum down here.

Mr. GROSVENOR. Well, the National Museum can wait.

Several MEMBERS. They can all wait.

Mr. CANNON. The Senate says it can not wait. I want the House to understand fully what the situation is, now that we all want to go home. If the House does not recede, then the other body, proposing the legislation, will recede, if it follows the unvarying rule. If, however, the House wants to recede, amen. So far as I am individually concerned, it is immaterial to me.

Mr. HENDERSON. Will the gentleman permit me to ask him a question?

Mr. CANNON. Yes.

Mr. HENDERSON. I understand that no public-building bills have been reported to the House at this session because of the condition of the Treasury.

Mr. CANNON. I know they have not reported one for Joliet, and none other.

Mr. HENDERSON. And no other bills have been reported on the part of the House.

Mr. CANNON. That is correct.

Mr. HENDERSON. If we recede, then the Senate accomplishes what we have refused to members of the House.

Mr. CANNON. Yes, sir.

Mr. GROSVENOR. Have not they accomplished their purpose on the naval bill?

Mr. CANNON. Not yet.

Mr. BOUTELLE. Oh, no; I hope not.

Mr. GROSVENOR. And do not they accomplish their purpose generally? Do not they insist; and usually do not they hold on and hold on, and after wearying ourselves out we finally yield to the Senate?

Mr. HENDERSON. Let us hold them down until we can take care of ourselves.

Mr. CANNON. I ask for a vote.

Mr. LESTER. I would like to have a few minutes more.

Mr. CANNON. I will yield the gentleman a minute. We have yet amendments where there is a real contest.

Mr. LESTER. Mr. Speaker, as I understand the question it is simply on this amendment, numbered 16, providing for a building at Savannah. I do not understand, Mr. Speaker, that this House has committed itself in any manner or shape to the proposition that it will not vote for a public-building bill at this session. The Committee on Public Buildings and Grounds agree to this very bill. They agreed, I understand, that they would not bring bills into this House for consideration; but the House has never committed itself; the House has said nothing; the House has done nothing on that subject whatever; and if the Committee on Public Buildings and Grounds has at any time objected to the way in which these public buildings have been placed upon this bill, I think I can say to the gentleman from Illinois that the Committee on Public Buildings and Grounds, since ten, at least, public-building bills have been put on in Senate amendments, they are not now so opposed to them as they were before. The only idea for not reporting these bills, as I understand it, is this, that inasmuch as the temper of the House was such that they could not get through their public-building bills, and could not get a day for their consideration, they had best not report back any bills on account of the opposition in this House. But I beg to state that the House itself here has already receded from its disagreement to the amendments in a number of cases. [Cries of "Vote!"]

The SPEAKER pro tempore. The time of the gentleman has expired. [Cries of "Vote!" "Vote!"] The question is on the motion of the gentleman from Georgia that the House recede from its disagreement to the Senate amendment and concur.

The question was taken; and the Speaker pro tempore announced that the noes seemed to have it.

Mr. LESTER. I call for a division, Mr. Speaker.

The House divided; and there were—ayes 67, noes 90.

So the House refused to concur, and insisted upon its disagreement.

The SPEAKER pro tempore. The Clerk will report amendment numbered 97.

The Clerk read as follows:

That under any law heretofore or hereafter enacted by any State, providing for the reclamation of arid lands, in pursuance and acceptance of the terms of the grant made in section 4 of an act entitled "An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1895," approved August 18, 1894, a lien or liens is hereby authorized and shall be valid on and against the separate legal subdivisions of land reclaimed, for the actual cost and necessary expenses of reclamation and reasonable interest thereon from the date of reclamation until disposed of to actual settlers; and when an ample supply of water is actually furnished in a substantial ditch or canal, or by artesian wells or reservoirs, to reclaim a particular tract or tracts of such lands, then patents shall issue for the same to such State without regard to settlement or cultivation: *Provided*, That in no event, in no contingency, and under no circumstances shall the United States be in any manner directly or indirectly liable for any amount of any such lien or liability, in whole or in part.

Mr. LACEY. Mr. Speaker, I move to concur in this amendment with an amendment which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Concur in amendment numbered 97 with an amendment as follows: Strike out the word "and," in line 11, page 65, and insert the following: "To be created by the State to which said lands are granted, and by no other authority whatever, and when created."

Mr. CANNON. I yield the gentleman five minutes.

Mr. LACEY. Mr. Speaker, I do not know whether I can make this matter clear to the House in five minutes or not. This is a very important amendment, and one which, in my judgment, ought not to have been inserted in an appropriation bill; but we find it here, and it has been in repeated conferences. The Committee on Appropriations were desirous to obtain the views of the House upon this particular amendment. What was known as the Carey Act was passed in 1894, giving each of the States that had arid lands a million acres of land, with the requirement that the State should irrigate that land, make the necessary ditches, prepare the land for cultivation, and dispose of the land to actual settlers, and when the actual settlers occupied the land that then the patents should issue to the purchasers.

It has been found impracticable and impossible under that law for States such as Wyoming and Montana and others to comply with the terms of the law. They have constitutional provisions forbidding them to incur indebtedness exceeding $100,000, the most of which has already been exhausted. The limit has been either reached or so nearly reached that they are unable to borrow the money on the credit of the State so as to construct the necessary irrigating ditches. It is proposed now by this amendment to authorize those States to provide means by which liens can be created upon the land to be irrigated, and that those liens shall be enforced up to the time that the land is patented to the settler; and also to modify the Carey Act to the extent of providing that when the water and the irrigating ditches have been arranged so as to irrigate the land properly then patents to the land may issue at once.

Mr. HENDERSON. Is there not danger that large syndicates may get in there and monopolize the water?

Mr. LACEY. That would be within the control of the States; but that, I suppose, might be the result of this system. In fact it is impracticable to irrigate these very large tracts of land in a body without extensive and expensive reservoirs and ditches. It takes a large amount of capital to construct those reservoirs and ditches, and when the capital is put in, of course it involves combinations of capital. The proposition here is to make extensive reservoirs and ditches, and I repeat it is impossible to do that without combinations of capital. So that on the one hand we invite combinations of capital and on the other we say that we do not desire that they shall be made. The result has been that this barren land has remained unoccupied, and it will continue to be so and the States will be unable to avail themselves of the benefits of the Carey Act unless there is some such legislation as this.

Mr. HERMANN. If the gentleman will permit me, I will say that the experience of the arid land regions demonstrates the fact that money can not be obtained for purposes of irrigation until the General Government has given its assent to the creation of these liens, and I will add that this legislation is in accord with the general desire of the people of those States.

Mr. BRUMM. What is to prevent the States themselves from doing this?

Mr. LACEY. The States have constitutional provisions limiting their indebtedness, and it is impossible for them to borrow the necessary money. This land at present is utterly worthless. Nothing will grow upon it but sagebrush, and no living thing but lizards; but when the water is turned upon it, it blossoms like the rose. We have instances in Utah, in Montana, in Wyoming, in Arizona, and in New Mexico, where the most beautiful and fertile fields in the world have been reclaimed from this condition, and the States wish to have the experiment tried on a large scale.

My friend the chairman of the Committee on Appropriations [Mr. CANNON] has been unwilling to take up this matter. He has objected to this legislation, not because he thought it was bad legislation or because he was dissatisfied with the form in which it was proposed by the Senate, but because he thought that land legislation ought not to be incorporated in a general appropriation bill. He has, therefore, invited gentlemen connected with the Public Lands Committee to give this matter investigation so that he might have the benefit of their labors in that direction and might be aided in determining whether the proposed legislation would be beneficial or whether it would be wise to enact it. I have taken pains in this irregular way to confer with the representatives of those States and Territories——

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. I yield the gentleman from Iowa three minutes more.

Mr. LACEY. I have taken pains to confer with the Delegates and Representatives from these States in regard to this proposed amendment and also with gentlemen connected with the Committee on Arid Lands, and I think the amendment is a good one. The original Carey bill was a part of the sundry civil bill of 1894, and that was the difficulty about it. Having been put hastily into an appropriation bill, it was left in a crude form. I believe that this amendment of the Senate, with the amendment which I have just sent to the Clerk's desk, and which does not create the liens, but authorizes the States to enact laws by which liens can be created, will accomplish the desired result and enable these States to take these great bodies of land and try the experiment in good faith. If it should succeed, no doubt it will be deemed wise to convey to them further tracts of this land for the same purpose, and if it fails the Government will have lost nothing, because the land in its present condition is worth nothing.

A MEMBER. And this carries no appropriation?

Mr. LACEY. It carries no appropriation.

Mr. GROSVENOR. I wish to ask the gentleman from Illinois a question. Was this amendment put into this bill by the Senate?

Mr. CANNON. Certainly.

Mr. GROSVENOR. Is it not in the nature of new legislation?

Mr. CANNON. Certainly.

Mr. GROSVENOR. Is it competent, under our rules, on an appropriation bill?

Mr. CANNON. If it originated in the House it would not be; but, unfortunately, we can not get rid of a Senate amendment by a point of order under our rules.

Mr. GROSVENOR. Is it competent to have this Senate amendment put on the bill, and then to have new legislation added in the form of an amendment to that Senate amendment?

Mr. CANNON. If you consider it at all, it is competent to amend it.

Mr. GROSVENOR. Then this question of the Appropriations Committee standing firm in its opposition to new legislation depends upon the character of the new legislation?

Mr. CANNON. Not at all; and the gentleman is not just to himself or me when he makes that suggestion. I did not invite, nor did the House invite, this amendment. It is here. It is far reaching and important, covering the whole arid section. The Senate insists on this amendment being considered by the House. I went to the chairman of the Committee on Public Lands [Mr. LACEY] two or three days ago and told him I knew nothing about the matter, and asked him to consider it. I have gone to other gentlemen and said: "If this thing is to go, it ought to go in safe form." And the gentleman from Iowa [Mr. LACEY], exercising now his right as a member, moves that the House agree to the Senate proposition with an amendment. I can not help it. If the House wants the amendment of the Senate to go off the bill, let it say so, and I will insist that it go off so long as I may be continued as its servant. If the House wants to perfect the amendment, well and good. It is only along that line—obeying the will of the House so far as I can—that I am exercising all the patience I can in the premises.

Mr. GROSVENOR. I am in favor of the amendment and will vote for it, but I wanted to point out the fact that it makes considerable difference what the "new legislation" is.

Mr. CANNON. Oh, the gentleman is too old a legislator to show his resentment because an amendment that he was attached to has been "turned down."

Mr. GROSVENOR. I am an old enough member to know that it is just as incompetent to amend with "new legislation" an amendment of the Senate as it is to originate "new legislation" in the House.

Mr. CANNON. On the contrary, the gentleman when he makes that statement betrays his utter lack of parliamentary knowledge. On this proposition anything that is germane is in order as an amendment, the original amendment being before the House for consideration.

Mr. LACEY. The gentleman from Ohio could have made a point of order, if he thought it well taken.

Mr. GROSVENOR. I did not want to do so. I am in favor of the amendment.

Mr. CANNON. I now yield for a moment to the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Speaker, under the Carey Act each State, upon making certain improvements, is entitled to certain arid lands. That law has been found to be inoperative on account of the fact that large capital is required to undertake the reclamation of the arid lands. The amendment now proposed by the chairman of the Committee on Public Lands proposes to allow the legislatures of the States to authorize liens to be made so that capital can undertake the construction of these canals for the purpose of reclaiming the arid lands. This amendment offered by the chairman of the Committee on Public Lands proposes to perfect the Carey law and make it operative. It seems to me it should be adopted unanimously.

Mr. CANNON. I now yield five minutes to the gentleman from Nebraska [Mr. HAINER].

Mr. HAINER of Nebraska. Mr. Speaker, I think the legislation contemplated by these amendments is exceedingly dangerous, and that the House should be very slow in adopting it. I recognize the fact that the Carey Act as it now stands is inoperative. I also recognize the fact that these arid lands are practically of no avail without irrigation. I also recognize the very strong desire on the part of the people of the arid States that substantially this amendment be incorporated into law. Yet the constant policy of the Government in the past has been—and I think wisely so—to prevent the accumulation of vast bodies of lands in single holdings; in other words, it has been our policy that land monopolies should as far as possible be prevented.

The Carey Act cedes practically a million acres of land to each of the arid States for the purpose of reclaiming arid lands. The amendment proposed by the gentleman from Iowa would allow the legislatures of the States to make contracts with syndicates for such reclamation. This authority, I ask gentlemen to recollect, is to be given by the State legislatures. These legislative bodies are made up of gentlemen from various parts of the Commonwealth having no special interest in any particular tract of land, so that logrolling is practically invited. Even the Congress of the United States is not free from logrolling, as I have observed in the last few days. In the provision now pending you in effect place a special premium upon logrolling.

The argument is made that these lands are worth nothing without water. But the right to the water is given to the first appropriator of the lands under the law of these States. It follows that you give a practical monopoly of the water to the first company that may build the ditch. You give such company a lien on the land for the contract price, which may be fixed by the act of the legislature, and you make that a perpetual lien running at interest. I submit if we wanted to place these lands in single holdings in tracts of a million acres each we could not devise a better method than this. I simply point out this fact, and reenforce the suggestion already made that it is bad policy, fraught with great danger, to legislate on a matter of so much importance, involving millions of acres of land, on an appropriation bill under circumstances which do not permit the proposed legislation to be carefully considered and properly guarded. The greatest and most obnoxious monopolies of the past have been land monopolies. We should not in this hasty manner give life to the most stupendous land monopolies of the age.

I trust that the House will not pass this legislation here and now. It is a dangerous matter to deal with in this way. We will return here in December. There is no special hurry about it. There is no special demand at this time for any increased output of agricultural products in this country. Their prices are all low enough now, God knows. There is no crying need for this legislation. We can wait until next winter, then formulate legislation which will be safe and well guarded in the ordinary and business manner. I trust, therefore, that the amendment will be promptly voted down by the House.

Mr. HENDERSON. Have you any objection to the amendment proposed to the amendments of the Senate?

Mr. HAINER of Nebraska. Certainly.

Mr. HARTMAN. If the gentleman will permit me, I understand him to say that rather than take the chances of having the legislatures of the States make a proper contract with parties with reference to these irrigation matters, he will be entirely willing to let the waters still run to waste and continue on their way down to the sea without being utilized at all.

Mr. HAINER of Nebraska. What I say is that this is not a proper way to enact legislation of such an important character. I say further it is most dangerous to delegate to any legislative body the creation of such stupendous liens.

Mr. HARTMAN. Let me say to the gentleman that the failure now to adopt such a proposition as this will result in the suspension of the operations of four or five State enterprises—enterprises of magnitude in my own State, which will be precluded from further working during this entire summer.

Mr. HAINER of Nebraska. I make no question but that it would be temporarily hard on some such enterprises. But in the end I claim that it is for the interest of the people of this country.

Mr. OWENS. Does the gentleman think there is a good chance to get irrigation in that region without a combination of capital to produce that result?

Mr. HAINER of Nebraska. I hope so.

Mr. HARTMAN. It is impossible, let me say to the gentleman, for a man owning 160 acres of land to build an irrigating ditch 12, 15, 20, or even 30 miles long, as he must do in some cases, to take the water to his land and be able to make it a paying investment. The expense is too great for any man owning so small a tract of land.

Mr. HAINER of Nebraska. Well, the gentleman from Montana, like myself, is a lawyer, and not a practical irrigator. He probably knows very little about that subject.

Mr. HARTMAN. I beg the gentleman's pardon. I am also a lawyer, but I have had a great deal of experience in this matter, and I would state to the gentleman that I have probably tried more irrigating suits than the gentleman has ever had any connection with.

Mr. HAINER of Nebraska. That is probably true, for I have never tried any.

Mr. HARTMAN. And I am now the attorney for three large irrigating companies that are engaged in business out there. I have been all over that region and I know the difficulties that surround this subject.

Mr. HENDERSON. Do the laws of the State endeavor to protect their own citizens against unjust discriminations in this matter?

Mr. HAINER of Nebraska. They do as far as they can.

Mr. LACEY. I would ask the gentleman from Nebraska if he would not leave this subject to the State, to which he seems to object, where would he leave it?

Mr. WILLIAMS. And does not the objection go to the right of popular action in that matter?

Mr. HAINER of Nebraska. My point is simply this: You propose to put a vast body of land, millions of acres of land, in the hands of the legislatures of the States to be disposed of by contract, and you start out on the theory that the land is worthless. Now, I am combating that theory. That has been our theory in the past, under which we have made grants of immense bodies of our public lands which we afterwards regretted—grants made in haste and repented at leisure. We ought to go slow in this matter, in the light of our experience in the past, and not act ill advisedly, or without consideration on the part of the House, or on the part of its committees, and without taking the testimony of experts; but in this hurried manner, in the closing days of the session, place such legislation as this on the statute books—legislation that is not wholly or properly matured.

Mr. SHAFROTH. Have you any plan by which this can be accomplished other than that suggested by the gentleman from Iowa?

Mr. HAINER of Nebraska. No; I have not a plan, and I want time—that is the very essence of the matter—I want time in which the House may perfect a plan in order to meet the very difficulties that I apprehend will arise if action of this hurried and inconsiderate nature is taken.

Mr. LACEY. There is no other way than this, as far as I am able to understand.

Mr. WILLIAMS. None whatever.

Mr. CANNON. I yield now a few minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I have much more confidence in the legislatures and the people of the arid States than the gentleman from Nebraska [Mr. HAINER] seems to have. I believe it is entirely safe to provide that the legislatures of the arid-land States shall pass such laws as may tend to the irrigation, cultivation, reclamation, and settlement of the lands within their borders.

The question of the irrigation of lands in the Western States and Territories is a paramount issue, perhaps the most important of all the questions that come before our people in that region for solution at the present time. These matters have been discussed for years. Our people fully understand the conditions that surround us and the difficulties of irrigating those tracts of arid lands still left to be irrigated. I know that in my own State and in all the Western States, so far as the legislatures have acted upon the question of irrigation of the arid lands and the distribution of water, there can be no question about the laws passed having been such as to absolutely protect the citizen holding small tracts of land in his water rights.

The Carey land act, passed by the last Congress, was intended to provide for the irrigation of large tracts of land in the various States and Territories that could not be irrigated by small holders in small tracts. The time has passed, in most of the Western States, when the individual holder, the small farmer, can extend further the irrigation systems. The tracts of land lying along the mountain streams have long since been filed upon, and where ditches could be taken out at a moderate cost, that has been done. There remain vast tracts of bench lands, back some distance from the larger streams, requiring the expenditure of a vast amount of capital for their irrigation. It is absolutely necessary that, in inviting capital to the irrigation of these vast tracts, we shall make such provision as shall absolutely insure to capital a fair return on the investment made. We simply provide in this amendment that the State shall pass such laws as will adequately protect both the capitalists and the small holders of land.

Now, in regard to the water laws, the gentleman from Nebraska says that the prior appropriator has the use of the water, and that thereby we create a monopoly. Not at all; the water, when diverted to the land, becomes appurtenant thereto. The land can be patented only to actual settlers, in tracts not exceeding 160 acres each. The settler is absolutely protected, and there is no possibility of monopolistic holdings.

Mr. HAINER of Nebraska. This very amendment proposes a perpetual lien——

Mr. LACEY. Not a perpetual lien; a lien until patents issue.

Mr. WILLIAMS. A lien until payment.

Mr. MONDELL. It is but reasonable when capitalists undertake to irrigate vast areas of desert land, which, without irrigation, will absolutely not sustain animal or vegetable life, that they should expect to be reasonably protected in the investment they make. It is only by providing for this protection that we can ever hope to have our country developed. It is true there is no particular need at this time for an increase of the agricultural output, but we of the Western States do not care to be held back by the same argument that for a long time was made with a view of retarding the development of the great interior valley of our country, namely, that there was enough produce raised in the East to supply the nation. This country is developing rapidly; our population is increasing rapidly. It may be that to-day we do not need any more agricultural lands, but shall we say that the time has now come when the magnificent development of this country in an agricultural direction shall cease, because forsooth the Mississippi Valley raises a large quantity of agricultural produce? [Applause.]

Mr. CANNON. Mr. Speaker, I should be glad to have a vote, but before it is taken I want to see if I am correct. The gentleman from Montana [Mr. HARTMAN], the gentleman from Colorado [Mr. SHAFROTH], the gentleman from Wyoming [Mr. MONDELL], who has just spoken, and the gentleman from Utah [Mr. ALLEN]——

Mr. LACEY. And the gentleman from Idaho [Mr. WILSON]——

Mr. CANNON. And the gentleman from Idaho [Mr. WILSON], who represent these arid regions, as I understand it, indorse this Senate amendment with the proposed House amendment. Am I correct?

Mr. HARTMAN. That is correct.

Mr. CANNON. Because in the future, if it breeds evil, I want to wash my hands of it. I do not know anything about it.

Mr. HENDERSON. I want to say to the House that there are two other conference reports ready and that a third will be ready by the time they are disposed of, and if members will stay right here and keep together and keep on with the work we shall get along pretty well this evening. [Applause.]

Mr. SHAFROTH. The Committee on Arid Lands have had this matter under consideration, and we have practically indorsed this same proposition. [Cries of "Vote!" "Vote!"]

Mr. CANNON. With the understanding that these gentlemen indorse this proposition, I ask for a vote.

The SPEAKER. The question is on concurring in the amendment of the Senate numbered 97, with the amendment which has been reported to the House.

The motion was agreed to.

Accordingly, the House concurred in amendment of the Senate numbered 97, with an amendment.

Mr. CANNON. I believe that completes the amendments to that bill.

The SPEAKER appointed as conferees Mr. CANNON, Mr. HAINER of Nebraska, and Mr. SAYERS.

RETURN OF A BILL TO THE SENATE.

The SPEAKER. The Senate has sent to the House the following resolution:

Resolved, That the Secretary request the House to return to the Senate the bill (H. R. 1189) granting a pension to Eliza Standford.

Mr. PARKER. I offer the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved. That the Committee on Pensions be discharged from the further consideration of Senate bill (S. 1189) granting a pension to Eliza Sandford, and that the same be returned to the Senate in accordance with their request.

The resolution was agreed to.

NAVAL APPROPRIATION BILL.

Mr. BOUTELLE. Mr. Speaker, I call up the conference report on the naval appropriation bill.

The Clerk proceeded to read the report.

Mr. BOUTELLE. Mr. Speaker, I would suggest, if it is in order, that a brief statement might save the time of the House.

The SPEAKER. If there be no objection, the gentleman can make a statement.

Mr. KEM. I object, Mr. Speaker.

Mr. BOUTELLE. I reckoned without the gentleman from Nebraska.

The Clerk resumed the reading of the report.

The SPEAKER. The Chair would like the attention of the gentleman from Maine. This is a conference report which has been disagreed to by the Senate.

Mr. BOUTELLE. Yes, sir; it has been disagreed to.

The SPEAKER. What motion does the gentleman make?

Mr. BOUTELLE. The Senate desire the return of the conference report, and request a further conference.

The SPEAKER. Then, the gentleman can reach that by moving that the House agree to the Senate's request.

Mr. BOUTELLE. I desire to make that motion, but I also feel that it is due to the House to state the situation of this bill.

Mr. Speaker, the committees of conference of the House and Senate at the time of the last disagreement had finished the consideration of the bill with the exception of the portion relating to the construction of new ships, and also including the provision in regard to the price of armor plate, some amendments of the Senate in regard to the number of ships that should be built in certain localities, and various other minor provisions. The bill as it came back to the House from the Senate contained an amendment providing that the Secretary of the Navy, in making separate contracts for armor plate, should not make a contract to pay more than $350 per ton, and that if he failed to make contracts at that price he should report the fact to Congress at the next session.

I stated to the House on a previous occasion that the Secretary of the Navy, in an official communication, had called attention to some of the provisions of the amendment which it is thought would lead to confusion, and attention was called to that point by the House conferees, with the purpose of having the difficulties removed. This morning, at a conference on this bill, an agreement was reached between the conferees of the two Houses, based upon a proposition made to your conferees in the nature of a compromise. The compromise consisted in a reduction of the House requirement for the construction of four ships, and an increase over the Senate vote for two ships, to a provision for three battle ships; and accompanying that proposition was a modification of the clause in relation to the purchase of armor, raising the limit of price from $350 to $425 per ton.

It also provided for the contingency to which the Secretary of the Navy had referred in his official letter to the chairman of the Committee on Naval Affairs of this House in regard to the possibility of contractors making bids for the construction not only of the hulls of the ships, but of the armor also, in which case the Secretary thought that a construction of the amendment might be made that would remove entirely the limit of price to be paid for armor to the contractor for the full ship, while the limitation would still be held applicable to any contract made separately for the manufacture of that material. The original amendment provided that the Secretary should not contract at above $350 per ton, and, failing in that, should report the fact to Congress. The compromise amendment included a provision that the Secretary of the Navy be authorized to contract for the armor required for the ships to be authorized this year at a price not exceeding $425 per ton, and also required him to cause an investigation of the whole subject of the cost of armor plates to be made, and to report to Congress at its next session, not later than the 1st day of January.

In view of all the circumstances, especially including and giving prominence to the lateness of the session, in view of the fact that this bill had passed the House of Representatives on the 26th day of March, seventy-two days ago, during nearly all of which time this great public measure has been in the possession of another branch of Congress than that which I am now addressing, your conferees felt that they would be justified, if they could thereby report to the House a final agreement upon this bill, in making concessions to the Senate conferees, and they therefore agreed to the compromise, with such an understanding, however, as could be had under the circumstances that there was no considerable doubt that the compromise would be acceptable to and promptly accepted by the Senate.

I may be permitted to state that the rejection of the conference report was, as I am informed, by only 2 majority, and it seems to have been based entirely upon dissatisfaction with the clause in regard to the price of armor plate. I do not think there is any probability that the conference report would have been disapproved by the Senate on account of the number of battle ships authorized, but a controversy arose over the provisions in regard to armor plate, the limit of price of which had been raised in conference from $350 to $425, and the result is a disagreement to the report and the return of the papers to this House. I feel it my duty, not only to myself and my colleagues on the conference committee, but to the House of Representatives itself, to say, in reply to very serious statements which have been made elsewhere and which are likely to find their way to the public, that neither the House of Representatives nor the conferees whom it has appointed have been in any way responsible for delaying this bill or for insisting upon the fixing of a price to be paid for this war material.

I am entirely frank in saying that, this House having sent to the Senate a naval appropriation bill framed along the customary lines and, in accordance with previous bills, providing an extreme limit for the cost of a ship, beyond which the Secretary of the Navy should not be permitted to make contracts, but within which he is permitted under the law—a very specific and carefully guarded law passed as long ago as 1886—to make contracts with the lowest bidder, after public advertisement, for the construction of vessels and the furnishing of materials, the conferees on the part of the House had no information, and they have not at present any information, such as would justify them in assuming to fix the price that should be paid for armor plate.

Mr. McMILLIN. Does my friend think that the amount fixed by the Senate would not be a fair compensation for the plate?

Mr. BOUTELLE. I will repeat to the gentleman my last sentence, that the conferees on the part of the House, or the Committee on Naval Affairs of the House, have not had and have not now in their possession any such information as would enable them to determine that question. Up to this time it has been regarded as a matter entirely of executive administration. It has been one of those things that Congress has deputed to the executive administration of the Government, just as it has deputed the purchase of the supplies used for the Government service. The only information of which I have even incidental knowledge is in the nature of reports that have reached the public press, and of which I have personal cognizance, that a committee of the other branch of Congress—not the committee from which the conferees on this bill were appointed, but the Committee on Naval Affairs—have made during the present session an investigation in regard to matters connected with the furnishing of armor and cognate matters, and that this amendment which was put upon the naval bill in the Senate was the result of that investigation, or that it represented to a certain degree the conclusions of that committee.

How full their investigation was, how complete their information may have been, I have no means of ascertaining, because I have not known anything about the evidence adduced before them until within a few days, when I was furnished a copy which had been printed for the use of the committee solely. Neither Congress nor the public has had access to the information upon which the Senate amendment was based. For these reasons, Mr. Speaker, your conferees have, throughout the consideration of this measure, simply held the position that they were not sufficiently informed to feel justified in attempting to fix the price at which the Secretary should be permitted to contract for this armor plate.

Mr. McMILLIN. What would be the cost of the armor of one of these battle ships according to the usual contracts?

Mr. BOUTELLE. The armor for the hull—what is known as the hull armor—on the *Kentucky* and *Kearsarge* was estimated by the Bureau to cost about six hundred thousand and odd dollars.

Mr. McMILLIN. And how much for the armor for the other portions of the vessel?

Mr. BOUTELLE. I can not give the figures exactly without consulting papers.

Mr. McMILLIN. Approximately?

Mr. BOUTELLE. Well, the contract price for those two ships for the hulls and machinery, without the armor, was $2,250,000 each. The hull armor was estimated to cost about $600,000, and the armament, which included all of the guns and such portions of the armor as are used for gun defense, was to cost about $2,400,000 more, making a total of $5,300,000.

Mr. McMILLIN. Then it is safe to estimate that the armor cost of one of these vessels is not under a million dollars?

Mr. BOUTELLE. Possibly so. But before I enter into that detail I would like to complete my statement as to the attitude assumed by the conferees of the House. I want to say again that we did not undertake to determine the question of the proper price for armor plate, because we had no data before us to enable us to determine it. Not only have we never had any official communication from the Department requesting us to investigate the matter, but we actually never did investigate it. Therefore, we simply insisted that the whole responsibility for fixing a price for the armor should be assumed by others than ourselves. We were not ready to say that the Secretary should pay a certain price or should not pay a certain price. I desire to say, as a matter of fact, that the original amendment fixing the price of armor at $350 per ton and the amendment made to the bill as reported to the Senate to-day, raising that price from $350 to $425 per ton, were entirely the work of others than the House conferees. We had nothing whatever to do with fixing those terms. But when that proposition came to us coupled with a request that we yield one of the vessels for the sake of an agreement, we yielded to the proposition that came to us from the other body; and that report was made to the Senate.

So I desire, Mr. Speaker, with all the explicitness and all the emphasis that it is possible for me to use, to correct and refute the statement which I must assume was inadvertently made in another place, that the House, through its conferees, has been

throughout these conferences holding the Secretary of the Navy at the mercy of the contractors for furnishing armor plate. We have had nothing whatever to do with that matter, except that when a final proposition comprising two or three factors of compromise and agreement was presented to us we agreed to that compromise, and it was reported to the Senate.

That brings the matter back here with the request for the appointment of a new conference committee. I desire to say that the House conferees have almost exhausted industry and patience, and have drawn unlimited drafts on their good nature, in the endeavor to discharge their duty to this House and to bring about legislation. Under the conditions which obtain here with regard to all these bills, and with which we are all familiar, that is a very difficult task. I ask the House to repose further confidence in its conferees—to accept this report and further insist on its disagreement. I yield for a moment to my colleague on the committee, the gentleman from New York [Mr. CUMMINGS].

Mr. CUMMINGS. Mr. Speaker, in the Fifty-third Congress an investigation into this armor-plate business was made by the Naval Committee of the House. That committee reported a resolution or resolutions asking for the removal of certain plates upon certain battle ships and testing them for the purpose of continuing the investigation. This House unanimously passed that resolution and sent it to the Senate. The Senate put it to sleep. They thus virtually refused the continuance of the investigation. Now the Senate Committee on Naval Affairs has held an investigation on its own hook, and instead of asking a vote of the House on it or anything of that kind, they inject into this naval appropriation bill a provision which, if placed there in this House, would have gone out on a point of order, and they attempt to force that, through the Senate Committee on Appropriations, upon the conferees of the House.

There is hardly an item in this naval appropriation bill placed there by the Senate to which the House conferees have not agreed for the purpose of closing up the business of this session and getting home. The only important item left was the provision in regard to the four battle ships. We have promptly attended the conferences. They have been always delayed on the Senate side. On this side the instant anything was done in the conference committee the House acted promptly. The matter has been held over, just as the matter was held over in the short session of the last Congress, when this House was forced to vote on the naval appropriation bill as it came from the Senate and to accept all their items without even the courtesy of a conference committee. The same pressure, through this shrewd delay, is being placed upon this House to-day.

In a spirit of fairness, in a spirit of justice to the House, and with a due regard to the safety of the country, we to-day accepted a proposition made by the Senate conferees. It was not our proposition. We stood on instructions from the House by 60 majority. We accepted it with the assurance that the Senate would pass it—that there was no doubt about it. But we accepted it with this reservation, that in case the Senate did not accept it the whole matter should stand where it was when we went into conference again this morning—four battle ships under the usual provisions.

I feel that the House should know these facts before voting upon the bill, so as to know where it is standing and whether it is a coordinate branch of this Government or whether we are the satraps and servants of another branch. No more now, Mr. Speaker.

Mr. BOUTELLE. I desire only to add that the naval bill was passed last year under a suspension of the rules at 2 o'clock in the morning, without even being read in this House; that we have in this bill yielded to nearly every amendment that was originally put upon it by the Senate. Many of those amendments were not specially important. But we have exhausted every possible means of extending all parliamentary courtesy to that body. Now, I ask that the House further insist on its disagreement and agree to the further conference asked by the Senate.

The motion of Mr. BOUTELLE was agreed to.

The SPEAKER announced the appointment of Mr. BOUTELLE, Mr. ROBINSON of Pennsylvania, and Mr. CUMMINGS as conferees on the part of the House at the further conference.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, had further insisted upon its amendments numbered 32, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, and 52, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. QUAY, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed the bill (S. 3059) granting a pension to William Soden; in which the concurrence of the House was requested.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the bill (S. 3059) granting a pension to William Soden was taken from the Speaker's table and referred to the Committee on Invalid Pensions.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles:

A bill (H. R. 1826) granting a pension to Henry Prince;

A bill (H. R. 6826) granting a pension to Rhoda Augusta Thompson, daughter of the late Thaddeus Thompson, a private in the Revolutionary war;

A bill (H. R. 6603) to pension the minor children of Patrick F. Reynolds; and

A bill (S. 2169) to regulate mail matter of the fourth class.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. Mr. Speaker, I present a conference report on the Post-Office bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 6, 7, 9, 10, 11, 12, 13, and 14, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,500,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment insert the following:

"For pay of letter carriers, $12,243,000; for marine free-delivery service, $3,500; for horse hire allowance, $344,000; for car fare and bicycle allowance, $170,000; for street letter boxes, posts, and pedestals, $15,400; for package boxes, $10,250; twelve mechanics in the six largest cities, exclusively employed in repairing boxes and locks, and erecting boxes, planting posts and pedestals, at $900 per annum, $10,800; incidental expenses, including repairs, painting, freight, straps, time cards, maps, directories, furniture, etc., $24,000; in all, $12,818,250: *Provided*, That 10 per cent of the foregoing amount for free-delivery service may be available interchangeably for expenditure in the objects named, but no one item of appropriation shall thereby be increased more than 10 per cent: *Provided further*, That $10,000 of this amount may be used to defray the expenses of experiments in rural free delivery, under the direction of the Postmaster-General, and that the amount heretofore appropriated for this purpose and still unexpended be available for said experiments."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$28,000,000"; and the Senate agree to the same.

On the amendment of the Senate numbered 1 the committee of conference have been unable to agree.

E. F. LOUD,
GEO. W. SMITH,
J. C. KYLE,
Managers on the part of the House.

W. B. ALLISON,
R. F. PETTIGREW,
CHAS. J. FAULKNER,
Managers on the part of the Senate.

Mr. LOUD. I ask that the statement accompanying the report be inserted in the RECORD.

The SPEAKER. The statement will be incorporated in the RECORD.

The statement of the House conferees is as follows:

The managers on the part of the House submit the following statement in writing, showing the nature and effect of the Senate amendments retained in the bill, and also those stricken out by the action of the conferees in the report herewith submitted:

Amendment 1. Conferees report a disagreement. It provides that no consolidation of post-offices shall hereafter be made when such office to be consolidated is beyond the corporate limits of the city or town into which said office is to be consolidated, and further, when such consolidation has included a county seat the post-office shall be reestablished and the consolidation cease.

(2) The effect of which is to reduce the amount by $100,000 as carried by Senate and an increase of $50,000 as provided by House for compensation to post-office clerks.

(3) Senate recedes, leaving amount to be expended for clerk hire in third and fourth class offices discretionary instead of mandatory.

(4) Senate recedes and allows the segregation in free-delivery service to stand as it passed the House with the following amendment: *Provided*, That 10 per cent of the foregoing amounts for free-delivery service may be available interchangeably for expenditure on the object named, but no one item of appropriation shall thereby be increased more than 10 per cent. Also provides for amount of $10,000 and any unexpended balance now remaining for rural free delivery; strikes out proposition relating to employment of post-office inspectors to be paid out of money appropriated for support of free-delivery service, and makes 10 per cent of each item available for use in any other item, provided said item is not increased thereby more than 10 per cent.

(5) The House recedes and agrees to amendment of Senate increasing amount for "postmarking" and "rating stamps," $2,500.

(6) The House recedes and agrees to increase proposed by Senate of $20,000 for mail bags, catchers, repairing, equipment, etc.

(7) The House recedes and agrees to amendment of Senate which increases amount to be expended for mail locks, keys, etc., $5,000.

(8) Increases amount as provided by House $500,000, and reduces by $500,000 amount provided by Senate for inland transportation by railroad routes.

(9) Increases by amount of $100,000, as provided by House, for pay of railway post-office clerks.

(10) Provides that $10,000 of amount for transportation of "foreign mails" may be used for transferring of such mails between steamboat piers in New York City and Jersey City and the post-office and railroad stations.

(11) Is a new item of $80,000 for pay of carrying mails by Oceanic Steamship Company from San Francisco to Hawaiian Islands and Australian colonies, and is agreed to on part of House conferees.

(12) Is for rent of office for use of agent of Post-Office Department for distribution of stamps, $600; and is agreed to by House conferees.

(13) Accepts the consolidation in one amount of money provided for mail depredations and post-office inspectors, as has been provided in appropriation bills heretofore, and discards segregation of items as provided by House bill; increases amount above House bill $3,906.34, and is same as provided in estimate of Post-Office Department for said service.

(14) Reduces amount for detection and arrest of post-office burglars, highway mail robbers, etc., $10,000 below amount carried in House bill.

Senate recedes $300,000.
House recedes $762,006.34.
The bill as it left the House carried $91,904,257.88.
The bill as it left the Senate carried $93,256,264.22.
And as agreed to by the conferees, $92,656,364.22.

E. F. LOUD,
J. C. KYLE,
GEO. W. SMITH,
Managers on the part of the House.

The conference report was adopted.

Mr. LOUD. Mr. Speaker, I move that the House further insist on its disagreement to the remaining amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes thereon.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. LOUD, Mr. SMITH of Illinois, and Mr. KYLE as managers of the conference on the part of the House.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I submit the following report on the Indian appropriation bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the Secretary of the Interior be and is hereby directed to withhold any further distribution and payment out of the money derived from 35 per cent of the judgment in favor of the Old Settler or Western Cherokee Indians against the United States in the sum of $800,386.31, set apart for the payment of expenses and for legal services justly and equitably payable on account of the prosecution of said claim until otherwise authorized by law."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Strike out, in line 9, in the matter inserted by said amendment, the word "ninety-eight" and insert in lieu thereof the word "ninety-seven."

J. S. SHERMAN,
CHARLES CURTIS,
GEO. C. PENDLETON,
Managers on the part of the House.

R. F. PETTIGREW,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

Statement of House conferees to accompany conference report No. 5 on Indian appropriation bill.

The Senate recedes from its amendment numbered 64, being the so-called Old Settlers claims, with an amendment. The amendment simply directs the retention of the funds in the hands of the Secretary of the Interior until disposed of by direction of Congress.

The House concurs in Senate amendments 69 and 70, being the so-called sectarian schools amendments, with an amendment limiting the time within which contracts can be made with such schools to July 1, 1897, instead of July 1, 1898. The declaration as to the policy of the Government to not longer contract with such schools remains unchanged.

J. S. SHERMAN,
CHARLES CURTIS,
GEO. C. PENDLETON.

Mr. SHERMAN. Mr. Speaker, this is the final report on the Indian appropriation bill. Amendment numbered 64 relates to the so-called Old Settlers claim. Upon that the Senate conferees were very insistent. The House conferees were equally insistent upon striking it out. That amendment has been discussed at every one of our numerous meetings, as many as six or eight, I think. The House conferees finally announced to the Senate conferees as an ultimatum that they never would agree to the amendment, but did offer to refer all the claims therein contained to the Court of Claims. This suggestion did not meet with the approval of the Senate conferees, so we could not meet on that proposition. Finally the Senate conferees, at our last meeting, made the offer which the conferees accepted, to wit, to strike out all the claims enumerated, amounting in all to about $80,000, but to insert a provision prohibiting the Secretary of the Interior from paying out this money, keeping it in his hands, so that that matter might be disposed of in the appropriation bill next session. The House conferees were loath to accept this, but, as gentlemen in the House understand, where there are radical differences, there must be some concessions on both sides, and as it seemed to us absolutely essential to go thus far, we have done it.

Amendment numbered 70 is simply a formal amendment, in connection with the so-called sectarian schools, adding simply the word "further," in case the modified Senate amendment 69 is agreed to, and in that we concur.

Amendment numbered 69 is the one in reference to sectarian schools. On that question the House a week ago instructed its conferees to insist upon its disagreement and insist upon the House provision. We followed that instruction during several meetings. We insisted upon this section as passed by the House. The Senate instructed its conferees to insist upon their provision, and during half a dozen meetings we have deadlocked right there. Finally, at the last meeting, we reached a middle ground, and that middle ground is contained in this report. The House provision of this bill put a stop to all contracts for so-called sectarian schools at once, at the end of the fiscal year, and declared it to be the policy of the Government to expend no money for sectarian schools hereafter.

The Senate amendment made the same declaration with reference to sectarian schools, and provided that no appropriation should be expended for this purpose after July 1, 1898, or the second fiscal year in advance. The proposition as finally agreed to substitutes the words "ninety-seven" for "ninety-eight." The section provides further that during the next fiscal year the Secretary of the Interior may contract for the education of children in these schools but to an amount not exceeding 50 per cent of the amount contracted for in the fiscal year ending June 30, 1896; with the further provision that the Secretary shall only make such contracts at places where nonsectarian schools can not be provided for. So if the House accepts the amendment that the conferees propose no sectarian schools will be supported after July 1, 1897, anyway, and during the next fiscal year there can be expended not to exceed 50 per cent of the amount expended in the present fiscal year.

Now, it does seem to me, Mr. Speaker, that the House being decidedly one way and the Senate decidedly another, that this provision is fair and reasonable, and ought to meet the demands of each side; that upon that ground we ought to agree without any further difficulty, whether the members of the House believe in the continuation of sectarian schools or not. It seems to me that is a fair ground on which they can meet. The next appropriation bill will be framed by this same House. The matter will be finally disposed of by the same gentlemen who dispose of this bill. The Secretary of the Interior can not expend to exceed one-half of what he expended during the last fiscal year, and he can not expend anything, where it is possible for him to make other provisions, under the wording of this section. That is reasonable, and I hope that the report will be adopted.

Mr. ALLEN of Mississippi. I understand the gentleman to say that the whole business is concluded in 1897.

Mr. SHERMAN. That is right. At the end of the next fiscal year the whole business is concluded under the terms of the amendment which we have agreed upon. July 1, 1897, terminates the whole business of contracts for sectarian schools.

Now I will yield five minutes to the gentleman from Massachusetts [Mr. FITZGERALD] if he desires it.

Mr. FITZGERALD. Mr. Speaker, it seems to me that the proposition which has been submitted by the conferees and accepted by the Senate is a very fair one, and ought to meet with the approval of a majority of the members of this House. It provides—

That the Secretary of the Interior may make contracts with the present contract schools for the education of Indian pupils during the fiscal year 1897, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children, and to an amount not exceeding 50 per cent of the amount so used for the fiscal year 1896.

The subject of appropriations for these schools has lead to a great deal of ill-tempered criticism by many of the advocates of extreme Americanism; and I think it is due the American people at this time to make a plain statement of the exact condition of affairs. The contract system for the education of Indian children was first established in 1870 at the suggestion of President Grant, and increased rapidly after the year 1885. No single church and no single creed was conspicuously prominent in trying to obtain contracts for the education of Indian children. The Government importuned the various sects to establish these schools and encouraged them to spend very large sums of money in the construction of buildings to properly educate the Indian youth. It so happened that the Catholic Church took more interest in reclaiming the Indians from infidelity than the other denominations and spent more than $1,500,000 throughout the States and Territories. She was encouraged in this from time to time by the Commissioners of Indian Affairs and the Secretaries of the Interior.

Mr. Oberly, in his report as Commissioner of Indian Affairs in 1888, said:

The Indian Office avails itself of every suitable means for the education of Indian youth, and since Government appropriations are insufficient to support the pupils who are anxious to enter schools, and since, also, Government school buildings will accommodate but little more than one-fourth of the number of children of school age, it has become the policy of the office to make contracts for the education of the Indian children with religious organizations that agree to train the pupils properly and to furnish buildings suitable for their accommodation.

Acting upon liberal invitations like these, the Catholic Church entered actively into the work of Indian education, and thus the contract system was extended from year to year until it has assumed its present proportions.

The contract schools, while supplying equally as good education and facilities for education for the Indian youth as the Government schools, are much more economical, as will be seen from the following statement:

For the fiscal year 1896 the average per capita cost to the Government of contract schools is, for boarding pupils, $114, and for day pupils $30, while the Government schools cost $161 per capita for boarding pupils and $37 per capita for day pupils, making the expense of the Government boarding schools 44 per cent more and the day schools 23 per cent more than the contract schools. It follows that, if all the contract schools were abolished and their pupils placed in Government schools, the Government, in addition to the amount that would be required in erecting and equipping the schools, surely not less than $1,500,000, would be put to an annual expense of at least 44 per cent more for boarding and 23 per cent more for day schools than is now necessary for the care and tuition of pupils in such schools.

It is a well-known fact that money appropriated is for food, lodging, clothing, tuition, and medical attendance.

About $310,000 is now needed for contract boarding pupils and $8,000 for day pupils. If these pupils were placed in Government schools, the annual cost to the Government would be about $450,000 for boarding and $10,000 for day pupils; that is, an additional cost of $142,000. In every item in the present Indian bill in aid of Government schools an appropriation of $167 per head is allowed for the education of every Indian pupil.

Those very gentlemen who argue against the Senate amendment on the ground of sectarianism within a very short period in this very bill voted for an appropriation for the Lincoln School at Philadelphia, which is under the control of the Episcopalian Church, and for the Hampton (Va.) school, under the control of the Congregationalist denomination. Indian children are educated in both these schools.

To prove that these schools are sectarian I wish to quote the following:

An act to incorporate the Lincoln Institute.

SEC. 3. The affairs and concerns of the said Lincoln Institute shall be conducted by a board of managers consisting of 30 ladies and a board of council consisting of 30 gentlemen, of which board the bishop of the Protestant Episcopal Church of the diocese, together with the rectors of the churches which shall be represented in the board of managers, shall be ex officio members.

SEC. 4. Applicants may be admitted without regard to their religious belief, but the inmates shall in all cases have respect for the faith of the Protestant Episcopal Church of the United States and submit to the religious exercises of the household, which shall always be in accordance with the belief of that church; and all children received under 12 years of age shall be trained in that faith.

The report of superintendent of Hampton Institute says:

Almost every teacher in the institute is also a teacher in the Sunday school, those who lead colored classes during the week meeting with the colored school on the Sabbath and the Indian teachers with the Indians. In order to give unity to the religious teachings of the week, the subject for study in the international series of Sunday school lessons has been made the subject of the prayer meeting during the week.

The Sunday school is the center of the religious work of the school and the teachers representing five different denominations become responsible for the religious training of the students, a large portion of whom are Baptists and Methodists.

It is submitted that the foregoing extracts prove clearly that the Hampton Institute and Lincoln Institution are religious schools. Does it not follow that an appropriation, such as is made yearly by Congress for the education of Indian youth at these schools, is an appropriation of money for the propagation of religion? And is this not just as much union of church and state as would be the appropriation of money for the education of Indians in Catholic schools? [Applause.]

Sectarianism is only seen by these worthy gentlemen when it can be used as a club against the Catholic Church.

The Senate amendment simply makes provision for the education in the contract schools of those pupils who can not be provided with instruction in the Government schools, and the simple alternative presents itself of putting the Indian pupils out on the prairies without education and without restraint, or allowing them to receive instruction in the contract schools until such time as the Government can make suitable provisions for them. This proposition ought to meet with the approval of every person not guided by bigotry or prejudice. I am aware, however, that a large number of the members of the House either belong to or are largely influenced by that nefarious organization known as the A. P. A., and this matter is not the only instance of the interference of this organization during this session.

I think it might be well at this time, in order to show how far back the members of this organization can trace their American ancestry, to note the fact that a certain Mr. Palmer, who was elected supreme secretary of the association at its national convention held here three weeks ago, took out his naturalization papers in the State of Montana one year ago last October.

And yet this man dares to tell native-born Americans what rights and privileges are justly theirs in the United States of America!

Read what two famous Americans say about such organizations as the A. P. A.:

All secret, oath-bound political parties are dangerous to any nation, no matter how pure or how patriotic the motives and principles which first bring them together. No political party can or ought to exist when one of its corner stones is opposition to freedom of thought and to the right to worship God according to the dictates of one's own conscience, or according to the creed of any religious denomination whatever.—*U. S. Grant.*

Secret society politics—Knownothingism—had about as many elements of persistence as an anticholera or antipotato-rot party would have.—*Horace Greeley.*

In October, 1893, the following joint resolution authorizing the State of Wisconsin to place in Statuary Hall, at the Capitol, the statue of Père Marquette was unanimously adopted by Congress:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Wisconsin be, and is hereby, authorized and granted the privilege of placing in Statuary Hall, at the Capitol, the statue of Père Marquette, the faithful missionary whose work among the Indians and explorations within the borders of said State in early days are recognized all over the civilized world, the same to be received as one of the two statues furnished and provided by said State in accordance with the provisions of section 1814 of the Revised Statutes of the United States.

In accordance with that vote, almost six weeks ago the Senate of the United States adopted a resolution thanking the people of Wisconsin for the statue of James Marquette, and that resolution was sent to this House for concurrent action. I have repeatedly urged the Republican members of the Committee on the Library to report the resolution favorably to the House, so that suitable action would be taken by this body. Father Marquette was one of the noblest men that ever lived. The record of his great achievement in the discovery of the Mississippi is the honest pride of every true American. He was a loyal soldier in the army of Christ, and he spread the gospel of Christianity in regions hitherto unknown and undiscovered by the white man. For six years he endured every sort of privation and hardship, sustaining himself on frozen fish and rock moss, and finally sacrificing his life by his strict devotion to duty among the Indians he labored for so hard.

Parkman, in speaking of Marquette, said:

A subtle element of romance was blended with the fervor of his worship and hung like an illumined cloud over the harsh and hard realities of his daily lot; kindled by the smile of his celestial mistress, his gentle and noble nature knew no fear. For her he burned to dare and to suffer, discover new lands, and conquer new realms to her sway.

And Parkman thus describes the closing scenes of his life:

At night, seeing that they were fatigued, he told them to take rest, saying that he would call them when he felt his time approaching. Two or three hours after they heard a feeble voice, and hastening to his side found him at the point of death. He expired calmly, murmuring the names of Jesus and Mary, with his eyes fixed on the crucifix which one of his followers held before him. They dug a grave beside the hut, according to the directions which he had given them; then reembarking they made their way to Michillimackinac, to bear the tidings to the priests at the mission of St. Ignace.

To show the love and devotion with which he was regarded, a band of Ottawas, seven years before his pupils at La Pointe de St. Esprit—

washed and dried the bones and placed them carefully in a box of birch bark. Then, in a procession of 30 canoes, they bore it, singing their funeral songs, to St. Ignace of Michillimackinac. As they approached priests, Indians, and traders all thronged to the shore. The relics of Marquette were received with solemn ceremony and buried beneath the floor of the little chapel of the mission.

The governor of Wisconsin has sent a memorial to this body, the present session, asking that recognition be given this saint and martyr, and yet this Republican House on the eve of adjournment stands convicted of willful and deliberate neglect in refusing to take action on the resolution sent here by the Senate.

This is the first time in the annals of Congress that official recognition has been denied when statues have been presented by any of the numerous States, and the Republican party must take the responsibility. This neglect is particularly to be deplored for the reason that there is no body of men to whom the people of these United States are more deeply obligated than to the early missionaries who carried the lamp of the Christian faith amongst the savages.

It is a well-known historical fact that the first heralds of Christianity in savage climes have been immolated, and the spark of Divine faith was not permitted to ignite in the soul of the savage breast until the wilderness had been profusely watered with the blood of those who had been commissioned to plant it. I am confident, however, that when the conscience of the American people is aroused, their opinions crystallized into speech, they will make a demand upon this Republican House for the official recognition of Father Marquette that it will not dare refuse.

I want to call attention that the Republican members of this

House are responsible for the failure to pay proper respect to this saint and martyr; that the French nation, of which Father Marquette was an illustrious son, rendered too valuable and too great services in the struggle for independence to allow such an indignity to be placed upon her, and I shall be surprised if his countrymen in the United States do not resent it at the polls.

The Catholic people of this country have borne persecution and tyranny with the same meekness and the same spirit that animated our dear Saviour when, pale, bruised, and blood-stained, mocked and goaded by the brutal guard and fiendish mob, the rough Roman soldiery nailed Him to the cross, His lips murmuring, "Father, forgive them, for they know not what they do." Those words have rung in the ears of all mankind through all the ages, and have been the guiding star for persecuted Catholics in every part of the world. [Applause.]

In Ireland for more than two centuries the members of the Catholic faith were subjected to every form of persecution, and yet her people stand to-day as they have always stood, the noblest specimens of Catholic Christianity in the world.

The civil oppression of Ireland would have terminated the moment she embraced the Protestant religion.

The fact that they were deprived of every privilege and denied every right, refused, under penalty of imprisonment, the opportunity to hear mass, not allowed to vote, not allowed to serve in the militia, compelled to attend Protestant services, deprived of their property, their priests scourged and hounded and every form of indignity heaped upon them, only served to strengthen the ties that bound them to the mother church and kindled a stronger flame for Catholicism in their hearts.

In Ireland, too, in all her movements for religious and political freedom, the Catholic people idolized the Protestant leaders of the time in the persons of Lord Edward Fitzgerald, Henry Grattan, Robert Emmet, Wolfe Tone, and Charles Stewart Parnell with a devotion as remarkable as it was strong and lasting.

But I seriously question, Mr. Speaker, whether in the future in this country it will be the part of wisdom to continue this forgiving spirit. I am glad to say, however, on the floor of this House that the great body of the Protestant people have no sympathy with the attack that is being made upon the members of the Catholic Church. They believe, as the Catholics do, in the inspiration of the Bible, in the divine origin of the Ten Commandments, in the divinity of Christ, in the necessity of Christian faith and morality for the salvation of mankind. They know that national prosperity depends on respect for the law, for the rights of persons and property, and the sanctity of oaths. They feel that if there should be general disregard of the law, anarchy and communism in their worst forms would follow. The progress of crime is in direct proportion with irreligion, and every true Christian recognizes the fact that whatever tends to diminish crime makes an additional safeguard to the family and the State.

It is to the fair-minded spirit of this class of the members of this House that I ask for an honest and fair settlement of the contract-school system.

Mr. Speaker, to-day in this country there are in round numbers 12,000,000 Catholics in a total population of 70,000,000, or 20 per cent of the whole, and yet in this House of Representatives, composed of more than 350 persons, I know of but three members who are communicants of that body. I make this statement to the people of the United States in answer to the charge that has been made that the Catholic Church is engaged in an organized attempt to control the political machinery of this Government.

The Catholic Church in this country has grown tremendously in the past century, and to-day has more communicants than any other denomination. From 40,000 in the time of the Revolution, they have now reached 12,000,000, with property valued at $118,000,000, and have made themselves felt in every branch and avenue of intellect and industry. In every village, steeple or tower tipped with the cross tells where Catholics pray, and thousands, aye, hundreds of thousands, gather in these edifices each day to render homage to Almighty God. They are proud of the history of their church, and persecution and tyranny only add to their zeal. [Applause.]

For fifteen hundred years the Catholic Church preserved faithfully for all mankind the teachings of God concerning faith and morals, and during all that time she has remained the same, guarding with unremitting care the same deposits of faith and morals, and dispensing the same sacraments for the spiritual nourishment of souls. During all that period she has taught her children the faith which raises human life above mere animal existence, and has scattered the treasures of her enlightened intellect into every corner of the globe.

She is here to-day in America, in the closing days of the nineteenth century, not in weakness or decay, but in the full prime and vigor of her immortality and strength, towering in the consciousness of her own rectitude, scorning to tamper with the rights of other denominations, but brooking no interference with her own.

In closing, Mr. Speaker, I wish to impress upon the members of this House that in voting for the Senate provision they are only acting in accordance with the equities and justice of this whole matter. The Indians are wards of the nation, and we are under the deepest obligations to educate them.

At the suggestion of the Government, the different denominations erected school buildings, and in this work the Catholic Church spent about $1,500,000, a great deal more than all the other denominations combined. They went on building, in this way reclaiming the Indian youth from ignorance and infidelity, until a short time ago, when hostile legislation warned them to desist.

The first opposition to these appropriations came some few years ago, and it was agreed that the appropriation should be cut down 20 per cent every year until wiped out. These terms were accepted by the different denominations, and in the last Congress another 20 per cent reduction was made. Now there are members of this House who wish this Congress to break faith with the people who control these schools, and rather than allow the children to continue in the schools for another year would prefer them to go uneducated and untaught. This result would surely follow, as it is admitted, even by the opponents of this measure, that school buildings can not be erected in the short space of time allowed, and that no money has been appropriated to build them.

In the name of justice, standing in the full glare of American public opinion, I ask for fair treatment for these contract schools. [Loud applause.]

Mr. SHERMAN. I yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Speaker, I desire to say only a few words in reply to the gentleman from Massachusetts. He has said that during the present session of Congress this House has voted appropriations to institutions purely sectarian. I am greatly misinformed, Mr. Speaker, if that be a true statement. I do not know that this House has voted appropriations to any sectarian institution at the present session. My vote has not been cast for any such appropriation, and it never will be.

The gentleman says that we attack the Catholic religion. I deny it. No such proposition has been made here; nor any proposition that in any proper sense could be construed as an attack upon the Catholic religion or upon any other religion. What we do demur to is the proposition of the gentleman from Massachusetts (who announced himself the other day and to-day as a Catholic) that he shall take the public money to teach his religion to Indians. I deny that he has a right to vote one penny of my money—and I have an equal undivided share with every other citizen of the Republic in the public money—to teach Catholicism to a Comanche or Methodism to a Modoc. [Laughter and applause.]

It is no part of the functions of the Government of the United States to teach an Indian that the Pope is infallible, to teach him that or any other purely religious tenet up to the end of the fiscal year ending June 30, 1897, nor for any other length of time, however short. I am not saying that it is true or that it is false; but there are millions of people in this country just as good as the distinguished Representative from Massachusetts, who says here that he represents a Catholic constituency in the city of Boston——

Mr. FITZGERALD. I never made any such statement, although I should be proud if it were the fact. My constituency is part Protestant and part Catholic.

Mr. COOPER of Wisconsin. Well, a constituency largely Catholic, he said. He did not say it to-day; he said it the other day when he addressed the House.

Mr. FITZGERALD. I correct the gentleman again. I never made any such statement.

Mr. COOPER of Wisconsin. Very well; I so understood him. The gentleman has said that we have a right to use the public money to teach the Catholic religion to Indians because, forsooth, Congress has given that right in the past. I deny it. I deny that the wrong act of another Congress is binding upon this Congress. If that was done, as we know it was, it was plainly in violation of a principle that lies at the foundation of this Republic. Jefferson and Madison, the founders and leaders of the party of which the gentleman from Massachusetts proudly announced himself to be a member, both declared that this nation, the last hope of free government on this earth, could not exist if the principle were to obtain which the gentleman so earnestly champions. The union of church and state would ruin the Republic. The slightest step in the direction of accomplishing such a union ought to be opposed by every man who recognizes the binding obligation upon him to obey and revere the Constitution of the United States; because, while that instrument does not in express terms say that we shall not appropriate money for sectarian purposes, it does say that Congress shall do nothing respecting an establishment of religion, and if voting my money and your money to teach Indians the Catholic religion or any other religion is not doing something to propagate and establish that religion, what is it doing?

Mr. FITZGERALD. May I ask the gentleman a question?

Mr. COOPER of Wisconsin. I prefer to proceed.

Upon the practical side of this question there is this to be said: There is no necessity for this appropriation. The gentleman was guilty of what logicians call a petitio principii—a begging of the whole question—when he said these children would be thrown upon the mercy of the cold world unless this appropriation were voted. Nothing of that kind is true. As I stated when this matter was up before, the Catholic Church in this country has more than 6,000,000 communicants, and the total proposed appropriations to aid in carrying on these schools as they are now carried on is less than $300,000; only about 5 cents a year—less than half a cent a month—to every one of these communicants.

No other church in this country asks this appropriation to-day. Other churches did ask it, but they have voluntarily relinquished their claim to it. If the Catholic Church be the patriotic institution which its cardinal in a recent letter said it is; if it be the patriotic institution which the gentleman from Massachusetts has announced it to be; if, as he says, Catholics are as good, loyal citizens as everybody else in this country ought to be—and I make no attack upon their patriotism—then it is time for them as a church to stop demanding that public money be paid to propagate the Catholic religion among Indians or anywhere else. [Applause.] Profession is one thing; action is another. They say that they wish nothing done inimical to the Republic. They know that a union of church and state would be fatal to it.

The gentleman from New York [Mr. SHERMAN], the chairman of this committee, has suggested that the pending proposition is a compromise. I wish to inform the gentleman that Congress can compromise questions concerning potatoes or corn or hominy or wheat—questions of the tariff. It can not compromise, and ought not to attempt to compromise, questions of conscience. This is a question of the abstract right of the citizen not to have his money appropriated to teach a religion in which he does not believe.

Mr. WALKER of Massachusetts. Or believes.

Mr. COOPER of Wisconsin. Yes, or in which he believes. I accept the suggestion. If you have a right to take the public money, I will say to the gentleman from New York, to teach the Catholic religion, then you have the same right to give it to Robert G. Ingersoll to teach infidelity, or to a rabbi to teach the Jewish faith.

[Here the hammer fell.]

Mr. SHERMAN. Does the gentleman wish further time?

Mr. COOPER of Wisconsin. I should like about two minutes more.

Mr. SHERMAN. I yield to the gentleman.

Mr. FITZGERALD. I should like to ask the gentleman a question.

Mr. COOPER of Wisconsin. Wait a moment. I want to say a word more in reply to the suggestion already made by the gentleman from Massachusetts. He said they wanted money to carry on these schools; that unless we make this appropriation the children would be turned adrift, etc. The gentleman from New York, in a speech which he made when this matter was originally brought before the House, said that he had learned from unofficial sources which he considered credible that the Catholic Church would not sell those school buildings which they now use for sectarian schools for Indian children.

Now, if the Catholic Church proposes to keep those school buildings, pray for what purpose does it intend to keep them? Simply for the purpose of educating the Indians. If public appropriations are withheld from those schools, what will be done with them? They will be continued at a nominal expenditure of 5 cents per capita per annum, contributed voluntarily by the communicants of that church.

Another thing. This House, if it wants school buildings erected, can stay here and vote an appropriation of a million and a half or two million dollars for that purpose. It is suggested to me that for this purpose there is now an appropriation of $200,000 in the bill. These buildings can be constructed without loss of time. In the city of Chicago they run up a 10-story building in a very few months. If it should be absolutely necessary to erect these buildings—I do not think it is—the Secretary of the Treasury can, with an appropriation of a million and a half or two millions, go on and have school buildings put up in very short time. Teachers can also be readily employed, and in a very few months the system could be in complete operation. But I do not think that is at all necessary. The Catholic Church will support its own schools; it will support its own schools without public money; it will support them just as the Congregationalists, the Baptists, the Methodists, the Lutherans, the Presbyterians, and all the other denominations support the schools in which they teach the Indians—that is, by means of the voluntary contributions of their respective communicants.

[Here the hammer fell.]

Mr. FITZGERALD. May I have a few moments?

Mr. COOPER of Wisconsin. What is the gentleman's question?

Mr. SHERMAN. I am sorry I can not yield to the gentleman from Massachusetts. I yield three minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. COOPER of Wisconsin. The gentleman from Massachusetts desired to ask me a question.

Mr. SHERMAN. I can not yield for that purpose. Everybody is pressing for a vote.

Mr. MONDELL. Mr. Speaker, I feel some hesitancy in occupying the attention of the House at this late day of the session, when important measures are crowding for recognition, but I trust the House will bear with me in a brief statement of one phase of the Indian question, in view of the interest felt in the subject I wish to discuss by my constituents, and the interest which the country at large should have in a statement as to the real nature of the occurrences in one of the most widely heralded and bloodless Indian troubles that has occurred on our Western frontier in late years. I refer, Mr. Speaker, to the so-called Jacksons Hole Indian troubles, which occurred during the summer of 1895, south of the Yellowstone National Park, in the State of Wyoming. I believe I am entirely within the bounds of truth when I say that no occurrence of late years on our frontier has been so thoroughly misunderstood, either as to the causes which led to the troubles between the settlers and the Indians or as to the actual occurrences in the region referred to last summer.

I have felt that justice to my constituents, who were especially affected by the false statements which were made, not only through the press of the country, but in some cases through official and semiofficial sources, as well as justice to the fair name of the settlers of the West in general who are brought in contact with the Indian tribes, demand that a statement should be made giving the facts, fairly and honestly, as they occurred. We can not as a people expect to retain respect for each other, nor can we expect there shall be that cordial sympathy between the peoples of far separate portions of the country, which the future peace of the nation demands, unless an effort be made to disabuse the public mind as to the actions and motives of the people of one section, which actions and motives may have been misconstrued and misunderstood, and this misconstruction and misunderstanding heralded broadcast over the nation to create a false impression as to the character of the residents of one section throughout the nation.

I fear the people of the Eastern and Middle States are sometimes inclined to forget that the men who are developing the far West, who are braving the dangers and difficulties of frontier life, are in the main the same class of men who have extended the frontier from its original outpost on the summits of the Alleghanies until it has become almost a thing of the past, its hardships and privations and its isolation from the outer world being now confined to comparatively few districts of the Northwest, notable among which is the region in which the trouble occurred last summer to which I refer. The people of my State, while restless under the false accusations and the flippant quips and flings of our Eastern brethren in regard to the occurrences in Jackson's Hole last summer, deemed it best to make no loud and noisy demonstration of our disapproval of the unwarranted verdict of a large portion of the Eastern press against our officials or our citizens, until the highest tribunal of the land had passed upon the question as to our right to police our territory, but now that the Supreme Court of the United States has declared that Wyoming is, indeed, a sovereign State, endowed with all the rights and privileges vested in the original States, as a representative of that State I feel bold in craving a few moments' attention of the House in a recital of the circumstances and conditions which led up to and culminated in the friction between roving bands of Indian hunters and the officers of Uinta County, Wyo., last summer.

I ask the gentlemen to bear in mind the fact that these troubles all arose from the wanton and indiscriminate slaughter of game by bands of Indians off of their reservations in violation of the game laws of the State of Wyoming, laws which our citizens are bound to respect and against whom they are enforced. The Indians claimed that by treaty rights they were superior to any law that might be passed by our State for the protection of game. Troubles between Indians and settlers on the frontier of our country on account of the indiscriminate hunting and slaughter of game by the Indians is no new condition. There is scarcely a district in the Northwest where at some time in the past there have not been troubles of this character.

At various times treaties have been made with Indian tribes giving them the right to hunt on any unoccupied lands of the United States or in certain districts outside of their reservation limits. As the country in the vicinity of the reservations becomes settled, as the ever onward march of civilization locates homes and builds schoolhouses upon the broad plains and in the mountain valleys, there is constantly increasing friction between the Indian, accustomed to ride over the country at will and hunt game at all seasons of the year, and the settlers, who do not particularly enjoy seeing all of the game in their vicinity slaughtered, and who do not take kindly to the continuation of the savage chase in the vicinity of their ranches and homes.

As State governments were set up, game laws were enacted for

the purpose of protecting game from ultimate extinction, and in order that citizens might enjoy the pleasures and profits of hunting to a reasonable extent during certain seasons of the year and under proper restrictions. In many instances Indian agents and others in charge of tribes and bands of Indians have accepted the conditions of these State laws without question, and have even hailed their enactment with satisfaction as tending in their enforcement to wean the Indian from the savage pleasures of the chase, and by confining him more closely to the reservation render him more susceptible to those influences calculated to educate him in the arts of peaceful industry, in the practice of which lay his only hope of becoming self-supporting and thereby self-respecting and open to all the influences that tend to civilization. Unfortunately, both for the Indians and the settlers, those having the responsibility of looking after these wards of the nation have not always received in a friendly spirit these wholesome regulations, but have resented them as an infringement upon the rights of the Indians, to be resisted, even to the extent of encouraging their savage wards to resist the legally constituted authorities of the States in the performance of what they considered to be their plain duty under the law, thereby fostering and encouraging that feeling of contempt for the white man's law which is so marked a characteristic of the North American Indian.

In order to give a clear understanding of the causes that led up to the troubles in the Jacksons Lake country in the summer of 1895 I shall be compelled to go somewhat into detail.

On the 3d day of July, 1868, a treaty was signed at Fort Bridger, Utah, between the Bannack and Shoshone Indians and a commission acting for the United States Government, which treaty contained the following provision:

ARTICLE 4. The Indians herein named agree, when the agency house and other buildings shall be constructed on their reservations named, that they will make said reservations their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right to hunt on the unoccupied lands of the United States so long as game may be found thereon and so long as peace subsists among the whites and Indians on the borders of the hunting districts.

In the course of time these Indians were located upon two reservations, the Bannacks and a part of the Shoshones in the vicinity of Fort Hall, Idaho, upon what is known as the Fort Hall Reservation. The remainder of the Shoshones were located on the Shoshone Reservation, at the head of Wind River, in Wyoming. At the time this treaty was made and for a long time thereafter Wyoming and Idaho were Territories. The region in which the recent trouble occurred had not even been penetrated by the hardy prospector and was not visited to any considerable extent by the Indians themselves, being accessible only by long journeys over rough mountain trails. Not a great many years elapsed, however, before there began to be friction between the settlers in the vicinity of the Fort Hall Reservation in Idaho and the Indians over the indiscriminate slaughter of game by the Indians. In order to overcome the irritation thus produced, a commission, consisting of J. P. C. Shanks, Henry W. Reed, and T. W. Bennett, was appointed to treat with the Bannack and other Indians in southern Idaho for the relinquishment of their right to hunt on the unoccupied lands of the United States.

This commission concluded an agreement with the said Indians on the 7th day of November, 1873, whereby the said Indians agreed as follows:

And whereas, owing to the increase in the country of the white population and the scarcity of game for the support of the Indians, it has, in the judgment of the United States Government, become important and necessary that the provision of article 4 of said treaty of July 3, 1868, shall become the subject of a new agreement between said parties:

Article 1. It is hereby agreed upon the part of all the Indians interested in said Fort Hall Reservation, under the provisions of said treaty of 1868, that a portion of said fourth article of said treaty shall, upon the conditions hereinafter stated, be amended as follows:

The right as secured to said Indians by said fourth article of said treaty of 1868 to hunt on the unoccupied lands of the United States shall be relinquished, and hereafter the privilege of said Indians to hunt off the reservation shall be under the written permission of the agent.

This treaty was duly signed and ratified by the commissioners and over 200 of the Indians, and upon the 3d day of February, 1874, the agreement was duly transmitted to Congress for action thereon, by the Secretary of the Interior. No action was ever taken by Congress on this treaty. Had the treaty then signed been ratified by Congress, the late Jacksons Hole Indian trouble would never have occurred.

As time went on settlements were extended in northern Idaho and western Wyoming, and the big game continued each year to become scarcer. Numerous protests from the settlers were made from time to time against the killing by the Indians, at all seasons of the year, of vast quantities of game, thereby depriving the settlers of an opportunity of partly supplying their larders from the game of the country and compelling them to make distant trips into the mountain regions in order to secure even a limited quantity of meat for themselves and families. These complaints led to the issuance in 1889 of a circular letter from the Interior Department to Indian agents in the Northwest, as follows:

[Circular.]

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., November 1, 1889.

To United States Indian Agents:

Frequent complaints have been made to this Department that Indians are in the habit of leaving their reservations for the purpose of hunting; that they slaughter game in large quantities, in violation of the law of the State or Territory in which they reside, and that in many instances large numbers of wild animals are killed simply for their hides.

In some cases Indians, by treaty stipulations, have the guaranteed right to hunt, upon specified conditions, outside their existing reservations. The Secretary of the Interior has decided that the privilege of hunting under such treaty provisions is the right to merely kill such game as may be necessary to supply the needs of the Indians, and that the slaughter of wild animals in vast numbers for their hides only and the abandonment of the carcasses without attempting to make use of them is as much a violation of the treaty as an absolute prohibition upon the part of the United States against the exercise of such privilege would be. This fact should be impressed upon the minds of the Indians who have such treaty rights, and they will be given to understand that the wanton destruction of game will not be permitted. And those not having the reserved treaty privilege of hunting outside of their existing reservation should be warned against leaving their reservation for hunting, as they are liable to arrest and prosecution for violation of the laws of the State or Territory in which offenses may be committed.

In view of the settlement of the country and the consequent disappearance of the game, the time has long since gone by when the Indians can live by the chase. They should abandon their idle and nomadic ways and endeavor to cultivate habits of industry and adopt civilized pursuits to secure the means for self-support.

Very respectfully, (Signed by the Commissioner.)

The opposition upon the part of the settlers to Indians hunting was largely due to the fact of the absolute disregard of the Indians for sex or condition of the game when hunting.

As early as 1890 frequent complaints were made to State and county authorities by settlers on the Green and Snake rivers and their tributaries in Wyoming against the slaughter of game by the Indians. These protests each year became more vigorous as the settlements increased and extended, and as the annually recurring hunting trips of the Indians rendered the game scarcer.

In the year 1890 the Territory of Wyoming was admitted into the Union of States in the following words:

Be it enacted, etc., That the State of Wyoming is hereby declared to be a State of the United States of America, and is hereby declared admitted into the Union on an equal footing with the original States in all respects whatever; and that the constitution which the people of Wyoming have formed for themselves be, and the same is hereby, accepted, ratified, and confirmed.

For the protection of large game within the State the following provision was made:

SEC. 1251. It shall be unlawful to pursue, hunt, or kill any deer, elk, moose, mountain sheep, mountain goat, antelope, or buffalo, save only from September 1 to January 1, inclusive, in each year, or kill or capture by means of any pit, pitfall, or trap any of the above-named animals at any time; no nonresident of this State shall pursue, hunt, or kill any deer, elk, moose, mountain sheep, mountain goat, antelope, deer, or buffalo by any means whatever: *Provided*, During the time aforesaid the actual and bona fide residents of this State may pursue, hunt, and kill said animals, but not by means of any pit, pitfall, or trap.

Certainly the Indians of Idaho could scarcely be considered bona fide residents of the State, while it seemed that by common consent there was no disposition to deprive Indians living on reservations within the State of all privileges accorded to other residents. It soon became evident, however, that this law was inadequate to prevent the game from threatened annihilation, both from white and Indian hunters. The simple mind of the Indian had not readily grasped the idea of State lines, and the Shoshone Indian living on the Fort Hall Reservation could not understand why he could not enjoy all the privileges enjoyed by his brother in Wyoming. The clause of the law giving bona fide residents of Wyoming the right to kill game at all seasons of the year was intended to enable our own citizens to procure game when absolutely necessary for consumption, but the clause left a loophole for the killing of large quantities of game in violation of its spirit rather than its letter.

In the meantime constant complaints were being made of the wanton destruction of game life by the Indians from many portions of northern and western Wyoming. The citizens in that region became thoroughly aroused to the necessity of immediate and vigorous action if the large game was to be preserved for any considerable length of time. The killing of game by residents or those claiming to be residents of the State in excessive quantities or during the breeding season could be remedied by a State law. The question as to the prevention of the indiscriminate slaughter of game by the Indians was a more serious one, and its solution depended on whether or not the Indians had, by reason of their treaty, a right to hunt within the confines of Wyoming in violation of her game laws; in short, whether the savage, who added nothing to the wealth of the State, whose residence even was beyond the confines of the State, was entitled to rights and privileges denied the men who, braving all the hardships and difficulties incident to pioneer life, were opening a path for civilization in the wilderness.

Among those of our people who gave the question any study there seems never to have been a doubt in regard to the matter. It was quite taken for granted that the act of admission of Wyoming to the Union of States, giving her all the rights and privileges accorded to the original thirteen States, certainly conferred upon the State the first essential of sovereignty, the right to exercise police power over her territory. We held that no State was enjoying the rights reserved by the thirteen original States, if a horde of savages were to be permitted to ride at random over her territory and slaughter her game, while the State was absolutely powerless to prevent the total destruction by these marauders and invaders of game life within her borders. This must have been the view taken of the matter by the Department of the Interior on May 2, 1894, when the following letter was addressed to sixteen Indian agents in the Northwest:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., May 2, 1894.

SIR: Inclosed herewith you will find copy of office circular of November 1, 1889, relative to Indians leaving their reservations for the purpose of hunting.

This office has recently received a great many complaints to the effect that numerous parties of Indians are continually leaving their reservations, with passes from their agents, to make social visits to other reservations; that they slaughter game in large quantities, merely for the sake of killing and for the hides; that their wanton destruction of wild animals is particularly noticeable in the country adjacent to the Yellowstone National Park and the Shoshone Reservation, Wyo.; and that if these depredations are allowed to continue during the coming season it will probably result in a serious conflict between the white settlers and the Indians and end in bloodshed.

Upon the receipt of this letter you will call a council of your Indians, again inform them as to the purport of this circular, and tell them that the restrictions as to hunting contained therein must be strictly complied with; also that should they in the future obtain passes from you for the ostensible purpose of making a friendly visit to other reservations and then engage in hunting while en route, such passes will all be recalled and they will not be allowed to leave their reservations again. Further, that they will be liable to arrest and punishment by State officers for violating the game laws of the State or Territory in which they may be found hunting.

Hereafter no passes should be granted to Indians when you have reason to believe they intend to go on hunting expeditions; and where permission is given to leave the reservation for other purposes, it should be only upon condition that they will not engage in hunting while absent.

In granting such passes in the future to make visits or to leave the reservations for other purposes which would enable them to hunt while absent, you should be careful to impress upon them the consequences of violating their agreement.

When such pass has been granted, the Indian agent in charge of the reservations which they intend to visit should be notified of the time of their departure, their names, and the route they intend to travel, so they may be on the lookout for them.

Your hearty cooperation in this matter is requested, in order that the evils complained of may be corrected, and the threatened danger of trouble between the Indians and whites averted.

Very respectfully,

(Signed by the Acting Commissioner.)

It will be noticed that in this letter the Department calls attention to the fact that Indians hunting off their reservations "will be liable to arrest and punishment" for the violation of the game laws of the State or Territory in which they may be found hunting.

On the 28th of August, 1894, the following telegram was received by the Commissioner of Indian Affairs:

ROSS FORK, IDAHO, *August 27* (via Pocatello, Idaho, August 28, 1894).

TO COMMISSIONER OF INDIAN AFFAIRS, *Washington, D. C.:*

Following telegram received:

"Complaint has been made in Silver City by C. M. Hays, district attorney, that a number of Indians are slaughtering game and have threatened resistance to officers of that county. Troops have been asked for. Can you settle the difficulty?

"J. F. CURTIS, *Secretary of State.*"

I think Indians are from Western Shoshone Agency, Nev. Have I authority to proceed to investigate and direct return of Indians to proper reservations?

VANORSDALE, *Acting Agent.*

On the 29th of August, 1894, the county and prosecuting attorney of Fremont County, Wyo., in which county is situated the Shoshone Reservation, addressed the following letter to the Commissioner of Indian Affairs:

LANDER, WYO., *August 29, 1894.*

SIR: I inclose you herewith a certified copy of a pass issued Indians by the agent of the Shoshone Indian Agency. Under the orders of the Department to agents, a copy of which has been kindly sent me, I am unable to see how such passes can be issued, and therefore desire to call attention upon the part of the Department to the neglect of the agent to obey the injunctions of his superior officer.

The numerous complaints lately made to this office warrant me in saying that never before have the Indians been allowed such privileges, as at present over 500 Bannack and Blackfeet Indians are in the Jackson's Hole country, along the line of the Yellowstone National Park, burning forests of timber to better aid them in the indiscriminate slaughter of the few remaining wild game in the country. The attention of the Department has been called to these depredations and an effort made to enlist the services of the agents in the protection of the game now rapidly being exterminated. The State authorities are powerless to do anything under existing conditions, as the Indians are protected in their depredations by the agents at all the Western reservations.

Captain Ray, of the Shoshone Indian Reservation, has instructed the Indians absent upon passes furnished them, to kill all the game they desire and he will protect them from State interference. The local authorities are powerless to cope with the bands of Indians now absent from their reservations, and owing to the sparsely settled communities and the insolence of the Indians, the settlers are becoming greatly alarmed for their property and personal safety. Under conditions that now exist the game which during the winter season makes its home in the Yellowstone National Park is rapidly being killed out of the park, where it goes in the summer season seeking the higher mountain ranges and the alkaline deposits south and east of the park.

Trusting that a full investigation of these matters will be proceeded with, I have the honor to remain,

Respectfully,

WILL L. SIMPSON,
County Attorney, Fremont County.

To the honorable COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

Upon the 5th of September following the same gentleman addressed a letter to Hon. John E. Osborne, governor of Wyoming, the substance of which is as follows:

LANDER, WYO., *September 5, 1894.*

MY DEAR SIR: Late advices from the northwestern part of the State confirm the rumors prevalent that a large area of fine forest lands have been maliciously destroyed by Shoshone Indians absent from the Shoshone Indian Reservation with passes from the agent, Captain Ray. These Indians are at present engaged in the indiscriminate and wanton destruction of wild game in the vast game reserve south and east of the national park in this State. The local authorities are powerless to prevent the Indians from violating the laws. Complaint upon complaint has been made to the Department to allay these rapidly increasing depredations, and no attention has been paid to them, or its orders have been pigeonholed by the agents in charge of the reservations.

The increasing alarm among the settlers of the remote localities in the path of these destroyers is evident from the complaints made daily to my office. The insulting demeanor of these Indians, their refusal to submit to arrest by the duly constituted authorities, will certainly bring about serious trouble between the Indians and whites at no remote date.

What action the chief executive of a State can take in these premises is not quite clear to my mind, but I am almost sure you can further aid the people of Fremont and Uinta counties in keeping these Indians upon the vast areas of land set apart for their individual use, by asking of the Department an order for the agents to keep their Indians on their reservations and thus keep down the trouble, which is surely becoming apparent to any who have knowledge of the situation.

This summer's devilish work has been accomplished. Nothing can undo the immense damage to our natural resources. Our forests destroyed means our streams going dry in the early season of the year. Our game destroyed for its hide alone, a chief glory of our State forever gone.

Yours, very truly,

WILL L. SIMPSON,
County Attorney.

JOHN E. OSBORNE,
Governor of Wyoming, Cheyenne.

This letter was transmitted by Governor Osborne to the Secretary of the Interior on the 8th day of September, accompanied by the following communication:

SIR: Inclosed herewith I transmit a letter from the prosecuting attorney of Fremont County, this State, complaining of the depredations now being committed by the Shoshone Indians in the northern part of Wyoming, and of the failure of Captain Ray, the agent at Fort Washakie, to perform the duties of his important position satisfactorily to our people.

A great many complaints have come to my office, since Captain Ray's appointment, setting forth his incompetency and extreme lack of judgment. I have taken occasion to make careful inquiry concerning him, and I again desire to inform the Department that, unless he changes his method of conducting the affairs of his office, there will be bloodshed in the near future.

The people of Fremont County have for months been in constant fear of the Indians, and it would not surprise me at any time to hear that the home builders and settlers had united in a war of extermination. I can not too strongly urge the removal of the present agent, and the appointment in his place of a citizen of Fremont County.

Very respectfully,

JOHN E. OSBORNE,
Governor of Wyoming.

Hon. HOKE SMITH,
Secretary of the Interior, Washington, D. C.

In reply to this communication by Governor Osborne, the following answer was made on the 22d of September:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., September 22, 1894.

SIR: I have the honor to acknowledge the receipt of your favors of the 5th and 8th instants, respectively, relating to the depredations which you state are being committed by Indians from the Shoshone and Fort Hall reservations, who are now roaming in the vicinity of the national park, setting destructive forest fires and wantonly killing game for hides.

You further say that many complaints have come to your office of the failure of Captain Ray, acting Indian agent, to perform his duties satisfactorily to your people; and that unless he changes his methods of conducting the affairs of his office there may be bloodshed in the near future, owing to the depredations of the Shoshone Indians.

In reply I have to respectfully inform you that under date of the 12th instant this office telegraphed Captain Ray as follows:

"Call in all absent Indians. Report at once by wire how many are absent from the reservation. Governor of Wyoming complains of depredations by them in northern Wyoming."

On August 29 I telegraphed Captain Van Orsdale, acting Indian agent of the Fort Hall Agency, Idaho, to at once have his absent Indians return to their reservation.

Under date of the 3d instant he reported that he had sent his Indian police and runners to order absent Indians back to the reservation.

Captain Ray reported, September 13, that in compliance with office instructions he has sent out his Indian police to order all Indians absent from his reservation to return.

Further, Captain Ray has asked authority from the War Department for an escort of soldiers, in order that he may scout the territory adjoining his reservation and compel the Indians to return to their respective reservations; and that he be allowed to invite the county authorities to send a civil officer with him. It is expected the War Department will soon take action on the above request.

Trusting that these depredations by Indians will soon cease, and assuring you that this office is willing and anxious to do everything in its power to attain that end, I remain,

Very respectfully,

FRANK ARMSTRONG,
Acting Commissioner.

Hon. JOHN E. OSBORNE,
Governor of Wyoming, Cheyenne, Wyo.

On the 6th day of August, 1894, the county and prosecuting attorney of Uinta County, Wyo., sent the following telegram to the Commissioner of Indian Affairs:

EVANSTON, WYO., *August 6, 1894.*

D. M. BROWNING,
Commissioner of Indian Affairs, Washington, D. C.:

I have reliable information that 100 Bannack Indians are in this county killing game for hides. Will you send soldiers to take them back or let them take the consequences?

JOHN C. HAMM,
Attorney Uinta County.

On November 30 the county attorney of Fremont County again addressed the Commissioner of Indian Affairs, as follows:

LANDER, WYO., *November 30, 1894.*

DEAR SIR: I inclose you a letter from a justice of the peace (Tappan) concerning depredations upon game by Shoshone Indians, under authority of Agent Ray, also original passes.

I trust that this explanation will result in the Department taking other steps in the continued violation of its orders by the acting agent of the Shoshone Agency.

Very respectfully,

WILL L. SIMPSON.

HON. COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

The letter referred to by Justice of the Peace Tappan is as follows:

DUBOIS, WYO., *October 13, 1894.*

DEAR SIR: Information of a number of elk having been killed for their hides on the Denore by Indians and their carcasses having been left to spoil determined me to organize a party and investigate the matter.

We have this day overhauled and searched the packs of four hunting parties, and the result will be explained by the accompanying affidavit. I found two passes expired and took them up, also one pass for five persons, with eight Indians in the party, and took it up. You will notice that two of the passes are so drawn that there is no limit to the number which may travel on them.

We had to make a gun play to search one outfit, but trust that under the circumstances we have not overstepped the law. We found this outfit had 41 hides and no pass, or at least they denied having one. We did not find fresh hides enough to locate the parties who had been killing for hides, and under the circumstances made no arrests, but turned every Indian toward the agency. It being late in the day we did not count the hides of another party on Long Creek, but told them to pull for the agency at once.

If we are off wrong please advise us. We have an exact tally of the hides in each outfit, and if required will send you affidavits and you can put them in shape and send them up, and I will have them sworn to and returned to you.

Yours, truly,

JAMES H. TAPPAN,
Justice of the Peace.

P. S.—You will notice there were 41 hides with no pass.

W. L. SIMPSON, Esq.,
Lander, Wyo.

Captain Ray referred, in his communication to the Department in reference to this matter, to Justice Tappan and his men as "an armed body of lawless whites," although his superior officer, the honorable Commissioner of Indian Affairs, had, under date of May 2, notified him that Indians violating the game laws of the State or Territory in which they are found hunting are liable to arrest and punishment.

I also append hereto a certified copy of one of the passes referred to by Justice Tappan as being issued by the agent of the Shoshone Agency, and it will be noted that the pass had expired by limitation for three months at the time it was taken up:

UNITED STATES INDIAN SERVICE,
Shoshone Agency, May 14, 1894.

No. 8.]

Permission is given Peoutze and family of three persons to be absent from this agency for the period of sixty days, for the purpose of visiting Green River.

Object of visiting friends.
On arrival will report to ——— ———.
Reported to ———, 188—.

P. H. RAY,
Captain, Acting United States Indian Agent.

[District clerk's certificate.]

STATE OF WYOMING, *County of Fremont, ss:*

I, Ben Sheldon, clerk of the third judicial district court, within and for said county and State aforesaid, do hereby certify the foregoing to be a full, true, and complete copy of a certain piece of writing this day presented to me for comparison, and that the above is a full, true, and correct copy thereof; being so full and complete as the same now appears before me.

In testimony whereof I have hereunto subscribed my hand and affixed the official seal of said court, at my office in Lander, Wyo., this 22d day of June, A. D. 1894.

BEN SHELDON,
Clerk Third Judicial District, Fremont County, Wyo.

On November 14, 1894, the honorable Commissioner of Indian Affairs addressed the following letter to the Indian agent at Fort Hall Agency:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., November 14, 1894.

SIR: Referring to office letter to your predecessor of May 2, 1894, relative to the Indians under his charge wantonly slaughtering game, particularly in the country adjacent to the Yellowstone National Park, in which he was instructed to call a council of the Indians and inform them that such depredations should be stopped, and that they should not be granted passes when he had reason to think they intended to go on hunting expeditions, etc., I have to inform you that a further complaint has reached this office from Mr. G. G. Shields, editor of Recreation, New York City, who states that Mr. B. M. Webster, of Omaha, Nebr., who has recently returned from a hunting trip in the Rocky Mountains, writes him that the Shoshone and Bannack Indians have been hunting all through the country south and east of the National Park, killing thousands of elk, deer, and antelope, and taking only their skins, leaving the carcasses to rot. Mr. Shields further states that these Indians have been making a practice of this reckless slaughtering of game every summer, in open violation of law, but that the people of the Territories dislike to prosecute them on account of depredations which they fear might be committed by the Indians in retaliation.

While this office believes that United States Indian agents have endeavored to prevent the Indians from wantonly destroying game in the Western country, and that in many instances where complaints have been made against the Indians careful investigation has shown that the charges against them were either altogether false or greatly exaggerated, sometimes willfully so, yet I would request that you be watchful of the Indians under your charge, to the end that they give no further cause for complaint in this matter. You can say to them that further complaints have been made about their killing game and that such depredations must cease.

Very respectfully,

D. M. BROWNING, *Commissioner.*

THOMAS B. TETER, Esq.,
United States Indian Agent,
Fort Hall Agency, Ross Fork, Idaho.

It will be noticed that in this letter to Mr. Teter the Commissioner of Indian Affairs does not take exceptions to the statement made by Mr. Shields that the Indians were killing game in violation of State laws, and the inference would be that they are amenable to State laws, and he does not make any reference to any treaty rights which hold the Indians superior to the laws of the State.

On the 20th of February, 1895, the State legislature of Wyoming, in response to an almost unanimous public sentiment and the continued and repeated violations of the spirit of the game laws, passed an act of which the following has especial reference to large game:

SEC. 14. It shall be unlawful to pursue, hunt, or kill any deer, elk, moose, mountain sheep, mountain goat, or antelope at any time except during the months of September, October, and November in each year, during which months the males only of such animals may be killed or hunted under conditions and restrictions imposed by this section. It shall be unlawful at any time whatever to kill or capture any of the above-named animals mentioned in this section by means of any pit, pitfall, or trap. Any person may, during the period permitted and prescribed by this section, pursue, hunt, and kill any of the males of the animals mentioned in this section for the purpose only of supplying himself with food, but not for speculative purposes or wantonly. In order to prevent more effectively the hunting and slaughter of the animals mentioned in this section for speculative purposes, it is hereby declared to be unlawful for any nonresident of this State to hunt, kill, or pursue any of the male animals permitted by this section to be hunted, killed, or pursued herein without having first procured a license therefor so to do from a justice of the peace of the county wherein said animals are to be hunted. The justices of the peace of this State are hereby authorized and directed to issue such licenses upon the payment of $20 for each license, which shall be good in their county. Such license shall permit such nonresident to pursue, hunt, or kill any of the males of the animals mentioned in this section during the months of September, October, and November of the current year for the purpose of supplying himself or his family with food during such period.

On January 21 the following letter in regard to the slaughter of game by Indians was addressed to the honorable Secretary of War:

BROOKDALE, RED BANK, MONMOUTH COUNTY, N. J.,
January 21, 1895.

SIR: I desire to call your attention to a violation of the laws which I believe come under the charge of your Department. The section of the country known as Jacksons Hole, the post of which is now Marysvale, Uinta County, Wyo., has been overrun by Indians for the past few years. Last September and October there were upward of 200 bucks, with their squaws, horses, and outfits, in that neighborhood. They were of the Shoshone and Lemhi tribes from the agencies at Fort Hall and the Lemhi Reservation. Their purpose was hunting and the destruction of elk, antelope, and deer was enormous. The settlers are indignant at having their meat supply cut off and are growing perceptibly hostile to the invasions of these Indians. I own some property in that vicinity, and having induced others to acquire land there for the purpose of rest, recreation, and the shooting and fishing the country affords, they have suggested that I appeal to you to have the existing state of affairs remedied. As the game supply has decreased 20 per cent in the last three years and will decrease far more rapidly in the future, I trust you may prevent it.

Very respectfully, yours,

L. S. THOMPSON.

Hon. DANIEL LAMONT,
Secretary of War, Washington, D. C.

The above letter was duly transmitted by the honorable Secretary of War to the Department of the Interior, and on the 7th of February it was answered as follows by the honorable Commissioner of Indian Affairs:

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

SIR: By reference from the War Department, I am in receipt of your communication of the 21st ultimo, addressed to the honorable Secretary of War, in which you state that the section of country known as "Jacksons Hole, the post of which is now Marysvale, Uinta County, Wyo.," has been overrun by Indians for the past few years; that last September and October there were upward of 200 bucks, with their squaws, etc., in that neighborhood; that they were of the Shoshone and Lemhi tribes, from the Fort Hall and Lemhi agencies; that their purpose was hunting, and the destruction of elk, antelope, and deer was enormous; that the settlers are indignant at having their meat supply cut off, and are growing perceptibly hostile to invasions by these Indians; that you own some property in that vicinity, and having induced others to acquire land there for the purpose of rest, recreation, and the shooting and fishing the country affords, they have appealed to you to have the existing state of affairs remedied. You therefore ask that the further destruction of game by the Indians be prevented.

In reply you are informed that I have this day written the United States Indian agents of the Fort Hall and Lemhi agencies, forwarding a copy of your letter and calling their attention to previous communications of this office, in which they were instructed to prevent, so far as possible, the wanton destruction of game by the Indians of their respective agencies.

In this connection, you are further informed that some of the replies received from Indian agents in Wyoming, Idaho, and Montana relative to Indians killing game would seem to indicate that the Indians are not altogether to blame in the matter complained of; that many of the charges against them have been found upon investigation to be altogether false or grossly exaggerated, and sometimes willfully so; and that many white hunters infest the country entirely unmolested and slaughter game for the market, curio shops, and taxidermists.

I inclose you copies of my letters above referred to.

Very respectfully,

D. M. BROWNING, *Commissioner.*

Mr. L. S. THOMPSON,
Brookdale, Red Bank, Monmouth County, N. J.

On the same date the following letter was addressed to the agent of the Fort Hall Agency:

SIR: Inclosed herewith find copy of a letter dated the 21st ultimo, from Mr. L. S. Thompson, of Brookdale, N. J., who complains of the Indians of your agency committing depredations on game in Uinta County, Wyo.

Your attention is invited to office circular of May 2, 1894, addressed to your predecessor in office, in which he was fully instructed relative to such depredations by Indians.

I have again to request that you be watchful of the Indians under your charge, to the end that they give no further cause for complaint in this matter. You can say to them that further complaints have been made about their unlawfully killing game, and that such depredations, if true, must cease.

Very respectfully,

D. M. BROWNING, *Commissioner.*

THOS. E. TETER, Esq.,
United States Indian Agent, Fort Hall Agency, Ross Fork, Idaho.

It will again be noted that the Commissioner invites the attention of the agent to the circular of May 2, 1894, which circular, as before stated, refers to the fact that the Indians will be liable to arrest and punishment by the State authorities in the State or Territory in which they may be found hunting.

From the latter part of November until late in the spring the country from which these complaints came is covered with a heavy mantle of snow and is accessible only on snowshoes over the rugged mountain passes. During these months the Indians are snugly located upon their respective reservations, enjoying the bounties of Uncle Sam's hospitality.

Immediately after the passage of the game law heretofore referred to, 2,500 copies were distributed over the State in order that the provisions of the act might be thoroughly understood by the people and that there might not be any misunderstanding as to the provisions of the law by either citizens or nonresidents of the State, white man or red man. The passage of this game law gave very general satisfaction in our State and preparations were made for its strict enforcement. In view of the fact that the Commissioner of Indian Affairs notified his agents that the Indians were amenable to the game laws of the State, it was hoped that there would be no serious difficulty with them in the strict enforcement of the law, but in this hope we were to be sadly disappointed.

The early spring found the red man crossing the mountains from Idaho into the valleys of Wyoming in search of his favorite delicacy, the unborn young of elk, deer, and antelope. The following letter from the governor of Wyoming to the honorable Secretary of the Interior, under date of June 17, 1895, states very tersely the situation and clearly indicated the necessity for prompt action, although he could not have foreseen the events which were so soon to transpire in the region in question and which might have resulted in a more serious conflict between the settlers and Indians:

CHEYENNE, WYO., *June 17, 1895.*

SIR: I am informed that Indians are now hunting and killing large game, especially elk, in the northern part of Uinta County and the western part of Fremont County, Wyo., in open violation of law. These Indians come from the Shoshone and Arapahoe Reservation in this State and from Idaho, mostly from the latter State. The country spoken of lies south and east of the Yellowstone National Park. It is generally lower in altitude than the park and is a favorite winter range for animals that spend the summer and autumn in the park. In the winter, as the snow becomes deep in the park, the animals seek a lower altitude, which they find in the localities named, and as the spring comes earlier there, they remain until the heat of summer drives them into the higher and cooler country. In these lower altitudes their young are brought forth, and it is at this season, when the females are unable to escape from the hunter or unwilling to abandon their young, even to save their own lives, that the Indians accomplish the greatest slaughter. It is not want that leads to this destruction so much as a depraved appetite. They consider an unborn calf the greatest of delicacies and wantonly kill the mother to obtain it, leaving her carcass to the less fastidious coyote. I know this to be true, because I have seen it in the very locality of which I speak.

Every year this matter comes up. The Indians come into part of the State in June, and there are Indians there until the snows of winter drive them out. I was in that part of the State the latter part of last October, and was given positive proof of the killing of more than 100 elk in one place by Indians for the hides alone, the bodies being left untouched. During the summer, when game is somewhat scarce, the Indians do not hesitate to kill cattle, and a conflict between the settlers and the Indians may take place at any time, and has been narrowly averted several times. I have seen large numbers of Indians encamped for several weeks in the northern part of Uinta County, on Horse Creek, and other tributaries of Green River, on the western side of that stream. These Indians came from Idaho to hold at these places some of their annual dances, and while so engaged killed cattle and took and used horses owned by settlers. Upon one occasion the latter congregated to the number of a hundred, armed and mounted, and for a time a conflict was imminent, but wise counsel prevailed and the peace was preserved.

To be sure we have laws for the protection of live stock and game to which Indians are amenable, and the agents say that if the Indians violate the law arrest and punish them as you would white men. The difficulty about doing this is that the offenses are necessarily committed in places remote from the seat of county government, and these counties being sparsely settled and financially poor, with the limit of their expenditures fixed by law, they are unable to prosecute these offenders, with no possibility of collecting a fine from them if convicted, and to whom a short imprisonment with plenty to eat is no punishment. I inclose a copy of our game laws, a perusal of which will convince you that it is hard to make them fit an Indian in the way of restraint or punishment. I would most respectfully suggest that the agents at the several agencies be instructed to not allow the Indians under their control to hunt off their reservations and to not give them passes to visit distant points, which they obtain ostensibly for social purposes but in reality to afford them an opportunity to hunt upon the way.

The agents can control them while at home, but when they get away into the mountains they feel free from restraint, become very independent and insolent, and have no regard for the law, even if they know it, or for the rights of others. It is not right to impose upon the county or the State the duty of teaching the Indian the laws of the land and compelling him to respect and obey them. He is the ward of the nation, and the General Government feeds and clothes him, reserves large bodies of the best of the land for his use, and should see to it that he be not allowed to encroach upon the rights and privileges and work to the loss and detriment of the white people, who not only support themselves, but contribute from their hard-earned savings to the support of these idle vagabonds.

I feel very much interested in this matter because of my personal knowledge of the facts, and I trust that you will give it consideration and accord us the desired relief.

Very respectfully,

W. A. RICHARDS, *Governor.*

Hon. HOKE SMITH,
Secretary of the Interior, Washington, D. C.

In the early part of July the entire country was startled by the reports of a conflict between the settlers and Indians in Jacksons Hole, and for days thereafter the press of the country carried startling headlines and wildly exaggerated reports of the occurrences in that locality. The region that has become so widely known throughout the country as "Jacksons Hole" is situated immediately south of the Yellowstone National Park. At the north end of this basin lies the beautiful Jacksons Lake, a body of water about 18 miles long by 4 or 5 miles in width. Below the lake for some 30 miles extends a valley of rare beauty, the lower part of which, watered by the Big and Little Gros Ventre rivers, is as fair and fertile a spot as can be found upon earth. To the westward of this valley, and rising from its level surface and from the placid bosom of the lake, ascend the mighty heights of the Teton Range, whose peaks rising from 6,000 to 8,000 feet above the valley, covered with perpetual snow, rival if they do not surpass in grandeur the Swiss Alps.

Over this mighty range, at an elevation of 10,000 feet above the sea level, is the only pass from the west. On the east and south the valley is shut off from the outside world by numerous ranges of the Rocky Mountain belt. Into this valley, far from the conveniences and comforts of older settlements, have come pioneers of the type of those who have laid the foundations of American communities and carried forward the banner of civilization from the Alleghanies to the westward sea. They have diverted the waters of the mountain streams from their channels and, carrying it over the fair valleys, have made them to "blossom as the rose." From the forests on the mountain sides they have obtained the material to fence their farms and the logs with which they have constructed comfortable homes. The heavy snows of winter compel careful attention to the wants of the live stock, and to provide food for them the once sparsely grassed valleys have been converted into rich fields and luxuriant meadows by irrigation.

The present settlement in this region was begun less than six years ago, and although separated from the nearest railway station by a distance of 130 miles over a mountain pass, 2 miles above sea level, in this short time sawmills have been brought into the settlement, the log houses are already giving way to those of board, lath, and plaster, and in these homes you will find many evidences not only of comfort, but of refinement. Schools have been established and in all the time in which this valley has been settled there never has been a criminal case brought before the county authorities.

The mountainous region surrounding this valley is to-day the best hunting ground for large game in the Union. In fact, it is almost the only region of any considerable extent in the United States in which large game are found in considerable numbers. If only hunted in a sportsmanlike way, at proper seasons of the year, parts of this territory will for many years to come continue to be the home of the elk, moose, and deer, affording recreation for the sportsman and adding variety to the larder of the settler. The people of that region, as of all other portions of our State, are thoroughly alive to the importance of enforcing our new game law, and there, as well as in other portions of the State, arrangements were made early in the season by constables and game wardens to see that the law was strictly enforced against all comers.

Early in May word was brought to the authorities in Jackson's Hole, by prospectors, that Indians from the Fort Hall Reservation had passed in over the snow crust to the vicinity of the head waters of the Big Gros Ventre River and were lying upon the trails and killing elk for their hides. Contrary to their usual custom, and plainly indicating that they felt that they were trespassers, these Indians had avoided the settlements and passed directly from their reservation to the hunting grounds. Not even

the most insistent Indian apologist could claim that these Indians were hunting for the purpose of obtaining meat, as at that season of the year and for a month afterward, elk are so poor that their meat is of no value and the only portion that was used by the Indians was the unborn elk calves, which is considered by them to be a great delicacy.

William Manning, constable at Marysvale, made a tour of inspection into the region in which the Indians were hunting, and having located them, on the 7th day of June, with a few men and warrants for the Indians of two lodges, proceeded to the vicinity where the Indians had been located, only to find that they had moved to the head of Green River, where one Indian (One-Eyed George) was arrested. This Indian had in his possession 50 elk hides and about 50 pounds of meat. This Indian was taken to the settlement and fined $15 and costs, which costs were afterwards waived. At the time this Indian was arrested word of his capture was sent by his squaw to the agent who wrote to Mr. Manning, asking him to be lenient with the Indian, as he (the agent) desired to keep the Indians on their reservation, and the Indians hunting at that time were away without permission.

Mr. Manning having learned of other bands of hunting Indians, procured warrants for their arrest, and on the 24th day of June, with two men, he attempted to arrest five Indians about 20 miles from Jackson's Hole. These Indians promptly drew their guns on the posse and held them up, and gave them to understand that they (the Indians) would not be arrested. The Indians had in their possession at that time about 25 hides, the result of the day's hunt, and had evidently saved no meat whatever. All of these Indians understood English thoroughly, and the warrants were read to them and the law fully explained. They said to the constable and his deputies that they would kill any man who tried to arrest them. The posse went to the camp with the Indians and there found a party of about 30 Indian hunters and their squaws. The constable again read the warrants to them and explained the law fully. The Indians again informed the officers that any attempt to arrest them for killing game would result disastrously for the whites. They twitted Mr. Manning and his deputies on their inability to arrest them, ridiculed their attempts to enforce the law, and their evident intentions were well stated by one of the Indians who said, "Elk, all Indian elk. Kill 'em all this year." Constable Manning and his deputies estimated that this party had no less than 500 hides of elk and at the utmost not enough meat to last them over a day or two.

This repulse, however, did not prevent Constable Manning from making another attempt to enforce the game laws. On his return to Marysvale he organized a posse of 37 men, all of whom were sworn in as deputies. On the 4th of July the party overtook a camp of 10 Indians with their squaws. In this camp there were upward of 90 elk hides and not over 100 pounds of dried meat. These Indians were arrested, taken to the settlement, and fined $75 each. The hides captured with the party were turned over to their squaws. The Indians not being able to pay their fines, were turned over to a posse to be taken to the county seat. On their way there they escaped from their guards.

On the 7th day of July Constable Manning and a posse of 27 men, armed with warrants, started for the Hoback Basin, south of Jacksons Hole, where the Indians were known to be violating the game laws. In that region on the 12th a party of 9 Indians were arrested. The squaws belonging to the party were instructed to either go to the agency or follow the party to the settlements. This party had in the neighborhood of 200 elk, moose, and antelope hides, and very little dried meat.

There have been so many flagrant and gross misrepresentations of what followed this arrest that I feel justified in digressing from the thread of my story for a moment to discuss the character and condition of the men under arrest. With this party of 9 Indians was the mother-in-law of "Beaver Dick," a white man, owning a well-improved ranch in Jacksons Hole. This woman speaks and understands English thoroughly. With the party were a number of Indians who had been educated at the agency schools, and who had had better advantages for securing an education than had many of the men who composed the posse. The idea that these Indians did not understand that they were perfectly safe in the hands of a constable's posse is preposterous, and could only emanate from the fertile brain of a newspaper correspondent whose only acquaintance with the Indians was from dime-museum specimens and the perusal of Fenimore Cooper's works. It is in all probability true that these vagabonds, after the manner of their race, would not speak English, though they understood it thoroughly.

Those who have seen well-educated Indians from the best schools in the land gaze stolidly at a questioner and answer in a savage grunt respectful interrogatories addressed to them within three months after they had returned to the reservation can readily understand how these people would pass for simple and unsophisticated children of nature with men who did not understand their habits and dispositions. The statement has been made, absolutely without foundation, that the members of the posse attempted to incite the Indians to escape by arousing their fears. No one understands better than an agency Indian that he is never so safe as when in the charge of white men. But their sullen and overbearing disposition can not brook restraint.

Mr. Manning and his posse could not have had any possible motive for inciting their prisoners to escape. On the contrary, it was only natural that they should make every effort to prevent an escape on the part of the Indians, for should they escape, without an effort being made to restrain them, that fact would soon become known to every band of Indians in the country, and it would be useless to attempt to bring any of them to justice. They also understood thoroughly that if in the attempt to prevent the escape of the Indians there should be bloodshed the condition would be even worse, for not only would it be impossible to arrest any other bands except by force, but, further, the Indians then hunting in the mountains would be very likely to unite and sweep down on the settlements before the settlers could get together for mutual protection.

To return to the thread of our story. When Constable Manning and his party halted for dinner, they noticed that the Indians were rearranging their packs; that they were dividing their rations in such a way that each Indian carried some provisions, and that there were consultations between the bucks and the squaws, who were following the party on the trail. This led Mr. Manning to believe that an attempt would be made by the Indians to escape, and in order to impress them with the fact that they intended to take them to the settlement, Mr. Manning, when the march was taken up again, led, and alternated each Indian on the trail with an armed guard. Nothing could have been stronger evidence to the Indians of the determination of the men to take them to the settlement for trial, than this disposition of them. But the same reckless spirit that prompted the Sioux at Wounded Knee to fire on the soldiers drawn up in line to receive their weapons, prompted these Indians to escape at all hazards, and they no doubt relied upon the fact that in former times they had committed acts of insubordination and escaped punishment therefor.

About the middle of the afternoon, on reaching a part of the trail where there was a heavy growth of young timber, one of the Indians gave a signal, and the entire party swung their horses from the trail and plunged into the thicket. There were but a few seconds in which to take any action. These men had traveled hundreds of miles without pay through an almost trackless forest, subsisting upon the meanest fare and sleeping on the stony ground at night, to bring these savages to justice, and now they were about to escape. It must have occurred to them and their leader that the escape of the Indians would render the enforcement of the law well-nigh impossible, or, what was worse, excited and encouraged by their temporary triumph, the Indians were liable to unite with other bands and in their savage desperation fall upon the outskirts of the settlement before the alarm could be given and the settlers called to a place of safety.

In this moment of time the thought no doubt occurred to them that this party of savage vagabonds were attempting to escape punishment for the violation of laws which they were compelled to respect. They had informed the Indians that they would not be allowed to escape under any circumstances. Was it strange that they made some attempt to keep their word? Was it strange that as the red rovers rushed into the forest they were fired upon? The only remarkable feature of the incident was that under the deadly aim of men used to rapid firing only one Indian was killed and one other wounded, and this of itself is sufficient evidence that there was no disposition to wantonly shed blood, for armed and equipped as they were, if there was any disposition to do so upon the part of the deputies, the entire Indian band might have been wiped out.

After the Indians had escaped it was discovered that the squaws, who were following behind, evidently by prearrangement, had left the trail before the bucks did, and at the first whoop had gone dashing through the wood at a headlong gait, and in traversing the trail over which they had ridden, a papoose was discovered, which had evidently been dropped in the wild scamper. This papoose was picked up, carried safely to the settlement, and afterwards sent to the reservation. A riderless pony having been discovered, the posse hunted thoroughly for another wounded Indian, but were unable to find him, and he was not discovered until some fifteen days later.

The posse then hastily returned to Marysvale, and fearing an attack from the combined forces of the various bands of Indians known to be hunting in the mountains, the settlers were hurriedly collected at the farm of Mr. Wilson in the Gros Ventre Valley. Breastworks were thrown up and arrangements made to repel any attack that might be made. In the Upper Valley, on Snake River, at Cunningham's, substantial stockades were built. At these points nearly the entire population of the valley—men, women,

and children—were gathered for about three weeks, with no shelter but a few tents, during the hottest weather of the summer, hourly expecting to be attacked.

In the meantime couriers were dispatched to Market Lake, Idaho, where the following telegram was sent, on July 16, to the governor of Wyoming:

Nine Indians arrested, one killed, others escaped. Many bands here. Threaten lives and property. Action on your part is absolutely necessary.

This telegram was transmitted to the Secretary of the Interior on the same day by Governor Richards, with the following additions:

I have received other advices by mail reporting the situation is serious. The Indians are Bannacks from Fort Hall, Idaho, arrested for the illegal and wanton killing of game. My letter to you dated June 17 relates to this matter in detail. Can you take immediate action for the protection of our settlers?

No reply having been received from the Interior Department on the 23d of July, Governor Richards sent the following message to the Secretary of the Interior:

Dispatches from my adjutant-general, who is on the ground at Jacksons Hole, reported to you to-day. Will the Federal Government take the matter in hand of returning the Bannacks to their reservation, or will Wyoming be expected to do so? Please wire reply.

On the 24th of July the following telegram was sent to Governor Richards:

Your telegram and one from Agent Teter transmitted to War Department, with request that United States troops be sent to protect settlers and return Indians to their reservations.

JOHN M. REYNOLDS, *Acting Secretary.*

On the same day the following telegram was sent to Governor Richards:

The Secretary of War has ordered Brigadier-General Coppinger to proceed at once to the scene of the trouble and to order such movement of troops as may be necessary to prevent a conflict between the Indians and settlers.

JOHN M. REYNOLDS, *Acting Secretary.*

It is not necessary for me to go into the history of the army operations which followed. The people of this country, through the columns of the sensational press, had reports of this matter ad nauseam. Each callow youth who misrepresented some Eastern newspaper, and who penetrated as near the seat of war as the nearest railway station, felt called upon to outdo his brother correspondent in wild and blood-curdling accounts of what was transpiring, and there being an intense scarcity of foundation for these wild tales, some one of them, with less regard for truth than the rest, after having undoubtedly met Agent Teter, of the Fort Hall Reservation, hit upon the happy expedient of abusing the settlers in lieu of giving war news. These willfully malicious tales were gladly hailed by the Indian lovers down East as the true cause for the outbreak, and for months thereafter the people were treated, through the columns of the Eastern press, to editorials full of as delectable a lot of rot and folderol on the Indian question in general and Jacksons Hole and the atrocious character of the settlers therein in particular as ever a nauseated and long-suffering people were called upon to endure.

In his report of the trouble the Commissioner of Indian Affairs seems to hold a grudge against the settlers for the senseless and alarming tales of slaughter which emanated from the fertile brains of newspaper correspondents at Market Lake and other points in Idaho. In all conscience, these people have had enough to answer for without charging them with the crimes originating in the minds of sensational newspaper reporters. The early sensational reports, charging the settlers with having been guilty of all sorts of crimes, seems to have been so popular in certain circles that even the United States attorney for Wyoming, who never got within 500 miles of the scene of the trouble, felt called upon to "cuckoo" in the same strain. Whatever information he had from the scene of the difficulty seems to have been obtained from a man who went into Jacksons Hole, ostensibly as a newspaper correspondent, but who was really a deputy United States marshal. This individual, who never left the main traveled roads and scarcely got outside the barbed-wire fences, reported that there were no evidences of the wanton slaughter of game by the Indians in that region. Without a single particle of evidence, without an attempt to secure the facts in the case, the United States attorney declares, in his report to the Department in regard to this matter, that the killing of the Indian Se wa a gat was an "atrocious, outrageous, and cold-blooded murder." It has been reported that after this report of the district attorney of Wyoming was made public that gentleman was much exercised over the fact and stated that he thought his report would be treated as confidential and not published.

In the report of the Commissioner of Indian Affairs in regard to the matter is the report of Thomas Teter, agent of the Fort Hall Reservation, which is full of the most glaring misrepresentations; and this report is printed in spite of the fact that it states that from four to seven Indians were killed, and no explanation is made, though at the time it was published it was known that only one Indian was killed.

This report further states that the governor of Wyoming assured the settlers that they would be backed by him in their attempt to drive the Indians out of Wyoming. This is an absolute falsehood, as no communication which by any perversion could be so construed passed between the governor and the people of Jacksons Hole; and the officers in that region only did their plain duty in attempting to enforce the game laws.

Mr. Speaker, the facts in the case are simply these: For years past the Indians have been roaming and hunting at will over a large part of Wyoming and adjoining States. The Indian has absolutely no regard for game life. A being so thoroughly shiftless and improvident that his life is a continuation of feasts and famines has no care for the preservation of game. The greatest delicacy known to an Indian is the unborn young of large game. The number of these animals which are annually slaughtered is eloquently portrayed by the long strings of dewclaws, hundreds in number, which are worn as necklaces by the squaws.

The country which is inhabited by this large game is heavily timbered and mountainous in character. The passes through the mountains are well known by the Indians, and to make it an easy matter to secure the game in large quantities the Indians set fire to thousands of acres of forests and then station themselves at the passes to shoot the frightened animals as they rush past to escape the conflagration. In the month of October of this year I traveled over a week along the crest of the range and in the valleys east and south of the National Park, and during this time the air was dense with the smoke of thousands of acres of magnificent forests, fired by the Shoshones on a hunting trip. I know from personal knowledge and not from hearsay that the Indians had slaughtered a vast amount of game in the mountains surrounding Jacksons Hole during the last summer. The number of hides in the possession of the different parties which were arrested is absolute and unquestionable proof of the waste of a vast amount of meat.

The legislature of Wyoming, as before stated, passed a game law providing for an absolute close season, and this game law was in force last summer for the first time, and it was enforced strictly against white hunters. An attempt to compel the Indians to comply with its provisions led to the Jacksons Hole trouble. An officer of the United States Army, in a report in regard to this matter, stated that he believed that the settlers were responsible for the trouble in Jacksons Hole; and indeed they were responsible in the same way that you would be responsible were you to have trouble with a housebreaker, if, after having discovered him in his unlawful work, you attempted to have him brought to justice. I spent a considerable portion of the past summer in the game regions of northern Wyoming, and I know from personal knowledge that the game laws were enforced, as near as it was possible to do so, against all classes of white hunters, and I know it is the intention of our people to strictly enforce them in the future. But what will it avail if our own citizens and those from abroad, seeking recreation in legitimate hunting, shall be compelled to comply with the law, if bands of 500 or 600 Indian bucks from reservations both sides of this district are to be allowed to hunt absolutely without restriction? How useless it is to attempt to preserve the forests in these mountains at the head waters of streams that flow into both the Pacific and the Gulf, if bands of Indians are to be allowed to pursue their favorite mode of hunting by setting fire to forests to drive the game out.

This trouble is only a repetition of the old story that has been repeated time after time since the white man first landed on the Atlantic Coast. Year by year and decade by decade the vanguard of civilization has driven back the hordes of barbarism. Those who live where years ago similar scenes were enacted can afford to theorize and philosophize as to the Indian, but to the hardy settler on the frontier it is not a "theory but a condition" that confronts him. The Indian has never given up his nomadic ways unless forced to do so, and every onward step of empire has been accomplished in the face of his opposition. But it was not until the past year that the brave people who, foregoing the comforts and privileges of older communities, pushed forward into the mountain valleys to subdue the wilderness encountered not only the savage, but had brought down upon them the unreasoning and unreasonable condemnation in their efforts to found homes of those of their own race. There lives not to-day within the borders of the Republic, and I say it with personal knowledge, a community of people more intelligent or more capable of establishing and maintaining all of the beneficial institutions of civilization and free government than the people living within the shadow of the Grand Teton.

Up to the time the last party of Indians was arrested no authority had ever declared that the Indians were not amenable to the game laws of Wyoming. Every attempt to have this matter thoroughly understood and settled had failed. The Indian Bureau itself in 1894 had declared that the Indian was subject to the game laws of the State in which they were found hunting. No later declaration contrary to this had ever been made by those in charge of the conduct of Indian affairs. The people of Wyoming believed that the State was sovereign in its power to police its territory,

and had the authority to punish all who violated its laws, without regard to race or color.

The highest judicial tribunal in the land has now declared that the view of this matter held by our governor and our county officials was eminently right and lawful, and it is with a vast amount of satisfaction that we who have held that our State was sovereign in its police authority have read the decision of the Supreme Court in the case relating thereto. One of the Indians, Race Horse by name, who had flagrantly violated the State game laws of Wyoming by killing game during the close season, as provided in the State law, was arrested by John Ward, the sheriff of Uinta County, Wyo., on October 3, 1895, charged with having killed seven elk in the State of Wyoming in the vicinity of Mount Hoback on or about the 1st day of July, 1895. This Indian on October 7, 1895, filed in the circuit court of the United States a petition for writ of habeas corpus, and the case was tried in the circuit court of the United States, sitting in the city of Cheyenne, Wyo., and on November 21, 1895, the court held that the Indian was held in custody for an act done in pursuance of the treaty between the United States and the tribe of which he was a member, and was in custody in violation of the Constitution and the laws of the United States. Thereupon the case was appealed to the Supreme Court of the United States and a decision was rendered on the 25th day of May, 1896, as follows:

SUPREME COURT OF THE UNITED STATES.

No. 341.—October term, 1895.

John H. Ward, sheriff of the county of Uinta, in the State of Wyoming, Appellant, *vs.* Race Horse. Appeal from the circuit court of the United States for the district of Wyoming.

[May 25, 1896.]

This appeal was taken from an order of the court below, rendered in a habeas corpus proceeding, discharging the appellee from custody. (70 Fed. Rep., 598.) The petition for the writ based the right to the relief which it prayed and which the court below granted, on the ground that the detention complained of was in violation of the Constitution and laws of the United States, and in disregard of a right arising from and guaranteed by a treaty made by the United States with the Bannack Indians. Because of these grounds the jurisdiction below existed, and the right to review here obtains. (Revised Statutes, section 753; act of March 3, 1891, 36 Stat., 826.)

The record shows the following material facts: The appellee, the plaintiff below, was a member of the Bannack tribe of Indians, retaining his tribal relations and residing with it in the Fort Hall Indian Reservation. This reservation was created by the United States in compliance with a treaty entered into between the United States and the Eastern Band of Shoshones and the Bannack tribe of Indians, which took effect February 24, 1869. (15 Stat., 673.) Article 2 of this treaty, besides setting apart a reservation for the use of the Shoshones, provided:

"It is agreed that whenever the Bannacks desire a reservation to be set apart for their use, or whenever the President of the United States shall deem it advisable for them to be put upon a reservation, he shall cause a suitable one to be selected for them in their present country, which shall embrace reasonable portions of the 'Port Neuf' and 'Kansas Prairie' countries."

In pursuance of the foregoing stipulation the Fort Hall Indian Reservation was set apart for the use of the Bannack tribe.

Article 4 of the treaty provided as follows:

"The Indians herein named agree, when the agency house and other buildings shall be constructed on their reservations named, they will make said reservations their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right to hunt upon the unoccupied lands of the United States so long as game may be found thereon, and so long as peace subsists among the whites and Indians on the borders of the hunting districts."

In July, 1868, an act had been passed erecting a temporary government for the Territory of Wyoming (15 Stat., 178), and in this act it was provided as follows:

"That nothing in this act shall be construed to impair the rights of persons or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians."

Wyoming was admitted into the Union on July 10, 1890. (26 Stat., 222.) Section 1 of that act provides as follows:

"That the State of Wyoming is hereby declared to be a State of the United States of America, and is hereby declared admitted into the Union on an equal footing with the original States in all respects whatever; and that the constitution which the people of Wyoming have formed for themselves be, and the same is hereby, accepted, ratified, and confirmed."

The act contains no exception or reservation in favor of or for the benefit of Indians.

The legislature of Wyoming on February 20, 1895 (Laws of Wyoming, 1895, chapter 98, page 225), passed an act regulating the killing of game within the State. In October, 1895, the district attorney of Uinta County, State of Wyoming, filed an information against the appellee (Race Horse) for having killed in that county seven elk in violation of the law of the State. He was taken into custody by the sheriff, and it was to obtain a release from imprisonment authorized by a commitment issued under these proceedings that the writ of habeas corpus was sued out.

The following facts are unquestioned: 1st. That the elk were killed in Uinta County, Wyo., at a point about 100 miles from the Fort Hall Indian Reservation, which is situated in the State of Idaho; 2d, that the killing was in violation of the laws of the State of Wyoming; 3d, that the place where the killing took place was unoccupied public land of the United States, in the sense that the United States was the owner of the fee of the land; 4th, that the place where the elk were killed was in a mountainous region some distance removed from settlements, but was used by the settlers as a range for cattle, and was within election and school districts of the State of Wyoming.

Mr. Justice White, after stating the case, delivered the opinion of the court.

"It is wholly immaterial, for the purpose of the legal issue here presented, to consider whether the place where the elk were killed is in the vicinage of white settlements. It is also equally irrelevant to ascertain how far the land was used for a cattle range, since the sole question which the case presents is whether the treaty made by the United States with the Bannack Indians gave them the right to exercise the hunting privilege, therein referred to, within the limits of the State of Wyoming in violation of its laws. If it gave such right, the mere fact that the State had created school districts or election districts, and had provided for pasturage on the lands, could no more efficaciously operate to destroy the right of the Indian to hunt on the lands than could the passage of the game law. If, on the other hand, the terms of the treaty did not refer to lands within a State, which were subject to the legislative power of the State, then it is equally clear that, although the lands were not in school and election districts and were not near settlements, the right conferred on the Indians by the treaty would be of no avail to justify a violation of the State law.

"The power of a State to control and regulate the taking of game can not be questioned. (Geer *vs.* Connecticut, 161 U. S., 519.) The text of article 4 of the treaty, relied on as giving the right to kill game within the State of Wyoming in violation of its laws, is as follows:

"'But they shall have the right to hunt on the unoccupied lands of the United States, so long as game may be found thereon, and so long as peace subsists among the whites and Indians on the borders of the hunting districts.'"

It may at once be conceded that the words "unoccupied lands of the United States" if they stood alone and were detached from the other provisions of the treaty on the same subject, would convey the meaning of lands owned by the United States, and the title to or occupancy of which had not been disposed of. But in interpreting these words in the treaty they can not be considered alone, but must be construed with reference to the context in which they are found. Adopting this elementary method, it becomes at once clear that the unoccupied lands contemplated were not all such lands of the United States wherever situated, but were only lands of that character embraced within what the treaty denominates as hunting districts.

This view follows as a necessary result from the provision which says that the right to hunt on the unoccupied lands shall only be availed of as long as peace subsists on the borders of the hunting districts. Unless the districts thus referred to be taken as controlling the words "unoccupied lands," then the reference to the hunting districts would become wholly meaningless, and the cardinal rule of interpretation would be violated, which ordains that such construction be adopted as gives effect to all the language of the statute. Nor can this consequence be avoided by saying that the words "hunting districts" simply signified places where game was to found, for this would read out of the treaty the provision as "to peace on the borders" of such districts, which clearly pointed to the fact that the territory referred to was one beyond the borders of the white settlements. The unoccupied lands referred to, being therefore contained within the hunting districts, by the ascertainment of the latter the former will be necessarily determined, as the less is contained in the greater. The elucidation of this issue will be made plain by an appreciation of the situation existing at the time of the adoption of the treaty, of the necessities which brought it into being, and of the purposes intended to be by it accomplished.

When in 1868 the treaty was framed the progress of the white settlements westward had hardly, except in a very scattered way, reached the confines of the place selected for the Indian reservation. While this was true, the march of advancing civilization foreshadowed the fact that the wilderness, which lay on all sides of the point selected for the reservation, was destined to be occupied and settled by the white man, hence interfering with the hitherto untrammeled right of occupancy of the Indian. For this reason, to protect his rights and to preserve for him a home where his tribal relations might be enjoyed under the shelter of the authority of the United States, the reservation was created.

Whilst confining him to the reservation, and in order to give him the privilege of hunting in the designated districts, so long as the necessities of civilization did not require otherwise, the provision in question was doubtless adopted, care being, however, taken to make the whole enjoyment in this regard dependent absolutely upon the will of Congress. To prevent this privilege from becoming dangerous to the peace of the new settlements as they advanced, the provision allowing the Indian to avail himself of it only whilst peace reigned on the borders was inserted.

To suppose that the words of the treaty intended to give to the Indian the right to enter into already established States and seek out every portion of unoccupied Government land and there exercise the right of hunting, in violation of the municipal law, would be to presume that the treaty was so drawn as to frustrate the very object it had in view. It would also render necessary the assumption that Congress while preparing the way, by the treaty, for new settlements and new States, yet created a provision not only detrimental to their future well being, but also irreconcilably in conflict with the powers of the States already existing.

It is undoubted that the place in the State of Wyoming where the game in question was killed was, at the time of the treaty in 1868, embraced within the hunting districts therein referred to. But this fact does not justify the implication that the treaty authorized the continued enjoyment of the right of killing game therein, when the territory ceased to be a part of the hunting districts and came within the authority and jurisdiction of a State. The right to hunt given by the treaty clearly contemplated the disappearance of the conditions therein specified. Indeed, it made the right depend on whether the land in the hunting districts was unoccupied public land of the United States. This, as we have said, left the whole question subject entirely to the will of the United States, since it provided, in effect, that the right to hunt should cease the moment the United States parted with the title to its land in the hunting districts.

No restraint was imposed by the treaty on the power of the United States to sell, although such sale, under the settled policy of the Government, was a result naturally to come from the advance of the white settlements in the hunting districts to which the treaty referred. And this view of the temporary and precarious nature of the right reserved in the hunting districts is manifest by the act of Congress creating the Yellowstone Park Reservation, for it was subsequently carved out of what constituted the hunting districts at the time of the adoption of the treaty, and is a clear indication of the sense of Congress on the subject. (17 Stat., 32; 28 Stat., 73.) The construction which would affix to the language of the treaty any other meaning than that which we have above indicated would necessarily imply that Congress had violated the faith of the Government and defrauded the Indians by proceeding immediately to forbid hunting in a large portion of the Territory, where it is now asserted there was a contract right to kill game, created by the treaty in favor of the Indians.

The argument now advanced in favor of the continued existence of the right to hunt over the land mentioned in the treaty after it had become subject to State authority admits that the privilege would cease by the mere fact that the United States disposed of its title to any of the land, although such disposition, when made to an individual, would give him no authority over game, and yet that the privilege continued when the United States had called into being a sovereign State, a necessary incident of whose authority was the complete power to regulate the killing of game within its borders. This argument indicates at once the conflict between the right to hunt in the unoccupied lands within the hunting districts and the assertion of the power to continue the exercise of the privilege in question in the State of Wyoming in defiance of its laws. That "a treaty may supersede a prior act of Congress, and an act of Congress supersede a prior treaty," is elementary. (Tong Yue Ting *vs.* United States, 149 U. S., 698; The Cherokee Tobacco, 11 Wall., 621.)

In the last case it was held that a law of Congress imposing a tax on tobacco, if in conflict with a prior treaty with the Cherokees, was paramount to the treaty. Of course the settled rule undoubtedly is that repeals by implication are not favored, and will not be held to exist if there be any reasonable construction. (Cope vs. Cope, 137 U. S., 682, and authorities there cited.) But in ascertaining whether both statutes can be maintained it is not to be considered that any possible theory by which both can be enforced must be adopted, but only that repeal by implication must be held not to have taken place if there be a reasonable construction by which both laws can coexist consistently with the intention of Congress. (United States vs. Sixty-seven Packages Dry Goods, 17 How., 87; District of Columbia vs. Hutten, 143 U. S., 18; Frost vs. Wenie, 157 U. S., 46.)

The act which admitted Wyoming into the Union, as we have said, expressly declared that that State should have all the powers of the other States of the Union, and made no reservation whatever in favor of the Indians. These provisions alone considered would be in conflict with the treaty, if it was so construed as to allow the Indians to seek out every unoccupied piece of Government land and thereon disregard and violate the State law, passed in the undoubted exercise of its municipal authority. But the language of the act admitting Wyoming into the Union, which recognized her coequal rights, was merely declaratory of the general rule.

In Pollard vs. Hagan (3 How., 212; 1845) the controversy was as to the validity of a patent from the United States to lands situate in Alabama, which at the date of the formation of that State were part of the shore of the Mobile River between high and low water mark. It was held that the shores of navigable waters and the soil under them were not granted by the Constitution to the United States, and hence the jurisdiction exercised thereover by the Federal Government, before the formation of the new State, was held temporarily and in trust for the new State to be thereafter created, and that such State when created, by virtue of its being, possessed the same rights and jurisdiction as had the original States. And, replying to an argument based upon the assumption that the United States had acquired the whole of Alabama from Spain, the court observed that the United States would then have held it subject to the Constitution and laws of its own Government. The court declared, page 229, that to refuse to concede to Alabama sovereignty and jurisdiction over all the territory within her limits would be to "deny that Alabama has been admitted into the Union on an equal footing with the original States." The same principles were applied in Louisiana vs. First Municipality (3 How., 589).

In Withers vs. Buckley (20 How., 84; 1857) it was held that a statute of Mississippi creating commissioners for a river within the State and prescribing their powers and duties was within the legitimate and essential powers of the State. In answer to the contention that the statute conflicted with the act of Congress which authorized the people of Mississippi Territory to form a constitution in that it was inconsistent with the provision in the act that "the navigable rivers and waters leading into the same shall be common highways, and forever free, as well to the inhabitants of the State of Mississippi as to other citizens of the United States," the court said (page 92):

"In considering this act of Congress of March 1, 1817, it is unnecessary to institute any examination or criticism as to its legitimate meaning, or operation, or binding authority, further than to affirm that it could have no effect to restrict the new State in any of its necessary attributes as an independent sovereign government, nor to inhibit or diminish its perfect equality with the other members of the Confederacy with which it was to be associated. These conclusions follow from the very nature and objects of the Confederacy, from the language of the Constitution adopted by the States, and from the rule of interpretation pronounced by this court in the case of Pollard's Lessee vs. Hagan (3 How., 229)."

A like ruling was made in Escanaba Co. vs. Chicago (107 U. S., 678; 1882), where provisions of the ordinance of 1787 were claimed to operate to deprive the State of Illinois of the power to authorize the construction of bridges over navigable rivers within the State. The court, through Mr. Justice Field, said (page 683):

"But the States have full power to regulate within their limits matters of internal police, including in that general designation whatever will promote the peace, comfort, convenience, and prosperity of their people."

And it was further added (page 688):

"Whatever the limitation upon her powers as a government whilst in a territorial condition, whether from the ordinance of 1787 or the legislation of Congress, it ceased to have any operative force, except as voluntarily adopted by her, after she became a State of the Union. On her admission she at once became entitled to and possessed of all the rights of dominion and sovereignty which belonged to the original States. She was admitted, and could be admitted, only on the same footing with them. * * * Equality of the constitutional right and power is the condition of all the States of the Union, old and new."

In Cardwell vs. American Bridge Company (113 U. S., 205, 1884), Escanaba Company vs. Chicago, supra, was followed, and it was held that a clause in the act admitting California into the Union which provided that the navigable waters within the State shall be free to citizens of the United States, in no way impaired the power which the State could exercise over the subject if the clause in question had no existence. Mr. Justice Field concluded the opinion of the court as follows (page 212):

"The act admitting California declares that she is 'admitted into the Union on an equal footing with the original States in all respects whatever.' She was not, therefore, shorn by the clause as to navigable water within her limits of any of the powers which the original States possessed over such waters within their limits."

A like conclusion was applied in the case of Willamette Iron Bridge Company vs. Hatch (125 U. S., 1), where the act admitting the State of Oregon into the Union was construed.

Determining by the light of these principles, the question whether the provision of the treaty giving the right to hunt on unoccupied lands of the United States in the hunting districts is repealed, in so far as the lands in such districts are now embraced within the limits of the State of Wyoming, it becomes plain that the repeal results from the conflict between the treaty and the act admitting that State into the Union. The two facts, the privilege conferred and the act of admission, are irreconcilable in the sense that the two under no reasonable hypothesis can be construed as coexisting.

The power of all the States to regulate the killing of game within their border will not be gainsaid; yet, if the treaty applies to the unoccupied land of the United States in the State of Wyoming, that State would be bereft of such power, since every isolated piece of land belonging to the United States as a private owner, so long as it continued to be unoccupied land, would be exempt in this regard from the authority of the State. Wyoming, then, will have been admitted into the Union, not as an equal member, but as one shorn of a legislative power vested in all the other States of the Union, a power resulting from the fact of statehood and incident to its plenary existence. Nor need we stop to consider the argument advanced at bar, that as the United States, under the authority delegated to it by the Constitution in relation to Indian tribes, has a right to deal with that subject, therefore it has the power to exempt from the operation of State game laws each particular piece of land owned by it in private ownership within a State, for nothing in this case shows that this power has been exerted by Congress.

The enabling act declares that the State of Wyoming is admitted on equal terms with the other States, and this declaration, which is simply an expression of the general rule, which presupposes that States, when admitted into the Union, are endowed with powers and attributes equal in scope to those enjoyed by the States already admitted, repels any presumption that in this particular case Congress intended to admit the State of Wyoming with diminished governmental authority. The silence of the act admitting Wyoming into the Union as to the reservation of rights in favor of the Indians is given increased significance by the fact that Congress in creating the Territory expressly reserved such rights. Nor would this case be affected by conceding that Congress, during the existence of the Territory, had full authority in the exercise of its treaty-making power to charge the Territory, or the land therein, with such contractual burdens as were deemed best, and that when they were imposed on a Territory it would be also within the power of Congress to continue them in the State on its admission into the Union. Here the enabling act not only contains no expression of the intention of Congress to continue the burdens in question to the State, but, on the contrary, its intention not to do so is conveyed by the express terms of the act of admission.

Indeed, it may be further, for the sake of the argument, conceded that where there are rights created by Congress during the existence of a Territory which are of such a nature as to imply their perpetuity, and the consequent purpose of Congress to continue them in the State after its admission, such continuation will, as a matter of construction, be upheld, although the enabling act does not expressly so direct. Here the nature of the right created gives rise to no such implication of continuance, since by its terms it shows that the burden imposed on the Territory was essentially perishable and intended to be of a limited duration. Indeed, the whole argument of the defendant in error rests on the assumption that there was a perpetual right conveyed by the treaty, when in fact the privilege given was temporary and precarious.

But the argument goes further than this, since it insists that, although by the treaty the hunting privilege was to cease whenever the United States parted merely with the title to any of its lands, yet that privilege was to continue although the United States parted with its entire authority over the capture and killing of game. Nor is there force in the suggestion that the cases of the Kansas Indians (5 Wall., 737) and the New York Indians (5 Wall., 761) are in conflict with these views.

The first case (that of the Kansas Indians) involved the right of the State to tax the land of Indians owned under patents issued to them in consequence of treaties made with their respective tribes. The court held that the power of the State to tax was expressly excluded by the enabling act. The second case (that of the New York Indians) involved the right of the State to tax land embraced in an Indian reservation which existed prior to the adoption of the Constitution of the United States.

Thus these two cases involved the authority of the State to exert its taxing power on lands embraced within an Indian reservation, that is to say, the authority of the State to extend its powers to lands not within the scope of its jurisdiction, whilst this case involves a question of whether where no reservation exists a State can be stripped by implication and deduction of an essential attribute of its governmental existence. Doubtless the rule that treaties should be so construed as to uphold the sanctity of the public faith ought not to be departed from. But that salutary rule should not be made an instrument for violating the public faith by distorting the words of a treaty, in order to imply that it conveyed rights wholly inconsistent with its language and in conflict with an act of Congress, and also destructive of the rights of one of the States. To refer to the limitation contained in the Territorial act and disregard the terms of the enabling act would be to destroy and obliterate the express will of Congress.

For these reasons the judgment below was erroneous, and must therefore be reversed, and the case must be remanded to the court below with directions to discharge the writ and remand the prisoner to the custody of the sheriff.

And it is so ordered,

Mr. Justice Brewer, not having heard the argument, takes no part in this decision.

Mr. Speaker, my constituents, living in the fairest land upon the American continent, men and women who have carried the advance guard of civilization into the wilderness, have been maligned and misrepresented, but we had no fear of the final verdict of the opinion of the country when the facts are fully known. No Indian agent, profiting by the present unprogressive and utterly dependent condition of the Indian, and no time-serving officeholders, much as they may temporarily prejudice the public mind, could prevent the settlement of this question in a way that will open up the country to development. The onward march of civilization can not be arrested, and the puny efforts of those whose misdirected sympathies have gotten the better of their judgment, have not resulted in fastening upon my State to run riot, superior to all law, a horde of greasy, lecherous, savage vagabonds, or the turning loose on our farms and ranches of an irresponsible horde of outlaws who can not be held responsible for the violation of our police regulations.

You can not if you would turn back the hands upon the dial of progress, or chain the wheels of the chariot of advancement. "Westward the star of empire takes its way." No mountain is so high, no valley so inaccessible, that it will not be conquered by the indomitable energy of American pioneers. Before the resistless onslaught of civilization savagery must vanish.

There is another aspect of this question that I wish to discuss for a moment. In times past races have been civilized in two ways—by slavery, which taught the savage habits of industry, which, well learned, made him the master, or by war, which, driving the weaker tribes upon bleak and inhospitable regions, where life could not be supported by the chase, compelled them to resort to agriculture to sustain life, and as means of self-defense against powerful peoples, labored to make new discoveries in mining and manufacture, that a superiority of weapons and appliances of war might win for them against the physical force of numbers.

But we have attempted to civilize a race by a new and unheard of method, by moral suasion, and even the most enthusiastic admirers of the system can not, in view of its results after decades and generations of trial, look upon it with any great amount of satisfaction. If the Indian is ever to be civilized he must not only be persuaded but compelled to give up the chase. As long as he

can spend his summers aimlessly roaming through the woods in search of game, he not only will never acquire habits of industry, but his absence from the reservation precludes the possibility of teaching him the arts of agriculture and useful trades. During all of the years since the Bannack and Shoshone Indians were placed upon their present reservations their progress in civilized ways has been very slight. They are almost as entirely dependent on Government rations now as they were thirty years ago. What is the remedy? If the Indian is to be civilized at all he must be kept upon the reservation and compelled to labor.

If the agent in charge of the Fort Hall Reservation had displayed the energy in teaching his Indians the arts of peaceful industry which he did in inciting them to violate the game laws of a neighboring State, there would have been more evidences of progress by the Indians upon that reservation than there now are. Those who understand the methods that have at times been in vogue at Indian agencies can, perhaps, appreciate that it might be to the pecuniary interest of the agent to have his Indians spend a large portion of the year off the reservation while Uncle Sam's monthly ration roll continued undiminished by such absence of those who are supposed to be the recipients of the rations. It is but natural that, having been derelict in his duty to those under his charge, the agent at the Fort Hall Reservation should resort to prevarication and misrepresentation to poison and color the mind of everyone who approached the scene of the trouble as to the character of the settlers in Jacksons Hole and as to their motives, in order to divert public attention from his own violation of the orders of the Indian Department and his lax and incompetent management of the affairs of the Indians under his charge.

I recommend to my friends of the Indian Rights Association, instead of becoming excited over the prospective loss by the Indian of the privilege of indiscriminate slaughter, if they have the true interest of the aborigine at heart, that they insist on his being compelled to work, not in continuing an idle vagabond. Instead of the Indian being the sufferer by this decision of the Supreme Court, I believe its effect in the long run will be immeasurably to his advantage. A weaning from the savage pleasures of the chase is the first step to be taken by the Indian on the road to progress. Neither will the Indians affected necessarily suffer by the loss of the hunting privilege. Their early hunting excursions into the hunting districts yielded them but very slender returns for the skins and hides secured, and a precarious existence while occupied in taking them, while it resulted in the slaughter of vast numbers of young animals, this too at a time when the Indians were most needed upon the reservations if they were to be taught agriculture. There still remains for the Indian limited hunting privilege, equal to that enjoyed by any citizens, and while the red man is being furnished agricultural implements on the reservation and furnished rations by the Government he has no cause to complain if he is governed by the same laws and regulations as govern the white citizens of the States.

Mr. SHERMAN. Mr. Speaker, I shall occupy the time of the House but a moment in calling its attention back from a consideration of the Pope and Thomas Jefferson and other distinguished persons living and dead, and from the discussion of oats, potatoes, and other commodities and conscience generously mingled together by the gentleman from Wisconsin [Mr. COOPER] to the question before the House embodied in the proposed amendment.

There is no difference in any of the propositions submitted either by the House, the Senate, or by the conferees in one respect, to wit, they all embody a declaration that there shall be no further appropriations of public money in aid of sectarian schools. That is in all of the amendments. There is no difference in this regard. This same declaration is contained in each. The difference is that the conference report provides that there shall not be expended more for the next fiscal year than 50 per cent of the amount appropriated for the fiscal year ending June 30, 1896, in continuing these schools, and then only where it is impossible for the Department to secure any other means to educate the Indian children.

It is all very well for the gentleman to talk of building a seven-story structure in Chicago in a very short time. Chicago is one place and the deserts of Idaho quite another, and the erection of buildings in the two places present widely different problems—the one easy of solution, the other difficult. The only question for us now is not whether we shall declare that we are opposed to all aid to sectarian schools—for in this regard all provisions are identical—but whether the Secretary of the Interior shall expend anything for one year more on such schools.

Mr. LINTON. Will the gentleman allow me a question?

Mr. SHERMAN. Certainly.

Mr. LINTON. I would like to ask the gentleman the exact amount that will be appropriated for sectarian schools in case this bill passes in its present form?

Mr. SHERMAN. It can not in any event exceed $145,000 or $150,000.

Mr. LINTON. Then $145,000 will go to sectarian schools, under the report, if it is adopted?

Mr. SHERMAN. Not necessarily, by any means. Let me say to the gentleman that not a cent will be thus expended, if the Secretary lives up to the wording of the section, if he can provide any any other means for educating them. We have no doubt—the members of the Indian Committee, and I think my friend himself has not any doubt—that the Secretary and the Commissioner, so far as in their power, will live up to the spirit and letter of this declaration by Congress. That is, the expenditure is limited to 50 per cent of the amount thus expended in the fiscal year 1894-95, but no amount can be expended where provision can be otherwise made for the education of these Indian children.

Mr. LINTON. He may pay that amount to sectarian schools?

Mr. SHERMAN. If it is possible for him to make provision for educating them otherwise, there will not be an expenditure of one dollar under the wording and the spirit of this amendment.

Mr. HAINER of Nebraska. Will the gentleman allow me?

Mr. SHERMAN. Certainly I will.

Mr. HAINER of Nebraska. Is it not true that the Commissioner of Indian Affairs stated to the Senate committee that they could take care of all these Indian children, at some inconvenience, but still could do it?

Mr. SHERMAN. I understand he has so said. He did not say it in my presence; and if he did say it, then, under the wording of this very amendment, he will not expend one cent on sectarian schools.

Mr. HAINER of Nebraska. Then you do not need the amendment?

Mr. SHERMAN. Then the amendment does no harm, even from the gentleman's point of view.

Mr. HAINER of Nebraska. It does no good.

Mr. SHERMAN. I desire to read this amendment, Mr. Speaker, so there can be no mistake about the wording of it. I wish the attention of the House, so that everybody may have an understanding of it:

And it is hereby declared to be the settled policy of the Government to make no appropriation whatever for the education of Indian children in any sectarian school, just as soon as it is possible for provision to be made for their education otherwise, and the Secretary of the Interior is hereby authorized and directed to make such provision at the earliest practicable day, not later than July 1, 1897: *Provided*, That the Secretary of the Interior may make contracts with present contract schools for the education of Indian pupils during fiscal year 1897, but shall only make such contracts at places where non-sectarian schools can not be provided for such Indian children and to an amount not exceeding 50 per cent of the amount so used for the fiscal year 1895.

This declaration and that originally passed by the House are identical. The difference in the sections is that the Secretary may, under the conference amendment, contract to a limited amount for one more year, if he can not otherwise educate these children; whereas, under the House provision, he can not. I think the report fair and reasonable, even from the opposition standpoint, and the report ought to be adopted. I ask for a vote.

Mr. TRACEY. Will it not be good policy to emphasize that declaration by voting down all possibility of expending money in that direction?

Mr. SHERMAN. There is no possibility now, provided the Indian children can be educated otherwise.

Now, Mr. Speaker, I ask for a vote.

The question was taken on agreeing to the conference report; and on a division there were—ayes 58, noes 65.

Accordingly the conference report was rejected.

Mr. SHERMAN. I move that a further conference be ordered.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON.

ALCOHOL IN THE ARTS.

The SPEAKER. Under the act of June 3, 1896, entitled "An act to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 28, 1894, the Chair appoints as members of the joint select committee on the part of the House "to consider all questions relating to the use of alcohol in the manufactures and arts, free of tax," etc., the gentleman from Kentucky, Mr. EVANS, the gentleman from Connecticut, Mr. RUSSELL, and the gentleman from Tennessee, Mr. MCMILLIN.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GROUT. Mr. Speaker, I desire to present a conference report on the District of Columbia appropriation bill.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 40 and 105.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"*Provided*, That the fifth section of the act of Congress approved August 2, 1894, relating to reciprocal trackage arrangements by the Metropolitan and

other railroad companies, be, and the same is hereby, amended by adding the following thereto:

"'*Provided*, That any suburban street railroad company in the District of Columbia intersecting or connecting with any urban street railroad may have such reasonable number of its trail cars drawn by such urban railroad company, over the route of such urban railroad for the transportation of through passengers, as shall not, in the judgment of the supreme court of the District of Columbia, be to the undue detriment of such urban railroad company. The schedule, kind, and number of cars to be drawn, compensation therefor, and all other matters relating thereto in the event of said railroad companies being unable to agree between themselves shall, from time to time, on petition of either railroad company, be decided by said supreme court.

"'*Provided further*, That in no event shall any railroad company be entitled under said law providing for trackage arrangements or under the provisions of this act to collect fares except from such passengers as board the cars upon their own line.

"'*Provided further*. That this provision shall not be construed to affect rights heretofore acquired either by contract or under any order of court made under authority of law.'"

And the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the Commissioners of the District of Columbia be, and they are hereby, required to examine into the proposed extension of Connecticut avenue from Florida avenue to the District line, and report to Congress on or before the first Monday of December next, the comparative advantages and disadvantages and comparative cost of opening said Connecticut avenue on a straight extension of the line thereof as now established in the city of Washington, instead of opening the same on the deflected line heretofore adopted and now on file; and that from and after the passage of this act no building permits shall be granted upon ground which would be covered by either extension of said Connecticut avenue, until otherwise provided by law."

And the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,500"; and the Senate agree to the same.

Amendment numbered 154: That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with amendments as follows: In lieu of the matter inserted by said amendment, insert the following:

"The Commissioners of the District of Columbia are hereby directed to report to Congress, at its next regular session, what charges are made in the District of Columbia to the public and to the Government for the use of telephones, and the relative charges made for the use of telephones in other cities, operated by underground and by overhead wires."

And on page 31 of the bill, after line 4, insert the following:

"That any balance of the appropriation for the collection and removal of garbage in the District of Columbia remaining unexpended June 30, 1896, shall be available for the service of the fiscal year 1897."

And the Senate agree to the same.

The committee of conference have been unable to agree upon the amendments of the Senate numbered 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 193, 194, 195, and 201.

H. M. TELLER,
W. B. ALLISON,
Managers on the part of the Senate.
WILLIAM W. GROUT,
MAHLON PITNEY,
ALEX. M. DOCKERY,
Managers on the part of the House.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5210) making appropriations for the expenses of the government of the District of Columbia submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report, namely:

On amendment No. 40: Strikes out the appropriation of $203,380.56 proposed by the Senate to pay for lots condemned for the extension of Sixteenth street.

On amendment No. 61, relating to reciprocal trackage arrangements between street railways: Inserts the provision which is fully set forth in the conference report.

On Nos. 69 and 87: Strikes out the provision proposed by the Senate appropriating $6,000 for paving Connecticut avenue and Columbia road; and the provision requiring that Connecticut avenue be extended straight from Le Roy place to the District line, on the line of Connecticut avenue as now established; inserts in lieu of said provision another, requiring the Commissioners of the District to report to Congress at its next session as to the proposed extension of Connecticut avenue, the comparative advantages and disadvantages, and the comparative cost of opening said avenue on a straight extension of the line as now established instead of opening same on the deflected line heretofore adopted and now on file, and prohibiting the granting of building permits upon ground which would be covered by either extension of said avenue, until otherwise provided by law.

On No. 105: Strikes out the appropriation of $266,546.38 proposed by the Senate for the Washington Aqueduct tunnel.

On No. 154: In lieu of the provision inserted by the House regulating telephone charges in the District of Columbia, inserts a provision requiring the Commissioners of the District to report to Congress at its next session what charges are made in the District for the use of telephones and the relative charges made in other cities for telephones operated by underground and overhead wires.

The committee of conference have been unable to agree on the following amendments:

On Nos. 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, and 100, relating to the rates to be paid for gas and electric street lighting in Washington:

On Nos. 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 193, 194, and 195, relating to appropriations for charities in the District of Columbia; and

On No. 201, striking out the provision proposed by the House requiring the application of not exceeding $300,000 out of the surplus revenues to the satisfaction of the water debt of the District.

WILLIAM W. GROUT,
MAHLON PITNEY,
ALEX. M. DOCKERY,
Managers on the part of the House.

Mr. GROUT. Mr. Speaker, those who have followed the statement will see that this is only a partial agreement; but all the subjects in the bill are disposed of excepting the gas and electric lighting, several amendments relating to those subjects, and charities, and an amendment which relates to the application of the water fund in extinguishment of the water debt, which is of no significance. I want to say as to the three subjects that we are disagreeing about, we hope when next together to be able to come to an understanding.

Now, Mr. Speaker, I ask for a vote on the adoption of the conference report.

The report of the committee of conference was agreed to.

Mr. GROUT. Now I move that the House further insist on its disagreement to the amendments of the Senate and ask a further conference.

The SPEAKER. The gentleman moves that the House further insist on its disagreement to the amendments of the Senate and ask a further conference.

The motion was agreed to.

The SPEAKER. The Chair will appoint as conferees on the part of the House the gentleman from Vermont, Mr. GROUT, the gentleman from New Jersey, Mr. PITNEY, and the gentleman from Missouri, Mr. DOCKERY.

Mr. DINGLEY. Mr. Speaker, in order that this legislative day may be continued for an hour longer for motions to suspend the rules, I move that the House take a recess until 10 o'clock on Monday morning.

The motion was agreed to.

And accordingly (at 7 o'clock and 25 minutes p. m.) the House was declared in recess until 10 o'clock a. m., Monday, June 8.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a statement of the expenditures in the United States Coast and Geodetic Survey for the fiscal year ended June 30, 1895—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting with favorable recommendations a draft of a joint resolution to authorize the use of certain moneys for the expenses of the Revenue-Cutter Service for 1896—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. POWERS, from the Committee on Pacific Railroads, to which was referred the bill of the Senate (S. 1832) entitled "An act to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company," reported the same without amendment, accompanied by a report (No. 2264); which said bill and report were referred to the House Calendar.

Mr. CATRON, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 3206) entitled "An act to grant a right of way through the new Fort Bliss Military Reservation to the El Paso and Northeastern Railroad Company," reported the same without amendment, accompanied by a report (No. 2265); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HILBORN, from the Committee on Naval Affairs, to which was referred House resolution No. 216, reported in lieu thereof a resolution (House Res. No. 417) to authorize the Committee on Naval Affairs to investigate the charge that mechanics employed at the New York Navy-Yard who obtained their places by competitive examination have been discharged by the constructor, in violation of law, accompanied by a report (No. 2270); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 6755) granting an increase of pension to James S. Chapman. (Report No. 2248.)

By Mr. CROWTHER, from the Committee on Invalid Pensions:

The bill (H. R. 3328) granting a pension to Mrs. Nancy M. Daniels. (Report No. 2249.)

The bill (H. R. 8388) for the relief of William G. Buck. (Report No. 2250.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (H. R. 7105) increasing the pension of Augustus Schulz, of Salina, Kans. (Report No. 2251.)

The bill (H. R. 7787) granting a pension to Angelina Welden, of Media, Kans., as army nurse. (Report No. 2252.)

By Mr. PICKLER, from the Committee on Invalid Pensions:

The bill (H. R. 1543) to increase the pension of Carey H. Russell. (Report No. 2253.)

The bill (H. R. 9314) granting a pension to Newman C. Nash. (Report No. 2254.)

The bill (H. R. 9212) granting an increase of pension to John R. Lumbert, of Preston, Iowa. (Report No. 2268.)

By Mr. THOMAS, from the Committee on Invalid Pensions:

The bill (H. R. 8454) granting an increase of pension to Frank Rockwith. (Report No. 2255.)

The bill (H. R. 2329) for the relief of Mrs. Matilda G. Higbee. (Report No. 2256.)

The bill (H. R. 571) granting a pension to Margaret Davis. (Report No. 2257.)

The bill (H. R. 619) granting a pension to Martin V. Shears. (Report No. 2258.)

The bill (H. R. 5954) for the relief of Adolphus D. Hopkins. (Report No. 2269.)

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 6199) for the relief of Francis S. Davidson, late first lieutenant, Ninth United States Cavalry. (Report No. 2262.)

By Mr. GRAFF, from the Committee on Claims:

The bill (H. R. 3106) for the relief of John Breen, lately postmaster at Gladwyne, Pa. (Report No. 2266.)

The bill (H. R. 2806) for the relief of the assistant treasurer of the United States at New York, N. Y. (Report No. 2267.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FAIRCHILD: A bill (H. R. 9401) to provide for celebrating the opening of a new century by holding an international exhibition of arts, industries, manufactures, and the product of the soil, mine, and sea, in the city of New York, in the State of New York—to the Committee on Ways and Means.

By Mr. McLACHLAN: A bill (H. R. 9405) to set apart a tract of land in the State of California for a public park—to the Committee on the Public Lands.

By Mr. MONEY: A bill (H. R. 9406) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895—to the Committee on the District of Columbia.

By Mr. PAYNE: A resolution (House Res. No. 414) to amend the rules of the House so that when unanimous consent is asked for the consideration of a measure it shall require the objection of at least 10 members to defeat it—to the Committee on Rules.

By Mr. SHERMAN: A resolution (House Res. No. 415) for the printing of 10,000 copies of the hearings before the Interstate and Foreign Commerce Committee upon the Nicaragua Canal—to the Committee on Printing.

By Mr. FITZGERALD: A resolution (House Res. No. 416) asking information of the Secretary of the Navy as to the probable cost of fitting up a suitable plant for the manufacture of armor plate at the Charlestown Navy-Yard—to the Committee on Naval Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ANDREWS: A bill (H. R. 9382) granting an increase of pension to John L. Sanders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9383) granting an increase of pension to George W. Howard—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 9384) for the relief of Mrs. Sarah C. Brooks, of Jamestown, Cloud County, Kans.—to the Committee on Indian Affairs.

By Mr. FENTON: A bill (H. R. 9385) granting a pension to Robert Erwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9386) for the relief of William Davis, of Omega, Ohio—to the Committee an Military Affairs.

By Mr. GRIFFIN: A bill (H. R. 9387) to remove the charge of desertion from the military record of John Faulds—to the Committee on Military Affairs.

By Mr. HARRIS: A bill (H. R. 9388) granting a pension to Joel W. Gibson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9389) to reimburse William Crawford—to the Committee on War Claims.

By Mr. HERMANN: A bill (H. R. 9390) to remove the charge of desertion against Peter Kenney—to the Committee on Military Affairs.

By Mr. HULING: A bill (H. R. 9391) granting an honorable discharge to Samuel G. Stotzenberg—to the Committee on Military Affairs.

By Mr. JOHNSON of North Dakota: A bill (H. R. 9392) to increase the pension of Daniel Phillips, of Company D, Thirteenth Regiment Wisconsin Infantry—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 9393) granting a pension to John S. Barnhart—to the Committee on Invalid Pensions.

By Mr. McCALL of Tennessee: A bill (H. R. 9394) to pension Mrs. Martha Sanders—to the Committee on Invalid Pensions.

By Mr. McCREARY of Kentucky: A bill (H. R. 9395) for the relief of George Price—to the Committee on War Claims.

By Mr. SOUTHARD: A bill (H. R. 9396) granting increase of pension to Francis L. Danford, Ninth Michigan Cavalry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9397) granting a pension to William H. Taylor, an army nurse—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 9398) granting a pension to Lizzie B. Burrows—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9399) granting a pension to James Killoran, alias James Smith—to the Committee on Invalid Pensions.

By Mr. WATSON of Ohio: A bill (H. R. 9400) to correct the military record of George W. Little—to the Committee on Military Affairs.

By Mr. EVANS: A bill (H. R. 9402) granting a pension to Mary D. Griffiths—to the Committee on Invalid Pensions.

By Mr. McLACHLAN: A bill (H. R. 9403) for the relief of A. W. Weighbors—to the Committee on Pensions.

By Mr. MAGUIRE: A bill (H. R. 9407) granting a pension to Mary E. Dollard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9408) to authorize the United States Court of Private Land Claims to hear, try, and determine the issues as to the extent and boundaries of the Las Animas grant—to the Committee on Private Land Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DALZELL: Two petitions of sundry citizens of Allegheny County, Pa., in favor of House bill No. 260, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIS: Petition of 22 citizens of Astoria, Oreg., in behalf of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. FARIS: Affidavit of Alfred Helms, to accompany House bill No. 6733, for the relief of George W. Winters—to the Committee on Military Affairs.

Also, petition and papers to accompany House bill No. 9080, to relieve William H. Wood—to the Committee on Military Affairs.

Also, paper to accompany House bill No. 7228, to increase the pension of William A. Rhoderick—to the Committee on Invalid Pensions.

By Mr. FENTON: Petition of J. W. Hayslip and others, of Manchester, Ohio, for the relief of Robert Erwin—to the Committee on Invalid Pensions.

By Mr. HERMANN: Petition of citizens of Linn County, Oreg., requesting the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. McLACHLAN: Petitions of citizens of San Luis Obispo, Santa Monica, and Santa Barbara, of the State of California, praying for favorable action on House bill No. 838, to reduce letter postage, and bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of residents of the county of Santa Barbara, Cal., asking for the creation of a national public park in said county—to the Committee on the Public Lands.

By Mr. SORG: Petition of Cotterill, Fenner & Co., of Dayton, Ohio, protesting against a certain amendment to the revenue laws, relating to gifts or premiums to accompany the sale of chewing and smoking tobacco—to the Committee on Ways and Means.

Also, resolution of the Toledo Produce Exchange, protesting against the passage of House bill No. 8536 and Senate bill No. 2967, to amend the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. SOUTHARD: Petition of citizens of Swanton, Ohio, in favor of House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SULLOWAY: Petition of citizens of Lakeport, N. H., for favorable action on House bills Nos. 4566 and 838, proposing amendments to the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WATSON of Ohio: Paper to accompany House bill to correct the military record of George W. Little—to the Committee on Military Affairs.

ment will see that this is only a partial agreement; but all the sub- | port No. 2250.)

SENATE.

MONDAY, *June 8, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. HALE, and by unanimous consent, the reading of the Journal of the proceedings of Saturday last was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the report of the committee of conference on certain amendments of the Senate to the bill (H. R. 6249) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1897, and for other purposes; further insisted upon its disagreement to the amendments of the Senate numbered 64, 69, and 70; asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897; insisted upon its disagreement to the amendment of the Senate to the bill numbered 1; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUD, Mr. SMITH of Illinois, and Mr. KYLE managers at the conference on the part of the House.

The message further announced that the House further insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, numbered 32, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, and 52; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BOUTELLE, Mr. ROBINSON of Pennsylvania, and Mr. CUMMINGS managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes; further insisted upon its disagreement to the amendments of the Senate numbered 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 193, 194, 195, and 201 to the bill; asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GROUT, Mr. PITNEY, and Mr. DOCKERY managers at the conference on the part of the House.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; agreed to the amendment of the Senate numbered 97 to the bill with an amendment, in which it requested the concurrence of the Senate; further insisted upon its disagreement to the residue of the amendments numbered 2, 3, 4, 6, 7, 8, 13, 15, 16, 17, 32, 61, 109, 122, 123, 124, 146, 147, and 161; agrees to the further conference asked for by the Senate on the disagreeing votes of the Houses thereon, and had appointed Mr. CANNON, Mr. HAINER of Nebraska, and Mr. SAYERS managers at the conference on the part of the House.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 7907) for the protection of the people of the Indian Territory, extending the jurisdiction of the United States courts, providing for the laying out of towns, the leasing of coal and other mineral, timber, farming, and grazing lands, and for other purposes;

A bill (H. R. 9404) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes; and

A joint resolution (H. Res. 195) to pay the officers and employees of the Senate and House of Representatives on the day following adjournment.

The message further announced that the House had passed the following bill and joint resolution:

A bill (S. 2022) to amend an act entitled "An act to provide for the protection of the salmon fisheries of Alaska;" and

A joint resolution (S. R. 155) to authorize a scientific investigation of the fur-seal fisheries.

The message also announced that the Speaker of the House of Representatives had appointed, in compliance with the act approved June 3, 1896, entitled "An act to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 28, 1894, Mr. EVANS of Kentucky, Mr. RUSSELL of Connecticut, and Mr. McMILLIN of Tennessee members of the joint special committee on the part of the House to consider all questions relating to the use of alcohol in the manufactures and arts free of tax, etc.

The message further returned to the Senate, in compliance with its request, the bill (S. 1189) granting a pension to Eliza Sandford.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 2169) to regulate mail matter of the fourth class;

A bill (H. R. 1826) granting a pension to Henry Prince;

A bill (H. R. 6603) to pension the minor children of Patrick F. Reynolds; and

A bill (H. R. 6826) granting a pension to Rhoda Augusta Thompson, daughter of the late Thaddeus Thompson, a private in the Revolutionary war.

CHICKASAW TRUST FUNDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting an application of the Chickasaw Nation through their delegates for the withdrawal of $100,000 of their trust funds, to be placed to the credit of the nation with the assistant treasurer of the United States at St. Louis, Mo., subject to the order of the treasurer of the nation, for the payment of national warrants issued by the auditor of public accounts of the nation, and requesting early and favorable action by Congress; which was read.

Mr. JONES of Arkansas. In connection with this communication from the Secretary of the Interior I submit the resolution which I send to the desk, which I ask may be read and acted on at this time.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

The President of the United States having on this 8th day of June, 1896, given his consent, in writing, authorizing the Chickasaw Nation of Indians in the Indian Territory to withdraw from their trust funds now in the Treasury of the United States $100,000, to be placed in the subtreasury of the United States to their credit, as provided by the eleventh article of the treaty of October 20, 1832, with said Indians: Therefore

Be it resolved, That the Senate of the United States of America, now in session, concurs in the recommendation of the President, and hereby consents that $100,000 of the trust funds of the Chickasaw Nation of Indians in the Indian Territory may be withdrawn from the Treasury of the United States, in accordance with the provisions of article 11 of the treaty of October 20, 1832, with said Indians, and placed to the credit of said Chickasaw Nation in the subtreasury of the United States at Louis, Mo.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask the Chair to lay before the Senate the deficiency appropriation bill which has come from the House.

The bill (H. R. 9404) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes, was read twice by its title.

Mr. HALE. I ask unanimous consent that the Senate proceed to the consideration of the bill.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

Mr. QUAY. I trust the Senator from Maine will yield to me in order that I may procure an order for the withdrawal of certain papers.

Mr. HALE. The deficiency appropriation bill is before the Senate for consideration, and therefore, as that will not in any manner be taken out of the way, I yield the floor for morning business.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I ask the Chair to lay before the Senate the action of the House of Representatives on the Indian appropriation bill.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, and requesting a further conference on the disagreeing votes of the two Houses.

Mr. PETTIGREW. I move that the Senate further insist upon its amendments and agree to the further conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to

appoint the conferees on the part of the Senate at the further conference; and Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL were appointed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Academy of Natural Sciences of Philadelphia, Pa., remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

Mr. CANNON presented the petition of Gen. R. H. G. Minty and 17 other citizens of Ogam, Utah, praying for the enactment of legislation to correct the military record of Temple Short; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. HILL, from the Committee on the Judiciary, to whom was referred the bill (S. 3229) for the relief of William H. Scofield, Jacob Brady, James Ketcham, Annie Booth as administratrix of the goods, chattels, and credits of George W. Booth, deceased; Wilson P. Billar, Ezra L. Waterhouse, Moses C. Bell, George W. Byles, and George A. Scofield, reported it with an amendment.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 1874) to place the name of Robert Smalls on the pension rolls, reported it without amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 1890) granting a pension to Mary Martin, reported it without amendment, and submitted a report thereon.

Mr. CAFFERY, from the Committee on Claims, to whom was referred the bill (S. 2054) for the relief of Rinaldo P. Smith, of Baltimore, Md., reported it with amendments, and submitted a report thereon.

Mr. HAWLEY. I report back from the Military Affairs Committee several bills which may be indefinitely postponed, as the subject has been considered in another bill previously reported.

The bills were postponed indefinitely, as follows:

A bill (S. 538) to provide a modern organization for the line of the Army;

A bill (S. 1472) to reorganize the line of the Army;

A bill (S. 2004) to increase the efficiency of the infantry of the Army of the United States; and

A bill (S. 2130) to provide for a military peace establishment.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 3267) to authorize the acquisition of certain real estate for the purpose of a site for a hospital for the treatment of contagious diseases; which was read twice by its title.

Mr. GALLINGER. In connection with the bill I submit certain papers and a map showing the proposed site. I move that the map be printed at the end of the bill, and that the bill and accompanying papers be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. PASCO (by request) introduced a bill (S. 3268) for the relief of the legal representatives of Alison J. Tinsley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CHANDLER introduced a bill (S. 3270) to pay Eliza R. Crawford the amount of United States loan certificate issued in 1779; which was read twice by its title, and referred to the Committee on Claims.

NORTHERN PACIFIC RAILROAD.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the joint resolution (S. R. 124) to facilitate the reorganization of the Northern Pacific Railroad Company, etc.; which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. QUAY, it was

Ordered, That leave be granted for the withdrawal of the papers filed with Senate joint resolution 104, Fifty-third Congress, second session, relating to the disallowed war claims of the State of Pennsylvania.

IMPORTED PARCELS AND PACKAGES.

Mr. GIBSON. I submit a resolution, and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the bill (H. R. 6259) as amended and passed the Senate June 6, 1896, be referred to the Committee on the Judiciary, with instructions to examine the same and report to the Senate whether any of its provisions are in violation of existing treaty stipulations between the United States and foreign nations.

Mr. PLATT. What is the bill to which the resolution refers?

Mr. GIBSON. I have a copy of the bill here. It is——

Mr. QUAY. I object to the present consideration of the resolution.

The VICE-PRESIDENT. Objection is made, and the resolution goes over.

EQUESTRIAN STATUE OF GENERAL SHERMAN.

Mr. WOLCOTT. I submit a resolution, and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Committee on the Library be directed to inquire into all the facts and circumstances connected with the late award of a contract for the erection, at the city of Washington, of an equestrian statue of Gen. William T. Sherman, and to make report thereon to the Senate at the next session of Congress, with such recommendation as the committee may deem necessary or proper; and the Secretary of War is hereby requested to suspend the execution of the contract for the construction of said monument until such report is received.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. ALLISON. I ask that it may go over until to-morrow.

Mr. WOLCOTT. Does the Senator from Iowa understand that to-morrow will be a legislative day?

Mr. ALLISON. I have no doubt of it.

Mr. WOLCOTT. I have something to say upon the resolution, and I desire that it shall be voted upon; that is all.

Mr. HAWLEY. I wish to ask the Senator whether he can not in some way or other reach the object he is seeking without postponing this matter until to-morrow?

Mr. WOLCOTT. I do not exactly see how it can be accomplished. The facts connected with the award are such that I should be very glad to state them to the Senate at any time when it is patient enough to hear them and there is a possibility for the resolution to be voted upon, and I can state them very briefly. I do not want to press the resolution now, but I should like to know that it can be voted upon at the present session, and I would not like to have it go over on objection if I could help it. However, there are very many things done in the Senate that we can not help. I do not want it to go over unless it can be acted upon before the Senate adjourns.

Mr. HAWLEY. There are two sides to the question.

Mr. WOLCOTT. Oh, certainly; there are two sides to almost every question.

Mr. ALLISON. Of course it requires unanimous consent for the resolution to be considered this morning.

Mr. WOLCOTT. Yes, sir.

Mr. ALLISON. I can very well see why some of us, at least, would be glad to read the resolution and consider it a little more before it is acted upon. Therefore I simply object, in order that it may go over, as resolutions usually do when they are objected to.

Mr. WOLCOTT. Do I understand the Senator from Iowa to say that he thinks there is to be a legislative day to-morrow?

Mr. ALLISON. Of course it is impossible for me to state positively; but I think so.

The VICE-PRESIDENT. Objection being made, the resolution will go over until the next legislative day under the rule.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. MITCHELL of Oregon submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 5,000 additional copies each of bill S. 742 and amendment thereto, reported from the Senate Committee on the Judiciary, be printed for the use of the Senate.

NANCY G. ALLABACH—VETO MESSAGE.

Mr. PALMER. I ask the unanimous consent of the Senate to take up for consideration——

Mr. HALE. Mr. President——

Mr. PALMER. A bill——

Mr. HALE. I must call for the regular order. I can not consent to the taking up of any bill.

Mr. PALMER. If the Senator from Maine will allow me to state what I wish to call up, that would seem to be my right.

Mr. HALE. I do not, of course, object to the Senator making a statement.

Mr. PALMER. I ask unanimous consent to call up the bill (S. 894) granting a pension to Nancy G. Allabach, found on page 24 of the Calendar.

Mr. HALE. I must object, if it gives rise to any debate.

Mr. HILL. I suggest that the regular order be proceeded with. That is more important than these bills.

The VICE-PRESIDENT. The Chair will submit to the Senate the request of the Senator from Illinois. If there is no objection——

Mr. HALE. The regular order being called for, it disposes of all things except the appropriation bill.

The VICE-PRESIDENT. There is objection to the present consideration of the bill.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. TELLER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of

Columbia for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 40 and 105.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"*Provided*, That the fifth section of the act of Congress approved August 2, 1894, relating to reciprocal trackage arrangements by the Metropolitan and other railroad companies, be, and the same is hereby, amended by adding the following thereto:

"'*Provided*, That any suburban street railroad company in the District of Columbia intersecting or connecting with any urban street railroad may have such reasonable number of its trail cars drawn by such urban railroad company, over the route of such urban railroad, for the transportation of through passengers, as shall not, in the judgment of the supreme court of the District of Columbia, be to the undue detriment of such urban railroad company. The schedule, kind, and number of cars to be drawn, compensation therefor, and all other matters relating thereto, in the event of said railroad companies being unable to agree between themselves, shall, from time to time, on petition of either railroad company, be decided by said supreme court.

"'*Provided further*, That in no event shall any railroad company be entitled, under said law providing for trackage arrangements or under the provisions of this act, to collect fares except from such passengers as board the cars upon their own line.

"'*Provided further*, That this provision shall not be construed to affect rights heretofore acquired either by contract or under any order of court made under authority of law.'"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the Commissioners of the District of Columbia be, and they are hereby, required to examine into the proposed extension of Connecticut avenue from Florida avenue to the District line, and report to Congress on or before the first Monday of December next, the comparative advantages and disadvantages and comparative cost of opening said Connecticut avenue on a straight extension of the line thereof as now established in the city of Washington, instead of opening the same on the deflected line heretofore adopted and now on file; and that from and after the passage of this act no building permits shall be granted upon ground which would be covered by either extension of said Connecticut avenue, until otherwise provided by law."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with amendments as follows: In lieu of the matter inserted by said amendment insert the following:

"The Commissioners of the District of Columbia are hereby directed to report to Congress, at its next regular session, what charges are made in the District of Columbia to the public and to the Government for the use of telephones, and the relative charges made for the use of telephones in other cities, operated by underground and by overhead wires."

And on page 31 of the bill, after line 4, insert the following:

"That any balance of the appropriation for the collection and removal of garbage in the District of Columbia remaining unexpended June 30, 1896, shall be available for the service of the fiscal year 1897."

And the Senate agree to the same.

The committee of conference have been unable to agree upon the amendments of the Senate numbered 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 193, 194, 195, and 201.

H. M. TELLER,
W. B. ALLISON,
Managers on the part of the Senate.

WILLIAM W. GROUT,
MAHLON PITNEY,
ALEX. M. DOCKERY,
Managers on the part of the House.

The VICE-PRESIDENT. The question is on concurring in the report.

The report was concurred in.

Mr. TELLER. I move that the Senate further insist upon its amendments and agree to the further conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. TELLER, Mr. ALLISON, and Mr. COCKRELL were appointed.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask that the deficiency appropriation bill may be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9404) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes.

Mr. CHANDLER. I ask the Senator from Maine if he can not state the difference between this bill and the bill as it went to the President, and whether there can not be an agreement by which the bill may be passed one or two readings without being read at length? Can the Senator tell us what the difference is between this bill and the one that passed before?

Mr. HALE. Senators about me say that the rule is so imperative that there should be a reading of every bill at length that they can not consent that the reading shall be dispensed with.

Mr. CHANDLER. May I ask the Senator, then, whether, as a matter of fact, the bill is exactly the bill as it went to the President except the Bowman Act claims and the spoliation claims and the Chouteau claims?

Mr. HALE. With the exception of that single amendment, which was put on in the Senate, the bill is precisely as it passed and went to the President.

Mr. CHANDLER. There is no doubt on that point?

Mr. HALE. There is no doubt of it. I ask that the Secretary proceed to read the bill.

Mr. BACON. It is impossible for us on this side of the Chamber to hear anything said on the other side.

Mr. HALE. I simply asked that the Secretary might proceed with the reading of the bill.

Mr. BACON. That is all right.

The Secretary read the bill.

Mr. HARRIS. I offer the amendment which I send to the desk as an additional section to the bill. I will state to the Senate that it embraces what are known as the Bowman Act claims, item by item, as they were incorporated in the deficiency bill; but they were then connected with the French spoliation claims and as an amendment to that amendment. I offer them now as an independent section.

The VICE-PRESIDENT. The amendment submitted by the Senator from Tennessee will be stated.

Mr. HARRIS. I will say that the amendment is somewhat voluminous. It contains appropriations to pay a large number of claims which aggregate something like a half million dollars. They have been considered and reported favorably by the Court of Claims. They have been considered by the Committee on Claims of the Senate and favorably reported. The amendment may be read or not, as the Senate chooses. They are exactly the claims that were presented when the original deficiency bill was under consideration. The amendment is a precise copy of what was then incorporated.

Mr. BURROWS. May I make an inquiry of the Senator from Tennessee?

Mr. HARRIS. Will the Senator from Michigan indulge me for a single moment further?

Mr. BURROWS. Certainly.

Mr. HARRIS. It is upon a matter slightly personal to myself, and those are things to which I have very rarely had occasion to allude.

I see, however, in the Post of this morning the announcement that I am resolved to have a yea-and-nay vote upon the French spoliation claims before they can be rejected or not attached to the bill. I simply desire to say that I have never yet examined the French spoliation claims. I have never had any interest in them pro or con. I have stated to two or three different persons that I would offer this amendment to the bill, as I now do. These claims have undergone the scrutiny of judicial investigation. The claims have been long due. The claims ought to be paid if any debt of the Government is to be paid by an appropriation made in this bill. Now I yield to the Senator from Michigan.

Mr. BURROWS. I wish to inquire of the Senator from Tennessee whether the amendment he now proposes contains the modification I suggested when the matter was before the Senate heretofore?

Mr. HARRIS. I must answer that I have not examined it, but I take it for granted and am sure that it does, for the reason that I asked Mr. Cleaves, the very accomplished and competent clerk of the Committee on Appropriations, to give me the exact amendment that was agreed to in the Senate and concurred in by the other House. I take it for granted the amendment is accurate and just as it was passed in the Senate before.

Mr. HALE. I make no question that the amendment is the same amendment that has already been twice before the Senate. It contains a long list of the Bowman Act claims as found in the last part of the bill as it originally passed the Senate and went to the House, and I wish to make the same point of order that was made on April 25 by the Senator from Iowa [Mr. ALLISON]. When the amendment was offered by the Senator from Tennessee [Mr. BATE], in the absence of his colleague, he said:

On behalf of my colleague [Mr. HARRIS], who is unable to be in the Chamber to-day, I offer an amendment.

Then the amendment was read. The Senator from Iowa [Mr. ALLISON] made a point of order, in which he said:

This is a very long amendment. I make the point of order against the amendment that it is not in order on the pending bill. It is not for service in the fiscal year ending in 1897. It is a collection of claims, which are not in order upon an appropriation bill. I hope the Senator from Tennessee will not press the amendment, as it is clearly out of order. I have the amendment before me, and I have also before me the reports relating to the claims. They have always been considered in this body in separate bills; they have never appeared on any of the regular appropriation bills. They are not audited accounts—

That is the point of order—

they are not estimated for—

That is another point—

they are not judgments, and in no sense can they be considered as applicable to a bill of this character.

Mr. HAWLEY. What claims are they?

Mr. ALLISON. They are the individual claims referred to the Court of Claims under the Bowman Act.

I make the point of order.

Mr. HARRIS. I beg to suggest to the Senator, in respect to the point that they are not estimated for, that they are sent here by the Secretary of the Treasury.

Mr. HALE. They are not sent as regular estimates, as the Treasury Department always does when it recommends the adoption of an item upon an appropriation bill. They are not audited accounts nor estimated for by the Secretary. Under the limitation of the act the court has simply found certain amounts, but they do not come, of course, with the force with which ordinary judgments of the Court of Claims do, which we pay unless the Government or the other party appeals. It is the same point of order that was made at that time.

Mr. HARRIS. They are the findings of the Court of Claims, with all the sanctity that a judgment of the Court of Claims can give them; but they are not technical judgments, I grant. They are claims. But they have stood the scrutiny of judicial investigation, with a right to examine and cross-examine witnesses and develop every fact pertinent to each and every claim. They have been long due. They are now long overdue. They ought to be paid. I do not care to enter into a discussion of the question.

Mr. HALE. The matter was discussed when the point of order was made before, and the decision was made at that time after discussion. The claims, not being audited and not being estimated for, stand as all private claims do.

Mr. CULLOM. They are not judgments.

Mr. HALE. They are not judgments; they are not audited; they are not estimated for. They are private claims, which clause 4 of Rule XVI declares specifically shall not be in order on an appropriation bill. No matter whether they have been reported by a committee or have passed the body, they are still claims as the decision left them when the point of order was made before, and I renew the same point of order.

Mr. BATE. Mr. President, in the absence of my colleague [Mr. HARRIS] who was sick at the time and unable to be in the Chamber, I called up this amendment which he had before offered to the sundry civil bill; and it was acted upon under that motion, as has been said by the Senator from Maine [Mr. HALE]. But it was suggested—I do not know that it appears in the RECORD—that the deficiency bill would be a more appropriate place for it than the sundry civil bill, and especially so as these are cases that, if they have not, technically, received judicial determination, have certainly undergone investigation, and quite a thorough one. The bad has been sifted from the good. They are brought in here, not as a mere claim, but as a debt of the Government, which has been passed upon by the court created for that purpose. They are just and unpaid debts, and therefore their relation to the deficiency bill is a little different from what it would be to the sundry civil bill. They are claims, some of which have been here for twenty years or more. These claimants have been knocking at the doors of the House and Senate for time out of mind to do them justice and to have the claims paid. The claims have been adjusted now by a court set apart for the purpose, and they come in here at last not only as claims but as semijudicial claims; that is, they have been before the Court of Claims and passed that crucial test. They are just. They are a long time due. They stand upon a higher plane than the ordinary claims to which the Senator from Maine alludes, for the reason that they have gone through the mill and the bad has been sifted from the good. All that is objectionable in the claims has been thrown out. The amounts of many of them have been cut down. I understand some of them were twice as large as they are now, and it has been truly said that they are just and proper, that the claimants were loyal, and they are referred to Congress through the Treasury Department, and payment is asked. That is the situation of the matter, and I think the relationship that the amendment bears to the bill under consideration, the deficiency appropriation bill, is quite different to that which it bore to the sundry civil bill.

Mr. CULLOM. Not at all.

Mr. HALE. The main point does not touch whether or not it is a deficiency. That was referred to, but was not in any way insisted upon. The main point applies to one appropriation bill as much as to another. It is not claimed, the Senator from Tennessee himself does not claim, that they have the force of judgments. They undoubtedly do not. They are not technically judgments.

Mr. CULLOM. They are not audited.

Mr. HALE. They are not audited. They are not estimated for. This amendment does not even have the force of having been reported from a committee as an amendment to the pending bill, although I do not think that point needs to be invoked. Fundamentally the questions that were considered before as to these amendments going upon an appropriation bill are exactly the same now as they were then, it makes no difference what the appropriation bill is.

Mr. VEST. Mr. President, in a decision recently made by the Supreme Court of the United States in what is known as the sugar-bounty cases that tribunal declared unanimously that where an equitable claim exists against the Government of the United States it is of the highest validity, and that Congress unquestionably under the Constitution has the right to appropriate money for its payment when it rested in equity alone without any law.

But the real question in this case—and I call attention to it, not because I have any respect for the rule as it has been observed, but simply to point a moral—is whether, under the rules of the Senate, these claims were ever in order. We decided here solemnly that they were.

Mr. ALLISON. I will state to the Senator that no point of order was made against the Bowman claims amendment when it was offered to the deficiency appropriation bill.

Mr. BATE. The point was made when it was proposed as an amendment to the sundry civil bill.

Mr. ALLISON. I understand that it was then ruled out; but when these claims were put upon the deficiency bill no point of order was made against them.

Mr. HARRIS. I am greatly mistaken unless the point of order was made upon the French spoliation claims; and it was decided by the Senate that they were in order.

Mr. ALLISON. Undoubtedly.

Mr. HARRIS. And on this amendment, when offered, no question of order was raised.

Mr. ALLISON. That is what I mean.

Mr. HARRIS. But it was an amendment to the French spoliation claims amendment; and if the one was in order I should be glad to find the mind with sufficient ingenuity to show why the other was not.

Mr. ALLISON. The Senator does not seem to get clearly the point I make, which is, that when this amendment was offered to the sundry civil bill it was decided by the Chair to be out of order; and when it was offered as an amendment to the French spoliation claims amendment no point of order was made against it.

Mr. VEST. The point of order was made upon the French spoliation claims, and they were contained in the same amendment, and that point of order was just as pertinent to the Bowman claims as to the French spoliation claims.

Mr. ALLISON. That may be.

Mr. VEST. It is useless to fence about this matter. We know the Senate always does what it wants to do, and if the rule is in the way the Senate wipes it out. We put the French spoliation claims on the deficiency bill in spite of the rule, and the Bowman claims and Chouteau claim besides, when the rule itself provides that no claim, unless it is created by law, shall be put upon an appropriation bill.

Mr. CULLOM. If I understand the Senator, then, he regards the proposed amendment as not in order.

Mr. VEST. I never express my opinion about points of order.

Mr. CULLOM. Oh!

Mr. VEST. With me that is a nebulous and uncertain subject, and I leave such things to the action of the Senate.

What I am saying is that whenever the Senate wants to ignore a rule it does it, and whenever it does not want to do anything, then it becomes very technical and parliamentary and insists upon the rule. Every Senator here knows that is true, whether he chooses to put it in the RECORD or not.

The facts about these claims are that they are of the highest equitable character. If there is any claim upon this Government that ought to be paid in order to preserve the national honor, these Bowman Act claims constitute that character of obligation. It is true, as the Senator from Maine in charge of this bill says, that technically they are not judgments, and yet in every attribute of a judgment they constitute a judgment of the highest validity. They were passed upon by a tribunal, a court of record, established for the very purpose of adjudicating the validity of claims of this kind, and that court has declared that the Government of the United States owes them, and that they are of such a character that no equity could be created higher than that which exists in their favor.

I know personally claimants who have spent more money now than the amount of their claims in lawyers' fees, interest upon the money, and hotel bills, and who, if they were paid to-day, would be losers in this transaction. They have come here year after year in order to have these honest claims paid by the Government, and finally, after they have been sent to the Court of Claims, in order that Congress might get rid of them, when they have succeeded in getting an adjudication in their favor, they are now told that they can not be paid because they are not judgments. They are judgments in everything except the right to issue execution. That is all the difference. They have been adjudicated upon evidence before judges of a court of record, and while a writ of levy can not be issued, they are still judgments in every other attribute of an equitable character.

Mr. GEORGE. No execution can ever be issued against the United States on any kind of judgment.

Mr. VEST. Of course not.

Mr. CULLOM. I suppose these classes of claims are private

claims, and my recollection is that it has been customary to pass an independent bill appropriating for these several claims, which are called the Bowman Act claims, entirely apart from the ordinary appropriation bills.

Mr. VEST. We put such things in every appropriation bill. We have put in appropriation bills the same class of claims against the Government.

Mr. CULLOM. What I am saying is that ordinarily, as I recollect, the Bowman claims have been provided for in separate bills.

Mr. ALLISON. And never in appropriation bills.

Mr. CULLOM. And never in an appropriation bill.

Mr. HARRIS. I wish to suggest to the Senator from Illinois that for the last six years the custom has been to avoid passing a separate bill at all.

Mr. CULLOM. That may be.

Mr. HARRIS. They have been provided for by separate bills in some instances.

Mr. CULLOM. Whenever we have passed such a bill it has been separate from an appropriation bill.

Mr. BATE. Every claim which has been passsed under the Bowman Act, as I recollect, has always been before the Court of Claims, and such claims stand upon a higher plane than others.

Mr. CULLOM. That does not change the rule about the amendment being in order at all.

Mr. ALLISON. The rule uniformly has been to keep from the general appropriation bills, the deficiency bill as well as all others, any of the claims under the Bowman Act. They have never been considered upon the regular appropriation bills. Once or twice bills similar in character to the amendment offered by the Senator from Tennessee have been passed here in bulk as separate and distinct bills, but never have they emanated from the Appropriations Committee, nor have they ever been put upon a general appropriation bill.

Mr. MILLS. I want to ask if this amendment has been reported favorably from the Committee on Claims or any committee of the body?

Mr. HARRIS. It was reported by the Committee on Claims of the Senate favorably and referred to the Committee on Appropriations.

Mr. VEST. These claims are known as war claims. I do not pretend to say that these particular Bowman claims, or any of them, have been put on appropriation bills: but I do say—and I will undertake to prove by the CONGRESSIONAL RECORD—that we have put claims against the Government—not war claims, but claims arising upon other grounds—in appropriation bills, and the Senate has declared them to be in order, and passed them.

I have so little respect for this point of order or any other that I do not propose to discuss it.

Mr. HALE. In response to the inquiry of the Senator from Texas [Mr. MILLS], I will state that to this bill no amendment has been offered and referred to the Committee on Appropriations. This is a new bill.

Mr. VEST. It is the same amendment as was offered to the other deficiency bill.

Mr. MILLS. Will the Senator from Maine be kind enough to repeat his statement?

Mr. HALE. No amendment has been moved by a committee and referred to the Committee on Appropriations as an amendment to this bill; for this is a new bill.

Mr. HARRIS. Mr. President, I regret that the Senator should have resorted to a point so very severely technical as the one he now makes. I hardly thought the Senator from Maine would have resorted to a line of suggestion such as that.

There was a deficiency appropriation bill pending here; there was an amendment regularly offered in the Senate and referred to the Committee on Claims, regularly reported back, regularly referred to the Committee on Appropriations, and considered or not by that committee, I can not answer as to that. But we all know how this bill happens to be here by telegraphic rapidity in point of time, and even now no Senator here has a copy of the bill on his desk.

Mr. MORGAN. And it has not been read, either.

Mr. HARRIS. The bill came here this morning, and we have but a single copy of it, and that the desk copy, which is visible to the naked eye; and the Senator from Maine suggests that to this particular piece of paper no amendment has been offered.

Mr. HALE. Will the Senator allow me?

Mr. HARRIS. If the Senator can place himself upon a point so extremely refined and technical as that, he may enjoy all the comforts that are derivable from it. I do not envy him.

Mr. HALE. I want the Senator to keep good-natured. I did not make this point of order. The other points are so strong that I did not make this point, and did not propose to make it, and have not made it; but when the Senator from Texas [Mr. MILLS] raised the question pointedly in terms, and asked whether any committee had reported this proposition as an amendment to this bill, there was but one answer that could be given. I did not suggest it, the Senator from Tennessee will bear in mind, and do not consider now that it is at all needed. The objections are more fundamental and larger than that. I care nothing at all about the point of order made by the Senator from Texas and not by me.

The VICE-PRESIDENT. The Chair submits the question to the Senate. Is the pending amendment in order? [Putting the question.] The noes have it; the point of order is sustained, and the amendment is not in order.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMPLOYMENT OF ALIENS IN EXECUTIVE DEPARTMENTS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, was ordered to lie on the table and be printed:

To the Senate:

I transmit herewith a report of the Secretary of State in answer to the resolution of the Senate of May 9, 1896, directing that "the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, the Postmaster-General, and the Attorney-General cause a careful and thorough inquiry to be made regarding the number of aliens employed in their respective Departments, and to communicate the result of said inquiry to the Senate at the earliest practicable day.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 8, 1896.*

RICHMOND LOCOMOTIVE AND MACHINE WORKS.

Mr. HALE. I am directed by the Committee on Naval Affairs, to whom the subject was referred, to report the bill which I send to the desk.

The bill (S. 3269) to pay the Richmond Locomotive and Machine Works its claim for damages and losses incurred in the construction of the armored battle ship *Texas* was read twice by its title.

Mr. DANIEL. Mr. President, I beg leave to state as to the bill which has just been reported by the Senator from Maine [Mr. HALE] that it embodies an amendment which was passed by the Senate to the deficiency appropriation bill, and has been passed on in the most scrutinizing way by both the Committee on Naval Affairs and the Committee on Appropriations, and was so clear and just that the conferees representing the Committee on Appropriations and the Senate insisted on it as conferees of the Senate.

I ask unanimous consent, since it has now been reported in the form of a bill by the Committee on Naval Affairs, that it may be taken up and passed to-day.

Mr. CULLOM. I hope that request will be granted.

Mr. HALE. The committee has considered the case very carefully, and I hope the request will be granted.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Is there objection to the present consideration of the bill which has just been reported by the Senator from Maine?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the Richmond Locomotive and Machine Works the sum of $69,550.39, in full of its claim for damages and losses incurred in the construction of the armored battle ship *Texas*.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

The bill (H. R. 7907) for the protection of the people of the Indian Territory, extending the jurisdiction of the United States courts, providing for the laying out of towns, the leasing of coal and other mineral, timber, farming, and grazing lands, and for other purposes, was read twice by its title, and referred to the Committee on the Judiciary.

PAYMENT OF EMPLOYEES.

The PRESIDING OFFICER laid before the Senate the joint resolution (H. Res. 195) to pay the officers and employees of the Senate and House of Representatives on the day following adjournment; which was read twice by its title.

Mr. HILL. I ask unanimous consent that that resolution may be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AVERY D. BABCOCK AND WIFE.

Mr. MITCHELL of Oregon. I ask unanimous consent for the present consideration of the bill (S. 524) for the relief of Avery D. Babcock and wife, of Oregon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Avery D. Babcock, of Polk County, Oreg., and to Margaret I. Babcock, his wife, the sum of $2,000, to be equally divided between them, in full payment of their claim against the Government of the United States for the use and occupation by the United States

of their donation claim, No. 58, in section 8, in township 6 south, range 7 west of the Willamette meridian, in the State of Oregon.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT OAKLAND, CAL.

Mr. PERKINS. I ask unanimous consent for the present consideration of the bill (S. 286) to provide for the purchase of a site for and the erection of a public building at Oakland, in the State of California.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $350,000 for the purchase of a site and the erection of a building thereon, for the use and accommodation of the United States post-office and other Government offices, in the city of Oakland and State of California.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

Mr. LINDSAY. I rise to inquire whether or not there is a Federal court held at Oakland?

Mr. PERKINS. There is not.

Mr. LINDSAY. I ask whether it is a port of entry?

Mr. PERKINS. It is a port of entry.

Mr. LINDSAY. What population has it?

Mr. PERKINS. About 70,000. It is the third largest city in the State of California.

Mr. LINDSAY. On Saturday last we had under consideration a conference report in which the policy of making appropriations for the erection of public buildings at the seats of government in four or five of the States was contested by the House of Representatives. My recollection is that not over $250,000 was proposed to be appropriated for any one of those public buildings. Now, it occurs to me that $350,000 is greatly more than ought to be appropriated for a public building at Oakland, and that any such sum as that would be an extravagant appropriation.

Mr. PERKINS. I will furnish to my friend a report in regard to this case, and, after reading the report of the committee, if he thinks the amount named in the bill should be reduced, I will see to it that the committee in the House of Representatives, which will have the subject-matter presented to it for their consideration, shall properly adjust the matter. I will take pleasure in sending my friend from Kentucky a copy of the report, and I am sure he will become so interested in reading it that he will be convinced I have not placed the figure for the public building at Oakland sufficiently high.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill was passed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask to take from the Secretary's desk the sundry civil appropriation bill, in order that I may ask the Senate to concur in the amendment of the House of Representatives to amendment numbered 97 of the Senate.

The PRESIDING OFFICER. The Secretary will read the action of the House of Representatives on the amendment of the Senate.

The Secretary read the amendment of the House of Representatives, which was to agree to the amendment of the Senate numbered 97 with an amendment, striking out the word "and," in line 11 of the amendment, and inserting "to be created by the State to which such lands are granted, and by no other authority whatever, and when created."

Mr. ALLISON. I move that the Senate concur in the amendment of the House of Representatives to the amendment of the Senate.

The motion was agreed to.

Mr. ALLISON. That is all I desire. The conference report has already been agreed to as to the remainder of the bill.

LIEUT. ROBERT PLATT.

Mr. DUBOIS. I ask unanimous consent for the consideration of the bill (S. 3150) authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TAXATION OF ALLOTTED INDIAN LANDS.

Mr. PETTIGREW. I ask unanimous consent for the consideration of the bill (S. 265) extending relief to Indian citizens, and for other purposes. The bill has been read.

Mr. JONES of Arkansas. I should like to have the bill read for the information of the Senate.

The Secretary proceeded to read the bill.

Mr. JONES of Arkansas. I withdraw the request for the reading of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill, which had been reported from the Committee on Indian Affairs with an amendment, to add at the end of the bill the following as an additional section:

SEC. 3. That all agreements hereafter made for the purchase of the unallotted lands in any Indian reservation shall provide a fund for the payment of taxes upon inalienable allotments in the manner provided by this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES P. VEACH.

Mr. TURPIE. I ask unanimous consent for the present consideration of the joint resolution (S. R. 138) for the relief of James P. Veach.

There being no objection, the joint resolution was considered as in Committee of the Whole. It directs the Secretary of War to cause record to be made in the military history of James P. Veach, a private of Company I, of the One hundred and nineteenth (Seventh Cavalry) Regiment of Indiana Volunteers, in the service of the United States, that having received from the President of the United States a full and unconditional pardon of all military offenses for which he was tried and convicted by court-martial, he is thereby absolved from the offenses and from all the penalties of such offense and sentence, and is therefore entitled to an honorable discharge, to be issued as of the date October 8, 1865.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRAUDULENT BOTTLING OF LIQUORS.

Mr. VEST. I ask the Senate to consider the bill (H. R. 4580) to amend section 3449 of the Revised Statutes.

The PRESIDING OFFICER. The bill will be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 3449 of the Revised Statutes be amended so as to read as follows:

"SEC. 3449. Whenever any person sells or keeps on hand for sale, ships, transports, or removes any spirituous or fermented liquors or wines, whether foreign or domestic, in bottles, casks, or other packages, under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the bottles, casks, or other packages containing the same, or causes such act to be done, he shall forfeit said liquors or wines and bottles, casks, or other packages, and be subject to pay a fine of $500, and to be imprisoned six months for the first offense; and to pay a fine of $1,000 and be imprisoned one year for the second offense."

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. CHANDLER. Is it proposed to put in the words "knowingly and willfully"?

Mr. VEST. That is an amendment of the Committee on Finance.

Mr. PETTIGREW. I object to the consideration of the bill.

The PRESIDING OFFICER. The Senator from South Dakota objects to the consideration of the bill.

Mr. VEST. Then I shall object to the consideration of any other bill. This bill is unanimously reported by the Committee on Finance. It has passed the House unanimously and is insisted upon by the Revenue Department. If the Senate can not stop long enough to attend to a bill of general importance I shall object to any private bills going through at this session.

Mr. PETTIGREW. I wish to submit a conference report on the Indian appropriation bill.

Mr. VEST. I move that the Senate proceed to the consideration of the bill, notwithstanding the objection of the Senator from South Dakota.

The motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 64, 69, and 70 to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the Secretary of the Interior be, and he is hereby, directed to withhold any further distribution and payment out of the money derived from 35 per cent of the judgment in favor of the Old Settler or Western Cherokee Indians against the United States, in the sum of $930,836.31 set apart for the

payment of expenses and for legal services justly and equitably payable on account of the prosecution of said claim, until otherwise authorized by law."

And the Senate agree to the same.

On the amendments of the Senate numbered 69 and 70 the committee of conference have been unable to agree.

R. F. PETTIGREW,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.
J. S. SHERMAN,
CHARLES CURTIS,
GEORGE C. PENDLETON,
Managers on the part of the House.

Mr. CHANDLER. I feel obliged to call upon the Senator from South Dakota in charge of the bill to make an explanation as to what the effect of the conference report is.

Mr. PETTIGREW. The conferees report a disagreement on the amendment in regard to sectarian schools, and agree with an amendment to the Old Settler attorneys' fees; that is, that the Senate recede from its amendment with regard to the Old Settler attorneys' fees and that they remain for future distribution on the part of Congress.

Mr. BATE. We can not hear the Senator on this side.

Mr. CHANDLER. Then the only thing left is the question as to sectarian schools.

Mr. PETTIGREW. There is nothing left for further conference except the question as to sectarian schools.

Mr. BACON. We have had to take on faith what is going on. We could not hear a word the Senator from South Dakota said.

Mr. PETTIGREW. The Senate conferees agree to recede from the amendment in regard to the Old Settler attorneys' fees and leave that matter to be disposed of in the future. The conferees could not agree with regard to the Indian schools amendment, and report a further disagreement on that subject.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was concurred in.

Mr. PETTIGREW. I move that the Senate further insist upon its amendments still in disagreement and ask for a further conference.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL were appointed.

FRAUDULENT BOTTLING OF LIQUORS.

The PRESIDING OFFICER. The bill (H. R. 4580) to amend section 3449 of the Revised Statutes, called up by the Senator from Missouri, is before the Senate as in Committee of the Whole.

Mr. PETTIGREW. I should like to have the bill read in full.

The PRESIDING OFFICER. It has been read in full.

Mr. PETTIGREW. I should like to have it read again.

Mr. CHANDLER. Let the committee amendment be acted upon first.

The PRESIDING OFFICER. The bill will be read.

The Secretary again read the bill.

The bill was reported from the Committee on Finance with an amendment, in line 5, after the word "person," to insert "who, knowingly and willfully."

Mr. VEST. The committee amendment should be modified by striking out the word "who." That is a clerical error. It should read "whenever any person, knowingly and willfully."

The PRESIDING OFFICER. The amendment will be so modified.

The amendment as modified was agreed to.

Mr. HILL. Have the committee taken into consideration the question of the propriety of having the punishment of imprisonment inflicted for the first offense?

Mr. VEST. That question was fully considered in the committee. This bill, I will say to the Senator, was drawn in the Internal Revenue Department and submitted to the House committee. They made a report upon it, which I have here. The question of the degree of punishment was fully considered. This was deemed necessary in order to prevent these frauds upon the revenue.

Mr. HILL. It strikes me that it is rather harsh in a bill of this character that it is capable of being construed so that there shall be punishment for the first offense by imprisonment.

Mr. BATE. Does it say "shall," or is it discretionary with the court?

Mr. HILL. It is only by a strained construction of the bill that it affects the collection of revenue. It is more of a bill to regulate the shipment of these articles than for the protection of revenue, it strikes me. Therefore I do not quite see the propriety of imposing for the first offense both a fine of $500 and imprisonment for six months, not leaving it to the discretion of the court. I move to amend by striking out, in line 14, the word "and" and inserting "or"; so as to read—

or to be imprisoned six months for the first offense.

Mr. VEST. All I can say in regard to this matter is that it was fully considered by the committees of both Houses and that the internal-revenue officers stated that this abuse upon the revenue had come to such a pass that dealers were willing to pay the fine of $500 in order to carry on this fraudulent and really illicit business. It was thought by the Internal Revenue Department that nothing would stop it except the imposition of imprisonment as a penalty. The first offense is a fine of $500 and imprisonment for six months. For the second offense, when conviction ensues, the punishment is to be a fine of $1,000 and one year's imprisonment.

The observation of the Senator from New York that this is really an act in regard to the removal of liquors is, I think, a mistake. If he will read the testimony that was brought before the committees of the two Houses he will find that this sort of fraudulent business has grown to very large proportions, and it is an absolute fraud upon the revenue. For instance, liquor is put into bottles and fraudulently branded, and pays a tax one-fifth or one-tenth and sometimes one-twentieth of what it ought really to pay to the tax collector. If we have not jurisdiction under the Constitution in regard to a case of this sort we have not got it at all. It is not an indirect exercise of jurisdiction, but it is a case where the internal-revenue officers testify and the head of the Internal Revenue Bureau reports that it is absolutely impossible to collect the revenue unless this fraud is stopped; that the dealers constantly escape the payment of the taxes which are imposed by an act of Congress by putting into their bottles and packages a different liquor from what is purported upon the outside to be there. If it were not for detaining the Senate I would ask to have read the report, with the communication from the Internal Revenue Department, for it substantiates fully what I have stated.

The PRESIDING OFFICER. Is there objection to the amendment of the Senator from New York? The Chair hears none.

Mr. PETTIGREW. I should like to hear the report read.

Mr. MILLS. The Presiding Officer has declared the amendment agreed to.

Mr. VEST. I object to that amendment, of course.

The PRESIDING OFFICER. The Senator from South Dakota demands the reading of the report.

The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 7864) to amend the immigration laws of the United States.

The PRESIDING OFFICER. The Senator from New York——

Mr. VEST. I ask the Chair to correct the statement that the amendment submitted by the Senator from New York was agreed to. I opposed that amendment.

The PRESIDING OFFICER. The Chair asked whether there was any objection to the amendment, and hearing none, stated that it was agreed to.

Mr. VEST. I rose and spoke some five minutes in opposition to it, and supposed that was sufficient to indicate that I objected to it.

The PRESIDING OFFICER. If there be no objection, the record will be amended so as to show the amendment of the Senator from New York to be pending.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 5280) for the relief of George W. Freeman;

A bill (H. R. 6259) to expedite the delivery of imported parcels and packages not exceeding $500 in value;

A bill (H. R. 9404) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes; and

A joint resolution (S. R. 155) to authorize a scientific investigation of the fur-seal fisheries.

PROPOSED RESTRICTION OF IMMIGRATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. HILL. Mr. President, the other day the immigration bill was made the unfinished business. While it was pending, by the consent of the Senator from Massachusetts [Mr. LODGE], the contempt bill was taken up and for that day it was substituted as the unfinished business, and then it was not reached by reason of yielding to other bills. The Senator from Massachusetts has gone away, I believe, and I understand that it is not the intention to press this bill. I will ask the Senator from New Hampshire if that is the case?

Mr. CHANDLER. Not exactly that. I am in charge of the bill to-day, and the Senator from Alabama [Mr. MORGAN] wishes to address the Senate in connection with an amendment which he

will move. After that I will yield to the bill in reference to contempts which the Senator from New York desires to call up.

Mr. HILL. That is satisfactory.

Mr. CHANDLER. I shall not ask for any action upon the bill to-day.

Mr. MORGAN. I send to the desk the amendment that I propose to offer to the bill. I offer it now.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Add to the bill the following proviso:

Provided, That this act shall not apply to persons arriving in the United States from any port or place in the Island of Cuba.

Mr. MORGAN. That amendment does not indicate at all that I am in favor of the bill or the principle upon which it is based.

Mr. PLATT. Will the Senator from Alabama yield to me a moment?

Mr. MORGAN. Certainly.

Mr. PLATT. I wish the attention of the Senator from New York. The Senator from New York spoke about the contempt bill having been substituted in some way for this bill, as if it was before the Senate, and some suggestion in regard to the order of business was made by the Senator from New Hampshire. I do not wish to be considered as assenting to the taking up of the contempt bill at any time.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Alabama.

Mr. MORGAN. Mr. President, the inquiry or the question which is raised by the amendment which I offer relates to the condition of the people of Cuba and the implied obligation, to say the least of it, that we are under to extend a peculiar hospitality to those people.

Under the treaty of 1795 we placed ourselves upon terms of very close intimacy with Cuba through the negotiation that we then conducted with Spain, making various exceptions in favor of our commerce even during times of war. We also made exceptions in favor of the right of search upon American ships in time of war even between Spain and the United States. So that that treaty may be considered as a very liberal one between both Governments, extending to each Government favors and advantages that are not found in the ordinary run of the treaties of a commercial sort with any of the great powers.

In 1877 the Government of the United States negotiated and ratified with Spain a treaty in regard to extradition. I will not stop now to quote the language of that treaty, but will state generally that extradition is not permissible as between Spain and the United States, in respect of any offenses that are political in their character or any offenses that are connected with political offenses. That extradition treaty came at the close of the ten years war in Cuba, and it was intended to protect them, and thereafter all of those persons who were escaping from Cuba and coming to the United States to seek shelter against Spanish persecution. So we threw wide open the door of invitation to the Cubans to come to our coast, and they have come here in great numbers. I am glad to say that the people who have arrived in the United States from Cuba are, as a rule, an excellent class of people. They are all devoted to legitimate industry, and some of them stand very high in scientific information, and have conferred really great honor upon their native land and also upon the United States, of which they have become citizens.

It is very rare that anyone comes over here from Cuba, driven out by Spanish persecution of a political sort, who does not become a citizen of the United States, and I think that the records of our police courts and of the country at large can be safely appealed to to show that we have not received from any country a better, more orderly, or more patriotic set of men and women than we have received from Cuba.

At the present moment, as heretofore, and as the case will stand hereafter, unless there is a very great change in the relation between Spain and Cuba, is it not perfectly obvious that we can not now afford to close this gate to the admission of the people from that island and exclude all persons over 14 years of age who may not be able to read the Constitution of the United States either in the Spanish or in the English language? The reason of their coming here is so obvious, and we understand it so well, that we can not afford to apply the ordinary rules of exclusion to those people without doing injustice to all of those sympathies which influence American hearts in respect of the rights of people, who are seeking to be relieved from persecution and from the tyranny of monarchical institutions, and who are seeking to establish for themselves at home free government, republican in form. When they find that they can not obtain that boon at home they naturally come to the United States. That one fact will be an inducement, I think, quite sufficient to draw a great number of them here. But when to that fact is added the other great and monstrous fact of the persecutions that have taken place during many years in the Island of Cuba, there can be no reason why we should exclude them from coming to our coasts and becoming naturalized under our laws. A great many of the young Cubans come to the United States now in preference to going to Europe for the purpose of obtaining an education. Our colleges and schools have been largely patronized by them, and I suppose from this time forward that influx will greatly increase, unless their native land should become a home to those people in which they can afford to live.

In order to bring before the country and the Senate a proper knowledge of the reasons that have influenced these people in their migration to the United States, as to which there has been some complaint made by some of our wise statesmen, I desire to review the facts, at least to some extent, that have occurred in regard to this migration from Cuba to the United States, and to bring to the attention of the American people the justification that exists for their coming here and seeking shelter under our extradition laws and under our flag and under the ægis of this great and splendid Republic.

There has been a good deal said in American oratory, in almost every place where that high trait has been exercised at all, upon the subject of this being the hospitable home of all the refugees who flee from tyranny and oppression in all the countries of the world. That is a very great fact. It is a beautiful reality. It is something of which we have a right to boast; and it is one of the fruits of our republican institutions than which none are better for the advancement of civilization and for the liberty which belongs naturally and justly to every human being in the world.

The complications between the Government of the United States and Spain resulting from the nearness of Cuba to our shores and from the hospitable invitation which we have given to their people to come here have saddled upon us very heavy troubles in times that are past, and are continuing now to do so. The result of the ten years war which occurred between 1868 and 1878 was as to our people, not including the *Virginius* case, the *Mora* case, and others that were subjects of special agreements, as follows: A Spanish commission, as it was called, was organized for the purpose of considering the claims mutually between the people of the United States and the people of Spain. That commission had very protracted sessions and went over the whole field of claims that had been presented to either Government against the other. There were presented on the part of citizens of the United States 131 claims, amounting to $26,702,810.28 in the aggregate as they were presented. As I remarked, there were other exceptional cases like that of the *Virginius* which were not included in this list. Of these claims 16 were allowed out of 131, and the amount of the award was $958,928.75. The largest claim allowed was $748,180 and the smallest one was $175. The amount of the claims that were rejected is not stated. But that is a case where the large claims were followed up by the proper proof and the smaller claimants were excluded because they did not have the money or the time or the opportunity to present the evidence upon which their claims were based. And so it results in nearly all of the cases of claims that follow civil war.

It looks as if our people were extravagant in their demands upon Spain for reimbursement when they charged in 131 claims $26,702,810.28 as the aggregate of their losses; but I think any reasoning man is bound to know in his own judgment and in his own conscience that even that sum of money is below the reality as to the losses and damages sustained by the people of the United States in the ten-years war.

Judging from our success at the close of that war as to what will probably be our success at the close of the present war in the demands we are making upon Spain for the losses sustained in Cuba, we find there is little inducement of a monetary character for us to abstain from doing our duty toward ourselves and toward Cuba in the expectation that at the close of the present war indemnity will be granted to our people in any degree at all adequate to the losses which they are sustaining in Cuba.

There seems to be a very false impression as to the liability of the Spanish Government to the people of the United States in respect of these claims that are now accumulating as is supposed in consequence of the interruption of peace in that island. There seems to be an impression that Spain stands sponsor for all the damages done in this war to American property and American citizens who may be resident in Cuba or who may happen to be there at any time. That is a great mistake, and the influence of that error ought to be dissipated now, because it is enthralling the spirit of our people, and, I think, preventing many of them from insisting upon the rights of the people of the United States, and the rights of the people of Cuba, not connected with financial affairs, which seem to be put in the background when they are contrasted with the rights of those who have claims there or property there.

It is known that in some portions of the United States the owners of railroads in Cuba reside, and they are very much concerned about what may become of their property in the event of the success of Cuban arms as against the Spanish Government. The owners of sugar plantations are also found in some portions of our country, and they are making a good deal of outcry against our

expression of any sympathy for Cuba or doing anything for the purpose of assisting those people or for the purpose of protecting even the lives of our own people when those lives come in competition with possible losses which they may sustain in their sugar estates.

It ought to be remembered, upon the experience of our own Government with our own people under similar circumstances, that for the injuries which are inflicted by the march of armies and by necessary military operations, of whatever character they may be, whether the soldiery may come and tear a man's house down around his family and build the timbers into fortifications and breastworks to defend against the enemy, or whether it may be the burning up of fences or the destruction of crops of corn or cotton, or the destruction of property of any kind, robberies by soldiers and all that, the Government of the United States has never thought that it was its duty to recompense even the loyal men of this country. It is one of the circumstances which attend war, and is inseparable from it, and it compels every person, whether a citizen of a country or an alien, where war is existing in the land, to submit to whatever extremities it may impose upon him in the loss of property or even of life, and that without any hope of compensation from the successful government. It is a sacrifice which a man must make to the condition of affairs in the country where he happens to be resident, and it is only in those cases where the successful government has made some appropriation of property which has been immediately useful in the conduct of war, such as corn or wheat or provisions or the like of that, that any government has felt itself obligated to pay for such losses.

I know also that it is said that there are numbers of gentlemen in this country with great influence and power who have private understandings with the Spanish minister that in the event of the success of the Spanish arms in crushing out the Cuban rebellion they will receive favoritism in the acknowledgment and payment of their claims. If those statements be true—I do not vouch for them; I have them from common report—those gentlemen will find in the end that they are reckoning without their hosts, and that their contracts made with Mr. De Lôme, if they are contracts, or their understandings had with him, if there are understandings, will prove to be entirely disappointing and futile. We find here that we got out of the last ten years war in Cuba for the $26,000,000 of claims, which we are to suppose were honestly made, $958,928.75. How much will we get after this war is over? Spain itself would be a heavy loser if it had to compensate every American citizen for all the losses that have been sustained there in the course of this war: and whatever they may say about this, whatever they may suppose about it, in the outcome there will be great disappointment in realizing these expectations of reimbursement in damages for the losses that our people are sustaining in Cuba now.

The war in Cuba is a great affliction to our people, and it is one that is entirely remediless so far as we are concerned, unless we choose to interpose a strong hand there to stop it. There would be very good reason for doing that under existing circumstances, and I think I can cite very high authority in support of that proposition upon the facts that are existing now, upon the facts that have been already developed in the course of the last fifteen or eighteen months, when the war has prevailed.

President Jackson, in his seventh annual message, in 1835, speaking upon this general subject, said:

> Unfortunately, many of the nations of this hemisphere are still self-tortured by domestic dissensions. Revolution succeeds revolution; injuries are committed upon foreigners engaged in lawful pursuits. Much time elapses before a government sufficiently stable is erected to justify expectation of redress. Ministers are sent and received, and before the discussions of past injuries are fairly begun fresh troubles arise; but too frequently new injuries are added to the old, to be discussed together with the existing Government, after it has proved its ability to sustain the assaults made upon it, or with its successor, if overthrown. If this unhappy condition of things continue much longer, other nations will be under the painful necessity of deciding whether justice to their suffering citizens does not require a prompt redress of injuries by their own power, without waiting for the establishment of a government competent and enduring enough to discuss and make satisfaction for them.

That is the utterance of a man of great wisdom and great courage. He looked at the rights and interests of his country with a direct and penetrating eye, and he defended them with an arm that was nerved with great courage, strength, energy, and patriotism. The doctrine contained in that message of President Jackson applied to the present condition would justify the attitude taken in this case from the beginning by the honorable Senator from Texas [Mr. MILLS] who is now listening to me, that it is the duty of this Government to our own people, under all the surrounding circumstances and in view of the history of the past and the expectations of the future, to interfere and stop this war, and prohibit the destruction of life and property that is being carried on there in such a ruthless way. We have ample excuse and reason now for taking that course in respect to Cuba if the Government of the United States choose to take it. The justification in the eyes of nations and under the international law would be perfect, and that justification is predicated upon the thoughts which are expressed in the seventh annual message of that great soldier of the revolution, of the war of 1812, that great man who was President of the United States, and whose memory will stay with us to fortify our resolution in our weaker moments through generation after generation of Americans yet unborn.

I am not advocating that such a course ought now to be taken by the Executive of the United States. I suppose it would be entirely vain to make the suggestion at the present moment of time, but I am speaking now in regard to what has been done and what has been suffered by our people. I am speaking in respect to the rights that belong to our people based upon that predicate of fact. I do not know but that we are arriving at a period, if we have not already reached it, when the rights of the American citizen, even in respect to his life and his liberty, are to be considered as a minor matter when weighed against the interests of business people of the country or the interests of some men who have large holdings in Cuba or elsewhere. But after a while something will occur in this country that will bring the Government of the United States back to the consideration of the question, "What are the rights of the individual man who is a citizen of the United States who claims the protection of our flag?"

Some of the greatest rulers in this world, the most successful and most beloved by their subjects, have won their hold upon the affection of those people by their fidelity to the personal individual rights of the citizenship of their country. They have not stopped to make a calculation as to whether more dollars will be made to their people by allowing a war to proceed or by stopping it. When life and liberty were at stake, when their citizens were incarcerated in foul dungeons without having committed any crime, they did not stop for considerations like those, and the result of it is that there is not a heart that beats in the bosom of one of their subjects that is not true and loyal to the crown.

You may take the Russians, many of whom are said to be scarcely a civilized people. Take them as a mass and observe their fidelity, their loyalty to their Government and their Crown, and ask yourself the reason for it; why it is they are proud of a Government that is utterly despotic, that has no parliament, that has no means of guaranteeing to the subject of Russia his personal liberty. Ask the reason for it. It will be answered immediately that the Czar of Russia is the father of a great family, and he takes care of all his children. There is not a nation in this world that can with impunity inflict a wrong upon a Russian citizen—not one. There is not one that would dare to do it.

I wish I could say as much in respect to the citizens of the United States. I wish I could say to-day that our record is free from all impeachment upon this great question, and that while the Star Spangled Banner waves no American citizen has yet been outraged in his personal rights without having found immediate and adequate redress. But I can not say it. I will presently refer to the facts that prohibit me, and they are very sad, they are very recent, and they come from a country which is close to us geographically, far distant from us in its thoughts and actions respecting the government under which the people live. It is far removed from us, as far as the east is from the west in its form and principles of government, but still so close that we have to stand by and witness the persecution of those people and of our own people when they go to assist them—or even when they do not go to assist them—the persecution of our people upon the sole ground that they are Americans. We stand by in silence and witness these things, as a Government that locks itself behind the bars and doors of privilege and refuses even to tell us what is going on.

Now, I will turn to the inquiry, what the ten years' war cost the Cuban people. I have here before me a pamphlet called Spanish Rule in Cuba; Laws Governing the Island. This pamphlet, on its title page, says it is a "Review published by the colonial office in Madrid, with data and statistics compiled from official records, authorized translation, with additional notes." This is a Government paper, coming from the Government of Spain. On page 41 of the paper is an apology for the present public debt of Cuba, and also a statement of its amount. Will the Secretary do me the kindness to read No. 20?

The PRESIDING OFFICER. The Secretary will read as indicated, if there be no objection. The Chair hears none.

The Secretary read as follows:

CUBA'S PUBLIC DEBT.

> Until 1868 the finances of the Island of Cuba were in an exceedingly prosperous condition. For many years there was an excess of revenue over expenditure, although, as has been said before, the Cuban treasury made large contributions to the national treasury. In spite of the fact that the cost of the military expeditions to Mexico and San Domingo was defrayed by the treasury, the deficit at the outbreak of the Cuban revolt in 1868 was only $7,360,000, an insignificant sum in view of the resources of the island. That these burdens were thrown upon the Cuban treasury is not surprising, inasmuch as for many years the Crown of Spain had in Cuba a very costly colony, whose expenses had to be met by subsidies from the colonies of Mexico and Peru.
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> The revenues, in consequence of the revolt, were much reduced, while the expenses rose to huge proportions. Extraordinary taxes were levied, but

> they proved insufficient. Loans were obtained first from the Banco Español of Habana and subsequently from other banks. Treasury notes and bank notes guaranteed by the treasury, the latter through the Banco Español of Habana, were issued. The treasury issued bonds guaranteed by the customs dues, and a floating debt for the liquidation of previous expenditures was formed. All these debts were consolidated by the issues of bonds guaranteed by the Cuban treasury to the amount of 620,000,000 pesetas ($124,000,000) in 1886 and to the amount of 222,500,000 pesetas ($44,500,000) in 1890, making a total debt at the outbreak of the present revolt of $168,500,000.
>
> The sources of the Cuban debt being shown, all commentary is unnecessary.

Mr. MORGAN. According to that statement, at the beginning of the present outbreak in Cuba the debt saddled upon that colony amounted to $168,500,000. What was the occasion for it? They make Cuba pay all the expenses for the ten years war. They make Cuba pay the expenses also of the expedition against Santo Domingo, which was carried on during the time of our civil war, which failed and which cost Spain very heavily. Of course the Cuban colony had not anything to do with carrying on that expedition, except, perhaps, that a few Cubans may have gone there and lost their lives in trying to assist the Spanish flag. But that debt is saddled upon them.

Now, more recently they have saddled upon Cuba the expenses of an expedition against Mexico and one against Peru, the latter occurring also during the time of our civil war in the United States. Those various sums of money thus fastened upon the treasury of Cuba amounted to $168,500,000 at the beginning of the present Cuban insurrection or war. Just before the insurrection broke out General Weyler was engaged in the Philippine Islands for a year and a half, I think it was, in killing enough of the natives of that population to bring the balance of them into subjection to the Spanish will, and that expedition cost very largely in money and still more largely in human life. The expense of the expedition against the Philippine Islands has been fastened upon Cuba, an unknown sum yet to come, yet to be placed upon the treasury of that country, and the proceeds of taxation are to be applied to the extinguishment of the interest upon that debt and ultimately the principal.

Now will come the expenses of the present war. What do they amount to? What has Spain spent since February, 1895, or really since September, 1894, for that is the time when she commenced to make her preparations to resist the outbreak. What has she spent upon the present war? She has sent 175,000 troops to Cuba. She has had to import all of her provisions either from the mother country or from other countries. She has derived no supplies from the Island of Cuba—nothing to speak of. What, then, must be the expense of the present war up to this time, with 175,000 soldiers in the field, besides a very large and very expensive navy that she is maintaining there? It can not be less than $25,000,000. More likely it is $50,000,000. If this war continues as long as the former war continued, and there is no likelihood of it stopping short of that unless Cuba shall achieve her independence, a debt will have been incurred in its prosecution by the Spanish Government amounting to fully as much as the whole debt now resting upon Cuba. At the present moment of time the debt resting upon Cuba is not less than $300,000,000 on a million and a half of people. That debt is fastened upon their treasury, and all the taxation that brings money into the treasury is mortgaged for the payment of interest upon the debt. It is not a dollar under $300,000,000, and at the close of the present struggle—if it closed now—it would not be less than $350,000,000.

Now, this book informs us that at the present time the per capita taxation in Cuba is the very small and moderate sum of $24. To think of that! Taking all the old and the young, the rich and the poor, every human being, amounting to a million and a half people, when you come to average the annual taxation among those people it is $24 per annum per capita. No people in the world, of course, can live under such taxation. They take Cuba and separate her from the balance of the Spanish Government on all questions of taxation that they can impose upon her. They incorporate her, however, in the Spanish monarchy upon all other questions—the question of power to hold her as being obedient to the Spanish monarchy, and subject to the rule of the Cortes in Madrid. In the introduction to this book it is said:

> Cuba long ago ceased to be a colony. She is now an integral part of Spain. All Spaniards, be they born in the peninsula or in Cuba, may say: "Where Spain has her flag, there is Spain."

Now, if that very majestic declaration is true, why is it that Cuba is separated out from the balance of the Spanish colonies to receive individual and singular taxation in respect of every American enterprise in which Spain is engaged, whether she fails in it or whether she succeeds? Why should the expenses of a war with Mexico, with the Philippine Islands, with Peru, and with San Domingo be saddled upon the Island of Cuba, in addition to the expense of putting down the insurrectionary movements which have several times been conducted in that island? If Cuba is not a colony and is an integral part of the Spanish dominion; if it is now a province of the Spanish Government, why have not Castile and other provinces of that Government been taxed for the purpose of relieving Cuba of the burdens that have come upon the general treasury of the Spanish Government? These facts prove the absolute justification of what the Cubans have been saying to us now for many years, that they are selected out for purposes of oppressive taxation, ruinous and unfair taxation, and yet when they claim that the balance of the Spanish monarchy should share with them in the expense of Spanish enterprise, particularly those of wars with foreign countries, they are replied to with bayonet and sword. They are told that they have not a right to consider any question of taxation that the Spanish Cortes undertakes to impose upon them.

This was one of a number of oppressions that occurred in Cuba that led to the war of 1868-1878. In that war there came forth in its history a perfect exemplification of the whole character of the Spanish monarchy in its relations to the Island of Cuba. The picture, Mr. President, is beyond the power of human description. No man, however powerful he may be with pen or tongue, can give anything like an adequate description of the sufferings that those people endured during that ten years of war.

We have now an object lesson presented in the present history of the struggle in Cuba, which informs us through our public press, without a denial that I have ever seen, day by day of the outrages and wrongs perpetrated in Cuba of the same general character, only they are more flagrant, they are more oppressive, they are less humane and less Christian than they were in that ten years' war.

There is a gentleman in Washington City who has been here a number of years and who is connected with our Government, who was a lawyer by education, born in Cuba, educated there, and was a judge in that colony. He was a participant, however, in the former ten years war, and then came to the United States to practice his profession here, and has several times appeared before the Committee on Foreign Relations in the advocacy of the Mora claim, which we all remember, and has exhibited himself as a learned and an elegant man. At the close of the former war Mr. Dominguez, the gentleman to whom I refer, and who, I believe, is now one of the clerks in the Bureau of American Republics, compiled from statistics which he affirms to be entirely true and reliable a book and printed it. It is called the Book of Blood—a book that was printed in New York in 1873, long before this present outbreak occurred in Cuba. He has obtained the names of as many as he could of the persons who were shot in Cuba during that ten years war. He gives the place of residence and day of execution, and gives a reference to the book or public print in every case to justify his statement. This book has not been referred to heretofore, I think, in the Senate, or, if it has been, it has been very briefly adverted to; but it shows a picture of bloodshed and ruin and destruction and outrage amongst those Cuban people during those ten years, which is characteristic of that Spanish Monarchy, only, from the time of the Duke of Alva down to the present moment. At the same time it is revolting that any civilized nation would permit such a book as that to go unanswered where the facts are stated by a gentleman of very high character—a character that can be vouched for by many of the best citizens of America.

According to that statement thus carefully prepared, giving the names of the different individuals, or, where they were unknown and he could not find out the precise name of the party, giving dates and references to show that the facts were exactly as he states them, the loss to Cuba was 8,517 people destroyed during that war, of whom 7,699 were captured as prisoners and taken during that war in battle, and they were shot after they surrendered. One hundred and ninety-one persons were garroted, 84 were shot by order of courts-martial, 38 were condemned for life in the chain gang at Ceuta, in Africa, and 181 were condemned to shorter terms of imprisonment.

Mr. MILLS. Has he enumerated the number of persons on both sides who were killed?

Mr. MORGAN. Yes, sir. The number of persons who were killed in that war on the Cuban side was over 40,000. The Spanish lost more than that. So that there must have been over 100,000 lives sacrificed in that ten years' war.

Mr. MILLS. Is it a fact that 40,000 people were killed on the battlefield?

Mr. MORGAN. Very likely; but Mr. Dominguez does not go into that matter,

Mr. MILLS. Is that the statement in the encyclopedia?

Mr. MORGAN. That statement is in the encyclopedia, and I have no doubt of its truth.

Of the 250 persons who were transported to the island of Fernando Po, on the coast of Africa, on the 21st of May, 1869, 7 were administrators of sugar plantations, 1 was an architect, 3 were attorneys at law, 3 were brokers, 2 bankers, 10 carpenters, 5 clergymen, 11 clerks of notaries, lawyers, etc., 4 druggists, 3 distillers, 4 engineers, 20 farmers, 2 judges of the peace, 6 lawyers, 4 masons, 4 military officers, 2 mortgage recorders, 8 notaries, etc. Of the 250, 140 were married, 91 were single, and 14 were widowers.

This statement shows that the class of people who were engaged

in that struggle of the ten years' war were not negroes and inferior people. In fact, the negroes were then slaves, and therefore were excluded, the Cubans agreed with the Republicans in Spain that slavery should be abolished, and that was the predicate on which General Grant interfered to get that war stopped; and then the treaty which was made at the time, and which was discussed here—the treaty of Zanjon—contained eight articles of capitulation, none of which have been honestly complied with by Spain since that time.

Mr. President, up to the present time La Discussion, a Spanish paper at Habana, gives the following as to Cuban losses in the present war, a statement extracted from El Heraldo, of Madrid.

El Heraldo de Madrid, referring to a statement published by the minister of war, giving the casualties among the insurgents, makes the following summary for the eleven months of 1895: Twenty-six chiefs or leaders and 1,190 rebels were killed; 4 chiefs and 358 men were wounded, and 218 men were made prisoners.

El Heraldo draws a contrast between the early months of 1895 and the early months of 1896. During January, February, March, and April, 1896, 37 chiefs and 3,005 men were killed, while 12 chiefs and 1,618 men were wounded, and 12 chiefs and 330 men were made prisoners.

The result in favor of four months of 1896 compared with eleven months of 1895 shows a difference in favor of 1896 of 11 chiefs and 1,895 men killed and 8 chiefs and 1,260 men wounded, while 112 prisoners were captured.

That is all I care to read of that article.

That is a very remarkable statement, Mr. President. One hundred and twelve prisoners were captured in the present war, says this authentic statement from Madrid, one of these official organs. That is the most extraordinary reversal of the casualties of war that I think I ever read, and you will observe that in all the accounts that come from Cuba to this country there is no statement made in regard to the number killed in battle; there is no statement of the number of prisoners taken; they are all put down as being killed; but you will find that there are statements made that 100 men were killed and 10 were wounded, or something like that, which means simply that they killed their prisoners. It can not mean anything else.

That statement, put in that Spanish newspaper at Madrid, shows that of the number of men who were fighting only 112 were captured as prisoners. What became of them we do not know. I suppose that they have either come in and yielded their submission to the Spanish Government or joined the army, or else they may have been sent off to prison. We can not tell anything about that.

The first question that arises in the American mind is whether or not that is war. I do not mean war by declaration. The declaration is always the least part of a war. When we were passing upon the French spoliation claims the other day it was objected that those claims were incurred in a period of war, and that argument has been held as to those claims from the time they were first incurred, early in the beginning of our Government, down to the this date, and yet there was no declaration of war between France and the United States at all; but it has been seriously maintained and urged against those claims always that they were the result of warfare, and being the result of warfare our citizens had to submit to the loss, and that we were not amenable to compensate them for losses which occurred in actual war, whether war was declared or not.

What is this war? Is it a mere civil proceeding? Are we to stand here as a Senate and to decide in the face of facts like these that no war prevails in Cuba, that it is a mere insurrection? What is an insurrection? It is an outbreak against the civil authority; and the civil authority is not only left free to deal with it, but only civil penalties administered by the civil authority can be visited upon the men who are engaged in insurrection. That is the law of all civilized countries in the world. It is the civil law and the common law of England; it is the law of nations. When a man is arrested as an insurrectionist, I care not whether he is arrested by the police force or whether it is necessary to call the army in to arrest him, the moment he is under arrest he is amenable to civil trial by civil tribunals and to civil penalties.

How long has it been in the Island of Cuba since the Spanish Government has had the power thus to inflict these penalties upon the people of that island? Sir, they have not had the power since within thirty days of the first outbreak in that island. Their judges were driven from the bench; their authority as a civil power ceased. Civil trial no longer existed in Cuba unless within some of the fortified towns; but as to reaching out the civil power to arrest the perpetrators of the insurrection and try them before the civil courts, that state of affairs has not existed in Cuba since thirty days after the beginning of war.

In that connection, I desire to call the attention of the Senate and the country to the utterances of our own Supreme Court upon that question, which I think ought to be acceptable to everybody, and which, I think, will, when they are considered, probably lead to a very much better understanding of these questions and to less debate and controversy among ourselves as to what the law actually is. In the case of Ford vs. Surget, which had reference to the destruction of some cotton which belonged to the plaintiff in the State of Mississippi during the war, quite a large quantity of it—200 bales of cotton which were burned up by a provost-marshal in a certain county under the orders of the Confederate military. He was not a Confederate military officer; he was not in any wise connected with the Confederate government. He was a State provost-marshal. He burned up that cotton, and did it under the orders of the military. The question arose whether he was liable to the owner of the cotton for having burned it, for it belonged to Mr. Ford. Of course, the action was predicated entirely upon the idea that the rebellion was unlawful, that it was not in any sense justifiable, and that the act could not be justified under the laws of the United States. So the Supreme Court held that it could not be justified under the laws of the Confederate States as well. But they go on to say this about it, for they held Surget was not liable for burning the cotton. Mr. Justice Harlan, in delivering the general opinion of the court, says this:

3. The Confederate government is to be regarded by the courts as simply the military representative of the insurrection against the authority of the United States.

4. To the Confederate army was, however, conceded, in the interest of humanity, and to prevent the cruelties of reprisals and retaliation, such belligerent rights as belonged under the laws of nations to the armies of independent governments engaged in war against each other, that concession placing the soldiers and officers of the rebel army, as to all matters directly connected with the mode of prosecuting the war, "on the footing of those engaged in lawful war," and exempting "them from liability for acts of legitimate warfare."

5. The cotton for the burning of which damages are claimed in this civi action was, as to the United States and its military forces engaged in the suppression of the rebellion, not only enemy but hostile property, because, being the product of the soil, and, when burned, within the boundary of the insurrectionary district, it constituted also, as we know from the history of the insurrection it did, "the chief reliance of the rebels for means to purchase the munitions of war in Europe." (Young vs. United States, supra, page 39; Mrs. Alexander's Cotton, 2 Wall., 404.) It was therefore liable at the time to seizure or destruction by the Federal Army, without regard to the individual sentiments of its owner, whether the purpose or effect of such seizure or destruction would have been to strengthen that Army or to decrease and cripple the power and resources of the enemy.

Further on he states:

They had the right, as an act of war, to destroy private property within the lines of the insurrection belonging to those who were cooperating, directly or indirectly, in the insurrection against the Government of the United States, if such destruction seemed to be required by impending necessity for the purpose of retarding the advance or crippling the military operations of the Federal forces. Of that mode of conducting the war on behalf of the rebellion no one could justly complain who occupied the position of an enemy of the United States by reason of voluntary residence within the insurrectionary district.

Mr. Justice Clifford goes on to give more at large his views on this subject, and I shall refer to certain extracts from his opinion merely for the purpose of illustrating the argument as applied to this question in various forms by various people at different times. Mr. Justice Clifford concurred in the judgment of the court and delivered the following opinion, of which I shall read only a part:

Parties belligerent in a public war are independent nations; but it is not necessary that both parties should be acknowledged as such in order to the enjoyment of belligerent rights, as war may exist where one of the belligerents claims sovereign rights against the other, the rule being that when the regular course of justice is interrupted by revolt, rebellion, or insurrection, so that the courts of justice can not be open, civil war exists and hostilities may be prosecuted to the same extent as in public war. (Prize Cases, 2 Black, 666; Vattel, 425.)

Further arguing, he says this:

Insurrection may or may not culminate in an organized rebellion, and it may or may not assume such aggressive proportions as to be justly denominated territorial war, the universal rule being that rebellion becomes such, if at all, by virtue of its numbers and the organization and power of the persons who originate it and are engaged in its prosecution. But when the party in rebellion hold and occupy certain portions of the territory of the rightful sovereign, and have declared their independence, cast off their allegiance, and formed a new government, and have organized armies and raised supplies to support it, and to oppose, and if possible to destroy, the government from which they have separated, the world and the law of nations acknowledge them as belligerents engaged in civil war, because they claim to be in arms to establish their liberty and independence in order to become a sovereign state.

A better definition of the present situation in Cuba could not possibly be given than Mr. Justice Clifford gave in that opinion. He proceeds:

History furnishes many examples of war between the government de jure of a country and a government de facto of a seceding portion of the same country; and in such cases jurists hold that other powers are entitled to remain indifferent spectators of the contest, and to allow impartially to both belligerents the free exercise of those rights which war gives to public enemies against each other, such as the right of search, the right of blockade, the right of capturing contraband of war and enemy's property laden in neutral vessels. (Twiss, Law of Nations, 2d edition, section 236.)

Rebellions of the kind, when they become too formidable to be suppressed by the duly constituted civil authorities, authorize the de jure government to blockade the ports within the territory occupied by the insurgents, and to notify the same to foreign powers that the same will be enforced pursuant to the law of nations. Official notice of such a proclamation makes it the duty of foreign nations to conform to the international rules of war in that regard; and the same jurist says that the foreign power must at once decide upon one of three alternative courses of action. It may assist the government de jure as an independent power, or it may assist the insurgents, in either of which cases it becomes a party to the war; or it may remain impartial, still continuing to treat the government de jure as an independent power whilst it treats the insurgents as a community entitled to the rights of war against its adversary. Such a concession is indispensable, as the neutral power will find it impossible to recognize the character of one as a belligerent without recognizing the belligerent character of the other, unless the war is confined entirely within the territory of the contending parties and does not extend in any respect to the highway of nations. (Id., page 500.)

Belligerents engaged in war may exercise the right of blockade, and they may capture contraband of war and enemies' property laden in neutral vessels; and if so, the contest, though it originated in rebellion, must in the progress of events, when it assumes such proportions as to be justly denominated civil war, be recognized as entitling both parties to the rights of war just as much as if it was waged between two independent nations.

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Other nations, as well as the United States, conceded belligerent rights to the Confederate States, as all admit, which renders it unnecessary to inquire whether the concession was rightful or premature. Matters to be taken into the account in determining such a question, it is said, are whether the insurgents present the existence of a de facto political organization, sufficient in character, population, and resources to constitute it, if left to itself, a State among the nations reasonably capable of discharging the duties of such an organization.

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Publicists and courts of justice everywhere concur in these sentiments and in certain corollaries which the author deduces from the attending circumstances, to wit, that the common laws of war—those maxims of humanity, moderation, and justice previously pointed out—ought to be observed by both parties in such a conflict. (Vattel, 425.)

For the same reasons which render the observance of those maxims a matter of obligation between state and state, it becomes equally and even more necessary in the unhappy circumstance of two incensed parties in the case of civil war. Should the sovereign conceive that he has a right to hang up his prisoners as rebels the opposite party will make reprisals, as in the example given in the note, and if he does not observe the terms of the capitulations and all other conventions with his enemies they will no longer rely on his word. Should he burn and ravage, they will follow his example, and the war will become cruel, horrible, and every day more destructive to the nation.

War, it is said, may exist without a formal declaration; and the decision of the court is that the laws of war as established among nations have their foundation in reason and tend to mitigate the cruelties and miseries which such conflicts produce. (Prize Cases, 2 Black., 669.) Hence, say the court, the parties to a civil war usually concede to each other belligerent rights, for they exchange prisoners, and adopt the other courtesies and rules common to public or national war; nor is it necessary that the independence of the revolted province or State should be acknowledged in order to constitute it a party belligerent in a war, according to the law of nations; and the reason given for the rule is one of frequent illustration, which is, that foreign nations acknowledge it as war by a declaration of neutrality, of which two examples are given in the opinion of the court from which these rules are drawn: 1. When the United States recognized the existence of civil war between Spain and her colonies. (The Trinidad, 7 Wheat., 327.) 2. When the Queen of England issued her proclamation of neutrality recognizing hostilities as existing between the United States and the Confederate States.

In a further discussion of some of the minor objections which were made on the argument of this case before the court, Mr. Justice Clifford proceeds to answer as follows:

Cotton was the article destroyed, which was the subject during the war of special legislation by each belligerent power. It was treated by the Army, the Navy, and the civil arm of each as possessing extraordinary qualities, and as different from other property, even in the hands of noncombatants. It formed the basis of the credit which the Confederates were seeking to establish abroad for the prosecution of the war. Its retention in the Southern States and withdrawal from market, except when for war purposes, were considered by the Confederate authorities as of vital importance; for it was hoped that its withdrawal from market would hasten a recognition of the independence of the States in rebellion, and the raising of the blockade which was destroying their resources and crippling their armies.

There is a full answer as to the burning of the sugar plantations in Cuba by the rebels and also by the Cubans, for they both participate in those conflagrations, and they do it for the same reason suggested here for the burning of cotton in the Confederate States during the civil war—to deprive both parties or either party of the opportunity of making the cotton in our case and the sugar in their cases the basis of credit with foreign nations.

Governments de facto are described by Mr. Chief Justice Chase as divided into classes; and, after having given a description of two of the classes, he remarks that there is another, called by publicists a de facto government, but which might perhaps be more aptly denominated a government of paramount force. Its distinguishing characteristics as given by that magistrate are as follows: 1. That while it exists it must necessarily be obeyed, in civil matters, by private citizens, who by acts of obedience rendered in submission to such force do not become responsible as wrongdoers for those acts, though the acts are not warranted by the rightful government. Actual governments of this sort are established over districts differing greatly in extent and conditions. They are usually administered directly by military authority, but they may be administered also by civil authority, supported more or less directly by military force. 2. Historical examples are then given of that sort of de facto government, to wit, the temporary government at Castine during the war of 1812, and the temporary government at Tampico during the Mexican war. (United States vs. Rice, 4 Wheat., 253; Fleming vs. Page, 9 How., 615; The Neustra Senora, 4 Wheat., 502.)

Those were cases where regular enemy governments acquired the temporary possession of territory during war with the country of which the territory so possessed was a part; and this court adverted to that difference in the case under consideration, but decided unanimously that the government of the insurgent states must be classed among the governments of which those are examples. Among the reasons assigned in support of the conclusion were the following: 1. That rights and obligations of belligerence were conceded to it in its military character very soon after the war began, from motives of humanity and expediency. 2. That the whole territory controlled by it was thereafter held to be enemies' territory, and the inhabitants of the territory were held, in most respects, as enemies. And as a final conclusion, the court decided that to the extent of the actual supremacy maintained, however unlawfully acquired, the power of the insurgent government can not be questioned. (Thorington vs. Smith, 8 Wall., 11; Halleck, Int. Law, chapter 3, section 21, page 74; United States vs. Klintock, 3 Wheat., 150.)

In a case which came up in Pennsylvania Mr. Justice Strong was on the circuit and participated in the trial of it, and concurred in the judgment and gave an elaborate opinion, in which he stated that he could not doubt that those revolting States, confederated as they had been, claiming and enforcing authority as they had done, were to be regarded as a government de facto.

There is the turning point in all of these questions. The question is whether or not there exists in Cuba a government de facto. That is an easy enough question to settle; it is one which every man in Cuba must settle for himself; and it is one that every man going to Cuba must settle for himself; for it is the individual right of every man in this world, when he finds himself in the presence of any government having authority and power to control his actions, to submit his affairs, his person, and even his liberty to the control of that government while he remains there. So, after all, in all of this discussion, which has wandered back and forth over an almost unlimited field, the vital point in the question is always simply this: Does a de facto government exist in the Island of Cuba? If a government de facto does exist there, then, of course, that government is entitled to its belligerent rights, if it has power enough to marshal armies in the field and resources enough to sustain them. Says Mr. Justice Strong:

Two objections to that proposition had been made at the bar: (1) That their claim of sovereignty had been constantly opposed; (2) that their boundaries were uncertain and undefined—

This is the point to which I wish to call particularly the attention of the Senate—

to both of which the judge responded to the effect that neither of the objections was satisfactory; that they were none the less a government de facto because they had had no interval of peaceful existence, nor because the geographical boundaries of the district over which their power is exclusively felt were not well defined.

We remember very well that here in the State of Virginia, out of which territory a sovereign State was carved during the existence of our civil war, the boundaries of authority shifted from time to time by the advance and retreat of the respective great armies which were contending with each other; and the civil power and all other powers had to yield from time to time as either of the armies was present for the purpose of enforcing either the laws of the United States or the laws of the Confederate States, according to their success.

After having commented upon cases of that kind, Mr. Justice Clifford closes his opinion as follows:

Unless the Confederate States may be regarded as having constituted a de facto government for the time or as the supreme controlling power within the limits of their exclusive military sway, then the officers and seamen of their privateers, and the officers and soldiers of their army were mere pirates and insurgents, and every officer, seaman, or soldier who killed a Federal officer or soldier in battle, whether on land or the high seas, is liable to indictment, conviction, and sentence for the crime of murder, subject, of course, to the right to plead amnesty or pardon, if they can make good that defense. Once enter that domain of strife, and countless litigations of endless duration may arise to revive old animosities and to renew and inflame domestic discord, without any public necessity or individual advantage. Wisdom suggests caution, and the counsels of caution forbid any such rash experiment.

In another place in this opinion Mr. Justice Clifford says that the boundaries of the dominion of a de facto government are the boundaries alone of the bayonet. Of course a de facto government can not exist in a precinct, as we call a small political area, or in a county, or, perhaps, even in a province in Cuba; it must extend to that reasonable magnitude where it becomes apparent to the governments of the world that it has military power sufficient, at least, to hold at the present time the occupancy of the territory in question, and to exclude therefrom all the civil powers of the government against which it is making war. Taking that decision as the basis of our action, as the line of demarcation of our authority as a Government, what difficulty can exist in law, as expounded by our Supreme Court, in the recognition of the existence of war in Cuba? None whatever.

But it is said the recognition of belligerency in Cuba does not create that situation. That is very true. We do not create belligerency by recognizing it; neither do we create peace by denying that war exists. It is a question of fact and is so treated by all the great jurists of the world. And it is a question of fact upon which governments may act and individuals may act, the question of fact being whether that government claiming to be such, and organized as such, with civil and military functions and powers, chooses to exercise its authority within a given domain or within any domain that it can protect by its bayonets within the Island of Cuba.

Mr. PLATT. May I ask a question?

Mr. MORGAN. Certainly.

Mr. PLATT. I should like to hear the Senator upon this point: Admitting that a state of war exists there, does that impose any obligation on the Government of the United States to make any declaration about it whatever?

Mr. MORGAN. None at all, unless its own citizens are involved in the question. But I have before me many authorities from our own statesmen and the opinion which I have read also contains authority upon the same proposition, that the penalties of warfare are to be visited upon men who are captured when they make an invasion of a country if that country is engaged in war. To illustrate that, I will suppose that an American citizen, exercising his clear personal right, that everybody concedes, to

leave our shores, would go to Cuba and enlist there in the Spanish army or in the Cuban army. He goes to the Island of Cuba, we will suppose, for the purpose of enlisting in the Cuban army. When he arrives there he is captured off the boat on which he has gone. He is not a member of any expedition, we will say, not having violated our laws in the slightest particular. He is captured off the boat in which he has gone, and he is carried before the civil tribunals, and it is proven by letters in his possession that his object in leaving the United States was to go to Cuba and enlist in the Cuban army. That is a clear case.

Now, this man, still being a citizen, exercising all his rights of citizenship, because he has a clear right to do this, not having forfeited the protection of his flag, not having expatriated himself, not having assumed citizenship to Spain or Cuba or any other country, it is very clear that a case arises, in such a capture as that, between Spain and the United States whether that man is to be tried under the municipal laws of Spain as a rebel, a traitor, or an insurrectionist, and condemned to death, or whether he is to be tried under the international laws and to be treated as a prisoner of war.

Spain has no power to repeal the international laws in respect of our own citizens, unless our citizens go to her territory when she is at peace and violate her laws. But if a state of war exists as a fact and our citizen enlists in the army of Cuba, then the question arises whether that man under the international law is amenable to that law or whether he is amenable to the municipal law of Cuba.

The question is very easily settled. It is a question merely of fact. When the Government of Spain undertakes to execute that man for his act in making this enlistment lawfully, so far as we are concerned, we say to the Government of Spain: "This man left his country in the pursuance of an object and purpose that was not at all in conflict with our laws; he was exercising his individual right of enlistment in a foreign army, which was incomplete until he got there. He was on his way for the purpose of completing that intention, or possibly that engagement, and on the route you have arrested him, and you claim now that you can interpose through a municipal statute, so as to take him and try him as if he were a citizen of Cuba engaged in insurrection.

"So we say to you that the laws of nations protect that man, because war exists in Cuba, and while you have not declared it or admitted it on paper, you have declared and admitted it by every other act that you have performed, and your admissions are ascertained from your acts by the United States Government and not merely by your declarations intended to suppress the force of those acts. What have you done? Why have you got 170,000 people under arms in Cuba? Why is it that you can not visit the interior of that country except in armed bands, and strong ones at that? Why is it that you patrol the whole coast of Cuba with more than 60 war ships? Why is it that you issue proclamations to prohibit the exportation of tobacco to the United States or to any other country? Why is it that you declare the importation of powder and shot or cartridges or guns contraband? Why will you seize ships that are sailing within the 3-mile limit, loaded with contraband articles consigned to some other port not in Cuba at all? Why do you resort to all the great machinery of war and bring to bear in its utmost rigor every power of war, and why do you claim this under the laws of nations? You can not inflict your laws upon the people of the United States except under the laws of nations. Why is it that you claim this right against a citizen of the United States when you are actually at war and yet insist that peace exists in Cuba?"

Mr. President, in a case of that kind, for the protection of our own citizens, for the purpose of having a fair and square understanding with Spain, to avoid any misleading at all in the matter, it is our duty as a government to declare that to exist which the facts prove to exist, to declare that war exists in Cuba, and that so far as we are concerned as a nation we intend to observe a strict neutrality between the belligerent parties. It is very true, sir, we can not create a state of war in Cuba by our declaration, but we can protect our citizens by such a declaration as that, which means simply that they shall have the benefit of the laws of war as they are recognized and declared in the international law, and for the mere offense of going there to enlist in the army of Cuba they shall not be amenable to the pains and penalties of death. By our recognition of any such theory as that claimed in the interests of Spain, which we have too often recognized and which by our silent acquiescence we are recognizing every day, when our citizens are being butchered in the most horrible manner, I fear we will not do our whole duty to our people. Such a recognition has entailed upon the people of the United States penalties that the laws of nations forbid that they shall suffer. If there is one thing that this great Government owes to its people that stands above another it is that when they are outside of the territorial dominion of the United States the laws of nations shall protect them. We have no right to withdraw the protection of the laws of nations from these people.

Now, I will take an American citizen residing in Cuba. He is out in the interior, 50 or 100 miles from Habana, and he has a sugar plantation there. Gomez and Maceo come on and they include him in their lines, and they instruct some of their provost-marshals to burn that man's sugar plantation. Then I will bring the man who burned the sugar crop before the Supreme Court of the United States, try him upon the very same declaration that was filed in the case of Ford *vs.* Surget, and ask a judgment of the Supreme Court of the United States whether that provost-marshal is liable to this American citizen for having burned his cane. The Supreme Court of the United States would say, "No; he is not liable." Why? Because the Cuban Republic there, under President Cisneros, assisted by the armies of Maceo and Gomez, all holding regular commissions, a regular organization, had included this man's plantation in their lines. He was grinding sugar, he was contributing the strength of his product to the Spanish power. They forbade him to do so. He did not cease. They burned his plantation. Nobody is liable for that. Why? Because the Cisneros government at that place and at that time was a de facto government and supported by military power. How did it happen to be a de facto government and supported by military power? It was because it makes no difference what the declaration as between Cuba and Spain might be, the court would find the public fact at that time to be that war existed there, for if war did not exist there and only insurrection, then there might be a ground for holding that this man was liable to the person whose plantation he had burned. Whenever it is proven that actual war existed in that country, that de facto government had the power and the right as a government to order the destruction of the sugar plantation, when it is destroyed the man is simply without remedy.

So in respect to a person visiting Cuba from the United States, I care not what he carries there. If he is captured while war exists in Cuba, he is captured just as a man would be who runs a blockade. He is not a pirate because he sails on a vessel that has arms and ammunition in it; and after he lands he is neither a rebel, nor an insurrectionist, nor a traitor. The most that can be said against him is that, war being flagrant in Cuba, this man has violated a blockade, if a blockade exists, or what is equivalent to it, some decree or ordinance of the military government of Cuba that such munitions shall not be landed upon that island except in ports of entry.

Now, the Government of the United States can not claim to be even a decent Government; no, sir, it can not claim even to be decent and respectable amongst the nations of this earth if it stands by and sees its citizens, when captured under such circumstances, and in the presence of the fact that war exists in Cuba, condemned to death for a violation of some local ordinance in the Island of Cuba.

So I answer the honorable Senator from Connecticut [Mr. PLATT] our duties are only to our own people. They must be confined to our own people. But there is a sufficient reason for making this declaration of the fact that exists in order that Spain and the balance of the world may understand that so far as our people are concerned, when they leave our shores in any of these expeditions, whether they are justified by our laws or not justified by our laws, it makes no difference to Spain. She has got nothing to do with the execution of our laws. But whether or not they are justified by our laws, the moment when men, in their expeditions, who leave our coast sail outside of the 3-mile limit they are placed under the protection of the laws of nations, of which we are bound to guarantee them the advantages and benefits; and if they go to Cuba and find war existing there, and carry something that either by military order or by actual blockade is excluded from that island, and they are captured in the effort to get in, their offense under the law of nations amounts to a violation of blockade contrary to the laws of war, and they are amenable to no punishment whatever except such as may be inflicted under the laws of war upon prisoners captured in battle or with arms in their hands.

Mr. President, I hope the Senate will excuse me for making some little reference to myself in this business, because, unfortunately for me, I have been arraigned and held up to the country as being very anxious that a war should take place between Spain and the United States, and that this has been the motive and purpose of all I have done on this subject. I have attempted on frequent occasions to disclaim this, and I want to prove now by the record exactly how the matter stands.

I am not averse to war with Spain if she, in the pursuit of her abominable despotism in the Island of Cuba, continues to make it an offense against the civilization of this age and against all principles of humanity and Christianity. If she wishes to wage a war which is intolerable in the sight of God and man, I can not say that I object. I think it is a misfortune that we are drawn into those circumstances in which we find ourselves obligated by respect to our own ancestry, and our traditions and our own love of the great principles of the Republic in which we live, not to stand by and see a people massacred, brutally tortured, in an island

which is only 90 miles from our shores, under the pretext of suppressing insurrection and rebellion, when we know that what they are doing is open and public war, and that it is a war of extermination.

I do not deny my sympathy with the Cubans, but as an American citizen and as an American Senator I confine my action in this business entirely to the duties, the strictly constitutional duties, of the Government of the United States toward our own people, and I have done so from the beginning. It devolved upon me by the action of the Committee on Foreign Relations, contrary to my expectations entirely, that I should take charge of a resolution which was reported here of which I was not the author. In explaining my attitude toward this question and somewhat in a sense of apology for a previous report that I had made, I stated to the Senate that that subject commenced to be urgent upon the Committee on Foreign Relations on the first day of the present session of Congress in the form of petitions, resolutions, and memorials from all quarters of the country, from public associations, from private individuals, from churches, from legislatures, from boards of trade, until the piles of petitions and memorials got to be simply enormous upon the desk of the committee.

Resolution after resolution was sent down to us from this Chamber that we would proceed to inquire into these matters and make report upon them. We still delayed action. Every member of the committee, I believe, felt a strong sense of responsibility if we delayed action, until finally the period arrived when we thought it would not be respectful to the Senate or to the people to maintain our silence any longer. We took up that great pile of petitions and memorials to consider them and the resolutions predicated upon them. I said to the gentlemen of the committee: "We have been a long time here assisting Spain in holding Cuba as a conquered province by the rigor of the laws we have passed and the perfect fidelity of their execution. It has cost us a great deal of money. It has cost us some human lives. It has cost us some vexation and trouble on various occasions. Sometimes the American heart was so wounded by what took place in Cuba while we were standing guard to keep our people from going there and assisting the men who are striking for freedom as that it was almost impossible that any appeal could reach them and stop them from breaking over the restraints of the law and going there to relieve those suffering people."

I said, "The moment we turn our face in the opposite direction, the moment the Committee on Foreign Relations makes a report, it makes no difference how mild, in the direction of expressing even sympathy with the Cuban people, we will find that Spain will seek occasion for war against us. Perhaps she may be glad of the opportunity to lose this colony, which is slipping from under her grasp in the sunlight of our present civilization, and she may prefer to lose it at the point of the sword when the United States is her antagonist rather than to surrender it into the hands of Gomez and Maceo and Cisneros, whom she classes as vile rebels. But whatever may take place, whenever we make the least demonstration of sympathy from this committee in favor of Cuba, you may rely upon it that we shall not escape without a war." Not that I wanted it, Mr. President, but that I saw that it would be unavoidable. There is not a gentleman on this floor to-day who is not conscious in his heart that if the war continues five years longer with the same atrocities that have attended it for the last few months it has been waged the United States can not possibly keep out of it. Our people will force us into it in spite of all we can do. I therefore said, "I accept the situation on entering upon the consideration of these resolutions." But what had I done before that? I had prepared the following resolution, which I think the world will call now an exceedingly mild resolution on this question, and I had brought it before the committee:

Resolved by the Senate (the House of Representatives concurring), That the present deplorable war in the Island of Cuba has reached a magnitude that concerns all civilized nations to the extent that it should be conducted, if unhappily it is longer to continue, on those principles and laws of warfare that are acknowledged to be obligatory upon civilized nations when engaged in open hostilities, including the treatment of captives who are enlisted in either army; due respect to cartels for exchange of prisoners and for other military purposes; truces and flags of truce; the provision of proper hospitals and hospital supplies and services to the sick and wounded of either army.

Resolved further, That this representation of the views and opinions of Congress be sent to the President; and if he concurs therein that he will, in a friendly spirit, use the good offices of this Government to the end that Spain shall be requested to accord to the armies with which it is engaged in war the rights of belligerents, as the same are recognized under the laws of nations.

When I brought that resolution before the committee, on their first consideration of it they rejected it and I laid it aside. I had accompanied it with the statement of the facts that justified Congress in going at least as far as that resolution went. They laid it aside. On further consideration they passed a resolution at the next meeting very much stronger, and one to which I shall call attention a moment later. But they concluded that they would not report the stronger resolution. The committee laid it aside. They then took up the resolution which I had offered. I did not offer it in committee, but it was taken up, and when it was taken up it was passed in committee, and I was directed to report it; and I did so. At the time I reported it I said to the committee, not to the Senate, that I was apprehensive that the resolution would receive a rather cold reception from the Madrid Government; that they would regard it as an evidence of weakness on our part that, if we took ground on the subject at all, we did not take stronger ground than that.

When the resolution was reported here it was but a day until the cable brought back the response of Spain to it. They decried it as something unworthy of their consideration, a mere effort on our part, they said, to get the President of the United States to exercise his good offices with Spain in order to get the Spanish Government to recognize these outrageous robbers and traitors there as belligerents when they were nothing but murderers and assassins and robbers. That was the temper of the Spanish press. That was the temper of the Spanish Government also in response to my resolution.

The committee therefore toned up a good deal, and the next resolution which they ordered me to report (and that is how I came to be in charge of the next resolution) was this:

Resolved by the Senate (the House of Representatives concurring), That, in the opinion of Congress, a condition of public war exists between the Government of Spain and the Government proclaimed and for some time maintained by force of arms by the people of Cuba; and that the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.

That resolution was then taken up. It was amended upon the motion of the Senator from Pennsylvania [Mr. CAMERON], who desired, also, that the President of the United States should exercise his influence or his good offices—I forget the language precisely—with a view to getting Spain to recognize the independence of Cuba. That brought on a debate in the Senate which lasted for more than a month, in which there was considered, as we thought, every possible phase of the Spanish and Cuban question. At the end of that debate there were only five members in one House and seven in the other who voted against the resolution. That fixed the attitude of this body in respect to Spain.

Now, what were we doing then? Were we expressing an idle, academic opinion, or were we treating of the affairs of a great nation and of a possible complication between this Government and Spain? Mr. President, according to my view of the subject, a more solemn declaration was never made by the Congress of the United States than that which passed finally, I believe, on the 6th day of April. It is true that it expresses no more than an opinion; but an opinion is enough upon any question of the political relations between the United States and a foreign Government. This is the political department of the Government of the United States. Let that proposition be controverted as much as it may, and it is answered by one single fact, although it might be answered by a thousand. That fact is that the Congress of the United States has the power to repeal a treaty with a foreign Government entered into by the President and ratified by two-thirds of the Senate, and no power but the political power of a Government can do that. The power of the Congress of the United States to vacate and annul and repeal a treaty, as was done in respect to our French treaty, and the Supreme Court of the United States sustained it, can be nothing else than the supreme political power in a Government.

So the Congress of the United States, in the exercise of that one single power on that one occasion, demonstrated, with the sanction of the Supreme Court of the United States, that it is the political power of the United States. Being such an expression of opinion by an almost unanimous vote of both Houses of Congress to the effect that war exists between the Government of Spain and the Government proclaimed and for some time maintained by force of arms by the people of Cuba, it is a statement of a fact from which we at least can not recede, and which no man in this Government can disobey without denying to the political power of the Government its supremacy upon questions affecting us and foreign nations.

Then we go further and say:

That the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.

That is not a mere opinion, or if you count it such it is such a statement of an opinion by Congress that amounts, like every other opinion which is crystallized into a law enacted by these two bodies, to a conclusive declaration of a fact.

Can we repeal that? Can we deny it? Can we refuse to act upon it with justice and honor to ourselves? We deferred to the supposed attitude of the President of the United States in putting the resolution in this form. We did not concede that the President of the United States, when we passed a joint resolution in the form prescribed by the Constitution by a two-thirds vote, would have the right to disregard it, because in doing so he might consult some supposed prerogative power that lies hidden somewhere in his bosom, not in the Constitution of the country. We never dreamed of such a thing, but out of deference to the

President, and in order that the departments of this Government might be as a unit in their attitude toward foreign powers, as they must always be if we do our duty, we expressed it in the form of an opinion, leaving him to deal with the question in such manner as might be most agreeable to him, but not waiving our right nor abdicating our duty to take this subject up and carry it on further.

Why did the President of the United States, after he had sent Mr. Blount to Hawaii and got his report, and after he had sent Mr. Willis there with propositions of which Congress knew nothing at the time, to be submitted to Liliuokalani and afterwards to the government of Mr. Dole, the republican government, refer that question to Congress if he had the supreme, executive power, without our assistance or consent, to do all that he desired to do through the instrumentality of Mr. Blount and Mr. Willis? That precedent stands there to debar the President from the assertion of any exclusive power on his part, in virtue of prerogative rights or other rights, to interfere and to prevent the Congress of the United States from considering a question which is very much like that in some of its aspects, the question that involves the matter of the existence of war in Cuba, and its effect upon the legal status of our people.

In the further progress of this matter in the debate in this body it has been asserted, contrary to the record, upon the authority of some newspaper man who felt it to be his privilege, I suppose, to abuse the truth, that I had risen upon the floor of the Senate and made harsh and unpleasant remarks about the Queen of Spain, something that never entered into my mind. I referred to the Queen Regent merely in connection with her speech from the throne, in which she claimed that the President of the United States, fortunately for Spain, as she thought, was in controversy with the Houses of Congress and in controversy with the people of the United States in respect of their sentiments as they had expressed them about Spain. That is all I said and the only incident that I referred to. That lady, we have cause to know, those who know anything of her at all (I do not know her personally), is a woman of almost unexampled virtue, of very high character, and while she has perhaps less to do with the government of Spain than Victoria has with the government of Great Britain, still she is entitled as Queen Regent, and in virtue of the regency that her womanhood gives to her, to the utmost possible respect, and so every American Senator will treat her, and speak of her, and regard her. If the Queen of Great Britain and the Queen Regent of Spain and the Queen of Italy and the Queen of Greece and the Empress of Germany could meet in the Island of Cuba and witness some of the things done in the name of the royal power upon innocent women and children, little babies in their mothers' arms shot to death by brutal soldiery, you would find that the Christian characteristics of these great and noble women would rise into the majesty of a power that the scepters they yield would be unequal to, and they would strike to death a power in Cuba which enables any man like Weyler to inflict these wrongs upon suffering humanity.

Would to God that the Queen of Spain could be there to see, if the delicacy of her nature could permit it for one moment, the brutalities that are inflicted in her name upon the poor and suffering women and children of Cuba. Then we would probably have no repetition of this thing in the remaining years when we are to stand by, according to present appearances, idle and mute, and witness the continued repetition of these brutal acts in that island so near to our shores. I wish those ladies were there. I wish they knew; I wish they could see it. They would lay their silken hands upon the arms of the brutal soldier who now wields the sword of Spain in Cuba and they would tell him in the name of God and humanity and Christianity to forbear his evil deeds toward those people.

When we took this attitude here in the Senate and passed this resolution it was to be supposed that the Spanish Government would not regard it as an act of hostility. They had no right to regard it as an act of hostility. The resolution was not intended as a hostile act. On the contrary, we commissioned the President of the United States, so far as our consent should give him authority or should persuade him, to go to the Government of Spain and to suggest to that Government some means at least for the pacification of Cuba, which we hoped might extend to its independence. We could not suggest that our President should approach the Government of Spain without suggesting in the same breath that he should do it in a friendly spirit. We did not order him to take the ships down there, and the soldiers, and rectify these things, but that he should go on with his diplomatic representations to the Government of Spain and there lay the whole subject before them for consideration. So the umbrage which Spain took at us for the passage of the resolution was something premeditated on her part. It was the attitude of a man who desires that somebody shall insult him in order that he may get an opportunity of replying or making some resistance. That is the situation.

What then took place, Campos, who is said to be a very valiant soldier and a very able statesman, a Castilian, however, in whom the Castilians in Spain have great interest, was withdrawn from Cuba, not because he had been an inefficient soldier, not because he had not personal courage, for he has a great deal more apparently than his successor, not because he was not true and loyal to his Crown, for which he was fighting, not because he had no influence in Cuba, for he has more influence there than any other living Spaniard. He was commander-in-chief during the preceding war and at the close of it. Cisneros and Gomez and Campos were the men who reconciled Cuba at the end of that great ten-years' struggle. So Campos was withdrawn from Cuba for no reason personal to himself. He was withdrawn for one of two reasons, and Spain can take her choice between them. He was either withdrawn so that there might be sent there Weyler, who, in the exhibition of his cruelty recently in his warfare against the people of the Philippine Islands, had shown that his war was a war of extermination, or else because the Castilians in Spain saw that the hour of fate had arrived, that Cuba was to be lost to the Spanish Crown, and they did not want a Castilian to surrender it. These Castilians have a good deal to do in Spain besides taking care of Cuba. These and other very brave and very competent and very splendid men in Spain during the existence of the previous ten-years' war had dethroned the monarchy and set up a republic in Spain, and that spirit is just as alive in Spain to-day as it was then, and it may be that they want leaders there now who can represent the real people of Spain in their efforts to get a government that is as liberal and as free as their neighboring Republic of France.

Campos did not leave Cuba because he was incompetent and inefficient. He either left it because of the reasons to which I refer now of a political nature existing in Spain or else because the policy of that Government had so changed that Campos could no longer preside over its armies and control them, but it needed some man whose hand was still red with the butchery of extermination in the Philippine Islands to go there. They did not pick a Castilian to go there. They did not choose a man for whom they care anything. They chose a man who would inflict upon those people such cruelties and barbarities of war as have never before been heard of.

Mr. President, it seems that the resolutions that have passed here have been made a pretext for changing the mode of warfare in Cuba, and the outcome of it is of so serious and important a character that I feel it due to the people of this country that the facts that have transpired since that declaration was made should go into the records of Congress, that they may know the ground upon which we have been acting and that we have not in the least degree been influenced by personal motives in our action, but that we have been driven even into the mild position we occupy now by the existence of facts and circumstances that are absolutely undeniable.

Many of our leading journals in the United States have sent their best men, the best men they could select, to Cuba to investigate these subjects, and while the Spanish Government in Cuba has shut them out, with the most extreme care, from all chances of observation, they have with their great enterprise—and I thank them for it, for I am proud of it—penetrated into the truth of matters in Cuba. They have come back here and with one voice over their own signatures they have presented the facts to the people of the United States through the great leading journals on the Pacific and Atlantic coasts and in the South and in the North. Who has risen to challenge the truth of a single statement made by them? When Estrada Palma or some other man representing Cuba here (for I do not know any of those gentlemen at all; I never saw one of them that I know of; I have never had any communication with any of them) came forward in a publication in which he presented the case of the Cubans to the American people and the American Congress, Mr. de Lôme, the minister of Spain, came in with another publication in the newspapers, in which he made the counter representation and undertoook to make an assault upon members of this body for words uttered in debate. That matter has all been gone through, and I do not propose to repeat any part of it at all, but Mr. de Lôme has been here from that time until this, a most vigilant, persistent, active representative of his Government. No man could have been more vigilant than he has been. Here have come these various representations, over the signatures of honorable gentlemen, published in the papers of the United States, and he has made no denial of any of them in the public press or anywhere else. He found the press open enough to him to be able to make an assault even upon Senators. It has always been open to him for any statement he had to make contrary to the statements of these different gentlemen. He has made none. He has made no denial. The fact is there can not be any denial. Some of these witnesses have been before the Committee on Foreign Relations and have been sworn and have testified to their verity.

Under such circumstances I will refer to these different statements, giving the names of the men who make them, and read a

few extracts from each one to show that the characteristics of this war at the present day are just what they were in the ten years war as they were portrayed in the Book of Blood that Mr. Dominguez published and put before the country.

Mr. President, before proceeding to lay before the Senate the statement from the journalist to whom I have just alluded, I will read an extract from Mr. Hamilton Fish, when he was Secretary of State, as to his opinion about the Spanish character in the conduct of the last war:

On the 7th the public journals announced the execution on the 4th of four persons who had been captured on the vessel, one of whom was represented to be an American, who is said to have entered the military service of the insurrectionists in Cuba, and who claimed to hold a military commission from the insurrectionary authorities and to have been in actual military service on the island.

The execution, as it is called, of those persons was forced on with indecent and barbarous haste, and in defiance of all humanity and regard to the usages of the civilized world.

It was perpetrated in advance of the knowledge of the capture reaching Habana or Madrid, and it would seem to have been thus precipitated in cold blood and vindictiveness to anticipate and prevent the interposition of any humane restraints upon the ferocity of the local authorities from the Government at Madrid or its representative in Habana.

This is but another instance in the long catalogue of the defiance of the home Government by those intrusted with authority in Cuba, and adds another page to the dark history of bloody vengeance and cruel disregard of the rules of civilized war and of common humanity which the military and other officials in Cuba have but too frequently made part of the history of Spain's Government and of its colony.

Again he says, writing to the same minister, Mr. Sickles:

While writing this instruction a telegram from Mr. Hall mentions that Habana papers of this morning published a statement, apparently from official sources, that the captain and 36 of the crew of the *Virginius* and 16 others were shot on the 7th and 8th instant.

Such wholesale butchery and murder is almost incredible; it would be wholly incredible but for the bloody and vengeful deeds of which Cuba has been the theater. No government deserves to exist which can tolerate such crimes. Nature cries aloud against them. Spain will be loud and earnest in punishing them, or she will forfeit her past good name.

That is a strong declaration, Mr. President; that is stronger than any that has been made on the floor of the Senate.

No government deserves to exist which can tolerate such crimes. Nature cries aloud against them. Spain will be loud and earnest in punishing them, or she will forfeit her past good name.

If the seizure of the *Competitor* had occurred at Santiago de Cuba or any other place remote from Habana and those prisoners had been captured out of the reach of telegraphic communication, they would have been executed before Mr. Ramon O. Williams, our consul-general, could have interposed his objection, or before our Government could have been informed of the sentence of that naval court-martial. It is only by good fortune that these men escaped so as to have this question relegated to the Government at Madrid and to have their lives preserved until that Government shall hereafter decide upon their fate, either under the present trial or some future trial.

Mr. President, in view of those declarations of our Government, with which Spain seems to have put up without demur or protest—Spain seems to have little care of what the world thinks of her so she succeeds in her purposes—after such declarations as that made in the official communications of the Government of the United States to the Government of Spain, we are to be excused, to say the least of it, if we follow the events of the present war in Cuba and see whether or not by comparison this war is more humane than the preceding war. I affirm upon the evidence which I shall put in this record that it is far from being so humane as the preceding war.

Mr. Weyler was only a subordinate in the former war, and he even had to justify himself in the explanation of his conduct in that war upon the ground that he was a subordinate and had to obey superior orders. Now he is the general in chief, fresh from the slaughter in the Philippine Islands. He plunges his crime-stained sword into the bosoms of women and little children in the Island of Cuba for the purpose of exterminating those people; for, say what else you will about Weyler's policy, it concentrates and it focalizes itself in one single proposition, which is, that the people of Cuba in rebellion need not to be subjugated—that is not the point—they must be exterminated to that degree that hereafter they can not engage in revolt. We have passed that age in the civilization of this world when a war of extermination can be waged against any race of men. Here in the United States we have had to submit to barbarities from the uncivilized Indians from time to time, more or less aggravated in their conduct by the conduct of white men who came in contact with them; but who, when their fury was excited, lost control of themselves, or else came back to their original instincts of savagery, and committed all kinds of depredations that human or devilish ingenuity could suggest. But we have not exterminated those people when we had it in our power. Geronimo, the great Apache, who has slain his hundreds of women and little children, is now a free man upon the Apache Reservation. After we had captured him and put him in Pensacola and afterwards at Mount Vernon, in Alabama, with the people by whom he was surrounded, we gave him the advantages of living with his own family, and the man became so subdued by our example and by our treatment of him that we have got confidence enough in him now to turn him loose upon the Apache Reservation. A more perfect devil incarnate never existed than Geronimo. The Government of the United States instead of exterminating that terrible band allowed them to live and has brought them, even, by the constraints of Christianity, into that condition now that they are worthy to be trusted upon a reservation as free people.

Spain, on the contrary, does not hesitate and has not hesitated, under the orders of Weyler—whether he admits it or not makes no difference—to exterminate the Cubans. The fact is that where Spain goes through her beloved province, the Queen of the Antilles, the Gem of the West, she goes with butchery of every kind and kills in the neighborhood of every place where battles are fought all that she finds there alive and counts them as rebels who have been killed in action. That accounts for the fact, and that alone accounts for the fact, that in the reports I have read here to-day from Spanish authorities of the results of their battles they put down 212 men as being captured when all the balance, it was said, were killed out of thousands. That accounts for it; and they count these women and children and old men whom they kill in the neighborhood of the scenes of their conflicts as persons killed in battle.

These are not false accusations. I am putting these things upon the records of the Senate, and I am doing it under the responsibilities of my regard for reliable proof, and also my regard for the character of the men who have given us this information. I name them; I spread the facts upon these records. Now let Spain come forward and deny them or disprove them. She has not denied the Book of Blood written by Mr. Dominguez, to which I referred in the opening of my remarks. She can not do it. The names of those people who sleep in their graves now, with the date of their execution, the prisoners shot after they had been captured in war, are still upon the records of the world, and Spain is advised of it, and has been since 1873, by that book which was then printed and which has been circulated everywhere in Spain as well as in the United States, and she has never found any reason for denying the fact. She can not justly deny what our American correspondents have sent to the newspapers here.

Great stress has been laid upon the fact that this Cuban Republic did not have a local habitation. Very early in this controversy the Senate was put in possession of a pamphlet by the Secretary of State, which contained the statement of the Cuban cause, which came from the accredited minister of the Cuban Republic to the Government of the United States. That pamphlet contains the constitution of the Republic of Cuba, and shows that its capital is at Cubitas. It contains the whole story of the constitutional organization. It contains the statutes which have been enacted by their legislature, reaching to the personal relations, such as marriage and the like, and the levying of taxation, showing that the government, to the extent of its ability—and that is very wide, wide enough for a provisional government; for the government is provisional, and so claims to be—to the extent of its ability is conducting all civil jurisdiction, through tax collectors and judges and prefects and subprefects, who collect a sort of tax in kind, and have it delivered into the hands of the army and also into the hands of the Cuban soldiers.

Mr. President, at an earlier stage in the discussion of the Cuban question I laid before the Senate a very interesting statement of Captain Mannix, who visited the capital of the Republic at Cubitas, and I think some merriment was had at the idea of these Cubans assembled at the top of a mountain, with their capital at a place where they could be run out or smoked out at pleasure, and undertaking to continue their little Republic up there in the woods and amongst the rocks. Those gentlemen who are merry over that subject have forgotten, I have no doubt, that at one time we lost the Capitol of the United States, standing where we are now, by British forces who came from the Chesapeake Bay, and they forgot to reflect that it is not the location of a central place for the capital nor the strength of that situation nor the grandeur of the structures that constitutes a real capital. However, Cisneros and his Government remained there, and they had a large collection of military stores and some troops to defend them. So on a very recent occasion, I think it was the 26th of May, the whole power of the Spanish Government in Cuba was directed to the capture of the capital at Cubitas, and Dr. Portuondo, who, I believe, is secretary of the interior, writes a letter, the substance of which is given in the Philadelphia Press of Saturday, June 6, as follows:

A second letter tells of the preparations that had been made for several weeks by the Spanish commander in Puerto Principe, General Mella, with the idea of attacking and capturing the naturally fortified rebel capital. Several thousand troops, in addition to the 6,000 already within the province, were mobilized at the city of Puerto Principe, and eight batteries of artillery were placed on the two roads which lead to the south from Cubitas Mountain. General Mella evidently expected that the rocky heights could be ascended from the north, such force as the rebels had at hand could be easily

defeated, and the officers of the rebel Government would seek safety in flight via either one of the narrow roads leading in the direction of Porto Santa Cruz.

Without waiting to attack with his entire force, General Mella sent Brigadier-General Arloso ahead with 2,600 infantry and 400 cavalry to storm the outposts at the foot of Cubitas Mountain, 7 miles from the headquarters of the Government.

The total Cuban force at Cubitas numbered less than 1,000 men, but the supply of arms and ammunition was ample, and a few light cannon were advantageously placed among the huge rocks far up on the mountain side.

ARLOSO'S DEFEAT.

General Arloso left the city of Puerto Principe on May 26, and on the 28th was encamped near the Paso Marti, named in honor of the late Cuban President. He did not attempt an attack that night, but on the morning of the 29th the Cuban guns began a fire and he ordered a forward movement. For two hours the first encircling ridge of the mountain protected the troops, but when Arloso's force reached the second plain a fierce fire from the rocky ramparts above withered his columns and he ordered a hasty retreat. Many of the Spanish dead and wounded were borne away by their comrades, but over a hundred were left among the rocks and chaparral on the second plain.

In the morning of the 30th Arloso moved in the direction of Puerto Principe and a second attack is not expected by President Cisneros. The latter viewed the one-sided battle from the summit of Cubitas and, the letter declares, is much elated over the telling victory.

Cubans in this city acquainted with the natural strength of Cubitas Mountain declare that the entire Spanish force now in the island of Cuba could not capture the rebel capital, and especially since a sufficient supply of arms and ammunition is stored there.

Now, I suppose that the argument against the locality and the permanency of that capital has disappeared, and at the same time those gentlemen who made a point upon the Republic that it had no permanent capital must now reverse their opinions and concede at least that this action at Cubitas has established the capital there until more power is brought by the Spanish Government than they have been able as yet to direct against that post for its conquest.

After Congress took up this question in February the following facts were laid before the people by our newspaper men:

The first article from which I read is from the Evening Star of April 28, 1896.

The next is a letter from Mr. Grover Flint, April 20, 1896.

The next is Mr. James Creelman's letter of April 30, 1896.

The next is a letter from Mr. Frederick W. Lawrence to Secretary Olney, which has already been published in the RECORD.

The next is Mr. Sylvester Scovel's letter on the 23d and another on the 28th of May.

The next is a letter of Arthur E. Houghton, of May 31, 1896.

The next is a letter in the New York World, June 3, 1896.

The next is a letter of Owen Melton, of June 6.

I desire to incorporate these letters in the RECORD. I do not intend to print the entire body of these letters. That would make the RECORD too voluminous in that particular for the importance of the subject, but I will extract and put into the RECORD, with the permission of the Senate, those points in the letters which show directly the character of the controversy that has been carried on in Cuba.

Now, why do I do this? These papers have been printed. They have been circulated in the United States. A great many people are familiar with the facts recited in our newspapers. But it will be seen that these are statements over the signatures of responsible men. They give time and place; they give all the circumstances which they narrate. They state either upon their personal observation or from conversation with persons who are the important participants, the various scenes which are enumerated and described.

Now, I want Spain to have an opportunity of disabusing the public mind in the United States as to these facts. She can come out through her ministers or through any authorized agent and deny these statements and make any explanation that she desires to. The Senate of the United States and the House have been cut off from an opportunity of having exact information upon these questions. We have not sent any commission to Cuba to make inquiry. In fact, we could not do it without giving offense to Spain. We have not been permitted, except under the censorship of the press, to obtain information from that island in regard to the progress of the war and the character of the war. These correspondents have gone there and written over their signatures to their respective papers. One of them has testified to the truthfulness of statements and he is a very honorable gentleman and a very enlightened one. The statements made by Mr. Lawrence alone, according to his sworn testimony, would be sufficient in the absence of all other proof to establish the horrible character of the war in Cuba. His testimony has already been printed in the RECORD. But incident after incident, fact after fact, in regard to the slaughter of American citizens and noncombatant Cubans are spread out in detail in these statements, and I desire the permission of the Senate to incorporate them in my remarks.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama?

Mr. COCKRELL. What is the request?

The PRESIDING OFFICER. That certain letters of citizens of the United States in Cuba may be incorporated in his remarks. The Chair hears no objection, and it is so ordered.

The matter referred to is as follows:

[From the Evening Star, April 28, 1896.]

The Cuban representatives in Washington have received from trusted sources in the island a detailed report of the outrages that have been committed by the Spanish soldiers since General Weyler has become convinced that President Cleveland does not intend to interfere in the present war or extend to the Cubans the recognition of their rights as belligerents which Congress recommended should be done.

The detailed account of recent Spanish outrages is a terrible indictment, as a perusal of its twenty counts will show.

It is as follows: "The column of the Spanish Col. Ricardo Vicuna, shot, in the village of Corral Falso, province of Matanzas, Don José Rogue (not the insurgent officer of that name) because he would or could not tell him where a wounded insurgent was hidden whom Vicuna wished to kill.

"A week ago Gen. José Maria Aguirre routed the infamous Spanish General Melquizo (the assassin of Delgado), and as a revenge for his defeat at Melquizo ordered twelve defenseless men to be shot at the plantation of Rafael Fernandez de Castro. A child of 13 years of age escaped, but was followed by a sergeant of the guerrilla. Finding himself so closely pursued, the boy defended himself by throwing a stone, which struck the eye of the soldier, and such was the pain inflicted that he fell from his horse. At that same moment three other guerrillas arrived at the spot, actually making mince meat of that unfortunate boy with their machetes.

"The sergeant is in the hospital and will lose the eye. The explanation he gives for the loss is that he was hurt by a wire fence.

DETAILS OF DELGADO'S TREATMENT.

"You may have read the case of Delgado, but you are probably ignorant of details. The column of the sanguinary and cowardly Melquizo arrived at the plantation of Delgado, in Bainoa. They took him out of his house, together with seven other men. When Melquizo found out that Delgado was an American citizen he slapped his face several times, although his arms were bound behind his back. Immediately a volley was fired at them. When they fell to the ground another volley was fired. Thinking they were dead, they searched their pockets, and noticing that Delgado's pulse beat, they struck him twice with their machetes, once on the head and once on the neck. Of the eight men six were killed. Of the two who escaped Delgado is one, but he is not able to use his legs. The other one has had an arm amputated. It would be an excellent idea to have Delgado taken to the United States to give an idea of the state to which he has been reduced by those whose victories are only on paper.

MURDER AND ROBBERY.

"The mayor of Corral Falso, Province of Matanzas, Antonio Rodriguez de Rivera, with the aid of his bravos, Marcos Diaz, Santiago Sosa, and Francisco Hermano, violently took out of their houses at night Don Leon Brabo, José Aguston Alonso, Don Celestino Armas, and a colored man 70 years old, called Catin, and in the cruelest manner killed them, throwing their corpses into a sugar-cane field on the plantation 'Sta. Felomena' of Leandro Soler.

"Lieuts. Antonio Fernandez Bonilla and Luciano Cassio, with their guerrillas, killed some defenseless men with the avowed object of robbing them of 350 head of cattle, which they afterwards sold. This deed raised such scandal that the governor of Matanzas, Poret, denounced these two men to the military authorities, but they are still at their posts at the head of their forces and continue their murders and robberies.

"Luciano Cassio is well known as a horse thief, having often been before the authorities in Matanzas for crimes of this nature.

"Fernandez Bonilla is the owner of a livery stable in Pueblo Nuevo, Matanzas City, and, helped by Cassio, he steals the Indian corn from the barracks and hides it in his stable to sell it later. This is a lucrative business. He also is one of the contractors for the Bailen bridge.

AFRAID OF GOMEZ.

"The Spanish general, Bernal, was in Macuriges, a few miles from where the great Dominican (General Maximo Gomez) was encamped, and as he was not very anxious to meet him he marched the other way. As he passed the plantation 'La Flora' of José Saiaz, whose nephew, Ynocencio Aguirre, gave him the information that Gomez was near, he accused him of being a disloyal Spaniard because he wished to deceive him. On arriving at La Guira he also insulted a captain of marines and the mayor of the town because they repeated to him the same information, which was true. After losing a great deal of time he went to the place he had been told of and there insulted another officer because he had not given him information about the insurgents. The outcome of all this was that he did not fight the great Dominican. But as he found himself in a difficult position to give to General Weyler his reason why he had not fought with Maximo Gomez he invented an infamous calumny, which resulted in the imprisonment of Ynocencio Aguirre, a Spaniard, who had often fought against the insurgents in 'La Flora.' He was imprisoned in San Sererino Castle in Matanzas. General Weyler has not dared to punish General Bernal. He only changed his zone of operation.

"Geraldo Gutierrez, a Spaniard, proprietor of the plantation 'La Reforma,' was threatened with death by the Spanish colonel, Luis Molina, because he did not approve of the murder of honest workmen on his plantation. Molina was furious. To revenge himself he burned 200 huts of the tenants of the above-named gentleman. This destruction by fire Molina attributed to the insurgents in his official reports, adding that he had in that encounter destroyed the insurgent camp. All this Señor Gutierrez said publicly in Matanzas.

PROTS'S HORRIBLE REVENGE.

"The column of Colonel Vicuna burned the cane fields of the Spaniard Don Jose Suris, and killed the overseer of the plantation. The excuse he gave for this act was that 'he thought the owner was a Cuban.'

"On the 29th of February the Cuban general Maceo routed the Spanish general, Prots, between the plantations 'La Perla y Ponce' (Guamacaro), in the Province of Matanzas. The killed on the Spanish side were 200. The panic among the routed was such that they abandoned their wounded, who were taken care of by the Cuban surgeons. In his flight General Prots passed through the plantation 'Diamante,' and there he avenged his defeat by assassinating peaceful peasants, the following among them: Don Francisco Lautana, of over 70 years of age. Don Antonio and Don Francisco Diaz were violently taken from their houses and killed with the machete. Don Locano Diaz was able to escape this butchery by running to a cane field, to which the Spaniards set fire with the object of burning the fugitive, which, fortunately, did not happen. A short distance from the house the soldiers assassinated Don Antonio Dominguez, and threw his corpse in the burning cane field. The same fate was meted out to Damazo Gonzales, Jeronimo Linares, and an unknown colored man. Among the shot was Don Manuel Montes and four other men, who were in his house; also a lady 76 years old, who was killed so that she might not give an account of this horrible deed. All this was witnessed by a neighbor, who escaped by hiding.

OTHER OUTRAGES.

"Don Ferarando Aguiar, a young man 26 years old, a brother of the district school teacher of Torneguin, in El Roque, province of Matanzas, was in-

famously assassinated on the 9th of February, for which purpose they took him out of his house at night.

"General Aldecoa arrested and insulted Don José Ferreandez, a Spaniard, mayor of La Cidio, province of Matanzas, simply because he did not allow the troops to rob the peaceful citizens of that town.

"General Bernal arrested and sent to the town of Guira de Macurijes 53 pacific men from the district of Manuel Diaz and ordered them to be beaten in the face. The authorities to whom these men were delivered afterwards set them at liberty because nothing was found inculpating them in any crime.

"The mayor of Santa Ana, province of Matanzas, slept all of one night with his feet in the stocks because he refused to allow the troops to commit outrages in his town.

"Four days ago, among the wounded in the encounter of the Spaniards with the party of the Cuban chief José Maria Aguirre was the Spanish chief Sotomayor, and while receiving treatment in the station of Bainoa there arrived a passenger train from Matanzas filled with Spanish soldiers, who brought along a mulatto as prisoner, whom the neighbors guaranteed as to his innocence and loyalty to the Government. But the sanguinary Sotomayor said: 'At a very bad hour has he come; he will pay me some of what the others (rebels) owe me. These pains (from the wounds) I will not suffer unrevenged! Soldiers, you already know what to do!' The soldiers took away the unfortunate mulatto and behind a clump of bushes a short distance away they removed him from the sight of the passengers. What happened there no one knows, except that the passengers saw that the soldiers returned without their prisoner and that they came back wiping their bloody bayonets.

WEYLER'S SECRET ORDERS.

"Lieutenant-Colonel Marquis de Mendigorria, of the Wadro's battalion, who operates in the district of Vuelta Abajo, before leaving for his post, said, in Habana, that General Weyler had given them secret orders to clean out the pacific Cubans wherever found in their marches, and to do it without any scandal.

"The forces which garrison Pinar del Rio City, and which operate in the immediate vicinity of said city, not being brave enough to meet General Maceo, nor even the small band of Roberto Bernudez, who has not abandoned for one minute the road of Coloma, in order to prevent the passage of Conroy, has committed one of the many deeds which have been imputed to the Cubans. They left Pinar del Rio in a strong column, and many of them thought they would have a battle. The result of this march was the total destruction by fire and sacking the estate La Guabina, near Pinar del Rio City. The family Tincheria, owners of the above estate, arrived in the city in the greatest misery possible. All obeyed the proposition to revenge themselves because two young men, members of this family, had left to join the liberating forces. Recent arrivals in Pinar del Rio relate that, besides the above, they arrested a young man named Tincheria, and that he is a prisoner in the barracks even after taking advantage of one of the proclamations of amnesty of General Weyler.

"Without explaining, nor even indicating the cause of arrest, Dr. Antonio B. Zanetti, a Swiss citizen, was detained in Habana the same day that he was to sail for France; he was a passenger en route from Mexico.

HORRORS OF THE MORRO.

"The horrible Morro prisons are not now sufficient to contain so many unfortunates who are unjustly deprived of their liberty. In a room 76 paces long by 12 broad are locked up 132 persons. Consider the situation of these unfortunates, who can hardly move in such a damnable hole. This room is an underground one, and it is with difficulty that either the light or the fresh air reaches it. The dampness is so great that both the floor and walls are always wet. To these 132 persons only 30 gallons of water to drink are given every twenty-four hours. Even though they should drink it up before the next allowance they are not given any more. One day a prisoner who had fever asked for a little more water from the officer of the guard, and this brute answered: 'And you rebels in the field, would you have given water to any prisoner?' As if the good treatment which Spanish prisoners receive at the hands of the insurgents was not perfectly well known. The unfortunate prisoners in the Morro are suffering an epidemic of dysentery, and it is not known if it be due to the ignorance of the resident surgeon or to the refined vengeance. The only medicines administered are drops of perchloride of iron in a little water; this without any change of treatment. The food is that of the common soldier, and badly cooked, without change of locality, refusing to isolate sick prisoners from that mortiferous humid atmosphere, to take them to a hospital, saying, as a pretext, that the hospitals are only for the soldiers. All this was witnessed by a reporter of the New York Journal, who was able to mix up with the crowd on one of the visiting days. It would be advisable to have the press proclaim this, so that the people may see what methods Weyler chooses to 'clean out' the Cubans.

"It is now several days that Dr. Mariano C. Artis has been detained and 'incomunicado.' He is a highly esteemed public man, owner of the 'Central Narcisa' en Yaguajay.

"He is in the Castillo del Principe fortress. No one can imagine the motive for his imprisonment, because Artis is a man whom even the Spaniards assure and guarantee that he has not meddled in the revolution or anything else."

Letter of Grover Flint, dated April 20, 1896, in the New York World:

IN CAMP WITH GENERAL LACRET, NEAR BOLONDRON, CUBA LIBRE, *April 20.*

Satisfaction at the appointment of Fitzhugh Lee is intense throughout the country, in the rebel ranks as well as in the villages and on the plantations. Cubans and Americans believe that the affairs of this unhappy country will now be represented fairly to the Government at Washington, which, they say, will be a departure from the custom which has hitherto prevailed.

Nine noncombatants were killed near Bolondron yesterday. The troops could not catch a party of insurgents they were after, and turned on the country people.

A sample of the general corruption in the Spanish ranks came to my notice yesterday.

Two officers of Lacret's staff sent a pacifico to Bolondron to buy them two palm-leaf hats and a package of cigars. The price of the hats is $4 each everywhere. The pacifico arranged with a Spanish sergeant, who bought the goods in the town, took $8 apiece for the hats and a corresponding percentage for the cigars, knowing they were for insurgents, and smuggled them out through the lines in the coffin of a dead man who was carried to the cemetery outside of the town for burial.

Unarmed men flock to us from every town, begging to be enlisted. In cases where they are in personal danger at home they are taken, and form the army of "impedimenta" that is such a handicap on our movements. If there were arms enough an army of 50,000 men could be put in the field here in Matanzas Province inside of a week.

SPANISH TROOPS WORK DESTRUCTION.

Nine houses have been burned by Spanish troops within a league of our camp in the last three days and as many families made destitute. I rode by the ruins of one house this morning and found a poor woman and her two sons, partly naked, digging for some iron tools among the ashes. The woman told me that the Spaniards had stolen everything they possessed because a party of insurgents had camped on the place the day before. Three of the houses where we have encamped in the last week have been sacked and burned by troops after our departure. Smoke of burning houses is seen on all sides.

Captain Bertrand, son of Colonel Bertrand, of the Spanish army, who is one of Laeret's officers, and who has just come from the North, tells me that two days ago nine pacificos were executed outside of Habana.

Significant of the terror that reigns everywhere, is the case of José de Armas, who has been an American citizen since 1874. On February 15 Vicimar's column passed by his hacienda, the Finca Manjuarier, in Pedrosa, near Volondron, stole 200 head of cattle, 120 horses and mules, all his personal clothing and goods, killed his pigs and poultry, and burned house and outhouses, causing him a loss of $30,000. De Armas has been strictly neutral, but so great is his fear of the troops that he has remained hidden in the woods for two months, dependent on friends and former employees for food. At my suggestion he wrote to the consul at Matanzas, stating his case. He had not done so before, fearing, as a naturalized citizen, that no attention would be paid to his complaint.

At the Finca del Cierno, in this district, yesterday, I saw Juan José Nicolai, a French citizen, and his wife, who told me that on the 19th instant Valdeas's column entered the estate, forced open drawers and desks, ransacked private papers, and stole books, clothing, plate, jewelry, and cooking utensils. Nicolai and his wife, old, gray-haired people, say that they were threatened with death and treated with gross insults by the soldiers. These are cases that come directly to my notice. Others are too numerous to mention.

A PATRIOT HOSPITAL CAMP.

I have been down in the south of Matanzas Province. Where the pastures and cane fields end, and the palm forests and swamps of the south shore begin, is a hospital camp, where the wounded insurgents from all parts of this military district are sent. For a league before you get there you must follow a blind trail over porous, gray limestone, rich with red soil in its crevices and pockets. Here banana trees, pineapples, and the malanga plant, which serves the peasants for bread, grow between the rocks so bountifully that opportunities for ambuscades make it a dangerous country to penetrate. Beyond in the forests is the hospital, a safe little nook and well guarded against the Spaniards, who would enter to bayonet the sick and wounded if they dared.

Dr. Francisco Hernandez, a graduate of the University of Madrid, is physician in charge, and his pretty young wife assists him as a trained nurse. Mrs. Hernandez is a type of the brave Cuban women who have sacrificed every comfort of life for the Cuban cause. She has just returned from the field, where, since December, she has accompanied her husband, riding on her sidesaddle, with Maceo's staff, in every battle the fighting Cuban general has had in the past three months.

A CUBAN CLARA BARTON.

Like most heroines, Mrs. Hernandez is diffident and little inclined to talk about herself. I found her in a hut, built of palm branches, in the camp among the swamps, fighting mosquitoes and tearing lint for the wounded. She is above the medium height of women, well proportioned, with dark hair, dark, honest eyes, and an almost timid manner.

"Do you ever feel nervous under fire?" I asked her.

"Ah, no, señor," she replied; "I feel no fear; because I know one only falls when the time comes—so I couldn't feel frightened, and it makes no difference whether the firing is near or far way. Then I have my duties to attend to, which makes a difference. The first time I was under fire I did feel a strange fascination and interest, and then somebody was wounded near me, and I went to attend him."

"Have you ever seen any of the atrocities that the troops inflict on the country people?" I asked.

"No," said Mrs. Hernandez; "we were always on the march, and the troops followed us killing many poor people and burning houses. I knew of one very sad case, however.

"General Maceo and our staff camped with a very good and kind family at Lomo del Gato. There was an old man and his young married daughter, who had lately become a mother. She was a very sweet woman, and her husband, I think, was with the insurgents. After we left, the Spaniards came and our scouts brought in stories from the country people of what they did there.

SHOT A BABY IN ITS NURSE'S ARMS.

"They entered the house of our kind friends, sacked it and cut the old man down with machetes. They killed an old negro servant and two mulatto farm hands, and left their bodies by the road unburied. The daughter was in the room when they killed her father, and she tried to rush between them and the old man. They cut her about the right arm, which she raised before her face, and wounded her with thrusts of bayonets. The nurse ran to the door and held up the little baby before her, begging for mercy. A soldier, standing outside, shot the infant dead. The daughter refused to be cared for by a Spanish surgeon, but they put her in a shed—for they had fired the house—near by, and the regimental surgeon ordered quicklime put on her wounds. She died from shock and pain.

"This is the story the peasants tell in Lomo del Gato. You hear such stories all over the island—I believe it is all true, though it seems incredible that people could act so nowadays."

I asked Mrs. Hernandez if there was no less exposed place for her than at Maceo's side in action.

"There is no other place to go, even if I wished," she answered. "Our headquarters is the saddle, and at night we stop wherever we happen to be. Then, you know, I am not here for my own comfort."

At night Mrs. Hernandez sleeps like any Cuban soldier, in a hammock between two palm trees, or under the porch of some cottage. She is never fatigued, she says, because she has too much to do. As for the men, they bless the ground she walks on.

She has been in Maceo's hardest battles. She was at Paso Real, where General Luque was wounded and his column driven back before a charge of 2,000 of Maceo's cavalry. At Rio Hondo she was in the first ranks of the skirmishers, who accounted for 54 Spaniards in three hours and laid their bodies side by side on the highroad. At Meralitos and Jesus Mazareno she rode tirelessly under an all-day shower of lead, when the insurgent army engaged three Spanish columns. She was at Jaruco, when the town, after a short siege, was sacked and burned. It was here that the troops entered after the insurgent forces had retired, shot down 17 noncombatants, whom they dragged from their houses, and sent 15 more to the dungeons of Morro.

Letter of James Creelman, dated April 30, 1896, in the New York World:

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[Special from a staff correspondent.]

HABANA, CUBA (via Key West, Fla.), *April 30.*

I have personally investigated the deaths of the following peaceful white men, who were shot without trial at Campo Florida, near Habana, on the afternoon of April 3:

Margarito Zarzas, aged 24 years, single, blacksmith and carpenter.

Ramon Castelianos, single, aged 33 years; poultry dealer.
Joaquin Medina, aged 45 years, married, farmer.
Camilo Cejas, aged 25 years, single, fisherman.
José I. Cejas, aged 28 years, married, fisherman.
Manuel Martinez, aged 38 years, married, farmer.
Domingo Lugones, aged 35, single, native of Montevideo, Uruguay.
Jesus Ochoa Rodriguez, 25 years, single, blacksmith.

Between April 11and 22the following peaceful inhabitants were taken from their homes and shot on the Fierabras road, between Campo Florida and Minas:

Margarito Verole, a farmer's boy, 14 years old.
M. V. Collina, aged 44 years, married, merchant.
J. Caballin, aged 45 years, married, merchant.
Benigno Galloso, aged 40 years, single, farmer.
A son of Galloso, aged 25 years, single.
Eduardo Sardenes, aged 37, married.
Cruz Ferrer, 42 years, married, farmer.
Inocente Rabell, 40 years, married, cheese maker.
Florencio Rabell, 35 years, single, cheese maker.
Basilio E. Rubio, 46 years, married, farmer.
Eleno Guerra, 33 years, married, farmer.

The victims were all white. Their bodies were thrown into a huge sugar boiler, which lies half buried on the roadside on the land owned by J. Cabrera, opposite the Jesus Maria grocery store, on the Arango estate:

Martin Sosa, single, farmer.
Andres Guillama and his assistant, both married and farmers.
Francisco Diaz and son, farmers.
Leonardo Llerena, farmer.
Luz Guttierrez and son, farmers.
Caridad Reys, farmer.
Francesco Ferrer, farmer.
Benito Bueno, farmer.
Julio Hernandez, father of 12 children, farmer.
Abelardo Cartaya, farmer, and three others whose names I can not ascertain at present moment.

Most of these were taken from their plows. The following noncombatants were also shot without trial and thrust into the sugar boiler on the highway to Minas:

Mr. Macho, a mulatto, 71 years old.
Timoteo Ceferino, son of the foregoing, aged 17.
Castellanos, 35 years, married, arrested on his way to Habana market.
Matias Darias, arrested on his way home after selling his goods.
Juan Machina, married, farmer.

ASSASSINATION.

The shock which cracked the massive walls of the palace Tuesday was the first answer of the Cuban nation to the Spanish campaign of massacre against unarmed peaceful inhabitants in the interior.

A member of the patriot organization in Habana prepared a dynamite bomb some weeks ago and offered to destroy the captain-general with his own hands. But the leaders refused to sanction the plan, even as a war measure. With Maceo in the west, keeping 50,000 Spanish soldiers out of the main field of war, with Gomez marching westward toward the entrenched and cannon-crested trocha at the head of a large force carrying six pieces of artillery, and with Calixto Garcia commanding the insurgent forces in the East, where the recruits are drilled and organized, the friends of free Cuba believe they can drive the Spaniards into the sea without resorting to assassination.

BUTCHERIES.

But horrible stories of butchery have been brought here by responsible men from all parts of the island.

As I have made an honest and impartial investigation, I can no longer keep silent about the appalling crimes which cry out to the civilized world for intervention. I have refused to believe that Spanish soldiers were deliberately exterminating the male population of the country districts, but I must yield to the evidence of unimpeachable eyewitnesses. The situation is horrifying, unspeakable almost. It can not be possible that General Weyler knows the facts. He seems to be a brave and intelligent officer, and he has won his high place by brains and energy. With the heavy responsibility of the war resting on him, he could have no intelligible reason for ordaining barbarities which swell the ranks of the insurgents by thousands and drive hundreds of old men, women, and children into the larger towns and cities to be a burden to the Government.

MURDER, NOT WAR.

I prefer to believe that the captain-general has been deceived by officers in the field, who are killing noncombatants indiscriminately and reporting victorious engagements with insurgent troops. Everywhere the bread winners of Cuba are fleeing in terror before the Spanish columns, and the ranks of life are being turned into ranks of death, for the Cuban who has seen his honest and harmless neighbors tied up and shot before his eyes in order that some officer may get credit for a battle, takes his family to the nearest town or city for safety, and then goes out to strike a manly blow for his country.

If Mr. Cleveland could have heard the terrified Cuban women trooping with their children into Guanabacoa yesterday asking me whether the United States would allow Spain to slay the whole population, their appeals might not have been in vain. What could I say to the wretched fugitives? Who can read the President's mind? I know that he is not indifferent, for there is abundant evidence that he is investigating the question here through private and indirect sources.

FACTS FOR PRESIDENT CLEVELAND.

But his informants have so far dealt only with the economic question and the possibility of framing a scheme of peace that will be pleasing to Spain. I have seen copies of many of the letters read by the President, and so far as the economic aspect of the great struggle is concerned, he has had the advice of experienced and responsible men, most of them favoring annexation to the United States. But while the President and Secretary of State are immersed in the abstractions of the commercial problem the insurgents are turning the island into a waste of ashes, and the Spanish soldiers are slaughtering noncombatants wholesale against every rule of civilized warfare.

It is not the captain-general's fault. He is overwhelmed with work in the palace. The world has seldom witnessed such a war. He can not be everywhere. His reputation for harshness makes the relatives of the victims fearful of approaching him lest they, too, may meet the fate of others.

Witnesses of these butcheries from the country shrink and grow silent when they are questioned. They are dumb with fright. I have only succeeded in getting them to talk by convincing them that their names will not be revealed at present. In every case I have been careful to ascertain the reputation of the witnesses for truthfulness.

Senor de Lôme, the Spanish Minister at Washington, would believe the facts in spite of himself if he had the evidence now in my possession. Nor have I confined my investigations to the peasants. Educated planters tell the same story, those of them whose positions will permit them to speak about the subject at all.

SKIRMISHES TURNED INTO BUTCHERIES.

Within an hour I have talked with one of the most conservative plantation owners on the island, and he told me that laborer after laborer has been gathered up on his estate within the last three weeks and shot on the roadside without trial of any sort. In every case newspaper reported skirmishes with the insurgents, and this in the closing days of the nineteenth century.

I have been in the neighborhood of Campo Florado, a village a few miles east of Habana. This has been the scene of almost incredible crimes, committed by the Spanish troops and recorded as military victories.

The highway leading from this district to Guanabacoa is crowded with fugitives in ox carts and on foot, principally women and children. They report almost daily murders by the Spanish soldiers. Night before last 14 inoffensive men were tied up and shot just outside of Guanabacoa. The sentries on the limits of the towns refused to allow any outsider to go where he is likely to witness the work of the firing squads. Guanabacoa is packed with bewildered and half-starved country people. Many of them sleep in the streets.

Two days ago a Cuban woman who fled from the town in terror gave birth to a child on the porch of a grocery store. The massacre of noncombatants at Campo Florida began on April 3, and since that time about 500 men have gone to the insurgent army from a district 15 miles in circumference. Most of them were armed, but a few joined the patriot forces with nothing but heavy sticks.

About a hundred quiet and inoffensive men have been shot without trial in the neighborhood of Campo Florida. Their neighbors were helpless to save them. Those who fled for protection to the Cuban ranks were led by the rebel chief Valencia to Balondrone, in the Province of Matanzas, and will join the forces under Gomez. Several unarmed peasants were shot without trial at Guanabo, near Campo Florida, six or seven days ago, and the soldiers who saw dogs and vultures eating the bodies.

A SURVIVOR'S STORY.

Here is the statement of an eyewitness: "These eight men (whose names are first given at the head of this dispatch) were arrested on April 1and 2 by Lieutenant Sequi, assisted by two soldiers and a municipal guard, who has since been hanged by the insurgents. They were all innocent, hardworking people. I saw the soldiers tie their arms and take them to the police station. Margarito Zarzas, who was arrested just after he had completed a coffin for a woman, was dragged to the station with a rope around his neck. I was told that the prisoners were beaten, but I did not see that. Next day the nine prisoners were marched to a small fort made of loose bricks on a hill overlooking the railway track. I heard that they were to be put on a train at 1.30 o'clock in the afternoon and carried to Habana, and I went to the track to see my neighbors depart. As I approached the railway I saw Lieutenant Sequi and two soldiers hurrying toward the little fort on horseback.

"When I advanced I could see a double rank of Spanish soldiers of the Princesa Battalion stretching from the foot of the hill on which the fort stands across the track to a small gully about 7 feet deep. Beyond the gully is a large cedar tree, and between them was a freshly dug trench. It made my blood run cold. I knew what the trench was for. To the right of the gully was a line of soldiers. Presently I saw the two Cejas brothers leave the fort surrounded by soldiers. They were taken across the track between the double ranks and down into the gully out of my sight. Then I heard a volley fired in the gully. I ran home and ordered my wife to conceal the children and lock the doors of my house.

"The screaming of the prisoners in the fort, who had heard the volley, induced me to approach the track again. This time I saw Domingo Lugonez and Margarito Zarzas brought down the hill. They were tied together. Lugonez was crying. I could hear him scream again and again: 'For the sake of your own mothers don't kill me! Have pity on me! Oh, my good mother, my poor mother! For God's sake don't kill me!'

"The prisoners were driven into the gully and again I heard a volley. After that I stayed with my children. We could hear other volleys as each of the prisoners was taken out and shot. Then the train arrived from Habana, and just before it reached the village I heard two quick volleys and two single shots. That day I left the place with my family. The troops were killing all my neighbors.

"The orders are given by the military commandant of Minas, whose name is Narciso de Pondevenia. This is a plain statement of the facts. On the next day Madrid official reports declared that the Spanish troops at Campo Florida had ambushed a body of insurgents and killed 10 of them without losing a man.

"Four days ago the soldiers shot José Flores, a married farmer, and Feliciano Sosa, married, carpenter, 38 years old, and also threw their bodies into the boiler. Since then the troops have been forced to dig a trench for the corpses, and the odor from the decaying bodies in the boiler prevents them from going near it."

I have confined my dispatch to one little farming district close to Habana. The same stories reach me from all parts of the island. But I have set down nothing without investigation. Imagine the scenes in the interior. Foreign correspondents are not allowed to accompany the Spanish colunmns and are nearly all bottled up in Habana.

I take no sides in this war and have no wish to harm the Spanish name. Many of the royal officers are men of fine character. But it is time to let the world know that America has an Armenia almost within sight of her shores.

In spite of reports to the contrary, I have high authority for saying that the Pope regards the insurgents as legitimate belligerents, and not as bandits. General Maceo has sent word by a priest to the Bishop of Habana, Manuel Santander y Frutos, that he would respect and protect all priests. The Cuban leader also assured the bishop that he was a good Catholic and would remain a faithful son of the church.

The bishop has also learned that Lacret, the rebel leader, recently entered a church in the country and prayed before his soldiers. The rebels entered Cardenas in disguise on All Saints' Day and mingling with the crowd in the cemetery lit candles and knelt at the graves in prayer.

WHAT WILL CLEVELAND DO?

The main Cuban army under Gomez has printing press and official newspapers. I can not say that there is any obtainable evidence to support the claim that the Cubans have a regular civil government with a fixed abode and fixed territory, but I can say that the insurgents are growing in power; that they do not as a rule molest noncombatants and respect the rules of civilized warfare. I can also say that the general massacre in the country districts is stirring the blood of Cuban property owners who have hitherto held aloof from the struggle, and that unless a change occurs within a few weeks some of the most important men on the island will be found in the field fighting against the Crown of Spain.

President Cleveland has never yet failed to show his American blood on proper occasions. If he will appoint a commission and send it to Key West, hundreds, nay thousands, of persons will leave Cuba to bear witness to the facts.

The widows and orphans of the freshly slain pray for American protection, even at the Cathedral altar, where the baptized flag and cannon representing Spanish dominion stand facing the tomb of Columbus.

Letter of Sylvester Scovel, dated May 23, 1896, in the New York World:

CUBANS RETURN GOOD FOR EVIL—SPANISH SPY LIBERATED BY INSURGENTS IN THE FACE OF BEATING AND MURDER OF THEIR FELLOWS.

[Special correspondence of the World.]

NEAR GUANAJAY, PINAR DEL RIO, CUBA, *May 23.*

Outrages continue in this district.

A Spanish column beat two men May 20 and severely injured a boy with carbine strokes.

Another Spanish column killed in cold blood on the 21st, and in his own house, a peaceable laborer wholly unconnected with the insurgents.

To-day (the 23d) the insurgents of the same district, with full knowledge of the maltreatment of their fellows, set at liberty a Spanish prisoner who admitted that he was a spy.

These events have taken place within a few miles of each other. The trial, confession, and liberation of the Spanish spy I heard and saw. In proof of the Spanish outrages I submit written evidence, besides having interviewed many other eyewitnesses thereto.

It must be understood that the witnesses with whom I have talked, and especially those who have signed their names or made their marks, have done so at the risk of their lives.

The officers of the columns mentioned will surely hear from Habana in consequence of the World's exposure of their acts, and, unless restrained by the fear of further disclosures, are very likely to take Spanish vengeance upon all who have been seen to talk with the World correspondent. In this event I have arranged for the news to be sent to the Habana correspondent of the World, so that the public may still be kept informed as to the results of an indiscreet word in Cuba.

The signatures naturally can not be reproduced or the names be printed. For this the "pacificos" accepted the promise of the World, with the proviso that the proof shall be open to the inspection of the State Department at Washington.

BOY BEATEN WITH A CARBINE.

The following is a translation of the simply worded account of the injured boy's father. It was taken down in Spanish, word by word, afterwards read to the man, and then signed by him. It is also witnessed:

"COFFEE PLANTATION, SAN FRANCISCO,
"JURISDICTION OF GUANAJAY,
"*Province of Pinar del Rio, May 21, 1896.*

"By these presents I declare that yesterday, in the morning, on the approach of the column of Colonel Francis from Mariel to this place, La Merced, they spoke to my son, 18 years old, asking where the insurgents were, and when he answered that he did not know, one of the soldiers, in the presence of his chief, struck him five or six times with the barrel of his carbine, leaving him very badly injured. My son suffers much to-day.

"A part of the column went to the house of my neighbor, Domingo Guanche, and asked him if he knew where was the insurgent 'hospital of blood' in the 'Manigua.' On his answering that he did not know, an officer beat him with a cane which he carried, afterwards making him act as a guide.

"Coming again to my house, the troops asked me if I knew of a hospital. I said I knew that there was one in Mariel and another in Guanajay, and then they beat me with a cane."

(Duly signed and witnessed; original document in Spanish in possession of the World.)

Both men mentioned—the lad's father and his neighbor—bear the marks of a severe beating with a heavy stick.

The boy is seriously injured. He can not use his arms, and one of them feels as if it were broken. His back is badly strained, and he may be permanently crippled. The carbine used was evidently heavy and swung with great force. The boy will be certainly disabled for months, perhaps for life.

The insurgents aver that on the 20th there were no parties in the vicinity of La Merced. In this case the boy answered truly that he did not know. However, he would probably have answered the same if he had known. I asked him how he felt. He said:

"It is nothing. It is for Cuba."

In connection with the reported Spanish massacre of wounded Cubans, the query of the officer about a "hospital de sangre," or place where some dozen or so badly wounded might be found, is terribly significant.

The answer of Domingo Guanche is what is to be expected in respect to his countrymen wounded in fighting for his freedom and theirs.

The signer of the statement says naively, "And then they beat me with a cane." They naturally would be a little angry in view of the fact that the two hospitals mentioned are full of their own comrades. The Cuban showed some sense of humor and much nerve in this answer.

SLASHED FOR FUN, THEN SLAUGHTERED.

The other case, that of murdered José Dominguez, is a plain outrage without palliation. The man was sitting by the open window, his child on his lap, when one of the guerrillas in mere wantonness leaned out of his saddle and slashed him on the arm.

Whether Dominguez was foolish enough to protest or whether the sight of blood aroused the inborn man-devouring instinct of the Spanish lion, I do not know. But it is certain that then the infantry took him from the house and killed him.

The following statement, signed by six villagers, is given literally in their own words:

"TOWN OF BANES, *May 23, 1896.*

"We, with our signatures, do declare that the resident of Banes, D. José Dominguez, was killed by the Spanish troops in the town street of San Pedro about 8 o'clock in the morning of the 21st day of the present month, while sitting in his house by the window. They gave him a machete cut on the arm and then took him from the house and killed him, inflicting eleven bayonet strokes and leaving him covered by a jagua; for they said he was an insurgent.

"We further declare that he was an honest man and a laborer and had nothing to do with the war, nor had he dealings about it with anyone. Neither had he arms or ammunition in his house, and all that has been done to him was unjust.

"An injustice has also been done to us and other honorable neighbors. The troops—the column of San Quintin—took from the houses clothes, books, and whatever they wished.

"For justice we give this letter in Banes on the above date."

Every one of the signers is likely to prove his veracity with his life.

I also talked with many others of the villagers, and without exception all emphatically stated that Dominguez had absolutely nothing to do with the insurrection more than having a cousin in the rebel ranks. It is not even likely that the soldier who first cut him knew this. The whole thing is plainly a killing out of sheer love for it.

The murdered man leaves a widow and four children. The widow has moved from Banes.

The "jagua" mentioned as being put over the body was a slab of palm bark, evidently placed there as a satirical intimation that so much burial would be quite sufficient for a Cuban.

INSULT ADDED TO INJURY.

Not satisfied with the actual killing, I have found in each of the Spanish outrages I have seen the same attempt to insult and desecrate the most dear and sacred feelings of the living Cubans.

That these do not in their frenzied anger retaliate upon the many Spanish prisoners they take is as wonderful as it is praiseworthy. It is a question, though, whether the Cubans can contain themselves much longer. Already the rank and file are demanding retribution, and it need surprise no one should they take it. Even the officers feel that their consistent and persistent curbing of their men's natural desire for revenge has done them no practical good, and that had they from the first retaliated in kind perhaps Spain might have been forced to humane treatment of Cubans.

I said to an intelligent sergeant: "Yes, but think of the good effect your moderation is having on the people of the United States."

"What good has it done us?" he asked. "Has the American Government recognized us or done one thing toward preventing Spain from wholesale murder?"

PUZZLE IN POPULAR GOVERNMENT.

I answered, of course, that although the Government might be a little slow in moving, the people of the United States have much sympathy for the Cubans and their cause. This seemed to puzzle him a little. After a moment he said:

"Why, I thought the United States was a Republic."

"It is," said I.

"I don't see how it can be," he retorted, "for certainly the government of a republic must carry out the wishes of the people. You say the people of the United States wish to help us. Then why don't their Government do it?"

I could not answer him.

Dominguez was buried by a friend shortly after his death. While engaged in digging the grave in the cane field he was shot at by another passing column.

The grave can hardly be distinguished from the surrounding partly cut sugar cane, except for the prickly cactus bushes placed upon it to guard the body from desecration by the "auras" or vultures, that are plentiful in Cuba.

The group of Cubans is just of the appearance of the average small party of district revolutionists.

SPANISH SPY SET FREE.

In sharp contrast to the beaten men, the injured boy, and the murdered Dominguez killed by twelve separate cuts, is the treatment by the Cubans of the Spanish spy, Juan Martinez. He was set at liberty before he was asked to write or declare anything, and the request for the letter which follows was made by the World correspondent:

"ENCAMPMENT EL FRANCES, *May 23, 1896.*

"By the present document I declare that on the 18th of the present month I was made prisoner in the courtyard of the sugar estate San Gabriel by two members of the fuerzes libertadores de Cuba, commanded by Commandant Baldomero Acosta, and that during the time I have been kept in the camp I have received good treatment and have been surrounded by cares and attentions and have been looked at with respect.

"I declare, also, that I was captured in possession of arms and ammunition in country dress, and that in military law I am considered as a spy.

"I admit that the Cubans have the right of life over me, and that in setting me free I think very highly of their generosity.

"Signatures of Spanish spy and witnesses."

The man was trembling with joy. His letter shows it. He was hardly "surrounded by cares and attentions" any more than lurk in the muzzles of a couple of carbines, but the poor devil evidently tried to get even with his generous captors by generous praise.

The man admitted to having been sent to locate the Cuban camp near San Gabriel, and he has been set free to go where he will—even with a safe conduct that will pass him through the insurgent lines to his home in safety.

Acosta has done well. Instead of killing one Spaniard he has made one Cuban, or at least a friend to the Cubans, for if ever there was a grateful man this was he. He had reason to be. Beyond taking his arms and cartridges the Cubans did nothing to Martinez, exacted no promise from him other than not to again bear arms against them.

The quotation "fuerzes libertadores de Cuba" means "the liberty forces of Cuba." This term is always used by the revolutionists in speaking of their soldiers.

With the beating, injuring, and killing of absolutely inoffensive "pacificos" on one side and the most generous surrender even of military rights for humanity's sake on the other—the former the strong, the latter the weak—why should the United States hesitate to stop the reign of terror on this island at her gates.

Letter of Sylvester Scovel, dated May 28, 1896, in the New York World:

[Special correspondence of the World.]

MARIEL, PINAR DEL RIO, CUBA,
May 19 (via Key West, Fla., May 28).

Three sickening cases of post-mortem mutilation I saw to-day, so beastly, so indecent, no Apache could have conceived anything equal to it.

Playa Salade is on the north coast of Cuba, about 15 miles east of here. Forty armed and 20 unarmed Cubans were camped there last night under command of Rufino Orra, a subofficer of Baldomero Acosta, the Cuban chief of the district on the north coast from Mariel to Habana. There was aguardiente (brandy) in camp, a woman was visiting the officer in charge, and there was no guard. In fact, it was the most loosely conducted "outfit" I have ever seen, even among the small parties of insurgents in Cuba. For his actions the commanding officer has been severely disciplined. General Gomez or General Maceo would have had him shot.

In justice to the Cubans in the field I must say that this sort of thing very seldom happens. Indeed, morality in camp and well-posted guards are two of their most shining virtues.

The camp was also very badly situated, with the sea on one side and flat, open ground on the other three, the only cover in case of sudden retreat being sparsely scattered bushes.

In some way the Spaniards were informed as to the location of the camp, and before daybreak to-day the regular infantry battalion of San Quintin, 800 men, and the volunteer cavalry of the guerrillas of Miro, 300 horses, left headquarters at Punta Brava for Playa Salade, arriving just at daybreak. Without warning or a call for surrender the 1,100 Spanish soldiers poured

nickel-cased bullets into the groups of sleeping men and the three or four rude bough tents. The storm of bullets should have killed six times 60 men. The dazed Cubans could not reach their horses, so they scattered on foot. The 200 guerrillas then charged the fleeing groups. The cavalry charge alone ought to have finished the business. Will it be believed when I state positively that only four Cubans were killed and half a dozen slightly wounded? Yet such is the fact.

This little occurrence merely adds to the evidence of every engagement of this war that the modern rifle and ancient drill tactics do not work well together, at least with Spanish forces.

The victorious troops then proceeded to capture the woman as their only prisoner.

The Spanish officer commanding wrote his official report, and the men began to amuse themselves with the four dead rebels. I saw what was left of these poor bodies immediately after the troops had left for Punta Brava.

The skulls of all were split to pieces down to the eyes. Some of these were gouged out. All the bodies had been stabbed by sword bayonets and hacked by sabers until I could not count the cuts; they were almost indistinguishable.

The bodies had almost lost semblance of human form. The arms and legs of one had been dismembered and, laced into a rude attempt at a Cuban five-pointed star, were satirically placed on the breast of the limbless form.

The tongue of one had been cut out, split open at the base, and placed on the mangled forehead in a ghastly likeness to a horn. Fingers and toes were missing.

All the bodies were further mutilated and again arranged in a manner so indescribably repulsive as to prevent description.

Two of the mouths were split back to the angle of the jaw so as to give an untellably ghastly grin to each mangled face.

And the ears of all were missing. These could not be found and I was forced to the conviction of what I had often heard, but never believed, that the Spanish soldiers habitually cut off the ears of the Cuban dead and retain them as trophies. Our Indians were more cleanly than this.

During General Campos's time I only saw three dead Cubans after Spanish treatment. They were at Seiba del Agua and were mutilated, but not so horribly as those of to-day.

It is the certainty of post-mortem mistreatment that makes the Cubans so careful about removing and burying their dead, as already described in the World. To see these poor minced-up bodies, to note the bestial indecency of the details, to think that it had all been done but a few moments ago by the well-disciplined soldiers of a supposedly civilized nation, to know that it could not have been done except by the consent of the Spanish officers and "gentlemen," all combined to create such a maddening feeling that the most moderate pencil in the world would have to go hunting for terms strong enough to tell it.

If the plain people of New York could have seen those four proofs, irrefutable proofs, of Spanish barbarity, word would go to Washington so strong that Grover Cleveland would have to do something, and do it quickly.

The Cubans, on the other hand, have always treated their prisoners well, and they have taken many more than have the Spanish, official reports to the contrary notwithstanding.

I have just received a Habana paper containing an account of this very affair of Plaza Salado. The sheet has as strong a Cuban tendency as the Government press censorship will permit, so it may be taken for granted that the actual official report is even more of an elaborate fancy. The article is better than common. It has the names and the date correctly given.

However, it gives the Cuban dead found on the field as 17. As 4 from 17 leaves 13 there seems to be room left for argument. Fifteen dead horses are also said to have been encountered. There were 7 by actual count. One slight wound is admitted. As the 60 Cubans must have fought pretty sharply to have got away so well it is quite evident that somebody must have been hurt whom the official report forgot.

The report is a fair sample of all of its species, big and little. Scale everything but names, dates, and places down about 90 per cent and you are somewhere near the truth and a little on the Spanish side of it.

The Cubans are as a rule nearly as bad, although denied the benefits of steady practice in mailing official reports, as it takes about a month to get a courier from this end of the island to the government in Puerto Principe.

From here heavy firing has been heard from the trocha almost every night. It is supposed by the insurgent leaders that General Maceo is making a demonstration upon Guanajay in preparation for an attempt at crossing this military line.

It is actually much more of an obstruction, especially to cavalry, than any of its predecessors, and the weak points have been closed. However, the general belief among the insurgents is that General Maceo can cross when he will.

All talk about the longed-for belligerent rights. Whether or not in the letter of the law the Cuban insurgents deserve such a recognition, surely in the name of humanity alone there is more than sufficient cause for intervention.

It is the Cubans' hope. It must come sooner or later. Why not now?

MORE HORRORS IN CUBA—NEW SPANISH BUTCHER IN CIENFUEGOS MURDERS HELPLESS FARMERS.

Señor Buenaventura Carbo, who for many years has been secretary of the American consulate in Cienfuegos, is now with friends in Brooklyn. Mr. Carbo was suspected of sympathizing with Cuba's cause and was in consequence exiled. His story of Spanish outrages adds more proof to the accusation against Spain of dreadful brutality.

"Eugene Pelletier," said Mr. Carbo, "who was employed on the plantation of Antonio Roguera, is registered on the books of the American consulate in Cienfuegos as an American citizen. Last November he was arrested on suspicion and thrown into the filthy Spanish jail in Cienfuegos, from which he was only recently released.

"The terror of Santa Clara is the guerrilla troop of Luis R. Yzquierdo, who was formerly a clerk in the custom-house at Cienfuegos. He is known now as the 'monster.' On April 2 his troop came upon a party of Cubans repairing a cottage in Lagunilla and shot José Quintana, Matias Soto, Manuel Roque, and Philomeno Hernandez, who were in the party.

"At Manacas, on May 16, José Cardoza, a farmer, and two of his negro servants were hacked to pieces with machetes by Yzquierdo's orders. They were suspected of being friendly to the Cuban cause."

Letter of Arthur E. Houghton, dated May 31, 1896, in New York World:

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[Special cable dispatch to the World.]

MADRID, SPAIN, *May 31.*

The Madrid Government has lately called the attention of the other European powers to the alleged cruel and inhuman mode of warfare adopted by the Cuban insurgents.

Complaint is made specifically of the use of dynamite to blow up railway trains (those carrying passengers as well as freight) and sugar mills, and of the use of explosive bullets in fighting.

The European Governments have instructed their consuls in Cuba, it is stated authoritatively, to report promptly and fully upon these allegations.

WANT CUBANS REGARDED AS PIRATES.

Spain hopes some action will be taken to declare the Cuban insurgents pirates and malefactors, unworthy the sympathy of any civilized nation.

General Weyler has ordered the Spanish authorities in Cuba to continue to grant relief and rations during two months to distressed inhabitants who have taken refuge within the Spanish lines, but the families and relatives of insurgents will not only be refused relief and rations, but will be immediately expelled from the Spanish lines, which will make them heavy incumbrances upon the rebels during the rainy season.

COMPETITOR SENTENCE LIKELY TO BE UPSET.

As soon as the papers in the *Competitor* case reach Madrid by mail—they are expected about June 4—they will be submitted to the supreme court of naval appeals.

The impression in official circles is that the sentence of the Habana court-martial is certain to be annulled on the ground that it is in violation of the treaty of 1877, and that the case will be sent to an ordinary court-martial for trial, subject to the stipulations of that treaty.

Letter in the New York World, June 3, 1896:

[Special correspondence of the World.]

SANTIAGO, CUBA, *May 23.*

The guerrillas of the Spanish Colonel Tejeda are the terror of Songo, Dos Caminos, San Luis, and Palma Soriano. Within the last few days they have assassinated more than twenty men, women, and children. Among the most brutal murders is mentioned that of an old man, 70 years of age, named Luluto Sanchez, who lived a few miles from Songo, with his wife, Clara, aged 62. A company of the guerrillas appeared at the Sanchez house on the morning of the 21st and inquired if the insurgents had passed there. The old man answered that neither he nor his wife had seen any. The captain of the guerrillas then ordered that husband and wife should be tied to a tree. By his further orders some of his soldiers put out their eyes and afterwards killed them with machetes.

Another instance of barbarity was the murder of a mother, two grown daughters, and a little child named Garcia, whose only crime was that the husband of the former was in the field with the insurgents. This family lived in the neighborhood of Dos Caminos. Twenty guerrillas, under a sergeant, went to the place, and, after insulting the mother, assaulted the younger ones, and then killed all of them and set fire to their house.

The Spanish Lieutenant-Colonel Molina, with two companies of regulars and the guerrillas of Caney, 300 men in all, had an engagement yesterday in Loma Villalon and Retiro (Caney Zone) with 700 insurgents under the brothers Quintana. The fight lasted two hours. The Spanish had 20 killed and 67 wounded, and the rebels 8 killed and 14 wounded. Among the Spanish wounded was Lieutenant Vazguez, very seriously.

On the 18th the Spanish Captain Imbert attacked the rebel camp San Andres (Guantanamo), and after a hard fight dislodged the insurgents, who left 10 killed and 15 wounded, besides two guns and plenty of medicine and provisions.

Six hundred Spanish under General Rey had an encounter in San Ramon (Manzanillo) on the 17th) with Leader Tamayo and his party of 800 men. The rebels obtained a complete victory over the loyals, who suffered a loss of 1 captain and 30 soldiers killed and 95 wounded.

The Spanish General Gasco, at the head of 1,000 men, met 1,400 insurgents under Puyals in Mayagual (Bayamo) on the 18th. The Spanish column was convoying 80 mules and 20 wagons laden with ammunition and provisions. The insurgents lay in wait and opened a fearful fire on the Spanish vanguard, driving it back in disorder on the main body. As a result of the battle the rebels took the entire convoy with the exception of 6 wagons and 10 mules. This engagement is one of the most serious that has taken place in this province for some time. Some of the Spanish officers attribute their defeat to cowardice on the part of General Gasco. The Spaniards lost 1 commander, 1 captain, and 90 soldiers killed, and 195 wounded. The rebels had 1 captain and 28 men killed and 60 wounded.

On the 17th the rebel leaders Pepito, Rodriguez, and Miguel Escalona, with 150 men, attacked the fort at the village of San Pedro (Holguin), defended by a lieutenant and 50 soldiers. After a fight of half an hour the Spaniards surrendered with their arms and ammunition. They had 10 killed and 18 wounded, among the latter being the lieutenant. The rebels had 2 killed and 3 wounded.

Small-pox has increased considerably in this city, and has appeared in the town of San Luis. Yellow fever is increasing also, on account of the heavy rains which have fallen within the last few days.

[Special correspondence of the World.

MACAGUA, NEAR COLON, PROVINCE OF MATANZAS, CUBA, *May 10.*

Reports have reached here of a number of recent unwarranted murders and outrages by bands of Col. Louis Molina de Olivera's Spanish guerrillas.

Belisario Nodarse, of this town, relates the particulars of a fiendish attack upon a Cuban woman.

"The guerrillas of Colon," Mr. Nodarse says, "while on their way to Calimete, stopped at the house of Mateo Martinez, a native of the Canary Islands, who had been forced to enlist in a body of insurgents under the command of Juan Pablo Jalio.

"The Spaniards stopped at his house and the officer in command inquired from Senora Martinez the whereabouts of her husband. 'Indeed, I can't tell,' she replied.

"'I'll make you,' said the Spaniard, and he proceeded to tear off her clothing. He then questioned her anew, and receiving no answer from the woman, who was crying hysterically, he unsheathed his sword and fell to cutting and slashing his victim, until her blood covered the floor and she fainted in a corner. Her shrieks and entreaties only served to provoke the brutal laughter of the soldiery."

Mr. Nodarse says he laid the facts in writing before Colonel Molina. The chief replied by sending a squad to arrest and shoot the complainant. His brother, Bruno, a tobacconist, heard of the order in time to inform Belisario. The brothers fled and joined the rebel force of Clotilde Garcia.

Colonel Molina left his headquarters a few days after the attack on Senora Martinez and marched his troops south to effect a junction with General Melguizo's corps. The Spaniards were attacked and forced to retreat by a Cuban band. In making a detour to avoid the Cubans, Colonel Molina's command arrived at a shanty occupied by an old farmer, his two sons, a daughter-in-law, and three grandchildren. An eye witness of the tragedy says:

"At the approach of the soldiers the men took refuge in the jungle, carrying off the two oldest children, and only the daughter with her baby remained in charge of the house. She hoped her sex and the sight of a child but six months old would protect them from harm and spare the house.

"Colonel Molina halted his command by the roadside and, dismounting, walked into the house.

"'Where are the men?' he demanded. 'I have been fired upon by your people at Artoyito, and I intend to send a detachment to surprise them at camp to-night, so I need guides. Where are the rascals that live here?'

"'They are out, sir,' was the trembling response.

"'Are they? Well, you will guide a squad of my men to their hiding place and bring them quick. No trifling.'

"'I have not the least idea where they can be,' sobbed the woman.

"'Haven't you? Very well. Ho, there! a corporal and four men.'

"As the platoon entered the cabin Molina pointed to her and said:

"'Pull out that rebel hag and shoot her!' The mother and child were dragged some 25 feet from the hut and the squad moved away a few paces.

"'Will you speak now?' the Colonel demanded.

"'For God's sake, I don't know!' cried the woman, who was nearly dead with terror.

"'Then fire!' ordered Molina.

"With a convulsive movement the woman tried to shield the child with her own body, but the merciless bullets did their work.

"The baby was not killed outright, and one of the soldiers, moved by a sort of barbarous pity, crushed the little one's skull with the butt of his rifle. The bugle sounded 'Fall in.' Molina, after setting fire to the hut, coolly mounted his horse and gave the word 'March.'

"The three men returned after a while, looked silently on the dismal scene, and walked off in the direction of Arenas. After intrusting the two remaining children to a relative, they joined the insurgents, and Fabio, the Cuban commander, says they fight more like demons than like men."

In one of the outskirts of San José de los Ramos and about 3 miles from the village there is a small place called Barrio de Oliva. It consists of a schoolhouse, a grocery store owned by Mr. Oliva, the dwelling of the Hernandes family, cane planters of that neighborhood, three or four palm-thatched huts and a small house occupied by Frederico Fuentes. Fuentes had two large cane fields.

One corresponds to the "Espana" sugar plantations owned by Senova Fulneta, wife of the Spanish minister, Romero Rabledo. The other field is attached to the state "Alava," belonging to Heredros de Fulneta. Fuentes's family consisted of himself, a married daughter named Arcadia, and his son-in-law.

Fuentes had had a dispute with the lieutenant detached by Colonel Molina to garrison San José. The particulars, according to a friend of Fuentes, were as follows:

As he went around one of his cane fields he found an immense quantity of cane trampled down and spoiled. Next day while out at his other field (that of the state Alava), he saw a foraging party enter and proceed to cut fodder for their horses. Perhaps he would have submitted to the intrusion, but he soon perceived that the soldiers instead of cutting off the top stalks, which is the part eaten by cattle, proceeded to destroy the cane just for the fun of the thing.

He approached and remonstrated, but the sergeant ordered him to "shut up," adding that almost anything was too good for a cursed rebel.

Fuentes went to the town and complained to the lieutenant in command of the garrison. The officer flew into a rage and ordered him out of his presence, threatening to use a horsewhip. Fuentes told him he intended calling on Colonel Molina and reporting what had happened.

The command was a few days later ordered to advance and protect the plantation "Espana," which the insurgents had announced they would burn.

As they approached Barrio de Oliva the guerrillas sacked a tavern known as the Noy, indulging freely in spirits. On entering the place the lieutenant marched directly to Fuentes's home and made the two men walk out. He accused them of harboring an insurgent chief named Maza. Fuentes knowing the cause of the accusation thought it useless to defend himself. The officer then bade the soldiers punish them as they deserved.

A score of machetes flashed and in a few moments the prisoners were a mass of blood and rags. A drunken fancy seized the murderers. Cutting off the heads of their victims they hung them to the key of the grocer's door, while the horror-stricken neighbors looked on without daring to interfere. Only under cover of night were the ghastly remains removed and buried.

A resident of the town of Cascajal says one of Molinas's guerrilla bands recently left Barrio de Mostacilla and was marching to "Reglita," the sugar plantation of Señor Sardinas, for the purpose of escorting a train of pack mules. As the guerrillas approached the town of Cascajal they passed the farm of a Cuban named Garcia, whose two brothers were in the insurgent force under Dimas, which was operating in the district between Recreo and Roque.

A portion of this force occasionally camped near Garcia's house, and he was then visited by his brothers. When the guerrilla band arrived, however, the insurgents were not in the neighborhood. Garcia was alone in his house, his brother-in-law, who lived with him, having gone to San José de Ramos.

The lieutenant commanding the guerrillas rapped loudly upon Garcia's door and then entered, followed by a sergeant and two privates.

"Where are the insurgents encamped?" the lieutenant demanded of Garcia.

"I really don't know," the man replied.

"Tie him to that chair" the officer commanded, and the soldiers lashed Garcia securely.

"Now will you tell me where your brothers are?" the lieutenant angrily inquired.

"I can't say. I have not seen them," Garcia tremblingly replied.

"Ha! I know they slept here last night, but since your eyes seem to be useless, I will relieve you of them. Pull them out," the officer cried, turning to his soldiers.

The sergeant thrust the point of his bayonet under each of the unfortunate man's eyes and burst them out, despite the agonizing screams of the victim.

As they left the house the lieutenant jokingly remarked that the next time Garcia would be able to say truthfully that he "had not seen the insurgents."

Letter of Owen Melton, dated June 6, 1896:

[Special dispatch to the Press.]

KEY WEST, FLA., *June 6.*

A letter has been received from Owen Melton, the young American captured on the schooner *Competitor*, in which he describes the barbarities practiced by Spaniards on prisoners confined in Morro Castle and Fort Cabanas. He says in his letter, which is dated Havana, June 3:

"The world will never know the barbarities that are perpetrated by the Spaniards on the suspects confined in Morro Castle and Fort Cabanas. They are being tortured and shot without trial almost daily.

"On May 30 Faustino Padron, a boy 16 years old, was captured in the outskirts of Habana by Spanish guerrillas and lodged in the Cabanas. It was suspected that the boy had been in communication with the insurgents.

"To make Padron confess, he was stripped and suspended by the arms. Then a Spanish lieutenant whipped the boy on the bare flesh with a rawhide whip.

"Padron's back, shoulders, and breast were soon a bleeding pulp and he was shrieking in agony. Then the officer asked Padron if he had done certain things, and in his awful pain the boy would scream:

"'Yes; oh, yes.'

"This was then written as the boy's deposition, to be read before the 'Consejo de Guerra,' when he shall be tried for rebellion. It is not likely, though, that the boy will ever be tried, as death will prevent. He spits blood and can not live long.

SIGNIFICANT VOLLEYS.

"Such things are of daily occurrence in the Cabanas. At night volleys of musketry are frequently heard. The next day the prisoners know what these volleys meant when they miss the faces of well-known prisoners.

"In the Cabanas there are nearly 700 prisoners and from ten to fifteen are crowded in a cell. A prisoner on first entering a cell is confronted by a nauseating odor, but after a few days he becomes accustomed to it.

"Were it not that the Cubans are acclimated, the mortality would be great. As it is, the Spanish sentinel who passes to and fro in front of the cell doors, frequently takes the fever and dies in four or five hours.

"Scarcely a day passed but some of the guards die with the yellow fever, yet it is very rare that a Cuban prisoner dies with the fever.

AMERICANS IN THE PRISON.

"There are several Americans in Fort Cabanas, among them the Americans captured with the schooner *Competitor*. Part of these are in one cell and part in another.

"Julio Sangully is also imprisoned there. He is given a separate cell and treated with some little difference by the Spanish officers in charge, yet the condition of many of the prisoners is extremely pitiful. Numbers of them have been found at their homes suffering from wounds and have been dragged away and thrown into the dungeons at Fort Cabanas.

"There is one man whose arm has been amputated close to his shoulder and who has a serious wound on his head. He is slowly dying of blood poisoning without hospital treatment.

"Already he is a mere skeleton. His sunken face is blotched with spots. As he is driven out into the prison yard by the guards, in a line of other prisoners, he staggers and reels like a drunken man. In a few days his body will be carried out.

SEVENTY-FIVE IN A CELL.

"The prisoners in Moro are mostly 'pacificos,' that is people who were captured at their homes on suspicion of sympathizing with the insurgents.

"These prisoners are kept in six large vaulted cells. There are from 75 to 115 in a cell. The cells are filthy and damp and the prisoners are given nothing to sleep on, so that unless they are fortunate enough to have money or friends they are compelled to sleep on the damp, filthy, stone floors.

"There are some men of note in Moro, among them being Ascua, who was Maceo's guide in western Cuba. Also Rafael Castro, known as 'El Inglesito,' or 'the Little Englishman,' whom the Spaniards would have shot but for the English consul's interference. He is an artist and a young man of fair complexion and dark eyes, with long, gracefully curling hair.

"Every night when his companions become quiet in their hammocks or on the reeking floor he hangs his canvas on the prison wall and paints.

"God help the man who falls into the hands of the Spaniards."

Mr. MORGAN. Now, I have with these remarks and these proofs closed my discussion of this question on the present occasion with one or two exceptions. A gentleman appeared at the instance of the Committee on Foreign Relations and was sworn and testified under oath before the honorable Senator from Minnesota [Mr. DAVIS] and myself as a subcommittee. This gentleman is Dr. Diaz, of Cuba. I desire to incorporate his testimony, also, because it is sworn testimony, along with the other. But I wish to make a remark about Dr. Diaz before I do that, which will indicate to the Senate the importance, I think, of having the statement of this man spread in the RECORD.

Dr. Diaz was a captain in the Cuban army during the ten-years war, or for about two years of that war. He is a man of good family evidently, born in Cuba, at Guanabacoa, a few miles distant from Habana, perhaps only 2 or 2 miles, and was educated in a special school in Habana and also in the University of Havana, where he took his degree as doctor of medicine. The war came on. He joined with the rebels and was appointed a captain. Being cut off from his command on one occasion, he endeavored to escape. He and two of his companions who were cut off with him went off into a little peninsula that extended out to sea, and there they were guarded by the Spaniards, who came up through the dense thickets on the outside but did not come within.

Dr. Diaz and his companions escaped. One died at sea before they were picked up. The others became unconscious. He was then taken aboard an American ship and, after being transferred to another ship at Key West, he came to New York, where he had friends. He was there taken sick, and, under the ministrations of a friend, a lady in the hospital, he became a convert to the Protestant religion. He then studied with Dr. Hunter for four years, I think it was, in the city of Philadelphia, and was taught divinity. He then became a manufacturer of cigars in New York or in some way became connected with the manufacture, being a reader to those there employed. Then he went to Key West, and there he joined the Southern Baptist Church. He was then ordained by the Southern Baptist denomination and appointed a missionary to Habana. He has succeeded there in establishing very valuable property, worth probably three or four hundred thousand dollars, including a church, seven church schools, a church hospital, a church cemetery, and he has 2,700 communicants in his church in the city of Habana and various churches on the outside. When this war came up he concluded it was his duty to contribute all he could to the Cuban people and the Spanish people through Christian benevolence.

He took sides with neither. He came to the United States and was appointed the vice-president of one of the Red Cross associations, which he took to Cuba and established there, with the consent of General Campos, to whom he applied, and he speaks of General Campos in very high terms. He established forty of these outlying hospitals, some in the Cuban country and some in the country held under the Spanish authority. He testified that

he was strictly impartial. He took no part whatever in any belligerency or in giving information or anything of the sort. His travels through Cuba to attend to these different hospitals, where he attended more than 2,000 of these Spanish soldiers, of course familiarized him with the situation of the two armies and of the country, and his testimony based upon this predicate of information is very interesting indeed. He is a man evidently of high education, a surgeon as well as a physician, and performed operations upon several of those persons, and witnessed various transactions in Cuba which he detailed. With this preface in regard to him, without saying anything more, but believing he is a man of very high character—in fact, of unimpeachable character—I ask leave to incorporate his testimony also.

The PRESIDING OFFICER. If there be no objection, such will be the order of the Senate.

The testimony referred to is as follows:

STATEMENT OF REV. A. J. DIAZ.

A. J. DIAZ was duly sworn.

By Senator MORGAN:

Q. What is your name?
A. A. J. Diaz.
Q. What is your age?
A. Forty years.
Q. Where were you born?
A. I was born in the city of Guanabacoa.
Q. How far is that from Habana?
A. About 2 or 3 miles.
Q. Where were you educated?
A. I was educated partly in the Island of Cuba and partly in the United States.
Q. At what school?
A. First I was at the institute, as we call it, in Habana, then went to the university in Habana.
Q. When you came here where did you go?
A. When I came here I was educated by Dr. Alexander Hunter, of New York, a private teacher.
Q. Educated in your profession as a doctor of medicine?
A. No, sir; as a minister.
Q. Well, were you ever educated as a doctor of medicine?
A. Yes, sir; I was educated in Habana.
Q. Did you get your degree?
A. Yes, sir; I got my degree there, and my diploma as a doctor has been registered here in the State of Georgia, too.
Q. Did you commence practicing your profession in Cuba?
A. Very little. At that time I was quite young, and the last revolution was started, and then I joined myself in that revolutionary army.
Q. Who did you serve under?
A. I served with the Cuban party.
Q. Under whose command?
A. Under the command of Julio Funes.
Q. How long did you serve in that army?
A. I served in that army for nearly two years.
Q. Did you have any rank?
A. Yes, sir.
Q. What was it?
A. I was appointed by them as a captain.
Q. Did you have a company under your command?
A. Yes, sir.
Q. When that war closed, what became of you?
A. Before the war closed I was appointed to find some place for our people. We knew very well if they got hold of the Cubans they would kill them. Knowing that, I threw myself into the sea, drifting on a log, in the hope of reaching some place of security, but the current was strong and drove us away. That was in the nighttime, and the next day we found ourselves in a vessel which picked us up.
Q. Where did they take you to?
A. They transferred us to a schooner that was bound to New York, and I went to the city of New York.
Q. How long did you remain in New York?
A. I remained in New York for nearly five or six years.
Q. What were you doing while you were there?
A. At first I was employed in the cigar business. Then I commenced to read to the factories there, employed as a reader, and then I commenced to do some missionary work.
Q. You became a minister?
A. Yes, sir.
Q. What church did you join?
A. The Baptist Church.
Q. Did you join that church in New York?
A. No, sir.

By Senator DAVIS:

Q. Are you now an ordained minister of the Baptist Church?
A. Yes, sir.
Q. How long have you been so?
A. For nearly six years.

By Senator MORGAN:

Q. Where were you ordained?
A. I was ordained in the city of Key West, Fla.
Q. You belong, then, to the Southern Baptist Church?
A. Yes, sir.
Q. After you were ordained did you return to Cuba?
A. Yes, sir; I returned for that purpose to the city of Key West. I was called by the council to the city of Key West, and was ordained there and returned the next week.
Q. Then I suppose you became a missionary of the Southern Baptist Board to Cuba?
A. Yes, sir.
Q. Well, when you got to Cuba did you establish a church there?
A. The church had been already established.
Q. And you were appointed to it?
A. Yes, sir.
Q. What progress have you made in your denominational growth there?
A. Very good.
Q. About how many communicants have you there?
A. I have about 2,700 who have been baptized in the last eight years.
Q. In the city of Habana?
A. Yes; and I organized a Baptist hospital for the poor. I organized seven free schools, where we have over 1,500 children; we educate them; and also have a cemetery. We can not bury our Protestant people in the Catholic cemetery. They do not allow us to bury them there.

By Senator DAVIS:

Q. In whose name is the title to all this property?
A. In the name of Dr. Tichenor, the corresponding secretary of the Home Mission Board.
Q. He holds it as trustee for the mission board?
A. Yes, sir.

By Senator MORGAN:

Q. Where does Dr. Tichenor belong?
A. In Atlanta, Ga.
Q. What would be about the value of that property you have in Habana?
A. The church itself is worth about $140,000. It is a very nice piece of property. The hospital we have is worth about $20,000, and the cemetery—well, we can not say what it is worth, but it brings to the board an income of $6,000 or $7,000 a year.
Q. You have property, then, in San Miguel, also belonging to the church?
A. Yes, sir.
Q. What is the value of that?
A. About $2,000.
Q. How many churches have you organized outside of San Miguel and outside of Habana in the country?
A. We have different missions, but never organized different churches. We have missions at different places. A preacher will go to one for one or two months for a meeting and then move away to another.
Q. How many ministers are employed in the Baptist denomination?
A. About 24 missionaries.
Q. Are there any of those remaining in Cuba now, or have they left?
A. None remain except the women missionaries.
Q. The men have all had to leave?
A. Yes, sir.
Q. Why have they had to leave?
A. Well, they have been persecuted in one way or another by the Government and have had to leave.
Q. They have all left?
A. They have all left and come to the United States.
Q. You speak of free schools you have established there. Are there any free schools within your knowledge in Cuba sustained by the Spanish Government?
A. Yes; there are some.
Q. How many?
A. A great many, but kept in a very bad condition; they do not teach anything.
Q. Are they under ecclesiastical control?
A. Yes, sir.
Q. The Catholic Church?
A. Yes, sir.
Q. Who supplies the funds?
A. The Government.
Q. I was reading the other day, from a Spanish author, a statement to the effect that the annual taxes upon the people for the support of the Catholic Church in Cuba amounted to about $900,000. Is that correct?
A. I think it is more than that. I think it is about $1,500,000 or $2,000,000.
Q. This book I was reading from was written ten or fifteen years ago.
A. The bishop of Habana gets about $18,000 a year.
Q. And the archbishop how much?
A. He gets about the same.
Q. The archbishop of Cuba and the bishop of Habana get about $18,000 each?
A. Yes, sir.
Q. Well, have you been much over the country in Cuba?
A. Yes, sir; I have been in a great number of places.
Q. When did this war that is existing now in Cuba commence?
A. It broke out about the 29th of February, 1895.
Q. After that war broke out were you visiting over the Island of Cuba in different places?
A. Yes, sir; in behalf of the missions. When the war broke out I did not know exactly what to do. As a captain of the army on one side, and as a minister of the Gospel on the other side, I was a little troubled myself, but I concluded to take no part in the insurrection, but just to help both parties, and then I organized what we call a White Cross Society. It is a society based on the Red Cross Society of Geneva, for the purpose of treating both sides.
Q. You mean to assist them medically and charitably?
A. Yes, sir; and at the same time I sent a letter to President Cleveland to notify him that we were going to do that kind of work, and Mr Gresham answered the letter, saying that they had nothing to do with the matter, but were very much pleased with that thought and encouraged us, but they said they had nothing to do with the Geneva Cross. So our Government was notified that we were going to take part in that movement for a sanitary purpose.
Q. Well, the Spanish Government, then, became one of the parties to the Red Cross Society; that is, to the treaty by which they had certain rights?
A. Yes, sir.
Q. And you were not violating any public law by organizing that society?
A. No, sir; nor private either.
Q. And you say you had determined not to take part with either party in the political struggle that was going on there?
A. Yes, sir.
Q. Have you kept to that resolution faithfully?
A. Yes, sir.
Q. And you have not taken part?
A. I have not taken part on either side.
Q. In any way?
A. In any way; just helping the wounded and sick, that is all.
Q. Well, did you visit the United States recently before you were expelled?
A. Well, I generally visit the United States once or twice a year. I must come to the Southern Baptist Convention when they have a meeting and give my report, and then they have some association or State convention, and then they call me. So I came to the United States last year twice or three times, to the Southern Baptist Convention, which met in Washington, to the Florida State convention, and to the Home Mission Board's meeting.
Q. Well, both visits you made were for the purpose of attending Baptist conventions?
A. Yes, sir; that is all.
Q. You did not come here on a political mission?
A. No, sir.
Q. And had nothing to do with politics or with the war?
A. Nothing to do with it.
Q. What did you do as a member of this sanitary corps, as a physician, in treating the sick and wounded of both parties?
A. We made a by-law and we gave that by-law to the Government of Spain in order that they might approve it, and so they did. They approved it, and the second article says we have the right to constitute neutral camps in or-

der to just take care of the sick and wounded; and while Mr. Campos was there everything was all right, because Mr. Campos conducted the warfare in a civilized way, and we had no trouble about it. We organized about forty delegations to take care of all sick and wounded. We have treated there about 2,000 Spanish soldiers, but as soon as Mr. Weyler came he ordered us to stop, not to take care of the insurgents by any means, only take Spanish troops, who were the only ones we had any right to take care of.
Q. Then did you cease to take care of the insurgents?
A. Yes, sir; I did not want to break any law, right or wrong. I did not want to interfere with any of them.
Q. Now, as a White Cross director, did you have a right to go into the ranks of the enemy?
A. Yes; cross the lines any time I pleased.
Q. You went out to the camp of the rebels?
A. Yes, sir.
Q. Did you make frequent visits to them?
A. Not frequent visits; but when I went to inspect a delegation, sometimes I found them in my way. Sometimes, as military operations required, they stopped me and kept me for two or three or four days, and then I stopped there; and if they had something to do in the medical line I did it—made surgical operations.
Q. You are a surgeon?
A. I am a surgeon; yes, sir.
Q. Now, those delegations you speak of, I suppose they were scattered about through Cuba?
A. Yes, sir; in the Province of Pinar del Rio, the Province of Habana, and provinces of Matanzas and Santa Clara.
Q. How many delegations did you have in all?
A. Nearly 40.
Q. And how many people would be engaged in each delegation?
A. About two or three directors and several nurses. Sometimes they have women.
Q. Who supported these delegations?
A. We supported them.
Q. Do you mean the White Cross?
A. Yes, sir; the White Cross Society.
Q. Where did you get the money to do it with?
A. Part I collected from the members of the church and part we got by contributions of the people.
Q. Did the Spanish Government contribute anything to it?
A. No, sir; never contributed a cent.
Q. Now, then, it was in visiting these delegations about through the different parts of Cuba that you had the opportunity to see what was going on in both armies?
A. Yes, sir.
Q. Now, you visited the rebel army—I call it that—the Cuban army in Pinar del Rio?
A. Yes, sir.
Q. When did you go there the last time?
A. The last time I was in Pinar del Rio was on the 13th of March. [Reading from paper.]

"I went to the town of Caimito for the purpose of leaving medicines, bandages, etc. On arriving there I was informed that there were two wounded children at the farm known as Saladriga. I went to their assistance."

Q. Now, just stop right there, because I am going to read that paper over to you presently. I am getting at preliminary facts. When you were at Pinar del Rio did you see Maceo?
A. I saw Valdespino, and Maceo also.
Q. About how many troops did Maceo have with him?
A. Well, really, I could not tell you because of the way they appeared; the way they came was an immense crowd of people all riding on horseback. It was a large crowd. I could not exactly tell how many.
Q. You had no statement of the number?
A. No, sir.
Q. Well, would you say it was a strong army?
A. Very strong.
Q. Did he have any artillery with him?
A. I did not see any.
Q. How were they armed?
A. A great many of them were well armed and the balance of them all had the machete.

By Senator DAVIS:

Q. Would you say he had some thousands of men under his command or only a few hundreds? Give some idea.
A. Oh, I think he had some seven or eight thousand men.
Q. You saw them?
A. Yes, sir; I saw them.

By Senator MORGAN:

Q. Did he have a permanent camp there?
A. Well, they were moving around. Sometimes they stay in one place fifteen or twenty days and then move to another.
Q. Well, when you saw him had he made the attack on the city of Pinar del Rio?
A. No, sir; he was just going in the direction.
Q. And that fight occurred afterwards?
A. Afterwards; yes, sir.
Q. What did you gather to be the result of the fight he had in Pinar del Rio—what did you find out or gather to be the result of it?
A. Well, I asked them, you know, what they intended to do in Pinar del Rio, and they said they were just going on, take possession of the principal towns, and Maceo was appointed as commander of that province.
Q. He was assigned in command of the Province of Pinar del Rio and is there now?
A. Yes; he is there.
Q. Well, after that was over they had other battles—that of Bahiahonda?
A. Yes, sir.
Q. Do you know anything about that battle?
A. It was the one where the Alphonse XII Regiment was destroyed. It is reported the whole regiment, about 1,000 soldiers, were destroyed, and but 14 or 15 were left. They threw themselves into the water and got a small boat and went out in the bay, and the current brought them to the city of Habana, which is about 60 miles from that place.
Q. Do you think your information about that is correct, that the whole Spanish battalion was destroyed?
A. Yes, sir.

By Senator DAVIS:

Q. Was it a battalion?
A. Yes, sir; a battalion.

By Senator MORGAN:

Q. Did Maceo capture Pinar del Rio?
A. I do not know. I heard that.
Q. How long did he hold it?
A. I presume he held it about two or three days.
Q. Was this fight you tell about before or after the capture?
A. I think it was before the capture. I know that is true because of this: There was published in the paper that the colonel will be tried by court-martial because he did not go to the point where the regiment was.
Q. That is another column?
A. That is another column; yes, sir.
Q. Did you see Gomez when you were out there? When did you see him last?
A. About two months ago.
Q. Where did you see him?
A. I saw him in the Province of Habana.
Q. How far from the city of Habana?
A. I saw him in Bainoa.
Q. How far from Habana?
A. About 35 miles.
Q. Did he have his forces with him?
A. Yes, sir; an immense force.
Q. How many thousands do you suppose?
A. I think he had about 10,000 men.
Q. What was the condition of his health?
A. Pretty good. He had only a little abscess on one of his legs from an old wound, but he has recovered from that and is all right.
Q. He is an old man, is he?
A. He is an old man, about 72 years of age.
Q. Did you talk with him?
A. Yes, sir; he asked me several questions and I answered.
Q. Did you tell him about the condition of the Spanish forces and all that?
A. No, sir; he knew he had no right to ask such questions as that.
Q. What did you think of the appearance of his army; did they look as if they were strong?
A. Very strong.
Q. Well armed?
A. Well armed and in good health.
Q. Have you been personally with any other army in Cuba?
A. Yes, sir; Mr. Aguirre's.

By Senator DAVIS:

Q. When?
A. Just two weeks before they put me in prison.
Q. When did you leave Cuba? Give me the date.
A. I think it was before the 1st of May.
Q. How long before?
A. Just a day or two.
Q. Now, how long was it before you were arrested that you saw the force of Aguirre you mentioned?
A. Fifteen days.

By Senator MORGAN:

Q. Where did you find Aguirre?
A. They found me. I was down there attending a man. While I was amputating his arm the insurgent forces came around the little tent I had for that purpose, and while I was operating I found myself among the insurgents; and he came there and just looked at what I had been doing and kept everybody away and did not molest us at all.
Q. You were not in his camp then?
A. No, sir.
Q. Did you talk with Aguirre?
A. After I got through with the operation; yes, sir.
Q. Did he speak of his affairs?
A. Yes, sir; and I knew partially of them down there.
Q. You knew the people?
A. Very well; a great many of them had been in my congregation.
Q. Now, what class of people did that army consist of?
A. The best class of young men in Habana, generally.
Q. You mean the Province of Habana?
A. No; the city.
Q. Aguirre's command consists mostly of city boys, does it?
A. Yes, sir.
Q. How many were there?
A. He had at that time about 2,000; that was his escort.
Q. He had others?
A. Oh, yes. He had in the province 10,000 or 15,000 men, scattered all over the Province of Habana in different camps.
Q. Now, what kind of people did the army of Maceo appear to be?
A. Very fine people, too; white people; doctors, lawyers, druggists.
Q. Intelligent people?
A. Intelligent people.

By Senator DAVIS:

Q. What kind of people were the private soldiers in Maceo's army?
A. Well, they have some colored people, too—many—and they have some of these intelligent people as private soldiers, a great many of them people who do not want any rank; just wanted to be soldiers, just to do that in the democratic line to encourage others.

By Senator MORGAN:

Q. Now, these people you saw in Gomez's army, did they appear to be men who were farmers and persons living in the country—respectable people?
A. Yes, sir.
Q. White people?
A. Yes, sir; as well as negroes.
Q. Was that the case in Aguirre's army, too?
A. Well, Aguirre had more white people.

By Senator DAVIS:

Q. What proportion of negroes and whites in Maceo's army?
A. Well, one-third negroes.
Q. Are the negroes and whites in separate companies and regiments, or are they all mixed up together?
A. Well, I do not know very well, but, as I say, they mingled.
Q. In the same organization?
A. The same organization.

By Senator MORGAN:

Q. Now, in traveling there, did you go to Cubitos?
A. No, sir; my organization did not reach as far as that.
Q. How far is that from Habana?
A. Cubitos is in the central part of the island. It is in the Province of Camaguay.
Q. It is up in the mountains, is it?
A. Yes, sir.
Q. Do you know Mr. Cisneros?
A. Yes, sir.
Q. Do you know where he was?
A. Yes, sir; I know where he was. Cisneros has about twenty of the princi-

A. Yes; and I organized a Baptist hospital for the poor. I organized seven free schools, where we have over 1,500 children; we educate them; and also

in order that they might approve it, and so they did. They approved it, and the second article says we have the right to constitute neutral camps in or-

pal men of the city of Habana with him. I inquired for him and was told he was at that place, Cubitos.

Q. That is his capital?

A. That is his capital.

Q. Is that a place of difficult access?

A. Very difficult. Bartolo Masso is the general up there, with about 10,000 men to protect the government.

Q. Now, I understand that the military arrangement among the Cubans is that a general is assigned to certain provinces?

A. Yes, sir.

Q. Maceo to Pinar del Rio?

A. Yes, sir. Aguirre to Habana, Sanchez to Santa Clara, Roloff to Santo Espiritu, and Calisto in Camaguay; and then in the eastern part of the island is José Maceo.

Q. So that is the military disposition?

A. Yes, sir; men command generally in the province, and then they have subdivisions. They have, for instance, brigades in each province.

By Senator DAVIS:

Q. Gomez is commander in chief over all?

A. Yes, sir.

By Senator MORGAN:

Q. And that is the military organization?

A. Yes, sir.

Q. Let us know something about the civil organization. Did you meet any civil officers?

A. Yes, sir; Mr. Portuondo.

Q. What is his office?

A. He is secretary of the interior.

Q. He belongs to the general government of the Cuban Republic?

A. Yes, sir.

Q. I want you to speak of the local officers, the prefects and subprefects. Do you know anything about them?

A. Yes, sir.

Q. What is a prefect?

A. He is the man in charge to find supplies for the families of insurgents in every place there.

Q. Sort of a commissary?

A. Yes, sir; if the families need something to eat, for instance, he brings food, cattle, etc.

Q. Takes care of the families of the men in the army?

A. Yes, sir; and if the men are sick or wounded, the prefects take care of them.

Q. They take care of the sick and wounded and subprefects have smaller districts?

A. They have smaller districts.

Q. Now, who are the tax collectors there?

A. There are tax collectors, too; I know, personally, Mr. Menocal.

Q. A cousin of our Menocal here?

A. A brother, I think.

Q. Is he a tax collector?

A. Yes; they divide themselves into different places and collect all the revenue.

Q. Do they collect revenue from the people?

A. Oh, yes. Sometimes they have no place to put the money. Sometimes Gomez has mules loaded with money—going from one place to another with money.

By Senator DAVIS:

Q. Do they collect supplies in kind?

A. The prefects do; but these are the tax collectors.

By Senator MORGAN:

Q. Do the people of Cuba voluntarily and freely pay taxes to the Cuban government, or are they forced to do it?

A. No, sir; they freely do it. They pay taxes where the Cubans have no control over it.

By Senator DAVIS:

Q. Now, over this territory, have the Spanish any tax collectors?

A. Not one.

By Senator MORGAN:

Q. Have they any judges?

A. Not one.

By Senator DAVIS:

Q. Any civil officers at all?

A. No. In the larger towns is the only place. In the smaller places they have nothing of the kind—no mayors, no aldermen.

By Senator MORGAN:

Q. Do these various civil officers have offices in any one place, or are they roving around?

A. No; they are roving around.

Q. Have they established headquarters?

A. Well, sometimes they do for one, two, or three months, and then they move around. That depends on the persecution of the Spanish.

By Senator DAVIS:

Q. Do they keep records or written accounts.

A. Yes, sir.

By Senator MORGAN:

Q. Now, how are the mass of the Cuban army received by the population living in the towns in the country? Are they received cordially or as enemies?

A. Every time they approach any town all the people come out with flags and welcome them. That is natural. The majority of those boys belong in those cities. They can not be received in any other way.

Q. How do they receive the Spanish, on the other hand?

A. Well, there is great excitement when the Spanish troops approach the cities. The people are afraid, and they do not feel safe, because they know the Spanish come in and sack the towns and break the houses and take possession of them, and violate women, and do horrible things. Of course, the people age scared. The soldiers take possession. I saw this case in Managua: Soldiers took possession of a house; the ladies screamed out, and the soldiers commenced to search the bureaus and everything there, and the men came and reported that there were some soldiers sacking that house, and the men said, "I can not say a word about it, because they are all officers."

Q. Did you see this yourself?

A. I saw that myself; I was there.

Q. Did they offer any violence to women?

A. Well, the women ran away. I do not know what became of them. I was sitting there with my brother in the drug store when these things occurred.

Q. Now, you have described how the armies of both contending parties are received by the people of the country.

A. Yes, sir.

Q. Is your description of that true as far as you know? Without any specification, is it true generally?

A. Yes, sir.

Q. It is generally true?

A. Yes, sir.

Q. Do you know of a town or village in Cuba where you could say that the people were hostile to the Cuban cause?

A. Natives?

Q. Yes.

A. Not one. The whole country has risen up in arms—men, women, and children.

Q. So you regard the attitude or situation with the Cuban people as being one of general hostility to Spain?

A. Yes, sir.

Q. And is that hostility intense?

A. Past expression. One day I heard General Rui say, "Everything here is against us. The air we breathe is against the Spanish people in Cuba."

Q. How do these Cuban armies maintain themselves; upon what do they subsist, and how do they get it?

A. Well, they use goats and chickens, and all the tropical fruits, and yams and sweet potatoes, and things that grow wild, and in some places farmers plant for the insurgents; so they never trouble themselves about what to eat.

Q. They have an abundance?

A. Yes, sir.

Q. How long do you think the country can stand that? Will it wear out, and after a while the people starve?

A. No; people who live in the country are all right. They can stay there for twenty years if they want to, with plenty to eat. Now the misery is among the people of the cities.

Q. Why?

A. Because they have no resources. They have no money or anything, and insurgents are not allowed to grow anything in cities where the Spanish troops are, and they have nothing to eat.

Q. They are in a starving condition?

A. Yes, sir.

Q. About the destruction of the crops there; has it been very extensive; that is, the sugar cane?

A. Very.

Q. Is the Cuban army alone responsible for that destruction?

A. Not the Cuban army alone. The Spaniards do that, too. They set on fire the sugar plantations of Mr. Delgado and others. Part of the city of Managua has been destroyed by the Cubans and the other part has been destroyed by the Spanish troops.

Q. What for?

A. Well, the mayor of that town, Mr. Christo, is a lawyer. They had a battle and 75 houses were burned, and in a month or two Mr. Christo, the mayor, joined the rebels; and he is a wealthy man, for he has different houses and plantations, and so forth, down there. As soon as he went with the rebel army the Spanish troops set on fire all the houses owned by him. So that part is destroyed by the Spaniards and part by the Cubans.

Q. Is sugar cane an element of subsistence among the Cubans and their horses?

A. Yes, sir.

Q. Now, I want to ask you something about the condition of this Spanish army and Cuban army as to diseases. You have yellow fever in Cuba?

A. Yes, sir.

Q. Does it attack the Cubans?

A. No, sir; not a bit.

Q. Why not?

A. Because they are acclimated.

Q. Does it attack the Spaniards?

A. Oh, yes; fearfully.

Q. Now, take a body of 1,000 soldiers in the season, how many would you expect to find sick out of that number?

A. Nearly all of them.

Q. As much as that?

A. Yes; nearly all of them. Nearly all get sick, and about 50 or 60 per cent will die.

Q. You do not mean they all get yellow fever?

A. Yes; that is the principal thing, and dysentery.

Q. And what else?

A. Ulcers.

Q. I wish you would describe those ulcers. Are they syphilitic?

A. Yes, sir; in many cases they are syphilitic.

Q. How is the large majority of cases; is that so?

A. Yes, sir.

Q. State what is the extent of that disease among the Spanish soldiers?

A. Well, nearly about 60 or 70 per cent.

Q. They get sick in that way?

A. Yes, sir.

By Senator DAVIS:

Q. Infected with syphilis?

A. Yes, sir; but they are corrupt people, you know.

Q. Do they bring it with them from Spain or acquire it in the island?

A. Well, they bring it from Spain and acquire it in the island, too, because this is the custom they have; they do not do it now. As soon as they landed they put their guns to one side to have a good time and hunt for women, and of course with that kind of women you know in what condition they are generally.

By Senator MORGAN:

Q. What is your opinion as to the number of Spanish troops now in Cuba?

A. I think they have in Cuba only about 70,000 or 80,000 soldiers. I do not think they have more than that.

Q. How many have come there since this war broke out?

A. Nearly 150,000 or 180,000.

Q. What has become of the balance of them?

A. Well, a great many of them have been killed, and many of them have joined the rebels.

Q. Joined the rebels?

A. A great many of them; yes, sir.

Q. Well, how about those who have died in the hospitals from disease?

A. Yes, some have died of disease.

Q. What proportion of the people who have been lost—would you say that half or more than half have died of disease or battles?

A. Well, not many in battles; more of disease than of battles. The difficulty with the Spanish soldiers is that when they are brought from Spain and reach Cuba they are not allowed to speak to anybody. They have a guard, and as soon as soldiers are landed they are sent to the interior in order that they shall not speak to anyone. The Spanish people in Spain deceive these young men—tell them they are going to fight negroes, etc. The

officers are not real officers, but sergeants made captains and corporals and privates made lieutenants. That is the kind of soldiers they have in Cuba, showing they do not know what kind of men they are to meet. They are told that all the Cuban army is negroes, and here they find them white, and hear hurrahing for freedom and for republicanism, and say, "Well, I am a republican myself. If I had known that, I would not fight against them."

By Senator DAVIS:

Q. Were you expelled from the Island of Cuba?

A. Yes, sir.

Q. Why?

A. By the Spanish authorities, Mr. Weyler.

Q. When?

A. On the 30th day of last April.

Q. What reason did he give for expelling you?

A. I do not know yet.

Q. Did any of your fellow-missionaries leave about the same time?

A. They left before me.

Q. How many of them?

A. Three ministers.

Q. How many from all the missions?

A. The others, about six or seven.

Q. Now, after you and the other missionaries and the ministers left what became of the church and hospital property?

A. All has been abandoned.

Q. Do you know who has taken possession of it?

A. Yes; some of the members have taken possession of it.

Q. Have the Spanish authorities taken possession of the church?

A. Not that I know of.

Q. Have the other churches and denominations got hospitals in Cuba?

A. Yes; the Episcopalians have them.

Q. Have they been disturbed?

A. Yes, sir.

Q. Has the Episcopalian minister been disturbed?

A. I do not know.

Q. He left?

A. Oh, yes; he left. The general agent of the American Bible Society, Dr. McKean, left the Island of Cuba, too.

Q. Was he expelled?

A. I do not know. They disappear; that is all we know.

Q. What is said to be called the capital of the insurgents?

A. Cubitos.

Q. Is that the seat of government of the insurgents?

A. Yes, sir.

Q. Who is the president?

A. Cisneros.

Q. Where does he hold his office—perform his duties?

A. Right there in Cubitos.

Q. For how long a time has he performed those duties at that place?

A. Well, I think for ten months.

Q. Has he ever been disturbed or fled from the city since that time?

A. No, sir.

Q. Has he a cabinet?

A. Yes, sir.

Q. Who is the minister of foreign relations?

A. Mr. Palma, I think.

Q. Who is minister of the interior?

A. Mr. Portuondo.

Q. Who is the minister of justice?

A. Well, I may know the name but do not recall it.

Q. Well, is there a minister of justice there?

A. Oh, yes; I know they have a cabinet there.

Q. Any more ministers?

A. Yes; they have two or three more.

Q. Now, do those gentlemen, except Palma, live in Cubitos?

A. All there.

Q. Performing their duties?

A. Yes, sir.

Q. Have they ever been disturbed?

A. No, sir.

Q. Have they a legislative assembly?

A. Well, they had one about a year ago when they appointed Cisneros.

Q. Has there been any session since?

A. I do not know whether they have had any session recently.

Q. Have they a printing press?

A. Yes; they have a printing press there. I say they have, because I saw a paper that was published up there. The name of the paper was Cuba.

Q. Is it an organ of the insurgents?

A. Yes; it is an organ of the insurgents.

Q. Is it printed regularly?

A. I do not know. I only saw a copy.

By Senator MORGAN:

Q. Have they a post-office department?

A. Yes; a postmaster-general.

Q. And postage stamps?

A. And postage stamps.

By Senator DAVIS:

Q. How do they carry the mail over the island?

A. Well, they have their own means to carry letters.

Q. In cases of battles do the Spanish troops give quarter or do they take prisoners?

A. In a great many cases they do not give quarter.

Q. How about the insurgents; do they give quarter or take prisoners?

A. Yes; they give quarter and take prisoners and give them an invitation to join the rebel army. If they do not accept it they give them parole.

Q. What do the Spaniards do with the prisoners they take?

A. Kill them.

Q. Is that a universal practice?

A. Yes, sir; universal practice.

Q. Do you mean to say the Spanish butcher their prisoners?

A. Yes, sir.

Q. Universally?

A. Universally; yes, sir.

Q. Are any women fighting in the insurgent ranks?

A. No; they do not fight, but they are with the soldiers, because they are wives or relatives or something, and join the ranks.

Q. What do the Spaniards do with the women when they catch them?

A. Kill them.

Q. Do you mean to say they kill them the same as men?

A. They kill them; yes, sir.

Q. What do they do with the children?

A. Kill them.

Q. Do you mean that to the full extent of what you say, that they kill men, women, and children?

A. Yes, sir.

Q. How do soldiers treat women when they catch them?

A. Oh, insult them.

Q. Do you mean by "insult them" they ravish them; do you know anything of that kind?

A. Yes, sir.

Q. Now, these statements you have made impress me very seriously, and I want to be certain. Am I to understand that in case of an engagement the Spanish troops give no quarter, and that either then or after the engagement they kill every insurgent, man, woman, and child?

A. Well, not the insurgents, because they never have that chance and could not.

Q. No, not the insurgents, but I ask if the Spanish troops do that?

A. They do not do that to the insurgents, because the insurgents never allow them to do that; but the general rule is when they have a battle the insurgents retire and the Spanish troops come in, and any person they find in the neighborhood they kill—men, women, and children, noncombatants.

By Senator MORGAN:

Q. When you were taken as a prisoner you were taken by General Weyler's order, were you—you and your brother?

A. Yes, sir.

Q. You were confined in a house?

A. Yes, sir; we were isolated.

Q. I know; but you were confined in a house?

A. Yes, sir.

Q. How long?

A. Eight days.

Q. During that time were any charges at all presented against you?

A. No, sir; not one.

Q. Did you demand charges?

A. Yes, sir.

Q. Well, are you an American citizen?

A. Yes, sir.

Q. Fully naturalized?

A. Yes, sir.

Q. Got your papers and all?

A. Yes, sir.

Q. How long ago did that take place?

A. About thirteen years.

Q. And you have been known as an American citizen since you have been in Cuba?

A. Oh, yes.

Q. Did Weyler allow you to have any communication with the American consul?

A. No, sir.

Q. He refused it?

A. Yes, sir.

Q. You desired it and he refused?

A. Yes, sir.

Q. And no charges were made against you?

A. No, sir.

Q. Were you required to make a declaration?

A. Yes, sir; they asked me two or three different questions.

Q. And after that, did they release you?

A. Yes, sir.

Q. How long after that?

A. Twenty-four hours, I think.

Q. Then you were ordered to leave?

A. Yes, sir.

Q. Leaving on the next steamer?

A. Yes, sir.

Q. And you brought your wife and family with you?

A. Yes, sir.

Q. How many children have you?

A. Two children.

Q. Do the Cubans get any arms and amunition from the villages or people?

A. Yes, they get them from Habana.

Q. How do they get them?

A. Exactly, I do not know the way they manage it, but I know they get all they need. I heard the people talk about that.

Q. The people supply them, of course?

A. Yes, sir.

Q. Do you know whether there is any order of the Spanish Government to prevent the landing of arms or munitions of war?

A. They do not allow any sale of arms in the city of Habana. You do not find in any store any rifles or any of those hunting guns. You do not find anything of that kind in the city of Habana.

Q. The sale of them is prohibited?

A. Yes; as contraband of war. And now I hear the later report is they consider corn as a contraband of war, too.

Q. Well, you raise corn in plenty in the interior of Cuba, do you not?

A. Yes, sir.

Q. How many crops of corn can you raise in a year in the interior of Cuba?

A. Well, horses are contraband of war, too, and the people of Cuba can not have horses. They have to give all the horses to the Government as contraband of war; and now corn is a contraband of war, too. The trade of Habana has been wretched. They have no trade. All grocery stores are empty; nobody spends a single cent in any store. They have no money, and the Spanish people have been going away from the Island of Cuba.

Q. Do you have any paper money at all in Cuba?

A. No, sir; they have silver and copper and gold. I believe the Spanish people in Cuba—those in business—are all in favor of the rebellion, because if the Spanish Government takes possession of the island again they will have to pay the last debt and this additional debt. They have to pay about $35,000 a day, and this is the interest of the debt; but they do not know how much the debt is. They call it $35,000 a day, and every day. They get it from the custom-house.

Senator MORGAN. Now I will read this paper to you.

Senator MORGAN read the paper, as follows:

"To the honorable Chairman of the Foreign Relations Committee,
United States Senate:

"DEAR SIR: On the 12th day of September, 1895, I received authority from the inspector-general to organize and maintain sanitary delegations at different points throughout the Island of Cuba. I have now in my possession the original copy of said certificate of permission, signed officially.

"The by-laws were approved on November 18, 1895, copy of which I hand you herewith. I would call special attention to article 2 of chapter 1, by which it will be seen I was permitted to constitute neutral camps.

"I, with some other doctors and Christian people, some of whom were

American citizens, organized the White Cross, in conformity with said by-laws.

"While General Campos was in command the rules of civilized warfare were strictly enforced by his orders.

"After General Weyler assumed command we were summoned before him and instructed not to treat or otherwise care for sick and wounded among the soldiers of the insurgents, as we had been permitted to do under the administration of General Campos.

"Since the time General Weyler has been in command we have treated about 700 Spanish soldiers, each case being reported to him, at a cost to us of about $5,000, and before he assumed command we had treated about 1,300 Spanish soldiers.

"During the time General Campos was in command our delegations treated the sick and wounded of both the insurgents and the Spanish alike.

"During the prosecution of this work I have been a great deal out on the fields and have had good opportunities of making observations of the practices and character of the warfare of both armies.

"I have seen the general order issued by Gen. Maximo Gomez, directing that all prisoners captured from the Spanish army should be treated with proper consideration. That first they should be disarmed, then offered an opportunity to join the insurgent ranks. If they declined to do this voluntarily then they must be released without parole and escorted to some point of safety. The same order further directed that Spanish prisoners who were either sick or wounded should be nursed and carefully treated until well when, if they do not desire, voluntarily, to join the insurgent ranks, they must be released and conveyed under military escort to a point of safety. It was also ordered by General Gomez that no women should be molested or interfered with by any insurgent soldiers under penalty of death.

"Those entire general orders are now in force and have been since the beginning of the insurrection. They are very positive and severe penalties are provided for their violation.

"From my personal observation I know these orders have been strictly enforced. I know of one instance where, in the town of Jamaica, an insurgent soldier violated these orders by laying his hands upon a woman with criminal intent. For this offense he was ordered to be shot, and I saw his body after he had been executed.

"I have personal knowledge of this order in regard to the release of prisoners having been complied with.

"At Peralego I saw General Maceo return to General Campos, at Ballamo, about 150 prisoners, and at Camaguani I saw Rego return to the Spanish authorities 100 prisoners.

"I have also had opportunities for observing the methods of warfare and cruelties practiced by General Weyler. It is well known to the residents of Cuba that his record is one of cruelty and blood. I can substantiate the following incidents which have come under my own observation:

"At Menocol farm, near Managua, on the 3d day of February, 1896, I was called to attend a woman who had been shot, the bullet entering her shoulder and ranging down her spinal column. I saw her at 4 p. m. The circumstances as related to me by her husband were as follows:

"He was engaged plowing near his own home and the woman, his wife, was in the field with him dropping the seed. As soon as the Spanish soldiers, under command of General Ruiz, approached in view, they (the Spanish soldiers) commenced firing. Both the husband and wife lay down on the ground, and in that position she was shot. As the husband was lying down he held a small limb of a tree; this was struck with one of the shots. I treated the wound. They were noncombatants, unarmed, and pursuing their legitimate vocation in their own field; their only offense was that they were Cubans. There were at the time no insurgents within 20 miles of them.

"On February 22, 1896, I was present at the city of Punta Braba, where a battle was fought between the insurgents and the Spanish under command of Captain Calvo. The insurgents retreated. The Spanish troops then went to Guatao, a suburb about 2 miles distant. The insurgents were not there and had not been there. The Spanish soldiers at once commenced to shoot private citizens indiscriminately on the streets or in their houses, wherever they found them, until they had killed six or seven men (noncombatants).

"The soldiers then went into different homes and gathered together 17 men; they tied these together two and two, binding their hands and arms together. Among the number was Mr. Ladislao Quintero, an American citizen, who they found in his own home, sick in bed. He informed the captain that he was an American citizen and protested against being molested. Captain Calvo said he wanted him, too, and forced him to go, bound with the others. When they were all tied they were taken out together on the street and commanded to kneel down. After they had done so, then the whole company fired on them by command of the captain. The whole of the 17 were killed, except Mr. Quintero. He was wounded in the left arm and the man to whom he was tied was killed with all the others. This all occurred at 7.30 p. m., on February 22, in the immediate presence of the wives and children of the unfortunate men. Mr. Quintero was about 21 years of age, born in Key West, Fla. The man to whom he was tied, Mr. Pedro Amador, was 17 years of age.

"Mr. Pedro Amador was not killed by the gunshot wound he received, but one of the Spanish soldiers stepped forward to his prostrate body and beat him to death with the butt end of his gun while he was still tied to Mr. Quintero, the American citizen. I was present and saw this entire proceeding. When I returned to Habana I learned that Mr. Quintero was in Morro Castle, a prisoner, where he remained until April 11, without having his wound dressed. On April 11 he was released.

"I am informed by persons in Habana, who have been prisoners in Morro Castle, that there are in this prison as many as 100 prisoners confined in one small room. That in the morning they are furnished with only three pails of water. This is generally used up by 11 o'clock a. m., and they are not allowed any more until the following morning.

"In the case of Mr. Edward Delgado, from Banao, an American citizen who has a claim against the Spanish Government, his papers being on file in the Department of State at Washington, you will find by reference thereto that I was the physician who certified to his wounds. I am familiar with this case, and it is a very aggravated case of extreme cruelty to a private American citizen at his own home without provocation.

"The following is only a few of the many cruel incidents that have occurred while I was present:

"When the military courts inflicted the sentence of perpetual imprisonment in the cases of Messrs. Sabourin, Garcia, and others the captain-general protested against their leniency and asked for the infliction of the death penalty.

"On the 12th of March I was called by the sanitary delegation of our society in the town of Calvario for the purpose of attending to the case of a young man of 19 years, who was wounded in the peaceful pursuit of his business—that of a milk dealer. He was driving into the town in his milk cart when two soldiers fired on him from an ambush without any warning, breaking his right leg.

"I assisted in carrying the man to his home, and then made an examination of his wound and found that the bones of his leg had been fractured in such a manner that amputation was necessary. I found that the bullet used was an explosive one made as follows: An outside covering of copper filled with lead, which results in the copper covering flattening against the lead and scattering it in such a manner as to destroy all surrounding tissues and compound the fractures of the bones.

"On the 13th of March, at the corner of Reina and Aguila streets, Habana, I found a crowd collected around a prostrate man, and, as a member of the White Cross Society, I proceeded to tender him whatever aid was necessary. I found the man dead, and counted and made an examination of his wounds. He had 71 bayonet wounds, 7 of which were through the heart and several through the eyes. He also had 4 cuts with the machete on the head, the skull being fractured into small pieces. The ferocity of the soldiers was also shown by the marks in the sidewalk made by the point of the bayonet after having passed through the prostrate form of the man. The cause of the killing was as follows: The murdered man was in a dry goods store purchasing cloth when two soldiers entered and, after insulting the proprietor, took this man out and killed him in the manner related, saying he was an insurgent. The man had no arms whatever on his person and could not, therefore, defend himself in any way. I wrote out a statement of his wounds and gave it to the judge in the case, who holds a position similar to that of coroner in this country.

"On the 14th of the same month I, as vice-president of the White Cross Society, received a report from the town of Artemisa, telling me that the Spanish troops under Gen. Suarez Inclan had bombarded an insurgent hospital, killing over 50 wounded men who were receiving treatment there, and that the surgeon had been compelled to flee to Habana hidden in a cart. Upon his arrival in Habana he confirmed the report made to me. In Artemisa the ladies of our society had two hospitals, one for wounded Spaniards and one for wounded Cubans, the latter being the one bombarded, as told. The insurgent forces have entered the town of Artemisa several times, but have never disturbed the Spanish hospital, although they could have easily done so if they wished.

"Another insurgent hospital in the town of Paso Real, Province of Pinar Del Rio, was also destroyed by the Spaniards, killing all the wounded inmates. It is reported that at the time of destruction there were about 200 wounded Cubans in it.

"The same thing was done with another hospital in Siguanea, Province of Santa Clara.

"Notwithstanding the proclamation of the captain-general that all those surrendering would be pardoned, Mr. Aleman, who surrendered, and who also had a wound in the hand, was shot a few days later on the plea that his wound showed that he had been fighting.

"In the woman's jail in Habana there is a lady who has been imprisoned for the last six months solely because she is suspected of being in sympathy with the insurgents' cause and because she has two brothers in the insurgent army. There are imprisoned as rebel sympathizers several children, the age of the youngest being 11 years.

"When an armed force approaches any of the interior towns there is great excitement and consternation until it is ascertained whether they are Spanish troops or insurgent forces. If insurgent forces, there is immediate tranquillity, as they do not destroy anything unless there are Spanish forces located there. But if the approaching troops turn out to be Spanish forces there is great confusion and fear, as the Spaniards not only sack the town but steal all they desire and also take all detachable woodwork to be used in building their huts. They destroy everything that comes in their way, take complete possession of the houses, violate women in many cases, and commit nuisances in the middle of the streets. They claim to go into the towns for the purpose of defending them against the insurgents, but on the approach of the latter they take refuge in the houses and do not come out until the town is set fire to by the insurgents for the purpose of driving them out. I have personally seen all this in more than ten cases.

"On the 13th of March I went to the town of Caimito for the purpose of leaving medicines, bandages, etc. On arriving there I was informed that there were two wounded children at the farm known as 'Saladriga.' I went to their assistance, but found they had already received medical treatment. The eldest of these was 1 year and 6 months old, and had suffered a fracture of the right arm caused by a bullet wound. The other was 3 months old, and had suffered a fracture of the lower jaw from a similar cause. I was informed that 2 miles from this place the insurgents had attacked a troop-laden train without success. The Spanish troops left the train to reconnoiter, and took the road on which the insurgents had passed. On this road lived the mother of these two children. Fearing that some harm might befall them, she decided to seek shelter elsewhere. Upon her appearance at the door with two children in her arms she was fired at with the above results. These Spanish troops were under Commander Calixto Ruiz.

"On the 19th of March I went with my brother Alfred to the town of Bainoa for the purpose of attending to Mr. Veranacio Pino, 70 years of age, who was wounded at the same time as Mr. Delgado. I found that he had several slight bullet wounds in the head, but his right arm had been horribly fractured, necessitating amputation at the shoulder joint. The bone had been fractured into many pieces, and was caused by a bullet similar to the one in the case of the milk dealer spoken of before.

"On the 8th of April, at the farms near the town of Campo Florida, the Spanish troop under Commander Fondevilla, assassinated Mr. Ramon Castellanos, 19 years of age; Joaquin Medina, 14 years old; José J. Ochoa, 30 years, and a schoolmaster 35 years of age; Domingo Luzans, 36 years; Margarito Zarza, 50 years; Camilo Cejas, 40 years old; Jose Valdes, 14 years old; Manuel Martinez, 40 years old. These were buried at a point between the sugar estate of Tivo Tivo and the town, the Spaniards forcing the victims to dig their own graves before murdering them.

"For the purpose of brevity I will give the number of noncombatants assassinated each day. I have the names and can furnish them if required.

"On the 9th of April, 4.

"On the 15th, between Campo Florida and the sugar estate of Felicia, 10, whose corpses were left without interment.

"On the same day, on the road between Guanabacoa and Bacuranao, 5 persons, 2 of whom were cousins of mine.

"Over 100 persons were shot within a radius of 10 miles and not distant more than 6 miles from Habana, and within a period of fifteen days.

"All of these were noncombatants.

"The case against Julio Sanguilly, the imprisoned American citizen, is purposely delayed, so as to keep him incarcerated.

"In the case of my brother and myself, we were persecuted for the reason that we were American citizens and had charge of American church institutions in Habana.

"During the excitement attending the passage of the belligerency resolutions in Congress two dynamite bombs were placed in the church and exploded while we were holding service, but only resulted in the breaking of glass and causing a panic in the congregation. Our house was searched, but nothing incriminating was found, but we were arrested and imprisoned eight days, being released on the condition that we leave Cuba immediately. I would say that no charges were made against us. We immediately left Cuba.

"Mr. Toledo, an American citizen employed as a Bible distributor by the American Bible Society, was imprisoned in the town of Jaruco, and has mysteriously disappeared, and it is believed that he has been murdered.

"My brother and I are here for the purpose of laying these facts before

your committee and to urge the honorable Senate to either recognize the belligerency of the Cubans or to have the United States intervene for the sake of humanity and civilization. Those are the only methods of putting a stop to these frightful barbarities.

"Yours, respectfully, "A. J. DIAZ."

Senator MORGAN. Do you swear to all that?

A. Yes, sir.

Senator MORGAN. Then please sign it.

The witness then signed the paper.

Mr. MORGAN. I have concluded my remarks. I know very well that at this session, which is about to draw to a close or fall to pieces, I do not know which to call it, the question that concerns the people of the United States so much must be left in the hands only of the Executive. I have no means of forecasting what the Executive action is going to be. I have, however, some convictions as to the powers of the Executive which I think entirely proper to advert to for a moment. I believe that the Executive has the right to recognize the independence of a foreign country, because that is a diplomatic duty. That does not establish independence, but it merely commits our Government to the foreign government in the light that it will exchange with that Government diplomatic relations. Of course he can appoint an ambassador or minister to such government after he has recognized it, but that appointment has to be ratified by the Senate before it is valid. Of course he must get his supplies to support the legation from the consent of the Congress of the United States. So that after all the action of the President in his constitutional function is not entirely independent of the Congress of the United States, even in matters that may be called strictly diplomatic, except so far as he conducts diplomatic correspondence with foreign governments, and with that we have not any right to interfere unless we first get his consent.

The other day I made the point here that under the statute the President of the United States was compelled (section 2001 of the Revised Statutes) to furnish information to the Congress of the United States as soon as possible or as soon as practicable, I believe is the language of the statute, of such instances as have occurred in the case of the *Competitor*, where some of our citizens have been arrested and have been tried by Spanish military court-martial in what they call a time of peace—we know it is a time of war—and have been condemned to death. Those citizens are still in jail, and among the letters that I put into the RECORD is one from one of those men now in jail, certainly a very bright and intelligent man. He went out for the purpose of being the correspondent of a newspaper, and I should say from the way he writes that he is most admirably qualified for that duty.

I have here a letter from Gen. Bradley T. Johnson, who has recently gone to Cuba. I do not know that he went in company with General Lee, but he went about the same time. I will read an extract from what he says in his letter as special correspondent of the Philadelphia Press, dated Habana, June 1, and Key West, June 4, sent by telegraph, I suppose, although I do not know. He says:

UNDERSTANDING WITH SPAIN.

It is reported from Madrid, and generally believed, that the United States and Spain have arrived at an understanding—that the former shall intervene and induce Gomez and Maceo and the Cuban Republic to lay down their arms and accept autonomy on the basis of peace, the United States to be paid for this service with a reciprocity treaty with Cuba, free government in Cuba, and free trade with the United States.

If this is so, Mr. Dupuy de Lôme will have proved himself an able and skillful diplomatist. He has pulled the wool over the eyes of Mr. Olney and made a catspaw of Mr. Cleveland. If the President succeeds in inducing the rebels to lay down their arms on the promise of autonomy, he will deliver them bucked and gagged into the hands of Spain, when home rule will be carried out as was the amnesty of Charles II, after the Restoration, when the amnesty was executed by executing the amnestied.

If, on the other hand, autonomy is refused by the Cubans, the United States will refuse to have anything further to do with them. It is "heads I win, tails you lose," and Mr. de Lôme stands winner in either event.

But the thirty pieces of silver to be paid to the United States for her services will turn into copper. Cuba will produce nothing. It will be a howling wilderness, and she will not be able to buy from the United States, and reciprocity will be a sham, a delusion, and a snare. She will be taxed to her shirt, and have nothing wherewith to buy of the United States. Home rule is impossible.

Spain charges $400,000,000 debt to Cuba—all colonial expenses of the Philippine war, of the last ten years' wars, and of this war. This debt is represented by bonds known as Cuban bonds at 6 per cent, generally held in France and Amsterdam.

SPANISH HOME RULE.

The basis of Spanish home rule must be that Cuba shall pay this debt, $24,000,000 per annum interest to be paid by 1,000,000 whites and half a million blacks. Taxation will necessarily fall on the working men and industrial classes, and the Spanish tariff will raise $24 per capita for every white man, woman, and child on the island; an average family will pay $120 per annum, or two hundred and forty days' wages every year. Two-thirds of the workers' lives will be spent in laboring to pay the Spanish debt.

It is impracticable, it is impossible, it is cruel to load an innocent people and unborn generations with such a burden. The Cubans did not spend the money. It was spent by the Spanish Government. It may be good colonial policy; it is against human nature for colonists to enjoy it. The Cuban Republic has threatened death to anyone who proposes peace on any other terms than that of independence, and Gomez and Maceo are said to have shot men for advocating autonomy. It is, then, interesting to see the flag of truce under which Mr. Cleveland's sword of Joab shall be carried.

AS THE WAR GOES ON.

The war drags along. The captain-general has revoked his embargo on American-owned tobacco, but no tobacco has been planted, and in a year Cuban cigars will be doubled in price. It will be a good thing for Connecticut and Pennsylvania wrappers. The two parties intend that neither shall have the island. They will make it a mass of ruins and a place of waiting, so that nothing shall be left for the conqueror whoever he may be.

Men are killed every day—women, sometimes, too; and the Government at Washington is searching law books to find out a definition of war. It is like the Confederate general at Malvern Hill, who, after 300 guns had been thundering for hours and shaking heaven and earth, turned to his adjutant-general and said in the simplest way—he was deaf as a post—"Major, do you hear anything; I think I hear a noise."

The policy of the Spanish here will be to throw dust in Lee's eyes. I forward a genuine circular of Maceo. It has his autograph. He commands the Cuban troops in Pinar del Rio, the western province of the island. The circular explains itself:

"Republic of Cuba, Invading Army, Second Division, Circular No. 710.

"Being informed of the down spiritedness known to exist in the royal ranks owing to the American intervention in our political affairs, which will shortly terminate this struggle, and the lack of Spain's means to continue the war between the tyranny and this country's right to be free and constitute itself into an independent republic, I have ordered that chiefs of columns will receive and remunerate the suffering Spanish army soldiers who present themselves to our authorities, armed or unarmed, in assurance that they will be better treated in the liberating army, and a promising future can be offered them and their families. And for the purpose of general knowledge, I herewith draft this instrument.

"A. MACEO.

"LA SOLEDAD, *April 22, 1896.*"

The letter is signed by Bradley T. Johnson.

One word in conclusion. I do not pretend to know whether the statement is true that the President of the United States is endeavoring to enter into negotiations with the Spanish Government or between the Spanish Government and the Cubans for the purpose of establishing Cuban autonomy or for any other purpose. I have no other information about it than such as has come through the newspaper agents and correspondents. Gen. Bradley T. Johnson is a man of too much character to risk his reputation upon a statement that has no merit in it at all, that is merely a conjecture. He speaks of facts that are discussed in Habana, and discussed freely, doubtless, because they would not get to his ears unless they were.

The President of the United States may have it in his mind to interfere between Spain and Cuba as he interfered in the Hawaiian Islands between Liliuokalani and Dole. If he has, I hope he will be influenced by counsels of sufficient wisdom to prevent him from undertaking to compromise the United States or to compromit it. I will use that word, by an unauthorized interference in the affairs of a foreign country. If that is what the President wants to do, and if that is the substitute he offers for the simple recognition of the belligerency of these people, which is our right and I think our clear duty, I regret very much that he can not see this question in the milder light in which I have presented it, and see that our duty in this business, if we are to preserve our record as an honorable nation, must be confined to the protection which we should give to our own citizens, and to the facts that are known to exist in regard to the war in Cuba, and to the declaration of our neutrality between the belligerent powers.

From the beginning to this moment I have never thought of the intervention by the Government of the United States with actual force in any of these affairs until the capture of the *Competitor*. But I can not reconcile it to myself that the young man Melton, who writes this intelligent letter, and his colleague there, another American whose name I can not call for the moment, should be loaded with chains inside of a filthy dungeon where a hundred men are confined in a space not so large as one-fourth of this Chamber and where they get 3 gallons of water per day. I can not reconcile it to myself that the President should withhold those facts from Congress. If he should communicate them to us, Congress can authorize him, as he is not now authorized by law, to proceed to use any force that may be necessary for the purpose of taking these people out of unlawful custody, and when I say unlawful custody I mean any custody that is opposed to the laws of nations.

I regret very much indeed that any state of feeling should exist between the President of the United States and Congress which would forbid him for one moment from coming to us in an open, frank way and laying before us the correspondence in regard to the *Competitor*, so that we may determine whether it is a case in which we ought to authorize the President of the United States even to make war for the release of these people. Without our authority he is forbidden by the statute to take any step of that kind. The statute says he may take any action that he sees proper that does not amount to acts of war. I think we are leaving here under circumstances that really distress the public mind in the United States. If we knew the course that the President intended to pursue, the matter might be very different. I trust in God that all that may occur will be done in such a way that Congress can easily reconcile it to itself to come in and support the Executive arm with all its power.

One thing I deprecate more than any other is that any internal schism upon any question whatever should have the slightest effect upon our unity as a nation. Our foreign affairs should be conducted by every Department of the Government as if it were the will of one man. Notwithstanding the distribution of powers between the different Departments, we ought to unite as one man in all we have to do in respect of foreign governments, with no cross

pulling or reluctance on the part of any Department of the Government to sustain the honor and power and integrity of the country and its flag in all foreign countries. I fear we are getting into such a condition now that the President of the United States will not see proper to confer with Congress unless he should do it as in the case of the Hawaiian Islands, for the purpose of getting out of difficulty into which the country had been thrown.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 1 to the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897.

The message also announced that the House had passed a bill (H. R. 9409) making appropriations to supply deficiencies in appropriations for expenses of the House of Representatives and other purposes for the fiscal year 1896; in which it requested the concurrence of the Senate.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. TELLER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have been unable to agree.

H. M. TELLER,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

WILLIAM W. GROUT,
MAHLON PITNEY,
A. M. DOCKERY,
Managers on the part of the House.

The report was concurred in.

Mr. TELLER. I move that the Senate recede from amendment numbered 201, which is to provide for the transfer of certain District of Columbia funds.

Mr. HILL. What is the amendment?

Mr. SHERMAN. I should like to have the amendment read.

Mr. TELLER. I will read it, if Senators desire it.

Mr. HILL. I should like to know what it is.

Mr. TELLER. I will read it:

Provided, That not exceeding $300,000 of the surplus general revenues of the District of Columbia remaining on the 1st day of July, 1896, shall be transferred to the water fund, to be applied in payment in full of the balance of the principal of the debt incurred for the 48-inch and Fourteenth street water mains, and in part of the principal of the debt incurred for increasing the water supply as provided in the act of July 15, 1882.

When the committee acted upon this matter we were not advised whether there was that amount of money to be transferred. We find there is. Therefore we desire to recede from the amendment.

Mr. COCKRELL. The amendment was to strike out the proviso.

Mr. TELLER. The amendment was to strike it out.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Colorado to recede from amendment numbered 201.

The motion was agreed to.

Mr. TELLER. I move that the Senate further insist upon its amendment and request another conference with the House of Representatives on the disagreeing votes thereon.

Mr. PLATT. What matters are still in disagreement?

Mr. TELLER. There is a large number of amendments, but the real controversy is as to the price that the Government shall pay for gas lamps. There is some controversy about electric lights, but that, I think, is not a very serious one. The price to be paid per gaslight is one matter which is in pretty sharp dispute between the House committee and the Senate committee.

Then, there is the subject of the charities, as to which there is a large number of amendments, which makes it appear to be a good deal, although it is practically only one matter, one principle.

Mr. PLATT. These two subjects are all?

Mr. TELLER. They are the real matters in dispute.

Mr. MILLS. What is the controversy in regard to gas?

Mr. TELLER. The present contract is for $20.50. The House proposes to put it down to $16. The difference has been the point of controversy. We have been trying to arrange the matter between the two branches.

Mr. MILLS. Between $20 and $16.

Mr. TELLER. There is a question whether the lamps shall burn 3,000 hours, as the law now provides, or whether they shall burn 3,732, and there are some other things connected with it. That relates to gas.

With respect to the charities, of course it is understood that the House made a lump appropriation of nearly $100,000, and the Senate distributed it as it had been distributed heretofore; and that is the controversy between the two bodies on that matter.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Colorado that the Senate further insist upon the amendments and ask a conference with the House of Representatives on the disagreeing votes thereon.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. TELLER, Mr. ALLISON, and Mr. COCKRELL were appointed.

Mr. GORMAN. Do I understand that the conference report has been disposed of?

The PRESIDING OFFICER. The report has been concurred in.

Mr. COCKRELL. It can be reconsidered.

Mr. HARRIS. If the Senator from Maryland desires to be heard, I will move that we reconsider the action of the Senate.

Mr. GORMAN. I desire to say only a word on the bill. I understand the conferees have reported a disagreement as to two or three items, including lighting.

Mr. TELLER. Gas lighting and electric lights and the charities are really the matters in controversy.

Mr. GORMAN. I trust the Senate conferees on this bill will not yield any further. There seems to be a disposition on the part of the coordinate branch absolutely to ignore all the recommendations of the Senate on the various appropriation bills. They seem to have come to a frame of mind that the Senate ought not to amend the bills in any substantial way. I understand that so far as it is agreed to our conferees have probably been compelled to give way on the great items that are absolutely necessary for the health and comfort and prosperity of the people of this city.

We have had a refusal to give us additional water supply, with two or three million dollars of the money of the citizens invested by Congress in a tunnel to bring in an additional supply to the city lying there dead and idle. A report of the engineers, under a commission appointed by the Chief of Engineers, is in favor of it, yet I understand we have been compelled to give it up.

Mr. TELLER. Certainly.

Mr. GORMAN. On the other great item, to protect the city with a sufficient number of police, we have been compelled to yield.

Mr. TELLER. I will say that the House made an amendment adding 25, and the Senate added 75. We finally took 25 from the Senate number, making it 50, yielding two-thirds.

Mr. GORMAN. That is done when the number of police is known to be insufficient to cover the territory and to keep the peace with a population that is growing, while a class of people are coming in here who, in many respects, require great looking after. When sister cities near this are compelled to detail their officers to come here and to aid and look after the class of people who naturally come to the Capital, we can not have protection, when the Government pays only a part of the cost and the citizens are amply able and willing to pay their share of it. Neither are we to have proper improvements of the streets.

Now comes the matter of the lighting of the Capitol, the parks, the avenues, and the streets. Two years ago, when I was assigned as one of the conferees on the District appropriation bill, we agreed, after a long conference, to fix a lower rate for lighting this city than any city on the Atlantic Coast. The price stands to-day for lighting lamps lower than in any other city. It was the understanding on my part at that time—and that is the reason I make this statement—that we were fixing the price at so low a rate that it should not be disturbed until there was some change in conditions which made it possible to secure fairly a lower rate. At this session another committee, as was so well stated by the Senator who now occupies the Chair [Mr. FAULKNER], after a thorough investigation, came to the conclusion that the rate we fixed two years ago was lower than it ought to have been; that is to say, the difference between 89 cents and $1 a thousand feet. There now comes from the coordinate branch, after this action of Congress on an appropriation bill two years ago, which was practically the unanimous action of both Houses of Congress on another bill, a demand for another cut, simply because we are dealing with a corporation. I think there is such a thing as fair and honorable dealing with all interests, corporations included, and I trust the conferees on the part of the Senate will not further surrender. We have surrendered on the water question, on the protection of the city, on the improvements of the streets, above all things the schools, and for the sewerage for the health of the city.

I think it is time, Mr. President, that the Senate should assert itself; and, so far as I am concerned, I should much prefer that no appropriation bill whatever should pass at this session of Congress rather than to make a further surrender. It will be, in my judgment, I may say almost disgraceful, if we can not stop this matter at some point.

Then there is the matter of charities. It is proposed by the other branch of Congress that we shall make no provision which can be enforced for the charities to take care of the poor of the District of Columbia and to look after the maimed in hospitals, all because, Mr. President, there has grown up a desire in certain quarters at this session to bring in a religious question in connection with those necessary expenditures. We are threatened daily

at these conferences that Congress will have to remain here, rather than they will give way. I prefer that Congress should remain here until December next rather than that this body shall do injustice to these great charitable institutions which we have fostered and built up and encouraged, and which have conducted their affairs as well as any institutions in this country.

The Senate in its action proposed to continue the appropriations, which have heretofore been satisfactory, precisely as we made them at the last session. We also proposed to appoint a commission to examine the whole question and ascertain whether there is any defect in the management, whether any improvement can be made in the manner of conducting these institutions, as to the number of them, and whether any amount of money which has been appropriated goes to any church. We prohibited the last by express language, as I understand, in the amendment of the Senate, and yet we are held here and threatened that we shall be kept here for an indefinite period unless we surrender. Mr. President, I would remain here. I think it is time for our conferees to notify those who have charge of bills elsewhere that that threat will not intimidate the Senate. Our action is in strict conformity to the law. It is economical; it is just to every interest; it discriminates in favor of none.

I stand by this bill as the Senate has passed it, because it is the law to-day, and the other branch is seeking to change the law. The House which attempts to change the law on an appropriation bill, if the other House objects, must give away. We are in the right, and I trust our conferees will not recede one inch further. It would be, as I have said, almost disgraceful at this stage of the proceedings to do so. Is it possible that religious prejudice will carry us so far that these two great hospitals in the District of Columbia will be deprived of the power to attend the unfortunates who meet with accidents daily upon the streets?

I want to say, Mr. President, that so far as I am concerned the fear of remaining here six months will not drive me from the position which I have taken upon this measure, and I trust it will not drive the Senate.

Mr. COCKRELL. Let the motion be put, Mr. President.

Mr. HARRIS. I withdraw the motion to reconsider the vote by which the conference report was concurred in.

The PRESIDING OFFICER. The motion to reconsider is withdrawn, and the conference report is concurred in.

DANIEL D. JENNINGS.

Mr. TURPIE. I ask unanimous consent for the present consideration of the bill (H. R. 2947) increasing the pension of Daniel D. Jennings, late of Company G, Sixty-fifth Ohio Volunteers.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Daniel D. Jennings, a private of Company C, Sixty-fifth Ohio Volunteer Infantry, and to pay him a pension of $30 a month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 2708) to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes; insisted upon its disagreement to the amendments of the Senate to the bill numbered 69 and 70; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 2708) to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court, and it was thereupon signed by the Vice-President.

POST-OFFICE APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 1 to the bill (H. R. 6614) "making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided*, That no post-office established at any county seat shall be abolished or discontinued by reason of any consolidation of post-offices made by the Postmaster-General under existing law, and any such post-office at a county seat heretofore consolidated shall be established as a separate post-office at such county seat: *Provided, however*, That this provision shall not apply to the city of Cambridge, Mass., or Towson, Md.: *And provided further*, That hereafter no station, substation, or branch post-office shall be established beyond the corporate limits or boundaries of any city or town in which the principal office to which such station, substation, or branch office is attached is located, except in cases of villages, towns, or cities of 1,500 or more inhabitants, not distant more that 5 miles as near as may be from the outer boundary or limits of such city or town in which the principal office is located"; and the Senate agree to the same.

W. B. ALLISON,
R. F. PETTIGREW,
CHARLES J. FAULKNER,
Managers on the part of the Senate.

E. F. LOUD,
J. C. KYLE,
GEORGE W. SMITH,
Managers on the part of the House.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The question is on concurring in the report of the conference committee.

Mr. PLATT. If I understand the reading of that report, it allows a consolidation of post-offices by taking in the smaller offices if they are not more than five miles distant from the outer boundary of the city or larger place. Is that it?

Mr. ALLISON. That is the effect of the report.

Mr. PLATT. To what does the provision as to the 1,500 or more inhabitants apply?

Mr. ALLISON. The provision applies to villages, towns, or cities containing 1,500 or more inhabitants within a radius of five miles from the outer boundary of the principal office.

Mr. PLATT. I do not quite get it yet. If the town or village does not contain 1,500 inhabitants, can it consolidate with the larger office?

Mr. ALLISON. It can not.

Mr. PLATT. So that the larger place is to be consolidated and the smaller place is to retain the post-office. That is very remarkable.

Mr. ALLISON. That may seem very absurd to the Senator, and yet the object is, so far as I can understand it, to confine free delivery to the inhabitants of large cities and to towns and villages of 1,500 or more inhabitants.

Mr. GORMAN. Mr. President, I take it for granted that this conference report will be concurred in; but I understand the change which has been made from the amendment inserted by the Senate in its first proposition—that there should be a separate post-office maintained at every county seat except Cambridge, Mass.—is the addition of Towson, Baltimore County, Md., making that another exception. Otherwise it applies to every county seat in the United States.

Mr. ALLISON. Yes.

Mr. GORMAN. I am aware that the action of the Senate conferees in yielding to the insistence of the House that the small town of Towson, in Maryland, should be added as an exception was brought about by one of the most extraordinary actions on the part of post-office officials which I suppose has ever been witnessed in this country.

The general proposition that every county seat in the United States should have a separate post-office was so perfectly fair that there was scarcely a dissenting vote to the proposition in the Senate, and there ought not to have been elsewhere, but immediately after the passage of that amendment by the Senate the greatest activity that I have ever known to be exhibited by officials of the Government was shown in that case. The agents of the Post-Office Department, the employees who are paid for the purpose of looking after the mails of the city of Baltimore, were sent into that community and publications were made, both over the signatures of the officials and otherwise, that there was an attempt being made to deprive the people of that locality of free delivery, and that if the amendment of the Senate should stand they would be deprived of the luxury of having two or three carriers to deliver letters within the town of Towson. A considerable amount of excitement was created by these post-office officials, and petitions came to the conferees not to deprive them of that privilege, notwithstanding the fact that it was perfectly in the power of the Postmaster-General to continue the free delivery without consolidation. In other words, the postmasters especially interested in having their jurisdiction extended, in order that the receipts of their offices and their salaries might be increased, have been used to misrepresent and mislead the people. It was successfully done, and the conferees on the part of the Senate in this case, as in nearly all others, have had to give way to another branch of the Government.

As to the amendment offered by the distinguished Senator from Florida [Mr. PASCO], I think that was a wise provision as it stood, and that there should not have been any consolidation of these offices outside of a reasonable limit. The conferees in this case have fixed a limit of 5 miles. That will eliminate a great many of the offices which have been consolidated, which come within

my knowledge, and will go very far toward accomplishing the object we had in view, although I should have preferred that it had been confined to the limits of the city itself. I trust that hereafter (and I shall try to make it my business hereafter) we shall take this matter up when we have better opportunity to discuss it and look into it. I do hope that the Post-Office Committees of the two Houses of Congress will in the near future go more thoroughly into the conduct of this great Department and see if we can not have some genuine reform, because that great Department is treated as no other Department of the Government. Lump appropriations are made, and they have had, practically, liberty to do as they please with the sixty or seventy million dollars that we have appropriated.

Mr. CULLOM. Ninety million dollars.

Mr. GORMAN. Ninety-odd million dollars we have appropriated. There ought to be some restraint upon these officials, who in this case (it is true in small matters) have acted in a manner which I think does not tend to the promotion of confidence in the way in which that Department is conducted, and if its power through the agents of that Department and its appointees as postmasters can be used to a greater extent, as I know they have been used in a smaller way, it would be an abuse that would disturb the harmonious relations of the different departments of the Government.

Mr. PASCO. Mr. President, I realize the difficulties surrounding committees of conference in the disagreeing votes upon appropriation bills during the last hours of a session, and I am not disposed to resist the adoption of the present report, though it does not go as far in the direction which the Senate went as I wish it had gone. I hope, however, that the scheme of consolidating post-offices in districts will receive some check, and that there will be opportunities in the future to bring back the post-offices of the country in this regard to the plain meaning and intention of the law.

In my judgment, there is no statutory foundation whatever for any authority to consolidate post-offices located in different cities or towns. I shall not go over that argument again, as I presented it, I think, fully and at length in the remarks I made about the time the amendment was adopted some two months ago. Authority was given by an act approved in 1847 for the establishment of branch post-offices, but there never has been any authority, unless it has crept in by some recognition in appropriation bills, for the establishment of stations and substations. Those words have been adopted by the Department. They are not in the statutes. They are not in any legislation passed by Congress; and the Department has no more right to change these names than it has to change the names of counties to provinces or States to districts. The nomenclature is a part of the law and there is no direct authority in the law for the establishment of stations or substations. The only authority of this character under the law is for branch post-offices, and they may be established only within the delivery of the original office. The law never contemplated that a post-office should be discontinued and the delivery of another office extended over the same ground. Here we have around Boston the city office spread out to take into its delivery neighboring cities, towns, and hamlets, and covering more than 60 square miles of territory, far beyond the intention of any law that was ever enacted by Congress.

The people around Boston have been a great deal disturbed in consequence of this amendment. I have received a great many communications with reference to it. But the disturbance has, I believe, largely grown out of the publication of a letter from the Postmaster-General, which I understand was sent to the committee of conference on this bill to advise them, to guide them in their duties in coming to this agreement. I do not know whether there is any precedent for assistance of this sort coming from a departmental officer. The letter was published in the city of Boston. I did not suppose that any such letter existed at the time, but I made inquiry and found the original letter in the committee room and compared it word for word, and it is exactly as published in the Boston Herald in a communication from this city. I am not going to read the entire letter, but I shall read one paragraph, which contains a statement which is certainly unfounded; but coming from so high an authority, it is not strange that those who are interested have become disturbed and alarmed by the amendment. It says:

> At Cambridge and other places adjoining Boston, involving a population of nearly 200,000, they have been enjoying station service for twenty years, and if the Pasco amendment prevails these stations, together with the station established at the University of Virginia, as substation of Charlottesville, substations at Quincy, Ill., at the Soldiers and Sailors' Home, also several others, would be obliged to go back at once to fourth-class offices.

That very remarkable statement comes from the present Postmaster-General, and I can not understand how he could have fallen into such an error.

Mr. CULLOM. What is the office in Illinois?

Mr. ALLISON. Quincy.

Mr. PASCO. I have not the date of the letter. It was published in the Boston Herald on April 15. I compared the words of the letter as published with the original and they are alike. I will give the actual situation in a little while. I submit the article from the Boston Herald to be inserted as a part of my remarks:

PASCO AMENDMENT PROSPECT—HOPE NOW THAT IT WILL BE EITHER MODIFIED OR REJECTED—PROTESTS POURING IN AND THEY HAVE WEIGHT—SENATOR GORMAN, WHO OPPOSES POST-OFFICE CONSOLIDATION, WAITED UPON PERSONALLY—THE POSTMASTER-GENERAL'S LETTER.

[Special dispatch to the Boston Herald.]

WASHINGTON, D. C., *April 14, 1896.*

The prospect of securing such action from the conference committee on the post-office consolidations already made as to permit them to remain, if not to provide for the further extension of the system, are improving. It now seems likely that the Pasco amendment, forbidding the establishment or maintenance of such consolidations outside of the limits of cities or towns, will be materially modified, if not rejected entirely. Senator ALLISON is so busy with other appropriation bills that he will probably not have time, he says, to have a meeting of the conference committee on the Post-Office bill this week.

Meanwhile protests against the Pasco amendment are coming in, and they are having weight. Besides the letters and telegrams which are coming from residents in metropolitan postal districts which would be unfavorably affected by the incorporation of the Pasco amendment in the law, delegations of prominent citizens from all the stations in the metropolitan postal district of Baltimore have been here to see Senator GORMAN personally, and to impress upon him their desire to have the Pasco amendment changed, if it can not be defeated, so as to permit consolidations within a convenient radius of large cities, and they left feeling that they had made an impression on the Maryland Senator, who is, of course, the leader of the opposition to the consolidation scheme. The letter of Postmaster-General Wilson, addressed to the conference committee, and referred to in these dispatches last night, states the case so well that it seems desirable to give it in full. Its contents are as follows:

"The appropriation for service of the Post-Office Department to cover the fiscal year ending June 30, 1897, will, I am informed, be taken up by a conference committee of the Senate and House at an early date. The amendment offered by Senator PASCO provides as follows: 'That nothing herein contained shall authorize the establishment or maintenance of any station, substation, or branch post-office beyond the limits of any city or town in which the principal office to which such station, substation, or branch office is attached is located.'

"For the good of the service, I sincerely hope this amendment shall not prevail. There are many reasons why it should not. The establishment of stations up to and beyond the corporate limits of cities is of gradual growth and for the improvement of the postal service, and there are many communities adjacent to cities which, except for the invisible corporate line dividing them, would be as one city. The people outside the corporate limits of the principal town or principal place, in numerous instances, have important business interests and large investments, and feel that they are entitled to better postal facilities, and they should have them if the appropriation would warrant the extension of the service. This manner of extension has gone on for a number of years.

"At Cambridge and other places adjoining Boston, involving a population of nearly 200,000, they have been enjoying station service for twenty years, and if the Pasco amendment prevails these stations, together with the station established at the University of Virginia, as substation of Charlottesville, substations at Quincy, Ill., at the Soldiers and Sailors' Home, also several others, would be obliged to go back at once to fourth-class offices. In this event the postmaster's salary would be derived entirely from box rents and the cancellation of stamps, the maximum being $999; free delivery would necessarily be abolished it would exclude the allowances for rent, fuel, and light, and miscellaneous items, which includes canceling machines, telephones, safes, etc., until such time as the Post-Office Department could be informed as to the receipts of the office and the population served. As the postmaster's salary is fixed upon the basis of the gross receipts for the four quarters preceding the adjustment, and after adjustment the new status does not become effective until the first of the ensuing quarter, it would require fifteen months before they could be assigned to another class.

"If the word 'maintenance' is struck out of the amendment, that would improve the situation, but, in my judgment, only to a limited extent. It would avoid the trouble of establishing post-offices, etc., referred to above, but, with the word 'maintenance' left out, the Post-Office Department would be prevented from establishing stations in future, which, to my mind, would be injurious to the service. For instance, New Haven has within its corporate limits one independent post-office 3 miles distant from the main office, while outside the corporate limits, but extending up to the corporate line, so that a stranger does not know when he goes from one to the other, there are three or four independent communities having independent offices, which post-offices are only 2½ miles distant from the main office, being nearer than the independent office within the corporate limits. There is no reason, in my judgment, if the appropriation will warrant it, why these outside independent offices should not have the same postal privileges as the independent offices inside the corporate limits; in fact, the same postal privileges as at the main office.

"The amount appropriated by Congress for clerk hire to cover the fiscal year ending June 30, 1897, is so conservative that the power of the Postmaster-General to consolidate post-offices is limited in such manner that I fear I can not even abolish all the post-offices within the corporate limits of various cities throughout the Union, there being now within the limits of various cities 249 independent offices.

"If it is the desire of Congress to restrict the extension of the service and the improvement that will necessarily follow therefrom, I would suggest that it be confined to a limit of 5, 10, or 15 miles from the corporate limits."

Attached to the Postmaster-General's letter is a table showing the principal facts about the service in the metropolitan postal districts now established, including the following for the Boston district:

Stations and substations.	Population served.	Number of clerks.	Number of carriers.	Allowances.		Miles from office.
				Rent.	Clerks.	
Station E, Cambridge	15,887	9	23	$1,240	$7,100	3.25
Station F, Cambridgeport	41,218	7	22	1,100	5,600	2.50
Station H, Chelsea	31,295	7	20	1,850	5,800	3
Station M, East Cambridge	13,967	3	5	560	2,400	1.75
Station P, North Cambridge	10,447	3	6	500	2,600	4.75
Station R, Revere	7,437	2	7	450	1,400	5.25
Station U, Somerville	52,193	8	33	1,200	6,300	3
Station X, Winthrop	4,192	2	4	420	1,300	5.50
Substation 2	4,192	1	.....	.....	300	2.25
Substation 4	.....	1	.....	.....	400	2.75
Substation 7	.....	1	.....	.....	400	5.25
Substation 8	.....	1	.....	.....	300	3.25

This statement has support in a speech made by the Senator from Massachusetts [Mr. LODGE] a few days ago when this subject was before the Senate upon the consideration of a former conference report upon this bill, and I was surprised that he, knowing the community as well as he does, understanding the postal laws as well as he does, should virtually have indorsed this statement. I will read what he said in his few remarks made on the 1st of June. I regret that he is out of his seat to-day, but this matter can not be postponed. It is found on page 5950 of the RECORD, and is as follows:

> There are no less than 157,786 persons now served from the Boston city post-office who are not within the municipal limits, who under this amendment will be thrown out of that service and forced back on fourth-class post-offices and the service greatly deteriorated thereby.

Cambridge is one of the places enumerated further on at the close of the Senator's remarks.

It is also mentioned in the letter of the Postmaster-General. The city of Cambridge contains four stations, designated in the foregoing statement as stations E, F, M, and P. Those stations used to be four independent post-offices in my days when I was a student at college there. The population of the city at the present time is over 80,000 people, according to a recent enumeration, a larger city than Harrisburg, Pa.; and we are told by the Postmaster-General and by the Senator from Massachusetts that this large city will be made a fourth-class post-office if "the Pasco amendment" shall be continued in the bill without any change. Surely this statement was made in haste and without due consideration.

The population of the city is as intelligent as that of any other city in the Union. It is a university city and it is a county seat; and the people there are entitled to the very best postal service possible. Under no conditions could their office be reduced to the position of a fourth-class post-office. They are entitled to a first-class office. The population and the receipts of the post-offices or stations within the city limits justify the very best possible service that can be given to them, but they have been allowed to suppose from this letter of the Postmaster-General and from the remarks that have been made here in the Senate that their present postal facilities depend upon the defeat or modification of this amendment. The principal office—now Station E—became a Presidential office in 1849, forty-seven years ago, and it is now entitled to be a Presidential office, and under this amendment there could be stations at East Cambridge, Cambridgeport, and North Cambridge.

I understand a great many letters have been received here in reference to this amendment. I have received some myself. One or two are from my old classmates. They have come, many of them, from strangers. Some of them are opposed to this amendment, owing to this danger which they apprehend, that they will lose their postal facilities. But I have letters from some very intelligent people; one here from the publisher of the Grand Army Record, another from an officer of the Massachusetts Total Abstinence Society, and a good many from intelligent citizens in Boston and Cambridge, all approving of the amendment and hoping that it will be continued in the bill in the language in which it was originally adopted.

But, Mr. President, our conferees, I have no doubt, have done as well as they could, and it seems at present that this reform can not go on any further at the present time. The amendment has been shorn of a great deal of its strength, but I hope with the Senator from Maryland [Mr. GORMAN] that the time will come at another session when we shall be able to devote more time to this subject and when the amendment can be carried out in the shape in which it passed the Senate by a very decided majority upon a yea-and-nay vote during the present session.

The subject is a very important one. It seems to me that it is very undesirable that post-offices should be consolidated under the plan which has been going on for some time in the Department, originating long before the present Postmaster-General commenced his service, and for which the present Administration is not responsible. This practice has crept gradually into the law without any intention on the part of the legislative department that such a system of things should ever be established; and the indications are, from publications that have reached me, that a desire exists to extend the system a great deal further by establishing postal districts and discontinuing existing post-offices.

There is one feature of this matter that has not been considered. The matter was comparatively new to me when I first brought up the amendment. I had never given the subject any great consideration and I was not well informed in reference to it. I found, however, that a great many of my brother Senators on both sides of the Chamber were but little better off in the way of information than I was myself. But there is one point worthy of consideration in the future. The law requires that every postmaster shall give a bond for the conduct of his office; but there is no law that I have found which requires the clerks to give bond when they go out to take charge of these stations in cities where perhaps there may be, as at Cambridge, a population of 80,000 people. If I am correct, and I believe I am, there is no officer under an official bond in charge of the Cambridge office. These clerks are in charge of post-offices, and the intention of the law that every postmaster shall be bonded is avoided and can not be carried out under this arrangement. I understand that the postmaster of the principal office is responsible under his bond, but that is not the intention of the law. A postmaster in another city ought not to have this burden placed upon him.

Mr. President, I will not say anything further upon this matter to-day. It is an important and interesting question, and the future will give us further opportunities to consider it and bring about such reforms as Congress may think proper. I am opposed entirely to this system of consolidation. I gave my reasons at some length when the amendment was adopted. I am in favor of the restoration of every station and substation beyond the limits of the city or town where the principal office is located to its former position as an independent office. I hope we shall see the time when the present system, which has crept into the law, as I have already remarked, without any proper authority, will be entirely discontinued, and the post-office system will be restored as it used to be, with each office under its own postmaster, a bonded officer, and each community enjoying its own post-office.

The PRESIDING OFFICER. The question is on the adoption of the report of the committee of conference.

The report was concurred in.

HOUSE BILL REFERRED.

The bill (H. R. 9409) making appropriations to supply deficiencies in appropriations for expenses of the House of Representatives, and other purposes, for the fiscal year 1896, was read twice by its title, and referred to the Committee on Appropriations.

ELIZA SANDFORD.

The PRESIDING OFFICER laid before the Senate the bill (S. 1189) granting a pension to Eliza Sandford, returned from the House of Representatives at the request of the Senate.

Mr. GALLINGER. I move that the Senate recede from its disagreement to the amendment made by the House of Representatives, and agree to the same.

The motion was agreed to.

CONTEMPTS OF COURT.

Mr. HILL. I have given notice on several occasions that I desire to call up for consideration the bill (S. 2984) in relation to contempts of court. I should like to ask that it be taken up now.

Mr. PLATT. I hope the Senator from New York will not ask that it be taken up now. It is very late.

Mr. HILL. I will not ask the Senate to proceed with its consideration this evening, but I desire to have it taken up so that we may know what the unfinished business is to be for to-morrow.

Mr. PLATT. Does the Senator want to displace the unfinished business?

Mr. HILL. No one desires to speak upon the immigration bill, and it is not expected to pass at this session.

Mr. CHANDLER. I have an understanding with the junior Senator from Maryland [Mr. GIBSON], who I do not see in the Chamber, that the immigration bill will not be pressed in his absence. Therefore I shall be very willing myself to allow it to be temporarily laid aside, in order that the exceedingly meritorious bill which the Senator from New York has in charge may be taken up. I wish the Senator from Connecticut would let it come up. It might be passed within half an hour.

Mr. PLATT. The Senator from New Hampshire is facetious at times, and at times he is severe. This is one of his facetious times. I think the Senator from New York ought not to ask to take up the bill to-night with such a thin Senate present.

Mr. HILL. I think we ought to know what is to be the unfinished business for to-morrow. I have given way on several occasions, as the Senator from Connecticut knows, and I think I am entitled to have the bill considered. If the Senate does not want to pass it after it hears the arguments it may vote it down. I trust he will make no objection to the bill being taken up and made the unfinished business. I shall not ask to proceed further with it this evening.

The PRESIDING OFFICER. Does the Chair understand the Senator from New York to move that the Senate proceed to the consideration of the bill?

Mr. HILL. I will first ask unanimous consent. I hope my friend the Senator from Connecticut will not object.

Mr. PLATT. I do not think that this bill, which is an important measure, ought to be taken up now, and I move that the Senate adjourn.

Mr. SMITH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from New Jersey?

Mr. HILL. I am desirous of having this bill taken up, not for the purpose of discussing it to-night, but so that it may be made

the unfinished business. I shall have to call for the yeas and nays on the motion to adjourn.

Mr. SMITH. Will the Senator from Connecticut yield to me?

Mr. CHANDLER. I suggest that the bill be taken up to-morrow immediately after the routine morning business.

Mr. HILL. Of course I am entirely willing to do that. The Senator from Connecticut seems to be fighting it by every technicality. That is all.

Mr. PLATT. I am not fighting the bill by every technicality, but I do not want the bill taken up here to-night, and I do not know what we may want to take up to-morrow morning.

Mr. HARRIS. Will the Senator from Connecticut consent that the bill may be taken up for consideration after the routine business to-morrow morning, or immediately after the reading of the Journal to-morrow morning?

Mr. PLATT. That is precisely what I can not assent to, because I do not know what business the Senate may want to transact to-morrow morning.

Mr. HARRIS. Mine was an innocent question, and it is answered.

L. ROBERT COATES & CO.

Mr. SMITH. I ask the Senator from Connecticut to withhold his motion for a moment, that I may ask for the consideration of a bill. On behalf of the senior Senator from Maryland [Mr. GORMAN], who is absent in conference committee, I ask unanimous consent for the present consideration of the bill (S. 1583) for the relief of L. Robert Coates & Co., of Baltimore, Md.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HARRIS. Let the bill be read for information, subject to objection.

The bill was read; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to consider it.

The bill was reported from the Committee on Claims with an amendment, in line 6, after the words "sum of," to strike out "$6,000" and insert "$5,273.30"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to L. Robert Coates & Co., of Baltimore, Md., out of any moneys in the Treasury not otherwise appropriated, the sum of $5,273.30, in full of the bill of said firm for steel plates furnished for and which were used in the construction of the United States light-house steamer *Zizania*.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. HAWLEY. Will my colleague permit me to move an executive session?

Mr. PLATT. I will withdraw the motion to adjourn for that purpose.

Mr. HAWLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened.

PERSONAL EXPLANATION.

Mr. GIBSON. Mr. President, I desire to have the RECORD corrected with reference to an expression on the part of the Senator from New Hampshire [Mr. CHANDLER] as to my absence this afternoon. Whatever arrangement he may have had with reference to calling up the immigration bill I do not know, but I wish it distinctly stated that it was not owing to my absence that the Senator did not call up the bill, for I was present.

Mr. CHANDLER. Mr. President, when I said I did not desire to proceed with that bill during the absence of the Senator from Maryland, I did not mean that he was out of the city. I only meant that he was for the moment out of the Senate Chamber; that he was accidentally in the cloakroom for the moment. I know that there is no Senator more punctual in attendance and more faithful and zealous in the discharge of those public duties in which he interests himself.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 43 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 9, 1896, at 12 o'clock meridian.

NOMINATION.

Executive nomination received by the Senate June 8, 1896.

CONSUL.

Richard M. Bartleman, of Massachusetts, to be consul of the United States at Malaga, Spain, vice David N. Burke, nominated and confirmed as consul-general at Tangier, Morocco.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 8, 1896.

PROMOTIONS IN THE ARMY.

Artillery arm.

Lieut. Col. Francis Luther Guenther, Fifth Artillery, to be colonel.

Maj. William Sinclair, Second Artillery, to be lieutenant-colonel.

Capt. Edward Field, Fourth Artillery, to be major.

First Lieut. Harry Reuben Anderson, Fourth Artillery, to be captain.

Second Lieut. Wilmot Edward Ellis, Fifth Artillery, to be first lieutenant.

POSTMASTERS.

Alexander M. Brownley, to be postmaster at Franklin, in the county of Southampton and State of Virginia.

William F. Rooney, to be postmaster at Waltham, in the county of Middlesex and State of Massachusetts.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 8, 1896.*

[*Continuation of legislative day of June 6, 1896.*]

The recess having expired, the House was called to order by the Speaker at 10 o'clock a. m.

INTEREST OF INDIAN TRIBES IN VIRGINIA BONDS.

Mr. SHERMAN. Mr. Speaker, I present a resolution of inquiry, with a report from the Committee on Indian Affairs. It is a privileged resolution.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to report to Congress what steps, if any, have been taken by the Treasury Department to collect or procure a settlement of the principal and interest of certain State bonds and stocks the ownership of which was assumed by the United States under authority of the Indian appropriation act of August 15, 1894, and upon which the United States has since paid interest to the several Indian tribes interested; and what efforts, if any, have been made to procure payment of the bonds of the original State of Virginia taken over under said act and now amounting to $1,400,000, of which sum, under the constitution of the State of West Virginia, an equitable proportion was to be assumed and provided for by the new State.

Mr. SHERMAN. I ask for a vote upon the resolution, Mr. Speaker.

Mr. KEM. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KEM. If it be in order, I desire to raise the point of no quorum.

The SPEAKER. Perhaps the gentleman can raise it when the question of a vote comes.

Mr. KEM. I did not hear.

The SPEAKER. Perhaps the gentleman can raise it when the question of a vote comes.

Mr. KEM. I presumed I could, but desire to raise it now if it is in order.

Mr. SHERMAN. I ask for a vote upon the resolution.

The SPEAKER. The matter can be developed by a vote.

The SPEAKER proceeded to put the question.

Mr. RICHARDSON. Mr. Speaker, I would like to understand something about this resolution. It is not privileged, as I understand it.

Mr. SHERMAN. I will say to my friend that a part of the funds of these Indians were invested——

Mr. KEM. A parliamentary inquiry.

Mr. SHERMAN (continuing). In bonds of the State of Virginia.

Mr. RICHARDSON. What I want to inquire about this is, is it just introduced?

Mr. SHERMAN. It is simply a resolution of inquiry.

Mr. RICHARDSON. And simply introduced now?

Mr. SHERMAN. It is a privileged resolution; just a resolution of inquiry.

Mr. RICHARDSON. Has it been considered by any committee?

Mr. SHERMAN. It has been considered by the Committee on Indian Affairs and reported back favorably.

Mr. RICHARDSON. Unanimously?

Mr. SHERMAN. Yes, sir; it has been reported unanimously.

Mr. RICHARDSON. All right.

The SPEAKER. The question is on agreeing to the resolution.

The question was put; and the Speaker announced that the ayes seemed to have it.

Mr. KEM. No quorum.

The SPEAKER. Does the gentleman ask for a division?

Mr. KEM. Division.

The House divided; and there were—ayes 70, noes none.

Mr. KEM. No quorum.

The SPEAKER. The gentleman raises the point of no quorum.

Mr. SHERMAN. I move a call of the House.

The motion was agreed to.

The roll was called; when the following-named members failed to respond:

Acheson,	Fenton,	Loudenslager,	Robertson, La.
Adams,	Fitzgerald,	Maddox,	Robinson, Pa.
Aitken,	Fletcher,	Maguire,	Royse,
Aldrich, Ala.	Foote,	McCall, Mass.	Rusk,
Allen, Utah	Foss,	McCleary, Minn.	Russell, Ga.
Anderson,	Fowler,	McClellan,	Sauerhering,
Apsley,	Gamble,	McClure,	Settle,
Atwood,	Gibson,	McCormick,	Shannon,
Baker, Md.	Gillett, Mass.	McCreary, Ky.	Shaw,
Baker, N. H.	Hadley,	McEwan,	Shuford,
Barham,	Hall,	McLaurin,	Skinner,
Barrett,	Halterman,	McRae,	Smith, Ill.
Bartlett, Ga.	Hainy,	Meiklejohn,	Smith, Mich.
Bartlett, N. Y.	Harris,	Meyer,	Snover,
Beach,	Harrison,	Miles,	Sorg,
Belknap,	Hatch,	Miller, Kans.	Spalding,
Bennett,	Heiner, Pa.	Milliken,	Sparkman,
Black, N. Y.	Hendrick,	Milnes,	Spencer,
Boutelle,	Henry, Conn.	Miner, N. Y.	Steele,
Bowers,	Hermann,	Mondell,	Stephenson,
Brosius,	Hicks,	Money,	Stone, W. A.
Brown,	Hilborn,	Morse,	Strait,
Catchings,	Hitt,	Moses,	Strode, Nebr.
Cockrell,	Howard,	Murphy,	Swanson,
Colson,	Hubbard,	Murray,	Towne,
Cooper, Fla.	Huff,	Neill,	Tucker,
Corliss,	Hulick,	Newlands,	Turner, Va.
Cousins,	Hull,	Noonan,	Updegraff,
Cowen,	Hutcheson,	Northway,	Wadsworth,
Cox,	Hyde,	Odell,	Walker, Va.
Crisp,	Johnson, Cal.	Ogden,	Warner,
Crowley,	Johnson, Ind.	Owens,	Washington,
Crump,	Kyle,	Patterson,	Watson, Ind.
Culberson,	Latimer,	Perkins,	Wellington,
Danford,	Lawson,	Phillips,	White,
De Armond,	Lefever,	Pickler,	Wilson, Ohio
Denny,	Leisenring,	Price,	Wilson, S. C.
De Witt,	Lewis,	Quigg,	Woodard,
Dinsmore,	Linton,	Raney,	Woodman,
Dolliver,	Livingston,	Ray,	Woomer,
Ellett,	Lorimer,	Reyburn,	Yoakum.

The SPEAKER. The doors will now be closed and the absentees will be called.

The doors were accordingly closed; and the Clerk proceeded to call the absentees.

Mr. JOHNSON of California (when the name of Mr. BARHAM was called). Mr. Speaker, my colleague, Mr. BARHAM, is absent by leave of the House.

Mr. JOHNSON of California (when the name of Mr. BOWERS was called). Mr. Speaker, my colleague, Mr. BOWERS, also is absent by leave of the House.

Mr. HEMENWAY (when the name of Mr. HATCH was called). Mr. Speaker, my colleague, Mr. HATCH, is detained at home by sickness, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. HENRY of Connecticut (when the name of Mr. TUCKER was called). Mr. Speaker, the gentleman from Virginia, Mr. TUCKER, is detained by illness, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. BISHOP (when the name of Mr. LEISENRING was called). Mr. Speaker, Mr. LEISENRING was called out of town by an accident on Saturday evening, too late to ask leave of absence. I ask that he be excused.

The SPEAKER. If there be no objection, the gentleman from Pennsylvania [Mr. LEISENRING] will be excused.

Mr. KEM. I object, Mr. Speaker.

The question being taken, Mr. LEISENRING was excused.

Mr. STRONG (when the name of Mr. WILSON of Ohio was called). Mr. Speaker, my colleague, Mr. WILSON, is detained at home on account of sickness, and I ask that he be excused.

The SPEAKER. If there be no objection, the gentleman from Ohio [Mr. WILSON] will be excused.

Mr. KEM. I object.

Mr. STRONG. I move that my colleague, Mr. WILSON of Ohio, be excused.

The question being taken, the Speaker declared that the ayes seemed to have it.

Mr. KEM. I ask for a division.

The House divided; and there were 120 ayes.

Mr. KEM. No quorum, Mr. Speaker.

The SPEAKER. The Chair hoped the gentleman from Nebraska had learned that a quorum is not necessary on a call of the House. [Laughter.]

Mr. DINGLEY. Mr. Speaker, I desire to offer the resolution which I send to the desk.

Mr. KEM. I rise to a parliamentary inquiry. I desire to know if there is a quorum present.

Mr. DINGLEY. It does not require a quorum for the consideration of the resolution which I have offered.

Mr. KEM. I desire to ask if it is not impossible to do business without a quorum.

The SPEAKER. The Chair will state to the gentleman from Nebraska that it is competent under the Constitution of the United States to do certain business without a quorum.

Mr. KEM. Then I wish I could amend the Constitution of the United States.

The SPEAKER. The Chair did not understand the gentleman's observation.

Mr. KEM. I only expressed a wish that I had the power to amend the Constitution of the United States.

The SPEAKER. There are certain things which are providential. [Laughter.]

Mr. SHERMAN. I ask unanimous consent that the gentleman be given that power. [Laughter.]

Mr. PAYNE. I object. [Laughter.]

Mr. DINGLEY. Mr. Speaker, I call for the reading of the resolution I have sent to the desk.

The resolution was read, as follows:

Resolved, That all leaves of absence heretofore granted to members of the House, except such as are granted on account of sickness of a member or sickness in his family, be revoked.

Mr. McMILLIN. Pending that, Mr. Speaker, I would like to ask the gentleman from Maine whether he does not think it would be well to leave this matter in its present position until we see what course will be taken by the Senate within the next two hours? It is possible that if they pass the appropriation bill which we sent them last Saturday it will not be found necessary to call members back from their homes.

Mr. DINGLEY. The difficulty that we have had for two or three days in maintaining a quorum, with the knowledge that members are hourly leaving the city, compels us to take some such action as this resolution proposes.

Mr. McMILLIN. I did not know but we might get along without it if the Senate should take certain action within the next two hours.

Mr. DINGLEY. I think no harm will come from the adoption of the resolution.

The resolution was unanimously agreed to.

Mr. DINGLEY. Mr. Speaker, I offer another resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the Sergeant-at-Arms telegraph to absent members and inform them the House has revoked all leaves of absence except where such absence is on account of sickness of a member or sickness in his family, and that their immediate presence is required at the daily sessions of the House for the purpose of transacting public business.

The resolution was adopted.

Mr. BABCOCK. Mr. Speaker, I desire to say, on behalf of my colleague, Mr. SAUERHERING, that I am in receipt of a letter from him stating that he has been called away by sickness in his family. I wish this fact to appear in the RECORD, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. DOCKERY. Mr. Speaker, I do not know whether or not leave of absence has been granted my colleague, Judge DE ARMOND, but will state that a few days since he was called home by the illness and death of a brother, and if leave has not been granted, I ask that he now be given indefinite leave of absence.

The SPEAKER. The Chair is informed that the gentleman's colleague, Mr. DE ARMOND, is not on the list of members who have been excused.

Mr. DOCKERY. Then I ask that he be excused, for the reason I have stated.

The SPEAKER. Without objection, the gentleman from Missouri, Mr. DE ARMOND, will be excused.

Mr. KEM. I rise to a parliamentary inquiry. Under the rule are not all gentlemen who have been excused on account of sickness of themselves or their families excused anyhow?

The SPEAKER. Not those that have not been excused. [Laughter.]

Mr. DOCKERY. But my colleague, Mr. DE ARMOND, has not, it seems, been granted leave of absence heretofore, and I am advised that he left to attend the funeral of a brother.

Mr. KEM. That may be true in this case. But other gentlemen have risen in their places and made personal excuses for gentlemen who have already been excused. I submit that the rule covers all such cases.

There being no objection, Mr. DE ARMOND was excused.

Mr. HENRY of Connecticut. I ask that the gentleman from Virginia, Mr. TUCKER, be excused on account of sickness.

There being no objection, Mr. TUCKER was excused.

Mr. HAINER of Nebraska. Mr. Speaker, last Friday my colleague, Mr. STRODE, informed me that he had received a letter announcing the sickness of his wife. I understand he left the city on Saturday, and I presume it was on that account. If he is not excused, I now ask that he be excused.

The SPEAKER. The gentleman's colleague has not been excused.

Mr. HAINER of Nebraska. Then I ask that he be excused on the ground stated.

There being no objection, Mr. STRODE of Nebraska was excused.

Mr. HOPKINS. I ask leave of absence for my colleagues, Mr. LORIMER and Mr. FOSS, on account of sickness in their families.

The SPEAKER. The gentleman from Illinois, Mr. LORIMER, has already been excused. Is there objection to excusing the gentleman from Illinois, Mr. FOSS, on account of sickness in his family?

There being no objection, Mr. FOSS was excused.

Mr. JOY. I ask that my colleague, Mr. HUBBARD, be excused on account of illness in his family.

The SPEAKER. Without objection, the gentleman from Missouri, Mr. HUBBARD, will be excused.

There was no objection.

Mr. BAILEY. I have been informed that my colleague, Judge ABBOTT, is detained at his home sick. I ask that he be excused.

There being no objection, Mr. ABBOTT was excused.

Mr. BRUMM. I have just been informed that my colleague, Mr. BROSIUS, left the city sick, and is now detained at his home by sickness. I ask that he be excused.

There being no objection, Mr. BROSIUS was excused.

Mr. DINGLEY. As we have now present more than a quorum of members, I move that all further proceedings under the call be dispensed with.

Mr. McMILLIN. How many members are present?

The SPEAKER. One hundred and ninety.

The motion of Mr. DINGLEY was agreed to.

STATE BONDS OWNED BY THE UNITED STATES.

The SPEAKER. The question recurs on the resolution reported by the gentleman from New York [Mr. SHERMAN], which the Clerk will again read.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to report to Congress what steps, if any, have been taken by the Treasury Department to collect or procure a settlement of the principal and interest of certain State bonds and stocks, the ownership of which was assumed by the United States under authority of the Indian appropriation act of August 15, 1894, and upon which the United States has since paid interest to the several Indian tribes interested; and what efforts, if any, have been made to procure payment of the bonds of the original State of Virginia taken over under said act and now amounting to $1,400,000, of which sum, under the constitution of the State of West Virginia, an equitable proportion was to be assumed and provided for by the new State.

Mr. McMILLIN. From what committee does this resolution come? How does it come before the House?

Mr. SHERMAN. It is a resolution of inquiry, coming before the House on the report of the Committee on Indian Affairs.

The resolution was agreed to.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

DEFICIENCIES.

Mr. CANNON. I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 9409) making appropriations to supply deficiencies in the appropriations for the expenses of the House of Representatives, and for other purposes, for the fiscal year 1896.

Be it enacted, etc., That the following sums, or so much thereof as may be necessary, be, and the same are hereby, appropriated out of any money in the Treasury not otherwise appropriated for the objects hereinafter expressed, for the service of the fiscal year 1896, namely:

HOUSE OF REPRESENTATIVES.

For compensation and mileage of Members of the House of Representatives and Delegates from the Territories, $25,000.

For miscellaneous items and expenses of special and select committees, $12,000.

CAPITOL BUILDING.

For the care of the Capitol Grounds in repairing damages to trees, foliage, and planting made necessary by recent storms, $900.

TREASURY DEPARTMENT.

That the Secretary of the Treasury be, and is hereby, authorized to credit the appropriations for the "Revenue Cutter Service, 1896," with a portion of the unexpended balance, not exceeding $9,000, of the appropriation for said service for the fiscal year ending June 30, 1895, and a portion of the unexpended balance, not exceeding $11,000, of the appropriations for the refuge station at Point Barrow, Alaska."

Mr. RICHARDSON. I ask for a second.

Mr. CANNON. I ask that a second may be considered as ordered.

Mr. RICHARDSON. I do not object to that.

The SPEAKER. Is there objection to considering a second as ordered?

Mr. KEM. I object.

The SPEAKER. Objection is made.

The SPEAKER appointed as tellers Mr. CANNON and Mr. RICHARDSON.

The House divided; and the tellers reported—ayes 181, noes 1.

So a second was ordered.

Mr. CANNON. Mr. Speaker, I will say but a word in explanation of this bill.

It is made necessary by the seating of additional members and for their pay and mileage during this Congress, $25,000 for the balance of the fiscal year.

Miscellaneous items and expenses for session of select committees, $12,000. Gentlemen who have kept track of the business of the House know that there has been a considerable expenditure in that direction, and it is absolutely necessary to meet the demand for the balance of the fiscal year.

For care of the Capitol Grounds on account of the recent storms, $900.

This is a proper and necessary expenditure for the purpose of keeping these grounds in proper order and repairing the damage done by recent storms. If it is not appropriated the ordinary regular force will have to be discharged for the balance of the fiscal year and work suspended on the grounds.

The next item in the bill is an expenditure making a certain amount of money available for the Revenue-Cutter Service, which is the amount of the unexpended balance of the last fiscal year, and the amount unexpended for the refuge station at Point Barrow, Alaska, also for the Revenue-Cutter Service. It becomes necessary on account of the expenditure for the fitting out of the expedition to Bering Sea.

It will be seen, therefore, that all of these are items immediately required and absolutely necessary, which makes it important that this bill should pass without delay.

Mr. RICHARDSON. Mr. Speaker, I believe that this is the first time in the history of Congress, as far as my observation goes, that it has been found necessary to pass a special deficiency bill to provide for the expenses mentioned by the gentleman from Illinois for contested seats and for the pay of new members seated during this Congress.

Mr. CANNON. Oh, no; it has been done at every session of Congress.

Mr. RICHARDSON. A special appropriation bill passed for the purpose of paying members seated during the session?

Mr. CANNON. Oh, well, you may call it a special appropriation or not, but this provision is always made in some of the bills.

Mr. DOCKERY. This grows out of the increase of the meager majority on the other side. [Laughter.]

Mr. RICHARDSON. I suppose it grows out of the additional members seated by this House.

Mr. CANNON. I ask a vote.

The question being taken on the motion of Mr. CANNON to suspend the rules and pass the bill (two-thirds voting in favor thereof), the motion was agreed to.

COMMITTEE ON APPROPRIATIONS.

Mr. CANNON. Mr. Speaker, I desire to pass the following resolution, which I think I can do by unanimous consent.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Committee on Appropriations, or such subcommittees as they may designate, are hereby authorized to sit during the vacation for the purpose of considering and facilitating the business of the committee in advance of the next regular session; to be convened at such time as the chairman of said committee may order.

Mr. CANNON. This is the usual resolution.

The SPEAKER. Is there objection to its consideration?

Mr. KEM. I object.

Mr. CANNON. I move to suspend the rules and pass the resolution.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the resolution adopted.

PENITENTIARY MILITARY RESERVATION, FORT LEAVENWORTH.

Mr. BRODERICK. Mr. Speaker, I move to suspend the rules and pass House bill No. 8383, with the amendments authorized by the committee. They are incorporated in the bill which I send to the desk.

The SPEAKER. The bill will be read.

The Clerk read as follows:

Be it enacted, etc., That the Attorney-General is hereby authorized and directed to select on the military reservation at Leavenworth, Kans., within limits hereinafter described, a site for the erection of a penitentiary and other buildings, wall, and workshops for the employment of United States prisoners, with such improvements as he may direct in connection with the completion of the several buildings; said penitentiary to be of a capacity to accommodate at least 1,200 convicts, and to be situated on said grounds and within the following boundary lines: Beginning at a point at the northwestern intersection of Grant and Logan avenues, thence north 72° west, more or less, 4,500 feet, more or less, to a stone in the field north of the Government farm barn; thence due west 1,500 feet, more or less, to the north side of Logan avenue; thence along said avenue and its prolongation to the western boundary of the military reservation; thence south along said line to the southwest corner of said reservation; thence east along the south line of said reservation to the pike leading north from the city of Leavenworth to the post of Fort Leavenworth; thence north along said pike to the point of beginning; and that these grounds thus described shall be, and hereby are, set apart from the contiguous military reservation for United States penitentiary purposes and assigned to and placed under the care and control of the Attorney-General as a United States penitentiary reservation: *Provided*, That when the said United States Penitentiary shall be occupied and applied to the purposes contemplated by this act the buildings and grounds within the said military reservation of Fort Leavenworth that were transferred from the Department of War to the Department of Justice, in accordance with the provisions of the act of Congress approved March 2, 1895, shall be restored to the control of said Department of War: *Provided further*, That this prison reservation shall be open for military tactical purposes when such purposes do not interfere with the discipline of said prison.

SEC. 2. That the Attorney-General shall employ an architect skilled in the construction of penitentiary buildings, who, with the warden of the existing

penitentiary, shall prepare plans, specifications, and estimates, and submit them to the Attorney-General for approval.

SEC. 3. That upon the approval of plans and estimates the Attorney-General is authorized to incur the expense necessary to construct the penitentiary buildings thus approved, and for this purpose shall employ the labor of the convicts in the present United States Penitentiary at Fort Leavenworth that can, under proper guards, be used on the necessary stone, brick, and wood work and in the manufacture of lime on the reservation until the completion of the same, and shall use all the equipments for carrying on work that are in the possession of the present United States Penitentiary building, including the sawmill and shops equipped for working in iron, stone, brass, and wood, with the use of the animals and wagons there belonging to the United States for hauling material, and other necessary transportation; and said prison shall have the right to quarry stone for prison purposes in any of the quarries on the Fort Leavenworth Reservation: *Provided*, That no expense shall be incurred under this act until an appropriation is made with which to commence the buildings.

SEC. 4. That the cost of employing an architect and of building said penitentiary, workshops, and improvements thus authorized shall not, exclusive of the prison labor, exceed the sum of $150,000, of which no more than $50,000, or so much thereof as may be necessary, shall be expended in a fiscal year.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. McMILLIN. In order to have an explanation of this bill, I demand a second.

Mr. BRODERICK. I ask that a second be considered as ordered.

The SPEAKER. The gentleman asks that a second be considered as ordered. The Chair hears no objection.

Mr. BRODERICK. The gentleman from Tennessee [Mr. McMILLIN] asks an explanation. In 1891 Congress provided for three Federal penitentiaries. One was to be located west of the Rocky Mountains and two east. No appropriation was made for the purchasing of the sites or the establishing of the prisons, and no prison was established under that act until a year ago, when the Fifty-third Congress converted the old military prison at Fort Leavenworth into a civil United States penitentiary. That took effect and the change was made on the 1st of last July. The military prisoners were kept in an old building that was erected there for commissary stores more than forty years ago. It is wholly unsuitable for a penitentiary. The building is situated inside the garrison; and it is not desirable by either the Department of War or the Department of Justice that it should remain there. The prison and the small yard inclosing it are under the control of the Department of Justice, while the military post and reservation are under the control of the War Department.

Now, the two Departments have agreed upon a new site. They have agreed to remove the prison from the garrison over into a corner of the military reservation, on Government land, where the site does not cost the Government a dollar. This site is agreed upon by the two Departments, so there is no difference of opinion in relation to it. The site is located about a mile and a half from the garrison, so that the government of the military post will not conflict with the government of the penitentiary or the authorities of that institution. This arrangement is agreeable to all concerned.

Mr. SAYERS. Will the gentleman allow me a question?

Mr. BRODERICK. Yes, sir.

Mr. SAYERS. I do not object to the bill. I wish an explanation in regard to it. As I understand, the proposition is to transfer certain buildings that are on a particular portion of the military reservation to another portion.

Mr. BRODERICK. No; they will rebuild; but this does not provide any appropriation. There is not a dollar to be expended under this bill or until the appropriation is made. But the most important thing in this bill is the authorizing of the employment of the prison labor in quarrying stone, which is plentiful on the military reservation.

Mr. McMILLIN. Does not this bill carry $150,000?

Mr. BRODERICK. No, sir; this bill carries no appropriation. It provides that the prison labor may be employed anywhere on the reservation in quarrying stone, in excavating for walls, and in doing such things as may be done preparatory to the erection of a building, without the expenditure of any money.

Mr. SAYERS. This bill has the approval of both the War Department and the Department of Justice?

Mr. BRODERICK. Yes. I have a letter here from the Secretary of War, in which he suggests an amendment in relation to the boundaries of the proposed site. That amendment has been made, and is incorporated in the bill that has been read, so that both Departments are satisfied with and approve this arrangement.

Now, if there are no questions, and if no gentleman desires to say anything, I will ask for a vote; but if any gentleman desires to speak I will yield to him.

Mr. McMILLIN. Mr. Speaker, I find this in section 4:

That the cost of employing an architect and of building said penitentiary, workshops, and improvements thus authorized shall not, exclusive of the prison labor, exceed the sum of $150,000, of which no more than $50,000, or so much thereof as may be necessary, shall be expended in a fiscal year.

Mr. BRODERICK. Yes; I will explain that.

Mr. McMILLIN. Now, is not that an appropriation of $150,000, limited only by the condition that there shall be only $50,000 expended each year?

Mr. BRODERICK. No; the gentleman will see——

Mr. McMILLIN. It is very peculiarly worded, and I ask the gentleman's own construction of it.

Mr. BRODERICK. At the close of section 3 there is a provision to which I call the gentleman's attention. It is as follows:

Provided, That no expense shall be incurred under this act until an appropriation is made with which to commence the buildings.

That is at the close of section 3. So that there is positively no appropriation carried in this bill—not a dollar.

Mr. HENDERSON. It is carefully guarded so as to prevent an appropriation being made; and the Committee on the Judiciary would not agree to it until it was amended so as to prevent that in this bill.

Mr. McMILLIN. So as to prevent an appropriation?

Mr. HENDERSON. So as to prevent an appropriation. After that it was unanimously agreed to.

Mr. McMILLIN. It provides for the employment of architects. How can they be employed without an appropriation?

Mr. BRODERICK. They can not be employed until an appropriation has been made.

Mr. McMILLIN. Then this is mere brutum fulmen.

Mr. BRODERICK. They may be employed when an appropriation is made.

Mr. McMILLIN. Then it is a bill for the erection of a penitentiary which does not erect a penitentiary?

Mr. BRODERICK. It is a bill providing the means by which certain preliminary work can be done without expense to the Government.

Mr. ELLIS. It is for the employment of the convict labor.

Mr. BRODERICK. These prisoners are there without anything to do. They are kept in their cells and have to be taken out and marched over the grounds to give them exercise. The warden wants work for them.

Mr. McMILLIN. Now, right there, I want to ask the gentleman whether this is not a change of the method of keeping prisoners from that adopted in past years. Heretofore we have made our contracts, as I understand it, with the penitentiaries of the States to take care of the prisoners and keep them employed; but it seems now that we are providing them with fans instead of hammers.

Mr. SAYERS. Mr. Speaker, if the gentleman will allow me. The last Congress passed an act by which the military prison at Fort Leavenworth was transferred to the Department of Justice, so that civil prisoners, convicts of the civil courts, might be confined in that prison.

Mr. McMILLIN. Is there any other prison of that kind?

Mr. SAYERS. None, I believe.

Mr. McMILLIN. Then that is a departure.

Mr. SAYERS. I will say to the gentleman that it is not a departure.

Mr. McMILLIN. It was a departure last year.

Mr. SAYERS. It was not a departure last year.

Mr. McMILLIN. That is what I was trying to get at.

Mr. SAYERS. If the gentleman from Tennessee will examine the laws passed in the Fifty-first Congress he will find that there is an act which provides for the construction of three military prisons.

Mr. McMILLIN. Three military prisons.

Mr. SAYERS. No, not three military prisons; three civil prisons.

Mr. BRODERICK. If the gentleman will permit. The act of the Fifty-third Congress converted this prison at Fort Leavenworth into a civil penitentiary.

Mr. SAYERS. So as to save the expense of constructing the three prisons.

Mr. BRODERICK. It was regarded as one of the three.

Mr. McMILLIN. Mr. Speaker, I demanded a second on this bill because I wanted to have an explanation of it, and let the House understand the necessity for it before it was acted upon. I will ask, as I have not had time to examine it, to have the report read in my time, so we can see the additional grounds that may be presented there.

The report (by Mr. BRODERICK) was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 6178) to establish a site for the erection of a penitentiary on the military reservation at Fort Leavenworth, Kans., and for other purposes, have had the same under consideration, and report to the House a substitute therefor.

The United States Penitentiary at Fort Leavenworth, Kans., was formerly a national military prison. The change was made about a year ago, and there are now about 600 prisoners confined therein. The penitentiary is situated inside the military post, and consists of old buildings, constructed over forty years ago, to be used for quartermaster's stores. These buildings are wholly unsuited and inadequate in every sense for a large modern prison. Beyond this, the prison, with a small prison yard, are now under the control of the Department of Justice, while the grounds surrounding the buildings are under control of the War Department.

The proposition now is to establish a site in the southwest corner of the Fort Leavenworth Military Reservation and about 2 miles from the garrison and return the old building to the control of the War Department. Both the military authorities and the Department of Justice approve this measure.

Your committee therefore recommend that the substitute here reported do pass.

Mr. McMILLIN. I will ask the gentleman in charge of the bill how long the situation that he describes there has existed, wherein these prisoners, instead of having something to do, have to be taken out and marched about for exercise.

Mr. BRODERICK. Under the old rule there were workshops in which the military prisoners were worked in the manufacture of such articles as were needed in the prison; but under the transfer that was made a year ago there was not specific authority to work these prisoners; so that from July last this condition has existed. While it is provided in the act making the transfer that they may be worked, not outside of the reservation, yet there is not specific authority to manufacture anything, and the Attorney-General says in his report, which I have here, that the authority was not deemed sufficient to put the prisoners at work in the shops; so that they have had very little or nothing to do. Now, we ask to have authority to put them to work quarrying the rock, which is inexhaustible on the reservation, and in excavating for this building, and they can do a hundred thousand dollars' worth of work for the Government this summer that will not cost one dollar. [Cries of "Vote!" "Vote!"]

Mr. TERRY. I just desire to say that I think this a necessary and proper measure. It was fully considered by the Committee on the Judiciary, and I hope there will be no objection to its passage.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair, two-thirds voting in favor thereof, the rules were suspended and the bill was passed.

INVESTIGATION OF FUR-SEAL FISHERIES.

Mr. DINGLEY. Mr. Speaker, I move to suspend the rules and pass the following Senate joint resolution (S. R. 155) to authorize a scientific investigation of the fur-seal fisheries.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Treasury be, and is hereby, authorized to expend, from any moneys in the Treasury not otherwise appropriated, a sum sufficient to provide for the employment of persons to conduct a scientific investigation, during the fiscal years 1896 and 1897, of the present condition of the fur-seal herds on the Pribilof, Commander, and Kurile islands in the North Pacific Ocean and Bering Sea, said amount not to exceed for both said years the sum of $5,000.

The Secretary is also authorized to employ a stenographer in connection with this investigation at a rate of compensation not exceeding $1,500 per annum, and to pay his compensation and expenses out of any moneys in the Treasury not otherwise appropriated.

The President is authorized to detail, for the purposes of assisting in this investigation, any officer or officers or employees of the United States Government, their actual expenses and the expenses of the person or persons employed under the preceding paragraph to be paid by the Secretary of the Treasury out of any moneys in the Treasury not otherwise appropriated.

The President may detail a vessel of the United States for the purpose of carrying out this investigation.

Mr. DINGLEY. This joint resolution has been unanimously reported by the Committee on Ways and Means, and approved by the Treasury Department.

The SPEAKER. The question is on suspending the rules and passing this bill.

The question was taken, and, in the opinion of the Speaker, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

SALMON FISHERIES OF ALASKA.

Mr. KNOX. Mr. Speaker, I move to suspend the rules and pass the bill S. 2022.

The Clerk read as follows:

A bill (S. 2022) to amend an act entitled "An act to provide for the protection of the salmon fisheries of Alaska."

Be it enacted, etc., That the act approved March 2, 1889, and entitled "An act to provide for the protection of the salmon fisheries of Alaska," is hereby amended and reenacted as follows:

"That the erection of dams, barricades, fish wheels, fences, or any such fixed or stationary obstructions in any part of the rivers or streams of Alaska, or to fish for or catch salmon or salmon trout in any manner or by any means with the purpose or result of preventing or impeding the ascent of salmon to their spawning ground, is declared to be unlawful, and the Secretary of the Treasury is hereby authorized and directed to remove such obstructions and to establish and enforce such regulations and surveillance as may be necessary to insure that this prohibition and all other provisions of law relating to the salmon fisheries of Alaska are strictly complied with.

"SEC. 2. That it shall be unlawful to fish, catch, or kill any salmon of any variety, except with rod or spear, above the tide waters of any of the creeks or rivers of less than 500 feet width in the Territory of Alaska, except only for purposes of propagation, or to lay or set any drift net, set net, trap, pound net, or seine for any purpose across the tide waters of any river or stream for a distance of more than one-third of the width of such river, stream, or channel, or lay or set any seine or net within 100 yards of any other net or seine which is being laid or set in said stream or channel, or to take, kill, or fish for salmon in any manner or by any means in any of the waters of the Territory of Alaska, either in the streams or tide waters, except Cook Inlet, Prince William Sound, Bering Sea, and the waters tributary thereto, from midnight on Friday of each week until 6 o'clock a. m. of the Sunday following; or to fish for or catch or kill in any manner or by any appliances, except by rod or spear, any salmon in any stream of less than 100 yards in width in the said Territory of Alaska between the hours of 6 o'clock in the evening and 6 o'clock in the morning of the following day of each and every day of the week.

"SEC. 3. That the Secretary of the Treasury may, at his discretion, set aside any streams as spawning grounds, in which no fishing will be permitted; and when, in his judgment, the results of fishing operations on any stream indicate that the number of salmon taken is larger than the capacity of the stream to produce, he is authorized to establish weekly close seasons, to limit the duration of the fishing season, or to prohibit fishing entirely for one year or more, so as to permit salmon to increase: *Provided, however*, That such power shall be exercised only after all persons interested shall have been given a hearing, of which hearing due notice must be given by publication: *And provided further*, That it shall have been ascertained that the persons engaged in catching salmon do not maintain fish hatcheries of sufficient magnitude to keep such streams fully stocked.

"SEC. 4. That to enforce the provisions of law herein, and such regulations as the Secretary of the Treasury may establish in pursuance thereof, he is authorized and directed to appoint one inspector of fisheries, at a salary of $1,800 per annum, and two assistant inspectors at a salary of $1,600 each per annum, and he will annually submit to Congress estimates to cover the salaries and actual traveling expenses of the officers hereby authorized and for such other expenditures as may be necessary to carry out the provisions of the law herein.

"SEC. 5. That any person violating the provisions of this act or the regulations established in pursuance thereof shall, upon conviction thereof, be punished by a fine not exceeding $1,000 or imprisonment at hard labor for a term of ninety days, or both such fine and imprisonment, at the discretion of the court; and, further, in case of the violation of any of the provisions of section 1 of this act and conviction thereof a further fine of $250 per diem will be imposed for each day that the obstruction or obstructions therein are maintained."

The SPEAKER. The question is on suspending the rules and passing this bill.

Mr. RICHARDSON. Mr. Speaker, I think we ought to have some explanation of the matter.

Mr. KNOX. Mr. Speaker, this bill has been unanimously approved by the Committee on Territories of the House and also of the Senate. It has also passed the Senate after full consideration and after a hearing of all persons who are interested in the salmon fisheries of Alaska. The bill results from the law that was passed by the Fiftieth Congress, which was rather crude and general in its provisions, and provided for a further inspection of the fisheries, in order that there might be subsequent legislation.

Now, the substantive proposition of this bill provides for the protection of salmon, so that they may reach their spawning grounds, in order that they may not be exterminated by the fisheries that are now going on. The sanctions of the bill are the appointment of inspectors by the Treasury Department, and authority being given to these officers to remove any such traps or dams as tend to the destruction of salmon, and a provision for the punishment of parties who violate the law. Hardly any more important bill can be passed this session than one to prevent the destruction of those vast fisheries, which are a great source of food supply not only to the people inhabiting Alaska but to all the people of the United States.

Mr. DINGLEY. If the gentleman will pardon me, Mr. Speaker, I simply desire to add my testimony to what he has already presented as to the absolute necessity for the passage of this bill in order to protect these important and valuable salmon fisheries.

Mr. LOUD. I will say, Mr. Speaker, that this bill has been submitted to the men who are interested in this industry on our coast, and that no objection is made to it by any of them.

Mr. KNOX. Let me add that the bill has the entire approval of the officials of the Treasury Department.

The rules were suspended and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 5280) for the relief of George W. Freeman.

The message also announced that the Senate had passed with amendment the bill (H. R. 2708) to constitute a new division to the eastern judicial district of Texas and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court; in which the concurrence of the House was requested.

The message also announced that the Senate had passed the bill (S. 3141) granting a pension to Rachel Kern; in which the concurrence of the House was requested.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the bill (S. 3141) granting a pension to Rachel Kern was taken from the Speaker's table and referred to the Committee on Invalid Pensions.

DAMAGES BY EXPLOSION.

Mr. ALDRICH of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill which I send to the desk.

The bill (S. 1205) was read, as follows:

Be it enacted, etc., That the sum of $15,845.23, being the sum found just by a board of officers convened at Chicago July 17, 1894, under Special Orders No. 72, issued by command of Major-General Miles, of the Department of the Missouri, which sum is recommended by him, with the concurrence of the Major-General commanding the Army, be, and the same is hereby, appropriated, to pay the awards of said board, according to the following schedule, as set forth in their report made on November 3, 1894, and published in Senate Executive Document No. 21, third session Fifty-third Congress, to wit: P. J. Ryan, $1,307; Charles R. Cave, $1,840.61; Edward C. Huling, $742.29; Jacob R. Custer, $717.83; Herman Lehman, $829.75; Herman Grossman, $770; Phillip W. Raber, $1,848.99; F. A. Devlin, lessee, $160; Samuel B. Foster, $1,699.50; Amelia H. Dodge, $1,495.81; Frederick A. Howe, $893.06; Hellen Palmer, $946.75; James Wright, $1,213.68; W. H. Godsir, $258.04; J. W. Morrison, $47.77; Mrs. J. E. Ellen, $25; W. W. Morrill, $50; Silas H. Finch, $54.39; David Mayer, lessee, $45; Howlin Horgenroth, $125; H. N. Stephens, lessee, $12.55; John W. Byers, $105.33; Edward D. Murray, $406; Arthur W. Allen, $99.15; Emilie J. Smith, trustee, $19; T. A. Keene, $50; Hannah Sullivan, $40; Armory Warehouse Company, $18; W. F. Horn, agent, $25.91; Alice York, $305; total, $15,845.23.

Mr. RICHARDSON. Mr. Speaker, I demand a second.

The SPEAKER. Without objection a second will be considered as ordered.

There was no objection.

Mr. ALDRICH of Illinois. Mr. Speaker, this bill provides for compensating the parties who were injured by the explosion of a caisson in Grand Boulevard at the time of the parade by the regular troops during the summer of 1894, about the time of the riots in Chicago. The claims were proved up by the War Department and were transmitted to the House and the Senate by General Miles and Secretary Lamont. This bill was reported by both the House and the Senate committees unanimously, and it has passed the Senate, no objection having been made to it. The claims have been duly attested and their validity is unquestioned.

Mr. CANNON. Is there a written report accompanying the bill?

Mr. ALDRICH of Illinois. There is a report accompanying the bill.

Mr. RICHARDSON. I have sent for the report, but it seems that it can not be had.

Mr. CANNON. Will my colleague allow me to read this report, which is very brief?

Mr. ALDRICH of Illinois. Certainly.

Mr. RICHARDSON. Is it a printed report?

Mr. CANNON. It is. I will read it:

The Committee on Military Affairs, to whom was referred the bill (S. 1205) for the relief of persons who sustained damages by the explosion of an ammunition chest of Battery F, Second United States Artillery, July 16, 1894, having fully considered the same, recommend that it do pass.

House bill 3562, precisely similar to this bill, was favorably acted upon by the Committee on Military Affairs, and Report No. 398 made to the House.

Mr. RICHARDSON. I would like to ask the gentleman from Illinois how the Committee on Military Affairs got jurisdiction of these claims? This seems to be purely a case of claims, and I do not see how the Committee on Military Affairs can have obtained jurisdiction of it. This is certainly as much a claims bill as any bill to pay claims under the Bowman Act, or to pay French spoliation claims or depredation claims.

Mr. HOPKINS. If the gentleman will permit me, I will explain that. This is a matter that was under the supervision of the military authorities in Chicago, and that was investigated by order of the Secretary of War——

Mr. RICHARDSON. But how does that give the House Committee on Military Affairs jurisdiction to consider these claims?

Mr. HOPKINS. Well, I think it would naturally go before the Committee on Military Affairs.

Mr. McMILLIN. Will the gentleman please indicate what rule of the House would send these claims to the Committee on Military Affairs?

Mr. HOPKINS. I could, but I would not impeach the intelligence of the gentleman from Tennessee to that extent, for he has served here too long not to know all about it.

Mr. McMILLIN. You might increase the respect of the House for your own intelligence if you gave the information. I have never seen any such rule.

Mr. HOPKINS. Well, I am sorry for the gentleman.

Mr. McMILLIN. It does not exist. The gentleman from Illinois can not laugh off a matter of this kind. No such authority exists.

Mr. HOPKINS. Now, the gentleman from Tennessee and I will not get into a quarrel or split hairs over the question of what committee has control of this subject.

Mr. RICHARDSON. But you split hairs every time we bring up a claim on this side.

Mr. HOPKINS. Oh, no; I do not. I have been traveling with the gentleman from Tennessee on claims.

Mr. PAYNE. I suggest, Mr. Speaker, that it does not make any difference, so far as the motion before the House is concerned, whether the Committee on Military Affairs had jurisdiction originally over this matter or not. What the House wants to know now is, whether a committee of the House has thoroughly examined these claims and reported them favorably—this being a motion to suspend the rules and pass the bill. I agree with the gentleman from Tennessee that the Committee on Military Affairs would not have jurisdiction of this subject under the rules; but the bill having gone to that committee for consideration, and that committee having the intelligence to investigate it, and having investigated it and reported this bill unanimously, I do not see that, for the purposes of this motion, it makes any difference whether the committee had original jurisdiction or not.

Mr. McMILLIN. But my friend from New York and my friend from Illinois will admit that whatever committee properly had jurisdiction of the subject, that committee had a duty to perform, namely, to give the House full information, by its report, as to the character and validity of the claims.

Mr. PAYNE. Let me suggest further in that connection that the Committee on Military Affairs reported the House bill, accompanied by a very elaborate report, going into the question fully; but afterwards the same matter was referred to the Senate committee, and they made the brief report which has been read by the gentleman from Illinois [Mr. CANNON], referring to the first report, which, as I have said, gives full information on the subject.

Mr. McMILLIN. I was going by the report which the gentleman from Illinois read, containing, it seems, all the information which the Committee on Military Affairs has given us.

Mr. HOPKINS. The gentleman from Tennessee is under a misapprehension on that point. I hold in my hand a report of the Committee on Military Affairs under date of February 17, 1896, containing all the correspondence and an itemized statement of all the damages allowed by the committee—a report covering 17 pages in all. I trust that will entirely satisfy my friend from Tennessee.

Mr. CANNON. I have in my hand the report of the House committee—Report No. 398—the document I believe to which my colleague [Mr. HOPKINS] refers. It is apparently very complete, and undertakes to ascertain the damages from the explosion of a caisson in the streets of Chicago. I do not find, however, from a hasty examination of the report, any statement bearing one way or the other upon the liability of the Government for damages in this case. I do not find that the question whether there was negligence is canvassed. I find nothing to show whether, if this transaction were made the basis of a suit against a private party, the parties bringing the suit would be entitled to recover.

Now, there are many questions, it seems to me, presenting themselves for the consideration of the House in connection with this matter. First, was the Army of the United States rightfully there at the time of the explosion under orders that the superiors were authorized to issue? If so, and the accident resulted under such circumstances, is there any principle of law or equity requiring the United States Government to pay the damages? It is upon that exact ground that I desire to hear from my colleague, because I have not given this claim any attention. It is for only $15,000; and sooner than spend time upon it in prolonged discussion at this stage of the session I might prefer to favor the appropriation, especially (if I may be allowed the remark) as it seems to be an appropriation for citizens of my own State. But the question in my mind is whether the Government, without proof of negligence on the part of its agents, should pay for damages which could not be prevented or foreseen. Was the Government in fault?

Now, let me say a word in regard to the Ford's Theater disaster. It was ascertained in that case that the employees of the Government, the superintendents and others, were guilty of gross negligence; and in good conscience, exercising our discretion along the line of right and justice, we have made appropriations to remunerate in that case the injured or their families. Now, if it appears in the present case that the agents of the Government were careless—if there was negligence to such a degree that the Government through its agents was at fault, then it seems to me we can safely afford to pay the damages. But unless there is somewhere shown some shortcoming on the part of the Government through its agents, then the query with me is—and I submit it with great respect—whether we can afford to make the precedent which the passage of this bill might establish. My own inclination would be, as I said before, to pay the damages, the amount being so small; but I want to call attention to the issue involved, so that the House may proceed understandingly in the premises.

Mr. ALDRICH of Illinois. Mr. Speaker, there seems to be some question about the circumstances under which this parade took place. I have here a copy of the general orders of General Miles convening the court of inquiry to pass on these claims. There never was any question about the liability of the Government for the payment of these damages. The order reads——

Mr. GROSVENOR. On what ground is the Government liable?

Mr. HOPKINS. That is what my colleague is going to state.

Mr. ALDRICH of Illinois. I am about to read the general order of General Miles explaining the purpose for which this court was convened.

Mr. GROSVENOR. But my question is as to the liability of the Government.

Mr. ALDRICH of Illinois. On July 17, 1894, the day following the disaster, General Miles issued the following order:

HEADQUARTERS DIVISION OF THE MISSOURI, *July 17, 1894.*

A board of officers to consist of Maj. E. B. Williston, Third Artillery; Major Randolph, Third Artillery; Captain Grimes, Second Artillery; Captain Capron, First Artillery; Captain Taylor, Fourth Artillery; First Lieutenant Hoyle, Second Artillery, will convene at Camp Miles, Chicago, at 2 p. m. this day, or as soon thereafter as practicable. The board will investigate and make a report upon the explosion of a caisson of Light Battery F, Second

Artillery, while on a practice march through the streets of this city on the 16th instant. A full and exhaustive examination will be made of everything bearing in any way upon the question before it. The board will sit without regard to hours.

By command of Major-General Miles.

It will thus be seen that a recognition of the justice of this claim was made at once by the War Department through its commanding officer at Chicago, and orders were given that the amount of damages should be ascertained and reported to the general commanding.

That report and finding were made and forwarded to the Secretary of War, who in turn submitted the same to the Senate and House.

The claims are reasonable and just, and too much delay has already ensued about their payment. It is conceded here that if the damages had resulted while the troops were in action that some doubt of the Government's liability might exist, but the situation was entirely different. As General Miles says, the troops were out on a "practice march." The riots were over, but the troops had not been ordered away. They were out for exercise and display. The committees of the Senate and House have both given their unanimous approval to the bill, and I ask for a favorable action from the House thereon.

The actual damage done was much in excess of the amounts called for in the bill. All the glass—much of it heavy plate—in the neighborhood was smashed; doors were blown in and cracked; interiors suffered severely; much of fine furniture and ornaments were badly damaged if not actually destroyed. The wreck was something awful.

Mr. GROSVENOR. What I want to get at is this: This claim, as I understand, can proceed only on the ground that there was negligence on the part of the Government through its agents. Now, as I recollect, there was profound mystery, which lasted for many months—and which, indeed, has never been solved—as to what really caused that explosion. Will the gentleman state before he sits down what act of negligence on the part of the agents of the Government caused this explosion or whether it was not, in point of fact, an accident which no man could have provided against by ordinary prudence?

Mr. HOPKINS. When this caisson exploded in a crowded street under the circumstances shown, is there not a prima facie case against the Government?

Mr. GROSVENOR. Negligence is never to be inferred; it must always be proved.

Mr. ALDRICH of Illinois. There had been an examination of this caisson and its contents on the day immediately preceding the explosion. Unquestionably the caisson was defective.

Mr. POWERS. Does the committee report that there was any negligence on the part of any Government employee?

Mr. HOPKINS. The committee reports in favor of allowing the claim.

Mr. PARKER rose.

Mr. ALDRICH of Illinois. My friend from New Jersey [Mr. PARKER], a member of the committee, can explain the matter.

Mr. MITCHELL. What necessity was there for carrying ammunition on the occasion of a practice parade?

Mr. PARKER. That is just the point. There had been riots in the city of Chicago; but that city was then peaceful. There was no necessity, so far as I can see, for carrying ammunition in a caisson through the crowded streets of Chicago on the occasion of a practice parade; and what is more——

Mr. RICHARDSON. Does the gentleman say that this accident occurred during the riots in Chicago?

Mr. PARKER. No, sir; but it was after the troops had gone there.

Mr. RICHARDSON. How long was this after the riots?

Mr. PARKER. Not very long; but it was after all disorder had ceased. There was a practice march of the military through the streets.

A MEMBER. While the troops were in the field?

Mr. ALDRICH of Illinois. This was before the troops had left the city, but after the riots. They were exercising.

Mr. RICHARDSON. But they were there to suppress the riots.

Mr. PARKER. They had been there for that purpose, and they had not taken their leave. The riots, however, were over.

Mr. RICHARDSON. I am trying to find out how long subsequently this was to the riots?

Mr. PARKER. It was shortly after the suppression of the riots.

Mr. RICHARDSON. What do you mean by "shortly after"? How long a time—one week, one hour, or one day?

Mr. PARKER. It was after all violence had ceased and there was no good in trundling the cannon through the city, especially with the caissons filled with explosive ammunition.

Mr. HOPKINS. And there was no occasion for the march, anyway.

Mr. PARKER. None whatever.

Now, it is a well-settled principle of law as against any person, any individual or corporation, that the taking of dangerous implements, explosives of any kind, through a city or through a crowd is held to be negligence per se. It is not so, I admit, as to the Government. But we have established precedents for the payment of such claims in the past. Of course such a claim as this can not be entertained except by the authority of Congress; but at this very Congress a similar case was considered. A man was engaged at a post on the Delaware River shooting at a target, and there was carelessness exhibited in allowing another man to come within range of the shooting, and he was thereby injured. Payment was made in that case. I think damages were awarded to the extent of about $5,000.

In such a case as this, where a great number of buildings were injured and where some persons were seriously hurt, it was deemed a matter of right—that it was entirely proper for the Government to bear the expense. In other words, that the expense should fall upon the Government, and not upon these individuals.

The recommendation of the general commanding is in the following words:

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Chicago, Ill., November 8, 1894.

Respectfully forwarded to the Adjutant-General of the Army for consideration by the War Department, recommending that the Congress be asked to make an appropriation to cover the damages passed upon by the board.

NELSON A. MILES,
Major-General, Commanding.

Now, this, as a matter of course, is for Congress to determine; but that the Government of the United States should suffer its private citizens, under such circumstances, to lose by an explosion occurring on a mere practice march by an artillery company carrying deadly explosives through the streets of a crowded city does not seem to be fair or equitable in any sense of the word.

Mr. POWERS. I understand the gentleman to say that it was an exhibition on the part of the Government of negligence per se to have explosives of this character on a march of that kind?

Mr. PARKER. I say it would be an exhibition of negligence per se for an individual under such circumstances to undertake to transport explosives through the streets of a crowded city; not for the Government. But in this case it was an unnecessary thing to do, for these troops were not in the line of duty and there was no need for carrying this ammunition through the streets.

Mr. POWERS. They are carried nine hundred and ninety-nine times out of a thousand times with perfect safety, are they not?

Mr. PARKER. That may be.

Mr. POWERS. And if there is but one chance in a thousand of any injury resulting, does the gentleman think that exhibits negligence per se?

Mr. PARKER. I say that it is dangerous and is prohibited by law for private citizens to carry dangerous explosives in a crowd like that.

Mr. GARDNER. In response to the suggestion of the gentleman from Vermont that such explosions are not liable to occur more than once in a thousand times, he should not overlook the fact that it is not customary, either, in time of war for artillery and ammunition wagons to be trundled over the cobblestones of a city. Their operations are generally out on the country roads, or at least away from the streets of cities.

Mr. PARKER. That is correct.

Mr. RICHARDSON. Mr. Speaker, I think this bill ought not to pass. In the first place, the bill has never been considered by the appropriate committee of this House. The Committee on Military Affairs has no more to do with the subject-matter of this bill than the Committee on Ways and Means has, or the Judiciary. In the next place, there are no grounds shown on which the liability of the Government to pay these claims can be based.

What are the facts? It seems that there was an investigation of some kind made in reference to the matter, but there is nowhere in all of this report—and I ask the attention of the gentleman from Illinois to the fact—no statement that there was any negligence on the part of any person on the part of the Government, or any officer of the Government, even if that made the Government liable.

It seems that there were conditions existing which made it necessary to have a military force in Chicago. There had been a condition of riot in that city, and it was necessary to have the soldiers there and it was necessary to have the ammunition there. The Government is not responsible for damages done by the soldiers under such circumstances. The principle has never been laid down—it was not laid down during the late civil war—that the Government is liable for damages done by the Army, or any portion of the Army, in the suppression of rebellion.

Damages are a necessary incident of war. There was a state of war in Chicago, sufficiently so at least to require that the soldiers of the Army of the United States should be called on to suppress the disturbance. If that condition existed, if it was necessary to suppress it by military force, and the damage thereby resulted, there is no principle on which the Government is made liable. There has been no investigation of the facts. There is no report here showing the facts as to how this thing occurred or

showing negligence on the part of an officer or any soldiers of the Government. And it seems to me to be a very bad precedent to permit the Committee on Military Affairs to usurp the jurisdiction of the Committee on Claims or Committee on War Claims of the House, and submit reports, without submitting any facts whatever showing how the loss occurred, or the disaster occurred, and what the responsibility of the Government is in reference to the matter, or what damages resulted therefrom. For myself I do not think the bill ought to pass. The Secretary of War does not recommend the passage of this bill.

I yield to my colleague from Tennessee as much time as he desires.

Mr. MCMILLIN. Mr. Speaker, the principle that is involved here is very important, although the amount is not exceedingly large. If you presuppose that the Army was rightly in its place, and that the evolutions which were in progress were proper, then you establish the principle of paying the inevitable and accidental casualties which resulted from that situation.

It has been the policy of the Government heretofore to pay to those of its citizens whose property it took and consumed the value of that property when they made out their claims and sought for payment; but in this case you propose, not to pay for property taken and used in the necessary employment of the Army, but to pay the accidental damages from an explosion that could not be avoided.

Now, in order that the House may see what kind of claims I embrace in this statement, let us look to the report that has been called to my attention by the gentleman in charge of the bill. On page 6 of the report you find an item in favor of Jacob R. Custer for $717.83. Turning to pages 5 and 6 you will find an itemized account. I will not take the time of the House to read all the account, but there are some items that I think it would be well for the House to hear, in order to understand what sort of demands are made against the Government and what sort of liabilities we are assuming. The very same principle, if laid down in connection with the late war, would bring hundreds of millions of dollars of claims against the Government.

Estimate of the cost of repairs yet to be made.

This is an estimate of repairs yet to be made, expenditures that have not been paid for by Mr. Custer:

For scraping and polishing 2 tables and 1 chair (mahogany), cut by falling window glass	$25.00
For scraping and polishing window sills, cut by falling window glass	20.00
For 12 window shades for front windows	14.23
For setting marble slabs at washbowls and bathrooms	15.00
For cleaning house and furniture	50.00
For repairing ornamental glass (front) door	5.00
For scraping and polishing hard-wood floor in parlor	50.00

Then, on the preceding page of the same report, I find the following items:

T. F. Strong, carpenter	$16.90
J. P. Prendergrast, roofer	5.25
Burley & Co., 2 cups and saucers	3.00

And a scrub woman has been paid $1.50. So it goes. On the pages of this report will be found other similar itemized accounts of claims of various citizens which we are called upon to pay. For one I do not admit the liability of the Government. For one I will not vote to pay, because the liability, in my estimation, does not exist.

Mr. RICHARDSON. I yield to the gentleman from California [Mr. LOUD].

Mr. LOUD. Mr. Speaker, if, after due investigation by a proper committee or by a proper court, the Government was adjudged to be liable in this case, I should readily give my assent to it; but a very casual examination of the items in this bill shows that an estimate of more than double the original cost of new goods is provided for in this bill.

This is establishing a very dangerous precedent. I want to call the attention of the House to the fact that if this bill had come regularly before the House in any other manner except under suspension of the rules I think the point of order would have held good against it that this bill should have been considered first by the Committee on Claims. Now, of course those on the other side have said that the Committee on Claims are not more competent to judge of the merits of a case of this character than the Committee on Military Affairs; but the Committee on Claims are appointed with the object in view of their peculiar fitness for considering cases of this kind. Having served on that committee myself for four years, I know that that committee establish a line of precedents and follow it as carefully as the human mind can during their whole session. When they have established one precedent, that precedent is well known in that committee.

Now, I will say on behalf of the Committee on Post-Offices and Post-Roads that, while during this session and previous sessions many claims have been presented to that committee for robberies of post-offices, we have invariably referred these bills back to the House with the request that they go to the Committee on Claims, which committee has always considered bills of this character. I do not think it would be wise for the House, especially under the conditions under which this bill is brought before the House to-day, to pass the bill. True, it is but a small amount of money; but it is establishing a precedent. The gentleman from New Jersey [Mr. PARKER], I think, brought up the case of a vessel destroyed near New York Harbor by a battery under command of an army officer. That case came before the Committee on Claims and was presented to me, and I believe I made the report. That vessel was destroyed by a shell from a cannon at target practice, not in time of war or riot, and the vessel was more than 2 miles from the proper course of that target.

These troops were in Chicago in the performance of their orders. They were there suppressing riots. Perhaps the riots had been suppressed a day or two preceding, but they were there under orders, and you might just as well hold United States troops responsible for damages done on their return from a battlefield after a battle had been fought as hold the United States responsible in this case, and I hope the House will not pass this bill, because it would establish, as I believe, a dangerous precedent.

Mr. RICHARDSON. I yield five minutes to the gentleman from Massachusetts [Mr. WALKER].

Mr. WALKER of Massachusetts. Mr. Speaker, it seems to me this is an exceedingly dangerous precedent. It seems to me, furthermore, that even if the judgment of the House should be favorable to the consideration of this claim when all the facts were before it, yet that the claim has not been investigated in a proper manner, and a report presented here, giving us such facts as would justify us in voting for it. If any claim has ever been presented to this House that ought to be sent under the Bowman Act to the Court of Claims it is this claim. We can not by any means justify ourselves in suspending the rules and passing a claim of this kind. There are thousands and hundreds of thousands of dollars owed to citizens where there is not the slightest doubt as to what is due them. They have been adjudicated by the Court of Claims and unanimously approved by House committees, but we have not sufficient facts before us to justify us in ordering the payment of this claim.

I want to emphasize, furthermore, Mr. Speaker, what the gentleman from Tennessee [Mr. RICHARDSON] has said. Chicago herself is responsible for the condition of things that justified the Army in being there. I want to say again that it was a part of the duty of the Army, being there, to exhibit the majesty, the power, the dignity, and the lawful authority of the United States in being there. The marching of these troops through the streets of Chicago not only before but after these riots was as necessary a part of the duty of the Army in suppressing those riots and in preventing future riots as any act they did there. This can not be said to be exceptional in the duty of those troops. The United States should not be called upon to pay simply because the troops were moving after the riots had been suppressed. Furthermore, from all the facts that appear here, apparently the streets of Chicago were in a condition that would subject the city to liability for any accident that might occur either to United States troops, United States carriages, or the carriages of private citizens, or any vehicle or person going through the streets. If this bill ought to be paid, the responsibility belongs to the city of Chicago and State of Illinois to pay it and not to the United States.

Mr. RICHARDSON. I yield the remainder of my time to the gentleman from Ohio [Mr. GROSVENOR].

Mr. HOPKINS. How much time has the gentleman? He seems to have been yielding about forty minutes out of twenty.

The SPEAKER. The gentleman yields two minutes to the gentleman from Ohio.

Mr. GROSVENOR. Mr. Speaker, I want to call attention to one or two of these items which are to be paid by the Government, without any assurance that there was negligence on the part of anybody or any local official. On page 11 of this report you will find $101.75 as actual money paid out by the person setting up the claim, Mrs. Helen Palmer, and then comes this singular statement:

Estimates by tradesmen and owner of work, etc., yet to be done:

George Parker, plastering, repainting, general repairing	$1,500
Miscellaneous carpenter and mason work	15
W. P. Nelson Company, repapering	310
Window shades	25
Gas globes broken	5
Removing, relaying, and cleaning carpets	90
Cleaning floors, windows, woodwork, etc	45
Repairing lawn	25
Rent of house for three rooms during progress of repairs	600

All of which is an estimate for work in the future, to be paid for, and this item of rent for three rooms, when the work hereafter is to be done. There is not a shadow of liability even alleged against the Government. There is no negligence by the Government or anybody else. The Government was in the discharge of its duty, doing just what it had a right to do. An accident happened without anybody's fault—an accident which nobody has ever been able to explain—and this charge is made. It is a singular

precedent. It is going beyond any claim that we have ever seen presented in the House.

Mr. MITCHELL. Was there any reprimand by the Government of the officer in charge of these troops?

Mr. GROSVENOR. No, sir; nobody could be censured. It is a very thankless thing to prevent the passage of a bill like this, but it is establishing a precedent that will come back to give us a great deal of trouble in the future if we should pass a bill of this kind.

Mr. HOPKINS. Mr. Speaker——

Mr. RICHARDSON. How much time have they consumed on the other side?

The SPEAKER. The time of the gentleman from Tennessee is consumed.

Mr. RICHARDSON. How much has been used on the other side?

The SPEAKER. The other side has eight minutes.

Mr. ALDRICH. I yield five minutes to my colleague, Mr. HOPKINS.

Mr. HOPKINS. Mr. Speaker, I am a little surprised at the position assumed by the gentleman from Massachusetts [Mr. WALKER]. What his private grievance is against the city of Chicago I know not——

Mr. WALKER of Massachusetts. Mr. Speaker——

Mr. HOPKINS. I decline to be interrupted.

Mr. WALKER of Massachusetts. I call the gentleman to order.

Mr. HOPKINS. This must not be taken out of my time.

Mr. WALKER of Massachusetts. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. WALKER of Massachusetts. My point is that it is not within the parliamentary right of a gentleman to charge me, when I am attempting to discharge my public duty, with having a private grievance against the city of Chicago. I have none. I have about as much property there as the gentleman has.

Mr. HOPKINS. If he disclaims having a grievance against that city I withdraw the remark.

Mr. WALKER of Massachusetts. No; I would not descend to disclaim having a private grievance until the gentleman should prove it in some form or other, and by parliamentary practice he should be required to withdraw the charge.

The SPEAKER. The gentleman will proceed in order.

Mr. HOPKINS. I simply inferred from the line of remarks indulged in by the gentleman from Massachusetts that he must have some private grievance, because he submitted to the House no public reason why this claim should not be paid. I want to say that the gentleman from Tennessee has presented the fact here that some claims in his section have not been paid, and therefore this claim of Chicago should not be considered. Such considerations are unworthy to be presented to the intelligent members of this House. The only question for us to consider is whether these claims are legal, proper, and just. If so, they should be paid. I want to call the attention of the House to the fact that the parties who have incurred these losses, amounting to about $15,000, are not responsible in the least for the condition of affairs that existed in the city of Chicago and called for the presence of the Federal troops. They are not responsible for the action or the nonaction of the governor of the State on that occasion. They are not responsible for the administration of that city by the mayor.

Mr. QUIGG. May I ask the gentleman a question?

Mr. HOPKINS. I can not yield in my five minutes. These parties are innocent, unoffending citizens of Chicago who have been injured by the action of the Federal authorities, to the total of the items set forth in this bill. Let us look for a moment and see who should sustain this loss. No lawyer will contend for a moment that under the circumstances the city of Chicago is responsible to the parties for these losses.

Mr. RICHARDSON. Will the gentleman permit a question?

Mr. HOPKINS. I can not be interrupted. I say, Mr. Speaker, no lawyer will contend that the city of Chicago is responsible for these damages, nor will any lawyer contend that the State of Illinois should be held responsible; so that if the General Government does not come to the rescue these people will lose the amounts set opposite their names in this bill. And for what reason? Simply that the United States Government troops might have a holiday. That is all. The commanding general, Major-General Miles, in his order says that this was a practice march. It was not a march for the purpose of disciplining the people, or for the preservation of order, or for any purpose for which the troops were sent to Chicago. That purpose had become a thing of the past, and there was no more reason why there should be a practice march of the troops upon that occasion than there is now for the commanding general at the neighboring fort here to bring over his troops and march them around this building.

Mr. COOPER of Wisconsin. And this explosion occurred at least 3 miles from the scene of the riots?

Mr. HOPKINS. Yes; as the gentleman from Wisconsin suggests, the scene of this explosion was more than 3 miles from where the riots had taken place. It was in a thickly populated portion of the city, and this military show passed through there, as I have stated, under conditions that were entirely unwarranted or at least uncalled for.

Gentlemen say there is no legal liability. I desire to impress upon the members of this House that the Federal authorities were guilty of negligence in having a caisson that was loaded go over the streets in that part of the city. The gentleman from Minnesota [Mr. TAWNEY] suggests further that the very fact that the commanding general who had ordered this practice march ordered a court of inquiry, had an estimate made of the damages that were sustained by these parties, and recommended compensation is evidence that he, who was on the spot and familiar with all the facts, understood that the Government of the United States had been guilty of negligence.

The SPEAKER. The time of the gentleman has expired.

Mr. HOPKINS. I ask for two minutes more.

There was no objection.

Mr. HOPKINS. Another thing that I desire to impress upon members is that these facts were all presented to the Secretary of War. Now, we know from experience as members of this House that none of the great Departments of the Government recommend the payment of claims in cases where there is no liability upon the part of the Government. We know that they never make recommendation to Congress for the payment of such claims unless full and fair investigation has satisfied them that the claims are just, and that there is a liability on the part of the General Government. We start out, then, in this case, first, with the fact that Major-General Miles, who was present and saw the dreadful catastrophe and the damages resulting from the explosion, called a court of inquiry, made an investigation, and recommended to the Secretary of War that these claims be paid; second, we find that the Secretary of War, after these estimates had been made, went over them carefully and recommended to Congress that the claims be paid; and third, we have a report from the Committee on Military Affairs of this House, who make the recommendation contained in their report. I may say, in passing, that that is a committee which in point of intelligence, discretion, and ability will compare with any committee of this House, and they unanimously report that in their judgment the General Government is liable and that these claims ought to be paid.

Now, Mr. Speaker, I trust that the members of this House will not do such an injustice to these people in the city of Chicago as to deny them payment of the sum of $15,000, as estimated in this report, by way of compensation for the damages resulting to them from that explosion, and I trust this bill will go through the House without even a division. I call for a vote.

Mr. TERRY. Mr. Speaker, I ask for the yeas and nays on the motion of the gentleman to suspend the rules and pass this bill.

The yeas and nays were ordered.

The question was taken; and there were—yeas 87, nays 105, not voting 161, present 1; as follows:

YEAS—87.

Adams,	Crump,	Howell,	Pearson,
Aldrich, Ill.	Curtis, Iowa.	Hunter,	Pitney,
Andrews,	Curtis, N. Y.	Joy,	Price,
Arnold, Pa.	Daniels,	Kirkpatrick,	Reeves,
Avery,	De Witt,	Knox,	Reyburn,
Babcock,	Doolittle,	Kulp,	Rinaker,
Baker, N. H.	Evans,	Leonard,	Sherman,
Barney,	Fairchild,	Linney,	Sperry,
Bertholdt,	Fenton,	Linton,	Stewart, N. J.
Belknap,	Fischer,	Low,	Stewart, Wis.
Bingham,	Fletcher,	Mahany,	Sulloway,
Bishop,	Gibson,	Mahon,	Tawney,
Brewster,	Goodwyn,	Marsh,	Thomas,
Bull,	Graff,	Mercer,	Thorp,
Burrell,	Griffin,	Minor, Wis.	Tracey,
Calderhead,	Grow,	Mitchell,	Van Horn,
Clark, Iowa	Halterman,	Mondell,	Wanger,
Clark, Mo.	Hardy,	Murphy,	Willis,
Cook, Wis.	Harmer,	Otjen,	Wilson, Idaho
Cooke, Ill.	Henderson,	Overstreet,	Wood,
Cooper, Wis.	Hooker,	Parker,	Woodman.
Corliss,	Hopkins.	Payne,	

NAYS—105.

Abbott.	Cooper, Tex.	Hart,	Loud,
Allen, Miss.	Crowther,	Hemenway,	Maguire,
Arnold, R. I.	Cullerson,	Henry, Conn.	McCall, Tenn.
Baker, Kans.	Dingley,	Henry, Ind.	McCreary, Ky.
Baker, Md.	Dockery,	Hepburn,	McCulloch,
Bell, Colo.	Dovener,	Hill,	McDearmon,
Bell, Tex.	Draper,	Howe,	McEwan,
Berry,	Elliott,	Huff,	McMillin,
Black, Ga.	Erdman,	Hulick,	Miller, W. Va.
Bromwell,	Faris,	Huling,	Moody,
Brumm,	Fitzgerald,	Johnson, N. Dak.	Mozley,
Buck,	Fowler,	Kem,	Noonan,
Burton, Mo.	Gillet, N. Y.	Kerr,	Ogden,
Catchings,	Grosvenor,	Kleberg,	Otey,
Chickering,	Grout,	Lacey,	Patterson,
Clardy,	Hager,	Lefever,	Poole,
Cobb,	Hainer, Nebr.	Leighty,	Powers,
Cockrell,	Hall,	Lester,	Pugh,
Codding,	Harris,	Lewis,	Quigg,

Raney,	Stahle,	Tayler,	Van Voorhis,
Robertson, La.	Stone, C. W.	Terry,	Walker, Mass.
Russell, Conn.	Strong,	Tracewell,	Williams,
Sayers,	Strowd, N. C.	Treloar,	Woodard,
Scranton,	Sulzer,	Turner, Ga.	Wright.
Shafroth,	Taft,	Tyler,	
Shuford,	Talbert,	Underwood,	
Southwick,	Tate.	Updegraff,	

NOT VOTING—161.

Acheson,	Dolliver,	Lorimer,	Settle,
Aitken,	Eddy,	Loudenslager,	Shannon,
Aldrich, Ala.	Ellis,	Maddox,	Shaw,
Allen, Utah	Foote,	Martin,	Simpkins,
Anderson,	Foss,	McCall, Mass.	Skinner,
Apsley,	Gamble,	McCleary, Minn.	Smith, Ill.
Atwood,	Gardner,	McClellan,	Smith, Mich.
Bailey,	Gillett, Mass.	McClure,	Snover,
Bankhead,	Griswold,	McCormick,	Sorg,
Barham,	Hadley,	McLachlan,	Southard,
Barrett,	Hanly,	McLaurin,	Spalding,
Bartlett, Ga.	Harrison,	McRae,	Sparkman,
Bartlett, N. Y.	Hartman,	Meiklejohn,	Spencer,
Beach,	Hatch,	Meredith,	Stallings,
Bennett,	Heatwole,	Meyer,	Steele,
Black, N. Y.	Heiner, Pa.	Miles,	Stephenson,
Blue,	Hendrick,	Miller, Kans.	Stone, W. A.
Boutelle,	Hermann,	Milliken,	Strait,
Bowers,	Hicks,	Milnes,	Strode, Nebr.
Broderick,	Hilborn,	Miner, N. Y.	Swanson,
Brosius,	Hitt,	Money,	Towne,
Brown,	Howard,	Morse,	Tucker,
Burton, Ohio	Hubbard,	Moses,	Turner, Va.
Cannon,	Hull,	Murray,	Wadsworth,
Clarke, Ala.	Hurley,	Neill,	Walker, Va.
Coffin,	Hutcheson,	Newlands,	Warner,
Colson,	Hyde,	Northway,	Washington,
Connolly,	Jenkins,	Odell,	Watson, Ind.
Cooper, Fla.	Johnson, Cal.	Owens,	Watson, Ohio
Cousins,	Johnson, Ind.	Pendleton,	Wellington,
Cowen,	Jones,	Perkins,	Wheeler,
Cox,	Kendall,	Phillips,	White,
Crisp,	Kiefer,	Pickler,	Wilber,
Crowley,	Kyle,	Prince,	Wilson, N. Y.
Cummings,	Lathner,	Ray,	Wilson, Ohio
Curtis, Kans.	Lawson,	Richardson,	Wilson, S. C.
Danford,	Layton,	Robinson, Pa.	Woomer,
Dayton,	Leisenring,	Royse,	Yoakum.
De Armond,	Little,	Rusk,	
Denny,	Livingston,	Russell, Ga.	
Dinsmore,	Long,	Sauerhering,	

PRESENT—1.

Dalzell.

So (two-thirds not voting in the affirmative) the motion to suspend the rules and pass the bill was not agreed to.

The following pairs were announced:

Until further notice:

Mr. ALDRICH of Alabama with Mr. MOSES.

Mr. LEISENRING with Mr. TUCKER.

Mr. HICKS with Mr. LITTLE.

Mr. WHITE with Mr. SPARKMAN.

Mr. ROYSE with Mr. TURNER of Virginia.

Mr. HITT with Mr. WASHINGTON.

Mr. WILLIAM A. STONE with Mr. LAWSON.

Mr. COLSON with Mr. KENDALL.

Mr. FOOTE with Mr. HUTCHESON.

Mr. MEIKLEJOHN with Mr. CROWLEY.

Mr. BARHAM with Mr. KYLE.

Mr. JOHNSON of Indiana with Mr. COX.

Mr. TRACEY with Mr. MCRAE.

Mr. SMITH of Michigan with Mr. BERRY.

Mr. TOWNE with Mr. WILSON of South Carolina.

Mr. SNOVER with Mr. MADDOX.

Mr. BOWERS with Mr. MINER of New York.

Mr. COUSINS with Mr. LIVINGSTON.

Mr. FOSS with Mr. MCLAURIN.

Mr. HEATWOLE with Mr. DINSMORE.

Mr. STEELE with Mr. MCCLELLAN.

Mr. SPALDING with Mr. SPENCER.

Mr. STEPHENSON with Mr. NEILL.

Mr. GILLETT of Massachusetts with Mr. COWEN.

Mr. MCCALL of Massachusetts with Mr. DE ARMOND.

Mr. PICKLER with Mr. MILES.

Mr. JENKINS with Mr. DENNY.

Mr. DALZELL with Mr. CRISP.

For this day:

Mr. MCCLEARY of Minnesota with Mr. RUSK.

On this vote:

Mr. NORTHWAY with Mr. MEREDITH.

Mr. LOUDENSLAGER with Mr. SHAW.

Mr. WOOMER with Mr. YOAKUM.

Mr. CANNON with Mr. SORG.

Mr. MCCALL of Tennessee. I desire to state that my colleague, Mr. BROWN, is detained from the House on account of sickness.

The result of the vote was announced as above stated.

ELECTION CONTEST—ALDRICH VS. UNDERWOOD.

Mr. DANIELS. I desire to call up the contested-election case of Aldrich *vs.* Underwood, from the Ninth Congressional district of Alabama.

Mr. TAWNEY. I rise to a parliamentary inquiry.

The SPEAKER pro tempore (Mr. PAYNE). The gentleman will state it.

Mr. TAWNEY. Mr. Speaker, this is the legislative day of Saturday, and we are proceeding under a rule adopted at the beginning of this legislative day for the consideration of matters under motions to suspend the rules. I submit that this election case can not supersede the order of business under the special rule adopted by the House at the beginning of this legislative day.

The SPEAKER pro tempore. The special rule under which the House is now operating is, as the Chair understands, not different in its effect from the standing rule with regard to suspension of the rules on certain Mondays of each month. The question of the right of a member to his seat has always been held to be one of the highest privilege. The gentleman from New York [Mr. DANIELS] is in order.

Mr. MCMILLIN. I raise the question of consideration upon this election case.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. MCMILLIN] raises the question of consideration. The Chair thinks the first thing in order will be the reading of the resolutions reported from the Committee on Elections which the gentleman from New York [Mr. DANIELS] desires to call up.

Mr. MCMILLIN. I am entirely willing that they should be read; but I do not want to waive my right to raise the question of consideration.

The SPEAKER pro tempore. The gentleman will be recognized as raising that question.

The Clerk read as follows:

Resolved, That Oscar W. Underwood was not elected a member of the House of Representatives from the Ninth Congressional district of Alabama for the Fifty-fourth Congress, and is not entitled to a seat therein.

Resolved, That Truman H. Aldrich was elected a member of the House of Representatives from the Ninth Congressional district of Alabama for the Fifty-fourth Congress, and is entitled to a seat therein.

The SPEAKER pro tempore. On the resolutions just read the gentleman from Tennessee raises the question of consideration. The question is, Will the House now proceed to the consideration of these resolutions?

The question being taken, there were—yeas 55, nays 64.

The SPEAKER pro tempore. The noes have it; and the House refuses to consider the resolutions.

DELIVERY OF CERTAIN IMPORTED PACKAGES AND PARCELS.

The SPEAKER pro tempore (Mr. PAYNE) laid before the House a bill (H. R. 6259) to expedite the delivery of imported parcels and packages not exceeding $500 in value, with amendments by the Senate. The amendments were read at length.

Mr. DALZELL. Mr. Speaker, I move that the House concur in the Senate amendments.

Mr. TURNER of Georgia. I would be glad if the gentleman from Pennsylvania would give some explanation as to the character of the Senate amendments. I was not able to catch the amendments from the reading of the bill.

Mr. DALZELL. Mr. Speaker, I will say in reply to my friend from Georgia that there are two matters substantially covered by the amendments, one of them defining more particularly than the House bill the character of packages that are contemplated by the legislation proposed.

Mr. TURNER of Georgia. What is the character of packages?

Mr. DALZELL. Well, there is a provision that makes it absolutely impossible for these packages to contain merchandise, for instance, bought for the purpose of resale. The other is that the appraisal shall not be made on the wharf, as provided in the House bill, but in the regular way. The amendments are both at the suggestion, I understand, of the Secretary or Assistant Secretary of the Treasury. In all other respects the bill is substantially as it passed the House.

I move, therefore, to concur in the Senate amendment.

The motion was agreed to.

LAWS RELATING TO AMERICAN SEAMEN.

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 6399) to amend the laws relating to American seamen, with the amendments recommended by the Committee on Merchant Marine and Fisheries.

The SPEAKER. The bill will be read with the amendments.

The bill was read, as follows:

Be it enacted, etc., That section 4516 of the Revised Statutes be, and is hereby, amended so as to read as follows:

"SEC. 4516. In case of desertion or casualty resulting in the loss of one or more seamen the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same grade or rating and equally expert with those whose place or position they refill, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections."

SEC. 2. That section 4520 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4520. Every master of any vessel of the burden of 50 tons or upward, bound from a port in one State to a port in British North America or the West India Islands, or to a port in any other than an adjoining State, except vessels of the burden of 75 tons or upward, bound from a port on the Atlantic

to a port on the Pacific, or vice versa, shall, before he proceeds on such voyage, make an agreement, in writing or in print, with every seaman on board such vessel, except such as shall be apprentice or servant to himself or owners, declaring the voyage or term of time for which such seaman shall be shipped."

SEC. 3. That section 4522 of the Revised Statutes be, and is hereby, amended so as to read as follows:

"SEC. 4522. At the foot of every such contract to ship upon such a vessel of the burden of 50 tons or upward there shall be a memorandum in writing of the day and the hour when such seaman who shipped and subscribed shall render himself on board to begin the voyage agreed upon. If any seaman shall neglect or omit to render himself on board the vessel for which he has shipped at the time mentioned in such memorandum without giving twenty-four hours' notice of his inability to do so, and if the master of the vessel shall, on the day in which such neglect happened, make an entry in the log book of such vessel of the name of such seaman, and shall in like manner note the time that he so neglected to render himself after the time appointed, then every such seaman shall forfeit for every hour which he shall so neglect to render himself one-half of one day's pay, according to the rate of wages agreed upon, to be deducted out of his wages. If any such seaman shall wholly neglect to render himself on board of such vessel, or having rendered himself on board shall afterwards desert, he shall forfeit all of the wages or emoluments which he has then earned."

SEC. 4. That section 4526 of the Revised Statutes be, and is hereby, amended so as to read as follows:

"SEC. 4526. In cases where the service of any seaman terminates before the period contemplated in the agreement, by reason of the loss or wreck of the vessel, such seaman shall be entitled to wages for the time of service prior to such termination, but not for any further period. Such seaman shall be considered as a destitute seaman and shall be treated and transported to port of shipment as provided in sections 4577, 4578, and 4579 of the Revised Statutes of the United States."

SEC. 5. That section 4529 of the Revised Statutes be, and is hereby, amended so as to read as follows:

"SEC. 4529. The master or owner of any vessel making coasting voyages shall pay to every seaman his wages within two days after the termination of the agreement under which he shipped, or at the time such seaman is discharged, whichever first happens; and in the case of vessels making foreign voyages, or from a port on the Atlantic to a port on the Pacific, or vice versa, within twenty-four hours after the cargo has been discharged, or within four days after the seaman has been discharged, whichever first happens; and in all cases the seaman shall, at the time of his discharge, be entitled to be paid, on account of wages, a sum equal to one-third part of the balance due him. Every master or owner who refuses or neglects to make payment in manner hereinbefore mentioned without sufficient cause shall pay to the seaman a sum equal to the amount of two days' pay for each and every day during which payment is delayed beyond the respective periods, which sum shall be recoverable as wages in any claim made before the court; but this section shall not apply to the masters or owners of any vessel the seamen on which are entitled to share in the profits of the cruise or voyage."

SEC. 6. That section 4530 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4530. Every seaman on a vessel of the United States shall be entitled to receive from the master of the vessel to which he belongs one-third part of the wages which shall be due him at every port where such vessel shall unload and deliver her cargo before the voyage is ended, unless the contrary be expressly stipulated in the contract; and when the voyage is ended every such seaman shall be entitled to the remainder of the wages which shall then be due him as provided in section 4529 of the Revised Statutes."

SEC. 7. That section 4547 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4547. If the master against whom such summons is issued neglects to appear, or, appearing, does not show that the wages are paid, or otherwise satisfied or forfeited, and if the matter in dispute is not forthwith settled, the judge or justice or commissioner shall certify to the clerk of the district court that there is sufficient cause of complaint whereon to found admiralty process; and thereupon the clerk of such court shall issue process against the vessel. In all cases where the matter in demand does not exceed $100, the return day of the monition or citation shall be the first day of a stated or special session or court next succeeding the third day after the service of the monition or citation, and on the return of process in open court, duly served, either party may proceed therein to proofs and hearing without other notice, and final judgment shall be given according to the usual course of admiralty courts in such cases. In such suits all the seamen having cause of complaint of the like kind against the same vessel may be joined as complainants, and it shall be incumbent on the master to produce the contract and log book if required to ascertain any matter in dispute; otherwise the complainants shall be permitted to state the contents thereof, and the burden of proof of the contrary shall be on the master. But nothing herein contained shall prevent any seamen from maintaining any action at common law for the recovery of his wages, or having immediate process out of any court having admiralty jurisdiction wherever any vessel may be found, in case she shall have left the port of delivery where her voyage ended before payment of the wages, or in case she shall be about to proceed to sea before the end of the ten days next after the delivery of her cargo or ballast."

SEC. 8. That section 4556 of the Revised Statutes be, and hereby is, amended so as to read as follows:

"SEC. 4556. If the first and second officers under the master or a majority of the crew of any vessel bound on any voyage shall, before the vessel shall have left the harbor, discover that the vessel is too leaky or is otherwise unfit in her crew, body, tackle, apparel, furniture, provisions, or stores to proceed on the intended voyage, and shall require such unfitness to be inquired into, the master shall, upon the request of the first and second officers under the master or such majority of the crew, forthwith apply to the judge of the district court of that judicial district, if he shall there reside, or if not, to some justice of the peace of the city, town, or place for the appointment of surveyors, as in section 4557 provided, taking with him two or more of the crew who shall have made such request; and any master neglecting or refusing to comply with these provisions shall be liable to a penalty of $500."

SEC. 9. That section 4557 of the Revised Statutes be, and hereby is, amended to read as follows:

"SEC. 4557. The judge, or justice, or consul, or consular agent, or person who may discharge the duties of consul, if in a foreign port, shall, upon such application of the master or commander, issue his precept, directed to three persons in the neighborhood, the most experienced and skillful in maritime affairs that can be procured. It shall be the duty of such surveyors to repair on board such vessel and to examine the same in respect to the defects and insufficiencies complained of, and they shall make report to the judge, or justice, or consul, or consular agent, as the case may be, in writing, under all their hands or the hands of two of them, whether in any and in what respect the vessel is unfit to proceed on the intended voyage and what addition of men, provisions, or stores, or what repairs or alterations in the body, tackle, or apparel will be necessary; and upon such report the judge, the justice, or consul, or consular agent shall adjudge and shall indorse on the report his judgment whether the vessel is fit to proceed on the intended voyage, and, if not, whether such repairs can be made or deficiencies supplied where the vessel then lies, or whether it is necessary for her to proceed to the nearest or most convenient place where such repairs can be made or deficiencies supplied; and the master and the crew shall, in all things conform to the judgment. The master or commander shall in the first instance, pay all the costs of such review, report, or judgment, to be taxed and allowed on a fair copy thereof, certified by the judge or justice. But if the complaint of the crew shall appear upon the report and judgment to have been without foundation, the master or commander, or the owner or consignee of such vessel, shall deduct the amount thereof, and of the reasonable damages for the detention, to be ascertained by the judge, or justice, or consul, or consular agent, out of the wages of the complaining seamen."

SEC. 10. That section 4558 of the Revised Statutes be, and hereby is, amended to read as follows:

"SEC. 4558. If after judgment that such vessel is fit to proceed on her intended voyage, or after procuring such men, provisions, stores, repairs, or alterations as may be directed, the seamen, or either of them, shall refuse to proceed on the voyage, he shall forfeit his effects on board and any wages that may be due him."

SEC. 11. That section 4559 of the Revised Statutes be, and hereby is, amended to read as follows:

"SEC. 4559. Upon a complaint in writing, signed by the first, or the second and third officers and a majority of the crew, of any vessel while in a foreign port, that such vessel is in an unsuitable condition to go to sea because she is leaky, or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not or have not been during the voyage, sufficient and wholesome; thereupon, in any of these, or like cases, the consul, or a commercial agent who may discharge any duties of a consul, shall cause to be appointed three persons, of like qualifications with those described in section 4557, who shall proceed to examine into the causes of complaint, and they shall be governed in all their proceedings and proceed as provided in section 4557."

SEC. 12. That section 4561 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4561. The inspectors in their report shall also state whether, in their opinion, the vessel was sent to sea unsuitably provided in any important or essential particular, by neglect or design, or through mistake or accident; and in case it was by neglect or design, and the consular officer approves of such finding, he shall discharge such of the crew as request it, and shall require the payment by the master of one month's wages for each seaman over and above the wages then due, or sufficient money for the return of such of the crew as desire to be discharged to the nearest and most convenient port of the United States, or by furnishing the seaman who so desires to be discharged with employment on a ship agreed to by him. But if, in the opinion of the inspectors, the defects or deficiencies found to exist have been the result of mistake or accident, and could not, in the exercise of ordinary care, have been known and provided against before the sailing of the vessel, and the master shall, in a reasonable time, remove or remedy the causes of complaint, then the crew shall remain and discharge their duty. If any person knowingly sends or attempts to send or is party to sending or attempting to send an American ship to sea in such an unseaworthy state that the life of any person is likely to be thereby endangered, he shall in respect of each offense be guilty of a misdemeanor, unless he proves that either he used all reasonable means to insure her being sent to sea in a seaworthy state, or that her going to sea in an unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving that proof he may give evidence in the same manner as any other witness."

SEC. 13. That section 4564 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4564. Should any master or owner of any merchant vessel of the United States neglect to provide a sufficient quantity of stores to last for a voyage of ordinary duration to the port of destination, and in consequence of such neglect the crew are compelled to accept a reduced scale, such master or owner shall be liable to a penalty as provided in section 4568 of the Revised Statutes."

SEC. 14. That section 4566 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4566. If the officer to whom any such complaint in regard to the provisions or the water is made certifies in such statement that there was no reasonable grounds for such complaint, each of the parties so complaining shall forfeit to the master or owner his share of the expenses, if any, of the survey, and shall be liable to forfeit to the Marine-Hospital Service a sum not exceeding one week's wages."

SEC. 15. That section 4568 of the Revised Statutes be, and is hereby, amended to read as follows:

"Tenth. For any act of smuggling for which he is convicted, and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or any part of his wages may be retained in satisfaction or on account of such liability; and he shall also be liable to imprisonment for a period of not more than twelve months."

SEC. 21. That section 4597 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4597. Upon the commission of any of the offenses enumerated in the preceding section an entry thereof shall be made in the official log book on the day on which the offense was committed, and shall be signed by the master and by the mate or one of the crew; and the offender, if still in the vessel, shall, before her next arrival at any port, or if she is at the time in port, before her departure therefrom, be furnished with a copy of such entry, and have the same read over distinctly and audibly to him, and may thereupon make such a reply thereto as he thinks fit, and a statement that a copy of the entry has been so furnished, or the same has been so read over, together with his reply, if any, made by the offender, shall likewise be entered and signed in the same manner. In any subsequent legal proceedings the entries hereinbefore required shall, if practicable, be produced or proved, and in default of such production or proof the court hearing the case may, at its discretion, refuse to receive evidence of offense."

SEC. 22. That section 4600 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4600. It shall be the duty of all consular officers to reclaim deserters and discountenance insubordination by every means in their power, and where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end in the most effectual manner. In all cases where seamen are apprehended the consular officer shall inquire into the facts and proceed as provided in section 4583 of the Revised Statutes; and the officer discharging such seaman shall enter upon the crew list and shipping articles and official log the cause of discharge and the particulars in which the cruel or unusual treatment consisted, and subscribe his name thereto officially. He shall read the entry made in the official log to the master, and his reply thereto, if any, shall likewise be entered and subscribed in the same manner."

SEC. 23. That section 4612 of the Revised Statutes is hereby amended by striking out the scale of provisions and substitutes in Table A, and in place thereof inserting the following scale of provisions and substitutes to be allowed and served out to the crew during the voyage:

		Sunday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.
Water	quarts	6	6	6	6	6	6	6
Biscuit	pounds	½	½	½	½	½	½	½
Beef, salt	do			1½		1½		1½
Pork, salt	pound		1		1		1	
Flour	do	½		½		½		
Canned meat	do	1			1			
Fresh bread	pounds			1½ pounds daily.				
Fish	pound						1	
Potatoes or yams	do	1	1	1	1	1	1	1
Canned tomatoes	do	½					½	
Pease	pint			½			½	
Beans	do		½		½			
Rice	ounces		6					6
Coffee (green berry)	ounce	½	½	½	½	½	½	½
Tea	do	½	½	½	½	½	½	½
Sugar	ounces	3	3	3	3	3	3	3
Molasses	pint	½		½				
Dried fruit	ounces	3		3		3		
Pickles	pint		½		½		½	
Vinegar	do			½				½
Pepper	ounce	¼	¼	¼	¼	¼	¼	¼
Mustard	do	¼	¼	¼	¼	¼	¼	¼
Salt	do	½	½	½	½	½	½	½
Corn meal	ounces		4			4		
Onions	do	4			4			4
Lard	ounce	1	1	1	1	1	1	1
Butter	do	1	1	1	1	1	1	1

SUBSTITUTES.

One pound of flour daily may be substituted for the daily ration of biscuit or fresh bread; 2 ounces of desiccated vegetables for 1 pound of potatoes or yams; 6 ounces of hominy, oatmeal, or cracked wheat, or 2 ounces of tapioca, for 6 ounces of rice; 6 ounces of canned vegetables for one-half pound of canned tomatoes; one-eighth of an ounce of tea for three-fourths of an ounce of coffee; three-fourths of an ounce of coffee for one-eighth of an ounce of tea; 6 ounces of canned fruit for 3 ounces of dried fruit; one-half ounce of lime juice for the daily ration of vinegar; 4 ounces of oatmeal or cracked wheat for one-half pint of corn meal; 2 ounces of pickled onions for 4 ounces of fresh onions.

When the vessel is in port and it is possible to obtain the same, 1½ pounds of fresh meat shall be substituted for the daily rations of salt and canned meat; one-half pound of green cabbage for one ration of canned tomatoes; one-half pound of fresh fruit for one ration of dried fruit.

"The foregoing scale of provisions shall be inserted in every article of agreement and shall not be reduced by any contract, and a copy of the same shall be posted in a conspicuous place in the galley and in the forecastle of each vessel."

SEC. 24. That section 10 of chapter 121 of the laws of 1884, as amended by section 3 of chapter 421 of the laws of 1886, be, and is hereby, amended to read as follows:

"That it shall be, and is hereby, made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages to any other person, or to pay any person other than an officer authorized by act of Congress any remuneration for the shipment of seamen. Any person paying such advance wages or such remuneration shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not less than four times the amount of the wages so advanced or remuneration so paid, and may be also imprisoned for a period not exceeding six months, at the discretion of the court. The payment of such advance wages or remuneration shall in no case, excepting as herein provided, absolve the vessel or the master or owner thereof from full payment of wages after the same shall have been actually earned, and shall be no defense to a libel, suit, or action for the recovery of such wages. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as a seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be liable to a penalty of not more than $100.

"(b) That it shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages which he may earn to his wife, mother, or dependent relative.

"(c) That no allotment note shall be valid unless signed by and approved by the shipping commissioner. It shall be the duty of said commissioner to examine such allotments and the parties to them and enforce compliance with the law. All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be inserted in the agreement, and shall state the amounts and times of the payments to be made and the persons to whom such payments are to be made.

"(d) That no allotment except as provided for in this section shall be lawful. Any person who shall falsely claim to be the wife, mother, or dependent relative of a seaman under this section shall for every such offense be punishable by a fine not exceeding $500 or imprisonment not exceeding six months, at the discretion of the court.

"(e) That this section shall apply as well to foreign vessels as to vessels of the United States; and any master, owner, consignee, or agent of any foreign vessel which has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for a similar violation: *Provided*, That treaties in force between the United States and foreign nations do not conflict: *Provided further*, That this section shall not apply to yachts, pilots' boats, fishing or whaling vessels.

"(f) That under the direction of the Secretary of the Treasury the Commissioner of Navigation shall make regulations to carry out this section."

SEC. 25. That section 3 of chapter 421 of the laws of 1886, approved June 19, 1886; sections 4531, 4532, 4533, 4534, and 4609 of the Revised Statutes, and so much of chapter 97 of the laws of 1895, approved February 13, 1895, as relates to allotments, are hereby repealed.

SEC. 26. That this act shall take effect three months after its passage.

The SPEAKER. Is a second demanded?

Mr. RICHARDSON. I demand a second.

Mr. PAYNE. I ask unanimous consent that a second be considered as ordered.

Mr. OWENS. I object.

The SPEAKER announced the appointment of Mr. PAYNE and Mr. RICHARDSON as tellers.

The House divided; and there were—ayes 70, noes 1.

So a second was ordered.

Mr. PAYNE. Mr. Speaker, at the end of fifteen minutes I shall be glad to have the Chair notify me, as I desire to reserve five minutes of my time.

This bill grows out of the agitation that has been in existence for several years past with respect to the condition of the American sailor and his relation to the master of the vessel. There have been innumerable complaints from both sides, and there has been much investigation, and great efforts have been made to arrive at the truth of the complaints.

Our laws regulating the relation of sailor and master are very antiquated, most of them being one hundred years old; and in regard to many of them their antiquity is about the only thing that recommends them. A great deal of abuse has grown out of the enforcement of these laws.

In the early part of this season the gentleman from California [Mr. MAGUIRE] introduced a number of bills relating to the subject; and later on a number of others were introduced by my colleague, Mr. Low, and I introduced a number myself at the request of parties who were much more familiar with the subject than I was. The Committee on Merchant Marine and Fisheries began early the investigation of the question. I think we have spent on an average two or three days of each week up to the time the bill was reported to the House, and we have given this time and attention for the purpose of getting at the truth of the matter so as to report a bill intelligently to the House and one on which the House might act intelligently. The result of our deliberation was to request a representative of the maritime interest of the city of New York, and the Commissioner of Navigation, representing the seamen, to come together and try to formulate a bill covering the ground of the various bills of which I have spoken. The result of that deliberation was the introduction of the bill H. R. 6399—the bill now before the House for consideration—originally introduced by myself by request, and referred to our committee. The committee have reported a number of changes in this bill; but all of them in the effort to perfect the bill and all tending to ameliorate the condition of the American sailor and at the same time to deal justly with the interests of every man who has any money invested in American vessels.

Our laws at present provide that after a sailor has made a contract to go to sea, if he chooses to violate that contract and does not go he is liable to be arrested and put in jail for a period of six months; and the limit of the imprisonment is not in the discretion of the court. The same imprisonment is fixed upon the sailor if he violates the contract by deserting at any period or any time before the period of his enlistment in the service of the merchant marine expires. This thing is an anomaly in our laws. There is no other class of contracts, agreements, or engagements where imprisonment is the punishment for a violation of their provisions; and the committee thought, after due care and deliberation, that no such punishment ought to be inflicted; that no punishment looking to imprisonment should be inflicted for a violation of a contract. It was claimed, on the other hand, that it was very important that the seaman should fill his engagement in order that the vessel might leave her port at the appointed time. So it is important that a railroad train shall start out of a depot, in order that that train may make its time and meet its engagements; and yet it has never occurred to any American legislator to try to put it into the law that a man who violated his contract with a railroad company should be liable to imprisonment for such violation, although his violation prevented the railroad train from starting out of the depot. So the committee have stricken out of this bill every vestige of imprisonment for violation of a civil contract, and have so reported to the House.

Another source of great evil, of which the sailors complain as well as the vessel owners, is what is known as the allotment system, by which a seaman, when he makes his engagement to go on a voyage, may allot a certain portion of his wages in payment of debt, and to any person. Allotments in the coastwise trade were virtually abolished by a bill passed in 1895, but they may still be made in the foreign service. The evil that grows out of this system of which the sailor complains is this: Of course when Jack goes ashore, and is freed from the responsibilities and risks of the voyage, he is quite apt to fall into the hands of some land shark. It may be a boarding-house keeper; it may be what is known as a "crimp," a man who makes it his business to hire out crews to the master of a vessel; it may be the keeper of a saloon; and invariably, almost, the sailor gets into debt. When he comes to ship for a voyage the boarding-house keeper is on hand demanding that he have security for his pay. Well, he ought to be paid. If Jack owes anything for board while he is on land of course he ought to arrange to have the boarding-house keeper paid, and if there was nothing in it but this, if it was simply to pay the man who furnished him his food and necessary shelter, no harm would arise from the arrangement. But a bill for liquor is frequently included, or by an arrangement with the crimp there is included an item of five or ten dollars to pay the shipping agent for obtaining the employment. Now, the sailor is obliged, when he makes the engagement, is compelled by the circumstances, to sign an allotment note to cover not only the real honest claim against him, but also these bogus or trumped-up claims, because the shipping agent is all powerful. He is all powerful with the sailor, and he is all powerful with the master. He cuts both ways. So the sailor is cheated out of his hard earnings by reason of this allotment system.

Mr. QUIGG. Will the gentleman allow me a question? Does this bill abolish the crimping system as such?

Mr. PAYNE. The bill passed a year ago attempted to abolish that.

Mr. MAGUIRE. Only in the coastwise trade.

Mr. PAYNE. In the coastwise trade. This bill does not recognize this shipping agent now in any trade, but it goes a step furthur than that. The mere enactment of a law would not abolish the shipping agent. You can not get him out of the way by that; but we abolish the source from which he gets his pay out of the sailor. It is useless to declare that the sailor shall not make any contract, and shall not be liable to pay anything to these shipping agents for getting him a place, if you still leave the allotment system in vogue, because invariably in the allotment will appear the amount that goes to the shipping agent, and he gets it through the boarding-house keeper and through the clothing merchant. So we have abolished allotments by this bill, have sought to get rid of them altogether, except that the sailor may make an allotment in favor of his father or mother or other dependent relative.

No other allotment is permitted by the bill. It was the judgment of the committee, on first consideration, that it would be a favor to the sailor, and in his interest, to make these allotments extend to savings banks. This is the system in Great Britain, and we thought it a good provision, and that it might encourage the saving of his earnings; but the sailors association and the sailors themselves objected to this, for fear that that might be used as a cover by which the sailors would be compelled to pay this money to the shipping agents, and so we left even the savings banks out, and we permit no allotments under this bill except to father, mother, or other dependent relatives.

Now, those are the two principal features in the bill to alleviate the condition of the sailor. In the bill as presented by the gentleman from California [Mr. MAGUIRE] was a scale of food which was prepared by the sailors themselves. In the bill introduced by the gentleman from New York [Mr. LOW], and also in the bill introduced by me, was a scale of food that was provided by the vessel owners. And I desire to say, in justice to the vessel owners, that the scale of food that was provided by them was more liberal in the supply than the scale which the seamen themselves proposed. But the committee, proceeding with abundant caution, referred both scales of provisions to the Surgeon-General of the Marine Hospital, Dr. Wyman, and asked him to examine them carefully and make such suggestions as he should deem best. The result was that he appointed a board of three eminent men, experts on the subject, who took several days for comparing the scale of food for the Navy with these two scales that were presented, and after taking the matter under advisement, they presented the scale of food which is presented in the bill, except that the committee have added a little in the amount of food and in the daily allowance of water. This board said that this scale of food, if enacted into law and lived up to, would absolutely prevent the appearance of scurvy on any long voyage, and of course that is the prime thing to be considered.

If the members of the House look over the scale they will see that the provisions are liberal in amount, and yet the cost of this scale is no more than the cost of the scale that was presented by the vessel owners themselves. So that this scale of food is practically as agreed upon by the seamen and the vessel owners, revised by the Surgeon-General and his board of skilled assistants. The committee have no doubt that if this scale is adopted and forced into law, with the additional suggestion that we have incorporated in this bill, acting on the suggestion of the Surgeon-General of the Marine-Hospital Service, that this scale of food be posted up conspicuously in the forecastle of every vessel, so that it shall be known alike to the sailor and to the master, that there can be no room for any complaint as to a fair and liberal scale of food for the American sailor.

Now, I say, while these are the important changes made in the present law, there are many minor changes made by the bill which will tend to an amelioration of the condition of the American sailor, changes which I have not time to go over in detail. A provision is made that where the crew find fault with the provisions there shall be a fair examination and determination of the sufficiency of the food and of the character and quality of the food furnished; and in case the food is found sufficient in quality and character the expense comes out of the wages of the sailors who make the complaint, in order that there may be no frivolous complaint; and in case it turns out that it is not sufficient in quality or character or quantity, then a fine is imposed on the master and owners of the vessel, who are responsible for the food provided.

The committee found a difficulty in regard to the provision in relation to leaving a vessel in port, or not going on board according to contract, in applying an adequate punishment. We did not think for a minute that we would still continue the imprisonment of an American citizen for the violation of a civil contract; and still we thought there ought to be some hold upon the sailor, something to make it to his interest to conform to the contract, because we realized that it is highly important to the growth of our American merchant marine that vessels should not be detained in port because the sailors do not choose to perform their contract. And so we put into the bill a forfeiture of the wages, which may be greater or smaller, and a forfeiture of the clothes that the sailor left upon the vessel. Whether some other arrangement can be arrived at, some other provision can be made, which will still be just to the sailor and deal out justice to the masters is a matter for us to consider. Possibly it may lie in this, now in the English law, which provides also, not for imprisonment, but that the master may go and take the sailor wherever he finds him and force him on board the vessel—a provision which has become a dead letter, because it always leads to riots and is never enforced—but whether there can not be some shipping list preserved which shall correctly set forth those sailors who have kept their contracts.

Until I shall have heard some one in opposition I will reserve my five minutes.

Mr. MAGUIRE. If there is anyone who desires to speak in opposition I will yield to him.

Mr. DINGLEY. I desire, not in opposition, to make a few observations.

Mr. MAGUIRE. How much time does the gentleman want?

Mr. DINGLEY. Five minutes will answer my purpose.

Mr. MAGUIRE. Very well.

Mr. DINGLEY. Mr. Speaker, this is a bill which covers a large number of amendments of the shipping laws of the country, some of which are exceedingly important. In part, at least, this bill is certainly in the right direction. There are some provisions in the bill which I think on reflection it would be thought desirable to modify; but in view of the necessity for some legislation in this direction, and in view of the lateness of the session, I shall not oppose the passage of this bill, because I believe that it will be modified in conference. As it is presented to us under suspension of the rules, of course it can not be amended, and when the Senate shall have acted, then, by the action of the Senate and the conferees, doubtless certain provisions in it can be corrected, if such corrections shall seem to be necessary, as I think is the case.

I desire to say a few words in reference to allotments to seamen. This is an old question, and there has been legislation repeatedly to meet the evils which have arisen. Under the shipping act of 1884 allotments were prohibited except to the wife, mother, or dependent relative; and that is precisely what it is proposed by this bill to go back to—to go back to the shipping act of 1884. In 1886, in consequence of the difficulties which had arisen under the shipping act of 1884, it was found necessary to modify the allotment system, which was provided for by the act of 1886, which is now the law of the land, except as modified subsequently in the case of coasting vessels. That provides for allotments not only to the widow, mother, or dependent relative, but also for just debts of a creditor for board and clothing. That is all the allotment that is allowed by the law in force. This law is evaded—there is no doubt at all about that. Under the name of board, especially, a great many things are included that ought not to be.

But we must bear in mind, in dealing with legislation with reference to the sailor as we find him, that he is surrounded by peculiar influences under the boarding-house system. It may be remembered that in 1885, after the act of 1884 had been passed, vessels were held up in many ports in consequence of inability to obtain crews. I remember that at Pensacola a vessel was held up for nearly three months trying to obtain a crew in a fight against the boarding-house keepers who had control of poor Jack. I have no doubt that the rule laid down by the act of 1884 is the correct one, and it is proposed to return to it. The only question is whether it will work practically, and that can be determined, perhaps, only by experience. I think if we had held on to the act of 1884 we should have avoided many of the evils that have since arisen. As to the principle involved, I am in general concurrence with this bill. The allotment system is a bad system, a system by which poor Jack is robbed and the whole marine service deteriorated. There is no doubt at all about that; but whether we can practically go back and entirely abolish it, as was done in the act 1884, I am not certain in view of the experience of 1885. However, I am perfectly willing to try, and I am willing that this bill shall pass with the certainty that certain provisions in it will disappear when the Senate and the conferees shall have acted.

Mr. MAGUIRE. I yield one minute to the gentleman from New York [Mr. MITCHELL].

Mr. MITCHELL. Mr. Speaker, I wish to say in relation to this bill that as far as I have been able to familiarize myself with its provisions they seem to be most admirable. The suggestion has been made that the Senate may possibly make some amendments, and the gentleman from New York [Mr. PAYNE] has suggested that some series of registry lists might be prepared which would be for the advantage of good sailors and of shippers. This suggestion seems most admirable, and I am heartily in favor of it and of the bill and any amendment to it which will promote the interests of the sailors.

[Here the hammer fell.]

Mr. MAGUIRE. I yield three minutes to the gentleman from New Hampshire [Mr. BAKER].

Mr. BAKER of New Hampshire. Mr. Speaker, I suppose that no member of the House not on the committee has been able to examine this bill. There are sections of it which certainly make radical changes. The gentleman from Maine [Mr. DINGLEY] thinks it is well that we should pass this bill, even though he does not approve its provisions, and let it go to the Senate in the hope that the Senate will make it right. I simply make this remark in order to suggest that it appears to me the gentleman from Maine has experienced a recent change of heart with regard to the legislation of the Senate.

I have had barely time to examine the scheme and provisions of this bill which we are assured have been changed for the benefit of the sailor. I am not able so to understand these changes. I find that in biscuit he has been cut off 3½ pounds a week; in salt beef, three-fourths of a pound; in salt pork, three-fourths of a pound; in fish, 1 pound; in beans, one-third of a pound; in dried and canned fruit, 5 ounces; and in various other matters in similar proportion. Now, to offset this, what are the increases? The increases are very small and in rather peculiar items. In the first place I find that there is an increase of 7 ounces in sugar per week, and I presume the increase in sugar has been granted on account of the increase in pickles and in vinegar. [Laughter.] He is given one-quarter of an ounce increase in pickles and three-quarters of a pint increase in vinegar per week, and it is fair to presume that the sugar has been given him to sweeten his increased pickles and vinegar. [Laughter.] Then, to make up the sum and substance of this increase, with the exception of 8 ounces of onions, he is given an increase of 2 quarts of water to wash these things down with. [Laughter.]

Mr. MINOR of Wisconsin. Mr. Speaker, I want to say to the gentleman that this schedule was submitted to the Seamen's Union and the Sailors' Union and to all the organizations that we thought were interested in it, and in every instance they have answered that the ration is better than they have ever had heretofore, and better than they expected from the Fifty-fourth Congress.

Mr. BAKER of New Hampshire. I am sorry that the sailors have not a better opinion of the Fifty-fourth Congress than the gentleman tells us they have, but certainly it has always been supposed, at least among laymen, that the sailor required substantial food, and if the gentleman can state any reason for the cutting down of such articles as beef, beans, and pork, and attempting to offset this by adding a little butter, which it is impossible for any sailing vessel to carry to the tropics without its becoming rancid, I wish he would do so.

Mr. MINOR of Wisconsin. I am unwilling to force upon the sailors what they do not want and do not ask for.

Mr. HENDERSON. But they do ask for this.

Mr. MINOR of Wisconsin. They do not ask for anything except what is contained in the bill.

Mr. HENDERSON. They ask for this bill.

Mr. BAKER of New Hampshire. Have you the schedule which the sailors themselves presented? Was the schedule that you adopted the one which was presented by them, or was it one that was presented by some one interested with the vessel owners?

Mr. MINOR of Wisconsin. We submitted the schedule to the Surgeon-General of the Marine Hospital; he detailed four assistants, and they fixed upon a schedule which they thought admirable and acceptable to the sailors. That was accepted by the seamen and their representatives; and then we increased that.

Mr. BAKER of New Hampshire. But the supervising surgeons probably do not know anything about the practical requirements of the sailor on shipboard, and nothing has been presented to the House from the sailors themselves.

Mr. MAGUIRE. If nobody else desires to speak in opposition to the bill, I will proceed with my own remarks.

Mr. Speaker, although, through the courtesy of the gentleman from Tennessee [Mr. RICHARDSON], I have the privilege of controlling the time of those opposed to the bill, and have endeavored to be fair in distributing it, I am very much in favor of the pas-

sage of this measure. It represents a compromise, as the gentleman from New York [Mr. PAYNE] stated, between the bills introduced by me for the improvement of the condition and treatment of sailors in the American merchant marine, especially in the several particulars which he has mentioned and which I will not take time to repeat. This bill is the result of an agreement reached by mutual concessions between the shipowners and the sailors. It is a great advance over existing laws in the matter of the protection of the American sailor, the improvement of his condition at sea and on land, and the according to him of rights that are common to American citizens in all other trades, callings, and occupations under the American flag.

As the gentleman from New York [Mr. PAYNE] has stated, the sailor has been neglected for a hundred years. I believe that advances far beyond those provided in the bill ought to be made; but as the bill constitutes a great advance over the conditions fixed by existing law, and as it proceeds upon the principle that the sailors in our merchant marine service should, in their personal rights, be placed upon an equality with American citizens engaged in other industrial pursuits, I cordially accept it as a valuable step in the right direction.

By its terms it does away with imprisonment for the violation of civil contracts, and this is a great though tardy concession to their manhood. It sets them free from involuntary servitude in most cases. In this respect it does not go as far as it should, but it goes far enough to justify me in heartily supporting the bill as it has been reported by the committee.

I have neither the time nor the disposition to discuss from my point of view the propositions so ably presented by the gentleman from New York in the brief time at his disposal. I prefer to treat this whole matter as a compromise measure, on which this House should certainly be willing to go as far as the shipowners, through their representatives, have agreed to go. I concur in all that the gentleman from New York has said, and I join with him in urging that, as no harm can come to any interest through the passage of this bill, and as much good will result to the sailor, the blot which for a hundred years has been permitted to rest upon one branch of lawful and honorable labor under the flag of the United States shall be at least partially removed. I trust that every man on this side of the House will give cordial support to the bill.

In closing I wish to say—and under the circumstances it is the only other suggestion I desire to make—that when, in 1892, I was asked to endeavor to secure from Congress (in accordance with views which it was well known that I entertained) legislation for the improvement of the condition and treatment of American sailors, I advised the sailors' union to employ a maritime lawyer, with instructions to draft such bills as would secure the desired improvement of their condition, but upon these lines and these alone: That no proposed change should be contained in any of those bills unless a similar provision was found in successful operation in the laws of some leading maritime country of the world. It was upon that basis that the bills introduced by me were prepared by an able maritime lawyer. In support of every provision, every amendment, every reform incorporated in my bills and in this pending bill the law of some great maritime nation providing for the same immunity or the same care for the sailors in the merchant marine of that country has been cited to the committee, and it has also been shown that such provision of law is in successful operation there.

I am sure that no interest can be injuriously affected by the passage of this act, and that it merely brings the worst of the shipowners and masters in the American merchant marine up to a standard in the treatment of their sailors which has long since been adopted and pursued by three-fourths of the masters and owners in that great branch of American industry. That is all that I desire to say. The bill is a compromise measure and I hope that it will be passed without dissent.

Mr. PAYNE. Mr. Speaker, in reply to my friend from New Hampshire [Mr. BAKER] I wish to say that the great trouble with his speech was that its foundations were not right. The original bill as introduced by myself—a measure gotten up by the Maritime Exchange and the Commissioner of Navigation—had a schedule of food in it which the committee crossed out and put in this new schedule recommended by the Surgeon-General of the Marine Hospital. My friend here compared the schedule of the Marine Hospital with the schedule in the bill, and he thought the schedule in the bill was the present law.

Mr. BAKER of New Hampshire. Will the gentleman allow me?

Mr. PAYNE. No; I have not the time. I will accept the gentleman's apology for not understanding the question.

Mr. BAKER of New Hampshire. And I will excuse the gentleman for not yielding for a correction.

Mr. PAYNE. The present law, for instance, allows 1 pound of bread per day, and 1 pound only. This bill allows half a pound of biscuit per day and 1½ pounds of fresh bread—2 pounds of bread daily. My friend found some fault about the pease and beans. Under the old law there was not a sufficient quantity of these allowed. That law allowed but a third of a pint of pease three days in each week; that is, a pint per week. This allows four-thirds of a pint of pease and beans weekly. We increase the allowance of sugar, the allowance of fish—the allowance all along the line. We provide a liberal scale of provisions. If my friend here sits down every day in the week to a table with as liberal a scale of provisions as that provided in this bill, he is more fortunate than many of his colleagues on this floor.

Mr. HENDERSON. And this schedule, we understand, is acceptable to the seamen.

Mr. PAYNE. Yes, it is acceptable to the seamen, acceptable to the Surgeon-General and his board of skilled assistants, and acceptable, as I understand, to the masters of vessels. It is a liberal bill indorsed everywhere. And my friend from New Hampshire has not shown any reasonable ground of complaint against it.

As I said, Mr. Speaker, this bill is designed to alleviate the condition of seamen. There is no doubt that they need it. There is no doubt there should be some inducement to enable us to get American boys to enter our merchant marine as sailors. We have not many there now, and the class of sailors upon the high seas is not the same class of sailors, I am sorry to say, that we find upon the Great Lakes. On the contrary, on the Great Lakes American boys do become sailors, and experience has shown, as a rule, that the character of young men engaging in that business on the Great Lakes is of a very much higher order—they are a better class of citizens—than those who engage in service on the high seas.

Now, there must be some reason for this difference. It is not the difference of wages on the Great Lakes, but it arises from the fact that they are not restricted by any of these unusual and antequated laws. It has never obtained out there that a seaman shall be liable to imprisonment for not living up to the strict contract into which he enters when he ships. The seamen on the Great Lakes are as free as a man who hires to a railroad company for service on its road or to a private individual for employment of any character. And it has occurred to me, Mr. Speaker, that perhaps the difference in the condition of the sailors on the high seas and those on our Great Lakes grows out of the difference in the manner in which they serve the master of the ships on the lakes; and that the sooner, with conservatism, we get to the goal of relieving the sailor on the high seas from the restriction imposed upon him by these laws, laws that seek to take away his personal liberty, that sap his manhood, the sooner we will elevate the men who become seamen on the high seas.

It is my ambition, and the ambition of the committee, and I think the majority of this House, too, to build up our merchant marine. We can do it by giving them a better class of laws, and thereby producing a better class of sailors, and by going a step further and providing that the imports that come from foreign countries on American bottoms shall come in at a more favorable rate than those that come in on foreign bottoms. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

The question is on the motion to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill passed.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. Mr. Speaker, I desire to submit a final report of the conference committee on the Post-Office appropriation bill.

The SPEAKER pro tempore. The Clerk will read the report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 1, to the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"*Provided*, That no post-office established at any county seat shall be abolished or discontinued by reason of any consolidation of post-offices made by the Postmaster-General under existing law, and any such post-office at any county seat heretofore consolidated shall be established as a separate post-office at such county seat: *Provided, however*, That this provision shall not apply to the city of Cambridge, Mass., or to Towson, Md.: *And provided further*, That hereafter no station, substation, or branch post-office shall be established beyond the corporate limits or boundaries of any city or town in which the principal office to which such station, substation, or branch office is attached is located, except in cases of villages, towns, or cities of 1,500 or more inhabitants, not distant more than 5 miles, as near as may be, from the outer boundary or limits of such city or town in which the principal office is located."

And the Senate agree to the same.

E. F. LOUD,
GEO. W. SMITH,
J. C. KYLE,
Managers on the part of the House.
W. B. ALLISON,
R. F. PETTIGREW,
CHAS. J. FAULKNER,
Managers on the part of the Senate.

Mr. LOUD. The statement of the House conferees will explain quite fully the action taken upon this remaining amendment of the Senate.

The statement was read, as follows:

The managers on the part of the House submit the following statement in writing, showing the nature and effect of the Senate amendment retained as amended:

1. Amendment numbered 1 is agreed to with amendments the effect of which is to maintain all consolidations of post-offices that have heretofore taken place except Ellicott City, Md.; prohibits the future consolidation of county seats with other post-offices, and also prohibits further consolidation of any post-offices except within limit of 5 miles, and then said town to be consolidated must have 1,500 population.

E. F. LOUD.
GEO. W. SMITH,
Managers on the part of the House.

Mr. LOUD. Mr. Speaker, I will state for the information of the House that the explanation just read on the part of the managers of the House explains quite fully the situation. The amendment of the Senate as modified retains in statu quo all the consolidation provisions which were deemed advisable in connection with the bill except in the case of Ellicott City, in the State of Maryland, and it prohibits in future the consolidation of post-offices more than 5 miles beyond the corporate limits of any city in which such office is to be consolidated except in cases of towns having a population of 1,500 or more. I am free to say, on the part of the conferees, that we do not believe that the amendment of the Senate should have been put into an appropriation bill. But we have gotten the best out of this that we could, and have satisfied everybody who is interested in this consolidation matter. It is an amendment that could not have gone into the bill in the House, because it is legislation.

Now, if there is nobody who wants any information, I should like about five minutes, if no other conference report is ready to be presented, in order to submit to the House a statement in relation to postal matters.

In view of an apparently growing sentiment in the country for the Government to take control of all means of transportation and transmission, I should like to submit to the House brief statistics of the deficiencies existing in the Post-Office Department for a number of years, in order that the House and the country may ascertain from these figures how economically, how successfully, and how profitably that Department has been managed, and of what great benefit to the people the management of the Post-Office Department is to-day, that they may perhaps take some lesson and apply it to other consolidations that are now pressing upon Congress to be acted upon.

Of course it has always been the policy of the Government to make the receipts of the Post-Office Department meet the expenditures as near as possible. That policy was followed from the foundation of this Government up to 1884. I believe it was the policy then also to enact such legislation as would make the Post-Office Department self-sustaining, but it was a mistaken act of legislation. We find in 1837 the Post-Office Department was self-sustaining, and returned a surplus revenue of over $1,600,000. There was then a deficiency until 1848, and in 1849, 1850, and 1851, when there was a surplus. There was then a deficiency each year until 1865.

The laws have been modified in all these instances after a period when the receipts met the expenditures.

In 1882–83 there was a very healthy surplus in revenues in the Post-Office Department. In 1881 it amounted to more than $1,000,000, and in 1883 to more than $2,000,000.

The following table shows these statistics in detail:

Comparative statement of receipts and expenditures of the Post-Office Department from July 1, 1836, to June 30, 1895.

Year.	Receipts.			Expenditures.	Deficiencies.
	Revenue.	Treasury grants.	Total.		
1837	$4,945,668.21	.....	$4,945,668.21	$3,288,319.03	*$1,657,349.18
1838	4,238,733.46	.....	4,238,733.46	4,430,662.21	191,928.75
1839	4,484,656.70	.....	4,484,656.70	4,636,536.31	151,879.61
1840	4,543,521.92	.....	4,543,521.92	4,718,235.64	174,713.72
1841	4,407,726.27	$482,657.00	4,890,383.27	4,499,527.61	91,801.34
1842	4,546,849.65	.....	4,546,849.65	5,674,751.80	1,127,902.15
1843	4,296,225.43	.....	4,296,225.43	4,374,753.71	78,528.28
1844	4,237,287.83	.....	4,237,287.83	4,296,512.70	59,224.87
1845	4,289,841.80	.....	4,289,841.80	4,320,731.99	30,890.19
1846	3,487,199.35	750,000.00	4,237,199.35	4,076,036.91	588,837.56
1847	3,880,309.23	12,500.00	3,892,809.23	3,979,542.10	99,232.87
1848	4,555,211.10	125,000.00	4,680,211.10	4,326,850.27	228,360.83
1849	4,705,176.28	.....	4,705,176.28	4,479,049.13	226,127.15
1850	5,499,984.86	.....	5,499,984.86	5,212,953.43	287,031.43
1851	6,410,604.33	.....	6,410,604.33	6,278,401.68	132,202.65
1852	5,184,526.84	1,741,444.44	6,925,971.28	7,108,450.04	1,923,622.20
1853	5,240,724.70	2,225,000.00	7,465,724.70	7,982,736.59	2,742,631.89
1854	6,255,586.22	2,736,748.96	8,992,335.18	8,577,424.12	2,321,837.90
1855	6,642,136.13	3,114,542.26	9,576,678.39	9,968,342.29	3,326,206.16
1856	6,920,821.66	3,748,881.56	10,669,703.22	10,405,286.38	3,484,464.70
1857	7,853,951.76	4,528,004.67	11,881,956.43	11,508,057.93	4,154,106.17
1858	$7,486,792.86	$4,679,270.71	$12,166,063.57	$12,722,470.01	$5,225,677.15
1859	7,968,484.07	3,915,946.49	11,884,430.56	11,458,083.63	3,489,599.56
1860	8,518,067.40	11,154,167.54	19,672,234.94	19,170,609.89	10,632,542.49
1861	8,349,296.40	4,639,806.53	12,989,102.93	13,606,759.11	5,257,462.71
1862	8,299,820.90	2,598,953.71	10,898,774.61	11,125,364.13	2,825,543.23
1863	11,163,789.59	1,007,848.72	12,171,638.31	11,314,207.84	150,418.25
1864	12,438,253.78	749,960.00	13,188,233.78	12,644,786.20	206,532.42
1865	14,556,158.70	3,968.46	14,560,127.16	13,694,728.28	*861,430.42
1866	14,436,986.21	.....	14,436,986.21	15,352,079.30	915,093.09
1867	15,297,026.87	3,991,666.67	19,288,693.54	19,235,483.46	3,938,456.59
1868	16,222,600.80	5,096,525.00	21,989,125.80	22,730,622.65	6,437,991.85
1869	18,344,510.72	5,707,115.30	24,051,626.02	23,698,131.50	5,353,628.78
1870	19,772,220.65	4,022,140.85	23,794,361.50	23,998,837.63	4,226,616.98
1871	20,037,045.42	4,126,200.00	24,163,245.42	24,390,104.08	4,353,058.66
1872	21,915,426.37	4,993,750.00	26,909,176.37	26,658,192.31	4,742,765.94
1873	22,996,741.57	5,690,475.00	28,687,216.57	29,084,945.67	6,088,204.10
1874	26,471,071.82	5,922,483.55	32,393,555.37	32,126,414.58	5,655,948.76
1875	26,791,360.59	6,704,646.96	33,496,007.55	33,611,309.45	6,819,948.86
1876	28,634,197.50	5,088,583.03	33,722,780.53	33,263,487.58	4,629,290.08
1877	27,531,585.26	7,013,300.00	34,544,885.26	33,495,322.44	5,954,737.18
1878	29,277,516.95	5,307,752.82	34,585,169.77	34,165,084.49	4,887,567.54
1879	30,041,982.86	3,297,965.25	33,339,948.11	33,449,890.45	3,407,916.59
1880	33,315,479.34	3,597,717.20	36,913,196.54	36,542,803.68	3,227,324.34
1881	36,785,397.97	3,297,921.46	40,083,319.43	39,592,566.22	2,807,168.25
1882	41,876,410.15	6,595.12	41,883,005.27	40,482,021.23	*1,394,988.92
1883	45,508,602.61	21,416.85	45,530,109.46	43,282,944.43	*2,225,748.18
1884	43,325,958.81	140,690.79	43,466,649.60	47,224,560.27	3,898,001.46
1885	42,590,843.83	6,066,473.00	48,627,316.83	50,046,235.21	7,485,391.38
1886	43,948,422.95	8,751,070.73	52,699,493.68	51,004,743.80	7,056,320.85
1887	48,837,609.39	4,746,167.06	53,583,776.45	53,006,194.39	4,168,585.00
1888	52,695,176.79	3,386,441.70	56,081,618.49	56,468,315.20	3,773,138.41
1889	56,175,611.18	5,745,017.89	61,920,629.07	62,317,119.36	6,141,508.18
1890	60,882,097.92	6,100,000.00	66,982,097.92	66,259,547.84	5,377,449.92
1891	65,931,785.72	4,441,772.08	70,373,557.80	73,059,519.49	7,127,733.77
1892	70,530,475.98	6,290,232.64	77,190,708.62	76,980,846.16	6,950,370.18
1893	75,896,933.16	6,727,828.43	82,624,761.59	81,581,681.33	5,684,748.17
1894	75,080,479.04	10,200,895.13	85,281,374.17	84,994,111.62	9,913,632.58
1895	76,983,128.19	9,872,962.53	86,856,090.72	87,179,551.28	10,196,423.09

* Excess of revenue.

Deficiencies 1837 to 1865, inclusive	$44,972,783.51
Deficiencies 1866 to 1895, inclusive	146,698,869.46
Total	191,671,652.97

In 1883–84 was enacted what was known as the sample-copy law, and the second-class matter rate went to 1 cent a pound. Since that time, contrary to the expectation of Congress—because Congress anticipated that the deficiencies would immediately increase, but that they would almost cease in a few years—the year succeeding the adoption of the law the deficiency was, in round numbers, $3,800,000. The deficiencies have increased, and I want again to call the attention of this House to this fact. The deficiencies have increased from that period to the present with unvarying regularity, until last year they amounted to $10,196,000.

Mr. HILL. Do you think it is due to that law?

Mr. LOUD. Why, there is no doubt about it.

Mr. HILL. Wholly?

Mr. LOUD. Wholly. I have no doubt about that, and if gentlemen would investigate for themselves the class of matter that has been admitted under that law, I do not think any sane man in the world could differ from me on that subject. Now, I have brought here a sample of this stuff—I say stuff—that has gone through the mails under our sample-copy law. Here are some of these publications, the Home Treasure, Augusta, Me.; the Fireside Visitor, Augusta, Me.; the International Farmer and Home Magazine, Augusta, Me.; Trumps, Kansas City; Breeze, Augusta, Me.; Ladies' Home Jewel—you will find that these names are copied as nearly as possible after the names of some of the best magazines in the country—Ladies' Home Jewel, New Haven, Conn.; the Welcome Friend, New York; Hearth and Home. These are only a few. I have 500 of those down in my committee room.

Mr. TRACEY. What is the matter with them?

Mr. LOUD. If any gentleman in this House will go over them carefully he will find this similarity in all, that there is one class of advertising that appears in every one of these journals, and I assert that there is not one of these papers that has over 250 legitimate subscribers. Here are some of the advertisements that permeate this class of stuff to which I have reference and which goes all over the country:

Real lovers' cards. "Tells you how to grow a mustache." "How agents can make $100 a day." "Great book of secrets," etc. You all know what they are.

This is the class of stuff that is going through our mails. If you were to read them all, if you would read the 500 papers which I have down in my committee room, you would find the same class of advertisements in every one of them, and there are firms in this country that issue as high as 50 papers, issued under different names, but all from the same firm. Here is another class. A year

Comparative statement of receipts and expenditures, etc.—Continued.

Total.	Receipts.			Expenditures.	Deficiencies.
	Revenue.	Treasury grants.	Total.		
1858	$7,486,792.86	$4,679,270.71	$12,166,063.57	$12,722,470.01	$5,225,677.15
1859	7,968,484.07	3,915,946.49	11,884,430.56	11,458,083.63	3,489,599.56
1860	8,518,067.40	11,154,167.54	19,672,234.94	19,170,609.89	10,632,542.49
1861	8,349,296.40	4,639,806.53	12,989,102.93	13,606,759.11	5,257,462.71
1862	8,299,820.90	2,598,953.71	10,898,774.61	11,125,364.13	2,825,543.23
1863	11,163,789.59	1,007,848.72	12,171,638.31	11,314,207.84	150,418.25
1864	12,438,253.78	749,960.00	13,188,233.78	12,644,786.20	206,532.42
1865	14,556,158.70	3,968.46	14,560,127.16	13,694,728.28	* 861,430.42
1866	14,436,986.21	.....	14,436,986.21	15,352,079.30	915,093.09
1867	15,297,026.87	3,991,666.67	19,288,693.54	19,235,483.46	3,938,456.59
1868	16,222,600.80	5,096,525.00	21,989,125.80	22,730,622.65	6,437,991.85
1869	18,344,510.72	5,707,115.30	24,051,626.02	23,698,131.50	5,353,628.78
1870	19,772,220.65	4,022,140.85	23,794,361.50	23,998,837.63	4,226,616.98
1871	20,037,045.42	4,126,200.00	24,163,245.42	24,390,104.08	4,353,058.66
1872	21,915,426.37	4,993,750.00	26,909,176.37	26,658,192.31	4,742,765.94
1873	22,996,741.57	5,690,475.00	28,687,216.57	29,084,945.67	6,088,204.10
1874	26,471,071.82	5,922,483.55	32,393,555.37	32,126,414.58	5,655,948.76
1875	26,791,360.59	6,704,646.96	33,496,007.55	33,611,309.45	6,819,948.86
1876	28,634,197.50	5,088,583.03	33,722,780.53	33,263,487.58	4,629,290.08
1877	27,531,585.26	7,013,300.00	34,544,885.26	33,495,322.44	5,954,737.18
1878	29,277,516.95	5,307,752.82	34,585,169.77	34,165,084.49	4,887,567.54
1879	30,041,982.86	3,297,965.25	33,339,948.11	33,449,890.45	3,407,916.59
1880	33,315,479.34	3,597,717.20	36,913,196.54	36,542,803.68	3,227,324.34
1881	36,785,397.97	3,297,921.46	40,083,319.43	39,592,566.22	2,807,168.25
1882	41,876,410.15	6,595.12	41,883,005.27	40,482,021.23	*1,394,988.92
1883	45,508,602.61	21,416.85	45,530,109.46	43,282,944.43	*2,225,748.18
1884	43,325,958.81	140,690.79	43,466,649.60	47,224,560.27	3,898,001.46
1885	42,590,843.83	6,066,473.00	48,627,316.83	50,046,235.21	7,485,391.38
1886	43,948,422.95	8,751,070.73	52,699,493.68	51,004,743.80	7,056,320.85
1887	48,837,609.39	4,746,167.06	53,583,776.45	53,006,194.39	4,168,585.00
1888	52,695,176.79	3,386,441.70	56,081,618.49	56,468,315.20	3,773,138.41
1889	56,175,611.18	5,745,017.89	61,920,629.07	62,317,119.36	6,141,508.18
1890	60,882,097.92	6,100,000.00	66,982,097.92	66,259,547.84	5,377,449.92
1891	65,931,785.72	4,441,772.08	70,373,557.80	73,059,519.49	7,127,733.77
1892	70,530,475.98	6,290,232.64	77,190,708.62	76,980,846.16	6,950,370.18
1893	75,896,933.16	6,727,828.43	82,624,761.59	81,581,681.33	5,684,748.17
1894	75,080,479.04	10,200,895.13	85,281,374.17	84,994,111.62	9,913,632.58
1895	76,983,128.19	9,872,962.53	86,856,090.72	87,179,551.28	10,196,423.09

* Excess of revenue.

Deficiencies 1837 to 1865, inclusive	$44,972,783.51
Deficiencies 1866 to 1895, inclusive	146,698,869.46
Total	191,671,652.97

or two ago the gentleman from New York [Mr. QUIGG] brought in a few of the standard works of this country and held them up to show how this was educational. I should like to call the attention of the House to this. This which I have in my hand is a sample, and there is more of that stuff going through the mails than of the class of matter that was presented to this House by the gentleman. I call your attention to this. How would you like to have that go to your fireside, the bosom of your family, your young ladies' institutes?

Mr. QUIGG. Is there not a law on the statute books against transmitting this indecent and obscene literature through the mails?

Mr. LOUD. I know there is; but it is a question whether this is indecent. That is a question to be determined.

Mr. QUIGG. It is in the discretion of the Postmaster-General, is it not?

Mr. LOUD. If gentlemen will sit down in front of me and not get excited, I will show you many more of this higher class educational matter which we are transmitting at a net loss of millions annually. Permit me to say that serial novels are allowed to go through the mails at 1 cent per pound. We ought not to have such matter in there at any price. Still I am willing if they will pay their share. They can not corrupt me, and my own family are past corruptible age.

Mr. QUIGG. I would like to ask the gentleman a question. Has not the Department ruled the Kreutzer Sonata out of the mails, and is not all matter like that, which is probably indecent and obscene literature, ruled out? Why can not the gentleman get all of this stuff ruled out of the mails in that way?

Mr. LOUD. Oh, it is a question whether that is under the law indecent or obscene.

Mr. QUIGG. What kind of books?

Mr. LOUD. Do you claim that Straightout Detective, by "Old Sleuth Hound," is an educational work?

Mr. QUIGG. I do not know anything about it.

Mr. JOHNSON of California. Will my colleague allow me to ask him a question?

Mr. LOUD. Certainly.

Mr. JOHNSON of California. Are you now discussing the conference report?

Mr. LOUD. Certainly; as near as I can.

Mr. JOHNSON of California. Is it a conference report on the passage of a bill that the gentleman has introduced?

Mr. LOUD. The substance of it is this, Mr. Speaker: I was endeavoring to call the attention of the House, and it is the custom for committees, I will say to my friend from California, to speak on matters relating to the Departments over which they have certain supervisory care.

Mr. JOHNSON of California. What I am asking, Mr. Speaker, if the gentleman will pardon me, is this: He has introduced a bill with reference to excluding certain matter from the mails; and I want to know if that is the bill he is now discussing; because if it is, I want to be heard on the matter. I am opposed to his bill, and I want to say something about it when it comes up.

Mr. LOUD. Mr. Speaker, when the gentleman from New York asked me a question, I was about to reply in this manner. He knows as well as any other gentleman on this floor how serial novels are issued. There are a few firms in the larger cities whose business it is to cover novels alone. There are thousands of tons of this printed matter uncovered stored in warehouses. They are assumed to be issued in serial numbers. No. 1 might be one of Scott's novels. No man in the world, not even the publisher of this book, can tell what No. 2 or No. 3 will be. No. 2 may be the book that I have referred to here. No. 3 may be this other. Now, it is impossible for the Post-Office Department to carefully examine every book that is submitted for mailing and that has been admitted to the second-class privilege. You understand all that you have to do is to submit a certain book, say the first number of a series. The gentleman knows that as well as I do. [Cries of "Vote!" "Vote!"]

Mr. HEPBURN. The only change is in the cover.

Mr. LOUD. The only change is in the cover. I would like to ask him if these are educational works: Wicked Nell, Chicago After Dark, Cranky Ann, Irish Mollie, Agnes, Woman's Duplicity, A Lady of Pleasure, etc. This list is full of such names. I do not claim that they are obscene; but when the United States Government is expending $40,000,000 a year for the transmission of these books under the assumption that it is educational matter, I want to call the attention of the House to the fact that it is the merest rot. Now, how does this sample-copy business work? I have in my hand a letter from an advertising agency——

Mr. QUIGG. A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. QUIGG. Is there anything before the House with reference to second-class matter?

The SPEAKER pro tempore. The gentleman from California presented a conference report. What there is in it the Chair does not know.

Mr. LOUD. I stated when I arose, if there was no other conference report on hand, that I desired to make a few pertinent suggestions relating to postal affairs which might be of some benefit to you. Surely no harm can result.

Mr. TRACEY. I make the point of order that the gentleman is not speaking to the conference report at all, or anything contained in it.

Mr. QUIGG. If this question is to be debated I desire to have an opportunity to take a part in the debate, if there is anything before the House with reference to the matter to which the gentleman is alluding.

Mr. LOUD. The gentleman will have ample opportunity to debate this question if it ever comes before the House.

Mr. QUIGG. If it is not before the House, I make the point of order against the remarks of the gentleman from California.

Mr. LOUD. I am only doing what is customary in this House when the question of a conference report is up.

Now, then, Mr. Speaker, here is a paper called Comfort, which claims to have a subscription list of one million and a quarter. A gentleman sent me a letter in which he states that they do not send sample copies out singly, but send out four at a time, in case one may get lost! I suppose I am not going to detain the House a great while; but I had hoped, Mr. Speaker, that the measure to which I have alluded would have been taken up by this House. It has received, permit me to say to the gentleman from New York and the rest of this House, the highest commendation from the great mass of the press of this country. It has received the commendation of 90 per cent of the people who have given this subject any serious thought.

There are, Mr. Speaker, on the outside, evidently, people who know more about what Congress is going to do than Congress does itself. I will say that this most estimable family journal, or business journal, or magazine, or whatever you may term it, still one of those that go under second-class privileges as educational matter, known as Printer's Ink, I say to every member of this House, every one of whom I suppose gets a copy of it every week—

Mr. CUMMINGS. If the gentleman will allow me, I do not get a copy of it, and have never had a copy of it since I have been here.

Mr. LOUD. Then the gentleman can not know how much useful knowledge he has lost. I saw in this journal two months ago an announcement that the "Loud bill" was dead. I suppose they must have been in possession of information at that time of which no person in this House had any knowledge, but they happened to be in possession of the true and correct information. [Laughter.] Now, here [holding up a publication] is something that I trust the gentleman from New York has received; he says he does not receive Printer's Ink, but I venture to assert that he does get this, and it is no doubt a very useful publication. I have in my committee room a letter from the proprietors of this atlas, in which they protest against the so-called Loud bill because it would prevent them from educating the masses of our people by sending out this work, and they state that up to the time of writing they had sent out through the mails more than 600,000 copies, at a nominal cost of one and a half cents per copy. The publication weighs a little over a pound and a half and they have sent out a little over 600,000 copies, making a million pounds, and the Government has made a loss in transmitting that matter of $75,000, not taking into consideration the cost of handling it. This is, no doubt, a good atlas, but why should the Government lose this large amount of money for the purpose of distributing it through the country?

Mr. BINGHAM. Why should the Government transmit the daily papers through the mails?

Mr. LOUD. Why, I ask, should the Government be at that expense and loss in order that a man who is publishing a farmers' journal in the State of Ohio may be enabled to send out this publication to increase his circulation?

Mr. CROWTHER. Does not that atlas educate the people?

Mr. LOUD. Oh, I will admit, Mr. Speaker, that an atlas does help to educate the people.

Mr. CROWTHER. Well, what is the Post-Office Department for? Is it not for the transmission of educational matter to the people in different parts of the country?

Mr. TRACEY. Mr. Speaker, I make the point of order that the gentleman from California is out of order.

The SPEAKER pro tempore. The gentleman from California is proceeding in order.

Mr. TRACEY. He can not be in order. He is talking about a bill that is not before the House and can not come before it at this time.

Mr. LOUD. Now, let me say to the gentleman from Missouri [Mr. CROWTHER] that if the question confronting this Congress were whether we should appropriate $40,000,000 for the transmission of educational matters which no official of the Government had any supervision over, would the gentleman vote for it?

Mr. CROWTHER. Of course not.

Mr. LOUD. Well, I should say not; but that is the question in a nutshell. If this is for educational purposes, permit me to say

that there is no person in the world who has any supervision over it, and this practice is debauching the mails of the country and the people also.

Mr. MILLIKEN. If the gentleman's argument is correct, that we ought not to transmit through the mails anything of this character, why is it that the Government sustains all over the country little post-offices that do not half pay the cost of running them?

Mr. MAHANY. For the convenience of the people.

Mr. MILLIKEN. Is it because the post-office is established for the purpose of yielding revenue; or, rather, is it not because that Department is maintained for the convenience and for the benefit of the people of this country? I think that if the argument of the gentleman were carried out to its logical conclusion every post-office in the country that does not pay the cost of running it ought to be abolished.

Mr. LOUD. Oh, Mr. Speaker, there is reason in everything. In my opinion it is a beneficent thing to establish and maintain these country post-offices in order to accommodate the people in the thinly settled districts.

Mr. MILLIKEN. Then, if that is the gentleman's view, I will ask him if it is not also a beneficent thing to make the transmission of literature cheap and easy. The gentleman may prefer to read the classics or some other high grade of literature, but there is a great deal of literature which goes out among the people of this country that is to them, perhaps, quite as desirable as the higher literature would be to him, and the loss of which they would feel very keenly, and I am not certain but that the transmission of that literature through the mails—I do not mean anything that is objectionable, but the great mass of our popular literature—I am not quite certain but that the transmission of that literature cheaply through the mails to all parts of the country is as great a beneficence and of as great advantage to the people as the establishment and maintenance of a little post-office in some corner where it does not pay, perhaps, one-fifth of the cost of running it.

Mr. TAWNEY. I wish to ask the gentleman from Maine whether the conferees of the two Houses have agreed upon all matters of difference on this bill? [Laughter.]

Mr. MILLIKEN. I am not one of the conferees, and therefore can not answer that question.

Mr. LOUD. Now, then, I will say to the gentleman——

Mr. QUIGG. As the gentleman from California has mentioned "the Loud bill," I wish to know whether the Loud bill is embraced in this conference report?

Mr. LOUD. If gentlemen had not interrupted me, I should have been through long ago. By these constant interruptions they are simply "prolonging their agony." Now, if you will let me proceed——

Mr. QUIGG. Is not my question a pertinent one, as to whether the Loud bill is embraced in the conference report?

Mr. LOUD. After I get through with the gentleman from Maine [Mr. MILLIKEN] I will perhaps answer the inquiry of the gentleman from New York. I will say to the gentleman from Maine that the measure which I advocate here tends to purify the legitimate press of this country. I believe the legitimate press of the country should have every privilege which it now enjoys. But why the mails of this country should be weighed down with this stuff which no man or woman or child on God's earth wants, I can not see. I believe that every paper in this country should have the privilege of sending its matter to its subscribers—the people who want it—at the present rates.

Mr. BINGHAM. Why? Give us the reason. Why should newspapers go at a cent a pound, being a loss of 8 cents a pound, while letters must pay 32 cents a pound?

Mr. LOUD. Perhaps I should have put my statement in a different way. I will modify it and say that I would be willing to endure, and endure with great patience, the present system in that respect, because we have endured it almost since the beginning of the Government, whether it be right or not. But I believe the same privilege should be extended to the humblest citizen in this land that is extended to the largest and wealthiest proprietor of any newspaper. And permit me to say that so long as you are weighing those mails down with the matter to which I refer and losing $40,000,000 a year you are preventing the great mass of the people of this country from enjoying what is their proper and just right—1-cent postage. [Applause.]

Mr. MILLIKEN. Inasmuch as the gentleman has referred to me, will he allow me to say——

Mr. QUIGG. Will the gentleman yield for a question?

Mr. LOUD. I think I had better finish my remarks. I do not think these gentlemen are enlightening the House; and you have sufficiently embellished my speech, and we had better let the machine proceed.

Mr. QUIGG. All I want to know is whether the Loud bill is in this report.

The SPEAKER pro tempore. The gentleman from California declines to be interrupted.

Mr. LOUD. The gentleman well knows that the bill to which he refers is not in this report.

Mr. MILLIKEN. Why are you talking about it, then?

Mr. LOUD. What I have said on this subject is, I believe, all I want to say. I do not suppose I shall ever again have the opportunity of calling the attention of this House to what I believe to be some of the gross abuses connected with the postal service. Other people may differ with me; that is their right; but when I see what appears to be an abuse, and am placed in charge of a committee whose province it is to deal with such questions, and when after six months of diligent labor and research into the workings of the Post-Office Department I have undertaken to present a bill on the subject, it is most remarkable that any gentleman should be unwilling to allow me to present the subject in this somewhat informal manner, which I adopt because I can not be recognized to present it in a more formal way.

Mr. MILLIKEN. But the other side ought to have an opportunity to reply.

Mr. LOUD. Permit me to say to the gentleman there are occasions when a man must defend himself. This journal here, or whatever you may call it, had said, "LOUD was bought off"; that he had "suppressed the Loud bill." The newspapers of this country have commended this measure; they are unable to ascertain why it should not gain consideration. Some of them have said that I have "laid down on it." In defense of myself, Mr. Speaker, I have been forced to speak. [Applause.] I wish to say that there has never been an hour since this bill was reported to the House that I would not have sacrificed all else to have brought the bill up for consideration; and I will say further that in my opinion this House is doing gross injustice to 70,000,000 people in adjourning without passing this bill.

Now, Mr. Speaker, I am done. [Cries of "Question!" "Question!"]

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced the action of the President on bills of the following titles:

On June 6, 1896:

An act (H. R. 8109) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

An act (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of "filled cheese";

An act (H. R. 6994) relating to the sale of gas in the District of Columbia;

An act (H. R. 7578) granting the Flagstaff and Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve in northern Arizona;

An act (H. R. 1109) granting a pension to Elizabeth Marshall;

An act (H. R. 4598) granting a pension to Mary Cray;

An act (H. R. 6111) granting a pension to Elizabeth A. Sargent;

An act (H. R. 6134) granting an increase of pension to Caroline E. Purdum;

An act (H. R. 4724) to increase the pension of Mrs. Mary L. Aleshire;

An act (H. R. 4275) to increase the pension of Mrs. Annis H. Enochs, widow of Gen. William H. Enochs, from $20 to $50 per month;

An act (H. R. 5225) for the relief of Mrs. Elizabeth M. Williams, of Monroe County, Tenn.;

An act (H. R. 3229) for the relief of Hannah Newell Barrett;

An act (H. R. 6293) to increase the pension of Peter Rafferty;

An act (H. R. 7334) granting an increase of pension to William T. Applegate;

An act (H. R. 6132) granting an increase of pension to Thomas M. Scott;

An act (H. R. 3007) granting an increase of pension to Michael S. Pettit;

An act (H. R. 3033) to increase the pension of Elizabeth T. Beall, widow of Benjamin L. Beall, late colonel First United States Cavalry;

An act (H. R. 2602) for the relief of Solomon Hyams;

An act (H. R. 3857) granting a pension to Thomas Brewer;

An act (H. R. 2373) granting a pension to Elvin J. Brown;

An act (H. R. 3395) granting a pension to Carrie H. Greene;

An act (H. R. 4283) granting a pension to Delia A. Marsh;

An act (H. R. 5175) granting a pension to Nancy Gentry;

An act (H. R. 468) granting an increase of pension to Mrs. H. J. Kiernan;

An act (H. R. 5792) granting an increase of pension to Mrs. Julia A. Jameson;

An act (H. R. 1734) to increase the pension to Ann Catherine Hull;

An act (H. R. 3578) granting a pension to Elmira E. Dustin;

An act (H. R. 2006) to increase the pension of Harriet C. Gregg; widow of Col. and Bvt. Maj. Gen. John Irvin Gregg, from $30 to $50 per month; and

An act (H. R. 3582) to remove the charge of desertion now standing against Henry H. Bailey.

NOTE.—The following bills having been presented to the President May 25, 1896, and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution, have become laws without his approval:

An act (H. R. 4383) granting a pension to Gen. William H. Morris;

An act (H. R. 2042) to increase the pension of Wilbur F. Cogswell; and

An act (H. R. 3337) amending the act of June 8, 1880, entitled "An act to authorize the President to appoint an officer of the Navy or the Marine Corps to perform the duties of Solicitor and Judge-Advocate-General, etc., and to fix the rank and pay of such officer," and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had still further insisted upon its amendments to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, numbered 64, 69, and 70, disagreed to by the House of Representatives, had agreed to the further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes; had still further insisted upon its amendments numbered 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 193, 194, 195, and 201, disagreed to by the House of Representatives; had agreed to the further conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. TELLER, Mr. ALLISON, and Mr. COCKRELL as the conferees on the part of the Senate.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 9404) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment joint resolution (H. Res. 195) to pay the officers and employees of the Senate and House of Representatives on the day following adjournment.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the amendment of the Senate numbered 97 to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

ORDER OF BUSINESS.

Mr. DRAPER. Mr. Speaker, I move to suspend the rules and pass Senate bill 2306, to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights.

The bill was read at length.

The SPEAKER pro tempore (Mr. DALZELL). It appears that the original bill, the subject-matter of the motion of the gentleman from Massachusetts, is not at the desk; and in the meantime the Chair will recognize the gentleman from Montana [Mr. HARTMAN], who desires to submit a motion.

THE NORTHERN PACIFIC RAILROAD COMPANY.

Mr. HARTMAN. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H. Res. 190) to facilitate the reorganization of the Northern Pacific Railroad Company; to secure to actual settlers the right to purchase, at a price not exceeding $2.50 per acre, the agricultural lands within its grant, and to prohibit said company or any successor company from giving, by consolidation, sale, or other corporate action, control of its railroad to any corporation, company, person, or association of persons owning, operating, or controlling a parallel or competing railroad, with the amendments recommended by the Committee on the Judiciary.

The joint resolution was read, as follows:

Resolved, etc., That the purchasers of the railroad property of the Northern Pacific Railroad Company, which may at any time hereafter be sold at judicial sale in any suit or suits for the foreclosure of any of the mortgages heretofore executed by said company thereon, may organize anew by filing in the office of the Secretary of the Interior, and in the office of the secretary of state of each State through or into which said Northern Pacific Railroad or any of its branches may run, a copy of the deed or deeds conveying said railroad and property, with a certificate, signed by them, setting forth the name adopted by them, the names, number, and residences, respectively, of its directors, and a copy of any plan of reorganization adopted by said purchasers or pursuant to which such purchase shall have been made. Upon filing such certificate such purchasers, their associates, successors, and assigns, shall, by the name specified in said certificate, possess the franchise to be a corporation with the same limitations and powers as the Northern Pacific Railroad Company, and shall be subject to all the obligations and duties heretofore imposed by Congress upon said company, and may acquire and hold any property and branches of the Northern Pacific Railroad Company: *Provided*, That nothing in this resolution shall be held to revive any right heretofore forfeited by the Northern Pacific Railroad Company, or to extend to said purchasers at said foreclosure sale any other or different rights than those heretofore granted to said Northern Pacific Railroad Company; and it may acquire and construct additional branches or feeders, not parallel or competing with the line of said railroad or any of its branches, in any State as authorized by the laws thereof; and it may from time to time issue bonds, secured by mortgage, subject to all existing obligations of the Northern Pacific Railroad Company to the United States upon its tangible property and franchises or otherwise, not exceeding in the aggregate the sum of $190,000,000, and $25,000 additional per mile for railroad hereafter constructed, the interest on any of which bonds shall not exceed 4 per cent per annum, and stocks, preferred or common, not exceeding in the aggregate $155,000,000, of which amount not exceeding $75,000,000 may be preferred, but the preference of the preferred stock as to dividends shall not exceed 4 per cent per annum: *Provided*, That except such stock as shall be issued for property acquired under such foreclosure proceedings, no additional stock shall be issued, except for money, labor, or tangible property at its actual cash value, to the par or face value of the stock, which may be common stock or preferred stock, or both, as may be authorized at stockholders' meetings; and any stock issued contrary to the provisions hereof shall be void; and that any such mortgage shall be filed and recorded in the office of the Secretary of the Interior and in the office of the register of deeds of each county through and into which said railroad or any of its branches may run, as sufficient proof and notice of its legal execution and effectual delivery and of the lien thereby created: *Provided*, That such successor company, its successors and assigns, and any purchaser of lands at such foreclosure sale under such mortgages heretofore executed by said company, other than bona fide purchasers for actual settlement and cultivation, shall sell to any applicant therefor, for purposes of actual settlement and cultivation by such applicant, in tracts of not less than 40 nor more than 160 acres each, at a price not exceeding $2.50 per acre, any agricultural land lying more than 1 mile from said railroad and then unsold, heretofore granted by Congress to the Northern Pacific Railroad Company and acquired by purchasers at said foreclosure sale as aforesaid: *Provided*, That any lands acquired by said successor company situate in Minnesota or North Dakota, east of the Missouri River, lying more than 1 mile from said railroad, shall be so sold to any applicant therefor, for purposes of actual settlement by such applicant, in tracts of not less than 40 nor more than 160 acres, at a price not exceeding $5 per acre; and said company may reserve to itself, its successors and assigns, in the sale of any lands applied hereunder, all coal necessary for use in the maintenance and operation of said railroad which may be found therein and open for mining prior to such foreclosure sale, and the right to take therefrom gravel for its own uses: *Provided, however*, That said company shall have the right to reserve from sale hereunder, and to otherwise dispose of, such tracts or bodies of arid lands as it shall deem necessary or advisable for use in any way in promoting and developing irrigation, through companies or associations organized under and subject to the laws of the States in which such lands are situated: *And provided further*, That neither the Northern Pacific Railroad Company nor such successor corporation, its successors or assigns, shall consolidate its stock, or the stock at any time by it held in any subsidiary corporation, with, or sell, convey, or lease said railway, or by other corporate action give control or management over and of the same to any corporation, company, person, or association of persons whatever without the consent of Congress; and any contract entered into by said successor company in violation of the provisions hereof shall be null and void, and may be enjoined at the suit of the United States or any State in which said road or any part thereof is situate in any court of competent jurisdiction: *And provided also*, That nothing herein contained shall be construed as making any additional grant of lands to such successor corporation, or a waiver of any right of the United States, as now existing to enforce any forfeiture of lands heretofore granted to the said Northern Pacific Railroad Company, or as in any manner affecting the vested rights of any settler or settlers on any of the lands heretofore granted to the Northern Pacific Railroad Company, or of any purchaser or purchasers of any such lands from said company, or to extend to any purchasers at said foreclosure sale, or any subsequent foreclosure sale under the mortgages hereby authorized, any other or different rights than those heretofore granted to said Northern Pacific Railroad Company: *And provided further*, That all debts, demands, and liabilities due or owing by said Northern Pacific Railroad Company, which were contracted, accrued, or incurred in any State or Territory through or into which its line of railroad or any of its branches extend, to any resident thereof, for ticket or freight balances, or for work, labor, material, machinery, fixtures, and supplies of every kind done, performed, or furnished in the repair, equipment or operation, construction, or extension of said railroad or branches, and all liabilities by said railroad company in the transportation of freight and passengers, including damages for injuries to employees or others, and to property, which accrued, or upon which suit has been brought and is now pending, or upon which judgments against said railroad company have been rendered and remain unsatisfied in any such State, within twelve months prior to any appointment of a receiver for said Northern Pacific Railroad Company by any United States court, and all liabilities on appeal, or supersedeas, or cost bonds, or in garnishment proceedings, without regard to the date of such bonds, together with all debts and liabilities which such receiver may have incurred in operating said Northern Pacific Railroad and its branches, including claims for injuries to person and property, shall be paid by such reorganized company; and judgments rendered thereon against such receiver, and remaining unsatisfied, shall have full force and effect against such reorganized company, and be enforced by execution or other proper final process directly against such reorganized company and its property, and shall be a prior lien thereon: *And provided further*, That if the holders of bonds secured by the first mortgages of the Northern Pacific Railroad Company shall surrender their bonds

and accept in lieu thereof bonds or stock or both from the purchasers at such foreclosure sale then said first mortgage shall be held to be extinguished: *And provided further*, That in every case of failure of the title to any lands conveyed or contracted to be sold by said Northern Pacific Railroad Company any and all rights of such purchaser or his assigns, in respect of such land, or in respect of the failure of such title, or in respect to the liability of said Northern Pacific Railroad Company on said contracts for the sale of lands, shall survive and may be enforced against such successor company with the same force and effect and in the same manner as against the Northern Pacific Railroad Company; and such successor company, upon making compensation for such loss of title or failure to comply with the conditions of such land contracts, shall be subrogated to the rights of such purchaser in respect of the lands for which such compensation shall have been made: *And provided further*, That the reorganized railroad company provided for in this resolution shall, for all purposes of judicial jurisdiction, be held and deemed to be a citizen and corporation of the respective States into which its line of railway, or any branch or spur thereof, may extend, or in which any such corporation may conduct or carry on any business, and the service of process upon such corporation may be made according to the laws of the respective States in which suits shall be brought. And it being the purpose and intent of this resolution to authorize the creation of a corporation for railroad rather than for land-owning purposes, it is provided further that all lands herein referred to should be sold from time to time when a reasonable price is offered therefor; and if, after five years from the date of the passage of this resolution, it shall be ascertained by any court of competent jurisdiction, subject to the right of appeal, that any of such lands, except such as may rightfully be reserved by said newly organized corporation, under the provisions hereof, for which a reasonable price, to be determined by the Secretary of the Interior, has been offered, shall be held or reserved, first, by such newly organized corporation; or, second, held by any other corporation, person, persons, or association for the use or benefit of such newly organized corporation; or, third, held by any corporation or association in which any stockholder, officer, or member of such newly organized corporation shall be a member, officer, or stockholder; or, fourth, held by any stockholder, officer, director, or member of such newly organized corporation, then such land, or any part of it, so held or reserved shall immediately revert to the United States; and such holding or reservation may be ascertained in a suit by any person asking to make preemption, homestead, or cash entry of any tract or tracts of such land; and such person, if successful, shall be entitled to take the contested land according to the entry made; but no forfeiture under the third subdivision above shall take place provided the stock in the newly organized company, on account of the ownership of which a forfeiture might be worked, shall be forfeited and canceled on the books of the company as soon as a knowledge of such ownership reaches the president or board of directors of the said newly organized corporation; and the power to make such forfeiture and cancellation and appropriate the stock is hereby conferred on the said newly organized corporation.

SEC. 2. That stockholders in said successor corporation shall possess the same rights, privileges, duties, and obligations in respect to the management of the business affairs of said corporation as were enjoyed and possessed by the stockholders of said original Northern Pacific Railroad Company. The time and manner of holding elections for officers and directors of said successor corporation, the number of said directors, and the making of by-laws and transferring and voting stock shall be the same as existed under the original act incorporating said Northern Pacific Railroad Company and any and all acts amendatory thereto.

SEC. 3. That Congress shall at all times have the power to alter, amend, or repeal this resolution.

Mr. QUIGG. I ask a second, Mr. Speaker.

Mr. HARTMAN. I ask that a second be considered as ordered.

Mr. RICHARDSON, Mr. TERRY, and others demanded a second.

The SPEAKER pro tempore. In the absence of objection, a second will be considered as ordered.

Mr. KEM. I object.

Mr. PAYNE. Who objected? [Laughter.]

The SPEAKER pro tempore. The gentleman from Nebraska [Mr. KEM].

The SPEAKER pro tempore announced the appointment of Mr. HARTMAN and Mr. QUIGG as tellers.

The House divided; and the tellers reported—ayes 51, noes 1.

So a second was ordered.

The SPEAKER pro tempore. The Chair will recognize the gentleman from Montana [Mr. HARTMAN] to control the time in support of the proposition, and the gentleman from New York [Mr. QUIGG] in opposition.

Mr. HARTMAN. Mr. Speaker, I will ask the Chair, at the expiration of five minutes, to notify me, as I desire to yield a portion of the time to which I am entitled to the gentleman from Minnesota [Mr. TAWNEY].

Mr. Speaker, the Northern Pacific Railroad Company was organized by a charter granted by the Congress of the United States on the 2d day of July, 1864. It had a land grant among other things accorded to it by that Congress. Subsequent legislation of the Congress of the United States gave to that company the right to mortgage the lands and franchises and the railroad property of the corporation. Pursuant to that authority four mortgages were executed. Three of these mortgages have been foreclosed and that property is to be sold on the 25th day of July under the foreclosure. The purpose of this resolution is to enable the purchasers of that property, at the foreclosure sale, to take it as a Federal corporation. We are very desirous that this authority shall be granted. Every Senator and member of Congress from every State through which the line or any of the branches of the road runs are in favor of granting this right to the purchasers of the property.

A MEMBER. How many States are affected?

Mr. HARTMAN. Seven; the States of Minnesota, Wisconsin, North Dakota, Montana, Idaho, Washington, and Oregon. We are a unit on this question.

In addition to that, sir, I desire to read from the testimony taken before the Judiciary Committee to show that those who are interested in the property of the company are also in favor of the passage of this bill. Mr. Morrowitz, the attorney for the reconstruction company, in response to an inquiry submitted to him by Judge Strong, made the following answer:

There has been actually deposited over 90½ per cent of all the bonds; 95½ per cent of all the preferred and 90 per cent of all the common stock.

So that the property interests of this great corporation, you will observe, are practically unanimous on this question. Now, as to the merits of the pending bill. I desire to say briefly that there are a number of reasons why we, as representatives of our respective constituents in the States I have named, desire the passage of this bill. First, if it is not passed within the time I have specified, then this company must organize under a State charter and purchase on the 25th of July this property and operate it under a mere State charter. There are many reasons why we do not want a State charter granted, the principal one of which is that we do not want to take the chances of the legislature of any State giving such a broad and unlimited freedom to this company as to give them rights which will be abused by them at the expense of the people of these several States.

Mr. Speaker, there are a number of reasons why it is essential that this bill should pass in addition to those which I have stated. First, this road has been operated under a Federal charter for nearly thirty-two years. The courts in our respective States have succeeded in establishing the precedents defining the rights, duties, and obligations of the road to the people and of the people to the road. Every lawyer here knows that it is a desirable and essential thing to peace and prosperity in a community that there be a settled line of judicial precedents. We do not want to have to commence to pioneer again in the matter of judicial determinations of some of the provisions of some State charter which may be granted to this successor corporation. Now, again, there is another reason. We have a very wholesome restriction here compelling the successor corporation to sell all its agricultural lands more than a mile from the railroad to settlers at a maximum price of $2.50 per acre. That is compulsory.

I will now reserve the balance of my time, and ask that some one who opposes the bill may occupy some of the time, after which I will yield to the gentleman from Minnesota [Mr. TAWNEY].

Mr. QUIGG. Mr. Speaker, twenty minutes' debate, as I understand it, is allowed on a measure under a motion for a suspension of the rules. I hold in my hand a statement on the part of J. Pierpont Morgan and others as to what it is proposed to do when Congress shall have passed this bill. I observe by that statement that we are talking about 4,706 miles of railroad, extending halfway across this continent. I observe that we are talking about land that comprehends 43,000,000 acres, and I notice that we are going to pass a bill, or else not, under a suspension of the rules, with twenty minutes' debate on a side, which changes the conditions under which $400,000,000 of other people's property are to-day owned. I notice that that is to be done in a bill of ten pages, which I wonder how many gentlemen in this House have read.

Now, Mr. Speaker, it seems to me that this is not a proper bill to come up under these circumstances, and under a proposition to suspend the rules and pass it. I have looked into the bill a little. I have not had time to look into it much. I observe that in place of $380,000,000 of stock and bonds now existent upon this property it is proposed that there shall be $345,000,000 of stock and bonds issued by the new corporation. I observe also a provision that certain debts, demands, and liabilities due and owing by the Northern Pacific Company, which were contracted in any State or Territory through which the road extends, and to any resident thereof, for certain purposes, are to be paid by this other corporation, but not much seems to be said in the bill about the debts and liabilities that are due to the residents of other States. I observe, too, that any judgment against the existent corporation is good, according to the terms of this bill, provided the suit has been brought within twelve months prior to the appointment of a receiver for the corporation.

Mr. TAWNEY. Will the gentleman permit an interruption right there?

Mr. QUIGG. Yes. Of course the gentleman is going to speak in his own time in a few minutes.

Mr. TAWNEY. Yes; but will you consent to strike out that limitation of one year?

Mr. QUIGG. I think it ought to be stricken out.

Mr. TAWNEY. The proposition of the reorganization committee was that there should be no limitation at all as to the length of time when the debt or the liability was incurred. That provision was put in by the Judiciary Committee, I think, by mistake, because they simply incorporated that provision of Judge Caldwell's order appointing the receiver relating to the payment of debt. If you will strike it out there will be no cause of complaint.

Mr. QUIGG. With pleasure. I shall offer an amendment to the bill as to this whole subject of debt in a moment. Now, you see, Mr. Speaker, by the admission of the gentleman, a member of

the committee that brings this bill here, you have got something in it with regard to other people's property that ought not to be there. Now, I say that, in my belief, there is a good deal in this bill that ought not to be there. I believe that this bill is another game of freeze-out, and I propose to illustrate it by a statement of facts with reference to one of the feeder lines owned by this corporation.

There is a corporation in the State of Washington known as the Seattle, Lake Shore and Eastern Railroad. It owns 240 miles of railroad. This corporation was bought by the Northern Pacific Railroad in 1890. The Northern Pacific took its stock and wrote on the back of the bonds that they pledged this land grant and all their property and franchises for the payment of this $5,500,000 worth of bonds. Now, the Northern Pacific defaulted on those bonds. They have not been paid. The Seattle Company has brought suit and has recovered a judgment, and an order of sale has been made and the road has been sold, but the judgment is not satisfied. Now, the bondholders of that corporation have to-day some equities in these assets. Perhaps when this bill passes they may have some; but when all the bonds and all the conditions of ownership have been changed, when a new corporation has been created, into the lap of which all these assets are swept by this bill, I apprehend that the difficulties which the Seattle Company have thus far experienced in the collection of their debt will be considerably increased.

Mr. SKINNER. Will the gentleman from New York submit to one question?

Mr. QUIGG. Yes.

Mr. SKINNER. Has this bill been referred to the Department of Justice; and if so, will you be kind enough to tell the House what the Department of Justice thinks about it?

Mr. QUIGG. I do not know where the bill has been referred. I have no doubt the gentleman from Minnesota [Mr. TAWNEY] can explain when he speaks, but I should rather the time were not taken away from me.

Mr. TAWNEY. You know it was referred to the Judiciary Committee and reported by the Judiciary Committee to the House.

Mr. QUIGG. The point I make against this bill is that this is not the time and this is not the way in which to pass it. The gentleman says that if this is not done the railroad would have to content itself with a State charter, and that such a charter will not be so good for the people that live out in his country. Well, it seems to me that the people who live in his country, where this charter will be liable to be obtained, ought to be able to take care of their own rights. And whether they are or not, what passes to this new corporation when the property has been sold? Why, there passes the property that is covered by the mortgage, and that mortgage is on all the property and rights of property of all kinds and descriptions, real, personal, and mixed, including its franchise as a corporation. The gentleman says that this bill is simply to maintain the conditions now existant under the charter of this company granted to them by the United States. That franchise goes with the rest of its property to the owners of the mortgage bonds or to the purchasers when it is sold.

Mr. FAIRCHILD. Will the gentleman allow me to ask him a question?

Mr. QUIGG. Yes.

Mr. FAIRCHILD. Is it not a fact that there has been a decision of the court that the charter or franchise does not go with the mortgage unless the law originally granting the charter and providing that the franchise could be mortgaged also provided a mode for exercising the right of sale and transfer?

Mr. QUIGG. I do not know what the decisions of the courts are. This whole property is now in the courts, and this bill is a proposition to get it out, with twenty minutes allowed for debate on each side under a suspension of the rules.

Mr. FAIRCHILD. Well, then, will the gentleman from New York allow me to call his attention to a case in which there was such a decision?

Mr. QUIGG. No; I will not.

Mr. HARTMAN. Well, I will put it in in my time.

Mr. QUIGG. I do not want to be discourteous to my colleague; but I have not the time.

Mr. FAIRCHILD. It is only about two lines; but there is a great deal of meat in it.

Mr. QUIGG. This corporation is now being sued in a great many ways and under a great many circumstances, and I want these Seattle, Lake Shore and Erie bondholders to have their day in court.

I intend to present at the proper time, Mr. Speaker, an amendment to the bill on this subject of property and debts; but I do think that this bill ought to be defeated; that this is no time and no place, and these are not the circumstances under which to pass it. I reserve the balance of my time.

Mr. HARTMAN. Mr. Speaker, I yield eight minutes to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Speaker, the principal objection urged by the gentleman from New York against the passage of this joint resolution is the fact, as he states, that we have not sufficient time to consider it; that it involves matters of such vast importance that we can not give to them that consideration which they deserve. I grant you, Mr. Speaker, that so far as time is necessary for a clear understanding of the various provisions and purposes of this resolution there is much force in this suggestion; but the friends of this proposed legislation are not responsible for the lack of time for its consideration.

Now I wish to emphasize one fact in regard to the extreme importance of action by Congress at this time upon this resolution. The Northern Pacific Railroad Company, as the gentleman from Montana and the gentleman from New York have said, was authorized by a joint resolution, passed in 1869, to mortgage all of its property, including its franchise; but under decisions of the Supreme Court of the United States, the first being in the case of the Memphis Railroad Company against the Commissioners (12 U. S., 696), it is held that the provision of this joint resolution which authorizes the company to mortgage its franchise is inoperative. The language of the court in that case is this:

> A franchise to be a corporation is not subject to sale and transfer unless made so by the statute which provides the mode for exercising it.

So it is with this statute. It makes no provision for exercising the right to transfer the franchise, and is therefore inoperative.

That is the reason this proposition is now before the House. There is no provision of that kind in the joint resolution of 1869. The purchasers of the property of the Northern Pacific Company at the foreclosure sale which occurs on the 25th of next month will, therefore, not obtain that which the mortgagor or railroad company had originally mortgaged under the joint resolution to which I have referred. Therefore, in order to obtain that which Congress originally intended the purchasers at a foreclosure sale should possess, they have come here and asked that this franchise be extended to them, and that they be given the right to incorporate under the original charter of the Northern Pacific road.

Now, the importance of this to the people of the States through which the road passes is one of great magnitude. I want to call the attention of the House to the fact that unless this authority is given them the purchasers of this property will take the property at the foreclosure sale on the 25th of next month absolutely free from every condition; and in order to avail themselves of its benefits and to operate their road they will be obliged to incorporate under State authority. What will be the effect of this upon the titles to land which is now held by settlers all along the line of that road from Lake Superior to Puget Sound? Remember that that road has enjoyed a munificent land grant 40 miles in width in Minnesota and Wisconsin and 80 miles in width west of Minnesota, extending to Puget Sound. The greater part of that land grant has been sold to actual settlers. The Government of the United States has since discovered that some of these lands have been erroneously certified, and is now seeking to cancel those certifications. Whenever in the future the title of any of that land fails, unless the condition which we impose in this joint resolution is made a part of the right of the purchasers to incorporate under Federal authority, those settlers will have absolutely no protection and will have no recourse against anybody for the damages which they may sustain by reason of the failure of their title.

I have here a letter received from a gentleman in the State of North Dakota, in which he says that in 1893 he purchased from the old Northern Pacific Railroad Company a section of land. In his contract of purchase there is a guarantee that when he shall have performed the conditions imposed upon him by that agreement he should have a warranty deed of the land free from all liens up to the date of the contract. For almost ten years before that purchase of this land it was taxed, and all other lands in the State of North Dakota owned by the company were during that time likewise taxed. The company resisted the tax on the ground that under the laws of North Dakota their land was exempt, the company paying a gross-earnings tax, but the Supreme Court of the United States has held the lands taxable. That gentleman has performed every condition of his contract and he has applied for his deed, a warranty deed, but instead of that they offer him a quitclaim deed. Why? Because they know that before they can give a warranty deed they must pay up the taxes for all these previous years.

Now, if the purchasers of this property incorporate under State laws, then every man who has a contract for the purchase of land will have to go and pay the taxes himself or else lose his property; and this gentleman says that his is not an isolated case, but that there are hundreds of them in the State of North Dakota, and I am informed that there are hundreds of them in the States farther west where the lands have been similarly taxed.

Mr. WATSON of Ohio. I desire to ask the gentleman a question for information. Does the Northern Pacific Railroad Company desire this bill passed?

Mr. TAWNEY. The Northern Pacific Railroad Company is insolvent and has nothing to do with it, and I do not know whether they desire it or not.

Mr. WATSON of Ohio. Who is it that wants the bill passed?

Mr. TAWNEY. The prospective purchasers of this property at the foreclosure sale.

Mr. WATSON of Ohio. Who are they?

Mr. TAWNEY. The bondholders, creditors, and settlers.

Mr. DOOLITTLE. And the people of the States through which the road passes.

Mr. TAWNEY. Yes; and the people of the seven States through which the road runs.

Mr. HARTMAN. Without exception.

Mr. TAWNEY. Without exception, as the gentleman from Montana remarks. This joint resolution has been considered by the Judiciary Committee, and they have put into it every condition that is essential to protect the rights of the settlers in these States, and also the rights of the bondholders.

Mr. LACEY. Will the gentleman yield for a question?

Mr. TAWNEY. I will.

Mr. LACEY. Is not the main object of this bill to get away from the State courts and compel the people of those States to go into the Federal courts every time they have occasion to litigate with this company?

Mr. TAWNEY. There is a condition in this joint resolution which makes the purchasers of this property, when they incorporate under this law, subject to the jurisdiction of the State as citizens.

Mr. HARTMAN. That is correct.

Mr. TAWNEY. And the proposed prospective purchasers have consented to that condition. There is also a condition which compels the reorganized company to pay all judgments of record against the Northern Pacific Company for personal injuries, for labor, and for other claims which I can not enumerate.

Mr. FAIRCHILD. Will the gentleman yield for a question?

Mr. TAWNEY. Yes, sir.

Mr. FAIRCHILD. Is it not a fact that this bill is the result of an endeavor to comply with the desires of the prospective purchasers of the property on the one side and of the settlers along the line of railroad in the several States on the other side, and does it not succeed in doing so?

Mr. TAWNEY. That is exactly the case.

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

Mr. HARTMAN. Mr. Speaker, I reserve the balance of my time until the gentleman from New York [Mr. QUIGG] closes.

Mr. QUIGG. I yield three minutes to the gentleman from Arkansas [Mr. TERRY].

Mr. TERRY. Mr. Speaker, it is impossible in the brief time assigned to me to bring forward many of the objections that might be urged against this bill. The original act incorporating this Northern Pacific Railroad Company granted to it a belt of land 80 miles wide through the Territories and 40 miles wide through the States, extending from ocean to ocean, an empire in itself. The real object of the present bill is to enable the reorganized company to take all that vast domain, to buy it in a lump, whereas the mortgage under which the corporation is foreclosed was by the act of Congress required to stipulate that the land should be sold in small tracts. I read from a proviso in the act authorizing the mortgage, which says that—

> The lands shall be sold at public sale at places within the States and Territories in which they shall be situated after not less than sixty days' previous notice, in single sections or subdivisions thereof, to the highest and best bidder.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. TERRY. I can not. The gentleman must recognize that in three minutes I can not spare any time for questions.

Mr. TAWNEY. I wish to ask the gentleman whether he did not, as a member of the Judiciary Committee, accept the bill with certain amendments which he proposed and which were adopted by the committee and are in the bill?

Mr. TERRY. I can not yield. I would be glad, if I had time, to answer any question. Now, Mr. Speaker, these lands have gone forward to sale under the act. The settlers or others who desired could, under the provision, have bought these lands in small tracts; but when you get this bill through those lands will be sold in a body to this new company. As a member of the Committee on the Judiciary I endeavored to put upon the bill some amendments, and did succeed in putting on two important amendments, one in regard to jurisdiction and the other in regard to certain debts. Still the bill is not one that should be passed here under suspension of the rules. Right at the heels of the session it was brought before the Judiciary Committee, and now to pass it here without any opportunity to discuss it—I can only get three minutes. Mr. Speaker, is my time out?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. TERRY. I am an "object lesson" to show that we can not discuss it. [Laughter.]

Mr. QUIGG. I yield the gentleman from Ohio three minutes.

Mr. WATSON of Ohio. Mr. Speaker, this bill is something like the bill which the House refused to pass a few days ago. I do not know what the sense of the House is at this time upon this joint resolution, but I hope that when the vote comes upon its passage the House will not hesitate to defeat it.

Mr. TAWNEY. I hope the gentleman will give some intelligent reason for that.

Mr. WATSON of Ohio. If the gentleman will not interrupt me, I will proceed to do so. There are three reasons, Mr. Speaker, why, in my opinion, this joint resolution ought not to pass. The first and chief objection is that it bears upon every line of it the burden of suspicion by coming before this House within fifteen hours of our final adjournment.

Mr. TAWNEY. Who is responsible for that; the friends of the resolution?

Mr. WATSON of Ohio. When you tell me that this Congress undertakes to pass a joint resolution reorganizing a great transcontinental railway line after twenty minutes' debate on a side and then adjourns within ten hours after that, I say it puts a burden on this Congress that it does not want to assume.

Mr. TAWNEY. I do not think the gentleman will scare anybody.

Mr. WATSON of Ohio. Will the gentleman please keep quiet? There is another reason; and I call the serious attention of the House to this matter. This railroad was organized under an act of this Congress. You propose to reorganize it under a simple joint resolution. If you will take the trouble to examine into the dignity and legal force and binding effect of an act of Congress you will find it is much stronger and of much more force than a simple joint resolution. I have not the time now to read the authorities on that subject, but if the gentleman from Minnesota, who seems to be very much amused at my talk, will look at page 535 of the Manual he will get some information on that subject which he does not seem now to have, and which, I think, will greatly benefit him. I also call the gentleman's attention to the Constitution of the United States on this subject, and I lay down the general proposition, without having time to sustain it by authority, that you can not rehabilitate and call back to life by a joint resolution a company that was originally created under an act of Congress. There are other serious objections, Mr. Speaker, which I have not time to mention.

[Here the hammer fell.]

Mr. QUIGG. I want to ask the gentleman in charge of this bill whether he will agree to strike out, on page 7, in lines 5 and 6, the following words:

> Within twelve months prior to any appointment of a receiver for said Northern Pacific Railroad Company.

Mr. HARTMAN. I will. I have no objection to that at all.

The SPEAKER pro tempore (Mr. DALZELL). The Chair will state that pending the present motion there can be no change made in this bill except by unanimous consent.

Mr. QUIGG. I understand that; I am going to offer a proposition in a moment. I want to ask the gentleman further whether he will agree to change the bill by inserting after the word "brought," in line 21, page 8, the following:

> *And provided further*, That nothing in this resolution shall be held or construed to impair or in any manner affect the rights of any unsecured creditors of the Northern Pacific Railroad Company or to change or impair the lien of any judgment or demand, if otherwise effective, against any property of said company not embraced in prior and superior liens or passing to the purchasers at such foreclosure sale.

Mr. HARTMAN. I have no objection at all to that amendment.

Mr. QUIGG. I ask unanimous consent that those changes be made in the bill.

The SPEAKER pro tempore. The gentleman asks unanimous consent that the bill now pending shall be changed by inserting the amendment which will be read.

The Clerk read as follows:

> On page 7, beginning in line 5, strike out the words "within twelve months prior to any appointment of a receiver for said Northern Pacific Railroad Company."
>
> In page 8, after the word "brought," in line 21, insert "*And provided further*, That nothing in this resolution shall be held or construed to impair or in any manner affect the rights of any unsecured creditors of the Northern Pacific Railroad Company, or to change or impair the lien of any judgment or demand if otherwise effective against any property of said company not embraced in prior and superior liens or passing to the purchasers at such foreclosure sale."

Mr. HARTMAN. I accept those amendments.

The SPEAKER pro tempore. Is there objection to the proposed amendments? The Chair hears none, and the amendments are agreed to.

Mr. QUIGG. Mr. Speaker, the acceptance of these amendments does not, I regret to say, make this bill in my judgment a proper bill to be passed. [Laughter and cries of "Oh!" "Oh!"] I think that the gentlemen who are "oh-oh"-ing will admit with me that the

United States Government has sufficiently contributed for one year to the income of Mr. Morgan without the enactment of this resolution, and that, indeed, a bill brought in here on the pretense that we can not grant a revival of the original Northern Pacific charter without ten pages of new legislation changing the conditions under which enormous properties are owned ought not to pass.

Gentlemen say that the only reason they bring this bill here is because there is a judicial decision——

The SPEAKER pro tempore. The time of the gentleman from New York [Mr. QUIGG] has expired.

Mr. QUIGG. And that is another reason the bill ought not to pass—because "the time of the gentleman has expired." [Laughter.]

Mr. HARTMAN. Mr. Speaker, I yield one-half minute to the gentleman from Wisconsin [Mr. JENKINS].

Mr. JENKINS. I ask unanimous consent to insert this amendment in the bill.

The SPEAKER pro tempore. The Clerk will read the amendment.

The Clerk read as follows:

Strike out, in line 5, page 7, after the word "State," the following: "Within twelve months prior to any appointment of a receiver for said Northern Pacific Railroad Company by any United States court."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin to so amend the bill?

Mr. HARTMAN. I have no objection, but as a matter of fact this has been stricken out already.

Mr. QUIGG. I object, for it has been stricken out.

The SPEAKER pro tempore. Objection is made.

Mr. QUIGG (continuing). But I withdraw my objection at the request of gentlemen around me.

The SPEAKER pro tempore. Is there further objection?

Mr. BAKER of Kansas. I object.

Mr. HARTMAN. I yield one-half minute to the gentleman from New York [Mr. DANIELS].

Mr. DANIELS. Mr. Speaker, within the short time allotted to me all I can say to the House in reference to this resolution is that it proposes to put into the hands of a new corporation that it is intended to create precisely the property rights of the old one, and nothing more, and that in the State of New York and the other States generally laws have been enacted for the same purpose. They do not go to the legislatures in those States to provide for reorganization of these corporations under such circumstances; but it is done, as a matter of course, under the general law, and in New York dozens of corporations have been reincorporated by the trustees after purchasing the franchises and property of a mortgaged company, and no word of complaint has ever been made as to the regularity or legality of the proceedings.

There seems to be nothing more in this bill than is contained in the laws of the State of New York on this subject, or the laws of the State of Ohio, and I presume of other States, that provide not for the reconstruction of such companies by the legislature, but for the purchasers to be permitted to reorganize under a general statute.

[Here the hammer fell.]

Mr. HARTMAN. I yield two minutes to the gentleman from Washington [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, if it were not for a sense of duty to my constituents and the people throughout those States, residents of the States through which this road passes, I would say nothing regarding this measure. I know what the sentiment of the people of the State of Washington is, and that it is and will be practically unanimous in favor of the passage of this resolution.

Now, something has been said here regarding the scope of the measure, and that it should never have come here as a joint resolution. It was referred to the Judiciary Committee of this House as a simple resolution, and that committee offered amendment after amendment, and attached these amendments to this resolution until its scope was so enlarged that it appears as now presented to the House.

The people residing in the various States through which this road passes know that the law under which it was built and chartered—the franchise that gave it life in the first place—made it a military road and under Federal authority, so that in case of war and the necessities of war in this country it might be one of the great highways for the transportation of troops and military supplies along that line. It is a line situated so far north—so near the northern boundary of our country—that in case of war its use as a road for carrying military supplies and the transportation of troops would be very great and important.

Now, should it be operated under a State charter, what right would the Federal Government have to it for such purposes? That is a matter for the members of this House and for Congress—patriotic as all are to-day—to expressly consider and determine.

This resolution does not grant to the Northern Pacific Railroad Company, or the successors of that corporation, any additional right, powers, or property. It takes away power they have heretofore enjoyed, and it limits the price of the agricultural lands which are sold along the line of the road to a much lower price than that at which they are now offered. This limitation is greatly in the interest of the settlers of these States and of the people who would in a short time, when, as we hope, prosperity returns again to this country under a wiser rule than exists at present, purchase these lands; and the removal of present restriction will be a great advantage to these States. Their prosperity will be greatly enhanced by reason of having enacted into law this provision.

But, Mr. Speaker, there are so many reasons why this resolution should be passed at once that it seems to me no gentleman who understands the question involved can see his way clearly and intelligently to vote against it; and I hope it will be passed with a good, round majority.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. TAWNEY. Let me ask the gentleman if the limitation is not put at $2.50 per acre as the price of the land?

Mr. DOOLITTLE. It is, under this resolution. The price is limited to $2.50 an acre where lands have been held at ten and fifteen dollars an acre.

Mr. McEWAN. The gentleman says the price is reduced to two dollars and a half an acre; but is it not a fact that a part of these lands are to be sold at $5 an acre?

Mr. TAWNEY. Oh, that refers to lands in Minnesota and the east.

Mr. POWERS. I wish to inquire of the gentleman——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HENDERSON. Let us have the regular order.

Mr. HARTMAN. I yield one-half minute to the gentleman from North Dakota [Mr. JOHNSON].

Mr. JOHNSON of North Dakota. Mr. Speaker, there are essentially three parties in interest to this question. First, the people of the United States at large, represented by the Government; second, the creditors who are about to purchase this property, or in a broader sense I might say the owners of the property; and third, the millions of people living along the line of that road. First, the people of the United States are giving nothing additional. This is not a land grant. We are giving no additional rights, no additional lands, no additional property from the Government to the road. The owners of the property, the creditors of the Northern Pacific Railroad Company, are substantially united in asking for this legislation. The land grant of that road gave them in fee simple the title to an empire of territory in the district which I represent. They own every other section of land in a strip 80 miles wide and 400 miles long, through my district. The people living in that State and in that strip are substantially united in asking this legislation. They will reap decided advantages and benefits from the passing of this resolution.

Mr. QUIGG. Mr. Speaker, how much time was yielded to the gentleman?

Mr. JOHNSON of North Dakota. One-half minute. Please do not take any of that half minute.

Mr. QUIGG. The time of the gentleman expired a minute and a half ago.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. HARTMAN. Mr. Speaker, I desire only to submit a few remarks in closing the debate. How many minutes have I left?

The SPEAKER pro tempore. The gentleman has five minutes remaining.

Mr. POWERS. If the gentleman will yield to me, I wish to make an inquiry.

Mr. HARTMAN. I will yield to the gentleman.

Mr. POWERS. I wish to inquire whether this bill contemplates giving to the new corporation any other rights than they would get by the foreclosure of their mortgage?

Mr. HARTMAN. Not one. Not a single dollar in money or property is accorded to the successors of the corporation, and nothing else except the franchise to be a corporation.

Mr. POWERS. Is it necessary that they have this resolution passed in order to give them a franchise to be a corporation, in virtue of a large number of decisions of the courts to that effect?

Mr. HARTMAN. It is.

Mr. POWERS. Then why does anybody object to the bill?

Mr. HARTMAN. I do not know. I want to read three lines which were read before, but which I am afraid many members did not hear, from a decision of the Supreme Court of the United States in the case of the Memphis Railway Company *vs.* Douglas, 112 U. S., 609. The court said:

The franchise to be a corporation is not the subject of sale and transfer unless made so by a statute which provides a mode for exercising it.

That is the sole and only reason why it is absolutely necessary for them to come in here and ask Congress to pass this resolution. And, in addition to that, I want to say that we have some very

salient restrictions imposed upon this company. Among others, it can not, under the resolution, consolidate with any competing line. It is compelled to make its prices at $2.50 per acre to settlers upon these lands lying 1 mile from a railroad. It is compelled to carry out every warranty of title which was made by the old Northern Pacific Railroad Company, which has failed. It is compelled, in addition to that, to carry out every contract made by the old Northern Pacific Railroad Company with settlers for the purchase of land. Without that, Mr. Speaker, if they organize under a State charter, such as they will organize under if the gentleman from New York [Mr. QUIGG] prevails here, none of these settlers will have any protection whatever in their dealings with the old company. I know a large number of men in my State whose title has failed who have purchased of the Northern Pacific, and if the gentleman from New York [Mr. QUIGG] succeeds in defeating this bill, these men will have no recourse.

Now, I want to say a word or two about this "spook" that he brings up from Seattle. I know something about that. The very contract upon which that claim is founded is decided by Judge Hanaford of the United States court to be ultra vires, and there has been no appeal from that decision. It stands there to-day, and upon that contract, declared to be ultra vires, the gentleman bases a claim and says to the American Congress, "I will hold up this legislation and defeat the rights of every one of the settlers along this line and all other interested parties because my claim, founded in ultra vires, is denied recognition." And we accept his amendment, and yet even now he is not willing to come in and support our bill to protect these people who have valid, bona fide, honest claims, not decided by any court to be invalid. He proposes to prevent them from having their claims saved, because his people along the Seattle road, in the State of Washington, have an invalid claim, so decided by the court and no appeal having been taken from that decision.

Mr. TAWNEY. Is it not a fact that the Seattle and Lake Shore road are in exactly the same position as every other unsecured creditor of the Northern Pacific?

Mr. HARTMAN. Of course, admitting for argument's sake that this claim is valid, it stands in the same shoes with every unsecured creditor.

Mr. TAWNEY. Is there anything in this resolution that affects in any degree the existing rights of any unsecured creditor against the property of the Northern Pacific?

Mr. HARTMAN. There is not. And further I assert as a legal proposition that Congress has no right to divest any man of a vested right and could not if it tried.

Now I ask for a vote.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Montana [Mr. HARTMAN] to suspend the rules and pass the bill.

Mr. TERRY. I call for the yeas and nays.

Mr. CHARLES W. STONE. I understand that the motion is to pass the bill with the amendments.

Mr. HARTMAN. Yes; I wish to include the amendments—to pass the bill as amended.

The SPEAKER pro tempore. The gentleman from Arkansas [Mr. TERRY] demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Montana [Mr. HARTMAN] to suspend the rules and pass the bill as amended.

Mr. HARTMAN. A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HARTMAN. There were certain amendments proposed and incorporated in the bill by the committee. Is it necessary to take a vote first upon the adoption of those amendments?

The SPEAKER pro tempore. No; the bill before the House is the bill as amended by unanimous consent and such amendments as were originally incorporated.

Mr. LACEY. Were not the amendments which were proposed by the committee read by the Clerk as a part of the bill which we are now voting upon?

The SPEAKER pro tempore. The Chair so understands. The question is on suspending the rules and passing the bill as amended.

The question was taken; and there were—yeas 149, nays 55, not voting, 150; as follows:

YEAS—149.

Adams,	Broderick,	Connolly,	Draper,
Aldrich, Ill.	Bromwell,	Cooke, Ill.	Eddy,
Anderson,	Brumm,	Corliss,	Ellis,
Arnold, R. I.	Buck,	Crowther,	Fairchild,
Avery,	Bull,	Crump,	Faris,
Babcock,	Burrell,	Curtis, Iowa	Fischer,
Baker, Kans.	Burton, Mo.	Curtis, Kans.	Fitzgerald,
Baker, Md.	Burton, Ohio	Curtis, N. Y.	Fletcher,
Baker, N. H.	Calderhead,	Danford,	Fowler,
Bankhead,	Cannon,	Daniels,	Gamble,
Bartholdt,	Clark, Iowa	De Witt,	Gardner,
Belknap,	Clark, Mo.	Dingley,	Gibson,
Bingham,	Cobb,	Doliver,	Goodwyn,
Blue,	Codding,	Doolittle,	Griffin,
Griswold,	Kulp,	Otey,	Strong,
Grow,	Lacey,	Otjen,	Sulloway,
Hager,	Latimer,	Overstreet,	Sulzer,
Halterman,	Leighty,	Parker,	Taft,
Hardy,	Leonard,	Patterson,	Tawney,
Harmer,	Lester,	Poole,	Tayler,
Hart,	Long,	Powers,	Thomas,
Hartman,	Low,	Prince,	Tracey,
Heatwole,	Mahon,	Raney,	Treloar,
Henderson,	McCall, Tenn.	Reyburn,	Underwood,
Henry, Conn.	McCleary, Minn.	Rinaker,	Updegraff,
Hepburn,	McClure,	Russell, Conn.	Van Horn,
Hermann,	McCreary, Ky.	Scranton,	Van Voorhis,
Hill,	McLachlan,	Shafroth,	Walker, Mass.
Hopkins,	Mercer,	Shannon,	Wanger,
Huff,	Meyer,	Sherman,	Wilber,
Hulick,	Milliken,	Simpkins,	Willis,
Hunter,	Mitchell,	Southard,	Wilson, Idaho
Hurley,	Mondell,	Southwick,	Wood,
Jenkins,	Money,	Stahle,	Woodman,
Johnson, Cal.	Moody,	Stallings,	Wright.
Johnson, N. Dak.	Mozley,	Stewart, N. J.	
Kiefer,	Odell,	Stewart, Wis.	
Knox,	Ogden,	Stone, C. W.	

NAYS—55.

Allen, Utah	Fenton,	Marsh,	Shuford,
Bell, Colo.	Harris,	McCulloch,	Strowd, N. C.
Black, Ga.	Hemenway,	McDearmon,	Swanson,
Brewster,	Henry, Ind.	McEwan,	Tate,
Catchings,	Howe,	Miller, W. Va.	Terry,
Chickering,	Huling,	Owens,	Thorp,
Clardy,	Kem,	Pearson,	Tracewell,
Cockrell,	Kerr,	Pendleton,	Turner, Ga.
Coffin,	Kirkpatrick,	Pugh,	Walker, Va.
Cooper, Tex.	Kleberg,	Quigg,	Watson, Ohio,
Cummings,	Layton,	Reeves,	Williams,
Dayton,	Lewis,	Richardson,	Wilson, N. Y.
Ellett,	Linney,	Russell, Ga.	Woodard.
Erdman,	Maguire,	Sayers,	

NOT VOTING—150.

Abbott,	Denny,	Linton,	Robinson, Pa.
Acheson,	Dinsmore,	Little,	Royse,
Aitken,	Dockery,	Livingston,	Rusk,
Aldrich, Ala.	Dovener,	Lorimer,	Sauerhering,
Allen, Miss.	Evans,	Loud,	Settle,
Andrews,	Foote,	Loudenslager,	Shaw,
Apsley,	Foss,	Maddox,	Skinner,
Arnold, Pa.	Gillet, N. Y.	Mahany,	Smith, Ill.
Atwood,	Gillett, Mass.	Martin,	Smith, Mich.
Bailey,	Graff,	McCall, Mass.	Snover,
Barham,	Grosvenor,	McClellan,	Sorg,
Barney,	Grout,	McCormick,	Spalding,
Barrett,	Hadley,	McLaurin,	Sparkman,
Bartlett, Ga.	Hainer, Nebr.	McMillin,	Spencer,
Bartlett, N. Y.	Hall,	McRae,	Sperry,
Beach,	Hanly,	Meiklejohn,	Steele,
Bell, Tex.	Harrison,	Meredith,	Stephenson,
Bennett,	Hatch,	Miles,	Stone, W. A.
Berry,	Heiner, Pa.	Miller, Kans.	Strait,
Bishop,	Hendrick,	Milnes,	Strode, Nebr.
Black, N. Y.	Hicks,	Miner, N. Y.	Talbert,
Boutelle,	Hilborn,	Minor, Wis.	Towne,
Bowers,	Hitt,	Morse,	Tucker,
Brosius,	Hooker,	Moses,	Turner, Va.
Brown,	Howard,	Murphy,	Tyler,
Clarke, Ala.	Howell,	Murray,	Wadsworth,
Colson,	Hubbard,	Neill,	Warner,
Cook, Wis.	Hull,	Newlands,	Washington,
Cooper, Fla.	Hutcheson,	Noonan,	Watson, Ind.
Cooper, Wis.	Hyde,	Northway,	Wellington,
Cousins,	Johnson, Ind.	Payne,	Wheeler,
Cowen,	Jones,	Perkins,	White,
Cox,	Joy,	Phillips,	Wilson, Ohio
Crisp,	Kendall,	Pickler,	Wilson, S. C.
Crowley,	Kyle,	Pitney,	Woomer,
Culberson,	Lawson,	Price,	Yoakum.
Dalzell,	Lefever,	Ray,	
De Armond,	Leisenring,	Robertson, La.	

The following additional pairs were announced:

Until further notice:

Mr. MILNES with Mr. STRAIT.

Mr. PITNEY with Mr. DOCKERY.

For this day:

Mr. HUBBARD with Mr. CLARKE of Alabama.

Mr. HILBORN with Mr. CULBERSON.

Mr. LOUDENSLAGER with Mr. SHAW.

Mr. WOOMER with Mr. YOAKUM.

Mr. NORTHWAY with Mr. MEREDITH.

On this question:

Mr. ANDREWS with Mr. ABBOTT.

Mr. GROSVENOR with Mr. MCMILLIN.

Mr. LEFEVER with Mr. ALLEN of Mississippi.

Mr. BLACK of New York with Mr. DINSMORE.

Mr. COOK of Wisconsin with Mr. SORG.

Mr. SPARKMAN. Mr. Speaker, I am paired with the gentleman from Illinois, Mr. WOOD. I withdraw my vote.

Mr. DOCKERY. Mr. Speaker, I have been absent on a conference committee and find that I am paired with the gentleman from New Jersey, Mr. PITNEY. I desire to withdraw my vote. If he were present I would vote "no."

The SPEAKER pro tempore. On this question the yeas are 149, the nays 55. Two-thirds having voted in favor thereof, the rules are suspended and the joint resolution is passed.

LEAVE TO PRINT.

Mr. HENDERSON. Mr. Speaker, I offer the following privileged report from the Committee on Rules.

The Clerk read as follows:

Resolved, That for the remainder of this session, and for ten days after its close, leave is given to Representatives and Delegates to print remarks in the RECORD.

Mr. HENDERSON. I ask for a vote on the resolution.

The resolution was agreed to.

PERSONAL PRIVILEGE.

Mr. JOHNSON of California. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER pro tempore. The gentleman will state it.

Mr. JOHNSON of California. Mr. Speaker, in an issue of the San Francisco Examiner, a newspaper published in San Francisco, on the 1st day of June, 1896, and only received by me last evening, occurs a most malicious, false, and slanderous misrepresentation of my action as a member of this House with reference to what is known as the "California mineral-land bill." It has not been my custom during life to reply in any manner to attacks made upon me by newspapers, but this is so flagrant a violation of the decencies that should govern between men, and the publication is so destitute of truth, as is well known to the man who wrote it, and the man who published it, one William R. Hearst, who would not dare as an individual to say to me on the streets what he cowardly says through the columns of his newspaper, that I feel it but right to reply to it somewhat, even at the risk of taking some of the time of this House.

He says I have not favored or sought to pass what is known as the "mineral-land bill"; that I have proved traitor to the interests of my district and my own State. He misrepresents and misstates every action I have taken in reference to the bill. He says that I was forced to introduce the bill, which is untrue. I introduced the bill exactly as it was given to me by the California State Miners' Association when another California member declined to introduce it; and when they desired to amend it, I introduced the bill as amended. I endeavored to secure its passage, and I may say without egotism, in answer to this lying charge of this man Hearst, that had it not been for my exertions this bill never would have passed this House, and I can refer to the gentleman from Tennessee [Mr. MCMILLIN], who was opposed to the bill, in proof of that assertion. He then says that the bill went to the Senate and was amended, which is true.

I had nothing to do with the amendment. I opposed the amendment of the bill. I stated that if it was amended it would have difficulty in getting through the House, because I realized the ability of the distinguished gentleman from Tennessee [Mr. MCMILLIN] and knew that he would make strong opposition to it. But the bill was amended in the Senate (it having applied only to California) by adding to it jurisdiction over the State of Oregon, or part of it, thus increasing the expense and the amount appropriated. The bill then came back to the House, and this liar, through the columns of his paper, says that it was amended in the Senate and did not pass the House through my fault, and his language is as follows:

If Congressman JOHNSON had sincerely wished to pass that bill for the benefit of the miners of California his course was clear. As the author of the bill he should have gone to the chairman of the committee from which the bill came and asked him to move that the House do not concur in the Senate amendment. The chairman surely would have made the motion. That would have sent the bill into conference and given it a right of way which Speaker REED in his most Czar-like mood could not deprive it of. The conference could have reported in favor of the amendment, the bill would have come up as soon as the appropriation bills were out of the way, and it might now have been a law.

But no; Congressman GROVE L. JOHNSON quietly let that bill go back to committee. Tirey L. Ford, the miners' representative, was lulled into a sense of security and came back to San Francisco. Then Speaker REED, acting, according to Senator WHITE, at the behest of Collis P. Huntington, refused to let the measure come up for consideration. As JOHNSON had let the bill go back to committee instead of sending it into conference, it had no rights or privileges over any other bill, and it was the easiest thing in the world for Speaker REED to kill it off.

Now, I have to say in reference to that that every member of this House knows that when that bill was amended in the Senate, increasing expenditure, creating new offices, and putting upon the bill something which was not germane to the original, and when it returned to this House it was absolutely necessary under the rules that it should go either to the Committee of the Whole House on the state of the Union or to the Public Lands Committee. If it had gone to the Committee of the Whole House on the state of the Union the trumpet of the Archangel Gabriel would have been needed to resurrect it on this floor. I went to the chairman of the Public Lands Committee and asked him what was the best way. He said that under the rules the bill with a Senate amendment could not be called up for concurrence and could not be called up for nonconcurrence; that it either had to go to the Committee of the Whole House on the state of the Union, and there sleep the sleep that knows no waking, or else go to the Public Lands Committee, where it had a majority of friends.

It went there under the rules of the House, and the chairman of the committee, Mr. LACEY of Iowa, is present and knows that I speak in that regard the exact fact—it went to that committee and they reported it favorably, but, owing to the rules, the Speaker was obliged to hold that it was not a privileged matter, and therefore we had no right to bring it before the House. The Speaker of this House knows that I have bothered him in season and out of season about this bill. I have been to him at the Speaker's desk, I have been to him in his private room, I have met him in the corridors, and have asked and begged and implored him to allow the bill to come up, but he could not see his way to let it come up except in the regular manner under the rules.

When that bill came back from the Senate the gentleman from Nebraska, Mr. KEM, had already engaged in that warfare which has denominated him the assistant Speaker of this House [laughter] and was making objection to the consideration of all bills by unanimous consent. I knew no way to silence Mr. KEM except to kill him, but I had not money enough to pay the fine if I did that, though perhaps I would have been justified in doing it under the circumstances. [Laughter.] I could not bring up the bill by unanimous consent, and the lying author of this article in this lying, blackmail newspaper knew that as well as I do, yet he attempts to say that I have not been in favor of the bill, when every member of the Public Lands Committee knows that I have made myself a perfect nuisance to that committee in asking and urging them to take it up and pass it through the House, and I am sure that all the members of that committee would sign a letter to that effect.

But this slanderer, not content with that, goes further and attempts to say that I interfered with this bill before I was a member of this House. Not content with having attacked our honored Speaker, whose life, whose record, and whose character as a man and the work he has done for the American nation are a sufficient answer to the slanderous attack of this blackmailing newspaper—not content with attacking him and myself, this slanderer goes on to say in connection with a matter that took place at the last session of this Congress and in connection with another member, what I am now about to read:

Two years ago, when an effort was being made by Caminetti and other California Congressmen to have California included in the Idaho-Montana Act, and when things reached a pass where unanimous consent was required to get the matter up, HEPBURN of Iowa objected and objected again. He could not be argued, cajoled, or browbeaten out of his position. It was deemed strange that a man from Iowa should be so set in his opposition to a measure which particularly concerned California.

But who sat with HEPBURN as his guest? Who lunched and dined and rode with him? Who was his particular friend at that critical juncture? Who was seemingly his adviser?

GROVE L. JOHNSON.

Now, at the last session of Congress, when that bill came up, I was not a member. I did not know Mr. HEPBURN of Iowa. I never lunched with him; I never rode with him; I never wined him (I am a teetotaler and could not); I never dined with him; I was not his guest; he was not my guest. He never objected to the consideration of the bill, as I am informed. That is simply a bald, naked lie, worthy of the man who edits and publishes that paper, and uttered with the intention of injuring me, when I never laid a straw in his way; and the only wicked thing I know of in my life that I could be called to account for with reference to him was that I was at one time his attorney and saved him from damages in a court of justice. [Laughter.]

So far as the bill of last session was concerned, the whole trouble connected with that bill was, as I am informed by the gentleman from Montana [Mr. HARTMAN], the author of the bill, because my predecessor did not keep his bargain with him in reference to the bill. I was not a member. I influenced nobody. I could not. I did not know anybody scarcely, much less Mr. HEPBURN, whom I am now proud to claim as my friend.

I beg pardon of the House for having taken so much time upon this matter. But the miners of my district are numerous. I may be charged with having done this or that in my life; but no mortal man ever truly accused me of breaking my word to any human being, living or dead. I always keep my promises, whether made before or after election. And in this matter I have been true to my promises, true to the interests of my constituents, true to the interests of the miners. And the liar who published that article knew it when he wrote it and published it. [Applause.]

Mr. MAGUIRE. I do not want to interfere with the gentleman's statement at all; but as he has mentioned Mr. Hearst by name and denounced him in very severe terms, I want to know whether he is not aware that Mr. Hearst is residing in New York, and probably never knew anything about this article?

Mr. JOHNSON of California. Mr. Speaker, the rule of law, as the gentleman knows, is that if a man publishes a newspaper, if he calls himself the editor and publisher of it, he is responsible for everything that appears in the paper.

Mr. MAGUIRE. I am not raising the question of his legal responsibility.

Mr. JOHNSON of California. He is responsible for everything

that appears in the newspaper. This paper is published by W. R. Hearst; and if the coward desires to take advantage of the fact that he does not live in San Francisco, but in New York, let him do so. I hope the gentleman from San Francisco [Mr. MAGUIRE] does not propose to indorse any of the statements contained in that letter.

Mr. MAGUIRE. I am not discussing those statements, Mr. JOHNSON.

Mr. JOHNSON of California. I am speaking of that man in that way for this reason: It is the most wicked thing on earth for a man who publishes a newspaper to attack some one, and then turn round and say, "You must not mention my name, because I did not write the article." In the name of God, if he does not want to have his name mentioned, why does he assail other men, better men than he ever dared to be; and if my colleague [Mr. MAGUIRE] is so jealous of this man's character and feelings that he does not want his name mentioned, why has he not prevented him from attacking other people?

Mr. MAGUIRE. I have no control over him; but I say, with regard to this article, that it is not fair to mention and attack Mr. Hearst in this way, when the probability is that he never heard of that article and never saw it.

Mr. JOHNSON of California. I think it is fair, for this reason: That newspaper has attacked me; and I do not believe in this shielding of one's self behind the name of a newspaper. That newspaper is his. He is the man who is responsible for it; and he ought to be responsible for it. When the time comes in these United States that a man can shelter himself behind the name of his newspaper and say he is not personally responsible for what appears in that newspaper, the end of government, the end of decency, the end of protection to individual rights, will have been reached.

Mr. MAGUIRE. I admit Mr. Hearst's legal responsibility.

Mr. LACEY. I should like to ask the gentleman from California a question. In his remarks he has referred to the difficulty of getting this bill up. Is it not true that the Department has opposed the bill on the ground that the expense would run up very high, estimating the expense at over a million of dollars? Has there not been difficulty in getting recognition because the bill created a large number of offices and involved a very heavy expenditure of money?

Mr. JOHNSON of California. That is true, and that is the reason why, when the additional expense was put on this bill, it required the bill to go to a committee—either the Committee on Public Lands or the Committee of the Whole. So far as the question of expense is concerned, I do not think it amounts to anything. When a thing is right it ought to be done, even if it does cost a great deal of money.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, had further insisted upon its amendments numbered 69 and 70, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL as the conferees on the part of the Senate.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had receded from its disagreement to the amendment of the House to the bill (S. 1189) granting a pension to Eliza Sandford, and had agreed to the same.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 9404) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes;

A bill (H. R. 6259) to expedite the delivery of imported parcels and packages not exceeding $500 in value;

A bill (H. R. 5280) for the relief of George W. Freeman;

Joint resolution (S. R. 155) to authorize a scientific investigation of the fur-seal fisheries;

A bill (S. 2022) to amend an act entitled "An act to provide for the protection of the salmon fisheries of Alaska";

A bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897;

A bill (S. 1189) granting a pension to Eliza Sandford;

A bill (H. R. 2708) to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court;

Joint resolution (H. Res. 195) to pay the officers and employees of the Senate and House of Representatives on the day following adjournment; and

Joint resolution (S. R. 155) to authorize a scientific investigation of fur-seal fisheries.

EASTERN JUDICIAL DIVISION OF TEXAS.

Mr. COOPER of Texas. Mr. Speaker, there is a bill on the Speaker's table, with Senate amendments, that I ask to have laid before the House.

The SPEAKER pro tempore laid before the House the bill (H. R. 2708) to organize a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court.

The bill and the Senate amendments were read at length.

Mr. COOPER of Texas. I move that the House concur in the Senate amendments.

The motion was agreed to.

CONFERENCE REPORT INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I desire to submit a conference report on the Indian appropriation bill.

The SPEAKER pro tempore. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the Secretary of the Interior be, and is hereby, directed to withhold any further distribution and payment out of the money derived from 35 per cent of the judgment in favor of the Old Settler or Western Cherokee Indians against the United States in the sum of $920,986.21, set apart for the payment of expenses and for legal services justly and equitably payable on account of the prosecution of said claim until otherwise authorized by law."

And the Senate agree to the same.

On amendments numbered 69 and 70 the committee of conference have been unable to agree.

J. S. SHERMAN,
CHARLES CURTIS,
GEO. C. PENDLETON,
Managers on the part of the House.

R. F. PETTIGREW,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

Statement of House conferees to accompany conference report No. 6 on Indian appropriation bill.

The Senate conferees recede from amendment 64 with an amendment. This amendment is identical with the one contained in conference report No. 5 presented to the House on Saturday. It simply leaves the matter of the payment of the so-called Old Settlers' claims for future settlement.

On amendments 69 and 70 the conferees were unable to agree.

Mr. SHERMAN. Mr. Speaker, I move that the House further insist on its disagreement to the remaining amendments, numbered 69 and 70, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses.

Mr. DINGLEY. Before that question is submitted, will the gentleman please state the points of disagreement?

Mr. SHERMAN. The only disagreement now is on the sectarian schools.

Mr. DINGLEY. That is all that remains?

Mr. SHERMAN. That is all that remains.

The motion was agreed to.

The SPEAKER pro tempore announced the appointment of Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON as conferees on the part of the House.

CONTESTED ELECTION—ALDRICH VS. UNDERWOOD.

Mr. DANIELS. Mr. Speaker, I desire again to ask the House to take up for consideration the contested-election case of Aldrich *vs.* Underwood. This case is in such condition that it will require no great length of time to dispose of, and it is extremely important that action should be had upon it and the case disposed of promptly.

Mr. MCMILLIN. Mr. Speaker, I have not been able to hear what the gentleman has stated.

The SPEAKER pro tempore. The gentleman calls up the contested-election case of Aldrich *vs.* Underwood.

Mr. MCMILLIN. Against that I raise the question of consideration.

I make the point of order, Mr. Speaker, that the motion is not in order. This question has been decided once to-day adversely by the House, and that precludes its being called up for consideration again during this legislative day.

Mr. DANIELS. This is a question of the highest privilege——

The SPEAKER pro tempore (Mr. DALZELL). The Chair will have to overrule the point of order of the gentleman from Tennessee. It is entirely competent to call up a contested-election case, which is a matter of the highest privilege, at this time; and the Clerk will report the resolutions submitted by the Committee on Elections.

The Clerk read as follows:

Resolved, That Oscar W. Underwood was not elected a member of the House of Representatives from the Ninth Congressional district of Alabama for the Fifty-fourth Congress, and is not entitled to a seat therein.

Resolved, That Truman H. Aldrich was elected a member of the House of Representatives from the Ninth Congressional district of Alabama for the Fifty-fourth Congress, and is entitled to a seat therein.

The SPEAKER pro tempore. The gentleman from Tennessee raises the question of consideration, and the question is, Will the House now proceed to consider this case?

The question was taken; and on a division (demanded by Mr. MCMILLIN) there were—ayes 72, noes 64.

Mr. MCMILLIN. Yeas and nays, Mr. Speaker. But I will call for tellers first. Perhaps that will preclude the necessity for the demand for yeas and nays.

Mr. WALKER of Massachusetts and Mr. GROUT demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 131, nays 68, not voting 155; as follows:

YEAS—131.

Adams,	De Witt,	Hurley,	Rinaker,
Aldrich, Ill.	Dingley,	Jenkins,	Scranton,
Anderson,	Dolliver,	Johnson, N. Dak.	Shannon,
Andrews,	Doolittle,	Kerr,	Sherman,
Arnold, Pa.	Dovener,	Kiefer,	Shuford,
Arnold, R. I.	Eddy,	Kirkpatrick,	Skinner,
Avery,	Fairchild,	Knox,	Smith, Ill.
Babcock,	Faris,	Kulp,	Southard,
Baker, N. H.	Fischer,	Leonard,	Southwick,
Bartholdt,	Fletcher,	Linney,	Sperry,
Belknap,	Fowler,	Linton,	Stewart, N. J.
Bingham,	Gardner,	Long,	Stewart, Wis.
Bishop,	Gibson,	Mahon,	Strong,
Blue,	Gillet, N. Y.	Marsh,	Strowd, N. C.
Boutelle,	Goodwyn,	McCall, Tenn.	Sulloway,
Brewster,	Graff,	McCleary, Minn.	Taft,
Bromwell,	Griswold,	McEwan,	Tayler,
Bull,	Grout,	Miller, W. Va.	Thomas,
Burrell,	Grow,	Milliken,	Thorp,
Burton, Mo.	Hager,	Minor, Wis.	Tracewell,
Chickering,	Halterman,	Mitchell,	Treloar,
Clark, Iowa	Hardy,	Mozley,	Updegraff,
Clark, Mo.	Harmer,	Otjen,	Van Horn,
Coffin,	Harris,	Overstreet,	Van Voorhis,
Cooke, Ill.	Henderson,	Owens,	Walker, Mass.
Cooper, Wis.	Henry, Ind.	Payne,	Wanger,
Corliss,	Hooker,	Pearson,	Watson, Ohio
Crowther,	Hopkins,	Phillips,	Wilber,
Crump,	Howe,	Pitney,	Wilis,
Curtis, Iowa	Huff,	Poole,	Wilson, N. Y.
Danford,	Hulick,	Prince,	Wood.
Daniels,	Huling,	Raney,	Wright.
Dayton,	Hunter,	Reeves,	

NAYS—68.

Allen, Miss.	Culberson,	Layton,	Pugh,
Allen, Utah	Cummings,	Leighty,	Robertson, La.
Bailey,	Curtis, Kans.	Lester,	Russell, Conn.
Baker, Md.	Dockery,	Lewis,	Sayers,
Bankhead,	Elliott,	Loud,	Shafroth,
Barney,	Erdman,	Low,	Simpkins,
Bell, Tex	Evans,	Maguire,	Stahle,
Black, Ga.	Fenton,	McClure,	Stone, C. W.
Broderick,	Fitzgerald,	McCreary, Ky.	Sulzer,
Buck,	Hart,	McLachlan,	Swanson,
Burton, Ohio	Hemenway,	Mercer,	Tate,
Catchings,	Henry, Conn.	Meyer,	Tawney,
Clardy,	Hill,	Money,	Turner, Ga.
Cobb,	Joy,	Ogden,	Wheeler,
Cockrell,	Kem,	Otey,	Williams,
Cooper, Fla.	Lacey,	Patterson,	Wilson, Idaho
Cooper, Tex.	Latimer,	Powers,	Woodard.

NOT VOTING—155.

Abbott,	Calderhead,	Foss,	Howard,
Acheson,	Cannon,	Gamble,	Howell,
Aitken,	Clarke, Ala.	Gillett, Mass.	Hubbard,
Aldrich, Ala.	Codding,	Griffin,	Hull,
Apsley,	Colson,	Grosvenor,	Hutcheson,
Atwood,	Connolly,	Hadley,	Hyde,
Baker, Kans.	Cook, Wis.	Hainer, Nebr.	Johnson, Cal.
Barham,	Cousins,	Hall,	Johnson, Ind.
Barrett,	Cowen,	Hanly,	Jones,
Bartlett, Ga.	Cox,	Harrison,	Kendall,
Bartlett, N. Y.	Crisp,	Hartman,	Kleberg,
Beach,	Crowley,	Hatch,	Kyle,
Bell, Colo.	Curtis, N. Y.	Heatwole,	Lawson,
Bennett,	Dalzell,	Heiner, Pa.	Lefever,
Berry,	De Armond,	Hendrick,	Leisenring
Black, N. Y.	Denny,	Hepburn,	Little,
Bowers,	Dinsmore,	Hermann,	Livingston,
Brosius,	Draper,	Hicks,	Lorimer,
Brown,	Ellis,	Hilborn,	Loudenslager,
Brumm,	Foote,	Hitt,	Maddox,
Mahany,	Moses,	Rusk,	Towne,
Martin,	Murphy,	Russell, Ga.	Tracey,
McCall, Mass.	Murray,	Sauerhering,	Tucker,
McClellan,	Neill,	Settle,	Turner, Va.
McCormick,	Newlands,	Shaw,	Tyler,
McCulloch,	Noonan,	Smith, Mich.	Underwood,
McDearmon,	Northway,	Snover,	Wadsworth,
McLaurin,	Odell,	Sorg,	Walker, Va.
McMillin,	Parker,	Spalding,	Warner,
McRae,	Pendleton,	Sparkman,	Washington,
Meiklejohn,	Perkins,	Spencer,	Watson, Ind.
Meredith,	Pickler,	Stallings,	Wellington,
Miles,	Price,	Steele,	White,
Miller, Kans.	Quigg,	Stephenson,	Wilson, Ohio
Milnes,	Ray,	Stone, W. A.	Wilson, S. C.
Miner, N. Y.	Reyburn,	Strait,	Woodman,
Mondell,	Richardson,	Strode, Nebr.	Woomer,
Moody,	Robinson, Pa.	Talbert,	Yoakum.
Morse,	Royse,	Terry,	

So the House determined to consider the case.

The Clerk announced the following additional pairs:

Until further notice:

Mr. WILSON of Ohio with Mr. RUSK.

For this day:

Mr. GROSVENOR with Mr. MCMILLIN.

On this question:

Mr. WHITE with Mr. PRICE.

Mr. HICKS with Mr. ABBOTT.

Mr. HARTMAN. I desire to submit a parliamentary inquiry as to my right to vote.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HARTMAN. I think I was in the Hall when my name was first called. I was either in the Hall or in the cloakroom when my name was called the second time. Am I entitled to vote? I should like very much to vote, if I can.

The SPEAKER pro tempore. The Chair thinks the gentleman is not entitled to vote.

The result of the vote was then announced as above recorded.

ORDER OF BUSINESS.

Mr. GROUT. Mr. Speaker, I desire to present a conference report.

The SPEAKER pro tempore. The gentleman from Vermont——

Mr. OWENS rose.

Mr. DANIELS. I move to reconsider the last vote, and I move to lay that motion on the table.

Mr. MCMILLIN. And on that I demand the yeas and nays.

The SPEAKER pro tempore. The Chair will state that prior to either the gentleman from New York [Mr. DANIELS] or the gentleman from Kentucky [Mr. OWENS] or the gentleman from Tennessee [Mr. MCMILLIN] rising, he had recognized the gentleman from Vermont [Mr. GROUT] for a conference report.

Mr. MCMILLIN. I only want to reserve all rights that might otherwise be sacrificed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 2947) increasing the pension of Daniel D. Jennings, late of Company G, Sixty-fifth Ohio Volunteers.

The message also announced that the Senate had receded from its amendment numbered 201 to the bill (H. R. 5210) making appropriations to provide for expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, had further insisted upon its amendments, had asked a further conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. TELLER, Mr. ALLISON, and Mr. COCKRELL as the conferees on the part of the Senate.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The SPEAKER pro tempore. The Clerk will report the conference report submitted by the gentleman from Vermont [Mr. GROUT].

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have been unable to agree.

WM. W. GROUT,
MAHLON PITNEY,
A. M. DOCKERY,
Managers on the part of the House.

H. M. TELLER,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

Mr. GROUT. I move the adoption of the report.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The question was taken.

The SPEAKER pro tempore. The Chair is in doubt.

Mr. GROUT and Mr. MCMILLIN demanded a division.

The SPEAKER pro tempore. The Chair will suggest to the gentleman from Vermont that there is no necessity for agreeing to this report.

Mr. MCMILLIN. Mr. Speaker, what has become of the motion for a division that I made?

The SPEAKER pro tempore. The Chair is of the opinion that there is no necessity for the House to pass upon this question. It is merely a report for the information of the House.

Mr. MCMILLIN. The gentleman from Vermont [Mr. GROUT] made a motion. The Chair entertained it, and put it to the House. The House was dividing, and on that division we demanded a count.

Mr. PITNEY. For the sake of delay.

Mr. MCMILLIN. But the parliamentary situation can not be changed.

A MEMBER. Withdraw the report.

Mr. MCMILLIN. The Chair has entertained a motion. The House was dividing, and the Chair can not have the House recede without giving the division that was demanded.

Mr. GROUT. Let me ask the gentleman from Tennessee——

Mr. MCMILLIN. Debate is not in order on this motion.

Mr. GROUT. Then what are you debating it for?

Mr. MCMILLIN. I was stating the parliamentary situation, and not debating it.

The SPEAKER pro tempore. The Chair will hear the gentleman from Vermont on the parliamentary situation.

Mr. MCMILLIN. If the gentleman rises to a parliamentary inquiry, of course he is in order.

Mr. GROUT. Mr. Speaker, I rose to an inquiry which I chose to address the gentleman, and that was to ask——

Mr. MCMILLIN. I am not debating the question.

Mr. GROUT. Then I call the gentleman to order.

The SPEAKER pro tempore. Will the gentleman from Tennessee withhold for a moment? Whatever rights he has will be recognized by the Chair.

Mr. GROUT. If it is in order, Mr. Speaker, I withdraw the motion which I made, and will submit another.

Mr. MCMILLIN. I object to the withdrawal, because the House was dividing at the time.

The SPEAKER pro tempore. The Chair holds that the gentleman can withdraw the motion.

Mr. MCMILLIN. And from that ruling of the Chair I appeal.

The SPEAKER pro tempore. The Chair declines to entertain the appeal.

Mr. MCMILLIN. Then we are at our rope's end, of course. There are rulers left, even if there are no rules. [Great confusion on the floor.]

The SPEAKER pro tempore. The House will be in order.

Mr. TERRY. I always understood a man had a right to appeal from a decision of the Chair.

The SPEAKER pro tempore. And the Chair has a right to decline to entertain the appeal, and the Chair has done so.

Mr. TERRY. Well, the Chair has no such right under the rules. He can do it arbitrarily, but not by right.

Mr. PITNEY. I should like to know what is the parliamentary status of the conference report, if no motion has been made in regard to it?

Mr. TERRY (speaking at the same time). This is your judicial fairness that you talked about at the beginning of this session.

Mr. HARDY. No; this is our busy day. [Laughter.]

Mr. TERRY. Your busy day! Where is your fairness that you prated about at the beginning of the session?

Mr. PITNEY. The inquiry which I submitted was, what is the status of the conference report, which reports a total disagreement? I want to make a motion concerning it.

The SPEAKER pro tempore. For the present the motion has been withdrawn.

Mr. PITNEY. The conference report, as I understand it, was not withdrawn, but the motion in regard to it was withdrawn. I want to ask what is the status of the conference report?

The SPEAKER pro tempore. The parliamentary situation is that a motion to insist or recede is in order.

Mr. PITNEY. I desire to offer a motion.

Mr. MCMILLIN. Mr. Speaker——

Mr. GROUT. Mr. Speaker——

Mr. SWANSON. As I understand, the report has not been withdrawn. The request that was made by the conferees or the motion simply has been withdrawn in respect to the report of the conferees.

The SPEAKER pro tempore. The motion is withdrawn.

Mr. SWANSON. As I understand it, this is a report by the conferees. Is it not read for consideration?

The SPEAKER pro tempore. The report was made, the Chair will state, for the information of the House. It is the motion with respect to the report that has been withdrawn. The Chair is now prepared to entertain the motion of the gentleman from New Jersey [Mr. PITNEY].

Mr. GROUT. Mr. Speaker, I move that the House further insist upon its disagreement to the Senate amendments and ask for a conference.

Mr. PITNEY. Pending that, I desire to move that the House recede from its disagreement to one of those amendments and agree to the same with an amendment which I will send to the desk to be read; and upon that I desire to be heard.

Mr. RICHARDSON. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RICHARDSON. I submit that the first motion, that of the gentleman from Vermont [Mr. GROUT], to adopt the conference report, is first in order; and then a motion to recede, as I understand the rules, is in order.

The SPEAKER pro tempore. There is no conference report to consider. The Chair has already stated to the House that the gentleman from Vermont made a report to the House for the information of the House, and made a motion with respect to the report, which he subsequently withdrew. The gentleman from Vermont now moves that the House further insist on its disagreement to the Senate amendments and agree to a conference. Pending that, the gentleman from New Jersey [Mr. PITNEY] moves that the House recede from certain of its disagreements, which the Clerk will now report.

The Clerk read as follows:

Resolved, That the House recede from its disagreement to Senate amendment No. 99 to the bill H. R. 5210, and agree thereto with an amendment as follows: In lieu of the matter struck out by said amendment insert the following:

"*Provided further*, That the service of electric lighting in those streets and places west of Rock Creek now lighted by arc lights, and necessary extensions of said service, shall be let, after due advertisement, to the lowest responsible bidder, but no contracts shall be made for such lights at a price exceeding $100 per lamp per year for each arc light of candlepower equal to or greater than that now furnished; and

"*Provided further*, That the Commissioners of the District may, under such reasonable restrictions as they may prescribe, authorize any existing electric-light company, organized under the laws of the District of Columbia, to maintain and use its existing poles and lines and extensions thereof, either overhead or underground, in places outside of the fire limits of the city of Washington, and by underground conduits only inside the said fire limits, such lines not to be extended in any part of the District of Columbia except in that portion of the same lying west of Rock Creek.

"*Provided further*, That from such lines as may be maintained or established under authority of this act electricity for lights and power shall not be sold to any consumer at rates exceeding 87 per cent of prices charged generally in the city of Washington for such lights and power on the 1st day of January, 1896; and

"*Provided further*, That the District fire-alarm and messenger service may be established along the overhead or underground lines hereby authorized to be maintained and constructed, without charge for pole rent or conduit rent to the District."

Mr. RICHARDSON. I make the point of order against this amendment.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. RICHARDSON. Why, it is not germane to the pending proposition and the matters that are in controversy, as I understand it. I am not very clear about it at present, as I have not a copy of the pending amendment; but it occurs to me——

Mr. PITNEY. I will show the gentleman a copy.

Mr. RICHARDSON. But it occurred to me that it certainly does not relate to matters in controversy between the two Houses. There has been no disagreeing vote of the two Houses upon the matter involved in the proposed amendment. The conferees can only consider matters about which the two Houses have disagreed. I think it will not be contended that this amendment is confined in its language or its spirit to a matter about which the two Houses have disagreed; and if not, it certainly would not be germane for the conferees to enter upon the consideration of the questions which are raised by this amendment. The matters have not been in conference.

Mr. GROUT and Mr. PITNEY. They have.

The SPEAKER pro tempore. The Senate amendment to which the House disagrees, and from which disagreement it is now proposed to recede, relates to electric lighting and the method of the letting of the contract for electric light. The proposition is to recede from the disagreement of the House to that amendment with an amendment. The question raised by the gentleman from Tennessee is whether or not the suggested amendment is germane. The subject-matter of the Senate amendment and the subject-matter of the proposed amendment to the Senate amendment is electric lighting. They both relate to the methods by which contracts shall be let for electric lighting, and it seems to the Chair that the proposed amendment is clearly germane.

Mr. PITNEY. Now, Mr. Speaker, if there is no opposition to this motion of mine, I do not wish to spend much time about it. I think the proposition may be understood after a very few words of explanation. That part of the bill as passed by the House of Representatives which was stricken out in the Senate

by the amendment numbered 99 is found on page 26 of the last print of the bill, and is as follows:

Provided further, That the entire service of electric lighting authorized under this appropriation shall be let, after due advertisement, to the lowest responsible bidder therefor: *Provided further*, That no contract shall be made for electric arc lighting at a price exceeding the rate hereinbefore specified.

It seems to be impossible to obtain the consent of the Senate conferees to this proposition as it stands.

The substitute which I have asked the House to adopt, and to instruct its conferees to recede from the disagreement to the Senate amendment provided this amendment is adopted, proposes to let so much of the electric-lighting service as is in the territory west of Rock Creek, after public advertisement, to the lowest bidder, leaving so much of the territory as is east of Rock Creek under the appropriation bill as it passed the House. The propriety of this amendment is perfectly apparent, but if any gentleman desires to controvert it, I will spend sufficient time to meet his objections. The fact is that for the greater part of the District of Columbia there is at present only one electric-lighting company, and that is the United States Electric Light Company, which lights the city of Washington and a very small portion of the territory west of Rock Creek. The company has been adjudged by the supreme court of the District, under a very peculiar situation of the statute law, to have a monopoly of the electric lighting of the District, in this wise: It has been decided that the Commissioners of the District of Columbia, either under their general powers by virtue of the organic act of the District or by virtue of any subsequent statute—and I believe all the statutes relating to electric lighting have been included in appropriation bills from the time of the first electric lighting until the present—have no power to grant to any electric-lighting company the right to extend its wires to any place or in any direction in the District. The result of that decision is that the United States Company, having first occupied the field, practically has a monopoly of electric lighting in this District.

With regard to the territory west of Rock Creek, the situation is this: The United States Company have very few lamps there. They do not seem to desire and they have repeatedly refused to extend their service into other parts of that territory. They were asked at one time by the Commissioners to light the old Aqueduct Bridge which crosses the Potomac River. Their wires ran immediately past the terminus of the bridge, but they declined to extend them over the bridge and put lights upon it. They have also declined numerous requests from citizens of that region to give them electric lights, either in houses or for public purposes. In the meantime there were two little plants in the suburbs, one at Georgetown and one at Eckington, which did a local business, but not to the exclusion of the United States Company.

The Potomac Light, Heat, and Power Company came into the District, purchased the plants at Georgetown and at Eckington, reorganized, erected a new plant, and have invested in that way $880,000 up to the present time for the purpose of lighting those parts of the city and of the District that were not covered by the United States Company, and for the further purpose of furnishing light and power to the electric traction companies, expecting at the same time to compete with the United States Company for the lighting of the city generally. They made that investment, erected their plant, and strung their wires in reliance upon the power of the Commissioners of the District of Columbia to grant them permits. They had a right to so rely, because the Commissioners were then, from year to year and from time to time, granting to the United States Electric Lighting Company similar permits for a similar purpose under, as was supposed, the general power which the Commissioners possessed by virtue of the organic law of the District.

When the Potomac Company applied for these permits, after having put their money into the plant, after having entered the field, the United States Electric Company by themselves and with the aid of two citizens, taxpayers, whom they procured to join with them for the purpose, applied to the courts for an injunction to restrain the Potomac Company from stringing its wires, and to restrain the Commissioners from granting them a permit to do so. It was then developed, under a construction of the law from which I personally dissent—but which, at any rate, has been adjudged to be the law of the District—it was ascertained by the decision of the supreme court that there was no power reposed in the Commissioners of the District by virtue of the general organic law of the District to grant these permits, and that the appropriation bills under which they had acted did not grant them the power.

What was the result? An injunction—in fact three or four injunctions—were obtained restraining the Commissioners from permitting the Potomac Company, and restraining the company from stringing their wires, from raising their poles, or operating their plant. Now, if that law applies to the Potomac Company, it applies with equal force and effect to the United States Company; the same power which the Commissioners had to grant permits to the one company existed with regard to the other. In consequence of this state of the law, the whole northwestern part of the District lying west of Rock Creek, including a large amount of territory already built up or being built up, is without electric light except to the extent of a few lights which the United States Company in one part and the Potomac Company in another part are at present supplying. Unless we grant relief in the manner suggested by my motion, there can be no change of the law at this session of Congress, and the citizens and property owners in that territory will be without relief for a long time to come.

More than that, the Potomac Company, having invested this large sum of money in a new and improved plant, relying in good faith upon the right of the Commissioners to exercise the powers which they had been in fact exercising for years—the Potomac Company, after making this investment, find themselves bound hand and foot. They can not stretch a line of electric wire from their plant to the lamps already erected and waiting to be lighted. More than that, there are traction companies which depend upon electricity for their power, and which had intended to obtain that electric power from the Potomac Company. Those companies are now unable to get their power from this new and improved plant, and are dependent, as I understand, upon one little plant, so that they can not adequately carry on their business by reason of a deficiency of electric power.

The amendment which I have proposed is intended to permit the District Commissioners to let, upon competition, so much of the lighting business as lies west of Rock Creek, and to grant permits for underground conduits only so far as the fire limits extend. Beyond those fire limits they may give permits for overhead construction as well as underground.

Mr. RICHARDSON. In order to make this amendment effective, do you not have to change existing law; and I ask you as a fair-minded man whether that is not contrary to our rules, and whether such an amendment would not be out of order?

Mr. PITNEY. The point of order upon this conference report and upon this proposed amendment has been decided, but I will say to the gentleman——

Mr. RICHARDSON. The gentleman said the point of order was not well taken.

Mr. PITNEY. I hope when the gentleman asks me a question he will permit me to reply to it without interruption.

Mr. RICHARDSON. I will, if the gentleman will answer the question.

Mr. PITNEY. When this District of Columbia appropriation bill was reported to the House from the Committee on Appropriations it contained a provision requiring the electric-lighting service of the whole District to be let upon competition, and incidentally it gave to the Commissioners, in addition, the power to grant the right to lay down conduits and string wires. That part was struck out on a point of order, against my protest and argument, upon a decision from which I can not now appeal. I apprehend, therefore, it is the law of this House that such a provision would be out of order on an appropriation bill as reported by a committee to the House, because it changes existing law, but it is not out of order on a conference report, and this motion is not out of order, the proposed amendment now being germane to a matter which is in difference between the House and the Senate and that matter of difference having been referred to a conference committee.

Mr. RICHARDSON. I understand your contention to be——

Mr. PITNEY. I do not desire to debate the question of order any further.

Mr. RICHARDSON. You have not answered my question.

Mr. PITNEY. I am addressing myself to the merits of the proposition. If you will confine your inquiry to the merits, I will answer.

Mr. RICHARDSON. But you are asking by this amendment to change existing law, are you not?

Mr. PITNEY. I ask the gentleman whether he is going to ask questions for the purpose of consuming time?

Mr. RICHARDSON. I am not doing so. I am asking questions to get at the merits of this controversy.

Mr. PITNEY. If there is any further inquiry pertinent to the merits, I will answer it.

Mr. McMILLIN. Allow me to ask a question. The gentleman has referred to some extraordinary or peculiar decision whereby only one company has the power to furnish electric light in this District. I want to know why such a monopoly is given and why the monopoly is respected?

Mr. PITNEY. That monopoly does not happen to be respected by me, and has not been, and I have attempted to break it up. That is the very purpose of the amendment I have offered.

Mr. McMILLIN. You propose to break it up in the suburbs, but it lives still in the city.

Mr. PITNEY. Well, that is the very best we can do at this

time. If the gentleman has a better proposition to make, he can make it.

Mr. DOCKERY. Will the gentleman yield to me for a moment?

Mr. PITNEY. Certainly.

Mr. DOCKERY. In further answer to the question of the gentleman from Tennessee, I may say that the electric monopoly is not the only one that has flourished in this District. There is a gas monopoly in this city full fledged and with ample powers. Recently a bill was passed reducing somewhat the profits received by this company for furnishing gaslight to the citizens and the Government, but I understand the claim is now made by the company that the bill not only includes the cost of gas furnished to public buildings in the city, but also applies to the street-lighting service. I am glad to say, however, that our friend, the gentleman from Wisconsin [Mr. BABCOCK], and the gentleman from Tennessee [Mr. RICHARDSON] both insist that that claim is not warranted by anything that occurred in the conference committee or by the terms of the law itself.

I had no knowledge that my colleague [Mr. PITNEY] was to offer this instruction to the committee of conference, but I heartily indorse it. This electric light company has unrelentingly pursued its honorable competitor in this District. It is employing, to use a homely but very expressive phrase, the "dog in the manger" policy. The United States Electric Company can not go into the territory covered by the amendment of the gentleman from New Jersey, under a decision of the supreme court of the District, neither can the other company, but the old company proposes to keep out the new company from the territory not now occupied except in a very limited way.

I hope the House will stand by the amendment of the gentleman from New Jersey. I think it is entirely proper and opportune and is in the interest of the people of the District and against the existing monopoly.

I may say further that the committee would perhaps have been able to agree in the conference just closed but for the fact that the contention is made for a larger compensation for lighting the streets than the conferees of the House thought was warranted. The recent bill which became a law by the approval of the President on yesterday reduces the cost of gas in public buildings—and I desire to thank the gentlemen from Tennessee and Wisconsin for what they have accomplished—reduces the cost of gas used in public buildings. The House conferees desire to make a corresponding reduction in the cost of lighting streets. That is the issue in part which is now delaying an agreement, which I hope, however, may be accomplished at the next meeting of the conferees.

Mr. ALLEN of Mississippi. Will the gentleman yield for a question?

Mr. DOCKERY. Certainly.

Mr. ALLEN of Mississippi. I just want to ask, if this District is dominated by a gas monopoly and by an electric monopoly——

Mr. DOCKERY. And by a telephone monopoly.

Mr. ALLEN of Mississippi (continuing). And a telephone monopoly, had we not better cease talking about adjournment, and suspend the rules and break up the monopoly here before we leave this District? [Applause.]

Mr. DOCKERY. The suggestion of the gentleman from Mississippi is very timely, and I wish some arrangement could be made to accomplish this result. But there is a coordinate branch of the Government which sometimes indulges in lengthy debate——

Mr. ALLEN of Mississippi. Then let the responsibility rest on the other branch of the Government.

Mr. PITNEY. I ask a vote on the amendment.

The SPEAKER. The question is on concurring in the Senate amendment with the amendment which has been read.

The question was taken; and on a division (demanded by Mr. TERRY) there were—ayes 126, noes 1.

Mr. TERRY. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 178, nays 1, not voting 175, as follows:

YEAS—178.

Aldrich, Ill.	Bromwell,	Cooper, Fla.	Erdman,
Allen, Miss.	Brumm,	Cooper, Wis.	Evans,
Allen, Utah	Buck,	Corliss,	Faris,
Anderson,	Bull,	Crowther,	Fischer,
Andrews,	Burrell,	Crump,	Fitzgerald,
Arnold, Pa.	Burton, Mo.	Culberson,	Fowler,
Avery,	Burton, Ohio	Curtis, Iowa	Gardner,
Baker, Md.	Calderhead,	Curtis, Kans.	Gibson,
Barney,	Cannon,	Danford,	Gillet, N. Y.
Bartholdt,	Chickering,	Daniels,	Goodwyn,
Bell, Tex.	Clardy,	Dayton,	Graff,
Bingham,	Clark, Iowa	Dingley,	Griffin,
Bishop,	Clark, Mo.	Dockery,	Griswold,
Black, Ga.	Clarke, Ala.	Doolittle,	Grout,
Blue,	Cobb,	Dovener,	Grow,
Boutelle,	Codding,	Draper,	Hainer, Nebr.
Brewster,	Cook, Wis.	Eddy,	Halterman,
Broderick,	Cooke, Ill.	Ellis,	Hardy,
Harmer,	Leighty,	Parker,	Sulloway,
Harris,	Leonard,	Patterson,	Sulzer,
Hart,	Lester,	Payne,	Swanson,
Hartman,	Lewis,	Pearson,	Tate,
Henry, Conn.	Linney,	Pendleton,	Tawney,
Henry, Ind.	Long,	Phillips,	Tayler,
Hepburn,	Loud,	Pitney,	Terry,
Hooker,	Low,	Poole,	Thomas,
Hopkins,	Martin,	Powers,	Thorp,
Howe,	McCall, Tenn.	Prince,	Tracey,
Howell,	McCleary, Minn.	Pugh,	Treloar,
Huff,	McClure,	Quigg,	Turner, Ga.
Hulick,	McCreary, Ky.	Raney,	Updegraff,
Huling,	McCulloch,	Reeves,	Van Horn,
Hurley,	McEwan,	Rinaker,	Van Voorhis,
Johnson, Cal.	McLachlan,	Russell, Ga.	Walker, Mass.
Joy,	Mercer,	Shafroth,	Wanger,
Kem,	Meyer,	Sherman,	Watson, Ohio
Kerr,	Mitchell,	Shuford,	Wheeler,
Kiefer,	Mondell,	Simpkins,	Williams,
Kirkpatrick,	Moody,	Skinner,	Willis,
Kleberg,	Mozley,	Southard,	Wilson, Idaho
Knox,	Newlands,	Southwick,	Wood,
Kulp,	Otey,	Stewart, N. J.	Woodard,
Lacey,	Otjen,	Stewart, Wis.	Wright.
Layton,	Overstreet,	Stone, C. W.	
Lefever,	Owens,	Strong,	

NAYS—1.

Hill.

NOT VOTING—175.

Abbott,	Dolliver,	Loudenslager,	Sayers,
Acheson,	Ellett,	Maddox,	Scranton,
Adams,	Fairchild,	Maguire,	Settle,
Aitken,	Fenton,	Mahany,	Shannon,
Aldrich, Ala.	Fletcher,	Mahon,	Shaw,
Apsley,	Foote,	Marsh,	Smith, Ill.
Arnold, R. I.	Foss,	McCall, Mass.	Smith, Mich.
Atwood,	Gamble,	McClellan,	Snover,
Babcock,	Gillett, Mass.	McCormick,	Sorg,
Bailey,	Grosvenor,	McDearmon,	Spalding,
Baker, Kans.	Hadley,	McLaurin,	Sparkman,
Baker, N. H.	Hager,	McMillin,	Spencer,
Bankhead,	Hall,	McRae,	Sperry,
Barham,	Hanly,	Meiklejohn,	Stahle,
Barrett,	Harrison,	Meredith,	Stallings,
Bartlett, Ga.	Hatch,	Miles,	Steele,
Bartlett, N. Y.	Heatwole,	Miller, Kans.	Stephenson,
Beach,	Heiner, Pa.	Miller, W. Va.	Stone, W. A.
Belknap,	Hemenway,	Milliken,	Strait,
Bell, Colo.	Henderson,	Milnes,	Strode, Nebr.
Bennett,	Hendrick,	Miner, N. Y.	Strowd, N. C.
Berry,	Hermann,	Minor, Wis.	Taft,
Black, N. Y.	Hicks,	Money,	Talbert,
Bowers,	Hilborn,	Morse,	Towne,
Brosius,	Hitt,	Moses,	Tracewell,
Brown,	Howard,	Murphy,	Tucker,
Catchings,	Hubbard,	Murray,	Turner, Va.
Cockrell,	Hull,	Neill,	Tyler,
Coffin,	Hunter,	Noonan,	Underwood,
Colson,	Hutcheson,	Northway,	Wadsworth,
Connolly,	Hyde,	Odell,	Walker, Va.
Cooper, Tex.	Jenkins,	Ogden,	Warner,
Cousins,	Johnson, Ind.	Perkins,	Washington,
Cowen,	Johnson, N. Dak.	Pickler,	Watson, Ind.
Cox,	Jones,	Price,	Wellington,
Crisp,	Kendall,	Ray,	White,
Crowley,	Kyle,	Reyburn,	Wilber,
Cummings,	Latimer,	Richardson,	Wilson, N. Y.
Curtis, N. Y.	Lawson,	Robertson, La.	Wilson, Ohio
Dalzell,	Leisenring,	Robinson, Pa.	Wilson, S. C.
De Armond,	Linton,	Royse,	Woodman,
Denny,	Little,	Rusk,	Woomer,
De Witt,	Livingston,	Russell, Conn.	Yoakum.
Dinsmore,	Lorimer,	Sauerhering,	

So the motion to recede and concur in the amendment of the Senate with an amendment was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. HENDERSON with Mr. MONEY.

Mr. SMITH of Illinois with Mr. BANKHEAD.

The result of the vote was then announced as above recorded.

Mr. OWENS. I move to reconsider the vote.

Mr. PITNEY. As only one gentleman has voted in the negative, I raise the point of order that that motion is dilatory.

The SPEAKER. The rules of the House require the Speaker to refuse dilatory motions, and a vote of 178 to 1 would indicate that the House had made up its mind on the subject.

Mr. OWENS. It is such a good thing that I want to clinch it. I do not want it to get away.

The SPEAKER. Perhaps the time spent in clinching it would be lost time.

Mr. GROUT. I move that the House further insist upon its disagreement to the other amendments and agree to the conference asked by the Senate.

The SPEAKER. The question is on insisting on the disagreement to the other amendments and agreeing to the conference.

The question was taken; and on a division (demanded by Mr. OWENS) there were—ayes 97, noes 1.

Accordingly the motion was agreed to.

The SPEAKER. The Chair appoints the same conferees.

And then, on motion of Mr. DINGLEY (at 6 o'clock p. m.) the House took a recess until to-morrow, Tuesday, June 9, 1896, at 10 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from Mr. W. J. Glenn, the Doorkeeper of the House of Representatives, transmitting, in accordance with the act of August 7, 1892, a report of the sales of waste paper made since the commencement of the first session of the Fifty-fourth Congress, amounting to $360.01—to the Committee on Accounts, and ordered to be printed.

A letter from Mr. W. J. Glenn, the Doorkeeper of the House of Representatives, transmitting a list of property belonging to the United States, and under his charge as Doorkeeper, in the various committee and other rooms of the House June 8, 1896—to the Committee on Accounts, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, Mr. GRISWOLD, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 7781) to provide an American register for the barge *Black Diamond*, reported the same without amendment, accompanied by a report (No. 2275); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MARSH, from the Committee on Military Affairs: The bill (H. R. 8888) to grant an honorable discharge to Christopher C. Cummins. (Report No. 2272.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 4854) granting an increase of pension to John P. Thomas. (Report No. 2273.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GROSVENOR: A bill (H. R. 9410) providing for the printing of the censuses of 1790 and 1800—to the Committee on Printing.

By Mr. HYDE: A bill (H. R. 9411) to provide for the examination and classification of certain lands in the State of Washington—to the Committee on the Public Lands.

By Mr. ELLETT: A bill (H. R. 9412) to pay the Richmond Locomotive Works its claims for damages and losses incurred in the construction of the armored battle ship *Texas*—to the Committee on Claims.

By Mr. ANDREWS: A bill (H. R. 9432) providing for the coinage of domestic silver, and for other purposes—to the Committee on Coinage, Weights, and Measures.

By Mr. SOUTHWICK: A bill (H. R. 9433) to purchase of J. B. Lyon the United States Red Book, and for other purposes—to the Committee on Appropriations.

By Mr. BOUTELLE: A joint resolution (H. Res. 199) providing for a commission to contract for finishing the historical frieze in the Rotunda of the Capitol—to the Committee on the Library.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of papers relative to the claim of Sade M. Kleine, widow of Louis P. Kleine; and the same were referred to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CALDERHEAD: A bill (H. R. 9413) granting a pension to William Hoffner, of Junction City, Kans., late of Company B, Fifty-fifth Pennsylvania Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9414) to pension Sylvester D. Mitchell, of Salina, Kans., late of Company I, Thirteenth Illinois Cavalry—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 9415) allowing an increase of pension to Dr. William O. Torsey, late assistant surgeon, Eighteenth Missouri Infantry—to the Committee on Invalid Pensions.

By Mr. CURTIS of Kansas: A bill (H. R. 9416) granting an increase of pension to Peter B. Phillips—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 9417) granting a pension to U. S. Daniels—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9418) for the relief of John Q. Armitage—to the Committee on Military Affairs.

Also, a bill (H. R. 9419) granting a pension to Henry H. Alcorn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9420) for the relief of Craven W. Clowe—to the Committee on Military Affairs.

Also, a bill (H. R. 9421) for the relief of Andrew J. Sayre—to the Committee on Military Affairs.

Also, a bill (H. R. 9422) granting a pension to Agnes Jenkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9423) for the relief of William Lyons—to the Committee on Military Affairs.

Also, a bill (H. R. 9424) granting a pension to Lawrence C. Power—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9425) for the relief of Stephen McNamara—to the Committee on Claims.

Also, a bill (H. R. 9426) to correct the military record of Theodore Winters—to the Committee on Military Affairs.

Also, a bill (H. R. 9427) granting a pension to Horace Barstow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9428) granting an honorable discharge to Alva A. Miller—to the Committee on Military Affairs.

By Mr. PEARSON: A bill (H. R. 9429) to complete the military record of Louis A. Horton, late a private in Company F, Sixth Regiment Indiana Cavalry Volunteers—to the Committee on Military Affairs.

By Mr. RUSSELL of Connecticut: A bill (H. R. 9430) to correct the military record of Capt. James H. Latham—to the Committee on Military Affairs.

By Mr. WASHINGTON: A bill (H. R. 9431) for the relief of Christopher Powers—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL of Colorado: Protest of citizens of Colorado against any measure looking to military training in public schools—to the Committee on Education.

Also, remonstrance and petition of citizens of Crested Butte, Colo.; also of Council No. 64, American Protective Association, of Breckinridge, Colo., for the removal of the Marquette statue from the Capitol—to the Committee on the Library.

By Mr. BLUE: Petition and remonstrance of 90 citizens of Johnston County, Kans., against the continuance of the Père Marquette statue in the Capitol—to the Committee on the Library.

By Mr. DALZELL: Two petitions of sundry citizens of Allegheny County, Pa., in favor of House bill No. 260, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GROSVENOR: Papers to accompany House bill granting a pension to U. S. Daniel—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Henry H. Alcorn—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Agnes Jenkins—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Lawrence C. Power—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Horace Barstow—to the Committee on Invalid Pensions.

Also, papers to accompany House bill to correct the military record of Theodore Winters—to the Committee on Military Affairs.

Also, papers to accompany House bill for the relief of John Q. Armitage—to the Committee on Military Affairs.

Also, papers to accompany House bill granting an honorable discharge to Alva A. Miller—to the Committee on Military Affairs.

Also, papers to accompany House bill for the relief of William Lyons—to the Committee on Military Affairs.

Also, papers to accompany House bill for the relief of Andrew J. Sayre—to the Committee on Military Affairs.

Also, papers to accompany House bill for the relief of Craven W. Clowe—to the Committee on Military Affairs.

Also, papers to accompany House bill for the relief of Stephen McNamara—to the Committee on Claims.

Also, papers to accompany House bill No. 9410, providing for the printing of the censuses of 1790 and 1800—to the Committee on Printing.

By Mr. JOHNSON of California: Sundry petitions of citizens of California, favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. LOUD: Sundry petitions of citizens of the States of Georgia and Idaho, asking for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. OGDEN: Petition of E. H. Deloach and others, of Ryland, La., opposing the passage of House bill No. 4566, relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Marie Eliza Payne, praying that her claim No. 18511 of the Southern Claims Commission may be referred to the Court of Claims under the Bowman Act that it may be tried along with No. 18524, already there—to the Committee on War Claims.

By Mr. OVERSTREET: Petition of W. C. Johnson and 96 other citizens of Indianapolis, Ind., in favor of House bill No. 260, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. PUGH: Papers to accompany House bill No. 6636, to correct the military record of John W. Kincaid—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 6637, favoring a pension to Martin Cassady—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 6638, to pension Moses Lower—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 6640, to correct the military record of James Jones—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 6641, to grant a pension to Daniel F. Danner—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 6642, to correct the military record of Jeremiah Hunt—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 7845, for a pension to Oliver Miller—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 6867, for a pension to Eli Dean—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 3175, to correct the military record of James H. Jones—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 6379, for the relief of Frank Mott—to the Committee on War Claims.

By Mr. RUSSELL of Georgia: Papers relating to the claim of William J. Tate—to the Committee on War Claims.

Also, papers relating to the claim of Jacob A. Fite—to the Committee on War Claims.

By Mr. TRACEY: Petition of numerous citizens of Hickory County, Mo., requesting the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

Also, petition of citizens of Stockton, Mo., favoring a pension to B. L. Cornwell—to the Committee on Invalid Pensions.

By Mr. WHEELER: Papers relating to the claim of Stephen Harris—to the Committee on War Claims.

By Mr. WILSON of New York: Memorial of citizens of the city of New York, against the unjust acquisition and distribution of wealth—to the Committee on Ways and Means.

SENATE.

TUESDAY, *June 9, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. HILL, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

LANDS AT PORT ANGELES, WASH.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, acknowledging the receipt of a resolution of the 4th instant, directing the suspension of the time for the payment to be made by such persons as have heretofore made due proof according to law of residence and improvements upon lots in blocks 103, 104, 105, 97, 134, 136, 137, 138, 146, 147, 111, and 116 in the town site of Port Angeles, in the State of Washington, and who have not yet completed the purchase of the same from the United States, until the 3d day of March, 1897, when payment shall be made to the receiver of the United States land office at Seattle, in the State of Washington; which was ordered to lie on the table and be printed.

FORD'S THEATER DISASTER COMMISSION.

The VICE-PRESIDENT reappointed Mr. FAULKNER as a member of the Ford's Theater Disaster Commission.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had receded from its disagreement to the amendment numbered 99 of the Senate to the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes; agreed to the same with an amendment, in which it requested the concurrence of the Senate; insisted upon its disagreement to the residue of the amendments of the Senate to the bill upon which the committee were unable to agree; agreed to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GROUT, Mr. PITNEY, and Mr. DOCKERY managers at the conference on the part of the House.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 6399) to amend the laws relating to American seamen;

A bill (H. R. 8383) to establish a site for the erection of a penitentiary on the military reservation at Fort Leavenworth, Kans., and for other purposes: and

A joint resolution (H. Res. 190) to facilitate the reorganization of the Northern Pacific Railroad Company; to secure to actual settlers the right to purchase at a price not exceeding $2.50 per acre the agricultural lands within its grant, and to prohibit said company or any successor company from giving, by consolidation, sale, or other corporate action, control of its railroad to any corporation, company, person, or association of persons owning, operating, or controlling a parallel or competing railroad.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 1189) granting a pension to Eliza Sandford;

A bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897; and

A joint resolution (H. Res. 195) to pay the officers and employees of the Senate and House of Representatives on the day following adjournment.

PETITIONS AND MEMORIALS.

Mr. CAMERON presented a petition of sundry citizens of Pennsylvania, praying for the enactment of legislation restricting immigration; which was ordered to lie on the table.

He also presented a memorial of the Chamber of Commerce of Pittsburg, Pa., remonstrating against the adoption of certain proposed amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Lackawanna Division, No. 12, Order of Railway Conductors, of Scranton, Pa., and a petition of Mauch Chunk Division, No. 153, Order of Railway Conductors, of Mauch Chunk, Pa., praying for the passage of the so-called Voorhees arbitration bill; which were referred to the Committee on Education and Labor.

Mr. ALLEN presented sundry papers to accompany the bill (S. 2278) making certain persons eligible to the pension list of the United States, and for other purposes; which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 3111) to remove the charge of desertion from the name of George Miller, of Valentine, Nebr.; which were referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Niobrara, Nebr., relative to the proposed change in the Government survey in township No. 32 north, in Knox County, Nebr.; which was referred to the Committee on Indian Affairs.

Mr. BLACKBURN presented a petition of sundry citizens of Kentucky, praying that assistance be given Ona Melton, a native of that State, who was captured on the schooner *Competitor;* which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Louisville, Ky., relative to the Armenian outrages; which was referred to the Committee on Foreign Relations.

Mr. SMITH presented a petition of sundry citizens of Hudson, Monmouth, Camden, Morris, and Sussex counties, all in the State of New Jersey, praying for the enactment of legislation restricting immigration; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. MITCHELL of Wisconsin, from the Committee on Military Affairs, to whom was referred the bill (S. 2531) for the relief of Elias Breese, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. CAMERON, from the Committee on Foreign Relations, to whom was referred the bill (S. 2071) for the relief of Mary A. Swift, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 4355) to increase the pension of Theresa Peebles, of Jefferson County, Ga., reported it without amendment, and submitted a report thereon.

DEFICIENCIES IN APPROPRIATIONS.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 9409) making appropriations to supply deficiencies in the appropriations for the expenses of the House of Representatives, and for other purposes, for the fiscal year 1896, to report it with an amendment. I ask that the bill be placed upon its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Appropriations was, on page 1, after line 7, to insert:

To make the salaries of clerks of Committees on Revolutionary Claims and Corporations Organized in the District of Columbia, from the 1st day of January to the 30th day of June, 1896, at the rate of $2,100 per annum, $660.

The amendment was agreed to.

Mr. BLACKBURN. I desire to submit an amendment to the bill which relates solely to the organization of the two Houses.

Mr. HALE. It relates simply to the organization of one House or the other?

Mr. BLACKBURN. It relates entirely to the organization of one House or the other.

The VICE-PRESIDENT. The amendment of the Senator from Kentucky will be read:

The SECRETARY. It is proposed to add the following:

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay all officers and employees of the Senate and House of Representatives, including the Capitol police, who were employed on the 2d day of December, 1895, and who have ceased to be employed, a sum equal to one month's pay at the rate they were severally receiving on the 2d day of December, 1895; and a sufficient sum for this purpose is hereby appropriated.

Mr. PEFFER. I wish to inquire of the Senator from Kentucky whether that means an extra month's pay in addition to the yearly salary?

Mr. BLACKBURN. I will state to the Senator from Kansas that it does, but it applies only to those who were on the pay rolls of the two Houses upon the date named, and who have since ceased to be employed. I will say to the Senator further that it has been, I believe, an invariable practice during the twenty-odd years that I have been in Congress to give to those employees whose terms of service had ceased by reason of dismissal an extra month's pay. This has been an almost unbroken practice of Congress.

Mr. PEFFER. I have understood that that has been the practice, and two years ago when a similar measure was pending I objected to it on the ground that I thought then, as I still think, that it is a vicious practice. It is a practice that ought never to have been begun, and the sooner it is dispensed with the better it will be. I think that if these persons are not receiving sufficient compensation for their labor their salaries ought to be raised, but that their regular monthly salary as it is provided in the law or their regular yearly salary as it is provided in the law ought to be sufficient, and that that is all they ought to be paid. We do not give our workmen throughout the country, the men who work for us in a private capacity, an extra month's pay, but we pay them so much per day, so much per week, so much per month, so much per year, and that is the end of it. If it is the effect of this amendment to give an extra month's pay, I object to it.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Kentucky.

The amendment was agreed to.

Mr. PETTIGREW. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add to the bill:

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of February, 1896, including the Capitol police and W. A. Smith, CONGRESSIONAL RECORD clerk, for extra services during the Fifty-fourth Congress, a sum equal to one month's pay, at the compensation then paid them by law, the same to be immediately available.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from South Dakota.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

REPORT OF THE MONETARY COMMISSION OF 1876.

Mr. HALE, from the Committee on Printing, to whom was referred the resolution submitted by Mr. BUTLER on the 6th instant, reported it with an amendment.

The resolution was read, as follows:

Resolved, That there be printed 3,000 additional copies of Report No. 703, Forty-fourth Congress, second session, known as Report of the Monetary Commission of 1876.

The amendment of the Committee on Printing was, in line 1, before "thousand," to strike out "three" and insert "two"; so as to read "2,000 additional copies."

The amendment was agreed to.

The resolution as amended was agreed to.

BERLIN SILVER COMMISSION OF 1894.

Mr. JONES of Arkansas, from the Committee on Finance, reported the following resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 copies of Senate Miscellaneous Document No. 274, Fifty-third Congress, second session, Proceedings of the Berlin Silver Commission of 1894, with index, 3,000 to be for the use of the House of Representatives and 2,000 for the use of the Senate.

BILLS INTRODUCED.

Mr. CAMERON introduced a bill (S. 3271) to authorize the purchase of additional lands for the Gettysburg National Park; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3272) granting a pension to Hannah Hess; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ALLEN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3273) for the relief of the Sanburn Town Company, of Fremont, in the State of Nebraska, and for other purposes;

A bill (S. 3274) for the relief of the heirs of Fred. R. Kittle, of Fremont, in the State of Nebraska, and for other purposes;

A bill (S. 3275) for the relief of H. J. Gregory, of the State of Nebraska, and for other purposes;

A bill (S. 3276) for the relief of the heirs of D. B. Thurston, and for other purposes;

A bill (S. 3277) for the relief of the heirs of William Thurston and G. G. Thurston, of Florence, in the Territory of Arizona, and for other purposes;

A bill (S. 3278) for the relief of E. K. Valentine, of West Point, in the State of Nebraska, and for other purposes;

A bill (S. 3279) for the relief of G. G. Thurston, of Florence, in the Territory of Arizona, and for other purposes;

A bill (S. 3280) for the relief of Ella F. Brady, of Oklahoma City, in the Territory of Oklahoma, and for other purposes;

A bill (S. 3281) for the relief of William C. Brady, of Oklahoma City, in the Territory of Oklahoma, and for other purposes;

A bill (S. 3282) for the relief of the heirs of Lewis Sanburn, late of Fremont, in the State of Nebraska, and for other purposes;

A bill (S. 3283) for the relief of Robert Kittle, of Fremont, in the State of Nebraska, and for other purposes;

A bill (S. 3284) for the relief of J. H. Stewart, of Fremont, in the State of Nebraska, and for other purposes;

A bill (S. 3285) for the relief of J. H. Meyer, of Fremont, in the State of Nebraska, and for other purposes;

A bill (S. 3286) for the relief of N. M. Pilsbury, of Fremont, in the State of Nebraska, and for other purposes;

A bill (S. 3287) for the relief of Charles B. Veazie, of Fremont, in the State of Nebraska, and for other purposes;

A bill (S. 3288) for the relief of John Knecktel, of Fremont, in the State of Nebraska, and for other purposes;

A bill (S. 3289) for the relief of George H. Briggs, of Fremont, in the State of Nebraska, and for other purposes;

A bill (S. 3290) for the relief of B. W. Evits, of Fremont, in the State of Nebraska, and for other purposes; and

A bill (S. 3291) for the relief of Lyon Backey, of Fremont, in the State of Nebraska, and for other purposes.

HARRIS P. HURST.

Mr. GEORGE submitted the following resolution; which was referred to the Committee on Claims:

Resolved, That the Committee on Claims be instructed to investigate and report upon the claim of Harris P. Hurst against the Government of the United States for compensation for the use of certain improvements in ordnance and high-explosive shells covered by a contract made between the Secretary of the Navy and the said H. P. Hurst January 28, 1893, and report whether the ordnance devices and high-explosive shells for which the said H. P. Hurst now claims compensation were his invention and covered by his applications for patents numbered in said contract or were devised by officers of the United States Navy in public or private employ, and also whether said Hurst is entitled to any compensation therefor, and if so, how much.

CHICKAMAUGA AND CHATTANOOGA NATIONAL PARK.

Mr. PALMER submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 60,000 extra copies of the report of the Joint Committee on the Dedication of the Chickamauga and Chattanooga National Park; 18,000 copies shall be for the use of the House of Representatives, 6,000 copies for the Senate, 1,000 copies for the National Park Commission to supply the twenty-eight State commissions, and 500 copies for the Secretary of War to supply the governors of the States, and 100 copies for each speaker at the dedication.

COMMITTEE ON PACIFIC RAILROADS.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the hearings had before the Select Committee on Pacific Railroads, not heretofore printed as documents, be printed for the use of the Senate.

Mr. MORGAN. I submit a resolution in order to have it referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution was read, as follows:

Resolved, That the Select Committee on Pacific Railroads have leave to sit in the vacation of Congress at such places on or near the lines of said roads as they may designate, to send for persons and papers, and to examine witnesses under oath in respect of the Union and Central Pacific railroads, and as to all matters concerning said railroad companies and their property and the condition and management of the same, and the expenses incurred in the execution of this order shall be paid out of the fund appropriated for the contingent expenses of the Senate.

Mr. HARRIS. I suggest to the Senator from Alabama that the resolution provides for examining witnesses under oath, but does not give the specific power to administer oaths. I think the Senator will modify it if he looks at it.

Mr. MORGAN. The general statute gives that power.

Mr. HARRIS. Very well.

The VICE-PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

PENITENTIARY AT FORT LEAVENWORTH.

The bill (H. R. 8383) to establish a site for the erection of a penitentiary on the military reservation at Fort Leavenworth, Kans., and for other purposes, was read twice by its title.

Mr. DAVIS. That is a bill the passage of which is requested by the Department of Justice and the War Department. I ask unanimous consent that it be placed on its passage. It is very short. It involves the mere transfer of the site of the National Penitentiary, now inside of the barracks at Leavenworth, to a place some 2 miles off on the same reservation.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT STREET RAILWAYS.

Mr. HARRIS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2628) to extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company of the District of Columbia, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 4, 9, 10, 12, 13, 14, 21, 22, and 23, and agree to the same.

That the House recede from its amendment numbered 26.

That the Senate recede from its disagreement to the amendments of the House numbered 6, 8, 11, 15, 17, 18, 19, 20, 24, and 27, and agree to the same amended so that the sections of the bill shall be numbered consecutively; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same amended as follows: In lieu of the matter proposed to be stricken out amend section 2 so that the said section shall read:

"SEC. 2. That the Eckington and Soldiers' Home Railway Company of the District of Columbia be, and the same hereby is, authorized to lay down and operate a street railway in the city of Washington, D. C., through and along the following named streets and avenues, to wit:

"Beginning at the junction of Eighth and D streets northeast; thence by double track south along Eighth street to C street south; thence by single track, as follows: West on C street south to Seventh street east; thence south on Seventh street east to M street south; thence east on M street south to Georgia avenue; thence northeast on Georgia avenue to Ninth street east; thence north on Ninth street east to C street south; thence west on C street south to Eighth street east."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 7, and agree to the same amended so that the proviso in question shall read as follows:

"*And provided*, That said Eckington and Soldiers' Home Railway Company shall not have its stock and bonds outstanding at any one time to a greater amount than the actual cost of the construction and equipment of said railway; which actual cost shall be ascertained by the supreme court of the District of Columbia in such manner as the said court shall prescribe."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 16, and agree to the same amended so that the proviso in question shall read:

"*And provided*, That said Belt Railway Company shall not have its stock and bonds outstanding at any one time to a greater amount than the actual cost of the construction and equipment of said railway; which actual cost shall be ascertained by the supreme court of the District of Columbia in such manner as the said court shall prescribe."

And the House agree to the same.

JAMES McMILLAN,
ISHAM G. HARRIS,
Managers on the part of the Senate.
J. W. BABCOCK,
G. M. CURTIS,
JAMES D. RICHARDSON,
Managers on the part of the House.

The report was concurred in.

IMPORTED PARCELS AND PACKAGES.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Maryland [Mr. GIBSON] coming over from a previous day.

The Secretary read the resolution submitted yesterday by Mr. GIBSON, as follows:

Resolved, That the bill H. R. 6259 as amended and passed the Senate June 6, 1896, be referred to the Committee on the Judiciary, with instructions to examine the same and report to the Senate whether any of its provisions are in violation of existing treaty stipulations between the United States and foreign nations.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. PLATT. The resolution relates on the face of it to a bill which had passed the Senate some days before its introduction. It proposes to refer a bill which had passed the Senate to the Judiciary Committee, asking the opinion of the Judiciary Committee upon it. The bill was beyond the jurisdiction of the Senate at that time. It has since passed the House, gone to the President, and has been signed by the President. So I do not think the resolution ought to pass.

Mr. GIBSON. I was not aware of what the Senator from Connecticut has just stated until he made the statement. At the time the resolution was offered my judgment with reference to its being beyond the jurisdiction of the Senate was that it could be yet referred to the Committee on the Judiciary.

The bill to which the resolution referred was passed during my absence on important public business, assigned thereto by the President of the Senate. I had offered an amendment to the bill, but that amendment was not considered; and when I returned I found that the bill had passed the Senate and had gone to the House. The object of the resolution was that the Judiciary Committee should inquire into and determine whether the measure as passed is in contravention of treaty stipulations with foreign powers. In my judgment, it is clearly so; and it occurred to me that it was legislation which would result hereafter in possible embarrassing complications which we ought to avoid. Hence I offered the resolution. If, however, the act has passed to the stage which the Senator indicates, I will not press the subject further upon the attention of the Senate. Under the circumstances, I will withdraw the resolution.

The VICE-PRESIDENT. The resolution is withdrawn.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 6th instant approved and signed the following acts:

An act (S. 3161) amending and extending the provisions of an act of Congress entitled "An act approving, with amendments, the funding act of Arizona," approved June 25, 1890, and the act amendatory thereof and supplemental thereto, approved August 3, 1894;

An act (S. 710) granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka;

An act (S. 148) granting a pension to Catherine Dillon;

An act (S. 804) granting a pension to Mrs. Eleanor Carroll Poe;

An act (S. 1672) granting a pension to Lue R. Brown; and

An act (S. 1420) granting an increase of pension to Elizabeth W. Sutherland.

The message also announced that the President of the United States had on the 8th instant approved and signed the following act and joint resolution:

An act (S. 2169) to regulate mail matter of the fourth class; and

A joint resolution (S. R. 155) to authorize a scientific investigation of the fur-seal fisheries.

BILL BECOME A LAW.

The message further announced that the bill (S. 678) granting a pension to Joseph R. West, brigadier and brevet major general,

United States Army Volunteers, having been presented to the President on May 25, 1896, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution, had become a law without his approval.

EQUESTRIAN STATUE OF GENERAL SHERMAN.

The VICE-PRESIDENT. The Chair lays before the Senate as a part of the morning business the resolution of the Senator from Colorado [Mr. WOLCOTT] coming over from a previous day. The resolution will be read.

The Secretary read the resolution submitted yesterday by Mr. WOLCOTT, as follows:

Resolved, That the Committee on the Library be directed to inquire into all the facts and circumstances connected with the late award of a contract for the erection, at the city of Washington, of an equestrian statue of Gen. William T. Sherman, and to make report thereon to the Senate at the next session of Congress, with such recommendation as the committee may deem necessary or proper; and the Secretary of War is hereby requested to suspend the execution of the contract for the construction of said monument until such report is received.

Mr. WOLCOTT. Mr. President——

Mr. DUBOIS. I ask the Senator from Colorado if he will accept as an amendment the insertion of the words "of the Senate"; so as to read: "The Committee on the Library of the Senate."

Mr. WOLCOTT. Certainly; "the Committee on the Library of the Senate." It should go in so. I am obliged to the Senator.

The VICE-PRESIDENT. The resolution will be so modified. The question is on agreeing to the resolution as modified.

Mr. WOLCOTT. Mr. President, it is a late hour in the session of the Senate to bring before it any measure or any resolution with the hope that it can be calmly and judicially considered. The suggestion which I have made in this resolution is only that until the winter session of the Senate the further construction of the Sherman monument shall be delayed. In furtherance of the resolution I desire to occupy the attention of the Senate for a few minutes, and in so occupying the time of the Senate I desire to state the case as impartially and as quietly as possible, and without the slightest suggestion as to misconduct upon anybody concerned in the award to the successful sculptor of the construction of the statue.

It does seem to me, however, Mr. President, that a great injury has been done, and that a proper investigation of the subject by the Library Committee will result either in righting the wrong that has been done or in showing to the people of the United States that the conduct in the award and the result that was obtained was the right conclusion of the whole matter.

The Society of the Army of the Tennessee desired very properly and with great patriotism that a monument should be erected to General Sherman in the city of Washington. To accomplish that purpose it raised some $16,000, a sum totally inadequate to accomplish the result. Congress was called upon to aid so worthy a suggestion, and we have appropriated, first $50,000 and then $30,000, until $80,000 has been appropriated by the Congress of the United States to be added to the $16,000 raised by the Society of the Army of the Tennessee, making $96,000, out of which shall be paid the foundation, the pedestal, and the statue, in commemoration of the great public services of General Sherman.

The act which passed Congress appropriating $80,000 was very brief in the powers it conferred, and I will read it:

That the sum of $50,000—

Thirty thousand dollars was afterwards added by a subsequent act, without further comment—

That the sum of $50,000 be, and is hereby, appropriated for the preparation of a site and the erection of a pedestal for a statue of the late Gen. William T. Sherman in the city of Washington; said site to be selected by and said pedestal to be erected under the supervision of the president of the Society of the Army of the Tennessee, the Secretary of War, and the Major-General Commanding the Army, and any part of the sum hereby appropriated not needed for preparation of site and the erection of a pedestal may be used and expended in the completion of said statue of the late Gen. William T. Sherman.

No express provision was made for the statue as separable from the foundation and the pedestal. As a matter of fact, in the cost of the structure the pedestal counts far more than the statue, and the pedestal and the statue are together so closely identified and associated that the selection of one becomes virtually the selection of the other—it is an entirety.

Upon the passage of this act the Society of the Army of the Tennessee sent out its published suggestion for competitive models to be sent for the erection of the statue. The first notice was by publication. It was followed by a circular signed by General Dodge, the president of the Society of the Army of the Tennessee, under date of June 20, 1895, in which, referring to the letter of invitation of March 22, the first invitation to sculptors, he would state—

That having received several letters from sculptors asking for a more detailed statement of the conditions of the competition, the matter was referred to the National Sculpture Society—

Taken from the Society of the Army of the Tennessee even at the preliminary stages of it so far as the suggestions were to be made for the construction of the statue—

was referred to the National Sculpture Society, and after consultation with a number of artists, I submit the following, which will govern the competition.

Then he states the different subjects, which I will incorporate in my remarks, and all of which have to do with the general character of the models, that they must be in plaster, that no drawing would be considered, as to when they should be presented, etc.

Then the circular contains this paragraph, which is all important:

A committee of the National Sculpture Society will pass on the artistic character of the models, and experts in bronze, castings, etc., will aid this committee in arriving at its conclusions.

The models were to be passed upon by a committee of the National Sculpture Society. In furtherance of this circular, which was very properly limited to artists in America and American artists living abroad, 26 models were submitted to this national commission for the statue of General Sherman. The National Sculpture Society were together called upon to appoint a committee of artists to pass upon the different models. A committee of the most distinguished sculptors of the United States, and that includes among them the most distinguished sculptors of the world, met together to pass upon the design. They were to pass upon their artistic merits, upon their general form and construction. They were to pass upon those important matters which artists are so much better qualified to determine than those uneducated in sculpture or in art.

Mr. HAWLEY. I wish to ask a question, if the Senator pleases. Was it committed absolutely to them? They were not to decide the final question, were they?

Mr. WOLCOTT. The Senator from Connecticut heard what I read. He can put his construction upon it. I know he intends to follow me in the discussion of the resolution.

Mr. HAWLEY. I will. I did not intend, though.

Mr. WOLCOTT. If anything I have said will induce the Senator from Connecticut to add light to the subject, I shall be glad to have him follow me. I hope he does not suggest that I am making any misstatement of fact.

Mr. HAWLEY. Oh, no. I am not sure as to the exact terms. Perhaps I missed something in what the Senator submitted.

Mr. WOLCOTT. I will say to the Senator that I read the statement contained in the first law.

Mr. HAWLEY. My impression was that it was only advisory.

Mr. WOLCOTT. I will read again that clause in the first law, and then I will go on:

A committee of the National Sculpture Society will pass on the artistic character of the models, and experts in bronze castings, etc., will aid this committee in arriving at its conclusions.

The committee met and made full and careful investigation. In the invitation that was extended to sculptors to contribute their models a statement was made which will appear in the circular which I will print, but I will state the substance of it. The successful sculptor should receive the award of the monument. It was not to cost, including the foundation and pedestal, more than $90,000, but the statue, the pedestal, and the foundation to be considered together. The next four models in order of merit should each receive $1,000 as a bonus—as a premium for having offered the models. This was given as an inducement to sculptors, inducing them to contribute by holding out the hope to them that although they might not succeed in getting the monument itself, yet that they might receive a sum which would in a measure reward them for the time and effort they had expended.

This committee of artists then met and after due consideration made a report that two models, one of Mr. Bartlett and one of Mr. Niehaus, were the two best models; that they were of great merit, and that they were so equal in merit that this committee of artists preferred that the commission itself should determine which of them should receive the award for the construction of the statue. They then named three other artists who should receive the award of $1,000 each, the unsuccessful one of the two and two others, so as to give them the award of $1,000 each.

This report was duly made by these representatives of the Society of National Sculpture. Following upon that the president of the Society of the Army of the Tennessee called in to consult with him and to pass upon the merits of the statue General Henderson, General Noble, Colonel Cadee, General Howe, and Colonel Jacobson, all good men, all men who knew General Sherman, all members of the Society of the Army of the Tennessee, all people desirous, as everybody has been desirous in this whole matter, of securing the best that could be obtained.

Mr. FAULKNER. Will the Senator from Colorado give me a piece of information about this matter?

Mr. WOLCOTT. Yes.

Mr. FAULKNER. Was the commission to which the subject was referred appointed by an act of Congress or by the Society of the Army of Tennessee?

Mr. WOLCOTT. The commission was appointed by the act of Congress in the language which I have once read and will read again:

That the sum of $50,000 be, and is hereby, appropriated for the preparation of a site and the erection of a pedestal for a statue of the late Gen. William T. Sherman in the city of Washington, said site to be selected by and said pedestal to be erected under the supervision of the president of the Society of the Army of the Tennessee, the Secretary of War, and the Major-General Commanding the Army, and any part of the sum hereby appropriated not needed for preparation of site and the erection of a pedestal may be used and expended in the completion of said statue of the late Gen. William T. Sherman.

Mr. ALLISON. Will the Senator allow me to interrupt him?

Mr. WOLCOTT. If the Senator from West Virginia is through——

Mr. FAULKNER. I understand the commission named in the act of Congress had reference only to the pedestal.

Mr. WOLCOTT. The foundation and the pedestal technically, as I have already said. Now, did the Senator from Iowa have some question to ask?

Mr. ALLISON. That was the suggestion I was about to make. The Society of the Army of the Tennessee selected a committee of its own to erect the statue; and the provision the Senator has read relates only to the pedestal.

Mr. MILLS. Who created the art commission that passed on the question? Was that done by law?

Mr. WOLCOTT. It is plain it would have been wiser to have read the whole circular. As I have once stated, the act of Congress named a commission which should determine upon the selection of a site and the erection of a pedestal, and the surplus of the amount appropriated by Congress was to go toward the payment for a statue, if any sum should remain. The Society of the Army of the Tennessee, having raised $16,000 against the Government's $80,000, then called for the sending in of models for the erection of a statue, the statue to include the pedestal. I will read the whole of it, and then Senators will understand that it is utterly impossible to segregate the statue from the pedestal, and before I get through Senators will see that one is as much a part of the other as would be the horse and his driver.

Mr. MILLS. But I am not talking about either the pedestal or the statue. I am talking about the cultured gentlemen at New York who passed on the question.

Mr. WOLCOTT. That also I have once stated, and it will appear again.

Mr. MILLS. Who appointed them?

Mr. WOLCOTT. Let me read:

FIRST COMPETITION. GENERAL SHERMAN STATUE COMMITTEE OF THE SOCIETY OF THE ARMY OF THE TENNESSEE.

Committee: Gen. G. M. Dodge, president; Gen. J. F. Howe, treasurer; Gen. J. W. Noble, Col. D. B. Henderson, Col. Aug. Jacobson, Col. Cornelius Cadle, secretary.

JUNE 20, 1895.

DEAR SIR: Referring to our circular letter of invitation of March 22, I would say that having received several letters from sculptors asking for a more detailed statement of the conditions of the competition, the matter was referred to the National Sculpture Society.

That is, the artistic society—

and, after consultation with a number of artists, I submit the following, which will govern the competition.

That is, after consultation with these artists, he submitted "the following, which will govern the competition":

As stated in the circular of March 22, a committee of the Society of the Army of the Tennessee, the president of the same society, the Secretary of War, and the Lieutenant-General of the Army have the authority to erect and supervise the construction of an equestrian monument of Gen. W. T. Sherman in Washington, D. C.

The sum of $96,000 has been raised by subscription and appropriated by Congress for the erection of this monument, and you are invited to compete for its erection.

The amount named must cover the entire cost of excavation, foundation, pedestal, equestrian statue, etc., and all expenses incidental to the erection of the monument ready for unveiling, including four awards of $1,000 each, as hereinafter provided.

Reciting that the whole was to be included in the one bid.

There will also be traveling expenses of experts, office expenses, including pay of United States inspector while work is in progress; this will leave $90,000 actually available for the statue, pedestal, etc.

It all being counted as one.

The monument will be placed in one of the United States reservations in the city of Washington, D. C.

The following conditions will be imposed upon all competitors:

All artists competing must send free of expense and risk to G. M. Dodge, president of the Society of the Army of the Tennessee, care of the Secretary of War, Washington, D. C., on or before January 1, 1896, an accurate and elaborate model of their design on a scale of 1 inch to 1 foot; these models must include both the pedestal and equestrian statue.

Nobody was invited to compete separately for a statue, but they were invited to compete for a pedestal and a statue considered together and estimated together in computing the cost.

The contract for the work will be awarded to the artist whose design is deemed best, provided it is considered satisfactory.

To the artists submitting the next four designs deemed satisfactory for so important a work, but whose models have not been accepted, provided so many are found worthy of consideration, the sum of $1,000 each will be paid.

The money awards herein offered will, if awarded, be paid by the committee from the funds subscribed for the monument, within thirty days after the decision has been rendered.

The successful sculptor will be required to enter into contract with the United States for the work and to give bonds in the sum of $25,000 for its successful performance; the contract will provide for payments as work progresses, in such manner as may be agreed upon between the sculptor and the committee, and shall comply with existing laws and regulations of the accounting officer of the United States Treasury.

A full description of the proposed monument must accompany each model submitted, giving exact dimensions of the monument and character of materials to be used, together with such other information as the artist may deem necessary.

Each model must be signed by the full name of the artist. No secrecy will be maintained.

All models must be in plaster.

No drawing will be considered.

All models violating these rules will be rejected.

All models which can not be executed in a first-class manner for the price named in this circular will be ruled out; this question will be determined by experts.

The monument as erected must be the enlargement and completion of the design accepted.

The committee will agree to return all models at the expense and risk of the artist, if so requested; it will not be held responsible for any models not requested to be so returned or not removed within ten days after rendering the final decision.

Only artists and sculptors residing in this country and American citizens residing abroad may submit designs in this competition.

A committee of the National Sculpture Society will pass on the artistic character of the models, and experts in bronze castings, etc., will aid this committee in arriving at its conclusions.

This committee reserves the right to reject any and all designs.

Only such sculptors and architects as are not connected in a business way with any monumental firm or bronze foundry will be allowed to take part in the competition.

All models will be publicly exhibited for two weeks prior to rendering the final decision, but not afterwards.

The successful artist must model his full-sized statue in the United States, and all the stonework and bronze casting must be done in the United States.

G. M. DODGE, *President*.

Copy:
F. W. RUCKSTUHL, *Secretary N. S. S.*

I call attention to this paragraph:

A committee of the National Sculpture Society will pass on the artistic character of the models, and experts in bronze castings, etc., will aid the committee in arriving at these conclusions.

After this direct and straightforward and it was to be supposed final report of this committee of artists appointed by the committee of the Army of the Tennessee themselves in furtherance of the act of Congress, this second circular was sent out, to which I also invite the attention of the Senate, under date of January 21, 1896—this last January. This was sent to all the competing sculptors.

I should say before this second circular was called out there were 26 bids submitted. This society gave the names of the three equally meritorious men who were unsuccessful in securing the award, but who were entitled to the prize of a thousand dollars. The Army of the Tennessee then met, through its officials, and struck from the list the fourth one of the names which these artists had put in there, and promoted from No. 10 on the list of the committee a man entirely out of the competition—took No. 10 on the list and put him up into the fourth place, displacing one of the four which this art committee had selected, and putting him in as one of the four successful persons, and took the award of a thousand dollars from one of these people and gave it to another.

Then this second circular was sent out:

NEW YORK CITY, *January 21, 1896*.

DEAR SIR: The committee, consisting of a committee of the Society of the Army of the Tennessee, the president of the same society, the Secretary of War, and the Commanding General of the Army, as designated in our circulars of March 22 and June 30, 1895—

Which I have just read—

for the selection of a model of an equestrian statue to Gen. William T. Sherman, to be erected in Washington, D. C., met on January 18, at the War Department, and decided that none of the models submitted expressed the character and individuality of General Sherman or treated the subject with sufficient force to warrant the committee to make a final selection.

That was in direct accordance with the powers reserved to the committee when they first sent out their letter.

They also had before them the report of the committee from the National Sculpture Society, and their report reached the same conclusion.

The committee therefore decided to select the four models which, in their judgment, possessed the most merit for further elaboration and development, these being the models offered in competition by the following sculptors: P. W. Bartlett, Carl Rohl-Smith, C. H. Niehaus, and J. Massey Rhind.

They also selected as entitled to one of the $1,000 premiums offered for merit the models submitted by H. K. Bush-Brown, of New York.

The four sculptors who compete for the final judgment of the committee must send, free of expense and risk, to Gen. G. M. Dodge, president of the Society of the Army of the Tennessee, care of the Secretary of War, Washington, D. C., on or before May 15, 1896, their designs completed on a scale of 2 inches to 1 foot.

The first models called for were 1 inch to the foot.

These designs must include both pedestal and equestrian statue.

The contract for the statue will be awarded to the artist whose design is considered satisfactory.

The three unsuccessful artists will receive each the premium for merit of $1,000, mentioned in the circular of June 20, 1895; also $250 each for their additional labor, to be paid them within thirty days after the decision has been rendered.

A full description of the monument must accompany each model submitted, giving its exact dimensions, the kind and character of the material to be used, and a detailed estimate of the cost.

Each model must be accompanied by the full name of the artist.

All models which can not be executed of first-class material in a first-class manner for the sum of $50,000 will be ruled out, and the committee will call in experts to determine whether the monument can be built within the price named.

The monument as erected must be the enlargement and completion of the design accepted.

The committee reserves the right to reject any or all designs.

The models will be publicly exhibited for two weeks from May 15, 1896.

The successful artist must model his full-size statue in the United States, and all the stonework and bronze casting must be done in the United States, and the sculptor receiving the award will have to comply with the other conditions provided in the two circulars of March 22 and June 20 which apply to him.

The sculptor's attention is called to the equestrian group itself, that it must represent the character and individuality of the subject and the likeness of General Sherman.

Such elaboration and development of his model as the artist may deem best will be allowed in the second design.

The location selected for the statue is that portion of the grounds south of the Treasury Department and bounded as follows: On the north by the street immediately south of the Treasury Department; on the east by Fifteenth street; on the south by D street extended, and on the west by the gravel road around the ellipse and the south grounds of the Executive Mansion.

Any further information desired will be given by the president of the committee, Gen. G. M. Dodge, No. 1 Broadway, New York City.

Yours, very truly,

G. M. DODGE, *President.*

Upon the assurances contained in that circular, and resting upon the belief, as they had the right to rest upon the belief, that the committee of artists would pass upon these four models, which were again to be presented for consideration, these artists again prepared their models, doubling the size before required. They furnished these models as requested by the final circular, and then the president of the Society of the Army of the Tennessee and the commission appointed by Congress met, and without consultation and advice, without accepting suggestions from these artists, but, on the other hand, utterly ignoring the committee which they themselves had summoned to pass upon this question, they awarded the contract, not to one of the four whose names had been reported by this committee from the Sculptors' Society, but to this artist No. 10, whom they had boosted up from No. 10 to be one of the four. The artists who had been led to send their models upon the assurance that they would be passed upon by men who were acquainted with the canons of art were quick to send their models again that they might apparently, but, as it turned out, not really, compete. The suggestions and advice which had been asked for by the Society of the Army of the Tennessee were ignored and repudiated, and the Society of the Army of the Tennessee selected a man who had been rejected by these sculptors.

Now, Mr. President, there is no suggestion of any personal misconduct anywhere. It is further to be said that the old soldiers of the Army of the Tennessee who served with General Sherman, if they were satisfied with the likeness and they were satisfied with the statue, should have much voice in its erection. But that is not enough to say.

It is true, Mr. President, that this city contains many monuments and statues and bronzes that are a disgrace to this end of the nineteenth century. It is true that again and again our streets and our public parks are degraded by statues which have no place there, which are the work of artists who have been appointed through favoritism or friendship for the erection of those statues. It is true that if you yield in one instance to the wishes of those who knew the person to whom a monument is to be erected, but who do not pretend to knowledge of art, that in almost every statue to be erected you ignore the canons of a noble art and leave the choice to the uneducated taste of those who knew the person in his lifetime for whom the statue is to be erected. Personal likeness to the original is but one feature. Many statues make no pretense to a personal likeness, for that is not called for or expected. That is the least of the difficulties in the way of a genuine artist, but the thought, the conception, the plan of the monument, which is to symbolize truth in its highest manifestation, is reached by those who study art for a lifetime; and they can teach us, who know nothing about it, to like and enjoy that which, without such education, we would not appreciate or enjoy.

It is true, Mr. President, that the last things that survive of a race are its monuments and its statuary; and if at the end of this nineteenth century we are to leave for the centuries that are to come after us only such horrid examples of art as largely degrade our public parks the estimate which posterity will make of this century will be poor indeed.

Mr. President, we owe it to ourselves, we owe it to art, we owe it to truth, if we invite people who have knowledge upon these subjects to tell us what we shall do, that we shall follow their suggestions. We owe that to ourselves, and to these artists, who never would have competed if they had not supposed that competent judges were to be selected, we owe something.

There is a grave legal question, Mr. President, whether this committee, which called upon artists to bid for a statue and gave them the assurance that the statue would be passed upon by a commission of artists, and then rejected and repudiated the award of the commission—it is a very serious question whether they may not have legal rights which must be considered before a final settlement of this matter.

I say certainly, Mr. President, every instinct of justice, not only to these artists, not only to the city of Washington, which ought to have for so noble and so splendid a general the highest embodiment of art, but every instinct of honor requires, and the interests of the Society of the Army of the Tennessee require, that we should investigate this question, and we should determine whether or not this selection was made fairly and straightforwardly and legally and in good faith before we commit ourselves finally to the erection of this statue. The time which will elapse is but short. What are six months as against the completion of a work of art by proper methods and on proper lines?

Not only that, Mr. President, but we owe it to common justice that this monument shall stand not alone a monument to the courage, the bravery, and the patriotism of General Sherman, but we owe it to ourselves that it shall not as well stand, as it will stand if we do not investigate and ascertain the facts respecting this award, as a monument of injustice, of unfairness, and of bad faith.

I respect the wishes and desires of the old soldiers of the Army of the Tennessee as deeply as can any man. I feel that they themselves must naturally believe that they know the lineaments of the general they followed to victory. I have no doubt that the award made by these officials of the Society of the Army of the Tennessee was made in the interest of what they believed a plan for the best preservation of the memory of General Sherman for all coming time. But I do believe, Mr. President, that we owe it to art and to ourselves that we shall have the best artistic embodiment in this monument, that we owe it to ourselves and to these artists that we do not invite them to contribute under false representations, and if we tell them their work shall be passed upon by their brother artists we shall not rob them of that right which we have promised them.

Mr. ALLISON. Mr. President, I desire to say a few words respecting this resolution and to give the reasons why I shall vote against it.

The first question for us to consider, it seems to me, as to the resolution is our proper jurisdiction over the subject-matter. How is it and by what method was there an inauguration of the project and plan to erect in the city of Washington an equestrian statue of General Sherman? It did not originate in these Halls; it was not an act of Congress. It was an act of the old soldiers of the Republic who had followed General Sherman through four years of war, his comrades and associates in the Army of the Tennessee. At their annual meeting, I think as long ago as 1891—I have not the dates before me—the Society of the Army of the Tennessee resolved that they would erect in the city of Washington, in commemoration of their distinguished commander, an equestrian statue, and that for that purpose they would raise money from their comrades to execute that wish and will. They appointed a committee of five members of that society, and at the head of that committee was Gen. Grenville M. Dodge, a resident of the State of Iowa. He was the successor of General Sherman as president of the Society of the Army of the Tennessee. He was a soldier selected by his comrades as a fit successor to General Sherman, who had had the honor of being the president of that great organization. This committee of five was a committee for the purpose of erecting this statue, and for the purpose of gathering from the old soldiers a sufficient amount of money to erect it.

This was not a new thing in the city of Washington in commemorating distinguished soldiers of the Republic. It had often been done before. That committee entered upon this work. They commenced raising money, and after they had made some progress in that direction they came to Congress and asked Congress to appropriate a sufficient amount of money to erect a pedestal upon which the statue should be placed. They did that in pursuance of a custom which had prevailed for years. There is not, to my recollection, a single statue in this city where Congress has not appropriated a sufficient amount of money to prepare the pedestal for its construction. That is true as to every statue which is found upon the squares and parks of this city. The amount usually appropriated for this purpose has been $50,000. They appealed to the Congress of the United States to provide a pedestal upon which the statue should rest. That appeal was responded to by the two Houses of Congress in passing the joint resolution which the Senator from Colorado [Mr. WOLCOTT] has read. That resolution provided that the United States should appropriate $50,000 for the purpose of providing a pedestal for the statue to be erected by the Society of the Army of the Tennessee; and if by any chance there should be a residuum, after preparing a proper pedestal, the remainder was to be used for the

erection of the statue itself. In other words, the Government of the United States proposed that if $50,000 was not required for the pedestal, the residuum should be a contribution to the Society of the Army of the Tennessee in erecting a statue to this great general.

The years passed on, and it became perfectly apparent that this committee, after one or two intervening annual meetings of the Society of the Army of the Tennessee, that owing to difficulties in raising money, which I need not go into here, these old veterans of the Army of the Tennessee would not among themselves be able to raise a sufficient amount of money to erect a suitable and proper statue of General Sherman. Therefore the Society of the Army of the Tennessee came to Congress and stated before the committees of this body the difficulties in their pathway, and asked from us an additional contribution to aid them in the erection of this statue. They only asked that we should provide $30,000. A suitable statue in memory of that great general would justify this Congress or any other Congress in providing a much larger sum. In an appropriation bill in the Senate there was inserted a provision for $30,000 additional for the purpose of erecting the statue, and that appropriation was in every essential particular an appropriation to the Society of the Army of the Tennessee, and to nobody else. It was a part and parcel of the contribution of the United States to aid the Society of the Army of Tennessee in securing the erection of a suitable statue in this city. That was the situation. They had, after all their efforts, secured contributions only amounting to a little over $16,000, and the residuum left of the $30,000 for a suitable pedestal it was supposed would be sufficient to erect the statue.

Mr. President, every step in the progress thus far has been taken by the Society of the Army of the Tennessee and by its committee. The only control or direction which Congress had in the matter was the control or direction given to it in the joint resolution of 1892, wherein it was provided that a commission consisting of the president of the Society of the Army of the Tennessee, then as now General Dodge, and the Secretary of War and the General of the Army, whoever they might be, when the statute was to be executed. What were they to do? By the terms of the law they were to select a site for the statue, and they were to prepare the pedestal upon which it should rest. The Secretary of War and the General of the Army, so far as any law is concerned, had only this duty to perform, and nothing else.

What occurred afterwards? I thank the Senator from Colorado for placing on the records here the resolutions and the declarations of that great committee. Who composed it? Was it not composed of men who were not only familiar with General Sherman and his deeds but who knew him personally and well? When further appropriations were required for the statue, thus mingling all our appropriations for the pedestal and the statue itself, the Secretary of War and the General of the Army were, by courtesy, added to the committee of the Society of the Army of the Tennessee to deal with this whole question.

What was done? In the first place, they invited models and bids for the erection of the statue, giving ample notice. The details, I believe, have been incorporated in the RECORD by the Senator from Colorado. Having invited those bids, they also invited a committee of artists to do what? Were this committee of artists exercising any official authority in this matter? They were the advisers only of this committee. They were the men who were simply called in, as we call in in our private affairs a friend who may be more familiar with certain features and phases of what we want to do than we ourselves are. There were, as I have been told—and my familiarity with the details of this subject began on yesterday practically—not 26 but 24 models presented. The Senator from Colorado may be right as to the number; but my information is 24. There were 24 models presented for the inspection of whom? For the inspection of this committee. They had no power, and, so far as these papers disclose, they had no desire to transfer their power and authority to anybody; but they did, as was wise and well, take the advice of a committee of the Artists' Association. This Artists' Association, out of those 24 or 26 models, whatever the number may be, discarded all but 4. When the committee having the authority, the power, and the duty in this matter examined those 24 models they discarded practically all of them, because they said none of them—and that was shown in their report—met the expectations and desires of the committee. Therefore they selected 4 men out of those 24 or 26, whatever the number may be, who, to their minds, presented the best model for a statue. They selected those 4, and asked them to enlarge and change their models to suit whom? The artists? Certainly not. They had no authority and no responsibility respecting it. I do not know, and the Senator from Colorado did not state, who this committee of artists were.

Mr. WOLCOTT. I can state them now. They were Augustin St. Gaudens, the famous sculptor of New York; J. Q. H. Ward, and Daniel C. French—all famous sculptors.

Mr. ALLISON. Yes; there were three sculptors—St. Gaudens, Mr. French, and Mr. Ward—all eminent sculptors. These three gentlemen selected a fourth. The Senator from Colorado says they put at No. 10 the model of Carl Rohl-Smith, of Chicago, and they placed Mr. Bartlett, of Paris, France, in the foreground, and selected three others.

When the committee came to the responsibility of dealing with this question they selected four men, who they supposed would be best qualified to meet their just expectations in preparing a suitable statue. The three sculptors of whom the Senator from Colorado speaks were in every sense functus officio; they had performed what they were invited to do; given their advice, which was partly taken, and then this committee undertook to do what they were required to do by the Society of the Army of the Tennessee, and that was to do the best they could in respect to this statue.

They then selected four models, as to which they requested the artists to modify their designs for the statue. When these four models were produced here, is it claimed by the Senator from Colorado that there was any injustice in not reinviting the same men to consider the four models which they had selected from which to make a final choice?

Mr. WOLCOTT. Certainly; that is my contention.

Mr. ALLISON. That is the Senator's contention, and yet it is rumored that one of those artists was an open and avowed enemy of the man who received the contract for this work of art.

Mr. WOLCOTT. Who was he?

Mr. ALLISON. Mr. St. Gaudens, as the newspapers publicly state, was incensed, it is alleged, for the reason that it was claimed that this associate artist of his had used St. Gaudens's likeness of General Sherman in making up his model. Now, the Senator from Colorado says that Mr. St. Gaudens, who had, it is alleged, thus denounced one of those four, should be selected as an impartial critic and judge as to these four models.

Mr. President, the final award was made. It was made by the Secretary of War, by the General of the Army, by Gen. Grenville M. Dodge, by Col. D. B. HENDERSON, by Gen. J. W. Noble, by Colonel Jacobson, and by Colonel Cadee. These were the men who sat in judgment upon the statues. It was their duty so to sit. They had assumed the authority conferred upon them by the Society of the Army of the Tennessee, and impliedly and not really by an act of Congress.

I understand they called each of these artists before them separately to explain in every way the models, and then, without mutual consultation each with the other, without any one of these men knowing the views of the others, they assembled in an office in the War Department, in this city, and at the suggestion of one of their number, merely for the purpose of ascertaining the personal preferences of each as to the merits of the four models, they took a ballot.

Mr. HAWLEY. A secret ballot.

Mr. ALLISON. They took a secret ballot, without consultation with each other, and four of the six gave the award of merit to Mr. Rohl-Smith and two to Mr. Bartlett, residing in Paris.

Mr. WOLCOTT. I do not wish to interrupt the Senator from Iowa, as I dislike to interrupt Senators; but were the Secretary of War and the General of the Army at this meeting?

Mr. ALLISON. They were both there. Having this informal expression, I understand, and I have no writing upon the subject, the award was made to Mr. Rohl-Smith, of Chicago, an artist who may not have international reputation, but who has a reputation where his work has been seen by experts and by nonexperts.

I am not an expert in art. I have not seen any one of these statues, but I take it that the old soldiers of the Society of the Army of the Tennessee, the comrades of General Sherman, when they come to Washington, will desire to see a statue of the man whom they followed through all the perils of war for four long years. Who can be trusted better to know what, after all, is the true art, the resemblance to the man himself and the surroundings that ought to go with the statue, than the men who sat in this controversy. This statue may be imperfect in some of its details of art, and as to that I know not, but here are General Sherman's own comrades. I have described General Dodge, the president of the Army of the Tennessee, upon whom devolved a trust of the most sacred character as president of that organization. Is it to be supposed for a moment that he would not exert every mental faculty he has for the purpose above every other of securing the best obtainable statue of his general in the Army?

Without going into the history of these men, I know that General Dodge followed General Sherman, as his subordinate commander, through nearly all the years of the war. He saw him in every phase. He marched with him from Chattanooga on the 5th day of May, 1864, if that is the year, through all the battles and skirmishes of the campaign of Atlanta, lasting sixty days, until that great stronghold was captured. He was the commander of a division and of an army corps. He was recognized both by

General Grant and General Sherman as one of the ablest generals on all those battlefields. Is it to be supposed that Gen. John W. Noble, who has held the high office of Secretary of the Interior, who is a man of the highest ability and character, would engage in juggling and tricking, as the Senator from Colorado says, with respect to a statue which is to commemorate the name and fame, imperfectly it is true, as any statue would, of that great general of ours who followed the fortunes of our war till the close? Is it to be supposed for a moment—I shall not go into details as to the character and standing of these men—that for some partisanship or by the exercise of favoritism they would betray the trust, as the resolution implies, by juggling with artists for the purpose of helping or aiding a favorite?

One member of the commission who participated in the award is General HENDERSON, of my own city, a man who for sixteen years has held the confidence of his constituents and the confidence of the other House of Congress, who lost a limb in the Army of the Tennessee, who was a gallant soldier, although not of as high rank as General Dodge. Is it to be supposed for a moment that he would go among the old comrades of the Army of the Tennessee, who in my State are almost as thick as the leaves in Vallombrosa, and tell them he has been guilty of a trick in making this assignment to Mr. Rohl-Smith, a distinguished artist? Is it to be thought for a moment that we will degrade these men by a resolution of inquiry, in a matter which is fully under their jurisdiction and not at all under ours, as to their competency and their honesty and their integrity and their ability, and as to whether they have been guilty of tricking an association of artists or any other association of men? Is it to be supposed that we will do this by putting these gentlemen under the ban of a resolution and checking their authority as respects this statue for six long months?

Mr. President, whatever others may do, I shall not vote for any such inquiry or for any such stigma upon the men whom I have described.

Mr. HAWLEY. Mr. President, I am very much obliged to my colleague, the Senator from Iowa [Mr. ALLISON], for he has practically set forth all that needs be said in this matter. I was aware of the fact that the Tennessee Army Commission met, and after a labored, conscientious act of worship, I might call it, in the selection of a statue, took a secret ballot. They found that four of them had united upon the statue of one man, the special merits of whose work in comparison with others they had not even discussed. I felt sore when I heard the Senator from Colorado [Mr. WOLCOTT], while disclaiming any reflection upon these gentlemen, yet use the words "trick," and "favoritism," or "friendship," in connection with them. All of you who have followed favorite leaders know with what feeling the committee of the Army of the Tennessee must have approached their task. They never did anything more seriously or religiously in their lives. They had in their mind's eye the 60,000 men who followed Sherman in his grand march, and the other comrades who had served under Sherman under various other circumstances.

The Senator from Colorado really gave away his whole case when he said that personal likeness is not called for or expected. What, then, is? An ideal soldier?

Mr. WOLCOTT. I said in the preliminary model; I beg the Senator's pardon.

Mr. HAWLEY. I think the Senator is just as much mistaken in applying the remark to the preliminary model as he would be in applying it to the final statue. How could the commission know which to select if the preliminary models did not suggest Sherman? The statue might as well be one of Moses or Napoleon as of Sherman. How were they to make a choice? Simply because of some graceful arrangement of what may be called the architecture of the statue? Undoubtedly the New York gentlemen might have given us quite an artistic design, but would it have been Sherman? I think not. I think they were seeking the ideal soldier.

Imagine, sir, the 60,000 veterans returned to us and marching through Washington as they did just after the war. Imagine them marching by our various statues here and cheering for Thomas, whom they would know at sight; cheering for McPherson and cheering for Scott, until by and by they came to something they did not recognize. They might say, "It is a very pretty work of art"; but "Who the devil is it?" would be the voice of the Army. Put up a statue that is Sherman—bust, shoulders, back, and head, and his whole pose, so that the soldiers would know it a half mile away, and the whole column would give a continuous roaring cheer as it marched by.

There is a mistake which many artists make when they suppose the great mass of mankind have no artistic taste. They have something that answers for it, though not set forth in the language of critics. I say put a half dozen of statues side by side on a street of a great city, leave there a ballot box, and for twenty years let every man who goes by vote, and in the end the true artists and the people, in my judgment, will ultimately elect the greatest work. Why are works of art immortal? Because they touch the common and universal heart. Apply an analogous test elsewhere, and Homer, Shakespeare, Bunyan, and Burns, Raphael, Rembrandt, Beethoven, and the whole glorious company would be the elected of the people, and not of the art critics only. Why? Because there is in the humanity of men of all centuries and places something that responds to the lovable, noble, and grand, in picture or statue no less than in the living form.

No; I want a popular statue in the true sense of the word, not selected by the votes of idiots or of men who hated Sherman, but by the votes of the great mass of the people, and I have not the slightest doubt on earth, without having seen the competing statues, that these five old soldiers, worshipers of Sherman, have selected a statue which the whole Army of the Tennessee marching by would have chosen out of this group.

I will not set even such honorable gentlemen as the three who are on our Library Committee—our friend the Senator from North Dakota [Mr. HANSBROUGH], our friend the Senator from Rhode Island [Mr. WETMORE], and our friend the Senator from Indiana [Mr. VOORHEES]—to "inquire into the facts and circumstances connected with the late award," as the resolution proposes. We have had the record before us, and therein are all the "facts and circumstances" I want, unless it is to be intimated that there was something wrong, ungentlemanly, unmilitary, dishonorable in the conduct of the gallant soldiers and gentlemen of the commission. There was not. That is an absolute impossibility, and you here who know these men at all would stake your lives that the work was done honorably.

No, sir; we do not want a statue of which people can say: "That is splendid, but it is not Sherman; oh, that is a fine, ideal soldier; it might be the ideal of the American general, but it is not old Tecumseh." I shall vote against the resolution, of course.

Mr. MILLS. Mr. President, it seems to me that we would make a mistake in adopting the resolution or in attempting to undo what has been done in obedience to law.

As my friend the Senator from Iowa [Mr. ALLISON] said in the beginning of his remarks, this is an appeal to the wrong jurisdiction. If the law has been violated the courts are open to those parties, and I very much question whether Congress has the right to deprive Smith of this work after it has been awarded to him in terms of law. Congress is a very strong body, but it can not ride over everything. There are courts which can call it to account. Suppose the man who has obtained the award should go into court. Of course he can not sue the Government, for nobody can sue it; but he can sue these parties. If the contract has been disregarded, if they have committed a breach, he can hold them responsible.

The other House of Congress a few years ago undertook to violate the constitutional right of a citizen of the country and to compel him to testify as to a matter about which Congress had no jurisdiction to inquire. He refused to testify. The House of Representatives ordered its Sergeant-at-Arms to incarcerate him. He could not sue the Government, but he sued the Sergeant-at-Arms for violating his rights as an American citizen, and he obtained a judgment of $50,000 against the Government for it.

Mr. MITCHELL of Oregon. Will the Senator from Texas allow me?

Mr. MILLS. Certainly.

Mr. MITCHELL of Oregon. The Senator has stated and reiterated two or three times that a citizen can not sue the Government. If any right exists here at all which has been violated it is a right under a contract, either express or implied, and the man can sue the Government.

Mr. MILLS. We may consent that the Government may be sued.

Mr. MITCHELL of Oregon. It may be done without consent. There is a law.

Mr. MILLS. He can go to the Court of Claims and present something, but it is a fundamental principle in all governments that the sovereignty can not be sued except with its consent. I say that this man has a legal right to compel the performance of the contract against the parties, the commissioners whom Congress has appointed.

But leaving that clear out of view, here comes up another question. Whom should we consult in giving the contract for building the statue of this very great man, a great military chieftain? I have always thought that the families had some interest in it, and while I was a member and chairman of the Committee on the Library I had to decide in two or three cases. I remember to have joined with the Secretary of War and another in awarding the Hancock statue, and I said at the start that the family of General Hancock were the best judges of what was a proper representation of him, and that was my vote. Again I had to decide in awarding the statue of General Logan. I said to Mrs. Logan, here in an adjoining room, "You have a right to be consulted about the

statue that is to represent your husband, as well as the people of the United States, the statue of one of their greatest citizens"; and I said, "My voice shall be to give the award to the man whom you select"; and that was done.

Then I was by law made a member of the committee which had to award the statue to General Grant. The Grand Army of the Republic, I believe, made a contract for a statue of General Grant and sent it to Washington. I said, "I can not accept it unless General Grant's family come here and say they are willing to accept this statue as a representation of the husband and father." When Mrs. Grant came she said it was about as much like her husband as anybody else in the United States, and I think that would have been the judgment of everyone who has ever seen General Grant.

Now, if I had anything to do with this matter, I should say, "Consult the family of General Sherman as well as the soldiers of the Army"; and the very last people whom I would consult on this earth would be a board of self-constituted artists in this country who have arrogated to themselves to know about all the art in the world. I should have said to the venerable brother who has known him from his infancy, "You are a very good judge as to whether this represents truly the features of General Sherman"; and so as to his children. As to the Army of the Tennessee and the soldiers and the subordinates under Sherman who followed him, I would say to them rather than this art commission, "You are the proper judges of the statue that is to represent the great commander of the Army of the Tennessee."

Mr. WOLCOTT. Mr. President, at the outset of the remarks which I made I distinctly and emphatically disclaimed any personal allusions of a derogatory character to the officers of the Society of the Army of the Tennessee who passed upon this statue. Every member of the Senate fully understood what I said. The Senator from Iowa [Mr. ALLISON] understood fully what I said. It suited the fervid character of his defense of General Dodge that he should assume that I had said something of him that was unkind. I did not. I was careful not to do so, for I have no sentiment toward him in connection with the matter or toward any of the officers of the Society of the Army of the Tennessee who passed upon it which could affect their character. The Senator from Iowa understood that, and of course it is unfair that I should be called upon again to disavow it.

Mr. ALLISON. Will the Senator yield to me for a moment? I spoke of the resolution and not of what the Senator said.

Mr. WOLCOTT. The Senator spoke of my speech. I certainly did not do that. It yet remains true that the 26 men who competed for the statue were led to compete by a statement that their models were to be passed upon by a committee of artists, and it is equally true that in the final award of the monument the recommendation of the artists was utterly repudiated and ignored, and the award was made finally without consultation with and the advice of these artists when the different sculptors were assured that the artists would pass upon the models.

My own share in the whole question is unimportant. To me personally the matter is of but slight importance. I was led into its investigation by some inspection of the models and by some information as to the peculiar circumstances which surrounded the award. The character of the three gentlemen, Messrs. St. Gaudens, Ward, and French, who were called upon to pass upon the models is above reproach. No suggestion that the Senator from Iowa can make as to the character of St. Gaudens will be believed by anybody who knows him.

Mr. ALLISON. I make no reflection upon his character—not in the slightest degree.

Mr. WOLCOTT. I understood the Senator from Iowa to adopt a newspaper statement published in a paper in New York and copied into a Washington paper this morning, in which St. Gaudens is alleged to have been governed by malevolent motives and to be a personal enemy of the sculptor who was awarded the contract. The high character and attainments of St. Gaudens can not be smirched. He stands to-day one of the leading sculptors in the world, one of the best minds and most honorable men who have ever graced art in this or any other country.

It is easy enough to say that this was an appropriation by the Army of the Tennessee, but it was not. The Army of the Tennessee raised $16,000 for a statue. The Congress of the United States appropriated $50,000 for a foundation and the pedestal, and then afterwards, when the Army of the Tennessee could not raise money enough to build the statue, the Congress appropriated as follows:

For the completion of the equestrian statue of Gen. William Tecumseh Sherman, $30,000: *Provided*, That the statue shall not be located upon the Capitol Grounds.

There, Mr. President, is $30,000 appropriated by Congress for the statue itself as against $16,000 appropriated by the Army of the Tennessee. After this appropriation was made the Fine Arts Federation of New York, which is an association composed of the National Academy of Design, the New York Chapter of the American Institute of Architects, the Architectural League of New York, the Society of American Artists, the American Fine Arts Society, the Municipal Art Society of New York, the National Sculpture Society, the Society of Beaux Arts Architects, the Mural Painters, and the American Water Color Society, through its president, Russell Sturgis, became interested in the matter, and a petition was sent to Congress, signed, among others, by Russell Sturgis, president; by Mr. Ward, by Mr. C. T. Cook, by Farnhan, by Kunz, by Daniel C. French, by Thomas B. Clarke, by St. Gaudens, and by Olin S. Warner, protesting against this action.

I realize that what I have said will have little weight in the determination of this matter, but I do desire to enter my earnest protest against this method of disfigurement of the city of Washington and to say to the Senate that it will be many a year before these artists, whom the Senator from Texas [Mr. MILLS] says have arrogated to themselves some knowledge of art which other people do not possess, will again interfere with the proposed action of Congress. They were invited here to pass upon this question. They met and they passed upon it, disinterestedly and intelligently and fairly, and their recommendation was brushed aside as if it had been a feather.

Mr. HAWLEY. Will the Senator from Colorado permit me to make a single remark? They were never asked to decide the matter.

Mr. WOLCOTT. The circulars gave every indication of an intent that their action should decide the matter.

It is said, I do not know how truly, that the successful artist includes upon his panel the pictures of the six judges who passed upon the fitness of his statue. The others do not. I know that the action of this body of artists was intelligently and disinterestedly given, and under the terms of the offer should have weight.

The subject is one which Congress should investigate. It is true that the soldiers of the Army of the Tennessee selected some other model. Their judgment should not stand for all time. This monument will stand either to beautify or to degrade the capital city of the country, and an investigation of this matter can do no harm and can bring but brief postponement.

In the interest of what I believe good morals I have introduced the resolution. I shall call for no division upon it. I do not anticipate its passage. But I desire to put upon record the protest of the honorable and high-minded men who were invited to determine as to this work, and whose recommendation was ignored and brushed aside.

Mr. HAWLEY. Just a word, Mr. President. The Senator from Colorado seems to assume that the statue is wholly unworthy because he speaks with apprehension of its disfiguring the capital. Who of us has seen and studied the statue? I have not for one. I should be very glad to do so. But I think that under the circumstances, upon the close examination of all kinds and classes of men, certainly it will be bound to be not a discreditable statue. I should add what the Senator from Iowa [Mr. ALLISON] says to me, that it does not appear that any one of the artists in question has seen the statue as finally adopted.

The VICE-PRESIDENT. The question is upon agreeing to the resolution submitted by the Senator from Colorado [Mr. WOLCOTT].

The resolution was not agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The VICE-PRESIDENT. The Chair lays before the Senate the action of the House of Representatives on the District of Columbia appropriation bill, which will be read.

The Secretary read as follows:

Resolved, That the House recede from its disagreement to Senate amendment No. 99 to the bill (H. R. 5210), making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, and agree thereto with an amendment as follows: In lieu of the matter struck out by said amendment insert the following:

"*Provided further*, That the service of electric lighting in those streets and places west of Rock Creek now lighted by arc lights, and necessary extensions of said service, shall be let, after due advertisement, to the lowest responsible bidder, but no contracts shall be made for such lights at a price exceeding $100 per lamp per year for each arc light of candlepower equal to or greater than that now furnished; and

"*Provided further*, That the Commissioners of the District may, under such reasonable restrictions as they may prescribe, authorize any existing electric-light company, organized under the laws of the District of Columbia, to maintain and use its existing poles and lines and extensions thereof, either overhead or underground, in places outside of the fire limits of the city of Washington, and by underground conduits only inside the said fire limits, such lines not to be extended in any part of the District of Columbia except in that portion of the same lying west of Rock Creek.

"*Provided further*, That from such lines as may be maintained or established under authority of this act electricity for lights and power shall not be sold to any consumer at rates exceeding 8 per cent of prices charged generally in the city of Washington for such lights and power on the 1st day of January, 1896; and

"*Provided further*, That the District fire-alarm and messenger service may be established along the overhead or underground lines hereby authorized to be maintained and constructed, without charge for pole rent or conduit rent to the District."

The VICE-PRESIDENT. The question is on concurring in the amendment of the House of Representatives.

Mr. TELLER. That is a matter of some importance and I think the Senate should understand what it is.

Mr. ALLISON rose.

Mr. TELLER. I do not desire to discuss it. The Senator from Iowa will make a statement to the Senate.

Mr. ALLISON. I do not desire to discuss the amendment at length. The situation as respects the amendment is that the House, after adopting the conference report which has just been read, receded from one of their amendments to which the Senate had disagreed, with an amendment which is, I believe, what has been read at the desk. I have seen that amendment in the RECORD this morning. I am not sure that the RECORD contains what has been read, but the subject-matter of it is one which the conferees on the part of the Senate, I think I may say truthfully, have not the knowledge they should have in order to deal with a matter of so much importance. It is important legislation tacked on, if I may use that word, at the last moment in the House, making new provisions and new arrangements respecting electric lighting in this city. I am told, though I am not certain as to the matter, that this very subject has been under examination and investigation by the two District Committees of Congress during nearly the whole of the session, and that there are now bills on the Calendars of both Houses dealing with the subject. I regret for one that it has been at the last moment and in the expiring hours of the session brought forward in an appropriation bill, where it must be considered, in the nature of the case, imperfectly.

Mr. PLATT. I should like to have the amendment read to which this is an amendment, if it can be found.

Mr. ALLISON. The effect of it is to strike out the words inserted by the House in what is called amendment numbered 99, and insert in lieu thereof the words which have been read at the desk.

The VICE-PRESIDENT. The Chair will state that the question is upon agreeing to the House amendment to Senate amendment numbered 99.

Mr. PLATT. What is Senate amendment numbered 99?

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. Strike out all after the word "Washington," in line 19, page 17 of the bill, in the following words:

Provided further, That the entire service of electric lighting authorized under this appropriation shall be let, after due advertisement, to the lowest responsible bidder therefor: *Provided further*, That no contract shall be made for electric arc lighting at a price exceeding the rate hereinbefore specified.

Mr. PLATT. That was a part of the original bill.

Mr. ALLISON. It was in the original bill. Those words were stricken out by the Senate, which constituted amendment numbered 99.

Mr. PLATT. And now the House strikes out and inserts.

Mr. ALLISON. This amendment strikes out those words and substitutes other words. It was stated that that could be done under their rules. Of course we can not deal with their rules or modes of procedure.

Mr. PLATT. That is to say, the House technically proposes to amend a Senate amendment?

Mr. TELLER. Yes.

Mr. PLATT. It does not really amend it, but technically and pro forma it says that it amends a Senate amendment by substituting something entirely different.

Mr. TELLER. The House recedes from its disagreement to our amendment with an amendment.

Mr. PLATT. Now, what is the situation in the Senate?

Mr. TELLER. I understand that if the Senate should agree to this amendment it is not a matter for the conference committee. If the Senate disagree to it, then the matter is before the conference committee. That is the parliamentary situation, as I understand it.

Mr. PLATT. What does the chairman of our conferees recommend? Does he recommend that the Senate shall agree to what the House has done or disagree to it and put it into conference?

Mr. TELLER. On that point I do not desire to make any recommendation at all, so far as I am concerned. It is a matter of very sharp disagreement between the members of the Committee on the District of Columbia; it is a matter that has been contested very hotly by citizens of the District, as to the putting up of electric lines on poles, and so forth, and it is a matter that the Senate must determine, as far as I am concerned.

Mr. FAULKNER. I suggest to the chairman of the committee whether it would not be better for the Senate to disagree to the amendment, so as to put it into conference and let the question come up before the conferees of the two Houses, so as to hear the views of those who propounded the amendment as to the propriety of its adoption. I question the propriety, of course, of putting any kind of legislation of this character as new matter on appropriation bills. I should myself be opposed to it on that ground, although I favored a similar bill in substance in the report I made from the Committee on the District of Columbia. It involves the question of overhead and underground wires and other detailed legislation that I think is very important to the District. I do not know exactly what the amendment is. As far as I could catch the reading, it seemed to be somewhat on the line of the bill that we reported. It strikes me the best course to pursue would be to disagree to this proposition and let it go into conference, and then our conferees can make some recommendation to the Senate.

Mr. TELLER. So far as the conference is concerned, we have had this matter under discussion in every phase. In the first place, something similar to this was put in the bill by the committee. It went out on a point of order in the Senate. Then the conferees on the part of the House insisted that we should reinstate it, but the parliamentary situation was such that we had no right to do that, and we declined to do it. But the committee go to the House, and while I suppose it may have been perfectly proper, I did not suppose the House could do it; yet they disagreed to their disagreement and agreed to our amendment with an amendment, and here it is. It raises the whole question whether the Senate is willing now to say that in this outside section of the city, beyond the fire limit, poles may be put up upon which electric wires and telephone wires and other things of that character may be put. There was a very decided protest by the citizens of Mount Pleasant and other sections against the provision the committee of the Senate put in the bill, and that went out on a point of order. For that reason I think the Senate had better deal with this subject, not in a pro forma way, but determine what they want to do with it.

Mr. GALLINGER. Mr. President, it strikes me that perhaps this is as good a time as will present itself for the discussion of the questions involved in this amendment. I am on record as being opposed to this proposition in a bill that is now before the Senate, and I certainly am more strongly opposed to it, if that were possible, when it is proposed that this general legislation shall be incorporated in an appropriation bill.

The matter was before the committee of conference on an amendment made by the Senate striking out certain language which was in the original bill. It went back to the House yesterday on a disagreement. I presume it is competent and proper that we may allude to the other branch of Congress in a matter of this kind. A motion was made that the House should recede from a certain amendment in conference and incorporate an entirely new provision, and that that should be sent to the conference. The point of order was made against it. It was ruled out of order, but not by the Speaker of the House, he not being in the chair at the time. A motion to reconsider was made, and that likewise was ruled out of order, and the amendment thus adopted is sent here for our consideration.

Mr. President, I think we would better talk plainly about this matter. I propose to do so, but shall endeavor not to say anything in connection with it that is not warranted by the record.

For one, I dislike exceedingly to be put in the attitude of criticising the Commissioners of the District of Columbia. It is well known to the Senate that I have not any great regard for the form of government that we have in this District, and I especially have not very great regard for a form of government that gives us three Commissioners, and while the National Government pays one-half of the taxes, no one of the Commissioners is appointed from the territory outside of the District of Columbia unless the engineer officer can be so considered. I say I dislike to criticise the Commissioners of the District in connection with this matter, and yet I apprehend, if it is to be discussed frankly, freely, and openly, some criticism will be necessary.

In reference to this matter, I am going to read from the Washington Times of this morning, and while I am not prepared to say that I indorse every word that I shall read, I do indorse the sentiment of the articles, one of which I find in the news column and the other in the editorial column. The Times says in its news column:

Every member of this Congress knows that there was an old electric-light company in Georgetown which failed in business. Its assets consisted of some old poles, wires, and other things. The purchase of these was made by Messrs. Crosby and Lieb, but it is apparent to any business man that they could not do business satisfactorily or profitably where the old company had failed and gone into the hands of a receiver. It has been stated in this connection that Mr. Crosby was an old friend of Major Powell, and he soon became a business friend of Mr. Truesdell.

The sale of the old electric-light company was effected to Messrs. Crosby and Lieb in November last. It was understood at the time that the field of operations would of course be Georgetown, but the cloven foot became visible by a mere accident.

THAT ECKINGTON PLANT.

Mr. Truesdell had erected an electric-light plant in Eckington to give value to his property there. A great deal of the property had been sold, and it is believed that the electric-light plant having served its purpose was becoming a dead loss to him. It is certain that he desired to sell, from the fact that he offered it to the United States Electric Light Company. Mr. Truesdell's offer was rejected. He then entered into negotiations with Messrs. Crosby and Lieb and succeeded in selling to them the property.

In order that the property could be of any value to Messrs. Crosby and Lieb, as it was confessedly not paying Mr. Truesdell, certain concessions of territory were necessary from the Commissioners, and these were at once forthcoming.

An innocent-looking paragraph appeared in the Times in December reciting

the fact that these gentlemen had been granted a permit by the Commissioners to string wires from Georgetown to Eckington. Whether or not this was a part of the agreement in the sale of the Truesdell plant is not known, but the facts followed each other in logical sequence. This permit was granted in violation of the general law of 1888 against the stringing of overhead wires, and Major Powell admitted on a hearing that such permit was contrary to that law.

The United States Electric Light Company intervened to bring this infraction of the law to a settlement, and the proceedings resulted in a decision by Justice Bingham, which has not been controverted, that the acts of the Commissioners were illegal. It was such a clear case that the Commissioners did not enter an appeal.

HAD OTHER RESOURCES.

To carry out any favors for the Potomac Light and Power Company, then, required the intervention of Congress. The law was declared against the company, but they did not take down their poles or abandon their fight, and solely, it now appears, because there were other strings to be pulled and schemes to be hatched. The whole history of the transaction indicates to most people that the Commissioners were bound to make good some occult agreement with the gentlemen to whom Mr. Truesdell had sold his nonpaying plant.

This view has some ground more than conjecture for its belief from the fact that when the court had decided against the company it was given out that they would shut off the light in Eckington. It was necessary that they should be paid for this work by somebody. The next thing heard of the Commissioners recommended specific sums for the electric lighting of Eckington, which, if realized on, would of course go to the Potomac Light and Power Company. It resulted in the passage of an appropriation of $500 for such lighting.

In the meanwhile the Commissioners, to have certain other strings to their bow, approved of certain bills conferring certain rights on the company, and these have been permitted to slumber for a purpose that is now evident. It was thought that the scheme had been abandoned.

As a last-ditch movement there was an effort made to give the Commissioners power to grant permits to electric light companies, but the true object stuck out several feet when the proposed amendment included one to validate the permits heretofore granted by the Commissioners. This latter clause was an open confession that the "heretofore permits" were absolutely illegal.

The same paper in an editorial used the following language:

The present Congress has shown an unpleasant disposition to be very niggardly in its appropriations for the District of Columbia.

That can hardly be said to be true so far as the Senate is concerned, I think.

The back-door electric legislation successfully rushed through the House of Representatives yesterday adds insult to injury. This amendment, tacked onto the conferees' report on the District bill, will, if finally enacted, foist an irresponsible, illegal, trolley-tainted, dishonorably begotten, monopoly-nursed, and street-disrupting concern on a municipality and a District already suffering too much at the hands of its Congressional guardians. The Times refers to the Potomac Light and Power Company and the passage by the House of the amendment granting it franchise and privileges.

Outside of all questions of municipal welfare, the ultimate success of such outrageously sneaking methods as were used by the official steerers of the scheme seems impossible from the standpoint of parliamentary probity. Since when do conferees originate legislation?

It appears that the Congressional gentlemen whose interests were in the * * * amendment were perfectly willing to recede from their economical ideas on several contested items in the District bill in order that this pet pernicious project might be pushed to a vote. It was then brought into the House at a time when a minority was attempting to filibuster and a majority was attempting to proceed with the business of the day. For the credit of the House as a whole, the vote should not be considered as indorsing the opinion of the majority on the question at issue.

The Times stands for cheap electric light and power, and does not want the District put in the hands of a mammoth monopoly whose tentacles grasp over fifty cities. When the Senate conferees submit the District bill to-day it is to be hoped that this tailpiece of new legislation will again be ruled out of order or voted down, once and for all.

Mr. President, I said a moment ago that I did not accept or approve every word or every expression that is used in the articles which I have read from this enterprising morning daily published in the city of Washington, but I am prepared to say that in my judgment—I may be wrong about it—it presents the question that is now before the Senate in its true light, and that we are as well prepared to-day as at any time to pass upon it.

Mr. President, the United States Electric Lighting Company, which is the established corporation in this city that is furnishing electric light to the people and the Government, so far as I know, has up to the present time conducted its business without any serious fault-finding either upon the part of the citizens of the District or of the Congress of the United States. There have been numerous protests filed; public meetings have been held; hearings have been given by the committees of both branches of Congress, and the matter has been discussed in both Houses in regard to the alleged exactions of the gas company of this District, but, so far as I know, no complaint has ever been urged in Congress or elsewhere against the existing electric lighting company. It may have received more for its product than it ought to have received; it may be a monopoly in the ordinary acceptation of that term; but nevertheless the fact stands that this company has for a long period of years furnished electric light to the people of this city and to the Government, and no fault has been found either with the services it rendered or with the price that it asked or received for its product.

It is well for us that we should keep that matter in mind, and it is well for us likewise in this discussion to remember that the United States Electric Lighting Company, when it commenced business in the city of Washington and for a long number of years afterwards, had an overhead electric system, a cheap and inexpensive system as compared with the modern system that we have in this city now, the wires being placed in underground conduits and the overhead electric-wire system forever abandoned.

In 1890 and 1891, if I remember correctly, the Congress of the United States required this electric lighting company to change its system from overhead to underground wires. The company cheerfully and without hesitation proceeded to do that. It has been suggested in certain quarters—I will not argue that now—that the company, having a charter, having vested rights for a system that had been established for a great many years, might have contested the right of Congress to compel it to change its system. I apprehend the company would have lost if it had made the contention, but the company did not make that contention. It proceeded to put its wires underground, and it did so at a very heavy expense. I think I am correct when I say that the cost of the overhead system of electric lighting is only $219 a mile for construction, while it has been asserted and never contradicted that the cost of the underground electric system is $11,797 a mile. As against $219 a mile for overhead electric lighting, it costs to place the wires in a conduit $11,797.

Now, this company, I am informed, has at the present time 41 miles of wires, and it cost to place those 41 miles of wires under ground $483,677, and in addition to that the company threw away the investment it had made in the overhead system.

I think that when we are dealing with a corporation such as this, that has made this large investment because Congress asked it to make it, that has a very large amount of money invested in its plant, the stock of which is owned by the citizens of the District of Columbia almost exclusively, Congress should hesitate before interfering to destroy the revenues of the company by permitting another corporation to come in and string overhead wires and become a competitor of this established company, and especially so when the new company represents capital outside of the District of Columbia, and which is being backed by very wealthy syndicates (I will not name them, they are known), that are controlling, by a system of monopoly such as the District of Columbia never has suffered from, the electric lighting of a great many cities of the country—I say we should hesitate before permitting legislation, especially to be put on an appropriation bill, that would give these rights to a foreign company, and that would imperil the prosperity and the dividends of this well-established company, which has given such excellent service and which has satisfied the demands of the people of this District and of the Government in the years that have passed.

In addition to the large cost of putting the wires under ground, it must likewise be remembered that the cost of maintenance for an underground system is very much larger than for a system that is erected on poles. I take the figures I find on this point, I will confess frankly, from a publication issued by the United States Electric Lighting Company. They may not be absolutely accurate, but, so far as I know, they never have been controverted. It is shown that to keep in order the item covered by the term "cost of maintenance" of an overhead system it costs $43.80 a mile per year, while the underground system costs $886.22, or $842.42 more than the overhead system.

This company has been called a monopoly. If I were at liberty to read from utterances in a certain other body delivered yesterday, I think I could persuade the Senate that some very startling misrepresentations have been made in this respect. It is said that this company is getting too much for the electric light it is furnishing the city and the Government, and a determined effort is being made to compel the company to furnish electric lighting for a sum very much less than is paid in any other city in the American Union.

I called attention the other day to the fact, and it is well to repeat it, that at the recent national electrical convention held in New York City last month, at which 10,000 electric lighting companies were represented, either by delegates or by letters, it was shown that the average price of the electric arc lights, overhead wires almost exclusively, is 41.7 cents per night, while this company receives only 40 cents by current law, but only actually about 36 cents, because of excess of lamps over appropriations.

Now, it is proposed, on an appropriation bill, not in a bill that has received the consideration of the committees of Congress in the usual way, but on an appropriation bill, to practically charter a new electric-light company in this city with overhead wires to compete to some extent—it may be denied that they will compete, but I assert to some extent—with the existing company, which, in response to the wishes of Congress, made a very large investment to change its system of overhead to underground wires, and which by so doing was loaded with a greatly increased charge by way of interest, cost of maintenance, and so forth.

I assert, and I think every member of this body will agree with me in the assertion, however inconsistent we may be when it comes to the matter of legislation, that an appropriation bill is no place for legislation such as is now before the Senate. This very proposition, or a proposition involving precisely the same principle, was ruled out of the Senate on a point of order only a few days

ago, and now it is proposed to bring it back here by some legislative legerdemain and ask us to adopt it and allow it to become a law.

The Senate may do that, Mr. President, but for one I shall never cast my vote for a proposition that stands as this stands before the Senate, and one which, in my opinion, is not worthy of the serious consideration of this body.

If we are to incorporate a new electric-light company in this District, and that has been proposed, or at least it has been proposed to extend the rights and privileges of an electric-light company which has a quasi incorporation—I say, if that is to be done, let us do it in the regular and orderly way. Let the friends of the measure pass a bill through Congress if they can do so. But I appeal to the Senate not to allow this thing to be done on an appropriation bill. And it is well in this connection to recall to the Senate the fact that a proposition to give these increased privileges to this corporation which is seeking to find a lodgment in the District is now before both Houses of Congress and under consideration. I think I am correct when I say that in the other House the bill has not yet been reported by the committee, while in the Senate it has been reported, a majority and a minority report having been made, and it is now upon the Calendar of the Senate.

So I say if this legislation is to be granted at all, if these rights which this new company seeks are to be acquired, backed as it is by unlimited foreign capital, imperiling, as I believe it does, the existing company, which is owned in the District and the stock of which is held by the people of this District, let it be done in a straightforward, manly way, by passing a bill through both Houses of Congress, and not give them these rights upon an appropriation bill in utter disregard of the rules of this body, and, as I believe, in utter disregard of the rules of the other House of Congress; certainly, Mr. President, in utter disregard, as I look upon it, of the principles of equity and justice which should govern the Congress of the United States in dealing with corporations which have vast sums of money in plants in this District, and which have always responded to every demand of Congress to improve their facilities and to give better service if they were not giving as good service as was required before.

It must likewise be remembered that the United States Electric Light Company, which is the established company to furnish electric lights in the District of Columbia, is absolutely under the control of Congress. It can be commanded to do this or do that, and it has to do it. Their service must be of the best if Congress demands it. Their cost of furnishing lights will be from year to year precisely what Congress fixes upon; and why we should, in the face of that fact, by legislation on an appropriation bill, strike a blow at the interests and prosperity of that company surpasses my comprehension.

Mr. President, I do not care to talk about this matter at great length. I have very decided opinions on the subject, and I am glad to say that only two or three years ago the District Commissioners entertained precisely the same views that I entertain at the present time. I filed a minority report here on the bill which proposed to incorporate this company or to give it these added rights, and I quoted in that report, which I commend to the careful consideration of every member of this body, a written opinion of the District Commissioners against granting similar rights to another foreign corporation which came here two or three years ago and asked to be incorporated. The Commissioners then stood for the interests of the existing company; the Commissioners then said it was bad policy to allow foreign capital to come in here to tear up our streets, to put in electric lighting, whether by underground or overhead systems, and to endanger, as they said, the revenues of the existing company, the stock of which was held by the people of the District of Columbia. They seem to have changed their minds on this matter. I have not changed mine since the time a bill was reported carrying out the recommendations of the Commissioners.

At my request a copy has been placed in my hands of a communication just addressed to the conferees on the District appropriation bill, which covers the matter in controversy so completely that I will take the liberty to read it; and with that what I have to say on this question will come to an end.

This is a communication from the president of the United States Electric Lighting Company; and I think he has made a statement so frank, so honorable, so straightforward that it is well that every member of the Senate who is doing me the honor to listen to me at the present time should have it before him for consideration:

On behalf of the United States Electric Lighting Company and in answer to representations made upon the floor of the House, in consequence of which, as I am informed, the House has agreed to strike out of the bill the paragraph with reference to the advertisement for public electric lighting, etc., found upon page 23, and in lieu thereof to insert the provision heretofore excluded from said bill practically granting a franchise to the Potomac Light and Power Company, I have the honor to submit the following:

1. The claim that the Potomac Light and Power Company is in possession of a plant lying principally west of Rock Creek which supplies territory not now occupied by the United States Electric Lighting Company is not in accordance with the facts. The whole plant of the Potomac Company is entirely an overhead system, and as to that portion of it lying west of Rock Creek, in the city of Georgetown, is and has been at all times paralleled by the underground system of the United States Company. In other words, the United States Electric Lighting Company has a complete and perfect underground system capable of supplying and actually supplying all the demand for either public or private electric lighting wherever in this territory the Potomac Company has the objectionable overhead system.

2. In the construction of the respective plants in this territory the United States Company has expended for every mile of service over $10,000, to $250, or thereabouts, expended by the predecessors of the Potomac Company. The cost of maintenance of the two systems is relatively about the proportion of the above figures.

3. The objectionable overhead plant of the Potomac Company, as has been decided by the courts of the District, was erected in violation of law, and has been so maintained since its erection. Its existence has always been, and is now, in violation of the act of July 18, 1888.

4. The amendment as proposed by the House discriminates in favor of this cheaply constructed and objectionable overhead system, prohibited by law, against the legal and acceptable underground system of the United States Company, which has been constructed at forty times the cost of the other. The amendment, in fact, legalizes an objectionable overhead system, occupying a portion of the city of Georgetown, previously and now covered by the United States Company with underground conduits.

5. There is no portion of the territory in question in the city of Georgetown west of Rock Creek which can not be supplied or is not now supplied by the United States Company by means of these underground conduits.

6. So far as any other portion of the District of Columbia is concerned outside of the territory above mentioned the United States Electric Lighting Company has always extended its service in accordance with law to meet all demands, and stands now ready to extend such service to meet all demands, by the approved and accepted underground system. To effectuate such an extension at Mount Pleasant and Columbia Heights the United States Company has had for months past an application before the Commissioners of the District asking for a permit to extend, at the request of the residents, its underground system into those localities.

Mr. President, I want to emphasize the statement there made. The argument has been used, and the argument will be used, that the existing company refuses to go into the suburbs to give electric light to citizens when they demand and ought to have it. The fact is that there are applications for permits on the files of the District Commissioners to-day to extend the lines of the existing company into certain outlying districts which have not been granted, and which presumably will not be granted so long as the contention that another company shall have the territory is before Congress.

7. Our company has always been willing to occupy and anxious to occupy all the territory in the District of Columbia with its underground system wherever demand was made for lighting by the public.

8. In the establishment of its present plant our company has expended an amount largely in excess of $1,000,000, three-fourths of which has been invested, at the demand of Congress, in its expensive underground system. On the other hand the total investment of the Potomac Company is represented by the purchase of the old Georgetown plant, which we have repeatedly asserted in court and elsewhere, without contradiction, to have cost them but about the sum of $4,700, and the so-called Eckington plant, which we have likewise asserted, without contradiction, to have cost them not to exceed $25,000, if, indeed, this last-mentioned plant has ever been paid for at all.

9. The United States Electric Lighting Company has never had sufficient time before the Appropriations Committee of either House to present the respective rights and equities of the two companies in respect to the question of admitting the Potomac Company to a franchise in the District. Indeed, it has never supposed that that question was a proper matter for legislative action by the Appropriations Committee of either House. The full and courteous hearing extended by the subcommittee of the Senate Appropriations Committee was understood to be limited to the question of the price for public lighting, and not to embrace questions of legislation. As a matter of fact, the Appropriations Committee of the Senate, now called upon to recommend legislation in this regard, has never heard the claims of the United States Electric Lighting Company in that regard.

10. The subject sought to be legislated upon by this amendment is now pending before the House Committee on the District of Columbia unacted upon therein, and it has already been before the District Committee of the Senate, with the result of disagreeing reports, which reports are now before the Senate unacted upon. In this situation of affairs we submit that important legislation of this kind should not be incorporated into an appropriation bill. On the contrary, it should be left to the deliberate judgment and consideration of both Houses of Congress, through the medium of the proper legislative committees.

11. The United States Electric Lighting Company is willing to accept the House figures for public arc lighting, as we have already proposed, providing our company can have a contract for five or more years.

12. The United States Electric Lighting Company stands ready to take off the hands of the Potomac Company at its actual cost to them with interest at 6 per cent to date, and other incidental expenses, all the plant now owned or possessed by said Potomac Company in the District of Columbia, and with proper authority from Congress to light every portion of said District as Congress may direct. It desires to do this through the underground system in every settled portion of the District.

Respectfully submitted.

A. A. THOMAS,
President United States Electric Lighting Company.

Mr. President, this question, it seems to me, is a very simple one. It is whether, when bills are before both Houses of Congress which propose to give a practical charter to a new electric-light company, or at least to give it greatly added privileges and powers, we should permit general legislation of this kind to be placed upon an appropriation bill, and especially so after the matter having been once presented to the Senate was ruled out on a point of order, and which it is now proposed to bring again before the Senate by some sort of legislation, which I confess I do not myself undertake to explain or to understand.

If a matter before a committee of conference can go to either House, and they can strike out a proposed amendment which is properly in conference, and can incorporate a provision of new

law into the bill, and can send that proposition back to conference, why, it seems to me, Mr. President, that the Congress of the United States is absolutely powerless when it puts its business into the hands of conference committees, and that we never can know when either House of Congress takes action upon a proposition in contravention of the rules of the House of which we happen to be members whether or not that same proposition will not be presented to us in some other form, and that we shall be compelled to accept it or reject the conference report. Possibly in the closing days our only relief may be to reject the matter absolutely and thus defeat the bill.

Mr. President, I think if I were a member of that committee of conference—I will not undertake to instruct those distinguished Senators as to their duty in this matter—but I say if I were a member of that committee of conference, before I would permit a proposition of this kind to be forced upon the Senate I would allow the question of electric lighting to go by the board for twelve months; aye, I would let the bill itself fail to become a law.

Mr. HARRIS. Mr. President, I regret that the Senator from New Hampshire has deemed it necessary or even proper to indulge in the criticism he has done upon the Commissioners of the District of Columbia; but I do not think such criticism, even if justifiable or true, both of which I deny, has any material bearing upon the question now pending before the Senate; nor shall I notice that phase of his remarks further than to say that I have served on the District Committee for the last nineteen years; I have known the present Board of Commissioners since the beginning of their respective terms, and one of them for many years before he became a Commissioner; and from the intercourse and knowledge that I have had of those gentlemen I stand here prepared to say that I would trust their integrity and their patriotism as far as I would trust that of myself and my associates on this floor. Like ourselves, they may sometimes commit errors or mistakes; but, I repeat, their integrity of purpose, their fair dealing, and their patriotism I would trust as far as I would that of my associates here.

The questions involved are comparatively simple, and might have been stated in much less time than the Senator from New Hampshire has seen fit to consume. He criticises what he calls the change of opinion of the District Commissioners, referring to some decisions or reports that they have made in former years. Mr. President, if they have changed their opinions upon this or any other question, they do not stand alone in the world in the matter of change of opinion.

The Senator has chosen to read from the Washington Times a long communication and an editorial criticising the Commissioners and discussing this general question. He tempts me to read from a much higher authority than the Washington Times, showing that some other people, and people who hold positions of much greater responsibility and much higher authority than the Washington Times, have also sometimes changed their opinions.

Mr. GALLINGER. I am aware of that, Mr. President.

Mr. HARRIS. On February 3, of the year 1893, the District appropriation bill being pending at the time, I find in the CONGRESSIONAL RECORD the following:

Mr. GALLINGER. I offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 20, line 17, after the word "system," it is proposed to add:

"And said Commissioners are authorized to contract for arc lighting with any electric-light company now organized under the laws of the United States relating to the District of Columbia, and may permit any such company to place its wires under ground in such streets, avenues, roads, and alleys as it may see fit, said wires to be well insulated and in suitable conduits."

Mr. GALLINGER. Mr. President, this amendment relates in one sense to the same subject-matter touched upon by the amendment of the Senator from Florida [Mr. CALL], and yet it will be perceived that it permits a company already organized to do certain things. I desire, in explanation of the amendment, to say that if Senators will go to the Chain Bridge and cross it, they will find on the Virginia side a company with ample capital, which, having constructed a plant and having a water power almost unrivaled, are manufacturing electricity and are lighting the bridge and the road to Georgetown free of expense. They have offered to furnish electricity to light this city and the city of Georgetown for 33⅓ per cent less than is being received by the electric light company which now has the contract.

This is a company, as I said before, amply competent to fulfill every obligation which it enters into, but which is denied the privilege of entering into negotiations even to do what they offer to do at such a reduced rate. We have a monopoly, so far as electric lighting in this city is concerned, which in my judgment would not be tolerated in any other city of the United States.

I trust for that reason, believing it to be for the welfare of the people of this District and believing it to be in the direction of good legislation, that the amendment may be adopted.

There are other comments made by other Senators, and later the Senator from New Hampshire says:

Here is an electric-light company, with ample capital behind it, offering to furnish these lights for $125 a year to the District of Columbia; but they are forbidden to do it because there is a monopoly here which furnishes this light at the exorbitant price which has been named.

If the Senate chooses not to seek this relief for the people of this District I am content. The amendment is before the Senate, and the Senate can do with it just what it pleases.

The Senator from Iowa [Mr. ALLISON] and the Senator from Missouri [Mr. COCKRELL] made some suggestions upon the subject of the amendment, and the Senator from Missouri said:

Mr. COCKRELL. It would give to the District Commissioners the authority to make another contract for $125 a light, when it should be furnished for from $50 to $75.

Mr. GALLINGER. I beg the Senator's pardon. I do not want him to put me in a false attitude. It does not limit the District to $125. I simply suggested that there is a company here willing to do it for that sum.

Mr. COCKRELL. The District Commissioners have power to make a contract for three, four, or five years, and by that time we ought to have a reduction of 75 per cent on the present rates.

Mr. GALLINGER. That is undoubtedly so; and I would suggest to the distinguished Senator from Missouri, who is always fair, that we never shall get any reduction unless we have competition; that we shall never get any reduction until the company to-day at the Chain Bridge, on the Virginia side, with ample capital, is permitted to put its wires in conduits under ground and to have the opportunity of competing, which they have not now under existing laws.

Then the Senator from New Hampshire was earnest in advocating the right of the Potomac Company to compete with the United States Company in the city and out of it, anxious to relieve the people from the exactions of monopoly.

This debate went on, and the Senator from New Hampshire took precisely the ground in 1893 that I have taken since that time, that I entertained then, and that I entertain to-day. He was speaking of this Potomac Company, which originally located its plant on the other side of the Chain Bridge, but subsequently moved up near the Aqueduct Bridge to the edge of Georgetown. Under permits of the District Commissioners, which the District Commissioners understood themselves as being fully authorized to grant and which this company understood the Commissioners as having ample authority to grant, that company has increased its plant. By a statement recently made to me, when I demanded of them a statement of the items of actual expenditure in creating and increasing plant, they showed that they had made actual expenditures and entered into binding contracts that compel them to pay for increasing the plant now under construction, that they have expended and are bound to expend the sum of $380,000, I believe it is. But under these permits that company has not only gone on increasing its plant and preparing itself to carry out this undertaking with the people of the District of Columbia outside the city, but it has, under those permits, erected poles, not in the city, but in the rural districts along the roadways and reaching the houses of rural residents, so that they can furnish power to electric railroads, and they have subsisting contracts to-day with six or eight or more electric railroads running through the rural districts of the District of Columbia.

But in this condition of affairs, and under the fragmentary legislation on appropriation bills in respect to electric lighting and in respect to electric wires, requiring wires in the city to be put under ground, the United States Electric Company, which is the oldest company and which is now furnishing the lights on Pennsylvania avenue and within the city of Washington east of Rock Creek, have constructed conduits and are furnishing lights within that area, under a contract with the District Commissioners, authorized by the various appropriation bills from 1888 down to this time.

There has never been a proposition upon the part of the Potomac Electric Light Company to invade the territory so occupied by the United States Electric Light Company. They have not sought to interfere or to go into that area and compete; but under these permits, which they never doubted the Commissioners of the District had authority to grant, they have gone on and expended $380,000 in the erection of a plant and in the running of single wires some 75 miles, in order to furnish power to rural electric companies and to furnish light to the people resident in the country regions of the District, outside of the city, who have neither gas nor electric light, and are compelled to resort to the coal-oil lamp as the only means of illumination.

In that condition of affairs, availing themselves of this legislation, the president of the United States Electric Lighting Company filed a bill in the supreme court of the District of Columbia seeking to enjoin the Potomac company from turning on its current upon these wires which it had already strung and enjoined them from continuing their improvements, in order to meet their contracts with the people resident in the rural districts outside of the city.

This amendment is intended to authorize the Potomac Electric Light Company to carry on the enterprise that they have thus undertaken, to turn on their currents, and to enable them to carry out their contracts with the people they contracted with to light their residences, and the railroad companies with which they have contracted to furnish power for propelling their cars. This amendment does not provide for a single overhead wire within the city or even within the fire limits, and the fire limits extend much beyond the city limits, but it prohibits a single overhead wire within the limits of the city of Washington, and also within the fire limits, which extend beyond the city of Washington, and wherever this company has occasion to cross any part

of the fire limits this amendment requires them to construct conduits and put their wires under ground, as the other company have been compelled to put their wires under ground within the limits of the city. But in view of the legislation in respect to electric wires, the judge having under consideration this application for injunction, reached the conclusion that the District Commissioners had no authority to grant permits, yet the extension of wires of the United States Company, wherever they have been extended, to the last foot of their extension, has been made under exactly the same permits, granted under precisely the same authority. It occupies precisely the same position as the other company, so far as its work of construction is concerned. Now, here stands this junior company with 70 miles of wire already strung, its poles up in the rural districts, its contracts outstanding for the extension of the plant, and the extension of the wires to furnish electric power to railroads and electric lights to country houses, enjoined from putting on its current and enjoined from extending another foot of wire to carry out those contracts, and that, too, at the instance of the president of the United States Electric Lighting Company.

I grant, so far as I know, that the United States Company has performed its contracts with the city of Washington in a satisfactory manner, and I have no complaint to make of that company except the principle which has prompted it to seek to restrain the other company from going on with its work. I have no disposition to invite the other company, nor does the amendment, nor does the bill I have reported to the Senate authorize the junior company to enter into the territory now occupied and now being lighted by the United States Company, but I think it would be just even to go that far. But the bill reported does not go to that extent. This amendment does not go to that extent. This amendment accomplishes no more and no less than to authorize this company to turn its current on the wires it has already strung and to go on in the performance of contracts it was fairly and fully authorized to make, and that it has made, feeling fully authorized to do so, and to continue its country lines which it has already constructed.

That is the whole question. You not only deprive the junior company of the entire value of its plant by refusing to grant this privilege, but you deprive the great body of the people who live outside of the cities of Washington and Georgetown of the cheap and easy method of lighting up their residences that this junior company is ready to light up and is anxious to light up for them and on terms perfectly satisfactory both to the company and to the residents in the rural districts. That is the whole question.

Adopt this amendment, and then the junior company may go on in the country and string its wires and turn on its current and carry out its contracts with rural railroads and with rural residents. Refuse it, and it is suspended in the air, without authority to do anything, and the people who live beyond the jurisdiction of the present gas company or beyond its mains and service pipes, and beyond the lines extended by the United States Electric Company—and it has extended none, so far as I know in the rural districts—are left deprived of all the comforts and privileges that this extension to the junior company would give.

I do not choose to detain the Senate by a further discussion of the matter, for the whole case rests upon the single point. Wherever they enter not only the city but even the fire limits, far beyond the city—Mount Pleasant has been referred to—the amendment requires them to go under ground, and that is all I understand the people of Mount Pleasant demand. They do not want overhead wires, notwithstanding they are beyond the city limits. I do not care to detain the Senate with further suggestions.

Mr. GALLINGER. I would not detain the Senate a moment longer in the discussion of this question were it not for the fact that the distinguished Senator from Tennessee [Mr. HARRIS] did me the honor to read from the CONGRESSIONAL RECORD the most excellent remarks that I made in connection with a similar discussion some three years ago. I might go into a detailed statement of the reasons that impelled me on that occasion to make an argument in favor of the two young men who were struggling to establish an electric company in the city of Washington and who, as the facts show, lost $75,000 in their effort because Congress would not give them the rights that are sought now to be obtained by their successors, who perchance happen to have back of them two or three large moneyed interests and who propose to come in here to establish a plant in opposition to the United States Electric Light Company.

I do not think that the matter of consistency cuts a very large figure in this case, and I did not quote the opinions of the Commissioners of the District of Columbia because I thought it was to their discredit that they had changed their minds on a question of public concern, but only for the purpose of emphasizing the arguments they then used. I will ask the Senator from Tennessee to be kind enough to tell me the date of the remarks he read from the CONGRESSIONAL RECORD?

Mr. HARRIS. The 3d of February, 1893.

Mr. GALLINGER. On October 21, 1893, the Commissioners sent a communication to Congress in reference to the National Light and Fuel Company, which at that time sought to get certain rights here in opposition to the United States Electric Light Company. In that communication the Commissioners said:

The Commissioners are of opinion that the existing gas and electric companies have sufficient powers to render all the services for which the company proposed in this bill appears to be intended.

As Congress has power to modify the charters of the existing gaslight companies, all the advantages derived from competition, so far as they are concerned, can be secured by legislation. The Commissioners have included $300,000 in their estimates for appropriations for the fiscal year to end June 30, 1895, to enable them to acquire and extend the systems of electrical conduits in the District, now belonging to private corporations, and to fix rates of rental for their use. If this provision should be enacted the municipal authorities could readily protect the interests of customers of electrical companies operated here.

The laying of a new set of pipes and conduits, as contemplated by the bill, would result in great public inconveniences and expense, and, by adding another underground system to those with which our streets are already overcrowded, increase the embarrassments involved in the treatment of problems concerning subsurface works.

Acting upon the recommendations of the Commissioners at a date subsequent to October 21, 1893—I have not the precise date at hand—the Committee on the District of Columbia, of which the distinguished Senator from Tennessee [Mr. HARRIS] was then chairman, made a report to the Congress of the United States. The Senator says he has always been consistent himself and that the rest of us have been inconsistent.

Mr. HARRIS. The Senator from New Hampshire is wholly mistaken. The Senator from Tennessee said nothing of the kind. The Senator from Tennessee said that the Senator from New Hampshire and others——

Mr. GALLINGER. I will appeal to the RECORD in the morning to determine precisely what was said. The committee made a report, which was a unanimous report, as I remember it. Therein they said:

In these views of the Commissioners the committee fully concur. There is no doubt whatever that the present gas and electric light companies are the owners of large and extensive plants, abundantly sufficient to supply all the demands of the city and the District for both gas and electric lighting. There is, hence, no necessity whatever for the introduction of new plants or works. Their introduction is not necessary for public or private convenience or use, and under such circumstances the committee are clearly of the opinion that such introduction would be unwise and impolitic.

In addition, your committee were of the opinion, even if further extension of lighting facilities were necessary, that it would be inequitable to companies owning established plants, whose stockholders are mainly, if not entirely, residents of the District, to bring such companies in competition with foreign capital or capitalists organized apparently for the sole purpose of pecuniary profit. We think the true policy would be to encourage the extension, if necessary, of plants already existing, owned, and operated mainly by citizens of the District. Experience shows that the duplication of companies engaged in public and private service of this kind, doing in large part the business of the public, generally results in the formation of combinations and trusts, seldom, if ever, resulting in the advancement of the general welfare.

The Senator from Tennessee was chairman of the Committee on the District of Columbia which reported the bill. He then took very strong ground in favor of permitting the existing company to extend its plant to furnish electric lighting for the city, to be regulated by Congress.

Mr. HARRIS. What member of the committee reported the bill?

Mr. GALLINGER. Senator Martin of Kansas, if I remember it correctly, made the report, in which we all concurred.

I remember very well, and I have only a single word more to say, that when I made the plea for those two young men across the Chain Bridge the Senate decided against it by a very strong vote. Indeed, I think the only vote that the proposition received was my own vote. I thought then that we might with propriety grant further privileges to this weak company. I confess that possibly there was a little sentiment in it so far as I was concerned, as I knew the young men, and I knew they were struggling against adverse circumstances and conditions that probably would swallow up the investment they had made, which has proved to be correct, for, as I said, they lost $75,000 in the enterprise, and the gentlemen who are here backed by foreign capital and foreign syndicates purchased their plant, which cost $75,000, for the sum of $3,500, or thereabouts.

Mr. HARRIS. The Senator will allow me to make one statement?

Mr. GALLINGER. Certainly.

Mr. HARRIS. The Senator emphasizes the fact as to foreign capital. My information is that the great majority of the stock of the junior company is owned by people in the city and in the District, so that so far as that matter may be considered important by anybody the fact is not with the Senator from New Hampshire. It is the other way.

Mr. GALLINGER. My information does not agree with that which the Senator from Tennessee seems to possess. I think if the Senator will investigate a little further he will find that one of the worst monopolies with which this country has ever been

cursed is back of this company. If he does not so find it, he will have sought in vain for information which I think is available to any Senator who will take the trouble to discover it.

Mr. President, I have said all I care to say on this question. I am but a single member of the Senate. I am opposed to the effort that is being made to incorporate, in my opinion, a new electric company in the District which will not be content with the privileges that are proposed to be given it in the appropriation bill. One of the gentlemen connected with the company, in conversation with me, did not pretend to say they would be ultimately content with that. The Senator from Tennessee himself says that in his judgment they ought to come into the city of Washington on an equality with the existing electric light company. Beyond question if these gentlemen get this legislation on an appropriation bill they will be before Congress asking for further legislation, which, of course, Congress can grant or not as it sees fit.

Mr. HARRIS. Will the Senator from New Hampshire allow me to state another fact?

Mr. GALLINGER. Certainly.

Mr. HARRIS. The Senator speaks of incorporating a new company. This company has existed for many years; first, under a Virginia act of incorporation, and secondly, under the laws of the District of Columbia.

Mr. GALLINGER. There is no doubt about that. I may have used a word inadvertently. However, it is giving life to a dead corporation. There is no doubt about that. It might as well not be incorporated as to be incorporated standing as it does to-day, and these gentlemen perfectly understood that fact, I take it, when they made the investment in these two defunct electric-light plants, which are the bases of their present organization.

Having said this much, I shall be content with any disposition the Senate may make of the question.

Mr. HARRIS. A single word, and that is that the junior corporation is only dead because of the selfish interest and action of the other corporation which the Senator from New Hampshire so vigorously sustains.

Mr. GALLINGER. It is dead because of a decree of the supreme court of the District of Columbia.

Mr. HARRIS. Not at all.

Mr. GALLINGER. That is the situation.

Mr. HARRIS. It is prohibited from suspending its wires at this time.

Mr. GALLINGER. It has no legal right to extend its plant.

Mr. FAULKNER. I shall occupy but a moment of the time of the Senate in reference to this matter. I hope that in the discussion which is taking place we shall not be guilty of acting without due consideration upon one question at least. I concurred, my recollection is, with the Senator from Tennessee in reporting from the Committee on the District of Columbia the bill to which he refers, authorizing this company to extend its wires outside the limits of the city of Washington under proper restrictions.

On examining the amendment submitted by the House to the District appropriation bill I find that it is one of the additional evidences furnished to the Senate of the impropriety of putting general legislation on appropriation bills. Almost every limitation, without exception, contained in the bill reported by the Senator from Tennessee, and which I concurred in as a member of the District Committee, is omitted in the amendment submitted by the House in reference to this subject. We in the Senate have been very decided in our action in reference to the whole question of overhead wires and when they should be removed from streets that are being improved, etc. All of those provisions have been carefully guarded in the bill reported by the District Committee; and there are other provisions which I regard as very important, looking to the future interests of the District, in taking charge of the public lighting as a municipal obligation resting upon the city itself. None of those limitations is contained in this amendment.

Now, what I wish to suggest to the Senator from Tennessee, and I think he will concur with me, is that no matter what our views are in respect to agreeing to this amendment (and I am opposed to its being attached to an appropriation bill, though I support the bill reported by the District Committee without any hesitation at all, as I agreed to it in committee) put on by the House under some rule which I suppose no parliamentarian could exactly justify, we should disagree to the amendment, so that it can go to the conferees of the two Houses. Then, having the bill which has been reported from the District Committee, if they deem it proper to agree to the amendment they should put upon it such limitations in regard to the public interests and the public rights as will prevent this company from getting an advantage over the public which if once obtained we could really in my judgment never take from them.

Mr. GEORGE. What advantage could they secure which we could not take from them?

Mr. FAULKNER. I have been in Congress long enough to see that when a corporation once gets a foothold, backed by great capital and great influence, it is very difficult to modify or change the rights which they have obtained under existing law.

Mr. GEORGE. It is not a legal or constitutional difficulty?

Mr. FAULKNER. Not at all. I am speaking in a practical way, and not upon any legal or constitutional question.

Mr. GEORGE. Oh, yes.

Mr. FAULKNER. The Senator from Tennessee was exceedingly careful in the bill which he reported in protecting the rights and interests of the public, and I am satisfied that if this matter goes to a committee of conference, and the committee shall decide to agree with the House amendment, the limitations or the essential ones contained in the bill reported by the Committee on the District of Columbia will be embodied in the amendment. I think that is essential and necessary to the interest of the public.

Therefore I hope the Senate under any circumstances—whatever views we may have, although I say frankly, with no concealment, that I shall vote against putting the amendment on an appropriation bill, because I do not think it proper that it should go upon such a bill, and therefore I am opposed to it—will disagree to the amendment, so that the committee of conference can put on the amendment the proper limitation contained in this bill.

Mr. SHERMAN. My attention has been called to the conference report by persons who are largely interested in what is called Columbia Heights, a new and very important addition to the city of Washington. From the reading of the amendment as proposed it seems to me very doubtful whether the restrictions as to overhead wires applies outside of the city of Washington.

What is the city of Washington? The amendment would not extend, I think, beyond the boundaries or the limits of the city of Washington. I will read it, so that the Senate may understand it. Here is the proviso:

Provided further, That the Commissioners of the District may, under such reasonable restrictions as they may prescribe, authorize any existing electric-light company, organized under the laws of the District of Columbia, to maintain and use its existing poles and lines and extensions thereof, either overhead or underground, in places outside of the fire limits of the city of Washington.

The fire limits have been extended beyond the city of Washington, and there is what is called the Columbia Heights, an addition where there are very large improvements and where there is a very rapid increase of growth. Some of the persons living there are of the opinion that this would therefore allow poles to be erected outside of the city of Washington without respect to the fire limits of the city of Washington. The fire limits of the District of Columbia extend now beyond the city of Washington.

Mr. HARRIS. A good way.

Mr. SHERMAN. And therefore these restrictions would not prevent them from raising poles in that very important portion of the city.

Mr. HARRIS. Wherever they touch the fire limits the wires have to go under ground.

Mr. SHERMAN. It does not say so. It only speaks of the fire limits of the city of Washington. The fire limits of the city of Washington do not extend beyond. It is true they extend beyond certain portions of the city of Washington, but this would not cover what I speak of.

Mr. HARRIS. I think it would. It is meant to do so.

Mr. SHERMAN. I wish to call attention to that point.

Mr. HARRIS. It is intended to cover the entire fire limits.

Mr. SHERMAN. I do not think it does.

Mr. HARRIS. I have no objection to inserting the words "District of Columbia."

Mr. SHERMAN. That ought to be done. The Senator from Tennessee seems to think that this language would prevent them from erecting poles wherever the fire limits have been extended, but it does not so read. The effect of the provision as it now stands simply prevents them from raising overhead poles inside of the city of Washington or within the fire limits of the city of Washington. I am told that the fire limits do not extend to all of Washington, but they do extend through a portion of the District of Columbia outside of the city of Washington. For instance, Columbia Heights, which is being very rapidly and very handsomely built up——

Mr. HARRIS. If the Senator from Ohio will allow me, we have but one set of fire limits in the District of Columbia. I have no objection to amending the amendment by inserting the "District" instead of the "city," if that is satisfactory.

Mr. SHERMAN. That would cover it. It should read "outside the fire limits of the District of Columbia."

Mr. HARRIS. Though that is the precise intent of the amendment as it is.

Mr. SHERMAN. The city of Washington technically extends only to the boundary line, and beyond that is the District of Columbia. Therefore, where the city proper or the government of the District undertakes to fix fire limits outside it is always on account of the existence of a large number of buildings there. With the insertion of the words "outside of the fire limits of the District of Columbia" I have no objection at all to the amendment.

My attention was called to it by persons who are very deeply interested in it, and I desire to call the attention of the committee to it.

Mr. TELLER. Unless some other Senator desires to discuss it, I think the best way to do is to enter a disagreement with the amendment and let it go to conference.

Mr. SHERMAN. There is no objection to that course.

Mr. TELLER. It must be amended, in any shape, before it can be passed. For instance, we should reserve the right to compel the company to take down their poles and to conform to what is the established system here, putting the wires under ground.

Mr. SHERMAN. It should read that it should not be permitted "within the fire limits of the District of Columbia."

Mr. TELLER. The amendment does read as is pointed out by the Senator from Ohio; and that is one of the objections.

Mr. HARRIS. The amendment really confines the operations to west of Rock Creek. It does not touch the Columbia Heights addition really, because it is limited, I think, to west of Rock Creek.

Mr. SHERMAN. It does not say so. That is the trouble. I should like to have it defined. Wherever the fire limits have been extended there should be no poles erected, because that indicates that the locality is very largely built up with residences.

Mr. TELLER. If we reject the amendment the matter will go into conference, I suppose.

Mr. HARRIS. Necessarily so.

Mr. TELLER. I think that is the best way to dispose of it, but I do not desire to cut off any Senator who wishes to speak on the subject.

The PRESIDING OFFICER (Mr. PLATT in the chair). The question is on concurring in the amendment of the House of Representatives.

The amendment was nonconcurred in.

Mr. TELLER. I move that the Senate request a conference with the House on the disagreeing votes on the amendment.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. TELLER, Mr. ALLISON, and Mr. COCKRELL were appointed.

COMPETITION OF ORIENTAL MANUFACTURES.

Mr. TELLER. I wish to have two articles, published in the San Francisco Chronicle, one in December last and the other some time later, in the spring, printed as a document. They are well-written articles by a gentleman by the name of John P. Young, touching the Japanese competition. We have a committee appointed to consider the matter, and these are carefully and ably written articles, and I ask that they may be printed as a document. I do not care to have them printed in the RECORD.

The PRESIDING OFFICER. The Senator from Colorado asks the unanimous consent of the Senate that the two articles which he has designated may be printed as a document. Is there objection? The Chair hears none, and it will be so ordered.

CONTEMPTS OF COURT.

Mr. HILL. I move that the Senate proceed to the consideration of the bill (S. 2984) in relation to contempts of court.

The motion was agreed to.

Mr. HILL. Mr. President——

Mr. MITCHELL of Oregon. Will the Senator from New York yield to me a moment?

Mr. HILL. Yes, sir.

NORTHERN PACIFIC RAILROAD.

Mr. MITCHELL of Oregon. I ask to have laid before the Senate the House joint resolution in regard to the reorganization of the Northern Pacific Railroad Company.

Mr. HILL. I can not yield to take up the joint resolution.

Mr. MITCHELL of Oregon. I have a right under the rules to ask that the joint resolution be laid before the Senate.

Mr. HILL. The Senator can not take me off my feet.

Mr. MITCHELL of Oregon. I will state to the Senator from New York that I will not ask to take the joint resolution up to interfere with him. I simply desire to have it laid before the Senate. I have that right, I will state to the Senator from New York, under the rule. Under the fifth subdivision of Rule VII I have the right at any time that I can get the floor.

Mr. HILL. I have no objection to the joint resolution being laid before the Senate for reference.

Mr. MITCHELL of Oregon. I desire to give notice that as soon as the matter called up by the Senator from New York is disposed of I shall ask the Senate to proceed to the consideration of the joint resolution.

The VICE-PRESIDENT. The Chair lays before the Senate the joint resolution.

The joint resolution (H. Res. 190) to facilitate the reorganization of the Northern Pacific Railroad Company, to secure to actual settlers the right to purchase at a price not exceeding $2.50 per acre the agricultural lands within its grant, and to prohibit said company or any successor company from giving by consolidation, sale, or other corporate action control of its railroad to any corporation, company, person, or association of persons owning, operating, or controlling a parallel or competing railroad, was read the first time by its title.

Mr. MILLS. I object to the second reading of the joint resolution.

Mr. CULLOM. I shall object to the consideration of the joint resolution at the present session. I understand that it is a very important measure, and we have not enough members of the Senate here to justify its consideration.

Mr. HILL. I only yielded, Mr. President, for the formal reading of the joint resolution.

The VICE-PRESIDENT. The second reading of the joint resolution is objected to by the Senator from Texas [Mr. MILLS], which carries it to the table.

Mr. MITCHELL of Oregon. I ask the Senator from New York to yield to me a moment to say a word or two in regard to the joint resolution.

Mr. JONES of Arkansas. I should like to have the Senator——

Mr. HILL. I do not want to get up a discussion, right in the consideration of the contempts bill, in behalf of some private railroad measure.

Mr. JONES of Arkansas. Before the Senator from Oregon asks the Senate to proceed to the consideration of the joint resolution some of us would like to know something about the measure.

Mr. HILL. The Senator from Oregon simply gives notice that after the contempts bill is disposed of he proposes to call up the joint resolution. I think that answers the purpose.

Mr. MITCHELL of Oregon. Then, will the Senator from New York get through with the contempts of court bill as soon as he can?

CONTEMPTS OF COURT.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2984) in relation to contempts of court.

Mr. HILL. Mr. President, I desire to explain the bill.

Mr. CULLOM. May I inquire if the bill comes from the Judiciary Committee of the Senate?

Mr. HILL. Yes, sir; it was reported May 6 last.

Mr. CULLOM. I have a dispatch here which, if it will not interrupt the Senator, I am inclined to ask the Secretary to read. It is in behalf of the bill, if the Senator will allow it to be read.

Mr. HILL. I have no objection.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

[Telegram.]

PEORIA, ILL., *June 8, 1896.*

To Senator CULLOM, *United States Senate:*

More than 800,000 railroad employees in this country have closely watched the course of the "contempt" in this Congress, and fear now that an adjournment will be had without action on the measure. This mass of citizens earnestly appeals to you and others of its friends in the Senate to do everything honorable and consistent toward the passage of the bill, always providing that the right of trial by jury, as originally ingrafted in the bill, shall remain absolute with a defendant. May we hope for success at this time?

E. P. SARGENT,
Grand Master Brotherhood Locomotive Firemen.
ARTHUR,
Grand Chief Brotherhood Locomotive Engineers.
E. E. CLARK,
Grand Chief Order Railway Conductors.
P. H. MORRISSEY,
Grand Master Brotherhood Railroad Trainmen.
W. V. POWELL,
Grand Chief Order Railway Telegraphers.

Mr. HILL. The telegram is all right enough, but it should be stated that the measure is not in the interest of the railroad men of the country any more than it is in the interest of any other particular class. It is in the interest of the whole people. This bill had its origin in a resolution introduced early in the session directing the Judiciary Committee to investigate the whole subject of the administration of the law in reference to the punishment of contempts. The committee proceeded under that resolution to investigate the subject, and the result is the presentation of this bill.

It is only necessary to state in a very few words the precise situation of the law as it now exists in regard to contempts. It is a power that has existed in the courts ever since we have had courts, a power not regulated by statute, but a power that has always been held by the courts to be inherent to their rightful prerogative. Nevertheless, it is subject to regulation by law. So far as our Federal courts are concerned, there is but one statute of any consequence that bears upon this subject, and that statute I will now read:

The said courts—

Speaking of all the Federal courts—section 725 of the Revised Statutes—

The said courts shall have power to impose and administer all necessary oaths, and to punish, by fine or imprisonment, at the discretion of the court, contempts of their authority: *Provided*, That such power to punish

contempts shall not be construed to extend to any cases except the misbehavior of any person in their presence, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of said courts in their official transactions, and the disobedience or resistance by any such officer, or by any party, juror, witness, or other person, to any lawful writ, process, order, rule, decree, or command of the said courts.

Mr. GEORGE. That is the present law?

Mr. HILL. That is the present law; but it provides no manner for the prosecution of the alleged contempt. It does not regulate, limit, or restrict the amount of punishment which may be inflicted in cases where parties are found guilty of contempt. It not only includes the jurors, witnesses, officers of the court, but the language is, "or other person," who is guilty of contempt of court. The existing law does not provide for an informal trial. That is not regulated. Everything rests in the discretion of the court. A party may be summoned upon affidavits to show cause why he should not be punished for contempt of court. He need not be confronted with the witnesses against him under existing law. The affidavits are read and he may have an opportunity to reply to them. He does not see the witnesses. He may be given time to prepare his defense or he may not.

Mr. GEORGE. They are ex parte affidavits.

Mr. HILL. They are ex parte affidavits. There is no cross-examination of witnesses or anything of the kind. In other words, the whole form of prosecution for contempts of court is absolutely vested in our Federal judges.

In the presentation of this bill it was not intended to reflect upon the administration of our Federal judges in any particular case. We have made no report reflecting upon anybody. We simply say that experience has shown that this power may be abused, and therefore it is wise at this time to regulate it and restrict it, to prescribe certain rights that the accused shall enjoy; and that, Mr. President, is the object of the pending bill.

In the first place, we deem it wise to declare that there shall be two forms of contempt. First, we call it direct contempt. We use the words "direct contempt" because the courts have used them in speaking of contempts in their presence and contempts outside. They have themselves in their decisions used the terms "direct contempt" and "indirect contempt." Therefore we define in the first instance what shall constitute a direct contempt. The first we define as follows:

That contempts of court are divided into two classes, direct and indirect, and shall be proceeded against only as hereinafter prescribed.

SEC. 2. That contempts committed during the sitting of the court or of a judge at chambers, in its or his presence, or so near thereto as to obstruct the administration of justice, are direct contempts. All other are indirect contempts.

In other words, in accordance with existing decisions, all those offenses which consist simply in disrespectful behavior in the presence of a court, open resistance to process near the court room, disturbance outside the court room, offenses which bring the administration of justice into disrepute, shall be called direct contempts. All others are indirect contempts.

Permit me to say right here that in regard to direct contempts we do not change existing law. The absolute discretion which is now vested in the courts of the country whereby they can summarily punish without limit is retained. It is not deemed that that power has been or will be abused. It is deemed by the committee that it is essential for the punishment of those offenses which occur in the presence of the court or immediately surrounding the court, that there should still exist absolute power, without limit, vested in our Federal courts. In regard to other contempts it is deemed wise to regulate the procedure and give the accused some rights. Section 3 is as follows:

SEC. 3. That a direct contempt may be punished summarily without written accusation against the person arraigned, but if the court shall adjudge him guilty thereof a judgment shall be entered of record, in which shall be specified the conduct constituting such contempt, with a statement of whatever defense or extenuation the accused offered thereto and the sentence of the court thereon.

Mr. GEORGE. That is direct contempt?

Mr. HILL. That is direct contempt. To that extent the bill does regulate the form of procedure.

SEC. 4. That upon the return of an officer on process or an affidavit duly filed, showing any person guilty of indirect contempt, a writ of attachment or other lawful process may issue and such person be arrested and brought before the court; and thereupon a written accusation setting forth succinctly and clearly the facts alleged to constitute such contempt shall be filed and the accused required to answer the same, by an order which shall fix the time therefor, and also the time and place for hearing the matter; and the court may, on proper showing, extend the time so as to give the accused a reasonable opportunity to purge himself of such contempt. After the answer of the accused, or if he refuse or fail to answer, the court may proceed at the time so fixed to hear and determine such accusation upon such testimony as shall be produced.

So far there can be no opposition whatever to the bill, it strikes me. Then the committee have provided:

If the accused answer, the trial shall proceed upon testimony produced as in criminal cases, and the accused shall be entitled to be confronted with the witnesses against him—

Then comes the provision—

but such trial shall be by the court, or, in its discretion, upon application of the accused, a trial by jury may be had as in any criminal case. If the accused be found guilty judgment shall be entered accordingly, prescribing the punishment.

SEC. 5. That the testimony taken on the trial of any accusation of indirect contempt may be preserved by bill of exceptions, and any judgment of conviction therefor may be reviewed upon direct appeal to or by writ of error from the Supreme Court, and affirmed, reversed, and modified as justice may require.

The provisions of this proposed act do not apply to the Supreme Court, because the Supreme Court has held that it is beyond the power of Congress to regulate the punishment of contempts in the Supreme Court, and it is therefore omitted.

Mr. MILLS. Is trial by jury given by right?

Mr. HILL. I will come to that in a moment.

Mr. PALMER. May I ask the Senator from New York a question?

Mr. HILL. Certainly.

Mr. PALMER. I heard him rather imperfectly. Does the bill provide any punishment or fix or limit the punishment for any direct contempt?

Mr. HILL. No, it does not. It was not deemed wise to go into that, because, while for some offenses it would be very easy to define the proper punishment, in other cases it is a matter of difficulty. Here is an offense where a man is commanded to execute a deed. He refuses to execute the deed. A punishment for three months or six months is no punishment at all. He must, of course, be confined until he signs the deed. There were so many such instances that it was deemed wise not to interfere with the question of punishment. After giving the party a trial in court with an appeal to the highest court in the country that was deemed sufficient to protect his rights.

Now, the committee split upon this question, and I want to state the proposition just as fairly as I know how. The majority of the committee reported the bill so as to provide that when the party is brought before the court he shall have a trial; that there shall no longer be ex parte affidavits. The party shall be confronted with the witnesses against him. Then the bill says:

But such trial shall be by the court, or, in its discretion, upon application of the accused, a trial by jury may be had, as in any criminal case.

In other words, the trial shall be by the court, but the accused may, upon application, request that he may be given a jury trial, and in such cases the court may, at its discretion, grant it. A minority of the committee thought that the party should be of right entitled in such cases to a trial by jury, and that it should not depend upon the discretion of the court. I expect an amendment may be offered here to strike out the words "in its discretion," changing the word "may" to "shall," and that the question will probably be discussed by other Senators. The committee thought it wise to report the bill in this form, although it was equally divided with those who thought the other way. However, in order to expedite the bill it was reported in the form in which I have read it.

Mr. BUTLER. Will the Senator from New York excuse me for a moment?

Mr. HILL. Yes.

Mr. BUTLER. I will state that an amendment has already been drawn and offered by myself covering that point. I will ask the Secretary to read the amendment which I had printed.

Mr. HILL. I should prefer that the Senator would wait until I get through.

Mr. BUTLER. I think it would be appropriate here, inasmuch as it applies here. I did not have it read at the time I offered it. I trust that the Senator will not object to having it read.

Mr. HILL. Very well; I have no objection.

The VICE-PRESIDENT. The amendment of the Senator from North Carolina will be stated.

The SECRETARY. Strike out all after the word "shall," in line 18 of section 4, down to and including the word "had," in line 19 of the same section, and insert:

upon application of the accused, be a trial by jury.

Mr. BUTLER. Now let the Secretary read the clause as it would stand if amended as I propose.

Mr. HILL. I do not think the amendment proposed by the Senator from North Carolina is exactly appropriate to the place in the bill he has indicated. I think the amendment should be——

Mr. BUTLER. I ask the Secretary to read the amendment so as to show how the clause will read if amended.

The VICE-PRESIDENT. The Senator from New York will suspend until the Secretary has read as requested.

The SECRETARY. It is proposed to strike out all after the word "shall," in line 18, in section 4, page 2, as follows:

be by the court, or, in its discretion, upon application of the accused, a trial by jury may be had.

And insert in lieu thereof:

upon application of the accused, be a trial by jury.

So that the paragraph if amended would read:

If the accused answer, the trial shall proceed upon testimony produced as in criminal cases, and the accused shall be entitled to be confronted with the witnesses against him; but such trial shall, upon application of the accused, be a trial by jury as in any criminal case.

Mr. HILL. In case he does not make the application, then I call the Senator's attention to the fact that he has not left any trial by the court. He has stricken out altogether too much. I suggest that all that is needed is to leave in the words "but such trial shall be by the court," and to strike out simply the words "in its discretion," in line 18, and in line 19 change the word "may" to "shall"; so that it will read:

But such trial shall be by the court, or, upon application of the accused, a trial by jury shall be had as in any criminal case.

Mr. CANNON. Will the Senator from New York yield to me for a moment?

Mr. HILL. Yes.

Mr. CANNON. I have prepared an amendment to this measure exactly covering the ground suggested by the Senator from New York.

Mr. BUTLER. If the Senator from Utah will pardon me——

The VICE-PRESIDENT. The Chair will recognize the Senator from Utah in a moment.

Mr. BUTLER. If the Senator from Utah will pardon me, I accept the suggestion of the Senator from New York, and leave in the words "by the court"; so that it will read:

But such trial shall be by the court, or, upon application of the accused, a trial by jury as in any criminal case.

Mr. HILL. That covers it.

Mr. BUTLER. I accept the Senator's modification of my amendment.

Mr. CANNON. Now, if the Senator from North Carolina will pardon me, I desire to present an amendment which I have prepared.

The VICE-PRESIDENT. The amendment of the Senator from Utah will be stated.

The SECRETARY. Amend by striking out of line 18 the words "in its discretion," and in line 19 by striking out the word "may" and inserting "shall."

Mr. HILL. Mr. President, the amendment of the Senator from Utah, which is, I think, substantially the same as that offered by the Senator from North Carolina, covers the precise point, if the Senate concludes that the party should have as a matter of right a trial by jury in case he desires it. That presents the precise question. I shall make no opposition to the amendment. On the contrary, my personal views are in its favor. The question, however, will be discussed by others.

It will, therefore, be seen that the pending bill is a simple measure regulating a method of procedure, which does not now exist, giving the party a right to be confronted by the witnesses, so that he will be no longer tried upon affidavits, and may have a jury trial in case he demands it. In case he does not demand a jury trial, witnesses shall be produced against him. It does not change the discretion vested in the court to punish in any manner to any extent now allowed, not by law, for there is no regulation by law. To provide against any abuse of that an appeal is given to the court which does not now exist. I need not say that it is held by the courts that no appeal lies in any contempt conviction where the court had jurisdiction. That was the reason why no relief could be given in certain notorious cases to which the attention of the country and the Senate has recently been called. The Supreme Court could not refuse conviction because the court had jurisdiction, and under the decisions of our courts there being no express statute authorizing review, it could not be had.

Mr. President, I think it is necessary that there should be a review. For instance, a judge grants an injunction, grants it improperly, grants it without authority. Of course, there can be an appeal from that injunction to a higher court; but in the meantime, although the party may be advised that the injunction is void and that it is beyond the authority of the court or judge to grant it, he must obey the injunction or refuse to do so at his peril.

Bear in mind that under the common law, as it exists, in addition to the punishment under this special proceeding, the party can still be indicted for contempt of court—indicted for a criminal offense. This does not interfere with it at all. This simply regulates and restricts the power of the court in the punishment of cases for contempt, which are regarded as civil or criminal contempts, leaving the punishment by indictment still existing. It does not interfere with that. Therefore the bill is a fair one in any view that can be taken of it. If amended as suggested, giving the defendant still greater rights and liberties under it, even then, in my judgment, it will be a safe and proper bill.

I have consulted with several jurists in regard to the subject, and while I frankly state that some of them think that the accused ought to be given absolutely a right to trial by jury, and think it ought not to be left discretionary with him, I do not think that there is any special or serious objection to it. It is argued that sometimes in great railroad difficulties, where a railroad attorney who all his life has been defending great corporations is suddenly placed upon the Federal bench, the discretion ought not to be vested in him or in any other judge to refuse the right of trial by jury in such cases. Be that as it may, it strikes me that an able and fearless and impartial judge can regulate the trial; can substantially control it. He charges the jury upon questions of law and gives his opinions upon questions of fact. It is claimed by the friends of this bill that it would not be abused, and that conviction would occur where it ought to occur. The right of trial by jury in contempt cases is given in several States of this Union, and it has worked successfully. In the State of Kentucky, the home of my friend [Mr. LINDSAY], a party is entitled to trial by jury where he is charged with contempts such as this. In other States appeals are given to higher courts; and in case no appeal lies from the court having jurisdiction, we propose in this bill to give these few additional rights for the protection of the accused. That is all there is of the bill.

Mr. ALLEN obtained the floor.

PROPOSED EVENING SESSION.

Mr. ALLISON. I ask the Senator from Nebraska to yield to me a moment, that I may ask unanimous consent that at half past 5 o'clock the Senate take a recess until 8 o'clock this evening. There are at least two or three conference reports which will probably not be ready before 8 o'clock, and it is important that they should be considered to-night.

The VICE-PRESIDENT. The Senator from Iowa asks unanimous consent——

Mr. PEFFER. I did not understand the request, Mr. President.

The VICE-PRESIDENT. The Chair will state the request of the Senator from Iowa, which is for unanimous consent that at half past 5 o'clock the Senate take a recess until 8 o'clock this evening. Is there objection? The Chair hears none, and it is so ordered.

Mr. BUTLER. It seems to me that a night session is not necessary after we are here all day and under quite a strain. I object, Mr. President.

The VICE-PRESIDENT. The Chair had submitted to the Senate the proposition of the Senator from Iowa.

Mr. MORRILL. And it was agreed to.

The VICE-PRESIDENT. There was no objection, and the Chair announced that, there being no objection, it was agreed to.

Mr. BUTLER. I intended to address the Chair, but the Chair announced the result so rapidly that I had not an opportunity to do so.

The VICE-PRESIDENT. Upon the Senator's statement that he intended to address the Chair, the Chair will again submit to the Senate the request of the Senator from Iowa that the Senate take a recess at half past 5 o'clock until 8 o'clock this evening.

Mr. BUTLER. I object.

Mr. MILLS. I object. I think we had better meet in the morning; say 10 o'clock in the morning.

Mr. ALLISON. Then I make the motion that the Senate take a recess from half past 5 until 8 o'clock this evening.

Mr. MILLS. I do not want to stay here all night.

Mr. ALLISON. I will say to the Senator that unless the conference reports are ready at an early hour to-night I shall not ask the Senate to remain in session.

Mr. MILLS. We shall not have a quorum here.

Mr. ALLISON. There is a prospect that we may have a report on the Indian appropriation bill, the naval appropriation bill, and the sundry civil bill.

Mr. MILLS. Why not receive them to-morrow?

Mr. STEWART. I do not see any necessity for a night session when we can meet in the morning and consider the conference reports referred to.

The VICE-PRESIDENT. The Chair was unable to ascertain whether the Senator from Iowa submitted a motion.

Mr. ALLISON. I move that the Senate take a recess from half past 5 o'clock until 8 o'clock to-night.

Mr. BUTLER. I suggest the absence of a quorum.

The VICE-PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Clark,	Hill,	Pettigrew,
Allison,	Cockrell,	Jones, Ark.	Platt,
Bacon,	Cullom,	Lindsay,	Pritchard,
Bate,	Daniel,	McBride,	Pugh,
Berry,	Davis,	Mills,	Sherman,
Blackburn,	Dubois,	Mitchell, Oreg.	Smith,
Blanchard,	Faulkner,	Mitchell, Wis.	Teller,
Brown,	Gallinger,	Morgan,	Turpie,
Burrows,	George,	Morrill,	Vest,
Butler,	Gibson,	Nelson,	Walthall,
Caffery,	Hale,	Palmer,	Warren,
Cannon,	Harris,	Pasco,	Wetmore,
Chilton,	Hawley,	Peffer,	Wolcott.

The VICE-PRESIDENT. Fifty-two Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from Iowa, that the Senate at half past 5 o'clock take a recess until 8 o'clock this evening.

Mr. BUTLER. I ask for the yeas and nays on that motion.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the senior Senator from Michigan [Mr. MCMILLAN]. I do not know how he would vote on this question if present.

Mr. ALLISON. He would vote "yea" if present.

Mr. BLACKBURN. Then I vote "nay."

Mr. GIBSON (when his name was called). I am paired generally with the Senator from Montana [Mr. CARTER]; but in order to make a quorum I will vote. I vote "yea."

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL], but on a matter of this kind I feel at liberty to vote, and I vote "yea."

The roll call was concluded.

Mr. GALLINGER. I desire to announce that my colleague [Mr. CHANDLER] is paired with the Senator from New York [Mr. MURPHY].

The result was announced—yeas 40, nays 11; as follows:

YEAS—40.

Allen,	Davis,	Lindsay,	Pettigrew,
Allison,	Faulkner,	McBride,	Platt,
Berry,	Gallinger,	Mitchell, Oreg.	Pritchard,
Blanchard,	Gibson,	Mitchell, Wis.	Sherman,
Brown,	Gorman,	Morgan,	Smith,
Burrows,	Hale,	Morrill,	Teller,
Caffery,	Harris,	Nelson,	Vest,
Clark,	Hawley,	Palmer,	Warren,
Cockrell,	Hill,	Pasco,	Wetmore,
Cullom,	Jones, Ark.	Peffer,	Wolcott.

NAYS—11.

Bacon,	Butler,	Mills,	Turpie,
Bate,	Daniel,	Pugh,	Walthall.
Blackburn,	George,	Stewart,	

NOT VOTING—38.

Aldrich,	Elkins,	Lodge,	Shoup,
Baker,	Frye,	McMillan,	Squire,
Brice,	Gear,	Mantle,	Thurston,
Call,	Gordon,	Martin,	Tillman,
Cameron,	Gray,	Murphy,	Vilas,
Cannon,	Hansbrough,	Perkins,	Voorhees,
Carter,	Hoar,	Proctor,	White,
Chandler,	Irby,	Quay,	Wilson.
Chilton,	Jones, Nev.,	Roach,	
Dubois,	Kyle,	Sewell,	

So the motion was agreed to.

CONTEMPTS OF COURT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2984) in relation to contempts of court.

Mr. ALLEN. Mr. President, I desire at this time to offer an amendment to the bill, which I send to the desk and ask to have read.

The VICE-PRESIDENT. The amendment offered by the Senator from Nebraska will be stated.

The SECRETARY. It is proposed to strike out all after the first section and the words "but this act shall not affect any proceedings for contempt at the time of the passage thereof," in section 6, and to insert the following:

SEC. 2. That contempts committed during the sitting of the court or of a judge in chambers while engaged in the transaction of the duties of his office, in its or his presence, or so near thereto, by loud and unusual noises or by other means that are calculated to and do obstruct the orderly administration of justice, are direct contempts. All other contempts are indirect contempts.

SEC. 3. That a direct contempt committed immediately in the presence of the court while in session, or of a judge in chambers while engaged in the transaction of the business of his office, by loud and unusual noises or by any other means that are calculated to and do obstruct the orderly administration of justice, may be summarily punished without a written information against the person guilty thereof; but before the accused is punished it shall be the duty of the court or judge, as the case may be, to cause the facts constituting the direct contempt to be stated on the record in full, and if the court or judge shall adjudge the accused guilty a judgment shall be entered of record, in which shall be fully specified the facts constituting the contempt, with a full statement of the facts constituting the defense or the extenuation the accused may make or offer, and the sentence of the court.

SEC. 4. That upon the return of any judicial process by an officer or an affidavit duly filed, which shall contain a full statement of all the facts constituting the alleged contempt as distinguished from legal conclusions or the conclusions of the affiant, charging any person with indirect contempt a writ of attachment, or other legal process under the seal of the court, may issue and such person be arrested and brought before the court; and thereupon a written information under oath, setting forth succinctly and fully the facts constituting the alleged contempt, shall be filed and a certified copy thereof served on the accused before he is required to answer, and an order shall be made fixing the time and place for hearing the charge; and the court shall, on a showing by affidavit of the accused stating the facts as distinguished from the legal conclusions or his own conclusions, extend the time so as to give him full opportunity to defend himself against the charge. After the answer of the accused, or if he shall refuse or fail to answer, the court may proceed at the time so fixed to hear and determine such charge upon such testimony as may be produced in support and rebuttal thereof. If the accused answer the trial shall proceed upon the testimony as in other criminal cases, the burden of proof being on the prosecution, and the accused shall be entitled to be confronted face to face by the witnesses against him, whose names shall be indorsed on the information at the time it is filed and on the copy which is required to be served upon him, and on the request of the accused a trial by jury of the charge shall be had as in ordinary criminal cases. If the accused shall be found guilty of the alleged contempt judgment shall be entered accordingly prescribing the punishment. If he shall be found not guilty a judgment shall be entered to that effect and he shall be discharged, with his costs.

SEC. 5. That the testimony and evidence adduced on the trial of any person accused of direct or indirect contempt shall be preserved by a bill of exception, and a judgment of conviction shall be reviewed upon direct appeal to, or by writ of error from, the supreme court, and affirmed, reversed, or modified as the law and facts may require. Upon the allowance of an appeal or writ of error execution of the judgment shall be stayed upon the giving of such bail as may be required by the court or judge or by any justice of the supreme court, which in ordinary cases of contempt shall not exceed the sum of $1,000.

SEC. 6. That pending the trial or determination of an accusation of direct or indirect contempt the accused shall be entitled to bail until such time as a judgment of guilty shall be entered against him.

SEC. 7. That in all hearings or trials for an alleged contempt the accused shall be entitled to the aid of counsel and shall have the right to testify in his own behalf, but a failure to testify in his own behalf shall raise no presumption against his innocence nor be referred to in any manner during the trial by court, judge, or counsel.

SEC. 8. That the charges or instructions of the court, given to the jury on the trial of any person charged with contempt of court, shall be reduced to writing before being given, and in no case shall any such charge or instruction state or intimate to the jury an opinion on the facts or the weight of the evidence, or what, in the opinion of the court or judge, the evidence proves or tends to prove, and any violation by the court, judge, or counsel engaged in the prosecution of an alleged contempt of the provisions of this act shall ipso facto constitute reversible error.

SEC. 9. That if any person shall be informed against by an individual, corporation, company, or association of persons, either in person or by agent, attorney, or officer, the court, or the judge of the court in which such information shall be filed, must, before causing an attachment or other process to be issued for the arrest of the accused, require such person, corporation, company, or association of persons, as the case may be, to file a bond with two or more sureties who shall be required to justify in double the amount of the bond conditioned that such person, corporation, company, or association of persons, as the case may be, shall and will pay to the accused all damages that he may sustain, not exceeding $10,000, by reason of false imprisonment or malicious arrest and prosecution in such case.

SEC. 10. That the provisions of this act shall apply to all proceedings for contempt in all courts of the United States excepting the Supreme Court.

Mr. ALLEN. Mr. President——

The VICE-PRESIDENT. Before the Senator from Nebraska is recognized, the Chair will state that the amendment submitted by the Senator from North Carolina [Mr. BUTLER] to the bill has not yet been disposed of. The question is upon the amendment submitted by the Senator from North Carolina.

Mr. BUTLER. Mr. President, I suggest that the amendment I offered may go over without prejudice until after the Senator from Nebraska concludes his speech, or until the general discussion upon the bill shall have been concluded.

The VICE-PRESIDENT. Without objection, it will be so ordered.

Mr. ALLEN. Mr. President, I desire to occupy the time of the Senate but a moment to state briefly the difference between the substance of the amendment which I have offered and the bill of the committee.

It will be observed that in the second section of the proposed amendment these words, different from those in the original bill, occur:

That contempts committed during the sitting of the court, or of a judge in chambers while engaged in the transaction of the duties of his office—

Then, in line 4, by the insertion of the words—

by loud and unusual noises or by other means that are calculated to and do obstruct the orderly administration of justice, are direct contempts.

I do not think the bill of the committee sufficiently guarded in its language, and I do not think that a judge sitting in chambers ought to be permitted to himself determine that anything he might decree to be so is a contempt of court. I think it ought to appear upon the record that he is actually discharging judicial duties either as a judge in chambers or in holding a term of court, and that a direct contempt should be such contempt as is committed in his immediate presence by any disorderly conduct in the court room, anything so immediately near the place where the court is being held, such as an unusual noise or something which obstructs the orderly administration of justice. Such a provision should be inserted in the bill and become a part of the law.

Let me say at this time, Mr. President, that I am not in favor of giving to any man unrestrained power. I think the first argument of the tyrant, the first argument of a man who wants to violate his duty in the interpretation or enforcement of a law, is to say that he has discretion in the exercise of judgment. While I recognize the fact that it is essential very frequently to invest in a judge and in other officers the power of discretion, I would reduce that to the minimum; and at all points where it could be guarded, or where the duty could be discharged, without investing the right of discretion, I would withdraw or prohibit the exercise of discretion.

The third section of the amendment which I offer differs materially from the bill of the committee. It provides—

That a direct contempt committed immediately in the presence of the court while in session, or of a judge in chambers while engaged in the transaction of the business of his office, by loud and unusual noises or by any other means that are calculated to and do obstruct the orderly administration of justice, may be summarily punished without a written information against the person guilty thereof; but before the accused is punished it shall be the duty of the court, or judge, as the case may be, to cause the facts constituting the direct contempt to be stated on the record in full—

The committee's bill does not provide this. Then the amendment provides—

and if the court or judge shall adjudge the accused guilty a judgment shall be entered of record, in which shall be fully specified the facts constituting the contempt with a full statement of the facts constituting the defense or the extenuation the accused may make or offer and the sentence of the court.

It is perfectly proper, Mr. President, it is no reflection upon the judge, and it is essential to the rights of the accused to have all the facts stated upon the record which constitute the alleged contempt as well as those facts which the accused may offer in his defense. This measure is therefore more guarded than the measure for which it is offered as a substitute.

Section 4 provides some other safeguards, to the effect—

That upon the return of any judicial process by an officer or an affidavit duly filed, which shall contain a full statement of all the facts constituting the alleged contempt as distinguished from legal conclusions or the conclusions of the affiant, etc.

The bill of the committee simply provides that the accused may be arrested upon legal process, and upon the return of the officer to that process he may be punished. It does not require the filing of an affidavit alleging the statement of facts constituting the alleged contempt as distinguished from the conclusions or the deductions of the affiant.

Then it provides for the issuance of process and the arrest of the accused, and that he may be brought before the court, and when brought before the court "a written opinion under oath, setting forth succinctly and fully the facts constituting the alleged contempt, shall be filed and a certified copy thereof served on the accused before he is required to answer, and an order shall be made fixing the time and place for hearing the charge." I think it perfectly proper that whoever makes the charge of contempt should be required to file an information (it may be in the ordinary form of an information or in the form of an affidavit) setting forth the facts constituting the alleged contempt, and upon that affidavit or upon that information the accused may be arrested and held for trial. But before the court shall put him upon trial he shall have a right to have a certified copy of the information, with the name of every witness who is to appear and testify against him. That is a safeguard required in many of the States of the Union. It is a safeguard which experience has found to be necessary to protect the rights of individuals charged with the commission of an offense.

Then it differs from the committee bill in another respect, to this effect:

And the court shall, on a showing by affidavit of the accused stating the facts as distinguished from the legal conclusions or his own conclusions, extend the time so as to give him full opportunity to defend himself against the charge.

It is not an uncommon thing for a court, in a spirit of anger—for judges are men and have their passions to contend with as other men—to bring a person before it, charged with contempt of court, and without the slightest opportunity to accumulate the evidence in his defense, and, in fact, without the slightest opportunity to defend him at all, adjudge him guilty and either impose the penalty of a fine or imprisonment. If a man is charged by information with contempt of court and given a full opportunity to present the facts constituting his defense, he can very frequently show that he was not really guilty of contempt, because contempt consists largely in insolent and intentional violation of the orders and directions of the court.

Then it provides that—

If the accused answer, the trial shall proceed upon the testimony as in other criminal cases, the burden of proof being on the prosecution, and the accused shall be entitled to be confronted face to face by the witnesses against him, whose names shall be indorsed on the information at the time it is filed and on the copy which is required to be served upon him, and on the request of the accused a trial by jury of the charge shall be had as in ordinary criminal cases.

Not infrequently, in fact in a majority of cases, a man who is arraigned before a court for contempt, if it is an indirect contempt—one committed out of the presence of the court—is arraigned upon affidavits of persons who may or may not, in the discretion of the judge, be called in to testify to the contents of their affidavits. But more frequently the whole issue as to the guilt or innocence of the accused is tried upon affidavits which the experience of any lawyer who has been ten years at the bar satisfies him is of the most flimsy and unsafe character. There has been more perjury committed in this world, in my judgment, in the course of judicial proceedings, by the use of ex parte affidavits than in any other and all other manners. Therefore when a man is charged with the crime of contempt the allegations against him should be specific. He should not only have the right to a trial by jury, because trial by jury is the very essence of our Government, the judgment of one's peers, but he should have the right to have the witnesses come into court and submit themselves to examination the same as in any other case. We are taught that one of the safeguards in the trial of a cause is the right of the accused to confront the witnesses against him face to face, to cross-examine them. Thorough examination and cross-examination of a witness have many times saved an innocent man and demonstrated the falsity of the story he is offering in court. This safeguard, therefore, in my judgment, ought to be inserted in the measure.

Then the fifth section provides—

That the testimony and evidence adduced on the trial of any person accused of direct or indirect contempt shall be preserved by a bill of exceptions, and a judgment of conviction shall be reviewed upon direct appeal to, or by writ of error from, the Supreme Court, and affirmed, reversed, or modified as the law and facts may require.

I know of no provision in the Federal statutes requiring the settling of a bill of exceptions in a case like this.

Upon the allowance of an appeal or writ of error execution of the judgment shall be stayed upon the giving of such bail as may be required by the court or judge or by any justice of the Supreme Court, which in ordinary cases of contempt shall not exceed the sum of $1,000.

I know of no reason why a person who has been charged with and convicted of contempt of court should not have the same privilege to offer bail pending an appeal or the hearing on writ of error that he would have if he were charged with some other offense. The same reason why bail should be given and the same reason why bail should not be excessive in an ordinary criminal case exist with as much force and with as much merit in a case of contempt. This provides a safeguard also against excessive bail in ordinary cases. I think I am clearly within the written history of jurisprudence in this country—I am glad to say the cases are exceptional, but there are cases of the kind—when I say that not infrequently has bail been fixed so high against one who offers it pending an appeal or writ of error that it was impossible for him to give it, and that the order fixing it at that sum was for the express purpose of defeating his right to bail or writ of error.

I skip the sixth section. The seventh section provides for the aid of counsel, and provides also that the accused, if he fails to testify in his own behalf, which he is given the right to do under the amendment, shall not be injured in consequence of any deduction made from that fact, and it prohibits the court or any officer of the court or counsel engaged in the case from making any reference to it during the trial. That provision is in substance, I think, to be found in a majority of the criminal codes of to-day.

The eighth section of the proposed substitute I regard as very important. It provides—

That the charges or instructions of the court given to the jury on the trial of any person charged with contempt of court shall be reduced to writing before being given, and in no case shall any such charge or instruction state or intimate to the jury an opinion on the facts or the weight of the evidence, or what, in the opinion of the court or judge, the evidence proves or tends to prove, and any violation by the court, judge, or counsel engaged in the prosecution of an alleged contempt of the provisions of this act shall ipso facto constitute reversible error.

I look upon the principle of giving charges or instructions to a jury that are oral as one of the most vicious features of our administration of justice. The man who has experience at the bar knows what it means. It means that the emphasis on a word or the change of a sentence occasionally influences a jury, and whatever the judge says, the record should contain his language before the case is submitted to the jury and a verdict taken; and above all things such a judge ought never to be permitted to intimate his judgment of the facts that are being submitted to the jury for their consideration.

I think it is the best opinion in this country now, and it is held to be the rule in most of the States of the Union, that as to whether or not there is any evidence to be submitted to the jury is a question of law, and that when evidence has been submitted, even if it is a mere scintilla of evidence, covering the question—the issues—the probative force of that evidence must be left to the jury, and the jury should be guarded strictly and constantly against insinuations arising in the charges or instructions of the court, and even from the language of the court in making rulings upon its admission.

I go to the last section—the ninth section of the proposed amendment—which I regard as highly important. It provides—

That if any person shall be informed against by an individual, corporation, company, or association of persons, either in person or by agent, attorney, or officer, the court, or the judge of the court in which such information shall be filed, must, before causing an attachment or other process to be issued for the arrest of the accused, require such person, corporation, company, or association of persons, as the case may be, to file a bond with two or more sureties who shall be required to justify in double the amount of the bond conditioned that such person, corporation, company, or association of persons, as the case may be, shall and will pay to the accused all damages that he may sustain, not exceeding $10,000, by reason of false imprisonment or malicious arrest and prosecution in such case.

That is in imitation of certain statutes we have. If a corporation or an individual—and I speak of them upon exact terms of equality—desires to have a person arrested and brought before the court and put upon trial for an indirect contempt, who can offer a reason why that corporation or person should not give a bond to pay the damages that the individual may sustain by reason of imprisonment or false arrest? It is a frequent thing, it is a common thing for a bench warrant or an ordinary order of

attachment to be sent out and an individual brought in and charged with contempt and tried before the court without the intervention of a jury. When he is acquitted, as he sometimes is, he goes out into the world with all the damage possible done to his character and his rights, without any responsibility upon the part of the person who set the prosecution on foot.

I speak of it more particularly as it has reference to certain important events which have taken place in this country within the last two or three years. It has been a common mania since the days of Judge Ricks, in Michigan, four or five years ago in issuing a writ of injunction for Federal courts to issue injunctions under all circumstances almost and on very slight provocation. Who that is familiar with the history of the writ of injunction, who that has learned from the primary law books that it never could be used to restrain the commission of a crime, or to restrain the commission of a trespass, would have thought that that rule would have been overturned by an obscure Federal judge within the last four or five years by the misconstruction of a statute? Since that day it has been a mania, and the moment a controversy arises between certain corporations and their employees that moment their legal advisers are instructed to go before a Federal judge and procure a writ of injunction against the employee and suspend him almost between heaven and earth during the time of his arrest and trial.

Mr. PLATT. Will the Senator from Nebraska allow me with reference to the proposition of law which he has just laid down that we all know that an injunction can not issue to restrain the commission of a crime? That is true. But has it not been held in very many cases that an injunction may issue to restrain the commission of certain acts which acts have been denounced by statute as a crime?

Mr. ALLEN. There may be here and there exceptional decisions of that kind. We have scarcely any rule in this country which does not have its exceptions. But the broad rule has always been, until the innovation was introduced by Ricks, that an injunction could not be issued to restrain the commission of a crime or to restrain the commission of a trespass, unless that trespass was followed by certain known and well-defined damages, and unless the other circumstances authorizing the writ existed, namely, insolvency or inadequacy of legal remedy or something of that kind. But there never has been a time in the history of the common law, there never has been a time in the history of the civil law, from which the equitable injunction has come down to us, there never has been a time in all the history of English or American jurisprudence, when a writ of injunction would issue to prevent the commission of an offense until introduced by Ricks.

A man's character and the reputation of his family are two of the most sacred things to him. Why should the men who are compelled to labor for their livelihood—and labor is honorable—be taken by the throat in consequence of the misconstruction of a statute, and be remediless and powerless against the men or the individual who set the prosecution on foot? If the individual has not been wrongfully prosecuted there is no liability. If he is guilty of the crime with which he is charged the indemnifying bond that may be required to be given is void.

We do not issue an ordinary civil attachment against the property of a man in this country in advance of obtaining judgment against him without requiring the party who sues out the attachment to file with the clerk of the court where the writ is obtained a bond of indemnity. That, I believe, exists in one form or another in every State of this Union. Yet here we will permit this despotism to be exercised over certain classes of our citizens, who in consequence of their lack of financial means are sometimes almost powerless to defend themselves, and we will permit corporations, whose capital aggregates millions of dollars, to use and abuse the processes of the law and bring men before a court or a judge where they are tried without the intervention of a jury, without that shield which is guaranteed by the Constitution to every American citizen, the right of trial by jury. Not only that, but they are deprived of any remedy in damages, which is a very poor remedy at best under the circumstances, against those who have persecuted and who have wronged them.

This is all I desire to say on the measure.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House insisted upon its amendment to the amendment of the Senate numbered 99 to the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes; further insists upon its disagreement to the residue of the amendments of the Senate upon which the committee of conference were unable to agree; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GROUT, Mr. PITNEY, and Mr. DOCKERY managers at the conference on the part of the House.

RINALDO P. SMITH.

Mr. GORMAN. I ask the Senate to proceed to the consideration of the bill (H. R. 2054) for the relief of Rinaldo P. Smith, of Baltimore, Md. I am compelled to be absent for the balance of the evening. It merely refers a case to the Court of Claims.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That jurisdiction is hereby conferred on the Court of Claims to hear and determine the claim of Rinaldo P. Smith, of Baltimore, Md., against the Government of the United States on account of the sale, purchase, or occupation by the Government, through its internal-revenue officers or others, of certain real estate of one George J. Stephens, in Greene County, Va., upon which the late firm of Smith, Ellett & Co., now represented by Rinaldo P. Smith, had a prior lien, and the right of the Government to plead the statute of limitations in bar of said claim is hereby waived: *Provided*, That said claimant file his petition, within sixty days from the passage of this act, in said Court of Claims, either at law or in equity, as he may deem the rights of his case shall require; and the Government shall, upon notice served according to the rules and practice of said court, appear and defend against said suit, and the same shall proceed to final hearing and judgment, with the right of appeal to the Supreme Court of the United States by either party as provided by law.

Mr. MILLS. What committee reported the bill?

Mr. GORMAN. It was reported unanimously from the Committee on Claims.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Claims.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The Committee on Claims reported an amendment to strike out the preamble, which was agreed to.

OVERTON HOTEL COMPANY OF MEMPHIS, TENN.

Mr. HARRIS. I appeal to the courtesy of the Senator from New York [Mr. HILL] having the contempts of court bill in charge to allow me to ask unanimous consent to consider a resolution reported by the Committee on Claims in relation to the bill (S. 1666) for the relief of the Overton Hotel Company, of Memphis, Tenn.

Mr. HILL. I yield, not displacing the contempts of court bill.

Mr. HARRIS. The resolution is found in the report of the committee. The bill can be read if any Senator desires it.

By unanimous consent the Senate proceeded to consider the resolution reported by Mr. STEWART, from the Committee on Claims, May 26, 1896, and it was agreed to, as follows:

Resolved, That the bill (S. 1666) for the relief of the Overton Hotel Company, of Memphis, Tenn., together with all accompanying papers, be, and the same is hereby, referred to the Court of Claims in pursuance of the provisions of the act of Congress, "to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, to find and report to the Senate the facts bearing upon the merits of the claim as to the term of occupancy of the said Overton Hotel from the 1st of January, 1863, at which date the said Court of Claims, having determined that the State of Tennessee ceased to be hostile territory and therefore not to be regarded as the seat of war within the meaning of the third section of the Bowman Act (see Neal *vs.* United States, C. Cls. R. 21, page 240), and the rental value of said property during said term of occupancy, and all other facts contemplated by the provisions of said act.

EAST WASHINGTON HEIGHTS TRACTION RAILWAY.

Mr. BLACKBURN. I ask the Senator from New York to yield to me that I may call up a bill.

Mr. HILL. I yield to the Senator from Kentucky, without prejudice to the contempts of court bill.

Mr. BLACKBURN. I ask the consent of the Senate at this time to call up the bill (S. 2840) to incorporate the East Washington Heights Traction Company of the District of Columbia.

Mr. CULLOM. It is a very long bill.

Mr. BLACKBURN. No, it is not. I apprehend that it will cause no debate and meet with no objection. It has been unanimously reported from the Committee on the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT DETROIT, MICH.

Mr. BURROWS. I ask the indulgence of the Senate to introduce a joint resolution and ask unanimous consent that it may be put upon its passage.

The joint resolution (S. R. 161) authorizing the Secretary of the Treasury to place a bronze tablet or inscription on the Government building now being erected in Detroit, Mich., was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be prepared and placed in some suitable position on the Government building now being erected in the city of Detroit, Mich., a bronze tablet or an inscription commemorative of the fact that the said public building is erected on the site of the British Fort

Lernoult, which was surrendered to the United States in 1796; and is also on the site of the American Fort Shelby, which was demolished in 1826: *Provided*, That the cost of such tablet shall be paid from the appropriation already made for the said building.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DONATION OF CONDEMNED CANNON.

Mr. CULLOM. I ask leave to call up the bill (H. R. 2) disposing of two condemned cannon. It is a bill that I neglected to call up.

Mr. HILL. The Senator from Illinois is aware that a general bill providing for the disposition of condemned cannon has passed both Houses, and has been signed by the President.

Mr. CULLOM. That is true; but this bill passed the other House a long time ago, and it was expected that I would attend to it here. I neglected it, so I ask that it be passed now.

Mr. HILL. It may not be reached by the general law, possibly.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill indicated by the Senator from Illinois?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to supply the First Regiment of Infantry of the Illinois National Guard with two condemned cannon, to be placed at the entrance to their armory at Michigan boulevard and Sixteenth street, Chicago, Ill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS GUINEAN.

Mr. McBRIDE. I ask for the present consideration of the bill (S. 525) for the relief of Thomas Guinean, of Oregon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Thomas Guinean, of Oregon, the assignee of Bradley S. Hoyt, deceased, of California, $160, paid the United States by Hoyt on account of land entry at Shasta, Cal., and which entry was subsequently canceled.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

NAVAL APPROPRIATION BILL.

Mr. HALE. I submit the conference report on the naval appropriation bill, which has been agreed to by the House of Representatives, and ask for its adoption.

The VICE-PRESIDENT. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 39, 42, 43, 44, 45, 46, 47, 48, and 52, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the word "two" inserted by said amendment insert the word "three"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Insert after the word "one," in line 24, page 49 of the bill, the following: "and not more than one"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: Strike out, in line 3 of said amendment, the word "five" and insert in lieu thereof the word "four"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*And provided further*, That the Secretary of the Navy is hereby directed to examine into the actual cost of armor plate and the price for the same which should be equitably paid, and shall report the result of his investigation to Congress at its next session at a date not later than January 1, 1897; and no contract for armor plate for the vessels authorized by this act shall be made till after such report is made to Congress for its action;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,870,600"; and the Senate agree to the same.

EUGENE HALE,
M. S. QUAY,
A. P. GORMAN,
Managers on the part of the Senate.

C. A. BOUTELLE,
JOHN B. ROBINSON,
AMOS J. CUMMINGS,
Managers on the part of the House.

Mr. SMITH. Mr. President, I desire to say a word in regard to the report which has just been read.

As one of the members of the Committee on Naval Affairs opposed to the provision as to armor plate contained in the previous conference report, I desire to say that as the conferees have now settled the question and it is left with the Secretary of the Navy to take evidence and to be prepared at the next session of Congress to report as to the price which should be paid for armor plate, believing, as I do, that no Department of this Government has been more honestly or ably managed than the Navy Department, and having full confidence in the Secretary, I am fully satisfied and pleased with the result of the present conference.

The VICE-PRESIDENT. The question is on concurring in the report of the committee of conference, which has been read.

The report was concurred in.

Mr. BATE subsequently said: Not recognizing the amendment providing for battle ships by the mere reading of the number of the amendment, I was not aware—and the same is true of other Senators who were near me—of the effect of the approval of the conference report which was submitted by the Senator from Maine [Mr. HALE]. I now understand it involves the question as to the number of battle ships to be constructed. I did not know that at the time the report was read, and I want it understood that I am opposed to that portion of the report, as I certainly would not be willing under present conditions to agree to the construction of any number of new battle ships beyond two. I think the question was not understood by the Senate when it was submitted by the Chair.

The VICE-PRESIDENT. The Chair will again submit the question to the Senate on concurring in the report of the conference committee which was submitted by the Senator from Maine [Mr. HALE].

The report was concurred in.

PROPOSED EVENING SESSION.

Mr. TURPIE. I desire to have the Senate reconsider House bill 1094.

Mr. ALLISON. I ask unanimous consent that the order recently made for a recess this evening may be suspended.

The VICE-PRESIDENT. Is there objection?

Mr. TURPIE. I object.

Mr. ALLISON. One moment. I desire that the Senate may continue in session for such time as it may choose, and then meet at 10 o'clock to-morrow morning.

I desire to say for the information of the Senate that there will be no conference reports in addition to the one which has just been acted upon and the conference report on the Indian appropriation bill, which will be disposed of in a few moments.

The VICE-PRESIDENT. The Chair will submit to the Senate the request of the Senator from Iowa.

Mr. ALLISON. Which is, that at a later hour we adjourn the session until to-morrow morning at a convenient time, say 10 or 11 o'clock, instead of having a night session, which will inconvenience everyone.

Mr. COCKRELL. Say 11 o'clock.

Mr. ALLISON. I will say 11 o'clock, and let us reconsider our action on ordering a recess, so that we can have an adjournment when the pending measures are disposed of.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Iowa?

Mr. WARREN. Do I understand that the mover of the evening session now desires to have it dispensed with and to adjourn until to-morrow?

Mr. ALLISON. That is my request.

Mr. WARREN. I have this to say: I have been here helping to make a quorum for a great many days, and I have a measure, of which I have given notice, which I desire to have considered; and I do not want to have ourselves cut short so as to prevent its consideration. If, however, we are to remain in session to-morrow, there may be an opportunity for its consideration.

Mr. HILL. I suggest to the Senator from Iowa that we now simply rescind the order for taking a recess at half past 5 o'clock, which will not determine as to how long we shall sit this evening.

Mr. ALLISON. That is all I ask.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Iowa that the order for a recess this evening be rescinded? The Chair hears none, and it is so ordered.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I submit a report of the committee of conference on the Indian appropriation bill.

The VICE-PRESIDENT. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 69 and 70 to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"And it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school: *Provided*, That the Secretary of the Interior may make contracts with contract schools, apportioning as near as may be the amount so contracted for among schools of various denominations for the education of Indian pupils during fiscal year 1897, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children and to an amount not exceeding 50 per cent of the amount so used for the fiscal year 1895."

And the Senate agree to the same.

R. F. PETTIGREW,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

J. S. SHERMAN,
CHARLES CURTIS,
GEORGE C. PENDLETON,
Managers on the part of the House.

The VICE-PRESIDENT. The question is on concurring in the report of the committee of conference.

The report was concurred in.

FRANCIS E. HOOVER—VETO MESSAGE.

Mr. TURPIE. I ask the Senate to proceed to reconsider the bill (H. R. 1094) granting a pension to Francis E. Hoover.

Mr. PLATT. Let the bill be read and also the President's message.

The VICE-PRESIDENT. The bill will be first read.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls, at the rate of $30 per month, the name of Francis E. Hoover, late a private of Company I of the Sixty-fourth Regiment of Ohio Infantry Volunteers, in lieu of the pension now being drawn by him.

Mr. PLATT. Now let the veto message be read.

The VICE-PRESIDENT. The message of the President will be read.

The Secretary read as follows:

To the House of Representatives:

I herewith return without my approval House bill numbered 1094, entitled "An act granting a pension to Francis E. Hoover."

It is proposed by this bill to grant a pension of $30 a month to the beneficiary therein named, who served as a private for about one year and nine months in the Union Army during the war of the rebellion.

I do not understand that it is claimed in any quarter that the present helpless condition of this soldier is at all attributable to his army service. He himself never applied for a pension until after the passage of the law of 1890, providing a pension for those who had served in the Army and are unable to maintain themselves by manual labor on account of disability not chargeable to army service. The committee of the House of Representatives, in reporting this bill, declare "the testimony does not show the disease of the soldier to be of service origin."

The beneficiary is now receiving the largest pension permitted under the law of 1890.

His condition may well excite our sympathy; but to grant him a pension of $50 a month without the least suggestion that his pitiable disability is related to his army service, and in view of the fact that he is now receiving the highest pension allowed by a general law enacted to expressly meet such cases, it seems to me would result in an unfair discrimination as against many thousand worthy soldiers similarly situated, and would invite applications which, while difficult to refuse in the face of such a precedent, must certainly lead to the breaking down of all the limitations and restrictions provided by our laws regulating pensions.

The value of pension legislation depends as much upon fairness and justice in its administration as it does upon its liberality and generosity.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 25, 1896.*

Mr. PLATT. What has been the action of the House of Representatives?

The VICE-PRESIDENT. The action of the House of Representatives will be stated.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *May 21, 1896.*

The President of the United States having returned to the House of Representatives, in which it originated, House bill 1094, entitled "An act granting a pension to Francis E. Hoover," with his objections thereto, the House proceeded, in pursuance of the Constitution, to reconsider the same; and

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The VICE-PRESIDENT. The question is, Shall the bill pass, the objection of the President of the United States to the contrary notwithstanding?

Mr. PLATT. Mr. President, I should like some explanation of this bill. The President says that this soldier is receiving $12 per month under the act of 1890, and that there is no evidence showing that his disabilities are the result of army service. If that be so, I think it is the first time that we have increased a pension granted under the act of 1890 beyond the amount allowed by that act. I may be mistaken about that, but I wish the chairman of the committee would explain the case.

Mr. TURPIE. Mr. President, the controlling and only disputed question in this case is that of incurrence, whether the disease and disability to which the soldier is now subjected arose from his service in the Army. It is true the first report of the Committee on Pensions upon this subject was very meager, and perhaps sustained everything said in the message with respect to it; but the last report of the committee is a very full one, and I wish simply to read an extract from it.

I will say that the Committee on Pensions of this body have reported the bill unanimously after considering the veto message, and that the House of Representatives has decided nearly unanimously in favor of the bill against the veto.

With respect to the question of incurrence, I will read an extract from the testimony of physicians, and I regard it as very important. No extract from the testimony was put into the first report, which went to the President. The second report contains this extract:

There can be no doubt, at least to my mind, that the causative factor to this diseased condition, rheumatoid arthritis, is to be traced and placed to the exposure incident to military life: the damp ground upon which he slept, the poor food, the mental strain and excitement, produced a poor condition of body, which in after years was unable to resist the ravages of disease, and in this broken-down condition of body this essentially chronic disease found an easy victim.

That is the testimony of Dr. Hoopingarner, one of the principal physicians in Elkhart, Ind. He states the condition of the pensioner under oath, and then the committee go on to state that—

This statement is corroborated by four other physicians residing in Elkhart.

There, then, is the sworn testimony of five physicians that the condition of the soldier is due to his military service, and we should take the facts in the case. He was one year and nine months in the service, during which time he was in three pitched battles, one at Franklin and two other engagements, very severe engagements, perhaps the severest of the war. He made four forced marches. He was in perfect health, of the most sound constitution, and scarcely 18 years old when he entered the service. He returned without visibly suffering anything from the exposures and hardships to which he had been subjected; but everyone knows such exposures and hardships are drafts on the physical constitution which in the future must be honored. Nature avenges herself for such violations of her laws as are compelled by persons engaged in the military service as privates.

This soldier returned, went into his ordinary vocation, and was employed in it for many years. He suffered no disability, and therefore made no application for a pension until after 1890, when this rheumatoid arthritis appeared, to which perhaps he had some constitutional diathesis, but which it is certain that the military service aggravated to an unbearable degree. Now he is totally helpless. He requires the services not only of a third person, but of a fourth and fifth person. He is helpless in bed. He can be only handled by a sheet, which is fastened to cords and pulleys. He can not be touched without suffering exquisite pain. He lives, and that is all. The functions of life remain; real living has disappeared long ago. It is a living death. Any person not an expert, any person not a physician, any person in entire ignorance of medical science would inquire as to this man's history: Was he dissipated in any way; the victim of any vice? He is a man of blameless life; without fault; with no bad habits; with no bad associations; a law-abiding citizen; a moral man—more than moral, yet utterly helpless at this time from physical disease.

If subject to exposure, rheumatism may come upon a person who has never been in the Army, but it does not come without some exposure. He had none. He was a clerk in a drug store. That was his vocation up to the time he was unable to stand behind the counter. Then he would sit. Finally he got so that he could not do that. Then he could not leave his bed. That is the position he is in—he can not leave his bed, can not attend to himself, can not feed himself, can not attend to the ordinary functions of nature.

What, then, is there in the history of the man, except his military service, to which a disease of so fateful a character can be traced? What is there in his habits; what in his custom; what in his indulgences? Nothing, sir. There is but one cause for this disability, and that cause is his military service.

I do not make this argument as against the message of the President. The President has the constitutional right to veto any bill, but we have, as Senators, the constitutional right to consider a veto, to review it, to examine the evidence, to further examine it, and, in the further examination of it, I think any Senator will come to the conclusion that the bill is a meritorious one, and that, although the first report may have and does justify the description of this disability given in the message, the later

and fuller report and evidence justify the passage of the bill. Indeed, the passage of the bill and the payment of the money will be a very small and pitiful compensation for that suffering, that agony, that intense agony, that this man is subjected to day and night in the helpless condition in which he must live if he live many months or years in the future.

Mr. PLATT. I understand from the statement of the Senator from Indiana that the committee are satisfied that the disease from which the man is suffering originated in the service; that its origin may be traced to the service. Not being a physician myself, I should like to inquire of the chairman of the committee, who sits next to me [Mr. GALLINGER], what this disease is, not in medical language, but in common, ordinary language, so that we may understand it.

I desire to say that I have only one question in this case, and that is whether we may fairly believe that the present lamentable condition of this soldier results in any way, directly or even approximately, from his army service? If so, I think we ought to pass the bill over the veto.

Mr. GALLINGER. I will make very hurriedly a statement concerning this case. If one of the pages will kindly pass the photographs I have here around the Senate, Senators will see for themselves this man's condition.

I made the report which is now before the Senate, and I frankly admit in that report that the previous report was unfortunate. I said:

It is to be regretted that the report first made in the case did not specifically set forth in detail the material facts concerning the soldier's military record and the relation of his army service to his present disabilities.

The first report, I will say, was very brief, and upon that report the President had an undoubted right to veto the bill; but, before proceeding further, I will say to the Senator from Connecticut [Mr. PLATT] that he is mistaken when he says that we have not increased pensions under the act of June 27, 1890, beyond $12. We have increased quite a good many pensions, I will say, during the present session of Congress; and of course it is competent for Congress to increase those pensions, and I suppose it is really competent for Congress to pension anybody, whether he has been in the military service or not, or received his disabilities in the service of the Union or not. That is an undoubted right that Congress has if it chooses to exercise it.

I said further:

It will be observed that the report shows that the soldier is bedridden and absolutely helpless, but it also sets forth that "the testimony does not show the disease to be of service origin." Acting upon this latter statement, the bill was vetoed by the President.

When this matter went to the House of Representatives, it became the subject of careful consideration by the Committee on Pensions—and it is a matter which they ought to have attended to in the first place more carefully than they did—and a very lengthy report was submitted; and that report goes to show these facts:

Francis E. Hoover, the claimant, enlisted in Company I, Sixty-fourth Regiment of Ohio Volunteers, in February, 1864, when he was but 16 years of age. Without being acclimated or in any way inured to the hardships of a soldier's life he was at once put into active service with General Sherman, and participated in the battles and skirmishes of that vigorous campaign resulting in the capture of Atlanta. After General Sherman had started on his march to the sea the claimant's regiment was ordered to support General Thomas. Mr. Hoover was with his regiment on that tiresome and perilous march back to Nashville. He participated in the battles of Spring Hill and Franklin, and then in the two days' struggle with Hood at Nashville. He joined in that active pursuit of the remnant of Hood's army, and as a result of his extreme hardships and exertion varicose veins appeared in both of his legs. This condition gave rise to distressing ulcerations. After these ulcers were healed they would remain in that condition but a short time when they would again break out in festering sores. This has continued at intervals ever since his army service. How much of the poison from these festering sores passed into the circulation and was absorbed into the system it is quite difficult to tell; but that much of this did take place is evident from the fact that the ulcers when once healed would not remain so, but would break out again with equal if not greater violence.

It also appears from the statements of the physicians who have examined him that the legs are badly swollen and discolored. They also tell us that structural changes have taken place in the articulation of the joints. This would hardly have been looked for if the blood current had been pure. Had there been no other complications it is quite evident that this disease alone would have ultimately rendered the soldier helpless, and perhaps ere this. But in 1886 he was attacked with rheumatism, from which he never recovered. There were periods of partial relief from the effects of this disease but there were recurrences of the attack, and each time with greater severity. About four years ago this disease assumed a permanent and most distressing form. Every joint in the body became anchylosed—

That is, absolutely stiffened—

He can not now move hand or foot. He has no use of any of the joints of the body.

The spinal column has become perfectly rigid, and there is no power of rotation of the head—it is permanently fixed in one position. He can not turn himself in his bed and would perish with hunger with victuals all around him. A more distressing condition can not be imagined. How much of this rheumatic condition is due to the ulceration of his legs we are not fully prepared to say; but should it be assumed that his rheumatism is an independent disease, having no connection with the ulcerations, still, we are thoroughly convinced that a system so weakened and debilitated by ulcerations, and whose blood current had been contaminated by poisons absorbed from these festering sores, was in a poor condition to resist the attacks of disease, especially one of such prostrating persistence as rheumatism.

We have the testimony of a distinguished physician of Elkhart, Ind., who has personal knowledge of this soldier, to the effect that the disease, in his opinion, is due to his military service, and that opinion, as the Senator from Indiana [Mr. TURPIE] has stated, has been corroborated by four other physicians of repute. The committee add:

With the evidence now before us we think, as we have before stated, that the present disabilities of this soldier are fairly attributable to his army service. We find him in a most pitiable condition, utterly helpless, requiring the attendance of a strong man. He is entirely destitute of all worldly means and has no income aside from the small pittance of $12 per month. This will not support him, much less pay his necessary attendant. All hope of recovery is gone. He has suffered and must continue to suffer untold tortures until death relieves him. He gave the best days of his vigorous youth to his country, and out of his helplessness he asks us for bread and support. If Congress does not give relief, he must go to the poorhouse and there end his days.

In reporting the bill and advising that it should be passed, the objections of the President to the contrary notwithstanding, I did it with the firm belief in my own mind that the terrible disease from which this soldier is suffering can be fairly attributed to his army service. If that were not true it would not deter me from voting to pension this man as proposed in the bill. I hardly think it would deter Congress from voting the proposed pension, but the committee at least believe, and their belief is based upon medical testimony, which, I will say in justice to the President, was not incorporated in the first report made in this case, that this man's disabilities are fairly attributable to his army service, and therefore they think the bill ought to be passed, the objections of the President to the contrary notwithstanding.

The VICE-PRESIDENT. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding? The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BATE (when his name was called). I am paired with the Senator from Utah [Mr. BROWN].

Mr. BLACKBURN (when his name was called). I am paired with the senior Senator from Michigan [Mr. MCMILLAN].

Mr. BURROWS. If my colleague [Mr. MCMILLAN] were present, he would vote "yea."

Mr. BLACKBURN. Then I will withhold my vote. If he were present, I should vote "nay."

Mr. BLANCHARD (when his name was called). I am paired with the Senator from North Carolina [Mr. PRITCHARD].

Mr. CULLOM (when his name was called). I have a general pair with the Senator from Delaware [Mr. GRAY]. I am satisfied that if present he would vote as I will, and I will therefore vote. I vote "yea."

The roll call was concluded.

Mr. WALTHALL. I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. FAULKNER. I am paired generally with the Senator from West Virginia [Mr. ELKINS], but for the purpose of making a quorum I will vote. I vote "yea."

Mr. WALTHALL. I will vote for that purpose. I vote "nay."

Mr. BLACKBURN. For the purpose of making a quorum I will vote, notwithstanding my pair. I vote "nay."

Mr. BURROWS (after having voted in the affirmative). I have a pair with the senior Senator from Louisiana [Mr. CAFFERY]. I voted inadvertently. I do not know whether or not the vote should stand. I understand there is no quorum, and I will permit my vote to stand.

Mr. BLANCHARD. I suggest to the junior Senator from Michigan [Mr. BURROWS] that I am paired with the Senator from North Carolina [Mr. PRITCHARD], who is absent. I understand the junior Senator from Michigan is paired with my colleague [Mr. CAFFERY], who is also absent. I suggest that we exchange pairs and vote.

Mr. BURROWS. That will be entirely agreeable to me.

Mr. BLANCHARD. I vote "yea."

Mr. BURROWS. I am recorded as having voted in the affirmative.

Mr. BLANCHARD. It is understood that the pair of the Senator from North Carolina [Mr. PRITCHARD] and myself is transferred to my colleague [Mr. CAFFERY].

The VICE-PRESIDENT. It will be so noted.

The result was announced—yeas 31, nays 7, as follows:

YEAS—31.

Allen,	Clark,	Hawley,	Pettigrew,
Allison,	Cockrell,	Hill,	Platt,
Bacon,	Cullom,	Jones, Ark.	Smith,
Blanchard,	Daniel,	McBride,	Teller,
Burrows,	Dubois,	Mitchell, Oreg.	Turpie,
Butler,	Faulkner,	Nelson,	Warren,
Cannon,	Gibson,	Palmer,	Wetmore.
Chilton,	Hale,	Peffer,	

NAYS—7.

Berry,	Harris,	Mills,	Walthall.
Blackburn,	Lindsay,	Vest,	

NOT VOTING—51.

Aldrich,	Gallinger,	Mantle,	Sewell,
Baker,	Gear,	Martin,	Sherman,
Bate,	George,	Mitchell, Wis.	Shoup,
Brice,	Gordon,	Morgan,	Squire,
Brown,	Gorman,	Morrill,	Stewart,
Caffery,	Gray,	Murphy,	Thurston,
Call,	Hansbrough,	Pasco,	Tillman,
Cameron,	Hoar,	Perkins,	Vilas,
Carter,	Irby,	Pritchard,	Voorhees,
Chandler,	Jones, Nev.	Proctor,	White,
Davis,	Kyle,	Pugh,	Wilson,
Elkins,	Lodge,	Quay,	Wolcott.
Frye,	McMillan,	Roach,	

The VICE-PRESIDENT. No quorum has voted. The Secretary will call the roll.

Mr. MILLS. I move that the Senate adjourn. We can not do anything without a quorum, and we would be kept here just to try to get a quorum.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 10, 1896, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 9, 1896.*

[*Continuation of legislative day of June 6, 1896.*]

The recess having expired, the House, at 10 o'clock a. m., was called to order by the Speaker.

ORDER OF BUSINESS.

Mr. DANIELS. Mr. Speaker, so much time has been consumed in dilatory proceedings——

Mr. RICHARDSON. Mr. Speaker, I rise to a question of order. A motion was made on yesterday to reconsider. I understand the gentleman from New York is starting out to discuss the election case.

Mr. DANIELS. Yes.

Mr. OWENS. Mr. Speaker, that is not before the House yet.

Mr. MCMILLIN. I suppose that, reserving the rights that existed for reconsideration under the motion that was made, there would be no objection to the gentleman making a statement.

The SPEAKER. The Chair does not know what rights are reserved.

Mr. MCMILLIN. The RECORD shows what rights are reserved.

The SPEAKER. Does the gentleman choose to raise the question of consideration?

Mr. OWENS. That was raised.

The SPEAKER. Was it not voted on?

Mr. OWENS. It was voted on; but a motion to reconsider was made, which is still pending.

Mr. MCMILLIN. I do not know what the purpose of the gentleman from New York is.

The SPEAKER. Very well. If there was a motion to reconsider it is now before the House, if it was recognized, and the question is, Will the House reconsider the vote by which it determined to consider the resolutions?

A MEMBER. Who made the motion?

Mr. HENDERSON. The gentleman from New York [Mr. DANIELS] made it himself, I think.

Mr. MOODY. Judge DANIELS was not recognized by the Chair for the purpose of making the motion. The RECORD will show that he was not recognized.

Mr. DANIELS. I made the motion to lay the motion to reconsider upon the table, and, as I understood it, it was so ordered.

Mr. RICHARDSON. Oh, no. There was no vote taken on it.

Mr. MCMILLIN. There was no vote taken. Pending that, there was a recognition for a conference report.

Mr. DANIELS. I had the attention of the Speaker pro tempore before any action was taken on that subject.

Mr. RICHARDSON. When?

Mr. DANIELS. Yesterday afternoon.

Mr. OWENS. You made a motion to reconsider and moved to table it, but the conference report cut it off.

Mr. MCMILLIN. The conference report cut it off. Pending the vote on that, a conference report was received. The RECORD shows that.

The SPEAKER. The question is on laying the motion to reconsider upon the table.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. OWENS, Mr. RICHARDSON, and Mr. MCMILLIN demanded a division.

Mr. GROW. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 99, nays 31, not voting 224; as follows:

YEAS—99.

Aldrich, Ill.	Curtis, Iowa	Henry, Ind.	Overstreet,
Andrews,	Curtis, Kans.	Hepburn,	Payne,
Arnold, Pa.	Daniels,	Howe,	Pearson,
Arnold, R. I.	Dayton,	Hunter,	Phillips,
Avery,	Dingley,	Jenkins,	Pugh,
Babcock,	Doolittle,	Johnson, Cal.	Raney,
Baker, N. H.	Draper,	Johnson, N. Dak.	Ray,
Bartholdt,	Eddy,	Kiefer,	Reeves,
Beach,	Faris,	Kulp,	Russell, Conn.
Bingham,	Fischer,	Lefever,	Sherman,
Bishop,	Fletcher,	Leonard,	Simpkins,
Blue,	Fowler,	Linney,	Southard,
Brewster,	Gardner,	Long,	Sperry,
Bromwell,	Gibson,	Loudenslager,	Stewart, N. J.
Brumm,	Gillet, N. Y.	Low,	Strong,
Burrell,	Goodwyn,	Mahon,	Sulloway,
Cannon,	Griffin,	McCall, Tenn.	Tawney,
Chickering,	Griswold,	McCleary, Minn.	Tayler,
Clark, Iowa	Grow,	Miller, W. Va.	Tracewell,
Coffin,	Heger,	Minor, Wis.	Updegraff,
Cook, Wis.	Halterman,	Mitchell,	Van Horn,
Cooper, Wis.	Hardy,	Mondell,	Van Voorhis,
Corliss,	Harmer,	Moody,	Walker, Mass.
Crowther,	Henderson,	Morley,	Willis.
Crump,	Henry, Conn.	Otjen,	

NAYS—31.

Bailey,	Cobb,	Layton,	Stahle,
Baker, Kans.	Danford,	Leighty,	Stone, C. W.
Black, Ga.	Ellis,	Lester,	Talbert,
Broderick,	Evans,	Lewis,	Treloar,
Burton, Mo.	Hemenway,	Loud,	Wanger,
Burton, Ohio	Kem,	Owens,	Wilson, Idaho
Clardy,	Kerr,	Poole,	Wood.
Clark, Mo.	Lacey,	Shafroth,	

NOT VOTING—224.

Abbott,	Erdman,	Maguire,	Sayers,
Acheson,	Fairchild,	Mahany,	Scranton,
Adams,	Fenton,	Marsh,	Settle,
Aitken,	Fitzgerald,	Martin,	Shannon,
Aldrich, Ala.	Foote,	McCall, Mass.	Shaw,
Allen, Miss.	Foss,	McClellan,	Shuford,
Allen, Utah	Gamble,	McClure,	Skinner,
Anderson,	Gillett, Mass.	McCormick,	Smith, Ill.
Apsley,	Graff,	McCreary, Ky.	Smith, Mich.
Atwood,	Grosvenor,	McCulloch,	Snover,
Baker, Md.	Grout,	McDearmon,	Sorg,
Bankhead,	Hadley,	McEwan,	Southwick,
Barham,	Haines, Nebr.	McLachlan,	Spalding,
Barney,	Hall,	McLaurin,	Sparkman,
Barrett,	Hanly,	McMillin,	Spencer,
Bartlett, Ga.	Harris,	McRae,	Stallings,
Bartlett, N. Y.	Harrison,	Meiklejohn,	Steele,
Belknap,	Hart,	Mercer,	Stephenson,
Bell, Colo.	Hartman,	Meredith,	Stewart, Wis.
Bell, Tex.	Hatch,	Meyer,	Stone, W. A.
Bennett,	Heatwole,	Miles,	Strait,
Berry,	Heiner, Pa.	Miller, Kans.	Strode, Nebr.
Black, N. Y.	Hendrick,	Milliken,	Strowd, N. C.
Boutelle,	Hermann,	Milnes,	Sulzer,
Bowers,	Hicks,	Miner, N. Y.	Swanson,
Brosius,	Hilborn,	Money,	Taft,
Brown,	Hill,	Morse,	Tate,
Buck,	Hitt,	Moses,	Terry,
Bull,	Hooker,	Murphy,	Thomas,
Calderhead,	Hopkins,	Murray,	Thorp,
Catchings,	Howard,	Neill,	Towne,
Clarke, Ala.	Howell,	Newlands,	Tracey,
Cockrell,	Hubbard,	Noonan,	Tucker,
Codding,	Huff,	Northway,	Turner, Ga.
Colson,	Hulick,	Odell,	Turner, Va.
Connolly,	Huling,	Ogden,	Tyler,
Cooke, Ill.	Hull,	Otey,	Underwood,
Cooper, Fla.	Hurley,	Parker,	Wadsworth,
Cooper, Tex.	Hutcheson,	Patterson,	Walker, Va.
Cousins,	Hyde,	Pendleton,	Warner,
Cowen,	Johnson, Ind.	Perkins,	Washington,
Cox,	Jones,	Pickler,	Watson, Ind.
Crisp,	Joy,	Pitney,	Watson, Ohio
Crowley,	Kendall,	Powers,	Wellington,
Culberson,	Kirkpatrick,	Price,	Wheeler,
Cummings,	Kleberg,	Prince,	White,
Curtis, N. Y.	Knox,	Quigg,	Wilber,
Dalzell,	Kyle,	Reyburn,	Williams,
De Armond,	Latimer,	Richardson,	Wilson, N. Y.
Denny,	Lawson,	Rinaker,	Wilson, Ohio
De Witt,	Leisenring,	Robertson, La.	Wilson, S. C.
Dinsmore,	Linton,	Robinson, Pa.	Woodard,
Dockery,	Little,	Royse,	Woodman,
Dolliver,	Livingston,	Rusk,	Woomer,
Downer,	Lorimer,	Russell, Ga.	Wright,
Ellett,	Maddox,	Sauerhering,	Yoakum.

Mr. TALBERT. Mr. Speaker, I desire to ask indefinite leave of absence for my colleague, Mr. STRAIT. I have just received a telegram from him in which he states that he is now in bed sick.

The SPEAKER. The Chair thinks it is not in order at this time.

The following pairs were announced:

Until further notice:

Mr. DALZELL with Mr. CRISP.

Mr. ALDRICH of Alabama with Mr. MOSES.

Mr. WILSON of Ohio with Mr. RUSK.

Mr. LEISENRING with Mr. TUCKER.

Mr. WHITE with Mr. SPARKMAN.

Mr. WILLIAM A. STONE with Mr. LAWSON.

Mr. COLSON with Mr. KENDALL.
Mr. FOOTE with Mr. HUTCHESON.
Mr. HICKS with Mr. LITTLE.
Mr. MEIKLEJOHN with Mr. CROWLEY.
Mr. BARHAM with Mr. KYLE.
Mr. JOHNSON of Indiana with Mr. COX.
Mr. TRACEY with Mr. MCRAE.
Mr. SMITH of Michigan with Mr. BERRY.
Mr. TOWNE with Mr. WILSON of South Carolina.
Mr. BOWERS with Mr. MINER of New York.
Mr. COUSINS with Mr. LIVINGSTON.
Mr. FOSS with Mr. MCLAURIN.
Mr. HEATWOLE with Mr. DINSMORE.
Mr. STEELE with Mr. MCCLELLAN.
Mr. SPALDING with Mr. SPENCER.
Mr. STEPHENSON with Mr. NEILL.
Mr. GILLETT of Massachusetts with Mr. COWEN.
Mr. MCCALL of Massachusetts with Mr. DE ARMOND.
Mr. PICKLER with Mr. MILES.
Mr. JENKINS with Mr. DENNY.
Mr. MILNES with Mr. STRAIT.
Mr. PITNEY with Mr. DOCKERY.
Mr. GROSVENOR with Mr. MCMILLIN.
Mr. THORP with Mr. JONES.
Mr. BARNEY with Mr. BUCK, except Underwood election case.
Mr. HITT with Mr. WASHINGTON, except Underwood election case.
Mr. ROYSE with Mr. TURNER of Virginia, except on Tucker-Yost election case.

For this day:
Mr. SNOVER with Mr. MCCREARY of Kentucky.
Mr. STEWART with Mr. SORG.

On this question:
Mr. FENTON with Mr. STROWD of North Carolina.
Mr. DOVENER with Mr. CATCHINGS.
Mr. LEONARD with Mr. BARTLETT of Georgia.

Mr. MCMILLIN. Mr. Speaker, I am paired, I believe, with the gentleman from Ohio, Mr. GROSVENOR. I voted in the negative. I withdraw my vote.

Mr. TRACEY. Mr. Speaker, I am paired with the gentleman from Arkansas, Mr. MCRAE. I voted "yea." I withdraw my vote.

Mr. MCCALL of Tennessee. Mr. Speaker, my colleague, Mr. BROWN, is detained at his house on account of sickness. If it is in order, I want to move that he be excused.

The SPEAKER. The Chair thinks it is not in order just now.

Mr. JENKINS. Mr. Speaker, I desire to say that my colleague, Mr. BARNEY, is detained from the House by sickness.

The SPEAKER. On this question the yeas are 99, the nays 31.

Mr. MCMILLIN. No quorum.

The SPEAKER. The Chair is informed that there are 16 present in addition to that. Under the rule of the House there will be a call of the House, and the Sergeant-at-Arms will proceed at once to bring in absent members.

Mr. DANIELS. I move that there be a call of the House.

The SPEAKER. The Clerk will proceed to call the roll. Each member as he answers to his name may vote upon the pending question, so that it requires another vote upon the pending question. The House will govern itself accordingly.

Mr. BAILEY. I desire to ask if it is not a fact that the rule only requires the absentees to answer or are they brought to the bar to vote? It does not require that those who had previously responded should answer.

The SPEAKER. The Chair thinks it requires all members to answer.

The Clerk shall call the roll, and each member as he answers to his name may vote on the pending question.

Mr. BAILEY. I think that only provides for those who have not answered upon the previous call; otherwise a gentleman who had voted on the other call would be required to vote again.

The SPEAKER. The Chair thinks the only solution as the matter stands is for each member to vote when his name is called, and then when the roll call is finished the absentees may vote. The Sergeant-at-Arms will close the doors, and the Clerk will call the roll.

The Clerk proceeded to call the roll.

The SPEAKER (at the end of the first call). The Clerk will now call the names of members failing to respond to the first call. The Chair trusts that gentlemen who are present and do not vote will announce that they are present, to avoid confusion.

Mr. OWENS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. OWENS. In view of the request of the Chair to members to announce their presence if they do not vote, I wanted to ask whether they might not possibly be confused with the 16 already counted, or whether those 16 are to be used again in making a quorum?

The SPEAKER. The Chair thinks there will not be any confusion if gentlemen answer that they are present. The Clerk will call the roll.

Mr. JOHNSON of California. Mr. Speaker, is it in order at this time to ask leave of absence?

The SPEAKER. The Chair thinks it is not.

Mr. MCMILLIN. Mr. Speaker, I desire to know if I am recorded?

The SPEAKER. The gentleman is recorded.

Mr. MCMILLIN. I withdraw my vote, being paired.

Mr. DOOLITTLE. Mr. Speaker, I ask that my colleague, Mr. HYDE, be excused for the balance of this session, as he has been ill for some weeks past.

The SPEAKER. The Chair thinks the request is not in order at this time.

Mr. DOOLITTLE. Well, my colleague's illness accounts for his absence on the recent roll calls.

The SPEAKER. On this question the yeas are 126, and the nays are 43. The following-named gentlemen are present:

Mr. APSLEY, Mr. HEATWOLE, Mr. LEISENRING, Mr. TRACEY, Mr. RICHARDSON, Mr. MCMILLIN, Mr. WARNER, Mr. BELKNAP, Mr. FITZGERALD, Mr. JOHNSON of North Dakota, and Mr. DE WITT.

The Chair desires to say to these gentlemen that under a misapprehension he stated a while ago that they could not vote, but they are marked present, and their presence is necessary to constitute a quorum, and under the rule they have a right to vote if they desire to do so.

Mr. JOHNSON of North Dakota. Mr. Speaker, am I not recorded?

The SPEAKER. The gentleman is not recorded.

Mr. JOHNSON of North Dakota. I voted "yea" on the motion to lay on the table.

The SPEAKER. The change will be made.

Mr. WARNER. Mr. Speaker, I was present, but did not vote; I desire to vote "yea."

Mr. WARNER'S vote was recorded.

Mr. DE WITT. Mr. Speaker, I desire to vote "yea."

Mr. DE WITT'S vote was recorded.

Mr. HEATWOLE. Mr. Speaker, I was present, but being paired with the gentleman from Arkansas, Mr. DINSMORE, I did not vote.

Mr. RUSSELL of Georgia. Mr. Speaker, I came in during the roll call, and am present to make a quorum.

The SPEAKER. Does the gentleman desire to vote?

Mr. RUSSELL of Georgia. I vote "nay."

Mr. FITZGERALD. Mr. Speaker, I desire to vote "nay."

Mr. FITZGERALD'S vote was recorded.

Mr. BELKNAP. Mr. Speaker, I desire to vote "yea."

Mr. BELKNAP'S vote was recorded.

The roll call finally stood as follows:

YEAS—131.

Adams,	Curtis, Iowa	Hepburn,	Pugh,
Aldrich, Ill.	Curtis, Kans.	Hopkins,	Ray,
Anderson,	Daniels,	Howe,	Reeves,
Andrews,	Dayton,	Howell,	Rinaker,
Arnold, Pa.	De Witt,	Hunter,	Russell, Conn.
Arnold, R. I.	Dingley,	Jenkins,	Shannon,
Avery,	Dolliver,	Johnson, Cal.	Sherman,
Babcock,	Doolittle,	Johnson, N. D.	Simpkins,
Baker, N. H.	Draper,	Kirkpatrick,	Smith, Ill.
Beach,	Eddy,	Lefever,	Southard,
Belknap,	Fairchild,	Leonard,	Sperry,
Bennett,	Faris,	Linney,	Stewart, N. J.
Bingham,	Fischer,	Long,	Strong,
Bishop,	Fletcher,	Loudenslager,	Sulloway,
Blue,	Fowler,	Low,	Taft,
Boutelle,	Gamble,	Mahon,	Tawney,
Brewster,	Gardner,	Marsh,	Tayler,
Bromwell,	Gibson,	McCall, Mass.	Thomas,
Brumm,	Gillet, N. Y.	McCall, Tenn	Thorp,
Bull,	Goodwyn,	McCleary, Minn.	Tracewell,
Burrell,	Graff,	McEwan,	Updegraff,
Calderhead,	Griffin,	Mercer,	Van Horn,
Cannon,	Griswold,	Miller, W. Va.	Van Voorhis,
Chickering,	Grout,	Mitchell,	Walker, Mass.
Clark, Iowa	Grow,	Mondell,	Walker, Va.
Coffin,	Hager,	Moody,	Warner,
Connolly,	Halterman,	Mozley,	Watson, Ohio
Cook, Wis.	Hardy,	Otjen,	Wellington,
Cooke, Ill.	Harmer,	Overstreet,	Wilber,
Cooper, Wis.	Harris	Parker,	Willis,
Corliss,	Hemenway,	Payne,	Woodman,
Crowther,	Henderson,	Pearson,	Wright.
Crump,	Henry, Ind.	Prince,	

NAYS—45.

Bailey,	Codding,	Lacey,	Shafroth,
Baker, Kans.	Danford,	Layton,	Stahle,
Baker, Md.	Ellis,	Leighty,	Stallings,
Bartholdt,	Evans,	Lewis,	Stone, C. W.
Bell, Colo.	Fitzgerald,	Loud,	Talbert,
Black, Ga.	Hainer, Nebr.	Maddox,	Treloar,
Broderick,	Hill,	McLachlan,	Wanger,
Burton, Mo.	Huling,	Owens,	Wilson, Idaho
Burton, Ohio	Joy,	Poole,	Wood.
Clardy,	Kem,	Powers,	
Clark, Mo.	Kerr,	Raney,	
Cobb,	Keifer,	Russell, Ga.	

NOT VOTING—178.

Abbott,	Foss,	McClellan,	Sayers,
Acheson,	Gillett, Mass.	McClure,	Scranton,
Aitken,	Grosvenor,	McCormick,	Settle,
Aldrich, Ala.	Hadley,	McCreary, Ky.	Shaw,
Allen, Miss.	Hall,	McCulloch,	Shuford,
Allen, Utah	Hanly,	McDearmon,	Skinner,
Apsley,	Harrison,	McLaurin,	Smith, Mich.
Atwood,	Hart,	McMillin,	Snover,
Bankhead,	Hartman,	McRae,	Sorg,
Barham,	Hatch,	Meiklejohn,	Southwick,
Barney,	Heatwole,	Meredith,	Spalding,
Barrett,	Heiner, Pa.	Meyer,	Sparkman,
Bartlett, Ga.	Hendrick,	Miles	Spencer,
Bartlett, N. Y.	Henry, Conn.	Miller, Kans.	Steele,
Bell, Tex.	Hermann,	Milliken,	Stephenson,
Berry,	Hicks,	Milnes,	Stewart, Wis.
Black, N. Y.	Hilborn,	Miner, N. Y.	Stone, W. A.
Bowers,	Hitt,	Minor, Wis.	Strait,
Brosius,	Hooker,	Money,	Strode, Nebr.
Brown,	Howard,	Morse,	Strowd, N. C.
Buck,	Hubbard,	Moses,	Sulzer,
Catchings,	Huff,	Murphy,	Swanson,
Clarke, Ala.	Hulick, Ohio	Murray,	Tate,
Cockrell,	Hull,	Neil,	Terry,
Colson,	Hurley,	Newlands	Towne,
Cooper, Fla.	Hutcheson,	Noonan,	Tracey,
Cooper, Tex.	Hyde,	Northway,	Tucker,
Cousins,	Johnson, Ind.	Odell,	Turner, Ga.
Cowen,	Jones,	Ogden,	Turner, Va.
Cox,	Kendall,	Otey,	Tyler,
Crisp,	Kleberg,	Patterson,	Underwood,
Crowley,	Knox,	Pendleton,	Wadsworth,
Culberson,	Kulp,	Perkins,	Washington,
Cummings,	Kyle,	Phillips,	Watson, Ind.
Curtis, N. Y.	Latimer,	Pickler,	Wheeler,
Dalzell,	Lawson,	Pitney,	White,
De Armond,	Leisenring,	Price,	Williams,
Denny,	Lester,	Quigg,	Wilson, N. Y.
Dinsmore,	Linton,	Reyburn,	Wilson, Ohio
Dockery,	Little,	Richardson,	Wilson, S. C.
Dovener,	Livingston,	Robertson, La.	Woodard,
Ellett,	Lorimer,	Robinson, Pa.	Woomer,
Erdman,	Maguire,	Royse,	Yoakum.
Fenton,	Mahany,	Rusk,	
Foote.	Martin,	Sauerhering,	

The SPEAKER. The Chair announces the corrected vote as follows: Yeas 131, nays 45; present, Messrs. APSLEY, HEATWOLE, LEISENRING, TRACEY, RICHARDSON, HURLEY, MCMILLIN, and HUFF. A quorum being present——

Mr. BOUTELLE. Mr. Speaker, I desire to present a conference report.

The SPEAKER. The Chair desires to state that on the vote on the motion to lay on the table the motion to reconsider a sufficient number of members were present to constitute a quorum. The decision of that question is consequently in the affirmative, and the motion to reconsider is laid on the table.

Mr. MCMILLIN. I rise to a point of order.

Mr. BOUTELLE rose.

Mr. MCMILLIN. I do not wish to lose my right in this matter, but I am entirely willing that the gentleman from Maine shall go forward with his conference report, this matter being held in abeyance until that is entered.

Mr. BOUTELLE. I withdraw the report for the present.

Mr. MCMILLIN. The point of order I desire to make is this: The Committee on Elections No. 1, from which this alleged report purports to come, is constituted of nine members, the following being the members of that committee: Judge DANIELS of New York, Mr. ROYSE of Indiana, Mr. COOKE of Illinois, Mr. LEONARD of Pennsylvania, Mr. MOODY of Massachusetts, Mr. LINNEY of North Carolina, Mr. DINSMORE of Arkansas, Mr. BARTLETT of Georgia, and Mr. TURNER of Virginia. Therefore it takes five to constitute a majority of that committee; and there is not in this case what the rules of the House and its practice require to bring a question before the House and make it privileged—the report of a majority acting in the matter. In support of this statement, I read what purports to be the majority report made by the gentleman from New York [Mr. DANIELS].

The SPEAKER. Is the gentleman's point of order that this case is not to be heard?

Mr. MCMILLIN. Yes, sir.

The SPEAKER. It is too late to raise that, because the House has voted to consider it.

Mr. MCMILLIN. But the House would not vote to consider that which was not a report. This alleged report is signed by only four members of the committee.

The SPEAKER. The House has voted to consider the case, and it is too late now to make the point which the gentleman is trying to raise. If the gentleman had wished to make that point of order, supposing it was tenable, he should have made it before raising the question of consideration——

Mr. MCMILLIN. I did not suppose, Mr. Speaker——

The SPEAKER. Because if the matter was not in order the House could not, if the point were raised, consider it.

Mr. MCMILLIN. But the House does not lose its right to question the validity of a report which purports——

The SPEAKER. Not by voting to consider the case? Certainly it does.

Mr. MCMILLIN. I trust the Chair will indulge me just a moment; I shall be very brief.

The subscribers—

This alleged report begins—

members of the Committee on Elections No. 1, respectfully report that they have heard the argument and considered the evidence presented in the contested election of the Ninth Congressional district of the State of Alabama, wherein Truman H. Aldrich, who was the candidate of the Jeffersonian Democrats and Republicans, is the contestant, and Oscar W. Underwood, who was the candidate of the Democratic party, is the contestee.

That the said district is, and was on the 6th day of November, 1894, when the contested election was held, composed of the counties of Bibb, Blount, Hale, Jefferson, and Perry. And the contests have wholly arisen in precincts in the counties of Hale, Jefferson, Perry, and Blount, the principal contests being in Jefferson County.

The subscribers have carefully considered the evidence and arguments relating to these precincts and the election held therein, and they do decide and find the following facts and conditions to be established, that is to say.

Then it goes on with the balance of the report, which I will not take time to read. It is signed, CHARLES DANIELS, chairman; L. W. ROYSE, EDWARD D. COOKE, FRED C. LEONARD.

This does not purport to be a report of a majority of the committee.

Mr. BAILEY. Will the gentleman from Tennessee allow me a suggestion?

Mr. MCMILLIN. With pleasure.

Mr. BAILEY. As I caught what the gentleman has just read, this does not purport to be the report of the committee, but simply the report of certain members of the committee.

Mr. MCMILLIN. Of four members of the committee. It is not a report.

Mr. BAILEY. That is a proceeding unknown to the rules of the House. The only report that the House can——

The SPEAKER. All that may be true just as alleged, but the House has voted to consider, not the report, but the case.

Mr. MCMILLIN. Then the House is considering, not the report, but the case—ignoring the report?

The SPEAKER. The House as a House has voted to consider the case.

Mr. OWENS. Will the Speaker allow me one suggestion?

The SPEAKER. Certainly; the Chair will allow any gentleman a suggestion.

Mr. OWENS. When the House voted on the motion to consider the case, and not the report, which was privileged, was not that substantially and in fact a motion to suspend the rules and consider the case?

The SPEAKER. Not in the least.

Mr. OWENS. As a matter from the committee, it would have been a matter of privilege.

The SPEAKER. It was a matter of privilege independently of the report of the committee. There are certain cases which have the right of way because the committee in charge of them is permitted to report at any time for consideration——

Mr. OWENS. Yes; but "the committee" did not report.

The SPEAKER. But the right of an election case is higher even than the rules of the House.

Mr. MCMILLIN. When the rules of the House provide for the disposition of a question in the way that the Chair states, or for reference to a committee, we contend that when the matter is referred to the committee under the rules of the House it can only get back to the House by affirmative action of a majority of the members of the committee.

The SPEAKER. That question could have been passed upon had it been raised before the House determined to consider the case.

Mr. MCMILLIN. But it strikes me, Mr. Speaker, that the matter having been in charge of the committee, having been referred to it by the House, that point may be raised at any time.

The SPEAKER. After the House has decided to consider?

Mr. MCMILLIN. At any time before action is taken.

The SPEAKER. The Chair thinks the point of order is not well taken.

Mr. MCMILLIN. I wanted to present the facts and call the attention of the House and of the country to the matter to show that we are proceeding here to consider what is claimed to be a report, but which, under the rules of the House, is not a report of the committee.

The SPEAKER. The Chair thinks that would be an argument as to the merits, but is not sufficient to induce the Chair to overrule the express determination of the House to consider the case.

Mr. DANIELS. Mr. Speaker, I will make one observation in reference to the subject alluded to by the gentleman from Tennessee [Mr. MCMILLIN] before proceeding with the argument of this case, and that is that the minority report is signed by only three members, and we have therefore a majority on the report that is presented to the House by the committee. In addition to the circumstance of the report being signed by four members of

the committee, we have also the cooperation of the gentleman from North Carolina [Mr. LINNEY], another member of the committee, and also, generally, of Mr. MOODY, from Massachusetts, who, however, did not sign the report.

Now, Mr. Speaker, on account of the great delay to which we have been subjected in this matter before the House, I propose to restrict the debate to twenty-five minutes on each side, and at the expiration of that time I will move the previous question. We shall concede to the other side, if they desire it, twenty-five minutes, either to one of the members or to some of the gentlemen on that side who may desire to discuss the question, and at the expiration of fifty minutes I shall demand the previous question, as I have stated, because of the great delay to which the case has been subjected.

Mr. McMILLIN. The gentleman makes that, I suppose, as an announcement, not as a proposition. The reading of the alleged report could not be had within that time. The time is absolutely inadequate.

Mr. DANIELS. The previous question will be moved at the expiration of fifty minutes.

This case comes before the House for its consideration as a contest growing out of the right of one of these parties to the seat as a Representative from the Ninth Congressional district of the State of Alabama. In the short time in which I shall ask the attention of the House in regard to the case I simply propose to submit to their consideration the leading facts relating to the contest and to show the enormity, by those circumstances which I shall undertake to narrate, of the manner in which this election was carried on in that Congressional district of the State of Alabama.

The first precinct to which I shall direct your attention is the Elyton precinct, a precinct where it was proposed to deduct some 29 votes from the contestee; but on consideration of one member who did not consent to the count so made, the deduction was limited to but 5; and so there is no necessity of going further into that subject, as it will not affect the general result.

At Hillman precinct, in the same county, the polls were not opened at all. This is usually a Republican precinct; there was a small Republican majority in the precinct, and the officers of election refused to open the polls or hold the election at all. This means that certain votes were lost for the contestant to which he would otherwise have been entitled. There is no way of determining what the result of the election would have been, although the proof is that there would have been a Republican majority. The excuse for not opening the polls was that it was a very cold day and they had no means to make a fire. In the Birmingham precincts, two of them, a large number of deputy sheriffs were appointed as officers of election, and they interfered with and arrested persons who were present, which had the effect of intimidating voters and driving them away from the polls, and the result was that the Republicans lost a large number of votes. The pretense on which these arrests were made was that the persons arrested had tickets and were showing the colored people how they should mark their tickets in order to vote the Republican ticket. Here [indicating] is a sample of the ticket they had, showing that it is a mere skeleton or copy of the ticket, and was simply used as a direction to the ignorant voters, indicating to them how to mark the cross on their ticket, or showing where it should be placed. The law of Alabama provides that no person shall have in his possession a ticket or a copy of a ticket that is to be voted on the day of election, under pain of prosecution. This was not a copy of the ticket, but simply a skeleton of a ticket for the purpose of showing the ignorant people where they could mark the ballots for the purpose of voting them. These people were driven to a distance from the polls by these officers and by the prosecutions of the persons who were endeavoring to instruct them as to how to cast their votes.

Here is a ticket [indicating] which was used in this election in Alabama, and it will be seen that it is entirely different from the skeleton ticket which was used to show these ignorant voters how to mark them. We estimate that contestant lost from 60 to 69 votes by this proceeding. There was also quite a distance between the election booth and the room in which the ballot box was located; but we have made no particular point about that, although there was this gross irregularity in this arrangement. We simply ask the deduction of the votes in the two precincts of Birmingham and the number proven to have been lost to the Republican candidate by intimidation caused by the arrest of those persons who were showing the colored voters how to cast their votes.

I come now to the Bessemer precinct, in that district. This precinct was shown as having a registered vote of 1,271. On the evening preceding the election the Democratic officer—sworn to be a Democrat—put into the box the ballots of every voter, and delivered them to the proper officials of election. This box was delivered to Mr. McKinney, the deputy sheriff, the box being then locked. McKinney testified that the locked box was delivered to him with the key tied to the handle. He says he put it in the sheriff's office and locked the door; that there was only one key to the door, and McKinney and a Mr. Matingly were the only persons who used the room. He locked the room and left the ballot box there with the key tied to the handle of the box.

In the morning he went there. The box was heavy the night before, as he says, and it was lighter when he took it up in the morning. It was locked, apparently. The door was locked. The windows were down. He carried the box to the poll. It was understood at the polls before the election was opened that this box had been robbed, and Mr. McKinney says that when he went there and found the box in this condition (and he was probably the person who depredated upon these ballots in this manner) he found evidences of burnt paper in the grate. When the box came to be opened the books were gone. The challengers' oath was gone, and over 2,000 ballots had been taken out of that box and burned in the grate. So when the ballots were brought to the polling place and opened in the morning, there were but 127 ballots in the box, and one of those was spoiled. One hundred and twenty-six were voted.

Mr. Collins, who was a resident of the district there and familiar with all the voters in the locality, testifies that he knows that the night before the election took place word was passed around to the Democrats to be there early in the morning to vote, because the ballots would give out. The Democrats appeared there early in the morning and were taken up the back way, according to the evidence, while others who were there to vote, members of the opposition, were delayed in front until these ballots were all voted—at about half past 8 o'clock—and there were no more ballots to be voted. There were over 2,000 ballots destroyed, and destroyed by the men who had control of the election and the custody of this box, so that the opposition had no means of expressing its sentiments upon the subject of this election through the instrumentality of the ballot box.

Then, in addition to that, these inspectors of the election, who were probably concerned or confederated in the destruction of these ballots, took no measures at all to procure additional ballots, so that the voting could go on, and the matter was finally taken up by two outside men, one a Republican and one a Democrat, who went over to Birmingham, a city about 12 miles distant, to get additional tickets printed. They got them printed and returned to the polls there about 2 o'clock in the afternoon. There was a period of over five hours when there was no voting done, when there were no votes to cast at this election. When they returned there the inspectors were asked to open the polls and go on at once with this election, but they procrastinated in the matter until about half past 2 o'clock, when in answer to a request of Mr. Vaughn to Mr. Jackson that they should open the polls and go on voting, he said, "We will get them open soon enough for you damned Republicans"; so that that was all the satisfaction they got. When the polls were opened, these men who had been there for the purpose of voting had absented themselves, especially the persons who were employed in the manufacturing establishments at Birmingham, and they were justified in absenting themselves because it was announced by two of the managers when the ballots gave out that there would be no more voting, as the votes had given out, and they might as well go home, and they were sent home.

Now, upon this subject there was a paper published in Bessemer—a Democratic paper, the Bessemer Weekly—which commented on this matter very sensibly and very properly, in unmeasured terms, condemning the conduct of those persons who had stolen the ballots in this manner, to deprive the opposition of their privilege of voting. I have not time to read the entire article, but it contains this clause:

> A crime has been committed that should be ferreted out and the perpetrators brought to the penitentiary.
>
> There is not a man in Bessemer worthy of the name of man that approves of this crime or that can look with the slightest tolerance on those who would palliate or excuse it.

This is the language of a prominent Democratic paper, showing that the sentiment of the better portion of the Democratic party in that precinct was opposed to this destruction of ballots and opposed to the excluding of voters from voting in this manner.

It has been said in the minority report that these ballots were probably stolen by the Republicans, but there is not a word of evidence that any Republican knew where these ballots had been deposited. On the contrary, there is evidence showing that no other man knew where they were or how they had been left except this man McKinney, who was one of the managers of this election.

Under these circumstances we claim, while the evidence shows that from four to six hundred votes probably had been lost by the destruction of these ballots, that there should be allowed in this case to the contestant the number of 365 votes, making the number low, for the purpose of keeping it within conservative limits.

A question of a similar character came before the Fiftieth Congress, where Mr. Lacey made a report under somewhat similar circumstances, but where the system of voting was entirely different

from this, in which upon the authority of an election case this language is used:

> When a legal voter offers to vote for a particular candidate and uses due diligence in endeavoring to do so, and is prevented by fraud, violence, or intimidation from depositing his ballot, his vote should be counted.

That has received the approval of the House in the case of Niblack vs. Walls. The case that we now present to the House is within this principle, for these men did all they could. They were ready to vote, and they were defrauded out of their votes as effectually as though the ballots had been by physical violence taken out of their hands.

Now, passing that, we will come down to the Marion precinct. There is a peculiarity that is found only in the case of this election, as well as this stealing of the votes.

Here is a plan of the court-house. The entrance is through there [indicating], through which the voter had to pass in order to get here where the booths were. Then here is a door passing through the partition to the next room, at the opposite end of the room to where the booths were. Here is the ballot box at the opposite end. Now, then, the voter went in here first, to prepare his ballot, and after he had prepared his ballot and was prepared to go in here, the ballot was taken by Mr. Hurt, a Democratic inspector of that election, and the voter was not allowed to take his ballot through this door and go into the room where the ballot box was; but it was taken from him by this man Hurt, no voter being able to follow him and see what he did with the vote and whether he deposited it or not in the ballot box, and he had no means of knowing whether Mr. Hurt had acted honestly in the matter. Now, Mr. Hurt made a statement to a Mr. Draper, who was a Democratic friend of his, subsequent to this election, when Mr. Draper informed him of the manner in which they managed those things in Mississippi, in which he says they did not manage it that way in the State of Alabama; that they divided their voting place into these two rooms, and then they took the ballots to carry them from one room to the ballot box, and changed them as they went to the ballot box. That is the testimony of Mr. Draper, who is a Democrat according to his own testimony, and Mr. Hurt did not take the stand to contradict it or to contradict the statement; and we submit that the statement is competent for the consideration of the House, because Mr. Hurt was a co-conspirator with the other conspirators carrying on a fraudulent election.

Now, the law of the State of Alabama requires that a room shall be provided by the sheriff for the purpose of carrying on the election, and that the booths should be placed in the room. Then, in addition to that, that when the voter had prepared his ballot he should hand his ballot to the inspector to deposit it in the ballot box. This was all evaded and prevented by the machinery resorted to in this case, and a system of fraud in this matter was created and perpetrated, as in no other election case that has been brought before the attention of this House in the consideration of these cases. The consequence is that there is no reliable evidence that any legal votes were deposited in the ballot box by the persons or under the authority of the persons who gave those tickets to Hurt. A man named Nelms testified that there were 196 Democrats on the polling lists, and he gave their names.

Now, these persons, if they voted there at all, were bound to go into this room and there prepare their vote; and while he knew all these persons, he could not give the name of any of the 196 as persons who passed through this room and prepared their votes there and delivered them for the purpose of voting any ticket at that election. He does not pretend to say that they voted; but he knew their names were on the list. If these men had voted he certainly would have noticed some of them, as he knew their names. He would have noticed them as they passed through this room, and would have given us the name of those whom he recognized; but there is not a word of that kind of testimony. He gives the names of those who are on the poll list, and that poll list was made for the purpose of accommodating those who were interested on this occasion.

Another man, Moore, says that 28 Republicans belonged to a Democratic club, but he does not say that they voted. On the other hand, upon his final examination he said he had reason to suppose a good many of them voted; and that was all he said about this, showing the entire scheme through which this matter was carried on, being a device as completely effective as it could be, by placing the ballot boxes in one room and a place to prepare the ballots in the other, by means of which fraud was successfully perpetrated. As to those ballots, the committee have concluded that they should be entirely rejected. There were 45 votes for the contestant, but they were not accounted for at the polls. Two hundred and twenty votes were found to be there for the contestee, and we have allowed the matter to stand with these entirely taken out of the account.

Now, as to the other precincts, which I will go through very rapidly, there are six of them concerning which no disagreement is made on the part of the contestee, but it is admitted on their part that as to those precincts the election has been substantially as it was claimed to be by the contestant, and that no more votes should be counted than those which the contestant is allowed.

As to the other precincts, six or seven in number, we present further objections. In Gallion beat, and in Greensboro beat, and in Laneville precinct, persons were brought on the stand to swear that they voted for Underwood, colored persons, Republicans apparently, over 200 of them, and the House will see when attention is called to this fact, as it will be presently by my colleague on the committee, that the questions were written out before they were put to these persons, and they were required to answer in the words that had been prepared in advance for that purpose by the individuals who desired their testimony that they had voted for Underwood. For the purpose of showing that these ignorant people—for they nearly all signed with a cross—were induced to swear falsely upon that occasion, I will simply read a few words from the testimony of Mr. Jackson, in which he says that he was approached by one of the managers of the election and asked to swear that he had voted for Underwood. He said:

> They wanted me to go in directly after dinner to say I voted, and I told him I could not do that; I was afraid I would injure myself. I told him I didn't know what to say or how when I got there, and he said, "Well, I will tell you what to say."

The evidence of Dickerson is to the same effect. He says that when he told Mr. Collins that he did not know what to swear to Collins said, "Well, we'll tell you," and that he then told Collins he could not recollect all that. That is the testimony to show that these men were corrupting voters—hiring voters to swear falsely for the purpose of sustaining the case of the contestee before this House; and the men who testified under the employment of these persons testified in such a manner that in the Gallion precinct answer after answer was repeated in the very same words by nearly 100 persons.

As to the Uniontown precinct or beat, we cut that out entirely, for the reason that the evidence shows that there were several persons noted upon the list who were at a distance of 7 or 8 miles, one of them 8 miles, from the polls on the election day, and one man's name was placed upon the list who had been dead for over eight years. Upon this subject Mr. Richard Ware testifies that he watched the polls from before they opened in the morning until 3 o'clock in the afternoon and that only 12 persons went in, but there was no vote returned for Aldrich there; showing on the whole face of the proceedings a concocted scheme for the purpose of making a false return, as it was made, and defrauding the other side out of the votes they were entitled to.

In the Five Mile precinct the ballots gave out at 1 o'clock in the afternoon. How they happened to give out no one understood and there was no explanation of it, but after 1 o'clock in the afternoon there were no ballots there and no effort was made to get ballots, and the consequence was that the voters who were ready to vote were unable to do so, having no tickets by which to express their will at the polls. We have found, on the evidence submitted to the committee, that there were certainly 40 votes lost there, but to be within the fair and square rule of safety, we have put the number at 22.

As to the Carthage precinct, there were 32 votes allowed there for Aldrich. Seventy-six persons came in and swore that they voted for Aldrich during the election; but all that we count there is 44 votes to be added to Aldrich.

Now, without going further into detail, what I have already stated illustrates substantially the manner in which this election was carried on in utter disregard of the right of the voters and of the right of the opposite party for the purpose of preventing them from voting at all, or for the purpose of putting their votes in the hands of men to deposit for them.

Mr. PAYNE. Mr. Speaker, I suggest to my colleague that it is desirable to ascertain whether some arrangement can not be made with gentlemen representing the minority by which the debate on this case shall be extended to a certain time, and then the vote be taken.

Mr. McMILLIN. The gentleman from New York [Mr. DANIELS] announced that at the end of twenty-five minutes on a side he would demand the previous question. I said at the time, on behalf of the contestee, that we thought the time was unreasonably short. However, if we can come to some agreement by which there can be a fair opportunity for a hearing of this case we shall be very glad to do so.

Mr. PAYNE. What does the gentleman suggest as the time that the minority desire for debate under the arrangement?

Mr. McMILLIN. My judgment would be that we should have two hours and a half on a side.

Mr. DANIELS. We have lost too much time for that.

Mr. PAYNE. That would extend the debate until pretty late in the day. Suppose that two hours were conceded, with the understanding that then the vote should be taken.

Mr. McMILLIN. I presume I do not betray any confidence when I state that originally the managers of the case for the

majority proposed two hours, but that was rejected by us as too short a time. We still believe that the time is too short in which to dispose of an important question like this, involving the examination of nearly 2,000 pages of record, but we also realize that the situation is now not just exactly as it was then——

Mr. DANIELS. Considering all the time we have lost, I think we ought not to take two hours on a side.

Mr. McMILLIN. Mr. Speaker, I think the gentleman from New York will see, when he reflects calmly upon it, that the amount of time lost in any preliminary proceeding does not affect the question of the amount of time that ought to be given for the discussion of the substantial question at issue.

The SPEAKER. The Chair thinks the easiest disposition of the case would be to agree to two hours' debate on a side.

Mr. McMILLIN. We will accept the proposition for two hours on a side, if that is satisfactory.

Mr. PAYNE. And then it will be considered, when the other side has had two hours for debate, that the previous question is ordered, and we take a vote directly?

The SPEAKER. The gentleman in charge of the case can move the previous question, if he chooses, when the other side has had two hours or any other time, as he may please. It is not necessary to have any agreement beyond what has already been had.

Mr. DANIELS. I wish to say, in addition to what I have already suggested, that on page 14 of the minority report (and this shows the manner in which this report has been made up) it is stated that Mr. John A. Bayloe testified that the colored voters in the district were from four to five hundred and that they were Democrats. There is no such testimony in the record at all. Bayloe's testimony is that the colored vote was from four to five hundred; but not a word was said about the colored voters being Democrats. It is further stated in the minority report that Mr. Hurt, who was so skillful in manipulating these ballots at Marion precinct, was in the employment of the contestant. There is not a word of truth in that statement. He was a Democratic manager at that election, all his sympathies and affiliations being with the other side, and his disposition was to beat the contestant in this election case so far as the vote of that precinct went. That is entirely made out. There is not one fact or circumstance to show that Hurt was a friend of the contestant or in his employ. There is no foundation whatever for that statement.

This minority report in other respects assumes matters that do not appear in any form whatever in the record. It relies upon testimony of the most unreliable character that was brought before the commissioners—the testimony of men who are now before the court—accomplices of these very men who were concerned in carrying on this election in the manner I have stated, for the purpose of retaining the contestee in his seat.

The only reason why I suggested (and of course it is a matter of some embarrassment) that we confine this discussion to so short a period of time is the tactics that have been resorted to on the other side to prevent this case from being considered by the House at all. The statement has been made that they intended to continue these tactics for the purpose of preventing any vote from being reached on this case, the object being to retain the contestee in his seat.

One word further. It has been stated in a morning paper here that there was no report agreed upon by the committee in the first instance, but that all the members of the committee, except one, were in favor of the contestee. That is utterly and absolutely false. There is not a circumstance or a fact which would authorize even an inference of that kind. There was a division among the members of the committee when the vote was first taken; the committee then was not full. A short time afterwards, when it was full, it was finally concluded to reconsider this vote. Upon that occasion there were only three persons (and they were the Democratic members of the committee) who were willing to sustain the right of the contestee to the seat.

I may say, further, that while we have been ready to concede to every Democratic contestee that has come before our committee all the rights and privileges to which he was entitled under the evidence and the law of the case, and have reported in favor of such contestee whenever the evidence and the law would justify us in doing so, there has not been a Democrat among the three who were on this committee who under any circumstances, or at any time, on any occasion, was willing to make the slightest concession to Republican contestants when their cases were brought up for consideration. On the other hand, they have banded together as one man, and whenever any vote has been taken or any suggestion made, no matter what the evidence proved to be, they have voted to sustain the Democratic sitting member under all circumstances.

Mr. TERRY. I wish to ask the gentleman from New York [Mr. DANIELS] whether a great majority of the committee did not at one time agree that the contestee was entitled to the seat?

Mr. DANIELS. They did not at any time.

Mr. TERRY. I have been so informed.

Mr. DANIELS. The information is not correct.

Mr. WILLIAMS. I should like to ask the gentleman a question. Upon that final vote on which, as the gentleman states, nobody except the three Democratic members of the committee voted in favor of the contestee, did all of the Republican members vote in favor of the contestant?

Mr. DANIELS. Yes; substantially.

Mr. WILLIAMS. "Substantially." How many remained quiet without voting at all?

Mr. DANIELS. There were two that did not vote at all. One disagreed as to the computation of certain precincts; another as to the regularity of the proceedings in another precinct. That is all the difference that ever existed in the minds of the committee—all the difference that arose in the committee room on this subject. One of the members who did not sign this report has acquiesced and acted with us, and we hope during the progress of this discussion to have him express his own views before the House.

Mr. HULICK. Are we to infer from the statements of the gentleman from New York that the committee in this case has resolved the doubts in favor of the contestee?

Mr. DANIELS. Yes, sir; right along.

Mr. HULICK. That is what I have understood—that all doubts were resolved in favor of the contestee.

Mr. DANIELS. I can say further that in examining these different precincts no particular theory controlled or influenced the examination on the part of the majority of the committee. Precinct after precinct was examined separately, the result as to each precinct being put down on paper; and when the examination of all the precincts was concluded the matter was turned over to the secretary of the committee, that he might go through and pick out the items and do the footing. No member of the committee did any footing in reference to the results. Whether the result would have come out in favor of the contestant or the contestee, the committee was ready to stand by the footing made by the secretary. When the footing came it turned out that there was a majority of 220 in favor of the contestant, and that, too, without counting the vote in one of the precincts which had by mistake been left out, a precinct in which there was a majority of 13 in favor of the contestant, making the majority 233 votes in favor of the contestant as against the contestee. There was the utmost care and caution exercised in all these investigations for the purpose of avoiding the possibility of injustice. And I can say there was no feeling on the part of any member against the sitting member. On the contrary, all spoke well of him as a man and as a gentleman; and if we could have come to the conclusion to retain him in his seat consistently with the evidence there would not have been (as there was not in the Maddox case) one dissenting vote against that conclusion. But they were driven to the result that was adopted by the full and complete examination given to the matter, precinct by precinct, when they found these were the absolute figures, and that by reason of them the contestant was undoubtedly entitled to his seat.

I may say further, Mr. Speaker, in reference to the article published in the newspaper this morning, to which my attention was called, without going through it, that there is not one important fact so far as this election case is concerned that is true. On the other hand, all of the statements made in reference to the action of the committee are without foundation. It has been written and published on this question to meet the contest before the House for the purpose of improperly influencing or attempting to influence the House or the members of the Committee on Elections in the disposition of this case. And it has been signed by an ex-Congressman who has not given his name and was unwilling to take the responsibility of vouching for the truth of the statement. In fact there is not a material statement in it that is found in the record of the case.

Now, I presume the other side will wish to be heard, and I reserve the remainder of my time.

Mr. UNDERWOOD. Mr. Speaker and gentlemen of the House, I am suffering this morning from a very hoarse cold, and shall consider it a great privilege if I can have quiet in the House while I undertake the discussion of this question. In the discussion of the case I do not wish to reflect upon any member of this committee. I do not wish to reflect upon the members of the House, but I do believe that the report of the majority of the committee has misquoted the evidence, and without intending any reflection on the honorable gentleman from New York [Mr. DANIELS], I hope he will pardon me when I state to this House wherein I believe that the evidence in the case has been misquoted to the House in that report.

Let us consider first the Elyton precinct. That is in Jefferson County. Jefferson County is the county in which the city of Birmingham, Ala., is located—the great iron center of the South. There are men living in that county from one end of the Union to the other who have money invested and property interests there. It is largely constituted of a white population.

This committee charged that the election officers in that county were selected only in the interest of the Democratic party; they charged that the managers of the county and the Democratic officials have not given fair representation at the polling places. I challenge the statement, and I challenge the gentlemen to deny the counter statement that my honorable opponent furnished a list of the persons he desired to represent him as election officers to the probate judge, the clerk, and the sheriff of that county, and that they appointed the men that he selected.

This report says that men were appointed who were weak and unable to look after the interests of my honorable opponent. But again I challenge the gentleman to deny the proposition that Mr. Fountain, the chairman of the contestant's Congressional committee, furnished a list of the men Mr. Aldrich desired to represent him in the election, and that they were appointed as requested by him.

Mr. DANIELS. I did not so understand the testimony of Mr. Lester. I understand from the testimony of this witness that they were ignorant men who could neither read nor write.

Mr. BARTLETT of Georgia. That was in reference to Perry County.

Mr. UNDERWOOD. That was in Perry County; but the same allegation was made there as with reference to Jefferson County. The Republicans furnished a list of their inspectors, except in three of the precincts, and there they refused to furnish them, and their reason for not asking representation in those precincts, they alleged, was because there were no white men acting with your party in these precincts, and that the Republicans would not furnish the names of colored men. Our party gave you representation on all of the election boards where your party asked for representation. That is a fact shown by the record. And the report of the minority of the committee shows the page where you can find the names of the witnesses who testify as to the appointment of these election managers in these various precincts.

Now let us consider this Elyton precinct again. The gentleman from New York says they have resolved all questions of doubt in favor of contestee. Here in this great white county in Alabama, where the contestant had managers of election selected by himself, they say that 19 votes should be rejected. Why? Because there were unfounded challenges. The report admits that. Under the law of Alabama when a voter presents himself for the purpose of casting his ballot if there is any citizen of that precinct who believes he is not a qualified voter he has a right to challenge the vote, and then the voter must either produce some one to identify him and prove that he lives in the precinct or make an affidavit that he is a resident of the precinct.

But the gentlemen say that we required negroes to be identified by white men. If that were true, gentlemen, it would be manifestly unfair and unjust and would have warranted the rejection of this precinct. But I say that the evidence does not show it. On whom do they rely to prove that assertion? They say that a man named Diffey, a colored man, says that colored men were required to be identified by white men. Let us see what Diffey says. You will find it in the record, on page 349. Mark you, they say that this man Diffey says colored men were required to be identified by white men. What does Diffey say? He says:

I voted at Elyton and I am a Republican.

He was their witness.

Q. Did you see the managers of that election refuse to allow any persons the privilege of voting? If so, state how many.
A. I can not say the managers refused them. I know that they were refused and that they stated to me that their vote was challenged. There were about 15.
Q. Do you know whether or not the managers of election in beat 9 in November required the colored people to be identified by any particular persons or class of persons? And if so, state by what persons or class of persons.
A. I could not say that they required any particular class of persons, because I identified one man myself.

* * * * * * *

Q. Did the managers of election refuse to allow any person to vote that you identified that day?
A. No, sir; they did not.
Q. Was there much of a crowd around the polls?
A. No; the crowd was small.
Q. Are you a colored man or a white man?
A. I am a colored man.

Now, I ask you in all fairness, do this committee resolve the doubts in favor of the contestee in this case, when they misquote the evidence in this case in this way?

But this is not all. Diffey says that there were only 15 men challenged. Their own Republican manager says there were about 12. I do not quote him exactly, because I am quoting from recollection. There were 5 colored men put on the stand who said they were challenged. Diffey says he watched all day and there were only 15. This report counts for contestant 19 men by adding to the number that Diffey says he saw the 5 who testified themselves. In other words, they count those men twice.

Mr. DANIELS. I desire to correct the gentleman. The report throws out only 5 votes.

Mr. UNDERWOOD. The gentleman's report says it only throws out 5; but in making up the figures the gentleman will see that the report says they should add to contestant's vote so as to make it 87 in this precinct. Now, the original vote was 68, and when they make it 87 there is added 19.

Mr. DANIELS. No; I will state that this reduction from 19 to 5 was made after the report was first drawn and read to the committee. It was suggested that it should be reduced to 5, and it was reduced, and in the footing which is made by the secretary of the committee the vote is put down at 5.

Mr. UNDERWOOD. I would not say anything in the world for which I have not the figures. If I have made a mistake in what the gentleman says in his report I am glad to be corrected. I do not want to misinform the House. But I will read what the report says:

They all said they were Aldrich men. In this manner there were 5 colored votes unlawfully refused which would have been cast for the contestant. They should be added to his vote, making it 87 in this precinct. There were no such abuses as will justify the exclusion of the vote in this precinct; but it should be increased as already stated.

The returns of the officers show that Mr. Aldrich was allowed 68 votes. Now, how can you add 5 to 68 and make it 87? They make it 87, and if you will add up the computation of the final figures in this case you will find that it requires that 87 to make the footing which they find. If the gentleman has made a mistake in his addition, I am glad he has corrected it.

But they say that we required white men to identify colored men. There is some testimony on that point, and I want to give you the full benefit of what it is. There is just one witness who says that he was told to go and get a white man to identify him. He does not say that the managers told him, but he says that the man challenging his vote told him. There is another witness who says that he was told to get a boss man to identify him; but he says that the man who challenged his vote told him that, not that the managers of election told him.

Now let us see what Mr. Pettyjohn says. He is asked this question, which will be found in the record on page 207:

Q. State if you saw any person that day challenged or not allowed to vote; and if so, what reasons, if you know, were given.
A. I did; the parties were challenged on the ground that they did not reside in the beat.

* * * * * * *

Q. Were there any colored voters identified by colored witnesses that day?
A. There were.
Q. Upon such identification were those voters permitted to vote?
A. They were.

Now, gentlemen, there is your Republican manager. There is the man that you selected to represent your interests, who says that these colored men were allowed to be identified by colored men, and that they were allowed to vote; and yet, in the face of that evidence, this committee brings in a report telling this House and telling the people of the United States, as a reflection on my constituency, that we deprived these colored men of their votes by requiring them to get an impossible or a wrongful identification, when your own man says it is false.

Take the next precinct—the Birmingham precinct. What do they charge here? They do not charge that there was a false return. I will call attention to the fact that the gentlemen selected at this box to represent my honorable opponent were selected by him as they were in the other case. But who were they? One was W. A. Smith, whose father was a Republican governor of Alabama. He is one of the most prominent Republicans in our city, an able lawyer and a man of high standing in our community. He represented them at one box. And the next, C. A. Meisener, a Republican, general manager of a furnace company. At the next box was Mr. R. L. Houston, an appointee of President Harrison as postmaster at Birmingham. At the next box Mr. L. L. Schwartz, a prominent merchant.

Now, with these selections, when my people appointed such men as these to represent the Republican party at these boxes in Birmingham, do you not think it is a slander on those people for this committee to come here in this report and charge them with not giving you fair representation at those boxes? But they say that by reason of arrest and intimidation these voters were driven away from the polls. What is the evidence? The facts show that the Republican managers in this campaign got out a dummy ticket, a dummy identical with the official ballot that was voted, and it was circulated among the voters. Now, in Alabama we work under what is called the Sayre law—it is really an Australian ballot system. The law is an educational qualification to some extent. The law provides that—

Any person * * * who aids or attempts to aid any elector by means of any mechanical device, or any other means whatever, in marking his ballot, or shall print or procure to be printed, or have in his possession any copy of the ballot proposed to be voted, shall be guilty of a misdemeanor, etc.

In the face of that law, the Republican committee in the town of Birmingham printed ballots identical in size—you will find that in Mr. Mothershead's testimony, the testimony of one of the attorneys for the contestant here—a ballot identical in size with the official ballots, with the names on it the same, except that

opposite the name of my honorable opponent was a cross mark. Then they took that to the polls and furnished it to the voters, under instructions to take the dummy ticket into the box, lay it alongside the original ticket, and when they fit the top and the bottom the cross at my opponent's name would fall opposite his name in the original ticket, and they instructed them when they matched these tickets to make a cross mark opposite the place where it occurred on the dummy ticket, which is in clear violation of this law. Why, the gentleman himself, in his report, admits that these men who were arrested were lawfully arrested, and then he says that we made the arrests to intimidate the voters.

Well, how many arrests did we make? In the whole city of Birmingham, a city of 40,000 or 50,000 souls, where 4,000 or 5,000 men were registered, on the day of election there were just 5 men arrested for using these dummy tickets, and I challenge the gentleman to show that there was a single other arrest. This report says that they were arrested and then discharged, leaving the impression on your mind that a fraudulent arrest was made for the purpose of harassing them, when the facts show that they were discharged, and I refer you to the testimony of Mr. Oldham, on a demurrer on the indictment, because the indictment did not show at what election they were using these dummy tickets.

But on what testimony do they seek to throw out these ballots? On the testimony of two men, one a colored man by the name of Simpson. He says that when one of these arrests was made that a crowd of 50 men was around him, and that they scattered and never came back to the polls. Mark you, there were two voting boxes in that beat, and the voters had the privilege to vote at either. Of all the persons who were there he can not name anybody but the man who was arrested, and yet he goes on the witness stand and says that they scattered, and on the testimony of that one witness they count 50 votes for the contestant.

On the testimony of Vincent Tilley they seek to count 9 votes. They do count 9 votes. What does he say? He says that himself and 9 men were put out of line by B. A. Thompson, a deputy sheriff, and prevented from voting. That is on direct testimony. On indirect examination he is asked, "Did you vote at the south side?" and his answer is, "Yes, sir." Gentlemen will find this testimony on page 326 of the record. Mr. Thompson says that he did not put Tilley out of the place at the November election, but that he did put him out at the August election because he was crowding the booths where they were marking the ballots for illiterate voters, and that he merely put him out of line until those men could be voted, to keep him from crowding the polls. Vincent Tilley himself says that he voted on the south side, and on cross-examination he is asked whether the other 8 men that he says were there voted, and he answers that he does not know. And yet, on that testimony, those 9 votes are to be counted for the contestant! Now, I appeal to you gentlemen, in all human fairness, is that resolving the doubts in this case in favor of the contestee, as the gentleman from New York says he did in preparing his report?

As to the Bessemer box, the gentleman from New York says that a Democratic paper wrote an editorial condemning the fraud there. That Democratic paper condemned the burning of those ballots not more than I do, but as I challenged my honorable opponent, so I challenge this committee, I challenge anybody, to say that throughout this whole election from beginning to end I have not done everything in my power to give my honorable opponent a fair election. At this Bessemer box it is true that the probate judge, clerk, and sheriff sent the requisite number of tickets, and it is true that some one went into the sheriff's office that night and burned all of those tickets except 127. Mr. McKinney, the man in charge of that box, was put on the stand by us, and he swore that he had nothing to do with the burning of those tickets, and that he did not know who did burn them.

Mr. DANIELS. The gentleman is mistaken. He does not say any such thing. Mr. McKinney does not testify that he did not know who burned the ballots.

Mr. UNDERWOOD. My recollection is that Mr. McKinney does say that he did not have anything to do with it.

Mr. DANIELS. No, sir; you are wrong there.

Mr. UNDERWOOD. Mr. McKinney was put on the stand and cross-examined, and he says he had nothing to do with it, and if he does not, in so many words, say that he does not know who destroyed the tickets, the gentleman on the other side did not cross-examine him as to whether he knew or not. Probably it was an oversight. But I say there is not a particle of evidence in this case to show, and I challenge the gentleman to produce any evidence to show affirmatively that Mr. McKinney did know who destroyed those ballots, or that he had anything to do with the transaction. We put the Democratic officials, we put the Democratic election officers, we put the manager of my campaign and everybody connected with me in the election on the stand, where they were subject to cross-examination, and they testified that they knew nothing about the destruction of those ballots. What more was possible for us to do? The testimony of contestant utterly fails to connect any Democrat with their destruction.

Now, if my honorable opponent lost votes by the loss of those tickets at that precinct, whether we are responsible for it or not, those votes should be counted for him. But the testimony is that when the ballot box was opened and it was found that there were but 127 ballots in the box the Democratic election officers sent Mr. Tillman to Birmingham to get more tickets, and that the other side sent Mr. Carwile; that those two men went to the probate judge and he furnished them more tickets, and a majority of the witnesses testify that those tickets got to the poll at 1 o'clock. The other witnesses swear that they got there at 2 o'clock; but the uncontradicted evidence shows that during the afternoon the voting at that precinct was slight, and that during the latter part of the afternoon there was full opportunity for everybody to vote who desired to do so. It is true that the evidence shows that when the tickets gave out in the morning there were two or three hundred men around the poll who did not vote, but the evidence also shows that there were two or three hundred men who did vote there in the afternoon.

Mr. Cook, one of the contestant's witnesses, one of the witnesses relied on in this brief to substantiate and make out the contestant's case, "guesses" that there were about 200 men deprived of the opportunity to vote, although he can not name a man of them, and yet this same witness, who can guess with so much facility, states that Mr. Schwabacher, one of the men whose names appeared on the poll list, was a dead man, whereupon we produced Mr. Schwabacher and put him on the stand and he swore that he was and had been alive and present at the polls and had voted.

Now, that is the kind of witnesses they bring to prove their case, men who will recklessly swear that a man whose name is on the poll list is dead when in fact he is alive and has voted. What does Mr. Carwile himself say about these tickets? He says he thinks there were two or three hundred men who did not vote in the morning, but he admits that he is only "guessing." In the first place, they say that we told those voters to leave and that they left, but Mr. Carwile himself says:

> Then I went among the crowd—myself and others—and tried to convince the people we would get the tickets. In a short while afterwards—I can not say how long—Mr. Vaughn came with the tickets.

I read from another place in his testimony:

> Q. How did you get your estimate that there were three or four hundred men who did not vote on account of lack of tickets?
>
> A. It was an estimate I made up, seeing the men on the street. I suppose you might call it a guess.

"I suppose you might call it a guess!"

Mr. LACEY. How far did they have to go for their tickets?

Mr. UNDERWOOD. They had to go 12 miles for their tickets. There were two "dummy" lines and two railroads. It took about an hour to go and an hour to come back.

Mr. CLARKE of Alabama. How many trains were running?

Mr. UNDERWOOD. The trains ran on each line every half hour.

Now observe how fair the committee has been in considering the evidence in this case. Here is what they say in the report in reference to the managers who were appointed to represent the Republican party:

> But these appointees were not the persons whose selection was desired by the combinations opposing the Democrats. They were, on the contrary, inexperienced persons whose good intentions could be readily frustrated by their wily and expert adversaries.

Now, the gentleman from New York will find in Mr. Stile's testimony the list that was handed in by the contestant's chairman; and on that list he will find the name of Mr. Spencer, the Republican election manager at that box. Yet it is claimed that these men—the very men that they selected themselves, as this report says—were not competent to look after the election. But although they had their own election managers, they took the precaution to have every man who voted for my opponent go before a notary public and make affidavit that he voted; and those affidavits are in the evidence. On page 251 of the record you will find the evidence of Mr. Reville, the man who took the affidavits, and the evidence shows that they tallied exactly with the returns.

Now, when they have put every man's name on the poll list that voted for their candidate (and they had the registration lists), is it not strange that they come here claiming 365 votes without being able to produce or to name the men who they say failed to vote for them? Was there ever a case where votes were counted where the men voted without knowing whom they voted for? Was there ever a case where men voted without telling whom they voted for or without somebody else telling? There is no evidence to show that those 300 men who were round the polls in the morning may not have come back in the afternoon and voted. I say that by following the action of the committee in this case you establish a precedent the like of which is heretofore unknown in the history of contested election cases. It is proposed to count

365 votes of men who are absolutely unknown and whom the witnesses for the contestant can not find, can not identify, and can not say whom they voted for.

I admit that there were four or five men—possibly seven or eight—who testify that they came to the polls in the morning, went away, and did not come back again. But outside of those there is not a man of those 365 supposed to have voted for Mr. Aldrich who has come forward and testified that he did so vote or would have so voted; and there is not one of these guessing witnesses who can name any of these supposed voters. Yet you propose to deprive me of my seat in this House, and to deprive my constituents of their right of representation by the man whom they have selected, on such evidence as this; because it requires these 365 votes to change the result (220 the report of the committee says would change the result); and you propose to do this without knowing any of these men whose votes you propose to count, and without any evidence identifying them or showing how they voted or would have voted.

So much for Jefferson County. I must hurry on, as my time is limited; and I want to call attention now for a few minutes to Blount County, where it is said the contestant was not fairly treated. I call attention to the fact that the machinery in that county was in the hands of his party or the party associated with his; it was in the hands of the Republican party and the Populist party. If you will look at the testimony of Mr. Hudson you will find that we furnished a list of men whom we asked to have appointed to represent me at the polls in that county, and that their appointment was refused. It is true that some of the men appointed were Democrats; but as to numbers of others, we did not know whether they were Democrats or not. As to two boxes, which are well known always to give Democratic majorities, the election managers representing my honorable opponent returned those boxes to the county board of inspectors; and those officers threw out the boxes and refused to count them for me. It is true the committee counts those votes for me because I brought forward the voters and proved their votes. But this circumstance shows that the cry of high-handed fraud does not apply alone to the Democratic party; that in the counties where the contestant and his party controlled I was not allowed the representation that I gave to his party in my county; and votes lawfully cast for me were wrongfully rejected.

Furthermore, I want to say that from Pratt Mines beat, in Jefferson County, a return came in unsigned, just as these did in Blount County; but the probate judge, clerk, and sheriff of Jefferson County, the men whom this honorable committee would condemn as conspirators and ballot-box stuffers, counted that precinct, with 300 majority for my honorable opponent, although the representatives of the Republican party in Blount County, under similar circumstances, refused to count the votes for me.

Now let us go to the lower counties. Let us take Marion precinct, where I received 238 votes, which the committee disregard; where Judge Shivers gave our opponents the representation that they asked; where they had Mr. Lester as their representative at the box. It is absolutely true that the booths were in one room and the ballot boxes in the other. But the law merely says that the sheriff shall provide a suitable room in which to conduct the election. Any lawyer will recognize the fact that that provision is merely directory, not mandatory, and that what was done at that precinct did not violate the law and does not make it necessary to throw out the vote, if the election was otherwise fair, merely because the ballot boxes and booths were in two separate rooms.

At that box the testimony shows—Mr. Lester's own testimony—that he was satisfied with the clerks who had been appointed. The law requires not that the voter shall put the ballot into the box, but that the manager shall take the ballot and put it in. That provision of the law was complied with. Mr. Lester, your own man, your own manager, says he went with Mr. Hurt with the vote in his hand, and on almost every occasion he saw him put it into the box. That is what your man establishes by your own proof.

But they say I can not have any votes because I have not proven my vote; that I did not prove that these men were on the poll lists. Now, gentlemen, this poll list is not attacked. It is true the returns are attacked. It is true that the returns were reduced or changed. That is true, but they were not changed in my behalf. They were changed against me. According to what the witnesses testify was the real vote that my honorable opponent received, they place the number at only 15 votes, but the returns came in giving him 45. It was not, therefore, a change in my favor, but a change in his favor.

But they say that there is no proof that these men voted. Now, mark you, Mr. Lester, your manager, says that 302 men voted. He identifies the poll list. The poll list is not attacked, as I have said. There is nobody who has come forward to challenge the poll list. The poll list was introduced by the contestant himself.

You understand that whenever a man comes to vote in our country he gives his name to the clerk, who writes it down, and the list of voters thus kept is returned to the probate judge with the ballots. Now, here is the certified poll list kept in that manner not introduced by us, but introduced and put in evidence by the contestant himself. He uses other poll lists in the same way to attack other precincts; and yet the honorable committee say that there is no evidence as to who voted at this box. I ask you what better evidence can be furnished than this? Is it not the highest evidence, especially when it is introduced by my honorable opponent himself in support of his case?

Now as to the men who voted. The testimony shows that Mr. Nelms took the poll list in his hand and went over it and was asked various questions, as, for instance, "How did this man vote?" "Do you know this man?" "Is he a Democrat or Republican?" and so on, and he proved the names on that list. And that is legitimate. All the authorities on elections recognize that it is a legitimate way to prove how a man voted. He takes this list and picks out 196 names from the list who he swears voted the Democratic ticket. The poll list proves that they were voters. Mr. Le Vert and Mr. Lester swear that the 302 men whose names were on the poll list cast their ballots. Not all of the names are on the poll list whom Mr. Nelms identified as having voted. He says that 196 are Democrats, and they were Democrats who cast their votes that way all the time. Again, Sterling Moore testified that there was a Democratic colored club in that town with 66 voters in it and that they voted the Democratic ticket. He selects from the names on the poll list 28 men he says voted the Democratic ticket.

Mr. DANIELS. I would be very glad if the gentleman from Alabama would state where and in what part of the testimony he makes that assertion. Sterling Moore says, "I have reason to believe," or something to that effect, that they voted the Democratic ticket.

Mr. UNDERWOOD. Well, of course he could not say absolutely that they voted the Democratic ticket, that he saw them fix the tickets up and put them in, for he could not have been able to do that under the law. He could not swear absolutely that he knew it, but he swears that he has reason to believe it, that there are reason which induce him to believe it, and in this particular instance he swears that these men belonged to a club that was well known to have been organized and was working for me. Now, if that is not good ground for basing a reason for belief upon, I should like to know what is.

Mr. CLARKE of Alabama. And did not the committee give 365 votes at Bessemer to the contestant simply on the opinion or belief that if they had cast their vote they would have voted for the contestant, without any testimony at all as to how they voted?

Mr. UNDERWOOD. Yes; and as my friend from Alabama says, they gave my honorable opponent 365 votes at Bessemer, where they could not name a single voter, and with no testimony to show even a reasonable belief as to how they would have voted.

Mr. CLARKE of Alabama. And simply on the opinion of somebody that they would have so voted.

Mr. UNDERWOOD. It was simply guesswork. But they were organized in a club at Marion, and this man who knows them says he believes these men voted for me and gives the reasons for that belief, which reasons are fully embodied in his testimony contained in this record.

Now, gentlemen, all I have to say is that if you count these votes for me that I prove in Marion precinct, they elect me, and I say you can not, under any rules of evidence, disregard them.

But as my time is almost exhausted, let me hurry on to Greensboro precinct. In that precinct they put a colored man on the stand who watched the polls, and he testifies that 183 men entered the polling place. They admit that in these precincts they ordered the Republicans not to register and not to vote. That evidence is not contradicted, that that was the order of the executive committee. Now, this man admits that he saw 183 men enter this polling place, and he says that there were other doors by which others could enter. I only got 238 votes there. He admits 183 by name, names the men and tells who they were. Well, now I prove the votes of 51 other men on that poll list. I put 39 of them on the stand themselves. I proved the votes of the others by other witnesses, which made me prove every vote I received in that precinct.

Mark you, there was an admission of 183. Add the 51 which I prove, and I have proved every vote in that precinct except 7 or 8. I put the election managers on the stand and they swear that the vote was honest and straight. Yet this committee rejects that precinct and refuses to take the testimony of those witnesses whom I put on the stand. They are white men. Here is Mr. Lawson, a prominent banker; here is Mr. Massey, the head of the college; here are prominent merchants, farmers, and preachers in this list. If you will look at the minority report on page 12 you will find the men who were put on the stand, with the page of the record showing where you can find their testimony. Yet this committee, which, as the honorable gentleman from New York [Mr. DANIELS] says, have resolved all the doubts in my favor,

reject those 51 votes, and say that those 39 white men, lawyers, preachers, merchants, and doctors who took the stand and swore that they voted for me have perjured themselves. Gentlemen, I say are you going to reject the testimony of those 39 men and throw out that precinct on the testimony of this one colored man, who says he only saw 183 men go into that polling place, but admits there were other doors at which they might go in? Or are you going to say that he was simply mistaken, in view of the fact that these men have taken the stand and say on their oaths, subject to cross-examination, that they were there and voted for me? Count that box and you elect me.

Mr. BURTON of Missouri. Are these 51 men in addition to the 183?

Mr. UNDERWOOD. Yes. Of course, it was not necessary for us to prove the votes that they admitted.

Mr. HARTMAN. Is there no other evidence to contradict the evidence of these 39 men except the evidence of this one colored man?

Mr. UNDERWOOD. That is all on that point. Mr. Hobson swears that there are 50 men on the poll list whom he does not know; but we prove all except nine men.

Mr. HARTMAN. And nobody disputes it except this colored man?

Mr. UNDERWOOD. The colored man is the only one.

Mr. DANIELS. I ask the gentleman right here if Mr. Simms, a merchant, did not take an account of the men who went in there, making a memorandum of their names, and did he not state the number?

Mr. UNDERWOOD. That is what I say.

Mr. DANIELS. No; you say there was a colored man.

Mr. UNDERWOOD. Simms is a colored man. He says so in his own testimony.

Mr. DANIELS. He is a merchant.

Mr. UNDERWOOD. But he is a colored man. He keeps a huckster's store there in Greensboro, and I believe Simms swore to the truth. I believe that when he was sitting there all day watching his huckster's stand, some of these men may have passed him. And he admits that there were other doors by which these men might have entered. I do not say Simms swore to a lie, but I say he did not see all these men who went in and who swore that they went in. I say you can not, on that evidence, say these men have sworn falsely, and if you do not say they have sworn falsely, you must count this box, and I am elected.

Mr. LACEY. How much would it amount to?

Mr. UNDERWOOD. It would amount to 238 votes.

Well, now, take Gallion precinct. In that precinct they put some men on the stand who swore that some of my attorneys offered them 75 cents apiece to testify. That was in rebuttal. We had no chance to meet it; but that simply amounts to this: We paid the men who testified, as the law requires that they shall be paid, 75 cents. I have no doubt that when the officer went to summon these men from their fields and their plows, when they told him they could not come; that they did not have time to leave their work, he told them they would get 75 cents to come and testify; but the vote of that precinct where I got 272 votes is rejected on the testimony of one man named Jeffries, who says that he watched the polls all day. There are six reputable white men who say that Jeffries did not watch the polls all day. Jeffries admits that he saw 31 white men and 21 colored men go in there and vote. He admits that the colored Republicans were not voting, and yet this committee only counts, I believe, 38 votes in that box, when their own evidence admits 51.

But, outside of his own admission, we prove by six men that he did not stay there and watch the balance of the day, but that he was in the back room of a store picking a banjo. We put 133 colored men on the stand who swore that they went there that day and voted for me.

Mr. DANIELS. I would like to ask the gentleman a question.

Mr. UNDERWOOD. Certainly.

Mr. DANIELS. I understand you to say that the committee only allow you 38 votes there.

Mr. UNDERWOOD. I think so.

Mr. DANIELS. We allow you 183 votes.

Mr. UNDERWOOD. At Gallion?

Mr. DANIELS. At Greensboro.

Mr. UNDERWOOD. I am speaking of Gallion. At Gallion I think it is 38 votes.

Mr. DANIELS. You are right.

Mr. OWENS. Do I understand you to say that there were one hundred and thirty-odd negroes who swore they voted for you against the Republican candidate?

Mr. UNDERWOOD. Yes, sir.

Mr. OWENS. Was your opponent the Republican candidate?

Mr. UNDERWOOD. Yes, sir; but you understand, gentlemen, that your party told these men not to vote. Our party asked them to go to the polls and vote; and now, when you turn me out in this case and reject this Gallion precinct, you say to the world that these men whom your party is responsible for, having given them the elective franchise, in whose hands you have placed the ballot, that when they go to the polls and swear they voted for a Democrat, because they have sworn that they have voted for a Democrat, they are unworthy of belief. That is the record you make in this case when you reject this Gallion precinct, with these 272 votes, which alone would elect me. Well, now, I can not more fully discuss the details of the testimony; but let us go to Laneville precinct. Now, your witnesses have admitted 63 votes. There were 102 votes cast for me. The Republican chairman, Weems, said that there were more negroes who affiliated with the Democratic party in this beat than in any other beat in the county. They admit 63 votes there. We put on the stand every man whose name appeared on the poll list outside of those, and they swore they voted for me. Here is the strange thing in this case, gentlemen.

The record shows an order—it is printed, and in the record—whereby you told these colored men not to go to the polls and vote. Your own witness, Hylton, who admits 63 votes, but says there were 24 of these colored men, and he says he "believes they are Republicans." Now, on the strength of his testimony that they were Republicans, this honorable committee counts them for my opponent, when these men went to the ballot box and cast their votes against the orders of the Republican party not to vote, when your witnesses admitted that they tried to keep them away from the polls. Is it not fair to presume that they voted the Democratic ticket? But you count them for the Republican ticket. They admitted that they voted, and we put these men on the stand—19 of them were put on the stand—and they swore that they voted for me. Here they are, on page 13 of the record. Gentlemen, you will find the names of 19 of these men who are voted for my honorable opponent by the Election Committee. These men went on the witness stand and testified that they went to the polls and voted against the orders of your party. These 19 men took the stand and swore that they voted for me, and yet——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. UNDERWOOD. I will ask a little further time from the gentleman who has control of this matter. I believe we have two hours.

Mr. STALLINGS. I yield the gentleman such time as he needs.

Mr. UNDERWOOD. The report of the committee elects my honorable opponent by 220 votes. Now, these men, gentlemen, whom this committee counts for Mr. Aldrich on the statement of your own witnesses went there and voted, and voted against your order, and swore they voted for me, yet the honorable gentleman from New York in writing this report says that these 19 colored men have perjured themselves, and that you should not listen to their testimony, but on the testimony of this man Hylton, who "believed" that they are Republicans, he will count them for the contestant.

Take that record to the country, gentlemen. Take that record and go before the people of the United States and say that you do the fair thing when an election case is presented to this House. I say to you that bold was the man who stole the sacred fire of heaven and hid it in a hollow reed, but not less bold is he who steals the elective franchise from the people of Alabama and hides it in a hollow decision of this House. It is true I regret to lose my seat, but I am not arguing this case for myself. I feel it my duty to my constituents to let the country know on what evidence they are charging my people with fraud. I have not time to go through the rest of this testimony. I have pointed out more than a half a dozen precincts that if you counted would elect me. But I say to you in conclusion that when you decide this case against me you are putting a precedent in the decisions of this House that you will regret in the future. You have put this bitter cup to the lips of the people of Alabama, but I warn you to pause lest some day even-handed justice shall place the poisoned chalice to your own lips. I thank you, gentlemen, for your kind attention. [Applause.]

Mr. STALLINGS was recognized.

Mr. STALLINGS. Mr. Speaker, as I understand the situation, the gentleman on the other side [Mr. DANIELS] has about twenty minutes, and they also have two hours remaining on the side of the contestant. Now, I do not think it is fair that both of the hours allowed to the contestee in this case should be consumed following each other, thus giving the other side more than an hour and a half for their conclusion.

Mr. DANIELS. I will say to the gentleman that probably we shall not occupy the whole of that time.

Mr. STALLINGS. Then, Mr. Speaker, as I understand, there will be only one speaker on the other side after I conclude for the contestee?

Mr. DANIELS. I do not say that; but we are ready to go on now if the gentleman prefers.

Mr. STALLINGS. Under the circumstances, Mr. Speaker, it seems to be necessary for us on the side of the contestee to occupy

our time now. As I understand, under the custom and the rule of the House, it is for the contestant to conclude; but it seems here that the contestant is not only to conclude, but he is to have two hours in which to make the concluding argument.

Mr. DANIELS. We are perfectly willing to go on now. Do I understand from the gentleman from Alabama that he prefers not to go on?

Mr. STALLINGS. I would prefer that the other side should occupy a portion of their time now, and then let me go on.

Mr. DANIELS. Very well; I yield to the gentleman from North Carolina [Mr. LINNEY].

Mr. LINNEY. Mr. Speaker, in my opinion, we do not attach sufficient importance to the investigation of these causes. Upon reflection, I believe that one of the greatest intellectual contests that has ever taken place in this Capitol was the contest in which that trio of immortal Americans took part, Mr. Blaine upon the one side and Senators Thurman and Lamar upon the other, in the other end of this Capitol in 1878. The President of the United States in his message had called attention to the fact that there were complaints in certain sections of the Republic of the placing of corrupt hands upon the ballot box. Following that message the resolutions of the nation's darling, the late lamented James G. Blaine, were introduced in the Senate. Those resolutions provoked a discussion which is justly celebrated for the bringing to bear of eloquence and learning that have never been surpassed in the Senate of the United States. I will read a brief extract from the message of the President of the United States which resulted in the introduction of those resolutions:

> It will be for the Congress for which these elections were held to make such examination into their conduct as may be appropriate to determine the validity of the claims of members to their seats. In the meanwhile it becomes the duty of the executive and judicial departments of the Government, each in its province, to inquire into and punish violations of the law of the United States which have occurred.

Here, Mr. Speaker, the attention of this Federal legislative department of the Government is directed to the fact, the important fact, that it is only in Congress that a remedy for stealing votes can be applied. There is no more chance to correct this great evil in the State courts than there is to shoot off the horns of the moon with a popgun. [Laughter.] Why do I say so? I say so because gentlemen on this floor will bear me out in the assertion that in the charges delivered by our judges throughout the various States of this Union, especially throughout the Southern States, you have rarely heard any mention made of election frauds. You hear elaborate arguments presented by our judges upon assaults and batteries, upon forcible trespasses, upon the obtaining of goods under false pretenses, upon forgery, and matters of that sort, but only a line, if even so much as a line, is ever given by the courts to the greatest of all questions, to wit, the right of the suffragan to cast his ballot and to have that ballot counted as cast. [Applause.]

It is refreshing, however, now to know that our judges of the South, and especially of North Carolina, are doing their full duty in this respect. I recollect on one occasion, in a jocose spirit, approaching a judge in my own State, a great and glorious man, and saying to him, "Judge, I will go 20 miles to hear you deliver an elaborate charge upon the crime of laying corrupt hands upon the ballot box." The judge turned to me in the same jocose way and said, "LINNEY, if you will wait until some ragged Radical steals a Democrat's votes, you can hear the charge without walking 10 steps." Of course that was a joke on the part of the great judge; he did not mean it seriously, but it becomes icy logic in many States of this Union, and it means that no adequate remedy for the laying of corrupt hands upon the ballot box is to be found in the courts in the past.

The President of the United States was right in his message. Following that message came the resolutions of Mr. Blaine. Then followed the great discussion between Blaine on the one side and Senators Thurman and Lamar on the other. This biography of Mr. Lamar which I hold in my hand states that when Senator Thurman had concluded his speech there went through the Senate Chamber a murmur that there must be an additional reply to Blaine's argument, and that that great leader of thought in the South, Senator Lamar, was expected to make the reply. He did so; and I want to call the attention of members of this House, and especially of my friends from the Southern States (whom I recognize as being the peers of any people on God's green earth), to the reply of that distinguished leader of Southern thought, Mr. Lamar. I read his language:

> No, sir; the doctrine that I stated was that if the right of suffrage be invaded anywhere, or any constitutional right infringed in any quarter or by anybody, it shall be maintained and enforced if necessary by all the constitutional power of the Government.

A noble thought was this suggested by that distinguished leader from the South. In other words, his doctrine was: Better that the constitutional power of this Government shall be exhausted than that the rights of one suffragan shall be infringed upon anywhere in the United States. I recall, Mr. Speaker, a declaration which, if true, was the highest compliment that has ever been paid to any party organization in the United States. I believe it was the late General Sherman who stated in one of his letters that there is no place in the Republican States where a Democrat can not cast his vote and have it counted as cast. If that be so, I repeat it is the highest compliment ever paid to any political organization in this Republic. It ought to be written as a motto across the Republican party flag. Let it be written: "By the Eternal, there shall be no nook or corner in this Republic where any suffragan may not cast his vote and have that vote counted as cast." [Applause.]

This glorious motto manifests such superb patriotism that it will bind all hearts to the flag of the country. Second, it shows a deep sense of justice, which meets the enlightened conscience of the people; and, third, it exhibits superb moral courage, the highest quality of the soul, without which patriotism and justice dwarf into nothing. That party which adopts this motto challenges and commands the respect of all the sober-browed and intelligent men of this and all other countries.

Mr. Speaker, let us examine the evidence in this election case to determine whether the rights of the suffragans in that district have not been denied. I say they have been disregarded and trampled upon. The evidence discloses that in that Congressional district over a thousand suffragans having the right to vote have been deprived of that right.

Mr. MEREDITH. How did the gentleman vote on this case in the committee?

Mr. LINNEY. I will tell the gentleman how I voted. Here is the testimony.

Mr. MEREDITH. Please answer my question.

Mr. LINNEY. I am going to answer it. Here is the testimony. The bulk of it is immense. When the matter first came up I had not read all that testimony nor the half of it. I had heard the discussion before the committee; and I had doubt about the question. I declined to vote while I had that doubt. I voted the first time in favor of the contestee. After that a motion was made to reconsider. Every member of the committee voted for that motion, as I remember. Is not that the fact, I will ask the gentleman from New York?

Mr. DANIELS. Yes, sir.

Mr. LINNEY. There was not a single vote against the motion to reconsider. All the members, including the Democratic members, voted for it. The matter having been held up on the motion to reconsider, every man prepared himself to decide the case as best he could. On a second vote I still doubted and did not vote; neither did the gentleman from Massachusetts [Mr. MOODY], as I recollect. I have since examined that evidence more thoroughly; and the more I investigate it the more thoroughly I am satisfied the contestant is elected; and I will risk the assertion that my friend from Virginia [Mr. MEREDITH], or anybody else in this House, will be as thoroughly satisfied as I am if he will read the testimony as carefully as I have. [Applause.]

Now let me proceed to show some of the iniquities connected with this election. And while I speak with animation, God knows I speak with no hatred or tinge of hatred against anybody. I admire the contestee in this case. He stands in the majesty of a noble piece of God's workmanship, a gentleman who necessarily attracts attention as such, having a considerable amount of personal magnetism, as gentlemen here have discovered. But let me call attention to one thing. In the first place, the report of the minority of the committee itself admits 128 fraudulent votes. The returns show a majority of something over 1,100; and the minority report finds the contestee elected, not by that majority, but by 128 less. So that this case comes before the House tainted with fraud. And if we adopt the doctrine laid down by Chief Justice Pearson, the father of my distinguished colleague on this floor, the case comes to us in an awkward shape, for that distinguished jurist said that one rotten egg thrown into a pudding spoils the whole pudding. [Laughter.] Here I can show you a case worse than that, where there are a dozen dead dogs thrown into the well, destroying the wholesomeness of all the waters of the well. [Laughter.]

Here is one township where there was no election held at all—Hillman beat—a Republican beat, mark you, gentlemen of the House. It had been Republican hitherto. In this election the Jeffersonian Democrats combined with the Populists and the Republicans. That was a trio omnipotent enough to sweep the crippled Democracy from God's green earth. Even if it had not been crippled and had stood as a giant, it would have been vanquished. Here was this combination against the Democracy. Why? More than anything else, because of corrupt methods adopted in elections.

Now, at that beat, a Republican beat, the polls were not opened at all. Why? What excuse did the officers give? "Why," they said, "it was too cold down there in Alabama and they had no fire." What, sir, "too cold in Alabama and no fire"! If they had said that they were afraid of the snakes biting them, or the

alligators, or something of that sort, it would have been much more reasonable. We all know it is never very cold in Alabama. I believe that an election was held at the same time in Maine, where it is a great deal colder than in Alabama—ten times colder, probably. At any rate, it was not too cold in Alabama to hold the election. Yet the excuse given for not opening the polls at that beat was that "it was cold in Alabama and they had no fire." The thunder they had no fire! [Laughter.] Why, sir, they have more sorts of fire in Alabama than in any place in the world. They have the fox fire; they have the common fire you light your cigar with; and if they do not stop stealing votes they will, before this thing is over, have the biggest chunk of hell fire that ever struck the country. [Laughter.] Yet in the face of the intelligent people of this country and before this House that miserable, crooked makeshift and juggle is offered for not opening the polls at that precinct in Alabama, where the vote is Republican.

My friends, my brethren of Alabama, are you not ashamed of it? Let me illustrate this point, and I ask my friend from South Carolina [Mr. TALBERT] to allow me as a piece of pleasantry to use him by way of illustration. If I were called upon to select the bravest man in this House I should select the distinguished gentleman from South Carolina. I have wanted to jump on him once or twice in this House, but I was afraid to do so, and therefore have not attempted it. I believe he would fight a buzz saw; I believe he would fight a rattlesnake through a rail fence and give the snake two bites to start with. [Laughter.] Suppose he and I were to fall out and I were to challenge him or he me and I had the right to select the instruments with which we were to fight. Suppose I should select a double-barreled shotgun and give him a broom straw, would you not think that I was a miserable coward? Certainly. And I would be a miserable, scurvy coward if I were to do such a thing.

Now, what is a fair election? It is a great war of opinion. The Democracy in Alabama challenged the Republican party to this friendly contest, in which the higher qualities of soul and brain were to be exercised. In this conflict of opinion what do the Democrats do? They first pass an election law, which if you will examine it, you will find to be a one-sided law. What else do they do? They require a certain ballot to be voted, and none other, and then they refuse to furnish the ballots, and at one place they refuse to open the polls. Is not that worse than the case I put, of selecting a double-barreled shotgun for myself and giving my friend a broom straw? It is striking below the belt. It is cowardly, and can not be supported or maintained, and will not be, I am sure, by any gentleman who represents the other side.

How will you explain it? It stands absolutely unexplained. There is no attempt to explain it. It is there to-day, and the minority report makes no allusion whatever to it. How many votes did the contestant lose? We do not know. Why? Because there was no return of any election officer or any means of ascertaining how the people would have voted except the mere fact which is recognized, and not questioned, that it was a Republican precinct. Applying in that case the same rules laid down by the English judge that the presumption in all cases is against the spoliator, you would give every vote which is ordinarily cast in that precinct to the contestant.

But the distinguished gentleman from New York [Mr. DANIELS] who makes this report takes no account of it because the polls not being opened the whole thing was a blank in his opinion. The contestant got no benefit from it, but a stab was given to the right of suffrage which, according to Mr. Lamar, should not have been given, if Mr. Lamar told the truth, in the presence of the glittering light and transcendent intellectual genius of James G. Blaine when he confronted him, when he said it is better that the entire constitutional powers of the Republic should be exhausted than that this blot and stain should be on the history of the Republic. Yet it is there unanswered and can not be accounted for.

Now, Mr. Speaker, there is nothing worse than that.

Mr. FAIRCHILD. Will the gentleman allow me to interrupt him for a question?

Mr. LINNEY. Certainly.

Mr. FAIRCHILD. Do you know what vote was usually cast in that precinct?

Mr. LINNEY. No, sir; I do not.

Mr. BARTLETT of Georgia. There has not been an election there for four years.

Mr. LINNEY. Well, that is even worse and worse. Has it been too cold all the time for four years? [Laughter.] I do not believe that that is a good reason for not opening the polls and holding the election. However, I accept the gentleman's statement that that is true. No doubt they would not open them at all if they knew that the vote given would be largely Republican. But, gentlemen, you all know that cold weather was not the reason. My friends, no doubt, will laugh at this when we get away from here.

But let me call your attention to another thing in this matter. I come now to Bessemer Township. That is the big thing in this case. That is the matter about which my friend put a question to the contestee which has not been answered, and never will be until Gabriel blows his horn.

Here is the testimony on that point. Here is the law of Alabama, to which I wish first, however, to call your attention—the steepest statute ever written, I think, on this subject. You must have registration every year to begin with, and you have, I believe, only eighteen days to complete it in. Then after that you have what they call the secret ballot. It is the statutory secret ballot. What else? Then you have the booths, and here is a description of them. In addition to that we have section 14, which provides:

Be it further enacted, That in all elections hereafter held in this State on any subject which may by law be submitted to a vote of the people, and for all or any State, county, district, or municipal officers, the voting shall be by secret official ballots, printed and distributed as hereinafter provided, and no ballot shall be received or counted in any election to which this act applies except it be provided as herein prescribed.

Then they proceed under this most remarkable provision of the law. Just listen to it, gentlemen, while I read it:

SEC. 43. *Be it further enacted*, That any elector who shall, except as herein provided, allow his ballot to be seen by any person, or shall take or remove, or attempt to take or remove, any ballot from the polling place before the close of the polls, or place any mark upon his ballot by which it may be identified, or any person who shall interfere with any elector when inside the polling place, or when marking his ballot, or unduly influence or attempt to unduly influence any elector in the preparation of his ballot, or any elector who shall remain longer than the specified time allowed by this act in the booth or compartment, after being notified that his term had expired, or who shall endeavor to induce any elector to show how he marks, or has marked, his ballot, or aids, or attempts to aid, any elector by means of any mechanical device, or any means whatever in marking his ballot, or shall print or procure to be printed, or have in his possession any copy of the ballot prepared to be voted, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten or more than one hundred dollars, and any ballot marked by the elector for identification shall be rejected.

Mr. WILLIAMS. Will the gentleman allow a question?

Mr. LINNEY. Certainly.

Mr. WILLIAMS. This horrible example that the gentleman has just read to the House of Representatives—after having called the attention of the House to it as a horrible example—I would ask him if it is not substantially contained in the law of every State in the United States which has adopted the Australian ballot system?

Mr. LINNEY. I never saw that feature in any of them.

Mr. WILLIAMS. You had better hunt up the statutes of the various States.

Mr. LINNEY. If they have any such features, they are cruel and unjust. Why do I say so? What harm can there be in a man having a copy of the ballot that he proposes to vote? I suspect the purpose was to furnish an excuse for the numerous arrests that the evidence shows were made, parties being arrested on this charge and in many cases being immediately discharged on the reading of the statute that I have called attention to.

But let me go on and see how this statute operated in this Bessemer precinct. Mark you, no citizen could have his ballot. They must be prepared; and the statute provides that there must be twice as many ballots as there were registered voters. How many registered voters were in that precinct? Here is the roll. There were something over 1,200, if I have counted correctly.

Mr. DANIELS. Twelve hundred and eighty-three.

Mr. LINNEY. Twelve hundred and eighty-three registered voters in that township. How many ballots did they furnish? They furnished only 126 ballots for 1,283 voters. Mark you, certain officers were designated as the proper custodians of those official ballots. Certain officers were designated as the only parties who could prepare them. Any ballot prepared by anybody else, or being in the possession of any suffragan, subjected the suffragan to indictment and to fine, to the penalties that I have read.

The testimony shows that a Democratic officer took the 2,400 ballots and put them in a room. He fastened the room up mighty tight, of course, and he says that he took the key away with him. I call the attention of my friend to the fact that he omits one little circumstance. The testimony fails to show that he locked the door before he took the key. But he took the key away. He had two agents, I believe, or one deputy, at any rate, and that deputy says nothing. He stands mute. He is not introduced. On the morning of election day they go down there to get the ballots. What is the result? Why, he said when he picked up the box, "It is lighter now than it was yesterday"; and there were some ashes near the box. When they opened the box again the ballots were all gone except 126. The testimony further shows that the Democrats rushed in to vote; that in some instances they wore upon their coats a sign of official power. Some of them voted, and as fast as they voted these marks or badges were changed and given to others, and they got in at the back door to vote. Shortly the 126 ballots were exhausted, while there stood outside an immense column of freemen, suffragans, men who, in the language of Lamar, the great Southerner, had a right to vote, and whose right was of such transcendent importance that he said, "Better

exhaust the entire constitutional power of the Republic than allow this crime to be committed." This column of impatient voters stood there awaiting the pleasure of their adversaries to whom had been committed the duty of furnishing them with ballots, which duty they did not perform.

Here is the testimony of one gentleman from Kentucky, who says he is engaged in the liquor business, that he is a Thomas Jefferson Democrat. In the first place he is a Kentuckian, in the second place he loves a good drink of whisky, in the third place he is a Jeffersonian Democrat, and if that does not make him a great man, I should like somebody else to add one other quality which will. I expect, like a great many men in North Carolina, he loves a woman, and that makes him, of course, a grand and noble man. What does he say? He says "I was there at that voting precinct. I voted early, and there stood men in a rage, excited men." I do not say that that is the exact language, but that is the substance of it, that there were men there who were complaining.

At one time a flag was raised, before the voting began, and the announcement was made, "All men in favor of good government and Aldrich come to this flag." They gathered around it in honest, patriotic protest against this outrage upon the ballot box, against that crime that was being perpetrated, against this wholesale high treason, we may call it, that was being perpetrated down there in this land of liberty. For protesting a number of them were arrested—arrested because it was said the statute prohibited it. The statute was brought out and read, and nothing was found in it to prohibit what they were doing, and these men were turned loose. They were laborers from the furnaces, from the farms, and from the factories, gathered there to vote, as they said, for good government. There were no tickets for them to vote. They retired and went away, and either that witness or some other one says the contestant lost between 400 and 500 votes, and he winds up finally by saying he lost 500 votes, and the character of this witness is unassailed.

Mr. WILLIAMS. Who was the witness?

Mr. LINNEY. He is the Kentucky gentleman. His testimony is in the record. Mr. Harney is one witness, but he is not the Kentucky witness. The testimony is so long it is difficult to find and read in full.

Mr. WILLIAMS. Let us get the Kentucky gentleman, the liquor seller.

Mr. LINNEY. You will find the evidence here in this record. Here is Mr. Harney, and there are two or three witnesses after him. You will find, if you will read it, that I have substantially stated the testimony.

Mr. WILLIAMS. The testimony of all three or of just one?

Mr. LINNEY. Oh, they do not all swear to the same thing. If they did, I would think it was fixed up. If gentlemen will read this, they will find I have understated it. But, gentlemen, let me show you something that does not depend upon the testimony of a witness, something that can not lie, something that human evidence can not destroy. It is a piece of natural testimony as true as its great author, the God of the universe. Let me call our friend's attention to that.

Now, here in this precinct there were how many votes? I ask members to look. Only 486 votes on the tally list. That was the number of votes given in this Bessemer precinct, where there is a registry of nearly 1,283, according to my friend. Now, gentlemen, of the list out of that four hundred and odd votes, 27 votes are fictitious; 27 votes cast in the air, representing no living soul. They are coined in the brains of the election officers. Partisan hate, partisan injustice, and rancor coined these names and placed them upon the polling lists. Of course they represented votes, but represented no elector, no suffragan. You have to add that to these 486 votes. Mark you, here are twelve hundred and some odd registered voters, who had been registered within eighteen days and had registered that year. They therefore are entitled to be received. If they each represent a man who registered within eighteen days, you may rest assured that he will vote if he gets a chance.

Now, let us see how many of them voted. You take 486 from the number of registered voters and then strike out these fictitious names that were thrown in there, that were coined for this evil purpose, and it leaves something near 700 men that did not get to vote. Who were they? Were they Democrats? Do you not know that there was not a Democrat among them? Oh, they say, "How do you know?" We ought not to state anything unless we have some evidence to prove it. A member of Congress has no right to do that; even a lawyer in a court has no right to do that unless he has made the proof. Here are 27 fictitious votes. If there is any evidence to contradict it I have failed to see it, and I ask my friend upon the other side, when he comes to this question, to show that it does not exist if he can from this record; and if so, I will join my friend in wiping it out so that it can not longer stand as a blur or a stain, a disgrace and shameful dishonor on our country's history. Wipe it out for the sake of Alabama; wipe it out for the sake of the contestee in this case; and wipe it out in the cause of justice and good government.

Mr. STALLINGS. Will the gentleman say he will stay with me if I do? We got him twice. Will he stick any faster then than he did before? [Applause on the Democratic side.]

Mr. LINNEY. How can a man who has a spark of conscience stick with men with such a record? I do not think that there is any animal that stands upon two legs that could stick, and stick honestly, by such a record as this. [Great laughter.] Strike it out and then go down on your knees in sackcloth and ashes, with Sam Jones by your side, and pray twelve years to save you from hell, and then, perhaps, I will stick with you. [Great laughter and applause.] But not until then.

Mr. WILLIAMS. The gentleman has not answered the question propounded by the gentleman from Alabama.

Mr. LINNEY. Maybe the gentleman can answer it to suit himself, and let me go on.

Mr. WILLIAMS. When once saved will he——

Mr. LINNEY. Now, the gentleman——

Mr. WILLIAMS. You have been saved twice already, as I understand.

Mr. LINNEY. No, he is not saved yet; nor are you, by a long shot. [Great laughter.] The only difference between the gentleman and myself is that I went pretty close to hell and turned back, and you will not turn back. [Great laughter.] You are going on. [Continued laughter.] I think I had the brains to stop before I was destroyed. [Great laughter and applause.]

Mr. WILLIAMS. The difference between myself and the gentleman from North Carolina [great laughter] is that I never admitted that I came pretty near going to hell. [Laughter.]

Mr. LINNEY. I do not believe the devil ever admitted that yet, either. I have never heard of his making any admissions against himself. [Great laughter and applause.] I have never heard of it if it be so. [Continued laughter.] In fact, that character you admire most always said exactly the opposite of what he meant. "He could teach sin the carriage of a saint." Hear him through Milton:

> Oh, sacred, wise, and wisdom-giving plaint,
> Well do I feel thy power within me now;
> Not only to trace things and their causes,
> But to know the ways of higher agents, deemed however wise.

That was the language of the devil, the biggest liar that ever performed in the world. [Great laughter.] But notwithstanding, it was said of an occasion that has done more harm than anything that has ever been known in this world except an election in Alabama. [Great applause.]

Mr. WILLIAMS. The gentleman from North Carolina, perhaps, did not hear what I said when he finished the quotation. I said, "Therefore you quote it."

Mr. LINNEY. I do not think you said much when you said that. [Renewed laughter.] Now, I was asking gentlemen of the House if they thought that one of these 700 or 800 votes that it was admitted were upon that registration list was a Democrat. Of course not. Of course I can not state that positively. I was not there. One witness has sworn to it, and it is supported by the best circumstantial evidence. "A mute witness," as Mr. Townsend says in his book on Circumstantial Evidence.

Now, here is a tally list showing four hundred and some odd votes, including these 27 fictitious votes. The registration list shows twelve hundred and some odd votes. Yet in making up the four hundred odd votes on the poll list they had to steal 27. What was the necessity of stealing 27 when there were so many names on the registration list? If they had taken 27 names of registered voters and returned them as voting the Democratic ticket there would have been opened an avenue by which this iniquity might have been discovered. Therefore they were forced to go outside of the registration books and coin 27 names.

Why, sir, a wolf never steals mutton when he has a ham of mutton beside him, does he? [Laughter.] They tell me that a bear will lie by a dead hog until he is almost destroyed by the decaying touch of time before he will go out and seek new meat. A Democrat in Alabama is not worse than a wolf or a bear, is he? [Laughter.] He would not steal votes outside of the registration list if they could be taken from that list. But the Democrats did steal those votes; nobody denies it. Why did they steal them? Because the registration lists did not furnish the proper material. Else, I respectfully submit as a legitimate argument, they would have taken the names from that list.

Striking out these fraudulent or illegal votes, there are left 700 votes that ought to have been added to the vote of the contestant, whereas that calm, judicial gentleman over there, Judge DANIELS, in his caution, in his conservatism, gave the contestant only three hundred and something over. You did wrong, Judge! [Laughter.] You intended to do right, but you listened, probably, to the arguments of eloquent gentlemen like my friend from Mississippi before you [Mr. WILLIAMS]. Such men seduced you to do wrong. They got you off the track.

Now, gentlemen, adopting another expression of the late lamented Judge Pearson, let me say, "take a fine sight" on this case. Take these two lists. Decide this question upon your oaths in this exalted place, under your responsibility to your conscience and your God. In passing upon this, one of the greatest questions that ever claimed the attention of a legislative body, how can you refuse to count these votes, which are supported not upon the testimony of one man, or two men, or a hundred men, but upon circumstances, natural evidence which is omnipotent in its effect in driving the human mind to accuracy and to a proper conclusion in its search for truth.

So much for that. It is not necessary for me to pursue this question further. The admission of 128 fraudulent votes taints the claims of the contestee in this case. Oh, that it were possible for this contestee to rise to a grand display of patriotism! We see him here a noble young man, a splendid representative of that glorious Southland, my home, where live as noble people as are found anywhere, and where, but for these practices which have recently overtaken them, the prospect for advancement in the scale of civilization, refinement, and power would surpass that of any other region. We have there the highest state of moral and intellectual manhood, untainted by anything except this wicked disposition to place corrupt hands on the ballot box. How does this happen to arise? It arose, gentlemen, by reason of a dread on the part of the South at one time of negro domination. And that was a plausible excuse. I myself have been in sympathy with that very idea. But God knows this corrupt tampering with the ballot box must stop somewhere. It can not go on forever. I say it ought to stop here. This House is the place to stop it; it is the only place where men can be shown that it must stop.

Let us see the result of that spirit in this election. Those who undertook to corrupt the ballot did not cheat the negro. The white men, it seems, were divided. There were the Jeffersonian Democrats, the regularly organized Democrats, the Republicans, and the Populists, representing four separate and distinct lines of thought. The Organized Democracy, unable to get out of the old channels of sin in which they had traveled, resorted to their fraudulent practices in this case; and when they did it, the white men of Alabama, as did the white men in North Carolina, thank God, and in other sections of this country, revolted against such practices. And, sir, in every one of these cases there will be an investigation, I believe, somewhere, in some shape.

But, gentlemen, let us go a little further. I have called your attention to the place where there was no voting done at all; I have called your attention to these shameful practices in Bessemer Township. I want now to call your attention to another township—the township where they voted a dead "nigger"! [Laughter.] What is that township, I will ask the gentleman from New York?

Mr. DANIELS. Union Township.

Mr. LINNEY. Union Township gave the contestee 177 votes, the contestant nothing. That is a strange way of doing business—177 votes on one side and none on the other. It was especially strange in the last election. But the evidence shows that there were 24 persons returned as voting whose names could not be found on the registration book, and who, after the issuing of a subpœna, could not be found in the beat, and one of them had been dead nine years—a negro—and he was returned as voting!

I submit that is wrong. [Laughter and applause.] But my friends over here on this side say it is all right. [Laughter.] I submit as a question of ethics, as a grave and moral question, that it does not come up to the average standard of gentlemen in the South. And we know it will not be indorsed by this House. How does it happen? Let us see if we can ascertain anything about the matter. It was a most awkward piece of—well, call it irregularity. [Laughter.] It was an awkward juggle and makeshift, so thin that even an idiot could see through it. Vote a dead man! not only dead, but dead nine years. [Great laughter and applause.] I do not know where they got the idea from or the suggestion. It is said that a cat has nine lives, but I never heard that they were annual. [Laughter.] It may be that they are for one day only. But here is a negro, after shuffling off this mortal coil, and going to that bourn whence no traveler ever returns, still marching in the columns of the Organized Democracy of the State of Alabama. [Laughter and applause.] And casting a vote, too. [Renewed laughter.] I submit that it is wrong. If he had voted in the township election, it might have done; if he had voted one year after he was dead, it might have done; but what in thunder the man could have been thinking of that put him on the registration list, and voted him after he was dead nine years, I am unable to fathom. [Laughter.]

But what does all of this show, Mr. Speaker? There was some motive back of it all. There is nothing here in the record to tell us how it was done. We can only draw our inferences. It would seem that no reasonable man, a man of ordinary intelligence, fixing up the poll list or registration list, would have committed so awkward a blunder as that. I can only imagine one way, I think, in which it was done. I can give you my own idea of it. I have made a sort of specialty of this business, for I have been suspecting these fellows for a good long time. [Laughter.] And I say in my State I have known from the press and otherwise of six officers, who had been elected according to the returns, who surrendered their certificates of election rather than stand a contested election trial. It must be that in the hurry of the perpetration of these frauds that the old registration books are copied and they forget that men die. Things of that kind do not generally happen in this country. I have seen one case on this floor, from that grand old Commonwealth of Virginia, the mother of States and statesmen, the mother of Presidents, in which the entire committee brought in a report, a unanimous report, if I mistake not, notwithstanding the allegations of fraud and corruption, in favor of the contestant. Who was the contestant?

Mr. OVERSTREET. Mr. Thorp.

Mr. LINNEY. Yes; Thorp, a Republican; a thing that never happened before, from the time this Government was formed down to the present time. This unanimous report was made, so far as I know, in his favor, for the first time in the history of all the contested cases of the Republic where there were allegations of fraudulent methods.

Yes, Mr. Speaker, the time has come when we should make a specialty of these matters. They involve the biggest blow at the Republic and its life. It touches the very integrity of the Republic. War may stride over our country with the crushing steps of the giant. Pestilence and famine may brood over our land with a long and weary visitation, until the skies are brazen and our beautiful valleys give place to parched deserts, a wide waste of unproductive desolation, but yet, Mr. Speaker, the wild flower of peace will bloom again on the field of battle and above the crushed skeleton, and the barrenness of famine will cease. But for moral desolation there is no reviving spring. Let the hand of evil disposed persons, guided by the cankered heart of partisanship, perform its work in despoiling the ballot box and in depriving the suffragans of their legal right at the ballot box, and the end of our Republic is near at hand.

This matter touches the very heart of the Republic. Strike off the end of that finger, and I can survive; cut off a part of my foot, I may survive. The greatest figure in this House, General HENDERSON, stands to-day upon one leg. Cut off the ear, and I can survive; but strike the left ventricle of the heart, decomposition and death immediately follow. You may commit blunders in tariff legislation, and run wild touching the trade relations of this Republic with the other great nations of the world; do wrong in finances—and yet our nation, by reason of its recuperative force, can survive and overcome them all. But when you poison the head spring of national life, when you corrupt the ballot, you strike at the heart of the nation, and political confusion and death follows as surely as death follows if you run a bayonet through the ventricles of the heart, which destroys the life of the human body. [Applause.]

We can not afford to sit silent in the presence of these crimes. Patriotism rises up against them. Honor, decency, self-respect, the demands of justice cry out against them. It is our duty to examine these things carefully, gentlemen, and to correct as far as we may every single instance of an infringement on the rights of the suffragan. Let it be said, as was said in 1878 by Senator Blaine in the Senate, and in his presence by Senator Lamar from the South: "Better, infinitely better, that the constitutional power of this Republic be exhausted than that one suffragan shall have his rights denied him." Better uphold the Ark of the Covenant than to pursue any other line of thought that has claimed our attention. If this nation has any ear to hear or any eye to see or any heart to feel, it is in the ballot. When it is assailed every lawful, legitimate, constitutional power of the Republic ought to be invoked in its behalf.

To you members of the House and to you alone this appeal can be made, because it never can be made in the States. In the great State of New York, when there was an outrage upon the ballot box and murder was committed, Bat Shea paid the penalty, but down in the State of Arkansas, when the noble Clayton fell, and the earth drank his blood, no man to this day has answered for that crime. I agree with the words of Judge Cunningham, who from the bench said, "Do not look for herring when whales are in sight;" but when the blood of Clayton cries from the ground for vengeance no judicial tribunal has been able to make its power felt. Brethren of the South, aid those who favor fair elections; let us determine, by the eternal and by the constitutional power of this Government, to protect the ballot box. By so doing your public conscience will be quickened and you will have the strongest claim to patriotic endeavor. [Applause on the Republican side.]

Mr. STALLINGS. Mr. Speaker, it was not my intention until a few days ago to address the House of Representatives in the contested-election case from Alabama of Aldrich vs. Underwood. It is generally known in the House that the three Democratic members

of the committee have unfortunately been unable to give this case their personal attention. The gentleman from Arkansas [Mr. DINSMORE] was seriously hurt ten days ago, and has since been unable to attend on the sessions of the House. The gentleman from Georgia, Judge BARTLETT, who was a member of the subcommittee to whom this case was referred, has been detained at his home by serious illness and only returned this morning. The only other member of the minority of the committee, Judge TURNER, of Virginia, is, and has been for several days, dangerously ill at his hotel in the city. For the above reasons I was selected by the Democratic minority, with the consent of the chairman of the committee, Judge DANIEL, to take charge of the case of contestee on the floor of the House. I therefore did not hear the arguments of counsel either for the contestant or contestee before the committee, nor did I critically examine the evidence in the case or read the briefs of counsel until within the past week.

It will be readily seen, Mr. Speaker, and appreciated, I hope, by members on the floor, that my prior relations to this case place me at a great disadvantage. This record, including briefs of counsel, contains something like 2,000 pages of closely printed matter, and the chairman of the committee, Mr. DANIELS, with his usual partisanship, and now reputed unfairness, when this case was called up this evening gave notice that at the expiration of thirty minutes he would move the previous question, thereby cutting off legitimate debate. The House, at the suggestion of the Speaker, has refused to sustain him in this unfair and unprecedented position, and has by vote allowed me one hour within which to discuss a case in which the interests and the rights of more than 200,000 intelligent and progressive people of Alabama are involved. I make the assertion here and now, without fear of successful contradiction, that in the history of Congress no contested-election case has ever before been called up on the suspension of the rules and notice given by the chairman of the committee that the previous question would be called within thirty minutes, and debate thereby limited to such an unreasonably short time.

The chairman of the committee gives no reason to this House why there should be such unseemly haste in the disposition of this particular case. For ten days he has endeavored to call it up in the closing hours of this session of Congress in the absence of a quorum of his own party, with the press of important legislation incident to the occasion, when members have no time to examine the voluminous record and vote intelligently thereon. On yesterday the House voted against consideration of this case at the present session of Congress, but not satisfied with this expressed disapproval of his course and conduct by his own party associates, he, on the same day, with the persistency worthy of a better cause, again called the case for consideration, which he obtained by a very narrow majority. I did hope, Mr. Speaker, for the good at least of his own reputation, a judge with twenty years' experience on the bench of the superior court of New York, that his unfairness would cease when he knew that his desire to turn out my colleague, which he has evidenced in many ways, would be gratified, but when he gave notice of his intention to call the previous question on thirty minutes' debate, I realized for the first time fully the lengths to which partisanship could be carried.

Mr. Speaker, it will not be expected, I feel quite sure, that I ignore the evidence in the discussion of this case and consume my time in replying to the foul and filthy philippic of the gentleman from North Carolina who has just preceded me [Mr. LINNEY] against assumed unfair elections in the South. I am not unaccustomed to such exhibitions of unwarranted spleen and hatred by a certain class of men who have turned their backs on their own people and their own section. He consumed the time allowed him to discuss the evidence and the rights of the contestee to a seat on this floor in coarse and vulgar vituperation and the dirtiest abuse of his own section ever heard fall from the lips of a white man from the South. If he had not on a former occasion, he has to-day fixed his status on this floor. We are here to discuss the evidence in this case, and to determine the respective rights of the contestee and contestant; we are here to discuss the evidence and the law before the most distinguished jury ever assembled in this or any other country, who have not read the evidence nor heard the witnesses from the stand. In this presence and under these circumstances the gentleman has descended from that high plane that he ought to have occupied, that the occasion demanded, to the low level of a common shyster before a justice's court. I dismiss him and the subject with the statement that there is not a man on the floor of this House who is better prepared to vote intelligently on this case than he was before he heard the gentleman from North Carolina [Mr. LINNEY]. The self-respect of his own constituency, it is hoped, may consign him to that utter oblivion from whence he so recently emerged.

Before I proceed to discuss the evidence in the record and the rights of the contestee to a seat on this floor I desire to assure you, gentlemen of the majority, that no true son of Alabama will plead with you for a seat in this Chamber or ask any consideration at your hands not justified by the evidence contained in the record and the law applicable thereto. We ask—yes, we demand—simple justice and nothing more; that justice which the evidence in the case before this body ought to guarantee to the contestee. There will be no pleading, knuckling, or cringing to a "brutal majority." The victim is ready; his neck is bared; bring on the guillotine and let the foul work of decapitation go on as it has in this House, actuated by partisanship, since the beginning of the session. [Applause.] You have been emboldened in your conduct by the want of that spirit of manhood and dignity which, in my judgment, ought to have actuated every Democratic contestee brought before the bar of the House. We realize, fully realize, that it is your purpose and your intention, judging from your conduct in the past, to unseat the contestee in this case to carry out a corrupt political bargain.

I desire to assure you now, however, that the culmination will not be in Alabama and in the South what you expect. [Applause.] You may put forward your willing tools to arouse the passions and prejudices that unfortunately exist, I fear, in the minds of members on this floor against the alleged nefarious habit of ballot-box stuffing to which the gentleman from North Carolina has referred. This is the same old desperate cry of the men in the South who have deserted their section, their cause, and their best interests, and who are not trusted by the people with any office or honor within their gift. We have heard this for the last quarter of a century, and we expect to continue to hear it. But let me tell you to-day, gentlemen of this House, that the virtue, intelligence, and manhood of the South will continue to control her destinies in the future as they have in the past. [Applause on the Democratic side.] For more than a quarter of a century we have contended against these enemies of the South at home and abroad, who would succeed in the destruction of our property and the overthrow of our institutions. During their régime we heard the tramp of soldiers on our soil, with the ballot box guarded by bayonets, the halls of our legislatures filled with the wicked, the vicious, and the ignorant, hundreds of millions of debt piled upon our people, seats in the United States Senate auctioned off to the highest bidder, with the brave and loyal men disfranchised; but we have stood up against it all and maintained our unequaled culture and refinement and rebuilt the South and placed her on that high plane of advancement and prosperity the like of which no people thus situated ever accomplished in so short a time. [Applause.]

I am warned by the limited time allowed for the discussion of this case that I must proceed to a serious consideration of the testimony disclosed by the record. The Ninth Congressional district of Alabama is composed of the counties of Bibb, Blount, Hale, Perry, and Jefferson. No section of this great country of ours, in my judgment, has more natural advantages or is more highly favored than this district in my native State. The people are educated, refined, manly, honest, and just. They would spurn as unworthy of themselves and their section a wrong even against a Republican. We have the secret or Australian ballot system in Alabama. That I will notice more fully as I proceed with my argument. The counties of Jefferson, Blount, and Bibb are what is known in Alabama as white counties. The population is made up of a large majority of white people. In the counties of Hale and Perry the colored race predominates. As the county of Jefferson is the largest in point of population and wealth, I will notice first the charges of fraud and intimidation alleged to have been perpetrated there. It may be proper for me to say before I proceed further that in only three of these counties are there any contests—the county of Jefferson, in which Birmingham is situated, and the counties of Hale and Perry. The last two are what is known as the "canebrake section" of Alabama. This section is noted for the unsurpassed fertility of its soil, its women for their culture, refinement, and matchless personal charms, and the sons of such mothers could only be honest, manly, and brave, above the charges brought against them by the gentleman from North Carolina [Mr. LINNEY], possessing qualities of heart and mind far superior to anything his imagination has ever pictured. It would be impossible for him, judged by his record, to conceive of men approaching in refinement and all the manly qualities of those of that section. We will take up first the county of Jefferson. In that county out of 40 precincts only 4 are contested.

ELYTON PRECINCT, NO. 9.

In this precinct there were returned for the contestant 68 votes, and for the contestee 190 votes. The objections urged in this precinct are, (1) unfounded challenges, and (2) that colored voters were required to be identified by white men. The report says:

> The persons offering to vote for the contestant were frequently annoyed by unfounded challenges. The challenges themselves can not be made the subject of serious objection, for they were allowed by the laws of Alabama.

If the challenges were allowed by the laws of Alabama, as is admitted by the report, then it is clear that they were not unfounded. Again, if the challenges were allowed by our State laws they are not only not subject to serious objection but are not subject to objection at all. On the face of the report itself it shows that the

officers had the right under the law to make these challenges, and they did make them in pursuance of the statute law of the State. This criticism ought not to have been aimed at the manner in which the challenges were made, but ought to have been made, if at all, against the law itself. But I presume that even this committee, with its many shortcomings, would not undertake, in the privacy of their committee room, to legislate for the people of our State.

We are prepared to stand any criticism that you may make against the laws of Alabama. We are fully competent to make our own laws, to govern ourselves, without any interference or suggestions from you. But let us see whether or not there were any challenges in this precinct not justified by the statutes of Alabama. The evidence in this case shows that the line between precinct 29 and precinct 9 (Elyton) ran through Ensley City, and it was the duty of the officer to see to it that men living in these precincts did not vote at Elyton. There is a large floating population at Ensley City employed at the furnaces and other public works located at this place. Under the law of Alabama voters are permitted to exercise the right of franchise only in the precinct of their residence. It is clearly shown by the evidence that parties only were challenged who lived in Ensley City, and the challenges thus made were not unfounded, and could not have been the subject of objection. Section 29 of the election law of Alabama provides that—

When the right to vote of any person who demands to be permitted to vote is questioned by an elector, the said challenge shall be communicated to the inspectors before the person is permitted to vote, by the sheriff, or some other officer or person in attendance and in charge of admission to the polling place, when his right to vote must be determined as required by law.

Under this section of the law not only the officer in charge of the polling place, but any voter has the right of challenge whenever, in his judgment, the party offering to vote is not a qualified elector under the law. When the challenge is made, the party challenged is carried before the judges of election, and they determine, and not the officer or party making the challenge, whether or not the applicant is a qualified elector. The law provides, in section 33, "that any elector applying to vote who shall declare on oath, which oath may be administered by any one of the inspectors, that by reason of his inability to read the English language he is unable to prepare his ballot, may have the assistance of an inspector, to be selected by the elector or a person to be appointed for that purpose by the inspector of election," etc. In this precinct it is proven by uncontroverted testimony that not exceeding 15 men were challenged during the entire day, and that at least 3 of them lived out of the precinct, and were therefore not qualified electors. The Republican inspector or judge of election, Mr. Pettyjohn, testified that at least one-third of those challenged were permitted to vote, and the others, he says, failed to make the required affidavit or get some one to identify them. No one was refused the privilege of voting who complied with the law by making the required affidavit.

On this evidence 15 votes are added by the committee to the vote of the contestant as returned by the election officers. There is no pretense by the committee that these men were refused to be allowed to vote who complied with the law. It will be seen also by a careful examination of section 29, which I have just read, that the managers or judges of election only are permitted to pass on the qualification of electors. It is not claimed in the record that either of these men so challenged were challenged by the judges of the election. It is perfectly clear from the evidence, as well as the report of the majority of the committee, that these men were properly challenged and not entitled to a vote under the statute laws of Alabama, much less being counted for Mr. Aldrich by this committee.

I will now proceed to discuss the second reason given by the committee why the 19 votes counted for the contestant by them, in addition to his returned vote, should be allowed. The report says:

The votes were refused when offered by colored men, unless they should be identified by white men—

And further—

That J. O. Diffy, a witness for contestant, said that 15 colored men who had their registration certificates were challenged and not allowed to vote unless they could get a white man to identify them.

The only evidence that can be found in the record to sustain this statement is that two colored men swore that they were challenged by the deputy sheriff, and that he said that they must get a white man to identify them. One other witness stated that the deputy sheriff said to him that he must be identified by a "boss man." This is all of the evidence in the record on this proposition. Even admitting that the deputy sheriff made such a statement to these voters would not under our statute law preclude them from the right of casting their ballot. The judges of election, and they alone, can, by section 29 of the law, pass upon the rights of electors to cast their ballot, and it is not even pretended that the managers required any such identification. Mr. Pettyjohn, the Republican inspector, selected by the contestant, and a Northern man, in reply to the following question said:

Q. State if you heard the parties who challenged the colored voters say that they required that said voters be identified by any particular class or race of men.
A. I never heard any expressions to that effect.
Q. Those who failed to vote were refused a vote by the inspector of elections, were they not?
A. Yes.
Q. Were there any colored voters identified by colored witnesses that day?
A. There were.
Q. Upon said identification were those voters permitted to vote?
A. They were.
Q. Was there a voter offering to vote on that day who, having been challenged, produced witnesses, either colored or white, as to his residence in the precinct, or other qualifications as an elector, who was refused a vote?
A. There was no one who knew the precinct; there was none refused a vote who knew the precinct and proved that they resided in that line.

Thus it will be seen, gentlemen, that even the Republican inspector flatly contradicts the statement of these three witnesses, which was all of the evidence produced by the contestant to sustain this allegation, and on which your committee gave to contestant 19 votes never cast. It is impossible for the members of this House to know the evidence in this case. You are compelled to take this report as you find it and pass judgment on statement of facts therein contained. The report, therefore, ought to speak the truth and nothing but the truth, and if it utters a falsehood in one place it should cast grave suspicion on the entire report; so much so that this House ought to investigate for itself and see whether or not it can place dependence upon the statements made. They gravely tell you with every appearance of truth in this report that colored men were required to be identified by white men. If that is untrue, then I can not see how you can afford to make up your minds from its statement of facts. The contestant's own inspector, a man in whom he placed confidence, says that no such requirement was made by the inspectors or anyone else to his knowledge. The contestee puts on the stand the deputy sheriff and a number of other witnesses, all of whom say that there is not a word of truth in the statement made by these three colored witnesses. Again, this report pretends to quote the testimony of one J. O. Diffy, a witness for contestant, and a "spotter" on the ground in his interest, who was at the polling place when it opened and remained until it closed. He says in reply to the following question:

Q. Did you see the managers of that election refuse to allow any persons the privilege of voting? If so, state how many.
A. I can not say that the managers refused them.
Q. Do you know whether or not the managers of the election in beat 9 required the colored people to be identified by any particular person or class of persons? If so, state by what person or class of persons.
A. I could not say that they required any particular class of persons, because I identified one man myself, though the parties who were challenged said that they told them to get some white man to identify them.
Q. How many voters were refused the privilege of voting whom you offered to identify.
A. Not one.

Now, it is clear that the chairman of the committee, who claims to have written this report, has misquoted the testimony of J. O. Diffy when he says that Diffy swore that colored men were not allowed to vote "unless they could get a white man to identify them."

Mr. Speaker, I desire to put the question to the majority on the other side of this Chamber whether or not they are willing to unseat the contestee in this case on a report that it is clear can not be relied on when it comes to stating the evidence of witnesses? This report speaks a falsehood in regard to the testimony of J. O. Diffy and others, and members of this House, who are the jury impaneled to try this cause, will be required to vote to unseat my colleague on evidence not in the record, evidence prepared to order in the committee room on Elections. No reliance can be placed in such a document. But on this statement of the committee, not sustained by the record, but contradicted by it, 19 votes are cast for the contestant. If you give him every vote challenged, which Diffy puts at 15, deducting from the 15 those who voted, which Diffy says are one-third, or 5, and deduct the 3 votes that were proven to reside outside of the precinct then and there, it only leaves 7 men challenged at that polling place who did not cast their ballots; but the committee counts 19 for Mr. Aldrich. I will not discuss this matter further. It is absolutely false upon its face, and I feel that this House is of the same opinion.

BIRMINGHAM PRECINCT, NO. 37.

In this precinct, which is a part of the city of Birmingham, the committee gives to the contestant 69 votes more than were returned for him by the election officers. The grounds of objection to the vote in this precinct and the reasons given for this addition to the vote of the contestant are, first, that electors were arrested at the polls for having "dummy" tickets in their possession, and, second, that one Tilley, with 8 other men, were not allowed to vote. The question that arises first is, Was it unlawful for voters outside of the voting place to have in their possession copies of the official ballot? Under the election law of Alabama the ballots are prepared

and furnished at public expense. Section 43 of our election laws says that—

Any person who aids, or attempts to aid, any elector by means of any mechanical device, or any other means whatever, in marking his ballot, or shall print or procure to be printed, or have in his possession, any copy of the ballot prepared to be voted, shall be guilty of a misdemeanor.

It is therefore clear that if any person had on the outside of the polling place any mechanical device to aid an elector in marking his ticket, he was violating the statute laws of the State and was guilty of a crime. Deputy sheriffs are required to be placed at each polling place, with instructions to arrest all violators of the law. It is the uncontroverted evidence in this case that early in the morning parties were on the streets aiding electors in the preparation of their ballots, having in their possession an exact copy of the official ballot to be voted. A copy of this ticket is to be found in the record. The arrests made, 7 in all, in the city of Birmingham during the day, by the officers, were for the reason that parties arrested were showing men how to mark their ballots in the booths with this "dummy" ticket. So far from this being a reason for charging the officers of the election with intimidation, it was carrying out the statute itself in preventing men from violating the law. It surely can not be construed by this House as a reason why 50 votes should be given to the contestant in this case, that the deputy sheriffs arrested men who were openly violating the law, who were afterwards convicted in the courts.

I venture the assertion, Mr. Speaker, that such a reason was never given before for adding to the returned vote of a contestant votes that were never cast. The report says that the election law of Alabama "unreasonably" made it an offense for any person to have in his possession any copy of the ballot proposed to be voted. Again, the chairman of this committee, who has served for twenty years on the New York bench, justified the addition of 50 votes to the contestant's returned vote on the ground that in his judgment the statute was "unreasonable" for making certain acts illegal. This committee, as I have said before, has no authority to make laws for the people of Alabama controlling their elections, but can only construe such laws as they find on the statute book; but because in their judgment it is unreasonable to make it an offense for a person to have in his possession on election day a copy of the official ballot, and because they think the law unreasonable and men were arrested for its violation, they add 50 votes to the returns for the contestant. This position, gentlemen, is utterly untenable; it is absurd, and no man who desires to be fair or honest would contend for such a position on the evidence of one witness who says that he was arrested for this offense and that 50 men left the polling place and did not return.

It is clear from his evidence that he does not know whether these men voted or not, nor does he give the name of a single man of the 50 who he says were intimidated and did not vote for contestant. He further states that he walked twice that day a distance of one and one-half miles to the other box in this precinct, and of course could not tell whether any of these 50 men voted during his absence. There was another box in this precinct at which these men could have voted and may have voted, but it is not even pretended that anyone stayed at the other polling place to see whether they voted there or not. Not one of these 50 men is put on the stand to ascertain whether or not he voted, nor are their names given so that an examination of the poll list would disclose the fact that they did or did not vote. Notwithstanding this fact, the contestant is a gainer by 50 votes if the House sustains the committee and permits this outrage. The second objection is that Vincent Tilley, a colored man, was driven from the polls by Mr. Thompson and that 8 other men left the polling place with him. He says in his testimony that he went to the headquarters of contestant and they told him to go to the other box in the precinct and vote there; he did so, and voted. None of the 8 men claimed by Tilley to have been ejected from the polling place is put on the stand nor are their names given. Tilley says, in answer to the following question:

Q. Did you see them put out?
A. Yes, sir. They said that they did not vote. They then said, "What will we do?" They then went to the hotel to get answer what to do, and they were told to go to the South Side.

This witness, an illiterate colored man, went to the South Side box and voted, and his answer shows that he does not know that the other 8 men did not vote. Mr. Thompson, who was mayor of the city of Birmingham in 1889–90, and was chairman of the Democratic campaign committee in that great county in 1894, and who was at the time chief deputy sheriff of the county of Jefferson, which vouches for his character and standing in Birmingham, says that he did not see the colored man Tilley on that day; that he did not eject him from the voting place in November, 1894; that he was not at this box during the day; that in August he made Tilley stand aside so that illiterate voters could cast their ballots. On this testimony the committee gives to the contestant 9 votes. There is no principle of law or of right that would justify the counting of these votes for the contestant under these circumstances. Under no condition would he be entitled to more than 8 votes, for Tilley swears that he did vote on that day, and voted for Aldrich. But there is no fair-minded man on the floor of this House who will read this evidence, and not come to the irresistible conclusion that Tilley is speaking of the August election and not of the November election.

But, Mr. Speaker, this judge, chairman of this great committee of the House, on evidence like this asks this House to vote that the contestant is entitled in this precinct to 69 votes that were never deposited in the ballot box for him or anyone else. I desire to call your attention again to the fact that when a report is shown to be so unreliable you can not afford to follow it and deprive the contestee of his seat and the people of the Ninth Congressional district of Alabama of representation in this Chamber without an individual investigation of the evidence. The report as to this precinct further says:

The strong probability is that at least 69 colored voters were frightened away by the arrest of others who would have voted for Aldrich.

You are asked to try this case on "probabilities" and not on facts; you are asked to unseat the contestee, because, in the opinion of this committee, it is "probable" that Aldrich lost 69 votes, because the officers of the election obeyed the mandates of the law by arresting 5 parties who were violating its provisions in the presence of the officers.

BESSEMER PRECINCT, NO. 33.

There is only one other precinct in Jefferson County to which I wish to call your attention. In this precinct the contestant received 226 votes and the contestee 230 votes. In this, as in all of the other precincts of the county, a manager or judge of election was appointed at the request of the chairman of contestant's campaign committee. The objection to the election in this precinct, as set up by this one-sided, unfair, and untrue report, is, first, that the Republicans were allowed only one inspector; second, they were allowed no clerk; third, that the ballots sent to the precincts were destroyed the night before the election; and fourth, that the Republican inspector was incompetent, "whose good intention could be readily frustrated by his wily and expert adversaries."

The law of Alabama requires that there shall be three judges at each election precinct and two clerks, and that these judges shall be of opposing political parties. At this polling place the contestant was allowed a manager, and this is all that the law requires. This manager was of his own selection and belonged to the Republican party. I presume from the argument and from the report of the gentleman that it was in his opinion the duty of the Democratic officers in Jefferson County to give to the contestant two of the judges of election, in order that we might satisfy the demands of this election committee. We gave you what the law allowed you, which is more than contestant's friends did for contestee in Blount County when they had the machinery. I desire to assure you now, regardless of what the action of the majority of this House may be, that you will not get in the future any more judges than the statute law of the State provides. There is nothing in the objection that no marker was allowed the contestant at Bessemer precinct.

Section 33 of the law of Alabama provides that—

Any elector applying to vote who shall declare on oath, which oath may be administered by any one of the inspectors, that by reason of his inability to read the English language he is unable to prepare his ballot may have the assistance of an inspector, to be selected by the elector, or a person to be appointed for that purpose by the inspectors of elections.

The law makes no provision for the appointment of one of the clerks or markers from opposing political parties. It is clear from this section of the law of Alabama that if a marker was not appointed for the contestant his interest would be protected by the manager appointed for him, as he is authorized to mark the ballots of illiterate voters of his own party; for it is provided by the law that the illiterate voter has the right to select the manager to mark his ticket of his own political faith. The evidence in the record discloses that the inspector at this polling place marked the tickets of nearly or quite all of the illiterate voters of his own party. The judges of elections appointed at this and other boxes contested in Jefferson County were each appointed at the request of the managers of the campaign of Mr. Aldrich. One of them, Mr. Smith, is one of the most distinguished lawyers in the State of Alabama. Another was Mr. Houston, who was postmaster at Birmingham during President Harrison's Administration, and is a brother-in-law of the present distinguished chief executive of Alabama. The manager at Bessemer box, the evidence discloses, was a man of character and standing in the community in which he lived and far from being an "inexperienced person" whose intentions could be frustrated by his adversaries on that occasion.

If there is any complaint of a want of intelligence, honesty, and integrity, as is intimated in this report, on the part of the judges of election in the precincts contested in Jefferson County, it is the fault of the contestant himself, and not of the contestee or his friends. They were his own selection, his own choice, his own political and personal friends. The evidence of Mr. Stile, the chief clerk of the probate court of Jefferson County, discloses and it is not contradicted in this record, that every Republican

appointment at each of the 40 precincts in Jefferson County was made at the suggestion of the chairman of contestant's committee. At this precinct there were over 1,200 registered voters. The judge of probate of the county, as required by law, prepared and had sent in a ballot box to the voting place on the day prior to the election two ballots for each registered voter. On the morning of the election it was ascertained by the deputy sheriff who had charge of the ballots that during the night some person had entered the office, which he had left locked on the night before, and destroyed all but 127 of the tickets. As soon as this fact was ascertained by the judges of the election two men, a Republican and a Democrat, were immediately sent to Birmingham, on the car which left Bessemer every half hour during the day, for the purpose of securing additional ballots for the accommodation of those who desired to vote for contestant and contestee. These parties telephoned at 11 o'clock from Birmingham that the tickets would be down on the next dummy, at 12.15, and they received the ballots before 1 o'clock. It is claimed in this report that on this account a large vote was lost to the contestant, and the committee propose to give him 365 votes.

They charge further, on the evidence of unreliable persons, that the deputy sheriff in charge of the polling place intimidated the voters, and for this reason the contestant lost a large vote. On page 329, McCrary on Elections, it is said:

Intimidation of voters must always be shown, and allegations and proof upon this subject should always be heard. It must, however, in the nature of things, be a rare case in which votes of persons prevented from voting by force or intimidation can be counted for one or the other candidate as if actually cast. In order that a vote not cast can be counted as if cast, it must appear that a legal voter offered to vote a perfect ballot, and that he was prevented from doing so by fraud, violence, or an erroneous ruling of the election officer.

It is nowhere to be found in this record that any of the 365 voters counted for contestant offered to vote. In this entire record the name of not one man even of the 365 is given who went to the polls who desired to cast his ballot and was prevented from doing so for the want of a ticket or on account of intimidation by the officers.

But, Mr. Speaker, they give to the contestant these 365 votes on the evidence of such witnesses as Z. T. Carwill; and he seems to be the most reliable and trustworthy of any witness for the contestant:

Q. Do you know of any persons who were prevented from voting because they could not get tickets?

A. My judgment is that there must have been three or four hundred men who did not vote on account of the report that there were no tickets. I do not know how many of these were Aldrich men.

Q. How did you get at your estimate that there were three or four hundred men who did not vote on account of the lack of tickets?

A. It was an estimate I made from seeing the men on the streets. I suppose you might call it a guess.

The distinguished chairman of this committee gives to the contestant in this case 365 votes on the guess of this witness. I will venture the assertion, Mr. Speaker, that you may search the records of the contested election cases in this House in the past and no such precedent as this has ever been established. The rule laid down in McCrary on Elections is: "It is a rare case, where votes can be counted for a candidate when they were not cast." Surely it will not be contended that this is one of those rare cases. It is not contended or pretended in this record that there was any fraud in the count of the vote, but because the ballots were not there in the morning, when they arrived at 1 o'clock, and it gave plenty of time for every registered voter to have cast his ballot. In the case of Newcom *vs.* Kertley, it was held that "the votes of two electors who, according to the testimony of several witnesses, would have voted for contestant if the polls had not been closed too soon could not be counted as if cast."

Here is a case in point where the polls were closed too soon and they were thereby deprived of the right of voting, and it is decided that even under these circumstances their votes could not be counted for the contestant. At Bessemer, without giving the name of a single voter who was deprived of the privilege of voting for Mr. Aldrich, the committee counts for him 365 ballots on the mere guess of a single witness. There is but one name that could be applied to an outrage like this—that it is robbery of the contestee and the people of the Ninth Congressional district of Alabama. It is said on page 208, McCrary on Elections:

In order that a ballot not actually cast shall be counted as if cast, it must appear that the voter actually offered to cast it and was prevented from so doing without fault on his part, or, if he does not actually present his ballot to the officers of the election, that he endeavored to approach the polls for that purpose and used due diligence in endeavoring to reach the polls, but was prevented from doing so. Doubtless a rule much more lax than this has occasionally been adopted in legislative bodies, but every departure from this rule as here stated is and must be both erroneous and dangerous.

The evidence can not bring the Bessemer case within the purview of this rule. There is no pretense but that they could have voted if they had remained there until 1 o'clock. There is no pretense that any who offered to vote were refused the right to do so or that any person approached the polls with the intention of voting and the privilege denied. It is not even claimed that the contestee was in the remotest degree connected with the loss of these ballots. It is not even pretended that these ballots were destroyed by his political friends. But, Mr. Speaker, in order to seat the contestant it was necessary to have these votes added to those received, and the committee propose to do so without the warrant of evidence, law, or justice. You may elect in the committee and in this House a Republican member of Congress from the Ninth Congressional district of Alabama, as these members—Republican members of the committee—have done, what the thousands of honest voters in the Ninth district never did and never will do, elect a Republican to represent them in the Federal Congress; but I desire to call your attention to evidence about which there can be no dispute. The total vote of this precinct in November was 456; the total vote in August at the gubernatorial election was 688. There were 232 votes more polled in August than at the November election.

As I have said before, there are 40 voting precincts in Jefferson County, and in every one of these precincts, without a single exception, there was a falling off of the vote from August to November of 40 to 50 per cent. In precinct No. 1, 82 votes were polled in August and 43 in November, a loss of 39. Precinct No. 2, 204 in August and 144 in November, a loss of 60 votes. Precinct No. 21, 1,440 in August and 1,144 in November, a loss of 296 votes. In precinct No. 37 there were 1,647 in August and 1,190 in November, a loss of 457 votes. Precinct No. 38, 132 in August and 69 in November, a loss of 63 votes. Precinct No. 40, 147 in August and 68 in November, a loss of 79 votes. In Precinct No. 33, which is Bessemer, there were 688 votes polled in August and 456 in November, a loss of 232 votes. But the Committee on Elections, after they get through voting in this precinct, increase the vote in November over the vote in August by 139.

There is not another precinct in the county in which there were more votes polled at the November election than in the August election—the vote falling off, as I have said above, from August to November on an average of more than 50 per cent; but still, after the committee are through casting their ballots, in their endeaver to elect a Congressman for the people of the Ninth Congressional district of Alabama, they say this precinct in Jefferson County has increased its vote in November over its vote in August. There is no disputing the proposition that your conduct, Mr. Chairman, in this matter is not only a disgrace to your committee, but a disgrace to this House as well, if they follow the lines you have marked out for them. It does appear to me that even the greed of this committee might have been satisfied with making the vote in Bessemer as much in November as it was at the August election, when a full State ticket was placed in the field by both of the political parties, and every effort was made to poll a full vote.

Does not the gentleman from New York [Mr. DANIELS] think that he has been just a little too liberal in this precinct with the contestant? I challenge him when he comes to reply to explain how it happened that this is the only one of the forty precincts in the county that made a gain in its November vote over its August vote. There is but one way that he can explain it, and that is by honestly confessing that it was not done by the voters at Bessemer, but by the four members of the committee, and charged up to "political exigency" in the interest of contestant. Not because it was believed that the contestant was deprived of 365 votes, not because there was any evidence in the record to justify it, but simply to secure one more Republican seat in this House.

I would like to ask, Mr. Speaker, if there is any more harm in robbing the ballot boxes at the polls in Alabama, as they allege, than to stuff it with illegal and fraudulent votes in the room of the Committee on Elections of this House? [Applause.] The proceeding is so shameful and so disgraceful that it brings a blush of shame even to Republican members on this floor who were members of the famous Fifty-first Congress, for they did stop unseating Democrats in that Congress as soon as they obtained a majority sufficient to transact business.

MARION, PERRY COUNTY.

Mr. Speaker, I now desire to direct the attention of the House to Perry County and the precinct of Marion. I would like to know before I proceed further how much time I have remaining.

The SPEAKER pro tempore. The gentleman has twenty-nine minutes remaining.

Mr. STALLINGS. Mr. Speaker, under the circumstances I will have to hurry along with this discussion if I expect to cover the precincts in the two remaining counties where contests have been instituted and contestee robbed. In the precinct of Marion there were 257 votes for the contestee and 45 for the contestant, as appears from the papers, the election papers, on file in the office of the probate judge when the evidence in the contest was taken. However, the evidence shows beyond any question by both the Republican and one of the Democratic inspectors that the vote returned was 287 for contestee and 15 for contestant. This will not be disputed by the committee. Thirty votes were taken from the contestee and given to the contestant by some one who tampered

with the returns after the inspectors had certified the vote and sent it in. It is important that this House should know, if it is disclosed by the evidence in the case, who it was and at whose instigation this change was made giving to Mr. Aldrich 30 votes more than he actually received at this precinct. There is evidence on this point wrung from one of the political managers of contestant the last day allowed for taking testimony. It required a regular twisting process to get this evidence out of Mr. Mothershed. His recollection on every proposition was clear and distinct until he was asked by counsel about conversations he had with one Mr. Hurt, a manager at this box, and then it was impossible for him to remember the conversations between himself and Mr. Hurt.

I propose to show to this House from the testimony of this witness Mothershed that Mr. Hurt was in the employ of contestant, and beyond question is the man who changed the vote at this precinct:

Q. Do you know H. H. Hurt, in Perry County?

A. I have met him a time or two.

Q. He is a Democrat, is he not?

A. I do not know his politics.

Q. He was one of the inspectors in the November election in Perry County, was he not?

A. Yes, sir.

Q. Did Mr. Hurt ever tell you that Mr. J. W. Worthington, of Birmingham, had agreed to pay him $1,800 if he would hold down the majority in Perry County, to 600 or something like that?

A. No, sir. He told me that he had some business with Mr. Worthington in regard to this last election. I think his language was that he was to get some money if he would guarantee a fair count, or words to that effect.

Q. When was it that you had that conversation with him?

A. My recollection is that it was on the night of the 2d of January.

Q. Didn't he tell you that he had already been paid a part of the money that he was to have, and the balance was still due him on account of that election matter, whatever it was?

A. He told me that he had received some money from the Democrats and the Republicans both.

Q. How much did he tell you that he had received from Mr. Worthington on account of that election matter in Perry?

A. I do not remember the figures. I think he said that it was five or six hundred dollars.

Q. How much did he say was still due him on that transaction, to the best of your recollection, at the time that you talked with him?

A. I don't remember. He told me that he had got some of the managers to change the returns after the election, agreeing to pay them for it, but I do not remember how much.

Q. Was not $1,800, the gross amount that he was to receive from Mr. Worthington for his services?

A. I do not know.

Q. Didn't he tell you that that was about the amount, $1,800 or $2,000?

A. I do not remember whether he did or not.

Q. Is it not your best recollection, Mr. Mothershed, that the amount he named was about $1,800 or $2,000?

A. He was talking a great deal about money matters, or, in other words, he told me that he had money transactions with a lot of men, showing me a lot of letters with assumed names to them, he telling me that some of them were Mr. Aldrich's friends and some of them Mr. Underwood's friends.

Q. Did you talk with him more than once about that same matter?

A. Yes, sir.

Q. Mr. Worthington was an active supporter of Mr. Aldrich in that campaign, was he not?

A. That is my recollection.

There is much more evidence given by Mr. Mothershed on this line, but as it is perfectly clear that Mr. Hurt was in the employ of contestant's friends, and that he received money from them, agreeing in consideration therefor that he would change the election returns in the interest of contestant, I will not quote him further. It is further ascertained from the evidence of this witness and his manner of testifying that he knew all about this transaction. He admits that Mr. Hurt told him that he had procured the services of managers of the election, after the returns had been sent in, to change them in the interest of Mr. Aldrich. If I had the time, Mr. Speaker, I would like to devote a portion of it, at least, to a criticism of the evidence of this witness and the conduct of Manager Hurt in this case. The probate judge of the county in his testimony says—

That not only the vote in this precinct was changed after the returns had been made by some one in the interest of contestant, but also in the precincts of Uniontown, Pope, Walthall, and other precincts, thereby depriving the contestee in this case of at least 400 or 500 votes that had been honestly returned for him.

The papers in this case, together with the evidence of the probate judge, make this so clear that it is not disputed even by the majority who make this report against contestee.

In this report they say that "the contestant would not have been allowed the 45 votes unless he certainly had received them." Such fallacious reasoning as this is ridiculous in the light of the evidence in the record. The contestant proved that he received 14 votes in this precinct, and he was given 15 before there was any tampering with the returns. Mr. Lester, the Republican manager at Marion precinct, testifies that the vote actually returned for the contestant was only 15. Mr. Leverett, on page 153 of the record, also testifies that he placed every ballot in the box, and that the vote was counted as it went in, and that 15 was the number received by contestant at Marion. There can be no question but that at this box the vote of Mr. Underwood was 287 and for Mr. Aldrich 15.

This report of the committee goes on to say: "But the objection to the vote of this precinct is of a different nature." They attempt to dodge the issue at this precinct, for they realize that if the facts in the case were stated in the report as they actually exist this House could not be induced, even with all of its partisanship, to permit this box to be entirely thrown aside. I am not surprised that the chairman of the committee desires to place his objection to the vote in this precinct on a different ground. He knew full well that he had to discard this precinct entirely in order to secure the results that he set out to ascertain. So he says in his report, having the above objections clearly in mind, as is evidenced from the results, that the booths were in one room, while the ballot box and the managers were in another, and on this ground he proceeds to throw out the entire vote of this precinct; nevertheless the contestee has proven by the uncontradicted testimony of Mr. Leverett, the Democratic inspector; by Mr. Lester, the Republican inspector; by Mr. Nelms, the marker, and by the certified poll list, which is made a part of the record in this case, that contestee received 287 votes at this box.

Section 24 of the election laws of Alabama is in the following words:

The sheriff of each county, at the expense of the county, or in case of municipal elections, the mayor or other chief executive officer, at the expense of the city or town, shall provide at each polling place a room or covered inclosure, and in such room or covered inclosure shall provide booths or compartments; one booth or compartment for each 100 or fraction of 100 or 50 electors registered for that election, and each with a shelf or table for the convenience of electors preparing their ballots. Each booth or compartment shall be so arranged that it will be impossible for one elector at a shelf or table in one room to see an elector at another shelf or table in another compartment in the act of marking his ballot.

This section of the election law of Alabama clearly implies that it was the intention of the legislature that the sheriff should furnish a room in which should be placed the booths for voters to occupy while making their tickets. I presume that even this committee would concede that prior to the enactment of this statute there was some place in every voting district where voters cast their ballots. Then this law makes it the duty of the sheriff, in addition to the places heretofore prepared for voting, to prepare rooms or covered inclosures at each of the voting places in which booths should be placed, implying that there should be a different room for the booths from the one in which the voting is done—and this construction is placed on this law in Alabama. At this precinct the booths were placed in the office of the probate judge, which is 24 by 16 feet, filled with furniture, and the ballot box, together with the managers and the paraphernalia of the election, was in a small room adjoining, which was the vault in which books of all the public officers of the county are kept. The object of this law was to secure a secret ballot, and if the booths and the managers and clerks were all in a small room, when a marker was called to mark the ballot of an illiterate elector this secrecy that the law intended to provide could not be had, because the officers of the election could easily hear for whom the illiterate voter instructed the marker to mark his ballot.

It is made a crime by the same statute to disclose who was the voter's choice. The law further provides that all booths shall be vacated when an illiterate voter enters one of them for the purpose of preparing his ballot. If the different sections of this law are construed together, as is the rule in the construction of all statutes, the conclusion must be reached inevitably that it was the intention of the lawmaking power to preserve absolute secrecy in the preparation of the vote of the elector; but the committee insists that a different construction should be placed upon this statute, that the booths should be kept in the same room with the ballot box and managers and clerks of election, and because this is not done they proceed to discard the entire vote of this precinct; nevertheless, contestee has proven the vote cast for him outside of the returns. But this committee ought at least, in all decency, to have some consistency in their rulings. In Jefferson County, in precinct No. 37, at the court-house, they had exactly the same arrangement, the booths being in one room and the ballots deposited in another, but in this precinct there is no effort made to throw out the vote. I desire to ask the chairman [Mr. DANIELS] what is the difference? Why is it that you permit in Jefferson, without protest even, what you prohibit in Marion? I desire, when you come to reply, that you explain this fully to the members of this House, and explain to them further how the findings of the committee can be consistent when you apply one rule of construction in Perry County and another to Jefferson County.

Mr. Speaker, I find the rule on page 272, McCrary on Elections, laid down in clear and unmistakable terms:

To set aside the returns of an election is one thing; to aside the election itself is another and very different thing. The return from a given precinct being set aside, the duty still remains to let the election stand and to ascertain from other evidence the true state of the vote. The return is only to be set aside, as we have seen, when it is so tainted with fraud or with the misconduct of the election officers that the truth can not be deduced from it. The election is only to be set aside when it is impossible from any evidence within reach to ascertain the true result, when neither from the returns nor from other proof, nor from all together, can the truth be determined.

voting and the privilege denied. It is not even claimed that the contestee was in the remotest degree connected with the loss of

be disputed by the committee. Thirty votes were taken from the contestee and given to the contestant by some one who tampered

Mr. Aldrich 13.

This report of the committee goes on to say: "But the objection

within reach to ascertain the true result, when neither from the returns nor from other proof, nor from all together, can the truth be determined.

The rule laid down above is that where the returns are set aside it is the duty of the committee to let the election stand if it is possible to ascertain by evidence the actual status of the vote. In setting aside the returns it does not appear that the vote actually cast is to be disregarded. The returns are set aside for fraud or on the ground of the misconduct of the election officers, but the election itself can only be set aside when it is impossible by evidence to ascertain the true results. Here the true result has been ascertained; the managers for both the contestant and the contestee swear to the result; besides this, the contestant himself makes a part of this record a certified copy of the original poll list. Moreover, the witnesses introduced by contestee, Mr. Nelms, Mr. Leverett, and others, prove conclusively that 225 voters—white voters—in this precinct cast their ballots for Mr. Underwood. Disregarding this evidence, disregarding the clear rule of law, the committee lays violent hands on the vote of this precinct, not allowing my colleague a single one even of the votes that he has proven by outside evidence, independent of the returns.

In order that the returns may be set aside, fraud must be established on the part of the officers of the election. Fraud by the election officers has not been proven; but the evidence of Mr. Mothershed clearly shows that after the polls had closed and the returns were made up they were tampered with, evidently by a man who had been a manager of the election. After Mr. Hurt signed and returned to the probate judge the papers showing the result of the election he was no longer an officer within the purview of the law, and any act of his, or confederates of his, after this was the act of outside parties, and not the act of the officers charged with the duty of conducting the election. So his conduct in changing the results, which was a fraud, was the conduct of a private citizen and not of an officer; and the returns can not be set aside for fraud unless it was the act of the manager or officers of the election. The misconduct of Mr. Hurt and his confederates after the election was over was not the misconduct of the election officers. To put any other construction on this rule of law is unwarranted, and this House ought not to permit it. Again, it is said on page 274, McCrary on Elections:

After a vote has been admitted something more is required to prove it illegal than to throw doubt upon it. There ought to be proof which, weighed by the ordinary rules of evidence, satisfies and convinces the mind that a mistake has been made, and which the House can rest upon as a safe precedent for like cases.

In the light of the evidence in this case, I desire to know if it is the opinion of members on the other side of this Chamber that the chairman of this committee has applied the legal rules of evidence in discarding the vote of this precinct. I am ready to admit, of course, that it is very easy to satisfy and convince the mind of the chairman of the committee and his colleagues that a mistake has been made—a fraud perpetrated—because when their minds are so satisfied it means a loss of over 200 votes to the contestee. But I will not consume more time, Mr. Speaker, in the discussion of this legal proposition, when I realize that my words are falling on deaf ears, on the ears of men whose minds are irrevocably made up. We do not expect to convince you, because that would be out of the question; we know what the result is to be, and we are now ready to accept the consequences.

WALTHALL.

In this precinct the vote was changed from 115 to 55, and against the contestee. The contestant examined 13 colored men, each of whom stated that he did not vote. This is practically all of the evidence introduced by him at this precinct. Capt. B. A. Hardy, a man of unimpeachable character and unquestioned integrity, was one of the managers or judges at this polling place. He is a merchant and a planter, an old-time Southern gentleman, whose word in the section where he lives would not under any condition be questioned. In his evidence, on page 708, he testifies that 10 of the 13 men whose names appear on the poll list who swore that they did not vote live on his plantation, and that they did vote on that date; the others, who do not live with him, he says voted on the 6th day of November, A. D. 1894, and voted for Underwood.

Another witness, J. Huggins, states that he saw 5 of these 13 men sitting under the ginhouse while the managers were at dinner, and that they told him that they were waiting to get an opportunity to vote. In the report of the committee they say that the contestee endeavored to prove that the 13 men did vote, and that the evidence to this fact was given by an inspector and another person. Without one word of evidence in the record to sustain it the report gravely says that—

The inspector had other employments engaging his attention during the day, and the other witness differed with him in his evidence. The testimony of the 13 is far the most reliable, and these 13 votes must be deducted from the returns made.

There is no contradiction in the evidence of Captain Hardy and Huggins on the points about which they propose to testify. Captain Hardy testifies that all of the 13 parties voted; Huggins only attempts to testify to seeing the 5 men waiting to vote under the ginhouse. How a judge of twenty years' standing can put such a construction on the evidence of these witnesses is beyond my comprehension. He must know, if he has read the evidence in this case, which I very seriously doubt, that there is no contradiction in the evidence of these two witnesses. Two or three of the witnesses testify that they did not vote. The evidence shows that there were three men in the precinct of the same name, and that they were the men on the poll list, and not the witnesses introduced by contestant. But why waste time in discussing so small a matter as 13 votes? The frauds perpetrated on the contestee by the committee in other precincts so far surpasses this that we dismiss this precinct without further comment.

UNIONTOWN.

I desire to state for the information of this House that there were two reports written in this case. The first report elects the contestant by less than a hundred votes, and only the chairman of the committee could be induced to sign it. All of the members of the committee present and voting when this first report of the chairman of the committee was read for their approval voted that Mr. Aldrich was not elected a member of the Fifty-fourth Congress and was not entitled to a seat therein. Among those voting that Mr. Aldrich is not entitled to a seat on the floor of this House was the gentleman from North Carolina [Mr. LINNEY]. He has changed front at least twice in this case, and his name is not signed to the report of the committee recommending that Mr. Aldrich be seated.

When this report was read the gentleman was then of the opinion that Mr. Underwood was elected a member of the Fifty-fourth Congress, and not Mr. Aldrich, and so stated in the committee room when he refused to sign each of the reports. The first report, gentlemen, did not discard the entire vote at Uniontown precinct, but left 177 votes which it admitted should be given to Mr. Underwood. Now, the report under discussion says that the entire vote should be thrown out. What reliance can be placed in the judgment and findings of men on a given statement of facts, with the evidence in writing before them, who decide one thing to-day and another to-morrow? Can you afford to establish a precedent for the guidance of this House in the future by following the findings of such a committee?

The judge of probate of the county testifies that over 300 votes were originally returned for the contestee, but after Mr. Hurt and his confederates in crime had finished up their dirty work, hired by contestant's manager in Birmingham, the returns only showed 187 votes at this precinct for Underwood. The evidence on which the vote of this precinct is asked to be discarded is of three or four colored men, who state that they did not know any one of the 23 names called over to them, and did not believe them to be residents of the precinct; but on cross-examination they admit that they do not know one-half of the thousand colored voters in the precinct. The rule laid down in McCrary on Elections, on page 261, is—

For the purpose of showing that nonresidents have voted, witnesses are often called to testify that persons whose names appear upon the roll as having voted are not known to them as residents of the county or voting precinct, as the case may be. This kind of evidence is admissible for what it is worth, but it is manifest that its value must depend upon circumstances. If the district or territory within which the voter must reside is large or very populous, and the witness has not an intimate and extensive acquaintance with the inhabitants, the evidence will be of little value, and standing alone, will avail nothing.

This is clear, concise, and can not be misconstrued. The proof in this case does not come up to these requirements, but it appears that the committee not only disregard the clear rule governing such cases, but also every precedent heretofore established in this House. The names of 24 persons were read over to the witnesses in this case and they state, as I have said before, that they are not acquainted with these parties. Seven of these names do not appear on the poll list as having voted at all; therefore the evidence as to these can not have any weight with this House. It certainly shows the unreliability of the report of this committee. The report says further that one Jim Jones swore, as a witness for the contestee, that 7 of the persons named in this list lived in Birmingham. You are asked, gentlemen of the House, to decide that there was fraud at this box because Jim Jones swore, according to the report, that 7 of the men on the poll list did not reside at Uniontown, but resided in the city of Birmingham. If Mr. DANIELS has examined this evidence, and I presume that he did examine the evidence of this witness, because he attempts to quote it in his report, he must have ascertained that this witness did not testify as he is quoted.

On page 708 of the record will be found the evidence of this witness, which is as follows:

Q. What is your name, color, and where do you reside?
A. Jim Jones is my name; I am a black man; I live in Uniontown, Perry County, Ala.
Q. Are you well acquainted with the colored voters of Uniontown beat?
A. Yes, sir; I am very well acquainted with them.
Q. Do you know the following-named persons? If yes, where did they

reside in November last, to wit: Sam. Steel, Earnest Reed, Frank Langsdon, Albert Avery, William Anderson, Willis Carrington, and William Mitchell?
A. I know them all, and they lived here in Uniontown beat at that time.

Here is another of the many misquotations of the evidence in the interest of the contestant. There can be but one solution of the conduct of this great committee of the House, and that is that this misstatement is put in this report for the purpose of securing your support to seat a man who the people of the Ninth Congressional district never did elect. Why should this witness be made to say in this report that the 7 men named over to him lived in Birmingham, when his evidence is so plain that they lived in Uniontown, and were there on the day of election? You can not, Mr. Speaker, place any reliance in a report absolutely reeking with false statements, false charges, vile insinuations, and misquotations of the testimony as given in the record of material facts. They say in this report, which is a key, in my judgment, to a complete solution of the objects and intentions of this committee, that Richard Ware saw 12 colored persons enter the polling place, "And not," says Judge DANIELS, "a single vote has been returned from this precinct for the contestant." Because a "spotter" witness saw 12 colored men enter a polling place he insists that fraud was perpetrated on the contestant because these 12 men's votes were not given to Mr. Aldrich. Such an assertion or statement made by a committee is enough within itself to discredit the entire report, but on such evidence as this the entire precinct, by the last report, is thrown out, and the 177 votes returned for contestee after it had gone through the hands of Mr. Hurt and his coconspirators is discarded. I will waste no more time in discussing the committee's report at this precinct.

HALE COUNTY.

In the limited time allowed me to discuss this case I can not go into the evidence in each of the precincts in Hale County. The committee tampered with the vote of 11 of the precincts in this county, and deduct 522 votes from contestee and add 109 votes to the returned vote for the contestant. In some of these precincts they disregard and set aside the evidence of hundreds of men who swore that they voted for contestee.

I will first take up Laneville precinct, which is a fair example of the conduct of this committee in their dealings with the other 10 contested precincts of this county. There was returned for Mr. Underwood in this precinct 102 votes and for Mr. Aldrich 3 votes. The evidence shows that the polling place was in the rear room of a store, and that there were 2 spotter witnesses at this box, who had 2 other men stationed in the house to report to them who went inside of the voting place. These witnesses have 63 names in all on their list; 37 white Democrats, 24 colored men, and 2 Jeffersonian Democrats, who were white men. They admit that the 37 white men were Democrats and voted for Underwood, but they claim that the 24 colored men, because they were colored, voted for Mr. Aldrich. Of these 24 colored men the contestee introduces 19 of them on the stand, who swear that they voted for him at the November election in 1895. One other, Fielder, whose name is on the list of 24, told the witness, Pearson, that he also voted for Mr. Underwood, and 3 out of the 24 are not on the poll list, and therefore did not vote.

Thus it is seen how absolusely unreliable is the list, together with the evidence of these hired poll watchers of the contestant. The contestee introduces 65 witnesses who say that they voted for Mr. Underwood. Thirty-four out of these 65 were not on the list of the spotter witness, Hilton. As I have already said, contestant's spotter witness admitted and gave the names of 63 persons who voted at this box and swore that no other electors entered the polling place. Of these 24 Republicans—Republicans because they were colored—nine or ten of them swear that they voted for the contestee. By a careful examination of this evidence you will ascertain that Mr. Underwood has proven by 97 witnesses, whose testimony is not even attempted to be impeached, that they voted in the November election in 1894 and voted for Mr. Underwood. Of this number 53 contradict and impeach the spotter witness Hilton when they swear that they voted for the contestee. But notwithstanding this fact that Hilton stands impeached by the managers of the election and by 53 disinterested, uncontradicted witnesses, this committee adopts his evidence as true, and strikes down 65 votes for the contestee at this precinct. He says in the report, in speaking of the testimony of these witnesses, that—

Nearly all answer in the same words, showing that they had been drilled and probably hired to answer as they did.

I desire to call the attention of this House to the questions put to the witnesses at this precinct, for it is perfectly evident that the questions were prepared beforehand, as the same questions were asked each of the 65 witnesses:

Q. What is your name, age, where do you reside, and how long have you so resided?
Q. Did you vote at the 1894 Congressional election in November at Laneville; and if so, for whom did you vote?
Q. Are you a colored man?

These identical questions were propounded to every one of the witnesses examined in Laneville precinct, and because the witnesses answer in the same words the majority of this committee charge that they were drilled and probably hired to answer as they did.

Now, Mr. Speaker, let me call the attention of this House to the questions asked the 76 witnesses examined for Mr. Aldrich at Carthage beat. The questions to each of the 76 witnesses of the contestant are in identically the same words, and are answered almost in identically the same language by each of the witnesses, just as was the case at Laneville precinct of witnesses for the contestee:

Q. What is your name, residence, and how long have you resided there?
Q. No. 2. Do you remember the Congressional election that was held in beat 12 in November, 1894?
Q. No. 3. Did you vote at said election; and if so, who did you vote for?

Now, examine the record, and you will see that the same questions, without the variation of a single word, were put to each of these 76 witnesses, and the answers are almost identical to every question. But in one case, at Laneville beat, from the fact that the questions were alike and the witnesses answered them as they could only do, in practically the same way, this great judge of twenty years' experience states that they had been drilled and probably hired to answer as they did, and refused to count a single one of these votes for contestee, while at Carthage he overturns, discredits, and disregards the returns of the election officers, but counts these 76 colored votes for the contestant. I venture the assertion here and now in this presence, among whom are some of the truly great lawyers of America, that in no contest case, or any other kind of a case, such partisanship, such construction of evidence, was ever exhibited before, showing such utter disregard of all rules of law and construction of evidence; yea, even decency itself. I will not further take up the time of this House discussing this outrage perpetrated not only on the contestee, but against the people of the district who elected him to represent them on the floor of this House.

GALLION BEAT.

I will now, Mr. Speaker and gentlemen of the House, direct your attention to Gallion beat, in Hale County. In this precinct there were 272 votes returned for Underwood. The testimony for he contestant was that of two spotter witnesses and two only—John Jeffries and John Baloe—who were hired by the contestant's friends and sent to this precinct to watch the conduct of the election. These men testify that they arrived at the voting place about 9 o'clock and that one of them took his stand on the front porch of Mr. Collins's store; that he remained there until 3.30 or 4 o'clock in the afternoon, and that he saw 31 white and 25 colored men vote while he was on guard.

This is all of the evidence for the contestant at this precinct. The contestee introduces each of the merchants and the clerks at the village where the voting took place—eight or nine in number; they each swear that they know Jeffries and Baloe, and that Baloe was not at the voting place during the entire day, and that John Jeffries arrived about 11 o'clock and left between 1 and 2; that during the time that he was at Gallion precinct he was in Mr. Collins's store most of the time, amusing himself, as a darkey frequently does, picking his banjo. [Laughter.] John W. Collins, C. W. Collins, J. Wood Collins, and R. W. Collins, who are merchants and planters, swear that Jeffries, even if he had been on the porch of the store, where he claims to have been, could not have seen parties going into the polling place, as a wall of a house would have obstructed his view. But what does an ordinary plank wall amount to when it comes in the way of the vision of one of contestant's hired spotter witnesses? A few of these spotter witnesses, with the aid of some members of this committee on a hunt for Republican votes, can perform miracles even in these times.

Four or five other unimpeached witnesses, who are clerks and merchants in the village, testify, completely corroborating the testimony of the Collinses. If there were no other evidence in this case except the returns of the officers appointed by law to manage this election, I can not see how this House could afford to set aside the returns in this precinct on the statement of this perjured colored witness. I say perjured, for even Mr. DANIELS admits that "entire credit" can not be given to their statements.

But, gentlemen, this is not all. To sustain the returns of honest, upright white men, whose character in the community where they live is above reproach, the contestee introduces 132 colored men, all of whom swear that they voted for Mr. Underwood on that occasion and were members of an Underwood Club. But the chairman of the committee in his report says, in his effort to unseat the contestee and deprive him of the vote of honest men who swear that they supported him:

That the colored people so notoriously vote the other way when they follow their own inclination that it is incredible that these persons swore as they did without being improperly induced to do so by the friends of the contestee.

only attempts to testify to seeing the 5 men waiting to vote under

Q. Do you know the following-named persons? If yes, where did they

Mr. Speaker, are we trying this case to-day on what is not credible to the mind of this partisan judge, or are we trying it on the record made up and furnished to this House? Where did Judge DANIELS get his information that all of the colored people in Alabama notoriously vote the Republican ticket? This statement is so absurd upon its face that it is incredible to believe that a man of his age, his character, and his standing would risk his reputation upon such reasoning. He admits that the statements of the spotter witnesses have been overturned; that they have been so conclusively and successfully impeached by nearly 150 men that, in his own words, "Entire credit is not due to the testimony of the two witnesses" who in that manner testified for the contestant.

I have not the time, Mr. Speaker, to take up in regular order the different assertions made in this report in regard to this precinct by this committee and show them up to this House in their proper light. On this kind of evidence, in the very teeth of the sworn statement of the voters themselves, this committee strikes down 234 votes polled at this precinct for contestee. It is conceded, and the proof is made by the contestant himself, which is a part of the record of this case, that the Republican chairman of the State executive committee and the chairmen of the county committees of Hale and Perry sent circulars broadcast over each of these counties in the summer of 1894, instructing and commanding the colored Republican voters not to register; and that they in this way kept the Republicans from registering, and thereby from voting at the election. Hence the colored men who did register in these two counties, as is testified to by A. B. Weems, the Republican chairman of the county committee, were Democrats. He also testifies that there were more colored Democrats in Gallion beat than in the balance of Hale County combined. But, even with the evidence of the contestant showing that these colored people were Democrats and registered as Democrats, the committee says that it is incredible that these men could vote the Democratic ticket, for they notoriously vote the other way.

GREENSBORO BEAT.

I am warned, Mr. Speaker, by the short time still remaining to me that I will have to skip seven or eight precincts in this county where the contestee has been robbed of votes honestly cast for him, fully as bad as in the case in Gallion beat, of which I have just spoken.

I will therefore devote the remainder of my time in calling the attention of this House to Greensboro beat. In building monuments to perpetuate the memory and deeds of great men, or to perpetuate some great historical event, it has been the custom in all ages of the world to put on a capstone to preserve the masonry from the destructive truth of time. In the case of Aldrich *vs.* Underwood the committee has followed the precedents of all ages and of all peoples in one particular at least, by making Greensboro precinct the capstone to the complete infamy of this report.

At Greensboro Mr. Underwood received 238 votes and Mr. Aldrich 5. The town of Greensboro, in Hale County, is the seat of learning of the Methodist Church in Alabama. It is noted for its wealth, for the refinement and culture of its people, and for their high moral ideas. For more than two generations in Alabama the people of this town have been noted for their many sterling qualities, which go to make up that high ideal of manhood. In this precinct there was likewise a colored spotter witness, a fellow by the name of Simms, who, in this report, is called "Mr. Simms, the merchant." He ran a little huckster shop across the street from the polling place, and the evidence shows that he never had as much as $500 worth of goods during his career as a merchant. He testifies that he remained on guard during the entire day, and he saw 183 voters enter the court-house by the front door. He further testifies that there were three other approaches to the polls, namely, through the register's and sheriff's offices and the office of the clerk of the circuit court, and that he does not know and will not undertake to say how many men approached the polls from these three directions. He furnishes a list of the names of the men whom he saw enter the polling place from the front door, and on this list there are 183 names, 177 being the names of white men, residents of the town and vicinity.

There is no dispute in this evidence as to the number of men that Simms saw approach the court-house by the front door; but still this report, with its usual disregard for truth and accuracy, puts the number at 162, when the list furnished by Simms, made a part of his evidence and a part of this record, shows by actual count that there are 183 names thereon. I simply call your attention, gentlemen, to this fact to show you again that it is impossible for this report to have emanated from the mind of the chairman of the committee, or to have been his production. In the most trivial as well as the gravest matters the report contradicts the record. When the contestee came to rebut this evidence by witnesses who could not be impeached he introduced 39 witnesses whose names do not appear on Simms's list, and all of these men swear that they voted on November 6, 1894, and voted for Mr. Underwood. It is important, immensely important, to the people of Alabama at least, to know, and for the country to know, what manner of men are these who testify for the contestee at this precinct. They are the bankers, preachers, lawyers, and merchants of the city of Greensboro. I find that 2 of these 39 witnesses were then and are now professors in the Methodist College at Greensboro. We find that one of them is one of the most distinguished divines in the State of Alabama, a man whose reputation for honesty, integrity, piety, and learning is not bounded even by the limits of his own native State.

This man, Dr. Otts, pastor of the Presbyterian church at Greensboro, testifies that he voted for Mr. Underwood on the 6th day of November; Professor Massey also testifies that he voted for Mr. Underwood, none of these names being on the list "of Mr. Simms, the merchant." The names of all of these 39 witnesses are placed in the brief of counsel for contestee; their testimony may be found in the record in this case, and the contestant himself will not dare get up in this Chamber and state for the information of this House that these 39 men are not the equals or peers in point of intelligence, honor, and integrity, at least, of the members of this committee. Let him say now whether or not these men, who swear that they voted for Underwood at Greensboro, are not of the highest type of manhood in our State.

As I have said before, Mr. Speaker, on this list of 39 names is a banker, 2 ministers, 2 professors, doctors, lawyers, and men in other high avocations in the city of Greensboro. But when they come under the scrutinizing gaze of this unfair and partisan committee the chairman in his report takes occasion to dismiss them and their evidence from this case in the following language. I will first quote what he says about the colored witness, Simms, whose evidence in this case overturns the testimony of the 39 men about whom I have spoken, the judges and clerks of the election, while it does not attempt to contradict them, because Simms himself says that he would not undertake to say who entered through the other three approaches to the polls. The report, in speaking of Simms's testimony, says:

> This witness was evidently an intelligent and observing person, and as he took a list of the names of the persons who went in the court-house door, there is little or no ground for supposing that he was mistaken.

It is evident from the report of the committee that they ignore the fact altogether that Simms also testified that there were other ways of approaching the polls besides the front door of the court-house, the place where he was watching, and that he could not say and would not undertake to say how many entered by the other ways.

The report says, in speaking of the 39 witnesses examined for contestee—

> The 35 or 39 persons examined by the contestee, who were not named by Simms, and swore they voted for Underwood, are not entitled to very much reliance in their statements, for they evidently swore by previous arrangement as to questions to be asked and the answers they should give. These questions and answers are so generally identical as to indicate that they had been arranged before either was sworn, and the persons, with very few exceptions, answered in the same way and used the same words.
>
> The questions and answers betray the fact that a previous coaching process had been used, and that the witnesses' statements, simple as they are, can not be credited. This process extends from page 599 to page 636 of the record. They testified according to the expression of one mind and by which they had been instructed.

I will not undertake, Mr. Speaker, to express the to me natural feelings of disapproval and disapprobation at this language—feelings of resentment and disgust that I can not and would not conceal—aroused by reading the statements in this report in regard to the character and standing of these most estimable gentlemen, residents of Greensboro, Ala. I am fearful, were I to attempt to portray in language these resentments and these feelings, my language might be construed by the present Speaker of the House to be unparliamentary. I will dismiss this matter by stating that it is too contemptible for consideration by any deliberative body, much less this American Congress.

There was no other way, Mr. Speaker, that these witnesses could have answered these questions. They were formal and asked for a statement regarding two facts, namely, whether or not they voted, and for whom they voted. He dismisses this precinct by stating that "the testimony given by the contestee as to the voters in this precinct is quite fragmentary, not impairing the evidence of Mr. Simms, and taking the 178 votes referred to on page 57 of the brief of the contestee from his returned vote of 238 brings him in 60 votes short of the return." Thus the contestee is again robbed of 60 votes more in order that you may add one more to the already unwieldy majority of the Republicans on this floor.

CARTHAGE BEAT.

I will, Mr. Speaker, in conclusion, call the attention of the House to one other of the many inconsistencies that mark this report as a measure of partisan zeal and partisan unfairness never equaled even in the Fifty-first Congress. At Carthage beat, in Hale County, there was no charge of unfairness or of wrongdoing in any way by the managers or judges of election. The injustice done the contestee in this precinct is simply on the construction

of a section of the election laws of Alabama. The returns showed 47 votes for contestee and 32 votes for contestant, and 33 were thrown out by the managers because the intention of the voter could not be ascertained from an examination of the ballot. Seventy-six witnesses testified that they voted for Mr. Aldrich. The managers, who are gentlemen of unimpeachable character, testified and produced as well the ballots that were not counted by them, and these ballots are made a part of the record in this case, and are here for the inspection of the House; and they show on their face that the electors did not make a cross mark, as required by law, opposite either of the names of the candidates, but made the cross at the top of the ballot opposite the words "Official ballot." Section 42 of the election laws of Alabama is in the following words:

> SEC. 42. *Be it further enacted*, That if the elector marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the elector's choice for any office to be filled, his ballot shall not be counted for such office; but this shall not vitiate the ballot, so far as properly marked, nor shall any ballot be rejected for any technical error which does not make it impossible to determine the elector's choice; and nothing herein shall be construed to prevent any elector from voting for any qualified person other than those whose names are printed on the ballot.

It is evident, gentlemen, that it is impossible to determine from these ballots the elector's choice for Congress. I hold in my hand a copy of the official ballot required by the laws of Alabama. You will see upon examination that if the cross-mark was made on the left of the words at the heading of the ticket, "Official ballot," it was impossible to determine the choice of the elector for a member of Congress from the Ninth Congressional district of Alabama. The statute says that "a ballot thus marked, where it is impossible to determine the elector's choice, shall not be counted for any candidate." Section 407, McCrary on Elections, lays down the rule in the following words:

> The intention of the voter can not be proven to contradict the ballot or when it is composed of the paper ballot which he has deposited in the ballot box.

In this case and at this precinct the distinguished chairman of the committee has permitted voters to testify, in the teeth of this rule as well as the statute, that they voted for Mr. Aldrich, and he has counted these 33 ballots for him, besides 2 other ballots which were not marked at all. In the county of Blount there were 10 ballots which the judges of election cast aside without counting, for the reason that the cross mark was made on the right of Underwood's name, instead of the left, as section 42 of the election law provides. In this case the chairman of the committee in his report gravely says that they must be discarded because they were not marked as the law directs, when the law says:

> If, for any reason, it is impossible to determine the elector's choice for any office to be filled, his ballot shall not be counted for such office; but this shall not vitiate the ballot so far as properly marked, nor shall any ballot be rejected for any technical error which does not make it impossible to determine the elector's choice.

In this case it was simply a technical error, and the choice of the elector was evident and could not be disputed. I call your attention, Mr. Speaker and gentlemen of the House, to these two cases in order that I may impress upon your minds the want of consistency, much less fairness, on the part of this committee, and the absolute unreliability of their report. There is not a lawyer on this floor, unbiased by partisanship, who would not readily say that the 33 votes given to Mr. Aldrich at Carthage, where the voter had marked the ticket opposite the words "Official ballot," is a wrong or would hesitate for a moment in construing this statute to give the 10 votes in Blount to contestee.

Mr. Speaker, in conclusion I will call the attention of the House to the fact that Mr. Underwood had a clear majority of 1,247 votes, not including those taken from him in Perry County, which, according to Judge Shiver's testimony, exceeded 500. This majority of 1,247 the committee set aside in the manner set out in my remarks, and turned this into a majority for contestant of 196.

But, sir, this Congress is making its record—a record in which, for profligacy in the expenditure of public money, for reckless and blind partisanship, for a total disregard of the needs and necessities of the public service, for a want of capacity to provide for an already bankrupt Treasury, it has far surpassed its only rival, the famous Fifty-first Congress. For your many shortcomings then your party was hurled from power by an indignant and outraged people, and many of your trusted leaders consigned to oblivion from which there will be no awakening

There is an innate fairness in the American people which will rebuke and revenge such profligacy and partisanship as has been witnessed during this Congress. You have already turned out 10 members of this House to make room for their Republican contestants. The eleventh is soon to follow. You can not justify your action in many, at least, of these cases at the bar of public opinion. In Murray *vs.* Elliott you disfranchised an entire city, throwing out without even a semblance of right 20 precincts, including the entire city of Charleston, in order that you might make room for the colored contestant, thereby hoping to hold your colored cohorts in the South in the coming national election.

Justice will follow in the wake of such wrongs; retribution will surely overtake you in your wickedness. [Applause.]

Mr. DANIELS. How much time have I left, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from New York has twenty-two minutes left.

Mr. DANIELS. Mr. Speaker, a very large amount of attention has been given by the gentleman who has just taken his seat [Mr. STALLINGS], as well as by the contestee himself, to the precinct of Elyton, where it is claimed that 19 votes were deducted from the vote returned as cast for the contestee. A correction of that claim was made when the contestee was addressing the House by the statement that the votes deducted there were only 5 in number. It was believed at first that votes should be deducted to the number of 19, in accordance with the statement made by the gentleman on the other side, but when the matter came to be considered before the full committee it was determined that the deduction should be 5 instead of 19. That disposes of so much of the argument on the other side as has been based on Elyton precinct.

Now, as to Bessemer precinct, it is stated here that there was no evidence before the committee relating to the fact that voters there were challenged, and challenged upon a mere pretext, for the purpose of preventing them from voting, and not for the purpose of enforcing the law of the State, and it is claimed that those votes should not be included or considered here. It appears from the testimony that the persons who were challenged, 15 in number, were there with their registration certificates, and they certainly would not have been registered had it not been for the fact that they were entitled to registration as residents of that district and entitled to vote. Their registration certificates, according to the evidence of Mr. Diffay, were in their hands and were produced, but still when these challenges were made the voters were not allowed to vote unless they could secure their identification by white persons.

Mr. BARTLETT of Georgia. Will the gentleman yield for a question?

Mr. DANIELS. I will.

Mr. BARTLETT of Georgia. I want to ask the gentleman if Mr. Pettyjohn, a Republican inspector at that precinct, was not asked whether any one colored person had been refused permission to vote because he was not identified by a white man, and if he did not say that there was not one?

Mr. DANIELS. He testified that there were none that he knew of. His testimony is this:

> Q. Did the inspectors of election require the colored voters who had been challenged to prove by white witnesses that they resided in the precinct?
>
> A. There was no special edict to that effect, but that was the general ruling.

Mr. BARTLETT of Georgia. Now, read on a little further. Does not the witness use the expression, "No, not one"?

Mr. DANIELS. He testified that there was no person that he identified who was not allowed to vote, and he did not know of any one's vote being rejected because no white man had identified the voter; but when those men were challenged in this way and were required to produce white men to identify them, they were incapable of complying with that requirement, because the white men declined to appear and sustain their rights, and the consequence was that the voters lost their votes. The statement of Mr. Pettyjohn was that, while there was no special edict to the effect that those voters should be refused permission to vote unless identified by white men, the general ruling was to that effect. These men were challenged upon the pretense that they were not voters. Having certificates of registration in their hands, they were undoubtedly voters entitled to vote at that precinct, yet, owing to the fact that a challenge could be made under the State law, upon that pretext they were excluded from the exercise of their right to vote. So that it is not true, as was stated here in the course of the discussion upon the other side, that men's votes were not rejected because they were unable to secure their identification by white men, because the testimony of Mr. Pettyjohn is that the general ruling was that that requirement was made.

It is also claimed that these arrests on the part of the deputy sheriffs, who swarmed around the precincts in the Birmingham district, were rightly made, because the persons who were arrested had in their possession tickets that resembled the tickets that were voted at that election, and the law has been read to you providing that where a person shall have a copy of a ticket in his possession that is intended to be voted at the election he is guilty of a misdemeanor and subject to arrest and punishment. I have already called the attention of the House to the form of the ticket, or the skeleton of the ticket, that these persons had in their possession for the purpose of endeavoring to instruct the colored voters how to mark their tickets. In order to constitute it a copy of the ticket that was to be voted at the election it was necessary, under the law of the State of Alabama, as it would be without any law, that the names of the candidates should be printed upon the ticket, and that the spaces should be left where marks could be registered by the voter indicating the changes which he desired to make when he came to deposit his ballot in the ballot box.

To constitute a copy of that ticket as it was intended to be voted all those particularities must appear upon the face of the ticket. Here is the ticket which these witnesses had. [Exhibiting a ticket.] There is not a single name upon it anywhere; it is not filled out in any shape whatever; it is nothing more than a mere skeleton. There is simply at the head of the ticket this X mark, showing the place where the colored voter should place his mark if he intended to vote the entire ticket. The men who were receiving this information from the persons who had these skeleton tickets were frightened away by the fact that those men were, many of them, arrested and placed in jail, being afterwards discharged when the voting time was over.

Now, does this look like fairness? Does it look like enforcing or carrying into effect the law of Alabama, making it an offense for a person to have in his possession or to exhibit to others a copy of a ballot which was to be voted at the election? A copy means an entire, complete copy—something which may be made the subject of deception to the voter. There was no possibility of that, because no man in his senses could go to the polls with a blank slip like that and suppose that by means of it he was voting for any candidate who was to be voted for at that election.

It has been stated that Mr. McKinney testified that he did not know who destroyed these ballots at Bessemer precinct. I desire to call attention to a very few answers that Mr. McKinney gave upon this point, for we contend that he was the man who destroyed those ballots. He was the only one who had in his hands the means of entering the room where the ballot box was and plundering or destroying the ballots in the manner in which the evidence shows it was done.

Q. What condition was the box in?

That is, when he received it from Mr. Stiles, who testifies that it had more than 2,400 ballots in it.

A. The box was in the same place where I left it, but much lighter than when I left it.
Q. What was the appearance of the room?
A. There were two chairs against the door when I went in there and signs of paper having been burnt in the grate.
Q. What did you do with the box when you picked it up and saw it was light?
A. I carried it from there to the polls.
Q. Did you know of anybody going into that room that night?
A. I did not know of anybody going in.
Q. Did you know of any plan or hear anybody say anything about stealing the ballots?
A. No, sir.
Q. Mr. McKinney, you were the returning officer, I believe, at that election?
A. Yes, sir.

So that Mr. McKinney is the one man who had knowledge of the fact that the box had been deposited there; he had the key of the door; the windows seem to have been closed when he went there in the morning. What is the inference? That he, having the means to do it, being one of the managers of the election, went there and took out more than 2,000 ballots from that box and ruthlessly burned them in the grate of the sheriff's office.

In the face of such evidence as this there is no use of asking how those ballots were destroyed or by whose agency it was done. There was no possibility of bringing in a mere outsider. The time was too short. No knowledge in regard to where that box was placed was communicated to any person except Mr. McKinney: he was the party who knew where this box was, and had the means of entering that room with the key which he had put in his pocket and then destroying the ballots.

Now, I want to call attention to a few words of the testimony of Thomas Collins upon the subject of the vote of this precinct. He says:

In the November election three-fourths of the voters were for Aldrich. This I know, for I canvassed them, and I know there were three-fourths at least. Aldrich would have carried this beat by 600 majority—

We have only counted in his favor 365—

Aldrich would have carried this beat by 600 majority over Underwood if there had been a free, fair election with enough ballots. I am acquainted with the labor vote. In the national election in November, 1894, the colored voters were for Aldrich to a man. The white labor voters were generally for Aldrich. In my judgment, every white laboring man who had a position was for Aldrich. I was for Aldrich.

Passing down further in his evidence, I read:

On the November election, in 1894, there was a great deal of intimidation by the officers of election. The officers of the city were in charge of the rope, 50 feet from the polling place. Jim Tate, as an officer of the city; George Jones, as an official, shoved back the darkies who wanted to vote the Republican ticket, crowded the white people in under the ropes who wanted to vote for Underwood, and keeping the force of the Aldrich voters back to such a time as the polls would be closed.

Then he says further:

The officials in managing the election came out as soon as the tickets gave out, stated to the voters that the tickets were all gone; that we might as well go home, as there would be no more tickets that day and no more voting, and then the crowds left very angry. * * * I know it to be a fact that word was sent out by the Organized Democrats to have all the Democrats there early in the morning to vote, as the ballots would soon give out. When the polls opened in the morning I was there, and the place in front was all filled up with Organized Democrats according to the understanding that there was only 126 tickets to vote.

That is the testimony of a man who swears positively as to his own knowledge of the circumstances. Now, Mr. Potter testifies in response to questions as follows:

Q. State if there were any irregularities or illegalities at the polls in Bessemer at the November election.
A. I should say there was.
Q. In what way?
A. Voters were driven back by men who had badges on, and police, while others were conducted up through a room to the voting place, and while Organized Democrats were led up back ways, so they could vote, and those badges were changed onto men so as to authorize them to go in and vote.
Q. How many men, in your judgment, were deprived of the right to vote in November by the methods you described, and by the failure of the election officers to furnish voters with official ballots?
A. About 400 or 500; not less than 500.

Now, Mr. Speaker, we do not question in this matter that in some of these three precincts, where so many persons were brought up to swear they voted for Mr. Underwood, that there were some honest men who testified honestly, and that they may have been speaking the truth; but as to the mass, the great majority, as I shall presently show, there is no room for speculation of this character. I have read the testimony of two witnesses who state that there was an attempt to hire them, among others, to go in and vote, and they declined to do so. They also testify that they were to be given information as to what they should testify, if they accepted.

Now, in the case of Gallion precinct there were about 132 men marched in one after the other to be sworn, and I will refer you to some extracts from their testimony to show that, testifying as they did under these circumstances, it is apparent that they were there not to swear looking to the truth of the matters about which they undertook to testify, but, under the austere and sinister influences brought to bear on them by parties who were enabled to exercise control over them at best for the time being, to give such evidence as was required by their managers. There are a few of these witnesses who signed the affidavits they made in their own handwriting; but in nearly all cases it is signed by the witness making his mark, and I desire to read a specimen of the questions and answers given by these witnesses when interrogated on these subjects; and I ask you gentlemen in your experience whether you would be satisfied, when you come to decide a question involving a matter of right in a court of justice, to be willing to rely on testimony shaped in advance and given in this manner? It will be seen that all of these questions and answers are practically the same. Here is the testimony, for instance, of Seaborn Kelly:

Q. Do you remember the 1894 Congressional election; and if so, did you vote at said election in Gallion beat, and for whom did you vote?
A. I remember the Congressional election, and voted in Gallion beat for Mr. Underwood.

Following is the testimony of George Washington:

Q. Do you remember the 1894 Congressional election in Gallion beat, and for whom did you vote?
A. Yes, sir; I remember the 1894 Congressional election, and I voted in Gallion beat, and I voted for Mr. Underwood.

Now we turn over a few pages, omitting a number of witnesses testifying exactly the same way, and at random taking the next witness we find the testimony of Emmett Ashe:

Q. Do you remember the 1894 Congressional election; and if so, did you vote at said election in Gallion beat, and for whom did you vote?
A. Yes, sir; and I voted in Gallion beat for Mr. Underwood.

Again, on the same page, William Willis testifies:

Q. Do you remember the 1894 Congressional election; and if so, did you vote at said election in Gallion beat, and for whom did you vote?
A. I remember the Congressional election, and I voted in Gallion beat for Mr. Underwood.

Turning over a few pages filled with testimony precisely like this, we turn at random to page 536 and find the testimony of George Smith, as follows:

Q. Do you remember the 1894 Congressional election; and if so, did you vote at said election in Gallion beat, and for whom did you vote?
A. Yes, sir; and I voted in Gallion beat for Mr. Underwood.
Attest: GEO. (his x mark) SMITH, JR.
J. T. COLLINS, Jr., *Commissioner.*

And so it goes on, the stereotyped question eliciting answers of the same character and nearly in the same language for more than 99 witnesses, and I will not detain the House to read any more of them; but the mere statement of the fact is suggestive and sufficient.

Mr. Speaker, I claim that it is not within the wit of man to put 90 witnesses on the stand, propound to them the same question, and get precisely, as in this case, the same answer, if the answer is a truthful one. It can not be done, because the experience of man has shown to the contrary. Such matters leave different impressions on the minds of different men. A different impression being made upon their minds the answers are different, when answers are given to such a stereotyped question, a question that was undoubtedly carefully prepared and written out, for identically

the same question is put to all of these witnesses. And it brings us to the statement of the two colored men to whom I have already referred. These were asked to go in and swear with the other persons, and they were to be instructed with the answers they were to give. But they declined.

In the testimony respecting the voters at the Laneville beat we find precisely the same form, except the change made by inserting the name of the precinct which is concerned, and in reference to which the answer was made. We find, for instance, the evidence of Stonewall Scott, page 648:

Q. Did you vote at last Congressional election in 1894 at Laneville beat; and if so, for whom did you vote?
A. I did; I voted for Underwood.

Again, the evidence of Anderson Garner:

Q. Did you vote at the 1894 Congressional election in November at Laneville beat; and if so, for whom did you vote?
A. I did; I voted for Underwood.

Again, on the evidence of Louis Cash:

Q. Did you vote in the 1894 Congressional election in November, 1894? If so, for whom did you vote?
A. I voted, and voted for Underwood.

And so on through a long list of witnesses, from which I have read at random.

It will be seen that all of these answers were made in the same stereotyped form, showing that these people were instructed how to answer the question, as it was promised to the two men who would not go into the enterprise that they should be instructed as to how they should answer also.

Mr. OWENS. Were these witnesses cross-examined at the time?

Mr. DANIELS. Not very much.

Mr. OWENS. But there was an attorney there to cross-examine them.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DANIELS. I should like to have one moment. I say nothing against these gentlemen of prominence in the State of Alabama who came up and testified themselves and signed their own depositions. They are men of character and standing; but as to these colored voters of whom I have been speaking, they were the persons to whom this criticism refers.

Mr. Speaker, I now move the previous question.

The SPEAKER pro tempore. The Chair understands that no substitute resolutions have been offered. The gentleman from New York [Mr. DANIELS] moves the previous question.

The question was taken; and on a division (demanded by Mr. OWENS) there were—ayes 102, noes 5.

Accordingly the previous question was ordered.

Mr. OWENS. I move to recommit the report to the Committee on Elections No. 1.

The question was taken; and on a division (demanded by Mr. OWENS) there were—ayes 66, noes 93.

Accordingly the motion was rejected.

The SPEAKER pro tempore. The question now recurs on the resolutions offered by the committee.

Mr. BARTLETT of Georgia. I ask for a division of the resolutions.

The SPEAKER pro tempore. The gentleman from Georgia asks that the resolutions be divided. The question will first recur on the first resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That Oscar W. Underwood was not elected a member of the House of Representatives from the Ninth Congressional district of Alabama for the Fifty-fourth Congress, and is not entitled to a seat therein.

The question was taken; and on a division (demanded by Mr. OWENS) there were—ayes 101, noes 68.

Mr. OWENS. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 119, nays 98, not voting 137; as follows:

YEAS—119.

Acheson,	Coffin,	Fletcher,	Hill,
Adams,	Connolly,	Fowler,	Hopkins,
Aldrich, Ill.	Cook, Wis.	Gamble,	Howe,
Andrews,	Cooke, Ill.	Gardner,	Hulick,
Apsley,	Corliss,	Gibson,	Hunter,
Avery,	Crowther,	Gillet, N. Y.	Hurley,
Babcock,	Crump,	Goodwyn,	Jenkins,
Baker, N. H.	Curtis, Iowa	Graff,	Johnson, N. Dak.
Bartholdt,	Curtis, Kans.	Griffin,	Kiefer,
Belknap,	Daniels,	Griswold,	Kirkpatrick,
Bingham,	Dayton,	Grow,	Knox,
Blue,	De Witt,	Hager,	Lefever,
Boutelle,	Dingley,	Halterman,	Leonard,
Brewster,	Dolliver,	Hardy,	Linney,
Bromwell,	Doolittle,	Harmer,	Linton,
Brumm,	Dovener,	Harris,	Long,
Bull,	Draper,	Hemenway,	Low,
Calderhead,	Eddy,	Henderson,	Marsh,
Chickering,	Fairchild,	Henry, Ind.	Miller, W. Va.
Clark, Iowa	Faris,	Hepburn,	Milliken,
Clark, Mo.	Fischer,	Hermann,	Minor, Wis.
Mitchell,	Pugh,	Southard,	Updegraff,
Mondell,	Quigg,	Sperry,	Van Horn,
Otjen,	Ray,	Stahle,	Van Voorhis,
Overstreet,	Reeves,	Stewart, N. J.	Warner,
Payne,	Rinaker,	Strong,	Wellington,
Pearson,	Russell, Conn.	Sulloway,	Willis,
Phillips,	Scranton,	Tawney,	Wood,
Poole,	Simpkins,	Tayler,	Woodman.
Prince,	Skinner,	Thomas,	

NAYS—98.

Abbott,	Culberson,	Loudenslager,	Russell, Ga.
Allen, Miss.	Cummings,	Maddox,	Sayers,
Bailey,	Danford,	Maguire,	Shafroth,
Baker, Md.	Dockery,	McCall, Tenn.	Sherman,
Bankhead,	Ellis,	McClure,	Sparkman,
Bartlett, Ga.	Erdman,	McCreary, Ky.	Stallings,
Bartlett, N. Y.	Evans,	McCulloch,	Stone, C. W.
Beach,	Fitzgerald,	McDearmon,	Sulzer,
Bell, Colo.	Hainer, Nebr.	McEwan,	Swanson,
Bell, Tex.	Hart,	McLachlan,	Talbert,
Bennett,	Henry, Conn.	McMillin,	Tate,
Berry,	Huling,	Mercer,	Terry,
Bishop,	Johnson, Cal.	Meyer,	Tracewell,
Black, Ga.	Joy,	Money,	Treloar,
Broderick,	Kem,	Moody,	Turner, Ga.
Buck,	Kerr,	Ogden,	Tyler,
Burrell,	Kleberg,	Otey,	Walker, Mass.
Burton, Mo.	Kulp,	Owens,	Wanger,
Catchings,	Lacey,	Parker,	Wheeler,
Clardy,	Layton,	Patterson,	Williams,
Clarke, Ala.	Leighty,	Pendleton,	Wilson, Idaho
Cobb,	Lester,	Pitney,	Woodard,
Codding,	Lewis,	Raney,	Wright.
Cooper, Fla.	Little,	Richardson,	
Cooper, Tex.	Loud,	Rusk,	

NOT VOTING—137.

Aitken,	Grosvenor,	McCleary, Minn.	Smith, Mich.
Aldrich, Ala.	Grout,	McClellan,	Snover,
Allen, Utah	Hadley,	McCormick,	Sorg,
Anderson,	Hall,	McLaurin,	Southwick,
Arnold, Pa.	Hanly,	McRae,	Spalding,
Arnold, R. I.	Harrison,	Meiklejohn,	Spencer,
Atwood,	Hartman,	Meredith,	Steele,
Baker, Kans.	Hatch,	Miles,	Stephenson.
Barham,	Heatwole,	Miller, Kans.	Stewart, Wis.
Barney,	Heiner, Pa.	Milnes,	Stone, W. A.
Barrett,	Hendrick,	Miner, N. Y.	Strait,
Black, N. Y.	Hicks,	Morse,	Strode, Nebr.
Bowers,	Hilborn,	Moses,	Strowd, N. C.
Brosius,	Hitt,	Mozley,	Taft,
Brown,	Hooker,	Murphy,	Thorp,
Burton, Ohio	Howard,	Murray,	Towne,
Cannon,	Howell,	Neill,	Tracey,
Cockrell,	Hubbard,	Newlands,	Tucker,
Colson,	Huff,	Noonan,	Turner, Va.
Cooper, Wis.	Hull,	Northway,	Underwood,
Cousins,	Hutcheson,	Odell,	Wadsworth,
Cowen,	Hyde,	Perkins,	Walker, Va.
Cox,	Johnson, Ind.	Pickler,	Washington,
Crisp,	Jones,	Powers,	Watson, Ind.
Crowley,	Kendall,	Price,	Watson, Ohio
Curtis, N. Y.	Kyle,	Reyburn,	White,
Dalzell,	Latimer,	Robertson, La.	Wilber,
De Armond,	Lawson,	Robinson, Pa.	Wilson, N. Y.
Denny,	Leisenring,	Royse,	Wilson, Ohio
Dinsmore,	Livingston,	Sauerhering,	Wilson, S. C.
Ellett,	Lorimer,	Settle,	Wooner,
Fenton,	Mahany,	Shannon,	Yoakum.
Foote,	Mahon,	Shaw,	
Foss,	Martin,	Shuford,	
Gillett, Mass.	McCall, Mass.	Smith, Ill.	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

For this day:

Mr. SNOVER with Mr. YOAKUM.

On this question:

Mr. HICKS with Mr. ROBERTSON of Louisiana.

Mr. GROSVENOR with Mr. COCKRELL.

Mr. MERCER with Mr. POWERS.

Mr. FENTON with Mr. STROWD of North Carolina.

Mr. GROUT with Mr. MEREDITH.

Mr. MAHON with Mr. HALL.

On this vote:

Mr. CANNON with Mr. HARRISON.

Mr. WHITE with Mr. PRICE.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question now recurs on the second resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That Truman H. Aldrich was elected a member of the House of Representatives from the Ninth Congressional district of Alabama for the Fifty fourth Congress, and is entitled to a seat therein.

The question was taken on the resolution; and on a division (demanded by Mr. OWENS) there were—ayes 97, noes 87.

Mr. BARTLETT of Georgia. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. DOCKERY. Mr. Speaker, a parliamentary inquiry. In the event that the pending resolution is disagreed to, will it not have the effect of declaring the seat vacant?

The SPEAKER pro tempore. If the resolution is disagreed to, the House will fail to indorse a resolution saying that the contestant is entitled to his seat.

The question was taken; and there were—yeas 116, nays 107, not voting 130; as follows:

YEAS—116.

Acheson,	Curtis, Kans.	Henry, Ind.	Prince,
Adams,	Daniels,	Hepburn,	Pugh,
Aldrich, Ill.	Dayton,	Hopkins,	Quigg,
Andrews,	De Witt,	Howe,	Ray,
Apsley,	Dingley,	Hulick,	Reeves,
Avery,	Dolliver,	Hunter,	Reyburn,
Babcock,	Doolittle,	Hurley,	Rinaker,
Baker, N. H.	Dovener,	Jenkins,	Robinson, Pa.
Belknap,	Draper,	Johnson, N. Dak.	Russell, Conn.
Bingham,	Eddy,	Kirkpatrick,	Scranton,
Bishop,	Faris,	Kulp,	Simpkins,
Boutelle,	Fischer,	Lefever,	Sperry,
Brewster,	Fletcher,	Leonard,	Stable,
Bromwell,	Fowler,	Linney,	Stewart, N. J.
Brumm,	Gamble,	Linton,	Strong,
Bull,	Gardner,	Long,	Sulloway,
Calderhead,	Gillet, N. Y.	Mahany,	Tawney,
Cannon,	Goodwyn,	Marsh,	Tayler,
Chickering,	Graff,	McMillin,	Thomas,
Clark, Iowa	Griffin,	Miller, W. Va.	Updegraff,
Clark, Mo.	Griswold,	Milliken,	Van Horn,
Coffin,	Grow,	Minor, Wis.	Van Voorhis,
Connolly,	Hager,	Mitchell,	Walker, Va.
Cook, Wis.	Halterman,	Otjen,	Warner,
Cooke, Ill.	Hardy,	Overstreet,	Watson, Ohio
Corliss,	Harmer,	Payne,	Wellington,
Crowther,	Harris,	Pearson,	Wilber,
Crump,	Hemenway,	Phillips,	Willis,
Curtis, Iowa	Henderson,	Poole,	Woodman.

NAYS—107.

Abbott,	Cummings,	Loud,	Russell, Ga.
Allen, Miss.	Dockery,	Loudenslager,	Sayers,
Bailey,	Elliott,	Low,	Shafroth,
Baker, Md.	Ellis,	Maddox,	Sherman,
Bankhead,	Erdman,	Maguire,	Southard,
Bartholdt,	Evans,	McCall, Tenn.	Southwick,
Bartlett, Ga.	Fitzgerald,	McClure,	Sparkman,
Bartlett, N. Y.	Gibson,	McCreary, Ky.	Stallings,
Beach,	Hainer, Nebr.	McCulloch,	Stone, C. W.
Bell, Colo.	Hart,	McDearmon,	Sulzer,
Bell, Tex.	Henry, Conn.	McEwan,	Swanson,
Bennett,	Hill,	McLachlan,	Talbert,
Black, Ga.	Howell,	Meyer,	Tate,
Blue,	Huff,	Mondell,	Terry,
Broderick,	Huling,	Money,	Tracewell,
Buck,	Johnson, Cal.	Moody,	Treloar,
Burrell,	Joy,	Ogden,	Turner, Ga.
Burton, Mo.	Kem,	Otey,	Tyler,
Burton, Ohio	Kerr,	Owens,	Walker, Mass.
Catchings,	Kiefer,	Parker,	Wanger,
Clardy,	Kleberg,	Patterson,	Wheeler,
Clarke, Ala.	Knox,	Pendleton,	Williams,
Cobb,	Lacey,	Pitney,	Wilson, Idaho
Codding,	Layton,	Raney,	Wood,
Cooper, Fla.	Leighty,	Richardson,	Woodard,
Cooper, Tex.	Lester,	Robertson, La.	Wright.
Culberson,	Lewis,	Rusk,	

NOT VOTING—130.

Aitken,	Foss,	Mahon,	Shaw,
Aldrich, Ala.	Gillett, Mass.	Martin,	Shuford,
Allen, Utah	Grosvenor,	McCall, Mass.	Skinner,
Anderson,	Grout,	McCleary, Minn.	Smith, Ill.
Arnold, Pa.	Hadley,	McClellan,	Smith, Mich.
Arnold, R. I.	Hall,	McCormick,	Snover,
Atwood,	Hanly,	McLaurin,	Sorg,
Baker, Kans.	Harrison,	McRae,	Spalding,
Barham,	Hartman,	Meiklejohn,	Spencer,
Barney,	Hatch,	Mercer,	Steele,
Barrett,	Heatwole,	Meredith,	Stephenson,
Berry,	Heiner, Pa.	Miles,	Stewart, Wis.
Black, N. Y.	Hendrick,	Miller, Kans.	Stone, W. A.
Bowers,	Hermann,	Milnes,	Strait,
Brosius,	Hicks,	Miner, N. Y.	Strode, Nebr.
Brown,	Hilborn,	Morse,	Strowd, N. C.
Cockrell,	Hitt,	Moses,	Taft,
Colson,	Hooker,	Mozley,	Thorp,
Cooper, Wis.	Howard,	Murphy,	Towne,
Cousins,	Hubbard,	Murray,	Tracey,
Cowen,	Hull,	Neill,	Tucker,
Cox,	Hutcheson,	Newlands,	Turner, Va.
Crisp,	Hyde,	Noonan,	Wadsworth,
Crowley,	Johnson, Ind.	Northway,	Washington,
Curtis, N. Y.	Jones,	Odell,	Watson, Ind.
Dalzell,	Kendall,	Perkins,	White,
Danford,	Kyle,	Pickler,	Wilson, N. Y.
De Armond,	Latimer,	Powers,	Wilson, Ohio
Denny,	Lawson,	Price,	Wilson, S. C.
Dinsmore,	Leisenring,	Royse,	Woomer,
Fairchild,	Little,	Sauerhering,	Yoakum.
Fenton,	Livingston,	Settle,	
Foote,	Lorimer,	Shannon,	

The following additional pair was announced:

Mr. HICKS with Mr. LITTLE, until further notice.

Mr. TURNER of Georgia. Mr. Speaker, my colleague, Mr. LAWSON, is detained from the House by illness. I ask that he be excused.

The SPEAKER. If there be no objection, he will be excused.

There was no objection.

Mr. McMILLIN. Mr. Speaker, this is an important vote, and I ask a recapitulation.

The vote was recapitulated.

Mr. McMILLIN. Mr. Speaker, I desire to change my vote from "nay" to "yea."

The name of Mr. McMILLIN was called, and he voted "yea."

Mr. LITTLE. Mr. Speaker, I find I am paired with the gentleman from Pennsylvania, Mr. HICKS. I desire to withdraw my vote.

Mr. FAIRCHILD. Mr. Speaker, I desire to withdraw my vote and be marked as "present."

Mr. BERRY. Mr. Speaker, I am paired with the gentleman from Michigan, Mr. SMITH, on political questions. I doubt whether this is a political question, but I think I ought to withdraw my vote, and do so.

The result of the vote was then announced as above recorded.

Mr. McMILLIN. I move to reconsider——

Mr. CANNON. Mr. Speaker, I rise to a question of the highest privilege.

Mr. McMILLIN (continuing). The vote just taken.

Mr. CANNON. I rise to a question of higher privilege.

Mr. DANIELS. I move to lay the motion to reconsider on the table.

Mr. CANNON. I rise to a question of higher privilege. I present a conference report.

The SPEAKER pro tempore. The gentlemen from Tennessee moves to reconsider the vote last taken, and the gentleman from New York moves to lay that motion on the table. Pending that, the gentleman from Illinois rises to present a conference report, which the Clerk will read.

SUNDRY CIVIL APPROPRIATION BILL.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 32, 61, 124, and 161.

That the House recede from its disagreement to the amendments of the Senate numbered 122, 146, and 147, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "To enable the Government to take official part in the international exhibition to be held at Brussels, Belgium, during the year 1897, $5,000: *Provided*, That no expenditure exceeding this appropriation shall be made or liability incurred, and no person shall be paid salary or compensation therefrom"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$20."

And on page 67 of the bill, in line 14, strike out the word "six" and insert in lieu thereof the word "five"; and the Senate agree to the same.

The committee of conference have been unable to agree upon the amendments of the Senate numbered 2, 3, 4, 6, 7, 8, 13, 15, 16, and 17.

J. G. CANNON,
JOSEPH D. SAYERS,
Managers on the part of the House.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.

Mr. CANNON. Mr. Speaker, I ask that the conference report be laid aside temporarily, and that the gentleman from Vermont [Mr. GROUT] may be permitted to ask the House to put the District bill back into conference on a message from the Senate disagreeing to the House amendments.

The SPEAKER pro tempore. Without objection, it will be so ordered.

Mr. KEM. I object, Mr. Speaker.

Mr. CANNON. But this does not require unanimous consent.

The SPEAKER pro tempore. The gentleman withdraws the conference report.

Mr. CANNON. Oh, no.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GROUT. Mr. Speaker, I move that the House insist upon its amendment to the amendment of the Senate numbered 99, I believe, and also further insist upon its disagreement to the remaining Senate amendments, and agree to the conference asked for by the Senate.

Mr. OWENS. We can not hear the motion.

The SPEAKER pro tempore. The gentleman from Vermont moves that the House insist upon its amendment to the amendment of the Senate, and further insist upon its disagreement to the Senate amendments to the District of Columbia appropriation bill, and agree to a conference.

The motion was agreed to.

The SPEAKER pro tempore. The Chair will appoint as conferees on the part of the House the gentleman from Vermont, Mr. GROUT, the gentleman from New Jersey, Mr. PITNEY, and the gentleman from Missouri, Mr. DOCKERY.

CONTESTED-ELECTION CASE—ALDRICH VS. UNDERWOOD.

Mr. DANIELS. I bring up the motion to lay on the table the motion to reconsider the vote by which the resolution of the committee was agreed to.

The SPEAKER pro tempore. The question is on the motion of

the gentleman from New York [Mr. DANIELS] to lay on the table the motion of the gentleman from Tennessee [Mr. McMILLIN] to reconsider.

The question being taken on the motion of Mr. DANIELS, the Speaker declared that the ayes seemed to have it.

Mr. McMILLIN. I ask for a division.

The House divided; and there were—ayes 142, noes 67.

So the motion was agreed to.

SWEARING IN OF A MEMBER.

Mr. DANIELS. Mr. Speaker, I ask to have the oath administered to the gentleman who has just been declared entitled to a seat.

Mr. Truman H. Aldrich appeared at the bar of the House and the oath of office was administered to him by the Speaker pro tempore, Mr. PAYNE. [Applause.]

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On June 8, 1896:

An act (H. R. 9404) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes;

An act (H. R. 8469) to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia;

An act (H. R. 4921) to relieve the North Georgia Agricultural College from the payment of $450 for damaged gun;

An act (H. R. 5946) granting an increase of pension to Abraham H. Parker;

An act (H. R. 5279) granting a pension to Jerusha H. Brown;

An act (H. R. 2143) granting a pension to Mrs. Emily M. Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer;

An act (H. R. 4888) for the relief of George Hager;

An act (H. R. 4020) granting an increase of pension to Mrs. William Loring Spencer;

An act (H. R. 5258) granting an honorable discharge to John B. Besler; and

An act (H. R. 6259) to expedite the delivery of imported parcels and packages not exceeding $500 in value.

On June 9, 1896:

An act (H. R. 8248) to increase the pension of Mrs. Emily E. Cash.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 8383) to establish a site for the erection of a penitentiary on the military reservation at Fort Leavenworth, Kans., and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2928) to extend the routes of the Eckington and Soldiers' Home Railway Company and of the Baltimore Railway Company of the District of Columbia, and for other purposes.

The message also announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 3269) to pay the Richmond Locomotive and Machine Works its claim for damages and losses incurred in the construction of the armored battle ship *Texas;*

A bill (S. 3150) authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander;

A bill (S. 1583) for the relief of L. Robert Coates & Co., of Baltimore, Md.;

A bill (S. 524) for the relief of Avery D. Babcock and wife, of Oregon;

A bill (S. 286) to provide for the purchase of a site for the erection of a public building at Oakland, in the State of California;

A bill (S. 265) extending relief to Indian citizens, and for other purposes; and

Joint resolution (S. R. 138) for the relief of James P. Veach.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendment the bill (H. R. 9409) making appropriations to supply deficiencies in the appropriations for expenses of the House of Representatives, and for other purposes, for the fiscal year 1896; in which the concurrence of the House was requested.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had disagreed to the amendment of the House to the amendment of the Senate numbered 99, and had still further insisted upon its amendments to the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, numbered 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 193, 194, and 195, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. TELLER, Mr. ALLISON, and Mr. COCKRELL as the conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 3269) to pay the Richmond Locomotive and Machine Works its claim for damages and losses incurred in the construction of the armored battle ship *Texas*—to the Committee on Claims.

A bill (S. 3150) authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander—to the Committee on Naval Affairs.

A bill (S. 1583) for the relief of L. Robert Coates & Co., of Baltimore, Md.—to the Committee on Claims.

A bill (S. 524) for the relief of Avery D. Babcock and wife, of Oregon—to the Committee on Claims.

A bill (S. 286) to provide for the purchase of a site for the erection of a public building at Oakland, in the State of California—to the Committee on Public Buildings and Grounds.

A bill (S. 265) extending relief to Indian citizens, and for other purposes—to the Committee on Indian Affairs.

Joint resolution (S. R. 138) for the relief of James P. Veach—to the Committee on Military Affairs.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I call up the conference report on the sundry civil bill.

The SPEAKER pro tempore. The report has been read.

Mr. CANNON. Let the statement be read.

The statement of the conferees on the part of the House was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on each of said amendments, namely:

On No. 32: Strikes out the appropriation of $15,000 proposed by the Senate for a light-house at Swan Island, in the Caribbean Sea.

On No. 61: Strikes out the appropriation of $250,000 proposed by the Senate for an additional fire-proof building for the National Museum.

On No. 109: Appropriates $5,000, instead of $35,000, as proposed by the Senate, to enable the Government to take part in the exposition at Brussels, Belgium.

On Nos. 122, 123, and 124: Appropriates $14,000, as proposed by the Senate, instead of $11,500, as proposed by the House, for lighting the Executive Mansion and public grounds, limits the price per lamp in the grounds to $20, and requires that the same shall burn all night.

On Nos. 146 and 147: Appropriates for the Providence and Garfield Hospitals $19,000 each, as proposed by the Senate.

On No. 161: Strikes out the appropriation proposed by the Senate with reference to the accounts of the Soldiers' Homes.

The committee of conference have been unable to agree on the amendments of the Senate numbered 2, 3, 4, 6, 7, 8, 13, 15, 16, and 17, relating to the public buildings at—

Boise City, Idaho;
Camden, N. J.;
Cheyenne, Wyo.;
Fortress Monroe;
Helena, Mont.;
Kansas City, Mo.;
Omaha, Nebr.;
St. Paul, Minn.;
Salt Lake City, Utah; and
Savannah, Ga.

J. G. CANNON,
JOSEPH D. SAYERS,
Managers on the part of the House.

Mr. CANNON. Mr. Speaker, I move that the conference report be adopted.

Mr. HAINER of Nebraska. Mr. Speaker——

Mr. CANNON. I yield five minutes to the gentleman from Nebraska [Mr. HAINER].

Mr. HAINER of Nebraska. Mr. Speaker, as one of the conferees I could not sign the report which has been submitted to the House for its consideration. Gentlemen will have noticed that it makes the old-time appropriations for the two hospitals, Providence and Garfield. These institutions are private, and one, at least, in every sense sectarian. The appropriation is a subsidy—a largesse pure and simple. I have from the commencement opposed the appropriation of any money for any private purpose for any length of time or pretext whatever. I believed that such appropriations are wholly wrong, unjustifiable, fraught with danger, and perfectly inexcusable. I still think so. But the majority of the conferees felt that in order to close out this bill it was necessary to make the concession which is made in the conference report. In these circumstances I did not feel warranted in further prolonging the fight along this line, but permit me to say, gentlemen, that I think that on these questions, whether on this bill or on the District of Columbia bill or on the Indian

appropriation bill, you can not with safety make any compromise whatever, and that whoever makes a compromise is himself compromised in the end. No political party in the United States has in its platform ever expressed itself on the subject but in denunciation of the practice of appropriating public money for private purposes as un-American, unjust, and wholly unauthorized—not for one year nor for six months, but for any length of time whatever.

Having said this much, washing my hands entirely of any compromise which may have been made in this bill or in any other bill, I can go back to my people with the knowledge that I have carried the flag in this fight as a man should, true to his conscience and true to the principles of Americanism, which, though not entirely successful in this Congress, in the time to come certainly will beyond all possible question triumph. On this question, from this Congress and from any other adverse Congress, the appeal will be made to the great American people, who when their hearts and minds are touched, as surely they are being touched and awakened, are always true to the principles upon which their Government is founded.

Mr. SAYERS. Mr. Speaker, as the minority on the conference committee representing the House for the settlement of the matters of difference between the Senate and the House upon the sundry civil appropriation bill, I feel it due to myself and to the House to say that I believe that, unless some compromise of the kind proposed in this report is made, either this session of Congress will be indefinitely prolonged or the sundry civil bill, carrying over $30,000,000 for the support of the Government during the next fiscal year, will fail. I wish further to say to the House that the two appropriations to which the gentleman from Nebraska has referred are not for sectarian purposes. They are for the partial support of two hospitals, and exactly similar appropriations to those here made have appeared in the sundry civil bills for more than ten years past. The Senate in this case restored these provisions to the bill, and insisted upon the amendment. That is all I have to say.

Mr. WILLIAMS. May I ask the gentleman a question?

Mr. SAYERS. Certainly.

Mr. WILLIAMS. Are these institutions private institutions?

Mr. SAYERS. I do not consider them altogether private institutions. They are institutions incorporated for purposes of charity, and Congress has for many years past made appropriations to assist them, the Government not having any such institutions of its own in this District.

Mr. WILLIAMS. I understand that. I understand also that Congress has made provision from year to year to assist various other private institutions, some of them sectarian and some of them nonsectarian——

Mr. SAYERS. They are in another bill, the District of Columbia bill. They have nothing whatever to do with this bill.

Mr. WILLIAMS. But are these institutions that you are speaking of, and that are included in this bill, private institutions?

Mr. SAYERS. In one sense of the word they are private and in another sense of the word they are public, because any person who is poor and needy and sick or infirm can go to either of these hospitals and receive care and treatment.

Mr. WILLIAMS. In other words, are they subject to governmental inspection?

Mr. SAYERS. Every dollar of Government money expended must be accounted for to the accounting officers of the Treasury just as much so as any other public expenditure.

Mr. WILLIAMS. Then there is governmental supervision?

Mr. SAYERS. I so understand, to the extent stated.

Mr. CANNON. One word, and only a word, in reference to this conference report. As this bill passed the House it contained the following provision:

For the support and medical treatment of medical and surgical patients who are destitute in the District of Columbia, under contract or contracts to be made with responsible and competent persons or institutions by the Surgeon-General of the Army, $38,000, or so much thereof as may be necessary: *Provided*, That no payment shall be made under any such contract except for service actually rendered, for which specific compensation shall be provided under such contract.

The Senate struck out that provision and inserted the following:

For the support and medical treatment of 95 medical and surgical patients who are destitute, in the city of Washington, under a contract to be made with the Providence Hospital by the Surgeon-General of the Army, $19,000.

Garfield Memorial Hospital: For maintenance, to enable it to provide medical and surgical treatment to persons unable to pay therefor, $19,000.

It will be noticed that these Senate amendments carry in the aggregate $38,000, the same amount carried by the provision adopted by the House. It will be noticed further that the Senate amendments are similar to the items of appropriation for the current year and many preceding years. It will also be noticed that for Providence Hospital the appropriation is for the treatment of 95 destitute patients, under a contract to be made by the Surgeon-General, while for the Garfield Hospital the provision is "for maintenance to enable it to provide medical and surgical treatment to persons unable to pay therefor."

Now, what has been the practice under this appropriation heretofore? Providence Hospital, the oldest hospital in the District of Columbia, as well as the best equipped and the largest, treats 95 destitute patients by contract with the Surgeon-General, while for the same amount of money Garfield Hospital treats 60 destitute patients. In other words, $19,000 goes one-half further under the contract made with the Providence Hospital by the Surgeon-General than it does at the Garfield Hospital.

When the conference committee met it appeared to the conferees that the result of the House provision would be that if this whole service were given out by contract upon bids the Garfield Hospital and the Providence Hospital, being the two best equipped hospitals for this service, would probably be the only institutions in the District of Columbia competent for such service; and it was perfectly apparent on inquiry that if the provision originally adopted by the House should be enacted Providence Hospital would get the whole contract and Garfield Hospital nothing, because it was frankly admitted that Garfield Hospital, being the younger institution and not so well off as Providence Hospital, could not compete with the latter as to the price to be paid for this service. Hence it was stated, and it appeared satisfactorily to your committee, that this meant the closing of the doors of the Garfield Hospital, that institution having received compensation of this kind from substantially the time of its establishment.

Now, then, although it appeared that under the Senate amendment Providence Hospital would render one-half more service for the same amount of money than the Garfield institution, it was thought that in this great and growing capital city, with both these hospitals equipped and in successful operation, we ought not now and in the future to pursue a policy which would tend to close (as it was positively stated the House provision would do) the doors of the Garfield Hospital. So, after full consideration and investigation, finding that these hospitals are incorporated under legislation of Congress, that they are purely hospitals devoted to the treatment of the sick, that they are legally controlled by their corporators, it seemed to us that no sectarianism arises in connection with this question; that if a man is sick and requires surgical treatment it makes no difference to him or to the Government (the Government not being prepared with a public hospital to treat the indigent sick) whether the patient or the nurse that stands over him sings Salvation Army songs or makes the sign of the cross. At any rate, we believe that this is a public service; that it is not sectarian. There are no public hospitals in the District of Columbia, and sooner than see the destitute go unprovided for we believe that under the conditions now existing the House ought not to insist further on its provision and oppose that of the Senate.

Mr. HAINER of Nebraska. Will the gentleman allow me to suggest——

Mr. CANNON. I do not want to prolong this debate. I will yield for a question.

Mr. HAINER of Nebraska. If, as the gentleman says, Providence Hospital will take care of one-half more patients for the same money than Garfield Hospital will do, then certainly the gentleman can not found the appropriation for Garfield Hospital on any claim that it is the best provision for the relief of the sick, because it appears by the gentleman's statement that more sick persons can be taken care of for a given amount of money at the Providence Hospital than at the other.

Mr. CANNON. What the gentleman says is correct as to today and this year and last year. For the same amount of money Providence Hospital has taken care of 95 patients, while Garfield Hospital has taken care of 60. I will grant you that perhaps we could have more patients cared for under the provision as the House passed it. But after all, acting as the common counsel for the District of Columbia, from the wise standpoint of public policy, I agree that the Garfield Hospital should not be compelled to close its doors.

I therefore ask the previous question on the adoption of the report.

The previous question was ordered, under the operation of which the report was agreed to.

Mr. CANNON. I now move that the House further insist on its disagreement to the Senate amendments which are mentioned in the report, and agree to a further conference on the disagreeing votes thereon.

Mr. LESTER. I desire to ask the gentleman whether he includes the amendment numbered 16?

Mr. CANNON. Yes, sir; all of them.

Mr. LESTER. Then I move, Mr. Speaker, that the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same.

Mr. HARTMAN. I move as a substitute that the House recede from its disagreement to the Senate amendment to the public buildings generally and agree thereto.

Mr. LESTER. I accept that substitute.

Mr. CANNON. Well, hardly. We must have a separate vote.

The SPEAKER pro tempore. The gentleman from Illinois demands a separate vote.

The Clerk will read the first amendment, on which a separate vote is asked.

The Clerk read as follows:

For public building at Boise City, Idaho: For continuation of building, $50,000; and the limit of cost of said building and site is increased from $150,000 to $200,000.

Mr. CANNON. If the gentleman from Montana desires to be heard I will yield to him for a few minutes.

Mr. HARTMAN. I only want two minutes.

Mr. Speaker, I only wish to say in respect to this motion that the House has heard before as to the merits of it. Now, we are held here pending the agreement between the conferees of the two Houses on these amendments. One of the special features of the disagreement has been these public-building amendments. In the three States of Montana, Idaho, and Wyoming there is not a single public building within the limits.

Mr. CANNON. If the gentleman from Montana will yield to me for a moment, I will ask to withdraw this report, so that the gentleman from Maine [Mr. BOUTELLE] may submit a report, which is a final agreement on the naval bill.

Mr. HARTMAN. Certainly, I yield with pleasure. I wish to be just as courteous as the gentleman from Illinois, and yield.

The SPEAKER pro tempore. Without objection, the naval bill will be laid before the House now.

Mr. HULICK and Mr. KEM objected.

Mr. BOUTELLE. Before objection is made I wish to state that the enrolling clerk is exceedingly anxious to obtain possession of this bill immediately to compare it.

Mr. CANNON. I withdraw the sundry civil bill temporarily.

The SPEAKER pro tempore. The report on the sundry civil bill is withdrawn.

NAVAL APPROPRIATION BILL.

Mr. BOUTELLE. Mr. Speaker, I offer for immediate consideration the conference report on the naval appropriation bill.

The SPEAKER pro tempore. The Clerk will read the report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 39, 42, 43, 44, 45, to 46, 47, 48, and 52, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the word "two," inserted by said amendment, insert the word "three"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Insert after the word "one," in line 24, page 49 of the bill, the following: "and not more than one"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: Strike out, in line 3 of said amendment, the word "five" and insert in lieu thereof the word "four"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*And provided further*, That the Secretary of the Navy is hereby directed to examine into the actual cost of the armor plate and the price of the same which should be equitably paid, and shall report the result of his investigations to Congress at the next session at a date not later than January 1, 1897; and no contract for armor plate for the vessels authorized by this act shall be made until after such report is made to Congress for its action;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,870,000"; and the Senate agree to the same.

C. A. BOUTELLE,
J. B. ROBINSON,
AMOS J. CUMMINGS,
Managers on the part of the House.
EUGENE HALE,
M. S. QUAY,
A. P. GORMAN,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

Statement to accompany conference report on House bill 7542, making appropriations for the naval service for the fiscal year ending June 30, 1897, etc.:

The House recedes from its disagreement to the Senate amendment numbered 39, providing that not more than two battle ships and three torpedo boats shall be built by one contracting party.

Also, as to amendments 42 to 48, inclusive, providing for the construction of one torpedo boat on the Missouri River, with necessary verbal changes.

Also, as to amendment 52, reducing the appropriation under armor and armament $500,000.

The House recedes from its disagreement to amendment numbered 32, with an amendment providing for three battle ships instead of two.

The House recedes from its disagreement to Senate amendment numbered 40, with an amendment inserting the words "one, and not more than one," seagoing battle ship shall be built on or near the coast of the Pacific Ocean.

The House recedes from Senate amendment numbered 41, with an amendment providing that one battle ship and three torpedo boats shall be built on or near the Pacific coast provided they can be built at an additional cost not exceeding 4 per cent of the lowest accepted bid for the other battle ships and torpedo boats.

The House recedes from its disagreement to Senate amendment numbered 49, with an amendment which substitutes in place of all the provisions in regard to the price of armor plate the following proviso:

"*Provided further*, That the Secretary of the Navy is hereby directed to examine into the actual cost of armor plate and the price for the same which should be equitably paid, and shall report the result of his investigation to Congress at its next session, at a date not later than January 1, 1897; and no contract for armor plate for the vessels authorized by this act shall be made till after such report is made to Congress for its action."

Also, the House recedes from its disagreement to Senate amendment numbered 51, with an amendment adding $500,000 to the appropriations under the head of "Construction and machinery."

Mr. BOUTELLE. Mr. Speaker, it is entirely unnecessary to go into any detailed explanation of this report, which is substantially that which was presented to the House before. It embodies a proposition made to the House conferees by those of the Senate, providing for the construction of three battle ships, and in lieu of all the provisions reported before in regard to the price of armor plate provides that no contract shall be made for any of the armor to be furnished for any of the ships provided in this bill until after the Secretary of the Navy shall have made an investigation of the whole subject-matter of the cost and equitable price of armor, his report to be made not later than the 1st of January to the next session of this Congress.

I move the adoption of this report, it being a final agreement.

The conference report was agreed to.

[The announcement of the result was received with applause.]

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I present a conference report on the Indian appropriation bill.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 69 and 70 to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"And it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school: *Provided*, That the Secretary of the Interior may make contracts with contract schools, apportioning as near as may be the amount so contracted for among schools of various denominations for the education of Indian pupils during fiscal year 1897, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children and to an amount not exceeding 50 per cent of the amount so used for the fiscal year 1895."

And the Senate agree to the same.

J. S. SHERMAN,
CHARLES CURTIS,
GEORGE C. PENDLETON,
Managers on the part of the House.
R. F. PETTIGREW,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

Statement of House conferees, to accompany conference report No. 7, on Indian appropriation bill:

The House recedes from amendment numbered 70, which is merely a formal amendment, adding the word "further."

To Senate amendment numbered 69 the House concurs with amendments. The amendments are, first, a change of phraseology in the declaration as to the discontinuance of appropriations for sectarian schools. The other amendment provides that in the expenditure of money for contract schools in the next fiscal year, the Secretary shall apportion the same as near as may be among schools of various denominations.

Mr. SHERMAN. Mr. Speaker, this is the final report on the Indian appropriation bill and has to do only with the question of schools. The amendment which is agreed upon in conference has been submitted to very many gentlemen in the House who have heretofore had different views upon the question of the continuance of the schools, and I think it is substantially satisfactory to all of them. The declaration in reference to the discontinuance of schools after the end of the next fiscal year is the same as that in the report which was submitted last Saturday, except a change in phraseology.

In reference to the money to be expended during the next fiscal year the provision is that the money shall be apportioned among the various denominations, as nearly as possible, by the Secretary.

I move the previous question upon the adoption of the report.

The previous question was ordered.

The conference report was agreed to.

[The announcement of the result was received with applause.]

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Now, Mr. Speaker, I wish to proceed with the consideration of the remaining amendments to the sundry civil

appropriation bill, and I yield to the gentleman from Montana [Mr. HARTMAN] two minutes.

Mr. HARTMAN. Mr. Speaker, while I shall address my remarks to the subject of the public building at the capital of my own State, I give notice that I intend, if the rules permit it, to make and insist upon my motion as originally made, namely, to concur in the Senate amendments relating to these public buildings as a whole.

Now, as to the public building at Helena. Helena is a city of about twenty or twenty-five thousand inhabitants. It is the capital of the State which I have the honor to represent upon this floor. It has not one single public building in it owned by this Government. It has its full complement of United States offices, including the courts, the marshals, the land office, the post-office, and the collector of customs, with their various employees. The State has already ordered the construction of a million-dollar capitol building. I undertake to say that this amendment is not exorbitant when compared with the expenditures of our own people. We simply ask an appropriation for the continuation of the work, the site having already been authorized, and a one-hundred-and-fifty-thousand-dollar increase in the maximum that the building will ultimately cost. It will make a total of $300,000. I think Uncle Sam can well afford, at the capital of that State, to put up a three-hundred-thousand-dollar building to stand side by side with the one-million-dollar building that the people of that State are going to erect.

[Here the hammer fell.]

Mr. CANNON. I yield a minute to the gentleman from Kansas [Mr. CURTIS].

Mr. CURTIS of Kansas. I desire to move that the House recede from the amendment numbered 2, with the following amendment.

The amendment was read, as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to purchase 50 feet of ground, or as much thereof as may be needed, adjacent to the ground now owned by the Government upon which the public building at Topeka, Kans., now occupied as a post-office and other Government offices, is located, at a cost not to exceed $30,000. That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause the public building at Topeka, Kans., now occupied as a post-office and other Government offices, to be enlarged, so as to make a suitable building, with fireproof vaults and elevator therein, for the further accommodation of the post-office and other Government offices, the plans and specifications to be drawn with respect to the present building, so as to furnish to the post-office more room and the better accommodation of the Government offices. The plans, specifications, and full estimation of said building shall be previously made and approved according to law and shall not cost to exceed the sum of $100,000: *Provided*, That said building, so enlarged, shall be unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet.

Mr. CANNON. Mr. Speaker, I notify the gentleman now that I shall be compelled to reserve the point of order on that amendment, but if the gentleman wants a minute or two I will make the point of order and he can reply to it if he chooses.

Mr. CURTIS of Kansas. I would like to hear what the point of order is, and then I would like to have a minute on the bill.

Mr. CANNON. My point of order is that the amendment covers new legislation or legislation, and is not germane to this amendment and therefore amenable to the rules of the House.

The SPEAKER pro tempore. The Chair is ready to decide the point of order.

Mr. CURTIS of Kansas. If the Speaker's mind is made up there is no use of saying anything.

The SPEAKER pro tempore. The Chair is compelled to say to the gentleman from Kansas that the Chair's mind is made up. The Chair sustains the point of order.

Mr. CANNON. Mr. Speaker, a very brief word in reply to the gentleman from Montana, and the better attention I can have the less time I will consume. These public-building provisions, that by the grace of the Senate are on this bill, legislate to authorize new buildings to the amount of $641,000 and appropriate $385,000, a necessary appropriation if you legislate; but if you do not legislate it is not necessary to appropriate. Now, that gives you the status. It is for the House to say whether it will legislate. I made points of order on this bill in the House because there was no man that under the rules of the House could get an amendment which was legislation on a general appropriation bill, just as I was compelled to make the point of order upon my personal and political friend from Kansas just a moment ago when he offered an amendment which legislates.

Mr. LOUDENSLAGER. Will the gentleman permit a question?

Mr. CANNON. In a moment. If this was a courteous body, and we did everything not by rule but by courtesy, then I should not have made the point of order upon the gentleman from Kansas, but as there are 356 members, there would be 356 courtesies to be extended; and it not being a very good way of legislation anyhow, I was compelled to cut my genial friend out with a point of order.

Mr. HARTMAN. Will the gentleman allow me to ask him a question?

Mr. CANNON. Certainly.

Mr. HARTMAN. As a matter of fact, would the gentleman from Illinois be very bitterly disappointed should the House carry this motion?

Mr. CANNON. I will tell the truth to the House before I get through. [Great laughter.]

Mr. HOPKINS. I ask that my colleague have unlimited time.

Mr. LOUDENSLAGER. Does the gentleman mean to claim that these buildings upon which the present disagreement is reported would require that amount?

Mr. CANNON. The present disagreement, I think, includes $641,000 in new legislation. I am not making objection to it because of the three hundred and odd thousand dollars of appropriation, or the six hundred and odd thousand dollars of legislation. I had just as well be square and honest. I believe that the legislation would be wise. [Applause.] When I have said that, I will go a step further, and say that I believe that $15,000,000 would be equally wise for public buildings. [Renewed applause.] That would include $100,000 for the building at Joliet, in my district. [Laughter.]

Mr. WILLIAMS. Pile it up!

Mr. MILLIKEN. Will my friend allow me to make a suggestion?

Mr. CANNON. Certainly.

Mr. MILLIKEN. Perhaps the Committee on Public Buildings and Grounds will give the gentleman an opportunity during the next session of Congress to show his faith by his works; and I am glad he has testified his conviction.

Mr. CANNON. I have my bill in your committee, and I believe a favorable report has been agreed to; but, unfortunately, when the waters were troubled at another place than this, there was nobody to put my "little William" into this bill. [Laughter.]

Mr. MILLIKEN. Let me say, if the gentleman will permit me——

Mr. CANNON. Yes.

Mr. MILLIKEN. If I have not been thoroughly misinformed, he is one of the gentlemen who would not be anxious to get it out if it had to go out with all the rest.

Mr. CANNON. Oh, well, we are not considering that matter now. [Laughter.] I was not consulted about it. I will say to you again I am not blaming anybody about the action of the House touching public buildings. I am not responsible for that policy. I am not condemning it; and I am not entitled to credit for it, and I am not prepared to condemn it, in the present condition of the Treasury. I had better say, perhaps, to be entirely candid, because I can not be otherwise [laughter]—I mean to say that I do not want to be otherwise—while I am not responsible for it, I approve it.

Mr. HARTMAN. Will you have any objection to having a separate vote on my motion?

Mr. CANNON. We will vote on them one by one. [Cries of "Vote!" "Vote!"] We will vote in a minute. It will save time if you will give me two minutes without interruption, and then we will have a vote. This is the seventh time that this matter has been fought over in the House. Now, if it was legislation that ought to have been had, it would have been wise, under all the circumstances, to have had it the first time, but if the members of this House believe, in view of existing conditions, that this legislation for these buildings ought to be had——

Mr. WALKER of Massachusetts. They do.

Mr. CANNON. If they believe that, and if they can afford to do it, then let them concur with the Senate. If, on the contrary, gentlemen, you do not believe that, if you are still of the same opinion that you have been heretofore, then further insist. "Oh, but," says somebody. "The Senate won't give up and we want to adjourn." Let me tell you what the condition is. This is legislation. We have eliminated everything but this. If the House concurs with the Senate, that is the end of it. That passes the bill and it goes to the President. If the House further insists and the bill goes back to the Senate and the Senate recedes, there is no further conference, that is the end of it. This is legislation. Every provision in it involves and covers legislation, and if the House says "We will not legislate," then, under the invariable rule, there is nothing left for the Senate but to recede, and vice versa. With this statement I am perfectly willing that the House shall vote.

Mr. HARTMAN. But there is no certainty as to the time when they will recede.

Mr. CANNON. Oh, gentlemen, I ask of the House one thing: That you decide this question according to your judgment. Decide it as you think it ought to be decided. Do not decide it because we are going to adjourn to-morrow. Let us not be pressed. Let us decide according to our judgment. I ask for a vote.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Montana [Mr. HARTMAN] that the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

The question being taken, it was decided in the negative.

Mr. HARTMAN. I ask for a separate vote on amendment numbered 7.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. CANNON] has asked for a separate vote upon each amendment. The Clerk will report the next amendment.

The Clerk read as follows:

For public building at Camden, N. J.: For construction of building, $25,000; and the limit of cost of said building is increased $125,000.

Mr. CANNON. Mr. Speaker, I yield three minutes to the gentleman from New Jersey [Mr. LOUDENSLAGER].

Mr. LOUDENSLAGER. Mr. Speaker, the question of this public building has been before the House on two or three occasions. This bill came over from the Senate with seventeen separate, different propositions in it. Upon the question of principle, as to whether new legislation shall be enacted in the bill or not, the House has already receded, because it has already voted that there shall be carried in this bill 33 per cent of the original propositions made in the Senate, and it is unfair to the other meritorious propositions that still remain in the bill for the House to say that 33 per cent of favored ones shall pass while others shall be rejected. It is not upon the merits that the attack has been made upon these provisions, but upon principle, and that principle has been broken down by the vote of the House in agreeing to 33 per cent of the propositions placed in the bill by the Senate as to new legislation.

Mr. CANNON. The House understands the matter, Mr. Speaker, and I now ask for a vote.

The question was taken on the motion that the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same, and it was rejected.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

(4) For public building at Cheyenne, Wyo.: For continuation of building, $50,000; and the limit of cost of said building and site is increased from $150,000 to $250,000.

Mr. HARTMAN. Mr. Speaker, it is very evident that the temper of the House is adverse to agreeing to these amendments, and I therefore withdraw my motion.

The SPEAKER pro tempore. The gentleman from Montana withdraws his motion. The question now is on the motion of the gentleman from Illinois [Mr. CANNON] that the House further insist upon its disagreement and ask a further conference.

The motion was agreed to.

The SPEAKER pro tempore appointed the same House conferees as on the previous conference.

Mr. BABCOCK. Mr. Speaker, I desire to present a conference report.

Mr. LESTER. Mr. Speaker, I desire to say a word with reference to the amendment numbered 16 in this bill.

Several MEMBERS. Too late.

Mr. CANNON. Mr. Speaker, I have no desire to cut off my friend from Georgia, and I will ask unanimous consent to return to amendment numbered 16.

The SPEAKER pro tempore. Without objection, the House will return to the amendment of the Senate numbered 16.

Mr. KEM. There is objection, Mr. Speaker. [Laughter.]

The SPEAKER pro tempore. Objection is made by the gentleman from Nebraska [Mr. KEM]. [Laughter.]

Mr. SAYERS. Mr. Speaker, unanimous consent is not required. The gentleman from Georgia reserved the right to a separate vote upon this amendment.

The SPEAKER pro tempore. A separate vote was asked for, but then the amendment was withdrawn.

Mr. CANNON. I move to reconsider the vote just taken by which the House insisted on its disagreement.

The motion to reconsider was agreed to.

Mr. CANNON. I now move that, except as to the amendment with regard to the public building at Savannah, the House further insist on its disagreement to the Senate amendments and ask for a further conference.

The motion was agreed to.

Mr. CANNON. Now I am willing to yield to the gentleman from Georgia [Mr. LESTER] two or three minutes.

Mr. LESTER. I shall occupy only a few minutes.

Mr. TATE. I rise to this point of order: As the Chair put this question, the House has insisted on its disagreement to all of the Senate amendments except that relating to the Savannah public building. Does not that practically adopt the amendment with regard to the Savannah building?

The SPEAKER pro tempore. It does not.

Mr. LESTER. Mr. Speaker, amendment 16 of the Senate proposes to increase the limit of cost of the public building at Savannah, Ga. The construction of that building was commenced some years ago; it was partly completed, the limit of cost being $400,000. Last summer contracts were let for the completion of the building. Everybody supposed that it was to be finished in marble. The stone foundations had been laid, and one story of the substructure erected. The old site had been changed, involving a loss of about $100,000—that is to say, there is that amount invested in the old site and the incomplete building erected upon it. When it was determined to finish the new building in marble it was found that possibly this could not be done within the limit of cost previously fixed, so alternative bids were invited for completing the work in marble and also in brick. When the bids came in it was discovered that it would be impossible to finish the building in marble within the limit of cost, so the contract was let for the finishing of the work in brick. But if this plan be pursued the building will present an incongruous appearance. Marble is the proper and suitable material; not brick. The Secretary of the Treasury saw the propriety of extending the limit of cost so as to allow the finishing of the building in marble; and it was arranged with the contractor that he should not insist upon his right to go on and finish the structure in brick. He agreed to carry out the contract in marble provided the Congress of the United States should extend the limit of cost to the extent required.

Mr. WALKER of Massachusetts. What is the difference in cost?

Mr. LESTER. One hundred thousand dollars. It is estimated that $500,000 will be required for a marble building, though $400,000 would have been sufficient if $100,000 had not been lost in the manner I have stated. The immediate question is whether Congress desires this building to be completed in brick or in marble.

This question might not demand immediate settlement but for the fact that the contract has been let, and it is the duty of the Government, if it does not wish to change the plan, to permit the contractors to go on, which they have the right to do under their contract. The agreement with the contractor to which I have referred, under which the Government was to have the right to have the building finished either in brick or in marble, extended only to June 1. But the Secretary of the Treasury has made such an arrangement that a few days' delay will not make any difference. The contractor is now insisting that this matter be settled, so that the work may proceed.

Other gentlemen here have been willing that their propositions in reference to public buildings should go over to the next session; and I should be perfectly willing to have this matter take the same course if our situation were the same. But unless Congress now agrees to extend the limit of cost, the work on our public building will proceed under the contract already made, and the building will be finished in brick. Next session will be too late to attend to this matter. The work must proceed at once. No one, I presume, desires that this building should be finished in a style discreditable to the Government. It ought to be a good building; we ought not to allow it to be spoiled, as it will be, practically, if finished in brick. I move, therefore, that the House recede from its disagreement to the Senate amendment and agree to that amendment.

Mr. WALKER of Massachusetts. I should like one minute.

Mr. CANNON. I yield to the gentleman one minute.

Mr. WALKER of Massachusetts. Mr. Speaker, let us lay aside the question of precedent; let us lay aside any consideration as to the dignity of the House which might tempt us to do a wrong, and let us do right. Here is a building which, if erected in brick, will be a discredit to the United States Government for the next century. It ought to be built in marble, and was so designed. At present, as I understand, the Secretary of the Treasury is unable to authorize it to be so constructed, because of the limit of cost. Let us do right in this matter, because we ought to do so. Let us recede from our disagreement to the Senate amendment and adopt it. [Applause.]

Mr. CANNON. Let us understand ourselves on this question. The present limit of cost in regard to this building is $400,000. The gentleman from Georgia [Mr. LESTER] says that unless the limit of cost is enlarged $100,000 this building can not have the outside finished in marble. Well, I will compromise on a building of brick, if I can get it, and save the hundred thousand dollars. I do not desire, however, to oppose the gentleman's proposition in the sense of opposing it upon the merits.

Mr. WALKER of Massachusetts. Does not that remark give the whole case away?

Mr. CANNON. No.

Mr. WALKER of Massachusetts. Well, I think it does. I am here to do right, without regard to any precedent which is not justified by right.

Mr. CANNON. Why did not the gentleman "do right" in reference to these other amendments?

Mr. WALKER of Massachusetts. I did; I voted for the whole of them.

Mr. CANNON. Mr. Speaker, I am ready for a vote.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Georgia, that the House recede from Senate amendment numbered 16, and agree to the same.

The question being taken, there were—ayes 100, noes 64. [Applause.]

Mr. CANNON. Mr. Speaker, I ask for the yeas and nays on that question.

The yeas and nays were ordered.

The question was taken; and there were—yeas 96, nays 91, not voting 167; as follows:

YEAS—96.

Acheson,	De Witt,	Kulp,	Rusk,
Adams,	Dockery,	Layton,	Sayers,
Aldrich, T. H.	Dovener,	Lester,	Scranton,
Allen, Miss.	Ellis,	Loudenslager,	Sherman,
Apsley,	Erdman,	Low,	Southwick,
Arnold, R. I.	Fenton,	Maddox,	Sparkman,
Bailey,	Fischer,	Mahon,	Sperry,
Baker, N. H.	Fitzgerald,	McClure,	Stallings,
Bartlett, Ga.	Fletcher,	McCreary, Ky.	Stone, C. W.
Bartlett, N. Y.	Fowler,	McCulloch,	Sulloway,
Bell, Tex.	Gardner,	McDearmon,	Sulzer,
Berry,	Gibson,	McLachlan,	Swanson,
Broderick,	Griswold,	Mercer,	Tate,
Bromwell,	Hart,	Mitchell,	Tawney,
Brumm,	Hartman,	Mondell,	Terry,
Bull,	Howe,	Money,	Turner, Ga.
Clardy,	Huff,	Noonan,	Tyler,
Clarke, Ala.	Hunter,	Otey,	Walker, Mass.
Coffin,	Hurley,	Otjen,	Wanger,
Cooper, Fla.	Johnson, Cal.	Patterson,	Wellington,
Cooper, Wis.	Johnson, N. Dak.	Pendleton,	Williams,
Culberson,	Joy,	Reeves,	Willis,
Cummings,	Kerr,	Reyburn,	Wilson, Idaho
Dayton,	Kleberg,	Richardson,	Woodard.

NAYS—91.

Anderson,	Crump,	Huling,	Raney,
Andrews,	Curtis, Iowa	Kem,	Ray,
Avery,	Curtis, Kans.	Kiefer,	Rinaker,
Babcock,	Danford,	Kirkpatrick,	Russell, Conn.
Baker, Kans.	Dingley,	Knox,	Shafroth,
Barney,	Doolittle,	Lacey,	Shuford,
Bennett,	Draper,	Lefever,	Skinner,
Bingham,	Fairchild,	Leighty,	Smith, Ill.
Bishop,	Faris,	Lewis,	Southard,
Blue,	Gamble,	Long,	Stahle,
Boutelle,	Graff,	Loud,	Stewart, N. J.
Brewster,	Griffin,	McCleary, Minn.	Strong,
Burrell,	Grow,	McEwan,	Strowd, N. C.
Burton, Mo.	Hager,	Minor, Wis.	Tayler,
Burton, Ohio	Hainer, Nebr.	Murphy,	Thomas,
Cannon,	Halterman,	Overstreet,	Tracewell,
Chickering,	Hardy,	Payne,	Treloar,
Clark, Iowa	Hemenway,	Pearson,	Updegraff,
Clark, Mo.	Henderson,	Phillips,	Van Horn,
Codding,	Henry, Conn.	Pitney,	Warner,
Connolly,	Henry, Ind.	Poole,	Wood,
Corliss,	Hill,	Prince,	Wright.
Crowther,	Howell,	Pugh,	

NOT VOTING—167.

Abbott,	Ellett,	Linton,	Robinson, Pa.
Aitken,	Evans,	Little,	Royse,
Aldrich, W. F.	Foote,	Livingston,	Russell, Ga.
Aldrich, Ill.	Foss,	Lorimer,	Sauerhering,
Allen, Utah	Gillet, N. Y.	Maguire,	Settle,
Arnold, Pa.	Gillett, Mass.	Mahany,	Shannon,
Atwood,	Goodwyn,	Marsh,	Shaw,
Baker, Md.	Grosvenor,	Martin,	Simpkins,
Bankhead,	Grout,	McCall, Mass.	Smith, Mich.
Barham,	Hadley,	McCall, Tenn.	Snover,
Barrett,	Hall,	McClellan,	Sorg,
Bartholdt,	Hanly,	McCormick,	Spalding,
Beach,	Harmer,	McLaurin,	Spencer,
Belknap,	Harris,	McMillin,	Steele,
Bell, Colo.	Harrison,	McRae,	Stephenson,
Black, Ga.	Hatch,	Meiklejohn,	Stewart, Wis.
Black, N. Y.	Heatwole,	Meredith,	Stone, W. A.
Bowers,	Heiner, Pa.	Meyer,	Strait,
Brosius,	Hendrick,	Miles,	Strode, Nebr.
Brown,	Hepburn,	Miller, Kans.	Taft,
Buck,	Hermann,	Miller, W. Va.	Talbert,
Calderhead,	Hicks,	Milliken,	Thorp,
Catchings,	Hilborn,	Milnes,	Towne,
Cobb,	Hitt,	Miner, N. Y.	Tracey,
Cockrell,	Hooker,	Moody,	Tucker,
Colson,	Hopkins,	Morse,	Turner, Va.
Cook, Wis.	Howard,	Moses,	Van Voorhis,
Cooke, Ill.	Hubbard,	Mozley,	Wadsworth,
Cooper, Tex.	Hulick,	Murray,	Walker, Va.
Cousins,	Hull,	Neill,	Washington,
Cowen,	Hutcheson,	Newlands,	Watson, Ind.
Cox,	Hyde,	Northway,	Watson, Ohio
Crisp,	Jenkins,	Odell,	Wheeler,
Crowley,	Johnson, Ind.	Ogden,	White,
Curtis, N. Y.	Jones,	Owens,	Wilber,
Dalzell,	Kendall,	Parker,	Wilson, N. Y.
Daniels,	Kyle,	Perkins,	Wilson, Ohio
De Armond,	Latimer,	Pickler,	Wilson, S. C.
Denny,	Lawson,	Powers,	Woodman,
Dinsmore,	Leisenring,	Price,	Woomer,
Dolliver,	Leonard,	Quigg,	Yoakum.
Eddy,	Linney,	Robertson, La.	

So the motion to recede from the disagreement and concur was adopted.

The following additional pairs were announced:

Mr. MCCALL of Tennessee with Mr. OGDEN.

Mr. HARMER with Mr. ABBOTT.

Mr. COOK of Wisconsin with Mr. HALL.

Mr. BELKNAP. Mr. Speaker, I was listening for my name, but momentarily my attention was attracted and I did not hear it when it was called. I should like to be permitted to vote on this question.

The SPEAKER. The Chair is afraid that he can not entertain the request under the circumstances.

Mr. BELKNAP. I bow, of course, to the decision of the Chair.

The result of the vote was then announced as above recorded.

The SPEAKER. The Chair will announce the appointment of the conferees on the remaining amendments.

The Clerk read as follows:

Conferees on sundry civil bill: Mr. CANNON, Mr. HAINER of Nebraska, and Mr. SAYERS.

The SPEAKER. The Chair understands that there is a conference report now on the desk.

Mr. BABCOCK. I ask to call that up, Mr. Speaker.

Mr. HARTMAN. Before that, Mr. Speaker, I move to reconsider the vote whereby the House refused to agree to the Senate amendments to the public buildings, since it is evident that this vote is an indication of the sense of the House on that question.

The SPEAKER. The Chair thinks, the conferees having been appointed, it is now too late to make that motion, unless there be some reason not yet stated to the Chair.

Mr. HARTMAN. If that is the decision of the Chair, of course I bow to it.

The SPEAKER. Of course, if the gentleman states that he rose before anything else was done, after the last vote——

Mr. HARTMAN. I did rise, Mr. Speaker, and was waiting, but did not address the Chair immediately.

The SPEAKER. The Chair thinks, then, that under the rule it is too late to recognize the gentleman for that motion now.

Mr. HARTMAN. Very well.

Mr. CANNON. Mr. Speaker, I would be very glad if we could in some way or other obtain the sense of the House finally upon this matter. The House having voted to concur in this amendment, if it means a change of heart, I have no objection to adopting the same rule with reference to the others. I have only sought to serve the House. I care nothing about it personally. I have no doubt that if the House had nonconcurred or insisted on its disagreement on all these amendments, they being in the nature of legislation, the Senate would have receded, in accordance with universal custom.

Mr. SAYERS. I will suggest to my friend from Illinois——

Mr. CANNON. In a minute. Now, if it is the sense of the House to recede on these other amendments, if there has been a real change of opinion, I have no objection. If it is believed that there has been such a change, I should be glad, in order to save time in these the closing hours of the session to have the House take such steps, by unanimous consent or otherwise, as will register its firm and fixed opinion. I do not want to go on a halfway opinion.

Mr. DOCKERY. I suggest to the gentleman from Illinois that unanimous consent be asked to take the expression of the House.

Mr. CANNON. The gentleman can make the request. I shall not object.

Mr. DOCKERY. I ask unanimous consent that the vote on the other amendments be reconsidered.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the vote on the other amendments be reconsidered. Is there objection?

Mr. KEM and Mr. KIEFER objected.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 2) disposing of 2 condemned cannon.

The message also announced that the Senate had agreed to the reports of committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

A bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes.

A bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal ending June 30, 1897, and for other purposes.

ECKINGTON AND SOLDIERS' HOME RAILWAY, ETC.

Mr. BABCOCK. Mr. Speaker, I call for the regular order.

The SPEAKER. The gentleman from Wisconsin [Mr. BABCOCK] has the floor on a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2323) to extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company, of the District of Columbia, and for other purposes, having met,

after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 4, 9, 10, 12, 13, 14, 21, 22, and 23, and agree to the same.

That the House recede from its amendment numbered 26.

That the Senate recede from its disagreement to the amendments of the House numbered 6, 8, 11, 15, 17, 18, 19, 20, 24, and 27, and agree to the same, amended so that the sections of the bill shall be numbered consecutively; and that the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same amended as follows: In lieu of the matter proposed to be stricken out amend section 2 so that the said section shall read:

"SEC. 2. That the Eckington and Soldiers' Home Railway Company of the District of Columbia be, and the same hereby is, authorized to lay down and operate a street railway in the city of Washington, D. C., through and along the following-named streets and avenues, to wit:

"Beginning at the junction of Eighth and D streets northeast; thence by a double track south along Eighth street to C street south; thence by single track as follows: West on C street south to Seventh street east; thence south on Seventh street east to M street south; thence east on M street south to Georgia avenue; thence northeast on Georgia avenue to Ninth street east; thence north on Ninth street east to C street south; thence west on C street south to Eighth street east."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 7, and agree to the same amended so that the proviso in question shall read as follows:

"*And provided*, That said Eckington and Soldiers' Home Railway Company shall not have its stock and bonds outstanding at any one time to a greater amount than the actual cost of the construction and equipment of said railway, which actual cost shall be ascertained by the supreme court of the District of Columbia in such manner as the said court shall prescribe."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 16, and agree to the same amended so that the proviso in question shall read as follows:

"*And provided*, That said Belt Railway Company shall not have its stock and bonds outstanding at any one time to a greater amount than the actual cost of the construction and equipment of said railway, which actual cost shall be ascertained by the supreme court of the District of Columbia in such manner as the said court shall prescribe."

And the House agree to the same.

J. W. BABCOCK,
G. M. CURTIS,
JAMES D. RICHARDSON,
Conferees on the part of the House.

JAMES MCMILLAN,
ISHAM G. HARRIS,
Conferees on the part of the Senate.

The SPEAKER. The Clerk will report the statement of the House conferees.

The Clerk read as follows:

The effect of the conference report on Senate bill No. 2323 is as follows:

First, the Senate agrees to all amendments adopted in the House except amendment numbered 7, which provided that said railroad company shall not have its bonds outstanding at any one time to a greater amount than 50 per cent of the actual cost and equipment of said railway, and have inserted in place thereof the usual provision in street railway charters, that the company shall not have its stock and bonds outstanding at any one time to a greater amount than the actual cost and construction of said railway, which cost shall be ascertained by the supreme court of the District of Columbia.

Also amendment numbered 26, which provided for the construction of the Metropolitan Railroad from its present terminus on Connecticut avenue along Columbia road to Eighteenth street.

The House recedes from its amendment to Senate bill and agrees to the construction of a line of road on Eighth street northeast and on C street south to Seventh street east; thence south on Seventh east to M street south; thence east on M street to Georgia avenue; thence east on Georgia avenue to Ninth street east; thence on Ninth east to C south; thence west on C street south to Eighth street east, which is known as the Navy-Yard extension.

J. W. BABCOCK,
G. M. CURTIS,
J. D. RICHARDSON.

The conference report was agreed to.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

SPECIAL DEFICIENCY BILL.

Mr. CANNON. Mr. Speaker, I desire to move to concur in a certain amendment to the urgent deficiency bill, and to disagree to the second amendment. I ask that the amendment be read.

The bill (H. R. 9409) making appropriations to supply deficiencies in the appropriations for the expenses for the House of Representatives, and for other purposes, for the fiscal year 1896, was laid before the House. The amendments of the Senate were read, as follows:

Page 1, after line 7, insert:

"To make the salaries of the clerks to the Committees on Revolutionary Claims and Corporations Organized in the District of Columbia, from the 1st day of January to the 30th day of June, 1896, at the rate of $2,100 per annum, $950."

Page 1, after line 7, insert:

"To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to all officers and employees of the Senate and House of Representatives, including the Capitol police, who were employed on the 2d day of December, 1895, and who have ceased to be employed, a sum equal to one month's pay at the rate they were severally receiving on the 2d day of December, 1895, and a sufficient sum for this purpose is hereby appropriated."

Mr. CANNON. I move to concur in the first amendment read.

Mr. DOCKERY. What is that?

Mr. CANNON. It is to pay two clerks of Senate committees.

Mr. DOCKERY. I want to express my gratification that the clerk of the Senate Committee on Revolutionary War Claims has finally got his salary increased.

Mr. CANNON. Oh, well, the Senate always get their way about their force. We might just as well concur.

Mr. RICHARDSON. I desire to ask if the gentleman moves to concur in both amendments? If not, I desire to move to concur in the second.

Mr. CANNON. Let us have the vote first on the first one.

The first amendment of the Senate as read was concurred in.

Mr. CANNON. Now, Mr. Speaker, I move that the House nonconcur in the second amendment.

Mr. RICHARDSON. I move that the House concur in the second amendment, and ask to have it reported.

The SPEAKER. The Clerk will report the second amendment.

The amendment was again read.

Mr. CANNON. Now does the gentleman desire to be heard?

Mr. RICHARDSON. *I* only want to say a word or two.

Mr. CANNON. I yield the gentleman three minutes now, if that will do.

Mr. RICHARDSON. Mr. Speaker, I think that we ought to make this appropriation. These employees were brought here at the beginning of this Congress. They were kept here at work until after the organization some days, I can not tell exactly how many, and possibly the number of days differed in the different cases. Some of them were kept here until after the organization was perfected; and it seems to me it is but fair and just that they should have this extra month's pay. I understand that in many cases that course has been pursued heretofore; in other instances the House has refused to make this appropriation. Now, these men were brought here and put to that expense—the expense of coming—and then they lost their jobs, which was bad enough, and it seems to me it will be but fair and proper to make them this compensation.

Mr. LACEY. Will the gentleman yield to me for a question?

Mr. RICHARDSON. I yield the floor.

Mr. LACEY. I wanted to ask a question either of you or some one else who is in favor of the proposition. These gentlemen who were employees and drew their salaries during the vacation came here on the 1st of December and served a month and got a month's extra pay besides that. This is an additional month's pay to these men who had already drawn vacation salaries as clerks to committees.

Mr. RICHARDSON. Well, possibly it may be so in the case of annual clerks. They had work to do annually or there would not be annual clerks; and it is no argument against the annual clerks, if there was work for them to do; and if there was not, then there ought not to be annual clerks. There are a number of committees that have annual clerks allowed them, and there are others that have only session clerks. Those that have annual clerks have work to do annually, otherwise they would not be annual clerks.

Mr. PAYNE. Does the gentleman know of any clerks to committees that came back here?

Mr. RICHARDSON. I know of one clerk who came.

Mr. PAYNE. I know of several committees the clerks of which did not come back, and yet they got pay to the 1st of January.

Mr. RICHARDSON. There may be such cases as that, but I know of one of my own knowledge, one of the reading clerks, and a very efficient one, in the last House.

Mr. CANNON. Mr. Speaker, I want to say that this is a provision that has not been made for clerks and employees since the Forty-seventh Congress. That was known as the Keifer Congress, in 1881 to 1883. The Republican majority then gave the employees of the Forty-sixth Congress this extra month's salary. It was a Republican House paying the employees of a Democratic House. Our Democratic friends did not reciprocate. It has not been done from that time to the present. Now, this provision was put on the general deficiency bill, and it went off in conference; but the "little joker" jumped up in this bill, put on graciously by a Senate amendment without any request, so far as I know, from any member of the House. The Senate sees fit to let us take a vote upon it, and I suppose we will vote. They are magnanimous——

Mr. RICHARDSON. Before the gentleman gets away from that, I desire to ask him a question.

Mr. CANNON. Let me complete the sentence first. Now, the annual employees that ought to have served up to the time this Congress was organized on the 2d day of December got their annual pay, and the session employees got their extra month's pay at the close of the short session of the last Congress, and that mustered them out. Now, to take the annual employees, when most of them had nine months' vacation without much service, and to pay them an extra month's pay, when the most of them got pay, anyhow, during the month of December, I do not see that we ought to do it. We might have another bond issue to meet it, in part. It seems to me that it is without precedent in later years, and ought not to be adopted; and I hope this House will nonconcur.

Mr. BAILEY. May I ask the gentleman from Illinois a question?

Mr. CANNON. Yes, sir.

Mr. BAILEY. Generally I should be glad to adopt the gentleman's views in matters of this kind, but I have in mind a case where a Senate employee was brought here from his home and

effect of the action agreed upon and recommended in the accompanying conference report on each of said amendments, namely:

On Nos. 90, 91, 92, 93, 94, and 95: Appropriates for lighting streets with gas, $150,000, instead of $122,000, as proposed by the House, and $175,000, as proposed

The question being put, the motion to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

ORDER OF BUSINESS.

rendered as an additional page from February 21, 1896, to the close of the current session of Congress, at the rate of $2.50 per day, is approved.

The resolution authorizing the payment of $77.78 to Albert E. Werner for services performed as a messenger in the Doorkeeper's department from

Mr. BAILEY. Generally I should be glad to adopt the gentleman's views in matters of this kind, but I have in mind a case where a Senate employee was brought here from his home and was discharged upon a notice of six hours. Now, it hardly seems to me fair and proper that the Government should discharge an employee under those circumstances and discontinue his pay, and I desire to ask the gentleman from Illinois whether an employee discharged under such conditions would draw the pay for that full month?

Mr. CANNON. When was he discharged?

Mr. BAILEY. Within the last thirty days.

Mr. CANNON. This amendment refers to employees who were discontinued last December.

Mr. BAILEY. What I desire to ask the gentleman is whether there is any provision of law under which this employee, discharged on six hours' notice, would be able to get his pay for the full month? I assume that the Government employs persons by the month, and of course an individual who employed a man for a month and discharged him without cause before that time expired would be compelled to pay the full month's salary.

Mr. CANNON. I will say to the gentleman that I have never seen a case or known of the case of a person who was employed by the Senate, or connected with the Senate, that did not "get in his work," whether he was discharged or not. [Laughter.] My friend from Texas need not agonize about anybody who ever was in the employ of the Senate. I say it respectfully.

Mr. RICHARDSON. Mr. Speaker, I wish to ask the gentleman from Illinois whether his memory is not at fault when he speaks of an appropriation of this kind having been made by the Forty-seventh Congress? Was it not by the Fifty-first Congress?

Mr. CANNON. No; it was the Forty-seventh. I think I am not mistaken about it. Now, Mr. Speaker, let us have a vote.

Mr. WALKER of Massachusetts. I ask the gentleman to give me one minute.

Mr. CANNON. Which side is the gentleman on?

Mr. WALKER of Massachusetts. I am going to help you out this time. [Laughter.]

Mr. CANNON. Well, sometimes the gentleman has one effect on the House, and sometimes he has another effect, and I feel a little uncertain, but I will yield him the time. [Laughter.]

Mr. WALKER of Massachusetts. Mr. Speaker, I hope this House will not present the spectacle of such virtuous and rigid economy that it can not appropriate money for the public business and that it can not pay the honest debts of the Government, and yet can actually throw away money in gratuities of the kind proposed here, where there is not the slightest claim, legal or moral, and where the services rendered are paid for at two or three times what they are worth anyway. I think we ought not to go any further in that direction. I think we had better set the example of paying what the Government justly owes, and appropriating for enterprises that the Government ought to enter upon, and I think it is not at all creditable to the House that it should even contemplate voting these gratuities, especially with an empty Treasury, which has prevented the House from having reports from its committees recommending appropriations for public work which we all agree ought to be done.

The Senate amendment was nonconcurred in.

Mr. CANNON. I will not ask for a conference, Mr. Speaker. Let the Senate ask for it if it desires.

OMAHA EXPOSITION.

Mr. MERCER. Mr. Speaker, I move to suspend the rules and pass the bill S. 130, with an amendment recommended by the Committee on Ways and Means, which amendment is incorporated in this bill.

The bill was read at length.

Mr. BAILEY. I demand a second, Mr. Speaker.

Mr. MERCER. I ask unanimous consent that a second be considered as ordered.

Mr. BAILEY. I object.

Mr. MERCER and Mr. BAILEY were appointed to act as tellers on the question of ordering a second.

The House divided; and the tellers reported—ayes 104, noes 2.

Mr. BAILEY. No quorum, Mr. Speaker.

Mr. MERCER. Mr. Speaker, I withdraw the bill.

Mr. BAILEY. I withdraw the point of no quorum.

DISTRICT APPROPRIATION BILL.

Mr. DOCKERY. Mr. Speaker, on behalf and at the request of the gentleman from Vermont [Mr. GROUT], who is not present at this moment, I present a conference report on the District appropriation bill. To save time I suggest that it will be sufficient to read the statement of the House conferees.

The statement of the conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 3210) making appropriations for the government of the District of Columbia submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on each of said amendments, namely:

On Nos. 90, 91, 92, 93, 94, and 95: Appropriates for lighting streets with gas, $150,000, instead of $122,000, as proposed by the House, and $175,000, as proposed by the Senate; limits the cost per lamp-post to $30 a year; requires that the lamps burn all night; strikes out the provisions proposed by the House requiring that the gaslighting shall be let to the lowest responsible bidder therefor, and that the price of gas to consumers be limited to not exceeding 75 cents per thousand feet.

On Nos. 96, 97, and 98: Appropriates for electric arc lighting in the streets, $50,000, instead of $43,600, as proposed by the House, and $59,170, as proposed by the Senate, and limits the cost per lamp to 30 cents per night.

The committee of conference have been unable to agree on the following amendments, namely:

On the amendment of the House to amendment of the Senate No. 99, with reference to electric light and power service in that part of the District of Columbia west of Rock Creek and outside the fire limits of the District;

On No. 100, limiting, as proposed by the House, the price of electric lights and electricity for power purposes to consumers; and

On Nos. 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 193, 194, and 195, relating to the charities of the District of Columbia.

WILLIAM W. GROUT,
MAHLON PITNEY,
ALEX. M. DOCKERY,
Managers on the part of the House.

Mr. DOCKERY. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. PITNEY], a member of the committee of conference.

Mr. PITNEY. Mr. Speaker, I desire to submit a motion to have this conference report agreed to by the House; and also to give notice that at as early an hour to-morrow as is practicable this subject will be brought before the House with the view of obtaining the instructions of the House of Representatives to its conferees relative to the remaining disagreements upon this bill. I now move that the conference report be agreed to.

The report was agreed to.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2947) increasing the pension of Daniel D. Jennings, late of Company C, Sixty-fifth Ohio Volunteers;

A bill (H. R. 8383) to establish a site for the erection of a penitentiary on the military reservation at Fort Leavenworth, Kans., and for other purposes; and

A bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

PREVENTION OF COLLISIONS AT SEA.

Mr. PAYNE. I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 9253) to amend an act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea."

Be it enacted, etc., That article 15 of the act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea," be amended to read as follows:

"ART. 15. All signals prescribed by this article for vessels under way shall be given:

"First. By 'steam vessels' on the whistle or siren.

"Second. By 'sailing vessels' and 'vessels towed' on the fog horn.

"The words 'prolonged blast' used in this article shall mean a blast of from four to six seconds duration.

"A steam vessel shall be provided with an efficient whistle or siren, sounded by steam or by some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient fog horn, to be sounded by mechanical means, and also with an efficient bell. (In all cases where the rules require a bell to be used a drum may be substituted on board Turkish vessels, or a gong where such articles are used on board small seagoing vessels.) A sailing vessel of 20 tons gross tonnage or upward shall be provided with a similar fog horn and bell.

"In fog, mist, falling snow, or heavy rainstorms, whether by day or night, the signals described in this article shall be used as follows, namely:

"(a) A steam vessel having way upon her shall sound, at intervals of not more than two minutes, a prolonged blast.

"(b) A steam vessel under way, but stopped, and having no way upon her, shall sound, at intervals of not more than two minutes, two prolonged blasts, with an interval of about one second between.

"(c) A sailing vessel under way shall sound, at intervals of not more than one minute, when on the starboard tack, one blast; when on the port tack, two blasts in succession, and when with the wind abaft the beam, three blasts in succession.

"(d) A vessel when at anchor shall, at intervals of not more than one minute, ring the bell rapidly for about five seconds.

"(e) A vessel when towing, a vessel employed in laying or in picking up a telegraph cable, and a vessel under way, which is unable to get out of the way of an approaching vessel through being not under command, or unable to maneuver as required by the rules, shall, instead of the signals prescribed in subdivisions (a) and (c) of this article, at intervals of not more than two minutes, sound three blasts in succession, namely: One prolonged blast followed by two short blasts. A vessel towed may give this signal and she shall not give any other.

"Sailing vessels and boats of less than 20 tons gross tonnage shall not be obliged to give the above-mentioned signals, but, if they do not, they shall make some other efficient sound signal at intervals of not more than one minute."

SEC. 2. That said act of August 19, 1890, as amended shall take effect at a subsequent time to be fixed by the President by proclamation issued for that purpose.

The question being put, the motion to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

ORDER OF BUSINESS.

Mr. DINGLEY. I move that the House take a recess until 10 o'clock to-morrow morning.

Mr. LOW. I hope the gentleman will withdraw that for a moment.

Mr. ALDRICH of Illinois. I desire to present a report from the Committee on Accounts.

Mr. RICHARDSON. I move that the House do now adjourn.

The SPEAKER. The Chair suggests that there are one or two matters which ought to be acted upon by the House if convenient, and which, if they cause any debate, will be withdrawn. The transaction of public business at this stage of the session is of course important.

Mr. RICHARDSON. In view of that statement, I withdraw my motion, of course.

Mr. DINGLEY. And I withdraw my motion for a recess. If members will stay here, I will stay with the rest.

Mr. BOUTELLE. I should like to present a small matter which has been recommended by the Secretary of the Treasury and the Secretary of the Navy.

Mr. ALDRICH of Illinois. I have a report from the Committee on Accounts which should be considered in order to close up the business of the session. I doubt very much whether there will be any objection to it.

The SPEAKER. The Chair recognizes the gentleman from Illinois [Mr. ALDRICH] for business from the Committee on Accounts.

ADDITIONAL EMPLOYEES, ETC.

Mr. ALDRICH of Illinois, from the Committee on Accounts, submitted a report; which was read, as follows:

The Committee on Accounts, to whom was referred sundry resolutions, begs leave to report as follows:

The resolution authorizing the Clerk of the House to appoint an additional clerk in his office at an annual salary of $1,800 is disapproved.

The resolution providing for the transfer of George W. Perkins from the special folders' roll at a compensation of $75 per month to the annual roll as assistant foreman of the folding room at a salary of $1,200 is disapproved.

The resolution providing for payment to W. D. Catlett for doing duty in Statuary Hall, in ladies' reception room, at the rate of $100 per month from January 15, 1896, is disapproved.

The resolution authorizing the payment to Robert A. Stickney for services rendered as clerk in the office of the Clerk of the House from January 9, 1896, to the close of the current session of Congress at the rate of $1,600 per annum, is disapproved.

The resolution authorizing the payment of $90 to James Hall for extra services as laborer in the Doorkeeper's department from March, 1895, to November, 1895, inclusive, is disapproved.

The resolution providing that the assistant clerks of the Committee on Invalid Pensions be continued on the roll during the recess of the present Congress is disapproved.

The resolution providing that the clerk of the Committee on Pensions be continued on the roll during recess of the present Congress is disapproved.

The resolutions providing for the employment of four additional annual messengers in the House post-office are disapproved.

The resolution providing for allowance of an extra month's salary to each messenger of the House post-office, now on the annual roll, is disapproved.

The resolution providing for the construction of a hoisting apparatus for the use of the folding room of the House at a cost not to exceed $1,000 is disapproved.

The resolution providing for the payment to Ephraim J. Totten for services rendered as clerk in the Clerk's document room during the month of January and fifteen days in the month of February, 1896, at the rate of $1,600 per annum, is disapproved, and in lieu thereof your committee recommends that an allowance of $133.33 be granted said Totten for such services, and submit herewith a resolution to that effect.

The resolution authorizing the Speaker of the House to appoint a committee of five members, who shall be empowered to examine and report to the House upon the plan, practical workings, and management of the National Home for Disabled Volunteer Soldiers at Leavenworth, Kans., and authorizing the expenditure by the chairman of said committee of a sum not exceeding $5,000 for the current expenses of said committee, has been amended by substituting $2,000 for $5,000, and thus amended the resolution is approved.

The resolution authorizing the chairman of the Committee on the District of Columbia to expend not to exceed $150 as compensation for the employment of stenographers and typewriters during the current session of Congress is approved.

The resolution providing for the payment of $33.34 to George W. Strattan as compensation for services performed by him as messenger in the House post-office from November 22, 1895, to December 2, 1895, is approved.

The resolution providing for the payment of $86.64 to Frank Burke for services performed in the stationery room from December 2, 1895, to January 14, 1896, inclusive, is approved.

The resolution providing for the payment to Noah L. Hawk of $300 per annum, from December 9, 1895, to December 9, 1896, in addition to his pay as Capitol policeman, for extra services as acting assistant deputy sergeant-at-arms is approved.

The resolution providing for the payment to Lauretz Olson of $100 as compensation for his services as messenger in the Doorkeeper's department during the month of January, 1896, is approved.

The resolution directing the Clerk of the House to pay to Mary Slater, widow of William P. Slater, deceased, late a folder in the Doorkeeper's department, the expenses of his last illness and funeral, not to exceed the sum of $250, and a further sum equal to his salary for six months is approved.

The resolution of May 25, 1896, authorizing the chairman of the Committee on Enrolled Bills, is approved, and your committee recommend that the compensation of these employees be fixed at $6 per day each, from the date of said resolution to the close of the session.

The resolution authorizing the Doorkeeper of the House to employ one additional laborer for one month, at a compensation of $50, is approved.

The resolution providing for the payment to Daniel J. McKeever for services rendered as an additional page from February 21, 1896, to the close of the current session of Congress, at the rate of $2.50 per day, is approved.

The resolution authorizing the payment of $77.78 to Albert E. Werner for services performed as a messenger in the Doorkeeper's department from January 4 to January 31, 1896, inclusive, is approved.

The resolution authorizing the Clerk of the House to employ for the remainder of the session two bicycle messengers for day and night service between the enrolling room of the Clerk's office and the Government Printing Office, at a compensation of $5 per day each, is approved.

The resolution providing for the creation of the office of assistant janitor of the House, and the appointment of I. B. Jackson to said office, at a salary of $50 per month, is disapproved.

The resolution providing for allowance of an extra month's salary to each messenger of the House post-office is disapproved.

The resolution authorizing the Postmaster of the House to continue the employment of Albert E. Werner as a messenger in the House post-office during the recess of the present Congress is disapproved.

Mr. ALDRICH of Illinois, from the Committee on Accounts, reported favorably the following resolutions:

Resolved, That the chairman of the Committee on the District of Columbia is hereby authorized to expend not to exceed $150 as compensation for the employment of stenographers and typewriters during the current session of Congress, the same to be paid out of the contingent fund of the House.

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay out of the contingent fund of the House to George W. Strattan the sum of $33.34 as compensation for services performed by him as messenger in the post-office of the House from November 22, 1895, to December 2, 1895.

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, the sum of $86.64 to Frank Burke, for services performed in the stationery room from December 2, 1895, to January 14, 1896, inclusive.

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay to Noah L. Hawk the sum of $300 per annum, out of the contingent fund of the House, from December 9, 1895, to December 9, 1896, in addition to his pay as Capitol policeman, for extra service as acting assistant deputy sergeant-at-arms.

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay to Lauretz Olson, out of the contingent fund of the House, as compensation for his services as messenger in the Doorkeeper's department during the month of January, 1896, the sum of $100.

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Mary Slater, widow of William P. Slater, deceased, late a folder in the Doorkeeper's department, a sum equal to his salary for six months and the expenses of his last illness and funeral, said expenses not to exceed the sum of $250.

Resolved, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to appoint for the remainder of the current session two additional assistant clerks to the Committee on Enrolled Bills, at a compensation of $6 per day each, from May 25, 1896, to the close of the session, to be paid out of the contingent fund of the House.

Resolved, That the Doorkeeper of the House be, and he is hereby, authorized to employ one additional laborer for one month at a compensation of $50, to be paid out of the contingent fund of the House.

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Ephraim J. Totten the sum of $133.33 for services performed in the Clerk's document room during the current session of Congress.

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Daniel J. McKeever, for services rendered as an additional page from February 21, 1896, to the close of the current session of Congress, at the rate of $2.50 per day.

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Albert E. Werner the sum of $77.78, for services performed as a messenger under the Doorkeeper of the House of Representatives from the 4th to the 31st day of January, 1896, both days inclusive.

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized to employ, from June 5, 1896, to the close of the present session, two bicycle messengers for day and night service between the enrolling room of the Clerk's office and the Government Printing Office, to be paid each out of the contingent fund of the House of Representatives, at $5 per day.

Resolved, That the Speaker is hereby authorized to appoint a committee of five members, who shall be empowered to examine and report to this House upon the plan, practical workings, and management of the National Home for Disabled Volunteer Soldiers at Leavenworth, Kans., and any specific complaints which have been made as to the workings and management of said Home, and to recommend, by bill or otherwise, what may appear to them to be necessary to insure the most effective, economical, and humane application of the funds annually appropriated by Congress for the support of said Home; and for that purpose said committee is authorized to sit during the sessions of the House and during the recess of Congress at Leavenworth, Kans., to examine said Home, to send for persons and papers, also the books, accounts, papers, and all other matters and things pertaining to said Home and the conduct of any manager or officer thereof, to administer oaths, and to employ such clerical and other assistance as may be required for this work. The Clerk of the House, upon the order of the chairman of said committee, shall advance, out of the contingent fund of the House, such sums as may be required to meet the current expenses for clerk hire and other services, traveling and other expenses, not exceeding $2,000, said amount to be promptly accounted for by proper vouchers duly certified by said chairman.

Mr. ALDRICH of Illinois. Unless some gentleman desires to ask some question in regard to some of these resolutions, I ask that the report be adopted.

Mr. RICHARDSON. I should be glad if the gentleman would make some statement in explanation of the number of increases which are proposed to be made by this report.

Mr. ALDRICH of Illinois. Without going into details, I will state that there is no increase whatever of any consequence. There is, for instance, provision for a laborer who was brought in to do some extraordinary work in an emergency, and who under the report of the committee will receive $50 for one month. There was also the case of an employee to whom notice of his discharge was sent through the post-office; but as the notice went to the Dead-Letter Office, he did not receive it; hence we propose to allow him pay for a fraction of a month during which he did

labor without any compensation. Most of these cases are of that character. The total amount called for in the various resolutions referred to the committee and now reported back is nearly $12,000. The propositions which we approve involve an expenditure of only $1,337—a very small amount in proportion. Most of the resolutions referred to us have been disapproved. Those that have been approved have been sifted very carefully by the committee and are meritorious.

Mr. RICHARDSON. I wish to inquire how the Committee on Accounts obtained jurisdiction of the resolution for an investigation of the Soldiers' Home at Leavenworth, Kans.?

Mr. ALDRICH of Illinois. I presume it came to us because it called for an appropriation from the contingent fund of the House. I understand the resolution was originally sent to the Committee on Military Affairs, by which committee it was favorably reported; but inasmuch as it called for a payment from the contingent fund in order to conduct the investigation, it was sent to the Committee on Accounts. We have recommended that the proposed expenditure be reduced from $5,000 to $2,000.

Mr. RICHARDSON. I simply desired to know whether it was ever referred by an order of the House to the Committee on Accounts.

Mr. ALDRICH of Illinois. Oh, it came to us in the regular order.

The SPEAKER. The Chair thinks it was referred, not in open House, but under the rules.

Mr. ALDRICH of Illinois. That may be.

Mr. DOCKERY. And without the actual knowledge of the Speaker.

The SPEAKER. It is a matter which, of course, if there were any objection, the Chair would not consider privileged. The intention had been to present it to the House under a suspension of the rules.

Mr. RICHARDSON. I did not wish to raise any question of order. My recollection was that there had been some discussion of the matter in the House. I did not know whether it had been formally referred by the House to the Committee on Accounts. That is the reason I made my inquiry.

The SPEAKER. The Chair thought he ought to say that much, because no such precedent ought to be established.

The question is on the adoption of the resolutions submitted by the gentleman from Illinois.

The resolutions were agreed to.

On motion of Mr. ALDRICH of Illinois, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. DINGLEY. Mr. Speaker——

The SPEAKER. The gentleman from Maine.

Mr. BOUTELLE. Mr. Speaker, I offer for consideration a Senate bill which I send to the desk.

The SPEAKER. One moment. The Chair must recognize gentlemen in their order.

Mr. BOUTELLE. I beg pardon. I thought "the gentleman from Maine" referred to myself.

Mr. DINGLEY. I was about to say that I have been notified that if these bills continue the point of no quorum will be made. I desire to avoid that difficulty, and therefore move that the House take a recess until 10 o'clock to-morrow morning.

Mr. RICHARDSON. Mr. Speaker, I do not think the gentleman from Maine ought to make a speech on the motion to take a recess. Surely with the large majority on that side of the House you ought to be able to keep a quorum here.

Mr. DINGLEY. Well, I hope the gentleman from Tennessee will not insist on that point now.

Mr. RICHARDSON. I do not object to the motion; I was only objecting to debate.

Mr. LOUD. If the gentleman from Maine had not made the motion I should have done so myself.

The motion of Mr. DINGLEY was agreed to.

The SPEAKER. Before announcing the result of the vote the Chair desires to announce the following appointments on committees.

COMMITTEE APPOINTMENTS.

By unanimous consent, Mr. COOPER of Texas was excused from further service on the Committee on the Territories.

The following appointments on committees were announced by the Speaker:

Mr. STALLINGS, Banking and Currency.
Mr. COOPER of Texas, Coinage, Weights, and Measures.
Mr. THORP, Railways and Canals and Patents.
Mr. RINAKER, Pacific Railroads and Railways and Canals.
Mr. BROMWELL, Pensions.
Mr. BELL of Colorado, Public Lands.
Mr. KLEBERG, Militia and Public Lands.
Mr. MITCHELL, Patents and Election of President, Vice-President, etc.
Mr. MEYER, District of Columbia.
Mr. MURRAY, Education and Expenditures in Treasury Department.
Mr. GOODWYN, Claims and Reform in the Civil Service.
Mr. MARTIN, Military Affairs.
Mr. TRUMAN H. ALDRICH, Manufactures and Territories.

The result of the vote was then announced; and accordingly (at 7 o'clock and 1 minute p. m.) the House took a recess until 10 o'clock a. m. to-morrow, Wednesday.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GAMBLE, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 8584) confirming the title of mixed-blood Indians to their lands and allowing the same to be alienated under certain circumstances, reported the same with amendment, accompanied by a report (No. 2276); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DRAPER, from the Committee on Patents, to which was referred the bill of the Senate (S. 1897) entitled "An act to establish a classification division in the United States Patent Office," reported the same without amendment, accompanied by a report (No. 2277); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARTLETT of New York, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 8220) to amend the act approved February 9, 1881, to grant the right of way for railroad purposes through certain lands of the United States in Richmond County, N. Y., reported the same without amendment, accompanied by a report (No. 2278); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2334) entitled "An act construing the acts of Congress in relation to the award of life-saving medals," reported the same without amendment, accompanied by a report (No. 2280); which said bill and report were referred to the House Calendar.

Mr. DINGLEY, from the Committee on Ways and Means, to which was referred the resolutions of the House (House Res. Nos. 173 and 189) directing the Committee on Ways and Means to inquire what effect the difference of exchange between gold-standard and silver-standard countries has upon agricultural and manufacturing industries of the United States, and also the effect in our markets of the products of cheap Oriental labor, in compliance with said resolutions submits a report (No. 2279) submitting certain information therein to the House.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. DINSMORE: A bill (H. R. 9434) for the establishment, control, operation, and maintenance of a national home for disabled volunteer soldiers of the late United States and Confederate armies at Eureka Springs, in the State of Arkansas—to the Committee on Military Affairs.

By Mr. HERMANN: A bill (H. R. 9435) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891—to the Committee on Indian Affairs.

By Mr. McMILLIN: A joint resolution (H. Res. 200) proposing an amendment to the Constitution authorizing Congress to levy a tax on the incomes of corporations, firms, and individuals—to the Committee on Ways and Means.

By Mr. WOODARD: A resolution (House Res. No. 419) to print the views of the minority in the contested-election case of C. H. Martin *vs.* J. A. Lockhart—to the Committee on Printing.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 9374) granting a pension to Eliza Ann Harrington—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

Papers to accompany the bill for the relief of Daniel F. Donner—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. HALL: A bill (H. R. 9436) granting an increase of pension to Robert H. Metcalf—to the Committee on Invalid Pensions.

By Mr. HARRIS: A bill (H. R. 9437) to grant an honorable discharge to Dewitt C. Nash—to the Committee on Military Affairs.

Also, a bill (H. R. 9438) granting a pension to Joseph Harris—to the Committee on Invalid Pensions.

By Mr. KULP: A bill (H. R. 9439) to reimburse M. A. Williams—to the Committee on War Claims.

By Mr. LEWIS: A bill (H. R. 9440) granting increase of pension to Cyrus Allen—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 9441) for the relief of estate of Alice Hardaway, deceased, late of Benton County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 9442) for the relief of the estate of Susan L. Hardaway, deceased, late of Benton County, Miss.—to the Committee on War Claims.

By Mr. SOUTHARD: A bill (H. R. 9443) for the relief of Frank Wenzel—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. JOHNSON of California: Petition of citizens of Sacramento, Cal.; also of Grass Valley, Cal., praying that religious publications be given every advantage of the act of Congress of July 16, 1894, in transmission through the mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of R. M. and A. C. Folger, of Bridgeport, Cal., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Stockton, Cal., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. LEWIS: Petition of Cyrus Adams, signed by J. J. Ferry and other citizens of Kentucky, for a pension—to the Committee on Invalid Pensions.

By Mr. McCLEARY of Minnesota: Resolutions of the Mankato (Minn.) Board of Trade, opposing House bill No. 8536 and Senate bill No. 2967, proposing amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. PUGH: Papers to accompany House bill No. 2454, for the relief of Allen Maze—to the Committee on Military Affairs.

SENATE.

WEDNESDAY, *June 10, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. FAULKNER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 2783) to establish a life-saving station on the coast of New Hampshire or Massachusetts between the Hampton and the Merrimac rivers;

A bill (S. 2412) to make the city of Santa Barbara, county of Santa Barbara, State of California, a subport of entry;

A bill (S. 2490) to authorize the Secretary of War to improve and maintain the public roads within the limits of the national park at Gettysburg, Pa.;

A bill (S. 2859) changing the time for holding circuit court of the United States at Hartford, in the district of Connecticut, and

A bill (S. 2978) to provide an American register for the steamer *Menemsha.*

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 2928) to extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company of the District of Columbia, and for other purposes.

The message further announced that the House had agreed to the amendment of the Senate numbered 1 to the bill (H. R. 9409) making appropriations to supply deficiencies in the appropriations for the expenses of the House of Representatives, and for other purposes, for the fiscal year 1896, and disagreed to the amendment of the Senate numbered 2 to the bill.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; recedes from its disagreement to the amendment of the Senate numbered 16, and agrees to the same; further insists upon its disagreement to the amendments numbered 2, 3, 4, 6, 7, 8, 13, 15, and 17 to the bill; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. HAINER of Nebraska, and Mr. SAYERS managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 9253) to amend an act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea"; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution authorizing the Secretary of the Interior to resume work upon and to issue patents to the Union Pacific Railroad Company without delay to all lands which have been sold by said company to bona fide purchasers, etc.; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 2) disposing of two condemned cannon;

A bill (H. R. 2947) increasing the pension of Daniel D. Jennings, late of Company C, Sixty-fifth Ohio Volunteers;

A bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes;

A bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes; and

A bill (H. R. 8383) to establish a site for the erection of a penitentiary on the military reservation at Fort Leavenworth, Kans., and for other purposes.

Mr. VEST. A bill has been sent from the other House in regard to maritime regulations. It is very important. A similar bill was unanimously reported by the Commerce Committee of the Senate and is now upon the Calendar. It will not take a moment, I think, to pass this House bill.

Mr. HALE. I call for the regular order. I ask the Senator to wait until the morning business is through.

The VICE-PRESIDENT. The regular order is called for. Petitions and memorials are in order.

PETITION.

Mr. TELLER presented a petition of sundry citizens of Gunnison, Colo., praying for the enactment of legislation to amend the postal laws relating to second-class mail matter, and also to reduce letter postage to 1 cent per half ounce; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 3257) donating condemned cannon and cannon balls to the Idaho Soldiers' Home, Boise City, Idaho, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 7777) to authorize the Secretary of the Navy to furnish condemned cannon to Fort Thomas, Ky., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 3234) donating condemned cannon and cannon balls to the Ohio Soldiers and Sailors' Home, Erie County, Ohio, reported it without amendment.

Mr. BERRY, from the Committee on Private Land Claims, to whom was referred the bill (S. 1624) to quiet title and possession with respect to certain unconfirmed and located private land claims in the State of Louisiana, reported it with amendments, and submitted a report thereon.

CIVIL SERVICE AND RETRENCHMENT COMMITTEE HEARINGS.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PRITCHARD April 13, 1896, reported it without amendment, as follows:

Resolved, That the Committee on Civil Service and Retrenchment be authorized to employ a stenographer to report hearings before it, the expense thereof to be paid out of the contingent fund of the Senate, and to have the notes of such hearings printed for the use of the committee.

Mr. GALLINGER. I ask that the resolution be now considered.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. GALLINGER. I will state that the Committee on Civil Service and Retrenchment has acted under the resolution and the

expenditure has already been made. The amount involved is very trifling.

Mr. VEST. I should like to know from the Senator from Maine why he called for the regular order upon another bill and now does not demand it.

Mr. HALE. I intend to call for the regular order on everything, and I have asked the Chair to enforce the regular order.

The VICE-PRESIDENT. When Senators request unanimous consent for the consideration of a bill or resolution the Chair submits the request to the Senate. The Chair recognized the Senator from Missouri, but objection was made. The question is on agreeing to the resolution reported by the Senator from New Hampshire.

The resolution was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 32, 61, 124, and 161.

That the House recede from its disagreement to the amendments of the Senate numbered 122, 146, and 147, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: "In lieu of the matter inserted by said amendment insert the following: 'To enable the Government to take official part in the international exhibition to be held at Brussels, Belgium, during the year 1897, $5,000: *Provided*, That no expenditure exceeding this appropriation shall be made or liability incurred, and no person shall be paid salary or compensation therefrom;'" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: "In lieu of the sum proposed, insert '$20'"; and on page 67 of the bill, in line 14, strike out the word "six" and insert in lieu thereof the word "five"; and the Senate agree to the same.

The committee of conference have been unable to agree upon the amendments of the Senate numbered 2, 3, 4, 6, 7, 8, 13, 15, and 17.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.
J. G. CANNON,
JOSEPH D. SAYERS,
Managers on the part of the House.

The report was concurred in.

Mr. ALLISON. I move that the Senate still further insist upon its amendments numbered 2, 3, 4, 6, 7, 8, 13, 15, and 17, and agree to the conference asked by the House of Representatives.

The motion was agreed to.

Mr. ALLISON. In this connection I desire to state that these amendments relate wholly to public buildings. The House having receded by a vote of that body upon one of the amendments, I take it for granted that we shall have no trouble in dealing with the remainder.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. ALLISON, Mr. HALE, and Mr. GORMAN were appointed.

DEFICIENCIES IN APPROPRIATIONS.

Mr. HALE. I ask that the action of the House of Representatives on the special deficiency appropriation bill be laid before the Senate.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives, disagreeing to amendment of the Senate numbered 2 to the bill (H. R. 9409) making appropriations to supply deficiencies in the appropriations for the expenses of the House of Representatives, and for other purposes, for the fiscal year 1896.

Mr. HALE. I move that the Senate insist upon its amendment, and request a conference upon the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate: and Mr. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed.

PREVENTION OF COLLISIONS AT SEA.

The bill (H. R. 9253) to amend an act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea," was read twice by its title.

Mr. VEST. I ask the Senate to proceed to the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. VEST. It will be remembered that in 1893 a conference was held between the maritime nations of the world in this city in regard to forming a consistent code of maritime signals. The President of the United States submitted the report of that conference to Congress. While it was pending here, to the surprise of everyone who had any cognizance of the facts, Great Britain objected to the fifteenth article of that report. The result was that the President asked that the report be returned to him and that he be authorized to ask for another maritime conference. That conference was held in this city last week, and the commissioners on the part of Great Britain agreed to the code as it is now presented in this bill to the Senate and as it has passed the House. This code was agreed upon unanimously by all the authorities of the maritime powers, and it has been reported unanimously from the committees of both Houses.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNION PACIFIC RAILROAD LANDS.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of the Interior be, and he is hereby, authorized and directed to resume work upon and to issue patents to the Union Pacific Railroad Company without delay to all lands which have been sold by said company to bona fide purchasers: *Provided*, That nothing herein contained shall be construed as waiving any right that the United States may have to declare a forfeiture as to the lands which have not been so sold by said company: *Provided*, That the words "bona fide purchasers" herein contained shall not be held to include all holders of bonds secured by mortgage on such land grants.

Mr. WARREN. The resolution just read contains the same subject-matter as a Senate concurrent resolution which was passed here and sent to the other House. It seems that that resolution was lost, and therefore it appears before us as a House concurrent resolution. I ask for the adoption of the resolution.

The resolution was agreed to.

CHICKAMAUGA AND CHATTANOOGA NATIONAL PARK.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution submitted yesterday by Mr. PALMER, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 60,000 extra copies of the report of the Joint Committee on the Dedication of the Chickamauga and Chattanooga National Park; 18,000 copies shall be for the use of the House of Representatives, 6,000 copies for the Senate, 1,000 copies for the National Park Commission to supply the twenty-eight State commissions, and 500 copies for the Secretary of War to supply the governors of the States, and 100 copies for each speaker at the dedication.

BERLIN SILVER COMMISSION OF 1894.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution submitted yesterday by Mr. JONES of Arkansas, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 copies of Senate Miscellaneous Document No. 274, Fifty-third Congress, second session, Proceedings of the Berlin Silver Commission of 1894, with index; 3,000 to be for the use of the House of Representatives and 2,000 for the use of the Senate.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. HALE, from the Committee on Printing, to whom was referred the following resolution submitted by Mr. MITCHELL of Oregon on the 8th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That 5,000 additional copies each of bill S. 742 and amendment thereto, reported from the Senate Committee on the Judiciary, be printed for the use of the Senate.

MESSENGER AT MALTBY BUILDING.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution submitted by Mr. PEFFER on the 18th ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the janitor now employed at the Maltby Building shall hereafter be designated as assistant messenger on the Maltby roll, and the Secretary of the Senate, from and after the 1st day of July, 1896, until otherwise ordered, shall pay said messenger on said roll at the rate of $1,200 per annum.

BILLS INTRODUCED.

Mr. BURROWS introduced a bill (S. 3292) authorizing the appointment of four additional superintendents of the Railway Mail Service; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. STEWART introduced a bill (S. 3293) granting a pension to Annie Fowler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CANNON (for Mr. PRITCHARD) introduced a bill (S. 3294) to amend the military record of Stephen Rice; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McBRIDE introduced a bill (S. 3295) removing the charge of desertion from the name of Absalom J. Hembree, who served as a private in Troop H, Third Regiment United States Cavalry; which was read twice by its title, and referred to the Committee on Military Affairs.

GOVERNMENT PRINTING OFFICE EMPLOYEES.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Public Printer be, and he is hereby, directed to communicate to the Senate the names of all persons who were employed in the Government Printing Office in the fiscal years (each year separately) 1890, 1891, 1892, 1893, and 1894 who failed to receive their annual leaves of absence during those fiscal years, and the amount due each person for each fiscal year separately on account of such failure.

THE LEWIS RANGE AND POSITION FINDER.

Mr. DUBOIS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate of the United States, That the Secretary of War be directed to furnish to the United States Senate, in addition to the copy of the record of the action of the Range Finder Board and the Board of Ordnance and Fortification in relation to the Lewis range and position finder, which was transmitted to the Senate in response to a resolution of the Senate dated May 18, 1896, a copy of the record of the action taken by the Commanding General of the Army and the Secretary of War in the matter.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolutions:

A bill (S. 768) for the relief of James A. Moore;

A bill (S. 3170) to authorize the Butler and Pittsburg Railroad Company to construct and maintain a bridge across the Allegheny River;

A joint resolution (S. R. 27) granting permission for the erection of a monument in Washington, D. C., for the ornamentation of the national capital and in honor of Samuel Hahnemann; and

A joint resolution (S. R. 161) authorizing the Secretary of the Treasury to place a bronze tablet or inscription on the Government building now being erected in Detroit, Mich.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses of certain amendments of the Senate to the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes; insists upon its amendment to the amendment of the Senate numbered 99; further insists upon its disagreement to the amendments of the Senate numbered 100, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 193, 194, and 195 to the bill; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GROUT, Mr. PITNEY, and Mr. DOCKERY managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 3771) for the relief of Stratton H. Benscoter; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. FENTON, and Mr. McCLELLAN managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 9253) to amend an act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea"; and which was thereupon signed by the Vice-President.

ORDER OF BUSINESS.

Mr. HILL. If there is no further morning business, I move that the Senate proceed to the consideration of the bill (S. 2984) in relation to contempts of court. The bill was under consideration last evening, and I gave way for the consideration of other matters.

Mr. VEST. I rise to a parliamentary inquiry. To give the exact date, two days ago when 2 o'clock arrived the Senate suspended the further consideration of House bill 4580, a bill of considerable importance to the revenue. I inquire whether that bill would not now be the regular order of business?

The VICE-PRESIDENT. The Chair will state to the Senator from Missouri that the bill indicated by him went to the Calendar at the expiration of the morning hour.

Mr. VEST. I supposed that under the rule it would come up as unfinished business the next day in the morning hour.

The VICE-PRESIDENT. No; there is no unfinished business of the morning hour.

Mr. VEST. Will the Senator from New York have any objection to disposing of that bill now? It will take only a few moments. It is a House bill, and it is very evident that unless disposed of to-day it can not become a law at the present session.

Mr. HILL. I prefer to go on with the contempts bill. I have yielded to nearly everyone, and I prefer to get this bill through. It strikes me that I should not yield now.

Mr. VEST. I shall ask the Senate to consider House bill 4580 as soon as the contempts of court bill is disposed of.

Mr. MITCHELL of Oregon. May I ask the Senator from New York a question? The Senator succeeded in getting his bill up yesterday and it led to a good deal of discussion. Has the Senator any hope at all of being able to dispose of it in a reasonable time to-day?

Mr. HILL. I have no doubt about it, if the friends of the bill will not embarrass it.

Mr. MITCHELL of Oregon. If there is not a reasonable hope that it can be disposed of in the next hour, it seems to me the Senator ought not to insist on bringing it up. There are other matters here that ought to be considered. I am very desirous, if the Senator will allow me——

Mr. HILL. Mr. President——

Mr. MITCHELL of Oregon. I ask unanimous consent to make a statement.

Mr. HILL. I yielded for an hour and a half yesterday for Senators to have local bills passed and bills which they were anxious to have disposed of. It seems to me the courtesy is exhausted. I decline to yield any further.

Mr. MITCHELL of Oregon. I simply ask the Senator from New York, who is always very courteous, and the Senate, to allow me to make a statement not exceeding a minute.

Mr. HILL. Such a statement I of course can not object to.

The VICE-PRESIDENT. The Chair hears no objection. The Senator from Oregon will proceed.

Mr. MITCHELL of Oregon. There is a joint resolution here from the House of Representatives, passed two or three days since, looking to the reorganization of the Northern Pacific Railroad Company, and it is a measure that ought to receive the attention of the Senate. It is not by any means a bill exclusively in the interest of the railroad company, but it is more largely in the interest of the people of this country and of the Government in the proper conduct of the road. It is a road which crosses one-half the continent, and the company was incorporated by a national charter. This is a proposition to keep it under national control, which will not be done unless the joint resolution is passed. The road is about to be sold; judgment has been entered; a sale will be made on the 25th of July; a reorganization of the company will take place, and the control of the road will pass under State organization. The company has already been organized, I understand, under the laws of the State of Wisconsin, and if it is incorporated under the State law the control of this great road, in a great measure at least, if not entirely, will pass away from the National Government. It is of the utmost importance that action be had on the joint resolution.

This proposed legislation has been reported unanimously by the Judiciary Committee of the Senate, a somewhat different measure, I admit, from that passed by the House. It places restrictions upon this company of the most important character, and restrictions that do not now attach to the Northern Pacific Railroad Company. For instance, it compels the new company to sell all its lands outside of a mile distant from each side of the road for $2.50 an acre. That restriction does not now attach to the Northern Pacific Railroad Company. Therefore this is a measure in the interest of the people along the line of the road; it is a measure in the interest of the Government; and in view of the fact that the House of Representatives has passed this joint resolution, in view of the further fact that the Judiciary Committee of the Senate has reported unanimously in favor of action, it does seem to me that we ought to take it up and dispose of it and thus maintain and hold control over this great corporation in the interest of the people, shippers, landowners, and others along the line of the road.

Mr. HILL. Now I ask the Senate to take up the bill indicated by me.

The VICE-PRESIDENT. The question is on the motion of the Senator from New York to proceed to the consideration of the bill (S. 2984) in relation to contempts of courts.

The motion was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. TELLER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 92 and 93.

That the House recede from its disagreement to the amendments of the Senate numbered 94 and 95, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: Restore the word "further" stricken out by said amendment; and on page 16 of the bill, in line 9, strike out the word "six" and insert in lieu thereof the word "five"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$50,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the

Senate numbered 97, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "30 cents"; and the Senate agree to the same.

The committee of conference have been unable to agree upon the amendment of the House to the amendment of the Senate numbered 99, and upon the amendments of the Senate numbered 100, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 193, 194, and 195.

H. M. TELLER,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

WILLIAM W. GROUT,
MAHLON PITNEY,
A. M. DOCKERY,
Managers on the part of the House.

Mr. TELLER. I am asked by Senators near me to make a statement in regard to the report. The principal matter that has been agreed to is with reference to street lighting—the question of gas. There was considerable controversy over that, and we finally amended the bill so as to pay $20 a street lamp and to burn 5 feet instead of 6. The most of the other amendments are items connected with that provision. For instance, the increase is the increase for the gaslight. Then the other contention was in reference to electric lighting, which the House had put at 28 cents a light. The Senate had put it at 38 cents, and the conferees have agreed upon 30 cents. The matters still in controversy are the subject of charities and the question of electric lighting by means of poles, etc. Those amendments are not disposed of.

The report was concurred in.

Mr. TELLER. I move that the Senate agree to the further conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. TELLER, Mr. ALLISON, and Mr. COCKRELL were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, it Chief Clerk, announced that the House had passed the following bills and joint resolutions:

A bill (S. 1767) to provide for subports of entry and delivery;

A bill (S. 3206) to grant a right of way through the new Fort Bliss Military Reservation to the El Paso and Northeastern Railroad Company; and

A joint resolution (S. R. 138) for the relief of James P. Veach.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 2859) changing the time for holding circuit court of the United States at Hartford, in the district of Connecticut;

A bill (H. R. 2928) to extend the routes of the Eckington and Soldiers' Home Railway Company and the Belt Railway Company, and for other purposes; and

A bill (S. 2978) to provide an American register for the steamer *Menemsha.*

CONTEMPTS OF COURT.

Mr. HILL. Now, Mr. President, I ask that Senate bill 2984 be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2984) in relation to contempts of court.

Mr. WARREN. I ask the Senator from New York if he will yield to me to make a request? I desire to call up the animal-industry bill, and I ask the Senator if he will not submit to an interruption now? I think it will only take the time to read it.

I will say further that I think I must have misunderstood the Senator from New York, because I thought I had an understanding with him that at whatever time a lull occurred between the speeches on the contempts bill he would send me word and allow me to ask the Senate to take up the bill which I have referred to. Last night a number of bills were taken up, and I waited in vain for word from the Senator.

Mr. HILL. If the Senator had asked me last evening when there was a lull, I would have been very glad to have obliged him, but I did not see him in the Chamber. I must now ask the Senate to proceed with the consideration of the contempts bill. After this bill is disposed of I will aid the Senator all I can in the passage of his bill. I do not believe there will be any difficulty about it.

Mr. WARREN. I desire some understanding, because I certainly understood the Senator to say that upon the first interruption he would send me word. I did not leave the Chamber.

Mr. HILL. I submitted to half a dozen interruptions; half a dozen bills were passed. If the Senator from Wyoming had asked me to yield I would have been very glad to oblige him. But this morning it seems to me it is my duty to press the pending bill to passage. I will aid the Senator when this bill is disposed of. There is really but one disputed question involved in the bill, and that is the amendment pending.

Mr. WARREN. I wish to understand the Senator, because I expected some word from him. I did not expect I would have to interrupt him every two or three minutes on the floor, but I supposed that I had some understanding with him whereby I would be notified of the time when he would submit to an interruption.

Mr. PEFFER. Mr. President, before the bill is put to a vote I wish to express my sincere gratification at the introduction of this bill and its report by the Committee on the Judiciary. It is one of that class of cases that the country has been exercised a good deal about during the last year or two, having its origin in the famous strike in Chicago in 1894. I took occasion at that time to express my own views concerning some of the features of that affair, and was criticised severely for it. I am glad that out of what occurred at that time and a short time afterwards in the courts with respect to certain proceedings connected with it the pending bill has been brought forth. By way of showing the interest which I have taken in the matter personally I wish to call attention to the fact that on December 3, 1895, the first bill day of the present session, I introduced a bill, S. 237, entitled "A bill to protect the rights of parties defendant in certain injunction cases." It has but one section, and I will read it:

Be it enacted, etc., That in any case where a writ of injunction issues from a court of the United States, or a judge thereof, to enjoin the commission of an act which is, at common law or by statute, a criminal offense, and where, afterwards, in such case, it is charged that the party or parties defendant has or have committed, or have attempted to commit, or have aided and abetted or encouraged or instigated other persons, or has or have conspired with other persons to commit such act or offense, and where the said party or parties defendant is or are brought before said court or judge to answer the charge in proceedings for contempt, and where the charge is denied by the defendant or defendants, on request, a jury shall be called to determine the fact.

Out of this bill and others of the same character has grown the one that is now before the Senate, and it is very gratifying to all persons who are anxious for this class of legislation to know that so many distinguished lawyers of this body have agreed upon the bill now pending, with the addition that was agreed upon yesterday.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Nebraska [Mr. ALLEN].

Mr. BUTLER. May I inquire if the amendment offered by myself, that went over without prejudice, was not to come up first? There was a distinct understanding in regard to it. Out of courtesy to the Senator from Nebraska [Mr. ALLEN] I withdrew my amendment temporarily.

The VICE-PRESIDENT. The Chair understood the Senator from North Carolina to agree that his amendment should be postponed until the substitute was considered.

Mr. BUTLER. What I meant was that it should be postponed until the Senator from Nebraska had finished his speech; and inasmuch as he had an amendment and I wished to hear what he had to say, I requested, or at least I intended to request, that my amendment should go over without prejudice until after he had finished.

The VICE-PRESIDENT. The Chair will submit to the Senate the amendment proposed by the Senator from North Carolina. The amendment will be read.

The SECRETARY. In section 4, line 18, strike out the words "in its discretion"; and in line 19, strike out the word "may" and insert "shall"; so as to read:

But such trial shall be by the court, or, upon application of the accused, a trial by jury shall be had as in any criminal case.

Mr. BUTLER. Mr. President, I think there can be no objection, seriously made, to the amendment. But if I may be pardoned in this connection, the fact that one of the most important committees of this body in reporting the bill failed to provide for a trial by jury in such cases is, to say the least, very significant. Yes, very significant, when we notice that this bill was reported unanimously and that there is no minority report.

There is nothing to-day that should attract the attention of the American people, barring the financial question, more than the authority which the courts of this country have assumed and built up and hedged around them. I will not call it usurpation of authority, but any man who will take the time and the trouble to read the debates that took place at the time of the adoption of our Constitution, any man who will take the time and the trouble to read the opinions of the most distinguished American citizens, including Thomas Jefferson, including Mr. Madison, and Mason of Virginia, who was a member of that convention, including many of the distinguished men living at that time and who have lived since, will see that not a single one of that class of American citizens who took part in framing and shaping the Constitution according to the majority will of our people at that time had the least idea that the courts of this country should ever have or exercise the authority and power that they have, or rather which they exercise to-day. He will see that they did not suppose that the Constitution gave to a court any such power and authority as it is now exercising and has been for nearly a century. Indeed, it was Thomas Jefferson who called attention to the fact that the Supreme Court and the other United States courts that were then established and have since been established under a clause in the Constitution had gone further than it was

intended they should go or than the strict letter of the Constitution allowed them to go in exercising their authority upon laws passed by Congress and other legislative matters which they have made step by step subject to the Federal judiciary. Indeed, Mr. Jefferson was so impressed with the importance of this matter and the danger which he saw looming up in the future that he conceived it to be his duty not only to call the attention of the country to this fact, but to brand, as he did, the Supreme Court of the United States at that time as the sappers and miners of the Constitution. He called attention to the fact, in public papers that are familiar to us all or should be, that this court, which was intended simply to hear causes between parties, had taken upon itself authority to overrule the legislative branch of the Government.

Mr. President, in order that the attention of Senators and the country may again be called to the exact words of Mr. Jefferson, in which he expressed his opinion of the aggressions of the Federal judiciary and warned the people of this danger in the Constitution, I will read some extracts from his writings.

In a letter to Mr. M. M. Coray, under date of October 21, 1823, Mr. Jefferson said:

At the establishment of our Constitution the judiciary bodies were supposed to be the most helpless and harmless members of the Government. Experience, however, soon showed in what way they were to become the most dangerous; that the insufficiency of the means provided for their removal gave them a free hold and irresponsibility in office; that their decisions, seeming to concern individual suitors, only passed silent and unheeded by the public at large; that these decisions, nevertheless, become law by precedent, sapping by little and little the foundations of the Constitution and working its change by construction before any has perceived that that invisible and helpless worm had been visibly employed in consuming its substance.

In a letter to Judge Roane, under date of September 6, 1819, Mr. Jefferson said:

The nation declared its will by dismissing functionaries of one principle and electing those of another in the two branches, executive and legislative, submitted to their election. Over the judiciary department the Constitution had deprived them of their control. That, therefore, has continued the reprobated system, and although new matter has occasionally been incorporated into the old, yet the leaven of the old mass seems to assimilate to itself the new, and after twenty years' confirmation of the federated system by the voice of the nation, declared through the medium of elections, we find the judiciary on every occasion still driving us into consolidation. * * * For, intending to establish three departments, coordinate and independent, that they might check and balance one another, it has given, according to this opinion, to one of them alone the right to prescribe rules for the government of the others, and to that one, too, which is unelected by and independent of the nation. For experience has already shown that the impeachment it has provided is not even a scarecrow; that such opinions as the one you combat, sent cautiously out, as you observe, also by detachment, not belonging to the case often, but sought for out of it, as if to rally the public opinion beforehand to their view, and to indicate the line they are to walk in, have been so quietly passed over as never to have excited an animadversion even in a speech of any one of the body intrusted with impeachment. The Constitution on this hypothesis is a mere thing of wax in the hands of the judiciary, which they may twist and shape into any form they please. It should be remembered as an axiom of eternal truth in politics, that whatever power in any government is independent is absolute also—in theory only at first, while the spirit of the people is up, but in practice as fast as that relaxes. Independence can be trusted nowhere but with the people in mass. They are inherently independent of all but moral law. My construction of the Constitution is very different from that you quote. It is that each department is truly independent of the others, and has an equal right to decide for itself. What is the meaning of the Constitution in the cases submitted to its action, and especially where it is to act ultimately and without appeal? * * * These are examples of my position: that each of the three departments has equally the right to decide for itself what is its duty under the Constitution, without any regard to what the others may have decided for themselves under a similar question.

In a letter to Thomas Ritchie, under date of December 25, 1820, Mr. Jefferson said:

But it is not from this branch of Government we have most to fear. Taxes and short elections will keep them right.

The judiciary of the United States is the subtle corps of sappers and miners constantly working underground to undermine the foundations of our constitutional fabric. They are construing our Constitution from a coordination of a general and special government to a general and supreme one alone. This will lay all things at their feet, and they are too well versed in English law to forget the maxim, "Boni judicis est ampliare jurisdictionem." We shall see if they are bold enough to take the daring stride these five lawyers (judges) have lately taken. Having found from experience that impeachment is in impracticable thing, a mere scarecrow, they consider themselves secure for life; they skulk for responsibility to public opinion, the only remaining hold upon them, under a practice first introduced into England by Lord Mansfield. An opinion is huddled up in conciave (perhaps by a majority of one), delivered as if unanimous, and with the silent acquiescence of lazy or timid associates by a crafty chief judge (Marshall), who sophisticates the law to his mind by the turn of his own reasoning. A judiciary law was once reported by the Attorney-General to Congress requiring each judge to deliver his opinion seriatim and openly, and then to give it in writing to the clerk to be entered on the record. A judiciary independent of a king or executive alone is a good thing, but independence of the will of the nation is a solecism, at least in a republican government.

In a letter to Archibald Thweat, under date of January 19, 1821, Mr. Jefferson further said:

I am sensible of the inroads daily making by the Federal into the jurisdiction of its coordinate associates, the State governments. The legislative and executive branches may some time err, but elections and dependents will bring them to rights. The judiciary branch is the instrument which, working like gravity, without intermission, is to press us at last into one consolidated mass. Against this I know no one who, equally with Judge Roane himself, possesses the power and the courage to make resistance, and to him I look and have long looked as our strongest bulwark. If Congress fails to shield the States from dangers so palpable and so imminent, the States must shield themselves, and meet the invader foot to foot.

In a letter to Mr. C. Hammond, under date of August 18, 1821, Mr. Jefferson declared:

It has long, however, been my opinion, and I have never shrunk from its expression, that the germ of dissolution of our Federal Government is in the constitution of the Federal judiciary, an irresponsible body, working like gravity by night and by day, gaining a little to-day and a little to-morrow, and advancing its noiseless steps like a thief over the field of jurisdiction, until all shall be usurped from the States and the Government of all be consolidated into one. To this I am opposed, because when all governments, domestic and foreign, in little as in great things, shall be drawn to Washington as the center of all power, it will render powerless the check provided of one government on another, and will become as venal and oppressive as the Government from which we separated. It will be as in Europe, where every man must either be pike or gudgeon, hammer or anvil. Our functionaries and theirs are wares from the same workshop, made of the same material, and by the same hand. If the States look with apathy on this silent descent of their Government into the gulf which is to swallow all, we have only to weep over the human character formed uncontrollable, but by a rod of iron, and the blasphemers of man as incapable of self-government become his true historians.

In a letter to Colonel Nicholas, under date of December 11, 1821, Mr. Jefferson said:

I fear, dear sir, we are now in such another crisis, with this difference only, that the judiciary branch is alone and single handed in the present assaults on the Constitution. But its assaults are more sure and deadly as from an agent seemingly passive and unassuming. May you and your contemporaries meet them with the same determination and effect that your father and his did the alien and sedition laws, and preserve inviolate a Constitution which, cherished in all its chastity and purity, will prove in the end a blessing to all the nations of the earth.

In a letter to William T. Barry, under date of July 2, 1822, Mr. Jefferson said:

We already see the power installed for life, responsible to no authority, advancing with a noiseless and steady pace to the great object of consolidation. The foundations are already deeply laid by their decisions for the annihilation of constitutional States' rights, and the removal of every check, every counterpoise, to the engulfing power of which themselves are to make a sovereign part. If ever this vast country is brought under a single government, it will be one of the most extensive corruptions, indifferent and incapable of a wholesome care over so wide a spread of surface. This will not be borne, and you will have to choose between reformation and revolution. If I know the spirit of this country, the one or the other is inevitable. Before the canker is become inveterate, before its venom has reached so much of the body politic as to get beyond control, remedy should be applied. Let the future appointment of judges be for four or six years, and renewable by the President and Senate. This will bring their conduct at regular periods under revision and probation, and may keep them in equipoise between the General and special Government. We have erred in this point by copying England, where certainly it is a good thing to have the judges independent of the King. But we have omitted to copy their caution, also, which makes a judge removable on the address of both legislative houses. That there should be public functionaries independent of the nation, whatever be their demerit, is a solecism in a republic of the first order of absurdity and inconsistency.

In a letter to Judge Johnson, under date of March 4, 1823, Mr. Jefferson said:

I can not lay down my pen without recurring to one of the subjects of my former letter, for in truth there is no danger I apprehend so much as the consolidation of our Government by the noiseless and therefore unalarming instrumentality of the Supreme Court. * * * For in truth there is at this time more hostility to the Federal judiciary than any other organ of the Government.

In a letter to Edward Livingston, under date of March 25, 1825, Mr. Jefferson wrote:

Time and changes in the condition and constitution of society may require occasional and corresponding modifications. One single object, if your provision attains it, will entitle you to the endless gratitude of society, that of restraining judges from usurping legislation. And with no body of men is this restraint more wanting than with the judges of what is commonly called our General Government, but what I call our foreign department. They are practicing on the Constitution by inferences, analogies, and sophisms as they would an ordinary law. They do not seem aware that it is not even a Constitution formed by a single authority, and subject to a single superintendence and control, but that it is a compact of many independent powers every single one of which claims an equal right to understand it and to require its observance. However strong the cord of compact may be, there is a point of tension at which it will break. A few such doctrinal decisions as barefaced as that of the Cohens happening to bear immediately on two or three of the large States may induce them to join in arresting the march of Government and in arousing the co-States to pay some attention to what is passing to bring back the compact to its original principles or to modify it legitimately by the expressed consent of the parties themselves, and not by the usurpation of their created agents. They imagine they can lead us into a consolidate Government, while their road leads directly to dissolution. This member of the Government was at first considered as the most harmless and helpless of all its organs, but it has proved that the power of declaring what the law is ad libitum by sapping and mining slyly and without alarm the foundations of the Constitution can do what open force would not dare to attempt.

These opinions and warnings of Jefferson are very pertinent at this time. The pity is that all have not paid heed to them for the past half a century. Now, let us see what another great expounder of the Constitution has said. In a speech at Fort Hill, July 26, 1831, Mr. Calhoun said:

No one has been so hardy as to assert that Congress or the President ought to have the right or to deny that if vested finally and exclusively in either, the consequences which I have stated would not necessarily follow; but its advocates have been reconciled to the doctrine on the supposition that there is one department of the General Government which, from its peculiar organization, affords an independent tribunal through which the Government may exercise the high authority which is the subject of consideration with perfect safety to all. I yield, I trust, to few in my attachment to the judiciary department. I am fully sensible of its importance and would maintain it to the fullest extent in its constitutional powers and independence, but it is impossible for me to believe that it was ever intended by the Constitution that it should exercise the power in question, or that it is competent to do so, and if it were it would be a safe depository of the power. Its powers are judicial, and not political, and are expressly confined by the

Constitution to all cases in law and equity arising under this Constitution, the laws of the United States, and the treaties made or which shall be made under its authority, and which I have high authority in asserting excludes political questions and comprehends those only where there are parties amenable to the process of the court.

Next I will put on the witness stand no less a person than Andrew Jackson. Let us hear his view of the province and powers of the Federal judiciary while he was President.

In his veto of the bill extending the old United States Bank, President Jackson said:

The Supreme Court ought not to control the coordinate authorities of this Government. The Congress, the Executive, and the court must each for itself be guided by its own opinion of the Constitution. Each public officer who takes an oath to support the Constitution swears that he will support it as he understands it, and not as it is understood by others. It is as much the duty of the House of Representatives, of the Senate, and of the President, to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval as it is of the supreme judges, when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges; and on that point the President is independent of both. The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the Executive, when acting in their respective capacities, but to have only such influence as the force of their reasoning may deserve.

Mr. President, I could quote on the same line from Benton and dozens of others of the greatest minds that this country has produced, and all to the same effect. I might also quote the resolution introduced in the House by Mr. Draper of Virginia, on February 1, 1831, and the debate on the same, looking to correcting then some of the very evils that we are now considering; but time will not now permit.

Mr. President, in this connection, while we claim that our Government is more representative than that of England, I wish to call attention to the fact that in England to-day their courts can not overrule an act of Parliament. Though a monarchy, though not a representative government in the sense that ours is supposed to be, the courts there have not the authority and do not dare to overrule an act of Parliament. The Parliament is the supreme authority to decide whether or not any act is constitutional or unconstitutional. If an act passed by Parliament is deemed unconstitutional it must be so deemed by a subsequent act of the same body. How is it here? Between the House of Representatives and the Senate, this body consisting of two men from each State in the Union, many of them the peers of any man on the Supreme Court bench, the House of Representatives representing the people from every Congressional district of the Union, there sits another small body of nine men, and that body to-day is the supreme legislative body of America.

Why do I say that? The power to overrule acts of Congress and to make laws by construction is the power to legislate. Yes; the court to-day has the supreme legislative power on cases that come before it. We had a recent example in the case of the income tax. This body and the House, both of which have within their membership as able constitutional lawyers as sit on the Supreme Court bench, passed upon that measure. They passed the income tax because they thought it was constitutional. They, who had taken oaths to support the Constitution, which oaths are as binding upon them as are those of the members of the Supreme Court or the judges of other Federal courts, decided deliberately, after due discussion and consideration, that the income tax was not only proper, was not only justifiable, was not only necessary in order to equalize taxation between the different classes of our people to make the burdens of taxation bear upon all the different classes as nearly evenly as possible, but that it was constitutional, for that is what this body decides every time it passes an act. This body decides whenever it passes an act that it is constitutional just as solemnly and deliberately as the Supreme Court can.

Yet this court, this third legislative house, elected by nobody, representing nobody, under obligations to nobody, accountable to nobody, consisting of nine men with no constituency, arrogates to itself the authority and power to decide that Congress did not know what it was doing. It decided virtually that it was bad legislation, as well as unconstitutional. It took the liberty of lecturing Congress, expressing its opinion as to the wisdom, as to the expediency, and as to the general policy of legislation of that kind.

To-day there is no way to make wealth bear its equal share of taxation under our present methods of levying taxes, due to the decision of the Supreme Court. What is our method of levying taxes to-day? Chiefly by a tariff, supplemented by internal taxes and other very small ways of raising revenue. What is a tariff? Does the tariff equalize the burdens of taxation between the rich and the poor, the high and the low? No. The tariff is, I might say, a poll tax.

In every State in this Union, so far as I know, we have two methods of raising taxes by which the burdens of taxation are equalized between property and the individual. In my State we have first the poll tax. That tax is uniform. It is the same upon the millionaire as upon the pauper. It is a uniform tax, as I say, a tax per head. What do we have in addition? Would it be fair to the people of North Carolina to levy all the taxes for the State government by a uniform tax upon the head of each citizen? It would be manifestly unjust. Then what do we do to equalize taxation? We provide for a property tax, and we were so careful in my State that the parity, to use the modern gold-bug phrase, should be maintained between the tax on property and the poll tax that we provided that the tax on $300 of property should always be the same as the poll tax. In my State we provide not only taxation per head, but then we go to a man's assets, to each man's property, and charge him such a per cent on that property for the protection which he receives from the Government. If he is a millionaire he pays in proportion to the amount of property that is protected by the State government. Is that just? Is that fair? Everybody in my State says it is, and nobody dares to say to the contrary.

If that is just in North Carolina, then why is not the same method of taxation just and proper and right and necessary in raising taxes to support the General Government? Here we have a General Government more expensive than all the State governments put together, and in raising taxes to support the General Government we raise them chiefly by a poll tax. I say poll tax, because under a tariff the poor man with ten children pays as a rule as much taxes as the rich man with one.

I think we will always have a tariff in this country. I am not in favor of wiping it out. I am not a freetrader. I would, however, have the tariff schedules changed. I would have a tariff levied so that it did not discriminate against all the rest of the country for the benefit of one section of the country. I would have a tariff for revenue with the protection coming from it—for protection for somebody always accompanies any tariff—fairly distributed. There are cases where we need protection for certain industries, and I would favor it in such cases. I would have the protection resulting from it fairly and evenly distributed between the various sections of the country and the various industries in each section. But levy a tariff however you may, it is practically a poll tax. How are we to have property owned by men of large wealth, and men of even moderate wealth, bear an equal share of the burdens of government and pay a certain per cent for the protection their property receives from the National Government?

This Congress, in its wisdom, decided that the income tax was one of the fairest, most equitable, and most just methods for doing it, and after this body and the other House so decided, after the great American people had passed upon it, after the will of the people was expressed on that question, the Supreme Court, the third legislative house, representing nobody, responsible to nobody, legislates on the question, and decides how taxation shall be regulated in this country. It decides that we shall not tax property and make it pay its fair share of the burdens of government. It does it in the face of a former decision of the same court, which decided that such a tax was constitutional. The court says it decided it unconstitutional on account of the clause in the Constitution with reference to direct taxes. The copy of the Constitution on my desk puts that part of the Constitution in brackets, and calls attention in a foot-note to the fact that that clause of the Constitution became obsolete after the passage of the fourteenth amendment; and so the American people thought and still believe. But yet this court revives that clause of the Constitution, which was intended simply to apply to the peculiar conditions of slavery, for the purpose of putting all the burdens of taxation on the poor, and leaving those with big means to go scot free—that is, to make the poor man not only pay taxes for his own slight protection, but also for the larger protection for the rich. Every man in this body knows that that clause of the Constitution relating to direct taxes was put in there as a compromise between the slaveholder and the nonslaveholding interest when the Constitution was adopted. That clause of the Constitution has been said to be by numbers of leading jurists absolutely obsolete—to have been superseded—and yet we have such an enterprising third legislative house, which has hedged about it so much authority, and allowed to grow up by traditions and customs, that it revives, as it were, a dead paragraph of the Constitution and takes it as a weapon to strike down this method of taxing property equitably and justly.

Now, we must suffer this outrage or we must amend the Constitution, which is a very slow and difficult process. On the 27th of last December I introduced the following:

Joint resolution to amend the Constitution of the United States relating to direct taxes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following proposed amendment to the Constitution of the United States shall be submitted to the legislatures of the several States for ratification or rejection, to wit:

"ARTICLE XVI.

"The provisions of the Constitution of the United States relating to direct taxes, and the apportionment thereof among the several States in proportion to the census enumeration, shall not apply to income taxes; but the Congress shall have power to lay and collect taxes on all incomes regardless of the source from which the income is derived or acquired: *Provided, however,* That all income taxes which the Congress may lay and collect shall be uniform throughout the United States."

Mr. President, this amendment must be acted upon by Congress and submitted to the several States and secure a three-fourths ratification from them before the outrageous decision of the court can be corrected, or we must hold a constitutional convention. Hence the court has practically defeated the will of the people, and at the same time committed a great wrong.

But let us return to the income-tax law that was passed by Congress. It was, I admit, only a cowardly makeshift for an income-tax law. It was not a graduated income-tax law, as it should have been, nor did it extend to all the classes of incomes that should be taxed. But it was a step in the right direction. How any fair-minded, honest jurist could object to it, much less declare it unconstitutional, is beyond my comprehension.

The income tax did not attempt to tax property that did not yield a revenue. It did not attempt to tax property like some we have in our State, which makes a man land poor. We have men owning 10,000 acres of land in my State who would be richer if they did not have it. They could scarcely give it away if they tried. They are not making enough from it to pay taxes on it. So the income tax did not propose to tax property that did not yield a revenue. But it related to property that yielded a good revenue and only took a small percentage of the profits that came from such handsome dividend-yielding property, and in this connection I may say it was property that has largely been accumulated from special privileges granted by these very bodies, property and incomes due to discrimination of law against the rest of the country in favor of those who are able to pay such a tax, and those who would only be called upon to pay it for the simple reason that they have property that yields them a magnificent and princely income. Yet this third legislative house, representing nobody, responsible to nobody, with no constituency, arrogated to itself the supreme power to nullify the action of the people's representatives, to nullify the Constitution, for that is what it did, in order to protect those who have princely incomes.

Mr. President, we have an example like this before us; we have before us thousands of examples almost as significant through the last hundred years; we have the example of the case that this bill grew out of, where an American citizen, Mr. Debs, was arrested, tried by the court, and imprisoned without even a hearing before twelve of his peers. Yes, the man was tried by a judge simply, and put in prison without law and in defiance of the constitutional rights of an American citizen. With that example of the Constitution practically overridden in depriving a man of the right to trial by jury, here comes a bill from one of the most important committees of this body, proposing to legalize it. I can not believe but that it was an oversight on the part of the committee. I can not believe but that the committee simply did not notice that it had failed to provide for trial by jury. I can not believe that that committee, in view of the hundred years of dangerous history with Federal courts, could deliberately have brought here a bill to give that court more power, to give to the branches of the Federal judiciary more power, even to the monstrous extent of giving to them the power to imprison an American citizen without a hearing before a jury.

How much further do we have to go until we get back to the period of despotism where the king issues his order and has Mr. A thrown into a dungeon after a farce of a trial before a judge, who is one of his (the king's) puppets? Does not the history of despotisms in the Old World teem with such tyranny, and was not this Government established in defiance of such methods in the Old World, and to give to every man a haven of refuge, as it were, who sought freedom in religious opinions, freedom in political opinions, who sought a place where the free and brave could have such powers and such liberties as the God of heaven intended every upright citizen to have who would obey the decent laws of society? This Government was formed as an asylum, as it were, as a last gathering place, as it were, for men whose souls rebelled against such tyranny and such injustice.

But here is this Government, only a little over a hundred years old, dropping down into the grooves of despotism, putting the liberty of every American citizen at the mercy of a man who is not even elected by the people and who does not have to account to the people for his action. It is monstrous. It brings up the last warning which Thomas Jefferson gave to us that if we hope to preserve our liberties and hope to prevent the courts from arrogating to themselves the power to make this country a despotism, it would be necessary for us to hold a constitutional convention at least every twenty years. He said it was not safe or right or prudent to allow one generation to make a constitution that should stand ironclad for the next, with all the usurpation of power that might grow up under it to pervert it and twist it; that it would be better and safer for the people in their supreme legislative assembly—a constitutional convention—to come together to correct their landmarks, to strike down the hydra-headed monster, despotism, wherever he stuck up his head in the Constitution, and to make the Constitution just; to add to it, if need be, such provisions as were necessary to meet the progress of events; to add to it, if necessary, such amendments and such provisions as were essential to meet new conditions and the developments of society.

George Mason, who seems to have been, next to Thomas Jefferson, one of the clearest-headed men among the founders of the Constitution, wrote a paper warning the people of Virginia not to adopt the Constitution as it stood.

I will now quote from that great statesman, the author of the Virginia bill of rights, from which Mr. Jefferson drew inspiration for the Declaration of Independence. Mr. Mason was a member of the constitutional convention which framed our National Constitution, and refused to give it his support when adopted by the convention. He opposed its ratification by the State of Virginia with great power and intelligence, and in spite of Washington, Randolph, and others came very near carrying his point. During this contest he gave out his reasons in detail against the adoption by the State of Virginia of the Constitution. They were designated at that time as Mason's objections to the Constitution. I will say further that the first ten amendments to the Constitution are largely based upon Mr. Mason's objections. The fourth objection of Mr. Mason to the ratification of the Constitution relates to the judiciary branch of the Government, and is as follows:

The judiciary of the United States is so constructed and extended as to absorb and destroy the judiciaries of the several States, thereby rendering laws as tedious, intricate, and expansive, and justice as unattainable by a great part of the community as in England, and enabling the rich to oppress and ruin the poor.

Thus we see that Mr. Mason took the position that the Constitution as it stood did not guarantee the rights of the people sufficiently against the encroachments of the Federal judiciary. He warned the people that the Constitution as it stood, he feared, did not sufficiently provide against what might grow into court usurpation, and out of his objections to the Constitution largely grew the first ten amendments, advocated by Jefferson and Mason.

With wonderful foresight he also saw how the Federal judiciary would overshadow and encroach on, if not destroy, the authority of the State courts. And to-day we see this dangerous work in progress. Under the clause of the Constitution relating to interstate commerce the Federal courts have managed to strip the State courts of the power to determine causes between a great railroad corporation and a citizen of said State, or even the State itself. Mr. President, I believe that the States still have a remedy in this matter in spite of the Federal judges. If a railroad is not willing to submit actions to a State court where they operate and receive the protection and favor of the State legislature, then the State can withhold its favor and not allow such corporations to operate in the State. But, Mr. President, if a State should attempt to exercise this last right left it in such matters we do not know but that the Supreme Court would try to have the State arrested for contempt and ousted from the Union without a trial by jury.

I think, Mr. President, that Congress should by legislative enactment, if possible, define and limit the powers of the Supreme and other Federal courts to simply the powers that Jefferson and the other expounders of the Constitution say that they have under that instrument. But, Mr. President, we are to-day in this deplorable plight. Some of the ablest jurists we have tell us that by legislative enactment we can strip the court of some of the powers it has assumed and taken to itself. But suppose this body were to-day to pass a bill limiting the powers of the Supreme Court and pointing out the facts that it has assumed powers not granted to it by the Constitution; suppose Congress should pass such a measure, and suppose the President should sign it, and be merciful enough not to use his veto power, another relic of monarchy, what would happen? Your third legislative house would sit quietly over there, and when you had passed your law, it, with nine men, representing nobody, responsible to nobody, would coolly decide that your act was unconstitutional, because it limited its powers.

There you are bottled, the American Congress bottled, with the Supreme Court holding down the stopper. What can you do? I see but one thing that we can do to correct the evils that now exist by law or by interpretations of courts, and I believe we will have to meet it soon. What is it? I believe it will be necessary to call a constitutional convention through the State legislatures to protect the people of this country against the aggressions of the courts. That is the only way it is possible if the court sees fit to disapprove of what you do. But that is in the future. While we may have to do that, and I think the quicker the better, yet certainly we do not wish to pass any law giving the courts more power than they have. We need a convention to strip and bring them down to where the Constitution and Thomas Jefferson said they should stand. But until we can do that certainly the representatives of the people can never, between their consciences and their God, in duty to their oaths to the Constitution and their pledges to the people, vote for any measure which deliberately increases the powers which the courts already have.

Therefore, we must pass this amendment which I have offered, which guarantees to every American citizen a trial by jury.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from North Carolina [Mr. BUTLER].

Mr. HILL. I desire to suggest to the Senator from North Carolina that he withdraw his amendment for the present and allow a vote to be had on the amendment submitted by the Senator from Utah [Mr. CANNON], which presents precisely the general question involved.

Mr. BUTLER. What is the amendment submitted by the Senator from Utah?

The VICE-PRESIDENT. The amendment of the Senator from Utah will be stated.

The SECRETARY. In line 18, section 4, it is proposed to strike out the words "in his discretion," and in line 19 to strike out the word "may" and insert the word "shall"; so as to read:

But such trial shall be by the court, or upon the application of accused a trial by jury shall be had as in any criminal case.

Mr. BUTLER. I accept the amendment as an amendment to mine.

The VICE-PRESIDENT. The amendment is accepted. The question recurs on agreeing to the amendment as modified.

Mr. MITCHELL of Oregon. As I understand the effect of this amendment, it is to take from the court the discretion as to a jury trial and to provide an appeal in all cases of indirect contempts. I do not understand the amendment goes to the extent of providing for a jury trial in cases of direct contempts.

Mr. HILL. Direct contempts are not interfered with in any way. The control of that matter will, of course, remain the same as it is now—absolutely at the discretion of the court. It is only as to contempts committed outside of the court, called indirect contempts. Direct contempts may still be punished by the judge the same as formerly.

Mr. MITCHELL of Oregon. The court will, in direct contempts, have exclusive power to try and fix the punishment?

Mr. HILL. The court will still have absolute power in such cases.

Mr. PLATT. Mr. President, I want to call attention not to this bill particularly, only incidentally, perhaps, but I want to call attention to the method of legislating in the closing hours of a session. Here is a bill confessedly of great importance. It is a bill which requires very careful consideration. I desire to preface what I have to say by the distinct declaration that I do not suggest the absence of a quorum of this body; but this bill is being considered, so far as it is considered, by perhaps 20 Senators at times, 15 Senators at times, and there have been times during the discussion this morning when there have not been 15 Senators in their seats; yet we are apparently acting upon a measure of probably as much importance as any matter which has been brought before the Senate and House of Representatives. The measure is regarded as important by its friends. It is of such importance that we had a dispatch here yesterday stating that 800,000 railroad employees of the country were watching with the most intense interest the proceedings of the Senate with relation to this bill.

Well, Mr. President, if 800,000 railroad employees in the country are watching the proceedings of the Senate with intense interest in relation to this bill, they are doing a great deal more than Senators are. Probably half, or nearly half, of the Senators have gone home, or gone to political conventions, or gone elsewhere. I suppose there may be a bare quorum of Senators in the city, but of those a good many are interested in appropriation bills, a good many are packing up their papers to go home, seats are empty, and yet the Senator from New York insists upon considering, under such circumstances and at such a time, a most important measure. Whatever the opinion of Senators may be with reference to the particular bill before us, it is certainly a most important measure; that is agreed to by all, and I want to appeal to the Senator from New York that he do not press for a vote at this time, under these circumstances, upon such a measure as this. It is manifest that the bill can not pass the House of Representatives at this session; it is manifest that if anybody chooses to ask for a vote of the Senate, which shall represent a quorum of the Senate, the bill can not pass this body. It is also manifest that no attention is being paid to this bill by over a half dozen Senators, nor has there been from the time it has been taken up.

I felt, Mr. President, that perhaps it was quite as well to call attention to the practice and method of legislating in the last hours of a session. I think if there are any bills which have been passed by Congress which are open to criticism, it will be found usually that they have passed in the last days or, perhaps, in the last night of the session, when Senators were tired, when members of the House of Representatives were tired, when many of them had gone, when no point of a quorum was being made, and there were not more than ten or fifteen Senators in their seats, and even they inattentive under the circumstances.

Now, I protest, Mr. President, against this kind of legislation on important matters under such circumstances. If there were a great emergency, if it were absolutely necessary in order to the protection of the people that a measure should be passed, that would be one thing; but with another session of Congress to meet in December, and with no great pressing necessity that the Senate should act without consideration upon an important measure of this kind, I do protest against its being pressed to a vote here.

The power to punish for contempt has existed, Mr. President, from earliest times. I am not going to discuss this bill, or the propriety of it, or the wisdom of passing it, or question whether the provisions of it are such as they ought to be, if a bill is to be passed. I am not going to discuss it in a Senate of perhaps 20 people, most of whom are engaged in conversation among themselves so loud that it is almost impossible for me to hear myself talk. I am not going discuss a measure of this importance under such circumstances.

As a member of the Judiciary Committee I did not agree to this report—I desire to say that—not because I am of opinion that the law relating to procedure in contempt cases should not receive the attention of the legislative branch, but because I think this bill is entirely crude, that it has not had bestowed upon it the care and the study which ought to be bestowed upon a bill which attempts to revolutionize the entire practice in equity proceedings in the country. If I had a Senate here that would listen, I should be glad to discuss the bill, but what I do this morning is simply to protest against the attempt to pass a bill of this importance, of this magnitude, under such circumstances.

Now, I will allude to only one thing in the bill as showing how much it needs be reconsidered. Admitting, of course, for the argument, and admitting, I think, fully, that there should be some bill relating to the regulation of proceedings in contempt cases passed, if this bill were to pass and become a law, and a juror or a witness—I will say witness—where a civil case is on trial in a circuit court or a criminal case is on trial in a district court, refused to obey the summons and was brought into court, he would be guilty of an indirect contempt, and if the court undertook to fine him for refusing to obey the summons and absenting himself as a witness on the trial of that case he could demand a jury trial. If the amendment should pass, and, whether he demanded a jury trial or not, if he were fined $10 he could appeal that case to the Supreme Court of the United States. Well, Mr. President, the very statement that I have made, which can not be controverted and will not be controverted, is enough to show that this bill should not pass.

We have limited the jurisdiction of the Supreme Court of the United States, and there can not be an appeal in a capital case from the judgment of a circuit court or a district court to the Supreme Court of the United States. That has to be appealed or go by writ of error to the circuit court of appeals, and yet it is proposed here to give a witness who may disobey the summons of a court or the direction of the judge to appear in court, when the court undertakes to punish him as for contempt, the right of trial by jury and an appeal to the Supreme Court of the United States, when we have just listened to a half hour's denunciation of the Supreme Court of the United States by a Senator who desires to have a bill with that regulation in it passed.

Mr. President, have I not said enough to show that we ought not to act in this matter? There is probably no subject relating to the jurisprudence of this country which is any more intricate than the practice relating to contempts or the law of contempts. There has been practically no attempt at codification of the decisions relative to contempts of court. The trouble with this bill is that it sweeps all contempts, except those which are committed in the presence of the court or so near the court as to interfere with the administration of justice, into the catalogue of indirect contempts, and it makes no distinction between those alleged contempts, which have been the subject of discussion here, and contempts of a minor and lesser character. It might be admitted that the proceedings in the contempts which are complained of ought to be regulated. I do not think that a judge ought to have unlimited and unrestrained power to punish for contempts in such cases as have excited the attention of the country; but you can not have a court, Mr. President, without the power of the court to punish for contempt in certain cases which are not included within the definition in this bill of direct contempts, and a very large proportion of the equity practice of this country depends upon the power of the court to enforce its decrees.

Take the ordinary case of a court which requires a party to a proceeding to pay over money, to deposit money in court during the progress of the trial upon a pending petition. A person may have money in his hands who is utterly irresponsible. The court in an equity case issues an order that he shall pay that money into court pending the progress of the case. He says, "I will not do it." The court brings him in and attempts to fine him for contempt. He says, "I want a jury trial"; and he is entitled to a jury trial if it is an equity case. Then, when he has been convicted by the jury of being in contempt of court, he says, "I

propose to appeal this case to the Supreme Court of the United States." That will stay the execution, and he goes on and keeps the money.

Mr. CANNON. Will the Senator yield to me for a question?

Mr. PLATT. Yes.

Mr. CANNON. Would not the case cited by the Senator from Connecticut be a case of direct contempt?

Mr. PLATT. Not at all, under this bill; and that is the trouble about it. The bill is not understood. What I complain of is that there ought to be a different definition in this bill of direct, indirect, and constructive contempts.

Mr. CANNON. The Senator cited the case of an individual refusing in the presence of the court to obey an order of the court.

Mr. PLATT. Oh, no; not at all.

Mr. CANNON. I understood that to be the Senator's language.

Mr. PLATT. Oh, no. An order to pay money into court is not necessarily made when the person is in court.

Mr. CANNON. The Senator used the language, "If a person was brought before the court and refused to pay the money."

Mr. PLATT. No.

Mr. HILL. That would be an offense in court for which a person could be punished as a direct contempt.

Mr. PLATT. I may have been unfortunate in some of the language I have used; I think the RECORD, however, will show that I did not make use of that language. But this is the language of the bill:

That contempts of court are divided into two classes, direct and indirect, and shall be proceeded against only as hereinafter prescribed.

Now, these are direct contempts:

That contempts committed during the sitting of the court or of a judge at chambers, in its or his presence or so near thereto as to obstruct the administration of justice, are direct contempts. All others are indirect contempts.

Mr. MITCHELL of Oregon. Will the Senator allow me?

Mr. PLATT. Yes.

Mr. MITCHELL of Oregon. Take a case like this: Suppose a juror is summoned to be in court on a certain day to attend to jury duty and he fails to go. A writ is issued and he is brought in for contempt of court for failing to appear as a juror. That would be an indirect contempt, I take it, under this bill, and he would be entitled under the proposed amendment to trial by jury.

Mr. PLATT. Yes, and an appeal to the Supreme Court of the United States.

Mr. MITCHELL of Oregon. Also to an appeal to the Supreme Court of the United States. It seems to me that would be a dangerous obstruction of the administration of justice.

Mr. PLATT. The passage of this bill in its present form is not only a revolution in the equity practice of this country, but is practically abolishing the chancery practice of our courts. I am not complaining at all of the principle of the bill. I am not asserting that there should not be regulations of the practice in the matter of contempts. Our statutes on the subject acknowledge the right of Congress to regulate proceedings in contempt cases. I will read that section of the Revised Statutes:

SEC. 725. The said courts shall have power to impose and administer all necessary oaths, and to punish, by fine or imprisonment, at the discretion of the court, contempts of their authority: *Provided*, That such power to punish contempts shall not be construed to extend to any cases except the misbehavior of any person in their presence, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of said courts in their official transactions, and the disobedience or resistance by any such officer, or by any party, juror, witness, or other person, to any lawful writ, process, order, rule, decree, or command of the said courts.

This bill proposes to put into the list of indirect contempts "the misbehavior of any of the officers of said courts in their official transactions, and the disobedience or resistance by any such officer, or by any party, juror, witness, or other person, to any lawful writ, process, order, rule, decree, or command of the said courts." These are all swept into indirect contempts. I say, Mr. President, that we can not proceed with the equity jurisdiction of our courts without certainly the power to punish officers for misbehavior in their official transactions, and certainly jurors and witnesses for disobedience or resistance to the orders of the court, nor indeed without the power to enforce by fine and imprisonment the refusal to obey a large proportion of the orders which are made by equity courts.

The trouble about this thing is that a contention has arisen in this country over an extreme exercise of this authority, about which there is very intense feeling, and because of this Senators are ready to go and strike down the whole equity jurisprudence of the country.

I made a reference a moment ago to our having limited the jurisdiction of the Supreme Court of the United States. If I understand, and am correct in my recollection, to entitle a person to go to the Supreme Court on a money question the amount involved must be $5,000, or it must be a case in which a constitutional question arises on a law of Congress, or where a question may be certified up from the court of appeals.

In criminal matters we have taken jurisdiction entirely away from the Supreme Court of the United States, except in regard to criminal cases which come up from the Territories for offenses against United States laws. But a case can not come from a State or from a United States district or circuit court in a State to the Supreme Court of the United States even in a capital case. Those cases must go to the court of appeals. But that is not sufficient, apparently, for the purposes of this bill. An appeal from the judgment rendered in a contempt case does not by this bill go to the court of appeals, where a murder case must go, where all cases of money damage less than $5,000 in value must go from the district or circuit court, but must be taken directly to the Supreme Court of the United States. Why? Apparently, if this bill is passed, the Supreme Court of the United States will not have a great deal to do except to attend to appeals in contempt cases; and, as I was saying a moment ago, a very large proportion of the business transacted——

Mr. HILL. Will the Senator allow me a moment?

The PRESIDING OFFICER (Mr. BLANCHARD in the chair). Does the Senator from Connecticut yield to the Senator from New York?

Mr. PLATT. Yes, sir.

Mr. HILL. The question which the Senator suggests as to whether an appeal in cases of conviction of indirect contempts should be taken to the circuit court of appeals direct, and not elsewhere, or should go directly to the Supreme Court of the United States was very carefully considered. Upon that question I conferred with a distinguished member of the circuit court who had had before him some contempt cases of an important character, and he gave it as his opinion to me that it was better that those cases should go directly to the Supreme Court, otherwise the various circuit courts of appeals throughout the United States would establish different decisions upon the question as to what constitutes a contempt, and that it was wiser to take such cases directly to the court of appeals. I do not care about giving the name of the gentleman; but he thought it would be better and wiser in such cases, as a rule, to have the appeal in the first instance go to the highest court, in order that that court might lay down the law as to what constitutes contempt. It was in pursuance, among others, of the suggestion made by this very able judge that we adopted that course. I also submitted it to other judges, who coincided in that opinion. For that reason the course was taken.

Mr. PLATT. Now, I venture to guess—of course I can not assert—that the judge of the court of appeals who advised that the appeal should be taken to the Supreme Court of the United States did not understand the scope of the bill. He did not understand that a witness or a juror who refused to obey the order of the court and was fined for contempt would be entitled under the bill to appeal to the Supreme Court of the United States. I venture to guess that the opinion which was rendered to the Senator from New York upon this subject by the judge of the circuit court or the circuit court of appeals was rendered without knowing what the bill was, and that no one will be more surprised than he when he learns that the Senator from New York has cited him as authority for supposing it was better to appeal a case where there was a ten-dollar fine for contempt to the Supreme Court of the United States than to the circuit court of appeals.

Mr. HILL. I desire to say to the Senator from Connecticut that the judge referred to will not be surprised about it. He had this bill and carefully examined it. I had several consultations with him in regard to it, and upon that very point he was emphatic.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had passed the bill (S. 1306) to authorize and encourage the holding of a transmississippi exposition at the city of Omaha, in the State of Nebraska, in the year 1898, and making an appropriation therefor, with an amendment in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 180) to make the city of Erie, Pa., a port of immediate transportion;

A bill (H. R. 7338) for the relief of William H. Scofield, Jacob Brady, James Ketcham, Annie Booth, as administratrix of the goods, chattels, and credits of George W. Booth, deceased, Wilson P. Billar, Ezra L. Waterhouse, Moses C. Bell, George W. Byles, and George A. Scofield;

A bill (H. R. 9123) to prevent forest fires on the public domain; and

A bill (H. R. 9345) to enable certain persons in the State of Mississippi to procure title to public lands.

TRANSMISSISSIPPI INTERNATIONAL EXPOSITION.

Mr. ALLEN. I ask the Chair to lay before the Senate the amendment of the House of Representatives to Senate bill 1306; and I desire to ask unanimous consent that the Senate concur in the amendment made by the House of Representatives.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1306) to authorize and encourage the holding of a transmississippi and international exposition at the city of Omaha, in the State of Nebraska, in the year 1898; which was, on page 5, line 17, after the word "dollars," to insert:

Provided, That no liability against the Government shall be incurred, and no expenditure of money under this act shall be made, until the officers of said exposition shall have furnished the Secretary of the Treasury proofs to his satisfaction that there has been obtained by said exposition corporation subscriptions of stock in good faith, contributions, donations, or appropriations from all sources for the purposes of said exposition a sum aggregating not less than $250,000.

Mr. ALLEN. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

PORT OF ERIE, PA.

Mr. CAMERON. I ask the Senate to take up the bill (H. R. 180) to make the city of Erie, Pa., a port of immediate transportation.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent to consider at this time the bill which he has indicated.

Mr. HILL. Without prejudice to the pending bill, it is understood.

Mr. CAMERON. The bill will not lead to debate.

There being no objection, the bill was read twice and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAY OF LETTER CARRIERS.

Mr. MITCHELL of Oregon. I ask the Senator from New York to allow the pending bill to be laid aside temporarily for a few moments, to allow me to call up a small bill of only seven lines.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Oregon?

Mr. HILL. The Senator from Connecticut has the floor.

Mr. MITCHELL of Oregon. I ask the Senator from Connecticut to yield to me. It is a small bill of only seven lines.

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Oregon?

Mr. PLATT. So far as I am concerned, I will yield. I feel, however, that I am rather under the direction of the Senator from New York.

Mr. MITCHELL of Oregon. I am much obliged to both the Senator from New York and the Senator from Connecticut. I ask the unanimous consent of the Senate to proceed to the consideration of the bill (S. 3058) to increase the pay of letter carriers.

Mr. MILLS. I think that is too large a bill to be considered now. I object to the consideration of the bill.

Mr. MITCHELL of Oregon. I hope the Senator from Texas will not object.

Mr. MILLS. It is a bill of too much importance to be pressed during the last hours of the session.

The PRESIDING OFFICER. The Senator from Texas objects.

Mr. MITCHELL of Oregon. I think the Senator from Texas will not insist on his objection.

Mr. MILLS. Yes, I will.

Mr. PETTIGREW. Mr. President——

The PRESIDING OFFICER. The Senator from Oregon has the floor. The Chair understands the Senator from Texas to object to the consideration of the bill.

Mr. MITCHELL of Oregon. If the Senator from Texas insists upon his objection, of course I can not proceed, but I appeal to the Senator not to object. This bill was reported from the committee of the Senate and a similar bill was reported also in the House.

Mr. MILLS. How much money will it take?

Mr. MITCHELL of Oregon. It will take considerable money, but that is not the most important question. The question is whether we should not do justice by these letter carriers, who are the hardest worked class of people in this country in the public service and get the least pay in proportion.

Mr. MILLS. What committee reported the bill?

Mr. MITCHELL of Oregon. The Committee on Post-Offices and Post-Roads. It was also reported in the House and is on the Calendar there. I hope the Senator from Texas will withdraw his objection.

Mr. HARRIS. To what extent are the salaries increased?

Mr. MITCHELL of Oregon. It advances them about $100 each class; there are three classes. That is all. It is a very small increase.

Mr. MILLS. What will the lowest class get, $800?

Mr. MITCHELL of Oregon. Six hundred dollars.

Mr. MILLS. And then up to $1,000?

Mr. MITCHELL of Oregon. Six hundred dollars, $800, and $1,000, and up to $1,200. I hope the Senator from Texas will withdraw his objection.

Mr. MILLS. I object, Mr. President.

The PRESIDING OFFICER. The Senator from Texas objects to the present consideration of the bill.

BREEDING OF FOXES IN ALASKA.

Mr. PETTIGREW. I ask unanimous consent for the present consideration of Senate bill 2555.

The PRESIDING OFFICER. Does the Senator from Connecticut, who is entitled to the floor, yield to the Senator from South Dakota?

Mr. PLATT. I have no objection.

Mr. HILL. What is the nature of the bill the Senator from South Dakota desires to have considered?

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

Mr. PLATT. I desire to state that I have no objection to yielding for the passage of bills that are important and do not lead to discussion. I feel, however, that I am somewhat under the direction of the Senator from New York, and that he is the one who should be asked to yield.

Mr. MITCHELL of Oregon. I object to the passage of any bill until we dispose of the pending bill.

The PRESIDING OFFICER. The Senator from Oregon interposes an objection.

Mr. PETTIGREW. I will say in regard to the bill I wish to call up that it simply gives authority to the Secretary of the Treasury to lease certain islands in Alaska for the raising of foxes. Some of our citizens several years ago occupied the islands and now have a large number of foxes upon them. They find that they are interfered with by poachers, who kill their property and carry it away. The islands named in the bill are not occupied. Then it provides that other islands may be leased for the same purpose, under the direction of the Secretary of the Treasury. No one lives upon the islands. It interferes with no rights and conveys no title. It seems to me there ought to be no objection to the passage of this measure. I hope the Senator from Oregon will withdraw his objection.

Mr. MITCHELL of Oregon. I withdraw it if the bill does not lead to debate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota?

There being no objection, the bill (S. 2555) to authorize the Secretary of the Treasury to issue leases of certain islands in Alaska for the breeding of foxes was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in line 3, after the word "That," to insert "for the purpose of encouraging the propagation of the blue and silver fox"; so as to read:

That for the purpose of encouraging the propagation of the blue and silver fox the Secretary of the Treasury be, and he is hereby, authorized to issue leases to the islands of North Semidi, South Semidi, Ukomok, Long Island, Little Koniushi, Pearl Island, Carlsons Island, Little Naked Island, and Marmot Island, in Alaska, for a period not exceeding twenty years, for the purpose of breeding and domesticating blue and silver foxes; and he may issue leases of such other islands in Alaska for this purpose as may seem, in his opinion, to be in accordance with the public interest; all such leases to be held under such regulations as he may prescribe.

The amendment was agreed to.

The next amendment was to add at the end of the bill the following proviso:

Provided, That persons actually engaged in caring for and domesticating such foxes on any of said islands shall be accorded the preference right to lease the island or occupy the same under such rules and regulations as the Secretary of the Treasury may prescribe, and such lessee shall have the privilege of killing the foxes and disposing of their furs, subject to the rules and regulations aforesaid.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAY OF LETTER CARRIERS.

Mr. MILLS. I withdraw the objection I interposed to the bill called up by the Senator from Oregon. It seems that he has his heart set on its passage.

Mr. MITCHELL of Oregon. I am obliged to the Senator from Texas. Then I ask that the bill may be considered at this time.

The PRESIDING OFFICER. The Senator from Oregon asks unanimous consent for the present consideration of a bill, which will be stated.

Mr. HILL. Without prejudice to the pending bill?

Mr. MITCHELL of Oregon. Oh, certainly.

The Secretary read the bill (S. 3058) to increase the pay of letter carriers; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It provides

that after June 30, 1896, the pay of letter carriers in cities of more than 75,000 population for the first year of service shall be $600; for the second year of service shall be $800; for the third year of service shall be $1,000; for the fourth year of service and thereafter shall be $1,200. And after June 30, 1896, the pay of letter carriers in cities of a population of under 75,000 for the first year of service shall be $600; for the second year of service, $800; for the third year of service and thereafter, $1,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 261) for the relief of Arthur P. Selby;

A bill (S. 1011) for the relief of Capt. James Regan, United States Army;

A bill (S. 2943) to authorize the construction of a bridge across the Warrior River by the Mobile and Ohio Railroad Company;

A bill (S. 2944) to authorize the construction of a bridge across the Cahaba River, in Bibb County, Ala., by the Mobile and Ohio Railroad Company; and

A bill (S. 2945) to amend an act approved August 6, 1888, entitled "An act to authorize the construction of a bridge across the Alabama River."

The message also announced that the House had passed a bill (H. R. 1256) for the relief of Henry A. Webb; in which it requested the concurrence of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 9th instant approved and signed the following acts:

An act (S. 1189) granting a pension to Eliza Sandford; and

An act (S. 2022) to amend an act entitled "An act to provide for the protection of the salmon fisheries of Alaska."

The message also announced that the President of the United States had on this day approved and signed the following acts:

An act (S. 2859) changing the time for holding circuit court of the United States at Hartford, in the district of Connecticut;

An act (S. 2928) to extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company of the District of Columbia, and for other purposes; and

An act (S. 2978) to provide an American register for the steamer *Menemsha*.

CONTEMPTS OF COURT.

Mr. HILL. Mr. President, I must insist that the debate shall proceed upon the contempts bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2984) in relation to contempts of court.

Mr. PLATT. Mr. President, I do not think there could have been any better illustration of the point I made against attempting to consider legislation of the importance of this measure relating to the proceedings in case of contempt than what has taken place in the Senate during the last ten minutes, I might say what is taking place now, where Senators are talking so loud around me that I can not be heard.

The PRESIDING OFFICER. The Senate will be in order. Senators will please suspend audible conversation.

Mr. PLATT. For the information of the Senate—for I do not think Senators know what has been done in the last few minutes by my yielding goodnaturedly to Senators who desired to pass bills—I will state that we have authorized the lease of some islands up in Alaska for the raising of foxes—blue foxes and silver foxes; we have passed a bill to make Erie a subport of entry, and we have increased the pay of letter carriers as far as the Senate is concerned, thereby taking about $1,000,000 annually from the Treasury of the United States. Now, I venture to say that not ten persons in the Senate knew until I made that statement what had been done in the Senate during the last few minutes; and I think none of them scarcely know that up to that time we were discussing one of the most important questions that has come before Congress and one of the most important questions relating to the administration of our Government.

The PRESIDING OFFICER. The Senator from Connecticut will suspend until order is restored in the Chamber.

Mr. MITCHELL of Oregon (at 2 o'clock p. m.). What is the unfinished business?

The PRESIDING OFFICER. The pending bill. The Senator from Connecticut is recognized.

Mr. MITCHELL of Oregon. I understood that the immigration bill is the unfinished business.

The PRESIDING OFFICER. The Chair understands that the measure now under discussion is the unfinished business.

Mr. MITCHELL of Oregon. When, may I inquire, was the immigration bill displaced? It was certainly made the unfinished business some days ago.

The PRESIDING OFFICER. The Chair will cause the matter to be looked up.

Mr. HILL. The RECORD shows that with the assent of the Senator from New Hampshire [Mr. CHANDLER] that bill was displaced and this bill taken up.

Mr. MITCHELL of Oregon. If this bill was taken up after 2 o'clock, then it would have the effect of displacing the immigration bill.

The PRESIDING OFFICER. The Chair will have the RECORD read.

Mr. HILL. I trust that the Senator, after having been allowed to secure the passage of a million-dollar bill, will not now raise a technical question against the contempts bill.

Mr. MITCHELL of Oregon. Not at all.

The PRESIDING OFFICER. The Secretary will read from the RECORD.

The Secretary read as follows:

Mr. HILL. I move that the Senate proceed to the consideration of the bill (S. 2984) in relation to contempts of court.

The motion was agreed to.

Mr. HILL. Mr. President——

Mr. MITCHELL of Oregon. Will the Senator from New York yield to me a moment?

Mr. HILL. Yes, sir.—*Congressional Record*, June 9, page 6330.

Mr. HILL. I always have to yield to the Senator from Oregon.

Mr. HARRIS. At what hour was that motion made?

Mr. MITCHELL of Oregon. Was the motion made before or after 2 o'clock?

Mr. HARRIS. It was made after 2 o'clock, I understand.

The PRESIDING OFFICER. After 2 o'clock.

Mr. MITCHELL of Oregon. Then the effect would be to displace the immigration bill.

Mr. HARRIS. Unquestionably.

Mr. HILL. The immigration bill is not expected to be passed. The author of it has gone away.

Mr. CULLOM. The Calendar of to-day indicates that the immigration bill is the unfinished business. I know nothing more about it than that.

The PRESIDING OFFICER. The Senator from Connecticut will proceed.

Mr. PLATT. Mr. President, this new interruption of my remarks being over, I trust that I may be able to draw the attention of the few Senators who have thought it their duty to attend the session of the Senate to-day to the bill which was under discussion and to the point which I was making, that a bill of this character ought not to be pressed to a vote under such circumstances. If my recollection serves me through the interval which has elapsed since I was addressing the Senate on this subject, I had adverted to the fact that we had limited the Supreme Court of the United States in its jurisdiction necessarily and properly to cases involving $5,000 value, and to those involving constitutional questions or the construction of some statute law of the United States, and that in criminal cases we had taken away from them entirely their jurisdiction to hear and review the decisions of the lower courts, even in capital cases. And yet here is a bill which proposes to allow an appeal from a district court or a circuit court anywhere in the United States upon a five-dollar judgment of that court inflicted as a punishment for contempt.

The Senator from New York interrupted me to say that he had the opinion of some judge of the circuit court or circuit court of appeals that that is where the appeal ought to go rather than to the circuit court of appeals. If that judge understood what this bill is, the very fact that he thought an appeal in a five-dollar punishment for contempt of a circuit court or district court of the United States should be taken to the Supreme Court of the United States is perhaps an argument why it should not be taken to the circuit court of appeals. I am surprised that in his zeal to pass this bill any Senator should stand here and attempt to defend the provisions of the bill so far as they relate to practice in our courts. The difficulty about it I was proceeding to state. There has been a tendency in courts of late to extend the power of punishing for contempts. It has been carried to a very great length, and some of the recent cases alluded to by the Senator from Nebraska [Mr. ALLEN] yesterday, and the Senator from Kansas [Mr. PEFFER] to-day, have so far excited the attention of the country that it has been felt that there should be some limitation upon the power of the circuit or district courts of the United States to inflict punishment in such cases, and in the zeal to accomplish that purpose they have, as it seems to me, utterly failed to understand the provisions of this bill.

Let us see if I am right or wrong about this matter. I have spoken of the fact that all offenses and disobedience of the orders of the court except those directly within the presence of the court or so near thereto as to interfere with the administration of justice have been swept into this description of indirect contempts. Section 4 of the bill provides that any case except the case of a direct contempt, that is, any misbehavior of the officers of the court outside of the court, any refusal of the officers of the court to

execute the process of the court, unless that refusal be made within the presence of the judge or in the immediate neighborhood of the chamber, a letter written from half a mile away by the sheriff to the judge saying, "I refuse your order to execute your process," is an indirect contempt; and a man is to have a regular accusation filed against him, is entitled to be confronted with his witnesses, his case tried orally, and if the amendment of the Senator from North Carolina prevails he is entitled to have a jury and then to appeal that case from the punishment which is inflicted upon him to the Supreme Court of the United States. Is it possible, Mr. President, that this is insisted upon? Let me see if it is not so. Section 5 provides—

That the testimony taken on the trial of any accusation of indirect contempt—

"Any accusation of indirect contempt." It does not make any difference whether it is before a jury or whether it is before a court, whatever testimony is taken upon the trial—

of any accusation of indirect contempt may be preserved by bill of exceptions, and any judgment of conviction therefor may be reviewed upon direct appeal to or by writ of error from the Supreme Court, and affirmed, reversed, or modified as justice may require. Upon allowance of an appeal or writ of error execution of the judgment shall be stayed upon the giving of such bond as may be required by the court or a judge thereof, or by any justice of the Supreme Court.

This, as it seems to me, is so plain, so palpable, that there can be no Senator found within the walls of this Chamber who as an independent proposition would vote for that provision. Put it in another form, introduce it as a separate bill, and say in case any officer or any district or circuit court in the United States shall refuse to execute the official orders of the judge of such court he shall, when accused of contempt, be entitled to be tried upon an accusation filed in the court, confronted with witnesses, and shall have the right to appeal from the judgment inflicting punishment upon him, even though it be no more than $5, to the Supreme Court of the United States; and tell me whether any Senator within the sound of my voice would vote for such a proposition.

Now, what I have said in regard to this matter applies equally well to a great variety of cases in which, if it was not for the anxiety to regulate the contempt proceedings in these cases where it is supposed that the power has been extended beyond its legitimate and proper office, there is a whole line of cases which it would be admitted it is perfectly proper should be enforced by the process of contempt by the court, district or circuit, without any review; and indeed as to almost all of the instances in which a circuit or district court would use its power to punish for contempt as a method of enforcing its decrees and orders it will be admitted that that power ought to exist and that there was no occasion for any change of the law on the subject. Take, for instance, the order of a court to execute a deed. The case having been tried, the witnesses heard, the party given a full opportunity to make his defense, the court determines that he ought to execute a deed which he has agreed to execute, and orders him to execute it. Will it be claimed that there is any justice in applying the power to punish for contempt for a disobedience of that order? Mr. President, it would not for a moment excite the attention of Senators.

Mr. ALLEN. Will the Senator from Connecticut permit me to ask him a question at this point?

Mr. PLATT. Certainly.

Mr. ALLEN. Suppose the party should refuse or fail to execute a deed, is it not always within the power of the court to direct an officer to execute the deed in the delinquent's name, and does not that deed have the same force that it would have as if executed by the other party?

Mr. PLATT. I am unable to answer the question. The Senator from Nebraska is so much better a lawyer than I am that I will not undertake to question——

Mr. ALLEN. I hope the Senator will not consider that I am trying to establish my equality with him as a lawyer. But I submit to the Senator from Connecticut that it is the law that if a party is directed by decree of court to execute a deed, in case of specific performance or something of that kind, and he fails to do it, the court ordinarily provides in the same decree that on his failure to execute the deed within thirty or sixty days, as the case may be, the sheriff or marshal shall execute the deed in his name, and that deed is just as good as if the party himself executed it.

Mr. PLATT. In that case there would be no doubt, I imagine, about the power of the marshal or the officer to execute the deed. But I supposed that the question which the Senator asked me was in respect to a decree where that direction had not been inserted.

So with regard to all patent cases. I think a very large proportion of the patent practice in this country now depends for enforcement to prevent infringement of patents upon the power of the court to punish for contempt for disobedience of its decree. Here is an infringer of a patent, and the person owning the patent goes into court and asks for a trial. Possibly a preliminary injunction is granted; perhaps not. Perhaps the case is tried. It proceeds to a final decree. The court orders that the infringement cease, and forbids the infringer further to sell or make the article made in violation of the patent. There is no method of enforcing that decree except by punishment for contempt; and yet, the case having been all tried, having been carried, possibly, to the circuit court of appeals, and judgment affirmed there, and remanded to the circuit court for execution, the person refusing still to obey the order of the court is brought in on contempt, and my friend the Senator from Kansas says he should have a jury trial.

It is proposed to try it all over again before a jury, and then he is to have the right of appeal to the Supreme Court of the United States. He can not get his patent suit there in any other way. It is not altogether improbable that, having taken away from the Supreme Court the jurisdiction in patent cases, a person whose case has been decided by the circuit court and the circuit court of appeals may refuse to execute the order of the circuit court for the mere purpose of getting his patent case into the Supreme Court of the United States when now it can not be taken there. I do not know what would come up on the hearing of such an appeal in the Supreme Court of the United States. I do not know whether it would be just the question whether he had refused to obey the order of the circuit court. I presume there would be something more than that. The question whether the decision of the circuit court in relation to the patent suit was right and just would come up. I think it would bring up the whole question.

I am not objecting to the principle which is contended for in the pending bill, but I am objecting to the crude character of the bill and to the fact that it makes no distinction between contempts which are merely the disobedience by a witness or a juror of the command of a court and the contempt which is the disobedience of orders such as were issued in the Ricks and Debs cases. The fault of this bill is that its definitions are not correct. Its division of contempts into different classes is not correct, and it needs more care, more attention, more thought, more study, before it should be passed by this body or by Congress.

I said that I was not going to argue the question involved in this bill before a Senate in which, while I insist again that I am not suggesting the absence of a quorum, there are not 15 Senators at this time. The question whether the power to punish for contempt is a necessary, inherent, integral part of our judicial system and of a court is a great question. I admit that you can regulate it. I deny that you can take it away. Notwithstanding the strictures of the Senator from North Carolina [Mr. BUTLER], I do not believe that the legislative branch can interfere with the judicial branch of the Government any more than it can with the executive branch of the Government.

Mr. BUTLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from North Carolina?

Mr. PLATT. I do not.

The PRESIDING OFFICER. The Senator from Connecticut declines to yield.

Mr. BUTLER. Then I shall reply to that statement——

Mr. PLATT. The Senator from North Carolina is out of order at the present time.

That we may regulate proceedings in cases for contempt I do not deny; that if there has been any injustice, any tyranny, any interference with the rights of the citizen in the administration of the power of a court to punish for contempt, we ought to interfere, I do not deny. But we ought to be very careful in doing so that we do not go to the extent of taking away from the court one of its essential features, and without which there can no more be a court than there can be a court without a judge.

It is a great question, as I have said. It involves the powers of the different branches of the Government, of the wisdom of the division of those powers into three parts—executive, legislative, and judicial. It involves the greater question how far the people in the United States are to be made to submit to law and to what extent they are to be permitted to run wild and defy the law and defy the Government in all its branches, executive, legislative, and judicial. That question is too large to argue to a half dozen Senators, who are more interested about leasing the islands of Alaska for the raising of foxes than they are about this question; and I only rose for the purpose of protesting against the attempted passage of the bill in the last hours of the session without consideration of its provisions.

Mr. President, the power to punish for contempt is older than the Constitution. It is as old as courts. It is as old as the administration of justice. While there may have been some perversion of this power, such cases do not arise frequently. There is no reason to suppose that naturally any trouble of that kind will occur between now and next fall. In a hundred years and more of constitutional history we have had no serious question of this sort raised. The courts have got along pretty well, the administration of justice has progressed pretty well under the power to punish for contempt. Once in a while a man who is punished for contempt feels that he is oppressed. I have defended cases in which I felt at the time that there had been a very severe exercise

of the power of the court in the punishment inflicted for a disobedience of its orders. I know my clients felt outraged. But as time has gone on and I have looked at it again and referred to the cases as reported, I must confess that I think the courts were right. Cases may arise—I will not say such cases have not arisen—in which the power of the court has been arbitrarily exercised I will not say that such cases have arisen. But it will be found that those cases in this country, with the love of freedom which exists here, are and will be of very infrequent occurrence; and I think it is as likely to be regulated by public sentiment without legislation as by legislation, and ten times more likely to be regulated by public sentiment without legislation than to be satisfactorily regulated by legislation such as is here proposed.

If the Senate were full I should be glad to argue the question. I have glanced at it just enough to indicate the importance of the subject, just enough to indicate how utterly improper it is to attempt to dispose of a question of this sort under the circumstances which now exist in the Senate of the United States.

Mr. MITCHELL of Oregon. Mr. President, I quite agree with the Senator from Connecticut [Mr. PLATT] that the question under discussion is a very important one. The wide range which the debate has taken indicates that very clearly. This is a Senate bill, moreover. Even if passed at this late hour in the session there can be no possible hope of its getting consideration elsewhere. It does seem to me in view of what has been said by the Senator from Connecticut, and of all the facts and circumstances surrounding the case, that it is but a waste of time to continue the discussion of this question to the obstruction of other measures of importance which have already passed the House of Representatives and which ought to be considered by the Senate.

I have not been disposed, as the Senator from New York in charge of the bill knows, to interfere with a reasonable effort on his part and on the part of the Senate to bring this bill to a vote. The Senator from New York in charge of the bill this morning was of the impression that a vote could be reached without any extended debate. The result has shown that he was mistaken, and even now, as it would seem, there is scarcely any possibility, much less probability, that a vote can be reached to-day if we were to continue the discussion from now until midnight.

Mr. HILL. Who is anxious to continue the discussion, I should like to know?

Mr. MITCHELL of Oregon. I shall not make a motion at this point to attempt to displace it, but I will and do make an appeal to the Senator from New York and to the Senate to permit this matter, unless a vote can be had without further debate—of course, if a vote can be had without further debate, all well and good—to be laid aside, and that I may be permitted to move to proceed to the consideration of the House joint resolution looking to the reorganization of the Northern Pacific Railroad Company.

There are, I am aware, on the part of certain Senators, some objections to the joint resolution of the House, and some objections, perhaps, to the joint resolution reported unanimously from the Committee on the Judiciary of the Senate, which has been on our docket here for some time, but I suggest that we permit the matter to come up. Let us counsel with each other, and if amendments are to be proposed to the House joint resolution—and there certainly will be, for I shall propose an amendment myself—let us discuss them and consider them and endeavor to come to some conclusion in regard to the matter.

As I intimated this morning in the few remarks I made, this is a matter not so much in the interest of the purchasers or the men who may become the purchasers of the property as it is in the interest of the people of the communities of the States through which the road runs.

I will state further, if I may be permitted to discuss it on this question, that neither the joint resolution that comes from the House, nor the joint resolution reported by the Judiciary Committee, now on the Calendar, grants any new rights whatever to these people. It grants no new franchises, no new property rights——

Mr. BERRY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Arkansas?

Mr. MITCHELL of Oregon. Not for the present. I will yield in a moment. Neither of the joint resolutions grants any new rights of any kind or character whatever or that are not possessed now by the Northern Pacific Railroad Company; while on the other hand——

Mr. HILL. Does the Senator from Oregon——

Mr. MITCHELL of Oregon. I do not yield now.

Mr. HILL. Does the Senator from Oregon think it fair to take up the time of this bill——

The PRESIDING OFFICER. The Chair asks Senators to address the Chair before interrupting another Senator. Does the Senator from Oregon yield to the Senator from New York?

Mr. MITCHELL of Oregon. Not now. I will yield in a moment. I am not going to talk long, as I do not wish to take up the time of the Senate.

In addition to granting no new rights, various and sundry restrictions are proposed to be thrown around the purchasers of this property, every one of them in the interest of the Government and the people. I will state some of them. I referred to one this morning which compels the new company, if organized under an act of Congress, to sell, at not exceeding $2.50 an acre, all lands outside of a certain limit—a mile distant from the road. Not only that, but the measure, both as sent here by the House and as reported in the Senate, proposes to prevent by legislation any possibility of a combination upon the part of this company or its stockholders and directors with any other company or its stockholders or directors, so as to make a combination with other roads—a matter of vital importance to the people of this country, and especially to the people of the States through which this great line of road runs.

Further, I say the measure is not one simply in the interest of some railroad men, some capitalists. They get the benefit, perhaps. They undoubtedly desire some such legislation. That is all well enough, but if we can hold on to this great property so that it will be under the control of Congress and not allow it to get away from us, to be organized under some State charter, where Congress will have no control, then it seems to me that it is our bounden duty to do it. This resolution, I may further state, provides that the new company shall be responsible for and shall pay all judgments obtained against the old Northern Pacific Company on covenants of warranty, for sales of lands, and for injuries to persons and property.

Now, I shall not take further time. I simply intend to make this appeal to the Senate to take up the joint resolution and discuss it. If there are objections to it, if there are further restrictions that ought to be thrown around it, we will consider them, and if they commend themselves to the good judgment of the Senate we will incorporate them. It is a matter of importance. It is here from the House. We can take it up and dispose of it, it seems to me, within the next few hours. Therefore I make this appeal. If we can get a vote upon the bill now before the Senate of which the Senator from New York has charge, of course I shall be glad, and shall not obtrude to prevent it; but after that I shall ask the Senate to proceed to the consideration of this House joint resolution.

Mr. SMITH. Mr. President, I feel it my duty, in fairness and justice, in view of what the Senator from Oregon [Mr. MITCHELL], who is interested in the joint resolution, has said, to state that in the closing hours of the session my consent can not be obtained for the passage of a measure that involves $400,000,000 and 43,000,000 acres of land which this Government has granted to other companies. To allow them to reorganize without carrying out what some of us believe to be honest obligations, and to hurry the measure through the Senate as it was railroaded through the House day before yesterday, will not be done with my consent.

Mr. MITCHELL of Oregon. Will the Senator from New Jersey allow me?

Mr. SMITH. Certainly.

Mr. MITCHELL of Oregon. So far as I am concerned, I will vote for no joint resolution allowing a reorganization of the Northern Pacific Railroad Company that will of itself interfere with any existing rights or obligations. Whatever rights other parties or third parties have to-day in virtue of contracts or arrangements with the Northern Pacific Railroad Company I do not propose to interfere with. Those contracts stand good against the old company. I would not for one moment think of voting for any proposition that would interfere with any of them. We could not do it if we should desire to do so. The courts would hold that it was ultra vires. Let us get the matter up and discuss it and see what kind of a joint resolution we have here.

Mr. SMITH. My object in rising was to reply to the proposition of the Senator from Oregon, who seems rather to criticise the Senator from New York for consuming time with a bill which, he says, can not possibly pass at this session, and that it is useless to take up time in discussing it.

I will say to the Senator from Oregon that the joint resolution in which he is interested is of as great if not more importance to the people of this country and that it will require at least two or three days for the gentlemen who wish to talk on the subject to be heard. With that fact now known, and in the closing hours of the session, it does not seem to me reasonable or fair for him to ask anyone else to give way, on a measure which others believe is of great importance, to a matter which can not in my judgment be settled at this session.

This is a matter of great importance, one that should not be taken up even for discussion at so late a day in the session. I feel all kindness for the Senator from Oregon, and as he has the joint resolution in charge it is his right and duty to press it, perhaps. I hope he will see, however, that it is beyond question impossible

to engage now in discussion even of a character which would lead to a vote during the present session of Congress, and that the bill now under consideration will be proceeded with.

Mr. BACON. Mr. President, I simply desire to suggest to the distinguished Senator from Oregon [Mr. MITCHELL] that if the matter which he desires to bring to the attention of the Senate is of such commanding and urgent importance there is certainly no reason why the Senate and Congress has not ample time for its consideration. The very fact that gentlemen are willing to adjourn without it is somewhat of comment as to the estimate in which they hold its alleged importance.

I do not depreciate the importance of the measure, and I will say to the distinguished Senator from Oregon that I am ready to remain here, if it is desired, for the purpose of its consideration. I do not think, however, that the consideration of that or any other bill should displace the bill now before the Senate. I do not desire to discuss the pending bill, although I am very deeply impressed with its importance. I have been impressed with the importance of such a measure for many years, in the course of a not inactive practice of the law. I think the lodgment of the power in any one man to determine whether personal liberty shall be taken is something entirely inconsistent with the genius of this age and with the spirit of our institutions. Every other branch of government has been shorn of the power of despotism—the legislative and the executive; but it is a fact that the judicial authority has the same power for despotism and personal tyranny to-day in all practical effect that it had three hundred years ago; and it is time that this legislation should be had.

My experience is not like that of the distinguished Senator from Connecticut [Mr. PLATT]. I have seen instances of judicial tyranny where time has not brought me to the conclusion that the power was wisely exercised. On the contrary, the lapse of time has but deepened the conviction which I had that those exercises of power could be denominated as nothing else than personal tyranny.

Mr. President, it is not simply the fact that one man is clothed with this power which no man ought to have; it is not simply the fact that there never was a man good enough and wise enough to be endowed with the power that judges now have in this regard; but it is the fact that they are frequently called upon to decide these questions when they have personal feelings in the matter. Frequently there is such feeling between the judge and the man whom he punishes, and yet he is judge and jury and prosecutor in the case in which he has this personal feeling.

I do not desire, Mr. President, to add anything to what has been so well said by the distinguished Senator from New York [Mr. HILL] as to the importance of this matter; but whether this bill can become a law at this session or not, I trust it may receive the approval of the Senate before we adjourn.

Mr. HILL. Mr. President, I shall detain the Senate only a few moments in possibly closing this debate. I am not authorized to say, of course, that I shall close the debate, but I trust I may. I speak, not because I think it is necessary, but I think it is due to the distinguished Senator from Connecticut [Mr. PLATT], who occupied so much time, that I should at least refer to a few of his arguments. He said he did not intend to argue the bill, and then proceeded to make all the arguments which could possibly be urged against it. He entered his protest, and with that he said he should be content. We have heard his protest, no one else seems desirous of arguing against the bill, and I do not know why the bill should not be treated the same as all other bills and passed, if a majority of the Senate wishes to pass it.

The bill was reported six weeks ago from the Judiciary Committee. Time and time again I have tried to bring the bill forward. It was crowded out by several other bills; it was crowded out by the bond bill of my friend from North Carolina [Mr. BUTLER]; it was crowded out by the filled-cheese bill in behalf of the great agriculturist from Ohio [Mr. SHERMAN]; it was crowded out by other bills which were here, and I have submitted to it and have assisted in the passage of some of those measures, until now, having been good-natured until the end of the session, I am told that an important measure like this is proposed to be rushed through with empty seats.

Mr. President, some of the most important measures we have ever discussed in this Senate have been discussed in the presence of only a half dozen members. I heard the distinguished Senator from Connecticut discussing the Du Pont case and speaking with only a half dozen Senators in their seats, a great question involving the right of a Senator to a seat; and there are as many Senators listening to this argument and listening to the Senator as usually listen to arguments here.

This bill had its inception in a resolution introduced asking the Judiciary Committee to investigate this subject. I did not introduce that resolution. I was placed upon the subcommittee having it in charge. It was a duty imposed upon me, and I proceeded to discharge it, not in the interest of railroad employees, not in the interest of Mr. Debs, not in the interest of any particular class of people, but simply in the interest of good legislation demanded by the public welfare.

Mr. President, six weeks ago this bill was placed upon our files. It was known that the Judiciary Committee favored it. There was no division in the Judiciary Committee except upon one point. On all the questions raised by the Senator from Connecticut there was substantially no division. The only point involved in the bill was whether it was wise in cases of indirect contempt that there should be a jury trial as a matter of right, or whether the jury trial should be a matter of discretion with the judge. That is all the point there was involved. Six members of the committee thought it wise to leave that matter with the court whether to give a jury trial or not, and five of them thought it was wiser to give the absolute trial by jury to the defendant. But upon the main features of the bill that some relief was demanded, that some legislation should be had upon this great subject of contempt of court, there was no division of sentiment. Therefore the point simply is this, and that is all the point involved in it, whether in cases of contempt which occur out of court, involving a disputed question of fact as to what a man did or did not do, when arraigned in court upon such a question can he ask that he be brought before a jury or must he be arbitrarily tried before a judge alone, who is judge, jury, prosecutor, and substantially executioner? That is the question involved.

In order to have the bill reported I voted with the majority which reported the bill. I see no objection to the amendment offered by the Senator from Utah [Mr. CANNON] by which the right of trial by jury is given absolutely to the defendant.

My friend from Connecticut criticises this bill. It is easy to criticise, and of course he can criticise the bill. I think it was General Grant who once said of a distinguished Senator who criticised one of his messages that of course he criticised the message, and he would criticise anything that he did not write himself. I recollect what was said by David Dudley Field when he was arguing in favor of the revised code in New York and various criticisms were made against the code. It was said that it did not mean this or it did not mean that; it was not perfect and there would be criticisms made of it. He said, in answer to these critics, "It is easy enough to criticise; take the Ten Commandments, and they are all subject to criticism. For instance, here is one of them: 'Thou shalt not bear false witness against thy neighbor.' That is defective; why should it refer to his neighbor? Why not include everybody?" That same criticism would apply here.

Mr. ALLISON. Mr. President——

Mr. HILL. I must give way to general appropriation bills, of course. I have given way to everything else here, and I might as well give way to appropriation bills, though I can not give the pending bill away.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask leave to submit a report from the committee of conference on the sundry civil appropriation bill, with the statement that the conferees are unable to agree.

The PRESIDING OFFICER. The report of the committee of conference will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have been unable to agree.

W. B. ALLISON,
EUGENE HALE,
Managers on the part of the Senate.

J. G. CANNON,
E. J. HAINER,
JOSEPH D. SAYERS,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on concurring in the report.

Mr. DUBOIS. Mr. President, I ask the Senator from Iowa what is the condition now as to the proposed public buildings at the capitals of the new States?

Mr. ALLISON. The sundry civil bill is in precisely the condition it was when the last conference report was made, wherein there was a disagreement as to six or seven public buildings, including all the capital buildings and including three or four other public buildings. Since the last report was made the other House has receded from its disagreement to the public building at Savannah, Ga., and I hope it will follow that good example as to the remainder of the amendments now in dispute.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was concurred in.

Mr. ALLISON. I move that the Senate still further insist upon its amendments disagreed to by the House of Representatives.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa, that the Senate still further insist upon its amendments disagreed to by the House of Representatives.

Mr. SHERMAN. Upon that question I wish to make a remark. It has always been, so far as I know, the custom in the Senate, and also in the House of Representatives as well, where there is a disagreement between the two Houses threatening to defeat the passage of an important appropriation bill—and it is the only true rule that can be applied to such a case—that the House proposing the amendment which is firmly resisted by the other House ought to recede from the amendment. No provision ought to be ingrafted in a law by Congress which has not been assented to by both Houses. Therefore, if there is a particular proposition, for instance, the erection of a public building at any place, the Senate proposing the amendment and the House saying firmly that they will not agree to it, the Senate ought to recede, and the amendment be stricken out. That is the established rule. The two Houses of Congress can only legislate upon the firm rule, adopted by the Houses, that no proposition whatever shall be forced upon the House by the Senate or upon the Senate by the House.

The only way of disposing of these disagreeing votes is for that House to recede which proposes a provision which is firmly resisted by the other. That seems to me the natural and proper course, and rather than have this bill defeated I shall move, if no member of the committee does it, that the Senate recede.

Mr. ALLISON. I hope the Senator will not make that motion, at least not until I have had an opportunity of making a brief statement.

Mr. SHERMAN. Very well.

Mr. ALLISON. Mr. President, the contention on the part of the conferees has been that these Senate amendments involve an enlargement of the limit of cost of these public buildings, and that is true respecting all of them, I believe, but one. The Senate conferees have insisted, inasmuch as the public buildings had been authorized by both Houses, and inasmuch as in nearly all of them progress has been made respecting their construction, and the necessity arising for enlarged appropriation either now or in the future, that this is not legislation within the proper sense of the term, and that we have the right to propose to the other House arrangements respecting public buildings in the course of construction.

In addition to that, however, Mr. President, I believe at each report of the conferees, certainly upon the last two or three reports, the House of Representatives has receded upon public buildings. We had a disagreement yesterday as to these public buildings, and the House receded as to one of the important public buildings without taking a decisive vote upon the others.

Whilst I agree to the general statement made by the Senator from Ohio that the House proposing new legislation must in the end, perhaps, yield to the other House, if that House insists, I take it for granted that the House of Representatives, having now on three different occasions itself, by a vote of the House, violated the principle upon which they claim that these amendments should not be made, will, if another opportunity be given, recede from its disagreement to the amendments of the Senate. Therefore I hope the Senator from Ohio will not make a motion to recede as the conference stands at this moment. The other House having receded from the principle which it has urged as against the Senate amendments on three different occasions, and notably last evening upon a yea-and-nay vote, I think it will likely recede upon the remainder of the public buildings.

Mr. DUBOIS. Mr. President, so far as the public buildings in the capital towns of the new States are concerned, they were granted by the last Congress. There is no reason now why this Congress should not continue the appropriation for them. As the Senator from Iowa has said, the other House has yielded on similar matters not in the new States, but on public buildings; and those of us who have been pressing for the buildings at these capital towns feel as though we ought to have them given us. We feel it so strongly that I can assure the Senator from Ohio that while in my judgment we would beat him upon a viva voce vote, if we did not I should feel it my duty to call for a yea-and-nay vote.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. DUBOIS. The Senator will excuse me a moment.

I am satisfied that there are enough Senators here to second a motion for a roll call and to gain it. I believe that a majority of the House of Representatives feel that we are right in this matter, and that they are being held up by one or two individuals over there. I am satisfied the House will yield if the Senate will stand firm, and they ought to.

Mr. NELSON. Mr. President, I am very sorry to have the Senator from Idaho threaten us with calling a yea-and-nay vote. It has been whispered around this Chamber for the last two or three days that unless we agree to these public-building matters we shall have to stay here until July next.

Let us look at this question calmly. As I understand it, a year ago, or during the last Congress, an appropriation was made for these public buildings, fixing a limit. Some of them have been commenced and some have not been commenced. These new propositions in the sundry civil bill are simply to enlarge the limit of cost of those buildings: There is no hurry about those buildings; they will keep; and their construction can go on under appropriations already made. At the next session of Congress bills enlarging the appropriations can be passed.

Moreover, there is this about it: Certain Senators in the matter of public buildings are favored, they get their items ingrafted on appropriation bills, and we who are not favored in that same way get nothing at all. Then we are told if we do not go in with this favored class we shall have to sit here until these gentlemen are willing to adjourn.

Mr. CLARK. Will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Minnesota yield?

Mr. NELSON. I will yield by and by.

The PRESIDING OFFICER. The Senator from Minnesota declines to yield.

Mr. NELSON. A little while ago we had a bill called the filled-cheese bill, which was asked for by the farmers and dairymen of the country. How was that met? A barrel of beer was rolled in upon us [laughter], and some of these gentlemen, who are now so anxious to keep us here simply for the enlargement of two or three public buildings, it seems to me, have time and again resorted to what would be called outside of this Chamber—it might not be polite to say it here—a species of bulldozing. I am willing to go a great way to accommodate Senators, but when they get up here and tell us that unless we do so and so a quorum will be called, which means, under present conditions, that we can not adjourn until at their own will, I think that is carrying this matter too far.

I am aware that I am breaking the rules of the courtesy of the Senate; I have sought to avoid it; but I presume I have broken over the traces; and, if I have, I pray, Mr. President, that you will forgive me. [Laughter.]

Mr. SHERMAN. Mr. President, I think favorably of the policy, and I believe it is right to erect necessary public buildings in the new States and Territories. The people in the Territories and new States are not generally able to erect public buildings with their means, and therefore I always take pleasure in voting and in insisting, to a reasonable extent, upon amendments which have been proposed for the erection of public buildings; but the rule I have already mentioned is a vital one, without which the two Houses can not exist.

In the British Parliament, the House of Commons will not allow the House of Lords to propose amendments upon the question of appropriating money. That is the right of the Commons, the representatives of the people there, and the House of Lords have never been allowed in any case to say whether or not an appropriation should be made for any purpose whatever. Whatever appropriations may be proposed by the House of Commons go to the House of Lords, and are accepted as a matter of course; but here such is not the case. We have equal power with the House of Representatives; we have the power to propose amendments to their bills; we have the power to originate appropriation bills, for they are not in any constitutional sense bills for raising revenue. They are simply bills appropriating money supposed to be in the Treasury.

I remember one striking case where the two Houses were at outs with each other and there was a condition somewhat similar to that which now exists, only at that time public feeling was much more heated than it is now. In 1860 the House of Representatives undertook to reduce as much as possible the appropriations for the support of the Government. Then the war, with the difficulties that came after, was foreseen and everybody was very anxious to prevent any large appropriations of public money, the House of Representatives especially taking the lead. During that session when an appropriation bill came to the Senate the Senate attached an appropriation for the expenditure of half a million dollars for a public building at New Orleans and half a million dollars for a public building at Charleston.

When the bill was returned to the other House with the amendment the House struck out the amendment and insisted upon its action. When a gentleman who I might say is known to you all, by reputation at least, who was then a Senator from Georgia and was a very positive man, met the committee of conference and said to them distinctly that unless the appropriation was made for these two public buildings in the South the appropriation bill could not pass at all, that was promptly resented by the House of Representatives, and upon the meeting of the conferees again the Senate of its own accord receded and took the position, upon the ground that I have stated, that it had no right to force the House to agree to that to which the House was opposed. That was put upon broad national grounds. That is this case. Wherever the Senate of the United States undertakes to force upon the House of Representatives an appropriation it goes beyond the limits of its power. It may insist; it may hold on and continue

debating until probably the House will be wearied; but after all, if the House of Representatives says "no" definitely, the appropriation ought not to be made; and it is equally true that if the House should insist upon an appropriation to which the Senate is opposed, and the Senate says, "We will not agree to that; we are opposed to it; it is wrong," or, "It should not be appropriated at this time," as a matter of course the House would have to recede.

It is only by the adoption by the two Houses of such a rule that we can get along at all with our appropriations. We may insist and insist, but when the time comes when we must choose between the passage or the defeat of an appropriation bill, then, as a matter of course, the House proposing the disputed proposition must withdraw it.

I shall not make any motion at present, in the hope that an agreement may be arrived at by the conferees.

Mr. ALLISON. I move that the Senate still further insist upon its amendments.

The VICE-PRESIDENT. The question is on the motion of the Senator from Iowa.

The motion was agreed to.

ENLISTED MEN IN THE NAVY.

Mr. HALE. A Senate joint resolution has just come from the House of Representatives with an amendment. I ask the Chair to lay before the Senate the action of the House of Representatives.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 149) extending the benefits of sections 1426 and 1573 of the Revised Statutes to all enlisted persons in the Navy; which was, in line 9, after the word "Navy," to insert:

And all accounts of paymasters who have made payments to enlisted men, not of the classes named in sections 1426 and 1573 of the Revised Statutes as if they had been included in the provisions of said sections, shall be allowed and passed by the accounting officers of the Treasury as if they had been included in said sections.

Mr. HALE. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

CONTEMPTS OF COURT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2984) in relation to contempts of court.

Mr. PETTIGREW. I move that the Senate proceed to the consideration of executive business.

Mr. HILL. I believe I had the floor, Mr. President, when I was interrupted by a conference report, and I do not yield to anything else at present.

The VICE-PRESIDENT. The present occupant of the chair was out of the Chamber at the time the Senator from New York yielded the floor.

Mr. PETTIGREW. I ask the Senator from New York, then, to let me make the motion.

Mr. HILL. I will do so later if the Senator please, but not now.

I was simply going to say that I have discussed this question all I care to. The bill is a safe one, it has been carefully prepared, and notwithstanding the criticisms of the Senator from Connecticut, it is not a radical departure such as has been stated; but it leaves contempts, so far as a large portion of them are concerned, precisely where they were before. The bill has been considered as much as a bill of this character is likely to be considered, and the Senate is just as competent to vote upon this question now as at any other time.

I resent the suggestion that I am endeavoring to crowd the Senate. The Senate understands this question. It has heard the distinguished Senator from Connecticut, who has ably given his objections to the bill, and I have replied as well as I could during the brief period I have had. I hope we shall now proceed to vote upon the bill.

Mr. PETTIGREW. I move that the Senate proceed to the consideration of executive business.

Mr. HILL. I hope not under the circumstances. I have been crowded out, and it seems to me I should not be asked to yield again.

Mr. PUGH (to Mr. HILL). Call for the yeas and nays.

Mr. HILL. I do not want to call for the yeas and nays, but I hope the Senator will withdraw the proposition. Later on he can renew it.

Mr. PETTIGREW. I am perfectly willing to withdraw the motion to proceed to the consideration of executive business, but I apprehend if I do so a yea-and-nay vote will be called upon the bill now pending before the Senate.

Mr. HARRIS. Let us see whether it will be or not.

Mr. PETTIGREW. I withdraw the motion.

Mr. PLATT. I can not suppose the Senator from New York thinks that this bill can pass without a roll call.

Mr. HILL. We have just passed a bill appropriating $2,000,000 without a roll call; we have passed other important bills without a roll call, and Senators can be placed upon record just the same. The Senator has vigorously asserted his opposition to the bill; it is in the RECORD; and I hope the Senator will not resort to that to defeat the bill. If we want to make fools of ourselves, let us have the opportunity of doing it. The Senate understands the question. We think this is a proper bill. Of course we differ with the Senator. It seems to me we ought to have the bill passed, if the Senate wants to pass it, and then proceed to the consideration of whatever else may come before the Senate.

Mr. PLATT. I move that the bill be postponed until the next session of the Senate.

The VICE-PRESIDENT. The Senator from Connecticut moves to postpone the pending bill until next session.

Mr. PETTIGREW. Pending that motion, I move that the Senate proceed to the consideration of executive business.

Mr. HILL. What is the motion now?

The VICE-PRESIDENT. Pending the motion of the Senator from Connecticut, the Senator from South Dakota moves that the Senate proceed to the consideration of executive business.

Mr. HILL. I hope that will be voted down at present. Later on we can have an executive session.

The VICE-PRESIDENT. The question is on the motion of the Senator from South Dakota.

The motion was not agreed to.

The VICE-PRESIDENT. The question recurs on the motion of the Senator from Connecticut, that the pending bill be postponed until the next session.

Mr. PLATT. I ask for a division.

The Senate proceeded to divide; and there was—aye 1.

Mr. PASCO. I hope the Senator from Connecticut will withdraw his call.

Mr. HARRIS. Does the Senator from Connecticut demand a further count? It will bring results, if it come.

Mr. PLATT. It is not my fault.

Mr. HARRIS. I am not fixing any fault on anybody. I am simply stating a fact.

The noes were 30.

The VICE-PRESIDENT. No quorum has voted. The Secretary will call the roll.

Mr. HARRIS. That is the result, necessarily.

The Secretary called the roll; and, after a little delay, the following Senators answered to their names:

Allen,	Cullom,	McBride,	Sherman,
Allison,	Daniel,	Mills,	Smith,
Bacon,	Davis,	Mitchell, Oreg.	Stewart,
Bate,	Faulkner,	Mitchell, Wis.	Teller,
Berry,	Gallinger,	Morgan,	Turpie,
Blackburn,	Gibson,	Morrill,	Vest,
Blanchard,	Hale,	Nelson,	Walthall,
Butler,	Harris,	Pasco,	Warren,
Cannon,	Hawley,	Peffer,	Wetmore.
Chilton,	Hill,	Pettigrew,	
Clark,	Jones, Ark.	Platt,	
Cockrell,	Lindsay,	Pugh,	

The VICE-PRESIDENT. Forty-five Senators have answered to their names. A quorum is present.

Mr. PETTIGREW. I move that the Senate proceed to the consideration of executive business.

Mr. HILL. I hope that motion will not prevail at present, until this bill is disposed of.

Mr. PETTIGREW. I wish to say that I do not make the motion for the purpose of hindering the passage of the pending bill. I think, perhaps, if we should go into executive session it might facilitate the passage of the bill.

Mr. HAWLEY. An executive session for a few minutes.

Mr. PETTIGREW. For a very few moments only.

The VICE-PRESIDENT. The question is on the motion of the Senator from South Dakota, that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

The VICE-PRESIDENT. The question recurs on the amendment submitted by the Senator from North Carolina [Mr. BUTLER] as modified by the amendment submitted by the Senator from Utah [Mr. CANNON].

Mr. PLATT. What has become of the motion to postpone?

The VICE-PRESIDENT. The Chair will entertain that motion. The Chair inadvertently overlooked the motion of the Senator from Connecticut.

Mr. PLATT. I made a motion to postpone. A division was taken, and no quorum appeared. Now a quorum is present.

The VICE-PRESIDENT. The Chair will put the motion. At the time it was developed that there was no quorum present the Senate was dividing. A division had been called for. Senators opposed to the motion to postpone the bill until the first Monday in December will rise and stand until they are counted.

Mr. PLATT. I have no desire to embarrass the proceedings of the Senate. If I may do so, I will withdraw the call for a division.

The VICE-PRESIDENT. Is there objection? The Chair hears

none, and it is so ordered. The question recurs upon the amendment of the Senator from North Carolina as modified by the amendment of the Senator from Utah.

Mr. PEFFER. What is the present status of the amendment?

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to amend the bill by striking out, in line 18 of section 4, the words "in its discretion," and, in line 19, by striking out the word "may" and inserting the word "shall"; so as to read:

But such trial shall be by the court, or, upon application of the accused, a trial by jury shall be had as in any criminal case.

The amendment was agreed to.

Mr. ALLEN. I desire to withdraw the amendment I offered to the bill on yesterday.

The VICE-PRESIDENT. The amendment submitted by the Senator from Nebraska is withdrawn.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. PLATT. I protest against the passage of an important bill in this way. I ask that the vote be put.

The VICE-PRESIDENT. The Chair submits to the Senate the question on the passage of the bill. Shall the bill pass?

The bill was passed.

ORDER OF BUSINESS.

Mr. MITCHELL of Oregon. I move that the Senate proceed to the consideration of House joint resolution 190, relating to the reorganization of the Northern Pacific Railroad Company.

Mr. PETTIGREW. I move that the Senate proceed to the consideration of executive business.

Mr. MITCHELL of Oregon. I hope not until I get the joint resolution up. Then I shall have no objection.

Mr. TURPIE. I appeal to the Senator from Oregon to allow me to call up a pension bill on which a vote was taken yesterday.

Mr. MITCHELL of Oregon. I yield to the Senator from Indiana to call up a pension bill.

Mr. TURPIE. I ask the unanimous consent to take up the bill (H. R. 1094) granting a pension to Francis E. Hoover.

Mr. MITCHELL of Oregon. That is a veto case.

Mr. TURPIE. Yes, sir.

Mr. MITCHELL of Oregon. I hope the Senator will allow me to make an effort to get up the joint resolution referred to by me first. Then I will yield.

Mr. TURPIE. I appeal to the Senator to allow the roll to be called on this bill. It is the only way it can be passed. There is a quorum now present.

Mr. MITCHELL of Oregon. Very well. With the understanding that I shall not lose the floor I yield to the Senator from Indiana for that purpose.

Mr. TURPIE. I ask that the vote be taken upon the bill indicated by me.

FRANCIS E. HOOVER—VETO MESSAGE.

The Senate proceeded to reconsider the bill (H. R. 1094) granting a pension to Francis E. Hoover.

The VICE-PRESIDENT. The Chair will state that the bill has been read, likewise the message of the President, and the action of the other House thereon. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding? The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BATE (when his name was called). I am paired with the Senator from Utah [Mr. BROWN]. He gave me the privilege, if I saw fit, to vote, but I do not know how he would vote. It is a matter of some importance. If I had the right to vote, I should vote "nay." ["Vote."] I will record my vote in the negative.

Mr. BLANCHARD (when his name was called). I am paired with the Senator from North Carolina [Mr. PRITCHARD].

Mr. BUTLER. I will state to the Senator from Louisiana that my colleague [Mr. PRITCHARD], if present, would vote to pass the bill over the President's veto. So the Senator is at liberty to vote on the bill if he desires.

Mr. BLANCHARD. Then, with that statement from the Senator from North Carolina in behalf of his colleague, I will vote. I vote "yea."

Mr. CULLOM (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY]. Under the circumstances I will take the liberty of voting. I vote "yea."

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL], but I have reserved the right to vote to make a quorum. I vote "yea."

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON].

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR]. I reserved the right to vote to make a quorum. For that purpose I vote "yea."

The roll call was concluded.

Mr. BLACKBURN. I am paired with the senior Senator from Michigan [Mr. MCMILLAN], but I will vote to make a quorum. I vote "nay."

Mr. PASCO. I have authority to vote in order to make a quorum. I understand that my vote is needed for that purpose, and I vote "nay."

The result was announced—yeas 36, nays 9; as follows:

YEAS—36.

Allen,	Cullom,	Jones, Ark.	Platt,
Allison,	Daniel,	McBride,	Pugh,
Bacon,	Davis,	Mitchell, Oreg.	Sherman,
Blanchard,	Dubois,	Mitchell, Wis.	Smith,
Butler,	Faulkner,	Morgan,	Stewart,
Cannon,	Gallinger,	Morrill,	Teller,
Chilton,	Gibson,	Nelson,	Turpie,
Clark,	Hawley,	Peffer,	Warren,
Cockrell,	Hill,	Pettigrew,	Wetmore.

NAYS—9.

Bate,	Harris,	Mills,	Vest,
Berry,	Lindsay,	Pasco,	Walthall.
Blackburn,			

NOT VOTING—44.

Aldrich,	Frye,	Kyle,	Roach,
Baker,	Gear,	Lodge,	Sewell,
Brice,	George,	McMillan,	Shoup,
Brown,	Gordon,	Mantle,	Squire,
Burrows,	Gorman,	Martin,	Thurston,
Caffery,	Gray,	Murphy,	Tillman,
Call,	Hale,	Palmer,	Vilas,
Cameron,	Hansbrough,	Perkins,	Voorhees,
Carter,	Hoar,	Pritchard,	White,
Chandler,	Irby,	Proctor,	Wilson,
Elkins,	Jones, Nev.	Quay,	Wolcott.

So the bill was passed (two-thirds of the Senators present voting in the affirmative).

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House insists upon its disagreement to the amendment of the Senate numbered 2 to the bill (H. R. 9409) making appropriations to supply deficiencies in the appropriations for the expenses of the House of Representatives, and for other purposes, for the fiscal year 1896, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. HAINER of Nebraska, and Mr. SAYERS managers at the conference on the part of the House.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 1256) for the relief of Henry A. Webb;

A bill (H. R. 4538) for the relief of John Keefe;

A bill (H. R. 5482) authorizing the Cleveland Bridge Company to construct a bridge across the Arkansas River between Pawnee County, Okla., and the Osage Indian Reservation;

A bill (H. R. 8321) to authorize the county of St. Louis, in the State of Minnesota, to build or authorize the building of a foot and wagon bridge across the St. Louis River between Minnesota and Wisconsin, at a point near Fond du Lac, in said State of Minnesota;

An act (H. R. 8433) to amend section 4878 of the Revised Statutes, relating to burials in national cemeteries;

A bill (H. R. 9149) to regulate the establishment of submarine telegraphic cable lines or systems in the United States;

A bill (H. R. 119) to protect and administer public forest reservations;

A bill (H. R. 9226) to change the time and places for the district and circuit courts of the northern district of Texas;

A bill (H. R. 9447) to amend section 1 of "An act to amend an act entitled 'An act authorizing the Postmaster-General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty,'" approved May 9, 1888; and

A joint resolution (H. Res. 194) extending the scope of the investigations by the Agricultural Department in the matter of the improvement of the public roads.

NORTHERN PACIFIC RAILROAD.

Mr. MITCHELL of Oregon. I ask the Senate to proceed to the consideration of House joint resolution 190, relating to the reorganization of the Northern Pacific Railroad Company.

The joint resolution (H. Res. 190) to facilitate the reorganization of the Northern Pacific Railroad Company, to secure to actual settlers the right to purchase at a price not exceeding $2.50 per acre the agricultural lands within its grant, and to prohibit said company or any successor company from giving by consolidation, sale, or other corporate action control of its railroad to any corporation, company, person, or association of persons owning, operating, or controlling a parallel or competing railroad was read the second time by its title.

Mr. PEFFER. I think the joint resolution is a measure altogether too important to be considered——

Mr. MITCHELL of Oregon. Debate is not in order, I believe.

The VICE-PRESIDENT. Debate is not in order except by unanimous consent.

Mr. PEFFER. I object to the consideration of the joint resolution at this time.

The VICE-PRESIDENT. The joint resolution has been read the second time.

Mr. ALLEN. I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Chair will state the status of the joint resolution. It has been read the second time, and will be placed on the Calendar.

Mr. ALLEN. I was going to state that yesterday when the joint resolution was read the Senator from Texas [Mr. MILLS] objected to a second reading.

Mr. MILLS. That is correct. The joint resolution takes its second reading to-day.

Mr. MITCHELL of Oregon. I understood that the joint resolution was read the first and second time yesterday.

Mr. JONES of Arkansas. No; it was not.

Mr. ALLEN. A distinct objection was made yesterday to its second reading.

Mr. MILLS. That is correct. So the joint resolution takes its second reading to-day.

Mr. MITCHELL of Oregon. My motion would be in order all the same, I take it. It had to be read the second time, even admitting all that is said to be true, before it could be taken up. Consequently my motion must necessarily be in order.

The VICE-PRESIDENT. The Chair will submit to the Senate the motion of the Senator from Oregon that the Senate proceed to the consideration of the joint resolution. [Putting the question.] The noes appear to have it.

Mr. MITCHELL of Oregon. I call for the yeas and nays.

The yeas and nays were not ordered.

The VICE-PRESIDENT. The motion is lost.

BUREAU OF ANIMAL INDUSTRY.

Mr. WARREN. I move that the Senate proceed to the consideration of the bill (S. 1147) for the establishment of a bureau of animal industry for the inspection of meat products and live stock, suppression and extirpation of contagious and infectious diseases among cattle and live stock, to regulate the transportation of cattle and live stock and prevent the exportation or importation of diseased cattle, live stock, or other animals, and for other purposes.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Wyoming to proceed to the consideration of the bill indicated. [Putting the question.] The noes seem to have it.

Mr. WARREN. I ask for the yeas and nays.

Mr. CULLOM. If I may be allowed to say a word, I am inclined to think there will be no opposition to the bill. It is a very important one, affecting the cattle interests of the country, and I think we can do no better than to consider it while we are here anyway.

Mr. WARREN. I desire to say that I do not wish to discuss the bill to any length. Of course if it leads to extended debate I do not propose to detain the Senate. I have before me a very urgent letter from the Secretary of Agriculture indicating his desire that the bill shall be passed as soon as possible. With the permission of the Senate, I ask that the letter may be read at the desk.

The VICE-PRESIDENT. Without objection, the letter will be read.

The Secretary read as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., June 3, 1896.

DEAR SENATOR: Permit me to remind you that S. 1147, revising the laws under which the Bureau of Animal Industry is working, has not yet been acted upon by the Senate. The condition of the present law makes it very embarrassing for this Department to proceed, as it has been found impossible to inspect all of the exported beef in accordance with the requirements of the present statute. To undertake to enforce this law will destroy the business of many small exporters, and throw the trade entirely into the hands of a few large concerns. If the bill as reported by your committee could be passed it would permit inspection where this is required, and allow the exportation of uninspected meats to countries which are willing to receive it.

Considering the interests involved, and the fact that no serious objection has been raised to this bill, would it not be possible to secure action upon it before adjournment?

Very respectfully, J. STERLING MORTON, *Secretary.*

Hon. REDFIELD PROCTOR,
Chairman Committee on Agriculture and Forestry,
United States Senate.

Mr. WARREN. If I may be permitted, I wish to say that in the Agricultural appropriation act for the fiscal year 1896 a provision was inserted that has not been carried out. The Secretary of Agriculture issued rules according to law, and later on he was compelled to issue an order suspending the operation of those rules, which was really suspending the law. That suspension held good until last March. Then, in the absence of legislation by Congress in the meantime, the Secretary renewed the suspension order, and it holds good until July 1.

I submit to the Senate that we ought not to leave the Agricultural Department hanging in the air in this way. We ought at least to give the moral support that the passage of the bill through this body will give, and I feel quite sure that if it passes here it can pass the other House. The bill takes up the four or five enactments bearing upon this question, smoothes off the rough points of former legislation, puts in the missing links, and makes one measure in a reenactment that can be understood alike by lawyer and layman.

As I said, if the bill should only pass the Senate, it would give the Department of Agriculture moral support that will enable it to provide for the exportation of meat and meat products without each shipload being unduly delayed for inspection. Under the law to-day no clearance can be granted to a vessel on which are cured meats, canned beef, or any product of meat, unless it has a certificate that the live stock from which it was made was inspected upon the hoof. There has not been sufficient appropriations to carry out such an inspection. It has not yet been inaugurated at every abattoir and every slaughterhouse, and it can not be for some time; and the consequence is that we are proceeding contrary to and in the face of the law. It seems to me the bill should be read, and if there is anything in the bill that is wrong we can amend it. If its consideration brings forth honest criticism and opposition which defeats the bill, my duty will have been done. It seems to me the bill should be taken up and considered.

The VICE-PRESIDENT. The Chair will again submit to the Senate the motion of the Senator from Wyoming to proceed to the consideration of the bill indicated. [Putting the question.] The ayes appear to have it.

Mr. MILLS. Let us have the yeas and nays.

The yeas and nays were not ordered.

Mr. MILLS. I suggest the absence of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Daniel,	McBride,	Sherman,
Allison,	Davis,	Mills,	Smith,
Bate,	Dubois,	Mitchell, Oreg.	Stewart,
Berry,	Faulkner,	Mitchell, Wis.	Teller,
Blackburn,	Gallinger,	Morgan,	Turpie,
Blanchard,	Gibson,	Morrill,	Vest,
Butler,	Hale,	Nelson,	Walthall,
Cannon,	Harris,	Pasco,	Warren,
Chilton,	Hawley,	Peffer,	Wetmore.
Clark,	Hill,	Pettigrew,	
Cockrell,	Jones, Ark.	Platt,	
Cullom,	Lindsay,	Pugh,	

The VICE-PRESIDENT. Forty-five Senators have answered to their names. A quorum is present.

Mr. PETTIGREW. I move that the Senate proceed to the consideration of executive business.

Mr. WARREN. I understand a roll call has been ordered upon the pending measure.

Mr. PETTIGREW. No; the yeas and nays were refused.

The VICE-PRESIDENT. The question was raised by the Senator from Texas that no quorum was present. A quorum is present, and the Senator from South Dakota moves that the Senate proceed to the consideration of executive business. That motion the Chair is compelled to entertain. The question is on agreeing to the motion of the Senator from South Dakota.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

Mr. WARREN. I should like to ask what is the parliamentary condition of Senate bill 1147? I understood the Chair to declare that it was before the Senate when the attention of the Chair was called to the absence of a quorum.

The VICE-PRESIDENT. The Chair will answer the inquiry of the Senator from Wyoming. The Chair submitted the motion of the Senator from Wyoming. The motion carried apparently. A demand was made by the Senator from Texas [Mr. MILLS] for the yeas and nays. The Chair called upon those in favor of taking a vote by yeas and nays to rise. Only four Senators rose. At that moment the Senator from Texas made the point of order that there was no quorum present. That was the condition at the time the roll was called.

Mr. MILLS. The question, then, is pending, to proceed to the consideration of the bill?

The VICE-PRESIDENT. That is correct. The Senator from Wyoming desires to make a statement, and by unanimous consent the Chair will hear him.

Mr. WARREN. Mr. President, I simply desire to say that while at another time I should feel entitled to a call of the yeas and nays and to further press this bill, there has been so much opposition to the bill developed upon the other side of the Chamber, that I am convinced that they do not propose to let the bill pass

at this time, nor even be considered; and I therefore withdraw all efforts to get the bill before the Senate, because it is well understood we can not develop a quorum in voting upon the measure when it is within the power of any one or two opposing Senators to break a quorum in the present thin condition of the Senate.

FRAUDULENT BOTTLING OF LIQUORS.

Mr. VEST. I move that the Senate proceed to the consideration of the bill (H. R. 4580) to amend section 3449 of the Revised Statutes of the United States.

The motion was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. TELLER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 5210) "making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 100, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, and 191; and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: In lieu of the matter inserted by said House amendment insert the following: ": *Provided*, That the Commissioners of the District of Columbia may, under such reasonable restrictions as they may prescribe, authorize any existing electric light company having overhead wires to maintain and use for a period of eight months, and no longer, its existing poles and overhead wires west of Rock Creek, in places outside of the existing fire limits of the city of Washington and of the District of Columbia; and any such overhead wire system may be extended west of Rock Creek and outside of said fire limits, to continue only for the said period of eight months; and at the end of said period all right or authority hereby conferred shall cease. And the said Commissioners may also authorize any such existing electric light company to construct and use, under such regulations as the Commissioners may fix, conduits for the reception of existing overhead wires within the territory formerly known as Georgetown, and to extend the same by an aggregate of not more than 1½ miles of conduit in the same territory. And the United States Electric Lighting Company may extend its underground conduits and wires east of Rock Creek, and within the said fire limits, to Mount Pleasant and Washington and Columbia Heights, under such regulations as the Commissioners of the District of Columbia may prescribe"; and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: Strike out all after the word "dollars," in line 3, down to and including the word "denomination," in line 6 of said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment as follows: On page 40, after line 19 of the bill, insert as a separate paragraph, before amendment numbered 195, the following:

"And it is hereby declared to be the policy of the Government of the United States to make no appropriation of money or property for the purpose of founding, maintaining, or aiding by payment for services, expenses, or otherwise any church or religious denomination or any institution or society which is under sectarian or ecclesiastical control. And it is hereby enacted that from and after the 30th day of June, 1897, no money appropriated for charitable purposes in the District of Columbia shall be paid to any church or religious denomination or to any institution or society which is under sectarian or ecclesiastical control."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In line 15 of said amendment, after the word "denomination," insert: "Or any institution or society which is under sectarian or ecclesiastical control." After the word "extent," in line 22 of said amendment, insert: "Within the limits of the policy hereinbefore declared, and if not, the probable expense of providing and maintaining public institutions for such purpose." Strike out lines 28 to 33, inclusive, of said amendment, and insert in lieu thereof the following: "Said committee is authorized to sit during the recess, and the necessary expenses of the committee, including clerical and stenographic work, shall be paid out of the contingent fund of the Senate and House of Representatives, jointly, on the certificate of the chairman of the committee"; and the Senate agree to the same.

H. M. TELLER,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

WILLIAM W. GROUT,
MAHLON PITNEY,
ALEXANDER M. DOCKERY,
Managers on the part of the House.

The VICE-PRESIDENT. The question is on concurring in the report.

Mr. VEST. I wish to say a word before the vote is taken. I will never agree to one portion of the conference report. I shall make no factious opposition, and if a majority of the Senate favor it, as a matter of course at this late stage in the session I shall not arrogate to myself more knowledge and patriotism than all the Senate combined, nor would I delay public business or the adjournment of the Senate if I were able to do so.

But I want to say that that provision, which will be construed hereafter to be a contract on the part of all of us who accede to it, that under no circumstances after the 30th of June, 1897, shall there be any appropriations for any hospital or to any asylum or to any eleemosynary institution of any sort which is under the control or connected with any church—this agreement, as I say, this provision, which will be construed as a contract, is to my mind absolutely inhuman, or may be so. For instance, here is an eleemosynary institution in this District of Columbia, under the control of a Protestant or a Catholic church, for orphan children or for incurables or for the sick and maimed. In the vicissitudes of fortune that church may be utterly unable within six or twelve or eighteen months or two years from now to take care of the inmates. Is Congress to be told then that we have entered into a legislative contract not to assist that institution?

Take an orphan asylum, which I have now in my mind's eye, with 100 little orphan boys picked up here in the streets, without mother or father, who are under the charge of some Sisters of Charity. They would be left to the jails, to the penitentiaries, to the slums, and alleys of this city but for the Christian charity of these pure women. Now, suppose that two years from this time these women or that church, if they are under the control of a church—for the sake of argument I will concede it—are absolutely unable to take care of those 100 little boys? Are they to be turned out? Are they to starve and become criminals?

Take the Providence Hospital here, where the Sisters of Charity are ministering angels to the sick and the maimed. Suppose that in two years they are unable to take care of the people within their doors, are we to allow these poor, sick, unfortunate people to be turned out; and then, if we undertake to give them a pittance out of the public Treasury, are we to be told, "Here is a legislative contract; you can not help them; you have agreed that after the 30th of June, 1897, under no state of case shall you give a dollar"?

Mr. President, I shall not be forced into any such legislation.

Mr. SHERMAN. I should like to ask the Senator if such a stipulation made by this Congress can have any binding force whatever upon a subsequent Congress?

Mr. VEST. I grant that we can hereafter repeal any act of Congress.

Mr. SHERMAN. We can repeal any action, or we can make an appropriation, if we desire, without repealing it.

Mr. VEST. But I commend to the Senator his own argument, made so repeatedly here, as to the parity of the two metals, which was put into the Sherman law, and repeated afterwards when we repealed the purchasing clause of the Sherman law. I have heard him contend again and again that that parity was in the nature of a solemn contract with the creditors of this Government, which we were bound to sustain.

Mr. SHERMAN. In dealing with a question of loans and bonds, etc., I have no doubt that a stipulation of that kind would be binding in public honor, but a mere declaration that Congress will not two years hence contribute to these charities is not worth the paper upon which it is written. If any of us are here then we shall violate it undoubtedly.

Mr. VEST. Then I understand the Senator thinks it is a mere brutum fulmen—that it amounts to nothing.

Mr. SHERMAN. We are using it merely as a way of getting out of a dilemma, and the chairman of the committee so asserts.

Mr. HILL. It is a stump speech.

Mr. VEST. It is worse than a stump speech, because it is impressing the country at large with the idea that we have succumbed to this religious clamor that has been raised and that we have satisfied public sentiment, when we amuse ourselves and wink at each other and say, "Of course we do not mean it; it goes for nothing; it is a pious fraud." Some people out in my country would call it a lie, but I shall not use that unparliamentary language. In other words, as they say out in "the wild and woolly West," "it don't go" when you come to put it in operation. I do not believe in that sort of legislation. I do not believe that we should put something here into an act which either amounts to nothing or which, if we keep it in and execute it, would be absolutely inhuman. I do not propose that any amount of clamor shall drive me into such a thing as that. I shall not stand here and make a factious opposition at all, but I want to put on record my objection to being bound by any such provision as that.

Mr. TELLER. Mr. President, I suppose it will be in the power of the next Congress without any question to act on the judgment of the Congress. I want to say for myself that while I have acceded to this report, I believe, as general principle, it is better that the Government of the United States, when it dispenses charity, should keep control of it and pay it out, although I do not say that I should not use these charitable agencies sometimes, for I would, and; so thinking, I shall feel for myself always, without reference to this provision or any other, justified in voting as the case presented seems to demand.

I want to say to the Senator from Missouri that I do not believe, and it was not the idea on the part of the Senate committee of conference, that we were deceiving the public nor responding to a public sentiment. I do not believe that there is a sentiment amongst the people of the United States that requires that we should withhold the charity of this Government from proper agencies because they may be considered and treated as sectarian. I think this question stands upon entirely different grounds from what the school question does, which has so agitated the public mind.

I want to say to the Senator who objects that we found ourselves in a condition where we either had to prolong, apparently

indefinitely, this session, or we had to agree to something of this character, and we have agreed to it under the stress of circumstances and conditions in which we found ourselves. For myself, I do not understand that by so doing I assert that under no circumstances shall I vote for charities of this kind.

The VICE-PRESIDENT. The question is upon concurring in the conference report.

The report was concurred in.

WILLIAM H. SCOFIELD AND OTHERS.

Mr. HILL. Mr. President, I hope the Senator from Missouri will permit me to call up a bill which came from the House of Representatives a few moments ago, so that I may dispose of it. I am not going to make any factious opposition to his bill.

Mr. VEST. I yield for that purpose.

Mr. HILL. I ask unanimous consent that House bill 7338, which just came over from the House of Representatives, may be laid before the Senate.

The bill (H. R. 7338) for the relief of William H. Scofield, Jacob Brady, James Ketcham, Annie Booth, as administratrix of the goods, chattels, and credits of George W. Booth, deceased; Wilson P. Dillar, Ezra L. Waterhouse, Moses C. Bell, George W. Byles, and George A. Scofield, was read twice by its title.

Mr. HILL. Mr. President, this bill has passed the other House, and a similar bill has been reported from the Judiciary Committee of the Senate and is now upon the Calendar. I simply desire to have the House bill now disposed of.

Mr. SHERMAN. What is the amount involved?

Mr. HILL. About $2,000.

Mr. SHERMAN. It is rather a dangerous precedent to set to discharge sureties on a bond. We have had one or two examples of that kind, and we should be extremely careful in releasing sureties.

Mr. HILL. The House report contains the facts in full.

Mr. SHERMAN. I should like to have the report read. If there are any special circumstances to justify the passage of the bill they ought to be stated.

Mr. HILL. The special circumstances are these, if the Senator will indulge me a moment: The statute requires that when any deficiency occurs in the accounts of a postmaster the Government should notify the sureties, and it should be done in thirty days. It was not done in this instance. A bond was given under which the liability was incurred. Subsequently, without notice to the sureties of the deficiency, a new bond was required and given. The committee held very properly that the sureties had no knowledge of this defalcation, no knowledge of a deficiency in any way, and supposed the accounts were all right. That was the reason the sureties gave the second bond. Under those circumstances it was deemed that the Government ought to relieve them from the last bond and hold them to the other; and that is the occasion for the relief. The very highest equity requires that they should be relieved.

Mr. SHERMAN. From what committee of the Senate has the bill been reported?

Mr. HILL. A similar bill has been reported from the Committees on the Judiciary of both Houses, and this bill has passed the House of Representatives. The other bill is here awaiting action.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. In the absence of objection, Senate bill 3229, on the same subject, will be indefinitely postponed.

ST. LOUIS RIVER BRIDGE.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 8321) to authorize the county of St. Louis, in the State of Minnesota, to build or authorize the building of a foot and wagon bridge across the St. Louis River between Minnesota and Wisconsin, at a point near Fond du Lac, in said State of Minnesota; which was read twice by its title.

Mr. NELSON. I ask unanimous consent for the consideration of that bill at this time. The bill has been referred to the War Department and meets with the approval of the Department, and it has also been referred to the Committee on Commerce.

Mr. VEST. I should like very much to proceed with the consideration of House bill 4580, which has been interrupted by other matters.

The VICE-PRESIDENT. The Chair will recognize the Senator from Minnesota subsequently.

Mr. VEST. The Senator can call his bill up after the revenue bill is disposed of. I have had such extraordinarily bad luck with the bill that I should like to get rid of it.

DEFICIENCIES IN APPROPRIATIONS.

Mr. HALE. I submit a privileged report, which will take but a moment.

The VICE-PRESIDENT. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 2 to the bill (H. R. 9409) making appropriations to supply deficiencies in the appropriations for expenses of the House of Representatives, and for other purposes, for the fiscal year ending June 30, 1896, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

J. G. CANNON,
JOSEPH D. SAYERS,
Managers on the part of the House.

The VICE-PRESIDENT. The question is on concurring in the report of the committee of conference.

The report was concurred in.

FRAUDULENT BOTTLING OF LIQUORS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4580) to amend section 3449 of the Revised Statutes of the United States.

Mr. VEST. The bill was heretofore read for information; the amendment of the committee was adopted, and the hour of 2 o'clock having arrived, the consideration of the bill was suspended.

Mr. BATE. I should like to have the bill read, as well as the amendment upon which we are to act.

The VICE-PRESIDENT. The bill will be read and the amendment will be stated.

The bill was read.

The SECRETARY. Mr. HILL proposes to amend the bill, in line 14, page 2, by striking out the word "and" and inserting the word "or"; so as to read:

Or to be imprisoned, etc.

Mr. HILL. Mr. President, I do not think this proposed legislation is wise, nor do I take much stock in the original statute which this bill proposes to amend, and which I shall read. It is section 3449 of the Revised Statutes:

Whenever any person ships, transports, or removes any spirituous or fermented liquors or wines under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the casks or packages containing the same, or causes such act to be done, he shall forfeit said liquors or wines, and casks or packages, and be subject to pay a fine of $500.

Mr. President, I think this statute was unnecessary for any purposes of the collection of revenue. Of course, if a person stamps a keg "lager beer" when it contains wine or liquor, that would be a transparent fraud, although he might pay the amount of the tax correctly. But it will be seen that this original statute says that there must not be stamped "any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the bottles, casks, or other packages containing the same."

Mr. MILLS. Will the Senator from New York yield to me to ask for the passage of a bill?

Mr. HILL. The Senator from Missouri has charge of the pending bill.

The VICE-PRESIDENT. The Senator from New York is recognized.

Mr. HILL. The question arose under this statute as to what was meant by the phrase, "other than the proper name or brand known to the trade as designating the kind and quality of the contents of the bottles, casks, or other packages containing the same." The question will arise as to whether one of these packages marked "Old Holland Gin" is properly branded, although the gin is manufactured in this country and although that was a trade-mark which the party had been using for years and years. Is it to be said because he continues the use of that old phrase, "Old Holland Gin," it is necessarily a false statement, and that it necessarily would be implied that it was made in Holland or Old Holland? Questions of that kind arose under this statute, and some prosecutions have been had, more, I think, in the interest of opposition dealers than in the true interests of the Treasury.

Now it is proposed to amend this statute, which I think was in its full extent of doubtful propriety in the outset, by not only making the party pay a fine of $500, as the existing law provides, but also that he shall be imprisoned for six months for the first offense—that he shall pay a fine of $500 and also be imprisoned for six months; so that in case a man continues the use of these old trade-marks, which may be strictly held to imply something different from what the article actually is, he is not simply to be fined but is absolutely to be imprisoned for the first offense. I think that is pretty harsh. In the first place, the question will arise as to the extent of the power of this Government thus to make what are essentially police regulations.

This is not in consonance with the other revenue laws of the nation. Nearly all of them provide simply for fines. This is not to punish smuggling or defrauding the Government. For instance,

take an illustration. Assume that there was a tax upon brussels carpet, which a man must pay, and the statute requires him to use the correct name. Formerly brussels carpet came from Brussels and was exclusively manufactured there. Now brussels carpet is manufactured in this country; but it retains its name and designation. So there is an article called Schiedam schnapps, whatever that is. That is made here, and yet it might be implied from the name that it was something which came from abroad. A question will arise under this statute, as it has arisen before, as to whether a person can be prosecuted under it. The trade-mark protected him; but this statute it is proposed to amend by providing imprisonment for the first offense. The report of the House committee on this bill says:

The Internal Revenue Office reports that the existing statute is inadequate to meet and correct the gross and extensive frauds perpetrated upon the public and upon the revenue by persons engaged in the sale of a great variety of spirituous, vinous, and malt liquors under false and fraudulent brands. To illustrate, but without going into details, the Commissioner of Internal Revenue reports that in many districts lager beer is found upon the market under such names as "hop tea" and "ambrosia," as well as other false designations.

Of course where lager beer is in kegs and is marked "hop tea" and "ambrosia," that is a palpable fraud; and I do not suppose any sort of imprisonment would be objectionable in such cases. But the original statute was broad; and while the committee in reporting this bill have added the words "knowingly and willfully," that language does not tone down the thing much, because the Senate committee have made this amendment to the bill, or the House committee, I do not know which.

Mr. PLATT. The Senate committee reported that amendment.

Mr. VEST. Yes; that was reported by the Senate committee.

Mr. HILL. The Senate committee reported the amendment. The committee realized the fact that it was pretty harsh to condemn a party upon the first offense to imprisonment; and in order to mitigate the situation they have added the words "knowingly and willfully," so that anyone who knowingly and willfully sells or keeps on hand for sale or removes packages that do not contain the proper name of the liquor, etc., shall be liable to the penalty. That does not cover the case I have mentioned. Of course when a person sells Old London gin he does it knowingly and does it willfully, and he claims the right to do it under his own trade-marks which have existed for years. The prosecution under the statute is based upon the idea that in some way or other that is not the proper name of the liquor because it may imply that it was a foreign production.

This bill strikes me as more in the interest of opposition dealers than as a bona fide bill for the protection of the Treasury; but it goes too far. I can not see why a fine should not be a sufficient punishment for the first offense, instead of six months' imprisonment. The reason I make that statement is not that I want to justify persons in evading the statute, but there are delicate legal questions arising and have arisen before, after the original act was passed. It is said that when persons are convicted they will pay the fine promptly. Where a man has had these old trade-marks for years and years people are willing to buy his goods, no matter by what name they are called.

I see no particular benefit to be derived to the public Treasury by the enactment of this bill. I think it will absolutely prevent respectable dealers in New York, St. Louis, Chicago, Milwaukee, and all over the country from raising the question which would arise under these cases, when they will have to go to prison if beaten upon the technical point. That is the reason I object to it. That is the reason that I suggest, with the consent of my friend from Missouri, that it should be left discretionary with the judge as to whether the first offense should be absolutely punished by imprisonment. Prosecution is made, say, against a client of mine upon the ground that some of the articles contained in kegs do not absolutely express the proper names—in other words, might import that they were produced abroad, and I illustrated by "Old Holland Gin" and the other names they have for these and other articles. It has been suggested on my left that the "lager beer" originally came from Germany and that would imply that all lager beer was made abroad. I do not think the bill is correct, and that is all I have to say about it.

Mr. VEST. Mr. President, this bill was drawn by the Commissioner of Internal Revenue and urged upon the committees of both branches of Congress. The Senator from New York says it is a bill which was intended to apply to the question of business of brands or trade-marks. The Internal Revenue Department disclaim anything of that sort, and they say the bill is intended simply to prevent frauds upon the revenue. For instance, the practice obtains of putting a brand or trade-mark upon fine brandies, which bear a duty of $1.80 a gallon, and the brand or trade-mark put upon it is "whisky," which would pay but $1.10 a gallon, making a difference of 70 cents in the tax. Under the old statute when these liquors were put up in bottles and a trade-mark was put upon them it was simply impossible to detect the fraud without opening the package, and when there is a large number of them it is almost impossible to do that.

It was also further found, according to the report of the internal-revenue officer, that the dealers in these goods were willing to pay the $500 fine on account of the enormous profits they made, and it was simply no obstacle at all to this fraud upon the revenue to impose a simple fine. Therefore, the Internal Revenue Department found it absolutely necessary to ask from Congress an amendment to the law so as to add the terror of personal imprisonment in order to prevent these fraudulent practices.

This proposed legislation does not stand upon the same footing as the oleomargarine or the filled-cheese law. My objection to that legislation was that it was the perversion of the taxing power of the Government for police purposes. But here there is no question about the power of the Government to put an excise tax upon liquors. Every civilized country derives a large portion of its revenue, and England derives the largest portion, from an excise tax upon liquors. The constitutional power of taxation unquestionably exists, and no court would say and no lawyer would contend that we did not have the right to pass auxiliary laws to make effective our unquestionable right to collect these excise taxes.

General WHEELER, a prominent member of the Committee on Ways and Means of the House, addressed me the following note:

I inclose you a copy of the House report on House bill 4580, which is an amendment to section 3449 of the Revised Statutes. I am informed that the bill was drawn by the Commissioner of Internal Revenue, and, as shown by the inclosed report, is necessary to protect the revenue.

Since the report was made I am informed on the authority of Mr. Brooks, the special agent of the internal revenue in New York, that he is unable to convict parties violating the existing law, for the reason that the word "bottles" is not included in the present law.

He says that a party arrested for illicit distillation admitted that he had filled 30,000 cases of illicit whisky and branded it at his pleasure gin, brandy, or whatever he desired. Thus not only depriving the United States of the internal-revenue tax, $1.10 per gallon, but also imposing these goods on the public as imported spirits, which should have paid $1.80 per gallon.

There is no matter of trade-mark involved in this, but simply an act to protect the revenue.

This states as clearly as I could possibly do it the object of this proposed law.

Mr. HILL. Take the instance I suggested of gin, old Holland gin. A man is entirely willing to pay the full amount of the tax; yet would it not be argued that that is not under the proper name or brand? The report says they want to reach cases where the implication is that they are imported when they are not imported. That is the object, it is said, that it is sought to accomplish now. I ask the Senator, in such case as that, would it not be claimed that that is the effect of the bill?

Mr. VEST. I admit that one might conjecture hard cases under this and every other revenue law, but we have amended the bill so that any jury must be satisfied that he knowingly and willfully did so. I opposed that amendment, to be frank about it, because I can hardly conceive of a case in which a conviction will ever be had with those words in the law. It is an unusual thing in revenue laws—in fact, it is the exception in this case—to put in the words "knowingly and willfully"; but a large majority of the committee disagreed with me and inserted the words, so that it would be impossible under the case put by the Senator from New York to secure a conviction.

Mr. HILL. If he does it knowingly he does it willfully; he does it because he claims he has a right to do it and he is willing to pay the full amount of the tax.

Mr. VEST. I do not suppose any court would hold in a case of that sort that it was done willfully. But, putting it in the broadest way, if a dealer in liquor deliberately and knowingly puts a trade-mark or brand upon a package or a bottle when he knows it is a falsehood he ought to be punished for it. He must have some object in doing it. He is not doing it for amusement. He is certainly doing it to commit a fraud.

Mr. JONES of Arkansas. And he perpetrates a fraud.

Mr. VEST. And he perpetrates a fraud. The public are entitled to know, when a brand is put on, that the brand or trade-mark properly represents the contents of the package.

Mr. HILL. That, of course, is all right enough where they attempt to substitute one kind of liquor for another kind—lager beer for ale, or ale for whisky, or whisky for brandy, or something of that kind. That is a proposition entirely different from the one I present.

Mr. VEST. Take the case that is mentioned by General WHEELER in this letter as coming from Mr. Brooks, the inspector. Here is a man who says he had 30,000 bottles, into which he put whisky and then put on the trade-mark of gin, brandy, and different sorts of imported foreign liquors. That was a clear violation of law.

Mr. HILL. It was a false statement, and if it is desired to punish a case of that kind—and it ought to be—a statute can be framed to cover it.

Mr. VEST. And this statute is intended to cover it. Under

the old statute he could not be convicted, because it was impossible to do so. This law is intended to cover a case where bottles are fraudulently used.

Mr. HILL. I do not object to that part of it.

Mr. VEST. That is one of the main objects of this proposed legislation. I ask for a vote, Mr. President.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from New York.

Mr. VEST. I hope the amendment will be rejected.

Mr. HILL. If hopes will carry it, Mr. President, I hope it will be adopted.

The amendment was rejected.

The bill was reported to the Senate as amended.

Mr. GALLINGER. Before the matter passes from the committee I should like to ask the Senator in charge of the bill if I understood him correctly to say that the bill was drawn and recommended by the Commissioner of Internal Revenue?

Mr. VEST. Yes, sir.

Mr. GALLINGER. I had intended to offer, and have had printed, an amendment to the bill comprising the text of a bill popularly known as the pure-food bill. I think it is much more important that the people of this country should have pure food than pure whisky or pure gin or pure brandy or any other intoxicating drink. I have been astounded that Congress has not before now passed that bill, which I will not now detain the Senate in having read, as I think it is of the utmost consequence to the people of this country. But I have no desire to obstruct the passage of the pending bill, upon the statement of the Senator from Missouri that the Commissioner of Internal Revenue desires it shall become a law. So I withhold my amendment, and trust that when the pure-food bill comes before the Senate, as I have no doubt it will during the term of the Senator from Missouri, he will interest himself to see that it becomes a law, as well as the bill in which he is now interested.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

COURTS IN TEXAS.

Mr. MILLS. I ask unanimous consent to take up the bill which has just come from the other House affecting courts in Texas. Nobody else is interested in it except Texas people.

There being no objection, the bill (H. R. 9226) to change the time and places for the district and circuit courts of the northern district of Texas was read the first time by its title and the second time at length, and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ST. LOUIS RIVER BRIDGE.

Mr. NELSON. I ask unanimous consent for the present consideration of House bill 8321.

There being no objection, the bill (H. R. 8321) to authorize the county of St. Louis, in the State of Minnesota, to build or authorize the building of a foot and wagon bridge across the St. Louis River between Minnesota and Wisconsin, at a point near Fond du Lac, in said State of Minnesota, was read the first time by its title and the second time at length, and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POTOMAC RIVER BRIDGE.

Mr. DANIEL. I ask the unanimous consent of the Senate to consider the bill (S. 2775) to authorize the Herndon and Aldie Railroad to construct a bridge over the Potomac River at or below the Great Falls.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 7, after the word "or," to strike out "below" and insert "near"; so as to make the section read:

That the Herndon and Aldie Railroad Company, a body incorporated under the laws of the State of Virginia, be, and is hereby, authorized and empowered to construct a bridge and approaches thereto across the Potomac River at a point at or near the Great Falls thereof.

The amendment was agreed to.

The next amendment was, in section 2, line 4, after the word "Company," to strike out "are" and insert "is"; in line 6, after the word "railroad," to strike out "with such conveniences aforesaid," and in line 8, after the word "feet," to insert "including slopes, culverts, and all appurtenances"; so as to make the section read:

That the said bridge may be constructed with a single or with double tracks, and may be provided with such conveniences as may be deemed necessary for railway traffic; and the said Herndon and Aldie Railroad Company is hereby granted the right of way, and may construct said railroad across the land reservation of the United States adjacent to said Great Falls, not exceeding in width 66 feet, including slopes, culverts, and all appurtenances.

The amendment was agreed to.

The next amendment was, in section 3, line 3, before the word "shall," to insert "its approaches and appurtenances"; in line 4, after the word "said," to strike out "structure" and insert "structures and their proposed location," and in line 8, after the word "approval," to strike out "and thereupon"; so as to read:

That the said Herndon and Aldie Railroad Company, before entering upon the construction of said bridge, its approaches, and appurtenances, shall submit to the Secretary of War plans and drawings of said structures and their proposed locations for his approval, and should he approve such plats and drawings he shall at once notify the officers of said Herndon and Aldie Railroad Company of such approval.

The amendment was agreed to.

The next amendment was, in section 3, line 8, after the word "approval," to insert:

That said company, before commencing work on said bridge, its approaches, or appurtenances, shall deposit with the Treasurer of the United States to the credit of the Washington Aqueduct the sum of $5,000, to defray all the expenses that may be incurred by the United States in connection with the inspection of the company's work on the lands of the United States, and any of the company's work that may affect the interests of the United States, and in making good any damages done by said company or its works to any work or land or other property of the United States, and in completing, as the Secretary of War may direct, any of the company's work that the said company may neglect or refuse to complete, and which the Secretary of War may consider necessary for the safety of the Washington Aqueduct and the works pertaining thereto, or for the proper care and preservation of its lands; and the said company or its successors shall also deposit as aforesaid such further sums for said purposes at such times as the Secretary of War shall direct. The said moneys shall be disbursed like other moneys appropriated for the Washington Aqueduct, and whatever shall remain of said deposits after the completion of the works for which they may be obtained shall be returned to said company with an account of the disbursements in detail. The disbursements of said deposits shall, except in case of emergency, be made only on the order of the Secretary of War.

The amendment was agreed to.

The next amendment was, in section 3, line 33, after the word "war," to insert:

Upon compliance with all of the preceding conditions the.

And in line 35, after the word "bridge," to insert "its approaches and appurtenances"; so as to read:

Upon compliance with all of the preceding conditions the said company may proceed to the erection of said bridge, it approaches and appurtenances.

The amendment was agreed to.

The next amendment was to add at the end of section 3:

During the construction and after the completion of said bridge, approaches, and appurtenances, the agents and employees of the company, when on the public lands of the United States in the vicinity, shall be subject to such regulations as may be approved by the Secretary of War.

The amendment was agreed to.

The next amendment was, in section 4, line 8, before the word "That," to insert:

That the said Herndon and Aldie Railroad Company shall not construct any passenger room, ticket office, depot, workshop, water tank, or building on the lands of the United States. That any changes in the bridge, approaches, roadbed, or appurtenances rendered necessary by the construction of any public work of the United States shall be promptly made by the company or its successors without charge to the United States.

In line 15, after the word "within," to strike out "three years" and insert "one year"; in the same line, after the word "within," to strike out "six" and insert "three," and in line 21, after the word "or," to insert "until"; so as to make the section read:

That the said Herndon and Aldie Railroad Company shall not construct any passenger room, ticket office, depot, workshop, water tank, or building on the lands of the United States. That any changes in the bridge, approaches, roadbed, or appurtenances rendered necessary by the construction of any public work of the United States shall be promptly made by the company or its successors without charge to the United States. That the said Herndon and Aldie Railroad Company may at any time make any alterations deemed advisable to be made in said bridge, or such conveniences aforesaid, but must first submit such proposed alterations of said bridge to the Secretary of War, and his approval shall be first had before they shall be made: *Provided*, That the construction of said bridge shall be commenced within one year and completed within three years from the date of the approval of this act: *Provided further*, That nothing in this act contained shall be so construed as to authorize the said railroad company to acquire or occupy any portion of the property right or rights of way of the Chesapeake and Ohio Canal Company without the consent of the owners of a majority of the stock of said company, or until after condemnation proceedings and proper compensation of said Chesapeake and Ohio Canal Company.

The amendment was agreed to.

The next amendment was to insert as an additional section:

SEC. 5. That the right to alter, amend, or repeal this act is hereby reserved; and if construction of the bridge hereby authorized is not begun within twelve months and completed in three years from the approval of this act it shall be null and void.

The amendment was agreed to.

Mr. PLATT. On page 4 there is a reference to "conveniences." Will the Senator from Missouri inform me what "conveniences" are? I ask the Secretary to read the clause to which I have reference.

The Secretary read as follows:

That the said Herndon and Aldie Railroad Company may at any time make any alterations deemed advisable to be made in said bridge, or such conveniences aforesaid.

Mr. PLATT. What are "conveniences"? That word was stricken out in a former place in the bill. I do not know what the conveniences of a bridge are.

Mr. VEST. Some abutment works. If the word was stricken out in a former place it should be stricken out in the succeeding part of the bill.

The PRESIDING OFFICER (Mr. BACON in the chair). Without objection that amendment will be made.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Herndon and Aldie Railroad to construct a bridge over the Potomac River at or near the Great Falls."

LOSSES OF POSTMASTERS.

Mr. CULLOM. I ask the Senate to consider the House bill 9447, now on the table.

The bill (H. R. 9447) to amend section 1 of "An act to amend an act entitled 'An act authorizing the Postmaster-General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty,'" approved May 9, 1888, was read the first time by its title, and the second time at length.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HARRIS. May I inquire of the Senator from Illinois what the provision of law is that is proposed to be amended?

Mr. CULLOM. The part of the law that is proposed to be amended is the proviso of an act which limits the sum to $2,000. The House has passed a bill providing that no claim exceeding, $10,000 shall so and so. It merely strikes out the word "two' and inserts the word "ten."

Mr. HARRIS. No disbursements are to be made by the Department without the action of Congress?

Mr. CULLOM. This is not a matter of disbursement. It relates to the settlement of claims. For instance, there are four or five cases now before Congress where burglaries have been committed upon post-offices and sums extracted, and the postmaster of the town or place is charged with the amount. If it exceeds $2,000, the account can not be settled without coming to Congress for an act relieving him. For the purpose of giving the Postmaster-General further discretion, the amount is enlarged from two to ten thousand dollars.

Mr. HARRIS. In cases such as these he may adjust the matter and settle it up to $10,000?

Mr. CULLOM. That is all there is in the bill.

Mr. HARRIS. It is a pretty large discretion, but I shall not interpose any objection.

Mr. CULLOM. I consulted with the only members of the Committee on Post-Offices and Post-Roads present, and I am prepared to say that they both approve the provisions of the bill.

Mr. MITCHELL of Oregon. I desire to say that I think this is very wise legislation. I am on two committees, each of which is annoyed from time to time, if that is a proper word to use about legislation, with the bills for relief, simply because the Postmaster-General has not jurisdiction to adjudicate. He has jurisdiction, as stated by the Senator from Illinois, in all cases where the amount does not exceed $2,000. But whenever it runs over that sum—and most cases do—the postmasters must come to Congress for a special bill of relief. There are a number of bills of that kind pending in the Committee on Post-Offices and Post-Roads, and there are some in the Committee on Claims, of which I am a member. I see no reason why the Postmaster-General should not have jurisdiction to adjudicate all of them. This will undoubtedly include all.

Mr. CULLOM. I will state, in addition, that a robbery occurred two or three years ago at the post-office in Chicago, and I think a year or two ago I secured the passage of a bill for the relief of the gentleman who was postmaster at that time. For some reason or other it has been kept back and never has passed the House.

Within a year another robbery occurred, where the safe was broken open, in my own town, and the postmaster was robbed of a very considerable sum of money, stamps, etc. I understand there is another case in New Jersey, one in Kansas, and they are scattered about, and the postmasters are unable to settle their accounts, as they would like to do before they get out of office, on account of the difficulty in getting private acts passed for individual relief. I hope the bill will be passed.

Mr. PLATT. I do not think there is any danger in giving the Postmaster-General power to adjudicate these claims up to $10,000. My observation has been that the Postmaster-General has been exceedingly technical about adjudicating any claims. There are a good many more claims which he does not adjudicate than those he does adjudicate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IMPROVEMENT OF PUBLIC ROADS.

Mr. WARREN. House joint resolution 194 in relation to the improvement of public roads is on the table. The same subject-matter has been passed upon by the appropriate committee of the Senate. It is a measure of a few lines, and I should like to call it up and have it passed.

The joint resolution (H. Res. 194) extending the scope of the investigations by the Agricultural Department in the matter of the improvement of the public roads was read the first time by its title and the second time at length.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. HARRIS. Before the joint resolution is voted upon, I simply desire to say, as I shall not ask for a yea-and-nay vote, which would afford me an opportunity to record my vote, that I should vote against the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, and was read the third time.

The PRESIDING OFFICER. The question is, Shall the joint resolution pass?

The joint resolution was rejected.

Mr. WARREN subsequently said: I desire to move that the vote by which the Senate rejected House joint resolution 194 may be reconsidered and that the joint resolution may be placed on the Calendar.

The PRESIDING OFFICER. If there be no objection, the motion to reconsider will be agreed to, and the joint resolution will be placed upon the Calendar. The Chair hears no objection, and it is so ordered.

STATUS OF MIXED-BLOOD INDIANS.

Mr. ALLEN. I desire unanimous consent to call up for consideration the bill (S. 3051) defining the rights and privileges of mixed-blood Indians under the treaties and statutes of the United States, confirming the title of said Indians to their lands, allowing the same to be alienated under certain circumstances, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. PLATT. I object to the consideration of the bill.

Mr. ALLEN. I should like the attention of the Senator from Connecticut for a moment. This bill met the approval of the Indian Committee, of which the Senator from Connecticut is a member. The report was unanimous, and I hope the Senator will not insist on his objection.

Mr. PLATT. I beg leave to say the report on the bill was not unanimous.

Mr. ALLEN. Very well. Then I will accept the consequences, and endeavor to establish after a while the Senatorial parity as to courtesy.

Mr. PLATT. I wish to reply to the remark of the Senator from Nebraska. The bill is a very important one, and I was not in favor of it in committee. It can not be passed without discussion. It is a bill of very wide scope; and while I do not know that I objected to it when the report was made, I reserved my rights in the committee to oppose the bill.

NAVASSA ISLAND AND SWAMM ISLAND.

Mr. GIBSON. I desire to call up the joint resolution (S. R. 89) directing and authorizing the Secretary of the Navy to appoint a board of three officers of the Navy to proceed to Navassa Island, in the West Indies, and examine and report upon the cost of establishing a coaling station for the United States Government on said island.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Naval Affairs with an amendment, to strike out all after the resolving clause and insert:

That the Secretary of the Navy be, and he is hereby, authorized and directed to appoint a board of three officers of the Navy and instruct said board to proceed to Navassa Island and Swamm Island, in the West Indies, and examine and report upon the practicability and advisability of establishing a coaling station for the United States Government on either of said islands.

Mr. HAWLEY. I have a large photograph of the island, showing its whole breadth and length. It has a fine elevation. It is used chiefly for getting materials for fertilizers. There is no anchorage anywhere near there. Deep water goes bang up to steep stone walls. I do not know what they will do with it. The Senator is welcome to have the photograph if it will do him any good, or the Navy Department either. My information comes from a man who has spent years there in charge of the fertilizing works. The photograph comes from him to me.

Mr. GIBSON. The joint resolution has been carefully considered by the Committee on Naval Affairs, and it was decided to report it favorably. There was added, however, an amendment which increases the propriety of appointing the commission. The scope and advisability of the joint resolution are greatly enlarged by the amendment to the original joint resolution, including another island besides Navassa. The sole purpose of the inquiry is to determine which one of these two islands it is the more advisable should be selected as a coaling station for the United States.

Both of these islands are the property of citizens of the United States. The absolute necessity of establishing such a coaling station has been passed upon by the Navy Department. The object of the joint resolution is to enable a committee of three naval officers to visit the two islands and later on to report to the Secretary of the Navy their judgment with reference to the advisability of the enterprise.

Mr. PLATT. I think we ought to have some information on this subject. We do not want to send a naval expedition off to find a place to establish a coaling station unless there is some probability that they can find such a location. We ought to have some information on the subject as to whether there is really a probability that a coaling station for the United States can be established at this island. We do not want to send junketing expeditions from the Navy any more than we do from the Senate. I am quite willing to vote for the joint resolution if there is any probability that we can establish a coaling station there.

Mr. HAWLEY. Mr. President, I have no objection in the world to an investigation (I do not think it will cost very much) by one of the lighter vessels. It can pass around that way with a naval board and look at the island. I only give the Senate the benefit of what I happen to know about it. I think it is twelve or fifteen years since I met the American who had charge of the works on that island, and on one of his occasional visits I afterwards saw him. He gave me various little curiosities. Among others he gave me a photograph of the island, giving a view of the whole island from a distance of two or three miles, and then some views of the buildings and groups of people who worked there, and all that.

I saw, two or three weeks ago, I think, some reference in the papers to the precise matter embodied in the joint resolution, and, as fortune would have it, I met this gentleman himself within a week after that. I asked him, what I thought I knew already, whether there was anchorage around there at any place for a ship to lie, and he said nothing whatever; that they had to go up there in boats. But new modern science has no difficulty in cutting out a hole in the side of an island somewhere. There is no harm in the investigation, anyhow.

Mr. GIBSON. The joint resolution merely provides for an investigation. The question has been thoroughly considered by the committee, and the conclusion, I think, was unanimously reached that the joint resolution should be passed.

Mr. HALE. What is the language in reference to that point?

Mr. GIBSON. I was going to ask that the joint resolution should be again read.

The Secretary again read the joint resolution.

Mr. GIBSON. It will be discovered, I will say in reply to the Senator from Connecticut [Mr. PLATT], that the duties of the commission will be very far from any junketing trip.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Naval Affairs.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution authorizing and directing the Secretary of the Navy to appoint a board of three officers of the Navy to proceed to Navassa Island and Swamm Island, in the West Indies, and examine and report upon the practicability and advisability of establishing a coaling station for the United States Government on either of said islands."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9409) making appropriations to supply deficiencies in the appropriations for the expenses of the House of Representatives, and for other purposes.

The message also announced that the House had passed a bill (H. R. 4058) to set apart a portion of certain lands in the State of Washington, now known as the Pacific Forest Reserve, as a public park, to be known as the Washington National Park; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

A bill (S. 261) for the relief of Arthur P. Selby;

A bill (S. 1011) for the relief of Capt. James Reagan, United States Army;

A bill (S. 2943) to authorize the construction of a bridge across the Warrior River by the Mobile and Ohio Railroad Company;

A bill (S. 2944) to authorize the construction of a bridge across the Caleaba River, in Bibb County, Ala., by the Mobile and Ohio Railroad Company;

A bill (S. 2945) to authorize the construction of a bridge across the Alabama River by the Mobile and Ohio Railroad Company;

A bill (H. R. 7338) for the relief of William H. Schofield, Jacob Brady, James Ketcham, Annie Booth, as administratrix of the goods, chattels, and credits of George W. Booth, deceased; Wilson P. Billar, Ezra L. Waterhouse, Moses C. Bell, George W. Byles, and George A. Schofield;

A bill (H. R. 9409) making appropriations to supply deficiencies in the appropriations for expenses of the House of Representatives, and for other purposes, for the fiscal year 1896; and

A joint resolution (S. R. 149) extending the benefits of sections 1426 and 1573 of the Revised Statutes to all enlisted persons of the Navy.

DONATION OF CONDEMNED CANNON.

Mr. GALLINGER. There are two small bills on the Calendar, one of which my colleague [Mr. CHANDLER], when he left the city, desired me to call up. The first one is Senate bill 2483, donating condemned cannon to the Soldiers' Home of New Hampshire, and the other donates condemned cannon to a monument association. I ask that the bill (S. 2483) donating condemned cannon and cannon balls to the New Hampshire Soldiers' Home may be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. GALLINGER. I offer an amendment to be inserted at the end of the bill.

The SECRETARY. It is proposed to add at the end of the bill:

Provided, That the condemned cannon herein mentioned are available for the purposes stated, and can, in the opinion of the Secretary of the Navy, be spared without detriment to the public interest: *And provided further*, That the Government shall not incur any expenses in handling and transporting said cannon.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I ask to call up the next order of business on behalf of my colleague. It will take but a moment. It is the bill (S. 2630) authorizing and directing the Secretary of the Navy to donate condemned cannon to the Londonderry Soldiers' Monument Association of Londonderry, N. H.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLASSIFICATION OF RAILWAY POSTAL CLERKS.

Mr. MITCHELL of Oregon. I ask unanimous consent for the present consideration of the bill (S. 2741) to classify railway postal clerks and prescribe their salaries.

The PRESIDING OFFICER. The bill will be read for information, subject to objection.

The bill was read.

Mr. MITCHELL of Oregon. I desire to make a brief statement in regard to the bill.

Mr. HALE. That bill is too important a bill to pass without being discussed. I have had a great many letters in opposition to it. I must object to its consideration.

The PRESIDING OFFICER. The Senator from Maine objects to the consideration of the bill.

Mr. MITCHELL of Oregon. I understood the bill was taken up by common consent.

Mr. HALE. It was read for information. I was waiting to hear it read.

Mr. MITCHELL of Oregon. Will the Senator allow me to make a statement?

Mr. HALE. Certainly.

Mr. MITCHELL of Oregon. This is a bill originally prepared in the Post-Office Department, which has received the approval and the strong recommendation of every Postmaster-General since 1885. It has received the approval four several times unanimously, I think, of the Committee on Post-Offices and Post-Roads of the Senate, and has twice heretofore passed the Senate. It is a bill, as I have stated, which the Post-Office Department is very desirous

of having passed, looking to the efficiency of the Railway Mail Service.

Mr. STEWART. The same bill?

Mr. MITCHELL of Oregon. The same bill which has just been read; and under the circumstances I hope the Senator from Maine will allow it to be passed.

Mr. HALE. It adds very largely to the expenses of the Government.

Mr. MITCHELL of Oregon. I can state, if the Senator will allow me——

Mr. HALE. Mr. President, I must object.

Mr. MITCHELL of Oregon. Very well.

The PRESIDING OFFICER. The Senator from Maine objects.

PENSIONS TO PAYMASTERS' CLERKS IN MEXICAN WAR.

Mr. VEST. The Senator from North Dakota [Mr. ROACH] requested me to ask for the consideration of the bill (S. 810) to amend the act entitled "An act granting pensions to the soldiers and sailors of the Mexican war, and for other purposes," approved January 29, 1887, which he reported from the Committee on Pensions without amendment; and I make that request.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to so construe the provisions of the act entitled "An act granting pensions to the soldiers and sailors of the Mexican war, and for other purposes," approved January 29, 1887, as to include the surviving paymasters' clerks in the Army as of the same relative rank and grade as pursers' clerks in the Navy, and the surviving paymasters' clerks of the Army, and the widows of those who have died, so as to entitle them to all the rights and benefits given by the act of January 29, 1887, to pursers' clerks of the Navy.

Mr. COCKRELL. Is there a report with that bill?

Mr. VEST. There is a report with it. There are not a half dozen of these cases. They do not amount to anything.

Mr. GALLINGER. There are only four or five of these men left.

Mr. VEST. Only four.

Mr. GALLINGER. Four, I think, is the exact number.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had receded from its disagreement to the amendments of the Senate numbered 2, 3, 4, 6, 7, 8, 13, 15, and 17 to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, and had agreed to the same.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 4580) to amend section 3449 of the Revised Statutes.

The message further announced that the House had passed the bill (S. 361) for the relief of Silas P. Keller with an amendment; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4058) to set apart a portion of certain lands in the State of Washington, now known as the Pacific Forest Reserve, as a public park, to be known as the Washington National Park;

A bill (H. R. 7500) to grant a pension to Mrs. Keturah Wilson, widow of James Wilson, deceased;

A bill (H. R. 8159) to pension Mrs. Martha M. Gibson;

A bill (H. R. 8250) for the relief of William Gemmill; and

A bill (H. R. 8886) for the relief of Hiram T. Corum and Silas W. Davis, of Oregon.

CEDED INDIAN RESERVATION LANDS.

Mr. ALLEN. There is a little joint resolution on the desk that is a mere formal matter, which I should like unanimous consent to consider at this time. It is very short. In carrying out the provisions of the sundry civil appropriation bill it suspends the operation of the cancellation of certain entries of land, the payment of certain indebtedness for Indian lands, until the provision of the bill which has passed the House and is now on the Calendar can be acted on at the next session of Congress. I should like to have unanimous consent to take up the resolution and have it considered at this time.

The joint resolution (H. Res. 201) extending the time of payments due from settlers and purchasers on all ceded Indian reservations was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the homestead settlers and settlers who purchased with the condition annexed of actual settlement on all ceded Indian reservations be, and they are hereby, granted an extension of one year in which to make payments as now provided by law.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FINAL ADJOURNMENT.

Mr. ALLISON. The Committee on Appropriations instruct me to report back the resolution of the House of Representatives of May 6, 1896, which was referred to that committee, with an amendment, to strike out "Monday, the 18th day of May, at 2 o'clock p. m.," and insert "Thursday, the 11th day of June, at 3 o'clock p. m."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to amend the resolution by striking out "Monday, the 18th day of May, at 2 o'clock p. m.," and inserting "Thursday, the 11th day of June, at 3 o'clock p. m."; so as to make the resolution read:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on Thursday, the 11th day of June, at 3 o'clock p. m.

The PRESIDING OFFICER. The question is upon agreeing to the amendment proposed by the committee.

Mr. STEWART. Mr. President, of course I shall not attempt to delay the adjournment of Congress, but it seems to me worthy of remark that this Congress, coming in as it did with high-sounding promises, has utterly failed to redeem any of them. It has left the country in a most deplorable condition. It has failed to put an end to a policy which means ultimate ruin. We have been for several years borrowing gold to pay interest on borrowed money and to pay fixed charges to foreign countries. During the present Administration two hundred and sixty-two and a half million dollars of bonds have been sold to borrow gold to maintain the gold standard. It has not maintained the gold standard, however, because we are paying a large premium for the gold. On sixty-two and a half million dollars borrowed in February, 1895, we paid $16,000,000 premium, as the President informed us. On the sale of $100,000,000 there was also a large premium paid, or a discount on the bonds, which is the same thing. These were twenty-nine-year 4 per cent bonds, and would have sold for 125 if it had not been for the necessity of paying a premium to buy gold. As we go on, and our credit gets worse and worse, the premium must necessarily be larger and larger.

Our farm products, which we export and upon which we must rely to buy gold and pay for what we import, are depreciating in price in foreign markets year by year as the competition with silver-standard countries increases. See under what disadvantages our farmers labor as against the Asiatics. Take Russia, for example, which is on a silver basis. The Russian farmer has a hundred dollars of taxes to pay and the American farmer has a hundred dollars of taxes to pay. The Russian farmer takes a hundred bushels of wheat to Liverpool and sells it for 60 cents a bushel in gold. He takes that back to Russia, exchanges it for Russian money, and gets $120; pays his hundred dollars of taxes and has $20 with which to buy tea and coffee. The American farmer sells his hundred bushels of wheat for $60 and only has $60 when he gets home. He applies it on his taxes and finds himself $40 in debt. This advantage goes to all the Asiatic and silver-standard countries as against the American farmer. The result is that the Asiatic has money with which to reproduce wheat and it does him some good; he has money with which to reproduce cotton and it does him some good, but the American farmer is left in debt every year, and still we say this must go on and debt must be piled up and there must be no relief.

Nonaction is the order of the day. We passed through the Senate a bill to stop the sale of bonds, which would have required the Executive to obey the law and pay out silver, of which there is an abundance. There are some $30,000,000 of silver coin in the Treasury, and silver coin coming in daily. I am informed that more than half the revenue is paid in silver certificates, which are substantially silver coins, because the Government can convert them into silver coins when they come into the Treasury. We have an abundance of silver coin with which to redeem, and there is no possible necessity for involving the country in further debt.

What remedy for our difficulties have the Republicans of the House of Representatives suggested? They have suggested more taxation; they say all we need is more revenue. When we point out to them that there is a cash balance in the Treasury of available money amounting to nearly $270,000,000, and that one of the embarrassments of the country is this unhealthy surplus, the only remedy proposed by the Republicans of the House, in the bills they have sent to us, was more taxation to increase the surplus and impound more and more money. About $125,000,000, if I recollect aright—over $120,000,000, at all events—of your greenbacks are retired in the Treasury; prices are falling; times are hard, and growing worse; and we are going to adjourn this Congress, for what?

In the New York Sun to-day there is a description of the fight which the Republicans propose. They are to make a fight for what? For tariff. To show the character of the campaign upon which we are about to enter, and for which we are to now adjourn, I will ask the Secretary to read the article from the New York Sun, a gold-standard paper, which appeared to-day.

Mr. GALLINGER. The New York Sun does not speak for the Republican party.

Mr. STEWART. Oh, but it speaks the truth about the Republican party, and I think you had better hear it. I should like to have that article read.

Mr. CULLOM. Is it brief?

Mr. STEWART. It is quite brief.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

WHOM OR WHAT WILL THEY FIGHT?

"The money question," the McKinley men keep on saying, "is a secondary issue, although important. The main issue is the tariff, and the Republican party will make its fight on that."

This sentiment finds repeated expression from McKinley managers and McKinley organs in various parts of the country. It is pronounced so persistently and so emphatically that it must mean something.

What does it mean? What is the tariff issue which is to be the principal issue of the coming campaign? On that issue who is it, or what is it, that the McKinley Republicans expect to fight?

Certainly not the present high protective tariff, enacted by a Congress Democratic in both branches and allowed to become a law by a Democratic President, who nevertheless denounced it as too atrociously protective to receive his signature. The present tariff is one of the highest protective tariffs ever in force in the United States. Its average rate falls short of the average rate of the preceding tariff, distinguished as the McKinley tariff, by very little. A Presidential campaign waged in support of the general theory of protection as against the general theory of tariff taxation for revenue only is a conceivable thing. Such a campaign occurred four years ago. But a Presidential campaign turning on the question whether 41 per cent. let us say, or 47 per cent shall be the average rate of protection is utterly inconceivable to the ordinary mind. You are not going to fire up much enthusiasm in the hearts of either the forty-oners or the forty-seveners.

Is the fight to be for the rearrangement or readjustment of the protection afforded by the schedules of the existing tariff? That undertaking might involve differences of opinion important enough to start a controversy in a Committee on Ways and Means, or even to occasion a lively debate in the House, sitting as a Committee of the Whole. Hardly important enough to fill and inflame the length and breadth of the Union in a Presidential year.

Or is it merely to contend in behalf of the theory of protection, as an abstract proposition, that the warriors of McKinleyism are arming themselves? Do they want to smash the last Democratic national platform? The enterprise is superfluous; the Democracy has smashed the platform already. The Democrats themselves have abandoned the position which the McKinley Republicans propose to attack. The McKinley warriors may march forth to occupy a stronghold which has been evacuated by its garrison, but it is a strained use of the English language to speak of such a proceeding as a fight, much less as the principal fight of a great Presidential campaign.

It requires two sides to make a fight. It requires two political parties, both earnestly interested and hot for the wager of battle, to make a main issue for a Presidential campaign. What is the tariff issue which looms before the excited imaginations of those Republicans who profess to regard the cause of honest money and the gold standard as of subordinate importance?

Nobody yet has told us this in language clear enough to be comprehensible.

Mr. STEWART. It will be observed by that article, which I think fairly dissects the situation, how inconsequential the purposes of the Republican party are except to obtain the offices. I do not know about the Democracy, whether the Democratic party has any purpose or not. It has been without a purpose for many years, and whether it will ever have a purpose it is for the future to determine. So far as the Republican party and the Democratic Administration are concerned, they are one and the same; their purpose is the same. It is their purpose to maintain the gold standard by loading the nation with debt, paying a premium for gold, increasing that debt year after year—falling prices, stagnation, and hard times. That is their purpose. They have indicated no other policy.

Not one gleam of hope has come from either the Democratic Administration or the Republican managers. I defy any man to suggest a proposition put forth by either which by any possibility could relieve the present distress. On the contrary, they refuse to change the policy of borrowing money; they refuse to change the policy of impounding the greenbacks in the Treasury; they refuse to change the policy of buying gold for gold gamblers; they refuse to change the policy of contraction; they refuse any hope. They are in favor of retiring the legal tenders. They are in favor of depriving the people of money. They are in favor of an Asiatic tariff, built up by a difference of exchange, whereby the Asiatics and all silver-standard countries have at least 100 per cent advantage in the markets of Europe.

McKinleyism means what? It means to maintain the Asiatic tariff against American farmers. It means to build up for a special privileged class a tariff high enough to protect the manufacturers of the East. It means to make the necessaries of life dearer and dearer to the producers of this country. It means to make the products of the unprotected labor of this country cheaper and cheaper. It means to put the farmer in competition with 800,000,000 coolies, who are competing with him in the European markets. It means to impoverish the farmer. No one seeks to protect him.

I have been a protectionist and I have advocated protection; but I never dreamed that the party to which I belonged would abandon the producers of this country and build up a protection entirely in favor of the millions of coolies and see the struggling masses of this country reduced to powder. I never believed that. Why, the first move in protection is to equalize exchange, to give our people money, to make it possible to manufacture in different parts of the country. Protection with the gold standard means slavery for the masses. It means to build up classes, to build up and widen the gulf between the laborers and the money changers.

The Republican party in the House declared—Mr. REED, who is the Republican party of the House, declared—that nonaction should be their motto; that they dared not disturb the present condition of things—contraction, falling prices, and hard times, and borrowing gold for gold gamblers—and they have not disturbed it. They are going forth to the country and say it shall not be disturbed, that the tariff shall be the issue; and here we have got a tariff only about 5 or 6 per cent below the McKinley tariff. Mr. McKinley himself stated in several speeches that perhaps his tariff was too high, and perhaps it was extravagant. Certainly the present tariff is higher, on an average, than any other tariff we have had, except the McKinley tariff. It is higher than any other in the history of the country except the McKinley tariff. We are going forth now to fight for what? To fight for the gold standard. How are we going to do that? By smothering the real money issue and keeping this sham issue of tariff before the country. The New York Sun, in the article which has been read, describes what kind of a fight that is. They are going to fight bravely with nothing before them.

Now, as to the Democratic party, if any party could have done more to injure the country than it has done for the last three years it would have been something more than human. I think the wit of man has been about exhausted to plunge the country into distress. Whether the party will reform or not, there are men in the Democratic party who do not like the present situation. There are men in the Democratic party who do not like loading the nation with debt in time of peace to buy gold for a set of gold gamblers. There are men in the party—here in the Senate—who rebel against any such proceeding. There has been a strong vote of Democrats here against it, and some Republican votes, too; but the Republican votes came from men who are opposed to sinking the country under the gold standard and fastening the chains of bondage upon the people. There are men in the Democratic party, and in the Republican party, but more in the Democratic party, who do not like the single gold standard, who do not like the English gold standard, who want to restore the money of the Constitution, who believe in the money of the better days of the Republic, who believe that there is not too much of both gold and silver for use as standard money.

There is a movement in the country which, if it can have expression, will sweep from the earth the policy which is afflicting mankind. Four-fifths of the people of these United States are in favor of the restoration of the money of the fathers and the wise laws of Hamilton, Jefferson, and Jackson as they existed prior to 1873. If they do not give expression to their sentiments it will be because the leaders will manipulate and keep them apart. But they will come together if you will let them. They will embrace the opportunity if you give it to them. The great mass of them put country above party. They mingle together in their neighborhoods and make no distinction as to party. They want a party of patriots such as existed in the better days of the Republic. They are anxious to throw off this load; they are anxious for the restoration of peace and prosperity as it existed in the better days of the Republic, as it existed before the machinations of a few men destroyed one-half of the metallic basis of our circulation and brought on falling prices and enabled a few money manipulators to pool the gold in the world, to take the circulation from the people and to charge what they pleased for it.

There is no gold in circulation, but everything is to be sold at such prices as the gold kings may dictate. The gold is pooled, and the kings of that pool have held in bondage as slaves the politicians of both hemispheres, who have danced to the music of the stock jobbers, the smaller fry following on.

We are rushing to adjourn the Senate for what purpose? One party is going out to make war between tweedledee and tweedledum. The Republican party can not state an issue which they dare to meet. We see the papers filled for days as to how they can get a jumble of words to deceive somebody, not how they can express a sentiment upon which people may vote; but the whole discussion of the leading politicians of the day is how they can twist words to deceive somebody.

Nobody will be deceived this time. No jumble of words will do. In this campaign you must be for the single gold standard, as the English syndicate prescribe, or you must be for the restoration of the money of the Constitution. The common people have dropped on it; they understand it; and they are moving from the Lakes to the Gulf and from ocean to ocean and all around the coast. They begin to understand how you have deceived them.

Let me tell you politicians, who care not for country but are fixing words to deceive, the day will come when the common people will rise in their might and rescue this Government from your hands and place it in the hands of those who use plain English and do not boast of the power of deception. What a spectacle these newspapers present; and we are going to adjourn Congress to engage in a fruitless struggle, a struggle that will bring no hope to anyone, a struggle that will sink us deeper and deeper in poverty and want.

I tell you, Senators, this Congress ought to stay here and grant relief. If the gold men have any legislation to propose that will give relief, let us know it. Let them proclaim it. The only thing they have proposed or suggested was more contraction, more hard times, less money for the people, lower prices, more debt, harder competition with the Asiatics. This country, with its 70,000,000 people, ought to be the richest nation on earth, and it would be the richest if an English syndicate had not been allowed to rob us of our patrimony. If we could make American laws, if there was an American sentiment here so that we could make laws for America and not have them dictated from the other side of the Atlantic, we would be an independent and a free people.

What an outrage it is that here, after thirty years of profound peace and abundant harvests, the opportunity for an honest, industrious man should be worse that it has been at any period since the landing at Jamestown! Never in all history have there been such galling hard times, such discouraging conditions, so much despair and want and misery among the masses of the laboring people, and particularly among agriculturists, as there are to-day. No young man can go forth into legitimate business and make money, because prices are falling, and if he produces property it is worthless in his hands. And this condition, known of all men, has been treated with ridicule and contempt by this Congress! We have sat supinely here and never raised a hand to relieve the people from the burden under which they are groaning!

I suppose we may as well adjourn, for we shall do nothing. This is a do-nothing Congress, and it is proposed to carry on the business of doing nothing and have no issue except an issue to grind the people and to avoid giving them any relief. That is all that is proposed for the future, and I suppose the sooner Congress adjourns the better. I shall not prolong its session.

Mr. ALLISON. I hope we can now have a vote on the resolution.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BUTLER. Mr. President, before the question is put, I desire to call the attention of the Senate and the country to a few pertinent facts. I have here a copy of this morning's Post, which contains an article that is very pertinent in view of the resolution now before the Senate, which I should like to have read.

Mr. HAWLEY. Will the Senator from North Carolina let me appeal to him? I wish to say that it is really a matter of very great consequence, of business consequence and in every other way tending to the comfort and satisfaction of Senators, to have the resolution providing for adjournment at 8 o'clock to-morrow go to the other House for their concurrence. The floor will still be open for Senators to make speeches. We might like to have a little dinner to-night and to take a recess for that purpose. Then speech making can go on at half past 8. But I wish, and I know Senators wish, the resolution to go to the other House for concurrence.

Mr. BUTLER. The thing that I want to talk on is the resolution. I do not care to talk after it has passed. I am willing to adjourn if it is a comfort to Senators and make my remarks to-night or in the morning, but I have got something to say on the resolution.

Mr. HAWLEY. I think it better that we spend the night in talking if we do not want to adjourn at all.

Mr. ALLEN. I rise for the purpose of making a suggestion to the Senator from Iowa. Would it not be better to let the resolution go over until to-morrow morning before voting on it?

Mr. FAULKNER and others. Oh, no.

Mr. ALLEN. I see nothing to be lost or gained particularly, although I can well understand that the President would have so many bills before him that he might not be able to approve them or prepare a veto if the hour is fixed.

Mr. ALLISON. I think there will be no difficulty in securing the signature of the President to such bills as he may approve. I should be very glad to accommodate Senators, but I think it is very important, if we are to deal with this subject, that the Senate should pass upon it to-night, in order that the resolution may go to the other House. It was my purpose later on, as soon as this matter is disposed of, to ask the Senate to take a recess until half past 8 or, say, 9 o'clock. It will be necessary, in order that enrolled bills may be signed and other business between the two Houses transacted, that the Senate shall be in session to-night. It will probably be in session to a reasonably late hour to-night, so that all the real business of the Senate may be transacted and sent to the President.

Mr. BUTLER. I suggest to the Senator from Iowa, to keep from inconveniencing Senators, as it is now our dinner hour, that he let the resolution go over until to-night, and when the Senate reassembles at 9 o'clock I wish to make some brief observations upon it.

Mr. ALLISON. I would prefer that the resolution should be passed and go to the other House before taking a recess.

Mr. BUTLER. Mr. President, before the resolution to adjourn Congress is passed, it is well enough to stop and see what has been done and where we are at and where the country is at. Senators are paid a salary by the year. We are about to leave here and proceed to draw four hundred and some odd dollars a month at home, while our constituents are unable to draw anything, which is quite a serious question to our constituents, and ought to be to us as their representatives.

We have been here since last December, and we have done absolutely nothing. I challenge any man in this Chamber or the other to point to a single bill which has become a law that will be of material benefit to the American citizens, or that will in the least relieve the real trouble lying at the root of financial ills and the economic evils that are now like a cankering sore eating and undermining the body politic. There is not a single measure. Here we have stayed, and we have hedged and sparred, one side trying to place the responsibility on the other, a Democrat rising in his seat and pointing at the Republicans as being responsible for the condition of the Treasury, a Democrat pointing at and blaming the Republicans for bringing evil times upon us, and just as often a Republican has risen and tried to show that it has all been brought upon us by the Democratic party and the Democratic Administration.

This sham battle has gone on, with Senators sparring for party advantage, while each hour has increased the evil conditions that have grown up for the last twenty years because of laws placed upon the statute books by the Republican party mainly, and indorsed by the Democratic party—because when it had its chance it did not repeal them and therefore it indorsed them, and not only indorsed them but augmented them, for it commenced where the Republicans left off and leaves the laws and therefore conditions worse.

A few days ago a most important measure passed this body, probably the most important measure that has been before Congress this session, probably the most important measure that has passed either House—a bill to put a barrier between the hands of the gold combine and the Treasury of the country, a measure to stop the endless chain which was invented by the Senator from Ohio [Mr. SHERMAN], put into operation by him, and which has been kept well greased and running at high speed by the Democratic President ever since he got a chance to operate it to deplete the people's Treasury, to put the dollars thus robbed from us, I may say truly, into the coffers of aliens.

That bill, I say, is more important than a free-coinage measure. Why? Because it strikes at the root of the evils that have brought hard times and distress upon the country, with the evils which have resulted, low prices, mortgage, debt. It was the bondholder who demonetized silver, and it was simply one of his many schemes to enhance the value of his bonds and to pillage and plunder the American people.

Mr. PEFFER. I wish to inquire whether it would suit the convenience of the Senator from North Carolina to conclude his remarks after dinner. We are all getting a little hungry. I know I am.

Mr. BUTLER. It would suit me just as well. I should like to be reenforced by my dinner before I proceed; but still I am prepared to go on.

Mr. ALLISON. Of course, this debate we understand to be political in its character, and I trust that the resolution may pass. Certainly the Senator from North Carolina will have ample time to complete his observations this evening in the line on which he seems to be proceeding or on any other line that may be agreeable to him.

Mr. BUTLER. Yes, it is political, and that is why it is pertinent now. It will not be so pertinent after this session of Congress has gone out of existence—is dead—and therefore unable to give the people relief. I do not desire now to engage in preaching funerals. I am talking over a live question and not a dead one. I will not allow the resolution to pass and then make my speech on it after Congress has decided to adjourn.

Mr. ALLISON. I did not suppose the Senator was engaged on a funeral address.

Mr. BUTLER. If you adjourn this Congress and do nothing I will preach the funeral address next November.

Mr. ALLISON. I ask the Senator if he is opposed to the resolution?

Mr. BUTLER. I want to have a chance to express my opinion about it before voting on it one way or the other.

Mr. ALLISON. Then I will not interrupt the Senator. I hope he will be allowed to proceed.

Mr. HILL. Permit me to make a suggestion. There are quite

a number of Senators who would simply like to have the vote taken in order that they may make their arrangements in reference to other matters. If it could be understood this evening whether the resolution is or is not to pass, it would be a great personal accommodation to them. Otherwise there is nothing about it.

The Senator may make his speech at any time. We shall be glad to hear him upon this or any other question. The only point is that we should like to know before we go to our dinners this evening. We may want to telegraph people—I do, and I know others do—as to whether there is a likelihood that we will adjourn at 3 o'clock to-morrow. If the Senator can accommodate us we shall be very much obliged to him. That is all. If he can see his way consistently to do that he will oblige a number of us.

Mr. BUTLER. I have been appealing here on a number of occasions to have the American people relieved from their inconveniences, and I want to show why the people have not been accommodated. I want to show where the responsibility rests, and then see whether or not we are willing to accommodate ourselves without accommodating the people.

Mr. PEFFER. I think the Senator from North Carolina has seen enough of the temper of the Senate to know that practically the unanimous sentiment here is in favor of an adjournment. The views which the Senator wishes to express I think we are all anxious to hear. I do not see why the Senator can not as well proceed after the resolution is disposed of as before, unless it is his purpose to oppose the resolution in the end.

I am personally in favor of it. I think we have done nothing and we are not going to do anything, and the sooner we adjourn and get away from here the better it will be for us all. But if the Senator insists upon delivering his remarks before the vote is taken, very well.

Mr. BUTLER. I saw there was rather a unanimous sentiment for adjournment or that the preponderance of sentiment was that way, but I had hoped to be able to convert some of the Senators by appealing to their sense of duty to their constituents before they voted. Of course my vote, if I should vote against the resolution, would not count by itself. We would have to have a majority to make it count, possibly. But the fact that I shall have to undertake to convert my friend the Senator from Kansas too, with the others whom we have been trying to convert all this session, of course embarrasses the situation very much.

However, I was interrupted at a very interesting point and now Senators are anxious to hear me to-morrow.

Mr. CULLOM. To-night.

Mr. BUTLER. To-night. It is very tantalizing for one to find himself in a position where Senators are naming a time when they are very anxious to hear him, because there are not many of us who can find a large number of our fellow-Senators who are kind enough to say that they are anxious to hear us at any time. That pleases my vanity a little, I admit. Although I was at a most interesting point in my remarks, I will not now resume. However, I have here a very important paragraph in a paper which I must have read. It shows why the very important bill which I was discussing has not passed the House, and that is very appropriate and pertinent now before we vote upon the resolution. I ask the Secretary to read the explanation as to why the other House has not acted upon the bond bill.

The PRESIDING OFFICER. The Secretary will read as indicated, if there be no objection.

The Secretary read from the Washington Post of June 10, as follows:

CAPITOL CHAT.

The "ghost dance," as Senator BRICE calls the silver agitation, has frightened the Republican leaders of the House of Representatives, and they did not consider it "expedient" to take a vote upon the bill, which passed the Senate last week, prohibiting the further issue of bonds. The question of expediency was, however, determined entirely from one point of view——

Mr. BUTLER. Let Senators note that. The House was controlled by one point of view.

The SECRETARY—

and that is the effect a division of the Republicans on this issue might have upon the St. Louis convention.

Quite a number of Republicans from the Southern States and the Northwest informed Mr. DINGLEY that they dare not vote against the bill.

Mr. BUTLER. That is important.

The SECRETARY—

Quite a number more informed him that they would be compelled to vote for it if it were taken up for consideration.

Mr. BUTLER. That is very important.

The SECRETARY—

They explained that their constituents are decidedly of the opinion that the President should be deprived of the authority to issue bonds at his pleasure——

Mr. BUTLER. That is highly important.

The SECRETARY—

and do not think the Government ought to borrow money to pay its running expenses when it has the means and the power of producing a sufficient amount of revenue without increasing the interest-bearing debt.

Mr. BUTLER. That is extremely important.

The SECRETARY—

They think it would be wise to deprive the President of the power to borrow money without the cooperation of Congress, and believe that he might in that way be convinced of the advisability of increasing the revenues.

Mr. BUTLER. Of course that is not correct, as every intelligent man must know, and as it seems to me must be admitted by every fair-minded, honest man. As I have already shown, the amount of revenue has nothing to do with these bond issues. The Senator from Ohio [Mr. SHERMAN] knows and the President knows that as long as they attempt to force upon the country the gold standard, that as long as they insist upon redeeming greenbacks in gold alone and in paying all our Government obligations in gold alone, just so long we will be forced to borrow the gold—be forced to issue bonds to buy gold. No matter how high the tariff or how much revenue is collected, we will still have to borrow gold under this infamous endless-chain gold-standard system. Why? Because the Government does not get gold when it collects its customs duties. Then what folly to insist on paying out gold, when we have no gold and can not collect taxes or duties in gold. Oh, the sham, the fraud, and the infamy of the whole thing! All this talk about more revenues being the remedy is the work of politicians in order that they may fool the people and get them to submit to further robbery. Let the Secretary read the balance of the article.

The SECRETARY—

Other Republicans whose constituents are engaged in the "ghost dance" did not wish to antagonize local sentiment, and from these two classes there would have been a considerable Republican vote in favor of the passage of the bill. The effect of such a division would stimulate the free-silver element in the St. Louis convention, and, therefore, Mr. DINGLEY, after consultation with the Speaker and other leaders on the Republican side, decided to allow the bill to remain on the Calendar.

Mr. BUTLER. That is the climax. The Post has some very bright newspaper men, and they are, as a rule, as they go—I am a newspaper man myself—responsible; but I will tell you that the newspaper reporter had better hide who put that article in the paper, because there is danger that the House will kidnap him—kuklux him, as we call it in North Carolina—when he treats them that way.

There is no doubt that the reporter gave the correct reason for their nonaction, but the point about it is the audacity of a newspaper man having the courage to tell the truth. It is outrageous. If I were a member of the House I would not stand it. It is outrageous to tell the truth on them in that way. It may be, however, that they will let him off easy on account of that reference to the Republican campaign slogan—more revenues—as the panacea of all our ills; that is, that the way to give the people relief is to tax them more.

Here is an important measure to protect the Treasury, to preserve the credit of the country, to prevent our Treasury from being filched, to prevent debt from being piled up on us for future generations to pay, and the House will not pass upon it. Why? Because the St. Louis convention meets next week, and they are afraid that they will start and give a new impetus to the silver movement, which they have been trying to smother down. But, like Banquo's ghost, it will not down. They are afraid to do anything. They will be d——d if they do, and they will be d——d if they don't. The people will place the responsibility upon them.

Yes, they are afraid that a large number of the members of the House will have to vote for the bond measure. They can not now hold it down, because their constituents are writing to them. That is a humiliating confession. It is almost a shame upon the American Congress that such a confession should be made from one of the great legislative branches as its excuse for not acting upon one of the most important measures that has been before these bodies in ten years. Now, what I wanted to say is this: If the House does not dare to pass that antibond bill now, then we should stay in session till after the Republican convention; then if the reasons given in the Post are correct, we might be able to get the bill passed through that House and save the people from another bond deal this summer. In my opinion we should not adjourn with matters standing in this shape.

Learning that the Senators are very anxious to get their dinners, and are equally anxious to have me continue afterwards, I will try to be agreeable to them. I wish I could be agreeable and obliging to my constituents at the same time.

Mr. ALLISON. I desire to modify the amendment by fixing the hour of final adjournment at 4 o'clock to-morrow instead of 3.

The PRESIDING OFFICER. Without objection, that modification will be made. The question is on agreeing to the amendment of the committee as modified.

The amendment as modified was agreed to.

The resolution as amended was agreed to.

Mr. ALLISON. I move that the Senate take a recess until half past 9 or 9 o'clock.

Mr. BUTLER. Half past 9 will be better.

Mr. ALLISON. Would the Senator from North Carolina prefer half past 9?

Mr. BUTLER. Yes.

Mr. ALLISON. I fixed it at 9 o'clock to suit the Senator from North Carolina. I will modify my motion and make it half past 9.

Mr. PEFFER. Before the motion for a recess is put to the Senate I desire to ask for a unanimous-consent agreement that there shall be no bills taken from the Calendar to-night for the purpose of putting them upon their passage.

Mr. ALLISON. I hope that suggestion will be adopted by unanimous consent.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that at the evening session no bills shall be taken from the Calendar and put upon their passage. Is there objection to such an agreement? The Chair hears none, and it is so ordered.

Mr. ALLISON. Now let us take a recess.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Iowa [Mr. ALLISON], that the Senate take a recess until half past 9 o'clock this evening.

The motion was agreed to; and (at 6 o'clock and 40 minutes p. m.) the Senate took a recess until 9 o'clock and 30 minutes p. m.

EVENING SESSION.

The Senate reassembled at half past 9 o'clock p. m.

SILAS P. KELLER.

The PRESIDING OFFICER (Mr. BACON in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 361) for the relief of Silas P. Keller, which was, in line 6, to strike out the word "Indians" where it occurs the second time, and insert the words "Indian bands."

Mr. COCKRELL. Let the bill lie on the table for the present.

Mr. PLATT. I move its reference to the Committee on Indian Affairs.

Mr. COCKRELL. That is right.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes.

The message also announced that the House had passed a bill (H. R. 2663) to amend the laws relating to navigation; in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the concurrent resolution of the House of Representatives providing for the adjournment of the present session of Congress.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 1853) for the relief of Edward Rice; and

A bill (H. R. 9226) to change the time and places for holding the district and circuit courts of the northern district of Texas.

BILL INTRODUCED.

Mr. CANNON introduced a bill (S. 3296) granting to the State of Utah the Industrial Christian Home in Salt Lake City; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

PAY OF LETTER CARRIERS.

Mr. HALE (at 10 o'clock and 45 minutes p. m.). I enter a motion to reconsider the vote by which the Senate passed the bill (S. 3058) to increase the pay of letter carriers.

Mr. MITCHELL of Oregon. I thought it was the understanding that no business should be transacted this evening.

Mr. HALE. The understanding was that no bill on the Calendar should be called up for consideration. This bill was taken from the Calendar and put on its passage, and I enter a motion to reconsider the vote by which it was passed.

Mr. MITCHELL of Oregon. I move to lay the motion to reconsider on the table.

Mr. HALE. I do not make the motion. I enter the motion.

Mr. MITCHELL of Oregon. I should like to have the Secretary read the unanimous-consent arrangement entered into before we adjourn.

The PRESIDING OFFICER (Mr. BACON in the chair). The Secretary will read the agreement.

The Secretary read as follows:

Mr. PEFFER. Before the motion for a recess is put to the Senate I desire to ask for a unanimous-consent agreement that there shall be no bills taken from the Calendar to-night for the purpose of putting them upon their passage.

Mr. ALLISON. I hope that suggestion will be adopted by unanimous consent.

The PRESIDING OFFICER (Mr. BACON in the chair). The Senator from Kansas asks unanimous consent that at the evening session no bills shall be taken from the Calendar and put upon their passage. Is there objection to such an agreement? The Chair hears none, and it is so ordered.

Mr. MITCHELL of Oregon. I desire to inquire whether the bill referred to by the Senator from Maine has gone to the House of Representatives?

Mr. HALE. That makes no difference.

Mr. MITCHELL of Oregon. Let us know what the facts are.

Mr. HARRIS. For the information of the Senate I should like to know what the bill is.

Mr. HALE. It is a bill increasing the compensation of letter carriers. It adds about a million and a half dollars to the expenses of the Government, and so much taxation.

The PRESIDING OFFICER. The Chair is advised that the bill has been sent to the House of Representatives.

Mr. MITCHELL of Oregon. Then the Senate has no jurisdiction.

Mr. HALE. I enter a motion to reconsider.

Mr. MITCHELL of Oregon. I enter a motion to lay the motion to reconsider on the table.

The PRESIDING OFFICER. The motion to reconsider is entered. The motion to lay on the table will have to be made at the proper time.

Mr. HARRIS. I suggest to the Senator from Maine that if he desires to reconsider the vote he should connect with his motion, as it seems to me, a request that the House of Representatives shall return the bill, as it has gone to the House.

Mr. HALE. I have no doubt that, under the courtesy which exists between the Houses, if the motion is made within the necessary time under the Senate rules the bill will be held up, because otherwise that would always have to be done in every case.

Mr. HARRIS. Still, in the absence of the bill, can the Senator proceed with his motion——

Mr. HALE. Then let me suggest to the Senator, who is an old parliamentarian, that no motion to reconsider within the two days would ever amount to anything, because when a bill is passed it always goes to the other House.

Mr. HARRIS. That is quite true; but in reply I suggest to the Senator that so far as my memory goes back, where a bill has been passed by the Senate and has gone to the other House, and a motion has been made to reconsider the vote by which the bill was passed, there has been connected with such motion a request that the House should return the bill.

Mr. HALE. The Senator knows it would be useless now to make any motion. I simply enter the motion.

The PRESIDING OFFICER. The Chair will have read for the information of the Senate the second clause of Rule XIII, upon that subject.

The Secretary read as follows:

When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate, and been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return the same; which last motion shall be acted upon immediately, and without debate, and if determined in the negative, shall be a final disposition of the motion to reconsider.

Mr. MITCHELL of Oregon. I rise to a point of order. It is that the motion of the Senator from Maine to reconsider is not in order unless accompanied, as required by the rule, with the request that the House shall return the bill. Not being accompanied by that request, of course the motion is not in order.

Mr. HALE. I have only entered a motion to reconsider. I am entirely willing that it shall take its fate under the rule.

I have no idea that the House of Representatives, after the motion to reconsider is entered, will take any action until the Senate has had an opportunity to consider the matter. I do not think, and I suppose a great many Senators agree with me, that the present is an opportune time for increasing the salaries of a favored class. The whole course of Congress this winter has been against increasing salaries. There has been a great importunity and a great pressure to increase the salaries of the letter carriers all over the country. I do not sympathize with that movement, and I enter this motion now, although I am entirely aware that one result of it will be that I may be denounced in many quarters as lacking in my duty. But I enter the motion and take the responsibility of it.

The PRESIDING OFFICER. The Chair is of the opinion that when the motion is made it will have to be accompanied by the other motion under the rule. The Chair does not understand the Senator from Maine now to make the motion.

Mr. MITCHELL of Oregon. I understand by the ruling of the Chair that the motion can not now be entertained.

Mr. HALE. I do not make the motion. I simply enter the motion.

The PRESIDING OFFICER. But the Senator from Oregon misunderstood the Chair. The Chair ruled that it did not understand the Senator from Maine now to make the motion to reconsider, but that whenever a motion was made to reconsider under the rule the accompanying request for the return of the bill must also be made. But this is simply in the nature of a notice that such a motion will be made.

Mr. MITCHELL of Oregon. It amounts to nothing.

Mr. HALE. That is not for the Chair to say.

The PRESIDING OFFICER. That is not for the Chair to determine.

Mr. MITCHELL of Oregon. It amounts to nothing, as I shall contend when this matter comes up at the next session.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes;

A bill (H. R. 8321) to authorize the county of St. Louis, in the State of Minnesota, to build or authorize the building of a foot and wagon bridge across the St. Louis River, between Minnesota and Wisconsin, at a point near Fond du Lac, in said State of Minnesota;

A bill (H. R. 4580) to amend section 3449 of the Revised Statutes;

A bill (H. R. 3960) granting a pension to Mrs. Eliza G. Pyne;

A bill (H. R. 9447) to amend section 1 of an act to amend an act entitled "An act authorizing the Postmaster-General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved May 9, 1888; and

A joint resolution (H. Res. 201) extending the time of payments due from settlers and purchasers on all ceded Indian reservations.

Mr. ALLISON. I move that the Senate adjourn, to meet at 11 o'clock to-morrow.

The motion was agreed to; and (at 11 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, June 11, 1896, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 10, 1896.

PROMOTIONS IN THE ARMY.

Cavalry arm.

First Lieut. Franklin Oliver Johnson, Third Cavalry, to be captain, June 8, 1896, vice Bourke, Third Cavalry, deceased.

Second Lieut. Alexander Wallace Perry, Ninth Cavalry, to be first lieutenant, June 8, 1896, vice Johnson, Third Cavalry, promoted.

Infantry arm.

Second Lieut. Harry Raymond Lee, Eleventh Infantry, to be first lieutenant, June 8, 1896, vice Penn, Second Infantry, appointed quartermaster.

POSTMASTER.

Axel S. Ellis, to be postmaster at Sioux Falls, in the county of Minnehaha and State of South Dakota, in the place of B. F. Campbell, Alfred D. Tinsley now holding the commission under a recess appointment.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 10, 1896.

PROMOTIONS IN THE ARMY.

First Lieut. Franklin Oliver Johnson, to be captain, Third Cavalry.

Second Lieut. Alexander Wallace Perry, to be first lieutenant, Third Cavalry.

Second Lieut. Harry Raymond Lee, to be first lieutenant, Second Infantry.

POSTMASTERS.

Axel S. Ellis, to be postmaster at Sioux Falls, S. Dak.

William H. Chapman, to be postmaster at Farmersville, in the county of Collin and State of Texas.

Charles C. Field, to be postmaster at Puyallup, in the county of Pierce and State of Washington.

John L. Anable, to be postmaster at Mount Vernon, in the county of Skagit and State of Washington.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 10, 1896.*

[*Continuation of legislative day of Saturday, June 6, 1896.*]

The recess having expired, the House was called to order at 10 o'clock a. m. by the Speaker.

HOUSE BILLS LAID ON THE TABLE.

The SPEAKER laid before the House the following House bills, which are ordered to lie on the table, Senate bills covering the same subjects having passed the House:

A bill (H. R. 796) amending the act for the adjustment of railroad land grants;

A bill (H. R. 7868) to bridge the Missouri River near Boonville, Mo.;

A bill (H. R. 8885) amending the act approving the funding act of Arizona;

A bill (H. R. 6119) providing for a commission to investigate problems presented by labor, agriculture, and capital;

A joint resolution (H. Res. 191) authorizing a scientific investigation of the fur-seal fisheries; and

A bill (H. R. 6403) amending the act for the protection of the salmon fisheries in Alaska.

REBINDING OF PRESIDENTS' MESSAGES.

Mr. RICHARDSON. Mr. Speaker, I ask for the adoption of the resolution which I send to the Clerk's desk, which resolution I think is privileged.

The resolution was read, as follows:

Resolved, That the Public Printer is hereby authorized to rebind such of the original messages of the Presidents of the United States as may, in the judgment of the Clerk of the House, require rebinding, for preservation in the files of the House; and the Clerk of the House is hereby directed to deliver said original messages to the Public Printer for the purpose herein authorized.

The resolution was agreed to.

MATERIAL FOR MINOR COINS.

Mr. CHARLES W. STONE. Mr. Speaker, I desire to present from the Committee on Coinage, Weights, and Measures the resolution which I send to the Clerk's desk, with the recommendation that it do pass.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be requested to communicate to the House at the commencement of the next session such information as he may have or may be able to obtain meantime as to the comparative merits and advantages of pure nickel, nickel alloy, aluminium combined or alloyed with other metals, and of copper bronze as material for our minor coins; and for the purpose of making such information as full and complete as possible the Secretary of the Treasury is authorized to have struck such experimental minor coins of the metals above mentioned, pure and in combination with other metals, as he may deem necessary and proper, and is requested to communicate to the House the results and conclusions derived from such experimental coinage.

The resolution was agreed to.

REPORT ON JAPANESE COMPETITION.

Mr. DINGLEY. Mr. Speaker, I desire to submit a privileged resolution for printing some additional copies of a report.

The resolution was read, as follows:

Resolved, That there be printed for the use of the House 10,000 copies of the report of the Committee on Ways and Means on Japanese competition.

Mr. RICHARDSON. I should like to ask the gentleman from Maine if this was a unanimous report?

Mr. DINGLEY. There is no minority report presented. The understanding was that if one was presented it would be printed with the majority report.

Mr. RICHARDSON. There have been no views of the minority submitted?

Mr. DINGLEY. There have been no views of the minority presented, but if they should be there would be leave for printing them in connection with the report.

The resolution was agreed to.

UNITED STATES COURT AT HARTFORD, CONN.

Mr. HENRY of Connecticut. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2850) changing the time for holding circuit courts of the United States in the district of Connecticut.

The bill was read, as follows:

Be it enacted, etc., That a term of the United States circuit court in the district of Connecticut shall be held at Hartford, in said district, on the second Tuesday of October, 1896, and thereafter in each year on the second Tuesday of October, and that after the third Tuesday of September, 1896, the term of said circuit court now by law provided to be held annually on the third Tuesday in September shall be discontinued.

Mr. RICHARDSON. Mr. Speaker, I should like to have some explanation from the gentleman about this.

Mr. HENRY of Connecticut. I will say that this bill is an exact copy of a bill which has been considered by the Judiciary

Committee of the House and favorably reported. The passage of the bill is asked for by the bar of the State, and also by the judge of the United States district court. Nobody objects to it. It is merely for the convenience of the bar of the State.

The SPEAKER. The question is on suspending the rules and passing the bill.

Accordingly, two-thirds having voted in favor thereof, the rules were suspended and the bill passed.

AMERICAN REGISTER FOR STEAMER MENEMSHA.

Mr. LOW. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2978) to provide an American register for the steamer *Menemsha*.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamer *Menemsha*, owned by Charles W. Hogan, a citizen of the United States, to be registered as a vessel of the United States.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to cause the inspection of said vessel, steam boilers, steam pipes, and their appurtenances, and cause to be granted the usual certificate issued to steam vessels of the merchant marine without reference to the fact that said steam boilers, steam pipes, and appurtenances were not constructed pursuant to the laws of the United States, and were not constructed of iron stamped pursuant to said laws; and the tests in the inspection of said boilers, steam pipes, and appurtenances shall be the same in all respects as to strength and safety as are required in the inspection of boilers constructed in the United States for marine purposes.

Mr. DINGLEY. I should like to have the report read, or some explanation.

The report (by Mr. MCCORMICK) was read, as follows:

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (S. 2978) granting an American register for steamer *Menemsha*, have examined the bill and accompanying papers, and report the same back to the House and recommend its passage.

An identically similar bill was favorably reported from this committee May 8 last, and that bill (H. R. 8557) is now upon the House Calendar.

The following are the facts in the case as taken from the committee's report on the House bill:

"The *Menemsha* is an iron steamer, built at Newcastle, England, in 1885. Her length is 310 feet 6 inches; beam, 38 feet 8 inches; depth of hold, 27 feet; tonnage, 1,724 net and 2,743 gross. She was classed in Lloyds prior to her wreck as 100 A1, and, by the repairs put upon her by the Newport News Shipbuilding and Dry Dock Company, she is now in first-class condition.

"The owner of the *Menemsha*, Mr. Charles W. Hogan, is a citizen of the United States, and purchased the vessel from the Mendota Steamship Company, of England, for $43,000, which price included the bill for repairs put upon said vessel, which were made by the Newport News Shipbuilding and Dry Dock Company, amounting to $35,558.25, which Mr. Hogan assumed and paid. Smaller bills, amounting to $900, were also paid by him.

"The *Menemsha* encountered fearful weather during the month of February when coming west. One of her ballast tanks collapsed, and for a number of days the condition of those upon the vessel was extremely critical. The principal trouble and disaster occurred in mid ocean during the voyage from Leith, Scotland, to Newport News, Va., where she arrived in an unseaworthy condition. Her present value is shown to be $46,000, and the repairs put upon her by the Newport News Shipbuilding and Dry Dock Company have amounted to $35,558.25, being in excess of the three-fourths of her value, as required by law."

In view of these facts your committee report the bill favorably and recommend that it pass.

Mr. DINGLEY. As I understand from the report, the only reason for the passage of this bill is that the wreck occurred outside of the jurisdiction of the United States—beyond the three-mile limit?

Mr. LOW. Yes.

Two thirds voting in favor thereof, the rules were suspended and the bill passed.

CONTESTED ELECTION CASE—HOPKINS VS. KENDALL.

Mr. MOODY. Mr. Speaker, I desire to call up the contested election case of Hopkins *vs.* Kendall, of the Tenth Congressional district of Kentucky, and ask for the passage of a resolution which has been unanimously reported by the Committee on Elections No. 1.

The Clerk read as follows:

Resolved, That the parties in the contested election case of N. T. Hopkins *vs.* J. M. Kendall be permitted to take additional testimony touching the election in Clark County up to the 1st day of August, 1896, according to the rules for taking testimony in contested election cases prescribed in the statutes of the United States. Said testimony to be confined to the issues made by the notices of contest and the answer thereto.

Mr. BAILEY. I would like to have some explanation of this. I make the inquiry if this is from the Committee on Elections No. 1?

Mr. MOODY. It is from the Committee on Elections No. 1. This resolution was considered by all the members of the committee present. The gentleman from Georgia [Mr. BARTLETT] was present when it was adopted in the committee, and it meets his approval.

Mr. BAILEY. I have no further questions.

Mr. MOODY. I move the adoption of the resolution.

The resolution was agreed to.

FOREST FIRES ON THE PUBLIC DOMAIN.

Mr. SHAFROTH. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 9123.

The Clerk read as follows:

A bill (H. R. 9123) to prevent forest fires on the public domain.

Be it enacted, etc., That any person who shall willfully or maliciously set on fire, or cause to be set on fire, any timber, underbrush, or grass upon the public domain, or shall carelessly or negligently leave or suffer fire to burn unattended near any timber or other inflammable material, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any district court of the United States having jurisdiction of the same, shall be fined in a sum not more than $5,000 or be imprisoned for a term of not more than two years, or both.

SEC. 2. That any person who shall build a camp fire, or other fire, in or near any forest, timber, or other inflammable material upon the public domain, shall, before breaking camp or leaving said fire, totally extinguish the same. Any person failing to do so shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any district court of the United States having jurisdiction of the same, shall be fined in a sum not more than $1,000 or be imprisoned for a term of not more than one year, or both.

SEC. 3. That in all cases arising under this act the fines collected shall be paid into the public-school fund of the county in which the lands where the offense was committed are situate.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. BAILEY. I should like to ask the gentleman from what committee this proposition comes?

Mr. SHAFROTH. I will state to the gentleman that this comes from the Committee on Public Lands; and I will make a little statement concerning the necessity of this legislation. At the present time there is no law on the statute books punishing persons for setting fire to forests. Great destruction to the timber on the public domain is caused by forest fires. There has been considerable legislation on cutting timber; but the amount of timber that is cut compared with the destruction by fire is almost infinitesimal. The cutting is simply done near lines of railroads, which upon the map would be indicated simply by a line; but a forest fire will begin and it will sometimes in three days cover 100 square miles, thus destroying a growth of years.

Now, the necessity for legislation like this is apparent to everyone. We in the West for years have seen the necessity of preserving the timber on the public domain. We are interested in preserving the shade, so that the snows on the mountains will not melt until the summer, and when they do melt will furnish a copious supply of water for irrigation purposes in the plains below. There is nothing in the United States statutes that prohibits persons from setting fire to forests, and this bill has been considered by the Committee on Public Lands, which has reported it unanimously. It has been referred to the Secretary of the Interior, and he has recommended its enactment; and so, it seems to me, there should be no opposition whatever to the measure.

Mr. BAILEY. If the gentleman will permit me, I believe this is a bill that ought to have come from the Committee on the Judiciary, inasmuch as it creates and punishes a crime. I cordially assent to the proposition that a man who willfully and maliciously sets fire to the public domain ought to be severely punished; but it appears to me that the punishment is out of all proportion to the offense, in that it sends a man to the penitentiary for two years because he negligently or carelessly happens to set fire to the public domain. Though it may not burn a square mile nor a square foot, under this bill he could be put in the penitentiary and made infamous during the balance of his life. I think the bill ought to be limited to men who "willfully and maliciously" or who "willfully or maliciously" commit the offense, but to punish a man by two years in the penitentiary for carelessly setting fire to the public domain is altogether out of proportion to the offense.

Mr. SHAFROTH. I think if you will examine the first section of the bill you will find that it is: "That any person who shall willfully or maliciously set on fire." The words "willfully or maliciously" are used.

Mr. BAILEY. I may have misunderstood it, but I think it covered the case of carelessness or negligence.

Mr. SHAFROTH. That feature is covered in the second section. I want to explain the necessities for that. Nine-tenths of the forest fires occur on account of campers who go out and camp near some stream and leave a fire burning. They do not totally extinguish it. A wind comes up and blows the fire into the adjoining forest, and then you have a conflagration, and it is almost impossible to extinguish it. The fires have to burn until they come to barren land or a stream of some kind which the fire can not leap; this bill is to meet the case of those people who will start camp fires and will not extinguish them. There is no minimum punishment prescribed, so that the court can take into consideration all the circumstances. It says not more than $1,000; so that the court may inflict a punishment of only $1. We thought it best to leave it entirely in the discretion of the court, which would take into consideration all the circumstances.

Mr. BAILEY. That is the second section. I thought I was not mistaken in what the first section contained. I find that it reads:

That any person who shall willfully or maliciously set on fire or cause to be set on fire any timber, underbrush, or grass upon the public domain or shall carelessly or negligently leave or suffer fires to burn unattended near any timber or other inflammable material, etc.

This is a matter in which my constituents can not possibly be interested, for we have not and never had an acre of public land in

our State. I simply suggest that you are defining a crime and punishing it out of proportion to the offense, which, I think, is always bad legislation. I make no objection if the House desires to pass it.

Mr. SHAFROTH. In answer to the suggestion of the gentleman, I simply desire to say that there is no minimum fine or imprisonment imposed by this bill, but it leaves the punishment to the judge, who can fine the party found guilty a dollar if he chooses.

Mr. LITTLE. What is to hinder the States or Territories in which these lands lie from enacting laws for the punishment of this offense?

Mr. SHAFROTH. They have passed laws concerning the subject-matter. It is difficult to enforce the State laws. It is fear of Federal jurisdiction that will make the offenders observe the law.

Mr. LITTLE. If the people of the Territories or States who are to be protected by this will not respect the laws of their own States, it will not justify Congress, I think, in placing the matter under the jurisdiction of the Federal courts.

Mr. SHAFROTH. In answer to that suggestion, I wish to say just this: We have had some legislation of this kind on our State statute, of course; but persons living in the immediate vicinity of this timber are not so much interested in its preservation as those who live on the plains below who want the water during the summer months.

Mr. DOOLITTLE. What States will this proposed legislation cover?

Mr. SHAFROTH. All the States.

Mr. LITTLE. Every one of them.

Ms. DOOLITTLE. A great deal of timber has been destroyed in my State through the carelessness of campers and sheep herders—most valuable timber—worth hundreds, thousands, and even millions of dollars. I think legislation of this character is very urgently required in the West to preserve the timber against the criminal carelessness of the persons who go there.

Mr. SHAFROTH. The people against whom we seek to protect this timber are not so much those residing permanently in those portions of the country as the hunters who go there transiently and do not care anything about the permanent welfare of the State. The class of persons whom we desire to reach do not yield so readily to State law as they would to the authority of the United States Government.

Mr. BAILEY. The gentleman makes a very serious accusation against his own people when he says that they do not respect the laws which their own representatives make.

Mr. SHAFROTH. It is not an accusation against my own people; it is an accusation against offenders of the law, and often they are not residents of the State. At any rate, we know that a law on this subject emanating from Federal authority would be better observed than a State enactment, on account of the greater certainty of prosecution.

Mr. LITTLE. In my State portions of the public domain are scattered here and there over the State; and under this proposed legislation a citizen who might happen to touch off fire on one of those tracts would be subject to prosecution in the Federal courts, and in order to be tried might be carried 80 or 100 miles away. Now, I think that if the citizens of the States sought to be protected by this bill will not enforce their own State laws, then the jurors who would be furnished to the Federal courts in those States from the same citizenship can not be intrusted to enforce a law of this kind.

The fact is, I do not think Congress is justified in exercising jurisdiction through the Federal courts in matters where the State courts already have ample authority and power under State laws framed for the purpose of dealing with this question. I can not see why a citizen should be in greater terror of going to the penitentiary under a conviction in a Federal court than of going to the penitentiary through a conviction in a State court. If the evil of which gentlemen complain is so serious, then the States that suffer in this way ought not only to pass laws, but to enforce them.

Mr. DOOLITTLE. It is more difficult to detect these men through the officials of the State than it would be through the power of the Federal Government.

Mr. LITTLE. It strikes me that the State organization, with its power to detect and punish offenses against the law through the instrumentality of constables, sheriffs, etc., of the respective counties, must be better equipped for the discovery and prosecution of these offenses than Federal officers scattered here and there.

Mr. DOOLITTLE. With all due deference to the gentleman, I think he is mistaken.

Mr. SHAFROTH. In reply to the suggestions which have been made against this bill, I wish to say that the timber which the bill seeks to protect is on the public domain, and it seems to me absurd to say that the United States Government can not or should not pass laws to protect the timber upon its own domain.

Mr. LITTLE. My views on this question impel me to object to the passage of the bill.

The SPEAKER. The question is on the motion of the gentleman from Colorado [Mr. SHAFROTH], to suspend the rules and pass the bill.

The question having been put,

The SPEAKER. In the opinion of the Chair, the ayes have it.

Mr. LITTLE. I call for a division.

The question being again taken, there were—ayes 93, noes 3.

Mr. LITTLE. No quorum.

Mr. SHAFROTH. I withdraw the bill.

The SPEAKER. The bill is withdrawn; and the gentleman from Wyoming [Mr. MONDELL] is recognized.

Mr. LITTLE. I withdraw the point of no quorum.

The SPEAKER. As the Chair understands, the point of no quorum is withdrawn.

Mr. SHAFROTH. The bill has been withdrawn. The gentleman withdrew his point after I had withdrawn the bill.

WORK ON UNION PACIFIC RAILROAD LAND PATENTS.

Mr. MONDELL moved to suspend the rules and adopt the following concurrent resolution:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of the Interior be, and he hereby is, authorized and directed to resume work upon and to issue patents to the Union Pacific Railway Company without delay to all lands which have been sold by said company to bona fide purchasers: *Provided*, That nothing herein contained shall be construed as waiving any right that the United States may have to declare a forfeiture as to the lands which have not been so sold by said company: *Provided*, That the words "bona fide purchasers" herein contained shall not be held to include the holders of lands secured by mortgage on such land grant.

Mr. DINGLEY. I should like to have this resolution explained briefly.

Mr. MONDELL. The lands referred to in this resolution are lands along the line of the Union Pacific Railway and within its land-grant limit. About a year ago the Secretary of the Interior issued orders to the Commissioner of the General Land Office to cease patenting lands to the Union Pacific Railway Company and other land-grant roads pending legislation by Congress in regard to those roads and their land grants. It is evident that this Congress will take no action in regard to those roads or their land grants. In the States of Colorado, Wyoming, Nebraska, and Utah there are some two and a half millions of acres which have been sold by the Union Pacific Railway Company to actual settlers. In a great many cases those lands were entirely paid for several years ago, and in other cases they are under contract and partly paid for. They are absolutely in the hands of actual settlers and are for the most part the only real estate owned by them. It is a great hardship to those settlers that they are unable to obtain patents for their lands. The resolution provides that it shall not affect the title of the Government in any Union Pacific Railway Company lands that have not been sold to bona fide purchasers. Citizens of the States interested are very anxious to have the Department resume the patenting of the lands that have been actually sold to bona fide settlers.

Mr. PARKER. I would like to ask the gentleman whether this proposed legislation will make good the title to lands sold by the railway company after the United States declared that the grant should be forfeited?

Mr. MONDELL. I will say to the gentleman that the United States has never declared these lands forfeited. There is no question between the United States and the Union Pacific Company as to the forfeiture of their lands. That question never has been raised. The company has fulfilled the terms of its agreement with the Government in full. There has simply been an arbitrary ruling of the Secretary that, temporarily, patents for these lands shall not issue.

Mr. PARKER. Is not some reason given for that ruling?

Mr. MONDELL. In reply to the question of the gentleman from New Jersey, I will read an extract from the annual report of the Secretary of the Interior:

> I have recently deemed it advisable to direct the Commissioner of the General Land Office to allow his force to give their time to selections of lands made by roads other than bond-aided roads. I have not undertaken to pass finally upon the rights of the bond-aided roads, but I have considered, in view of the fact that this whole subject must come before Congress, that it is advisable to leave the lands as they are for the present.

Now, this resolution simply provides that the Secretary shall issue patents to the Union Pacific Company for all lands which have been sold by said company to bona fide purchasers: "*Provided*, That nothing herein contained shall be construed to affect any right that the United States may have to declare a forfeiture as to lands that have not been sold." Thus it absolutely protects the Government, and what we ask is simply that these settlers who have bought their lands in good faith shall receive title to them.

Mr. MCEWAN. I desire to ask the gentleman what is meant by the words "resume work" in this resolution. Does it mean the expenditure of money upon these lands?

Mr. MONDELL. No, sir. The Secretary instructed the Commissioner of the General Land Office last year to cease work in his department upon the lists of these lands furnished by the roads to be patented.

Mr. MCEWAN. But what is that "work"?

Mr. MONDELL. It is simply labor in the department. The Secretary directed the Commissioner to suspend work upon the issuing of patents for these lands, and this resolution proposes to direct him to resume that work.

Mr. BELL of Texas. I desire to ask the gentleman whether this bill has been reported by the Committee on Pacific Railroads?

Mr. MONDELL. It has been reported unanimously by the Committee on Public Lands of this House.

Mr. BELL of Texas. But has it been reported by the Committee on Pacific Railroads? Was it referred to that committee?

Mr. MONDELL. No, sir; it went to the Committee on Public Lands in both Houses.

Mr. BELL of Texas. I remember the bill now, and I want an opportunity to make a little explanation in regard to it, but I will not interrupt the gentleman at this time.

Mr. MONDELL. I yield to the gentleman.

Mr. BELL of Texas. Mr. Speaker, this bill, or one exactly like it, was referred to the Committee on Pacific Railroads. The gentlemen who represented the railroad companies appeared before the committee and made arguments, and the position taken by them was this: They contended that a mortgage made in good faith would have exactly the same effect as a sale, and if we should pass this bill or the bill similar to it which was pending before that committee, the effect would be to at once not only authorize but require the Secretary of the Interior to issue patents for all the lands covered by mortgage as well as for those which have been actually sold. There may have been some disposition made of the bill at a time when I was not present in the committee, but I know there was a very general opposition to the passage of such a bill, and I am sure that a matter of this great importance ought not to be disposed of at this time, especially in the absence of the chairman of that committee. The bill has a much more far-reaching effect than seems to be anticipated by the gentleman in charge of it, unless the attorneys who appeared before the committee were entirely mistaken in their contention, and I do not think the subject ought to be disposed of summarily at this time.

Mr. MONDELL. Mr. Speaker, in reply to the gentleman from Texas it seems to me that he does not understand the scope of the resolution or else he must have in mind some very different character of legislation than that proposed here. This is simply a concurrent resolution, not even a joint resolution, and can not in any manner change existing law or affect in any way the existing law relating to the Union Pacific Railway land grants. It is simply a resolution providing that men who have gone into these States and in good faith invested their all in real estate for the purpose of securing homes shall have their lands patented to them as they have been patented heretofore.

I wish to call the attention of the gentleman to the fact that up to one year ago there was no delay whatever in the issue of the patents to these people; but the Secretary of the Interior, pending possible legislation (understand that the question never was raised as to the right of the company to any of the lands)—but pending possible legislation by Congress the Secretary felt that it might be better to use the force in the Department in other lines rather than in patenting these lands in view of possible action by Congress. That is the only reason for their suspension. This resolution simply directs the Secretary of the Interior to issue to these settlers—in other words, it is an expression of Congress on the subject.

Mr. BELL of Texas. Does it not say "purchasers"?

Mr. MONDELL. Yes; to issue to the bona fide purchasers the patents to which they are clearly entitled.

Mr. BELL of Texas. Now, the point is that a lawyer of eminence nominated by the President of the United States or one of the justices of the Supreme Court of the United States was asked recently the specific question before the committee when this matter was under consideration as to what effect the passage of such a law would have. He replied that it would not only affect the issuance of patents, and thus affect claims to titles, but would also require the issuance to the bona fide and good-faith mortgagee of patents to them. That was the position taken by Mr. Justice Peckham, who I understand to be very eminent as a lawyer, and while of course he may be mistaken, we certainly ought not to commit ourselves to a policy that may have that effect, when it is clearly not intended by the gentleman in charge of the measure.

Mr. MONDELL. If the gentleman will look at the list set forth in this report by Senator ALLEN, a list which is printed to accompany the report—and remember that this bill passed the Senate unanimously—he will find that it refers to certain lists containing some two and one-half million acres of land which are affected by the present conditions. It is true that the Union Pacific land grant—the entire grant—is covered by bonds; but in no possible way can a concurrent resolution affect any law in reference to the Union Pacific land grants, especially when it provides specifically that it shall be confined exclusively to the issuance of patents with reference to lands held by absolute and bona fide purchasers.

Mr. BELL of Texas. Not settlers, but purchasers, as I understand the resolution.

Mr. MONDELL (continuing). And the Government absolutely retains the right of forfeiture.

Mr. BELL of Texas. But it is well known to all lawyers who are familiar with such subjects that when a patent is issued by the Government it puts an end to the contention.

Mr. MONDELL. But it is true that patents are being annulled every day by the Department.

Mr. BELL of Texas. I understand that; but only in cases of fraud, or something of that kind.

Mr. MONDELL. And this resolution simply directs the Secretary to do what has been done heretofore by all the Secretaries. There has never been a question heretofore up to one year ago that these men were not entitled to their patents. Up to that time they were receiving the patents as fast as they complied with the conditions required by the road and the railroad company applied for patents.

Now, I am certain that the gentleman from Texas does not ask me to go back home, and other gentlemen who represent the States interested in this matter—some twenty-two or twenty-three thousand farmers being involved—and say to them that the House absolutely refuses to allow the Secretary of the Interior to issue patents to the railway company for their lands.

Mr. BELL of Texas. No, but I would like him to say this to these people, that we do not think it safe, just on the close of the session, when there is not a quorum present, to pass a law or a joint resolution, which is practically the same thing, which will have the effect, in the judgment of some of the best lawyers of the country, to not only settle these questions so far as they are concerned, but also so far as the mortgagees or holders of mortgages are concerned.

Mr. SHAFROTH. The gentleman from Texas labors under a misapprehension. He assumes that this is a joint resolution.

Mr. BELL of Texas. I so understood the gentleman in charge of it.

Mr. SHAFROTH. This is not a joint resolution but a concurrent resolution; and such a resolution can not change existing law. In one instance—in the case of a joint resolution—it requires the signature of the President, and then it has the effect of a law; but a concurrent resolution has no such effect. It is simply directory to the Secretary of the Interior.

And I wish to say now that I am a member of the committee, and made the report in this instance, and that the resolution introduced, which came before the committee and members of the Public Lands Committee (which passed the Senate unanimously), does not contemplate any such action as the gentleman from Texas seems to apprehend.

The Committee on Public Lands believe that the Secretary of the Interior should be directed to resume the issue of patents to these lands, and the gentleman from Arkansas [Mr. MCRAE], who was chairman of the Committee on Public Lands in the last Congress, drew this resolution himself. He did not like the wording of the resolution that was brought to the Committee on Public Lands, but drew this resolution in his own handwriting, and modified it in the manner that he wanted to. It unanimously passed the Committee on Public Lands. It does not change existing law. It could not change existing law, because it is simply advisory to the Secretary of the Interior.

Mr. MONDELL. Mr. Speaker, I yield to the gentleman from Montana [Mr. HARTMAN].

Mr. HARTMAN. Mr. Speaker, in reply to the suggestion of the gentleman from Texas [Mr. BELL] and to obviate his objection, I will ask leave to propose the following amendment, which I think will do away with his objection entirely, if it does exist in fact:

Provided, That the words "bona fide purchasers" herein contained shall not be held to include the holders of bonds secured by mortgage on such land grant.

That obviates the gentleman's objection.

Mr. MONDELL. I accept that amendment.

Mr. BELL of Texas. I think that probably obviates some of my objections; but I still make the point that this bill ought to have been referred to the Committee on Pacific Railroads. The chairman of that committee is not here, and I see only two members of that committee present besides myself. I do not think that a bill of this kind and of this importance should be passed in the closing hours of this session, when there is no quorum present,

when there is nobody present to whom it was referred who can explain particularly the effect of it. Therefore I object to it, regardless of any amendment that may be offered.

Mr. MONDELL. I yield to the gentleman from Indiana [Mr. FARIS].

Mr. BELL of Texas. I should like to hear what the gentleman from Indiana [Mr. FARIS] has to say about this.

Mr. FARIS. Mr. Speaker, I think my colleague on the Pacific Railroads Committee [Mr. BELL of Texas] is laboring under some misapprehension relative to this matter. I believe I attended all the meetings of the Pacific Railroads Committee. I do not believe that this resolution or any similar bill or resolution was ever before that committee. This, however, did occur: In the early days of this session the receivers of the Union Pacific came before our committee and presented this difficulty that the management of the railroad was and is under, expressing the hope that the committee would take the matter in hand and that some legislation would be had on the subject, they representing to our committee that the Secretary of the Interior had arbitrarily, of his own motion, entirely suspended the issuance of these patents. For the information of the committee the Secretary of the Interior appeared before us and made a long statement on the subject, and, as I remember, he assumed the entire responsibility for the present status in the matter of the issuance of patents, justifying himself because of the default on the part of the company and the expected continued default on the part of the company as to its obligations to the Government. He stated that he thought that the status quo should be maintained as to the matter when he stopped issuing these patents. Now, I do not remember that we have had any bill on the subject before the committee. I think, indeed, we never had, and I agree with my colleague, the gentleman from Texas [Mr. BELL], that this matter ought to have been referred to the Committee on Pacific Railroads. Mr. Speaker, as I understand it, there is no purpose or object in this resolution except to protect the bona fide purchasers of lands along the line of the Union Pacific road, and understanding the situation as I do from the hearings before our committee, I think this resolution ought to pass.

Mr. BELL of Texas. Do you not remember that Judge Peckham appeared before our committee and made a speech in behalf of the mortgage bondholders, asking for this very legislation, and stating that the effect of it would be to require the issuance of patents not only where the land had been sold and the settler had gone upon it but also wherever it had been mortgaged in good faith?

Mr. FARIS. I will say in answer to my colleague that I do not remember——

Mr. BELL of Texas. You remember Judge Peckham being before the committee?

Mr. FARIS. Judge Peckham and Mr. Ellery Anderson were before our committee on the same day, one following the other, and they made a statement or argument, with a great deal of elaboration, upon this and kindred subjects. I have no recollection that Judge Peckham stood in antagonism to Mr. Anderson on this proposition.

Mr. BELL of Texas. No; on the contrary, representing the holders of the mortgages, he of course favored it and wanted the legislation.

Mr. TAWNEY. Will not the amendment proposed by the gentleman from Montana [Mr. HARTMAN] obviate your objection?

Mr. BELL of Texas. It certainly will to a certain extent. It does modify it very much.

Mr. FARIS. My recollection is very clear that Mr. Anderson, one of the receivers for this road, insisted to the committee that some such relief as this ought to be accorded to these people buying these lands, and, if my colleague will permit me, I will say that I have no recollection that Judge Peckham or anybody else ever referred to that subject or made any argument before the committee subsequent to that day.

Mr. BELL of Texas. No, not subsequent to that day, but right on that day.

Mr. BRODERICK. You understood that there were a great many lands in several States that purchasers had been in possession of for a number of years, for which they had no patents?

Mr. FARIS. Yes.

Mr. BRODERICK. And they wanted their patents?

Mr. FARIS. Yes; had paid the money in good faith; that many of them were living on the lands and all of them were affected by what was conceded and not disputed by the Secretary of the Interior to be his own arbitrary act in the premises.

Mr. BRODERICK. I understand, also, that the bill went to the Committee on Public Lands of the Senate?

Mr. FARIS. I heard that this morning, but did not know it before.

Mr. BRODERICK. That committee is a safe committee, composed of good lawyers.

Mr. FARIS. I make no point on that. I only refer to the failure to present this matter to our committee, because such distinguished men had appeared before us and given us information, including the Secretary of the Interior. I think the resolution ought to pass.

Mr. BRODERICK. I think so, too.

The SPEAKER. The question is on suspending the rules and passing the concurrent resolution.

Several MEMBERS. There is an amendment.

The SPEAKER. Under the rules, on a motion to suspend the rules there can be no amendment.

Mr. HARTMAN. Can not it be done by unanimous consent?

The SPEAKER. Yes. If there be no objection, the amendment will be considered as agreed to.

There was no objection.

The question was put.

The SPEAKER. In the opinion of the Chair, two-thirds having voted in favor thereof, the rules are suspended and the concurrent resolution is agreed to.

JONATHAN SCOTT.

Mr. KIRKPATRICK. Mr. Speaker, I desire to present a privileged report. The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4526) granting a pension to Jonathan Scott, together with the message of the President of the United States, bearing date May 30, 1896, vetoing the same, directs me to report the bill back with the recommendation that the bill pass, the veto of the President to the contrary notwithstanding.

Mr. DINGLEY. One moment. I desire to call the gentleman's attention to the fact that under the Constitution the yeas and nays will have to be taken on the passage of that bill over the veto; and in view of the circumstances that exist it is hardly wise that they should be called.

Mr. KIRKPATRICK. I realize that; but it seems to me that a quorum is present here this morning. [Cries of "Oh, no!"]

Mr. DINGLEY. I think you had better withdraw the bill for the present and wait until we have a quorum.

Mr. KIRKPATRICK. In your judgment will there be a quorum here?

Mr. DINGLEY. I can not tell. Of course the gentleman very well understands that if the absence of a quorum should be developed on the yeas and nays it will be fatal to some matters of very great importance, among which is final adjournment.

Mr. KIRKPATRICK. I will allow the matter to stand for the present, and may call it up a little later.

The SPEAKER. The report is withdrawn.

FOREST FIRES.

Mr. SHAFROTH. Mr. Speaker, I wish to call up again the bill (H. R. 9123) to prevent forest fires on the public domain, and move to suspend the rules and pass the bill. The gentleman from Arkansas [Mr. LITTLE] has withdrawn the point of no quorum.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

TITLES TO CERTAIN LANDS IN MISSISSIPPI.

Mr. WILLIAMS. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 9345) to enable certain persons in the State of Mississippi to procure title to public land.

The bill was read, as follows:

Be it enacted, etc., That all persons who, prior to January 19, 1895, purchased in good faith from the State of Mississippi any lands within the 6 miles or granted limits of the Mobile and Ohio Railroad, and which lands were included in approved swamp-land list No. 7, Augusta series, their heirs or assigns, shall have the preference right of entry for one year from the passage of this act, either under the homestead law or by purchase at private entry, at $1.25 per acre; and the fact that persons affected by this act have heretofore made entry of lands under any law or laws shall not work a disqualification to make entry as herein provided.

Mr. WILLIAMS. Mr. Speaker and gentlemen of the House, this is a bill that was unanimously reported by the Committee on Public Lands, and which is worded precisely as the Commissioner of the General Land Office recommended that it should be worded. The case is this: On September 20, 1850, there was a law passed by the United States Government granting a right of way and granting the even-numbered sections within a 6-mile limit to a certain railroad, styled in the act the Mobile and Chicago Railroad Company, the Government reserving the odd-numbered sections, having granted the even ones to the railway company, at an increased price of $2.50, in order to indemnify the Government for the lands granted to the railroad company. Upon September 20, 1850, the Government of the United States passed what is known as the land-grant act, by means of which they allowed States to select certain lands as swamp lands. The State of Mississippi proceeded under the swamp-land-grant law to select certain lands, and selected, among others, a great many of these lands which were upon this list of lands reserved to be sold at $2.50 an acre. The governor of the State of Mississippi certified

that land to the Interior Department. The Interior Department, on August 23, 1883, approved the list selected by the governor of the State of Mississippi, and transmitted to the governor on February 19, 1884, his approval of the list. The approval was never carried into patent.

Now, subsequently the Interior Department, upon January 19, 1895—years after these lands had been sold to parties who had bought them and had been living upon them for a generation, in many instances had buried their ancestors on them—the Department came to the conclusion that these lands were reserved, and revoked the approval which had been previously given. The consequence has been to leave the lands of a great many people who have been living upon them for a generation or longer subject to homestead entry, and it is very natural for a man who wants to enter a homestead to prefer one with a house and barn and other conveniences upon it rather than to go into the woods. A great deal of trouble has grown up in the counties where these lands are situated, and where about 15,000 acres are involved. The bill is worded in the exact language recommended by the Commissioner of Public Lands of the United States, and the passage of the bill is of immediate necessity in order to cure a crying evil which, if not cured, will cause a great deal of damage to actual, bona fide settlers upon these lands.

Two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles:

A bill (H. R. 2) disposing of two condemned cannon; and

A bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes.

WILLIAM H. SCOFIELD AND OTHERS.

Mr. FAIRCHILD. Mr. Speaker, I call up House bill No. 7338, and I move that the rules be suspended for the present consideration of the bill.

The SPEAKER. Not for the passage of the bill?

Mr. FAIRCHILD. No; my object is to amend it so that it will correspond to the form in which the bill is about to pass the Senate.

The SPEAKER. Why does not the gentleman move to suspend the rules and pass the Senate bill?

Mr. FAIRCHILD. I accept the suggestion of the Chair, and move to suspend the rules and pass the bill in the form in which I send it to the Clerk's desk.

The bill was read, as follows:

Be it enacted, etc., That William H. Scofield, Jacob Brady, James Ketcham, Annie Booth, as administratrix of the goods, chattels, and credits of George W. Booth, deceased; Wilson P. Billar, Ezra L. Waterhouse, Moses C. Bell, George W. Byles, and George A. Scofield be, and they are hereby, released from any liability as sureties on the bond of Neil Hepburn, by reason of the defalcation of Neil Hepburn, as late postmaster at City Island, N. Y. And the Secretary of the Treasury is hereby authorized and directed to discontinue as against said William H. Scofield, Jacob Brady, James Ketcham, Annie Booth, as administratrix of the goods, chattels, and credits of George W. Booth, deceased; Wilson P. Billar, Ezra L. Waterhouse, Moses C. Bell, George W. Byles, and George A. Scofield any action that may have been instituted against them to enforce such liability, and to cause to be satisfied of record any judgment that may have been entered against said sureties in any such action: *Provided, however*, That the provisions hereof shall apply only to the bond covering amounts accrued subsequent to September 30, 1893.

By unanimous consent a second was considered as ordered.

Mr. BAILEY. Mr. Speaker, I desire to have some explanation of this bill.

Mr. FAIRCHILD. I will say to the gentleman from Texas that this is a bill that was reported some time ago unanimously by the Committee on the Judiciary and was before the House on a former occasion and went over on the objection of my colleague, Mr. BARTLETT. Subsequently my colleague called at the Post-Office Department and satisfied himself as to the propriety of the bill to the extent that he said he would not renew his objection.

Mr. BAILEY. Does the Post-Office Department recommend the passage of the bill?

Mr. FAIRCHILD. The Auditor's department, having charge of the subject, favors the passage of the bill.

Mr. BAILEY. Do they recommend the passage of the bill?

Mr. FAIRCHILD. They have not specifically in any writing recommended the passage, but they have written a letter which is now before the Judiciary Committee of the Senate, upon which that committee has reported the bill favorably, and which indicates that the Department favors the passage of the bill. It was upon that communication that the Senate Judiciary Committee recommended the passage.

Mr. BAILEY. Mr. Speaker, the chairman of the Judiciary Committee tells me that this has been before that committee, and that it is a proper bill, so I make no further question about it.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

Mr. BRUMM. Mr. Speaker, one moment. I want to get some information about this. I will ask the gentleman why this bill was sent to the Judiciary Committee, if it involves a claim?

Mr. FAIRCHILD. This is not a claim against the Government. The bill relates to a suit by the Government against the parties named in it.

Mr. MCEWAN. Mr. Speaker, I do not think we have sufficient information yet to vote intelligently on this matter. The Government is either going to give away money when it should not do so, or it is not——

Mr. CANNON. Let me ask the gentleman from New York——

Mr. MCEWAN. I believe I have the floor, Mr. Speaker. These people went on this man's bond knowing that they assumed a liability. We are now asked to relieve them from that liability, and if we do it I think we are doing wrong. We have no right whatever to vote away the people's money and give it to these men who assumed this liability. Let them pay. In other words, by this kind of legislation we are doing our best to entirely nullify the system of taking bonds for the protection of the Government.

Mr. FAIRCHILD. Mr. Speaker, I think I can satisfy my friend on that point. These men were sureties on two bonds. The first expired September 30, 1893, and under it a liability accrued of $1,900. The second bond expired three quarters later, and under that bond a liability accrued of $2,800. Under the law the Department is required to notify sureties immediately of any deficiency discovered on the part of any postmaster. The Department neglected to do that.

A deficiency in the accounts of this postmaster was discovered as early as June, 1893, amounting to more than $500; but the Government failed to notify the sureties of this fact, although the officers of the United States were corresponding with the postmaster urging him to make good his default. The bill as originally introduced and as originally reported by the Judiciary Committee proposed on that state of facts to relieve the sureties from both bonds. The bill as now amended relieves them from only the second bond, thus according with the views of the Judiciary Committee of the Senate. With regard to the second bond the equities in favor of the sureties are greater, for the reason that one of the sureties on the first bond died and the Department, owing to the death of that surety, wanted a new bond; and although the Government officials had knowledge at the time that this postmaster was in default to the extent of $1,900 the same men were accepted as sureties upon the second bond, they being kept in ignorance of the defalcation.

Mr. BRUMM. From the statement just made by the gentleman from New York [Mr. FAIRCHILD] it strikes me that this bill should have been sent to the Committee on Claims.

Mr. FAIRCHILD. I think I can satisfy the gentleman on that point. At the time when this bill was introduced in the House, proceedings had been commenced against these parties; and it was a question whether or not the Government should discontinue that action. It was to that view of the case that the bill applied. Owing to objection made by my colleague from New York [Mr. BARTLETT], at the time when the bill first came up, proceedings were continued and judgment entered. Execution is now in the hands of the marshal for enforcement, and will be enforced unless before this Congress adjourns this bill becomes a law. If that judgment should be enforced, these sureties, who are poor men with nothing in the world but their little homes which they have earned by a lifetime of labor and by husbanding their earnings in building associations, will be sold out to satisfy this judgment.

Mr. MITCHELL. Has this bill the unanimous approval of the two committees?

Mr. FAIRCHILD. It has.

Mr. BRUMM. This is really a claim of the Government against the sureties?

Mr. FAIRCHILD. That is correct.

Mr. BRUMM. Judgment has been obtained and execution is in the hands of the marshal. Now, a bill proposing to release the claim of the Government against these people should have gone to the Committee on Claims; the Committee on the Judiciary has no jurisdiction of such a matter.

Mr. FAIRCHILD. I wish to say to my friend from Pennsylvania [Mr. BRUMM] that in introducing this bill and having it referred to the Judiciary Committee I had no disposition at all to prefer one committee above another. My only object was to have a proper reference; and I followed in the matter the advice of those who had been in the House longer than I had.

Mr. BRUMM. That is not a matter of law; it is a matter involving a claim; and of course it should have gone to the Committee on Claims.

Mr. RAY. When the bill was referred to the Judiciary Committee this judgment had not been rendered; so that the bill appeared to be of the same class as other bills which are usually sent to the Judiciary Committee.

The question being taken on the motion to suspend the rules

and pass the bill, it was agreed to, two-thirds voting in favor thereof.

SANTA BARBARA, CAL., A SUBPORT OF ENTRY.

Mr. McLACHLAN. I move to suspend the rules and pass the bill (S. 2412) to make the city of Santa Barbara, county of Santa Barbara, State of California, a subport of entry.

The bill was read, as follows:

Be it enacted, etc., That the city of Santa Barbara, State of California, be, and the same is hereby, made a subport of entry in the district of Los Angeles, with the privileges of section 7 of an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880.

Mr. McLACHLAN. This bill, which proposes merely to make Santa Barbara a subport of entry, has already passed the Senate and is unanimously recommended by the House committee. I know of no objection to it whatever.

The question being taken, the motion of Mr. McLACHLAN to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

LIFE-SAVING STATION ON NEW ENGLAND COAST.

Mr. MOODY. I move to suspend the rules and pass Senate bill No. 2783. This bill, which was drawn by the Superintendent of the Life-Saving Service, has been passed by the Senate and has been unanimously reported by the House committee.

The bill was read, as follows:

A bill (S. 2783) to establish a life-saving station on the coast of New Hampshire or Massachusetts, between the Hampton and the Merrimac rivers.

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized to establish a life-saving station on the coast of New Hampshire or Massachusetts at such point between the Hampton and Merrimac rivers as the General Superintendent of the Life-Saving Service may recommend.

Mr. RICHARDSON. I demand a second on the motion to suspend the rules.

Mr. MOODY. I ask that a second may be considered as ordered.

Mr. RICHARDSON. I agree to that.

There being no objection, a second was ordered.

Mr. RICHARDSON. Now I should like to hear some explanation of this bill.

Mr. MOODY. Mr. Speaker, this bill proposes to permit the establishment of a life-saving station on a certain part of the coast of Massachusetts or New Hampshire. As I have said, it was drawn by the Superintendent of the Life-Saving Service. It has been presented in consequence of the fact that during the storm of last February four vessels were wrecked on the Massachusetts coast in one night; and there was no means of rescue for the sailors, so that eleven lives were lost. I do not know that I need add anything except to say that the bill has passed the Senate and has been unanimously reported in the House.

Mr. RICHARDSON. As I understand, the bill is only permissive, and does not order that this station be established.

Mr. MOODY. It does not order the establishment of the station.

The question being taken, the motion to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

GETTYSBURG NATIONAL CEMETERY.

Mr. CURTIS of New York. Mr. Speaker, I ask that the Senate bill (No. 2490) to authorize the Secretary of War to improve and maintain the public roads within the limits of the national park at Gettysburg, Pa., be taken up, and move to suspend the rules and pass the same.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized, in his discretion, to improve and maintain the public roads within the limits of the national park at Gettysburg, Pa., over which jurisdiction has been or may hereafter be ceded to the United States: *Provided*, That nothing contained in this act shall be deemed and held to prejudice the rights acquired by any State or by any military organization to the ground on which its monuments or markers are placed nor the right of way to the same.

Mr. RICHARDSON. I demand a second in order to hear an explanation of this bill.

Mr. CURTIS of New York. I will give an explanation if the gentleman will just allow me.

Mr. RICHARDSON. Very well.

Mr. CURTIS of New York. This bill was before the House some time ago, and the gentleman from Nebraska objected. It was explained to him, and later he said he would withdraw the objection.

The bill simply allows the Secretary of War to improve the roads in the Gettysburg Park, and lay out such other roads as may be necessary to get to one monument or from one set of monuments of the States to the others. It requires no appropriation but simply authorizes the use of the money already set apart for this purpose. It passed the Senate unanimously, and comes with unanimous report from the Committee on Military Affairs of the House.

I ask a vote.

The question was taken; and two-thirds voting in favor thereof, the rules were suspended and the bill passed.

ERIE, PA., PORT OF IMMEDIATE TRANSPORTATION.

Mr. GRISWOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 180) to make the city of Erie, Pa., a port of immediate transportation.

The bill was read, as follows:

Be it enacted, etc., That the privileges of the seventh section of the act approved June 10, 1880, governing the transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the port of Erie, in the State of Pennsylvania.

The motion to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

REPRINT OF BANKRUPTCY BILL.

Mr. RICHARDSON. Mr. Speaker, I desire to submit a privileged report from the Committee on Printing.

The SPEAKER. The report will be read.

The Clerk read as follows:

Resolved, That 5,000 copies of House bill No. 8110, entitled "An act to establish a uniform law on the subject of bankruptcy throughout the United States," as the same passed the House, be reprinted for the use of the House.

Mr. RICHARDSON. There is also a report presented by the committee which I ask to have printed in the RECORD.

The report is as follows:

The Committee on Printing, to whom was referred resolution 405, providing that 5,000 copies of House bill No. 8110, entitled "An act to establish a uniform law on the subject of bankruptcy throughout the United States," as the same passed the House, be reprinted for the use of the House, having had the same under consideration, recommend that it do pass.

Mr. ALLEN of Mississippi. Mr. Speaker, in view of the record made by this Congress, it does seem to me that we should do all in our power to give the people instruction and information on the subject of bankruptcy.

The result of the action of this Congress will certainly be to produce that condition among the people. And why should we not put them in a condition to avail themselves of the benefits of laws suitable to their condition? But, sir, before elaborating my views fully on this resolution I desire to make something in the nature of a personal explanation. Both in the public press and this House I have been criticised for my silence during this session of Congress. [Laughter.] I want to say, sir, there has been very little during this session of Congress to inspire a Christian man with loquacity. [Renewed laughter and applause.]

Mr. Speaker, I am not the only great statesman who has been observing a great deal of silence for the last few months. "There are others." [Laughter.] In fact, Mr. Speaker, there are several of us great leaders who have not been talking much of late. [Laughter and applause.]

I suppose we all have our reasons for being silent. In my life there have been some discouraging incidents during this session. When I returned here last winter and found this Hall so full of Republicans, with such a scarcity of Democrats, when I found myself crowded back from my old seat on the middle aisle, where it had been for ten years, and the Republicans lapping over and occupying nearly half of the west side of the Hall, whereas the Democrats had for years occupied not only all of that side, but had lapped over and occupied a part of the Republican side of the House; I say when I found I had been driven away from this commanding position I occupied so long, and from which I speak to-day by courtesy, to make room for a Republican majority, in the language of my friend General WHEELER, "I trembled for my country." [Laughter]. While I still occupy the seat that is the outpost of the Democratic position in this House, it is entirely too far away from the center aisle, and there are too many Republicans on what was formerly Democratic territory.

I sat in the gallery the other day and heard some one ask, "Which is the Democratic side?" The response came that there is no Democratic side; that there was only a Democratic strip. [Laughter and applause.]

Now, Mr. Speaker, I insist that individually I am not to blame for the disasters that have come upon my party. I feel it is due myself that I should make this explanation, because, in yielding to the pressure brought to bear on me to stand for reelection to Congress [laughter], I consulted an old friend, who wrote me that there was some dissatisfaction among the people because, he said, I had lead the party to defeat, and some were demanding a new leader. [Laughter and applause.]

I want the country to understand that the Democratic party never went to defeat so long as it followed my leadership. It will be remembered, Mr. Speaker, that three years ago a great many of the Democrats of this House went off under the lead of my friend Tracy, from New York, and ceased to follow me. They began to condone the crime of 1873, by which silver was demonetized; began to talk about its being "the recognition of a condition"; about "the act of 1873" being "the tombstone on an old grave"; turned their backs on silver, and became worshipers at the shrine of gold! It was this departure from the time-honored principles of the Democratic party that caused a great many people to lose confidence in it and filled this Hall with the opponents of Democracy.

There was another incident in the early part of the session, a Senatorial election that occurred down in Mississippi, the result of which rather impressed me with the conviction that the best men were not being selected for high positions this year. [Laughter.] I doubt not, Mr. Speaker, that there are others who have occasion to feel and do feel about this as I do. [Laughter.]

I do not know, Mr. Speaker, how you feel about it, but these mistakes of the people at times have a tendency to make me despair of the perpetuity of our republican institutions. [Great laughter and applause.]

And then, Mr. Speaker, when I remember the circumstances under which this House met and the promises and professions of the Republican leaders as to what they would do when they got possession of the House, and when I have watched their performances, it has not been calculated, as I said before, to produce talk from a Christian man who was unwilling to "cuss."

This Congress met in the midst of great industrial and business depression. Business was paralyzed, people poor and growing poorer, their products selling for almost nothing, discontent and unrest with both labor and capital, the Administration selling bonds to buy gold to keep up a gold reserve, the gold brokers and bond buyers taking this gold in turn out of the Treasury to force the issue of more bonds, and the great Republican party that had professed so much capacity for relieving this condition of distress—the only remedy they proposed was one bill to increase taxation, and a bill to authorize the issuance of a different series of bonds. The people asked for bread, and you offered them a stone. They wanted to be rid of the bond-selling business; your remedy was to facilitate it. They did not need to be taxed any more, but the Republican prescription for every governmental evil is to increase taxation.

Mr. Speaker, I desire to call special attention to the extravagance of this Congress. It has already passed appropriation bills which carry directly in round numbers about $520,000,000, and has authorized contracts that will require the expenditure of $100,000,000 more, practically making a voting away by this Congress of $620,000,000 of the people's money; and it should be remembered that in some of these appropriations provision is only made for eight months, instead of the whole year, as has always been done heretofore. Besides this, many of the claims against the Government, such as war claims passed upon by the Court of Claims, are denied payment in pursuance of the policy of Republican managers to keep down the figures, as far as possible, in a Republican Congress, for party purposes in the coming Presidential election.

But, Mr. Speaker, the amount is already large enough to damn the party responsible for it. This money must all be raised by taxing the people; there is no other way to get it. The figures are so stupendous it is hard for the mind to grasp them, and this money is voted at a time when the Treasury and the people are in no condition to pay it.

The people are already overtaxed and the revenues insufficient to meet the expenses of the Government. I am aware that it is very difficult to make any impression on this body or to arouse the country on the question of economy against extravagance. But I do hope and believe that the condition of the people of this country at this time will make them call their public servants to account for wasteful extravagance.

Let me call your attention to how this thing is growing. In 1860, when the Democratic party was in power, and the country was prosperous, the entire governmental expenditures amounted to $63,200,875.65; and if you will look at the platform adopted by the Republican party that year you will see that they arraigned the Democratic party for its wasteful and extravagant appropriations. That was one of its greatest charges against Democracy.

Now, with the population of the country only about doubled, you have appropriated almost ten times the amount of money required to run the Government when your party said it was run extravagantly. Ten years ago, when the country was comparatively prosperous and the Treasury was overflowing with a large surplus, we appropriated $336,439,918.20 for the expenses of the Government, and that was regarded and was, in my opinion, an extravagant appropriation. But in ten years, without any excuse for it, with the purchasing power of money nearly doubled, $185,000,000 of direct appropriations and $100,000,000 of continuing contracts have been added—and see how easily you do it!

A bill creating a Government liability of $75,000,000 or $80,000,000—I refer to the river and harbor bill—is passed through this House under a suspension of the rules with only thirty minutes' debate, no opportunity being allowed to offer amendments or vote out improper items; and when it is returned here by the President with his veto, the previous question is called and no opportunity given to discuss it and show the President's characterization of it to be true or false.

There has been added nearly $300,000 this year by law to the annual expense of running the two Houses of Congress.

Mr. Speaker, my vote has been against every proposition to increase appropriations and expenses during this Congress, and in my efforts I have had some assistance from the President. [Laughter.] In some instances we have succeeded, and in others we have failed.

Mr. Speaker, the prudent business man, when he finds his expenses exceeding his income, goes to work to cut down expenses that he may live within his means. I do think the most sensible and patriotic proposition that has been made during this session with reference to our expenditures came from the gentleman from Alabama [Mr. WHEELER] when he proposed to make a cut of 25 per cent in the salaries of all Government officials and employees.

We could have made the revenues of the Government square with our expenses if we had adopted this plan, and there would have been no injustice in it, for the 75 per cent left will buy more of the necessaries of life now than the 100 per cent would buy when most of these salaries were fixed. I would be glad to see such a measure pass yet before we adjourn. But this wise proposition was only laughed at. No, the Republican party does not want to reduce expenses; they want a pretext for increasing taxation for the benefit, not of the Government, but for the few who have grown rich through governmental favor.

The gentlemen who we are told by some of the Republicans are this year having the "fat fried out" of them to get money to nominate and elect the great apostle of protection to the Presidency no doubt expect to get their money back with ten and an hundred fold interest.

I cite to prove this statement the fact that the Republicans in this Congress have rejected every proposition to increase the revenue unless it comes in that shape that individuals would get more money out of it than the Government. We could raise $25,000,000 or $30,000,000 of revenue by an additional tax on beer, and it would not affect the price but little, if any, paid by the consumer. The tax would fall mainly on the brewing trust, and the Republican party will not have it, because it does not enable any private interest to exact any of the tax. The same might be said of a tax on tea; but that meets the same objection from the Republicans—it would be a tax for revenue.

Mr. Speaker, I do hope and believe that the farmers of the South and West, and the farmers of the whole country, for that matter—I mention the South and West, as they are the great agricultural and producing sections of this country—will look at this thing in a sensible way and go to the polls next November prepared to vote not only patriotically but in their own interest. I call your attention here to a portion of an article on the relative prosperity of the agricultural and manufacturing sections of the country, the facts of which are taken from the last census returns. It presents some startling and interesting facts. In this article New England, New York, New Jersey, and Pennsylvania are reckoned as the East:

With 5 per cent of the area and 26 per cent of the population, the East possesses 43 per cent of the assessed wealth of the nation—above two-fifths. What is more, it was able to capture of the wealth gained in the ten years from 1880 to 1890, 41 per cent.

THE EAST NOT A PRODUCING SECTION.

How did it do it? How, with one-twentieth of the land to work on and with one-fourth of the population to do the work, was this little section able to secure so large a percentage of the increment of the nation's stored-up riches? Be it understood that this little section is not to any considerable degree a "producing" section. It does not "raise things." For example, it has only 18 per cent of the farm capital of the country and only 11 per cent of the acreage improved for cultivation. Of the total agricultural product of the country—and in this is to be included all the cotton, wool, hides, and the like, as well as all the cereals—this section raises only 17 per cent.

Again, it has only 15 per cent of the total railway mileage of the country which may represent transportation facilities.

Clearly it did not grow rich out of these. But the East is a manufacturer. With only 5 per cent of the area on which to locate its mills and factories, it still does more than half the manufacturing for the whole country. The States of New York and Pennsylvania alone turn out more than one-third of all the manufactured product of the United States.

In a word, the West produces the materials and the East makes them up. Precisely the relative profits of these two operations probably no man could determine. The following facts are presented for just what they may be worth:

At the time the census was taken there were 9,000,000 workers employed on the farms, in the fisheries, and in the mines of the whole country. The annual value of their produce was about $2,500,000,000. That was an average value of product per worker of $273.

RATIO IN FAVOR OF MANUFACTURERS.

In the same year there were 5,000,000 men and women employed in manufactories. The total value of the product they turned out was above $9,300,000,000. Deducting from this sum the computed cost of the raw materials, and the total value added to these raw materials in the process of manufacturing was $4,210,000,000. That was an average of $842 per worker, or a ratio of 3 to 1 in favor of the manufacturing worker as against the man on the farm.

One dollar invested in farming earns 15 cents.

One dollar invested in manufacturing earns 64 cents.

Or, to put the matter in another way, it took nearly $16,000,000,000 of farm capital to turn out a product of $2,500,000,000—a relationship of $1 to 15 cents. On the other hand, $6,000,000,000 of manufacturing capital was able to take $5,000,000,000 worth of raw material and make it worth above $9,000,000,000, or a net gain of $4,000,000,000 and more. That was a relation of capital to net gain of $1 to 64 cents.

Whether this be a hint or a path to the solution of the question, it is certain that the wealth gain of the manufacturing States in the last decade was

extraordinarily greater than that of some of the leading agricultural or producing States. There is a little book published by the Arena Company. It is called Bread Winners and Bond Holders, and was written by S. S. King, of Kansas.

In one of his illustrations Mr. King has taken the State of Massachusetts as an example of what he calls a "nonproducer," and set it in contrast to the nine great producing States shown on the opposite side. Taking land, labor, and capital as the three chief factors of production, he shows that the nine States of what he calls "the produce district" had land in proportion to Massachusetts as 58 to 1; they had labor as represented by population as 7 to 1, and capital as represented by assessed value as 2 to 1.

And yet in ten years the nine great producing States added to their assessed wealth $559,000,000, while the single little State of Massachusetts gained $569,000,000. The one small exceeds the nine great!

Mr. Speaker, the farmers of this country are a great, conservative class. They are as much entitled to the kindly consideration of the Government as any class of people in it. They help fight our battles in time of war. They feed our armies and our people both in war and peace. They furnish most of our exports with which we liquidate our debts and balances abroad. They pay more taxes in proportion to their wealth than any other class. Their holdings are of such a character that they could not escape them if they would.

In the very nature of things, they can not be protected to any appreciable extent by tariff laws, because we raise a large surplus of agricultural products that must find a market beyond the reach of our tariff laws. In these markets the price of their products are fixed.

Representing, as I do, an agricultural district, and familiar, as I am, with their struggles, misfortunes, and disappointments, I, sir, intend in the future, as I have in the past, to give my votes and influence toward relieving them of every unnecessary burden placed upon them, whether it be in the interest of extravagant appropriations or for the benefit of individual corporate gain, and I wish to warn them that they make a great mistake if they give their votes for any party or policy that increases unnecessarily their burdens.

There is no flowery path ahead of the American farmer; his lot will be hard enough with the very best the Government can do for him, and it is a grievous wrong to require him to bear taxation unnecessarily in any interest.

Mr. Speaker, there is another silent man about whose prospects and silence a good deal is being said at this time, and I desire to pay my respects to him. I refer to the distinguished gentleman from Ohio whom they say is to be nominated for the Presidency by the Republican party at St. Louis next week. I will not speak of the methods by which it is said his successful campaign has been won. I leave that for Senator CHANDLER and other Republicans who exposed the methods of his managers not long ago. But suffice it to say if his nomination is secured by the practices charged against him by his party friends, he should be defeated at the polls.

Mr. Speaker, there is about this time a very great interest and desire in the public mind to ascertain what are now the views of this silent man on the financial question, which is exciting so much interest just now. But they say his manager, Mr. Hanna, will not allow him to talk. While he is profoundly silent himself, he has friends in every part of the country certifying to what his real views on the question are, and these certificates seem to be made to suit the locality in which they are given; and I confess that his friends, by going to his past record on this question, can find warrant for certificates to suit all shades of opinion.

When I see the trouble some people are having with speeches made in the past, I am more reconciled to my own silence. But at this time, when the public mind is so wrought up and concentrated on the financial question, would it not look better for this leader of Republican thought to define his own position? Certificates as to what a man's opinions are might do very well if he were so situated he could not speak for himself. A certificate ought to be the last resort of the man whose word would be taken about his own position.

I have always heard that an egg that goes around with a certificate attached that it is a good egg is not a safe egg to buy, for they do say an egg never feels called upon to take around a certificate of its soundness until it is under suspicion.

Mr. Speaker, I have read and reread the platform adopted by the Republican convention of the State of Ohio, from which the Republican candidate for the Presidency will come; and of all the conglomerations of financial declarations that have appeared in this year of our Lord, the Ohio platform on this question "takes the cake." It declares for gold, silver, and paper money; wants each of them to be "as sound as the Government and as untarnished as its honor."

If you will look at the wording of this platform and the speech made by Mr. McKinley before the Marquette Club at Chicago, you will find the wording of the platform is almost in the exact words of this speech. We are therefore authorized to conclude that the Ohio platform was written by the Republican candidate for the Presidency. It is susceptible of all and more misleading constructions than have been put on the platforms of the two great political parties adopted at their last national conventions, and we all know what that means.

I here call attention to the financial plank of the Ohio Republican State platform:

THE FINANCIAL PLANK.

We contend for honest money, a currency of gold, silver, and paper, with which to measure our exchange, that shall be as sound as the Government and as untarnished as its honor, and to that end we favor bimetallism, and demand the use of both gold and silver as standard money either in accordance with a ratio to be fixed by an international agreement, if that can be obtained, or under such restrictions and such provisions to be determined by legislation as will secure the maintenance of the parities of values of the two metals, so that the purchasing and debt-paying power of the dollar, whether of silver, gold, or paper, shall be at all times equal.

I now give you a sentence from Governor McKinley's speech before the Marquette Club at Chicago last February, that you may see who wrote the Ohio platform. In speaking of the Republican party he said:

It stands for a currency of gold, silver, and paper, with which to measure our exchanges, that shall be as sound as the Government and as untarnished as its honor.

I could now give extracts from his speeches showing him on every side of this question. He voted for free coinage in 1878 and for the Bland-Allison law, for the Sherman law in 1890, denounced the Democrats for repealing the Sherman law, and now stands for any sort of money the national Republican convention will prescribe.

I would like, Mr. Speaker, to see the great parties this year adopt platforms susceptible of no double or misleading construction and then nominate candidates on them who have real convictions in accord with them, and who would be willing to stand by them. But the Ohio candidate seems to be waiting and willing to take his views from the convention from which he seeks the nomination. The Republican party may desire to observe the same rule in selecting their candidate that the cavalryman observed in selecting his horse. He said the kind of a horse he wanted was one that could turn quick and go fast. [Great laughter.] I doubt if the Republican party can find a candidate who can turn quicker or go faster than the gentleman from Ohio. But, Mr. Speaker, there is one thing about this candidate for the Presidency against which I wish to enter my protest here and now, and I hope the convention, if it does nominate him, will take a stand as between the English and American handshake. Mr. McKinley's rallying cry is "Americanism; American systems; American policies." Why should he be permitted to abandon the American handshake? Have any of you seen him in the last few years shaking hands; seen him raise his arm high in the air for his overhanded English handshake? Just think of how the American simplicity of a Jefferson or a Lincoln would be shocked by this effort to imitate the English handshake! We want an American President to shake hands right out from the shoulder—good old American style—none of this overhanded business. [Great laughter.]

Mr. Speaker, I served in this House with Mr. McKinley; I knew him very well. If he should be the nominee of the St. Louis convention I hope he will get on a straight, frank, and unequivocal platform. And if the American people should make the mistake of putting him in the White House I hope he will come down to the good old American handshake; and, so far as I am concerned, the same intimate and cordial relations that have existed between the occupants of the White House and myself for so many years will be continued. [Applause and laughter.]

Mr. Speaker, the efforts of the Republican party to divert the people in this campaign from the financial question to the tariff will, in my judgment, be abortive. The financial question is uppermost in their minds, and the friends of silver are going to stand up and be counted this year. The gold standard has had a fair trial; it has been weighed in the balance and found wanting. It does not suit the masses of the American people. I grant you that the people who want to invest their money in United States bonds, where they escape all taxation and where the owners can live in idleness and luxury, free from all care and secure from all obligation to contribute to the support of the Government, those who are interested in having their dollars buy as much as possible of products of labor. They seem to like the gold standard, for it is working just to suit them; but the great body of the people who have no fixed incomes are catching onto the fact that they are the victims of this system.

Mr. Speaker, I am no prophet, but in my speech more than two years ago I predicted just about what has happened with reference to our currency. The demand now is for the retirement of all our paper money except the issue of the national banks, and that what silver we have is to be practically mere subsidiary coin or token money. It will require the sale of seven or eight hundred millions more of bonds to carry out the programme, and then the people will be without a currency except such as the national banks see proper to let them have. I do not wonder that the

American Bankers' Association are interested in preserving the existing standard of value, as shown by this letter:

THE AMERICAN BANKERS' ASSOCIATION,
2 WALL STREET AND 90-94 BROADWAY,
New York, March 23, 1896.

[President, Eugene H. Pullen, vice-president National Bank of the Republic, New York; first vice-president, Robert J. Lowry, Lowry Banking Company, Atlanta, Ga.; chairman executive council, Joseph C. Hendrix, president National Union Bank, New York; treasurer, William H. Porter, vice-president Chase National Bank, New York; secretary, James R. Branch, 2 Wall street, New York.]

To the Bankers of the United States:

At a meeting of the executive council of the American Bankers' Association, held in this city on March 11, 1896, the following declaration was made by unanimous vote:

THE EXISTING STANDARD OF VALUE.

"The executive council of the American Bankers' Association declare unequivocally in favor of the maintenance of the existing gold standard of value, and recommend to all bankers and to the customers of all banks the exercise of all their influence as citizens in their various States to select delegates to the political conventions of both the great parties who will declare unequivocally in favor of the maintenance of the existing gold standard of value."

Your influence is earnestly requested to give practical effect to this action.

EUGENE H. PULLEN, *President.*
JAMES R. BRANCH, *Secretary.*
JOSEPH C. HENDRIX,
Chairman Executive Council.

This shows an effort on their part to control the national conventions, but I am thankful to be able now to say that they will not be able to control the Democratic convention this year. We will see next week how they succeed with the Republicans. You will see, I think, they will control, and demand either a gold-standard platform or one that is a great deal worse—a straddle. I do hope the people of these United States will require of public men and parties that they make an intelligible declaration on the great issues before the people, and then require them to live up to it. I will speak for no party that attempts to straddle on any great issue again.

I desire to call attention to one or two objections to free coinage as stated by the opponents of that proposition when the Senate sent us the free-coinage bill some few months ago. The gentleman from New Jersey, Mr. PARKER, in speaking of the free coinage of silver at 16 to 1, said:

I believe that if this be done the dollar will buy less, will pay less wages, will be worth less, and that this practically will effect partially a repudiation of debts, both public and private.

He is more honest than most of his crowd. His objection to the dollar we want is that it will buy less and pay less wages and will be worth less. That is just the sort of dollar we want—one that will buy less and one that will pay less wages. Your dollars are now worth too much. It takes too much labor and too much of the products of labor to get one. It is the appreciation of the dollar that makes the falling prices for property and commodities, and that is what is ruining the country and what we are trying to stop. We are as much interested in restoring the parity between the dollar and commodities as we are in maintaining the parity between the dollars. My friend Colonel BLUE, of Kansas, in his speech against free coinage, gave as one of his reasons for opposing it that he had so many pensioners in his district and that free coinage would lessen the purchasing power of their pension money.

Mr. Speaker, these arguments give the whole case away, as I understand it. It is hard on the American people if they must be required to double the purchasing power of these pensions because they have of their bounty given them. You see the pensioners belong to the fixed-income class; but it does seem to me the farmers in Colonel BLUE's district would protest against their products being sold for nothing in order that the pensioners' money should buy more. No, sir; this policy will not do. We must get out of it and go back to old Democratic principles. We must go back to the money of the Constitution. We can not afford to have all the business interests in our country disturbed by the fact that some gold broker is raiding the little gold in the Treasury.

They try very hard to frighten us by telling us of the calamities that will follow free coinage, but they do not stop to think about the calamities that are on us from the present condition, and they are growing worse every day, and whenever what the gold standard really leads to comes there is no financial calamity could be worse. Let the Democratic party declare for an honest and economical administration of the Government and for the restoration of silver to the place it occupied prior to 1873.

Let Democrats cease to talk about this being a billion-dollar country and necessarily a billion-dollar Congress; let the Democratic party in its platform and in its practices be what it was organized to be—a party of the masses of the people of this country contending for their rights and their welfare against the encroachments of the classes. Let Democrats cease to follow where JOHN SHERMAN leads on the financial question, and we will fill this House again with Democrats, and disappoint the silent man from Ohio by electing a Democratic President. [Loud applause.]

The SPEAKER. The question is on agreeing to the resolution. The question was taken; and the resolution was agreed to.

HENRY A. WEBB.

Mr. ARNOLD of Rhode Island. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 1256) for the relief of Henry A. Webb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to redeem, in favor of Henry A. Webb, of Providence, R. I., the following-described bonds of the United States, issued under acts of Congress approved July 17, 1861, and August 5, 1861, namely: Bonds numbered 3049 to 3061, inclusive, for $500 each; also bonds numbered 5498 to 5497, inclusive, for $100 each; also bonds numbered 18433 to 18437, inclusive, for $100 each; also bonds numbered 4345 to 4353, inclusive, for $50 each, amounting in all to $2,750, with interest for sixteen and one-half years on said bonds numbered 3049 to 3061, inclusive, 5497, 18433, 18437, and 4345 to 4350, inclusive, from January 1, 1865, to July 1, 1881, the said Henry A. Webb claiming that he owned said bonds on February 11, 1865, when it is alleged they were stolen from him, and have never been recovered by him: *Provided*, That before the redemption of said bonds the said Henry A. Webb, or some one in his behalf, shall execute or cause to be executed and deposit with the Secretary of the Treasury a bond of indemnity, with good and sufficient sureties, subject to the approval of said Secretary, to secure the United States against loss or damage in consequence of the redemption of said bonds.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. DINGLEY. One moment before that is done. Do I understand from the gentleman from Rhode Island that this is for the payment of certain bonds that were stolen, upon giving to the United States bonds sufficient to indemnify the Government if the bonds should ever be discovered.

Mr. ARNOLD of Rhode Island. Yes, sir.

Mr. DINGLEY. That is all.

Mr. BLUE. Mr. Speaker, I would like to ask the gentleman in charge of this matter if an investigation has been had to see whether any of these bonds have been presented for payment. We have had one bill vetoed that provided for the payment of bonds which it seems had been paid. What is the information in regard to that?

Mr. ARNOLD of Rhode Island. Six hundred and fifty dollars of these bonds has been paid. If the gentleman would like to have the report read, I will ask that it be read.

Mr. BLUE. I do not understand that. If there has been $650 of these bonds paid, why should there be an appropriation to pay them? It seems to me that that is objectionable.

Mr. ARNOLD of Rhode Island. The report will give a better explanation than I can.

The Clerk proceeded to read the report.

Mr. BLUE. Mr. Speaker, I understand, as to this payment of this $650, it was the fault of the Department, as proof had already been made that these bonds were stolen. If that is correct, I will withdraw my objection and not ask for the further reading of the report.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

IMPROVEMENT OF PUBLIC ROADS.

Mr. WILLIS. Mr. Speaker, I move to suspend the rules and pass the joint resolution H. Res. 194.

The joint resolution was read, as follows:

A joint resolution (H. Res. 194) extending the scope of the investigations by the Agricultural Department in the matter of the improvement of public roads.

Resolved, etc., That the inquiries and investigations relating to public roads with which the Secretary of Agriculture is charged by the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1897, be extended to the following subjects, namely:

First. The scientific location of highways on the public domain.

Second. The practical use that can be made of the Geological Survey in the discovery of road materials.

Third. The methods and conditions under which free testing of road materials can be afforded.

Fourth. The feasibility and most practical methods of securing instructions in road building at agricultural colleges, the Military Academy, and all institutions having military instructors.

Fifth. What measures can be adopted to secure the general reduction of transportation rates on road materials.

And for the furtherance of these inquiries and investigations the Secretary of Agriculture is authorized to request the cooperation of the Secretary of War, the Secretary of the Interior, and the Interstate Commerce Commission.

Mr. WILLIS. Mr. Speaker, I move to suspend the rules for the purpose of passing the joint resolution; and I will remark simply that the purpose of the resolution is to extend and make more specific the scope of road inquiry. There is no appropriation and no additional expense involved in this other than the necessary use of the appropriations already made for that purpose.

Mr. BLUE. How much is that?

Mr. DINGLEY. Let me ask the gentleman from Delaware if this is to be done by a division of the Agricultural Department? Is this simply an extension of their work?

Mr. WILLIS. Exactly. It is simply an extension of work that is now under their direction. The whole thing is to be done under the Agricultural Department as formed before. The attention of the Department is desired to be called to this scheme and interest is purposed to be excited in the country generally on this very important and very vital question of road improvement. That is all there is in it.

Mr. DINGLEY. This is for the purpose of diffusing information, as I understand?

Mr. WILLIS. Yes, sir.

Mr. HENDERSON. Why can not all this be done by the Department now? They have full power.

Mr. WILLIS. But they do not do it.

Mr. HENDERSON. That is another matter. It is one thing to have the power and another thing to exercise it.

Mr. CHARLES W. STONE. I will say to the gentleman from Illinois that the appropriation bill provides that the inquiry shall be directed to certain matters, and this simply adds certain other matters which the road bureau of the Agricultural Department desires to direct attention to.

Mr. HENDERSON. This does not appoint a new commission?

Mr. CHARLES W. STONE. No new commission and no additional expense.

Two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

BRIDGE ACROSS THE ALLEGHENY.

Mr. WILLIAM A. STONE. Mr. Speaker, I move to suspend the rules and pass the bill which I send to the desk, being the bill (S. 3170) to authorize the Butler and Pittsburg Railroad Company to construct and maintain a bridge across the Allegheny River.

The bill was read.

By unanimous consent, a second was considered as ordered.

The rules were suspended, and the bill was passed.

ENLISTED MEN IN THE NAVY.

Mr. BOUTELLE. Mr. Speaker, I move to suspend the rules and pass Senate joint resolution No. 149, extending the benefits of sections 1426 and 1573 of the Revised Statutes to all enlisted persons in the Navy.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the benefits of honorable discharge, as conferred by section 1426 of the Revised Statutes, and of three months' pay upon reenlistment after honorable discharge, as conferred by section 1573, upon seamen, ordinary seamen, landsmen, firemen, coal heavers, and boys, be, and the same are hereby, extended and made applicable to all enlisted persons in the Navy.

Mr. BAILEY. Mr. Speaker, I demand a second, in order that we may have an explanation of the resolution.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BOUTELLE. Mr. Speaker, this measure is to correct the effect of a recent ruling of the Assistant Comptroller which has reversed the action of the Navy Department for more than forty years, by applying a technical rule to the construction of the statute. A statute more than forty years of age provides that where an enlisted man, after serving his term and receiving an honorable discharge from the Navy, reenlists within three months, he shall receive his pay of the interim. The provision was intended to create a species of bounty which should serve to retain the best men in the service, and it has been very effective in giving us the best class of men. The original law was intended to cover all classes of enlisted men, and was so construed for many years.

In the evolution of the service they have got into a way of rating enlisted men for different minor positions and giving them special designations, such as stewards, boatswain's mates, and so on. They are all enlisted men, they are neither appointed nor commissioned, but the Comptroller has made a ruling that inasmuch as he does not find the specific titles of these different rates of enlisted men in the law, none of the enlisted men who are so rated, as the yeomen, or stewards, or cooks, or by any of these special designations, come under the operation of the statute, and he has held up the application of the statute in those cases. This joint resolution is to provide that the law shall apply as it was intended to apply, and as it had been construed to apply for more than forty years—to all the enlisted men in the service. It affects, as I am informed by the Department, 36 per cent of the very best men in the Navy, and serious trouble will be caused unless this remedy is applied. There is an amendment recommended by the Comptroller which I desire to have incorporated in the joint resolution.

The amendment was read, as follows:

Add after the word "Navy," in line 9, the words "and all accounts of paymasters who have made payments to enlisted men, not of the classes named in sections 1426 and 1573 of the Revised Statutes as if they had been included in the provisions of said sections, shall be allowed and passed by the accounting officers of the Treasury as if they had been included in said sections."

Mr. BAILEY. I presume that the amendment is intended to relieve officers who have acted upon the former construction of the law.

Mr. BOUTELLE. That is the object.

The SPEAKER. Without objection, the resolution will be modified so as to include the amendment.

There was no objection.

The rules were suspended and the joint resolution as amended was passed.

HAHNEMANN MONUMENT.

Mr. JOHNSON of North Dakota. Mr. Speaker, I move to suspend the rules and pass the joint resolution (S. R. 27) granting permission for the erection of a monument in Washington, D. C., for the ornamentation of the national capital and in honor of Samuel Hahnemann.

The joint resolution was read, as follows:

Resolved, etc., That permission be, and the same is hereby, granted the Hahnemann monument committee of the American Institute of Homeopathy to erect said monument in such place in the city of Washington, D. C., as shall be designated by the officer in charge of the new Library building, the Joint Committee on the Library, and the chairman of the monument committee; and the sum of $4,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the building of a foundation upon which to place said monument, said monument to be presented to the people of the United States by the American Institute of Homeopathy, kindred associations, and citizens, and to be erected in the city of Washington, D. C.

Mr. RICHARDSON. I demand a second, Mr. Speaker.

Mr. DALZELL. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

Mr. RICHARDSON. Mr. Speaker, I do not like to consent to this in view of the fact that the joint resolution contains a large appropriation. It seems to me that it is a very unusual kind of legislation.

Mr. DALZELL. It does not contain a large appropriation.

Mr. RICHARDSON. It appropriates $4,000 for a monument to a private individual.

Mr. JOHNSON of North Dakota. I will say to the gentleman that the statue——

Mr. RICHARDSON. I do not object, Mr. Speaker, to having a second considered as ordered.

Mr. BAILEY. I do.

Mr. JOHNSON of North Dakota. Let me say to the gentleman from Texas——

Mr. BAILEY. I will say to the gentleman that I have no objection in the world to the Government giving space for this statue—all the space that may be needed—if the appropriation be struck out.

Mr. JOHNSON of North Dakota. The statue, including the pedestal, will be the gift of private parties. The only expenditure asked on the part of the Government is for leveling the ground so as to make a proper foundation.

Mr. BAILEY. I am informed that this work has been largely completed——

Mr. JOHNSON of North Dakota. Certainly.

Mr. BAILEY. And while I shall vote against the appropriation for this purpose, I withdraw the objection to a second being considered as ordered.

There being no objection, a second was ordered.

Mr. JOHNSON of North Dakota. This is a proposition to present to the United States a seventy-five-thousand-dollar statue, including the pedestal. As to the merits of the statue, I wish to say that a number of the leading sculptors of the world were invited to compete for this work, and 24 models, coming from some of the greatest men in this line of art, were submitted. These models were publicly exhibited in New York City under the auspices of the American Sculptors' Society, being the first instance in the history of art in the United States where a public exhibition of models was made before a selection. The committee appointed to make the selection, including the American Sculptors' Society, decided unanimously on the model selected. As a work of art this statue is superior to anything now existing in the city of Washington, except the statues on horseback. The simple request is that the parties who have planned the execution of this work may present this beautiful statue to the United States. The only possible expenditure on the part of the Government (and that is the object of the small appropriation) will be for leveling the ground and digging down to build a foundation. The statue itself and the pedestal are complete, and are offered as a gift.

Mr. KIEFER. Who offers them?

Mr. JOHNSON of North Dakota. The American Society of Homeopathists, besides whom a great many citizens have contributed.

Mr. BLUE. Mr. Speaker, if I understand this proposition, it contemplates an appropriation of something like $4,000.

Mr. JOHNSON of North Dakota. It can not possibly exceed

that. The actual expenditure will depend upon the quality of the ground as it may appear when excavations are made for the foundation.

Mr. BLUE. This proposition involves the establishment of a precedent in the direction of making an appropriation by the Government whenever some society or organization comes along and proposes to make a presentation of a statue. I think, Mr. Speaker, the precedent is a bad one.

Mr. DALZELL. The gentleman will allow me to say this is not making a precedent. The precedent has already been established a number of times.

Several MEMBERS. Time and again.

Mr. BLUE. Well, the precedent ought not to have been established. It is sufficient for the Government to permit the statue to be erected here without appropriating money for the purpose.

Mr. DALZELL. I want to say to my friend that there is not a city in this country that would not be glad to make an appropriation for a work of art of this kind. I venture to say that when this statue is erected it will be the most artistic of all the works of art in this capital city. I know it was one of the pet projects of General Casey, recently in charge of the construction of the Library building, that this statue should be erected on the grounds of the Library; and he marked out the spot which he himself would select for the purpose. It seems to me that when a society—not a society, but numerous citizens representing this particular faith in medicine throughout the country—have had the enterprise to secure such a monument at a cost of $75,000, this Government ought to be glad to furnish in this capital city not only a place on which to erect the statue but a pedestal for it to rest upon.

Mr. JOHNSON of North Dakota. The pedestal is already prepared, and is presented along with the statue. The only expense to the United States in connection with this matter will be the erecting of the foundation—the expense connected with the excavation. The pedestal is part of the present, and is already paid for.

Mr. BLUE. Well, Mr. Speaker, I have not yet been convinced; and it seems to me that if this expense is incurred in connection with the statue of one individual, there may be no restriction or limit in this direction; and whenever somebody comes along with a statue having the indorsement of some gentlemen of taste and who are reputed to be judges of the fine arts, this case will be cited as a precedent. It seem to me the whole business is bad and the appropriation ought not to be made.

Mr. DALZELL. Let me say to my friend from Kansas that the chances of parties coming along in the future and contributing seventy-five-thousand-dollar statues for the adornment of the city of Washington are not going to be "plenty as blackberries."

Mr. BINGHAM. In the case of two or three of the military statues which now adorn the city of Washington the pedestals and foundations have been furnished by the Government, the statues themselves being the contributions of army organizations. The precedent of the Government contributing a part of the expense in connection with these works of art is already established; the only difference being that in the other cases the statues, being military, have belonged to a class exceptionally popular.

Mr. BLUE. Well, to my mind there is a vast difference between such cases and a matter of this kind. There are different schools of medicine——

Mr. BINGHAM. Take this statue at the foot of the Capitol; that was a contribution of citizens.

Mr. BLUE. I understand that. But statues which commemorate distinguished military service or something of that character are of a different class from this. If the Government once starts out in the direction proposed here, there is no telling what will be the limit. If we once set the precedent, we do not know how soon another society may come along with a similar proposition; and thus year after year and month after month these appropriations may be urged, supported by the precedent now sought to be established. I do not think it is right.

Mr. JOHNSON of North Dakota. I suggest to the gentleman that in the matter of nonmilitary statues the capital of the United States is singularly deficient.

Mr. BINGHAM. Gentlemen will recall the large foundation work in connection with the statue in the Botanical Gardens. That statue was a contribution of the French Government, having been first exhibited at the Centennial Exposition in Philadelphia. The presentation having been made, the Government expended $8,000 for the foundation and the erection of the statue. I merely wanted to give the gentleman facts, showing that there are precedents for the action proposed here.

Mr. DALZELL. And I would say to the gentleman further that there is a statue of Dr. Gross, near the Smithsonian Institution, built under similar circumstances at the close of the last session of Congress, I am informed; and also one of Professor Henry in the Smithsonian Grounds.

Mr. BLUE. I will content myself simply with voting against the proposition. I will not obstruct its passage, but I think it wrong, all the same.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill passed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GROUT. Mr. Speaker, I call up the conference report on the District of Columbia appropriation bill.

The SPEAKER. The Clerk will read the report.

The Clerk proceeded to read the report.

Mr. DOCKERY. Mr. Speaker, that report was agreed to last evening, and the only question at issue now is to further insist on the disagreement to the remaining Senate amendments.

Mr. GROUT. I move, Mr. Speaker, that the House further insist on its disagreement to the remaining Senate amendments, and ask for a conference on the disagreeing votes thereon.

Mr. RICHARDSON. I understand from the motion of the gentleman from Vermont that there has been no agreement upon any one of the amendments in dispute since the last report?

The SPEAKER. The Chair understands that there has been no agreement since the last report.

The motion of Mr. GROUT was agreed to.

The SPEAKER appointed as conferees Mr. GROUT, Mr. PITNEY, and Mr. DOCKERY.

Mr. DINGLEY. Mr. Speaker, before this matter goes into conference I desire to ask the gentleman in charge of the bill as to the prospect of an agreement upon the points of difference now remaining between the two Houses.

Mr. GROUT. Mr. Speaker, the remaining points of difference, I will state, in response to the gentleman from Maine, relate to the District charities and to the lighting of the city west of Rock Creek. These are the only points on which there is any disagreement.

Mr. DINGLEY. Has there been any progress made since the prior report?

Mr. GROUT. I was going to say further, if the gentleman will allow me a moment, that the conferees have been together informally this morning, and there is a bright prospect of coming to an early understanding so far as the District charities are concerned, and I have no doubt that the other question, with reference to the lighting of the city west of Rock Creek, will also be settled in some satisfactory manner.

Mr. DINGLEY. Because, if the gentleman will pardon me a moment, there seems to be, as I understand it now, only two points of difference between the Senate and the House, one on the District bill, with reference to the matters suggested by the gentleman in charge of the bill, and the point of difference with reference to the few public buildings embraced in the sundry civil bill in the Senate amendments. That is all that stands between the completion of the work of the House and the final adjournment of this session of Congress.

Now, it seems to me that with such slight differences remaining between the two Houses there ought to be a conclusion reached at a very early moment [applause] in order that we may be able to wind up the business of the session and adjourn Congress.

Mr. GROUT. I beg to say in response to the gentleman that the House conferees have been working diligently and have been prepared to make reasonable concessions in order to secure a settlement of these differences, and they have spared no effort toward reaching an agreement. I give the gentleman hope, however, that an understanding may be reached on the question of the charities in the District bill, and I presume we shall be able to reach an understanding also on the other matter, so that apparently a final agreement is in sight.

Mr. RICHARDSON. I would like to ask the gentleman from Maine a question. I suppose the statement the gentleman has made is equivalent to an official announcement that nothing will be done with the bond resolution pending before the Committee on Ways and Means?

Mr. DINGLEY. Well, in all probability there will not be much opportunity for any matters of that kind at this late stage in the session.

Mr. TAWNEY. I presume the gentleman from Tennessee refers to the bond resolution recently passed by the Senate. That was referred by the House to the Committee on Ways and Means, but is not before the committee now, having been adversely reported to the House.

Mr. RICHARDSON. I take it, therefore, from the statement of the gentleman from Maine that we are to understand officially that no action is to be taken on that question.

Mr. DINGLEY. What does the gentleman refer to?

Mr. DOCKERY. The gentleman refers to the bill of the Senate prohibiting the further issue of interest-bearing bonds.

Mr. RICHARDSON. A matter the consideration of which could easily be reached. But I was simply asking if we are to understand that nothing is to be done in regard to that question.

Mr. DINGLEY. The gentleman well knows that the House is very thin, and members are eager to get away; and there is no probability of any such action as he contemplates.

Mr. RICHARDSON. Well, with a majority of some hundred and sixty-odd, and growing rapidly——

Mr. DOCKERY. Sometimes at the rate of two a day.

Mr. RICHARDSON. Yes; sometimes at the rate of two a day; it seems that the gentleman ought to be able to secure and keep a majority for action on such an important measure as that.

Mr. HOPKINS. The gentleman from Tennessee, if he is anxious to get at the circumstances of the case, will find a report from the Committee on Ways and Means which has been prepared and submitted to the House. If he will get that report and read it he will obtain some information upon this subject.

Mr. CORLISS. Mr. Speaker, I ask for the regular order.

The SPEAKER. This debate does not seem to be germane to the question before the House. [Laughter.]

PUBLIC BUILDING AT DETROIT, MICH.

Mr. CORLISS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (S. R. 161) authorizing the Secretary of the Treasury to place a bronze tablet or inscription on the Government building now being erected in Detroit, Mich.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be prepared and placed in some suitable position on the Government building now being erected in the city of Detroit, Mich., a bronze tablet or an inscription commemorative of the fact that the said public building is erected on the site of the British Fort Lernoult, which was surrendered to the United States in 1796; and is also on the site of the American Fort Shelby, which was demolished in 1828: *Provided*, That the cost of such tablet shall be paid from the appropriation already made for the said building.

Mr. CORLISS. I ask that a second be considered as ordered.

Mr. DINGLEY. Mr. Speaker, as I understand it, this simply gives permission to private individuals to place on this building a tablet commemorative of an historical event.

Mr. CORLISS. This building is erected on the site of an old fort, evacuated by the British one hundred years ago, and this authorizes the placing on the building of a tablet containing an appropriate inscription commemorative of that event, without any additional expense to the Government.

Two-thirds voting in favor thereof, the rules were suspended and the joint resolution was passed.

SUBMARINE CABLES.

Mr. BINGHAM. I move to suspend the rules and pass the bill (H. R. 9149) to regulate the establishment of submarine telegraphic cable lines or systems of the United States.

The bill was read, as follows:

Be it enacted, etc., That the shore end of any new submarine telegraphic cable line or system that shall be established after the passage of this act, which line or system shall be protected in any foreign country by exclusive landing rights or by any other special privileges or franchises, shall not be permitted to be landed or operated on the territory of the United States until the consent of the Congress of the United States shall have been obtained therefor. But this prohibition shall not apply to the renewal or renewals of any submarine telegraphic cable or cables now in operation.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. RICHARDSON. Mr. Speaker, I demand a second, in order to have some explanation of this matter.

Mr. BINGHAM. The bill comes from the Committee on Interstate and Foreign Commerce, and is unanimously reported. Heretofore the permission for the landing of submarine cables has been granted by the State Department. Under date of December 21, 1893, the late Secretary Gresham stated that since March 1, 1893, no permission had been given by the Department of State to any foreign cable company to land its line on the coast of the United States, and that he knew of no law of Congress authorizing him or any other executive officer to grant such permission. That emphasized the necessity of this legislation. This bill vests the granting of the permission in Congress.

Two-thirds voting in favor thereof, the rules were suspended and the bill passed.

STRATTON H. BENSCOTER.

The SPEAKER laid before the House the bill (H. R. 3771) for the relief of Stratton H. Benscoter, with Senate amendments thereto.

The Senate amendments were read.

Mr. LACEY. I move to nonconcur in the Senate amendments, and ask for a conference.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. HULL, Mr. FENTON, and Mr. MCLELLAN.

JAMES A. MOORE.

Mr. NEWLANDS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 768) for the relief of James A. Moore.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury are hereby authorized and directed to settle the accounts of James A. Moore for services rendered and expenses incurred as United States marshal for the district of Nevada from October 12, 1882, the date of the expiration of his commission, until May 15, 1885, the date when his successor qualified, in the same manner as if section 793 of the Revised Statutes of the United States, providing for ad interim appointments, had been complied with.

Mr. LOUD. I demand a second, in order that the gentleman may make some explanation. I am willing to have a second considered as ordered.

Mr. NEWLANDS. I ask unanimous consent that a second be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Nevada [Mr. NEWLANDS] has twenty minutes and the gentleman from California [Mr. LOUD] twenty minutes.

Mr. NEWLANDS. I wish to say with reference to this bill that it simply authorizes the accounting officers of the Treasury to audit the account of a man who served as United States marshal for some few months after the expiration of his term. There was some informality in his appointment. Mr. Bowler, the Comptroller of the Treasury, admits the equity of the claim, but insists that he must have authority from Congress to audit it. The letter of the Comptroller of the Treasury appears in the report. The bill has been passed by the Senate and favorably reported by the Committee on Claims of the House. It involves only a matter of ten or twelve hundred dollars. It makes no appropriation, but simply authorizes the accounting officers to audit the claim.

Mr. LOUD. I would like to state that passage by the Senate is no recommendation of a bill, Mr. Speaker, especially if it carries an appropriation.

Mr. NEWLANDS. This bill carries no appropriation.

Mr. LOUD. Is not there some money involved in this bill?

Mr. NEWLANDS. It authorizes the Comptroller of the Treasury to audit these accounts.

Mr. LOUD. Has it been reported by a House committee?

Mr. NEWLANDS. It has been reported by a House committee. This man actually served under the orders of the judge of the United States circuit court there, rendered the services, presented his accounts, which have not been audited, on the presumption that there was some informality in the appointment. The Comptroller of the Treasury recommends the passage of the bill.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

WASHINGTON NATIONAL PARK.

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 4058) to set apart certain lands now known as the Pacific Forest Reserve as a public park, to be known as the Washington National Park. I ask that the bill be passed with the amendments recommended by the committee.

The bill was read, as follows:

Be it enacted, etc., That all those certain tracts, pieces, or parcels of land lying and being situate in the State of Washington, and within the boundaries particularly described as follows, to wit: Beginning at a point 3 miles east of the northeast corner of township No. 17 north, of range 6 east, of the Willamette meridian; thence southerly through the central parts of townships Nos. 17, 16, and 15 north, of range 7 east, of the Willamette meridian, 18 miles more or less, subject to the proper easterly or westerly offsets, to a point 3 miles east of the northeast corner of township No. 14 north, of range 6 east, of the Willamette meridian; thence east on the township line, between townships Nos. 14 and 15 north, 18 miles more or less, to a point 3 miles west of the northeast corner of township 14 north, of range 10 east, of the Willamette meridian; thence northerly, subject to the proper easterly or westerly offsets, 18 miles more or less, to a point 3 miles west of the northeast corner of township No. 17 north, of range 10 east, of the Willamette meridian (but in locating said easterly boundary line, wherever the summit of the Cascade Mountains is sharply and well defined, the said line shall follow the said summit, where the said summit line bears west of the easterly line as herein determined); thence westerly along the township line between said townships Nos. 17 and 18 to the place of beginning, the same being a portion of the lands which were reserved from entry or settlement and set apart as a public reservation by proclamation of the President on the 20th day of February, in the year of our Lord 1893, and of the independence of the United States the one hundred and seventeenth, are hereby dedicated and set apart as a public park, to be known and designated as the Washington National Park, for the benefit and enjoyment of the people; and all persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereafter provided, shall be considered trespassers and be removed therefrom.

SEC. 2. That said public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to make and publish, as soon as practicable, such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes, for terms not exceeding twenty-five years, of small parcels of ground at such places in said park as shall require the erection of buildings for the accommodation of visitors, all of the proceeds of said leases, and all other revenues that may be derived from any source connected with said park, to be expended under his direction in the management of the same and the construction of roads and bridle paths therein. And through the lands of the Pacific Forest Reserve adjoining said park rights of way are hereby granted, under such restrictions and regulations as the Secretary of the Interior may establish, to any railway or tramway company or companies, through the lands of said Pacific Forest Reserve, and also into said

park hereby created, for the purpose of building, constructing, and operating a railway or tramway line or lines through said lands, also into said park. He shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same after the passage of this act to be removed therefrom, and generally shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this act.

SEC. 3. That upon execution and filing with the Secretary of the Interior, by the Northern Pacific Railroad Company, of proper deed releasing and reconveying to the United States the lands in the reservation hereby created, also the lands in the Pacific Forest Reserve, which have been heretofore granted by the United States to said company, whether surveyed or unsurveyed, and which lie opposite said company's constructed road, said company is hereby authorized to select an equal quantity of nonmineral public land, so classified as nonmineral at the time of actual Government survey which has been or shall be made, of the United States not reserved, and to which no adverse right or claim shall have attached or have been initiated at the time of the making of such selection, lying within any State into or through which the railroad of said Northern Pacific Railroad Company runs, to the extent of the lands so relinquished and released to the United States.

SEC. 4. That upon the filing by the said railroad company at the local land office of the land district in which any tract of land selected in pursuance of this act shall lie, a list describing the tract or tracts selected and the payment of the fees prescribed by law in analogous cases, and the approval of the Secretary of the Interior, he shall cause to be executed, in due form of law, and deliver to said company a patent of the United States conveying to it the lands so selected. In case the tract so selected shall at the time of selection be unsurveyed, the list filed by the company at the local land office shall describe such tract in such manner as to designate the same with a reasonable degree of certainty; and within the period of three months after the lands including such tract shall have been surveyed and the plats thereof filed in the local land office, a new selection list shall be filed by said company describing such tract according to such survey; and in case such tract, as originally selected and described in the lists filed in the local land office, shall not precisely conform with the lines of the official survey, the said company shall be permitted to describe such tract anew, so as to secure such conformity.

SEC. 5. That the mineral-land laws of the United States are hereby extended to the lands lying within the said reserve and said park.

Amend the title so as to read: "A bill to set apart a portion of certain lands in the State of Washington, now known as the Pacific Forest Reserve, as a public park, to be known as the Washington National Park."

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. BAILEY. I demand a second on that.

Mr. DOOLITTLE. I ask that a second be considered as ordered.

Mr. BAILEY. I object.

The SPEAKER. Objection is made. The gentleman from Texas and the gentleman from Washington will take their places as tellers.

Mr. BAILEY. If the gentleman will permit me, I am entirely willing that the United States Government shall cede this land to the State of Washington to be made a park. The matter I am objecting to is that the Federal Government undertakes to maintain this park after it is made.

Mr. DOOLITTLE. I would like to say to the gentleman from Texas that all we are asking for in this bill is for three sections square of mountain land about the foot of this mountain, which is 16,000 feet above the sea level, snow-capped with eternal snow and ice fields. We ask that it be set aside, and that the people of my State be permitted to improve that as a park. Many people travel across the continent and from foreign lands to view the grandeur of that mountain scenery. We are simply asking that this matter be placed under the authority of the Secretary of the Interior——

Mr. LACEY. The land has already been withdrawn as a forest reservation.

Mr. DOOLITTLE. The land has already been withdrawn as a forest reservation, and we ask that the Secretary of the Interior be given authority to formulate regulations as to what shall be done in the park in the way of its improvement, and so on.

Mr. BAILEY. I thoroughly sympathize in the desire of the gentleman to obtain this land for his State, and I am more than willing that he should have double the amount; but——

Mr. DOOLITTLE. We do not ask a nickel of appropriation.

Mr. BAILEY (continuing). I object to the Secretary of the Interior becoming the keeper of a park; and I object to taxing all the people of the United States to maintain a park in the State of Washington. If the gentleman will prepare an amendment that gives this land absolutely to the State of Washington I will support it.

Mr. DOOLITTLE. You understand that we are not asking for an appropriation, and do not intend to ask for a nickle from this Government. We propose to make the necessary improvements, for the benefit of all the people of this country, out of our own pockets, every dollar of it, and are asking nothing in the way of appropriation. It seems to me that no fairer proposition has ever been made to Congress than this.

Mr. BAILEY. The difficulty I have is that I have not learned how it is possible to maintain a park by any government without expense.

Mr. DOOLITTLE. I will explain——

Mr. BAILEY. If the gentleman will excuse me, this Congress ought to be advised by what has been the result in the Yellowstone Park. Annually we are called upon to make appropriations to maintain it. I will, however, accept the assurance of the gentleman from Washington that they do not intend to ask a dollar from the Government in the way of an appropriation; but I am willing to put it in the RECORD now that I will, in less than two years, remind him of it; and he agrees to have it stricken out.

Mr. DOOLITTLE. Why, most assuredly.

Mr. BAILEY. Then I withdraw the demand for a second.

Mr. DOOLITTLE. I ask for a vote, Mr. Speaker.

Mr. LACEY. There were amendments reported by the committee.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill with the amendments as reported by the committee.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

UNITED STATES COURTS—TEXAS.

Mr. BELL of Texas. Mr. Speaker, I move to suspend the rules and pass the bill which I send to the desk, being a bill (H. R. 9226) to change the time and places for holding the district and circuit courts of the northern district of Texas.

The bill was read, as follows:

Be it enacted, etc., That the United States circuit and district courts for the northern district of Texas shall be composed of the counties hereinafter named, and the terms of the said courts shall be held in each year at the time and places as follows:

At Dallas, in the county of Dallas, on the second Monday of January and the third Monday of May.

At Waco, in the county of McLennan, on the second Monday of April and the third Monday of November.

At Fort Worth, in the county of Tarrant, on the first Monday of March and the third Monday in September.

At Abilene, in the county of Taylor, on the third Monday of March and the third Monday in October.

At San Angelo, in the county of Tom Green, on the fourth Monday of March and the first Monday in November.

SEC. 2. That all process issued against defendants residing in the counties of Brazos, Robertson, Leon, Limestone, Freestone, McLennan, Falls, Bell, Coryell, Hamilton, Bosque, Somervell, and Hill shall be returned to Waco. All process issued against defendants residing in the counties of Navarro, Johnson, Ellis, Kaufman, Dallas, Rockwall, Hunt, Collin, Denton, Cooke, and Montague shall be returned to Dallas. All process issued against defendants residing in the counties of Comanche, Hood, Erath, Tarrant, Parker, Palo Pinto, Wise, Clay, Jack, Young, Archer, Wichita, Wilbarger, Baylor, Hardeman, Cottle, Motley, Briscoe, Hall, Childress, Collingsworth, Donley, Armstrong, Randall, Deaf Smith, Oldham, Potter, Carson, Gray, Wheeler, Hemphill, Lipscomb, Ochiltree, Roberts, Hutchinson, Hansford, Sherman, Moore, Hartley, and Dallam shall be returned to Fort Worth. All process issued against defendants residing in the counties of Eastland, Stephens, Throckmorton, Shackelford, Callahan, Taylor, Jones, Haskell, Knox, Nolan, Fisher, Stonewall, Kent, Dickens, King, Crosby, Garza, Lubbock, Gaines, Andrews, Mitchell, Scurry, Borden, Howard, Martin, and Midland shall be returned to Abilene. All process issued against defendants residing in the counties of Glasscock, Sterling, Coke, Tom Green, Crockett, Schleicher, Sutton, Irion, Mills, Runnels, Coleman, and Brown shall be returned to San Angelo.

SEC. 3. That all actions or proceedings now pending in the courts of said district against parties residing in either of the counties from which process is made returnable to the courts to be held at Fort Worth, San Angelo, and Abilene, respectively, may, on the application of either party to such actions or proceedings, be transferred to the court at which the said proceedings would be returnable as provided in this act; and in case of such transfer all papers and files therein, with copies of all journal entries, shall be transferred to the office of the deputy clerk of the said court, and the same shall proceed in all respects as if originally commenced in said court.

SEC. 4. That there shall be appointed, in the manner required by law, a deputy clerk, who shall keep his office at the city of Fort Worth, and also one who shall keep his office at the city of Abilene, and also one who shall keep his office at the city of San Angelo.

SEC. 5. That no session of the said circuit court and district court of the northern district of the State of Texas shall be held at the city of Graham after this law shall take effect, and the records of said courts shall be removed from said town of Graham to the said town of Abilene, and the change of the places of holding the terms of the said courts as herein provided shall not affect the validity of any process or any bond or other obligation heretofore issued or made, and the same shall be held and taken as returnable and otherwise to the respective courts to which they would be returnable as provided after this law takes effect.

The rules were suspended and the bill was passed.

JOHN KEEFE.

Mr. POOLE. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 4538) which I send to the desk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John Keefe, of Syracuse, N. Y., the sum of $220, in full compensation for his services as engineer in the United States court-house and post-office building in Syracuse, N. Y., for the months of July and August, 1888, and from June 1 to August 17, 1889.

The rules were suspended and the bill was passed.

FORT BLISS MILITARY RESERVATION.

Mr. CATRON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3206) to grant a right of way through the new Fort Bliss Military Reservation to the El Paso and Northeastern Railroad Company.

The bill was read, as follows:

Be it enacted, etc., That there is hereby granted to the El Paso and Northeastern Railroad Company a right of way 100 feet wide, on such route as the Secretary of War may designate, through the new Fort Bliss Military Reservation, Tex. If said railroad shall not be built across said reservation within three years next after the passage of this act, this grant shall absolutely cease and determine.

The rules were suspended and the bill was passed.

JAMES P. VEACH.

Mr. FARIS. Mr. Speaker, I move that the Committee on Military Affairs be discharged from further consideration of Senate joint resolution No. 138, for the relief of James P. Veach, and that the rules be suspended and the joint resolution be passed.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of War be, and he hereby is, empowered, authorized, and directed to cause record to be made in the military history of James P. Veach, a private of Company I of the One hundred and nineteenth (Seventh Cavalry) Regiment of Indiana Volunteers, in the service of the United States, that the said James P. Veach, having received from the President of the United States a full and unconditional pardon of all military offenses for which he was tried and convicted by court-martial, and sentence of which court was promulgated January 8, 1866, in General Orders No. 6, Department of Texas, is thereby absolved from said offenses and from all the penalties of such offense and sentence, and is therefore entitled to an honorable discharge; and thereupon to discharge said Veach as of the date October 8, 1865.

The SPEAKER. The question is on discharging the Committee on Military Affairs from further consideration of the joint resolution and suspending the rules and passing the resolution.

Mr. TALBERT. Mr. Speaker, I demand a second, in order that we may have some explanation of the resolution.

Mr. PAYNE. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. FARIS. Mr. Speaker, in response to the gentleman from South Carolina [Mr. TALBERT], I desire to say that this resolution was passed by the Senate at a former session of Congress. Its object is simply to make effective the pardon by President Harrison of this soldier, who was resting under a military sentence. This soldier enlisted in 1863 when he was 15 years old. After about two years of honorable service he fell sick and left his command, and in a short time, being recovered, he voluntarily returned to it, there being no record of his arrest. This was in October, 1865, when the soldier believed the war was over, and when it was actually ended. He was court-martialed, however, and sentenced to two years' confinement and served a part of his sentence, and in December, 1866, escaped and went home in Indiana. This was when he was about 18 years old. He was a good soldier and he is a very reputable man. The records will bear out the statements which I make in relation to him as a soldier in the service, and subsequently as a citizen. This joint resolution carries no appropriation whatever. It simply authorizes the Secretary of War to make effective the President's pardon and issue to this soldier an honorable discharge.

Mr. LOUD. Mr. Speaker, I wonder what this soldier's meritorious services were and where they were performed in 1866.

Mr. BISHOP. He had been for some years in the Army.

Mr. LOUD. He could not have been many years in the Army, if he was only 18 years of age when this trial took place, unless he was born there. [Laughter.]

Mr. FARIS. The report shows that he enlisted in September, 1863.

Mr. LOUD. And he was only 18 years of age at the time of the trial?

Mr. FARIS. He was only 15 when he enlisted, and he was about 18 at the time of the court-martial.

Mr. LOUD. This court-martial was in 1866.

Mr. FARIS. It may have been early in that year, but it was long after the offense was committed. He was down in Texas in the service before that.

Mr. LOUD. Permit me to say that soldiers who deserted during the war were not tried in 1866. The President's proclamation pardoned them all.

Mr. BISHOP. Mr. Speaker, if I remember the case correctly, this soldier enlisted as a recruit some time about 1863 or 1864, with the expectation of serving only until the end of the term of service of the regiment in which he was placed as a recruit. When the war was over they took him, with some others, and sent them down on the Mexican border. He remained there until 1866, when he got sick and went to New Orleans. He then went back, and some time afterwards he was tried for going to New Orleans when he was sick. Upon that trial he was convicted and sentenced. The President of the United States thought an injustice had been done him and granted him a pardon, but that does not give him an honorable discharge, and this joint resolution simply directs that he be given an honorable discharge.

Mr. LOUD. Why not bring in a bill at once granting a pension to this man? That is evidently what he wants.

Mr. BISHOP. Well, I think his service in the Army from the time he was 16 until he was 18 years old, two years, would probably entitle him to a pension; and for one I should be perfectly willing to give it to him.

Mr. LOUD. Why not be consistent and go right at it at once?

Mr. PAYNE. We can not do it all in so short a time. The gentleman wants us to work too fast. [Laughter.]

Mr. LOUD. That course would save time.

Mr. FARIS. Mr. Speaker, I ask for a vote.

The question being taken, the motion of Mr. FARIS to suspend the rules, discharge the Committee on Military Affairs from further consideration thereof, and pass the joint resolution was agreed to, two-thirds voting in favor thereof.

Mr. FARIS. Mr. Speaker, there is on the House Calendar a resolution (H. Res. 161) which has been favorably reported by the House Committee on Military Affairs. As it is exactly similar in its provisions to the Senate joint resolution just passed, I move that it be laid on the table.

There being no objection, it was so ordered.

BRIDGE ACROSS ST. LOUIS RIVER.

Mr. HARTMAN. I move to suspend the rules and pass the bill which I send to the desk.

The bill (H. R. 8321) to authorize the county of St. Louis, in the State of Minnesota, to build or authorize the building of a foot and wagon bridge across the St. Louis River between Minnesota and Wisconsin, at a point near Fond du Lac, in said State of Minnesota, was read.

The question being taken, the motion to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

BURIALS AT NATIONAL CEMETERIES.

Mr. BAKER of New Hampshire. I move to suspend the rules and pass the bill (H. R. 8443)) to amend section 4878 of the Revised Statutes, relating to burials in national cemeteries.

The bill was read, as follows:

Be it enacted, etc., That section 4878 of the Revised Statutes be amended so as to read as follows:

"SEC. 4878. All soldiers, sailors, or marines dying in the service of the United States, or dying in a destitute condition after having been honorably discharged from the service, or who served during the late war, either in the regular or volunteer forces, may be buried in any national cemetery free of cost. The production of the honorable discharge of a deceased man shall be sufficient authority for the superintendent of any cemetery to permit the interment. Army nurses honorably discharged from their service as such may be buried in any national cemetery; and if in a destitute condition, free of cost. The Secretary of War is authorized to issue certificates to those army nurses entitled to such burial."

Mr. BAKER of New Hampshire. The only change which this bill proposes to make in existing law is to permit army nurses regularly discharged and so certified by the Secretary of War to be buried in national cemeteries.

Mr. HULICK. Does the bill require the presentation of the discharge before authority is granted for burial in a national cemetery?

Mr. BAKER of New Hampshire. There must be a certificate from the Secretary of War.

Mr. HULICK. Suppose there is other authority.

Mr. BAKER of New Hampshire. The other evidence, whatever it may be, must be presented to the Secretary of War, and he will furnish the certificate. This bill applies only to army nurses.

The question being taken, the motion of Mr. BAKER of New Hampshire to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

SUBPORTS OF ENTRY, ETC., IN FLORIDA.

Mr. COOPER of Florida. I move to suspend the rules, and pass the bill (S. 1767) to provide for subports of entry and delivery in the State of Florida.

The bill was read, as follows:

Be it enacted, etc., That such places in the collection districts in the State of Florida as the Secretary of the Treasury may from time to time designate shall be subports of entry and delivery, and customs officers shall be stationed at such subports, with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other services and receive such compensation as, in the judgment of the Secretary of the Treasury, the exigencies of commerce may require.

SEC. 2. That all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Mr. LOUD. I demand a second on this motion, in order that we may have an explanation of the measure.

Mr. COOPER of Florida. I can explain it to the gentleman in a few moments.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. COOPER of Florida. Mr. Speaker, this bill has been unanimously reported from the Committee on Ways and Means. In consequence of the extension of a railroad down the Atlantic coast of Florida there has been a development of commerce with the Bahamas, the West Indies, etc., and thus there has arisen a need for several subports of entry. This is a Senate bill, and has been passed by that body. The suggestion was made (and it was approved by the Committee on Commerce) that the shortest way of meeting the demands of the present case would be to pass this bill, which simply authorizes the Secretary of the Treasury to establish these subports at the needed points.

Mr. LOUD. I should like to ask the gentleman from Maine [Mr. DINGLEY], the chairman of the Committee on Ways and Means, whether he thinks it advisable that the Secretary of the Treasury be empowered to establish subports of entry wherever, in his judgment, he may see fit to do so.

Mr. DINGLEY. Such legislation as this is ordinarily undesirable. It has been adopted in the case of Alaska——

Mr. COOPER of Florida. And Washington.

Mr. DINGLEY. And in the case of the State of Washington. The justification for legislation of this kind arises from peculiar circumstances where the ports in a given State for the transaction of this class of business are changing in consequence of peculiar conditions. Under such circumstances measures of this kind are resorted to as a temporary expedient. In the case of Florida, the establishment of lines to Cuba and various other points brings about a continual change in the requirements of trade; so that on conference with the Treasury Department, it was thought best to give this exceptional authority in the case of Florida, which has been given in the case of Washington and Alaska, until the regular conditions of trade should settle down. Hence the Committee on Ways and Means believed it justifiable to give this authority, which is exceptional, of course, and ought not ordinarily to be given.

Mr. LOUD. Would it not be wise to insert in the bill a proviso that the number of officials shall not be increased? Surely the commerce of Florida is not growing so rapidly as to require the appointment of new officials. If the current of business is changing, I realize that there may be need for new subports of entry and delivery. But this is a great discretionary power which it is proposed to lodge in the hands of the Secretary of the Treasury.

Mr. DINGLEY. Under existing law the Secretary of the Treasury has authority to appoint as many of these subordinate officials as may be necessary for the transaction of the public business, so that as far as that matter is concerned this bill confers no additional power. On the whole, under the peculiar circumstances, the committee thought it advisable to give the authority contemplated by the bill.

Mr. LOUD. If the gentleman from Maine can stand it I can. He is going to stay here longer than I am.

Mr. DINGLEY. In that respect there is no change in existing law. There is no limit now.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill passed.

LOSSES BY POSTMASTERS, ETC.

Mr. CONNOLLY. Mr. Speaker, I move to suspend the rules and pass the bill I send to the desk.

The SPEAKER. The bill will be read.

The Clerk read as follows:

A bill (H. R. 9447) to amend section 1 of an act entitled "An act authorizing the Postmaster-General to adjust certain claims of postmasters for loss by burglaries, fire, or other unavoidable casualties," approved May 9, 1888.

Be it enacted, etc., That the first proviso in section 1 of said act be so amended as to read as follows:

"*Provided*, That no claim exceeding the sum of $10,000 shall be paid or credited until after the facts shall have been ascertained by the Postmaster-General and reported to Congress, together with his recommendation thereon, and an appropriation made therefor."

Mr. LOUD. Mr. Speaker, I demand a second.

Mr. CONNOLLY. I ask that a second be considered as ordered.

Mr. LOUD. I have no objection to that.

A second was ordered.

Mr. CONNOLLY. Mr. Speaker, this bill simply amends the section of the statute which now authorizes the settlement of that kind of claims in the Post-Office Department where the amount involved does not exceed $2,000. As a result, every burglary of a post-office, which has been investigated by the Department, or loss of any kind arising in the post-offices without fault on the part of the postmaster, if the amount stolen is less than $2,000, is settled at the Department at once; but if it exceeds that sum, say $2,001, the postmaster must come to Congress and wait until a bill is passed for his relief. As a result of that, there are not less than a dozen or fifteen bills now pending for such claims, that have been recommended by the Department.

The purpose of this act is to change the limit fixed by the law from $2,000 to $10,000, so that the great bulk of the claims investigated by the Department, which they would settle if they had authority, may be settled when the limit is so raised.

The chairman of the Post-Office Committee understands the situation; he has examined the amendment to the law, and other gentlemen who are interested in it have also examined it, and there seems to be no objection to it so far as I am aware.

Mr. COOKE of Illinois. Mr. Speaker, I desire to say in favor of the passage of this bill that I have a case coming directly under the provision of the proposed amendment, in which case the committee have reported favorably upon a bill for the allowance to Mr. James A. Sexton, the late postmaster of Chicago, of the sum of $3,757.05 on account of funds stolen from his office in 1893. The report of Mr. Bissell, the Postmaster-General, which was made in 1894, uses this language:

Being satisfied from the evidence that the loss resulted from no fault or negligence on the part of said postmaster, I respectfully recommend the passage of a bill authorizing the credit claimed and making appropriation of said amount.

A complete examination and investigation of the case was made by the inspectors of the Post-Office Department, and the postmaster having gone out of office there is no way in which he can settle his final accounts aside from a special act for his relief, unless some such provision as this is adopted, whereby the limit shall be raised above the amount now fixed by law to such an extent as to cover the amount of his loss.

I heartily approve of the bill, as it simply places it in the power of the Postmaster-General to pass on such cases promptly when on a thorough investigation he ascertains that there is no fault resting upon the postmaster whereby the funds are lost, stolen, or otherwise destroyed.

Mr. BINGHAM. Will the gentleman from Illinois allow an inquiry?

Mr. CONNOLLY. Certainly.

Mr. BINGHAM. In this proposed change of the statute is it simply a change of the limit from two to ten thousand dollars, the wording of the statute in other respects remaining the same?

Mr. CONNOLLY. Precisely. The word "two" is stricken out and "ten" inserted. That is the only change.

Mr. LOUD. Mr. Speaker, just a word on this matter. While I demanded a second, I have no objection to the bill proposed by the gentleman from Illinois, and think it ought to pass. But still the House should know before it is passed exactly what is contained therein. This bill, of course, will extend the law or make it retroactive for fifteen years. I think the House should be in possession of the facts. It will take every claim that is now pending before Congress, or that is not pending before Congress, back for fifteen years preceding 1882. Not fifteen years back of the present date, but, as I understand, in amending the act of 1882, which this does, that act extends back a period of fifteen years, and this act passed in 1896, as we passed it, of course, would extend it back, I think, fifteen years prior to 1882.

Mr. HILL. Why should it not?

Mr. COOKE of Illinois. Mr. Speaker, I desire to call the attention of the gentleman from California [Mr. LOUD] to the fact that the act which is amended by the pending bill provides, it is true, that only those claims which accrued within fifteen years prior to March 17, 1882, should be covered by the act, but it also contains a proviso which is not disturbed by the bill now pending, which proviso is as follows:

And no claims for losses which may hereafter accrue shall be allowed unless presented within six months from the time the loss occurred.

It seems to me that is an ample provision for the protection of the Post-Office Department concerning any old claims which have not been presented.

Mr. LOUD. Possibly it is. There is a question about it. As I said, Mr. Speaker, I do not propose to oppose the bill. I think it is a meritorious one, because I am satisfied that the Post-Office Department is more competent to investigate these claims, and to judge as to whether they ought to be paid, than Congress is. I am perfectly willing to allow the Department to investigate those cases. But while I am on my feet I can not refrain from offering this suggestion, that there are a great many laws that need amending, but there is one in particular, and that is the law relating to lost checks. The limit, as I understand it, is now $2,500, and that law needs amendment more than this one does. I will say that there are several other bills amending the postal laws which, in my opinion, will be of great benefit to the Government. This bill of course can only be of great benefit to the claimants. There are a great many bills before Congress which would aid very materially the better management of the Post-Office Department, and while I congratulate the gentleman from Illinois [Mr. COOKE] who has written this bill within the last hour, on the alacrity with which he has brought it before the House, and on the alacrity with which he has gained recognition, I do still feel that if bills of this character, where there is no one especially interested except the claimants, can receive the attention of Congress, it would have been better for Congress to have turned its attention to such matters of legislation as would have improved the service.

I hope this bill will pass.

Two-thirds voting in favor thereof, the rules were suspended and the bill passed.

BRIDGE ACROSS THE ARKANSAS RIVER.

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 5482) authorizing the Cleveland Bridge Company to construct a bridge across the Arkansas River between Pawnee County, Okla., and the Osage Indian Reservation.

The bill was read. It provides that the Cleveland Bridge Company, a corporation duly organized and existing under the laws of the Territory of Oklahoma, and its successors or assigns, be, and is hereby, authorized to construct and maintain a bridge and approaches thereto across the Arkansas River between a point in Pawnee County and the Osage Indian Reservation, in the Territory of Oklahoma, on section 9, township 21 east, of range 8 east. Said bridge shall be constructed to provide for the passage of

wagons and vehicles of all kinds, for the transit of animals, foot passengers, and all kinds of commerce, travel, and communications, and said corporation may charge and receive such reasonable tolls therefor as may be permitted by the laws of the Territory of Oklahoma.

Two-thirds voting in favor thereof, the rules were suspended and the bill passed.

ARTHUR P. SELBY.

Mr. JOY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 261) for the relief of Arthur P. Selby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby directed to pay to Arthur P. Selby the sum of $946, being an amount paid into the Treasury by said Selby, as clerk of the United States circuit court of the eastern district of Missouri, by mistake on his part and on the part of the accounting officers of the Government.

Mr. DINGLEY. I understand that there is a letter from the Comptroller stating the facts in this case.

Mr. JOY. Yes.

Mr. DINGLEY. I suggest that that letter be put in the RECORD.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, D. C., December 6, 1895.

SIR: I am in receipt of your letter of the 3d instant inclosing a copy of the report of the Committee on Claims of the House of Representatives (Fifty-second Congress, first session, Report 1069, April 13, 1892), on the claim of Arthur P. Selby, late clerk of the United States circuit court for the eastern district of Missouri. You ask whether said report states the facts of said claim and whether there is any appropriation from which it can be refunded.

On March 6, 1886, the First Comptroller stated the emolument account of the clerk for the calendar year 1885 by report 95797, and found that a balance of $2,400.70 was due to the United States, arising principally from the fact that the Attorney-General had approved his expenditures for clerk hire in the sum of $3,000 for the year when, according to his vouchers, he had expended $4,946. In his letter of June 2, 1886, to the First Comptroller, the Attorney-General stated that Mr. Selby's allowance for clerk hire is $4,000 instead of $3,000, as the Department of Justice had authorized the former amount by letter of August 4, 1885. Thereupon the First Comptroller stated a supplemental emolument account (No. 95571) allowing Mr. Selby the additional credit, reducing his balance to $1,400.70. This latter balance was deposited by Mr. Selby June 29, 1886, and covered into the Treasury, and his account of emoluments for calendar year 1885 was closed by First Comptroller's report 98929.

So far as the records of this Department show, the facts in the case are as stated in the committee's report.

There is now no appropriation from which said claim, amounting to $946, could be paid.

Respectfully, yours, R. B. BOWLER, *Comptroller.*

Mr. THO. C. FLETCHER,
Attorney for estate of Arthur P. Selby, deceased,
11 Sun Building, Washington, D. C.

Two-thirds voting in favor thereof, the rules were suspended and the bill passed.

PRINTING OF NICARAGUA CANAL REPORT.

Mr. CHICKERING. Mr. Speaker, I wish to present a privileged report from the Committee on Printing.

The Clerk read as follows:

Your committee, having had under consideration the resolution for printing 10,000 copies of the hearings before the Interstate and Foreign Commerce Committee upon the Nicaragua Canal, report in favor of the passage of the same.

Resolved, That there be printed 10,000 copies of the hearings before the Interstate and Foreign Commerce Committee upon the Nicaragua Canal, 3,000 copies for the use of the Senate and 7,000 for the use of the House.

The resolution was agreed to.

PROTECTION OF FOREST RESERVATIONS.

Mr. BELL of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 119) to protect forest reservations.

The bill was read, as follows:

Be it enacted, etc., That the objects for which public forest reservations shall be established under the provisions of the act approved March 3, 1891, shall be to protect and improve the forests for the purpose of securing a continuous supply of timber for the people and insuring conditions favorable to water flow. And it is not the purpose of this act to authorize the inclusion within such forest reservations of lands more valuable for mining or agricultural purposes than for the timber thereon.

SEC. 2. That the Secretary of the Interior shall make such rules and regulations and shall establish such service as shall be required to regulate the occupancy and use of forest reservations which have been heretofore, or shall be hereafter, created under the said act of March 3, 1891, and to preserve the timber and other natural resources, and such natural wonders and curiosities and game as may be therein, from injury, waste, fire, spoliation, or other destruction: *Provided*, That all such forest reservations shall be controlled and administered in accordance with the provisions of this act and the rules and regulations so prescribed hereunder; and all acts and parts of acts inconsistent with the provisions of this act and the rules and regulations prescribed thereunder are hereby repealed in so far as the same relate to public lands embraced within such forest reservations.

SEC. 3. That for the purpose of preserving a sufficient supply of living and growing timber and facilitating its growth, and with a view to proper utilization of same, the Secretary of the Interior may, under rules and regulations prescribed by him, permit the cutting, removal, and disposal of so much of the dead or mature timber on such reservations as may, in his judgment, be expedient. That in disposing of such timber the Secretary of the Interior shall cause the same to be properly marked and designated, and thereafter appraised and advertised for sale to residents of the State or Territory in which the lands to be cut upon are situated. Such advertisement shall be made for not less than thirty days in a newspaper of general circulation throughout the State or Territory in which the said lands are situated, and like publication shall also be made, for the same period, in a newspaper published in the county or counties in which the lands lie. Such advertisement shall offer the timber for sale at not less than the appraised value and in limited quantities to each purchaser, specifying that payments therefor shall be made to the receiver of public moneys of the local land office of the district wherein the said timber is situated, subject to conditions prescribed by the Secretary of the Interior. No timber so purchased shall be removed until payment in full therefor has been made and receipt for such payment has issued by the receiver of public moneys. And no timber shall be either cut or removed under the foregoing provisions of this section except under such rules and regulations as the Secretary of the Interior may prescribe. The proceeds of all such sales shall be accounted for by the receiver of public moneys in a separate account, and shall be covered into the Treasury of the United States as a special fund, to be expended in the care and management of public forest reservations under the direction of the Secretary of the Interior or as Congress may provide.

SEC. 4. That in behalf of miners, prospectors, agriculturists, and other bona fide settlers occupying lands within or near forest reservations, who have not a sufficient amount of timber on their own claims or lands for use in developing the natural resources of same or for firewood, fencing, or building purposes, that the Secretary of the Interior may permit such parties, under rules and regulations prescribed by him, to procure from the public lands within such reservations, free of charge, so much timber as may be needed for their own individual use in developing the natural resources of their own claims or lands, or for firewood, fencing, and building purposes.

SEC. 5. That nothing herein shall be construed to prohibit in any wise any person or persons from free ingress and egress in respect to such reservations, or from crossing the same, or from constructing through the same necessary wagon roads: *Provided further*, That a strict compliance with the statutes and rules and regulations thereunder governing such reservations is observed.

SEC. 6. That the settlers and other residents within the boundaries of such reservations or in the vicinity thereof may maintain schools, churches, and cemeteries within such reservations; and for that purpose may occupy any of the unappropriated and unoccupied lands in said reservations, not exceeding 10 acres for each school building and for each cemetery.

SEC. 7. That nothing herein shall be construed to prohibit the use of any and all water on such reservations for power, domestic purposes, or for general irrigation purposes, under the laws of the State or Territory wherein such reservations are situated.

SEC. 8. That in cases in which a tract covered by an unperfected bona fide claim or by a patent is included within the limits of a public forest reservation, the settler or owner thereof may, if he desires to do so, relinquish the tract to the Government, and may select in lieu thereof a tract of vacant land open to settlement not exceeding in area the tract covered by his claim or patent; and no charge shall be made in such cases for making the entry of record or issuing the patent to cover the tract selected: *Provided further*, That in cases of unperfected claims the requirements of the laws respecting settlement, residence, improvements, etc., are complied with on the new claims, credit being allowed for the time spent on the relinquished claims.

SEC. 9. That all public lands withdrawn from settlement and entry for such forest reservations which, upon due examination by personal inspection on the part of a competent person or persons, appointed or detailed for that purpose by the Secretary of the Interior, shall be found to be more valuable for mining or agricultural purposes than for forest uses, shall be duly restored to entry under the general mining or settlement laws. The restoration to entry of such withdrawn lands shall be made only after due publication or proclamation of restoration by the President, based upon recommendation by the Secretary of the Interior. Publication in such cases shall be made for not less than sixty days in two papers published nearest the lands in question, and which are of daily issue and of general circulation in the State or Territory wherein the said lands lie: *Provided further*, That prospectors and mineral claimants shall have free access to such forest reservations for the purpose of prospecting, locating, and developing the mineral resources thereof, and that title to mineral claims may be acquired in the same manner as upon other mineral lands of the United States.

SEC. 10. That any person who shall willfully set fire or cause to be set fire to any timber upon any public forest reservation, or shall negligently leave or suffer fire to burn unattended near any such reservation, shall be deemed guilty of a misdemeanor, and, upon conviction, be fined in a sum not less than $50 nor more than $5,000, or be imprisoned not more than two years, or both.

SEC. 11. That any person who shall build a camp fire other fire in any public forest reservation shall, before breaking camp or leaving the same, totally extinguish such fire. Any person failing to do so shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than $25 or more than $1,000, or imprisoned not more than one year, or by both such fine and imprisonment.

SEC. 12. That the State or Territory wherein such forest reservations are situated shall have civil and criminal jurisdiction over persons within such reservations.

Amend the title so as to read: "A bill to protect and administer public forest reservations."

The SPEAKER. The question is on suspending the rules and passing the bill as read.

Mr. TERRY. For the purpose of obtaining information, I demand a second.

Mr. LACEY. I ask that a second be considered as ordered.

The SPEAKER. Without objection, a second will be considered as ordered. [After a pause.] The Chair hears none.

Mr. TERRY. I would like to ask the gentleman from Colorado if this is the bill that was prepared or revised by my colleague, Mr. MCRAE?

Mr. BELL of Colorado. Yes, sir; it is.

Mr. LACEY. The bill is the joint work of Mr. MCRAE, the Forestry Commission, the Land Office, and the Committee on Public Lands. It is a bill that has been prepared with a great deal of labor, and covers the question of the preservation and management of the forest reservations.

Mr. ELLIS. And has the approval of all the members of the committee and members from the public-land States.

Mr. HERMANN. It embraces the Senate amendments prepared at the last session.

Mr. SHAFROTH. It is the same bill that passed the Senate last session, but failed to pass the House.

Mr. HERMANN. It meets the approval of all the members from the public-land States.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

INTERNATIONAL EXPOSITION AT OMAHA, NEBR.

Mr. MERCER. Mr. Speaker, I move to suspend the rules and pass the bill S. 1306. Inasmuch as the bill has been read once in this legislative day, I ask unanimous consent that the reading be dispensed with.

The SPEAKER. The gentleman asks unanimous consent to dispense with the reading of the bill. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 1306) to authorize and encourage the holding of a transmississippi and international exposition at the city of Omaha, in the State of Nebraska, in the year 1898.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

LAYING SUBWAYS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I move to suspend the rules and pass the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That a subcommittee consisting of three members of the Committee on the District of Columbia, to be appointed by the Speaker, be, and they are hereby, authorized to sit during the recess of Congress, at such times and places as they may deem advisable, for the purpose of investigating the subject of the laying of subways in the streets, roads, avenues, and alleys of the District of Columbia, as recommended by the Commissioners of said District in the letter of the president of the Board of District Commissioners transmitted to the chairman of the Committee on the District of Columbia, under date of February 8, 1896, and as provided for by the bill (H. R. 5920) accompanying said letter, with authority to summon witnesses, to send for persons and papers, to administer oaths, to employ a stenographer, and such clerical and other assistants as may be necessary, the expense of such investigation to be paid from the contingent fund of the House, but not to exceed the sum of $2,000, said committee to make a full report of the proceedings of such investigation and their opinions thereon to the House of Representatives on the 1st day of December, 1896.

The SPEAKER. The question is on suspending the rules and agreeing to the resolution.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the resolution was agreed to.

MOBILE AND OHIO RAILROAD COMPANY.

Mr. WHEELER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2943) to authorize the construction of a bridge across the Warrior River by the Mobile and Ohio Railroad Company.

The bill was read at length.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIDGE ACROSS THE ALABAMA RIVER.

Mr. STALLINGS. Mr. Speaker, I move to suspend the rules and pass the bill which I send to the desk, being the bill (S. 2945) to amend an act approved August 6, 1888, entitled "An act to authorize the construction of a bridge across the Alabama River."

The bill was read, as follows:

Be it enacted, etc., That the rights, powers, and privileges granted to the Alabama Great Northwestern Railway Company by the act of Congress entitled "An act to authorize the construction of a bridge across the Alabama River," and approved August 6, 1888, be, and the same are hereby, in all respects extended to and vested in the Mobile and Ohio Railroad Company.

SEC. 2. That the time within which said railway company was authorized to complete the construction of said bridge, which construction has already been begun in accordance with the provisions of said act, be, and the same is hereby, extended for three years from the date of the passage of this act.

The rules were suspended and the bill was passed.

BRIDGE ACROSS THE CAHABA RIVER.

Mr. STALLINGS. Mr. Speaker, I move to suspend the rules and pass the bill which I send to the desk, being the bill (S. 2944) to authorize the construction of a bridge across the Cahaba River, in Bibb County, Ala., by the Mobile and Ohio Railroad Company.

The bill was read at length.

The rules were suspended and the bill was passed.

CAPT. JAMES REGAN.

Mr. FISCHER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1011) for the relief of Capt. James Regan, United States Army.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury are hereby authorized and directed to credit the account of Capt. James Regan, Ninth United States Infantry, as first lieutenant and regimental quartermaster of said regiment, for a shortage of subsistence stores at Fort D. A. Russell, occasioned by the dishonesty of Com. Sergt. James Boling, without misconduct on the part of said Regan, with the sum of $2,455.82, and said Regan is discharged from paying the same.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

Mr. BLUE. Mr. Speaker, I ask for a second, in order that we may have some explanation of this bill.

By unanimous consent, a second was considered as ordered.

Mr. FISCHER. The case in brief is this: Captain Regan was commissary of stores at the point mentioned in the bill, Fort D. A. Russell. He was detailed by the War Department to act on a court-martial which took him a long distance from his post, some 300 miles, which he was compelled to travel on horseback. He was absent for about a month, and when he returned he found this sergeant had absconded and had left this shortage. Legally and technically Captain Regan was responsible, but the loss was not due in any degree to his dishonesty, but to that of the sergeant, who has ever since evaded justice. Captain Regan is now an old man, without means to make good this money, and the claim is a cloud upon his life and his record.

Mr. LITTLE. I will ask the gentleman whether this bill provides for a pension? [Laughter.]

Mr. FISCHER. No, sir. Captain Regan is already on the Army roll. He is an old man and desires to be retired. He has not a dollar and can not possibly make good this shortage.

Mr. BLUE. Was there any other commissioned officer at that post who could have been detailed to this duty when Captain Regan was absent?

Mr. FISCHER. The War Department ordered him away from his post on court-martial duty.

Mr. BLUE. That does not answer my question.

Mr. FISCHER. The commandant of the post was there.

Mr. BLUE. Why was not some commissioned officer detailed to take this captain's place while he was absent?

Mr. FISCHER. That I do not know. He was not responsible for it, however. He was only a junior officer himself.

A MEMBER. What committee has reported this bill?

Mr. FISCHER. The Committee on Military Affairs of the Senate. Captain Regan was certainly entirely innocent in the premises. As I have stated, he was away when this sergeant absconded.

Mr. LOUD. Has this bill been up for consideration before?

Mr. FISCHER. Yes, sir; and it has passed two Congresses, and has been reported favorably by the subcommittee No. 5 of the Committee on Military Affairs. I ask for a vote.

The rules were suspended and the bill was passed.

Mr. PAYNE. Mr. Speaker, I move that the House do now take a recess until 3 o'clock p. m.

The motion was agreed to; and the House accordingly (at 1 o'clock and 54 minutes) took a recess until 3 p. m.

The recess having expired, the House resumed its session.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 525) for the relief of Thomas Guinean, of Oregon;

A bill (S. 2054) for the relief of Rinaldo P. Smith, of Baltimore, Md.; and

A bill (S. 2840) to incorporate the East Washington Heights Traction Railway Company, of the District of Columbia.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 9253) to amend an act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea."

The message also announced that the Senate had passed resolutions of the following titles; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 60,000 extra copies of the report of the Joint Committee on the Dedication of the Chickamauga and Chattanooga National Park; 18,000 copies shall be for the use of the House of Representatives, 6,000 copies for the Senate, 1,000 copies for the National Park Commission to supply the twenty-eight State commissions, and 500 copies for the Secretary of War to supply the governors of the States, and 100 copies for each speaker at the dedication.

Also:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 copies of Senate Miscellaneous Document No. 274, Fifty-third Congress, second session, Proceedings of the Berlin Silver Commission of 1894, with index, 3,000 to be for the use of the House of Representatives and 2,000 for the use of the Senate.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of the Interior be, and he hereby is, authorized and directed to resume work upon and to issue patents to the Union Pacific Railway Company without delay to all lands which have been sold by said company to bona fide purchasers: *Provided*, That nothing herein contained shall be construed as waiving any right that the United States may have to declare a forfeiture as to the lands which have not been so sold by said company: *Provided*, That the words "bona fide purchasers" herein contained shall not be held to include the holders of lands secured by mortgage on such land grant.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 9409) making appropriations to supply deficiencies in the appropriations for expenses of the House of Representatives, and for other purposes, for the fiscal year 1896, numbered 2, disagreed to by the House of Representatives, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. ALLISON, and Mr. COCKRELL as the conferees on the part of the Senate.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 180) to make the city of Erie, Pa., a port of immediate transportation.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, had disagreed to the amendment of the House to the amendment of the Senate numbered 99; had still further insisted upon its amendments numbered 99, 100, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 193, 194, 195, disagreed to by the House of Representatives; had agreed to the further conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. TELLER, Mr. ALLISON, and Mr. COCKRELL as the conferees on the part of the Senate.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the bill (S. 3058) to increase the pay of letter carriers; in which the concurrence of the House was requested.

The message also announced that the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, was unable to agree.

The message also announced that the Senate had passed joint resolution (S. R. 161) authorizing the Secretary of the Treasury to place a bronze tablet or inscription on the Government building erected in Detroit; in which the concurrence of the House was requested.

ELECTION CONTEST—MARTIN VS. LOCKHART.

Mr. BAILEY. I ask unanimous consent that the views of the minority of the Committee on Elections on the contested election case of Martin against Lockhart may be printed as a public document, as they would have been—

The SPEAKER. Does the gentleman ask that they be printed in the usual form?

Mr. BAILEY. In the usual form.

The SPEAKER. The gentleman from Texas asks unanimous consent that the views of the minority of the Committee on Elections in the case of Martin against Lockhart may be printed in the usual form. Is there objection? The Chair hears none, and it is so ordered.

MARTHA M. GIBSON.

Mr. STRONG. I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 8159) to pension Mrs. Martha M. Gibson.

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha M. Gibson, widow of William H. Gibson, late colonel of the Forty-ninth Regiment Ohio Volunteer Infantry and brevet brigadier-general United States Volunteers, and pay her a pension at the rate of $30 per month.

The question being taken, the rules were suspended and the bill was passed, two-thirds voting in favor thereof.

HIRAM T. CORUM AND SILAS W. DAVIS.

Mr. ELLIS. I move to suspend the rules and pass the bill (H. R. 8886) for the relief of Hiram T. Corum and Silas W. Davis, of Oregon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Hiram T. Corum and Silas W. Davis, of Wapinitia, Oreg., out of any money in the Treasury not otherwise appropriated, the sum of $300, being in full of a claim for seed wheat and potatoes furnished the Indians on the Warm Springs Indian Agency in Oregon, which said claim was allowed by the Commissioner of Indian Affairs December 15, 1894, as "F, No. 8060."

The question being taken, the rules were suspended and the bill was passed, two-thirds voting in favor thereof.

SETTLERS ON INDIAN RESERVATIONS.

Mr. SHERMAN. I move to suspend the rules and pass the joint resolution which I send to the desk.

The Clerk read as follows:

Joint resolution extending the time of payments due from settlers and purchasers on all ceded Indian reservations.

Resolved by the Senate and House of Representatives, etc., That the homestead settlers and settlers who purchased with the condition precedent of actual settlement on all ceded Indian resevations be, and they are hereby, granted an extension of one year in which to make payments as now provided by law.

Mr. RICHARDSON. What committee has reported this resolution?

Mr. SHERMAN. A provision similar to this is contained in the Indian appropriation bill of this year; but that provision does not cover certain persons who have taken out homestead reservations under a special act passed, I think, in 1881. This affects a comparatively few people who are in a similar condition to those covered by the provision in the Indian appropriation bill. This involves no appropriation.

Mr. LACEY. Does this affect only the lands being sold for the benefit of the Indians, or does it affect also lands which have been sold and the proceeds covered into the Treasury?

Mr. SHERMAN. Both, as I understand.

Mr. LACEY. What committee has examined this joint resolution?

Mr. SHERMAN. This particular resolution has not been examined by any committee; but the subject has been examined by the Committee on Indian Affairs; and, as I have stated, a provision similar to this is contained in the general appropriation bill.

Mr. LACEY. Then it involves two classes of lands, a part of which would come within the jurisdiction of the Committee on Public Lands and another part under the jurisdiction of the Committee on Indian Affairs?

Mr. SHERMAN. It covers both questions, as I understand.

The question being taken, the rules were suspended and the joint resolution was passed, two-thirds voting in favor thereof.

SILAS P. KELLER.

Mr. VAN HORN. I move to suspend the rules and pass the bill (S. 361) for the relief of Silas P. Keller, with an amendment reported by the Committee on Indian Affairs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to examine and adjudicate the claim of Silas P. Keller, late licensed Indian trader with the Pottawatomie Indians in Kansas, for supplies furnished said Indians for their subsistence, and to determine the amount thereof justly due said Silas P. Keller, and whether there is any fund belonging to said Indians which can be applied to the payment of such claim, and, if so determined, then to report and certify the amount found due to said Silas P. Keller, without interest, to be paid from the funds of said Indians to the Secretary of the Treasury, to be so paid by him.

The amendment reported by the Committee on Indian Affairs was read, as follows:

In line 6, strike out "Indians" and insert "Indian band."

Mr. RICHARDSON. I was unable from the reading to catch fully the purport of this bill. I should be very glad if the gentleman from Missouri would make some explanation.

Mr. VAN HORN. A bill similar to this was passed at the last Congress but did not reach the President in time for his signature. This bill has passed the Senate at this session and has been favorably reported by the Committee on Indian Affairs of this House. It proposes simply an inquiry into a personal account. It does not take any money from the Treasury.

Mr. RICHARDSON. Has the bill been reported by the Committee on Indian Affairs at this session?

Mr. VAN HORN. It has been.

Mr. RICHARDSON. Is there a unanimous report from that committee?

Mr. VAN HORN. I do not know whether the report is unanimous or not. I know the bill has been regularly reported.

Mr. RICHARDSON. I will ask that the report be read in my time.

The Clerk proceeded to read the following report by Mr. STEWART of Wisconsin:

The Committee on Indian Affairs, to whom was referred the bill (S. 361) for the relief of Silas P. Keller, report it back favorably with an amendment.

The subjoined letters from the Secretary of the Interior and Commissioner of Indian Affairs are made part of this report.

DEPARTMENT OF THE INTERIOR, *Washington, December 20, 1894.*

SIR: I have the honor to be in receipt of your communication of 10th instant, requesting the opinion of the Department on bills (S. 2364 and S. 2365) for the relief of Silas P. Keller and Northrup & Chick, late licensed traders with the Pottawatomie Indians, for supplies alleged to have been furnished the said Indians.

In reply I beg to hand you herewith a copy of a letter, dated 18th instant, from the Commissioner of Indian Affairs, wherein report is made of the facts and circumstances under which the liabilities referred to were incurred by the said Indians and the steps that have since been taken to secure payment therefor by the claimants.

As suggested by the Commissioner, I see no objection to the proposed legislation, providing the adjudication of said claims be left to the Department, as indicated in the bills referred to.

Very respectfully,

HOKE SMITH, *Secretary.*

Hon. JAMES K. JONES,
Chairman Committee on Indian Affairs, United States Senate.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 18, 1894.

SIR: I have the honor to acknowledge the receipt, by your reference of the 11th instant, for report, of Senate bill 2364, for the relief of Silas P. Keller, late licensed trader with the Pottawatomie Indians of Kansas, for supplies furnished said Indians, and Senate bill 2365, for the relief of Northrup & Chick, late licensed Indian traders with the Pottawatomie Indians in Kansas, for supplies furnished said Indians; also by your reference of the 13th instant, for consideration in connection with the two above-named bills, of a communication from the clerk of the Senate Committee on Indian Affairs, in which

made for not less than thirty days in a newspaper of general circulation

from the public-land States.

ter of said regiment, for a shortage of subsistence stores at Fort D. A. Russell,

clude the holders of lands secured by mortgage on such land grant.

he refers to the above bills submitted for the opinion of the Department and states that Senator JONES had just directed him to request that the Senate committee be furnished, in the report of the Department thereon, with a full and complete history of these transactions, and that such suggestions and opinions as the Department may have on the subject be given the committee as early as practicable.

Senate bill 2364 provides "that the Secretary of the Interior be, and hereby is, authorized and directed to examine and adjudicate the claim of Silas P. Keller, late licensed Indian trader with the Pottawatomie Indians in Kansas, for supplies furnished said Indians for their subsistence and to determine the amount thereof justly due said Keller, and whether there are any funds belonging to said Indians which can be applied to the payment of such claims, and if so determined, then to report and certify the amount found due to said Keller, to be paid from the funds of said Indians, to the Secretary of the Treasury, to be so paid by him."

Senate bill 2365 provides that the same course be pursued in the matter of the claim of Messrs. Northrup & Chick.

The following is a history of the claims, as ascertained from the records and files of this office: Prior to 1864 Pottawatomie Indians residing in Kansas were largely indebted to traders and others for supplies furnished them for some years previous, and at the urgent request of the said Indians, through their business committee, and upon the recommendation of their agent, Mr. W. W. Ross, this office determined to appoint a commission to examine and report upon the merits of said claims. Accordingly a committee of two was appointed, one of whom was the Pottawatomie agent, W. W. Ross, and the other Mr. J. A. Steele. On the 13th of January, 1864, the committee rendered its report to this office, in which it stated that claims to the amount of $38,601.11 were examined, and recommended to be allowed $43,365.91.

On the 14th day of March, 1863, the Pottawatomie business committee addressed a letter to Mr. Ross, in which they stated that they desired to have him pay $15,000, or as much as might be necessary, out of their funds upon their national debts at the rate of 50 cents on the dollar, for all accounts that are approved and recommended to be paid by the commission appointed by the Department to investigate the same.

A great many of the claimants accepted 50 cents on the dollar for their claims and were paid, but others objected to this mode of settlement and demanded payment in full, among whom were Messrs. Northrup & Chick, named in Senate bill 2365, whose claim had been approved in part.

The claim of Mr. Keller was disallowed in toto by the commission, the said commission having attached a certificate to the claim, in which is set forth the statement that evidence of fraud or dishonesty appeared in making up the account, and recommended the rejection of the whole claim, amounting to $11,189.33, it being impossible for them or anyone else to determine what parts of said claim, if any, are paid or unpaid.

On the 31st of October, 1864, Mr. Keller filed in this office his protest against the report of Agents Ross and Steele against his claim, and filed an affidavit of his clerk, Mr. Ewing M. Sloan, who swears that during the years of 1853, 1854, 1855, and 1856 he was a clerk in the employ of Silas P. Keller; that in 1854 and 1855 S. P. Keller kept a larger stock of goods in the Pottawatomie Reservation than any other trader there, save during payment, at which time others, perhaps, had stocks as large as Keller's, but that he resided continually on the reservation during the years named, and he knew positively that Keller kept a large, well-assorted stock of such goods as the Indians most needed, and when the tribe was in need of credit, that the credit extended them by said Keller through him was larger, and for such articles as the Indians most needed, than any other trader there. Mr. Sloan answers in detail every point made against the claim by the commission, and in closing his affidavit states that the claim of Mr. Keller having been made and filed by him, it was proper for him to state that the goods charged in the accounts against the different Indians were all actually sold and delivered to parties to whom they are charged, and that the prices at which they were sold were the fair market price for the goods at the time they were sold and delivered, and that he believes the amount claimed by said Keller is justly due him, of course allowing for such clerical errors as will be found upon careful examination to have been made.

On the 24th day of April, 1865, the then Commissioner of Indian Affairs, W. P. Dole, submitted a report to the Secretary of the Interior, in which he stated that several claimants against the Pottawatomie Indians, whose books, transcript, and testimony relative thereto were examined and reported upon by W. W. Ross and J. A. Steele, commissioners, June 13, 1864, having through their attorney protested against the decision of said commission, he had at his earnest repeated requests caused the same to be reexamined in this office in connection with new testimony filed by some of the parties interested, viz:

Claim No. 40, Northrup & Chick, called for $5,522.68; $3,529.98 allowed.

Claim No. 47, S. P. Keller, $11,189.33, rejected by commission.

In this report the Commissioner states in regard to claim No. 40 as follows:

"This claim was allowed by the commissioners to the extent of $3,529.98, but Messrs. Northrup & Chick protest against the finding—both, I presume, against the reduction and the taking of the pro rata.

"The claim is badly prepared, and I do not see how the commission could make an intelligent examination. They seem, however, by some process to have arrived at the conclusion that there was due, after deduction for errors, etc., $4,011.34, from which amount they deduct 12 per cent, and arbitrarily, as I think, take $481.36 from the $4,011.34. After a consideration of the claim, I think it should have been allowed for $4,011.34.

"Claim No. 47, S. P. Keller; amount claimed, $11,189.33. This claim was rejected by the commission in toto. It was the largest one examined by the commission, and perhaps for that reason and the fact that it was known that only a 'pro rata' was to be paid the traders it was attacked by some of the other claimants. In this connection I would respectfully refer you to the affidavit of Lewis Ogee and E. G. Nadeau, with the explanation that when Mr. Keller's late clerk was in this city for the purpose of making his explanatory affidavits those affidavits were not observed, but were afterwards found folded in the leaves of the transcript; besides by consulting the schedule you will find that the parties named are themselves claimants.

"I consider that Mr. E. M. Sloan's testimony in the above case, he being a reliable gentleman, as appears from the affidavit of A. S. Johnson, filed by S. N. Blackledge on the 15th instant, removes all the aspersions cast upon the claimant; and I can not see that any deduction should be made, except of the individual accounts of Lewis Ogee and E. G. Nadeau."

The Secretary of the Interior, under date of May 5, 1865, in reply to the above report of April 26, 1865, returned the claims, books, etc., with the statement that, as there was no appropriation for paying these debts and no express authority for their examination and adjudication, he was of the opinion that all attempts to adjust them would be unavailing to the claimants, concluding no one, and that the books, etc., might be filed for future reference, it being possible that Congress will provide for their settlement. Mr. Keller states that since 1865 he has several times called up his claim for examination and settlement, but that until recently the papers could not be found.

Since the date of the reports referred to 1,400 Indians of the Pottawatomie Nation have become citizens of the United States and received their pro rata share of the assets of the tribe, and 780 preserved their tribal relations and are now residing upon their reservation in Kansas; consequently, if these claims should be paid, $\frac{14}{22}$ thereof would be chargeable to the Citizen Band and $\frac{8}{22}$ thereof to the Prairie Band, or Indian class. Within the last five

years large sums of money have been appropriated for the Pottawatomie Nation on account of annuities growing out of various unfulfilled treaty stipulations, which money has been distributed among the two classes named upon the above basis.

The citizen class has now to its credit in the Treasury the sum of $61,123.32, being the aggregate of unexpended balances of the appropriations made for said class, and the Prairie Band receive an annual appropriation of $20,647.65 under treaties, besides trust-fund interest amounting annually to $9,204.72, the principal being $184,094.57.

The papers referred are respectfully returned herewith, with the above statement of facts, and with the remark that I can see no objection to the legislation proposed by the two bills named.

Very respectfully, your obedient servant,

D. M. BROWNING, *Commissioner.*

The SECRETARY OF THE INTERIOR.

Mr. RICHARDSON (before the reading of the report was concluded). Mr. Speaker, I do not ask for the further reading of the report; let the residue be printed.

The SPEAKER. Without objection, the complete report will be printed in the RECORD.

There was no objection.

The question being taken, the motion to suspend the rules was agreed to, two-thirds voting in favor thereof, and the bill was passed.

KETURAH WILSON.

Mr. McCREARY of Kentucky. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 7500) granting a pension to Mrs. Keturah Wilson, widow of James Wilson, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Mrs. Keturah Wilson, formerly of Madison County, Ky., and widow of James Wilson, deceased, late a private in Captain Stone's company Mounted Volunteers, First Kentucky Regiment, Mexican war, and allow her a pension at the rate of $8 per month.

Mr. THOMAS. Mr. Speaker, I would like to have the report read in that case.

Mr. McCREARY of Kentucky. I ask unanimous consent that a second be considered as ordered.

There was no objection.

The SPEAKER. The Clerk will read the report.

The report (by Mr. COLSON) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7500) entitled "A bill to grant a pension to Mrs. Keturah Wilson," submit the following report, and recommend that said bill do pass:

The claimant herein is the widow of James Wilson, deceased, who served from June 8, 1846, to January 1, 1847, in the Mexican war. He was pensioned at $8 per month under the act of January 29, 1887, and this was subsequently increased to $12 per month under the act of January 5, 1893, upon his proving his indigent circumstances and his inability to earn a support by manual labor.

The said soldier, James Wilson, died April 10, 1894, and his widow, the beneficiary, filed an application for pension, which was rejected because he did not serve sixty days in Mexico, etc., the said soldier having been prostrated by typhoid fever for months in Louisville, Ky., while en route to Mexico with Captain Stowe's company, First Kentucky Cavalry, in which he had enlisted. The report at the War Department shows his discharge on account of disability.

Mrs. Keturah Wilson is 62 years old and is very poor and physically feeble, has no property and is dependent for support on her children, who are all very poor. Her statement is in writing, regularly signed and verified, and is filed with the Committee on Pensions.

Under the original ruling of the Department claimant would have been granted a pension, but on account of a new ruling made since the pension was granted to her husband, her application was rejected.

The committee recommend the passage of the bill.

Mr. TALBERT. I would like to ask if that bill has been considered in Committee of the Whole?

Mr. McCREARY of Kentucky. It was considered by the Committee on Pensions and unanimously reported to the House. My motion is to suspend the rules and pass the bill, and that will suspend any rule requiring its consideration in Committee of the Whole.

Mr. TALBERT. I am not objecting to the bill, but I just came in, and I did not know but that we were passing a bill for some more "coffee coolers."

Mr. McCREARY of Kentucky. This bill is all right.

The motion to suspend the rules and pass the bill was agreed to, two-thirds having voted in favor thereof.

LAWS RELATING TO NAVIGATION.

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 2663) to amend the laws relating to navigation as amended by the Committee on Merchant Marine and Fisheries.

The bill was read, as follows:

Be it enacted, etc., That section 4507 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4507. The Secretary of the Treasury shall assign in public buildings or otherwise procure suitable offices and rooms for the shipment and discharge of seamen, to be known as shipping commissioners' offices, and shall procure furniture, stationery, printing, and other requisites for the transaction of the business of such offices."

SEC. 2. That on and after June 30, 1898, every place appropriated to the crew of a seagoing vessel of the United States except a fishing vessel, yacht, or pilot boat, and all vessels under 100 tons register, shall have a space of not less than 72 cubic feet and not less than 12 square feet measured on the deck or floor of that place for each seaman or apprentice lodged therein: *Provided*, That any such seagoing vessel built or rebuilt after June 30, 1898, shall have a space of not less than 108 cubic feet and not less than 18 square feet measured on the deck or floor of that place for each seaman or apprentice lodged

therein. Such place shall be securely constructed, properly lighted, drained, heated, and ventilated, properly protected from weather and sea, and, as far as practicable, properly shut off and protected from the effluvium of cargo or bilge water; and failure to comply with this provision shall subject the owner and vessel to a penalty of $500.

Fishing vessels, yachts, and pilot boats are hereby exempted from the provisions of section 1 of chapter 179 of the laws of 1895, entitled "An act to amend section 1 of chapter 398 of the laws of 1882, entitled 'An act to provide for deductions from the gross tonnage of vessels of the United States,'" so far as said section prescribes the amount of space which shall be appropriated to the crew and provides that said space shall be kept free from goods or stores not being the personal property of the crew in use during the voyage.

SEC. 3. That section 4576 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4576. The master of every vessel bound on a foreign voyage or engaged in the whale fishery shall exhibit the certified copy of the list of the crew to the first boarding officer at the first port in the United States at which he shall arrive on his return, and also produce the persons named therein to the boarding officer, whose duty it shall be to examine the men with such list and to report the same to the collector; and it shall be the duty of the collector at the port of arrival, where the same is different from the port from which the vessel originally sailed, to transmit a copy of the list so reported to him to the collector of the port from which such vessel originally sailed. For each failure to produce any person on the certified copy of the list of the crew the master and vessel shall be severally liable to a penalty of $400, to be sued for, prosecuted, and disposed of in such manner as penalties and forfeitures which may be incurred for offenses against the laws relating to the collection of duties. But such penalties shall not be incurred on account of the master not producing to the first boarding officer any of the persons contained in the list who may have been discharged in a foreign country with the consent of the consul, vice-consul, commercial agent, or vice-commercial agent there residing, certified in writing, under his hand and official seal, to be produced to the collector with the other persons composing the crew, nor on account of any such person dying or absconding or being forcibly impressed into other service, of which satisfactory proof shall then also be exhibited to the collector."

SEC. 4. That section 4541 of the Revised Statutes be, and is hereby, amended by striking out the words "district judge for the district," in the seventh line of said section, and substituting in place thereof the words "circuit court of the circuit"; and that said section be, and is hereby, further amended by striking out the words "district judge" where they occur in the eleventh and twelfth lines of said section and substituting in place thereof the words "circuit court."

SEC. 5. That rule 11 of section 4233 of the Revised Statutes, relating to pilot boats, be amended by adding thereto a paragraph as follows:

"Steam pilot boats shall, in addition to the masthead light and green and red side lights required for ocean steam vessels, carry a red light hung vertically from 3 to 5 feet above the foremast headlight, for the purpose of distinguishing such steam pilot boats from other steam vessels."

SEC. 6. That section 4542 of the Revised Statutes be, and hereby is, amended by adding thereto the words "or where he died."

SEC. 7. That section 4545 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4545. A circuit court, in its discretion, may at any time after the expiration of three months from the receipt thereof direct the sale of the whole or any part of the effects of a deceased seaman or apprentice which it has received or may hereafter receive, and shall hold the proceeds of such sale as the wages of deceased seamen are held. When no claim to the wages or effects or proceeds of the sale of the effects of a deceased seaman or apprentice, received by a circuit court, is substantiated within six years after the receipt thereof by the court it shall be in the absolute discretion of the court, if any subsequent claim is made, either to allow or refuse the same. Such court shall, from time to time, pay any moneys arising from the unclaimed wages and effects of deceased seamen, which, in their opinion it is not necessary to retain for the purpose of satisfying claims, into the Treasury of the United States; and such moneys shall form a fund for, and be appropriated to, the relief of sick and disabled and destitute seamen belonging to the United States merchant-marine service."

SEC. 8. That chapter 97 of the laws of 1895, entitled "An act to amend an act entitled 'An act to amend the laws relative to shipping commissioners,' approved August 19, 1890," be, and is hereby, amended by striking out the word "seventh" where it occurs in the twelfth line of said act; and that said act be, and is hereby, further amended by inserting therein the words "and forty-six hundred and two" after the words "forty-five hundred and fifty-four" where they occur in the twenty-eighth line of said act.

SEC. 9. That fees for the entry direct from a foreign port and for the clearance direct to a foreign port of a vessel navigating the waters of the northern, northeastern, and northwestern frontiers of the United States otherwise than by sea, prescribed by section 4382 of the Revised Statutes, are abolished. Where such fees, under existing laws, constitute in whole or in part the compensation of a collector of customs, such officer shall hereafter receive a fixed sum for each year equal to the amount which he would have been entitled to receive as fees for such services during said year.

SEC. 10. That section 4165 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4165. A vessel registered pursuant to law which by sale has become the property of a foreigner shall be entitled to a new register upon afterwards becoming American property, unless it has been enlarged or undergone change in build outside of the United States."

SEC. 11. That section 13 of chapter 344 of the laws of 1874 be, and is hereby, amended to read as follows:

"SEC. 13. The Secretary of the Treasury may, upon application therefor, remit or mitigate any penalty provided for in this act, or discontinue any prosecution to recover the same, upon such terms as he, in his discretion, shall think proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as he may think proper. All penalties herein provided may be sued for, prosecuted, recovered, and disposed of in the manner prescribed by section 4306 of the Revised Statutes."

SEC. 12. That rule 14 of section 4233 of the Revised Statutes be, and is hereby, amended to read as follows:

"Rule 14. The exhibition of any light on board of a vessel of war of the United States may be suspended whenever, in the opinion of the Secretary of the Navy, the commander in chief of a squadron, or the commander of a vessel acting singly, the special character of the service may require it. The exhibition of any light on board of a revenue cutter of the United States may be suspended whenever, in the opinion of the commander of the vessel, the special character of the service may require it."

SEC. 13. That section 4233 of the Revised Statutes be, and is hereby, amended by adding thereto:

"Rule 25. A sail vessel which is being overtaken by another vessel during the night shall show from her stern to such last-mentioned vessel a torch or a flare-up light.

"Rule 26. Nothing in these rules shall exonerate any ship, or the owner or master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen or by the special circumstances of the case."

SEC. 14. That the Secretary of the Treasury be, and he is hereby, authorized to direct the inspection of any foreign vessel admitted to American registry, its steam boilers, steam pipes, and appurtenances, and to direct the issue of the usual certificate of inspection, whether said boilers, steam pipes, and appurtenances are or are not constructed pursuant to the laws of the United States, or whether they are or are not constructed of iron stamped pursuant to said laws. The tests in the inspection of such boilers, steam pipes, and appurtenances shall be the same in all respects as to strength and safety as are required in the inspection of boilers constructed in the United States for marine purposes.

SEC. 15. That section 2834 of the Revised Statutes be, and is hereby, amended by repealing the following words therein:

"The master of any vessel bound to any district in Connecticut, through or by the way of Sandy Hook, shall, before he passes the port of New York and immediately after his arrival, deposit with the collector for the district of New York a true manifest of the cargo on board such vessel. The master of any vessel bound to the district of Burlington shall, before he passes the port of Philadelphia and immediately after his arrival, deposit with the collector thereof a like manifest; and the collector shall, after registering the manifest, transmit the same, duly certified to have been so deposited, to the officer with whom the entries are to be made; and the."

SEC. 16. That sections 2570, 2571, 2572, 2573, 2574, 2575, 2584, 2585, 2824, 2835, 2897, 4133, 4134, 4254, 4336, 4397, 4569, and 4590 of the Revised Statutes are repealed.

SEC. 17. That section 2797 of the Revised Statutes be, and is hereby, amended by adding thereto the following words:

"Sea stores and the legitimate equipment of vessels belonging to regular lines plying between foreign ports and the United States, delayed in port for any cause, may be transferred in such port of the United States under the supervision of customs officers from one vessel to another vessel of the same owner without payment of duties, but duties must be paid on such stores or equipments landed for consumption, except American products."

SEC. 18. That section 5347 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 5347. Every master or other officer of any American vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, who willfully beats or wounds or without justifiable cause imprisons any of the crew of such vessel or withholds from them suitable food and nourishment or inflicts upon them any cruel and unusual punishment, shall be punished by a fine of not more than $1,000 or by imprisonment not more than five years, or both. This section shall apply to the coastwise and foreign trade."

SEC. 19. That article 7 of section 4511 of the Revised Statutes be, and is hereby, amended to read:

"Seventh. Any regulations as to conduct on board and as to fines, short allowances of provisions, or other lawful punishments for misconduct, which may be sanctioned by Congress or authorized by the Secretary of the Treasury not contrary to or not otherwise provided for by law, which the parties agree to adopt."

SEC. 20. That this act shall take effect three months after its passage.

Mr. TALBERT. I ask a second.

Mr. TERRY. I hope the gentleman will not press the consideration of so important a bill as that at this time, because I shall feel compelled to raise the point of no quorum.

Mr. PAYNE. I think if the gentleman from Arkansas will allow a second to be considered as ordered, I can explain this bill to him so that he will not insist upon his objection.

Mr. TERRY. I have no objection to a second being ordered.

Mr. TALBERT. I demand a second.

Mr. PAYNE. I ask that a second be considered as ordered.

There was no objection.

Mr. PAYNE. Mr. Speaker, this bill, I have been informed by the Commissioner of Navigation, is approved by seamen and vessel owners alike. There is no objection to it, according to his statement, from any quarter. Certainly no objection from any quarter has come to me; but, on the contrary, the bill is demanded by nearly everybody.

This bill was introduced and referred to the Committee on Merchant Marine and Fisheries, who, after a full investigation and thorough discussion of the matter, after going through the bill carefully and proposing a number of amendments which are embodied in the bill, present it to the House, make a favorable report upon the bill, and recommend its passage.

The first section of the bill simply authorizes some provision to be made for the accommodation of the shipping commissioners, to be used as offices by them for the transaction of their business. These commissioners are appointed under the authority of the Commissioner of Navigation. They receive $1,500 per annum for their salary, and it is provided that they may have a suitable provision in the Government offices at the port, or, if necessary, they may have a rented office for that purpose.

Passing now to section 2, the act of March 2, 1895, provided that in all seagoing vessels built after June 30 of that year the crew's quarters should have a space of not less than 72 cubic feet, and not less than 12 square feet on deck or floor for each seaman. We continue that provision which gives the sailors this space allowed under that act, making it apply to all seagoing merchant vessels on and after June 30, 1898. A further provision is made that all vessels that are built or rebuilt after June 30, 1898, shall have a crew space for each seaman of not less than 182 cubic feet, and not less than 18 square feet measure on the deck or floor. Under the former regulation the floor space for sleeping quarters was 6 feet high, 6 feet long, and 2 feet wide. The provision to go into effect after 1898 gives, as will be seen, a larger space than this, namely, 6 feet high by 6 feet long and 3 feet wide. The bill exempts, however, from this provision fishing vessels, yachts, pilot boats, and all vessels under 100 tons burden, there being no demand and no need for this provision on these vessels. This provision was of course designed for the comfort and health and

well-being of the merchant seaman, and imposes no hardship on the owner of the vessel. We deemed it, therefore, a most reasonable provision to be inserted in reference to new vessels only, or vessels entirely or practically rebuilt, so that there may be no extra expense or hardship on the owners of old vessels requiring them to remodel their ships to give this space.

The abolition of the requirement of bonds upon the registering, enrollment, or license of vessels, and the substitution of a penalty in place thereof for the misuse of the ship's papers, is a provision that has given general satisfaction to shipping interests. It has also been a saving to the Government. Section 3 of this bill proposes to extend that principle to crew bonds. The present law, enacted in 1803, requires the master of every foreign-going vessel, or vessel engaged in whale fishing, to give bonds and sufficient security in the sum of $400 for the production of all members of the crew in the return to the United States. This is known as the crew bond. We abolish this, and instead of that we enact a fine which, of course, the Secretary of the Treasury is authorized to remit or mitigate at his discretion.

Section 4 amends section 4541 of the Revised Statutes. It corrects an error in the former section. The law evidently contemplated that the custody of the wages and effects of deceased seamen shall be with the circuit courts of the United States, and not with the district judges. We make an amendment giving the custody of the effects of deceased seamen to the circuit courts, and not to the district judges. The other sections of the law show that it was intended to give it to the circuit courts.

Section 5: The pilot associations of the United States are, in many instances, substituting steam pilot boats for sailing vessels used as pilot boats. We simply propose in this section to give steam pilot boats a distinctive light. Of course this is in the interest of safety in the navigation both of the steam pilot boats and in the navigation of other vessels. This section has the approval of the Supervising Inspector-General of steam vessels.

Mr. TERRY. I will ask the gentleman at that point if that is not carrying out to some extent the principle of the bill you had up some time ago, which was defeated?

Mr. PAYNE. Oh, no; not in the least. The general law now applying to sailing pilot boats gives them a distinctive light, and this gives a distinctive light to steam pilot boats, for the safety of the boats themselves and of the vessels which they may meet. It does not in any way interfere with the compulsory pilotage system. The bill does not interfere with that in the slightest degree.

Section 6 of the bill is to protect the interest of a seaman who ships at a foreign port for a round voyage, and dies during the voyage at some point in the United States, by providing that his wages and effects shall be paid over to the commissioner of the port where he may die. The present law provides that payment shall be made only where he was discharged or was to have been discharged. It is simply for the protection of a seaman's wages in case he dies in the United States.

Section 7 makes it discretionary with the circuit court to dispose, by sale, of the effects of a deceased seaman after the expiration of three months after the receipt thereof by the circuit court. Under the present law if a seaman dies at a port his effects may be sold by the United States consul; or if he dies at sea, the effects may be sold by the master at the mast; but if he dies in the United States they must be held six years before they can be disposed of. These effects are for the most part clothing, and there is no suitable space provided in which to store them, and they are thoroughly valueless and likely to be offensive before the six years during which they must now be kept expires. Better pecuniary returns can be procured for the heirs of the deceased seaman by permitting an earlier sale of his effects. It simply authorizes the circuit court to sell his clothing after six months instead of six years.

Mr. LOUD. I should like to ask the gentleman——

Mr. PAYNE. In a moment. It is still left with the discretion of the court to retain keepsakes or articles of value to be preserved and held for those entitled to claim them.

Mr. LOUD. How are you going to provide for the shipping station down at Little Rock if you do not give them that public building?

Mr. PAYNE. I understand the gentleman from California is now trying to mix up the public building at Little Rock with this bill, and he can not do it.

Mr. LOUD. Little Rock is a great commercial port.

Mr. PAYNE. The gentleman from Arkansas [Mr. TERRY] who represents the district in which Little Rock is situated, appreciates the fact that this bill does not at all affect the question of the public building at Little Rock.

Mr. TERRY. I am afraid you are trying to interfere with my pilots, and my lodge is against that bill.

Mr. PAYNE. I am not going to interfere with your pilots at all. The gentleman from Arkansas knows that whenever I try to interfere with anybody's pilots I always do it in an open way.

Mr. TERRY. I hope so.

Mr. PAYNE. Section 8 of the bill refers to item 2 of section 4511 of the Revised Statutes. This item is as follows:

Any regulations as to conduct and as to fines, short allowance of provisions, or other lawful punishments for misconduct which may be sanctioned by Congress as proper to be adopted, and which the parties agree to adopt.

Mr. TERRY. Who wants this bill? What interest is demanding this bill?

Mr. PAYNE. The seamen are demanding it.

Mr. TERRY. The common sailors?

Mr. PAYNE. The common sailors.

Mr. TERRY. The gentleman states that as a fact?

Mr. PAYNE. Oh, yes.

Mr. MAGUIRE. They are demanding a part of it.

Mr. PAYNE. I think we can take a vote now. The gentleman from Arkansas [Mr. TERRY] seems to be satisfied.

The question was taken, and two-thirds voting in favor thereof, the rules were suspended and the bill passed.

SPECIAL DEFICIENCY BILL.

Mr. CANNON. Mr. Speaker, I desire to call up the little deficiency bill.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 9409) making appropriations to supply deficiencies in the appropriations for the House of Representatives, and for other purposes, for the fiscal year 1896.

Mr. CANNON. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment and assent to a conference.

Mr. RICHARDSON. I would ask the gentleman what is the only difference now between the two Houses?

Mr. CANNON. There is only one.

Mr. MILLIKEN. What is that?

Mr. CANNON. It is an amendment that the Senate put on for a month's salary to the employees of the House and Senate who were on the rolls on the 2d day of December last.

Mr. RICHARDSON. That is the amendment we voted on yesterday, as I understand?

Mr. CANNON. Oh, certainly.

Mr. RICHARDSON. Some one suggested that perhaps the members of the House conferees had yielded. [Laughter.]

Mr. CANNON. We put that out of the general deficiency bill, it being a Senate amendment.

Now, in this little deficiency bill, carrying a smaller amount for the pay of members, the Senate put this amendment on, and we disagreed to it. The Senate insists on the amendment, and has sent it back. I want to say to the House, in all fairness, that in my judgment when it goes back the Senate will give way. If it does not, so far as I am concerned, the bill can be lost.

The SPEAKER. The question is on agreeing to the motion insisting on the disagreement to the Senate amendment and agreeing to the conference.

The question was put; and the motion was agreed to.

The SPEAKER. The Chair will appoint the following conference committee: Mr. CANNON, Mr. HAINER of Nebraska, and Mr. SAYERS.

EDWARD RICE.

Mr. SPERRY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1853) for the relief of Edward Rice.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edward Rice, of Denver, in the State of Colorado, formerly of Worcester, in the State of Massachusetts, the sum of $2,700, in full for the following coupon bonds issued under the act of March 3, A. D. 1865, known as consols of 1867, namely: Nos. 104568 and 104569, of $100 each; Nos. 61857, 61858, 61859, of $500 each, and No. 104332, of $1,000, and, in addition thereto, the interest maturing on said bonds after July 1, A. D. 1868, to the date when said bonds ceased to bear interest: *Provided*, That said Edward Rice shall first give bond, with sureties to the satisfaction of the Secretary of the Treasury, in a sum double the amount of said bonds, conditioned to secure the United States harmless against said bonds and coupons, said bonds having been lost by said Edward Rice on the 19th day of July, A. D. 1868.

Mr. BAILEY. I demand a second.

The SPEAKER. A second is demanded.

Mr. BAILEY. I am willing that it should be considered as ordered.

The SPEAKER. Is there objection to a second being considered as ordered? [After a pause.] The Chair hears none.

Mr. BAILEY. I desire to ask the gentleman from Connecticut why it is necessary to come to Congress for this relief?

Mr. SPERRY. I ask that the report be read.

The report (by Mr. DE WITT) was read, as follows:

The Committee on Claims, to whom was referred the bill (S. 1853) for the relief of Edward Rice, have examined the same and respectfully report:

Edward Rice was, on the 19th day of July, 1868, the owner of the certain described bonds set forth in the bill; but on that day said bonds, with the coupons attached thereto, were lost. Every means was taken to regain possession of them, but up to the present time no trace of them has been discovered; neither have the bonds been presented to the Treasury for payment, although they were long since called in for redemption.

Your committee are of opinion that, from the lapse of time (twenty years),

the destruction of the bonds is fully established. They therefore recommend the passage of the bill, which authorizes the Secretary of the Treasury, after securing a proper bond for indemnity, to pay the said claimant the amount of the bonds, with interest to date when the bonds ceased to bear interest.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. BAILEY. Mr. Speaker, I desire to ask why it was necessary to come to Congress in this matter, my understanding being that where the proper proof can be made the Treasury Department is itself, without the enactment of a special law, allowed to duplicate lost or destroyed bonds?

Mr. SPERRY. That is not so. I have tried it, and they do not do it. It has to be done by an act of Congress.

Mr. BAILEY. Then I have no further question.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

SILAS P. KELLER.

The SPEAKER. The gentleman from Kansas notified the Chair that he desires to move to reconsider a vote by which a bill was passed.

Mr. BRODERICK. I move to reconsider the vote by which the bill (S. 361) for the relief of Silas P. Keller was passed. It is a bill that passed in my absence a few minutes ago.

The SPEAKER. Was the bill passed under a suspension of the rules? [After a pause.] The Chair understands it was passed under a suspension of the rules; and it can not be reconsidered.

Mr. BRODERICK. I ask unanimous consent to make a motion to reconsider the vote by which the bill was passed.

Mr. VAN HORN. I object.

Mr. BRODERICK. The bill was wrong, and the gentleman knew that I objected to it. It affects my constituents. I have talked to the gentleman and to the parties interested a number of times about this bill, and they know I object to the passage of the bill. It is absolutely wrong. It is an old claim fifty years old. It has been passed upon by one of the Departments and has been rejected, and should not have been called up at this time.

Mr. VAN HORN. Mr. Speaker, the bill has passed two Congresses, it has passed the Senate this time, and passed through the Committee on Indian Affairs. The gentleman knows that I have tried to call it up. I have talked to him about it, and there is no reason in the world why it should not pass, except that some of his constituents object to it. That is all there is about it. No more honest claim has ever passed this House.

Mr. BRODERICK. The parties interested object; and the last talk I had with the gentleman from Missouri was that it should not come up during this session——

Mr. VAN HORN. Oh, no.

Mr. BRODERICK. While there was no stipulation that it was not to come up, that was the understanding.

Mr. VAN HORN. I told the gentleman I was trying to get it up.

Mr. BRODERICK. I was necessarily absent from the House when this bill was called up. Had I known that the parties intended to call it up I would not have been absent. It was a surprise to me, and will be a surprise to my constituents.

The SPEAKER. The gentleman asks unanimous consent to reconsider the vote by which the bill was passed. Is there objection?

Mr. VAN HORN. I object.

The SPEAKER. Objection is made by the gentleman from Missouri.

Mr. BRODERICK. I move to suspend the rules and annul the action of the House in passing that bill.

The SPEAKER. That would only be another way of accomplishing it, and would not be in order.

Mr. WALKER of Massachusetts. I suggest to the gentleman that the President has been looking anxiously for an opportunity to veto something, and if the gentleman will reveal his trials and troubles to the President he will undoubtedly veto that bill. [Laughter.]

Mr. BRODERICK. That is what I will do. [Laughter.]

Mr. WALKER of Massachusetts. Mr. Speaker, at the request of the committee, I would like to engage the attention of the House for about two minutes in relation to matters concerning the Committee on Banking and Currency. That committee has made but four reports at this session, and those, to be sure, not upon matters of the greatest magnitude. The Speaker was ready to recognize the committee for action upon them, but the committee decided they could not be enacted into law. It has diligently pursued the investigation of this subject, one of the greatest magnitude and of the most far-reaching consequences of any that can engage the attention of Congress. It has been made manifest that the conservative financiers of the Government and in Congress and in the country did not think it wise to enter upon the solution of the financial and bank difficulty on the eve of a Presidential election; that the cool, careful, and wise decision the subject demanded might not be reached. In this opinion the committee agree. The House may rest assured that early in December that committee will bring in a bill covering the whole question of the currency and finances of the country, and give members ample opportunity to discuss and act upon it. [Applause.]

WILLIAM GEMMILL.

Mr. GAMBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 8250) for the relief of William Gemmill.

The bill was read, as follows:

Be it enacted, etc., That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $75, to be paid to William Gemmill, of Yankton, S. Dak., in full payment for quartering and boarding United States soldiers during a terrific and protracted snowstorm in the month of April, 1873.

Mr. RICHARDSON. Mr. Speaker, I demand a second, in order that we may have some explanation of the bill.

Mr. GAMBLE. Mr. Speaker, I ask that a second be considered as ordered.

There was no objection.

Mr. GAMBLE. Mr. Speaker, I will ask for the reading of the report. It contains, I think, as condensed a statement of the facts as I could orally make to the House. The bill in every way is meritorious, and the money should have been paid long ago.

The report (by Mr. FENTON) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 8250) for the relief of William Gemmill, having had the same under consideration, recommend that the same do pass.

This is a claim for quartering and boarding 12 men of the Seventh United States Cavalry during a terrific snowstorm or blizzard in the month of April, 1873. A portion of this regiment was encamped in the suburbs of the city of Yankton, and during the storm, which lasted for three days and which was of extreme violence, the men were driven from their tents and took shelter in neighboring houses, and remained for two day succeeding on account of the condition of the weather and tents. Claims which grew out of this compulsory hospitality were settled and paid by the Government, but the claim of Mr. Gemmill, which he swears was filed with the proper officer, appears to have been mislaid or overlooked. The amount claimed appears to the committee to be reasonable, and should be paid. The claim was before this committee in the first session of the Forty-fourth Congress and favorably reported.

Mr. LOUD. How many men were there in the party?

Mr. GAMBLE. Fifteen, I believe.

Mr. LOUD. The report does not say 15.

Mr. GAMBLE. No; the number is 12—12 men for five days at $1.25 a day. All the other claims of this character have long since been paid by the Government.

Mr. LOUD. I do not see how you can make $75 out of it.

Mr. GAMBLE. I will say to the gentleman that the claimant is personally known to me and is a reputable man, and the claim is entirely just. It is for the board of 12 men for five days at the rate of $1.25 per day.

The rules were suspended and the bill was passed.

ALBERT AUGUSTINE.

Mr. LITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 1021) granting relief to Albert Augustine for property taken for the Cayuse war.

The bill was read, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any moneys not otherwise appropriated, the sum of $350, to be paid to Albert Augustine, of Rose Hill, Iowa, for property taken for use of the United States Army in the Cayuse war, in 1847 and 1848.

Mr. DALZELL. Mr. Speaker, I demand a second.

Mr. LITTLE. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. DALZELL. Now, Mr. Speaker, in my time, I would like to have the report on that bill read.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON (pending the reading of the report on the bill H. R. 1021). Mr. Speaker, I rise to present a conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to House bill 7764, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have been unable to agree.

J. G. CANNON,
E. J. HAINER,
J. D. SAYERS,
Conferees on the part of the House.

W. B. ALLISON,
EUGENE HALE,
Conferees on the part of the Senate.

Mr. CANNON. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Illinois moves that the House further insist on its disagreeing votes with the Senate and ask for a conference.

Mr. WILSON of Idaho. Mr. Speaker, I move as an amendment that the House recede from its disagreement to the Senate amendments as to public buildings and concur therein.

Mr. HOPKINS. Mr. Speaker, before there is any discussion on that I would like to ask my colleague one or two questions.

The SPEAKER. Does the gentleman from Illinois [Mr. CANNON] yield?

Mr. CANNON. Yes.

Mr. HOPKINS. When was the first conference held on this bill?

Mr. CANNON. I do not recollect. I think this is the seventh, or eighth, or ninth—I am not certain; but there have been a good many.

Mr. HOPKINS. During all those conferences has the Senate insisted upon its amendments relating to public buildings?

Mr. CANNON. I do not know that it is apt for me to say what has passed in the conference room. The official statements of the House and of the Senate, insisting and reinsisting, back and forth, appear upon the respective Journals of the two Houses.

Mr. HOPKINS. They give us a bare outline of what was done; but the gentleman can perhaps tell the House whether there is any probability of the Senate receding from these amendments, or whether in the last conference they exhibited the same stubborn persistence in their wrongdoing that they had manifested in previous conferences. [Laughter.]

Mr. CANNON. I will tell my colleague, in answer to his question, what I understand to be the situation. The Senate amendments in question—it is not necessary to describe them more particularly—propose legislation. The House conferees have uniformly insisted, and the House has in effect instructed them to insist, upon its disagreement to those legislative provisions. In the last report, which was made yesterday, the House further insisted upon its disagreement to all those Senate amendments except one. My opinion is, as an individual, that if the House had on yesterday insisted upon its disagreement to all of those amendments, including the Savannah building amendment, this bill would have been before the President and signed by this time. That was my opinion then; that is my opinion now.

Now let me exhaust this subject in a minute, so far as I am concerned. These are the closing hours of the session. Here is the sundry civil bill, that carries thirty or thirty-five million dollars, in this peculiar situation: The Senate, as I am informed, with a quorum——

A MEMBER. Barely a quorum.

Mr. CANNON. Well, a quorum of the Senate are insisting on these legislative provisions. Now, the House can do and will do as it pleases. For a month past I, substantially as the messenger of the House, representing it in conference, have tried to carry out its will; and the House has exhibited great determination. Now, if the House is still of the opinion it has heretofore expressed, it can show its faith by its works. Nothing ventured, nothing gained, in individual and in parliamentary life. In my judgment this bill is not to fail. So far as my individual vote is concerned in this House touching these matters upon which the House has taken a stand, I shall vote to further insist and let this bill go back. [Applause.]

Mr. HOPKINS. Will the gentleman allow me a question right there?

Mr. CANNON. Certainly.

Mr. HOPKINS. Is it not the opinion of the gentleman in charge of this bill on the part of the House that if the House sustains him in his position the Senate will yield and we can have this bill settled?

Mr. CANNON. If I were a member of the Senate, as I do not desire to be at this time, but as possibly I may be some time [laughter], I could give a better opinion perhaps than I can now. I will say to my colleague that under all parliamentary precedents the body proposing legislation, when the other body will not assent, recedes; and if the Senate, proposing legislation in this case, lets this bill fail because the House will not assent to the legislation, then let the responsibility be upon the Senate. [Applause.] For one I will not be bulldozed. That, briefly stated, is my position.

Let there be no paltering. If the House or a majority of its members as they shall now rise and be counted—and it is just as well to take the vote on all these amendments at once—as members stand to be counted, or as they pass through the tellers, let the House understand that it is an expression of its will and determination as heretofore expressed, that it will not assent to these legislative provisions. If members want to assent to them, let them do so, and that passes the bill. This is all I can say about it.

Mr. SAYERS. Mr. Speaker, I desire to say a few words in connection with this matter.

Mr. CANNON. I yield to my colleague on the committee.

Mr. SAYERS. I am not willing that the opinion expressed by the gentleman from Illinois [Mr. CANNON] should be considered as representing the opinion of all the conferees of the House on this bill. I am not so sanguine as the gentleman from Illinois that if the House should continue to insist upon its disagreement to these amendments the Senate will recede. Again and again and again have the conferees of the two Houses met to consider these items of difference, and every time the conferees of the Senate have sternly insisted upon at least four of these amendments—the four amendments which relate to public buildings in the newly admitted States—and they have said to us, Mr. Speaker, that they would not make a report to the Senate receding from those four amendments.

Now, this bill carries about $34,000,000. It is intended to provide for the necessities of the Government in almost every branch of the service. We have but little more than a quorum in this House; there is not, I understand, a quorum in the Senate; and the question remains with the House whether or not we will continue this contest until the numbers in both Houses shall continue to abate and abate until we scarcely have a dozen members in either House.

It is no new thing for the Senate to insist upon such amendments. We had a struggle in the last Congress upon the amendments providing public buildings for the four new States. The House continued to insist on its disagreement; but finally the conferees of the House, with myself at the head, had to yield. There is not a single item involved in this disagreement which, considered separately and alone, would be objectionable to this House. The only objection to these amendments is that they come here upon the sundry civil bill and that they ought to have come before the two Houses of Congress as separate propositions. That is the objection as I understand it.

Having said this much, having made a candid statement as to the condition of the case, I will only add that the majority of the House can do with these amendments just as it pleases. The majority of this House is responsible for the conduct of public business.

Mr. HARTMAN. Is it not a fact that we have already made four or five exceptions to the rule suggested—for instance, yesterday, in agreeing to one of these amendments of the Senate to this bill?

Mr. SAYERS. That is entirely within the knowledge of the House. I frankly confess I have sympathized with the gentleman from Illinois in this struggle, and I still sympathize with him. I think he has been in the right. I think the majority of the House has been right in this struggle. But I believe it my duty to give to the House as far as I can a fair and truthful statement of the situation as I understand it.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I withdraw the report temporarily and rise for the purpose of presenting another conference report, one which can be closed up at once and disposed of without delay, and for that reason I call it up at this time.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 9409) making appropriations to supply deficiencies in the appropriation for the expenses of the House of Representatives, and for other purposes, for the fiscal year ending June 30, 1896, having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

J. G. CANNON,
JOS. D. SAYERS,
Managers on the part of the House.

EUGENE HALE,
WM. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on Senate amendment No. 2 to the bill H. R. 9409, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on said amendment, namely:

Strikes from the bill the amendment proposed by the Senate, to pay a sum equal to one month's pay to certain discharged employees of the House and Senate.

J. G. CANNON,
JOSEPH D. SAYERS,
Managers on the part of the House.

The report was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. I now call up again the conference report on the sundry civil bill, and yield two minutes to the gentleman from Idaho [Mr. WILSON].

Mr. WILSON of Idaho. Mr. Speaker, I desire the attention of the House for a very few moments in support of my motion, which is that the House recede from its disagreement and concur in the Senate amendments heretofore disagreed to in this bill.

The chairman of the Committee on Appropriations, our genial and able friend from Illinois [Mr. CANNON], says that there is an invariable rule in parliamentary bodies that where one body proposes legislation affirmative in its character, and the other body

dissents from it, that the body offering such legislation must yield in the end. I submit in all fairness that that principle can not be relied upon now. We have waived it in the House, and we have done it in no less than five different instances upon this very bill, and even no later than yesterday we abandoned the same principle on a yea-and-nay vote. We are, therefore, committed to a waiver of that principle or else the House will be guilty of an invidious discrimination against the section of country represented by these new States which is directly interested in this matter.

I call your attention to the number of exceptions which have been made in this bill. We agreed to the amendment for the construction of a public building at St. Albans, Vt.; we also agreed to the amendment proposed by the Senate for Little Rock, Ark.; we agreed to the item for a building in West Virginia, and we agreed on yesterday, by a yea-and-nay vote, to the item for the construction of a public building in Savannah, Ga., and the increase of the appropriation, with the extension of the limit of cost of that building.

Mr. VAN HORN. We also agreed to the New York matter.

Mr. WILSON of Idaho. Now, Mr. Speaker, I have the honor to represent in this House a State—one of the youngest States of the Union—which has no Federal building of any kind or character. It has been the invariable rule of Congress heretofore that whenever a new State was admitted, at least one public building should be authorized at its State capital. It has been done from time immemorial, and done also on the sundry civil appropriation bill. You provided in the last sundry civil bill such a building at the capital in my State, and the site has been selected and purchased. We have the United States courts there, with valuable records, and no vault or place of security in which to keep them—records upon which depend the title to hundreds of thousands of dollars worth of property, and no vault for their protection.

We have the surveyor-general's offices there, in which are employed a large number of clerks, and which require a large floor space. We have secured a larger appropriation than ever before for public-land surveys, and it is expected that our State will receive an apportionment thereof sufficient to survey large tracts on which settlers are now residing. If these surveys are carried on it will necessitate an increase in the force of the surveyor-general's office, and it is therefore necessary that from time to time more space shall be provided for this purpose.

We have the United States land offices there, the deputy collector of internal revenue, the post-office, the United States marshal and deputies, the United States attorney, the clerk of the United States court, the United States district judge, and other Federal officials, all of whom need the use of a Federal building.

The rents which the United States Government is compelled to pay for these various offices is more than sufficient to justify the erection of this building from a plain business standpoint; but, aside from this feature of it, it has been the policy of the Government from time immemorial to erect Federal buildings in the several States, and especially at the State capitals. That this is a wise public policy is not now open to question. It serves a manifold purpose. The flag of the United States will always wave from this Federal building, so that the citizens of the States, and especially the youth of the land, have an object lesson of patriotism given them when they behold the emblem of their country's honor unfurled from the flagstaff of their Federal building.

It has been contended on the floor of this House that it is unwise to legislate in this manner on appropriation bills, and that by putting public-building riders on these bills in the nature of things a true investigation of the measure in question can not be had by the House. If this criticism were well founded the House has waived it in so many instances, and particularly during this session, that it is not a reason worthy of advancement against these items. While I will agree, generally speaking, in the unwisdom of any kind of riders on appropriation bills, nevertheless, in view of the record we have made, and the record of preceding Congresses on this question, and in view of the special merits of these cases, I do not think this objection is well founded.

These building bills have been considered in committee. The Senate Committee on Public Buildings and Grounds has reported all of them favorably and the Senate has passed them as separate bills, and the item which I am especially interested in—the building at Boise City—has been reported favorably by the subcommittee on Public Buildings and Grounds of the House, and I was only a few days ago invited to prepare a report for the full committee. Moreover, the public buildings in the far Western States referred to in my amendment were originally provided for in the sundry civil bill of last year. This special exception was made because these four new States were the only ones not provided with Federal buildings, save and except the State of Washington and the State of Maryland. Congress, recognizing the special merit in these cases, made provision for them in the sundry civil bill of last year. It is apparent, however, that in the case of Boise City $150,000 is not sufficient to properly construct and equip a Federal building commensurate with the requirements of the Government in that State. Our people, realizing this, have been anxious for the enlargement of the aggregate of the appropriation. I therefore introduced a bill at the beginning of the session increasing the limit of cost to $200,000, and such bill has been reported as above stated.

Under the law passed by the last Congress which provided for the construction of this building at a cost of $150,000 no right to contract was given and no appropriation was made available except sufficient for the purchase of a site. I am therefore informed by the chairman of the Committee on Appropriations [Mr. CANNON] that under such law we have no right to enter into a contract for the construction of this building. We are therefore left in the anomalous position of having a building provided for by law, with no authority or right to enter into a contract for the construction of it.

Senate amendment No. 2 to the present sundry civil bill corrects this mistake and will increase our limit to $200,000, making an appropriation of $50,000 immediately available. From this appropriation we are given the right to contract for the entire building; and thus the law originally passed may be carried out in its full intent and meaning.

Further objection has been made against these items on the ground that it has not been determined that these particular places are the proper ones for the construction of these Federal buildings. In the case of Boise City, I may say that our State constitution, adopted in 1890, provides that the capital shall be there located for a period of twenty years. There is no disposition on the part of our people to change this location, and by almost universal consent it is conceded that we have the best location for the capital in the State.

Boise City is a thriving town of 8,000 inhabitants, and is to-day one of the most prosperous little cities in the far West. It lies about midway between Salt Lake City, Utah, and Portland, Oreg., and is the most important point between those two cities. It is situated at the head of the celebrated Boise Valley, which is far-famed for its agricultural and horticultural products.

As a fruit-growing and cereal-producing section this valley has no superior. A mineral belt of almost untold wealth forms a half circle to the east, north, and northwest of the city, while the celebrated Owyhee mines are to the southwest. Boise Basin is to the north, and is likewise rich in mineral resources, all tributary to Boise City. Vast timber resources abound to the north of us, while stock raising flourishes over a large area of country surrounding this city. Natural hot water has been discovered in artesian wells almost within the city limits, and our buildings, public and private, are heated by it. A beautiful natatorium has been constructed by our citizens near these wells, and Boise City in the near future is destined to be a celebrated health resort.

Our State legislature has provided for a beautiful capitol building, which is almost entirely paid for. We have three magnificent public school buildings, and our public school facilities are not excelled by any State in the Union. Boise City is substantially constructed; it has electric car lines, electric lights, and all modern improvement which are to be found in a thriving, advancing American city.

There was taken in at the United States assay office there more than twelve hundred thousand dollars in gold last year, and indications point to a large increase in this respect during the coming fiscal year. Our mines are developing rapidly, and indications are that they will shortly astonish the mining world.

With all of these advantages and improvements, Mr. Speaker, I submit that it is a disgrace to the Government that it can not provide a Federal building for the use of the Government officers. We have joined with our friends in the East in voting appropriations for battle ships, fortifications, and rivers and harbors. We are protected from the encroachments of foreign enemies, and our people do not need these Government expenditures for their especial use; nevertheless, they heartily sustain their representatives in voting these appropriations, because, being patriotic, they recognize that it is for the public good. In return we ask recognition at your hands in the matter of our public buildings. We think it is only fair, just, and right that we should get them.

The chairman of the Committee on Appropriations [Mr. CANNON] has made a magnificent fight against these items, and he has done it on the broad ground that they should not be tacked onto an appropriation bill. I admire him for the courageous fight he has made, and I desire to bear witness now that that fight has been eminently fair. I have no word of criticism to make against his course in that respect; but this House, as I have before stated, has already discriminated in five instances, and has gone on record against the principle which he contends for. In view of that fact, I believe it should now yield. I do not want to say what would be the effect of remaining longer in session here, contending against the opposition of the Senate. I believe, however, I can truthfully say that the Senate will not yield. Moreover, it ought not to yield. The House has surrendered its position on

this question, and now to fail to recede from these amendments is to go to the height of inconsistency itself.

This matter has been in conference for six weeks. The first report of the conferees was made April 26, 1896, and we have been contending for a settlement ever since. We are no nearer an agreement now than we were six weeks ago. In the meantime you have waived the principle for which the gentleman from Illinois contends, and now if you continue to resist you make a plain and clear discrimination against these Western States. I tell my Republican friends that you can not afford to do this. The other side of this House stands ready and willing to join you in support of my motion. They demonstrated that by their vote on the Savannah case yesterday.

In conclusion, permit me to say we are now on the eve of adjournment, and a settlement must be had soon if at all. Even the chairman of the Committee on Appropriations admits we ought to have these buildings, and that there is no important reason from the standpoint of the public interests why they should not be provided for, except the objection that such provision is made on an appropriation bill. Inasmuch as you have surrendered your position on that question, in the interest of consistency I appeal to you to accept the Senate amendments. Let these buildings be authorized and let us adjourn and go home in peace. [Applause.]

Mr. CANNON. I yield now a few minutes to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Speaker, I desire to ask the gentleman from Illinois what amount of money is involved in the five buildings—I believe there are but five—yet in disagreement?

Mr. CANNON. Well, the amendment has increased the limit to $541,000.

Mr. DOCKERY. But the cash involved—the appropriation?

Mr. CANNON. Three hundred and sixty thousand dollars. The legislation increases the limit $541,000 and establishes one new building.

Mr. DOCKERY. Now, Mr. Speaker, a word in reference to the motion of the gentleman from Idaho [Mr. WILSON]. I would prefer greatly that the motion to concur or recede from the disagreement should be made in each case separately. I think I would support most of the propositions, and perhaps all, if presented separately on the motion to recede from the disagreement to the Senate amendments. But I do not like a motion that comes in such a "questionable shape."

Mr. WILSON of Idaho. Personally I am willing to do that.

Mr. DOCKERY. I have had some experiences recently with "logrolling" propositions that have not been satisfactory to me. I prefer to consider these items singly.

Now, if I understood the gentleman from Illinois [Mr. CANNON], the chairman of this committee, in reply to his colleague he failed to answer the direct question as to whether, in his opinion, the Senate would recede as to these amendments. Mr. Speaker, I am not authorized to speak for the Senate of the United States—and I am very glad I am not—but unofficially I may say, having spent some time at the other end of the Capitol during the last two or three days in connection with another bill, that I do not believe the Senate will recede.

Mr. CANNON. I do not think it is fair for the gentleman to undertake to terrorize the House by that statement. I think my opinion is a fair offset to it. But let each body perform its function and take the responsibility.

Mr. DOCKERY. That is very true; but the inquiry was propounded to the gentleman by his colleague, and if I understood the gentleman, he did not make a direct answer.

Mr. CANNON. If the gentleman will allow me, I said I was not of the Senate, nor responsible for it, but that under the invariable rule the body that proposed legislation receded if the other body insisted.

Mr. WILSON of Idaho. We have violated that rule.

Mr. DOCKERY. The gentleman is correct about the general rule, and I am in sympathy with his general position, but we are face to face with this situation: a constantly dwindling attendance upon the House, hence we must come to some sort of an accommodation in respect to this bill.

Accommodations have been reached upon other bills that have not reflected my views upon many of the matters at issue; but we have reached agreements because agreements were necessary in order to terminate this session.

Mr. Speaker, I want to say for myself that I do not favor a policy that looks to the failure of the sundry civil bill and the extension of the appropriations for six months. I am in favor of some sort of an adjustment on this question by which a conclusion can be reached and this session terminated to-night. I hope the gentleman from Idaho [Mr. WILSON], however, will modify his motion so that the House can take up each item separately. There is one item for my own State, an extension of the limit of cost at Kansas City $116,000, recommended by the Secretary of the Treasury; but I believe that item can go over with entire safety, if I am properly advised, until the next session. If, however, the other amendments are agreed to, then I want this one agreed to. But as I said a moment ago, I think, probably, that can go over until the next session without serious detriment to the building.

Now, Mr. Speaker, it seems to me the issue is this: We must reach an accommodation in respect to these disagreements or this bill will fail, and I suppose it is contemplated in such an event to extend the appropriations by resolution for six months. To that policy I object.

Mr. CANNON. I yield three minutes to the gentleman from Kansas [Mr. BLUE].

Mr. BLUE. Mr. Speaker, it is not true, as I understand it, that these amendments all stand on the same footing. It has been urged by gentlemen here that this House has violated the rule by acceding to the demands of the Senate in a number of instances similar to those now presented. If the House up to the present moment has acceded to a single amendment that looked to the establishment of an entirely new building, I should like to be told what that amendment is.

Mr. WILSON of Idaho. What about the building at St. Albans, Vt.?

Mr. BLUE. The building at St. Albans, Vt., is a building that had been practically completed.

Mr. WILSON of Idaho. Yes, and destroyed by fire.

Mr. BLUE. It was partially consumed by fire, but the photographs of that building, exhibited at the time the matter was discussed, show that it was only injured and not destroyed. Every single instance in which there has been a receding in this matter has been an instance of repair or some sum for completion. The violation of the rule made in the instance of Savannah the other day was made under a misapprehension in part, I am satisfied, upon the part of a number of gentlemen here. If it had been understood, as it now seems to be understood by some here, that about $100,000 of the original appropriation for that building had been devoted to a site, when it was not originally so intended to be devoted—if that had been understood here yesterday, in my judgment the action which was taken would not have been taken.

Gentlemen speak of this as a compromise, and say "Let us compromise." What compromise is there in it? We have acceded in these matters of improvement, like that in West Virginia, like that in St. Albans, like that in New York City, where it was simply placing another floor in a building; but now it is insisted that we shall give away all the rest of them. There is no compromise in this. It is a mere accession to the Senate in every respect.

Mr. SWANSON. Will the gentleman allow me to ask him a question?

Mr. BLUE. I have not time. If this rule is to be followed, then no difference how conservative this body may attempt to be, no difference how well it may intend, as it did at the commencement of this session, in seeking to have the Committee on Public Buildings and Grounds report no bills, or at least advocate the appropriation of no money for this purpose, then it is left for the diligence of Senators to thrust upon this body, out of favoritism, a number of projects that are the least deserving and the most unworthy of all. [Applause.] For myself, as one member of the House, I am willing to take responsibility, and say to the Senate that if Senators wish to take the responsibility of the delay and, in violation of the rules, stand by the Senate and force these amendments upon us, let them accept it. It is about time that this House should let the Senate understand that the House will not be driven and dragged about at its pleasure. [Applause.]

So, Mr. Speaker, in my judgment we should still adhere and still insist upon the ground the House has heretofore taken, and insist that the Senate shall recede from these amendments that it has thrust upon this bill. No time has been fixed to adjourn; no concurrent resolution has been passed or suggested; and there is no haste about this matter. They talk about a vanishing quorum. Does not the same condition exist in the Senate?

Mr. Speaker, it seems to me utterly absurd and impracticable to insist upon this House at this time accepting the propositions of the Senate. Let the House assert itself, preserve its independence, and compel the Senate to follow the well-established parliamentary practice in such cases, and all will be well.

Mr. CANNON. I yield two minutes to the gentleman from Washington.

Mr. DOOLITTLE. Mr. Speaker, I live in the State of Washington and the city of Tacoma, and the State of Washington has no public buildings within its limits. It is a State with a population of 500,000. Two-thirds of the goods landed in the United States from Oriental countries come through the port at Tacoma. The courts are held there. The commercial interests are very great and very rapidly growing. When we came here at the beginning of this session of Congress we introduced our bills providing for the construction of public buildings, and it was soon announced in this Congress by those who have shaped its business and the transaction of matters before it that owing to the present

condition of the country it would be unwise policy on the part of the party to permit public-building bills to be passed during this session. All gentlemen interested in public buildings went before the Committee on Public Buildings and Grounds——

Mr. WILSON of Idaho. Will the gentleman allow me to ask him a question?

Mr. DOOLITTLE. After a while. [Continuing.] And represented their causes, and in many instances a favorable report was ordered on those bills; but the reports on the bills by the committee have not been made. I respect our friends highly, and do not wish to say a word that would in any wise reflect upon their course, or that would change or affect their hopes, because I know how desirous they are to have these buildings, but it was the understanding here in the House that no public-building bill should be passed through this session, so that we could all go back and say the same thing, and some of our friends have gone over to the Senate and there introduced this legislation upon this bill. Now, if that course is to be followed, Mr. Speaker, when I shall attempt to get a public building I will go to the Senate and not trouble myself with the committees of the House. But I supposed that this was the proper place to initiate legislation of that kind and pass it in the Congress of the United States; and I still think so.

Mr. CANNON. I yield two minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I understand that the principal objection to the passage of this legislation for public buildings is that it is not brought before the House from the Committee on Public Buildings. I have not heard any objection on the floor of this House to these public buildings, or to the appropriation, on the ground that they were not appropriations that were justified. It has been stated here that there are a great many gentlemen representing constituencies on the floor of the House who desire public buildings within their districts. That is undoubtedly true. There is no question but what every gentleman here would like to have a public building in his district, regardless of the number he already has.

Now, the Senate simply did this: It provided, first, in this amendment, that where public buildings were under construction and the Senate believed that an increase of the appropriation was necessary in order to finish these buildings in accordance with the plans, to make them harmonious as a whole, they made an appropriation for these buildings; and these appropriations are certainly in the line of good business principles.

It has been the custom in this country to provide a public building in all the new States and Territories. That is the other proposition in this amendment. In the far West there are four daughters of the Republic that have not received the customary birthday present. There are 400,000 square miles in the intermountain region, comprising four sovereign States, where, if your Uncle Samuel should visit them, there is not within the limits of that vast territory a single roof under which he could rest upon his own ground and under his own rooftree. We simply ask that these States shall, each and every one of them, have one public building at least, and that the flag of the Union shall float in the capital of each State in this Union from a building erected by the Government. [Applause.]

Mr. CANNON. I yield three minutes to my colleague from Illinois [Mr. HOPKINS].

Mr. HOPKINS. Mr. Speaker, this matter is degenerating into a question of physical endurance between the two bodies. The first conference that was held on this bill was on the 27th day of April last. According to the statement of my colleague, eight separate conference meetings have been held since that time, and the Senate has persisted in adhering to these amendments. As the conference reports have come back here, the House has receded from time to time until the 17 items originally in the Senate amendments have been reduced to 10, and an aggregate of something over a million dollars embraced in those 17 items has now dwindled down to the sum of $360,000, which, I understand, is the amount of the present difference between the two Houses.

Mr. CANNON. My colleague is slightly mistaken. Three hundred and sixty thousand dollars is the appropriation that would be made if these limits were broken, but the limits are broken by the Senate amendments to the extent of $541,000, making an aggregate of about $900,000.

Mr. HOPKINS. How much was the aggregate of the appropriations which the Senate added?

Mr. CANNON. I do not really recollect exactly; about two millions.

Mr. HOPKINS. Then, as a matter of fact, the House has yielded on items amounting to more than a million dollars?

Mr. CANNON. On the contrary, the Senate has yielded on several items, amongst others the National Museum item, amounting to $120,000.

Mr. HOPKINS. But that does not answer my question. Has not the House yielded on the New York, the Vermont, the Georgia, and other items more than a million dollars in the aggregate?

Mr. CANNON. I think not so much, but we have yielded on the items the gentleman mentions, in some cases on my motion, and in some cases on the motion of the gentleman from Georgia.

Mr. HOPKINS. Now, Mr. Speaker, the question presents itself to us whether we are to stay here for a week or a month longer, or whether we are to concur in these Senate amendments. I know from what I learn at the other end of the Capitol that there is a determination on the part of the Senate to adhere to these amendments, and if the House does not agree to the motion made by the gentleman from Idaho [Mr. WILSON], to accept the Senate amendments, the members of this House can settle down to the fact that we shall not adjourn during the month of June or the month of July. That is the question that we have to settle by the vote that is about to be taken.

Now, why should not we concur in these amendments? Does my colleague from Illinois show that any one of these items separately considered is not proper and just? Is there any man on this floor who will say that any one of these items, aggregating $541,000, is not proper and just? The only argument that the gentleman makes is that some other gentleman will indirectly be injured because his public building is not in this bill. I have a public-building bill that has been pending before the Committee of this House on Public Buildings and Grounds, a bill that has been favorably considered, and to please my constituents, I would like exceedingly well to have that bill reported and passed at this session, but I recognize that it can not be done. I recognize the fact that none of the public-building bills except those that are on this appropriation bill can be passed at this session.

Mr. Speaker, it seems to me that there is not a single member of this House who can afford to say, "Because I can not get what I want I will not permit any other gentleman to get what he wants." It seems to me that no member, at this stage of the session, can afford to say that we ought still to adhere to our disagreement upon these amendments and force a delay upon this appropriation bill. Everyone understands that we can not adjourn until this bill becomes a law, because it carries appropriations affecting all the great Departments of the Government, and it is a bill which if it should fail would necessitate an extra session of Congress. So far as I am concerned, I have steadily followed my colleague during these eight conferences and have voted with him every time he has asked for a disagreement, but I think the time has now come when the House should say that there shall be a limit to this, and should agree to the Senate amendments and let this bill become a law. In saying this I make no reflection upon my colleague, because I think he has conducted these conferences with ability and integrity, and has only sought to carry out the wishes of this House as expressed from time to time. Furthermore, the House in now concurring would simply be endeavoring to close a prolonged disagreement between the two branches of Congress which, as I have already said, has already degenerated into a question of physical endurance.

Mr. CANNON. I yield one minute to the gentleman from New York.

Mr. FAIRCHILD. Mr. Speaker, I only wish to make a suggestion in response to the arguments that I have heard upon this floor with regard to these public buildings, particularly in the Western States. As a Representative from New York who in the early days of this session introduced a bill for a public building in a place of sufficient size to deserve it, and who has been unable to get that bill out of the committee room, I want to say that I shall be the last man in this House to indulge in a "dog-in-the-manger" policy, and say that because I can not get my bill passed I will not vote for those bills for public buildings which are before us in this appropriation bill. I believe that this is a matter for the House to decide now upon its merits. So far as I have heard this discussion, I have heard nothing against the merits of these buildings, but simply technical points and assertions of a "dog-in-the-manger" policy, and I hope the House will now vote to concur in the Senate amendments. [Applause.]

Mr. CANNON. I yield five minutes to the gentleman from Indiana [Mr. HENRY].

Mr. HENRY of Indiana. Mr. Speaker, I do not intend to say very much on this question, for the reason that I have expressed my views already. I am surprised at the gentleman from Illinois [Mr. HOPKINS] who has just taken his seat, that he does not want to say, "I won't because I can't"; yet he tells us, in the very same sentence almost, that we should yield to the Senate because they will insist upon a thing which they ought not to insist upon and thereby cause this bill to fail. These gentlemen put the Senate in the position which they say we are in. If the Senate insist upon a thing which they ought not to insist upon and thereby cause this bill to fail, they are the "dogs in the manger," not we. [Applause.] We are not asking anything that we have not the right to ask.

Now, I am ready to recede from our disagreement and to agree to these Senate amendments whenever the chairman of the committee in charge of this bill comes into the House and gives us to understand that we ought to do it, and not till then. [Applause.] The gentleman [Mr. MONDELL] has eloquently talked about the sister States in the far West that have no public buildings. But, Mr. Speaker, let it be remembered that those three States that are now asking for the passage of these amendments have already had a step taken in that direction. They have had provision made for public buildings, and now they want an increase. Not content with what we first voted to give them, they want to increase the amount.

Mr. MONDELL. Will you allow me a moment?

Mr. HENRY of Indiana. Yes, sir.

Mr. MONDELL. You say we wish to have an increase.

Mr. HENRY of Indiana. Yes, sir.

Mr. MONDELL. We do; and for this reason——

Mr. HENRY of Indiana. I did not yield for a speech.

Mr. MONDELL. Will the gentleman allow me to explain why we are asking this increase?

Mr. HENRY of Indiana. No, sir; not in my time.

Now, Mr. Speaker, there have been passed by Congress acts authorizing a public building at each one of these places; and these amendments are not for new buildings, but for an increase of the limit, just like the case voted on yesterday, and wrongly voted on.

Now, how does it stand with the rest of the Western States? Two of them are not recognized in these amendments and have no public buildings provided.

A MEMBER. What two?

Mr. HENRY of Indiana. Utah and——

Mr. SAYERS. Utah is in the bill.

Mr. HENRY of Indiana. Then I correct myself on that.

Mr. BINGHAM. It is in the bill for a new building, not an increase.

Mr. SAYERS. Allow me a moment. The only States that are not provided with public buildings——

Mr. HENRY of Indiana. I know which.

Mr. SAYERS. Are Utah and Maryland. Maryland has no public building provided for.

Mr. HENRY of Indiana. You forget about Washington.

Mr. SAYERS. Washington has about $100,000 in this bill for military posts.

Mr. SWANSON. The gentleman from Indiana has stated that it was distinctly understood at the commencement of this session of Congress that no public building bills should go through the House of Representatives at this session. Now, the gravamen of the gentleman's complaint is that the Senate, in a "revolutionary" manner, has seen proper to put amendments for public buildings upon this appropriation bill. I wish to ask whether it is not as "revolutionary" in the House, or those who manage the House, to say that no appropriation for public buildings that Senators think should go through shall have consideration in the House—is not that as "revolutionary" as the course adopted by the Senate?

Mr. HENRY of Indiana. I take pleasure in answering the gentleman. If we are to select a few public building enterprises like those put upon this bill by the Senate and vote them through each session of Congress, we never shall provide the country with the public buildings that ought to be provided for. What we need is the consideration of public building measures in this House. And if the members of this House make up their minds to vote down these amendments, and at the beginning of the next session of Congress insist on taking up public buildings and considering them and voting them where they ought to go, then the country can be provided with them, but not in this way. [Applause.]

Mr. SWANSON. We have understood the policy to be not to give public buildings any chance this session.

Mr. HENRY of Indiana. I do not know what the gentleman understood. I know this much—that the Public Buildings Committee has not had any opportunity to present matters of this kind in this House. But it can have such opportunity at the next session; and it ought to have it.

One thing further: Not a single one of these enterprises will suffer in the least from the delay if we refuse to authorize them now. If there were any such danger, I for one would concede the point. But, Mr. Speaker, they will not suffer; and hence there is no occasion for yielding on that point.

Mr. CANNON. I yield two minutes to the gentleman from Kentucky [Mr. OWENS].

Mr. OWENS. Mr. Speaker, I am not inclined to play the part of "the dog in the manger"; but there is something more than that involved, I think, in the objection which has been urged against the proposition that we agree to these Senate amendments. It is true that a great many members, myself among them, introduced into this House bills which we thought had merit, providing for the erection of public buildings. I introduced one, I remember, asking for a pittance of $50,000 for a public building in a county that has paid from $250,000 to $400,000 a year in direct taxes to the Federal Government during the last twenty-five years. But assenting to the assurance made on all sides that there was to be no legislation of that kind at this session, I did not seek to force that bill through, and did not attempt to get that sort of legislation from the Senate.

Now, it is true, as the gentleman from Virginia [Mr. SWANSON] has said, that the Senate has a right to its own policy in regard to these appropriation bills and in regard to public building bills. But I do insist that while it is true they have a right to pass public building bills if they choose, they ought to pass them as separate measures and send them here on their merits, and not put them on an appropriation bill containing appropriations necessary for the existence of the Government, and in that way attempt to force them down our throats. [Applause.]

Mr. Speaker, I believe everybody in the Senate, from the pages up, understand that all the Senate has to do when it passes an amendment to a House bill is to be firm, and the House will "lie down" as soon as it gets a decent opportunity. Let us fool them once. That is my proposition. Let us "stand to our guns" once and show them that the policy we have enunciated and undertaken to carry out we intend to carry out, and are able to endure the consequences as long as they are.

Mr. FAIRCHILD. Does not the gentleman think that is rather a poor basis on which to rest our action with reference to legislation which is before us?

Mr. WILSON of Idaho. And which we admit is right.

Mr. OWENS. I do not know as to that. We know nothing about it. We have the report of no committee. The gentleman is assuming that the Senate is right upon the merits of these propositions. I do not know whether it is or not. But I say that where we have a fixed policy we should not recede from that fixed policy every time the Senate says we must recede.

Mr. FAIRCHILD. We receded on yesterday.

Mr. OWENS. Well, I do not care if we receded on yesterday and the day before; that does not settle the controversy. I do not think that we ought to do anything of the kind at their dictation. Let us stand by our own guns; let us have our own policy and adhere to it, and let them recede a little while. [Applause.]

Mr. CANNON. I yield now a minute to the gentleman from Montana [Mr. HARTMAN].

Mr. HARTMAN. Mr. Speaker, in reply to the gentleman from Indiana [Mr. HENRY], who says he will not vote to recede from the disagreement to the Senate amendments until the chairman of this committee informs the House that he wants us to do so, I wish to remind him that the chairman of this committee on yesterday said, when this matter was up, that he would stand here opposing any concession until he was instructed by the House as to its wishes.

Now, are you going to follow him on that suggestion and instruct? I say that he has made a gallant fight. I honor him for it. He stood up manfully with his colleagues in this controversy, and I have no fault and the House can have no fault to find with him. But we have no right to ask him to carry the burden further. He would be doing his full duty, I claim now, to ask the House to yield to the demand of the Senate, and I ask him now to come to us and concur in the Senate amendment.

In the language of the topical song—

I want you, I want you mighty bad;
I want you, ma honey, I do.

[Laughter and applause.]

Mr. CANNON. I yield now two minutes to the gentleman from Indiana [Mr. FARIS].

Mr. FARIS. Mr. Speaker, it seems to me that when the proposition is presented to us, as has just been done by the gentleman from Illinois [Mr. HOPKINS], that this contention has resolved itself into a question of endurance between the two Houses, we have the best of it. We are well equipped to enter that sort of contest with the body at the other end of this building. We are not only fresher from the people, but we are fresher in every other way. [Laughter and applause.] The influence that we have to meet now from the Senate, as I understand it, is the influence of its younger men from the far West, who do not hesitate when they want anything to reach for it; and they are well seconded by the members from the far West in this body.

I suggest, sir, that our colleagues on the floor from the far West have seen but very little loose in this session of Congress that they have not attempted to take hold of and appropriate to themselves for the benefit of their growing section.

Mr. WILSON of Idaho. How about fortifications, and rivers and harbors?

Mr. FARIS. I am in sympathy with my colleagues from the West. I participate in the sentiment uttered by my friend from Wyoming as to these daughters in that great empire; but for one I am willing to stand here fast, by the honored chairman of this committee, and adhere to the policy adopted by the House in the early days of the session, that we should have respect for the

depressed condition of our industries and the deplorable condition of our Treasury in this question of additional public buildings. I hope, Mr. Speaker, that we will stand by the leadership of the honored gentleman from Illinois [Mr. CANNON], and not submit to such legislation as riders upon appropriation bills, but await providing for other public buildings until the revenues are increased, and until we can have the orderly procedure in this matter that we have hitherto followed; and I hope we will insist in our disagreement to this unusual method of legislation. [Applause.]

Mr. CANNON. Now, but a single moment, Mr. Speaker, and I am ready for a vote.

The State of Illinois, at its capital in Springfield, from 1818 to 1868 never had a public building. So much now for the precedents along that line.

Now, then, I will say again, I do not discuss the merits of this provision. If it is the temper of any member of this House, if it is the temper of the majority in this House on the merits, considering the manner in which the amendments come, with all the surrounding conditions, to concur with the Senate, then I say "Amen," vote that way. But I protest that I will not vote, I will not stand and ask anybody else to vote—I never have done so, do not now, and will not in the future beg a vote from this House presenting the alternative that the Senate will not agree, and thereby seek to affect the votes of my colleagues, when the Senate amendment ought to go out under the invariable rule, acknowledged by such men as Senator SHERMAN himself and the other great parliamentary leaders through all of the years in the past.

Now I am ready for a vote. [Applause.]

Mr. FAIRCHILD. When the gentleman quotes Senator SHERMAN of Ohio I want to suggest to him that I also can quote him as saying a very few moments ago, in the Senate Chamber, that as these appropriations are for buildings already authorized, they do not come within the rule the gentleman from Illinois has quoted. [Applause.]

Mr. CANNON. My information is entirely different from that of the gentleman from New York. But the man who has read the history of his country understandingly in the parliamentary contests in 1878, 1879, and 1880 understands—and this contest began before the breaking out of the later war—that the rule is unvarying that the body proposing legislation as a rider upon a money bill must recede if the other body will not assent.

I want now to take off from this House any duress, if I have that power. I do not want you to agree with the Senate because perchance the Senate will not agree with you. That is not a good way to legislate. It rubs the hair the wrong way on me. I can not do it and keep my respect. Now I am ready for a vote.

The SPEAKER. The question is on receding and concurring in the Senate amendments.

The question being taken, the Speaker announced that the noes seemed to have it.

Mr. WILSON of Idaho demanded a division.

Mr. CANNON. Let us take the vote by tellers.

Mr. HAINER of Nebraska. I understood that the vote was to be separate; but if it is to be taken on all the amendments jointly, then I wish to move to recede and concur with an amendment.

Several MEMBERS. Too late.

The SPEAKER. The gentleman has a right to do that.

Mr. HAINER of Nebraska. I send the following amendment to the Clerk's desk——

The SPEAKER. To which amendment?

Mr. LOUDENSLAGER. Mr. Speaker, I raise the point of order that the question has been put, and the House is dividing, so the amendment is not in order.

Mr. SAYERS. I will suggest, Mr. Speaker, that the gentleman from Nebraska [Mr. HAINER] must have a separate vote upon the particular amendment in which he is interested, and then we can take a vote on the other amendments.

The SPEAKER. The Chair thinks that whether the gentleman was too late or not the motion to recede and concur has precedence. The House was dividing, and upon that question the vote must be taken. If the House votes that down, then the matter of the amendment of the gentleman from Nebraska would be before the House. As many as are in favor of receding and concurring will rise in their places and be counted.

The House divided; and there were—ayes 81, noes 88.

Mr. WILSON of Idaho. Tellers, Mr. Speaker.

Tellers were ordered; and the Speaker appointed Mr. CANNON and Mr. WILSON of Idaho.

The SPEAKER. The Chair desires that the House shall understand the proposition. As many as are in favor of receding and concurring in the Senate amendments will now pass between the tellers.

The House again divided; and the tellers reported—ayes 90, noes 74.

Mr. RANEY. I demand the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 100, nays 88, not voting 166; as follows:

YEAS—100.

Acheson,	Dockery,	Johnson, N. Dak.	Payne,
Adams,	Dovener,	Knox,	Phillips,
Andrews,	Ellis,	Layton,	Pitney,
Baker, Md.	Erdman,	Lefever,	Poole,
Baker, N. H.	Fairchild,	Lester,	Price,
Bankhead,	Fischer,	Linton,	Prince,
Bell, Colo.	Fowler,	Little,	Reyburn,
Bell, Tex.	Gamble,	Long,	Russell, Conn.
Bishop,	Gardner,	Loud,	Russell, Ga.
Black, Ga.	Grout,	Loudenslager,	Sayers,
Brewster,	Hager,	Mahany,	Shafroth,
Broderick,	Hainer, Nebr.	Mahon,	Sherman,
Buck,	Halterman,	McClure,	Stahle,
Bull,	Harmer,	McCreary, Ky.	Stone, C. W.
Catchings,	Harris,	McCulloch,	Tawney,
Chickering,	Hart,	Mercer,	Terry,
Clardy,	Hartman,	Meyer,	Thorp,
Cobb,	Henry, Conn.	Miller, W. Va.	Tyler,
Coffin,	Hermann,	Mondell,	Van Horn,
Corliss,	Hopkins,	Moody,	Van Voorhis,
Cummings,	Howe,	Mozley,	Walker, Mass.
Curtis, Iowa	Howell,	Newlands,	Wellington,
Curtis, N. Y.	Hunter,	Noonan,	Wilson, Idaho
Dayton,	Jenkins,	Otjen,	Wood,
De Witt,	Johnson, Cal.	Patterson,	Woodard.

NAYS—88.

Abbott,	Cooper, Tex.	Kirkpatrick,	Shuford,
Aldrich, T. H.	Cooper, Wis.	Lacey,	Skinner,
Allen, Miss.	Crowther,	Leighty,	Smith, Ill.
Arnold, R. I.	Crump,	Lewis,	Sorg,
Babcock,	Curtis, Kans.	Low,	Southard,
Bailey,	Dalzell,	Maddox,	Southwick,
Belknap,	Dingley,	Maguire,	Sperry,
Berry,	Doolittle,	Marsh,	Stewart, N. J.
Bingham,	Eddy,	McCall, Tenn.	Strong,
Blue,	Ellett,	McEwan,	Strowd, N. C.
Boutelle,	Evans,	Milliken,	Talbert,
Brownwell,	Faris,	Minor, Wis.	Tate,
Burton, Mo.	Gibson,	Murphy,	Thomas,
Burton, Ohio	Graff,	Otey,	Tracewell,
Calderhead,	Griffin,	Overstreet,	Treloar,
Cannon,	Grow,	Owens,	Turner, Ga.
Clark, Iowa	Harrison,	Pugh,	Updegraff,
Clark, Mo.	Henenway,	Raney,	Warner,
Codding,	Henry, Ind.	Reeves,	Wheeler,
Connolly,	Hill,	Richardson,	Williams,
Cook, Wis.	Huff,	Rinaker,	Woodman,
Cooke, Ill.	Kiefer,	Scranton,	Wright.

NOT VOTING—166.

Aitken,	Fitzgerald,	Leisenring,	Sauerhering,
Aldrich, W. F.	Fletcher,	Leonard,	Settle,
Aldrich, Ill.	Foote,	Linney,	Shannon,
Allen, Utah	Foss,	Livingston,	Shaw,
Anderson,	Gillet, N. Y.	Lorimer,	Simpkins,
Apsley,	Gillett, Mass.	Martin,	Smith, Mich.
Arnold, Pa.	Goodwyn,	McCall, Mass.	Snover,
Atwood,	Griswold,	McCleary, Minn.	Spalding,
Avery,	Grosvenor,	McClellan,	Sparkman,
Baker, Kans.	Hadley,	McCormick,	Spencer,
Barham,	Hall,	McDearmon,	Stallings,
Barney,	Hanly,	McLachlan,	Steele,
Barrett,	Hardy,	McLaurin,	Stephenson,
Bartholdt,	Hatch,	McMillin,	Stewart, Wis.
Bartlett, Ga.	Heatwole,	McRae,	Stone, W. A.
Bartlett, N. Y.	Heiner, Pa.	Meiklejohn,	Strait,
Beach,	Henderson,	Meredith,	Strode, Nebr.
Bennett,	Hendrick,	Miles,	Sulloway,
Black, N. Y.	Hepburn,	Miller, Kans.	Sulzer,
Bowers,	Hicks,	Milnes,	Swanson,
Brosius,	Hilborn,	Miner, N. Y.	Taft,
Brown,	Hitt,	Mitchell,	Tayler,
Brumm,	Hooker,	Money,	Towne,
Burrell,	Howard,	Morse,	Tracey,
Clarke, Ala.	Hubbard,	Moses,	Tucker,
Cockrell,	Hulick,	Murray,	Turner, Va.
Colson,	Huling,	Neill,	Wadsworth,
Cooper, Fla.	Hull,	Northway,	Walker, Va.
Cousins,	Hurley,	Odell,	Wanger,
Cowen,	Hutcheson,	Ogden,	Washington,
Cox,	Hyde,	Parker,	Watson, Ind.
Crisp,	Johnson, Ind.	Pearson,	Watson, Ohio
Crowley,	Jones,	Pendleton,	White,
Culberson,	Joy,	Perkins,	Wilber,
Danford,	Kem,	Pickler,	Willis,
Daniels,	Kendall,	Powers,	Wilson, N. Y.
De Armond,	Kerr,	Quigg,	Wilson, Ohio
Denny,	Kleberg,	Ray,	Wilson, S. C.
Dinsmore,	Kulp,	Robertson, La.	Woomer,
Dolliver,	Kyle,	Robinson, Pa.	Yoakum.
Draper,	Latimer,	Royse,	
Fenton,	Lawson,	Rusk,	

So the motion to recede and concur in the Senate amendment was agreed to.

Mr. CLARKE of Alabama. Mr. Speaker, I desire to know how I am recorded.

The SPEAKER. The gentleman is recorded in the affirmative.

Mr. CLARKE of Alabama. I did not vote, Mr. Speaker. I am paired, and simply announce that I am present.

The following pairs were announced:

Until further notice:

Mr. DALZELL with Mr. CRISP.

Mr. GILLETT of Massachusetts with Mr. COWEN.

Mr. GROSVENOR with Mr. MCMILLIN.

Mr. STEPHENSON with Mr. NEILL.

Mr. JOHNSON of Indiana with Mr. COX.

Mr. MCCALL of Massachusetts with Mr. DE ARMOND.

Mr. PICKLER with Mr. MILES.

Mr. JENKINS with Mr. DENNY.

Mr. MILNES with Mr. STRAIT.

Mr. BARNEY with Mr. BUCK.

Mr. HITT with Mr. WASHINGTON.

Mr. HENDERSON with Mr. CULBERSON.

Mr. SPALDING with Mr. SPENCER.

Mr. STEELE with Mr. MCCLELLAN.

Mr. HEATWOLE with Mr. DINSMORE.

Mr. FOSS with Mr. MCLAURIN.

Mr. COUSINS with Mr. LIVINGSTON.

Mr. TOWNE with Mr. WILSON of South Carolina.

Mr. SMITH of Michigan with Mr. BERRY.

Mr. TRACEY with Mr. MCRAE.

Mr. BARHAM with Mr. KYLE.

Mr. MEIKLEJOHN with Mr. CROWLEY.

Mr. FOOTE with Mr. HUTCHESON.

Mr. COLSON with Mr. KENDALL.

Mr. WHITE with Mr. SPARKMAN.

Mr. LEISENRING with Mr. TUCKER.

Mr. WILSON of Ohio with Mr. RUSK.

Mr. WILLIAM F. ALDRICH with Mr. MOSES.

Mr. BOWERS with Mr. MINER of New York.

Mr. WILLIAM A. STONE with Mr. LAWSON.

Mr. WATSON of Ohio with Mr. COCKRELL.

Mr. ROYSE with Mr. TURNER of Virginia, except on Tucker-Yost election case.

For this day:

Mr. SNOVER with Mr. YOAKUM.

Mr. MCCLEARY of Minnesota with Mr. CLARKE of Alabama.

Mr. HICKS with Mr. JONES.

Mr. OTEY. Mr. Speaker, I would like to know how I am recorded.

The SPEAKER. The gentleman is recorded in the affirmative.

Mr. OTEY. I wanted to vote in the negative. I desire to change my vote to "nay."

The name of Mr. OTEY was called, and he voted "nay."

The result of the vote was then announced as above recorded. [Applause.]

SUBWAYS IN THE DISTRICT OF COLUMBIA.

The SPEAKER. The Chair desires to appoint as a subcommittee on the resolution relating to the subways in the District of Columbia Mr. BABCOCK, Mr. ODELL, and Mr. RICHARDSON.

SOLDIERS' HOME AT LEAVENWORTH.

The SPEAKER. The Chair appoints on the committee to investigate the Soldiers' Home at Leavenworth Mr. GROUT of Vermont, Mr. CHARLES W. STONE of Pennsylvania, Mr. WARNER of Illinois, Mr. SAYERS of Texas, and Mr. LAYTON of Ohio.

The Chair will lay before the House the following House bill with a Senate amendment.

Mr. LITTLE. A parliamentary inquiry. I would like to know if it would not be in order to proceed with the consideration of the bill which was under consideration when the conference report was called up.

The SPEAKER. There will be a conference report presented.

Mr. LITTLE. That was a bill where the second had been ordered. I would ask if it would be in order to proceed with the consideration of that bill?

The SPEAKER. It would, unless a conference report is presented.

Mr. EVANS. I would be glad if the Speaker will allow the matter to proceed.

The SPEAKER. If there be no objection, a House bill with Senate amendment will be laid before the House.

There was no objection.

FRAUDULENT BOTTLING OF LIQUORS.

The SPEAKER laid before the House the bill (H. R. 4580) amending section 3449 of the Revised Statutes, with Senate amendment.

The bill and Senate amendment were read.

Mr. EVANS. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to; and accordingly the House concurred in the Senate amendment.

On motion of Mr. EVANS, a motion to reconsider the vote by which the Senate amendment was concurred in was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 7338) for the relief of William H. Scofield, Jacob Brady, James Ketcham, Annie Booth, as administratrix of the goods, chattels, and credits of George W. Booth, deceased; Wilson P. Billar, Ezra L. Waterhouse, Moses C. Bell, George W. Byles, and George A. Scofield.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9409) making appropriations to supply deficiencies in the appropriations for expenses of the House of Representatives, and for other purposes.

The message also announced that the Senate having proceeded in pursuance of the Constitution to reconsider the bill entitled "An act granting a pension to Francis E. Hoover," returned to the House of Representatives by the President of the United States with his objections, and sent by the House of Representatives to the Senate with the message of the President returning the bill:

Resolved, That the bill do pass, two-thirds of the Senate agreeing to pass the same.

The message also announced that the Senate had passed the bill (S. 2555) to authorize the Secretary of the Treasury to issue leases of certain islands in Alaska for the breeding of foxes; in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 8321) to authorize the county of St. Louis, in the State of Minnesota, to build or authorize the building of a foot and wagon bridge across the St. Louis River between Minnesota and Wisconsin, at a point near Fond du Lac, in said State of Minnesota; and

A bill (H. R. 9226) to change the time and places for the district and circuit courts of the northern district of Texas.

The message also announced that the Senate had passed with amendments the bill (H. R. 4580) to amend section 3449 of the Revised Statutes; in which the concurrence of the House was requested.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 9447) to amend section 1 of the act to amend an act entitled "An act authorizing the Postmaster-General to adjust certain claims of postmasters for loss by burglary," etc., approved May 9, 1888.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GROUT. Mr. Speaker, I desire to present a conference report on the District appropriation bill.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 100, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 187, 188, 189, 190, and 191.

Amendment numbered 99: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 99 and agree to the same with an amendment as follows: In lieu of the matter inserted by said House amendment insert the following: "*Provided*, That the Commissioners of the District of Columbia may, under such reasonable restrictions as they may prescribe, authorize any existing electric light company having overhead wires to maintain and use for a period of eight months, and no longer, its existing poles and overhead wires west of Rock Creek in places outside of the existing fire limits of the city of Washington and of the District of Columbia, and any such overhead wire system may be extended west of Rock Creek and outside of said fire limits, to continue only for the said period of eight months, and at the end of said period all right or authority hereby conferred shall cease. And the said Commissioners may also authorize any such existing electric light company to construct and use, under such regulations as the Commissioners may fix, conduits for the reception of existing overhead wires within the territory formerly known as Georgetown, and to extend the same by an aggregate of not more than one and a quarter miles of conduit in the same territory. And the United States Electric Lighting Company may extend its underground conduits and wires east of Rock Creek and within the said fire limits to Mount Pleasant and Washington and Columbia Heights under such regulations as the Commissioners of the District of Columbia may prescribe"; and the House agree to the same.

Amendment numbered 193: That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: Strike out all after the word "dollars," in line 3, down to and including the word "denomination," in line 6 of said amendment; and the Senate agree to the same.

Amendment numbered 194: That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment as follows: On page 40, after line 19 of the bill, insert as a separate paragraph, before amendment numbered 195, the following:

"And it is hereby declared to be the policy of the Government of the United States to make no appropriation of money or property for the purpose of founding, maintaining, or aiding by payment for services, expenses, or otherwise, any church or religious denomination, or any institution or society which is under sectarian or ecclesiastical control; and it is hereby enacted that from and after the 30th day of June, 1897, no money appropriated for

charitable purposes in the District of Columbia shall be paid to any church or religious denomination, or to any institution or society which is under sectarian or ecclesiastical control."

And the Senate agree to the same.

Amendment numbered 195: That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with amendments as follows: In line 15 of said amendment, after the word "denomination," insert the words "or any institution or society which is under sectarian or ecclesiastical control." After the word "extent," in line 22 of said amendment, insert the words "within the limitations of the policy hereinbefore declared; and if not, the probable expense of providing and maintaining public institutions for such purpose." Strike out lines 28 and 33, inclusive, of said amendment and insert in lieu thereof the following: "Said committee is authorized to sit during the recess; and the necessary expenses of the committee, including clerical and stenographic work, shall be paid out of the contingent funds of the Senate and House of Representatives jointly, on the certificate of the chairman of the committee;" and the Senate agree to the same.

WILLIAM W. GROUT,
MAHLON PITNEY,
ALEX. M. DOCKERY,
Managers on the part of the House.

H. M. TELLER,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 5210) making appropriations for the government of the District of Columbia submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on said amendments, namely:

On the amendment of the House to Senate amendment numbered 99: In lieu of the provision proposed by the House relative to electric light and power wires in the District of Columbia west of Rock Creek and outside of the fire limits of the District, inserts as a substitute therefor the provision the text of which is fully set forth in the conference report.

On No. 100: Strikes out the provision proposed by the House regulating the prices to be paid for electric light and electric power in the District of Columbia.

On Nos. 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 193, 194, and 195, relating to the charities of the District of Columbia: The appropriations for the various charitable institutions are made in specific terms, as proposed by the Senate, and a provision is inserted declaratory of the policy of the United States with reference to appropriations for charities in the District of Columbia, the full text of which provision is set forth in the conference report; and provision is made, as proposed by the Senate, for a joint committee of Congress to inquire and report as to the best methods of caring for the poor and destitute in the District of Columbia after the close of the fiscal year 1897.

WILLIAM W. GROUT,
MAHLON PITNEY,
ALEX. M. DOCKERY,
Managers on the part of the House.

Mr. GROUT. Mr. Speaker, this is the fourth report that the conferees on this bill have submitted, and I am sure the House will be glad to learn that we have at last fully agreed. I will occupy but a minute or two in giving a summary of figures showing what has been done in the bill:

The bill as finally agreed upon appropriates $5,905,082.48, being an increase over the current appropriations of $159,639.23, and $359,403.91 over the appropriations for the preceding fiscal year of 1895.

For paving streets the appropriations amount to $163,500, an increase of $19,000.

For constructing county roads the appropriations are $90,500, an increase of $25,500.

For sewers the appropriations are $376,000, an increase of $44,700, and authority is given to contract for $75,000 more.

For public schools the appropriations are $1,193,056, including authority to contract for completion of certain school buildings, an increase of $55,440 over current law; provision being made for four new school buildings, including a high-school building in Georgetown; for the reconstruction of three old buildings and the enlargement of another.

An increase of 50 privates in the Metropolitan police is authorized—twice the number that has ever been authorized heretofore in any single appropriation bill.

The fire department is increased by provision for two new engine houses, engines therefor, and for a new hook-and-ladder truck.

For lighting streets with gas a reduction is made from $20.50 per lamp to $20, and an increase in the service is required from the old "moonlight" schedule of 3,000 hours per annum to an all-night schedule of 3,762 hours per annum; and about $7,500 is given for extension of the service. If this be reckoned according to the old schedule, there is a reduction of about $17,000 or more in the cost of lighting by gas.

For lighting streets with electricity a reduction is made in the limit of cost from 40 cents to 30 cents per lamp per night, a reduction, as will be seen, of 25 per cent in the cost of lighting by electricity. And new service is provided for to the amount of $11,000 or thereabouts.

Mr. PITNEY. According to my understanding of the bill, as we have agreed upon it in conference, the effect of the gas-lighting provision is to reduce the price of gas for public lighting to 85 cents per thousand.

Mr. GROUT. I should have stated in passing that while the bill which the two Houses recently agreed upon, and which has been approved by the President, reduces the cost of gas 25 per cent to private consumers and to the Government where used through the meter—that is, in the public buildings—it did not touch the subject of gas used in the street lamps. Your conferees insisted that there should be in this branch of the service a corresponding reduction; and they struggled long and resolutely for that reduction, but were unable to carry a reduction to that extent. They did, however, secure a provision for gas through the public lamps at the rate of 85 cents per thousand, or in that neighborhood, which, as I have already stated, amounts to about $17,000——

Mr. Speaker, I have given these figures for the information of our constituents, the people of the District of Columbia, who have found much fault with the Appropriations Committee on account of what they have termed the small appropriations made in this bill. But the bill, as will be seen, is much larger than the bill for the last two years; and I now say that it is the largest District bill ever passed by the two Houses. It has never been equaled in amount. While I make this statement, I would not have you think your conferees have been extravagant. On the other hand, we think we have succeeded in keeping the bill within reasonable limits. As the bill went over to the Senate from the House it carried $5,418,960.39. The Senate added thereto $1,866,179.03. Of this amount of increase put on by the Senate that body yielded in conference $1,380,056.94 and the House yielded $486,122.09, leaving the aggregate of appropriations in the bill as finally agreed upon $5,905,082.48.

Mr. PITNEY. Will the gentleman allow me to say that in addition to the increase of $1,866,179.03 the Senate reappropriated an unexpended balance of a former appropriation amounting to $266,546.38, so that the actual addition made by the Senate was $2,152,725.41?

Mr. GROUT. The statement of the gentleman is correct.

Now, one word about an item which was stricken from the bill and which has been a subject of much criticism in another place, as well as in the public prints of the city. I refer to the proposal to resume work on what is known as the Lydecker tunnel, upon which there has heretofore been expended, as gentlemen may generally know (though some may not), between two and three million dollars, to bring water from the reservoir above Georgetown to the new reservoir up by the Soldiers' Home, which is still empty, carrying the water through an underground conduit, in some places 170 feet beneath the surface.

Well, it was abandoned five or six years after the expenditure of this large sum of money, not only as an impracticable scheme, but because there was a wicked waste of money in conducting the work, on account of certain frauds which were discovered. Recently a board of engineers has examined this tunnel, and they recommend that an appropriation be made by which it is believed it can be made available for use. That report, however, was not submitted to the House Committee on Appropriations. The proposition was put in on the bill in the Senate. In fact, it was too late for the House committee to act upon it. We had, therefore, no investigation of the matter. The amendment of the Senate called for some $600,000 appropriation now, and involved the total expenditure of nearly $900,000.

Now, Mr. Speaker, for one I want to say for myself, and I also speak the sentiments of my associates in that conference, I felt unwilling to enter upon an expenditure of that sum until we could take the matter more carefully under consideration; could, in short, talk it over with the gentlemen who made this report, and ask them certain questions touching, first, if you please, the practicability of clearing out the silt that would certainly form in the tunnel and yet keep up the supply of water to those dependent on the tunnel for water. I do not say that the scheme is an impracticable one; but my mind was not clear. I wanted the information I have indicated; also information on other points. It may be all right; I do not know. I want a chance, before I consent to this expenditure, to ask these gentlemen who recommend the completion of the tunnel about several important matters connected with it; and all your conferees were of the same opinion. We wanted more information upon the subject, and we resisted this item, which was stricken out of the bill in the conference. When I know more about it I may be for it first and last. Congress has been soundly berated by the District press for not having entered on the scheme, and now before we take it up again I think we should be sure it is the best way to furnish an additional supply of water.

I will also say in further explanation that your conferees were not clear but that the present supply of water is fully equal to the immediate necessities of the city.

The fact is, at the time this tunnel was abandoned, or soon after, and to take the place, in part at least, of this tunnel, some six or seven hundred thousand dollars was appropriated for a high-pressure service on Capitol Hill, which is but just completed. It was also said that the dam at the Great Falls was not high

enough to supply the aqueduct with all the water it would carry and that it should be increased in height. An appropriation was accordingly made for that purpose and the dam was raised. It was also ascertained that the aqueduct was about one-fourth full of a silt sediment; an appropriation of $14,000 was made in the last appropriation bill to clean it out. That work is now about completed, and when the increased volume of water is turned into the aqueduct by reason of the raised dam at Great Falls, and when the aqueduct is thoroughly cleaned out, it is estimated that the supply of water will be increased 25 per cent, and your conferees were not at all certain but the increased supply would meet all the demands for some time to come. Not having full information on this point we put in a provision calling on the Secretary to investigate and report on the subject.

Mr. Speaker, there is another consideration in this connection: Sewers should go ahead of an increased water supply in this as in every city, for which we have liberally provided in this bill. When we get the sewers under way we will then be sure to have plenty of water.

As to the charities, I will say that after fully considering the sectarian question involved your conferees finally concluded to agree to the same limitation attached to the Indian appropriation bill as to sectarian schools; and principally for the reason that the House had already agreed to that provision.

This provision will give time to prepare for the change which the bill provides for in that respect, and at the same time after June 30, 1897, forbids the appropriation of any public money to any institution or society under sectarian or ecclesiastical control. This fully saves the principle declared in the House bill, and ought to be satisfactory to the most exacting.

Now I yield to the gentleman from Michigan [Mr. LINTON] so much time as he may desire.

Mr. LINTON. I wish to congratulate the Congress and the people of this country upon the outcome of the acrimonious controversy which we have had over the question of Government support of sectarian institutions. Yesterday at each end of the Capitol men of all parties, men of all creeds and of no creed, voted almost as a unit in favor of the clause inserted in the Indian bill stating that "it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school." The adoption of this section was a great victory for the free schools of America as against the so-called sectarian or parochial schools that have for many years been receiving subsidies from the public Treasury, and to which our entire people, against the bitter protest of a great majority, have been contributing. The fact that the measure carried a small appropriation, only 50 per cent of last year, and then only to be expended at the discretion of the Secretary of the Interior in places where schools are necessary and where nonsectarian schools can not possibly be provided at once, is simply an incident in the triumph of the principle for which we have been so ardently striving. The appropriation, small as it is, is but temporary; but the declaration that the Government will not again, under any circumstances, pay for education in this class of schools is permanent and becomes a part of the law of the land. To-day we go still further, and, with hardly an objection in either House of Congress, adopt in the pending measure a section or declaration framed in practically the precise language of the joint resolution it was my honor to introduce early in the session, as follows:

And it is hereby declared to be the settled policy of the Government of the United States to make no appropriation of money or property for the purpose of founding, maintaining, or aiding, by payment for services, expenses, or otherwise, any church, religious denomination, or religious society, or any institution, society, or undertaking, which is wholly or in part under sectarian or ecclesiastical control, and it is hereby enacted that from and after the 30th of June, 1897, no money appropriated for charitable purposes shall be paid to any church or religious denomination or to any institution or society which is under sectarian or ecclesiastical control.

This should cause the demands for church subsidies to cease for all time to come, and I hope they may never again be presented to Congress in any shape or form, because if they are there will against them be the gathering of that storm predicted by the New England Senator, as the great mass of our people, irrespective of party or religion, will not again permit them to exist for a moment.

I believe that the enactment of to-day's legislation puts a stop to this agitation at the nation's Capitol, and will cause a better feeling among our citizens throughout the country. Therefore, again I desire to congratulate the members of the House and Senate upon the outcome of the fight in having firmly established the principle that the Government of our country will not in the future in any way support the schools of creed or the institutions of sect. The last two days have seen the enactment of laws that will remain in history and mark an epoch in the nation's progress.

Mr. GROUT. I now yield to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I beg the attention of the House for a few moments now in the closing hour of this first session of the Fifty-fourth Congress.

In a word, I want to congratulate the House on the work of this session. Coming here, most of us, new to legislation in the beginning of the Congress, we brought a sincere desire to faithfully represent our constituents, and by wise legislation and appropriation to enact the will of the majority into law.

Mr. Speaker, this is a Government through parties. The Government is best served when a party that in fact stands for the majority of the people has full power. It then writes its policies, economic and financial, upon the statute book.

The Republican party has not power, except in the House of Representatives. The Senate is worse than Democratic, and Mr. Cleveland is President. To the best of our ability, from the practical standpoint, we proposed revenue measures that in these trying times would save us from borrowing money, and the House has performed its duty. But not having the power in the Senate, that bill slept the sleep of death there. Nothing was left us but to make the appropriations necessary to carry on the Government, taking care that we only appropriated the money absolutely necessary to supply the needs of the Government, and in no instance entering upon new fields of appropriation save where their importance was so manifest that a sound public sentiment would justify even the borrowing of money to carry them on. [Applause.]

Therefore we have authorized expenditures for the fortification of our seacoasts, in order to give our people assurance of permanent safety, in a greater sum than the aggregate of all appropriations for the like purpose made from 1888 to 1896; and we believe that the country will justify us in that expenditure. A liberal naval bill has been enacted. Wise legislation has been written upon the statute book, by which (fashioned by the Committee on the Judiciary) we correct abuses that abounded through the administration of justice in the courts of the country. The House has done promptly, with wisdom, what it was possible to do. To sum it all up in a word, no scandals can be charged to this House.

While we have been unable to do all that we desired, we have been enabled to keep our record clean; and now, in these last hours, we can unite in assuring all the people, if they will give us, next November, full power in House and Senate and Executive Mansion, that we will write upon the statute book the protective, economic policy of the Republican party. [Applause on the Republican side.] And while in the future, with full power, we will make wise and economical appropriations, not scant and insufficient, but wise and economical, we give assurance to the country that through our system we will bring revenue enough from the business and commerce of a prosperous people to pay the appropriations that we make, and at the same time restore confidence to the country; and, with that renewed confidence, under that economic policy, employment will again seek the laborer instead of the laborer seeking employment. [Applause on the Republican side.]

In a word, we believe, with the Republican party restored to complete power, with its protective economic revenue policy written on the statute book, and the Democratic policy taken off the statute book, that the cause of the disease which now infects the body politic, and has done so since November, 1892, will be removed; that the cause of the disease being removed, the patient will again become sound and healthy, and that, with the cause of the disease removed, its symptoms will disappear, and the Populist quack, the Democratic free-silver quack, and the fiat-money quack, who all seek to treat symptoms only, will vanish as the vapors of the night vanish before the rising sun. [Great applause.]

Then, Mr. Speaker, we will again have universal employment, increased production and consumption, and plenty of money, all as good as gold, to do the business of the country, just as we had all these blessings from 1879 to 1892, inclusive.

Mr. Speaker, having made these general remarks, I proceed to state the work of the session in detail touching appropriations for the public service.

The appropriations for the session just closing amount to $515,759,820.49.

The estimates on which these appropriations were based, and submitted by the Executive to Congress at the beginning of the session in the regular Book of Estimates, or from time to time in special or supplemental estimates, amounted to $529,134,193.92, or $13,374,373.43 more than has been appropriated.

The whole amount of appropriations, $515,759,820.49, charged to this session includes $119,054,160 under permanent laws, of which amount $50,000,000 is for sinking fund and $30,500,000 for interest on the public debt, or $3,355,614.40 more than was included at the last session of Congress in the statements of appropriations, and is on account of the increase of $162,315,400 in the bonded indebtedness of the country by the present Administration up to February, 1895, the interest and sinking-fund charge on account of the later bond issue of $100,000,000 in February, 1896, amounting

to $4,400,000, not being included in the estimates of permanent appropriations, as stated and submitted to Congress in the last regular Book of Estimates.

The increase in the principal of the interest-bearing debt of the country under the present Administration, by the loans negotiated in February and November, 1894; February, 1895, and February, 1896, amounts to $262,315,400, which entails an annual interest charge of $11,492,616, and to meet the sinking-fund obligations the further sum of $2,623,154.

During the Administration of Mr. Harrison, from March, 1889, to March, 1893, the principal of the interest-bearing debt of the United States was reduced in amount $258,192,900, and the annual interest charge was thereby diminished $10,327,716.

The Table B, giving a history of the appropriation bills for this session, which I shall incorporate at the conclusion of my remarks, shows in detail, by bills and in the aggregate, the estimates submitted to Congress, the amount of the bills as reported to the House, as passed by the House, as reported to the Senate, as passed by the Senate, and as they became laws, and the appropriations made at the last session of the last Congress.

An examination of the table shows that the regular annual bills, including deficiencies, as passed by the House, made a reduction in the total estimates submitted by the Executive of $26,083,191.67; that they were increased by the Senate $22,920,442.30, and that as they became laws they appropriate $10,636,624.06 less than as passed by the Senate, $12,283,818.24 more than as they passed the House, and $13,374,373.43 less than the estimated requirements of the Administration.

The regular annual appropriations, including deficiencies, made at the last session of Congress, amounted to $383,636,896.97, and included no river and harbor bill. So, excluding the river and harbor act passed at this session, it will be seen that the regular annual bills as passed by the House appropriated only $373,505,082.25, or more than $10,000,000 less than was appropriated by the last Democratic Congress, with the approval of a Democratic Executive.

The following shows by titles the appropriations made at this session, in comparison with those made at the last session of Congress, with the increase or reduction in each:

TABLE A.

Title.	Amount this session.	Amount last session.	Reduction.	Increase.
Agriculture	$3,255,532.00	$3,303,750.00	$48,218.00	
Army	23,278,402.73	23,252,608.09		$25,794.64
Diplomatic and consular	1,642,558.76	1,574,458.76		68,100.00
District of Columbia	5,905,082.48	5,745,443.25		159,639.23
Fortification	7,397,888.00	1,904,557.50		5,493,330.50
Indian	7,390,496.79	8,762,751.24	1,372,254.45	
Legislative, etc	21,518,834.71	21,891,718.08	372,883.37	
Military Academy	449,525.61	464,261.66	14,736.05	
Navy	30,562,730.95	29,416,245.31		1,146,494.64
Pension	141,328,580.00	141,381,570.00	52,990.00	
Post-Office	92,571,564.22	89,545,997.86		3,025,566.36
River and harbor	12,621,800.00			12,621,800.00
Sundry civil	33,631,152.19	46,568,160.40	13,537,008.21	
Total	380,954,157.44	373,811,522.15	15,398,090.08	22,540,725.37
Deficiencies	15,326,503.05	9,825,374.82		5,501,128.23
Total	396,280,660.49	383,636,896.97	15,398,090.08	28,041,853.60
Miscellaneous (estimated for this session)	425,000.00	297,667.37		127,332.63
Total, regular annual appropriations	396,705,660.49	383,934,564.34	15,398,090.08	28,169,186.23
Permanent annual appropriations	119,054,160.00	113,073,956.32		5,980,203.68
Grand total, regular and permanent annual appropriations	515,759,820.49	497,008,520.66	15,398,090.08	34,149,389.91

Net increase this session over last session, $18,751,299.83.

It will be noted from this exhibit that, while at this session reductions have been made in many of the appropriation acts, increases of any considerable amount appear in but few.

Thus the fortification act is increased from $1,904,557.50 to $7,397,888, and in addition to the latter sum, authority is given to enter into contracts to the further sum of $4,195,076, making, in all, $11,592,964 authorized at this session for the work of strengthening our coast defenses, or nearly as much as had been given in all of the previous eight years combined, since the Government entered on the present plans of fortification and harbor defense.

The Post-Office bill is increased from $89,545,997.86 to $92,571,564.22, which is the usual increase requisite to keep pace with the growth of population and commerce of the country.

The river and harbor bill appropriates $12,621,800, the whole of which is an apparent increase, no bill having been enacted at the last session. The river and harbor act that was passed during the first regular session of the last Congress appropriated $11,643,180.

The inadequacy of appropriations made during the last Congress accounts for the apparent increase in deficiencies.

The permanent appropriations show an apparent increase of a little less than $6,000,000, accounted for in part by the increase for sinking fund and interest on the public debt, to which I have already adverted, and to an increase in the amount estimated to be required during the coming year for the redemption of notes of national banks that have surrendered circulation.

Aside from a necessary increase in the number of seamen and men in the Navy and Marine Corps, in order to place in commission the new ships of war provided for by previous Congresses, there has been no appreciable increase in employments or of salaries of employees authorized in any of the several Departments of the General Government. On the contrary, appropriations for 337 employees, with salaries aggregating $475,190, in the Internal Revenue Service, have been omitted because of the failure of the income-tax law under the decision of the Supreme Court.

At the beginning of the session the Committee on Appropriations in its first report to the House called attention to the abnormal growth in the expenditures under the fee system on account of United States courts, and to the fact that they had more than doubled during the period between 1885 and 1896. With commendable zeal the Judiciary Committee of the House took up the question, and reported a well-digested measure, which was incorporated into the legislative, executive, and judicial appropriation bill, and is now the law, abolishing the fee system as to United States attorneys and marshals, and placing those officials on fixed salaries; revising and reducing the schedule of fees of United States commissioners, and requiring their appointment to be made by the district instead of the circuit courts, and for terms of four years each instead of for life, as heretofore. This legislation will, it is confidently asserted by those in position and competent to judge, reduce expenditures annually on account of United States courts more than $1,000,000, and will reduce to a minimum frivolous and malicious prosecutions. Under the fee system attorneys and marshals received as compensation during the fiscal year 1895 $708,219.70, or $160,719.70 more than the aggregate of their salaries as fixed by the new law. The aggregate of their salaries as prescribed is $547,500, or $292,500 less than it was possible for them to earn under the fee system.

As against this record of reformatory legislation inaugurated by this House, it has been developed that the present administration of the Treasury Department, under the discretion vested in it by law, has increased, since July 1, 1895, the number of employees in the customs service by 331, and raised the compensation of 281 others, at a total cost for nine months for both of $206,385.02; that it has expended or incurred expenditures amounting to $7,377,440 for the present year in collecting the revenue from customs estimated at $165,000,000; whereas for the last whole fiscal year 1892, under President Harrison's Administration, there was collected under the McKinley tariff act $177,452,000 of customs revenue at a total cost of only $6,607,517, or $12,000,000 more of revenue and $770,000 less of expense in collecting it.

The following table shows the aggregate appropriations made during the Fifty-first, Fifty-second, and Fifty-third Congresses, and at the present session of the Fifty-fourth Congress:

Appropriations, fiscal years 1891 to 1897, inclusive.

FIFTY-FIRST CONGRESS.

1891.		
Regular annual appropriations	$361,770,057.79	
Permanent appropriations	101,628,453.00	
		$463,398,510.79
1892.		
Regular annual appropriations	402,531,864.55	
Permanent appropriations	122,486,808.00	
		525,018,672.55
Total appropriations Fifty-first Congress		988,417,183.34

FIFTY-SECOND CONGRESS.

1893.		
Regular annual appropriations	$385,736,308.71	
Permanent appropriations	121,863,880.00	
		$507,600,188.71
1894.		
Regular annual appropriations	404,036,085.29	
Permanent appropriations	115,468,273.92	
		519,504,359.21
Total appropriations Fifty-second Congress		1,027,104,547.92

FIFTY-THIRD CONGRESS.

1895.		
Regular annual appropriations	$391,156,005.03	
Permanent appropriations	101,074,680.00	
		$492,230,685.03
1896.		
Regular annual appropriations	383,934,564.34	
Permanent appropriations	113,073,956.32	
		497,008,520.66
Total appropriations Fifty-third Congress		989,239,205.69

FIFTY-FOURTH CONGRESS—FIRST SESSION.

1897.	
Regular annual appropriations	$396,705,660.49
Permanent appropriations	119,054,160.00
Total first session	515,759,820.49

The Fifty-first Congress was Republican in both branches, with a Republican Executive.

The Fifty-second Congress was composed of a House with a more than two-thirds Democratic majority, and a Senate with a narrow Republican majority. The Executive was Republican.

The Fifty-third Congress was Democratic in both branches, with a Democratic Executive.

The Fifty-fourth Congress is composed of a Republican House, a Senate having a Democratic and Populist majority, and the Executive is a Democrat.

RECEIPTS AND EXPENDITURES.

The revenues of the Government from all sources, except postal receipts, which are devoted exclusively to the postal service, for the three complete fiscal years of the Harrison Administration, ending June 30, 1892, and just preceding the last election of Mr. Cleveland, were as follows:

1890	$403,080,982.63
1891	392,612,447.31
1892	354,937,784.24
Total	1,150,631,214.18
Average per annum	383,543,738.06

The ordinary expenditures of the Government for the same period, exclusive of the postal service, premium on redemption of bonds, and to meet requirements of the sinking fund, were as follows:

1890	$297,736,486.60
1891	355,372,684.74
1892	345,023,330.58
Total	998,132,501.92
Average per annum	332,710,833.97

The entire surplus of $152,133,565.52 of revenues over expenditures was applied during the period named to the reduction of the public debt.

During the two complete fiscal years of Mr. Cleveland's present Administration the revenues of the Government, except from postal receipts, have been as follows:

1894	$297,722,019.25
1895	313,390,075.11
Total	611,112,094.36
Average per annum	305,556,047.18

The ordinary expenditures of the Government for the same period, exclusive of the postal service and to meet requirements of the sinking fund, were as follows:

1894	$367,525,279.83
1895	356,195,298.29
Total	723,720,578.12
Average per annum	361,360,289.06

The excess of expenditures, $112,608,483.76, over revenues for the first two years of Mr. Cleveland's present Administration, together with the excess of expenses over receipts of $26,504,984.04 for the first eleven months of the present fiscal year 1896, has been met out of moneys derived from the sale of bonds.

When Mr. Harrison retired from the White House on March 4, 1893, there was a net cash balance in the Treasury of $124,128,087.88.

On the 1st day of June of this year, but for moneys derived from the sale of bonds, there existed an actual deficiency in the Treasury of $26,261,062.28.

TABLE B.—*Chronological history of appropriation bills, first session of the Fifty-fourth Congress; estimates and appropriations for the fiscal year 1896-97; and appropriations for the fiscal year 1895-96.*

[Prepared by the clerks to the Committees on Appropriations of the Senate and House of Representatives.]

Title.	Estimates 1897.	Reported to the House.		Passed the House.		Reported to the Senate.		Passed the Senate.	
		Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.
		1896.		1896.		1896.		1896.	
Agriculture	a $2,542,692.00	Jan. 30	$3,158,392.00	Feb. 18	$3,215,392.00	Feb. 28	$3,282,652.00	Mar. 3	$3,333,652.00
Army	24,093,276.03	Feb. 3	23,275,902.73	Feb. 19	23,275,902.73	Feb. 26	23,279,402.73	Feb. 27	23,279,402.73
Diplomatic and consular	1,649,058.76	Jan. 27	1,630,058.76	Jan. 28	1,630,058.76	Feb. 5	1,641,058.76	Feb. 19	1,642,558.76
District of Columbia b	c 7,706,405.22	Jan. 30	5,417,990.39	Apr. 9	5,418,990.39	May 8	6,993,598.86	May 19	7,295,139.42
Fortification	7,414,653.00	Apr. 10	5,845,837.00	Apr. 14	5,845,837.00	May 18	10,763,888.00	May 20	10,763,888.00
Indian	d 8,750,458.17	Feb. 18	8,356,995.17	Feb. 25	8,420,445.17	Apr. 2	7,413,806.79	Apr. 23	7,657,596.79
Legislative, etc	22,395,051.00	do	21,444,195.51	Mar. 6	21,380,765.51	Mar. 20	21,545,874.71	Mar. 27	21,627,794.71
Military Academy	619,169.61	Jan. 14	448,967.61	Jan. 20	448,117.61	Feb. 4	450,525.61	Feb. 18	449,525.61
Navy	29,313,166.20	Mar. 24	31,611,634.95	Mar. 26	31,647,239.95	Apr. 9	31,279,482.20	May 2	30,062,930.95
Pension	141,384,570.00	Jan. 9	141,325,820.00	Jan. 17	141,325,820.00	Feb. 4	141,378,580.00	Feb. 18	141,378,580.00
Post-Office e	94,817,900.00	Feb. 26	91,943,757.88	Mar. 11	91,819,557.88	Mar. 30	93,171,564.22	Apr. 7	93,171,564.22
River and harbor	f 7,700,000.00	Apr. 3	10,351,860.00	Apr. 6	10,453,860.00	Apr. 27	12,609,550.00	May 13	12,690,550.00
Sundry civil	40,473,653.93	Mar. 26	29,498,374.59	Apr. 2	29,836,992.19	Apr. 20	34,959,342.50	Apr. 25	36,406,149.29
Total	388,830,033.92		374,305,361.59		374,718,949.19		388,719,326.38		389,749,141.48
Urgent deficiency, United States courts	g 16,000,000.00	Jan. 20	4,415,922.61	Jan. 21	4,421,402.61	Jan. 30	5,930,667.60	Feb. 13	6,044,536.52
Deficiency, printing for Navy Department		Mar. 11	25,000.00	Mar. 11	25,000.00	Mar. 13	25,000.00	Mar. 13	25,000.00
Deficiency, 1896, and prior years		Apr. 18	4,791,340.45	Apr. 20	4,793,590.45	May 23	8,986,298.71	May 25	11,090,046.55
Deficiency, 1896, and prior years		June 6	(h)	June 6	(h)	June 8	(h)	June 8	(h)
Deficiency, House of Representatives, etc.		June 8	37,900.00	June 8	37,900.00	June 9	38,560.00	June 9	38,560.00
Total	404,830,033.92		383,575,524.65		383,996,842.25		403,699,852.69		406,917,284.55
Miscellaneous	g 5,250,000.00								
Total, regular annual appropriations	410,080,033.92								
Permanent annual appropriations	119,054,160.00								
Grand total, regular and permanent annual appropriations	529,134,193.92								

a No amount is included in the estimates for 1897 for the Agricultural Department for agricultural experiment stations in the several States authorized by the act of March 2, 1887. The amount appropriated for this purpose for 1896 is $750,000.

b One-half of the amounts for the District of Columbia payable by the United States, except amounts for the water department (estimated for 1897 at $215,945.75), which are payable from the revenues of the water department.

c "Supplementary estimates" for the District of Columbia of $5,019,700 are submitted, but not carried into the total, in Book of Estimates for 1897.

d This amount includes $1,660,000 for payment of installment due the Cherokee Nation for the purchase of the Cherokee Outlet.

e Includes all expenses of the postal service payable from postal revenues and out of the Treasury.

f This is the amount estimated for rivers and harbors for 1897, exclusive of $4,044,597, required to meet contracts authorized by law included in the sundry civil estimates, and exclusive of $4,992,000 for improving the Mississippi and Missouri rivers under the Mississippi and Missouri River commissions, submitted but not carried into the total in Book of Estimates. "The amount that can be profitably expended" in that fiscal year, as reported by the Chief of Engineers, is $12,356,000. (Book of Estimates for 1897, pages 210-215.)

g This amount is approximated.

h The general deficiency appropriation bill, as agreed upon by the House and Senate, appropriating $10,719,503.19, was vetoed by the President, and failing to pass over the veto, another bill, being an exact copy of the bill vetoed, but omitting therefrom section 4, appropriating $4,761,966.66 for French spoliation claims and other claims, was enacted.

TABLE B.—*Chronological history of appropriation bills, first session of the Fifty-fourth Congress; estimates and appropriations, etc.*—Continued.

Title.	Law, 1896-97.		Law, 1895-96.
	Date.	Amount.	Amount.
	1896.		
Agriculture	Apr. 25	$3,255,532.00	$3,303,750.00
Army	Mar. 16	23,278,402.73	23,252,608.09
Diplomatic and consular	Feb. 27	1,642,558.76	1,574,458.76
District of Columbia *a*	June 11	5,905,082.48	5,745,443.25
Fortification	June 6	7,397,888.00	1,904,557.50
Indian	June 10	7,390,496.79	*b* 8,762,751.24
Legislative, etc	May 28	21,518,834.71	21,891,718.08
Military Academy	Mar. 6	449,525.61	464,261.66
Navy	June 10	30,562,739.95	29,416,245.31
Pension	Mar. 6	141,328,580.00	141,381,570.00
Post Office *c*	June 9	92,571,564.22	89,545,997.86
River and harbor	June 3	*d* 12,621,800.00	(*c*)
Sundry civil	June 11	*f* 33,031,152.19	*g* 46,568,160.40
Total		380,954,157.44	373,811,522.15
Urgent deficiency, United States courts	Feb. 26	6,305,436.52	
Deficiency, printing for Navy Department	Mar. 20	25,000.00	
Deficiency, 1896, and prior years	June 6	(*h*)	9,825,374.82
Deficiency, 1896, and prior years	June 8	*h* 8,957,506.53	
Deficiency, House of Representatives, etc	June 11	38,560.00	
Total		396,280,660.49	383,636,896.97
Miscellaneous		*i* 425,000.00	297,667.37
Total, regular annual appropriations		396,705,660.49	383,934,564.34
Permanent annual appropriations		119,054,160.00	*k* 113,073,956.32
Grand total, regular and permanent annual appropriations		515,759,820.49	497,008,520.66

Amount of estimated revenues for fiscal year 1897	$375,000,000.00
Amount of estimated postal revenues for fiscal year 1897	89,783,120.75
Total estimated revenues for fiscal year 1897	464,783,120.75

a One-half of the amounts for the District of Columbia payable by the United States, except amounts for the water department (estimated for 1897 at $215,047.75), which are payable from the revenues of the water department.

b This amount includes $1,000,000 for payment of installment due the Cherokee Nation for the purchase of the Cherokee Outlet.

c Includes all expenses of the postal service payable from postal revenues and out of the Treasury.

d In addition to this amount the sum of $3,284,597 is appropriated in the sundry civil act to carry out contracts authorized by law for river and harbor improvements for 1897, and the sum of $300,000 is appropriated in the urgent deficiency act to carry out such contracts for 1896.

e No river and harbor bill was passed for 1896, but the sum of $11,287,115 was appropriated in the sundry civil act to carry out contracts authorized by law for river and harbor improvements for 1896.

f This amount includes $3,284,597 to carry out contracts authorized by law for river and harbor improvements for 1897.

g This amount includes $11,287,115 to carry out contracts authorized by law for river and harbor improvements for 1896.

h The general deficiency appropriation bill, as agreed upon by the House and Senate, appropriating $10,719,503.19, was vetoed by the President, and failing to pass over the veto, another bill, being an exact copy of the bill vetoed, but omitting therefrom section 4, appropriating $1,761,996.66 for French spoliation claims and other claims, was enacted.

i This amount is approximated.

k This is the amount submitted by the Secretary of the Treasury in the annual estimates for the fiscal year 1896, the exact amount appropriated not being ascertainable until two years after the close of the fiscal year.

Mr. BOUTELLE. Mr. Speaker, if it were in order, I would move that when we adjourn we adjourn to meet at the polls. [Laughter and applause.]

Mr. GROUT. Mr. Speaker, it is only fair that we should hear from the Democracy, and I yield to my friend from Texas [Mr. SAYERS].

Mr. SAYERS. Mr. Speaker, the appropriations made during the present session of Congress, including the permanent annual appropriations as estimated, amount to $515,759,820.49.

This sum exceeds the appropriations made during the last session of the Fifty-third Congress by $18,751,299.83, and exceeds those of the first regular session of that Congress by $23,529,135.46. It is less than the appropriations made by the second session of the Fifty-second Congress by only $3,744,538.72, although at the latter session $39,352,494.85 more was appropriated for pensions than is appropriated at this session. It is more than the appropriations made by the first session of the Fifty-first Congress by $21,303,571.84, and $25,464,040.80 less than the appropriations made at the second session of the Fifty-first Congress.

THE RIVER AND HARBOR ACT.

The river and harbor act, in addition to appropriating $12,621,800 specifically, and the further estimated sum of $3,000,000 under an indefinite appropriation to purchase the Monongahela Navigation Company's property, authorizes contracts involving other expenditures to the amount of $59,616,404.91. The river and harbor act of the last Congress authorized no contracts beyond the amounts actually appropriated in said act.

THE NAVAL ACT.

The naval appropriation act authorizes the construction of 3 battle ships and 15 torpedo boats, at an authorized cost of $12,900,000, exclusive of armament, which will cost not less than half as much more or quite $20,000,000 in all for the ships complete; and yet that act appropriates for the increase of the Navy only $11,479,054, which is $6,515,575 less than will be required to complete the ships which have heretofore been authorized and are now being constructed. Since the construction of the new Navy was begun there have been constructed and authorized to be constructed, including the ships authorized in the naval act of this session, a total of 84 new ships, at an aggregate cost in appropriations up to date of $113,479,054; and consequent upon this large increase of the naval establishment there has been an addition of 3,250 men for the Navy and Marine Corps, including 1,500 men authorized in the act of this session. The expense for pay and allowances of these 3,250 additional men in the Navy is not less than $3,000,000 per annum.

THE FORTIFICATION ACT.

The fortification act, in addition to making specific appropriations amounting to $7,397,888, authorizes contracts involving the further expenditure of $4,195,076.

VETO OF THE GENERAL DEFICIENCY BILL.

The President, by his action in vetoing the general deficiency bill, has eliminated from the proposed appropriations of this session the sum of $1,761,996.66, as follows:

For payment of French spoliation claims	$1,027,314.09
For payment of war and other claims certified by the Court of Claims under the Bowman Act	548,922.54
For payment of the Chouteau claim	174,445.75
For payment of claims of D. N. Fish and others	11,214.28

The Senate, organized at the beginning of this session by a combination of Republican and Populist votes, placing the control of the committees of that body in the hands of the Republicans, by its amendments to the general appropriation bills as they passed the House proposed to increase the sum total of appropriations by $22,920,442.30. By conferences between the two Houses this aggregate increase was reduced to $12,283,818.24. So it will be seen that, if the Senate had been allowed its way in increasing appropriation bills, the sum total of appropriations at this session would have been raised $10,636,624.06 above the aggregate as it now appears.

By reference to the table (Table B) which I will incorporate as a part of my remarks, setting forth the appropriations made at each session of the Fifty-first, Fifty-second, and Fifty-third Congresses, together with the first (or now closing) session of the Fifty-fourth, it will be observed that the appropriations made at the second session of the Fifty-first Congress exceeded those made

at the first session of the same Congress by $46,767,612.64, or nearly 10 per cent. If the same proportionate increase should be made at the next session over the appropriations of this present session, then the appropriations of the next session will not be less than $565,000,000.

I submit herewith another table (Table A), showing by title of bills the appropriations made at this session and those made at the last session, together with the reduction or increase in each case:

TABLE A.

Title.	This session.	Last session.	Reduction.	Increase.
Agriculture	$3,255,532.00	$3,303,750.00	$48,218.00	
Army	23,278,402.73	23,252,608.09		$25,794.64
Diplomatic and consular	1,642,558.76	1,574,458.76		68,100.00
District of Columbia	5,905,082.48	5,745,443.25		159,639.23
Fortification	7,397,888.00	1,904,557.50		5,493,330.50
Indian	*a* 7,390,496.79	8,762,751.24	1,372,254.45	
Legislative, etc	21,518,834.71	21,891,718.08	372,883.37	
Military Academy	449,525.61	464,261.66	14,736.05	
Navy	30,562,739.95	29,416,245.31		1,146,494.64
Pension	141,328,580.00	141,381,570.00	52,990.00	
Post-Office	92,571,564.22	89,545,997.86		3,025,566.36
River and harbor	*b* 12,621,800.00	(*c*)		12,621,800.00
Sundry civil	33,031,152.19	*d* 46,568,160.40	13,537,008.21	
Total	380,954,157.44	373,811,522.15	15,398,090.08	22,540,725.37
Deficiencies	*e* 15,326,503.05	9,825,374.82		5,501,128.23
Total	396,280,660.49	383,636,896.97	15,398,090.08	28,041,853.60
Miscellaneous (estimated for this session)	425,000.00	297,667.37		127,332.63
Total, regular annual appropriations	396,705,660.49	383,934,564.34	15,398,090.08	28,169,186.23
Permanent annual appropriations	119,054,160.00	113,073,956.32		5,980,203.68
Grand total, regular and permanent annual appropriations	515,759,820.49	497,008,520.66	15,398,090.08	34,149,389.91

Net increase this session over last session, $18,751,299.83.

a This sum is exclusive of $1,660,000 for second installment on account of purchase of Cherokee Outlet, which has been paid under "permanent annual appropriations," but is not included in the estimates thereunder for 1897. A like sum was included in the Indian appropriation act passed at the last session of the last Congress.

b This does not include $3,000,000 estimated to be necessary under indefinite appropriation made in river and harbor act of this session to purchase property of Monongahela Navigation Company.

c No river and harbor act was passed during the last session, but the sundry civil act of that session carried $11,287,115 for river and harbor works under contract, while the sundry civil act of this session appropriates only $3,284,597 for such works.

d This sum includes $5,238,289.08 to pay sugar bounty under legislation enacted by the Fifty-first Congress.

e This sum includes $1,496,679.56 for objects that are in no sense deficiencies; $3,614,133.77 to pay judgments of the courts and audited accounts certified by the accounting officers for 1893 and prior fiscal years; in all, $5,110,813.33.

It will be noticed by this table that reductions of any consequence are made in only three of the regular bills—the Indian, legislative, and sundry civil.

The reduction in the case of the Indian act is only apparent, and not actual. In the last Indian appropriation act the sum of $1,660,000 was appropriated to meet the first annual installment due on account of the purchase of the Cherokee Outlet, and an estimate was submitted to the present Congress in a like sum to meet the second installment on the same account. But subsequent to the submission of the estimate, and after the appropriation had been made by the House, it was held by the Secretary of the Treasury that, under the legislation ratifying the treaty whereby the purchase was made from the Indians and regulating the payments therefor, a permanent annual appropriation was made to meet the obligations arising thereunder; and upon this construction of the law the sum of $1,660,000 has already been paid this year from the Treasury on that account. If this amount were added, as it should be for purposes of comparison, to the sum total of the Indian appropriation act for this session, it would be seen that instead of a reduction the bill this session makes an actual increase of $287,745.55 over the act passed at the last session.

The apparent reduction of $372,883.37 in the case of the legislative act is more than accounted for in the omission of $475,190 which was carried in the last legislative act for the expense of collecting the income tax, which sum has been omitted for the next fiscal year, under the decision of the Supreme Court declaring the income tax to be unconstitutional.

The reduction of $13,537,008.21 which appears in the sum total of the sundry civil act this session, as compared with that passed at the last session, is almost offset by the sum of $5,238,289.08, appropriated in that act at the last session to pay the sugar bounty (under legislation enacted during the Fifty-first Congress), and by the excess of $8,002,518 to meet contracts for river and harbor works over the sum appropriated for river and harbor contract works in the bill of the present session.

In considering the sum total of appropriations made at this session, it may be noted that the river and harbor act, appropriating specifically, as stated above, $12,621,800, was passed, whereas no bill for river and harbor works was passed at the last session. But in this connection it must be borne in mind that in order to meet contract obligations authorized by previous Congresses for river and harbor works, the sundry civil act for the last session appropriated $11,287,115, while at this session the sundry civil act carries for such objects only $3,284,597.

In addition to the large aggregate of $515,769,820.49 of specific appropriations made at this session, contract liabilities, to be met at the next and succeeding sessions of Congress, are authorized as follows:

CONTRACTS AUTHORIZED.

River and harbor act, for rivers and harbors	$59,616,404.91
Sundry civil act, for public buildings, light-houses, and revenue cutters	1,406,000.00
Fortification act, for defenses and armament	4,195,076.00
Naval act, for new war ships	12,900,000.00
District of Columbia act	124,000.00
	78,241,480.91

The river and harbor act, in addition to specific appropriations made on its face, makes an indefinite appropriation for the purchase, under condemnation, of the property of the Monongahela Navigation Company, of Pennsylvania, estimated at not less than $3,000,000. As stated before, the sum of $1,660,000 has recently been paid out of the Treasury on account of the purchase of the Cherokee Outlet, which sum is not included either in any of the regular annual appropriation bills or in the estimates of permanent annual appropriations set out in the foregoing table. Add these sums on account of the purchase of the Cherokee Outlet, the purchase of the Monongahela Navigation Company's property, and the additional contract liabilities, amounting in all to $82,901,480.91, to the sum of the specific appropriations made in the bills and the permanent annual appropriations as estimated, and we have the enormous aggregate of $598,661,301.40 appropriated and authorized by contracts to be expended by the legislation of this session of Congress.

The total ordinary expenditures of the Government have never approached so large a sum in any one fiscal year during our whole history, except for the last three fiscal years of the civil war, as has been appropriated and authorized by the present session of Congress. The total assessed valuation of property in no one of the South Atlantic States is equal to this vast sum of expenditures authorized at this single session of Congress.

It is not unfair to charge the present session of Congress with this gigantic sum of contract liabilities and to characterize the same as appropriations in the light of the statute passed by Congress in 1870, providing that no Department of the Government should expend in any one fiscal year any sum in excess of appropriations made by Congress for the fiscal year or should involve the Government in any contract for the future payment of money in excess of appropriations. Except on the occasion in the Fiftieth Congress, when, under the advice of the late Gen. Thomas Lincoln Casey, in charge of the new Library building, Congress authorized him to make contracts for all of the granite necessary for the construction of the outer walls of that edifice, in order to secure uniformity of material therein, Congress sacredly observed both the spirit and letter of that statute until the advent of the Fifty-first Congress, which instituted the present system of authorizing large contracts for river and harbor works. Gradually since then the practice has been enlarged and extended, until now public buildings, light-houses, revenue cutters, fortifications and their armament, and certain municipal public works in the District of Columbia are embraced within the system.

In addition to the contracts authorized at this session, and which must be met by appropriations hereafter, there are other contract liabilities, made by previous Congresses and yet to be met, on account of river and harbor works, amounting to $4,800,436; on account of armament of fortifications, amounting to $2,730,131, and on account of public buildings, amounting to about $10,000,000; and also on account of the completion of war ships, beyond the amount of appropriations carried on the naval act this session, in the sum of $6,515,575; or in all, $24,046,142.

Referring to the apparent excess of $5,493,330.50 for deficiencies appropriated at this session over the deficiencies provided for at the last session, Mr. Speaker, I call attention to the fact that of the whole sum of $15,326,503.05 appropriated for deficiencies,

$1,496,679.56 stands for works and objects that are in nowise deficiencies, and $3,614,133.77 represents judgments and audited claims, which have no relation whatever to current or recent annual appropriations; the two sums making an aggregate of $5,110,813.33; which, deducted from the sum total of deficiencies, leaves but $10,215,689.72, or a sum equal to about the sum of normal deficiencies in the annual appropriations of Congress year by year. This explanation of the apparently large deficiencies provided for at this session I deem to be fitting and proper, in order to show that there was no undue reduction in the appropriations made at the last session, and no unusual lack of provision for the public service thereunder. As compared with deficiencies in previous years, the deficiencies at the former and present sessions appear as follows:

First session, Fifty-first Congress	$38,617,448.96
Second session, Fifty-first Congress	38,699,746.96
First session, Fifty-second Congress	15,906,191.50
Second session, Fifty-second Congress	22,277,086.36
First regular session, Fifty-third Congress	11,811,004.06
Second regular session, Fifty-third Congress	9,825,374.82
Present session, Fifty-fourth Congress	15,326,503.05

Mr. Speaker, the present Congress had a splendid opportunity for the future reduction of expenses, but it has completely failed in this particular. Upon all outstanding contracts authorized previous to the present Congress only the following sums had to be appropriated in order to complete them, to wit:

On river and harbor contracts	$7,925,033
On war vessels	18,094,629
On construction of guns for fortification purposes	3,380,131
On public buildings	12,622,000
Total	42,021,793

If the present Congress had rigidly refused authority for additional contracts, and had appropriated only to meet the immediate or fiscal year requirements under existing ones, the next Congress and Administration would have been in a position to largely reduce appropriations and expenditures, and the administration of the Government could easily have returned to an economical method of governmental expenditure. This, however, has not been done; and the majority in Congress must be held responsible for this grave dereliction in public duty. In conclusion, Mr. Speaker, it will be seen from the tables herewith that the appropriations made by the past three Congresses and at the present session have been as follows:

Fifty-first Congress, both sessions	$1,035,680,109.94
Fifty-second Congress, both sessions	1,027,104,547.92
Fifty-third Congress, three sessions	989,239,205.69
Fifty-fourth Congress, first session	515,759,820.49

TABLE B.—*Appropriations made by the Fifty-first, Fifty-second, and Fifty-third Congresses, and first session of the Fifty-fourth Congress, fiscal years 1891 to 1897, inclusive.*

Title.	Fifty-first Congress.		Fifty-second Congress.		Fifty-third Congress.		Fifty-fourth Congress.
	First session, 1891.	Second session, 1892.	First session, 1893.	Second session, 1894.	Extra and first regular sessions, 1895.	Third session, 1896.	First session, 1897.
Agriculture	$1,799,100.00	$3,028,153.50	$3,232,995.50	$3,323,500.00	$3,223,623.06	$3,336,750.00	$3,255,532.00
Army	24,296,471.79	24,613,529.19	24,308,499.82	24,225,630.78	23,502,884.68	23,252,608.09	23,278,402.73
Diplomatic and consular	1,710,815.00	1,656,925.00	1,604,045.00	1,557,445.00	1,563,918.76	1,574,458.76	1,642,558.76
District of Columbia	5,769,544.15	5,597,125.17	5,317,973.27	5,413,223.91	5,545,678.57	5,745,443.25	5,905,082.48
Fortifications	4,232,935.00	3,774,863.00	2,734,276.00	2,210,055.00	2,427,004.00	1,904,557.50	7,397,888.00
Indian	7,382,016.02	16,386,284.86	7,664,047.84	7,854,240.38	10,659,565.16	8,762,751.24	f7,390,495.79
Legislative, etc	21,030,752.75	22,027,674.75	21,900,132.97	21,865,862.81	21,305,583.29	21,891,718.08	21,518,834.71
Military Academy	435,296.11	462,064.64	428,917.33	432,556.12	466,535.08	464,261.66	449,525.61
Navy	24,136,035.53	31,541,654.78	23,543,385.00	22,104,061.38	25,327,126.72	29,416,245.31	30,562,739.95
Pension, including deficiencies a	123,779,398.35	164,550,383.34	154,411,682.00	180,681,074.85	151,581,570.00	141,381,570.00	141,328,580.00
Post-Office	72,226,698.99	77,907,222.61	80,531,276.73	84,004,314.22	87,236,599.55	89,545,997.86	92,571,564.22
River and harbor	25,136,295.00		21,154,218.00		11,643,180.00	(g)	h12,621,800.00
Sundry civil	b31,100,341.38	e38,388,552.73	27,605,076.93	41,716,311.15	34,253,775.55	f46,508,160.40	33,031,152.19
Deficiencies, except for pensions	13,295,541.61	9,364,148.62	8,230,859.50	8,127,361.51	11,811,004.06	9,825,374.82	f15,326,503.05
Total	356,121,211.68	399,238,522.19	382,527,385.89	403,515,586.11	390,578,048.48	383,636,896.97	396,280,660.49
Miscellaneous	7,010,905.27	d19,498,531.10	3,208,922.82	530,499.18	577,956.55	297,667.37	k425,000.00
Total regular annual appropriations	363,132,116.95	418,737,053.29	385,736,308.71	404,036,085.29	391,156,005.03	383,934,564.34	396,705,660.49
Permanent annual appropriations	e131,324,131.70	e122,486,808.00	e121,863,880.00	e115,468,273.92	e101,074,680.00	e113,073,956.32	e119,054,160.00
Total	494,456,248.65	541,223,861.29	507,600,188.71	519,504,359.21	492,230,685.03	497,008,520.66	515,759,820.49
Total Fifty-first, Fifty-second, and Fifty-third Congresses	1,035,680,109.94		1,027,104,547.92		989,239,205.69		

a Deficiencies included as follows: 1891, on account of 1890, $25,321,907.25; 1892, on account of 1891, $29,335,598.34; 1893, on account of 1892, $7,674,332; 1894, on account of 1893, $14,149,724.85.

b This amount includes $1,362,059.16 actual expenditures under indefinite appropriations for pay and bounty claims.

c This amount includes $978,188.74 actual expenditures under indefinite appropriations for pay and bounty claims.

d This amount includes $15,227,000 for refund of direct taxes in addition to the specific sum of $500,000 appropriated for that purpose.

e This is the amount originally submitted to Congress by the Secretary of the Treasury as estimated to be necessary under permanent specific and permanent indefinite appropriations, except that to the amount thus submitted for 1891, $101,628,453, there are added expenditures under permanent appropriations made by the Fifty-first Congress subsequent to said estimate, as follows: Salaries diplomatic and consular service, $27,756.79; redemption national-bank notes, $23,553,298.50; expenses of Treasury notes, $218,362.60; coinage of silver bullion, $210,893.14; rebate tobacco tax, $770,082.39; and repayments to importers and for debentures and drawbacks, customs service, $4,915,395.28; in all, $29,695,678.70.

f This sum is exclusive of $1,620,000 for second installment on account of purchase of Cherokee Outlet, which has been paid under "permanent annual appropriations," but is not included in the estimates thereunder for 1897. A like sum was included in the Indian appropriation act passed at the last session of the last Congress.

g No river and harbor act was passed during the last session, but the sundry civil act of that session carried $11,287,115 for river and harbor works under contract, while the sundry civil act of this session appropriates only $3,284,597 for such works.

h This does not include $2,000,000 estimated to be necessary under indefinite appropriation made in river and harbor act of this session to purchase property of Monongahela Navigation Company.

i This sum includes $5,238,289.08 to pay sugar bounty under legislation enacted by the Fifty-first Congress.

j This sum includes $1,496,679.56 for objects that are in no sense deficiencies; $3,614,133.77 to pay judgments of the courts and audited accounts certified by the accounting officers for 1893 and prior fiscal years; in all, $5,110,813.33.

k Estimated.

Mr. GROUT. Mr. Speaker, I yield to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Speaker, this Congress is the most recklessly improvident and riotously extravagant Congress since the establishment of the Government. Assembled at a time when all the varied business interests of this great country were depressed by adverse conditions, it has wholly failed to meet the grave responsibilities imposed upon it by the peculiar situation. Confronted with revenues confessedly inadequate to meet current expenditures, and with a depleted gold reserve, the Republican leaders at the beginning of this session ostentatiously proclaimed a policy of rigid economy. They alleged that the outflow of our gold was due to insufficient income. This was their diagnosis of the Treasury ailment, and economy was the magic remedy they prescribed to replenish the gold reserve, to revive our drooping industries, and to restore prosperity to the people.

It is well to emphasize the fact that this was the policy suggested by the Republican leaders, and that an effort to enforce it was made by the distinguished Speaker of this House, Mr. REED—in my judgment, with entire respect to the other membership, the brainiest leader the Republican party has known on this floor for many years. [Loud applause on the Republican side.] I want you to keep that up, as I hope you will applaud some other things I expect to say.

Mr. PITNEY. If they are good, we will.

Mr. DOCKERY. The eminent Speaker announced the policy for the Republican party, and he had a right to announce it, because he was the accredited leader of that party in this House; he was the official head of that organization. But, alas, that policy was, nevertheless, assassinated, and in the house of its friends.

It seems impossible for the Republican party to maintain an economical administration. It has utterly failed to maintain the parity between profession and practice, and between its theory in

respect to the gold reserve and the remedy of rigid economy prescribed for its restoration.

The appropriation for the Fifty-first (Reed) Congress amounted to $1,035,680,109.94; the appropriations of the Fifty-second Congress aggregated $1,027,104,547.92; while the appropriations of the Fifty-third Congress (Democratic in both branches) amounted to but $989,239,205.69. The direct appropriations of this session of the present Congress reach the enormous total of $515,759,820.49, being $23,529,135.46 more than the appropriations of the first session of the last Congress. It is probable, therefore, that at the close of the next session the entire appropriations of this Congress will be found to exceed $1,080,000,000 if the same ratio of increase is made at the next session over the present that was made between the sessions of the Fifty-first Congress.

In addition to the direct appropriations for the support of the Government, this Congress has also imposed $82,901,480.91 of unusual liabilities for authorized contracts on account of rivers and harbors, increase of the Navy, fortifications, and various other public works. If, therefore, to the direct appropriations we add this sum, it appears that the total appropriations and liabilities of this session amount to $598,661,301.40.

This improvident assault upon the Treasury is the more reprehensible because at the beginning of this Congress the Secretary of the Treasury, in his annual report, showed the existence of a deficiency in current revenues for the last fiscal year amounting to $42,805,223.18, and at the same time estimated a deficiency for the present fiscal year of $17,000,000. This was an inadequate estimate, as it is now conceded that the deficiency at the close of this fiscal year will exceed $25,000,000.

INADEQUATE M'KINLEY REVENUES.

The Republican party have studiously sought to impress the people with the statement that the McKinley law furnished ample revenues to support the Government, and that the existing deficiency and the deficiencies which have preceded it are due to the repeal of that law and the enactment of the Wilson tariff bill.

Now, it happened that the current surplus revenues in the Treasury amounted to $85,040,271.97 at the close of the fiscal year ending June 30, 1890, the year immediately preceding the enactment of the McKinley law, which went into effect October 6, 1890, and I find upon examination of official reports that at the close of the fiscal year ending June 30, 1891, the McKinley law being in operation but eight months of that fiscal year, the current surplus had dropped to $26,838,541.96. The current surplus for the next fiscal year, ending June 30, 1892, was but $9,914,453.66, while the current surplus at the close of the fiscal year ending June 30, 1893, had dwindled to $2,341,674.29!

Indeed, Mr. Speaker, the so-called surplus at the close of the fiscal year 1893 was apparent rather than real. But for the fact that the outgoing Administration of Mr. Harrison "held up" the obligations of the Government, as far as practicable, this phantom surplus would have given place to an actual deficiency.

This policy of deferring payments obtained for some months prior to the close of the late Republican Administration, and the official reports show that at the end of the last fiscal year of that Administration—the fiscal year of 1893—while there was this apparent current surplus of $2,341,674.29, there were also unexpended balances of appropriations, exclusive of sinking fund and Indian trust funds, amounting to $104,074,092.07. These unexpended balances tell the story of deferred payments and insufficient income.

I have heretofore said, and now repeat, that during the last four months of Mr. Harrison's Administration the revenues were insufficient by $4,094,021.38 to meet the current obligations of the Government. It is obvious, therefore, Mr. Speaker, that the McKinley law DID NOT provide sufficient revenue to meet the obligations of the Government, and that fact is fully established by the testimony of ex-Secretary Foster, of date February 25, 1893, before the House Committee on Ways and Means. Upon that occasion he distinctly stated (and I quote his exact language):

> I will only say this, that if I was to have the management of the Treasury, I should insist upon an increase of revenue to the extent of $50,000,000.

That was Republican testimony, and it was emphasized by an order to the Bureau of Engraving and Printing for the preparation of plates for an issue of bonds—an order which was subsequently revoked by the incoming Democratic Administration.

Hence it is obvious that under the operations of the McKinley law, while a very large profit inured to the benefit of the manufacturers, an insufficient amount found its way into the Treasury to meet the maturing liabilities of the Government. So much for the Republican statement.

CONTRACTION OF THE CIRCULATION.

In order that the people may fully realize the enormous liabilities imposed by the Republican party, it is only necessary to state that the direct appropriations of this session require for their payment more than one-third of the entire volume of money in circulation. On the 1st of July, 1890, prior to the enactment of the Sherman law, the total stock of money, coined or issued, amounted to $2,068,048,087, and the amount in circulation was $1,429,718,376; the surplus in the Treasury, including the gold reserve, being $245,612,464, and the circulation per capita being $22.82.

On July 1, 1891, the total volume of money was $2,100,130,092; amount in circulation, $1,500,067,555; surplus in the Treasury, including gold reserve, $153,893,809; circulation per capita, $23.41.

On July 1, 1892, the total volume of money was $2,219,719,198; amount in circulation $1,603,073,338; surplus in the Treasury, including gold reserve, $126,692,377; per capita circulation, $24.47.

On July 1, 1893, the entire volume of money was $2,120,281,093; amount in circulation, $1,593,726,411; surplus in the Treasury, including gold reserve, $122,462,290; circulation per capita, $23.80.

On July 1, 1894, the total volume of money was $2,240,325,276; amount in circulation, $1,664,061,232; surplus in the Treasury, including gold reserve, $117,584,437; per capita circulation, $24.33.

On July 1, 1895, the volume of money was $2,217,064,667; amount in circulation, $1,604,131,968; surplus in the Treasury, including gold reserve, $195,240,153; per capita circulation, $22.96.

On June 1, 1896, the volume of money was $2,208,420,613; amount in circulation, $1,521,584,283; surplus in the Treasury, including gold reserve, $267,193,210.70; per capita circulation, $21.35.

Mr. Speaker, the difference in the comparative statement I have just submitted between the total volume of money and the amount in circulation is represented by the amount in the Treasury at the respective dates mentioned. An examination of this exhibit discloses some startling conditions.

On the 1st of November, 1894, the Sherman law, against my protest, was unconditionally repealed, and since that date the only increase of the volume of circulation that has been possible under the existing monetary system must have come from the coinage of gold or the increase of the national-bank circulation.

The Treasury statements show that from July 1, 1894, to June 1, 1896, the actual decrease in the total volume of money coined or issued was $40,904,663; while the actual decrease in the volume of money in active circulation was $142,476,949; the per capita circulation being reduced from $24.33 to $21.35. The reduction of the amount of money in circulation during this period is explained by the increase in the borrowed surplus in the Treasury from $117,584,437 to $267,193,210.70.

This constantly augmenting Treasury surplus and decreasing volume of money in active circulation is due to the vicious monetary system under which bonds have been issued to secure gold to redeem greenbacks and Sherman notes. The bond issues are consequent upon the pernicious construction given the Sherman law on October 14, 1891, by Secretary Foster, and since maintained by the Treasury Department, under which the Secretary of the Treasury has abdicated his functions and given to the holders of greenbacks and Sherman notes the right to demand gold only for their redemption.

The demonetization of silver in 1873 and the surrender, by the Harrison Administration, of the option to redeem Sherman notes in either gold or silver, are the colossal criminal blunders of recent financial legislation.

BOND ISSUES AND SINGLE GOLD STANDARD.

In an interview in opposition to the Dingley bond bill and bond issues by the Treasury, published on January 4 last in some of the papers in this city and in Missouri, I suggested the evils which would follow the continuance of this system. I quote the views then expressed, as they have been fully vindicated by the events which have since transpired:

> Indeed, should the present surplus be reenforced by the enactment of the Dingley bill or by the proceeds of additional bond sales, I fear this drain will severely tax the business interests of the country, already intimidated by a stringent money market.
>
> A very large Treasury surplus will inevitably injuriously affect the business situation because the money in active circulation is already inadequate to meet the requirements of trade, and further withdrawals to restore the Treasury reserve will still further contract the volume of active money. It is a vexing problem to restore and maintain the Treasury reserve along the lines of a single gold standard and yet escape the perils of an unnecessary surplus of money other than gold. Reform is necessary in the existing monetary system under which the National Treasury may have a very large surplus available for current liabilities, while at the same time our gold resources may be depleted and exhausted by the "endless chain" of greenbacks and Sherman notes.

Mr. Speaker, since the unconditional repeal of the Sherman law, the single gold standard has had ample opportunity to demonstrate the beneficent results which at the time of the repeal it was claimed would follow that legislation. It was claimed then that prosperity would speedily return to the industrial and commercial interests of the country. That prophecy, like many others of similar import made by the single gold standard advocates, has altogether failed of accomplishment. Instead of prosperity returning, business disasters have multiplied and "followed fast and followed faster" each upon the other, so that the passage of a bankrupt bill has been thought necessary by some to remove the wrecks which hamper and retard commercial revival.

Bonds amounting to $262,315,400 have been issued, for which the Government realized $293,454,272.98, to restore the vanishing gold surplus, while the meager profits of the people have been scraped up and hoarded in the Treasury under a system which thus

mercilessly contracts the volume of our circulating medium. The withdrawal of $142,470,949 of money from the channels of active trade has thrown business into a state of distrust and doubt. On the 25th of August, 1893, in discussing the bill then pending to repeal the Sherman law without conditions, I declared in favor of a double standard and independent action by this country, and said, among other things—

That the adoption of a single gold standard by the United States will result in a lower wage for labor, the depreciation of farm values, farm products, and property of nearly all kinds, even if our population should remain as at present and there should be no expansion in the volume of trade and commerce. That industrial disturbances would follow the adoption of such a policy, becomes more apparent when it is remembered that the average annual increase of our population ranges from one million to one and a half million, and that the enterprise and tireless energy of our people are constantly exploring and discovering new fields for the investment of capital and the employment of labor. The addition to the volume of our circulating medium under the provisions of the Sherman law has been $150,029,459, or about $50,000,000 annually, being less than $1 per capita; and yet it is proposed by the Wilson bill (Sherman repeal bill) to strike down the law authorizing this annual increase, without offering any substitute therefor.

Mr. Speaker, I make no claim to gifts of prophecy, but I submit that the existing business situation completely vindicates that prediction. I have not, therefore, looked with favor upon the departure of the Republican party from its own announced policy of economy.

I will append to my remarks a tabular statement, giving in detail an exhibit of appropriations, and will pass to a succinct review of the river and harbor bill, first stating that the appropriation bills, when they left the House, amounted, together with the permanent appropriations, to $503,051,002.25; when they became laws, they aggregated $515,759,820.49, the Senate having increased them by $12,708,818.24. As I stated at the outset, you have piled up appropriations higher than they were ever piled at the first session of any Congress in the history of this country except during the war period. Our appropriations are now substantially on a war basis in a time of peace.

Mr. MILLIKEN. Did not the gentleman from Missouri, about an hour ago, vote against the policy which he is now declaiming in favor of?

Mr. DOCKERY. I did not. I have uniformly sustained the Republican party in this Congress whenever it has sought to maintain and uphold the policy of judicious economy. I have sustained that policy because I believed it to be the requirement of duty and of sound business judgment.

Mr. WILLIS. I congratulate my friend from Missouri. If he will just walk that path a little farther he will be perfectly safe. [Laughter.]

Mr. DOCKERY. Well, Mr. Speaker, if I should walk in the path of rigid economy a little farther, I should have to journey without the company of the gentleman from Delaware. [Laughter.] I have asked nothing for my State, but I happen to know what is contained in the river and harbor bill—against which I desired to "declaim" a few days ago, but was ruthlessly cut off in the very vigor of my efforts to denounce it—and I am not surprised that the gentleman from Delaware rises to interrupt me on this occasion, since he is doubtless smarting under the pangs of conscience, because that river and harbor bill, as shown by the Chief of Engineers, carries appropriations and authorized contracts to the amount of $5,000,000 for the little State of Delaware, with a territory not much larger than the county of Daviess, in the imperial State of Missouri, from which I hail. [Laughter and applause.] Five millions of dollars! No wonder that the eloquence and splendid ability of the gentleman from Delaware are invoked in behalf of the riotous appropriations made by this Congress. [Laughter.]

Mr. WILLIS. I think the gentleman overestimates materially the amount of the appropriations for my State. It is hardly $5,000,000. Where was it put?

Mr. DOCKERY. I do not know where it was put. I hope it will go to some worthy objects. In a few moments I will endeavor to identify, as far as I can from the official reports, the items of that magnificent total of seventy-five million dollars of the people's money appropriated for river and harbor improvement. Little Delaware gets her share of it, and I have no doubt but that my friend from Delaware [Mr. WILLIS] will come back with a reenforced majority, because it matters not if failure of crops, or drought with blighting effects, or pestilence which walketh at noonday, or sweeping cyclones afflict that little State, her people will still enjoy a handsome income from the river and harbor bill, at the expense of the taxpayers of the United States. [Great laughter and applause.]

Mr. PITNEY. My friend from Missouri and I have served together in framing six of the appropriation bills and the deficiency bills, and I will ask him whether there is a single bill framed by the Committee on Appropriations that has not received from him unqualified approval on this floor and elsewhere?

Mr. DOCKERY. Why, Mr. Speaker, it did afford me pleasure to commend the legislative bill and the District bill, because I believed that both were in the main economical measures; and I think the same can be substantially said of all the other bills reported by my able friend from Illinois [Mr. CANNON], the chairman of the Committee on Appropriations, except, possibly, the fortifications bill. I was not present when that bill was considered. Perhaps every item in it is just and proper. I do not say it is not. But possibly if I had had the framing of it I might have reduced it somewhat. I do not complain of bills reported by the Committee on Appropriations, but of the other measures which swell the mighty aggregate of appropriations to $515,759,820.49.

DIFFER WITH THE PRESIDENT.

Mr. Speaker, I do not agree with the President upon the financial issues involved in this campaign. I am opposed to the retirement of greenbacks. I am opposed to the issue of bonds. I am opposed to the redemption of greenbacks and Sherman notes in gold only, and to the Treasury construction which treats the coin obligations of the Government as gold obligations. I am opposed to the national-bank system. I believe that the mints of the United States should be open to the free and unlimited coinage of both gold and silver. I believe in restoring the equality which existed prior to the act of February 12, 1873, demonetizing silver. Wherever the word "gold" appears in the statutes I would add "and silver," so that both metals may enjoy equal privileges at the mints and perform like functions in our monetary system. This policy will prevent the undue appreciation of gold and the undue depreciation of silver, thus restoring the "parity" which should obtain under a correct bimetallic system. In other words, Mr. Speaker, I am in favor of a double standard and unalterably opposed to a single gold standard. My first vote in support of the free and unlimited coinage of silver was cast in 1884, since which time I have voted six times for the free and unlimited coinage of silver at 16 to 1. I differed with the President in respect to his course relative to the Wilson tariff bill. I thought then and think now that he should have given his approval to that measure, notwithstanding it failed to fully meet all the requirements of a tariff-reform bill. It represented, however, the best result that could be secured at the time, and made a long step in the direction of emancipating the people from the inordinate greed of the protective system. It is obviously preferable to the McKinley bill, which it replaced upon the statute book.

I also believe, Mr. Speaker, that any national Administration should be in the hands of its friends. I have not, therefore, concurred in the policy of the President which has permitted the retention of Republicans in, and their appointment to, political offices which have much to do with contributing to the success or failure of an Administration. I have always insisted that Democrats should be appointed to such offices under a Democratic Administration.

Mr. Speaker, I am not in harmony with the President upon these questions, but I do most cordially approve his position upon many other public questions, notably his vigorous American policy in maintaining the principles of the Monroe doctrine and in protecting the rights of our citizens in all quarters of the globe. His attitude in respect to our foreign policy should commend itself to all patriotic citizens. I also most heartily indorse the views he has recently expressed in respect to the expenditure of public money. The utterances of the President in opposition to the wanton expenditure of the people's money have at all times been consistent and in harmony with the position occupied by the illustrious leaders of the Democratic party since the days of Thomas Jefferson. I especially commend his superb courage in the recent veto of the river and harbor bill, the French spoliation claims, and other Treasury-spoliating schemes. I recall with pleasure that the first veto of a river and harbor bill was made by Andrew Jackson, an eminent Democrat of glorious memory. Old Hickory himself, on December 6, 1832, sent that veto to the House of Representatives, and President Cleveland can point to the precedent then established by a Democrat "fit to stand by the side" of the immortal founder of Democracy. I am advised that river and harbor bills have also been vetoed by Presidents Tyler, Polk, Pierce, Buchanan, and Arthur. The French spoliation claims also were vetoed by Presidents Polk and Pierce.

RIVER AND HARBOR BILL.

I now desire to invite the attention of the House to a cursory analysis of the river and harbor bill, the privilege of debate having been denied at the time the bill passed this body over the veto of the President. The river and harbor bill was reported to the House April 3, and passed under a suspension of the rules April 6. This summary method of consideration limited all debate to forty minutes and prohibited the right of amendment. When the bill left the House it carried $65,148,771.91 of appropriations and authorized contracts, including an indefinite appropriation of not less than $3,000,000 for the purchase of the Monongahela Navigation Company's property. It was considered by the Senate, and on its return to the House was sent to conference by the most expeditious parliamentary method. Debate was limited to less than one hour, wherein the conference report was considered, about thirty minutes being consumed in opposition to the report, which

was agreed to by a vote of 189 to 56. When finally agreed to by both Houses it carried $75,158,956.88 of obligations upon the Treasury. The opponents of the measure were allowed but fifty minutes' debate from the time the bill was reported until it was sent to the President, and at no time during its consideration was there any opportunity to offer amendments. When the bill was returned to the House by the President it was approved, upon reconsideration, by a vote of 219 to 61, debate being arbitrarily denied. I quote from the RECORD of June 2, which fully discloses the proceedings of the House in denying the privilege of debate:

Mr. HOOKER. Mr. Speaker, I move to pass the bill, the objections of the President to the contrary notwithstanding. I desire to say in behalf of the committee that we were of the opinion that the message of the President raised all the possible objections to the bill that could be raised. We have endeavored, in the report which has just been read, to cover every objection which he has raised to the pending measure.

There are a large number of members who have applied to me for time to discuss this measure, and had I yielded to them and allotted to them the time that they have asked, it would consume two, three, or four days. It has been thought best by the committee, under the circumstances, to submit to the House the question whether or not we desire to engage upon a long and exhaustive debate upon this measure, and for the purpose of testing the sense of the House, without in any manner expressing the views of the committee or myself on the subject, I demand the previous question. [Applause.]

Mr. DOCKERY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DOCKERY. I ask the gentleman to yield to me for a moment.

Mr. HOOKER. Regular order!

Mr. DOCKERY. The gentleman agreed with me yesterday that we should have debate upon this bill, and it is unfair, it is unjust, and it is unmanly to pursue this course. [Great confusion on the floor.]

The SPEAKER. The House will please be in order. Gentlemen will take their seats.

Mr. CATCHINGS. The gentleman from New York——

The SPEAKER. The gentleman from Mississippi is not in order. This is a matter for the House to determine. The gentleman from New York [Mr. HOOKER] asks for the previous question. If the previous question is ordered, the House will proceed immediately to vote on the question of reconsideration.

Mr. DOCKERY. Mr. Speaker, will the Chair allow me to ask the gentleman from New York a question?

The SPEAKER. The gentleman demands the regular order. [Cries of "Regular order!"]

Mr. DOCKERY. I desire to say—— [Cries of "Regular order!"] I desire to state that the gentleman had agreed that we should have debate. [Renewed cries of "Regular order!"]

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. RICHARDSON and Mr. DOCKERY. Division.

The House divided; and there were—ayes 178, noes 60.

Mr. DOCKERY. The yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER. Forty-six gentlemen have arisen—not a sufficient number [applause]; the yeas and nays are refused, and the previous question is ordered. The question now is, Will the House upon reconsideration agree to pass the bill; and on this question the yeas and nays, by the Constitution, are to be taken.

Mr. DOCKERY. I desire to know whether there will be any debate under the rules on this question of reconsideration?

The SPEAKER. There will not be.

Mr. DOCKERY. Then, on a proposition to reconsider, as required by the Constitution, no debate is permitted under the policy pursued by the gentleman from New York.

The SPEAKER. Provided the House of Representatives so vote.

Mr. DOCKERY. And they have so voted——

Mr. HENDERSON. Regular order!

Mr. DOCKERY (continuing). To stifle debate.

The SPEAKER. The Clerk will call the roll.

WHAT IT COSTS.

Mr. Speaker, I will now submit a fiscal exhibit relating to the appropriations and liabilities of the Government on account of river and harbor improvements carried in this bill or heretofore authorized.

On the 1st of May the balance of appropriations unexpended under continuing contracts and for works not under contract, together with the balances yet to be appropriated under contracts heretofore authorized, amounted to $16,207,708.16. There is a difference of opinion between the House conferees on the river and harbor bill and the Chief of Engineers as to the appropriations and contracts authorized. According to the analysis of the House conferees the total cash appropriations amount to $12,852,235 and the authorized contracts to $59,649,308.91, or a total, appropriations and contracts, of $72,501,543.91. The Chief of Engineers states the direct appropriations at $10,017,050 and the contracts authorized at $66,141,906.88, or a total of $72,158,956.88. It will be observed that the total is substantially the same, the difference being that in the one case a greater amount of cash and a less amount of contracts are estimated, and in the other a less amount of cash and more of contracts. I have not had the opportunity myself to analyze the bill and reach a judgment in respect to the controversy, but it is immaterial, since it is agreed that the liabilities of the bill exceed $72,000,000, exclusive of the indefinite appropriation, which it is estimated will not be less than $3,000,000, for the purchase of locks and dams on the Monongahela River. If, therefore, to the liabilities outstanding on the 1st of May on account of unexpended balances and authorized contracts we add the new contracts and the definite and indefinite appropriations contained in this bill, it is obvious that the liabilities of the Government on account of river and harbor improvements now reach the stupendous aggregate of $91,366,665.04.

Mr. Speaker, I have propounded to the Chief of Engineers this query:

"*Upon the basis that all contracts will be promptly made, what amounts can be expended under such contracts for the fiscal years—separately stated—ending June 30, 1897, 1898, 1899, 1900, etc.?*"

He answers by the following estimate:

PENDING RIVER AND HARBOR BILL APPROPRIATES—

1897	$13,792,550.00
1898	19,871,054.15
1899	16,854,202.24
1900	13,073,982.24
1901	5,735,878.25
1902	1,586,250.00
1903	745,000.00
1904	400,000.00
1905	100,000.00
	72,158,956.88

Mr. Speaker, in addition to the estimated expenditure of $13,792,550, for the ensuing fiscal year, the sundry civil bill carries $3,284,597.90 to meet outstanding contracts, so that the total river and harbor expenditures for the year may reach $17,077,147.00.

It will be remembered also, that there is in the Treasury $11,561,072.16 of unexpended appropriations for river and harbor improvements heretofore authorized, part of which will be expended during the coming year.

I regret, Mr. Speaker, that I have not had the time to make a thorough analysis of the provisions of this bill, and the criticisms I may offer are directed only to a limited number of those to which my attention has been called.

Including the river and harbor bill, there are 14 general appropriation bills which carry appropriations for the support of the Government. All these bills are usually based upon the estimates submitted by the heads of the various Departments, disclosing the estimated needs of the public service. The river and harbor bill is usually based upon the estimates of the Secretary of War. The local engineers, in the annual budget submitted at the beginning of this session, estimated that $52,252,027 could "be profitably expended" for the improvement of various public works of the country. This estimate was reduced by the Chief of Engineers to $21,016,197, and further limited by the Secretary of War in the final revision to $11,744,597. It is manifest, therefore, that this session's river and harbor bill exceeds the estimates of the engineers by more than twenty-three millions; that it exceeds the estimate of the Chief of Engineers by more than fifty-four millions, and exceeds the estimate of the Secretary of War by more than sixty-three millions. This estimate is peculiarly significant in view of the unfortunate Treasury situation, whereunder, as is known to the country, other appropriation bills for the support of the Government are usually reduced materially below the estimated needs of the various Departments.

HOW DISTRIBUTED.

The bill consists of 417 items of appropriation; 41 States and 2 Territories are direct beneficiaries. Wyoming and Colorado have a contingent interest in the provision authorizing surveys for the establishment of reservoirs, but Utah and Nevada alone are without direct recognition. In response to my request the Chief of Engineers has made a careful scrutiny of the bill and submits an exhibit showing the appropriations and contracts authorized, by States, as follows:

Appropriations and authorized contracts, by States.

State.	Appropriations.	Contracts authorized.	Total.
Maine	$206,000.00	$1,616,000.00	$1,822,000.00
New Hampshire	25,000.00		25,000.00
Vermont	15,000.00		15,000.00
Massachusetts	359,000.00	1,215,000.00	1,574,000.00
Rhode Island	114,300.00	732,000.00	846,300.00
Connecticut	267,000.00		267,000.00
New York	611,000.00	3,895,558.00	4,506,558.00
New Jersey	193,660.00		193,660.00
Pennsylvania	37,500.00	1,269,500.00	1,307,000.00
Delaware	109,160.00	4,890,846.00	5,000,006.00
Maryland	494,800.00		494,800.00
Virginia	334,000.00		334,000.00
West Virginia	7,500.00	1,230,000.00	1,237,500.00
Kentucky	96,000.00	1,399,000.00	1,495,000.00
North Carolina	241,000.00		241,000.00
South Carolina	79,500.00	2,016,250.00	2,095,750.00
Georgia	91,000.00	3,355,000.00	3,446,000.00
Florida	567,000.00		567,000.00
Alabama	110,000.00		110,000.00
Mississippi	119,400.00	860,000.00	979,400.00
Louisiana	249,000.00	1,193,250.00	1,442,250.00
Texas	147,000.00	1,125,000.00	1,272,000.00
Arkansas	153,000.00		153,000.00
Tennessee	87,000.00		87,000.00
Ohio	356,000.00	1,354,000.00	1,710,000.00
Indiana	82,500.00		82,500.00
Illinois	193,000.00	6,455,960.00	6,648,960.00
Michigan	522,150.00	1,115,000.00	1,637,150.00
Wisconsin	324,440.00	188,737.91	513,177.91
Minnesota	157,000.00		157,000.00
Missouri	55,000.00		55,000.00

think the same can be substantially said of all the other bills

thirty minutes being consumed in opposition to the report, which

Appropriations and authorized contracts, by States—Continued.

State.	Appropriations.	Contracts authorized.	Total.
California	$401,750.00	$4,028,000.00	$4,429,750.00
Oregon	205,390.00	2,025,000.00	2,230,390.00
Washington	508,000.00		508,000.00
Idaho	30,000.00		30,000.00
Montana	35,000.00		35,000.00
Alaska	5,000.00		5,000.00
IN TWO OR MORE STATES.			
Channel between Staten Island and New Jersey; New York and New Jersey	13,000.00		13,000.00
Pawcatuck River (Rhode Island and Connecticut)	15,000.00		15,000.00
Delaware River (Pennsylvania and New Jersey)	500,000.00		500,000.00
Waterway, Chincoteague Bay, Virginia, to Delaware Bay, Delaware	25,000.00		25,000.00
Nanticoke River (Maryland and Delaware)	3,000.00		3,000.00
Potomac River	100,000.00		100,000.00
Chattahoochee River (Georgia and Alabama)	25,000.00		25,000.00
Coosa River (Georgia and Alabama)	100,000.00		100,000.00
Choctawhatchee River (Florida and Alabama)	5,000.00		5,000.00
Warrior and Tombigbee rivers (Alabama and Mississippi)	204,000.00		204,000.00
Bayou Bartholomew (Louisiana and Arkansas)	4,000.00		4,000.00
Tensas River and Bayou Macon (Louisiana and Arkansas)	5,000.00		5,000.00
Arkansas River (Arkansas and Indian Territory)	100,000.00		100,000.00
Black River (Arkansas and Missouri)	8,000.00		8,000.00
Ouachita and Black rivers (Louisiana and Arkansas)	70,000.00		70,000.00
Current River (Arkansas and Missouri)	2,000.00		2,000.00
Cumberland River, below Nashville, Tenn	80,000.00		80,000.00
Tennessee River, below Chattanooga	50,000.00		50,000.00
Tennessee River, above Chattanooga	15,000.00		15,000.00
Wabash River (Indiana and Illinois; above and below Vincennes)	21,000.00		21,000.00
Ohio River	250,000.00		250,000.00
Menominee River (Wisconsin and Michigan)	15,000.00		15,000.00
St. Croix River (Wisconsin and Minnesota)	15,000.00		15,000.00
Mississippi River, between St. Paul and Minneapolis	100,000.00		100,000.00
Red and Atchafalaya rivers	40,000.00		40,000.00
Missouri River, between Stubbs Ferry and Sioux City	220,000.00		220,000.00
Upper Missouri River (snagging)	50,000.00		50,000.00
Upper Columbia and Snake rivers	5,000.00		5,000.00
Columbia River at Three Mile Rapids	150,000.00		150,000.00
Lower Willamette and Columbia rivers	100,000.00		100,000.00
Columbia River at Cascades, Oreg	50,000.00		50,000.00
Gauging waters of Columbia River	1,000.00		1,000.00
Columbia River, between Willamette River and Vancouver	67,000.00		67,000.00
Examinations, surveys, and contingencies of rivers and harbors	200,000.00		200,000.00
Cumberland River (Kentucky and Tennessee)	20,000.00		20,000.00
Harbor at Duluth, Minn., and Superior, Wis		3,130,553.00	3,130,553.00
Cumberland River, above Nashville		600,000.00	600,000.00
Falls of the Ohio River and Indiana Chute Falls		527,250.00	527,250.00
Ohio River (dams Nos. 2, 3, 4, and 5)		2,020,000.00	2,020,000.00
Mississippi River, between St. Paul and Missouri River		2,880,002.98	2,880,002.98
Mississippi River, between Missouri River and Ohio River		2,619,999.99	2,619,999.99
Mississippi River, between Head of Passes and Ohio River		8,999,999.00	8,999,999.00
Missouri River, between mouth and Sioux City		1,200,000.00	1,200,000.00
Willamette River, Portland to Eugene and Yamhill River, Oregon		200,000.00	200,000.00
Total	10,017,050.00	62,141,906.88	72,158,956.88

THE COMMITTEE'S SHARE.

Mr. Speaker, a cursory examination of this exhibit furnishes the explanation of the extraordinary activity witnessed in its behalf. The "pork," as it is facetiously termed, is judiciously distributed. There are, however, manifest inequalities apparent in this table, and in the one which I shall submit a moment later; still the distribution is so widespread that the nearly three-fourths vote which the bill received in its favor, rather than a two-thirds vote, should not occasion comment. The appropriations and contracts for some of the States, as shown by the table, will furnish revenue sufficient to maintain a large part of their population.

Mr. Speaker, I now pass from an analysis of the bill by States to a review of the appropriations made to States represented on the House River and Harbor Committee, and to States touching States directly represented on that committee. The committee consists of 17 members, and the States of New York, Oregon, Michigan, Pennsylvania, Wisconsin, Ohio, Massachusetts, Illinois, Minnesota, West Virgina, Missouri, Virginia, Mississippi, Georgia, Alabama, Arkansas, and Kentucky were directly represented thereon. The members of the committee repel the intimation that the bill is improvident. It may be well, however, to suggest that possibly their judgment is unconsciously influenced by the fact that the appropriations and authorized contracts wholly within their States aggregate $31,094,135.91, or nearly one-half the entire bill. Those liabilities, including the indefinite appropriation for the Monongahela Navigation Company, are: New York, $4,506,558; Oregon, $2,230,390; Michigan, $1,637,150; Pennsylvania, $4,307,000; Wisconsin, $513,177.91; Ohio, $1,710,000; Massachusetts, $1,574,000; Illinois, $6,648,960; Minnesota, $157,000; West Virginia, $1,237,500; Missouri, $55,000; Virginia, $334,000; Mississippi, $979,400; Georgia, $3,446,000; Alabama, $110,000; Arkansas, $153,000, and Kentucky, $1,495,000.

Moreover, if to these liabilities we add the $25,176,819 for projects in "one or more States" contiguous to States represented on the committee, exclusive of the Ohio, Mississippi, and Missouri rivers, it is obvious that the States directly and indirectly represented on the committee are beneficiaries at the expense of the taxpayers of the country to the extent of $56,270,954.91. In the presence of this exhibit comment upon the judgment of the committee becomes unnecessary, and an explanation is found for the enormous pressure exerted by members at the beginning of each Congress for assignment to service upon that committee.

UNWORTHY ITEMS.

The Secretary of War, in response to my inquiry, submits a statement of the Chief of Engineers, citing works reported by that office as unworthy of improvement or in other respects not desirable objects of expenditures, as follows:

Great Salt Pond	$40,000
Cape Vincent Harbor	25,000
Yaquina Bay	1,025,000
Rancocas River, Lumberton branch	2,000
Nandua Creek	3,000
Yellowstone River	10,000
Nestucca River	6,000
Yamhill River[1]	150,000
Puget Sound and tributary waters[2]	
Cooper Creek, repairing dikes[2]	2,500
Delaware River, repairing dikes[2]	3,000
Goodyear, Outer Brunswick Bar[4]	150,000
Rock Hall Inner Harbor	7,000
Wolf Lake, Indiana	8,000
Cape Charles	10,000
Lemon Creek	5,000
Academy Creek	7,000
	$1,453,500

Mr. Speaker, in referring to this class of appropriations, the Chief Engineer states, in further response to my inquiry, that "the total for items in the act for works which have been reported by the War Department as unworthy, and for items appearing to be of a personal nature, is about $1,500,000, but in nearly all cases the reports and facts in relation to such items were before the committee when the items were acted on, and in their opinion the items are proper." It seems, therefore, that the Committee on Rivers and Harbors overrled the judgment of the War Department when they favorably reported this class of items to the House.

YAQUINA BAY.

Inasmuch as the committee have assumed this responsibility, I desire to invite especial attention to the largest item on the list, the appropriation for Yaquina Bay, Oregon, inserted by the House committee. I have been unable to locate this bay on the regular map of the United States. But it appears from an examination of the engineer reports that the Government expended upon the improvement of the entrance to this bay, up to and including the appropriation of August 17, 1894, the sum of $676,093.34. This expenditure has resulted in deepening the channel from 7 and 8 feet, at the beginning of the work, to 12 and 15 feet at this time. The Chief of Engineers, in his annual report for 1895, asked for $25,000, which he said would complete the then existing project. Gen. T. L. Casey, then the Chief of Engineers, in a report dated January 18, 1895, stated:

It is the opinion of Captain Symons and of Col. G. H. Mendell, Corps of Engineers, the division engineer, that this locality is not worthy of further improvement by the General Government, and in this opinion I concur.

But notwithstanding the adverse report of this distinguished engineer officer, a board was created by the sundry civil act of March 2, 1895, to consider further improvements of Yaquina Bay. This board, as I am advised, made no recommendation of the project, but, as required by the act, simply reported the estimated

[1] Locks and dams.
[2] Some of them reported not worthy, but others desirable.
[3] Personal.
[4] Excess to be paid Goodyear over what Captain Carter says he can do it for.

cost; and it is to carry out this new scheme that $1,025,000 of liabilities is now incurred.

Commercial statistics show that for the year ending June 30, 1893, the total exports and imports at that point amounted to only 24,482 tons, valued at $964,408. There were five small steamers on the river and bay at that time, and the total number of passengers arriving and departing for the year ending June 30, 1893, was only 955. Two years later, or for the fiscal year ending June 30, 1895, the total exports and imports were 31,872 tons, valued at $712,652, while the number of steamers on the river and bay were but four small craft, and the number of passengers arriving and departing by sea for that year were 851. That is to say, it appears from this statement that, despite the money spent by the Government at that point, the value of the exports and imports decreased in the interval between 1893 and 1895 by $251,756, while there was also a falling off of 104 passengers arriving and departing during the same period, and one less boat operating on the bay and the river. These statistics show the commerce of the place to be inconsiderable. Indeed, the estimates given by the local engineer are furnished by interested parties, and hence are probably greatly magnified.

Mr. Speaker, this large appropriation is notoriously unworthy. I unhesitatingly challenge its propriety. It can serve no public purpose, and if debate had been permitted upon the reconsideration of the bill my intention was to challenge the attention of the House and the country to it. This exhibit also discloses two small items of appropriation for work to be done in repairing dikes which I am advised should be done at the expense of the lessees of public property, who are obligated by existing leases to keep them in good condition at their own expense.

NOT RECOMMENDED.

I come now, Mr. Speaker, to submit a list of appropriations carried in the bill which were made without the customary preliminary examination, no opinion having been expressed by the War Department as to the worthiness of the proposed improvements in their relation to the interests of commerce. It should be said, however, as to many of these items, that the reports of surveys as made by local officers may be accepted as recommendations. The list submitted by the Chief of Engineers is as follows:

Rockland Harbor, Maine	$403,500
Portland Harbor, Maine	766,250
New Bedford Harbor, Massachusetts	10,000
Block Island Harbor, Rhode Island	5,000
Bridgeport Harbor, Connecticut	28,000
Cos Cob Harbor and Mianus River, Connecticut	8,000
Newtown Creek, New York	392,000
Oswego Harbor, New York	60,000
Raritan Bay, New Jersey	75,000
Wilmington Harbor and Christiana River, Delaware	225,846
Baltimore Harbor, Maryland	400,000
Savannah Harbor, Georgia	1,005,000
Brunswick Harbor, Georgia	15,000
Ashtabula Harbor, Ohio	50,000
Cleveland Harbor, Ohio	860,000
Fairport Harbor, Ohio	30,000
Conneaut Harbor, Ohio	40,000
Calumet Harbor, Illinois	75,000
Presque Ile, Michigan	20,000
South Milwaukee Harbor, Wisconsin	5,000
Grays Harbor and Bar, Oregon	1,000,000
Sasanoa River, Maine	19,000
Merrimac River, Massachusetts	5,000
Pawcatuck River, Rhode Island	15,000
Providence River and Narragansett Bay, Rhode Island	25,000
Manokin River, Maryland	4,000
Pocomoke River, Maryland	5,000
Nandua Creek, Virginia	3,000
Manatee River, Florida	4,000
St. Johns River, Florida	200,000
Bayou Courtableau, Louisiana	2,500
Fox River, Wisconsin	37,500
Menominee River, Michigan	15,000
St. Croix River, Wisconsin	15,000
Calumet River, Illinois	50,000
Chicago River, Illinois	700,000
Mississippi River above St. Paul	100,000
Missouri River at Great Falls	15,000
Sacramento and Feather rivers, California	250,000
Lakes Union and Washington, Washington	150,000
Indian River, Negro Cut, Florida	7,500
Brunswick Outer Bar (Goodyear) (first $30,000 not included)	215,000
Yellow Mill Pond	10,000
Santa Monica or San Pedro board	50,000
Brazos board	5,000
Santa Monica and San Pedro work	(?) 2,000,000
Jamestown Island, Virginia	15,000
Levee Flint Creek to Iowa River	75,000
Missouri River (special localities)	310,000
Presque Isle (Lake Superior)	20,000
	10,096,096

Now, Mr. Speaker, section 13 of the act of August 17, 1894, provides:

That no preliminary examination, survey, project, or estimate for new works other than those designated in this act shall be made; and provided further, that after the regular or formal report on any examination, survey, project, or work under way, or proposed, is submitted, no supplemental or additional report or estimate for the same fiscal year shall be made unless ordered by a resolution of Congress.

The Chief of Engineers says, in transmitting this list, that the law above quoted prohibits the presentation of recommendations, plans, or estimates unless called for by joint resolution of Congress. Nevertheless, during the present session a large number of such joint resolutions have been passed, and many plans and estimates have been presented in conformity with such resolutions. He also states that—

It will be noted that while in some cases the local officer may give facts upon which an opinion can be formed as to merit of improvement the Secretary of War in transmitting the reports expresses no opinion. The majority of works in the ten-and-a-half millions list have been reported on in accordance with special resolutions calling for plans and estimates for either new or exterded projects.

He further states, in another communication, that—

It seems necessary to say in this connection that nearly one-third of this sum of ten and a half millions is in a single item, which may be expended at a point that has never been officially recommended to Congress.

This single item is the project for a deep-water harbor for commerce either at Santa Monica Bay, California, or at San Pedro. It is hardly necessary to comment upon this scheme, as its purpose and its promoter are both familiar to the country. I may say, however, that I believe the policy of appropriating for projects not recommended by the War Department is wholly vicious and indefensible. I desire to emphasize this suggestion by the following extract from a Washington dispatch to the Philadelphia Inquirer of June 5, which is self-explanatory:

Philadelphians will be surprised to learn that they have really secured much more than they sought. The river and harbor bill as it came from the President and was passed over his veto has not been printed, but the Inquirer correspondent saw proof sheets of the bill to-day. He found therein an amendment to the Philadelphia Harbor item that has not yet been published. On inquiry he found that Senator QUAY had quietly secured the insertion of this amendment by the conference committee, and, with his usual modesty, had never mentioned it to the newspaper men.

The Quay amendment provides for a survey of the Delaware River, with a view to making a channel 600 feet wide by 30 feet deep, extending from a point at or near Philadelphia to the deep water at Delaware Bay. Of course the survey is merely preliminary, but if the report of the engineers of the War Department who will make this survey is favorable there is little doubt that a future Congress will make an appropriation sufficient to make this splendid improvement.

This dispatch shows that by the courtesy of the conference committee another scheme laying the foundation for a large expenditure has found a place in the bill.

Mr. Speaker, it is impracticable for me, as I stated at the outset, to note all the objectionable features that are carried in this bill. I have no expert knowledge in connection with the measure, and could not, without great labor, pursue this inquiry further. I note, however, that the bill recognizes as worthy of Government aid such great navigable streams as Otter Creek, East Chester Creek, Goshen Creek, Cooper Creek, Acquia Creek, Occoquan Creek, Lower Machodoc Creek, and Nandua Creek. It may be that these creeks are worthy of recognition. I do not assert to the contrary, because I have no information upon the question. There are also, as I am advised, appropriations for other streams, some of which never float any steamers and others but rarely, their sole commerce being limited to the business of rafting logs. I am informed that Elk River, Guyandotte River, and Gauley River, West Virginia, and Levisa Fork and Tug Fork of the Big Sandy River, Kentucky, belong to this class. It might therefore be aptly remarked that even in its smallest features this is a "log-rolling" bill.

CAPE CHARLES HARBOR.

I will now refer to perhaps the most objectionable appropriation other than those mentioned by the Chief of Engineers as unworthy of improvement. I refer to the appropriation for Cape Charles Harbor. This is an artificial basin at the southern terminus of the New York, Philadelphia and Norfolk Railroad. Prior to the construction of the railroad, some ten or twelve years since, it was a shallow pond on the farm of the late William L. Scott. The railroad company deepened the pond and connected it with the waters of Chesapeake Bay by a narrow channel. The basin was used to accommodate the barges of the railroad which connected it with Norfolk City. The Fifty-first Congress appropriated $25,000 for the improvement of this private harbor, all of which, with the exception of a small balance, has been expended. When the item was considered by the River and Harbor Committee of the Fifty-second Congress, the fact was brought for the first time to the attention of that committee that this harbor was a private harbor; and it was therefore provided in the river and harbor bill of July 13, 1892, that, before any part of the $10,000 then appropriated should be available, the owners of the basin should execute an instrument in writing satisfactory to the Secretary of War, giving to any and all vessels, upon any and all occasions, for all time to come, the right to enter and remain in said harbor and transact business therein without charge, except legitimate, usual, and reasonable wharf charges, to be determined by the Secretary of War in the event of disagreement. It was also provided that the company should dedicate a public road to the wharves of said harbor.

These requirements have not been complied with by the harbor's

owners—now the heirs of the late William L. Scott and the railroad company—Mr. Scott having, before his death, conveyed one-half of the harbor to the railroad. And the present bill even contains a proviso, inserted by the House committee, repealing the conditions imposed by the act of July 13, 1892, requiring the dedication of a public road and the opening of the harbor to all vessels. This House proviso was very properly stricken out by the Senate Committee on Commerce, but was finally allowed to retain its place in the bill, notwithstanding the sound objections of the Senate thereto.

It is hardly necessary, Mr. Speaker, to comment upon this appropriation. It is the appropriation of public money to improve a private harbor. It is, therefore, indefensible, and I commend the Senate committee for their action in disapproving it.

It may be pertinent in this connection to submit a few comments of the leading newspapers of the country in respect to this bill. I accordingly append to my remarks a very few, which may be taken as fairly indicative of the almost unanimous views of the press in condemnation of this measure.

CONCLUSION.

I only desire to add that, so far as I am able to ascertain, a considerable number of the appropriations and contracts authorized by the river and harbor bill are for worthy objects. I do not deny this proposition. Neither do I desire to be understood as imputing improper motives to the membership of either committee connected with the preparation of the bill, or to any gentleman who has given the measure his support. But I do most earnestly protest against items classed as unworthy by the Chief of Engineers, and also against the policy which enters upon large expenditures for internal improvements without approval in the usual way by the Secretary of War and the Chief of Engineers. I object further to the abuse of the continuing-contract system, which is imposing large obligations upon the revenues of both the present and the future at a time when the Government's current expenses exceed its current income.

The policy of continuing river and harbor contracts was inaugurated by the Fifty-first Congress in 1890, with a liability of but $13,282,979. In 1892 additional contracts of this kind were authorized amounting to $31,760,521, and in the present bill they are increased to $62,141,906.88. At this rate of increase the outstanding obligations of the Government on this account, which are just as sacred as other obligations, will, in the next bill, probably reach $100,000,000. Indeed, in the debate upon the measure when it was first considered by the House, the gentleman from Oregon [Mr. HERMANN], a leading member of the River and Harbor Committee, insisted that this bill ought to have carried $100,000,000 of authorized contracts! In view, therefore, of inadequate revenues and the prostrate condition of business, this bill becomes a wanton, inexcusable, and indefensible assault upon the people's Treasury. It authorizes the largest expenditure of public money ever carried by a single river and harbor bill since the adoption of the Constitution.

REPUBLICANS INDORSE BOND ISSUES.

Mr. Speaker, I desire to say, in conclusion, that some time since I charged the Republican party on this floor with being a do-nothing party. I arraigned the do-nothing policy, announced by the distinguished Speaker of the House, and by his almost equally eminent colleague [Mr. DINGLEY]. The arraignment is subject, however, to limitation as to appropriations of public money. In this respect the Republican party has actively pursued the policy of squandering the borrowed Treasury surplus. In "the good time coming," to which the gentleman from Illinois [Mr. CANNON] referred—if it shall come—I know you will "legislate," and I know we shall have another McKinley bill, twice over. [Loud applause on the Republican side.] I am glad you applaud that idea, but I doubt whether the country will do so. It will be necessary to enact about two McKinley bills to pay the mortgages you are imposing upon the Treasury of the United States, to say nothing of the manufacturers, who, it is alleged by the Republican Senator from New Hampshire [Mr. CHANDLER], are to be reimbursed for contributions made in the interest of the Presidential candidacy of a distinguished citizen of Ohio.

Mr. GROUT. And we shall want another such bill to pay the Cleveland bonds.

Mr. DOCKERY. Oh, Mr. Speaker, it does not lie in the mouth of the gentleman from Vermont to make that suggestion. I could make that suggestive criticism, and make it consistently. But the gentleman belongs to the Republican party, which, in December last, in this House, indorsed the policy of bond issues, and endeavored to give the Administration "additional" authority under the resumption act. Therefore, I say it does not lie in his mouth to arraign the Democratic Administration.

Mr. GROUT. I did not indorse the policy which made the issue of bonds necessary.

Mr. SAYERS. The gentleman on the other side introduced a bill appropriating $100,000,000 for coast defenses; and he almost rent his garments because the Appropriations Committee would not agree to it.

Mr. GROUT. That was to give the gentleman something to talk about.

Mr. DOCKERY. I was for a time at a loss to understand the applause of the gentleman from Vermont when I said the Republican party would be obliged to enact two McKinley bills. I understand it now, because two such bills will be needed to pay the enormous liabilities which the gentleman and the Republican party contemplate by bills such as that to which the gentleman from Texas refers.

Mr. Speaker, whatever I may say as a Democrat against the policy of bond issues—and I do not favor it, I never have favored it, and I do not expect ever to favor it—still it does not become the Republican party, after having indorsed the action of the President under the resumption act, and having sought to give him "additional" authority to issue three per cent bonds—it does not become them to arraign the President for his action in that regard.

And let me say another thing. If you [addressing the Republican side of the House] do not indorse the policy of bond issues, tell me why it is that the distinguished chairman of the Committee on Ways and Means, after having reported adversely the bill recently passed by the Senate prohibiting the issue of bonds without Congressional authority, has made no effort (although it is a privileged question) to call up that bill? [Applause on the Democratic side.]

Let the gentleman from Maine [Mr. DINGLEY] answer to the American people. Why has he not called up the bill to prohibit the further issue of bonds without the consent of the legislative branch of the Government, if he and his party are opposed to the policy of the President?

Mr. MAGUIRE. Why does he not do it now? We have plenty of time; and there is a quorum here.

Mr. DOCKERY. Certainly. As my friend from California suggests, and as gentlemen suggest all around me, why not call up that bill before this Congress adjourns?

Mr. PITNEY. Will the Democrats vote for it?

Mr. DOCKERY. Every Democrat on this floor will remain here to-morrow——

Mr. PITNEY. Will you vote for it or against it?

Mr. DOCKERY. For it, of course.

Mr. PITNEY. And stop the issue of bonds?

Mr. DOCKERY. Certainly, without the consent of the law-making power. I believe that every Democrat, whether he favors the bill or not, will remain here to-morrow and assist in making a quorum, if you will consent to call up the bill for consideration.

Again I challenge the gentleman from Maine, the able Republican leader on this floor, to tell the people why no effort has been made to pass the bill. Did you say lack of time? You have had a surplus of time in the closing days of this session, and you have employed it in reducing the Democratic minority on this floor, which at the outset numbered but 104. You have reduced this meager minority by unseating 11 Representatives. With but limited debate in some cases, and in others by the aid of grossly partisan decisions by temporary occupants of the chair, the people of those districts have been deprived of their chosen Representatives, and yet you will go before the people and say you had not the time in which to call up and consider important matters of legislation affecting millions of people in this country! [Applause.] Why, Mr. Speaker, only yesterday the ironclad provisions of the Tucker rule were invoked to secure a quorum to unseat that distinguished and intrepid young Democrat from Alabama [Mr. Underwood].

Mr. GROUT. Because he was not elected.

Mr. DOCKERY. And only a few days ago a temporary occupant of the chair violated, as it is alleged, the Constitution, the rules of the House, and a long line of precedents, to accomplish the splendid feat of unseating two Democratic Representatives in a single day.

Mr. MAHON. And you unseated JOY in forty minutes.

Mr. DOCKERY. There can therefore be no excuse for lack of time; no excuse for the lack of a quorum, since you have so large a majority that you can easily maintain a quorum if you so desire. Tell the people, if you will, why you evade this responsibility. The facts are, as I stated on a former occasion—and the country knows it—that you did not intend to attempt any economic or financial legislation at this session of Congress, but were coerced by the menacing business situation to present the Dingley tariff and bond bills, which were disapproved by a Republican-Populist Senate. You sought to postpone the disclosure of your own differences until after the November election. That was the policy of the Speaker, declared at the beginning of the session, and you approved it, as also the action of the President in respect to bond issues. Indeed, so emphatic is your approval that you refuse to call up for consideration the Senate bill forbidding the further increase of the bonded debt without the consent of Congress. [Applause.]

COMMENTS OF THE PRESS ON RIVER AND HARBOR BILL.

[From the Chicago Times-Herald.]

RIVER AND HARBOR BILL VETOED.

President Cleveland has returned without his approval the river and harbor bill adding $80,000,000 to projected Government expenditure.

The President declares that many of the objects for which the bill appropriates public money are not related to the public welfare, that many others are for the benefit of limited localities or in aid of individual interests. The veto is made the more necessary, in the judgment of the President, by the fact that the public Treasury is likely to be confronted with other appropriations at the present session of Congress amounting to more than $500,000,000.

The President delivers a hot shot on Congress by pointing out that the contracts provided for in the bill would create obligations of the United States amounting to $62,000,000, no less binding than United States bonds for that sum, "at a time when the issue of bonds to maintain the credit and financial standing of the country is a subject of criticism."

While many of the items in the river and harbor bill are justified by public necessity, the bill is beyond defense as a whole. The Congress that has passed it has been impotent for beneficient legislation and potent only for agitation and extravagance. The receipts of the Government from all sources for nine months ending March, 1896, were $250,600,840.05. The expenditures for the same period were $269,360,542.26. With no help from Congress the gap between the Treasury outgo and income constantly widens.

[From the St. Louis Post-Dispatch.]

A PROPER VETO.

President Cleveland has vetoed the river and harbor bill. This is a veto which should meet with public commendation.

The river and harbor bill for years past has been a communism of pelf. One section has traded with all others, until these measures, instead of representing a legitimate public demand for necessary improvements, have come to be recognized as great pooling operations for the division of spoil.

The appropriations have been continually growing in size. The Fiftieth Congress appropriated $22,397,000, the Fifty-first $25,136,000. The bill which the President has just vetoed appropriates $76,773,610, and $64,211,760 of this is to be expended in "continuous-contract work," to be continued indefinitely and at increasing public expense. It is to this feature of the bill, more glaring in this bill than in any previous measure of the kind, that the President most strongly objects.

The veto should not be overridden, but there is no assurance that it will not be. The representatives of every section will insist upon having their share of the swag. Such bills become stronger the more objectionable features they contain.

[From the Kansas City Times.]

RIVERS AND HARBORS STEAL.

No man who is informed as to the inside facts can help acknowledging the justice and honesty of President Cleveland's veto of the rivers and harbors bill. While this section is deeply, vitally, interested in the matter, we are bound to admit that the few meritorious features of the bill have been for years covered over, hidden, and overshadowed by a stupendous superstructure of fraudulent and unworthy schemes.

The custom has grown up of allowing almost every Congressman a slice out of the Treasury to help him in his district, and the way it is done is to make an appropriation for his district—that is, if it can boast a brook or stream big enough to float a chip in a high dew—and put it in the rivers and harbors bill.

[From the St. Louis Globe-Democrat.]

The river and harbor bill, which authorizes contracts amounting to over $62,000,000, and which has been passed over the veto, is a pretty bad measure, as a whole, though, of course, it has some good provisions. River and harbor bills have caused more trouble to Congresses and Presidents than any three of the other regular money bills of the Government. Many of them have encountered the veto, and a few of them, like the present one, have secured enough votes to override that barrier. The experience with river and harbor bills shows the desirability of giving the President the power which some governors have to veto provisions in appropriation bills without affecting the other items in the measures.

[From the Kansas City Star.]

A COMMENDABLE VETO.

In vetoing the river and harbor bill President Cleveland performed a plain constitutional and patriotic duty. For this act, involving courage and intelligence, he probably deserves no special praise, for the consciousness of obligations fulfilled is ample recompense to a faithful public servant. But neither does he merit censure for the performance of an obvious duty, however much the consequence may disappoint this man interested or that section concerned. There will be plenty ready to blame, however, and the selfishness of personal interests will find pegs to hang objections on until the country is deluged with the plaints and complaints of log-rolling Congressmen and their friends, and disgusted with the sordidness of modern statesmanship.

[From the New York Herald.]

A VETO DESERVING OF ALL PRAISE.

For vetoing the river and harbor appropriation bill the President deserves the thanks of the country, not only for the act itself, but for the manner of doing it.

This bill is always the favorite picklock by which selfish and unscrupulous legislators get at the public funds for the benefit of themselves through their constituents. It has been a growing abuse, the bill just vetoed having involved an expenditure of about $80,000,000.

[From the Chicago Tribune.]

RIVER AND HARBOR BILL VETOED.

President Cleveland has vetoed the river and harbor bill because of its alleged extravagance. The immediate expenditure contemplated by this bill is, he says, nearly fourteen millions, while another bill appropriates over three millions for similar purposes. The one he vetoes also authorizes continuing contracts amounting to more than sixty-two millions.

There seems to be no doubt that the bill will be passed over his veto by both Houses. The heavier the amount a river and harbor bill carries the easier is it generally to force it through, regardless of the condition of the Treasury and the total lack of merit of half the items.

[From the New York World.]

THE RIVER AND HARBOR VETO.

It will be much easier for Congress to pass the river and harbor bill over the President's veto than it will be to controvert any one of the many good reasons he gave for the veto in yesterday's message.

The amount of money appropriated by the bill is unprecedented, and in addition to the expenditures it directly sanctions it provides for surveys and expenditures which contemplate new work and further contracts. It provides for continuing work on improvements where costly work in the past has proved a failure. It includes objects which are not related to the public welfare, and of which many are palpably for the benefit of limited localities or in aid of individual interests. It also includes work not approved by the examining engineers, and even work which private parties have agreed to do in consideration of their occupancy of public property.

[From the Chicago Record.]

Congress is especially to be criticised for extravagance in appropriations at a time when the Government revenues are small. Attention is called to this point by the President. It looks very much as if the way was being prepared by Congress and an excuse devised for the enactment of another high-tariff law as soon as there shall be a change of Administration.

It has been expected, even in Congress, that the President would veto this bill just as he has done. In anticipation of such action adjournment was delayed long enough to give an opportunity to pass the measure over the veto. The objections of the President are to be overridden, not because they are ill-taken, but simply because there may be votes enough to do so. This will be a sorry spectacle if the programme is carried out. The Presidential veto will receive the sanction of calm-minded men generally.

[From the Baltimore Sun.]

VETO OF THE RIVER AND HARBOR BILL.

The President gives some cogent reasons for his veto of the river and harbor bill. The amount appropriated for almost immediate expenditure is about $17,000,000, and in addition contracts are authorized for $62,000,000. The latter sum, as is aptly pointed out, would be as binding upon the Government as an issue of bonds, and the President shows that at this time of business depression and resulting disappointment in Government revenue, extravagant appropriations are altogether out of the question. "Individual economy and careful expenditure are sterling virtues," says the President. "Economy and the exaction of clear justification for the appropriation of public moneys by the servants of the people are not only virtues, but solemn obligations." Leaving out the appropriation for rivers and harbors, the present Congress has already authorized expenditures amounting to more than $500,000,000, and has shown a reckless disregard of existing conditions.

[From the St. Louis Republic.]

OVER THE VETO.

Many millions of dollars of the taxpayers' money are squandered in personal and political jobs by the passage over Mr. Cleveland's veto of the bill that was hatched in REED's Committee on Rivers and Harbors.

Collis P. Huntington's Santa Monica job, instead of being killed outright, as it ought to have been, by the advice of all engineers who have examined the harbors of Santa Monica and San Pedro, is hung up subject to the report of a commission to be appointed hereafter.

[From the Washington Post.]

THE RIVER AND HARBOR BILL.

We think that the judgment and the conscience of the country will sustain the President in his veto of the river and harbor bill. In a few terse and pregnant sentences he has drawn a vivid picture of the extravagant wastefulness contemplated by that measure, and has shown that not only is the Treasury at this time unable to meet so vast an addition to its liabilities, but that a very considerable proportion of these proposed liabilities can be traced to favoritism, to deliberate prodigality, and to reckless improvidence.

Of course we regard it as a great pity that works of really serious national importance are to be curtailed and in some cases suspended altogether. We fully realize the harm that would be done to our domestic commerce by the neglect of such great highways as the Ohio and the Mississippi rivers, and of various harbors which require constant attention in order to preserve their usefulness as outlets of American trade. We regret very much that the President could not have ordained the continued prosecution of such enterprises and at the same time cut off the objectionable items which everybody knows are inserted for no public end, but simply for the promotion of private aspirations. This, unfortunately, he could not do, and so, as we believe righteously and wisely, he has condemned the whole measure rather than consent to what he regards as an iniquity. As we say, it seems to us Mr. Cleveland has done well. This river and harbor business has long been regarded with suspicion and discontent. In many respects it has become scandalous. Within the past twenty years millions and millions have been wasted upon unknown duck ponds, remote hog wallows, utterly useless and irreparable no-thoroughfares. Appropriations have been made for rivers not down upon any map, and in some cases unknown to the member for the district in which the river was supposed to be located. Everybody knows that the thing has become disreputable. Everybody knows that the legitimate works of the Government, such as we have referred to above, have been made the pretext upon which to draw untold millions from the Treasury for enterprises wholly illegitimate and notoriously futile. Men have kept themselves in Congress by virtue of their supposed success in securing these ridiculous appropriations. The public service and the public conscience have been debauched by these untoward practices.

Now the thing has attained proportions which the President can not bring himself to countenance. He has vetoed the bill, and, in our opinion, the intelligence and the patriotism of the country will sustain him.

[From the St. Louis Republic.]

NOT CLEVELAND'S VETO.

President Cleveland vetoed the river and harbor bill, but the real authors of the veto were the greedy jobbers who rushed in to get personal and political grabs out of a useful and necessary public measure.

It is disgraceful that the Government can not give money for the ease of commerce and navigation without giving $5 to blackmailing schemes for every dollar legitimately expended.

[From the Chicago Times-Herald.]

The New York Evening Post says: "Only one President before Cleveland ever vetoed a river and harbor bill. On the 1st of August, 1882, Mr. Arthur

sent back with his objections a measure calling for an appropriation of $18,743,875, because many of its provisions were 'entirely for the benefit of particular localities,' and not for the promotion of commerce among the States. Congress made short work of the veto, the House repassing the bill by a vote of 122 to 59 and the Senate by 41 to 16, although the Republicans were in control of Congress and the President was Republican."

As this is the second time a prominent newspaper has made this quite erroneous statement, it may be as well to correct it before it spreads any further.

December 6, 1832, President Jackson vetoed a river and harbor bill on the ground

That there is a class of appropriations in the bill for the improvement of streams that are not navigable, that are not channels of commerce, and that do not pertain to the harbors or ports of entry designated by any law, or have any ascertained connection with the usual establishments for the security of commerce, external or internal.

June 11, 1844, President Tyler vetoed "An act making appropriations for the improvement of certain harbors and rivers."

August 3, 1846, President Polk vetoed a river and harbor bill, his reasons being substantially the same as those of President Tyler, that such appropriations are unconstitutional.

December 30, 1854, President Pierce vetoed a river and harbor bill, going into the question of the constitutionality of the measure at great length, and holding that appropriations by the General Government should be confined to works necessary to the execution of its undoubted powers, and of leaving all others to individual enterprise or to the separate States.

President Buchanan also vetoed bills for the improvement of the St. Clair Flats and of the Mississippi River on constitutional grounds.

President Grant in August, 1876, signed a river and harbor bill, but sent to Congress a most extraordinary protest against it, in which he said:

"Many appropriations are made for works of purely private or local interest, in no sense national. I can not give my sanction to these, and will take care that during my term of office no public money shall be expended upon them. * * * Under no circumstances will I allow expenditures upon works not clearly national."

The veto by President Arthur, above mentioned, was the next in order, and was the only one that was overruled by Congress.

TABLE B.—*Appropriations made by the Fifty-first, Fifty-second, and Fifty-third Congresses, and first session of the Fifty-fourth Congress, fiscal years 1891 to 1897, inclusive.*

Title.	Fifty-first Congress.		Fifty-second Congress.		Fifty-third Congress.		Fifty-fourth Congress.
	First session, 1891.	Second session, 1892.	First session, 1893.	Second session, 1894.	Extra and first regular sessions, 1895.	Third session, 1896.	First session, 1897.
Agriculture	$1,799,100.00	$3,028,153.50	$3,232,995.50	$3,323,500.00	$3,223,623.06	$3,303,750.00	$3,255,532.00
Army	24,206,471.79	24,613,529.19	24,308,499.82	24,225,639.78	23,592,884.68	23,232,698.09	23,578,402.73
Diplomatic and consular	1,710,815.00	1,656,925.00	1,694,045.00	1,557,445.00	1,563,918.76	1,574,458.76	1,642,558.76
District of Columbia	5,769,544.15	5,807,125.17	5,341,953.27	5,413,223.91	5,545,678.57	5,745,443.25	5,905,082.48
Fortifications	4,232,935.00	3,774,803.00	2,734,276.00	2,210,055.00	2,427,004.00	1,904,957.50	7,397,888.00
Indian	7,322,016.02	16,386,284.86	7,664,047.84	7,854,240.38	10,659,965.16	8,762,751.24	*f* 7,390,496.79
Legislative, etc	21,600,732.75	22,627,674.75	21,900,132.97	21,865,802.81	21,305,583.29	21,891,718.08	21,518,834.71
Military Academy	435,296.11	402,664.64	428,917.33	432,556.12	406,535.08	464,261.66	449,525.61
Navy	24,136,665.53	31,541,654.78	23,543,385.00	22,104,061.38	25,327,126.72	29,416,245.31	30,592,739.95
Pension, including deficiencies *a*	123,779,368.35	164,550,383.34	154,411,682.00	180,681,074.85	151,581,570.00	141,381,570.00	141,328,580.00
Post-Office	72,226,698.99	77,907,222.61	80,331,276.73	84,004,314.22	87,236,599.55	89,545,997.86	92,571,564.22
River and harbor	25,136,295.00		21,154,218.00		11,643,180.00	(*g*)	*h* 12,621,800.00
Sundry civil	*b* 31,100,341.38	*c* 38,388,552.73	27,605,076.93	41,716,311.15	34,253,775.55	*i* 46,568,160.40	33,631,152.19
Deficiencies, except for pensions	13,285,541.61	9,364,148.62	8,230,859.50	8,127,361.51	11,811,004.06	9,825,374.82	*j* 15,326,503.05
Total	356,121,211.68	390,238,522.19	382,527,385.89	403,515,586.11	390,578,048.48	383,636,896.97	396,280,660.49
Miscellaneous	7,010,995.27	*d* 19,498,531.10	3,208,922.82	520,499.18	577,956.55	297,667.37	*k* 425,000.00
Total regular annual appropriations	363,132,116.95	418,737,053.29	385,736,308.71	404,036,085.29	391,156,005.03	383,934,564.34	396,705,660.49
Permanent annual appropriations	*e* 131,324,131.70	*e* 122,486,808.00	*e* 121,863,880.00	*e* 115,468,273.92	*e* 101,074,680.00	*e* 113,073,956.32	*e* 119,054,160.00
Total	494,456,248.65	541,223,861.29	507,600,188.71	519,504,359.21	492,230,685.03	497,008,520.66	515,759,820.49
Total Fifty-first, Fifty-second, and Fifty-third Congresses	1,035,680,109.94		1,027,104,547.92		989,239,205.69		

a Deficiencies included as follows: 1891, on account of 1890, $25,321,907.25; 1892, on account of 1891, $29,335,598.34; 1893, on account of 1892, $7,674,332; 1894, on account of 1893, $14,149,724.85.

b This amount includes $1,382,059.16 actual expenditures under indefinite appropriations for pay and bounty claims.

c This amount includes $978,188.74 actual expenditures under indefinite appropriations for pay and bounty claims.

d This amount includes $15,227,000 for refund of direct taxes in addition to the specific sum of $500,000 appropriated for that purpose.

e This is the amount originally submitted to Congress by the Secretary of the Treasury as estimated to be necessary under permanent specific and permanent indefinite appropriations, except that to the amount thus submitted for 1891, $101,628,453, there are added expenditures under permanent appropriations made by the Fifty-first Congress subsequent to said estimate, as follows: Salaries diplomatic and consular service, $27,756.79; redemption national-bank notes, $23,553,298.50; expenses of Treasury notes, $218,362.69; coinage of silver bullion, $210,893.14; rebate tobacco tax, $770,082.39; and repayments to importers and for debentures and drawbacks, customs service, $4,915,285.28; in all, $29,695,678.70.

f This sum is exclusive of $1,000,000 for second installment on account of purchase of Cherokee Outlet, which has been paid under "permanent annual appropriations," but is not included in the estimates thereunder for 1897. A like sum was included in the Indian appropriation act passed at the last session of the last Congress.

g No river and harbor act was passed during the last session, but the sundry civil act of that session carried $11,287,115 for river and harbor works under contract, while the sundry civil act of this session appropriates only $3,284,597 for such works.

h This does not include $3,000,000 estimated to be necessary under indefinite appropriation made in river and harbor act of this session to purchase property of Monongahela Navigation Company.

i This sum includes $5,238,289.08 to pay sugar bounty under legislation enacted by the Fifty-first Congress.

j This sum includes $1,496,679.56 for objects that are in no sense deficiencies; $3,614,133.77 to pay judgments of the courts and audited accounts certified by the accounting officers for 1893 and prior fiscal years; in all, $5,110,813.33.

k Estimated.

Mr. DINGLEY. Mr. Speaker, as I listened to the remarks of my friend the gentleman from Missouri [Mr. DOCKERY] in his assault on this Republican House and the Republican party, I was reminded of the quaint saying of Josh Billings, that "it is better to not know so many things, than it is to know so many things that ain't so." [Applause and laughter.]

I have been wondering for some time what the gentlemen who are standing up here to-day to defend the condition of things which we have had during the past three years under complete Democratic control would say on the stump in the coming campaign; and we have just been having some little anticipation of the lame defense they propose to make.

In November, 1892, there was a national election which decreed a revolution from the economic policy which had prevailed in this country for more than thirty years, and that the Democratic party should try its hand in running the Government. In that year, 1892, culminated this period of a protective policy of thirty years. This country was enjoying then such prosperity as even it, with all the prosperity that it had before, had never previously enjoyed. [Applause on the Republican side.] We found at that time every mill in operation, every spindle running in this country, every man, woman, and child that needed work obtaining it at good wages; we found prosperity everywhere. Although in revising the tariff in 1890 on the protective lines which had been maintained since 1861, we had reduced the revenues by removing the duty on sugar, surrendering some sixty millions of revenue on an article as necessary to every family as flour, yet in the fiscal years 1891 and also in 1892 and the first half of 1893 we had revenue enough to meet every dollar of the current expenditures of the Government, to pay the interest on the war debt, and to meet the payment of pensions to the boys in blue, with a surplus each year. [Applause on the Republican side.]

Mr. MAHON. And to pay for a number of bonds at the same time.

Mr. DINGLEY (continuing). And at the same time we were able to reduce the interest-bearing indebtedness of the country.

The reduction of the interest-bearing debt from March 1, 1865, to March 1, 1893, under the Republican policy which prevailed during these twenty-eight years (for even in President Cleveland's first term he was simply executing Republican policy), was over $1,900,000,000—an annual debt reduction of $68,000,000—the reduction in four-year periods having been as follows:

March 1, 1865, to March 1, 1869	$280,430,492
March 1, 1869, to March 1, 1873	403,948,484
March 1, 1873, to March 1, 1877	65,204,017
March 1, 1877, to March 1, 1881	73,646,781
March 1, 1881, to March 1, 1885	480,161,982
March 1, 1885, to March 1, 1889	341,448,449
March 1, 1889, to March 1, 1893	259,071,960
Total reduction in twenty-eight years	1,903,961,167
Average annual reduction	68,000,000

INCREASE OF INTEREST-BEARING DEBT.

March 1, 1893, to March 1, 1896	$262,602,245
Average annual increase	87,534,081

In 1892, after the census statistics of 1890 had exhibited the progress of the United States between 1880 and 1890, Mr. Mulhall, the celebrated English statistician, in his work entitled The Balance Sheet of the World, stated in a single paragraph his conclusions as to the wonderful prosperity of this country. This was just before the election of 1892, an election that decreed that the Democratic party should be given the complete control of this country. Let me read what Mr. Mulhall said:

It would be impossible—

Said he—

to find in history a parallel to the progress of the United States in the last ten years.

[Prolonged applause on the Republican side.]

Every day that the sun rises upon the American people—

He added—

it sees the addition of two and one-half millions of dollars to the accumulation of wealth in the Republic, which is one-third of the daily accumulation of all mankind outside of the United States.

[Applause on the Republican side.]

For thirty years this unparalleled prosperity in this land under Republican rule and a protective policy had been going on, and in the ten years from 1880 to 1890, according to Mr. Mulhall, this prosperity had reached a magnitude unparalleled in the history of the world.

And yet there are those who are trying to make the people believe that some legislation respecting the unlimited coinage of silver in 1873—legislation which operated from 1879 to 1892, during this period of unparalleled prosperity, precisely as it has since 1892—is the cause of the woes of the past three years. But the people will not be deluded by such transparent deception.

Mr. Speaker, there need not be any doubt as to what caused the sudden change from this great prosperity which had continued for so many years up to the close of 1892 and that deep adversity into which the country has been plunged since the beginning of 1893. The elections of 1892 decreed the advent of the Democratic party to power, with the anticipated revolutionary change in the tariff policy. When it became known that that change would take place, the tariff of 1890, which had given us up to that time abundant revenue, began to yield less, because of the fact that business men began to anticipate the revolution that was to come and to prepare for it. The distinguished Senator from Missouri [Mr. VEST] in 1894 said in the Senate that of course every business man in the country began at the opening of 1893 to prepare for the economic change that was coming. Mills began to restrict their output and jobbers their orders, and workingmen were discharged in January and February, 1893. Why? Because the elections had decreed a revolutionary change in our economic system that bade business men prepare for the new basis of competition created by reduced duties on foreign competing goods. So from that time the revenue under the tariff, that had been previously abundant, began to decline, for revenue always rises and falls with business conditions. Revenue under the tariff of 1890 that would have been abundant if it had been understood that the protective economic system was to continue, began to decline. The impending change began to bear its fruits at once.

Early in the autumn of 1892, when it was supposed that there would be no change in our protective system, Secretary of the Treasury Foster, in making his estimates, said that the revenue for the fiscal year 1894, under the tariff then in force, judging from the fact that there had been a continuous increase of revenue up to that time under the tariff of 1890, would be sufficient to meet all expenditures and leave $20,000,000 of surplus. In the latter part of January, 1893, just before the present Democratic Administration came in, Secretary Foster came by request before the Committee on Ways and Means and stated at that time that in view of the threatened change in our economic system he must revise his estimate of the early autumn of 1892; and that was when he said that $50,000,000 more would be necessary, after it had been voted to place the Democratic party in complete power. [Applause on the Republican side.]

And yet the gentleman from Missouri is quoting the statement of Secretary Foster in the winter of 1893, in correction of his estimate made in the autumn of 1892, as if he had asked for an increase of revenue before it was definitely known that the Democratic party had secured all branches of the Government instead of after. He made this change in his estimates because of the result of that election and because of his belief that the advent of the Democratic party to full power with its announced policy of overthrowing protection would impair industries and business and result in a falling off of revenue.

And Secretary Foster was right. In the early part of 1893, as I have said, in anticipation of the overthrow of the economic system of protection, the transfer of industries to Europe, and the near advent of a lower wage basis of competition, mills began to reduce their output, employees were discharged, wages in many cases were reduced, and the demand for goods began to diminish in consequence of the diminished purchasing power of the people. And that is what has been going on ever since that time. What is the trouble in this country? The trouble is that under this new economic system, demanding an adjustment of our industries to a lower wage basis—for wages have been necessarily reduced in consequence of this new adjustment—we have had diminished consumption, and diminished consumption has made gorged markets and diminished prices, as it always does. You would suppose that the consumption of wheat would be substantially the same from year to year per head, yet we find that even the consumption of wheat in the United States last year was 25 per cent less per head than in 1892. Why was that? Because of the diminished purchasing power of the people, and that was caused by the fact that this first anticipated and then partially realized revolution in the tariff act of 1894 resulted not only in diminished opportunities for labor and reduced wages, but caused at the same time an increase of importation of goods which we had formerly made ourselves. This has been going on during the past three years, and the end is not yet.

In 1892, for example, we imported only $36,000,000 of woolen goods, from which the Treasury received $34,000,000 revenue. Under the new tariff, in the calendar year 1895, we imported nearly $60,000,000 of woolen goods (notwithstanding our people were using less of such goods in 1895 than in 1892), from which we received a revenue of only $27,000,000. From wool and woolens together we obtained a revenue of nearly $44,000,000 in 1892, while we received only $27,000,000 from both in 1895. Thus we lost $17,000,000 in revenue from these two articles, and at the same time the manufacture of $30,000,000 of woolen goods was transferred to Europe, and thousands of American workingmen deprived of employment.

And the distrust caused by this paralysis of our industries and business, and the conversion of a surplus into a deficiency, has not only affected the resources and credit of the Government, but also every department of trade. It caused a falling off in the revenue, and the falling off in the revenue produced a deficiency and increased the distrust which economic paralysis had at first produced, and that distrust has gone on strengthening all the time. And the agitation for 16 to 1 free silver (which means a depreciation of the currency) has greatly aided in making the distrust chronic. The inevitable result was a run upon our coin-redemption fund, which has been increased and been made chronic by the failure of the Treasury to promptly replenish the reserve in April, 1893, and the use of the redeemed greenbacks to meet current expenses because of a failure of revenue.

From 1879 to 1893, with a surplus of revenues to replenish the gold reserve, with the coin-redemption fund perfectly maintained, and the knowledge that the Treasury had the power to borrow to maintain this fund in an exigency, with industries flourishing and everyone at work, confidence reigned supreme, and during the fourteen years from 1879 to 1893 less than forty millions of United States legal-tender demand notes—less than three and one-half millions per annum—were presented for redemption, while since the beginning of 1893 over three hundred and seventy millions of greenbacks have been presented for redemption. Confidence was maintained during all that period from 1879 to 1893, and so long as this confidence existed greenbacks were preferred to gold.

Thus from the breaking down of our industries, because of first the anticipated and then the partially realized overthrow of our protective policy, there came all throughout this country a paralysis of business, a lack of revenue, a run upon our coin-redemption fund, and then from lack of revenue the necessity of using the redeemed greenbacks to meet the deficiency; and the moment that the redeemed greenbacks were used for that purpose they were placed in a position to be immediately returned for another redemption, making the endless chain of which Secretary Carlisle complains, but which the Administration declines to break by aiding in securing sufficient revenue to make it unnecessary to use the redeemed greenbacks to meet a deficiency.

Mr. SAYERS. Does not the law require that just as soon as a greenback is redeemed it shall be reissued?

Mr. DINGLEY. It does not. The law prohibits the cancellation and retirement of the greenback, but how long the greenbacks may be held in the Treasury is a matter left to the discretion of the Secretary of the Treasury; and all through these years, from 1878 to 1896, there has not been a year but what there have been constantly in the Treasury of the United States from $30,000,000 to $100,000,000 of greenbacks, notwithstanding the law of 1878.

Mr. SAYERS. Will my friend allow me? Because I am asking him a question in good faith.

Mr. DINGLEY. Certainly.

Mr. SAYERS. Was it not the spirit of the law to require the

reissuance of the greenbacks when presented for redemption? Was not the spirit of that law that the greenbacks should immediately go back to the country?

Mr. DINGLEY. They did not from 1878.

Mr. SAYERS. I am not asking what they did.

Mr. DINGLEY. It was not the spirit of the law, either. The law of 1878 prohibited the retirement and cancellation of the greenbacks—nothing more.

Mr. MARSH. At the time that law was passed the Treasury Department, under the operation of the law, was burning the greenbacks.

Mr. DINGLEY. They were redeemed and canceled as they came into the Treasury from 1875 to 1878——

Mr. MARSH. That law was passed for the purpose of preventing the Treasury from burning and destroying the greenbacks.

Mr. DINGLEY. Certainly, and for no other purpose; and it has never been construed by any Secretary of the Treasury as a prohibition of a temporary holding of greenbacks in the Treasury.

I want to say, in reference to what has already been said, that this distrust in the country will never be stopped until the revenue shall be more than the expenditures and all doubts as to the stability of our currency removed. [Loud applause on the Republican side.]

There are two sources from which the coin redemption fund can be replenished under the resumption act of 1875. It may be replenished from the surplus revenue; and from 1879 to 1893, under Republican management, the surplus revenue was sufficient to keep up the coin redemption fund without issuing a single bond, and pay off a large portion of the public debt [loud applause on the Republican side], and that is the condition to which we propose to return if the people give us a Republican Senate and President to cooperate with a Republican House. [Renewed applause.]

Let me repeat: The remedy is to furnish revenue enough to meet every dollar of the current expenditures and leave a surplus to be added for the use of the coin redemption fund, as a first step: an emphatic verdict of the people against the efforts to degrade our currency; and then, in view of the fact that the present distrust has become chronic, such further measures as will make our currency system responsive to the demands of business. We complain, Mr. Speaker, that as soon as it became known that the tariff act of 1894 would not produce revenue enough, a year and a half ago, with the Democratic party in control of both Houses of Congress and having the President, they have been continually singing the song, "Revenue enough, or will be next week," and refusing to increase the revenue to meet the current expenses of the Government. So when we came here last December, with a Republican House and a Democratic and Populist Senate, what confronted us? The fact that up to the 1st of January last there had been a deficiency of revenue amounting to nearly $130,000,000.

Now, what was our duty in these premises? What did we have to face? To be sure we could not proceed—in view of the fact that there was a Democratic and Populistic Senate and a Democratic President—to revise the tariff on our lines, because we knew it would do no good, it would be a loss of time, and that while valuable time was being lost there would continue to be an increase in the deficiency.

When the Speaker of the House, at the beginning of the session of Congress, spoke of the fact that we should not be able to revise the tariff on our lines, he spoke what everyone knew was true in the matter. But he did not intend—neither did any of his friends understand that he did—to have it inferred that it was not our duty to take hold of the matter and endeavor to provide more revenue; and while there was no possibility of passing a general tariff bill, it was our duty to offer revenue for the purpose of meeting this deficiency. Hence, what did we do? Within five days after the committees of this House were organized we passed through the House, not a bill framed on Republican protective lines, but a bill to continue only two years and a half, so modified that every patriot who wanted to serve his country and furnish forty millions of revenue and stop this deficiency and distrust in the country could support it. [Loud applause on the Republican side.]

Mr. GROUT. And every Democrat voted against it.

Mr. DINGLEY. We supposed we should have the support of all patriots and not a following of party lines; but we saw every Democrat and every Populist in this House vote against that bill, thus practically saying they would not have more revenue. That bill was sent to the Senate; and what was done with it by a combination of Democrats and Populists having a majority of 1 in that body? Having 1 majority of the Senate entirely outside of any other members of that body, they deliberately voted not even to consider that revenue bill, and up to this hour it has not been taken up, either to act on the proposition of the House or to propose something in the nature of a substitute that would furnish revenue. Not a thing has been done with it. Every Democrat and every Populist in this House and in the Senate has been opposing every step that could be taken in that direction.

Mr. SAYERS. Does the gentleman call the Senators from Montana Populists?

Mr. DINGLEY. I say, without any reference to the five so-called silver Republicans, who abandoned their party on that question and cooperated with the opposition, that the Democrats and Populists, known distinctly as such, had control of the Senate by a majority of 1. Gentlemen on the other side understand that very well, and they must not endeavor to shirk their responsibility by seeking to put some of it on the shoulders of other persons. The responsibility belongs with them, and they will have to take it before the people of this country. [Applause on the Republican side.]

What was said on the other side? Gentlemen told us that "next week" or "next month" we should have revenue enough; but, in fact, there has been a deficiency of $10,000,000 in current expenses since the 1st of January last, and a further deficiency of $11,000,000 caused by the necessary payment of maturing Pacific Railroad bonds; making a deficiency of $21,000,000 since the House passed a bill offering $40,000,000 increase of revenue to stop this deficiency.

Mr. HAINER of Nebraska. To that must be added $6,000,000 for the sugar bounties.

Mr. DINGLEY. Yes; and the deficiency is still going on; and our complaint is that they have persisted in refusing to raise more revenue, and thus made necessary the issuance of so many bonds. That is the complaint against them, that their policy has produced the conditions which have brought about this situation, and they refuse to correct those conditions. In the absence of revenue there is nothing to do, unless the Government is to be stopped, but to use the greenbacks redeemed by the proceeds of bond sales to pay so much of the expenditures of the Government as are not met by revenue, and thus place these redeemed greenbacks in a position to be presented again for redemption. But those who refuse to provide revenue are responsible for maintaining conditions that make such use necessary. And the majority of the Senate sent to the House a substitute bill proposing to allow private owners of silver to take their silver in unlimited quantities to our mints and have each 50 cents' worth of that silver coined into a standard dollar and returned to such private owners—a measure of great temporary profit to the private holders of silver, and in the end one which would inevitably drive out gold and leave us nothing but silver as metallic money, and would place this country on the silver basis of Mexico.

The decided vote by which the House refused to concur in this Senate proposition to debase our currency—only 90 members (58 Democrats, 7 Populists, and 25 Republicans) favoring, while 183 Republicans and 32 Democrats opposed it—affords a most instructive object lesson to the people of this country, which will not be lost sight of in the campaign before us.

Mr. Speaker, I need not point out other important and beneficial measures which the House has passed and sent to the Senate—such as the bill requiring that in the future immigrants coming here to become a part of our body politic shall be able to read and write their own language; the bankruptcy bill; the bill abolishing the fee system in paying United States district attorneys and United States marshals; the "filled cheese" bill, so called, to protect the dairy interests of the country; the bill to amend the administrative customs laws so as to prevent, so far as possible, undervaluations; the bill to establish a labor commission to investigate labor questions, etc.; and other bills of importance; but the Senate took up and passed only two of these bills.

Mr. Speaker, the gentleman from Missouri has endeavored to give the impression that the appropriations of this Congress exceed those of other Congresses, particularly those of recent years; but there is not the slightest foundation for this representation. The total appropriations made by this Congress, including the permanent appropriations, will reach not far from $515,000,000. But it should be borne in mind that nearly $15,000,000 of this is simply the increased interest arising from the issue of $262,000,000 of bonds by the present Democratic Administration and the increase of estimate for sinking fund due to the issue of these bonds. This leaves the appropriations at the first session of the Fifty-fourth Congress, compared on the basis of former appropriations, about $500,000,000; and this is substantially the appropriations heretofore.

It should be borne in mind that this appropriation includes an estimate of about $50,000,000 for the sinking fund, which is simply an estimate for a reduction of the interest-bearing debt, and not an item of current expenditure. This leaves the aggregate appropriations for carrying on the Government about $450,000,000, which includes the postal expenditures, more than $80,000,000 of which will be paid by postal revenue, leaving the annual appropriations for carrying on the Government about $370,000,000 to be paid by taxation, which is the average for several years. Indeed, the appropriations always exceed the actual expenditures, because of the fact that balances frequently are left after completing the work appropriated for, which are subsequently covered into the Treasury.

The statement of the annual expenditures of the Government paid by various imposts and duties since 1890 is as follows:

Fiscal year.	Receipts.	Expenditures.
1890	$403,080,982	$297,735,486
1891	392,612,447	355,372,685
1892	354,997,784	345,023,330
1893	385,819,628	383,477,954
	1,536,450,841	1,381,609,455

Surplus under four years of Harrison, $154,841,386.

Fiscal year.	Receipts.	Expenditures.
1894	$297,722,019	$367,525,279
1895	313,390,075	356,195,298
	611,112,094	723,720,577

Deficiency under two years of Cleveland, $112,608,483.

I desire to call attention to the fact that the—	
Cash in the Treasury March 1, 1893, when the present Administration came into power, was	$124,128,087
Cash borrowed by sale of bonds	293,454,272
Total cash received to June 1, 1896	417,582,359
Cash in Treasury June 1, 1896	267,193,210
Expenditures since March 1, 1893, in excess of receipts	150,389,149

Mr. Speaker, it is such a showing as this in time of peace that can not be justified—a deficiency of $150,389,149 in three years in time of peace, and that deficiency met by borrowing money instead of by increasing the revenue.

The interest-bearing debt has been increased about $262,000,000 and the annual interest over $11,500,000 in time of peace.

And gentlemen now excuse themselves from raising revenue because we have $167,000,000 in the Treasury outside of the coin redemption fund, which ought to consist of redeemed United States notes, and which, if used in meeting deficiencies, will be presented for a second redemption in coin, necessitating an additional issue of bonds to obtain means for such redemption.

Mr. Speaker, recognizing the absolute necessity of maintaining the redemption fund, in order to prevent the depreciation of the greenback notes issued by the Government as currency, as provided by the resumption act of 1875—a measure which in 1879 placed the country on a sound specie basis—and knowing that the authority to issue bonds provided by that act is vital to the maintenance of this resumption fund and business confidence, this Republican House sent to the Senate in December last another bill, which reduced the rate of interest and length of term on such bonds, and which provided that when issued and sold they should be made a popular loan and be offered first to the American people instead of being sold to syndicates. [Applause on the Republican side.]

We went further than this and provided that the proceeds of such bonds should be devoted exclusively to redemption purposes. And then, to make it unnecessary and impossible to use the redeemed greenbacks to meet a deficiency, and thus make it necessary to issue bonds in order to again redeem the greenbacks thus used, our bill authorized the issue of currency certificates of indebtedness to meet any temporary deficiencies.

We sent that measure to the Senate, and the majority of the Senate refused to concur in a single one of these propositions, thus practically sharing in the responsibility of the Executive for the continuation of all these practices of which we and the country complain.

In the face of such a constant deficiency of revenue for three years, in the face of the encroachments on the redemption fund, and the distrust caused by the paralysis of business, the people of the United States determined at the elections of 1894 that they had had enough of it, and elected this Republican House.

The people of this country know a great deal more now than they did in November, 1892. [Applause.]

Mr. GROUT. They have found out the Democratic party.

Mr. DINGLEY. We have had a kindergarten on a large scale. [Laughter.] The tuition came high, but no people ever learned so much in so short a time. [Applause.]

I am aware that here in this House, with our large Republican majority, elected in 1894, we have been powerless to place legislation on the statute book, because of a Democratic and Populistic Senate and a Democratic President. But I warn you, gentlemen of the Democratic party, notwithstanding the attempt to divert attention from the real difficulties in this country—I warn you that in November next the people will complete the work which they set out to accomplish in 1894; and they will give us a Senate and a President that will cooperate with a Republican House. [Applause.] Then we shall reestablish that policy of protection to American industries which for thirty years (four years of which were in the midst of a most destructive war) gave the United States such prosperity and elevated the wages of the people of this country as was never before known in the history of any country in the world. [Loud applause.]

Mr. RICHARDSON. I move that the House adjourn.

Mr. GROUT. Mr. Speaker, many gentlemen desire that I shall yield them time on this subject——

Mr. RICHARDSON. Unless we can have a vote on this conference report, I insist on my motion to adjourn.

Mr. GROUT. I move the previous question upon agreeing to the report.

Mr. WILLIS. I rise to a question of personal privilege. I want to correct a mistake that has been made——

The SPEAKER. That is not a question of personal privilege except under very peculiar circumstances. [Laughter.]

Mr. RICHARDSON. If we can have a vote on the conference report I withdraw the motion to adjourn.

The SPEAKER. The motion to adjourn is withdrawn. The gentleman from Vermont calls for the previous question on agreeing to the conference report.

The previous question was ordered; and under the operation thereof the conference report was agreed to.

On motion of Mr. GROUT, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the bill (S. 2984) in relation to contempts of court; in which the concurrence of the House was requested.

The message also announced that the Senate had passed with amendment the following resolution; in which the concurrence of the House was requested:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on Monday, the 18th day of May, at 2 o'clock p. m.

The message also announced that the Senate had passed without amendment joint resolution (H. Res. 201) extending the time of payments due from settlers and purchasers on all ceded Indian reservations.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

On June 9, 1896:

An act (H. R. 6614) making appropriations for the services of the Post-Office Department for the fiscal year ending June 30, 1897;

An act (H. R. 956) for the relief of Sophia Sparks and Julia C. Sparks, of Annapolis, Md.;

An act (H. R. 1826) granting a pension to Henry Prince;

An act (H. R. 6603) to pension the minor children of Patrick F. Reynolds;

An act (H. R. 6826) granting a pension to Rhoda Augusta Thompson, daughter of the late Thaddeus Thompson, a private in the Revolutionary war; and

Joint resolution (H. Res. 195) to pay the officers and employees of the Senate and House of Representatives on the day following adjournment.

On June 10, 1896:

An act (H. R. 8383) to establish a site for the erection of a penitentiary on the military reservation at Fort Leavenworth, Kans., and for other purposes;

An act (H. R. 9253) to amend an act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea";

An act (H. R. 2) disposing of two condemned cannon;

An act (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes;

An act (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes; and

An act (H. R. 2947) increasing the pension of Daniel D. Jennings, late of Company C, Sixty-fifth Ohio Volunteers.

NOTE.—The following bills having been presented to the President on May 27, 1896, and not having been returned by him to the House of Congress in which they originated within the time

prescribed by the Constitution, have become laws without his approval:

An act (H. R. 5711) granting a pension to Richard P. Pilkington;

An act (H. R. 8184) granting a pension to Jesse McMillan;

An act (H. R. 4910) granting a pension to Cyrus Thomas;

An act (H. R. 138) granting an increase of pension to Mary E. Hazlip; and

An act (H. R. 4753) granting an increase of pension to Lambert L. Mulford.

FINAL ADJOURNMENT.

Mr. CANNON. Let us now dispose of the resolution with reference to final adjournment.

The SPEAKER laid before the House the following resolution of the House, returned from the Senate with an amendment:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on Monday, the 18th day of May, at 2 o'clock p. m.

The amendment of the Senate was read, as follows:

In lines 5 and 6, strike out "Monday, the 18th day of May, at 2 o'clock p. m." and insert "Thursday, the 11th of June, at 4 o'clock p. m."

Mr. DINGLEY. I move that the House concur in the Senate amendment, and on that I move the previous question.

Mr. WHEELER. Will the gentleman allow me——

Mr. DINGLEY. It is now so late——

Mr. WHEELER. This is a most important resolution coming from the Committee on Ways and Means, and there ought to be a few minutes given to the minority for debate. [Cries of "Vote!" "Vote!"]

The SPEAKER. The Chair will submit the question on the demand of the gentleman from Maine for the previous question.

Mr. WHEELER. Mr Speaker, this is a motion to adjourn the House to-morrow at 4 o'clock, and I think the motion is one that certainly ought to have some consideration at the hands of the minority. We ought to have some few moments for debate on this question—the minority of the Committee on Ways and Means.

Mr. CANNON. But the gentleman has unlimited leave to print now.

Mr. WHEELER. I know that, but I ask just five minutes on the part of the minority to discuss this question.

The SPEAKER. The Chair desires to be perfectly fair with the gentleman from Alabama, but this is a matter for the House to decide.

Mr. WHEELER. I understand that, Mr. Speaker; but if the chairman of the Committee on Ways and Means would grant a few minutes' debate for me, I am sure that the House will yield its consent. This is the first time in the history of Congress that this resolution has been presented and acted upon without any discussion.

Mr. DINGLEY. But the gentleman has leave to print now.

Mr. WHEELER. I want five minutes to speak on this question. I only ask five minutes.

Mr. DINGLEY. Well, I will yield to the gentleman for five minutes.

Mr. WHEELER. Mr. Speaker, on the 6th day of last month, just five weeks ago to-day, the distinguished chairman of the Committee on Ways and Means presented a resolution to the House fixing May 18 as the day for final adjournment.

I opposed the resolution with all the power I possessed, insisting that we should enact legislation to relieve the people from the distress which prevails throughout the rural portions of our land, or, rather, that we should repeal laws which all will concede are largely the cause of the present unfortunate condition of our country.

UNIVERSAL DEMAND FOR SILVER LEGISLATION.

During these few weeks the wishes and demands of the people of the United States have been expressed with a force and earnestness very seldom manifested. The people have become convinced that the legislation by Congress which confines the money of ultimate redemption to one metal has enabled a few to so control the gold of the United States as to paralyze industries, depress the value of farm products, cause stagnation in legitimate business, and rapidly divide the people into a few millionaires and multimillionaires on the one side, the struggling masses of the people on the other.

In more than three-fourths of the States the people in convention assembled have in the most emphatic and decided manner denounced the single gold standard as destructive to the best interests of the country and absolutely ruinous to the farmers or producing classes.

In the debate which has taken place this afternoon prominent Republicans have sought to excuse their neglect to legislate for the people by minimizing the achievements of the Democratic party in the last House in relieving the people of the burdens which were imposed on them by what was called the war legislation. These burdens were imposed when the Republican party had full control of all branches of the Government.

THE DEMOCRATS OF THE LAST CONGRESS LEGISLATED FOR THE PEOPLE.

The last Congress was the first in thirty-five years in which the Democratic party had the President and both Houses of Congress. It is true we did not accomplish all that we desired, nor all that we attempted, but I have in my mind some laws that we enacted which have met the approval of all right-thinking people.

1. We repealed the Federal election laws, which will forever prevent any interference in elections by Federal officials.

2. We enacted a law providing for taxing greenback and national-bank money.

3. The House passed the voluntary bankrupt act.

4. We passed a beneficent law restricting and placing safeguards upon immigration.

5. The House passed a law to amend the Constitution, so that Senators might be elected by the people.

6. We passed a law reclaiming 48,000,000 acres of land, worth $1,000,000,000, then illegally held by corporations.

7. We enacted a law admitting Utah to the sisterhood of States.

8. The House passed a law admitting New Mexico and Arizona.

9. We enacted a law extending mail facilities, reducing postal expenditures, and reducing postage upon periodical publications.

10. We enacted laws which removed all tax from the following articles used by farmers, by placing them on the free list, viz:

Agricultural implements.
Iron cotton ties.
Bagging for cotton.
Bags for grain.
Salt.
Many agricultural seeds.
Cotton gins.
Binding twine.

11. We also enacted laws which have reduced the tax on nearly everything bought by farmers from one-half to one-fifth the tax which was imposed by Republicans.

12. We enacted a law reorganizing the Departments by which we were enabled to abolish thousands of offices, so as to reduce the expenses of the Government many million dollars.

13. We enacted a law to place a tax upon incomes which would require the people of wealth to pay their part of the burdens of government, and all this legislation will remove hardships and lift burdens from men who work.

14. In fine, the general provisions of the tariff law which we enacted were such as to accomplish much toward breaking down monopolies and trusts, and is opening foreign markets to the products of American labor. Only last March the London Iron and Trade Review announced the arrival of Alabama pig iron in that market, and said:

England is threatened with an invasion of American pig iron. This is one of the most serious blows to the supremacy of Great Britain as a manufacturing nation.

And about the same time the Cleveland World, published by that eminent protectionist, Mr. Robert P. Porter, announced that an immense order for iron cotton ties for cotton had been received by the iron mills of Youngstown, Ohio. The paper said:

The order is from Bombay, India. An immense amount of cotton ties have already been shipped, but this will form but a small part of the order.

This is a part of the work done by a Democratic Congress, but we enacted much other beneficent legislation which I can not recall at this moment.

The SPEAKER. The gentleman from Alabama should confine himself to the question before the House, which is whether the House and Senate shall adjourn at 4 o'clock to-morrow. [Laughter.]

Mr. WHEELER. Yes, Mr. Speaker, that is the question we are now considering, and I hope that my statements of what the Democratic House did during the last session will induce our Republican friends to vote against adjournment and proceed to enact laws which have been introduced and are now pending, which if enacted would restore the country to prosperity. I want to ask in all seriousness, if you adjourn with your present record, how will you go before the country in November——

A MEMBER. Give it up. [Laughter.]

Mr. WHEELER (continuing). The Republican party will have to give it up unless they pass at least one law for the relief of the people. On what will they base their claims for further support? I appeal to them to stay here and enact laws, which they can enact, to help the producing classes of this country. What have they done?

Mr. OGDEN. They passed the filled-cheese bill. [Laughter.]

Mr. TALBERT. And they stopped prize fighting in the Territories. [Renewed laughter.]

Mr. WHEELER. Yes, they passed the filled-cheese bill, which is an unconstitutional exercise of the taxing power, and they wasted several days in talking about the proposed prize fight between Corbett and Fitzsimmons.

You will also remember that they turned away from their duty and spent several days in making speeches condemnatory of Mr.

Bayard, because he made a speech against the Republican policy of prohibitory protection; and then this immense Republican majority proceeded to cast a vote of censure against the American ambassador, Mr. Bayard. [Laughter and applause.] And every sensible, educated man in the world has cast a vote of censure in his own mind against those who inaugurated this proceeding. This is the record which you have made and upon which you are to ask for votes in November. [Applause.]

The SPEAKER. The time of the gentleman from Alabama has expired. [Laughter.]

Mr. DINGLEY. Mr. Speaker, I move the previous question.

The previous question was ordered.

The amendment of the Senate was concurred in.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (S. 2928) to extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company of the District of Columbia, and for other purposes;

A bill (S. 2859) changing the time for holding circuit court of the United States at Hartford, in the district of Connecticut;

A bill (S. 2978) to provide an American register for the steamer *Menemsha;*

A bill (H. R. 9253) to amend an act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea";

A bill (S. 1306) to authorize and encourage the holding of a transmississippi and international exposition at the city of Omaha, in the State of Nebraska, in the year 1898;

A bill (S. 2412) to make the city of Santa Barbara, county of Santa Barbara, State of California, a subport of entry;

A bill (H. R. 180) to make the city of Erie, Pa., a port of immediate transportation;

A bill (S. 1767) to provide subports of entry and delivery in the State of Florida;

A bill (S. 3206) to grant a right of way through the new Fort Bliss Military Reservation to the El Paso and Northeastern Railroad Company;

Joint resolution (S. R. 161) authorizing the Secretary of the Treasury to place a bronze tablet or inscription on the Government building erected in Detroit, Mich.;

A bill (S. 768) for the relief of James A. Moore;

A bill (S. 2783) to establish a life-saving station on the coast of New Hampshire or Massachusetts, between the Hampton and Merrimac rivers;

Joint resolution (S. R. 27) granting permission for the erection of a monument in Washington, D. C., for the ornamentation of the national capital and in honor of Samuel Hahnemann;

A bill (S. 2490) to authorize the Secretary of War to improve and maintain the public roads within the limits of the national park at Gettysburg, Pa.;

Joint resolution (S. R. 138) for the relief of James P. Veach;

A bill (S. 3170) to authorize the Butler and Pittsburg Railroad Company to construct and maintain a bridge across the Allegheny River;

A bill (S. 2943) to authorize the construction of a bridge across the Warrior River by the Mobile and Ohio Railroad Company;

A bill (S. 261) for the relief of Arthur P. Selby;

A bill (S. 2945) to authorize the construction of a bridge across the Alabama River by the Mobile and Ohio Railroad Company;

Joint resolution (S. R. 149) extending the benefits of sections 1426 and 1573 of the Revised Statutes to all enlisted persons of the Navy;

A bill (S. 1011) for the relief of Capt. James Reagan, United States Army;

A bill (S. 2944) to authorize the construction of a bridge across the Cahaba River, in Bibb County, Ala., by the Mobile and Ohio Railroad Company;

A bill (H. R. 9409) making appropriations to supply deficiencies in the appropriations for expenses of the House of Representatives, and for other purposes, for the fiscal year 1896;

A bill (H. R. 7338) for the relief of William H. Scofield, Jacob Brady, James Ketcham, Annie Booth, as administratrix of the goods, chattels, and credits of George W. Booth, deceased; Wilson P. Billar, Ezra L. Waterhouse, Moses C. Bell, George W. Byles, and George A. Scofield;

A bill (H. R. 9226) to change the time and places for the district and circuit courts of the northern district of Texas; and

A bill (S. 1853) for the relief of Edward Rice.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and resolutions were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 2984) in relation to contempts of court—to the Committee on the Judiciary.

A bill (S. 2555) to authorize the Secretary of the Treasury to issue leases of certain islands in Alaska for the breeding of foxes—to the Committee on the Territories.

A bill (S. 3058) to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 copies of Senate Miscellaneous Document No. 274, Fifty-third Congress, second session, Proceedings of the Berlin Silver Commission of 1894, with index, 3,000 to be for the use of the House of Representatives and 2,000 for the use of the Senate—

To the Committee on Printing.

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 60,000 extra copies of the report of the joint Committee on the Dedication of the Chickamauga and Chattanooga National Park; 18,000 copies shall be for the use of the House of Representatives, 6,000 copies for the Senate, 1,000 copies for the National Park Commission to supply the twenty-eight State commissions, and 500 copies for the Secretary of War to supply the governors of the States, and 100 copies for each speaker at the dedication—

To the Committee on Printing.

A bill (S. 525) for the relief of Thomas Guinean, of Oregon—to the Committee on Claims.

A bill (S. 205) for the relief of Rinaldo P. Smith, of Baltimore, Md.—to the Committee on Claims.

A bill (S. 2054) to incorporate the East Washington Heights Traction Railway Company of the District of Columbia—to the Committee on the District of Columbia.

A bill (S. 2840) to incorporate the East Washington Heights Traction Railway Company of the District of Columbia—to the Committee on the District of Columbia.

ORDER OF BUSINESS.

The SPEAKER. The Chair is informed that at half past 9 the important bills will be ready to be signed. The Chair thinks that, after laying before the House a message from the President of the United States, the House should take a recess until half past 9 o'clock this evening, in order that the enrolled bills may be signed.

VETO MESSAGE—FORT OMAHA MILITARY RESERVATION.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I herewith return without my approval House bill numbered 225, entitled "An act to provide for the lease of Fort Omaha Military Reservation to the State of Nebraska."

This bill authorizes and directs the Secretary of War, when Fort Crook, near the city of Omaha, is ready for occupancy, to lease for a nominal rent to the State of Nebraska the possession of Fort Omaha Military Reservation, containing about 80 acres, with all the buildings, appurtenances, and improvements thereof. It is declared that the lease shall be conditional upon the use of said reservation by the State of Nebraska as a place of rendezvous and school of instruction for the National Guard of said State; that the State of Nebraska shall, while it is in possession of said reservation, keep the buildings and improvements thereon in as good condition and repair as at the date it shall enter into possession thereof, and that at any time when in the judgment of the Secretary of War the interests of the United States shall require such action, he shall take possession of said military reservation for the use of the Government, together with all the buildings, appurtenances, and improvements thereon.

On the 23d day of July, 1888, an act was passed authorizing the Secretary of War to purchase suitable grounds of not less than 640 acres in extent, to be situate within 10 miles of the city of Omaha, and to construct the necessary buildings thereon for a ten-company military post, to be known as Fort Omaha, and a necessary sum not exceeding $300,000 was appropriated to enable the Secretary of War to carry out the provisions of said act.

The said act also authorized the Secretary of War, when the purchase of the new site should be effected, to sell the military reservation known as Fort Omaha, and such of the buildings and improvements thereon as could not be economically removed to the new site, and to cause the said reservation, for the purposes of said sale, to be platted in blocks, streets, and alleys, if in his judgment it would inure to the benefit of the Government in making a sale of such site.

The new site provided for by this act has been purchased, a large sum of money has been spent by the Government in preparing it for use, and I understand it will soon be ready for occupancy. The authority to sell the old site has not been exercised. This may be accounted for by the fact that the Government has not thus far been able to dispense with its use or because the depression in land values at Omaha has rendered it unadvisable.

The authority to sell and to remove any of the buildings from the old reservation to the new site still remains, however, unimpaired. In this condition of affairs it is now proposed to lease this land and these buildings to the State of Nebraska at a nominal rent, allowing the Government to repossess it only "when the interests of the United States shall require such action."

Of course it would be claimed that this language, in view of the statute of 1888, should not be construed as permitting the Government to retake the property for the purpose of selling it, because that is not stipulated in the bill. For that reason it would be plausibly urged that the lease was paramount to the power of sale contained in the law of 1888, and that the omission of any provision that possession might be resumed for the purpose of sale plainly indicated that "the interests of the United States" which allows such resumption contemplates some other and different emergency.

As a practical question we all know that transactions of this character relating to Government property amount to a permanent alienation or certainly pave the way for an absolute grant.

I do not think there should be anything done with this valuable property which will in the least embarrass the Government in its sale, and to that extent reimbursing itself for the cost of the new military post which was plainly contemplated in the law of 1888.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 10, 1896.*

Mr. MERCER. Mr. Speaker, I move that the message and the bill be referred to the Committee on Military Affairs.

There was no objection, and it was so ordered.

Mr. DINGLEY. Mr. Speaker, I move that the House take a recess until half past 9 this evening.

Mr. BAILEY. Will the gentleman from Maine agree now to move that when the House adjourns to-day it adjourn to meet to-morrow at 12 o'clock?

Mr. DINGLEY. I can not say now, until we see whether the bills can be engrossed to-night. It is necessary to have this session this evening in order that the enrolled bills be signed.

The motion was agreed to.

Accordingly (at 7.30 o'clock p. m.) the House took a recess until 9.30 o'clock p. m.

The recess having expired, the House, at 9 o'clock and 30 minutes p. m., was called to order by the Speaker.

Mr. DALZELL. Mr. Speaker, I move that the House take a recess till half past 10 o'clock.

The motion was agreed to.

Accordingly the House was in recess until 10 o'clock and 30 minutes p. m.

The recess having expired, the House, at 10 o'clock and 30 minutes p. m., was called to order by the Speaker.

ENROLLED BILLS SIGNED.

Mr. CROWTHER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

A joint resolution (H. Res. 201) extending the time of payments due from settlers and purchasers on all ceded Indian reservations:

A bill (H. R. 9447) to amend section 1 of the act to amend an act entitled "An act authorizing the Postmaster-General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved May 9, 1888;

A bill (H. R. 3990) granting a pension to Mrs. Eliza G. Payne; and

A bill (H. R. 4580) to amend section 3449 of the Revised Statutes.

ORDER OF BUSINESS.

Mr. LITTLE. Mr. Speaker, I desire to complete the unfinished business. There was a second on a motion to suspend the rules and pass the bill for the relief of Albert Augustine. I desire now to complete the passage of that bill, if I can.

Mr. DINGLEY. Mr. Speaker, it was understood that no business would be done to-night except to receive the report of the Committee on Enrolled Bills, because the bills must go to the President and be signed. Because of that understanding many members are not present who would have been here if they had expected any other business would be transacted.

Mr. LITTLE. My friend remembers that a motion was made to suspend the rules, with a second.

Mr. DINGLEY. I am aware of that.

Mr. TERRY. I suggest to the gentleman from Maine that that bill is the unfinished business, and it was actually being passed when it was interrupted by a conference report.

Mr. RICHARDSON. And the gentleman kindly yielded.

Mr. TERRY. Yes.

Mr. LITTLE. I think we ought to have a vote on the bill, but I yield again.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 2775) to authorize the Herndon and Aldie Railroad to construct a bridge over the Potomac River at or near the Great Falls;

A bill (S. 2630) authorizing and directing the Secretary of the Navy to donate condemned cannon to the Londonderry Soldiers' Monument Association, of Londonderry, N. H.;

A bill (S. 2483) donating condemned cannon and cannon balls to the New Hampshire Soldiers' Home;

A bill (S. 810) to amend the act entitled "An act granting pensions to the soldiers and sailors of the Mexican war, and for other purposes," approved January 29, 1887; and

Joint resolution (S. R. 89) authorizing and directing the Secretary of the Navy to appoint a board of three officers of the Navy to proceed to Navassa Island and Swamm Island, in the West Indies, and examine and report upon the practicability and advisability of establishing a coaling station for the United States Government on either of said islands.

ENROLLED BILLS SIGNED.

Mr. CROWTHER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 8321) to authorize the county of St. Louis, in the State of Minnesota, to build or authorize the building of a foot and wagon bridge across the St. Louis River, between Minnesota and Wisconsin, at a point near Fond du Lac, in said State of Minnesota; and

A bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

And then, on motion of Mr. DINGLEY (at 10 o'clock and 50 minutes p. m.), the House adjourned until to-morrow at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. LACEY, from the Committee on the Public Lands, to which was referred the veto message of the President of the United States on the bill of the House (H. R. 4804) entitled "An act to amend subdivision 10 of section 2238 of the Revised Statutes of the United States," reported the same with the recommendation that said bill do pass, the objection of the President to the contrary notwithstanding, accompanied by a report (No. 2287); which said veto message, bill, and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. GRAFF, from the Committee on Claims, to which was referred the bill (S. 3269) entitled "An act to pay the Richmond Locomotive and Machine Works its claim for damages and losses incurred in the construction of the armored battle ship *Texas*," reported the same (Report No. 2286); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. OWENS: A bill (H. R. 9444) to establish a cavalry post in Fayette County, Ky.—to the Committee on Military Affairs.

By Mr. JOY: A bill (H. R. 9445) amending an act to authorize construction of certain bridges—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 9446) amending "An act authorizing the construction of a bridge over the Mississippi River at St. Louis, Mo."—to the Committee on Interstate and Foreign Commerce.

By Mr. KIEFER (by request): A bill (H. R. 9448) to reform the currency of the United States and insure its integrity—to the Committee on Ways and Means.

By Mr. PAYNE (by request): A resolution (House Res. No. 423) to pay James S. Cotton for hauling Congressional seeds from railroad station to House post-office and residences of members—to the Committee on Accounts.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9440) for the relief of Cyrus Allen; and the same was referred to the Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. APSLEY: A bill (H. R. 9449) for the relief of Egbert Stricksma—to the Committee on Claims.

By Mr. BARTLETT of New York: A bill (H. R. 9450) removing the charge of desertion from the naval record of Philip Treacy, or Tracy—to the Committee on Naval Affairs.

By Mr. BERRY: A bill (H. R. 9451) for the relief of R. F. Harrison—to the Committee on Claims.

By Mr. BRODERICK: A bill (H. R. 9452) granting a pension to Mary C. Williams—to the Committee on Invalid Pensions.

By Mr. CATCHINGS: A bill (H. R. 9453) for the relief of Alice Jordan, of Vicksburg, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 9454) for the relief of N. B. and Mrs. E. A. Lanier, of Warren County, Miss.—to the Committee on War Claims.

By Mr. COX: A bill (H. R. 9455) to carry out the findings of the Court of Claims in the case of Lucius Hough—to the Committee on War Claims.

By Mr. CUMMINGS: A bill (H. R. 9456) for the relief of John Fox—to the Committee on Naval Affairs.

By Mr. HURLEY: A bill (H. R. 9457) for the relief of Mrs. Annie F. Wilson—to the Committee on Claims.

By Mr. MAGUIRE: A bill (H. R. 9458) granting a pension to Daniel Connors—to the Committee on Invalid Pensions.

By Mr. McCREARY of Kentucky: A bill (H. R. 9459) for the relief of W. G. Anderson—to the Committee on War Claims.

By Mr. SORG: A bill (H. R. 9460) to remove the charge of desertion from the record of Dennis Cain, Company I, Forty-fourth Ohio Infantry—to the Committee on Military Affairs.

By Mr. SOUTHWICK: A bill (H. R. 9461) to pension Roxanna Early Macfarlane and Robert Macfarlane—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. APSLEY: Petition of Egbert Stricksma, to accompany House bill for his relief—to the Committee on Claims.

By Mr. BARTLETT of New York: Petition of Mary Treacy, to accompany House bill for the removal of the charge of desertion from the naval record of her late husband, Philip Treacy, late landsman, United States Navy, and granting him an honorable discharge—to the Committee on Naval Affairs.

By Mr. CUMMINGS: Paper to accompany House bill for the relief of John Fox—to the Committee on Naval Affairs.

By Mr. FARIS: Affidavits and papers to accompany House bill No. 2368, to correct the military record of John H. Stearns—to the Committee on Military Affairs.

By Mr. KNOX: Papers to accompany House bill No. 2228, to correct the military record of Lawrence Kennedy—to the Committee on Military Affairs.

By Mr. McCREARY of Kentucky: Petition of J. J. McKinney for increase of pension—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: Petition of R. R. Shiel & Co. and 70 other citizens of Indianapolis, Ind., favoring the passage of House bill No. 260, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. SCRANTON: Petition of Electric City Lodge, No. 230, International Association of Machinists, of Scranton, Pa., asking investigation of grievances of workmen at United States navy-yards and arsenals—to the Committee on Naval Affairs.

By Mr. SORG: Paper to accompany House bill to remove the charge of desertion from the record of Dennis Cain—to the Committee on Military Affairs.

SENATE.

THURSDAY, *June 11, 1896.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. MITCHELL of Wisconsin, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

PAY OF LETTER CARRIERS.

Mr. HALE. I wish to withdraw a motion which I entered last night to reconsider the vote by which the bill (S. 3058) to increase the pay of letter carriers was passed.

The VICE-PRESIDENT. The motion is withdrawn.

EMPLOYMENT OF ALIENS IN EXECUTIVE DEPARTMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 9th ultimo, a statement as to the aliens employed in the Department of the Interior; which was ordered to lie on the table and to be printed.

MRS. MARTHA M. GIBSON.

The bill (H. R. 8159) to pension Mrs. Martha M. Gibson was read twice by its title.

Mr. SHERMAN. I ask that the bill be put upon its passage.

Mr. HAWLEY. May I suggest to the Senator from Ohio that this is a House bill, and——

Mr. SHERMAN. It is a House bill, proposing to pension General Gibson's widow.

Mr. HAWLEY. I know; it is all right. It is rather presuming in me to venture a suggestion to a Senator so much more experienced, but the passage of this bill has been secured through the other House, and now does the Senator think there is a good chance to get it signed at this late hour?

Mr. SHERMAN. I think so. No one, I think, was better known than General Gibson. He was a very distinguished officer and a very distinguished lawyer. He left his family dependent. I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Martha M. Gibson, widow of William H. Gibson, late colonel of the Forty-ninth Regiment Ohio Volunteer Infantry and brevet brigadier-general United States Volunteers, and to pay her a pension at the rate of $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT (after having called through the order of routine business). The morning business is closed. The Calendar under Rule 8 is in order.

Mr. COCKRELL. I suggest that the Senate take a recess, subject to the call of the Vice-President.

Mr. PLATT. I do not think that on the last day of the session, with very few Senators in the Chamber, it is worth while to go to the Calendar.

Mr. FAULKNER. I think it was contemplated that nothing should be done this morning, and therefore very few are present.

Mr. COCKRELL. Let the Senate be in recess, subject to the call of the Vice-President, so that he can come in and sign enrolled bills at any time.

Mr. ALLISON. I suggest that we postpone taking a recess for a few minutes. I think the District of Columbia appropriation bill will be here very soon.

Mr. COCKRELL. A recess could be taken with the Senate constructively in session, so as to enable the presiding officer to come in and sign the bill.

Mr. PLATT. Here it is.

The VICE-PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes; and it was thereupon signed by the Vice-President.

EXECUTIVE SESSION.

Mr. HAWLEY. There is a little executive business to be transacted. It will take only a few minutes, perhaps. I move that the Senate proceed to the consideration of executive business.

Mr. ALLISON. That is a wise motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Forest Reservations and the Protection of Game:

A bill (H. R. 119) to protect and administer public forest reservations; and

A bill (H. R. 4058) to set apart a portion of certain lands in the State of Washington, now known as the Pacific Forest Reserve, as a public park, to be known as the Washington National Park.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 2663) to amend the laws relating to navigation; and

A bill (H. R. 5482) authorizing the Cleveland Bridge Company to construct a bridge across the Arkansas River between Pawnee County, Okla., and the Osage Indian Reservation.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 4538) for the relief of John Keefe; and

A bill (H. R. 8250) for the relief of William Gemmill.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. 9123) to prevent forest fires on the public domain; and

A bill (H. R. 9345) to enable certain persons in the State of Mississippi to procure title to public lands.

The bill (H. R. 1256) for the relief of Henry A. Webb was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 7500) to grant a pension to Mrs. Keturah Wilson, widow of James Wilson, deceased, was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. 8443) to amend section 4878 of the Revised Statutes relating to burials in national cemeteries was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 8886) for the relief of Hiram T. Corum and Silas W. Davis, of Oregon, was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 9149) to regulate the establishment of submarine telegraphic cable lines or systems in the United States was read twice by its title, and referred to the Committee on Foreign Relations.

A bill (H. R. 8321) to authorize the county of St. Louis, in the | Annie F. Wilson—to the Committee on Claims.

PROPOSED RESTRICTION OF IMMIGRATION.

Mr. PLATT. Mr. President, the bill (H. R. 7864) to amend the immigration laws of the United States was the unfinished business until the day before yesterday, when it was displaced by a motion to take up the bill to regulate procedure in the matter of contempts of court. I do not think it was the intention of the Senator from Massachusetts [Mr. LODGE], who had the immigration bill in charge, that it should be displaced except temporarily, and therefore I ask unanimous consent that it may be placed on the Calendar to go over until the next session as the unfinished business.

The VICE-PRESIDENT. The Senator from Connecticut asks unanimous consent that the immigration bill be placed on the Calendar as the unfinished business for consideration at the next session. Is there objection? The Chair hears none, and it is so ordered.

ENROLLED BILL SIGNED.

At 12 o'clock and 25 minutes p. m. a message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 8159) to pension Mrs. Martha M. Gibson; and it was thereupon signed by the Vice-President.

DISTRICT CHARITIES AND REFORMATORY INSTITUTIONS.

The VICE-PRESIDENT appointed (in pursuance of authority granted and duly imposed upon the presiding officer of the Senate by the provisions of the act making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes) Mr. HARRIS, Mr. FAULKNER, and Mr. MCMILLAN members on the part of the Senate of the Joint Select Committee to make Investigations of the Charities and Reformatory Institutions of the District of Columbia.

PETITION.

Mr. COCKRELL presented a petition of the board of directors of the Free Public Library of St. Louis, Mo., praying for the passage of the so-called supplementary document bill; which was referred to the Committee on Printing.

PROPOSED RECESS.

Mr. CANNON (at 12 o'clock and 47 minutes p. m.). I move that the Senate take a recess until 2 o'clock.

Mr. HAWLEY. I would rather have the advice of the chairman of the Committee on Appropriations upon the subject. We are perfecting messages and transacting business of that sort all the while.

Mr. SHERMAN. I think we had better stay here.

Mr. HAWLEY. If the Senator will permit me, I suggest that he withdraw his motion, for the present at any rate.

Mr. CANNON. I will withdraw the motion until the appearance of the chairman of the Committee on Appropriations.

The VICE-PRESIDENT. The motion is withdrawn.

At 12 o'clock and 49 minutes p. m. Mr. ALLISON entered the Chamber.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 2415) for the relief of B. J. Van Vleck, administrator of Henry Van Vleck, deceased; in which it requested the concurrence of the Senate.

NOTIFICATION TO THE PRESIDENT.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee of two Senators be appointed by the Chair, to join a similar committee appointed by the House of Representatives, to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn, unless the President has some other communication to make to them.

The VICE-PRESIDENT appointed Mr. SHERMAN and Mr. SMITH as the committee.

MESSAGE FROM THE HOUSE.

At 1 o'clock and 7 minutes p. m., a message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had appointed Mr. DINGLEY, Mr. CANNON, and Mr. SAYERS a committee on the part of the House to join such committee as had been appointed by the Senate to wait upon the President of the United States and to inform him that Congress, having finished its business, was ready to adjourn.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 2415) for the relief of B. J. Van Vleck, administrator of Henry Van Vleck, deceased; and it was thereupon signed by the Vice-President.

RECESS.

Mr. ALLISON (at 1 o'clock and 20 minutes p. m.). I move that the Senate take a recess until 3 o'clock.

The motion was agreed to; and at the expiration of the recess the Senate reassembled.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 10th instant approved and signed the following acts and joint resolutions:

An act (S. 2490) to authorize the Secretary of War to improve and maintain the public roads within the limits of the national park at Gettysburg, Pa.;

An act (S. 1306) to authorize and encourage the holding of a transmississippi and international exposition at the city of Omaha, in the State of Nebraska, in the year 1898;

An act (S. 2412) to make the city of Santa Barbara, county of Santa Barbara, State of California, a subport of entry;

An act (S. 2783) to establish a life-saving station on the coast of New Hampshire or Massachusetts between the Hampton and the Merrimac rivers;

An act (S. 1767) to provide subports of entry and delivery in the State of Florida;

An act (S. 3206) to grant a right of way through the new Fort Bliss Military Reservation to the El Paso and Northeastern Railroad Company;

An act (S. 768) for the relief of James A. Moore;

A joint resolution (S. R. 138) for the relief of James P. Veach; and

A joint resolution (S. R. 161) authorizing the Secretary of the Treasury to place a bronze tablet or inscription on the Government building now being erected in Detroit, Mich.

The message also announced that the President of the United States had on this day approved and signed the following bills and joint resolution:

An act (S. 2943) to authorize the construction of a bridge across the Warrior River by the Mobile and Ohio Railroad Company;

An act (S. 2944) to authorize the construction of a bridge across the Cahaba River, in Bibb County, Ala., by the Mobile and Ohio Railroad Company;

An act (S. 2945) to authorize the construction of a bridge across the Alabama River by the Mobile and Ohio Railroad Company;

An act (S. 3170) to authorize the Butler and Pittsburg Railroad Company to construct a bridge across the Allegheny River;

An act (S. 1011) for the relief of Capt. James Regan, United States Army;

An act (S. 1853) for the relief of Edward Rice; and

A joint resolution (S. R. 149) extending the benefits of sections 1426 and 1573 of the Revised Statutes to all enlisted persons in the Navy.

EXECUTIVE SESSION.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened.

NOTIFICATION TO THE PRESIDENT.

Mr. SHERMAN, from the committee appointed to wait upon the President of the United States and inform him that unless he may have some further communication to make Congress is ready to adjourn, reported that they had performed the duty assigned them, and that the President had replied that he had nothing further to communicate.

THANKS TO THE PRESIDENT PRO TEMPORE.

Mr. HARRIS. Mr. President, I offer the resolution which I send to the desk, and I ask the unanimous consent of the Senate that it be now considered.

The VICE-PRESIDENT. The resolution submitted by the Senator from Tennessee will be read.

The Secretary read as follows:

Resolved, That the thanks of the Senate are hereby tendered to Hon. WILLIAM P. FRYE, President pro tempore of the Senate, for the courteous, dignified, and able manner with which he has presided over its deliberations during the present session.

The VICE-PRESIDENT. The question is upon agreeing to the resolution.

The resolution was unanimously agreed to.

THE LEWIS RANGE AND POSITION FINDER.

The PRESIDING OFFICER (Mr. MITCHELL of Oregon in the chair) laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 10th instant, a statement of the record of the action of the range-finder board and the Board of Ordnance and Fortification in relation to the Lewis range and position finder, etc.; which, on motion of Mr.

DUBOIS, was, with the accompanying papers, referred to the Committee on Coast Defenses, and ordered to be printed.

THANKS TO THE VICE-PRESIDENT.

Mr. ALLISON. Mr. President, I offer the resolution which I send to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the thanks of the Senate are hereby tendered to Hon. ADLAI E. STEVENSON, Vice-President, for the dignified, impartial, and courteous manner with which he has presided over its deliberations during the present session.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was unanimously agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had passed a bill (H. R. 5782) granting an increase of pension to Mrs. Anna Wedel; in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

The bill (H. R. 5782) granting an increase of pension to Mrs. Anna Wedel was read twice by its title, and referred to the Committee on Pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 94) increasing the pension of Melancthon McCoy, of Company K, One hundred and forty-eighth Illinois Infantry; and

A bill (H. R. 7740) granting an increase of pension to Lewis Keiser.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 94) increasing the pension of Melancthon McCoy, of Company K, One hundred and forty-eighth Illinois Infantry; and

A bill (H. R. 7740) granting an increase of pension to Lewis Keiser.

FINAL ADJOURNMENT.

The hour of 4 o'clock having arrived,

The VICE-PRESIDENT said:

SENATORS: I am deeply touched by the resolutions personal to myself adopted by the Senate. It has been my earnest endeavor impartially to execute the rules prescribed for the guidance of this body. For the aid you have so generously given me in the discharge of the duties that pertain to this office, as well as for the courtesy uniformly shown me, I am profoundly grateful.

And now, wishing each of you a safe return to home and constituents, it only remains for me to declare the first session of the Fifty-fourth Congress adjourned without day.

NOMINATIONS.

Executive nominations received by the Senate June 11, 1896.

PROMOTIONS IN THE ARMY.

Subsistence Department.

Lieut. Col. William Hemphill Bell, assistant commissary-general of subsistence, to be assistant commissary-general of subsistence with the rank of colonel, June 10, 1896, vice Wilsow, retired from active service.

Maj. William Hoit Nash, commissary of subsistence, to be assistant commissary-general of subsistence with the rank of lieutenant-colonel, June 10, 1896, vice Bell, promoted.

Capt. William Leidy Alexander, commissary of subsistence, to be commissary of subsistence with the rank of major, June 10, 1896, vice Nash, promoted.

PROMOTIONS IN THE NAVY.

Capt. George Dewey, to be a commodore in the Navy from the 28th of February, 1896, vice Commodore Thomas O. Selfridge, promoted.

Commander Francis A. Cook, to be a captain in the Navy from the 28th of February, 1896, vice Capt. George Dewey, promoted.

Lieut. Commander Charles T. Hutchins, to be a commander in the Navy from the 28th of February, 1896, vice Commander Francis A. Cook, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 11, 1896.

CONSUL.

Richard M. Bartleman, of Massachusetts, to be consul of the United States at Malaga, Spain.

PROMOTIONS IN THE ARMY.

Lieut. Col. William Hemphill Bell, assistant commissary-general of subsistence, to be assistant commissary-general of subsistence with the rank of colonel.

Maj. William Hoit Nash, commissary of subsistence, to be assistant commissary-general of subsistence with the rank of lieutenant-colonel.

Capt. William Leidy Alexander, commissary of subsistence, to be commissary of subsistence with the rank of major.

PROMOTIONS IN THE NAVY.

Capt. George Dewey, to be a commodore in the Navy, from the 28th of February, 1896, vice Commodore Thomas O. Selfridge, promoted.

Commander Francis A. Cook, to be a captain in the Navy, from the 28th of February, 1896, vice Capt. George Dewey, promoted.

Lieut. Commander Charles T. Hutchins, to be a commander in the Navy, from the 28th of February, 1896, vice Commander Francis A. Cook, promoted.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 11, 1896.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. HENRY N. COUDEN, offered the following prayer:

O Thou, who hast ever been our refuge and strength, and a very present help in trouble, we approach Thee with renewed confidence and faith, and devoutly pray for the continuation of Thy favors upon us as individuals and as a nation.

And now, O Lord, as the first session of the Fifty-fourth Congress is about to pass into history, let Thy blessing, we beseech Thee, be upon each member of this House, its officers and employees; and bring us together again at the appointed time without the loss of any, and in health and strength. Shed abroad Thy love in our hearts, and enable us to do Thy will, now and evermore, in the spirit of the Lord.

And now, may that peace which passeth understanding keep your hearts and minds; through Jesus Christ. Amen.

The Journal of the proceedings of the last session was read and approved.

ENROLLED BILL SIGNED.

Mr. CROWTHER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill of the following title; when the Speaker signed the same:

A bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 8159) to pension Mrs. Martha M. Gibson.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and joint resolutions were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 2775) to authorize the Herndon and Aldie Railroad to construct a bridge over the Potomac River at or near the Great Falls—to the Committee on Interstate and Foreign Commerce.

A bill (S. 810) to amend the act entitled "An act granting pensions to the soldiers and sailors of the Mexican war, and for other purposes," approved January 29, 1887—to the Committee on Pensions.

A bill (S. 2483) donating condemned cannon and cannon balls to the New Hampshire Soldiers' Home—to the Committee on Naval Affairs.

A bill (S. 2630) authorizing and directing the Secretary of the Navy to donate condemned cannon to the Londonderry Soldiers' Monument Association of Londonderry, N. H.—to the Committee on Naval Affairs.

Joint resolution (S. R. 89) directing and authorizing the Secretary of the Navy to appoint a board of three officers of the Navy to proceed to Navassa Island, in the West Indies, and examine and report upon the cost of establishing a coaling station for the United States Government on said island—to the Committee on Naval Affairs.

Joint resolution (S. R. 158) to amend an act to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

CONTESTED ELECTION CASE—HOPKINS VS. KENDALL, TENTH DISTRICT OF KENTUCKY.

Mr. LEONARD. Mr. Speaker, I ask consideration of the privileged resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the time heretofore granted to the parties in the contested election case of Hopkins vs. Kendall in which to take additional testimony be extended from August 1 to November 1, 1896.

Mr. RICHARDSON. Mr. Speaker, I should like to ask the gentleman if that is like the resolution that was adopted yesterday?

Mr. LEONARD. The resolution adopted yesterday gave until August 1. Both parties agree that that is too short a time, and this is for an extension of the time.

Mr. RICHARDSON. Is that agreeable to Mr. Kendall?

Mr. LEONARD. I think so.

Mr. RICHARDSON. He does not seem to be on the floor, but I am informed that it is acceptable to the gentleman from Kentucky [Mr. KENDALL]. There will be no objection.

The resolution was agreed to.

NAVASSA AND SWAN ISLANDS.

Mr. HULICK. Mr. Speaker, I wish to present for consideration of the House Senate joint resolution No. 89, that passed the Senate yesterday, and I ask unanimous consent that it be considered at this time. It is necessary to have it amended in the House and sent back to the Senate for passage as amended.

The SPEAKER. The Chair understands it is a matter of investigation.

Mr. HULICK. Yes, sir; it is for the appointment of a commission on the part of the Secretary of the Navy to determine the practicability of establishing a coaling station on the island of Navassa and the island of Swan in the West Indies. The amendment as adopted by the Senate is printed "Swamm," when it ought to be "Swan." I ask now for the present consideration of the resolution.

The SPEAKER. The gentleman will send it up, so that it can be reported to the House.

Mr. HULICK. I have a copy of it here. It is not yet sent from the Senate to the House; but it can be read from the RECORD.

The SPEAKER. It will have to be obtained from the committee.

Mr. DINGLEY. I would suggest that it is hardly possible to pass a Senate resolution unless we have the engrossed copy here.

The SPEAKER. We will have to have the engrossed copy of the joint resolution.

Mr. HULICK. Very well. I will wait until the resolution as engrossed is handed to the Clerk.

COMMITTEE TO NOTIFY THE PRESIDENT.

Mr. DINGLEY. Mr. Speaker, I send to the Clerk a resolution and move its adoption.

The Clerk read as follows:

Resolved, That a committee of three members of the House be appointed, to join a similar committee on the part of the Senate, to wait on the President and inform him that the two Houses of Congress are ready to adjourn, and respectfully to inquire if he has any further communication to make.

Mr. DINGLEY. I ask for a vote on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

The SPEAKER. The Chair will appoint the gentleman from Maine, Mr. DINGLEY, the gentleman from Illinois, Mr. CANNON, and the gentleman from Texas, Mr. SAYERS, as the committee under the resolution just passed.

The Clerk has now the joint resolution presented by the gentleman from Ohio.

NAVASSA AND SWAN ISLANDS.

The Clerk read as follows:

A joint resolution (S. R. 89) directing and authorizing the Secretary of the Navy to appoint a board of three officers of the Navy to proceed to Navassa Island, in the West Indies, and examine and report upon the cost of establishing a coaling station for the United States Government on said island.

Resolved, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to appoint a board of three officers of the Navy and instruct said board to proceed to Navassa Island and Swamm Island, in the West Indies, and examine and report upon the practicability and advisability of establishing a coaling station for the United States Government on either of said islands.

Mr. HULICK. Mr. Speaker, I ask to have the joint resolution just read considered at this time.

Mr. RICHARDSON. Unanimous consent has not been given for its consideration.

The SPEAKER pro tempore (Mr. DINGLEY). The question is on giving unanimous consent for the consideration of the joint resolution which has just been read. Is there objection?

Mr. RICHARDSON. Before unanimous consent is given I would be glad to have some explanation of what this resolution means.

Mr. HULICK. Mr. Speaker, the resolution has just been put in my hands this moment and I have not had time to give it much consideration, but the object of it is stated in the joint resolution itself. It is to authorize the Secretary of the Navy to appoint a board of three officers of the Navy, with instructions to proceed to the two islands of Navassa and Swan, in the West Indies, for the purpose of determining the practicability of establishing a coaling station on one or the other of those islands, and they are to report to Congress on that subject. The original resolution took into consideration the establishment of a coaling station on the island of Navassa, but an amendment was adopted by the Senate to include the island of Swan, and in the original resolution as it came from the Senate, instead of the words "Swan Island" being used, the word "Swamm" was used. Now, the amendment that I desire to offer is to strike out the word "Swamm" and insert the word "Swan" before the word "Island." I ask for the adoption of the resolution as it would thus be amended.

Mr. RICHARDSON. I would like to ask the gentleman if this measure is indorsed or recommended by the Secretary of the Navy or the Navy Department?

Mr. HULICK. Well, it has not been submitted to the committee for consideration. It was brought over here, and in view of the time being so short for the adoption of the resolution, it was not presented to our committee.

Mr. RICHARDSON. I did not ask if it had been referred to the Committee on Naval Affairs, but whether it had been recommended by the Navy Department or the Secretary of the Navy.

Mr. HULICK. I am not advised as to that. It has passed the Senate. It was favorably reported by the Naval Affairs Committee of the Senate.

Mr. McCREARY of Kentucky. Will the gentleman allow me to ask him a question?

Mr. HULICK. Certainly.

Mr. McCREARY of Kentucky. I desire to ask if any committee has reported this resolution?

Mr. HULICK. It was reported by the Committee on Naval Affairs of the Senate and adopted yesterday by the Senate.

Mr. McCREARY of Kentucky. It has not been considered by the House committee?

Mr. HULICK. It has not been considered by the Naval Committee of this House.

Mr. McCREARY of Kentucky. This Navassa Island is an island where a Baltimore company is operating. Both islands referred to in the bill are owned by private individuals, possibly by corporations.

Mr. HULICK. I am not advised as to that.

Mr. McCREARY of Kentucky. What is the area of the islands?

Mr. HULICK. Here is a map of the islands, if any gentleman wishes to see it. There is Navassa Island—about 3 miles in length.

Mr. McCREARY of Kentucky. I understand there are commercial interests on these islands. But what real necessity is there for a coaling station?

Mr. HULICK. Well, I can only reply in the remarks of the Senator who spoke on the resolution when it was adopted.

Mr. GIBSON stated, while this resolution was under consideration on yesterday:

The joint resolution has been carefully considered by the Committee on Naval Affairs, and it was decided to report it favorably. There was added, however, an amendment which increases the propriety of appointing the commission. The scope and advisability of the joint resolution are greatly enlarged by the amendment to the original joint resolution, including another island besides Navassa. The sole purpose of the inquiry is to determine which one of these two islands it is the more advisable should be selected as a coaling station for the United States.

Both of these islands are the property of citizens of the United States. The absolute necessity of establishing such a coaling station has been passed upon by the Navy Department. The object of the joint resolution is to enable a committee of three naval officers to visit the two islands and later on to report to the Secretary of the Navy their judgment with reference to the advisability of the enterprise.

It seems, therefore, to have been submitted to the Navy Department.

Mr. McCREARY of Kentucky. I desire to ask the gentleman this further question: As these islands are both owned by gentlemen living in Baltimore——

The SPEAKER pro tempore. Is there objection to the present consideration of the Senate joint resolution?

Mr. McCREARY of Kentucky. Mr. Speaker, I was asking a question in order to see whether I would object or not. As these islands are owned by gentlemen residing in Baltimore, and as they are honorable, well-informed gentlemen, one of whom I have known a good many years, we can get all the information we desire about these islands from those gentlemen who own the islands or from their agents, who are passing back and forth every few months, without incurring the expense authorized by the bill.

Mr. HULICK. I suggest to the gentleman that it would certainly be better to have a commission appointed who would not have any personal interest in making a report which, although it might be honest and impartial, nevertheless it would not be accepted by the public or by the Navy Department as coming from a disinterested source. The object of this joint resolution is simply to gain information in regard to the practicability and the

desirableness of establishing a coaling station on one or the other of the two islands named.

Mr. OWENS. May I ask the gentleman whether there is any allegation coming from any respectable source that there is any necessity for a coaling station at those islands?

Mr. HULICK. There seems to be.

Mr. OWENS. What is it? Where does it come from?

Mr. HULICK. The Navy Department has information that the location of a coaling station at these islands is advisable in the interests of our commerce; and the object of the resolution is, before taking any steps to establish such a station, to send out this commission of Government naval officers to make an examination and to report the result to the Department. It will not be an expensive matter, and the commission will undoubtedly be able to advise the Department as to the desirableness and practicability of establishing such a station.

Mr. OWENS. Do I understand the gentleman to state that he has information from the Navy Department that the establishment of such a station is desirable, or that the appointment of this commission is desired by the Department?

Mr. HULICK. Yes, sir. The proposition has been approved by the Navy Department, as I am advised.

Mr. DOCKERY. Has the gentleman a letter from the Secretary of the Navy approving this joint resolution?

Mr. HULICK. There is none appearing in the record. It is stated, however, that the joint resolution comes recommended by the Department.

Mr. DOCKERY. It seems to me that it comes in "questionable shape."

Mr. BOUTELLE. Mr. Speaker, I would like to inquire what is the proposition before the House?

Mr. WELLINGTON. If the gentleman will allow me, I will state that there has come from the Senate a report on this subject which I think gives the information that the House desires.

Mr. HULICK. Yes; there is a report here favoring the adoption of the joint resolution, with a map showing the location of the islands.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. BOUTELLE. I should like to know what the proposition before the House is.

Mr. HULICK. It is due to the honorable chairman of our Committee on Naval Affairs to state that my attention was called this morning to this joint resolution having been adopted on yesterday by the Senate and to the fact that an amendment was necessary. The chairman of the committee being absent at the moment, and the close of the session being so near, and fearing that he might not return to the Hall in time, I thought proper to bring the matter before the House, as requested.

Mr. BOUTELLE. What is the matter?

Mr. HULICK. It is a Senate joint resolution authorizing the Secretary of the Navy to appoint a board of three officers of the Navy to proceed to Navassa Island (there is an amendment including Swan Island) to examine and report upon the practicability of establishing a coaling station for the United States Government on the island. The urgency of the matter is that it is necessary to have the joint resolution amended so as to go back to the Senate and have the amendment acted upon there before adjournment.

Mr. BOUTELLE. Has the matter ever been considered by the House Naval Committee?

Mr. HULICK. It has not. The joint resolution came over here this morning, with the request that it be brought before the House at this time, and in the absence of the chairman I was asked to present it.

Mr. DOCKERY. Do I understand that the Committee on Naval Affairs of the House has not considered this subject?

Mr. HULICK. It has not.

Mr. BOUTELLE. Mr. Speaker, I know nothing about this measure and I do not know that any of my colleagues know anything about it. It seems to me that it is a matter that ought to be considered by the Committee on Naval Affairs, and I hope my colleague will not press it at this time.

Mr. HULICK. I knew nothing about it until it was presented to me this morning.

The SPEAKER pro tempore. Does the gentleman withdraw the resolution?

Mr. HULICK. If there is objection to it I will not press it.

Mr. BOUTELLE. I think it is due to the committee and to the House that the matter should be examined by the Committee on Naval Affairs before any action is taken.

Mr. WELLINGTON. In the Senate the Committee on Commerce considered the matter. The Naval Committee does not appear to have had anything to do with it.

Mr. HULICK. No, sir; the Committee on Commerce did not consider this resolution. That report was concerning the establishment of a light-house and not for a coaling station. However, I withdraw the request for the consideration of the joint resolution at this time.

THANKS TO THE SPEAKER.

Mr. TURNER of Georgia. Mr. Speaker, I offer the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the thanks of this House are due, and are hereby tendered, to Hon. THOMAS B. REED, Speaker of the House of Representatives, for the ability, efficiency, and strict impartiality with which he has discharged the arduous duties of his office during the present session of Congress.

[Applause.]

Mr. DOCKERY. Let us have a rising vote, Mr. Speaker.

The SPEAKER pro tempore (Mr. DINGLEY). The question is on the adoption of the resolution presented by the gentleman from Georgia [Mr. TURNER] and just read by the Clerk. Those in favor of the adoption of the resolution will please rise.

All the members present rose.

The SPEAKER pro tempore. The resolution is agreed to by a unanimous vote. [Applause.]

ENROLLED BILL SIGNED.

Mr. CROWTHER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 8159) to pension Mrs. Martha M. Gibson.

B. J. VAN VLECK.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate bill No. 2415, for the relief of B. J. Van Vleck, administrator of Henry Van Vleck, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Treasurer of the United States shall pay, out of any money in his hands not otherwise appropriated, to B. J. Van Vleck, administrator of Henry Van Vleck, deceased, or to his duly authorized attorneys in fact, the sum of $4,520.20, being the amount due said Henry Van Vleck at the time of his death as a balance on account of extra work done on the locks of the St. Marys Falls Canal, Michigan, with interest thereon from October 2, 1882, the date of approval of said claim by the Secretary of War.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BLUE. Reserving the right to object, I should like to hear something about this case.

The SPEAKER pro tempore. The gentleman from Kansas [Mr. BLUE] reserves, until an explanation has been made, the right to object.

Mr. JENKINS. I wish to say to my friend from Kansas [Mr. BLUE] and any other gentlemen who may feel interested in this case that the bill provides for the payment of the sum mentioned to the administrator of Henry Van Vleck, deceased, on account of a contract that was made between Van Vleck and the United States for some work upon the Soo Canal. Mr. Van Vleck, when his accounts were presented, insisted that there was due him some $24,000; but finally it was arranged between him and the Government that only $4,500—the sum mentioned in the bill—should be paid. Before payment was made, however, Mr. Van Vleck died; and the Government held that payment could not be made to any other person than the administrator of the estate. As appears in the report, the War Department has declared that in law and equity this amount is due and should be paid. The claim has met the unanimous approval of the Committee on Claims of this House, as well as of the similar committee in the Senate; and the bill has been passed by the Senate unanimously. The beneficiary, the widow of the man to whom this money was originally due, is now 70 years of age. The amount has been due since 1876. I hope this statement will satisfy my friend from Kansas.

Mr. LINNEY. Has there been any final settlement of the estate between the administrator and the distributees?

Mr. JENKINS. Yes, sir.

Mr. DOCKERY. Let us hear the report.

Mr. BLUE. Under what Department of the Government was this work done?

Mr. JENKINS. The War Department.

Mr. BLUE. What does that Department say about the claim?

Mr. JENKINS. The Department says that in law and equity it should be paid.

Mr. BLUE. I should like to hear the statement of the War Department.

Mr. JENKINS. It is a part of the report.

The report (by Mr. MINOR of Wisconsin) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 2687) for the relief of B. J. Van Vleck, administrator, having had the same under consideration, beg leave to submit the following report, which was made to the Fifty-first, Fifty-second, and Fifty-third Congresses, which we adopt:

[House Report No. 790, Fifty-second Congress, first session.]

The Committee on Claims, to whom was referred the bill (H. R. 4311) for the relief of B. J. Van Vleck, administrator, having had the same under consideration, beg leave to submit the following report:

This claim was before the Committee on Claims of the Fifty-first Congress and was favorably reported by said committee in said Congress, which report so fully covers the facts in the case that your committee reproduce it entire and adopt it as their report.

[House Report No. 1330, Fifty-first Congress, first session.]

The object of the bill is to pay the claimant the sum of $4,520.20, being a balance alleged to be due for extra work on the locks of the St. Marys Falls Canal, in Michigan. The committee addressed the War Department for information and received in reply information as follows:

"WAR DEPARTMENT, *Washington, March 22, 1890.*

"SIR: I return herewith House bill 4983, for the relief of B. J. Van Vleck, administrator of Henry Van Vleck, deceased, referred to this Department on the 4th instant, and invite your attention to the inclosed letter from the Chief of Engineers, dated the 20th instant, and a report on this subject from Col. O. M. Poe, Corps of Engineers, dated the 17th instant, which contains all the information of record in his office in this claim.

"Very respectfully,

"REDFIELD PROCTOR,
"Secretary of War.

"Hon. W. G. LAIDLAW,
"Chairman Committee on Claims, House of Representatives."

"OFFICE OF THE CHIEF OF ENGINEERS,
"UNITED STATES ARMY,
"Washington, D. C., March 20, 1890.

"SIR: I have the honor to return herewith letter of the 4th instant, from the chairman of the Committee on Claims of the House of Representatives, requesting information touching propriety of passage of House bill 4983, Fifty-first Congress, first session, 'A bill for the relief of B. J. Van Vleck, administrator of Henry Van Vleck, deceased,' and beg to say that the papers were referred to Col. O. M. Poe, Corps of Engineers, the officer at present in charge of the St. Marys Falls Canal. Colonel Poe's report is submitted herewith and contains all the information in his office concerning the matter.

"Very respectfully, your obedient servant,

"THOS. LINCOLN CASEY,
"Brigadier-General, Chief of Engineers.

"Hon. REDFIELD PROCTOR,
"Secretary of War."

"UNITED STATES ENGINEER OFFICE,
"24 West Congress street, Detroit, Mich., March 17, 1890.

"SIR: Concerning House bill 4983, current session, entitled 'A bill for the relief of B. J. Van Vleck, administrator of Henry Van Vleck, deceased,' transmitted to me by indorsement, dated Office Chief of Engineers, March 10, 1890, for report, I have to submit the following, viz:

"From the records of this office it appears that under date of October 2, 1880, Major Weitzel, the representative of the Government in the Van Vleck contract of May 11, 1876, reported to the Chief of Engineers upon a claim for extra compensation for work done and materials furnished for the improvement to which that contract relates. The amount of the claim as presented was $23,280.05, and after a full investigation and consideration of the several items of the claim Major Weitzel expressed the opinion that the claimant was entitled to the sum of $4,520.20.

"Under date of November 23, 1880, the Chief of Engineers transmitted to Major Weitzel, for his information and guidance, a copy of an opinion of the Judge-Advocate-General of the Army on the case, in which this officer stated as his conclusion 'that the amount approved may legally be paid the contractor as a payment within the terms and equity of the contract.' In this conclusion the War Department concurred. Based upon this action of the Judge-Advocate-General and of the Secretary of War the Chief of Engineers instructed Major Weitzel that the sum of $4,520.20 is authorized to be paid to Mr. Van Vleck, and you will please settle with him on the basis of your report. While the claim was still under consideration by Major Weitzel—that is to say, prior to his report of October 2, 1880—certain persons who asserted an interest in the matter appealed to him for information in regard to the progress being made in the settlement of the claim. Among these were Mr. James Bellows and Mr. J. Lord.

"This came to the knowledge of Van Vleck, who, under date of May 24, 1880, informed Major Weitzel that he had not given Mr. Bellows any authority to go to Detroit and settle the matter. At the same time he formally notified Major Weitzel that he would not recognize any settlement or payment of moneys on the claim to anyone but 'myself,' and revoked all powers of attorney theretofore given by him to any person whatsoever to act for or represent him in any manner, or to receive any moneys due him arising out of the execution of his contract for furnishing cut stone for St. Marys Falls Canal improvement. From this and other similar records I infer that there was some controversy as to the person or persons who were to be ultimately benefited by the payment of whatever sum should be found due the contractor on final settlement.

"The immediate effect of this controversy was, doubtless, to put Major Weitzel on his guard, and when the amount which was equitably due upon the claim had been determined, and its payment authorized by the War Department, he sought to obtain Mr. Van Vleck's own signature to proper vouchers. I am informed—but with what degree of accuracy I do not know—that when the matter had reached this stage Mr. Van Vleck was absent from the United States, and it was impracticable to complete the vouchers. Under date of March 25, 1881, Mr. J. Lord, of Pittsford, N. Y., wrote Major Weitzel as follows:

"'I learn there is a balance due on the Van Vleck contract for furnishing the cut stone for St. Marys Falls Canal lock amounting to about $4,520.20. Will you pay the balance to me on the Van Vleck power of attorney which is filed in the War Department?'

"To this question Major Weitzel made reply under March 28, 1881, as follows:

"'I have received your letter of March 25, 1881. I am authorized by a letter from the Chief of Engineers, dated November 23, 1880, to pay Mr. Henry Van Vleck the sum of $4,520.20 for extra work on his contract. You have filed a power of attorney, which I have. He has filed a letter denying that he ever authorized anyone to draw money for him. He has not called for his balance. I do not know how I could safely pay it to you.

"'If the accounting officers of the Treasury will pass the account, and I have an order from the Secretary of War to pay it to you, I suppose I would be safe.'

"I find upon the records here a copy of a communication dated June 4, 1881, from Major Weitzel to the Chief of Engineers, in which he gives a short but clear account of the case, inclosses copies of papers (some of which are not on the records of this office), and asks instructions.

"While there is nothing of record to show directly that the matter was then referred to the accounting officers of the Treasury, yet there is found a copy of a decision dated July 21, 1881, by the Third Auditor of the Treasury, in which he expresses the opinion that the work done was not authorized as required by contract, and the claim, therefore, is outsiide its provisions and for unliquidated damages, and can not be entertained by the accounting officers of the Treasury.

"The claim was therefore disallowed by him, and the papers were referred to the Second Comptroller for his official action. The Second Comptroller concurred with the Third Auditor in disallowing the claim. The foregoing embodies all the information in this office bearing upon the claim and its present status. The whole may be summed up in a few words, viz:

"The War Department has recognized as both legal and equitable a claim to the extent of $4,520.20. The Treasury Department has held that the claim is neither legal nor equitable.

"The papers referred to me are herewith returned.

"All of which is respectfully submitted.

"O. M. POE,
"Colonel of Engineers, Brevet Brigadier-General, U. S. A.

"The CHIEF OF ENGINEERS, U. S. A., *Washington, D. C.*"

The foregoing are substantially the reports submitted to the Fifty-first, Fifty-second, and Fifty-third Congresses, and your Committee on Claims, after a careful and conscientious examination of a complete set of documents and papers in the case, find the facts as above set forth to be clearly established.

A summary of documents filed with the claim shows the following state of facts:

(1) Henry Van Vleck was the Government contractor for finishing stone used in the construction of the locks at St. Marys Falls Canal.

(2) That Major Weitzel was in charge of said work, and was the authorized agent of the United States Government for the prosecution and completion of said work.

(3) That it was found necessary during the progress of the work to change the plans and specifications for work and material.

(4) That Major Weitzel, as the legally constituted agent of the United States Government for the prosecution and completion of said work, did direct the said Henry Van Vleck to do additional and extra work from that contemplated in the original contract, and for such extra and additional work so directed to be done by the said Major Weitzel the said Henry Van Vleck was promised full and fair compensation, with 10 per cent added for superintendence.

(5) Compensation was promised by Major Weitzel, engineer in charge, who was by law and by direction of the War Department authorized to contract for this extra labor and material.

(6) That the said Henry Van Vleck did do and perform all work required of him by Major Weitzel, and to his entire satisfaction, as shown by a personal letter from that officer to the Chief of Engineers of the United States Army.

(7) That said work amounted to $4,520.20, which amount was allowed and by the War Department ordered paid to Henry Van Vleck.

(8) But before said Van Vleck could report to receive his check the auditing officers of the Treasury Department refused to pass the accounts, for the reason that the supplementary contract was not in writing, but was an oral contract made by Major Weitzel, who alone, as engineer in charge, was authorized to incur this additional expense of $4,520.20. The committee recommend the passage of the bill after being amended as follows:

Strike out all after the word "Michigan" in the tenth line of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. WHEELER. Mr. Speaker, in my remarks the other day I called attention to the fact that our appropriations this year run up to $515,984,820.49, and if the Republicans succeed, as they seem to hope, in the election next November, they will control the Government during the last four months of the fiscal year, and in that event they will most probably spend the full amount appropriated and very probably in the next Congress will be asking for large deficiencies. The census of 1890 tells us that the expenditures of our State, county, district, and municipal organizations amounted that year to $569,252,634.

This sum added to the appropriations of this Congress would make the enormous aggregate of $1,085,237,454.49, a sum far exceeding the expenditures of any other Government on earth.

I will read some figures which I have prepared upon this subject:

The greatest amount of Government expenditures, next to those of the United States, are those of Russia, which amounted last year to $885,005,996. The expenses of France during the year 1893 were $690,184,119; of Great Britain in 1895, $469,592,105. Next comes Italy, whose governmental expenses in the year 1895–96 were $337,868,552. Then comes the German Empire, whose expenses in 1895–96 were $297,240,240; Spain, in 1894–95, $154,727,145.20; the Netherlands, 1894, 131,491,882 guilders; Belgium, 1893, $78,905,800; Portugal, 1892–93, $51,854,191; Sweden, 1896, $27,144,180; Denmark, 1895, $16,576,741; Switzerland, $15,918,000.

Mr. OWENS. What does the gentleman say our annual expenses are?

Mr. WHEELER. The annual expenses of our Government, Federal, State, county, and municipal, are now about $1,100,000,000.

Mr. OWENS. Then if this bill should be passed they would amount to $1,100,004,520. [Laughter.]

Mr. JENKINS. And 20 cents! [Renewed laughter.]

Mr. WHEELER. I regret that some of my friends do not seem to appreciate the gravity of the situation.

They do not seem to realize that to maintain our Government, Federal, State, municipal, etc., we are spending nearly $4,000,000 a day, and that the monarchical and imperial nations of Europe, which we have been accustomed to regard as very extravagant, are in fact expending much less than we do. It is true that those governments have some other expenses which do not appear in the figures I have given, in their various local organizations, such as counties, departments, cantons, etc., but with the exception of Germany none of the minor or subordinate governments incur expenditures which have any approximation or similitude to the expenses of the States, cities, and counties of our country. The kingdom of Prussia and other governments included in the German Empire of course expend considerable amounts of money, but every expenditure of the German Empire and all the governments of any character connected with it are very much less than the gross expenditures which are borne by the people of the United States.

In Russia and other governments I have named, the expenditures other than those I have mentioned are comparatively little,

and the figures I have read are substantially the cost of maintaining those governments. My friend, Mr. DINGLEY, the distinguished chairman of the Committee on Ways and Means, made a speech yesterday in which he insisted that the evils under which we are suffering could all be remedied by enacting laws to increase the revenues. That, of course, means an increase of taxation. In other words, the distinguished chairman of the Committee on Ways and Means would relieve the sufferings of an already overtaxed people by immediately proceeding to legislate so as to increase their burdens.

I desire to say with all the emphasis in my power that the evil is not that our revenues are not great enough, but the crushing evil under which we are suffering is the enormous expenditures of our Government. We expend to-day, in our Federal, State, city, and other governmental organizations, a sum greater than the entire value of the cotton crop, and the entire value of the wheat crop, and the entire value of the corn crop, and the entire value of the oat crop, and the entire value of the tobacco crop, all put together.

Bear in mind, this is not the profit on these crops which we spend, but the entire gross value which the farmers of the United States receive for all the cotton, wheat, corn, oats, and tobacco which they produce. If such enormous expenditures continue, bankruptcy and ruin must be the final result.

The SPEAKER pro tempore. The Chair suggests that the gentleman from Alabama [Mr. WHEELER] is proceeding by unanimous consent. There is nothing before the House.

Mr. WHEELER. I do not wish to detain the House longer. I desired before adjourning to admonish my fellow-members upon the matter, which is worthy of the most serious consideration. It is a matter of the most serious importance to all the laboring people of our land.

Mr. JENKINS. I wish to say to my friend from Alabama [Mr. WHEELER] that this is a just claim and is admitted to be such by the Department of the Government having knowledge of the facts. The War Department has said in the report just read that this claim ought to be paid. It does not make any difference what other amounts the Government may be expending or what other amounts it may owe. This Government is big enough to pay its just debts. If any further statement is deemed necessary in support of this bill, I yield to my colleague from Wisconsin [Mr. MINOR] who is a member of the Committee on Claims.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

Mr. BLUE. It appears that the gentleman from Wisconsin [Mr. MINOR] has given special attention to this case; I hope he will state the matter briefly.

Mr. MINOR of Wisconsin. Mr. Speaker, I made the report on this bill after a very careful examination of all the papers in the case; and I can assure the House they were quite voluminous. The facts, simply stated, are these: Mr. Van Vleck took a contract from the Government in 1876 to prepare and place in position the stone necessary for the locks at the St. Marys Falls Canal. The plans had been prepared by the Government, and the specifications submitted and, for the time being, approved by the engineer in charge of the work. But when they began the work of constructing the locks it was at once seen that the specifications and plans were insufficient, and that it would be advisable to change them and adopt another system. By changing the plans, increasing the size of the stone to be used, and adopting a different method of dressing it, it was ascertained that they could make the work much more satisfactory, more durable, and in every way more desirable to the Government. Major Weitzel, who was the officer in charge of the work, reported to General Poe, whose headquarters were at Detroit, being in charge of that division, as to the necessity for some change in the plans, and General Poe communicated with the Department at Washington, who approved of the change. Major Weitzel made a trip to the St. Marys Falls Canal, and while on board the steamboat stated in a conversation with Mr. Van Vleck that the Government had decided to change the plans of the work, and submitted to him the new plans and specifications. He said to him, "Now, if you will proceed with the work you shall have all that belongs to you as extra pay, and 10 per cent additional for the superintending of the work."

Now, let me say to the members of the House, what I presume most of them are aware of, that the Government reserves the right in such contracts to change the plans and specifications as the work progresses. The only difficulty about this matter was that the contract or change of contract was not in writing, and the law requires that such provision shall be in writing. But, being on a steamboat and no writing material convenient or at hand, it was necessarily a mere verbal contract, but was carried out faithfully and to the letter by the contractor. Major Weitzel recognized the fact that the contract, so far as its moral provisions are concerned, was absolutely binding upon him and binding upon the War Department, which recognized him as its representative.

The work was completed under the new contract, with the approval of General Poe and the Secretary of War, and when it was completed it was conceded by the officers in charge that the contractor had done the work well, that he had done it honestly, and had earned the money to which he was entitled by reason of the changed plans. The check was made out by General Weitzel and sent to him for the full amount of the work done. But in the meantime, Mr. Van Vleck, being a contractor by occupation, had gone down into Mexico to take a contract for the construction of a railroad, and as a consequence did not get possession of the check for several months. Before his return the account had been passed into the Treasury Department, and the Auditor refused to pay it for the reason that the supplemental contract was not in writing, and hence was technically contrary to the law.

Mr. BLUE. Is that all?

Mr. MINOR of Wisconsin. That is the exact condition of the case. [Cries of "Vote!" "Vote!"]

Mr. BLUE. I desired, Mr. Speaker, to understand this matter thoroughly before interposing objection or assenting to its consideration at this time. It seems, so far as the claim is concerned, that all the objection that exists against the payment depends solely upon the technical objection to this supplemental contract, which increased the work, that it was not reduced to writing.

Mr. MINOR of Wisconsin. That is all.

Mr. BLUE. But it is conceded that the Government gained the full benefit of the services of this man, his labor, and the material; and it is also apparent that this bill has come from the Senate, and if it is to be made available as an appropriation at this session of Congress it will have to be passed promptly.

Mr. MINOR of Wisconsin. Let me suggest to the gentleman that in the Fifty-first, Fifty-second, and Fifty-third Congresses this same bill was passed.

Mr. BLUE. So the bill, in the shape in which it is, is presented to Congress now for a final settlement of this claim. This supplemental contract was not in writing, which is alleged to be the only irregularity about it; but that has been condoned by the action of the Government itself, and has been taken out of the statutes of fraud, so to speak, and it appears to me that on the explanation of the gentleman from Wisconsin the claim is a fair one, and I do not care to interpose an objection to its consideration.

But, Mr. Speaker, I wish to say at the same time, as a member of the Appropriations Committee, that I must insist on making objections where bills are sought to be passed at this late hour in the session that carry large appropriations, with nearly all of the members absent. And I refer especially to bills which appear before the House for the first time and which have had no previous consideration in this body, appropriating considerable sums of money. It is not fair to the members who are here, and while withdrawing the objection to this particular bill, which seems to be meritorious on the statement made, I do not want it to be taken as a precedent for what I shall do with reference to other matters of a similar character.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. DOCKERY. It seems to me, Mr. Speaker, that at this late hour bills carrying large demands on the Treasury ought not to be offered, especially with the meager membership of the House that is now present. Although a strong sense of public duty may make it incumbent upon some member to object, under such circumstances it seems "ungracious" to do so. I hope, therefore, while I do not object in the present instance, that no other bills involving appropriations will be presented for consideration.

Mr. DALZELL. I think I can assure the gentleman from Missouri that none others will be presented.

There being no objection, the bill was considered, and ordered to a third reading; and being read the third time, it was passed.

ORDER OF BUSINESS.

Mr. OWENS. Mr. Speaker——

Mr. DALZELL. Mr. Speaker, I move that the House take a recess until 2 o'clock.

The question was submitted; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. OWENS and Mr. WHEELER demanded a division.

Mr. DALZELL. I hope the gentlemen will not insist upon that.

Mr. OWENS. I simply want recognition for the consideration of a small bill. I have troubled the House but very little.

Mr. DALZELL. With the present membership of the House, I do not think the gentlemen ought to insist upon that.

Mr. OWENS. I have tried but once during this session to get recognition, and I would like to have it on a very small matter. This is a bill which passed through our Pension Committee for the benefit of a bedridden Mexican soldier, helpless, with no estate——

Mr. DOCKERY. I hope the motion for a recess will be withdrawn to allow the gentleman to be recognized. This side of the House has had no recognition. The bill carries no appropriation, as I understand it.

Mr. DALZELL. I want to say to my friend from Kentucky that there are at least half a dozen gentlemen, to my knowledge, who are in precisely the same situation as he is, and who make the same appeal, but in the interest of wise legislation, which is no legislation at all at this time, there ought to be no hesitation about taking the recess.

Mr. McCREARY of Kentucky. I distinctly heard my colleague [Mr. OWENS] address the Chair twice before the gentleman from Pennsylvania was recognized.

The SPEAKER pro tempore. The Chair desires to say that the gentleman from Pennsylvania had notified him, long before the completion of the preceding matter, that he desired to make that motion.

Mr. McCREARY of Kentucky. But still my colleague [Mr. OWENS] had addressed the Speaker twice at the time that the gentleman from Pennsylvania made the motion.

Mr. WILLIS. I have a bill here myself, but I am willing to hold it in abevance, for the reason stated.

Mr. WHEELER. I also have a bill.

Mr. DALZELL. I appeal to the gentleman from Kentucky to consider the fact that if he is recognized there ought to be half a dozen others recognized in the same way.

Mr. OWENS. There are very few members who have not passed bills. I have not passed one, nor had recognition for a single bill, and I have never objected to any bills being considered.

Mr. DALZELL. I hope the House will sustain this motion, under the circumstances.

The motion was agreed to.

Accordingly (at 12 o'clock and 40 minutes p. m.) the House took a recess until 2 o'clock p. m.

The recess having expired, the House, at 2 o'clock p. m., resumed its session.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced, in pursuance of the authority granted and duty imposed upon the presiding officer of the Senate by the provisions of the act making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, the presiding officer of the Senate had appointed Senators HARRIS, FAULKNER, and McMILLAN members of the Joint Select Committee to make Investigations of the Charities and Reformatory Institutions of the District of Columbia.

The message also announced that the Senate had passed the following resolution:

Resolved, That a committee of two Senators be appointed by the Chair, to join a similar committee appointed by the House of Representatives, to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn unless the President has some other communication to make to them.

In compliance with the foregoing the Chair appointed Mr. SHERMAN and Mr. SMITH as said committee.

ENROLLED BILL SIGNED.

Mr. CROWTHER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (S. 2415) for the relief of B. J. Van Vleck, administrator of Henry Van Vleck, deceased; when the Speaker signed the same.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, on motion of Mr. KERR, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Andrew B. Keith, Fifty-fourth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STRAIT, indefinitely, on account of sickness.

To Mr. STEPHENSON, indefinitely, on account of sickness in his family.

To Mr. WARNER, indefinitely, on account of sickness.

To Mr. McCORMICK, for four days, to attend a funeral.

To Mr. STRODE of Nebraska, for ten days, on account of sickness in his family.

To Mr. AVERY, for the remainder of this session, on account of sickness in his family.

MRS. ANNA WEDEL.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 5782) granting an increase of pension to Mrs. Anna Wedel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension roll the name of Mrs. Anna Wedel, widow of the late Dr. Henry R. Wedel, assistant surgeon of the Fourth Minnesota Volunteer Infantry, at the rate of $50 a month, and to pay her a pension at that rate, in lieu of the pension she is now receiving, from and after the passage of this act.

The Committee on Invalid Pensions recommended the following amendments:

In line 7 strike out the word "fifty" and insert the word "twenty"; and in line 9 strike out the words "from and after the passage of this act."

Mr. TAWNEY. Mr. Speaker, I ask that the report of the committee, which is very brief, be read to the House.

The SPEAKER. The Clerk will read the report.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5782) granting an increase of pension to $50 per month to Anna Wedel, widow of Dr. Henry R. Wedel, late assistant surgeon, Fourth Minnesota Volunteer Infantry, having carefully examined and considered the facts presented, respectfully report:

Dr. Henry R. Wedel served as assistant surgeon, Fourth Minnesota Volunteer Infantry, from September 11, 1862, to February 9, 1865, when he was mustered in as surgeon of said regiment, and served as such until June 15, 1865, when his resignation was accepted on account of family and business affairs, and he was honorably discharged. He filed a claim for pension April 8, 1887, but died April 24, 1887, before action was taken thereon.

The applicant was married to soldier October 30, 1865, and filed claim for pension June 24, 1887, which was rejected February 9, 1895, on the ground of no record and failure, after special examination, to show that soldier's alleged injury to spine or back was due to military service, or that death cause was due to service.

She filed claim under act of June 27, 1890, which was allowed from October 20, 1890, at $8 per month, and she is pensioned at that rate.

The testimony of six reputable citizens and neighbors filed with the committee shows that she is possessed of no property, real or personal, except her wearing apparel and household furniture and about $300 left her by her husband; that she is sick and requires the constant attendance of some other person, being unable to help herself, and that she has no income except her pension of $8 per month, and will soon be dependent upon public charity, as her means are fast being exhausted.

Dr. Franklin C. Stapies and Dr. J. B. McGaughey also testify that Anna Wedel has been an invalid for more than twenty years, and that for more than two years last past, owing to anæmia, nerve exhaustion, dilatation of the stomach, and pulmonary hemorrhage, she has been almost constantly confined to her room—a great portion of the time to her bed—being unable to perform any manual labor and requiring the almost constant care and assistance of another person.

She is now well advanced in her fifty-fifth year, and has no income but her pension, the small sum received from life insurance being almost exhausted, thus rendering her nearly destitute. No reasonable hope of her recovery or improvement in health.

In view of these facts, your committee recommend the passage of the bill with the following amendments:

Strike out the word "fifty," in line 7, and insert "twenty" in place thereof.

Strike out all the printed bill after the word "receiving," in line 8.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendments of the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

HENRY F. THORNTON.

Mr. OWENS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1064) for the relief of Henry F. Thornton.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Pensions be, and is hereby, directed to issue to Henry F. Thornton, late of First Virginia Volunteers in Mexican war, a certificate of pension at the rate of $25 per month, in lieu of certificate No. 9923 now held by said Thornton as a survivor of said war.

SEC. 2. That this act take effect from December 25, 1895.

The Committee on Pensions recommended the following amendments:

In line 6 strike out the words "twenty-five" and insert in lieu thereof the word "fifteen."

Strike out all of section 2.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CROWTHER. I should like to have the report read.

The report (by Mr. COLSON) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1064) entitled "A bill for the relief of Henry F. Thornton," beg leave to submit the following report, and recommend that said bill do pass with amendments:

The claimant was a member of the First Virginia Volunteers, and served from December 2, 1847, to February 29, 1848, in the war with Mexico. He was granted the pension of $8 per month provided by the act of January 29, 1887, and this was subsequently increased to $12 per month under the act of January 5, 1893, upon his proving dependence and total disability.

The papers on file at the Pension Bureau show that Mr. Thornton is 71 years old, a sufferer from rheumatism and paralysis agitans, and generally in such a condition physically as to be wholly incapacitated for earning a support by manual labor. It is further shown that he has absolutely no property or source of income aside from his pension.

There are several precedents for the allowance of an increased rating to the wholly disabled and dependent pensioners of the Mexican war, and your committee believe that such precedents may be followed with propriety and justice in this case.

The following amendments are recommended: Strike out the word "twenty-five," in line 6, and substitute therefor the word "fifteen." Strike out the second section of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. OWENS. Mr. Speaker, I want to call attention to the bill and to the amendment. The bill, as I stated this morning, is for the relief of an old, bedridden Mexican soldier. As the report shows, he is a victim of paralysis and rheumatism, and utterly unable to do any physical labor. He is utterly without means of support, and in addition to himself there is his aged wife, who is also in no condition to perform any labor. He is now drawing a

pension of $12 per month. I introduced this bill, asking for $25 per month. The committee returned the bill with a report showing that he was utter.y incapacitated from labor and that he is without means of support for himself or wife, but recommended an increase to $15 instead of $25. Of course I should not have thought of introducing a bill for an increase like that, and I ask the House to pass the bill as it was originally introduced, providing for an allowance of $25 per month. I ask the House to vote down the amendment.

Mr. COOKE of Illinois. What is the age of the soldier?

Mr. OWENS. He is over 70 years old—I think 72 years now. He is on a bed of sickness, from which he will probably never rise. The physicians think so.

Mr. DINGLEY. I hope the gentleman will not ask to raise the amount reported by the committee, but that he will let it stand as reported.

Mr. OWENS. That is only an increase of $3 a month.

Mr. DINGLEY. I think we had better not increase the amount over that reported by the committee. That would be a very unusual thing to do.

Mr. OWENS. The committee, as I understand, just took up the proposition that he was utterly unable to labor, and that he had no means of support for either himself or wife, and yet only increased the amount $3 per month!

Mr. DINGLEY. I presume the committee has reported the amount in accordance with a certain rule that they have established in other cases.

Mr. OWENS. All that there was before the committee were the facts of his service and the fact of his physical condition.

Mr. DINGLEY. While the amount is of no consequence, I dislike to increase it over the amount reported by the committee.

Mr. OWENS. The increase is of no consequence.

Mr. DINGLEY. The principle is one that I think we had better not undertake to modify. We had better simply do what the committee have recommended in the matter, since that is the increased amount they recommend. I hope the gentleman will not press his amendment to increase the amount, unless some reason be given beyond what has been stated.

Mr. THOMAS. Mr. Speaker, I will state that this bill was considered very carefully by the committee, and it was thought that $15 a month was adequate in consideration of the evidence that was presented to the committee, and I hope that the gentleman will not insist on increasing the amount over that reported by the committee.

Mr. OWENS. What rule was followed by the committee, I do not know. I do not think they took evidence as to whether that was enough.

Mr. THOMAS. I did not say that any particular rule was followed. That was the statement made by the gentleman from Maine. But the committee considered the case and came to this conclusion, and I shall be obliged to stand by the action of the committee.

Mr. OWENS. This is an increase of only $3 a month. In view of the peculiar condition in which this old man finds himself—on a bed of sickness from which, according to his physician, he will never rise again, and the condition of his wife—I do not think this House ought to stand on that amount and increase his pension only $3. Better not raise it at all.

The SPEAKER. The question is on agreeing to the amendments of the committee.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. OWENS. Division!

Mr. CROWTHER. That is on the amendments proposed by the committee.

Mr. THOMAS. I withdraw my objection.

Mr. OWENS. Mr. Speaker, I would as soon the House killed the bill as to pass it with an increase of $3.

The House divided on the question of agreeing to the committee amendments.

Mr. OWENS (pending the announcement). Mr. Speaker, I ask consent to withdraw the bill.

The SPEAKER. Without objection, the bill will be withdrawn.

There was no objection, and it was so ordered.

MELANCTHON M'COY.

Mr. HERMANN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 94) increasing the pension of Melancthon McCoy, of Company K, One hundred and forty-eighth Illinois Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll the name of Melancthon McCoy, late of Company K, One hundred and forty-eighth Illinois Volunteer Infantry, and pay him at the rate of $25 per month, in lieu of the pension he is now receiving.

Mr. HERMANN. Mr. Speaker, let the report also be read for the information of the House.

The report (by Mr. PICKLER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 94) granting an increase of pension to Melancthon McCoy, having carefully considered the facts in the case, respectfully report:

Claimant enlisted February 11, 1865, and was honorably discharged September 5, 1865.

It appears that on July 4, 1868, he was seriously injured by the premature explosion of a cannon, one of his eyes being blown out and the sight of the other greatly impaired, since which time he has become blind to such an extent as to require some one to lead him. In addition to this, he lost several fingers and otherwise crippled his hands, one arm being entirely useless.

July 9, 1890, he made application under the act of June 27 of that year, and was allowed the maximum rate thereunder. He has a wife and child depending upon him, and absolutely no property or income except this pension of $12 per month.

The question is, Will the Government allow this soldier to become a public charge and end his days in the poorhouse? There seems to be no alternative for him.

Your committee believe that such an evil should not come to pass, and therefore respectfully recommend the passage of the bill with the following amendments:

In line 3, after the word "hereby," insert "authorized and."

In line 6 strike out the words "at the rate" and insert in lieu thereof the words "a pension."

Mr. HERMANN. Mr. Speaker, I know the old veteran for whose relief the pending bill is intended. He resides in my home county. I meet him frequently on the streets when I return home. He is a moral and temperate man, and a good, responsible citizen. He served his country in its trying hours, and was faithful in his devotion to the cause of freedom and Union. By the accident mentioned in the report just read he has lost the use of his eyesight. This has impaired and destroyed his ability to earn a livelihood, and to this may be added his present reduced condition financially. In fact, it may be said he is really penniless, but with the aid of an industrious, devoted wife and the services of affectionate children he is able to keep the wolf from the door. I ask that the bill may pass in the closing hours.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEWIS KEISER.

Mr. HAINER of Nebraska. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7740) granting an increase of pension to Lewis Keiser, of Hubbell, Nebr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis Keiser, of Hubbell, Nebr., late a member of Company B, Ninety-third Regiment Illinois Infantry Volunteers, at the rate of $72 per month, in lieu of the pension he is now receiving.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLUE. Let us hear why this man is to be given $72 a month.

Mr. HAINER of Nebraska. Mr. Speaker, this is the case of a private soldier who served honorably for three years. He received a sunstroke and injury to the back while in the service. He is now 74 years of age, without means to support himself otherwise than a small house, and dependent upon those who are not legally bound for his support. He is a helpless paralytic. His condition is utterly pitiable. He can not even sit up without being propped. He needs assistance for every possible movement of his body. He can say yes and no sometimes in a way that those about him can understand. A stranger could not even understand that. If he had the power of speech he might make good his case before the Pension Office. As it is, his case had several special examinations, and the examiners have made various reports. More than half of the special examiners have reported that in their judgment his disability is due to service origin—part of them that it is due to the sunstroke and part of them to the injury of the back. Yet in spite of these reports the Pension Office has turned him down.

Mr. OWENS. What do you ask for him?

Mr. HAINER of Nebraska. Seventy-two dollars a month.

Mr. RICHARDSON. What is he getting now?

Mr. HAINER of Nebraska. He is now pensioned at the rate of $12 a month, under the act of 1890. The report shows that a special medical examiner sent out by the Pension Office says:

This claimant is afflicted the worst, with paralysis agitans, of any person I have ever seen. * * * requires the constant care and attention of another all of the time, night and day, as much as a babe less than a month old.

A more pitiable case was never presented to the Congress of the United States.

Mr. HERMANN. It should pass.

Mr. HAINER of Nebraska. I ask for a vote, Mr. Speaker, on the amendments recommended by the committee.

The amendments recommended by the committee were agreed to.

Mr. OWENS. I want to say to the gentleman, that just shows the difference between living in Nebraska and living in Kentucky.

In this case $72 is given to the man, while $25 is refused to a man who lives in Kentucky who is suffering just as much.

Mr. ANDREWS. I would like to ask the gentleman from Kentucky a question. Is the disability of the soldier to whom you refer traceable to service origin?

Mr. OWENS. That is what the Pension Department allowed him a pension for.

Mr. ANDREWS. He was pensioned on a service disability contracted in the Mexican war.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. HAINER of Nebraska. I ask that the title be amended to conform to the recommendation of the committee.

The SPEAKER. Without objection, the amendment to the title will be considered as agreed to.

There was no objection, and it was so ordered.

REPORT OF BERLIN SILVER COMMISSION.

Mr. RICHARDSON. Mr. Speaker, I desire to present a report from the Committee on Printing, a Senate concurrent resolution, which would be privileged if properly reported, but which, as it stands, requires unanimous consent. It passed the Senate yesterday, and I have been requested to ask for its consideration by the House.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 copies of Senate Document No. 274, Fifty-third Congress, second session, Proceedings of the Berlin Silver Commission of 1894, with index, 3,000 copies to be for the use of the House of Representatives and 2,000 for the use of the Senate.

Mr. BAILEY. Mr. Speaker, upon that I desire to submit some observations, and if I am recognized I will yield ten minutes to the gentleman from California [Mr. MAGUIRE].

Mr. RICHARDSON. I have the floor, Mr. Speaker. I did not know that the gentleman desired to debate this question at all, and having asked for unanimous consent, I feel that I ought not to yield the floor if the gentleman wants to make any protracted observations, but I hope he will have consent for a few minutes.

Mr. BAILEY. I understood that this was a privileged report.

Mr. RICHARDSON. It is.

Mr. BAILEY. Then it did not require unanimous consent.

Mr. RICHARDSON. Not at all.

Mr. BAILEY. My understanding was that the gentleman from Tennessee submitted a privileged report and resumed his seat, whereupon I took the floor. Of course I have no disposition to take the gentleman off the floor, but seeing that he had resumed his seat and that the Speaker was about to submit the question on the adoption of the privileged report, I took the floor.

Mr. RICHARDSON. I have no objection in the world, except that I did not know the gentleman was about to ask recognition.

Mr. BAILEY. Then I did not make myself understood, because I intended to tell the gentleman a few moments ago that I desired to take the floor, and I believe I did ask him to take the floor and yield to the gentleman from California.

Mr. RICHARDSON. I ask unanimous consent, Mr. Speaker, that the gentleman have five minutes.

Mr. DALZELL. Is this a privileged report?

Mr. RICHARDSON. It is. It provides for printing for the two Houses of Congress.

Mr. DALZELL. How much will it cost?

Mr. RICHARDSON. I do not know. It is a report that was submitted in the Senate by the Senator from Maine [Mr. HALE], the chairman of the Committee on Printing, and I do not find any printed report upon it in the RECORD, so that I can not state the cost.

Mr. DALZELL. Has it been considered by the Printing Committee of this House?

Mr. RICHARDSON. Only by myself. That is why I asked unanimous consent for its consideration. I stated that it was a privileged report because it provides for printing for the two Houses.

Mr. McCREARY of Kentucky. What would be the probable cost of this printing?

Mr. RICHARDSON. I do not know. I am not familiar with the document. It is a miscellaneous document which was printed in the last Congress, and this resolution provides for a reprint.

Mr. McCREARY of Kentucky. Is it a lengthy document?

Mr. RICHARDSON. I think not.

Mr. WALKER of Massachusetts. I will ask the gentleman from Tennessee whether this is not an exceedingly bulky document, containing the whole proceedings of that conference? Does the gentleman know whether it has to be set up again or not?

Mr. RICHARDSON. No; it does not. The Printing Office has the plates. I now yield to the gentleman from California.

Mr. DALZELL. Mr. Speaker, has unanimous consent of the House been given for the consideration of this resolution?

The SPEAKER. Unanimous consent has not yet been granted. The Chair has indulged gentlemen in some preliminary remarks.

Mr. RICHARDSON. I wish to say, Mr. Speaker, that the reason I have presented the resolution at this time is that a special messenger came to me from the Senate with a request from several Senators that unanimous consent be asked to have this document reprinted.

Mr. McCREARY of Kentucky. I would like to ask the gentleman who represented the United States in the Berlin conference?

Mr. RICHARDSON. I can not answer that question. I have not seen the document.

Mr. McCREARY of Kentucky. There was no representation of the United States at the Berlin conference. There was at the Brussels conference, but not at the Berlin conference.

Mr. RICHARDSON. The document was printed, as I understand, in the last Congress, and this is simply to reprint a certain number of copies for the use of the Senate and the House.

Mr. DALZELL. Mr. Speaker, I understand that the statement of the gentleman from Kentucky [Mr. McCREARY] is correct, and that we had no representation at this conference.

Mr. McCREARY of Kentucky. It was a local conference, and the United States were not represented.

Mr. DALZELL. Not at all, as I am informed. I think, Mr. Speaker, that under the circumstances I shall have to object.

CHRISTOPHER C. CUMMINS.

Mr. MARSH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk, H. R. 8888, to grant an honorable discharge to Christopher C. Cummins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Christopher C. Cummins, late a private in Company C of the Eighty-second Regiment of Ohio Volunteer Infantry, and grant him an honorable discharge to date as of the 24th day of July, 1865.

Mr. MARSH. I ask that the report be read.

The SPEAKER. Is there objection to the present consideration of this bill? The Chair hears none.

Mr. BAILEY. Mr. Speaker, I yield five minutes to the gentleman from California, and reserve the remainder of my time.

Mr. MARSH. I believe I have the floor, Mr. Speaker. I have not yielded.

Mr. BAILEY. The gentleman could not retain the floor when the Chair was about to put the question.

Mr. MARSH. The Chair recognized me.

Mr. BAILEY. If the gentleman from Illinois will say that he wanted to address the House on the bill I will yield.

The SPEAKER. The Chair wants to understand this matter. It is true that the gentleman who proposes a bill does not hold the floor while unanimous consent is being asked, but at the same time it is the custom of the House that a gentleman in charge of a bill, if he desires recognition, should first be recognized.

Mr. BAILEY. I recognize that as a proper custom, and if the gentleman from Illinois will say that he intended to address the House on the bill I will yield the point.

Mr. MARSH. I will say that I rose, the Speaker recognized me, and I asked unanimous consent to call up and pass the bill which I sent to the Clerk's desk.

Mr. BAILEY. Which was granted.

Mr. MARSH. Which was granted, as I understood, and the bill was read; and then I called for the reading of the report for the information of the House.

Mr. BAILEY. Was the report read?

The SPEAKER. The report has not yet been read.

Mr. MARSH. I have still been holding the floor.

Mr. BAILEY. I did not hear the demand for the reading of the report.

The SPEAKER. The Clerk will read the report.

Mr. BAILEY. I will say to the House now that I am going to have this time to yield to the gentleman from California, and the gentleman from Illinois will make no progress by trying to keep the floor.

The report (by Mr. MARSH) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 8888) entitled "An act to grant an honorable discharge to Christopher C. Cummins," report the same to the House and recommend its passage.

Said Cummins was enrolled February 15, 1865, and mustered into the service February 18, 1865, to serve one year. He was assigned to service in the Sixty-first Ohio Infantry.

The Sixty-first Ohio Infantry was consolidated with the Eighty-second Ohio Infantry March 31, 1865, and said Cummins served faithfully with Company I, Eighty-second Ohio Infantry, to July 11, 1865, at which date he is reported as a deserter.

After the grand review at Washington City he, with his regiment, was ordered to Louisville, Ky. The soldier remained with his regiment at Louisville, Ky., until the 11th day of July, 1865, when large numbers of his regiment were daily going to their respective homes without leave to visit their families; this soldier, knowing that the war was over and desiring to see his family, and without any thought or intention of deserting, went to his home, intending to return to his regiment in a few days. After being at home about

eight days he started on his way to rejoin his regiment at Louisville, and on arriving at Cincinnati, Ohio, where he met some of his comrades, he was told by them that his regiment had been ordered to Columbus, Ohio, and mustered out of the service, and he therefore returned to his home.

From the evidence before your committee it appears that this soldier had performed honorable and faithful service during his whole enlistment, up to the 11th day of July, 1865, only a few days prior to the muster out of his regiment, and that in going home on the 11th day of July, 1865, to see his family, he did not intend to desert.

The evidence further shows that he is a good citizen, respected by all his neighbors.

Mr. MEREDITH. The ultimate purpose of this bill, as I understand, is to give this man a pension, I believe.

Mr. MARSH. No, sir.

Mr. MEREDITH. That will follow as a matter of course; and I object.

Mr. MARSH. Unanimous consent has already been granted.

Mr. MEREDITH (after a pause). I withdraw my objection.

Mr. MARSH. Mr. Speaker, the objection is withdrawn.

The SPEAKER. What motion does the gentleman from Illinois make?

Mr. MARSH. I move the passage of the bill——

The SPEAKER. The question is——

Mr. BAILEY. Now, Mr. Speaker——

Mr. MARSH. And upon that I demand the previous question.

The SPEAKER. The gentleman from Illinois demands the previous question.

The SPEAKER (having put the question). The ayes seem to have it.

Mr. BAILEY. Division.

INVESTIGATION OF DISTRICT CHARITIES.

The SPEAKER (before announcing the result of the vote). If there be no objection, the Chair will announce the appointment of Mr. PITNEY of New Jersey, Mr. BLUE of Kansas, and Mr. DOCKERY of Missouri as members on the part of the House of the Joint Select Committee to make Investigations of the Charities and Reformatory Institutions of the District of Columbia, notice having been received from the Senate of its concurrence in the proposition.

ORDER OF BUSINESS.

The SPEAKER. On this question the ayes are 60, the noes 6.

Mr. BAILEY. No quorum, Mr. Speaker.

Mr. MEYER addressed the Chair.

The SPEAKER. For what purpose does the gentleman from Louisiana rise?

Mr. MEYER. To ask unanimous consent for the consideration of House bill No. 6634.

The SPEAKER. There is a proposition already before the House.

Mr. OWENS. I move a call of the House.

The SPEAKER (having put the question on ordering a call of the House). The noes seem to have it.

Mr. OWENS. Have I not a right to demand a call of the House without a motion?

The SPEAKER. A motion may be made for a call of the House.

Mr. BAILEY. I submit that when any vote discloses the absence of a quorum the rule is that there shall be a call of the House——

Mr. BARTLETT of Georgia. Or an adjournment.

Mr. OWENS. That rule was followed, I know, the other day, when we had a call of the House simply on the demand of a member.

The SPEAKER. Under clause 4 of Rule XV, applying to a case like the present, a call of the House does not require a motion or suggestion of a member, but arises by force of the rule which declares:

Whenever a quorum fails to vote on any question, and a quorum is not present and objection is made for that cause, unless the House shall adjourn, there shall be a call of the House, and the Sergeant-at-Arms shall forthwith proceed to bring in absent members, and the yeas and nays on the pending question shall at the same time be considered as ordered.

Mr. OWENS. Then the Clerk must call the roll.

The SPEAKER. The Clerk will call the roll; and gentlemen will vote upon the question of ordering the previous question.

The call of the roll was begun and completed, and the Clerk read the list of pairs.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent to dispense with further proceedings under this call.

The SPEAKER. By unanimous consent all further proceedings under the call can be dispensed with. Is there objection?

There was no objection.

Mr. MARSH. Now, Mr. Speaker, I believe my bill is pending before the House.

Mr. BAILEY. I withdraw the point of no quorum on the demand for the previous question, and I understand the gentleman from Illinois will withdraw the demand for the previous question.

Mr. MARSH. I have entered into no such understanding. [Laughter.] But I withdraw the demand for the previous question.

The SPEAKER. The point of no quorum is withdrawn, the demand for the previous question is withdrawn, and the bill is now pending before the House for consideration.

Mr. MARSH. Mr. Speaker, upon that bill, before proceeding, it will afford me a great deal of pleasure to render a kindness to the gentleman from the Lone Star State, and I yield to him for five minutes.

Mr. BAILEY. Mr. Speaker, that will not be sufficient.

Mr. MARSH. How much time does the gentleman want?

Mr. BAILEY. It is now within forty minutes of the hour when the House must adjourn. The gentleman from Illinois is entitled or would be entitled to an hour if the session continued that long. I think an equal division of the time would be fair.

Mr. MARSH. How much time does the gentleman want?

Mr. BAILEY. Twenty minutes.

Mr. MARSH. I yield to the gentleman twenty minutes, and at the conclusion of that time I will resume the floor. But I want him to understand that he is under no obligation. [Laughter.]

REPORT OF COMMITTEE TO WAIT UPON THE PRESIDENT.

The SPEAKER. Before the gentleman from Texas proceeds the gentleman from Maine will submit a privileged report from the committee to wait upon the President.

Mr. DINGLEY. Mr. Speaker, the committee appointed by the House to join the committee appointed by the Senate to wait upon the President of the United States and inform him that the two Houses had completed their labors and await any further communication he may be pleased to make, have attended to the duty assigned to them, and the President was pleased to say that he has no further communication to make to the two Houses, and that he congratulated Congress on the early completion of its labors. [Applause.]

CHRISTOPHER CUMMINS.

The SPEAKER. The House resumes consideration of the bill called up by the gentleman from Illinois [Mr. MARSH].

Mr. BAILEY. Mr. Speaker, I yield ten minutes of the time allotted to me to the gentleman from California [Mr. MAGUIRE], reserving the remainder of my time.

Mr. MAGUIRE. Mr. Speaker, my real purpose in rising is not to discuss the pending bill, but, with the general consent of the House, to reply to certain statements made last evening by the distinguished gentleman from Maine [Mr. DINGLEY], in the course of his very ingenious speech on the causes of the industrial depression through which our country has recently passed. I shall take occasion also to comment upon statements made by other gentlemen on the Republican side during the present session of this Congress, attributing the depression to the ascendency of the Democratic party and the legislation of the Fifty-third Congress. I am forced to the opinion that these gentlemen are sincere in declaring their belief that the election of a Democratic President and the legislation of a Democratic House and Senate did indeed cause the industrial depression, because, while that opinion is justified only by the concession that they are ignorant of a whole series of the most important facts of modern history, yet a contrary opinion would imply an intellectual dishonesty of which they are incapable.

The gentleman from Maine [Mr. DINGLEY] on yesterday declared that the success of the Democratic party in the election of 1892 and the subsequent legislation of that Congress had caused the depression, and upon that false premise he based a very earnest protest against the Democratic party, its principles, and its policy. He illustrated the ease with which a superstructure of denunciation and invective can be reared upon a foundation of falsehood. My purpose is to show again how readily such a superstructure can be shattered by puncturing the falsehood that serves for its foundation. When I have finished I will take pleasure in returning to him the admonition of Artemus Ward, which he quoted yesterday, that "It is better not to know many things than to know so many things that ain't so."

The gentleman told us, with all the assurance of a schoolmaster who knew what he was talking about, that for thirty-two years, from 1861 to 1893, under the Republican economic system of high-tariff taxation, this country had enjoyed uninterrupted prosperity. That is another piece of his knowledge "that ain't so." He told us also, with equal positiveness, that under the beneficent influence of the Republican tariff the wages of labor had steadily increased in this country during that period. That is another piece of his knowledge "that ain't so." These three statements constituted the substance of his speech. All the rest was glorification of the Republican party on account of the good that it had done in these matters and denunciation of the Democratic party because of the assumption that its policy and principles had led to the industrial depression.

What are the facts of authentic history on these three propositions? Let us see.

Until recently little was known of the causes of industrial depressions. Each depression in its turn came like a cyclone, almost

without warning. It produced disaster and intense misery during its prevalence, and after a saturnalia of ruin departed, with no more apparent cause for its going than there was for its coming. Some attributed it to local and temporary causes, some to the evil influence of malignant stars, while others regarded it as a manifestation of divine wrath. It was as mysterious to most people as an eclipse of the sun was to the people who lived before the laws governing the movements of the heavenly bodies had been discovered. All of these conjectures and superstitions were as natural to them as the judgments of our Republican leaders probably are to those who are equally ignorant of the causes of industrial eclipses. I should not be surprised to find such opinions and superstitions prevailing among people who have little time for study, and to whom knowledge is not a duty, but I am surprised to find such opinions and superstitions prevailing among leaders of the American Congress, when I know that a clearer and fuller knowledge of economic laws prevails not only among the leaders but among the rank and file of organized labor in this country.

A few years ago the laboring people, in their unions and assemblies, commenced the study of political economy. They knew that they were the victims of some mysterious but resistless social pressure which, under high tariffs and under low tariffs, stripped them of the surplus products of their labor for the benefit of a privileged few and subjected them to the horrors of an industrial depression every ten years while the evil system under which they struggled and suffered was being readjusted for another period of activity. They found themselves in that study hampered and handicapped by the absence of reliable official statistics of industry and of the phenomena of its changing conditions. They made a concerted effort in nearly all of the leading States of the Union to secure the establishment of bureaus of labor statistics for the purpose of collecting and classifying such information. They have succeeded in securing the establishment of such bureaus in many of the States, and have also succeeded in establishing a national bureau for that purpose. The very first work of that National Bureau, under the direction of Hon. Carroll D. Wright, the National Commissioner, was to gather statistics concerning industrial depression. These statistics were published in the First Annual Report of the Commissioner of Labor of the United States in 1886, the work being entitled "Industrial depressions." The people who petitioned and urged and clamored for the establishment of that National Bureau and of the State bureaus have been reading and studying their reports, while, unfortunately, it seems that the politicians have been relying upon the old methods of campaign work for rallying the masses of the people to their several standards.

Now, let me tell you what the people, particularly the members of labor organizations, know about industrial depressions. They know that such depressions as that through which we have been passing are never produced by either local or temporary causes; they know that such depressions occur periodically at regular intervals of about ten years; they know that such depressions have occurred for more than one hundred years at intervals of ten years, and have occurred so regularly that they are known to political economists (though not to politicians) as decennial depressions; they know that neither the present depression nor any of the others of which we have historical record was confined to this country or to countries having conditions identical with those of this country with respect to tariff laws or tariff taxes; they know that the severest industrial depression through which this country ever passed—1875 to 1879—occurred during the period of the highest and most exclusive protection ever maintained in this or any other country up to that time. A still higher protective tariff was adopted in 1890, which is popularly known as the McKinley tariff, under the operation of which the present industrial depression commenced.

One of the great sources of the knowledge of which I have spoken among the intelligent and studious laborers of this country is Mr. Wright's report on "Industrial depressions," to which I will now call the attention of the House.

The part of the report to which I refer particularly commences on page 15 and ends on page 79, and should be read by every legislator who would attempt to fathom the causes of industrial depressions. That report shows that not only in the United States of America but throughout the leading nations of the world these industrial depressions have appeared and run their courses and departed in the same manner and with the same symptoms at regular intervals of about ten years. It deals first (with respect to the United States) with the depression of 1837 (page 55); the next (page 56) occurring in 1847; the next (page 56) in 1857; the next (page 60) in 1867; the next (page 60) 1873 to 1878; the next (page 65) 1882 to 1886.

Our country has, as he shows, never been free from an industrial depression for more than ten years consecutively since 1837. From other sources we learn that there were industrial depressions in 1827 and 1817, when changes were advocated in the existing tariff laws for the purpose of meeting the conditions produced by the depressions, but I will not, at this time, go back of the period covered by Mr. Wright's very able report. I repeat, that according to that showing, which is indisputable, our country has never been free from an industrial depression for more than ten years consecutively since 1837. The depression of 1884, which was the immediate occasion of Mr. Wright's investigation of the subject as National Commissioner, commenced in 1882 and passed away in 1886. Guided by the light of experience placed before us in the recorded facts of history, when would you say that another industrial depression would be likely to commence after the one beginning in 1882? Why, considering the regularity of the recurrence of these decennial depressions, you would say that another depression would commence not later than 1892, and it did commence not later than 1892—not later than the beginning of 1892. It commenced, not after the election of that year, as the gentleman from Maine would have us believe, but long before the election, long before it was supposed that the Democratic party had any real chance of succeeding in the election. It was the principal cause of the remarkable and sweeping triumph of the Democratic party in that year. I do not say that the McKinley tariff law then in force caused the depression. I know from the facts of history and from the laws of industry and commerce that it did not cause the depression, but it did not prevent the depression, and it did not retard the depression an hour. My opinion is that it tended to hasten rather than to retard the collapse.

But you charge that Democratic ascendency in 1892 caused the depression. Did Democratic ascendency cause the similar depression in 1867? Did Democratic ascendency produce the similar and more severe depression of 1877? Did Democratic ascendency produce the depression from 1882 to 1886? Did it produce any of these three depressions occurring under the high-tariff régime of the Republican party? No! You can not charge the Democratic party or its tariff policy with the slightest responsibility for any of these regularly occurring depressions. The depression culminating in 1877, already far advanced in 1876, caused the people of the United States by an overwhelming popular vote to condemn the Republican party and by a majority of the electoral vote to select a Democratic President in the person of Samuel J. Tilden, who will go down to history as the de jure President of the United States for the four years commencing March 4, 1877.

The next industrial depression, commencing in 1882 and reaching its greatest severity in 1884, caused the people of the United States again to overwhelm the Republican party with its protective-tariff policy and to install a Democratic President and a Democratic House of Representatives. Again it was the present industrial depression, already far advanced in the summer of 1892, that caused the people of the United States by a most overwhelming and decisive vote to drive the Republican party again from power and to reinstall the Democratic President under whose former Administration good times had been restored after the depression of 1884.

The gentleman from Maine [Mr. DINGLEY] on yesterday made a very lucid explanation of the course of the industrial depression after the Democratic triumph at the election of 1892. The mistake that he makes in that matter is a mistake as to the date at which this course of depression which he so vividly depicted commenced. It did not commence after the election of that year. It commenced before any nominations were made by either of the great national parties. The Homestead strike was a part of that industrial depression. When did that occur? Those strikes and strike riots occurred in May and June, 1892. The Cœur d'Alene labor strikes and strike riots occurred in the summer of 1892. The Knoxville labor riots occurred during the same period and long before the election. The Buffalo strikes also occurred before that election. The depression in the iron trade from northern Ohio to Alabama had thrown tens of thousands of men out of employment long before the election of 1892. In the coal regions of Pennsylvania the protected coal miners had, even as early as August, 1891, been reduced to such a deplorable condition that the Philadelphia Press, a Republican newspaper, had an investigation conducted by expert representatives and published a statement showing the wretched condition of labor at that time in the coal regions of Pennsylvania, concluding its two-column article on the subject with this significant statement:

> He who years ago made $3 and $5 a day now works for $1 and $1.50 side by side with men who would be satisfied with half of that.

In view of all these facts, in view of the great central fact of the regular recurrence of industrial depressions at intervals of ten years, in view of the still broader fact that all of these decennial depressions have extended with equal virulence to all the leading countries of the world, that they have occurred where tariffs were high and where tariffs were low, where democracies ruled and where empires swayed, how absurd, how puerile, how unworthy, is the charge that this particular depression was caused by Democratic ascendency or by Democratic changes in the tariff laws! The gentleman from Maine further says that for the thirty-odd years during which the Republican economic policy prevailed

this country enjoyed uninterrupted prosperity. I have shown from the very best and most reliable authority that that is not true. Passing over the depression of 1867, which Mr. Wright calls "a period of hard times," although he thinks it can hardly be called an industrial depression by comparison with that of the period from 1873 to 1878, let us go to the second period of depression under the Republican high-tariff régime. I think it is the general opinion of political economists that Mr. Wright has failed to distinguish between the financial panic running through the years 1873 and 1874 and the industrial depression proper which commenced in 1875 and lasted until 1879. However, we are not concerned about that, nor about Mr. Wright's opinions as to the causes of that or of any of the other depressions. He has furnished us with the facts and they are the important things. Of this depression, after reviewing the financial crisis of 1873, he says (page 60):

> The result was an industrial depression lasting until the latter part of 1878, and this industrial depression was far more severe than any that preceded it or that which has followed it. This depression was so great and the disturbances resulting from it of such varied and distressing ramifications that it stimulated the study of panics and depressions to a greater extent than any preceding period.

He tells us that that industrial depression, on account of its severity and long continuance, was made the subject of two Congressional investigations (page 60), one under the chairmanship of the Hon. Hendrick B. Wright, and the other under the chairmanship of the Hon. Abram S. Hewitt, of New York. Later on he tells us that a third investigation was made by the Senate Committee on Education and Labor under the chairmanship of Hon. Henry W. Blair. Yet the gentleman from Maine [Mr. DINGLEY], chairman of the Committee on Ways and Means, the Republican leader on the floor of this House, combining assurance with forgetfulness, ignores that period of depression occurring under the very highest and most oppressive so-called protective tariff that the world ever knew, until the prospective candidate of the Republican party for President of the United States, in combination with the representatives of protected interests who had secured the right to dictate in the matter by enormous contributions previously made to Republican campaign funds, invented a higher and a worse scheme of tariff taxation. Let us turn from that long, dark period in the industrial history of our country to the Republican high tariff depression of 1884, commencing in 1882 and ending in 1886. Carroll D. Wright, in his report (page 66), after making all possible allowances for exaggeration as to the number of persons thrown out of employment by that depression, estimates that in round numbers there were 1,000,000 laborers thrown and kept out of employment by reason of that depression. Then, on the same page, commenting upon that situation, he says:

> A million of people out of employment, crippling all depending upon them, means a loss to the consumptive power of the country of at least $1,000,000 per day, or a crippling of the trade of the country of over $300,000,000 per year. The earnings of the people involved in the classes named above would not be far from $900 each per annum, representing total earnings of $7,999,716,600.

This dark and wretched high-tariff period in our country's history is also ignored by the gentleman from Maine when he triumphantly makes the sweeping statement that for thirty-odd years, under the economic system of the Republican party, this country enjoyed uninterrupted prosperity.

Again, the gentleman from Maine tells us that the protective policy of the Republican party had, throughout that period, continued to raise wages in this country. Need I cite more than the case of the laborers employed in the great coal-mining industries, highly protected for the enrichment of the mine owners, wherein it appears that at the beginning of the proud era of protection the laborers engaged in that industry were receiving from $3 to $5 per day, and that in August, 1892, their wages had fallen to from $1 to $1.50 per day, and the laborers had been reduced to conditions of degradation such as were not known in this country prior to the inauguration of the Republican economic policy by which the rich are to be taken care of by the Government at the expense of the masses of the people, in order that the rich, being further enriched by the Government's favor, may take care of the poor. Let me read again the statement of the Philadelphia Press, a Republican paper, bear in mind, which, as early as 1891, speaking of the deplorable condition to which the laborers engaged in the industry of mining the coal of Pennsylvania had been reduced, said:

> He who years ago made $3 and $5 a day now works for $1 and $1.50, side by side with men who would be satisfied with half of that.

The gentleman from Maine said that wages had increased under the influence of the protective tariff.

Mr. HURLEY. Will the gentleman allow me to ask him a question?

Mr. MAGUIRE. Yes.

Mr. HURLEY. What was the duty on coal?

Mr. MAGUIRE. Seventy-five cents a ton.

Mr. HURLEY. Pennsylvania anthracite coal was free.

Mr. DALZELL. This has reference to the anthracite regions of Pennsylvania, and there is no duty on anthracite coal.

Mr. MAGUIRE. Do you mean to tell me that the conditions were different in the bituminous regions?

Mr. DALZELL. I do.

Mr. MAGUIRE. Not at all.

The investigation made by the Philadelphia Press may have been confined to the anthracite districts. I do not say that they were and I do not know that they were not. I know that the serious and bloody labor troubles occurring in 1888, shortly before that time, and which were investigated by a committee of Congress, occurred in the anthracite regions. But it is perfectly absurd to say that in two sections of the same State, the same classes of laborers being free to go from one place to another at will, received high wages in the mining of bituminous coal and low wages in the mining of anthracite coal. If the wages were higher and the conditions better in the bituminous regions, the miners would naturally drift to those sections and the competition among the coal miners would speedily equalize the conditions of both classes of coal miners. It would require proof strong as Holy Writ to satisfy any reasonable man that the protected owners of bituminous coal mines paid better wages and maintained better conditions for their coal miners than were enjoyed by the equally expert coal miners who were engaged in mining anthracite coal. The fact is that the laborers in the Pennsylvania coal mines, who were promised protection by tariff taxes thirty years ago, have found that the tariff system enriched the mine owners without helping them and that the inexorable law of supply and demand cut their wages down to the lowest point at which laborers imported under a system of semislavery by the protected coal barons could be employed for, and the whole American and other English-speaking population of the coal mining regions, who at the beginning of the protective era received wages ranging from $3 to $5 per day, have during that era of protection been driven out of the coal regions entirely and scattered throughout the country, the sport and prey of the hundred monopolies created and fostered by the Republican protective-tariff system.

Now, I do not say that wages have fallen in all departments of industry during the protective-tariff era, but what I do say is that where wages have risen or have been maintained at a high standard the tariff has had nothing to do with that happy condition. Wages have risen and fallen in the various departments of industry during that period, wholly regardless of the protection of such industries.

Wages in all industries, protected and unprotected, have been fixed by the relation of supply and demand in the labor market, and not by the increased prices which the tariff has enabled the controllers of industry to get from the people for their commodities. The tendency of the wages of labor during the whole protective period has been downward, not only in the coal fields of Pennsylvania but in all departments of industry. That downward tendency of wages has been partially overcome by two forces, namely, our diversified and unlimited natural resources (notwithstanding the infamous system of monopoly under which they are held) and the mighty and unremitting struggles of trades and labor organizations. The protective tariff had nothing to do with it. Protection was not made for labor, but for the classes that exploit labor, and it has served its real beneficiaries well.

A few days ago the distinguished gentleman from Ohio [Mr. GROSVENOR], in the course of a discussion which was in no way related to industrial depressions, was tempted to stoop from the high plane of statesmanship which he generally occupies in the discussion of public affairs to reiterate the stereotyped political slander which I have been discussing. I thought it not merely fair but even merciful to him to call his attention to the indisputable statistics of industry by which the charge is absolutely disproved. Instead of taking my suggestion in the kindly spirit in which it was offered, and with his accustomed frankness either answering the suggestion or correcting his own statement, he abandoned his own higher moral plane for the unhallowed motto of his party and sought still to favor his party's cause by denying the facts of history. "Claim everything, deny everything" is one of the great mottoes of the Republican party, and denying facts is one of the great faculties of those who speak for it.

But I had expected better things from the distinguished gentleman from Ohio. That I may do him no injustice let me quote the colloquy which occurred between us on this subject. It is to be found on page 5148 of the CONGRESSIONAL RECORD of May 2, 1896, and is as follows:

> Mr. GROSVENOR. * * * Periods, cycles, of business depression sweep over the country. I might say, if I wanted to, though I am indisposed to go into that subject, that these cycles are generally an incident to the introduction into power of the Democratic party in this country; and it has been said by one of the wisest financiers of this country that it was necessary, indispensably necessary, to the success of the business of the country that following every Democratic Administration there should be a system of bankruptcy. [Laughter.]
>
> Mr. MAGUIRE. The gentleman certainly knows that one of these cycles

swept over the country in 1866, another in 1877, and another in 1884. Will the gentleman explain if these happened after Democratic ascendency?

Mr. GROSVENOR. There is no such thing. In 1866—going back to that, as it is the first fixed on by the gentleman, unfortunately for his recollection of history—we emerged from the greater depression of 1857, when the property of this country went down 80 per cent in value all through the West. We emerged from that to enter a war. At the end of that war we had not re-established our credit, and the transition from irredeemable paper money and the battle that we had to fight with the Democratic party to restore specie payments did bring upon us the trouble of 1877. What was the trouble of 1875-1877? Does the gentleman know? It was the existence of that upas tree, bad credit, in this country. In 1874 the Democratic party carried State after State in favor of practical repudiation of the obligations of the Government, and undertook to demand that the bonds of the Government should be paid in greenbacks, and that the greenbacks should not be redeemed; and until we turned aside and fought the Democratic party to its death for the time being we could not have any credit in this country. That was the trouble, and that was all the trouble there was; and when the time had come, and victory had perched upon the banner of the Republican party, and a Republican Administration came into power in 1877, and the resumption act was passed in the teeth of the opposition of the Democratic party, and the 1st day of January, 1879, came, and under a Republican Administration every dollar of our promises to pay came up to the level of every dollar in gold—then it was that prosperity came as the victory of honest money and the overthrow of the Democratic party. [Applause on the Republican side.] But, Mr. Chairman, I did not intend to make any such speech as this.

Mr. MAGUIRE. Will the gentleman permit another suggestion?

Mr. GROSVENOR. Yes, sir.

Mr. MAGUIRE. I wish to say to the gentleman that all of those depressions are recorded by the Hon. Carroll D. Wright, Commissioner of Labor, in his report on "Industrial depressions," published in 1886, and he says that they all extended to the seven leading nations of the world.

Mr. GROSVENOR. Well, Mr. Chairman, if the gentleman wants to take his politics from Carroll D. Wright I bid him godspeed, but I do not want him to bother me with them. [Laughter.] I will take some political ideas from a Democrat; I will take a great many from a Republican; but from a Mugwump, God forbid! [Laughter and applause.] A man who has to trim his politics, to pare his common sense, and to engineer his figures so that he can retain office under Administration after Administration shall not be a professor in the political school which I attend. [Laughter and applause.]

What a weak and floundering reply from a great man, from an experienced statesman, from a great statistician, from a man whose national reputation has been made principally as a statistician in furnishing the only accurate and reliable figures available to the American people concerning the relative strength of candidates for the Republican nomination for the Presidency. Finding the facts of history to be destructive of the principal stock in trade of his party for the approaching campaign, he takes refuge in the denial of the facts and in calumniation of the historian. In this matter it is unfortunate for the gentleman from Ohio that the facts are indisputably established by evidences other than the report of our national Commissioner of Labor Statistics, although his report is the only generally accessible compendium of the facts. It is equally unfortunate for the distinguished gentleman from Ohio in this matter that no public officer in this nation is more highly esteemed for the fidelity and veracity of all his public work than Hon. Carroll D. Wright, the author of the report which, in the interest of the Republican party, the distinguished gentleman from Ohio seeks to belittle and deny.

The gentleman derides the National Commissioner of Labor Statistics, who is, I believe, a Republican in politics, as a "Mugwump," basing his charge upon the fact that Mr. Wright has so conducted his office as to be retained in his place under several Administrations, Republican and Democratic. The gentleman forgets that the true statistician is nonpartisan in his work, that the true statistician hews to the line and furnishes the facts of history as they exist concerning the subject which he is considering without for a moment thinking or caring what partisan effect the facts may have. A statistician who basely stoops to serve his party or any party instantly destroys both his usefulness and his influence. Carroll D. Wright, with a clear conception of the true function of a statistician, and a grand, unswerving purpose to perform that function regardless of all collateral considerations, has won the esteem and confidence of honest men of all parties. The masses of the people, who know more about his work than do the time-serving politicians, have recognized his honesty and his fidelity to duty. They would resent and rebuke his removal from office for partisan reasons by any Administration more sternly and severely than they would resent or rebuke any other single partisan act that could be committed. It is by reason of his sterling integrity and fidelity to duty that he has retained his place and not by any cowardly trimming of his work to suit any party.

The gentleman from Ohio [Mr. GROSVENOR] can not go into any community in which labor organizations exist and make the statement concerning Carroll D. Wright's work which he made upon this floor without arousing the indignation of scores of men who know more about the statistics of industry than he does.

The gentleman from Ohio [Mr. GROSVENOR] readily and clearly perceived that if three distinct industrial depressions of the same kind as the one from which we are now emerging occurred and ran their course under the high-tariff régime of the Republican party—one reaching its climax in 1866, another in 1877, and a third in 1884—his charge that the present depression, of the same kind in all respects, and occurring after an interval of comparative prosperity precisely the same as the intervals of comparative prosperity which separated those three industrial depressions, is due to Democratic ascendency, or to Democratic legislation, is shown incontestably to be without foundation and false. Yet these are the facts of history, not made by Carroll D. Wright, but compiled by him from the authentic sources of historical knowledge, through the most perfect and complete system of historical investigation to be found on earth. Mr. Wright's report concerning these industrial depressions is absolutely nonpartisan. It does not attempt to show, nor does it tend to show, that the depressions occurring under and during the Republican régime were caused by Republican legislation, but it does show conclusively that such depressions are not caused by anything that the Democratic party has ever done or proposed to do, nor by anything that the people have ever expected or believed that the Democratic party would do.

Mr. Wright, in the investigation of industrial depressions, went back to the year 1836, as I have stated, and reported the depressions occurring between that time and 1886. Mark the regularity with which these depressions have occurred during the last sixty years—1837, 1847, 1857, 1866, 1877, 1884, 1893. They have all come to us, including the last one, with almost the regularity of changes in the moon's phases. They have come to us as scourges of our civilization under high tariffs and under low tariffs. They have come to us bearing ruin and desolation to the masses of our people when all natural conditions seemed retained with a promise of prosperity and plenty; they have come to us like thunderstorms from clear skies when harvests were bountiful, when the consumption of wealth was making the greatest demands upon the wealth producers, when in the relations between capital and labor there seemed to be no threat or cause of diminishing activity. Suddenly thriving commercial enterprises become unprofitable; the capitalists who conduct them find that when their rents and wages have been paid out of their production they are not getting interest upon the capital which they have invested. They call a halt. They economize. They demand that labor shall share the loss which they are suffering.

A conflict between capital and labor ensues, with its incidents of strikes, boycotts, and lockouts, unhappily sometimes attended with bloodshed and destruction of property. Compromises are from time to time reached, which are in turn broken as new conditions offer advantages to either of the contending parties.

The waste of the conflict takes away whatever return might otherwise come to business. Production is checked in that quarter and the producing laborers are thrown out of employment. The purchasing power of the laborers thrown out of employment is destroyed. Their demand for other commodities is checked by the destruction of their purchasing power, and the production of such other commodities is likewise checked. These effects of the great primary cause speedily communicate their influence through the whole network of the world's productive agencies, diminishing profit by checking demand for productive effort. With the cessation of production in one quarter or in one line comes a corresponding suspension of demand for commodities of other kinds. The merchant can not sell his wares, because his customers have lost their purchasing power. He can not collect the obligations due him for the same reason, and he can not pay his debts to the wholesale merchant because he can not collect his dues from his customers.

The wholesalers have arranged for commercial credit on a basis perfectly safe so long as sales continue and payments are made within the periods of ordinary trade credit, but wholly unsafe when collections from retail merchants fail. The wholesaler is pressed for the payment of his obligations. He in turn presses the retail merchant. The retail merchant presses his customers, but his customers are out of employment, not only unable to make further purchases according to their necessities, but unable to pay their comparatively small debts for past purchases.

Universal stagnation ensues. Merchants and manufacturers continue nominally to carry on business, although profits are gone. They pay rent out of their capital for the sole purpose of saving their locations, which have become an important part of their business. The glimmering taper of hope allures them even to the vortex of general bankruptcy. Financiers become alarmed for the safety of their investments and for the sufficiency of securities. They insist upon the sacrifice of securities for the satisfaction of their claims. The millions of small depositors in savings banks are forced to draw upon their bank savings to meet their obligations and to pay the expense of living, which in good times are paid out of their daily wages.

Those who do not need their deposits for such immediate use begin to feel that the risk of the bank's stability is too great for the interest which the deposits yield. They attempt to withdraw their deposits, panic seizes upon the minds of depositors generally, and run after run is precipitated upon such banks, which, having the bulk of the deposits loaned upon securities on which they can not immediately realize, are forced to the wall. Their suspension

of payment increases the panic and adds to the general distrust. Credit, upon which nine-tenths of our business is done in good times, is entirely withdrawn.

Every firm, corporation, and individual is employed in gathering and hoarding such money as can be obtained to meet the exigencies of his or its own business, for in the best of times our industrial and commercial systems are honeycombed with debt, and a capital of $10,000 floats a credit of at least $30,000. This enormous contraction of the instrument of exchange is fatal to what remains of business. The business of the whole country finally collapes under the strain. Then a new adjustment of rent, interest, and wages is made, and the wheels of industry and commerce revolve again, bringing the blessings of prosperity and peace. This is the history of every industrial depression, and the present depression is not in any respect exceptional.

Russell Sage, a distinguished financier, is reported as saying recently that this depression is exceptional because it has "touched bottom," as he expresses it; that is to say, it has touched the land-owning class, the last class to be affected by such visitations. But every industrial depression of which I speak has "touched bottom." Every industrial depression has ultimately reached the land-owning class and has compelled that class to largely reduce its ground rent in order to give business a chance to pick up again. Then by some process, as mysterious to the general observer as the beginning of the depression, times improve, business gets better, credit grows stronger, and an era of prosperity ensues which gives promise of perpetuity. For four or five years it continues to rise, then the change comes again, and the history of the former depression, through the course of another three or four years, repeats itself with marvelous exactness.

It is idle to attribute these depressions to local or temporary causes. Their cause must be as general as its results. A cause affecting this country alone will not explain an industrial depression existing at the same time in England, France, Germany, Belgium, and in all of the English colonies that girdle the world. Neither is it reasonable to attribute one of these depressions to a cause which manifestly did not contribute to any of the other precisely similar depressions occurring before it.

The great controlling cause of industrial depressions must necessarily involve a disturbance of the fundamental relation between mankind and the superabundant natural resources provided by the Creator as a common heritage for the subsistence and comfort of all, and that disturbance must be the same, or similar, in all of the countries affected.

This is the seventh industrial depression through which we have passed in this country within sixty years, and Mr. Wright, in the report which I have quoted, shows that each of these depressions extended to all of the leading civilized nations of the earth. On page 16 of his "Industrial depressions" Mr. Wright deals with the industrial depression of 1837 in Great Britain; on page 18 with the industrial depression of 1847 in Great Britain; on page 20 with the industrial depression of 1857 in Great Britain; on page 21 with the industrial depression of 1866 in Great Britain; on page 26 with the depression culminating in 1877 in Great Britain; on page 28 with the industrial depression of 1884 in Great Britain.

On page 35 he deals with the depression of 1837 in France; on the same page, and following, with the depression of 1847 in France; on page 36 with the depression of 1856-57 in France; on page 37 with the depression of 1866-67 in France; on page 38 with the depression of 1877 in France; on page 39 with the depression of 1882 to 1886 in France.

On page 44, and following, he deals with the depressions of 1837, 1848, 1856, 1864, 1873 in Belgium; on page 47 he deals with the industrial depression commencing in 1882 in Belgium.

On page 49, and following, he deals with the industrial depressions of 1837, 1847, 1856, 1873 to 1879 in Germany, and on page 51 he deals with the industrial depression of 1882 to 1886 in Germany.

Need I tell you that the present depression commenced in foreign countries before it commenced in this? Need I tell you that its blight had fallen upon the English colonies in Australia before we felt any of its symptoms? These are facts, whether you know them or not.

Now, Mr. Wright has shown, not by argument or deduction, but by the conclusive evidences of history, that the cause of industrial depressions is at least as old as the depression of 1837 and that it has been constantly operating to produce and to reproduce at regular intervals the same results in all the leading countries of the world to which his investigation extended. It shows that all of the industrial depressions were substantially of the same kind, coming in the same way, manifesting the same symptoms, producing the same effects, and going away in the same manner, as mysteriously as they came, and that they all extended to all of the countries named.

Now, in view of these facts it is simply childish to assert that one of these depressions was produced by a cause which manifestly could have had no part in producing any of the other depressions. It is equally childish to attribute any of these depressions to a cause existing in this country and not existing in any of the other countries affected by the depression. It is childish to attribute any one of these depressions to any local or temporary cause which would not in any way account for the existence of any of the preceding or succeeding depressions in this country nor for any of the depressions occurring in the other countries referred to in Mr. Wright's report.

Laying all partisan considerations aside for the time being, it appears that according to the malignant course of industrial depressions the time had come for another decennial depression in 1893. Here let me say that the term "decennial depression" is not mine nor did it originate with Mr. Wright. Long before Mr. Wright had published his work on "Industrial depressions" the political economists of the world had come to recognize these cycles of prosperity and depression in industry as decennial, and had given them the name "decennial depressions" because of the regularity of their recurrence within every decade. The history of industrial depressions not only during the time covered by Mr. Wright's report, but throughout the whole of the present century, shows that the longest period between the culminating points of such depressions has been eleven years and the shortest time between such culminating periods eight years, making the average period about ten years.

The industrial depression of 1893 did not occur at an unusual time, but in the order in which it might have been expected by all who had given thought to the subject. Indeed, it came at the time when it was expected by every thinking man who had closely studied the scientific explanation of industrial depressions published by Mr. Henry George in 1879 and who had read the confirmatory historical evidence presented by Hon. Carroll D. Wright in his report seven years later.

No, gentlemen, the Democratic Administration did not cause nor contribute to produce the industrial depression. The charge that it caused or contributed to the depression is refuted by the facts of history and by the irrefutable logic of the events of a century. The cause of industrial depressions lies deeper than any recent legislation accomplished or proposed by either the Republican or the Democratic party. The masses of the people know this, and know it better than the party leaders, upon whom the masses once relied for political light and for political principles, but upon whom they rely no longer as they did of yore.

But gentlemen may say the overwhelming Republican victories of 1894 show that the people are influenced by the Republican assertion that the industrial depression was caused by the Democratic party. This, again, is a grave mistake concerning the real state of public opinion on this question, and I may add that the oracle hath spoken differently in the more recent Oregon election.

The Democratic party was rebuked in 1894 by the masses of the people, and the Republican party got the benefit of the popular dissatisfaction with the Democratic party; but that popular act was not an indorsement of the monopoly-breeding legislation of the Republican party against which the popular verdict was so unmistakably and overwhelmingly rendered in 1892.

The people condemned the Democratic party, not because it produced the industrial depression, but for failing to discern the causes of the depression and for failing to remove those causes.

The people, too, had understood certain pledges given by the Democratic party in its national platform differently from the way in which they were construed by Democratic officials elected on that platform, and they condemned what they conceived to be an evasion, by construction, of promises made in the platform. Whether popular dissatisfaction with the course of the Democratic party in these matters will carry the people again to repudiate it at the polls, when the result of their action will be the restoration of the party of hypocrisy and monopoly to control all of the departments of this Government, remains to be seen. I do not believe that they will carry their indignation against the party which stands for "equal rights to all, special privileges to none," to the extent of clothing with absolute control of the Government the party whose fundamental principle—if it may be called principle—is to create special privileges for the enrichment of the few upon the false pretense that the best way to promote the interests of the masses is to take care of the rich by legislation so that the rich may be better able to take care of the poor.

I do not believe that the masses of the people are prepared to surrender themselves again to the domination of the tariff barons, under whose régime dummy legislators may be expected to permit the beneficiaries of protective-tariff privileges to draft the schedules of a new protective-tariff law for their enrichment, as they drafted the schedules of the bill of 1890 which bears the name of Mr. McKinley, but with the framing of which Mr. McKinley had so little to do that the distinguished Republican leader, Senator WILLIAM E. CHANDLER, feels called upon to tell the country that it is unjust to give Mr. McKinley credit for drafting the so-called McKinley tariff bill, with the framing of which he had practically nothing to do. But it is well known that Senator CHANDLER gives too much credit to other statesmen for the drafting of that

bill. It is well known throughout the country that the Republican statesmen of the time were relieved of all trouble and responsibility in the matter of drafting the schedules of that bill by the protected monopolists by way of return for their liberal contributions to the Republican campaign fund of 1888, under the fat-frying process, to which Senator CHANDLER so eloquently refers in describing the means by which Mr. McKinley's nomination for the Presidency is now being forced upon the Republican party.

For my part, I have more faith in the intelligence and honesty of the masses of the people of this country than to believe that any sentiment among them in favor of rebuking the Democratic party for its failure to make the best use of its official power will lead them to deliver our country into the hands of the tariff barons and the political brigands who do their bidding for the profit which the unholy and unpatriotic service brings.

Of course I expect the Democratic party through its national convention to place itself squarely and unquestionably upon the fundamental principles of Democracy, and to nominate candidates whose very names are synonymous with those principles. In the platform of 1892 the Democratic national convention declared that never in the history of the Republic was it more necessary to assert and maintain the principles of Democracy promulgated by Thomas Jefferson and defended by Madison than at that time. The platform of 1896 should go further than that. It should set forth in terms and reassert the fundamental principles of Democracy as laid down by Thomas Jefferson, and pledge the Democratic party and its nominees to support and carry out those principles. Such a platform, with candidates whose lives have been devoted to those principles, will sweep the country from Maine to California and from Oregon to Texas. The people will rally to those principles to-day as universally as they always did when the Democratic party unflinchingly proclaimed and upheld them. [Loud applause on the Democratic side.]

Mr. BAILEY. Mr. Speaker, even if the time permitted it would serve no useful purpose to review the work of this Congress, because neither the little which it has done nor the much which it has left undone will greatly influence the decision which the American people are now maturing and which they will pronounce through the ballot box on the 3d of next November. Whether wisely or unwisely I will not undertake to say, but every man who has observed the drift of events must know that many questions which vitally concern the public welfare are for the time to be held in abeyance, and that it is a well-nigh universal determination that during the canvass upon which we are about to enter the discussion of all questions except one shall be pretermitted.

It is not, however, so fully agreed as to what this exceptional question shall be. Everybody outside of the Republican party and many of the most thoughtful men in that party are determined that it shall be the financial question; but the Republican leaders are striving to prevent this, and they have determined that if it is within their power to do so, the tariff shall be the paramount and the only issue in the Presidential election of this year. The courage with which only a short while ago they proclaimed themselves ready to meet and solve the important but perplexing financial problem has, like the courage of Bob Acres, been gradually oozing out at their fingers' ends; and they are now strenuously exerting themselves to avoid even the consideration of a question which three months ago they professed themselves anxious and willing to settle at once and for all time.

If I had entertained any doubt as to the policy of the Republican leaders, all doubt would have been dispelled by the speech which was delivered by the distinguished chairman of the Ways and Means Committee on yesterday. From the beginning to the end of that speech he sought to emphasize the importance of the tariff question and to minify the importance of all other questions, going so far as to contend that the difficulties of the Treasury Department are fiscal and not financial. He asserted, and he repeated the assertion, that the Treasury's embarrassment will immediately disappear whenever the Secretary is provided with sufficient revenue to defray the current expenses of the Government. My great confidence in the integrity of the gentleman from Maine [Mr. DINGLEY] forbids me to think that he would say anything which he does not believe; and yet my respect for his ability renders it difficult for me to understand how he could believe what he said. He knows that there has not been an hour in the last two years when it was inconvenient for the Government to promptly meet its current obligations; for notwithstanding the fact that our disbursements have exceeded our receipts, there has always been a comfortable surplus in the Treasury. The very day on which the majority passed their bill to raise additional revenue there was a surplus in the Treasury, over and above the gold reserve, of more than $100,000,000; and there is to-day a surplus of more than $150,000,000.

I desire to be perfectly frank in this matter, and I do not deny that if the Government had not been called upon to redeem its notes, which, when redeemed, passed into the general fund of the Treasury, and thus became available in the payment of appropriations, Congress would have been compelled to supply a deficiency. But the gentleman from Maine knows, or if he does not he is the only man of like intelligence in this country who does not know, that the demand upon the Treasury for the redemption of the Government's notes in gold had no connection whatever with the question of revenue. Those notes were not presented for redemption because the holders wanted to enable the Treasury to escape a default, nor because their holders doubted the solvency of the Government, but they were presented for redemption in gold simply because the gold was needed in the settlement of trade balances and paying the expenses of those American travelers who spend so much of their time and money in foreign countries.

It is perhaps true that some gold has been withdrawn from the Treasury which was not intended for exportation; but, so far from it being true that such gold was withdrawn on account of any fear of the credit of the Government, the truth is that the real object in withdrawing it was to create an opportunity to buy the credit of the Government in the shape of bonds. The men who have been most clamorous about impairing the credit of the United States are the same men who have been most eager to buy our bonds; and it will not be an easy task to persuade the thinking people of this land that the men who were so anxious to become the creditors of the Government were in the least distrustful of either its honesty or its solvency.

The gentleman from Maine would lead his party into a serious error, and an error, too, fraught with serious consequences to it and to the country, if he could induce his associates to act upon the theory that the depletion of the gold reserve is purely a matter of revenue; for whenever it becomes necessary to export gold, either to pay balances or to meet traveling expenses, no tariff law can prevent a drain upon the Treasury as long as you keep the notes of your Government in circulation and redeem them in gold. It makes no difference how abundant your revenues may be; you may collect an annual surplus of $50,000,000, but in the present state of the gold market but a fraction of your collections would be in gold, and when your notes were presented for redemption you could only obtain the gold to redeem them by selling bonds. Mr. Speaker, we may as well be candid with each other and with the country. All of us realize that we must either increase our revenues or reduce our expenses; but whether we do the one or the other, we will not escape the ever-present and important question of maintaining a gold reserve.

Does the Republican party intend in its national convention to face this question fairly, or will it resort to a cowardly and disgraceful evasion of it? As the time approaches when the question ought to be decided, the Republican leaders manifest a disposition to shrink from its decision; but, sir, unless I mistake the present temper of the American people, it would be better for your party to decide it boldly, although you decide it wrong, than it will be for you to trifle with it. Millions of American voters believe in the single gold standard and will cheerfully support a party which avows its intention to maintain it. Millions of other American voters believe in the bimetallic standard and will enthusiastically support a party which promises to restore it; but there is nowhere a handful of self-respecting American citizens who will cordially sustain any party which fears to tell the world on which side of this great question it stands. A straddle or a makeshift will deceive no intelligent man and will disgust millions of honest men. Parties, like individuals, sometimes find themselves in a situation where it is safer to fight than to run, and this is the situation which confronts the Republican party to-day. The country knows that you believe in the single gold standard, and it expects you to have the courage and the candor to say so. If you fail, you will suffer in comparison with your great adversary, for when the Democratic party assembles in convention at Chicago, whatever else it may do, it will adopt a platform so plain and so unequivocal that no two honest men can construe it in different ways. [Applause.]

Mr. MARSH. Mr. Speaker, after the two very able and patriotic speeches we have heard by the gentleman from California and the gentleman from Texas in favor of the old soldier, I think we ought now to take a vote on this bill. [Laughter.]

Mr. MAGUIRE. I forgot to say, Mr. Speaker, that I am heartily in favor of the gentleman's bill. [Laughter.]

Mr. MARSH. I judged so from the gentleman's remarks. [Laughter.]

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MARSH, a motion to reconsider the vote by which the bill was passed was laid on the table.

FRANCES M. ROBERTS.

Mr. OTJEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of said Frances M. Roberts upon the pension roll, and pay to her the sum of $15 per month.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. RICHARDSON. Mr. Speaker, reserving the right to object, I ask to have the report read.

The report (by Mr. COLSON) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3494) entitled "A bill granting a pension to Frances M. Roberts, beg leave to submit the following report, and recommend that said bill do pass with an amendment:

The claimant, Frances M. Roberts, is the unmarried daughter of Levi M. Roberts, who served as an express rider in the United States Army during the war of 1812, and who, while so serving, received injuries necessitating amputation of a leg. The soldier was a pensioner on account of above-named service and injuries at the time of his death, which occurred April 2, 1874. His wife, the mother of the claimant, died in 1858, and the claimant lived with and cared for him until he died. She is his only surviving child, and is dependent upon friends and acquaintances for support, she having no property or income. She is about 54 years old and in such delicate health as to be too feeble and infirm to earn a maintenance by daily labor.

The above facts are shown by the papers on file at the Pension Bureau and by the testimony of Susan Gale, Elizabeth H. Ingersoll, John F. Burnham, C. M. Towne, and others, who have been intimately acquainted with the claimant for many years and personally know her relationship to the soldier and all the circumstances of her case.

The following amendment is recommended:

In lines 5 and 6 strike out the word "fifteen" and substitute therefor the word "eight"; so as to fix the rate of pension at $8 per month.

The amendment recommended in the last paragraph of the report was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced the action of the President on bills of the following titles:

On June 11, 1896:

An act (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes;

An act (H. R. 9409) making appropriations to supply deficiencies in appropriations for expenses of the House of Representatives, and for other purposes, for the fiscal year 1896;

An act (H. R. 9447) to amend section 1 of the act to amend an act entitled "An act authorizing the Postmaster-General to adjust certain claims of postmasters for loss by burglary," etc., approved May 9, 1888;

An act (H. R. 7338) for the relief of William H. Scofield, Jacob Brady, James Ketcham, Annie Booth, as administratrix of the goods, chattels, and credits of George W. Booth, deceased; Wilson P. Billar, Ezra L. Waterhouse, Moses C. Bell, George W. Byles, and George A. Scofield;

An act (H. R. 9226) to change the time and places for the district and circuit courts of the northern district of Texas;

An act (H. R. 180) to make the city of Erie, Pa., a port of immediate transportation;

An act (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes; and

An act (H. R. 8321) to authorize the county of St. Louis, in the State of Minnesota, to build or authorize the building of a foot and wagon bridge across the St. Louis River, between Minnesota and Wisconsin, at a point near Fond du Lac, in said State of Minnesota.

NOTE.—The following bills having been presented to the President on May 29, 1896, and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution, have become laws without his approval:

An act (H. R. 2054) to correct the military record of Charles W. Rinehardt and to grant him an honorable discharge;

An act (H. R. 6256) authorizing and directing the Secretary of the Navy to furnish to George F. Fuller Post, Grand Army of the Republic, of Manistique, Mich., a condemned cannon; and

An act (H. R. 2777) authorizing and directing the Secretary of the Navy to donate condemned cannon and condemned cannon balls to certain posts of the Grand Army of the Republic.

SARAH M. SPYKER.

Mr. MEYER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 6634) was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah M. Spyker, widow of L. P. Spyker, ensign, Capt. W. A. Goodwin's company of Alabama Volunteers, Indian war, 1836.

An amendment recommended by the Committee on Pensions was adopted, as follows:

In lines 4 and 5 strike out the words "subject to the provisions and limitations of the pension laws" and insert "at $8 per month."

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MEYER, a motion to reconsider the vote by which the bill was passed was laid on the table.

STEAM LAUNCH FOR NEW LONDON COLLECTION DISTRICT.

Mr. RUSSELL of Connecticut. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8415) to authorize the purchase of a steam launch for use in the customs collection district, New London, Conn.

The bill was read.

Mr. RUSSELL of Connecticut. Mr. Speaker, if I may be allowed a word, this bill was prepared by the Treasury Department and sent to me, as representing the district in which the New London customs district is situated, for introduction some three weeks ago——

Mr. DOCKERY (interposing). Does the bill carry an appropriation?

Mr. RUSSELL of Connecticut. It does. It was sent to me by the Department for introduction. It was introduced and it has been reported unanimously by the committee, and now I call it up for consideration.

Mr. BLUE. Is this a House bill?

Mr. RUSSELL of Connecticut. It is.

Mr. BLUE. Then it has not been to the Senate at all?

Mr. RUSSELL of Connecticut. It has not.

Mr. BLUE. Well, there is no necessity for a bill of that kind, carrying an appropriation of $3,000, being passed at this time, because it can not pass the Senate.

Mr. RUSSELL of Connecticut. I simply desire to fulfill my duty to the Treasury Department in the matter.

Mr. BLUE. Has it been considered by any committee?

Mr. RUSSELL of Connecticut. Yes, sir; it has been unanimously reported by the Committee on Interstate and Foreign Commerce.

Mr. DOCKERY. I suggest to the gentleman that both sides have made up their statements of appropriations for this session and they do not wish to have to add this extra item. [Laughter.]

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLUE. I object.

CAPT. HENRY A. F. WORTH.

Mr. STEWART of New Jersey. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5787) for the relief of Capt. Henry A. F. Worth.

The bill was read, as follows:

Be it enacted, etc., That the pension heretofore granted to Capt. Henry A. F. Worth, late of the United States Army, be increased so that he shall receive a pension of $72 a month.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WHEELER. I trust that no one will object to the consideration of this bill for this poor invalid soldier. He was a classmate of mine at West Point forty years ago. He is now a feeble man, whose wife has to wait on him at every moment. I love him, and I trust that this bill will be considered without objection.

Mr. BLUE. How much pension does it carry?

Mr. WHEELER. Seventy-two dollars per month.

Mr. BLUE. Is he helpless?

Mr. WHEELER. Absolutely so. As I have said, he was my classmate. He graduated at West Point and I have known him for forty years. He served bravely in battle. He was wounded at Gaines Mill and again at Malvern Hill. I trust no gentleman will object to the bill. I appeal for a brave, disabled soldier.

The SPEAKER. Is there objection to the consideration of the bill? The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

VALEDICTORY OF THE SPEAKER.

The SPEAKER (at 4 o'clock p. m.). GENTLEMEN OF THE HOUSE OF REPRESENTATIVES: Before pronouncing those words which close the session I desire to offer to the House my grateful recognition of its kindness. It is always a high honor to receive the thanks of the House of Representatives, but especially so at the end of a session where the Speaker has been forced to say "no" more times, perhaps, than in the history of any other Congress.

While thanking you for your kindness to me, I must congratulate the House on its conduct of the public business. Ordinarily a majority of 2½ to 1, a majority of 150, means disorganization, faction, and discord. In this House a hundred and fifty new men of both parties have behaved with the steadiness of veterans, and if our connection with other branches of Government with different ideas has prevented us from serving the country as we might have done, we at least have behaved with dignity, fairness, and credit.

With the kindest personal wishes to you all, I again return thanks. By virtue of the concurrent resolution of both branches I declare this House adjourned without day. [Loud and long-continued applause.]

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the cases of James H. Jenkins, Mary H. Bush, Rebecca B. Williams, and John Morrison against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Catharine B. Brown, Samuel Schoppert, deceased, Mary E. Wood, executrix, H. M. Waugh, and John H. Woodford against The United States—to the Committee on War Claims, and ordered to be printed.

A message from the President of the United States, returning without his approval House bill No. 225, to provide for the transfer of Fort Omaha Military Reservation to the State of Nebraska—to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, Mr. TERRY, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 4057) in relation to cigarettes, and to limit the effect of the regulation of commerce between the several States and with foreign countries in certain cases, submitted a minority report (No. 2289) recommending that said bill do pass; which said bill and minority report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. KIRKPATRICK, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 9260) to increase the pension of Adam Johnson, reported the same (Report No. 2288); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, Mr. RICHARDSON (by request) introduced a bill (H. R. 9462) requiring the use of safety fenders on cars operated by cable or electric power within the District of Columbia; which was referred to the Committee on the District of Columbia.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. PRICE: A bill (H. R. 9463) for the relief of Lemuel Tanner, of Lafourche Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9464) for the relief of the estate of J. W. Tucker, late of Lafourche Parish, La.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. GROUT: Resolution adopted by Ransom Post, No. 7, Grand Army of the Republic, Department of Vermont, in favor of a service pension of not less than $8 per month to Union soldiers of the late war—to the Committee on Invalid Pensions.

Also, testimony in the matter of granting a pension to Mrs. Mary Chamberlain, of Chelsea, Vt.—to the Committee on Invalid Pensions.

Also, testimony in the matter of granting a pension to Hannah M. Cheney, widow of Josiah M. Greene, late of Company C, Sixth Regiment Vermont Volunteers—to the Committee on Invalid Pensions.

By Mr. PHILLIPS: Petition of citizens of Butler, Pa., opposing the selling of beer on Ellis Island—to the Committee on Immigration and Naturalization.

Also, resolution of the Union Veteran Legion of Rochester, Pa., favoring House bill No. 3727, known as the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. RICHARDSON (by request): Paper to accompany House bill No. 9462, favoring some effective appliance attached to cable and electric cars for the protection of human life in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SOUTHARD: Petition of J. M. Ashley and others, in behalf of House bill No. 6851, in aid of Wilberforce University—to the Committee on Military Affairs.

Also, resolutions of the American Federation Glass Workers' Union, No. 28, of Toledo, Ohio, in favor of Government ownership of telegraph lines—to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES W. STONE: Resolutions of a public meeting at Bradford, Pa., denouncing the outrages and murders in Armenia, and asking that the United States insist on action by the treaty nations to stop the same—to the Committee on Foreign Affairs.

By Mr. JOHNSON of California: Petition of citizens of Sacramento County, Cal., in favor of the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

APPENDIX.

APPENDIX

TO THE

CONGRESSIONAL RECORD.

The Coin Redemption Fund.

REMARKS

OF

HON. LORENZO DANFORD,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Friday, December 27, 1895.

On the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue—

Mr. DANFORD said:

Mr. SPEAKER: While there are some good features about the bill under consideration, especially the one requiring the Secretary of the Treasury to advertise the bonds offered for sale, yet I can not support the measure for reasons that to me should control the votes of members on this side of the House. As a party we stand pledged against increasing the interest-bearing debt of the Government in time of peace. We have insisted in the two last political campaigns that we should raise by tariff taxation a sufficient amount of revenue that, added to the internal taxes, would be sufficient to support the Government. On Thursday last we passed in this House a bill that the Ways and Means Committee tell us, if carried into the legislation of the country, will be sufficient for that purpose. Indeed, the Secretary of the Treasury, who ought to know, claimed in his annual report to Congress that we will soon have sufficient revenue to carry on the Government without additional taxation of any character.

This Administration has been in financial straits ever since it took charge of the Government two and a half years ago. Congress was convened in extra session for the purpose of repealing what is known as the Sherman silver-purchasing act, the President claiming that all of the financial troubles of the country grew out of the menace to our credit contained in that act. The law was repealed and there was no preceptible relief. The Republican party then claimed that our financial and business distress grew out of the vicious revenue legislation threatened by the Democratic party, and that relief could be had only by assuring the country that when we were reinstated in power the country would settle down to the policy of protection.

This House meets and we are confronted with a demand from the Executive and his chief financial officer that the country must have relief by retiring from circulation $346,800,000 of legal-tender currency now in use by the people. This is insisted upon by both the President and the Secretary of the Treasury; and while as a direct proposition put to this side of the House, the policy of the Administration could not command one-third of the votes of the Republicans, yet it seems to me that the bill under consideration, if it should become a law, and should be executed in the spirit of the message and the report of the Secretary of the Treasury, hostile as they are to the greenback circulation, it would have the effect of retiring them entirely from circulation.

The bonds authorized by this act are for the redemption of United States legal-tender notes, and for no other purpose. These bonds bear 3 per cent interest, and with the proceeds the legal tenders are to be taken up—redeemed—and with an administration of the Treasury Department hostile to the greenbacks we would substitute by this plan, in a very short time, $346,000,000 of 3 per cent interest-bearing bonds for noninterest-bearing debt, and the greenbacks once redeemed would be held in the Treasury and no longer constitute a part of our monetary circulation.

As I have already said, the Secretary of the Treasury claims that under existing laws he will soon be able to meet all current demands upon the Treasury. We have already, as we are told by the Committee on Ways and Means, by the bill passed on last Thursday, added another forty millions or thereabouts to the revenue, so that there would be no necessity for again putting the greenbacks into circulation and they would be held in the Treasury. But suppose that the Treasurer should redeem them by the sale of the bonds provided for in this act, and again pay them out to meet current demands, or in any way put them in circulation, there would be just as much likelihood of these legal-tender notes being bought up again and again by speculators and the Secretary forced from time to time to sell more bonds in order to redeem them over and over again.

I do not believe, however, that unless some exigency should occur that they would be paid out, but would remain in the Treasury, and we would soon have substituted for this noninterest-bearing debt an interest-bearing bond of the Government. The people do not want to see the greenbacks retired in any way, much less in the covert manner provided for in this bill. I was in Congress in 1875 and 1878, when the discussion about the greenbacks was going on in the country, and there was then no matter about which the plain people of this country were more sensitive than about this same legal-tender paper currency. Our legislation at that time upon this subject gave the Republican party great trouble. It is the favorite money of the people; they are familiar with it; they prefer it to gold; it is convenient, and, as they believe, costs nothing; and if the Republican party in this Congress should be a party to any measure that either directly or indirectly retires this currency and substitutes for it an interest bearing debt we will have to answer for it at the polls.

It is said that even now fifty millions of these legal tenders are in the Treasury awaiting presumably for some legislation that will enable the Secretary of the Treasury to permanently retire them. It seems to me that in this bill we are providing the means by which he can retire in a few months the great bulk of these legal tenders, and I for one will not aid him or this Administration in this purpose.

But we are told that this bill substitutes a 3 per cent for a 4 or 5 per cent bond. My observation is that in the purchase of bonds those who are able to make purchases are able to dictate terms, and that a 3 per cent bond will be in the long run as expensive to the Government as a 4 per cent bond. But be that as it may, I will not be a party to this legislation. The Secretary of the Treasury and the President, after having blundered through almost three years of disastrous financial legislation, undertake to dictate to a Republican Congress the relief that they desire. We said in our platforms in 1894 and 1895, that the trouble with the country was not so much in its finances as in the disastrous revenue legislation of the Fifty-third Congress. Relief will come to this country when we quit buying wool and woolens from abroad with our gold; when we quit buying tin plate and pottery and other articles from abroad that we might as well manufacture at home. Relief will come when the balance is on the right side of the great business ledger, and not until then. We are in a position in this House to say to the other end of the Avenue that we present to them the relief of more revenue, of steadier business, and the financial policy that will save the country from the panics that almost daily affect this Administration.

The people are not demanding the legislation contained in this bill, and in my judgment they will resent it as not in keeping with our pledges and with the policy that they indorsed in our election to this House.

The President's Two Special Messages to Congress on the Venezuelan Boundary and the Condition of the Treasury.

SPEECH

OF

HON. ELIJAH A. MORSE,

OF MASSACHUSETTS.

IN THE HOUSE OF REPRESENTATIVES,

Thursday, December 26, 1895,

On the bill (H. R. 2749) to temporarily increase revenue to meet the expenses of Government and provide against a deficiency—

Mr. MORSE said:

Mr. SPEAKER: I can hardly hope to add anything to the exhaustive argument in support of this bill offered by the distinguished gentleman from Maine [Mr. DINGLEY], chairman of the Committee on Ways and Means, or to the eloquent presentation of the same matter by the distinguished gentleman from Pennsylvania [Mr. DALZELL], or the unanswerable argument of the gentleman from Iowa, my friend, General HENDERSON.

These gentlemen have left nothing to be said in defense or support of this measure. Of course there are a great many amendments to this bill that I would like to offer in the interests of my constituents.

The duty on woolen goods, as proposed, is far too low. The country has been, and I fear will continue to be under the increased duty contemplated by this bill, flooded with cheap European shoddy goods, to the great injury of the woolen manufacturers of my district and the country.

In my district are located the "tack" manufactories of the world; millions are invested in the business. The ad valorem duties of the Gorman-Wilson bill as amended by this bill work a great hardship to these manufacturers. They are crying out for a specific duty that will prevent undervaluation. The fire-brick interest of Taunton, in my district, is greatly injured by the low duty of the Gorman-Wilson tariff bill, which the horizontal increase will not materially assist.

There are numerous other industries which need increased protection, and were opportunity offered I would offer amendments at these points; but it has been explained to us by the gentlemen who have preceded me that this is not a revision of the tariff, but is purely a revenue bill, to meet the existing deficiency in the receipts of the Government and make them equal to its expenses, in response to the message of the President of the United States.

A general revision of the tariff is now impossible on Republican and protection lines. Such a revision of the tariff would pass neither the Senate nor the Democratic President. Such a revision will have to be postponed for 433 days more, when the Republicans will again be in control of every department of this Government.

Then and not until then can we hope to return to the wise economic and financial policy of the Republican party and that universal prosperity which has always attended the Administration of the Republican party, and which has always forsaken the country when the Democrats have been in power.

Under a Republican Administration, from the time of the resumption of specie payment until the Democratic party again came into power, on the 4th of March, 1893, the Government had no trouble in keeping up its gold reserve, and the one hundred millions in gold was never trenched upon.

No amount of juggling with figures or miscalculations and misstatements by the Secretary of the Treasury will deceive the American people in regard to the true cause of the shrinkage of our gold reserve and this constant menace to the financial soundness of the Treasury.

Dissemble or cloak it as the Secretary of the Treasury may, the naked truth is that the gold reserve has been used directly and indirectly to make good the deficiencies in our revenue and to pay the running expenses of the Government. And that condition of things will continue until this deficit in our revenue is corrected by the bill now under consideration or some other bill to increase our revenue.

Incompetency, imbecility, and inefficiency mark this Democratic Administration in every department of the Government. Under the Administration of President Harrison the country not only enjoyed unbounded prosperity, but labor and capital were everywhere employed, times were good, wages were good, and the country was enjoying a development and prosperity beyond any ever known in our history. And besides all this, during the four years of Harrison's Administration we paid off over $200,000,000 of the public debt.

All this has been reversed under the Administration of Grover Cleveland. Property has decreased in value, factories have been closed, labor has been employed at reduced wages or no wages at all; our career of prosperity has been checked, the hand on the dial of progress has been turned backward, and the national debt has been increased more than $163,000,000. And as the result of the two messages recently sent to Congress, a second panic and universal prostration of business was narrowly averted.

But I desire to address myself also, briefly, to the Venezuela message and to explain to my constituents and the country my attitude toward that matter.

Mr. Speaker, when the bill was introduced into this House, December 18, creating a commission for the investigation of the Venezuela boundary dispute, in harmony with the recommendation of the President of the United States—I say, when this resolution was introduced by the distinguished gentleman from Illinois [Mr. HITT], the House was taken by surprise. A single objection by a single member would have prevented its consideration.

I did not offer that objection, but I very much desired then and desire now to explain my vote in favor of the bill The bill simply provides for a commission of inquiry, with a view to learn what are the bottom facts in regard to this boundary dispute between Great Britain and the State or Republic, if it can be called such, of Venezuela.

The controversy over the boundary line is of long standing, extending over a period, I think, of fifty years. This commission, while to some extent an ex parte tribunal, would be an entirely disinterested commission, and would undoubtedly give exhaustive examination to all sides of the question.

And most undoubtedly their finding in the premises would be accepted by the nations of the earth as an equitable and just decision regarding the boundary between the two countries so long in dispute. This commission might discover, what many people believes they would, that there is no violation of the Monroe doctrine in the boundary-line controversy in Venezuela, or after hearing all sides they might decide in favor of the English contention, but be that as it may, if it is proposed to make the finding of the commission, if not consented to by Great Britain, the ground for declaring war against that country, you can count me out. Why, the civilized world revolts with horror from the bare possibility of such a conflict between the two great Anglo-Saxon English-speaking and Christian nations of the earth.

It is not to be entertained or thought of for a single moment; it would be the calamity of the nineteenth century. Ourselves and the English-speaking people have ten thousand thousand interests in common of vastly more moment than the Monroe doctrine. They are bone of our bone and flesh of our flesh. No sane person can contemplate war between these countries.

The destruction of commerce, the bombardment of defenseless cities by modern war vessels that can throw dynamite bombs into a city with the vessel out of sight. Such consequences are too horrible for contemplation and would not be sanctioned by the people of either country, and certainly could find no justification in the Venezuela quarrel.

Three hundred years ago Spaniards conquered these South and Central American countries. They found them docile, peaceable, unwarlike heathen. After having had their civilization for three hundred years some of these countries are peopled by some of the most bloodthirsty people on the face of the earth.

It is not my purpose here to locate the responsibility or explain the causes for the deplorable condition of things existing in many of these Republics, whose normal condition is revolution and anarchy and whose people are superstitious, ignorant, and without sufficient intelligence for a republican form of government.

In confirmation of what I have said, witness the recent war between Chile and Peru, in which every rule of civilized warfare was outraged. Old men, women, and children, noncombatants, were butchered and murdered on both sides.

What, a war between the United States and England over the Venezuela boundary? Why, Mr. Speaker, the whole State isn't worth a week's fighting between these two great nations.

Why, Mr. Speaker and gentlemen of the House of Representatives, what is the Monroe doctrine? Is it understood to mean that we are to establish a protectorate over all these miserable revolutionary governments and countries, and make their quarrels our quarrels, and allow them to say to themselves and each other, no matter what the merit of our case is the great Government of the United States, with its sixty-five millions of people, stands behind us.

I say that a war over such a matter as this would not be sanctioned by the people of either country. At the beginning of this very year I had the honor to present in this House a memorial, borne across the sea by W. Randall Cremer, a member of the English House of Parliament, signed by no less than 354 members of the British House of Commons, praying this Government to join with the Government of Great Britain in a treaty to refer all questions of international dispute to arbitration. That petition, with the signatures printed in full, will be found in the

CONGRESSIONAL RECORD of the Fifty-third Congress, third session, page 2408, of February 19, 1895.

You ask me what would I do in the premises with reference to this and other questions now in dispute between this Government and that of Great Britain. I would do exactly with this as we did in the case of the *Alabama* claims.

We didn't go to war or threaten war over those claims, involving the destruction of American commerce and the loss of untold millions to our countrymen, in which the English Government was clearly at fault.

What did we do? We placed our claim on file and bided our time, and finally adjusted the matter by arbitration and received $15,000,000 from Great Britain for damages to our commerce.

What would I do now? I would not abate one jot or tittle of our demand at present. I would place our demand in regard to the boundary line of Alaska on file. With reference to Nicaragua and Venezuela, I would insist upon our demands, and demand that the questions in controversy be left to arbitration by some international impartial tribunal.

And in time we would accomplish our object and have a peaceable and just settlement of these great international questions, honorable and just to both countries, and without bloodshed and war.

What, war with Great Britain over the boundary of Venezuela or the seals of Alaska? Why, Mr. Speaker, all the seals that ever swam in Bering Sea, all the fish that ever swam in Canadian waters, are not worth a day's war.

Such a war would turn back the hands on the dial of progress and peace, good will, and comity between nations a thousand years. No, Mr. Speaker, I am not in favor of a protectorate over the South and Central American republics.

I would assert the Monroe doctrine, if anybody knows what that is, and continue to assert it. I would say to Great Britain that we looked upon her interference in the affairs of Nicaragua or the Sandwich Islands or of Venezuela as a wrong, as an act unfriendly to this Government, and I would bide our time for a settlement of these disputed questions by arbitration.

I supported the bill authorizing a commission of inquiry solely and entirely that we may give to ourselves and the world accurate and correct information in regard to the pending boundary dispute between Venezuela and Great Britain.

It must be a source of great pleasure and satisfaction to every lover of his race to read the expressions, not only of this country but of prominent Englishmen as well, deprecating and denouncing any resort to arms as a method of settling disputes between these two great Christian and English-speaking peoples.

On Sunday last the clergy of Boston in their pulpits denounced an appeal to war in the most unmeasured terms, and these learned and reverend gentlemen most undoubtedly voiced the well-nigh unanimous sentiment of Massachusetts and New England, and, I believe, the sober second thought of the entire country.

Surely, at this Christmas season, when we are celebrating the birth of Him who left His home in glory, who was rich and for our sakes became poor, that we through His poverty might be made rich; surely while we are celebrating the birth of the lowly Nazarene, who walked beneath the palm trees of Judea nineteen centuries ago, whose birth was heralded by angels with a song of peace on earth and good will toward men; surely this is a fit and proper time for these great Christian nations to dismiss all thought of submitting to the arbitrament of the sword such a comparatively trivial and unimportant matter as a boundary line in Venezuela, 2,500 miles removed from our country.

The following letters from eminent citizens of Massachusetts are specimens of a large number of letters that I have received on the subject of the President's Venezuela message. The first is from Dr. Henry B. Blackwell, a patriotic gentleman, widely and favorably known throughout New England:

BOSTON, MASS., *December 23, 1895.*

DEAR FRIEND: Oblige me by reading my brief inclosed letters cut from Saturday's Herald, also that of Edward Atkinson. President Cleveland is making a most audacious move to compel his renomination and to give the Democratic party four years more of Democratic rule.

He will plunge us into a fratricidal war with the only Protestant nation in Europe allied to us in race, language, and institutions, unless the Republicans refuse to follow his lead. Don't let them fall into his trap.

British Guiana is the only Anglo-Saxon foothold in South America. It is the only free State where elections are anything but nominal. It is governed by a legislature of its own, and is a Republic in all but name, like the provinces of Canada.

Venezuela is a Republic only in name. It is a chaotic, semibarbarous Spanish-Indian military despotism, where neither life nor property is safe, no more to be compared with Guiana than is a Mexican "greaser" to a civilized white man.

This is not a case where the Monroe doctrine applies. Guiana is a part of the status quo of the American Continent, the only country where you and I could enjoy life under a government of law.

Don't let the Republicans be fooled. Cleveland means mischief.

Yours, truly,

HENRY B. BLACKWELL.

Hon. ELIJAH A. MORSE, M. C.,
House of Representatives.

The following quotation is taken from a letter received from a distinguished New York lawyer, whose name I have not permission to use:

NEW YORK CITY, *December 24, 1895.*

MY DEAR MORSE: * * * Regarding the Venezuelan matter, one thing surprises me, which is that Congress, both the Senate and House of Representatives, should have voted unanimously for the appropriation for the commission in accordance with the suggestion contained in the President's message, and that so many of the leading ministers of the country should seem to take a view very different from that taken by Congress. In this city, and especially in Brooklyn, much earnest talk was had upon this subject last Sunday from the pulpits, and the sentiments in favor of peace and the criticisms on the Monroe doctrine, especially its application to the present controversy, were in many cases loudly applauded. * * *

Hon. ELIJAH A. MORSE, M. C.,
House of Representatives.

The following letter is from Henry Wood, esq., a gentleman whose opinion on economic, diplomatic, and moral questions certainly commands the respect of all who know him:

"THE WARREN," *Roxbury, Mass., December 21, 1895.*

MY DEAR MR. MORSE: Since the recent hasty action of the House in the Cleveland commission matter, among the scores of solid Republicans, citizens, business men, and Christian men that I have met there was not one who does not deplore it and regard it as a mistake of the greatest importance.

The sensational jingo press entirely misrepresents the sentiment of the thoughtful people. The Boston Journal has largely lost its influence by its unseemly and unpatriotic frothiness.

Though I have not the honor of your personal acquaintance, I have always been a warm admirer of your patriotism and general uprightness in public and private life. You will therefore pardon me if I make a criticism, for it is done in a friendly spirit. It is that whether, from the standpoint of party, country, economics, morality, or Christianity, you and the other Republicans in Congress have made the gravest mistake of your lives. I can truthfully assure you that nineteen-twentieths of the rank and file of the party would agree with me.

The moral sense of the nation will never sustain any war, especially with England, on any issue less important than that of actual self-defense. In this episode human progress has received a terrible shock and setback.

Very respectfully, yours,

HENRY WOOD.

Hon. ELIJAH A. MORSE, M. C.,
House of Representatives.

The following is from the pen of Edward Atkinson, a gentleman who needs no introduction to the people of New England or of the country:

In this time of distrust and danger it is fit that anyone who has the ear of the public in any way should speak plainly. Little time has yet been given to review President Cleveland's message and the accompanying documents, yet having met in the last two days a great number of prominent and influential men, notably many of the President's most earnest supporters in all that he has previously done, I find but one universal feeling—all are shocked, all are grieved, all concur in condemning utterly the recent action by which such terrible support has been given to the jingo spirit, heretofore arrayed against the President.

If an act of the Executive of this country should be committed which would precipitate war with Great Britain on a petty boundary question in South America, it is held that it would be a crime against humanity. If a position is taken, such as appears to have been taken, promoting violence without the expectation of a resort to war, it is held to be a stupendous and humiliating blunder. If the object should prove to be merely to cater for success in a party sense to the jingo element, then the verdict must be to the degredation and disgrace of everyone sharing in such a base purpose.

So far as men of intelligence who have tried to master the details of this case are concerned, many in number with whom I have conversed in the last two days, men of highest position and influence in this community, without respect to party, notably, as I have said, those who have gone to the fullest extent in the support which they have heretofore given to President Cleveland, all concur in the following summary of the conditions:

First. The admission by the President and Secretary of State that Great Britain and Venezuela may settle this case for the cession of territory, one to the other, either for money consideration or otherwise, proves conclusively that the Monroe doctrine has no application to the existing dispute about the title to the territory which is claimed by both parties.

Second. The suggestion of the President that a commission shall be appointed, by whom the facts in the case shall be established, is a complete admission that the facts are not now established. Therefore, any threat of violence or forceful interference is a threat based upon ignorance of the facts and not upon knowledge of the facts.

Third. The controversy about the title to a certain area of territory is of two parts. Lot No. 1, which Venezuela claims from Great Britain, has been occupied by English subjects for a longer time than the existence of the present State of Venezuela. Lord Salisbury asserts the right and the duty of the British Government to protect British citizens of this lot No. 1 in their rights of property and possession pending an adjudication of the case. Venezuela threatens to occupy this territory by force. An analogous case may be found in the recent demand of this country for the protection of the citizens of the United States in Turkish territory and for indemnity from the Turkish Government for losses incurred by them. If our Government has the right to support such claims on behalf of its own citizens dwelling in a territory over which we claim no jurisdiction whatever, how much greater may be the justification of the English Government in extending the same protection to British citizens occupying territory to the ownership of which the British Government possesses a claim, and to give them all protection of force necessary to repel the proposed forceful occupation of that disputed lot No. 1 by the authorities of Venezuela.

The other parcel of this territory, lot No. 2, has not been occupied by English citizens to any extent calling for the interposition of force. It is claimed by Venezuela, and on that parcel, No. 2, Lord Salisbury expresses entire willingness to submit to arbitration. Under these circumstances a threat of violent interference on the part of this country bears the aspect of a crime committed upon the English-speaking people, both of this country and of the British Islands.

The suggestion has been made by a prominent citizen of this city, whose influence would be very great, which I hope he will urge to the utmost, namely, in view of the fact that the Monroe doctrine, so called, was established either at the instance or with the assent of the British foreign minister, George Canning, and in view of the fact that the proposed application of

this Monroe doctrine by the President is, in the judgment of the highest constitutional lawyers and students, like Professor von Holst, utterly unwarranted in fact, being a perversion of the true Monroe doctrine, therefore it is suggested that the Monroe doctrine itself be submitted to arbitration, in order that its original purpose, shared in by all English-speaking people—by Great Britain and the United States as well—shall be fully defined and carried into effect, and that its perversion to unrighteous ends at the danger of war shall be finally stopped.

EDWARD ATKINSON.

The history of this Administration has been a history of colossal blunders, especially with reference to our foreign relations, from the date the President attempted to reinstate a profligate, bloodthirsty heathen queen on the throne of the Sandwich Islands, after she had threatened to behead all the white men, banish their families, and confiscate their property. Had the President used a message to Congress to threaten the blood-thirsty Turkish Government with the military power of this Government instead of our brethren across the sea, it might have violated precedent and the Farewell Address of George Washington, but it would have met the applause of the civilized world. The following letter is pertinent to this observation. I regret that I am not at liberty to use the writer's name:

NEWTONVILLE, MASS., *December 23, 1895.*

DEAR SIR: Excuse me for the draft upon your time in sending the present communication, but as a Christian and an American citizen, as one who holds dear to heart the principles of Christian civilization, I write to ask if nothing can be done to stem the tide of infatuation which seems to have taken possession of so many of our public men within the last few days, threatening to embroil the two leading nations of the globe in a petty fight. Here we have been watching and praying for weeks past that in the name of humanity and of a higher civilization, something might be done by the Christian nations of the world to put a summary stop to the wholesale slaughter of the thousands of our Christian brethren in Armenia; waiting the slow processes of international courtesy and usage, hampered as they were by mutual jealousies, while the murderous work and pillage kept right on, when, lo, and behold, instead of joining hands in the name of Christ to demand relief for their persecuted brethren of another wing of the Christian family, the two most powerful representatives of Christ's kingdom upon earth start up a quarrel with each other, over a matter of not one hundredth the importance to either of them, and with which one of them has not directly any concern whatever. The religious and financial interests of this country will not recover from the shock if this matter goes on to its culmination for the next ten years.

What nuts this must be to His Majesty the Sultan, and his whole infamous court.

In haste, yours, sincerely,

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Hon. ELIJAH A. MORSE, M. C.,
House of Representatives.

The following telegram, which is from an important and influential business man of Boston, is germane to a discussion of the Venezuelan boundary question, and I am sure voices the sober second thought of many true and sincere Americans:

BOSTON, MASS., *December 20, 1895.*

Am satisfied that New England's representative men irrespective of party affiliations emphatically condemn President's course, and the prospect of endorsement by Congress causes grave apprehension here. We urge you to use every effort to kill the bill for Commission.

(Signed) WILLIAM WHITMAN.

Hon. ELIJAH A. MORSE, M. C.,
House of Representatives.

The following letter is from Hon. William H. Osborne, a gentleman of high character and standing in Massachusetts, a member of the Plymouth and Suffolk bar, and was New England pension agent for four years under President Harrison. Mr. Osborne's opinion will carry great weight with all who know that gentleman:

BOSTON, MASS., *December 19, 1895.*

MY DEAR SIR AND COMRADE: I saw you quoted this morning in relation to the present war talk. It may be of no earthly consequence to you or anybody else, but I agree with you fully and I agree with Congressman BOUTELLE of Maine, although the Boston Journal takes exception to his remarks.

I have no patience with this whole business, and I think the Republican Congressmen and the Republican press have made a mistake in their gushing indorsement of the President. I am opposed to war unless it is absolutely necessary to protect the honor or integrity of the nation. I have seen war enough, and am still suffering from its consequences. If Cleveland had entered the Army during the late war, instead of sending a substitute, perhaps he would not be so bloodthirsty as he now is. If we must have a war, let us have a President that knows something about it, and who has not been fighting the old soldiers, cutting off their pensions, etc.

It is all politics, and is resorted to to distract public attention from the errors and shortcomings of the Administration, and, if possible to secure, for him (Cleveland) another term as President. He has been continually giving away American interests ever since he was President, and now he assumes a most war-like attitude over a matter of very little consequence. I do not think the American people upon sober second thought want to go to war over a boundary line between two countries in South America, neither one of which are more than half civilized. I have an idea that this war cry will react upon the President when the people have thought it over carefully, and as much as we effect to despise the opinions of English newspapers touching American affairs, the recent comments of some of these papers will strike the average intelligence as about right. It is a game of politics, as much so as the juggling that is going on over the national finances. I hope the Republicans will brace up and clear the air of its present pollutions.

I am, your sincere friend,

W. H. OSBORNE.

Hon. ELIJAH A. MORSE, M. C.,
House of Representatives.

The following letter is from my distinguished predecessor, ex-Governor John D. Long, who represented for six years the district I have the honor to represent, and was six years governor and lieutenant-governor of Massachusetts prior to that time. It must have great weight with all who know that distinguished gentleman:

BOSTON, *December 27, 1895.*

DEAR MORSE: I am sorry somebody did not stand by BOUTELLE in resisting such sheep-flocking obedience to the crack of the President's whip. Of course, it is easier to think after the opportunity is gone, but if the President could take two weeks' duck shooting while considering the Venezuela business, certainly Congress might have taken twenty-four hours. I take it you would like to know the sentiment of the people here. I have not met a human being who has expressed sympathy with the President's intimation of war. The Monroe doctrine no more applies to the location of the board fence between Venezuela and Great Britain than it does to your division lines in Canton, Mass. When the President suggests that possibly Venezuela and Great Britain may settle the whole thing between themselves, and thus admits that they may do so without our participation in the settlement, he gives away the whole case, for if a voluntary settlement between the parties can be made without us, then it is a matter in which we have no concern, and if we have no concern in it, then what business have we to interfere at all, for instance, to insist on arbitration? The Republicans in Congress, it seems to me, have thrown away the best chance that could have come to them to show up the blundering of the Administration.

Yours, very truly, JOHN D. LONG.

And now comes the joyous tidings from across the ocean, that the Queen of England, Scotland, Ireland, and Wales, and the Empress of India, Queen Victoria herself, has frowned upon the attitude of her ministers, and has expressed her desire that this and other disputes shall be settled with her kinsfolk on this side the sea by arbitration instead of by cruel bloodshed and war; and the same attitude is taken by leading publications of the United Kingdom.

The Coin Redemption Fund.

REMARKS

OF

HON. GEORGE W. PRINCE,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Friday, December 27, 1895,

On the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

Mr. PRINCE said:

Mr. SPEAKER: As a Republican I am opposed to this pending bill. I do not believe that it is in accordance with the views of the people who sent me here.

It is an indorsement of the President's policy of selling bonds, and it increases the interest-bearing indebtedness of a people now overburdened by debt.

It is in effect only saying, "Mr. President, we favor your policy of debt making, but would suggest that you try and make a little better bargain on the question of interest."

But aside from our fully indorsing Democratic maladministration, which for over two years we have every one of us been condemning on every stump and which every one of our newspapers has also condemned, there are other and higher reasons why I am opposed to this measure.

It retires the greenbacks, and absolutely and unqualifiedly thereby contracts our currency and makes the power of a dollar greater and the value of human toil lower. We were sent here as Republicans (not Cleveland approvers) to inaugurate measures on Republican lines, to raise revenue with which to meet the current expenses of our Government, to pension liberally our soldiers, their widows and orphans, to build public buildings, make internal improvements, and to pay off (not add to) the public debt. This is our mission, and on December 26 this House passed a law which the Committee on Ways and Means said would meet these requirements.

Our revenue bill has gone to the Senate and we have done our duty for the present as best we could under the rules of the House, which forced us to vote for a revenue bill not in accordance with our views, but which the exigencies of the case required.

Mr. Speaker, we went far, very far, on December 26 to approve of Democratic tariff legislation, and we did so at the behest of the party leaders of this House. Are we now to be compelled to fully approve of all the acts of a Democratic President?

While I am loath to go against the wishes of the Ways and Means Committee, I must do so, because I believe the interests of the people are higher and more sacred than mere alleged party expediency.

Therefore, Mr. Speaker, when my name is called I shall vote against the bill.

The Coin Redemption Fund.

REMARKS

OF

HON. GEORGE W. WILSON,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Friday, December 27, 1895,

On the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

Mr. WILSON of Ohio said:

Mr. SPEAKER: As much as I should like to vote with the Committee on Ways and Means upon this bill, I am nevertheless disposed to vote against it. Although gentlemen urge upon us a necessity for its passage, I am unable to see any necessity therefor. The existing law authorizes the Secretary of the Treasury to issue bonds to replenish the gold reserve whenever the amount is less than $100,000,000. It is true that the bonds bear a higher rate of interest than 3 per cent, payable semiannually, as provided in this bill.

The law allows the Secretary to issue bonds bearing 5 per cent interest and payable after ten years, and bonds bearing 4 per cent interest, payable after thirty years. There have been sold already under the existing law bonds of the face value of about $162,000,000, upon which there were premiums amounting to $20,000,000, the total aggregating $182,000,000. If all of these bonds had been sold in the open market it is very generally believed the premiums would have been much larger.

It is not very material what the rate of interest in the bond is, because whoever has the capital to invest in bonds will calculate the lowest rate of interest at which he is willing to invest his money and pay as much more than the face of the bonds as the specified rate of interest exceeds what he is willing to receive for the use of his money. If a capitalist is willing to loan his money at 3 per cent, then he would, under existing law, compute the difference between a 4 or 5 per cent bond and a 3 per cent bond, and the difference would represent the premium which he would pay for the bonds bearing the higher rate of interest. The result is that while the rate specified in the bond is higher, the bonds are actually sold at as low a rate of interest as purchasers are willing to take for their investments.

We are now informed by the Secretary of the Treasury that such bonds as are provided for in this bill can not be sold at all. He desires that the bill should provide for payment of principal and interest in gold, in order that he may the better dispose of them. The Secretary also wants to retire the United States Treasury notes (commonly called greenbacks) from circulation, because they are a constant menace to the gold reserve.

GREENBACK.

I am unwilling to give my vote for either gold bonds or the retirement of the Treasury notes. We have no more currency than our business demands. If the greenbacks are taken out of circulation without other paper currency being substituted we shall have a large contraction of the currency, and I believe the result would be damaging and disastrous to the business of the country. The present paper currency is popular with all classes, and to retire it by substituting interest-bearing bonds would not be well received by the people.

THE GOLD RESERVE.

There is much complaint about the greenbacks being used to draw money from the gold reserve. But what use is the gold reserve if not to give the greenbacks a credit which they would not otherwise have? It may be urged that the gold reserve would be exhausted if bonds are not constantly sold to replenish the reserve. There is some ground for this claim under existing affairs. But if the revenues were daily or monthly as large as the expenditures of the Government, this condition might not and probably would not exist. I think that the first duty of Congress is to raise more revenue and make less expenses, and thereby do away with the necessity of borrowing money by the sale of bonds. Whenever we export more than we import the balance of trade will be in our favor, and gold will begin to come our way instead of going from us to pay the balance against us.

EFFECT OF BOND SALES.

The sale of bonds to procure money to redeem greenbacks turns them into the United States Treasury, where they remain until the exigencies of the Government require their reissue. If the revenues are, as Democrats here assert, sufficient to meet the current demands of the Treasury, then the greenbacks will be retained in the Treasury and withdrawn from circulation. This result should be avoided, at least until some other currency is provided to take the place of greenbacks. There are only two ways to avoid it that I can think of—one is to have such a revival of business on this side of the Atlantic as will stop the raids upon the gold reserve, or pay the holders of greenbacks upon presentation in such coin as the law authorizes and the Treasury possesses at the time of presentation.

The Republican party have everywhere denounced the present Democratic Administration for the sale of bonds in time of peace. We have urged that there ought to have been no necessity for it, and that bonds should not be issued in time of peace. By the passage of this bill it is clearly implied that we intend that additional bonds shall be issued to replenish the diminished gold reserve and to redeem United States Treasury notes.

Why should the Republicans assist the Administration to do the very thing which we have opposed and condemned with so much vehemence? With the same authority, under the same laws, the Secretary can sell other bonds if he chooses, and I am unwilling to provide other means.

REPUBLICAN POLICY.

While it is true that there is much cause of complaint and dissatisfaction with Mr. Cleveland's Administration, I do not regard it as wise for the Republicans to surrender their convictions of duty for the sake of temporary relief. If it is a fact that there have been great shrinkages in railroad bonds and other holdings, it is to be much regretted. But at the same time I do not consider it the duty of Congress to attempt to take care of speculators in stocks or grain. Those who deserve our care and protection are they who toil and spin, and those who deal honestly and contribute to the welfare of mankind.

If we shall adhere to our landmarks and steadily advance on the lines of protection—good money and enough of it, maintenance of sufficient revenues to meet the demands of the Government without issuing bonds to raise money in time of peace, the liberal payment of pensions to deserving Union soldiers and their widows and orphans, the maintenance of our national honor at home and abroad, and a determination to resist unjust encroachments of foreign countries upon the soil of the Western Hemisphere—I have no doubt of the approval of our constituents and of the perpetuation of Republican ideas and the preservation of the American Republic so long as time shall last. [Applause.]

The Coin Redemption Fund.

REMARKS

OF

HON. ROBERT W. TAYLER,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Friday, December 27, 1895,

On the bill (H. R. 2904) to maintain and protect the coin redemption fund, any to authorize the issue of certificates of indebtedness to meet temporard deficiencies of revenue.

Mr. TAYLER said:

Mr. SPEAKER: The members on this side of the House who oppose the pending measure for the issue of bonds seem to misapprehend the question and their responsibility in connection with it. Their fear that the Republican party will suffer is ungrounded. The record of that party against the issue of bonds in time of peace is too well known to be misapprehended now. Never, except in time of war or for resumption purposes, has the Republican party authorized the issue of bonds for any other than refunding purposes. But to all practical intents and purposes this is a time of war. This great nation is going about with a sword in one hand and a contribution box in the other. For this the Republican party is not responsible. It is one of the fruits of Democratic incompetency, and it is our duty as Republicans to make the best of a situation which exists, but for which we are not responsible. The constituency which I represent is a patriotic constituency. It will go as far as I possibly can go to uphold the credit of the country, even though that credit has been impaired by Democratic folly, and though it be a Democratic Administration which calls for assistance.

If the tariff measure which was passed last Thursday becomes a law, and the estimated revenue from it is realized, I think there will be little need for the issue of bonds under the pending measure. But, none the less, the present emergency points out the way where duty leads, and that way I propose to follow.

No one pretends that either the tariff bill or this measure is drawn on Republican lines. Neither of them is intended to meet a Republican situation. Neither of them is to be presented to a Republican President for signature. They are both emergency measures, and whether history approves or disapproves them, the patriotism of a Republican Congress in passing them will stand out as a shining example of what a great party can do when the sense of a high public duty is upon it.

The Coin Redemption Fund.

REMARKS

OF

HON. STEPHEN R. HARRIS,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Friday, December 27, 1895,

On the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

Mr. HARRIS said:

Mr. SPEAKER: I can not conscientiously support this bill.

The Thirteenth Ohio Congressional district in 1892 sent a Democratic member to this House by a plurality of over 7,000.

The voters of my district were injured and dissatisfied by the failure of the Democratic Administration to follow the successful and prosperous method of filling the Treasury with revenues arising under the former tariff law; they were further dissatisfied because under the Democratic Administration the expenditures of the Government were largely exceeding its receipts, and especially were they dissatisfied that the President was selling bonds by millions to defray the running expenses of the Government.

The people of my district were so dissatisfied and indignant that, discarding their former political affiliations, they sent me here as their agent to use my influence for the restoration of the tariff law of 1890, which would fill the Treasury to overflowing once more, as it had done the few years it was in force, and to stop the reckless issue and sale of bonds.

Now, Mr. Speaker, I can not conscientiously support a measure that empowers the President to do the very thing for which he was condemned in my own district. It is said the proposed bonds have shorter time to run and bear a lower rate of interest. That does not change the principle, besides it is not certain that the President would sell the bonds now proposed if they were issued. If he prefers to sell bonds, sua sponte, as he did before, the fact that his favorite bonds have longer time to run and bear a larger rate of interest will command a larger premium, and the same equivalent in money will be realized by their sale.

Be that as it may, Mr. Speaker, I can not consistently vote to authorize and empower the President to do what one year ago my constituents so emphatically condemned.

Bonds.

REMARKS

OF

HON. O. M. KEM,

OF NEBRASKA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, December 28, 1895,

On the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

Mr. KEM said:

Mr. SPEAKER: In availing myself of the opportunity given members to print their views relative to the above subject in the RECORD, I desire to say that I do it only because I was denied the privilege of being heard on the floor.

It is indeed humiliating to me to be compelled to resort to the silent medium of the pen to express my views respecting a matter of so great importance as the above bill.

It was my earnest desire to be heard on the floor of the House, and I endeavored to secure time for that purpose, but failed utterly, as did every other Populist member. Before entering upon a discussion of the merits or demerits of the above iniquitous proposition I desire to call attention to the true position of the Populist members in the House, by relating some of the difficulties confronting us. The public generally believes that the lower House of Congress is the representative body of the people, the arena where the representative of every political faith may be heard, and the wrongs of the great common people righted.

These were my views also when I entered this body four years ago, but after an experience of five sessions I am compelled to revise and amend those views to some extent. Candor compels me to say, especially after the experience of the last three days, that it is neither a representative body nor an arena where the rights of the great common people can be defended, especially if their defenders are in the minority.

Under a mighty majority, like that which controls it now, it becomes rather an arbitrary machine for smothering free speech and representing a part of the people only.

I have advocated abolishing the Senate as a useless, nonrepresentative Government appendage that would be better clipped off; but I am led to believe, in the light of experience and observation, that the Senate more nearly represents all of the people than the House, for they will at least give you a hearing before they make you walk the plank.

It is a body where the Senators from each State and of all parties and beliefs may be heard and every citizen's rights defended.

Not so in the House. After four years' experience as a Populist in this body I am compelled to say that at no time during that period has a Populist been recognized to control any time in his own right. Republicans are always recognized in their own right; Democrats are always recognized in their own right, but Populists never. We have never secured any time in the past, as meager as it has been, except as we humiliated ourselves by going and begging it of one or the other of our political enemies, who were sometimes kind enough to grant us a little time in which to oppose them. Their answer to our protest is that there are but two sides to a question, therefore the time must be controlled by the affirmative and the negative.

Not so; there are frequently many sides to a legislative question, and the Populists frequently oppose or support a measure on entirely different grounds from either of their political opponents.

The Populist party is peculiar to itself, possessed of individuality and characteristics as marked and strong as either of the old parties, and differing radically with both in its views on national questions. Therefore we hold that of right we are entitled to control a proportionate part of the time given to all questions on which we desire to be heard.

On yesterday a bill was reported to the House from the Committee on Ways and Means that strikes at one of the vital principles of the Populist party, a question in which the Populists of the entire country are deeply interested; yet they had no voice in its consideration, and these 1,300,000 voters, representing more than 6,000,000 citizens, were unheard.

I asked the Speaker for a little time that I might represent them in the discussion to the best of my ability. He magnanimously promised me ten minutes, but the afternoon wore away without recognition; a recess was taken till 7 o'clock p. m.; three hours of night discussion dragged by and no recognition. This morning I went to him and asked if I was down for a speech. He said no. I called his attention to the fact that he had promised me ten minutes the day before. He said he did not know why I had not been recognized. I then insisted on being recognized this morning. He replied that he would try and do so, but the time was so short he did not think he could do it. It is useless to say I was not recognized.

It does not avail for the majority controlling the House to plead short time, for when they fixed the time of discussion at about nine hours they were absolute masters of all the time there was, and could have set apart one week just as well as nine hours, and given all sides an opportunity to be heard, instead of rushing it through under whip and spur as if it was a case of life or death, when in fact it was only a case of the Republicans endeavoring to carry out their do-nothing policy as announced by the Speaker when he assumed his duties as presiding officer.

There is a determination upon the part of the Republicans of the House to prevent all discussion of the money question if possible, and as announced by Chairman Dingley, of the Committee on Ways and Means, that question is shelved for this Congress.

The honorable Mr. SKINNER of North Carolina had a similar experience with the Speaker to that of my own just recited, and it has been the experience of every Populist on the floor, to a greater or less degree.

It is time the Populists of this country were made aware of the fact that, as a great organization, holding views of vital importance to all the people, they have no rights on this floor in the discussion of the same which the powers that be are bound to respect.

I desire that Populists throughout the land, who have been wondering, and are still wondering why the little Populist contingent here have not and do not inaugurate some measures of reform, should know that we not only do not have the power to inaugurate any measure, but we do not even have the power to be heard on measures others inaugurate, except by the grace of some individual member; and it is well to understand once for all that no Populist measures of relief can possibly become law till the people cease to be governed by their prejudices, and elect a Populist Congress, together with a Populist Executive. Then you can have relief, and not till then.

As a further and more elaborate exposition of the manner of doing business in the House of Representatives, I here insert the remarks of Hon. JOHN C. BELL, of Colorado, relative thereto, made

in a ten-minute speech on the floor, by the courtesy of ex-Speaker CRISP, December 26, 1895, as follows:

Because of the fact that the rules of the House only allowed a fraction of a minute for each member to express himself on this all-important question, if each one could have obtained the floor, and I being awarded only ten minutes for the whole Populist party, and received this through the kindness of Judge CRISP, I feel inclined to take advantage of the leave to print and give some reasons why an individual Representative can do so little for his constituents as against the great majority.

The rules of the House by long usage give the Committee on Rules and the chairmen of the different committees practical control of the measures in the House and of the time for debate. This autocratic rule is fully exposed upon a casual examination of the committees.

It will be seen that the little State of Maine, the State of Massachusetts, and the State of Iowa have more power in directing the business of the House of the American Congress than practically all of the other States in the Union. This is an offspring of the rule that members must be advanced according to their seniority on the committees, and the people of these favored States have seen fit to return theirs for a great many years. Under this unrepresentative rule the little State of Maine, with less than 700,000 inhabitants, has Mr. DINGLEY, chairman of the Committee on Ways and Means; Mr. BOUTELLE, chairman of the Committee on Naval Affairs; Mr. MILLIKEN, chairman of the Committee on Public Buildings and Grounds, and the Speaker, who also has the first place on the Committee on Rules. This little State has four Representatives in the House and four chairmanships and the Speakership, being far more than have all of the States from Colorado to California, inclusive, and yet California has nearly twice the population and about four times the area and wealth.

The population of Iowa is about 2,000,000, and she has eleven Representatives. There are seven good places to the credit of the State, as follows: HENDERSON, chairman of the Committee on the Judiciary, who also has the second place on the Committee on Rules, next to the Speaker; HEPBURN, chairman of the Committee on Interstate and Foreign Commerce; HULL, chairman of the Committee on Military Affairs; LACEY, chairman of the Committee on the Public Lands; PERKINS, chairman of the Committee on Printing, and HAGER, chairman of the Committee on Enrolled Bills. New York has ten, Pennsylvania has nine, and Massachusetts has six, and so it runs, while thirty of the States have no chairmanships at all.

Those favorite States not only have the chairmanship of the Ways and Means Committee, but they have the Judiciary, the Banking and Currency, Coinage, Weights, and Measures, and Rivers and Harbors, which control everything of substantial benefit to the people at large. The rule also prevails in the House that the Speaker selects whom he will recognize as entitled to the floor, not according to the person who first rises to his feet and addresses the Speaker, but according to his simple desire. If the member desires to present a measure to the House, he goes and sees the Speaker and has to tell him or show him his proposition, and then the Speaker will inform him as to the probability of recognition for such a measure.

While the House was meeting and adjourning simply, the Populist members agreed in their conference to introduce a resolution in the House and Senate inviting the Finance Committee in the Senate and the Committee on Coinage, Weights, and Measures in the House to investigate and report what effect on the industrial condition of the country, if any, the divergence between gold and silver had. Senator ALLEN promptly introduced the resolution in the Senate, and it passed by a good majority. I was appointed to secure recognition from the Speaker and have him ask the House for unanimous consent for its consideration there. Upon approaching the Speaker, he very thoroughly examined my resolution, and firmly but kindly replied, "I should not care to recognize you for this resolution," though the House was then in idleness. Had it been some little local measure, or something that the Speaker approved of, he doubtless would have extended the courtesy.

I mention this simply to show the complete dependency of individual members on the will of the Speaker and the committees.

All of the committeemen in the House first have the right to the floor, and those holding different chairmanships also rank high with the important committees of which they are not chairmen and get the additional right to the floor, so the individual who is not on an important committee must, by the courtesy of someone else, beg the opportunity to address the House, and can get recognition in no other way. New members or members of a new party are practically ostracised in the House and have no power under the rules to promulgate any of their principles.

Thus it will be seen by the foregoing that the 6,000,000 people of this country who believe as we do respecting principles of government are denied the right of free speech by rules and practices more fitting for a monarchy than a republic.

Now, as to the merits of this bill. In the discussion of the last three days, both on the bond bill and on the bill changing the revenue laws of the land, the Republicans tried to lay the entire responsibility for the distressed condition of the people and Government upon the Democratic party, and the Democrats, with equal zeal, tried to shift it all onto the Republicans. One said, "You did it." The other replied, "It isn't so; you did it." Democrats said it was the result of the McKinley tariff. The Republicans replied, "It is the result of the Wilson bill." Thus the sham battle on the tariff goes on.

Gentlemen, you are both right and both wrong. You are both wrong when you say the tariff law of either sort had anything to do with bringing about the present miserable condition of affairs. You are both right when you say the other is responsible, for you are both equally guilty and equally responsible.

No relief will come to the people of this country until the Republican party is placed by the side of the Democratic party, viz, in a hopeless minority, and the reins of government placed in the hands of the people themselves through their only medium, the Populist party, for both of the dominant parties are owned and controlled soul and body by the gold-gambling money power of Europe and America, as every legislative step they have taken for years confirms.

The effort to throw the responsibility of the present terrible condition of the country upon tariff legislation of any sort will not succeed if we will only look at the facts for a moment.

Under long years of Republican rule we had high tariffs that steadily kept climbing higher and higher till they culminated under the McKinley bill in the highest tariffs the world ever saw; yet all these years the general sea level of prices kept steadily falling and falling till it culminated under the McKinley bill in the greatest distress a civilized government ever experienced. Then the Democrats said to the people, "Behold the work of the McKinley bill! Give us the reins of government that we may show you how quickly we will restore prosperity to your impoverished homes by proper tariff laws."

The people took them at their word and in 1893 the Republicans went out of power, scraping the bottom of the Treasury to get money enough to pay current expenses and with the plates prepared for an issue of interest-bearing bonds.

The Democrats took full control of all branches of the Government, with Mr. Cleveland in the chair. They continued to talk tariff reduction and followed the Republican financial policy to the letter. The only result that such a policy can lead to was reached soon after Mr. Cleveland's inauguration. The crisis to the verge of which the Republican party and policy had led burst upon us in all of its fury—a condition in which gaunt hunger and misery stalked specter like through the land unbridled, from ocean to ocean, and from the Lakes to the Gulf. All this time the Democrats continued to talk reduction of tariffs and the President continued to issue bonds and pile up burdens for the poor. More than a year ago tariffs were lowered and the McKinley bill knocked out, but the general sea level of prices steadily continues to decline, notwithstanding there is a general shortage of crops; the bond issues still go on, the debts of the people are piling up higher and higher, while their ability to pay is continually growing less and less, and the Democrats and Republicans continue to talk tariff.

The Republicans now say to the people: "Ah! what did we tell you? We told you what would happen if you elected the Democrats; now you see what you have done." Sure enough, nothing like saying I told you so. The above cry looks plausible on the surface; many believe the Democrats wholly responsible, and the people seem to be rushing to the other extreme, and have returned the Republicans to power in the House with an overwhelming majority.

True, the Democratic party is terribly, wickedly, to blame, and ought to be wiped off of the political map, but while they are thus guilty the, Republican party is equally guilty, and I insist that the present Administration must be held responsible for that of which it is guilty, and have nothing but condemnation for it; but I want to prevent, if possible, the Republican party, its copartner in this miserable business, from shifting its own sins onto the shoulders of Democracy, which already has more than it can ever atone for.

Before the electors of this country again hand the Government back into the keeping of the Republicans I want them to become acquainted with a few facts that seemingly have escaped the notice of the masses.

We see how we were brought to the verge of disaster with an empty Treasury under high tariff and Republican rule. We see how that disaster overtook us under change of party rule and lower tariffs; how it continues in constantly lowering prices and expanding indebtedness—private, municipal, and corporate—coupled with repeated issues of interest-bearing bonds; therefore we must see at once that the tariff is not responsible, for our condition continues to grow worse and worse under all sorts of tariffs.

With a sufficient amount of full legal-tender money in circulation under Government control to meet the business demands of the country, which will enable every man, woman, and child to secure employment at remunerative wages who desires it, we will have a happy, prosperous, patriotic, and loyal people with a Government free from debt under almost any sort of tariff laws; but without the above monetary system we can not as a people be prosperous under any sort of tariff laws, or, for that matter, under any or all of the many other reforms advocated, many of which I believe in, but I say we may have them all and leave our money system as it now is, and it is only a question of time when this Government will be bankrupt and the people impoverished, therefore we should subordinate everything else to financial reform, concentrate all of our energies upon that; when this is accomplished then we will be able to establish other reforms; but let us take first that upon which all others rest.

All history, all experience of the past, proves the truth of these statements, yet both Republicans and Democrats in the face of this truth, so plain that he who runs may read, are still quarreling over the tariff, and both perpetuating a finance system that is fast sapping the lifeblood of the nation. Nero fiddled while Rome burned, and the Democrats and Republicans are fiddling at cross-purposes on the tariff string, while the people are plundered and the Government robbed.

On Thursday last the Republicans introduced in the House a tariff bill changing the general revenue laws of the country, and with their overwhelming majority passed a gag rule limiting de-

bate to three and one-half hours, at the close of which time the bill was passed under whip and spur, with no member but a favored few having been heard.

They seem to learn nothing by experience. None are so blind as those who will not see, and truth has no foe like prejudice. The title of this bill is (H. R. 2749) to temporarily increase revenue to meet the expenses of Government and provide against a deficiency.

This bill, in order to provide more revenue and meet a supposed deficiency, increases the present tariff taxes and reaches out strongly in the direction of the McKinley bill. In the light of past events this seems like an insult to reason and an outrage on common sense.

Let us throw the search light of truth for a moment upon some facts of very recent history and then see where these gentlemen stand with their proposition to increase revenues by climbing back toward the high tariffs of the McKinley bill.

When the control of this Government passed into the hands of the Republicans under Mr. Harrison there was a surplus in the Treasury over and above the gold reserve of $230,348,916.12. The Republican machine started; the McKinley bill became the law; the surplus began to dwindle and continued to dwindle till the close of the Administration, on the 4th of March, 1893. At that time the $230,348,916.12 had disappeared. Mr. Foster, Secretary of the Treasury, figuratively speaking, was hanging on by the eyebrows and scraping the bottom of the Treasury to get money enough to meet current expenses, and was even driven to the verge of issuing bonds, as Mr. Cleveland has since done, and as Mr. Harrison would have been compelled to do, under the highest tariffs the world ever saw, if he had been reelected.

While it was well known at the time by a few that in the last days of the Administration Secretary of the Treasury Foster had given orders for the preparation of designs for a new issue of bonds, and was so stated by myself in the last campaign, it was denied by some Republicans in my State and disbelieved by many. In order to remove all possibility of dispute in the future, I here insert the above-mentioned official order, as given by Mr. DOCKERY of Missouri in a recent speech on the floor of the House, as follows:

Now, in answer to the challenge of the gentleman from Ohio, I have obtained by special messenger from the Secretary of the Treasury the official order of Secretary Foster, under date of February 20, 1893, in these words:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 20, 1893.

SIR: You are hereby authorized and directed to prepare designs for the 3 per cent bonds provided in a Senate amendment to the sundry civil bill now pending. The denominations which should first receive attention are $100 and $1,000 of the coupon bonds and $100, $1,000, and $10,000 of the registered bonds.

This authority is given in advance of the enactment, in view of pressing contingencies, and you are directed to hasten the preparation of the designs and plates in every possible manner.

I inclose a memorandum for your guidance in preparing the script for the body of the bond.

Respectfully, yours, CHARLES FOSTER, *Secretary.*

The CHIEF OF THE BUREAU OF ENGRAVING AND PRINTING.

Not only this, Mr. Speaker, but on page 70 of the Special Report No. 2621, made to the House of Representatives by Mr. Springer, then chairman of the Ways and Means Committee, is this statement by Secretary Foster, of date February 25, 1893, in answer to questions by the gentleman from Georgia, Mr. TURNER. It discloses an unsatisfactory Treasury situation:

"Mr. TURNER. Taking into consideration all these conditions which you anticipate, what in your judgment would be a fair conjecture of the condition of the Treasury at the end of the next fiscal year?

"Secretary FOSTER. I should say the next fiscal year would show a deficit.

"Mr. TURNER. Can you give an approximate estimate according to all the data accessible to you?

"Secretary FOSTER. I will only say this, that if I was to have the management of the Treasury I should insist upon an increase of revenue to the extent of $50,000,000.

"Mr. TURNER. In order to meet those conditions which you anticipate?

"Secretary FOSTER. Not only those conditions, but the gold conditions as well."

This ought to remove all doubt of the proposed issue of bonds under the last Republican Administration, also as to the empty condition of the Treasury, and convince every man who is not a bigot that the McKinley bill as a revenue raiser was a miserable failure; also that the Republicans, in their zeal to protect the great trusts and combines called manufacturers and assure them by arbitrary law a profit on their business, they killed the goose that laid the golden egg by placing a tariff so high upon imported goods they could not enter our ports and compete with prevailing prices. Thus this source of revenue, which is our greatest, was greatly curtailed and a deficiency resulted. A prohibitory tariff is wrong at any time; but when coupled, as this was, with a shrinking volume of currency it becomes a crime against the rights and liberties of man.

This combination of high tariff and shrinking money creates a machine of destruction that cuts both ways:

First. High tariff tends to keep up prices of finished goods to consumer.

Second. Shrinking volume of money lowers prices of raw material to producer of finished goods. Thus as the combined and concentrated wisdom of the Republican and Democratic sages we have a system of Government that raises the price of everything the great majority of the people buy, and lowers the price of everything the great majority have to sell. Is it any wonder revenues fall off and we are now issuing interest-bearing bonds after thirty years of profound peace with all the world?

I desire to say that just here lies the kernel of this whole matter. The people have become so impoverished through currency contraction they are compelled to economize to the greatest extreme, hence can not buy the articles upon which revenue is collected; the citizen is compelled to do without that which he greatly needs, and the Government is compelled to add to his burdens an interest debt, under a miserable policy of robbing Peter to pay Paul.

As an example of the effect the contraction of our currency by the demonetization of silver is having upon our manufacturers and its relation to home markets and foreign trade, I submit an article I sent to the Silver Knight touching this matter; and when it is known that it was published days before the bond action in the House, it will be seen that it is very pertinent along different lines.

DIFFERENCE OF EXCHANGE—WHAT EFFECT HAS IT ON AGRICULTURE BETWEEN GOLD-STANDARD AND SILVER-STANDARD COUNTRIES?

Editor Silver Knight:

The following resolution, as clipped from the Knight of recent issue, together with your very able remarks thereon, remind me of two or three very pertinent facts, to which, with your permission, I desire to call the attention of the Knight readers.

Senator STEWART on the 12th instant introduced the following resolution:

"*Resolved*, That the Committee on Finance be directed to inquire what effect the difference of exchange between gold-standard countries and silver-standard countries has upon the agricultural and manufacturing industries of the United States, and report by bill or otherwise."

He asked that the resolution might lay over until Monday, the 16th instant, at which time he addressed the Senate upon the above resolution.

The above resolution refers to a very grave problem, which has been flashed upon us like a gleam of lightning from a clear sky. It is a phase of the money question which strikes directly at the purse of the manufacturers in a way they can not dodge. The law which destroyed one-half of the money of this country is proving a double back-acting machine, which is cutting both ways. This contraction has had the effect of steadily reducing the price of all farm products till they will scarcely pay cost of production. One result of this is it compels the producer, first, to buy nothing except that which he is absolutely compelled to have; second, this must be purchased at the lowest possible figure, regardless of where or how it is made. It has become a question of self-preservation, and an appeal to patriotic protection to home industries will have no effect, because it will be overshadowed by the more pressing and vital question of how to procure the necessaries of life for the least money possible. When the farmer sells his wheat for 30 cents per bushel, and other things in proportion, he is compelled to buy his manufactured goods from Japan or China if those countries can furnish them cheaper than this country.

So we see the law first strikes the American manufacturer by destroying the ability of his home customer to buy; it again strikes him because of the fact that the Japanese, being on a silver basis, can no longer afford to buy American goods at gold prices; therefore Japan is forced to do its own manufacturing, which not only destroys the foreign market of the American manufacturer but makes Japan a successful competitor in our home market. The Republican party, which is equally responsible with the Democratic party for this state of affairs, will undoubtedly undertake to fool the people and meet the question by advocating a higher protective tariff, but they will surely have an uphill job, for it seems to me that the most superficial must see that no tariff can avail so long as Japan has 50 per cent the advantage in cost of manufacture, as she has now. It would be interesting to know how the gold Democrats propose to meet this question. They can not advocate a tariff, neither can they favor the remonetization of silver.

The signs of the times, Mr. Editor, seem to indicate very strongly that the Republicans in the House do not intend to allow the money question to be discussed if they can prevent it, and as they have absolute control I guess they can do that; and especially do they intend that the Populists shall have nothing to say in the matter.

An effort by the Populists, through Mr. BELL, was made to get a hearing in the House on a similar resolution to the one above quoted, but failed. The Speaker was asked for recognition, but, after looking the resolution over, we were informed that he would not recognize us on a measure of that sort.

Thus you see, Mr. Editor, business in the House is not conducted as it is in the Senate, and this shows clearly how difficult it is for the little contingent of Populists in the House to accomplish anything along reform lines.

O. M. KEM.

The above feature of the situation may be our salvation, by arraying the manufacturers on the side of more money. They will get there quick when it touches their pockets. It is having its effect—they are already beginning to face about.

The root of the evil does not start in tariff laws, but in bad financial laws and policies, for which both parties are responsible. The Republicans are responsible for all of the bad financial laws placed upon the statute books for the last thirty years.

The Democrats are responsible for maintaining these laws and allowing their administration to continue and put into effect the miserable Republican policy of paying coin obligations in gold alone, in direct violation of the spirit and intent of the act under which it is done.

Mr. PAYNE of New York, in his speech on the above bond bill, arraigned the President for past and coming bond sales—as all Republicans have arraigned him, either privately or publicly—and used the following language (RECORD, December 28, page 388):

The President and the Secretary of the Treasury, according to the same report, are now engaged in negotiating a loan with a syndicate representing foreign capitalists to add $100,000,000 to the bonded indebtedness of this country. The only authority of law with which they are invested now to make this loan is contained in the act of 1875, under which they can issue no bonds at a lower rate of interest than 4 per cent, and these 4 per cent bonds to run for thirty years.

What right has Mr. PAYNE, a life-long Republican, to criticise the President for issuing these bonds? Does not Mr. PAYNE know

that the law of 1875 is a Republican law, and that Mr. Cleveland is simply carrying out this law as interpreted by the Republicans—while SHERMAN was Secretary of the Treasury—to the effect that it was the policy of this Government to redeem all of its coin obligations in gold alone? These are facts so plain that every man with intelligence enough to vote knows them to be true, yet Mr. PAYNE and his colleagues on the floor and throughout the country are bellowing like the bulls of Bashan about the President issuing bonds. If he is doing it by law, it is the Republican law which is at fault.

If Mr. PAYNE and his associates are statesmen instead of politicians they ought to condemn the law, bring in a bill repealing the same, and make it impossible for the President to issue bonds of any sort without a special act of Congress. If they will do this, I assure him they will have the hearty support of every Populist on the floor and the patriotic plaudits of every Populist in the country. If Mr. Cleveland is doing this without law, then let Mr. PAYNE'S party institute impeachment proceedings, and he will have our hearty support in this, also. Nay, nay; the blame rests with the terribly faulty, unjust, cruel, and wicked Republican law which allows one man to issue interest-bearing bonds at any time, in unlimited quantities, and play into the hands of the gold gambler and monopolist. The remedy lies in the amendment of the law of 1875, and so long as the Republicans make no effort to amend it they are equally guilty with the present Administration in committing and perpetuating one of the greatest crimes of the nineteenth century.

The sort of jingo legislation the party has been engaged in for the last two or three days will not avail, for sooner or later the people will understand the true situation, and when they do the G. O. P. with the D. M. O. C. will be relegated to where the whangdoodle mourns. The pendulum (public opinion) will cease to swing from one extreme to the other. The Government will be placed in the hands of the Populist party, and a reign of prosperity for all the people will begin.

The Republican party not only committed a great wrong in framing and passing a law so weak as to be susceptible of interpretation to the effect that all coin obligations are redeemable in gold alone, but they are perpetuating that wrong deliberately, as is shown by the following language of Mr. PAYNE, used in the same speech above referred to:

Mr. PAYNE. We propose to see that every legal-tender note issued by the Government of the United States shall be redeemed in gold whenever it is presented to the United States to redeem. [Applause on the Republican side.] And after we get through with that we will take up the other questions as they come along.

By what authority does Mr. PAYNE and his associates propose to see that every legal-tender note shall be redeemed in gold alone? The only authority they have for this declaration is the law declaring them redeemable in coin, passed at a time when no one thought of coin in any other sense than both gold and silver, and when, under the law, it took both gold and silver to constitute the coin of this country.

Since the earliest history of man no government or people has looked upon coin in any other sense than that it meant gold, silver, copper, and all of the coins of the realm of whatsoever metal they were made, but it remained for the astute SHERMAN alone to discover that coin means gold only and declare it to be the policy of this Government to redeem all of its obligations in gold alone.

He did this in defiance of the intent and spirit of the law and usurped the prerogative of the Congress when he did it, and this is the authority upon which Mr. PAYNE makes his declaration. Does anyone suppose for a moment that the people of this country, or even a majority of those voting for the bill, thought for an instant that the word "coin" would be tortured into meaning gold only, and that the time would come when the right to pay these coin obligations in any coin of the realm most convenient would be denied? No; not one. Does anyone suppose for a moment that if that bill had said in plain terms, "redeemable in gold alone"—as it ought to have said if that is what it meant—that it could have passed or would have been sustained by the people? No, it could not possibly have passed at that time, and if it could the people would have destroyed the party guilty of its passage.

The manipulators of the bill were too shrewd to make any breaks like that; they accomplished covertly what they could not accomplish openly by framing a bill which was susceptible of the interpretation placed upon it by Mr. SHERMAN and acquiesced in by Mr. Cleveland.

It looks very much like this had been done in the same manner in which silver was demonetized in 1873, viz, in a manner in which the people would not realize just what had been done until years after.

The fact that the Republicans of to-day are standing by this law and defending the interpretation thereof by Mr. SHERMAN is evidence to my mind that they intended it should read one way and operate in an entirely different manner.

In the light of the financial history of the past, the present bond bill has some very ugly features about it, to which I shall call attention.

One object of the bill as disclosed by its title is to meet temporary deficiencies of revenue. Now, the last report of the Secretary of the Treasury shows there is no deficiency, but, on the contrary, there is a surplus of $70,000,000 of borrowed money secured by the last bond sale. Then, why this unseemly haste of Republicans to increase this surplus by other bond sales? There is but one explanation, and that is to pile up a surplus large enough so the greenbacks can be held in reserve and thus as effectually take them out of circulation as though they were burned. The Secretary is not compelled to pay these notes out now under the present law if he has other money with which to meet current expenses; hence the desire to pile up this great surplus of borrowed money upon which the bondholder draws interest, while the greenbacks, which draw no interest, are held out of circulation.

These notes are in the way of the money mongers, and their object is to get them out of the way in some manner. They have been a hindrance and a menace to the coupon clipper for years, and they are resorting now to the same sort of tactics they have followed all along the line, viz, working under cover. Let us see. The 5-20 bonds were made payable in legal tenders in 1869. By the infamous credit-strengthening act the terms of payment were changed to coin payments. No one supposed this meant gold payments, but the Republican party afterwards so declared. In 1873 a bill passed the House and Senate, under the title of a bill to regulate the mints, and was signed by President Grant. Years after it was too late the people learned for the first time that this bill had demonetized silver, and that we, as a Government, were on a gold basis with the declared policy of the Government to pay all of its obligations in gold alone, and this was all accomplished without the knowledge of the people.

It would seem that this ought to satisfy the greed of monopoly, but not so; there is yet somewhere in existence about $300,000,000 of greenbacks upon which Shylock can not draw interest. Therefore they must be gotten out of the way and something substituted upon which he can draw interest.

These notes are the most troublesome feature of the financial question the money power now has to deal with. They have been racking their brains for some time trying to devise ways and means to retire them, but the people are too wide awake to permit them to be retired openly.

When the Committee on Ways and Means first drafted the present bill they undertook to do this openly by providing for their redemption without reissue, but this raised such a storm about the ears of the committee upon the part of Western members that they were compelled to claim that the original bill was an oversight and to report one seemingly covering the defect of the first; but does it do this? We think not; and after careful consideration of the bill as it passed the House we are led to believe they are at their old tricks again; and for reasons already stated, if the bill becomes law, the Secretary can practically retire the greenbacks and Sherman notes also. In support of this view I submit here the remarks of Hon. Mr. TURNER of Georgia, which is a very clear statement of the facts as they may develop:

I now venture to suggest to my friends on the other side that either they have not been entirely candid or they themselves do not understand this measure. It is said that out of abundant caution a proviso was added to the first section to prevent the retirement of the legal-tender notes. Gentlemen who are the friends of all these notes may find themselves unwittingly entrapped. There is in the first section of the bill a proviso to this effect:

"And the Treasury shall use the proceeds thereof"—

That is, of these bond sales—

"for the redemption of United States legal-tender notes, and for no other purpose."

And to that is added this morning a proviso, which I will now read:

"*Provided*, That nothing in this act shall be construed to repeal or modify the act approved May 31, 1878, entitled 'An act to forbid the further retirement of United States legal-tender notes.'"

Now, in the first place, Mr. Speaker, what is to become of the United States legal-tender notes into which this gold reserve may glide by the process of redemption?

My friend from Maine [Mr. DINGLEY] in the outset of his remarks, which I failed to hear distinctly, seemed to hold that by the operation of this bill the Treasury will have to open two accounts and segregate the proceeds of this redemption into a separate fund and a separate account. I deny it. There is nothing, absolutely nothing, in this bill which would have this effect. It would in no way change the Treasury policy in this respect. The proceeds of these bonds when they reach the Treasury in the form of gold or coin and are converted into legal-tender notes by redemptions will take their place side by side with such legal-tender notes as are already there for any lawful purposes to which the Treasury can devote them. This provision, therefore, is not even a suggestion to the Treasury, as the gentleman has said. "The proceeds thereof" are the gold procured on the bonds, and not the legal-tender notes that may be redeemed with the gold.

But I take a step further. The proviso just quoted, out of abundance of caution, to save the power to reissue legal-tender notes thus accumulated, takes care of that class of these notes which are specified in the act of May 31, 1878, commonly called United States notes, or greenbacks. Let me read it again:

"*Provided*, That nothing in this act shall be construed to repeal or modify the act approved May 31, 1878, entitled 'An act to forbid the further retirement of United States legal-tender notes.'"

What, then, becomes of the Sherman notes under the act of 1890, the power to reissue which depends, not on the act of 1878, but on the provisions of the Sherman Act of 1890? There is no reference whatever to this latter act.

Hence this bill may be construed by the Secretary of the Treasury in accordance with strict law to authorize the retirement of the Sherman notes.

Mr. QUIGG. May I ask the gentleman whether, if the proviso were not in the bill, it would not have the same effect on the United States notes as if the proviso were there?

Mr. TURNER of Georgia. Now, my friend from New York asks me a pertinent question. I am not sure that the proviso was necessary for the professed object. I think that the Treasury without this proviso would have had to reissue all these notes received under the process of redemption under this bill, because both the act of 1878 and the Sherman Act of 1890 would then apply; but when Congress puts in a proviso which saves the reissue of greenbacks and says nothing about the others, the Secretary and the courts would probably enforce the maxim, "The expression of one is the exclusion of the other." Now, what are you gentlemen on the other side going to do with the explanation of my friend, the chairman of the Committee on Ways and Means [Mr. DINGLEY], who has endeavored so adroitly to avoid the factious differences in his party? The pretext of "abundant caution" in this proviso seems to have been inspired by no caution at all. I endeavored to show yesterday that there was a fatal lapsus or omission in the bill then pending. I show to-day that the gentlemen who are railroading this bill through are doing so regardless of the fatal effect it will have on the Sherman notes. Now, I am not in favor of the Sherman notes. I voted against the act authorizing them. I believe that they contributed greatly to our present difficulties. I have shown you that I deeply regret the perpetuation of the greenback notes; but I am in favor of letting every member of this House and every man throughout the country know what is contained in this crude bill which none of us are permitted to touch.

The foregoing shows us one thing very clearly if no other; it shows us that it is a very dangerous measure by giving the Secretary power to place constructions upon the bill the people never intended the law to mean. These decisions of Treasury officials in the past have cost us millions and caused untold misery. That the bill, if it becomes the law, will result in further contraction of the currency there can be no doubt, thus making money still harder to get by every individual who must earn it.

This, too, in face of the fact that the volume of money in circulation among the people in the last year has been contracted to the extent of about $77,700,000. Bradstreet's report, I think, of the date of the 14th instant, an authority which will not be disputed, makes the statement that a contraction of $1.11 per capita has taken place in the last year. This means $1.11 less for every man, woman, and child in the country. Based upon a population of 70,000,000 of people, it makes a grand total of about $77,700,000 less money to meet the constantly growing necessity for currency to supply the increasing demands of a rapidly multiplying population than there was one year ago.

This work has been going on for years, a fact the Populists have earnestly endeavored to show the people, while the Republicans are vehemently denying it. At the same time they are fostering measures to further contract our medium of exchange, increase our indebtedness, and make them payable (under cover) in gold.

If the Republicans mean that all obligations shall be redeemed in gold, why were they not honest enough to bring in a bill here providing for gold bonds instead of coin bonds? Why this subterfuge? Why this juggling with words? If coin means gold alone, why not say so outright? Oh, what perfidy! Still trying to fool the people by fighting Grover Cleveland, who has become unpopular because he, in an open and bold way, carried out the law you enacted even to your own interpretation thereof. The only difference between you and the Administration is, you have been doing and are still seeking to do in a covert manner what Mr. Cleveland has done open and aboveboard.

The above bill gives the President unlimited power to issue bonds at his own sweet will, and authorizes two kinds of bonds. One is a coin bond which, under the interpretation of its fathers, means gold. Worse than Shylock, they mean to take the pound of flesh, but were not honest enough to put it in the bond. These coin (gold) bonds are long-time bonds and are intended for the English capitalist, who will not take them without his pound of flesh. The other bonds are short-time bonds and limited to fifty millions, and are made payable in the lawful money of the United States. These are intended for home consumption. Any sort of money is good enough for our own people, but the Britisher must have that which is worth more on the markets of the world, viz, gold bullion. The pertinent question now is, Why these bonds at all? The issue of bonds of any sort or size at this time is wholly uncalled for, and the act, either with or without the sanction of Congress, is a blow to the best interests of the American people and an insult to their intelligence.

As one reason given for the passage of the above bill, I insert the following further quotation from the remarks of Mr. PAYNE:

Mr. PAYNE. I can not yield to a question now.

Some gentlemen think the bill introduced by Mr. BAKER of New Hampshire, requiring certain importers to pay duties in gold, would cure the difficulty. But this bill is an idle and empty delusion. Suppose this bill were a law, and I owed the Government $1,000 in duties. I provide myself with $1,000 in greenbacks, as now, go to the subtreasury and demand gold for my greenbacks, and then pay the duties with the same gold. The Treasury would then have the same gold and also the $1,000 in greenbacks, precisely as it would have under the present law.

What he says of Mr. BAKER'S proposition is true, but it is equally true of the bill he favors. Suppose this bill becomes the law and $200,000,000 of bonds are sold and the money placed in the Treasury to redeem greenbacks. What is to prevent a syndicate from taking these Treasury notes as fast as they are paid out in current expenses, presenting them at the Treasury at one time, or from time to time, as they may deem best, and depleting the Treasury of its gold, just as they have been doing? Nothing whatever; not only one time, but they can do it continually just as long as they can make money by the operation.

Just so long as this Government maintains the insane policy of redeeming these coin obligations in gold alone, it has got to keep up the equally insane policy of perpetually issuing bonds. President Cleveland insists on the retirement of the greenbacks as the only effectual way in which to protect the gold reserve, and I submit that if this fool's policy of hoarding a hundred million of gold in the Treasury to redeem outstanding Treasury notes is to be kept up the President is right, and the only sensible thing to do is to put them where they can not continually be presented to take gold out. But neither of these propositions is reasonable, honorable, or just. The only sensible thing to do is for Congress to pass a free-coinage bill, and another bill compelling the President to use his prerogative under the present law of paying out either gold or silver, or both. This would stop all bond issues, keep the gold in the Treasury, do exact justice to all, and cost no one a cent.

In order to justify the Republican party advocating an issue of bonds in time of peace, Mr. PAYNE, replying in part to Mr. JOHNSON of California, a Republican who had the courage of his convictions, and, in defiance of machine power and party lash, was honest enough and brave enough to stand in his place and denounce the iniquitous proposition of his own party, used the following language:

My friend from California [Mr. JOHNSON] yesterday, in that speech of his which seemed to evoke so much applause and laughter from our enemy on the other side of the Chamber, says this bill is "un-Republican"; and why? Because he says he stumped his district a year ago last fall and said the Republican party were forever opposed to issuing bonds in time of peace. Did he forget, or did his people forget, that in 1875 the Republican party enacted this law to issue bonds in time of peace; that in 1878 the Republican Administration borrowed $95,000,000, yes, $100,000,000, to create this reserve fund in time of peace, and that we have preserved on the statute book all the time this law of 1875 for the express purpose of borrowing money to make good this gold reserve, whether it is needed in time of peace or in time of war?

Mr. PAYNE seems to forget that one uncalled-for and infamous act of the Republican party does not justify another. The act of 1875 referred to is perhaps the most iniquitous act upon the statute books, because of the long train of evils following in its wake and its not being justified at the time.

I am very glad Mr. PAYNE referred to that act, for it condemns them out of their own mouths and verifies the claim we have made for years, that the Republican party is not a friend of the people, but is continually playing into the hands of the usurer and monopolist.

As further evidence of the perfidy of the Republican party, and that it is a unit with the Democratic Administration on finance, though hiding behind subterfuge and continually condemning Mr. Cleveland, I call attention to the vote on the seigniorage bill in the last Congress. This was a proposition to coin into silver dollars about $55,000,000 of free silver bullion that was then, and is yet, lying idle in the Treasury, covered with dust and cobwebs, while we borrow money of foreigners to pay our debts. When the proposition came up in the House to coin this money and pay our debts the Administration, of course, was against it, but a majority of the Democratic members were for it, and without the help of the Republicans Mr. Cleveland would have been defeated by his own party, but, as is shown by the RECORD, the Republican party came promptly to his rescue and in almost an unbroken line voted against allowing the people to have any money except that for which they pay interest, not even allowing them to use that which they have bought and paid for.

When under the seigniorage bill they were demanding this money through their representatives the present Speaker of the House marshaled his clans on the floor, stood alongside of Mr. Cleveland, and said to the people (figuratively speaking like a parent to children who were wanting cake), "Oh, no, my children; you must not have it; it will hurt you; you must go borrow some money and buy some nice yellow corn bread"; and as the result of this sort of fatherly policy upon the part of the rulers of the nation there are thousands who would be glad to have even plenty of corn bread.

I say boldly and without fear of successful contradiction that the financial policy of this Government has been such that if pursued in the same manner by an individual in the conduct of his private business he would be examined by the board of physicians for the insane.

Suppose, for instance, I owed a debt of $1,000, and I had earned the money and laid it away to pay this debt with when it should fall due, if I, when that note came due, were to deliberately destroy it, or keep it locked up where it could not possibly benefit me or anyone; absolutely refuse to use it; but go and borrow money to pay the debt, my friends would conclude I had lost my reason and would have a guardian appointed over me, and perhaps send me to an insane asylum, and they would be entirely justified in so

doing, because such a policy upon my part could have but one result, that of bankruptcy and ruin.

This is precisely the sort of policy this Government is following to-day, and has followed for years, destroying its own money in the past, and refusing to use that which it now has, while it borrows millions to meet its obligations. In this case, as in the other, but one result can follow, viz, that of disaster and ruin. Under this system it is only a question of time when the people of this country will be divided into the two classes of landlord and tenant, serf and plutocrat. When that time comes let it be recorded in history, "Behold the fruits of blind party prejudice."

There are enough people in this country who see these evils, if united in one body, to secure control of both branches of Congress and the Executive. Then, without fear or favor, we could proceed to wipe out this accursed gold-standard, gold-bond, bank-currency policy of government, which has caused more poverty, crime, and misery than war, pestilence, and famine, and establish in its stead a policy of the bimetallic standard—no bonds and Government currency—a policy of justice, equity, prosperity, and happiness for all the people.

Revenue.

REMARKS

OF

HON. GEORGE W. WILSON,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, December 26, 1895,

On the bill (H. R. 2749) to temporarily increase revenue to meet the expenses of Government and provide against a deficiency.

Mr. WILSON of Ohio said:

Mr. SPEAKER: Why this unseemly haste? What is there in the affairs of the American Republic so threatening as to call for an abandonment of principles on the part of a Republican House of Representatives? Is it because the Democratic Administration has been so disastrous to the industries and prosperity of the country? Or is it because the Republicans charged with framing bills providing ways and means for our common welfare have imbibed too much of the "tariff-for-revenue-only" heresy of the Democratic party? Whatever may be the answer, I am firmly of the opinion that the two bills are calculated to place the Republican party in false positions.

THE TARIFF BILL.

The bill for revenue only which we have passed is not in accord with Republican principles or Republican promises; and, although I voted for the bill very reluctantly, I do not expect any great good to result from it. Why did the bill only provide 60 per cent of the duties established by the McKinley bill? Was it because Mr. Cleveland would veto a bill very nearly corresponding with the McKinley bill? If so, pass such a bill as meets the Republican idea of tariff and protection, and leave the matter with the President to either approve or disapprove the measure. I do not believe it is wise for Republicans to abandon principles for what may be conceived by some to be an emergency brought about by Democratic incompetency and failure.

SHORT PROTECTION.

Pretended protection, which falls short of real protection, is worse than no protection. It does not foster industries but increases the cost to consumers. The benefits which the people derive from a protective tariff are: First, it enables our own people to successfully develop the natural resources of this country and put upon the markets of the world products wrought by the hand of American labor; second, it stimulates all kinds of manufacturing to such an extent that competition reduces the prices of manufactured articles to within the reach of all; third, it so revives and sustains our various industries that employment is furnished for all common laborers and skilled workingmen. These are the principal benefits derived from a protective tariff. Whatever of tariff legislation falls short of this is not deserving of the name of protection.

SHEEP AND WOOL.

Under the McKinley law our sheep raisers and woolgrowers were beginning to prosper, and all farmers were deriving benefits from their industries. If all agriculturists were not actually engaged in raising sheep, nevertheless sheep raising diversifies stock raising and leaves a larger field for farmers engaged in raising other kinds of stock. The consumption of grain by sheep increases the demand for farm products, and the labor required in raising sheep and shearing and handling their wool furnishes employment for a large number of men. But notwithstanding all of these great benefits which our people would derive from adequate protection to sheep and wool, the Democratic party struck wool from the dutiable list and placed it upon the free list. And they did this under the pretense that the greater number of our people are benefited thereby.

What a fallacy! Does the importation of foreign goods, manufactured from foreign wool and by foreign capital and labor, benefit the great majority of our people? Does the closing of our mines and shops and factories benefit our people? If it were true, which I do not admit, that foreign goods would be imported and sold cheaper than our home products of the loom, how would the working people be benefited? Would the laborer, who lost his employment because the goods which he ought to manufacture at home are bought in a foreign country and sold here be benefited? What would he have to buy with at any price? Would the sewing woman in the upper story of a tenement house be benefited by having shirts brought from abroad and sold cheaper then she can make them, and thereby deprive her of employment and consequently of the ability to purchase at any price? No, Mr. Speaker, the one great thing to be desired is that our own people shall perform the labor and furnish the materials necessary for the production of articles required for home consumption, besides furnishing what we can to foreign countries. We should be self-sustaining in all that can be advantageously produced and manufactured by American enterprise.

FARM PRODUCTS.

The United States is the greatest grain-raising country in the world. There is no other place where corn can be so abundantly grown.

But there are some special crops produced abroad, especially in Canada, which distinctly compete with the products of the farmers of the United States and for which there are no compensatory benefits.

Probably the most damaging are hay, poultry, and eggs. I think the farmers and housewives of this country ought to be protected against the invasion of our markets by Canadian products.

The people of this country pay the taxes which support their civil institutions, and they fight the battles which protect their liberties and make their flag honored on land and sea to the limits of civilization. Therefore, upon principle and policy, I maintain that it is our duty to protect our own people in all their material interests against the encroachments of foreign products and foreign labor.

Revenue.

REMARKS

OF

HON. STEPHEN R. HARRIS,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, December 26, 1895,

On the bill (H. R. 2749) to temporarily increase revenue to meet the expenses of Government and provide against a deficiency—

Mr. HARRIS said:

Mr. SPEAKER: I expect to give my vote to the measure reported by the committee, although it does not come up to what my constituents expect.

The bill I introduced (H. R. 265), and which was referred to the committee, proposed to put a duty on wool which would exceed by about 4 cents per pound that contained in the bill under consideration.

Under the present bill the proposed duty on wool will be nearly 7 cents per pound. I would rather it had been not less than 11 cents.

I support the bill, however, in order to secure immediately sufficient funds that the income of the Government may defray its expenses, and secondly, to get all we can now, and trust to the future to secure for the American farmers and woolgrowers the protection to which, in my opinion, they are entitled.

Mr. Speaker, I represent an agricultural district and I rise to advocate the cause of the farmer. We have no large cities, but the small cities and towns in my district, as elsewhere the country over, depend on the farmers for their prosperity, and too often have the farmers themselves looked in vain to Congress for protection.

It is said that over 90 per cent of the wealth of this nation is in the hands of her farmers. The proportion may be overstated, but much the greater portion of the property of this country is owned by American farmers.

cate from taking these Treasury notes as fast as they are paid out me to an insane asylum, and they would be entirely justified in so

Agriculture is the foundation of our nation's wealth and prosperity. All other pursuits are dependent on the farmers. If the farmer thrives, they prosper; if the business of the farmer languishes, they suffer. That is emphatically shown when there is a general failure of crops in our country. Merchants, mechanics, factories, jobbers, railroad companies, and banks all feel the shock. Business is deranged, laborers can not get employment, and general depression prevails. On the contrary, when crops are abundant and prices of agricultural products good, the farmer thrives, and all classes of business partake of his prosperity. Yet I regret to say that no class of people of the country has been neglected by the nation's legislation as have been the farmers of the United States. Corporations, combinations of capital, and trusts were fostered and protected in the Fifty-third Congress, when the new tariff schedules were adopted, but who raised his voice in favor of the farmer when his interests were stricken down?

Our wool industry was vast. In my own Congressional district nearly every farmer had his flock of sheep, some numbering thousands and others but few. Under the tariff law as it formerly existed they made woolgrowing profitable. The heavy woolgrowers gave employment to numerous laborers, and the small ones did their own work and depended on the market of their wool as much as on their other crops to pay their taxes, meet their liabilities, make their improvements, and add to their well-earned accumulations.

The wool product of the Thirteenth Congressional district of Ohio in 1893 was 1,316,064 pounds. Under free wool the fall in price has been 15 cents. This makes a loss to the district of $197,544 every year, or an average loss of $32,926 every year to each county, the heaviest loser being Wyandot, $51,996, and the least being Sandusky, $12,635, the loss to Crawford County being $34,600 every year. The annual loss by free wool to the State of Ohio is over $2,600,000 by the fall in the price of wool alone under free trade.

It seemed cruel to suddenly repeal the protective duty on wool and destroy an industry that brought prosperity to the farmer and through him to the country at large.

Under the McKinley tariff the duties on wool were producing a revenue of $42,000,000 per annum, and at the same time the property and business of the woolgrower were protected against the competition of cheap wool from Australia, Cape Colony, and China. It is claimed by the author of our present tariff law that a protective tariff is unjust on principle. The science of political economy, he claims, teaches free trade. He forgot that great and sacred principle, however, when he came to the schedules of sugar, rice, and collars and cuffs, while he had it distinctly in view when he struck down the wool markets and so reduced the duty on shoddy as to invite its importation and thus supplant to a great extent the use of American wool.

Let me for a moment discuss the point as to the alleged equity of free trade and the iniquity of protection. It is true that the text-books of political economy used in our colleges teach the students the doctrine of free trade.

That doctrine in theory appears to the reason to be correct. It came down from British authors and has been adopted in the literary institutions of our own country, and many young men leave their alma mater imbued with a firm belief in free trade. Now, while that is true in theory, it will not bear the test of practice. The strides of commerce require new rules that the old text-books will not fit. Don Quixote had profound theories for the various measures he pursued, but they produced ludicrous results when put in practice.

As late as the time when Sir William Blackstone codified the laws of England and produced his matchless Commentaries, which is the first book ordinarily put in the hands of a law student, there was a law against witchcraft, and that eminent writer gravely commented on it. But the modern lawyer does not take much more stock in it than he does in the free trade of those older books which are fading away before the progress of modern business experience.

The experience and judgment of mankind will bear me out when I assert that the first duty of a man is to protect his own business and his own household.

The duty of a municipal corporation is to protect its own traders, and the duty of a nation is to protect the industries of its own people. When wholesome duties will yield revenues to the Treasury and protect the interests of our own people it is hard to say they are wrong in principle.

I will venture to say that the ordinances of Professor Wilson's own city provide, as do other towns and cities, that transient traders and peddlers shall pay license to sell their goods in Charlestown; and why? Because in one sense they are foreigners to that municipality. They are nomads. They pay no taxes to support the city, they pay no rents, they are not identified with the city and its interests, and hence they are required to pay into the city treasury enough to even up with home traders, after which they can not afford to undersell them.

The principle is the same when applied to a nation, and no specious reasoning in the text-books of political economy can gainsay it.

All parties united in the exclusion of the Chinese from the United States. Why? Because the American laborer could not compete with them. They lived on wages that meant starvation to the American laborer and his family.

What is the difference if the Cheap John be sent to his foreign home and afterwards permitted to send the products of his cheap labor into our country free of duty and thus destroy factories that give employment to thousands of American workmen? It strikes a blow at both capital and labor, and especially at labor, because capital can shift its investments, but the laborer is left out in the cold.

Our country is in a bad financial condition. We are good for our debts, it is true, but it is a matter of regret to see its revenues cut off, its gold reserve sinking, its resort to the sale of bonds to raise means to pay the current expenses of its administration, when a wholesome tariff would again put us on the road to prosperity. The chief source of our revenues is duties on imported articles of commerce. Propose direct taxation and the American people would jump to their feet in battle array like the men of Roderick Dhu.

It is a question not of theory, but of practical business judgment. Tariff for revenue, judiciously adjusted to afford incidental protection to American industries, is destined to become the permanent policy of our nation.

The Coin Redemption Fund.

REMARKS

OF

HON. JOHN W. LEWIS,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Friday, December 27, 1895,

On the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

Mr. LEWIS said:

Mr. SPEAKER: Opponents of the pending measure seem to regard it as an act authorizing the issuance and sale of bonds, but such is not the fact. That authority exists under the act of 1875, and we are informed already by the Executive that bonds will be issued and sold pursuant to the authority of that law as has been done heretofore. This Congress as constituted will not be able to pass a repeal of that law over the veto of the Executive. Then it is the duty of Congress to use the opportunity and power it has in a practicable manner by enacting the wisest and best measures now obtainable in the interest of the people.

The bonds already sold by this Administration under the authority of the act of 1875 in one issue of $100,000,000 and in another issue of $62,000,000, running for thirty years, at the pleasure of the holder, have added to the obligations of the people $162,000,000 and an interest charge of over $100,000,000. Had the pending act been law and said bonds been negotiated and sold under it the interest charge would only have been something over $24,000,000. It therefore appears plain to my mind that as the issue of bonds and the increase of the public debt is unavoidable in the present emergency it is for the best interest of the people that future issues and sales of bonds should be made and negotiated as provided in the pending bill, thus preventing their negotiation and sale by private contract as heretofore at high rates of interest to domestic or foreign bankers, but affording an opportunity to our own people to purchase them and reducing at the same time the rate of interest.

I believe that sufficient revenue to prevent a deficit in the Treasury will restore confidence and relieve the trouble arising from continual runs on the gold reserve. We have already passed a measure which, it is claimed, will produce the needed revenue, but the gold reserve is already reduced to a point that endangers the credit of the country and its currency and menaces all credits and renders a destructive panic imminent. Delay is impossible; the good effects of the revenue law can not be realized in time; hence the necessity of the enactment of the bill under consideration.

The same conditions confronted the country when the Fifty-third Congress was convened in extraordinary session, the same appeal was made by the President to them as to this Congress in the recent special message. They wasted eighteen months in useless contentions and abortive confusion, winding up by the enactment of a law that has only added to the embarrassment of the

Treasury, the reduction of revenues and increase of deficits, creation of raids on the gold reserve, perpetual alarm as to all business, and great injury to all the vast interests and enterprises of the country, and which was denounced by the President as party perfidy and dishonor.

In what remarkable contrast is the conduct of this House! Responding to the instincts of patriotism and granting his request, it foregoes the usual holiday recess and before the holiday season is over enacts a law that will relieve the Treasury from the dishonor of daily, weekly, monthly, and yearly deficits, and before the close of this day will pass another law to replenish the depleted gold reserve, to preserve the credit and financial integrity of the country upon the best terms for the people. In the two measures immediate relief is offered the people, and a cessation of the consuming and destroying doubt and suspense that has preyed so relentlessly upon all public interests since the advent of this ill-omened Administration. Mr. Speaker, it is not voting authority to issue bonds; if it were, I should vote against it; but as a bond issue is inevitable and unavoidable, I vote to reduce the interest charge and place the loan within the reach of the American people. For these reasons, and to afford prompt relief to the Treasury and the business of the country, I shall vote for the bill.

The Coin Redemption Fund.

REMARKS

OF

HON. WINFIELD S. KERR,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Friday, December 27, 1895,

On the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

Mr. KERR said:

Mr. SPEAKER: My conception of duty impelling me to vote against this bill, I desire to state my reasons therefor. As a general principle the Republican party and Republicans are against an extension of the public debt. Only the direst necessity, such as preserving the national honor or the nation's credit, would justify the increase of the interest-bearing debt in time of peace.

The first section of this bill is supposed to furnish the means to maintain the gold reserve and the second section to borrow money to pay the ordinary expenses of the Government.

If there were no other means to keep the gold reserve to the point of safety save the passage of this measure I would vote for it, but a principle can not be sunk or set aside for no other reason than to save 1 per cent of interest. The Cleveland Administration has construed the statutes so as to afford ample power to protect the reserve. The Republican party provided this means as one of the steps to resumption of specie payments, but by reason of its wisdom in the management of our fiscal affairs resort was had to this power of selling bonds but once and that was to gather a portion of the original fund.

Facing this situation, gentlemen who support the first section of this bill are in the attitude of opposing the increase of the public debt on principle, but waive the principle to save a paltry sum in interest. What difference is there between selling bonds under the act of 1875 or the act of 1895, save that the former bear 4 or 5 per cent of interest, according to time, and the latter bear 3 per cent?

In the last two campaigns in Ohio the Republican party denounced the present Administration, not so much for selling bonds and thereby enlarging the public debt as for the manner in which they were sold and because it had created a necessity for such sale. The situation is one created by Democratic mismanagement and lack of business and statesmanlike qualities in the Administration. Let the Democratic party confront this situation, and if there is any agony let that party endure it; if there is any crown of thorns, let its brow wear it. Understand, Mr. Speaker, that I do not see any danger to the Government; if so, duty might point a different course. Gentlemen may get excited, and with outstretched hands clasp an imaginary emergency, but there is no emergency. The Administration is practicing a bit of domestic diplomacy to secure the approval of this Congress of its debt-increasing scheme; to bring upon the Republican party a portion of the obloquy which has fallen upon it. I for one will stand from under—the Government will not die nor the suffering of the people be accentuated till the Republican party can come back to power and dig up the roots of this evil in a Republican way.

It is already announced from authoritative sources that this bill will not receive the Executive approval. Why then attempt to do a thing that is wrong in principle to relieve a supposed emergency when it is prefectly certain that it will all end in the attempt? You are "carrying coals to Newcastle."

Again, what will the Senate do with this bill? Defeat it certainly. It is a proud thing to come to the country's rescue in the hour of peril, but one who ties himself to the cannon's mouth in the time of profound peace gathers no victor's wreath. It is never wise to do a futile thing, and especially a wrong thing, that can not be justified even by good results.

A cry of distress comes from the other end of the Avenue. Why are gentlemen so frantically rushing to the rescue? So swiftly have they moved that they reach the field of battle without their battle armor on. Shorn of its tragic features, it seems to me like a modern instance of that great tragedy which was enacted in the Imperial City nearly two thousand years ago. It is another "Help me, Cassius, or I sink." If to-day or to-morrow the Republican party hears this tired Cæsar from the turbid waters of this Tiber it will only be that next week his blood may stain the Senate house.

To support the second section of this bill there is neither necessity nor request. The President protests that he has plenty of money to pay expenses. His party followers on this floor enforce that declaration. They are now and will be for a brief time responsible for the management of affairs. Why not allow them to go on in the uneven tenor of their way?

Under no circumstances save those of immediate danger to the credit of the nation would I vote for a measure to borrow money and pay interest therefor to run the ordinary affairs and pay the ordinary expenses of the Government. Yesterday we passed a bill which it is announced will raise enough additional revenue to pay expenses. If passed by the Senate and signed by the President it will go into effect immediately. Where, then, is the need of more money? If that bill does not raise enough why did we stop short? If that bill does not provide a sufficient amount of additional revenue it was the duty of the Republican party to enlarge the schedules and raise the tariff duties until it did. Are we to be put in the attitude of refusing to increase tariff rates to the protection point and then supply the deficiency in revenue by borrowing money? This is not my construction of Republicanism. I am sure it does not accord with Republican principles and achievement, and, for one, will not support it.

The Coin Redemption Fund.

REMARKS

OF

HON. L. M. STRONG,

OF OHIO.

IN THE HOUSE OF REPRESENTATIVES,

Friday, December 27, 1895.

On the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of the revenue.

Mr. STRONG said:

Mr. SPEAKER: I have hesitated to give my support to this bill lest it be taken to imply acquiescence in a practice of issuing bonds to meet requirements which should be provided for in another way.

An examination of this bill, however, discloses the fact that so far as the first section is concerned no new principle is involved. Its provisions relate to matter of detail only.

The present law authorizes the issue of bonds redeemable in ten or thirty years, bearing interest at the rate of 5 and 4 per cent, respectively, and they may be disposed of in secret. The first section of this bill provides for bonds for the same purpose, running for a shorter time, and bearing interest at the rate of 3 per cent or less.

It also provides that these bonds shall be of small denominations and disposed of publicly, so as to give the people of this country an opportunity to take them. Bonds have been issued and disposed of for the purpose mentioned. While the present conditions exist bonds will continue to be issued and disposed of. Shall these bonds bear interest at not over 3 per cent, or shall they bear 4 or 5 per cent? Shall they run for a long or a short time? Shall they be bartered away to syndicates at a great profit to the syndicates, or shall they be offered to the people? To answer these questions in a manner which will be satisfactory to myself compels me to vote for this section.

The second section of the bill proposes to give to the Secretary of the Treasury a power which, in my judgment, he ought always to

have; that is, the power to provide by short-time bonds or Treasury certificates for any temporary deficiency in the funds of the Treasury. This power would seem to be necessary to enable him in case of an emergency to maintain the credit and the honor of the Government.

But, Mr. Speaker, while I shall vote for this measure, I feel that it is a matter of detail only. It does not go to the root of the financial trouble nor to the evil which depletes the gold reserve.

The Treasury statement for to-day shows an available cash balance in the Treasury, including the gold reserve, of $175,470,-249.92. The present Secretary of the Treasury has sold bonds, ostensibly to maintain the gold reserve, from which he has realized $182,288,040.33, and were it not for the proceeds of these bonds the Treasury would not only be empty, without a dollar of available funds and without a dollar of reserve, but there would absolutely be a deficit of $6,817,790.41. The Treasury would be bankrupt to that amount. And yet in the face of these facts, and in the face of the fact that the receipts of the Treasury under present laws were constantly less than the expenditures, the Secretary of the Treasury persists in asserting that more revenue is not needed, and, together with the President, undertakes to fix the entire responsibility upon the legal-tender notes, commonly called greenbacks, demanding their destruction.

In his message of December 2, 1895, Mr. Cleveland, having recited the facts concerning the issue and sale of bonds to maintain the gold reserve, says:

> The foregoing statement of events and conditions develops the fact that after increasing our interest-bearing bonded indebtedness more than $162,-000,000 to save our gold reserve, we are nearly where we started, having now in such reserve $79,353,966, as against $65,438,377 in February, 1894, when the first bonds were issued.

And further along he says:

> Nearly $27,000,000 of this gold thus withdrawn has been paid out on these United States notes, and yet every one of the $346,000,000 is still uncanceled and ready to do service in future gold depletions.

Such statements are deceptive and misleading. The inference would be that the $162,000,000 had been lost by reason of the greenbacks. If that sum has been paid out for greenbacks, what, let me ask, has become of those greenbacks? Where are they? Have they been given away? Have they not been used to supply a deficiency in the revenue and paid out like other money in the discharge of Government obligations? We have simply been running behind and using the proceeds of the $162,000,000 of bonds to pay current expenses. If the receipts during this same period had been equal to the expenditures, as they should have been, and the same amount of bonds had been issued upon the same terms, the Treasury statement of to-day would show an available balance of $357,758,290.25, instead of the $175,470,249.92 now shown.

If the President and the honorable Secretary of the Treasury would cease their warfare upon the greenbacks and their contention for the gold bonds long enough to examine the facts and figures disclosed in the report of their faithful subordinate, the statistician of the Treasury, they would readily discover that all this charge of larceny against the greenback is unjust and unwarranted, and that the greenback has only been the innocent instrument of effecting the withdrawal of gold to meet demands made inevitable by the policy and laws of the President and his party.

They would find that for the year ending September 30, 1895, we sold to foreign countries $75,505,140 less of our commodities than we did in 1894, while under the McKinley law, and that for the same period in 1895 we purchased from foreign countries $83,185,302 more than in 1894, making a difference in the balance of trade of $158,690,442, and that difference was against us.

It would require $158,690,442 in gold to be taken from this country to make up this difference. Is there any wonder that there is a demand for gold? Can there be any reasonable expectation that such demand will cease so long as we pursue a policy which fosters and encourages the importation and purchase of foreign products in preference to those of our own people? The way to stop the drain of gold from the Treasury is to stop the drain of gold from the country. The way to stop the drain of gold from the country is to discourage the importation of the products which compete with American productions, and thus give preference to our own artisans and laborers. Buy the product of American labor and you need no gold. Buy the product of foreign labor and you must pay gold. Restore the balance of trade as it existed under protection laws and gold will flow to us. You will then have no need to issue bonds to maintain the gold reserve. The greenback need not then be retired or destroyed. It may remain to serve and bless, and, perchance, again save a grateful people.

The Democratic theory of securing the markets of the world by free trade or tariff for revenue only has again been exploded. Instead of securing us the markets of the world they have lost our own markets. A like experiment was tried in 1846, when the markets of the world were to be secured by the Walker free-trade tariff, and the result will be found expressed in the message of President Fillmore, in December, 1851, as follows:

> The value of our exports of breadstuffs and provisions, which it was supposed the incentive of a low tariff and large importations from abroad would have augmented, has fallen from $68,000,000 in 1847 to $21,000,000 in 1851, with almost a certainty of a still further reduction in 1852. The policy which dictated a low rate of duties on foreign merchandise, it was thought by those who established it, would tend to benefit the farming population of this country by increasing the demand and raising the price of our agricultural products in foreign markets. The foregoing facts, however, seem to show incontestably that no such result has followed the adoption of this policy.

The free-trade theory proved false then, just as it has proven false now.

Mr. Speaker, if we could only get away from the din and confusion of those who operate in Wall street long enough to hear the voice of the people who operate on the farms and in the workshops we would soon find out that something is needed besides issuing bonds to maintain the gold reserve. The languishing industries of the country need the life-restoring tonic of a genuine Republican tariff law; a law which will put an end to the importation of rags and shoddy; a law which will protect the woolgrower, the farmer, the manufacturer, and the laborer; a law which will give our own people a fair chance in their own markets and an opportunity to compete for the markets of the world.

I believe this House should pass such a bill. It is what the people want; it is what the people expect. If it shall not become a law, let the responsibility rest where it may belong. But, Mr. Speaker, at this time, when all are inspired with sentiments of patriotic devotion to their country, may we not hope that even a Democratic President would consent that the fires be relighted in the furnaces and workshops of America, sending a ray of light and hope and joy and prosperity to all the people throughout the whole land?

The Coin Redemption Fund.

REMARKS

OF

HON. HARRY SKINNER,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, December 27, 1895,

On the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

Mr. SKINNER said:

Mr. SPEAKER: I regret that the representatives of the political organization with which I affiliate and which stands before the people of the country in their name for the protection of their interests have not been accorded time upon the floor for the consideration of this important measure that we might have the opportunity of exposing before the country in detail this false issue and false emergency which the Ways and Means Committee have thought proper to meet in a summary manner, and to exhibit the sham battle which the American Congress has displayed to the public for their entertainment during the Christmas holidays. By the use of the words "false issue" I should not be understood to refer to the spirit of the President's "emergency" Venezuelan message.

I heartily approve of the maintenance of the Monroe doctrine, and my people, true to their tradition and history, will freely give their men and treasure to sustain our flag on land and over sea in maintaining the right and protecting the weak. Still, it seems to me, the President and Congress have acted precipitately in the matter. The President has strained the Monroe doctrine. He doubtless claims that, as American territory is involved, the doctrine applies, since if a part of an American State may be taken the whole could be, and thus its government overthrown. Here, I believe, the President is in error, since boundary disputes are necessary incidents to adjacent States, and are among the most common to arise. The Monroe doctrine was never intended to apply to such ordinary and necessary disputes. The commission authorized can accomplish nothing. It can have no international authority; it can not reach a conclusion; and if it should ever make a report, which is very doubtful, there is no use to which it could be put.

The message coming at this time, when there was no reason for undue haste, and at an hour when the President wanted to force his financial views upon the country, and creating a panic, which he must have known would have followed his message, and then supplementing the same with his financial message calling for the retirement of the people's money and the issuance of gold bonds looks as if there was method in this exhibition of his patriotism,

the method being to popularize himself upon a patriotic issue and then, before the people could recover their second thought and good judgment under the pressure of a panic which he had voluntarily created on the issue of patriotism, to have Congress indorse his financial policy. By far Congress had better permit Great Britain and Venezuela to settle in their own way and time their disputed boundary than to adopt the financial policy of Mr. Cleveland and that contemplated by the measure under consideration, and thereby give legislative assent that gold, and gold alone, shall become the world's money, of final redemption, which would mean the pauperization of our people, the annihilation of their hopes, and in time the destruction of their Government.

It will take something more than the Venezuelan boundary, and repeated panics in Wall street and other commercial centers to divert the minds of the plain, producing people from the issues of civilization and humanity involved in the proper solution of the silver question. The issue can not be avoided. The American people are determined that they shall have the opportunity of passing directly upon the question in which is involved their happiness and prosperity without unnecessary delay and distracting entanglements. The dominant parties may as well realize that the people can not be longer deceived either by the glamour of party prestige, sectional partisanism, or race prejudices, but in the future will act and vote for themselves.

The Democratic party deceived them in 1892—and I say deceived them because they had every reason to know Mr. Cleveland's attitude on the silver question before he was nominated—and for the expediency of temporary party success they ought not to have persuaded their confiding constituents to support the worst enemy of silver in Christendom. The Republican party will doubtless attempt to deceive them in 1896 by repeating the straddling policy adopted by the Democratic party in 1892. The developments in this debate ought to convince Republicans that they can not retain their strength on the Pacific Slope, in the States west of the Mississippi, or maintain a broken South unless they make concessions in their platform to the silver element of the Republican party.

They may retain them in 1896, but when their President, to be elected, breaks faith with the people, then the time of reckoning will be at hand. The people doubtless are laughing at the sham battle that has been played on the boards in the halls of Congress in a so-called emergency; the remedy which they offer they know before it is offered can never pass the Senate, and the Democrats resisting it under the plea that free silver, 16 to 1, is the proper remedy to be applied, when they know that if they could succeed their President would veto such a remedy, and when they further know that they are fighting in the name of a political organization and that after the next Democratic convention they will become the special champions of the single standard gold policy as taught and practiced by Cleveland and Carlisle. What is to become of the silver Democrats?

I will not presume now to prophesy, but I can not, I will not, believe, after hearing the silver sentiment and speeches made on this floor during this discussion, that these gentlemen will remain in the Democratic party after their party has passed under the golden rod. But, Mr. Speaker, I will reserve further remarks in this line for the hustings after I have had the opportunity of judging these gentlemen by their actions. I will only at this time extend to them an invitation to join the only free-silver party in America, the People's Party. It is the natural political home of every free-silver Democrat and Republican, and let me say that you injure the cause of free silver more than your free-silver speeches do good by remaining in gold organizations. If free silver, 16 to 1, is the remedy, I invite you as patriots to come to us and help us furnish this relief to the people.

I wish that the House could approach the discussion and vote upon this measure in an unselfish, nonpartisan, and patriotic spirit, with the interest of the people only at heart. Then we might look for a restoration of peace, confidence, and prosperity throughout the land. The members of the House will appreciate this patriotic declaration when I tell them that I bear the distinction of representing in a nonpartisan manner the ducking territory of our gaming President, to whose broad waters, pure air, historic and patriotic surroundings he had to have recourse to summon the patriotic fire and courage necessary to issue his very manly and courageous message referred to. History is only repeating itself.

In 1862 there was a real emergency to be met before which the present manufactured emergency pales into insignificance. Our Treasury was empty. Gold, coward as it has always proven itself to be since the creation of the world, had hid away or fled to other quarters. Not only the current expenses of the Government had to be met, but an army and navy necessary to suppress a rebellion. In this exigency the Ways and Means Committee were called upon for a summary remedy. The Republican party at this time, like patriots, met the issue, not in the manner that you meet it to-day, but in a bold declaration, in substance expressed in the speech of that great commoner, Thaddeus Stevens:

> Cut the country up into one-dollar bills and let the boys fight it out.

You did not attempt at that time to maintain any gold reserve; you did not think at that time it was necessary to have gold to meet the current expenses of the Government or to meet the expense that was then upon you by reason of the war. North Carolinians, in fact the South, know by experience how well you fought it out. The remedy that you gave them saved the flag and saved the Union, and made liberty universal throughout the borders of our common country. When peace came the South had all of her property swept away from her and nothing left but her men and land; she was wrapped in the drapery of mourning and the dewdrops upon the gentle roses seemingly turned into tears of grief.

This remedy brought as a result to the harvest that succeeded the surrender of Lee and Johnston more prosperity and better times to our country and to our governmental affairs than is enjoyed to-day or has been enjoyed since the demonetization of silver in 1873 and the realization of resumption in 1879. You exemplified by this remedy that you furnished that this Government was independent of gold and that you could succeed independently on financial lines without the assistance of any foreign power or syndicate. The remedy that you gave at this time gave the Populists their cardinal truth that what in common everyday life is called money is but a creature of the law; that its office is to measure value, facilitate exchange, and to act as a unit of account in settling the balances between individuals and nations. By law this office, this unit of account, may be attached to any proper material, and when so attached becomes a check upon society, and, like all other checks, must be redeemed.

According to the science of trade, the process of redemption is accomplished when earned by labor, passed from labor to tradesman, to and on and around the circle of human aspirations, desires, wants, and requirements. If made receivable for public taxes, you have demonstated that it will always maintain a parity with the money of other nations, regardless of what material they may use, so long as the interest-bearing bonds maintain par, and this can always be secured by making such currency convertible into interest-bearing securities, and these likewise reconvertible at the option of the holder into the same class of legal-tender notes. It is very clear to my mind that this function, this office, this unit of account, should always be retained by the Government as an inseparable incident to the welfare of state and people, and should never be delegated to individuals or corporations, lest this great power in their hands, as we are daily experiencing, be used to destroy the liberty and government of the people.

To surrender this high prerogative of state, this function, this office of measuring value, this unit of account, to the owners of the gold of the world, and consenting that gold alone shall become the world's money and the measure by which we shall labor, produce, be taxed, the unit by which we shall exchange, buy, sell, and settle, is simply surrendering ourselves into perpetual bondage and losing all control over our labor and products as well as all control over our form of government. This would be an outrage, a crime against humanity, the destruction of our liberty, the robbery of our homes, and the pauperism of our posterity. It is the cowardly surrender of the God-conceived and great human purpose for which this continent was discovered, this Government created, and the Constitution framed as the ark of our country's hope and the hope of our people's prosperity and happiness.

The example of this surrender made by other nations has produced anarchy in France and Spain, nihilists in Russia, agrarian insurrection in India, and socialism in England, and if you love this country, its flag and institutions, if you want to prevent this country from inheriting and contracting these disorders, you should as quickly as possible come to the coinage of the Constitution, for without the money and the coinage thereof the day is not far distant when we will have no Constitution and no Union. Human rights and civil liberty, losing their champion and protector, will take flight, for in the present and future as in the past on the road of gold monometallism can be found neither bud, flower, blossom, or hope. Let us stand firm by the unwritten American doctrine, woven into the warp and woof of our discovery and creation, that the human race will always find a champion and a protector in this country. Let us break the shackles of gold monometallism by sending out no uncertain sound that this country, even in an exigency such as is presented, will not go any further committing itself to a single-standard policy and will become self-reliant and use all its great resources, integrity, and assets to give the world back its silver money.

All admit that international free coinage would serve the best interests of America and humanity. If it were well to be accomplished by international agreement by independent action, we will lead the way, and the struggling masses of all nations will follow and force the agreement. They say independent action would

drive all the gold from this country. They make this mistake, for our purpose is to increase the primary money of the country to the extent of the silver of the world. This being done, there will be no necessity for silver to replace gold, for the reason that by its recognition and restoration by this Government it will become the equivalent of gold the world over.

Admit for argument sake that silver will displace our gold, we have then in that instance increased the stock of European gold six hundred million—this increase of their money, with the demand for gold decreasing everywhere, will make European purchasers of our export crops more thrifty, enterprising, and consuming, while the increase in America in her silver primary money will cause it to flow in trade, invest in manufacture, operate agriculture, employ our labor, and vouchsafe a happy, thrifty, and contented people. But we need not fear or be alarmed at the exportation of our gold.

Gold never hides or flows out of a country that is prosperous. In time of danger, or war, and depression in peace is the time it can not be found for the purposes of money. Our wheat and cotton exports, properly handled and protected, will always command what gold we have any practical use for. In fact, by wise and practical control of our great Southern crop of cotton which stretches its white scepter of power from the Old Dominion border to the Gulf of Mexico, producing eight-tenths of the cotton to clothe the human family, to furnish house comforts, equip the white-winged fleet of commerce, and cover the camping armies of the world, we can in a few years either put all the gold of Europe in our Treasury or transfer the cotton manufacturing of the world to the American shores. I had rather see this be done, even if it be called paternalism, than to submit this great field crop of the South to have its price dictated by gold owners at such a price as to cause these Southern people to lose their home and the labor that produces this staple to become paupers and serfs.

They admit that the free coinage of silver at 16 to 1 would give us higher prices for our land, higher prices for our cotton, wheat, corn, and other produce. They admit that mills would be run on full time, manufacturing increased, mines successfully operated, railroads extended, commerce expanded, and they need not tell us that an increase of price for labor will follow the increased demand therefor. They appeal to our high sense of honor and want to know if our consciences will permit us to pay our obligations, national, State, and individual, in fifty-cent dollars. To discharge a forty-cent obligation in fifty-cent dollars is keeping good faith. I assert that the present indebtedness of the country is but the renewal of obligations that did not cost more than forty cents in gold in which they would exact payment to-day.

The national debt was created when gold was at a heavy premium, incident to the peril of war, and was originally payable in the lawful money of the United States, which at the time of its creation was greenbacks. The nature of this contract was changed in the interest of the bondholder and was made payable in coin. By the act of 1873 silver was demonetized, the gold dollar was made the unit of value, and thereby every 40 cents of contract debt was made by legislation a dollar, while the resultant effect of this legislation was to reduce the people's means of paying for their land, labor, and produce from one-half to two-thirds. To restore coinage to the ratio of 16 to 1 places the contracting parties—the nation representing the people and the bondholder—in the same position they were when the contract was made. The South and the West are the debtors of the nation, not only as related to the nation, but individually and in sections. They have to bear more than their share of the public burden in proportion to their wealth, by reason of the levying and collection of taxes. As a section the South, at the surrender of Lee, had no money, her wasted lands was all that was left. Before she could plant and harvest her first crop she had to turn to the more favored section of the country whose currency was not destroyed, but inflated and made better by the results of the war, and in this condition and under these circumstances she borrowed of this currency to rebuild, to repair her fences and reclaim her lands, to cultivate her crops, and to educate her children. The West turned to the same section of the country and borrowed of the same currency to develop her fertile and promising territory.

Now, all we ask for the South and the West is that justice which is due them—to be permitted to settle under the same conditions under which they contracted their debts—this is yielding to Shylock his ducats, but it is refusing him the pound of flesh next to the heart, because the taking of this is inhuman and death.

Now, Mr. Speaker, conceding that an emergency exists for immediate legislation—which I doubt—the remedy is not in a coin bond bill such as the House is considering, which only invests the Secretary with additional authority to issue bonds, but the plain and unmistakable remedy is to deprive him of any authority to issue bonds except as specifically authorized, and the free and unlimited coinage of silver at the ratio which obtained antecedent to the crime of 1873. This is what the people demand, nothing less will satisfy them.

The Coin Redemption Fund.

SPEECH

OF

HON. JOHN L. McLAURIN,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, December 27, 1895,

On the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of the revenue.

Mr. McLAURIN said:

Mr. SPEAKER: I am opposed to the passage of this bill because its provisions will not only burden an already debt-ridden people, but will legalize a long series of usurpations by different Secretaries of the Treasury. The caption declares this a bill "to protect the coin redemption fund," while at the same time there is not a single line of law upon the statute book authorizing or providing any such fund. Judging from past experience, without doubt this language would be construed by the Secretary for the purpose of sequestering in the Treasury this vast sum of $100,000,000, which should be in the channels of business, giving life and vigor to our commercial transactions. This unauthorized fund has been maintained in absolute idleness for over twenty years, and at simple interest has cost the people more than $80,000,000. This is a covert attempt to legalize an unwarranted assumption, which alone should prevent the passage of the bill. Mr. Speaker, instead of this being a bill to protect the coin redemption fund it is, more properly speaking, in my judgment, an act to provide for a deficiency in our revenues. The President has already issued over $160,000,000 of interest-bearing bonds for the alleged purpose of strengthening this reserve fund. In my opinion we might with profit inquire as to what has become of the proceeds of the sale of these bonds.

Mr. Speaker, is it not true that the one hundred and sixty millions of gold received from the sale of these bonds was drawn out of the Treasury through the redemption of United States notes or greenbacks? Is it not also true that these one hundred and sixty millions of United States notes or greenbacks have been paid out by the Secretary of the Treasury in the ordinary expenses of the Government? I repeat, has it not been the custom of the present Secretary to sell bonds for gold, to exchange the gold for United States notes, and then to use these notes in payment of our governmental expenses? Then why come here with a bill claiming to protect "the coin redemption fund" when in fact and in practice it is a bill to supply a deficiency in the revenue?

I believe in dealing with the people frankly and squarely, and if this bill is really to maintain a redemption fund it should be so stated, plainly and distinctly, and then used for no other purpose whatever. If, on the other hand, as is now secretly practiced, it is to supply a deficiency in the revenue, I maintain that such a declaration should be made, in order that all may clearly understand its import.

Besides, I am decidedly in favor of curtailing rather than extending the discretionary powers of the Secretary of the Treasury in our financial affairs. The act of 1875, mentioned in this bill, provided for the sale of bonds at his discretion, at not less than par in coin, while the last issue of bonds by the Secretary of the Treasury was made for so many ounces of gold bullion. I merely mention this to show the character of the usurpation of power by the Secretary of the Treasury. Mr. Speaker, there is a vast difference between selling bonds for coin, which means both gold and silver, and bartering the obligations of the United States for gold bullion.

I assume that all of our present difficulties would be eliminated and further legislation upon this subject unnecessary if we had a Secretary of the Treasury who would obey the law now upon the statute book of the nation. There is to-day not a bond, coupon, obligation, or debt of any character against the United States which is not payable, principal and interest, in coin; and coin today means just what it has since the foundation of the Government—both gold and silver.

Now, Mr. Speaker, with the vaults of the Treasury bursting with silver, with the great plain people struggling beneath a load of debt and distress, I assert that it is unfair, unjust, wholly uncalled for that interest-bearing bonds in time of peace should be sold to further impoverish our people, and through this interest levy tribute upon their hard toil, while there are lying idle in the Treasury one hundred and fifty millions of silver. [Applause.] Let the Secretary of the Treasury obey the law. Let him treat alike all obligations of Government. Let him consider the debt of the humblest American laborer in the same light that he does the debt due the alien money lender. All are payable in coin, and all should alike be paid in coin.

If it could be announced to-morrow that an American policy of finance would be inaugurated and the further domination of alien money lenders resisted, the same enthusiasm and patriotic response would come from the people to the support of the Administration that was witnessed when the President so forcibly reaffirmed the Monroe doctrine and notified England to encroach no further upon American soil. A similar announcement on the financial situation would infuse new life into the Democratic party, from which hope has been crushed by the financial policy of the present Administration.

Let the United States, like France, begin the payment of silver for her paper money when presented for redemption, and the necessity for another bond issue would vanish. Let us also imitate the example of France in refusing to furnish gold for export. In doing this we would simply be putting into practice that grand rule of humane government, "Equal rights to all; special privileges to none."

There is another point, Mr. Speaker, that seems to have been overlooked. It is claimed by the Secretary in his last report that there is in circulation among the people four hundred and seventy-five millions in gold coin. From the report of the Comptroller of the Currency it is learned that not over one hundred and fifty millions is held by the banks, leaving three hundred and twenty-five millions among the people. If the Secretary of the Treasury would expend as much energy in exchanging with the people greenbacks for this gold that he does in exchanging gold for greenbacks with alien financiers, I am of the opinion that the exigencies of the Treasury might be relieved without a further issue of bonds.

The gentleman from Maine [Mr. DINGLEY] advanced the proposition to secure this gold by an issue of interest-bearing certificates of indebtedness. In my judgment the object might be attained at far less expense by exchanging greenbacks which come into the Treasury for this gold coin among the people.

In order to meet the temporary deficiency in the Treasury, instead of interest-bearing obligations to become a burden upon the people, I would suggest certificates be issued against every idle ounce of silver in the Treasury. This would give instantaneous relief and would put into circulation among the people, without the burden of interest, a kind of currency that none would refuse and all be glad to get.

I can see no good reason why the taxpayers, the producers, and toilers of this country should be forced to pay an interest tribute extending to generations yet unborn when the simple application of justice and common sense would obviate the necessity of it all. [Loud applause on the Democratic side.]

Mr. Speaker, for fear my position upon this alleged gold-reserve fund may be misunderstood I desire to say like many other usurpations of the Treasury Department its legality remained unchallenged until somewhat recently. During a debate in the Senate in 1890 the following statement was made by Senator SHERMAN, the originator of this fund:

> It is certain from that day to this every officer charged with the responsibility has treated that as a fund set apart for this purpose, and the man who, in violation of that statute, as Secretary of the Treasury, should reduce the gold balance for the redemption of United States notes below $100,000,000 would be impeachable for high crime and misdemeanor.

The Senator referred to the time when this fund was created, but was very careful not to mention the precise statute which provided for it. Senator COCKRELL refused his consent to Senator SHERMAN'S statements and emphatically declared:

> There is not one particle of law upon the statute books of the United States directing or requiring the Treasury Department to hold $100,000,000 of gold for the redemption of United States notes or, as we call them, legal tenders.

Senator Ingalls also declared at the same time:

> The claim that this $100,000,000 in the Treasury is necessary to maintain the credit of this nation, that it ever was pledged to be deposited there as a matter of faith or of public honor, is a fiction. It is a dream.

This debate was continued at some length and the following facts were established: First, that no authority save the caprice of the Secretary of the Treasury could be found for accumulating this vast idle reserve; and second, no law could be discovered that permitted its being paid out in the manner adopted. From that date until the present no one has been able to find a line of law providing for this reserve. In my opinion it should be covered into the Treasury as a miscellaneous fund and the Secretary of that Department compelled to treat all the obligations of Government alike. That portion of the act of January 14, 1875, referred to in this bill reads as follows:

> SEC. 3. And whenever and so often as circulating notes shall be issued to any such banking association, so increasing its capital or circulating notes, or so newly organized as aforesaid, it shall be the duty of the Secretary of the Treasury to redeem the legal-tender United States notes in excess only of $300,000,000 to the amount of 80 per cent of the sum of national-bank notes so issued to any such banking association as aforesaid, and to continue such redemption as such circulating notes are issued until there shall be outstanding the sum of $300,000,000 of such legal-tender United States notes, and no more.
>
> And on and after the 1st day of January, A.D. 1879, the Secretary of the Treasury shall redeem in coin the United States legal-tender notes then outstanding on their presentation for redemption at the office of the assistant treasurer of the United States, in the city of New York, in sums of not less than $50. And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus revenues from time to time in the Treasury not otherwise appropriated, and to issue, sell, and dispose of, at not less than par, in coin, either of the description of the bonds of the United States described in the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect, and to use the proceeds thereof for the purposes aforesaid.

Under this act Senator SHERMAN, then Secretary of the Treasury, sold $95,500,000 of 4 and 4½ per cent bonds for gold, and established this so-called reserve fund. The object of this fund was to redeem and retire the United States notes or greenbacks from the amount then outstanding, $375,771,580, down to $300,000,000. This was to be done gradually as additional bank currency was issued to the banks. In 1876 there was retired $5,999,296. In 1877 there was also retired $10,007,952. During 1878, and up to the passage of the bill forbidding their further destruction, there was retired $13,083,316, or a total of $29,090,564.

In the meantime the people grew uneasy over the destruction of these legal tenders and the demonetization of silver, and as a result of this agitation the act of May 31, 1878, was passed. It reads:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the passage of this act it shall not be lawful for the Secretary of the Treasury or other officer under him to cancel or retire any more of the United States legal-tender notes. And when any of said notes may be redeemed or received into the Treasury, under any law, from any source whatever, and shall belong to the United States, they shall not be retired, canceled, or destroyed, but they shall be reissued and paid out again and kept in circulation: *Provided*, That nothing herein shall prohibit the cancellation and destruction of mutilated notes and the issue of other notes of like denomination in their stead, as now provided by law. All acts and parts of acts in conflict herewith are hereby repealed.

By this act the canceling and retiring of greenbacks was stopped, and the books of the Treasury showed at that time $346,681,016 of this kind of currency outstanding, at which figure it has been given since.

This gold-reserve fund is mentioned for the first time in the statutes in the banking act of 1882, in the following words:

> The Secretary of the Treasury shall suspend the issue of such gold certificates whenever the amount of gold coin and gold bullion in the Treasury reserved for the redemption of United States notes falls below $100,000,000.

Mr. Speaker, I have been careful to quote all the acts or parts of acts upon the statute books which in any way relate to the gold reserve or the further issue of interest-bearing bonds, in order to disclose the narrow foundation upon which this idle hoard of gold is held or additional bonds issued to further burden the people. The fact is, Mr. Speaker, there is no authority of law for either, and the time has come when the people of this country should understand the real situation. In my opinion, the country is not suffering from laws which have passed Congress, some of which I admit are wholly bad, but is being destroyed by Department rulings made upon these laws. We may enact laws ever so carefully, but no one can determine their final operation until they have run the gantlet of the Departments. For this reason I am opposed to granting any increase of discretionary powers to any and all public officials.

Mr. Speaker, having mentioned the fact that the last issue of bonds was for gold bullion, I desire to give that portion of the contract between Secretary Carlisle and the alien money lender. It reads as follows:

> Now, therefore, the said parties of the second part hereby agree to sell and deliver to the United States 3,500,000 ounces of standard gold coin of the United States, at the rate of $17.80441 per ounce, payable in United States 4 per cent thirty-year coupon or registered bonds, said bonds to be dated February 1, 1895, and payable at the pleasure of the United States after thirty years from date.

This idea of buying coin at bullion rates is no doubt dictated by some ulterior purpose that will come to the surface some day to plague and plunder the people.

Mr. Speaker, gold bullion is a commodity, and, under any construction of law, Secretary Carlisle could have issued bonds as legally for so many ounces of pork, beef, wheat, or cotton. It is time such flagrant violations of the plain statutes ceased by those whom we trust with important positions, for if they will not obey the law how can obedience to the law be demanded of their subordinates?

Mr. Speaker, the provisions of this bill as first presented would, under the rulings of the Secretary of the Treasury, have retired and canceled every dollar of United States notes or greenbacks. This was no doubt the intention of its originators; but, fearing exposure and defeat, an amendment declaring against such action was added. These greenbacks have been doing service for more than a third of a century, and never, until the present Administration permitted them to be used as the tools of alien money lenders in raiding the National Treasury, have they given rise to any complaint. These greenbacks cost the Government but a trifle, and burden the people with no interest. If the Secretary of the Treasury were to establish an American financial policy, and in doing so obey the plain letter of the laws, all objections to the continued

use of this form of currency would vanish. These United States notes during their long existence have saved the people of the nation more than $700,000,000 in interest, and are at the present time the favorite currency of the people. In my opinion they should not be retired, but permitted to continue their work of facilitating business.

I am opposed to the issue of the proposed certificates of indebtedness, since they bear interest and can not be used in the channels of trade. Instead, let silver certificates against this vast horde of idle silver in the Treasury be issued. Such certificates would bear no interest, become no burden to the people, and would readily become absorbed in the exchanges of the country. They would increase the volume of currency and to that extent assist the people in their almost hopeless struggle against general bankruptcy. The people do not want another bond issue. They know what it means and fear the result. They know it means harder work, less comforts of life, and lower prices for the fruits of their hard toil. They are in financial distress now and ask for relief from their present burdens instead of being loaded down with more.

This relief must come, and in my opinion quickly, or great danger threatens this country.

Mr. Speaker, where is the end? Selling bonds does not replenish the Treasury under its present administration. The jugglery of these financial deals is apparent and the rapacity of those profiting by them seems to have no limit. It is estimated that the total value of all of the property in the United States is about $65,000,000,000. At least forty-five billion of this has already been appropriated through bond dealing and stock watering by the capitalistic class. At the present rate it will not be long before they will have the other twenty billion, and the entire property of this country will be represented by paper securities, upon which interest and dividends must be paid by workers to drone capitalists.

The producer and the man who works with his hands pays for everything. He is the mudsill, and without his toil stocks, bonds, and factories become valueless.

If these bonds are to be continually issued, and the public and private debt of this country increased at the rate that has obtained for the past two years, our entire wealth within ten years will be represented by interest-bearing securities, and the seat of our Government transferred from Washington to Wall and Lombard streets. The people will no longer rule, but will become the mere serfs of a bondholding class, "who toil not, neither do they spin." Wages under such conditions will be the pittance necessary to sustain life, while the wealth created will go to swell the hoard of those already monstrously rich. The picture is not overdrawn, and unless our people are aroused to a comprehension of this iniquitous system no one can foretell the calamities which await us in the future.

The masses believe that finance is the paramount issue, and no amount of deception or sham battles over the tariff is going to deter them from a settlement of this question before all others. For the last thirty years the people have been divided on the question of tariff and marshaled into two hostile camps, while the money owners have fastened upon us a financial policy which has brought the country to the verge of bankruptcy.

I want these bond dealers to push their schemes to the uttermost limit as rapidly as possible, for the sooner then will the end come. When rulers become mad with power, their fall is near.

Napoleon, intoxicated with success, sought to rule the world, but he died on a speck of rock in mid-ocean, far from the scenes of his success and glory.

Had he been satisfied with a reasonable amount of power, Europe would not have been convulsed with carnage and St. Helena never heard the heartbroken sigh of an exiled and dying monarch.

History teaches the lesson that centralization of wealth and power may, like the tower of Babel, stand for a while, but the law of gravitation defies the one as surely as justice decentralizes the other.

The masters of to-day become the servants of to-morrow; the conquerors become the conquered.

Selfish ambition and love of unmeasured power overthrew the Cæsars and Napoleons, and a day of reckoning will come for the Rothschilds, the Shermans, and the Clevelands.

Mr. Speaker, I am opposed to the further issue of interest-bearing bonds, but I am in favor of the free and unlimited coinage of silver at a ratio of 16 to 1. If we may believe the press of the country, bonds will soon be issued in the same clandestine manner as the last issue without either the knowledge or consent of the people or the legislative branch of the Government.

To-day gold is at a premium of 1½ per cent among the money changers of Wall street. This reduces it absolutely to a commodity instead of a medium of exchange. In this we see that no matter which way we may turn, either toward a war over the boundary line of Venezuela, complications arising from the seal fisheries, or a depletion of the Treasury reserve, we are making progress, whether we wish to or not, toward the use of silver as money.

Mr. Speaker, in my judgment, the people of this country want free coinage of silver. There is not a State in the Union that would not record its vote overwhelmingly for free coinage if its people were permitted to vote on that proposition alone. The wishes of the people may be hindered, but the time is not far distant when the members of this Chamber will be only too glad to register their votes in favor of such a measure.

The money of the Constitution, which since the foundation of the Government has been accepted by the people until it was clandestinely taken from them, must be restored. For one, I shall bend my energies and cast my votes in this direction.

The Coin Redemption Fund.

REMARKS

OF

HON. RICHMOND PEARSON,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, December 27, 1895,

On the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

Mr. PEARSON said:

Mr. SPEAKER: No man can preach an edifying sermon in a whirlwind, and no man can make a satisfactory argument in five minutes on a question of finance involving indefinite hundreds of millions of untried bonds. The gentleman from Tennessee [Mr. MCMILLIN] compares our distinguished chairman of the Ways and Means Committee to the Indian chief called the "Young Man Afraid of his Horses." I should rather say, that "his driving is like the driving of Jehu, son of Nimshi," for "he driveth furiously." In fact, he is driving at such a virtiginous rate of speed that his horses have not even time to "kick." A decent respect for the opinions of my Republican associates and a proper regard for the wishes of my constituents oblige me to state my reasons for opposing this proposition to issue bonds.

I wish to say that I voted for the revenue bill not as a declaration of Republican principles, but simply as a modus vivendi. It would be called a modus vivendi in diplomacy. It might be styled a "makeshift" in a Democratic platform, not a cowardly one, but a bold and magnanimous offer to meet the President on halfway ground, in the hope that he will display equal patriotism, meet concession with concession, for the public good.

His annual message gives reason to hope that in this emergency he will yield some of his hard-earned views and not blight "the counsels of the brave" in their hour of patriotic inspiration. When a drowning man cries out for help it would be humorous but inhuman to stand on the bank and discuss tariff schedules.

The course of the Democrats on this floor in refusing the revenue proffered in the new tariff bill convinces me that the gentleman from Maine has to administer relief to the Democrats as the Frenchman in Perigord administers food to those interesting birds whose livers are highly prized by epicures, but whose brains are proverbially defective. The nourishment has to be poured into their mouths in liquid form by means of a hose under heavy pressure. The process is painful, but the results are none the less invigorating, fortifying, and comforting.

Now, I oppose this bond bill—

First. For the all-sufficient reason that I am explicitly and irrevocably committed against the policy, and so are all my constituents.

Second. I oppose it for the further reason that I would not do what I have condemned others for doing.

Third. I oppose it for the further reason that it gives increased power to the Secretary of the Treasury, instead of curtailing the power which, in my judgment, he has already abused.

Fourth. I oppose it for the further reason that if it does not retire the legal-tender notes it would enable the Secretary of the Treasury to "corral" them. I can think of no better word.

Fifth. I oppose it for the further reason that its avowed purpose is to redeem the United States legal-tender notes—that is, to buy in the greenbacks and substitute an interest-bearing debt for the best money that ever served our people in war or in peace.

Sixth. I oppose it for the further reason that, if economy be the object, it is cheaper to buy gold at a small premium than to borrow gold by issuing hundreds of millions of bonds. I am informed by an officer of this Administration that France has taken $32,000,000 of our gold within two years at a cost of about one-half of 1 per cent—that is, she has secured $32,000,000 of our gold by paying

$160,000. Why does not our Secretary of the Treasury display this kind of discretion? Our people have no patience with a discretion "which depletes but does not discern." The interest on the bonds which he has already issued at his "discretion" will amount to $120,000,000 at the maturity of the bonds. That is, the interest alone will amount to 3 per cent of all the gold on the globe, and yet to-day he has less gold than when he started on this ruinous policy.

Seventh. I oppose it for the further reason that it can have only one of two objects, economy or contraction. The first it can not attain; the second we can not allow.

Eighth. I oppose it for the further reason that it places all these bonds at the "discretion" of the Secretary of the Treasury, a quality which the present incumbent, in his dealings with bond syndicates, has not demonstrated to the satisfaction of the American people. If nothing but that discretion stands between us and ruin, I for one am not willing to take the risk.

Ninth. I oppose it for the further reason that I can find no warrant for this policy in the Republican creed, and I defy any man here or elsewhere to cite the article of Republican faith which favors the borrowing rather than the earning of money by the Government in time of peace. Every Republican convention, every Republican orator, and every Republican paper has denounced the Democratic Administration for issuing bonds, and pointed to that fact as the humiliating product and signal proof of Democratic incompetency. If it be said that the Republican party stands for the honor of the nation, I am proud to believe it; but that party does not stand for the dishonor of the Democratic party, and ought not to be asked to bear any part of that dishonor, even in this hour of need.

REPUBLICAN STATE CONVENTIONS CONDEMN BOND ISSUES.

[Massachusetts Republican, October 5, 1895.]

The last Congress provided a revenue shamefully inadequate, and by the issue of bonds shifted on to succeeding Administrations the burden of their outlay.

[New York Republican, September 17, 1895.]

We denounce the Democratic Administration for its gross mismanagement of the finances of the nation. It already has added more than $165,000,000 to the national debt and the burdens of the people, and there is every evidence that this increase is to be continued.

[Kentucky Republican League Clubs, May 1, 1895.]

We believe in the doctrine of protection to American labor, American industries, and American homes; and we attribute the unparalleled business depression of the country to the utter failure of the Democratic Administration in its management of both foreign and domestic affairs, which has created national distrust and general paralysis, has driven capital from the factories and labor into the streets, reduced the revenues of the Government, and increased its bonded indebtedness.

[Ohio Republican, May 28, 1895.]

We denounce the present Democratic Administration, whose vicious and vacillating course has brought us distress at home and humiliation abroad. It has inaugurated a policy looking toward ultimate free trade, which has deranged business, crippled our industries, distressed our homes, and dealt labor a serious blow. With deplorable incompetency it has failed to raise revenue enough to run the Government and has had to borrow, in less than two years, $162,000,000 mainly to pay ordinary running expenses, selling in secret to favored foreign syndicates the bonds of the Government at prices far below their actual value.

[Pennsylvania Republican, August 28, 1895.]

Charges upon the Democratic party the fault for a constantly growing deficit in receipts, as compared with expenditures, thus compelling the borrowing of money in large amounts at exorbitant premiums in time of peace to maintain the credit of the Government. For the failure of the Democratic Administration to provide sufficient revenue to meet the wants of the Government "its responsibility is absolute, and it has exhibited to the world such inability and faithlessness in the discharge of the high trust committed to its care that its history continues to excite the contempt and distrust of all thoughtful citizens."

[Utah Republican, 1895.]

The first State Republican convention of Utah was held at Salt Lake City, August 28, 1895. The platform adopted was as follows:

"We condemn the action of the present National Administration for issuing Government bonds in time of peace to meet a deficit caused by unwise and un-American legislation, and for its unprecedented and unpatriotic coalition with a syndicate of foreign money lenders to procure the sale of Government bonds adversely to the interests of the people."

This bill would throw the Republicans in many sections immediately on the defensive, and I would say, with all respect to the distinguished gentleman from Maine [Mr. DINGLEY], that he may do more in two days for the Democratic party than that party could do for itself in forty years; he may lift them out of the mire; but I venture to submit that he ought not to put us in their places. That would be too generous, too hospitable.

Mr. Speaker, the right place for the Democratic party in the fulfillment of their strange mission is on their backs; they can criticise, but they can not execute; they can obstruct, but they can not construct; they can promise, but they can not perform. A magnificent party in the minority—but in the majority, impotent. To epitomize in a homely phrase their record and character, that party fights splendidly on its back, but is not worth a darn on its feet. The gentleman from Pennsylvania [Mr. BROSIUS] tells us that the President appeals to us for succor. He goes out fishing; if he does not catch "suckers" he may at least capture a scapegoat to bear the sins of the Democratic Administration.

Tenth. I oppose this bill finally because I know—in fact every wayfaring man, even though he be a Democrat, knows—that it can not pass the Senate, and the Secretary of the Treasury has taken extraordinary if not indiscreet pains to tell us that it can not pass the White House. Under these circumstances we are now asked to make a voluntary declaration of a policy which I believe to be un-Republican, and which I know to be unavailing; which has been tested and condemned as furiously unpopular and uselessly expensive. I stand ready to vote a thousand millions for the national defense, for the glory of the flag, and for the maintenance of Republican institutions in the Western Hemisphere, but not one cent to cover up, brace up, or patch up, or to indorse, condone, or compound the hopeless incompetency and purblind folly of the Democratic party. I will help the gentleman from Maine to keep them on their backs, but never to lift them to their feet.

The Coin Redemption Fund.

REMARKS

OF

HON. CHARLES A. TOWNE,

OF MINNESOTA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, December 27, 1895,

On the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

Mr. TOWNE said:

Mr. SPEAKER: I avail myself of a brief space to state shortly the reasons why I must oppose the first section of this bill. I can not indorse it as a matter of principle; I can not indorse it as a matter of party tactics, and I can not indorse it as consistent with the views, the very decided views, of an overwhelming majority of my constituents. The gold reserve, sir, it has constantly been claimed on this side of the House, has been depleted both because of the insufficiency of the Government revenues provided by a Democratic tariff and by the maladministration of the Treasury Department by a Democratic Secretary.

The other day the Republican majority of this House, rising to the demands of an urgency that could not brook the delay necessary for a systematic treatment of the tariff upon well-known Republican lines, passed a bill, not in many respects entirely satisfactory to me or wholly just to some interests of my district, and in my judgment justifiable only as an emergency measure, the object of which was to provide the National Treasury with an income in excess of its expenditures. By the second section of the pending bill, for which I shall vote, we shall furnish the Secretary with a resource up to $50,000,000, in the nature of exchequer bills, to enable him to meet any temporary deficiency for current expenses. Now, sir, I regard these measures as meeting and satisfying the reasons for the depletion of the reserve that have been assigned by the Republican press and the Republican party generally, except as to the alleged mismanagement of the Treasury.

This, sir, is part of the political responsibility of the Cleveland Administration, and my opinion is that it ought to be left upon that Administration until the people of this country shall, as next November they surely will, visit upon the Democratic party their deliberate and crushing reprehension. Either this or a more drastic and complete enactment controlling the Treasury management. It is significant, sir, that when this bill was first laid in printed form upon our desks it plainly contemplated the effectual retirement of the greenbacks, and partly on that account I am not surprised to find that the amendment which is claimed to obviate that objection does not, in my opinion and that of several other members of this House, clearly and certainly accomplish that result.

Sir, the people of the United States will not permit the retirement of the greenbacks, and I can not vote for a measure which, being under the rule not now open to amendment, may carry with it permissive authority to a too-willing Administration to lock up and retire from circulation the best kind of paper currency the world has ever seen. With ample revenues, which the new tariff provisions will supply; with a restored favorable balance of trade created by the same agency, lessening or destroying the demand for gold to export, and so doing away with the chief incitement to the withdrawals of gold from the Treasury; and with an emergency resource of fifty millions under the second section of this bill, to be used solely for defraying current expenses, and thus fencing off the reserve from the desperate resort of a lawless Administration, I contend that we shall have done our duty and that no exigency has yet been shown to exist compelling another issue

of bonds in a time of peace, entailing a new mortgage of the country to the English gold farmers, and needlessly increasing the interest burdens of the people.

Now, sir, is this bill demanded by party policy? I care not by what hair-spun distinctions gentlemen may seek to explain and excuse it, the plain people of this country will see in this bill a surrender to Grover Cleveland's patent system of bond financiering, a virtual indorsement of what we have for two years reprobated with emphasis if not violence of speech, and an explicit authority for further transgressions. We are asked by several gentlemen supporting this bill to rise to high grounds and grant the President the relief he has besought. And yet we are assured from the other side of the House by those who are close enough to the throne to catch the expressions of the executive inner consciousness, as well as by an authorized interview with the Secretary of the Treasury reported in the morning papers, that the Administration is not favorable to this measure, but condemns it and spews it out of mouth. So, sir, we are asked to grant the President's prayer by affording him relief that he rejects.

Sir, the Republican party in this House has rallied round the President in his foreign policy, it has passed a tariff measure which our leaders on the floor have vied with one another in calling not a protective tariff but a tariff for revenue, and if we now surrender to Grover Cleveland's financial policy will not the people wonder where they are to look for the Republican party?

Sir, the President now has authority to dispose of any bonds issued by offering them at public sale in this country. If we fail to pass this section, how can he justify, as we are told he may, a failure so to offer them by citing the neglect of a Republican House to compel him to do what he is already perfectly free to do? And so far as the rate per cent of the bonds is concerned, if they are offered in open competition the rate will regulate itself through the price brought at the sale; a point not difficult to comprehend, either, though I have heard men say here that, while true, the people could not understand it.

Mr. Speaker, I do not lightly vote against a proposition that receives the indorsement of the leaders of my party in this House. It pains me to do so. They are men I honor for their ability and respect for their personal worth and their past service to the country. But, sir, I have never found it possible to compromise a principle, and in the present instance, as I conceive it, both principle and wise party policy are against the passage of the first section of this bill.

Revenue—No Tariff Tinkering Needed.

SPEECH

OF

HON. JAMES G. MAGUIRE,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, December 26, 1895,

On the bill (H. R. 2749) to temporarily increase revenue to meet the expenses of Government and provide against a deficiency.

Mr. MAGUIRE said:

Mr. SPEAKER: The bill before the House is strictly a Republican party measure. It is to be railroaded through the House in accordance with a prearranged Republican programme, concerning which perhaps a dozen members of the dominant party were consulted. All other Republicans in the House are expected to swallow it without making faces, because it is decreed by those to whom their obedience is due that it is good for the party, and any question concerning the wisdom of that decree by individual Republicans is to be regarded as treason. The party lash is the answer to any question or protest which they may conceive in their minds but dare not permit to reach their tongues.

> If any there be who would dare to refuse,
> Cry "Traitor!" and then your authority use
> To frighten him into submission.

The Committee on Rules has formulated an edict depriving this Congress of its deliberative character, at least in so far as it is to deal with the tariff question, by far the most important measure of legislation that will come before it, and the great Republican two-thirds majority of the House have, in obedience to the demands of the committee, surrendered their own right of discussion in order to deprive the Democratic minority of its right to suitably discuss the measure.

Gentlemen on the other side have said that this is a measure of hasty legislation, intended only to meet a present emergency. In that, I think, they are entirely right, but their statements as to what the emergency is are entirely misleading. It is not an emergency relating to the public revenues which they are seeking to meet, but an emergency relating to the campaign fund of the Republican party for the approaching election. Republican political methods require enormous campaign funds, and no legislation can be so important to that party as that which puts it in a position to secure such funds. The monopolists, who are the beneficiaries of the special-privilege system which they call protection, are the sources of their campaign funds. Those interests are thoroughly selfish. Their contributions are given only in return for great financial advantages bestowed, or certain to be bestowed, upon them by the party which they support. They have no political principles save those which have their foundation in their own avarice, and this appeal to their cupidity is the only certain means of bringing out their financial support for the party of special privileges in the next campaign.

The pretense that this bill is prompted by a desire to respond to the call of President Cleveland is a very transparent subterfuge. It is not in any sense an answer to that call and will not in the least relieve the distressing situation of the Administration pointed out in the President's message. The legislation called for by that message is of a character making a radical change in our system of finance, such as would relieve the Treasury of the gold drain, inevitable under existing law, or legislation providing a means of securing the gold with which to meet the demands therefor which may be made—which are being made, and which are sure to be made—upon the Treasury as long as the present financial system continues. The party in power in pressing the present measure is seeking, first, to satisfy the monopolists who are enriched by the protective tariff, as I have said, and, second, to deceive the masses of the people, who are robbed by that system, into the belief that this is intended merely as a temporary measure to meet a financial emergency in the affairs of the Government. They will not be permitted to go through the campaign without having their false pretense in this behalf thoroughly exposed. The stifling of debate will not shield them from exposure, but will rather make the public more curious to learn why the Republican majority deemed it necessary to avoid reasonable discussion of this measure.

If the bill should pass the Senate, as it is already programmed to pass the House, the country will learn, at least, that the foreigner does not pay the tariff taxes. The country will learn a lesson in political economy which will never be forgotten, namely, that the tariff paid on foreign goods is added to the price of the goods advanced by the importer, and paid with interest and incidental expenses by the American citizens who ultimately consume the goods; and that domestic producers of the same kinds of commodities are enabled thereby, arbitrarily and without doing or giving anything in return for their increased profit, to correspondingly increase their prices as against all American consumers, the consumers of the foreign goods paying a burdensome tax for the support of the Government, and the consumers of domestic goods paying an equally burdensome tax for the enrichment of their specially privileged fellow-citizens.

"But," say the bolder protectionists, who believe that popular ignorance on the tariff question will still permit their absurd claims to pass as valid, "the labor of this country needs protection." I will not essay to discuss that question at this time. The labor of this country was never protected by tariff legislation, and if our Republican friends imagine that the severe reprimand recently given to the Democratic party is an indication of the returning popularity of the system of special privileges which they call protection they will be rudely awakened from their dream. The people have ceased to worship the fetich of protection. The "tabu" of protection is broken.

> That spell upon the minds of men
> Breaks, never to unite again,
> Which taught men to adore
> That pagod thing of despot sway,
> With front of brass and feet of clay.

The masses of the people are turning their faces in another direction for relief. They realize that they need protection, but not the kind of protection offered by the Republican party. They need protection from monopoly, from the classes whose special privileges have been built up to the ruin and oppression of the masses by the Republican party. They want legislation which will restore to them their natural God-given opportunities. They want legislation that will restore to them their natural heritage—the land from which all wealth is produced by the application of labor. They want legislation that will make them free in their homes and industries and make them masters, as they should be, of the whole field of wealth production. They are beginning to realize that what they really need is not work, but the wealth which work will produce, and that free land will give them more wealth for less work and constant opportunity for productive labor.

They are beginning to realize that land and labor are the primary and only essential factors in wealth production; that the

trouble in the industrial world is, that by the power of monopoly those two factors are kept apart and that those who own the land of the country control the conditions upon which all landless people may produce wealth, and the share of wealth which shall go to the producer. They are beginning to realize that as long as that condition continues labor must continue to be the helpless victim of robbery, and must continue to suffer either for the opportunity to produce things that will satisfy their wants or for the very things that they have produced, but which have been taken to satisfy the wants of nonproducers, who, by a false system of land tenure, are in a position, without producing themselves, to take as toll what the labor of others has produced from the God-given sources of production. The people are rapidly losing interest in the tariff discussion, and they are as rapidly turning their attention to that question which lies deeper than the tariff, which lies deeper than trade—the land question—upon the right settlement of which depends freedom of production and the future comfort and happiness of mankind.

My purpose to-day is not to deal with the merits of the tariff question, but, under the leave to print given by the House, to publish in the RECORD, for the edification of those who seek instruction from its pages, some views which I have prepared upon the single-tax question, and also the following masterly historical paper upon the same subject, prepared with great care and written with an ability worthy of his ripe scholarship and experience, by my friend Mr. Joseph Leggett, of San Francisco. I desire first to insert the following address, delivered by me before the State Grange of California in August last:

EFFECTS OF THE SINGLE TAX ON FARMERS.

[Address of Hon. James G. Maguire before the State Grange of California, in Normal Hall, San Jose, August 14, 1895.]

LADIES AND GENTLEMEN: It affords me uncommon pleasure to appear before you, as the guest of the State Grange of California, to discuss the single-tax question.

As my time is limited to less than an hour, because of the absolute necessity of my returning to San Francisco on the 11.40 train, I will be obliged to avoid details in discussing all but one phase of the single-tax question, namely, the effect upon farming, and upon farmers, of concentrating all taxes upon land values.

I will deal as fully as possible with that branch of the general subject, because I am sure that it is regarded by you as the most immediately practical part of the discussion.

In what I shall say to you to-day my effort will be, above all things, to be plain and clear, sacrificing all other considerations to that purpose and leaving rhetoric and sentimental appeals to their proper occasions in the future.

Let us first understand distinctly what is meant by the single tax. The proposition of the single-tax advocates is to raise all public revenue for national, State, county, and municipal purposes by a single tax upon the value of land, irrespective and exclusive of the improvements thereon, and to abolish all other taxes.

I wish you to remember, for it is important, that the single tax is a tax on land values and not upon land. I think you will at once admit that our proposed reform has at least the merit of singleness and simplicity, but you may not so readily see that no single reform in the history of the world has been so far-reaching in its economic consequences as this one must be. It will necessarily affect, for good or evil, the interests of every human being in the nation, State, or community where it is adopted. Every man, woman, and child in the world is necessarily a user of land, and the single-tax system will very materially affect the conditions on which land may be used.

It is not, as very many suppose, a sentimental plan to give the idle or the unthrifty a share in the results of the industry and thrift of others, but is a well-considered, scientific method of restoring and preserving to all men their equal natural opportunities, sacredly guarding the right of industry and thrift to produce and to accumulate wealth, leaving the willful idler to the natural consequences of his failure to produce a living. Our concern is solely for those who are willing to work and for those who are unable to work. The willful idler has no place either in our sympathies or in our economy. Our doctrine is that every man who is able to support himself by physical or mental labor should be first permitted and then compelled to produce his own living.

We hold that no man is entitled to receive service from his fellow-men except in return for equal service rendered by himself, unless his pyhsical or mental infirmity shall appeal to the instincts of charity and humanity in the individual or the community.

But we hold that every man has an inalienable right of access to the natural opportunities which God has freely provided for the support of all mankind, and from which alone he can produce a living.

It is said that our doctrine is an assault upon the sacredness of private property. That is not true. We do not assail or deny the sacredness of private property. On the contrary, we attach a sacredness to the right of private property, in all wealth produced by labor, such as has never yet been recognized either by law or by custom, but we deny that any such sacredness attaches to the right of private property in the things which are the common heritage of the whole race from the free gift of the Creator.

We hold that the man who produces any utility or value from the natural resources of the earth by his labor has a sacred right of private property in the thing which he so produces, but we deny that any man can have any such right of private property in the natural God-given sources from which all men may by their labor produce such things of value or utility. This is a very important and fundamental distinction which we draw between private property in the products of labor and private property in land, and our reasoning is largely based upon that distinction.

There is a natural connection of right and of property between the man whose voluntary labor produces a thing and the thing which would not have existed in its useful form but for his voluntary labor.

This watch (showing) is the product of the labor of some man, or men. Its elements, lying in the earth, were useless until the voluntary labor of certain men brought them forth and combined them into this useful form. Independently of all law, then, the producers of the watch have manifestly a better right to it than any other persons in the world. It is no hardship upon any other person or persons to be excluded from any right in the watch, because, as it would not have existed but for the voluntary labor of those who produced it, the rest of the world is no worse off than it would have been if the watch had not been produced at all. The producers should, therefore, as a matter of natural right, be entitled, after producing the watch, to keep it and use it, or lend it, or sell it, without any limit or restriction upon their action. If the producer of such wealth exchanges it for what, to him, is an equivalent, all of his rights pass, and ought to pass, to his vendee.

What is true of the watch is equally true of all other wealth produced by human labor. It should be sacredly guarded to its producers and to those who honestly acquire the rights of the producers.

But there is no such natural foundation for private property in land. Property in land has no foundation in nature or in natural right. Indeed, it is directly contrary to the common, natural right of all men, and must be justified, if it is to be justified at all, by considerations of expediency.

No man has any natural right of property in land, either by production or purchase, because no man made the land. It is the common heritage of all mankind from the immediate gift of the Creator. As no man made the land, thereby originating a natural right of ownership, no man was ever in a position to originate a title to land such as attaches to personal property. Title to land is, therefore, purely conventional, and is based solely and at all times on considerations of expediency. That is to say, it is to be supported or overthrown according to its effect upon the general good of the whole people at any given time.

These views did not originate with single-tax men. They are as old as our moral philosophy; as old as our political economy; as old as written treaties on human laws.

John Stuart Mill, in his Political Economy (book 2, chapter 2), says:

> When the sacredness of property is talked of it should always be remembered that such sacredness does not belong in the same degree to landed property. No man made the land. It is the original inheritance of the whole species. Its appropriation is wholly a question of general expediency. When private property in land is not expedient it is unjust.

Sir William Blackstone, the greatest of all English law writers, in his Commentaries on the Laws of England (book 2, chapter 1), says:

> The earth is the general property of all mankind from the immediate gift of the Creator. Accurately and strictly speaking, there is no foundation in nature or in natural law why a set of words upon parchment should convey the dominion of land.

Herbert Spencer, in his Social Statics (chapter 9), says:

> It may by and by be perceived that equity utters dictates to which we have not yet listened, and men may then learn that to deprive others of their right to the use of the earth is to commit a crime inferior only in wickedness to the crime of taking away their lives or personal liberties.

Hon. William E. Gladstone, speaking of proposed restrictions on the vested rights of the landowners, says:

> Those persons who possess large portions of the earth's space are not altogether in the same position as the possessors of mere personalty. Personalty does not impose limitations on the action and the industry of man, and on the wellbeing of the community, as possession of land does, and therefore I freely own that compulsory expropriation is admissible and even sound in principle.

James Anthony Froude, the great English historian, says:

> Land is not and can not be private property in the sense that movable things are property. Every human being born into this planet must live upon the land, if he live at all. The land in any country is really the property of the nation which occupies it.

Innumerable quotations from the world's greatest thinkers in the various sciences might be quoted to the same effect. It is enough for my purpose, however, to show that the doctrine of the sacredness of private property has never been recognized by the world's great philosophers and scientists as attaching to private property in land; that private property in land rests solely upon the laws and usages of each country, while private property in the wealth produced by labor is based upon a fundamental principle of natural justice as well as upon statutory laws.

Nor is there anything in the single-tax system or its philosophy which interferes with the permanent tenure of land for use, nor with security of improvements, nor with security to the improver and user of land in the fruits of his industry.

The regulation of the use of land in every generation is a proper and highly important function of the State. The best possible use and improvement of land should be encouraged and are essential to the stability of society and its various industries and to the healthy growth of civilization.

Under the single-tax system permanency of tenure, security of improvements, and security in the fruits of labor expended upon the land are all guaranteed more fully and with infinitely greater generality to the whole people than under the present system. It is only against that vicious element in our system of land tenure which encourages the monopoly of land that the single tax is aimed. We would take for public uses the entire unearned increment of land, which political economists call the economic rental value; that is, the present annual value of the use of any given piece of land, exclusive of the improvements thereon, at the time of levying the tax.

If this unearned increment which attaches to land solely as the result of the presence, industry, enterprise, and virtues of the people of each community were taken by taxation for public uses, no man would have any possible incentive or inducement to speculate in land, nor to hinder others in the pursuit of subsistence, happiness, or wealth by monopolizing the land, which is the only source from which subsistence or wealth of any kind can be produced.

The next objection, and the one which is probably of the greatest practical interest to you, is that "the single tax would largely shift the burden of supporting the Government from the owners of great personal wealth in cities to the shoulders of the farmer."

To this objection it is my purpose to devote the principal part of my address.

I shall endeavor to demonstrate to you that that objection is not founded upon truth, but that, on the contrary, the statistics of taxation show the contrary to be true. I am persuaded that a belief in the objection which I have just stated has, upon superficial thought, closed the minds of the farmers of this country very generally against any consideration of the single-tax question.

If, therefore, I shall be able to demonstrate, as I believe I can, that the farmers in every State in this Union do now pay, and have always paid, a larger percentage of the taxes levied upon personal property, in proportion to the taxable value of their lands, than do the residents of cities, I will have opened the way for a more general study of the single-tax question among farmers, and will have accomplished as much as I should hope to accomplish by any single address.

Perhaps Ohio is as good an example as any State in the Union of the relations of the city and agricultural districts to the various subjects of taxation, and its data on that subject are more complete and accessible than that of any other State.

In 1892 the legislature of Ohio authorized the appointment of a tax commission to investigate and report upon taxation in that State. The commission, consisting of two Republicans and two Democrats, appointed by Governor McKinley, made an elaborate and instructive report to the governor of that State on December 23, 1893. That report and the data furnished in it are so tersely and clearly discussed and reviewed by Mr. Thomas G. Shearman in his work on Natural Taxation that I can do no better on this point than to read portions of his chapter drawn principally from that report, and from the statistics of the State of Missouri on "Effects of the personalty tax on farmers."

Let me say here that Mr. Shearman is a distinguished lawyer and law writer, as well as a distinguished political economist and statistician. I read from chapter 6, page 84, of Mr. Shearman's book, and, without designating the subsequent pages, I will read various parts of that chapter down to the bottom of page 100:

Of course there are some forms of personal property which can be seen and appraised by the assessors almost as readily as real estate, though not with so correct an estimate of value. The objection to taxation of chattels is not that none of them can be fully taxed; it is that so many of them can be and are reached, while so many more are not, that the tax is necessarily unequal and unjust. The important question, therefore, is, Upon what class does this tax bear most oppressively? Is that class the more wealthy or the less wealthy? Is it the city population or the farmers? If taxes were levied only upon the value of real estate, would the farmers pay more or less of the whole taxes than they do now?

Farmers in general have been long convinced that the rigid taxation of personal property would relieve their burdens, and it is entirely by their votes that the existing system is maintained. This is all theory on their part. * * *

But let us study the facts before discussing any theory.

Any attempt to separate the community into two distinct classes, one of which is taxable only on real estate and the other of which is taxable only on personal property, is obviously impossible and absurd. No man is ever reached by the taxgatherer who does not occupy some piece of land. If he did not, the taxcollector would never find him. Tramps pay no direct taxes. Neither can any man live without occupying some improvements on real estate and possessing some personal property. Every taxpayer, without exception, is an occupant of land and improvements upon land, and an owner of personal property. The only selfish interest which any taxpayer has in deciding between rival systems of taxation is to know which will produce a sufficient revenue to the State with the smallest possible burden to him. In considering, therefore, the interest of any class, such as farmers, the real question to be answered is not whether they, in fact, own more or less personal property than merchants, bankers, and money lenders. The questions to be answered are:

1. Do farmers own less personal property, in proportion to the value of their land, than do those other classes?

2. Are the particular kinds of personal property which they own less easily reached by the taxgatherer than are the kinds of property owned by the other classes?

The State must raise a certain fixed amount for public purposes. This amount it will assess upon all taxpayers in proportion to the value of their property as reported by the assessors, not in proportion to its real value, which the assessors, of course, are never able exactly to ascertain. If, therefore, experience proves that assessors are able to find twenty times as much land value in the possession of merchants as they can among farmers, but only ten times as much personal property among merchants as they find among farmers, it is a plain result, as simple as the rule of three, that the taxation of personal property will end in making farmers pay a larger proportion of the taxes than they would pay if all taxes were concentrated on the value of real estate.

After discussing at some length the foundation of the farmer's idea—that the exemption of all personal property from taxation would impose a greater proportionate burden upon him than upon the owners of city real estate—Mr. Shearman proceeds:

SEC. 5. *The experience of Ohio.*—In the light of these considerations, let us review some of the statistics furnished from year to year by the official reports of assessors in Ohio, as compiled annually in the auditor's report. For the purpose of such comparison let us set on one side the four counties which include all the largest cities and, on the other side, the five counties which contain the smallest proportion of city population among all the counties of Ohio.

The former, which we will call the city counties, include Hamilton, Cuyahoga, Franklin, and Lucas, with the cities of Cincinnati, Cleveland, Columbus, and Toledo.

The latter, which we will call the rural counties, are Geauga, Noble, Carroll, Medina, and Monroe.

These counties respectively represent the extreme contrasts between the cities and the farms of the State. Thus, in Hamilton and Cuyahoga the assessed value of town lots is about seven times the assessed value of the farms; whereas in the five rural counties the assessed value of farms is nowhere less than ten times that of town lots, while in Geauga County the farms are worth twenty-seven times as much as the town lots. Hamilton County, which includes Cincinnati, is the typical city county of Ohio, while Geauga County, which includes no large town, is the typical rural county.

SEC. 6. *Farmers pay largest share of taxes on personal property.*—Now, the first thing which strikes the eye on looking over the statistics of these counties is the following comparison.

Ohio valuation, 1887.

	Assessed value of real estate.	Assessed value of chattels.
City counties	$317,854,665	$113,340,087
Rural counties	29,733,450	14,307,668

Anyone can see that in the counties which include all the large cities the assessed value of personal property is only about one-fourth of the whole assessment, while in the rural counties personal property constitutes very nearly one-third of their whole assessed value. In more exact figures, the value of assessed personal property in the city counties is 24¼ per cent of the whole, while in the rural counties it is 32½ per cent. If, therefore, all personal property should be exempted from taxation the farmers of these five exclusively rural counties would pay 8 per cent less taxes than they do now.

That this result is not a mere accident, owing to some peculiar condition of these peculiar counties, is easily proved by testing the same question in other ways. Thus, if we set apart the four great city counties and compare them with all the rest of the State, including farming districts and smaller towns, indiscriminately, we find substantially the same result, as follows:

Ohio valuation, 1887.

	Real estate.	Personal property.
City counties	$317,854,665	$113,340,087
Remainder of State	867,155,960	406,832,007

Here in the counties which include all the great cities personal property amounts to 26¼ per cent of the whole valuation, while in the remainder of the State it amounts to 32 per cent.

But if we compare single counties, such as Hamilton, in which town lots compose about 85 per cent of all the real estate, with Medina, in which town lots compose only 10 per cent of the real estate, we find the result as follows:

Ohio valuation, 1887.

	Real estate.	Personal property.
Hamilton	$163,732,580	$33,144,182
Medina	8,304,740	5,012,304

Here we find that the real estate of Hamilton County is assessed at twenty times the value of Medina County, while the personal property of Hamilton is assessed at less than eleven times that of Medina. Personal property constitutes 24½ per cent of the valuation of Hamilton and 37½ per cent of the valuation of Medina. The total exemption of personal property from taxation, therefore, would, if taxes were divided only between the counties of Hamilton and Medina, relieve the farmers of Medina from exactly one-sixth of their present burdens. Invariably farmers are compelled to pay a much larger share of State taxation, as the result of taxing personal property.

SEC. 8. *Taxation of credits heaviest on farmers.*—But let us test this question in still other ways. The chief clamor in favor of taxing personal property has been directed toward the taxation of moneys and credits. The money lender, who is supposed to have vast sums on deposit in bank, and the merchant, who is supposed to have vast outstanding credits due from the poor farmers, are the special objects against whom this method of taxation is aimed—all for the relief of the farmers. Let us see how this works by a comparison of the same typical counties. The Ohio report for 1887 shows that their relative assessments were as follows:

	Real estate.	Money.	Credits, etc.
City counties	$317,854,665	$5,328,050	$13,291,833
Rural counties	29,733,450	907,829	4,384,381

Roughly stated, it thus appears that if taxation were confined to real estate alone the city counties would pay eleven times as much as the rural counties, whereas if taxation were levied on money alone they would pay less than six times as much, and if levied on credits alone a little more than three times as much, while if taxation were levied on both money and credits they would pay about four times as much. Consequently, the burden of taxation in rural counties, as compared with the large cities, is nearly three times as heavy on money and credits as it is on real estate. The only result, therefore, of taxing money, credits, and similar investments is to relieve the burden of the cities and increase the burden of the farms.

Let us test this particular illustration by comparing the county of Hamilton, in which town lots are worth seven times as much as farm lands, with Geauga, in which farm lands are worth twenty-seven times as much as town lots:

1887.	Real estate.	Money.	Credits.
Hamilton	$162,732,580	$1,833,279	$735,945
Geauga	5,555,800	282,118	534,477

Roughly stated, Hamilton County is assessed for nearly thirty times as much real estate, less than seven times as much money, and less than eleven times as much credits as Geauga County. If taxation were levied exclusively upon money on hand, Geauga County would pay between four and five times as much as it would if the taxes were levied exclusively on real estate. If taxes were levied solely upon credits, Geauga would pay nearly three times as much as it would if they were levied solely on real estate.

He then proceeds to show from statistics that the adoption of what is known as the spy system in Ohio, that is, a secret-service system for finding and compelling the assessment of personal property, instead of tending to the relief of the farmer, or to the greater equalization of the burdens of personal property taxes, has really made the burden of the farmer proportionately heavier instead of lighter than before, and has been an utter failure in the great cities.

Further discussing the report of the State Tax Commission, which was filed on December 23, 1893, he says:

That their report confirms all that he has said, and "shows, moreover, that the disproportion between burdens imposed by the tax on personal property upon the cities and upon the farming districts, respectively, has increased considerably since 188[illegible]." A few comparisons are here given between the assessments in 1887 and 1892 in Hamilton and Geauga counties, respectively:

Money on hand.

County.	1882.	1887.	1892.
Hamilton	$2,321,502	$1,833,279	$1,535,375
Geauga	352,053	282,118	451,567

Here it will be seen that the amount of taxable money reported in Geauga, which is a purely farming district, has largely increased, owing to the spy system established by the State. But the amount of taxable money reported in Hamilton County, which includes the great city of Cincinnati, has again largely decreased, the spy system having entirely failed there.

We will now compare results in—

Credits.

County.	1882.	1887.	1892.
Hamilton	$6,571,029	$5,735,945	$4,289,901
Geauga	560,693	534,477	507,651

Although there has been a shrinkage of about 5 per cent in the taxable credits of Geauga since 1887, that is nothing compared with the 28 per cent reduction in Cincinnati.

The tax commission report gives many other instructive figures; too many to be repeated here. To mention, however, a few examples, it appears that the county of Lucas, which contains "the flourishing city of Toledo," is rapidly increasing in population, and has more than double the stationary population of Muskingum County, nevertheless returned in 1892 very much less than half as much intangible personal property for taxation, little more than one-third as much in credits, and not nearly one-third as much in money. Thus the rural county is taxed thrice as heavily as the city. The county of Cuyahoga, including the great city of Cleveland, the population of which is rapidly increasing, and is already about twenty-five times as large as that of Geauga County, returned for taxation less than four times as much money and much less than seven times as much credits. Thus Geauga was taxed, upon these values, about five times as heavily as Cuyahoga.

The net result of all the comparisons made by the commissioners between city and farming districts is to prove that the tax upon personal property makes farmers pay from $4 to $7 where it makes city residents pay $1.

The preposterous nature of returns of personal property for taxation is further illustrated in the report of the commission by comparison of the amounts of money on hand or on deposit, thus returned, with the amounts actually held on deposit in banks within the cities making these returns. The following examples will show the general drift:

Deposits (partly estimated).

1892.	Deposits in bank.	Deposits taxed.
Cincinnati	$29,000,000	$1,300,000
Cleveland	63,000,000	1,000,000
Toledo	8,120,000	253,000

Here again the farmers come to the front, to bear their share of taxation with a generous hand; for while five counties, containing all the large cities, held on deposit in banks $120,000,000, and returned for taxation only $6,000,000, the remainder of the State, including all the farming districts, having only $70,000,000 in banks, returned for taxation over $32,000,000. That, having 40 per cent less, they were taxed 450 per cent more! So the tax on "money" bears upon the farmers about ten times as heavily as upon city residents.

SEC. 13. *Conclusions of the commission.*—No wonder that the commission, after giving many more illustrations, concluded by saying: "It is useless to pursue this subject further. * * * While in the country counties * * * taxation of intangible property is perhaps feasible, it is in city counties an utter failure. * * * It is confidently believed that no appreciable part of the intangible property existing in the city counties is reached by our method of taxation. It is the country counties which pay the taxes upon personal property."

The commissioners further say: "It is to be remembered that we have in this State an extremely rigid system." They show that personal property is pursued with more severity and ingenuity in Ohio than in any other State; and notwithstanding all this, they declare that the system is "an utter failure," and that even with the respect to the spy law of Ohio, "this scheme, like all other attempts to reach intangible property, follows the universal law * * * that the large cities escape, and the country counties feel its burden." Again, they say: "The system, as it is actually administered, results in debauching the moral sense. It is a school of perjury. It sends large amounts of property into hiding. It drives capital in large quantities from the State. * * * The moral sense of the community is blunted; its citizens are made familiar with all manner of evasion; they are taught to lie."

SEC. 14. *Experience of Missouri.*—Lest it should be imagined that the experience of Ohio is peculiar, let us inquire into the experience of Missouri, which is even more decidedly than Ohio an agricultural State. In Missouri there are only four cities of over 15,000 population, and only three of over 25,000. Only four counties show a decided preponderance of town-lot values over farm values, and only two more even the smallest difference that way, and those for one year only.

The four counties in which all cities worthy of the name are situated are Buchanan, Greene, Jackson, and St. Louis City. These we will call the city counties and the others the rural counties.

The following are the official and latest figures published:

Missouri valuations, 1893 (in thousands of dollars).

	Farm lands.	Town lots.	Total real estate.	Personal property.
4 city counties	29,572	320,177	349,749	70,161
101 rural counties	277,348	67,524	344,872	159,514
Total	306,920	387,701	694,621	229,675

Here it can be seen at a glance that the four cities, with their adjoining counties, in which farms form much less than one-tenth of the whole value of real estate, pay taxes on more than one half of all the real estate in Missouri, but on much less than one-third of its personal property. Personal property in the cities amounts to less than 20 per cent of their real estate, while in the rural counties it amounts to 46 per cent of real estate. The farmers of Missouri pay 1½ per cent less taxes on their land than the cities pay, but 127 per cent more on personal property. Even in the eight poorest counties in Missouri, where farm lands are worth from twenty to one hundred times as much as town lots, personal property is assessed at 40 per cent of real estate; so that the poorest farmers of the State pay 100 per cent more taxes on personal property than do the richest cities, in proportion to their real estate.

Let us compare St. Louis city with the rest of the State:

Missouri assessments, 1893.

	Real estate.	Personalty.	Money, notes, etc.
St. Louis	$259,781,100	$44,341,110	$8,449,790
Rest of State	434,839,557	185,334,285	67,663,576
Total	694,620,657	229,657,395	76,113,366

These figures show that, while St. Louis pays about 40 per cent of the taxes on real estate, it pays less than 20 per cent of the taxes on all personal property, and just 11 per cent of the taxes on money and credits. The rest of the State pays 70 per cent more on land than St. Louis does, but 318 per cent more on personal property in general, and exactly 700 per cent more on money and credits.

Summing up the result of his investigation in these two typical farming States, he says:

Figures like these might be collected, not only from Ohio and Missouri, but from every State and country under the sun, where statistics are kept and personal property is taxed. * * * Farmers can not conceal their sheep and oxen, their plows and implements; and they have enormous difficulty in concealing their wealth in any form, because their affairs are so well known to all their neighbors. If they have any money in bank, all the village knows it. If they have loaned money or sold goods on credit, their debtor is pretty sure to be someone in the immediate neighborhood; and all the circumstances are known to 50 people. The average farmer, when making his returns to the assessor, is afraid to understate his wealth very greatly; because he could hardly look the assessor in the face after doing so, being conscious that if the assessor does not already know the truth he can with very little difficulty find it out for himself. But in large towns and cities scarcely any man knows intimately the affairs of his neighbor; and the assessor knows least of all.

People are reputed to be worth $1,000,000 who in reality are not worth $50,000, and others are reputed to be worth only $100,000 who in reality are worth $2,000,000. Even if the amount of any man's wealth is approximately known, none of his neighbors know how that wealth is invested unless it is put in real estate. City assessors, therefore, have absolutely no means of ascertaining the value of any man's personal property except by returns from that man himself or from the corporations with whom he may happen to invest. If an Ohio man makes his principal investments in corporations outside of the State the assessor is entirely at the mercy of the taxpayer. He can tell any number of lies with impunity. The assessor rarely or never examines his books of account; and if assessors once began to make such an examination many rich men would cease to keep books of account at all, as it is notorious that they did when the income tax was in existence between 1864 and 1872. All things combine to make it easy for the assessor to reach the farmer's personal property and difficult for him to reach that of the merchant, banker, or city capitalist.

Mr. Shearman's chapter on "Taxation of improvements" is not less interesting than his chapter on "Taxation of personal property," and shows that under the present system of taxation taxes on improvements as well as those upon personalty fall heaviest upon the rural districts in proportion to land values. That chapter is numbered VIII, commencing on page 106 and ending on page 114. But time will not permit me to read it or even to refer to it further.

Taxes for the support of the Federal Government now levied upon imported goods and upon certain domestic products manifestly fall most heavily upon the farmer, because he has no relief whatever from the burdens which they impose.

The tariff enables the domestic producer of the kind of commod-

ities on which it is levied to charge and obtain a higher price for his product in this community than he could if the tariff were not levied. But it is not so with the farmer. While he is obliged to pay a higher price for almost every commodity that he purchases, either by way of tariff burden, if he use the foreign commodity, or an increased price made possible by the tariff, if he purchase a domestic article of the same kind, he has not and has never had the slightest advantage in the sale of the commodities which he produces. His grain of all kinds must be sold at prices fixed in the freest markets of the world. This has always been true, and it must ever be true of the farmers of this country, because conditions of soil and climate and area make it certain that this country will always produce a surplus of grains which must be marketed abroad. That surplus must be sold in the world's market at the prices prevailing there, and the home price is fixed by the laws of trade at exactly the price which the surplus brings in the free market of the world less the cost of shipping the grain to that free market.

So that while other producers in this country may have some compensation for the burdens imposed upon them by Federal taxation, the farmer has no such compensation, and as the tariff must, in order to raise sufficient revenue, be levied upon articles of general consumption, the tax falls finally upon the people of this country according to their consumption and not according to their wealth. It therefore falls upon farmers with unequal severity, because, as compared with the city classes, the wealth of the farmer is small.

A single tax upon land values would bear upon city and country districts in proportion to their respective land values. The value of land, speaking economically, is the annual margin which it will yield over the cost of production at any given time.

A large part of what we now call land value is speculative—that is to say, it does not rest upon the present value of the land for use, but partly upon that real or economic value and partly upon the expectation that population will grow, or enterprise and industry increase, and thus give a return to the land owner in the increase of the market price of his land. That is to say, the speculative element would disappear under the single-tax system and the value of land would depend entirely upon the margin which it will at any given time yield over the cost of production, which of course includes the wages of superintendence. Nothing but that margin would be taxed under the single-tax system. Unless the land would yield some margin over and above the cost of cultivating it or otherwise using it, including the wages of superintending the cultivation or use, it would pay no tax whatever under the single-tax system.

Now, this economic value of land is highest at the industrial and commercial centers and shades away to nothing, or comparatively nothing, in the farming districts. We frequently hear farmers say that they are opposed to the single-tax system because they are already taxed too heavily; and sometimes we hear farmers say that they are not able to make a living upon their land and pay the present taxes which are imposed upon them.

If a man is not able to make a living upon land which is sufficient in quantity according to its location to keep its occupier employed throughout the year, or during the seasons of cultivation and harvesting, then, of course, that land has no economic rental value. It has no margin of production to be taxed under the single-tax system, and instead of having his taxes even upon his land value increased he would be relieved of the present tax on his land value, as well as of the tax upon his improvements and personal property.

Let it be borne in mind that no land will be taxed under the single-tax system which will not command a ground rent, irrespective and exclusive of its improvements, if the owner shall choose to discontinue his use of the land and lease it to another. There are thousands of farmers now in isolated districts paying taxes not only upon personal property and improvements, and indirect taxes for the support of the Federal Government, but taxes also upon the speculative value of their farms, who would be relieved of taxes altogether under the single-tax system, because their lands have no present economic value and are not at present capable of yielding any margin of production or ground rent.

Of the incidental advantages of the single tax to the farmer I have not time to speak. I had occasion about three years ago to present my views upon that phase of the question in the Pacific Rural Press. I regard these incidental advantages as vastly more important than the relief of the farmer from tax burdens. They will include to him better roads, better schools, greater social advantages, and better public conveniences of all kinds, with far less outlay and trouble than at present. They will, in short, be the substitution of a natural growth of settlement and industry from the centers to the outer circles of the rural districts, bringing the relations of all who are engaged in industrial and commercial pursuits into a harmony and unity of interest such as has never been known since the monopoly of land was first established as an "industry" in England three hundred and fifty years ago.

It was recently read by Mr. Leggett before the Single Tax Society of that city and also before the Institute of Applied Christianity in the city of Oakland, Cal.:

ORIGIN AND RESULTS OF LANDLORDISM IN ENGLAND.

ADDRESS OF HON. JOSEPH LEGGETT, OF SAN FRANCISCO, CAL.

If we could first know where we are and whither we are tending, we could better judge what to do and how to do it.—*Abraham Lincoln.*

The late Prof. James Edwin Thorold Rogers deserves to be held in grateful veneration by everyone who feels an earnest interest in the well-being of mankind. As an original investigator of the past industrial condition of the English people, Professor Rogers is without a peer. The value of his investigations in that field is incalculable. The importance of his work has never received the recognition it deserves, although the facts brought to light by his labors have a momentous interest for all civilized peoples, and particularly for the people of the United States at this juncture of their history.

Mr. Rogers, after a brilliant career as a student at Oxford, entered the of the established church, but soon abandoned that calling and devoted himself to other pursuits. In 1862, having then acquired a high reputation for classical scholarship and varied knowledge, he was chosen professor of political economy at the University of Oxford. From that time until the close of his life, in 1890, he confined his studies to economics. Immediately upon his appointment as professor he began the investigations which have since made him famous. As he proceeded in his work he published its results in successive volumes of his History of Prices. In 1868 the Tories, guided by their natural instincts, deprived him of his professorship and elected Bonamy Price in his stead. He entered Parliament in 1880, was reelected in 1885, but was defeated in 1886, going down with Gladstone on the home-rule issue. In 1888, upon the death of Bonamy Price, he was reelected to the professorship at Oxford, which he thereafter held up to the time of his death. Goschen, the Tory chancellor of the exchequer, who voted for his reappointment, declared that Rogers was the only man in England who ought to fill the post. That Professor Rogers felt keenly the punishment inflicted upon him by the Tories in 1868 is evident from the following statement, made by him in a lecture to the students at Oxford after his restoration in 1888: "Since I have been restored to an office of which I was unjustly deprived because I traced certain social mischiefs to their origin twenty years ago."

A writer in the Westminster Review (volume 154, page 604), referring to his original appointment in 1862, says: "Never was an appointment more thoroughly justified." The same writer further says of him: "Although his labors had not received the recognition to which they were entitled, his patience and his devotion to his economic work never ceased. * * * We never yet had, before Thorold Rogers's time, anything like a satisfactory account of the condition of the English people. * * * None of them (the historical school of economists) did original work of such magnitude as this. * * * He loved to linger over the details of social and industrial life in former centuries. * * * He had an intense dislike of theory not guaranteed by fact. * * * He was one of the best of men in private life."

From the foregoing citations the reader may gain some idea of the character of the man and of the nature of his work. In 1884 he published his work entitled Six Centuries of Work and Wages, and in 1888 his work entitled The Economic Interpretation of History. These two books contain in condensed and popular form the results of the investigations to which he devoted the greater part of his life work, and it is to the facts recorded in them that I propose, for the most part, to confine the present discussion.

The conditions and the modes of life of the people of England at different periods of their history and progress can be ascertained with an accuracy and completeness unattainable in the case of any other people. The reason for this fact is thus stated by Professor Rogers: "No other country possesses such a wealth of public records. * * * The information from which the economical history of England and the facts of its material progress can be derived become plentiful, and remain continuously numerous, from about the last ten or twelve years of the reign of Henry III." (Work and Wages, page 18.) The facts contained in the works of Professor Rogers are derived from records made at the time, and are, therefore, absolutely reliable. And it was the facts brought to light by him, and not his deductions from them, "that had affrighted the representatives of wealth" and the privileged classes of England in 1868.

Of all the facts ascertained by Professor Rogers through his indefatigable investigations, the one that most surprised the world and most troubled the privileged class of England was the fact that during the three centuries preceding the middle of the sixteenth century the condition of the masses of the English people—that is, of the laboring and producing classes—was more comfortable and prosperous than it has ever been at any time since. We moderns are inclined to regard skeptically the accounts of ancient golden ages, but he has clearly shown that, prior to the reign of Henry VII, there was a veritable golden age for English labor. He says:

"I believe, indeed, that under ordinary circumstances the means of life were more abundant during the Middle Ages than they are under our modern experience. There was, I am convinced, no extreme poverty." (Economic Interpretation of History, page 16.) "The fifteenth century and the first quarter of the sixteenth were the golden age of the English laborers." (W. and W., page 326.) "Men got just as good wages in the fifteenth century whether they were employed for a day or a year; nor, as I have already observed, were the hours long. It is plain that the day was one of eight hours." (Id., page 327.) "As the century goes on the wages of labor tend decidedly upward." (Id., page 327.) "The English laborer for a century or more became virtually free and constantly prosperous." (Id., page 271.)

Speaking of the plenty that marked the first half of the eighteenth century, he says: "But this plenty was as nothing to the golden times of the fifteenth, when the earth brought forth by handfuls, and the yeomanry were planted in England." (Id., page 271.)

Again, he says: "I can assure my hearers that a mason in Oxford four hundred and forty years ago was paid relatively better wages than he is paid in London for fifty-six hours work at present. The fifteenth-century workman worked for only an eight-hour day." (Economic Interpretation of History, page 306.)

And, speaking of the fourteenth century, he says: "The greater part of the handsome churches and conventual buildings of that age were the work of the artisans themselves, who 'could draw their own plot.' It needed no common or brief training to enable the mason to himself design these structures from the foundation to the roof, and then resign his work to an equally skillful carpenter." (Id., page 304.)

And again referring to the centuries which I have mentioned, he says: "During all this time the mass of English laborers, by no means claiming more than the reasonable reward for their services, were thriving under their guilds and trades unions, the peasants gradually acquiring land and becoming the numerous small freeholders of the first half of the seventeenth century, the artisans, the master hands in their craft, contractors in the same period for considerable works, planning the solid and handsome structures in what is known as the perpendicular style, and withal working with their own hands on the buildings which their shrewdness and experience had planned." (Id., page 34.)

These conditions were maintained in spite of the efforts of the privileged classes, who were the only lawmakers of the time, to depress the condition of labor by acts of Parliament. He says: "Now, I have told you how, for two hundred years and more, the representatives of rent tried to depress wages by force of law, in the interests of rent, and failed. So complete was the failure that in 1495 the legislature enacted that scale of wages for which the workmen had contended, and so left them in possession of the situation." (Id., p. 210.) "The laborers had won the day." (Id., page 33.)

During the last half of the reign of Henry VIII an ominous change in the condition of the English masses began. Vagrants and beggars swarmed throughout the land, and the most harsh and cruel statutes were enacted for their punishment and suppression. In the twenty-second of Henry VIII an act was passed providing that any person, being whole and mighty in body and able to labor, found begging or being vagrant, might be arrested by a constable, and a justice might, in his discretion, cause every such idle person to be taken to the nearest town and there tied to the end of a cart, naked, and to be beaten with whips throughout the town "till his body be bloody by reason of such whipping." And this whipping was to be repeated as often as he made default.

In the twenty-seventh of Henry VIII an act was passed providing that if the vagrant persisted in his course after being whipped, he should have the upper part of the gristle of his right ear clean cut off, and if he still persisted he was to be tried and executed as a felon. And a writer narrates "how Henrie the Eight, executing his laws verie severlie against such idle persons * * * did hang up three-score and twelve thousand of them in his time." Similar statutes were enacted and barbarously enforced during the reigns of Edward VI and Elizabeth. In the first Edward VI an act was passed providing that a vagrant "might on conviction be marked with the letter V, and adjudged to be the slave for two years of the person buying him, giving him only bread, water or small drink, and such refuse of meat as he thought or should think fit."

If he ran away, the justices "on conviction were to have him marked on the forehead or ball of the cheek with a hot iron with the letter S, and adjudge him to be the master's slave for life." If he ran away again he was to be executed as a felon. The vagrant's children between 5 and 14 years of age might be adjudged the servants or apprentices of any person willing to take them until the age of 24 if males, and 20 if females. If they ran away they were to be enslaved for life. The masters of these slaves might put a ring of iron about the neck, arm, or leg of the slave, and any person helping the bondman to take it off was subject to a penalty. The slave who resisted correction was to be executed as a felon. And these slaves might be sold or devised like other property. (Encyclopedia Britannica, Volume XIV, page 168.) An act passed in the fourteenth Elizabeth recites that "all the parts of this realm of England and Wales be presently with rogues, vagabonds, and sturdy beggars exceedingly pestered, by means whereof daily happeneth in the same realm horrible murders, thefts, and other great outrages, to the high displeasure of Almighty God, and to the great annoy of the common weal."

Another portentous sign and proof of the change that had taken place in the condition of the English people was the alarming growth of extreme poverty and destitution. The existence of this evil is also evidenced by the legislation of the time. By the act twenty-seventh Henry VIII it was provided that "every preacher, parson, vicar, and curate, as well in their sermons, collections, biddings of the beads, as in time of confessions, and at the making of the wills and testaments of any persons, at all times of the year shall exhort, move, stir, and provoke people to be liberal." And by the act of first Edward VI it was provided, for the furtherance of the relief of such as were in unfeigned misery, that the curate of every parish should, on every Sunday and holiday, after reading the gospel of the day, make (according to such talent as God hath given him) a godly and brief exhortation to his parishioners, moving and exciting them to remember the poor people and the duty of Christian charity in relieving of them which be their brethren in Christ, born in the same parish and needing their help. (Encyclopedia Britannica, Volume XIX, page 463.)

"Legislation for the relief of the poor, at first by voluntary contributions, began with the year 1541. Between this date and 1601, inclusive, * * * there were twelve acts of Parliament passed with the distinct object of providing relief against destitution." (E. I. of H., page 241.) "It was at first believed that private benevolence would fill up the void in wages. * * * But private benevolence can never grapple with a national calamity. * * * It is possible that Henry and his son's guardians fancied that private charity would fill the void. * * * It is certain that the anticipation was disappointed." (Id., page 242.)

The earlier of these acts claimed only voluntary gifts, and ecclesiastical discipline was relied on to enforce the claim. "Very soon the appeal for voluntary aid was followed by exhortations to the richer folk to give of their abundance. Soon the caitiff who would not give was to be delated to the bishop, who was to exhort him. * * * Very soon compulsion followed. The rich but covetous man who remained obdurate was to be sent to gaol, and an assessment levied on his goods. Finally a general assessment was ordered." (Id., page 242.)

Thus came in the English poor rate, or tax levied for the support of paupers. This system for the legal relief of the poor was inaugurated by the act of 1601, which was substantially the law down to the year 1835. And so rapid was the growth of pauperism that "in the latter part of Charles II's reign it was returned at £665,365, according to Davenant, or more than a third of the whole revenue in the time of peace." (Id., page 486.)

In 1785 the poor rate was £2,004,228. In 1802 it was £4,267,965; in 1813 it amounted to £8,640,842. (Work and Wages, page 410.) The total amount raised by the poor rate between 1601 and 1890 is estimated at £734,000,000 ($3,670,000,000).

The deplorable change in the social condition of the English people, which I have thus briefly sketched, appalled thoughtful men of the time in which it began, and has perplexed and puzzled the thinking men of every succeeding generation from that day to this. I have found no writer who, in my judgment, has assigned any adequate or sufficient cause for the origin and growth of English pauperism and the degradation of English labor.

But a careful study of changes that have taken place in the social condition of the people of our own country within the memory of the present generation will, I think, afford a key to the solution of the question that has so long perplexed and puzzled. American labor has had its golden age, too. Men still living remember well the time when the "tramp" had no existence in this country and "industrial armies" were never dreamed of; when the possibility of millions of men being permanently unemployed in this country seemed inconceivable; when the means of life were more abundant than they had ever before been in any other age or country, and when the standard of living was higher than was ever enjoyed by the workers of the world at any other time or place. Within the present generation we have had the tramps and vagrants and industrial armies, and the innumerable hosts of the unemployed swarm upon us as they swarmed upon the people of England in the reigns of Henry VIII and his immediate successors.

On the statute books of every State in the Union are now to be found laws passed for the punishment and suppression of vagrants, tramps, and beggars, as harsh and cruel for our time as were those of Henry VIII, Edward VI, and Elizabeth for their times. The appeals for charity made by our churches are as general and as strenuous as were those made then by the state church by direction of Parliament. And frantic appeals are being made to us through the schools and through the various agencies of charity, organized and unorganized. Nor is this all. The State is called upon, out of moneys raised by general taxation, to make provision for the support of the poor. American legislators display a natural aversion to the pauperization of their fellow-citizens, and this aversion is creditable to them. But they will not be able much longer to postpone the evil day, and an American poor rate is as inevitable as was the English poor rate.

We shall find out, as Henry VIII and his son's guardians did, that, as Professor Rogers, says: "Private benevolence can never grapple with a national calamity." In fact, we have already found it out. Police stations are, in the theory of our laws, places of temporary detention for persons accused or suspected of crime. We know that all over the United States they are being largely used as poor houses and our hospitals and asylums are to an increasing extent used in the same way. The same cause that made English pauperism inevitable after Henry VIII's time is operative in this country now, and must produce a like effect.

This change in the condition of the English masses was brought about by the introduction of the system of absolute private ownership of land, with its attendant rack-renting. And this was, I am convinced, effected principally through the sale by Henry VIII of the lands of the church, which his Parliament confiscated upon the dissolution of the monasteries. Professor Rogers says these lands "are over and over again said to have been one-third of the whole area of the kingdom." (W. and W., page 297.)

What did Henry do with those lands? It is, I think, very generally supposed that he gave them away to his courtiers. A careful analysis of Henry's character ought to convince anyone that such an assumption is inherently improbable. He was not the kind of a man to give away anything that he could sell, and by the sale of which he could obtain means to gratify his insatiable appetite for display and wanton extravagance. He inherited from his penurious and miserly father, Henry VII, an immense accumulation of wealth, which the latter had acquired by the meanest and cruelest methods.

The son soon scattered what the father had gathered. Professor Rogers says: "He was extravagant to such a degree that he succeeded in ruining the unfortunate people over whom he reigned. * * * The wastefulness of Henry was incredible. The establishments of each of his infant daughters were more costly than the annual expense of his thrifty father. He had fifty palaces, whims of the hour, in which profusion was constantly going on. He was incessantly building, altering, pulling down, by day and night, on Sundays and festivals from year to year." (W. and W., page 321.)

But there is a positive proof that Henry never intended to give away what he took from the church. After squandering what his father left him he appealed to his Parliament to replenish his exhausted exchequer by the levy of taxes upon his people. And these demands grew year by year, until the burden became intolerable. Finally he cast his longing eyes upon the lands and accumulated wealth of the monasteries, and, upon his demand, his obsequious Parliament confiscated these lands and this wealth to the Crown. Professor Rogers says: "It was said that Henry entered into the possession of one-third the area of England. It is certain that he promised, if this grant were made him, that he would ask his people for no further taxes. It is equally certain that he broke his word. It is quite as certain that the whole of what he appropriated disappeared in a marvelously short time, and that before he died he was reduced to the greatest straits and resorted to the most disgraceful frauds in order to extricate himself." (E. I. of H., page 430.)

"Henry had spent his own substance and that of his people. The treasures of the religious houses had been squandered in an incredibly short time; hurled away in the wanton waste of his boundless extravagance." (W. and W., page 341.)

If he had intended to give away these lands, how could he promise to ask for no more taxes? If he intended to sell them he might well believe that their sale would supply a fund sufficiently large to meet even his extravagant demands and render further taxes unnecessary.

We have some direct historical testimony to the fact of the sale of the confiscated lands. In Knight's History of England, volume 2, page 465, it is said: "There were abbey lands to be sold or let." Professor Rogers, speaking of Tandridge, a village in Surrey, famed for the completeness of its ancient records, says: "It possessed a hospital, to which charity a good deal of the parish was annexed. This foundation fell at the dissolution into the hands of Mr. Froude's patriot king, as indeed nearly everything else fell, and was, it seems, parcelled out among numerous proprietors, probably to a great extent purchasers of the hospital lands." (E. I. of H., pages 484, 485.)

In 1886 Hubert Hall, of Her Majesty's public record office, published a book entitled Society in the Elizabethan Age, on pages 26 and 27 of which the author, speaking of the sixteenth century "after the final accomplishment of the so-called reformation of the temporal position of the church," says: "Land was no longer regarded as a military or labor fee, but as a serious industry and profitable investment. For half a century a violent land fever raged in town and country. The Crown was a ready seller, and found still more eager buyers. These new men—officials, merchants, lawyers, usurers—jostled the ancient owners, impoverished by mismanagement and extravagance, and each other. Both alike joined in an attempt to wrest from the subtenant his vested interest or fixity of tenure in the land."

And Green, in his History of the English People, Volume II, page 19, says, speaking of this period: "The new wealth of the merchant classes helped on the change. They began to invest largely in land."

The merchants had the money that Henry so much needed to gratify his desire for profusion and extravagance, and he had the lands in which they desired to invest with a view of founding families and of securing admission into the ranks of the privileged classes. Hubert Hall says the mercantile interest was "athirst for those political and social distinctions which a connection with the land alone afforded." (Society in the Elizabethan Age, page 33.) And he says the trader "was ever on the lookout for a profitable investment in land." (Id., page 41.) This is a process that has gone on in England from that day to this. And this was the Genesis of English landlordism. Modern landlordism, as the word is now understood, was a thing unknown in England before the time of Henry VIII. It came into existence as a logical result of the sale of the church lands by that monarch. Professor Rogers says: "From the earliest period of recorded agriculture, by which I mean of such accounts as give us an insight into the occupation of land, till some time after the middle of the sixteenth century—i. e., for fully three centuries—the rent of agricultural lands remains unaltered at from 6 pence to 8 pence per acre." (E. I. of H., page 167.)

The mere statement of this fact is sufficient to convince anyone that there was no landlord of agricultural land, in any modern sense, during those three centuries. A rent of 6 pence to 8 pence per acre was not rent in any sense of the term with which we are familiar.

And Professor Rogers says: "No one who knows anything about economical history can doubt that rent was originally, and for centuries, a tax imposed by the strong on the weak in consideration of a real or pretended pro-

tection of the tenant. The invariable and fixed character of the tax seems to me to prove this; and the fact that no attempt was made to alter the fixed rent, save by open or disguised violence or fraud, is to me conclusive." (E. I. of H., page 172.)

And again he says: "And it is a proof of Adam Smith's sagacity that, without the materials before him from which the facts could be demonstrated, he saw that rent was originally a tax, and that a long interval must have occurred before farmers' rents became real and oppressive." (W. and W., page 58.) And on pages 235-236 of The Economic Interpretation of History, he says: "Undoubtedly, in the earlier stages of this and other societies, rent was a tax, levied by downright force, either with or without the pretense of an equivalent, or as the representative of reciprocal advantage, as defense and payment of administration, or as mere blackmail, the rent receiver, in consideration, refraining from plunder."

Of the thirteenth century he says: "In the thirteenth century there was no rent paid, in the ordinary sense of the word." (W. and W., page 56.) In a lecture delivered in 1888 at Oxford, and printed after his death, he says of the fourteenth century: "Good arable land was let in the fourteenth century at 6d. an acre. I have never found a higher price." (Industrial and Commercial History of England, page 209.) In Work and Wages, page 236, he says: "It is certain that during the fifteenth century the landowner was unable to screw them (his tenants), and that the rack-rent is a product of the early part of the sixteenth century." And at page 236 of the same work he says: "It was not till the sixteenth century that rack-renting began."

Now, as the rack-rent is a "rent nearly equal to the annual value of the property rented," it is clear that its first appearance marks the advent of the modern landlord. When the merchants of Henry VIII's time "began to invest largely in land," they carried into their speculations in land the same business methods that they had acted upon in their commercial dealings. They figured out the cost of an acre of land and fixed its rent at interest on that amount, and as competition raised the price they raised the rent to correspond. It is safe to assume that, when the first purchaser of abbey lands thus set the pace of rack-renting, all the other landowners in England were not slow to follow his example. But we are not left to mere assumption on this point. We have indubitable historical proof. In Volume II, page 465, of Knight's History of England it is said, speaking of this period: "Rents were everywhere rising." And in Cunningham and McArthur's Outlines of English Industrial History, at page 181, it is said: "Rent comes to have the clear and obvious character of a payment for the use of the soil." Professor Rogers says: "From the middle of the sixteenth to the middle of the seventeenth rack-renting of a very harsh kind occurred and with very disastrous effects." (Ind. and Com. Hist. of Eng., page 208.) And in the Economic Interpretation of History, page 174, he says: "The rents of the seventeenth century, small as they seem to us, began with competition rents, which rapidly slid into famine rents, by which I mean rents which leave the occupyers with a bare maintenance, without the power of either improving or saving." "The earliest writer on husbandry in the seventeenth century admits the fact of competition rents, defends the lord's action in taking what is offered him, and treats the farmer's remonstrances with ill-disguised contempt." (Id.) And this raising of rent went on until by the year 1679 the rent of agricultural land, which had for three centuries prior to the middle of the sixteenth century remained fixed at an average of from 6d. to 8d. an acre, had risen to an average of more than 45s. (Id., pages 179 and 236.)

But the most striking and important historical evidence on this point is to be derived from the sermons of dauntless old Hugh Latimer, who was burned at the stake at Oxford in 1555. Of these sermons a writer in the Encyclopedia Britannica says: "It is possible to learn from them more regarding the social and political condition of the period than perhaps from any other source." On the 7th of March, 1548, the year after the death of Henry VIII, Latimer preached in the King's private garden at Westminster, before the young king and his courtiers, the first of a series of seven sermons in which he says: "You landlords, you rent-raisers, I may say you steplords, you unnatural lords, you have for your possessions yearly too much. For that herebefore went for twenty or forty pound by year (which is an honest portion to be had gratis in one lordship, of another man's sweat and labor) now is let for fifty or a hundred pound by year. Of this too much cometh (that) this monstrous and portentous dearth is made by man, notwithstanding God doth send us plentifully the fruits of the earth, mercifully and contrary to our deserts.

"Notwithstanding too much which these rich men have causeth such dearth that poor men (which live of their labor) can not with the sweat of their face have a living, all kind of victuals is so dear, pigs, geese, capons, chickens, eggs, etc., * * * I will tell you, my lords and masters, this is not for the King's honor. * * * Also it is the King's honor that the commonwealth be advanced, that the dearth of these aforesaid things be provided for, and the commodities of this realm so employed as it may be to the setting his subjects on work and keeping them from idleness. * * * Furthermore, if the King's honor (as some men say) standeth in the great multitude of people, then these graziers, inclosers, and rent rearers are hinderers of the King's honor, for where as have been a great many householders and inhabitants there is now but a shepherd and his dog. So they hinder the King's honor most of all. * * * I know where is a great market town, with divers hamlets and inhabitants, * * * and the vicar that serveth (being so great a cure) hath but 12 or 14 marks by year, so that of this pension he is not able to buy him books nor give his neighbor drink.

"All the great gain goeth another way. My father was a yeoman, and had no lands of his own, only he had a farm of three or four pound by year at the uttermost, and hereupon he tilled so much as kept half a dozen men. He had walk for a hundred sheep, and my mother milked 30 kine. He was able and did find the King a harness, with himself and his horse, while he came to the place that he should receive the King's wages. I can remember that I buckled his harness when he went unto Blackheath Field. He kept me to school, or else I had not been able to have preached before the King's majesty now. He married my sisters with 5 pound or 20 nobles apiece, so that he brought them up in godliness and fear of God. He kept hospitality for his poor neighbors, and some alms he gave to the poor. And all this he did of the said farm. Where he that now hath it, payeth 16 pound by year and more, and is not able to do anything for his prince, for himself nor for his children, or give a cup of drink to the poor. Thus all the enhancing and rearing goeth to your private commodity and wealth. So that where you had a single too much, you have that, and since the same, ye have enhanced the rent, and so have increased another too much. So now ye have double too much which is too too much. But let the preacher preach till his tongue be worn to the stumps, nothing is amended. We have good statutes made for the commonwealth as touching commoners, enclosers, many meeting and sessions, but in the end of the matter there cometh nothing forth.

"Well, well, this is one thing I will say unto you, from whence it cometh I know, even from the devil. I know his intent in it. For if ye bring it to pass that the yeomanry be not able to put their sons to school (as indeed universities do wonderfully decay already) and that they be not able to marry their daughters to the avoiding of whoredom, I say ye pluck salvation from the people and utterly destroy the realm. For by yoemen's sons the faith of Christ is and hath been maintained chiefly. * * * But verily they that should look to the redress of these things be the greatest against them. In this realm are a great many of folks, and amongst many I know but one of tender zeal, at the motion of his poor tenants hath let down his lands to the old rents for their relief. For God's love let him not be a Phoenix; let him not be alone; let him not be a hermit closed in a wall; some good man follow him and do as he giveth example. Surveyors there be, * * * but the commons be utterly undone by them. Whose bitter cry ascending up to the ears of the God of Sabbaoth, the greedy pit of hell burning fire (without great repentance) do tarry and look for them. A redress God grant. For surely, surely, but that two things do comfort me, I would despair of the redress in these matters. One is that the King's majesty when he cometh to age, will see a redress of these things so out of frame. Giving example by letting down his own lands first, and then enjoin his subjects to follow him. The second hope I have is, I believe, that the general accounting day is at hand, the dreadful day of judgment I mean, which shall make an end of all these calamities and miseries."

There was in England, during the period in which the awful transformation I have heretofore sketched took place, at least one clear, strong, logical, and observant mind that fully grasped its meaning and clearly perceived its efficient cause. No question of money, of transportation, or of machinery could obscure or hide from Latimer's clear and earnest mind the real cause of the calamities and miseries that had fallen upon his country. He knew, and knowing, dared declare, that they were the work of the landlord, the rent raiser and the incloser, who had shut men out from the land which the Creator had freely given to all his creatures, and robbed them of the product of their sweat and labor. To the thoughtful American mind of to-day it ought to be equally apparent that the calamities and miseries that have come upon this once prosperous and happy people, having for their heritage the most goodly land the sun ever shone upon, are due to the same cause that has blighted and pauperized the once prosperous and happy land across the sea. For nearly a century, from the first organization of this Government, the American people enjoyed a prosperity such as no other people had ever enjoyed before, because they had an abundance of good land open to American labor on even easier and better terms than the English people had for the three centuries preceding the middle of the sixteenth century. English land was open to English labor during these three centuries at 6d. an acre rent. During the first century of the existence of this Government, American land of the best quality was open to American labor at an annual rent of a little over 6 cents an acre (the Government price of $1.25 an acre, divided by 20). So long as that condition of things lasted American labor was prosperous. But as soon as the supply of Government land became exhausted, the same phenomena that followed the sale of the church lands in England began to appear in this country. The scrambles for Government land at Oklahoma, at the Sioux City Reservation, at the Cherokee Strip, and at the Kickapoo Reservation have merely served to make patent to the general public a fact that has been fully known to thoughtful observers of passing events—that is, that the supply of Government land fit for occupation and use had given out. No one who will give the matter consideration can fail to observe how close is the parallel between the social and industrial conditions that developed in England about the middle of the reign of Henry VIII, and the social and industrial conditions that have developed in this country during the last twelve or fifteen years, since the supply of public land has become practically exhausted.

A few years after Henry VIII began to sell the confiscated lands of the church, England swarmed with vagrants and sturdy beggars, and Green tells us that "England for the first time saw a distinct criminal class in the organized gangs of robbers which began to infest the roads and were always ready to gather round the standard of revolt. The gallows did their work in vain. * * * The social disorder, in fact, baffled the sagacity of English statesmen." (History of the English People, Volume II, page 20.) A few years before the mad rush for land in Oklahoma sounded the alarm that our public lands were practically exhausted, the tramp made his first appearance and the unemployed became a permanent class with us. Like causes must produce like effects. And men denied access to the land from which and on which alone they can live, whether in the sixteenth or in the nineteenth century, whether in England or in the United States of America, could have or can have but one alternative, to die or to take to the roads as tramps and vagrants or as highwaymen. The English Parliaments of the sixteenth century attempted to suppress and exterminate the landless tramps and vagrants of that time by harsh and cruel laws, which were executed with barbarous severity. American legislators, in the last quarter of the nineteenth century, have attempted to attain the same end by the same means. The experience of the race during the intervening centuries has taught us no better method of dealing with our landless tramps, our submerged and disinherited ones. The prevalent altruism of our times will not permit our legislators to ordain that the unfortunate tramp shall have his ears cut off or that he shall be executed as a felon, and in most of our States it will not permit him to be whipped. The Commonwealth of Kentucky did, however, by an act approved May 6, 1890, provide that any male person over 16 years of age should, upon conviction of vagrancy, be "punished by a whipping of not less than five nor more than fifty lashes with a leathern whip, well laid on his bare back." (Session laws of 1889-90, chapter 1303, page 259.) The spirit of our legislation on this subject is essentially the same as that of the legislation of Henry VIII's time. And, indeed, it may well be doubted if our method of dealing with the victims of landlordism is any improvement on that of the Tudor sovereigns of England 350 years ago. The Tudors mercifully put them out of the way by hanging them. We slowly torture them to death by starvation or drive them to suicide.

In another respect the parallel between England in the sixteenth century and our country at the present time is striking. In the first year of the reign of Edward VI, who succeeded Henry VIII, a law was passed authorizing the sale into slavery of vagrants. On the 19th of June, 1893, the supreme court of the State of Missouri, in the case In Re Thompson (117 Mo., 83), declared section 8849 of the Revised Statutes of 1889, authorizing a vagrant not accused or convicted of any crime to be hired for six months to the highest bidder after the determination of the fact of such vagrancy by a jury before a justice of the peace, to be violative of both the State and Federal constitutions which prohibit slavery or involuntary servitude except in punishment of crime, whereof the party accused shall have been duly convicted. But in States that farm out convicts to contractors the same end is accomplished in another way. Vagrancy is made a crime, and the tramp, upon conviction, is let out to the contractor. In a considerable number of towns and cities in this country the tramp, upon conviction, is sentenced to work in the chain gang upon the public streets. Thus it appears that our modern American lawmakers have taken more than one leaf from the statute books of the time of the Tudors. I have already directed attention to the parallel between Henry VIII's time and our own time in the matter of appeals for charity. In dealing with the destitute, as in dealing with the vagrants, we are but blind and helpless imitators of our ancestors of three and a half centuries ago. We still "exhort, move, stir, and provoke people to be liberal" in giving alms. We know how utterly futile is the attempt to eliminate destitution in that way, but we seem to be incapable of studying out any other way, and so we keep up our frantic appeals for charity.

The English poor law, inaugurated by the act of 27th Elizabeth and continued to the present day, is far from being a monument of human wisdom in the field of legislation. But American lawmakers have not improved upon it very much. Our county poorhouses are mostly modeled on the English workhouses, and our plan of supplementing them with the police station is certainly anything but an improvement. And yet it seems to me that, notwithstanding the inability of our modern legislators to find it, there is a rational remedy for vagrancy and pauperism, a sure preventive of both. If I have succeeded, as I believe I have, in proving that the efficient cause of these evils was and is the exclusion of men from the land, is it not clear that the only effective remedy or preventive must be to restore them again to that essential element from which they have been excluded? If a gardener, on his early round some morning, should discover that some malicious intruder had, during the previous night, pulled up his plants and left them lying on the ground to die, would he not at once set to work to restore them to the ground before they wilted and died? Vagrants and paupers are but human beings divorced from the land. Professor Rogers perceived this fact, for he says: "The growth of the poor rate * * * was due to the inclosures, the consequent exclusion of the poor from small agriculture. * * * The poor became more and more straitened, even when prices had not seriously risen, because they were more and more divorced from the soil." (E. I. of H., page 246.) The only way in which vagrancy and pauperism can be cured and prevented is to restore the vagrant and pauper to the land. And this the single tax will do without jar or disturbance. Adopt the single tax unlimited, and vagrancy and pauperism will soon become but the hideous goblins of a night forever past.

I have said that I have been unable to find any modern writer who has assigned any adequate or sufficient cause for the origin and growth of English pauperism. Professor Rogers has assigned four causes, and they are as valid, I think, as any I have come across elsewhere. They are: (1) Deluge of base money; (2) confiscation of the guild lands and the loss of the benefit of societies' funds; (3) rise in prices, and (4) the enactment of the statutes of fifth Elizabeth, chapter 4, known as the statute of laborers of that year. The first was due to the debasement of the coin in the latter years of the reign of Henry VIII, which was carried to such an extent that when Elizabeth called in the coin with a view to undoing the mischief which her father had done she found that about 60 per cent of the coins was base metal. The confiscation of the guild lands took place under Edward VI. During the golden age of English labor which preceded Henry VIII's reign the trade guilds and labor unions had acquired extensive holdings of land all over the kingdom, the revenues from which supplied a benefit fund for their members. The guardians of Edward VI confiscated these lands, as Henry had confiscated the lands of the church, and under the same pretenses, viz, that they were being applied to superstitious uses. The land boom that followed the sale of the church lands naturally raised the price of all commodities. Of the statute of Elizabeth, Professor Rogers says: "This famous act, which consummated the degradation of the poor, made pauperism inevitable and misery universal, was really no new legislation. The acts repealed all the old statutes of laborers and reenacted all the provisions of those acts. It did not provide any new machinery, for the administration of the old laws had been in the hands of the justices for nearly the whole two hundred years, and sometimes the right of making the assessments. What it did was to seize the opportunity when the workmen were helpless to consolidate all the old statutes, to draw up rigid rules of apprenticeship so as to make agriculture the residuum of all labor, to enact exhaustive penalties, and to leave no loophole through which workmen could escape, so as to better themselves in the struggle with their employers. The English statute book contained many atrocious acts, most of them with hypocritical preambles. This act of Elizabeth is, in my judgment, the most infamous of them, for it was leveled against every right of the poor to live and entirely in the interest of rent." (E. I. of H. pages 240-241.)

Now, let us test these assumed causes by the experience of our own time and country within the last twenty-five years. I have shown that the same change has within that time taken place in this country that took place in England in the sixteenth century. But we have had no deluge of base money. On the contrary, we have had what the gold men call "sound" money during all the time that the dread change has been going on. As to the second cause, our trade unions have had no land to be confiscated, and their benefit funds, such as they have, have not been interfered with by the Government. As to the rise in prices, our calamities have fallen upon us at a time when prices are lower than they ever have been known to be in the history of civilization. And finally, we have had no legislation like the statute of Elizabeth. Now, it is apparent that, if an effect follows when an assumed cause is absent and when it is present, the assumed cause can not be the real cause. The real cause that consummated the degradation of English labor, made pauperism inevitable and misery universal in England, was the exclusion of English labor from English land. The real cause that has brought the tramp and the vagrant in this country, that has filled our streets with unemployed and our roads with industrial armies, that is degrading and pauperizing once free and independent American citizens, is the exclusion of American labor from American land.

Now, in conclusion, let me ask my thoughtful reader to consider the question. Where are we, and whither are we tending? If I am correct in the inference I draw from the facts I have presented in the foregoing pages we are entering upon the descent to an abyss of misery and degradation, poverty and pauperism, in many respects more dire than that down which the English people passed after the middle of the sixteenth century; a descent into conditions that will be the more intolerable by reason of the memories of our past prosperity and happiness and of the superior intelligence and greater refinement of the masses of our people.

And the worst of it is that this downward movement is the necessary result of the operation of natural laws; that is, of the law that impels the landlord to take all he can get as a condition precedent to his permitting labor to have access to his land, and of the law that compels laborers to bid against each other in their efforts to gain access to the landlord's land, without which they must perish.

And is this awful fate inevitable? Must we and our posterity drink to the dregs the bitter cup of misery that has been held to the lips of the English people for the last three and a half centuries? Must poorhouses rise in every township in this broad Republic as they have risen in every parish of England? Must our children and children's children be driven into exile from the land of their birth as millions upon millions of the people of England, Ireland, and Scotland have been during the past three centuries? Shall the plowers forever plow the backs of a class condemned to toil, in this once free and happy land? The single taxers answer no. They say these things must and shall not be. They are setting the ax to the root of the deadly tree which produces these evil fruits, and their brave and sturdy blows are beginning to tell. With a hope that inspires to high endeavor and a faith that falters not they are pressing forward in ever increasing numbers to the goal where equal opportunity shall be secured to all, where all men shall be not nominally but really free—

"And the truth shall ever come uppermost,
And justice shall be done."

The Coin Redemption Fund.

REMARKS

OF

HON. HENRY ALLEN COOPER,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Friday, December 27, 1895,

On the bill (H. R. 2204) to maintain and protect the coin redemption fund and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

Mr. COOPER of Wisconsin said:

Mr. SPEAKER: The one great objection urged here by gentlemen in opposition to the pending bill is that if enacted into law it would result in the final retirement and practical destruction of the greenbacks. This argument seems to me to be based upon an entire misapprehension of the facts; for, sir, the question is really one of fact. It is admitted on every hand that under the law as it now exists the greenbacks can not be retired, but that when they are taken into the Treasury the Government is compelled to reissue them and to keep them in circulation. The President in his message and the Secretary of the Treasury in his report both denounce this law which compels the reissuing of the greenbacks, and they urge upon Congress in vigorous terms its immediate repeal. This law, which thus makes compulsory the keeping in circulation of the greenbacks is the statute of May 31, 1878, entitled "An act to forbid the further retirement of United States legal-tender notes," and reads as follows:

And whenever any of said notes [greenbacks] may be redeemed, or be received into the Treasury, under any law, from any source whatever, and shall belong to the United States, they shall not be retired, canceled, or destroyed, but they shall be issued and paid out again and kept in circulation.

This is the statute about which the President and the Secretary of the Treasury complain, and the repeal of which they assert is absolutely necessary.

Now the opponents of the pending bill unite in declaring that, in some way which I have been unable to discern, it essentially complies with this demand of the President and of the Secretary of the Treasury, and that if made a law it would result in the withdrawal of the greenbacks from the currency of the country. I am at a loss to know upon what any such argument is predicated, it seems to me so palpably untrue, so entirely baseless in fact. The pending bill either does or does not propose to repeal or change the law of 1878, which I have quoted. This question can be at once determined by a reading of the bill itself. The first section contains the following proviso:

Provided, That nothing in this act shall be construed to repeal or modify an act approved May 31, 1878, entitled "An act to forbid the further retirement of United States legal-tender notes."

The matter is too plain for argument. The proviso which I have just quoted explicitly declares that the pending bill, if made a law, shall not in any wise be held to repeal or to modify the statute of 1878. In other words, the statute of 1878 is to be continued in full force and effect, without change or modification, and therefore under no circumstances could the Administration finally retire the greenbacks or withdraw them from circulation without a deliberate violation of express law. In my opinion, as I have said, there is no room for argument upon this point. There is no occasion for invoking any rule of statutory construction, because there is here nothing contradictory, nothing ambiguous, nothing to construe. The language of the proviso is plain, unequivocal, and susceptible of but one meaning. It declares that the act of 1878 shall not only be continued in force, but that it shall be so continued without any modification whatever. This proviso is in the first section of the bill. The second and last section confessedly has nothing to do with the matter. How, then, can it be seriously claimed that this bill would result in the destruction of the greenbacks? What foundation is there for that statement? Where is the fact, or the semblance of a fact, to warrant the putting forth here of any such argument? If under the statute of 1878 the Secretary of the Treasury is compelled, as we all know he is compelled, to reissue the greenbacks and to keep them in circulation, then he would still be forced to reissue them if this bill were to become a law, for in this regard the law is to remain wholly unchanged. But, sir, there is no occasion for further elaboration of this point.

Mr. Speaker, there is another misapprehension concerning the purpose of this bill to which I wish briefly to refer. It seems to be assumed, by some of those who oppose it, that if made a law the bill would compel the Secretary of the Treasury forthwith to issue bonds. This is not true. The bill would not force the sale

of bonds, it would simply and wisely regulate the manner of their sale when necessary, and compel the Secretary of the Treasury on every such sale to first offer them to the American people in the open market, after due advertisement. It would give to the American people the first opportunity to purchase their own securities, and would make the sale open and public at the Treasury Department and at the subtreasuries and designated depositories of the United States. Until the Secretary of the Treasury had so publicly advertised and offered the securities for sale, it would prohibit him from negotiating any more issues by private contract.

Mr. Speaker, the sale of bonds by which the public debt is increased is always a misfortune; and I desire to say that nothing but an emergency of the most serious character could ever induce me to consent to such a transaction in a time of peace. But, sir, such an emergency now confronts the Government. The godl reserve established at a hundred millions by the resumption act of 1875, and kept intact at that sum from the 1st of January, 1879, until after the commencement of the present Administration, has been encroached upon until to-day nearly forty millions of it have been paid out, and there remain but a little over $60,000,000 with which to redeem more than three hundred and forty-six millions of greenbacks. Besides this, it appears from the last report of the Secretary of the Treasury that from the 1st day of July, 1893, until the 1st day of December, 1895, the receipts of the Government have fallen below its expenditures to the amount of $130,221,023, an average of about fifty millions a year of deficit during that period.

In this connection it must be borne in mind that the one hundred million of reserve is not kept separate and apart, but is mingled with the other funds in the Treasury; and, sir, notwithstanding what was said, and left unsaid, on the subject by the President and the Secretary of the Treasury in their communications to Congress, there is, I think, little doubt in the mind of any person who has carefully investigated the matter that the proceeds of the bonds issued to the amount of $162,000,000, and sold ostensibly to replenish the gold reserve, have in fact been used to defray the current expenses of the Government. The President in his message wholly fails to mention the fact of the great deficit in the revenues—an omission so remarkable that nobody would presume to attempt to explain it. He does, however, elaborate upon the danger growing out of the rapid depletion of the gold reserve, and he loudly calls upon Congress for legislation to avert threatened disaster. It is a matter of common knowledge that another bond issue is imminent. For many days the air has been filled with bonds and rumors of bonds. Under such circumstances it is that the pending bill is brought into the House. The bill proposes that if the threatened issue be made there shall first be an offer of the bonds, upon public advertisement, to the American people. It provides that until the people of this country have had a chance to buy their securities in the open market no syndicate, foreign or domestic, shall obtain them by private contract. This bill seeks to avoid, if possible, the scandal of another secret contract like that of last February, by which bonds worth 118 were sold for 104¼—a contract which, when compelled to be made public, was thus described in that great Democratic newspaper, the New York World, in its issue of February 21, 1895:

BUNCOED OUT OF MILLIONS AND MILLIONS—THE BIDDING FOR THE BONDS PROVES THAT THE ADMINISTRATION LET SLIP A SUM EQUAL TO NEARLY HALF ITS LOAN—GENERAL SCRAMBLE FOR THE ISSUE—IN TWENTY-TWO MINUTES THE AMERICAN SHARE WAS BID FOR MANY TIMES OVER AT 116 TO 118, AND SLOW LONDON BID FOR $600,000,000 AT 116¼—INTO THE JOBBERS' POCKETS WILL GO $8,418,757, WHICH, IN A SAVINGS BANK, WOULD GROW TO $27,628,676 IN THE LIFE OF THE BONDS—THAT IS WHAT THE PEOPLE PAY FOR STAR-CHAMBER VERDANCY.

Every day adds to the infamy of the transaction. * * * The more the bond deal is studied the more incompetent appear the Government officials who could sit by and listen to the argument of the bankers and then in all simplicity attach their binding signatures to any such contract as that of February 8. It would be more than interesting to have the whole story of that deal laid bare, as a warning, if nothing more. It is the duty of Messrs. Cleveland, Carlisle, and Curtis to say to the taxpayers who have been mulcted to the tune of millions just why such a one-sided contract was made. Mr. Cleveland has been a Wall street lawyer. He was in a position to know, by inquiry of honest, responsible men, just what a United States bond of the sort he proposed to issue was worth here and abroad. It was his sworn duty to get this information if, as an American citizen of ordinary intelligence, he didn't already possess it. He evidently did not post himself or, if he did, he cravenly surrendered the good name and credit of his country to a freebooter in finance, a man who is in his business for all there is in it, and whose policy has been for years to find a weak spot in a corporation and then squeeze it for all it is worth.

HOW THE ACCOUNT STANDS.

Face of loan	$62,315,000
Syndicate premium at 104.49	2,797,943
United States gets	65,112,943
Syndicate profit to 112¾	4,835,644
What inside jobbers pay	69,948,587
Inside jobbers' profit to 118	3,583,113
The public pay and the United States should have received	73,531,700
United States has lost	8,418,757
Compounded as a sinking fund, at 4 per cent, for thirty years this lost profit would be	27,628,676
Or nearly one-half the original loan.	

PROFIT AND LOSS.

Belmont and Morgan buy $62,315,000 at 104.49	$65,112,943
Belmont and Morgan sell $62,315,000 at 112.25	69,948,587
Belmont and Morgan profit	4,835,644
Inside jobbers buy $62,315,000 at 112.25	69,948,587
Inside jobbers sell $62,315,000 at 118	73,531,700
Inside jobbers' profit	3,583,113
General public buy $62,315,000 at 118	73,531,700
Loss by United States to the jobbers	8,418,757

Mr. Speaker, this is what this great Democratic journal said, in February, 1895, of that contract—a contract made in secret, and the provisions of which the Secretary of the Treasury earnestly sought to have kept secret until the Administration was practically forced to make it public.

Let it be remembered, sir, that that contract was negotiated with men some of whom, at least, were the close personal friends of the President, one of them being his business partner at the time of, or very shortly prior to, his inauguration.

Let it be further remembered that in 1862 more than five hundred millions of five-twenties, and in 1864 and 1865 more than eight hundred and twenty-nine millions of seven-thirties were sold to the people at par in currency, and that during all the war period the highest price paid by the Government to any agent for floating its loans was 1½ per cent, and this included all expenses connected with the issues.

After the war, while gold was still at a premium, the Government began to refund the national debt. It carried through all its gigantic refunding operations successfully, and, as I find upon investigation, never paid a higher commission than one-half of 1 per cent, which was the maximum rate fixed by the statute of 1865.

Beginning with the administration of Secretary Windom, in 1881, the Government refunded more than $700,000,000 of bonded indebtedness without paying one penny of commission. Yet, according to this great Democratic newspaper, the profits realized by the Morgan-Belmont syndicate and by the inside jobbers from the contract of last February were more than $8,000,000 in six months on an investment of sixty-five millions; but this statement of the World was made in February, 1895, and was therefore in the nature of a prophecy. However, the transaction under that private bond contract has been completed, and we are now prepared to give its history.

This history I have seen in several prominent newspapers, East and West, there being substantial agreement as to all details, but I think the most succinct statement of the matter which I have met with is that given recently by the distinguished journalist, Mr. W. E. Curtis, in the Chicago Record. From this it appears that the bonds, amounting in value to $65,117,500, were sold by the Government at a premium of 4.48 to Messrs. Morgan and Belmont, for themselves and the Rothschilds. These gentlemen disposed of them to their own syndicate at an advance of 9.75 on each bond of $100. This gave to Morgan and Belmont a profit of $4,831,575.

They kept only three-fourths of 1 per cent of this sum, however, as their commission, i. e., $488,372. The remainder was divided among the members of the syndicate, yielding a profit of 6.72 per cent on their investment, which, with 1¼ per cent interest accrued on the bonds, made a profit of 8.422 per cent. As their money was tied up only about six months, the transaction netted 16.844 per cent a year; but it will be remembered that these bonds, which they bought at 4.48 above par, in a little while rose to a premium of from 22 to 23 cents, or an increase of nearly $17 on every $100, so that the syndicate, if they have sold the bonds, have made a profit of $12,494,384, or, if they kept a part of them, can, when they sell, realize that sum. A profit of about 18 per cent in one year!

Is it any wonder, Mr. Speaker, that this extraordinary transaction has attracted the earnest, if not indignant, attention of the "plain people," of whom the President so often speaks?

Now, sir, it is in some measure to prevent a repetition of secret negotiations of this kind, at least until after a public offer of their securities has been made to the American people, that this bill is brought into the House.

Realizing that a bond issue by the Administration is inevitable, it seeks to make the best of adverse circumstances.

It may or may not pass the Senate and become a law. It seeks to remedy two or three patent defects in existing law, and I shall vote for it, though it is not all that I would desire. If I could have my way no bonds should ever be issued in time of peace by the Secretary of the Treasury except with the direct consent of Congress first obtained.

The piling up in a time of profound peace of the debt of the United States, a nation the richest in natural resources of any which the world has ever known, is nothing short of an outrage upon the taxpayers of the country, but at present there seems to be no possible way to prevent it.

The Coin Redemption Fund.

REMARKS
OF
HON. JOHN J. GARDNER,
OF NEW JERSEY,

IN THE HOUSE OF REPRESENTATIVES,

Monday, January 6, 1896,

On the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of the revenue.

Mr. GARDNER said:

Mr. SPEAKER: The position of the Democratic members of the Ways and Means Committee and the position of the party on the floor, on this measure, would put an ordinary paradox to blush. They insist, as the President does, upon the absolute retirement of the greenback. They assert that the greenbacks constitute an endless chain arrangement, crank, wheel, axle, and all, for drawing gold out of the Treasury, and that there is no financial safety until they are destroyed. To their view, an amplitude of revenue gives no relief from this danger, because they assert we have that now. They see no escape from ultimate bankruptcy but in ceasing to pay out the greenback, for as often as it is paid out it comes back knocking at the doors of the Treasury and imperiously demanding its equivalent in gold. When they talk about this bill, however, they find a comfortable surplus, sufficient to meet any temporary deficiency in revenue for years to come. This "comfortable surplus" is made up largely of redeemed greenbacks. If they are going to meet temporary deficiencies with them, they contemplate paying them out. They propose to do what they insist shall not be done. They find safety in what they declare is our only financial danger. They are going to save the credit of the Government by doing the only thing which they assert endangers it. They are going to restore confidence by resorting to the methods which they say has destroyed it.

It has often been suggested that there is very little, if there is anything, in all this talk about an "endless chain;" that the Government never pays out a dollar unless it owes one, and if the greenback was not paid a gold dollar would be paid. It takes no more gold to pay the greenback than was required to pay the debt. The only answer that I have heard is, "You confound the debt-paying power with the maintaining of specie payments." Well, it was to pay a debt that every dollar in greenbacks was ever issued. This is equally true of the reissue of them after redemption. One hundred and sixty millions of gold has been recently borrowed, ostensibly to redeem greenbacks. The redeemed greenbacks are in the Treasury or they have been used to pay debts. If they are in the Treasury, they are not in motion as a part of that fabled chain. If they are not in the Treasury, they have gone where just an equal amount of gold would have gone if the greenback had not been used. It will take no more nor other gold to redeem them than would have gone out to pay the debts which the greenbacks have satisfied. When they come in for redemption the Treasury, after redeeming them, will be in the same condition it would have been in when the greenbacks were paid out, if it had then paid gold.

If the Treasury reissues the greenbacks to pay debts, and again redeems them, they will not have drained it of a dollar. The greenback each time pays a debt that would otherwise have drawn the gold. This "endless chain" does not carry an ounce of gold out of the Treasury that would not have gone earlier if the chain had not been put in motion. It is trivial to answer that the law requires them to be paid out. The law does not require them to be given away. They go out to meet the obligations of the Government. If the greenback did not go gold must, as has been shown. They take the place of gold, which remains in the Treasury for their redemption.

The greenback only became troublesome when the revenues of the Government fell below the current expenses. The greenback became a troublesome factor when the public knew that the Secretary who paid it out had not received it as a part of the dues of the Government, but had bought it with borrowed gold. The difficulty is in the deficiency in revenue. To retire the greenback will not augment the revenue; it would not, therefore, furnish the necessary relief. If the Administration had borrowed $550,000,000 and retired all the greenbacks and Treasury notes, the Government would have been compelled to go into bankruptcy. It would have been unable to pay its daily expenses. It has lived, so to speak, on the redeemed greenbacks. The methods of the Administration precisely resemble those of an individual who should borrow money to take up his note, and immediately repledge his note and use the proceeds for family expenses.

His action would not indicate a sufficiency of revenue. It would suggest approaching bankruptcy and destroy his credit. The parallel suggestion in the administration of our national finances is what made the greenback troublesome. There was no "endless chain" until the present Administration forged it. To vociferate with admirable persistence that the greenback should be retired may aid in shifting discussion to currency measures, but it will never demonstrate that the present national currency is responsible for the late bond issues, nor for the issue contemplated. The causes for the increase of the interest-bearing national debt are to be found in the Wilson bill. They lie at the door of those who inspired that legislation and administered the Government under it.

The Coin Redemption Fund.

REMARKS
OF
HON. CHARLES S. HARTMAN,
OF MONTANA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, January 6, 1896,

On the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

Mr. HARTMAN said:

Mr. SPEAKER: As one of the forty-seven Republicans who registered their votes against the bond bill reported by the Ways and Means Committee, it seems only right and proper that some of the reasons which impelled me to oppose that bill should be given.

Not having addressed the House on this bill, I have seen fit to avail myself of the privilege extended to all members to insert in the RECORD remarks upon the same.

In view of the fact that my objections to the merits of the bill have been so thoroughly expressed in detail by others who entertain like views upon the policy of bond issues I shall content myself by summarizing those objections as follows:

First. In my judgment, the effect of the bill, in spite of the Hopkins amendment, will be virtually a retirement from circulation of the greenbacks.

Second. While it is but fair to admit that the framers of the bill intended to throw around the Treasury Department such safeguards and restrictions as would prevent the secret negotiation of bond deals, yet in my judgment the bill does not accomplish the desired end, and while it was in no sense intended by those who supported the bill to be an approval of the disgraceful syndicate bond deal with the Administration of last winter, it will be treated by the public at large as a legislative ratification of that scandalous transaction.

Third. I am a Republican, and believe that this Government should raise its revenue for the expenses of the Government through tariff duties levied upon imports, and not by borrowing money. The Republican policy is, and always has been, to make the Government self-sustaining by levying adequate tariff duties to produce sufficient revenue, and at the same time to protect American industries and American labor. If the Administration had done this instead of devoting its energies to producing a tariff for deficit only, and in the further endeavor to forever clinch the gold standard upon this country, the President would not now find himself in the humiliating attitude of begging his British friends on both sides of the water for a loan of $200,000,000 of gold to preserve the nation's credit. I firmly believe that a very large majority of the American people, irrespective of their place of habitation, are irrevocably opposed to any policy which makes it necessary for the Government to borrow money in times of peace.

Fourth. On the 26th day of December, 1895, we passed a revenue bill which we were assured by the Ways and Means Committee would produce $40,000,000 per year additional revenue. I presume the Ways and Means Committee, composed of able, well-informed and honorable members, are reasonably accurate in that estimate. If that estimate be correct, then there is no need of giving the Secretary of the Treasury additional or any authority to borrow money, for it will give us a surplus, instead of a deficiency. I voted for the revenue bill as an emergency measure, not as expressing the Republican idea of protection.

Fifth. In my judgment the policy involved in the bond bill is not a Republican policy and never has been. No national Republican platform ever contained a declaration which could be construed or distorted into an approval of the principles contained in that bill. I do not believe that any Republican convention in any State or Congressional district within the limits of the United States ever made a declaration which could be construed as authority for

the framing of this bill and its presentation as a Republican measure by the Ways and Means Committee. The bill was not even submitted to a caucus of the Republicans of this House. It therefore came into the House, not as a Republican measure, but as the individual opinion of the individual members of the Ways and Means Committee who voted for it. There was, therefore, no political obligation on any Republican to support the bill.

Sixth. We were asked to support the bill by its advocates not only as a party measure, but we were appealed to in the name of patriotism to respond to the call of the President for aid, and yet before the vote was taken on the bill the President's Secretary of the Treasury announced that he did not want the bill. He wanted gold bonds or none. We were told that there was a crisis; that the credit of the nation was menaced; that the prompt passage of this bill was essential to maintain it, and this plea was made in the name of patriotism.

It seems to me that, under the circumstances, with which every man in this House was familiar, that plea was, to say the least of it, decidedly absurd, for this reason: Let it be admitted, for argument's sake alone, that this fearful crisis was staring us in the face, and that the bond bill was the perfection of human wisdom and the only possible solution of the difficulty. What could be accomplished by the passage of the bill through the House? Everyone knew that the bill would go to its defeat in the Senate, and therefore this wonderful panacea for all ills which the Ways and Means Committee had evolved would fail to perform the wonderful cure it was intended to perform. We were therefore invited, in the name of patriotism, to do a vain and useless thing; to vote for a measure that both we and our constituents were opposed to, and which could not, under any circumstances, become a law. In short, in the name of patriotism we were invited to butt our heads against a stone wall for the dear privilege of learning how many of us could possibly survive the shock. The bill ought never to have been presented to the House, and it is a matter for general congratulation that when it reaches the Senate it will certainly go to its death.

The Coin Redemption Fund.

REMARKS

OF

HON. CHARLES H. YOAKUM,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Friday, December 27, 1895,

On the bill (H. R. 2204) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of the revenue.

Mr. YOAKUM said:

Mr. SPEAKER: We need no more bonds. They mean burden and poverty. The power to issue bonds exists in law, to the sorrow of our people. The proposition to reduce the rate of interest is not calculated to deceive anyone with a memory.

In the Fifty-third Congress the great syndicate proposed to accept bonds at 3 per cent interest if Congress would insert "gold" where "coin" occurred.

When the Republican party say coin, it means gold. Its great leader in the Senate from Ohio, while Secretary of the Treasury, declared our obligations payable in coin should be paid in gold, and even declared any other payment would be dishonest.

Mr. PAYNE of New York, a member of the Ways and Means Committee, says the Administration is opposed to this bill, that they want to retire the greenbacks, and yet in the next breath he says this bill is in response to the appeal for relief by the President. Thus the good faith of the authors is impeached by a member of the Committee on Ways and Means, and thus they snub the President and consume the time of this expensive body in discussing a measure that they know can not and will not become a law.

Instead of the Department demanding this character of legislation they are actually protesting against it. Furthermore, no reasonable man can seriously insist that the President in his special message wanted any power to issue bonds—that power has existed by express statute for twenty years, and has been exercised during that period.

This bill does not repeal or in any manner affect the acts of 1870 and 1875, under which all our outstanding bonds were issued; in fact, it recites that "in addition to the authority now conferred on the Secretary of the Treasury under the act of 1875." Thus we are to have two laws to facilitate the issuance of our interest-bearing obligations. Under the act of 1875 bonds could be negotiated at 4, 4½, or 5 per cent, at such a premium that would reduce the actual interest to 3 per cent. Therefore the proposed reduction of the rate of interest in the first section of this bill can not confer any benefit to the people and has nothing new in it that confers any additional power upon the Department that calls for help. Sir, it is a mere mockery, that will be understood by those who sent us here to protect their interests financially and commercially.

An analysis of the message will show that if we can not agree to overhaul and remodel our entire financial system that the only help now expected from this body by the President is simply a declaration by us in this panicky and feverish condition of the country that the dignity of the Government will be maintained, and all its obligations now in existence or to be contracted shall be paid in the best money "current at the world's counter," which he contends is gold. After deploring the evils in the present system of finance in his message, he says:

The real and sensible cure for our recurring troubles can only be effected by a complete change in our financial scheme.

Is a law conferring power to issue bonds or the mere reducing the rate of interest on the issue a complete change in our financial scheme, or is the provision for the sale of bonds in our own country a complete change in our financial system? If so, we must admit that the bill presented here and urged by the Republicans is in response to the demand of the President; otherwise it is a mockery, and its authors know it.

The second section of this bill provides for the issuance of a class of bonds heretofore unknown in the history of our country, that is, to pay deficiencies. They have measurably relieved it of its repugnant sound by calling them certificates of indebtedness instead of bonds, but, mind you, they draw interest at the same rate as the bonds provided for in the first section, and are only "to be issued for temporary deficiency now existing or which may hereafter occur." Now, by reference to page 52 of the report of the Secretary of the Treasury it will be seen that from July 1, 1893, to December 1, 1895, there is a deficiency of $130,000,000.

Thus the issue of these harmless certificates will only reach that small amount which is very little short of the entire bond issue of the present Administration, which has been deprecated by the Republicans to-day with so much eloquence and patriotic fervor. Therefore, sir, we are being pulled over the hill and are just heaving in sight sufficiently that we can see the future of this country and make a reasonable estimate of the proposed legislation of the Republican party added to the recommendation of our President; that is to say, that the bonds which we now owe are simply $650,000,000, and to retire paper money $500,000,000, and under this bill $150,000,000. We will be blessed with a bonded debt of $1,300,000,000. At an average rate of 4 per cent interest, which will be more burdensome than that imposed by the Fifty-first Congress, and for which the people indignantly smote the Republican party, sir, the President is not alone in the belief that the present monetary system has to be overhauled and a complete change had, but if no other change is to be made than that embodied in this bill, then the change is not radical enough to satisfy the people.

I reflect the sentiments of my district, and I believe of the whole State of Texas, when I say that we are opposed to the issue of national bonds of any size, of any kind or character, or of any rate of interest, or under any circumstances in time of peace.

And, further, that as long as we have gold or silver to pay our interest-bearing obligations and redeem our paper money there is no law authorizing the issuance of a bond. To-day, sir, we are confronted with a deficiency, while there lie idle in the Treasury $349,000,000 in standard silver dollars, and a negotiation pending to borrow $100,000,000 in gold. Why should we borrow when we have such a quantity of coin at hand? The resumption act passed January 14, 1875, provided that—

On and after January 1, 1879, the Secretary of the Treasury shall redeem in coin the United States legal-tender notes then outstanding * * * and to enable the Secretary to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus revenues from time to time in the Treasury, not otherwise appropriated, and to issue, sell, and dispose of, at not less than par, in coin, any bonds authorized by the act of July 14, 1870.

This act in no way authorizes the Secretary of the Treasury to sell bonds for gold while there is in the vaults of the Treasury such a large quantity of silver. This act was passed two years after the demonetization of silver, and it occurred to the Secretary of the Treasury (Sherman) that a bond under the act of 1875 could not be payable in anything but coin, and since silver had been demonetized the gold bond was more desirable; therefore, on April 21, 1877, he wrote to the Attorney-General, in which he said:

It may become important to the public interests to make the new bonds payable in gold coin. Can I stipulate in the body of the 4 per cent bonds about to be issued that they shall be redeemable in coin of the present standard value (under the act of February 12, 1873, demonetizing silver, gold was then alone coin of standard value, and so remained to the passage of the Bland Act in 1878), that is, the standard value at the date of their issue, or must it be at the date of the law?

To which the Attorney-General replied:

It must be the date of the act. It was not intended that this should be varied according to the changes which might be made in the coinage, because a definite rule was given by reference to the coin of a particular date. That

which will pay the bonds heretofore issued under this act will pay the bonds which you may hereafter issue.

Thus the head of the legal department of the nation decides that bonds hereafter issued, like those heretofore, can be paid off in silver as well as gold. But Mr. Sherman was satisfied that the construction of the Attorney-General was correct and the law would have to be amended before a bond payable in gold could be issued; hence in December, 1877, he recommended to Congress—

That an express exception shall be made requiring that gold coin alone shall be paid for principal and interest on bonds issued to the public creditor since February 12, 1873, the amount of which is $592,990,710.

To this recommendation the Senate of the United States replied by a resolution, as follows:

Resolved, That all the bonds of the United States issued or authorized to be issued under the said acts of Congress hereinbefore recited are payable, principal and interest, at the option of the United States, in silver dollars of the coinage of the United States, containing 412½ grains each of standard silver, and that to restore to its coinage such silver coins as a legal tender in payment of such bonds is not in violation of the public faith nor in derogation of the rights of the public creditors.

Pending this resolution, Senator Edmunds offered an amendment substituting "payable in gold or its equivalent, and that any other payment, without the consent of the creditor, would be in violation of the public faith and in derogation of his rights." This amendment was voted down by a vote of 48 to 18.

The resolution then passed the lower House by a vote of 189 to 79.

We believe that if the spirit and the letter of the resumption act of 1875 had been adhered to by our Government, and the interpretation thereof by the Attorney-General and the resolution adopted by both Houses of Congress in 1878 had been duly observed, congestion, stagnation, and prostration would not confront us to-day; and we steadfastly believe that a return to that policy that recognizes the equality of both metals in the payment of all debts, public and private, will restore not only contentment but actual and permanent prosperity to the people.

We believe that this change of policy, or, properly, returning to our former policy, should be gradual and not too abrupt. Begin by providing that all paper money hereafter redeemed and reissued shall be paid in equal amounts of gold and silver, as embodied in section 1 of a bill introduced by myself on a former day of this session, to wit:

That all paper money, either greenbacks or Treasury notes, that may be reissued under present laws shall be stamped thus: "This note is redeemable in equal sums of gold and silver, or in United States Treasury notes thus redeemable."

This would recognize 349,000,000 standard silver dollars as real money, and we could pay off at this moment one-half of our interest-bearing debt, which must be refunded, principal and interest, so often as it matures, if it has to be paid in gold, because of our inability to obtain sufficient gold to pay it.

But, sir, I undertake to say that this body will give no relief to the situation. The contrariety of opinion here renders it absolutely impossible for us to agree, and, in fact, no intelligent citizen is looking to the Fifty-fourth Congress for relief. The whole matter is thrown back to the people, and they must settle it in 1896; and if they, by schisms and divisions among themselves, destroy this opportunity, it will only prolong the struggle for freedom from the evils of a bonded debt and a single gold standard.

The Coin Redemption Fund.

REMARKS

OF

HON. WALTER EVANS,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Friday, December 27, 1895,

On the bill (H. R. 2204) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of the revenue.

Mr. EVANS said:

Mr. SPEAKER: Nothing could overcome my extreme reluctance to offer to this House any observations at this early period after my advent into it except an urgent desire to support the action of the majority of the Ways and Means Committee upon this bill. That committee, composed of 11 Republicans and 6 Democrats, has been divided upon this measure by strictly party lines, every Republican upon it favoring the bill and every Democrat upon it opposing it. The Democratic opposition to this measure in this House, as far as I know, is likewise unanimous, and yet I have been astonished, in the progress of this debate, to hear the action of the majority of the Ways and Means Committee stigmatized as Democratic, and my astonishment at this species of opposition to this measure has been all the more marked as we have heard the character of argument urged against it. In order that we may clearly understand what the bill proposes, it may be necessary to advert to certain provisions of the financial laws of the Government in relation to its bonded indebtedness, which, while they are well known to the public, seem to have been forgotten in the discussion of this measure.

The greenback currency, which has received much sentimental laudation in the course of this debate, and for which, indeed, I cherish the highest and most grateful appreciation, because of the great service it rendered the country in time of war as well as peace, had its origin in a condition of affairs which the Supreme Court has adjudged could alone constitutionally excuse its creation. During the war of the rebellion so much was it depreciated in value that a greenback dollar sunk far below par, being at one time worth only 30 or 40 cents on the dollar. The reviving prosperity of the country after the war had closed rapidly appreciated the value of the greenback dollar, and farseeing financiers among the great Republicans of that day knew it was necessary that that currency should be brought to par if our financial condition was to be either sound or stable. The only way to do this was to provide authoritatively for its redemption in coin upon presentation at the Treasury. Pursuant to this wise policy, and to carry it into effect, the Congress of the United States, in spite of a Democratic opposition as unreasonable as that which is offered to the pending bill, and with the approval of President Grant, enacted the law of January 14, 1875, providing for the resumption of specie payments four years later. By the third section thereof it was provided that—

On and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem in coin the United States legal-tender notes then outstanding on their presentation for redemption, at New York, in sums of not less than $50. And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus of revenues, from time to time, in the Treasury not otherwise appropriated, and to issue, sell, and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," with like qualities, privileges, and exemptions to the extent necessary to carry this act into full effect, and to use the proceeds thereof for the purpose aforesaid.

By the act of July 14, 1870, referred to in the resumption act the Secretary of the Treasury was authorized to issue two hundred millions of 5 per cent ten-year bonds, three hundred millions of fifteen-year 4½ per cent bonds, and one thousand million thirty-year 4 per cent bonds, one thousand five hundred millions in all, and all expressly payable "in coin," and all for the sole purpose of redeeming some five hundred million greenbacks.

After the passage of the resumption act the contraction of the currency, by reason of the coming into the Treasury of large amounts of the greenback circulation which were retained and not paid out, was very great (bringing them down to some $346,000,000), so much so indeed as to alarm some of the timid financiers of the country, and the result was the passage of the act of May 31, 1878, to prevent the further retirement or cancellation of the greenbacks. The terms of that act were—

That from and after the passage of this act it shall not be lawful for the Secretary of the Treasury, or other officer under him, to cancel or retire any more of the United States legal-tender notes. And when any of said notes may be redeemed or be received into the Treasury under any law from any source whatever, and shall belong to the United States, they shall not be retired, canceled, or destroyed, but they shall be reissued and paid out again, and kept in circulation: *Provided*, That nothing herein shall prohibit the cancellation and destruction of mutilated notes and the issue of other notes of like denomination in their stead, as now provided by law.

These statutory enactments have continued to be the law of the country from those times until now, and they are yet the sole and only statutory laws in force upon the subject. From 1875 until 1893, while the Republicans had entire or partial control of the Government, in no single instance was it found necessary or was it even contemplated by the Secretary of the Treasury to issue any of the bonds provided for by the resumption act for the purpose of taking care of the redemption of the greenback currency. Republicans believe to-day, as they have always believed, and as fifteen years of good management demonstrated, that if the revenues of the Treasury were sufficient to meet the expenditures of the Government there would be no reason for solicitude about the gold redemption fund; that there would be no occasion to so doubt the credit of the Government as that anybody would desire (unless for very special purposes of an occasional nature) to withdraw any gold from the Treasury. But since 1893 the report of the Secretary of the Treasury shows that great deficiencies have resulted annually. To say nothing of the deficiency accruing between March 4, 1893, and the 1st day of July, 1893, the last annual report of the Secretary of the Treasury shows that the deficit for the fiscal year ended July 1, 1894, was $69,803,260.58, and the deficiency for the year which ended July 1, 1895, was $42,805,233.18. The daily statement of the condition of the Treasury shows that the deficit since the 1st day of July, 1895, is in the neighborhood of $18,000,000, or at the rate of over thirty millions for this year, even should there be an improvement between now and the 1st of July, 1896. This deficit has largely resulted from the changes in the tariff laws, which so greatly decreased the income of the Government, and the bill that we passed

on the 26th instant it is hoped (if it shall become a law) will prevent the recurring of any deficit from this time on. Coincident with this deficit came the drainage upon the redemption fund.

Mr. Speaker, it was never contemplated that the Government should sell bonds, without special legislative authority, for the purpose of paying current expenses; but it is clear to everybody that the proceeds of the one hundred and sixty-odd millions of dollars of bonds which the Secretary of the Treasury has issued during the present Administration have been for the most part devoted to the payment of the current expenses of the Government, represented by this large deficit of one hundred and thirty-odd millions of dollars, and which expenses otherwise would not have been paid. This reduction in revenues, and its concomitant evil, the immense increase of the bonded debt, are to be attributed solely to that bad financial management which under the present Administration has brought about that unfortunate condition of things which led the people to overthrow the last Congress. The consequence is that the President, while now threatening to issue bonds for another hundred millions of dollars, has urged Congress to remain in session, to forego its usual holiday recess, and to speedily and promptly provide some relief for the Treasury. Congress, pursuant to the suggestion, has remained in session, and while the measures that have been proposed by the Republicans of the Ways and Means Committee have not been precisely such as the President desired, nor by any means such as meet the best views or wishes of the Republicans themselves, they are the only ones which seem likely to pass both Houses.

The first measure, already passed, will raise the revenue necessary to prevent future deficits, while the pending bill has only four objects in view. They are: First, to authorize the issuing of a bond which will bear less than 4 per cent interest per annum; second, to make clear that there is no intention at present to retire the greenback currency, as otherwise it would have no chance to pass this House; third, to prevent the continuance of those profitable syndicate purchases of bonds, which have created much scandal, and, by requiring the Secretary of the Treasury to advertise all sales of bonds, to give the people and the public everywhere a chance to invest as highest bidders, instead of closing them out in secret deals to syndicate bankers, so much to their profit and so greatly to the injury of the Treasury; and, fourth, to provide for the issue of certificates of indebtedness where the Government, by reason of a deficiency of revenues, is temporarily unable to pay an acknowledged liability. Opposition to a measure which has only these objects in view is most remarkable and inexplicable to as inexperienced a member of this House as I am. Much of that opposition seems to be based upon the notion (how derived it is impossible for me to imagine) that the provisions of the first section of the proposed legislation require and command the Secretary of the Treasury to issue in time of peace additional bonds bearing 3 per cent. But the most casual reading of the bill will demonstrate that there is not the slightest occasion for any notion of that kind.

The Secretary of the Treasury has the power, under the resumption act, to issue one thousand five hundred millions of bonds of the United States, all payable in coin, to maintain the redemption fund in the Treasury, subject to credit by the number of bonds that have been issued during Mr. Cleveland's Administration. It requires no additional legislation to enable him to do this. The whole object of this phase of the bill is to add to former laws so as to provide that when, in the exercise of previously given powers, he does issue bonds, he shall have the power to issue 3 per cent bonds instead of bonds bearing a higher rate of interest. Gentlemen seem to forget that the issuing of bonds is but another form of borrowing money for the purposes of the Government, and strange as it may seem, opposition is manifested to a proposition to authorize the Secretary of the Treasury to borrow that money at 3 per cent if he can get it, instead of at a higher rate.

Inquiry is made as to why we should not substitute this act for the previous laws, and thus to limit the power of the Secretary in borrowing money to 3 per cent interest. But gentlemen forget that it might be impossible, when the Government most needed money, and especially gold coin for redemption purposes, to borrow at that figure, although the law requires that the bonds shall be sold at not less than par, and the result would be if money was not obtainable for the purposes specified in the act at 3 per cent (and by money in this connection I mean gold coin for the purposes alone of the redemption fund, which is all this section deals with), then we could not borrow the money at all, unless existing laws remain in force, which enable the Secretary to go into the market as a borrower, and if he can not get the money at 3 per cent, to get it at 4, or 4½, or 5 per cent interest; so that practical business judgment demands that we shall leave to the Secretary of the Treasury that much discretion, that much power, to borrow gold-redemption-fund money if he can at low rates but if the Government must have it and he can not get it at low rates, then to leave with him the authority to get it at the market or higher rate, not exceeding 5 per cent.

True the Secretary now can sell the bonds at a premium, and in this way to some extent reduce the rate of interest, but if we are to continue year by year to have a large deficit in our revenues it will not be long until we can not sell 4 per cent bonds of the United States at a premium. I have too much respect for anyone who shall become the incumbent of the great office of Secretary of the Treasury to believe that he will so far differ from all of his predecessors, whether of one party or another, in honesty, in patriotism, and in an earnest desire to creditably fill the great office he holds, that if he can borrow money at 3 per cent he will decline to do so and pay a higher rate of interest. No man who has ever held that office has been of such a mold as to yield to any temptation to pay the highest interest when he can borrow at a lower, no matter whether he belonged to one party or the other, and I believe he should be invested with the discretion given by law.

Objection is made upon the part of some, and especially of those speaking for the Administration, that the law now proposed does not make the bonds payable specifically in gold coin. The gentlemen will remember, or ought to remember, that every statute of the United States upon the subject of issuing bonds, as well as the resumption act itself, is worded precisely as this proposed bill is worded in that respect, and provides that the bonds should be payable "in coin," and that the greenbacks shall be redeemed "in coin." I, for one, believe that this means gold coin. It has always been so construed by the Government, and could have meant nothing else at the time. I believe that the Government will ultimately pay and should pay every one of these bonds in gold coin or its full and accepted equivalent, and not in depreciated silver, but it might discredit (and the argument is used with much force that it would discredit) all previous issues of bonds of the United States issued under the resumption act to make new ones payable in gold coin. Should we now, for the first time, discriminate against them in the language used, and say that the bonds provided for by this act should be payable in gold coin, while the language of the other, to which it is an amendment, remained as before?

Mr. Speaker, it is exactly right in my judgment, in view of the previous legislation, which we are amending, in view of the honorable obligations of the Government, in view of the certainty that the utmost good faith will be preserved by the Government toward all of its creditors, and because previous bonds issued for redemption purposes are so worded, that this bill should be worded in this respect precisely as it is. It will not do to say the other bonds are sold and we have no interest in them. That would not be the language of an honorable Government.

Apprehension has been manifested, and most unnecessarily and without any sort of ground for it, that this bill would result in the retirement of the greenbacks, but the least attention to the real legislation proposed will show that it leaves untouched the act of May 31, 1878, which has been read, and which absolutely forbids the retirement of a single one of the greenback notes. The pending legislation not only does not propose to retire them, but in language as explicit as it is possible to use forbids their retirement. This is the purpose of the bill, although the time will, in my judgment, soon approach, especially if we continue to have a deficit and continue to issue bonds to keep up a consequent depletion of the redemption fund, when it will be absolutely necessary to consider whether the greenbacks should not be gradually retired in a period of say five or ten years, but whatever may be our individual views upon that subject this bill contains no sort of suggestion or requirement in that direction.

If this bill contained no other provision than the one which requires that the Secretary of the Treasury shall hereafter advertise any proposed sale of bonds, that alone ought to entitle it to the support alike of every Republican and every Democratic member of this House.

It is somewhat astonishing that more public scandal has not resulted from the syndicate operations, by which certain private individuals profited so much at the expense of the Government. It may be that the first syndicate operation was somewhat excusable under the then existing circumstances into which the Administration and the Democratic party, by their lack of wisdom, had brought the finances of the country, but surely such operations should be discountenanced by the law-making power, and as the people of this country have always shown themselves to be ready, able, and willing to maintain its credit, they ought, in common with the moneyed powers of the world, be given an opportunity to make bids for any bonds that the Government may sell. This feature of the bill surely is most commendable.

But one other subject requires to be noticed, namely, the second section of the bill. Some provision like it should always have been in the laws of the country. It is a business measure that should never have been overlooked, though probably no other occasion than the present has ever arisen when it was so much needed. In a nutshell, it gives the Secretary of the Treasury an opportunity either to issue to an acknowledged but unsatisfied creditor of the United States not otherwise provided for a certificate of indebtedness bearing 3 per cent interest, by which means the creditor can be treated justly and his claim bear an interest that ought to be paid upon it, or else, if he does not care to take

the certificate himself, in order to pay him the Secretary of the Treasury is authorized to sell the certificates and thus provide the cash means of doing so. This is the manifest effect and object of the second section. These certificates of indebtedness are not authorized, except when there is a deficiency of the revenue to pay current expenses of the United States. It is a just, reasonable, and wise measure, to which no one ought in seriousness to object.

Mr. Speaker, this bill, as I have read it and analyzed it, has no politics in it. It is founded in its entirety upon plain common sense business principles. It takes sharper eyes than mine to discover any politics in the bill, however much of the play of politics there may be around the opposition to its passage. But because it is a business proposition, because it provides, in my judgment, a wise enactment, because I believe the officers of the Government ought to be allowed, if they can, to borrow money at 3 per cent instead of a higher rate, because I believe that secret syndicate transactions in bonds ought to be discountenanced, as tending too much to bring the officers of the Government into great stock-jobbing operations, and because I believe that long before the Government has issued as large an amount of bonds as is authorized by the resumption act, the necessity for taking care of, or indeed for having a gold redemption fund, will be past or removed by wiser financial legislation, I most cheerfully support this bill, and upon these grounds offer a word in vindication of the action of the Republican majority of the Ways and Means Committee, although myself wishing that the resumption act itself had required all bonds to be payable in gold coin, and have thus saved a great deal of unforeseen trouble. But as the other bonds issued for the same purpose are payable in coin, these should read the same way; otherwise, if a 4 per cent redemption fund bond is issued it will be payable "in coin," while the 3 per cents issued for the same purpose would be payable "in gold coin." While this might please some, the practical judgment, indeed knowledge, of the committee was that it was impossible for it to pass into law in that shape, and that it was better not to attempt it, and thus sacrifice to the impracticable the other valuable features embraced in the proposed act.

The Coin Redemption Fund.

REMARKS

OF

HON. GEORGE W. HULICK,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Friday, December 27, 1895.

On the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

Mr. HULICK said:

Mr. SPEAKER: I shall vote for the bill now under consideration, not because it commends itself to my judgment as being the very best measure of relief possible, but because it is a step in the right direction, and under the circumstances, in view of the deplorable condition of our national finances, possibly all that can be done at this time. On principle I am opposed to issuing the bonds of the Government in times of peace. There would be no necessity for it if the party in power would in good faith carry out even the Democratic principle of a tariff "for revenue only"; but to raise revenue sufficient to pay the current expenses of the Government, the interest on the public debt, pensions, etc., a tariff sufficiently high would have to be levied on imports which would result incidentally in protection to American labor and encouragement to American industries. This the Democratic party will never permit, so prejudiced are they against anything and everything that savors of protection. They had full control of the Government in the Fifty-third Congress, and placed upon the statute book a law that has utterly failed to produce sufficient revenue, so that President Cleveland, under the act of 1875, to provide for the resumption of specie payments, has issued bonds of the Government for $162,000,000, paying 4 and 5 per cent interest thereon, and on which was realized the sum of over $182,000,000.

Notwithstanding this vast sum has been poured into the Treasury, the gold reserve fund of $100,000,000 has melted away so that to-day there remains less than $65,000,000 to the credit of that fund. The statement of the Secretary of the Treasury this morning shows an excess of expenditures over receipts for the fiscal year of over $15,000,000. This, Mr. Speaker, is the unfortunate condition in which we find our finances to-day. What ought to be done? Aye, what can be done? is perhaps the better way to put the question, because the Republican party, as represented on this floor, can not get what we would like to have; we can not legislate as the best interests of the people demand.

The adoption of the bill now under consideration is, therefore, in my judgment, the best that can be done under the circumstances.

Now, what is the purport of this bill? It has two objects in view: First, to maintain and protect the coin redemption fund; and second, to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

Under the resumption act of 1875 the Secretary of the Treasury is authorized to issue bonds of the Government at 4 and 5 per cent and to run from ten to thirty years. Under this bill interest must not exceed 3 per cent per annum, payable semiannually, and the bonds to be "redeemable at the pleasure of the United States in coin after five years from their date, and payable in fifteen years from their date"; thus placing on the market a bond at a lower rate of interest and upon a shorter time to run. In this same section there is another very important provision, in view of what the President and Secretary of the Treasury did last February in negotiating the secret sale of the sixty-two millions of bonds to a foreign syndicate. Under this bill such a reprehensible sale can not be made, and it also prohibits such a contract under the act of 1875. It provides that under this act and under the act of 1875 the Secretary "shall advertise the same and authorize subscriptions therefor to be made at the Treasury Department and at the subtreasuries and designated depositories of the United States"; thus affording to the American people an opportunity to invest American capital in American securities. Do we hear anybody object to this? Yes, I regret to say. We hear it on the floor of this House of Representatives, and the same sentiment is echoed from the White House. Let us pass this bill and forever prohibit by law the secret sale of our bonds to foreign syndicates reaping millions of profits to the exclusion of American capitalists.

The second section of the bill provides for issuing $50,000,000, payable in three years, at 3 per cent per annum, of the denomination of $20 or multiples thereof, payable at the Treasury of the United States and at such post-offices as the Secretary may select. This, Mr. Speaker, is getting near the people—within their reach. Twenty-dollar Government bonds for sale at your post-offices. Scattered all over the United States are many thousands of people who would gladly invest their small earnings in these securities. There are trust funds, guardian funds, corporation funds, individual funds—every description of funds in every bank and depository in this country, amounting to millions, that are now idle, drawing no interest, that would flow into the United States Treasury, and these bonds would be taken up and held by all classes of our people.

Mr. Speaker, I hear it said by those who oppose this bill—notably, the learned gentleman from Georgia [Mr. CRISP], the leader of the minority—that this bill proposes to retire the greenbacks and thereby contract the currency. Certainly no graver error could be indulged in by the opponents of this measure. If I could be convinced that the greenbacks would be permanently retired if this bill were to become a law I should vote against it. I don't think the Treasury notes should be withdrawn from circulation. The eminent chairman of the Ways and Means Committee, who drafted this bill, said in his speech on yesterday that the greenbacks would not be retired, that the currency would not be contracted, if this measure is adopted. In fact, Mr. Speaker, the language of the bill is so explicit on this point that there can be no mistake about it.

It is true that this bill provides that "the Secretary of the Treasury shall use the proceeds thereof for the redemption of United States legal-tender notes and for no other purpose," but it further provides that "nothing in this act shall be construed to repeal or modify" an act to forbid the further retirement of the United States legal-tender notes, passed May 31, 1878. Let me call the attention of the House to the language of that act of 1878, which is plain and unequivocal:

> That from and after the passage of this act it shall not be lawful for the Secretary of the Treasury or other officer under him to cancel or retire any more of the United States legal-tender notes.

Now, I want to emphasize the following express language of the law and call the attention of those who oppose this bill to this provision:

> And when any of said notes may be redeemed or be received into the Treasury under any law from any source whatever and shall belong to the United States they shall not be retired, canceled, or destroyed, but they shall be reissued and paid out again and kept in circulation.

Could language be more explicit than this? They (the greenbacks) shall not be canceled or destroyed, but shall be reissued and kept in circulation.

Mr. Speaker, there is no tenable argument against this bill. Is it not true that our Democratic friends oppose it because the Republicans favor it? They are keeping up their reputation for opposing every measure advocated by the Republican party for the last thirty years—opposing, discouraging, tearing down, destroying, and protesting against everything that was for the benefit of the people—a policy of antagonisms, and, when for some unaccountable reason, which no man can understand, the Democratic party was placed in full control of the Government, it most sig-

nally failed to do one single thing for the good of the people, but on the contrary has emptied the Treasury, run in debt over $162,000,000, and had to call on a foreign syndicate of capitalists for a valuable consideration to act as a protectorate over our Treasury and to assist that party in trying to maintain the national credit.

And at this very hour the Secretary of the Treasury and the President are negotiating another loan of one or two hundred millions from these foreign protectors (?) of our national credit. Pass this bill and thereby say to the President and Secretary of the Treasury, We have in our country, in the hands of our own people, money enough to take up every bond issued or to be issued—only give them a chance. Send your bonds out to the post-offices all over this country and see whether or not the people haven't money and patriotism enough to meet the emergency.

On day before yesterday we passed a bill in this House that will yield about forty millions of revenue. It is not what the Republicans wanted, it is quite as much as we can faintly hope the Senate and President will give us, but as far as it goes it will protect the woolgrowers' interests and other industries.

In the fullness of time, however, such legislation will be placed on the statute book that will yield sufficient revenue to pay all the current expenses of the Government, pay all pensions to the soldiers without disallowing or cutting them down, pay interest on Democratic bonds, reduce the public debt, maintain the gold reserve fund, and at the same time will afford protection to American labor, encourage and foster American industries, and again place our country on the highway of prosperity, as it was when the Republican party turned it over to the present Administration.

The Coin Redemption Fund.

REMARKS

OF

HON. DAVID G. COLSON,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Monday, January 6, 1896,

On the bill (H. R. 2904) to maintain and protect the coin redemption fund and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

Mr. COLSON said:

Mr. SPEAKER: The President in his message of emergency to the Congress, says:

> I ask at the hands of the Congress such prompt aid as it alone has the power to give to prevent in a time of fear and apprehension any sacrifice of the people's interest and the public funds or the impairment of our public credit in an effort by executive action to relieve the dangers of the present emergency.

The bill just reported by the Committee on Ways and Means and now before the House for consideration, if intended as a response to the President's request, in my opinion, is not such a response as should be given.

I not only have no objection to but favor section 2 of the bill, which authorizes the Secretary of the Treasury, at his discretion, to issue certificates of indebtedness of the United States to an amount not exceeding $50,000,000, payable in three years after their date to the bearer in lawful money of the United States of the denomination of $20 or multiples thereof, with annual coupons for interest at the rate of 3 per cent per annum, and to sell and dispose of the same for not less than an equal amount of lawful money of the United States at the Treasury Department, at the subtreasuries and designated depositories of the United States, and at such post-offices as he may select, for the purpose of providing for any temporary deficiency now existing or which may hereafter occur in the current revenues of the Government. The certificates of indebtedness provided for in this section of the bill, being of small denominations and distributed through the post-offices of the country, would afford a safe investment to our own people, especially to that class of our own people who are unable to buy the bonds of the Government of larger denominations and who desire to invest without delay for a short time any funds they may have idle. These certificates will also invite from its hiding place much of the yellow metal now in demand and so much needed by the Government and which for years has been hidden away in private places of deposit because of lack of confidence on the part of the owners in the banking institutions of the country. I believe that the power which this section confers upon the Secretary of the Treasury is such as he should have, because it is not always possible to anticipate and provide for every expense of the Government, and deficiencies are liable to occur, to provide for which this section of the bill gives the power by selling a form of certificates of indebtedness which the great mass of the people can readily absorb at any time the Government may desire to secure the loan.

The people of this country have confidence in the ability of the Government to redeem or make good its obligations, and I believe that not only the confidence of the people but their patriotic impulses would cause them to come to the support of the Government by absorbing these certificates of indebtedness at any time the Government might be required to issue them to provide for any temporary deficiency in its revenues. I believe that every act authorizing the issue by the Government of certificates of indebtedness or bonds for any purpose should require that such certificates or bonds should be issued in sums of $20 or multiples thereof, so that a larger number of our citizens could share in the benefits resulting from the investment of funds in the Government securities. Only a small per cent of our people can purchase Government securities of the denominations of a thousand dollars or more; a much larger per cent of our people can purchase Government securities of the denomination of $20 or small multiples thereof. It should be as easy for any citizen who has $20, $40, $100, or $200 to invest it in a Government security as it is for a citizen who has $1,000 or $50,000 to do so. Section 2 of the bill is a recognition of this principle, and this is one of the facts that commend it to the favor of this House. The purpose for which this section is intended is clear and explicit, and there can be no misapprehension of its purpose, and that purpose being right and proper, I give this section of the bill my hearty support.

Now, Mr. Speaker, as to the first section of this bill. What are the conditions which make it necessary for the Government to issue bonds to maintain and protect the coin redemption fund, and who is responsible for the existence of these conditions? Why is it that a "time of fear and apprehension" not only exists to-day but has existed during the last three years? It was not necessary in time of peace under any Administration before the present Democratic Administration or prior to March 4, 1893, for the Government of the United States to issue its bonds to maintain and protect the coin redemption fund of the Treasury. The conditions that have, since the 4th of March, 1893, rendered such action necessary are most remarkable, and the party responsible for their existence should be, as it already has been, condemned by the people.

We have here present the living evidence of such condemnation in the shape of an unprecedented Republican majority in this House. Under the Administration of Benjamin Harrison and the laws enacted during that Administration and prior thereto by the Republican party the revenues of the Government were amply sufficient to meet its expenses, and the $100,000,000 of gold kept as a sacred reserve in the Treasury for the redemption of the greenbacks and Treasury notes was not encroached upon. Labor was employed, capital sought investment in every branch of creative industry, and our people were more prosperous than they knew. At the election of 1892, the Democratic party, having beguiled the people with the cry of tariff reform and having insisted that the masses were being robbed to enrich the few by tariff taxation, was put in control of both branches of the legislative department of the Government and the Chief Magistracy of the nation, an event which carried with it a responsibility which the Democratic party was ill prepared to assume.

It was the first time in more than thirty years that the Democratic party had the power to enact a law affecting national affairs. Swift upon its accession to power it proceeded to inaugurate its tariff reform by repealing the McKinley tariff law, which afforded ample revenues to the Government and gave protection to American interests and American labor, by enacting what in the House was called the "Wilson bill," and which as amended in the Senate was called the "Brice-Gorman-Wilson tariff bill," and which by Mr. Cleveland, the occupant of the White House, because of the incidental protection given by its Senate amendments to a very few industries, was denounced as an act of "party perfidy and party dishonor," and which, considered in the light of results, had more appropriately been called "An act to create a deficiency in the public revenue and make it necessary for the Secretary of the Treasury to sell the bonds of the Government worth $1.18 in the open market for $1.04 in a private deal with a bond syndicate."

The report of the Secretary of the Treasury shows that during the first fiscal year of Mr. Cleveland's Administration, ended June 30, 1894, the expenditures of the Government exceeded its revenues by $69,803,260.58, and for the fiscal year ended June 30, 1895, by $42,805,223.18, making a deficit of more than $112,608,483.76 for the two years. The Wilson tariff law failing to provide a sufficient amount of revenue to meet the expenses of the Government, the hundred million dollars of gold held in the Treasury as a fund for the redemption of the greenbacks and Treasury notes was diverted from its intended purpose and used to meet the ordinary expenses of the Government. This raid upon the gold reserve had the effect of intensifying the distrust in the business world that began with the election of Mr. Cleveland as President of the United States and a Democratic Congress in 1892, with the result that the banking institutions of the country, in order to fortify themselves

against the extraordinary demands that accompany business panics, declined to make further loans, increased their gold reserve by converting their greenbacks and Treasury notes which they received in settlement of their claims against their debtors into gold by having them exchanged for gold at the Treasury of the Government.

To meet this demand for gold upon the Treasury the Secretary of the Treasury has issued and sold bonds of the Government to the extent of $162,000,000 since the 4th of March, 1893, and bonds worth $1.18 have been sold at $1.04. The deficit of more than $112,000,000 which existed on the 30th of June, 1895, has increased enormously, and is at present increasing at the rate of four or five million dollars a month, and the consequent stream of gold which has been kept flowing into the Treasury and credited to the fund maintained to redeem the greenbacks and Treasury notes has steadily been withdrawn from that fund to meet the current expenses of the Government. This condition is intensified by the fact that the greenbacks and Treasury notes which the Government is pledged to redeem in coin and which it is the Government's policy to redeem in gold if the holder so demands, which policy meets with my approval, as soon as so redeemed have to be reissued under the existing law, and as soon as so reissued are again used to withdraw the gold from the Treasury. It is to meet this condition that the President asks Congress to take some action. I do not believe that section 1 of the bill now under consideration meets the condition.

The Secretary of the Treasury, under his construction of the act of January 14, 1875, now has the power to sell 4 per cent or 5 per cent bonds to replenish the gold reserve. It is claimed by gentlemen who have spoken in advocacy of section 1 of the bill before the House that as it authorizes the Secretary of the Treasury to sell 3 per cent bonds to replenish the gold reserve, its passage would result in a saving to the Government. In this they are mistaken, because if, when bonds are sold, money can be had for 3 per cent, a 4 or a 5 per cent bond can be sold on a 3 per cent basis, and net as much to the Government as a 3 per cent bond sold at par. This section provides no solution of the financial difficulty confronting the nation. It does not go to the root of the evil, as the bill we pass should do. It contemplates a continuation of the disastrous policy pursued by the present Administration, and if it had been submitted to a caucus of the Republicans of this House would not have been approved by it in its present shape.

We have in this country a circulation which is barely ample to meet the requirements of trade, and I am opposed to any form of legislation that looks to a contraction of the currency. I would prefer to see some legislation that would provide for a gradual increase in the money of the country, providing always that every dollar of our currency is kept as good as any other dollar. I had hoped that the Committee on Ways and Means would report a bill that would put an end to the embarrassment now being caused by the constant presentation of our greenbacks and Treasury notes at the Treasury for redemption in gold. I am opposed, however, to the retirement of the greenbacks and Treasury notes unless some other form of currency is provided to take their place, because such contraction of the currency would result in additional distress to the people. If the responsibility of maintaining a current redemption could be obviated, I would be glad to see all currency issued by the Government itself, but as no provision has ever been suggested for this, as it seems necessary for currency to be based upon some form of bond payable in future I would favor any legislation that would retire the greenbacks and supply their places with some form of national currency.

It is my opinion that the bonded debt of the Government should not be increased in time of peace, but that, on the contrary, the bonded debt created in time of war should be paid as rapidly as possible. Such has been the policy of the Government as administered by the Republican party. From the close of the late civil war to the beginning of the present Democratic Administration the bonded debt of the Government was constantly reduced, the total reduction being about $2,400,000,000. The Democratic party, reversing this policy, has, since the 4th of March, 1893, increased the bonded debt of the Government more than $162,000,000. Which policy is right? The people of this country have answered this question. What the country now needs is a tariff law which will insure an amount of revenue which, supplemented by the internal revenue, will amply meet the expenses of the Government. This House has passed a tariff bill which, while not such as it would have passed had the committee not been called upon to act with great haste, will, we believe, if it becomes a law, provide ample revenues to meet the expenses of the Government. Having done this, I doubt that we should pass section 1 of this bill, because such action will be regarded by the country as a quasi indorsement by the Republican party of the Democratic policy of increasing the public debt in time of peace, and also, by implication, of the Democratic legislation which caused the deficit I have mentioned, from which our embarrassing condition has arisen. I can not, for this reason, and for the further reason that it provides no solution of the financial difficulties present or impending, give my support to section 1 of the bill.

I believe this House should pass a bill providing for the issue of five hundred millions, or as great a sum as might be necessary, of 2½ per cent fifty-year coin bonds, for the purpose of retiring the $346,000,000 of the greenbacks and $147,000,000 of Treasury notes issued under the act of 1890, the bonds to serve as a basis for a national currency to take the place of the greenbacks and Treasury notes so retired. Such a law would at once relieve the Treasury of the burden of maintaining current redemption, restore confidence in the business world, and go far toward ending distress among the people. The country expects the House to pass such measures as will deal thoroughly with the evils of our financial system, and it should do so, and put the responsibility of their failure to become laws upon the Senate or the Chief Magistrate of the nation.

The Coin Redemption Fund.

REMARKS

OF

HON. JOHN A. BARHAM,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, December 27, 1895,

On the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

Mr. BARHAM said:

Mr. SPEAKER: I am an American first and a Republican afterwards. The bill which is under discussion is neither an American nor a Republican measure. The first section of the bill is a legislative ratification of all the secret manipulations of Mr. Cleveland and his Secretary of the Treasury with the foreign syndicate, out of which the people lost more than $8,000,000. If it is intended to deal fairly with the people, why, in heaven's name, was not a plain, ordinary amendment made to the act of 1875 making it necessary to advertise for bids on a sale of bonds and reducing the rate of interest to 3 per cent? Then the American people would be placed upon equal terms with Wall street and Rothschild & Co.

It is perfectly apparent that this section is in the interest of these institutions and people who can control large sums of money and who are seeking long-time loans. Now, look at the second section of the bill. It provides for a low rate of interest—3 per cent—and short-time bonds, made payable in lawful money. It is expected that the people, from patriotic motives, in the case of an emergency will take these bonds. Why should this discrimination be made against our people? Why require the people to take low-rate bonds and make them accept in payment lawful money, when the bonds which it is expected the banks, Wall street, and the Rothschilds to take are made payable in coin (which means gold, as construed by Carlisle), and are long-time obligations? No Republican convention ever indorsed such a measure; no Republican caucus of this House ever indorsed such a measure. This bill is the creation of Grover Cleveland. I am not a cold, clammy, Republican Cleveland cuckoo. I am now and always have been opposed to bond issues in time of peace, and if Mr. Cleveland will approve the bill which was passed by the House on yesterday no further emergency legislation will be necessary by this Congress. The revenues will be amply sufficient for all the purposes of this Government; and if he sees proper to veto yesterday's action by this House let him and his party, if he has any left, account to the people.

This bill is one which is susceptible of more than one construction even by lawyers. Now, why should we place such a bill in the hands of Secretary Carlisle for construction when all know who have read what he says that he does not know what money is?

Before the Chamber of Commerce of New York, in the course of his remarks upon the financial question a few days since, he said:

> The proposition that a promise of the Government to pay money is money is just as absurd as the proposition to deliver a horse is a horse. Yet there are eminent men in public councils who believe that the United States promissory note is actual money.

A greenback is the promissory note of this Government and is a legal tender for debt.

The term "money" is used to designate the whole volume of the medium of exchange recognized by the custom of merchants and the laws of the country. It includes coin, but is not confined to it. Whatever is lawfully current in buying and selling is money.

By universal consent, under the sanction of all courts, the lawful currency of a country, that which may be tendered and must

be received in discharge of a debt, is money. The Supreme Court of the United States and nearly every State supreme court in the Union have so held. From which it follows that anything which this Government makes a legal tender for debt is money, notwithstanding the declaration of our distinguished Secretary to the contrary. Under the Revised Statutes of the United States gold coins, silver dollars to any amount, silver halves and quarters to the amount of $5 in one payment, minor coins to an amount not exceeding 25 cents, and United States notes are all legal tenders for debt, and under the decisions of our courts are each and all money. A very elaborate discussion and full citation of authorities may be found in Klauber *vs.* Biggerstaff, 47 Wisconsin, 557.

The Legal-Tender cases reported in 12 Wallace would be fine reading upon the question of what is money for Mr. Carlisle, who thinks greenbacks are not money. Now, if he does not know what money is, why place in his hands for construction an act the meaning of which is doubtful in the judgment of men who know what words in the English language mean? We all know how he has construed the word "coin." He says it means gold. Anyone who ever looked at the definition of the word "coin" knows that it means a metal stamped and made a legal tender. It means gold to any amount. It means silver dollars to any amount. It means half and quarter dollars to the amount of $5, and nickels to the amount of 25 cents.

Conditions are bad enough now without placing further and more doubtful and dangerous legislation in the hands of this Administration.

The advertisement clause in the bill will not prevent Mr. Cleveland and his Secretary from violating the statute. You can not prevent larceny by providing in a statute that it is a felony. You may convict and punish the guilty under a statute, but you can not prevent crime by making a law. It was as much a violation of the act of 1875, and no more, to make a secret contract with a foreign syndicate, without advertisement, for the sale of $163,000,000 of bonds, as it would be to disregard the provisions of this bill; and the sale will be to a foreign combine even though the bill becomes a law. A sale, when made, will be for $100,000,000 of bonds, and no one but Rothschilds, Belmont, Morgan & Co. will be able to take the bonds. The sale will not be parceled out, but to one syndicate.

The second section discriminates against our people. The bonds are payable in lawful money, while bonds for millions, which will be sold to a foreign syndicate, are made payable in coin. Why discriminate against our people in this manner and expect thereby to arouse patriotic feelings?

Suppose I take a hundred thousand dollars of these certificates. Can I compel the Treasury to take silver for them? Anybody knows that Mr. Carlisle would not accept such a bid. Yet they are payable in silver. I will never support a measure which addresses itself to a patriotic people on such unequal terms.

The Coin Redemption Fund.

REMARKS

OF

HON. WILLIAM F. STROWD,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, December 28, 1895,

On the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

Mr. STROWD of North Carolina said:

Mr. SPEAKER: I apprehend that the excuse for the introduction of this bill grows out of the fact that the Secretary of the Treasury, in construing the second section of the law known as the Sherman Act, persists in using his discretion in favor of gold, when the law expressly says he shall redeem these obligations in either silver or gold. And in order to maintain the parity between the two metals he should have treated both as equal in discharging these obligations. Then there would be as great a necessity for a silver reserve as for a gold reserve.

Let him use the discretion the law gives him and coin the silver and pay in whichever metal is most convenient, and the problem is solved. The Treasury will not be looted by gamblers and money sharks.

The trouble is not in the law but in his strained construction of the law. There is no law to keep one hundred millions in gold in the Treasury. If the Secretary would take away this temptation from the money manipulators by redeeming the greenbacks and Treasury notes in silver or gold, whichever is most convenient, and let that be the American policy, he would at once solve these fiscal problems. Why issue interest-bearing bonds in time of peace? Why not issue legal-tender notes based on the same security as the proposed bonds? Speaking of such notes, one of the wisest men that ever occupied a seat on this floor said, in reference to these same notes:

> Mr. Speaker, I hold in my hand a legal-tender Treasury note. It is good money. Good for the farmer, good for the merchant, good for the banker, good for the manufacturer, good for the great plain people. Why is it good? Because every dollar's worth of property and every drop of loyal blood in the patriotic heart of every citizen of this country is behind them.

Then why issue bonds—gold compound interest-bearing bonds—and put a debt upon the country which our children's children will not see paid? Day before yesterday you passed a bill largely increasing the tariff, which is now a tariff for protection. There is no such thing as protection without a protector, and who, let me ask, are the protectors? Some say the consumer, but I say, in its final analysis, it comes out of the farmer. When you speak of business you do not mean farmers or farming. You mean commerce, finance, manufacturing, etc. The great toiling masses are not in it, except about election times.

This bill is altogether in the interest of the bankers and money classes of this country and England. This and all other laws that have been passed for the last thirty years and more have been in the interest of the wealthy classes, and to the detriment of the laboring classes of this country. It is paternalism of the worst kind. As a Populist, I protest against creating an army of beneficiaries who think that inasmuch as the Government has so shaped its financial policy as to give nearly all the wealth of the nation into their hands, they ought of right to rule it. That their protectors and benefactors have no rights they are bound to respect. The object of this bond bill is to retire the greenbacks and Treasury notes—to still further contract the currency by hundreds of millions and thereby enriching the few to the utter ruin of that great upper middle class of society which is, and has been in all times, the saving strength of the nation.

They could coin the seigniorage and get the amount of money needed by the Treasury, but they will not do that. They will reject every proposition to raise money that can be suggested or submitted. Nothing will satisfy them but gold bonds. Switzerland is the model Republic of the world. Fifty years ago she faced the problems confronting the poor of the United States to-day. Her patriots were equal to the emergency and established a Government bank. The public credit was printed on notes, and these notes were loaned to the farmers on mortgages, running for thirty years, at 3½ per cent interest, the borrower to pay one-thirtieth of the principal back annually. The old mortgages were taken up; prosperity smiled upon the people; Shylock was banished; usury was impossible, and the little nation went upward and onward to its happy destiny.

To debase silver and exalt gold, and then cry out dishonest dollar, 50-cent dollar, is about on a parity with overproduction and laziness. It is the argument that the highway robber makes to his victim. It is the argument that the wolf makes to the lamb. It is the argument that Amnon made to his sister Tamar when he despoiled her of her virtue and then kicked her out of the door.

Suppose gold should receive the same treatment at the hands of the legislative bodies of all civilized nations, what would be the result? Why, a child would know the answer. If the same treatment had been accorded to silver as has been accorded to gold, does not every man in this House know they would be as near on a parity as they were prior to 1873?

Whenever silver receives proper legislation at the hands of this Congress it will be upon a parity with gold at any ratio Congress may establish, whether 16 to 1, or more, or less. If the price of gold and silver and the parity between them is maintained by the quantity of each produced, or by intrinsic value, why was it that England's demonetizing silver in 1816 did not degrade it below the price of gold? Why was it that France by having a ratio of 15½ to 1, notwithstanding the fact that England had demonetized it, kept silver at a premium of 3 per cent throughout the civilized world for more than fifty years? All these arguments about parity, cheap money, and dishonest dollars border on the "vulgar confines of sophistry." It is the only argument they have (and that is no argument) to cover the most vicious system of financial laws ever enacted in the civilized world. That system is to exalt the dollar and debase the man; it is a system that enhances the value of money and depresses the prices of property and products; a system that has inaugurated a slavery in the rural districts of this nation among the farmers and laborers, more galling, more cruel, more oppressive than any African slavery that this country ever saw.

If the demonetization of silver has the same effect in this nation as it has produced in England it will cause the farmers to lose their homes and make them slaves where they were heretofore masters. When silver was demonetized in England in 1816 she had 180,000 landowners. In less than fifty years four-fifths of them had lost their homes. England to-day has a peasantry too poor and

ignorant to rise to the dignity of patriotism, instead of a yeomanry whose manhood and prowess made her the mistress of the world. In an evil hour for old England she yielded to the cry of the money shark, she contracted her currency, making her money too dear for the plain, honest man, and degraded and debased the manhood of her own people so that she never can again reproduce the armies that conquered Napoleon. In an evil hour our own country followed her example; and this bill crowns the climax of a conspiracy which began with placing the exception clause on the greenbacks when the gold gamblers got control of the finances of this country; and I say here and now that every act of Congress passed from that day to this day, namely, the banking act, the act contracting the currency, the public-credit-strengthening act, the act demonetizing silver, the act resuming specie payments, and this present bond bill, which retires all the greenbacks and Treasury notes and increases the public debt hundreds of millions and brings the country to a solid gold basis, means endless poverty and never-ceasing toil for the laborer and the poor man—a struggle for existence to keep the wolf of hunger and want from his door.

It is estimated that the indebtedness of this country of all kinds, public and private, municipal and corporate, amounts to the enormous sum of $30,000,000,000, the average interest on which is 6 per cent per annum, which amounts to $1,800,000,000. When we consider that all the corn, wheat, oats, and cotton produced by the farmers and all the gold and silver mined in the United States amounts to only about fourteen hundred millions, the appalling fact remains that after taking nearly everything the farmer and miner produces in this country, leaving nothing for the support of their families, we then fall short of meeting the interest on this indebtedness nearly $400,000,000 annually.

It is plain that this debt can never be paid. When we take into consideration the further fact that out of the 14,000,000 of homes in this country, 9,000,000 of them are under mortgage, is it not time that this Congress should be considering something else rather than increasing the debt of the nation? It is not the business of Congress to enact laws to enable a few men to live in wealth and luxury and consign the toiling millions to serfdom, but to enact such laws as will give every man and every woman and every boy and every girl an open field and a fair chance in the race of life.

The Tariff.

REMARKS

OF

HON. JOHN A. BARHAM,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, December 26, 1895,

On the bill (H. R. 2749) to temporarily increase revenue to meet the expenses of Government and provide against a deficiency.

Mr. BARHAM said:

Mr. SPEAKER: It is not my purpose to discuss at length the measure before the House. While it is not all that I desire to advocate and not all that our interests and industries demand, yet it is all that we may expect the President to approve, or, by not approving, allow to become a law. My section of the country and its industries require for successful competition the full restoration of the McKinley tariff on lumber, wool, fruits, butter, and agricultural products. The increase of duty on these articles, as provided in this bill, will, however, place these industries beyond the point of bankruptcy and will enable the people so engaged at least to live until the restoration of the Republican party to power, the inauguration of a Republican President, and the convening of the Fifty-fifth Congress, when, as the country may be well assured, a protective tariff will be fully restored.

The passage of this bill, which is an assured fact, in the speedy manner proposed by the rule which has just been adopted, will reassure the people and inspire them with confidence that the Fifty-fourth Congress means to transact business and not build up politics. The President, in his message, in response to which this measure is introduced, substantially concedes that the revenue raised by the hyphened tariff bill for revenue only passed by the last Congress is wholly and entirely inadequate to suit conditions with which the country is confronted. In fact, we are face to face with a condition, and not a theory. It is true a theory has produced this condition, and the President's message can in no way be construed other than admitting that the theories of the Democratic party, found announced in the Gorman-Wilson bill, are colossal failures which have brought the richest, best, and most productive country on God's green earth to the very verge of financial bankruptcy while having the most wonderful resources and integrity beyond question.

It seems to me that the other side of the Chamber can ill afford to taunt this side with haste and want of due consideration of this measure. The people fully understand the question of tariff and have in the most emphatic manner passed upon that question through the ballot box. Besides being fully advised, those of them who doubted, in fact denied, the correctness of the doctrine of Republican protection have been educated in the school of experience until they no longer desire discussion. What the people most desire at the hands of Congress is action; and beyond this the request of the President in his message is so urgent for immediate and speedy relief, he asks us to forego our usual Christmas holiday, to waive our Christmas turkey, that the country may be relieved. In the face of such urgency by a Democratic President it is difficult for a reasonable person to see how the Democrats upon this floor can cry haste upon the part of the Republicans.

The people do not desire further discussion; your side ought to have discovered your error; if not, time and argument will not remove your want of capacity to discover. Yet you argue that if a tariff measure is to be enacted we should enact the McKinley bill. We certainly most sincerely thank you for your kind solicitude for what Republicans ought to do. But in so far as I am concerned I reject your advice for a great number of reasons. It is perfectly apparent from your past record and history that your party is a party of errors. It is not advisable to consult error with the hope of getting right. No, the Republican party has always been big enough, broad enough, and had brains enough to meet any emergency. None has ever arisen which was too great for it to overcome, or for which it failed to adopt a full, fair, adequate, and complete remedy. No, we will not follow your advice, for it would be a mistake, of course.

The Secretary of the Treasury has, in the last two and a half years, sold bonds to the amount of $162,000,000, from the proceeds of which he has paid out for the current expenses of this Government $133,000,000. Just so long as there is a deficiency in the revenues which comes to this Government to pay current expenses the "endless chain" will run on, and bond issue after bond issue will be the result. The revenue which will come from this measure will be about $44,000,000, and thereby the income of the Government will equal its expenditures, and there will be no deficit, and the bond issue will cease. It is useless and idle work at this time to discuss a general protective tariff measure; the people do not desire it, and this Congress will pass this measure, which will meet the present urgent emergency, and delay the consideration of a protective measure until after there is a change of administration.

Bonds, High Tariffs, and Certificates of Indebtedness.

REMARKS

OF

HON. A. M. DOCKERY,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Friday, December 27, 1895,

On the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

Mr. DOCKERY said:

Mr. SPEAKER: I shall avail myself of the courtesy of the House to state succinctly some of the reasons which impel me to oppose the propositions submitted by the Republican party to meet the exigencies of our Treasury situation. They provide not only for a "horizontal" annual increase of tariff taxation amounting to about $40,000,000, but also for the issue of 3 per cent coin bonds, without limit, to replenish the gold reserve, together with the authorization of 3 per cent certificates of indebtedness not to exceed $50,000,000 to meet temporary deficiencies in our national income.

It may be well to state that the existing tariff law would probably have met all the requirements of the Treasury but for the unexpected decision of the Supreme Court depriving the Government annually of not less than $30,000,000 of income tax revenue.

In view of this decision, however, declaring the unconstitutionality of the income tax, the Secretary of the Treasury estimates that the deficiency on account of revenues and expenditures for this fiscal year will amount to about $17,000,000, and at the close of the fiscal year 1897 the surplus in the Treasury on the basis of current revenues and liabilities will be about $7,000,000.

It may be well to state in passing that the deficiency is in no wise due to wanton expenditures on the part of the present Administration. During the fiscal year 1895 receipts were greater by $15,668,055.86 than during the prior fiscal year; yet the expendi-

tures were reduced by an economical Administration below the previous year in the sum of $11,329,981.54. Indeed, during the fiscal years 1894 and 1895, as stated by the Secretary of the Treasury, the ordinary expenditures of the Government were decreased by $27,282,656.20, as compared with the fiscal year 1893. It must also be remembered in this connection that receipts from customs revenue were greatly diminished by the McKinley Act, while expenditures have been greatly increased, largely on account of the legislation of the Fifty-first Congress, commonly known as the Reed Congress.

The results of dwindling revenues and increasing expenditures were becoming apparent even under the Administration of Mr. Harrison, for during the last four months of his term the expenditures exceeded the receipts by $4,094,021.38.

This deficiency, with others that have followed, was almost solely due to the riotous appropriations of the Republican party. From March 1, 1885, to March 1, 1889, a period covering the four years of Mr. Cleveland's first Administration, the entire income of the Government amounted to $1,451,660,246.74, while the total receipts from March 1, 1889, to March 1, 1893, under Mr. Harrison, aggregated $1,539,723,590.58. The entire expenditures for the same periods, exclusive of bond purchases and premiums thereon, were $1,063,223,202.93 under Mr. Cleveland and $1,330,394,780.55 under Mr. Harrison. In other words, while the receipts of Mr. Harrison's Administration exceeded those of President Cleveland's by $88,063,343.84, the expenditures of Mr. Harrison were $267,171,577.62 greater than those of his Democratic predecessor. The expenditures of the Government leaped from $318,040,710.66 during the fiscal year 1890 to $383,477,954.49 in 1893.

It is impossible to state with accuracy what proportion of this increased outlay was due to the legislation of the Fifty-first Congress, but it is known that of the appropriations of the Fifty-second Congress about $154,000,000 were consequent upon the legislation of the Fifty-first Congress. Moreover, at the close of Mr. Cleveland's first Administration the Democratic party turned over to the Administration of Mr. Harrison, upon the present basis of stating the Treasury account, $83,827,190.29 of available cash assets in excess of the $100,000,000 gold reserve. After four years of Republican rule the Democratic party resumed control of national affairs, and found in the Treasury at the beginning of March, 1893, an apparent surplus of but $24,128,087.88, exclusive of the gold reserve. This meager surplus, consisting in great part of unavailable subsidiary and minor coin, was all that remained, notwithstanding, as has already been stated in this debate, the Republican party had extended $25,364,500 of bonds maturing September 1, 1891, and had also covered into the Treasury and used for general expenditures $54,207,975.75 of trust funds belonging to the holders of national-bank notes.

The Republican Administration had also defaulted during the fiscal years 1892 and 1893 in the requirements of the sinking fund by an amount exceeding $40,000,000, and had reduced the disbursing officers' balances available for current expenses from $47,905,423.30 to $23,515,033.70 during the four-year term beginning March 1, 1889.

It can not be claimed that the diminishing surplus was due to the purchase of Government bonds, for during President Cleveland's first Administration bonds were retired at a cost of $360,419,953.11, as against but $292,963,486.67 used by President Harrison for like purposes. There were also inherited at the time Mr. Cleveland was inaugurated President, on the 4th of March, 1893, outstanding liabilities authorized by prior Congresses amounting to $96,051,325.96. These liabilities were to be met by appropriations or expenditures after the close of the fiscal year 1894, the items being as follows:

River and harbor contract liabilities	$28,112,147.00
River and harbor appropriations not to be expended until after close of fiscal year 1894	2,500,288.00
Balance under contracts authorized for Army Gun Factory and heavy ordnance	5,526,000.00
Balance to be appropriated for the Library of Congress under contracts authorized	2,150,000.00
Amount to be appropriated under authorized limit of cost for public buildings	$9,989,265.71
Amount to be appropriated for light-houses	725,600.00
Increase of the Navy	16,325,000.00
National-bank redemption account, July 1, 1894	15,265,473.25
Cherokee Outlet lands	8,300,000.00
Additional amount to be expended on public works under continuing appropriations heretofore made	7,159,552.00
Total fixed liabilities to be met after the fiscal year 1894	96,051,325.96

Mr. Speaker, I have felt constrained to make this hurried summary of fiscal affairs, inasmuch as the leaders of the Republican party in the course of this debate have persistently sought to fix the responsibility of the Treasury deficiency upon the legislation of the Democratic party and its national Administration. In the presence of this fiscal exhibit, however, it becomes obvious that the Democratic party is acquitted of responsibility, except in so far as the deficiency results from income-tax legislation, and we have no apologies to offer for our efforts to require the accumulated capital of the country to bear its just proportion of the burdens of Government.

PROPOSED LEGISLATION.

Mr. Speaker, I come now to a very brief review of the so-called remedial propositions submitted by the Republican party. It will not be denied that the Treasury situation, both in respect to current income and the gold reserve, is far from satisfactory, but in order to make an intelligent application of a remedy we must first determine the causes which have depleted this reserve and reduced the revenues. I do not concur in the view that the Secretary of the Treasury should be clothed with power to issue three-year 3 per cent certificates of indebtedness to an amount not exceeding $50,000,000 to meet temporary deficiencies "now existing or which may hereafter occur." I know that this proposition comes to the House not only with the approval of the majority of the Committee on Ways and Means, but also with the indorsement of the Secretary of the Treasury. That is to say, the Secretary thinks there should be authority to issue temporary deficiency certificates, although there is no existing necessity for such an issue.

My opposition to this proposed legislation rests on the conviction that it will ultimately lead to extravagant appropriations. I think it altogether likely that this authority would be wisely employed not only by the present Secretary but by his successors in office, and my apprehension is not therefore based so much upon a fear that the trust may not be judiciously exercised by the Secretaries of the Treasury, but that it will prove to be a constant menace to the Treasury and lead to deficiencies that would not otherwise exist. There is no influence so restraining upon Congress and more certain to assure economical appropriations than revenues which, while ample for the needs of the Government, are yet not in excess of those requirements. Therefore, it seems to me that the lodgment of this power with the Secretary of the Treasury would likely operate as an invitation to Congress to profligate appropriations in many instances, for should such appropriations result in Treasury deficiencies, the deficiencies can be easily supplied by the issue of temporary 3 per cent certificates as authorized by the pending bill. The legislation would therefore be unwise, and if deficiencies occur in the future they should be met from time to time as they occur.

TARIFF TAXATION.

The proposition to increase the burdens of tariff taxation to the extent of about $40,000,000 annually is wholly indefensible, inconsistent with the public interests, and not demanded at this time by the condition of the Treasury. This bill evidently rests upon the theory that because ordinary current revenues are not sufficient to meet current liabilities additional taxation should therefore be invoked to supply this deficiency, notwithstanding the Government has availed itself of other sources of revenue. It is not demanded by the Administration, but, on the contrary, the able Secretary of the Treasury, in his annual report, clearly shows that there is, and will be, abundant revenues to meet all the obligations of the present and ensuing fiscal years.

The revenues of the Treasury are derived from customs, internal taxes, postal receipts, and certain miscellaneous sources, which the Secretary of the Treasury estimates for the current fiscal year will yield about $432,000,000, while at the same time he estimates the expenditures at about $449,000,000, thus leaving a deficit, as heretofore stated, in round numbers of about $17,000,000.

These are the ordinary resources of the Government, and if this were a complete exhibit of the existing financial situation some additional revenue would undoubtedly be required. But this bill wholly ignores the fact that the Administration has already sold $162,315,400 of bonds, for which the Treasury realized in cash $182,288,040.33. These bonds were issued to maintain the gold reserve. The gold realized from their sale has been used to redeem what are commonly known as greenbacks and Sherman notes; but, under the act of May 31, 1878, greenbacks can not be "retired, canceled, or destroyed, but they shall be reissued and paid out again and kept in circulation." The act of July 14, 1890, also provides that the Sherman notes "may be reissued."

Under the practice of the Treasury Department, when these notes are once redeemed they become available for current expenditures, and are paid out, as other moneys of the Treasury, to meet the current obligations of the Government. Under this practice, therefore, there is in the Treasury this day an available cash balance, including gold reserve, of $175,470,249.92. Of this amount, $66,286,320.53 constitute the gold reserve, thus leaving cash available for current expenses aggregating $109,183,929.39. In other words, Mr. Speaker, there is now $75,470,249.92 available in the Treasury for current expenses, after fully meeting the requirements of the gold reserve.

Whatever may be said as to the policy of issuing these bonds, it will not be denied that the issue is an accomplished fact, and that the people will be taxed not only to pay the bonds, but to meet the amount of interest thereon. Now, then, the Government having, in addition to its ordinary revenues, secured this income from bonds, it becomes an unwarranted exaction upon the people to impose the additional burden carried by the proposed horizontal tariff bill. If the Republican party is simply seeking to make good a temporary deficiency in current revenues, then it would

seem that the provision to authorize the issue of 3 per cent temporary certificates would meet all the possible demands of the situation, without the levying of protective tariff duties. Yet this bill not only levies an annual tribute of $40,000,000 not now needed by the Treasury, but it enables the manufacturers of this country to exact increased prices upon everything they produce, except, perhaps, the one article of sugar, which I believe is undisturbed by this so-called "emergency revenue bill."

BOND ISSUE.

I come now to consider, very briefly, the proposition to authorize the Secretary of the Treasury to sell 3 per cent coin bonds for the purpose of redeeming United States legal-tender notes commonly known as greenbacks. The resumption act of January 14, 1875, authorized the sale of ten-year 5 per cent bonds, fifteen-year 4½ per cent bonds, and thirty-year 4 per cent bonds, for the purpose of maintaining resumption. This bill gives to the Secretary of the Treasury the right to issue a 3 per cent fifteen-year coin bond, redeemable by the United States at its pleasure after five years. It in no wise disturbs the resumption act of 1875, but is, to quote the language of the bill, "in addition" to that already provided by statute.

Mr. Speaker, I do not and have not favored an increase in the interest-bearing bonded debt of the United States. I do not hesitate to say, however, that if in my judgment such issue were required to maintain the credit, the honor, and the safety of this Government, I would most cheerfully support the proposition. This bill is not necessary to maintain either the honor, the integrity, or the safety of our institutions. It does not relate to certain grave questions which have recently challenged the attention of the country in connection with foreign affairs. I am in hearty accord with the President in his recent masterly exposition of the principles of the Monroe doctrine. If bonds should become necessary in the future to maintain the supremacy of that doctrine, I should unhesitatingly vote for their issue, for I agree with the President that—

> While it is a grievous thing to contemplate the two great English-speaking peoples of the world as being otherwise than friendly competitors in the onward march of civilization, and strenuous and worthy rivals in all the arts of peace, there is no calamity which a great nation can invite which equals that which follows a supine submission to wrong and injustice, and the consequent loss of national self-respect and honor, beneath which are shielded and defended a people's safety and greatness.

Let us not, however, confuse the issue. These bills are not war measures, neither do they relate to any future policy of the Government in respect to the free coinage of silver. These measures simply raise the question as to the proper action to be taken with reference to the existing volume of gold, silver, and paper money. The provision for a new form of bond seems unnecessary and is an additional power given the Secretary of the Treasury, supplementing the resumption act.

Now, then, the question becomes material whether or not it should be granted. The Administration has called upon Congress for relief in the exigency which confronts the Treasury in reference to the gold reserve. This is the issue raised by the President's message and emphasized by the recent interview of the Secretary of the Treasury, in which he asks Congress to authorize the issue of gold bonds. I can not consent that any obligation of the United States should be written in such terms as would exclude silver from an equal responsibility in the discharge of such obligation. I believe in the use of both gold and silver upon equal terms, but I do not intend to discuss that issue here. The questions for impartial consideration at this moment are the causes which have led to the invasion of the gold reserve, and the remedies necessary to restore and maintain it.

If trade conditions were favorable, I think apprehensions as to the Treasury reserve would quickly dissipate; but the unfavorable business situation prevailing in this country during the last three or four years has resulted in an adverse balance of foreign trade, thus creating an unusual demand for our gold, to settle balances due other countries. This gold has heretofore been supplied in large part by banks and individuals, but under the operations of the Sherman law and the act of May 31, 1878, the Government has been compelled to furnish a large part of the gold required for export. That is to say, these obligations, which under the construction of the Treasury Department are redeemable in gold if demanded by the holder, have been used as vehicles to raid the Treasury. They have constituted the "endless chain" which has despoiled our gold resources. It seems to me very clear, Mr. Speaker, that the difficulty arises from the large amount of uncovered paper which is redeemable by Treasury construction in gold alone. That is to say, we have issued a volume of paper money entirely out of proportion to the primary money held for its redemption.

SHERMAN ACT.

So long as the greenbacks only were in circulation there was no disturbance on this score, and the Treasury reserve was not under the constant menace of invasion. From January 1, 1879, the date of resumption, until the passage of the Sherman Act, July 14, 1890, a period of nearly twelve years, the total withdrawals of gold from the Treasury amounted to but $38,250,000. Then the greenback circulation was $346,681,016, while the gold in reserve for its redemption was $100,000,000. That is to say, there were about $3 of paper outstanding for every dollar held for its redemption. This was a safe limit, and conclusively established to be such by the limited gold withdrawals to which I have adverted. In an evil hour the Republican party, against the protest of the united voice of the Democratic party, enacted the Sherman law. It was indeed a "cowardly makeshift," and recognized for the first time in our fiscal policy the vicious principles of the sub-Treasury scheme. It was the deadliest assault made in this century by the enemies of silver under the guise of friendship.

It dishonored silver by storing it away in the Treasury as merchandise, and issued in payment therefor Treasury notes redeemable on demand in coin; and it conferred upon the Secretary the discretion to pay these notes either in gold or silver, while its author secured the declaration that it was the established policy of the United States to "maintain the parity" between the two metals. This declaration as to "parity" would seem to be somewhat ironical in the light of subsequent events, inasmuch as the maintenance of "parity" under this law requires and permits gold payments only. Under this statute $139,583,280 of Sherman notes were outstanding December 1, 1895, and treated by the Treasury Department substantially as gold certificates, without any provision having been made by the Republican party to redeem such certificates by an increase of the gold reserve. This Treasury construction was originally made by President Harrison's Administration, and the notes, although issued in payment for silver bullion, are, as I have just stated, treated as gold obligations, resting in mid-air, without any sufficient reserve for their redemption. The greenbacks and Sherman notes outstanding now amount to about $485,000,000.

While the Government can easily float $3 of paper on the basis of $1 of redemption money, it is unsafe in times of financial peril, such as these through which we are passing, to issue paper currency on the basis of $5 for every dollar of redemption money. This statement is conclusively demonstrated by the fact that from the passage of the Sherman Act until the first of the present month (a little more than five years) the Treasury has been drained of more than $375,000,000 of gold for redemption purposes. The "endless chain" continues its circle, and something should be done for the relief of the Treasury. To retire the greenbacks, as suggested by the President, seems to be unwarranted, as shown by the official statement of the Secretary of the Treasury, disclosing the meager withdrawals of gold during the long period of years when the greenbacks alone were the only charge against the gold reserve. The cloud upon the financial sky, not perhaps "larger than a man's hand," first made its appearance in October, 1891, after the enactment of the Sherman law. In that month a firm of bankers and brokers in New York, whose names I do not now recall, secured a supply of Sherman notes and presented them to the Treasury Department for redemption, demanding payment in gold. Their demand was complied with, and from that hour, and under that pernicious construction, the habit of raiding the Treasury has grown, until it has become a serious menace to all our material interests.

Shall it be met by a further issue of bonds? To this suggestion I most earnestly dissent. It seems to me that the way is clear. Remove the cause, and the effect will inevitably cease. The cause of existing troubles is in great measure found in the exercise of the discretion by the Secretary of the Treasury in favor of gold to redeem Sherman notes. They were issued in payment of silver bullion. The silver bullion lies stored in our Treasury vaults, and if the Secretary of the Treasury will, pursuant to the authority of section 3 of the Sherman act, "coin of the silver bullion purchased under the provisions of this act as much as may be necessary to provide for the redemption of the Treasury notes herein provided for," the situation will be greatly relieved. I am sure that the present Secretary of the Treasury would reverse the existing construction, if the matter were presented to him as an original proposition. This opinion rests upon his testimony given before the House Committee on Appropriations January 21, 1895, in which the following colloquy appears:

> Mr. SIBLEY. I would like to ask you (perhaps not entirely connected with the matter under discussion) what objection there could be to having the option of redeeming either in silver or gold lie with the Treasury, instead of with the note holder?
>
> Secretary CARLISLE. If that policy had been adopted at the beginning of resumption—and I am not saying this for the purpose of criticising the action of any of my predecessors or anybody else—but if the policy of reserving to the Government at the beginning of resumption the option of redeeming in gold or silver all its paper presented I believe it would have worked beneficially and there would have been no trouble growing out of it; but the Secretaries of the Treasury from the beginning of resumption have pursued a policy of redeeming in gold or silver at the option of the holder of the paper, and if any Secretary had afterwards attempted to change that policy, and forced silver upon a man who wanted gold, or gold upon a man who wanted silver, and especially if he had made that attempt at such a critical period as

we have had in the last two years, my judgment is it would have been very disastrous. There is a vast difference between establishing a policy at the beginning and reversing a policy after it has been a long time established, and especially after the situation has been changed.

Mr. Speaker, the apprehensions of Secretary Carlisle as to a change of policy may to some extent, in view of existing conditions, be well founded. It is possible that some financial disturbance might result from the proposed reversal of policy in respect to the Sherman notes. The Secretary admits, however, that if this policy had been adopted at the outset it would have "worked beneficially." Upon this question there seems to be no difference of opinion between the Secretary and myself. But the issue for present determination is whether the existing construction shall be maintained. The proposed change might not operate "beneficially." It is impossible to speak definitely in advance of a trial of the policy. I am prepared to say, however, that the existing construction has resulted most disastrously, and should give place to some modification that will permit the use of both the gold and silver of the Treasury to meet the coin obligations of the Government. The law under which the Sherman notes were issued gives to the Secretary of the Treasury, in express terms, the right to pay them either in gold or silver. This discretion must, however, be exercised by the Secretary, and I challenge reference to one line of that law which permits him to abdicate his high duties and divest himself of responsibility by giving to the holder of the Sherman notes the right to elect that payment shall be made in gold alone.

Such a policy obviously gives to the holder of these notes an unfair advantage. I desire to press this view somewhat earnestly upon the attention of the Secretary of the Treasury, because under the extraordinary special rule under which this bill is now being considered it is impossible to offer any amendment that will require the Treasury Department to deal with gold and silver upon equal terms in meeting the obligations of the Sherman law. The Committee on Rules of the House have reported a rule, without precedent, for the consideration of the tariff bill and of the bond bill, which permits no amendment and requires the House either to accept the propositions as a whole or reject them as a whole. The House is therefore powerless under this new departure of the Republican Committee on Rules to do more than either accept or reject the measures as a whole.

Again, Mr. Speaker, should the Secretary of the Treasury hesitate to make so pronounced a change in the existing policy respecting the Sherman notes, why would it not be wise at least to follow in the lead of France, where the discretion of the finance minister is exercised by making equal payments of gold and silver in meeting the obligations of the Government?

The law insists that the "parity" between the two metals should be maintained. How can such "parity" be more certainly upheld than by dealing with both metals upon equal terms? They are both clothed with full legal-tender powers, and should under that authority be charged by the Secretary of the Treasury with equal duties and equal responsibilities. I know, Mr. Speaker, of no other way to properly "maintain the parity" than by affording each metal an equal opportunity to discharge the coin obligations imposed upon the Treasury of the United States. I am utterly at a loss to understand that policy which proclaims a "parity" and yet denies to one of the two metals the privilege of exercising its full legal-tender qualifications. This discrimination necessarily operates to make one metal virtually redeemable in the other, and to unduly enhance the value of the metal in whose favor the discrimination is exercised. The effect of this policy is to devolve upon gold alone the duty of performing monetary functions, and this added duty necessarily operates to enhance its value, and thereby discriminates against silver and depreciates its value.

Now, Mr. Speaker, the situation is so plain that a "wayfaring man can not err therein." "He that runs may read." The deficiency in current revenues is not properly chargeable with any responsibility for the raid upon the gold reserve. This reserve is being reduced, and has been heretofore depleted, because of unfavorable business conditions, and because it is inadequate in amount to meet the liabilities imposed by the $485,000,000 of outstanding Sherman notes and greenbacks, with the right of indefinite and perpetual redemption accorded by law to each.

CONCLUSION.

And now, Mr. Speaker, having stated my own views in reference to the Treasury situation, I may say that, in the face of the present exigency, I will support any honorable, just proposition that will afford relief to the suffering Treasury. In conclusion, I desire to summarize very briefly the situation in respect to the legislation pending. The Republican party have proceeded on the theory, as announced by their speakers in this debate, that the gold reserve has been depleted because of inadequate revenues. This "theory" (properly characterized as such, because it has no foundation in fact) is thoroughly discredited by the official statement of Secretary Carlisle, showing that during the fiscal years 1891, 1892, and 1893, beginning July 1, 1890, and terminating June 30, 1893, the receipts of the Government surpassed its expenditures more than $39,000,000; and yet the gold withdrawals during this period amounted $117,212,258. He further shows that of the latter sum, $58,746,008 were withdrawn during the last nine months of the Administration of President Harrison.

If, however, the Republican contention is correct, that the deficiency alone is responsible for the assault upon the gold reserve, why did they not content themselves with the passage of a measure designed to make good the deficiency and rest their "exigent" remedial legislation at that point?

The deficiency for the fiscal year ending June 30, 1895, amounted to but $42,805,223.18. If that deficiency, with the one existing at the close of the prior fiscal year, be responsible for the depleted gold funds, why the necessity for the three so-called remedial propositions which have been offered? With an annual deficiency of about $40,000,000, they present a bill authorizing the issue of $50,000,000 of 3 per cent 3-year certificates; a "horizontal" tariff bill imposing more than $40,000,000 of annual taxation for the benefit of the Treasury, and untold millions for the benefit of manufacturers; and a bill to authorize the issue of 3 per cent 15-year bonds without limit.

Mr. Speaker, let me say finally, if the Republican party had been sincere in their diagnosis of the economic ailment which has wasted the resources of the gold reserve, they would have contented themselves with the passage of a measure designed to meet a temporary Treasury deficiency. But the ruling passion, strong even in death, is stronger still in the hour of victory. Not satisfied with meeting the temporary Treasury deficiency, they seized the first opportunity to attempt to restore to the statutes the protective system of taxation to which the Republican party is committed. The plea that the $40,000,000 of revenue is needed at this time by the Treasury is shown by Secretary Carlisle to be utterly fallacious, and is only a flimsy subterfuge behind which is ambushed the organized avarice of protected monopolies.

Furthermore, Mr. Speaker, if the Republican party had been candid in their position respecting the coin obligations of the Government, they would have responded to the President's message by the passage of a bill authorizing the issue of a gold bond, because they are committed by practice, if not by platform, to a single gold standard. The controlling forces of that party believe that the coin obligations of the Government should be paid in gold, if so demanded. Standing, however, upon the threshold of a Presidential contest, the Republican leaders in this House fail to exhibit the courage of their convictions, and adroitly evade the real issue by the passage of a 3 per cent coin bond. Still, Mr. Speaker, I congratulate the Republican party, after having indulged in vituperative denunciation of the President because of bond issues heretofore made, upon coming now, at this late hour, to give their sanction to the action already taken by the President, and upon bidding him Godspeed for the future by enlarging his powers and responsibilities under the resumption act.

The Coin Redemption Fund.

SPEECH

OF

HON. ROBERT J. GAMBLE,

OF SOUTH DAKOTA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, December 27, 1895,

On the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

Mr. GAMBLE said:

Mr. SPEAKER, I have endeavored to carefully consider the provisions of the pending bill, and am unable to discover any valid reasons why it should not receive my support. It makes no difference that the appeal comes to this House from an Executive representing an opposite political faith. Our response must be measured by our own sense of patriotic duty and obligations to our country under existing conditions—conditions, sir, that have been brought about by policies of administration, it seems to me, wantonly and persistently followed out by the Democratic party against the repeated warning, protest, and prophecy of the Republican organization. Higher motives than mere party advantage or resentment should actuate us as individuals, and we should answer this appeal from the nation's Executive, whether made in good faith or otherwise.

The spectacle here presented appears to me anomalous. The Republican party meets the crisis promptly and with courage. By them a revenue bill was passed with great expedition to meet the demonstrated deficiencies in the Government's income, and it met the persistent opposition of the President's own party on this floor. The same opposition is made to the pending measure, both here and from the executive department. All the power of the Administration is exercised for some occult purpose to nullify the

efforts of the majority of this House to grant the relief for which so strong an appeal was made. From the evidence at hand good faith seems wholly lacking in the Administration and its supporters on this floor.

The Administration proposes, independent of any further legislation upon the subject, or any action taken by Congress in the premises as indicated in the message of the President, to issue bonds for the purpose stated in the first section of the bill. Shall we, by the passage of the pending measure, make the interest lower, the time for which they are to run much shorter, and their sale public? Surely, if bonds are to be issued these provisions are to the advantage of the Government. The power is already vested in the Secretary of the Treasury by existing law to issue bonds. It is not contemplated by this bill to give any new power to that officer. The only manner in which the proposed issue can be defeated is to repeal the law which authorizes it. As both branches of Congress are now constituted would such a proposal receive favorable consideration? You may answer for yourself.

Even if a bill were passed repealing the statute of 1875 it is well known it would receive the Executive veto. With practical certainty it can be asserted the law will remain in force at least during the balance of the term of the present Executive.

The legislative branch of the Government is powerless to repeal it if it were so disposed in the face of Executive opposition. If this, then, is the position by which we are confronted shall we not modify the provisions of the existing statutes in the interest of the people rather than have the Government again subjected to the exactions of the sale of last year. If I err, either in my conclusions or sense of duty as regards the pending measure, it has not been without an earnest effort on my part to see clearly the issue and responsibility before me.

We will not accuse Mr. Cleveland with such obtuseness that he believes the present Congress will carry out the recommendations of his message to authorize the issue of bonds payable in gold under any circumstances, or that the legal-tender notes under present conditions will be retired and withdrawn from circulation. Does he expect, at his call, the Republican party will renounce the policy of bimetallism for which it has uniformly declared? It has too long been the doctrine of the party that it now can, or should, abandon this vital principle, fraught with such vast interests to the people of the country. From my understanding, I can not conceive, whatever views individuals may have upon the silver question, how an issue upon that subject can be logically injected into this discussion, or in what manner it is involved in the pending measure.

The greenback was born in the necessities of war. The Republican party brought it into being, and is responsible for its creation. Its mission has been one of lasting honor to its authors, and it sustained itself as long as Republican legislation remained upon the national statute books. It has only recently been brought into disrepute by the suicidal enactments and hopeless incompetence of the present Administration. For more than thirteen years, from the date of resumption of specie payments to the accession of Grover Cleveland as President in 1893, the gold reserve stood unimpaired, under legislation inaugurated by the Republican party. No blight during that golden era fell upon or stifled the energies of the nation. Unexampled development marked every avenue of industrial and commercial life, the like of which no people ever witnessed. Great enterprises developed, industries extended, labor always found remunerative employment, with constantly increasing wages. In 1892 our industrial and commercial development had reached a point of prosperity that no people under any government had theretofore enjoyed. Peace and contentment reigned supreme within our borders, and we were the envy in material and domestic development of the nations of the world. The great national debt had been reduced with amazing rapidity under Republican legislation. The annual interest charge thereon had in like manner been diminished. Internal improvements had been extended and developed, and a great pension list had been unfailingly provided for the veterans of the war. No niggardly parsimoniousness in appropriations, or covert attack in construction of pension laws, was made by any Republican Administration to save depleted revenues, like the present, but always and at all times good faith was kept with the defenders of the nation.

By businesslike administration of the great fiscal affairs of the Government its obligations were always met, and no deficiency was ever apparent. No issue of bonds under the act of 1875, which was passed by a Republican Congress, was found necessary, except in the first instance, when specie payments were resumed. It remained for the present Administration to invoke the power reposed in its provisions. Since the date of resumption under the economic policy of the Republican party no statement from the Government records can be produced showing a deficit in income over the ordinary expenses of the Government until after the election of Grover Cleveland in 1892. Some months there were small deficiencies, but there was produced during the time of its operation an average monthly surplus exceeding $1,000,000. There has not been a month, with two exceptions, during the existence of the present tariff law but what there has been a deficiency in meeting the necessary expenses of the Government. Instead of a surplus its average monthly deficit has been $4,694,044. This fact alone is sufficient to condemn the policy upon which the last Presidential election was carried. The people now understand it, and their judgment has been most vigorously expressed in the succeeding elections.

In addition to this, although the gold reserve was intact when Mr. Cleveland was inaugurated, under his benignant reign of tariff reform it has gradually vanished, and it became necessary to replenish this to the amount of $182,000,000 by bond issues. And again, the danger line has long since been passed, and the reserve is now nearly $40,000,000 below the line of safety. But notwithstanding these temporary inconveniences of the Administration, it is still possessed of heroic courage, and is ready for war, even if within four days of its Venezuela declaration we are favored with a communication from the Executive of its threatened bankruptcy.

It is not difficult to find an explanation for the present condition of the Treasury. It is the direct result of the operation of the Wilson bill, so called. The solution is made manifest from a comparison of the effect of this act upon the Government revenues with that of the McKinley law. I quote from the last number of the American Economist, which shows the result, as taken from the official records of the Government, covering periods of the first fifteen months of the operation of each of these two acts:

Exports of domestic goods.

M'KINLEY TARIFF.		GORMAN TARIFF.	
1890—		1894—	
October	$97,061,454	September	$57,830,737
November	88,047,697	October	82,482,422
December	97,421,907	November	78,877,384
1891—		December	83,064,053
January	81,466,685	1895—	
February	74,111,079	January	80,330,490
March	74,483,101	February	54,969,944
April	69,780,077	March	63,623,752
May	56,784,984	April	63,958,041
June	56,058,632	May	62,732,194
July	61,770,509	June	53,738,093
August	71,424,973	July	55,156,878
September	81,845,005	August	54,821,159
October	101,912,906	September	57,062,482
November	109,169,414	October	85,092,393
December	118,576,126	November	85,151,267
Total, 15 months	1,239,864,599	Total, 15 months	1,019,511,279
Decrease under Gorman tariff to date			220,353,320

Imports of foreign goods.

M'KINLEY TARIFF.		GORMAN TARIFF.	
1890—		1894—	
October	$72,550,279	September	$60,647,698
November	64,218,078	October	60,019,986
December	60,802,331	November	50,567,483
1891—		December	62,135,431
January	62,300,663	1895—	
February	65,979,569	January	67,547,900
March	77,634,836	February	58,315,981
April	81,275,106	March	69,235,493
May	71,993,623	April	68,749,958
June	73,462,225	May	66,028,854
July	67,042,035	June	61,662,044
August	65,953,360	July	73,034,326
September	61,504,737	August	71,111,943
October	66,836,259	September	65,234,989
November	64,890,507	October	75,056,312
December	69,448,023	November	63,343,759
Total, 15 months	1,025,891,631	Total, 15 months	962,752,656
Decrease under Gorman tariff to date			63,128,975

Exports of gold coin and bullion.

M'KINLEY TARIFF.		GORMAN TARIFF.	
1890—		1894—	
October	$425,235	September	$237,477
November	567,152	October	1,082,814
December	632,354	November	428,213
1891—		December	9,802,389
January	728,246	1895—	
February	4,010,146	January	25,929,828
March	5,155,736	February	1,565,194
April	14,163,116	March	3,126,094
May	30,580,760	April	2,893,610
June	15,822,400	May	1,585,071
July	6,662,674	June	131,641
August	172,108	July	3,867,518
September	345,290	August	16,667,261
October	809,595	September	17,424,065
November	381,949	October	1,873,897
December	254,501	November	14,066,460
Total, 15 months	80,711,322	Total, 15 months	100,721,532
Increase under Gorman tariff to date			20,010,210

Imports of gold coin and bullion

McKINLEY TARIFF.		GORMAN TARIFF.	
1890—		1894—	
October	$2,621,638	September	$655,595
November	1,926,401	October	1,602,665
December	6,033,013	November	1,935,601
1891—		December	377,950
January	1,397,918	1895—	
February	565,304	January	1,231,339
March	614,170	February	5,632,197
April	233,318	March	7,246,384
May	212,646	April	4,923,371
June	252,906	May	4,856,264
July	1,029,148	June	2,095,391
August	1,394,755	July	571,451
September	7,451,428	August	1,534,086
October	16,897,947	September	749,456
November	8,871,717	October	1,787,776
December	6,018,851	November	592,584
Total, 15 months	55,551,162	Total, 15 months	35,792,110
Decrease under Gorman tariff to date			19,759,052

Results of fifteen months' operations.

Merchandise.	McKinley tariff, October, 1890, to December, 1891.	Gorman tariff, September, 1894, to November, 1895.
Exports	$1,239,864,599	$1,019,511,279
Imports	1,025,891,631	962,752,656
Excess of exports	213,972,968	56,758,623
Excess of gold exports	25,160,160	64,429,422
	Favorable.	Unfavorable.
Trade balance	$188,812,808	$8,170,799
Net loss under Gorman tariff in 15 months		196,983,607

FACTS.

The decrease in our exports of American products and manufactures during the first fifteen months of the Gorman tariff, as compared with the first fifteen months of the McKinley tariff, was $220,353,320.

The decrease in our imports under the Gorman tariff, comparing the same periods, was $63,138,975.

The excess of exports over imports in the McKinley period was $213,972,968, but only $56,758,623 under the Gorman period, a loss, under the latter, of $157,214,345.

Under the Gorman tariff we exported $20,010,210 more gold and imported $19,759,052 less gold than during the McKinley period.

The net loss in the trade balance of the United States has been $196,983,607 during the first fifteen months' operation of the Gorman tariff as compared with the first fifteen months of the McKinley tariff. This loss is at the rate of $13,130,000 a month, or $500,000 for every business day in the month.

The operation of the Wilson law has in every way been a direct menace to the agricultural interests of the entire country. Instead of opening up the markets of the world, as it was claimed it would, and increase our exports of the leading productions of the farm, its actual effect has demonstrated the reverse. The official publication of the Treasury shows, as regards the productions referred to, by comparing the result of the first year of the operation of this act with that of the McKinley law, that there was a decrease in the export of agricultural products amounting to $69,546,414. It also shows a like loss to our agriculturalists in the importation of articles that could have been produced by our own farmers to supply our own market rather than transfer it, as has been the case under this new régime, to foreign competitors. The importations during the time referred to under the Wilson law exceeded that under the McKinley law by $55,927,678. Another item of vast interest to the whole country, and a matter of especial interest to the people of my own State is, wool. Comparing the operation of the two acts as affecting this industry for the same time, it shows that under the Wilson law $26,289,857 worth was imported more than under the McKinley law. No account is here taken of the great loss in the value of the flocks or the product during the same time, in addition to the direct loss to our farmers in being robbed of a market that is justly their own.

With this immense loss to the Government in trade, and the balance always against us under the operation of the present law, is it at all strange that we have trouble with the gold reserve? Gold sufficient to make good this difference in our foreign trade is taken from the country. It must be supplied from some source, and the Treasury of the United States seems to be the most accessible. So long as the economic policy of the Democratic party is adhered to which brings about such a condition in our trade relations just so long will the raids continue on the gold funds of the Treasury. Restore again the policy of the Republican party and reverse the balance of trade in our favor, and the effect will be, as it always has been heretofore, to stop the outflow of gold from our shores and bring to us instead the yellow metal sufficient to make good the balance of trade in our favor. The real seat of the present trouble is largely, if not wholly, due to a false economic policy, insisted upon by the opposition in the face of overwhelming facts as well as the logic of the present unfortunate condition of our national well-being.

The statement of the Treasury Department which we received this morning shows, including the gold reserve, the available cash balance on hand a little upward of $175,000,000. But the Administration, in order to save itself from bankruptcy, has replenished the Treasury with upward of $182,000,000 by the sale of bonds to maintain the gold reserve. Had this course not been resorted to and reliance alone placed on the Government revenues, the gold reserve long since would have been swept away, a deficiency would exist, and the people would then have had even a more practical demonstration of the logical effect of the Wilson bill and Democratic policies than they have already, crushing though the weight has been upon every avenue of our commercial and industrial life.

For thirteen years succeeding July 1, 1879, the total withdrawal of gold from the Treasury only amounted to $43,310,896, while the country was enjoying the security and confidence of Republican Administrations, and under its legislation undisturbed by the prospect of a reversal of its tariff legislation by the Democratic party. But from July 1, 1892, up to December 1, 1895, the withdrawals of gold amounted to upward of $360,000,000, and of this vast sum over $305,000,000 during that time was exported—found lodgment in foreign countries. It can thus be understood that the demand for gold is not from the American people, but it is necessary to supply the deficiency in our trade relations consequent upon tariff agitation by the Democratic party, commencing with its threat of the enactment of free trade in 1892, and afterwards by its legislation upon the subject.

It is well understood that the balances in our foreign trade must be paid in gold. And when we add to this amount, under our present conditions, the vast interest charge annually paid to the holders of our securities abroad, aggregating substantially $75,000,000, and probably more than that, and also the amount spent by that large and increasing number of our population in foreign travel, ranging high into the millions, it is not surprising that gold shipments are necessary to keep our accounts balanced with the nations of the world. A policy that allows the shipment of gold to foreign countries to go on unchecked is unwise, unphilosophical, and suicidal. The reversal of the tariff policy of the Government has brought about this unfortunate condition in our financial operations. It occurs to me it would be the policy of wisdom to again inaugurate that system which gave us a balance in our foreign exchanges sufficient to liquidate the vast amount we must at any rate pay to our foreign creditors, rather than add to it, as we are now doing under present legislation. Other expedients will be but temporary, but this course will give us the permanent relief.

With a depleted Treasury as the result of its un-American policy, with a vanishing and constant fading gold reserve as a resultant from the same cause, with blind adherence to mistaken theories, the Administration is finally overwhelmed. After having by dark-lantern tactics contracted with foreign syndicates and imposed bond obligations on the Government aggregating $162,315,400, at long time and at usurious rates of interest, the representative of this ignoble business now appeals to the majority of this House, representing the only party that has shown capacity for government for the past thirty-five years. However humiliating the spectacle, or however much resentment we may feel, obedience to patriotism and to duty commands this response in the enactment of the measure proposed. We have already provided revenue, but the present exigencies plainly demand even more for the immediate needs of the Government.

As Republicans, we do not believe in, and never have put in practice, policies necessitating the issue of bonds in time of peace.

The law of 1875, however, is still in force, and authorizes the issue.

The Administration proposes to exercise the power, whether action is had by Congress or not. Already it is asserted, with an assurance of fact, that negotiations are practically completed with the same representatives whose cunning and avarice cost the Government so dearly in the last issue, to say nothing of our national self-respect. Shall we refuse to pass this bill, when by its terms it makes such contracts impossible? If we fail to pass it, it is practically a justification and indorsement of the acts of the Administration. Is this not one of the motives for the opposition? If it be true, as is charged, that secret negotiations are already being conducted by the Administration for the sale of $100,000,000 to $200,000,000, and a contract has been or is about to be entered into with the representative of the same or like syndicate to which the last sale was made, it occurs to me the proceeding can not be too

strongly denounced on this floor or by the American people. If such methods are being pursued, they appear to me iniquitous. The Administration can afford to wait for the action of Congress, and not be in too unseemly haste. The saving to the Government in the low rate of interest, as well as in the time the bonds would run under this bill, rather than proceeding under existing law, would be enormous. After having appealed to Congress, it would be a grave act of official discourtesy to negotiate a sale of bonds before both Houses have a full and fair opportunity to make answer to the President's appeal.

Under the law of 1875 bonds can only be issued for ten years at 5 per cent, or for thirty years at 4 per cent. It is proposed by this bill to also authorize the issue of bonds bearing interest not to exceed 3 per cent, and redeemable at the pleasure of the United States in coin after five years from date, and payable in fifteen years. Whenever bonds are to be issued, the Secretary of the Treasury must advertise the same. The proceeds must be used for the purpose of redemption, and for no other purpose.

It appears to me that these provisions are all in favor of the Government. It gives a lower rate of interest, and limits the time in which the bonds are to run, and places the redemption at the option of the Government. It also prevents the repetition of an iniquitous and disgraceful contract, unjust to the Government and humiliating to our people. It allows our own people to be open competitors for our nation's securities, and I believe their patriotic sentiment and ability will at all times be equal to the emergency or the necessities of the Government, especially with returning prosperity in the assurance of a Republican victory in 1896.

With the Republican party in possession of all the departments of the Government, as it surely will be in 1897, there will be no necessity for the exercise of the authority conferred by the proposed measure. A new era will again be upon us as a people, energized and quickened by the pulse beat of Republican courage and hope.

Under this bill there could be no retirement of the greenbacks, any more than under existing law. The proviso of the bill clearly negatives any such construction. The law of 1878 still remains in force, and is specifically referred to in the bill. That law provides as follows:

And whenever any of said notes may be received into the Treasury, under any law, from any source whatever, and shall belong to the United States, they shall not be retired, canceled, or destroyed, but shall be issued and paid out again and kept in circulation.

Under this bill I can see no way in which the circulation of the currency can be contracted. It is made the duty of the Secretary of the Treasury to reissue, pay out again, and keep them in circulation.

I have heard no serious objection made to the second section of the bill. Its provisions are so plainly requisite, usual, and necessary, it would seem idle to argue the necessity of its enactment.

I would, therefore, summarize my conclusions upon the pending measure as follows:

1. The bill is not a departure from Republican doctrine, but simply supplements the present statute, leaving all existing provisions in full force upon the subject.

2. The power to borrow for the purposes indicated in the first section now exists, and it is the granting of no new authority to the Secretary of the Treasury, and is a matter of detail only.

3. The provisions are all in favor of the Government making the rate of interest lower and the time for which the bonds are to run much shorter.

4. It prevents any secret contract in the future with a foreign syndicate and gives our own citizens an opportunity of purchasing the securities of the Government in the open market and upon fair competition.

5. It will give greater national self-respect, by having our own citizens hold our securities, rather than appealing to foreign representatives.

6. It meets the present emergency promptly, and saves the nation's credit and the integrity of the Treasury.

7. It will preserve the gold reserve for the use which the original law contemplated and prevent it from being wantonly diverted to replace the deficiencies in the revenues.

8. It condemns the methods of the Administration in prior sales of bonds, and to defeat this measure would be construed by it as a justification of its proceedings.

9. It in no sense can be used to retire the greenbacks or to contract the circulation.

10. To oppose it drives me into cooperation with Democracy, whose wisdom in legislation or administration has never yet developed in me, by practical example, the profoundest faith.

Revenue.

REMARKS

OF

HON. JOEL P. HEATWOLE,

OF MINNESOTA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, December 26, 1895,

On the bill (H. R. 2749) to temporarily increase revenue to meet the expenses of Government and provide against a deficiency.

Mr. HEATWOLE said:

Mr. SPEAKER: The first necessity of the Government is revenue sufficient to pay all its obligations as they mature. This bill aims to secure revenue which the last Democratic Congress failed to provide. No man on the Republican side pretends to say that it is all that he desires as a revenue bill, and it is brought forward and supported by Republicans at this time to meet an emergency. Under Republican control no such emergency would have arisen, as it has always been the policy of the Republican party, as it is to-day, to provide sufficient revenue to properly carry on the Government.

This emergency began when the people after thirty years—a period in which many forgot the disasters of the last time the Democratic party was in control—trusted that party with full power in both legislative branches of the Government and the executive branch as well. Up to that time there had been no question about maintaining the gold reserve. Up to that time the gold reserve had never been attacked. Up to that time it had never been necessary to draw upon the gold reserve, in a roundabout manner, to pay the running expenses of the Government.

In November, 1892, when the returns had all been counted and it was known that the Democrats had not only carried the Presidency, but the House and Senate as well, there began that depression which the country has suffered from ever since, and from which it will not recover, in my judgment, until the Republicans are restored to power in every branch of the Government and can undo what the Democratic party has done and do what the Democratic party has left undone. The result of that election caused the business interests of the country to suspend. Every industry was threatened by free trade. Capital was withdrawn from business enterprises. Money was held in strong boxes, and did not seek investment in the usual channels because no one could tell what mischief the party now in full control would do. The threatened attack upon the protected industries of the country proclaimed in the Democratic national platform was nearly as efficacious in causing a stagnation in business as was the fulfillment.

A natural result of Democratic success was a decrease of revenues of the Government. Importers bought as small stocks as possible, waiting until they could reap the harvest of Democratic pledges and bring their goods in at reduced tariff rates. There was a decreased demand for all goods on account of the hard times and the industrial stagnation following the election. Revenues fell off even before the present tariff law was prepared. The passage of the bill did not aid business nor secure an increased revenue. Instead there has been a constant growing deficiency ever since. More revenue was promised by the Democrats as a result of increased importation. But now we have had an increased importation, and still the deficit grows larger. The rates of duty are not high enough to provide sufficient revenue, yet the imports far exceed the exports.

It is this latter fact to which may be attributed the raid upon the gold reserve. With a balance of $160,000,000 against us it is natural that gold must be drawn out of this country to pay the difference. Should the balance be in favor of this country there is little doubt that the gold reserve could be easily protected, as there would be no demand upon it to pay foreign exchange. It has been demonstrated that the demand for gold was for commercial transactions, and what has been called a "raid" was nothing more than a demand created by business conditions. If the present bill should check foreign importations, create a demand for goods produced at home, and turn the tide of trade into domestic channels, I believe we would not be troubled with the so-called "raids" unless they should be made by the officers of the Treasury to pay the running expenses of the Government.

If this bill should check the tide of importation, and at the same time raise the revenue necessary to meet the deficit, then it will accomplish what it is intended to do. It may not be adequate for both of these purposes, and for that reason I will support a bill authorizing the issue of short-time, low-interest bonds of small denomination to meet emergencies until the Republicans are in

full control again and a safe and equitable tariff measure can be framed upon Republican principles, which will not only produce sufficient revenue, but will turn the balance of trade in favor of this country and do away with the necessity of protecting the gold reserve, which is now drawn upon so heavily to meet foreign balances.

No one on this side of the Chamber can be wholly satisfied with the present law, nor as it will be after this bill amends it. It will take weeks to prepare a measure to meet the wishes of the Republicans of this House, and it is well known that when such a measure is prepared it will not meet the approval of the Democratic Executive. When such a bill is prepared it will be found that more hearty support will be accorded it than is now given a measure which is temporary only, and which is intended for an emergency, and that alone.

I have the honor to represent an agricultural district. My constituents have had a few years of Democratic tariff, and they do not approve of it. They know that protection for agricultural interests is as important as protection for manufacturing interests. And, in fact, even more so. When the receipts of the manufacturer are reduced below his expenditures he can reduce wages to the European scale, or can close his factory and await better times. The farmer must sow and reap, and accept the prices which are offered for his products, no matter how low they may be made by competition with foreign products. When the workingman is thrown out of employment and his wages reduced, he is not so large a purchaser of the products of the farm. There is a surplus of products, and then the laws of supply and demand work to the detriment of the farmer. Indirectly the home market is one of the great dependencies of the farmer to keep up the prices of his products.

But it is where the foreign importations come in direct competition with the products of our fields that the farmer finds he has sustained the greatest loss by Democratic ascendancy. The importation of Russian and Canadian barley has caused a decline in the price of that cereal which has been marked in every farming district in the United States, and more especially in Minnesota and the States on the Canadian frontier and which by lake transportation are compelled to compete with the Russian article. The tariff act of 1890 advanced the duty on barley from 10 to 30 cents per bushel and the imports of barley fell off from 10,000,000 bushels to less than 2,000,000. During the time this law was in operation the farmers of the United States increased their barley product 15,000,000 bushels over the average for eight years. The increase in one year was worth to the farmers over $6,000,000, which is one of the items that has gone to swell the balance of trade against the United States in the past year and a half of Democratic tariff. In the past twenty years, from 1873 to 1893, the production of barley has increased nearly 118 per cent, from 32,000,000 in 1873 to 69,869,000 in 1893.

The farmers of Minnesota, Wisconsin, and the Dakotas have had the experience of seeing Russian barley sold in competition with their own products in the great markets of the West, Chicago and Milwaukee. These cities as a market are best described in a communication of the Milwaukee Malt and Grain Company in January, 1894, when the Democratic bill was before the House of Representatives.

They said under above date:

"In these cities is marketed a large proportion of the barley grown in Wisconsin, Minnesota, and Iowa, which three States, together with California, furnish more than one-half of the barley crop of the United States. In six years, from 1884 to 1889 inclusive, the combined receipts of barley at Milwaukee and Chicago averaged 17,309,564 bushels per annum. Then came the increased duty, and in line with it the receipts during the subsequent years promptly ran up to an annual average of 25,706,923 bushels, an increase of 8,406,359 bushels per annum.

"In support of this statement we herewith append in detail the official figures of the secretaries of, respectively, the Chamber of Commerce of Milwaukee and the Board of Trade of Chicago:

Year.	Chicago receipts.	Milwaukee receipts.
	Bushels.	*Bushels.*
1884	7,849,829	4,792,666
1885	10,700,127	5,392,106
1886	12,740,953	6,019,424
1887	12,476,547	5,773,663
1888	12,387,526	6,465,471
1889	12,524,538	6,765,537
1890	15,133,971	10,825,391
1891	12,228,480	10,001,293
1892	16,989,278	11,788,228
1893	13,375,845	12,495,136

"Is not the aforementioned phenomenal increase of 8,406,359 bushels per annum in the receipts of American barley at but two points proof positive that the duty of 30 cents per bushel has resulted in a great benefit to the American farmer? It can not be denied that the higher duty has stimulated to a degree hitherto unparalleled the cultivation of barley in the States of Wisconsin, Minnesota, Iowa, North Dakota, and Nebraska, and that, as a further result, thousands of acres of land that stood in danger of being impoverished through the long-continued cultivation of wheat are now being strengthened and reclaimed to usefulness by the change from wheat to barley.

"The full effect and benefits of the 30-cent duty are now but just beginning to make themselves manifest. The excellent quality of the barley raised in the States above referred to is rapidly making friends for it everywhere, and more particularly in those sections of the country where formerly Canadian barley was in general use. It can not be claimed that the American cereal is inferior to its foreign rival, as witness the unexcelled reputation of Milwaukee beer, in the manufacture of which our own barley is almost exclusively employed. We firmly believe that if the present duty is not disturbed Canadian barley will eventually be driven entirely from the United States.

"On the other hand, if the Wilson bill becomes a law and the duty be reduced to an ad valorem duty of 20 per cent, the floodgates on the other side will promptly discharge such an enormous load of barley into our land as can not but prove disastrous to the interests of the American farmer. He has spent money, time, and brains in the laudable enterprise of furnishing the brewers and distillers of our land with a grade of barley that shall answer all the requirements as to quality. The question is, shall we encourage him herein by retaining the present duty, or shall we expose him to ruinous competition? Ruinous it certainly will be, for Canada is in position to send us with ease from 15,000,000 to 25,000,000 bushels of barley per annum, and far more if necessary. If she could unload on us more than 11,000,000 bushels per annum when the specific duty was 10 cents per bushel, then how much more will she dump on these shores under an ad valorem duty of but 20 per cent, which will in reality not amount to more than from 6 to 8 cents per bushel? Fix the duty as the bill proposes, and we prophesy that in the very first year thereafter not less than 15,000,000 bushels of Canadian barley will come across the line, thus crowding out an equal quantity of American grain.

"It must not be forgotten that geographically Canada enjoys a great advantage over the barley-producing States of the Northwest in that she is closer than they are to the great brewing centers of the East, notably Buffalo, Rochester, New York City and vicinity, Philadelphia, and Boston and vicinity. The bulk of the barley she exports to our country is raised almost at the water's edge of Lake Ontario. Its north shore, from Kingston to Hamilton, is the dumping ground of her barley farms. So close, indeed, are the farmers to the lake ports that it costs them virtually nothing to market their barley, for they haul it there themselves by teams, thus avoiding the payment of any and all railway freights. Here it is quickly absorbed by conveniently located marine elevators, where vessels and boats of every description lie in waiting to carry it to Buffalo and Oswego for a consideration of half a cent to 1 cent per bushel. And what does it cost the farmers of Wisconsin, Minnesota, Iowa, the Dakotas, and Nebraska to lay their barley down in the aforementioned American markets, Buffalo and Oswego? From 10 to 15 cents per bushel."

Every farmer who has received a low price for his products now realizes that the predictions made in the above letter were based on sound principles and that the man who wrote it was fully alive to the importance of protecting the products of the farm.

It is also interesting to note how the imports of barley fell off under the protective duty of 30 cents per bushel of the Republican tariff and increased again when the Democratic tariff went into effect. The figures given are for the past six years ended June 30, which include the year just before the new Republican tariff went into effect and the years subsequent:

Year.	Bushels.	Value.
1890	11,332,545	$5,629,849
1891	5,078,733	3,222,593
1892	3,146,328	1,592,040
1893	1,950,729	921,605
1894	791,061	258,744
1895	2,116,816	867,742

Heretofore Canada has been our greatest competitor in the barley market, but since the Democratic tariff went into operation the Russians have begun exporting barley to this country, and unless the duty is restored she will prove a formidable competitor. For a period of seven years, from 1881 to 1887, the average export value of Russian barley was 35 cents per bushel at the port of shipment. At the above price the Democratic tariff would add 10½ cents, and about 4 cents a bushel for freight would make the price at New York 49½ or 50 cents per bushel. It is known that Russia is ready to produce barley much cheaper than this, and unless the duty is restored the Western farmer will find his former well-established and compensatory prices reduced to a figure that will make the raising of barley far from profitable.

But the farmers of Minnesota, Wisconsin, Iowa, and the Dakotas have still a greater rival to fear than Old Canada and Russia, if the present duty on barley is to remain.

In the far northwest, on the other side of the British boundary line, lies a stretch of country 1,500 miles wide, where the Dominion Government is offering every inducement to settlers.

The season is so short that only crops grown in least possible time will ripen before the fall frosts.

Barley is one of these crops.

The possibilities of production is unlimited.

Since the Democratic tariff law was passed thousands of acres of this country have been devoted to barley, and millions of acres will follow if it is to remain.

Barley is one of the crops which the farmers of my district have heretofore found profitable to diversify with their other products. If they are granted a reasonable protection they can make it profitable. They are also interested in many other agricultural

products which the Republican tariff protects and which the Democratic tariff places upon the free list, or only grants a small duty which is far from adequate. If the present bill were not an emergency measure, I should like to have offered amendments to the agricultural schedule which would have furnished sufficient protection to the farmers of the whole country. I apprehend when the time comes to frame a bill on Republican lines that the men charged with that duty will give due care to all the vast interests of the United States, and that the agricultural interests will share the beneficent care to which they are entitled and which they can only expect in Republican legislation.

So much has been said in the past by Democratic orators on the stump and in the Halls of Congress concerning the great results that would accrue to American agriculturists by free trade or a reduction of duties by reason of an increased demand for American products, that some figures on this line are pertinent. "Throw open your ports to the world and you will capture the markets of the world," they have asserted time and again. We have tried that long enough to see how it works. The following table shows what has been the result, so far as the exports of many agricultural products are concerned. The figures given are for the year ended June 30, 1894, under a Republican tariff, and the year ended June 30, 1895, under the Democratic tariff:

		1894.	1895.
Barley	bushels	4,740,586	1,556,715
Corn	do	63,425,655	25,507,753
Butter	pounds	11,658,313	5,462,563
Cheese	do	72,102,644	58,446,036
Eggs	dozen	2,159,047	1,638,366
Flour	barrels	16,536,991	14,942,647
Oats	bushels	5,671,332	540,975
Tallow	pounds	53,588,800	25,030,339
Wheat	bushels	87,958,280	75,831,639

It will be seen by these figures that the farmers of the United States are not capturing the markets of the world very fast under the Democratic tariff law. I append hereto principal agricultural products, showing the tariff rates of 1890 and the reductions made by the act of 1894. The rates of 1883 are also given. Many of the rates were changed in the Democratic bill from a specific to an ad valorem rate, which allows undervaluations, working a greater injustice to the farmer.

Comparative tariff on agricultural products.

Articles.	Law of 1883.	Republican tariff of 1890.	Democratic tariff of 1894.
Barley	10 cents per bushel.	30 cents per bushel.	30 per cent ad valorem.
Buckwheat	10 per cent	15 cents per bushel.	20 per cent ad valorem.
Corn	10 cents per bushel.	15 cents per bushel.	20 per cent ad valorem.
Oats	10 cents per bushel.	15 cents per bushel.	20 per cent ad valorem.
Wheat	20 cents per bushel.	25 cents per bushel.	20 per cent ad valorem.
Butter	4 cents per pound.	6 cents per pound.	4 cents per pound.
Cheese	4 cents per pound.	6 cents per pound.	4 cents per pound.
Beans	10 per cent	40 cents per bushel.	20 per cent ad valorem.
Eggs	Free	5 cents per dozen.	3 cents per dozen.
Hay	$2 per ton	$4 per ton	$2 per ton.
Hops	8 cents per pound.	15 cents per pound.	8 cents per pound.
Potatoes	15 cents per bushel.	25 cents per bushel.	15 cents per bushel.
Flaxseed, etc	20 cents per bushel.	30 cents per bushel.	20 cents per bushel.
Garden seeds	20 per cent	20 per cent	10 per cent ad valorem.
Bacon and hams	2 cents per pound.	5 cents per pound.	20 per cent ad valorem.
Beef, mutton, etc	1 cent per pound.	2 cents per pound.	20 per cent ad valorem.
Wool:			
First class	10 cents per pound.	11 cents per pound.	Free.
Second class	12 cents per pound.	12 cents per pound.	Free.
Third class	2½ cents per pound.	32 per cent	Free.
Third class	5 cents per pound.	50 per cent	Free.
Leaf tobacco:			
Stemmed	$1 per pound	$2.75 per pound.	$2.25 per pound.
Not stemmed	75 cents per pound.	$2 per pound	$1.50 per pound.
All other stemmed	40 cents per pound.	50 cents per pound.	50 cents per pound.

I also give the rates imposed by Canada upon American farm products, which show the opposition that would be met with in the Dominion if American farmers should undertake to capture that market for their surplus products:

Canadian tariff on agricultural products.

Animals, living, not elsewhere specified, 20 per cent ad valorem.
Live hogs, 1½ cents per pound.
Meats, 2 cents per pound, when in barrel, the barrel to be free.
Meats, fresh, 3 cents per pound.
Canned meats and canned poultry and game, extracts of meats and fluid beef not medicated, and soups, 25 per cent ad valorem.
Mutton and lamb, fresh, 35 per cent ad valorem.
Poultry and game, 20 per cent ad valorem.
Lard, lard compound and similar substances, cottolene, and animal sterine of all kinds, 2 cents per pound.
Tallow and stearic acid, 20 per cent ad valorem.
Beeswax, 10 per cent ad valorem.
Candles, 25 per cent ad valorem.
Soap, pearline and other soap powders, pumice, silver and mineral soaps, sapolio, and like articles, 35 per cent ad valorem.
Soap, common or laundry, not perfumed, 1 cent per pound.
Castile soap, mottled or white, 2 cents per pound.
Glue and mucilage, 25 per cent ad valorem.
Feathers, undressed, 20 per cent ad valorem.
Feathers, 30 per cent ad valorem.
Eggs, 5 cents per dozen.
Butter, 4 cents per pound.
Cheese, 3 cents per pound.
Condensed milk, 3 cents per pound.
Condensed coffee, condensed coffee with milk, milk foods and all similar preparations, 30 per cent ad valorem.
Apples, 40 cents per barrel, including the duty on the barrel.
Beans, 15 cents per bushel.
Buckwheat, 10 cents per bushel.
Pease, 10 cents per bushel.
Potatoes, 15 cents per bushel.
Rye, 10 cents per bushel.
Rye flour, 50 cents per barrel.
Hay, $2 per ton.
Vegetables, when fresh or dry-salted, n. e. s., 25 per cent ad valorem.
Barley, 30 per cent ad valorem.
Indian corn, 7½ cents per bushel.
Dutiable breadstuffs, grain and flour and meal of all kinds, when damaged by water in transitu, 20 per cent ad valorem upon the appraised value, such appraised value to be ascertained as provided by sections 58, 70, 71, 72, 73, 74, 75, and 76 of the customs act.
Buckwheat meal or flour, one-fourth of 1 cent per pound.
Corn meal, 40 cents per barrel.
Oats, 10 cents per bushel.
Oatmeal, 20 per cent ad valorem.
Rice, uncleaned, unhulled or paddy, three-tenths of 1 cent per pound, but not to be less than 30 per cent ad valorem.
Rice, cleaned, 1½ cents per pound.
Rice and sago flour and sago, 25 per cent ad valorem.
Rice, when imported by makers of rice starch for use in their factories making starch, three-fourths of 1 cent per pound.
Wheat, 15 cents per bushel.
Wheat flour, 75 cents per barrel.
Biscuits of all kinds, 25 per cent ad valorem.
Macaroni and vermicelli, 25 per cent ad valorem.
Starch, including farina, corn starch or flour, and all preparations having the qualities of starch, 1½ cents per pound; the weight of the package to be in all cases included in the weight for duty.
Seeds, viz., garden, field, and other seeds for agricultural and other purposes, when in bulk or in large parcels, 10 per cent ad valorem; when put up in small papers or parcels, 25 per cent ad valorem.
Mustard, ground, 25 per cent ad valorem.
Mustard, cake, 15 per cent ad valorem.
Sweet potatoes and yams, 10 cents per bushel.
Tomatoes, fresh, 20 cents per bushel and 10 per cent ad valorem.
Tomatoes, and other vegetables, including corn and baked beans in cans or other packages, 1½ cents per pound; the weight of the cans or other packages to be included in the weight for duty.
Pickles, sauces, and catsups, including soy, 35 per cent ad valorem.
Malt, 15 cents per bushel, upon entry for warehouse, subject to excise regulations.
Extract of malt (nonalcoholic), for medicinal purposes, 25 per cent ad valorem.
Hops, 6 cents per pound.
Compressed yeast, in bulk or mass of not less than 50 pounds, 3 cents per pound; in packages weighing less than 50 pounds, 6 cents per pound, the weight of the package in the latter case to be included in the weight for duty.
Yeast cakes and baking powders, 6 cents per pound, the weight of the package to be included in the weight for duty.
Trees, viz, apple, cherry, peach, pear, plum, and quince of all kinds, 3 cents each.
Grapevines, and gooseberry, raspberry, currant, and rose bushes; also, fruit plants, n. e. s., and shade, lawn, and ornamental trees, shrubs, and plants, 25 per cent ad valorem.
Blackberries, gooseberries, raspberries, strawberries, cherries, and currants, n. e. s., 2 cents per pound, the weight of the package to be included in the weight for duty.
Cranberries, plums, and quinces, 25 per cent ad valorem.
Prunes, 1 cent per pound, including raisins and dried currants.
Apples, dried, desiccated, or evaporated; dates, figs, and other dried, desiccated, or evaporated fruits, n. e. s., 25 per cent ad valorem.
Grapes, 2 cents per pound.
Oranges, lemons, and limes, in boxes of capacity not exceeding 2½ cubic feet, 25 cents per box; in one-half boxes, capacity not exceeding 1¼ cubic feet, 13 cents per half box; in cases and all other packages, 10 cents per cubic foot holding capacity; in bulk, $1.50 per 1,000 oranges, lemons, or limes; in barrels not exceeding in capacity that of the 196-pound flour barrel, 55 cents per barrel.
Peaches, 1 cent per pound, the weight of the package to be included in the weight for duty.
Fruits, in airtight cans or other packages, 2 cents per pound, the weight on which duty shall be payable to include the weight of the cans or other packages.
Fruits, preserved in brandy, or preserved in other spirits, $1.90 per gallon.
Jellies, jams, and preserves, 3 cents per pound.
Honey, in the comb or otherwise, and imitations and adulterations thereof, 3 cents per pound.

Revenue.

REMARKS

OF

HON. BINGER HERMANN.

OF OREGON,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, December 26, 1895,

On the bill (H. R. 2749) to temporarily increase revenue to meet the expenses of Government and provide against a deficiency.

Mr. HERMANN said:

Mr. SPEAKER: I avail myself of the opportunity given to express my views and those entertained by a large majority of the people whom I have the honor to represent in this the great council chamber of the nation.

We have assembled, sir, under remarkable conditions. The annual message of the President notifies us of what we are already painfully aware, that our domestic concerns are "in such a perplexing and delicate predicament as to require prompt and wise treatment." These are his words. Before this House was organized under the rules, and within eighteen days from the first, another message comes to us from the Executive in which he reminds Congress of his previous comments on the country's unhappy situation, and then he says:

> This condition is intensified by the prevalence in certain quarters of sudden and unusual apprehension and timidity in business circles.

Still further on he says:

> We are in the midst of the season of perplexity caused by our dangerous and fatuitous operations.

Since this second message we have also had a third in reference to the perils which threaten us from abroad.

NEVER SO MANY MESSAGES IN THE SAME TIME.

Never before since the beginning of our Government have we had so many messages in the same brief interval from any President, and all breathing such despondent spirit and predicting such calamitous results. From the day this Administration first went into power not one encouraging message has yet come from the Chief Magistrate to the people's representatives, and not one cheerful ray has that Administration contributed to inspire hope. We recall the very outset, when we were summoned to this Capitol in the heat of the summer, in extraordinary session, when we listened to a doleful message, in which it was proclaimed to all the world that there existed "an alarming and extraordinary business situation, involving the welfare and prosperity of all our people." This situation was attributed to the continuance of the Sherman law, and we were assured if this obstacle to prosperity were repealed all would be well, because, as we were reminded, the ills which had in a few months befallen us were "chargeable to Congressional legislation touching the purchase and coinage of silver by the General Government." The very message, with the extraordinary meeting of the nation's Congress, as if in war time, did much to intensify the prevailing timidity which everywhere had already bred distrust, evil forebodings, and alarm; and yet these were not occasioned by the operations of the so-called Sherman law. But the law was hurriedly repealed. The continued and greatly increased depression, panics, business failures, and commercial ruin everywhere which followed afford the best proof that the President's diagnosis of the nation's condition was incorrect.

FREE-TRADE PRESIDENTS ALL REPORT EMPTY TREASURIES.

The alarming messages of Grover Cleveland recall to our minds the historic parallel with every message from a free-trade President. We remember the wretched failure of James Buchanan, the financial distress, bankruptcies, and universal hard times which befell the country under his Administration. Just as we see it now; there was then an empty Treasury, bonds were issued, moneys borrowed to pay the current expenses of the Government, high rates of interest paid, the imports exceeded the exports, we were buying more than we were selling, there was a distrust in foreign countries as to our securities, and a lack of confidence at home. And yet, with all this, there was an abundance of that which the soil produces and a rich store of resources which only wanted the quickening spirit of an American policy to produce a generous activity, remunerative capital, profitable markets, good prices, and industrial prosperity. Let us reproduce that well-remembered portion of Buchanan's message in 1857. Read what he there says:

> In the midst of unsurpassed plenty, in all the elements of national wealth, we find our manufactories suspended, labor of different kinds abandoned, and thousands of useful laborers thrown out of employment and reduced to want.

If this gloomy message were read to most people to-day and the author's name withheld, it would be said to be the production of President Grover Cleveland. The same policies produce the same results. They can all be described in the same language. When the sickened nation reaches that condition, history teaches us that there is but one medicine which will restore the patient, and that remedy is a protective tariff.

REPUBLICAN PRESIDENTS REPORT PROSPERITY.

We have read the gloomy portrayal of national affairs when free-trade Presidents describe the close of their unhappy Administrations. Let us now read the contrast of a Republican or protective tariff Administration in the last message of President Harrison. He said:

> In submitting my annual message to Congress I have great satisfaction in being able to say that the general conditions affecting the commercial and industrial interests of the United States are in the highest degree favorable. A comparison of the existing conditions with those of the most varied period in the history of the country will, I believe, show that so high a degree of prosperity and so general a diffusion of the comforts of life were never before enjoyed by our people.

The student of history would at once say, in reading that message, that it described the splendid results of a Republican Administration.

HARD TIMES FOLLOWED CLEVELAND'S INAUGURATION.

Within ninety days after that cheering message was read to the American people Grover Cleveland was inaugurated, and immediately a chill came over the country. Capital fled in terror from the busy haunts, enterprises withered, factories suspended, business houses failed or reduced their trade, the mines closed or worked on diminished wages, laborers were without work, the mills and the farms suffered all alike. Why this immediate change in our conditions? The answer is self-evident. The profitable American market opened its capacious gates to the products of a foreign soil and a foreign labor, and the energetic home toiler found himself unequal to the cheap competition which displaced him in the market. The tide quickly turned. It is easy to destroy confidence, as it is difficult to restore it. With our own factories and forges, and farms and mines, and mills deprived of their accustomed traffic, and that traffic largely supplied by the foreign competitor, what else could be expected than that which we now experience? The first effects of the Cleveland Administration are seen in our foreign trade relations. The repeal of the McKinley law threw down the bars. We at once increased our purchases from abroad, and soon we were buying more than we were selling. Our imports exceeded our exports. The balance of trade was against us. The American gold went to Europe. It was used in foreign factories, foreign farms, and mines, and it was paid to foreign wages. Under the Republican Administration the balance of trade was in our favor and the European gold came to America. It found its way into the Treasury and among the people. We not only had abundant money, but we had abundant circulation. There was no alarm from the so-called Sherman law. Nobody called for its repeal, and nobody said then, as Mr. Cleveland declares now, that "we are in the midst of the season of perplexity caused by our dangerous and fatuitous operations."

FREE TRADE INCREASES IMPORTS AND DECREASES EXPORTS.

It is a well-established fact that whenever in this country we have a free-trade or tariff-for-revenue Administration we at once increase our imports and decrease our exports. A few facts will illustrate.

For woolens the Wilson bill took effect January 1, 1895. The first six months after this we imported from abroad 19,418,029 pounds of woolens and worsted goods, valued at $12,723,032, while for the first six months of 1894, under the McKinley bill, the like imports were only 2,716,710 pounds, valued at $2,529,694, a difference in value of over $10,000,000 against our own country. During the same six months of 1895 American manufacturers imported 100,628,257 pounds of foreign wool, as against 42,438,461 pounds in 1893 and 44,062,211 pounds in 1892. In 1832, under protection, our general imports were then $101,029,266, while in 1834, two years later and under free trade, our imports had increased to $126,521,000.

WE HAVE NOT THE WORLD FOR OUR MARKETS.

In Mr. Cleveland's last campaign it was freely asserted that if his cause should triumph we should have the world for our markets and that our exports would increase marvelously, and the free traders' favorite maxim was that if we would not buy abroad we could not sell abroad, and it was explained that if the foreigner could freely sell to us he would more freely buy from us. Many believed this, not reflecting that it is with nations as it is with individuals, that they buy only in that market where they can derive the best advantage. The statistics show that we not only did not sell more to the foreigner under the Wilson bill, but that, as a matter of fact, we sold less, and our sales are still decreasing. Our exports to Europe in 1894 were $700,870,822, and in 1895 they were $627,975,133, or a decrease in one year's time of $72,895,689. In contrast to this, under the McKinley bill, our exports in 1891 increased $134,276,000, while at the same time Britain's

exports decreased $82,291,000. It might be thought to follow that if we should sell so much less than before we naturally would buy less than before. A prudent business man would at least pursue such course. But not so with a Government doing business under free-trade ideas and practices, as the figures show. In 1894 our imports from Europe were $295,071,865, while in 1895, one year later, under the Wilson bill, the imports from Europe had increased to $383,686,842. It will thus be seen that we spent $88,600,000 more money for European goods, and the European spent nearly $73,000,000 less money for American goods. This represents a difference which had to be met by sending away our gold. It is thus proven that under a lower tariff we do not increase our exports and that we do not "conquer the markets of the world," as the free trader so loudly boasted. Indeed, it looks as though the markets of the world had conquered us. In trying to capture them we have lost our own.

FREE TRADE DIMINISHES CONSUMPTION.

But it is replied that these increased imports are occasioned by our greatly increased consumption, and not to the decrease or removal of tariff duties. The painful fact, however, remains that the American nation consumes at least 20 per cent less to-day than it did two years ago, and yet our population is greater. The earning capacity and ability of our people to purchase has been impaired from 20 to 50 per cent by these Cleveland times. Four hundred and fifty-six employers have made reports stating the number of their employees and the rate of wages paid them for six months' time in each year from 1890 to 1895. In 1892 the number employed in these 456 establishments was 94,560, while in 1895 the number was reduced to 80,196. From the same reports, which are published in the American Economist, it is also shown that for 1894 there was a reduction of 21 per cent as compared with 1892 in the wages of these people. The lessening of wages always means the lessening of consumption. When it is estimated on the basis of the census of 1890 and on recent investigations that the wage disbursements in 1895 will be $300,000,000 less than in 1890, it can be seen how fearfully has consumption been decreased. The number of people unemployed to-day who were profitably employed during the existence of the McKinley law would constitute a vast army of people. It would be interesting to know how many thousands more are employed on European farms and in European factories this year, who were idle in 1890. With present conditions in our country it is extravagant to claim that there is greater consumption among the masses.

Nor can it be said that consumers are benefited substantially by cheaper prices. Meats and breadstuffs and fuel are about the same. Clothing has shown but little reduction in price, and where it is much cheaper it will be found to contain such quantity of shoddy and waste as to diminish the value of the product, so that in the end there is no real advantage to the consumer, and in proof of this is the statement from Mr. Justice Bateman, a well-known authority on foreign and domestic wools and woolens, that the wool adulterants imported in one year under the free trade Wilson bill amounted to the enormous quantity of 17,600,000 pounds, while under the entire period of the protective McKinley law there were only 1,300,000 pounds purchased from abroad.

The fact can not be denied that increased imports represent the displacement of home-made goods for foreign-made goods. The more we buy abroad the less we buy at home. The more the foreigner manufactures for us the less the American will manufacture. The more the foreign farmer produces for us the less we buy from the American farmer. Increased imports represent in proportion the closed American factory, mine, and mill, and the abandoned farm, fruit orchard, and sheep ranch. They represent diminished production, reduced wages, scarcity of money, increased indebtedness, and hard times on our side of the water. No nation can long remain prosperous with farms on one side of the ocean and workshops on the other. The money which under the McKinley law circulated at home now circulates in Europe. The wages once paid American labor are now paid European labor. Every day's labor by an Englishman on goods consumed here is one day's labor less for an American. How long can we remain out of the hands of a foreign receiver if this condition remains? What is true of individuals is no less true of nations. The same economic law applies to both. An individual long buying and seldom selling will soon come to want. The best proof of these remarks is found recently in an editorial from the great London journal, the Financial News, which is as follows:

> Practically every penny that was subscribed in London toward the recent American loan has been got back through the expansion in the export of woolens and worsteds During the last month America bought less raw wool than in September, 1894, but had to pay more for it. The total export value of worsted tissues for the nine months ended September 30, 1895, has been over $13,000,000 greater than for the same nine months of 1894, and the lowering of the American tariff has been the British manufacturers' salvation.

It was believed by some of our own manufacturers that free wool would benefit them, as it would aid them to enter the foreign markets to compete with manufactured woolens there. But this hope has not been realized. It has been a severe struggle with many American woolen mills to maintain themselves, and such manufacturers freely and publicly proclaim their regret that foreign wools were placed on the free list. They have learned that free wools produce free woolens to Americans, and this produces bankrupt American woolen factories as well as deserted sheepfolds. The protective tariff is reciprocal. Contrary to the belief of American manufacturers and tariff reformers, our exports of all kinds of woolen fabrics have decreased. For the first three months of 1894 the exports were $196,173, while for the same period in 1895, under the Wilson law, they were but $180,223. For the advantage that was pretended to accrue to the manufacturers a costly sacrifice has fallen upon the American woolgrower. It is estimated that his loss amounts to $40,000,000 a year. The price of wool to him has declined 50 per cent in the last two years, while his production has decreased from 364,000,000 pounds in 1893 to 264,000,000 pounds in 1895, and the number of sheep has diminished from 49,000,000 head in 1893 to 39,000,000 head in 1895. Take the loss in the value of sheep, and it represents a decline in three years from $125,909,264 to $66,685,767, as at present. Our country was the third largest of woolgrowing nations and would soon have been the second largest had the American policy continued. It is estimated that the annual loss to the woolgrowers of the State of Oregon and her two neighbors, Idaho and Washington, in the reduced price on wool will equal $1,800,000 a year.

THE CHANGE HAS BEEN A COSTLY ONE.

This is the price they pay in the insane attempt to "conquer the markets of the world." Had the McKinley law continued, the American woolgrowers would soon have supplied all the wool consumed in this country, as they had already reached within 55,000,000 pounds of the entire consumption. What, then, have we gained? Woolen manufactures are but little, if any, cheaper; the raw wool, to the producer, is reduced one-half in value; the American manufacturer is no better off, while a great American industry is rapidly going to destruction. When this is completed and the wool supply of the world correspondingly diminished prices will then advance, but the American woolgrower will have disappeared and the foreigner will fix the price. As it has been with wool so also has it been as to the many other products of American growth and industrial development which were removed from protection and placed under the sharp edge of European competition. Lumber is one of the greatest of American industries. In 1890 the capital invested amounted to the enormous aggregate of nearly $500,000,000. The lumber product was valued at $390,000,000 and exceeded the value of the iron, cotton, and woolen products, and it employed nearly 800,000 people. Even under the McKinley law the foreigner was enabled to pay $1,139,000 in tariff duties to enter our market with his lumber. In three Pacific Coast States—Oregon, California, and Washington—the wages paid in 1890 amounted to $7,715,000. There was not $3,000,000 paid in lumber wages in those States in 1895 under the Wilson bill. It was predicted that lumber would be cheaper to the consumer under the Wilson bill. This, however, has not resulted. Lumber is no cheaper than it was under the McKinley bill. The mill owners have suffered, the whole country has been punished, and the consumer is not benefited by cheap prices. We lose the revenue to the Treasury and the foreigner alone is benefited.

THE FARMER HAS SUFFERED MORE THAN ALL.

Looking to the agricultural list, we find that the farmer has, perhaps, suffered more than any industrial class. To him no market is so profitable as that which brings in close proximity the farm and the factory—the consumer and the producer. Our observation teaches us that farm lands which are nearer to manufacturing centers are higher in value, and the profits are greater than from the farm lands more remote. It is to our interest to encourage the home market rather than the foreign market, and as a result only the surplus of our productions would find their way across the oceans. Only the single inducement found in cheap labor abroad could justify the foreigner to transport from across the Atlantic Ocean to our markets so many of the common farm products the like of which are so abundantly grown in our own country. Within the last ten years the statistics show we have sent ten millions of American gold abroad to buy the one product, such as potatoes. We buy them from such remote countries as Scotland and the British North American provinces, from Germany, Belgium, and from the Bermuda Islands. A farm product so common with us, it would seem, should be produced sufficient for our entire demand, to the exclusion of the foreign product. It would be if the American product was sufficiently protected. Take another item, such as eggs, for instance. The egg product of the American farm amounts in value to $100,000,000, and it is estimated that if to this we add the poultry product of the farm we shall have $300,000,000 as the annual output for these items. In 1893 the entire wheat yield of our country amounted to 396,000,000 bushels, and was valued at less than $300,000,000, so that the egg and poultry sales of the American farmer actually exceed the value of his entire wheat crop. Since the repeal of the McKinley law

immense shipments of eggs and poultry are daily entering our markets from the most remote countries.

Take, again, the item of hay. Over $20,000,000 of this product has been imported from Canada and adjoining countries in the short period since the repeal of the McKinley law. Another great product which suffers is that of the hop. Under the McKinley law the duty was 15 cents, while under the Wilson bill it was but 8 cents, per pound. We bought fewer hops under the McKinley bill than ever before, because our market was restricted more to the home supply, and prices were higher under the McKinley law than they were before. While it is true that we ship largely to the foreign markets, it must not be forgotten that we sell more to our own market than to any foreign nation, or to all combined.

Another product which has seriously suffered is that of the prune. California, Oregon, and Washington are now producing extensively of this fruit, and much labor and capital are annually being invested in this enterprise. The reduction of the McKinley duty on prunes invited a large importation of the foreign fruit to America. Under the McKinley law this importation was reduced to 23,225,821 pounds from 67,000,000 pounds under previous laws. Here was a demand in our own market for nearly 44,000,000 pounds previously supplied by the foreigner, which under the McKinley law was supplied by the American. The injury done the home producer is not so much in the foreign supply to this market as it is in the lowering of the home market price to meet the competing price of the foreign rival. The American grower suffers a loss of market and a loss of price. European cheap laborers and American free traders unite to inflict the blow. One is as dangerous to American labor as the other.

Another great product of the American farm is wheat, and it, too, is affected by the influence of the tariff. Our nation in 1893 had a surplus of about 120,000,000 bushels for export. It came in contact in the European market with a surplus of 230,000,000 bushels from Argentina, India, Australia, Chile, and Canada. The American surplus in the foreign market is sold at whatever price is fixed by that market. The only relief to our people is in less production or in increased home demand; and increased home demand must come from a judicious tariff which will encourage diversified farming and increased consumption by enlarging the manufacturing industries among our own people. A free-trade policy tends to discourage home manufactures and drives that labor from the factory to the farm, and this increases the farm products and adds to our wheat surplus in the already overstocked markets of Europe. While our home market was more than ever supplied by American farmers, under the McKinley bill our sales to the foreign market were greatly increased. The farm products exported in one year under that bill amounted to $793,717,000—indeed 78 per cent of our $1,030,723,000 of foreign exports was from the farm. The McKinley bill increased our sales abroad $200,000,000. Then the money of Europe came to America, now the money of America goes to Europe. Is it not easy to see why money is scarce now in our nation?

A BANKRUPT TREASURY THE LEGACY OF FREE-TRADE POLICY.

We find the condition of the Treasury as bad as we find the material interests of the country. Under the last year of the Harrison Administration the receipts were $385,819,629, while the receipts of the first year of the Cleveland Administration following were $296,960,336, or a falling off to the enormous extent of $88,857,293. Under Harrison there was a surplus in the Treasury, and the national debt was reduced $259,000,000. Under the Cleveland Administration there is no surplus and no debts paid, but, worse than all, there is a deficit and the national debt increased $162,000,000. In fifteen months' time the revenues under the Cleveland tariff left us a deficit of $70,000,000. There is now not a single month that the expenditures do not exceed the receipts; indeed, we are going behind at the rate of four million a month. As it was under the free-trade Buchanan Administration, so it is now. We are spending more than we are earning. We are appealing to the bankers of the world to come to our rescue. Three bond issues have already been made, and the Rothschilds and Belmonts are preparing to negotiate a fourth.

The whole difficulty, disguise it as they may, is that the revenues of the Government under Democratic policies are insufficient to meet the necessary expenses. The expenses are greater than the receipts. Articles which under the McKinley bill produced large revenues on foreign importations are now placed on the free list, and we lose those revenues. The result is that the Government, in order to maintain the reserve fund, must obtain money by other means, and it resorts to borrowing. The President asks Congress to approve of his alternative. I can not for one see my way clear to approve of further increasing the national indebtedness by bond issues and can not vote for such relief. President Harrison had no difficulty in maintaining the public credit and providing for the reserve fund and defraying all the expenditures of the Government, and even reducing the national debt, and there is no reason why the same means under Harrison will not now under Cleveland produce the same relief. The Republican party has severely arraigned this Administration for its ready resort to auctioning off the credit of the country, through bond issues, to every sordid syndicate, and now, sir, it is late in the day and comes with poor grace to solicit the approval of a Republican Congress, in time of profound peace, to the resort of further adding to the enormous bonded indebtedness. The bill now before us will give the President $40,000,000 by Republican protection. I would gladly go still further on this line, if I thought it would not meet an Executive veto; but to add to this relief an authority for bond loans will not, in my judgment, be approved by the people. Already intense disgust and indignation are expressed as to the advantage taken of our necessities through the imbecility of those who represented the Government in its deal with the shylock syndicate for sixty-odd millions of dollars in which bonds worth 120 were sold for 104½. This wanton and unjustifiable loss of $10,000,000 into the hands of a mercenary band of European and American money speculators is without a parallel in any country.

If the Administration had no other way to avoid national bankruptcy than by bond issues, an appeal to the American people alone would have negotiated the entire loan at home, and the legitimate price of the bonds would have been realized, as they would have been taken eagerly in the open market and $10,000,000 of the nation's treasure saved.

However we may view the subject, it is still a most painful one. Everywhere we behold incompetency, financial embarrassment, and losses which the country has been compelled to suffer by repudiating the wholesome doctrine of protection. It is not an overestimate, sir, to say that the two first years of Mr. Cleveland's administration have cost this country more than the entire indebtedness incurred by the late war. As a person in robust health exhibits the effects of sickness less than one already enfeebled, so it may be said of our unhappy nation—that had not the previous thirty years of prosperous Republican rule made us strong, rich, self-reliant, and resourceful, we should ere now have been in far greater peril, bankruptcy, and discredit.

A nation can ill afford to risk few such costly changes in a hundred years. The time has surely come, sir, when we should be less European and more American in our business, our policies, and our principles. But that wisdom, patriotism, and patience which at all times sustains the American people has at last come to the rescue. In the last Congressional elections public sentiment found expression for the first time, after a full trial of so-called tariff reform in this country in later years, and there was witnessed such an uprising and such a popular revolt as has never before occurred, even in war times. States which for thirty years had stood solidly in the Democratic column wheeled into line for protection, and as I look over this Chamber I see twenty-four States with not a single Democratic Representative. In the last Congress there was a Democratic House with a majority of 90, while in this House there is a Republican majority of 140.

THE REPUBLICAN PARTY EQUAL TO THE EMERGENCY.

Barely a week has elapsed since the President, in a special message to us, proclaimed the credit of the nation to be in danger and urged upon us immediate passage of relief measures. Every member of this House was at once notified of the pressing emergency, and before this day ends we shall pass such a revenue bill as will protect the public credit and prevent the deficiencies in the current business. The condition is a grave one, but the Republican party is equal to the emergency and will bring to it prompt and businesslike methods.

The bill before us does not attempt generally to revise the tariff. Its object is, rather, to increase the revenue by increasing some duties and restoring others, until the complete restoration of the Republican party to power, when, with a Republican Senate and a Republican President to cooperate with this body, there will be such a restoration of duties as will once again guarantee protection of American interests all along the line. This measure is based on protection doctrine, and it will provide $40,000,000 by duties on foreign imports. There will be no surrender of Republican policy; and if President Cleveland should decline this aid we shall still feel that we have performed our duty to our country without the sacrifice of those principles of revenue taxation which we believe most conducive to the prosperity and happiness of a free people.

AMERICAN POLICIES FOR AMERICAN PEOPLE.

It is a relief, sir, to know that the day has already dawned for a return to American policies and American institutions.

The first act of the Republican majority in this Congress was to rebuke the American ambassador to England, Thomas F. Bayard, for a speech delivered last month to the English people, in which he belittled his nation and scoffed at and abused the political policy entertained by a majority of our people. It was thought by many in this Chamber that an American official, whatever be his station, who would so far forget his country as to denounce a large body of the people whom he represents, should not only receive a stern rebuke from that country, but that he should be impeached.

There is already too much toadying by private American citizens who go to Europe and who at once become so affected with anglomania and with monarchial forms and society blandishments that they deem it the proper thing to ridicule and then to apologize for their native land and its institutions. Such people should be expatriated; but in the case of an American officer guilty of like offense, he should be impeached and driven into solitary exile by the sentence of a drumhead court-martial. The President should not have waited for Congress to notice and punish this unpardonable offense. He should himself have recalled his recreant ambassador and reminded him that only Americans were wanted to represent this nation at foreign courts.

THE MONROE DOCTRINE AN AMERICAN DOCTRINE.

Then again the majority in this Chamber were quick to resent the indignity attempted by England upon the Republic of Venezuela. We voted the President $100,000 to investigate the issue between the two countries and to determine whether the facts would warrant us in deciding that the cherished American Monroe doctrine had been violated by extending any foreign territorial possession upon the soil of that Republic. We love our country and revere its institutions, and we worship the old Stars and Stripes, the emblem of its liberty, its union, and its glory, and if there is any issue which our people regard paramount to another it is that the integrity of this nation shall be maintained; and whether the menace approaches us from without or from within the combined power of our mighty nationality will respond quickly to defend against the aggression.

We have no concern with foreign alliances or usurpations in the Eastern world, but we do declare that as to American Governments they shall not be subject to the domination of European powers. It is characteristic of England to extend her possessions in all directions, and among the weaker powers her lines are extended from one point to another until she occupies an entire empire of the rightful claimant. The early settlers of my own State once learned to experience the grasping and imperious exactions of that power in the dispute over the Pacific Northwest. The British claimed the Columbia River Valley and the vast regions north of it. They extended their trading ports and fortified as they advanced, and continued to dispute the peaceful settlement of Americans within the country claimed. The Americans insisted on their right to all the country up to latitude 54° 40'. President Polk's Administration brought the controversy to an issue. The eloquent old Thomas H. Benton announced in the United States Senate that the best means of establishing our right of possession was by occupancy and the planting of 30,000 rifles in the Valley of the Columbia. The war cry of "Fifty-four forty or fight," which resounded throughout the nation, was the most effective assurance to Great Britain that we would assert our rights, and then, and only then, was a peaceful compromise effected. It has, however, always been regretted that we finally yielded so far as to accept to the forty-ninth degree. Looking still farther to the north of us we behold the lion's claw slowly and stealthily advancing over the distant Territory of Alaska. The usual pretext of boundary line is asserted as the basis of a claim, as it is in Venezuela.

We also recognize the possible conflict which may yet arise over the occupation by Americans of the proposed route of the Nicaragua Canal. There Britain likewise interposes an objection and asserts a joint right accruing to her under the terms of an obsolete and much misunderstood treaty made fifty years ago, and known as the Clayton-Bulwer treaty. That treaty has long since become inoperative and void. The construction of the Nicaragua Canal—now since the progressive Republican party is soon to be restored to power—is an assured fact. For commercial benefit, as well as for military defense, its construction is deemed to be one of the indispensable undertakings for the United States, and a general understanding seems to pervade the public mind that this great work shall go on, and that it shall be built by Americans and by American capital and under governmental control. We shall build the canal first and interpret the treaty afterwards, and neither the item of cost nor British intervention will stand in the way when the procession is ready to move toward active operations.

THE ANNEXATION OF THE HAWAIIAN ISLANDS.

The annexation of the Hawaiian Islands will be another great achievement for a patriotic Republican Administration to undertake. The responsible and energetic class of those people are American in heart, and many in nativity, and, above all, they are lovers of a republican form of government, and longingly hope that they may become a part of our great nation, to live under the Stars and Stripes, and to acknowledge their allegiance forever to its authority. The first flag they hoisted when independence crowned their efforts was that flag, and when it was hauled down by the direction of Grover Cleveland they continued to hope that in some day it would be restored to its place to float over their entire possessions by the authority of another President of the American Republic. There stands, however, the American sentinel, armed with the Monroe doctrine, and, watching foreign designs upon those islands, solemnly declares to the nations of Europe that their institutions must not find new sway in the Western Hemisphere, or in the language of President Monroe himself:

We should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety.

This is the doctrine of America for Americans.

IMMIGRATION MUST BE RESTRICTED.

The Washington maxim, "In time of peace prepare for war," while it admonishes us now more than ever to place our coasts in a position of defense by the erection of fortifications and the best approved armament, as well as for the construction and maintenance of an efficient and powerful navy, the same maxim also reminds us to guard against other dangers which menace the integrity and perpetuity of republican institutions.

Complaint is justly made that the gates of Castle Garden swing too far inward. The immigration to our shores in recent years of the criminal, the vagrant, the anarchist, and the irresponsible dregs which incite and foment disturbances, social disorders, riots, and destruction of valuable property, and even life, while they indulge in incendiary harangues and contemptuous and insulting threats against the authority of our laws and the peace and good order of our communities, should cease, and these enemies to all organized government should find no admission to our shores. They pollute and desecrate the temple of liberty. A sound protective policy must exclude these people as it excludes Europe's other cheap products. They do not come, as our fathers did, and as so many others still come, for bona fide citizenship and for the liberty it confers—constitutional liberty to them is tyranny. Their mission is to destroy, not to build. Let them understand that the mere oath of allegiance does not make the citizen of this Republic. If aliens are not attached to the principles of the Constitution they can not be made true citizens, and no oath can make them such. Until they can come up to this high standard they should find no refuge in this country. Some of the best blood of our nation is of foreign birth, but it is loyally American, and will be the first to resent an insult to the flag of the Republic. These citizens are not sympathizers of anarchy and misrule.

THE COMMON SCHOOL IS THE HOPE OF THE REPUBLIC.

In the education of their children let these doubtful citizens understand that the common schools of America are the nurseries for future citizenship; that there the young are inspired with a love of liberty and good government; that they are taught the lessons of the Revolution and learn the meaning of the conflicts of Lexington, of Bunker Hill, and of Yorktown, and there, too, they are taught to revere the memory of the immortal Washington, of Patrick Henry, of Hamilton, and Jefferson. There they will also learn that the illustrious Lafayette, De Kalb, Pulaski, and Kosciusko came to this country from their foreign homes not to tear down liberty but to offer their lives for its establishment, its maintenance, and its perpetuity. There they will behold in the splendid public-school edifices of the great cities, and even in the humble common-school log houses in the forests and on the frontiers of the remote West, the starry flag of our Union, itself teaching an object lesson of the dearly bought and precious legacy which it symbolizes.

ANARCHISTS, CRIMINALS, AND VAGRANTS MUST BE DENIED NATURALIZATION.

That better safeguards may be provided against the dangerous elements which so seriously threaten the stability and permanency of our Republic, I should be glad to unite in such legislation as will restrict citizenship so far as to exclude entirely the persons I have mentioned, and also for such further legislation as will require our courts to exercise greater care in the naturalization of aliens. The law provides that it shall be made to appear to the satisfaction of the court that during the time the alien has resided within the State or Territory "he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same." In the face of this requirement, however, the courts in our great cities, just before election especially, manifest such indifference and disregard of duty as to make the admission to citizenship a burlesque and a scandal. Vast numbers of the most obnoxious persons, who can neither read nor write and have no conception of our Constitution or the obligations which it imposes, take the solemn oath of allegiance with uplifted hand, ignorant and indifferent as to the high qualifications which it confers. Men of notoriously bad character, bribed voters, anarchists, bomb throwers, and red-handed ruffians deliberately violate the law of naturalization, as if it were intended for outlaws and not for honest men. The time has come, sir, when it should be understood that our free institutions are for those who appreciate and observe them, and, while the fruits of the tree of liberty are within the reach of all citizens, that in enjoying those fruits they must not and they shall not girdle the tree.

REPUBLICANS WILL PROTECT THE OLD VETERANS OF THE WAR.

As we are discussing in this revenue or tariff bill the great question of protection, I have not deemed it inappropriate to refer

as I have also to that protection which shall go to our social and political institutions. One is for safety, and the other for revenue; both necessary for national preservation.

In conclusion, I may be excused for referring to another protection, which, it is expected, the Republican party when in full power will not overlook, and that is in a generous regard for the care and veneration of the old soldiers of the war for the Republic. Day by day their numbers are diminishing, and soon the places that now know them will know them no more. The magnificent Republic which they preserved, the vast wealth and prosperity which followed, and the liberty and happiness which are ours to transmit to our posterity are blessings for which every day in our lives we should feel grateful to these old veterans of the greatest war of record.

Thirty years have passed away since these patriotic men responded to their country's call. Many were then in the flush of young manhood. The exposures which thousands of them endured no mortal tongue can tell. Official reports show that of deaths during the past year 63 per cent was from disease of service origin, and in other cases life was shortened by the hardships incident to the ordinary service. No man ever entered that service and was discharged from it with such health and bodily vigor as when he was first mustered in.

Much of the past generous legislation by the Republican party has been rendered ineffective by unfriendly interpretation since then. The old soldier justly insists that after he has furnished his proofs and been granted a pension, he can not be deprived of it without due process of law. It is an injustice that pensions granted years ago on proper evidence then obtainable should now be reduced on no showing. Every day notices are going out as to reductions from $12 to $8 and still lower, and many entirely cut off. Rejections of applications are made after years of accumulation of evidence, and when a second application is filed for the same disability and granted largely on the evidence at first submitted, no allowance is made for the interval of time. Much delay is caused, as well as vexation and expense, in establishing nonessential details after the disability applied for is fully proven. The men who fought under Grant, Sherman, Sheridan, Logan, Thomas, Hancock, and Sedgwick, and those other brave men who bore the brunt of the naval battles on the high seas, are entitled to greater consideration and generosity on the part of the great Republic saved by their heroic deeds, their matchless valor, and their sublime endurance.

The Bond Bill.

SPEECH

OF

HON. RICHARD BARTHOLDT,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, December 28, 1895,

On the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

Mr. BARTHOLDT said:

Mr. SPEAKER: While this question is being discussed in the House, the Bureau of Engraving and Printing is preparing, under an order of the Secretary of the Treasury, the plates for a new bond issue. This fact simplifies the situation very materially. It means that bonds will and must be issued, no matter what the Congress will do. It means that the spirit of insolvency conjured up by Democratic misrule threatens Uncle Sam, and, leveling a pistol at his head, asks him for "your bonds or your life!" and it means that the Administration, in order to avoid bankruptcy, has already decided to issue bonds, the same as has been done twice before, namely, under the law of 1875, which authorizes two kinds, 5 per cent ten-year and 4 per cent thirty-year bonds. The Administration was ready to issue such bonds when it sent forth its alarming messages, and the financial situation, accentuated as it was by these messages, now compel it to speedily carry out its plans.

This demonstrates clearly that the arguments of such of my colleagues as oppose the issuance of bonds as a matter of principle are not applicable now. The question confronting us is not whether bonds shall be issued at all, but whether, such issue being inevitable, Congress can not enable the Administration to float them under terms more favorable to the people than are specified in the law just quoted. The vast majority of the Republicans on this floor, among them all the distinguished leaders, are answering this question affirmatively by the advocacy of a bill which not only reduces the rate of interest and time of duration, but also provides that the bonds to be issued shall be first offered to the people of the United States by advertisement, so that our own people shall have an opportunity to purchase them if they so desire. I am willing and ready to support this bill as the best we can hope to get through the Senate and as a very material improvement on the statute under which bonds will be issued should this bill be defeated. The 3 per cent bonds authorized by this measure will on a ten-year loan save the people interest to the amount of $10,000,000, and will besides remain in the hands of our own people.

In the light of American history Republicanism means the redemption, not the issuance of bonds, and if the Republican party had remained in power Congress, it is safe to say, would not to-day be called upon to strike a bargain with capitalists and creditors. This is, let me say to my friends on the other side, not the claim of "pernicious partisanship," but the now commonly accepted theory of the country and the people, based as it is upon the history of a generation. While the revenues exceeded or equaled the expenditures the greenbacks were no source of trouble whatever to the Government; and we therefore claim to-day that they will be rendered harmless as a gold-withdrawing factor as soon as we succeed in again making both ends meet in the national household. This is the principal reason why this Republican House does not believe in the immediate retirement of the greenbacks and why the President's attempt to force the hands of Congress in this respect will be a failure. With the increased revenues resulting from the emergency tariff bill passed a few days ago, the needs of the Government will be amply provided for, and consequently the retirement of the greenbacks is deemed unnecessary. So strong is this conviction that quite a number of my colleagues on the Republican side of the Chamber are determined to vote against this new bond bill for the sole reason that it may indirectly and partly effect such retirement.

It is a mistake, of course, because the bill prohibits it in specific terms; but the vote will show, nevertheless, how little real sentiment and sympathy the President's proposition finds in the ranks of both political parties at this time. The popularity of paper money, as manifested during the last few weeks, is perhaps an indication of the world's advancement in the direction of the ideal money of the future. It is a constant process of evolution, from shells and hides to iron, from iron to brass, from brass to copper, from copper to silver, from silver to gold; and now the time is probably not far distant when the circulating medium, with the exception of small change, will be nothing but paper—paper backed and secured, of course, by the precious metals stored in the Treasury or in the banks.

But, Mr. Speaker, this is not the time to enter into any general discussion of the financial question. We are confronted with two dangers, an unfavorable balance of trade, and, as a consequence, a rapidly vanishing gold reserve, on the one hand, and a monthly excess of expenditures over revenues on the other. It is "a condition, not a theory"; it is a grave emergency, which may be denounced by the partisan and deplored by the patriot, but one that must be met in a patriotic spirit, and must be met at once. It is unnecessary at this time to remind the people that the Republican party is not responsible for this state of affairs, or to point out the malefactors, for the people have already begun chastising them, and it is also useless to assert that the Republicans, had they full control of all branches of the Government, would find a prompt and lasting remedy for the evils resulting from Democratic rule, because the record of our party speaks louder on this point than we, in the few hours of this debate, could hope to do. No; in the face of a grave emergency the duty of the hour is for all parties to join hands, for all to drop their differences of race, religion, and politics, and to stand up, one and all, heart and soul, for the credit of the Government and the honor of the nation. It is like in a case of war when we cease to be Protestants and Catholics, Republicans and Democrats, English, German, Irish, and are nothing if not parts of one great unit of patriotic American citizenship.

The two bills offered as a remedy for our temporary difficulties—one to increase the revenue and the other to maintain the gold reserve and to eventually meet deficits in the monthly balance sheets—these two bills are not exactly what our party would propose if it controlled all branches of the Government. Concessions had to be made to the peculiar complexion of the Senate and to the views and politics of the Executive; but it should be stated here, in the interest of our own party and for the information of the country, that never before in our history was it rendered so difficult to live up to the old maxim that all legislation is more or less the result of compromise.

A veritable volley of conflicting ideas and objections came from the Democratic camp as soon as this side had made the first step, and Democratic sentiment seemed more at variance on this question than Republican sentiment was with either of the many Democratic views. While the President and the Secretary of the Treasury insisted on the retirement of the greenbacks as the only remedy, the distinguished gentleman from Georgia, the leader of their party on this floor, declared openly, contrary to the President's views, against such retirement; and while one good Democrat reiterates, amidst Democratic applause, the arguments in favor of the free and unlimited coinage of silver, the other good Democrat predicts, amid the applause of his party, such a measure to become the calamity of the age. But when it comes to a vote, I believe all the Democrats, the gold men and the silver men, the greenbackers, the "cuckoos," the bond-syndicate men, the Democratic friends and the Democratic foes of the Administration, all will vote as a unit against the Republican measures of relief; nearly every one of them for a different reason. The main reason, of course, is the Republican authorship of these propositions, the same as always controls Democratic action when that party is in the minority. Thus our friends on the other side have returned unchanged from the November funeral of their party, divided when in power, unterrified when out of it. This is the lesson of our proceedings here. It will help to guide the people next November.

To this side of the House, however, this teaches the lesson that neither by concessions nor arguments can we succeed in persuading our Democratic friends, in view of the necessities of the situation and the dangers threatening the country, to momentarily lay aside all partisanship and join hands with us in any honest attempt to formulate measures of relief in emergency cases. This being the case, the Republican majority should, without looking right or left, adopt the motto "Be sure you are right and then go ahead."

The Tariff.

SPEECH

OF

HON. BENTON McMILLIN,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, December 26, 1895.

The House having under consideration the bill (H. R. 2749) to temporarily increase revenue to meet the expenses of Government and provide against a deficiency—

Mr. McMILLIN said:

Mr. SPEAKER: I want to call the attention of the gentleman who has just taken his seat, the attention of his colleagues on the Ways and Means Committee and of the majority in this House, to a very wise warning that was given them early in the action, which I think they would do well to heed now. On the evening on which the present Speaker was chosen in the Republican caucus to be presented as their candidate for the high office he now holds he is credited, in the report of his speech, with uttering this warning to his party:

History will accord us praise for what we did in the Fifty-first Congress, and it may accord us praise in this for what we do not do.

[Laughter.]

Now, gentlemen, this that you are doing to-day is one of the things to which that suggestion would very appropriately apply, for the country will give you more praise for abstinence than for continuance on these lines.

To-day, Mr. Speaker, we are confronted by an extraordinary situation. There is upon the statute books an old law, passed many years ago, to provide for the sustenance of the public credit and the maintenance of specie payments. That law was passed at a time when it was impossible to float a bond bearing only 3 per cent interest, or a rate much less than that provided for in the statute. As the holders of money at that time knew the probable exigencies of the Treasury for years to come, it was also impossible to obtain money on a short-time, low-rate bond, such as we can get money upon to-day. But the situation having changed with our great national growth and prosperity, it turns out now that whereas the bond provided for in the old statute is the only bond that the President of the United States and his Administration have legal authority to sell, we can get money on shorter time and at a lower rate of interest; and the President has suggested that view to Congress and asked that authority be given him to take advantage of it.

In the next place, just before that suggestion was made the President, in his advocacy of that national policy which was first advocated by Jefferson, first promulgated by Monroe, sent to this House a message proclaiming the ancient doctrine of the Democratic party, which I am glad to say has become the doctrine of this whole country—"the Monroe doctrine." Taking advantage of that promulgation, the English holders of our securities thrust them back upon us in an attempt to break our markets. England did what she always does in such cases—attempted to attack her adversary not at first with bullets, but through his financial weakness. To a certain extent they did break the market for our securities, and in the opinion of the President it became immediately important that there should be such a change made in the law as would authorize the sale of a bond at a low rate of interest, if bonds were to be issued, in order that we might not be compelled to pay the high rates provided for in the old statute. Thus far I do not think there can be any dissent from my statement of the case.

When that message, reaffirming the Monroe doctrine, came here, I say candidly that in the seventeen years of my service I have never beheld such a scene in this Capitol, and I never expect to see another like it. Throughout these halls and corridors, throughout this great building, from crypt to dome, the patriotic voice of the people's representatives resounded, proclaiming that the President was right and that the people of the United States would stand by him in upholding the Monroe doctrine. Then, taking advantage of the necessities of the Government, gentlemen on the other side of the Chamber—I say it with all candor and without any disposition to hypercriticism—have come and proposed a condition precedent to any relief.

There is no complaint that there is not money enough in the Treasury. There is money enough to supply any possible deficiency for three years to come. But these gentlemen say, "We will provide for bonds bearing lower interest instead of high interest, but before doing that we will impose upon you a bill creating additional taxes or increasing existing taxes. That is, they proclaim to the world in the hour of the country's extremity that they will allow the Administration to sustain the public credit if we will permit them to engage in some more public plundering. That is this proposition, unmixed, unmitigated, extenuating naught and naught setting down in malice concerning it. Now, are we going to sit here and submit to such terms? Are we going to say that patriotism and plunder go hand in hand and that patriotism can not advance a step unless we allow the increase of taxation to go with it? I am not in favor of running the Government by bond issues. But, sir, if you are going to authorize the issue of other forms of bonds instead of those now authorized, don't seize upon that as an excuse for pillaging the people by useless taxes. Doing so, the majority of the Ways and Means Committee of this House thereby put themselves in a very awkward light before the country, and the country in an awkward light before the world.

But that is not all that is embraced in this extraordinary proposition. They propose not only to do this, but to do it by a method that is almost as reprehensible as the thing to be done. It is known that there are men upon that side of the House and men upon this—men of all parties—who are not willing to return to the protection camp from which you gentlemen of the majority were driven in 1890; but it has been artfully provided here by a special rule for the consideration of this measure that those men can not utter any complaint, or, if they do complain, they can not make their complaints effective by offering amendments to or a substitute for this high-tax measure.

They say you must take the bill in toto, gentlemen, whether you like it or not, and for the first time in the history of our Government there is to be a general revision of the tariff law, affecting thousands of articles, affecting everything that enters into the commerce of this country except what is on the free list and sugar—I say there is to be a general revision of the tariff law in this summary way, yet not allowing any one of the 356 representatives of the people sitting here to have any power to amend the bill if wrong or say that the rates shall be reduced on any article or increased on any other. They are not even allowed to raise their voice in protest, the rule is so stringent. I submit, Mr. Speaker, that this is an unheard of proceeding and that such a measure ought not to be put through the House in this fashion.

Now, sir, as I stated before, this bill provides that it shall run for only two years, but there is not a man on that side of the House who will claim in candor that we can not, out of the seventy-seven millions of surplus money that we now hold in excess of the one hundred millions held for redemption, meet every deficiency that can possibly arise in those two years. Then why all this hot haste to go on and reimpose taxes? Unfortunately this Congress will meet a year hence, and, again, there will be other Congresses after this has gone. No exigency is upon you demanding any such hasty action or excessive taxes. Ah, Mr. Speaker, that poor fellow Foster who was so much lampooned a few years ago by his Republican brethren for speaking the truth concerning his party's methods—"frying fat out of the manufacturers for campaign purposes"—was, after all, telling what he knew.

I shrewdly suspect that the old game is to be worked again. A great campaign is coming on, funds must be raised, and in order to get them, the manufacturers must be convinced that their interests are to be taken care of, and the object of this legislation is to give them that impression, so that they may be put on the fire and have the "fat fried" out of them again. [Laughter and applause on the Democratic side.]

That is the secret of this proceeding. No man here is foolish

enough to believe this can become a law. Few are unpatriotic enough to want it enacted.

TAX LUXURIES.

If we are to impose taxes, why do you not select something less burdensome in its nature? We had taxes on what are known as luxuries—on those things which are not necessaries of life. Let me enumerate a few of them to show where the Republican party has given relief, and to point out a line where they might lay taxes without that oppression which would characterize the levying of them in the manner here proposed.

When the war had closed and a few succeeding years had rolled by there was on the statute books a tax on circuses. The Republican party repealed that. They relieved circuses and increased the tax on woolen goods. There was a tax on gift enterprises. The Republican party repealed that. Why untax them? There was a tax on jugglers—jugglers! And the Republican party repealed that. [Laughter.] They did not want to tax themselves! There was a tax on lotteries, and they repealed that. These broad-phylacteried gentlemen, who thank the Lord that they are not as these poor Democrats, came forward in hot haste to repeal the tax on jugglers and lotteries, and they are proposing to impose additional taxes to-day on clothing instead. There was a tax on the selling of lottery tickets. They repealed that, but left the tax on books. There was a tax on manufactures, a tax which had been imposed to counteract this very specific duty on wool which you are imposing to-day. They repealed that; and they did not take off the corresponding tax on woolen goods. They do not propose to reimpose that to-day, because if they did the "fat" would not come to the frying pan.

There was a tax on incomes, yielding from forty to seventy millions a year. It was paid by those able to bear it, and they repealed that in hot haste, and left high taxes on food and clothing. There was a tax on billiard rooms. Would you not suppose that billiard rooms could be taxed without any great difficulty or hardship? I know of no particular exigency that should free them from the hands of the taxgatherer. Yet these gentlemen rushed in in hot haste to free the billiard room, while taxing the very clothes of the man standing at his anvil getting his daily bread by his toil. There was a tax on pleasure yachts. They repealed that. Was it not a just tax? There was a tax on bank checks which yielded a large revenue. They repealed that. Where was the injustice of such a tax? Gentlemen, if you must impose more taxation—if you need more money—why do you not turn your patriotic attention to some of these things instead of going to shivering men and reimposing a tax of 144 per cent on their overcoats, or to freezing women and putting a tax of from 90 to 120 per cent on their dress goods?

HORIZONTAL RAISE OF TAXES.

Mr. Speaker, I am very glad that we live in a period of evolution, because by evolution (if there is anything in the doctrine) we may hope that ultimately these gentlemen will come out patriotic statesmen should they continue to progress. Only a few years ago the gentlemen on the other side said it was unwise and unpatriotic to change tariffs horizontally. Only a few years ago a bill was introduced here proposing to reduce taxation horizontally—to take off some burdens horizontally, to make men's lot a little easier horizontally. That movement was led by one of the greatest patriots of any country, a man whose name has only to be mentioned to be recognized as that of a patriot and statesman, William R. Morrison. [Applause on the Democratic side.] Yet when he came on this floor from the same committee to reduce taxes in that way you lampooned him from one end of the country to the other, and you cut the head off his bill. I am glad evolution has brought you up to the point where you can at least see that some wisdom may lie in that direction.

Again, Mr. Speaker, this party came in here with a flourish of trumpets in 1890 and passed what is known as the McKinley law. If they were right in passing it, why do not they have the courage to reenact it? If wrong, why not have the manliness to say so? This bill they bring in now is the most nondescript measure I have ever seen. It condemns all the rates in the McKinley bill, and it condemns all of the schedules except the wool schedule, in which it admits there was 40 per cent excess of taxation—40 per cent blunder. Yet the gentleman from New York [Mr. PAYNE] who has just taken his seat has had the unblushing effrontery to rise here and threaten the country with what his party will do two years hence. I will tell you what you will do two years hence. You will work the "fat-frying" game for all it is worth again; but those who are not ready to rob will come in your places. Ah, sir, you came here after the election of Mr. Harrison with just such a boast. You said, "We are in power; we have authority; we are going to run this thing upon our own schedule." You had the President, you had this House, you had the Senate. You passed your bill. You robbed the people, you squandered their money, you went home with a flourish of trumpets, and on election day you were beaten well-nigh to death and "taken out on a shutter." [Laughter on the Democratic side.]

Your President had to pick up his bed and walk from the White House. The author of the bill was beaten for reelection. A Republican majority in this House was converted to an overwhelming Democratic majority. The Senate was made Democratic. You lost the whole Government. And even now you are too cowardly to come forward with the measures you say ought to be adopted. What has become of your courage? Where are your alleged convictions? You have over two-thirds majority in this House; and I ask the gentleman from New York, Why have you not the courage of your convictions? Why do you not bring forward and adopt the measure which you say ought to be adopted? Has past experience made you timorous? Do future canvasses make you fearful?

I am very glad, Mr. Speaker, that one person who has generally figured very greatly in the months of gentlemen on the other side for campaign purposes is left out of this controversy and no longer used as a subterfuge. This is the first time that I have ever seen a tariff bill brought up here when these gentlemen were not folding their arms and walling their eyes and saying that all they were doing was "for the poor laboring man." Now they say that the laboring man is not in it. He is not in demand. He is not in evidence in this bill at all. They say this is a revenue measure; and, Mr. Speaker, I want to congratulate the country that they have at last come to the Democratic doctrine of a tariff for revenue only. [Laughter and applause on the Democratic side.] I congratulate the Republican party on its conversion to that principle.

TAX IN THE NAME OF THE FARMER.

But, sir, I want to point out to the House now a few more facts in connection with this extraordinary bill. Here is a class to which they call special attention in connection with the matter, the farmers. The solicitude, too, of the gentleman from New York [Mr. PAYNE] has just been amply exhibited in behalf of the great agricultural class of the country. Now, this bill proposes, according to the statement of the chairman, to raise $44,000,000 of revenue—to add forty-four millions to our taxes. I want to show you the hollowness and the hypocrisy of the claim that this is in any respect a bill for the benefit of the farming community. They say that they have done very much for agriculture. Let us see. They put 15 per cent additional tax on breadstuffs. How much does the poor agriculturist get?

On barley—and I call your especial attention to this—he will get the munificent increase of $38,300. On buckwheat he will get $1,194 increase, all told, throughout the whole country. [Laughter on the Democratic side.] On corn, that great cereal, that is bursting every barn in the country now, he is to get the magnificent sum of $213, all told. [Laughter and applause on the Democratic side.] And the millers of the country! They are given the consoling assurance that on corn meal something grand and glorious is to be done for them. Yet the increase in this bill on corn meal amounts to—now listen—just $5.70. How can the miller and corn grower refuse to vote the Republican ticket after they get this glorious treatment at the hands of the Republican party! [Great laughter on Democratic side.] On oats they do a little bit better, but not much. For all of the producers of oats in the United States they propose to make a donation in the shape of taxation of $2,384.60. On rye the amount is just $10.05; and on wheat—now listen, you wheat growers of this country, you who have your tax on clothing doubled or trebled by this bill, you upon whom a large proportion of the taxes making up this $44,000,000 is to be imposed—what is done for you to-day? What do they give you in this bill? They give you the grand tax premium of $394.65. [Great laughter on the Democratic side.] And you are to be regarded as rascals if you do not vote the Republican ticket in consequence at the next election. [Renewed laughter on the Democratic side.]

Sir, how do you suppose the exultant farmer will ever suppress his exuberant joy at this magnificent concession to his material prosperity? How can he refuse to be comforted when this legislative munificence is showered upon him? How can he refuse to vote the Republican ticket when thus benefited by the Republican party?

I imagine I can see the gentlemen of the Committee on Ways and Means as they return homeward singing pæans of protection; assembling their constituents around them and extolling and expatiating on the goodness of the Republican party in having contributed this magnificent sum to the farmers of this country. I happen to have in front of me a representative of the agricultural interests of this country—my distinguished friend from Indiana [Mr. STEELE] who helped to report this bill. When he assembles around him the grain growers of the Wabash region, I can imagine the applause that will greet the announcement that he has helped them to the extent of $5.70 on corn meal, and when my good friend from Iowa [Mr. DOLLIVER], who sits opposite to me and who may even now be telling his colleague near him how he is going to bamboozle the people by describing what he has done when he returns home, I hope he will not forget to tell the great wheat producers of the Northwest that he has succeeded in getting for them the relief the country wants to the extent of just $394. [Laughter.] But, Mr. Speaker, I fear this little emergency raft will not suffice to carry this load of taxation of $44,000,000.

If you are to impose taxation at all, then do it in a manner that will be as little harmful as possible to the people. Impose your taxes where they will do least injury or detriment to the masses of the people. You speak of providing for a deficiency, when the Secretary of the Treasury says that there will be none two years hence, and but $17,000,000 next year with $77,000,000 surplus to meet it.

THE TEARING DOWN OF THE INCOME TAX.

Mr. Speaker, the Democratic party did not cause a deficiency. To prevent any deficiency, it provided that most just of all taxes, an income tax on the wealth of the country, but, through means I will not mention, through a decision that was never a law until promulgated, through the overriding of the Constitution and tearing down of law, after the collection of $346,000,000 under a similar provision of law, that great revenue measure was destroyed by the same court that upheld the other.

I am utterly unable to comprehend this decision. For ninety-nine years the power of the Government to impose such a tax had been sustained by the Supreme Court. During the war an income tax much more searching in its provisions and requiring more rigorous inspection than this was passed by Congress. Time and again its constitutionality was upheld by the Supreme Court. Under it $346,000,000 of taxes were successfully collected. Under it the wealthy of the country had to help support the Government. I believe one member of the present court was then a member. He did not rush forward then as a defender of the Constitution. He did not then regard it as an outrage to tax values. After a most thorough argument the constitutionality of that law was upheld. But time seems to have wrought changes—changes in the opinions of courts, as well as everything else. It has even wrought a change in the Constitution through the court.

Sir, the law of the last Congress imposing an income tax was thoroughly argued before the Supreme Court. A majority of the court held it constitutional, but in a few days one of the judges changed. He held that that which he declared a short time before was law was not law. That which he declared was constitutional was not constitutional, and in the twinkling of an eye the decisions of a hundred years were torn down. A deficiency was created and the power of the Government to perpetuate itself by taxation impaired. The distinguished jurist from whose eyes the scales so rapidly fell can congratulate himself that he has never had a superior in tearing down adjudicated decisions or well-founded constitutional law.

INCREASED TAX ON WOOLEN GOODS.

But, sir, lest it should be supposed there is any benefit to come to the people from this bill, I want to call your attention briefly to the fact that when this bill shall have passed the House—for it will never become a law—when it shall have passed the House, it will have fixed on certain classes of woolen goods from 90 per cent to 144 per cent; on a very large portion of them from 75 to 100 per cent; and all this done under the pretext of the exigencies of the Treasury.

Mr. Speaker, I will ask the House to go with me for a few moments into an examination of details of the high taxes again imposed on woolen goods by this bill. I have before me samples of woolen goods out of which our clothes are made, and will give the rates on some of them. These and their cost are furnished by a merchant of intelligence, integrity, and experience, the correctness of whose statements can not be questioned.

No. 1. Sample of English beaver for overcoating, weighing 26 ounces to the running yard, on which the present duty is 40 per cent, is increased by the proposed addition of 60 per cent of the McKinley specific rate to 144 per cent duty.

No. 2. Another sample of cloth for overcoating, weighing 27 ounces to the running yard, which now pays 40 per cent, must under this bill pay 119 per cent.

No. 3. Sample of English clay worsted, weighing 16 ounces to the running yard, which now pays 50 per cent duty, will, when it has passed under the fostering hands of this body, pay a duty of 94 per cent.

No. 4 is a sample of English clay worsted, weighing 18 ounces to the running yard. The present duty is 50 per cent, yet this reckless majority proposes to almost double this duty by making it 95 per cent.

No. 5 is a sample of 32-inch serge coat lining made of cotton warp and worsted weft—one-third of the value and weight in the cotton, weighing $4\frac{1}{16}$ ounces to the yard. The present duty, 40 per cent, is under this bill increased to 96, which is absolutely prohibitory.

No. 6. A sample of 32-inch black Italian cloth for coat linings made of cotton warp and worsted weft. The present duty of 40 per cent is also increased to 96 per cent by this bill.

No. 7 is a sample of 54-inch black Italian coat lining, cotton and worsted. Its present duty, 50 per cent, is made more than 101 per cent by this bill, which will exclude the goods.

No. 8. A sample of English chinchilla for overcoats. The present duty of 40 per cent is made 128, and the farmer who wears it is to console himself with the thought that while more than 200 per cent has been added to his coat, which he must pay, 15 per cent has been added to his corn and wheat, which he can never get.

Knit goods under 30 cents a pound, which are 35 per cent under the present law, will be increased to 119 per cent by this bill.

Unenumerated manufactures not above 30 cents a pound in value, which are now 40 per cent, will be raised to 116 per cent, or nearly trebled.

Other woolen goods unenumerated, worth from 30 to 40 cents, will be increased from 40 per cent to 104.

Cloths not over 30 cents a pound in value, which are under the present law taxed only 40 per cent, will be taxed 116 per cent by this measure.

Those from 30 to 40 cents per pound in value will be increased from 40 per cent to 108 per cent.

These are only samples, and not the most flagrant ones. Where the goods are less valuable, in many instances the rates are even higher than these. The old rule, so dear to the other side of the House—that the coarse goods used by the poor and humble should be taxed higher than the finer goods—has been most sedulously observed by them. All are taxed too much, but coarse goods are taxed most.

Sir, I do not wish to be tedious in these details, but at the risk of being so I must dwell upon this long enough to show at least some of the monstrosities of this outrageous and uncalled-for tax on clothing. From investigation I find that a large part of our importations of woolen goods—nearly $24,000,000 worth of the better kinds—will have the duty or tax advanced beyond 80 per cent, while the cheaper goods will go far above 100. This, too, when the processes of manufacture are constantly cheapening and when a surplus is already in the Treasury.

Now, what is the result of these great increases in practical affairs?

The man who buys a suit of clothes bearing this 100 per cent rate would, if he paid for it with labor, have to work ten hours for the manufacturer or to pay the import duty for every ten hours it took him to work out the intrinsic value of the goods.

The woman who buys a shawl bearing the 90 per cent rate would, if paying for it by sewing with a machine, have to work ten hours for the goods and then work nine hours to pay this legislative bonus to the manufacturer of the goods or to pay the duty at the custom-house, if imported.

We say and the Democratic party says no American citizen should pay 100, 90, or 80 per cent import duty or protection on any necessary of life and that no citizen of this country shall pay that rate.

TIN-PLATE INDUSTRY IMPROVED.

Mr. Speaker, the gentlemen on the other side predicted the "utter wiping out of the tin-plate industry" if we dared reduce the rates of duty on tin plate imposed by the McKinley bill. We reduced the duty about one-half, at the same time reducing the cost of materials entering into it, and behold the result. I quote from the report of Mr. Ira Ayer, special agent of the Treasury Department, made October last to Secretary Carlisle, viz:

OFFICE OF SPECIAL AGENT, TREASURY DEPARTMENT,
Custom-House, New York, October 13, 1895.

SIR: I have the honor to report that during the fiscal year ended June 30, 1895, the production in the United States of commercial tin and terne plates was 193,801,073 pounds, against 139,223,467 pounds produced during the previous fiscal year, showing thereby an increased production of 39 per cent.

Of the production for the year, 100,576,934 pounds, or about 53 per cent, were made from sheets rolled in the United States, against about 62 per cent made from such sheets during the fiscal year ended June 30, 1894.

The production for the year, distributed according to weight and kind of plates, was as follows:

	Lighter than 63 pounds per 100 square feet.	63 pounds per 100 square feet and heavier.	Total.
	Pounds.	*Pounds.*	*Pounds.*
Tin plates	103,256,143	17,071,806	120,327,949
Terne plates	62,934,216	10,538,908	73,473,124
Total	166,190,359	27,610,714	193,801,073

These figures show that about 86 per cent of the production belonged to the class weighing lighter than 63 pounds per 100 square feet, the proportion of the previous fiscal year having been about 95 per cent of the production for that year.

Forty-eight firms were producing during the quarter ended June 30, 1895, as against forty during the corresponding quarter of the previous fiscal year.

Sir, the following is his statement concerning—

BLACK PLATE PRODUCTION.

The production of black plates in the United States during the fiscal year, stated by quarters, is as shown below:

	Lighter than 63 pounds per 100 square feet.	63 pounds per 100 square feet and heavier.	Total.
	Pounds.	*Pounds.*	*Pounds.*
Quarter ended—			
September 30, 1894	26,681,855	5,570,511	32,252,366
December 31, 1894	16,801,660	8,805,543	25,607,203
March 31, 1895	37,751,102	11,388,665	49,139,767
June 30, 1895	67,229,153	11,342,990	78,572,143
Total	148,463,770	37,107,709	185,571,479

	Pounds.
Total production for the fiscal year ended June 30, 1895	185,571,479
Same, fiscal year ended June 30, 1894	98,970,880
The difference is	86,600,599

Showing an increased production of 87½ per cent.

The proportion of such plates lighter than 63 pounds per 100 square feet was 80 per cent, as compared with 82 per cent during the preceding year.

Twenty-eight rolling mills were producing black plates during the quarter ended June 30, 1895, against 20 that were producing during the quarter ended June 30, 1894.

Mr. Speaker, with all this record before them, the majority favor increasing the duty on tin plates and black plates. The roof, the fruit can, and the bucket are all to have their cost increased. I earnestly protest against it. Were the mills shut up? On the contrary, more new ones were built than ever before. The output increased to 193,801,073 pounds from 139,223,467 pounds, or 54,577,606 pounds net increase. Twenty-seven new firms started in the business in the years of the Wilson bill. No mill in the country but that used American black plate, and there were more black-plate mills started than were in existence after four years of the McKinley bill, and, besides all this, the special agent of the Treasury Department, who has followed the tin-plate industry since the McKinley bill became a law, now says that under present conditions there are enough new mills started to make within 10,000,000 pounds of our total consumption in the United States.

When the Wilson bill was under consideration, and everybody who desired in the United States was accorded a hearing, the committee were told—and it was loudly asserted on this floor and elsewhere—that a reduction of the duty on tin plate would close the mills of an infant industry. Yet nearly half that duty was taken off, and with what result? Were wages reduced? No; on the contrary, they were increased, and another lot of lugubrious prophets are discounted.

Sir, I am rejoiced to see that one specious plea which has always been made in season and out of season, especially out, is now abandoned by our adversaries, i. e., that the imposition of high rates of duty is made on behalf of labor. There was never any foundation for it. Under the present law, passed last Congress, thousands and multiplied thousands of those who had their wages reduced under the McKinley law have had them restored. Hundreds of industries closed under that have resumed operations under this. Will gentlemen on the other side wantonly or recklessly put an end to this returning prosperity by reimposing taxes not needed? There is not an important schedule in this whole list where the rate of duty does not exceed the entire labor cost in the article under the present law.

But, Mr. Speaker, time would fail were I to attempt to give all of the increases proposed by this bill. I shall have to content myself with giving samples, that you may form some idea of the enormities of the bill considered as a whole. I know that what we can say in opposition to it on this side of the House will be unavailing. We have already been told that it is only a tithe of what gentlemen would do if they dared and what they will do if they get full power. We can only say to those on the other side, and do say to them, Go on, gentlemen, in your wild career. Put your madness and folly into statutory form again. You have the majority. Wield it as you have before. Impose these taxes, and then go and give an account to a tax-ridden constituency. With the people we are willing to rest this controversy of high taxes or low taxes, of tariff for revenue or tariff for protection, of taxation or robbery, and we will abide the result. [Applause on the Democratic side.]

Silver Coinage and Coin Redemption.

SPEECH

OF

HON. WILLIAM A. PEFFER,

OF KANSAS,

IN THE SENATE OF THE UNITED STATES,

Wednesday and Thursday, January 15 and 16, 1896.

The Senate having under consideration the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue—

Mr. PEFFER said:

Mr. PRESIDENT: At last the Populist is justified. What he predicted is coming to pass. The people of the United States are coming to see that they are face to face with the strongest, the most powerful combination of men on earth. While our political organization has believed, and still does believe, that among all the great monopolies of the world that which has possession of our land and is fast getting possession of our homes is the greatest; and while we have believed, and still believe, that the growing power of the railway corporations is a standing and a growing menace to the advances of civilization and to popular government, still we believe that the power which is now strongest, that which is pressing hardest and most oppressively upon the people, is the power which we designate the money power. Now, happily, we find that the two old parties out of which we sprang are discussing the various phases of the money question, something that ought to have begun with the infancy of the Republic.

The speech to which we have listened this morning is one of a multitude of evidences showing the trend of public thought. A distinguished member of the oldest, and I do not know but I might say the earliest, certainly one of the earliest, political parties of the country, is now denouncing in his zealous manner the action of a President which his own party placed in power.

Before entering upon the subject under consideration by the Senate, I desire to call attention to the parliamentary situation before us.

A few weeks ago the President in a special message called the attention of Congress to the unfortunate condition of the country's finances, and asked early remedial legislation. By way of information that might serve to guide our conduct somewhat, the President stated that the public revenues are, or soon will be, ample for all the Government's ordinary expenses, and that therefore our troubles do not come from lack of revenue. But the President urges upon our attention that the existence of about $500,000,000 worth of coin notes, that are to be reissued as often as they are redeemed, has proven to be a standing menace to our financial security; and he expressed the belief that the only safe way out of the trying situation is through the permanent retirement and cancellation of these notes.

GREENBACKS PAYABLE IN DOLLARS.

Mr. PLATT. Will the Senator allow me to interrupt him?

Mr. PEFFER. Certainly.

Mr. PLATT. The President speaks of the greenback as a coin note. The Senator himself speaks of it as such. Is it by law upon its face to be paid in coin?

Mr. PEFFER. I speak of them as coin notes, and so does the President of the United States; but the difference between us is that the President regards them, under modern construction, as coin notes which are payable in gold coin only. The Senator from Connecticut understands very well that the greenbacks are payable in dollars.

Mr. PLATT. That is what I was speaking of—greenbacks.

Mr. PEFFER. They are not payable in coin at all, and it is only by reason of the credit strengthening act of 1869 that we promised to pay them in coin at some future time, and in 1875 we made arrangements for doing so.

In response to the President's appeal two bills have been sent to the Senate; one a bill "to temporarily increase revenue to meet the expenses of Government and provide against a deficiency"; the other a bill "to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue."

The first bill was drawn on the theory that the Treasury is in need of more available funds for ordinary expenditures, and that from that fact has arisen our present misfortune.

The second bill is based on the belief that there is no harm to come from the circulation, redemption, and reissue of our Government notes, provided there be coin enough always in the Treasury to make the redemption easy and certain. And to procure the coin so thought to be necessary the bill provides—

That in addition to the authority given to the Secretary of the Treasury by the act approved January 14, 1875, entitled "An act to provide for the resumption of specie payments," he is authorized from time to time, at his discretion, to issue, sell, and dispose of, at not less than par in coin, coupon or registered bonds of the United States, to an amount sufficient for the object stated in this section, bearing not to exceed 3 per cent interest per annum, payable semiannually, and redeemable at the pleasure of the United States in coin, after five years from their date, and payable in fifteen years after their date, with like qualities, privileges, and exemptions provided in said act for the bonds therein authorized. And the Secretary of the Treasury shall use the proceeds thereof for the redemption of United States legal-tender notes, and for no other purpose: *Provided*, That nothing in this act shall be construed to repeal or modify an act approved May 31, 1878, entitled "An act to forbid the further retirement of United States legal-tender notes."

In order to be prepared for "temporary deficiencies," this bill further provides for the issue of $50,000,000 in "certificates of indebtedness" to run three years.

The first mentioned of these bills is now before the Finance Committee of the Senate; and the other is before us, with an amendment proposing to strike out all that relates to bonds and certificates of indebtedness and insert four new sections, as follows:

That from and after the passage of this act the mints of the United States shall be open to the coinage of silver, and there shall be coined dollars of the weight of 412½ grains troy, of standard silver, nine-tenths fine, as provided by the act of January 18, 1837, and upon the same terms and subject to the limitations and provisions of law regulating the coinage and legal-tender quality of gold; and whenever the said coins herein provided for shall be received into the Treasury certificates may be issued therefor in the manner now provided by law.

SEC. 2. That the Secretary of the Treasury shall coin into standard silver dollars, as soon as practicable, according to the provisions of section 1 of this act, from the silver bullion purchased under authority of the act of July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," that portion of said silver bullion which represents the seigniorage or profit to the Government, to wit, the difference between the cost of the silver purchased under said act and its coinage value, and said silver dollars so coined shall be used in the payment of the current expenses of the Government; and for the purpose of making the said seigniorage immediately available for use as money the Secretary of the Treasury is hereby authorized and directed to issue silver certificates against it, as if it was already coined and in the Treasury.

SEC. 3. That no national-bank note shall be hereafter issued of a denomination less than $10, and all notes of such banks now outstanding of denominations less than that sum shall be, as rapidly as practicable, taken up, redeemed, and canceled, and notes of $10 and larger denominations shall be issued in their stead, under the direction of the Comptroller of the Currency.

SEC. 4. That the Secretary of the Treasury shall redeem the United States notes, commonly called "greenbacks," and also the Treasury notes issued under the provisions of the act of July 14, 1890, when presented for redemption, in standard silver dollars or in gold coin, using for redemption of said notes either gold or silver coins, or both, not at the option of the holder, but exclusively at the option of the Treasury Department, and said notes, commonly called "greenbacks," when so redeemed, shall be reissued as provided by the act of May 31, 1878.

A week ago I submitted an amendment to be proposed to the committee's amendment in these words:

SEC. —. That all laws and parts of laws authorizing the issuance and sale of bonds of the United States are hereby repealed.

The first sentence of the amendment proposed yesterday by the senior Senator from North Carolina [Mr. BUTLER] covers the same ground that I had in mind. The Butler amendment provides, first, that no more bonds shall be issued without express authority of Congress; and, second, that silver coin and gold coin shall be kept at parity by paying out whichever of the metals is below the legal ratio when they are not both at par. I read the amendment in full:

SEC. 4. That the issuance of interest-bearing bonds of the United States for any purpose whatever, without further authority of Congress, is hereby prohibited; and that the Secretary of the Treasury, when redeeming United States notes, commonly called "greenbacks," and Treasury notes issued under the provisions of the act of July 14, 1890, and when liquidating either the interest or principal of any of the Government's coin obligations, is hereby directed to make such payment in gold coin whenever the market value of 25.8 grains of standard gold is less than the market value of 412½ grains of standard silver, and to continue to pay in such gold coin until the market value of 25.8 grains of standard gold shall be equal to the market value of 412½ grains of standard silver; but when the market value of 25.8 grains of standard gold shall be greater than the market value of 412½ grains of standard silver, he shall pay the interest and the principal of said coin obligations as they become due in silver coin, and continue to pay the same in silver coin until the market value of 412½ grains of standard silver shall be equal to the market value of 25.8 grains of standard gold; and said notes, commonly called "greenbacks," when so redeemed, shall be reissued, as provided by the act of May 31, 1878.

The parliamentary situation, then, is this: We have before us—

First. The Butler amendment, prohibiting further bond issues without express authority of Congress and providing for the maintenance of parity between the metals, using the market price of bullion as a regulator.

Second. A silver-coinage proposition, with provisions to promote the circulation of silver coin, and a provision for coining silver now belonging to the Government for immediate use.

Third. A proposition to issue and sell bonds to provide a fund for use exclusively in redeeming Government notes.

POPULIST DOCTRINE—OPPOSED TO THE PRESIDENT.

As Populists we appreciate the force of what the President has communicated to us, and we are ready as other Senators to perform our whole duty in providing appropriate relief. We see plainly enough that if the President takes a correct view of what ails the country and sees clearly what will cure the malady, then we need look no further and ought to respond by doing just what he asks us to do. If the President's premises are well grounded, his conclusion is a logical sequence.

But we differ at the start; we separate at the threshold. And in this respect we do as a majority of the President's political friends have done, and as a large minority of Republicans are doing—earnestly striving for that which is best and opposing that which is worst as things are seen from our point of view. We are opposed to the sale of Government bonds for any purpose. I doubt whether there is one Populist in a thousand who would now favor a bond sale even in time of war.

Had we resolutely fought the gold speculators in the years 1861 to 1865 as we fought armed enemies on the field of battle, we should now be the happiest and the richest people on earth—out of debt, every citizen owning his home, and the Government reflecting the popular will.

While, as an original proposition, if we were about to establish a monetary system, we would not probably favor the use of metal to represent values of all other kinds of property, we take things as we find them and make the most we can out of existing conditions. We find that from early times the precious metals have been used for monetary purposes, and we see that the people of every civilized nation do now so use silver and gold and copper. We take note of present financial methods, and we know full well that the only present practical thing to do in our fiscal policy is to first restore our old coinage laws, so as to increase the volume of circulating money, and provide coin for the payment of our coin debts, and then require officers to obey and execute the laws.

OPPOSED TO BONDS FOR ANY PURPOSE.

Mr. President, I shall first consider the first part of the Butler amendment—the bond question.

I am not only opposed to any further issue and sale of bonds, but am of opinion that there was no warrant in law, and no justification even if there had been such warrant, for either of the late sales. When I consider the havoc wrought by prior bond sales I dread the very thought of what must surely follow in the wake of this destructive operation. And believing that there is neither need nor lawful authority for further issues, I can not but regard further transactions of that character as equal to great public crimes.

Bonding a people is a perilous proceeding.

We have paid nearly 75 per cent of our debt as it was computed to be at the close of the great war of 1861–1865. We have paid more in the way of interest than of principal. Of principal and interest the total paid up to June 30, 1893, was—

On principal	$1,914,462,095.68
In interest	2,854,612,870.50
Total	4,769,074,966.18
Pensions, same period	1,823,240,560.09
Public debt August 31, 1865	2,756,431,571.43
Public debt June 30, 1893	838,969,475.75
Paid	1,914,462,095.68
Interest paid on public debt, 1866 to 1893	2,854,612,870.50
Pensions paid same period	1,823,240,560.09
Difference	1,031,372,310.41

But our business has been so done that our means of payment have been impaired fully 50 per cent since the debt was incurred. This impairment is shown in the fact that, taking a large number of articles produced by the farmers, tradesmen, and manufacturers of the country—articles from the profits on the production of which come the means for payment—it would require as much property in bushels, in number, in pounds, and yards to pay what is yet unpaid of our public debt, as would have been required to pay the whole debt in the beginning at the prices then ruling.

In passing, I will mention a matter which just comes into my mind. From reports made by the Secretary of Agriculture it appears that the acreage of wheat, corn, oats, rye, barley, and buckwheat in 1887 was about $80,000,000 less than the aggregate value of the same crops in 1867, twenty years before, though the acreage and production were twice as great. The figures are:

	Production.	Area.	Value.
	Bushels.	*Acres.*	
1867	1,329,729,400	65,636,444	$1,284,027,300
1887	2,660,457,000	141,829,315	1,204,299,370

Twice as many bushels in 1887 as in 1867; more than twice as many acres cultivated, but the value of the crop is nearly $80,000,000 less.

The figures for the same crops in 1894 are: 2,435,920,676 bushels, 130,392,872 acres; value, $1,043,006,948. Production and acreage nearly twice as much as in 1867, but the value is less by $241,030,552.

If it be objected that paper money was greatly depreciated in 1867, thus making prices abnormal, I give the crop figures for 1879, when specie payments had been resumed. Production in 1879 was: Bushels, 2,437,482,300; acres, 102,260,950; value, $1,245,127,719. It will be seen that while the number of bushels was about the same in both years, and the area was 28,000,000 acres more in 1894 than in 1879, the value was $202,000,000 less.

WHAT THE BONDS WERE SOLD FOR, AND WHAT THEY HAVE COST THE PEOPLE.

Banks suspended specie payment December, 1861. That of course forced the Government to suspend, and early in 1862 Congress authorized the issue of notes to circulate as money. Repeated issues were made from time to time, and when the war ended the notes of different classes which had been issued specially for currency and as a sort of security-currency, all of which had to some extent been actually used and reported as currency, amounted to about $1,900,000,000.

All of this, except the greenbacks, besides some $625,000,000 funded during the war period, was put into bonds bearing interest at from 5 to 7 per cent. The bonded debt June 30, 1869, included nearly all the notes that had been issued, except the greenbacks. And these bonds were purchased at an average of about 60 cents on the dollar. By the refunding act of 1870 Congress authorized the funding of the national debt into bonds of three classes: The first class to run ten years, at 5 per cent; the second class to run fifteen years, at 4½ per cent; the third class to run thirty years, at 4 per cent. These new bonds were all to be coin bonds. Up to that time more than two thousand million dollars' worth of our bonds had been purchased for about twelve hundred million dollars in paper money. They were exchanged for their face value in coin bonds. In the meantime the paper dollar had advanced rapidly toward par with gold.

Besides the profit of $800,000,000 in the purchase of the bonds and the additional profit coming from the advance in the coin value of paper money, in 1873 Congress changed the basis of our money from silver to gold and stopped the coinage of full lawful-tender silver coin. From that time forward, the officers of the Treasury Department construed the word "coin" to mean gold coin in all cases where the Government had to pay out money, except only when silver was demanded. Two years later, by the resumption act of 1875, Congress made provision for resuming specie payment on the 1st day of January, 1879, and authorized the Secretary of the Treasury to sell bonds for coin enough to redeem the United States notes—greenbacks.

Before the day of resumption was reached our paper money was at par and was received the same as coin in payment of interest on the public debt and for customs dues. These proceedings so greatly enhanced the market value of the bonds we had sold that the national banks found it more profitable to sell their bonds for the premium offered than to keep them as a basis of bank-note circulation. From 1882 to 1890 the bank notes retired and canceled amounted to upward of $230,000,000, which released about $255,000,000 in bonds. And from 1879 to 1891 the amount of premium paid by the Government on bonds which were not due amounted to a little over $60,000,000, while during the same period a yearly average of upward of $18,000,000 of public moneys was allowed to be used by national banks without interest. Besides all this, during the same years interest on bonds not due was advanced, ranging from one month to nine months and more, amounting in the aggregate to something more than $66,000,000.

And this is not all. By the practical demonetization of silver the value—that is to say, the purchasing power—of gold has steadily and rapidly increased to such an extent that that alone has had the effect to increase the value of all securities payable in coin, at the same time depreciating the selling price of property, out of the proceeds of which all the people's debts must be paid. The bondholder, the owner of permanent annuities, the mortgage holder, the great banker, and the speculator have gathered to themselves all these vast profits and gains, while the producing masses have lost accordingly; and these losses have cost the people millions of homes. Within the twenty-five years last past 52 per cent of the people of the entire country have become renters. Seventy-seven per cent is the average in our large cities, and in the great city of New York the average is 94 per cent.

I repeat, Mr. President, the bonding of a people is a perilous proceeding.

MARKET VALUE OF PUBLIC DEBT NOW GREATER THAN IT WAS IN 1865, WHEN MEASURED BY THE PEOPLE'S PROPERTY.

I found recently a very interesting article on this subject in The Arena magazine by the historian, Dr. John Clark Ridpath, an article beginning on page 266 of The Arena for January, 1896, in which the author goes somewhat into detail concerning the history of our bonded indebtedness, and after having written at length comes to the point which I have just been making in my argument, that the value of the present public debt of the United States is greater in the property out of which the people will have to pay this indebtedness than the total debt was at the close of our great war. The author says in a footnote:

The American people have never realized the incalculable sums which have been paid out of their Treasury in the ostensible work of discharging the interest and principal of the war debt of the nation. Sometimes, perhaps, the final aggregate may be made up and historically recorded. Within the first ten years after the conclusion of the war, that is, at the close of the fiscal year 1874-75, the Government had already paid in interest only on the public debt $1,442,057,577. And this was but the beginning. At the close of the year 1895 the interest account has reached the prodigious total of more than $2,655,000,000.

The verification of this astounding truth is as plain and irrefragable as any other arithmetical result.

On the 1st of March, 1865, the national debt was (in exact figures)	$2,827,868,959.46
For the sake of easy computation the same may be stated in round numbers at	2,825,000,000.00
The debt at the close of the year 1895 (statement for November) is	1,126,379,106.00
For convenience of counting the same may be given in round numbers as	1,125,000,000.00
To this add 10 per cent (a very low estimate) for the present average premium on the debt (interest-bearing and non-interest-bearing) above the par of gold	112,500,000.00
Total present gold value of the debt	1,237,500,000.00

On the 1st of March, 1865, the prices current of nine leading staples of the American market, selected broadly from the whole, were as follows:

Wheat, per bushel (from $1.78 to $2); average	$1.90
Flour, per barrel ($10.50 to $11); average	10.75
Cotton, per pound	.48
Mess pork, per barrel	28.37
Sugar, per pound	.11125
Wool, per pound (50 cents to 56 cents); average	.53
Beef, per hundredweight ($12 to $18.50); average	15.25
Bar iron, per pound (6 cents to 7½ cents); average	.0675
Superior farming lands in Ohio and Mississippi Valleys (approximately per acre	75.00

At the close of 1895 (figures for November 10) the prices current for the same staples were as follows:

Wheat, per bushel	$0.58
Flour, per barrel	3.50
Cotton, per pound	.085
Mess pork, per barrel	8.20
Sugar, per pound (4½ cents to 5½ cents); average	.05
Wool, per pound (20 to 23 cents); average	.215
Beef, per hundredweight ($8.50 to $10.50); average	9.50
Bar iron, per pound (1.6 to 3½ cents); average	.0297
Superior farming lands, same as above, in Ohio and Mississippi Valleys (approximately), per acre	35.00

The national debt on the 1st of March, 1866, would therefore purchase of the above staples as follows:

Wheat	bushels..	1,486,842,105
Flour	barrels..	292,790,697
Cotton	pounds..	5,885,416,666
Mess pork	barrels..	99,576,313
Sugar	pounds..	25,393,348,314
Wool	do....	5,330,188,679
Beef	hundredweight..	181,967,213
Bar iron	pounds..	41,851,851,851
Superior farming lands as above (approximately)	acres..	37,666,666

The national debt at the close of the year 1895 will purchase of the above staples as follows:

Wheat	bushels..	2,133,620,689
Flour	barrels..	353,571,428
Cotton	pounds..	14,558,823,529
Mess pork	barrels..	150,915,853
Sugar	pounds..	24,750,000,000
Wool	do....	5,755,813,953
Beef	hundredweight..	130,263,136
Bar iron	pounds..	46,348,314,606
Superior farming lands as above (approximately)	acres..	35,357,142

The purchasing power of the national debt at the close of 1895 is, therefore, greater than was that of the national debt on March 1, 1866, as follows:

In the case of—		
Wheat by	bushels..	646,778,584
Flour by	barrels..	90,780,731
Cotton by	pounds..	8,673,406,863
Mess pork by	barrels..	51,339,540
Wool by	pounds..	425,625,274
Bar iron by	do..	4,496,462,755

The purchasing power of the national debt at the close of 1895 is, by like deduction, less than was that of the national debt on March 1, 1866, as follows:

In the case of—		
Sugar by	pounds..	643,348,314
Beef by	hundredweight..	51,704,076
Farming lands as above by (approximately)	acres..	2,309,523

From this calculation it is seen that the purchasing power of the debt at the close of 1895 is far greater than it was on March 1, 1866, on six of the nine great staples enumerated, and that it is less by a comparatively small per cent on only three of the articles enumerated. There is an overwhelming preponderance on the average of the whole list in favor of the debt as it stands at the close of the current year. That debt, in a word, is worth more to the holders than it was at its nominal maximum nearly thirty years ago! There is no kind of sophistical argument or doctored statistics in the world that can overcome or seriously modify the conclusions here drawn from premises that are incontrovertible.

Within a period of eighteen months of the last two years the Treasury Department issued and sold $162,000,000 of coin bonds running from ten to thirty years, $100,000,000 at 5 per cent interest, and $62,000,000 at 4 per cent. At the present rate of increase in the purchasing power of gold, and the consequent diminution of

the selling price of commodities which must pay these coin debts, the bonds recently sold and those soon to be issued, will, when they are due, cost the people twice as much as their face value. The $162,000,000 already sold, with the $100,000,000 soon to be sold, will cost the people fully twice their face, or $524,000,000, when they fall due, besides the interest, which is to be paid in coin quarterly. The interest alone, if compounded as paid, would pay the principal long before the last of these bonds falls due.

BONDS UNLAWFULLY ISSUED.

But, sir, bad as this showing is for the people, I now approach a feature of the situation that is alarming as well as burdensome, because it reaches vital parts and concerns the integrity of our public men and threatens the permanency of republican institutions. I refer to the issuance and sale of Government bonds without express authority of Congress. This point is sometimes made by objectors limiting its application to bonds issued in times of peace. But if an executive officer may bond the people and mortgage their property without their authority in time of war, he may do it in time of peace. That is for Congress alone to do or not to do, as that body may determine. It is the duty of the President to take care that the laws be executed. He is to execute the law, not to enact it. And so it is with respect to every officer. His duties are prescribed in advance and defined in the law. When we reach a time that public men may with impunity set themselves above the law popular government has ceased.

It is, of course, claimed that these late bond sales have at least the color of authority. But it must not be forgotten that their legality has been questioned in this body, as well as in the House of Representatives. On the day after the first of the last three issues was proposed, I offered a resolution, giving it as the sense of the Senate that the Secretary of the Treasury had no legal warrant for his proceeding, and the next day I argued the proposition before the Senate. A few days later, the then junior Senator from Nebraska [Mr. ALLEN] discussed the subject, taking the same position that I had taken.

On the 18th of January, 1894, I offered a resolution, which became Miscellaneous Document No. 39, Fifty-third Congress, second session, which reads as follows:

Whereas on the 17th day of January, 1894, the Secretary of the Treasury did prepare and publish the following notice:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., January 17, 1894.

By virtue of the authority contained in the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, the Secretary of the Treasury hereby offers for public subscription an issue of bonds of the United States to the amount of $50,000,000, in either registered or coupon form, in denominations of $50 and upward, redeemable in coin at the pleasure of the Government after ten years from the date of their issue, and bearing interest, payable quarterly in coin, at the rate of 5 per cent per annum.

Proposals for the whole or any part of these bonds will be received at the Treasury Department, office of the Secretary, until 12 o'clock noon on the 1st day of February, 1894. Proposals should state the amount of bonds desired, whether registered or coupon, and the premium which the subscriber proposes to pay, the place where it is desired that the bonds shall be delivered, and the office, whether that of the Treasurer of the United States or an assistant treasurer of the United States, where it will be most convenient for the subscriber to deposit the amount of his subscription. Failure to specify the above particulars may cause the proposal to be rejected.

As soon as practicable after the 1st day of February, 1894, the allotment of bonds will be made to the highest bidders therefor, but no proposal will be considered at a lower price than 117.223, which is the equivalent of a 3 per cent bond at par, and the right to reject any and all proposals is hereby expressly reserved. In case the bids entitled to allotment exceed the bonds to be issued they will be allotted pro rata.

Notices of the date of delivery of the bonds will be sent to the subscribers to whom allotments are made as soon as practicable, and within ten days from the date of such notice subscriptions must be paid in United States gold coin to the Treasurer or such assistant treasurer of the United States as the subscriber has designated; and if not so paid the proposal may be rejected.

The bonds will be dated February 1, 1894, and when payment is made therefor as above accrued interest on both principal and premium from February 1, 1894, to date of payment, at the rate of interest realized to the subscriber on his investment, will be added.

All proposals should be addressed to the Secretary of the Treasury, Washington, D. C., and should be distinctly marked "Proposals for subscriptions to 5 per cent bonds."

J. G. CARLISLE, *Secretary.*

And whereas there is nothing in said notice to show that there is immediate or prospective need for the sale of bonds to accomplish the object sought by Congress in the enactment of the resumption law of January 14, 1875; and

Whereas the Secretary of the Treasury has no authority to issue and sell bonds for any other purpose than that set out in said resumption act: Therefore,

Resolved by the Senate, That in the opinion of this body the Secretary of the Treasury has no lawful authority for issuing and selling bonds as proposed in the notice aforesaid.

Some time afterwards I offered a resolution instructing the Committee on Finance to report a bill repealing all laws which authorize the issue and sale of bonds, if there were any such authority. That is known as Miscellaneous Document No. 128, Fifty-third Congress, second session, and reads as follows:

Resolved, That the Committee on Finance be, and it is hereby, instructed to prepare and report as soon as practicable a bill to repeal all laws authorizing or permitting the Secretary of the Treasury to issue bonds or other interest-bearing obligations of the Government, and to prohibit any and all such issues in future without express authority by act of Congress first had and obtained.

Later on I offered a resolution instructing the Committee on the Judiciary to inquire whether there was any lawful authority for the issue and sale of bonds by the Secretary of the Treasury. It is Miscellaneous Document No. 3, Fifty-third Congress, third session, and is as follows:

Resolved, That the Committee on the Judiciary be, and it is hereby, instructed to inquire and report whether the acts of the Secretary of the Treasury, in issuing and selling United States bonds in the months of February and December, 1894, were authorized by any act or acts of Congress then in force.

The resolution was referred to the committee, but no report has yet been made by the committee. A similar resolution was referred to the House Committee on the Judiciary with exactly similar result.

I hope it will not be out of order, Mr. President, to insert parenthetically here that it will hardly do for Senators to say that these resolutions were not worth attending to, that they were either not offered seriously or that the author had not properly considered the subject in advance. I have given a great deal of attention to this particular matter, and, as I expect to show before I get through, there is method in my madness, if I have been mad. To bond the people of an entire country without a specific act of the legislative authority would be without doubt a great public crime.

Had either of these great committees been of opinion that existing statutes do in fact clearly authorize the Secretary of the Treasury to issue a new series of bonds and sell them for gold coin, they would have come to the rescue of the Secretary promptly. And the last lot was sold for gold by weight, not for dollars in coin. The quantity purchased was 3,500,000 ounces of gold coin. Step by step we go on until finally we will get back to a system of barter that the ancients followed—3,500,000 ounces of gold coin, when, if the law authorizes the Secretary to do anything in the premises, it is to sell the bonds for coin, silver and gold, as I shall show most clearly before I get through.

Our standard is dollar, not ounce; and our law uses the word "coin," not gold coin or so many ounces of gold coin. This, however may be regarded as technical. I will therefore take up that which is substantial.

In the first place, the Secretary of the Treasury claims to have acted, as to the first two issues, under authority of the resumption act, which authorized the purchase of coin to redeem United States notes—greenbacks.

The bonds authorized by that act were those of the description provided for in the refunding act of 1870, when silver was our basic coin metal, and when silver coin and gold coin were the lawful coin of the country.

At the time the Secretary concluded to sell bonds, in January, 1894, there was plenty of coin in the Treasury to redeem all the notes presented. If it be insisted that the word "coin" must be construed to mean gold coin, which of course I deny, still I say there was plenty of coin on hand for purposes of redemption, as I shall soon show by a table of gold coin in Treasury each year since 1879.

If the Secretary had obeyed the law and offered coin of silver as well as coin of gold in redemption of the notes that were presented, he would have had abundance of coin.

The Secretary of the Treasury claims to have acted in the first two issues under authority of the resumption act, which authorized the purchase of coin to redeem the United States notes and greenbacks. I know, Mr. President, that it is tedious, not only to the speaker but to his hearers, to recur so frequently to the same subject, but I wish to call the attention of such Senators as may do me the honor to listen to the language of the resumption act. I read just a portion:

And on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem, in coin, the United States legal-tender notes then outstanding, on their presentation for redemption at the office of the assistant treasurer in the city of New York.

That is all.

And to enable the Secretary to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus revenues, from time to time, in the Treasury not otherwise appropriated, and to issue, sell, and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," with like qualities, privileges and exemptions, etc.

Mr. President, it will be observed that in the language I have just read the Secretary is first authorized to use any surplus funds that may be in the Treasury, not otherwise appropriated, for the redemption of outstanding notes. Then, if he needs more than that he can sell bonds of the character of those that were authorized by the refunding act of 1870. They are coin bonds.

NO RESERVE FUND FOR REDEMPTION EVER AUTHORIZED OR REQUIRED.

It is important to note and to remember that the resumption act of 1875 did not require or authorize the collection and setting apart of funds for redemption purposes or for any other purpose. The act requires the Secretary to resume specie payments on the 1st day of January, 1879, and in order "to enable" that officer to carry out the provisions of the law in this respect he is author-

ized to "use any surplus funds in the Treasury not otherwise appropriated." This is the first money to be used for redemption purposes—surplus moneys in the Treasury. If there were enough of such surplus funds on hand, then no bonds need be sold. The authority to sell bonds is second to the authority to use surplus funds. Bonds might be sold if the surplus funds were not sufficient for that purpose. And, now, if there be any authority to sell bonds to-day, or if there has been any such authority since the passage of the resumption act, it is for the purpose of redeeming notes, and such authority does not exist as long as there are enough surplus funds in the Treasury. I have shown that there has been an abundance of surplus coin in the Treasury at all times since 1878 for redemption purposes.

SECRETARY'S LETTER ON THE RESERVE FUND.

The Secretary of the Treasury, in response to a Senate resolution asking whether any particular fund is required by law to be kept as a redemption fund, and whether such a fund has been kept, sent in the following letter:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., January 11, 1896.

SIR: I have the honor to acknowledge the receipt of Senate resolution dated the 3d instant, as follows:

"*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate if the sum of $100,000,000, or any part thereof, has at any time since the establishment of the so-called gold reserve been actually segregated or set apart from the other currency or money in the Treasury Department, in gold coin, or gold coin and gold certificates, or either, for the redemption of the legal-tender notes and different forms of paper money of the Government; and when and by what act of Congress, giving the title of the act and the date of its approval, said so-called gold reserve was established, and if not established by act of Congress, state by what authority, if any, it was established."

In reply thereto, the Senate is respectfully informed that at no time since the establishment of the so-called gold reserve has the sum of $100,000,000, or any other sum, been segregated or set apart from the general cash in the Treasury for the redemption of the legal-tender notes of the United States, or for the redemption of any other form of paper money for which the United States is liable. There is no provision of law requiring a separate fund or separate account to be kept, and all moneys received into the Treasury, from whatever source, are deposited in the general cash. The fund for the redemption of United States notes was accumulated under authority of the act of January 14, 1875, which directed the Secretary of the Treasury to prepare and provide for such redemption on the 1st day of January, 1879. No specific sum was prescribed, but the Secretary of the Treasury was authorized to use the surplus revenues from time to time and to sell certain descriptions of bonds to an extent necessary to carry the act into full effect.

In the exercise of the discretion thus conferred upon him, the Secretary sold for resumption purposes, in 1877 and 1878, United States 4 per cent and 4½ per cent bonds to the amount of $95,500,000, and deposited the proceeds, $96,000,000 in gold, in the general cash in the Treasury. This, with other gold which had been received as surplus revenues, constituted the fund prepared and provided by the Secretary of the Treasury for the redemption directed in the act of January 14, 1875.

The existence of the reserve fund was generally recognized from the time of its establishment, as above stated, and one of the measures adopted by the Secretary of the Treasury to prevent its unnecessary depletion was the discontinuance of the issue of the gold certificates authorized by the act of March 3, 1863. This act authorized but did not direct such issue.

Some inconvenience resulted from this discontinuance, and by section 12 of the bank act of July 12, 1882, the Secretary was authorized and directed to receive deposits of gold coin and bullion and to issue certificates therefor; but it was provided "that the Secretary of the Treasury shall suspend the issue of such gold certificates whenever the amount of gold coin and gold bullion in the Treasury reserved for the redemption of United States notes falls below one hundred millions of dollars."

No other reference to the reserve fund is contained in the laws of the United States.

Very respectfully, yours, J. G. CARLISLE, *Secretary*.

The PRESIDENT OF THE SENATE.

The act of 1870, as we all understand very well, was passed three years before the coinage act of 1873, which dropped the silver dollar out of the list of coins, and in that way, if at all, the silver dollar became demonetized. In the act of 1873, commonly called the demonetization act, there is nothing whatever to indicate that it was the intention of Congress to demonetize the silver dollar. It was simply left where it was, only the Secretary was not to coin any more of them. Then, when the revision was made, as will appear by reference to the Revised Statutes of 1878, this language was used:

The silver coins of the United States shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment.

That is section 3586 of the Revised Statutes. By the coinage act of 1873 it was provided that the silver coins of the United States should be a trade dollar, a half dollar, a quarter dollar, and a dime.

Now comes the revision, and in section 3586 it is provided that the silver coins of the United States shall be a legal tender for sums not exceeding $5. If there was any demonetization of the silver dollar at any time it was by the section which I have just read from the Revised Statutes, and that continued only until 1878, when by the passage of the Bland Act the legal-tender character of the silver dollar was restored. So, even if there has been a demonetization of the silver dollar, it is only by implication. The Legislature had no intention to demonetize the dollars then in existence. So the "coin" which was referred to in the resumption act of 1875 meant silver as well as gold.

The bonds authorized by that act were those of the descriptions provided for by the refunding act of 1870, when silver was our basic coin metal. From the beginning of our financial history silver was our basic metal, and whenever there was a change of ratio in the law, parity was maintained by bringing gold to the standard of silver. That happened in 1834, when the gold coins were reduced 6 per cent so as to make them correspond with the value of the silver bullion in the market.

COIN MEANS COIN OF SILVER AND GOLD.

The Secretaries of the Treasury in 1862, 1863, 1864, 1865, 1866, 1867, and 1868 (and I am not certain but that the argument was repeated in 1869—I will call attention to that later on) argued persistently that it was not the intention of the Congress of the United States to issue an irredeemable paper currency, but that the intention of the people and of Congress was that the notes which were issued during the war in the absence of specie should some day be redeemed in specie. They invariably used the words that had always been used, gold and silver, the precious metals, specie, etc.

The Secretary of the Treasury during the Hayes Administration, the gentleman who is now the distinguished Senator from Ohio [Mr. SHERMAN], submitted this very point to the Attorney-General, Mr. Devens. He asked him whether or not it would be legal or proper to sell gold bonds in order to establish a redemption fund. The correspondence is somewhat elaborate, and I shall refer to it before I conclude my remarks; but the substance of the Attorney-General's reply was that the character of the coin was determined by that which was coin in the United States in 1870, namely, gold and silver.

Mr. Matthews, of Ohio, a member of this body at the time, afterwards an associate justice of the Supreme Court of the United States, immediately after the Secretary of the Treasury had in his report recommended that Congress grant him authority to sell gold bonds, introduced a resolution into this body, with certain paragraphs of preamble, resolving that in the opinion of Congress silver was as good money as gold. The resolution was passed by an overwhelming majority in the Senate, without amendment, notwithstanding that the Senator from Vermont, Mr. Edmunds, proposed to insert an amendment making gold coin superior and making the parity play around gold. But the Senate would have none of it.

The same resolution was passed by the House of Representatives, and similar amendments were there proposed, but the House would have none of it. Immediately thereafter, indeed at the time, a bill was put in process of formation which afterwards became the Bland-Allison Act, restoring the legal-tender quality to the silver dollar. There has been no time when the National Legislature has approved the demonetizing process.

At the time when the Secretary concluded to sell bonds, in January, 1894, there was plenty of coin in the Treasury to redeem all the notes that were presented. In order that my statement might not be regarded as unfounded or farfetched, this morning, before coming to the Senate Chamber, I hastily drew off from the Treasury figures a statement of the amount of gold coin, excluding bullion, in the Treasury on the last day of January in each year since and including 1879. It appears that, beginning in 1879 with $128,000,000, we go on down to 1884, when there was $154,000,000. In 1889 there was $229,000,000; in 1890, $249,000,000, the largest amount in any one year. Then we come down to the last of January, 1895, with $51,000,000. On the last of January, 1894, when the first of the last three issues was made, there was $65,000,000 of gold coin lying in the Treasury.

Statement showing the amount of gold coin (excluding bullion) in the Treasury on the last day of January each year since and including 1879.

Year.	Amount.	Year.	Amount.
1879	$128,792,903	1888	$185,906,571
1880	96,463,601	1889	229,051,535
1881	60,797,508	1890	249,963,167
1882	81,266,312	1891	229,942,686
1883	121,868,452	1892	198,454,175
1884	154,882,129	1893	147,375,054
1885	172,747,344	1894	65,490,319
1886	179,402,994	1895	51,343,230
1887	189,122,068	1895—September 30	86,216,756

It may be said, however, that possibly that coin was subject to draft for some other purpose. Let us see how that is. I have here a statement showing the amount of net gold in the Treasury at the end of January of each year since 1878. Beginning with 1879, it was $116,000,000; coming on down to the largest amount in any one year, it was $202,000,000 in 1888, and in January, 1894, the amount was $65,650,175. That was when the first issue of the last three issues was proposed and the sale was made. There was then $65,000,000 of gold in the Treasury.

I submit a table giving the figures in detail:

Statement showing the amount of net gold in the Treasury at the end of January each year since 1878.

Year.	Amount.	Year.	Amount.
1879	$116,674,227	1888	$202,955,184
1880	143,340,027	1889	194,655,264
1881	148,052,809	1890	177,386,285
1882	159,972,569	1891	141,728,007
1883	125,648,195	1892	110,574,905
1884	144,350,796	1893	108,181,713
1885	125,187,595	1894	65,650,175
1886	136,086,610	1895	44,705,967
1887	168,475,361		

But those were not all the assets upon which the Secretary might have drawn. I have here a table showing the amount of silver bullion in the Treasury at the end of January each year since 1878:

Statement showing amount of silver bullion in the Treasury at the end of January each year since 1878.

Year.	Amount.	Year.	Amount.
1879	$10,347,889	1888	$10,219,546
1880	4,888,036	1889	10,606,677
1881	6,704,197	1890	11,557,769
1882	3,258,926	1891	21,277,979
1883	3,761,958	1892	57,940,646
1884	4,674,433	1893	99,282,961
1885	4,613,582	1894	127,215,171
1886	3,658,783	1895	124,852,679
1887	4,877,039		

Fractional coin in the Treasury.

January 31, 1893	$11,346,523
January 31, 1894	15,932,847
January 31, 1895	15,481,586

Total silver in the Treasury.

1893	$111,629,484
1894	143,148,018
1895	143,334,265

I remember quite distinctly that once when I was speaking of the same matter the Senator from Iowa [Mr. ALLISON] called my attention to what he alleged to be a fact, that the silver bullion in the Treasury at the time the bond issues were in contemplation was there as a security fund for the redemption of the Treasury notes issued under the Sherman Act of 1890. The answer to that was then and is now that if this bullion was held as security for the redemption of the 1890 notes certainly the Secretary would have used it for such a purpose.

The act of 1890 expressly requires the Secretary to coin out of the silver bullion purchased under the provisions of that act enough to redeem the notes issued under the provisions of the act. But instead of the Secretary obeying the positive command of the law, he utterly ignored it, refused to execute it, and therefore the silver lies as so much dead property. Whenever notes of the issue of 1890 are presented to the Secretary, he redeems them in gold, unless their redemption in silver is directly asked for, and it is only occasionally that such a transaction occurs.

Here was an available fund of how much? At the end of January, 1894, at the time when the first of the three issues was in process, the amount of silver bullion in the Treasury uncovered, I insist, was $127,000,000 worth, as will be seen in the table I have presented. In addition there was at the same time $15,000,000 of fractional silver currency, making a total of $143,000,000 of silver bullion lying idle in the Treasury which the Secretary and the President might have used and which the law requires them to use if they had performed their duty as the law specifies. If the Secretary had obeyed the law and offered coin of silver as well as coin of gold in redemption of notes that were presented he would have had an abundance of coin, and what is more than that, he would have saved us all this disgrace, all this shame, all this dishonor, and all the burden of the bonds.

There is no law and there never has been any law against the redemption of greenbacks and Treasury notes with silver coin. It is a mere gratuitous movement upon the part of the Secretary of the Treasury. I know that the argument against a proceeding of that kind is that it will destroy the parity and all that sort of thing. I confess that when the word "parity" is brought in in these connections I have but little patience with it, for it means that while the whole world is alive with business, everything moving under the operation of modern inventions, we must still hold to the old barbarous system of barter, so many pounds of gold and so many pounds of silver measured according to their bullion value in the market, when we are dealing in ships and railroads and wheat and corn and manufactured articles and ten thousand different articles. In one of our tariff bills there are in the neighborhood of four thousand different items upon which customs are levied. The world is full of productions of labor, while the quantity of these metals is limited and growing constantly less and less, in proportion to business and population, and yet we are to take the old, antiquated notion that gold and silver coin are the equivalent of the values of all the other property, when only a few men, one in a hundred thousand perhaps, are dealing in the sacred and scarce articles of gold and silver. All the gold and silver produced in the world in one year are not worth as much as the wheat and corn that the farmers of Kansas produce the same year. And yet we must measure the value of all property by those metals and must maintain the parity between them.

I think when the Populists come into power we will arrange the parity so that it will be satisfactory to at least a few people.

Mr. HOAR. That will be after the millennium.

Mr. PEFFER. The millennium is approaching now, so that we shall not have long to wait.

Mr. HOAR. If the Senator will pardon me, I am afraid that the coming in power of the Populists will be after the time spoken of in the Revelations, when the millennium is over and when Satan will hold forth.

Mr. PEFFER. We are the revelators.

When I had occasion to speak on this subject before, in January, 1894, I called attention to the correspondence which the Secretary of the Treasury had with the Finance Committee of the Senate, and I quoted a few paragraphs, and only a few from it. I find, in looking over that speech, that there is so little of the correspondence quoted that the reader does not get all that the Secretary said and all that there was in this transaction. I have here the letter of the Secretary, with the draft of a bill which he prepared and presented to the Committee on Finance, which was introduced in the Senate by a member of the committee, but never went any further. The object of the Secretary was to show that the condition of the Treasury was such that there must be some relief in the way of funds to be used in the ordinary expenses of the Government, for which certainly there was no provision in any law that had been referred to as authorizing a proceeding of that kind. Whatever authority exists under the resumption act of 1875 for the sale of bonds is for a specific purpose, and that is to procure coin with which to redeem the notes, and not to provide funds for carrying on the ordinary expenses of the Government.

The letter and the bill accompanying it will show that the Secretary wanted to use the proceeds of the bonds for the purpose of public expenditures.

LETTER FROM THE SECRETARY OF THE TREASURY SUBMITTING STATEMENT SHOWING THE ACTUAL CONDITION OF THE TREASURY ON THE 12TH DAY OF JANUARY, 1894, TOGETHER WITH DRAFT OF BILL.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., January 13, 1894.

DEAR SIR: In compliance with your verbal request I have the honor to submit, for the consideration of the Finance Committee of the Senate, statements showing the actual condition of the Treasury on the 12th day of the present month, and an estimate of the receipts and expenditures during the remainder of this month and the month of February.

It will be seen from these statements that there is an urgent necessity for such immediate action as will replenish the coin reserve and enable this Department to continue the payment of public expenses and discharge the obligations of the Government to pensioners and other lawful creditors

When my annual report was prepared it was estimated that the expenses during the current fiscal year would exceed the receipts to the amount of about $28,000,000, and I asked Congress for authority to issue and sell bonds, or other forms of obligations, to an amount not exceeding $50,000,000, bearing a low rate of interest and having reasonably short time to run, to enable the Secretary of the Treasury to supply such deficiencies as might occur in the revenues. The estimate then made was based upon the assumption that the worst effects of our financial disturbances had already been realized and that there would be a substantial increase in the revenues for the remainder of the year. While it was not believed that the deficiency then actually existing would be supplied by increased revenues in the future, it was hoped that no additional deficiency would occur; but the receipts and expenditures during the month of December and up to the 12th day of the present month show that the estimate of a deficiency of $28,000,000 at the close of the year was much too low. The actual receipts and expenditures during each month of the year and the monthly deficiencies have been as follows:

Receipts and expenditures, fiscal year 1894.

	Receipts.	Expenditures.	Excess of expenditures.
1893.			
July	$30,905,776.19	$39,675,888.60	$8,770,112.41
August	23,890,885.30	33,305,228.48	9,414,343.18
September	24,582,756.10	25,478,010.17	895,254.07
Actual for three months	80,870,621.90	98,459,094.59	17,589,072.69
October	24,553,394.97	29,588,792.34	5,035,397.37
November	23,979,400.81	31,302,026.41	7,322,625.60
December	22,312,027.00	30,058,265.51	7,746,238.51
1894.			
January (12 days)	10,369,939.37	16,263,655.14	5,893,715.77
Total	162,085,384.05	205,643,428.99	43,558,044.94

meant silver as well as gold.

$65,000,000 of gold in the Treasury.

thousand different items upon which customs are levied. The

If the same average monthly deficiencies should continue, the total difference between receipts and expenditures on the 30th day of June next will be $78,167,532.

According to the best estimate that can be made, the total receipts during the present month and the month of February will be $41,900,000 and the total expenditures will be $80,300,000, showing a deficiency during the two months of $18,400,000; but this does not include any payments on account of the sugar bounty, claims for which to the amount of nearly $5,000,000 have already been presented and are now under investigation in the Department.

The assets of the Treasury and the current liabilities in excess of certificates and Treasury notes outstanding were as follows on the 12th day of the present month:

Assets.	
Gold	$74,108,149
Silver dollars and bullion	8,092,287
Fractional silver coin	12,133,903
United States notes	5,031,327
Treasury notes of 1890	2,476,000
National-bank notes	14,026,735
Minor coin	988,625
Deposits in banks	15,470,863
Total cash assets	132,327,889
Liabilities.	
Bank note 5 per cent fund	$7,198,219
Outstanding checks and drafts	5,653,917
Disbursing officers' balances	28,176,149
Post-Office Department account	3,897,741
Undistributed assets of failed national banks	1,927,727
District of Columbia account	142,613
Total agency account	46,996,366
Gold reserve	74,108,149
Net balance	11,223,374
Total liabilities	132,327,889

It will appear from this statement that the coin reserve has been reduced to $74,108,149, and it is evident from the condition of the Treasury that the Department will have no means to defray the ordinary expenses of the Government unless a large part of the payments are hereafter made out of that fund. If this is done the coin reserve will be reduced by the 1st of February to about $66,601,864, a sum wholly inadequate for the purposes for which it was created.

On account of this critical condition of the Treasury, I have considered it my duty, in addition to the earnest recommendations contained in my annual report, to appear twice before your committee and after full explanations of the situation urge prompt legislative action on this subject. With the permission of the committee, I have prepared and presented for its consideration a bill which, if promptly passed, would, in my opinion, meet all the requirements of the situation by providing the necessary means for defraying the public expenses and replenishing the coin reserve to such an extent as to assure the maintenance of the parity of all forms of United States currency.

While this proposed measure of relief has not yet been disposed of or considered by the committee, the great differences of opinion which are known to exist in both branches of Congress concerning the propriety of granting additional or amended authority to issue bonds in any form or for any purpose, render it doubtful whether new legislation upon the subject can be secured in time to provide the means which are imperatively demanded in order to preserve the credit and honor of the Government. Authority to issue and sell bonds for the purpose of maintaining specie payments was expressly conferred upon the Secretary of the Treasury by the act of January 14, 1875, but it has not been exercised since 1879, and on account of the high rate of interest provided for, and the length of time such bonds would have to run, I have not been satisfied that such an emergency has heretofore existed as would clearly justify their issue. But the necessity for relief at this time is so urgent, and the prospect of material improvement in the financial condition of the Government is so problematical, that unless authority to issue and sell shorter bonds, or other obligations, bearing a lower rate of interest than that specified in the existing law, is granted by Congress at a very early day, I shall feel constrained by a sense of public duty to exercise the power already conferred, to the extent at least of providing an adequate coin reserve.

If this action should be taken, Congress ought, nevertheless, to provide promptly for the deficiency in the revenue during the current fiscal year, and I will from time to time advise your committee of the condition of the Treasury, in order that this subject may receive due consideration.

I have the honor to be yours, very respectfully,

J. G. CARLISLE, *Secretary.*

Hon. D. W. VOORHEES,
Chairman Committee on Finance, United States Senate.

An act to amend section 3 of "An act to provide for the resumption of specie payments," approved January 14, 1875.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of "An act to provide for the resumption of specie payments," approved January 14, 1875, be, and the same is hereby, so amended that in lieu of the descriptions of bonds therein authorized, the Secretary of the Treasury is hereby authorized to issue from time to time, as he may deem necessary, and in such form as he may prescribe, coupon or registered bonds of the United States, in denominations of $25 and multiples thereof, redeemable in coin at the pleasure of the United States after —— years from date, bearing interest at a rate not exceeding 3 per cent per annum, payable quarterly in coin, and to sell the same at not less than par in coin; and the proceeds of such bonds shall be held and used to maintain the parity of all forms of money coined or issued by the United States, but the Secretary of the Treasury is hereby authorized to use from time to time such part of such proceeds as may be necessary to supply deficiencies in the public revenues during the fiscal year 1894.

SEC. 2. That a sum sufficient to carry the provisions of this act into effect is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SECTION 3700, REVISED STATUTES, PART OF AN OLD LAW THAT REFERS TO BONDS AUTHORIZED BY PRIOR ACTS.

The same objection is urged to the second bond issue, for the Secretary bases his authority upon the same law. The third issue is based upon the authority of section 3700 of the Revised Statutes, which is in this language:

The Secretary of the Treasury may purchase coin with any of the bonds or notes of the United States authorized by law, at such rates and upon such terms as he may deem most advantageous to the public interest.

While it would seem as though that was plenary authority and not encumbered with any sort of conditions, yet the history of that paragraph will throw a flood of light upon it. It is part of a section of the act of March 17, 1862. It could hardly be presumed that the Congress of the United States then, or at any time since or before, would throw out an unmodified and unqualified authority to the President or the Secretary to sell bonds ad libitum whenever they thought proper, upon the best terms they could get.

Now we will see the connection in which section 3700 of the Revised Statutes is found in the original act. It is not even a separate sentence, but it is part of a sentence. I will read the whole section. Section 1 of the act of March 17, 1862, entitled "An act to authorize the purchase of coin, and for other purposes," reads as follows:

Be it enacted, etc., That the Secretary of the Treasury may purchase coin with any of the bonds or notes of the United States, authorized by law, at such rates and upon such terms as he may deem most advantageous to the public interest;—

Semicolon—

and may issue, under such rules and regulations as he may prescribe, certificates of indebtedness, such as are authorized by an act entitled "An act to authorize the Secretary of the Treasury to issue certificates of indebtedness to public creditors," approved March 1, 1862, to such creditors as may desire to receive the same, in discharge of checks drawn by disbursing officers upon sums placed to their credit on the books of the Treasurer, upon requisitions of the proper Departments, as well as in discharge of audited and settled accounts, as provided by said act.

This entire section is one paragraph. There is no stopping point, no period, no end of a sentence, no punctuation points excepting commas and one semicolon. And yet a part of that sentence is incorporated in the Revised Statutes as a separate section appearing to be wholly independent and apart from all other connection.

I insist that the bonds referred to in the Revised Statutes, section 3700, are precisely the same kind of bonds that are referred to in section 1 of the act of March 17, 1862—that is to say, bonds that had been provided for in preceding acts—so that this section refers to acts of Congress that had been passed before that time. Whatever authority there is in section 3700 is to be applied to bonds provided for by earlier acts of Congress. There can be no question about that. Then there is only one act that the President makes applicable to his action, the refunding act of 1870, on which the resumption act of 1875 is based.

Senators should not overlook the fact that section 3700, on which the President bases the authority to sell bonds in 1895 and now, is part of the act of March 17, 1862, a clause, and the first clause, of a one-sentence section authorizing the Secretary to make certain uses of bonds and notes that had been provided for by and in prior statutes.

The Secretary has no authority to sell bonds that have not been previously provided for and particularly described. Indeed, Congress has no authority to delegate the power to borrow money. That power is vested by the Constitution in Congress alone. But it may provide for the borrowing of money in a particular way and then authorize the Secretary to perform the necessary work. But it can not authorize any officer to sell notes or bonds that have not been already authorized and described. The act of March 17, 1862, when empowering the Secretary to sell bonds on the best terms he could get, did not intend that he should make out such bonds as he chose and sell them, but only such bonds as had, before the date of that act, been authorized by Congress. So, when the President and Secretary claim to have acted under authority of section 3700 they can assert no authority not provided by laws passed before the act of March 17, 1862, and they were war acts—laws to carry on war. And if they claim that section 3700 authorizes them to sell bonds that were authorized by the resumption act of January 25, 1875, they are met with the objection that the bonds provided for by that act were for redemption purposes only, and that no sales should be made for such purpose so long as there were enough surplus funds in the Treasury to redeem outstanding notes. And there has all along been, and there is now, plenty of funds in the Treasury for that purpose.

I do not care, Mr. President, to pursue that branch of the subject any further. It seems to me to be entirely clear that it is a strained construction of the law, to say the least of it, that these officers are using. I am quite confident that it was not the intention of either the President or the Secretary to resort to such extraordinary measures in the beginning; they expected that Congress would authorize them to proceed, and having received no such authority they undertook it, expecting to have their conduct ratified by Congress.

Finally, on that branch of the subject, all bonds that have ever been authorized by Congress were redeemable either in "lawful money" of the United States, which meant legal-tender paper, or in "coin." There has been no law, there is none now, authorizing gold bonds any more than silver bonds.

RESTORE THE OLD COINAGE LAW OF 1837.

Now, Mr. President, taking up the coinage section of the bill, I shall endeavor to maintain that the sections of the act of Congress

approved January 18, 1837, providing for the free, equal, and unlimited coinage of silver and gold, ought to be reenacted, and that all laws and parts of laws inconsistent therewith ought to be repealed, because—

First. Our monetary system from the beginning to the approval of the act of February 12, 1873, commonly known as the demonetization act, was bimetallic, with coinage of gold and silver on equal terms; that there was no demand for changing the law in 1873, and that there has been very general and continual demand since that time for a restoration of the old law.

Second. That all our national coin obligations are payable in either gold or silver or both, and in order to make such payment we need more coin than we have, or probably ever will have unless we coin silver.

Third. The restoration of free silver coinage would at once put new money into circulation, the effect of which may reasonably be expected to be to stimulate enterprise and encourage trade and to raise prices in a corresponding degree.

HISTORY OF OUR COINAGE.

It may be said, to begin with, that our coinage laws, so far as they relate to the legal-tender functions of gold coins and silver coins, were exactly the same from the time of the first coinage under the mint act, April 2, 1792, until the passage of the act of February 12, 1873, except that in 1853 the legal-tender function of the minor silver coins was limited to sums of $5.

In order to a clear understanding as the argument proceeds, it may be well at the outset to review briefly the history of coinage in the United States.

In 1782 the Continental Congress appointed a committee to investigate the condition of the coins which were then current in the country. Many different coins were in circulation, principally those of Great Britain and Spain and the Spanish-American provinces, and each of the colonies had maintained a separate valuation of its own. While the British method of counting money was common in all parts of the country, the most generally current coins were those of Spain. The Spanish milled dollar was common among the people, and it was the most popular coin then in use here.

Mr. Robert Morris made an elaborate report and recommended a new system of United States coinage. But nothing further was done about it until two years afterwards, when the matter was taken up and referred to a committee of which Thomas Jefferson was a member. That distinguished statesman, after a careful examination of the whole subject, wrote out his views in what he termed "Notes on the establishment of a mint." These "Notes" may be found in Jefferson's Works, volume 1, beginning at page 162. In fixing the unit of money Mr. Jefferson laid down three rules:

First, that it be of convenient size to be applied as a measure to the common money transactions of life; second, that its parts and multiples be in an easy proportion to each other, so as to facilitate the money arithmetic; and third, that the unit and its parts or divisions be so nearly of the value of some of the known coins as that they may be of easy adoption for the people; and—

He added—

the Spanish dollar seems to fulfill all these conditions.

He gave the following as his reasons for selecting the dollar for the unit:

The unit or dollar is a known coin, and the most familiar of all to the minds of the people. It is already adopted from South to North, has identified our currency, and therefore happily offers itself as a unit already introduced. Our public debt, our requisitions and their appointments, has given it actual and long position of the place of the unit. The course of our commerce, too, will bring us more of this than of any other foreign coin, and therefore renders it more worthy of attention. I know of no unit which can be proposed in competition with the dollar but the pound. But what is the pound? One thousand five hundred and forty-seven grains of fine silver in Georgia; 1,289 grains in Virginia, Connecticut, Rhode Island, Massachusetts, and New Hampshire; 1,031¼ grains in Maryland, Delaware, Pennsylvania, and New Jersey; 966⅔ grains in North Carolina and New York. Which of these shall we adopt? To which State is that preeminence of which all are so jealous, and on which impose the difficulties of a new estimate on their corn, their cattle, and other commodities? Or shall we hang the pound sterling as a common badge upon all their necks? This contains 1,718⅞ grains of pure silver. It is difficult to familiarize a new coin to the people. It is more difficult to familiarize them to a new coin with a new name. Happily the dollar is familiar to them all, and is already as much referred to as a measure of value as their respective provincial pound.

On the 15th day of April, 1790, the House of Representatives passed a resolution asking the then Secretary of the Treasury, Alexander Hamilton, to prepare a report concerning the establishment of a mint and the coinage of money, and in response to that resolution the Secretary prepared a report and submitted it to the House on the 28th day of January, 1791. He sets out by saying that a plan for an establishment of this nature—that is to say, a mint—involves a great variety of considerations, intricate, nice, and important. The general state of debtor and creditor, all the relations and consequences of price, the essential interests of trade and industry, the value of all property, the whole income of both the state and individuals, are liable to be extensively influenced, beneficially or otherwise, by the judicious or injudicious regulations of this interesting institution.

After discussing the importance of the subject and the interests involved he divides the subject into six different heads, the first two of which are these: First, what ought to be the nature of the money unit of the United States; and second, what the proportion between gold and silver, if coins of both metals are to be established.

As to the first of these two divisions, the Secretary, after an elaborate discussion, came to the conclusion that the dollar ought to be established and maintained as the money unit for the currency of the United States, and he was of the opinion that the dollar then generally current, namely, the Spanish milled dollar, ought to be used as the money unit.

As to the second proposition, whether the standard of money ought to be a single one or a double one, the Secretary was of opinion that we ought to establish and maintain the double standard, namely, gold and silver. He was aware, and called attention to the fact, that in the discussion of the subject by public men generally our American statesmen largely leaned to the opinion that the standard ought to be single and that silver. But the Secretary came to the conclusion that the double standard was better. He said:

But upon the whole it seems to be the most advisable, as has been observed, not to attach the unit exclusively to either of the metals, because this can not be done effectually without destroying the office and character of one of them as money, and reducing it to the situation of mere merchandise, which, accordingly, at different times, has been proposed from different and very respectable quarters, but which would probably be a greater evil than occasional variations in the unit from the fluctuations in the relative value of the metals, especially if care be taken to regulate the proportion between them with an eye to their average commercial value. To annul the use of either of the metals as money is to abridge the quantity of circulating medium and is liable to all of the objections which arise by a comparison of the benefits of a full with the evils of a scanty circulation.

After discussing at some length the probable results of a single standard, the Secretary said that the chief if not the sole effect of such a regulation would be to diminish the utility of one of the metals. He then proceeded to discuss the proportion in which the metals ought to be used, and he came to the same conclusion that Sir Isaac Newton had arrived at in his report to the treasury of Great Britain in 1717—the proportion of about 1 to 15; 1 unit of weight in gold to 15 of the same units of weight in silver; and such, in fact, was the proportion established in our coinage law the next year.

This report of Mr. Hamilton was by him submitted to Thomas Jefferson, who was then Secretary of State, for his inspection and consideration. After a very careful study of the report, Mr. Jefferson made a few suggestions, which were in the main accepted by Mr. Hamilton, and the report as it was finally presented to Congress was a substantial agreement between those two gentlemen. If there was any difference between them in respect to the subject it was upon the matter of a single or double standard. Mr. Jefferson inclined to the single standard, and that silver, while Mr. Hamilton preferred the double standard, that of silver and gold. The report of Mr. Hamilton is found in volume 3 of his works, beginning at page 149.

Having adopted the dollar as a unit, then Mr. Jefferson suggested that we ought to have at least four coins—one a golden piece equal in value to $10; second, the unit or dollar of silver; third, the tenth of a dollar, of silver also; and, fourth, the hundredth part of a dollar, this to be made of copper. And he suggested that perhaps it would not be amiss to coin three more pieces of silver—one of the value of half a dollar, the other 20 cents, and the other 5 cents. He concludes his "Notes" in these words:

My proposition, then, is that our notation of money shall be decimal, descending at the liberty of the person noting; that the unit of this notation shall be a dollar; that coins shall be accommodated to it from $10 to the hundredth of a dollar.

In accordance with the recommendation of this report Congress passed an act entitled "An act establishing a mint and regulating the coins of the United States." This act was approved April 2, 1792. The first eight sections provide for the establishment of the mint, name the necessary officers, prescribe their duties, etc., and section 9 names the coins that shall be made and fixes their value. I read the section:

And be it further enacted, That there shall be from time to time struck and coined at the said mint coins of gold, silver, and copper, of the following denominations, values, and descriptions, viz: Eagles, each to be of the value of ten dollars or units and to contain two hundred and forty-seven grains and four-eighths of a grain of pure or two hundred and seventy grains of standard gold. Half eagles, each to be the value of five dollars and to contain one hundred and twenty-three grains and six-eighths of a grain of pure or one hundred and thirty-five grains of standard gold. Quarter eagles, each to be of the value of two dollars and a half dollar and to contain sixty-one grains and seven-eighths of a grain of pure or sixty-seven grains and four-eighths of a grain of standard gold. Dollars or units, each to be of the value of a Spanish milled dollar, as the same is now current, and to contain three hundred and seventy-one grains and four-sixteenth parts of a grain of pure or four hundred and sixteen grains of standard silver. Half dollars, each to be of half the value of the dollar or unit and to contain one hundred and eighty-five grains and ten-sixteenth parts of a grain of pure or two hundred and eight grains of standard silver. Quarter dollars, each to be of one-fourth the value of the dollar or unit and to contain ninety-two grains and thirteen-sixteenth parts of a grain of pure or one hundred and four grains of standard silver.

Dismes, each to be of the value of one-tenth of a dollar or unit and to contain thirty-seven grains and two-sixteenth parts of a grain of pure or forty-one grains and three-fifth parts of a grain of standard silver. Half-dismes, each to be of the value of one-twentieth of a dollar and to contain eighteen grains and nine-sixteenth parts of a grain of pure or twenty grains and four-fifth parts of a grain of standard silver. Cents, each to be of the value of the one hundredth part of a dollar and to contain eleven pennyweights of copper. Half cents, each to be of the value of half a cent and to contain five pennyweights and half a pennyweight of copper.

Section 10 prescribes the devices that shall appear on the coins, and the next section declares what shall be the relative values of the two metals—gold and silver. I quote:

And be it further enacted, That the proportional value of gold to silver in all coins which shall by law be current as money within the United States shall be as 15 to 1, according to quantity in weight, of pure gold or pure silver; that is to say, every 15 pounds weight of pure silver shall be of equal value in all payments with 1 pound weight of pure gold, and so in proportion as to any greater or less quantities of the respective metals.

The twelfth section provides that the metal in the gold coins shall be "eleven parts fine to one part alloy;" that is to say, eleven parts shall be pure gold and one part of alloy, and the alloy is to be made of silver and copper in such proportion that not more than one-half shall be silver.

The thirteenth section provides that the—

Standard of all silver coins of the United States shall be 1,485 parts of fine to 179 parts alloy * * * which alloy shall be wholly of copper.

Section 14 provides for free and unlimited coinage of gold and silver bullion in the language following:

SEC. 14. *And be it further enacted*, That it shall be lawful for any person or persons to bring to the said mint gold and silver bullion in order to their being coined; and that the bullion so brought shall be there assayed and coined as speedily as may be after the receipt thereof, and that free of expense to the person or persons by whom the same shall have been brought. * * *

The rest of the section provides that after the bullion has been coined the coins shall be delivered to the person or persons entitled, and also provides that when convenient, and when money has been provided for that purpose, the Director of the Mint, if the depositor of the bullion so desires, may deliver to him at once coins of value equal to what the bullion will make when minted, charging one-half of 1 per cent for the accommodation.

The sixteenth section provides—

That all the gold and silver coins which shall have been struck at and issued from the said mint shall be a lawful tender in all payments whatsoever, those of full weight according to the respective values hereinbefore declared, and those of less than full weight at values proportional to their respective weights.

All the rest of the act relates to details. The points to be particularly noted with respect to the provision of this law are—

1. That the unit of value is a "dollar."

2. That the unit is to be represented by a coin which shall contain 371¼ grains of pure silver with copper alloy equal to a little more than one-ninth part in weight of the whole coin, and that its value shall be that of a coin then in general circulation—the Spanish milled dollar.

3. That certain gold coins representing multiples of the unit, with certain silver coins representing decimal parts of the unit, were provided for, and that each of them and all of them are made "lawful tender in all payments whatsoever," according to their respective weights, measured by the standard of value given in the law.

4. That any person or persons may take gold or silver bullion to the mint and have it made into any of these coins free of charge.

5. That the proportional weight of gold and silver coins, according to value, shall be 1 of gold to 15 of silver.

6. That the weight of pure metal in the coin, and not the name of the coin, is to be the standard of its value; that is to say, a "dollar" then had a certain value, not definable, to be sure, yet a well-understood meaning in estimating values of commodities; and this value and its multiples to be represented by certain weights of pure silver and pure gold when put in the form of coins prescribed in the law. If from abrasion the coins fell below standard weight their value was lessened accordingly.

By section 1 of the act of February 9, 1793, the values of foreign gold and silver coins then circulating in the United States were regulated, and at such valuations were to be legal tender. Section 3 of the same act provided that foreign coins received by the Government for moneys due the United States after our own mint began coining money should be recoined into United States money, according to our law of April 2, 1792.

Another act "regulating the currency of foreign coins in the United States" was approved April 10, 1806.

Again, April 29, 1816, a similar act was approved, and still another March 3, 1819.

March 3, 1821, and March 3, 1823, acts were approved continuing in force the act of March 3, 1819.

The following act was passed and approved on the 25th day of June, 1834:

Be it enacted, etc., That from and after the passage of this act the following silver coins shall be of the legal value and shall pass current as money within the United States, by tale, for the payment of all debts and demands, at the rate of 100 cents the dollar, that is to say: The dollars of Mexico, Peru, Chile, and Central America of not less weight than 415 grains each; and those restamped in Brazil of the like weight, of not less fineness than 10 ounces and 15 pennyweights of pure silver in the troy pound of 12 ounces of standard silver, and the 5-franc pieces of France, when of not less fineness than 10 ounces and 16 pennyweights in 12 ounces troy weight of standard silver, and weighing not less than 384 grains each, at the rate of 93 cents each.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to cause assays of the aforesaid silver coins made current by this act to be had at the mint of the United States at least once in every year, and to make report of the result thereof to Congress.

By the act of June 28, 1834, the weight of pure metal in our gold coins was reduced about 6 per cent. The following are provisions of that act:

Be it enacted, etc., That the gold coins of the United States shall contain the following quantities of metal, that is to say: Each eagle shall contain 232 grains of pure gold and 258 grains of standard gold; each half eagle 116 grains of pure gold and 129 grains of standard gold; each quarter eagle shall contain 58 grains of pure gold and 64½ grains of standard gold; every such eagle shall be of the value of $10; every such half eagle shall be of the value of $5; and every such quarter eagle shall be of the value of $2.50; and the said gold coins shall be receivable in all payments, when of full weight, according to their respective values; and when of less than full weight at less values, proportioned to their respective actual weights.

SEC. 2. *And be it further enacted*, That all standard gold or silver deposited for coinage after the 31st day of July next shall be paid for in coin, under the direction of the Secretary of the Treasury, within five days from the making of such deposit, deducting from the amount of said deposit of gold and silver one-half of 1 per cent: *Provided*, That no deduction shall be made unless said advance be required by such depositor within forty days.

SEC. 3. *And be it further enacted*, That all gold coins of the United States minted anterior to the 31st day of July next shall be receivable in all payments at the rate of 94.8 cents per pennyweight.

The same day another act was approved regulating the value of foreign gold coins, and on the 18th day of January, 1837, the standard of the metal in our gold and silver coins was altered by reducing the quantity of alloy. The following are the sections providing for the changes:

SEC. 8. *And be it further enacted*, That the standard for both gold and silver coins of the United States shall hereafter be such that of 1,000 parts by weight 900 shall be of pure metal and 100 of alloy; and the alloy of the silver coins shall be of copper; and the alloy of the gold coins shall be of copper and silver: *Provided*, That the silver does not exceed one-half of the whole alloy.

SEC. 9. *And be it further enacted*, That of the silver coins the dollar shall be of the weight of 412½ grains; the half dollar of the weight of 206¼ grains; the quarter dollar of the weight of 103¼ grains; the dime, or tenth part of a dollar, of the weight of 41¼ grains; and the half dime, or twentieth part of a dollar, of the weight of 20¾ grains. And that dollars, half dollars and quarter dollars, dimes and half dimes shall be legal tenders of payment according to their nominal value for any sums whatever.

SEC. 10. *And be it further enacted*, That of the gold coins the weight of the eagle shall be 258 grains; that of the half eagle 129 grains; and that of the quarter eagle 64½ grains. And that for all sums whatever the eagle shall be a legal tender of payment for $10; the half eagle for $5, and the quarter eagle for $2.50.

SEC. 11. *And be it further enacted*, That the silver coins heretofore issued at the mint of the United States, and the gold coins issued since the 31st day of July, 1834, shall continue to be legal tenders of payment for their nominal values on the same terms as if they were of the coinage provided for by this act.

Free and unlimited coinage of both metals was provided for in section 14 of this act, as follows:

SEC. 14. *And be it further enacted*, That gold and silver bullion brought to the mint for coinage shall be received and coined by the proper officers for the benefit of the depositor: *Provided*, That it shall be lawful to refuse at the mint any deposit of less value than $100 and any bullion so base as to be unsuitable for the operations of the mint: *And provided also*, That when gold and silver are combined, if either of these metals be in such small proportion that it can not be separated advantageously, no allowance shall be made to the depositor for the value of such metal.

By section 18 of the same act it was provided "that the only subjects of charge by the mint to the depositor" shall be for assaying and refining metals below standard.

March 3, 1843, the values of foreign gold and silver coins were again regulated to correspond to our own coins.

March 3, 1849, the coinage of gold dollars and double eagles of standard weight was authorized.

By act of February 21, 1853, the weight of the silver coins below a dollar was reduced about 7 per cent and their legal-tender quality reduced to "sums not exceeding $5." Sections 1 and 2 are:

SEC. 1. That from and after the 1st day of June, 1852 (1853), the weight of the half dollar or piece of 50 cents shall be 192 grains, and the quarter dollar, dime, and half dime shall be respectively, one-half, one-fifth, and one-tenth of the weight of said half dollar.

SEC. 2. That the silver coins issued in conformity with the above section shall be legal tenders in payment of debts for all sums not exceeding $5.

Section 3 of this act provides that the bullion necessary for the coinage of these light-weight coins shall be purchased, and that the gain (what we now call seigniorage) shall be charged to the mint and credited to the Government. I read the section:

And be it further enacted, That in order to procure bullion for the requisite coinage of the subdivisions of the dollar authorized by this act, the treasurer of the mint shall, with the approval of the Director, purchase such bullion with the bullion fund of the mint. He shall charge himself with the gain arising from the coinage of such bullion into coins of a nominal value exceeding the intrinsic value thereof, and shall be credited with the difference between such intrinsic value and the price paid for said bullion, and with the expense of distributing said coins as hereinafter provided. The balance to his credit, or the profit of said coinage, shall be, from time to time, on a warrant of the Director of the Mint, transferred to the account of the Treasury of the United States.

Free coinage of these subsidiary pieces was not allowed, as shown in section 5, which reads:

And be it further enacted, That no deposits for coinage into the half dollar, quarter dollar, dime, and half dime shall hereafter be received, other than those made by the treasurer of the mint, as herein authorized, and upon account of the United States.

Section 6 of said act required a charge of one-half of 1 per cent for coining all gold coins and all silver dollars.

Section 7 provided for the coinage of three-dollar gold pieces of standard weight.

The act of February 21, 1857, repealed all laws which had declared foreign coins legal tender.

These are the only laws and parts of laws enacted by Congress affecting the coinage of the United States (except in cases of a few minor silver coins and some of coarser metals) until we reach "An act revising and amending the laws relative to the mints, assay offices, and coinage of the United States," approved February 12, 1873. That act contains sixty-seven sections, but only a few of them need be referred to in this connection. These are sections 13, 14, 15, 17, 21, 25, and 27.

SEC. 13. That the standard for both gold and silver coins of the United States shall be such that of one thousand parts by weight nine hundred shall be of pure metal and one hundred of alloy; and the alloy of the silver coins shall be of copper, and the alloy of the gold coins shall be of copper, or of copper and silver; but the silver shall in no case exceed one-tenth of the whole alloy.

SEC. 14. That the gold coins of the United States shall be a one-dollar piece, which, at the standard weight of 25.8 grains, shall be the unit of value; a quarter eagle, or two-and-a-half-dollar piece; a three-dollar piece; a half eagle, or five-dollar piece; an eagle, or ten-dollar-piece, and a double eagle, or twenty-dollar piece. And the standard weight of the gold dollar shall be 25.8 grains; of the quarter eagle, or two-and-a-half-dollar piece, 64½ grains; of the three-dollar piece, 77.4 grains; of the half eagle, or five-dollar piece, 129 grains; of the eagle, or ten-dollar piece, 258 grains; of the double eagle, or twenty-dollar piece, 516 grains; which coins shall be a legal tender in all payments at their nominal value when not below the standard weight and limit of tolerance provided in this act for the single piece, and when reduced in weight, below said standard and tolerance, shall be a legal tender at valuation in proportion to their actual weight; and any gold coin of the United States, if reduced in weight by natural abrasion not more than one-half of 1 per cent below the standard weight prescribed by law, after a circulation of twenty years, as shown by its date of coinage, and at a ratable proportion for any period less than twenty years, shall be received at their nominal value by the United States Treasury and its offices, under such regulations as the Secretary of the Treasury may prescribe for the protection of the Government against fraudulent abrasion or other practices; and any gold coins in the Treasury of the United States reduced in weight below this limit of abrasion shall be recoined.

SEC. 15. That the silver coins of the United States shall be a trade dollar, a half dollar or 50-cent piece, a quarter dollar or 25-cent piece, a dime or 10-cent piece; and the weight of the trade dollar shall be 420 grains troy; the weight of the half dollar shall be twelve grams (grammes) and one-half of a gram (gramme); the quarter dollar and the dime shall be, respectively, one-half and one-fifth of the weight of said half dollar; and said coins shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment.

SEC. 17. That no coins, either of gold, silver, or minor coinage, shall hereafter be issued from the mint other than those of the denominations, standards, and weights herein set forth.

SEC. 21. That any owner of silver bullion may deposit the same at any mint, to be formed into bars, or into dollars of the weight of 420 grains troy, designated in this act as trade dollars, and no deposit of silver for other coinage shall be received, but silver bullion contained in gold deposits and separated therefrom may be paid for in silver coin, at such valuation as may be, from time to time, established by the Director of the Mint.

SEC. 25. That the charge for converting standard gold bullion into coin shall be one-fifth of 1 per cent, and the charges for converting standard silver into trade dollars, for melting and refining when bullion is below standard, for toughening when metals are contained in it which render it unfit for coinage, for copper used for alloy when the bullion is above standard, for separating the gold and silver when these metals exist together in the bullion, and for the preparation of bars, shall be fixed, from time to time, by the Director, with the concurrence of the Secretary of the Treasury, so as to equal but not exceed, in their judgment, the actual average cost to each mint and assay office of the material, labor, wastage, and use of machinery employed in each of the cases aforementioned.

SEC. 27. That in order to procure bullion for the silver coinage authorized by this act the superintendents, with the approval of the Director of the Mint as to price, terms, and quantity, shall purchase such bullion with the bullion fund. The gain arising from the coinage of such silver bullion into coin of a nominal value exceeding the cost thereof shall be credited to a special fund denominated the silver-profit fund. This fund shall be charged with the wastage incurred in the silver coinage, and with the expense of distributing said coins as hereinafter provided. The balance to the credit of this fund shall be from time to time, and at least twice a year, paid into the Treasury of the United States.

It will be observed that there is no provision in this act concerning the silver dollar. It is simply omitted from the enumeration of silver coins, and it is provided that no coins other than those "herein set forth" shall be "issued from the mint." A new silver coin is, however, added—a "trade dollar"—which is 7½ grains heavier than the standard silver dollar of 412½ grains.

The revision act of 1874 provides that "the silver coins of the United States shall be a legal tender" for sums not exceeding $5 (section 3586).

The Bland-Allison Act of February 28, 1878, provided in section 1—

That there shall be coined, at the several mints of the United States, silver dollars of the weight of 412½ grains troy of standard silver, as provided in the act of January 18, 1837, on which shall be the devices and superscriptions provided by said act; which coins, together with all silver dollars heretofore coined by the United States of like weight and fineness, shall be a legal tender at their nominal value for all debts and dues, public and private, except where otherwise expressly stipulated in the contract. And the Secretary of the Treasury is authorized and directed to purchase, from time to time, silver bullion, at the market price thereof, not less than $2,000,000 worth per month nor more than $4,000,000 worth per month, and cause the same to be coined monthly, as fast as so purchased, into such dollars; and a sum sufficient to carry out the foregoing provision of this act is hereby appropriated, out of any money in the Treasury not otherwise appropriated. And any gain or seigniorage arising from this coinage shall be accounted for and paid into the Treasury, as provided under existing laws relative to the subsidiary coinage: *Provided*, That the amount of money at any one time invested in such silver bullion, exclusive of such resulting coin, shall not exceed $5,000,000: *And provided further*, That nothing in this act shall be construed to authorize the payment in silver of certificates of deposit issued under the provisions of section 254 of the Revised Statutes.

This act was repealed July 14, 1890, by what has been commonly known as the Sherman law, which required the purchase of 4,500,000 ounces of silver monthly and the coinage of enough of it to redeem the Treasury notes paid for it, with the clause that it is the established policy of the United States to maintain the parity of the two metals.

The following are the sections of the Sherman law relating to silver and coinage:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby directed to purchase, from time to time, silver bullion to the aggregate amount of 4,500,000 ounces, or so much thereof as may be offered in each month, at the market price thereof, not exceeding $1 for 371¼ grains of pure silver, and to issue in payment of such purchases of silver bullion Treasury notes of the United States, to be prepared by the Secretary of the Treasury, in such form and of such denominations, not less than $1 nor more than $1,000, as he may prescribe, and a sum sufficient to carry into effect the provisions of this act is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

SEC. 2. That the Treasury notes issued in accordance with the provisions of this act shall be redeemable on demand, in coin, at the Treasury of the United States, or at the office of any assistant treasurer of the United States, and when so redeemed may be reissued; but no greater or less amount of such notes shall be outstanding at any time than the cost of the silver bullion and the standard silver dollars coined therefrom then held in the Treasury purchased by such notes; and such Treasury notes shall be a legal tender in payment of all debts, public and private, except where otherwise expressly stipulated in the contract, and shall be receivable for customs, taxes, and all public dues, and when so received may be reissued; and such notes, when held by any national banking association, may be counted as a part of its lawful reserve. That upon demand of the holder of any of the Treasury notes herein provided for the Secretary of the Treasury shall, under such regulations as he may prescribe, redeem such notes in gold or silver coin, at his discretion, it being the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio, or such ratio as may be provided by law.

SEC. 3. That the Secretary of the Treasury shall each month coin 2,000,000 ounces of the silver bullion purchased under the provisions of this act into standard silver dollars until the 1st day of July, 1891, and after that time he shall coin of the silver bullion purchased under the provisions of this act as much as may be necessary to provide for the redemption of the Treasury notes herein provided for, and any gain or seigniorage arising from such coinage shall be accounted for and paid into the Treasury.

SEC. 4. That the silver bullion purchased under the provisions of this act shall be subject to the requirements of existing law and the regulations of the mint service governing the methods of determining the amount of pure silver contained, and the amount of charges or deductions, if any, to be made.

SEC. 5. That so much of the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," as requires the monthly purchase and coinage of the same into silver dollars of not less than $2,000,000 nor more than $4,000,000 worth of silver bullion is hereby repealed.

The purchasing clause of the Sherman law—that is, so much of it as authorized and required the purchase of bullion—was repealed at the extra session of Congress beginning August 7, 1893, by the following enactment:

An act to repeal a part of an act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes."

Be it enacted, etc., That so much of the act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and issue of Treasury notes thereon, and for other purposes," as directs the Secretary of the Treasury to purchase from time to time silver bullion to the aggregate amount of 4,500,000 ounces, or so much thereof as may be offered in each month at the market price thereof, not exceeding $1 for 371.25 grains of pure silver, and to issue in payment for such purchases Treasury notes of the United States, be, and the same is hereby, repealed. And it is hereby declared to be the policy of the United States to continue the use of both gold and silver as standard money, and to coin both gold and silver into money of equal intrinsic and exchangeable value, such equality to be secured through international agreement, or by such safeguards of legislation as will insure the maintenance of the parity in value of the coins of the two metals, and the equal power of every dollar at all times in the markets and in the payment of debts. And it is hereby further declared that the efforts of the Government should be steadily directed to the establishment of such a safe system of bimetallism as will maintain at all times the equal power of every dollar coined or issued by the United States, in the markets and in the payment of debts.

Approved, November 1, 1893.

This concludes the collection of laws of the United States relating to our coinage so far as the weight and fineness of the legal-tender coins is concerned, and it will be observed that the quantity of pure gold in the gold coins was once reduced (by the act of June 28, 1834) and that the quantity of pure silver in the dollar coin has never been altered in the least degree. The first silver dollar coined contained 371¼ grains of pure metal and the last one contained precisely the same amount. And so with all of the nearly 450,000,000 silver dollar pieces coined since the first mint was opened—more than a hundred years ago.

It may be remarked, further, that silver dollars have been all along and continuously full legal tender in payment of all debts

and of all amounts the same as gold coins, except that by the revision of 1874 all our silver coins were put into one class—subsidiary—and that, of course, included the dollar piece as well as the others. Its legal-tender function was restored by the Bland-Allison Act four years later, and it has not been disturbed since.

From 1794, when the first silver coins were issued from our mints, until 1873, the silver dollar was not only the unit of value but it was the equal of gold for all monetary purposes under all circumstances and conditions in the United States, and in commerce it was often worth more than gold at the legal ratio. All our contracts were made with that knowledge and understanding. All writers, statesmen, and economists so regarded it, and hence they always referred to our standard money as gold and silver—two bases, one standard. Our banks held gold and silver coins alike as specie reserves. No question was ever raised concerning the disparity of the metals by our merchants and ordinary business men; and when, during the war of the rebellion and for some years afterwards, our Secretaries of the Treasury urged the doctrine of redemption of the Treasury notes, they invariably referred to gold and silver alike as the money of final payment.

Mr. Secretary Chase, in his report dated December 4, 1862, discussing the currency question and recommending the issue of Government notes from time to time in guarded amounts, said, on page 21:

> The Secretary recommends, therefore, no mere paper-money scheme, but, on the contrary, a series of measures looking to a safe and gradual return to gold and silver as the only permanant basis, standard, and measure of values recognized by the Constitution.

Mr. Secretary McCulloch, in his report, December 5, 1865, at page 8, urging immediate preparation by Congress for a resumption of specie payments, said:

> An irredeemable paper currency may be a necessity; but it can scarcely fail, if long continued, to be a calamity to any people. Gold and silver are the only proper measure of value. They have been made so by the tacit agreement of nations, etc.

In the report for 1866, the Secretary (Mr. McCulloch), further urging return to specie payments, said, on page 10:

> Ever since trade commenced between the people of different nations gold and silver have been the only reliable and recognized measure of value and medium of exchanges.

On page 11 he says:

> Nothing but the precious metals is a legal tender.

On pages 12 and 13 he refers to—

> the coin which is obtained in the gold and silver producing districts.

In the same officer's report for 1867, Mr. McCulloch, on page 7, quotes a resolution of Congress approving his recommendation of the preceding year, and he quotes his former report in part. And on pages 9, 10, and 11 he uses the terms "coin," "specie," and "precious metals" as meaning the same thing. On page 11 he writes of "gold and silver" as "the only true measure of value" recognized by "the great international law."

Again, in his report for 1868, the same officer (and the same person) at page 5 takes up the same subject, referring to his former recommendations, and by way of adding to their force he quotes from Daniel Webster a passage in which that eminent lawyer and statesman spoke of "gold and silver" currency being a "constitutional principle."

The arguments and recommendations of the Secretaries of the Treasury bore fruit on March 18, 1869, in "An act to strengthen the public credit," which promises to redeem in "coin" all the notes out and all the bonds except such as are payable in currency other than "gold and silver."

We are very apt, Mr. President, in discussing this subject to overlook the important fact that the act of Congress which authorizes the redemption of our greenbacks and Treasury notes in coin and the payment of our bonded indebtedness in coin particularly specifies that gold and silver coin was meant by the framers of the law.

That in order to remove any doubt as to—

> the purpose of the Government to discharge all just obligations to the public creditors, and to settle conflicting questions and interpretations of the laws by virtue of which such obligations have been contracted, it is hereby provided and declared that the faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or other currency than gold and silver. But none of said interest-bearing obligations not already due shall be redeemed or paid before maturity unless at such time United States notes shall be convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at par in coin. And the United States also solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin.

That is the basis of all subsequent coin legislation so far as it is made applicable to the redemption of notes or the sale of bonds. The refunding act, following the next year, provided for the sale of coin bonds. The resumption act, passed five years later, referring to the bonds authorized by the act of 1870, brings up the same old question.

I have among my papers the language which appears upon the bonds issued under the authority of the refunding act of 1870. The wording of the statute is quoted on the face of the bonds. The language refers specially to the fact that the bond is to be paid in coin of the standard value of our coin in 1870.

The alteration made by the coinage act of 1873, changing the application of the unit from silver to gold, did not have the effect of demonetizing silver any more than the original act of 1792 demonetized gold by applying the unit to silver. There is nothing in the law of 1873 which in any manner affects the legal-tender functions of the silver dollar. Its coinage was stopped by that act, but its office as one of the lawful coins of the country was not in the least degree altered. Every silver dollar then in existence was as good for monetary purposes after the passage of the act as it was before.

NO DEMAND FOR THE ACT OF 1873.

And there was no demand for the coinage legislation of 1873. While gold and silver coin were assumed to be the basis of our money, the truth is we were then, and had been at least twelve years, on a paper basis. No coin had been in circulation during that period. All contracts had been made on the basis of the paper dollar. Banks had suspended specie payment in December, 1861, and from that time forward the only money used among the people was paper. The Government carried on the most expensive war in history without a dollar of coin. All its enormous contract debts were paid in Government notes. The Treasury transactions during the four war years amounted to over four thousand million dollars, and it was all done with paper money, except a mere fraction that was paid in coin by way of interest.

At a conference held in Paris in 1867 the monetary condition of the world, or, more properly speaking, the interests of the great moneyed agencies of the world, were considered, and several American gentlemen of note were present. That conference probably was the first of its kind to give impetus to the movement which in the following six years resulted in the establishment of the gold basis in Germany and the United States, and virtually the same thing in France and the other States of the Latin Union—Belgium, Switzerland, Italy, and Greece.

In this country the subject had not been discussed except among men interested in money as dealers, such as great bankers, brokers, and speculators. The gold corner which brought on the panic of 1873 was inaugurated and managed by men who were interested in establishing a gold basis. The subject had been considered at the Treasury Department, and Secretary Boutwell, who recommended the report of his Comptroller of the Currency, paving the way for unfriendly silver legislation, is, so far as I know, the only participant in that costly proceeding who is proud of the part he played.

There was nothing in the situation which required such legislation, nothing that could excuse the pressing of such a measure at such a time without public discussion before the people. We had long been accustomed to the use of paper money, and the general acquiescence of the people made the time appropriate for a quiet march upon them. While they slept one of their strongest outposts was captured by stealth.

WE ARE A BIMETALLIC PEOPLE.

Mr. President, we have been from the beginning a bimetallic people, supplementing our metal with paper money as our business necessities required. Paragraph 5 of section 8 of Article I of the Constitution of the United States provides that Congress shall have power "to coin money, regulate the value thereof, and of foreign coin." In pursuance of this authority Congress provided early for the coining of money out of gold and silver at a valuation named in the law, and all our subsequent legislation down to 1873 was enacted on the bimetallic basis. All political parties uniformly recognized the law of our monetary system. No party at any time would have dared to advocate a change. The alteration had to be done without the people's knowledge or it could not have been done at all.

Even now, while both of the great political parties practice gold monometallism through their members chosen to administer the laws, the parties in their national and State conventions declare in favor of bimetallism.

The Republican party in the last national platform asserted a well-known fact when declaring that "the American people from tradition and interest favor bimetallism." And the Democratic party declared the same idea. Nobody disputes that proposition. Our history is very clear on that point. But the bimetallism which the American people favor from "tradition and interest" is the bimetallism established by the fathers and continued by their descendants—the dollar to be the unit and its representative coin to be made of 371¼ grains of silver, with multiples made of gold at a proper ratio fixed by United States laws.

Every well-informed person knows that in 1873 silver bullion,

measured by gold coin, was worth 3 per cent more than gold. If the object of the financiers of that day had been to preserve and use the best money, as they now declare to be the safest policy, it would seem that they ought to have let the laws stand as they were; or, if an adjustment was necessary, and they had done as they now insist on doing, they ought to have legislated gold coins up to the silver standard by putting a little more gold in them. What is good doctrine now ought to have been equally good then touching the same matter. If the most valuable metal must be the basis, and if the parity must be attuned to that, then surely a great mistake was made in 1873 by making the cheaper metal the basis. If the modern theory be correct, a great many people were defrauded by putting off on them 97-cent dollars.

Although silver dollars had always been full tender, still, on account of their weight as compared with gold coins, they were not so desirable for making large payments. And it could not reasonably be expected that this relation would be materially altered in the future. Hence farseeing speculators could easily see that, with our national obligations all payable in coin and the great body of our currency being in paper which we had agreed to redeem in coin, if silver could be demonetized it would be a simple matter to get control of the basic money, the dearer metal, gold, and thus more surely control the financial affairs of the country.

And how wisely they calculated. The profits made on the refunding bonds of 1870 have not been less than 25 per cent, or about $450,000,000.

The act of 1873 would alone have accomplished all that was intended and desired by the money changers in their effort to limit the basic money to one metal, and that the dearer one. But Congress took the matter in hand, and early in 1878, in a joint resolution agreed to by a very large majority in each House, declared that gold and silver coin alike were the lawful coin of the United States, and that all our national obligations were payable in either or both of them. It was, however, impossible to pass a free-coinage law. The best that could be done was to compromise on the Bland-Allison Act, and that had to be passed over the President's veto.

A VICIOUS PROVISION.

One vicious provision was incorporated in that law which did not attract any attention at the time, and it has not had the attention its importance justifies at any time. I refer to these words, found in section 3:

> That any holder of the coin authorized by this act may deposit the same with the Treasurer or any assistant treasurer of the United States, in sums not less than $10, and receive therefor certificates of not less than $10 corresponding with the denomination of United States notes. The coin deposited for or representing the certificates shall be retained in the Treasury for the payment of the same on demand. Said certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued.

WHAT FREE COINAGE MEANS.

In order that the intent and purpose of this section may be readily perceived, it must be remembered that the whole act is a scheme to defeat the free-coinage bill originally introduced by Mr. Bland. It is necessary, also, to understand just what free coinage is and how it affects the currency.

Free coinage is clearly expressed in the original mint act, April 2, 1792, section 14, in these words:

> That it shall be lawful for any person or persons to bring to the said mint gold and silver bullion, in order to their being coined; and that the bullion so brought shall be there assayed and coined as speedily as may be after the receipt thereof, and that free of expense to the person or persons by whom the same shall have been brought.

The proceeding is still more tersely and briefly expressed in section 14 of the act of 1837:

> That gold and silver bullion brought to the mint for coinage, shall be received and coined by the proper officers for the benefit of the depositor.

Free and unlimited coinage means the coining without charge of all gold and silver bullion brought to the mint, and delivering the coin to the owner of the bullion as soon as it is coined. It is exactly the same kind of a transaction as taking a grist of wheat or corn to the mill and having it ground into flour or meal, except that the miller exacts toll, while the mint makes no charge.

There is another thing about free coinage that is especially important and must not be overlooked. The owner of bullion takes bullion to the mint and takes coin away with him. It is the owner of the bullion and not the Treasury of the United States that gets the coin. And he wants it because it is coin, something that he can use anywhere and everywhere in the country in the transaction of business and in the forwarding of enterprises in which he wishes to engage. In short, he wants it because it is money. And it is of no benefit to him without use. Its use is circulating among the people, performing the functions of money. It pays for labor, it purchases materials, it pays debts, it stimulates industry, and it infuses life into trade. These coins which have been fashioned from the bullion are charged with the highest and most exalted attributes of sovereignty. They are authorized and empowered to effect exchanges of property and of values among the people, and they are commissioned to cancel pecuniary obligations among citizens. They have a still higher prerogative than this. They may take the place of a specific performance of a contract which one or both parties has been unable to execute according to agreement. From the moment these coins go into the possession of their owner they are that much added to the stock of active money of the country, for their owner got them for that purpose, and he will see to it that they get into active circulation as soon as possible.

But when the Government purchases bullion and piles the coin in the Treasury it does not get into circulation at all. And herein lies one advantage of free coinage to the people. In the latter case the coin goes out at once among them. It is the chief business of its owner to get it into circulation, for it is of no benefit to him until he does. When it lies in treasury vaults it is of no use to any person, unless it is represented by certificates or notes that are out circulating as money. But the certificates do not affect the value of gold unless they are made lawful tender in payment of debts to private creditors.

SILVER CERTIFICATES NOT MONEY.

The Bland-Allison Act provides that the bullion purchased shall be coined into standard dollars, which shall be full legal tender except where otherwise expressly stipulated in the contract. It will be seen that notwithstanding the title of the act, which is "An act to authorize the coinage of the standard silver dollar, and to restore its legal-tender character," in effect in practice the legal-tender character of the coin is not restored; for, by inserting the words "gold coin" in a note or other contract, the law may be nullified and its purpose defeated. However, passing over that point for the present, the act provides that holders of these silver coins may deposit them with the Treasurer or any assistant treasurer of the United States in sums of $10 at a time and receive one ten-dollar certificate for them, and the coins will be held for him subject to his order on surrender of the certificate. This certificate, however, is not money. Its holder can not pay a debt with it unless the creditor is willing to accept it. He can pay taxes due the General Government with it, but not taxes due his own school district, township, county, city or State; nor can he discharge a judgment against him in court with silver certificates. The Government will receive them, but they are not legal tender for any purpose among the people in their business affairs.

This is not all. The coin not going out among the people in the first instance, but into the Treasury where it is under control of the Treasurer, and the certificates being usable to pay customs and Government taxes, importers, brewers, and distillers could use large amounts of them for that purpose quite as well as they could use silver dollars, and they are much more convenient. So, instead of paying out the new coins in the first instance to contractors and public officers, who would always prefer the paper rather than the heavy silver coin, the certificates were prepared in advance, and, as matter of fact, much the greater portion of the coins were not paid out at all to anybody; nor were they, to any considerable extent, ever even offered to be paid, and nobody ever deposited them. It was not intended that they should be paid out, because in that case they would have served the uses of money as well as gold coin and lessened the value of gold accordingly.

With a vast amount of silver coined, it has been so managed that but little of it gets out among the people except the subsidiary pieces. Most of the dollars, which are legal tender, are kept in the Treasury and are represented by silver certificates, which are not legal tender, and therefore are not competitors of gold in the money market; and although there is about $140,000,000 worth of uncovered silver coin and bullion in the Treasury belonging to the Government, it is not paid out in redemption of Government paper, nor for interest on the public debt, nor for any other purpose. Hence, when the bankers of Wall street find business dull in ordinary times, they prey on the people at large by presenting Treasury notes for redemption and receiving gold coin in exchange for them. As soon as gold enough is withdrawn in this way from the Treasury to "destroy confidence," then the Treasury offers bonds for sale, and a syndicate is at hand with the gold ready to pay for the bonds—the same gold that they had just drawn from the Treasury. The notes soon get into circulation again; they are again presented for redemption, gold is paid for them as before, and the gold is again sold back for bonds, and so the work of spoliation goes on. These bonds run many years, bearing interest payable semiannually, all of which, both principal and interest, to be paid in gold, according to the official construction of the laws. And the bonds and coupons are not subject to taxation by any power, domestic or foreign.

This is one of the subjects that the act of 1873 was intended to accomplish. And it has succeeded admirably. In 1869 we promised to pay all our debts with coin; in 1870 we refunded our debt, so as to make sure work of it, and authorized the issuance of $1,500,000,000 in bonds payable in coin. (Next year the amount was increased to $1,800,000,000.) In 1873 we arranged to discontinue the coinage of legal-tender silver, so as to have gold only as

our money of final payment. In 1875 we agreed to resume specie payment and authorized the sale of coin bonds for that purpose if need be. In 1882 the bonds had been worked up to a high premium, and the banks during the next eight years sold bonds and withdrew circulating notes to the amount of near $240,000,000. In 1890 Wall street made its first effective raid on the Treasury, and in 1894 demonstrated its power over the Government and the people of the country by compelling the issue of vast amounts of bonds, without either law or necessity, to buy gold with.

SCHEME TO KEEP SILVER COIN IN THE TREASURY.

The object of putting section 3, which is the last section, in the Bland-Allison Act was to keep as much of the silver coin in the Treasury as possible, letting it be represented among the people by paper certificates that are not legal tender, and thus preserve the ascendency of gold as our full legal-tender money. It matters not to the men who control our finances how much paper money or subsidiary coin is out, so long as they can keep gold the basic coin, the money of final payment. And even though our silver coin be full lawful tender, as long as it lies in the Treasury and is represented by certificates that are not money at all, any more than bank notes are, that long the silver is out of the way for all monetary purposes and gold still has the field.

Another effort to procure a free-coinage law was made in 1890, and another defeat was suffered. The Sherman law provides for the purchase and coinage of silver bullion; but by the insertion of the "parity" clause coinage of the bullion is rendered discretionary; for while the law provides that enough of the bullion shall be coined to redeem the notes that were paid for it, the parity clause was intended as instruction to the Secretary to redeem the notes with gold, an instruction which that officer has sedulously followed. The final act of demonetization which signalized the victory of speculators over the people was consummated by the repeal of the purchasing clause of the Sherman law in 1893, to the national disgrace and at a cost already of nearly $165,000,000 of interest-bearing bonds, running from ten to thirty years. And now the Government and people of the United States are at the mercy of a syndicate of gold speculators in New York and London.

NOT COIN ENOUGH IN THE WORLD.

There is not coin enough in the world to transact the ordinary business of the people, and in our own country we are now buying gold to maintain a coin basis for our monetary system.

WE NEED COIN TO PAY OUR COIN OBLIGATIONS.

We shall need a great deal more coin than we now have or can procure unless we go into our mines and dig the metal there to manufacture the coin out of. We have an immense outstanding indebtedness that we have promised to pay in coin, and this obligation must be provided for if we do not wish to play Micawber and pay our debts with new notes.

The total amount of bonds authorized by the refunding act of July 14, 1870, as amended by the act of January 20, 1871, was $1,800,000,000, $500,000,000 redeemable in ten years, $300,000,000 in fifteen years, $1,000,000,000 in thirty years. All of them have been redeemed except about $25,000,000 of the fifteen-year issue and nearly $600,000,000 of the thirty-year issue. In 1894 and 1895 three separate issues were made, two of them redeemable in ten years and one in thirty years, all redeemable in coin, according to the terms of the refunding act of 1870.

AMOUNT OF OUR BONDED DEBT.

Our bonded debt now amounts to nearly $750,000,000, made up of these items:

Payable at any time	$25,364,500
Payable July 1, 1907	559,595,300
Payable February 1, 1904	100,000,000
Payable ——–, 1925	62,317,500
	747,277,300

Here is a sum equal to one-fourth of the national debt at the close of the late war, and we have no gold that we can rely upon to pay this debt as long as the present policy of the Treasury is continued. Within a period of little over twelve months we sold more than $162,000,000 worth of bonds for gold—not to pay debts with, for no debts were then due that we did not have gold enough to pay, but to defray current expenses of the Government.

Nearly six months were required and allowed on the last of these bond transactions to collect and deliver the gold, only about 25 per cent of it coming from abroad, and we have now in the Treasury less than one-third of the year's purchases.

At this rate we shall be bonding ourselves at the rate of $162,000,000 a year and never have more than $100,000,000 on hand. Where is the gold to come from to pay this $747,000,000 as it becomes due? It can not be procured at all in all probability. Our only resource will then be to refund the debt and mortgage the country for another fifty or a hundred years, and that is just what the gold syndicate is working for. So long as they can levy tribute on the labor of the people and feel sure that it will be collected at the cannon's mouth if need be, they can "laugh and grow fat," while the country lies prostrate at their feet.

But this is not all. By the credit-strengthening act of March 18, 1869, we promised to pay our Government notes in coin. The greenbacks now out amount to $346,681,016; and under the provisions of the Sherman Act of July 14, 1890, there have been issued and are now out $143,666,280, a total for both classes of notes of $490,347,296. This amount—nearly $500,000,000—is redeemable on demand in coin. If the people could have their way, these notes would never be presented for redemption; they would remain in active circulation until they were worn out and would then be replaced by new notes. But the people do not have their way. The speculators are in the saddle, and if we may judge by their conduct during the past two or three years, these notes will be presented for redemption fast enough to keep the brokers in profitable employment.

Thursday, January 16, 1896.

TREASURY MUST BE PROTECTED AGAINST MARAUDERS.

Mr. PEFFER. Mr. President, yesterday when I was interrupted by the Senate going into executive session, I was discussing the proposition that we need more coin with which to pay our coin obligations, and was giving that as one reason why I am in favor of and insist upon the coinage of silver upon equal terms with gold. Having reached that point, I continue that under existing conditions, if we would protect the Treasury against these marauders we must follow one or the other of two lines of policy with respect to the Government notes. We must either take them in at once, and we can do that only by funding them in coin bonds, for we have no gold to pay them with, or we must sell bonds to purchase gold enough to not only redeem the notes as fast as they are presented, but also to keep up a successful contest with the combined financial agencies of the great trade centers of the world. In either case we are at the mercy of the most dangerous and the most powerful combination of men on earth. Without changing our financial methods and our monetary system we shall never again be a free people. We shall always be subject to the rule of the money power.

But even when we do make this needful change, if the work were to be done to-morrow, here is this existing coin debt facing us, and that must be paid in good faith, according to the contract, in coin.

Bonds running ten to thirty years, amounting to $747,277,300; notes payable on demand and to be reissued and kept in circulation, to be again redeemed and again reissued, and so on interminably—$490,347,296 of them. Bonds and notes, total debt, $1,237,624,596, all payable in coin of silver and gold, and our stock on hand is utterly inadequate.

COIN OF THE PRESENT STANDARD VALUE—1870.

All our outstanding bonds were issued under or subject to the provisions of the refunding act of July 14, 1870. That provides that the bonds therein authorized shall be "redeemable in coin of the present standard value." The language of the law is:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to issue, in a sum or sums not exceeding in the aggregate $300,000,000, coupon or registered bonds of the United States, in such form as he may prescribe, and of denominations of $50 or some multiple of that sum, redeemable in coin of the present standard value, etc.

The act provides for $1,500,000,000 of bonds in all, and the next year the amount was increased by $300,000,000, all payable in "coin of the present standard value."

I have here a copy of the reading matter placed on a one-thousand-dollar bond that was issued under the provisions of the refunding act of 1870. I addressed a letter to the Secretary of the Treasury asking for this matter. My letter was referred to the Treasurer, and through him to the Register, and I have here this certificate:

TREASURY DEPARTMENT, OFFICE OF THE REGISTER,
Washington, D. C., January 4, 1896.

SIR: Your letter of the 27th of December, 1895, addressed to the Treasurer of the United States, having been referred to this office by the honorable Secretary of the Treasury, I have the honor, in compliance with your request, of transmitting herewith "a certified copy of the reading matter appearing on the face and on the back of a United States bond issued under provisions of the refunding act of 1870."

You will observe I have copied the text of a $1,000 bond. The only difference to be found between this text and that of other denominations of the same loan, lies in a change of the wording relative to the denomination of the bond. That is to say, on a $100 bond the words "one hundred dollars" would appear wherever the words "one thousand dollars" appear in the copy submitted.

Respectfully, yours, J. F. TILLMAN, *Register.*

Hon. W. A. PEFFER,
United States Senate.

[FACE OF BOND.]

1877 FOUR PER CENT CONSOLS 1907 M

OF THE UNITED STATES.

PICTURE OF LINCOLN. 4 PICTURE OF UNITED STATES TREASURY. 4

Principal and interest payable in coin ONE M THOUSAND At the Treasury of the United States.

Washington, July 1st, 1877.

THE UNITED STATES OF AMERICA

(.....) (.....)

.....

Are indebted to.....or assigns

In the sum of

ONE THOUSAND DOLLARS.

This bond is issued in accordance with the provisions of an act of Congress entitled "An act to authorize the refunding of the national debt, approved July 14, 1870," amended by an act approved January 20, 1871, and is redeemable at the pleasure of the United States, after the first day of July, A. D. 1907, in coin of the standard value of the United States, on said July 14, 1870, with interest, in such coin, from the day of the date hereof, at the rate of four per centum per annum, payable quarterly, on the first day of October, January, April, and July in each year. The principal and interest are exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form, by or under State, municipal, or local authority.

Date of issue.....

Transferable on the books of this office.

Entered.....Recorded.....

Seal of Treas'y Dept.

.....
Register of the Treasury,

Act of July 14th, 1870.

What does that language mean? What was the coin of the country at that time and what was its standard value? It must be remembered that this law was enacted nearly three years before the act of 1873, which dropped the silver dollar out of the list of coins and changed the coin representing the unit of value from silver to gold. At the time the refunding act was passed, requiring the bonds to be paid in coin of the "present standard value," then and for eighty years prior thereto the lawful coin of the United States, and of Germany and France, of Belgium, Switzerland, Italy, and Greece, was silver and gold, and silver alone had been the monetary basis of more than two-thirds of all the people on earth during many centuries before. At the time the refunding act was passed every one of the leading nations, except only Great Britain, used gold and silver as their basic money metals. It was not until a year afterwards that Germany changed from silver to the gold basis, and not until some years later that France, Belgium, Switzerland, Italy, and Greece, constituting the Latin Union, discontinued the free coinage of standard silver coin.

In 1870, then, when we agreed and promised by solemn act of Congress that we would fund our public debt in bonds running ten, fifteen, and thirty years, redeemable, principal and interest, in "coin of the present standard value," the lawful coin—the legal-tender coin—not only of the United States, but, as I have just stated, of all the great nations except Great Britain only, was coin made of gold and silver. No steps had been taken at that time by any government to demonetize silver. What Great Britain had done was done more than fifty years before that time.

In order to provide means to pay what we have promised to pay, and in coin, according to the contract, and to avoid the further enslavement of the people through our inability to pay in gold coin, we must have silver coin to meet the demands as they fall due.

SILVER COINAGE IS NOT REPUDIATION.

Do you say this is repudiation? I answer it is not only not repudiation, but it is just what everybody knows we agreed to do, what our creditors contracted for, and what our legal and moral obligations require us to do.

"Sound money" advocates seem to have forgotten what the contract is. They utterly ignore the law and flaunt in our faces a false and fraudulent statement, proclaiming, "This is the contract! This is the contract!" This false and fraudulent misrepresentation is that our contract was and is that we shall pay our debts with gold coin.

Let us examine this matter carefully. The people are honest; they want to abide by their contracts, and they expect their public agents to deal fairly with them.

In the first place, our present national obligations to pay money arose out of indebtedness incurred during the great war beginning in 1861. Nearly all of that vast indebtedness was payable in paper; only the interest on bonds and notes was to be paid in coin. In 1869, in the act to strengthen the public credit, we voluntarily assumed to pay, "in coin or its equivalent," all the obligations of the United States not bearing interest, known as United States notes, and all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligation had expressly provided that the same might be paid in lawful money or "other currency than gold and silver."

That was in 1869, March 18. Is it not perfectly plain and easily understood, from the language used, that both gold and silver were then included in the word "coin"? We agreed to pay in coin or its equivalent all our interest-bearing obligations—

except in cases where the law authorizing their issue expressly provided that they may be paid in currency other than gold and silver.

Could language be more plain? We promised to pay in coin every bond and interest-bearing note, excepting such as were payable in something else than "gold and silver." These are the words of the statute.

That much, then, is clear, that the coin we promised to pay included, and was intended to include, both gold coin and silver coin. And that is what was urged annually by the Secretaries of the Treasury during all the years of the war when we were daily issuing large amounts of paper money and bonds. Let me repeat the words of the law. The refunding act of July 14, 1870, begins with these words:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to issue, in a sum or sums not exceeding in the aggregate $300,000,000, coupon or registered bonds of the United States, in such form as he may prescribe, and of denominations of $50, or some multiple of that sum, redeemable in coin of the present standard value, etc.

At that time the coin of the United States was the same in all respects that it had been for nearly eighty years, except that in 1834 the weight of the gold coins had been reduced 6 per cent, and as to the silver coins the only changes were that of 1837, diminishing the amount of alloy, and that of 1853, reducing the legal-tender function of coins less than the dollar to payments of $5. So far as the weight of pure silver in the dollar is concerned, that has never been altered—not even to this day. Our legal coin when the acts of 1869 and 1870 were approved was the same as it had been seventy-five years as to silver and thirty-five years as to gold. During all of that time any debt of any amount was payable in either silver coin or gold coin or both, as the debtor chose, and when we said in the law of July 14, 1870, that the Secretary of the Treasury should issue bonds to refund the national debt and that we would pay the bonds "in coin of the present standard value" we simply agreed to pay in the coin which was our lawful tender coin at that time. The law of 1834 put the value of the gold piece of 258 grains at $10, while the law of 1792 had put the value of the dollar or unit at the same as that of the "Spanish milled dollar" then current, and at those values and proportions gold coins and silver dollars were made a lawful tender in payment of debts of any and all amounts.

It is clear, then, that we may, at our option, pay all our national interest-bearing obligations in gold coin or silver coin or either, for we have no such obligations outstanding except such as were issued under the provisions of the refunding act of 1870. The late issues are conceded on all hands to be governed by that act, if there is any authority for their issue.

OFFICIAL INTERPRETATION OF THE WORDS "COIN OF THE PRESENT STANDARD VALUE."

It seems strange that there can be now, or that there ever should have been, any question on this point. But because there seems to be now some doubt about it, I have dwelt upon the subject more at length than it would otherwise warrant. And I have not done with it. There is some official interpretation of the language and some authoritative construction of the law relating to the subject.

The present senior Senator from Ohio [Mr. SHERMAN], when he was Secretary of the Treasury, raised the point, and asked the opinion of the Attorney-General of the United States as to whether the coinage act of 1873 in any way affected the terms of our contract to pay the bonds in coin. I read his letter:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., April 21, 1877.

SIR: I beg leave to call your attention to, and ask your opinion upon, the following questions growing out of the refunding act of July 14, 1870, to wit: Can I stipulate in the body of the 4 per cent bonds about to be issued that they shall be redeemable in coin of the present standard value—that is, the standard value at the date of their issue, or must it be the date of the law?

I submit a statement, prepared by the Hon. H. M. French, Assistant Secretary, having reference to the laws.

It may become important to the public interests to make the new bonds payable in coin of the present standard—that is, gold coin. Some doubts have been expressed upon whether previous bonds issued under acts passed prior to 1873 are not legally payable in silver coin. This question may become important, as any doubt upon the legal terms of a public security affects its value.

Very respectfully,

JOHN SHERMAN, *Secretary.*

Hon. CHARLES DEVENS,
Attorney-General.

In answer, the Attorney-General wrote this letter:

DEPARTMENT OF JUSTICE, *Washington, April 26, 1877.*

SIR: In answer to your letter of the 21st instant requesting my opinion upon the following question growing out of the refunding act of July 14, 1870, to wit, "Can I stipulate in the body of the 4 per cent bonds about to be issued that they shall be redeemable in coin of the present value, that is, the standard value at the date of their issue, or must it be the date of the law?" I have the honor to reply:

The act provides for the issue of bonds "redeemable in coin of the present standard value." The word "present" undoubtedly refers as a matter of date to the time when the act was passed, and not to the time when the bonds were thereafter issued. It contemplated that a long period would elapse before it would finally be carried into effect, and that changes in the coinage of the country might occur during that period.

Whatever changes in the coinage should occur, these bonds, were, however, to be redeemed in coin of the standard value as it existed at the date of the act. By this provision the holder was guarded against any depreciation that might take place in the value of the coin, and the Government would not be compelled to pay the additional value should the coinage be appreciated. All the bonds issued under the act were to stand alike, no matter what was the date when such bonds were issued. Each was to be redeemable in coin which was included in the authorized coinage of the country at the date referred to, it being of the standard value as it then existed. Since the law was passed no change has taken place in the standard value of the coin. It is understood that there has been a certain change in the coinage of the country, and that silver dollars have now ceased to exist practically as coin.

It has been further provided by the statute of February 12, 1873 (Revised Statutes, sections 3585, 3586), that "the silver coins of the United States shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment."

Notwithstanding this practical change in the coinage of the country and the passage of this act in regard to legal tenders, the form of bond to be issued by you should not be changed so far as the mode in which it is to be redeemed is concerned. It was not intended that this should be varied according to the changes which might be made in the coinage, because a definite rule was given by reference to the coin of a particular date. That which will pay the bonds heretofore issued under this act will pay the bonds which you may hereafter issue.

It can not be authoritatively said that the words "payable in coin" or "payable in gold" are equivalent to the words used by the statute. Even if this leaves open for discussion the question whether bonds issued under this act are or are not redeemable in silver coin of the character and standard which existed July 14, 1870, it is not a doubt which it is in your power to remedy by the use of words in the bond other than those which this statute provides.

While I comprehend the difficulty suggested in your letter and the convenience that there might be in removing any question upon this matter, I am, therefore, of opinion that it would not be safe to issue the bonds, except as redeemable in coin of the standard value of July 14, 1870.

Very respectfully, your obedient servant,

CHAS. DEVENS, *Attorney-General.*

Hon. JOHN SHERMAN,
Secretary of the Treasury.

This correspondence took place during April, 1877. Mr. Secretary Sherman, seeing that the law officer of the Government construed coin the same as it had always been construed in the United States, and desiring to make the bonds more salable by making them a more desirable investment for men who make a business of lending money in large amounts, asked Congress to authorize him to make the bonds redeemable in gold coin. The request is in the form of a recommendation in his report under date December 3, 1877, in these words:

If, therefore, the public interests demand the issue of silver dollars—a subject hereafter discussed—it is respectfully submitted to Congress that an express exception be made requiring that gold coin alone shall be paid for principal or interest on bonds issued to public creditors since February 12, 1873, the amount of which is $502,990,700. These bonds have entered into the markets of the world. If the market value of the silver in the new coin is less than the gold dollar, a forced payment in the new coin is a repudiation of a part of this debt.

The point that was suggested by the then Secretary of the Treasury, Mr. Sherman, was that in case at the time the bonds were to be paid the amount of silver in the silver dollar should be of less value than its coin value, and creditors were forced to take it, it would be to that extent the repudiation of the debt.

Congress did not act on this recommendation. One would suppose this fact to be notice, if any were necessary, to the officials of the United States that Congress did not agree with the Secretary in his interpretation of the case, whether upon the law or the facts. Congress did not see that either the law or the equities required any readjustment. Congress knew, as all men knew, that the bondholders had taken very good care of themselves already, and had in 1870 provided for full, and more than full, payment by the passage of the provision for payment in coin of either metal.

Quoting from page 260 of Senator JONES's admirable speech of 1893—

People who buy bonds do not buy them from altruistic motives. They buy them for their own profit and advantage. They buy bonds of the United States as they buy all bonds, only after careful scrutiny of the terms on the face of the bonds, and of the laws by authority of which these bonds have been issued—

And I have read the words printed on the face of the bonds—

They look sharply to the figures which show the dates of payment of principal and interest, but above all, and rising beyond all other considerations, they look to the medium, or as they term it, the standard in which the payment is, by the terms of the bond, to be made.

To suppose that such a feature is neglected would be to suppose that public creditors, the keenest of men, had lost their cunning. Every bond ever issued has, in plain terms, stated on its face the authority for its existence. It contains a clear citation of the law or laws which constitute the reason for its being. These laws are open to public inspection. No class of persons better than public creditors so well understand the limitations which the laws of all civilized nations place upon the functions of executive officers with respect to issuing bonds or incurring debts or obligations on behalf of their country. They know that the duties of those officers in connection with loans are specified in the laws by which the loans are authorized to be effected. Hence these loans are examined as with a mental microscope to see that no doubt exists as to the authority of the officer who executes the securities, and as to all other particulars concerning payment of the obligation. If they did not observe on the bond the plain printed statement that it was payable in the standard coin of the United States of July 14, 1870, they must have been blind indeed.

I have never heard a denial by anyone having knowledge of the legislation under which the bonds were issued that it is the legal right of the United States to pay those bonds in either gold or silver coin. It is said that at the time of the negotiation of the bonds silver money was out of use in this country. The sufficient answer to that is that gold was equally out of use. It is said that the bonds were sold to citizens or subjects of countries in which silver was not recognized as money. This was certainly not true of Germany, in which country early and considerable sales were made.

Germany was on the silver standard until December, 1871, and had considerable silver in its coin for a long time after that. Besides, our bonds were not, either by their terms or by implication, payable in foreign countries or in the money of those countries. They were payable within the United States, and it was distinctly affirmed on their face that they were payable in dollars of the United States.

While Congress took no action on the recommendation of Mr. Secretary Sherman, it did take action of its own motion. In order to place the matter beyond possibility of doubt or peradventure, this whole question as to whether the bonds of the United States were lawfully payable in either gold or silver at the option of the United States was thoroughly discussed by the representatives of the people in both Houses of Congress in 1878, prior to the passage of the silver-purchase law of that year. On the 16th of January, 1878, the Hon. Stanley Matthews, then a Senator from the State of Ohio, in view of the claims of the bondholders and their representatives in Congress that the bonds were legally payable in gold alone, submitted to the Senate a concurrent resolution designed to call forth the views of the members of the House and Senate nine years after the passage of the act of March 18, 1869. That was time enough for second thought. The preamble of the resolution recites the condition of existing laws relating to the payment of United States bonds. I read it just as it was presented:

Whereas by an act entitled "An act to strengthen the public credit," approved March 18, 1869, it was provided and declared that the faith of the United States was thereby solemnly pledged to the payment in coin or its equivalent of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of such obligations had previously provided that the same might be paid in lawful money or other currency than gold or silver; and

Whereas all the bonds of the United States authorized to be issued by the act entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, by the terms of said act were declared to be redeemable in coin of the then present standard value, bearing interest payable semi-annually in such coin; and

Whereas all bonds of the United States authorized to be issued under an act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, are required to be of the description of bonds of the United States described in the said act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt"; and

Whereas at the date of the passage of the said act of Congress last aforesaid, to wit, the 14th day of July, 1870, the coin of the United States of standard value of that date included silver dollars of the weight of 412½ grains each, declared by the act approved January 18, 1837, entitled "An act supplementary to the act entitled 'An act establishing a mint and regulating the coins of the United States,'" to be a legal tender of payment, according to their nominal value, for any sums whatever: Therefore,

Be it resolved by the Senate (the House of Representatives concurring therein), That all the bonds of the United States issued or authorized to be issued under the said acts of Congress hereinbefore recited are payable, principal and interest, at the option of the Government of the United States, in silver dollars of the coinage of the United States, containing 412½ grains each of standard silver; and that to restore to its coinage such silver coins as a legal tender in payment of said bonds, principal and interest, is not in violation of the public faith nor in derogation of the rights of the public creditor.

An effort was made by Senator Edmunds, of Vermont, to have the resolution modified in favor of gold payments when demanded by the creditor, but the amendment was voted down—yeas 18, nays 48—and the resolution passed the Senate by a large majority. It was at once sent to the House, where in like manner similar amendments were defeated, and the original resolution passed by 189 yeas to 79 nays.

It surely must be clear now that "coin" in the United States in 1870, when the refunding act was passed, meant and was universally understood to mean just what it always had meant since the formation of the Government, namely, gold and silver in coin.

It is equally clear that the coin which we promised in 1869 to redeem the greenbacks with was the same gold and silver coin. Hence, if we do pay or redeem in that kind of coin we shall have faithfully and honestly complied with our promise.

THE WORD "DOLLAR" HAS A WELL-UNDERSTOOD MEANING.

The objection that this amounts to repudiation is not well taken, for there is nothing in the contract or in the intention of the parties to it that makes us insure our creditors against a fall in the

market value of gold or silver bullion. The word dollar in monetary language has a well-understood meaning. The law says that a certain amount in weight of pure gold or of pure silver, when fashioned in certain ways, shall be regarded as the representative of a dollar, and that it shall be lawful tender for that amount in payment of all debts to any amount whatever. That is the value of the full-weight coin; it is less in proportion when the coin is not full weight. But as long as it is coin it is lawful money to the extent of its weight at the legal proportion in its own country. It is always valued at its coin value in the money market except in foreign countries. There it is nothing but bullion. Light-weight coin is not thrown away as bullion but passes as coin, and is valued according to the standard weight of coin. For example, if a gold eagle is found to be 2 per cent light, it would pass at $9.80, even though gold bullion might be above the par of coin. So, if a silver dollar be 2 per cent light, it would pass at 98 cents, though silver bullion might be 25 per cent or 50 per cent below the par of coin.

STATES PROHIBITED FROM COINING MONEY.

Coin has a legal value. The Constitution of the United States authorizes Congress to "coin money and regulate the value thereof," and it prohibits the several States from coining money and from making "anything but gold and silver coin a tender in payment of debts."

Coin authorized and valued by Congress may and does circulate in every State in the Union, and has done so from the beginning. No State could prohibit such circulation. Coin is made of both gold bullion and silver bullion, and as coin it is a tender everywhere within the territory and jurisdiction of the United States; but no State can make gold bullion or silver bullion a lawful tender. It is coin, not bullion, that is money. This does not deprive Congress of authority and power to coin money out of any substance other than gold and silver; but it does wholly prevent the States from coining money out of any substance whatever, and also prevents them from making anything but coin made of gold and silver a tender in payment of debts.

BULLION A MARKETABLE COMMODITY.

And every student of finance knows that bullion of the precious metals has always been a marketable commodity, subject to fluctuations the same as other articles of commerce. These metals having long been used for monetary purposes in commerce, in order to insure greater steadiness in the monetary value of the coins, the laws of different countries have provided for the making of metallic coins of certain weights and dimension, giving to each a certain legal value expressed in a unit that the people understand, and in multiples or subdivisions of the unit. For centuries the people of Great Britain were accustomed to use the words "pound," "shilling," "pence," and "farthing" in estimating or counting or recording values. The "pound" was their unit. Silver had been their principal money metal, and a pound of it had a well-understood value when exchanging it for other articles. In 1816 that nation changed from a silver to a gold basis and a new arrangement of values became necessary. The latest announcement in that respect was made in 1844, when the laws concerning the Bank of England were revised and amended. By the provisions of that act the bank is required to pay £3 17s. 9d. per ounce troy for all the fine (pure) gold that may be presented. The gold is coined into pieces known as sovereigns, because a representation of the sovereign's head is impressed upon it. It is made of 123.5 grains of pure gold, and always passes at the legal valuation of what in our money is equal to $4.866. Fluctuations in market price of gold bullion are set off by a rise or fall in the rate of discount at the Bank of England. It must be remembered that coin is only bullion in every country except that to which it belongs.

So, in the United States gold coins and silver coins at certain weights of pure metal are given certain legal values estimated in the unit (dollar), which has always had a well-understood meaning and value among the people. And that value is retained in all our dealings with one another, without regard to the market value of bullion, though our coin is weighed and valued as so much bullion of equal fineness when it is used in foreign countries.

MONEY TAKES THE PLACE OF BARTER.

It is quite necessary that a legal value be given to money. It is the law only which gives it its value as money. If men were required to buy and sell exchange the same as they do corn and potatoes, our trade would be but the barter of 3,000 years ago, and we should have a hard time of it in transacting business according to modern methods. Money relieves us of all that trouble. That is what it is made for. When a citizen sees the Government coin or paper he knows what it represents without further ado. He values his cow at $25, and he receives twenty-five dollar coins, or five five-dollar coins in exchange, and the trade is passed. He does not have to "weigh" out the money as Abraham did when he bought a burial place for Sarah.

Money is used in place of the old and cumbrous barter of the long ago; and the only way we can do this successfully is to affix values in terms that all understand to certain tokens or coins fashioned so that their genuineness is known and recognized by everybody. These coins pass at that value, no matter what the market value of metal is.

WHAT AN HONEST PAYMENT IS.

Without stopping now to discuss what constitutes an honest dollar, it may be safely assumed that what is fair and just between man and man is not dishonest. If I promise to pay to Grover Cleveland a bushel of wheat at a certain time, he and everybody else knows just what he has a right to expect. The law has predetermined what a bushel of wheat is. Ordinarily I might take a bushel measure full of the grain and deliver that, but Mr. Cleveland is entitled to know that the wheat is of standard weight and quality. Hence if I deliver to him 60 pounds of good, merchantable wheat the debt is paid, honorably and honestly paid. And this is true, even though during the interval between the time of promise and the time of payment the market price of wheat has fallen or risen.

So it is with our metallic dollars. Paul promises to pay Peter one dollar at a certain time. The law has provided that a dollar may be made of silver in a coin of a certain weight and quality. Metallic money always goes by weight. As shown by sections of laws to which I have made reference, our legal-tender coins when of full weight shall pass at their full legal value, and for proportional amounts when worn by abrasion so as to be below the lawful standard of weight. There is nothing in the law now, and there never has been anything in the law, which requires or authorizes any deduction from the face value of a coin because of any changes or fluctuations in the market price of bullion. So, the law having determined that 412½ grains of standard silver, when fashioned in a coin of particular dimensions and with certain devices on it, shall be a dollar and lawful tender for any and all debts and amounts, if Paul delivers a dollar of that kind to Peter on the day named in the contract, he has paid the debt honorably and honestly.

This proposition is surely self-evident. And, as in the case of wheat, it matters not that the market price of silver bullion has fallen or risen in the meantime. A case in point is that of the gold coins made under the act of 1834, which were 6 per cent lighter than those that had been coined under the act of 1792. These lighter coins paid debts the same as the heavier coins had done and continued to do, for the law provided that both weights, as long as the heavier ones remained in circulation, should be lawful money and legal tender.

There is nothing, then, in the cry that coins of standard weight and fineness are dishonest money simply because bullion has fallen in the market.

THE COPPERHEAD IN POLITICS.

But it is said the parity between the metals must be maintained. A new kind of bimetallism has become popular in certain quarters lately; and with this coming, it may be mentioned that a new kind of politician has come. He may properly be called the "copperhead" in modern politics. We all remember that during the great war, in the Northern and Eastern portion of the country there was a considerable class of men who gave us some trouble in the rear. They manifested their most earnest and continuous sympathy with the people who were in rebellion against the authority of the Government, at the same time pretending to be friendly with those of us who were waging war in order to suppress the rebellion aforesaid. We gave them the name of "copperheads." These modern bimetallists are of exactly the same class with reference to this almost universal demand of the common people of the country that we have the old coinage law of 1837 restored to us. They are giving all their encouragement and all their sympathy and all their votes to our enemies, while they are pretending to be friendly with us.

The Republican party defines bimetallism in this way:

The American people from tradition and interest favor bimetallism, and the Republican party demands the use of both gold and silver as standard money, with restrictions, and under such provisions, to be determined by legislation, as will secure the maintenance of the parity of value of the two metals, so that the purchasing and debt-paying power of the dollar, whether of silver, gold, or paper, shall be at all times equal. The interests of the producers of the country, its farmers, and its workingmen, demand that every dollar, paper or coin, issued by the Government shall be as good as any other. We commend the wise and patriotic steps already taken by our Government to secure an international conference to adopt such measures as will insure a parity of value between gold and silver for use as money throughout the world.

The party does not demand that the act of 1873 be repealed and that the former coinage laws be restored; nor does it encourage the belief that it is not wholly given over to the doctrine of gold monometallism as advocated by the British gold mongers.

The Democratic party favors the same sort of bimetallism that its great adversary declares for, as will be seen by its last official utterance:

We hold to the use of both gold and silver as the standard money of the

country, and to the coinage of both gold and silver, without discrimination against either metal or charge for mintage, but the dollar unit of coinage of both metals must be of equal intrinsic and exchangeable value or be adjusted through international agreement, or by such safeguards of legislation as shall insure the maintenance of the parity of the two metals and the equal power of every dollar at all times in the markets and in payment of debt; and we demand that all paper currency shall be kept at par with and redeemable in such coin. We insist upon this policy as especially necessary for the protection of the farmers and laboring classes, the first and most defenseless victims of unstable money and a fluctuating currency.

And in order to leave no doubt concerning the good faith of the party touching this matter, the party platform was attached to the law repealing the purchasing clause of the Sherman law. Two-thirds of the Republicans of the Senate and House voted for this declaration of policy. It is only a more verbose way of putting the words that gave to the act of 1890 the title of "Sherman law." Those words declared it to be—

the established policy of the United States to maintain the parity between the two metals—

and they were incorporated in the act of 1890 at the suggestion of the senior Senator from Ohio [Mr. SHERMAN], with the intent and purpose that the notes should be redeemed, not with silver coin, but with gold coin. And that distinguished gentleman still holds to the view thus covertly incorporated in the act which bears his name. In a newspaper report of his remarks at the Zanesville convention last summer I find these words:

I believe that the policy of the United States adopted in 1853, of coining fractional silver coins in limited quantities from silver bullion purchased at market price and making them legal tender for small sums, is the only way to preserve the parity of gold and silver coins at a fixed ratio. This is properly called bimetallic money.

Nothing could be plainer than that—certainly not the Republican platform. The distinguished Senator has been at the head of his party for many, many years, so far as all questions relating to finance are concerned; and this is the way the veteran legislator and the honored Republican defines bimetallism:

I believe that the policy of the United States adopted in 1853 is the best way to preserve the parity between the metals.

And he repeated this opinion when his attention was called to some criticisms of his speech by the Senator from New York [Mr. HILL]. In reply he said:

At all the conventions in Ohio we have declared we are in favor of the use of both gold and silver, maintained at par with each other. To the extent that we can maintain the silver at par with gold we coin it at the present ratio.

Under the old laws we made the parity between the two metals hinge on the silver basis. Silver was made the unit; silver was the basis; silver was the standard; and the gold coin had to be brought to correspond with the silver.

PARITY COVERS A MULTITUDE OF SINS.

Mr. President, that little word "parity," used in this connection, like charity, covers a multitude of sins. It is a cloak for hypocrisy; it is a shield for ignorance; it is an excuse for fraud, deceit, and plunder.

Note the language of the party platform of 1892 and of the law of 1893. I read the deceitful attachment to the law repealing the purchase clause of the Sherman Act:

And it is hereby further declared that the efforts of the Government should be steadily directed to the establishment of such a safe system of bimetallism as will maintain at all times the equal power of every dollar coined or issued by the United States in the markets and in the payment of debts.

That is intended to convey the thought that the framers of the law desired to pledge the Government to see that paper dollars and silver dollars shall be quite as good as gold dollars for all purposes; and it is intended, further, to convey the impression that the friends of that bill—the "sound-money men," as they are pleased to call themselves—desire that all our dollars shall be alike valuable and have at all times equal power in the markets and in the payment of debts; yet if Senators will turn to the proceedings of the Senate when I proposed an amendment to make good this party declaration by giving the legal-tender function to each and all our dollars—gold, silver, and paper alike—I could not procure friends enough for my amendment to get a yea-and-nay vote on it, and my bill, introduced for a like purpose, was reported adversely. The bill was S. 1178, Fifty-third Congress, second session, and entitled "A bill to regulate the value of certain coins and pieces of money; to give to all sorts of current money equal qualities of legal tender, and to prohibit and prevent discriminations in favor of gold coin or bullion as money." And notwithstanding the noise and clamor that has been made since that time by the sound-money people, I submit now in this presence that among the members of the Senate who rank themselves as sound-money men, not one of them would vote for such a law as was proposed in that amendment. If there is such a Senator present it will afford me much pleasure to give him an opportunity to assert the fact here and now.

And as to the word "parity," it is not parity that the sound-money people want. They care nothing about maintaining the parity between the metals. What they want is to maintain our monetary system on a gold basis, and to keep and maintain gold as the money and the only money of redemption and final payment. They are not willing that silver shall be restored to its old place beside gold unless the gold-using nations shall agree to it. This is a subterfuge; or, if the language be more elegant, I will borrow words from the Democratic national platform, and say it is a "cowardly makeshift," intended to deceive the people. They tell us that parity can only be maintained by preserving the equal market value of the metals, as we would keep the market prices of wheat and corn the same continuously and forever. They say supply and demand regulates such matters, and that inasmuch as supply and demand are constantly varying it will be impossible to maintain the parity without legislation, and this legislation must be international. They also tell us that value can not be legislated into anything. Their champions say that gold has a certain fixed value given by the Great Creator, who intended that it should be used for money; that it was created for that special purpose; that it is the only article that was so made; but even though none but the Creator can put intrinsic value to any definite amount in any given article, still an international agreement, they insist, will add 100 per cent of intrinsic value to silver.

All this, however, is to maintain the parity. That is to say, all the parity work is to be done on silver. Gold is full of permanent intrinsic value; it was so ordained by almighty power, and there is no need to meddle with the gold basis. It is silver that must be doctored and made over by an agreement among the money changers of foreign nations. Why do they not do as our fathers did sixty years ago—change the gold coins to the silver basis?

SILVER THE BASIC MONEY OF THE WORLD TILL LATELY.

It would seem that a great many people have not yet learned that silver was the basic money of the world ever since the dawn of history until 1873, with the exception of Great Britain, that changed her basis in 1816, and Portugal later. I am not quite sure but that for a brief period Rome maintained a monetary system based on gold alone. But speaking generally, silver has been the world's basic money until within twenty-five years last past, and now there is more silver than gold used for money among the nations.

I submit a table showing the amount of gold and silver estimated to have been in use in 1891, and there has been but little change since:

Total gold and silver used as money of the world, in form of coin and bullion, and amount per capita.

Mr. Leech, Director of the United States Mint, prepared for the Congressional Committee on Coinage a series of tables showing the estimated and officially reported amounts of gold, silver, and paper in circulation as money in different parts of the world. The following table comprises the portions of the statement in reference to gold and silver:

SPECIE.

Country.	Gold.	Silver.
United States	$702,018,869	$482,071,346
United Kingdom	550,000,000	100,000,000
France	900,000,000	700,000,000
Germany	500,000,000	145,000,000
Belgium	65,000,000	55,000,000
Italy	140,000,000	60,000,000
Switzerland	15,000,000	15,000,000
Greece	2,000,000	4,000,000
Spain	100,000,000	125,000,000
Portugal	40,000,000	10,000,000
Austria-Hungary	40,000,000	90,000,000
Netherlands	25,000,000	65,000,000
Scandinavian Union	32,000,000	10,000,000
Russia	190,000,000	60,000,000
Turkey	50,000,000	45,000,000
Australia	100,000,000	7,000,000
Egypt	100,000,000	15,000,000
Mexico	5,000,000	50,000,000
Central America		500,000
South America	45,000,000	25,000,000
Japan	90,000,000	50,000,000
India		900,000,000
China		700,000,000
The Straits		100,000,000
Canada	16,000,000	5,000,000
Cuba, Haiti, etc	20,000,000	2,000,000
Totals	3,727,018,869	3,820,571,346

POPULATION OF THE EARTH.

Europe	357,379,000
Asia	825,954,000
Africa	163,933,000
America	121,713,000
Australia	3,230,000
Oceanic islands	7,420,000
Polar regions	80,400
Total	1,479,729,400

The total gold of the world in coin and bullion used as money amounts to $2.51 per capita.

The total silver of the world in coin and bullion used as money amounts to $2.58 per capita.

The total gold and silver of the world in coin and bullion used as money amounts to $5.09 per capita.

If the whole world is reduced to a gold basis, $2.51 per capita will be our money of redemption, instead of $5.09 under a bimetallic system.

If proof be demanded that the friends of so-called sound money are really gold monometallists, it need only be pointed out that ever since the change of base in 1873 the Government has treated gold as the only legal coin the country. It has not paid any other coin on Government obligations and does not do so now. With $140,000,000 worth of uncovered silver coin and bullion in the Treasury in 1894 the Secretary purchased gold to meet even current expenses of the Government; and that officer during all the years since 1878 has persistently paid only gold coin in redemption of Treasury notes. It is not denied anywhere that all our national obligations are payable in silver coin as well as in gold coin, yet the Treasury pays only gold, except in cases where silver is requested. And in the last bond transaction the syndicate informed the President, and that officer transmitted the intelligence to Congress, that in case the bonds were made payable in gold they would be worth a trifle more to the purchasers and that trifle would be paid. Congress not authorizing such a stipulation, the bonds were issued, as all others have been issued, payable in coin. This is a conclusive acknowledgment on all sides, and the syndicate concedes that these bonds are payable in silver and gold, both or either.

MARKET VALUE OF BULLION DOES NOT GOVERN MONEY VALUE OF COIN.

The proposition that the market value of bullion governs the money value of the coin is not tenable. There is no law in any country, as far as I know, certainly not in the United States, that has any reference to such a rule. It is not incorporated in any law. Congress has no power to regulate the value of bullion, and it has never undertaken to do so. Its authority extends only to regulating the value of money. The language of the Constitution is: "Congress shall have power to 'coin' money and regulate the value thereof." The word "coin" in this place is a verb—to coin money, to make or manufacture money. The thing which Congress may regulate is the value of the money that it coins. It is value that is to be regulated, but not the value of bullion. Nor is it the bullion value of coins. It is the money value of the coins, or the amount of money which is represented by the coins. Briefly, Congress is authorized to prepare coins to represent value, and every coin so made shall have its value expressed by act of Congress.

Congress never enacted that 371¼ grains of silver shall be worth a dollar or that 232.2 grains of gold shall be worth $10. Nor has Congress ever said what ratio shall exist between the values of gold bullion and silver bullion. Section 11 of the act of 1792, before quoted, says:

The proportional value of gold to silver, in all coins which shall by law be current as money within the United States, shall be as 15 to 1, according to quantity in weight, etc.

It is only the metal in coin that the law applies to. The pure gold in $15 worth of gold coins shall be of the same weight as the pure silver in one silver dollar coin, and 1 pound of gold in coins shall be of equal value as money with 15 pounds of silver in coins. To quote the law:

Every 15 pounds weight of pure silver shall be of equal value in all payments with 1 pound weight of pure gold, and so in proportion as to any greater or less quantities of the respective metals.

It is only the metal used in coins that the law makes any provision for. It is declared that in preparing coins to be used as money, and making payments with these coins, the value of gold shall be taken to be fifteen times as much as that of silver, in quantities by weight. But the value of the coins, which Congress is authorized to regulate, is their money value. Coins can have no value in that form and for that use, except what the law imparts to them.

Recurring to the standard value of our coin when the refunding act of July 14, 1870, was passed, our lawful tender coins consisted of the silver dollar, the eagle, the half eagle, and the quarter eagle, and their values were:

	Value.
GOLD COIN.	
Eagle	$10.00
Half eagle	5.00
Quarter eagle	2.50
SILVER COIN.	
Dollar	1.00

The weight of the coins was (standard nine-tenths fine):

	Weight.
GOLD.	*Grains.*
Eagle	258
Half eagle	129
Quarter eagle	64½
SILVER.	
Dollar	412½

It is perfectly clear that whatever we may understand to be the value of a dollar—and I shall discuss that later—Congress, acting under the plenary and unquestioned authority of the Constitution, enacted that a silver coin made of a certain form and dimensions, with certain devices and letters and words on it, shall, for all money purposes, be of the value of a dollar; that gold coins of certain forms and dimensions, with certain devices and lettering, should be of the value of ten dollars, five dollars, and two and a half dollars, as the case may be; and the coins whose weights and values I have just given were the coin of the country and the value at the time the bonds were authorized. The "present standard value" of the eagle was ten dollars; that of the half eagle, five dollars; that of the quarter eagle, two and a half dollars, and that of the dollar piece, one dollar. Our promise was to pay in coin of the value of coin at that time. No matter when the bonds should be issued or when they should fall due, they were redeemable in coin of the value of our coin at the time the act was passed. We did not agree to pay in bullion, nor did we promise to pay in coin at its bullion value, when the bonds should be payable. The contract is not ambiguous; its terms are brief and plain. Its words are, "redeemable in coin of the present standard value."

And the reason for this plainness is apparent. If we had agreed to pay in any other way there would not have been certainty as to what would be the value of our payment when it should be made. We might have to pay more, or our creditors might have to accept less in money value than our coin possessed at the time the law was approved. In one case we might lose; in the other our creditors might lose. But the contract was not left open to doubt. Everybody knew the value of our coins at that time, for it was expressed in dollars and was marked on their faces. There could then be no mistaking the meaning of the promise. We authorized the issuance and sale of eighteen hundred million dollars in bonds for the purpose of refunding the national debt, and stipulated in the act that when the bonds should be issued they should express on their face that they were redeemable in coin of the value of our coin at the time the act was passed.

SUPPOSE GOLD LEAVES THE COUNTRY, WHAT OF IT?

It is said by some timid persons that if we should readopt the policy of paying our obligations in silver and gold the gold coin will all leave the country. Well, suppose it does. What of it? Who will be injured by the movement? The farmers? They have no gold. One year's crop of Kansas corn is worth more than all the gold produced in our mines during the same year. The mechanics? The wage earners? The plain people? They have no gold. They receive all their dues in paper, and they constitute 90 per cent of the people. Who has the gold that is going to leave and where is it? The Government has, say, $50,000,000; the national banks (October 3, 1893) $182,342,948; State banks, private banks, loan and trust companies, whose aggregate capital (about October 1, 1893) was $406,000,000—say they have $100,000,000, which is about the same proportion to capital as that held by national banks. This gives us a total of about $382,000,000 belonging to banks, which they hold as reserves. The rest of whatever gold is in the country is in State and municipal treasuries and in the hands of a few people.

Suppose all this goes out of the country, what will replace it? Will bankers sell their gold? And what will they get in exchange for it? They will not part with gold because they are obliged to do so. There is no compulsion about it. If they let it go at all it will be because they can gain a profit by the exchange, and they will not sell it without receiving its full value in return. And they must maintain their reserves, which can be done only with coin or other lawful money. If they sell their gold coin reserves because gold coin is at a premium above silver coin (and they would not dispose of it for any other reason), they would receive as many dollars in silver as they sell in gold, and with them as much more in silver or other money or property as would be equal to the premium, hence neither they nor the country will lose anything.

If it be said that the exodus of gold would contract the currency, that can not amount to much, because there is but little gold in circulation. Not more than 1 per cent of the business done over bank counters is done with gold coin.

But the vacuum would soon be filled with coin made of silver bullion now belonging to the Government and not covered by certificates or notes outstanding.

Free coinage of silver would probably have the effect of advancing the market value of silver bullion. But say it does not. Let the price remain where it is, and for argument sake we will put it at 32 to 1 of gold. That would leave us with the 50-cent dollars so much talked about. Our bankers, wanting to profit by the operation of the new law, exchange their $382,000,000 of gold for $382,000,000 in silver and $382,000,000 worth of other property. That would preserve the equilibrium, or the "parity," if our sound-money friends do not object to this use of the word in that connection. Where is the loss? There is no need of anxiety lest bankers will rush into the bullion exchange business without as-

surance of gain. They are not doing business in order that others may profit by their blunders. If they are philanthropists, it is not during business hours.

AFTER COIN THEN PAPER.

Mr. President, I now approach a proposition which is to me more interesting than the field which I have just passed over, because, if for no other reason, it has not been so much discussed. I believe that as soon as Congress shall have provided for the accumulation of coin enough to pay all our national obligations which are payable in coin, provision should be made for the establishment of a permanent paper currency that will eventually take the place of all other kinds of money except for small transactions.

I do not wish to be misunderstood in making this proposition. I believe in the coinage of both gold and silver, but not as an original proposition. If we were just setting out to establish a new monetary system, having had no experience with metallic coins, I should not favor the use of any material that is very costly, any material which speculators and money changers could corner and thus force oppressive financial legislation upon the people. I would choose some material out of which to make our coins that had of itself very little value, but suitable in every way for the purpose, so that a small quantity of it, as much as would be used in one piece or one coin, to represent $1, or $5, or $10, would be so small that there would be no inducement to speculate in it.

I believe in the coinage of gold and silver, first, because our people have long been accustomed to it. The people of the entire world have been accustomed to it. It is part of the financial policy of all civilized and enlightened men everywhere, descended to us from the far distant past.

I favor the coinage of gold and silver for another reason. At this time gold alone is being coined, and there is not one hundredth part enough of gold and silver combined to perform the monetary functions required among the people. I favor the restoration of the coinage of silver for still another reason, that we may, as soon as possible, out of our own mines or mines in other portions of the world secure the coin we need for the purpose of paying our coin obligations. Having all that done, then comes the proposition I have announced.

I regard a correct system of money as among the most important agencies in human development. Commerce has uniformly opened the way for advancing civilization, and money in one form or another has been the handmaid of trade. Fairs afforded opportunities during the Dark Ages for people to exchange property by barter; but ships and railways and banks and telegraphs have brought a new citizenship to the nations and have established a new kingdom on the earth. Rapid communication, ready exchange, quick returns, and the massing of capital make new agencies of effort to be among the necessary accompaniments of these new conditions. The Phœnicians and the Romans propelled their ships with oars; now we drive great ocean steamers across the Atlantic in five days. The Britons and the Anglo-Saxons, the Normans and the Gauls carried their produce on the backs of animals or in rude carts on heavy roads; but the modern railway train has reached a speed of 80 miles an hour. All the machinery of life and labor has been changed and the world seems to have been created anew.

We have made some progress in the development of devices to be used as money, and in our experience we have produced some wonderful implements in exchange. Banks, as places of deposit; banks as places to buy and sell money—places to exchange exchange, if the expression is allowable, are highly wrought contrivances to aid commerce, and with but little improvement in their constitution, object, and management, they could be made mighty instruments of power for good in the best direction of human endeavor. But banks, like all other public agencies, being intended for the good of the people at large, ought to be conducted as public institutions. The money they use ought to be of only one kind, and that created and supplied by the General Government. No private concern of any character ought to be permitted to issue its notes to be used as money, and interest ought to be abolished. All the money required in a legitimate transaction of the people's business ought to be supplied by the Government through its own agents at a charge sufficient to cover only the operating expenses of the business.

Holding these opinions, I believe that among the things required of us, and what, in self-defense, we must sooner or later do is, after providing for the accumulation of coin enough to meet our coin obligations, to reconstruct our monetary system so that the money function shall be discharged in a natural way.

USES AND FUNCTIONS OF MONEY.

Let us open the discussion by a consideration of the uses and functions of money.

Producers and consumers require some means of effecting their exchanges other than mere barter, which is the giving of one article of produce for another.

There must be vehicles, as wagons, cars, and ships, to move articles of property from place to place; and they frequently have to be taken long distances, as wheat from Kansas to England, tea from China to Illinois, coffee from Brazil to Massachusetts, cloth from South Carolina to Japan, beef from Chicago to London, etc. And there must be some means to convey values of property as well as means to transport it, for the merchant may not have just what his customer wants and must therefore give him something with which he can procure what he does want from some other merchant. Paul raises corn, Silas makes shoes, and Peter produces cloth. In order to exchange their surplus productions for other supplies that they need, they each sell of their surplus what they have to spare and buy what else they desire. The exchange is effected through Barnabas, the merchant, who buys the surplus corn and shoes and cloth from the persons who produce them and sells them to persons who wish to buy them, paying cash to the sellers and receiving cash from the buyers. This cash is money.

Exchanges of property many times have to be effected through merchants who live far apart. Money serves as an order from the merchant who buys surplus products to the merchant who has the things that the producer wants. And because the second merchant does not know anything about the financial responsibility of the first merchant, so as to feel safe in accepting the order, it is necessary that the Government shall declare such orders to be money, exchangeable at their face value for any and all property that anybody has to sell. Then everybody understands that money is always good for its face in property that is for sale.

From these considerations it is evident that what people need money for is to assist them in the exchange of their surplus products. Now, in what do these surplus products consist? See what the farmers of our own country are doing. Put together their corn, their cotton, their wheat, oats, potatoes, hay, and the other crops they raise, with their fruits and vegetables and live stock, amounting in value to nearly four thousand million dollars annually. Add to this nine thousand million dollars as the output of our manufacturing establishments for one year, and $587,000,000, the value of our mineral products, a total of thirteen thousand million dollars, and you approximate the worth of the property we are handling now, and we shall have to buy and sell more and more every year.

MONEY NECESSARY IN EXCHANGING SURPLUS PROPERTY.

Extending the thought somewhat, I quote a few sentences from an article over my name in a work entitled "Silver and gold," published last summer, as showing what money is needed for and why it is used:

"Money is necessary only because individual men and women produce more of some kinds of property and not as much of some other kinds as they need for their own use, and they desire to exchange their surplus for what they require of the surplus of other producers.

"And because the two factors—producer and consumer—live and work far apart, it is a great convenience to have home traders and merchants to collect the surplus from those who produced it and distribute it among those who wish to consume it. A very large number of the people are engaged in this work of collection and distribution as exporters, importers, carriers, commission men, brokers, bankers, merchants, salesmen, etc. This is commerce. It would, however, be an impossible thing for men to carry on the traffic of the world if they had no means of representing the value of property dealt in, and some means of transporting the values as well as for moving the commodities. Such means is found in what we call money and in certain forms of paper often used in place of money.

"The amount of this surplus property which is being moved from place to place in order to take it from the persons who wish to sell it and get it to those that want to use it is beyond our comprehension, and the character and number of vehicles employed in transportation are too many for enumeration. It is officially stated that the property carried over American railroads and canals and on our river boats and coasting vessels is greater in tonnage and value than that of the combined foreign commerce of all the great nations of Europe.

"It is to procure part of this enormous surplus that much of the labor of the world is performed. The greatest problem of life is to live, to procure the means of subsistence; and what of our needs we can not supply from that which we ourselves produce we must supply out of what others have to spare. To effect these exchanges money is imperatively required."

The early use of the precious metals in commerce was as commodities, paid out by weight. In course of time it was found convenient to mark copper, silver, and gold in such manner as to indicate their weight. This being done officially, traders were saved the trouble in weighing for themselves. Long periods of trading finally established certain recognized relations of value among commodities, among themselves and with respect to the precious metals as well, and in time some of the nations began to

express values in coins. Copper was first used for this purpose, and the Chinese are credited with the first use of money as represented by coins. Silver was first used for coins in Greece. Gold coinage can not be definitely traced beyond the time of Julius Cæsar.

Metal coins do now pass by weight outside their own country. They are so used in every part of the civilized world. Coins are made of certain weights prescribed by law. The English "pound sterling" originated in the use of a pound of silver. Our silver dollar must contain 371¼ grains of pure silver and the eagle must have 258 grains of standard gold.

PRECIOUS METALS NOT THE EQUIVALENT OF ALL OTHER PROPERTY VALUES.

But the use of the precious metals for money implies that they are the equivalent in value of all other property. That was once the general belief, and a great many people of more than average intelligence in other respects do now hold to that opinion. Men who hold to what is popularly known as the "sound-money" doctrine believe in the universal equivalency of gold, or they would not regard it as the only safe material for coin.

But the doctrine was never true, and its falsity is painfully apparent in modern times. The annual production of the gold mines of the world is not worth as much, even at its mint value, as the corn and wheat crop of a single year in Kansas at the market price on the farm, and all the gold coin now in existence is not equal in its money value to that of the yearly surplus productions of American farmers.

The great disturber of values or prices was war, which was always in progress somewhere. It is well established that most of the great wars of antiquity were undertaken or prosecuted in order to procure the precious metals. Darius plundered the regions west of him and carried the treasure with him back to Persia. Afterwards Alexander plundered Persia and restored to Macedon the stolen wares. The Punic wars, covering nearly a hundred years, were waged on the part of Rome to get possession of the silver mines of Spain. And the wars, vandalism, brigandage, and piracy in modern times are much of the same character. The discovery of America by Columbus was the opening chapter in a series of the most barbaric and atrocious wars since history began. It is computed that the conquest of Mexico, Central and South America cost 30,000,000 lives and the extinction of a race, and all to get the gold and silver in their mines. Napoleon I, in the glamour of his military glory, conceals the grandest robber since the times of Pizarro and Cortez.

While all the world has been fighting for gold and silver, and while these two metals, with copper, have been used for coinage time out of mind, yet modern commerce is so vast and the necessary exchanges so enormous that all there is of the precious metals to be found outside the mines is not enough at their present valuation to supply one hundredth part of the money required in the transaction of the world's business. In the United States, in Great Britain, and in all the great nations, only about 1 per cent of the business is done with metallic money. And the proportion will grow less from year to year as business increases.

In our own country we find the products of our farms, factories, and mines amounts to thirteen thousand million dollars a year, while our gold product amounts to only $35,000,000, which bears a proportion to the other property of 1 to 370, which is as much as to say that $1 in gold is equal to $370 in other property; or, what is the same thing in another form, $1 is enough to perform all the money functions required in exchanging $370 worth of other property in addition to the payment of debts and taxes.

And it must be remembered that this thirteen thousand million dollars is only one-fifth part of the estimated value of all the property of the people of the United States, which in 1890 was put at sixty-five thousand million dollars. That gives us $1,857 worth of property to be handled with $1 in gold, and our debts and taxes reach at least twenty-five thousand millions.

It must be evident to all persons, when the subject is presented to them, that such a system of finance can not be justly maintained. It makes the dollar too valuable and other property too cheap. No people could long prosper under an arrangement of that kind. Producers would become poor, while money owners would grow rich.

So insufficient have the metals become in their capacity as money, that every nation on the globe is compelled to use substitutes of different kinds, as government paper and different forms of private credit. Not more than 1 per cent of the total business transactions of enlightened men are done with gold and silver. In our own country we have had banks from the second year of our national history. And now, with a 10 per cent tax on State banks, we have more than a thousand million dollars of paper money out—greenbacks about $346,000,000, Treasury notes about $145,000,000, national-bank notes about $200,000,000, and silver certificates about $325,000,000. If gold were sufficient, or if gold and silver together were enough, why use anything else? And why did banks of issue always keep out three to five dollars in paper for $1 in specie for redemption?

METALLIC MONEY WRONG IN PRINCIPLE.

But aside from the insufficiency of the metals, the custom of using metallic money is wrong in principle. It is unsatisfactory in practice, ruinous to the common interests, and unscientific. As a currency it is unstable, unsafe, unreliable. In time of public peril, like other cowards, it slinks away and hides. And when it is in use, like the pirate that it is, it demands tribute from every other form of property.

Why should we use any one article or form of merchandise for money, making it and it only a legal tender in payment of debts and as currency, passing from hand to hand in exchanges and in payment of taxes? Why select one article, give it a fictitious value, and measure all other values by that? Is it possible to assign one good and sufficient reason for such a one-sided policy? None but a gold broker could consistently undertake the task.

I have shown that money is required for use in effecting exchanges of values of property—all property, not gold and silver only, but all property, including the precious metals; and that these exchanges affect an infinite variety of transactions every day and hour of our existence. Think of the ceaseless tide of commerce and of the numberless items of property constantly being moved from the people who produce them to the people who want to use them or consume them. All these things have a market value. And this is true of gold as well as of cotton and corn. Then why single out that metal, give it a legal value, and require all men to gauge their property by this measure? Why not use some suitable substance that of itself has no appreciable value, and let that represent the unit of value?

HOW TO ASCERTAIN THE UNIT OF VALUE.

But how shall we ascertain the unit of value? We need borrow no trouble on that account. The unit has been found; it has been in use many years, and is understood. It was legalized by Congress more than a hundred years ago and named a dollar. Not a coin, not a piece of metal, or of paper, but an ideal thing, an indefinable entity, a something attached to things by people who make them or use them—a thing called value, a quality, or rather a relation that may be represented by a tangible substance. A dollar may be represented by a coin of metal, a bit of paper, a shell, or a fish.

How is this unit of value ascertained? Let us see. With only one commodity used for money, and that commodity scarce and hard to procure, a few shrewd and daring men have always had control of it, demanding exorbitant rates of usury from persons whose necessities compelled them to borrow it or exchange for it. The use of metal money has always kept men and nations prostrate before the money changers, and while I speak 90 per cent of civilized men the world over are paying interest for the use of money that is redeemable in silver or gold. More than one-half the dwellings of our own people are occupied by renters, and a syndicate of stockbrokers have control of the public Treasury, holding at arm's length a nation of nearly 70,000,000 people supposed to be free, compelling them, at will, to mortgage their country for gold which the brokers only have to sell.

It is the scarcity and dearness of our basic money metal that has enabled gold speculators to charge rates of interest that transfer the property of the people from their hands into those of the money changers about once every generation. On the average, in our great cities 75 per cent of the people are without homes of their own and are paying a few other people for the right to live on the earth.

If all that has been lost to the people of the world during the last twenty years by reason of the use of gold only as money could be stated in dollars the amount would bewilder the imagination. It is worse than war, pestilence, and famine. The use of metallic money has cost the people of the United States since our Government was established in 1789 two hundred thousand million dollars more than they have saved out of their earnings. This is demonstrated by placing at 6 per cent compound interest for one hundred years a sum of money equal to the assessed valuation of our taxable property in 1790 and compare the amount with our assessed property valuation in 1890.

Besides, the relative production of gold and the increase of coin falls rapidly behind the increase of population and the growth of commerce. This enhances the value of gold and diminishes the market value of all other property in like proportion; and this process must continue as long as the present monetary policy continues. It will be but a short time, comparatively, when the great bankers will have virtual control of all the business and own all the property of the people, through the increased value of gold, if this system is to be perpetuated. The only certain relief will come through the establishment of a system that will be just in its operation.

MONEY IS AN INVENTION.

It was in the development of commerce that money was invented. Money is an invention, the fruit of discovery, just as machines are invented in order to apply certain mechanical prin-

ciples which have been discovered. In the beginning of trade there was no money. All exchanges of property were made for other property—article for article. It was early discovered that certain metals, because of their beauty in the pure state, and because of their fineness of substance, their indestructibility, and their susceptibility to high and brilliant polish, were peculiarly well adapted to use in ornamenting the person, the home, the temple, the palace, and all resorts of pleasure and passion. Early it became common to adorn public buildings with articles made of gold and silver. Temples of worship were, and still are, rich in golden ornaments, vases, statuary, and the like. These metals were articles of commerce exchanged for other things; and because of their peculiar properties and uses they were universally sought. They were special objects of prey on the part of invading armies. It is a truth of history that—

In the search for gold whole races of people have been put to the sword, continents subjugated, religions and civilizations destroyed.

It is equally true that men and women of wealth and fashion have sacrificed honor and fame, even life itself, for the possession of the precious metals.

These considerations have made silver and gold objects greatly to be desired by all classes of people, and we find that in the earliest periods of history they were sought by traders as articles of merchandise. History, sacred and profane, is full of commercial transactions showing that gold and silver were always in demand for trade. Abraham "weighed" out 400 shekels of silver, "current money with the merchant," and Joseph was sold for "twenty pieces of silver."

And in that way the precious metals became money, "current money with the merchant." They came to have a commercial value, the same as other articles of merchandise; and because a small quantity of them by weight would exchange for much greater quantities by weight of other articles, and because goods had to be transported by caravans long distances between trading points, these metals, when they could be procured, served well as a sort of medium by means whereof trade in other things was always profitable.

In time rulers of nations undertook to regulate trade in the precious metals by impressing on them certain marks to show officially their weight, so that in making exchanges for other property all parties might be apprised of the weight of the metal, and then they could put their own value on it as measured by values of other things. They were exchanged by weight in one form or other and their value in relation to other articles, and the value of other articles in relation to the metals, came to be more and more distinct and regular as commerce spread among the nations, until at length certain values were assigned by law to certain weights of the metals.

How men would act were they without any form of money and without knowledge of money functions, should they set about to establish a money system, we can not tell. But we know what has been done in this direction by those who have come and gone before we came; and we are blindly, and at great loss, practicing day by day the things which, when studied and their principles applied in improved methods, will suggest to us machinery that will save money as well as labor.

But how shall we study and how shall we improve our present methods? The first step is to comprehend the principle involved in the proper use of money. The circulation of money is the exercise of a public function. The proper function of money is to serve a public use. A piece of money carries with it a commission from the people to aid them in effecting cash exchanges, to pay debts and taxes, to serve as orders from one person to another for property that is for sale, and as receipts for debts and dues paid. But money must represent what we call value, and value must be computed, estimated, and exchanged according to a system or arrangement of monetary units.

GOLD IS NOT MONEY.

I ask close attention of Senators who do me the honor to listen to the analysis I am about to make in searching for a unit of value.

In the first place, we must understand what is meant by the word "value." If I am asked what is the value of my horse and I answer, "One hundred dollars," and you agree to take him at that price, we say the bargain is made. But when you come to pay for him, this being a gold-basis country, you take your nicely adjusted balance and weigh out 4⅝ ounces of fine gold and tender that to me. I refuse to take the gold. I sold the horse for money, not for gold. It is a hundred dollars I want, not 4⅝ ounces or any other number of ounces of gold or of anything else. I do not need gold; have no use for it; give me money.

Then you offer me ten eagles and I accept them at once. You explain to me that the law requires 232 grains of pure gold to be put into an eagle; that in ten eagles there are 2,320 grains of fine gold, which is equal to 4⅝ ounces. But I reply, "We do business with dollars, not with gold. Our standard is the dollar, not the ounce or the pennyweight or the grain. To trade my horse for gold is barter; and how do I know what is the value of your gold with respect to the value of my horse or other property? The law fixes a certain value to gold when it is coined and stamped, but the value is given in dollars, not in measures of weight. Besides, how am I to know what is the real value of gold as a commodity so long as the Government coins all that comes to the mint at a certain valuation, thus giving it a mint price and not a commodity price? If I am to accept gold and not money for my property, then take away the protection which the law gives to gold and throw it on the open market to find its price level there, in fair competition with corn and pork and tobacco and other species of property. These coins you gave me may contain just as much fine gold as you weighed out in payment for the horse, but the gold is not money, while the coin is money, and it is money that I want."

This simple illustration brings plainly into view the proposition that value and money are not equivalent terms. Whatever they mean, they do not mean the same thing. Money is readily definable, and its uses are easily understood. But value is indefinable. It may be said to be a relation which articles of property bear to one another as regards the extent or the intensity of demand for them. Things which are in demand in trade have what we call a market value, while things that are not in demand have no market value.

PRICES NOT FIXED BY PRODUCERS OF PROPERTY.

But the value of what is in demand is not what the producer or the seller may fix upon it. The shoemaker does not fix the value of the shoes he makes, any more than the farmer fixes the price of his wheat or beef or cotton or corn. (For the purposes of this illustration, I use the words "value" and "price" as synonymous.) The price or market value of commodities is not determined by the will or desire or opinion of the person who produced them. The farmer can, at any time, tell you what he thinks he ought to get for his grain or stock, but he can never tell what he will get for it until he learns from the dealer what the market price is. Liverpool, England, is the great world's market for wheat, cotton, and wool, and the market prices for these articles the world over are fixed at that place, from whence dealers in all countries are informed daily.

The merchant does not regulate the prices of his goods; the manufacturer does not control the price of his wares. Prices are determined by the relative valuation which exists among articles of property with respect to the demand for them, and the cost of supplying that demand largely governs the price. This relation is affected by a great many influences operating from and toward different directions. They are usually merged and harmonized at the great trade centers, and then, as property goes out to retail dealers who distribute it among the people, interest, freight, commission, insurance, profit, etc., add in different degrees to what was the original price at the collecting port.

Now, the unit of value is ascertained by a general comparison of property values. It is commonly asserted by sound-money people that the value of property is measured by gold. But it is nothing of the kind. Repeal all coinage laws, and the honest-money delusion will soon become apparent even to the victims of these golden dreams. The thought is illustrated in the case of silver. During all the centuries while the nations in their laws put a certain price on silver for coinage purposes and coined all that came to the mints, the market value of silver bullion never fell below the mint price. Since 1873, when the coinage laws of the leading nations were repealed so far as the making of legal-tender silver coins is concerned, silver bullion has fallen in the market fully 50 per cent. But the silver coins still retain their money value. With a silver dollar one may purchase 2 bushels of 50-cent wheat; but the market price of as much fine silver bullion as is contained in the coin, is worth only the value of 1 bushel of wheat.

MEASURING VALUES BY COMPARISON.

Then value is not measured by gold, but by the relation existing among all articles that are bought and sold and that are said to be worth something. We may make a comparison in this way: We will go out among traders and learn how things are valued in the market places when we measure them by one another and not by dollars. But, instead of comparing all the articles of trade, the subject can be illustrated as well by a few comparisons as by many thousands. Let us take, say, eleven articles of property, and measure their values by the values of one another, as follows:

One bushel wheat equals ten pounds cotton; one pound cotton equals five pounds salt; one ton salt equals one horse; two horses equal one piano; one pair men's shoes equal thirty pounds cotton; fifteen bushels corn equal ten bushels wheat; five pigs equal twenty-five pounds cotton; two sheep equal ten pigs; eight sheep equal one suit men's clothes; five pounds salt equal one pound pig iron; sixteen sheep equal one cow; five cows equal one pound gold; one spade equals one hundred pounds salt; fifty spades equal one wagon; one cow equals one dress pattern; twenty cows

equal one carriage; seven hundred pounds pig iron equal one dress suit; two pounds gold equal five bicycles, and so on, indefinitely.

Now, can we find any one article among the number we have compared whose value, when taken singly, or when multiplied or divided, will serve as a common measure of the values of all the rest? In our school days we learned how to find the greatest common divisor of certain given numbers. Let us find, if we can, a common divisor of these values. We will take the value of a bushel of wheat as a divisor and try that. We find, to begin with, that 1 bushel of wheat is worth 10 pounds of cotton, and that the values of all the other articles mentioned have such relation to one another that we can easily trace the connections from this starting point.

It appears that the value of horses, pianos, clothing, sheep, cows, gold, wagons, dress patterns, carriages, and bicycles can be measured by the value of a bushel of wheat when it is multiplied; and that the value of cotton, salt, pigs, pig iron, and corn can be measured by the same standard when it is divided.

When put in practical form the table would be something like this:

One pound cotton equals one-tenth bushel wheat; one pound salt equals one one-hundredth bushel wheat; one pound pig iron equals five one-hundredths bushel wheat; one horse equals two hundred bushels wheat; one piano equals four hundred bushels wheat; one bushel corn equals sixty-six one-hundredths bushel wheat; one pair men's shoes equals three bushels wheat; one pig equals fifty one-hundredths bushel wheat; one sheep equals two and fifty one-hundredths bushels wheat; one cow equals forty bushels wheat; one spade equals one bushel wheat; one wagon equals fifty bushels wheat; one carriage equals eight hundred bushels wheat; one bicycle equals eighty bushels wheat; one pound gold equals two hundred bushels wheat.

With this standard, we must multiply it if we would purchase a horse, a piano, a pair of shoes, a suit of clothes, a sheep, a cow, a wagon, a carriage, a bicycle, or a pound of gold; and we must divide the standard if we would buy a pound of cotton, or of salt, or of pig iron, or a pig, or a bushel of corn.

But, while we have found a standard to estimate values with, we have not ascertained the value of the standard, only as it is measured by values of other articles in the market.

It would not be convenient in practice to use wheat for the standard, for, even if it were not too bulky and too heavy and too inconvenient in every way, there is not enough wheat produced to use it for money. Besides, the value of wheat may not always be the same. We can, however, easily get rid of this difficulty. After we have agreed on the value of a standard measure, we may use that value as a common measure, and give it (the value) a name to be regarded as the unit; and after having become accustomed to the name, we may estimate the values of all our property of every description, including the precious metals, by that standard unit, though its value be purely imaginary and indefinable. In France the value of the unit is named "franc"; in Germany the name "mark" is used; in the United States we use the name "dollar."

Taking our own case as an example, we call a certain coin of metal or a piece of printed paper money a dollar; but it is not because of the value of the material in the particular piece of metal or paper, for their individual values are not the same. But both of them alike represent a certain well-understood value in things that are bought and sold among men, and it is that value that we call a dollar. The bit of paper has no value; that is to say, its value as a separate slip of paper is so trifling as to be not worth reckoning among values. Yet we willingly take it in exchange for a dollar's worth of property of any kind we have to sell; we accept it in payment for labor, in settlement of a debt, and we procure it when we want money to pay our taxes with. We can always procure a dollars' worth of anything that is for sale for it.

MONEY IS NOT VALUE; IT REPRESENTS VALUE.

Value, then, is something that relates to the desire of men to possess, use, or enjoy property, and after we have conceived the idea of value, we find that it applies to all property alike, though in varying degrees. But there is no value in money, though there is value or worth in everything else that men trade in, and it is the value in other things that money is intended to represent. Money is not value, it does not possess value; it only represents value.

Now, going back to our unit—the value of a bushel of wheat; for, remember, it is the value of the wheat, and not the wheat itself, that is the unit. If we give the unit of value a name, and then prepare a device to represent the value, we have securely taken the first step in our journey toward a natural and just system of money.

Let us agree to accept the word now in use which expresses the unit of value in our monetary vocabulary—a "dollar." We all understand what a dollar means. We can not define its value any more than we can trace the Arctic circle by a line on the earth; but we perceive a certain value or worth relation among the multitudinous articles of property dealt in by men, and we can easily comprehend that there must be, in the nature of things, a unit from which we may ascend or descend in computing values. Again, I ask it to be remembered that the value of our property is not estimated and measured by its relation to gold or to any other one article of merchandise. It is the relation that its worth bears to the worth of all other property, including the precious metals.

We do not need to determine the value of the unit, for if we can agree upon some word, term, or expression that may be used to represent that value, we have found a common standard that all men can easily understand, one that is in every way convenient, a unit found by comparing the values of commodities when measured by one another.

Let us christen and baptize the unit, and we have a standard forever. We will name it "Dollar," and call its one-hundredth part a cent, and we have a simple standard of value by which we can express any and all values in dollars and cents.

ADVANTAGES OF A PERFECT PAPER-MONEY SYSTEM.

Among the advantages of this system of money may be mentioned—

First. It would be just to all the people alike in its use. It would be the only money of the country, except coins that would better serve the purposes of small transactions, and would be full legal tender everywhere, thus saving to the people everything that is now lost by reason of using a small amount of metal coin as the only legal-tender money.

Mr. CHANDLER. If the Senator will allow me, I ask whether before he finishes he is going to tell us how much of this ideal money of his he would have in circulation at any given time?

Mr. PEFFER. If the Senator will wait a few moments I shall be very much pleased to answer his question.

Mr. CHANDLER. Very well.

Mr. PEFFER. Second. It would do away with usury, for it would develop a system of public banking through which money would be circulated at cost of the business.

Third. It would reduce rents to a reasonable level, so that common people could procure and hold their homes.

Fourth. It would bring about a simpler, a juster, and more natural system of taxation, for (*a*) it would teach the people that personal property—the things which men and women produce by their labor—ought not to be taxed; and (*b*) this would lead to the taxation of the rental value of lands, without regard to improvements, which would afford sufficient public revenue and leave the people free to work and earn money for themselves and not for others.

Fifth. It would terminate the rule of the money power. The quantity of paper required for all the money needed by the people from year to year would be too small and the profit on its manufacture too little to tempt any speculator to corner the paper market. And the rate of interest that could be procured for the use of private money would not justify any person on his own individual account to engage in the business of money lending. This could be done only in cases of enormous aggregations of wealth, for it would have to be done in competition with Government banking, through which charges for the use of borrowed money would be only what would defray expenses of doing the work.

It is not my purpose at this time to discuss these suggested advantages. That will be left for another occasion when banking and taxation are being considered.

CONCLUSION.

I have to add but a single thought as it was expressed in the conclusion of a speech I had the honor to deliver in this Chamber on the 12th day of May, 1892.

"Mr. President, standing as we do in the evening of the most fruitful century of human progress, looking backward over achievements grand in their scope, astounding in their numbers, and bewildering in their effects, discovery, invention, development in all departments of effort, change and improvement everywhere, and looking forward toward the dawn of a higher and broader civilization, with fresh discoveries of genius and nobler reaches of mind, when we shall have happier conditions, with larger liberty, purer pleasures, and the enjoyment of more abundant leisure, strange it is that we are just beginning to study one of the most subtle and cunning agencies of human activity.

"How strange that this should be true; that while we have changed our methods in all departments of industry, and are now searching for new and better ways along every avenue of growth, we hold with an almost desperate grip to a money system that descended to us from the barbarism of the past. The time is at hand when we need improvement in our methods of providing

and distributing this most convenient repository of values. The things which are bound up in the one word "money" are an innumerable host that no man can number, involving endless development of mind and thought and energy, perpetual progress and growth. Like the rod of Moses, money brings forth water from nature's rock. As healthy blood imparts vigor and strength to the human body, so money in active circulation quickens the pulses of trade, encourages the toiling poor, gives employment to willing hands, and brings prosperity and peace to the people."

In answer to the Senator from New Hampshire, I will now say it would be, I think, not only impracticable but imprudent for me or for anyone to undertake to determine in advance what particular quantity of money would be required to be used by the people. I have thought it all out in my own mind. The first thing is to establish the system, to get rid of this idea of barter, of using for all exchanges one or two articles that a few men can control, a few articles which are very scarce and difficult to procure, and are very valuable when procured on account of the necessary labor performed in their manufacture—get rid of that idea, and establish the foundation principle upon which money ought to be based and upon which it must be based in time. In self-defense the people can not afford this spoliation that is being practiced upon them from day to day, whereby they are losing their homes now more rapidly than was ever known before. I say to the Senator that I do not pretend to forecast what would be the amount of money required. I am satisfied that the business interests of the people, the common sense of the people, would determine for them what amount of money ought to be in circulation.

Mr. CHANDLER. Mr. President, it seems to me that the Senator from Kansas has left off where he should have begun in the consideration and discussion of the proposition that there should be some substitute for gold and silver money. Gold and silver have been the instruments of money with which exchanges have been made since the dawn of creation. Now the Senator says they are unsatisfactory, that they result in oppressing mankind, that they should be dispensed with, that the dollar should not be based upon either gold or silver, but that a different dollar, a unit of value, should be made use of in the commercial exchanges of mankind to take its place, and the Senator does not tell us what that dollar should be.

The Senator certainly will not advocate—he refrains from advocating—the starting of the printing presses and the printing by the Government of unlimited quantities of paper money called dollars to take the place of gold and silver; and yet I am unable to see where the Senator proposes to stop. He has at the end of a long speech on this subject brought us to the destruction of gold and silver money; he has taken away our faith in metal money and given us nothing in its place. The Senator has not spoken long enough, and I trust when he comes to discuss this subject again, as he gives us notice that he will do in connection with banking and taxation, he will be prepared to say what should take the place of gold and silver as money and as the basis of paper money, and if that substitute is to be a paper dollar, that he will tell us how many of them we are to issue and how this issue is to be regulated and controlled.

Mr. President, it has been the dream of political economists that some substitute might be found for gold and silver money. Amid all this denunciation, which we hear not only from Populists but from Democrats and Republicans, of slavery to the money metal, it seems to me we ought to have one ray of light thrown upon the question of what the substitute for the money of the fathers and the money of the centuries should be.

Mr. PEFFER. Mr. President, if the Senator from New Hampshire had honored me with his attention about an hour ago, and say half an hour before that and half an hour afterwards, as he has done for the last fifteen minutes, he would know more than he does now about the answer to the question he has asked me.

I entered upon the discussion of this subject, I will say to the Senator from New Hampshire, with the proposition that there was not gold and silver enough in the country to perform the monetary functions required by the people, and that, therefore, I favored the coinage of all the silver we could get at our mints in addition to all the gold that is brought there, so as to procure coin enough with which to pay our coin debts. After having discussed that phase of the subject, I stated distinctly that after we had procured coin enough for these purposes I thought Congress ought to devise some better monetary system; and I also stated what kind of a system I proposed, a permanent paper-money system, a system based on the values of all the property of the people—a coinage, if you please, of their lands, their houses, and all their lawful possessions; and this system to take the place of all metallic money except only for small business transactions.

The amount of money in circulation ought at all times to be what the people need in the transaction of their legitimate business.

Abolition of the Fee System in the United States Courts.

SPEECH

OF

HON. CLAUDE A. SWANSON,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 21, 1896.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 4321) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes—

Mr. SWANSON said:

Mr. CHAIRMAN: I have listened with much pleasure to the gentlemen who have preceded me. It brings good promise for the abolition of the present vicious fee system.

The people of no section are more interested in the abolition of the fee system by which United States officials are paid than are those whom I have the honor to represent upon this floor.

Few questions affect them more than this one. Few reforms are demanded more earnestly by them than this one.

I have proposed and submitted a bill which abolishes the fee system absolutely and entirely. It provides specific salaries for the United States district attorneys, marshals, clerks, and commissioners. It does not leave a vestige of the fee system. It inaugurates a system better for the officers, better for the people, and better for the Government.

It is better for the officers, because under this bill every United States officer will receive a definite and fixed salary. He knows when he accepts the office what his compensation will be. His salary will not be, as now, uncertain and dependent upon the work which might arise.

It will elevate and dignify all these positions. It will remove all these officers from the temptation of using their position and power, not for the good of the Government, but to increase their own pay and emolument. It will inspire the people with more confidence in all these officers, since they will no longer be liable to the accusations of inciting and continuing prosecutions simply for fees and self-enrichment. Thus the service would be elevated and the officials held in higher esteem and regard. The officers would be paid promptly, like other officials of the Government, and would not have to wait months, and sometimes years, before receiving their pay.

It would be better for the people, because they would no longer be harassed by petty and frivolous suits incited by mean spies and informers for the rewards and encouraged by officers and witnesses for the fees and money made.

It would be a protection of the people against worry, annoyance, and frivolous prosecutions to which, in the past, they have been much subjected. It would save them the expense and trouble, which have become immense, of defending suits and prosecutions instituted for the sole purpose of making money and getting fees. The intense friction and harshness witnessed in the past in the administration of the law would disappear, and suits would be instituted and prosecuted for the sole purpose of the public good. The people would no longer feel that they were made by law subjects to be preyed upon by officials who received fees and riches in proportion to the people's ills and misfortunes. The people would have a security that they would be unmolested so long as they observed the substantial spirit and intention of the law. It would result in great benefits and savings to the Government. The Government would no longer be scandalized by giving premiums and rewards so as to create an immense class of professional witnesses, spies, and informers, who have done much to bring the administration of the law into disgrace and disrepute. Having removed all temptation to incite or encourage prosecutions from its own officers, it would have the assurance that all its officials, as sworn officers, would be guided by their duty and the public good. It would destroy this system which makes the interests of the officer and of the Government distinct and separate. Having made the interest of the officer and of the Government identical, it would have the assurance that the law would be administered solely for the public good. It would result in a great saving of public money.

Nothing shows more clearly the necessity for the great reforms contained in my bill than the records of the Department of Justice. The expense and cost which this fee system has brought upon the Government is immense and amazing. Last year United States marshals were paid $1,339,640.51; United States commissioners were paid $452,867.59; United States clerks were paid $298,961.72; United States district attorneys were paid $427,126,67; United States jurors were paid $983,170.27; United States

witnesses were paid $1,713,162.17; thus making a total paid for these of $5,163,928.93. For this vast expenditure the Government received back in money, as a return, only $37,647.61, paid as compromise of criminal suits, and $132,050.53 realized from fines and forfeitures from criminal suits, and from all civil suits during the year $121,696.97. Thus the Government, for the immense expenditure of about $5,164,000, received returns in money of less than $255,000. This is an amazing difference between expenditures and returns.

The pernicious effect of this fee system is further disclosed by the results of the suits instituted in the United States courts. The records of the courts disclose that last year 2,751 civil suits were terminated to which the United States was a party. Of these 1,691 were decided in favor of the United States and 1,060 were decided against the United States or dismissed or discontinued. This clearly shows that about 40 per cent of these civil suits should never have been instituted. Last year 25,949 criminal suits were terminated in the United States courts, and out of these 10,521 were acquitted, dismissed, or discontinued. This shows that over 40 per cent of the indictments in the United States courts should not have been found or prosecuted. Many of those convicted were for petty and frivolous offenses, where the ends of justice would have been better answered by an acquittal than a conviction. They were convictions where no benefits could accrue to the Government.

This does not include the great number that the United States commissioners dismissed, nor those in which the grand jury refused to prefer indictments. If these were included, it would be safe to say that more than half the suits and prosecutions were such that should never have been brought. They would never have been instituted but for the vicious fee system. These frivolous and unjust suits and prosecutions last year cost the Government over $2,000,000. The abolition of this system, as proposed by my bill, would save each year this vast amount of money to the poor, overtaxed, and overburdened people of this country. Besides, its saving to the people would be far greater than this. It would save them from the worry and annoyance, great expense, and losses entailed in the defense of these frivolous and unjust prosecutions.

My vision stretches far beyond the dry figures here disclosed, and I see a state of facts which excites my deepest sympathy and greatest indignation. I see that the property and the liberty of the best citizens are at the mercy of miserable wretches, who, for greed, become spies, informers, and professional witnesses. I see, through their perjury, innocent citizens dragged like criminals before the court, incarcerated in jail, and subjected to all manner of hardships and humiliations. I see poor, innocent children deprived of the protecting and providing hand of their father. I see good, loving wives immersed in tears and terrified in heart, as they see their husbands torn from them on account of some petty and frivolous charge. I see homes, once happy and prosperous, transferred into the abode of want and wretchedness because the occupants had to surrender their all to make defense in court against charges of which they were innocent and were acquitted. I see a reign of terror, doubt, apprehension, and suspicion among neighbors and communities. I see the infamous spies and informers holding high carnival. I see prosecutions inspired only for malice and hatred. I see the good, conscientious officer, an honor to his position and a credit to the Government, giving no encouragement to this and hence making few fees and little money, while the grasping and greedy lend a willing ear, and make large fees and reap harvests. These dry figures bespeak all this. My own knowledge and experience, in addition to the court record, can bear evidence of the existence of such conditions. These conditions are but the natural results of this vicious fee system.

Destroy a tree and you destroy its fruits. Destroy this system and you will destroy all these, which are but its natural products. The Attorney-General, in his last report, earnestly recommends the abolition of this fee system and the substitution in its place of salaries. He says that arrests and prosecutions on frivolous charges and flimsy proofs, and the great expense incident thereto, will be prevented only when this system has been abolished, which makes the fees of commissioners, marshals, and clerks the source of their compensation, and thus presenting a constant inducement to unnecessary arrests and litigation. He says, besides the great annual expense entailed by the Government on account of these unnecessary prosecutions, great annoyance and loss of time are inflicted upon the parties and witnesses, which work both material and moral injury to the public, and that it has created a class of professional witnesses and informers, to the scandal of the administration of justice. Attorney-General Olney, in 1893, in making his report, says:

> The system by which United States district attorneys, marshals, clerks, and commissioners are paid by fees has been so often and so emphatically condemned, is so indefensible in principle, and works such gross injustice in practice that its survival to this time is nothing less than a wonder and a reproach.

The President, in two messages to Congress, has earnestly and emphatically recommended its abolition.

Judge Brawley, of the United States district court of South Carolina, in a recent charge to the grand jury, vigorously and forcibly points out this evil. He said to the grand jury:

> Your findings have demonstrated that nine-tenths of the prosecutions under section 3242 have no merit in them; that they have not been inspired by the proper desire to advance the cause of justice, but by the greed of miserable wretches who have sought to make money out of them. Some of these men have already been brought to trial and convicted of perjury, and others doubtless will be. But this evil, which has reached the proportions of a gross public scandal, can not be eradicated by the punishment of a few obscure rascals. A new crop will undoubtedly spring up, unless some means can be devised for reaching the root of it. This lies in the fee system.

All who have given time and thought to this matter and have investigated it are convinced that no substantial or permanent reform will accrue in this direction until the entire fee system is destroyed. When this is destroyed the infamous class of informers, spies, and professional witnesses will disappear. Arrests on frivolous charges and insufficient evidence will cease. The people will no longer be watched, harassed, and terrified by persons greedy for fees and rewards. The officers, all receiving fixed and stated salaries, will confine themselves, in the discharge of their duty, to what they conceive the public good alone requires. Quiet, peace, and satisfaction will again reign in places where there are now only fear, discord, and bitterness. These are great reforms, and improvements to be desired. I shall earnestly devote all my efforts so long as I have a seat in this House to the accomplishment of this great end. I know how the people whom I have the honor to represent have suffered from the prevalence of this vicious system. I shall fight it until it is destroyed and relief is brought to the people and to the Government. The officers, the people, and the Government will all be greatly benefited when the last vestige of it is swept away. This bill, which I have proposed and offered, accomplishes all this. I hope that it may be the pleasure of this Congress to enact this bill into law and thus abolish all these evils. [Applause.]

Coin Redemption Fund—New Method to Break the "Endless Chain" and Relieve the United States Treasury.

SPEECH

OF

HON. WM. ALDEN SMITH.

OF MICHIGAN.

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 5, 1896.

On the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

Mr. SMITH of Michigan said:

Mr. SPEAKER: Upon the 20th of December, when the members of this House were planning their holiday vacation and while many of them were en route to their homes, the President sent a special message to Congress, advising the legislative department of the serious and threatening condition of the Government's credit and the general apprehension existing in financial circles, saying that the gold reserve, so recently replenished by a bond issue, amounting to $160,000,000, was fast being depleted, and that for a single period—the three weeks preceding the assembling of Congress—$16,000,000 had been withdrawn and the reserve was again below the required amount, standing at $79,000,000. He concluded this special message by saying:

> I ask at the hands of Congress such prompt aid as it alone has the power to give to prevent in time of fear and apprehension any sacrifice of the peoples' interests and the public funds or the impairment of our public credit.

This House remained in session under the wise and patriotic leadership of those who have won their spurs by faithfulness to public duty, and who, by reason of their wisdom and experience, were able to meet the grave responsibility so suddenly thrust upon them in a manner to challenge and receive the approval of the business world, which tireless and unflagging fidelity favorably inaugurated the legislation for which the Republican party are responsible. The work of that historical week was not perfect. Legislation never is. The measures were creations of necessity and only calculated to meet an emergency in national affairs, for which I am glad to say the Republican party were in no manner responsible. This can not be truthfully said now. From the moment of the organization of this House we are corespondents before the American people with the other Departments of the Government, and will be required to answer for any dereliction of duty. The first measure passed enabled the Secretary of the Treasury to avoid much of the severity of the bonding clause of the resumption act of 1875, lessening the period of the loan and

the rate of interest and providing that such bonds as were necessary to issue should be offered to the people for popular subscription first. If bonds must be issued, was this not a desirable measure?

My esteemed friend from California [Mr. JOHNSON], in his eloquent remarks upon Thursday, took occasion to pay tribute to the American people who had responded so generously to the needs of the Government and subscribed nearly $600,000,000 for the proposed loan of one hundred million, saying that if he ever felt proud in his life it was when he had read in the morning journals of this unprecedented achievement, and with equal earnestness declared in the next breath that the pauperized condition of the people was woeful to contemplate. It is useless to deny that distress is widespread; that the people are hard pressed. But, Mr. Speaker, this immense volume of money to-day seeking investment in national securities from every State of the Union argues that public confidence is only necessary when it will find its way into remunerative channels of industry, when labor can be steadily and profitably employed, when gladness and prosperity shall again dwell in the cottage and darkness and gloom disappear.

The House bill was directed to that end, and, standing upon its merits, it has passed. Can as much be said of the irrelevant and untimely substitute? No matter what its merits, standing as an independent proposition, there has never been a moment during the entire discussion in both Houses when there was the slightest expectation that it could become law. The Presidential hostility would defeat it, and we are now met with the startling proposition that while discussion has been winding its endless trail around the Treasury over $30,000,000 have escaped from its strong box and instead of the gold reserve remaining at $79,000,000, as when the debate began, it is now $43,000,000, and sinking lower every hour. And while the economic enlightenment was going on at this end of the avenue last week the Government was obliged to pledge itself for an additional 1 per cent on the loan being made, which at the time of its maturity will cost the people over $20,000,000. This would not be a burdensome sum, perhaps, if anything could be accomplished, but the discussion opened with the proposition that it was futile in this emergency. Many fervent prayers have been uttered, but the same lips acknowledge that the Republican party are now powerless to formulate and pass laws which do not meet the favor of the Executive.

The last national platform of the Republican party declared for bimetallism as an underlying party principle. I have seen no disposition to retract from that position or avoid it. The Minneapolis platform did not point out the way, and with no power to execute, why should our disagreements be so taunting and sharp? Perhaps the aggregated wisdom duly accredited of our next national convention may blaze the way broad and straight whereby we may unitedly act. What loyal Republican is not willing to pause and give ear? Emergency legislation is all we can hope for now. The bond bill is such, and the revenue bill is such. The former is to lighten the burdens of the people; the latter is to lessen the burdens of the Government now by providing in the least onerous and burdensome manner for increasing its revenues about $40,000,000 a year. Neither measure is perfect or wholly satisfactory. Both are, however, creditable to the time and place, and should be insisted upon by the originating body without modification or delay.

Legislators should minimize the difficulties in the way of useful government, and when a serious situation confronts the people the best and most vigorous thought should be devoted to its solution. The remedy may not lie along fixed and well-recognized lines; still if the idea does not involve any dangerous or doubtful method and seems to touch one of the vital causes of business apprehension and alarm, regularly constituted authority should be willing to measure its standard by the usual methods of adaptation and practicability.

The gold reserve of $100,000,000 was, at a critical time in our monetary affairs, considered necessary to the establishment of confidence among the people in the ability of the Government to redeem its promises and establish resumption. For many years, while the revenues exceeded the expenses of the Government and its credit was never questioned, this fund was of little importance and its function not generally understood. When, however, the expenditures exceeded the income and the fund, so long maintained, is encroached upon and melts away by reason of the necessary demands made upon it, and speculators find in it a profitable means of influencing governmental action, its diminishing volume may well excite fear and apprehension. To stop this fear of possible repudiation and turn the eyes of the people from the gold-reserve barometer to their usual business pursuits, to check, if possible, the cause and break the "endless chain" now forming such a convenient method of draining the Treasury of its gold, prompted me, in the discharge of public duty, to introduce a bill calculated to open the way whereby much of the difficulty under which the country is struggling can be arrested. It is very simple, in that it changes but two words of the present national banking law. Section 5191 of the Revised Statutes provides that—

National banking associations shall have on hand at all times, in lawful money of the United States, an amount equal to at least 25 per cent of the aggregate amount of their deposits in reserve cities, and 15 per cent of their aggregate deposits in nonreserve cities—

thus creating a large cash fund, aggregating between $250,000,000 and $300,000,000, presumably for the partial protection of depositors.

The bill which I had the honor to suggest strikes the words "lawful money" out of the section referred to and inserts in their place "United States notes (greenbacks) and Treasury notes," thus making it obligatory upon national banks to carry their lawful reserve in the demand notes of the Government, which have for several years so annoyed the National Treasury, obliging the Government to bond itself to the extent of $260,000,000 of principal, and interest amounting ultimately to nearly as much, for the purpose of maintaining the gold reserve at the required amount. There are outstanding greenbacks and Treasury notes redeemable in gold aggregating $496,681,016, of which the Treasury of the United States holds $128,038,271. The national banks, on the 13th of December, 1895, held $99,209,423 and $31,440,000 in United States certificates of deposit for legal tender, the balance of such notes, $237,993,322, being in circulation among the people.

It has for some time been a matter of considerable speculation how many of these notes have been lost and destroyed since their issuance. Of one thing we can be reasonably sure, that if the national banks were required to hold their entire lawful reserve in greenbacks and Treasury notes, it would be impossible for individuals or combinations of capital to obtain sufficient of them in excess of what would be lawfully required by the banks to give any annoyance to the Treasury Department. Will these demand notes not meet the banks' requirements as well as any other money? With the Treasury reserve standing unimpaired at $100,000,000 in gold for the final redemption of the greenback and Treasury note, with the promise of the Government that it will redeem these notes in gold, whereto its faith and credit is unquestionably pledged, making these notes in every respect as good as Government bonds, I am unable to see any good reason why this class of money should not for the time being constitute the required reserve of national banks and the $168,000,000 in gold now carried in such bank reserves liberated for purposes of exchange and general commercial use.

A careful examination of the reports made to the Comptroller of the Currency December 13, 1895, discloses the fact that the national banks of the city of New York had on hand at the close of business that day as their "lawful money" reserve $15,311,453 in gold coin, $9,320,830 in gold Treasury certificates, $27,195,000 in gold clearing-house certificates, and $35,576,962 in legal-tender notes, while the national banks of Chicago had at the close of business the same day as their "lawful reserve" $15,097,127 in gold coin, $2,261,240 in gold Treasury certificates, and $7,371,565 in legal-tender notes.

The national banks in the State of New York, exclusive of New York City, Albany, and Brooklyn, had on hand at the close of business on the same day in their lawful reserve $4,068,002.86 in gold coin, $569,890 in gold Treasury certificates, and $2,828,014 in legal-tender notes.

The national banks of the city of Boston had on hand at the close of business the same day in lawful reserve $6,966,870.86 in gold coin, $1,974,850 in gold Treasury certificates, and $5,127,395 in legal-tender notes, while the national banks of Massachusetts, exclusive of Boston, on the same day had in their lawful reserve $3,323,269.73 in gold coin, $237,700 in gold Treasury certificates, and $2,000,347 in legal-tender notes.

The national banks of the city of Detroit at the close of business on the same day had on hand in lawful reserve $1,072,982.50 in gold coin, $12,500 in gold Treasury certificates, and $693,777 in legal-tender notes, while the national banks of the State of Michigan, outside of Detroit, at the close of business on the same day had on hand in their lawful reserve $1,565,064.47 in gold coin, $48,930 in gold Treasury certificates, and $643,584 in legal-tender notes.

The national banks of the city of Grand Rapids, my home, had on hand at the close of business the same day $547,625.84 in gold coin and but $72,100 in legal-tender notes.

The national banks of California, exclusive of San Francisco, had on hand at the close of business the same day in their lawful reserve $1,743,496 in gold coin, $13,870 in gold Treasury certificates, and $163,540 in legal-tender notes, while the national banks in the city of San Francisco upon the same day had in their lawful reserve $1,620,392.50 in gold coin and $113,930 in legal-tender notes.

The national banks of the city of Milwaukee had at the close of business the same day in awful reserve $2,027,773.73 in gold coin, and $719,345 in legal-tender notes.

The national banks of the city of St. Paul on the same day had in their lawful reserve $2,198,118.41 in gold coin, $20,300 in gold Treasury certificates, and $181,417 in legal-tender notes.

I cite these instances for the purpose of showing the extent to which banks in different sections of the country avail themselves of greenbacks as part of their lawful reserve at present.

It will be noticed from an examination of these reports that Eastern banks carry by far the largest amount of legal-tender notes in their reserve, while Western and Southern banks have less greenbacks in their reserves and more gold.

The purpose of my bill is to distribute these legal-tender notes throughout the entire 3,706 national banks in the United States, after which I believe it will be impossible to gather sufficient of them outside of the reserves required to further deplete the National Treasury of the gold, necessitating new bond issues.

According to this report, the national banks of the United States had on hand, as a part of their lawful reserve, at the close of business December 13, 1895, $168,244,430.97 in gold coin and coin certificates, $99,209,423 in legal-tender notes, and $31,440,000 in United States certificates of deposit for legal-tender notes. Is there any good reason why this large amount of gold should not be released for commercial purposes and greenbacks put in its place, especially if such course would obviate the necessity of periodically bonding the Government in time of peace? The large number of banks doing business in the United States and the immense amount of capital employed depend for their success upon healthful business conditions. There is nearly $700,000,000 represented in the capital stock of our national banks, owned by nearly 300,000 shareholders, all of whom, it may be safely stated, are also interested in business other than that of banking.

There is every incentive to this large number of people to assist in restoring confidence in the business world. If the gold reserve is the bugaboo responsible for much of this concern, these shareholders should be willing to throw every safeguard around it. There are nearly two million depositors in these national banks whose daily vocation and prosperity depends in a great measure on the prosperity of the country. To restore confidence and give employment to this large army of contributors to national-bank prosperity should be a matter of the deepest solicitude upon their part. National banks are the creatures of the Federal Government. They depend for their existence upon national law, and as they have been patriotic and public-spirited in the past, when the country was passing through great trials, so they should be ready and willing now when emergency requires the adoption of new expedients.

We may be asked, what will become of the gold now carried in bank reserves when released? My answer is that the bank reserve required under the present law, amounting to $406,271,726, now voluntarily amounts to $571,476,854, according to the last annual report of the Comptroller of the Currency, leaving a wide latitude for the exercise of this right, if desired; or it could profitably be invested in the bonds of the Government now offered for sale, the possession of bonds enabling the bank in times of currency famine to augment its circulation as occasion may require, by depositing the bonds with the Government and issuing national-bank currency.

I have not considered the situation from the standpoint of the banker, but from the standpoint of the legislator, whose only solicitude is the welfare of the Government, representing, as he does, the entire people, and any plan which will relieve it from the necessity of issuing bonds to replenish the gold reserve will, in my judgment, correct one of the evils now existing and do much to reestablish confidence in the ability of the Government to meet its obligations. It is absolutely useless to talk of retiring the greenback from our monetary system, even though it may have cost the Government $2,000,000,000, according to the figures of Edward Atkinson, or $486,886,666 in principal and interest to maintain the reserve required for their redemption, as stated by Comptroller Eckels in his article in the Forum last year. The people do not favor their cancellation, and such a proposition finds no favor in the present Congress. My plan avoids the necessity for either expense or retirement, and has met with general favor.

In this connection, it may not be inappropriate for me to add that I do not believe our financial difficulties are the outgrowth of any unwise system upon the part of the Government, but that much of our present distress is due to inadequate revenues and increasing obligations. I would correct the one by imposing a sufficient duty upon imports to meet the expenses of the Government, and the other by an economic administration thereof. But as a temporary measure of relief I will, at the proper time, urge the adoption of the bill introduced by me for the immediate relief of the Treasury of the United States. It is my hope that such a plain, simple plan, having, as I believe, unquestioned efficacy, can, with patriotic cooperation, readily be incorporated into law.

Coin Redemption Fund.

REMARKS
OF
HON. WINFIELD S. KERR,
OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 5, 1896,

On the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

Mr. KERR said:

Mr. SPEAKER: I do not rise with the expectation of adding anything new to this discussion, nor of saying nearly as well those things which have been said by gentlemen preceding me, but I do desire to emphasize a little the vote I shall cast against this bill.

I am one of those who voted against the original proposition, but not upon any ground important in the consideration of the present question. I am not blessed with prophetic vision, but I voted against the bond bill very largely in anticipation of the very situation with which we are now confronted. It was perfectly apparent that that bill, if it should pass the Senate, would meet the Presidential veto. It was sure, however, to meet death in the Senate. This being clear—at least it seemed so to me—I could see no reason why a Republican of the strictest sect should commit himself to an unrepublican measure when even the possibility of justification by results was absolutely precluded by the situation. But this, Mr. Speaker, is ancient history; we are already written down in that chapter; let us address ourselves to the duty of the present hour and to an attempt to solve this most difficult and important problem.

The arguments of the free-coinage apostles never convinced my judgment and I never believed their prophecies. But if, like Agrippa when under the spell of Paul's logic and eloquence, I was almost persuaded, the recent extraordinary arguments of these gentlemen in the House would have rendered me very suspicious of a shibboleth which attempted to sustain itself by such uncommon illustrations and by such contradictory evidence.

The other day a Senator, speaking to this question, ended an elongated speech with a peroration in which he pictured the gathering of the commune. A heated brain and a disordered imagination may see the beginning of an attempt to destroy law and order, life and property, but no man will ever see a right vindicated nor a wrong redressed by such an instrumentality. No principle or movement can ever have my allegiance which is to be established or enforced by a commune. That kind of material makes very impressive perorations and ends speeches with great eclat, but they do not light the dark places nor pour sunshine into the hearts and homes of the poor and oppressed.

Another gentleman, a member of this House and occupying a seat on this side, called Washington, and Jefferson, and Jackson, and Webster, and Lincoln from their graves to testify in favor of the free coinage of silver at the 16 to 1 ratio. The witnesses are unimpeachable, but he might as well have called Mark Antony or Julius Cæsar. If the witnesses antedate twenty-five or thirty years you might as well call Confucius or Aristotle. At least it is proper to ask the gentleman when it was and where it was that Washington, Jefferson, Jackson, Webster, and Lincoln, upon a situation such as we are now confronted with, in an environment such as now surrounds us, expressed themselves as being in favor of the free and unlimited coinage of silver at the present ratio. From Washington to Lincoln the commercial value of gold and silver did not vary sufficiently from this coinage ratio to the most remotely suggest the difficulties with which we have now to deal.

Another gentleman laid before us an elaborate calculation by which to show that God Almighty had laid these metals in the broad bosom of mother earth at the ratio of 16 to 1, and that their production has been substantially at that ratio. I admire the energy and industry of an individual who would undertake a task of this kind. The calculation, so far as it went, was mathematical, and its only deficiency was his omission to take account of the metals yet in the ground. I would suggest that he revise his calculation by putting in that important factor, and if then the conclusion is not changed we shall all bow to the divine purpose.

But now the scene changes. The statistical and analytical member from Minnesota appears and with one mighty blow destroys not only the divine plan, but as well his collaborator from Colorado. He finds that for long stretches, during which time the parity was maintained, the production of silver averaged more than 80 ounces to 1 ounce of gold.

Then the eloquent member from California charged the "mullein stalk." His speech was very entertaining—a little weak, perhaps,

in argument, but making up in good round measure in rare and classic illustrations and references. He ran the gamut from the literature of the last patent-medicine circular to the destroyer of Jerusalem. From "I was well, I wanted to be better, I took this, and here I lie," to Titus Andronicus is a mighty leap, but he took it as bravely as his State, California, demands silver for everybody except herself.

After these days of discussion the atmosphere is heavy with mist and we are intoxicated with eloquence. The air is full of contending propositions, and figures fight like warriors on the battlements. Party lines are broken and internecine strife disturbs both sides of the Chamber. In this situation we meekly lay aside pride of party and opinion, and humbly grope toward the light.

What is the question presented in this substitute? Its details are of no moment—its importance is in the fact that it precipitates the old, yet apparently the ever new, battle between sound and fiat money. The apparently wide difference between the sound-money men, so called, and the silver men is upon questions of fact rather than upon principles. We all agree that there should be free coinage of both gold and silver if the latter metal was, by reason of its intrinsic or commercial value, on a parity with the former. We all agree that if merely stamping 412.5 grains of standard silver will make it the equal in value of 25.8 grains of standard gold, the Government ought to do it. We all agree that if by law silver can be yoked to gold and made its equal as money of final redemption that law should be passed.

Upon all these propositions the advocates of the free and unlimited coinage of silver have the affirmative, and upon them rests the burden of proof. Fixing the responsibility for the alleged demonetization of silver in the United States, or in the world, will not extricate us from the situation. The silver men have fixed that responsibility many times to their satisfaction, and yet they still cry for relief, and the gap between the metals is not closed.

The individual who fails to note a condition divests his argument of all its force. We must deal with these conditions. First, in the last twenty-two years silver as a commodity has lost substantially half its value, and, second, within that period every great commercial nation has given silver a subordinate place in its monetary system.

On the one side it is alleged that the commercial value fell because silver was demonetized or given this subordinate position, while on the other side it is contended that the depreciation in value rendered necessary its demonetization. In this connection it may be proper to notice one argument that is and must be put in the front of all others, because upon it all others must stand or fall, and that is that the United States alone can by opening her mints to the free coinage of silver restore it to its old place as primary money.

Let us see about that, and at the same time investigate the cause of the depreciation of silver. If we as one nation against the world can maintain silver on a parity with gold by its free coinage, then the action of one nation or a dozen other nations would not influence the matter in the nation thus undertaking the free coinage. That is, if a free-coinage system in the United States would hold silver up to a parity with gold, notwithstanding the fact that other nations did not so coin it, then the systems of the other countries would not be regarded as influential or important. If this be true, and the free-silver men must assume it, then the converse of the proposition is true, namely, that the demonetization of silver in one country would not affect its commercial value in a country which continued its unlimited coinage.

We know that all countries did not limit the coinage of silver at the same time. We then come to this point, that each country must have been influenced more by domestic reasons than by those operating from outside.

No one can claim with any reason that the change in the monetary system of Great Britain in 1816 whereby silver became subsidiary money had any effect upon the value of silver, either for money or commerce, because its value remained substantially unchanged for more than half a century thereafter.

The United States did not drop the silver dollar from the coinage in 1873 because silver had fallen in value, but on the contrary, because it was practically demonetized by reason of its superior value; because a cheaper dollar was in use and circulation. Here we have the two greatest commercial and monetary nations at times a half a century apart, and for wholly different reasons changing their monetary system regarding silver.

The commercial ratio and the money ratio between gold and silver did not vary a point in two hundred years, and the divergence began when the equilibrium between them was disturbed by the excessive production of silver. In 1870 in the United States the production of the precious metals was $12,000,000 of silver to $50,000,000 of gold, or a little more than four of gold to one of silver. In six years thereafter the production of the latter had so increased upon the former that they were substantially equal, and in twenty-two years thereafter there were nearly three of silver to one of gold produced.

The world's product shows nearly the same disproportion in the same time. In 1870 there was produced of gold $129,000,000 and in silver $55,000,000, a little more than two of gold to one of silver. From 1891 to 1894 there was about one and a half of silver to one of gold produced. The production exceeded the demand, and inevitably the price decreased.

Every nation, I think, except the United States, Great Britain, and Germany limited the coinage or the money quality of silver after it had been so reduced in value commercially as to make it, if not impossible, inexpedient to continue its free coinage.

The Latin Union, from which many arguments are drawn, was compelled to limit the coinage or money quality of silver, and in 1885, in effect and by conventional arrangement between the powers composing the Union, did what we are now successfully doing, namely, holding a limited quantity of silver at par by redeeming it in money worth intrinsically and commercially its full face denomination.

But whatever may have caused the depreciation in the value of silver, whoever may be responsible for this decline, the condition confronts us and legislation must recognize that condition and be governed by it. We have two money metals and a law establishing a ratio between them. This ratio is 412.5 grains of standard silver to 25.8 grains of standard gold. When this ratio was fixed it was upon a calculation of the commercial value of the metals and purposed to make the quantity of metal in the unit of one equal in value to the quantity in the unit of the other. It is proper to suggest in this connection that whenever the ratio has been changed it has been done to correct a divergence between the coinage and commercial value. The necessity of having an agreement, as nearly as practicable, between the coinage and commercial ratio has always been recognized. The commercial ratio is now about 33 of silver to 1 of gold, or, in other words, the 412.5 grains of silver are now worth about 52 cents or substantially 48 cents less than its coinage value.

Can we close up this gap by law? Free-silver men say, "Yes; if the Government will restore to silver its place and function as money the difference in value will disappear." Upon them rest the burden of proof. They have not produced the evidence—at least, they have not satisfied me—that the law, by merely stamping a thing, can give it value, unless the stamp impresses upon the thing a promise, and in such case it is the promise and not the stamp which gives the value. The choicest flowers of rhetoric have been gathered and fashioned into bouquets of beauty, the world has been explored for illustrations and references, and for days we have breathed the atmosphere of eloquence, yet through it all no word of proof has been submitted showing that this wide difference between the values of gold and silver can be closed by law. We might try the experiment were it not that if the experiment should fail the results would be so irretrievable and disastrous.

Suppose we should try free coinage of silver and the silver dollar continue to be depreciated as it is now, what would be the result? As soon as the silver money and the silver certificates issued thereon should be sufficient to do the business of the country we should be on a silver basis, and probably long before that amount was in circulation. Then what? Gold and every form of paper redeemable in gold would leave the circulation, and a most dangerous contraction of the currency would ensue. And then, instead of having more money, we should have less.

We might stand this for a time if thereby we should secure ultimate relief; but once on a silver basis—once disconnected from the great commercial nations of the world—when shall we again march in the forefront of the majestic procession of the nations? Never. Commerce is the great promoter of civilization, and if we do not maintain ourselves as one of the great factors in commerce we shall not lead in civilization.

Can a plan be devised whereby a 52-cent dollar and a dollar of full value can be circulated side by side in the same country or monetary system? If so, the wisdom of man has not hit upon it. Every country affords an illustration of the operation of Gresham's law. Whenever there are two kinds of money, one cheaper than the other and the cheaper one is full legal tender, the cheap money always drives out of circulation the dearer money. It is the law of selfishness—that is, a man will always keep the better money when he can use a cheaper or poorer money to discharge the same debt or to secure the same advantage as with the better.

The present system is the best that can be devised under existing conditions. I am in favor of the largest coinage of silver consistent with maintaining the parity between it and gold. As it is now, silver is a full legal tender for all debts, public and private. The certificates issued upon the coined dollars are receivable for customs and other public dues, thus affording a substantial equivalent to gold redemption. Added to this, the nation's faith is plighted to maintain the gold and silver money at a parity.

Under this system we keep in use and circulation, either in coined silver or certificates, nearly $500,000,000, every dollar of

which is as good as any other dollar in the country; and all of this has been supplied since the act of 1873—more silver by $350,000,000 than was used before in all the years of the Republic.

The free coinage of silver would permit the owners of silver bullion to bring it to the mint and for every 53 cents' worth of silver receive a dollar. Why the Government purchase or turn into money the product of the mine owner and not the products of farms and factories? If by law silver can be doubled in value by the nation taking it, why not provide the same disposition for wheat at a dollar a bushel?

Sincerely believing that no man would be benefited by this act except the silver mine owner, and that it would entail distress, disaster, and ruin upon millions, I must vote against it.

Coin Redemption Fund.

SPEECH

OF

HON. CHARLES H. GROSVENOR,

OF OHIO.

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 8, 1896.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of the revenue—

Mr. GROSVENOR said:

Mr. CHAIRMAN: I had not intended, when the report of the Committee on Ways and Means was brought into the House recommending that the House disagree to the substitute of the Senate, to participate in the debate. All that could be said, all that it was necessary to say, in support of the position of the majority of the committee was said in the opening remarks by the distinguished chairman of that committee; and had the debate taken no wider range than the mere bill itself, and the mere relevant questions here, I should not have occupied any portion of the time of the committee. But there has been injected into this debate—and properly enough; I make no criticism in that respect—a large amount of discussion which has spread out over the whole domain of American politics, and which necessarily must have some effect upon the judgment of the people—our constituents at home. Therefore I propose to address myself for a few moments to the discussion of this question in its effect upon the constituency that I have the honor to represent.

I listened to the cry of the distinguished and able gentleman from California [Mr. JOHNSON] with a great deal of interest, and it may be summarized, for the purpose of this debate, as being an appeal to Congress to do something for silver. "Give us something, do something, for the benefit of silver!" That is the underlying principle, the entire motive spring, of the speech of the distinguished gentleman. And when so able a man as he finds himself driven to a single appeal, an appeal for some special legislation that will be of some special benefit to some special interest, the American statesman may very well turn aside his thoughts and reflect and gather from that sort of argument that it is an appeal—as it was, in fact, an appeal—for the benefit of a single interest and nothing else, and has no proper home, no proper lodgment, in the domain of American statesmanship. However right it may be for the representatives of a single special interest to seek advantage by special legislation for that particular interest, it is nevertheless our duty to see to it that the whole people shall be benefited, and not a few people.

"Do something for silver! Give silver something! Don't close your eyes to the suffering condition of silver! Give silver something!" We propose to "do something" for the American people, and all the people; and the cry comes, "Don't do that, but do something for silver!" We say give to the American farmer a market for his surplus products and a fair, remunerative price for the proceeds of his labor; and the answer comes from the auriferous sands of California, "Do something for silver!" We say, let us remove the barrier that has been placed by the action of the Fifty-third Congress upon the prosperity of a million woolgrowers in this country, and the response comes, "Do something for silver!" Do something for a hundred men—the greatest monopoly on God's earth—a monopoly of wealth and a monopoly that God has made! The sheerest band of monopolists on this earth is the banded silver producers.

I protest against legislation favoring the single interest of silver production, and I demand legislation for the benefit of all the industrial and productive interests of the United States.

My distinguished colleague from Ohio [Mr. DANFORD], in a speech which I did not have the pleasure to hear, but which I am delighted to find has made so early an appearance in the RECORD, pointed out one single fact that, if it can be taken and understood and digested by the American people, is a stronger argument than all the appeals that can come here in behalf of a single interest. The whole situation is clearly illustrated by one remark that my colleague made. The seigniorage is now understood to be about $65,000,000. Whether that means $65,000,000 if coined into dollars or whether it is the original cost of the seigniorage I do not know and do not care; it exemplifies the whole of this argument. Whose money is that? Whom does that belong to? What right has somebody to stand here and say that 100 corporate or individual owners of all the silver produced in the United States shall have the benefit of that condition of legislation in this country? This seigniorage is the difference between the coined value of the silver dollars and the market value of the silver therein. Under our system the Government undertook to maintain the parity of these silver dollars with the gold dollar and the greenback dollar, and this sum of money was the profit to the Government and enables the Government to thus guarantee the parity. I defend and stand by the rights of the people of the United States to this profit and protest that the monopolists of the silver-producing States do not be thus enriched.

Whose mints are these in the United States? Who built the mint in California, the mint in Philadelphia, and the other mints? Whose money paid for them? Were they paid for out of the pockets of the constituents of these advocates of special legislation, or were they in point of fact builded and paid for by the money of your constituents and my constituents—by the people of the whole United States of America? Who pays the expense of running them? It is a tax upon the people of the United States. The cost of their construction and their maintenance in all possible forms appears in the appropriation bills of the House of Representatives, and the money comes from taxes levied upon all of the people.

The Constitution of our country confers upon Congress the right to provide for the coinage of money; and from time immemorial the process has been a very simple one. The weight of the pure silver in the dollar has been fixed by law; the degree of alloy has been fixed in the same way; and the ingredients of the silver dollar are also defined by legislation. Then the silver is purchased by the Government just exactly as the Government buys the wheat and the flour, and the leather and the timber, and the iron and the steel, and the woolen goods with which it equips its Army and to furnish its Navy and to provide for all the machinery of the Government. One commodity bought from the citizen is coined into money, and the other commodity bought from the citizen is used for the other purposes of the Government. And the profit upon the wheat and the pork and the beef that is bought from my constituents becomes a profit in favor of the people of the whole country; the profit upon the silver bought from the constituents of the gentleman from California becomes the property of the people of the country.

Here we have an accumulation in the Treasury of $65,000,000 constituting this seigniorage. If these gentlemen could have had their way, that money would to-day be in the pockets of 100 people of the United States; and if I can have my way, it shall be the property of all the people of the United States. That is all there is of it. Therefore the gentleman from California can very well cry out, "Do something for silver; give silver something!" Have we given silver nothing in this country? We have coined more than $600,000,000 of silver; and there is in the Treasury to-day, as the gentleman from Maine clearly showed, only $7,000,000 of free silver—only $7,000,000 that by any honest proposition can be used for any other purpose than that for which it was solemnly hypothecated and pledged. There is in the circulation of this country this vast outstanding body of silver certificates. In authorizing and issuing those certificates were we doing anything for silver? Did we do anything for silver when we bought four and a half million ounces of silver every month at the market price? What right has the gentleman from California or any other gentleman to ask that the producers of silver among his constituency shall have a price above the market price, while my constituents are compelled to sell their labor—their coal, their farm products—in competition with all the people of the United States, and without any adequate protection at the hands of Congress from the competition abroad. [Applause.]

Mr. JOHNSON of California. Will the gentleman from Ohio pardon me for a moment?

Mr. GROSVENOR. Certainly.

Mr. JOHNSON of California. I possibly misunderstood the gentleman, but I understood him to use some expression as to "my constituents" just now.

Mr. GROSVENOR. Very well; I very likely did; I referred to your constituents and mine, too, possibly.

Mr. JOHNSON of California. I thought you alluded to my constituents in connection with silver producing. Now, so far as I am advised, and I think I know the facts, there is not a single silver mine in the State of California.

Mr. GROSVENOR. I understand that quite well——

Mr. JOHNSON of California. Therefore the influences that the gentleman seems to suggest as having weight upon this question do not apply to my constituents.

Mr. GROSVENOR (continuing). And I understand also that there is no State of this Union, nor any country on earth, that is more exclusively, proscriptively, and absolutely upon a gold standard than the State of California. [Applause.] Now, the gentleman from California made a good speech, and I hope he will stand upon it until he sees fit to retract it.

Mr. JOHNSON of California. I never retract. [Laughter.]

Mr. GROSVENOR. Mr. Chairman, we have outstanding $350,000,000, in round numbers, of silver certificates. They had their origin in the statute that authorized the purchase of the bullion which is deposited in the Treasury and without waiting for its coinage the issuance of the silver certificates, which became at once a part of the circulating medium of this country. It was practically that much addition to our silver currency. Have we done nothing for silver? There is in existence in the United States between six and seven hundred million dollars of silver, every dollar of which, thanks to the intelligence of the Republican party in its great body and not in its factions, is worth as much as any gold dollar in the Treasury of the United States of America. Is that doing nothing for silver? Silver is a legal tender. Gentlemen use the sadly, almost fraudulently, always misleading statement that silver has been demonetized in this country. What do you mean by "demonetization?" Why, that silver has ceased to be money. But is that true? There are nearly $700,000,000 in the United States of silver and its representative, just as much money as you have of gold that is so cautiously and carefully hoarded in the banks of the State the gentleman from California in part represents.

Mr. HYDE. Will the gentleman from Ohio permit a question?

Mr. GROSVENOR. Certainly.

Mr. HYDE. Does the gentleman regard the silver certificates in circulation as standard money?

Mr. GROSVENOR. Well, I am not a philosopher; I know something of standard-bred horses and things of that kind, but as to the other——

Mr. HYDE. Permit me a moment. Do you know the meaning of "standard" as used in the Republican platform in 1892?

Mr. WALKER of Massachusetts. Mr. Chairman, I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. WALKER of Massachusetts. That it is contrary to the rules of the House to ask private questions of a member occupying the floor. I claim that such questions should be spoken loud enough for all the members to hear and understand the course of the debate, and that no member should address another who is occupying the floor without the permission of the Chair.

The CHAIRMAN. The gentleman was strictly in order, as the gentleman from Ohio yielded to him.

Mr. WALKER of Massachusetts. But I make the point of order that the gentleman from Ohio had no right to yield for a question which is not spoken in the ear of the whole House.

Mr. HYDE. Well, I have perhaps not as good lungs as the gentleman from Massachusetts, but I am a Republican, and have been since I first voted for Abraham Lincoln. When the gentleman from Ohio who was occupying the floor yielded to me I supposed that I had the right to ask a question. [Laughter and applause.] I believe this is the second time that I have asked one since I have been here.

Mr. GROSVENOR. I hope the gentleman will ask more of them. I am very much obliged to the gentleman from Massachusetts, and think I can say, without arrogating to myself any great power, that I generally take care of myself in a fairly satisfactory manner to myself. [Laughter.]

Mr. WALKER of Massachusetts. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Ohio yield?

Mr. WALKER of Massachusetts. I do not rise to ask a question, but in my own right as a Representative on this floor, to a question of personal privilege.

Mr. GROSVENOR. I hope the Chair will keep account of my time.

Mr. WALKER of Massachusetts. It is this——

Mr. GROSVENOR. The gentleman from Washington asked a perfectly respectful and pertinent question. I had been speaking of the silver currency of the country as the money of the country, and not a demonetized or discredited money; for he who to-day talks of the "crime of 1873" simply writes down the men who are so claiming as incapable, incompetent to be members of this House, unfit to be members of the Senate, unfit to be anything. For a man who sits in the Senate of the United States and hears, or ought to hear, sixty pages of the CONGRESSIONAL RECORD sounded in his ear, and is not aware of what is being said, ought to go home and never come back again. [Laughter.]

Mr. BARTLETT of Georgia. I should like to ask the gentleman if no less a person than James G. Blaine, who at the time was Speaker of the House of Representatives, did not, in 1878, in a speech made in the Senate, say that he was not aware at the time of its passage that the act which demonetized silver contained that provision.

Mr. GROSVENOR. I do not take back anything that I said.

Mr. BARTLETT of Georgia. I ask the gentleman if Mr. Blaine did not declare that he did not know it?

Mr. GROSVENOR. I reiterate my former statement and stand by it.

Mr. BARTLETT of Georgia. You do not answer my question, then?

Mr. GROSVENOR. There is no need to answer it further. That answers it.

Mr. BARTLETT of Georgia. I do not understand the gentleman.

Mr. GROSVENOR. That is the answer. I do not yield my original proposition. Ignorance of that which a member of Congress ought to know, and easily could know if he gave attention to the public business, is no excuse for his failure to know, and no defense to the charge that he neglected public business.

Mr. BARTLETT of Georgia. What?

Mr. GROSVENOR. What I said before. [Laughter.]

Mr. BARTLETT of Georgia. Let me ask you another question?

Mr. GROSVENOR. No; I guess you had better not. [Laughter.]

Mr. BARTLETT of Georgia. I do not think the gentleman can answer it.

Mr. GROSVENOR. I do not think the gentleman from Georgia wants to ask any question that can throw any light on that subject. The gentleman from Washington, if I understood him, asked me what was the meaning of the word "standard" in the platform of 1892. I think the use of that word in that connection was, that it should be money of the value of other money—standard money. Money of the standard of the money of the country. I do not think that it intended to mean that it was a kind of money that could control the action and discretion of the Treasury Department. I am one of those Republicans who believe that every dollar of the national debt is, as matter of law, redeemable in gold or silver, the money of the Constitution, at the option of the person who pays out the money. I think anything short of that would be simply absurd.

That is the position of the Republican party; that is the position of the party that is now threatened with destruction because it has not done enough for silver. It has made silver a legal tender for every debt; it has made it receivable for public debts; it is circulating it to the utmost capacity of the Treasury Department; it has put millions upon millions of dollars into the pockets of the monopolists who hold it; and to-day it stands demanding that such legislation shall be had and such treaties shall be made as to ultimately fit it—not make it by law, but make it fit—to be the money of redemption. I take it there is a good deal of difference between a statute and a public declaration that makes a currency standard money and a declaration that compels the use of it as the money of ultimate redemption of the promises of the Government. The one is a statute, the other is a practice of the Department; and while the civilized nations of this world, all of them, the great commercial nations, use gold as the money of ultimate redemption, the United States must do it or the United States must lose its position among the people of the world.

Now, Mr. Chairman, we are told that unless this thing be done and done speedily—what thing? "Something for silver; give silver something"—we are told this morning that if that is not done the Republican party shall die.

I hold in my hand a special telegram to the New York Herald of this morning, purporting to give the substance of a political platform issued in this city on yesterday, not made as a public declaration of these Senators in the Senate of the United States, and therefore when I speak about it I am not criticising any coordinate branch of the legislative part of the Government; but they have sent it out, it is said, to form a rallying cry, a demand, and I have no doubt of the truth of this statement, so far as the attitude of a few, at least, of the men named in this statement is concerned, because it is in keeping with the whole conduct of the gentlemen composing a part of this list in the Senate itself. I will put the entire abstract, a very brief one, into my speech. The substance of it is a declaration that you must indorse the platform of 16 to 1 as the ultimate policy of the Republican party or

"there will be no Republican party." That is the declaration, and it is signed by a number of Senators, whose names I will read: LEE MANTLE, GEORGE L. SHOUP, EDWARD O. WOLCOTT, JOHN H. MITCHELL, FRANK J. CANNON, H. M. TELLER, FRANCIS E. WARREN, H. C. HANSBROUGH, T. H. CARTER, GEORGE C. PERKINS, J. D. CAMERON, C. D. CLARK, ARTHUR BROWN, R. F. PETTIGREW, and FRED T. DUBOIS.

I do not believe the statement published in the press heretofore alluded to correctly stated the position of a number of the gentlemen named, but it shows the desperate character of the men who are holding the Republican party by the throat and threatening to bolt in advance of its platform.

The following is the special dispatch referred to:

SILVER MEN'S ULTIMATUM—SIXTEEN SENATORS AGREE TO PREVENT PROTECTIVE LEGISLATION UNTIL SILVER WINS.

[By telegraph to the Herald.]

PHILADELPHIA, PA., *February 7, 1896.*

Wharton Barker, as one of the foremost leaders of the silver forces, has secured the indorsement of sixteen Republican members of the United States Senate pledging them to a policy of bimetallism and protection.

Armed with the document containing the original signatures of the sixteen Senators in question Barker to-day issued an open letter to the manufacturers containing a declaration of principles, in which he makes the bold assertion that no more protective tariff bills will be allowed to pass Congress until the protectionists of the East consent to have silver coupled with protection.

He further states that the responsibility rests with the manufacturers of the East to force the Republican party to adopt his (Barker's) platform, and that by so doing alone can they save the protective system. To ignore his platform means, he says, the disruption of the Republican party, and it will lose the sympathy and alienate the support of those who put bimetallism before protection, and without whose support the passage of any further tariff measures is impossible, thus making the defeat of the Republican party inevitable.

In his letter he says: "You must indorse such a platform and force its adoption by the Republican party or there will be no Republican party."

The Senators who signed the agreement are LEE MANTLE, GEORGE L. SHOUP, EDWARD O. WOLCOTT, JOHN H. MITCHELL, FRANK J. CANNON, H. M. TELLER, FRANCIS E. WARREN, H. C. HANSBROUGH, T. H. CARTER, GEORGE C. PERKINS, J. D. CAMERON, C. D. CLARK, ARTHUR BROWN, R. F. PETTIGREW, and FRED T. DUBOIS.

Mr. TELLER indorses it, but says he prefers a ratio of 15½ to 1.

In this connection it may be stated that these gentlemen representing entire States, two Senators to a State, will represent in this coming election in an electoral college of 460 votes the enormous power of 16 electoral votes. "We, the tailors of Tooley street!"—"We, the people of England!" [Laughter.] Then we have Oregon, represented in part by one Senator. I undertake to say that the old Republican State of Oregon will next June testify, and her voice will be heard ringing, as it has always been heard, across this continent in the early days of the summer, protesting against that declaration. North Dakota in part, California in part, North Carolina in part, and Pennsylvania in nothing—nothing, absolutely nothing.

I want to refer now in detail, and I have taken some care to prepare the statement, and I want these gentlemen who send out their messages that "there shall be no Republican party" unless the Republican party shall indorse the doctrine of the free and unlimited coinage of silver at the ratio of 16 to 1—I want every one of these gentlemen to study this, and let each one, when he is through with these figures and sees no opening to criticise, answer the question whether he is representing a party or a faction, whether his presence inside or outside the party is really indispensable to party success.

THE DEMANDS OF THE FREE-SILVER REPUBLICANS.

Threats of political apostasy, menaces of bolts from party nominations, and indications of party division are important and potential only in view of two conditions:

First. That it is the deliberate purpose of the persons or factions making such demonstrations to carry into execution their threats or menaces.

Second. That it is in their power to execute, as a last resort, their threats.

The Republican party of the United States, looking forward to the contest of 1896, can not avoid taking into consideration certain utterances of Republicans purporting to speak on behalf of the advocates of free and unlimited coinage of silver. However earnestly we may advocate the theory of duty and obligation to principle, the question of success obtrudes itself upon our consideration at all points, and so, when distinguished men, claiming to represent, and probably to some extent actually representing, an important sentiment upon an important question of American politics, threaten to overthrow the party in the coming battle if their peculiar notions are not embodied in the platform and their peculiar views are not fully represented in the candidates, it is the part of wisdom to duly consider the situation in the light of the two propositions which I have suggested.

Recently, and especially during the fall prior to the meeting of Congress, there were utterances by certain gentlemen claiming to be members of the Republican party indicative of a purpose on behalf of a certain interest to demand that that interest shall write the platform and nominate the candidate of the Republican party; or failing in both these demands the defeat of the party is decreed. One gentleman used the following language:

Let the Republicans of the East beware. We will submit to a fair presentment of our case before the voters of the United States and be reconciled to their decision, but our influence can never be stifled by political legerdemain or gold-bug intrigue.

Many more such declarations would leave Western Republicans without hope and drive them out of the party. I would also point to the fact that such a result would likely throw the election next year into Congress and, if this should occur, it would be impossible to elect a Republican President on a gold platform, each State having but one vote, thus giving 13 out of the 45 to the silver States.

In this connection it may be pointed out with propriety that the honorable Senator from South Dakota [Mr. PETTIGREW], in a recent interview in the city of New York, said:

If the silver men are ignored and a gold bug is nominated upon a gold platform, seven or eight of the Republican States of the Northwest will be lost to the Republicans.

When asked about the effect of the bolt of "seven or eight of the Republican States of the Northwest," he said that it would have the effect to prevent an election by the people. Then he said that in that event there would probably be a combination of Southern Democrats with Northwestern silver States, and in Congress their candidate might prevail. It is due to the distinguished Senator to state in this connection that he disavowed making a threat in this way and uttered the following exceedingly sensible sentence: "Threats are very silly among men." How they are among women I do not know. [Laughter.] These two declarations were made prior to the recent election, and doubtless if the gentlemen who made them were to revise the statements referred to, there would be modification of these utterances if not wholesale repudiation of the sentiment.

But however that may be, the important consideration is what weight is to be given to these menaces of danger. The next electoral college will consist, as appears now, of 446 electors, a majority of whom will be 224, and that number will be required to elect a President. Assuming now that the seven or eight States referred to by Mr. PETTIGREW should bolt and stand ready to join with the Democratic faction as threatened, and then assume that this defection took place, as it would have to in order to be powerful before the election in November, it is safe to say that beyond all reasonable doubt the following States would elect Republican Presidential electors: Connecticut, 6; Illinois, 24; Indiana, 15; Iowa, 13; Kansas, 10; Maine, 6; Maryland, 8; Massachusetts, 15; Michigan, 14; Minnesota, 9; Nebraska, 8; New Hampshire, 4; New Jersey, 10; New York, 36; Ohio, 23; Oregon, 4; Pennsylvania, 32; Rhode Island, 4; Vermont, 4; West Virginia, 6, and Wisconsin, 12. Here are 263 electoral votes, or a majority of 38. A careful inspection of this list of States will satisfy anyone that there is not a weak spot in that line, nor is it reasonable to believe that there will not be added to that column the vote of California and Washington, making 13 in addition; and that is not all. Upon this issue pressed upon the people we have the States of Delaware, Kentucky, Tennessee, and Louisiana, with 37 electoral votes, more likely to be Republican than Democratic.

Mr. TAWNEY. If the gentleman will allow me, why do you propose to exclude Minnesota?

Mr. GROSVENOR. I have her in here. Perish the proposition!

Mr. GAMBLE. I would respectfully ask the distinguished gentleman from Ohio upon what ground and his reasons for excluding South Dakota from the list of Republican States. I challenge the accuracy of such a statement. The Republicans of my State are now and always have been loyal to the principles of that party, believe in its policies, and are proud of its history. It has never yet suffered defeat at the polls in asserting Republican principles before as intelligent and patriotic a body of electors as reside within the confines of the nation. I state here and now that South Dakota will be found at the next election in the Republican column upon the platform that will be promulgated at the St. Louis convention, which, I believe, will treat fairly and justly this great subject now under discussion. The Republican party of South Dakota is in favor of bimetallism, and such has always been the uniform declaration by the party in its national platforms. I believe it will not depart from that policy now.

To the criticisms indulged in by the gentleman, as far as they relate to the senior Senator from my State, I do not care to reply. I prefer rather to allow him, if he sees fit, to answer in his own time and in his own way.

Mr. GROSVENOR. I was only showing what there was certain without reference to what the Senator said. I must treat the Senator with perfect respect while he is Senator.

The "seven or eight Republican States of the Northwest," to which the distinguished Senator from South Dakota doubtless

refers, are Colorado 4, Idaho 3, Montana 3, Nevada 3, Wyoming 3, Utah 3, South Dakota 4, and Washington 4, with 27 electoral votes. Now add these to the Southern votes, Alabama 11, Arkansas 8, Florida 4, Georgia 13, Mississippi 9, South Carolina 9, Texas 15, Virginia 12, making 84 votes; and then add these to the 27 votes, and you have 111, and there remains not disposed of North Dakota 4, Delaware 3, Missouri 17, and North Carolina 11. Of these 35 votes upon the plain issue of free silver and Democracy, against sound finance and protection, I think no intelligent man will doubt that there is more likelihood that Delaware, Missouri, and North Carolina, with 31 electoral votes, would vote for the Republican candidates than for the free-silver candidates. So much for the election before the people in November, 1896.

Now, assuming that the unlikely, and indeed almost impossible, shall happen and the election be thrown into the House. It must be borne in mind that each State in such a contingency has one vote, and that vote is controlled by the majority of its delegation in the House. If a State is evenly divided she does not vote. In this case Maryland, Tennessee, Kentucky, and North Carolina would be silent. The only contingency upon which this suggestion would be erroneous would be the possibility, if not probability, that Judge Denny will be successful in his contest with OWENS of Kentucky, in which case the vote of Kentucky would be for the Republican candidate, but without that the four States would be deducted from the 45 States, leaving 41 votes to be cast, and 21 would be a majority. Where will these 21 votes come from? Here is the list that is as certain as anything in politics to vote for the Republican candidates: California, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, West Virginia, and Wisconsin, 24 votes.

Assume that the unholy alliance suggested between the Democracy of the South and the free-silver States of the Northwest could be consummated, a result that it is impossible to believe can be brought about. In that event we should have for a mongrel candidate, whoever he might be, Idaho, Montana, North Dakota, Colorado, Nevada, South Dakota, Wyoming, Utah, Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Texas, and Virginia. The suggestion that all these States could be brought into a harmonious organization through the present delegations in Congress is too absurd to be seriously contemplated, I admit; but that is the worst that can happen; and that is not all of it, for in the Constitution of the United States, in Article XII. appears the following, referring to the conditions spoken of by Senator PETTIGREW, where neither candidate has a majority of the electors:

> And if no person have such majority, then from the persons having the highest numbers, not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately by ballot.

Thus it will be seen that from the regular nominee of the Republican party, the regular nominee of the Democratic party, and the regular nominee of the Populistic party the candidate must come upon whom can be concentrated the vote of 21 States.

It will take a mighty change in conditions to bring about a situation in which the State of Louisiana or Virginia or even Georgia, not to mention Alabama and Texas, could be induced to cast its vote in the House of Representatives for Coxey, of Ohio, or Debs, of Indiana. It may be pointed out in criticism of this article that Tennessee is not properly assigned a position as a State which would divide its vote. Assuming that no contest will be decided in favor of the Republicans—and I do not know that one is pending—I do assume that under no conditions which can possibly arise will the distinguished Representative from the Memphis district [Mr. PATTERSON] join in making it possible that the vote of Tennessee shall be cast for a free-silver man for President of the United States, and driven as he will be in such an emergency to vote for a Republican, he is certain to divide that State and lift it out of the contest. [Laughter.]

These considerations result in an inevitable conclusion, and that is that the Republican party in the formation of its platform and the selection of its candidates for 1896 need not cater to any element in politics which would be injurious to the high plane upon which it has always stood as a party of conservatism and integrity; nor yet will it be called upon, even if, under any contingency, such a course would be justified, to lower the standard of its high position upon the subject of a sound currency, a dollar of equal value, the promoter and defender of the commercial and financial honor of the United States. Nor will it be necessary or desirable that it shall modify any position it has hitherto occupied upon any of the great questions of American politics, for it has an assurance that upon a platform in substance and effect the platform of 1892 it can carry the country by an overwhelming majority in the popular elections in November. And if by any mutation of political conditions the elections should be thrown into the House of Representatives, the party and the country can rest in serene confidence that the House of Representatives will select without delay the candidate who had been voted for as the regular Republican candidate at the November election.

So it will be seen by this analysis that the threats of bolters and the menaces of factions need not and will not deter the Republican party from the course it has adopted. The path of duty and honor is the path of safety and leads to success. [Loud applause.]

Mr. ALLEN of Mississippi. Will the gentleman yield for a question?

Mr. PATTERSON. I trust the gentleman from Ohio will allow me a single word.

Mr. GROSVENOR. I yield first to the gentleman from Mississippi.

Mr. ALLEN of Mississippi. I wanted to ask the gentleman from Ohio in all fairness whether he thinks the remarks he has just submitted are carrying out an agreement entered into by himself and myself to keep down all partisan feeling in this House. [Laughter.] Does he not think that this speech of his, while not directly a partisan speech, is calculated to appeal to partisan feeling? [Laughter.]

Mr. GROSVENOR. I think not. I think this is a plane upon which all the intelligent, patriotic people of the country can stand. Now I will hear the gentleman from Tennessee.

Mr. PATTERSON. Mr. Chairman, my friend from Ohio has singled me out and surmised what my action would be in a certain contingency. I wish to say to this House in general terms that I fondly look forward to the day when the Democratic party, as in the past, will be distinctively the sound-money party of the country. And I do not expect ever to see the day—I do not contemplate ever seeing the hour—when I shall not stand with the Democratic organization in any and every contingency. [Applause on the Democratic side.]

Mr. GROSVENOR. Well, Mr. Chairman, there are so many "contingencies" in American politics that I thought I might speak about one which possibly might invade the peaceful domain of the gentleman's mind at an early day. [Laughter and applause.]

Mr. MCCLEARY of Minnesota. May I interrupt the gentleman a moment? I want to ask him why he puts North Dakota in the doubtful column after listening to that magnificent address delivered the other day by one of the Representatives from that State [Mr. JOHNSON]?

Mr. GROSVENOR. I wanted to be intensely respectful to the distinguished Senator from that State. I do not believe that one of those States will forsake the banner of the Republican party [applause]; the banner of the party that has made us what we are; the banner of the party that has made the dollar in the pocket of my friend from California all that it is worth to-day; the party that refused to go, upon the demand of the "sand-lot" champion of California, into the mire and filth of irredeemable paper money; that party that gave to this country a standing among the financial states of the world. Men may come and men may go, but these States will not secede from the party to follow the dictation of a faction or the suggestion of local speculative interests.

Mr. OWENS. May I ask the gentleman is that the same party that a few weeks ago retailed its national convention to the highest bidder?

Mr. GROSVENOR.—

> Great God! on what a slender thread
> Hang everlasting things!

[Laughter and applause.]

Mr. MILES. Is it the same party that has just made a deal with the Populists at the other end of the Capitol in order to get control of a few offices?

Mr. GROSVENOR. I think it is the party that at the other end of the Capitol has been compelled to take possession of a machine which your party has been smashing for the last year and a half. [Laughter and applause.]

Mr. OWENS again rose.

Mr. GROSVENOR. I decline to be further interrupted.

The CHAIRMAN. The gentleman from Ohio declines to yield further.

Mr. GROSVENOR. I do not want to have my time occupied by frivolous matters.

Mr. OWENS. I want to ask the gentleman——

The CHAIRMAN. The gentleman from Ohio declines to yield.

Mr. GROSVENOR. I shall be glad to hear the gentleman from Kentucky; he is such a fine-looking man.

Mr. OWENS. I just wanted to ask the gentleman whether this is the same party that signalized its return to power in the Senate by sending us the free-coinage bill which we are now considering?

Mr. GROSVENOR. Well, I have just been talking about that party, and I think I have characterized it as well as the gentleman from Kentucky could. If not, he can get some time and do it for himself. If there is anything in the action of the Senate, when you come to look over the yea-and-nay lists, that gives any comfort to any honest-money Democrat, he is welcome to get that list and read it. The Republican party stands to-day offering to this country a remedy for its troubles. It stands to-day assuring

the people that the party which has made our country what it is is willing to utilize every dollar of silver that can be made and kept equal in value to the gold dollar of the country. Our Democratic friends are shouting that good times are coming, and the harbinger of good times is demonstrated by the fact, as they claim, that some five hundred and odd millions of dollars were subscribed at the Treasury for the loan of $100,000,000 of bonds.

I have not very much time to speak of that branch of the question, but I desire to caution my friends on the other side not to get excited or overjubilant at that outlook. Men invest their money in this country in the best enterprises that they can find, and at a time when the industries of the country are prostrate—I pronounce without hesitation the whole proposition that there are good times among the masses of the people as a fallacy, a false statement, and a delusion. In times like these when labor is unemployed, when prices have gone down, when foreign trade has been substantially abandoned, when confidence has failed in the matters connected with our ordinary industrial system, then money is subscribed at low rates of interest for Government securities, and the highest evidence in my mind that the great moneyed interests of the country have gloomy forebodings for the future and entertain a feeling of grave doubt and uncertainty as to the outcome is the enormous rush that was made to bid for and purchase these 3 per cent securities of the Government.

Mr. Chairman, if you had made that offer to the people of this country in the fall of 1892 you could not have gotten that amount of money for a 3 per cent loan under any circumstances. And why? Because they had something to do with their money. There was something that labor could do. There was hope in the minds of the people; there were ambition and prosperity all over the land. To-day the banks come forward, men of large means and even in some instances of small means, small holders of money, now come and subscribe to the interest industry that will yield them a return of 3 per cent on their money because there is nothing else in the country to which their money can be applied.

There never was a time in the history of the United States when there was greater demand for Republican statesmanship than there is now. Whether this Congress shall be able to achieve anything or not I do not know, but I do know that the House of Representatives, with its great Republican majority, has already made an impression upon the business of the country. I do know that by the passage of the bond bill, which you now want to destroy, and by the introduction of the resolution of similar import in the Senate, and by the protests that came as a response to our declaration, the Administration abandoned the star-chamber process of loaning the money of the people, and upon that $100,000,000 of loan that is now to be floated, the difference between the sum reached last winter by the secret process of selling the bonds and the process prescribed by the bill passed by the House of Representatives this winter, a difference of something like ten or twelve million dollars would be secured to the Treasury [applause], and every dollar of it is due to the protest of the Republican House of Representatives against the demand of the Administration of the Government. And I say now, with all due deliberation, that he of the Republican party who stands here to-day and votes for that chimerical proposition, the free and unlimited coinage of silver, thereby giving license to the Administration to enter into another combination or star-chamber process to loan the money in the dark, will be held responsible by his constituents when there comes a return of the patriotic sense of the common people of the nation. [Applause.]

Vote for free silver if you see fit; vote for the mistaken dogma, as I look upon it, if you believe it to be right, or if in your honest judgment you believe in the principle, but do not do so by protesting that you are against the principle of borrowing the money of the country in a star chamber of a Treasury conspiracy.

Mr. Chairman, let us reject this proposition and send it back to to the other end of the Capitol, and if the Senate wants to encumber the tariff bill we passed with free coinage let them do so. I take it for granted that if to-morrow the trump of the Angel Gabriel should blow, and the sheeted dead be called to judgment, there would spring up some members and ex-members of that body and hundreds of men who would shout to Gabriel to suspend procedure until they could offer an amendment to the call of judgment at the ratio of 16 to 1. [Laughter and applause.] The whole business is a mere attempt by party revolution to obstruct legislation and block the wheels of Government and force the views of an unimportant minority upon an overwhelming majority, and this in the interest of a local production. I appeal to the Republicans of this House, as I appeal to the Democrats who favor a return to the time-honored principles of that great party, and who hope for the future in American politics, that we shall all stand together for the interests of the whole country and not of a section, and that in the election of 1896 we take such a position as will once and forever settle this question in the interests of all of the people, and the great party that has done so much for the country will take care of subsidiary questions as they arise along the future pathway of the nation. [Applause.]

Silver Restoration—The Duty of the Republican Party.

SPEECH

OF

HON. CHARLES A. TOWNE,

OF MINNESOTA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 8, 1896.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue, with Senate amendments—

Mr. TOWNE said:

Mr. CHAIRMAN: If it were not for a profound, an almost overpowering, sense of duty, I should not on this occasion vex the ear of the House nor venture to do violence to that feeling of embarrassment which I assure you is most oppressive to myself and, I fear, all too evident to my auditors; particularly when I must follow the distinguished and eloquent gentleman from Iowa [Mr. HEPBURN], whom the House is always glad to hear. Under these circumstances I am reminded of those familiar lines of Shakespeare,

> As in a theater the eyes of men,
> When a well-graced actor leaves the stage,
> Are idly bent on him that enters next.

But, sir, I conceive that the general subject which is brought before this House by the pending measure is by all odds the most important one that will engage or has engaged the attention of this body at this session of Congress. The eminent gentleman who opened the discussion upon this measure [Mr. DINGLEY], following a metaphor that had its origin, I believe, with Aristotle, and which has had frequent employment since, well likened the money of the commercial nations of the world to the lifeblood of the physical body. Sir, the comparison is most apt; for not more do the health and efficiency and happiness of the physical organism depend upon the quantity and condition of the blood, than do the welfare, the prosperity, and the progress of society depend upon the volume and character of the money that flows in the channels of its commercial circulation. This it is which gives importance and special emphasis to the question now pending; because there are hundreds of thousands of men in the United States and elsewhere in the world to-day who believe that there is a studied effort on the part of certain interests by subtle surgery to abstract from the blood of the body politic its white corpuscles [applause], and to allow to atrophy one of the ventricles of its great central heart whose harmonious pulsations give power and energy and movement to its organization. [Applause.]

The question, sir, is an imminent one. It is a question that, like Banquo's ghost, will not down. "Avaunt and quit my sight" will not banish it. Gentlemen may cry, "Peace, peace;" but there is no peace. Politicians may say, "We will make this thing or that thing or the other thing the issue." But, sirs, it is issues that make parties, not parties that make issues. [Applause.] Some gentlemen say, "Let it alone; let the question settle itself; do not agitate it." Sir, that is not the language of brave men; that is not the language of statesmen; that is not the language of the whilom and customary leadership of the grand old Republican party. [Applause.] Its constant reiteration shows a decline in the ancient and salutary standards of self-government.

Our institutions are founded upon and presuppose the fullest investigation, the genuineness of opinions, fair, free, and fearless discussion. Had men in the past neglected to exemplify these requirements and to insist upon their guaranty, what would have been the history of liberty? To what unhappy condition would not mankind have been reduced had John Hampden been afraid to arraign his king for the unconstitutional exactions of ship money; had Sam Adams and Patrick Henry been obsequiously silent as to the stamp duty, or hesitated to affirm the great principle of "no taxation without representation;" had Thomas Jefferson permitted himself to entertain politic doubts whether "all men are created equal;" had Washington deemed it safer to submit to British tyranny than to defy it; had Garrison, Lovejoy, and Phillips been frightened from their high purpose by the calling of hard names and threats of personal violence; had Sumner, Seward, and Lincoln thought it indiscreet to denounce the treatment of Kansas as a crime, to assert that the conflict between freedom and slavery was "irrepressible," and to make a new application of the old proverb that "a house divided against itself can not stand." [Applause.]

No, sir; let us not abandon our duty. Let us stand to it like men. Said Daniel Webster, in answer to a similar argument sixty years ago:

> If any evil arises to destroy or endanger this medium or this currency, our duty is to meet it, not to retreat from it—to remedy it, not to let it alone. We are to control and correct the mischief, not submit to it.

Moreover, a question of this magnitude and significance ought to be discussed in a spirit and manner appropriate to so high a theme. To treat it as if it were the claim of a small private interest seeking

an avenue for self-aggrandizement at the expense of the general good, is to show a grave incompetence to weigh and handle the momentous concerns of the people. That so many in this House are unable to grasp the higher and only real issues involved, is not complimentary to the standard of American statesmanship. Similar but much severer strictures must be drawn upon a considerable part of the public press. To call one's opponent in an argument "fool," "crank," "lunatic," "traitor," is as unprofitable as it is impolite. People are apt to suspect one who "doth protest too much." Better answer your antagonist's argument than abuse him; and if he really be a fool his argument ought to be easily answered. Nor can you escape the ordeal of critical examination by merely pasting a label on your faith. Calling it "honest" and "sound" does not by any means make it so. It only begs the question. Nobody contends for unsound and dishonest money. I will permit no man to call me dishonest, nor shall he affix such a brand upon any proposal of mine.

The people can not be deceived. They are studying this question as never before. Epithets can not deter them from penetrating to its mystery. The "craze" may have passed, but the era of sober and deliberate investigation has begun, nay, is already far advanced; and I warn gentlemen that there never has been so much interest in this great question as there is now. "What is 'honest money'?" men are asking. "Have we it now? If not, how shall we obtain it?" These questions must be answered by arguments, not by adjectives.

Nor, sir, on the other hand, does this discussion give proper place to wild talk of revolution, secession, and bloodshed. Sir, that kind of declaration has no justification in this forum or in any other in the United States. This is a government of the people. It is the highest form yet known of that kind of government which a great commentator has called "a government by discussion;" and it is by orderly, sane, passionless, though earnest, discussion in the presence of the intelligent public opinion of the United States that we must settle all large questions of policy. Duclos said in reference to public opinion, "the man in power commands, but the intelligent govern, because in time they form public opinion, and that sooner or later subjugates every kind of despotism." We bow to the reign of law, and he who advocates any other way of settling differences is preaching anarchy and will find no sympathy in this country.

In the discussion of this question, the first line of demarcation should be plainly drawn between the advocates of the single gold standard upon the one side and the advocates of bimetallism upon the other. In this matter there is great confusion of terms. It has been noticeable in the discussions on this floor, it is noticeable in similar discussions everywhere among those who take part in this controversy. Men call themselves bimetallists, men have to-day upon this floor called themselves bimetallists, who believe in a monetary system having one metal as a basis and another metal practically redeemable in it or resting upon it.

That is not bimetallism. That, I repeat, is not bimetallism. Nothing can be gained by a false use of terms. Everybody ought to favor the removal of all uncertainty in the meaning of the terms employed in this argument. If a man actually believes in the continuance of the present system, and I concede that there are two sides to the question, and that a man may rationally contend for the one or the other; but if a man honestly believes that gold should be the sole measure of value in the world, why can not he say so, and stand boldly and bravely up to his declaration? [Applause.] I have no patience with the believer in the gold standard who exhausts all the resources of ingenuity in an attempt to avoid stating his real position. Such evasion bespeaks a lack of confidence either in his own conclusions or in their acceptability to the country.

Now, sir, a man who is honestly a bimetallist, who believes in the use of both gold and silver as standard money, as money of ultimate redemption, the final basis of all token and representative currency, can not consistently stand up here and deny the evils of the single gold standard. It amazes me to hear gentlemen upon this floor loudly proclaim themselves bimetallists, and then launch themselves into tedious argument to prove that the gold standard is wholly satisfactory. They are bimetallists, yet gold is a stable measure of values! They are bimetallists, yet there is no appreciation of gold! They are bimetallists, yet prices have not fallen! They are bimetallists, yet prices *have* fallen, and entirely because of cheapened cost of production! They are bimetallists, yet the restoration of silver is impossible! They are bimetallists, yet the present system must continue indefinitely! They are bimetallists, but the single gold standard is good enough for them! Why, sir, this is the very acme of inconsistency. I know not which is the more pitiable, that such folly should be tolerated, or that so many who commit it should be so unconscious of it.

It may be thought, sir, that I am spending too much time upon this matter. But in the forum where this discussion is soon to be taken, I mean the great tribunal of the public opinion of the United States, it is of the utmost importance to both sides that we agree upon the meaning of the terms used in the inquiry, and that men honest in their convictions shall boldly take their places under the banners they mean to follow.

Mr. Maurice L. Muhleman, deputy assistant treasurer of the United States at New York, in his recent book, Monetary Systems of the World, page 12, says:

By bimetallism, strictly defined, is meant the free and unlimited coinage of both gold and silver into coins of full debt-paying power.

I refer to Mr. Muhleman's definition because he speaks with authority upon matters of fact, and because his book aims not at theoretical discussion, but at a clear statement of settled and existing conditions.

Let me cite another authority: The royal commission appointed in 1886 by Queen Victoria "to inquire into the causes of the recent changes in the values of the precious metals," reported in 1888, and the report was published by our Government in 1889. I quote from page 59 of that report, section 116:

A bimetallic system of currency, to be completely effective, must, in the view of those who advocate it, include two essential features: (*a*) An open mint ready to coin any quantity of either gold or silver which may be brought to it. (*b*) The right on the part of a debtor to discharge his liabilities, at his option, in either of the two metals at a ratio fixed by law.

That, sir, is bimetallism; and if a man do not believe in it let him say so, but let him not believe in something else and label it "bimetallism" for purposes of deception. [Applause.] The statement that the present system is bimetallic, if not ignorant is not candid. The attempt to substitute for the well-understood meaning of bimetallism a new definition, whereby it is applied to any monetary system in which both gold and silver are "used," without reference to the manner of the use, is a subterfuge unworthy of the honesty and dignity of American political discussion, and one that will not impose upon the aroused intelligence of the American people. [Applause.] If their final judgment is for gold monometallism, it will not be pronounced under any mistake or delusion. You can not promise them both silver and gold and satisfy them with gold alone.

Until recently it never entered into anybody's head since the word bimetallism was coined to have a doubt about what it meant. There can be no question as to the meaning of the word. Bimetallism means Two-metallism. It was coined to mean, and does mean, a money system where the two metals, gold and silver, are treated alike. It never has meant anything else. It signifies the equal access of gold and silver to the mints at a fixed ratio, and the option by the debtor as to the coin in which he shall discharge his debt. This matter is important. Gentlemen here and elsewhere constantly misapply this word. I do not propose to permit it any longer, to the extent to which my little influence may go. I here and now challenge any gentleman upon this floor or anywhere else—and this is not a mere rhetorical defiance, but is intended to bring this confusion to an end—to produce a definition of bimetallism by any publicist or economist of authority or any statesman of standing, made prior to 1895, which is not in substantial accord with the definition I have given. Let no gentleman who may do me the honor to reply to this speech neglect this point. Let him be either for the single gold standard or for bimetallism, and if for bimetallism let him discuss the means of reaching the end and frankly concede that the present system cannot be permitted to last.

It has been, sir, only since the great parties of the United States have been every one of them unequivocably pledged to bimetallism, and that fact conflicted with the desires of certain people, that they have sought to make a new definition of bimetallism, and under that new definition to hold the pledgors to the letter of their ancient pledge without its spirit. [Applause.] Why can not men who do believe in the gold standard be honest and say so? I do not impute now, when I use the word "honest," any moral obliquity to any gentleman. I should perhaps rather phrase it in this way: Why shall not a man have the open and manly courage of his convictions and stand up and be counted? Why let him not say as the New York Evening Post said? That great representative of English opposition to the Monroe doctrine, protection, and bimetallism, and every other form of Americanism, said, not long ago:

There are some people (a diminishing number, however) who hesitate to avow themselves in favor of the single gold standard, although they are opposed to any change from the present system. There are others (also a diminishing number) who think that because a certain limited number of silver dollars are in circulation we have bimetallism or the double standard in this country. This is a totally false conception, as false as it would be to assume that we have a paper standard because a limited number of greenbacks are afloat. * * * The "gold bugs" have no change of standard in contemplation. They are satisfied with the present posture of affairs, so far as that goes. The "expulsion of everything but gold as real money" took place in 1873, and continues unabated.

Let every man who believes with the Post imitate its frankness and say so. Let him say so along with the distinguished gentleman from Massachusetts [Mr. WALKER], chairman of the Committee on Banking and Currency, who declared in his speech yesterday—I do not pretend to quote him exactly, but I remember perfectly the substance of the statement—

That if all the nations of the world were to come together and agree upon a ratio for the free coinage of gold and silver, it could not be maintained beyond a very brief space of time in face of the inevitable laws of trade.

Perhaps he believes it, sir. If he says so, I have no doubt he does, strange and incredible as it may seem to my poor faculties. But, sir, if he does believe it, then I undertake to say he can not remain in the Republican party unless, when the Republican party next proclaims its doctrine in a national convention, it shall change its platform. [Applause.]

Now, Mr. Chairman, I am not using the words of excess and incaution. I say that the Republican platform uses unmistakable language. It may not have said what the convention meant. If anybody wants to assume the burden of proving that the Republican party in national convention assembled solemnly declared what it did not mean, he is welcome to do it; but for my own part, I have never yet found it necessary to charge the grand old Republican party of these United States with deliberate misrepresentation. [Applause.] And that party in convention assembled proclaimed, in the last authoritative national utterance that we have from that organization:

The American people, from tradition and interest, favor bimetallism, and the Republican party demands the use of both gold and silver as standard money.

I care not what restrictions, limitations, or qualifications were added to that sentence to complete the plank, they never could get away from that initial pronouncement pledging the party to the restoration of the full money functions of silver so as to clothe it with every dignity bestowed on gold. "Tradition" refers to some ancient system, not the present. "Standard money" is not token money.

I am not now discussing the *means* of reaching it, but I defy any man on the top of this earth to say that the Republican party is not by its platform pledged to achieve bimetallism in some way, and I affirm that you must change that platform before a man who believes in a single gold standard can consistently stand upon it. If I am wrong on this point, let some subsequent participant in this debate set me right.

Now, Mr. Chairman, if bimetallists are opposed to the single gold standard, what is the reason for their opposition? It must be because in some respects the single gold standard is wrong, because in some way it is an evil, because in some way it injuriously affects the people of the United States or the people of the world. Bimetallists contend that such is the fact. They contend that the single gold standard is and has been since its adoption by the leading commercial nations an appreciating standard, whose unit has rapidly increased in general purchasing power, and must continue so to increase; that this appreciation is evidenced by a progressive fall of prices throughout the gold-standard world, not accounted for by diminishing cost of production, and that the inevitable result must be to augment the burden of all debts and fixed charges, to discourage investments and enterprise, and to undermine the productive forces of the countries where it prevails. And they affirm that if these things are so, the evil is so tremendous and pressing as to call for some immediate remedial action.

Now, sir, in order to proceed intelligibly along the line of argument I have laid out for myself, it becomes necessary to get a clear conception of certain words used in the terminology of this discussion. Standard and unit are examples, occurring in the expressions "standard of value" and "unit of value." By the Century Dictionary standard is defined as "a weight, measure, or instrument by comparison with which the accuracy of others is determined;" and unit as "any standard quantity by the repetition and subdivision of which any other quantity of the same kind is measured." Thus by the expressions referred to the mind is centered on the thought of weight, dimension, and quantity, and thus some persons are led to the notion that a "dollar," or "pound sterling," or "franc" means something as absolute and definite as to value as "ton," "yard," and "quart" are as to weight, length, and capacity. But value is neither "so heavy," "so long," or "of such-and-such contents." You can not see it. Value is nothing absolute. Value is a relation. It is the ratio at which one thing exchanges for another. One thing may be worth as much as another thing, more than another thing, or less than another thing; that is, of equal, greater, or less value. But it takes two things to express value; one is compared with the other. And the relation between exchanged commodities is perfectly reciprocal. When I pay $100 for a horse, as in the illustration used by the gentleman from Virginia [Mr. TUCKER] the other day, the horse buys the $100 just as certainly as the $100 buys the horse; and if it be true to say that horses are high if they cost $150, it is equally true to say that money is high when you have to give two horses for $100. [Applause.]

Gentlemen here have much to say of "intrinsic value," and declare their willingness to vote for bimetallism when somebody shall show them how to make a gold dollar and a silver dollar equal in "intrinsic value." I should like to hear some of these gentlemen define "intrinsic value." They confuse, it seems to me, the meaning of value and utility. Things may possess qualities that make them useful, and hence will have utility, but the measure of their *value* is what they will exchange for. You pick up a piece of iron. It is useful for many purposes; but you can not tell how much it is worth, that is to say, what its value is, until you find what you can get for it. Value in exchange is the only value with which political economy has to deal.

Originally exchange was by barter. Commodities were traded one for another. The cost of production and the relation of supply and demand regulated the ratios at which they mutually interchanged. Convenience necessitated the selection of some common medium into which all commodities could be converted, and with which any of them could be procured. This medium was money, and its invention marked an advance of inconceivable importance in the development of society. Gold and silver, by reason of their special fitness, finally displaced all other things in the performance of this function. As a consequence the demand for them for money purposes, being equal to the sum total of the values of all commodities seeking to be exchanged, became so vastly more important than the demand for them for any other purpose that cost of production ceased to be a large factor in determining their value as expressed in commodities, but that value practically became the ratio between all the goods seeking exchange and the quantity of gold and silver in existence to perform the exchanges. Men carried about with them acid to test the purity of the metals and scales for weighing out the requisite amounts of them called for by numerous and various transactions. The exchange relation between a certain unit number of grains of gold or of silver and a given commodity being once determined, there was established in the minds of those who came to market the idea of its value, which, when expressed in terms of money, was its *price;* but when for any reason the number of grains of metal out of which those units could be formed grew greater or grew less, other conditions remaining unchanged, then the value of those grains of gold or silver—that is, their power to command the products which were there to be exchanged for them—became relatively smaller or greater, and prices rose or fell accordingly. And no change was made in this principle when society began to put its stamp upon those grains of gold or silver to show authoritatively the quantity and fineness of the metal. After the coin is stamped, whatever may be its name, what it is worth depends, at any given time, upon what it will buy; in other words, upon what is required to buy it. Commodity demand and supply remaining constant, an increase or decrease of the substance out of which the coins are made must correspondingly lower or raise the power of each coin; must raise or lower prices.

These observations, which seem to me to be conformable to reason, and in precise accord with what history teaches us, are sustained by practically all economists of recognized authority. The following citations will illustrate. Said Adam Smith, the father of English political economy:

Gold and silver, however, like every other commodity, vary in their value, are sometimes cheaper and sometimes dearer, sometimes of easier and sometimes of more difficult purchase. * * * The discovery of the mines of America diminished the value of gold and silver in Europe.—*Wealth of Nations.* Worthington ed., pages 24 and 26.

John Locke, the great philosopher, in his treatise on The Value of Money, said:

By which means it comes to pass that the intrinsic value (of gold and silver) * * * is nothing but the quantity which men give or receive of them. For they having, as money, no other value but as pledges to procure what one wants or desires, and they procuring what we want or desire only by their quantity, it is evident that the intrinsic value of silver and gold used in commerce is nothing but their quantity.—*Principles of Political Economy,* by McCulloch, and *Essay on Interest and Value of Money,* by John Locke, edition of Ward, Lock & Co., page 233.

The same writer declares in another place (Works, Volume V, page 49):

For the value of money in general is the quantity of all the money in the world in proportion to all the trade.

In his Principles of Political Economy (Appleton edition, 1880, Volume II, pages 26–30), John Stuart Mill declares:

The value or purchasing power of money depends * * * on demand and supply. * * * Money is bought and sold like other things, whenever other things are bought and sold for money. * * * The supply of money * * * is all the money in circulation at the time. * * * If the whole money in circulation was doubled, prices would be doubled. * * * If there were less money in the hands of the community, and the same amount of goods to be sold, less money altogether would be given for them, and they would be sold at lower prices.

Robert Giffen, the ablest champion of the gold monometallists, holds this language in his Chapter on Standard Money:

In this sense, to say that the quantity of money regulates prices is only the same thing as to say of any article that is bought or sold, that its quantity is a material factor in determining its value.—*Case Against Bimetallism* page 218.

It is no answer to the quantitative argument to show, as some do, that the per capita circulation in Turkey is only a small proportion of that in France and that prices in the two countries are not widely variant. Money is a world substance and adjusts itself to the amount of business, and the method of doing it, in each country. Let the person smitten with this Turko-Frankish fancy answer the question whether, demand for goods remaining unchanged, prices would alter if suddenly the amount of money in each country were multiplied by ten. To answer "no" would be foolish, and to answer "yes" is to kill his argument.

Thus, sir, attention is strongly drawn to the function of money as a measure of value. Nearly all who discuss this general subject from the standpoint of the gold monometallist treat of money almost wholly as a medium of exchange only; but they miss entirely the philosophy of the question. The inequity and cruelty of the single gold standard lie principally in its operation as a measure of values and criterion of deferred payments.

I find, Mr. Chairman, that my time has flown away almost unobservedly——

Mr. HARTMAN. Mr. Chairman, I ask unanimous consent of the House that the time of the gentleman from Minnesota be extended

for twenty minutes. He is making one of the ablest arguments that has been presented to this House, and I ask that his time be extended.

Mr. WILLIAMS. I second the request.

A MEMBER. Make it thirty minutes. Let him finish his argument.

Mr. HARTMAN. Then I ask unanimous consent that the gentleman's time be extended for thirty minutes in addition to the ten minutes which he has remaining.

There was no objection.

Mr. TOWNE. Mr. Chairman and gentlemen, I am under very great obligation for your kindness. I will endeavor to requite it in the directness and closeness of my remarks.

Now, Mr. Chairman, after this somewhat inadequate and very hasty examination of the way in which value arises, and of the way in which price arises, price being simply the value of an article reckoned in money, and a comparison of the worth of the material in the unit of money with the worth of the article against which it is exchanged, I come to the proposition which is made by those who are opposed to the single gold standard.

That proposition is that there has been and is going on an appreciation—that is to say, a rise in value—in this standard of gold which the major portion of the commercial nations of the world has adopted; in other words, sir, it is affirmed that the quantity of all commodities, on the average, required to buy a given number of grains of gold has been and is increasing, and that from that fact there follows a train of woes from which the world has been suffering in an increasing measure ever since the mistake was made, in 1873, and thereabouts, of going to that standard. How shall we ascertain whether there has been this rise in value? There is only one way, and that is to examine the general price level of commodities. When one thing is used as a common denominator of all other things, to tell whether it rises or falls you must look at the average level of those other things and find whether they fall or rise, for the relations of the two are entirely and necessarily reciprocal.

Now, sir, a general law of this kind—and I ask the attention of the House to this proposition—a general law of this kind as to the course of prices is determinable only by a very broad generalization from observed facts. The commercial world is a complex one. The causes that affect the rise and fall, the demand and supply, and the cost of production of the infinite variety of articles that make up the modern market are difficult of investigation. A rise in the price of one commodity may accompany a fall in the price of another; as was shown by the gentleman from North Dakota [Mr. JOHNSON] the other day, who told us, as I remember, that there was a time when hay went up as wheat and corn went down; though what that fact scientifically signified is hidden in the inner consciousness of brother JOHNSON. [Laughter.] I mean no disrespect, for I know the gentleman from North Dakota as a scholarly man of distinguished ability and entire honesty in his opinions. But, I say that when you undertake to deduce a general law from the course, up and down, of two or three articles for two or three years, you are proceeding absolutely outside of the approved method of science, and a generalization of that kind has no value whatever.

But, Mr. Chairman, the scientific world has determined a way of investigating the general course of prices. It proceeds upon the selection of a large number of commodities of such character as to indicate the essential condition of the market, and extends over a number of years. Thus special causes, whether of time or of product, are largely neutralized and general results are obtained having value as indicative of the underlying law controlling the movement of prices. This method of inquiry is by means of a system of "index numbers." Thus, the price of each commodity chosen is averaged for a certain number of years, and that average is called 100. If, as is done by the London Economist newspaper, 22 commodities be used, the sum of these averages is, of course, 2,200. Then for any other year with which comparison is sought, the price of each commodity is ascertained and is set down at so many points above or below 100, according to the percentage of its rise or fall, as the case may be. These are then added and if the total exceeds 2,200 prices are higher than in the years used as the standard; if the total is less than 2,200 prices are lower. By dividing the total by the number of commodities an expression is obtained on the scale of 100, which is conveniently used in investigation. Under normal conditions various causes make temporary fluctuations in the prices of different commodities, some rising and others falling in the same period, without special significance. But when, after allowing for all such variations and offsets, general prices—the average of the whole market—have fallen, then the conclusion is unavoidable that some general cause has operated on all alike; and, as we have seen, such a fall would mean an increase in the measure of values, a dollar that had grown larger and which would require more of all commodities to buy it.

The authoritative figures for Germany are those of Dr. Adolf Soetbeer, a famous economic writer, as continued by Heinz, statistician for Hamburg. They take as 100, or the par for comparison, the average prices from 1847 to 1850 of 100 articles in the Hamburg market and 14 of British export. In England two sets of data enjoy great repute—those of the London Economist and, especially, those of Augustus Sauerbeck, of the London Statistical Society. The former are based on the prices of 22 leading commodities in the London market, using the average prices of 1845 to 1850 as 100. Mr. Sauerbeck's tables use as the par of comparison the average prices of 45 representative commodities on the London market for the years 1867 to 1877. In the United States no such scientific and exhaustive study of this subject has been made as in Germany and England. Practically, the only attempt in this direction was that undertaken in 1891 by a committee of the United States Senate, and whose results are embodied in the voluminous report which is customarily cited as the "Aldrich Report," after Senator ALDRICH, of Rhode Island, who was chairman of the committee.

This document deals with the prices of 223 articles, and uses as its par or 100 mark the prices of 1860. Although hastily compiled and based on the prices of only one year, and that year one of exceptionally low prices, and although allowing the same influence to a mass of nonstaple and unimportant articles as to the controlling and significant commodities, and notwithstanding that the operation of our protective tariff, by keeping out foreign competition and by stimulating home consumption, has tended during all the period covered by the report to maintain prices above the European level and to withstand to the utmost the influence tending to lower them, yet the results of that investigation are among the most instructive that we have. They confirm in a most emphatic way the lesson that primary money is a world substance, like the atmosphere, and that the law of an appreciating standard and measure of values is as inexorable as fate. Ingenuity may for a time postpone the catastrophe or mitigate the hardships that signal its approach, but the end is inevitable and a common ruin waits on all nations that mistakenly submit themselves to the control of such a system.

By Dr. Soetbeer's tables it appears that prices in Germany fell about 22 per cent from 1873 to 1891. Since 1891 the fall there, as elsewhere in Europe, has been very much more than in the same proportion, unquestionably exceeding 30 per cent by 1895. This means that the purchasing power of gold in Germany has increased more than 40 per cent since 1872.

In England, by the Economist tables, the fall of prices from 1873 to 1893 was 30 per cent; and the last two years have witnessed a much greater fall in proportion, showing an increase in the purchasing power of gold to have been at least 45 per cent from 1873 to 1895.

I give here the very careful and reliable figures of Mr. Sauerbeck, from 1818 to 1875. His standard, it will be recalled, is the average prices in London of forty-five principal commodities for the period 1867–1877, which is also the average for 1853–1877. The arrangement below is by continuous ten-year periods, thus equalizing merely temporary fluctuations and clearly showing the law controlling the fall of prices:

Ten-year periods and average index number.

1818–27	111	1842–51	83	1866–75	101
1819–28	106	1843–52	82	1867–76	101
1820–29	103	1844–53	83	1868–77	100
1821–30	101	1845–54	85	1869–78	99
1822–31	100	1846–55	86	1870–79	97
1823–32	98	1847–56	88	1871–80	96
1824–33	97	1848–57	89	1872–81	95
1825–34	96	1849–58	90	1873–82	93
1826–35	93	1850–59	92	1874–83	90
1827–36	93	1851–60	94	1875–84	87
1828–37	93	1852–61	96	1876–85	85
1829–38	93	1853–62	99	1877–86	82
1830–39	94	1854–63	100	1878–87	79
1831–40	95	1855–64	100	1879–88	78
1832–41	96	1856–65	100	1880–89	76
1833–42	96	1857–66	100	1881–90	75
1834–43	96	1858–67	99	1882–91	74
1835–44	95	1859–68	100	1883–92	72
1836–45	95	1860–69	101	1884–93	71
1837–46	93	1861–70	100	1885–94	69
1838–47	93	1862–71	100	Year 1894	63
1839–48	91	1863–72	101	February, 1895	60
1840–49	88	1864–73	102	Year 1873	111
1841–50	86	1865–74	102		

Thus, by these authoritative data, prices fell in England, between 1873 and February of 1895, 46 per cent. In other words, the purchasing power of gold rose more than 85 per cent. Even comparing the 1895 prices with the average of 1864–1873, the fall has been more than 41 per cent, and the increase in the power of gold more than 69 per cent.

These results, as well as others to which I shall later advert, are impressively represented by the charts to which I will ask the attention of the House. [At this point a large chart, A and B, was placed before the Clerk's desk.]

[For Charts A and B see page 91.]

The CHAIRMAN. The Chair suggests that if gentlemen will retain their seats a better view of the chart or diagram can be obtained by members generally.

Mr. TOWNE. I think the chart will be quite visible from every part of the House. After the speech of the gentleman from North Dakota the other day, I happened to think of my charts at home, so I sent for them and they arrived here about an hour ago. [Applause.]

Now, gentlemen, I call your attention to the fact that the lines of

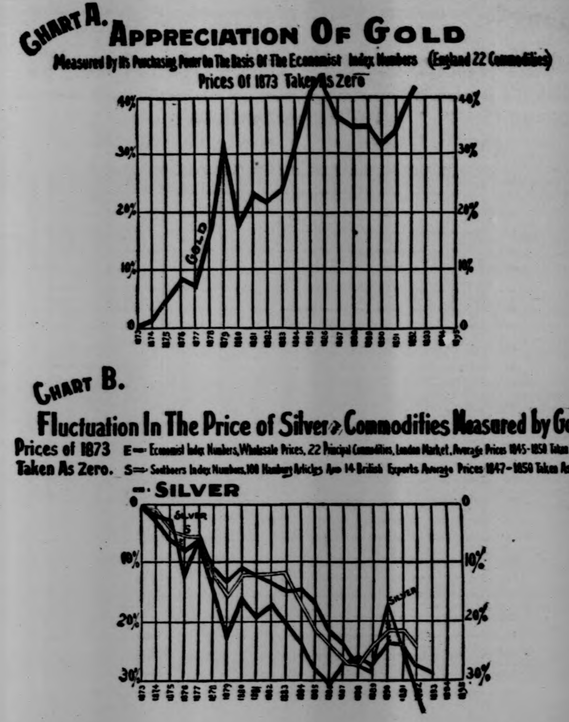

the two halves of the chart are continuous. Really these are two diagrams representing one idea. They indicate the reciprocal relation of the prices of commodities and the price of gold. For example, starting with 1873 as the zero point, the upper chart shows how gold has with few exceptions gone constantly up until it climbs off at the top of the chart [laughter], and how the prices of commodities and of silver have, as a necessary and reciprocal fact connected with the rise of gold, gone relatively down since 1872 in the percentages indicated in my remarks. Upon the lower chart you will find the course of prices as shown by the Economist index numbers upon the London market indicated by the line marked E; the line showing the course of prices in the German market is indicated by the letter S, standing for Soetbeer; and the course of silver is shown by the heavy black line.

Asking you to bear in mind, as before stated, that no general law in economics can be learned except by studying broad and large results over considerable periods of time, I ask you to note how beautifully this chart exemplifies to the eye the effects of the rise of gold. The line of gold is not uniform, but its general direction is upward. The lines of silver and commodities are not entirely regular, but their general tendency is downward. The correspondence between the values of commodities and silver is very remarkable and ought to be very interesting to gentlemen who deny the appreciation of gold and declare that there is no parallel between the prices of commodities in general and silver. You will notice that in 1890, for example, there was a sudden rise of silver and of these commodities. Naturally silver rose in a more pronounced degree than the other commodities, because in that year there was pending in Congress a proposition to rehabilitate the white metal and make it as good as gold. [Applause.] As soon as there was a likelihood of the restoration of its full money functions, it began to mount toward the point of parity, and as a necessary consequence gold began to fall. [Applause.]

Mr. FOWLER. Will the gentleman allow me to ask him if he has a line on his chart to show the rise and fall of wages at that time?

Mr. TOWNE. Oh, I will come to the wage question later on.

Mr. BRUMM. That was the year, was it not, when wheat was so high, as was shown by our friend the other day?

Mr. TOWNE. I believe so. Everything naturally rose at that time.

[For Chart C see page 92.]

Chart C exhibits upon one diagram the course of prices in England as shown by the Economist and Sauerbeck tables, and in the United States as shown by the Aldrich report already referred to. The prices are in gold, of course. The United States prices are shown in the heavy dark lines marked A, and the two English lines are indicated by their appropriate letters. The general correspondence of the three is very striking. American prices started higher than English prices and have remained so. The action of our protective tariff in stimulating production, restricting competition very largely to our own producers and upon our own standard of living, and keeping our own markets for those producers, has justified the policy of its advocates, of whom I claim to be as faithful as any; but it has not availed to withstand the constricting influence of the gold standard, whose sway is as "broad and general as the air." Prices had fallen in the United States about 28 per cent by 1891, and by 1895 the fall was certainly 33⅓ per cent or more, so that the purchasing power of gold in this country is fully 50 per cent greater than it was in 1872–73.

In this connection, I append the following extracts from The American, of Philadelphia, edited by Mr. Wharton Barker, whom I regard as without exception the ablest writer on economics in the periodical literature of the United States.

The first is from the number of January 25, 1896:

The fluctuations in prices since January 1, 1891, are of much interest. The figures representing the index numbers may be considered to represent the number of dollars that it would require to purchase at various dates the same quantity of goods as $100 on January 1, 1891. Thus, $59.59 would buy the same amount of the six breadstuffs—wheat, corn, oats, barley, rye, and flour in equal proportions—as $100 January 1, 1891.

CHART C.

Fall of Prices in England and the United States Since 1872

United States A — Based On Senate Report N° 1394, 52d Congress, 2d Session, Commonly Called The Aldrich Report, 223 Commodities, See Part I P. 19. (Last Page)

England S — " " Sauerbecks Tables Adjusted To Aldrich Plan, See Report, Part I, P. 225 et seq.

E — " " Economists " " " " " " " " " " " 226 et seq.

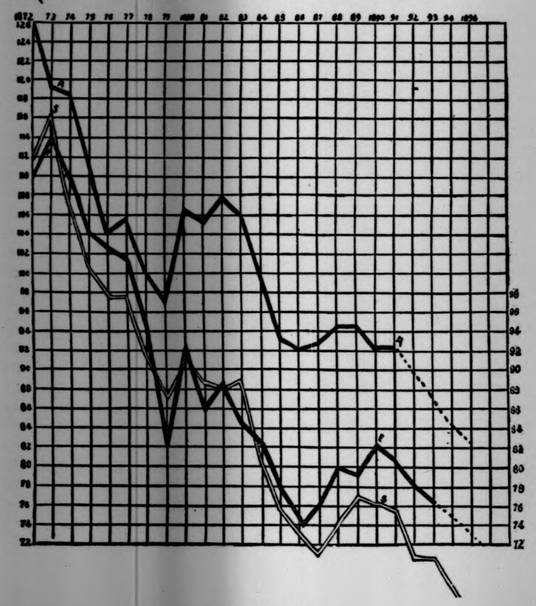

Summary of index numbers.

	Silver.	Breadstuffs, 6 articles.	Live stock, 4.	Provisions, 24 articles.	Hides and leather, 4 articles.	Raw and manufactured textiles, 11 articles.	Metals, 12 articles.	Coal and coke, 4 articles.	Mineral and vegetable oils, 7 articles.	Naval stores, 3 articles.	Building materials, 7 articles.	Chemicals, 11 articles.	Miscellaneous, 7 articles.	General index number, 100 articles.
1891.														
Jan. 1	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Apr. 1	94.25	118.31	116.58	105.34	100.52	98.57	92.84	98.05	99.34	110.60	97.37	98.70	100.38	101.94
July 1	98.21	103.90	110.38	100.40	98.26	95.60	95.22	99.89	94.76	111.61	95.24	90.69	100.56	98.28
Oct. 1	93.42	97.94	112.49	98.09	96.62	96.25	90.10	102.10	87.18	104.41	87.88	89.35	89.03	94.71
1892.														
Jan. 1	91.02	97.17	104.35	95.08	94.13	96.15	89.01	98.19	83.82	94.19	90.86	88.31	93.93	93.12
Apr. 1	83.83	89.45	110.13	97.96	91.60	96.20	84.02	99.77	83.17	104.42	92.81	85.64	91.31	92.87
July 1	84.51	92.58	113.53	97.56	95.28	97.50	81.99	100.02	81.42	88.57	89.53	87.03	99.53	92.85
Oct. 1	79.76	82.77	104.88	104.24	94.32	95.89	81.93	103.46	84.38	84.17	90.02	88.04	95.82	93.60
1893.														
Jan. 1	79.52	80.59	119.68	113.45	93.47	105.41	80.24	103.94	92.10	81.24	90.57	90.05	104.70	98.42
Apr. 1	80	79.99	125.28	115.84	95.28	102.92	81.26	97.72	98.23	81.99	87.91	92.74	109.29	99.75
July 1	69.94	73.62	110.01	109.32	92.76	90.62	77.09	94.43	90.81	79.63	85.34	89.69	100.69	93.39
Oct. 1	71.62	74.82	108.34	107.34	90.44	84.41	74.16	92.41	90.19	77.11	83.71	89.52	100.42	91.43
1894.														
Jan. 1	65.87	68.46	101.33	97.45	89.28	86.89	67.93	89.77	90.89	75.87	86.33	88.18	97.03	87.59
Apr. 1	58.21	70.38	97.78	92.97	89.90	79.49	66.11	85.98	92.09	77.34	80.05	89.25	90.76	84.70
July 1	60.59	74.32	92.42	93.70	83.57	78.31	66.13	83.11	92.86	89.39	78.71	85.96	91.45	84.40
Oct. 1	60.84	69.08	101.57	97.68	86.38	74.32	64.25	79.82	90.46	81.64	75.12	79.89	82.89	82.81
1895.														
Jan. 1	57.51	70.58	84.88	91.79	90.19	69.18	59.99	78.33	91.23	76.32	81.84	77.76	79.62	79.74
Apr. 1	64.67	72.45	104.41	97.31	96.48	69.68	60.26	79.34	100.26	85.65	79.05	76.77	74.51	82.59
July 1	63.95	75.83	100.54	93.59	131.99	74.53	69.10	81.53	108.18	87.85	80.68	76.38	81.87	86.05
Oct. 1	64.31	62.53	79.54	86.56	132.36	81.48	75.82	89.36	102.85	88.10	82.40	77.95	86.68	84.88
1896.														
Jan. 1	63.95	59.59	73.83	85.93	107.07	79.96	67.42	96.97	108.22	81.19	87.40	96.27	91.14	85.29

These index numbers give much food for thought. In the first place, the general index number shows that while prices in general are 6 per cent higher than on the 1st of January a year ago, they are 14.72 per cent lower than five years ago. It is also obvious that this index number does not indicate the full extent of the fall in prices, as, leaving out the advance in the prices of mineral and vegetable oils and of chemicals and some other comparatively unimportant commodities, the index number would be much lower. It is an instance where a fall in the price of the most important articles is offset to some extent by a rise in the price of less important.

The marked and continuous fall in breadstuffs which is quite equal to the fall in silver is especially noteworthy. While general prices have fallen less than 15 per cent as compared to prices ruling January 1, 1891, breadstuffs have fallen over 40 per cent. This fall is not due to overproduction, for the increase of production has not kept pace with the increase of population, and it can not be accounted for by the cheapening of production, because, as we pointed out last week, there has been little improvement in agricultural methods during the past five years, and the introduction of labor-saving machinery and economics has been much more marked in the factory than on the farm, yet farm products have fallen in price further than the products of the factory. The coincident fall between breadstuffs and silver is evidence that with the depreciation of silver our silver competitors can lay down grain in Europe at proportionately lower rates.

The second is from the American of January 18, 1896:

For the fact that agricultural products have fallen much more rapidly than manufactured articles, there is only one explanation, and that is, our agricultural products were the first to come into direct competition with the products of silver-using countries. The appreciation of gold, of the money which silver-using peoples receive in payment for what they sell to gold-using peoples, and which they can exchange for double the amount of silver that they could twenty years ago, has greatly encouraged production and stimulated exports from silver to gold using countries. To increase the area devoted to raising wheat and cotton was the work of a season; gathering experience and knowledge and building the factories to make manufactured goods the work of a decade or more. The result is that, while our farmers and planters have suffered from the competition of silver-using countries for years, our manufacturers are only now beginning to feel Asiatic competition. This is the explanation of the fall in prices that has been more marked in agricultural than manufacturing articles.

The enormous fall of prices in the gold-standard world I have proved. Gentlemen in this debate may hereafter seek some other explanation for the fact than that which I offer as chiefly accounting for it; but nobody will deny the fact. It is an open and notorious fact whose significance, if preponderantly due to the single gold standard, challenges the intellect, the conscience, and the patriotism of this nation. [Applause.] Contrast it for a moment with this: The purchasing power of silver in silver-using countries is to-day almost the same as in 1873. Consul Wetmore, at Shanghai, shows this by the following index numbers based on twenty staple commodities on the Chinese markets:

Year.	Aggregate value of 20 commodities, in silver.	Silver value of gold.	Year.	Aggregate value of 20 commodities, in silver.	Silver value of gold.
1873	2,000	2,000	1883	1,916	2,336
1874	1,814	2,029	1884	1,883	2,376
1875	1,787	2,078	1885	1,854	2,425
1876	1,930	2,160	1886	1,858	2,571
1877	2,031	2,159	1887	1,774	2,648
1878	2,102	2,215	1888	1,761	2,730
1879	2,023	2,301	1889	1,803	2,746
1880	1,925	2,275	1890	1,808	2,539
1881	1,940	2,322	1891	1,748	2,621
1882	1,986	2,307	1892	1,761	2,950

And the royal commission of 1888 declared that the purchasing power of silver in India had not fallen.

Sir, there is ample reason why prices began falling about the year 1873 and have kept falling with more or less regularity ever since. Down to that period gold and silver shared together the functions of ultimate money among the great commercial nations of the world. Together they formed one vast money reservoir, whose aggregated contents measured all exchange values and constituted the ultimate solution of all representative and credit money. England's action in going upon the gold standard in 1816 had not impaired this relation, but the sudden and nearly contemporaneous adoption of that standard about 1873 by several leading governments, followed at frequent intervals by others, made a sudden and tremendous lessening of the mint demand for silver, and threw upon the volume of gold the double burden of sustaining the credits and the redemption functions formerly borne by both metals jointly. This added enormously to the strain upon gold, rendering it relatively scarcer and more difficult to obtain, increasing almost beyond conception the demand for it, while its supply did not materially alter. The inevitable result was to raise the value of gold, to make it constantly necessary to give more and more of all commodities, on the average, to get gold. The full effect was not felt all at once in 1873. The steps in the process were progressive, and the effects were correspondingly so. Prices began falling with the cause, and have fallen and are falling as the cause continues and intensifies. The following is a fairly good statement of these successive stages in the process of squeezing the expanding energies of the nineteenth century down to the narrowing measure of the gold standard:

1872. Norway and Sweden substitute the gold standard for the silver standard.

1873. The United States, while on a paper basis and looking longingly toward resumption of specie payments, adopts the gold standard, although silver at the time is worth more in the market than gold, and although there has been no public demand for such action, the people and nearly every man in public life being ignorant of the real scope and object of the act, no amendment to which striking the standard silver dollar from our coinage can to this day be found of record. Thus on resuming specie payments in 1879 we became an aggressive scrambler for a share of the gold in the world, which was now becoming more and more the object of the eager pursuit of nations. Between 1877 and 1879 we absorbed over $560,000,000 of gold, as against about $55,000,000 in the preceding eleven years.

1873. Germany changes from the silver standard to the single gold standard; making a great demand for gold, so that by May, 1881, she had coined over $414,000,000 worth of it, and throwing upon the market for sale as bullion large masses of her worn and demonetized silver coin, selling, by 1879, more than seven million one hundred thousand pounds weight of fine silver.

1873. Belgian Parliament authorizes the Government to suspend the free coinage of silver.

1873–1874. France and the Latin Union (Italy, Switzerland, Belgium, and Greece, besides France) suspend the free coinage of silver, and France substitutes the gold standard for the double standard.

1875. Holland formally demonetizes silver, having suspended its free coinage in 1873, and adopts the single gold standard for herself and her East India colonies.

1873–1875. The Bank of France retires $350,000,000 worth of paper and adds greatly to its gold reserve.

1878. The United States enacts the Bland law, compelling the Government to purchase from $2,000,000 to $4,000,000 worth of silver monthly, but to add it to the money stock not as primary money, but, under the construction placed on it by our Government, virtually as a token coinage measurable in gold, thus increasing enormously the strain on gold. This law, moreover, completely nullified the main principle of bimetallism, which depends upon the right of the debtor to elect in which metal he will pay, by enacting that silver should be legal tender *except where otherwise provided in the contract.* This gave the creditor the determination of the metal of payment and virtually completed the demonetization of silver.

1879. The United States resumes specie payments and on a single metal, gold.

1879. Austria-Hungary suspends the free coinage of silver.

1883. Italy resumes specie payments on a gold basis, and borrows $86,000,000 in gold to do it with.

1890. The United States passes the Sherman silver purchase law, continuing the vicious principle of the Bland Act.

1890–1892. The Imperial Bank of Russia increases its gold reserve by $120,000,000, and begins a policy of hoarding gold, which has gone on ever since.

1891–1892. Austria-Hungary adopts the gold standard and becomes a borrower of gold to an enormous amount.

1892. Roumania adopts the gold standard.

1893. India closes her mints to the coinage of silver.

1894–1895. Chile and Brazil adopt the single gold standard and join the ever fiercer struggle for the lessening supply of real money.

1895. February. The United States begins the unhappy and humiliating procedure, apparently become chronic if we are to preserve the single gold standard, of borrowing millions in times of peace wherewith to pay tribute to the despotism of gold.

Why will gentlemen persist in shutting their eyes to the plainest evidence? The great fall of prices in the gold-standard world since 1873 is as indisputable as any physical fact in nature, and that it is chiefly due to the appreciation of gold seems to me as conclusively established as the law of gravitation. In England, where the gold standard was born and where its operation is to fill her creditor coffers with unearned increments of the wealth of all debtor countries, no mystery is made of it. Thus simply does Mr. Giffen, her greatest monometallist, dispose of it in his "Case against bimetallism," pages 218–219:

If we were told that copper or iron or wheat were rising because there was a deficiency of the supply of them to meet all the demands we should accept the statement as a matter of course. But what is true of copper or iron or wheat must equally be true of any commodity which happens to be the standard monetary substance. If gold or silver is that substance, and gold or silver is increasing in demand without any corresponding increase in supply, then people who want gold or silver for any purpose must give more for them. And this—

He says—

will be described as a fall of prices. * * * We see, then, how widely mistaken those monometallists have been, who, in their dislike of bimetallism, have denied that the recent—

He is writing in 1890—

great demand for gold in relation to its supply were likely to have caused a rise in its exchange value for other things. Looked at in this way, the fall of prices is itself a proof that gold, in relation to all the demands for it, has been relatively scarcer than it was. Everybody who has wanted it has had to give more for it. If everybody who wanted coal or pig iron was giving more for it than before, we should not hesitate to say that coal or pig iron were relatively more in demand than they had been; but what we should say of coal and pig iron we must also say of gold or silver in a like case.

Moreover, so clearly are the observed effects of the gold standard conformable to the economic law I have tried to state, that they have been foretold at different times by men learned in the science. Many years ago, before the nations had become crazed by the misunderstood example of England and had not so generally gone to work to subdue the world to a money bondage, Jevons wrote as follows:

I am far from denying that if the Italian Government decide to carry into effect M. Luzzatti's threat of buying gold at all hazards, and if the like course be taken by the United States and France, not to speak of Germany, there might be considerable disturbance of values for the time. But is it likely that such proceedings will be taken by rational statesmen and rational parliaments? It is really too absurd to suppose that any country will insist upon having a gold currency at any cost.

Alas! for the fallibility of genius. Even Jevons could not foresee that so many parliaments would prove irrational and that great countries should be so smitten of the gold standard he advocated as to pay their lifeblood for it.

But no prophecy of economic effects from observed causes has probably ever been made so unique and startling in its insight and accuracy as that of Ernest Seyd, the famous bimetallist, who in 1871 wrote: "It is a great mistake to suppose that the adoption of the gold valuation by other states besides England will be beneficial. It will only lead to the destruction of the monetary equilibrium hitherto existing, and cause a fall in the value of silver, from which England's trade and the Indian silver valuation will suffer more than all other interests, grievous as the general decline of prosperity all over the world will be. The strong doctrinism existing in England as regards the gold valuation is so blind that when the time of depression sets in there will be this special feature, the economical authorities of the country will refuse to listen to the cause here foreshadowed; every possible attempt will be made to prove that the decline of commerce is due to all sorts of causes and irreconcilable matters. The workman and his strikes will be the first convenient target; then speculation and overtrading will have their turn. Later on, when foreign nations, unable to pay in silver, have recourse to protection, when a number of other secondary causes develop themselves, then many would-be wise men will have the opportunity of pointing to specific reasons which in their eyes account for the falling off in every branch of trade. Many other allegations will be made, totally irrelevant to the main issue, but satisfactory to the moralizing tendency of financial writers. The great danger of the time will then be that among all this confusion and strife England's supremacy in commerce and manufactures may go backward to an extent which can not be redressed when the real cause becomes recognized and the natural remedy is applied."

Nothing could better show on what just philosophical principles bimetallism rests than this picture in 1871 of events to begin with demonetization in 1873 and continue until now and as much longer as we shall permit. If the test of science is prediction and verification, surely the evils of gold monometallism are scientifically condemned.

Just before the monetary conference at Brussels in 1892 the late Dr. Soetbeer, the eminent German philosopher, wrote, foretelling, the cataclysm of the year 1893 and subsequent evils:

I fear that if the English Government, on the occasion of the forthcoming International Monetary Conference, should refuse to submit or support practicable propositions destined to extend considerably the use of silver as legal tender, there will probably result a further incalculable depreciation in the value of the metal and a very serious appreciation of gold, followed by disastrous consequences.

Yet, sir, men will persist in referring the fall of prices since 1873 to the multiplication of inventions and to cheapened cost of production. It is no impugnment of my argument to admit that this may account for a relatively small proportion of the fall. But, sir, it is a very small proportion. Between 1850 and 1873 prices gradually and generally rose, a fact nobody will dispute; and yet I assert with perfect confidence that between those dates greater improvements in productive processes, compared with the condition at the beginning of the period, were made than between 1873 and the present time.

Gentlemen can not have forgotten the marvelous mechanical exhibit at the Centennial Exposition, practically all of which related to the period in question. In 1876 Harper & Bros. published a monumental work called First Century of the Republic, summarizing the course of progress in this country. It covered practically every department of activity, and was written by a carefully selected body of specialists. I quote from the preface, which is dated July 20, 1876:

An unusually large amount of space was given to the department of mechanical progress, but not disproportionately, when it is considered how characteristic of the century has been the advance in this field and how largely other progress has depended upon it. The same consideration justifies the elaborate and extended treatise on scientific progress.

By far the greatest amount of this accomplishment belongs, so far as its commercial and productive aspect is concerned, to the period from about 1850. By that time the steam engine had been perfected; the old Newcomen engine of 1769 with a "duty" of 5,500,000 foot-pounds per one bushel of Welsh coal had developed into the improved Cornish engine of 1850 with a "duty" of 60,000,000 foot-pounds; the factory system had come into systematic operation—the greatest revolution in production in the history of industry; so that when England, about 1850, changed the tariff policy under which she had grown great, and started out to impose free trade upon the world, it is estimated that her labor-saving machinery represented the capacity of 450,000,000 pairs of human hands.

In agriculture the period in question saw the perfection of the plow, the seeding machine, the grain drill, and the mowing machine. The first successful reaper was McCormick's, invented in 1834, improved in 1847, and first attracting general attention at the London World's Fair of 1851, where it took the gold medal, and from which time it came rapidly into use. Between 1851 and 1876 nearly 3,000 patents were taken out in this country alone for harvesters and their attachments. The thrashing machine was brought to perfection in 1853. The self-binder belongs to a later period, but its effect and that of improvements on the inventions named had nothing like the significance for agriculture which the devices that came in from 1850 to 1873 had. To this period also belongs the beginning of scientific agriculture and the use of imported and manufactured fertilizers on a large scale, the systematic and general breeding of cattle, horses, and sheep, and the inauguration and considerable development of the cheese-factory system.

In manufactures it is sufficient to name the leading processes and machines that had become commercially effective in this period; the cotton gin and spinning jenny, with their principal attachments and improvements; the power loom, calico printing, and color weaving; the hot blast in iron manufacture, perfected by 1845, by which many previously refractory ores were rendered reducible and the cost of smelting was diminished nearly half; the steam hammer, rolling mill, and turning lathe; the Bessemer steel process and the chief improvements in producing and refining iron, the casting, forging, and rolling of the heated metal, and the turning and planing of the cold metal; the jack, the slotting, key-grooving, milling, and shaping machines; the process of assembling, or the making of interchangeable parts of machines, permitting the vastly cheaper manufacture of articles like watches, clocks, and firearms; the sewing machine, dating effectively from about 1850, between when and 1876 about 2,000 patents connected with it were granted in the United States; the pneumatic caisson in engineering, the centrifugal pump, tunneling and drilling machinery, and the use of compressed air in connection with them; scales and elevator machinery, gang and circular saws and sawmill machinery generally, about the only new departure dating from since that time being the use of the band saw on a large scale; turning machinery, particularly Blanchard's spoke lathe for turning irregular forms; general woodworking machinery for planing mills and furniture factories, washing machines and knitting machines, the principal kinds of boot and shoe machinery, especially the McKay sewing machine, which, between 1861, when it was perfected, and 1876, had made 225,000,000 pairs of shoes in the United States alone; the Westinghouse air brake and its various adaptations, electroplating, lithography, and photolithography, optical instruments, musical instruments, ice machines, the growth of india rubber manufacture, the Goodyear vulcanizing process dating from 1844; machinery used in sugar refining and in paper, porcelain and glass manufacture, stereotyping and electrotyping processes, Bruce's and other type-casting machines, folding and addressing machines, the Gordon job press, and the Adams, Campbell, Walter, Bullock, and Hoe perfecting printing presses.

In this connection, remember that there is no branch of industry where production has cheapened in any degree approaching that of the mining of gold in recent years. But cheapened gold mining does not seem to have cheapened gold compared with other commodities, to any alarming extent.

The method of operation and the effect of a changing money standard are not sufficiently understood. Any convenient medium of exchange to which prices had once accommodated themselves would discharge sufficiently well the mere function of a medium of exchange. But when viewed as a *measure of the values* of all other things it is of the very greatest importance that the money unit remain as nearly unvarying as possible in value over long periods of time. When a man loans another a sum of money he loans a certain quantity of purchasing power, for that is what money is. Now, absolute justice would require that when the loan is repaid it should stand for the same purchasing power as before. But if, meantime, money has depreciated—that is, if prices have risen—the same nominal sum when repaid has less purchasing power than when borrowed and the lender or creditor really receives less than he loaned, the borrower or debtor profiting by the difference. On the other hand, if money rises in purchasing power between the making of the loan and the repayment, so that the borrower has to find more commodities with which to buy the money to pay back than the money would buy for him when he borrowed it, then he loses the difference and the money lender makes it.

Now, in either case, the changing standard takes something from one man without his deserving to lose it and gives it to another who has no right to it. In either case it is a silent robbery. The ideal standard would preserve the rights of both debtors and creditors. But if a deliberate choice had to be made between a gradually falling and a gradually rising standard, all writers of authority agree, and it is consonant with common sense that morally, economically, politically, and socially the falling standard would be preferable. Its inevitable losses fall on the creditor, the lender, who can better than the debtor endure its effects, and it encourages enterprise; while the certain hardships of the rising standard fall on the borrower, the debtor, the investor, the captain of industry, who can not so well sustain the burden, who has no surplus, but is most frequently wiped from the face of the industrial world by the vanishing of the margin between his property and the automatically enlarging lien upon it.

In the latter case the absolutely unavoidable result must be, if the evil is permitted to run, that all property will eventually belong to those who shall control the ultimate money of the world; and thrift and enterprise, if enterprise and thrift can belong to a race of slaves, would plan and save and toil to further fatten the overfed fatness of their masters. This is no exaggeration of language. It is the speech of truth and soberness. Said Sir Arthur James Balfour, the real head of the present Conservative Government of England, an earnest bimetallist and one of the profoundest thinkers in Europe, in a speech at Manchester, October 27, 1892:

But of all conceivable systems of currency, that system is assuredly the worst which gives you a standard steadily, continuously, indefinitely appreciating, and which, by that very fact, throws a burden upon every man of enterprise, upon every man who desires to promote the agricultural or the industrial resources of the country, and benefits no human being whatever but the owner of fixed debts in gold.

Falling prices of agricultural products deprive the farmer of the means of buying his usual conveniences and necessities, and these accumulate on the hands of the manufacturer and retailer, who in turn curtail expenses to the uttermost, discharging labor, which then loses its power to consume, and limiting their own consumption to the barest needs. Thus farmer, manufacturer, tradesman, transporter, laborer, all lose patronage and employment, while taxes, interest and principal of mortgages, fixed charges, bonded indebtedness, and rents are constantly and remorselessly measuring off increasing equivalences in all human products. Under such circumstances there is no inducement to enterprise or to investment in producing industries. No man wants to borrow money to use in a business in which the fall of prices is sure to eat up his profits. On the other hand, the man with money for the same reason does not want to put it into business, but prefers either to invest it in gilt-edge securities or to let it lie idle and grow. This collects the money in the large financial centers and emphasizes the absolute power of the money-lender, who must be sought in his lair and who can make his own terms with borrowers. It is a bad symptom when "breeding" money, to use Shylock's phrase, is regarded as better business policy than embarking it in productive industry. [Applause.]

The results of an appreciating standard are so hidden in the very processes of ordinary business that until we stop to look carefully for them we are not aware how serious—nay, how fatal—they may become. My time will permit only a few illustrations. Between 1874 and 1885 gold appreciated so that the holders of the public debt of England could buy in the latter year £200,000,000 worth more of all commodities on the average with the principal of the debt as it was in 1874 than they could have bought with it in 1874. In other words, the property and industry of England were robbed of $1,000,000,000 in eleven years and a present made of it to the holders of her bonds.

The Manufacturer, of February 1, 1896, shows that the gold standard has presented English trade since 1890 with a gratuity of nearly $250,000,000; also, that the value of farm live stock in the United States has fallen in three years $622,000,000.

The United States paid off about $750,000,000 of her debt between 1870 and 1884. Yet, as President Andrews has shown, if we reckon it in the eight commodities, beef, corn, wheat, oats, pork, cotton, coal, and bar iron, the debt was nearly 50 per cent larger afterwards than before.

It is said that in 1866 we could have paid the national debt of this country with 14,000,000 bales of cotton. In 1894 it would have taken 51,000,000 bales to pay what remained due, although meantime we had paid 94,000,000 bales on it in principal and interest. In 1866 we could have paid it with 1,000,000,000 bushels of wheat. Last fall we still owed 2,000,000,000 bushels, after paying 5,000,000,000 bushels in principal and interest.

The burden of the gold standard on the world could be fully measured only in blood and sweat and tears.

It is pertinent to this discussion, sir, to answer briefly a contention constantly repeated by the opponents of the restoration of silver, that silver has fallen because of its enormous overproduction. I do not wish to appear dogmatic, but I do say that this argument is absolutely without foundation. It has been a thousand times refuted, but continues to reappear in every discussion as fresh as ever and apparently unconscious of its discredit. The famous senior Senator from Ohio [Mr. SHERMAN,] in a public speech in his State a year ago, lent the support of his high name to this profound error, and in substance it was restated by the distinguished gentleman from Maine [Mr. DINGLEY] in opening this debate. I can not hope to stop the circulation of this convenient and serviceable assertion, but I can easily show that it is utterly without foundation.

The following table shows the world's production of gold and silver (coinage value) since 1792. I have added to the table as cited the correct figures for 1893 and 1894:

Production of gold and silver in the world, 1792 to 1892, copied from United States Senate Report No. 235, page 103, Coinage Laws of the United States, 1792 to 1894.

Calendar years.	Gold.	Silver (coining value).
1792–1800	$106,407,000	$228,860,000
1801–1810	118,152,000	371,677,000
1811–1820	76,063,000	224,786,000
1821–1830	94,479,000	191,444,000
1831–1840	134,841,000	247,930,000
1841–1848	291,144,000	259,520,000
1849	57,000,000	39,000,000
1850	44,450,000	39,000,000
1851	67,600,000	40,000,000
1852	132,750,000	40,600,000
1853	155,450,000	40,600,000
1854	127,450,000	40,600,000
1855	135,675,000	40,600,000
1856	147,600,000	40,650,000
1857	133,275,000	40,650,000
1858	124,650,000	40,650,000
1859	124,850,000	40,750,000
1860	119,250,000	40,800,000
1861	112,800,000	44,700,000
1862	107,750,000	45,200,000
1863	106,950,000	49,200,000
1864	113,000,000	51,700,000
1865	120,200,000	51,950,000
1866	121,100,000	50,750,000
1867	104,025,000	54,225,000
1868	109,025,000	50,225,000
1869	108,225,000	47,500,000
1870	106,850,000	51,575,000
1871	107,000,000	61,050,000
1872	99,600,000	65,250,000
1873	96,200,000	81,800,000
1874	90,750,000	71,500,000
1875	97,500,000	80,500,000
1876	103,700,000	87,600,000
1877	114,000,000	81,000,000
1878	119,000,000	95,000,000
1879	109,000,000	96,000,000
1880	106,500,000	96,700,000
1881	103,000,000	102,000,000
1882	102,000,000	111,800,000
1883	95,400,000	115,300,000
1884	101,700,000	105,500,000
1885	108,400,000	118,500,000
1886	106,000,000	120,600,000
1887	105,775,000	124,281,000
1888	110,197,000	140,706,000
1889	123,489,000	162,159,000
1890	118,849,000	172,235,000
1891	126,184,000	186,447,000
1892	138,860,000	196,450,000
1893	157,228,000	209,165,000
1894	181,510,000	214,581,000
Totals	6,001,254,000	5,501,075,000

Thus in the 103 years ending in 1894 the production of gold has exceeded that of silver by half a billion of dollars.

It must be borne in mind that a disproportionate production for any one year or a few successive years in the case of the precious metals is far less significant as affecting relative value than would a similar disproportion be in any other kind of commodities. The metals are so durable and their existing mass so large compared to the production of any one year, that the value of the whole will show little variation. *The disproportionate production, to have any visible effect, must continue long enough to change materially the relative bulk or mass of the whole supply in existence.*

The following table shows how barren must be the attempt to connect the fall of silver with an alleged disproportionate production:

Period.	Production of gold.	Production of silver.	Highest and lowest variations in market ratio.
1792–1848	$821,086,000	$1,624,217,000	16.25 to 1—15 to 1
1849–1862	1,570,950,000	573,800,000	15.78 to 1—15.19 to 1
1863–1873	1,190,175,000	615,225,000	15.92 to 1—15.37 to 1
1874–1894	2,419,043,000	2,687,833,000	32.56 to 1—16.17 to 1

In the first period twice as much silver as gold was produced; in the second, three times as much gold as silver; in the third, twice as much gold as silver; in the fourth, only 10 per cent more silver than gold. Yet during the enormously disproportionate production of the first three periods all the variations in the market ratio are embraced within a point and a quarter, while in the last period, when production was almost identical in both metals, the ratio sank more than sixteen points. To say that this 10 per cent difference caused such vast disturbance, while differences hundreds of times greater caused no disturbance at all, is to do violence to the primary

suggestions of the reason. Note upon the following chart (to which I shall hereafter refer for another purpose) how the fall of silver began with the concerted legislative assaults upon it and continued by precipitous decline as those assaults were repeated; and consider, for example, how steep the decline was between 1873 and 1880, although between those years the gold production was $830,650,000 and the silver production only $690,100,000.

[N. B.—There is a slight error in the tracing of this chart *circum* 1875–76, as will be seen at a glance. It does not, however, affect its general character.]

CHART E.

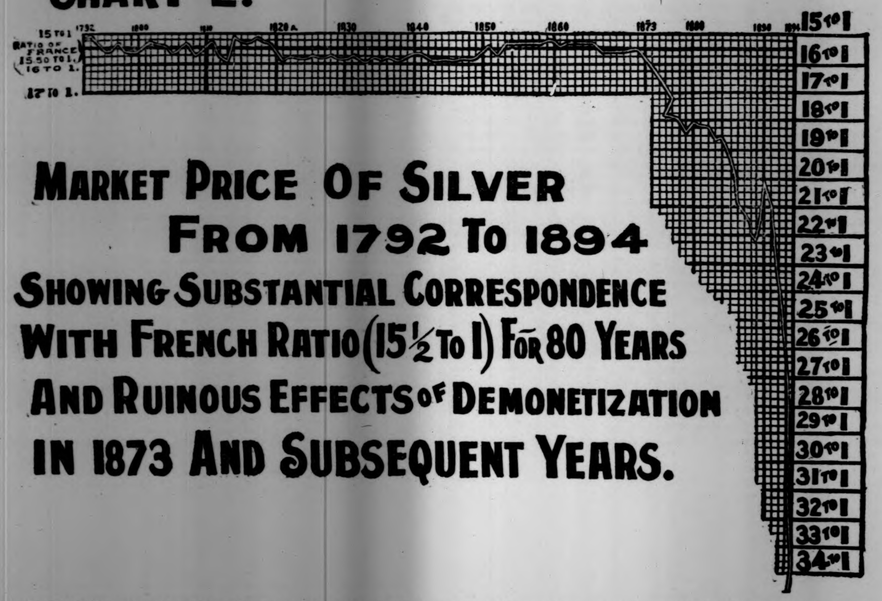

Now, sir, I ask the attention of gentlemen to Chart D, which is the last one I shall exhibit. It is a chart which in my judgment is absolutely unanswerable on the single gold standard theory. Some of its arrangement is original, but the main idea is drawn from a document many will recognize. I do not know whether I am correctly informed, but I understand that a distinguished gentleman is to follow me with the purpose of answering this argument. I hope he can. I do not say that it is unanswerable; I simply say that I am stating propositions which seem to me like axioms, and that if the gentleman who follows me can show I am wrong, he will at least have made one convert from a most pernicious error.

[For Chart D see page 97.]

On this chart the production of silver in any given period covered by it is taken as the space between the zero line and the silver line (marked S), and the production of gold during the same period is indicated by the colored ground. From this it will appear that from 1800 to 1810 about 32 per cent as much gold as silver was produced; from 1810 to 1820 about 34 per cent as much gold as silver; from 1820 to 1830 about 49 per cent as much gold as silver; from 1830 to 1840 about 55 per cent as much gold as silver; from 1840 to 1850 about 12½ per cent more gold than silver; from 1850 to 1855 about 260 per cent more gold than silver; from 1855 to 1860 about 250 per cent more gold than silver; from 1860 to 1865 about 166⅔ per cent more gold than silver; from 1865 to 1870 about 130 per cent more gold than silver; from 1870 to 1875 about 41 per cent more gold than silver; from 1875 to 1880 about 11 per cent more gold than silver; from 1880 to 1885 about 83 per cent as much gold as silver, and from 1885 to the present time about 75 per cent as much gold as silver.

This table also shows that from 1800 to 1820, when about one-third as much gold as silver was produced, but while there were in the world of coin and bullion from 32 to 33 tons (ounces would do as well) of silver to one ton of gold, you could go into the market and buy an ounce of gold for 15.55 ounces of silver; and that from 1820 to 1872 while production oscillated as we have seen, and while the relative number of tons of silver in the world's stock was all the time becoming less in proportion to the stock of gold, falling from 31.1 tons of silver to 1 of gold to about 22 tons of silver to 1 of gold, still the market price remained closely by the ratio established by the open mints of France; but that when the onslaught on silver was commenced in 1873, and the mints were shut in its face, notwithstanding that production has continued from that day to this nearer equal than at any time in a hundred years, and though the bulk of the world's stock of silver in tons has for years been almost exactly the old mint and market ratio, namely, from 18.6 to 16.1 tons of silver to 1 ton of gold, yet the market price of silver as measured in gold has constantly fallen until in December, 1894, you could have bought for 1 ounce of gold 34 ounces of silver, and the market price to-day is about 32 to 1. No man can look that chart in the face and then say that it is the "enormous overproduction of silver that has lowered the price." It is legislation, foolish, almost criminal legislation that has done this thing. [Applause.]

I undertake to say that if this chart is true there should be an explanation forthcoming from the gentlemen who have declared that the overproduction of silver is the reason of its fall in price. [Applause.] And there is no explanation of this fact, of this colossal fact, of this to me inexplicable fact (except on one basis, which I shall next mention) that, during the period when the bulk ratio between silver and gold was rising from 32 to 1 to 16 to 1, the market price fell from 16 to 1 to 34 to 1.

The only explanation that I can give is this: That the open mints of France afforded a channel through which the two metals could and did equably flow, according to the demands of trade, in this ultimate money, the one metal or the other predominating according to the demands of commerce and exchange, making of the two metals one ultimate money substance of final redemption.

Now, one word more and I shall sit down, for I have abused your patience. [Cries of "Go on!"] I wish to say only this in conclusion, that the condition in which the suffering gold-standard world to-day finds itself, is one that in my opinion calls loudly for remedy, calls loudly upon the statemanship of this country, calls loudly and I pray not hopelessly upon the patriotism, upon the intelligence, upon the courage of the splendid leaders of the grand old Republican party, if we have such left, and I believe we have. [Applause.] Sir, if a man denies that these things are true, then he may believe in the perpetuation of the present system, but if he believes that this picture which I have endeavored to show, of the continual fall of commodities and of the rise in gold, and the ruinous effects of it,

CHART D.

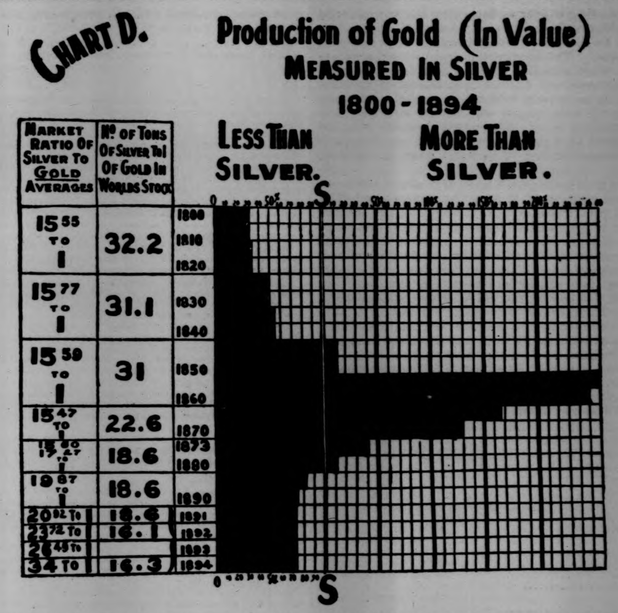

are due to the fact that part of the ultimate money substance of the world has been taken away by law, he can not believe in its perpetuation. He can not supinely submit to its continuance. He will arise against it and help put it aside.

I must not forget, sir, that I promised to say something about wages. I am prompt to admit that the great Republican policy of protection [applause] has vastly benefited the laboring man in the United States. Sir, nobody upon a fit occasion can speak upon that great policy with more enthusiastic encomium or more intense conviction than myself. But it can not do everything. Handicapped by the single gold standard it can work out only a portion of its proper results. When I plead for bimetallism I plead for the other half of protection. [Applause.] Free trade and the gold standard both aim at low prices; are both embodiments of British aggression upon the industrial independence of my country. I will resist them both to the utmost. [Applause.]

I do not question the fact that protection has had a beneficial effect upon wages; but, sir, organized labor is also largely to be credited for the maintenance of wages. Diminishing the number of hours of labor, lessening the number of apprentices, organizing against proposed reductions, they have fought their way by one method and another and have succeeded to a large degree in warding off the natural effects of an appreciating money. Let me add that if you will consider the number of men who have been out of employment and the diminished labor of those who have had employment the statistics of the rise in wages will appear far less imposing than they do now. [Applause.] The laboring man's interests are precisely the same as the manufacturer's, the tradesman's, and the farmer's in this respect. And the policy that is sure to wreck all employers in productive industry, if continued, can not fail to ruin also the men who work for them. *Profits can not disappear and leave wages untouched.* When men that hire labor become bankrupt, the man who works is very apt to be out of a job. The voluminous evidence gathered by the English Parliamentary Commission on the depression of trade and industry shows conclusively that wages in England have been long falling and continue to fall. In the United States various conditions have prevented the full operation of the same cause as yet, but many of its effects are already visible and the ultimate result is clearly foreseen by intelligent laboring men all over the country. Their attitude is not uncertain. They are and will be for a money system that is favorable to industry and that deals justly between man and man.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARTMAN. Mr. Chairman, I am going to ask again that the time of the gentleman from Minnesota be extended for fifteen minutes.

Several MEMBERS. Let him have time to conclude his remarks.

There was no objection, and it was so ordered.

Mr. TOWNE. Again, sir, am I most grateful to the House and most sensible of its kindness.

Frequent reference is made in this discussion to the experience of France in the early part of this century. Now, that Government, from 1803 to 1865, and the Latin Union (France, Italy, Greece, Belgium, and Switzerland) from 1865 to 1873, did maintain the bimetallic system, with mints open to both gold and silver, and keep them practically at par at her mint ratio of 15½ to 1. This great fact is of such conclusive significance that the advocates of the gold standard have not hesitated to fly in the face of history and flatly to deny one of the most notorious accomplishments on record. Such denials have been made in the course of this debate, and for that reason I propose to say a few words upon that subject.

Soetbeer gives the following as the extreme variations of the market ratio of gold to silver in each decade from 1803 to 1873:

1803	1:15.41	1849	1:15.78
1808*	1:16.08	1850	1:15.78
1813*	1:16.25	1859	1:15.70
1814*	1:15.04	1861	1:15.19
1820	1:15.62	1862	1:15.35
1830	1:15.95	1869	1:15.60
1832	1:15.72	1871	1:15.57
1833	1:15.93	1873	1:15.92
1843	1:15.93		

* Extremes during Napoleonic wars.

An examination of Chart E will confirm the lesson of these figures. For eighty years the line of market value of silver as compared with gold runs almost coincidently with the line representing the ratio on which the metals were coined at the mint of France.

Mr. WILLIAMS. I want to ask the gentleman a question for information. That, as I understand it, is the price of silver bullion in the London market?

Mr. TOWNE. In the London market.

Mr. WILLIAMS. It did not vary at all in the French market.

Mr. TOWNE. The gentleman from Mississippi is right. Sir Henry Hucks Gibbs, for forty years a director of the Bank of England, some time its governor, a monometallic gold delegate to the international convention of 1878, and a bimetallist now and for the remainder of his life, declares—and he had personal knowledge for many years—that from 1803 to 1873, notwithstanding the fact that the law requires nothing of the sort to be done, there was not a day when any person could not go to the Bank of France and get either gold or silver for the other at the mint ratio.

And here it occurs to me to call attention to the fact that mints do not, under systems of free coinage, purchase bullion, nor do they exchange, necessarily, coin of one metal for bullion of the other. I have seen on this floor indications that some gentlemen appear to think that one way we should lose our gold—if we opened the mints

to silver—would be in handing it over to designing individuals who should bring silver bullion to the mint and "demand" gold. The open mint exists merely to coin the bullion brought to it and pass it back in coin to the owner. The Government stamp can not create value. Whether a coin when stamped shall be effectual to pass at the value it claims to represent will depend upon the use it can command. In this respect I agree wholly with the honorable gentleman from Maine [Mr. DINGLEY], who opened this debate and who now does me the honor of listening to me. The whole question of maintaining freely coined silver at a parity with gold is one simply of giving it enough to do—subjecting it to large enough demand. [Applause.]

But to return to the French coinage. The figures above given are authoritative. In considering them it must be remembered that they are London market quotations, and that coinage in France was free but not gratuitous; all gold and silver brought to the mint was coined as desired, but a charge was made for expense of coinage of three-tenths of 1 per cent on gold and and 1½ per cent on silver. The total transportation cost on coin and bullion during the most of that time must have been somewhere about 1½ per cent. In addition to this, interest was lost on the value of the bullion while at the mint for coinage. These considerations are entirely adequate to explain the small variations in the bullion market in London. Indeed, these variations show that gold and silver *must* have circulated side by side in France.

The following table, on the authority of the distinguished economist, J. Barr Robertson, shows, in five-year periods, the French coinage during the time in question, of both gold and silver. It is given in English money because taken from an English document:

	Gold (average per annum).	Silver (average per annum).
1806–1810	£1,201,136	£1,184,737
1811–1815	3,299,503	5,208,029
1816–1820	1,951,604	993,111
1821–1825	465,748	3,526,432
1826–1830	293,976	5,032,004
1831–1835	826,149	6,576,120
1836–1840	589,857	3,048,189
1841–1845	159,326	3,033,286
1846–1850	1,294,537	4,311,276
1851–1855	12,669,263	1,431,755
1856–1860	21,605,465	666,651
1861–1865	7,667,357	175,008
1866–1870	9,546,561	3,402,020
1871–1875	2,475,213	2,742,776
Total coined	322,993,410	217,640,234

Silver was tendered and coined every year, and gold every year but 1833 and 1872. When England in 1821 resumed specie payments after a long paper régime, the coinage of gold in France, as will be noticed in the table, fell off very much; and when, in 1850 and following years, the great increased production of gold came into the world's supply, it was tendered and coined in immense quantities. But all this time the mints were coining both metals, and the open mint of France, like a pipe between two reservoirs, maintained the level of the two masses of metal and was the equalizer of their variations.

Nothing could more beautifully or triumphantly illustrate the fundamental principle of bimetallism. The two metals became in effect one metal, one primary money mass, to respond to the demands of debts and business and to support with broader basis the credit fabric of the world. Said Mr. Cernuschi, French delegate at the monetary conference of 1881:

The law by placing the yellow metal and the white metal on the same footing, by establishing a fixed and invariable ratio between them, has made them really a single money.

Thus, fellow-citizens, they must be considered. Thus treated they become such a money; and if so, we can regard with perfect equanimity, when the system is once established, the going out of one and the coming in of the other metal. The ebb and flow would be a perfectly natural and healthful movement, marking the frictionless adjustment of the money volume to the demands of trade and of localities. If gold starts to leave us to-day we have nothing to take its place; and so we keep hanging on to it, the amount of our desire to keep it, the measure of our necessities for it, being registered in the fall of the prices of all we produce or make. This is the greatest and heaviest premium money can command. If silver were also primary money, when gold wanted to go so badly it might go, temporarily, and satisfy the wants of somebody who would give more for it for the time being than we would. Under present conditions we pay more than it is worth to keep it. A premium of 50 per cent paid in all our commodities is to-day the premium on gold in the United States. It isn't worth the sacrifice.

In this connection I draw your attention to the following extract from the final report of the English commission before mentioned. This portion is signed by the twelve members of the commission, gold monometallists and all, comprising the greatest specialists in England:

SEC. 189. Looking then to the vast changes which occurred prior to 1873 in the relative production of the two metals without any corresponding disturbance in their market value, it appears to us difficult to resist the conclusion that some influence was then at work tending to steady the price of silver and to keep the ratio which it bore to gold approximately stable.

Section 192. These considerations seem to suggest the existence of some steadying influence in former periods, which has now been removed, and which has left the silver market subject to the influence of causes, the full effect of which was previously kept in check. The question, therefore, forces itself upon us: Is there any other circumstance calculated to effect the relation of silver to gold which distinguishes the latter from the earlier?

Now, undoubtedly the date which forms the dividing line between an epoch of approximate fixity in the relative value of gold and silver and one of marked instability, is the year when the bimetallic system which had previously been in force in the Latin Union ceased to be in full operation; and we are irresistibly led to the conclusion that the operation of that system, established as it was in countries the population and commerce of which were considerable, exerted a material influence upon the relative values of the two metals.

So long as that system was in force we think that, notwithstanding the changes in the production and the use of the precious metals, it kept the market price of silver approximately steady at the ratio fixed by law between them, namely, 15½ to 1.

Section 193. Nor does it appear to us a priori unreasonable to suppose that the existence in the Latin Union of a bimetallic system with a ratio of 15½ to 1 fixed between the two metals should have been capable of keeping the market price of silver steady at approximately that ratio.

The view that it could only affect the market price to the extent to which there was a demand for it for currency purposes in the Latin Union, or to which it was actually taken to the mints of those countries, is, we think, fallacious.

The fact that the owner of silver could in the last resort, take it to those mints and have it converted into coin which would purchase commodities at the ratio of 15½ of silver to 1 of gold, would, in our opinion, be likely to affect the price of silver in the market generally, whoever the purchaser and for whatever country it was destined. It would enable the seller to stand out for a price approximating to the legal ratio, and would tend to keep the market steady at about that point.

The situation in France, and the nature and theory of the bimetallic adjustment, are admirably set forth in the following eloquent words of Cernuschi in the monetary conference of 1881:

Until 1874 a clear and sonorous voice was always heard resounding from the banks of the Seine. It said: "I am France, rich in gold and rich in silver. I can arrange that in the entire world the two metals form but one money. Peoples and nations, bring to Paris all the gold and silver you like; I take it all. For a hundredweight of gold, or for 15½ hundredweights of silver, I will always give you the same quantity of francs. Let the production of one metal or the other be more or less abundant, more or less costly, it will be immaterial to me. Peoples and nations, do you want gold? bring silver; do you want silver? bring gold. As bimetallist, the French have no preference for one metal or the other; they will always make exchange for you, if you know how to ask it, of one metal for the other on the basis of 15½, and in the two hemispheres the relative value of the two metals will always and everywhere be the same.

The reason why France was able to do this was that her commerce was great enough and varied enough to give employment and exchange to all the metals of either kind that were offered for coinage. As I have before said, the test of ability to maintain a parity between the metals is the power, founded on extent and variety of uses for money, to absorb them in commerce. Whether the United States could independently achieve this result is not, perhaps, absolutely demonstrable. It is a question of judgment. My own opinion is that the task is not beyond us, and that, though some international concert is preferable, independent action is much to be preferred to the indefinite continuance of the present system. In this connection I wish merely to call attention, in passing, to the fact that it was the powerful influence of the French mint that caused, first the gold (when our mint ratio was 15 to 1 and France's 15½ to 1) and then the silver (when we had changed to 16 to 1) to leave the United States and go to France. It was exactly as if a commodity were to seek the highest market. But if she took our gold she sent us her silver, and *vice versa*. The process was natural and not harmful. *Both metals were somewhere performing full money functions for all the world.*

When asked whether England could successfully alone undertake the maintenance of the parity of gold and silver with open mints, Sir Henry Hucks Gibbs said:

Any great commercial nation can do it.

We do not sufficiently realize what a powerful nation we are and what we can do if we set about it. We need a little of the spirit of 1776. [Applause.] Why, we are more afraid of England now, after we have grown big enough to whip all creation, than our fathers were when they could count no more population than the State of Ohio has now. So long as we want her to do it England will manage our money system for us, and we may depend on her having an eye on England's interests while she is at it.

I make the assertion that, in nearly every respect, the conditions enabling a nation to support a system of bimetallism are to-day more favorable to the United States than they were to France from 1803 to 1873.

To begin with (see Chart D), from 1803 to 1870 the average number of ounces of silver in the world in coin and available for coinage was thirty times as great as the number of ounces of gold. Yet she made it possible during all that time to go into the market and buy as much with 15½ ounces of silver as could be bought with one ounce of gold. To-day there are only 16 times as many ounces of silver in the world's stock as of gold. Our ratio of coinage, 16 to 1, would, to commence with, almost exactly correspond to the natural ratio by weight. Ought it not to be very much easier to float two

metals at 16 to 1 when the relative amounts of them are practically just that than to do it when there were twice as many ounces of silver to one of gold as the ratio called for?

Again, if the demand for the *use* of a metal is the test of ability to maintain it at parity, the case is still stronger. In extent and variety of power to give employment to money, the United States to-day is immeasurably greater in respect to the general capacity of the world than was France twenty-five and more years ago. Says Mulhall, the world's greatest statistician:

If we take a survey of mankind in ancient or modern times as regards the physical, mechanical, and intellectual force of nations, we find nothing to compare with the United States in this present year of 1895. * * * The physical and mechanical power which has enabled a community of woodcutters and farmers to become in less than one hundred years the greatest nation in the world, is the aggregate of the strong arms of men and women, aided by horsepower, machinery, and steam power applied to the useful arts and sciences of everyday life. (North American Review, June, 1895.)

The relative extent to which a nation uses steam power illustrates, perhaps as well as any one thing can, the degree to which that nation is a factor in the world's business and can give money work to do. In 1870 the world's steam power, according to Mulhall's dictionary of statistics, was 18,460,000 horsepower. That of France was 1,850,000 horsepower, or little more that 10 per cent of the whole. In 1888 the total for the world was 50,150,000 horsepower, and of this the share of the United States was 14,400,000, or nearly 29 per cent. Our share to-day is 16,940,000, almost as great as that of all the world in 1870, and fully three times as great in proportion to the whole as was that of France in 1870. Here we see, says Mulhall—

that the United States possesses almost as much energy as Great Britain, Germany, and France collectively.

In comparing the two countries in respect to commerce, a most important point is this: In proportion as the foreign commerce of a nation is small relatively to the entire bulk of trade, it is easy to maintain a money system possessing independent features. In 1870 the total exports and imports of the world were, approximately, $11,000,000,000, and those of France a little more than $1,100,000,000, or about 10 per cent of the whole. In 1889 the world's total was nearly $17,000,000,000, and the share of the United States was about $1,600,000,000, or nearly 10 per cent. While it is impossible to obtain data as to the internal commerce of various countries with completeness and accuracy, enough exists to show us that a very much greater percentage of the total commerce of France in 1870 was foreign than the percentage of the foreign commerce in the total trade of this country to-day. It is commonly considered that not more than 4 per cent of our trade is with foreign countries, while it is safe to say that in France in 1870 fully three times that proportion of her trade was of that character.

In agriculture I have not at hand the figures for 1870, but Mulhall gives the total value of the world's principal agricultural products for 1887 at about $19,740,000,000, of which the share of France was $2,300,000,000, or somewhat less than 12 per cent, and that of the United States $3,880,000,000, or nearly 20 per cent. There is no doubt that the statistics of 1870 and 1895 would show even a much greater relative advantage on our part than this.

In manufactures France in 1860 produced approximately $1,900,000,000 worth out of the world's total of $12,000,000,000, or about 16 per cent; in 1888, $2,425,000,000 out of $23,000,000,000, or less than 10 per cent. If her share for 1870 be taken as the average of these two years, she would that year have produced about 13 per cent of the world's manufactures. The United States in 1888 had about $7,215,000,000 worth of manufactures, or over 31 per cent of the world's entire product. In 1870 the railway mileage of France was 9,770, and that of the world 128,235, the percentage of France being 7⅝. In 1895, of the world's 370,281 miles of railway the United States had 163,597, being about 44 per cent of the mileage of the entire world, and 26,732 miles more than all Europe combined.

In 1870 the railway freight tonnage of Europe was 401,000,000 tons, of which the proportion of France was 52,000,000 tons, or about 13 per cent. In 1888 her share was 78,000,000 out of 765,000,000 tons, or 10⅕ per cent; while the tonnage of the United States was 590,000,000 tons, or nearly eight times as much as that of France and three-quarters as much as that of all Europe. Of a like significance is the comparative tonnage carried on canals and rivers, being in France 14,500,000 tons in 1870 and 24,500,000 in 1885, as against 51,000,000 tons in the United States in the latter year. The total canal and river mileage of France is 7,730, and of the United States 51,834, or 30 per cent of the world's mileage of that character. Add to this the enormous capacity of our great lake system, and the unequaled facilities for the development of internal commerce can be partially realized.

But the most convincing comparison as a basis of judgment of the matter in hand, is as to the relative banking power of France in 1870 and the United States in 1890 (the statistics for 1895 not being at my present command), in proportion to the total banking power of the world at those respective dates. In 1870 the world's banking power was about $8,000,000,000, and that of France was $320,000,000, or 4 per cent. In 1890, and the proportion is still more favorable to us in 1895, the world's banking power was nearly $16,000,000,000, and that of the United States was 32 per cent of that tremendous aggregate, or $5,150,000,000. Of course the gold-standard men will point to the doubling of the banking capacity of the world in the last twenty odd years as proof of the diminished need of money, and will cite the very exceptional equipment of this country in that respect as an argument that we can not use any more primary money. But it is too plain for dispute that this great growth in the world's means of economizing gold, coinciding, as it does, so closely with the steps by which the volume of ultimate money has been deliberately curtailed, gives convincing support to our position that more primary money is a crying need of the world. Credit has been expanded to the utmost, far beyond the safety limit; gold has appreciated beyond all precedent; and to try to meet the demands of business this banking power has been evolved. It is an exact index of the increased need for primary or real money, and shows conclusively that the capacity of the United States to-day to absorb a new supply of real money is almost incalculable. These considerations are much enforced by the fact that our vast territory of just touched possibilities, with its constantly multiplying population, affords incomparable scope for the operation and expansion of the energizing functions of an adequate supply of primary money.

Now, sir, as we have seen, there is a demand in the world for a large additional amount of primary money. The enormous appreciation of gold and the almost incalculable multiplication of credits are incontestable proofs of it. The supply of gold has not for many years come anywhere near keeping pace with the demand, so that even the increasing facilities for using it, of which our gold friends have so much to say, have not availed to keep it from rising ruinously. Dr. Soetbeer and others have exhibited the immense growth of the demand for gold in the arts and manufactures. He showed how the gold available for coinage averaged $92,000,000 a year from 1851 to 1870, and but $24,000,000 a year from 1871 to 1881. Mulhall says that during the fifty years, 1831–1880, the consumption of gold was 160 tons more than the production. In an article in the Nineteenth Century Magazine for November, 1889, the great statistician and gold monometallist, Giffen, said:

The precious metals, it is admitted on all sides, have an extensive nonmonetary use. They are merchandise as well as money. But few people realize that probably this nonmonetary use is preponderant over the monetary use itself. * * * About two-thirds of the gold annually produced is taken for the arts; and if the consumption of India is included, as being either for simple hoarding or for the arts, * * * then the demand for gold for nonmonetary purposes appears almost equal to the entire annual production.

Professor Bemis, the brilliant young economist of Chicago, has recently shown, from perfectly reliable sources, that during the nine years last past there has been available for addition to the world's stock of circulating gold money not over $15,000,000 of new gold all told.

Mr. WALKER of Massachusetts. Will the gentleman tell the House how much the economic power of gold in commerce has increased in the last fifty years? Has it not increased several thousand fold?

Mr. TOWNE. Mr. Chairman, I understand the gentleman's question to refer to the common argument of gold-standard theorists, that the conclusions drawn by all statesmen and economists down to recent years as to the limited ability of coin to discharge commercial functions have been abrogated and overthrown by modern inventions that have facilitated exchange, as checks, clearing-house certificates, book credits, and such things. Is that what the gentleman referred to in his question?

Mr. WALKER of Massachusetts. I made it as clear as I could. Give your own answer.

Mr. HARDY. Will the gentleman pardon me a moment?

Mr. TOWNE. I must decline to yield just now, Mr. Chairman, to the gentleman from Indiana. To the question of the gentleman from Massachusetts I have only to say this, that it implies one of the greatest fallacies with which the case for the single gold standard fairly teems, although I never heard this particular weakness so strongly stated as by the gentleman from Massachusetts. The idea is that, by reason of some modern hocus pocus you can compel a limited amount of real money to go on forever doing an unlimited amount or work. [Laughter and applause.] They say, "It does not make any difference how much ultimate money you have if you only have confidence." No word in their whole armory is so sadly overworked as this poor "confidence."

Confidence in what? I take it these gentlemen can not mean that childlike and bland and innocent reliance upon the established moral order of the universe which is sometimes implied in the word "confidence." No, sir; these gentlemen use it as a business word, in a practical sense, and so used it has reference entirely to the confidence which you must feel in the ability of a man or an institution that is making unlimited and multiplying promises, at some time to redeem those promises. [Laughter and applause.] That is what it means; and how such confidence operates is illustrated from time to time when under the spur and whip of this pernicious doctrine, credits are expanded on the basis of a few gold dollars, the gold itself constantly growing relatively less and the various forms of its credit representatives becoming constantly and absolutely greater, until finally you have a huge, distorted, swaying, inflated fabric of credit upon an ever-narrowing base of gold. And while

you stand there making your boast in the very face and eyes of the world of what a tremendous amount of business you are able to do upon an infinitesimal amount of gold, you ask men to have "confidence" in the operation. [Applause.] Ah, sir, let not gentlemen deceive themselves. The world has not outgrown either the obligations or the limitations of honesty. All these instruments of credit, Mr. Chairman, are themselves but the expression of the gold measure. If you extend credit to a man you extend so many *dollars* of credit; and if the stuff out of which the dollar is made is growing scarcer, the credit is correspondingly growing bigger, eating up more and more commodities, just as the gold dollar does that measures the credit. [Applause.]

Says the great English economist, Jevons:

> Prices temporarily may rise or fall independently of the quantity of gold in the country. Credit gives a certain latitude without rendering prices ultimately independent of gold. (Investigations in Currency, page 32.)

And Huskisson, the famous British statesman and financier, in his pamphlet on the depreciation of the currency sustains the proposition:

> Price, therefore, is the value of any given article in the currency with reference to which that article is measured, and must of course be varied by any variation in the quantity of gold and silver contained in such currency.

An acute writer, Dr. W. H. Smith, in a recent work says:

> The volume of basic money fixes the volume of representative money (paper money issued by the Government). In turn the volume of both representative money and basic money controls the volume of credits that act as money, and the quantity of all these, with the exchanges to be made and payments to be met, fix prices. Thus indirectly the prices of commodities in a country are fixed and controlled by the volume of basic money.

Sir, under the stress and impulse of commercial development the world's need of money has overtaken and passed the supply of metal for the purpose long ago, and has for many years explored all the avenues of invention for substitutes and economies to eke out the inadequate amount of ultimate money. The limit was long since reached. I can not now take the time to prove, but I assert with no dread of contradiction that the actual proportionate use of money among the people to-day is very much greater than it was forty years ago. Says a great authority, Professor Kinley (Journal of Political Economy, March, 1895):

> After a certain point of development in the use of credit instruments, there is no further relative increase, but rather, possibly, a slight decrease.

The true fiatist, Mr. Chairman, is your modern American gold-standard advocate. The logic of his argument leads to a money base so small and a credit top so large that "confidence" is to take the place of redemption; and confidence never realized is only another name for irredeemability. For "populism" that outpopulists your Populist, commend me to your gold-standard extremist.

Sir, I think I have heard the gentleman from Massachusetts speak of increasing the resources of the banks so as to permit them to enlarge their accommodations to customers. We are to assume, then, from these arguments, that the extent of accommodation is limited to the present rate of expansion, and that there must be some way of increasing the reserves in order to permit the piling on of additional credits at the rate of four or five dollars for one. Increasing the reserves means increasing the ultimate substance that must in the end make good every dollar of credit and every promise made by bank or Government in the nature of credit. It is more ultimate money that the world wants, and must have. [Applause.] And I warn gentlemen upon this floor—not as a prophet, but as one who has always lived near to the people, and by the grace of God means always to continue near the people—our duty must not be neglected. I tell you I know what the people are thinking and what they are feeling in this year of grace 1896. [Applause.] They know that the constricting gold standard is existing by the permission and growing at the cost of the manhood and the enterprise of the universe [applause], and that the time will come when a stop must be put to it.

Mr. HARDY. After your elaborate remarks, will you now state in a few words what you want the Republican party to do?

Mr. TOWNE. Mr. Chairman, it is to the great Republican party at such a crisis that the people turn with hopefulness, even as in times past, when the hour was heavy and the way was dark, they groped anxiously that they might find and clasp with their hands the hand of the Republican party, and thus be led again to the heights of peace and along the paths of prosperity. [Applause.] The Republican party has not yet declared for a single gold standard——

Mr. HARDY and others. And never will.

Mr. TOWNE. And I pray Heaven it never will. But what is expected now, Mr. Chairman, of the Republican party is a prompt and definite proposition as to what it intends to do.

Mr. HARDY rose.

Mr. TOWNE. No, I decline to yield further to the gentleman. Sir, I am not strenuous upon having my way. While I should infinitely prefer that the nations undertake this regeneration together, yet I believe that the United States of America, with its unlimited resources, with its manhood representing an energy that Mulhall says is quite equal to that of the Englishman, the German, and the Frenchman combined [applause], with a population of seventy millions, with an area equal to all Europe, and a large part of which is undeveloped and needs the quickening assistance of an affluent, ultimate money, with one-third of the banking power of Christendom, showing its absorptive capacity over the money of all the world that should seek employment here, with one-third of the steam power (which is the basis of industry and of business to-day) of all the earth, I believe the United States could, with all this marvelous energy, with its multiplicity and variety of commerce, a proper care for which would enable it to become the clearing house for this hemisphere, as Blaine fondly hoped it might become [applause], I say the Republican party might, by opening the mints of this Government and giving to silver the same privileges now bestowed upon gold, maintain the two metals at a parity at the old coinage ratio. [Applause.] It would be easier for us to do it than it was for France, because France had to do it and did it when the natural bulk ratio of silver to gold was 32 to 1, while with us it is proposed to make the ratio practically identical with that which the metals sustain to each other by bulk to-day. Nor, sir, is there anywhere any "flood of silver" to swamp the mint. I can not now pause to prove this, but it is absolutely true. Nearly all existing silver now circulates at a token-parity, or a virtual redemption parity, with gold, and would gain nothing by coming here. What we want is to take the silver from the top, and put it beside gold at the bottom, of the money structure.

If we can not do the work in an independent way—if I am deceived in thinking that we might—let us do it in some other way. If somebody proposes in this Congress to restore the ultimate money function to silver in any practicable way, he shall have my vote. The main thing is to take away from gold its universal and exclusive necessity, that keeps all the nations and all the men of the world in a scramble for it at the constantly growing cost of their happiness and their substance. [Applause.]

Restore the full money function to silver in some way, and do it speedily. Say even that you will do it three or four years from now, with such other nations as you may be able to induce to associate with you, and I will vote for the proposition. Say that you will tax incoming silver, and coin only the American product, and I will vote for it. Say that you will coin silver upon an international basis, without the consent of England (which you can never get so long as the Rothschilds have that country by the throat); say that you will do it in combination with France and Germany,—and there ought to be no question in the mind of any reasonable man that these three nations could sustain the parity of the metals,—say you will do that, and I will vote for it. I know that all legislation is a compromise, and even in this great matter I will compromise to almost any limit on the *means* if only the *end* be openly avowed and speedily sought.

But what I say, Mr. Chairman, is that the Republican party must at this time make up its mind to do *something*. The people of the United States have passed a vote of confidence in the Republican party; that is all. We must now justify that confidence by being equal to the emergencies that confront the people. Our platform pledges us explicitly to the rehabilitation of silver, to make it "standard money," even as gold is. The people want that done. They have not yet decided exactly how, perhaps, but that is what they elected us for—to find out how, to show them the way and lead therein. Be assured, sir, if we fail to do what they want done they are not so untrained in managing their affairs but that they will find somebody else to do it.

Mr. Chairman, I did not think to have spoken so long. I did not think that I could have abused the courtesy of the House to such an extent. But the question is most important and well-nigh exhaustless. Even now I am conscious of having omitted many things that ought to be said. I thank the House very much for extending my time and for the unusual compliment of its general and prolonged attention. I desire to express my gratitude for this indulgence, and shall endeavor not to be thus again a debtor during this session.

But, sir, I could not be silent. I love my country. I can not endure to see her suffer without relief when relief is within call. And the Republican party is dear to me. My ancestors were Federalists and Whigs of New England. My father followed the standard of Fremont and Dayton to the glorious defeat of 1856. The infancy of the Republican party rocked my own cradle. Since my youth I have treasured the deathless fame of its great leaders, studied and professed its doctrines, benefited by its policies, and wielded ceaselessly what little strength was mine in its strenuous contests for the confidence of the people. My anxiety that it shall now rise level with the emergency that meets us is greater than I can express.

Sir, we are told in an old German legend how a monster, Alberic, became possessed of a magic ring of gold which gave him unlimited power, which power he used in heaping up and hoarding all the gold and wealth of the world; and that he fashioned for himself a helmet of gold that enabled him at will to become invisible to men or to take upon himself any form he pleased. And the world, it is said, was at the mercy of that monster until the god Wotan appeared and took him captive while, in the insolence of his power, he was boastfully wearing his most odious shape. If, sir, there is in this country to-day a malevolent power, with ring and helmet of gold, now invisible and now terrible in aspect, as it either insidiously or openly undermines the foundations of liberty, could there be for the Republican party a more glorious destiny than, like the god in the story, to come to the relief of the people. [Loud and prolonged applause.]

Revenue.

SPEECH

OF

HON. ADOLPH MEYER,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 12, 1896,

On the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

Mr. MEYER said:

Mr. SPEAKER: We are confronted with some of the greatest problems of government which can be presented to the attention of the American Congress. It was but the other day that we were called upon to deal with the question of reaffirming and maintaining the national principle of the Monroe doctrine, a principle essential to our safety, peace, and honor, endeared to the American mind and conscience by over seventy years of prescription and by the wisdom of a long roll of illustrious American statesmen, and confirmed to our own judgment by recent and signal examples of the partition of the continent of Africa by greedy foreign governments and by preparations for similar operations in the vast regions of Asia. Indeed some of these acts of spoliation and conquest have been accomplished during our own short session. I was glad to observe when this question came before Congress that the manly, wise, and, I may add, moderate action of the President of the United States found a general, cordial response in Congress and by the people, irrespective of sectional or party lines. It was a grand spectacle of a great and united people. The unanimity and firmness exhibited by all the departments of the Government, supported by the popular voice, has already had its effect abroad.

SALISBURY'S REPLY ON VENEZUELA BOUNDARY QUESTION.

The reply of Lord Salisbury to Secretary Olney, couched under diplomatic forms and phrases of politeness and courtesy, was yet full of thinly concealed disregard for the protest of this country. Its leading idea was to brush away with contempt, and in the last resort with violence, every barrier to the greed of England for further territory on this continent. The suggestion of arbitration, so kindly and earnestly made by the United States Government, was firmly repelled, and it was made obvious to us all that the plan was for the British Government, backed by powerful fleets and armies, to pursue its own will against a weak and unoffending American Republic. The message of the President and the speedy adoption of his recommendations by Congress have happily brought the British people to make a calm review of the whole subject. The attitude of the United States was eminently moderate and disinterested. I am rejoiced to note that the healthy common sense of the British people has compelled an entire change of tone on the part of their rulers. The Queen's speech to Parliament is courteous and pacific in its reference to this country, and the discussions of the Venezuelan question by Sir William Vernon Harcourt and by Balfour are not only friendly in tone, but they contain a substantial admission of the justice of our position and of the propriety of our methods in dealing with the subject. The final result, I rejoice to believe, will be peace—but peace with honor and justice both to England and Venezuela—and a better understanding throughout the world of our country as one of the foremost leaders in the cause of peace and fair dealing among all the nations. [Applause.]

NATIONAL HONOR AND INTERESTS MUST BE GUARDED.

But, sir, there are two thoughts that arise to my mind in this connection which, without taking time to elaborate them, I wish to impress upon this House. First, in order to perform our duty to ourselves and to future generations of Americans, to guard the national honor and interests, and, if need be, unfortunately, to cope in the last resort with a powerful wrongdoer, it is indispensable that we should at once carefully study our military and naval preparation in order to supply its manifest deficiencies. The latter arm of national defense should be steadily augmented, strengthened, and developed until our naval power shall be commensurate with our commercial marine, our vast and growing trade, and our just maritime aspirations, and our extended coast bordering the two greatest oceans of the globe for over 6,000 miles.

SECTIONAL POLITICS SHOULD BE BANISHED.

Another thought that I can not forbear to present is that sectional politics should be banished from our party contentions and from the American statute book. A great party has for long years past sought the political power of this country mainly on the idea of hatred and by the method of fomenting sectional prejudice against the South. In this last crisis in which, as if by fire in a crucible, the manhood and patriotism of all citizens were tested, the South stood forth more firm and resolute for the American position than any other section of this great Republic. It mattered not that her coasts and cities were more exposed than any other. The Southern people did not, in that trying hour, stop to consider whether the present system of taxation and expenditure was partial and unjust to the South or not, or that there yet lingered in our statute book, thirty years after the war closed at Appomattox, a clause of disfranchisement, opprobrium, and insult to all ex-Confederates. They saw and would see only the flag of the common country, but the Republican who can now read that statute of proscription and not join promptly in its repeal ought to hang his head in shame when he reflects upon the devoted bearing of the Southern people in the hour when it was vital that we should all stand united as one man. The exceptions of a treasonable British spirit are all in the East.

FINANCE, TAXATION, AND REVENUE.

But, sir, I wish to speak very briefly to-day upon the great questions of finance, taxation, and revenue. These questions are not new. They have been debated for long months and years, and yet remain unsolved. They are serious, important, and difficult. Sir, you find a radical disagreement on the most important branches of these questions, both among Democrats and among Republicans. With such wide differences of opinion among honest, sincere, and able men, I need not say that hasty and merely partisan legislation upon them is unwise, if not criminal. The subject of an addition to our revenue, which I propose specially to consider, is not one to be disposed of by a secret clique or cabal of leaders gathered together in the hurried hours of the Christmas holidays, with one-half of Congress dispersed to their homes. It was not right to deny fair and full debate on such a grave question or the opportunity to members for a full and fair examination of the bill. The question of revenue, whether more revenue is needed or not, and if needed how it is to be raised, and the question of providing for the protection of the public credit whether upon this or that theory of finance, are topics too vast and momentous to be disposed of by a secret caucus of a dozen members, and forced through an uninformed or half-informed House of Representatives by whip and spur. It is not by such methods as this that this House can discharge its great duty to the tribunal of public opinion. Legislation thus hastily hatched and patched up is very apt to be unwise and unjust, and it is certain to be dangerous. It is an alarming violation of the very essence of free government.

Our Government rests on the principle borrowed from our English ancestors that all taxes shall be imposed by their representatives in Congress, aye, in this very House; but what is the value of this important and all-pervading constitutional provision if by the machinations of a small, secret, and self-constituted caucus all opportunity for proper examination of the proposed measure and for debate and amendment is substantially denied? It may be true that some shallow politicians may favor a crude measure thus devised as a good party maneuver, or as an aid to this or that man's ambition for a Presidential nomination, but, unless I greatly mistake their temper, a free people not ready to submit to tyranny will view such proceedings with alarm and disapproval. Even in time of war such hasty and despotic methods would not be justifiable. The illustrious men of our earlier history did not thus rashly legislate. But, sir, it has been well said that—

Fools rush in where angels fear to tread. [Applause.]

DEFICIT IN REVENUE NOT TO BE DIMINISHED BY REFUSAL TO CARRY OUT CONGRESSIONAL APPROPRIATIONS.

I had occasion, Mr. Speaker, on the 14th of February of last year, in the debate upon the gold bond bill, to submit some extended observations upon the public revenues and the public credit. The views I then expressed largely anticipated the crisis and the state of affairs at the beginning of this session. Time has only served to demonstrate the soundness of the suggestions which I then deemed it my duty to make. At that time the famous income-tax decision by the United States Supreme Court had not been rendered, and by hardly anyone was it even anticipated. The case was not argued before that august tribunal till some time afterwards, and it was the month of May before that important and far-reaching decision was rendered by which this court swept away some thirty-five millions of our revenue. I did not venture to anticipate, any more than others did, this decision and the consequent reduction of the public revenues. But, sir, I did anticipate a deficiency in the revenue, and I expressed my apprehension then with frankness and distinctness. It seemed to me that the estimates of the Secretary of the Treasury, however great his financial ability and opportunities for an accurate judgment, could not under all the circumstances be relied on. I said:

> I need not point that the Secretary's estimates of an improved revenue

after the 1st of July next (July, 1895) are mainly predicated upon an improvement in business, which may or may not take place as soon as he expects, and as we all desire. It may be a long waiting before it occurs. If the deficiency lasts it must be met by increased taxation or by using the proceeds of bonds, carrying with it an increase of our bonded debt.

Under these circumstances and with the prospect that Congress will not meet before December, 1895, I think "it would be a wise precaution to do at once as was done in March, 1875, and to make a provision for an increase of $30,000,000 of additional revenue."

It has developed as I anticipated, although I did not then estimate for a deficiency based on the annulment of the income-tax revenue. Had I foreseen that decision, I should have felt it my duty to advise an increase of at least fifty or sixty millions of revenue instead of only thirty millions. I take no pleasure, sir, in the fulfillment of my anticipations and fears expressed a year since. I should rejoice if the return of general prosperity throughout the Union had brought with it expanding revenues and created the surplus expected by many to be the immediate fruit of the tariff bill of August, 1894.

What is our condition to-day? Does any man need to be told that it is by applying the proceeds of three separate bond sales, aggregating $162,000,000, which yielded some $182,171,195, to the current expenses of the Government that we had in the Treasury on December 1, 1895, a balance, according to the Secretary's report, of $98,072,420.30 in excess of the actual gold reserve on that day? For the fiscal year which ended June 30, 1895, the Secretary reports a deficit of $42,805,223.18, instead of the deficit of $20,000,000 as estimated in his report on the state of the finances for the year 1894. And how is it that this deficit was only $42,805,223?

COMPTROLLER BOWLER'S ARBITRARY ACTION.

I will not undertake to point out all the methods by which the deficit has been kept down to that mark, but I can not forbear in this connection to speak of the arbitrary, illegal, and unconstitutional act of the Comptroller of the Treasury Department in refusing to execute the law of March 2, 1895, making appropriations for the sundry civil expenses of the Government. This act appropriated some $238,289.08 to pay the producers of sugar who had complied with the bounty law contained in Schedule E of the tariff act of October 1, 1890. It was declared by law that the Secretary of the Treasury should pay the bounty stipulated for sugar produced and manufactured prior to August 28, 1894.

In the same statute of March 2, 1895, to which I have referred, it was further enacted that there should be paid to the producers of sugar who had complied with the bounty law, and who would have been entitled to receive a license, a bounty of eight-tenths of a cent per pound on the sugars testing not less than 80 per cent grown in the United States between the 28th of August, 1894, and the 30th of June, 1895, and for this purpose the sum of $5,000,000 was appropriated. These two sums aggregate $5,238,289, and if the law of Congress had been honestly executed, as this officer was sworn to do by his official oath, the money would have been paid and the deficit arising in the last or in the current fiscal year would have been larger by that sum of five millions than it now appears to be by the Secretary's statement. For the current year the Secretary estimates a deficiency of $17,000,000. I hope he may be right as to his estimates of increased revenues, and that this good result is not to be achieved by forcing a balance based on a refusal to carry out the appropriations made by the lawmaking power of the United States Government upon the singular pretense that in the opinion of a subordinate officer of the Treasury Department the appropriations are unconstitutional and that both the President and Congress have been guilty of gross usurpation. But, sir, waiving this point, it is clear to the simplest observation that without using the proceeds of bond sales our revenues are not equal to our usual and necessary expenditures. I do not propose now to discuss the causes of the deficiency any further than I did last February. Whatever may be the causes of the deficiency, I assert now, as I did many months ago, that instead of relying on the proceeds of bond sales to meet current expenses or supply deficiencies, we should proceed carefully and energetically to take such steps as will make the revenues of the Government equal to its expenditures. [Applause.]

RETRENCHMENT OF EXPENDITURES.

As for cutting down our expenditures, while I am generally favorable to economy, I can not see how the ordinary expenditures, outside of the great pension list bequeathed to us by the Republican Congress of 1890, can be retrenched to any considerable extent. Where, indeed, are we to begin our retrenchment? Our appropriation for foreign intercourse is a very small one, and truly insignificant for a great country. Our Army is smaller than many think it should be in time of peace, and would certainly be found pitifully small if we should have to engage in war. Our Navy is comparatively small. It is only the sixth or seventh in power upon the seas. Shall we be content with such a diminutive naval force as actually encourages second-rate powers to violate our national rights? Is a navy which is not one-fifth in fighting power that of Great Britain worthy of this great Republic, and are we to refuse adequate appropriations even for guns to man our ships and for seamen and dry docks? Ought we not, on the contrary, by steady and wise steps to increase our Navy promptly and liberally—not for purposes of war, aggression, and conquest, but as a measure of peace, by inspiring respect for our flag by foreign and distant powers? [Applause.]

Our Indian service can not well be reduced. Our postal service pays for itself. Our appropriations for rivers and harbors are now made biennially, and considering our great line of sea coast—aggregating some seven or eight thousand miles—and our numerous rivers and great chain of lakes, and the great increase of deep-draft vessels for the needs of modern commerce, are far smaller than some nations whose area and necessities for such public works are much inferior to our own. These appropriations are much below the positive and urgent needs of modern commerce. So far, therefore, from curtailing our ordinary expenditures, I hold that we ought to increase the sums expended in the past for river and harbor improvements and for the increase of the Navy and the fortifications required, in addition to the Navy, to protect our great cities in the event of war.

I am aware, sir, that some gentlemen think it a fine thing to insist on economy and to send very small appropriation bills over to the Senate, thus making a grand record of economy for the members of this body. This is an old dodge. It is a trick which the people will be quick to detect and resent. It may indeed help an individual here and there, but I would not recommend it to a political party or to a Presidential candidate to build their castles upon the assumed ignorance or incapacity of the American people.

HOW SHALL ADDITIONAL REVENUE BE RAISED?

If it be true, as I insist it is, that we need to keep up or to increase our appropriations, and will need additional revenue in order to square income and outgo, the question next arises, How shall this revenue be raised? In my remarks of February 14, 1895, I suggested an increase of one-half of a cent per pound on raw sugars. This would involve a tax of only 25 cents or less per head on the people of this country, but it would yield a revenue of at least fifteen to twenty million dollars and would not bear hardly on any class of people or on any section. I challenge anyone to name a tariff tax which would bear so lightly on the people and yet yield so much to the Government as this tax on sugars. I suggested also a tax on successions and a stamp tax on bank checks. I venture now to add to this a suggestion that a very large revenue might be raised by a small tax on the passenger receipts of the railroads of the country, a tax which would fall on a class well able to bear it. It would add the merest trifle to the cost of a traveler's journey, but the aggregate income would be very large.

Mr. Speaker, I doubt very much whether any considerable addition to the revenue could be secured by an increase of the existing tariff rates, except by the sugar tax which I now propose, and perhaps by some increase of the duties imposed in the act of 1894 on wines and spirits. There is danger that a tax on wool and an increase of the tax on woolen goods would really defeat revenue in the end, but I am willing to examine this question and to decide it dispassionately, with a view to raising the greatest revenue possible needed under our present conditions. We must not forget that in the present financial stringency, which began during President Harrison's Administration, the inability of the people to purchase and consume has had the effect to diminish importations, and thus defeat revenue. This happened in 1874 and 1875 under a Republican Administration; it will occur again.

Sir, there are other features in our internal-revenue system which might be studied with a view to a larger revenue.

I advocate, sir, an honest, faithful effort to raise additional revenue. I do not consider that the subject should be treated only from the standpoint of favoring manufacturers. Doubtless many of them are suffering from the existing stagnation in trade. They have my sincere and full sympathy. But their case is not near so bad as that of the farmer. The condition of the agricultural class has been very bad for years past. It is our duty to consider and study the causes of this general distress. No mere catchpenny contrivance of the party controlling this House will satisfy the people. This House must aim at something higher and better than the problem of securing the Presidential spoils of office, or it will merit and receive popular condemnation. [Applause.]

UNJUST DISCRIMINATION AGAINST THE SUGAR INTERESTS.

Holding these views, and deeply convinced as I am of their logic and correctness, I felt constrained to vote against the tariff bill which the House lately sent to the Senate. The discrimination so plainly and needlessly made in it against an article which forms the greatest industry of my State is so unfair, unjust, and illogical that I could not, even by implication, assent to it. I could not stultify myself by favoring a revenue bill which specially and by emphasis excludes from the increased duties an article which from the foundation of the Government has been regarded by all considerate and great financial minds as the very best subject for providing revenue in large quantity with the least burden to the people. From the date of the very first tariff law, enacted under our Constitution July 1, 1789, until the passage of the act of October 1, 1890, or for more than one hundred years of our national history, sugar has been recognized by all parties and under all conditions as entitled to a high place on the list of revenue tariffs.

I go further and I assert that the recent position of the Republican leaders taking sugar out of their long list of protected articles is wholly indefensible in logic and against all precedent. The idea, the doctrine, of protection to American industries is not a new one. It did not begin with these modern lights, McKinley, ALLISON, and ALDRICH, or their associates in this Congress. I mean no disparagement to these gentlemen when I suggest that they are not to be compared to such great financiers and statesmen as Alexander Hamilton, John Adams, Daniel Webster, Henry Clay, George Evans, Thaddeus Stevens, and many others who, from 1789 until a few years ago, upheld the doctrine of protection. Be the dogma of protection wise or unwise, be it sound or unsound, none can deny that it has been upheld, championed, and expounded by some of the mightiest intellects of America. Not one of these great minds of the past ever proposed to exclude sugar from the list of dutiable or protected articles. How could they have done so logically with a great industry, employing hundreds of thousands of people? How could they speak in one breath of making this country independent of foreign nations and in the next breath so construct a tariff as to make this country depend for a great and necessary article of its food supply upon importations from Cuba, Demerara, and Germany? These great men may have, as some would say, espoused a false theory of government, but they were able, honorable, patriotic, and consistent. Their legislative projects in finance drew no inspiration from party or sectional malice. Their aims were lofty and aboveboard. [Applause.]

Now, sir, why is it that the Republican leaders have made this discrimination against sugar, increasing duties on the general tariff list 15 per cent of the existing duty, but carefully avoiding the article of raw sugar? It has been intimated that the fear of a gigantic trust and dread of its all powerful influence is the prime cause of this invidious discrimination in the bill. It will not be forgotten, sir, that in the first tariff bill in our whole history that ever put sugar on the free list, I mean the so-called McKinley bill of October, 1890, the famous sugar trust was carefully protected. They wanted cheap foreign sugar in order to refine and manufacture, and they got it. They wanted liberal, aye, prohibitory duties on foreign refined sugar, and the Republican leaders gave it to them with a free, generous hand. The sugar trust grew, flourished, abounded yet more and more until it is now a great power in our land and an object of profound reverence by a certain class of politicians. But, sir, I am reluctant to believe that the idea of pandering to this trust was the sole, dominating idea that led to the action of the framers of this bill on excluding American-grown sugar made from beets or cane from its benefits.

REPUBLICAN MOTIVES FOR ANTAGONISM TO SUGAR.

I am sorry to be forced to the conclusion that there is another motive for this war upon the sugar-producing interest of Louisiana which is hardly more creditable than the other. The Republican party has dealt with the State of Louisiana in the past with a cruel hand. The hideous recital of the epoch of reconstruction, military rule, carpet-bag pillage, for which they are responsible, will always stain the pages of American history. The heirs and successors of the party which perpetrated these foul crimes against civilization and humanity can not be made to learn that the way to win the confidence and good will of a people is by acts of kindness and generosity, gentleness and consideration. The attitude of the Republican party toward Louisiana and the whole South is one of insolent superiority, harshness, and lack of generous consideration. Their idea is that Louisiana is to be won to their political embrace by acts of invidious, discriminating legislation; by force bills; by telling the people there you must vote with us or we will starve you out. They have never read, or they have forgotten, Æsop's fable of the traveler and the cruel north wind, which only made the traveler hug his cloak more closely about his person. Their model for governmental policies is Legree, of Uncle Tom's Cabin, the Northern overseer, whose only method was the lash and abject submission instead of love. I assure you, gentlemen, you can not win the confidence of the people of Louisiana in this way. The last time you wielded power in this House you passed a force bill that was a disgrace to American legislation, and now in this tariff bill of yours it is not difficult to read that the spirit of sectional malice still survives, lingers in your breasts, and only waits opportunity for a fuller display and development. I fear that in the minds of Republican leaders this rancor and prejudice know no change or abatement, but my hope lies in the masses of the American people and in the growth of a noble, kindly, comprehensive, and national spirit by good citizens in all sections of the Union. [Applause.]

Silver and Wheat in India and America.

Generally speaking, it is strictly true that the price of wheat has never been higher in India than in America, except when there was either a famine to abnormally raise prices in India or a triumphant Democracy to abnormally depress prices in America. Instead of wasting time in trying to restore the conditions of 1873, let us pray God to deliver India from famine, and let us help the farmers of America to deliver themselves from "four years more of Grover" by undoing the blunder of 1892, and the "crime of 1873" can safely be left to work out its own salvation or condemnation.

SPEECH

OF

HON. MARTIN N. JOHNSON,

OF NORTH DAKOTA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 6, 1896.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of the revenue—

Mr. JOHNSON of North Dakota said:

Mr. CHAIRMAN: There was a short speech made here last night by the gentleman from Colorado [Mr. SHAFROTH] which was a typical speech for those who hold his views on this question, and I select it as the text for my remarks out of compliment to the gentleman because it was a fair, concise, correct, and able statement of the doctrines which he advocates. If I misrepresent the gentleman in laying down the premises from which I start, I hope he will correct me, but I do not think that will be necessary. I am sorry that his speech is not in the RECORD this morning, but I am sure that we shall not disagree about its substance. The gentleman started out with the statement that the trouble in arriving at an agreement upon this question is that the opposing sides can not agree as to the premises.

That is true, Mr. Chairman. The trouble with him and his associate is that they start out with false premises. His premises are wrong, his logic is correct, and his conclusions are wrong. His first false premise is based upon an inaccurate statement of the law of supply and demand. He assumes, and asks us to assume, as an axiom that if you reduce by one-half the supply of an article such as gold or silver, or money, you thereby double its purchasing power.

That I deny. I admit that by reducing the supply you increase the demand, but I deny that by halving the supply you double the demand. I do not deny the possibility of expressing the law of supply and demand by some arithmetic or algebraic formula, but I do most emphatically deny that the formula "Supply÷2=demand×2" expresses it. As to the extent to which you do increase the demand for any article by lessening the supply we can only say that that curve of probability has never yet been accurately located or scientifically determined; but we do know that it is far from being in a geometrical or even an arithmetical ratio. I have tried in vain for many years to find in scientific works some mathematically exact statement of the operation of the law of supply and demand. I believe it would vary with different articles, and even for the same article at different times and places. If the question were confined to this one subject of silver, and if all other causes which tended to influence the demand for silver except simply the one item of supply were eliminated from the calculation, then I could draw that curve with absolute arithmetical, scientific accuracy, as I have drawn the two curves representing the price and production of silver from 1873 to 1894, inclusive, on this chart which you see here before you.

[NOTE.—At this point the attendants brought into the Hall some charts, about 6 feet square each, mounted on an easel in such a manner as to be visible one at a time. The easel was placed in the area immediately in front of the Speaker's desk.]

[For Chart No. 1 see page 105.]

The figures from which this chart is drawn are found on pages 238 and 249 of the Annual Report of the Director of the Mint for 1895, supplemented by a table on page 45 of his 1894 report on production of gold and silver in the United States as to the production from 1873 to 1886.

As a result of the act of 1873, those who believe in free coinage assert that silver was "struck down," "destroyed," and "demonetized." Production increased from 63,000,000 ounces in 1873 to 167,000,000 ounces in 1894.

People who think that such words as "destroyed" and "struck down" fittingly describe such a growth in a great industry in twenty-two years can consistently use the word "demonetization" in describing the changed condition of silver when its use as a money metal was increased from practically nothing to about $500,000,000 in this country.

These men assert, and attempt to make people believe, that the law of 1873 caused the decline in price of silver. Is it not possible that other causes may have been at work? Is it not possible that by doubling the production of silver you might reduce its value either by one-half or by some other fraction? On that theory the lines on the chart ought to cross in the year 1890. They actually intersect in 1891.

PRICE OF WHEAT IN INDIA.

It has been assumed that under free coinage the price of wheat has remained steady in India. As a matter of fact the price of wheat has fluctuated up and down there about the same as here. The average price there has been nearly twice as high some years as others, ranging from 5.25 rupees per maund in 1879 to 2.76 rupees per maund in 1885.

By the courtesy of the Secretary of the Department of Agriculture I have obtained this table giving the price of wheat in eleven representative districts of India for every year from 1873 to 1893, inclusive.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., February 7, 1896.

DEAR SIR: In accordance with your request of this morning, I inclose herewith an exact copy of the statistics of wheat prices in India which formed the basis of the tabular statement transmitted to you on the 5th instant. The figures were taken from an official publication entitled Prices and Wages in India, compiled in the statistical branch of the finance and commerce department of the Indian Government. The values are given in terms of the silver rupee of India.

Respectfully, yours, J. STERLING MORTON,
Secretary.

Hon. MARTIN N. JOHNSON,
238 Maryland avenue NE., Washington, D. C.

*Average annual price of wheat, first sort, per Indian maund, in selected districts of western India.**

[The figures represent rupees and decimals of a rupee.]

Places.	1873.	1874.	1875.	1876.	1877.	1878.	1879.	1880.	1881.	1882.	1883.	1884.	1885.	1886.	1887.	1888.	1889.	1890.	1891.	1892.	1893.
Bombay:																					
Bombay	3.67	3.60	3.75	3.87	5.53	6.66	6.27	5.02	3.96	4.23	4.30	3.93	3.85	4.30	4.45	4.58	4.38	3.80	4.12	4.76	4.14
Ratnágiri	4.26	3.64	3.96	4.14	5.25	5.57	6.95	5.22	3.96	3.67	3.94	3.89	3.77	3.89	4.10	4.26	4.17	3.82	3.90	4.65	4.63
Poona	3.30	2.51	2.79	3.11	5.00	5.82	5.71	4.63	3.17	3.14	3.20	3.12	2.90	3.17	3.82	3.50	3.73	3.46	3.72	4.53	3.65
Belgaum	3.48	2.47	2.17	2.99	5.90	5.62	6.52	4.35	2.25	2.00	2.16	2.08	2.46	2.40	2.55	2.64	2.62	2.32	2.97	4.33	3.27
Ahmadnagar	2.22	1.72	2.30	2.45	4.30	5.27	5.17	3.46	2.49	2.82	2.82	2.47	2.43	2.80	3.15	3.13	3.05	2.90	3.12	3.87	3.18
Ahmaddabad	2.92	2.78	2.72	2.74	4.26	4.88	5.02	3.37	2.63	3.13	3.74	3.10	2.65	3.14	3.95	3.96	3.83	3.58	4.03	4.09	3.14
Baroda	3.99	3.51	3.34	3.41	4.68	5.31	5.99	4.62	3.51	3.61	3.98	3.39	3.13	3.58	4.84	4.47	4.52	4.12	4.61	4.80	4.40
Sinde:																					
Karachi	2.91	3.51	2.58	2.33	3.61	4.15	4.08	3.74	3.29	2.99	2.85	2.87	3.01	3.23	3.39	3.28	3.39	3.28	3.61	3.96	3.47
Shikarpur	2.46	2.48	2.24	2.17	2.61	4.31	4.50	3.67	3.39	3.01	2.93	2.67	2.67	3.08	3.44	3.24	3.09	2.87	3.32	3.48	2.84
Central India and Rajputana:																					
Nimach	3.07	2.65	2.86	2.61	2.97	3.51	4.07	3.28	2.19	2.50	2.47	1.97	1.74	2.16	3.04	3.29	2.89	2.55	2.87	2.99	2.98
Indore	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3.01	3.01	2.96	2.73	2.72	3.37	3.31	3.10
Nasirabad	2.73	2.53	2.30	1.90	2.33	3.33	3.47	2.87	2.38	2.33	2.33	2.10	1.82	2.07	3.09	3.06	2.60	2.66	3.07	3.20	2.89

* From Prices and Wages in India, an official document compiled in the statistical branch of the finance and commerce department of India, Calcutta, 1894.

By adding the columns in the foregoing table and dividing by the number of districts we obtain the following averages:

1873	3.18	1880	4.02	1887	3.56
1874	2.85	1881	3.02	1888	3.53
1875	2.81	1882	3.03	1889	3.41
1876	2.88	1883	3.15	1890	3.17
1877	4.22	1884	2.87	1891	3.55
1878	4.94	1885	2.76	1892	3.99
1879	5.25	1886	3.06	1893	3.47

From these averages I have drawn Chart No. 5.

[For Chart No. 5 see page 106.]

This chart No. 5 proves to a mathematical demonstration that the price of wheat, measured in silver, has not remained steady in India. In fact, the extremes of fluctuation have been greater there than in the United States and in other gold-standard countries.

In order to make the lesson of the foregoing table and chart more easily understood, I have reduced the India rupees and maunds to the equivalents in United States gold dollars and bushels.

In making these calculations of equivalents I have availed myself of the extremely valuable and painstaking assistance of the accomplished officials of the Department of Agriculture, and take this occasion to express my just appreciation of their kindness.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., February 5, 1896.

DEAR SIR: Complying with your request of yesterday, I send to you herewith tabular statements showing the annual exports of wheat and wheat flour from Argentina and Russia since 1890. These figures can be used to supplement the tables which you will find on pages 101-102 and 160-161 of the bulletin handed to you yesterday entitled "Production and distribution of the principal agricultural products of the world."

I inclose also the tables you desired relative to wheat prices and agricultural wages in India. The reduction of the Indian denominations used in these tables to United States equivalents was more of a task than at first anticipated, and hence it was impossible to transmit the tables last night as hoped.

Respectfully, yours, J. STERLING MORTON,
Secretary.

Hon. MARTIN N. JOHNSON,
238 Maryland avenue NE., Washington, D. C.

[From official blue-book prices and wages in India.]

Average annual prices of wheat (first sort) per bushel of 60 pounds in certain places of western India.

Places.	1873.	1874.	1875.	1876.	1877.	1878.	1879.	1880.	1881.	1882.	1883.	1884.	1885.	1886.	1887.	1888.	1889.	1890.	1891.	1892.	1893.
Bombay:																					
Bombay	$1.21	$1.17	$1.19	$1.19	$1.63	$1.99	$1.77	$1.43	$1.13	$1.20	$1.21	$1.10	$1.06	$1.12	$1.12	$1.11	$1.03	$0.92	$1.04	$1.07	$0.82
Ratnagiri	1.40	1.18	1.32	1.27	1.55	1.66	1.97	1.49	1.13	1.04	1.11	1.09	1.04	1.01	1.03	1.03	.98	.92	.99	1.04	.91
Poona	1.09	.81	.99	.96	1.47	1.74	1.62	1.32	.90	.89	.90	.87	.80	.83	.96	.85	.88	.84	.94	1.01	.72
Belgaum	1.15	.80	.95	.92	1.74	1.68	1.84	1.24	.64	.57	.61	.58	.68	.62	.64	.64	.62	.56	.75	.97	.64
Ahmadnagar	.73	.56	.78	.75	1.27	1.57	1.46	.99	.71	.80	.79	.69	.67	.73	.79	.76	.72	.70	.79	.87	.63
Ahmadabad	.96	.90	.87	.84	1.25	1.46	1.42	.96	.75	.89	1.05	.87	.73	.82	1.00	.95	.90	.87	1.02	.92	.62
Baroda	1.31	1.14	1.09	1.05	1.38	1.58	1.69	1.32	1.00	1.03	1.12	.95	.86	.93	1.22	1.08	1.06	1.00	1.17	1.07	.87
Sind:																					
Karáchi	.96	1.14	.74	.72	1.06	1.24	1.15	1.07	.94	.85	.80	.80	.83	.84	.86	.79	.80	.79	.91	.89	.68
Shikarpur	.81	.80	.69	.67	.77	1.29	1.27	1.05	.96	.86	.82	.75	.74	.80	.87	.78	.73	.69	.84	.78	.56
Central India and Rajputana:																					
Nimach	1.01	.86	.83	.80	.87	1.05	1.15	.94	.62	.71	.70	.55	.48	.56	.77	.80	.68	.62	.73	.67	.59
Indore	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.78	.76	.72	.64	.66	.85	.74	.61
Nasirabad	.90	.82	.61	.58	.69	.99	.98	.82	.68	.66	.66	.59	.50	.54	.78	.74	.61	.64	.78	.72	.57

By adding the columns in the foregoing table and dividing by the number of districts we obtain the following averages:

Average price of wheat per bushel in India reduced to equivalents in United States gold coin.

1873	$1.05	1880	$1.14	1887	$0.90
1874	.92	1881	.86	1888	.85
1875	.86	1882	.86	1889	.80
1876	.89	1883	.88	1890	.76
1877	1.24	1884	.80	1891	.90
1878	1.47	1885	.76	1892	.89
1879	1.48	1886	.79	1893	.68

From these averages I have drawn the following chart, No. 2, and for the purpose of comparison I have also placed on the same chart the curve which appears on Chart No. 4, giving the price of wheat in the United States for the same period.

[For Chart No. 2 see page 107.]

Prices of wheat have sometimes been higher in India and sometimes in America.

The fact of these ups and downs admits of no dispute. The only room for disagreement is as to the causes which produced them.

CHART NO. 1.—Report of the Director of the Mint for 1895 (pages 238-249).

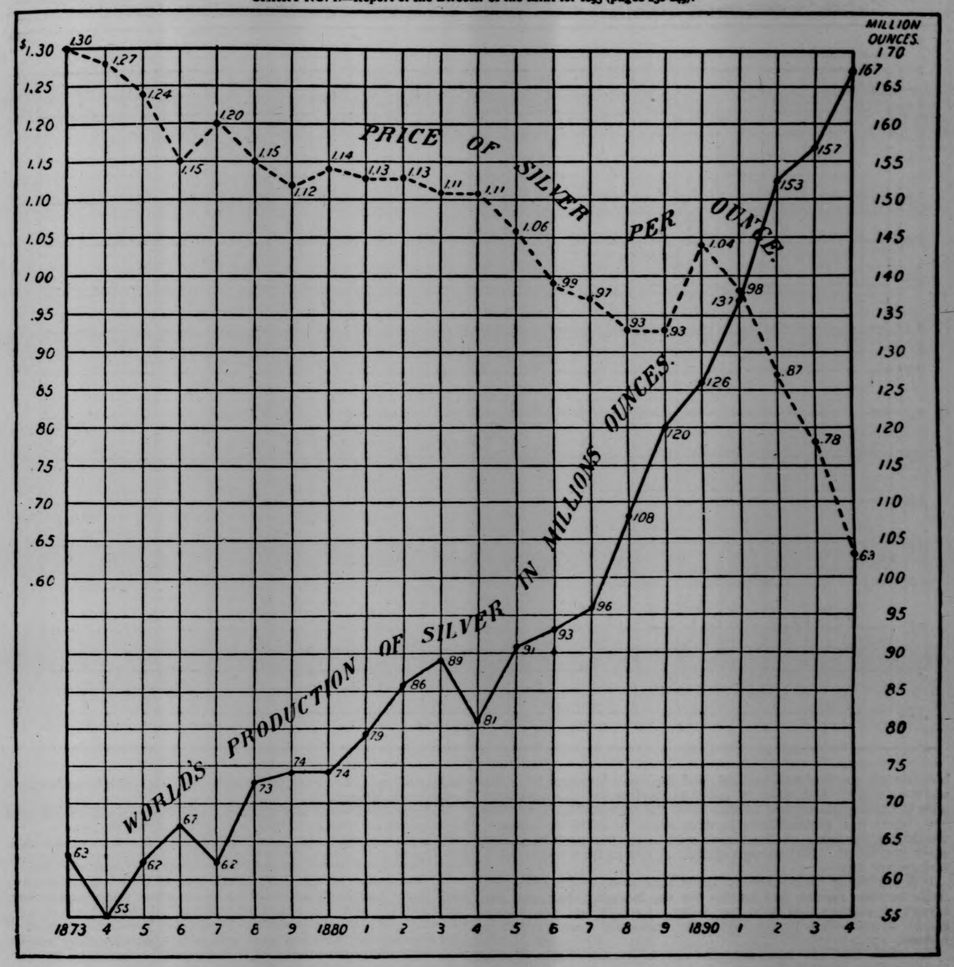

Our opponents teach and affect to believe that one cause, and only one cause, viz. the "crime of 1873," has produced all these ups and downs. We believe and teach that very many causes and forces may have combined to produce the resultant. Wheat was very high in India from 1877 to 1880. That is a fact. But the farmers of India had no wheat for sale during those four years of the "great famine," when in some instances they ate human flesh for want of wheat bread. In my judgment the famine was quite sufficient to account for the price of wheat.

Wheat was low in the United States from 1884 to 1888, and again these last three years of grace.

That is a fact. It is also a fact that Mr. Cleveland was President of the United States during those years. Generally speaking, it is strictly true that the price of wheat has never been higher in India than in America except when there was either a famine to abnormally raise prices in India or a triumphant Democracy to abnormally depress prices in America. [Applause.] Instead of wasting time trying to restore the conditions of 1873 let us pray God to deliver India from famine, and let us help the farmers of America to deliver themselves from "four years more of Grover" by undoing the blunder of 1892, and the "crime of 1873" can safely be left to work out its own salvation or condemnation. [Applause.]

If there were any substantial advantage to be gained by exchanging wheat for rupees or for cheap Mexican free-coinage silver dollars, the American farmer could easily exchange his good American gold dollars for any of these cheap coins, and he would get just as many rupees or Mexicans for a bushel of wheat as his competitors. Up to this point they would be on an equal footing. The only difference in final results would depend on relative smartness in getting rid of the rupees.

The farmer in India might be more successful in cheating the poor laboring man out of the just wages of honest toil than would be possible in America. That I admit. Depreciated money always

CHART NO. 5.—Silver rupees. Average annual price of wheat, first sort, per Indian maund, in selected districts of Western India. From "Prices and wages in India," an official document compiled in the statistical branch of the finance and commerce department of India. Calcutta, 1894.

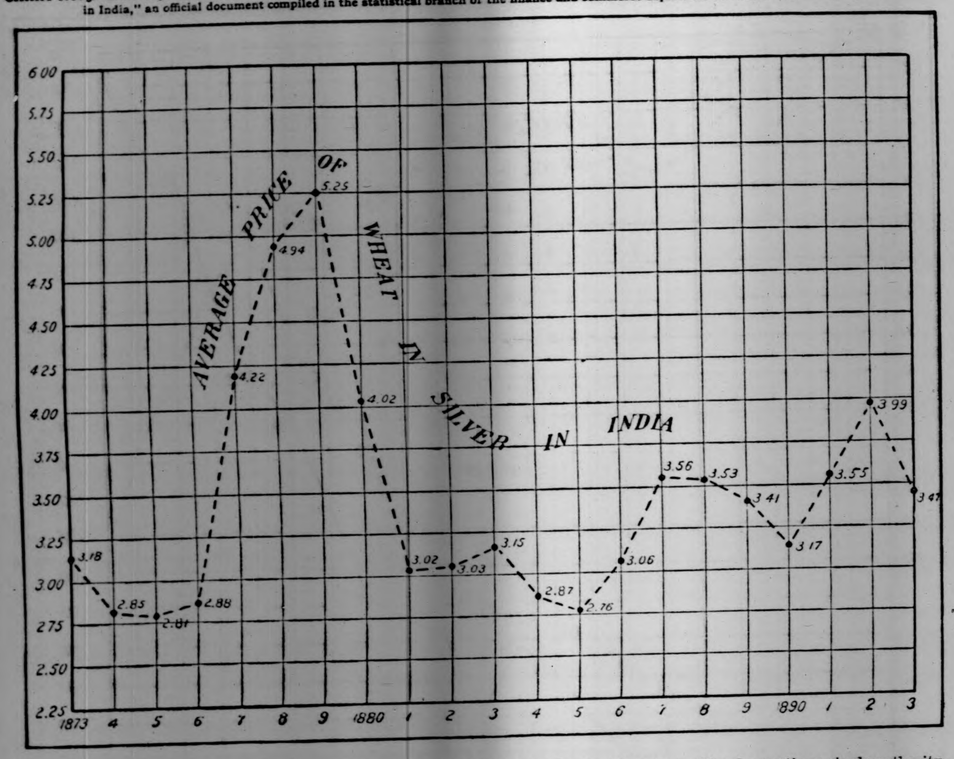

hits the laborer first and hardest, and the more ignorant he is the more he is hit. But when it came to paying out the part that goes to the merchant, the banker, and the railroad man it is not very likely that the ordinary farmer, either in India or America, would rob the party of the second part in the transaction to any alarming extent. But enough of India. Let us turn now to matters nearer home.

It is extremely fashionable to assert that since 1873 it has gradually become harder and harder for the laboring man and the farmer to acquire gold or to pay debts. I admit that it has been harder to get gold or to pay debts now, since 1892, than it ever was before.

The same may also have been the case in a lesser degree during the first four years of Grover. But during the years of Republican supremacy exactly the reverse was true. The improvement was not regular and steady, but it was nevertheless a distinct advance.

Speaking now as a Republican and as a Representative, glad to render an account of my stewardship and the stewardship of my party during the thirty years when that party was charged with responsibility for the prosperity of the people and the glory of the Republic, I make the statement without fear of successful contradiction that the last and thirtieth year of the thirty years of Republican supremacy was the best year in all our history for the laborer and for the farmer, and that was the year of years, before or since, when it was easiest to get gold or pay debts.

That this was true in the case of the farmer I shall attempt to prove by a mathematical statistical demonstration. I have also gone over the figures in the case of the laborer and hope at some future time to have an opportunity of presenting them to the House. For the present I will content myself with making the claim and supporting my position by quoting a single authority—"unus, sed leonem."

On page 6 of the last annual message of President Harrison, sent to Congress December 5, 1892, you will find this statement:

> There never has been a time in our history when work was so abundant or when wages were so high, whether measured by the currency in which they are paid or by their power to supply the necessaries and comforts of life.

We were more prosperous in 1892 than in 1872. We now have hard times and have had hard times for three years, but in casting about for the causes and remedies of all our ills it is utterly futile to compare the present with the less prosperous period of 1872 rather than with the more prosperous period ending in 1892. Whatever cause produced the present result commenced to operate and showed its effects after 1892 and not 1872.

WHEAT AND SILVER.

It is a favorite sophistry with our friends on the other side to say that "wheat is cheaper now than in 1873." "Silver was destroyed, struck down, and demonetized in 1873," "therefore the fall of silver caused the fall of wheat."

The trouble with that is, that the fall in price of wheat has all, or nearly all, taken place since 1891.

The average farm price of wheat was 83 cents in 1891 and the same in 1890, and 92 cents in 1888, in gold, while in 1874 it was 94 cents in paper currency, equal to 84 cents in gold. (See Chart No. 4.)

When was the wheat farmer most prosperous?

Answer.—He got the *biggest average price per bushel in 1881*, and the *biggest pile of gold per acre in 1891*.

In proof of the foregoing statement I submit the following table, found on page 6 of the Monthly Crop Report for December, 1895, United States Department of Agriculture.

CHART NO. 2.—Official British India Blue Book. Figures reduced to dollars and bushels by United States Department of Agriculture, February 5, 1896.

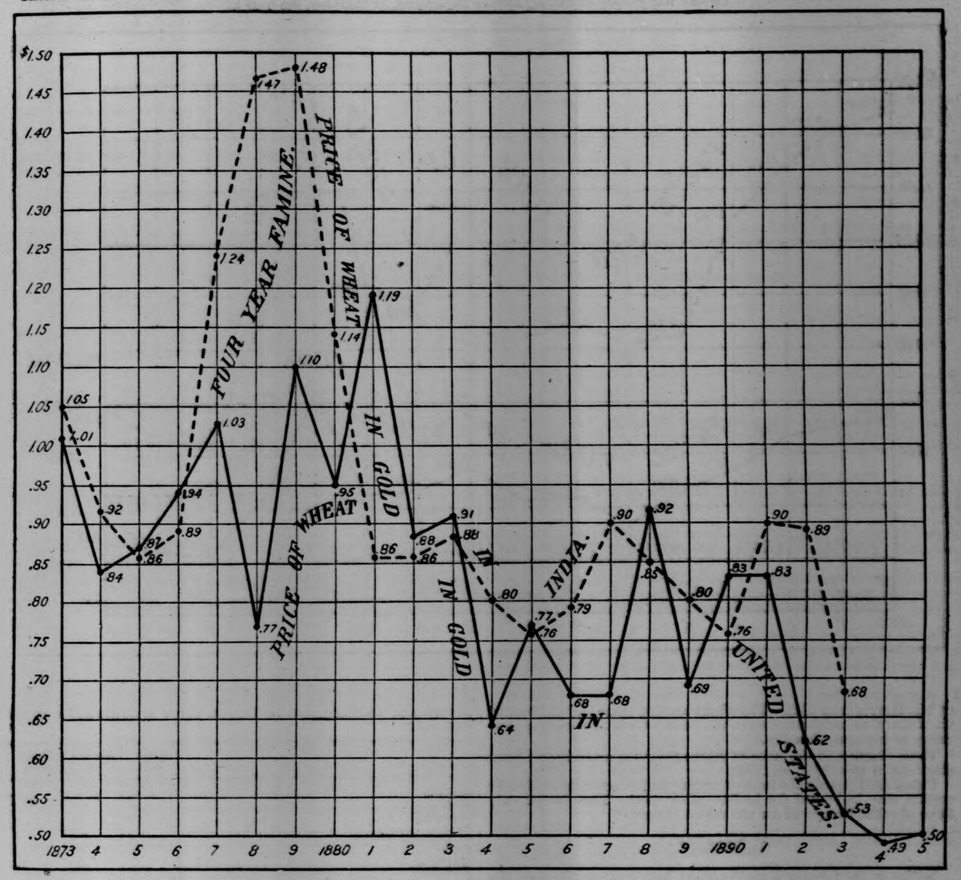

Production, value, price, and exports of wheat since 1880.

Years.	Total area of crop.	Total production.	Total value of crop.	Average value per bushel.	Average yield per acre.	Average value per acre.	Exports for fiscal years beginning July 1.	
	Acres.	*Bushels.*		*Cents.*	*Bushels.*		*Bushels.*	*Per cent.*
1880	37,986,717	498,549,868	$474,201,850	95.1	13.1	$12.48	186,321,514	37.4
1881	37,709,029	383,280,000	456,880,427	119.2	10.2	12.12	121,862,399	31.8
1882	37,067,194	504,185,470	444,602,125	88.2	13.6	11.99	147,811,816	29.3
1883	36,455,593	421,086,160	383,649,272	91.1	11.6	10.52	111,534,182	26.5
1884	39,475,885	512,765,000	330,822,230	64.5	13	8.38	132,570,367	25.9
1885	34,189,246	357,112,000	275,320,390	77.1	10.4	8.05	94,565,794	26.5
1886	36,806,184	457,218,000	314,230,020	68.7	12.4	8.54	133,804,970	29.6
1887	37,641,783	456,329,000	310,612,960	68.1	12.1	8.25	119,625,944	26.2
1888	37,336,138	415,868,000	385,248,000	92.6	11.1	10.32	88,600,743	21.3
1889	38,123,859	490,560,000	342,491,707	69.8	12.9	8.98	109,430,467	22.3
1890	36,687,154	399,262,000	334,773,678	83.8	11.1	9.28	106,181,876	26.6
1891	39,916,897	611,780,000	513,472,711	83.9	15.3	12.86	225,665,812	36.9
1892	38,554,430	515,949,000	322,111,881	62.4	13.4	8.35	191,912,635	37.2
1893	34,629,418	396,131,725	213,171,381	53.8	11.4	6.16	104,283,129	41.5
1894	34,882,436	460,267,416	225,902,025	49.1	13.2	6.48	144,612,718	31.5
1895	34,047,332	467,102,947	237,938,998	50.9	13.7	6.99		

[For Chart No. 3 see page 108.]

From the foregoing table I have drawn Chart No. 3. The figures in the table and on the chart are for December each year.

Notice the tremendous drop in December, 1884, and in December, 1892, immediately following each of Mr. Cleveland's elections. Notice the *dead level of low prices* during the first "four years" and present three years of Grover.

Notice the prompt response of the wheat market to the election

CHART NO. 3.—Crop Report, Agricultural Department, for December, 1895 (page 6).

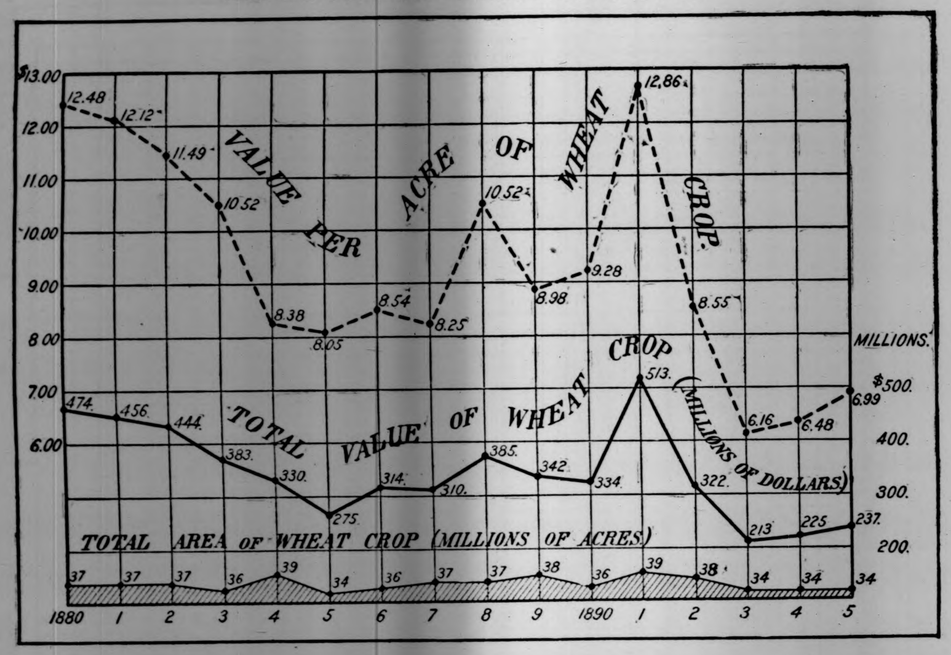

of Mr. Harrison in 1888. The wheat market promptly discounted the future, as markets always do, without waiting for the ceremony of inauguration day.

These changes in the price of wheat followed immediately after elections in 1884, 1888, and 1892.

Unless God repeals the laws of nature and of economics, similar results may be looked for in December, 1896. That is the only hope of relief I know of for the wheat farmer.

All other ground
Is sinking sand.

Notice in the table and on the chart how remarkably even the area runs—between thirty-four and thirty-nine million acres.

The biggest pile of gold for the whole crop and the biggest pile of gold per acre was got in 1891.

Five crops under Grover (1884, 1885, 1886, 1887, and 1892) were marketed near the eight dollar per acre mark.

Only one crop (1889) was ever marketed under Republican auspices for less than $9 per acre, and that lacked only 2 cents of the nine-dollar mark.

The other three crops marketed under Grover (1893, 1894, and 1895) have gone glimmering at $6.16, $6.48, and $6.99 per acre, respectively.

The wheat farmers are not unreasonable. They do not expect to get rich out of one or two years' work, but they do expect to get a decent living and a moderate profit on their capital and labor. This they have not had for the last three years.

It is very difficult to compute the exact cost of raising an acre of wheat. It costs more in some States than in others, more on some farms than on others, and more on some fields than on others, even on the same farm.

But I think farmers of experience will generally agree that it can not be raised for less than $6 per acre. If so, there has been no profit on the average in raising wheat for the last three years. Some have gained, but others have lost. Last November I published the following table giving, as near as I could, the expense per acre of raising wheat in 1895 on three separate fields on my own farm:

	First field.	Second field.	Third field.
Plowing	$1.25	$1.25	$1.25
Seeding	.50	.50	.50
Dragging	.25	.25	.25
Seed	.75	.75	.75
Cutting and binding	.75	.75	.75
Twine	.25	.25	.25
Shocking	.50	.50	.50
Thrashing	3.24	2.70	4.14
Interest and taxes	1.00	.60	1.00
Total	8.49	7.55	9.39

Having a railway station on my farm, I allow nothing for hauling to the railroad. This item is often as high as a cent a mile per bushel. My lands range from $4 to $10 per acre in value, which makes the item for interest very much below the average.

There has been considerable discussion in the local papers of North Dakota on these figures. Some claim that they are altogether too low; but I think those who have given figures have, without exception, quoted lower costs, except in the two items of hauling and interest.

Without specifying items, one may safely say that it is very much cheaper to raise wheat now than in 1873, mainly on account of the invention of the self-binder.

It is also reasonable to assume that the farmer ought to get from $9 to $12 per acre for his wheat crop, as he always did under Republican rule, the lowest being $8.98, in 1889, and the highest being $12.86, in 1891. With that he would be prosperous and happy. The conditions of 1881 and 1891 can be restored. The conditions of 1873 can no more be restored than you can turn back the world in its history or the earth in its orbit.

"Turn the other way, boys," as Sheridan said. Victory and prosperity do not lie in the direction of stampeding people after

India rupees, Mexican 50-cent dollars, or any other kind of cheap free-coinage money. Especially do I appeal to you young, bright, and brave men of the Republican party not to concede as if it were true what is absolutely false as to the glorious achievements of the prosperity which took its flight not in 1873 but in 1892. Let not the G. O. P. discover you among the crowd of assassins and regretfully have to say, "Thou too!"

I have gone into this subject of wheat thus at length and in detail because it has been more than any other the favorite target for the silver lance. I have also had prepared at the Department of Agriculture a table giving the farm prices of corn, wheat, rye, oats, barley, buckwheat, potatoes, and hay in December of each year from 1870 to 1895.

UNITED STATES DEPARTMENT OF AGRICULTURE,
DIVISION OF STATISTICS,
Washington, D. C., February 4, 1896.

DEAR SIR: I have the honor to hand you statement of the farm prices of principal agricultural products, as promised in our conference of to-day.

Very respectfully,

HENRY FARQUHAR,
Acting Statistician.

Hon. M. N. JOHNSON,
House of Representatives.

Average farm price for the United States of corn, wheat, rye, oats, barley, buckwheat, potatoes, and hay in December of each year from 1870 to 1895, inclusive.

Year.	Corn, per bushel.	Wheat, per bushel.	Rye, per bushel.	Oats, per bushel.	Barley, per bushel.	Buckwheat, per bushel.	Hay, per ton.	Potatoes, per bushel.
1870	$0.549	$1.042	$0.615	$0.433	$0.845	$0.784	$13.82	$0.720
1871	.482	1.258	.790	.401	.806	.828	15.82	.596
1872	.308	1.240	.763	.336	.738	.829	14.53	.599
1873	.480	1.150	.762	.374	.915	.814	13.67	.....
1874	.647	.944	.858	.520	.921	.808	13.73	.677
1875	.420	1.000	.769	.365	.811	.710	12.27	.389
1876	.370	1.037	.669	.351	.664	.726	9.74	.635
1877	.358	1.082	.592	.292	.639	.687	8.60	.448
1878	.318	.777	.526	.246	.580	.527	7.21	.589
1879	.375	1.108	.656	.331	.589	.598	9.32	.436
1880	.396	.951	.756	.300	.666	.594	11.65	.483
1881	.636	1.193	.933	.464	.823	.865	11.82	.909
1882	.484	.882	.615	.375	.628	.729	9.70	.557
1883	.420	.910	.580	.330	.587	.820	8.19	.420
1884	.357	.645	.519	.290	.487	.589	8.17	.396
1885	.328	.771	.579	.285	.563	.559	8.71	.447
1886	.366	.687	.538	.298	.536	.545	8.46	.467
1887	.444	.681	.545	.304	.519	.565	9.97	.682
1888	.341	.926	.591	.278	.596	.636	8.76	.402
1889	.283	.698	.457	.230	.427	.518	7.88	.403
1890	.506	.838	.629	.424	.648	.577	7.74	.777
1891	.406	.839	.774	.315	.540	.579	8.39	.371
1892	.393	.624	.548	.317	.472	.534	8.49	.673
1893	.365	.538	.513	.294	.411	.583	8.68	.590
1894	.457	.491	.501	.324	.442	.556	8.54	.536
1895	.264	.509	.440	.199	.337	.452	8.35	.266

From the foregoing table I have selected wheat, corn, oats, and hay for representation on Chart No. 4.

[For Chart No. 4 see page 110.]

This chart proves that prices of these farm products did not fall from December, 1878, to December, 1891:

		1878.	1891.
Wheat	bushel	$0.77	$0.83
Corn	do	.31	.40
Oats	do	.24	.31
Hay	ton	7.21	8.39

Whatever injury was done to the farmer by falling prices was done either while we were under the spell of cheap paper money previous to December, 1878, or else after the Republicans lost control of the country, when the crop of 1892 went to market in December, 1892, under the shadows of tariff reform.

Those fourteen years from 1878 to 1892 cover the only period and the entire period in the history of our country when the *two cardinal doctrines of the Republican party*, viz—

First. *Protection to American industries;* and

Second. *Sound money*—

had a chance to do their perfect work. The record for those years is made up. They were the years of our greatest prosperity. The truths of history can not be obscured or obliterated.

Distort it as you will, the fact remains that the thirtieth year of the thirty years of Republican supremacy was the best year in all our country's history. That was the year when it was the easiest for the laborer and the wheat farmer to earn gold or to pay debts with the products of his toil. [Applause.]

Let me touch up one other feature of free coinage and I am done. Individual depositors have now on deposit in the United States—

In national banks	$1,701,653,521
In savings banks	1,801,597,023
In other banks	892,699,149
In loan and trust companies	546,652,657
Total	4,942,602,350
On January 1, 1894, there was in force in twenty-two leading American life-insurance companies liabilities amounting to	5,357,827,729
In all other companies (estimated)	3,000,000,000
Total	8,357,827,729

I have never seen a certificate of deposit or a policy of life insurance payable in gold coin. This blank certificate of deposit which I hold in my hand is in the usual form.

[Certificate of deposit.]

WASHINGTON, D. C., ——, *189*-. No. 102.

This certifies that ——, $——, has deposited with ——, bankers, —— dollars, payable to the order of —— —— on the return of this certificate properly indorsed.

—— ——, *Cashier.*

Not subject to check.

Without stopping to read it all, I will say that this is the usual form of life-insurance policy [holding up a copy], and the gist of it is in these words:

Does promise to pay to Mary Roe, if living; if not, then to her husband, William B. Roe, his executors, administrators, or assigns, at the office of the society in the city of New York, $100,000, upon satisfactory proofs of the death of said William B. Roe.

These two classes of liabilities add up $13,300,430,079.

Under free coinage of silver these banks and companies could set aside one-half of this sum as clear profits with which to start 600,000 brand-new millionaires in business, and with the other half they could buy enough silver bullion to make 13,300,430,079 brand-new silver dollars with which to pay in full all claims of widows, orphans, and depositors.

[Mr. JOHNSON of North Dakota declined all interruptions during the delivery of his speech, but promised if time would permit to answer questions at the close, when substantially the following quiz occurred:]

Mr. SHAFROTH. Since you have singled out my speech made last night as a text for your discourse, I would like to have about one minute to explain to members who were not present last evening.

Mr. JOHNSON of North Dakota. Oh, no; not for a speech. I refuse to yield even a minute for that.

Mr. OGDEN. May I ask the gentleman a question?

Mr. NEWLANDS. May I ask a question?

Mr. JOHNSON of North Dakota. One at a time, gentlemen. I promised to yield what time I could spare of my hour to the gentleman from Pennsylvania [Mr. CHARLES W. STONE] and to the gentleman from North Carolina [Mr. SETTLE]. Therefore, I must be brief, and do not wish to appear discourteous. [To Mr. SHAFROTH:] Ask your question and then sit down. [Laughter.]

Mr. SHAFROTH. Well, I will sit down when I care to. Now, in this table which you have here——

Mr. JOHNSON of North Dakota. Which table?

Mr. SHAFROTH. The table which you have marked "page 6 of the Crop Report of the Agricultural Department." This upper curve, as I understand, represents the gold value per acre of the wheat crop?

Mr. JOHNSON of North Dakota. Yes, sir.

Mr. SHAFROTH. And you say that the greatest price for wheat from 1880 down was obtained in 1881?

Mr. JOHNSON of North Dakota. That curve [indicating] is not the price. That curve shows the value per acre, not the price per bushel. These figures [indicating the other curve] give the total value of the crop. The greatest value per acre and also the greatest total value for the whole crop was obtained in 1891, while the highest price per bushel since 1880 was obtained in 1881, but that fact is shown on the other chart.

Mr. SHAFROTH. Can it be possible that the value per acre does not correspond with the price per bushel?

Mr. JOHNSON of North Dakota. Oh, I do not care to answer a question of that kind. The value per acre depends as much on the yield as on the price.

Mr. SHAFROTH. Then, you say that the price obtained for the total crop was $513,000,000?

Mr. JOHNSON of North Dakota. Let me make the matter plain.

Mr. SHAFROTH. Answer my question; you do not seem to care to answer me fairly.

CHART NO. 4.—Department of Agriculture, February 4, 1896.

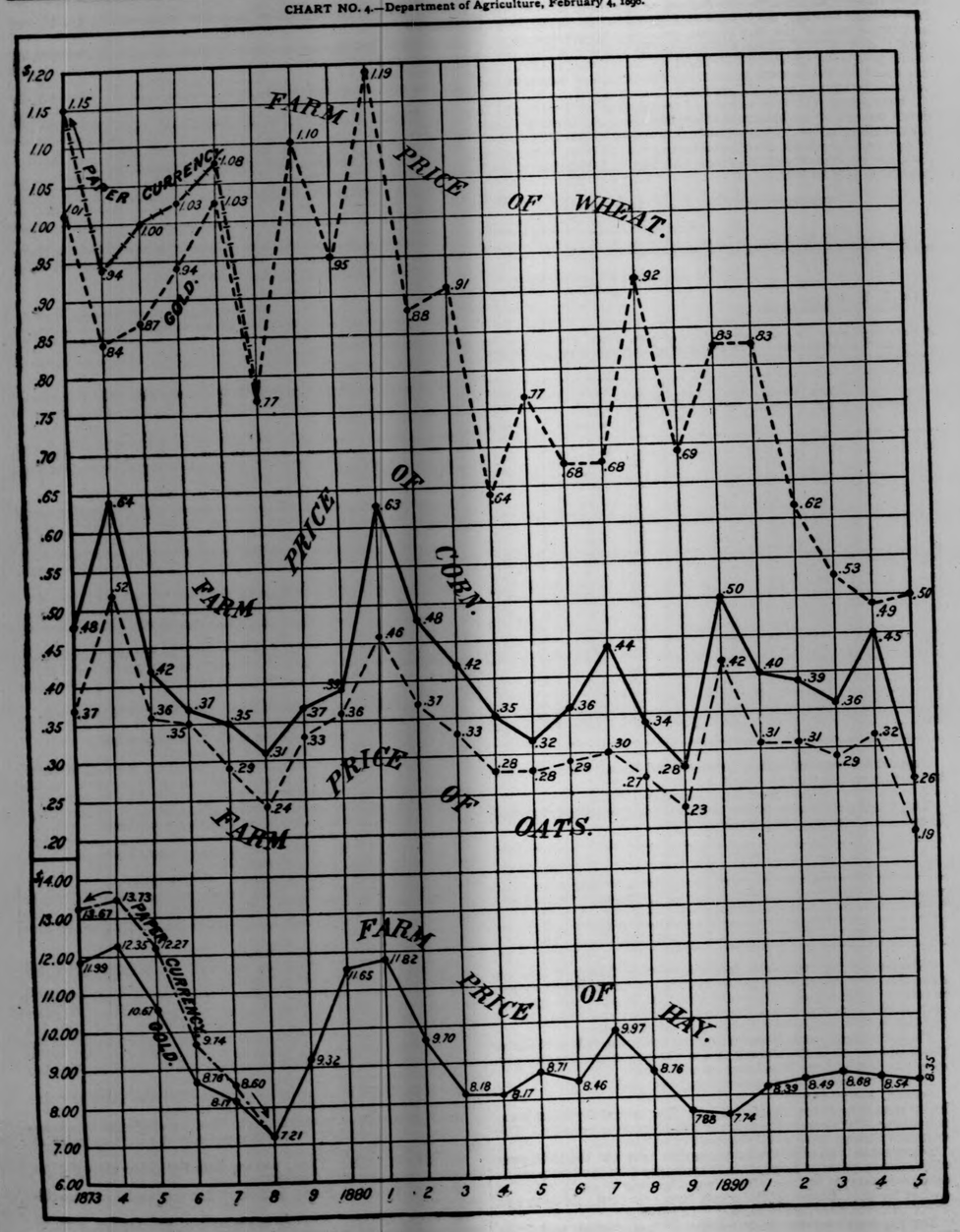

Mr. JOHNSON of North Dakota. Your theory is that on account of the great yield——

Mr. SHAFROTH. No, sir.

Mr. JOHNSON of North Dakota. You hold that in accordance with the law of supply and demand the price, on account of the enormous yield in 1891, should have been reduced; but in spite of the enormous yield we still realized a handsome price, 83 cents, and the greatest amount of gold per acre that we ever had. The price kept up under Republican rule. My friend, when you come to study about what has caused the depreciation in the price of wheat just commence at the fall of 1892. You need not go back to 1873. [Applause.]

Mr. SHAFROTH. Is it not a fact that the best price obtained for wheat was when silver, by reason of the act of 1890, was appreciated to a very great extent?

Mr. JOHNSON of North Dakota. No, sir; the best price we ever got for wheat since 1873 was in 1881, when we got $1.19. [Applause.]

Mr. SHAFROTH. Is it not a fact that according to your chart in 1891 wheat rose from 69 cents a bushel to 83 cents a bushel because silver was given some recognition by this nation and some other nations? [Applause.]

Mr. JOHNSON of North Dakota. That is a matter of opinion, so far as the cause is concerned. The fact appears on the chart that wheat rose from 69 cents in December, 1889, to 83 cents in December, 1890.

Mr. SHAFROTH. Is it not a fact that the price of wheat in India is and always has been substantially 1 ounce of silver for 1 bushel of wheat? [Cries of "No!" "No!"]

Mr. JOHNSON of North Dakota. I do not see the pertinence of that question, and I do not care to spend time upon it. Here on this chart (No. 2) and also on Chart No. 5 are shown the prices of wheat in India from 1873 to 1893.

(Price of wheat in India is shown on gold basis on Chart No. 2 and on silver basis on Chart No. 5.)

Mr. JOHNSON of North Dakota. I promised to yield to the gentleman from Alabama [Mr. WHEELER] for a question.

Mr. WHEELER. Is it not true that since 1873 the price of wheat has fallen from $1.12 a bushel down to 62 cents?

Mr. JOHNSON of North Dakota. In December, 1873, the price was $1.15 in paper currency, equal to $1.01 in gold. The other price mentioned by you—62 cents—occurred in December, 1892, and the cause for the drop from 83 cents in December, 1891, I have fully explained.

Mr. WHEELER. And is it not true that the exports of wheat from the United States have fallen from 210,000,000 bushels down to, in recent years, 42,000,000 bushels?

Mr. JOHNSON of North Dakota. We never exported as much as 200,000,000 bushels of wheat any one year, except in 1891, and we never fell below 100,000,000 except twice, viz, 1885 and 1888. The table from which I drew Chart No. 3 gives the exports for every year since 1880, and I will insert it in the RECORD.

Mr. WHEELER. And is it not true that the failure of our exports to Europe has been filled up by exports from the silver countries, India increasing her exports from nothing up to some 60,000,000 bushels; the Argentine Republic from nothing up to about the same amount; Russia increasing hers to 100,000,000 bushels? In other words, have not the various silver countries taken the market which we have lost?

Mr. JOHNSON of North Dakota. The silver country India has not taken our market. Ten years ago there was a great scare, founded on the idea that India with her cheap labor was going to take our market. That idea failed to materialize. The Argentine Republic has to a great extent increased its exports of wheat; but not on account of silver. An overwhelming calamity has of late years befallen Argentina in the depreciation of its paper money. [Applause.] Russia is no more a silver country than the United States. They are on a paper basis there.

Mr. WHEELER. India exported 60,000,000 bushels. Where did that wheat go? Did it not go to Liverpool?

Mr. JOHNSON of North Dakota. I do not care where it went.

Mr. OGDEN. The gentleman has spoken of a "depreciated silver dollar." Will he show me any silver dollar ever coined by authority of the United States that has not been as good as a gold dollar or a paper dollar?

Mr. JOHNSON of North Dakota. No, sir; except trade dollars, and I hope we never shall see a silver dollar of the United States of America that is not worth as much as a gold dollar. But we shall do so if the gentleman's party succeeds. If this bill passes this House to-day and the White House to-morrow, then I can show you 500,000,000 silver dollars to-morrow that will be worth only 50 cents each. I can show you plenty of 50-cent silver dollars to-day in Mexico. If you want free coinage silver dollars, you can easily get Mexican dollars two to one in exchange for ours. If you are content to take Mexican dollars—heavier and purer silver than ours—you can easily have wheat at $1 a bushel measured in that kind of money.

Mr. HALL. Will the gentleman be kind enough to turn back to the map numbered 6?

Mr. JOHNSON of North Dakota. There are only five of them.

Mr. HALL. I think the last one, then. I believe it is numbered 6.

Mr. JOHNSON of North Dakota. No; it refers to page 6 of the Crop Report.

Mr. HALL. Very well. I would like to ask the gentleman if he has in the figures to which he has referred a statement to show the number of bushels of wheat raised in the United States during the given period covered by the table to which he refers?

Mr. JOHNSON of North Dakota. Oh, yes; it is here in the same table.

Mr. HALL. I hope the gentleman will publish that table with his remarks.

Mr. JOHNSON of North Dakota. I will do so. I will publish in the RECORD both the tables and the charts drawn from them.

Mr. HALL. I should be very much gratified if the gentleman would do so.

Coin Redemption Fund.

SPEECH

OF

HON. ASBURY C. LATIMER,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 13, 1896,

On the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

Mr. LATIMER said:

Mr. SPEAKER: The subject under discussion has been so fully discussed during the pendency of this and other bills of like tenor that it would seem to be unnecessary for any further debate. Especially would it seem unnecessary for me, since I have on a previous occasion set forth my views fully upon it. But I could not properly represent the district which has honored me with a seat here were I to failto raise my voice in its favor. The people of that district have a right to be heard here in distinct tones upon every question, and as their exponent here for the time being, I am but registering their judgment.

True, it is hard to present any more forcible reasons for its passage than some we have heard during this debate, but I have a view to present which I hope will open the eyes of honest doubters and cause them to go over the question again from this point of view. For the reason that I have already discussed it at length, and for the additional reason that it is impossible for me in the short time allotted me to go over the whole ground again, I confine myself to the presentation of this single view.

We are a nation of gamblers, a Congress of gamblers, and even the National Government has recently been gambling on a very large scale. Does that sound like a wild assertion? If so, wait and see. All people admit that betting on cards and horse races and dealing in agricultural futures are gambling. There may be many other kinds, but these are enough for my present purposes.

What are the relations between A and B when A borrows $20 from B and gives his note due in twelve months for the repayment of a like sum with interest? We commonly say that A borrowed the money and gave his note, but that does not express the condition fully. As a matter of fact, A has sold a contract for the future delivery of money and B has bought a contract for the future delivery of money. This may be a legitimate transaction, and is not to be confused with the gambling future contracts in agricultural products, where no real delivery is intended on one side or expected on the other. If there is a change in the price of money during the time that intervenes between the sale of this future contract for money and delivery day, it will be a loss to one or the other of the parties to the contract. It is a self-evident fact that every note, mortgage, bond, or other written acknowledgment of debt, coupled with a promise to pay in the future, is a future contract for the delivery of money, and therefore a money future.

The Commissioner of Labor in his bulletin for November, 1895, shows that the minimum public and private debt of this kind is something over $20,000,000,000. This means that the General Government, the State governments, the cities, the corporations, the farmers, and other persons on the one hand have sold contracts for the future delivery of $20,000,000,000 in money; and, on the other hand, certain capitalists have bought contracts to that amount for the future delivery of money. Now, those who have sold these contracts can make delivery of the money only by en-

changing the commodities they have for money, and in direct proportion as the value of money is enhanced, it will require more of these commodities to make delivery under the contract. It follows, naturally, that such capitalists are "bulls" on the money market—that is to say, that they want the price of money to go up—while those who have sold the contracts, if they are true to their own interest, would be "bears" on the money market to this extent: They want to hold the price of money at the same point that it was when these contracts were made. But, unfortunately, the "bulls" take an active part in dictating the policy of that portion of the "bears" represented by the governments and the corporations, and actually compel the governments and corporations, when they have sold money short, to pay in money that absorbs twice as much commodities as the contract calls for. Now, let me show in what way this has been done.

Perhaps there may be some within the sound of my voice who have heard of the great crime of 1873; if not, I am not going to tell you about it in detail now. I have not time; but I am going to give you what to my mind is a better reason why that action was taken, and to state more clearly the result than any other, perhaps, that has been presented in this connection. There was no gold or silver in circulation in 1873, and the act had no perceptible effect and would have passed unnoticed at the time but for the howl of the politicians who saw a chance to win office by agitation. The real cause for the demonetization of silver in 1873 was because the Government had authorized in 1871 the sale of $1,500,000,000 coin futures in the shape of coin bonds. A small per cent of these bonds were to run ten years, some twenty years, and the remainder thirty years. Silver was not in use, and the men who bought this $1,500,000,000 of Government coin futures expected that long before delivery day should arrive specie payment would be resumed; and in anticipation of that event they saw that by the demonetization of silver when it would not be noticed or felt their coin futures would become gold futures, and the people would not realize the wrong done them until the near approach of delivery day.

Delivery day is now rapidly approaching, and the moment we remonetize silver we rob it of half its terrors to the people. Let me show you why. The $20,000,000,000 of public and private debt is largely short-time paper, and we have in this country only about, say, in round numbers, $500,000,000 in gold. Twenty per cent of this is, by usage, to be kept locked up in the National Treasury as a reserve. At least 75 per cent of the balance is held by the large fiscal institutions that are also the largest purchasers of these money futures, leaving only about $100,000,000 of gold in existence to deliver on contracts for $20,000,000,000. This, in my mind, demonstrates the approach of the greatest "corner" ever made in the market. These men have laid their schemes for thirty years to corner the money of the nation. If we play into their hands they are sure to succeed; and success means that the entire wealth of this nation is absolutely at the mercy of this gold ring. If they do not take it all it will be simply and purely because they are too righteous.

But suppose we discharge our sworn duty to this Government by supporting its true interests and pass this free coinage of silver amendment, what will be the effect? We at once break the corner and rescue those who have sold these futures from distress and disaster; we bring happiness and prosperity to the land without working any injustice to the purchaser of the futures. He will get what he bought, with interest; whereas he now wants to extort a fine from the seller because the seller can not deliver what he (the buyer) has cornered. It is an act of simple justice and right to break up such gambling schemes.

Mr. Speaker, I do not wish to say anything unparliamentary, and I shall endeavor not to do so; but I have shown that this Government is a debtor, and it is well known that the debt has been largely increased in the last two years. It has over $700,000,000 of thirty-year contracts for the delivery of coin outstanding, which mature in the near future, and how any man who has been elected to a position in this honorable body can keep from feeling like a traitor to his country when he votes to strike down silver and meet these obligations with blood-bought, sweat-bought, and conscience-bought gold is more than I can understand.

The far-fetched pretext on which these recent issues of bonded debt have been predicated still exists, ready to the hand of an Executive who strangely insists upon viewing this whole question from the standpoint of the Government creditors rather than of the Government which he is supposed to represent. Under that pretext a thousand millions of debt will be added, we are told by the spokesman of the Administration on this floor. But when a thousand millions shall have been issued, this same pretext will still be at the hand of Wall street tools for successive issues of bonds without limit until the Government is bankrupt or an outraged people rise in their majesty and drive the money changers out of the temple of liberty. It requires nothing of prophetic power to foresee that it must come to this unless the people's representatives here and now break the fetters being forged upon the people's hands.

Silver—Free Coinage.

SPEECH

OF

HON. THOMAS G. LAWSON,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 13, 1896,

On the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

Mr. LAWSON said:

Mr. SPEAKER: In the short time allotted to me I can not undertake a thorough and elaborate discussion of the pending bill in all its bearings, and will content myself, therefore, with the expression of a few general principles sufficient to define my position. I do not underrate the importance of the question; its right determination involves momentous consequences to the business and to the future prosperity and happiness of the people. The proposition is that our Government shall enter upon the free and unlimited coinage of gold and silver at the ratio of 16 to 1 without reference to what other countries may do, or, in other words, that we shall change our present financial system, which is in accord with the systems of the other great commercial countries, and adopt a new system exclusively for ourselves and entirely different from theirs. The statement of the question ought to suggest doubt as to its accomplishment and as to its propriety and value if accomplished, for in modern times nations are not isolated. Steamships, ocean cables, and reciprocal commercial intercourse have brought them into very close relations and sympathies; they are effectually a unit in commercial enterprises and monetary appliances.

I am in favor of neither gold monometallism nor silver monometallism, but of bimetallism, consisting of the standard of value that we have had for the past sixty years, with as much silver as we can possibly circulate on an equality of value with gold, and in addition thereto I favor a banking system that will enable all our people to use their capital and their credit in furnishing an adequate quantity of safe and sound paper money, convertible into the coins, for use of the people. It seems to me that the system of finance that I have described is the best system for this country, and I oppose the free, unlimited, and independent coinage of silver at the ratio of 16 to 1 because it will inevitably prevent the inauguration of that system. When in the early days of the Republic the free and unlimited coinage of gold and silver was provided for it was done as a means to an end, the end being the securement of sound money. The scheme was practicable then because the relative value of gold and silver at the mints was the same as their relative value in the markets; their coin value and their intrinsic value were approximately the same. Both Hamilton and Jefferson, the respective leaders of the diverging lines of political thought, were in thorough accord on this question, and both conceded that the mint ratio must be ascertained by a comparison of the relative value of gold and silver in the markets of those countries with which we sustained commercial relations, and having ascertained that the relative value of those metals in those countries was about 15 to 1, they established that ratio here. But conditions change in a hundred years; what was feasible and safe and wise then may be very dangerous now. For their system of coinage we substitute a system in conformity with the changed conditions just as we substitute steam cars, steamships, and telegraph lines for their wagons, sailing vessels, and pony expresses, and it would be just as wise for us to readopt their methods of transportation and transmission of intelligence as it would be to reestablish their coinage laws.

I believe as firmly as I believe anything that depends on the testimony of human experience and the dictates of common sense, that the free, unlimited, and independent coinage of silver at the ratio of 16 to 1, under modern conditions, would result in silver monometallism; that it would destroy the existing measure of value, expel gold and all money better than itself from the circulation, cut off at least one-half the circulation we now have, destroy credit and confidence, which are more essential to our progress and prosperity than either gold or silver, and produce such a chaotic condition of the finances as to bring upon the country more widespread and irretrievable ruin and distress than it has suffered in its entire history.

The history of all nations of modern times, those having the gold standard as well as those having the silver standard, conclusively demonstrates that it is impossible for gold and silver money to circulate concurrently when they are coined at a ratio of value different from the commercial value of the bullion. Governments do not add anything to the value of either metal by coining it;

they put them into convenient shape for use, and merely certify, for the convenience of those who use them, that the coins are of a given weight and fineness. None but Deity can create value from nothing. The United States, England, France, and Germany have, during their history, all engaged in the free and unlimited coinage of gold and silver at a fixed ratio, and neither one of them has ever succeeded in circulating both coins at the same time when there was a divergence between the mint ratio and the market ratio. Mexico and other free-coinage nations are attempting to do so now and are making wretched failures. I know it is said that France maintained the parity of the two metals seventy years by her coinage laws, but the statement is not true, as anyone may ascertain who will take the trouble to inform himself.

During that period France, just as we did, had a silver standard when silver was relatively cheaper than gold and a gold standard when gold was relatively cheaper than silver, and when she found in 1874 that, owing to the fluctuations in value of the two metals, the parity between them could not be maintained, she suspended the coinage of silver. The statistics of the operations of her mints, the importations and exportations of her gold and silver, the fluctuations of her exchanges, and the testimony of distinguished writers and of intelligent travelors all evidence her inability to maintain the parity of the metals. It is important to note also that while France was engaged in her efforts to maintain the equality of the two metals she had the assistance of other commercial nations, and yet their combined efforts proved abortive. When I consider the history of other great and powerful nations that have, either singly or combined, failed to maintain the parity of gold and silver when coined at a ratio different from the market ratio, I am forced to believe that the people who insist that the United States alone can maintain their parity by their free, unlimited, and independent coinage at the ratio of 16 to 1 when their market ratio is 32 to 1 are laboring under some delusion or hallucination, or that they are not fully informed as to the experiments of other nations on this line. And yet I know that many able and honest men do believe in the theory.

A brief résumé of the experiments of our own country it seems to me ought to convince any man of the fallacy and impracticability of free coinage of silver in the manner proposed. Our first experiment was at the legal ratio of 15 to 1, because that was at the time supposed to be its market ratio. Very soon afterwards the price of silver declined in the market, the gold coins left the country, and our commerce settled down upon a silver standard. To correct the evil Mr. Jefferson, in 1805, while he was President, suspended the coinage of silver, and it continued suspended until the year 1834. In the latter year Jackson, Calhoun, Benton, and other distinguished statesmen undertook to restore the circulation of gold in the country, and in 1837, to effect that object, aided in changing the ratio to 16 to 1.

Under the first ratio it was decreed that 1 pound of gold should be worth 15 pounds of silver at the mints, and under the last ratio it was decreed that 1 pound of gold should be worth 16 pounds of silver. I pause to ask why the change was made? If the Government could not maintain the equality of the coins when there was only about 2 cents difference in their value as bullion, how is it possible now to maintain their equality under free coinage when there is a difference of nearly fifty cents in their bullion value? It is evidently impossible; and any effort to do so would plunge us at once into silver monometallism. But a mistake was made in fixing the ratio at 16 to 1. Silver was undervalued, and consequently disappeared from the circulation, leaving gold, the cheaper metal at the mints, to take exclusive possession of the field, and to become our commercial standard of value. After the establishment of the last ratio silver change became so scarce in the country that Congress in 1853 found it necessary to reduce the quantity of silver in our fractional coins and so to cheapen them that they would not be sent to foreign lands. They debased the silver in these fractional coins so that two half dollars would contain 28¾ grains of standard silver less than a silver dollar. Such is the history of the establishment of the gold standard or measure of value in this country. It occurred under the Administration of General Jackson in 1837, and has continued to the present time, except during the war period. Notwithstanding the mints were open to the free and unlimited coinage of silver, very little silver sought the mints, and during the first eighty years of the history of the Republic less than nine millions of silver dollars were coined, and I doubt whether any person in my presence ever saw one of them outside the cabinet of a collector of curios.

Why? It was because silver was more valuable in the markets than it was at the mints; and for the same reason no gold would be coined now if we were to open the mints to the free coinage of silver at 16 to 1. Gold would be more valuable as a commodity than as money. Nearly all the silver in circulation from the year 1792 to 1878 were foreign coins, and they were, after the year 1857, a legal tender in small amounts only. Thus the coinage stood in 1873, when the act so much inveighed against was enacted. It did not originally establish the gold standard; it had been established by commerce more than thirty years prior to that time, and the act only enacted into law what already universally existed in this country by the laws of trade and custom. Silver was not demonetized by the act. It was only denied mint privileges; It is not demonetized now; the silver dollar is not redeemable in anything, and is a legal tender for all debts, public and private, and to any amount. If it is not now standard money, or money of ultimate payment, I do not understand what the terms mean. If there had been any purpose by the act of 1873 to distress the debtors of the country by compelling the payment of debts in money of a higher value than parties had reference to when contracts were made, I suppose that the silver standard would have been adopted, as silver was then of higher relative value than gold. But all debts existing at that time were contracted with the expectation of being paid in gold, inasmuch as legal-tender silver had not been in circulation for more than thirty years. But standards of value are not, in my judgment, created by legislation. Measures of value are evolved out of the processes of thought, conference, disputes, and arguments that occur among the millions of traders throughout the world. In intelligent and prosperous countries, where the contracts between citizens are large and commerce is extensive, gold as a measure of value is preferred, because it is a more suitable and efficacious instrument of exchange. And for the same reason silver, as a measure of value, is preferred in countries of meager and unimportant trade and commerce.

Money and vehicles of transportation are media of exchange and bear a close analogy. Enormous locomotives and trains of cars are required to transport the products and commerce of some countries, while camels and pack horses amply suffice for the carrying trade of others. Gold is necessary for the former class, while silver and copper more conveniently do the business of the latter class. As the measures of value are not enacted by legislation, they can not be safely interfered with by legislation. When a legislature steps in between citizens while engaged in mutual contention as to price of commodities which they are engaged in buying and selling, it is an interloper; it may say in what currency its taxes may be paid, or a debt be discharged, and that is as far as it can go. When it attempts to go further it antagonizes a law superior to itself, a law evolved from the self-interest of men, and which ordains that each man for himself shall determine what he shall pay for what he has to buy and what he shall accept for what he has to sell. Out of such processes measures of value are evolved, and no government is able to say what its standard shall be, and to enforce it, unless it be the standard thus evolved. So long as legislation coincides with natural laws we have no trouble, and we ought to remember that the laws or fixed principles established in finances are as fixed and stable as the law which regulates the ebb and flow of the tides of the ocean. The standard or measure of value, therefore, is fixed by buyer and seller, and not by debtor and creditor, and if the government attempts to fix a standard of a different kind it must inevitably fail. If, therefore, we attempt to make gold and silver both a measure of value, we must coin them at their commercial ratio, and not at an arbitrary ratio which disregards the relative value of the metals in the markets.

The standard everywhere fixed relates to equivalent. Where a man exchanges a commodity, he is entitled, under the first principles of justice and morality, to receive its exact equivalent in value in some other commodity. If a man exchange a quantity of wheat for a quantity of corn, the quantity of one ought to be exactly equal in value to the quantity of the other. If a man exchange a quantity of cotton for a quantity of silver, as a medium of exchange, the quantity of silver ought to be exactly equal in value to the quantity of cotton, or else it will not be equal in value to the quantity of wheat or other commodity which he expected to be able to buy with the proceeds of his cotton. Every purchase and sale is indirectly a barter, an exchange, a swap of one article for another. We use money solely for convenience, as a medium of exchange only, a vehicle to carry the article we sell to the purchaser and to bring back the articles which he has and which we desire to buy.

In contemplation of economic principles every purchase and sale is indirectly a barter. Therefore the money paid and received, in order to conform to the principles of justice and good morals, must, when valued as a commodity, as bullion, or as the representative of money, be exactly equal in value to the commodity for which it is exchanged. Unless it is so he who receives the money is cheated and the principles of justice and good morals are violated. The law may compel a creditor to accept a given kind of money in discharge of a debt, but it can not compel the owner of commodities to accept any kind of money against his will in the sale of them. Rather than sell on such terms he will prefer to keep his commodities. The Government may coin 50 cents' worth of silver and call it a dollar, and compel creditors to take it; but it will not be a dollar, and no man will sell his produce for it and

accept it as a dollar; and none but existing creditors can be thus defrauded, for care will be taken in all future contracts to provide against loss from the depreciated dollar.

Men engaged in the business of buying and selling, giving and receiving gold and silver in exchange for commodities, before any government undertook to coin either metal. Both gold and silver at the time had a commercial value, and each trader weighed and tested it for himself, and formed his own opinion as to its value in the market. Gold and silver were afterwards coined for the convenience of traders; the Government certified its weight and fineness in order to save the trader the trouble of weighing in every transaction. The quality of a legal tender was never affixed to it until arbitrary rulers conceived the idea of forcing their debased, clipped, and spurious coins upon their subjects. They succeeded in forcing them upon creditors, though they failed to circulate them, although they affixed a death penalty to every refusal to take them. No man had anything to sell when such money was offered him, and he thus avoided the penalty and the money too. The idea that any government can give a fictitious value to metal simply by coining it is of modern origin. I think it had its origin after the United States issued legal-tender paper money. It is certain that Washington, Hamilton, Jefferson, Madison, Jackson, Benton, and other great statesmen of the earlier days were never tainted with such fallacies.

It is argued now that if the mints of this country were opened to the free, unlimited, and independent coinage of gold and silver at the ratio of 16 to 1 that such a demand for silver would be created that all the silver in the world would immediately advance in price from its present market ratio of 32 to 1 to a ratio of 15 to 1; or, in other words, that all the silver in the world would be immediately doubled in value. Too many intelligent and honest gentlemen maintain this proposition for us to dismiss it by characterizing it as absurd. True, the proposition is contrary to the testimony of human experience as developed in the history, past and present, of all nations, civilized and barbarian, and true, also, that the advocates of the proposition do not advance a single fact in support of it, but ask us to accept their arbitrary assumption for proofs; yet it is supported by such an array of numbers as to merit some examination.

They speak only of a demand for silver and leave out altogether another great and necessary factor in determining the value of all things, namely, supply. To circulate gold and silver coins on an equality of value their relative value at the mints must be the same as their relative value in the markets. So the history of all nations teaches without a solitary exception. The value of a thing in the market depends on the supply of it and the demand for it. If these remain relatively the same without change of conditions the price will be steady; if they do not remain relatively the same prices will fluctuate. The mint demand for gold can not increase, for nearly all the mints in the world are already open to its free coinage. When there is an increased demand for anything there is increased production; the cupidity of mankind may always be depended on to produce everything that there is an increasing demand for.

Under the stimulus of a new demand the production of silver would increase, while there would be no increase in the demand for gold. The proposition of the free-silver advocates therefore involves the hypothesis that two articles without change in demand for them, yet constantly varying in the supply of each, will permanently sustain absolutely the same relative value. They must throw more light upon it before I can assent to a proposition so contradictory of all economic laws. But is the assumption true that an unlimited demand for silver will set in whenever it is allowed free coinage? The mints can not at once convert all the silver bullion into coin; indeed, there is enough bullion already in the Treasury of the United States to employ all the mints to their utmost capacity for several years. There must necessarily be a surplus somewhere that can not be readily coined, and such surplus will be valued in the markets independently of the potentiality of its coinage into money. Inasmuch as it can not be used as money in its bullion state, and can not be used in other countries as money, it must be rated at what the surplus will fetch in the market after it is coined. It will not stand on the same footing with gold bullion, for gold has a uniform market value throughout the world and is as valuable in its bullion state as it is when coined.

In point of fact there can not be an unlimited demand for anything except in a philosophical, speculative, or theoretical sense. To suppose an actual unlimited demand for anything is absurd, for a demand is always limited to certain needs or conditions to which it is responsive. When these are met and satisfied the demand ceases. Demand should not be confounded with desire. The demand for money is indefinite, but it has limitations that may be described. An individual demands money to carry on his business or to supply himself with comforts and luxuries, but his demand can not exceed the property and credit he has to give in exchange for it, though his desires may extend much further.

A nation's demand for money can not exceed the aggregate property and credit of its citizens. Its demand never equals these sources of wealth, and can not, in the nature of things, exceed them. The demand can not therefore be unlimited. But whatever the demand for silver might be, the time must soon come when the country would be so saturated with silver money that it could not be absorbed in business. The output of silver mines has increased from $81,000,000 in 1873 to more than $200,000,000, so that all the mints, and perhaps an increased number of them, would be kept in full operation turning out silver money that could only be used in this country. The time would come when we should need no more. What then? We must either continue to coin and pile it up while its value would decline, as the value of Confederate money declined from excessive issue, or the coinage must be stopped, in which event the silver taken from the mines afterwards must become a great surplus to drag down the value of all other silver, coined and uncoined. If we continue the coinage we shipwreck upon Scylla, and if we stop the coinage we shipwreck upon Charybdis. The argument in favor of free coinage, it seems to me, proceeds upon a misapprehension as to what creates a demand for money. What creates the demand for flour? Not mills, but hunger. What creates a demand for clothes? Not factories, but nakedness. What creates the demand for money?

Not mints, but business, commerce, wealth—something to sell. The only method for creating a demand for money is the increase of business and wealth. If all the silver in the world were coined it would remain in the hands of the original owner until evoked by the demands and necessities of business; it would not be given away. A demand for money implies that there is either property or credit to employ it, and those who get it must give something in exchange for it. If it were good money it would cost as much as it does now, and if it were cheap money it would do harm. Very little silver money is in demand now. Millions of it lie in the Treasury, and the Government is unable to force it into the circulation, though it offers to pay its way to the uttermost parts of the country. The people do not want it and will not have it. They reject it, not because they distrust its value as a circulating medium, but because it is too heavy, bulky, and inconvenient. True, the silver in the Treasury is represented in circulation by paper certificates, but this circumstance proves that the people prefer paper money to silver. The Government ought, therefore, to respond to the demand of the people for paper money, ought to modify its banking laws so as to allow the issue of a safe and sound paper currency, sufficiently abundant for all business requirements, rather than to further enrich the most gigantic moneyed monopoly of silver mine owners the world ever saw.

But, I repeat, the coinage of silver will not raise the bullion value. No one pretends that the coinage has any effect upon the value of gold bullion. It is worth as much in one form as another, and worth the same the world over. Because our silver now circulates on an equality of value with gold many people suppose that it would do so under the operation of a free-coinage law. But under free coinage the conditions would be vastly changed. Of the $500,000,000 of silver coins now in the country, every piece was coined on Government account. It bought the bullion at its market value, coined it at the ratio of 16 to 1, and paid it out as the equivalent of gold dollars. For every silver dollar parted with the Government has received the equivalent of a gold dollar. It is therefore bound by every principle of justice and sound morals to maintain its value on a gold basis. Recognizing that obligation, it has pledged itself to do so and does do so. Its value is maintained by its receipt every day for taxes and other dues to the Government. For the reason that the Government collects every year more taxes than there are silver dollars to pay them with, every silver dollar in the country may be redeemed, so to speak, at least once every year. Therefore no man hesitates to accept it, yet, strange to say, no man—not even a free-silver advocate—ever hoards it as other money is hoarded.

In my opinion, much more silver than we now have could be safely put in circulation, and I would cheerfully vote for the second and third sections of the bill, which provide for coining the silver bullion in the Treasury, were they severed from its obnoxious features. By means that I have stated, the Government has maintained a bimetallic circulation by fixing on the superior metal as a standard, and then coining the inferior metal under such limitations and conditions as will insure its parity with the superior metal, and in that way only can a bimetallic standard be maintained so long as there is any material divergence in the relative market value and mint value of the two metals. For the moment that the coins of the inferior metal exceed the demand for them for the payment of public dues they will depreciate. They do so in obedience to as forceful and as necessary a law of the business world as the law of gravitation in the physical world, and no human legislation can prevent it until it invents some device whereby the voluntary choice of mankind may be controlled.

The free, unlimited, and independent coinage of silver is an entirely different process from that now employed by the Government in the coinage of silver. Free coinage contemplates that any person, citizen or alien, may carry 52 cents' worth of silver, which is now the bullion value of a dollar, to the mints, and by some species of legerdemain or witchcraft have it converted into a dollar worth 100 cents. To a man uneducated in the sophistries of free-silver literature such an achievement would seem impossible, and so it is. It is admitted by many free-silver advocates that the stamp of the Government adds nothing to the coin. What then would be the obligation of the Government under free coinage? It would receive the silver bullion at the mints, coin it into dollar pieces, and return them to their owner, and assume no obligation respecting them whatsoever. The dollars would be worth just what they would exchange for in the market, no more and no less. They may serve as good dollars in the payment of existing debts, but in the purchase of property, which is the highest function of money, they will be worth only what the silver in them is worth. They would circulate just as greenbacks and Confederate money circulated during the war, namely, at a valuation fixed on them in the markets, and when received by the traders would be hurriedly passed off on someone else before they could go down on his hands, thus leading to general and gigantic speculation, to chaos in legitimate business, to the destruction of credit, and the prevention of all contracts depending on deferred payments. And in that event gold and all better money than silver would disappear from circulation in obedience to a natural law of money, which is as certain and inexorable as the diurnal revolutions of the earth.

And whom would free coinage benefit? Unless the collection of debts were enforced prior to its operation it would benefit existing debtors by enabling them to discharge their just obligations in depreciated money. And who are the principal debtors of the country? Not the poor people, for they have not the ability to contract debts of any considerable magnitude. The principal debtors are railroad companies, banks, savings banks, life insurance and fire-insurance companies, mining companies, trust companies, manufacturers, large mercantile companies, States, cities, corporations, etc. These companies and corporations owe the people of this country more than $10,000,000,000, and the payment of their debts in 52-cent dollars would result in a net gain to them and in a net loss to other people of more than $5,000,000,000. The very rich, then, would desire some temporary advantage from the free coinage of silver. Who are the creditors that would be injured? The moderately well-to-do people, widows and orphans, and the laboring classes, including in that class all people who are paid for their services in money. It is not generally known, and yet, if I am not mistaken in the statistics, it is true, that more money is annually paid for labor in this country than for all other commodities combined. They do not get their wages until their work is performed, and hence they are the largest class of creditors in the country, and are mainly made up of people who are least able to endure losses. It is an elementary fact that, under the stimulus of a depreciated currency, wages do not advance in price pari passu with advancing prices of other articles. The laborer must continue to work for the same wage, though it will not purchase in the market the same quantity of commodities as he formerly purchased when he received sound money. Anything, therefore, that tends to depreciate his wages is a calamity to him.

But it is argued that the suspension of the free coinage of silver has caused prices to fall throughout the world. If there is any truth at all in this contention it has been very much exaggerated. The decline in the price of silver is a coincidence, and not the cause of other declining prices. If the fall in the price of silver were the cause of the low prices of other articles, then the decline in prices ought to be uniform in degree and universal as to all commodities, neither of which is true. Silver has fallen nearly 50 per cent, while the prices of other articles have fallen in different degrees, both in their relation to silver and in their relation to each other. There is no uniformity whatever. They sometimes fall as silver rises, and rise as silver falls, and sometimes, as compared with each other, rise and fall inversely at different times and in different degrees. Among my constituents cotton is the chief commercial product, and it is claimed that the fall of silver, owing to its exclusion from the mints, has seriously affected its price.

An examination of its statistics for the last hundred years shows most conclusively that its price under ordinary conditions is determined by the quantity produced; that supply and demand are the controlling factors in settling the price. And if we examine the price during two monetary crises we find that from 1841 to 1850, inclusive, with a total production of 21,000,000 bales, the lowest average price in New York was 6⅞ cents per pound, and that from 1886 to 1895, with a total production of 75,000,000 bales, the lowest market price in New York was 8¼ cents per pound, being a difference of $7.83 per bale in favor of the last ten years. Both these decades witnessed a great financial panic—the first decade under the free coinage of silver and the gold standard, and the last under a gold standard and without the free coinage of silver. We also find that from 1851 to 1860, which decade is considered the most prosperous period the country ever enjoyed prior to the war, the average price of cotton in New York was 11.31 cents per pound, and from 1875 to 1884, the most prosperous period since the suspension of silver coinage, the average price of cotton in New York was 11.86 cents per pound, being a difference in favor of the last decade of $2.75 per bale.

During the last decade mentioned the cost of producing and transporting cotton was much lower, and the planter received a relatively higher price than the figures indicate. Cotton is produced cheaper now than it ever was before; mules, plows, iron, wagons, guano, packing, ginning, transportation, food, clothing, labor (requiring less to feed and clothe it) are all cheaper, while the skill of the farmer is very much greater, and yet occasionally we sell our cotton below the cost of production. The figures which I have given prove conclusively that the price of silver, whether it enjoys free coinage or not, has not affected the price of cotton. I do not deny that prices of commodities have fallen everywhere; falling prices, arising from cheaper production and distribution, are a benefaction to the world. I am an advocate of cheap corn, pork, flour, clothing, etc., and I hope that the time is rapidly approaching when the cotton planter can produce and sell cotton profitably at 2 cents a pound. We could not contribute a greater boon to suffering humanity. But if it were conceded that falling prices were the direct sequence of the exclusion of silver from the mints the question would still recur: Can this country alone restore it to free coinage without descending to the ruinous silver standard? If the dozen countries engaged in free coinage prior to 1873 could not hold it on a level with gold when their relative value in the market only differed about 5 cents in the dollar, how can this country alone, being one of the dozen, raise it to a level with gold when their relative value differs about 50 cents on the dollar? The question answers itself. Everyone knows that if it requires the combined strength of twelve men to draw an object a given distance, the strength of neither one of them singly will suffice to draw it back again.

Falling prices may be largely accounted for by considerations disconnected with the free coinage of silver. Within the last thirty years the world, and especially our country, has marvelously advanced in intelligence, ingenuity, and inventions, and the area of production has enormously expanded. A Western man can produce as much wheat, it is said, as 400 persons, at a reasonable allowance, can consume. I presume that a Southern farmer can produce correspondingly as much cotton. Mulhall, the great English statistician, says that—

> An ordinary farm hand in the United States raises as much grain as 3 in England, 4 in France, 5 in Germany, or 6 in Austria, which shows what an enormous waste of labor occurs in Europe, because farmers are not possessed of the same mechanical appliances as in the United States.

And yet many of our people continually hold up France as a model of prosperity and happiness, that we ought to emulate. Such gentlemen ought to give more time to the study of the economic forces and conditions of the two countries.

We all know that as labor-saving devices have been invented all things to which they apply can be produced upon a cheaper scale, and we all know that the cost of transportation and distribution has been enormously cheapened. Although wheat is cheaper in the West and cotton cheaper in the South, the universal testimony is that the farmer in either section who manages his affairs upon sound business principles is a prosperous man. My observation is that the spirit of speculation, by which I mean the disposition to neglect the cultivation of other valuable crops and to stake all on cotton has wrought more injury to the cotton planter than the suspension of silver coinage can possibly do.

Again the advocates of free coinage say that the exclusion of silver has cut off one-half the primary money, or money of ultimate redemption, and by that means brought ruin and disaster upon the people. Suffice it to say that when the condition of finances is such as to inspire confidence very little primary money is needed. All that is really needed is to settle international balances of trade. Only 5 per cent of the business of the country depends on the actual payment of money, and but little of that is coin of any kind. The balance is done with credits of various kinds. Since reaching manhood I have been engaged in business for myself and others, and have perhaps witnessed the passing of several millions of money and credits, and I have never yet witnessed a demand for primary money. Furthermore, I have never heard of such an instance in Georgia.

These facts show how insignificant is the use of primary money in the transactions of ordinary business. But when a panic comes no financial system ever devised will escape unharmed and supply sufficient primary money; if all the gold and silver ever dug from the mines were coined into money it would not suffice for such crises. But, in point of fact, it is not true that the stock of primary money in the United States has been cut off. When the

coinage of silver was suspended in 1873 there was not a dollar of either gold or silver in general circulation, and yet the advocates of free silver say that that was the most prosperous period that the country ever enjoyed, and they date our downfall from that eventful epoch. If we were so prosperous then without any primary money why can we not prosper now without it? It should be remembered also that the circulation per capita then was much smaller than it is now. But since 1873 there have been added to our stock of primary money some six hundred millions of gold and four hundred millions of silver dollars, each one a legal tender in payment of all debts, public and private. If our prosperity depends on primary money we ought to be a hundred times more prosperous now than we were in 1873.

If the free coinage of silver at the ratio of 16 to 1 would bring us to a silver basis, as I confidently believe it would, no greater calamity, in my judgment, could befall the cotton raiser. His product commands gold in any market, and nearly two-thirds of it is sold in countries having the gold standard of values. No change in our monetary system, nor in our standard of value, would affect the value of his cotton in the foreign markets. The price of that portion sold and consumed in this country would continue to be fixed, as it now is, by the foreign price. Abroad he would receive gold, and at home the equivalent of the foreign price in silver, less charges that I will presently mention. How, then, would he be benefited in the price of his cotton by the change of the gold standard of sixty years' standing in this country to a silver standard? If, by reason of depreciated silver, the prices of all articles in this country were to be doubled he must still accept the foreign price for his cotton measured in silver at home.

What advantage would that be to him? Being a cotton planter myself, and otherwise having a large pecuniary interest in the success of other cotton planters, I am vitally interested in this question. While there is no advantage to him, beyond doubt there will be losses. While the price of cotton is fixed in the foreign market, very few planters sell in that market. They find it more profitable to sell in the nearest home market, and the buyer must in that event provide himself with either silver or silver certificates to make payments. He, the buyer, must exchange the gold that he receives, directly or indirectly, in the foreign market for this silver or paper. Does any sane man imagine that the cost of the brokerage charged for exchanging the money will not be discounted from the price of the farmer's cotton?

Again the buyer, paying in one currency and selling in another, if he be an intelligent business man, must take into the account the probable relation of the two currencies when he comes to sell. He must sell for as much as he paid, with a reasonable profit added, and if there is any probability of the fluctuation in value between gold and silver, as there always is, he must protect himself against any loss, and this anticipated loss will always be discounted in advance from the original price paid the farmer. In other words, the cotton producer must accept silver for his cotton, although it brings gold in the markets to which it is sent, and must also insure the buyer against any loss arising from the fluctuating value of gold and silver while the cotton is in transitu from his home to Liverpool.

The farmer pays both the cost of brokerage and the insurance described. Inevitably so, provided the buyer is a man who understands his business. Again, the same charges would fall on him if, impelled by his tastes or his necessities, he should purchase articles imported from a gold-standard country. The importer, wisely providing against loss, would include in the prices of his goods the cost of brokerage in converting the money received for them in this country into the money of his own country, and also any anticipated loss accruing from the fluctuations in the currency of the two countries from the time his goods left his country until their proceeds were received by him in his own country. No intelligent merchant would think of doing otherwise. His goods, owing to the different measures of value prevailing, would be, in effect, measured by one yardstick in his own country and by a yardstick of different length in this country, and to the farmer would fall the losing end of the bargain.

Again, the cotton producer must of necessity sell a large quantity of his cotton in foreign markets; we can not manufacture it all here. It is to his interest, therefore, to encourage foreigners to trade with us. They can not buy our cotton unless we buy their products, and such trading is to our mutual advantage. But the silver standard works a prohibition upon trade with nations on the gold standard. I will not pause to say why it is so, for everyone can see it for himself, but will simply cite the experience of existing silver-standard nations as proof of it. Señor Romero, the accomplished minister from Mexico to our Government, has, in a magazine article, candidly admitted that the silver standard has worked that effect in his own country. If we do not exchange our cotton for goods with England, France, and Germany, they will find a way to produce cotton in their own colonies and dependencies and take our markets from us, than which no greater calamity could befall the Southern States. It may be asked, if this be true, why the manufacturer who favors a protective tariff does not also favor the silver standard. He does not favor it because he knows that all persons who perform services for money wages, upon whom he chiefly relies as customers, will, when paid in silver, be able to purchase only one-half the quantity of goods that he buys now in good money, and that one-half the factories, or nearly so, must close up for want of customers.

Mr. Speaker, the arguments against the free coinage of silver at a ratio of 16 to 1 are inexhaustible, and I must forbear. It grieves me, however, to find so many of its advocates among my own people, a people heretofore remarkable for their broad intelligence and sturdy conservatism. The free coinage of silver as contended for is an event that none of them will ever live to see, yet they indulge in a useless and calamitous agitation of it. I can sympathize with the Western silver-mining States. I realize that they have a vast pecuniary interest in the question, and that self-interest probably dominates their reason and understandings; but the Southern people have no such reason to espouse it. They have recovered almost single handed from the unparalleled devastation of a dreadful civil war, and have taken their station in the front rank of the most intelligent and progressive people in the world. Nothing in human history equals their achievements in material progress, nor equals the sacrifices they have endured in their efforts to rehabilitate their local governments and institutions. Their country possesses unparalleled capabilities and resources. They can grow anything that is found outside the Tropics. Iron ore, lime, and coal, embedded in their hills, lie in close juxtaposition, and are sufficient in abundance to supply iron and steel and fuel to a thousand generations. Their fields are annually whitened with a fleecy staple of superior fineness to that of any clime, while their natural waterfalls contain power sufficient to turn every spindle in the world. Their enormous resources await only the touch of capital, skill, and intelligence to evolve their unrivaled munificence. Capital they have not. It perished in the hot breath of civil strife. They must secure capital from elsewhere, and every moment employed in free-silver agitation will postpone the day when capitalists can be induced to extend their friendly assistance. Men will not invest their money among a people whose opinions on finances are not in accord with sound and just business principles. They will not seek to make interest on their money where they have reason to fear that both interest and principal will be put in jeopardy.

The free coinage of the metals at a legal ratio widely different from the commercial ratio is adverse to the principles of the Democratic party, and I am opposed to it for that reason also. The Democratic party favors bimetallism and is opposed to monometallism. It never did at any period of its history favor the free coinage of silver and gold except at their commercial ratio. It was too wise to try experiments with the currency of the country. It favors bimetallism now; not that spurious bimetallism that masquerades under the flag of free silver, but that process which holds all our coins, gold, silver, nickel, and copper, wedded upon a scale of perfect equality in value. From the days of Jefferson to the present time it never advocated other than sound money. If the Government can take 50 cents' worth of silver and make a good dollar out of it it can do the same with the same number of grains of iron, nickel, or copper. If it can do that let us turn all gold and silver into jewels and ornaments and with the Populists insist upon fiat paper money altogether. If it is true that the Government can create value out of nothing the contention of the Populists is more tenable than ours. But I prefer to adhere to the Democratic faith in which I was born. I stand by the principle enunciated in its national platform. Gentlemen may call that platform a "straddle" if they wish, but they impeach their own intelligence when they do so. If, with the platform as a text, they have preached the free coinage of silver to their constituents it is not the fault of the platform. Its language is clear and explicit:

> We hold to the use of both gold and silver as the standard money of the country and to the coinage of both gold and silver without discriminating against either metal or charge for mintage, but the dollar unit of coinage of both metals must be of equal intrinsic and exchangeable value and insure the equal power of every dollar at all times in the markets and in the payment of debts—

is a part of the language of that platform. We use both gold and silver as standard money now, and when conditions change so that we can make every dollar of equal intrinsic and exchangeable value and equally potential in the purchase of property as in the payment of debts, there will be no discrimination against either metal at the mints. If we enter upon the free coinage of the metals without regard to these conditions, we would destroy bimetallism and inaugurate the reign of monometallism. The cheaper coin would drive the other from the field and occupy it exclusively. Whatever may be said of the failures of the Democratic party or of the waywardness of individual Democrats, I am glad that it can not be charged that its principles are unsound; and, in my judgment, it will never deserve to be restored to power and the country will never enjoy prosperity commensurate with its enormous resources and enterprise until Democrats unite again in advocacy of these sound principles.

Coin Redemption Fund.

SPEECH

OF

HON. ISRAEL F. FISCHER,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 12, 1896,

On the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

Mr. FISCHER said:

Mr. SPEAKER: While everyone will admit that the speeches delivered in these Halls by members on either side of this question change no votes, it must be admitted that they in part do some good. This good comes of the opportunity which men secure to scan and digest the arguments, and cull therefrom the reasonings which are offered in support of the theories advanced. This speechmaking machine has certainly ground out a remarkable lot of material, and because of a fear which I entertain that the country has possibly not had sufficient or can really stand more, I shall add a few words to the singsong and dingdong already heard.

I have been a patient listener throughout this whole discussion, living through it all in the hope that it would do me some good. I shall not attempt to give my opinion of the various efforts, but will content myself with the belief that I should say a few words which, though not weighty or of any great moment, are likely to be considered not below the standard set.

Now, as I digest these somewhat indigestible arguments presented by the advocates of the Senate amendments, they are as follows: "Kind sirs, you who believe in sound money, we beg your kind consideration in behalf of a people who produce from the mines in our section a metal known as silver to give us some legislation whereby we may be enabled to impose upon and defraud the confiding and patient people of this great country by passing upon them coin bearing the Government stamp, declaring it to be a dollar. Grant us this favor and you will oblige us ever so much."

And when it is charged that this silver which they wish us to declare to be a dollar is worth but 50 cents, they retort that that is only its intrinsic value, but that the Government stamp will make it go for more; that silver may become more valuable some day, and we should coin first and trust the rest to the sweet by and by. They say, furthermore, that silver was once worth more than par and may become so again. They have quoted every authority of ancient times in favor of silver, but fail to state that those expressions were based on the value of the metal at the time.

The quotations of past days on the market price of the metal certainly can not be quoted in support of any claim as to value at the present period. No more, Mr. Speaker, than can the quotation of a former price for any commodity fix a value for it to-day. It would be just as reasonable as an opposition to lighting by electricity because of the laudation of petroleum when it first came into use. There is but one guide, and that is the light of the present day. We must keep our financial car upon the commercial rail, otherwise we go to destruction. The silver advocates would have us discard the fundamental law, disregard all rules, defy every precaution, open wide the Treasury throttle, bid defiance to all conditions, and trust to luck.

They have sung their ditty so many times that they have really brought themselves to believe that we can get along without the rest of the world; that we should sink our ships, abandon commerce, and become dead to the world outside; do all this and yet prosper. Mr. Speaker, our country is certainly great; it is marvelous; but great and marvelous as it is, it is not sufficiently so to do this, or if it were it is not willing to adopt ancient Celestial methods by the erection of a Chinese wall. Our people as well as all the people of civilized countries wish to maintain commercial relations, and in order to do this we must have that which they are willing to accept in payment for the things they sell us. No make-believe currency will satisfy them; they will take only that which is recognized in their commercial circles as money.

We must not be carried away with the notion that because the Government shall say, "This is a dollar," that it is one and that it will be so accepted. This class of money would be "confidence" money in the sense used by that class of gentlemen of thrift who ply their game upon the unsuspecting rural gentlemen when he strikes the metropolis. It is not the money which has the confidence of the commercial world. Nay, more than that, it has not even the confidence of the gentlemen who so loudly demand its use, for, sir, should it be put in circulation it would find no friends among them. The much cursed gold is put aside by the banks of the Pacific Slope as a nest egg to provide the security which they know it affords and which they need. If silver were freely coined I fear their only friendship for it would be evidenced by their willingness to pay it out and not in accepting it.

Mr. Speaker, I have never found a simon pure silver man who would content himself with an adherence to a pertinent question propounded upon the subject. Generally you will be accorded the treatment practiced by the photographer, who asks you not to look at the instrument which is to do the work, but to kindly observe the interesting affair hung at one side.

The gentleman from California [Mr. JOHNSON], more frank than most of his praying band, said this:

> We should recognize silver as entitled to aid at our hands. * * * Why not support the Senate bill, Mr. Chairman? * * * It is for silver; it is a legal bill, and I favor it because it does something for one of our great industries. * * * Something should be done for silver. * * * I beg you to act for the interests of silver.

Here was a frank confession that silver is a commodity seeking and demanding most extraordinary relief from the Government. Not protection by way of duty as against foreign production, but demanding that the Government should certify a falsehood in the interest of silver producers, a certification upon a piece of silver worth about 50 cents that it is 100 cents. This act by an individual would be false representation and punished criminally. The prayer of the silver advocates is on a par with the Populistic dogma which calls for the issuance of money certificates by the Government for wheat or corn, fluctuations in price not to be considered.

The gentleman's cry was not for help for the country, not for legislation which should benefit all its people, but a cry for help for the silver producers. Sir, this money question must be settled for the good of the country's finances. It can not be turned into a silver-purchasing measure to aid a few men.

We can only issue that amount of silver which will preserve its value as money. That amount, so far as we can learn from the experiences of other great commercial countries, is in circulation to-day; and to this extent, upon a perfectly sound and safe basis, the Republican party is for bimetallism.

The cry that we are gold monometallists because of our refusal to permit the free and unlimited coinage of silver is a false one, and is intended to deceive. No advocate of free silver has ever dreamed that he could make his arguments upon the subject carry much weight among those who know, but seek to mislead their constituents by this talk.

Mr. Speaker, it is very plain to any person who will investigate that the free and unlimited coinage of silver is the surest way to bring about monometallism. Our neighbor, Mexico, has already placed herself in that column, and the lesson taught seems not sufficient to guide our friends, the silver men.

Mr. Speaker, what our country needs is not silver legislation. Low prices and unemployed men are not made so because of our refusal to grant free coinage. The cause of our present trouble is because of hostile tariff laws. We need a revision of these laws and nothing else. We should pass a tariff act which will restore our industries to their former prosperous condition, a law which will again open up our factories and provide employment for our mechanics and laborers and provide them with decent living wages, as was the case prior to the passage of the Wilson law. We should put our tariff in force once more, so that our expenses and debts may be met. It it is true that such an act can not become a law while the Government continues in the hands of the present Administration, but let us prepare the country for it; they expect it from us.

The people require us to restore them to the position they occupied before those inimicable to American industries struck them down. The people generally do not want free silver; they merely wish an enactment of Republican principles, which they know from experience will bring prosperity. They know that laws discriminating in favor of American industries mean the restoration of good times.

The gentleman from Arkansas [Mr. LITTLE] while advocating the adoption of the Senate amendment presented (possibly unintentionally) the case really as it is, and made clear what need be done to correct the evil which has seized and now holds us.

This is what he says, page 1503, of the RECORD:

> This gold is demanded to settle our balances of trade.

Again, he says:

> As long as we pay out to foreign countries more than we receive, so long will our condition grow more agitated and embarrassing.

These concise words from a Democrat and a free-silver advocate cover the case fully. Enact laws which will wipe out those on the statute books which tend to build up foreign industries, and give us instead laws which will build up our own and shut out the product of pauper-paid labor of other countries, laws which will compel importers to pay duties equal to the difference between wages here and abroad, and you will provide the medicine which will heal and settle this apparently ceaseless mouthing about silver.

The Senate Silver Bill—Silver Monometallism.

REMARKS

OF

HON. S. M. CLARK,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 10, 1896.

On the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

Mr. CLARK of Iowa said:

Mr. SPEAKER: If the Senate had chosen, it could have passed a bill for the free coinage of silver at the ratio of 16 to 1 and sent it to the House. The House could then have considered that bill upon its merits. The question is before the House in a wholly different manner. The House passed a bill reducing the rate of interest upon Government bonds, to be thereafter issued, to 3 per cent, with fifteen years instead of thirty as the maximum limit. I did not vote for that bill, because I was not willing that the Republican policy, which had steadily reduced the national burden of interest-bearing debt, should be reversed at the demand of a Democratic Administration. The bill provided also to supply the Treasury in case of any deficit by the issue of temporary certificates instead of by the issue of bonds. That bill comes back to us from the Senate with every word and syllable of it stricken out except the number of the bill and this measure for the coinage of silver at 16 to 1 substituted. The Senate has taken a similar course as to the bill passed by the House to increase the revenues by increasing the customs from the tariff.

The Senate has substituted this same silver bill in place of this second bill of the House, leaving nothing of that but its title. If the Senate can do this as to two measures passed by the House, it can do the same thing as to every bill the House passes. That is the reductio ad absurdum of the situation which the Senate makes. The question before the House is not the merits or demerits of free silver coinage or whether or not the House favors that, but whether or not the House will vote that the Senate shall nullify its legislative capacity and practically abolish it. Let no one mistake what the real issue is, as it has already been so well stated by the gentleman from Maine [Mr. DINGLEY], the distinguished chairman of the Committee on Ways and Means.

Any member who votes for the measure that has come to us from the Senate votes to abolish the legislative autonomy of the House; he votes that that part of Congress which represents the States shall suspend and abolish the legislative functions of that part of Congress which represents the people. There has been a good deal of debate and discussion among the people in recent years whether they would longer permit the existence of that part of Congress which represents the States. They have made grave question of its utility and whether it was consistent with democratic institutions; whether, in fact, instead of being useful, it is not hurtful as a legislative power. Whatever may come of that discussion, it may be taken for granted that the people will not consent to make the Senate the one supreme legislative body and permit it to displace that branch of Congress which represents the people.

If we take counsel of history, and especially take counsel of the deliberations of the Federal Convention of 1787 that framed the Constitution of the United States, we can familiarize ourselves with the evolution of the right of the people to make their own laws by their own representatives and through what pains and difficulties the people have attained to that fredom and to that benefit. The judgment they will form and which this House should form from the monitions of that history will make them and us resolute to maintain this House in that autonomous legislative power which the fathers of the Republic conferred upon it. There are some things that do not move backward. The right of the people to make their own laws by their own representatives is one of those things.

I pass from that to this further consideration of the real tendencies and implications of the Senate's action as it is related to present conditions. I do not want to attribute to any men motives for their action of which I can not be sure. In nothing, probably, are the principles of sound ethics more frequently violated than for one person to assume that he knows the motives of the other person. It was a large knowledge of the infirmities of human nature that led Christ to the utterance of the high wisdom, "Judge not, that ye be not judged." I do not want to fall under that condemnation, so I will state the case thus: The President and Secretary of the Treasury had given notice that they were resolute to issue one hundred millions at least of 4 per cent gold bonds, running for thirty years.

The House sent a bill to the Senate permitting the President, if he issued bonds, to make the interest rate 3 per cent and the time limited to fifteen years instead of thirty. By preventing the passage of that bill, the Democrats and those Republicans or Populists in the Senate who are the especial advocates of silver have, by their own act, given warrant to the President to issue a 4 per cent gold bond instead of a 3 per cent gold bond, and to mortgage thirty years of the future to gold as against silver instead of fifteen years of the future to be thus mortgaged. I impute no motives, but if those Democrats and those advocates and champions of the silver cause had desired to support the President and the Secretary of the Treasury in the issue of long-time, high-rate gold bonds, then they would have taken precisely the course they did, because they took the direct, rational, and efficient course to effect that result. If the Democrats and the other advocates for silver in this House sustain the action of the majority of the Senate, then they have given direct aid and support to the President and Secretary of the Treasury in the policy of the issue of 4 per cent gold bonds, running for thirty years. I impute no motive; I only say that if that be their covert or avowed purpose, the effective way to accomplish it is to support the Senate in its action.

I pass to another phase of the subject before us. The maintenance of silver money as a money of the United States is a distinctively protective measure and is pervaded by protection. It is the incarnation of the protective principle. In the earlier part of this century Thomas H. Benton, in discussing the financial question in the Senate of the United States, urged the use of more silver than was being used, because of the discovery of what it was hoped would prove to be valuable silver mines in the Carolinas.

During the recent years of this silver contention the silver advocates have demanded the establishment of their policy in the name of protection and because of their devotion to the protective principle. We now behold in the House in the consideration of this Senate bill a double inconsistency. We see the distinguished member from Georgia, ex-Speaker of the House and the leader of the Democratic party upon this floor, rallying with so much of that party as follows his standard now to the support of the distinctively protection cause of silver. How he and they reconcile their contention for free trade with this contention for protection I leave to his and their mastery of the casuistry of dialectics. On the other hand, every Republican who has turned to the support of this Senate bill has strenuously championed the cause of protection and his constituents sent him here in the name and for the sake of protection, and now these gentlemen turn upon protection and rend it. They have joined the Senate in a policy which has displaced an increase of the revenues and an increase of protection. And they knew that their act was only efficient to strike down protection and could not at all serve the cause of silver. How they can harmonize this with their own profession and the desires of their constituents as to protection I leave them to settle.

I shall vote against this bill because it proposes to enable the Senate to nullify and abolish the House as a factor in national legislation, because it is accessory to the policy of the present Administration in issuing long-time gold bonds, and because it is used as an instrument to strike down protection and an adequate and desirable increase of the revenues of this Government necessary as a solution of our financial troubles. I shall vote against the bill because I am in favor of bimetallism and this bill would establish silver monometallism.

The question of the currency and of free silver coinage in the ratio of 16 to 1 is before the House, although brought in in a wholly improper way, and I will make a brief discussion of it. I shall not attempt to discuss the question in any extended way nor in its entirety nor by the use of any statistics. Whatever our opinions about this or any question, every question will finally stand upon fact and science. What will be about it will prove to be that which must be about it because of the supremacy of fact and science. Any opinion of mine or of any other person about this question not based upon fact, not based upon science, will prove a futility. It is not what any one of us might like should be, but what is inevitable in the nature of things that will be.

I shall state but a few of the elementary facts and principles of science as I understand them, and upon those facts and those principles of science I shall take my stand and cast my vote, and I am not concerned about the outcome. I know that the universe will stand by the man that stands by the universe; that natural law "whose throne is in the bosom of God" will control this and every matter of human affairs, and all opinions not coincident with that natural law have no permanency in the future. I shall try to enlarge my vision so as to be, not the partisan of a cause, but receptive simply of the truth. There must be a measure of truth in the views of all the different parties to this silver and money question, because no body of men are ever wholly irrational. But no fervor of advocacy can exalt nonsense into the dignity of sense or make practicable the impossible.

There is certainly a deep unrest and disquietude pervading at

once the people and the students of finance in both the Old World and the New upon the subject of money. There must be a cause or causes for that deep unrest and solicitude. It is so widespread that it is almost cosmic. It is so deep and earnest that it almost threatens the stable existence of governments. It certainly threatens the tenure and permanency of political parties and makes a very uncertain future to each and all of them.

The first step in any adequate and scientific study of this question is to ascertain if possible what are the real causes of that pervading discontent, and then adequate treatment of it by legislation and by government must depend upon comprehending all the causes and dealing with them adequately and wisely, instead of inadequately and unwisely. We must not be misled as to causes, nor must we misapply remedies. It is clear to me that many causes leading to popular discontent have been blended and confused in the public mind and in the minds of individuals, and that many ills are assigned to money that do not belong there at all, that it is a false assumption that something that could be done about money is the cure of these ills, when not being related to money, money could not possibly cure them.

One of the causes of discontent is the fall in prices. And it is alleged that the use of silver as money at the ratio of 16 to 1 would be a cure for that. The fall in prices is due to many things; it is due to the great increase of machinery; it is due to the increasing cooperative power of machinery under scientific extension and application—increasing the power of mechanical production in a geometric ratio; it is due to the close and intimate way in which by the appliances of modern civilization—of swift travel and intercommunication—the world has been made into one cooperative community so that wherever a field of demand for products or for labor exists the whole world furnishes an immediate source of supply of both products and labor to meet that demand.

Of course the general result of all this is beneficent. God makes no mistakes. Civilization is not a failure. The results that mankind are working out by its best efforts and progress are not hurtful to or destructive of its well being. That the needs of the world shall be supplied with cheapness and plenty is a high beneficence. It turns us away from the rude and barren ages behind us; from the pinch of cruel barbarism; from the hunger and want of the suffering people of the past to the condition of plenty, which is the coming of the new heavens and the new earth of saintly desire and apocalyptic vision where want shall be no more and the tree of life gives its fruitage without money and without price for the satisfying and healing of the nations. But our machinery of business, of trade—some of our methods in the business world—are not yet adjusted to deal speedily with these new conditions of constantly cheapening production and constantly cheaper supply. But it must be apparent that the remedy can not be to maintain that now defective business machinery and enable it to displace the beneficence of cheapness and plenty with dearness, want, and high prices. The remedy is to readjust the machinery of business and trade to these better conditions. No one can treat this question adequately or make a judgment or do a legislative act about it that will have permanency and adequateness unless the true relation of prices to this modern condition of prolific mechanical production shall be considered.

There are some who, seeing how utterly impracticable some of the things said by the advocates of silver and of more and cheap money are, are disposed to treat the whole matter as the whim and caprice of cranks. This is too narrow a view. The unquiet of the public mind and the pervading sense that the people are the victims of hurt now and of more and greater danger impending are too real to be a mere aberration. I think the public view can easily be accounted for, and that it is wholly reasonable, although it may not be well informed as to either causes or remedies. Causes and remedies probably involve an extent of knowledge, a profoundness of thought, beyond the attainment of people busy with the carking cares of life and of daily industry.

The people have been taught that prices depend upon the volume of money. The political economists and the political leaders and writers alike have united in teaching this doctrine. Let me cite some of the instruction of the public mind by eminent teachers upon this subject.

Adam Smith, in The Wealth of Nations, showing the relation between the volume of money and prices, said:

> The discovery of the mines of America diminished the value of gold and silver in Europe.

I summarize some of the principles stated by J. B. Say, the next greatest teacher of political economy in succession after Adam Smith:

> Should the aggregate of circulating specie be doubled, the prices of all goods would be doubled; twice the quantity of specie would go to the purchase of the same articles. We may judge of the depression of the value of silver by the increasing prices of any given commodity.

Bonamy Price, in his Banking and Currency, says:

> Less gold is produced and the demand for it continues; it rises in value; it exchanges in buying for a larger quantity of all other commodities; that is, the prices of everything sold fall. On the contrary, a rise in general prices indicates that gold has become cheaper and a larger quantity of it must be given for the same goods.

Amasa Walker, in his Science of Wealth, states the principle explicitly that—

> Prices depend on the quantity of currency in circulation.

John Stuart Mill, in his Principles of Political Economy, states the general doctrine to be:

> Prices would rise and the volume of money fall in the ratio in which the quantity of money had been increased. If the whole money in circulation were doubled, prices would be doubled. If it was only increased one-fourth, prices would rise one-fourth. If there was less money in the hands of the community and the same amount of goods to be sold, less money altogether would be given for them and they would be sold at lower prices—lower in the precise ratio in which the money was diminished. So that the value of money, other things being the same, varies inversely as its quantity, every increasing quantity lowering the value and every diminution raising it in a ratio exactly equivalent. That an increase in the quantity of money raises prices and a diminution lowers them is the most elementary proposition in the theory of currency, and without which we should have no key to any of the others.

Applying these doctrines to contemporary conditions, writers and public leaders have taught the people that a scarcity of money has been the source of baleful ills. Mr. W. H. Grenfall, a distinguished writer and economist of England, wrote not long ago that—

> To me it appears that the fluctuations of currency have had greater influence for good or for evil upon civilization than any other single cause. At the present time we are face to face with a momentous monetary crisis. An attempt is being made and has been partially carried out to make gold alone serve as a measure of value throughout the world and to perform the work that has hitherto from time immemorial been performed by gold and silver. This attempt can not but be attended by the most grave consequences. In the first place, as there is not sufficient gold to meet this extra demand it causes in gold-using countries an appreciation of gold which is ruinous to the trade, industry, and agriculture of the country; in the second place, it paralyzes the trade carried on between gold-standard and silver-standard countries.
>
> Though prices fall the fixed debts remain. Trade is carried on by means of borrowed money. However much gold may increase in value debts contracted in gold have to be repaid in gold, with no allowance for the appreciation which has taken place since the contraction of the debt. The debt and the interest remain the same, and the unfortunate borrower, the man of enterprise and activity, is obliged to struggle against falling markets with a weight around his neck which is constantly increasing. The quantitative theory of money is agreed to by all economic writers: if you increase the amount of money in a community, other things remaining the same, prices rise; if you decrease it, prices fall.

Professor Foxwell, who is the teacher of political economy in the University College of London, has written:

> Take, for example, the case of a man who in 1873 borrowed £142 ($710). Prices have fallen to such an extent that £92 ($460) will now buy what £142 ($710) would have bought in 1873. Yet the unfortunate debtor must pay the full nominal sum borrowed; that is to say, his debt is practically increased more than 50 per cent. Can a system which permits of such arbitrary revolutions in the distribution of wealth be rational or tolerable? I confess it seems to me in the highest degree barbarous and uncivilized. The very earliest economic writings we have were protests against the wrong and mischief caused by such changes.

Robert Giffen, the distinguished political economist and statistician of England, has written:

> The fall in prices in such a general way as to amount to what is known as a rise in the purchasing power of gold is generally, I might say universally, admitted.

M. Wolowski, member of the French Institute, said:

> The suppression of silver would be a veritable revolution. Gold would augment in value with a rapid and constant progress which would break the faith of contracts and aggravate the situation of all debtors, including the nation.

Public men as teachers of the public mind and leaders of public conduct have accepted these doctrines and applied them to the public judgment of conditions so as to shape and mold public opinion. James G. Blaine, who is still vital enough in his grave to be present to the thought of millions of his countrymen as a type of high statesmanship and admired leadership, said:

> I believe the struggle now going on in this country and in other countries for a single gold standard would, if successful, produce widespread disaster in and throughout the commercial world. The destruction of silver as money and using gold as the sole unit of value must have a ruinous effect upon all forms of property, except those investments that yield a fixed return in money. These would be enormously enhanced in value and would gain a disproportionate and unfair advantage over every other species of property.

That very highest authority upon the subject of public finances, Senator JOHN SHERMAN, said:

> The contraction of the currency is a far more distressing operation than Senators suppose. Our own and other nations have gone through that operation before. It is not possible to take that voyage without the sorest distress. To every person except a capitalist out of debt and a salaried officer or annuitant it is a period of loss, danger, lassitude of trade, fall of wages, suspension of enterprises, bankruptcy, and disaster.

Senator ROGER Q. MILLS, an eminent Democratic leader and public authority, said:

> The demonetization of silver will paralyze all the forces of production, shut out labor from all employment, increase the burden of debts and taxation, and send desolation and suffering to all the homes of the poor.

With the political economists and greatest leaders of Govern-

ment uttering these judgments, it is not surprising that their opinions have been voiced by a thousand smaller oracles until all the people have heard these utterances. Not only that, but public teachers have directly related these monetary principles to the existence of business depression and public distress and have proclaimed them as the causes. The Hon. HENRY G. TURNER, of Georgia, one of the most eminent and one of the very ablest members of this House, said:

The pecuniary stringency which has existed for years at the South now infests the North in even a worse form. There is not in all the world at this time a single prosperous community. The sun in its course looks not down upon a single prosperous city, or State, or nation. Every industry is prostrated.

He found the cause in the demonetization of silver. Taught by the most eminent authorities of light and leading that depression of business and failure of employment throughout the world was caused by trying to shift upon gold the monetary burden that has in all the past centuries been borne by both gold and silver, is it any wonder that the people have accepted this teaching and that they are restive when in their view their legislators and rulers go on resolutely to establish gold as the only money? Bismarck, opposing gold monometallism, portrayed thus the condition of the modern world:

We are all in one bed and the blanket is too narrow to reach; each nation is tugging at this blanket and pulling it off some one else.

That sturdy, common sense of the greatest of the statesmen of Europe has seemed to the people to be confirmed by the recent struggles of the nations to increase their stock of gold in order to maintain their financial existence. And the United States, the richest and the most prosperous country on the globe, had by the act of the present Democratic Administration to put a mortgage upon the future of its people for thirty years in order to procure, at high interest and for a large bonus, gold enough from a few bankers to maintain its struggling financial life and credit through part of one season. Percival Lowell, in some recent interesting essays, portrayed how the surface of the planet Mars appears to the enlarged vision of astronomers. There a planet which shows signs of having once been covered by an expanse of water ample enough to wash many shores and give the element of life to many people has gone through a process of the evaporation of its seas until but a narrow margin of water remains.

And we can conceive the inhabitants of that world, leaving myriads of dead behind them, perished from want while the remaining people crowd upon the receding shores, seeking precarious life from waters soon to be wholly exhausted. Lord Byron had a dream of darkness, where light gradually faded out of the universe and men were gathered around their blazing homes to look by that uncertain and fleeting light once more into each other's eyes. The instructions of the economists and their public men have brought the people to some such conception of the monetary situation. They have been taught that money is the lifeblood of prosperity; that its circulation through the body politic, freely and amply, is necessary to societary life.

When they see that one-half of the monetary volume is to go out of use, the volume of money contracting to gold alone, while the population of the world increases and there is immeasurable multiplication of business and employments and the needs of and demand for money, no wonder it seems to the people that the sources of their business life are being dried up by the monetary situation. No wonder that in the keen passions which pervade mankind in the struggle for survival they view the monetary situation with disquiet and unrest. History has no significance unless the world exists for the constant betterment of the condition of the masses of mankind—to give more and more of the boys and girls born into the world an opportunity to live out, at their best, life in the high divine image in which they were made. One of the elements of human betterment and progress has been the gaining of individual political freedom—the right to participate in government; the right to take government from the privilege of the few and make it the right of the many. But along with the betterment of condition brought by political liberty must be the right and privilege of the possession and accumulation of property. "You take my house when you do take the prop which doth sustain my house; you take my life when you do take the means whereby I live."

That wisdom of Shakespeare is a wisdom that has passed into the keen perception of all the people. Everyone knows now that unless one can get so much of the property which buys the necessities and the comforts of modern civilized life in their many relations and demands the individual is mere wreckage, that most pathetic of beings, a human creature passing up and down the busy streets of our cities covered with the advertisements of the business of his more fortunate fellows who enjoy the products and the opportunities of civilization by possessing its property while he is but a moving human sign of their prosperity and of his abject failure in the struggle for life.

The people being taught that their chance of getting property and the means of livelihood and the enlarged blessings of civilization is twice as large by having both gold and silver as money than if gold alone be money, no wonder that they grow almost revolutionary in their passionate demand that the gates of equal fortune shall be kept open for them, and their chance of success in life be not divided one-half against them by the contraction of the metal money of the country and the world one-half. Their passionate and revolutionary feeling is made keener and stronger by that condition of modern life which has lead to trusts and syndicates, the concentration of the forces of the commercial and business world into the hands of a few, so that a syndicate of individuals can take into their own hands and control more than the entire wealth of past generations. They have lately witnessed a syndicate of five men feeling sure that they had so cornered the gold supply of the country that the Government and 70,000,000 people alike must turn to these five men as the only possessors of the gold upon which the credit of the Government could be maintained.

I believe in the people. I repeat that I do not see any significance in history or in fact for which Government exists unless it be to better the condition of the people; to give them constantly greater and better opportunities in life; to lift them farther and higher toward that new heaven and earth where humanity at its best is to find its fruition; that takes an Abraham Lincoln out of a cabin and out of the utmost of privation and lifts him to the heights of human and divine achievement as an exemplar of the possibilities of mankind. So far as my best perception and highest judgment can gather from the study of this financial question, what financial policy it is that will best promote the welfare of all the people, to that policy am I committed by my own thought and by my duty as a representative of the people and a national lawmaker.

The survey of history shows that in the struggles of mankind to evolve into a better condition the people and their leaders have been again and again mistaken as to the usefulness of suggested measures and policies. I am very sure that many people and many of their leaders are mistaken now as to the value they attach to the free coinage of silver as a means of escape from business depression, and their fears and presentiments of the dangers arising in any way out of the question of money. I stand upon the declaration of the last national Republican platform, that of 1892, as the wise and safe declaration of monetary principles under our existing conditions:

The American people from tradition and interest favor bimetallism, and the Republican party demands the use of both gold and silver as standard money, with such restrictions and under such provisions to be determined by legislation as will secure the maintenance of the parity of value of the two metals, so that the purchasing and debt-paying power of the dollar, whether of silver, gold, or paper, shall be at all times equal. The interests of the producers of the country, its farmers and its workingmen, demand that every dollar of paper or coin issued by the Government shall be as good as any other. We commend the wise and patriotic steps already taken by our Government to secure an international conference to adopt such measures as will insure a parity of value between gold and silver for use as money throughout the world.

It is demonstrable that the Republican party by its national policy, so far as it is responsible for the conduct of affairs, has steadily maintained and promoted this policy since resumption of specie payments in 1879. The demonetization of silver in 1873, while the Republican party controlled the Government, had no significance as to monetary conditions, because there was no gold and silver in circulation in the United States, and the use of silver in a bimetallic system was resumed at the resumption of specie payments in 1879 under the law of 1878. From that time on the Republican party has put into monetary use in the United States the utmost amount of silver that can be used and a bimetallic policy maintained.

The free coinage of silver at the ratio of 16 to 1 would be absolutely destructive of bimetallism. It would contract out of circulation all gold. It would bring the American people to the use of silver as the only metal money. It would depreciate all the paper money of the country to the market value of the silver in the dollar. This would cause a loss of hundreds of millions of dollars that the American people could ill afford. It would bring upon them all the monetary evils of a depreciated currency, which our wisest statesmen and the most devoted lovers of the people have so strenuously deplored, and which the disastrous experience of the past warns the people against by the severest of all teaching.

The grave dust has covered Andrew Jackson. Nothing of the bitter political strifes and fierce party contests of his time remains to cloud or obscure the judgment of the present. Nothing remains but the splendor of his patriotism—of his unflinching devotion to the welfare of the people. So his warning voice reaches out from the past he made illustrious to his fellow-citizens of the present in these words of warning in his message as President in December, 1836, in a way they will heed:

The progress of the expansion or rather a depreciation of the currency by excessive issues is always attended by a loss to the laboring classes. This portion of the community have neither time nor opportunity to watch the ebbs and flows of the money market. Engaged from day to day in their useful toils, they do not perceive that although their wages are uniformly the same or even somewhat higher, they are gradually reduced in fact by the rapid increase of a spurious currency, which as it appears to make money abundant they are at first inclined to consider a blessing. It is not so with speculators, by whom this operation is better understood, and it is made to contribute to their advantage. It is not until the prices of the necessities of life become so dear that the laboring classes can not supply their wants out of their wages that the wages rise and gradually reach a justly proportionate rate to that of the products of their labors. When thus, by the depreciation in consequence of the quantity of money in circulation, wages as well as prices become exorbitant, it is soon found that the whole effect is a tariff on our home industries for the benefit of the countries that maintain uniformity in money and moderation in prices.

Daniel Webster, the contemporary of Jackson and his peer in patriotism, was even far greater than he in the breadth of his intellect and his comprehensive grasp of public affairs, of those profound principles upon which Governments are based and the welfare and progress of mankind depend, and he said:

The very man of all others who has the deepest interest in a sound currency and who suffers most by mischievous legislation in money matters is the man who earns his daily bread by his daily toil. A depreciated currency is the very harvest time of speculators and of the whole race of those who are at once idle and crafty. Capitalists may outlive such times. They may easily prey on the earnings of labor by their cent per cent or they may hoard. But the laboring man, what can he hoard? Preying on nobody, he becomes the prey of all. His property is in his hands; his reliance, his fund, his productive freehold, his all, is his labor. Whether he work on his own small capital or another's, his living is still earned by his industry, and when the money of the country becomes depreciated and debased, whether it be adulterated coin or paper without credit, that industry is robbed of its reward. Whoever attempts, under whatever popular cry, to shake the stability of the public currency, stabs your interest and your happiness to the heart.

I know that the policy of the Republican party as maintained in this nation now is the only safe and possible concurrent use of gold and silver in a bimetallic system. I have heard much said on the floor of this House by the advocates of free coinage of silver at the ratio of 16 to 1, and everything they have said but confirms my opinion that under their policy bimetallism is impossible. I have heard nothing said by the advocates of the free coinage of silver on this floor which leads me or which should lead the American people to reject the wise instructions and warnings of Andrew Jackson and Daniel Webster to follow the lead of any of the teachers that I have heard upon the floor of this House during this debate.

There have been many remedies proposed for any troubles existing in the monetary condition of the world.

One of the proposed remedies is the use of what recent political economists have come to call the multiple standard, and this proposed remedy has received so little public attention and yet has secured the favorable judgment of such high authorities in economic science that it is worth while to call the attention of the people and of legislators to the proposition, so as to enlarge general knowledge of it. Thus J. Laurence Laughlin, who has high rank among American political economists as one who is well versed in the application of abstract doctrines to practical affairs, has said:

As regards national debts, it is distinctly averred that neither gold nor silver forms a just measure of deferred payments, and that if justice in long contracts is sought for we should not seek it by the doubtful and untried expedient of international bimetallism, but by the clear and certain method of a multiple standard, a unit based upon the selling prices of a number of articles of general consumption. A long-time contract would thereby be paid out at its maturity by the same purchasing power as was given in the beginning.

The late W. Stanley Jevons, author of Money and the Mechanism of Exchange, was one of the leading economists of the present century in England. He wrote:

Money, besides serving as a common denominator of value and as a medium to facilitate exchange, is usually employed likewise as the standard of value in terms of which contracts extending over long series of years are expressed. In letting land on long or perpetual leases, in lending money to governments, corporations, and railway companies, it is a general practice to make the interest and capital repayable in legal-tender gold money. But there is abundance of evidence to prove that the value of gold has undergone extensive changes.

Between 1789 and 1809 it fell in the ratio of 100 to 54, or by 46 per cent. From 1809 to 1849 it rose again in the extraordinary ratio of 100 to 240, or by 145 per cent, rendering Government annuities and all fixed payments extending over this period almost two and one-half times as valuable as they were in 1809. Since 1849 the value of gold has again fallen to the extent of at least 20 per cent (1874), and a careful study of the fluctuations of prices shows that fluctuations are from 10 to 25 per cent, and occur in every credit cycle. The question arises whether, having regard to these extreme changes in the values of the precious metals, it is desirable to employ them as the standard of value in long and lasting contracts. We are forced to admit that the statesmen of Queen Elizabeth were farseeing when they passed the act which obliged the colleges of Oxford, Cambridge, and Eton to lease their lands for corn rents. The result has been to make these colleges far richer than they otherwise would have been. The rents and endowments, expressed in money, have sunk to a fraction of their ancient values. I believe there is no legal impediment in the way of a landlord leasing his lands at present for a corn rent or an iron or coal or any other rent. All that the law requires is that the contract shall be perfectly definite and of exactly determinate meaning, so that the kind of commodity intended and the quantity of that commodity shall be exactly ascertainable.

The question thus arises whether the progress of economical and statistical science might not enable us to devise some better standard of value. Can we not conceive a multiple legal tender which would be still less liable to variation than gold and silver money? We estimate the value of £100 ($500) by the quantity of corn, beef, potatoes, coal, timber, iron, tea, coffee, beer, and other principal commodities which it will purchase from time to time. Might we not invent a legal-tender unit which should be convertible, not into any one single commodity, but into an aggregate of small quantities of various commodities, the quantity and quality of each being rigorously defined?

Joseph Lowe, Mr. G. P. Scroope, Mr. G. R. Porter, Mr. Newmarch, president of the Statistical Society of England, and many other political economists have recently favored this method of solving monetary troubles made by the variation of gold and silver, and the resultant necessity of having one standard instead of two and one money instead of two. An American political economist, Mr. G. P. Osborne, in his Principles of Economics, published in 1893, says:

How can we secure a money of uniform value? This is the important quality of a good money. There are many who advocate gold as a standard. But the changes in the value of gold are very great. This bidding of all nations for gold as a reserve for currency can not fail to increase its value—its price as measured by goods.

If all the silver-using nations were to adopt a gold standard for their currency, it would send the values of the gold up nobody knows how far; certainly to double those at present. For many years economists have seen that the tabular standard is the only honest standard of value. It has been proposed to take the wholesale prices of a certain number of commodities from month to month and year to year. These should include all the articles which enter largely into the satisfaction of the wants of the great majority of the people. One hundred articles would give a fair average result. These articles would be taken in the proportion of the values produced each year. Let us see how much a dollar will buy of all these articles on the 1st day of July, 1893, and let this be the standard forever after. A thousand dollars is the quantity of these goods which a thousand dollars of our present money will now purchase. Here is strict justice—justice to the debtor, justice to the creditor. A dollar represents a certain quantity of the world's resources. If one lends it to-day, when the dollar is repaid ten years hence it should buy just as much, no more, no less than when he lent it.

If this method was adopted, then every nation could safely adopt monometallism. It would make no difference then what the money is or how much its volume or how small. As money is only needful as a command over the resources of the world, by the multiple standard method, a dollar under a monometallic or bimetallic system would be a constant quantity and give a constant command over an equal amount of the products of exchange.

Another method to solve the difficulty of contracting the world's money to gold alone is the making of an international agreement by convention of the different nations to use silver as well as gold as a standard money of full volume and for ultimate payment of debts.

Another method is that proposed by the advocates of free silver coinage and embodied in the bill now before the House, which would make this nation establish silver money at whatever amount free coinage at the rate of 16 to 1 would give us as the money of the United States. The question whether this policy should be adopted is the question before the House, if we consider the Senate bill upon its terms as a proposed financial measure.

I have listened carefully to much that has been said on both sides of this question during the pending debate. It will not be invidious if I say that the proposition that the United States should by law proceed to the coinage of free silver as money at the ratio of 16 to 1 has been most ably and eloquently put before this House by my friend from Minnesota [Mr. TOWNE]. He has signalized his entrance as a member of this body by one of the most masterly pieces of argumentation, by one of the most fascinating feats of oratory, ever heard in this body or in any forum. The merits of his intellectual treatment of the case have been heightened by the spirit of devotion to the interests of the people which pervaded his speech.

That is a sentiment to which I am most keenly responsive. That is a sentiment to which the Republican side of this House is most keenly responsive. When he appealed to it in strong and majestic eloquence to give consideration to the interests of what Mr. Lincoln called the common people, this Republican House was warmly responsive, for the heart of the party of Abraham Lincoln still thrills to any appeals made to it in the spirit of Mr. Lincoln's love for the people. I confess I would readily yield to his persuasion of method because of my full sympathy with his full sympathy for the people, if out of the splendor of his argument there could have emerged a perfect conviction that his method would really have served the welfare of the people. It is the doubt the conclusions of his own argument left in my mind as to whether or not his method would promote the welfare of the people that leads me to hesitate. When he was asked at the close of his speech whether or not gold would go to a premium if the United States should coin free silver at the ratio of 16 to 1, he answered at once, with the courage and with the directness of an honest man who knows this subject from real study and full investigation, that no doubt gold would go to a premium.

What is that but to admit that gold goes out of use as money, and that, instead of the bimetallism for which he was speaking as a benefit to the people, this country would be left to silver monometallism. No man has yet dared say that that would benefit the people. No; the case is clear. I repeat the postulate which I have made earlier, and that is that science and fact will control this case. Science and fact will determine what will be. The Gresham law will work inevitably. If gold and silver are coined at a ratio in full and free coinage which is not the commercial ratio of those two metals in the markets of the world, then that metal which is undervalued will go out of use here and into use

in the other nations of the world, and that metal which is overvalued will alone remain as our money, and so full and free coinage of both gold and silver at a forced and unnatural ratio will inevitably leave us upon the basis of monometallism, and no art of persuasion can change that situation or make two moneys remain in this market at a disparity of value when one of those metals finds its profit to its possessors in going to other markets of the world where it can be worth what it is worth as a commodity of commerce.

The Republican party, having pledged itself to a restricted form of bimetallism as the only possible form of bimetallism now possible, has kept faith with the people of America in carrying out that policy to the utmost extent it could do so without destroying the prosperity of the people, which the Republican party tries always to serve. There was never so much silver in use by the American people as now since the Government began; never so large a per capita use of silver in this country as now. Under Republican policies that large use of silver is done with the solvency of the money maintained, and with that solvent money the well-being of the people who use it. The use of silver can not be extended to free coinage at the ratio of 16 to 1 by the United States alone without impairing and destroying the sound-money condition of the American people, and no art of persuasion, no fervor of individual or collective opinion, can overthrow the fact that unsound and deranged currency is always hurtful to any people. I join with the eloquent member from Minnesota in holding to the high maxim of good government—salus populi suprema lex (the welfare of the people is the supreme law). But because I know, with the full warrant of the experience of mankind, the teaching of history, and the postulates of science, that free silver at 16 to 1 would be destrctive to the prosperity of the people and bring them surely and inevitably to silver monometallism—because of that I must reject his conclusions, while I yield myself in willing homage to the charm of his eloquence.

It puzzles many that an increase of money—a larger volume of money—can do harm. Some amount of money being beneficial to a country, they do not see why a larger amount should not be more beneficial. Yet the reason is plain. Mankind strives for property. Each person desires to get property and keep it or its value. Money is the counter by which he gets his property, and it is also the form of storage in which he often keeps his property and by which he always reckons it. When the money volume is sound and stable, it preserves his property for him, both as a counter of its value in trade and as a form of storage. When the volume of money is deranged and inflated, and thereby depreciated, it may cost him the loss of his property, both as a reckoner of its value in buying and selling and as the storage of his property. There is no puzzle about the matter, and the popular instinct which fears and resists inflation and depreciation of money is wise and well founded.

I recognize the logical validity of the definition of bimetallism made by my friend from Minnesota, but I do not know a country in the world where bimetallism exists within his definition. It does not exist in France, nor in Belgium, nor in Italy, nor in any country of the Latin Union, which are always cited when the silver question is up for discussion. Certainly the Senate measure now before us would not give bimetallism, but only silver monometallism. When there is talk of bimetallism there is usually or always talk of a double standard of money.

There is no double standard of money. Alexander Hamilton based our monetary system upon a single standard—a unit of value—resting upon both metals. In the actual result it proved that the unit never rested upon both metals, but alternately upon one or the other.

The amount of money needed by any country is limited, not unlimited. Whether the United States had gold money alone, silver money alone, paper money alone, or any two of these, or all three of them, it would only keep so much money as it needed. And it would keep, reckoned by purchasing power, only so much of any or all of them as it would keep of gold if gold were the only money. By no possibility, then, would even free silver coinage and silver monometallism bring into use in the United States, reckoned by purchasing power, more silver than the amount of gold now in use here, which it would drive out. Hence it is inconceivable that the utmost use of silver money possible in the United States would materially enhance its price, or be of material benefit to the silver producers of this country.

So, while the Republican party, being protectionists, would be glad to give protection to our silver-mining interests, there is no material benefit to the latter by the passage of the Senate bill now pending, while there would be vast harm done to all the people, those in the silver-mining States and districts included, by the derangement and destruction of our present money, which would inevitably follow from making the Senate bill into law.

It should be remembered by the House and the country that the increased and increasing production of gold is a factor in the case which must be taken into consideration. Mark the steady and large increase! The report of the Director of the Mint shows that the yield of gold throughont the world was $146,815,100 in 1892; $157,287,600 in 1893; $180,626,100 in 1894; $203,000,000 in 1895. It was $9,710,500 from 1803 to 1820. When we remember that in 1874 the yield was but $90,000,000, members will see that the flood of gold now being poured by that industry into the world's reservoirs may well allay the fears members have excited themselves and us with during the progress of this debate.

It should also tranquilize us into some serenity of judgment when we recall the incontestible fact that the greatest increase in wealth and the prosperity of a people ever known in the history of the United States or the history of the world has been in the United States since 1850, and that in all that time, in fact, and most of the time in law, silver was not in use in the United States as a standard money. And this Republican House should at least be faithful to the remembrance that the year 1892, the year of Benjamin Harrison and Republican protection—the year of the nation's highest tide of prosperity that the world ever saw—came under the existing monetary system which our free-silver friends declare incompatible with prosperity, and there was less silver money in 1892 than in 1893, the year of adversity, because it was the year of Democracy.

Coin Redemption Fund.

REMARKS

OF

HON. A. C. SHUFORD,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 12, 1896,

On the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

Mr. SHUFORD said:

Mr. SPEAKER: The People's Party, of which I am an humble member, demands in its platform the "free and unlimited coinage of silver at the ratio of 16 to 1." It is the only party that stands squarely and unequivocally upon that proposition or is making an honest effort to restore silver to the position it occupied prior to the act of February 12, 1873. From April 2, 1792, until February 12, 1873, a period of over eighty years, silver and gold were the money metals of this nation, enjoying equal privileges at the mints. Why was this condition, which had existed for more than three-quarters of a century, suddenly changed? No one as yet has been able to give a satisfactory or reasonable answer. Without a single petition ever having been presented to Congress asking for its demonetization, without a single editorial appearing in any of the thousands of newspapers, great and small, throughout the country commenting upon such a measure, with less than half a score of men out of the fifty million or more people at that date knowing anything about the transaction, the destruction of the American silver dollar was accomplished and silver reduced to a commodity like wheat or cotton.

For more than three years after this act had been passed depriving silver of its legal-tender functions the people of this country were in absolute ignorance of the fact. In the summer of 1876, in the course of debate, Senator Conkling put the plain question to Senator SHERMAN, "Is it true there is no American silver dollar?" The answer of Senator SHERMAN that there was none was the very first intimation the people of this country received that one-half of their metal money had been destroyed by an act of Congress. Upon investigation not a single member of the Senate or House, aside from those who manipulated the scheme, could be found who knew anything about it, and President Grant, who signed the bill, was not aware of this provision. All this, however, is history, and I only repeat it to show that there must have been some ulterior motive which prompted such action. An act of Congress which had never been petitioned for, which was not debated, and passed without the knowledge or consent of either Senate or House certainly could not, viewed in any light, represent the expressed wishes of the people. For this reason, I repeat, there must have been some secret motives for such unfair and clandestine legislation.

Mr. Speaker, the money owners of Europe, in conjunction with their copartners on this side of the ocean, controlled the financial

legislation of this country then as they do now, and the reasons for this demonetization can be traced directly to their doors. In 1866 the war debt of this nation amounted to $2,783,000,000 in round numbers, all being payable in lawful money, which at that time consisted of gold, silver, and paper. After considerable agitation and manipulation, these money owners, who had possession of the greater portion of this debt, succeeded in passing what is known as the credit-strengthening act of March 18, 1869. This act changed the contract of this vast amount of indebtedness from lawful money to coin and made it all payable in gold and silver. In order to make sure of this advantage the refunding act of July 14, 1870, was passed, which funded all our interest-bearing debt into bonds running ten, fifteen, and thirty years, payable, principal and interest, in coin. These bonds were originally purchased with greenbacks worth on the average about 54 cents in gold on the dollar.

By this act they were funded into bonds payable in gold and silver worth more than par. Senator JONES of Nevada estimates the profits of these public plunderers through these transactions as follows: From 1862 to 1868 United States interest-bearing bonds were sold to the amount of $2,049,975,700. The amount received for such bonds, discount on coin considered, was $1,371,424,238, leaving a clear profit of $678,551,462. This statement will stand the closest scrutiny, and of itself is simply appalling. But this vast profit did not satisfy the ambition of these conspirators; they aimed at conquest, at the enslavement of the people. Well knowing the truth of the Scripture, which declares "the debtor tie servant of the lender," they set about to accomplish this purpose. This enormous debt, which was payable by the terms of the original contract in three kinds of money—gold, silver, and paper—had been changed into a debt payable in but two kinds of money—gold and silver. The object now was to make this payable in but one kind of money—gold. They dared not attempt so soon to change the letter of the contract from coin to gold for fear of being detected in their scheme, and therefore took the less dangerous course of demonetizing silver, which destroyed its legal-tender functions and made it impossible of use in payment of the principal or interest of these bonds, and virtually, in this indirect manner, made them payable in gold alone. That this was one of the objects sought by the destruction of silver as money there can be no doubt.

Neither did it end here. The demonetization of silver meant the destruction of a large amount of the money of the nation and a consequent contraction of the circulating medium. This in turn brought about lower prices for the products of labor and began that industrial enslavement that we now see on every hand.

Our Western silver mines were at that time just being developed, and these money owners feared the stream of white metal that seemed turned toward our mints would increase in volume, make money more plenty, prices for labor and its products higher, the people more independent, and the chance for industrial slavery less certain.

They conspired to make the dollars as dear as possible and to cost more and more sweat and toil each year to obtain. How well they have succeeded can be shown by the business wrecks scattered like autumn leaves throughout the length and breadth of our land, the mortgaged homes all about us, and the weary wanderers who fill the streets. The destruction of our silver currency has been followed by a contraction of over 50 per cent in the volume of national-bank currency, which seems to disclose a systematic attempt on the part of the money owners to reduce the currency of the country to the lowest possible point, in order to force the people further into debt and poverty. The contrast between the economic conditions of our people in 1866, before the successful accomplishment of the schemes of these plunderers, and the present time is almost beyond belief.

In 1866 Mr. McCulloch, then Secretary of the Treasury, declared that the people were comparatively out of debt. Now, out of a total of 12,690,150 families, 8,073,174 are homeless or live in mortgaged homes. Think of this; two-thirds of our people at the present time homeless or living under a mortgage. Then the people were nearly out of debt; now the grand total of national, State, municipal, corporate, and private indebtedness is estimated at $38,000,000,000. In 1866 the number of business failures is given at 632, while for 1895 it is estimated at over 18,000. Then an acre of wheat on the average brought $23; now less than $6. Then an average acre of corn sold for $19; now less than $5. Then a bale of 500 pounds of cotton was worth $150; now it is selling for $30. Then there were no tramps, no unemployed, and all who cared to work could do so at remunerative wages. Now 20,000,000 of our people are virtually unemployed and in distress.

These, in my opinion, are the ripe fruits of a financial policy which began in fraud, and unless checked at once will end in national ruin.

The laborer, the mechanic, the farmer, the tradesman, and the manufacturer all feel the blighting influence of this unfortunate and uncalled-for legislation. They are all suffering from the effects of the law of supply and demand, which obtains in regard to the circulating medium with the same unalterable force that it applies to wheat or cotton. Reduce the quantity of wheat or cotton, leaving the demand the same, and each will naturally increase in price. Increase the amount of wheat and cotton and not increase the demand, and naturally the price will become less. Just so with our currency, increase the number of dollars, the demand for their use remaining the same, and the purchasing power of the dollar will decrease. On the other hand, decrease the number of dollars, leaving the demand for their use the same, and the purchasing power of each dollar will increase accordingly. The more dollars in circulation the less wheat and cotton or other products of labor will be required to purchase a dollar. Just the same as with a large crop of potatoes, they sell for less per bushel than when there is a smaller crop. On the contrary, if we contract or decrease the number of dollars, and at the same time require the same amount of business transactions, each dollar will become dearer, because scarcer, and will require more wheat and cotton and other products of labor to purchase. If we would apply the well known and common-sense law of supply and demand to the currency problem, much of its mystery would be dispelled, and any amount of demagogism and deception would be eliminated from its consideration.

To decrease the price of our product does not, as a rule, affect the price of other products, while a decrease in the volume of currency, which increases the purchasing power of money, affects the price of all commodities alike.

It has been stated on the floor of this House that the cost of production establishes the price of products. This can not be true, as will be seen by a moment's investigation. Suppose the corn crop was a failure in every State save North Carolina, would not the price of corn in North Carolina greatly appreciate? Most certainly. It would follow the law of supply and demand. But the fact that the cost of producing this crop of corn in North Carolina was no greater at this time than previous entirely explodes the theory that labor, or the cost of production, makes the price. When the farmer takes his cotton to market he receives the market price, without any regard for what his cotton cost him in production.

All other conditions remaining the same, it is the number of dollars in circulation that establishes the price of labor and its products. There is not a political economist, living or dead, whose opinion is worthy of record who does not subscribe to the correctness of this statement. I might quote from the writings of hundreds of the most eminent statesmen, writers, and thinkers the world has ever produced to sustain this position; in fact, this proposition is no longer disputed and may be considered as a settled proposition of political economy. This fact, once agreed upon, renders it comparatively easy to show the manner in which our present distress has come upon us.

In 1866 the public records show, beyond successful contradiction, that the per capita circulation amounted to $53. At the present time, according to the best authority, including Senator VEST of Missouri, there is not to exceed $5 per capita in circulation among the people. This wholesale contraction of currency, through methods which are too lengthy to explain at this time, is the direct cause of nearly all the ills that now beset our people. Under this process of contraction the number of dollars was decreased, while at the same time more business transactions were taking place. This situation forced a less number of dollars to perform a double amount of work, which in turn increased their purchasing power, and as a result all values shriveled and fell. The law of supply and demand operated in a double capacity in this case, for not only was the supply of dollars lessened, but the demand for their use was increased. To illustrate the baneful effect of such conditions upon property values, and at the same time disclose by a practical test the infallibility of this law, let us suppose a farmer in 1866 sold his farm for greenbacks and locked those greenbacks in a safety vault until to-day. Can he not buy with these same greenbacks three just as good farms as he sold? Who will dispute this?

Suppose, again, that in 1866 two farmers, Jones and Brown, had each $1,000 in greenbacks to invest in some speculation. Mr. Jones took his $1,000 and invested it in wheat at $2 per bushel, the average price at that date; but Mr. Brown locked his $1,000 in greenbacks in a safety vault. Suppose both kept their holdings until the present time; how would the results of the transactions stand? Mr. Jones has 500 bushels of wheat that he can sell for $300. On the other hand, Mr. Brown has $1,000 in greenbacks with which he can buy 1,666 bushels, or more than three times the amount Mr. Jones has. During these thirty years Mr. Jones's wheat has decreased more than 66 per cent in value, while the greenbacks of Mr. Brown, by a process of lessening the number of dollars in use and at the same time increasing the labor required of each dollar remaining, has increased the purchasing power more than 300 per cent. What is true in this case is true of nearly all the property in this country in its relation to the power of money. I will now undertake to show what the farmers have

lost upon their crops, with little or no compensating advantages on account of falling prices.

In this connection I insert the following extract from the speech of the Senator of Nevada [Mr. JONES] in 1893:

Let us endeavor to reach an approximate estimate of the losses sustained by our agricultural population since 1885, when President Cleveland first advised Congress to repeal the silver-purchase act of 1878 and to stop the coinage of silver dollars:

WHEAT.

Average export price per bushel—	
1875 to 1885	$1.17
1893	.73
Difference	.44

According to the report of the Agricultural Department for December, 1892, the wheat crop of this country for the year then closed amounted to 516,000,000 bushels. On this quantity a loss of 44 cents per bushel, caused by the decline in the price of silver bullion, amounts to an annual sum of $226,600,000 of debt and tax paying power, which amount apportioned among the principal wheat-producing States shows the loss of each of such States to be as follows (I give the figures in round numbers):

Wheat crop of 1892 in—	Bushels.	Loss.
Indiana	40,000,000	$17,600,000
Minnesota	41,000,000	18,040,000
California	39,000,000	17,160,000
Kansas	70,000,000	30,800,000
South Dakota	32,000,000	14,080,000
North Dakota	35,000,000	15,400,000
Ohio	38,000,000	16,720,000
Missouri	25,000,000	11,000,000
Illinois	28,000,000	12,320,000
Michigan	24,000,000	10,560,000
Pennsylvania	19,000,000	8,360,000
Nebraska	16,000,000	7,040,000
Kentucky	12,000,000	5,280,000
Oregon	10,000,000	4,400,000
Washington	10,000,000	4,400,000

There may be added to these figures five to ten million bushels each for the States of New York, Maryland, Virginia, North Carolina, Texas, Tennessee, West Virginia, Wisconsin, and Iowa. The loss on wheat, therefore, suffered by the farmers of this country must be estimated at $200,000,000 annually.

COTTON.

	Cents.
Average price per pound in New York—	
1879 to 1885	11¼
1893	8
Difference	3¼

Taking the crop year 1888-89 as an average year, and, for convenience of calculation, computing the loss at 3 cents per pound, we find that the total annual loss of the planters of the United States amounts to over $100,000,000, distributed among the States as follows:

Cotton raised in—	Pounds.	Loss per year.
North Carolina	230,000,000	$6,900,000
South Carolina	275,000,000	8,250,000
Georgia	480,000,000	14,400,000
Florida	32,000,000	960,000
Alabama	422,000,000	12,675,000
Mississippi	532,000,000	15,960,000
Louisiana	240,000,000	7,200,000
Texas	719,000,000	21,570,000
Arkansas	350,000,000	10,500,000
Tennessee	162,000,000	4,860,000
Total	3,422,000,000	102,650,000

This makes a total loss to the agriculturists of this country in wheat and cotton, by reason of the demonetization of silver, of over $325,000,000 a year.

If these calculations were carried up to the present time the result would be far more startling. I quote further:

But the enormous yearly aggregate of lost purchasing power is comprehensible only when we multiply the acres now employed in growing staples by the declines shown in the acreage value of products since 1870. While very accurately measuring the farmer's loss of revenue by reason of the declining value of the acreage product, even multiplying the acres under staple crops fails to show the whole loss, as no account is thereby taken of the reduction in the value of animals and the thousand and one things produced on the farms of the United States, which have suffered, in many cases, quite as great a decline in value as have the great staples to which this showing is confined.

As 206,000,000 acres are now employed in growing staple crops, it follows that the power of the farmer to purchase is this year $1,563,000,000 less than it would be if he was receiving the prices of 1866-1870 for his great staples. If the prices now realized in the farm markets equaled those received from 1871 to 1875, the farmer would this year be able to spend $1,450,000,000 more for manufactures and other commodities than he will be able to spend with prices at the present level. Were prices now equal to the average of those obtained from 1876 to 1880, the purchasing power of the farmers would this year be augmented by $768,000,000. Should the crops of 1893 give average yields, and the prices equal those current from 1881 to 1885, the farmer's spending power would be $945,000,000 greater than with present prices. Even with prices as low as those prevailing from 1886 to 1890 the farmers of the United States would have $358,000,000 added to their debt-paying and purchasing power in 1893; and like advances on the other products of the farm would create an ample fund for building and general improvement, thus employing more labor.

The least of these sums, added to the sums yearly distributed among the producers of metals and textiles, would afford employment for great numbers, keep the mills in motion, make money abundant, and bring good times.

Much stress is laid upon the necessity of cheap food for the wage worker; but what possible benefit can be derived from a cheapness that deprives the 30,000,000 who produce food and fiber of the ability to keep the wage worker employed by buying the products of artisan and operative?

Doubling the present price of wheat would probably add the price of six or eight days' labor to the cost of the year's supply of bread for the average family; but with wheat at an average of $1 a bushel at the farm markets, and other farm products at proportionate prices, there would be no idle mills, and the earner of wages would have that easily procured and constant work which would assure him the continuous ability to buy bread. Would not that be far better than existing conditions and bread unattainable, though low in price?

Let us ascertain what India, our greatest rival, has been doing during these years. For that purpose I insert the following table, from official sources, which contains a lesson for every farmer in this country:

Statement showing the exports and average export price of raw cotton and wheat from British India during the years ended March 31, 1870 to 1891, and eleven months ended February, 1892, inclusive.

Year ended Mar. 31—	Cotton, raw.			Wheat.		
	Pounds.	Value.	Price per pound.	Bushels.	Value.	Price per bushel.
			Cents.			
1870	524,834,448	$91,579,862	16.51	145,988	$158,035	$1.10
1871	577,600,800	93,412,315	16.18	463,908	498,398	1.07
1872	866,246,032	102,107,664	12.62	1,189,252	1,131,096	.95
1873	494,214,448	67,300,718	13.62	735,486	804,912	1.09
1874	503,966,176	63,418,757	14.59	3,277,781	3,972,509	1.21
1875	627,209,632	73,235,242	11.68	2,004,156	2,358,965	1.18
1876	561,207,920	63,748,603	11.36	4,686,767	4,350,389	.93
1877	510,486,368	56,361,683	10.86	10,428,328	9,396,672	.90
1878	387,583,616	45,059,299	11.69	11,896,563	13,713,552	1.15
1879	332,255,728	37,987,637	11.44	1,972,546	2,496,662	1.27
1880	442,229,312	53,498,174	12.09	4,109,495	5,396,483	1.31
1881	508,653,376	63,503,371	12.50	13,896,167	15,734,122	1.14
1882	630,508,928	71,718,830	11.37	37,148,543	42,573,898	1.15
1883	691,059,376	77,067,638	11.15	26,495,024	29,226,307	1.10
1884	670,575,136	69,129,130	10.31	39,202,635	42,699,893	1.09
1885	567,807,856	63,816,505	11.25	29,421,645	30,316,886	1.02
1886	459,459,648	51,753,701	11.94	39,328,658	38,425,589	.98
1887	698,816,544	64,684,618	10.62	41,558,765	41,404,733	1.00
1888	691,983,872	69,186,011	11.49	25,271,249	26,699,300	1.05
1889	597,137,072	72,219,216	12.09	32,874,628	36,111,744	1.10
1890	797,878,304	89,908,540	12.66	25,784,124	27,804,552	1.08
1891	682,359,376	79,213,321	11.95	26,731,592	29,003,645	1.09
1892, 11 months	418,538,512	44,018,186	10.52	53,371,983	64,843,522	1.21

NOTE.—At the request of Mr. George O. Jones the rupee has been reduced to United States money at the rate of 48 cents per rupee.

S. G. BROCK, *Chief of Bureau.*

TREASURY DEPARTMENT,
Bureau of Statistics, April 16, 1892.

It must be understood in connection with this table that the increase in amount of cotton produced in India is greater than the increase in the production of wheat. This does not show in the tables, since a very large per cent of the cotton since 1873 has been retained at home for manufacture.

The silver of the United States since 1873 has aided in building up the India wheat industry from an export of 1,000,000 bushels in 1873 to 54,000,000 bushels in 1893. It has also aided in developing the cotton industry in proportion. Is it not time to stop such a suicidal policy and keep our silver at home to benefit ourselves? If our silver has been such a benefit to India, would it not benefit us in like manner? In my opinion it would.

Not only are our agricultural industries threatened with destruction through this Asiatic competition, but our manufacturers have taken the alarm. Already the manufacturers in many lines, especially where hand labor is used, are being driven to the wall by the overpowering competition of Japan and China. To-day the mechanics and tradesmen of this country are in greater danger than any other class by reason of the competition of these silver-using countries. No tariff can be placed high enough to shut them out, and unless we utilize our own silver, instead of granting them that privilege, these conditions will continue to intensify.

The advantage of these silver-using countries over us lies in the fact that their merchandise is manufactured and their agricultural products made with silver and sold for gold, while we are compelled to use gold in production and receive gold in payment. This gives the silver-using countries an advantage of the difference between the price of gold and silver. For example, the manufacturer in Japan can get just as many yards of cloth made for $5 in silver as the manufacturer in Massachusetts can for $5 in gold. Now, when the manufacturer of Japan meets the manufacturer of Massachusetts in Spain, for instance, in a business competition, he can undersell the manufacturer from Massachusetts by the difference between the cost of $5 in silver and $5 in gold. This difference would be so great under the present low price of silver that the Massachusetts manufacturer would be driven out of the market and his business ruined. What is true with this manufacturer is also true of the wheat grower, the cotton planter, and hundreds of other industries in this country. The foreigner comes over here now and buys our silver product, manufactures it, as it were, into a club with which he beats out our commercial brains. Just how long this suicidal policy will be

continued depends upon the intelligence and the degree of awakening among our people. We are producing about $70,000,000 in silver annually and making no use of it as a money metal. Instead we are selling interest-bearing bonds to buy gold to take its place.

Mr. Speaker, we are met at this point with the plea of overproduction; that we are producing more than we can consume and that prices are forced to their present low level under the law of supply and demand. Not so. The supply is ready, and in abundance, and heaven knows the demand never was so great or so urgent, but the ability to purchase is wanting. It is not an overproduction that threatens our country, but an underconsumption, which has been brought about through the contraction of our currency and the consequent appreciation of the dollar.

If all our people were comfortably fed, housed, and clothed, there neither could nor would be an overproduction, speaking in general terms. It is an indisputable fact that the wants and desires of a community keep even pace with increased production. The luxuries of yesterday become the necessities of to-day, and the whims of to-day become the settled fashions of to-morrow. The old is discarded for the new, and the new is taken with the anticipation of being replaced by something different in the near future. This applies to but one class of producers as a rule. It will hardly apply to the farmer. Wheat makes flour now as it did when first produced. Beef, pork, cotton, and wool fulfill about the same mission among the race as ever, with the exception of being more largely consumed. Production in this direction has been very largely increased. Yet there is no overproduction. There can be no overproduction of wheat or meat while any of our people are suffering from hunger. There is no overproduction of boots or shoes when people are barefoot, or of clothing when people are poorly clad. There is no overstock of laborers when thousands are suffering for want of the articles these laborers could produce, neither are there too many homes when they could be filled with tenants able to pay rent if work could be obtained.

If we take the statistics relating to agricultural products and consider them simply as statistics, the results seem to prove an overproduction, but the moment we consider them in the light of an underconsumption the true condition is discovered at once.

In 1867 50,841,765 acres of wheat and corn produced 980,761,400 bushels of grain, that brought the farmer $1,032,744,850. In 1893 106,665,883 acres of the same cereals produced 2,015,627,856 bushels, that brought the farmer only $804,797,008. That is, double the number of acres and more than double the amount of grain brought $22,947,842 less than in 1867. In 1867 we had $52 per capita, while in 1893 we had less than $5. In 1867 the population of the United States was 36,269,000. The amount of wheat produced was 212,441,400 bushels, or 5⅞ bushels per capita. In 1893, with 70,000,000 people, the product of wheat was 396,131,725, or 5⅔ bushels per capita. These figures disclose no overproduction in 1893 as compared with 1867. In 1867 there was 26,564,607 bushels of wheat exported, or 12.39 per cent of the total production, leaving 187,891,121 bushels for home consumption, 5⅛ per capita. In 1893 there was exported 182,276,406, or 46 per cent of the total production, leaving 213,955,319 bushels for home consumption, or 3⅜ per capita.

The overproduction theory does not hold good again. In 1867 we exported only 12.4 per cent of the gross production, while in 1893 we exported 46 per cent. In 1867 we retained for consumption 5⅛ bushels per capita, yet in 1893 we retained only 3⅜ bushels per capita. But we will go to other sources and ascertain the required amount of food products to maintain life and health among our people and compare the result with the actual amount produced—this surely ought to be final.

If it can be shown that the people of the United States could consume this entire amount by being properly fed, then the whole question would turn on the ability of the different countries to purchase. Until it becomes a matter of actual want, which is not looked for in this case, the condition of the people in regard to their ability to buy and consume will determine the volume of export. The ability to purchase must be considered in connection with the ability to hold, or the necessity to sell, since they are all prime factors in the level price of the products of labor. If the people of the United States, in order to be fully and properly fed, demand the entire product of wheat, it must follow that whatever may be exported is because of a willingness to surrender certain comforts that are found in good living for the sake of receiving an equivalent from some other source, or relief from debt or similar obligations. It is not fair to presume that the people of this country or any other would deprive themselves of their natural allowance of bread or food as a mere act of philanthropy. The world has become too selfish for such action. These conditions are only brought about by the necessity to sell, which usually obtains through the medium of debt. The quantity of exports, therefore, in this case becomes a matter of contention between the demands of the stomach on the one side and the importunities of the creditor on the other. It is safe to assume that were all the people of the United States properly fed there would be very little, if any, products remaining for export. As proof of this, reference is made to the following section of the Army Regulations:

A ration is the established daily allowance of food for one person. As now fixed, its components are as follows: Twelve ounces of pork or bacon or canned beef (fresh or corned), or 1 pound and 4 ounces of fresh beef, or 22 ounces of salt beef; 18 ounces of soft bread or flour, or 16 ounces of hard bread, or 1 pound and 4 ounces of corn meal; and to every 100 rations 15 pounds of beans or pease, or 10 pounds of rice or hominy; 10 pounds of green coffee or 8 of roasted (or roasted and ground) coffee, or 2 pounds of tea; 15 pounds of sugar, 4 quarts of vinegar, 4 pounds of soap, 4 pounds of salt, 4 ounces of pepper, 1 pound and 8 ounces of adamantine or star candles; and to troops in the field, when necessary, 4 pounds of yeast powder to 100 rations of flour.

In addition to the above, the following has been made:

1. By direction of the Secretary of War, the following proportions are fixed for issues by the Subsistence Department of the pound of vegetables added to the ration by section 5, act of June 16, 1890, viz:
   1. One hundred per cent in fresh potatoes; or,
   2. Eighty per cent in fresh potatoes and 20 per cent in fresh onions; or,
   3. Seventy per cent in fresh potatoes and 30 per cent in canned tomatoes, or in such fresh vegetables as can be procured in the vicinity of the station, or which it may be practicable to furnish from a distance in wholesome condition, such as onions, cabbages, beets, turnips, carrots, and squash.

The above ration is considered by army physicians as sufficient and proper for the sustenance of a United States soldier, and can with equal propriety be applied to all our citizens, due allowance being made for children. It can not be expected that exact figures can be given or precise results obtained, but approximate estimates can be made from fair and reasonable premises that are both conclusive and convincing. If a deduction of 20,000,000 be made from the present population for children, the 50,000,000 remaining may fairly be considered, so far as consumption of food is concerned, as men and women. Upon this assumption the following results would be obtained:

	Per day.	Per year.	Fifty million people.
	Ounces.	*Pounds.*	*Pounds.*
Beef	20	45¼	22,812,500,000
Flour	18	41¼	20,625,000,000
Beans	2¼	5⅞	2,850,000,000
Vegetables	16	36⅝	18,150,000,000

If these enormous sums are reduced to the natural product by reckoning beef at 700 pounds per animal and flour at 38 pounds to the bushel, the result is as follows:

Beef cattle	number	32,589,285
Wheat	bushels	540,131,599
Beans	do	47,500,000
Potatoes	do	304,166,666

From these figures it is seen that the wheat crop of 1893 would fail to supply the home demands by 143,999,874 bushels. Remember this does not allow a single pound for exportation.

In 1892 there were only 52,095,568 head of cattle (estimated) in the United States. In 1893 the total production of potatoes was 183,034,203 bushels, and the crop of beans amounted to about 5,000,000 bushels. It is plain to be seen from this showing that the Government estimate of what is necessary for the support of its soldiers can not be applied to the balance of its citizens. The accuracy or abundance of these rations is not involved in this inquiry; the plain statement of facts is all that has been considered. By substituting other products of equal life-giving qualities in part for some of those mentioned in the rations it will be discovered that, taken as a whole, the annual consumption under these conditions would permit but little, if any, sales abroad. The inquiry and investigation sought to be inaugurated by this showing are, Why are not these products consumed at home? Are other nations better prepared to purchase the products of this country than the people are to hold and consume them? If such is the case, what is the cause and wherein lies the remedy? If the citizens of the United States are not in condition to consume their own products, is it not time to institute a vigorous inquiry as to the reason?

These statistics disclose a condition that should of itself refute the doctrine of overproduction, since it proves conclusively an underconsumption. There are other theories equally as erroneous put forward to account for the distress among the people, but I can only take time to expose the fallacy of the one used with greatest force among the people, that of overproduction. I am in favor of the free and unlimited coinage of both gold and silver at the present ratio and of issuing in addition to this a sufficient amount of full legal-tender paper money so that the aggregate would restore the price of labor and its products to the point occupied in 1872. I believe in the absolute abolition of all banks of issue, and, as Mr. Jefferson said, "restore that function to the Government, where it belongs."

I believe this would be fair to the great, plain people, whose toil and sweat pays for all in the end. I believe such legislation would fill the land once more with prosperity and contentment. The people have discovered that they have been plundered for the benefit of those having fixed incomes. They realize that England, the

robber nation of the earth, through her Rothschilds, are consuming the industries of this country by usury. Well may Mr. Gladstone declare against free coinage and cheaper money when England holds obligations against the people of other nations, as he then boasted, amounting to over $10,000,000,000. Having cornered more than half the gold of the world, they insist on forcing its purchase at their own price. These alien financial buccaneers, having fixed and established the price of gold by law, are determined that silver shall have no such rights. In order to make gold do a double amount of work and thereby enhance its power to oppress they are continually making assaults upon silver in order to degrade it in the eyes of the business world. It is claimed that should silver be remonetized it would remain at a discount as compared with gold. This would prove true if Government officials should pursue the same course as at present. If in payment of obligations the Secretary of the Treasury should, as now, refuse to pay out silver and utterly discard its use, of course it would fall to a discount. With the bill granting free coinage I would enact the following, as presented by Senator BUTLER recently in the Senate:

SEC. 4. That the issuance of interest-bearing bonds of the United States for any purpose whatever, without further authority of Congress, is hereby prohibited; and that the Secretary of the Treasury when redeeming United States notes, commonly called greenbacks, and Treasury notes issued under the provisions of the act of July 14, 1890, and when liquidating either the interest or principal of any of the Government's coin obligations, is hereby directed to make such payment in gold coin whenever the market value of 25.8 grains of standard gold is less than the market value of 412½ grains of standard silver, and to continue to pay in such gold coin until the market value of 25.8 grains of standard gold shall be equal to the market value of 412½ grains of standard silver; but when the market value of 25.8 grains of standard gold shall be greater than the market value of 412½ grains of standard silver he shall pay the interest and the principal of said coin obligations as they become due in silver coin, and continue to pay the same in silver coin until the market value of 412½ grains of standard silver shall be equal to the market value of 25.8 grains of standard gold, and said notes, commonly called greenbacks, when so redeemed, shall be reissued, as provided by the act of May 31, 1878.

I will quote from Senator BUTLER upon that subject:

The provisions of this section are perfectly simple and plain. It simply directs the Secretary of the Treasury, in express terms, with no option, to do what everybody thought he or any patriot would do in exercising the option of the Government in paying our coin obligations. The law expressly declares that he shall use this option to keep gold and silver at a parity. If that law means anything it means that whenever, for any cause, there is a greater strain on gold—that is, a greater demand for gold than for silver—that then he shall use the Government's option to pay our coin obligations in silver, and, on the other hand, whenever silver is scarce, whenever there is a greater demand for silver and the price goes up, that then he shall equalize the demand for the two metals by paying our coin obligations in gold and continue the strain on gold until the two metals come back to a parity.

I will illustrate. We can coin gold and silver on equal terms, but the Secretary of the Treasury can send silver to a premium or gold to a premium, just as he chooses, by an improper use of the option which is vested in him by law of paying out gold or silver on our coin obligations. This option was vested in him so that he could keep the two metals at a parity, but if he cares nothing for his oath of office, or for the interests of the people, or the credit of this Government, he can use this option to cause a disparity between the two metals. So far he has used his option for the profits of the gold trust, against the interests of the American people, and to the detriment of the credit of our Government.

It was intended in accord with the law of supply and demand that the two money metals should be kept at a parity by transferring the demand from one metal to the other. There is no other method by which this parity can be maintained. Now, this option has been transferred from the debtor to the creditor, who stands as the controlling power. Under the amendment of Senator BUTLER the free coinage of silver would not be a disturbing factor as is now prophesied. The fact that interest-bearing bonds are being sold in a time of profound peace for the purpose of preventing the free use of silver is both a crime and a disgrace and should drive any party from power who would consent to or become responsible for such infamous transactions. When we realize that all these sacrifices are being made to satisfy the rapacity of alien investors the enormity of the crime is fully disclosed.

When silver was stricken down and our currency contracted our people were compelled to borrow from the alien what our own Government refused to furnish. Our people were compelled to go to the alien money lender to borrow a medium of exchange that our own chosen representatives had stealthily or ignorantly taken from them. It was the contraction of our own currency that has entailed this enormous foreign debt that now hangs like a millstone about the necks of our people. Had we at all times been furnished with a sufficient amount of domestic currency, whether of gold, silver, or paper, we would not owe at this time a single dollar to the alien shylock. It is this criminal collusion on the part of our lawmakers with the money owners of Europe that has brought the people to their present unfortunate condition. For my part, I want this foreign alliance broken up as soon as possible and an American policy, with no alien complications, inaugurated in its place.

I am in favor of the free and unlimited coinage of silver, not because it will be a final settlement of this financial question or bring about complete relief from the evils under which we now suffer, but it will right a grievous wrong and afford a certain degree of relief; and besides it is close at hand. It is now in the minds of the people; they are clamoring for it, and will pay but little attention to other reforms until this has been secured. The free coinage of silver lies very near the great American heart of this country, and all other measures will count for naught until this has been fully and finally established. The demand for free coinage is spreading rapidly, and I sincerely believe there is not a State or a single Congressional district in this Union that could not be carried for free coinage upon that square issue alone. For one I am in favor of an American Government in the true sense of the term. I am in favor of an American system of finance such as our 70,000,000 of free, intelligent people should have and enjoy. I am opposed to an international currency, as being both dangerous and unsettled. What we want, in my opinion, is a domestic currency of gold, silver, and paper, all a full legal tender and of sufficient volume to bring about and maintain remunerative prices for labor and its products.

Let us make laws for our own people, for the whole of our own people, and let other nations do the same. Let us defend our people from every foe, whether they come in the shape of armed men or as cunning manipulators of our legislation. Let us stand squarely upon our rights as a free and independent people in all respects. In order to bring about such conditions speedily we should at once determine upon an independent American system of finance. Why should 70,000,000 of Americans bend the knee to the alien Jews of London? Why should this great nation go begging for gold when silver mountains high lies piled up waiting for use within its borders?

Mr. Speaker, we should open the mints to the free and unlimited coinage of silver and reap the benefits of this vast wealth of silver that so long and so invitingly awaits. It would make the dollar cheaper and correspondingly loosen the bands of industrial slavery that now are so galling to our people. It would make the day's work more profitable and the burden of debt less difficult to carry. It would make the day's works more plentiful and bring comfort where there is now distress, bread and meat where there is now hunger, and clothes where there is now rags or nakedness. It would dispel the dark clouds that now hang low and threatening and bring the glad sunshine of peace and prosperity in its stead.

We can inaugurate a system that will bring these much-desired results by guaranteeing the free coinage of silver, after which we can take up other measures and in the ultimate establish once more a government of the people. The power of the gold trust would be broken by such a course and the power which money now has to oppress would be destroyed. Having destroyed this plundering monopoly, we could successfully attack the next most oppressive, and in time wipe out the entire brood. This, I assume, is in line of duty with reform principles, and as such I am both willing and anxious to give it my earnest support.

Coin Redemption Fund.

SPEECH

OF

HON. WILLIAM P. HEPBURN,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 8, 1896.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of the revenue—

Mr. HEPBURN said:

Mr. CHAIRMAN: Upon many questions I would accept the statement of the gentleman from Kentucky as of undoubted authority, but I am not willing to accept him as an authority when he discusses economical or historical facts. The gentleman has adverted to the fact that he was a member of the International Monetary Conference.

I have wondered, Mr. Chairman, why it was that the strength of the cause of those men who appeared as members of that conference, urging an international agreement with reference to the coinage of silver at an agreed ratio had failed of success. I do not wonder so much now after the gentleman has just announced that "the law of supply and demand always fixes value." If he announced that doctrine before the savants that composed the tribunal at Brussels I do not wonder that they failed. [Laughter.]

Supply and demand, Mr. Chairman, fix price, not value. Value is fixed by the cost of production, not by the law of supply and demand.

The gentleman has been equally unfortunate in his reference to historical facts. He made the astonishing announcement here that the Republican party of this country had demonetized silver. Mr. Chairman, he gave that statement something more than the character of an ignorant misstatement by his reference to the coinage laws of the United States, showing that he had at least some familiarity with the legislation on the subject.

Mr. McCREARY of Kentucky. Will the gentleman allow me to interrupt?

Mr. HEPBURN. For a question, yes; for a statement, no.

Mr. McCREARY of Kentucky. I only wish to state that what I said was that the Republican party had dropped the coinage of the dollar by the act of 1873, and I think if the gentleman will read the act he will find that they dropped the coinage of the silver dollar in that year.

Mr. HEPBURN. The gentleman said that "the Republican party had demonetized silver." I call the gentleman's attention to the fact that at the close of the Administration of Buchanan there was probably not one dollar of silver in the United States that had full tender quality. We had coined but $8,000,000 in all during the history of the country. There is probably not one man within the sound of my voice who, prior to 1878, ever saw a dollar weighing 412½ grains. The dollars that we had disappeared, and in 1853 the Democratic party had taken from the foreign coin, at the same time estimated at about $100,000,000, its legal-tender qualities. We did not demonetize silver; it was the action and inaction of the Democratic party that has caused silver to disappear in this country as metallic money. The Republican party, Mr. Chairman, has been the only party ever existing in this country that by its deeds has shown that it was the friend of silver.

Mr. LIVINGSTON. Are you willing to restore it?

Mr. HEPBURN. I am when you will restore the old conditions to the silver. You say that you "want to restore silver"; now let us have the old conditions. "We want the 'dollar of the daddies,'" is your cry. What was the dollar of the daddies? It was the dollar of 412½ grains of standard silver, coined out of silver worth $1.29 per ounce. [Applause.] That was the dollar of the daddies. Restore its quality—restore its value as silver bullion and we stand ready to restore the dollar of the daddies.

Mr. LIVINGSTON. How can you——

Mr. HEPBURN. Answer that yourself; don't put it to me.

Mr. LIVINGSTON. Let me complete it. How can you do that unless you restore the demand for it?

Mr. HEPBURN. You are asking for the restoration of the dollar of the daddies. You propose to restore its value by mere coinage, and yet you all acknowledge that that will not do it.

Mr. LIVINGSTON. I don't acknowledge it.

Mr. HEPBURN. Something more than coinage is necessary. If the Republican party were to consent to the free coinage of silver, that would not restore the dollar of the fathers. It would restore perhaps that quantity of silver as a part of the money of this country; but it would require something more than that to give it its full value in the money markets of the world. It would require that other act of friendship that the Republican party has illustrated, namely, that of injecting the credit of the United States to make good the deficient value of the bullion. And in that the Republican party, more than all else, has shown its friendship.

Mr. LIVINGSTON. What would happen to gold if you took away the Government indorsement?

Mr. HEPBURN. If the Chair would repress the sometimes irrepressible gentleman from Georgia, it would be a pleasure to me.

Mr. LIVINGSTON. I have no doubt of it.

The CHAIRMAN. If the gentleman from Georgia desires to ask a question, he will rise and address the Chair. Otherwise the Chair hopes he will remain in order.

Mr. HEPBURN. Why is it, Mr. Chairman——

Mr. LIVINGSTON. Mr. Chairman, may I ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. HEPBURN. Yes, I yield.

Mr. LIVINGSTON. If you take away the indorsement by the Government of gold bullion or the gold dollar, what will be the price of gold bullion?

Mr. HEPBURN. I think it would remain precisely the same as it is to-day.

Mr. LIVINGSTON. If the indorsement of the world was withdrawn from it, as it has been from silver?

Mr. HEPBURN. You said "the Government of the United States."

Mr. HARDY. When did the Government of the United States ever indorse gold bullion?

Mr. HEPBURN. The silver dollar has two elements of value, entirely distinct——

Mr. LIVINGSTON. May I ask the gentleman another question?

Mr. HEPBURN. I decline to be further interrupted. I have only twenty-five minutes, and in twenty-five minutes I could not answer all the questions that gentlemen from Georgia could ask. They need to ask many.

Our silver dollar has two elements of value in it—the 53 cents of bullion value and the 47 cents of the credit of the United States. The two make it equal to the gold dollar, and that is the reason why we are not suffering from conditions that are suffered in the Republics south of us.

Mr. BOATNER. Mr. Chairman——

Mr. HEPBURN. I can not be interrupted by questions which are meaningless as a rule.

Mr. BOATNER. I do not intend to ask the gentleman a meaningless question.

Mr. HEPBURN. If you desire to ask a question for information I will try to answer it.

Mr. BOATNER. Yes, I do. I want the gentleman from Iowa to please explain to us wherein the credit of the United States operates upon the silver dollar.

Mr. HEPBURN. It operates in the pledge of the statute that the Government of the United States will maintain silver at a parity with gold, and the Republican party put that pledge into the statute. [Applause on the Republican side.]

Mr. BOATNER. Will the gentleman now please inform us——

Mr. HEPBURN. I did not yield for two questions.

Mr. BOATNER. This question naturally follows the other. What can be done under the act of 1890, or what is required by law to be done under the act of 1890, to make that pledge good? In other words, how is it that the United States maintains in circulation about 400,000,000 silver dollars at a parity with gold, when there is not so large a circulation maintained at a parity by any other Government in the world?

Mr. HEPBURN. That is a question for the Treasury Department rather than myself. We know the fact that the parity is maintained. Just how it is maintained I am not at all desirous of explaining to the gentleman.

Mr. Chairman, I am not in favor of the free and unlimited coinage of silver until we can have an international agreement whereby there can be a fixed price for silver as measured by gold. When we can secure an agreement from the commercial nations as to ratio and as to free coinage, then there will be a union of value between the gold and silver, or the price of gold and silver, that can not be separated. In every part of the world that ratio will be recognized.

Mr. McMILLIN. If it will not interrupt my friend, I should like to ask him right there——

Mr. HEPBURN. I must decline to be interrupted. I have only twenty-five minutes, and I desire, connectedly, if I can, to make the remarks that I desire to make.

Mr. McMILLIN. I beg the gentleman's pardon.

Mr. HEPBURN. It was asserted here yesterday by a gentleman in whom I have great confidence, and whose opinions with me weigh much, that an international agreement was hopeless, that it was folly to expect it. He said to us in his admirable address that the money power, the banking interests of England, as he expressed it, are opposed to an international agreement; that that power is opposed to the use of silver as a money metal; that that power is interested in making dear the money of ultimate redemption; that that power is the creditor power of the world. He spoke of England as the creditor nation of the world. Ah, gentleman, that is a mistake. It is not England to whom America owes money, or Italy owes money, or the Turk owes money. It is to a limited class of the people of England, who may, it is true, be now supreme in the exercise of power, but the fact that they are so to-day is not an evidence to my mind that they will so continue.

This same gentleman admitted that the party of the landowning interests of England was the dominating one prior to the triumph of Cobden; and yet new interests grew up, the people were educated into new ideas, and the manufacturing interests, as he told us, asserted themselves, overthrowing the once dominant power, changing the policy of England with regard to protection, repealing the corn laws, and starting out upon new lines. For a time the manufacturing class was in power, but in time it was overthrown and the banking interest became and continues to be dominant.

I take it, Mr. Chairman, that there is a reserve power there as here in the hands of the people. The people of the United States know that it is their interest, the interests of the masses, that the money of ultimate redemption should not be limited. They know of the quantity in the world one-half should not be destroyed. They know that their interests demand that gold and silver alike should be the money of ultimate redemption. We

have been agitating this matter. A little more than twenty years ago so little was thought upon the subject of silver that it is said the silver dollar was dropped from the coinage of the United States without knowledge upon the part of the people. They had so little interest in the question then; but since that time its restoration has been agitated.

Since that time the people have been educated. Since that time thought has been directed in this channel of restoration. Now, all over this land, save in banking circles, we find the people of the United States a unit on the proposition that gold and silver shall be standard money in the United States. What is the interest of an American is the interest of an Englishman of the same class. If the agriculturists, if the manufacturers, if the laboring men, if professionals here, all save the banking class, are thus unanimous upon this question, is it not reasonable to presume that when education upon the subject has gone as far in England as here, when agitation has been had, then when the masses are taught on what lines their interests run, will not they exercise the reserve force they possess and overthrow, as has been done twice in the last half century, the controlling class, and compel a reluctant Administration to give to them their rights and to carry out their interests in this matter of silver coinage. Instead of being hopeless, in my judgment, this result is as certain as that time flies, and that the people become interested in the great questions that lie closely to them and to their homes.

I believe, as the Republican party has declared, that in international agreement lies our hope; that it has the elements not of possibility, of probability, but of certainty. I censure, if I may be allowed to use that term, the President of the United States for his inaction in this matter. It is said by some that legislation is necessary in order that he may reconvene the monetary conference. Not so. The conference was convened and with their business uncompleted they adjourned, expecting to be called together in May, 1893—an expectation thus far denied; but there is power in the statute, power in the hands of the President, to reconvene that conference, to renew that argument, and to send someone there, representing the United States, who will not make the blunders in the matter that the gentleman from Kentucky probably did. [Laughter.]

Mr. Chairman, I have said that the Republican party has demonstrated the fact that it was the friend of silver. We have to-day within the limits of the United States nearly $700,000,000 of silver coin. In 1873, when these gentlemen say the Republican party struck down silver, there were not $50,000,000 within the country. We have added nearly $650,000,000. Does that look as though we were unfriendly? But the gentlemen say that the act of 1873 was an act of unfriendliness in that it destroyed, so far as the mints were concerned, the market for the white metal. Do not they know that under that act in less than three years $35,000,000 of silver was used at the mints in coining trade dollars alone, more than five times the amount that ever was coined in any year prior to 1873 into silver dollars? It has done no act save one, perhaps, and that under Democratic inspiration two years ago, that evinced the slightest degree of unfriendliness to silver.

I confess, sir, in the act of 1893, repealing the Sherman Act—unwarranted, unjustified by conditions, unjustified by any fulfilled prophecies, was an act in that direction, but I am assured that no Damocrat can urge that as an objection against the Republican party. Yielding too suddenly, too quickly, to the hysterical fears of the Democratic Administration, that meritorious act was stricken down. I have never believed that it could have been harmfnl to the credit of the United States. Certain gentlemen say that the enlarged use of silver would be destructive of our credit. While I am not in favor of the free coinage of silver, I am in favor of the use of silver to the extent that it is necessary to meet the demand for expansion resulting from our growth in population and our development as a commercial and manufacturing people.

In 1860 we had $407,000,000 of money of all kinds in the United States. To-day of all kinds, counting the silver certificates and the duplicates, we have $2,300,000,000 of money. One billion nine hundred million dollars have been added to our circulation by the Republican party, about $60,000,000 a year. That amount seems to have been necessary to meet our increasing population, growing at the rate of more than a million and a half each year, and to meet the demands of our increased business, whose expansion is even more rapid than the growth of our population. That money was absorbed by the people, and no man claims that there was too much of it.

In my belief, Mr. Chairman, that measure of expansion of the circulation ought to be continued, and it were much better that it should be continued by the use of the mints in coining silver rather than by the use of the printing press in printing promises to pay. But gentlemen say, as they said then, "This will destroy the credit of the United States." Ah, those pessimists have forgotten the glorious history of this country under Republican Administration. I can remember a time when we had just emerged from the gloom of desolating war, and when a burden of two and three-quarter billions of debt rested upon this nation. At that time, too, thirteen States had been harried by war and were not in any degree contributing factors to the wealth of the United States.

[Here the hammer fell.]

Mr. STEELE. I ask unanimous consent that the gentleman from Iowa be allowed ten minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana that the time of the gentleman from Iowa be extended for ten minutes more?

Mr. JOHNSON of California. Mr. Chairman, I interpose no objection, and I am glad the extension is to be made, but I want to call attention to the way in which the Chairman makes fish of one and flesh of another, because when it was undertaken by the gentleman from South Carolina [Mr. McLAURIN] to give me some time——

The CHAIRMAN. The gentleman will be order. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Iowa will proceed.

Mr. HEPBURN. At that time, Mr. Chairman, there were only 30,000 miles of railway in the United States; none of the Pacific railroads were built; the coast beyond the mountains was unable to contribute to our wealth production to any great extent. We had then only about half our present population. And yet, under Republican control, which for many years prevailed, and with the confidence that came from that Republican control, the credit of the United States went higher and higher and higher until it reached a point never before reached by the credit of any nation in the history of the world.

And now, as was said so admirably by the gentleman from Montana, with the comparatively inconsiderable debt that we have, only about six hundred millions of bonded debt when this Administration came into power, and less than a thousand millions of all kinds of unprotected debts, the idea that the addition of $60,000,000 of silver would burden or disparage the credit of the United States is one so grossly insulting to the intelligence of our people that I marvel that any man, even though driven by the stress of the absence of other arguments, should have the temerity to advance it. Fifty million dollars of silver affect our credit! Remember that when we purchase the silver we have it; so that the case is very different from issuing promises to pay. It is not like issuing a bond or issuing an uncovered note. In coining silver we do not add to our burden, because we have that which we have purchased.

Mr. Chairman, I want to call the attention of my own party friends to our attitude as a party upon this question. I hold that the repeal of the Sherman Act was, in view of the declarations of our party in 1890, an unwarranted attempt to write anew the party law. That declaration in the platform of 1892 was made in view of the then existing conditions. Every statute affecting our monetary condition had been upon the statute book for years, and that plank of our platform was intended as a vote of approval to the public servants who had enacted the then existing laws.

I do not believe it is competent for any gentlemen here from any of the States, whether silver producing or not, to write anew the party law. Let us wait until we meet in the recognized tribunal. Let us trust to that leadership which has carried the party and the country safely through every storm. In all the years of the past that leadership has been equal to the vicissitudes that have surrounded us. Let us not, by any attempted action of our own, thwart the splendid possibilities for continued service in command of the ship of state by, in any unwarranted way, undertaking to write anew the party doctrine or by inventing new party tests.

The Republican party has never declared for the free coinage of silver unless when the old conditions could be restored. When they can be we shall all be a unit for it. You gentlemen have no authority to attempt to hurry us beyond that safe position. When the party assembles in national convention it will indulge in no uncertain utterances. Our party declarations are always distinct and certain, and when we do make an announcement of our principles we put a candidate upon the platform who is in harmony with our declarations. Sometimes I hear bewildered Democrats assailing the integrity of the President of the United States.

I know of no Democrat throughout the length and breadth of all the States who has been more consistent or more closely adhesive to his announcements than has the President of the United States. [Applause.] Gentlemen pretend to say that he wavers. Not so. I remember being in this Hall in 1885, before his first inauguration, when the letter addressed to Mr. Warner was read, in which Mr. Cleveland declaimed against the heresy of free silver and warned his Democratic brethren against it.

In all of his public utterances he has adhered to the same position, and even in the early part of 1892, before your national convention, he told you again how he stood, reiterating for the fifth time his position upon this question. He has not varied an iota

from it; and while, in the State where I lived the Democratic party insisted that their platform was to be interpreted as a free-silver platform; yet you selected this man whose views you knew—who you knew would not carry out that interpretation, except upon the hypothesis that he was to become as a partisan, perjured and dishonored.

You pretend now that you have been deceived; you pretend now that you are surprised at the views he has expressed. [Applause.] He has on this question been consistent. He has always told you that he was of the Wall-street school. You knew he was. But you took him as your candidate, knowing he would receive the support of this class in the East; then you gave a free-silver-coinage interpretation to your platform in the West. This duplicity gave you success. Now you Western Democrats hold up your hands in horror and denounce the President for having betrayed his party. Betrayed his party! He is the one man who has been consistent.

[Here the hammer fell].

Coin Redemption Fund.

SPEECH

OF

HON. URIEL S. HALL,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 8, 1896.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of the revenue—

Mr. HALL said:

Mr. CHAIRMAN: I have been informed for the first time in the last few minutes by the speech of the gentleman who has just taken his seat that I was expected to follow him and to answer his arguments and that I was selected (he does not say by whom) to reply to him. I can say that I have not the honor of knowing the gentleman, and did not even know him as a member of the House until his most excellent address was delivered. But I wish to add that the few remarks I had intended to make were on a different line and branch of the subject from the one he discussed, but I shall for a few moments ask the attention of this House to a portion of the remarks of the gentleman.

I think it entirely meet and proper that any argument in favor of 16 to 1 free and unlimited coinage of silver shouid be answered by a Democrat from west of the Mississippi River, and from a rural district.

I ask the attention of the gentleman to his own chart, Chart E. This is a chart giving the price of silver from 1792 to 1894. I presume, of course, that the speech of the gentleman is germane to the motion before the House, upon which he is speaking, that is, the motion of the gentleman from Maine [Mr. DINGLEY], the chairman of the Committee on Ways and Means, "that the House nonconcur in the Senate substitute."

Now, the first section of that Senate substitute is as follows:

That from and after the passage of this act the mints of the United States shall be open to the coinage of silver, and there shall be coined dollars of the weight of 400 grains troy, of standard silver, nine-tenths fine, as provided by the act of January, 1837, and upon the same terms and subject to the limitations and provisions of law regulating the coinage and legal-tender quality of gold; and whenever the said coins herein provided for shall be received into the Treasury, certificates may be issued therefor in the manner now provided by law.

I now ask the attention of the committee and the gentleman from Minnesota who has just concluded his remarks to his own Chart E; also, to the first section of the bill I have just read, to which his remarks have been addressed. This substitute provides for the free and unlimited coinage of silver by the United States, alone, at the ratio of 16 to 1 of gold, or 412½ grains of standard silver or 371¼ grains of pure silver in a dollar.

About the year 1873, according to the lines on his own Chart E, the silver line starts down from 16 to 1 until it reaches the ratio of 34 to 1; i. e., from the point where 16 ounces of silver purchased as much as 1 ounce of gold until it reaches the point where it takes 34 ounces of silver to purchase as much as 1 ounce of gold.

What, according to his own admissions, was the cause of this unprecedented decline in silver? He admits, and history bears him out in the statement, that from 1871 to 1893, both inclusive, eleven of the greatest silver-using countries of the world (not including the United States) closed their mints to the free coinage of silver. I maintain that this action by these eleven countries, coupled with the increased production, was the sole cause of this decline in the price of silver, as shown by his Chart E, and all of this entirely independently of the action of this country.

Why?

First. Because as long as these eleven great countries had their mints open to the free and unlimited coinage of silver a great demand for that metal for mintage purposes existed, consuming, as they did, millions and tens of millions of dollars every year of that metal, and of course we all admit that this great demand tended to keep up its price.

Second. For fifteen years prior to 1873 the average output of silver from all the mines of the world did not average more than $50,000,000 annually, while under even the decreasing demand for silver after 1873 the supply has increased until in the last fiscal year it has reached the enormous sum of over $200,000,000.

We see by these two statements the two great elements of decreasing prices, to wit, decreased demand and increased supply.

It will be noticed that up to this time I have not considered the action of our own country, but have shown that causes entirely outside of any action of ours was the sole cause of the decline in the price of silver.

But someone unacquainted with the facts may think that the United States used so much silver, and thereby made such a great demand for that metal for our own money purposes; that when we stopped its coinage in 1873, silver went down in price solely on account of closing our mints. The average total amount of silver coined by the United States each year for ten years prior to 1873 was less than $1,000,000—less than one-fiftieth of the entire output. But for twenty-two years after 1873 we have used for money purposes in this country over $22,000,000 of silver a year, or a total of over $530,000,000 worth of silver.

In the light of all of the foregoing admitted facts, how can anyone call a vote for this bill a vote for bimetallism? It is trying to have our country, single and alone, restore the price of what eleven other great nations and a quadruple increase in production have brought down. It is asking us to set aside all laws of trade, commerce, and business experience, and to perform the impossible.

It thus appears clearly to anyone seeking the truth that a vote for this bill means a vote for silver monometallism pure and simple, and therefore a vote directly against bimetallism. How any bimetallist can vote for such a bill is to me incomprehensible.

You can not dodge the conclusion. No amount of sophistry can lead you out of it. Will you vote to Mexicanize this country? Will you vote for silver monometallism? If so, vote for this Senate substitute. [Applause.]

Mr. TOWNE. I will say to the gentleman that, as I am excessively weary, if he has completed his question, I will answer it. If not, I must leave the Hall of the House for a moment, and he must allow me to answer after I return.

Mr. HALL. I think my question is complete.

Mr. TOWNE. If it is complete I will answer it. Mr. Chairman, if the gentleman did me the honor to follow the course of my remarks, he can not have missed the point that the total effect of the demonetization of silver by the nations that he has named was not immediately appreciable. It has been only by successive steps that the injury was wrought. The fall of silver began about 1873 or thereabouts, when several of these nations to which he has referred demonetized silver by closing their mints to its unlimited coinage and by denying to it some of the functions of ultimate money, that is, legal tender. Now, at that time the combined power of the distinctively interchanging nations, so far as the maintenance of the parity is concerned, the Latin Union and Germany together, did not bear a proportion to the capacity of the world as a total as great as the corresponding capacity of the United States of America to-day does to the same capacity of the world for the maintenance of any money upon its own terms. [Applause.]

Mr. WILLIAMS. It is not the number of mints, but the character and importance of them which is to be considered.

Mr. TOWNE. Furthermore, I claim it is a begging of the question to say that some of these nations might not have stayed the fall had they not all got stampeded about the same time and fallen into the procession. It is a begging of the question. Furthermore, I would say as a final answer to the gentleman—for I can not talk all afternoon—I am disposed to concede that the action of the United States alone is attended with some possibility of a resulting premium upon gold. A concert of action by France, Germany, and the United States would, in my judgment, make possible the maintenance of an absolute parity, but I say this, reckoned by the only money which the world possesses, namely, the price of commodities, gold to-day in the United States and the world is at a premium of 50 per cent, and I propose for one to end that premium. [Applause.] I would rather have a nominal premium upon gold, that might possibly result from independent action upon our part, than the 50 per cent premium now existing, reckoned in the enterprise and sweat and sinew of the manhood of the United States. [Applause.]

Mr. HALL. When the gentleman uses the expression, "I am disposed to concede that the action of the United States alone is attended with some possibility of a resulting premium upon gold," he gives his whole case away and puts himself down a pure, un-

adulterated silver monometallist, as every business man in this country knows.

Now, Mr. Chairman, I suppose that everyone in this audience, my 16 to 1 friends and the others, will recognize the ingenuity of that answer, and will recognize in the same answer that the gentleman does not pretend to deny that the United States single handed and alone can not bring silver back to where it was in 1873. [Applause.] He admits it, and then acts the wise part and leaves the room. Now, there are but two propositions for us to meet here upon the argument that he makes. You vote for the first section of this Senate substitute, and by so doing you vote for the United States going to a single silver standard, Mexicanizing our Government, or you have to take the position that the United States single handed and alone can undo what 13 nations combined and a quadrupled output succeeded in doing in the past. You have got to take the position that one man can bring a log back from across the stream that it took the combined strength of 13 men to carry there in the first place.

Now, as for the gentleman's adroit admission of the forcing of gold to a premium, I want the members of this committee and the country to understand what it means. It means the United States going to a single silver standard at once. When that follows, what results? With all of the gentleman's kindergarten object lesson, let us strip this question to the one sole proposition and take his last admission, that it will drive gold to a premium in the United States, which means that the United States will at once sink to a single silver standard. It means 16 to 1 as the medium of exchange and the standard of value in the United States and not the present 100 cents of gold. What becomes of it?

I have a report here—volume 1 of the Report of the Comptroller of the Currency for 1895—that shows a wonderful state of facts. It shows that in 87 cities of the United States where clearing houses exist the clearings for one year were over $51,000,000,000. Only 87 cities were included, and in those 87 cities not more than half the banks are in the clearing houses. A carefully compiled estimate puts the amount of credit circulation in the United States at the enormous sum of $150,000,000,000 during that period. What does it mean? We talk about per capita circulation. What do you mean? There is not a political economist—and I am here to defy refutation of this statement upon the floor of this House—I maintain there is not a political economist among all the men who have spent their lives in the study of economic questions who ever has written, nor any business man who has expressed himself, that does not lay down the proposition that credit circulation performs every office and function the same as the dollar in cash.

Mr. WILLIAMS. Cite one authority.

Mr. HALL. John Stuart Mill, one of the best that ever wrote.

Mr. WILLIAMS. Cite the page and the paragraph.

Mr. HALL. I can give you the exact expression of John Stuart Mill. I am aiming to give his exact language. I can at least give it to you in substance:

> For credit, though it is not productive power, is purchasing power, and a person who, having credit, avails himself of it in the purchase of goods creates just as much demand for the goods and tends quite as much to raise their price as if he made an equal amount of purchases with ready money. Volume 1, Book III, chapter 11, section 4.

Mr. WILLIAMS. As a medium of exchange. He nowhere says as a standard of value.

Mr. HALL. I am discussing the all-important question of the effect of credit upon prices, and am trying to show so clearly that no one can deny that the contracting of credit is a thousand times worse than contracting the volume of money.

Mill further says, fourth edition, volume 1, page 70:

> Credit which is used to purchase commodities affects prices in the same manner as money.
> Money and credit are thus exactly on a par in their affects on prices.

Again, on page 327:

> In any state of commerce in which much credit is habitually given general prices at any moment depend much more upon the state of credit than upon the quantity of money.

Mr. HALL. Francis A. Walker and others. There is not a writer who has ever written what the credit function performs but says the same thing—that $1 in credit is equal to $1 in actual cash.

Now they talk about the circulation being $22 per capita.

Mr. OGDEN. Will the gentleman allow me to ask him a question?

Mr. HALL. I will.

Mr. OGDEN. What is the cause of panics, then?

Mr. HALL. I will tell you what it is. Panics are caused in the first place by overspeculation, which soon impairs confidence or credit and this brings about a contraction. Of what? Of the circulation? Yes, sir. And what is the circulation? It is 98 per cent credit, referred to above, and 2 per cent money; and when you contract the credit function you contract 98 per cent of the circulation; and when you contract the money, you contract 2 per cent. [Applause.] Just the same as was done in 1893. Do not you know you could not take a Government 4 per cent bond and go into any bank of the United States and borrow 50 cents on the dollar upon it? Why? Because credit was gone? That was the reason. There was as much money in the United States as ever, but the immense contraction of our credit produced the panic.

Mr. OGDEN. Were not the silver certificates at that time at a premium?

Mr. HALL. Currency of all kinds in New York was at a premium then. That was the evidence shown before the Committee on Banking and Currency of the last House.

Mr. UNDERWOOD. Will the gentleman allow me to ask him a question, for information?

Mr. HALL. Yes.

Mr. UNDERWOOD. Is it not a fact that the credit on which you say a great proportion of the business of the country is done is based on the solvent money of the country, and if that money contracts the credit contracts?

Mr. HALL. I am unable to understand what is meant by solvent money.

Mr. UNDERWOOD. Is not money based on a standard?

Mr. HALL. No, but money is a standard itself.

Mr. UNDERWOOD. Then, if that money is contracted, does not that contract the amount of credit?

Mr. HALL. Yes, it contracts one-thirtieth of 1 per cent. You contract the volume of credit circulation throughout the United States 1 per cent and you contract it 30 times as much as the entire circulation of every dollar of silver in the United States.

Mr. SWANSON. Will the gentleman allow me to ask him a question?

Mr. HALL. I do not like to have the thread of my argument interfered with.

Mr. SWANSON. I just simply want to ask you one question.

The CHAIRMAN. The gentleman from Missouri declines to yield.

Mr. SWANSON. If it interferes with the gentleman I will not persist, but I simply wanted to ask him one question.

The CHAIRMAN. The gentleman declines to yield.

Mr. HALL. I dislike to refuse to answer a question of the gentleman from Virginia [Mr. SWANSON]; but I will say this, not speaking to him, that if I have to yield for the information of every 16-to-1 man on this floor, my time will be extended to Sunday at noon. [Laughter.]

I do not know that I gathered the idea of the gentleman from Minnesota clearly on this proposition; but I take it that he was on the same tack as my friend Mr. Bland, when I had a joint discussion with him in Missouri last summer; and this was his position. He says that we have an instance in history where France kept up the price of silver, from 1806 to 1872, and he cites the instance of the Latin Union, and says the United States is now in the same position that France was in 1806. Let us see the analogy. In 1806 every government on the face of the earth, every civilized government, had its mints open to the free coinage of silver.

Now, there is not a civilized nation of the world of the first commercial standing, or the second, that has its mints open to the free and unlimited coinage of silver. That is the first analogy. In 1806 the amount of silver produced was, if I remember rightly, less than $38,000,000 a year, and now it is $214,000,000 yearly. In 1806 every nation was helping the Government of France to carry forward silver at a ratio of 15½ to 1. To-day there is not a single nation helping us. Where is there any similarity between our condition now and the condition of France then? This will show to what desperate extremities our 16 to 1 friends are driven to find excuse, example, and precedent for this inexcusable, unexampled, and unprecedented agitation in favor of the United States attempting to set aside and defy all the laws of commerce and trade, and we at the same time trying to continue a great commercial nation.

One hundred and fifty billion dollars is the amount of credit circulation in the United States. Shake the confidence of the moneyed class as to what kind of money they will be repaid in, frighten this credit, and what will follow? You will have a contraction in the volume of circulation, which is the credit part, and is a mountain as compared to the molehill of cash money. Every writer, as I have shown, says this credit circulation performs every function of money, and nobody will pretend to attack that proposition who is any way familiar with the authors on that subject.

Now, what have we in the United States to-day? An agitation. An agitation for what? An agitation by which men who had deposited their money in the 13,000 banks—the 9,000,000 of bank depositors in the United States, who have deposited over a billion dollars; these banks are threatened that their deposits will be paid in money worth 50 or 52 cents on the dollar in gold, when they know that at the time they made these deposits they were worth 100 cents in gold. If that agitation should succeed, what would be the effect? What would be the effect on your home bank? The effect would be that the bank would at once say: "Here,

we will draw in every loan that we have out, and we will not only do that, but we will get every dollar that we can lay our hands on and put it into the bank and keep it there."

If you asked why they did that, they would say, "We dread a run by these 9,000,000 depositors; if we do not have the money, the bank goes to the wall and the financial crisis will be intensified and increased." The banks therefore are hoarding their money, while the depositors are demanding their money. If the bank can not pay, it goes down. There you have at once a contraction of the circulation to the extent of every dollar of that money; but, worse than that, a repetition of what we saw in 1893, a contraction of the one hundred and fifty-six billions of credit currency or circulation which performs every office and function of money itself.

Mr. Chairman, we have a pendulum-like condition in the United States, an agitation by the extreme 16-to-1 silver men on one side, causing financial distress in the money market, a threatening of credit, national, State, municipal, corporate, and individual, and then falls on the other side a rush upon the gold reserve, followed by a bond issue. We have $262,000,000 of bonds issued now, and I have been informed by a gentleman in the Treasury Department that it may reach a thousand millions within the next eighteen months if the present processes and conditions are to continue. Here then we have $262,000,000 withdrawn from railroads, withdrawn from stocks and bonds, withdrawn from farm-supply investments, withdrawn from factories, withdrawn from all the enterprises that give labor employment and give food and clothing to the wives and children of laboring men, and put into bonds that pay no tax, national, county, State, or municipal, and the issue of which may reach a thousand million dollars within the next eighteen months.

Now, gentlemen, I will tell you what I set out to say. I did not intend to answer any argument made by the gentleman from Minnesota, because I did not know which side he was on; but I was going to say that Senator STEWART stated in his remarks on this subject that this was a dress-parade business solely; that the vote on this bill was for home consumption. If that is the case, I want to be reckoned on the side of the Jeffersonian, Jacksonian, sound-money Democracy under all existing circumstances. [Applause.]

And that is not all. If I were called on to-day, as I was called on some time ago before the annual meeting of the State Teachers' Institute of my State, to state what I regarded as the greatest crime, threatening and impairing our credit, American institutions, national and individual, and keeping us on the verge of a panic, I should reply in one sentence, "The cowardice of our politicians, of the public men, who have not the courage, the manhood, the grit, to go before the people and tell them when they are wrong upon these great economic questions." I am credibly informed that there are eight Senators at the other end of this Capitol who voted for this bill, yet who say that they believe the free and unlimited coinage of silver at 16 to 1 would mean national bankruptcy and ruin.

Mr. Chairman, in our form of government, where the majority of the people are the controlling power, the perpetuity of our great and free institutions depends upon the great mass of the people understanding the great basic principles of sound economy and finance. How are they to get this understanding? They have not the time amid the busy rush for a living for themselves and their families to take time from the farms, mills, workshops, offices, and counting rooms to delve into the intricate questions of national economy, international trade, and those intricate laws that govern them.

To whom can they turn for information? Not to the politicians. For I am ashamed to admit that the greed for public office makes cowards of otherwise good men. And while we may frequently see a good man resolving to "cease being a demagogue and become a statesman," yet "this native hue of resolution soon becomes sicklied o'er by the pale cast of thought" as to how he can be reelected.

What does it mean? It means that our politicians have concluded to hold themselves in office, national, State, or county, by letting a great number of men who have not the time to delve into these questions turn their backs upon their own welfare, and they are willing to close their hearts to all gratitude for past favors and tell those men that what really leads to their destruction leads but to prosperity and happiness, and these voters are too frequently controlled by the ranting of Populist demagogues when a firm denunciation of these heresies would prevent it.

I know, Mr. Chairman, that this is not going to make me popular with this class of men and that I shall be roundly denounced for these utterances.

I only wish someone else had undertaken this unpleasant duty. But as no one else has, I will.

For instance, I know that it is regarded as political death for a Democrat in a rural district west of the Mississippi not to throw up his hat and applaud these delusions, but if my people want a man of that kind to represent them they can get rid of me and I will willingly and gladly retire to private life.

Mr. TALBERT. Did not the gentleman vote for the free-coinage bill in 1893? I ask the question for information.

Mr. HALL. The gentleman from South Carolina asks if I did not vote for the free-coinage bill in the extra session of Congress in 1893. I answer yes. I will further admit that my vote then and my vote now are not consistent, or that I can be charged with that "hobgoblin of feeble minds" called inconsistency. But I tell the gentleman, also, that I have progressed since that time, while he is standing right where I was three years ago. [Laughter.]

Mr. TALBERT. And I shall stay there on that question.

Mr. HALL. The gentleman's question brings up the subject of that miserable fallacy, so-called "consistency." Let us see what there is in that.

Mr. LAYTON. I wish to ask the gentleman a question. I understood him to make the extraordinary statement a few moments ago that he had been informed that eight Senators who had voted for this bill had said that they believed the free coinage of silver would lead to the bankruptcy and destruction of this country. I ask the gentleman, "Do you believe that any Senator ever said that?"

Mr. HALL. I told you that I was credibly informed that they had said it, and I believed it, or I would not have stated it here.

Mr. LAYTON. Yes, you used the words "credibly informed," but I desire this House to know now whether you really believe that eight Senators, or that one Senator, ever made such a statement.

Mr. HALL. I believe that eight of them did. [Laughter.] If I did not believe that I would not have made the statement here.

Mr. Chairman, I refuse to retract one jot or tittle of what I have just said. I cited that case as an illustration, a great national condition, of the cowardice of our politicians, and I want it understood that what I have said is to stand without revocation. But now, on the question suggested by my friend from South Carolina, the question of consistency, I want to say a word. The gentleman seems to make the point that I voted differently in 1893 from my present position.

Mr. TALBERT. I merely asked the question for information. I had forgotten how the gentleman stood at that time, and I asked the question for information, and not to "rattle" the gentleman at all.

Mr. HALL. It does not "rattle" me at all, and I will tell you why.

Mr. TALBERT. I would like to hear.

Mr. HALL. I will tell you. The reason it does not rattle me one bit is because I find, upon investigation in the Bureau of Education, that the Chinese, the inhabitants of the Indies, and the tribes of Africa are the only human beings that are continually consistent. [Laughter.] The lower grades of animals also are always consistent. [Laughter.] I maintain that reasoning, thoughtful, clear-headed men, who pass through the world with their minds open to the investigations of truth, are ever liable to change.

What is progress but change?

Where is the intelligent man in the United States who has not a high regard for the fame of William E. Gladstone, the great English statesman. His legislative life was one of constant change, and therefore progress.

Observe the course of Bismarck, the greatest of German statesmen. When he was advocating the sale of the silver of Germany for whatever price could be obtained for it and was approached by one of his friends, who said, "I am just where you were ten years ago," the reply was: "That was the political blunder of my life, and I have had intelligence enough to profit by it and move forward."

In the history of the world there is no great movement that has not contained the germs and seeds of progress and development, and therefore of "inconsistency." I might take a case from our own legislative halls.

Mr. MERCER. The gentleman might refer to what Stephen A. Douglas said about a man who never changes his opinion.

Mr. TALBERT. According to this doctrine, we can never tell where a man stands.

Mr. HALL. We can always tell, Mr. Chairman, how certain animals stand, and how the Chinese stand, because they adopt the doctrine of Confucius, that the greatest crime which a Chinaman can commit is attempting to do a thing differently from the way his ancestors did it a thousand years before.

But let us take legislative proceedings; take matters of parliamentary law. My friend from Georgia has had occasion on this floor to cite a case where our present Speaker varied from the position which he now occupies upon the question of counting a quorum. Certainly Mr. REED of Maine held at the time the view attributed to him; but further investigation showed him that he was wrong; and when he found he was wrong what did he do?

[Here the hammer fell.]

Mr. TALBERT. I ask that the gentleman be allowed time to conclude his remarks.

There was no objection.

Mr. HALL. Mr. Chairman, I was about to speak of Mr. REED's lack of "consistency." That gentleman is quoted by our worthy leader on this side of the House, Judge CRISP—I mean our leader on all questions except money. [Laughter.]

Once when the question rose in this House as to the right of the Speaker to count a quorum, Mr. REED, then a member, thought that such power did not exist. But investigation of the matter subsequently opened his eyes upon that question. What is the result? He changed his position upon that great rule of parliamentary law and wrote himself down what history, after partisan prejudice and passion shall have passed away, will justify as one of the greatest pioneers in parliamentary law that ever lived. [Applause.] That was a violation of "consistency." I never in any public utterance condemned Mr. REED for the position he took on that question, and I never intend to do so, for he was, in my judgment, absolutely correct.

I observed a remark of my friend from Georgia this morning to the effect that in voting for this first section of the Senate amendment he was standing upon the Democratic platform adopted at Chicago in 1892. I know that I am talking to a body of men who know that platform by heart; and I defy any one of them to produce one section of that platform that warrants a vote by any Democrat for the first section of this Senate substitute.

You can not find any such provision in the Chicago platform of 1892. You will find in that platform of the Democratic national convention a declaration that one dollar should be made as good as another in the United States and the world over. You will find in the platform of one national convention a doctrine corresponding exactly with the first section of that Senate resolution. I refer to the national platform of the Populist party, announced at Omaha July 4, 1892. That is the only political platform in the United States that has ever laid down such a doctrine as that embodied in this Senate resolution.

Mr. Chairman, I will tell you the class of people to whom, in my judgment, legislators should most look in legislating upon the money question—the people who find it hardest to get money and those who are most affected and distressed by a failure to have an adequate circulation. Those people are the great farming and laboring classes of this country.

Sir, the gentleman from Minnesota [Mr. TOWNE], who spoke just before me, said that the money of the country is like the lifeblood. That is correct; but he should have added that credit or confidence is like the heart that drives that lifeblood to the uttermost extremities of the body. There is the rest of the analogy; but the gentleman stops short. What part of the body begins to get cold first when the lifeblood is withdrawn by the lack of the pumping power of that heart, which answers to confidence in monetary affairs? It is the extremities of the body; the fingers and the toes begin to get cold on the approach of death or from any retardation of the circulation.

How do we sometimes resuscitate a person in this condition? By starting the action of that great engine that drives again the lifeblood to the extremities of the body. That is what is necessary in this case.

What are these men battling for? What is this Senate bill intended to accomplish? Its advocates come forward battling for one-thirtieth of 1 per cent of the circulation of the United States, and proposing to cut down the other 99.99 per cent of circulation which is manifested in confidence and credit.

Mr. Chairman, I did not for many reasons intend to make an address on this subject further than to put myself on record as the one Democrat from a rural district west of the Mississippi in a purely agricultural region that dares stand up and say that sound money is the salvation of the agricultural and laboring classes of this Government. I wanted to put myself on record in that way because Mr. STEWART has said that this is a "dress parade" affair, and that noses will be counted. I understand full well that the action of the National Bimetallic League has put my district on the black list.

I understand, Mr. Chairman, situated as I am, with both of my Senators on the opposite side of the question, my entire State and all my speaking colleagues, on the Democratic side, on the other side of the question, that leaves me standing alone practically, and with a hard row to hoe. But whether I appear in the Fifty-fifth Congress or not, I expect to battle for what I believe to be the best interests of my people; to give them a sound money, and as far as I can, within my district and in my own State, I will aid the sound-money leaders of my State in their efforts in that direction. And if in that effort I shall go down to defeat, I will go with my own self-respect, and I trust with the respect and confidence of my friends, who will be able to appreciate the fact that I was not too cowardly to tell my people what I believed to be right when their judgment was entirely the other way. I thank the House for its courtesy. [Applause.]

Mr. COX. Now, in view of the fact that our associations have always been so pleasant, in view of the fact that we have acted together and worked for free silver, I hope the gentleman from Missouri does not mean to say that any of his friends who happen to differ with him on this question, or who have not advanced as far as he has, are a set of cowards or have no respect for facts?

Mr. HALL. I will say simply this, that I had no reference to my friend from Tennessee. I do not believe the shoe fits him, and I do not want any man to wear it unless it does fit him. I never worked on the Coinage Committee with my friend, but did work with him on the Committee of Banking and Currency, where our relations were always pleasant, and the work on his part was able and conscientious.

Mr. COX. There is one more question. Do you not think it fair when you change your course you should have said some kind words to the associate with whom you had been connected for so long a time?

Mr. HALL. I can only say God bless you, and I hope you are going to open your heart and eyes and get right upon this question. [Prolonged applause.]

Senate Substitute for the House Bond Bill.

REMARKS

OF

HON. THOMAS J. STRAIT,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 13, 1896,

On the bill (H. R. 2904) to maintain and protect the coin redemption fund and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of the revenue.

Mr. STRAIT said:

Mr. SPEAKER: It is said that in the multitude of council there is safety, but it is difficult to realize the truthfulness of this after beholding the scenes that are enacted in the assembly of this great nation year after year. When we see reason dethroned by party feeling, in order to keep up party organization, at the expense of suffering millions, we are amazed.

How often have we heard it stated on the floor of this House that "all is right"; that as soon as confidence is restored everything will be prosperous. This old statement has been used until it is threadbare. For years it has fooled the people, and has been used purposely to fool them. Instead of prosperity, what do we have? There are nothing but murmurings, as of distant thunder, coming from every quarter and from every class except one or two. Instead of the prophesied prosperity there is an increase of failures, with increased liabilities, and a tendency to concentrate all kinds of business into corporations; the smaller merchants swallowed up and closed out; thousands of small farms passing into the hands of land-loan and trust corporations at about one-third of their cost, and their real owners thrown upon the world to fight the bitter battles of life without a penny to help in the struggle; patriotic men and women reduced to penury and practical serfdom, and patriotic principles struck down. The lords realize the fact that men without homes are more easily managed and controlled and subservient to their masters.

Add to this impoverishment of the agricultural classes of this supposedly great country, Mr. Speaker, a picture of thousands of idle factories and millions of tramping men hunting bread for themselves and starving wives and children, and we see to what pass the situation has come by the inaction of these "all is right" statesmen. There are a thousand other things which could be said to show the deplorable condition to which the agricultural and laboring classes have been brought. There are men who sit in the halls of Congress of this country who do not want to know of these things; but the time is coming when circumstances will force them to know it. Still, we hear that nothing is wrong and that our evils are imaginary. There is undoubtedly some cause for the unrest of the people and for the terrible condition of affairs. Some attribute the cause to the lack of a protective tariff; some to too much money of the wrong kind; some to not enough money; the majority to the striking down of one of the final redemption metals, thereby making it simply a commodity and increasing the work of the remaining metal to double its capacity. The latter class is right in believing that the enormous demand for gold by the nations of the world to establish a gold standard has doubled its value compared to other products.

This argument has been made too often to again go over, but when the low price of the products of the country is met with the cry of overproduction it is enough to make one sick. When an enormous increase in population is compared to the alleged increase of products, no man can see anything sensible in all this cry of overproduction. It comes from the same people who are constantly feeding the country on the "all is right" stuff. There might be an underconsumption instead of an overproduction, because there are thousands of people lacking the necessaries of life. I would like to ask the members of this House if they are not aware of thousands of people who are in need of bread? How many humble homes in the cities and towns of this beautiful country and how many farms have gone to rack because of a lack of money? What causes the desolation which pervades particularly the rural districts of the country?

Mr. Speaker, after the civil war, when the South had been crushed, overpowered by numbers, our people, with no resources but the land and with what little greenbacks they could get, started life anew. They made marvelous progress with this much-abused money, and not only lived but prospered—prospered as no other people ever did in the history of the world—until this money was curtailed and silver was stricken down by treachery and rascality. The debts of the country have been doubled and the capacity to pay them diminished accordingly, bringing untold misery upon the people.

Now, Mr. Speaker, to revert to the overproduction theory and myth. In 1873, when this rascality commenced and the people were robbed of their constitutional rights and plunged into pauperism, there was as much land as there is now. I hope my gold-bug friends will not charge that there has been an overproduction of land, although it would be compatible with their position on all other matters for them to do so. Well, there was as much land then as now. The population of the country has almost doubled, but have the prices of the lands increased? Instead of doing so, they are hardly half of what they were then. Have the prices of the products of the lands increased? I have no doubt but what some of the able overproduction dodgers can answer these questions to suit themselves and the money power, but will they be able to answer them to suit the farmers, who know better about these facts than all the moneyed men of the country put together? I am a plain man, representing a plain and honest people, and I say here that there may be an overproduction due to an underconsumption, because of thousands of starving people, but to the mind of the plain people of the country the trouble is due to an underproduction of money.

As to the issues of bonds before this, Mr. Speaker, I say that the shadows of suspicion cast upon our rulers for their connection therewith are humiliating to this great nation. There is humiliation enough to cause this representative body to stand with bowed heads. It is a sad spectacle when an already dissatisfied people come to believe their rulers dishonest and incompetent and working against them in behalf of money sharks and syndicates and corporations. The latest newspaper stories that a certain syndicate received a tip just before the opening of the bids for the last bonds, or, in other words, was let into the secrets of the transaction, is enough to cause every patriotic citizen of the United States to shudder at the prospects of the evil consequences which will follow such suspicion. The people of the country are ready and willing to believe whatever they hear and read. The course of certain officials of the country has been such as to strengthen the suspicious natures of an overburdened people.

There is no doubt that the people have been outraged, and the question has become so important and the solution fraught with consequences so far-reaching that it is the duty of every member of this House to speak out boldly upon it and let the nation know where they stand and why they stand where they do. It has been asserted that this question is threadbare, but no unsolved problem of such importance to a nation can possibly be threadbare. Weeks and months might be spent in its discussion, but still there would be many good reasons for the passage of this substitute. It is not necessary for me to enter into the subject in all of its bearings and give reasons why I say it should be passed. Reasons enough have already been given, and I shall content myself with presenting what I conceive to be one of the most important and alarming features of the situation. It is admitted by those who uphold the present policy of this Government that we can not maintain a single gold standard under existing conditions without continuous issues of bonds.

These bonds must, to a large extent, be sold abroad for gold to be brought here in place of the gold lost by export. They contend that the legal-tender currency is redeemable in gold when there is a law for the retiring of such currency, and that this forms an endless chain for the withdrawal of gold from the Treasury for export; that should Congress consent to the retirement of all legal-tender currency the gold exports would stop. That proposition I deny, and believe it can be shown to be a fallacy. International monetary conditions have changed since the adoption of the single gold standard by foreign nations, and it is a part of true statesmanship to recognize the changes and meet them as they present themselves. No man can deny that when the great nations of the world discarded silver and adopted the single gold standard there began an international scramble for gold. Previous to that time some of the nations had aspired to be agricultural, some manufacturing, and some commercial. Since then the first object of each has necessarily been the acquisition of gold. Being a common and international scramble, the gold price of all commodities in these countries must be so nearly the same that they could not be exported without loss, otherwise the country importing them would lose gold.

Now, we practically have a single gold standard in this country, but the general level of prices of labor and commodities is higher here than in other gold-standard countries. While that condition continues to exist the export of gold will not cease. There is absolutely no way to avoid it. This is the true reason for our present loss of gold by export. Our legal-tender currency simply forms a convenient method of collecting gold. If it were retired some other means would be employed for obtaining gold, which, like every other commodity, would seek the highest market. Our effort to maintain the present level of prices in this country, and at the same time perpetuate the single gold standard by issuing bonds, is like pouring water through a seive.

Now, Mr. Speaker, we can not maintain a gold standard and the present level of prices. One or the other must yield to the inflexible law. The only way on earth to maintain a gold standard is to buy the gold and pay for it. Then we can keep it, but so long as we buy it on credit it will leave us faster than it came. To purchase it and pay for it we must reduce the general level of prices for all labor and commodities in this country to a lower point than in the pauper-ridden, effete monarchies of the Old World. Can we afford to do that? Let it be attempted and continued and no man can predict the dire results that will follow. Let no man deceive himself. The perpetuation of the gold standard means the reduction of free and enlightened Americans to a level with the ignorant, half-starved, menial classes of the Old World who have been trained to privation from infancy to the grave. If you elect to bring this condition of affairs upon the people of this country you had best vote to close our public schools, stop all donations to arts and sciences, and establish petty despots in every county, backed by a standing army, to compel proud Americans to work sixteen hours a day on half rations and to wear rags. What for? Simply to enable us to maintain a lower level of prices than those that prevail abroad and please Wall street plutocrats.

If you want to reduce our farmers and laborers to serfdom and add millions more to the hoarded wealth of our present millionaires you can easily do so by the plan I have mentioned. Then our gold will stay with us. We may be able to import some. In this way we can win in this scramble for gold, but God forbid! Let us pause and consider before we plunge this free and beautiful land into revolution and ruin.

Now, gentlemen, the passage of this bill will, in my opinion, end all of these troubles. The Goddess of Prosperity is smiling upon us with bountiful harvests, and is knocking at our door, ready to enter and spread joy in every State. It is our duty to our constituents and posterity to pass this bill and bid her enter this glorious land of ours and make it her permanent abiding place.

Free Silver, Not Bonds.

SPEECH

OF

HON. THOMAS C. McRAE,

OF ARKANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 6, 1896.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of the revenue—

Mr. McRAE said:

Mr. CHAIRMAN: I am opposed to the bond bill passed by the House. I would not under any circumstances vote for the sale of bonds to purchase gold. I favor and will support the substitute of the Senate, which provides for the free coinage of silver at the present legal ratio of 16 to 1.

The gentleman from North Dakota [Mr. JOHNSON] boasts that the legislation in reference to revenue, coinage, and currency from 1861 to 1893 was the work of the Republican party. I admit it, and, so far as I am authorized to speak for the Democratic party, make haste to disclaim responsibility for any part of it. I chal-

lenge the gentleman or anyone else to show a single law in all this legislation which was not dictated by organized capital and against the interest of the toiling masses. Or, if I may be allowed to express the idea in the language of the eloquent Senator from Indiana, I would say that "every concession ever made by law to the greed and lawless avarice of the money power since 1861 is the work of the Republican party."

When we remember that at the end of that period the Treasury was practically bankrupt; our foreign commerce dwindling; the farms incumbered with $6,000,000,000 of mortgages; that we had $2,000,000,000 in national and State debts, $5,000,000,000 in railroad debts, 4,000 trusts, and a million of idle men, all the legitimate result of the general policy of the Republican party, I wonder that the gentleman would advert to it, even to remind us that wheat was worth more in 1891 than it is now.

In giving some of the reasons why I shall support the Senate amendment I must of necessity repeat to some extent what has often been said by the friends of silver. But until the character of the assaults on the part of gold monometallists is changed, our main points of defense can not vary much except in the form of statement.

THE USES OF MONEY.

It has been said by a great political economist that real money is an order drawn by the government in favor of the owner on all persons who have things for sale. Everybody wants it, because with it they can obtain all of the things that add to their comfort and happiness.

Money has three principal functions: (1) It is a medium of exchange; (2) it is a legal tender for debt; and (3) it is a standard and measure of value. Early in the history of the human race it became necessary to adopt a medium of exchange for commodities and products without which mankind, society, nor government could exist. Some parts of the earth are adapted to the cultivation of cotton, others to the production of wool; some to the raising of corn, others to wheat; some to the growth of hogs, and others to cattle; in some mountains we find precious metals, while in others we find iron and coal. There is no man who can produce one-tenth part in kind of all that he uses, and there is no government with such a diversity of interests as to be able to supply all the numerous demands of its inhabitants. They all have something to sell, and want at the same time to purchase at least a part of what has been produced by someone else.

So it is absolutely necessary to have money as a medium of exchange, and for forty centuries it has existed by consent. A large part of the commerce and business of the people must be done upon a credit, and as debts for a long or a short time must be contracted, there should be a legal basis upon which deferred payments can be adjusted and finally settled, so in all countries there must be a legal tender or money of final payment. This function is imparted by law, and I think should attach to all forms of money issued by the Government. As an honest standard and measure of value the metal from which money is coined should be worth intrinsically or commercially what it purports to be. I believe in honest money, gold and silver, and paper convertible into coin on demand. I have always fought and now repudiate the theory of irredeemable fiat money as dangerous to good government. I do not believe that the law alone by a simple declaration can fix the exchangeable value of money any more than it can fix the value of anything else.

All the acts of Congress that might be passed and all the international agreements that might be made declaring silver bullion to be worth $1.29 an ounce, without providing for its coinage and use as money, would not increase the commodity price of it one cent. If left uncoined its value would still be controlled by the law of supply and demand, and until there is some new use found for it, or until there is some diminution in the supply, laws and international agreement would not affect the value. But, Mr. Chairman, while the law can not add value to silver bullion, it can increase the demand for it and enhance the value of it by providing for its free coinage and use as standard money. This idea will perhaps be made clearer by referring to the act of November 1, 1893, which in terms commits this Government to the use of both gold and silver as standard money, but makes no provision for coining silver. The act of Congress adds therefore nothing to the price of silver bullion, for in fact silver has been cheaper since its passage than ever before. But it will hardly be denied that if this act had carried with it a provision for free coinage, silver bullion would have advanced immediately to a par with gold.

If I did not believe that the disparity which now exists was caused by the limited coinage of silver or rather the failure to coin it freely, I would not favor the free and unlimited coinage of it at a ratio of 16 to 1. I am as much in favor of honest money as any man can be, but I emphatically deny the false assumption of the gold monometallist that gold is the only honest money.

REAL AND CREDIT MONEY.

(1) Real or metallic money is such as has real or commercial value, that which needs no redemption and is itself final payment. It cuts its way through the business world and asks no government or bank to be responsible for it. Primarily it is a natural product and is not the fiat of human government. It is indestructible, and yet the supply has never exceeded the demands of trade and commerce. (2) Credit money is all that character of government notes or bank bills which to be serviceable as money must be redeemable in real money on demand. We have in the United States according to the last monthly statement of the Treasury Department in gold coin $583,488,105; in standard silver dollars, $423,289,629; in subsidiary silver, $78,573,872; in United States greenback notes, $346,681,016; in Sherman Treasury notes, $137,324,280; national-bank currency, $213,496,547, besides some Treasury certificates. The grand total of our circulation on the 1st of this month was $1,589,720,607. Under our present system all of this volume of credit money rests on the narrowing gold basis, and it requires no great financial ability to see that the structure is top-heavy with promises that require frequent redemption. Is it any wonder, then, that the "wheel within a wheel" exists and that gold goes out of the Treasury faster than it comes in.

OBJECTIONS TO THE SINGLE GOLD STANDARD.

1. Gold is insufficient in quantity to answer the demands of our increasing population and growing commerce. The fact that all gold-standard countries are compelled to use silver ought in itself be enough to show that there is not enough gold, but there are other facts to which I will call attention. That this Administration has purchased $262,000,000 of it, partly foreign gold, shows how scarce it is in this country, and yet of the $1,500,000,000 produced in the world since 1879 the United States have absorbed in their monetary system over $600,500,000 and used in the arts nearly $200,000,000. In other words, more than half of the output of all the mines in the world has been used in the United States, and still we are selling bonds to get more. Again, the world's production of gold since 1873 has been about $2,500,000,000, and yet the coinage of the world for that time has been nearly $3,000,000,000. Some of this excess is recoinage, but not near all of it. So we see that gold is so scarce that gold-using countries have been compelled to coin the jewelry and household ornaments in order to meet the urgent demands for money.

2. It is the money of large transactions and does not generally circulate, and is easily cornered and premiums on it extorted in the way of long-time interest-bearing bonds. It ought not to be hard to understand how easy it is for the banking power of the world, aggregating as it does $20,000,000,000, to corner one-fifth that much gold.

3. Gold is appreciating in value, is therefore unjust to debtors, producers, and laborers. It is hardly necessary for me to spend much time to prove that prices have declined since 1873. I am aware that the advocates of the single gold standard claim that for some reason, which they do not and can not explain, gold has a fixed value and that as the gold dollar is not worth more than 100 cents, therefore, it has not increased in value. The fatal error in this assumption is in measuring it by itself. All dollars contain 100 cents, and so they would if doubled or reduced in value. Of course the gold dollar is worth 100 cents, and so is the silver dollar. It takes 100 cents to make a dollar. A fair illustration of the absurdity of this contention is furnished by a story told of a distinguished Indiana volunteer general in the late war between the States.

General Rosecrans instructed him to gauge the Tennessee River at a given place, and ascertain every hour its particular stage and the rapidity at which it was rising or falling. The Hoosier general accordingly constructed a scale of inches upon a board three feet long and nailed it to the side of a flatboat floating on the river, so that the end from which he began to number would just touch the water. The general inspected the gauge as ordered each hour during the entire day, and reported each time that the river was on a dead standstill, although the fact was, as shown by the high water marks on the trees and other natural objects, that it had been rising during the entire day at the average rate of three inches per hour. [Laughter and applause.] There are two clocks in this Hall, and they show a difference in time of two minutes, but you can not tell which is wrong by comparing them with each other. You must test them both by the sun, the only thing by which you can measure time. And so, Mr. Chairman, you can never determine whether gold has risen or silver has fallen in value by measuring gold by gold, or silver by silver, nor the one by the other, but you should measure both by the great commodities of our country. When you do this you will find that both have changed; silver has depreciated because not coined freely, and gold has appreciated because in part it now performs the work heretofore done by both gold and silver, but silver has kept nearer on a parity with cotton and other commodities than gold. Twenty-five and eight-tenths grains of gold will now purchase more than twice as much cotton as it would in 1873; 412½ grains of standard silver will purchase as much now as it would then.

In that year we exported about 1,200,000,000 pounds of cotton, for which we realized $201,635,376. During the fiscal year ended June 30, 1895, we exported 3,517,433,109 pounds of cotton, for which we got only $204,900,990. I do not say that the discrimination against silver is the sole cause of this decline, but I do believe that it has contributed in a great measure to it. I do not believe the free coinage of silver would double the price of cotton, but I do think it would increase it. It would at least stop the decline in prices. The adoption of the single gold standard has reduced the price of all forms of property except gold mines and debts.

OBJECTIONS TO SILVER ANSWERED.

Now, let us consider some of the objections urged against silver by gold monometallists.

1. They say that because prior to 1873 the United States had only coined about 8,000,000 standard silver dollars this shows that the people of the United States did not want silver money. This statement is part true and part false, but is altogether misleading.

What are the facts? By the acts of February 9, 1793, April 29, 1816, March 3, 1823, and June 25, 1834, the coins of Spain, Portugal, Great Britain, France, Peru, Chile, and Central America were a legal tender in the United States until 1857, and they were coined at a ratio of 15½ to 1, 3 per cent less than the United States would coin silver. So the keen sense of the careful, prudent, American miner, who dug his silver from the earth, suggested to him to take it to the foreign mints and have it coined. He got more dollars for his bullion, and as they were a legal tender here they circulated and performed all the functions of American silver money. There is not a gentleman here over 60 years of age who may not bear me witness that Mexican dollars and 5-franc pieces were as common before the war as standard silver dollars are to-day. The truth is it was then as it is now, that silver was in much more common use than gold. That is why none of the standard silver dollars were coined, and it is not true that the people did not want them. That same selfishness which carried the American silver to foreign mints to be coined will prevent foreign coins from coming to ours if we adopt free coinage, because they still adhere to the old ratio of 15½ to 1.

2. Is the difference in the bullion value caused by overproduction? I think not, for in 1855 the production of gold was so increased as to be four times that of silver—the change in the ratio of production being about twelvefold, and yet this did not change the relative value of the two metals. From 1855 to 1873 the world doubled its silver production, and yet during that eighteen years there was scarcely any variation in the relative value or the ratio of gold and silver. The United States have produced about twice as much gold as silver. The reason why the relative value has not changed with the changes in the ratio of production is in the fact that both gold and silver were redemption money—did not need to be redeemed in something else—and that it was impossible to have too much of either. For such money there is always an unlimited demand. Everybody wants it, and until you find some power that can set a limit upon human wants, avarice, and greed, there can not be too much of gold or silver. It is a striking and significant fact that wherever one of these metals is found you generally find the other near by. There appears to be some law of nature that holds them together, and we find them sleeping side by side in the "rock-ribbed" hills of our great West. I believe that these metals were designed by an all-wise Providence to be used by mankind as money. When the United States and Germany inaugurated the proceeding to abandon the coinage of silver, it was not cheap but was at a premium, and the world's production for the preceding year was $51,575,000, while the production of gold was $106,850,000. The average production of silver for the six years preceding 1871 was only about $51,000,000. The excess in the production of silver over gold since 1871 is only about 10 per cent. Certainly this did not cause the 50 per cent decline in the bullion value of silver.

3. Would free silver Mexicanize the United States? My friend the chairman of the Committee on Coinage, Weights, and Measures, [Mr. CHARLES W. STONE], who preceded me, had read an article from a Government publication showing the condition of the peons and the price of labor in Mexico. I want to suggest to the gentleman, in the language of Mr. Carmack, the eloquent and able editor of the Memphis Commercial, "That the difference between this country and Mexico is that of men and not of money." I want also to say to him that if she had the single gold standard the condition in Mexico would be infinitely worse than it is. She is making more progress in building railroads and factories than at any period in her history. The true test is to compare her condition now with that of 1873.

Mr. CATCHINGS. I understand that Mexico is a silver-using country only. We all agree about that. Now, if we were to concede that Mexico is on a high tide of prosperity, which I do not concede, but if we did so, would that be an argument for bimetallism? Would it not be an argument that we should go to a silver standard? I do not see what it has to do with the bimetallic proposition.

Mr. MCRAE. Mexico is a silver-standard country. She is weak as a government, her people are generally poor, her commerce is small, and she has but little use for gold. Her stock of gold is less than 50 cents per capita, while she has of silver only $4.55 per capita. The transactions in Mexico are so small that gold is not adapted to them. It is different with us. We need gold for our large transactions and silver for the smaller ones, and we have business enough for all we can get of both. Mexico has not.

4. They also tell us that we will be deluged with silver. I want some gentleman to tell me where the silver is to come from.

Mr. BOATNER. Mexico.

Mr. MCRAE. Suppose we get all there is in Mexico. How much additional per capita would it give us?

Mr. BOATNER. The gentleman can make the calculation.

Mr. MCRAE. Mexico has only $55,000,000 of silver, and that would not give us $1 per capita—not enough to buy sewing machines for our wives. [Laughter.]

Mr. BOATNER. If you argue that the unlimited coinage of silver would not cause a deluge in silver in this country and would not give us silver monometallism, will you please explain why that result has followed in every country which has retained the unlimited coinage of silver at any ratio?

Mr. MCRAE. It has never followed in any first-class government like this. If France, Germany, or England should adopt the free coinage of silver, it would not, in my opinion, follow. It follows in Mexico and Japan and all those half-civilized countries, for reasons that I have stated.

Mr. BOATNER. Then why did France change it in 1874? She has commerce and is a very powerful nation?

Mr. MCRAE. I would think because the United States did so first. France, be it said to her honor and glory, stood by us in our fight for liberty; she gave her gallant and noble son, Lafayette, to help us win our independence, and she faithfully kept the agreement to maintain real bimetallism until after the United States, by the act of 1873, abandoned it. It is sometimes said that the United States followed France and Germany to the single gold standard. It is not true. Germany put upon the market some of her silver prior to our law, but the German act of demonetization was not passed until the July following our act of February 28, 1873.

Mr. LACEY. Did not France change her ratio over twenty times in less than one hundred years in order to keep bimetallism?

Mr. MCRAE. I do not know that she ever changed her ratio, and if so, how often, but I give her praise for doing so if it was necessary in order to keep bimetallism. If it is necessary for us to change the ratio in order to keep bimetallism, let us change it, but I want to say that we now have the highest ratio of any first-class country.

Mr. WILLIAMS. France has never changed her ratio from 1873 until now.

Mr. LACEY. She dropped silver altogether in 1874.

Mr. WILLIAMS. But the ratio has never been changed since that time.

Mr. MCRAE. Outside of the bullion owned by the United States there is but little uncoined silver in the world. It is estimated that 90 per cent of the product for the last year was coined. The silver in Europe is coined money, and is the equivalent of her gold and circulates side by side with it, and it is coined at a ratio that would require the loss of 3 per cent and freight charges both ways in order to exchange it for a dollar of no greater value to them than the coin they now have. Besides, we must remember that the European coins are old and that there will be considerable loss in melting. Gold is not a legal-tender in India, and that country will not dump any silver on us as long as silver is in the hands of the common people and is the only money they have. The proposition for free coinage practically involves only the coinage and use on our part of our present stock and the annual increase, which would be about $1 per capita. We must not forget that Europe still coins silver on government account and that our miners furnish them a large part of it. The net exports of silver for 1895 amounted to $27,631,789. I refer to those facts to show how easy it would be for us to absorb the present surplus of silver bullion. This is a world-wide question, and it can not be fairly considered without estimating the demand of the world.

IS IT REPUDIATION?

The gentleman from Maine [Mr. DINGLEY] on yesterday, and the gentleman who preceded me this morning [Mr. JOHNSON of North Dakota] have said that free silver means the repudiation of existing debts. If I believed that I would not give my vote to it. I do not believe there is any way to get rid of an honest debt except to pay it, and I have no respect for the man, the State, or the Government that would repudiate the payment of a just debt. But I am just as much opposed to the robbery of the helpless debtor who is required to pay in a coin made dearer by law.

All private debts are payable in lawful money, unless otherwise stipulated in the contract, and all our public debts are payable in coin—gold or silver. While we make no proposition to change the one, we should resist at every step the scheme of the bondholder to alter the other. For both we insist upon payment according to the terms of the contract. But I beg to remind the

gentlemen who shout themselves hoarse over the false cry of repudiation that they have, unintentionally perhaps, utterly demolished some of our Democratic gold men, who insist that free silver is in the interest of the silver miners. If it would work the repudiation of private and public debts by paying them in 50-cent dollars, then it could not enrich the miner. I will leave our gold-bug friends who present these two conflicting arguments to get up a joint debate and determine which of the two propositions is true. [Laughter.]

I am not here to speak for the silver miners. For them as miners I care nothing. I had the honor when the Sherman Act was pending to speak against its passage, and I said then that the Senators from the silver-producing States by agreeing to it would surrender to the Eastern gold bugs, and I now charge upon them responsibility for all of the injury to bimetallism which has resulted from that miserable makeshift. To get a market for a lot of silver bullion they consented and aided in the passage of a law that stopped all coinage. Both in the House and Senate, the Democrats, the real friends of silver, voted solidly against that act, because it reduced silver to a commodity and surrendered the scientific principle of bimetallism.

Other timid gentlemen, Mr. Chairman, tell us that they believe in bimetallism and want an international agreement, but assert that we can not go it alone. Can not go it alone! May the Lord increase the faith and patriotism of all such! If it was necessary for the United States to go it alone upon this question, as she has upon others, I think she has the commerce, the resources, and the people to enable her to boldly declare that "We will go it alone!" [Applause.] But, sir, we will not be alone. Of the 1,250,000,000 people of the world, about two-thirds are to-day upon the single silver standard, while there is not a single government on earth that does not use silver to some extent.

Mr. LACEY. The gentleman says that two-thirds of the people on the globe are using silver as the basis of their currency. Now, if that is true and they can not raise the price of silver bullion, how is it that the gentleman expects the addition of 70,000,000 more of users to have that effect?

Mr. CATCHINGS. I wish my friend from Iowa would add to his question the fact that since 1873 more than $2,000,000,000 of silver money has been coined and still the price has gone down.

Mr. McCULLOCH. Let him add also the fact that notwithstanding the use of that silver the world has also about $2,460,000,000 of uncovered paper money, which shows that the world lacks that amount of real metallic money and is compelled to substitute paper for it.

Mr. McRAE. All the governments, I think, use silver in some way as money. Measured by population, a large majority of them have adopted silver as the standard, but as none of the great Governments like the United States, Great Britain, France, Germany, and Russia provide for the free coinage of silver, as they all do for gold, there is an annual surplus of about $200,000,000, which is not needed to meet the demands of their limited coinage laws, and the value of that surplus is called the commercial value of silver. It is worth less than coined silver because denied the functions of money. All the silver coined by any of the great commercial powers that I have named is on a parity with gold at the legal ratio which, in every other country except one, is less than ours. On the question of the ability of the United States to take this step without treaty, I desire to quote the opinion of that great lawyer and wise and conservative statesman, ex-Attorney-General Garland. He says:

I can not help believing that our country is big enough in territory, in soil, and climate, in all the appliances of the arts and sciences, in all its variety of productions, in all its different interests of its people, in energy and honesty, and in name and character, to fix its own standard of value without waiting for or dancing attendance upon foreign powers. Let us fix them and these foreign powers can follow, if they will; but let us fix them.

We occupy first place as to mining, manufactures, agriculture, education, and the industrial arts. The growth of the United States can as well be shown by its railways as anything else. Fifty years ago we had no railways, but now we have 76,000 miles, the value of which can not be expressed in the total coined money of the world.

The banking power of the United States is nearly one-third that of the world and half as much as all Europe. I call attention to the following from the St. Louis Republic:

The wealth of the United States is more than a fourth as great as that of all the rest of the world put together. So reports Professor François, a student of political economy, in a recent number of Monde Moderne, a French publication.

He places the wealth of this country at 313,000,000,000 francs, which is equivalent to about $62,600,000,000, and that of the other eighteen countries covered by his statistics at 1,144,700,000,000 francs.

According to this statistician, the value of all property owned in England, including money in circulation, is 265,000,000,000 francs—48,000,000,000 less than this country's wealth. Third place is given to France, with 225,000,000,000, and fourth to Germany, with 161,000,000,000 francs. Then come Russia with one hundred and twenty-seven, Austria-Hungary with eighty-two, Spain with sixty-two, and Italy with fifty-four billions, or milliards—as the French say—of francs.

These are the richest countries of the world. There are four in the list—Italy, Spain, Russia, and Austria-Hungary—whose combined wealth is only a little larger than that of the United States.

Senator GEORGE, that great lawyer and courageous champion of the common people, has stated the facts bearing upon our power, wealth, and productive capacity more forcibly than I can hope to do. I will ask the Clerk to read what I have marked.

The Clerk read as follows:

The United States in territory, leaving out Alaska, is larger than all Europe, leaving out Russia. Their soil and climate are unequaled. The range of their productions covers nearly all that is valuable to man and all that is essential to human happiness. Taking the silver-using countries, there is produced in them and in the United States together every necessity and every comfort of human life. We are 70,000,000 people, and are increasing at the rate of 2 per cent per annum. Our country is comparatively new and undeveloped. More and better houses, roads and bridges, railroads and canals are needed. Money is needed to make them. We ought not to borrow that money from abroad, and would not if we had a sufficiency. Our mines are more cheaply worked and turn out more than those of other countries. The immense and valuable forests which now obstruct the farmer's plow need to be cleared away to make homes for our increasing population, 32 per cent of whom are landless. More and better schoolhouses and church edifices are needed, more museums, more galleries of art, more public libraries.

Our population is the most industrious and the most productive of all peoples, and consumes more commodities, and therefore needs more money, than any other.

A great statistician and a gold monometallist, Mr. Walker, of Massachusetts, has stated in a public speech that we consume more than do 200,000,000 of the people of Europe—about three times as much per capita. By the extreme subdivision of labor now existing and still progressing, no man produces one hundredth part of the commodities he needs. He produces to sell for money with which to supply his wants. As production increases so does consumption, and so does the need for more and more money.

Let us compare our country a little further with Europe. I take my figures from an English statistician of world-wide renown, Mr. Mulhall.

The merchandise transported on our railroads is double that carried on all the railways in all the other countries in the world. I add that the merchandise carried on our waterways is one-quarter of that carried on the railways. All this merchandise is bought with money and sold for money on an average at least three times. With twice as much merchandise carried and sold and consumed by our people as in all the world together, does it not look a little as if we needed twice as much money as all the world? Yet we have only about one-sixth as much gold (the only good money, according to our monometallic friends) as is possessed in Europe.

Mr. Mulhall gives us some further figures of immense importance in this connection. By superior energy and skill, by the use of more steam and electricity, greater labor-saving devices, the United States possess more productive power than Great Britain, France, and Germany all combined. When we consider the more than 4,000,000 men in the standing armies of Europe who produce nothing and the 1,000,000 necessary to feed and clothe them, we may safely say that the productive power of the United States is quite as great as that of all Europe. And yet our friends of the gold standard say that we can not do what France alone did for nearly one hundred years—maintain the parity between gold and silver at our old ratio, which was 3 per cent less favorable to silver than the French ratio.

I have dealt in figures only as to our country's power. I have not indulged in Fourth of July glorifications. These cold figures prove beyond cavil our ability to establish, as England did, and as Germany did, our own monetary system without the consent of other nations. I quote from a distinguished enemy of independent action by the United States. He says:

"In fact, at this moment our country is the richest in the world. It has in it every element of prosperity. * * * Nothing has ever been seen like the progress of this nation since the world began."

And now paraphrasing his further language to some extent, I say yet here we are, standing on the shores of the Atlantic, turning our backs on our own country and its greatness, and on the millions of our people suffering from the insufficiency of the volume of money, with our faces to Europe, we are begging, imploring, even on bended knees, monarchs and bankers across the ocean to allow us to use our grand powers and opportunities for still further progress in the advancement of our people.

I concur with Mr. Jefferson, who, in discussing foreign influence on our banks, foreign control of our finances, foreign dictation of the policies of our Government, the foreign possession and control of our newspapers, expressed the hope that we might find—

"Some means of shielding ourselves in the future from foreign influence, political, commercial, or in whatever form it may be attempted."

And considering the ruin coming to us from this foreign influence, he used these words:

"I can scarcely withhold myself from joining in the wish of Silas Deane, that there were an ocean of fire between us and the Old World."

And I reverently add that I can scarce refrain from joining in the same wish.

WHY THE UNITED STATES SHOULD ACT.

Mr. McRAE. Now, Mr. Chairman, having shown to my own satisfaction, and I trust to the satisfaction of others, that we are strong enough to fix our own standard of value, I want to give some facts to show why we should act at once.

We produce more silver than any other country. It is one of the items of our national wealth, and it is our duty to legislate so as not to injure it. To adopt the bimetallic standard would beyond question enlarge our foreign commerce. Being the leading nation of the world, our geographical position would soon give us control of the markets of the world if we would enact wise trade and finance laws. We have courageously and patriotically determined to enforce the Monroe doctrine, and passed the Wilson bill to extend our trade, but still have the single gold standard. Here we are with silver-using Asia and Mexico on one side and gold-using Europe on the other, all reaching out for our trade; some want the products of our mines, some of our farms, some of our forests, and others of our factories, but all want trade of some kind. The patriotic, statesmanlike thing to do is to extend to all of them the right hand of fellowship and at once change our monetary standard so as to revive business, prevent further decline in prices in farm products, and make it easy to settle international balances.

I have here the advanced sheets of the statistics of our foreign commerce for the year ending June 30, 1895, kindly furnished me by the Bureau of Statistics, and from them I get the exports and imports by the grand divisions of the world:

Countries.	Standard.	Imports.	Exports.
Europe	Gold	$383,645,813	$627,927,692
West Indies	Gold	68,860,152	31,563,830
Mexico	Silver	11,580,760	6,629,309
South America	Gold	112,167,120	33,525,935
Asia	Silver	77,626,364	17,325,057
Africa	Gold	5,709,169	6,377,842
Total		659,589,378	723,349,725

From this table, Mr. Chairman, you will see that in the principal silver-using countries the balance of trade is against us, while it is in our favor in those using gold as the standard. To silver-using Mexico, West Indies, and Asia we owed a balance of $102,559,120, and to gold-using South America $78,641,185. But, sir, when we come to gold-standard Europe and Africa we find that the balance in our favor is $244,950,552. If these balances were settled by the payment of the metal which is the standard of value in the respective countries, then we received $166,308,367 more of gold than we paid out, and $63,760,357 more gold than we paid of both gold and silver. I know, Mr. Chairman, that international trade balances are not settled in the coins of the debtor Governments, but with bullion or coin at its bullion value; but it is easy to see what an advantage it is to us to use our silver when we can, and for the cotton, wheat, corn, and meat products that our farmers send to Europe to receive gold bullion. This shows that we are in no danger of losing gold by adopting bimetallism, but, on the contrary, it is the surest way to keep it. So far as I am concerned, I would be willing to rest the cause of bimetallism upon this single point so far as the United States is concerned.

I am not one of those who believe that the Anglo-Saxon race will ever become slaves and serfs whatever may be our financial policy. No, Mr. Chairman, if we are driven into the market to buy gold when we have silver in the Treasury, which ought never to be done, we know that our country will get it, as the bids just opened show, but every man who is proud of our history and hopeful of the future should insist upon a broader monetary basis and a larger field for our commerce. Shall we, when our Christian civilization is ripe, when the countless resources of our country are being discovered and developed, when the products of mine, farm, forest, and factory to be exchanged and utilized by both the gold and silver using people are increasing, narrow the basis of our business? To admit it is to ask the American people to be satisfied with the conditions of the Old World. To follow the financial policy of Europe is to yield to a conspiracy te check the progress, social development, and Christian sentiment of a Government now the vanguard of civilization—a Government whose mission it is to lead, not to follow.

It is common for those who take the opposite side of this question to tell us that gold and civilization, and silver and barbarism, go together. I ask, Mr. Chairman, when did France and Germany reach their highest state of civilization? Was it not before they went to gold monometallism? When did our own beloved country show the greatest growth in population and prosperity among the farmers and other producers?

It was under the free-coinage act of 1837. In 1860 the farmers of our country owned more than one-half the wealth of the United States; now they own less than 20 per cent of it. It was not until France, Germany, England, and the United States adopted the gold standard that they were afflicted with social discord and labor strikes.

Take the gold-using countries as a whole, and they have national debts aggregating $40 per capita, while that of the silver-using countries is only $4 per capita. England has been referred to as a great creditor nation. In the sense that the corporations of this and other countries owe her people, she is a creditor nation, but let us not forget that the Government of Great Britain owes $3,500,000,000, which is about $90 per capita for each subject. Other European countries are not in as good condition.

Edward Atkinson is reported to have said that the public debt of Europe had increased from $2,000,000,000 to $22,000,000,000 within the present century. England has paid only about $500,000,000 of her national debt during the last fifty years. Yet that is the progress and civilization held up as an example for the United States. At the rate we are selling bonds we may come to it; but at this time, with more people and more wealth, we owe only about one-fourth of what Great Britain does, to say nothing about her dependencies, for the most important of which she enforces the silver standard. If you want a great national debt, continue the single gold standard, but if you want a freer commerce, an independent and happy people freed from debt, a Government resting upon manhood with equal rights to all and special privileges to none, give us the bimetallism established by the fathers of the Republic. For one, I do not believe that a national debt is a blessing, and I deny that our Government or people can advance civilization by getting in debt. I trust the time will soon come when our public and private debts will be paid. Debts are the greatest troubles to our people, and with the rising value of gold they cling to them as did the "old man of the sea" to the neck of Sinbad the Sailor.

Mr. WASHINGTON. Allow me to ask the gentleman how much has the national debt been decreased since 1879, when we resumed specie payment, and was that reduction had on a gold basis or on a silver basis?

Mr. McRAE. It has been reduced about one-half.

Mr. LITTLE. How much cotton would pay it then and how much cotton would pay it now?

Mr. McRAE. It would take about as much cotton to pay it now as it would then. But thanks to a patriotic people and the Bland Act, a large part of it has been paid. For the twelve years that followed the passage of that act our commerce increased and our people prospered as much as was possible with a gold standard and high protection tariff.

Mr. CATCHINGS. Does my friend attribute that to the use of silver?

Mr. McRAE. I do in a large measure.

Mr. CATCHINGS. Why not to the fact that the resumption of specie payments had given us a sound and stable currency?

Mr. McRAE. I say that the resumption of specie payment at that time without the use of silver was impossible.

Mr. BOATNER. Then the gentleman admits that the Bland dollar does not rest on the same basis as paper money, but is money of final redemption?

Mr. McRAE. There is a vast difference between the silver dollar and paper money. Notwithstanding the standard silver dollar has been denounced and boycotted by the Treasury officials and the most of the bankers since the passage of the Bland Act it is to-day as good as gold here or elsewhere, less transportation charges. No man can be found who has ever lost a cent on the standard American silver dollar. Not a dollar in silver or silver certificates has ever been or can be legally redeemed in gold. They are receivable for all debts due to the United States—this and nothing more has the Government done or promised to do for them.

Mr. LACEY. Then why repeal the law that makes that dollar good?

Mr. McRAE. I want to make more dollars like them.

Mr. BOATNER. I think my friend from Arkansas did not understand my suggestion. I agree with the position he now takes as to the silver dollar being money of final redemption. That is the position I have always taken. Many of the advocates of free and unlimited coinage contend that the money issued under the provisions of the Bland-Allison Act is not money of final redemption, because they say it is subordinate to gold and that the whole volume of our money of final redemption is restricted to the gold circulation. I say that all the silver money issued under the Bland-Allison Act reenforces the gold and that all of it is money of final redemption.

Mr. McRAE. I think I understand the position of the gentleman from Louisiana. The silver dollars are redemption money to the extent that they do not require redemption themselves. What I complain of is that they are not used to redeem the paper obligations of the Government. I think it is the duty of the Secretary of the Treasury to coin and use silver in redeeming the notes and bonds of the Government. They are all payable in silver, and I believe that if the policy of paying in gold alone was changed, and silver or silver and gold in equal parts used, that the strain upon the Treasury caused by exports of gold would stop at once. If you and I can agree on nothing else, let us resolve to prevent the retiring of the present stock of standard silver dollars.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. McRAE. Mr. Chairman, I hope I can have consent to continue for ten minutes.

Mr. CATCHINGS. I think the gentleman should certainly have that privilege, as he has been very much interrupted.

Mr. McMILLIN. I suggest that the gentleman be permitted to go on, and then whoever is to be recognized can come after. The gentleman has yielded very patiently to a great many interruptions.

Mr. BOATNER. I ask that the gentleman have ten minutes.

Mr. WALKER of Massachusetts. If it does not interfere with the time of those who are to follow.

Mr. McMILLIN. I would say, give the gentleman ten minutes at least.

The CHAIRMAN. Is there objection to the gentleman from Arkansas proceeding for ten minutes?

There was no objection.

Mr. McRAE. I thank the committee for the extension. I understand that my friend from Mississippi wishes to ask a question.

Mr. CATCHINGS. Well, my friend is so frank that I will be obliged now if he will let us know exactly what he understands by the term "bimetallism." There seems to be some controversy and confusion with reference to the matter.

Mr. McRAE. I understand it to be the legal right to have coined at a fixed ratio both metals and the right to use either as money of final payment. In other words, the "dollar," the unit of value, should be coined of either metal and thus secure to debtors and business men the double or alternate standard. I do not insist that bimetallism necessarily carries concurrent circulation.

Mr. CATCHINGS. That is the very point that I wanted the gentleman to explain.

Mr. McRAE. But the gentleman must not confuse circulation with the standard or measure of value. To illustrate, if the demand for gold in some other country for some special purpose increases its value or makes it scarce here, there will at once be a demand for silver to meet the scarcity occasioned by the withdrawal of gold, and for the same reason the value of silver will be increased, so that one may circulate to-day and the other to-morrow. At any given moment the standard actually used in any particular country may be one or the other and not both; but if the right to use either is secured by law this is bimetallism, and it will tend to make each metal change less than it would otherwise.

Mr. CATCHINGS. Then my friend, under that definition, would consider Mexico a bimetallic country, and she has the same privilege.

Mr. BRUMM. Does Mexico coin any gold at all?

Mr. McRAE. The Director of the Mint puts Mexico down as being upon the single silver standard. She has silver monometallism, not bimetallism. I am as much opposed to the single silver standard as I am to the single gold standard.

BIMETALLISM—HISTORIC, CONSTITUTIONAL, AND DEMOCRATIC.

Silver is historic, constitutional, Democratic money. Since the organization of human government gold and silver have both been used as money. When the United States secured their independence silver was in use as standard money in the mother country as well as in the colonies. It was distinctly recognized by the Constitution, and from the foundation of the Government, following a policy indorsed by Jefferson and defended by Jackson, the Democratic party has been the party of bimetallism, favoring the coinage of both gold and silver as standard money. For the last fifteen or twenty years we have had three distinct financial policies presented to the country by the leaders of as many different political parties:

1. The single gold standard with the national-bank notes for currency, which has been and is yet supported by a majority of the Republicans. As a general thing, Republicans are opposed to silver, but I do not say all Republicans, for there are some in the South and West who favor it.

2. The irredeemable fiat paper money advocates, who make no distinction between metallic and paper money, and demand that it all shall be issued by the Government to the people upon a per capita basis. This scheme of finance is advocated by the Populists, who, as a general thing, do not believe in redemption money, care nothing for either gold or silver, and favor silver because it is popular in certain States. I warn Democrats against such pretended friends.

3. The old safe and sound bimetallic doctrine of gold and silver as the basis, and such an amount of paper money as can be kept at par with coin, has been maintained by a large majority of the Democratic leaders and voters, and in my opinion this is what a majority of the people desire.

The present Executive has been twice elected as a Democrat, the first time in 1884, on a platform declaring for "honest money, the gold and silver coinage of the Constitution, and a circulating medium convertible into such money without loss;" the last time, in 1892, when the party was committed to the use of both gold and silver as the standard money of the country, and to the coinage of both gold and silver without discriminating against either metal or charge for mintage, etc.; and the only time that he was ever defeated before the people was in 1888, when his party made no distinct declaration upon the coinage question, and the same year the Republican party declared for the use of both gold and silver as money and condemned the policy of his Administration in its efforts to demonetize silver.

In every Democratic Congress except one since the passage of the act of 1873 a majority of the Democratic Representatives and Senators have endeavored to right the great wrong perpetrated by that law. Our party is not responsible for bringing this country to the single gold standard. All that can be truthfully said against the record of our party on this question is that the Fifty-third Congress, which was Democratic, failed to restore silver coinage. This political sin of omission on the part of the Democratic Administration must be confessed, and the people administered a severe punishment in 1894. We must now turn our attention to correcting the mistakes of two years ago and elect none who have deceived us. I believe the only chance for the success of the free coinage of silver at the next election is to have the Democratic national convention declare for it and nominate a candidate who believes in it.

I do not believe that any President of the United States will ever preside during the life of any of us who is elected upon a platform declaring distinctly against silver. The Republicans of this House may do like the last Congress, and defeat this amendment, but the people, mark my prediction, will rebuke them for it as they rebuked the Democratic party.

Mr. CATCHINGS. Does my friend think that any man could be elected President on any platform that declares for the free coinage of silver at a ratio of 16 to 1 without the cooperation of other countries?

Mr. McRAE. Yes; I believe with all my heart and soul that if the Democratic party, when it meets in convention at Chicago in July, declares for the free, unlimited, independent coinage of silver at a ratio of 16 to 1 it will carry two-thirds of the States of the Union, and give the Republican party, if it adopts a single gold-standard platform, such a defeat as it never gave it before. [Applause.]

No Democrat who loves the principles of his party ought to refuse a hearty support to its nominees whatever may be our differences on the coinage question, for we can accomplish nothing without organization. It may be necessary to reform the party before it can reform the coinage and currency laws. But let us swear by the sacred memories of the founders of Democracy and that faith which is due the people that we will tread no backward step upon these questions. Come what may, we will not lower our flag to our common enemy, the advocate of centralization, extravagance, monopoly, and high taxes. "Our party must become a compact organization, for we will be confronted in November by an unscrupulous foe. There will be no speck on our record they will not magnify; no circumstance they will not torture and misrepresent; no disappointment they will not exaggerate into a revolt; no class or creed they will not seek to inflame; no passion they will not attempt to arouse; no fraud they will not willingly perpetrate; no combination with the isms of politics they will not make; no crime they will not condone. United let us stand guard, full armed at every point to meet them. Our appeal is not to passion nor to prejudice, to class or faction, to race or creed, but to the sound common sense, the interest, the intelligence, and patriotism of the American people."

I am aware that there are some who think that the party of Jefferson, Madison, Monroe, Jackson, Tilden, Seymour, Hancock, Hendricks, Beck, and Thurman can not recover from the overwhelming defeat of 1894, but, Mr. Chairman, the Democracy has seen darker days than these. This is no time for gloomy forebodings, but rather a time for us to reason together; to take a survey of the conditions that threaten our institutions. Let us renew our fealty and close up our lines for the coming contest; and let Democrats everywhere beware of the seductive overtures being made by those who would link the destiny of silver to protection, railroad ownership, subtreasury land-loan or other paternal schemes of government. If you want the free coinage of silver you must stand by that organization that has fought its battles in the past; that party which has given you 423,000,000 silver dollars, and the only one that is likely to give you more of them. [Applause.]

Coin Redemption Fund.

SPEECH

OF

HON. BENTON McMILLIN,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 12, 1896.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue—

Mr. McMILLIN rose and was recognized:

Mr. CHAIRMAN: After a man of the distinction of the gentleman who has just taken his seat [Mr. DOLLIVER], a member of the Ways and Means Committee, which has charge of this question, has occupied the time of the House for about one hour and has failed to state what his views are on the silver question, it is not strange that in the last emergency and in despair he should

hold up his hands and say, as he did: "We trust the Lord in this business." [Laughter.] Gentlemen who have questions so important as these for consideration on behalf of 70,000,000 people ought to be at least candid with their fellow-representatives in the enunciation of their own principles.

When the gentleman was asked directly: "Do you favor the coinage of silver at any ratio and in any degree or not?" he was dumfounded and opened not his mouth, except to say that he was with the Republican party on this question.

The gentleman has heard from his party, and we behold a member of the Committee on Ways and Means saying what you ought not to do, but wholly unable or unwilling to point out what you ought to do.

Mr. Chairman, we have resting upon us one of the most fearful responsibilities that ever devolved upon a body of representatives of a great people. These are grave and solemn questions that are presented for our consideration. The questions, how much currency we should have, what should be its nature, how it should be distributed, how it should originate, are questions to which the gentleman would do well to give his attention instead of applying epithets to those who happen to differ from him.

Lest I should forget it in a different connection, let me say that the gentleman [Mr. DOLLIVER], in the course of his remarks, asked whether they had not tried in 1890 the experiment of the issuance of more silver, and whether it had not broken down. I want to say in reply that the distinguished gentleman whose name was attached to the measure known as the Sherman law is credited with saying that the object of that legislation was to prevent silver coinage. Again, that measure provided for the purchase of silver, but not for its coinage and its standing as money side by side with gold and on an equality with it. It provided for the purchase of silver bullion and the deposit of it in the Treasury, and for issuing upon it gold and silver certificates or warrants. It was not bimetallism in any sense. Of course such a measure as that would receive the condemnation of the people, as it did; of course such a measure as that could not result in any good to silver or to the people. It was intended as a stab at silver, and did do much to destroy it.

When asked how he stood upon the silver question, the gentleman from Iowa said:

> I stand with that party which has coined $600,000,000 of silver, and has kept it all at par with gold.

He concealed the fact that that party's representative, who by the grace of the Electoral Commission was occupying the White House—Mr. Hayes—vetoed the very bill under which that was done, and it was by Democratic votes passed over his veto. So that it was a Democratic, not a Republican measure, that gave that silver to the country, and his party repealed it in 1890. [Applause.] Let us have a little plain dealing with each other in this discussion.

The gentleman says that in the long run when we have free coinage the value of the coin produced will correspond to the value of the metal that is in it. I do not propose to be otherwise than candid in this discussion. That is a correct statement of what would occur ultimately; and I take the gentleman's own confession later on to go with that. But the value will be measured by the value of bullion that is in the dollar after the legislation unfriendly to it has been repealed. He admits that to rehabilitate silver by statute, to authorize free coinage, would have a tendency to raise the price. He tells us that the office of money is to buy things. I think I shall be able to show him before I get through that a main office it has had to perform in this country for a great many years has been the payment of taxes.

NOT ENOUGH CURRENCY TO PAY TAXES AND CARRY ON BUSINESS.

Mr. Speaker, there is no denying the fact that our finances are out of joint. Gentlemen who have not traveled over the country, who have not gone to the homes of the people, to the retail stores and workshops, have little conception of the great scarcity of money with the masses.

Business men, and those having control of public affairs, continually admonish the farmers and laborers to cease doing credit business and pay as they go for what they buy. Wholesale merchants would rejoice if able to sell for cash instead of selling on credit. The retailers would be gladdened by a change from a credit to a cash system. But there is not a sufficiency of currency to carry on the business of the people in that way.

Who has not seen the beautiful essays, from time to time published, setting forth the advantages of these changes? Who has not heard the eloquent declamations favoring cash against credit? We have all heard and seen these things time out of mind, and felt their force and admitted their truth, yet we have known, and do know, that, however beautiful the theory, it is impossible of application with the small volume of currency we now have.

TAXES OF THE AMERICAN PEOPLE.

Mr. Speaker, the people of the United States paid in taxes in 1890, according to our census, $1,040,473,013, as follows:

To the Federal Government	$461,154,680
To the States	116,157,640
To the counties	133,525,493
To the municipalities	329,635,200

The money of the United States outside the Treasury is estimated by Secretary Carlisle to be $1,598,000,000. Of this amount it is safe to say that not so much as $1,500,000,000 is in actual circulation. Speaking in round numbers, it is safe to calculate that about one-third of all the money in actual circulation has to go annually for Federal taxes, over a third of it for State, county, and municipal taxes, leaving only about $500,000,000 to carry on commerce unobstructed by the taxgatherers.

Sir, in vain will you clamor against credits; in vain laud the cash system; in vain declaim against mortgages while this is the situation. In vain will you look for the permanent return of prosperity while there is insufficiency of currency. Our population and commerce are increasing rapidly; and even if we had all the currency which was needed now it would be wholly inadequate five years hence. There must be a constant increase of currency to keep pace with this increase in population and business. We had this partially provided for by what was known as the Bland Act of 1878, which required the coinage of not less than $2,000,000 and not more than $4,000,000 worth of silver per annum, but in 1890 the Republican party repealed this act and substituted in its stead what is known as the Sherman Act, which stopped the compulsory coinage of silver and provided instead for the issuance of gold and silver obligations upon bullion purchased and deposited in the vaults of the Treasury in bullion form.

At this point, Mr. Chairman, I desire to comment very briefly upon the Sherman law. It was recognized at the time as a deadly blow aimed at silver, but the Republican party put it through against the protest and over the opposing votes of every Democrat in Congress. Mr. Bland, the author of the act of 1878, under which $400,000,000 of silver was coined, predicted at the time the calamity that would come from it. Mr. SHERMAN, the author of the bill, has since admitted, as I stated in another connection, that its object was to prevent free coinage of silver. When the Democratic convention met it denounced the Sherman law as "a fraud and a sham" and demanded its repeal. It was foreseen then, it is known now, that to buy silver and issue gold obligations upon it, instead of coining and letting it stand upon its own basis, meant the use of silver only as a commodity and its ultimate destruction. It was repealed in pursuance of promise by those who denounced it.

DISASTERS OF REPEALING THE BLAND LAW AND PASSING IN ITS STEAD THE SHERMAN LAW.

Mr. Chairman, let us look at some of the disastrous consequences which have flowed from the Sherman Act. While we coined silver under the Bland Act we had no difficulty in maintaining specie payments. About $100,000,000 of gold was bought many years ago by the issuance of bonds to enable the Government to resume specie payments. This was held for the redemption of the $346,000,000 of greenbacks issued by the Government, and proved ample for the purpose. But when the Sherman law was passed and $150,000,000 of obligations which might be redeemed in gold were issued upon the silver bullion purchased, that became an additional strain on the $100,000,000 of gold reserve. In addition to this there was in circulation $200,000,000 of national-bank money redeemable in greenbacks. Being so redeemable and the greenbacks in turn being redeemable in gold, these also became virtually an additional burden on the gold reserve, and we had the anomaly of $700,000,000 of paper resting on $100,000,000 of gold.

The addition of the Sherman notes to the paper demands on the gold reserve made the strain so great that it was found insufficient to meet it, and the Government has since from time to time gone into the market and bought more gold with which to maintain specie payments. I regard this and high taxation as the most fruitful sources of the panic which almost bankrupted the country. I think the repeal of the Bland Act and the enactment of the Sherman law instead one of the greatest calamities that has characterized Federal legislation in two decades. If we had continued to coin silver and let it stand on its own basis instead of issuing gold obligations upon the bullion, as was done by that act, silver would have taken care of itself.

DISASTERS ACCUMULATED UNDER THEIR AUTHORS.

Sir, the Administration of President Harrison stayed in power long enough to feel the folly of this unwise legislation. The large surplus which they had obtained from the Democratic Administration was swept away and became nothing. Deficiency was staring them in the face. The gold reserve was run down until they prepared to issue bonds for the purchase of gold before the close of his Administration. But finally it was ascertained that by changing the system of bookkeeping, by raiding the trust funds of the Treasury and counting them as reserves, they could bridge over until the present Administration, which had then been elected, should take charge. In this way they dumped their disasters onto the present Administration. We inherited from them a bankrupt Treasury, a system of taxation that yielded less rev-

enue than was expended, and a panic in full blast. Our people have worked and struggled ever since like slaves. Their cornbins and wheat bins are overflowing with abundance, but so disjointed had they made our finances that the prosperity worked for and hoped for was slow to return.

DIFFERENCE BETWEEN THE BILLS.

Mr. Chairman, two bills are presented for our consideration. One is the House bill, which provides for the issuance of a new quality of bonds to keep up the gold reserve, and for the issuance of certificates of indebtedness of the Government to meet any deficiency in the current revenues; the other is a bill sent us by the Senate as a substitute therefor, which meets the demand for money in a different way and a better way. We now have silver bullion in the Treasury which cost $127,000,000, the seigniorage on this, or profits from its coinage, would be about $40,000,000, and the Senate bill utilizes this seigniorage by putting it in circulation.

The House bill provides for a temporary currency to be withdrawn at the end of a few years, thereby producing stringency when withdrawn. The Senate bill borrows nothing, goes in debt for nothing, but utilizes what we already have. It adds permanently to the currency of the country instead of laying the foundation for future stringency. The Senate bill by section 3 provides that no national-bank notes of less than $10 shall be issued, thus leaving the field of small denominations to silver and silver certificates alone. Section 4 provides for the redemption of the notes of the Sherman Act and the greenbacks in gold or silver, at the option of the Government.

The gentleman from Maine tells us that the Government will have no difficulty within five years in taking in all the Sherman notes and issuing silver in their stead. Yet he refuses to pass this law which provides that it shall be done. As I have indicated, the Government has already a large amount of silver bullion on hand. The Senate concluded it had better coin this at a profit of $40,000,000 or $50,000,000, and thus obtain money to meet current expenses, than by issuing any kind of bonds, high or low, short or long. There is no ill for which the House bill is a remedy.

Sir, the Secretary of the Treasury has told us that we do not need additional revenues, that the revenues of this year will be within twenty millions of the expenditures, and that next year there will be a surplus. So we shall see over one hundred millions of money in the Treasury in excess of the gold reserve after paying all deficiencies. And yet we are solemnly asked to go on and provide for a contingency that can never happen. Such expensive child's play, Mr. Chairman, I do not intend to take any part in.

Mr. LACEY. Will my friend permit a question?

Mr. McMILLIN. With pleasure.

Mr. LACEY. My friend from Tennessee, being upon the Ways and Means Committee, is familiar with this question of revenue, and I will ask him whether he has observed that for some time past the shortage runs from $500,000 to $800,000 a day, and whether he thinks, judging by our present experience, that the deficit will be less than twenty millions for the current year?

Mr. McMILLIN. I think the amount of deficiency is overestimated by my friend. Just what it will be I can not say, but I will state to the gentleman that I have been astonished at the accuracy with which the Treasury experts figure out what will be the revenues for any given period of one or two or three years. I do not know just what the deficit will be, but this I do know, and it is the material question for consideration, that there is no possible state of affairs which can call upon one-half the money that will be in the Treasury in excess of the gold reserve within the next three years.

CONDITION OF THE TREASURY.

Mr. Chairman, in further response to the gentleman from Iowa I will say that the pretenses under which the majority of the House passed the House bill authorizing the sale of bonds and the issuance of certificates is the maintenance of the gold reserve and to meet a deficiency of revenues.

Let us examine the condition of the Treasury and see what it needs. The Treasury contains an available cash balance, including the gold reserve, of $181,000,000. Inside of sixty days it will be over a quarter of a billion dollars, about one-seventh of all the currency in existence. Sir, will the gentleman tell us what need he has for certificates of indebtedness? If, instead of his bill, the Senate bill should pass, we would get the benefit of the seigniorage now locked up in the Treasury, and thereby add forty millions more to our available cash and to the circulating medium. The Secretary of the Treasury informs us that very soon our revenues will equal our expenditures. So it now looks like that very soon the problem with us will be how to get this vast sum in circulation, instead of adding to it and hoarding.

REDEMPTION IN GOLD OR SILVER AT THE OPTION OF THE GOVERNMENT.

Mr. Chairman, there is another particular wherein I must prefer the Senate bill to that of the House. It provides for the redemption of the United States Treasury notes in gold or silver at the option of the Government. Unfortunately, as is admitted by all, when we resumed specie payments we allowed by practice the note holder to demand gold or silver at his option instead of the Government paying in gold or silver at its option. Under Mr. Hayes this was started. It was continued under Presidents Garfield and Arthur, and was the custom when the present Secretary, Mr. Carlisle, took charge. He found the Treasury bankrupt, the gold reserve running down, and hard times prevailing. He feared to change the custom in the midst of the panic lest he should increase the general distrust and intensify the panic. But the gold reserve will soon be more than one hundred and twenty-five millions. Every consideration admonishes us to change this practice. What private creditor owing a debt and having the option to pay in either of two commodities, say wheat or corn, tobacco or barley, iron or lead, gold or silver, would not exercise that right and pay in that commodity which suited his convenience? What court of equity would not declare and enforce this right?

Our failure to exercise this option has cost millions, and will cost more if continued. How does it operate? Whenever a strong organization wants gold for speculation or shipment it has only to get greenbacks or Sherman notes issued on silver bullion, go to the Treasury, and drag it out. This forces a sale of bonds to get more gold. Whenever investors want more nontaxable United States bonds, whether to bank on or as a permanent investment, all they have to do is to gather up these notes, with them draw out the gold reserve, and they force the sale at which they propose to be the bidders. So this may go on as long as this greed for gold continues, or till the hunger for bonds is glutted. Meantime each sale of bonds puts more money not needed into the Treasury and thereby draws it from commerce, where it is badly needed.

DO NOT DESTROY GREENBACKS.

As a remedy for this admitted evil we are told to issue five hundred millions of bonds and retire all the Treasury notes; to supplant a noninterest-bearing, taxable, circulating note with an interest-bearing, nontaxable, noncirculating bond. In other words, we are assured that if we will burn our barn we will rid ourselves of rats.

Sir, I am opposed to this. It would be ruinous to contract the currency by destroying between one-fourth and one-third of all in existence. Such a panic has not been seen as would ensue from a sudden contraction of this magnitude. There is a surer, speedier remedy. It is the one provided by the last section of the Senate bill, redeeming in either gold or silver, at the option of the Government. The French have this system, and it works perfectly. Their payment is made in gold or silver, or both, as the Government prefers. And so wisely have they managed their affairs that notwithstanding the heavy drain caused by the Franco-Prussian war, notwithstanding every man, woman, and child in France had to pay $30 indemnity—$1,000,000,000—to Germany, France came to the rescue of boastful England and saved her when Barings failed. The demand for specie and for sale of bonds would both cease if we exercised this option.

The bill was so drawn by the Committee on Ways and Means as to issue bonds, with them buy gold and redeem the greenbacks, and then withhold the greenbacks from circulation by refusing to pay them out on the current demands of the Government. If this had been consummated a noninterest-bearing circulation would have been destroyed and interest-bearing, noncirculating bonds substituted instead. But this House took the same course on this subject taken by the last House and refused to do it. The committee was compelled to amend the bill regarding this.

FREE AND UNLIMITED COINAGE OF SILVER.

Mr. Chairman, the most important question presented by the Senate substitute is the free and unlimited coinage of silver at the ratio of 16 to 1. The gentleman from Maine [Mr. DINGLEY] tells us that an excessive production of silver has been a potent factor in the demonetization of silver, and excuses it on this ground, but, unfortunately for his argument, he makes the confession that silver was at a premium over gold at the time it was demonetized by this country in 1873 and at the time it was demonetized by Germany. Hence, away with the argument that the abundance of silver caused this demonetization; away with the argument that there existed a necessity for it at the time it was done. Much has been said in this connection to prove that the demonetization by this country was not brought about by concealment, fraud, or deceit. I know, Mr. Chairman, that these things were charged all over the country at the time the demonetization was found out. From public platforms, from the hustings, from the halls of legislation, went out the charge that the crime had been surreptitiously committed. No man for years confessed here or elsewhere, so far as I know, that he had part or lot in that crucifixion. Never until within the last four years have I heard any man in Congress admit his part in it.

Sir, in this connection I wish to say that I am not for gold monometallism or for silver monometallism. I am for bimetallism, in the broadest and truest sense of the word, for the concurrent use of the two metals, which would put each on a par with the

other. I do not propose in what I shall say to question the motives of those who differ from me. I look at the question from a different standpoint, and come to a different conclusion from other gentlemen, and give the reasons why I can not join in the raid made on silver—the war of extermination begun in England in 1816, which was taken up by the United States in 1873, and about the same time in Germany, and later on by other countries of the world.

Mr. Chairman, the gentleman from Missouri [Mr. HALL] has called attention to the magnitude of the world's fiscal transactions, estimating them at $150,000,000,000 annually. If this proves anything it proves that in the affairs of mankind a large amount of metallic money can be used. I have shown that the world's gold and silver is but little more than $8,000,000,000. Does he not think that more than this could be used where the annual transactions are twenty times this? This only goes to show the extent to which we might use money.

Sir, he and other gentlemen have dwelt at length upon the power of "confidence" in commerce. Nor do I underrate it. It is a strong element. But confidence goes when the panic comes. I beg him to remember that the more of our business there is done in cash the less room there is for ruin when the panic does come. Confidence may postpone a debt, but can not pay it. Confidence does not pay taxes.

COST OF MONOMETALLISM.

When the Latin Union met to guard against a deluge of silver poured into their mints after we demonetized silver, Belgium, Italy, and Switzerland wished to declare for a single gold standard; France resisted. France is one of those countries now resisting any agreement which discredits silver. Her action is explained by the fact that, with more silver than any other nation circulating at par among her people, a reduction in the ratio would result in a direct loss of just such proportion of their present circulation. Four billion dollars of silver in the world would, if a new ratio of 32 to 1 were agreed upon, destroy $2,000,000,000 of value.

France has come to the rescue of almost every other country financially during these breaking times.

It is variously estimated that the arts consume from 10 to 65 per cent of the annual output of the precious metals.

But the world's production of gold and silver from the fatal year 1873 to 1895 was gold, $2,526,834,000, and silver, $2,754,542,900, both in coinage values. The commercial value of the silver was but $2,151,474,700, but the coinage of the mints of the world was gold, $3,404,703,469, and silver, $2,756,423,015, or more than one-third more gold than was mined and more ounces of silver than were actually mined, and the recoinages of old coin is far from offsetting the demands for the arts.

Now, if silver of the commercial value of $2,151,000,000 has been coined into $2,756,000,000, why has not this been an addition to the world's wealth of $600,000,000? Why will not the reduction of its value to its commercial basis destroy that wealth of six hundred millions? Why has not this legislation thus destroyed half the value of the present and future output of the silver mines of the world, and if legislation has destroyed this value that is more than a loss of one hundred millions per year, why should not legislation try to restore that value? If legislation is inoperative to affect these values, why hesitate to grant the relief asked? Why contest with such ferocity the indulgence of a harmless sentiment to a clamorous people? Why guard with so anxious restraint the appetite of the hungry? It is useless to cry; the viands in sight are but the illusions of the Barmecide. The agony is as real as that of Tantalus.

Sir, the gentleman from Minnesota [Mr. TOWNE], to whom I am indebted, the gentleman from Mississippi [Mr. WILLIAMS], and other distinguished gentlemen have so ably presented the other phases of this question that I may be relieved in a great measure from what I would otherwise be very glad to undertake in connection with it. They have shown how it has affected prices, and they have accounted thereby for the reduction of prices; and I leave that field that has been sufficiently cultivated by them and others.

Mr. Chairman, originally, in the use of gold and silver in exchange of commodities, or, as we usually term it, in the purchase of commodities, they weighed the metal. But subsequently it was found more convenient to have it put into forms, where the weight and fineness could be stamped on it by law, than for each trader to carry around with him his scales to ascertain its weight and his acids to fix its fineness. Hence, coinage laws became a convenience, and in the rapid transactions of a busy world the English pound and the American dollar became a necessity.

When two things are exchanged, the one for the other, it may be truly said the one buys the other. If A exchanges a horse with B for one hundred silver dollars, it is true that B has bought the horse with $100 and A has bought the 100 silver dollars with the horse. If the world demands horses and there is a scarcity, the more dollars they will bring. If the world needs money and there is a scarcity, the more horses it takes to procure it, other things being equal. Therefore the greater the scarcity of money the more horses it takes to buy or get the money needed, and the scarcity of money will be manifested in a fall of prices.

But there are other matters to which I wish to call attention, and I must hasten on. At this point, allow me to ask, Mr. Chairman, how much of my time remains?

The CHAIRMAN. Three minutes.

Mr. McMILLIN. I shall be very much obliged if I can obtain at this point a little extension of my time—ten or fifteen minutes—until I can present one or two other phases of this question.

Mr. COX. I ask unanimous consent that the time of my colleague [Mr. McMILLIN] be extended.

The CHAIRMAN. Is there objection?

Mr. JOHNSON of North Dakota. I wish to inquire whether the granting of this request will prevent the gentleman from Minnesota [Mr. McCLEARY] from occupying the hour from 4 o'clock till 5 o'clock.

The CHAIRMAN. Under this arrangement the gentleman from Minnesota would be recognized at about a quarter after 4 o'clock.

Mr. McMILLIN. I shall try, and I think there will be no objection, to get an extension of the time for the recess, so that the gentleman from Minnesota may have his full hour.

The CHAIRMAN. Is there objection?

There was no objection.

CAN AMERICA MAINTAIN BIMETALLISM?

Mr. McMILLIN. Now, Mr. Chairman, I come to the question which I think is of the very essence of this discussion—the most important involved in it. That is, Can the United States establish and maintain free coinage at the ratio of 16 to 1? Sixteen times as much silver in a silver dollar as gold in a gold dollar.

Mr. Chairman, I realize that the greatest difficulty we have to encounter in advocating free and unlimited coinage of silver at 16 to 1 is the fact that many people have been brought to believe that it is impossible for the United States to do this alone. If we could only convince the American people that there was no danger in this undertaking to our finances and industries I think we would have comparatively little difficulty in getting the restoration of silver. And in the presentation of this important question I hope to be able to show that the stock of gold and the stock of silver in the world are about equal in value, and that silver is already doing substantially one-half of the fiscal work that is done by coin in the world. I will show next that nearly two-fifths of all the coined money in the United States, United Kingdom, France, Germany, Austria-Hungary, and Russia is silver.

I shall make an effort to show, in answer to those who charge to the over production of silver the decline in its value, that from 1792 to 1840, when we had bimetallism, and even after that time, during the bimetallic period, there was a greater amount of silver produced by the world in proportion to gold than there was from 1874 to 1894, the period of demonetization of silver. I hope to be able to establish that the ratio of the production of silver to gold remained substantially uniform, varying from 15 to 1 and 16 to 1 for nearly two hundred years, and that this ratio of production and value did not materially change until after hostile legislation against silver.

Sir, I will try in the next place to show that the power of the United States is such in commerce, in manufactures, in production, in transportation, in banking, and in everything that makes the people great that we can, if we will, restore silver to its original use.

STOCK OF GOLD AND SILVER IN THE WORLD.

Sir, according to the Report of the Director of the Mint for 1895 the stock of gold in the world is $4,086,800,000; the stock of silver in the world, legal tender and limited legar tender, is $4,070,500,000. The difference in value is therefore on the two metals only four-tenths of 1 per cent. Hence I may claim on this authority my first proposition that the two metals extant in the world are about equal in value and that silver is now doing one-half of the metallic work of commerce.

Sir, in the next place, let us see what part silver takes in commercial business in what are usually regarded as the principal commercial countries of the world.

The following table exhibits it, and shows that nearly two-fifths of the metallic circulation of these countries is silver.

	Gold.	Silver.
The United States	$618,100,000	$416,700,000
The United Kingdom	580,000,000	113,400,000
France	850,000,000	487,900,000
Germany	625,000,000	215,000,000
Austria-Hungary	140,000,000	204,000,000
Russia	480,000,000	530,000,000
Total	3,293,100,000	1,967,000,000

the Senate bill to that of the House. It provides for the redemption of the United States Treasury notes in gold or silver at the option of

in the broadest and truest sense of the word, for the concurrent use of the two metals, which would put each on a par with the

THE RATIO OF SILVER AND GOLD.

Sir, the distinguished gentleman from Ohio, Senator SHERMAN, in a speech outside the Senate, when discussing the ratio between gold and silver, is credited with saying:

The enormous increase of the production of silver in the United States, Mexico, and Australia has disturbed this ratio and has lowered the market value of silver.

Sir, this is a most astounding proposition, and as it is the favorite basis for argument of those who hold to gold monometallism, let me compare it with the facts of the case as shown by Senate Report No. 256, page 163, Coinage Laws of the United States for 1792 to 1894. It will there be found that the production of the precious metals, gold and silver, in the world, coinage value, from 1792 to 1840 was, gold $329,942,000, silver $1,364,697,000.

Now, sir, let us take another period when hostile legislation had been enacted for the destruction of silver; from 1874 to 1894 the production by the world was, gold $2,419,043,000, silver $2,687,833,000. It will thus be seen that, while there was nearly three times as much silver coined from 1792 to 1840 as there was gold, the ratio of the two metals remained almost stationary, and at the time of the demonetization of silver by the United States it was 3 per cent higher than gold. But when the scheme of demonetization hostile to silver had been worked in 1874 the value of silver declined, notwithstanding there was nearly as much gold produced as there was silver. So, instead of the increase of production disturbing the ratio, as was claimed by Mr. SHERMAN, hostile legislation has disturbed it.

Mr. Chairman, I regard this as a very important branch of this discussion. I have therefore collated the statistics showing the ratio of silver to gold for over two hundred years. The first hundred years, from 1687 to 1787, the ratio was generally a little below 15 to 1. In each of those periods it was exactly 14.92. The following table shows the exact figures:

In 1687, ratio in value of silver to gold	14.92 to 1
In 1787, ratio in value of silver to gold	14.92 to 1

It fluctuated about that figure one hundred years.

Ratio in—		Ratio in—	
1800	15.68 to 1	1881	18.16 to 1
1820	15.62 to 1	1882	18.19 to 1
1840	15.62 to 1	1883	18.64 to 1
1860	15.29 to 1	1884	18.57 to 1
1870	15.57 to 1	1885	19.41 to 1
1872	15.63 to 1	1886	20.78 to 1
1873	15.92 to 1	1887	21.13 to 1
1874	16.17 to 1	1888	21.99 to 1
1875	16.59 to 1	1889	22.10 to 1
1876	17.88 to 1	1890	19.76 to 1
1877	17.22 to 1	1891	20.92 to 1
1878	17.94 to 1	1892	23.72 to 1
1879	18.40 to 1	1893	28.48 to 1
1880	18.05 to 1	1894	32.56 to 1

Now, sir, in all the researches that I have been able to make I fail to find any corresponding increase in the production of silver that would warrant this rapid decline in its price.

Mr. WILLIAMS. Will my friend pardon me in connection with that?

Mr. McMILLIN. With pleasure.

Mr. WILLIAMS. I should like to call my friend's attention to the fact that in the four years' interval of the greatest increase of silver production in the history of the world, from 1887 to 1891, there was an increase of $49,000,000 only and that for the four years of the greatest increase in the production of gold in the history of the world, from 1849 to 1853, there was an increase by the enormous amount of $128,000,000 in gold, and that at the time when the two metals were conjoined by legislative authority they did not part from the market ratio at 15½ to 1.

Mr. McMILLIN. The gentleman is entirely correct in that, and I thank him for his figures, for they certainly shed light upon the question. Yet, with that increase of forty-nine millions of silver, we are solemnly told that the United States can not take charge of the additional increase of silver that would be brought about by legislation favorable to silver.

POWER OF THE UNITED STATES.

Mulhall says that, measured by the capacity to produce, measured by the capacity to accomplish, the power of the United States is about as great to-day as that of Great Britain, France, and Germany combined, and that, too, when, weakening them, they have 4,000,000 men in the field who are out of industrial pursuits—when it takes 1,000,000 of their able-bodied men to support those under arms. Now, what are the facts upon which this opinion is based? I will compare what France has done, and I hold that we bear a more potent relation to the world to-day than either France or the Latin Union, when France alone, or with that union, made coinage successful for so long a period at a less ratio than that at which the world produced silver and a less ratio than we propose to adopt now.

Sir, it is claimed by some that it will be impossible for us to maintain bimetallism, even if we undertake it. In reply to this, I wish to say that France maintained bimetallism at the ratio of 15½ to 1 from 1803 to 1873. During all that time, during all her wars and strifes that characterized the period, whoever wanted gold carried silver to the French mints and obtained it; whoever wanted silver carried gold to the mints and obtained it. Her ratio was lower than our 16 to 1 ratio, lower than the Mexican ratio, lower than that of some of the coinage countries. Still there was not that flooding of the mints, there was not that driving away of gold that is feared by many now.

Mr. Chairman, I insist, and believe that I can show, that we are in far better condition for such an undertaking than France then was. We have a greater proportion of commerce than she had. We have a greater proportion of the manufactures of the world than she had; a greater proportion of steam power than she had. Our agriculture bears a greater proportion to that of the whole world than hers did. Let us examine.

MANUFACTURES.

In 1860 the world's product of manufactures amounted to $12,000,000,000. Of this France's manufactures were $1,900,000,000, or about 16 per cent. But in 1888 she produced about $2,425,000,000 worth out of the world's production of $23,000,000,000 worth; only about 10 per cent. We may therefore take the period of 1870 as an average between these two.

Now, let us see how it is with the United States. In 1888 the total manufactures of the United States was $7,215,000,000 worth, or 31 per cent of the world's entire product.

RAILWAYS.

In 1870 the railway mileage of France was 9,770, out of the world's mileage of railways amounting to 128,235. It will thus be seen that France's proportion of the world's mileage was less than 8 per cent. In 1888 the world had in it 354,310 miles of railroad. The United States had 156,080 miles, which was 43 per cent of the entire mileage, and after equaling the mileage of all Europe our excess above Europe would more than circle the globe.

BANKING CAPACITY.

But, Mr. Chairman, there is probably no better means of comparing our capacity now to maintain free coinage with the capacity which France demonstrated for maintaining it for seventy years than by comparing the banking capacity of the two countries in the two periods. In 1870 the world's banking power was in the neighborhood of $8,000,000,000; that of France was only 4 per cent of this amount, or $320,000,000. In 1890 the banking capacity of the world had doubled, and amounted to $16,000,000,000, of which the United States contributed over $5,000,000,000, or 32 per cent. If France could and did maintain coinage at 15½ to 1 when her banking capacity was only 4 per cent of that of the world and there were $30 worth of silver produced for every dollar of gold production, who will dare say that the United States, with one-third of all the banking power of the world in her borders, may not maintain free coinage, especially when the ratio of the production of silver to gold is as 16½ to 1 instead of 32 to 1?

RAILWAY FREIGHTS.

But let us take another one of the elements of power or means of gauging it and see how we compare with France.

In 1870 the railway freight of Europe was 400,000,000 tons; that of France was 52,000,000 tons, or 13 per cent. In 1888 the tonnage of Europe was 765,000,000 tons; that of France 78,000,000 tons, or little more than 10 per cent. At the same time the railway tonnage of the United States was 590,000,000 tons, or more than seven times that of France and three-fourths as much as all Europe combined. But, Mr. Chairman, if it is insisted that we would more properly gauge our capacity by our water tonnage—that is, that portion of it which is carried on canals and rivers—we are equally safe in comparison with France. In 1870 the tonnage of France was 14,500,000 tons, and 24,500,000 tons in 1885. The tonnage of the United States in 1885 was 51,000,000, or double that of France. The canal and river mileage of France is 7,730 miles; of that of the United States is more than 51,000 miles, or three-tenths of all the mileage of that character on the globe. I have left out of this computation what is probably the greatest element of our water-carrying trade, to wit, the carrying on the Great Lakes.

COMMERCE.

Mr. Chairman, I think it is safe in making a computation of this kind to look to the commerce of the two countries in that broader sense which implies the foreign carrying trade. Let us see how we stand there by comparing exports and imports. In 1870 the exports and imports of the world were $11,000,000,000. Those of France were $1,100,000,000. In 1889 the world's total was about $17,000,000,000. The total of the United States was $1,600,000,000, or one-tenth. I think it not at all unsafe to say that the comparison would be still more in our favor if we could get all the data showing the internal commerce of the United States, transactions between the States, and citizens.

That great statistician, Mr. Mulhall, on beholding this wonderful advancement, wrote to the North American Review in 1825:

If we take a survey of mankind in ancient or modern times as regards the physical, mechanical, and intellectual force of nations, we find nothing to compare with the United States in this present year of 1895. The physical

and mechanical power which has enabled the community of woodcutters and farmers to become in less than one hundred years the greatest nation in the world, is the aggregate of the strong arms of men and women aided by horse power, machinery, and steam power applied to the useful arts and sciences of everyday life.

STEAM POWER.

In 1870, according to this wonderful man, the steam power of the world was 18,460,000 horsepower. That of France was 1,850,000 horsepower, only about 10 per cent of the entire amount. But in 1888 the total of the world had risen to 50,150,000 horsepower, of which the United States held 14,400,000 horsepower, or more than 28 per cent. It would be safe to say that to-day we have this capacity in almost a greater degree than was held by the entire world in 1870, upon which Mulhall is moved to say:

Here was seen that the United States possesses almost as much energy as Great Britain, Germany, and France collectively.

In 1895 this had risen to 16,940,000 horsepower.

We have so much more railroad mileage than the balance of the world that we could parallel with our lines every other road in the world and have enough left to put a railroad around the earth, having 3,000 miles to spare.

We carry more railroad freight than all the world besides.

LET US BANISH TIMIDITY.

To those timid statesmen who fear to move unless England will give them permission, I desire to say that England never has been essential to the success of bimetallism, and she is not to-day. She demonetized silver in 1816, and for more than half a century the balance of the world utterly ignored her and kept up bimetallism. Despite her by this judicious use of both metals they had silver at a premium when it was demonetized in 1873. Hence my assertion that she is not essential to the success of bimetallism. Of course the more nations adopt it the easier it is to accomplish it. International bimetallism is much to be desired if it is obtainable, but I do not believe that with the power I have described we should adhere to gold monometallism as our permanent policy. I am told by some that gold monometallism is bound to succeed; but this is no argument with me so long as I believe as I do now that it ought not to succeed. The right is on the side of the use of both metals, and on that side I take my stand whatever be the final result.

Sir, my distinguished friend from Maine protests that he is a bimetallist. If he is really and genuinely one, why does he not propose some measure looking in that direction? His party has control of this House; it has the organization of the Senate. He and his compatriots were wont to stand up here and urge upon us during the last Congress affirmative legislation. Now that he is weighted with the responsibility of legislation, why does he sit supinely by and proclaim to the country that, while he is for bimetallism, he is for nonaction? Why not do something? Why not propose something? Why not find a thread that shall lead out of this labyrinth of woes into which his party during the last Administration plunged us? If he means by international bimetallism to wait until England proposes something, he will be gray and decrepit with age before the rainbow that he is chasing is ever nearer to him.

As well might our colonial fathers have sat down around Boston Bay and waited for England to cease her oppression, to remit her taxes, to release our citizens, and to give us justice, as for us to sit now in these Halls folding our arms, shutting up our eyes, and implore that great country to desist from the half a century of grinding and oppression that has characterized her fiscal policy. I beg him in this connection to remember that there is no circumstance that can induce England to take this course. Her premiers uniformly proclaim that the balance of the world owes England many billions of dollars which annually bear many millions of interest, and the value of which would be reduced if the world returned to the bimetallism in which most of its debts were contracted. The English people have ever manifested an indisposition to give home rule to Ireland, but the gentleman from Maine will remember that she was willing to take Gladstone and Irish home rule, coupled with monometallism, rather than to risk the present status and bimetallism under Balfour and his followers.

We are asked to take no stand on this important question. It is demanded of us that we shall wait. As we led out among the first outside of England in the work of demonetization, is it not fitting that, as we all confess the error of that way, even the gentleman from Maine himself, that we should be the first to make known our sentiments, to proclaim bimetallism and practically inaugurate it? The gentleman from Maine has told us, which we knew before, that the prime minister of France has announced his willingness to join in the movement for the restoration of bimetallism in the great powers of the world.

Why not trust France now as we had to trust her in 1776? Why not help her now as she helped us then? Is it possible that the American people have degenerated and have less spirit than they had in days gone by, when we were only three millions and a half strong? Weak, apparently helpless and defenseless, at the arrest of our fathers and goaded by unjust taxation, our representatives assembled in Independence Hall on the 4th of July, 1776. There that great Virginian stood, with the most immortal declaration that was ever made in his hand, and proclaimed his readiness to die in defense of those principles. We defied England and her power then, and although it took eight years to do it, we established our independence and set the pace of the world in the march of progress and in the science of free government.

Later on, in 1812, although England did not dare to invade our homes, relying on her superb and incomparable navy and its great prowess, she asserted the right to search our ships and seize our seamen on the high seas.

Although we were still weak and feeble, again the spirit of '76 was in our fathers, and they inaugurated the war which was to emancipate the seas as Washington had emancipated the land. This Capitol went up in smoke; the White House, at the other end of the Avenue, was reduced to ashes. Ruin stalked abroad throughout the East, but the great Jackson, at New Orleans, gave the mother country the worst whipping she has had in modern times, and we threw off from our shoulders the "old man of the sea."

Nor was this all. In 1823, when monarchy and despotism were anxious to stop the inroads made upon their power and extend their conquests to this new continent, President Monroe called in counsel the great author of the Declaration of Independence as to whether, when only ten and a half millions strong, we should defy the whole world and establish what is now known as the Monroe doctrine. Jefferson began his reply to what he regarded the most important question which had been contemplated since the Declaration of Independence, and said that we should make haste to proclaim, first, that we would take no part in the broils of Europe, and second, that no European power should, either by accession, purchase, or conquest, extend its territory on this continent.

Again American manhood was asserted and American principles prevailed. Now that we are seventy millions strong, Mr. Chairman, and have seventy billions of wealth, is it possible that we are going to falter? Can it be that we are going to cringe and cower in the performance of what is right? For one, I am for the same boldness in declaration and action that characterized our sires, and I am in favor of proclaiming to the world, as they did, the correct principles, whether to be successful or unsuccessful, and try the experiment of the free and unlimited coinage of silver, with the concurrent use of both gold and silver, in which lies our only road to permanent prosperity.

Mr. Chairman, Mulhall says that the power of the United States to-day is three times what it was in 1860; and yet one hundred and fifty days after the war commenced, and during the whole war between the States, there was not an outside power on this earth that could have whipped either the Federal or the Confederate army, except the Federal force itself, and that took three years. If we are three times greater to-day, what may we not do? If we will wake up, if the slumbering giant will break the threads by which it has been bound and will go forth and declare the American doctrine, that as silver is produced at 16 to 1, as it has been maintained at 16 to 1, as the debts existing have been contracted at 16 to 1, we will have the courage to do justice to ourselves by adopting free coinage at 16 to 1, and give true, genuine bimetallism to the world, and thus set the pace in finance as we set the pace in freedom. [Applause.]

Free Coinage of Silver—No Further Issue of Bonds.

SPEECH

OF

HON. HENRY W. OGDEN,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 11, 1896.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue—

Mr. OGDEN said:

Mr. CHAIRMAN: I favor the free and unlimited coinage of silver at the ratio of 16 to 1 by the United States, independent of the action of any foreign country whatever. I am utterly opposed to the issue of bonds in the time of peace, by which the indebtedness of this country is increased. Sir, in the short space of time allotted to me, an exhaustive discussion of the question is mani-

festly impossible. I shall, however, endeavor to suggest some points that may be of interest to all.

I will allude first to the oft-reiterated statement which seems to be the main bulwark and support of some of those who are opposed to free silver; the statement with regard to the amount of the free coinage of silver in the United States prior to 1873.

It is a favorite statement of many who oppose the opening of the mints to the free coinage of silver that prior to 1873 there were only eight millions of silver dollars coined in the United States.

Mr. Chairman, anyone acquainted with the true facts should hide his head in shame for attempting before an intelligent audience, and much more so before the whole American people, to use such a statement as an argument for his opposition to the free coinage of silver. As a matter of fact, sir, there were only 8,000,000 of silver dollars coined in this country prior to 1873; but when a witness goes upon the stand in any court he is required to tell the truth, the whole truth, and nothing but the truth, and is not at liberty to withhold any facts concerning the matter in question. Now, why do not these gentlemen, who volunteer as witnesses on this question, tell the whole truth? They tell us that only 8,000,000 silver dollars were coined prior to 1873. This statement is true; but they do not tell us, Mr. Chairman, that prior to 1853 all of our silver coinage, whether it was a dollar, or 50 cents, or 25 cents, or even as small as 10 cents, was legal-tender money in the United States.

The coinage of silver from the time of the opening of the mints in 1792 to 1846 was $69,074,427.

What was the coinage of gold during the same period? It was only $52,560,852.

The coinage of silver from 1792 to 1846 exceeded the coinage of gold by over $16,000,000, and the total amount of silver coined from 1792 to 1873 was, in round numbers, $147,491,000.

Now, Mr. Chairman, if one were disposed to indulge in misleading statements similar to those used by gentlemen on the opposing side of the question, and should state that there were only 19,000,000 of gold dollars coined prior to 1873, which is literally true, and to rest the statement there, what would any person acquainted with the true facts think of such an argument? The real truth is, Mr. Chairman, that in the same period there was a total gold coinage of $852,114,000. Unlike these gentlemen, I wish the whole truth to be presented, in order that each and every fair-minded, thinking person may judge for himself the true situation.

I present here some figures showing the relative amounts of the coinage of gold and silver:

Amount of gold coined from 1792 to 1846	$52,560,000
Amount of silver coined from 1792 to 1846	69,074,000
Amount of gold coined from 1834 to 1846	40,534,000
Amount of silver coined from 1834 to 1846	32,797,000
Amount of gold coined from 1873 to 1893	800,891,000
Amount of silver coined from 1873 to 1893	527,217,000
Coinage of gold from 1792 to 1893	1,653,000,000
Coinage of silver from 1792 to 1893	674,709,000

The gentleman from Tennessee [Mr. PATTERSON] tells us that silver was driven out of the country by the act of 1834. As will be seen from the table submitted, the coinage of silver from 1792 to 1846 was $69,074,000, this amount being full legal tender for all debts, public and private. In addition to this, the silver dollar of Mexico and the pillar dollar of Brazil were also legal tender at their face value. The 5-franc piece of France was legal tender at 93 cents. Large quantities of this coinage were in circulation, but the exact amount is not known. In order to prove that silver was not driven out of the country by the passage of the law of 1834 I will insert here tables showing the silver coin and bullion and gold coin and bullion imported into and exported from the United States from the year 1838 to 1847.

Value of silver coin and bullion imported into and exported from the United States, fiscal years 1838–1847.

Year ended—	Imports.	Exports.
September 30, 1838	$6,072,233	$2,767,783
September 30, 1839	4,430,596	5,884,433
September 30, 1840	5,797,656	6,948,714
September 30, 1841	3,719,184	9,190,949
September 30, 1842	3,329,722	3,679,537
June 30, 1843	5,253,698	1,220,533
June 30, 1844	4,217,125	4,271,098
June 30, 1845	3,251,382	6,395,516
June 30, 1846	2,867,319	2,275,920
June 30, 1847	2,546,358	931,723
Total	41,485,483	43,566,206

Value of gold coin and bullion imported into and exported from the United States, fiscal years 1838–1847.

Year ended—	Imports.	Exports.
September 30, 1838	$11,674,883	$740,283
September 30, 1839	1,164,580	2,892,310
September 30, 1840	3,085,157	1,468,300
September 30, 1841	1,269,449	843,383
September 30, 1842	757,294	1,134,062
June 30, 1843	17,066,437	300,258
June 30, 1844	1,613,304	1,183,116
June 30, 1845	818,850	2,210,979
June 30, 1846	910,413	1,629,348
June 30, 1847	21,574,931	975,301
Total	59,935,298	13,377,260

From 1792 to 1834 the coinage of gold was $12,000,000, and of silver $32,000,000. Under the operations of the United States banking system nearly all metallic money went into hiding, but was brought into sight again after the repeal of the charter of the United States Bank. As shown by the table submitted above, there was a difference only of about $2,000,000 in the imports and exports of silver by the United States from 1838 to 1846. The excess of imports of gold over exports from 1838 to 1846 was about $46,000,000, of which $40,000,000 was coined and went into circulation—went into circulation concurrently with silver, and both were legal tender in unlimited quantities.

From these statements it will be seen that gold and silver were coined and circulated concurrently.

Mr. REED, in discussing the theory of the metallic standard, on August 26, 1893, said:

Bimetallism by a single nation does not seem possible; bimetallism by all the nations of the world seems to me not only possible, but feasible.

You do not have to indulge in any farfetched theories to understand this. You do not have to discuss the theory of the Gresham law at all. All you have to do is to apply yourself to the history of the United States; and the speech of the gentleman from Tennessee [Mr. PATTERSON], a brave and admirable speech, shows conclusively that this country while it was pretending to be bimetallic in its standard was never really so; that one metal drove the other out of the country; that the standard was not possible of maintenance as long as there was an overvaluation.

Thus we see that Mr. REED gives his unqualified indorsement to these erroneous statements made by the gentleman from Tennessee [Mr. PATTERSON]. It can be said that each of the gentlemen is proud of the indorsement of the other.

Mr. PATTERSON also speaks of the increase of wealth from 1850 to 1860. His figures are correct and will not be disputed by anyone familiar with the statistics given by him. He gives the increase of wealth at about $9,223,000,000 in round numbers. The coinage of gold and silver during the period was $393,000,000. It was principally a gold coinage, because the mines of California had been discovered and many millions annually were added to our supply of circulating medium and to the world's stock of primary money. But our fathers did not demonetize silver during that time. They continued the coinage of both gold and silver, and then began the exportation, not of the silver coined by our Government, but of the bullion, which bore a greater value. The discovery of the gold mines during that period made us a rich people. We opened up trade with all the world. Our ships sailed the seas laden with American products, and the Stars and Stripes were known and respected all over the world.

Our commerce was second to Great Britain only. From 1851 to 1860 we exported the enormous sum of $423,580,000 of silver bullion, as shown by the Report of the Director of the Mint for 1895, page 295. It was not exported at 50 cents on the dollar. It was not discredited in the eyes of the nations of the earth. We did not say it was only worth 50 cents on the dollar. Its value had not been destroyed by adverse legislation—it had not been outlawed by our own lawmakers. No, Mr. Chairman, nothing of the kind. The good policy of the fathers of the Constitution was continued. The mints were open to all who had gold or silver bullion to coin. We exported this $423,000,000 in ten years and, during this unexampled period of prosperity, were indebted to the exportation of silver to pay our balances abroad.

I suppose that, under the latter-day statesmanship we are now treated to, our mints would have been closed in 1850—after the discovery of gold. Instead of having $423,000,000 to our credit, they would have discredited the white metal and would have taken from the people of this country the power to develop our commerce with other countries and to buy and sell, using both gold and silver at its coinage value. They would have discredited this silver—would have proclaimed to the world that we were coining silver worth only 50 cents on the dollar.

The gentleman from Tennessee seems to have an idea that the gold standard caused our prosperity during the period from 1850 to 1860. Mr. Chairman, this $423,000,000 of silver was shipped

abroad during that period, and we got dollar for dollar for it. He may, if it pleases him, call it being on the gold standard, but we did not discredit our silver at that time. What was the cause of this prosperity and of this tremendous increase in values from 1850 to 1860? It was because of the united value of our gold and silver, which stimulated all other productions and furnished home capital to embark in great enterprises. We had not become a nation of borrowers, and the country was free from debt.

Now, Mr. Chairman, the people of this country have been unfairly dealt with on the silver question by every Secretary of the Treasury and by every President since 1868. I will quote from reports of the various Secretaries of the Treasury to prove this statement. From 1792 to 1873 any holder of gold or silver, or silver bullion, could have had the same coined at the mints of the country in unlimited quantities, the ratio from 1834 to 1873 being 16 to 1. By the act of 1873 the coinage of silver, except for subsidiary coinage, ceased. This did not become immediately known to the people of the country, as the country had not been on a specie basis since 1860. The bonds of the Government issued for general purposes, amounting to hundreds of millions of dollars, were payable in legal tender and afterwards were made payable in coin. In speaking of this subject, the Hon. Lot M. Morrill, Secretary of the Treasury, in his report dated December 4, 1876, says as follows:

The report of the Director of the Mint shows that, notwithstanding the silver dollar occupied in law prior to April 1, 1873, the position of an unlimited legal tender, gold has, for many years past, been the money of payment in this country.

It appears that but a comparatively small sum in silver dollar pieces was ever coined, and that it at no time constituted an appreciable part of the circulation. This was due to the fact that silver was more valuable as bullion than its stamped or legal-tender value in the form of dollars. Since the fall of silver propositions for the revival of the silver dollar have been made, and the position which it would occupy with reference to unexpired coin obligations, should its coinage with unlimited tender be again authorized, has been the subject of considerable discussion.

a. The question whether the pledged faith of the United States to pay its obligations in coin would justify their payment in the silver dollar is of no small importance as affecting public securities of the United States. In any discussion of the question it must be conceded in the outset that the silver dollar was the unit of value, having the quality of legal tender for all sums and in all cases, and that the terms of the United States obligations do not exclude payment therein, and that the act of 1869, in which is the pledge of payment in coin, does not, in terms, discriminate against silver. These provisions are broad enough, in terms, to include payment in either gold or silver, and compels an inquiry into the history, production, issue, and subsequent treatment of these obligations, and the relative condition of gold and silver coin as money of payment in order to a correct interpretation of the meaning of the language "payment to be made in coin."

President Hayes, in his message to Congress dated December 3, 1877, used the following language:

I respectfully recommend to Congress that in any legislation providing for a silver coinage, and imparting to it the equality of legal tender, there be impressed upon the measure a firm provision exempting the public debt heretofore issued and now outstanding from payment, either of principal or interest, in any coinage of less commercial value than the present gold coinage of the country.

It is a fair inference, as shown by the above extract, that he favored the payment in one kind of money to the bondholder, which money he evidently deemed better than that used by the common people. The answer to this recommendation was the passage of the Bland-Allison Act by a Democratic Congress in 1878 over President Hayes's veto. This act restored the unlimited legal-tender power of the silver dollar for payment of all debts, both public and private.

The report of the Secretary of the Treasury of December 4, 1882, gives the amount of standard silver dollars coined up to November 1, 1882, coupled with the recommendation for the repeal of the law and the retirement of all silver certificates at an early date.

From report of the Secretary of the Treasury December 4, 1882:

Standard silver dollars and silver certificates.

There had been coined, on November 1, 1882, under the act of February 28, 1878, of standard silver dollars	$128,329,880
There were in the Treasury at that date	92,946,094
And in circulation	35,383,786
There were in circulation November 1, 1881, about	34,000,000
Increase	1,383,786

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I refer for a more full discussion of this subject to my report of last year, and repeat my recommendation that the provision for the coinage of a fixed amount of standard silver dollars each month be repealed and the Department be authorized to coin only so much as will be necessary to supply the demand.

The recommendation is renewed for the repeal of the act requiring the issue of silver certificates and for a law authorizing measures for their early retirement from circulation.

The international monetary conference met in April last, on the day to which it had adjourned, and adjourned again sine die. It is not understood that it effected any important practical result.

President Arthur, in his message of December 6, 1881, said:

I approve the recommendation of the Secretary of the Treasury that provision be made for the early retirement of silver certificates, and that the act requiring their issue be repealed. They were issued in pursuance of the policy of the Government to maintain silver at or near the gold standard and were accordingly made receivable for all customs, taxes, and public dues. About sixty-six millions of them are now outstanding. They form an unnecessary addition to the paper currency, a sufficient amount of which may be readily supplied by the national banks.

In his message of December 4, 1882, President Arthur also said:

In respect to the coinage of silver dollars and the retirement of silver certificates, I have seen nothing to alter, but much to confirm, the sentiments to which I gave expression last year.

The Secretary of the Treasury, in his report of December 1, 1884, said:

While, however, the public debt is in this satisfactory condition, there are some financial dangers which can only be avoided by changes in our financial legislation. The most imminent of these dangers, and the only one to which I now ask the attention of Congress, arises from the continued coinage of silver and the increasing representation of it by silver certificates.

President Cleveland, in his message of December 8, 1885, said:

I recommend the suspension of the compulsory coinage of silver dollars, directed by the law passed in February, 1878.

President Cleveland also said, in his message of December 8, 1888:

* * * * * * *

At the close of the fiscal year ended June 30, 1887, there had been coined under the compulsory silver coinage act $260,988,290 in silver dollars, $55,504,310 of which were in the hands of the people.

On the 30th day of June, 1888, there had been coined $299,708,790, and of this $55,289,303 was in circulation in coin and $20,387,376 in silver certificates, for the redemption of which silver dollars to that amount were held by the Government.

On the 30th day of November, 1888, $312,570,990 had been coined; $60,790,990 of the silver dollars were in actual circulation, and $234,438,346 in certificates.

The Secretary recommends the suspension of the further coinage of silver, and in such recommendation I earnestly concur.

The Secretary of the Treasury, in his report of December 7, 1885, said:

Currency reform is first in the order of importance and of time, and fitly precedes other reforms, even taxation reform, because it will facilitate all other reforms, and because it can not safely be deferred. The coinage act of 1878 is overloading the mints with unissued, the subtreasuries with returned silver dollars, and will unavoidably convert the funds of the Treasury into those depreciated and depreciating coins.

The Secretary of the Treasury, in his report of December, 1889, said:

The continued coinage of the silver dollar at a constantly increasing monthly quota is a disturbing element in the otherwise excellent financial condition of the country, and a positive hindrance to any international agreement looking to the free coinage of both metals at a fixed ratio.

He also said:

It is freely admitted that the predictions of many of our wisest financiers as to when the safe limit of silver coinage would be reached have not been fulfilled, but it is believed that the principles on which their apprehensions were based are justified by the laws of trade and finance and by the universal experience of mankind. While many favorable causes have cooperated to postpone the evil effects which are sure to follow the excessive use of an overvalued coin, the danger none the less exists.

The silver dollar has been maintained at par with gold, the monetary unit, mainly by the provisions of law, which make it a full legal tender and its representative, the silver certificate, receivable for customs and other dues; but the vacuum created by the retirement of national-bank circulation, and the policy of the Government in not forcibly paying out silver, but leaving its acceptance largely to the creditor, has materially aided its circulation.

I have thus fully shown that no President or Secretary of the Treasury has favored the free and unlimited coinage of silver and gold at the ratio of 16 to 1.

We have been told, Mr. Chairman, by those who oppose free and unlimited coinage that the remedy is through the medium of an international agreement. Since 1878 there have been three international conferences, at which the Governments of France, Germany, Great Britain, the United States, and other nations were represented. The result of those held in 1878 and 1885 can best be told in the language of the Secretary of the Treasury in his report of December 7, 1885:

The choice before Congress is not between silver monometallism and gold monometallism. Both are inadmissible. The choice before Congress is not between bimetallism and either gold or silver monometallism. The latter are not admissible, and bimetallism is only possible with the cooperation of other nations, which is not now to be had, for, although France holds the same friendly attitude, and would be followed by some of her associates of the Latin Union, England now, as in 1878 and 1881, is unwilling to depart from her mintage of gold alone into coins of unlimited legal tender, and Germany now, as in 1881, regards the concurrence of England in an international bimetallic union as a sine qua non.

The report of the Secretary of the Treasury, dated December 6, 1886, is more expressive:

Since the date of my last annual report the attitude of an important Government toward the silver question has been changed. The matter is of consequence, and requires detail.

Last December the results of our special mission to the Governments of France, Germany, and Great Britain had just been obtained, and were as follows:

The French Government remained of the same mind as when it had united with the Government of the United States in calling the International Monetary Conference of 1881. The German Government deemed the cooperation

of Great Britain in any change a sine qua non. The Government of Great Britain, administered by the same party and principal persons then as now, saw no reason to depart from the position held by that Government at the international monetary conferences of 1878 and 1881.

The position which the delegates of the British Government were instructed to take at each of those conferences had been adverse to the object sought by the United States. The object was the opening of the mints of the Government of the United States of America and of the leading European States to the free coinage of both gold and silver into unlimited legal-tender money at a ratio fixed by international agreement.

Thus, at the International Monetary Conference of 1878 the British delegates had led M. Leon Say, the first French delegate, and a majority of the conferees to declare that silver, like gold, of course, must be kept a monetary metal, but each State or group of States must act for itself in the choice and the minting. An international ratio being pronounced undetatable, since the bimetallic States did not undertake an unlimited coinage of silver, the British delegates further declared their hope that every State would not prefer gold, while insisting upon Great Britain keeping to her own preferences, and that a fixed ratio was "utterly impracticable."

These declarations, of course, frustrated the object of the United States in calling the International Monetary Conference of 1878.

During the next three years the powerful polemic of M. Henri Cernuschi revolutionized the opinion of leading men in Europe and terminated the dependence of France upon Great Britain. The Government of France joined the Government of the United States in calling the next international monetary conference, held at Paris in 1881. The object of the United States, now supported by the invaluable concurrence of "the greatest among the great metallic powers," was again the same—the opening of the mints of a group of such powers to the free coinage of gold and silver at a ratio fixed by international agreement into unlimited legal-tender money. The delegates for Great Britain declared that their monetary system since 1816 had rested on gold as a single standard; that this system had satisfied all the needs of the country without giving rise to the difficulties manifest elsewhere under other systems, and for these reasons it had been accepted by the Governments of all parties and by the nation. The Government of Great Britain, therefore, could not take part in a conference as supporting the principles proposed, and her delegate was not permitted to vote. This declaration, of course, frustrated the object in assembling the International Monetary Conference of 1881, for the Government of Germany, following the lead of Great Britain, was resolved to retain a monetary system like hers.

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SHALL THE UNITED STATES PROPOSE MORE CONFERENCES?

More conferences, further diplomatic correspondence, are proposed. I venture to think, with all due deference to those who are responsible for a decision, that the time for another conference has not arrived and that the moment for diplomatic interference is not perfectly felicitous. Our information is recent and authentic, and is contained in the letters of our ministers accredited to Great Britain, France, and Germany, there published, and in the correspondence and action of the English Government, which are summarized above.

The continental powers await the action of Great Britain, whose reluctance defeated the object of both conferences called at the instance of the United States, and to whom again, almost within a twelvemonth, she has turned a deaf ear. If it suited the dignity of the United States again to bestege the attention of European States, or again to make advances where they have been so lately repulsed, it would not suit our interests to so do when it is certain that the inquiry upon which Great Britain has suddenly entered at the instance and insistence of her great dependency, India, and of her own accord, is entered upon with anexclusive regard to her own interests. And of Great Britain's interests the United States have no call to become advisers or guardians.

Thus, from the language of the able Secretary of the Treasury, we see that we were rebuffed by Great Britain. The Secretary, however, advises patience, insisting that time would bring about the much-desired end. His words were, "Stop, wait, negotiate." His advice was followed—we stopped, we waited, we negotiated. No international conference was called until 1892—a lapse of nearly ten years. The results obtained were as barren as those that marked its predecessors, Great Britain, as usual, blocking the way to any agreement whatever.

As showing the utter futility of any attempt to have Great Britain depart from the position she has taken with regard to the gold standard, attention is called to the correspondence herewith submitted:

EMBASSY OF THE UNITED STATES, *London, May 29, 1895.*

SIR: For transmission to your colleague, the Secretary of the Treasury, I have the honor to send, inclosed herewith, certain important correspondence, published to-day, between the chancellor of the exchequer and sundry leading bankers and financiers of London, in relation to a proposal for the reassembling of international delegates with a view to the establishment of a bimetallic standard of money and value.

I have the honor, etc.,

T. F. BAYARD.

Hon. EDWIN F. UHL,
Acting Secretary of State.

[Inclosure from the Morning Post, Wednesday, May 29, 1895.]

THE CURRENCY QUESTION—AN ADDRESS FROM THE CITY.

The Press Association states that a meeting of leading bankers and merchants of the city of London was held yesterday at Glyn's Bank, Lombard street, Mr. Bertram Currie presiding, when it was decided to form a gold-standard defense association, the chairman of the meeting being elected president, and a council, which included Lord Farrer and Lord Welby, was also elected. Lord Hillingdon was appointed treasurer and the Hon. George Peel secretary.

An address, as follows, had been forwarded to the chancellor of the exchequer:

"MAY 20, 1895.

"*To the Right Honorable the Chancellor of the Exchequer:*

"SIR: We, the undersigned merchants and bankers in the city of London, desire to address you in reference to the discussion which has taken place in Parliament on the question of the currency. We have observed with regret the growing agitation in favor of what is called bimetallism, the more so since this theory has obtained the support of persons of eminence and authority. As long as it was proposed to apply the bimetallic principle to foreign countries only we did not feel concerned to offer an opinion thereon, but we are constrained to state that we should view with grave apprehension any change in the system of currency which has prevailed without intermission in this country since 1816. The experience of nearly eighty years has convinced us that this system is in every respect suited to our wants, and that under it the commercial supremacy of Great Britain and the financial ascendency of London have been established and maintained.

"We believe that any seriousattempt to modify it by the adoption of silver as a standard of value, either alone or concurrently with gold, would be followed by consequences dangerous to the trade and commerce of the country, and, further, that if it were possible that such a measure could not only become law but be made effective in practice, or should become law without becoming effective in practice, it would disturb contracts, injure credit, check enterprise, and thus prove disastrous both to capitalists and to wage earners.

"We venture, therefore, to express our earnest hope that Her Majesty's Government will not only refuse their countenance to any change in our monetary system, but that they will avoid entangling proposals which might lead persons either abroad or at home to believe that England is prepared to depart from the single gold standard, which is established by law and sanctioned by custom.

"Brown, Shipley & Co.; Dennistoun, Cross & Co.; Fruhling & Goschen; C. J. Hambro & Sons; Hardy, Nathan & Co.; Heilbut, Symons & Co.; Henckel du Boisson & Co.; Hoare, Miller & Co.; Fred. Huth & Co.; Kleinwort, Sons & Co.; Morris, Prevost & Co.; Morton, Rose & Co.; Henry S. King & Co.; Ralli Bros.; Robert Benson & Co.; R. Raphael & Sons; J. H. Schroder & Co.; Barclay & Co.; Glyn, Mills, Currie & Co.; Robarts, Lubbock & Co.; Smith, Payne & Smiths; directors of the National Provincial Bank of England (5); Henry Paull; directors of the London and County Banking Company, Limited (3); Bonamy Dobree, director of London and Westminster Bank, Limited; A. W. Gadesden, director of London and Westminster Bank, Limited; J. Sanderson, director of London and Westminster Bank, Limited; directors of the Union Bank of London, Limited (6); J. Spencer Phillips, deputy chairman Lloyds Bank, Limited; E. Brodie Hoare, director of Lloyds Bank, Limited; W. Farquhar, director of Lloyds Bank, Limited; directors of Parr's Banking Company and the Alliance Bank, Limited (3); the directors of Prescott, Dimsdale, Cave, Tugwell & Co., Limited (3); John B. Martin, for Martin's Bank, Limited; D. Larnach (Bank of New South Wales); Alexanders & Co., Limited; Brightwen & Co.; Hohler & Co.; Reeves, Whitburn & Co.; the directors of the Union Discount Company, Limited (3)."

The following reply was read from the chancellor of the exchequer:

"TREASURY CHAMBERS, *Whitehall, May 27, 1895.*

"MY DEAR BERTRAM CURRIE: I have received with much satisfaction the address you have forwarded to me, which I recognize as bearing names among the most weighty which could be found to represent the judgment of the merchants and bankers of the city of London.

"I can have no hesitation in giving to that address on the part of Her Majesty's Government the reply which you have a right to expect.

"I may briefly recall to your recollection the history of the last International Monetary Conference, which was assembled in the year 1892.

"The Government of the United States had taken measures to promote a conference of the European powers in order to take into consideration the condition of silver, and expressed a wish to Her Majesty's Government that a ratio might be established by the leading nations for the coinage of silver at their several mints.

"My predecessor in office, Mr. Goschen, while assenting to an inquiry as to the possibility of an enlarged use of silver in the currency of nations, distinctly declined to accept the invitation couched in terms which involved the adoption of a bimetallic system.

"When the conference met at Brussels the bimetallic proposals brought forward by the delegates of the United States, owing to their generally unfavorable reception, were not pressed to a division.

"At the last session of the conference an adjournment was agreed to with a view of its reassembling after an interval of six months, in order to consider some agreement (if any such could be produced) which should not infringe in any way the fundamental principles of the monetary policies of the different countries. (Report of Brussels Conference, page 195.)

"It was recognized that there would be no advantage in calling the conference together again except for the purpose of the examination of practical and explicit proposals brought forward on the responsibility of one or more of the Governments there represented, and which should conform to the condition that those proposals should not interfere with the fundamental principles governing the monetary systems of the various States.

"When the prescribed time arrived it appeared that these conditions were not fulfilled, and none of the Governments concerned expressed a desire for the reassembling of the conference, which accordingly came to an end.

"I concur entirely in the opinion expressed in your address that the experience of well-nigh a century has proved that our present system of currency is suited to the wants of this great commercial country, and that to depart from it would be disastrous to the trade and credit of the United Kingdom.

"Continuity of national policy is more necessary in this than perhaps any other question. You may rely upon it that Her Majesty's Government will not depart from the course pursued by all the governments that have preceded them, and will give no countenance to any changes in the fundamental principles of our monetary system, nor in any discussion in which they may be called upon to take part will they admit any doubt as to their intention firmly to adhere to the single gold standard, which you justly regard as essential to our well-being as a commercial nation.

"I remain, yours, faithfully,

W. V. HARCOURT."

Germany follows closely in the footsteps of Great Britain, and it is evident that her ministry will not take any further step looking to another monetary conference. Prince Hohenlohe as late as February 8 gave utterance to the following expression of opinion on the subject:

A monetary conference could not bring the question nearer to a practical solution, and therefore it appears undesirable that Germany should take the lead in summoning a conference. The federal governments, acting upon this conviction, have decided not to take further steps in pursuance of the resolution of the Reichstag of February 16, 1895. If, however, definite and acceptable proposals promising success were made on behalf of another State, I should duly consider the question of German representation at the conference.

So that it is utterly hopeless to expect any relief through the medium of international conference.

To illustrate this point more fully, I will relate some of the conversation I had about one year ago with an Englishman who was on a business trip to this country for the purpose of loaning about $10,000,000, and which, he said, he had accomplished. Learning that I favored the free coinage of silver, independent of any action of any foreign government, he asked my reasons therefor. I briefly stated the great agricultural depression then existing in the country—the decline in the prices of products—and told him that this depression had now extended to all other interests and values in this country; that I believed that our country was powerful enough to maintain at home and abroad the value of any dollar—gold or silver—that might be coined by the Government of the United States.

I also told him that we possessed the most valuable gold and silver mines in the world; I alluded to the value of our internal commerce, and in a general way to the wealth and power of our country, and that it was to the interests of our people to change our present methods from the payment of gold alone. His answer was perfectly frank and candid. He said that he recognized the strength and power of the United States; that we were a wonderful people; that any metallic dollar, or its representative, to which the stamp or seal of the United States was affixed would be received as a good dollar not alone in this country, but by all the countries of the universe; and that if he was an American, like myself, he would also favor the free coinage of silver in the interests of America, and his only wonder was how any American could do otherwise.

"But," he said, "the interests of my country are not the interests of the United States." Continuing, he said: "Beginning nearly a century ago, we have adopted a policy of trade and finance that has gotten all the rest of the world in debt to us, and now," he exclaimed, "we collect $1,000,000,000 annually in gold as the interest on that debt." Turning to me, he said: "Do you know what $1,000,000,000 means? Have you any conception of such an amount of money?" I replied that it was a vast amount; that the average value of the entire cotton crop of the United States, as now measured in gold, amounted to $250,000,000 annually, and that it would require the value of four cotton crops to equal it; that, counting the wheat crop of the United States at 400,000,000 bushels, sold at 62½ cents per bushel, it would require the value of four crops of wheat to pay it; that, counting the net savings of each of the agriculturists of the country at $100 annually, it would require the combined net earnings of 10,000,000 farmers to pay it; that, counting the net earnings of skilled wage earners at $200 each, it would require the combined earnings of 5,000,000 skilled workers annually to pay it; and that counting the average of the combined output of the world's annual production of gold and silver at an average of $250,000,000, it would require all the gold and silver produced in the world for four years to pay one year's interest.

Mr. Chairman, the condition of our country is a peculiar one. From a weak colony of 3,000,000 people, a little over a century ago, with not a settlement west of the Alleghany Mountains, we have taken possession of the fairest and most fruitful land under the sun, and have developed into the highest civilized, as well as the most powerful, nation of the earth. It is not my purpose to trace this wonderful development. It would seem that nature's storehouse has provided us with almost every product that would conduce to our comfort, and American brain and brawn have supplied the power that has transformed them into the necessaries and luxuries of life. Our natural resources are greater than those of any three nations of the world. Our mines of gold and silver, of iron and coal, of lead and copper, are inexhaustible. Our forests exceed in value and extent those of any other country. We grow four-fifths of the cotton to clothe and one-fourth of the wheat to feed the people of the world.

I read recently that one-third of the world's manufacturing is done and nearly half of the newspapers are published in the United States. We produce one-third of the world's supply of the precious metals, one-half its copper, over one-fourth its iron and steel. We have built nearly one-half the railroads, and by lakes and rivers have more miles of navigable water than all Europe combined. The value of our agricultural products is over $3,500,000,000 annually, and that of our manufactures over $9,000,000,000, with over $2,000,000,000 paid in wages to employees. Our internal trade is over $20,000,000,000, and our estimated wealth is $70,000,000,000, and increasing, according to Mulhall, at the rate of $7,000,000 daily. We produce more grain than Great Britain, France, Germany, Austria, and Italy combined, and nearly as much meat as those countries. We transport double the amount of merchandise by rail than all the other nations of the earth collectively.

Our annual school expenditure exceeds that of Great Britain, France, Germany, Austria, and Italy combined. The telegraph lines that encircle the globe, climbing mountains, crossing deserts, and buried beneath the bosom of old ocean itself, is a tribute to American ingenuity and skill. The steel rails that encompass the earth and bring all the nations together in friendly and commercial intercourse mark the path of American pluck and American enterprise. We fought the greatest war the world has ever known, whether measured by heroism displayed, by battles fought, by numbers engaged, by losses sustained, or by treasure spent. Our ingenuity devised new methods of warfare by land and by sea, and as a consequence the navies of the world had to be built anew. A reunited people, devoted to one flag and one country, with a population doubled and resources quadrupled since 1860, we could well nigh defy half the world in arms.

Yet, Mr. Chairman, notwithstanding all this greatness and all this glory and all this wealth, a little seagirt isle across the sea dictates her financial policy to this great Republic and to all the world.

Mr. Chairman, shall we longer pursue a policy which strengthens and builds up the already enormous money power of Great Britain, which appreciates the value of gold and decreases the value of all other products, or shall we declare for an American system of finance in the interest of the American people by opening up our mints to the free and unlimited coinage of both gold and silver and restoring prosperity to our distressed and long-suffering people?

But, even from the English point of view, there is another side to the question, as shown by the following extract from a paper read before the Society of Arts on January 19, 1893, by J. Barr Robinson:

In a period like the present of widespread depression in trade and industry, and among the people generally, the question as to whether this can be traced to any special cause or causes is one of the highest importance. Numerous controversies have been and are being carried on as to these causes, and out of the conflicting masses of argument and fact, of error and confusion, there is gradually emerging the cardinal idea that the predominant cause is the appreciation that gold has undergone in the last twenty years.

* * * * * * * *

While it would take too much space to enter into details regarding the practical effects of this appreciation of gold, it will suffice to give some indication of the enormous injury it has inflicted if it is stated that the transfer of wealth from the landed and propertied classes and from the mercantile, manufacturing, and producing classes generally in the United Kingdom to the holders of securities, mortgages, annuities, etc., can not be less than £2,000,000,000, due solely to the appreciation of gold. It is already a question how much further the holders of securities are to receive the assistance of a continually contracting currency to enable them to go on absorbing further and further the wealth of the producing classes. If no other relief can be obtained it may be necessary to fix a commodity standard instead of a money standard for long-dated payments, as has been recommended by the principal economists of the last hundred years. Such a colossal unearned increment as has accrued to the holders of securities valued in gold during the last twenty years in Europe and the United States, amounting to not less than from £7,000,000,000 to £9,000,000,000, is entirely unparalleled in the history of the world, and all other public questions sink into utter insignificance compared with it.

Thus it will be seen that the change in the system from the coinage of both metals on terms of equality since 1873 has caused a transfer of wealth from the agricultural and other classes in Great Britain to the bondholders and money lenders of £2,000,000,000, or $10,000,000,000.

They have copartners in the United States, according to Mr. Robinson's statement, and with Great Britain they are joint owners of this colossal unearned increment of from £7,000,000,000 to £9,000,000,000 annually, which he truthfully says is unparalleled in the history of the world, and all other questions sink into insignificance compared with it.

Eduard Suess, the eminent professor of geology at the University of Vienna, Austria, said:

Indebtedness in gold, especially when it rests on a silver land, manifestly rises from year to year with the divergence of values. While any economic gain due to the premium in the silver land is distributed among thousand of hands, in the figure of the interest, which is due in gold, the burden finds concentrated expression, and it increases with every fraction by which the ratio rises. Many a statesman of an honestly toiling, upward striving land watches with anxiety this figure which withdraws from his country undeservedly and inexorably a part of the fruits of its industry and conveys to the bondholder unearned and unexpected gain. The crises of recent times have furnished abundant examples in which the paying capacity of a debtor country was exceeded and a good part of the capital was lost along with the interest.

In speaking of the possible, and perhaps probable, division of the world governed by two different money standards, he argues that the final results would be disastrous to the gold lands, and that America holds the balance of power. I quote Professor Suess's words:

The more remote consequences, however, would be disastrous to the gold lands. In the great silver area, which comprises many States in need of money, there would occur, perhaps, at first inflation and irregularity. True, it must be confessed that even nowadays there are States with free-silver coinage and yet without too great inflation. In order to bind the metal more and more, fully covered certificates would perhaps be issued instead of the partly covered notes. In any case the production of goods would make a great, perhaps too great, advance. In the gold area, too, there would at first be improvement, but soon there must ensue more and more contraction, fall of prices, injury to labor.

All obstacles now thrown in the way of commerce by tariffs would dwindle into insignificance compared to the barrier that would be erected by the partition of the earth into two solid areas of money standards.

As the silver area comprises all zones, all natural products, and, in the United States, also all industries, a great independent economic unit would

be constituted by the silver area. Exportation from the gold area would be rendered, and yet the gold would be dependent on the other for many products, as is proved by the balance of goods, already passive in a high degree even to-day, of Great Britain, Germany, and France. Silver capital would grow up in the silver area, and silver lands would borrow only silver capital. At the same time, however, in the whole silver area industry would continue, as hitherto, consuming gold. That is the "walling in of Europe."

Whether the United States will make this or some other choice is now not known, but in any case some deductions arise from the present situation.

First of all, it is certain that Europe, in case of refusal to enter into an international agreement, leaves America's hands free to enact measures which must exert the most profound influence upon all commerce and upon the money affairs of Europe herself.

Furthermore, it is certain that gold alone can never become the standard of the whole earth, but that, on the contrary, a time will come when it will be entirely absorbed by industry. Let us not forget Soetbeer's results, according to which the entire monetary stock of the earth is smaller by almost one-third than the production of the last forty years.

The great fall in prices in the past few years has been heaviest upon the farmers of the country. Over one-third of the people of the country are engaged in agriculture. They have been the first to feel the loss in the value of their products. The farmer has to contend with the cheap labor of India and Argentina in the production of cotton and wheat. Under the gold standard the price of cotton has fallen to about 6 cents a pound. An overproduction of the cotton crop of 1894–95 of about 1,000,000 bales caused the price to fall to about 5 cents per pound, the lowest price at which it was ever sold in the United States. It is estimated that the crop of 1895–96 will be 2,000,000 bales short of a normal supply for the uses of the world. It is estimated that 8,700,000 bales is the amount of American cotton needed for the world's consumption. Yet, with the crop of 1895–96 2,000,000 bales short, the price to the farmer is about 7½ cents a pound.

Even the price received for a short crop of cotton is one-third less than that received for an average crop ten years ago. Wages of labor in the cotton States brought about by the constantly decreasing price of cotton has fallen to 50 and 60 cents per day, and the laborer out of this sum has to board himself. Wheat has fallen in price at about the same ratio as cotton, and this decline in price has not been brought about by overproduction. No one can truthfully say that the farmers of this country are in a prosperous condition. By hard work they live, and by hard work only are they enabled to obtain the absolute necessaries of life. They are deprived of many of life's comforts and almost all of its luxuries. Their products are used by the nation at large in settling the gold balances due other countries.

Mr. Chairman, patriotic appeals go up from gentlemen on the other side of this question to save what they are pleased to call the honor and credit of the country, but what it really means is to save and make sure the increased and ever increasing unearned increment of the bondholder of this country and of Europe.

Mr. Chairman, the system is wrong and it is sapping the life-blood of the people, and year by year plunging them deeper and deeper into debt. How long can it last? The masses of the people of this country are utterly opposed to the sale of bonds now carried on by this so-called Democratic Administration, backed up by the immense Republican majority in this House. You have the power to stop this issue of bonds, even over the President's veto; if necessary, to compel the Secretary of the Treasury to use silver dollars, as well as gold dollars, in the redemption of greenbacks and Treasury notes. But you will not do it; you have taken your stand like the President and Secretary of the Treasury and their followers—the money power of the land against the masses of the people.

Mr. Chairman, the reason of the frequent changes in the political complexion of this House in the last few years can be written in two words, "hard times." Dissatisfaction prevailed all over the country with the results of the Republican Administration under Mr. Harrison, and a tidal wave swept it from power. Promises of relief were given by the Democratic party, but these promises failed to come up to public expectation. True, a tariff bill was passed that partially relieved the people of the unjust burdens placed upon them by long years of high-tariff legislation. But the main cause of the cankering disease of the body politic still remains. Previous to the advent of the present Executive into national political life, the voice of the gold bug was rarely ever heard in Democratic ranks. The declarations of our party were practically unanimous for righting the great wrong perpetrated by the act of 1873, and for restoring silver to its rightful place as a money metal in the coinage laws of the country. Legislation had reduced, almost destroyed, its value. Legislation had outlawed it as a money metal. That which was in the power of legislation to do was in the power of legislation to undo.

Legislation could withdraw the ban of outlawry; legislation could restore the value of silver by opening the mints to its free and unlimited coinage. That was the position of the Democratic party as proven by the action of a majority of its Senators and Representatives in every Congress, save one, since 1873. But in 1894 a Democratic Congress failed to do its duty—to pass a free-coinage bill—and give the people full measure of relief which had been promised for years. The voice of the cuckoo was heard in Democratic councils—the vote of the cuckoo was mingled with that of our old Republican enemy. The great Democratic leader of tariff reform and the great Republican leader and defender of high protection smiled sweetly, one upon the other, and cooed together like turtle doves, and their votes were alike cast to issue more bonds—gold bonds.

What joy filled the heart of your great Republican leader in the divided councils of what should have been a united party is best shown by a few remarks made by him in the closing hours of the Fifty-third Congress.

He said:

Mr. Speaker, I am somewhat reluctant to address the House because my feelings are divided between two emotions. One is a feeling of regret for the Democratic party and its position; and the other is a feeling of equal regret for the country and its position.

* * * * * * *

I tell you when the people of this country get an opportunity to express their opinion of you, you will listen to it more intently than you are listening to me, and with sadder hearts than you have to-day even.

Not content with what you have done, you have threatened the people of this country with yourselves again. We shall not write your epitaph. That has been done by a nearer and dearer. That has been done by the man whose name must be affixed to this bill before it can disgrace the statute book. I wish I could congratulate the country upon something, with the departure of incompetency.

Those were brave words, Mr. Chairman, and proved to be prophetic ones. We all know the fate of old dog Tray when caught in bad company. Relief had not come through Democratic agencies. Thousands of disgusted Democrats refrained from going to the polls. The charge of incompetency rang through the land. Vainglorious and boasting Republicans proclaimed their ability, if once more granted power, to afford the long-promised relief.

Another tidal wave was the result. The country believed your party, and 150 Republican majority in this House attests that belief, and now the eyes of the country are upon you. The people demand the fulfillment of your boastful promises.

Your leader, Mr. REED, said in that same speech, on August 28, 1894:

We stand in a very peculiar position to-day. The representative of the Democratic party, just chosen President of the United States, finds himself powerless in his first great recommendation to his own party. Were he left to their tender mercies the country would witness the spectacle of the President of its choice overthrown by the party charged with the country's government. What wonder, then, that he appeals to the patriotism of another party whose patriotism has never been appealed to in vain.

* * * * * * *

What we were in our days of victory the same are we in our days of defeat—champions of true and solid finance. And when the time comes, as it surely will, for us to lead this land back to those paths of prosperity which were trodden under Republican rule for so many years, we shall take back our ancient glory, undimmed by adversity; our ancient honor, unsullied by defeat.

Mr. Chairman, the Republican party did stand in a peculiar position that day, and the peculiarity of the situation is that it stands in a very "peculiar position" to-day. According to Mr. REED's statement, a Democratic President is no longer left to the "tender mercies" of his own party, but is sheltered under the protecting wing of the 150 Republican majority of this House. On the financial question he is a Republican President, not ours. He is the champion of so-called sound money—so are you—which, read between the lines, signifies that you are alike the champions of the bondholders and money power of Great Britain and America.

Mr. Chairman, the time has come for the Republican party to redeem its promises to lead this land back to those "paths of prosperity which were trodden under Republican rule for so many years." The country is waiting—how fondly, how trustfully, how impatiently! "Yes; waiting, my darling, for thee." Waiting for you to clasp it gently by the hand and "lead" it back to paths of prosperity. If you can not find all the "paths," at least find one. Alas, poor country, it will hope and watch and wait in vain!

The "do-nothing" policy prevails, and Republican incompetence and madness rule the hour. The country asks for relief, and your answer is, "Bonds; millions more of bonds." However, Mr. Chairman, it is some relief to know that this miserable bond bill—this little puling infant—which came from the loins of its Republican parent "into this breathing world scarce half made up," is passing—passing away. Its days are numbered, and it will soon be laid away to rest forever.

Handle it tenderly, touch it with care,
Fashioned so slenderly, young and so fair.

A little stone should be erected to its memory and on it inscribed:

SACRED TO THE MEMORY
OF OUR ANGELIC CHERUB, LITTLE DINGLEY BILL.

Born on the 25th day of December, A. D. 1895, at Washington, D. C., its life was short but eventful. Weak and lacking in vigor, scarce 10 days old, it was carried with a message of bonds to the eastern end of the Capitol, where it was cruelly assaulted by brutal Senators with silver clubs, and its young life taken away.

This stone is erected to its memory by its unfortunate parent, NELSON DINGLEY, and its loving foster parents, Grover Cleveland and THOMAS BRACKETT REED.

REQUIESCAT IN PACE.

Coin Redemption Fund.

SPEECH

OF

HON. WILLIAM ELLIOTT,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 13, 1896.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 2304) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue—

Mr. ELLIOTT of South Carolina said:

Mr. CHAIRMAN: I will vote against the Senate amendment, as I have voted against all propositions for the free coinage of silver in past years whenever the question came up on its merits. While it is, of course, true that the people of the district I have the honor to represent are much divided upon this question, yet a great majority of them are altogether opposed to any depreciation of any part of our currency. They have very bitter recollections of the evils of a depreciated currency, and they insist that every dollar of our currency shall be kept of the same value as every other dollar of it. And I take occasion here to say, Mr. Chairman, in view of what has been said elsewhere, that they thoroughly indorse and approve the course of the President in the action which he has deemed it necessary to take for the preservation of the financial honor of the country. They indorse and approve all his steps thoroughly; and they do not believe that any President has ever surpassed him in his determination to uphold the honor of the country, and to protect in all respects the interests of the people. And I say this not only in behalf of the great majority of the people of my district, but as voicing the sentiment of thousands of people throughout the State who thoroughly uphold him in his course.

WHAT IS FREE COINAGE OF SILVER?

Let us inquire, then, Mr. Chairman, what substantially is the free and unlimited coinage of silver at the ratio of 16 to 1 as provided by the amendment of the Senate. It is a very different thing from the process by which the Government has for many years past been coining silver dollars, about 400,000,000 of which have entered into our currency and are in daily use by our people. This silver has been purchased by the Government at its regular market price and has been coined by the Government for itself and not for any private owner. These purchases by the Government have always been made within the limits prescribed by the acts of Congress, the first the act of 1878, which provided for the purchase by the Government and coinage during each month of not less than $2,000,000 nor more than $4,000,000 of silver, and the second the Sherman law of 1890, which required the purchase during each month of 4,500,000 ounces of silver bullion upon which Treasury notes should be issued by the Treasury.

The currency provided by these acts of Congress is full legal tender for the payment of all debts, public and private, and circulates upon an equality with the rest of our currency, whether paper or metallic. It is a well-known fact that to-day, while the actual value of the silver in one of our silver dollars is less than 50 cents, these dollars pass everywhere precisely the same as if their intrinsic value was 100 cents. This is due to two causes: First, that these silver dollars are received by the Government in payment of all dues and are maintained by the Government as of equal value with gold; and, second, that the coinage being limited by law to a certain amount, the Government is able to maintain silver upon a parity with gold. These purchases of silver were put an end to by the act of 1893, and to-day the Government makes no purchases of silver. The free and unlimited coinage of silver at the rate of 16 to 1 is altogether a different thing from the process we have been considering.

FIFTY-CENT DOLLARS.

If the Senate amendment becomes a law any person, from any country, can take to the mints of the United States silver in unlimited quantities, and have what is to-day but 50 cents' worth of silver coined into a dollar. This right is not limited to citizens of this country, nor is it limited to the silver product of this country, but it can be exercised by every person in the world, and the silver may be brought from all parts of the earth. There are to-day in the world over $4,000,000,000 in silver, which is nowhere worth more than 50 cents on the dollar, and it will be readily seen that, if this bill becomes a law, and the owners of silver thereby become entitled to receive a dollar for every 50 cents of silver that they own, there will be a rush of all the above enormous amount of silver upon our mints for coinage. Can any sane person doubt that this will be the result? Where else can a man in one day and by one act double his possessions?

No one denies that the intrinsic value of a silver dollar is to-day only 50 cents, nor does anyone deny that the owners of silver will be swift to avail themselves of such a splendid chance; in fact, the whole purpose of this bill is to enable the owners of silver to do this very thing—bring all their silver to the Government mint to be coined. We would no longer have a limited amount of silver dollars for which the Government would be responsible, as it is now, but there would be an unlimited amount of them coined, not for the benefit of the Government, but for the sole benefit of the owners of silver. Now, while I can readily see why the silver-mine owners of the West should be exceedingly anxious to procure the passage of such a law, I fail to see of what advantage it would be to the other people of the country who are not silver-mine owners.

How will it benefit, for instance, the cotton growers of South Carolina to have the owner of silver get two prices for his product? If such a law were proposed to be passed for the benefit of the cotton growers of the South, undoubtedly they would be as eager to procure its passage as the producers of silver are to have this bill become a law. No doubt when the agitation for the free coinage of silver began years ago it was advocated solely by the silver-mine owners, but they soon were joined in the movement by a large number of people who had no such selfish interest, but who were then, and are now, acting under an honest conviction that free coinage of silver is absolutely necessary to the prosperity of the country, and the strength of the movement is indicated by the fact that the bill we are now considering has lately passed the Senate.

FALL IN THE PRICE OF PRODUCTS.

The chief argument in behalf of the free coinage of silver is that, ever since silver was limited as to coinage by the United States in 1873, there has been a steady fall in the price of all products and that this fall was due to the alleged demonetization of silver. Of course this argument appeals very strongly to the agricultural producers of the South and West, and it is in those sections of the country that the measure finds its chief support.

PRICE OF COTTON.

Taking up the question of the fall of price in cotton, let us see what the facts are: The proposition is that as silver has fallen so cotton has fallen, and that cotton has fallen because silver has. If this were so, no one would be more swift to advocate this bill than I, if I thought it would bring relief to our farmers, remembering as I do that the cotton farmers of South Carolina last year produced 800,000 bales of cotton. But is it true that cotton has fallen just as silver has? Statistics show that in 1886, for example, silver was worth 99.4 cents per ounce and cotton was worth 9.44 cents a pound; while in January just passed silver was worth only 67 cents an ounce while cotton was worth 8.1 cents a pound. If the fall in the price of cotton was due to the fall in the price of silver, how is it that during the above period we see that cotton has fallen very little, while silver has lost about one-third its value?

Furthermore, we find from the tables which I will publish that during the four years following 1886 the average prices of cotton in New York were 10.25, 10.27, 10.71, and 11.53, while it is a notorious fact that during all those years silver continued to fall. If silver has carried cotton down with it, how is it possible that the price of cotton should have continued to rise while at the very same time the price of silver kept going down? Again, in 1895, cotton fell as low as 6.26 (average) in New York, but it has since risen to over 8, while there has been no rise whatever in silver. Cotton is now higher than it was for seven out of ten years commencing in 1841, during two of which years, 1842 and 1845, it sold as low as 5 cents in New York, and the average price in New York for 1845 was only 5.63. In New Orleans in the same year it sold as low as 4¾, and in 1843, in the same place, for 4¼.

Now, all this was, of course, long before the alleged demonetization of silver, and yet we see that cotton was then selling for very much less than it has brought since 1873. How is it possible to reconcile these facts with the theory that as silver has fallen in price, so has cotton fallen, and that the fall in the price of cotton is due to the fall in the price of silver? Again, taking the fifteen years from 1840 to 1855, we find that cotton sold in New York at an average of 8.7, while for the five years from 1885 to 1890 the average price in New York was 10.4. Now, here we have taken a period of fifteen years before the war, quite long enough to make a perfectly fair average, and have compared it with a period of five recent years, and yet we find that during the last period, since 1873, the average price was almost 2 cents higher than during the first-named period.

How is it possible, then, to say that the limitation on the coinage of silver has reduced the price of cotton? But it seems to me, Mr. Chairman, that it is not necessary to go back so many years in order to settle this point, because we have facts all occurring within less than two years past which utterly disprove the claim made by the advocates of this measure. Everyone remembers that, when cotton sold at such fearfully low prices during the latter

part of 1894 and the early part of 1895, the advocates of free coinage of silver everywhere claimed that this terrible depression was due solely to the demonetization of silver, and there is no doubt that a great many people were seriously impressed by this deplorable fact, and began to think that the advocates of free coinage were at last, perhaps, right. It was then loudly proclaimed by those who are now urging this bill that the demonetization of silver had ruined the cotton growers of the South, and that they would have to make up their minds to become accustomed to 5-cent cotton until the free coinage of silver should bring about better times.

But within the past year we have seen this idea thoroughly exploded by the fact that cotton has again been selling for 9 cents a pound. While silver remains at its lowest price the cotton growers of the South have had new life put into them by this wonderful rise in the price of cotton. Can any unprejudiced person now have a lingering doubt in his mind as to the fact that the legislation of 1873 has had nothing whatever to do with the fall in the price of cotton or any other product? If I were to take the time to examine into the statistics as to wheat it would be found that substantially the same condition of things exists as to the wheat market, but I will leave that matter to gentlemen more thoroughly familiar with that product. I will here insert some tables as to the price of cotton, furnished by the Agricultural Department:

Supply and consumption of cotton in the United States and Europe—surplus stocks and prices.

[In bales.]

Year.	Supply and consumption.								Prices (middling upland) per pound.					
	United States.					Europe.			In New York.			In Liverpool.		
	Crops.	Consumption.	Exports.	Stocks (close of year).	Net weight of bales.	Imports, etc.	Consumption.	Stocks (close of year).	Lowest.[1]	Highest.	Average.	Lowest.	Highest.	Average.
					Pounds.				Cents.	Cents.	Cents.	Pence.	Pence.	Pence.
1841	1,634,954	297,288	1,313,500	72,479	394	2,609,000	1,848,000	761,000	7	11¼	9.50	5½	6¾	5.73
1842	1,683,574	267,850	1,465,500	31,807	397	2,812,000	2,005,000	897,000	5	10¼	7.85	4½	5¾	4.86
1843	2,378,875	325,129	2,010,000	91,486	409	3,210,000	2,155,000	1,055,000	6½	8½	7.25	3½	5	4.37
1844	2,030,409	346,750	1,629,500	159,772	412	3,228,000	2,127,000	1,101,000	5½	9½	7.73	3½	5½	4.71
1845	2,394,503	369,000	2,068,700	98,420	415	3,575,000	2,356,000	1,219,000	5	6½	5.63	3	4½	3.92
1846	2,100,337	422,000	1,666,700	107,122	411	2,945,000	2,323,000	622,000	7	9½	7.87	4	7	4.80
1847	1,778,651	428,000	1,241,200	214,837	431	2,336,000	1,745,000	591,000	8½	13½	11.21	4½	7½	6.03
1848	2,439,786	616,044	1,858,000	171,468	417	2,744,000	2,159,000	585,000	6	13	8.03	3	4½	3.93
1849	2,866,938	642,485	2,228,000	154,753	436	3,124,000	2,477,000	646,000	5½	10½	7.55	4	6¾	4.09
1850	2,333,718	613,498	1,590,200	167,930	429	3,075,000	2,451,000	624,000	10	13½	12.34	5½	7½	7.10
1851	2,454,442	485,614	1,988,710	128,304	416	3,207,000	2,618,000	589,000	8½	15	12.14	4½	7½	5.51
1852	3,126,310	689,603	2,443,646	91,176	428	3,844,000	3,112,000	732,000	8½	11½	9.50	4½	5½	5.05
1853	3,416,214	863,725	2,528,400	135,643	438	3,837,000	3,013,000	824,000	9½	11½	11.02	5½	6½	5.54
1854	3,074,979	737,236	2,319,148	135,993	430	3,884,000	3,116,000	768,000	10	11½	10.97	4 13/16	6	5.31
1855	2,982,634	706,417	2,244,209	143,536	434	3,903,000	3,316,000	587,000	8½	13	10.39	4½	6½	5.60
1856	3,653,557	777,759	2,954,606	64,171	420	4,252,000	3,813,000	439,000	9	11½	10.30	5½	6½	6.22
1857	3,093,737	819,936	2,252,657	49,258	444	3,810,000	3,184,000	626,000	12½	15½	13.51	5	9½	6.73
1858	3,257,339	595,562	2,590,455	102,926	442	4,181,000	3,624,000	557,000	8½	15½	12.23	6 1/16	7½	6.91
1859	4,018,914	927,651	3,024,405	149,257	447	4,410,000	3,839,000	571,000	11	13½	12.08	6	7½	6.68
1860	4,861,292	978,043	3,774,173	227,708	461	5,103,000	4,321,000	782,000	10½	11½	11	5½	7½	5.97
1861	3,849,469	843,740	3,127,568	83,187	477	3,636,000	3,041,000	789,000	10	22	13.01	6½	11½	8.50
1862	[1] 4,500,000	[1] 370,000	644,996	No data	477	2,427,000	1,993,000	398,000	20	51½	31.29	12½	29	18.37
1863	[1] 1,000,000	[1] 288,000	10,898	...do....	477	2,436,000	2,146,000	250,000	51	92	67.21	20	29½	22.46
1864	[1] 450,000	[1] 220,000	27,053	...do....	477	3,181,000	2,588,000	563,000	68	189	101.50	21½	31½	27.17
1865	[1] 300,000	[1] 245,000	24,787	...do....	477	3,415,000	3,055,000	347,000	35	182	83.38	13	20	19.11
1866	2,299,316	666,100	1,554,664	283,692	441	5,078,000	3,935,000	1,143,000	32½	60	43.20	12	20½	15.30
1867	2,097,254	770,690	1,557,064	80,296	444	5,239,000	4,147,000	1,092,000	20½	42	31.59	7½	15½	10.98
1868	2,519,554	906,636	1,635,816	37,398	445	5,218,000	4,404,000	614,000	15½	32½	24.85	7½	12½	10.52
1869	2,366,467	926,374	1,465,880	11,160	444	5,086,000	4,503,000	583,000	24½	35	29.01	11	13½	12.12
1870	3,122,551	865,160	2,206,480	65,325	440	5,146,000	4,387,000	759,000	19½	35	23.98	8½	11½	9.89
1871	4,352,317	1,110,196	3,169,009	144,290	442	6,629,000	5,288,000	709,000	14½	21	16.95	7½	9½	8.55
1872	2,974,351	1,237,330	1,957,314	59,287	443	6,517,000	5,418,000	1,099,000	18	26½	20.48	9 1/16	11½	10.78
1873	3,930,508	1,201,127	2,679,986	104,782	444	6,353,000	5,342,000	1,051,000	19½	22½	18.15	9	10 1/16	9.65
1874	4,170,388	1,305,943	2,840,981	124,795	444	6,696,000	5,611,000	1,085,000	13½	20½	17.00	8	9½	8.36
1875	3,832,991	1,193,005	2,684,708	74,411	440	6,610,000	5,561,000	1,048,000	14½	17½	15.09	7	8	7.67
1876	4,632,313	1,351,870	3,234,244	130,041	444	6,569,000	5,658,000	911,000	11½	14½	13.00	5½	7½	6.61
1877	4,474,039	1,428,013	3,030,835	130,493	440	5,781,000	5,120,000	655,000	10½	13½	11.73	5½	7 1/16	6.29
1878	4,773,865	1,489,022	3,330,254	45,784	450	5,571,000	5,058,000	513,000	10½	12½	11.28	5 13/16	6½	6.31
1879	5,074,155	1,558,329	3,481,004	65,948	447	5,938,000	5,295,000	644,000	8½	13½	10.83	4½	7 5/16	6.16
1880	5,761,252	1,789,978	3,885,003	141,418	454	6,430,000	5,758,000	671,000	10½	13½	12.02	6 5/16	7½	6.94
1881	6,605,750	1,938,937	4,589,346	218,043	460	6,954,000	6,215,000	739,000	10½	13	11.34	5½	7 1/16	6.48
1882	5,456,048	1,964,535	3,582,622	124,232	450	7,374,000	6,582,000	922,000	11½	13	12.16	6½	7½	6.70
1883	6,949,756	2,073,096	4,766,597	231,117	470	7,921,000	6,915,000	1,097,000	10	12½	10.63	5½	6 13/16	5.90
1884	5,713,300	1,876,683	3,916,581	116,150	462	7,671,000	6,675,000	996,000	9	10	10.64	5½	6 7/16	6.63
1885	5,706,165	1,753,125	3,947,972	132,421	460	6,647,000	5,831,000	816,000	9.7	10.7	10.54	5 7/16	6½	5.75
1886	6,575,691	2,162,544	4,336,203	178,025	463	7,333,000	6,391,000	942,000	9½	10	9.44	4 15/16	5 7/16	5.14
1887	6,595,087	2,111,532	4,445,302	86,239	464	8,296,000	7,531,000	935,000	9½	11½	10.25	5 1/16	6	5.42
1888	7,046,833	2,257,247	4,627,502	180,082	467	7,395,000	6,527,000	868,000	9½	11	10.27	5½	6	5.51
1889	6,938,290	2,314,061	4,742,347	65,624	457	8,433,000	7,142,000	1,291,000	9 15/16	11½	10.71	5½	6 13/16	5.73
1890	7,311,322	2,390,959	4,906,627	75,195	478	8,949,000	7,565,000	1,384,000	10½	12½	11.53	5 9/16	6 11/16	5.97
1891	8,652,597	2,632,023	5,847,191	215,692	473	9,402,000	7,455,000	1,947,000	7 15/16	10½	9.03	4 5/16	5½	4.94
1892	9,035,379	2,876,846	5,993,437	421,104	475	8,635,000	6,382,000	2,253,000	6 13/16	8½	7.64	3 7/16	4 13/16	4.18
1893	6,700,365	2,431,134	4,445,338	257,411	475	8,081,000	6,118,000	1,963,000	7 7/16	10	8.24	4 3/16	5½	4.57
1894	7,549,817	2,319,688	5,287,887	180,912	474	8,475,000	6,643,000	1,832,000	6½	8 5/16	7.67	3 13/16	4½	4.23
1895	[2] 9,476,435	2,704,153	6,614,619	405,519	.....	[2] 9,387,000	6,903,000	2,484,000	5 9/16	7½	6.26	2 29/32	3 29/32	3.34

[1] Estimate of Department of Agriculture; all other figures for 1895 are to July 1.
[2] The figures for 1895 are estimates by Thomas Ellison.

CAUSE OF THE FALL IN PRICES.

There is no doubt whatever that, as a general thing, farm products have fallen in price of late years, but it has been due to other causes than the demonetization of silver, such as improved methods of cultivation, increased production per acre, the general use of commercial fertilizers, and their enormously diminished price; to lower freights, quicker transportation, and various other causes. Farm products are not the only things that have fallen, but there has been a general fall in prices all along the line, and, as a matter of course, a farmer can afford to sell his products cheaper when he has to pay less for everything that he buys; and the fact is, as the statistics show, farm products have fallen in price, up to a few years ago, less than most other articles. A few years ago an elaborate investigation was made for the Senate on this whole subject under the direction of Mr. Carroll D. Wright, the eminent statistician, and the result showed that from 1873, when it is said silver was demonetized, up to the time of the investigation, some three years ago, food products had fallen less than 10 per cent, while clothing had fallen 32 per cent, lumber and building materials about 20 per cent, house furnishings 27 per cent, and implements 35 per cent. Furthermore, it appeared that, as between 1860 and the time of the above investigation, food products had advanced 3 per cent, while, as a rule, other articles had fallen.

LABOR STATISTICS.

But it is universally conceded that the very best test to apply to this subject is that of wages, and from the table prepared under the same investigation, which I will print, but will not have time to discuss, it will be seen that since 1840, taking every tenth year except 1870, when prices were still inflated in consequence of the war, there has been a general increase in wages.

Occupation (per diem).	1840.	1850.	1860.	1880.	1890.
Plasterers	$1.50	$1.75	$1.75	$2.00	$3.50
Blacksmiths	1.50	1.50	1.50	3.00	3.00
Blacksmiths' helpers	.83⅓	.83⅓	.83⅓	1.75	1.75
Painters	1.25	1.25	1.25	1.75	2.50
Wheelwrights	1.25	1.25	1.25	2.50	2.50
Carpenters	1.29	1.41	1.52	1.84	1.94
Engineers	2.00	2.25	3.00	3.50	4.25
Firemen	1.25	1.37	1.44	1.40	1.65
Laborers	.81	1.04	.99	1.16	1.25
Machinists	1.45	1.55	1.76	2.08	2.19
Watchmen	1.10	1.06	1.00	1.50	1.55
Railroads (per diem).	**1840.**	**1850.**	**1860.**	**1880.**	**1890.**
Baggagemen	$1.53	$1.53	$1.91	$2.10	$2.11
Brakemen, freight	1.00	1.00	1.16	1.75	1.85
Brakemen, passenger	1.15	1.15	1.25	2.00	2.00
Carpenters	1.22	1.33	1.30	1.77	2.00
Conductors, freight	1.66	1.68	1.61	2.58	2.57
Conductors, passenger	2.11	2.30	3.19	3.45	3.84
Engineers, locomotive	2.14	2.15	2.30	3.78	3.79
Firemen, locomotive	1.06	1.15	2.00	2.00	2.00
Foremen, masons	2.50	2.50	2.50	4.00	4.10
Painters	1.50	1.43	1.32	1.87	2.17
Average, according to importance, for all occupations, 1860 being reckoned as 100	87.7	92.7	100	143	168.6

THE EXAMPLE OF MEXICO.

I will also print the following table showing the increase in wages in grains of gold:

Wages in 1860 and in 1885 in dollars and in grains of gold, and percentage of increase in grains of gold.

Workmen.	Wages (in dollars).		Wages (in grains of gold).		Percentage of increase (in grains of gold).
	1860.	1885.	1860.	1885.	
Factory hands:					
Dyers	$0.62	$1.00	16	25.7	61
Giggers	.62	.82	16	21.1	32
Shearers	.69	1.00	17.8	25.8	45
Plain weavers	.65	.85	16.7	21.8	31
Spinners	1.10	1.26	28.3	32.5	15
Miscellaneous:					
Leather factory beam and yard hands	1.10	1.67	31	43	39
Leather factory whiteners and skivers	1.83	2.75	47.2	70.8	50
Common laborers	1.00	1.50	25.8	38.7	50
Blacksmiths	1.50	2.00	38.7	51.6	33
Blacksmiths' strikers	1.00	1.50	25.8	27	50
Carpenters	1.67	2.00	43	51.6	20
Machinists	1.75	2.25	45.1	57.7	28
Locomotive engineers	2.40	3.20	62	82.4	33
Locomotive firemen	1.20	1.75	31	45.2	46
Average percentage of increase in weight of gold					38

The gentleman from Texas [Mr. BAILEY] in his speech yesterday read from an article in the North American Review by the Mexican minister, Mr. Romero, for the purpose of showing how prosperous Mexico was because of the free coinage of silver, the object of the article being to show that products brought a higher price in Mexico than in this country. After stating the alleged advantages that Mexico enjoys from being on a silver basis, what does Mr. Romero say on this question of wages?

Although our wages are low—

he says—

there has been in recent years a marked tendency to their increase.

Wages are "low," even in silver currency, he has to admit, and the best that can be said for any improvement is that there has been in recent years "a marked tendency to their increase"—not an actual increase, it seems, but only a "tendency" in that direction. And this is true, Mr. Chairman, of every country which is on a silver basis. Is that the condition of things that gentlemen desire to establish in this country when they cite to us the examples of these silver countries? Do they want all products, the food that a man eats, the clothing that he wears, everything that he consumes to be high, leaving labor alone to be low—labor that produces them all?

JAPAN.

How is it in Japan, the most advanced of all the silver countries? I have here some statistics, taken from the January bulletin of the Department of Labor, showing the condition of things as to labor in that country, the prices being in American gold; and, without stopping to discuss them, will again ask whether gentlemen desire to reduce our labor to such a condition?

Daily rates of wages, Japan.

Occupation.	Highest.	Lowest.	Average.
Blacksmiths	$0.60	$0.18	$0.30
Bricklayers	.88	.20	.33
Cabinetmakers (furniture)	.53	.17	.30
Carpenters	.50	.20	.30
Carpenters and joiners (screen making)	.55	.17	.30
Compositors	.83	.10	.29
Coolies or general laborers	.33	.14	.22
Cotton beaters	.45	.13	.23
Dyers	.60	.05	.25
Farm hands (men)	.30	.16	.19
Farm hands (women)	.28	.06	.19
Lacquer makers	.38	.15	.29
Matting makers	.50	.20	.30
Oil pressers	.34	.16	.25
Paper hangers	.60	.20	.31
Paper screen, lantern, etc., makers	.55	.20	.31
Porcelain makers	.50	.13	.29
Pressmen, printing	.70	.11	.36
Roofers	.60	.20	.29
Sauce and preserve makers	.40	.10	.24
Silkworm breeders (men)	.50	.10	.22
Silkworm breeders (women)	.25	.05	.17
Stonecutters	.69	.22	.36
Tailors, foreign clothing	1.00	.25	.49
Tailors, Japanese clothing	.56	.15	.28
Tea makers (men)	.80	.15	.31
Tobacco makers	.50	.11	.26
Weavers	.40	.07	.15
Wine and sake makers	.50	.15	.29
Wood sawyers	.50	.13	.30

The following are the rates of wages paid by the month:

Farm hands (men)	$1.44
Farm hands (women)	1.20
Silkworm breeders (men)	1.92
Silkworm breeders (women)	.96
Weavers (women)	.96

Factory labor is paid even less than these prices. Middleton & Co., one of the most prominent tea-shipping houses in Japan, employ in their establishment a large number of persons, men and women, who work from 5 o'clock in the morning until 6 o'clock at night, with three intervals at 8, 12, and 3 o'clock, respectively, when they eat their rice and what other refreshments they bring with them and rest for twenty minutes or a half hour. The highest wages paid by the Messrs. Middleton are 42 sen a day, which is equivalent to 21 cents in United States currency. This is received by men who are experts in handling tea and have acquired their proficiency by natural ability and long years of experience.

The lowest wages are paid to young boys and girls who pick over the tea leaves to remove the stems and other foreign substances. They receive 13 sen (6½ cents) a day for about twelve hours' work, not including their resting spells.

Of the entire force in the establishment, 20 are paid 21 cents (United States currency) a day, 90 are paid 18 cents, 50 are paid 15 cents, 355 are paid 12 cents, 278 are paid 10 cents, 5 are paid 9 cents, and 30 are paid 6½ cents—and they board themselves.

THE CRIME OF 1873.

Mr. Chairman, there has been throughout the discussion of this subject a great deal of denunciation of the manner in which the act of 1873 was passed. It is alleged that the act was secretly passed by Congress; that while its sole purpose was to demonetize silver, this purpose was carefully concealed; that demonetization was brought about through a conspiracy on the part of interested persons, and that the prime movers in the matter were substantially criminals, and all this is urged as an additional reason why the alleged wrong then done should be now righted. If we are satisfied that at this time and under existing conditions the free coinage of silver would be a bad thing for our people we ought not to enact it into law simply because, as is alleged, silver was improperly demonetized twenty-odd years ago.

In 1873 the silver dollar was intrinsically worth about 3 per cent more than the gold dollar, and it may have been an unwise step to have then limited the coinage of silver, but is the fact that the legislation was then improperly procured any argument to reestablish at this day the old law when the silver dollar, instead of being more valuable intrinsically than the gold dollar, is now worth only one-half as much? If we are satisfied that free coinage at this day would be disastrous to the country, should we go to work to ruin the people of to-day in order to right a wrong alleged to have been done nearly a quarter of a century ago? This would seem to dispose of this charge from a practical standpoint, but so much has been said about this matter, with a view of arousing the indignation of our people and enlisting them in behalf of the free-coinage movement, that it seems necessary to give facts bearing upon the charge, and to let the people judge for themselves whether the charge is sustained. In the speech made by Mr. Carlisle at Covington in May last there is an utter

refutation of this charge, and I can not do better than to here copy what he says on the subject:

THE BILL WAS PENDING IN CONGRESS FIVE SESSIONS.

That bill was pending in Congress for nearly three years and was under consideration during five sessions of that body; it was distinctly recommended in two reports of the Secretary of the Treasury and the Director of the Mint, and it was officially printed and laid on the desks of members of the House and of the Senate thirteen different times before the final vote was taken on it. It was read at length in the open Senate several times, and in the House at least once, as shown by the record; it was reported from committees seven times, and the discussion upon it in the House fills 66 columns of the Congressional Globe, and in the Senate 78 columns. As first reported to the Senate and passed by that body in January, 1871, the bill did not provide for the coinage of any silver dollar whatever, but expressly limited the coinage of that metal to subsidiary pieces—half dollars, quarters, and dimes.

In this form, without any provision for the coinage of any kind of silver dollar, the bill was passed in the Senate on the 10th day of January, 1871, upon the call of the yeas and nays, and the record shows that the two Senators from Kentucky, Hon. Garrett Davis and Hon. Thomas C. McCreery, the distinguished Democratic Senator from Ohio, Hon. Allen G. Thurman, the present Senator from Nevada, Hon. WILLIAM M. STEWART, together with all the other Senators from the Pacific Slope, voted in the affirmative, while Senator SHERMAN, Senator MORRILL, and 12 others voted in the negative. The reason given by Mr. SHERMAN for voting against the bill was that the Senate had, in obedience to the demands of the Senators from the Pacific Coast, so amended the bill, after it was reported from the committee, as to abolish the charge of one-fifth of 1 per cent for coining gold, thus making the coinage of that metal entirely free.

The bill went to the House of Representatives, but it was not disposed of during that Congress, and at the first session of the next Congress Mr. Kelley, of Pennsylvania, introduced it in the House and it was referred to a committee. So far as the coinage of the silver dollar was affected, the bill introduced by him was precisely the same as the one that had passed the Senate—that is, it made no provision for such a coin. However, when the bill was finally reported back from the committee to the House it was so amended as to provide for the coinage of a subsidiary piece, to be called a dollar, and to contain 384 grains of standard silver, the same as the French 5-franc piece, and it was to be a legal tender to the extent of $5, and no more. In this form it passed the House by a very large majority—in fact, the opposition to it was so weak that the yeas and nays were not even called.

The Senate struck out the 5-franc subsidiary dollar and substituted for it another subsidiary coin, called the trade dollar, containing 420 grains of standard silver, and provided that it should be a legal tender to the amount of $5 and no more. A committee of conference was appointed, the Senate amendment was agreed to, and the bill became a law by the approval of President Grant on the 12th day of February, 1873. This brief historical statement of the proceedings, which is fully sustained by the official record, shows that it was well understood in Congress that the old standard silver dollar of 412½ grains was not to be thereafter coined at our mints, and that the only difference of opinion that ever existed, even temporarily, between the Senate and House was whether they would substitute in its place a subsidiary coin containing 384 grains or a subsidiary coin containing 420 grains of silver. No proposition was made in either body to continue the coinage of the old dollar or to make any silver coin the unit of value or a full legal tender in the payment of debts.

Is it conceivable that, after all this has been done in both Houses of Congress, anyone can believe that the silver dollar was left out of our mintage laws secretly and without the knowledge of men who took part in these proceedings? It may be true, as alleged, that some distinguished men then in Congress were not aware that the silver dollar was omitted from the law; but if such be the case it must have been due to the fact that they felt no concern in that particular subject, precisely as others felt no concern about it, for the very good reason that silver was not then in circulation, and probably not one man then in Congress had ever seen a silver dollar of the United States. And it seems impossible to imagine any sinister motive that could have influenced the promoters of this legislation when it is remembered that the silver dollar was then actually worth 3 cents more than the gold dollar.

In addition to what Mr. Carlisle has said I beg to quote the following from the report on the subject made by Deputy Comptroller John J. Knox to the Secretary of the Treasury and by him transmitted to Congress with a draft of the proposed act:

COMPTROLLER KNOX'S RECOMMENDATION.

The coinage of the silver dollar piece, the history of which is here given, is discontinued in the proposed bill. It is by existing law the dollar unit, and, assuming the value of gold to be fifteen and one-half times that of silver, being about the mean ratio for the past six years, is worth in gold a premium of about 3 per cent (its value being 103.12) and intrinsically more than 7 per cent premium in our other silver coin, its value thus being 107.42. The present laws consequently authorize both a gold dollar unit and a silver dollar unit, differing from each other in intrinsic value. The present gold dollar piece is made the dollar unit in the proposed bill, and the silver dollar piece is discontinued. If, however, such a coin is authorized it should be issued only as a commercial dollar, not as a standard unit of account, and of the exact value of the Mexican dollar which is the favorite for circulation in China and Japan and other Oriental countries.

ACTION OF SECRETARY OF TREASURY.

In transmitting to Congress the proposed bill the Secretary of the Treasury called special attention to Mr. Knox's report, stating that it gave "a concise statement of the various amendments proposed to existing laws and the necessity for the change recommended." Here we have not only the report of Mr. Knox, stating distinctly that the coinage of the silver dollar piece was discontinued by the proposed bill, but the Secretary of the Treasury, in addition, called attention to the report as giving a statement of the proposed changes and the necessity for the same. How is it possible under these circumstances to charge that the law was passed by stealth? The conclusion is irresistible that either gentlemen then in Congress did know of the proposed change or that it was a matter of so little consequence that it failed to attract attention. And to show what different opinions gentlemen who are now conspicuous advocates of the free coinage of silver then held from what they now express on this subject, I will quote the following from what Mr. STEWART, Senator from Nevada, said on February 11, 1874, as appears by the CONGRESSIONAL RECORD:

SENATOR STEWART'S VIEWS ON GOLD.

I want the standard gold and no paper money not redeemable in gold; no paper money the value of which is not ascertained, no paper money that will organize a gold board to speculate in it.

And on the 20th of February of the same year he said:

By this process we shall come to a specie basis, and when the laboring man receives the dollar it will have the purchasing power of the dollar, and he will not be called upon to do what is impossible for him or the producing classes to do—figure upon the exchanges, figure upon the fluctuations, figure upon the gambling in New York; but he will know what his money is worth. Gold is the universal standard of the world. Everybody knows what a dollar in gold is worth.

These remarks were, of course, not made upon the act that we have been considering, but they, nevertheless, show what an extraordinary revolution has since taken place on this subject in the minds of gentlemen from the West.

SENATOR JONE'S VIEWS.

In the first session of the Forty-third Congress Senator JOHN P. JONES used the following language, as appears from the Appendix of the CONGRESSIONAL RECORD, volume 1, part 2:

Does this Congress mean now to leave entirely out of view and discard forever a standard of value? Did any country ever accumulate wealth, achieve greatness, or attain a high civilization without such a standard? And what but gold can be that standard? What other thing on earth possesses the requisite qualities? Gold is the articulation of commerce. It is the most potent agent of civilization. It is gold that has lifted the nations from barbarism. So exact a measure is it of human effort that when it is exclusively used as a money it teaches the very habit of honesty. It neither deals in nor tolerates false pretenses. It can not lie. It keeps its promises to rich and poor alike.

TRUE INWARDNESS OF DEMAND FOR FREE COINAGE.

Now, Mr. Chairman, who can doubt that, if silver had retained the value it then had, we would never have heard a word from these gentlemen about its free coinage; that they would still be proclaiming that "gold is the universal standard of the world." "It can not lie; it keeps its promises to rich and poor alike." It is as certain as anything can be in this world that the attitude of the silver-mine owners with reference to free coinage was taken simply and solely because of its fall in value; because, instead of being more valuable than gold, it soon fell below gold and has ever since continued to fall. If silver had retained its then value of 3 per cent higher than gold, or if it had fallen to the price of gold and had there remained, there would have been no special advantage to the owner of silver to take it to the mints to be coined, because the owner would have received from the mint in the dollar that was given him only the market value of his silver; but as soon as silver commenced to fall immediately the silver-mine owner saw that at no other place in the world except the Government mint could he put in silver less than a dollar in value and take out a full dollar.

Hence we find that at about 1876, when silver had commenced to fall materially in its market value, we heard for the first time the demand made for its free coinage, and from that day to this, the greater the price has fallen, the louder has been the cry for its free coinage. And to-day, when the silver in a dollar is worth only about 50 cents, we see progressing the most active fight on this line that has ever been waged. Can anyone doubt that if the coinage of gold had been limited in 1873 and gold had depreciated in value, and silver had been retained as the standard of value, we would have heard, and would still hear, just as vigorous a demand made by the miners of gold for its free coinage as has been made by the owners of silver for its free coinage? It is interesting to fancy how our friends on the other side of this question would have coined for their opponents, if gold were the cheaper metal, a new vocabulary of abuse and derision. Instead of being "gold bugs" we would have been "silver bugs," and we can well imagine with what unction they would have told us that we were oppressing the farmers and laboring men of the country by discriminating against this "articulation of commerce," this "most potent agent of civilization," this "precious thing that has lifted the nations from barbarism"—the one thing that "can not lie," that "keeps its promises to rich and poor alike."

The only difference would have been that the fight for free coinage of gold would have been made by the owners of gold, whereas the present fight is urged on by the owners of silver. Now, Mr. Chairman, while I do not doubt for a moment that the fight for free coinage of silver was begun, and has since been constantly carried on, by the owners of silver for their personal benefit, I do not wish to be understood as imputing any such motive to the great mass of the supporters of the movement who have no such

selfish interest. The respect and friendship which I entertain for the advocates of this measure on this floor make it almost unnecessary that I should disclaim any such imputation. I know that they honestly believe in this doctrine and that they are convinced in their own minds that, if adopted, it would be greatly to the benefit of our people. Their mistake lies, in my judgment, in having been induced by the vociferous cries of the silver owners that relief could be found in a depreciated currency.

SILVER CIRCULATION IN 1893.

As the advocates of free coinage of silver have imputed all manner of disastrous results to the limitation of its coinage in 1873 on the ground that our people have not been allowed the free use of silver money, let us see what was the condition of silver circulation at that day and what it is now. In 1873 there was not a dollar of silver in circulation of any sort, nor had there been any for at least ten years. To-day we have nearly four hundred millions of silver in full legal tender and seventy-seven millions in subsidiary coin. How, then, can it be charged that, by the act of 1873, the great mass of the people were injured by being deprived of the use of silver, when, at that day, there was not a dollar of it in use, while, since 1878, we have been constantly adding to our stock of silver until it now amounts to the above enormous sum? From the loud complaints that have been made anyone would have supposed that, for every year of our national existence, the United States had been hard at work coining silver dollars, whereas the truth is that, in the whole previous history of the Government, we had coined only the pitiful sum of $8,030,000 in silver dollars.

$400,000,000 AGAINST $8,030,000.

Now, since 1878, there have been coined the enormous sum of $397,652,873 in full legal-tender standard silver dollars. Thus we find a coinage of nearly four hundred millions in about fifteen years, against a coinage of $8,030,000 in eighty-nine years—nearly fifty times as much in the one case as in the other. Now, under this condition of things, it is impossible to conceive what objection the advocates of silver free coinage, except the silver-mine owners, can have to our silver currency, except that the Government does not allow it to be depreciated in value, but maintains it at full parity with gold. Of course, the owners of silver would be very glad to be allowed to go to the mint and, by giving a half dollar, take out a full dollar, but this motive, as I have said, does not affect the great mass of the supporters of free coinage, and I am utterly at a loss to see what can be the object of this latter class to get into circulation a cheap dollar, which in my judgment would be the most deplorable affliction that could befall our people.

$1,260,937,506 AGAINST $135,000,000.

Leaving for the present the question of the condition of the country as to silver alone in 1873 and at the present time, and taking up the question of the difference in our condition as to both gold and silver then and now, we find from the statistics that there was in the United States in 1873, in and out of the Treasury, only $135,000,000 in coin, whereas in 1895 there was the enormous sum of $1,260,937,506 in coin. If our alleged prosperity before 1873 was due to the fact that we then had free coinage of both gold and silver, whereas we are now suffering all manner of disasters because there is no longer free coinage of silver, how does it happen that we then had only $135,000,000 in both coins, whereas we now have over a billion of the same?

PER CAPITA CIRCULATION.

And if we take all of our circulation, in both coin and paper money, instead of confining it to coin alone, we will find from the tables which I will print that in 1873 our entire circulation was $18.04 per capita, whereas in 1894, during the worst period of our late depression, our circulation was as high as $24.28—greater than the circulation of any country except France.

Specie and bank-note circulation of the United States in the years specified from 1800 to 1859.

[Prepared by Loans and Currency Division, Treasury Department.]

Year.	Number of banks and branches.	Estimated bank notes outstanding.	Estimated specie in United States.	Total money in United States.	Specie in Treasury.	Money in circulation.	Population.	Per capita.
1800	.....	$10,500,000	$17,500,000	$28,000,000	*$1,500,000	$26,500,000	5,308,483	$4.99
1810	.....	28,000,000	30,000,000	58,000,000	*3,000,000	55,000,000	7,239,881	7.60
1820	.....	44,800,000	24,300,000	69,100,000	*2,000,000	67,100,000	9,633,822	6.96
1830	.....	61,000,000	33,100,000	93,100,000	5,755,705	87,344,295	12,866,020	6.69
1831	.....	87,000,000	32,100,000	109,100,000	6,014,540	93,085,460	13,221,000	7.04
1832	.....	91,500,000	30,400,000	121,900,000	4,502,914	117,397,086	13,500,000	8.64
1833	.....	91,500,000	30,650,000	122,150,000	2,011,778	120,138,222	13,974,000	8.60
1834	506	94,839,570	41,000,000	135,839,570	11,702,905	124,136,665	14,373,000	8.64
1835	704	103,692,495	51,000,000	154,692,495	8,892,858	145,799,637	14,786,000	9.86
1836	713	140,301,038	65,000,000	205,301,038	*5,000,000	200,301,038	15,213,000	13.17
1837	788	149,185,890	73,000,000	222,185,890	*5,000,000	217,185,890	15,655,000	13.87
1838	829	116,158,910	87,500,000	203,658,910	5,000,000	198,658,910	16,112,000	12.33
1839	840	135,170,995	87,000,000	222,170,995	2,466,962	219,704,033	16,584,000	13.26
1840	901	106,968,572	83,000,000	189,968,572	3,663,084	186,305,488	17,069,453	10.91
1841	784	107,290,214	80,000,000	187,290,214	987,345	186,302,869	17,591,000	10.59
1842	692	83,734,011	80,000,000	163,734,011	290,484	163,503,527	18,132,000	9.02
1843	691	58,563,608	90,000,000	148,563,608	1,449,472	147,114,136	18,694,000	7.87
1844	696	75,167,646	100,000,000	175,167,646	7,857,380	167,310,266	19,276,000	8.68
1845	707	89,608,711	96,000,000	185,608,711	7,658,306	177,950,405	19,878,000	8.95
1846	707	105,552,427	97,000,000	202,552,427	9,126,439	193,425,988	20,500,000	9.43
1847	715	105,519,766	120,000,000	225,519,766	1,701,251	223,818,515	21,143,000	10.59
1848	751	128,506,091	112,000,000	240,506,091	8,101,353	232,404,738	21,805,000	10.66
1849	782	114,743,415	120,000,000	234,743,415	2,184,964	232,558,451	22,489,000	10.34
1850	824	131,366,520	154,000,000	285,366,520	6,604,544	278,761,982	23,191,876	12.02
1851	879	155,165,251	186,000,000	341,165,251	10,911,646	330,253,605	23,905,000	13.76
1852	.....	171,673,000	204,000,000	375,673,000	14,632,136	361,040,864	24,802,000	14.63
1853	.....	188,181,000	236,000,000	424,181,000	21,942,893	402,238,107	25,615,000	15.80
1854	1,208	204,689,207	241,000,000	445,689,207	20,137,967	425,551,240	26,433,000	16.10
1855	1,307	186,952,223	250,000,000	436,952,223	18,931,976	418,020,247	27,256,000	15.34
1856	1,398	195,747,950	250,000,000	445,747,950	19,901,325	425,846,625	28,083,000	15.16
1857	1,416	214,778,822	260,000,000	474,778,822	17,710,114	457,068,708	28,916,000	15.81
1858	1,422	155,398,344	260,000,000	415,398,344	6,386,316	408,810,028	29,753,000	13.78
1859	1,476	193,306,818	250,000,000	443,306,818	4,339,276	438,967,542	30,596,000	14.35

*Specie in Treasury estimated.

Coin and paper circulation of the United States on June 30, from 1860 to 1895, inclusive.

[Prepared by Loans and Currency Division, Treasury Department.]

Year.	Coin in United States, including bullion in Treasury.	Paper money in United States.	Total money.	Coin, bullion, and paper money in Treasury.	Circulation.	Population.	Money in United States per capita.	Circulation per capita.
1860	$235,000,000	$207,102,477	$442,102,477	$6,695,225	$435,407,252	31,443,321	$14.06	$13.85
1861	250,000,000	202,005,767	452,005,767	3,600,000	448,405,767	32,061,000	14.09	13.98
1862	25,000,000	333,452,079	358,452,079	23,754,335	334,697,744	32,704,000	10.96	10.23
1863	25,000,000	649,867,283	674,867,283	79,473,245	595,394,038	33,365,000	20.23	17.84
1864	25,000,000	680,588,067	705,588,067	35,946,589	669,641,478	34,046,000	20.72	19.67
1865	25,000,000	745,129,755	770,129,755	55,426,760	714,702,995	34,748,000	22.16	20.57
1866	25,000,000	729,327,254	754,327,254	80,839,010	673,488,244	35,469,000	21.27	18.99
1867	25,000,000	703,200,612	728,200,612	66,208,543	661,992,069	36,211,000	20.11	18.28
1868	25,000,000	691,553,578	216,553,578	36,449,917	680,103,661	36,973,000	19.38	18.39
1869	25,000,000	690,351,180	715,351,180	50,898,289	664,452,891	37,756,000	18.95	17.60
1870	25,000,000	697,868,461	722,868,461	47,655,667	675,212,794	38,558,371	18.73	17.50

Coin and paper circulation of the United States on June 30, from 1860 to 1895, inclusive—Continued.

Year.	Coin in United States, including bullion in Treasury.	Paper money in United States.	Total money.	Coin, bullion, and paper money in Treasury.	Circulation.	Population.	Money in United States per capita.	Circulation per capita.
1871	$25,000,000	$716,812,174	$741,812,174	$25,923,169	$715,889,005	39,555,000	$18.75	$18.10
1872	25,000,000	737,721,565	762,721,565	24,412,016	738,309,540	40,596,000	18.70	18.19
1873	25,000,000	749,445,610	774,445,610	22,563,801	751,881,809	41,677,000	18.58	18.04
1874	25,000,000	781,024,781	806,024,781	29,941,750	776,083,061	42,796,000	18.83	18.13
1875	25,000,000	773,273,509	798,273,509	44,171,562	754,101,947	43,951,000	18.16	17.16
1876	52,418,734	738,264,550	790,683,284	63,073,896	727,609,388	45,137,000	17.52	16.12
1877	65,857,506	697,216,341	763,053,847	40,598,904	722,314,883	46,353,000	16.46	15.58
1878	102,047,907	689,205,669	791,253,576	62,120,942	729,132,634	47,598,000	16.62	15.32
1879	357,268,178	694,253,363	1,051,521,541	232,889,748	818,631,793	48,866,000	21.52	16.75
1880	494,363,884	711,565,313	1,205,929,197	232,546,969	973,382,228	50,155,783	24.04	19.41
1881	647,868,682	758,673,141	1,406,541,823	282,303,704	1,124,238,119	51,316,000	27.41	21.71
1882	763,974,839	716,556,880	1,480,531,719	306,241,300	1,174,290,419	52,495,000	28.20	22.37
1883	709,740,048	873,749,768	1,583,489,816	413,184,120	1,170,305,696	53,693,000	30.60	22.81
1884	801,008,939	904,365,250	1,705,454,198	461,528,220	1,243,925,969	54,911,000	31.06	22.65
1885	872,175,823	945,482,513	1,817,658,336	525,089,721	1,292,568,615	56,148,000	32.37	23.02
1886	903,027,364	905,582,300	1,808,559,694	555,859,169	1,252,700,525	57,404,000	31.50	21.82
1887	1,007,513,801	882,928,771	1,900,442,572	582,903,529	1,317,539,143	58,680,000	32.39	22.45
1888	1,092,301,600	970,564,259	2,062,955,949	690,785,079	1,372,170,870	59,974,000	34.39	22.88
1889	1,100,612,434	947,538,277	2,075,350,711	694,989,062	1,380,361,649	61,289,000	33.86	22.52
1890	1,152,471,628	991,754,521	2,144,226,150	714,974,899	1,429,251,250	62,622,250	34.24	22.82
1891	1,163,185,054	1,032,039,021	2,195,224,075	697,783,358	1,497,440,707	63,975,000	34.31	23.41
1892	1,232,854,331	1,139,745,170	2,372,599,501	771,252,314	1,601,347,187	65,520,000	36.21	24.54
1892	1,213,413,584	1,109,986,808	2,323,402,392	726,701,147	1,596,701,245	66,946,000	34.70	23.85
1893	1,251,543,158	1,168,891,623	2,420,434,781	759,626,073	1,660,808,708	68,397,000	35.39	24.28
1894	1,260,987,506	1,137,619,914	2,398,607,420	796,638,947	1,601,968,473	69,878,000	34.33	22.93
1895								

NOTE 1.—Specie payments were suspended from January 1, 1862, to January 1, 1879. During the greater part of that period gold and silver coins were not in circulation except on the Pacific Coast, where, it is estimated, the specie circulation was generally about $25,000,000. This estimated amount is the only coin included in the above statement from 1862 to 1875, inclusive.

NOTE 2.—In 1876 subsidiary silver again came into use, and is included in this statement, beginning with that year.

NOTE 3.—The coinage of standard silver dollars began in 1878 under the act of February 28, 1878.

NOTE 4.—Specie payments were resumed January 1, 1879, and all gold and silver coins, as well as gold and silver bullion in the Treasury, are included in this statement from and after that date.

ARGUMENT AGAINST FREE COINAGE.

Looking, therefore, at the question from any standpoint, I can not for the life of me see how we were any better off in 1873 in the matter of currency than we now are.

Having, up to this time, considered only the arguments urged in behalf of this measure, I will now discuss, as fully as the time at my command will permit, the reasons which, to my mind, would make it most disastrous to enact this measure into law.

SILVER MONOMETALISM.

My first objection is that the free coinage of silver as proposed would drive out of the country the $625,000,000 of gold which we have. Gentlemen on the other side of this question strenuously assert that this result would not follow; but if we will have any regard for what has universally occurred under similar circumstances in other countries, and also in our own, it seems impossible that there could be any result except that gold would at once disappear.

The universal experience of mankind has been that where one of two coins is overvalued relatively to the other, and both made a legal tender with free coinage to both on the same terms, the coin which is so undervalued will disappear from circulation. Taking up the history of our own country alone, we will find that this result has invariably happened whenever such conditions existed, and in cases even where the difference in value was insignificant. In 1792 we first fixed the ratio between gold and silver at 15 to 1, when in fact the market value was about 15¼ to 1, and the effect of this insignificant overvaluation of silver sent our gold out of circulation, and it continued out of circulation until 1837, when a law was passed changing the ratio to 16 to 1 for the express purpose, as declared by the statesmen of that day, of bringing gold back into circulation.

But in their anxiety to secure this result they undervalued gold to a slight extent, whereupon silver immediately disappeared from circulation and, substantially, we had a circulation only of gold for the next forty years. There is nowhere any dispute about these facts, and we are driven to the conclusion that the same thing will happen again under similar circumstances as has happened in every instance recorded in history. Now, what do our friends on the other side ask us to do in this matter of the ratio between gold and silver? They are insisting that the ratio shall still be kept at 16 to 1, although the market price of silver everywhere in the world to-day shows that the proper ratio should be about 32 of silver to 1 of gold, which would make the enormous overvaluation of silver of 100 per cent.

Can anyone doubt that gold would instantly disappear? Can we, as reasonable persons, believe that what has always happened in the case of a very slight overvaluation will not instantly come about when there is this unheard-of overvaluation? There is no mystery about this law, nothing whatever about it that is not easily understood; there is the very best of reasons at the bottom of it, and hence it is that we find the same thing always occurring under the same circumstances. That reason is that if a man has two kinds of money with which to pay for what he buys, one of them worth much less than the other, he will inevitably pay out that which is of the least value and retain the other. And when everyone in the community does this the necessary effect is that the better money ceases to circulate and is either hoarded by the people or kept locked up in the banks. And this is especially apt to happen when there is agitation about the currency and danger of a crisis in financial matters.

THE CURSE OF FREE COINAGE AGITATION.

It is the belief of many people whose opinions are entitled to the highest respect that the trouble we are now having with our financial affairs—the continual rush on the Treasury to get gold—is due to the agitation of the free-silver question and to the enormous additions we have made to our silver currency, and there is no doubt whatever in my mind that such is the case. Not many years ago there was, as everyone knows, a great deal of gold in circulation—who sees any of it now? It has gone out of circulation; it is hoarded and treasured up and is so eagerly sought after that it is now costing the Government millions of dollars every year to keep enough gold in the Treasury to redeem its notes.

Now, if such a condition exists from the additions already made to our silver currency, all of it maintained by the Government at an equal value with gold, and from the mere apprehension that the country will be flooded with silver through free coinage, what may we not expect if the silver agitators had their way and free and unlimited coinage of silver was an accomplished fact? Undoubtedly we would immediately fall into silver monometallism and be a silver country like Mexico, China, and Japan. Nor do the advocates of this bill deny that such would be the case. On the contrary, so far from denying it they are anxious to bring about just that result.

EFFECT ON THE COTTON PLANTER.

I can not understand, Mr. Chairman, why the representatives of the cotton-producing States of the South should think that this measure will be of advantage to their constituents. With whom do we deal? Where do we send our products—the enormous crop which we yearly make, far exceeding in quantity what this country can consume? Do we deal with silver countries? Do we deal with China, Japan, and Mexico? Why, no.

GOLD COUNTRIES OUR BEST CUSTOMERS.

All of our surplus cotton is substantially sent to the gold countries of Europe, to Great Britain, Germany, and France. When we consider the vast quantity of cotton shipped to those countries I can not understand how gentlemen can maintain that it is to our interest to have a currency system entirely opposed

to that which they are using. During last year we shipped to those countries the following enormous quantities of cotton:

	Bales.	Value.
United Kingdom	3,468,255	$101,696,650
Germany	1,500,309	43,075,399
France	773,734	21,583,890
Total	5,742,298	166,355,939

In addition to this, we sold to France 5,044 bales of sea island cotton, worth $354,323, and to the United Kingdom 33,912 bales, worth $2,404,595; sustantially all the sea island cotton that we sold to foreign countries. This is what we sold to only three of the gold countries, without taking into consideration the sales to the various other gold countries of less importance. Now, what cotton did we sell silver countries during the same period?

SILVER COUNTRIES OUR WORST CUSTOMERS.

It does not appear that we sold a bale to China, and to Mexico and Japan together we sold only 93,261 bales. Now, what would be the result to the cotton farmers of the South if this country is placed upon a silver basis while the countries with which they chiefly deal are on a gold basis? Everybody knows that the price of our cotton is fixed in Liverpool, and that every purchase of cotton made in this country is made on the basis of Liverpool prices, and that not a single cotton buyer in this country bids on cotton until he knows what the price is in Liverpool that day.

But the Liverpool price would be in gold, and the American price would be in silver, and the cotton buyer would not only have to figure on a possible fall in the price of cotton, but on a change also in the price of silver, and there would thus be two chances to be taken in the transaction instead of only one, as there is now. Would the cotton buyer himself assume either of these risks? Certainly not. He would take neither risk, and would make such a difference in the price paid the farmer as would make himself safe in the transaction.

FIGURE ON THE EXCHANGE, FIGURE ON THE FLUCTUATIONS, FIGURE ON THE GAMBLING.

What chance would the farmer stand in business conducted in that way? As Senator STEWART, the great silver leader, said in the speech from which we have above quoted, he would have "to figure upon the exchanges, figure upon the fluctuations, figure upon the gambling"; and in all of this he would be no match for the cotton buyer, whose business it would be to be thoroughly informed on all such matters. How many farmers would have time to spare from their legitimate business to be making all these calculations? And if he had, what information could he get as to the price of cotton and the price of silver in London?

There would be constant worry, friction, and uncertainty, all of which would react against the farmer. In ordinary life nothing is considered more important with a business man than for him to retain his best customers and to make his dealings with them as easy and pleasant as possible; but, if our silver friends are allowed to have their way, this plain and sensible rule would have to be violated by every farmer in the South. Great Britain and the other countries I have mentioned are the farmers' best customers; they generally buy about two-thirds of our whole cotton crop, and it would certainly seem to be to the interest of the farmer to keep these good customers, and to have the business transactions between them made as easy and simple as possible. But if this country were placed upon a silver basis not a bale of cotton could be sold without the farmer being involved in all these difficulties I have mentioned. Has he not already enough to do to raise his crop and prepare it for market without assuming these additional burdens? And by no possibility could he derive any benefit from such a condition of things, for if he got a high price in silver for his cotton he would of course have to pay a correspondingly high price for everything that he bought.

Can the farmer possibly believe that what he has to sell will alone increase in price, while the prices of nothing else will rise? If he gets more for his cotton in silver, will he not have to pay more for everything he buys? And he must bear in mind what is a very sad but nevertheless an undeniable fact, that what he has to buy is always fixed by the seller, while the price of his cotton is not fixed by himself, but by the buyer—a result arising out of the fact that its price is fixed in Liverpool, thousands of miles beyond his reach. And here again he will find the rule operating against him that, whether buying or selling, he will have to pay for all the risks and chances arising out of a depreciating and fluctuating currency.

I have dwelt, Mr. Chairman, at length on the effect this legislation would have on the cotton planter, because he has my deepest sympathies, my interests are all the same as his, and I believe I know enough about his business and his needs to enable me to judge intelligibly what will hurt or help him. No doubt I would please him better for the time being if I were to tell him that the passage of this bill would give him two prices for his cotton, and that I would, therefore, vote for it; but, believing as I do that the free coinage of silver would almost prove his destruction, I feel it to be my duty, as his earnest friend and faithful representative, as my record will show I have always been, to warn him of the danger that is ahead of him and to do all in my power to protect him.

EFFECT ON SALARIED MEN.

If this bill becomes a law, Mr. Chairman, it will at once reduce by one-half the value of the income received by every clerk and every other employee working at stated salaries; of every schoolteacher, of every professor in colleges, and of every minister of the gospel.

WIDOWS AND ORPHANS.

Possibly, after years of privation suffered under this condition of things, and after much contention, their condition may be somewhat ameliorated by an increase of salary, but there would be no such hope for another class, who are entitled to our deepest sympathy and protecting care. I mean the aged, women and children, widows and orphans who are dependent on investments for their income, never very large in our part of the country. What hope would there be for them, with ability to work all gone and with their entire investments and yearly income reduced one-half in value?

LABORING MEN.

I have already referred to the effect that this bill would have on the laboring classes, and have produced tables showing their condition in those countries, to the level of which the advocates of this bill wish to reduce us. Does anyone believe that under free coinage of silver the wages of labor would be increased in proportion to the price of articles that the laborer must have? The statistics of silver countries show that this is never done. In his first message to Congress, in 1885, President Cleveland quoted the following from a speech made by Daniel Webster in the Senate in 1834:

> The very man of all others who has the deepest interest in a sound currency and who suffers most by mischievous legislation in money matters is the man who earns his daily bread by his daily toil.

THE DEBTOR CLASS.

There are a great many people in the country who favor the free coinage of silver solely upon the ground that they are in debt, and that it would be much easier for them to pay off their indebtedness in dollars worth only 50 cents than in dollars worth 100 cents. Conceding, for the sake of argument, that the debtors of the country would be thereby benefited, are we justified in legislating solely in the interest of one class of our people in disregard of the rights of all others? And, especially, ought we to do this when such legislation would deprive many others of our people of just one-half of the money they have invested? For, of course, if the debtors gained by such a law, their creditors must undoubtedly lose exactly in the same proportion. But is it true that the debtors as a class will be benefited? There is, of course, no possibility of this bill passing this House and becoming a law, but let us suppose that, during the coming election, the advocates of free coinage, having now a majority in the Senate, were to carry the House and win the Presidency.

What would be the result on the debtors of the country of this declaration that just as soon as the new Congress could meet and the President take his seat all debts were to be paid in 50-cent dollars? There would be a financial crash such as the world has never seen, and the debtor class would be the very first to be ruined. It would be months before the law could be passed, and instantly every creditor in the country would do his utmost to collect his money before it got to be the fashion to pay debts in 50-cent dollars. As a matter of course no debt would be extended; the instant it became due, if it were secured by collaterals, the collaterals would be rushed upon the market and sold for whatever they would bring, and not only would the uncertainty as to the future keep purchasers from bidding, but enormous amounts of such securities being all at once placed on the market would produce ruinous prices. If the debt were secured by mortgage, suit to foreclose would be at once commenced and pressed to judgment and sale.

Not only would no extension of time be granted, but money to pay the debt could not be procured from other sources. With their property sacrificed under the hammer and their credit all gone, where could the unfortunate debtors look for help? Have we not had an object lesson and warning in what lately occurred? Did we not see that, upon the mere danger of war between this country and Great Britain, there came a crash in New York that in one day is said to have cost debtors over $100,000,000?

WHO ARE DEBTORS?

But, Mr. Chairman, when we speak of the debtors of the country, whom do we mean? Who really are they? Not simply those who owe borrowed money; they constitute a very small part.

RAILROADS, BANKS, INSURANCE COMPANIES.

The great debtors of the country are the railroads, banks, insurance companies, and other corporations. It is estimated that the railroads of the country owe not far from $6,000,000,000; savings banks owe their depositors about $1,700,000,000, the depositors therein numbering over 4,700,000. There were over 1,900,000 depositors in national and other banks whose deposits amounted to $3,000,000,000; building and loan associations owed their members about $450,000,000; cities, counties, and towns owe about $1,100,000,000, and over 7,500,000 persons hold policies in life insurance companies. These enormous sums have either been invested or deposited with these corporations, and every dollar of it has been paid in sound, hard-earned money, and the great mass of it represents the savings of people of moderate means.

If we come down to a silver basis what will be the result as to this vast sum? Silver will be the sole standard of value and these institutions would all have the right to pay every cent of it in 50-cent dollars. Take the savings banks depositors and the holders of life-insurance policies alone and see what a fearful amount of wrong and injustice would be done that most worthy class of people. For years they have been stinting themselves and denying themselves perhaps even the comforts of life in order to make provision against old age or to secure a support for their loved ones after they themselves have passed away, and they would see one-half of it destroyed at one blow. It would seem, Mr. Chairman, as if our friends on the other side, if they have their way in this matter, would be benefiting only the banks and other corporations which they usually denounce in such round terms.

Coin Redemption Fund.

SPEECH

OF

HON. R. W. BLUE,

OF KANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 13, 1896.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue—

Mr. BLUE said:

Mr. CHAIRMAN: As the Representative-at-large from the State of Kansas I do not at this time desire to be wholly silent. Absence from this House, enforced by sickness, prevented me from getting the necessary time in general debate. I shall therefore be compelled to content myself with the limited time accorded under the present rule and ask leave to extend my remarks in the RECORD.

The Republicans of the State of Kansas, in their platform adopted in 1894, indorsed the national Republican platform made and promulgated at Minneapolis. By its terms it favored the use of gold, silver, and paper as money, but under such restrictions and regulations as would preserve the parity of the dollars in debt-paying and purchasing power. To that enunciation they added that they favored the coinage of the output of our own silver mines and a tariff upon foreign silver. Taking the whole enunciation upon the question of finance together, it clearly meant that the Republicans of Kansas are in favor of sound money [applause on the Republican side], and as their Representative I propose by my vote and to the extent of my power to carry out their direction. [Renewed applause.]

Florid rhetoric revamped from "Coin's Financial School" proves nothing. [Laughter.] Nor do turgid phrases offer argument. There are a few general principles that underlie this whole money question, and after all the debate, after all the known theories that are presented here on the side of those who favor the free and unlimited coinage of silver, these general principles remain. One is that when there is a difference between money, between the coins, in value, that the cheaper coin invariably drives the dearer out of circulation. In other words, that it has the effect of demonetizing it, and the cheaper coin becomes the measure of value that is invariably used. The other is that whatever may be the value of a coin as fixed by statute it eventually takes its true value as gauged by the laws of commerce and trade in purchasing power.

Soon after the commencement of the present session of Congress this House expeditiously passed and presented to the Senate of the United States two measures intended to meet in a patriotic way the necessities of the country. The first was a revenue measure designed to increase the revenues of the nation by at least $40,000,000 per annum. The other was an amendment to the law of 1875, which authorizes the issuance and sale of bonds for the relief of the Treasury and the protection of the national credit. It is as follows:

That in addition to the authority given to the Secretary of the Treasury by the act approved January 14, 1875, entitled "An act to provide for the resumption of specie payments," he is authorized from time to time, at his discretion, to issue, sell, and dispose of, at not less than par in coin, coupon or registered bonds of the United States, to an amount sufficient for the object stated in this section, bearing not to exceed 3 per cent interest per annum, payable semiannually, and redeemable at the pleasure of the United States, in coin, after five years from their date, and payable in fifteen years after their date, with like qualities, privileges, and exemptions provided in said act for the bonds therein authorized. And the Secretary of the Treasury shall use the proceeds thereof for the redemption of United States legal-tender notes, and for no other purpose: *Provided*, That nothing in this act shall be construed to repeal or modify an act approved May 31, 1878, entitled "An act to forbid the further retirement of United States legal-tender notes." Whenever the Secretary of the Treasury shall offer any of the bonds authorized for sale by this act or by the resumption act of 1875, he shall advertise the same and authorize subscriptions therefor to be made at the Treasury Department and at the subtreasuries and designated depositories of the United States.

SEC. 2. That to provide for any temporary deficiency now existing, or which may hereafter occur, the Secretary of the Treasury is hereby authorized, at his discretion, to issue certificates of indebtedness of the United States, to an amount not exceeding $50,000,000, payable in three years after their date to the bearer in lawful money of the United States, of the denomination of $20, or multiples thereof, with annual coupons for interest at the rate of 3 per cent per annum, and to sell and dispose of the same for not less than an equal amount of lawful money of the United States at the Treasury Department and at the subtreasuries and designated depositories of the United States and at such post-offices as he may select. And such certificates shall have the like qualities, privileges, and exemptions provided in said resumption act for the bonds therein authorized. And the proceeds thereof shall be used for the purpose prescribed in this section and for no other.

This amendment provides for the issuance of shorter-time bonds at a lower rate of interest, and requires that the disposition of the bonds shall be open to the public and an opportunity afforded our people to become owners of our national loans. In addition it provides for the issuance of bills of exchequer running not to exceed three years in time at low rate of interest, these exchequer bills to be used only for the purpose of meeting any temporary deficit which may exist in the Treasury.

The amendment further provides that the proceeds of bonds hereafter to be issued and sold should be applied only to the redemption of the greenbacks.

A careful examination of this proposed amendment to the law of 1875 will clearly exhibit its merits.

The present Administration, when confronted with an insufficient revenue brought about by its defective economic policy and its growing and continued deficit in the Treasury, invoked the aid of the act of 1875 and issued and sold bonds to redeem United States Treasury notes which the impaired national credit drove to the National Treasury for redemption. With the gold derived from the sale of bonds it has redeemed greenbacks, which were immediately reissued by the Treasury to pay the deficit produced by an insufficient revenue. In that way has been established the endless chain about which the President and his Secretary of the Treasury have so much to say.

Some of the adherents of the President's policy in this House stoutly maintain that there is no lack of money in the Treasury, and no necessity for the issuance of any more bonds. With skillful and adroit sophistry they would argue the deficit away: Should this amendment offered by the House become a law the deficit would be emphasized and pointed out by the requirement which compels the Treasurer to meet the emergency by the issuance of short-time exchequer bills. Thus the endless chain would be impaired and eventually broken, and the use of greenbacks in the payment of the Treasury deficit prevented. It will be observed that this amendment does not in any sense compel the issuance of more bonds, but only provides for an additional class of bonds, shorter in time, cheaper in rate of interest, popularizing our national loans by first offering them to the masses of our own country, and prevents the use of the redeemed greenback in discharging the deficit.

It is apparent to everyone who has given the subject careful consideration that the law of 1875, which provides for the issuance and sale of bonds, has been for some months the only barrier between the National Treasury and the destruction of national credit.

We have seen the gold reserve in the Treasury sink to about $50,000,000, and yet all our money has remained as good as the best and our national credit has been preserved. Why is this? It is due to the fact that the country and the civilized world realize that under the law of the land the Government could issue and sell these bonds for the protection of the national credit whenever necessity compelled it.

It is now apparent that the chief cause for present financial conditions is lack of national revenue. The experience of the past, reaching from specie resumption down to the national election of 1892, abundantly proves that with a sufficient revenue and a gold reserve of $100,000,000 all of our money can be maintained at a parity in value, the national credit preserved, and the confidence of the people so sustained that comparatively few of our greenbacks will be presented for redemption.

When this House measure reached the Senate and was taken up for consideration that body struck out the entire bill and substituted for it the following measure:

That from and after the passage of this act the mints of the United States shall be open to the coinage of silver, and there shall be coined dollars of the weight of 412½ grains troy, of standard silver, nine-tenths fine, as provided by

the act of January 18, 1837, and upon the same terms and subject to the limitations and provisions of law regulating the coinage and legal-tender quality of gold; and whenever the said coins herein provided for shall be received into the Treasury certificates may be issued therefor in the manner now provided by law.

SEC. 2. That the Secretary of the Treasury shall coin into standard silver dollars, as soon as practicable, according to the provisions of section 1 of this act, from the silver bullion purchased under authority of the act of July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," that portion of said silver bullion which represents the seigniorage or profit to the Government, to wit, the difference between the cost of the silver purchased under said act and its coinage value, and said silver dollars so coined shall be used in the payment of the current expenses of the Government; and for the purpose of making the said seigniorage immediately available for use as money the Secretary of the Treasury is hereby authorized and directed to issue silver certificates against it, as if it was already coined and in the Treasury.

SEC. 3. That no national bank note shall be hereafter issued of a denomination less than $10, and all notes of such banks now outstanding of denominations less than that sum shall be, as rapidly as practicable, taken up, redeemed, and canceled, and notes of $10 and larger denominations shall be issued in their stead under the direction of the Comptroller of the Currency.

SEC. 4. That the Secretary of the Treasury shall redeem the United States notes, commonly called "greenbacks," and also the Treasury notes issued under the provisions of the act of July 14, 1890, when presented for redemption, in standard silver dollars or in gold coin, using for redemption of said notes either gold or silver coins, or both, not at the option of the holder, but exclusively at the option of the Treasury Department, and said notes, commonly called "greenbacks," when so redeemed, shall be reissued as provided by the act of May 31, 1878.

Amend the title so as to read: An act to restore the coinage of silver dollars, and for other purposes.

IN THE SENATE OF THE UNITED STATES,
January 30, 1896. (Calendar day February 1, 1896.)

Resolved, That this bill pass with amendments.

Attest: WM. R. COX, *Secretary.*

That is the proposition now before us for consideration. It is to be observed that this is the best average judgment of the silver advocates in the Senate of a measure for the relief of the Treasury along the lines for proper treatment of silver. They are the champions of the silver cause. In their hands is the destiny of the white metal. By their conduct in presenting this substitute is their good intent and honesty of purpose to be gauged. The first criticism of this measure is that it is not germane to the subject of the original bill and is wholly at variance with what seems to be good faith and parliamentary practice.

With equal logic a substitute might have been offered by the Senate providing for a system of irrigation of arid America or for the distribution of seed by the Secretary of Agriculture.

It would have been much more in consonance with the dignity and honor of the Senate to have met the question frankly by a germane amendment and an independent bill of its own for a solution of the question. If the friends of the free and unlimited coinage of silver mean to treat the subject fairly, why do they not prepare and introduce in this body or enact and send to us from the other body of this Congress a measure embodying their views?

This substitute as presented to us by the Senate provides for the free and unlimited coinage of the silver of the world on a ratio of 16 to 1. It directs the coinage of the seigniorage of the silver bullion now in the Treasury, purchased under the provisions of the Sherman silver-purchasing act of 1890, and requires it to be used in the payment of the current expenses. For the purpose of making said seigniorage immediately available it authorizes and directs the Secretary of the Treasury to issue certificates against it as if it was already coined. It retires all national-bank notes of a denomination less than $10 and then requires the Secretary of the Treasury to redeem the greenbacks in standard silver dollars or in gold coin, or both, not at the option of the holder, but exclusively at the option of the Treasury Department. I will consider these several sections in inverse order.

It will be observed that the provision for the preservation of the parity of the dollars which was placed in the act of 1890 is omitted. What was that provision?

It being the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio or such ratio as may be provided by law.

The provisions of the act of 1893 upon the parity of the dollars is also left out. That provision is as follows:

And it is hereby declared to be the policy of the United States to continue the use of both gold and silver as standard money, and to coin both gold and silver into money of equal intrinsic and exchangeable value, such equality to be secured through international agreement, or by such safeguards of legislation as will insure the maintainance of the parity in value of the coins of the two metals and the equal power of every dollar at all times in the markets and in the payment of debts. And it is hereby further declared that the efforts of the Government should be steadily directed to the establishment of such a safe system of bimetallism as will maintain at all times the equal power of every dollar coined or issued by the United States in the markets and in the payment of debts.

Now, these omissions were doubtless purposely made in order that the descent to a silver basis might be the more certain and speedy.

The expressions of those parity provisions in the laws of 1890 and 1893 were only legislative affirmations of what had been the policy of the Treasury for many years. To omit them now would be an abandonment of the principle.

If the third section of this substitute stood alone, freed from the obnoxious provisions of the other parts of the substitute, I would cheerfully yield it my support, believing it would aid, in a degree at least, in reaching actual bimetallism to the extent of using the silver output of our own silver mines.

There are several serious objections to the second section of this Senate substitute. In the first place, it requires the coinage of the seigniorage of the silver bullion in the Treasury. There can be no seigniorage until the silver is coined under the provisions of the act of 1890. It can not be determined in advance of the coinage. And yet this substitute requires not only the coinage of this supposed seigniorage, but directs the Secretary of the Treasury to issue certificates against it as if "it were already coined." In other words, the Secretary is required to certify that there are so many dollars in the Treasury which have never been coined and have no existence as dollars. Couched in this vicious provision is a doctrine enunciated by a distinguished Populist:

That the Government should estimate the gold and silver in the mountains in the nation and issue certificates against it.

Gentlemen do not seem to recognize the difference between the promise to pay based on the faith of the nation and a gold or silver certificate. A certificate states a fact, that is, that so many dollars have been deposited in the Treasury. The gold and silver coins in the Treasury, against which there are certificates outstanding, are not the property of the Government. They are the property of the holders of the certificates. The Government is simply the trustee of the owners, and has no more right to use such coin than any other trustee has to use trust funds for his own private purposes. When this coin which now rests in the Treasury with certificates outstanding against it is excluded, it leaves about $7,000,000 of free silver remaining in the Treasury which can rightfully be applied to the discharge of the current obligations of the Government.

The first section of the substitute is for the free and unlimited coinage of the silver of the world, pure and simple. How is the free and unlimited coinage of the silver of the world to relieve the Treasury from its present embarrassment? The owner of silver bullion who takes it to the mint to have it coined will carry his silver dollars coined at Government expense away with him. He will leave no dollars behind to aid in the discharge of the deficit in the Treasury.

The advocates of this measure with practical unanimity oppose the issuance of any more bonds to protect the national credit. There has been no gold paid into the Treasury on tariff dues for several months. With the power to sell bonds taken from the Secretary of the Treasury and no gold coming to the Treasury from taxation, what will the word coin in our statute mean? Some gentlemen may say pass an act requiring the payment of dues in gold. Do they realize that such a discrimination in favor of gold would still further widen the space between the metals and aid in demonetizing gold? Has not the distrust bred by the threat of free and unlimited coinage of silver already put Gresham's law into operation? Do not gentlemen find the money in use now very generally silver certificates and silver? Are not gold and greenbacks already retiring from view as the more valuable money?

The momentous question which is before the nation is the free and unlimited coinage of the silver of the world by this nation alone. The friends of this free and unlimited coinage in this House and in the Senate Chamber with practical unanimity discard all belief in the possibility of an international agreement for bimetallism. They insist that this Government alone can maintain the free and unlimited coinage of the silver of the world at a ratio of 16 to 1 and preserve the parity of the dollars. What is there in past experience to justify it? The lawmaking power of this Republic established our first monetary ratio in 1792 at 15 to 1. It was believed at that time that that ratio was the average commercial ratio between the two metals in the commercial world and that the parity of values could be maintained thereon and that the concurrent circulation of silver and gold could be maintained thereby. France at that time maintained a ratio of 15½ to 1. When this Republic began its coinage upon the established ratio it was speedily discovered that gold would not circulate concurrently with silver upon that ratio, because it was more valuable. It was melted down and used in the arts or sought the markets of France or other nations where it was more highly valued.

The force of our statute was overcome by the higher law of commerce and trade, and so long as we maintained that ratio gold refused to circulate as money, and we had silver monometallism. This condition of affairs continued until 1837. Congress then changed the ratio to 16 to 1, believing that it would more nearly approach the commercial parity between the two metals and compel the concurrent circulation of both gold and silver in the country. When the mints entered upon coinage under this ratio and the coins began to be used among the people, it was speedily ascertained that silver had been undervalued by this ratio and that gold was the cheaper money. The inexorable law of commerce and trade, as established by the universal experience of mankind, compelled hoarding and exporting of silver and made

gold the metallic money of account. In 1853 the lawmaking power of the nation, in order to prevent the shipping of our subsidiary silver coin and to keep it at home as change, lightened its weight and fixed the amount of its legal tender at $5.

In 1857, by an act of Congress, the foreign silver dollars in use in this country were demonetized, and by these various statutory provisions silver was demonetized in its use as standard money, and from 1857 to 1861 gold was the standard of value and the money of account.

From 1861 to 1873 metallic money was out of circulation in the nation, the cheaper unit of value, the depreciated Treasury note, having under Gresham's law driven the better money out of circulation.

The so-called crime of 1873, about which we have heard so much and concerning which there has been so many persistent misrepresentations, occurred in 1853 and 1857, rather than in 1873.

The law of 1873, which it is claimed demonetized silver, was simply a confirmation of what the ordinances of commerce and trade had made the business practices of this nation since 1857. Gresham's law of finance, like the law of gravitation in physics, existed for centuries before it was discovered by man, and like the great law of gravitation, its silent and inexorable force controlled everywhere in the commerce and trade of the world. No statute has ever repealed or ever can for any appreciable length of time modify or impair it. If all the statutes in the civilized world should by common consent demonetize gold it would still, under the operation of the laws of commerce, business, and trade, measure values and settle balances between nations until something more acceptable in the judgment of mankind should take its place.

Much has been said in this House and elsewhere about the depreciation of silver by reason of its demonetization by the legislation of the great nations of the earth. Is that assumption wholly sustained by the facts? Is it not in general true that legislation follows rather than precedes conditions? Is it not a fact that laws are enacted to meet the requirements of the changed conditions of society? Are they not generally made to correct inequalities, redress wrongs, or preserve rights under the existing conditions of society? Why was it that silver, by the common consent of mankind, became discredited as a measure of value and a standard money? Was not this condition of things in existence before the legislation effecting the demonetization of silver began? An enumeration and consideration of the causes which brought about these conditions in the commercial world would be an interesting study.

As the debate has progressed the question has occurred to me, why go back in the eternal past and seek to adopt the practices and methods and measures of value established centuries ago? The conditions which confront us deal with the present rather than the past.

We have not been wholly without experience upon this subject in the last twenty years of our national existence. Up to 1878 we had coined 8,000,000 silver dollars. Under the operation of the Bland-Allison Act we organized a system of silver coinage which added to our standard silver dollars something over $2,000,000 per month for many years, averaging something near $30,000,000 per annum until we had added to the $8,000,000 already coined about four hundred millions more.

What is the remedy now? Advocates of free coinage insist that the cure for all our financial ills is to at once enter upon the free and unlimited coinage of the silver of the world upon a ratio of 16 to 1 by this nation alone. They assume that such a course will at once give us a concurrent circulation of both gold and silver at a parity in value, greatly enlarge the volume of money, enhance the prices of all commodities, and produce such prosperity in the land as the world never knew before. What is there in the past history of this nation to justify the assumption? If a difference of two or three cents on the dollar was sufficient to demonetize gold from 1792 until 1857 and demonetize silver from 1857 until 1861, when practically the whole civilized world was sustaining the parity in the metals by ratios very similar to our own, what would be said of our ability alone to sustain the parity of the dollars on a ratio of 16 to 1, when the difference between the dollars on that ratio now is 50 cents and the commercial ratio of the world is 32 to 1? Such a proposition carries with it its own refutation. It is contrary to the experience and common sense of mankind and is unworthy of the support of any sane person.

In 1890 we enacted the Sherman silver-purchasing law, and provided for the purchase by the Government of the estimated annual product of our own silver mines, amounting to about 54,000,000 ounces of silver per annum. Now, this enactment called for an effort on the part of this Government alone to sustain the value of silver. What was the effect of this immense consumption of silver by our Government? During all that time silver continued to fall in price in the markets of the world. At no time during this experiment did the price of silver exhibit a healthy condition. The decline in the price of silver in the markets of the world was not arrested.

If the Government can, by the use of silver in large quantities, impart a value to it above that fixed by the commerce of the world, why did it continue to fall during the entire period from 1878 to 1893? It is claimed by the advocates of free silver that one of the money commodities of the world has been destroyed in its use and the volume of money severed in twain. Is this claim sustained by the facts?

The report of the Director of the Mint shows that all the countries of the world since 1873 have actually coined two billions seven hundred millions of silver. All the coined silver in the world is estimated at $4,000,000,000. Of that sum, something like one-half has been coined since 1873. According to the same authority more silver has been coined during that period than any like period of free and unlimited coinage.

France has been cited as an example of a bimetallic country, and statements have been frequently made that she reserves and exercises the right to pay at least a part of her obligations in standard silver. As an explanation of the financial conditions in France and a refutation of the misstatements frequently made by the advocates of free silver, I beg leave to make use of the statement of the gentleman from Georgia [Mr. TURNER], which is as follows:

France tried the experiment of an international agreement and joined in what was called the Latin Union, a union with Italy, Switzerland, Greece, and Belgium, by which they fixed a ratio between the two metals, and international coins of the same weight and fineness circulated freely in all the countries named. That union has been dissolved; and since France has refused the free coinage of silver the coins of like value in these other parts of the Latin Union that happened to be in France have been rejected by the shopmen everywhere, and in addition to that, the Bank of France has recently returned to Italy, under a sort of Government auspices, two or three millions of dollars in Italian silver coin because in French people would no longer take them, although they were a party to their coinage.

In France the Government has no demand notes outstanding, while we have $500,000,000. France has no such thing as agitation for free coinage at 15½ to 1 by France alone, as a menace to its system of finance. In this country our stock of gold, with a population of over 70,000,000 of people, is $618,000,000. In France the stock of gold, in a country of about 35,000,000 inhabitants, is $850,000,000.

The per capita allowance of gold would be in this country $8.78. In France it would be $22.10.

How is it with silver? In the United States we have a total, including the coinage of limited tender, of $625,000,000 of silver—more of it than gold. In France the silver is $187,000,000. With uncovered paper estimated—for all this enters into the calculation—we have on the basis assumed in the Treasury, which excludes the paper in the Treasury and the Sherman notes, but taking the basis of uncovered paper there after the gold reserve is deducted, we have a per capita of uncovered paper amounting to $5.92, while in France it is only 84 cents.

Now, let us run that out. I here use the figures of the gentleman from Mississippi [Mr. CATCHINGS]. France holds $231,000,000 more gold than we do, and she has only about one-half of the population. France holds $284,000,000 less of uncovered paper than we do. If we had the same per capita of gold as France, we would have $1,567,279,700 of gold. Taking the per capita of silver in France, we would have of that metal $913,952,200. Our excess of gold over silver would at that per capita be $653,327,500. Now, we have more silver than gold. If we had only the same per capita of uncovered paper as France we would have $59,329,200 instead of $416,700,000. With such resources at his command, our Secretary of the Treasury, with such a limited strain for redemptions, would be happier than he has been for many a day.

The Bank of France has a monopoly of note issues, and keeps its paper almost entirely covered with gold and silver. It largely conducts the fiscal operations of the Government, which appoints its president and two of its vice-presidents. But the bank's assets are not those of France. It does not pay out as much silver as does our Treasury Department. All our collections from all sources of taxation are now in silver and uncovered paper; we get no gold, so that we do a great deal more with silver than the French Government and the Bank of France combined. We pay out many hundred millions of silver over the counter at the Treasury, and we receive nearly all our revenues in that currency. We honor silver a great deal more than France. As I have said, France has no demand notes to redeem. If we had none and had her resources in money, there would be no fear of silver such as is now apparent in this country.

It is sometimes said that the Government of France exercises the option to pay in silver or gold as it pleases. It has no demand obligations to meet, and as to Government disbursement we use daily a great deal more silver currency. The Bank of France will frequently pay silver to those who present bills at its counter; but whenever the person who presents the paper will state that he needs the gold for export or for any purpose for which silver is not as good as gold, they will give him the gold; and, as my friend indicates, that is largely a matter of accommodation.

What would be the effect of the free and unlimited coinage of silver at a ratio of 16 to 1 on the business of the country, if it be true that silver monometallism would follow (and about that there can be no reasonable difference of opinion)? The demonetization of gold would inevitably follow. The circulating medium of the nation would be contracted by the amount of the gold which would be driven out of circulation. The use of a cheaper standard of value would enhance the price of all the necessaries of life. The individuals and corporations who have money would reserve the better money for themselves and use the cheaper money in the marts of trade. The laboring man, who has nothing but his day's work to put upon the market, would find that, while all else was appreciating in price, his wages would be the last to rise and the first to fall. With the purchasing power of his day's work constantly sinking and every necessary of life constantly appreciating in price, he would speedily discover that his condition was rapidly becoming worse.

Gentlemen here insist that with the remonetization of silver the price of wheat will be doubled. Will the remonetization of silver double the pensions of the soldiers? Will the remonetization of

silver double the wages of the school-teacher and the fixed salaries of all the other common people throughout the nation? Are we to be forever harassed with expressions of these fallacies in the interest of the country? Is the cheapening of the necessaries of life an unmixed evil? Is not the inventor of the labor-saving machine and the discoverer of unseen forces of nature who reduces them to subjection and makes them subservient to the uses of man a benefactor of his race?

We have been frequently referred to the prosperous condition of the silver monometallic countries of the world. It has been well said by a member on this floor, Mr. GROW of Pennsylvania, that succeeding generations will read in amazement the discussions of these questions on the floor of this House at this time, in which well-informed gentlemen cite the prosperity of the pagan nations of the earth and compare it with conditions in this country to our disadvantage.

Mr. Chairman, the truth is that the most abject condition the people of this Republic have ever experienced would be unexampled prosperity in Mexico or China.

The remedy for existing conditions is a revenue sufficient to discharge the current expenses of the Government and leave an annual balance for the liquidation of a portion of the national debt—a sufficient gold reserve in the Treasury to preserve the parity of all our dollars, using the output of our own silver mines. The revenues should be derived mainly from tariff dues so gauged as to protect the wage earners of the nation and preserve business prosperity throughout the country.

Mr. Chairman, the people of Kansas are in favor of bimetallism, not theoretical but actual bimetallism. How is that accomplished? There is not a civilized nation upon the face of the globe to-day that has actual bimetallism but is preserving that bimetallism by limiting the amount of standard silver coin, and keeping a gold reserve sufficient to make the cheaper money interchangeable with the dearer. There is no other practical bimetallism under the sun, and every country upon the face of the earth that has free and unlimited coinage of silver to-day, at any ratio, is a silver monometallic country. Their money sinks in purchasing power to its actual value. The stamp of the Government, with the statute behind it, may give it debt-paying power within the Government, but it does not confer purchasing power.

I represent, I undertake to say, a larger proportion of pensioners than any other member on this floor. The gentleman from Pennsylvania, Mr. GROW, with his colleague, Mr. HUFF, perhaps represent a larger number; but divide the number between them, and I still represent a greater number of pensioners than any member in this House.

Adopt this silver substitute that comes to us from the Senate, and we descend immediately to a silver basis with a dollar as the measure of value which is really a 50-cent piece. I represent thousands of pensioners in the State of Kansas. If I were to support this Senate substitute I would help to sever in twain the purchasing power of every pension, so that these pensioners instead of getting on the average $100 per annum of purchasing power would receive each of them only about $50 per annum of purchasing power.

[Here the hammer fell.]

Mr. PITNEY. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Kansas be extended five minutes.

There was no objection, and it was so ordered.

Mr. BLUE. I undertake to say, Mr. Chairman, that no true friend of the pensioner on this floor can vote for the free and unlimited coinage of silver.

Mr. PICKLER (sotto voce). That is a fallacy.

Mr. BLUE. As the gentleman from South Dakota has made that suggestion in an undertone, I ask him to point me to a single country on the face of the globe to-day that has free and unlimited coinage of silver and has not, as its standard of value, a 50 per cent coin, so far as its purchasing power is concerned. If he can point out any such country I will thank him for the information. There is none; and the united experience of mankind is worth more than all the argument that is based upon theory without experience. The truth is that the gold-standard countries and the bimetallic countries have 85 per cent of the commerce of the world, and the pagan nations and others having free coinage of silver control the other 15 per cent. In every gold-standard and bimetallic country on the face of the globe weekly collections are taken up in the churches to send missionaries to the free-silver countries to convert the heathen. [Laughter and applause.]

Now, Mr. Chairman, permit me to say that I voted for both the measures, the revenue bill and the bond bill, as presented by the Ways and Means Committee of this House. In deference to the instruction of the convention which nominated me I shall vote for the amendment offered by my colleague, Mr. LONG, confining the coinage of silver to the American output, but I shall vote for it with the distinct understanding that the platform upon which I was nominated says that the Republicans of Kansas favor the coinage of the American output under such conditions and restrictions as shall preserve the parity of all our dollars in debt-paying and purchasing power.

I shall vote to nonconcur in the Senate substitute as it is presented, and I shall vote to insist on the House bill. In doing so I shall have an approving conscience, and an abiding confidence that I shall have the support of the patriotic and honest people of Kansas. [Applause.]

Coin Redemption Fund.

SPEECH

OF

HON. WILLIAM H. DOOLITTLE,

OF WASHINGTON,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 13, 1896.

The House having under consideration the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue—

Mr. DOOLITTLE said:

Mr. SPEAKER: Being an American, and a Republican, and a protectionist, I shall vote for concurrence in the Senate amendment now pending.

I shall vote for it because I desire to see progress made in the development of manufacturing, agriculture, mining, domestic and foreign commerce, and in all ways by which the people of the Union can be employed, and because I desire, above all things, to comply with the conditions which alone can bring to this country the great prosperity our people are entitled to enjoy.

I shall vote to sustain this amendment because I am possessed of convictions as firmly embedded as truth itself upon this subject, and do not believe it to be in the interests of the American people, whom we are on this floor to represent, that the single gold standard shall be permanently established in the United States, and so long as I shall cast a vote, simply representing the views of my party, and my own views, at the polls or on the floor of this House as a representative of an intelligent and most worthy constituency, such vote shall at all times be cast on the side where I believe the interests of the people of my State and the masses of the people of the American Union are.

At this time and in this body, and with the dominancy of the present Administration, no man of ordinary information can believe for a moment that success will attend the efforts of those who either speak, vote, or otherwise labor in behalf of the emancipation of the American people from the blighting curse to all our industries, and all American interests, proceeding from the single gold standard of values now prevailing.

That the single gold standard should exist in the United States is unnatural, un-American, unpatriotic, and a thing that should have been resisted by the American people as the American people would to-day resist the invasion of a foreign foe.

In so far as present conditions and those of the future are concerned, it makes no difference, in my judgment, what the history of the past may disclose relative to the demonetization of silver in this country, who engaged in that work, or whose selfishness or greed was the motive culminating in that act.

I wish to see the people of this country inform themselves and well understand the evil results that have come upon us from that demonetization, and that the single gold standard of values has been for the past three years, now is, and ever will be so long as it shall continue, one of the fiercest, most implacable enemies to the development, commerce, and business of this country that the people of the country have ever been called upon to contend with.

The single gold standard and free trade would be the most effective means that could be made use of by the worst enemies of this country and its prosperity, if destruction of everything American which we of this generation have always been proud of were premeditated and designed.

I care not whether a crime was intentionally committed in 1873 or whether it was a criminal blunder on the part of legislators. As to that it makes no difference to the American people, for no one can be brought to justice or made to suffer a penalty. It is a thing of the past. Existing conditions, with a just regard for the future, are the only subjects with which the people of this country and this Congress are called upon to deal.

We do know, however, as we know of our own existence, that the establishment of gold in the United States as a standard of all values is the thing above all things that the holders and owners of money in Europe, and especially in Great Britain, together with

their worshipers and satellites and agents in this country, most desire.

We also know that the banking interests here, dependent in a greater or less degree upon their credit with the great wealth holders of Great Britain, are entirely in harmony with the wishes of those across the water, and are blindly disregardful of the true interests of the masses of our own country.

We also know that the borrowings of this country, both public and private, have been, during the past twenty years of our national development, so enormous that the sum is well nigh incomprehensible to the human mind, reaching many billions of dollars in its total.

We also know that Great Britain is a manufacturing country and a commercial nation, whose hands and footprints are in every part of the world where there is production at the expense of human effort. Her ships are on every sea, her merchants are in every commercial capital, her traders are in nearly every city and hamlet.

The products of the skill, labor, or traffic of her people are, in some form, upon the backs or in the habitations of almost every human being the world over.

She has made herself the banking and commercial nation of the world, and thus stands to-day. She has the means at her disposal through the channels of business she has established and the means of communication and transportation she has builded by various paths and lines, radiating in all ways, to fasten her grip wherever a demand may exist for anything she can handle in trade, or which the skill of her people can produce, and thereafter exact full payment in money of the standard she has exalted or its equivalent.

Whenever that country and its traders and bankers can not use, as profitable in agriculture or manufacturing, the energy and intelligence of her own people on that island, which is more than anything else the seat of the British Government, she ruthlessly brushes aside the demands for labor and employment of her own humbler children, and without hesitation or remorse employs the coolie classes of India and China, or those who are well prepared to compete with the coolie, in the production of the articles she requires for consumption or to be used as the means of profit getting in her trade and traffic about the earth; and her colonies are simply her stepping stones across the seas in her progressive wealth gathering around the world.

The United States is fitted, by reason of its geographical location, the intelligence and skill of its people and their inventive genius, the great extent of territory, its hundreds of excellent ocean harbors, the natural wealth of its fields, forests, and mines, and in all ways, to make itself the more than successful competitor of the present mistress of the seas. Those intelligently engaged in the active supervision of the world's progress, as are those managing the destinies of Great Britian, well realize the truth of this statement, and the continued dominancy of that country can only prevail so long as the influences of that country are sufficient to substantially control the affairs of the United States.

Whenever the people of the American Union can see and understand that they occupy of right the place of vantage of all the earth and can easily be made the greatest of all factors and the greatest of all sharers in all the profits of commerce and business existent, then it will be easy to apprehend and throw off the withering influences which make forever the borrower the servant of the lender and this country, in common with nearly all other countries of the world, subservient to the will and uses of the British money powers.

It has been frequently stated in debate in this House, and is generally accepted as true by the Republican party of this country, that English influences and British gold have at all times been active in behalf of the election to national positions of free traders when elections have come about in the United States.

I have no question as to the truth of this charge.

Free trade and the single gold standard are twins, and hand in hand work in all seasons in behalf of British interests.

The one would open the markets of this country to the products across the water; the other, by its constant appreciation and increasing power to purchase, cheapens the price of the product they must buy.

This statement is in itself an unanswerable argument, and the American man who disregards its truth is, in my judgment, either unintelligent, willfully blind, or determinedly opposed to the welfare of the people of his own nation.

It seems altogether unnecessary that I should here state that which has been stated so often, and with absolute truth, that by cutting out the coinage of silver in the United States the purchasing power of the yellow metal has been enormously increased.

This fact, I think, has been admitted now by nearly every intelligent man in the Union.

Nor is it necessary to say that the values of property have shrunken in the United States during the past three years correspondingly.

You have seen during this time one-half of the values at which real estate was bought and sold ooze out and evaporate, and so it is with nearly all other property, and the people all over the country are rapidly getting to understand and know that this has been and is the direct effect of the same action in all other countries, and thus they reason that neither tariffs, taxation, nor anything of that kind can be solely at the bottom of their difficulties, and that something more universal in this country and all other single gold-standard countries has occurred to bring about such a palpable change in the value of the property of men.

"Loss of confidence," "hard money," "honest, honest" money have been the cries of the claqueurs of the money holders of Great Britain and their servants, the borrowers and dealers in money in the United States, while all these people have been engaged in erecting in this country on a broad, firm foundation and base their single gold standard.

England in the meantime, the keystone of the gold arch of the world, while enjoining upon the United States the sacred duty of supporting that arch to the uttermost morally, and to them in more substantial ways, has availed herself of the abundant opportunity to purchase the silver bullion, crucified and disfigured as it has been through her influence most largely in the United States, coining it with the stamp of her Queen on one side and the Asiatic characters on the other, declarative of the quantity of silver in the coin, then using this in the Oriental countries, unlocking the commerce of the East with it, as unblushingly as though silver were the money of her choice, and thus cutting a cudgel from our own soil with which to break American heads; and to-day British subjects in the city of Hongkong have completed, or have nearing completion, a great mint for the purpose of the coining of this kind of silver money, and the American people blindly shut their eyes and allow themselves to be outwitted, coopered, and controlled, and their opportunities taken from them for profitable trade and business by the bankers and commercial men of the tight little island across the Atlantic, and utter no word of protest, but use their voices to praise in ceaseless hosannas the golden standard of our country's greatest commercial enemy.

What cares England for the fact that fields are rich in production, population enormous, and wages next to nothing in the Orient?

These are factors she turns readily to her own account and profit, as she turns the interest and credulity of the gold bugs infesting this country at the present time.

The chimneys of her factories in Manchester and other cities may be smokeless, the hum of their machinery stopped, and want and destitution everywhere prevail among those who were formerly operatives in English factories in consequence of upbuilding of manufacturing in the Orient.

Her trading can go on in her own ships, whoever is the producer.

Cargoes are as easily purchased and sold whether the black-haired races of Asia or the fair faces of England are over the toil, as the process of production goes on.

Can Americans suppose that had England been the possessor of the silver the Almighty placed in the rugged hills and rock-strewn mountains of this country, or had she continued dominion over this country, expanding as it has, that wise Government would have ever consented to or permitted the demonetization of the sister metal of gold?

Farsighted business sense displayed by English statesmen makes the negative answer as emphatic as was ever the thunderings of her guns on any field of strife.

Great Britain would have said no to such a proposition with indignation and resentment, for silver has always been, during all the generations of men, accepted, appreciated, and eagerly sought for as a money metal in common with gold, wherever trading and business have been known among the children of man, down almost to the present day, save where, as in the case of England and the other now gold-standard countries, some especial and unfair advantage was either sought for or enforced; and I undertake to say here, and in this presence, that no living man or men can furnish the evidence that overproduction of silver has ever been the cause of its demonetization.

Overproduction, as well as the physical weakness of American manhood to carry about some portion of this species of wealth, has been urged by the ignorant and unscrupulous against the use of silver, but that the production of silver has ever been increased over the corresponding production of gold has never been and can never be proven.

Of course, the production of silver has been greater within the past decade at times than it has been at prior periods, but the production of gold has been found to closely parallel that of silver in proportion to its natural ratio.

Both of these productions no more than keep pace with the increase of the world's population.

Now, the use of silver as a money metal has been relegated to Oriental countries and the Latin-American States.

I have heard it asked on this floor repeatedly, during the debates

of the last Congress, whether the people of the United States wished to align themselves with the intelligence of the earth, or did they wish to make their beds with the semibarbarians of the Orient and with the Mexicans and South Americans.

I tell you here to-day, standing in this House of Representatives, that as an American I will cheerfully align myself, and so will my constituents, and intelligent and loyal they are as the citizens of any American State in the Union—we will all align ourselves with the people with whom we can transact business and build up commercial relations to our own profit and the advancement of our interests, rather than will we make our beds, if bed we must make with anyone, with the people across the Atlantic, with whom we can not deal or trade with profit, save as to those lines we produce which they must purchase of us.

They buy our breadstuffs and our meats only as a cold-blooded business proposition and because they obtain them from us at a cheaper rate, the quality of these products considered, than they can buy them elsewhere.

The only fields remaining to-day for profitable investment in the way of commercial venture lie across the Pacific from our western coast and in the Latin States of this and the southern continent.

In those countries the white metal is the money and the yellow metal the commodity, and here I wish to speak somewhat of the development of manufacturing in Japan and among the Japanese people.

That racê has always shown itself quickly intelligent.

With all the wisdom of the East, these people possess the shrewdness of the West.

Wages are low, as they are everywhere in the far East, and manufacturing is being developed in that country under the use of silver money with greater rapidity than such industries have ever been developed elsewhere, and to such an extent and perfection is it carried on along many, many lines, and so greatly is the use of silver its protection, that the American people have reason to be apprehensive of a fierce competition speedily between the production of the skill of that people and the output of manufacturing in this country.

In those countries the production is on a silver basis.

As we all know, wages are low, but labor is satisfactorily recompensed.

These people have during the ages past solved many of the questions of life that we are just beginning to discern, and live cheaply and happily on the wages their industry brings.

They are even now invading American markets with many lines of goods.

Last spring I was informed that one and one-quarter millions of cotton spindles were in operation in that little Empire of less than 50,000,000 of people, and that the number would be increased within a year to more than 2,000,000.

The recent fair at Kioto, commemorating the twelve hundredth anniversary of the establishment of that city, the ancient capital of the Japan of the Shogan, the Samuri, and the Ronin, must have convinced the thousands of Western people who visited it of the fact that skillful manufacturing along nearly all lines was well on its way in Japan.

China, with the determination now evident among the leaders of that people to build railways and develop the territory of that most ancient Empire of the world, will soon take her place in the van of progress.

The energies of her people along those lines will be either invoked or compelled by the forces at work.

With China's four hundred and sixty-odd millions of human beings, who can doubt the result, when large portions of her people, adaptive and skillful as they readily are, when once engaged in factories, machine shops, and all the industries of which they are capable, acting as they will in company with Japan and the other silver-using countries, with their production upon a silver basis, if we adhere to the single gold standard, disparaging as it does the value of everything we possess until even now the veins and arteries of commerce everywhere outside of our great cities and Eastern money centers are shriveling and blackening and drying up for lack of money, the lifeblood of trade and business.

Still the cry among you men who believe in the single gold standard is that you heartily, sincerely, and earnestly desire bimetallism in the language of the platforms of the parties, namely, the use of both gold and silver as standard money; and the able gentleman from Maine the other day, at the opening of this debate, adjured us to push forward earnestly, buoyed by hope, toward the goal of an international agreement, of course England to be considered as one of the powers and parties to such an agreement.

You might as well sit yourself on the eternal ice fields forming the grandeur and crown of Mount Tacoma's lofty dome and pray the sun of heaven to melt away the accumulations frost has imprisoned there at that awful height during the ages past, and that verdant fields and orange groves should cluster about the brow of that grandest of all nature's pyramids, as to talk of inducing cold-blooded, regal England to cast aside the gold standard, the source of so much wealth to her and injury to us, and enter into an agreement for the use of American silver at the ratio of 16 to 1.

The American people look to the Republican Congress and to the Republican party for the relief they demand and a restoration—at least, to a fair degree—to the prosperity they have heretofore enjoyed.

That prosperity never can come to them under the single gold standard they either know or will know where this fact is not already known.

The enactment of tariff legislation is assuredly of vast importance, but as I have indicated before, protection must be consistent with itself.

To add to the use of any article, however slightly, either increases the value of such article or stiffens the demand for it, and in that way the tendency is the same.

The coinage of silver does not, as some have here asserted, cheapen the price paid for labor.

That is simply another slander, malicious and intentional. It should never have been uttered at all against the white metal.

The coinage of silver simply means independent, patriotic American action in behalf of one of the great and exceedingly valuable resources of our common country and an increase in the volume of basic money in the United States, indispensable to the essential development and carrying on of the business of the country.

It means the employment of labor in field, mine, forest, and factory, where labor can not now find employment, and the recompensing of such labor satisfactorily and to the extent of fully enabling it to purchase of the necessities and luxuries of life as much as it ever has purchased in the history of mankind.

It means the throwing of a wall of protection about the industries of this country, both direct and effective.

It means, when coupled with wise tariff legislation, the utter reenfranchisement of the American people.

Therefore, as I said at the outset, I shall with satisfaction vote for the Senate amendment.

Unlimited Silver Coinage.

SPEECH

OF

HON. JONATHAN P. DOLLIVER,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 12, 1896.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 2994) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue—

Mr. DOLLIVER said:

Mr. CHAIRMAN: If the House will hear me, I will speak for a time on some of the practical phases of the question before us. It is to be regretted that the matter comes here in the form of an amendment to the House bill relating to the coin redemption fund, and that the measure originally sent to the Senate comes back entirely stripped of its subject-matter. Without pausing to consider the invasion of the dignity of this House involved in the action of the Senate, I will only say that we can not submit to it without a loss of the influence which belongs to the House of Representatives under our system of Government. We sent to the Senate a measure the adoption of which would have enabled the Government in borrowing money to have the advantage of a lower rate of interest, a shorter term, and of that publicity which ought always to attend the use of the national credit.

The Senate, without making any effort to amend or to repeal the law of 1875, under which the Secretary of the Treasury had already three times negotiated the sale of bonds at an exorbitant rate of interest and running for an unreasonable length of time, chose to ignore entirely the bill of the House, except for the purpose of attaching to its enacting clause an elaborate scheme for the gratuitous coinage into American silver dollars of every 50 cents' worth of silver which the world might be disposed to present at our mints. The proposition of the Senate raises a question in which the people of the United States have been interested for many years, and to that I propose to direct the attention of the House. I will say, to begin with, that I do not enter the debate for the purpose of scattering dogmatic opinions, foreclosing the opinions of others. It appears to me that the matter is one of such complexity as to make sharp differences of judgment unavoidable. I have never heard the silver question debated, either in this House or among the people, without feeling encouraged by the reflection that this is the only country in the world where difficult questions of economy and finance can be safely submitted to the decision of the whole people.

shrunken in the United States during the past three years correspondingly.

Oriental countries and the Latin-American States.

I have heard it asked on this floor repeatedly, during the debates

ducing cold-blooded, regal England to cast aside the gold stand-

the whole people.

In other nations these problems are for the exchequer and the cabinet. In our country, from the beginning, they have been left in perfect safety to the conservative judgment of our fellow-citizens. Give the American people a reasonable time for discussion and for reflection and there is no problem in the management of human affairs that may not be submitted with confidence to their wisdom. I think I may say, without offense, that this is especially true of the people of the State which I have in part the honor to represent in this Chamber. Therefore, if I were without convictions of my own resulting from a study of this question, which, whatever its defects, has at least been diligent and faithful, I would feel secure in relying upon the average judgment of the people of Iowa, expressed without a dissenting voice, in the convention of the Republican party of 1895, in these words:

We reaffirm the declaration of the Republican national platform of 1892, adopted at Minneapolis, that the American people from tradition and interest favor bimetallism and the party demands the use of both gold and silver as standard money with such restrictions and under such provisions as will secure the maintenance of the parity of the two metals, so that the purchasing and debt-paying power of the dollar, whether of silver, gold, or paper, shall be at all times equal.

I do not ignore the fact that there are differences of opinion in the Republican party with reference to this matter. When I heard my friend from Minnesota [Mr. TOWNE] the other day, giving the House the result of his patient and conscientious investigation of the subject, I could but feel gratification and pride that the Republican party in the United States is large enough and generous enough for every honest man's opinion upon any of the complicated questions of Government and finance. [Applause.] I rejoice that the opinions of every Republican, based upon sincere conviction, are received respectfully and hospitably in any part of the United States within the ranks of the Republican party. On a question like this, when every man ought to keep his mind open to the new light of larger knowledge, it appears to me that there is no place for taunts and epithets, but a call rather for the exercise of thought, of labor, of research, and above all of neighborly kindness and good will. [Applause.]

There are only a few things in the controversy which any man can be sure of. That is true of this world in which we live. I once bought the book of an eminent Boston divine on Certitudes in Religion in order to find out what the certainties are in that field of inquiry, and after reading it and rereading it I made out that, according to my Boston guide, there are only two things that we can be entirely sure of, one is that we are here and the other is that we are going hence [laughter], and that everything else is a matter for speculation and for faith. It is so in all the practical fields of life where the world's great debates are carried on; there are only a few things that a man can be absolutely certain of.

In reflecting on the money question I have found one or two things in respect of which my mind has been entirely delivered of any doubt. One of them is that whatever kind of money we have in this country it ought to bear the image and superscription of the nation itself, and not the mere authority of some State legislature. It is a matter for congratulation that whatever its views about the money question in general, Congress shows no disposition by any act of national legislation to bring back the half-forgotten promissory-note factories of the last generation. [Applause.]

There is another thing that I think we may rely upon with a reasonable degree of assurance, and that is that whatever kinds of money we have in the United States every dollar shall always be kept exactly equivalent in value to every other dollar, so that if a man happens to have a dollar he may know exactly what he has, and if a man happens to owe a dollar he may know exactly what he owes.

The most of our troubles, in connection with what may be called, without offense, popular heresies on the money question, arise out of a failure to exactly apprehend the nature and office of money. A school of opinion has grown up in the United States which appears to think that the only office of money is to pay debts, and I confess that I have had such a monotonous experience all my life with debts that I have sometimes given a rather ready ear to that view of the philosophy of money. But the truth is that the chief function of money is not to pay debts, but to buy goods. The best definition of money I ever heard I found in the writings of the German jurist, Savigny. I have treasured it in my memory because you can always rely on a German student to come to a sound conclusion upon any matter to which he may apply himself.

It is a tribute to the clearness of German thinking that the German press of the United States is practically a unit in its defense of sound and coherent ideas on the money question. It has furnished neither aid nor comfort to the Populist agitation of these times. For that reason I have always fallen back in seasons of doubt and perplexity on the old German definition of money: "Money is—eine allgemeine vermögen-macht—a universal purchasing power."

If money were only a debt-paying power, then it would be literally true that Congress could declare anything to be money, by providing that it should be a legal tender in the discharge of debts. But the American people are entitled to a money that is not only good to pay with, but good to buy with. Therefore the Republican party refuses to put afloat a dollar differing in value from the coins now outstanding, and depending for its acceptance in the business world upon laws compelling people to take it in discharge of debts.

The silver question is the oldest money question in the world.

Thy silver is become dross, thy wine mixed with water—

thundered the old prophet in that inspired indictment of the crimes of Judah and Jerusalem, contained in the first chapter of Isaiah—words of scripture that were to become the text centuries later for brave Hugh Latimer to threaten the vengeance of God against the debasement and degradation of the coins of the realm of Edward VI.

Thy silver is dross, it is not fine, it is counterfeit. Thy silver is turned. Thou hadst good silver.

The silver question is the oldest monetary problem we have had to deal with as a nation, and we took it up after the Governments of modern Europe had been dealing with it, with varying experiences, for centuries. It has become the fashion to set aside the judgment and authority of writers and students of our own day who teach sound monetary science, as under the influence of what is vaguely called the money power of Europe and America. For that reason it is not without interest to go back far enough in the history of the question to get the authority and judgment of thinkers and teachers who can be accepted without the suspicion that they were influenced by evil surroundings.

I intend to take the writings of three great men, in three separate languages, dealing with the same problem, and see if I can get from them a platform of first principles for our guidance in disposing of the present aspect of the silver question. First, I will take the treatise of Nicholas Oresme, the most distinguished man of France of the fourteenth century, who was a counsellor of Charles the Wise when he had the silver question on his hands, very much as we have to-day. At the request of the King, when he had determined on a reformation of the coinage, Oresme produced his treatise on money, a work of surpassing interest, for the rescue of which from neglect the world is indebted to Professor Roscher, of Leipsic.

So I open the work of Oresme without any fear that Wall street has bought him up. By its side I lay down a volume called The Ratio of Coined Money, of the date 1526, one hundred and sixty years after the date of the work of Oresme. It is the reply of Nicholas Copernicus to Sigismund, King of Poland, who desired him to advise his Government in respect to the management of his mint. The little book has an interest for us because it contains the conclusions of one of the profoundest human intellects, who not only gave his name to the system of modern astronomy, but was one of the founders of an important school of economics. This book, in the handwriting of its author, is preserved in the archives of Königsberg and has been included in the Warsaw edition of the works of Copernicus. So I lay the little book by the side of Oresme with absolute confidence that its author has not been corrupted by the Jews of Lombard street. [Laughter.]

By the side of these two books I will lay a letter addressed to Elizabeth of England, explaining the effect upon the monetary system of the attempt made by Henry VIII and his predecessors upon the English throne to float coins of different weight and fineness at the same time. This letter was written by Sir Thomas Gresham without knowledge of the conclusions of Copernicus and Oresme, so that the three witnesses, speaking three separate languages, if they agree together, make a strong case in favor of that in which they are agreed. We may pin our faith to what they say, and with your permission I will condense their philosophy into two sentences. I put it into two sentences, although it is practically one philosophy, and I am willing to stake this controversy upon the truth and wisdom of these three great students of finance.

The first proposition is that every coin manufactured under free coinage will, in the long run, have the exact value of the material out of which it is made. The second proposition is like unto it, that when a nation creates two coins of the same denomination, differing in value, it stands to lose instantly the circulation of the one which is undervalued. [Applause.] These two propositions express the uninterrupted experience of mankind and are confirmed by the testimony and authority of every great writer upon economical questions in every language of the earth. Our fathers gave diligent attention to the silver question. The first thing they had to do with was a practical inquiry about silver. Some desired to establish a monetary unit of gold and others a unit of silver.

Mr. Hamilton, who was the founder of the American mint, and in my judgment the most productive thinker of Revolutionary times, the greatest intellect that gave the light of its genius to the rising Republic, thought that the double standard, based on gold

and silver, was reasonable and practicable, and so in establishing the mint he said distinctly that he desired the unit to rest on both the metals, and then set about to determine the ratio at which the coinage should be made. He made diligent inquiry to find out what the commercial ratio between gold and silver was. He never dreamed that the mere act of coinage would operate to produce a correspondence between the mint ratio and the market ratio.

Our fathers opened the mints to the free coinage of both gold and silver at the ratio of 15 to 1, fixing the ratio so as to correspond exactly with the existing market values of the two metals. If there had been a modern free-coinage enthusiast present he would have said: "Now, gentlemen, stand back and watch this mint supply the American people with gold and silver for the transaction of their business." But the experiment did not operate in that way. Before many months the commercial ratio departed slightly from the ratio fixed by the act of 1792, and the business community speedily found itself confronted with the fact that gold had totally disappeared from circulation in the United States.

Then came the old Democratic statesman, Thomas H. Benton, representing the frontier State of Missouri in the Senate, and began the agitation to bring back the use of gold in the coinage and business of the American people. I can recollect reading his speeches in his thirty years in the Senate, and one sentence out of them I have never forgotten. He said that he wanted the humblest workingman in the United States to be paid for his labor with a coin as good as the money of the crowned heads of the Old World. [Applause.] If a man were to get up in Congress to-day and say that he wanted the working people of the United States to have as good a dollar as was used by the crowned heads of Europe, our free-silver brethren would jump up and say that he had certainly sold out to the money power. [Laughter.] And yet what Mr. Benton said was sound doctrine then, and it is sound doctrine now.

APPENDIX 1.

CHART NO. 1.—Report of the Director of the Mint for 1895 (pages 238-249).

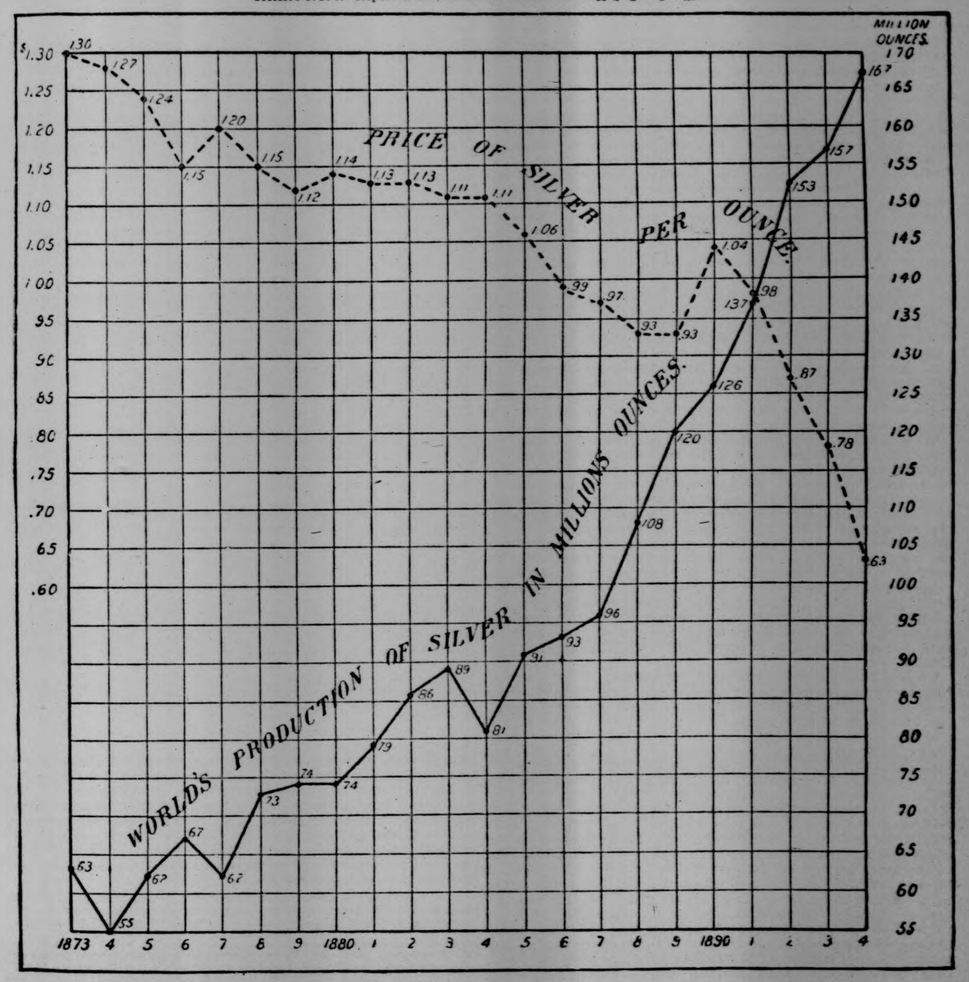

So the act of 1834 was passed changing the ratio for the purpose of approaching more nearly the exact commercial ratio between gold and silver. That act cut down the weight of the gold dollar, not, as some have claimed, because silver was the exclusive unit, but because silver being in use and gold being out of use, the American people could change the ratio, by changing gold alone, without disturbing existing business relations and outstanding contracts among the people; and so the ratio was changed, not under a revelation from heaven that 16 to 1 is the correct ratio, but on a careful determination that 16 to 1 corresponded more nearly than 15 to 1 to the commercial ratio existing at that time. Again the mints were open to the free coinage of both gold and silver, and an ordinary free-coinage philosopher would have said, "Now you can all see the blessings of an unlimited coinage of gold and silver in the business of the American people."

But it did not work that way. An insignificant departure of the commercial ratio from the mint ratio caused silver to disappear from use in the United States. From 1834 to 1873 the coinage of silver dollars was only nominal, and the use of silver dollars was practically unknown in the United States. The reason for this is very simple. The coin partook of the exact value of the material out of which it was made. The material being worth $1.03, of course nobody would bring it to the mint for the purpose of having it converted into a dollar, and the few coins that were minted being worth more than a dollar, were hoarded or melted down and exported. We could not even keep a 10-cent piece in circulation. The fractional coins were bought up and reduced to bullion for export, so that in 1853, after a great debate in Congress, the fractional coinage was debased for the express purpose of reducing the value of the coins below the value of the material that was in them, in order that they might remain in circulation.

We hear a good many people say that the act of 1873 struck down one-half the money of the country. That statement has always sounded well as declamation, but it ignores the truth. The act of 1873, whatever it did do, took away no silver money from the American people, for, from the foundation of our mint, the total output of coined dollars was hardly in excess of 8,000,000. I heard one man say the other night that there were fractional coins in circulation. That is true. I heard another man say that there were in use a lot of foreign coins made legal tender by act of Congress from time to time. That is true. But neither the fractional coins nor the legal-tender foreign coins belong in this controversy, since the act of 1873 in no wise affected either their coinage or their circulation. Whatever happened to them happened long before 1873, and is therefore not chargeable to that act. And so when I find a man in this House or elsewhere telling the people how the act of 1873 deprived the business world of any use of silver which it then enjoyed, I set him down as a man who either needs further training in the ethics of public discussion or primary instruction in the history of this question.

What did the act of 1873 do? It dropped from the list of our legal coins an obsolete coin, a dollar that was out of use on account of its difference in value, compared with the gold coin of the same denomination. Thus we see that for seventy years the free coinage of silver dollars, instead of giving the American people the use of silver literally took away its use from the commercial community of the United States. It has been said in this debate that the effect of the demonetization of silver has been to cut in two the prices at which the commodities produced by human labor in this world are sold. Without entering upon a discussion of the tendency of prices since 1873, and without entering, for the present, on a discussion of the connection between the price of silver bullion and the price of other things, I will inquire for a moment into the reasoning by which the United States is called upon to restore the value of silver bullion by opening its mints to free coinage.

I intend to be absolutely candid in this matter. When we know the causes that have cast down the price of silver bullion, we can judge rationally of the process by which the friends of free coinage propose to bring it back. If the fallen value of silver had come from the unfriendly action of the United States, abandoning its free coinage, and from no other cause, then I might admit that the restoration of free coinage in the United States would operate to undo the mischief. All careful students admit that the value of silver bullion has fallen on account of two main causes. First, the extraordinary increment in its production since 1873. Second, the action of the nations of Continental Europe in dropping silver from their standard coinage. So much of the fall of silver as comes from the increase in the annual product of bullion can not, it appears to me, be corrected by an act of Congress. It belongs to a jurisdiction beyond the reach of legislative enactment.

The closing of the mints of the world has undoubtedly contributed somewhat—how much no man can say—to the decline in the value of silver. It seems to me reasonable that the falling away of the consumption of silver involved in the suspension of its free coinage can not be ignored in a discussion of this kind, but I wish to say to this House—and I challenge dispute of what I say—that there is not a serious student of this question in the Old World, writing in any language, who affirms that the action of the United States in 1873 contributed to that result in any respect whatever.

If there is any man in this House who knows the name of a great writer in any language of Europe who attributes to the action of the United States in 1873 any share in the decline in the price of silver bullion, I will pause now to have the name of the writer mentioned. And, Mr. Chairman, I pause in vain, because every student knows that the attitude of the United States toward silver in 1873 was such that they did not, and in the nature of the case could not, abridge its use, in view of the fact that for more than a generation the standard silver dollar had been out of use among the people of the United States, so that the act of 1873, instead of creating a new condition, only recognized the condition which had prevailed in this country for forty years. So it is that the sober students of the question in the Old World agree that it was the unfriendly legislation of the commercial countries of central Europe which depreciated silver in so far as legislation has contributed to its decline.

Mr. Chairman, I listened with great pleasure the other day to my friend from Minnesota [Mr. TOWNE], and I find it possible to agree with much that he said. I find it possible to agree that the action of the commercial world adverse to the use of silver has had much to do with the fall in the value of silver bullion, and if my friend would come to me and say, "Now, then, the value of silver bullion having been disturbed by the action of the whole commercial world, let us bring the commercial nations together in an agreement for the restoration of silver," I would say that his appeal was founded in reason and that his conclusion was at least coherent and logical. But my friend, parting company, I think, with the judgment of most of our Republican fellow-citizens, having shown that the fall of silver is due to the hostile action of many countries, deliberately proposes that our own mints, acting independently, shall attempt to undo the injury that has been done by the concurrent action of the commercial powers of the world.

I listened with attention to his argument. There is no bimetallist in Europe that has not been making an argument along the same lines for fifteen years. The gentleman from Minnesota has paid a great tribute to Mr. Balfour, the Conservative leader of the House of Commons, whom he describes as "an earnest bimetallist" and "one of the profoundest thinkers in Europe." I wish to submit to the profoundest thinker in Europe the facts which my friend from Minnesota has presented to this House. Mr. Balfour has more than once used those facts, all of them, except the charts of my friend from Minnesota. He has employed all the statistics and all the tables which my friend has illuminated in this Chamber by his eloquence in reference to the decline of prices, the depression of business, and the evil aspect of the world's situation.

It is interesting to mark his conclusion. I have it here, and I will read it to this House, because even my friend from Minnesota can not afford to despise the judgment of a conscientious bimetallist, who is also the profoundest thinker of Europe. I ask the friends of unlimited coinage to hear me while I read what Mr. Balfour says as to the wisdom of a single nation undertaking to undo by a hurried bit of legislation an evil which has grown out of the combined hostility of the whole commercial world. In his Mansion House speech of May, 1894, he says:

> Now, the question with which we are concerned is whether it be or be not inexpedient to adopt by international agreement this double standard; and I am far from denying—and I think a bimetallist is a very poor friend of his cause who would deny it—that there are difficulties, difficulties of detail it may be, but still difficulties, inevitably attaching to the solution of this question.

You would not believe that, gentlemen, to hear one of our free-silver brethren make a speech on this floor. [Laughter.] Now, what do you suppose is the first difficulty that strikes Mr. Balfour? He says:

> I have only to mention one of these difficulties, the difficulty, namely, of what shall be the ratio on which the nations of the world are to agree as that which is to govern the future relations between gold and silver in the double standard.

In the name of common sense, is the profoundest thinker in Europe in doubt about the ratio? Why, sir, to hear the debate in this House a man would think the ratio was a part of the original divine revelation to man, and that if anyone denied it or disputed it he ought to be pursued for blasphemy. [Laughter.] Yet here is an "earnest bimetallist," and the profoundest thinker in Europe, declaring that that is the first difficulty confronting the nations of the world in agreeing upon the double standard. What more does he say? I wish to show you his photograph of these brethren in this House whose zeal in the cause of silver has disturbed the even balance of their faculties.

> I believe there are individuals who cherish the dream that currency is a matter for the State to regulate independently and for itself alone, that with its currency no foreign nation has a right to interfere; that it is a matter simply for the citizens of every community in relation to each other, and that the outside world need not be taken account of at all in coming to a decision upon a question which is one of purely domestic policy. Ladies and gentlemen, this is a dream. I will go further and say it is a dream worthy only of a mediæval dreamer. We have long passed that stage in civilization when each country was a self-contained, or approximately self-contained, national unit, and when it could afford to disregard the internal commercial relations of other countries. Those days have gone by. They have gone by never to return, and I do not think there is a man in this room who regrets it.

This profoundest thinker in Europe seems to hold that the commercial world is a unit. No man liveth to himself alone, the Scriptures have taught us to believe; and no nation in these days lives to itself alone, and that statesman who would undertake to isolate a great commercial community like ours is literally dreaming a dream of days long since gone by in the history of the world's commerce and business. I have up to this point made no dispute in respect to the huge collection of statistical data upon which the argument for the free coinage of silver has long comfortably reposed. My friend from Minnesota presents a lot of tables here purporting to show that the average price of goods, wares, and merchandise has gone down throughout the world in the last twenty years, the argument being that these prices have been dragged down in the fall of silver.

These tables have been before the country ever since the silver question has been up for discussion. I have always had more or less suspicion of figures unless I made them myself, so I always look in a somewhat incredulous frame at statistics which somebody else is handling for my instruction. In the present case my suspicions are unusually active. We all know that there are in this world no large effects which come from a single cause, so that on the face of it, when a man comes to me and tells me that in twenty years the average price of 200 things that enter into the necessities of modern life has gone down 40 per cent, and that it is all due to one transaction which took place in 1873, I look upon him as misusing faculties which Providence intended to be applied to the rational consideration of human affairs.

Is it possible that a result like that can be reasonably attributed to one cause? Why should a man leave out of his calculations the industrial growth of the United States and the progress of Germany and of France since 1870? I have made a somewhat practical study of the growth of the industrial arts within my own memory. I believe that few changes have occurred in the selling price of staple manufactures, such as the products of iron and steel, of textile fabrics, of things made from leather, and of that whole range of products made from the natural resources of the forest, the soil, and the mine, which may not be referred to improved methods of production, of transportation, and of business management.

I look with amazement at the mental process of these apostles of free coinage who leave out of their calculation the infinite variety of causes, which, operating in unseen and complex ways, have gradually reduced the cost of the things which enter into the daily life of the world, and in the same period have gradually increased the earning power of human labor. I have stood in a modern steel mill and watched the manufacture of a steel rail and learned more about the philosophy of the price lists of iron and steel by a half hour's conversation with an intelligent American workingman than my friend from Minnesota will find out by poring over Soetbeer's tables till doomsday.

A thousand causes have operated to affect the cost of modern production. Some things have gone up, more have gone down. Some have gone down much, others little, others not at all. The value of a day's work, a thing which nearly everybody has for sale, has gone steadily up. Could human folly go further than to average pork with pig iron, candles with petroleum, wheat with woolen cloth, and finding the mean decline explain it by reference to an act of Congress that occurred over twenty years ago? We have been taught to believe that if you could make a reasonable reduction in the cost of living and secure a reasonable increase in the wages of labor you would create a condition in this world not altogether open to criticism. We are now beginning to learn for the first time that the interest of American labor requires us to give a fictitious legislative value to the things which a man has to buy in order to live, leaving labor itself to take its chances of securing that increased rate of wages which ought to go with increased expenses of living.

If the people of the United States deliberately give their influence to the creation of a new standard of value in this country the effect of which is, and is intended to be, to increase the expense of living—if they do that before they have made arrangements for the corresponding increase of their wages, they will manifest a lack of common sense that has never characterized the working people of any country in any age of the world. [Applause.] As I have said, some articles have gone up in price and some have gone down. I have endeavored in the years past to talk over with my own people the situation in which we are placed.

The farmers of the Western country are just now at a serious disadvantage. They find the market place in which the great bulk of their products must be sold depressed and broken, not by the crime of 1873, but by the blunder of 1892, which turned the Government of the United States over to the management of the Democratic party. They find their market place opened in Europe and Spanish America by the reciprocity law of 1890 suddenly taken away by the tariff act of 1894. They find that the idleness and poverty incident to the Democratic reform of the tariff in the workshops of America have so lessened the domestic consumption of breadstuffs and meat as to seriously cripple the prosperity of the American farm. But when a cheerful brother from the far West with silver to sell undertakes to tell them that the act of 1873 is at the bottom of their misfortunes and that the true remedy consists in manufacturing every 50 cents' worth of silver presented at our mint into a dollar gratuitously and handing it back to the owner, the great mass of our people is not ready to accept such a scheme of relief. They know that the year 1892 witnessed the largest measure of prosperity on the farm, in the factory, throughout the country, seen in this generation. They know that the great staples of agriculture in the Mississippi Valley have brought better prices in the local markets for the last five years than they did for the year 1873 or for the five years immediately preceding that year.

I wish to present a picture of agriculture in one of the most productive counties in Iowa in 1873, a picture preserved in the annual report of the Iowa State Agricultural Society for that year in a speech by Charles H. Rogers at the Harrison County fair:

> Proud of these aspects and of her progress in practical agriculture, still the condition of the laboring man and farmer is far from what is desirable. They have worked, watched, and waited for an adequate reward until weariness has well nigh turned to hopelessness. Farming has been a financial failure for the past three years. Hard toil has opened up fine farms and brought to the bins the products of unexampled harvests, but the sales have hardly paid expenses and bought cheap clothing until the coming harvest. There is no surplus to improve buildings, purchase thoroughbred stock, and furnish the home with any of the luxuries of art and literature.

That was in the years prior to the crime of 1873, when the whole world was enjoying such benefits as accrue from the free coinage of silver. I undertake to say, Mr. Chairman, knowing as I do the hard conditions that have surrounded the Western farmer since 1892, that if anyone were to make a statement like that in reference to the life of our people in any part of that great State at any time during the last fifteen years he would have been denounced as the author of a libel and an injurious fiction against the credit and surroundings of the community. [Applause.] The annual report of the Iowa State Agricultural Society for 1873 gives the price of corn at the capital of Iowa in December, 1870, at 25 cents; in December, 1871, 21 cents; December, 1872, 16 cents. The price of all our staple products for every month in the year 1873 is preserved in the same report, as follows:

Month.	Wheat.	Rye.	Barley.	Corn.	Oats.	Hay.
January	$0.95	$0.35	$0.40	$0.16	$0.20	$6.00
February	1.10	.35	.45	.17	.20	6.00
March	1.00	.35	.45	.17	.20	6.00
April	1.00	.35	.45	.18	.20	6.00
May	1.10	.45	.45	.22	.22	6.00
June	1.10	.35	.40	.23	.28	6.00
July	.85	.35	.....	.20	.20	6.00
August	.85	.35	.50	.22	.20	5.00
September	.75	.45	.60	.22	.27	5.00
October	.75	.45	.70	.22	.27	5.00
November	.75	.40	.70	.22	.20	5.00
December	.85	.40	.70	.22	.23	5.00

In the year 1873 there were 26 local pork-packing establishments buying hogs in the State of Iowa. The same report shows that the price paid per hundredweight in these 26 Iowa towns averaged $3.74 for the season of 1871–72, and $3.52 for the season of 1872–73. A man has only to take up the market reports of the last five years and make an average of the prices realized by the farmer upon the staples of agriculture to learn that while prices have gone up and down they have averaged above the price levels of 1873. I intend, by the courtesy of my colleague on the committee [Mr. JOHNSON], who represents with courage and ability a constituency that produces one-seventh of the wheat crop of the United States, to append to my remarks a chart showing the movement of prices with respect to the staples of agriculture, and especially with reference to wheat. This chart is correctly drawn from figures made by the statistician of the Department of Agriculture, and is based not on the prices in any one State, but upon the average farm prices throughout the United States. It is worthy of careful study and reflection.

And so our people do not listen with a very perfect patience to the promises and predictions of happiness and prosperity which are to flow from the restoration of silver coinage in the United States. They look rather for the prosperity of the farm, to the recovery of the American market place from the prostration which followed the industrial revolution of 1892. They believe that they have more to gain by a return to the national policy which gave every willing hand work and wages than they can possibly gain

by an experiment which threatens to unsettle all values, disturb all contracts, and put new elements of risk into every department of business. For myself I have made up my opinion in this matter slowly and deliberately, not only contrary to my sympathies, but also to my prejudices, guided at every step by the experience of the nations of the world.

What will be the effect of the free and unlimited coinage of silver? I undertake to say that the immediate effect will be a change in the standard of values. I am not one of those who say positively that it will produce a 50-cent dollar. I do know that 412½ grains of standard silver are now worth in the neighborhood of 50 cents, and that the coin produced would partake of that exact value, unless the opening of the mints changed the existing value of the total silver stock and total silver product of the world. I do not know whether it will produce a 50-cent dollar or a 75-cent dollar. I will admit that the unlimited coinage of silver into standard money will operate to somewhat stimulate the value of silver bullion throughout the whole world. Mexico, under a system of free coinage, succeeds in producing a silver coin which circulates at the precise value of the metal of which it is composed.

In the last Congressional campaign I had the opportunity of talking on a railway train in Iowa with our old friend from Missouri—no longer a member of this House—Mr. Bland. He was up in our country at that time trying to help General Weaver in his campaign against our good Republican friend—HAGER—of the Ninth district. I called his attention to the fact that the free coinage of silver in Mexico appeared to produce a coin corresponding in value to the substance of which it was made. He replied that Mexico was a small country, but that the United States had a great deal of wealth and abundant resources, and that if we permitted the free and unlimited coinage of silver the whole bullion of the world would rise in value, and the future commercial ratio between gold and silver would respond to the ratio fixed at our mint. He did not pretend that anybody could know this with certainty.

APPENDIX 2.

CHART NO. 3.—Crop Report, Agricultural Department, for December, 1895 (page 6).

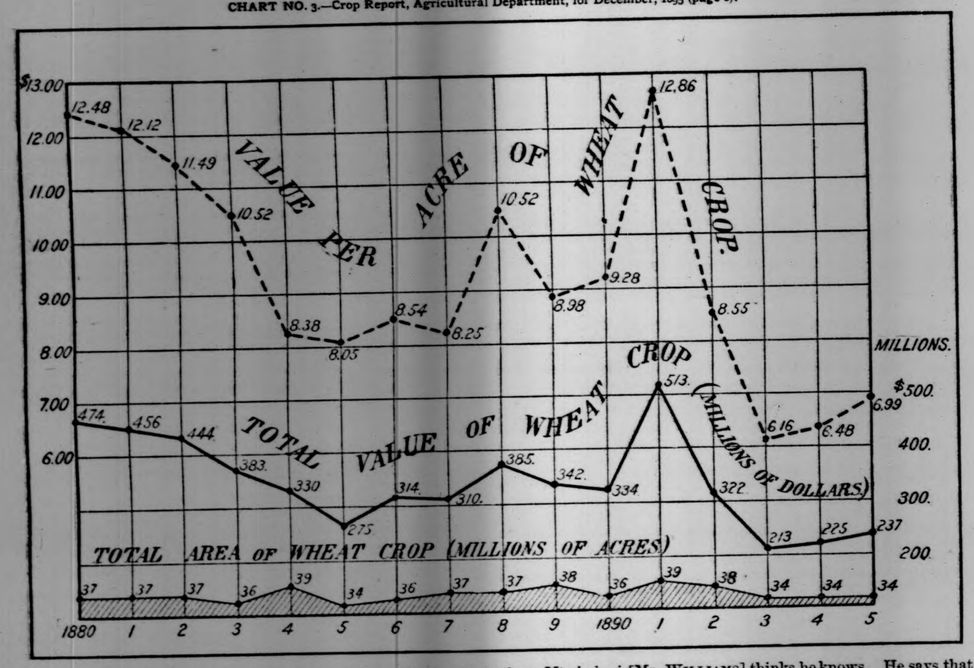

He only claimed that it was his opinion; that he might be right or might be wrong.

I have never met an advocate of free silver who could do any better than merely offer an opinion on this matter. Hardly one of them to-day recognizes the importance, or even the advantage, of bringing silver to an actual equality with gold at the ratio of 16 to 1. In the minds of most of them the blessing of free coinage consists in the creation of a cheap coin to be used by the people in discharging debts. Their whole object is to subvert the existing standard of values. So far as I am concerned, representing nearly 200,000 people, all their property, all their investments, all their prospects being at stake, I must know with some degree of certainty what the result is going to be.

It is vain to talk of the hardships that now surround us. I know something of them; but hard as the place is in which we stand, nevertheless we are able to stand. And if you ask me what we propose to do, I will assure you that we intend to stay where we are, unless some one can tell with some degree of certainty whether the leap proposed is toward the solid ground or into the bottomless pit. [Applause.] I am looking for somebody who knows what the result of these transactions will be. My friend from Mississippi [Mr. WILLIAMS] thinks he knows. He says that he can stand in the city of Yazoo, with unlimited capital, and make the price of cotton 15 cents a pound in all that country by giving that amount for all the cotton that comes to him. Therefore, he says, open the mints and $1.29 will be the price of an ounce of silver the world over. He thinks that the manufacture of a silver dollar out of material worth 50 cents is equivalent to paying a dollar for that amount of silver.

He is measurably right about the cotton, but he is wanting, it seems to me, in that coherence of faculties which would otherwise enable him to see that his attitude in the market place of Yazoo buying cotton is not the attitude of the mints of the United States gratuitously converting into dollar pieces minute ingots of silver worth 50 cents, and handing them back to the owner to be turned loose on the business community for better or for worse.

Mr. WILLIAMS. Will the gentleman allow me?

Mr. DOLLIVER. Certainly.

Mr. WILLIAMS. That there is an apparent difference upon the face of the proposition is evident to everybody. But is not the effect just exactly the same as if you were standing here and giving $1.29 an ounce for silver, when by law you make an ounce

APPENDIX 3.

CHART NO. 4.—Department of Agriculture, February 4, 1898.

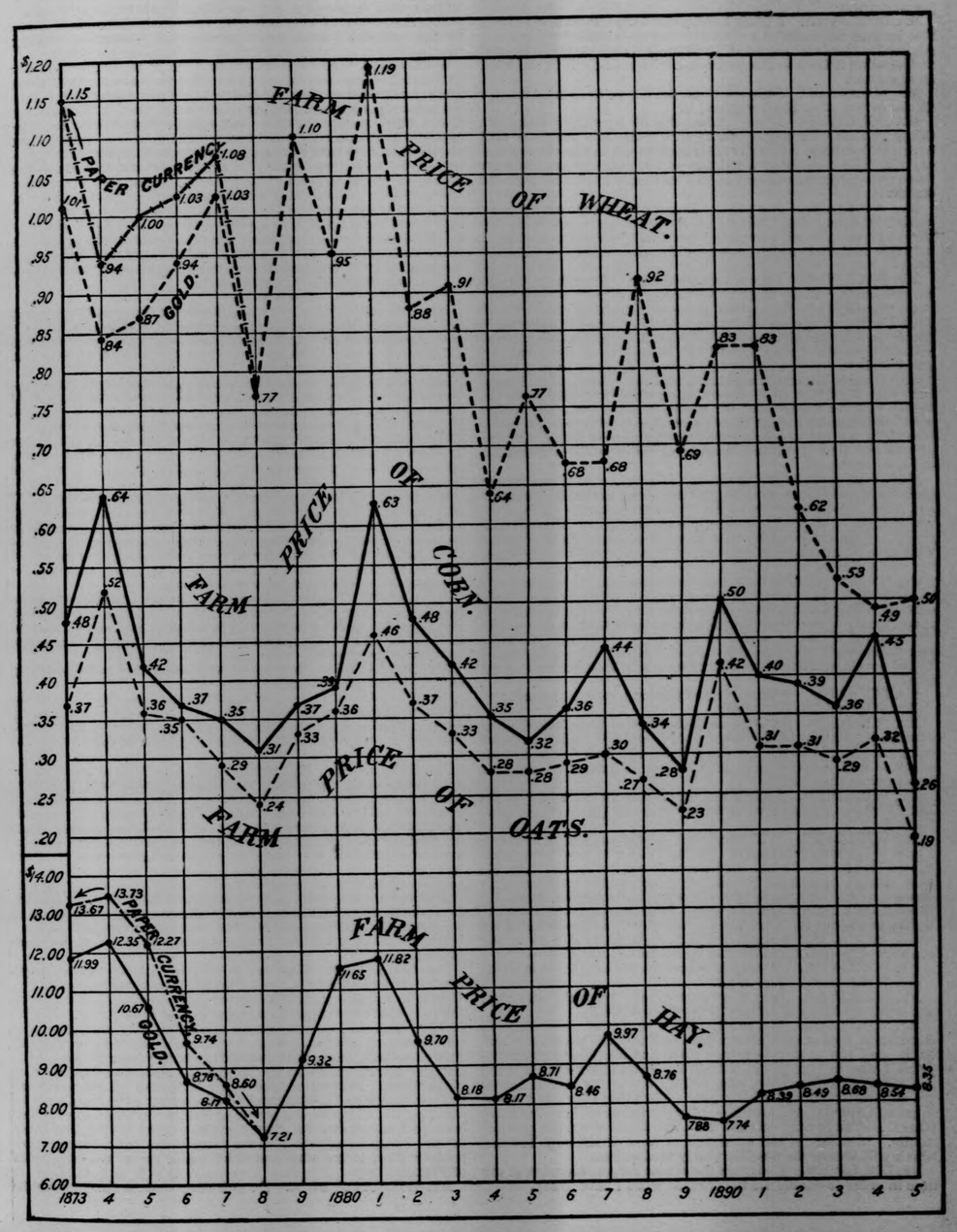

bottomless pit. [Applause.] I am looking for somebody who knows what the result of these transactions will be. My friend

the effect just exactly the same as if you were standing here and giving $1.29 an ounce for silver, when by law you make an ounce

of silver pay $1.29 worth of debts and do $1.29 worth of tax paying and do $1.29 worth of business, provided you have the business and the tax paying and the debts to overtop the possible supply of silver?

Mr. DOLLIVER. I think I understand my friend, and I regret that he does not perceive a difference between buying a thing and paying for it on the one hand, and simply stamping O. K. upon it and handing it back to the gentleman who brought it to the front on the other.

Mr. WILLIAMS. Suppose I had the power to furnish use for all the cotton after I had stamped it?

Mr. DOLLIVER. If the United States, by simply making a thing available for paying debts and taxes, can juggle 50-cent pieces into dollars, we ought to go back to the old greenback theory and take a piece of worthless paper, make it available for these two purposes, and rely upon Providence to give it value and stability.

Mr. WILLIAMS. Not at all. Because in the one case you are merely stamping it and relying upon the stamp for the value, and the other case you are furnishing a demand for the actual existing valuable material, which increased demand makes the increased price.

Mr. DOLLIVER. That is another theory. Your theory is that we are buying silver at $1.29 an ounce, and that therefore that must necessarily be the market price of it throughout the world. That I will denominate the Yazoo theory. Now, there is another theory just hinted at by my friend from Mississippi, though more elaborately stated by my friend from Minnesota on last Saturday, and that is that if you create this body of coin and have it in the country, there is such an enormous business in the United States, such vast resources, such stupendous horsepower, and such immense uses for money and for credit that they will absorb and give employment to this money and thereby give it a par value. One thing we are absolutely certain of, and that is that it would give it no value in which the material out of which it was made did not participate.

Now, I am just charitable enough to admit that if you create such coins under free coinage, making them available for debts and taxes, it would have a tendency to stimulate the value of silver bullion. I do not know exactly what additional value it would give it. I undertake to say that short of the counsels of supreme wisdom is no intelligence in the world that can predict in advance the value that such a situation would give to the coin. I think the gentlemen in this debate have overestimated it, because it is not true that the vastness of the volume of business calls for a corresponding manipulation of actual coins. On the contrary, it is commonly agreed that the more business is done in this world, the less absorption of actual money there really is. The commercial capitals which do the world's business are not inhabited by the people who carry the world's money in their pockets. [Applause.]

Mr. DINGLEY. Will my friend pardon me for a moment?

Mr. DOLLIVER. Certainly.

Mr. DINGLEY. Have we not had a trial of the effect of an increased demand for 54,000,000 of ounces annually, all the American product and one-third of the product of the world, and of the effect of that demand from 1890 to 1893, and did it not result in lower prices than ever?

Mr. DOLLIVER. I think the experience we have had in the last five years throws a valuable light on this phase of the question.

Mr. WILLIAMS. Will my friend excuse me just a moment? I hate to interrupt him again. In fact, I should not have interrupted him before if I had not jumped to my feet impulsively, but that remark causes me to want to interrupt the gentleman far enough, at any rate, to say that the entire contention of ours is not based upon a limited demand which shall leave a surplus over to be hawked about for a market and thereby to fix the price of the entire bulk of the product, but that my analogy and all of our contention is—and there we may be mistaken, possibly——

Mr. DOLLIVER. If you are mistaken, the country is ruined.

Mr. WILLIAMS. Not at all.

Mr. DOLLIVER. It is, if we go into your enterprise and come out with two kinds of dollars in the United States.

Mr. WILLIAMS. Not at all. When we had the greenbacks in circulation we had one price in gold and another price in greenbacks, and the country was not ruined at all; but to go on, the point I was talking about is that the entire contention is based upon the conviction that the demand for the actual stuff in actual use will overtop the possible supply. We admit that if it does not equal and overtop the possible supply the parity will not be maintained, and no limited coinage can equal and overtop the possible supply. It must be the coinage, and back of the mint the use, which will absorb the possible yearly production.

Mr. DOLLIVER. I will ask the House for an extension of my time in order to enable me to conclude what I have to say.

By unanimous consent, Mr. DOLLIVER's time was extended.

Mr. DOLLIVER. I am greatly obliged to the committee. Going back to the last remarks of my friend from Mississippi, I will say that there seems to be a difference among the defenders of free coinage as to what it is that will double the value of silver bullion, whether it is the act of coining it or the exercise of using it.

If the use of it alone is relied on, then it is pertinent to say that the first real use of silver as legal-tender money in the United States has occurred since its free coinage was abandoned. And the mint reports of the various countries of the Old World show that a larger coinage of silver and a larger use of it for the ultimate purposes of money exists there to-day than ever before. The abandonment of free coinage has not, except in Germany, disturbed the monetary quality of existing coins nor reduced the monetary use of silver, but there is one thing that every man ought to bear in mind, and that is that there is not a country in the world which has the free coinage of gold and silver which enjoys the use of gold and silver—not one. If there is anybody in this House who knows the name of a country which has the free coinage of both gold and silver at any ratio and enjoys the use of both I will stop long enough to have the country mentioned.

Mr. HENDERSON. Go right on.

Mr. DOLLIVER. I will go on.

Mr. UNDERWOOD. I would like to ask the gentleman if it is not a fact that Mexico has the free coinage of both gold and silver and, according to Mr. M. H. Muhleman, a late authority, on page 115 of the Monetary Systems of the World, they have $5,000,000 in gold in circulation in Mexico?

Mr. DOLLIVER. In answer to that I have to say that a secretary of the Mexican legation told me yesterday that Mexican gold coins were not used in Mexico in common circulation, being at a premium of 80 per cent above the corresponding silver coin.

Mr. BRUMM. Permit me to say that when the United States had free coinage of gold and silver for many years, for the greater portion of that time she was more prosperous than she ever was before.

Mr. DOLLIVER. That opens a field for a long discussion. I will dispose of it in a short way. Whatever prosperity the United States had for the eighty years prior to 1873, be the same more or less, was evidently not owing either to the coinage or the use of the standard silver dollar, for in that period its mints produced only 8,000,000 silver dollars, not a million of which remained in the channels of the business of the country.

Mr. LACEY. I wish the gentleman would permit me to state that last summer on my journey through Mexico, a young Mexican about 35 years of age, a very intelligent gentleman, showed me a gold coin and assured me that it was the only gold Mexican coin he had ever seen.

Mr. DOLLIVER. That is perfectly reasonable, with gold at a chronic premium of nearly 100 per cent.

Mr. WILSON of Idaho. When France demonetized silver she had nine hundred millions in gold and seven hundred millions in silver. That was the result of free coinage, even at a ratio of 15½ to 1, and France is one of the greatest commercial countries in the world.

Mr. DOLLIVER. My friend's suggestion leads me to dwell for a moment upon the history of French bimetallism, a history which is always brought into the silver debate, sometimes by word of mouth, and the other day by my friend from Minnesota by a chart, showing in a picturesque way how the French law of 1803, opening the mints to free coinage at 15½ to 1, had preserved for seventy years a substantial correspondence of the market value of silver with that ratio. No man who believes in the unwritten law commonly known as Gresham's law could look at my friend's chart without suspecting that the slight deviations of the market from the mint ratio, indicated upon the chart, would operate to alternately exclude one or the other metal from use.

Mr. WILSON of Idaho. France maintained the parity by opening her mints.

Mr. DOLLIVER. The fact is that the parity existed when France opened her mints, and had existed for more than a century. That is to say, the market relation of gold and silver had long been 15½ to 1, with only slight deviations; so that the action of France in 1803, instead of creating a new condition, only conformed to a condition long existing. Now, I will undertake to show whether France actually enjoyed during that seventy years the use of both gold and silver, which, in my judgment, constitutes the only true bimetallism. Men stand here and tell us that for seventy years the mint ratio at Paris controlled the market ratio, produced an exact parity, and gave the people of France the continuous use of both gold and silver; and they bring in a chart to illustrate these facts. I propose now to throw a cathode ray right through my friend's chart to see what lies behind it in the actual experience of France.

Mr. WILSON of Idaho. Do you deny that she had nine hun-

dred millions of gold and seven hundred millions of silver before she demonetized silver?

Mr. DOLLIVER. I believe the gentleman's figures are approximately correct of the year when the French Republic, after bearing the burden of unlimited silver coinage till it could no longer be borne, retired finally from the experiment. A recent work (1895) on the History of Currency, by W. A. Shaw, a profound and scholarly book, shows clearly that this serene seventy years of French bimetallism was disturbed from year to year, from decade to decade, by movements of gold and silver into and out of France, which gave to the money brokers of London, Paris, Berlin, and Vienna an uninterrupted profit from the fluctuations of the currency of France. On page 178 he condenses the monetary experience of France from Napoleon to Thiers. With your permission, I will read what he says:

> The second idea which is commonly entertained with regard to the action of France during this later period [1803–1876], viz, that her action secured for the world at large a fixed and steady ratio, is equally—indeed, still more—fallacious. At no point of time during the present century has the actual market ratio, dependent on the commercial value of silver, corresponded with the French ratio of 15½, and at no point of time has France been free from the disastrous influence of that want of correspondence between the legal and the commercial ratio. The opposite notion, which prevails and finds expression in the ephemeral bimetallic literature of to-day, is simply due to ignorance. From 1815 England has been withdrawn from this action of a bimetallic law, and the modern insular pamphleteer has before his eyes no sign of its working in his own country. He therefore assumes a universality of such experience, and attributes it to the French legislative ratio. It is in no polemic spirit, but simply in the interest of science, that this particular or misapplication of history to the squaring of a theory is to be branded. The plainest facts of history are thereby absolutely misrepresented, and the assumption of cause and effect is so far from being true that the repose of the English currency history in the nineteenth century is to be attributed to the absence of a bimetallic system, or to its despite rather than its presence and influence. (Pages 178, 179.)

If that authority is not regarded as satisfactory, I have here a little volume called Bimetallism, a monograph out of the great work of Henry Dunning MacLeod, of Trinity College, Cambridge, on The Theory of Credit, recently published, which gives a valuable insight into the real experience of France. He says:

> The period between 1803 and 1873 is cited by bimetallists as the golden age of bimetallism. But if they imagine that there was during that period a general circulation of gold and silver coin in unlimited quantities, they are under a woeful delusion. The French Government pillaged all the sanctuaries in France of their vast masses of silver plate, and the French liberating armies pillaged all the treasuries and sanctuaries of the countries they came to liberate.
>
> Immense quantities of silver plate were sent to the mint to be coined. The consequence was that, while the legal ratio of silver to gold was 15½ to 1, the market ratio became 17 to 1. No gold coin, therefore, got into general circulation. During the period from 1803 to 1820 there was for eleven years a premium on gold, sometimes as much as 3 per cent, which, of course, prevented gold coming into general circulation. But after 1820 the premium on gold rose very considerably, and between 1820 and 1847 it was usually on an average of 10 francs per mille, but in many years 18, 19, 20, and 21 francs, which, of course, utterly precluded any gold getting into circulation.
>
> I myself can testify that in 1839 there was not to be seen a gold coin in France in common use. But in 1851 a great change took place. The gold discoveries in California and Australia caused floods of gold to be imported into Europe, and in 1851 silver rose to a premium. Then the money in common use changed from silver to gold. I was residing in a seaport town in 1857, and every steamer which came in was loaded with casks of Scotch whisky going to be transmuted into French brandy, and every steamer that went out had its decks piled with silver 5-franc pieces. The same was true at every other seaport. Silver departed from France in floods; every steamer and every diligence that left France carried away loads of these 5-franc pieces.
>
> At last the scarcity of silver became so great that it became necessary to coin those pestilent 5-franc pieces in gold. (Pages 14 and 15.)

The Latin Union was formed in 1865, and within two years a commission sat in France to take into consideration the burdens and embarrassments incident to the alternate disappearance of the coins of the country. The next year a similar commission reported that the prosperity of the French people required that an end be made to the long and unsuccessful effort of France to maintain the concurrent circulation of both metals. Her final action was delayed till 1874. She acted out of no hostility to silver. She acted for the protection of her business community. Her action was not influenced by what happened in the United States in 1873, nor controlled by what happened in Germany in 1871.

It was only the execution of a well-matured advice given in 1868 by a commission of her most famous statesmen and economists in the interest of the orderly and safe management of the industries and business of France. And yet men stand on this floor and say that, without difficulty and without trouble, France maintained the use of both gold and silver at the ratio of 15½ to 1 for seventy years. I wish to ask these gentlemen this very plain question, Why did France stop that transaction? She stopped it, not out of malice against silver, but because the burden of maintaining the situation had grown too heavy for the Latin Union to bear.

Mr. WILSON of Idaho. And yet silver was at a premium.

Mr. DOLLIVER. That was the very hardship of the situation; the alternate premium, first on silver, then on gold, resulting in the alternate loss first of one metal, then of the other, was more than French business could bear, even in those years when the departure of the value of silver from gold at the mint ratio was insignificant and fractional. How is it possible, with silver bearing a market ratio to gold of 32 to 1, that any nation in the world shall undertake to carry the burden unaided and alone, which the Latin Union, under conditions vastly more favorable, laid down in despair more than twenty years ago? [Applause.]

Mr. TERRY. Will the gentleman allow me to ask him a question?

Mr. DOLLIVER. With pleasure.

Mr. TERRY. Are you in favor of the coinage of silver dollars at all?

Mr. DOLLIVER. I stand with a political party that in eighteen years has minted 600,000,000 silver dollars, seventy-five times as many as the mint produced from its foundation up to 1873, and has kept every one of them in circulation, by itself or by its paper representative, and has maintained every one of them equivalent in value to the dollar of gold. [Loud applause on the Republican side.]

Mr. TERRY. That is all very fine, but answer the question. Are you in favor of the coinage of silver dollars; and if so, at what ratio?

Mr. DOLLIVER. I am in favor of the coinage of the silver dollar under such provisions and with such limitations and conditions as will produce a coin agreeing in value with existing standards, and I would have the United States join with the commercial nations in such an adjustment of the ratio, under international agreements, as will enable the entire commercial world without loss to any nation to return to the unlimited coinage of silver.

Mr. TERRY. Oh, that is mere jack-o'-lantern statement. Are you one of those parties who say that I am in favor of the coinage of the silver dollar if you will only put enough silver in it to make it equal in value to the gold dollar? Do you belong to the class that favors that kind of silver coinage?

Mr. DOLLIVER. I do not like to be described by my friend from Arkansas as a jack-o'-lantern philosopher, but I do not mind telling him that I have a very strong prejudice, for reasons which I have tried to explain at length, in favor of having all the dollars in use in the United States equivalent to each other in value. So far as the gentleman is concerned, the controversy is not between gold and silver. It is between the existing standards of value and a standard contrived out of compressed air. [Laughter and applause.] I need not say to this House that I am with the Republican party in favor of the largest possible use of silver that can be had without degrading the existing standards of value and turning loose a depreciated and fluctuating coin upon the American people. [Applause.] That is the position I take.

Whatever standard we have in the United States has existed here for sixty years. We have tried to preserve the existing standard reenforced by the largest use of silver that has occurred in the history of modern commerce. I am for the existing standards of value, not to be disturbed, except under conditions that will produce a real bimetallism. [Applause.] I have listened in every session since I have belonged to this House to the claim that this proposed departure from the basis upon which American business has been done in the past is in the interest of the poor, in the interest of the workingman, in the interest of the farmer, in the interest of those who are burdened with debt.

If I know my own heart, there is nothing in it but sympathy for the burdens and anxieties that have fallen upon the homes of so many of our fellow-citizens. It is because I am solemnly convinced that this proposed measure would be a curse and not a blessing, a calamity and not an omen of prosperity, that I have been moved to say what I have said. By no possible means could a bill for the free coinage of silver become a law without long and ample notice of its enactment. Long before the name of a President of the United States could be signed to such a law its enactment would be anticipated and discounted by the business world. In what position do these volunteer defenders of the poor propose to put those of us who are carrying the burdens of debt? This is an intensely practical question, with very little room in it for campaign oratory. Nor is it a new question in this money-lending and money-borrowing world.

On the 8th of June, 1830, Mr. Attwood brought forward a motion in the House of Commons to restore the coinage of silver, which had been abandoned by the law of 1816, after silver had diminished in value about 5 per cent from the mint ratio of the latter year. In the debate he stated that it was the purpose of his motion to enable persons who had contracted debts to pay them in silver, and he moved that coinage should be restored to its old position of 1797. Mr. Herries, the master of the mint, pointed out to the House that the ratio between the two metals had changed since that year. Nevertheless, Mr. Attwood, who brought the motion forward, said:

> Let the two metals be a common tender and let the debtor pay in which he pleases.

The master of the mint replied in words which are not without significance in the present attitude of this matter:

Suppose the resolution of the honorable gentleman to be agreed to, what would be the inevitable result? Why, it would be proclaimed to-morrow from one end of the country to the other that this house had come to a resolution, the effect of which might be shortly stated thus, namely, that every man who had claims payable on demand; every man who held notes of small or great value; every man who had debts outstanding, would, if he secured the amount of what was due to him before the resolution passed into law, get the whole of his money, whereas if he delayed beyond that period he would get only £95 for every £100.

It is terrible to reflect upon the consequences which must follow. What would become of the Bank of England? What would become of every banking house in the Kingdom? What would become of all debtors who were liable to pay upon demand all that they owe? Would not all transactions of commerce be suspended and the whole country present one continued scene of confusion, consternation, and ruin, when the House of Commons proclaimed to all who had debts due to them that if they did not collect them on the instant they would assuredly be losers to the amount of 5 per cent?

Mr. Herries concluded by saying that if the motion succeeded it would result—

before the setting of the sun in creating a panic and confusion such as could not be described, and which it would then be too late to remedy.—*Hansard's Parliamentary Debates, second series*, volume 25, pages 162-162.

He was followed by Mr. Huskisson, who entirely agreed with the opinion expressed by the master of the mint, and added that—

If the House agrees to this resolution to-night there will be a general panic among the people to-morrow, and before the lapse of a week it is probable there will not be a sovereign remaining in the country.—*Hansard*, volume 25, page 168.

Sir Robert Peel followed with the expression of a weighty opinion, in which he warned the House that the adoption of the motion would result in a panic, in the midst of which—

All would turn to confusion, and public ruin must be the consequence.—*Hansard*, volume 25, page 170.

These three men were the ablest statesmen of their day, incorruptible in character and wise in counsel. It is not a vain thing for us to apply their admonition in the House of Commons in 1830 to the situation in which the advocates of free coinage ask Congress to place the business world of the United States. I say here, measuring the full significance of my words, that there is no hardship in the life of the American people at this hour, and never has been any, that could be compared to the misfortunes which would instantly ensue upon the assured prospect that the law was about to be changed in such a way as to authorize the legal payment of debts in a coin inferior to that in which they were contracted. The sacrifice of property and of business would be temporary, and might be repaired, but the loss of individual credit and of national character would be beyond the remedy of time.

You say that you wish to have more money in circulation in the United States. Yet you bring in a proposition here to create a coin without regard to the divergence of its value from the value of existing coins of the same denomination. It will take you fifteen years, working the mints of the United States at their full capacity, to make as many new coins of silver as the enactment of a law for the free coinage of silver will drive out of use in gold in the United States within three months. It is still true, under a law which Congress did not make and can not repeal, that no nation under free coinage can create two coins of the same denomination, differing in value, and keep both of them in circulation. But your proposal will not only drive out of use the existing coins of gold and diminish the purchasing power of all remaining coins and currency, but will destroy an element in the monetary volume of the modern business community more precious than either gold or silver—the character and commercial integrity, without which no business prosperity is possible.

"Credit," said Daniel Webster in the American Senate, warning his countrymen against the "evils of a debased coin," "has done more a thousand times to enrich nations than all the mines of the world." The currency or circulating medium of every country consists, not alone of gold and silver and copper and nickel and paper, but chiefly of the numerous forms of credit, written and unwritten. Credit commands all commodities exactly as the coin itself commands them, and, therefore, must be reckoned as a part of the volume of money in any intelligent estimate of the relation of money to prices. The great economists, from Adam Smith and John Stuart Mill until to-day, admit that credit has substantially the same effect on prices as money itself. Therefore, when I meet a man who thinks that the monetary efficiency of our existing coinage is inadequate for the needs of American business, I seek to impress upon his mind the danger of trying to increase the number of coins by means that tend to impair the exercise of commercial credit. That statesman renders a very poor service to the commonwealth who, in trying to provide more coined money for circulation, breaks down and wastes the character and credit which, finding a thousand expressions in the business of the world, has become at last, in a large sense, the true coin of the realm.

I stand here, therefore, in the discharge of my duties to the people for whom I speak to protect them against the wanton disturbance of the basis on which their contracts have been made and to which their business has become adjusted. I speak for them with confidence in their prudence and in their integrity, and I speak all the more confidently because for years, in their schoolhouses, in their villages, in their great political assemblies, I have submitted these questions to their judgment and to their conscience. They are are not driven from their convictions of what is right and wise on this question by considerations drawn from the unfortunate situation of all business in the United States during the present Administration, for, going back to the years when the Republican party controlled the affairs of the nation, they find hope and courage in the prospect of a speedy return to the prosperity of 1892. [Applause.]

There are people who say that the whole history of the Republican party has been one uninterrupted conspiracy against the American people. I heard my friend from Nebraska [Mr. KEM] who, a few minutes ago, disclaimed a very sensible discourse upon the money question as having been delivered, not by him, but by somebody else—— [Laughter.] I heard him say, in starting out the other day, that this conspiracy against the people began in 1862 when the greenback was manipulated in the interest of Wall street. He then passed on to the time when the national banks were created, then to the time when the payment of the public debt was guaranteed in coin, then to the time when the obsolete silver dollar was dropped from the list of our coins.

Mr. KEM. Will the gentleman permit a question?

Mr. DOLLIVER. Yes, sir.

Mr. KEM. Do you undertake to say that the greenback was not manipulated in the interest of the bankers?

Mr. DOLLIVER. I will answer your question, and I will so display the matter that you can understand it, and that your children can understand it. There is not an act of Congress of which you have complained as a part of the conspiracy, from the law creating the greenback in 1862 to the law providing for the resumption of specie payments in 1875, which does not have upon it the signature of one of two men, either of Abraham Lincoln or of Ulysses S. Grant. [Applause.] If that is not an accurate historical statement I desire somebody to correct it.

Mr. KEM. But is it not also true that President Grant made the statement that when he signed the bill demonetizing silver he did not know the effect of it?

Mr. DOLLIVER. I do not believe there is any truth in it, for if he did make that statement after his Secretary of the Treasury had twice recommended the measure to Congress, and after Congress had debated it through 127 columns of the CONGRESSIONAL RECORD, if after all that he made such a statement, then he must have been wanting in that wisdom which the world, by common consent, has attributed to General Grant. [Applause.]

Mr. KEM. He is not the only man who has made the statement that he did not know the effect of the bill when he voted for it.

Mr. DOLLIVER. In view of the public record it is not important what anybody said about that. I say again that the acts of which you speak, all the acts of which you complain, as parts of a conspiracy against the people of the United States, bear upon them the indorsement and approval of one or the other of these men, and I raise a question here, which the American people are going to press home on every agitator who comes forward as a professor of finance and reformer of monetary systems in the United States. If Abraham Lincoln and Ulysses S. Grant were wanting in intelligence, so that they did not know and could not see the welfare of their country; if these men, called in the order of Providence to defend the life of the Republic in the hour of peril, were wanting either in wisdom or patriotism, so that they wrote their signatures of approval upon a long series of statutes by which the struggling millions of their countrymen have been enslaved, what, in God's name, is likely to happen to us when the Augean statesmanship of South Carolina gets hold of us. [Laughter and applause.]

My fellow-countrymen, let us rise above that level of thought and speech which thrives by false witness against the motives of public men, which teaches the young men and young women of the land that public life is without conscience and rectitude of purpose, and that the Government for a generation has been turned from its beneficent office to become the despicable servant of the rich. There never was an hour in the history of the world when a man taken by himself stood for as much, and when a dollar taken by itself stood for as little as it does to-day. [Applause.] People spend a good deal of time worrying over the plutocracy. I have made up my mind that the Lord in His own good time has methods of scattering the wealth of the world; that no unscrupulous money power can long dominate the human race; that this world will in the end be governed by the manhood and womanhood there is in it, and that no syndicate of avarice can drive the integrity out of American politics and American business. [Prolonged applause.]

Coin Redemption Fund.

SPEECH

OF

HON. W. A. CALDERHEAD,

OF KANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 10, 1896.

The House having under consideration the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue—

Mr. CALDERHEAD said:

Mr. SPEAKER: I do not know that in the few moments I have I shall be able to add very much to the information of the House upon the question that has come before it in this curious manner. I think I can agree about some things with my friend who has just taken his seat [Mr. MCDEARMON]. He says that the Treasury of the United States is in trouble, and that it has appealed to the Republican House of Representatives to relieve it, and that the responsibility of providing such relief is upon the Republican House. I think that is true enough; and at least so much of this responsibility as rested upon the Republican House of Representatives it has been willing to undertake and bear.

In answer to the call of the Secretary of the Treasury announcing to us that there was a deficit in the revenues—a deficit in the Treasury, as he claims—we immediately provided the means by which we might relieve that deficit, and we followed that with a bill which would increase the revenues, so that no deficit should occur in the future until time could be obtained for the consideration of a more permanent policy. Was that meeting the responsibilities that were imposed upon it? Why not? When these measures of ours were sent to the Senate for its consideration and when our friends in that Chamber concurred with us in the effort to furnish relief to the Treasury in the manner that we attempted here, there arises a new set of teachers with a new demand.

Not sufficient in themselves to furnish a policy that will relieve the Treasury or prevent a future recurrence of this deficiency, they are sufficient to say to this country, "We want the free and unlimited coinage of silver at the ratio of 16 to 1, and until we can have that there shall be no relief for the Treasury nor for the country upon any other method." And a gentleman now comes and says substantially in his place here that unless we can have that, unless the Republican majority in this House shall surrender its own convictions, its own judgment upon what is for the interest of the country, to the convictions and judgment of this small fraction, there shall be no relief to the country. We could bear this with some patience if there was any sincerity or hope of success in the policy proposed. But when it was proposed in the other Chamber it was distinctly said and understood that the vote upon this question would not provide the remedy demanded, that it would merely put men upon record on the subject. The debate here proceeds in the same manner.

What for? In order that the CONGRESSIONAL RECORD may be filled with campaign literature to be used during the summer months agitating the minds of the people upon a subject which members know can not be settled now by debate in the House or the Senate. Mr. Speaker, for what other purpose has this discussion proceeded thus far in this Chamber? Can any other purpose be named? I have been unwilling to bring myself to consent to the method of stuffing the RECORD with printed speeches never delivered in this Chamber. I can hardly refrain from saying that I can not conceive how any member of this body can find it proper under the privilege of printing his remarks to add to them whole columns of newspaper literature that have no purpose except the effect they may have as campaign documents during the coming summer. Neither can I understand how any member can admit it to be proper with the privilege that is thus extended to him to impose on the country as his speech delivered on this floor sections of public documents that are for free distribution by the different Departments of the Government.

These things are not designed for the purpose of ascertaining a correct solution of the problem that is given to us, but simply, as I have stated before, for the purpose of furnishing campaign literature to be spread over the country during the next six months. That is evidently the purpose. No member expected that kind of discussion to settle the question here. If the members of the House who believe in the substitute now offered to them had sincerely believed in it and wanted an honest and candid discussion of the question before the House, face to face with the men who think differently, so that there might have been a candid and fair debate, and a vote after the deliberate judgment of the members had been rendered upon it—a final verdict pronounced which would have satisfied themselves and their constituents—they should have presented the bill as an original one to the Committee on Coinage, Weights, and Measures. If they could not have obtained a favorable report from that committee they would at least have obtained an adverse report, and could have brought that before the House for consideration, and so instead of remitting the discussion to evening and morning sessions and then absenting themselves from the floor of the House and having little concern in the actual discussion, they would have been in their seats face to face with those occupying a different position on the question, presenting their arguments on the subject, and at least we would have had a vote after a fair weighing of the different arguments on the basis of their material worth and the strength of the claims presented by either side. But that is not the purpose of the discussion. The purpose of now thrusting this measure before us is to obscure the evil results of evil tariff legislation. It is to turn the minds of the people away from the real cause of the prostration of business by which the revenues are made deficient and the Treasury made empty. It is indeed "a condition that now confronts us, and not a theory."

I am opposed to the substitute presented by the Senate, first, because of the indirect manner in which it is presented to the House for its consideration and because of the evident sinister purpose that is underlying the manner of its presentation. I am opposed to it, next, because it is vicious in itself and does not provide any sort of relief to the Treasury, and ignores the real cause of our trouble.

The gentleman who last addressed the House [Mr. MCDEARMON] said "the Treasury would be instantly relieved by voting for the free and unlimited coinage of silver in this House," and in order to satisfy you of the sincerity of his belief in what he stated, he promised that he would take every dollar of the coinage at 99.9 cents on the dollar. Why, he knows, Mr. Speaker, and the nation knows, that the great Republican party throughout this country stands under the credit of the United States, upholding it; that it has pledged itself to the nation to maintain not merely bimetalism, but the parity of every dollar, the equality of the debt-paying and the purchasing power of every dollar that is issued by the Government. He knows that it is because of the intention of this party to maintain the power of the Treasury to redeem all the dollars which are issued in the money in which they have been promised to be paid, and to maintain every dollar that this Government issues, so that it shall have equal debt-paying and purchasing power with any other dollar, no matter how good it may be, that he makes his offer.

I do not know exactly how I will return to the subject he presented first, but I think I will present it by saying that the act of 1875 authorized the Secretary of the Treasury to sell bonds for the purpose of procuring gold to maintain the reserve, such reserve as was deemed necessary for the redemption of the greenbacks when they should be presented at the Treasury. That act has lain there all of that time, from the time it was enacted up to this time, as the basis of the credit of that money, for the gold redemption of the greenback. I know the act uses the word "coin," but no man then or since expected the payments to be anything less than gold. It was necessary that all the other moneys that came from the Treasury of the United States should also be redeemed in the same manner, so that all the dollars issued might have the same power as money.

Now, so long as the revenues of the country were sufficient for the preservation of the redemption fund there was no question about the value of our dollars or about the power of every dollar as money. So long as the revenues were sufficient to meet the expenditures there was no question about the integrity of our money. It was only when the revenue had begun to fall off that a question arose, and this suggestion took its origin about the parity of the dollars.

Which one of you during this discussion has answered the remarks of our friend from Tennessee [Mr. PATTERSON] about the fact that our revenues are not now and have not for nearly two years been paid in gold? Which one of you has explained how it was that when the fear about the equality of the dollars began to arise in the minds of business men not one dollar of gold was paid into the revenues of the Treasury? Which one of you has explained why it was that immediately when there was a fear the dollar recognized as the cheaper was used for business and the dollar which was recognized as the more valuable—the gold dollar—was at once withdrawn? Why is it that gold and greenbacks are at a little premium to-day? But the value of the greenbacks, the value of the national-bank note, the value of the silver certificate or the silver dollar itself, did not rest upon the silver bullion of the Treasury, nor upon the possibility that Congress might authorize the Treasury to coin that bullion; nor did it rest upon the hundred million of gold redemption fund held in the Treasury.

Their value for business was not affected in any way by the loss of the reserve, but day by day, as the reserve diminished from its full amount, the business of the country went on with this

money at par, and when the reserve fund in the Treasury had fallen as low as $45,000,000, although there was still $900,000,000 of money outstanding in the country said to be dependent for redemption upon the reserve fund of the Treasury, the credit of the Government was not affected in the slightest degree and each dollar issued by the Government was at par with every other dollar. So it was evidently not the amount of the reserve fund in the Treasury that kept this outstanding circulation at par. The country knew better than to believe that the value of the dollar depended on the reserve. They knew that it was the power residing in the Treasury by the act of 1875, to provide the redemption of all that money in gold. It was that knowledge which maintained the value of all of these dollars at a par. What maintains it now?

Do you gentlemen think that it was the withdrawal of silver, or the demonetization of silver, as you call it, that produced the panic of 1893 and the appalling disasters of that year? All the standard silver dollars that have ever been coined in this country were still full legal-tender dollars and at par. Have you forgotten the panics of 1824, of 1837, of 1857? Have you forgotten the fact that prior to each one of them the revenues in the Treasury of the United States were provided upon tariff laws framed precisely upon the principle of the law which you presented to the country two years ago, and that each one of those panics followed the enactment and operation of each one of those laws? Even the panic of 1873 came close after four successive reductions of the tariff. Have you the least conception in the world that it was the enactment of your tariff law of two years ago that produced the condition which has existed from that time to this? Have you explained to the country how it was that while for thirty years the revenue of the country was entirely sufficient, and during all that time, except the internal-revenue tax which was paid directly upon whisky and tobacco and articles of that kind, no man was able to put his finger upon one thing that he bought and used that cost him more by reason of the tax which supported the great National Government than it would have cost if there had been no tariff law in existence at all? Not one man could point to a place where he was taxed to support the great National Government except the man who was paying an internal-revenue tax. Not one man could point to a place where he was paying more for anything that he bought and used for his own use under that system of taxation than he would have paid if there had been no such taxation in existence.

You changed the system. You reduced the tariff upon the articles which we manufactured. You provided for free raw material enough to set all the mills of England at work, to shorten the hours of labor in all our factories, to reduce wages, and discharge the hands. You reduced the freight upon all the railways carrying our great internal commerce, reduced the number of employees and the salaries that they received. Within twelve months from the time when you had the power to make that law—and the nation knew that you would make it—two and a half millions of the laboring men of America were out of work.

Has that law nothing to do with the deficiency of the revenue and the deficiency in the Treasury? Has that nothing to do with the distress among our laboring men? Do you propose to furnish men work by coining the dollars that are now in the Treasury? How will these dollars get out? From whom will workingmen get the money? Who does the work that supplies America with her goods to-day? Why is it that you have provided that every English artisan and manufacturer and mechanic shall be at work at increased wages, while nearly every American artisan and mechanic and laborer shall work at diminished wages or go without work? Has that nothing to do with the revenue or the Treasury? And when we now propose that the tariff shall be so levied as to increase the revenue and set our men at work again, you turn from it with contempt and say, "Give us free coinage of silver or you shall have nothing."

But I have not time to give all the discussion to that side of the question that I ought to. There are some of our friends upon our side of the House who also think that we ought to have the free coinage of silver. Now, I admit that it is a question that is still open for discussion and upon which each man has a right to have his own honest judgment, and all I ask of him is that he shall be sincere. He does not make an answer to me when I say that I am not in favor of it, but he stands up and says, "Oh, then you are a gold bug." That is not argument. That settles nothing.

Among those who made the most eloquent and pathetic plea for the free coinage of silver was our friend from California [Mr. JOHNSON]. I was a little surprised at him. I admit the eloquence with which he made that plea, but I ransacked the RECORD in vain for one statement in it that constitutes a reason why we should have the free coinage of silver except the danger that we might lose the next election if we do not.

That is a remarkable statement to come from California. I can not help remembering that from 1862 to 1878, while all the rest of us were compelled to take greenbacks at whatever the market value was and buy gold at whatever the market value was, the great State of California insisted that the National Government should carry $25,000,000 of bonds in order to enable her to maintain gold payments at every counter and upon every contract. From that day to this California has been upon a gold basis. You will not take a promissory note or check or draft there that is not payable in gold. Will the gentleman now make a contract for California that if we establish free coinage of silver she will accept silver for gold? What nation or people has ever sold gold to get silver? Will California sell her gold and take silver in pay? Does California propose again that the whole nation shall go to a silver basis while she retains her gold basis?

But my friend, the gentleman from Minnesota [Mr. TOWNE], has also some admonitions to give us. He must interpret a section of the great Minneapolis platform for us because we have not hitherto understood it. It is not enough for him that that great declaration proclaims the necessity of maintaining the equal power of all the dollars. It is not enough for him that the people of his State have since then repeated that declaration and added to it in 1894 their remonstrance against any attempt to depreciate our money. He has still more knowledge and light. I admire the accuracy with which he has recited to us Coin's Financial School. I admire the adroitness with which he will, under his "leave to print," insert it, with all its maps and charts and tables, into the RECORD, and so secure some permanence to the history of its fallacies.

Admit it all as true, what then? What proposition does he make? Is it not substantially that we shall pay all existing public debts in gold and at the same time begin doing business with silver alone? What is this but a silver basis? Is this bimetallism? But the gentleman from Wisconsin also, like the gentleman from California, proposes that if this is not done the Republican party shall be defeated next. Is this an argument, or is this a threat?

But waiving political fears and guesses, waiving all controversy about the history of this subject, waiving all contention about the practice of our Treasury, what is it you propose to do with the existing condition? What will the result be if you do what you propose in this Senate substitute?

Remember it proposes to take the existing standard of values away, and it proposes to substitute another standard of value. This is to deal with the interests of every home and of every industry—with the interests of every industry which employs labor as well as with the interests of every poor laborer. You say it will increase the price of every product. Can American agricultural products be sold in any foreign market for more than other countries will sell theirs for? If Egypt will sell her cotton for 6 cents a pound and Argentina sell her wheat for 50 cents a bushel, can America sell her wheat or cotton for more? If not, how then would you raise the prices of agricultural products?

But if you should raise prices, is not that to increase the price of everything the poor shall buy? How will you compensate them? With a dollar made of 50 cents' worth of metal? Oh, you will raise the value of the metal to par, will you? Then how have you helped the poor?

But remember in doing this you are to take a metal that is now admitted to be worth only the daily universal market price, and by your new law make money of it, and, as money, rate it at double that market price. What will the result be? You will take a metal which the judgment of the civilized world has now rated at 67 cents an ounce and give it a value of 129 cents an ounce as money. Will the world raise its market price of that metal to the rate you set on it by law? Which nation will do it? You complain now of the power of England. But you in the same breath propose to double the power of England's money. For while the market value of the world's silver remains as it is, if you adopt this Senate substitute, every $1,000 of England's money will buy as much property here as $2,000 of the money you propose for us. How will that relieve us of the power of England over our finances or our business? What is the experience of Mexico? It is an admitted fact that $1,000 of our money or $1,000 of England's money will buy as many cattle or as much property there as $2,000 of her own money. Who will own her property in the end? If you make this law who will own the great industries of our country in a few years more?

Is is not enough that you have turned over to England the work of our manufactories, or must you also turn over to her the purchasing power? In every country in the world now on a silver basis her dollars will buy twice as much of anything that nation sells as that nation's dollars. Must we put ourselves also under her power in the same way by going to a silver basis?

When did any nation get any advantage by depreciating its money? When did any nation get any advantage by depreciating its coin? What nation ever gained anything by coining either silver or gold for more than its commercial value as rated in the business of the world? In the great speech of Senator JONES in the first session of the Fifty-third Congress, he asserts that, "Of

course with unrestricted coinage the mint value and the bullion value will be the same." But when? Adopt this Senate substitute and you will have unrestricted coinage. Can you expect them to take 16 pounds of pure silver and buy 1 pound of pure gold? What man will take his pound of gold to the mint and take 16 pounds in silver dollars for it when he can take his pound of gold outside of the United States and buy twice as much silver or twice as much of anything else that men sell as he could with the 16 pounds of silver.

I know he lays great stress on the fact that it is the law which makes money. But it is only the debt-paying power among citizens within our jurisdiction which the law gives to money. No law can give purchasing power to money. We tried that with our greenbacks. We could pay debts with them at their face value; but when we went to purchase with them the price of everything went up and the purchasing power of the greenbacks which the law made money went down. We worked from 1865 to 1879 to bring the purchasing power of the greenback to par with the debt-paying power, so that the money paid to laborers and producers on what was due them should have as much purchasing power to buy goods as it had debt-paying power to pay them what was due them.

So well was this understood that the legislature of California, on the 25th of March, 1872, presented the following resolution to the United States Senate committee while it was considering the famous act of 1873:

March 25, 1872.—Referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

Whereas it is of the utmost importance to the workingmen, farmers, and traders of the Pacific States and Territories that the silver coin of the United States should be raised to the value expressed upon its face: Therefore

Be it resolved by the senate (the assembly concurring), That our Senators in Congress be instructed and our Representatives requested to urge upon Congress the early passage of a law raising the weight of silver coin to the standard of the year 1850.—*Senate Journal*, March 25, 1872, second session Forty-second Congress, page 42.

When they sent this we had free and unlimited coinage of silver at 16 to 1. Why did not the distinguished Senator's theorem prevent the fall in silver which brought that resolution forth? If the law could give purchasing power to silver, why did they ask that the weight of silver coins be increased to correspond with their face value? My friend from Wisconsin [Mr. TOWNE] says very plausibly that "value is a relation." He then argues that the law can fix the relation between silver and gold, and then he says both silver and gold will bear the same relation to all other commodities.

But is that true? Then why did the relation of silver and gold change notwithstanding the law of free coinage, so that the legislature of California asked to have the weight of the silver coins raised? They were on a specie basis then and had free coinage. They discovered that it was essential that the coin should have the same real value as the value expressed on the face, so that it should speak the truth to the laborer, farmer, and trader.

Philosophers like my friend may say, and do say, that "value is a relation," but plain business men know that value is a fact. I have not time now and here to enter into an analysis of his aphorism, but if value is a relation, then I assert that as a commercial term applied to money it means the worth of its possession and use as property compared with the worth of the possession and use of other property. That relation is a fact established by commercial usages of men.

The value of money is not a mere legal function. The greenback had the legal function in its poorest days. It had the legal power to pay debts at its face, but the law could not give it purchasing power, and so it took more and more of them to buy things. The primary element of money is not its legal function of paying debts. The primary element of money is that it is property. It is this element which gives it the purchasing power. It is therefore essential that it should have the same real as nominal value. A dollar should be not only a name, but also a dollar in fact. Otherwise it perpetually speaks an untruth. The office of the Government is to "regulate the value thereof," so that its nominal value signifies its real value. The Government now signs a ten-dollar gold piece with its coin stamp, and thus says to the world, "There are 258 grains of standard gold which the Government will redeem with $232\frac{8}{10}$ grains of pure gold." All men know the value of it. The Government also stamps a silver piece of $412\frac{1}{2}$ grains of standard silver, which contains $371\frac{1}{4}$ grains pure silver. We sign it with our coin stamp for $1.

Will the world give back one of our ten-dollar gold pieces for every ten of these silver dollars? Why not? Because the universal commercial usages of mankind have ascertained the value of gold and the value of silver, and no law of man has ever been able to give value to coin. Men do business with coin according to their estimate of its value, no difference what the law may be.

You may write in a book that gold and silver shall be coined and used in unlimited quantities on terms of absolute equality, but that will not make them equal, neither will it make them circulate together. The nations of the earth have all attempted to use the two metals that way and have all failed.

The gentleman from Minnesota [Mr. TOWNE] lays great stress upon the definition of bimetallism given by Mr. M. L. Muhleman in his recent work, Monetary Systems of the World, page 12—

By bimetallism, strictly defined, is meant the free and unlimited coinage of both gold and silver into coins of full debt-paying power.

Then, notwithstanding his anxiety to be free from the dictation of England, he cites the report of the royal commission appointed in 1886 by Queen Victoria:

A bimetallic system of currency to be completely effective must, in the view of those who advocate it, include two essential features: (*a*) An open mint ready to coin any quantity of either gold or silver which may be brought to it; (*b*) the right on the part of the debtor to discharge his liabilities at his option in either of the two metals at a ratio fixed by law.

Again I say this is not bimetallism. This is bi-legal-tenderism. This refers only to the debt-paying function of money. This ignores the purchasing power of a laborer's dollar. The day laborers and the wage earners of America are not the men who are asking a general bankruptcy act of this kind by which men may now pay off at 50 cents on the dollar. This is not the bimetallism which the people are in favor of by tradition and interest. The bimetallism of tradition and interest in America is the concurrent use of both gold and silver at one value for purchasing the necessaries or luxuries of life as well as for paying debts. Therefore it is that—

"We are in favor of the largest possible coinage and use of both gold and silver as standard money, with such restrictions and under such provisions to be determined by legislation as will secure and maintain the parity of values of the two metals, so that the purchasing and the debt-paying power of a dollar, whether of silver, gold, or paper, shall at all times be equal. The interests of the producers of the country, its farmers, its workingmen, demand that every dollar, paper or coin, issued by the Government shall be as good as any other."

This is the bimetallism which the American people by tradition and interest are in favor of. Have these gentlemen been leading their people astray from it? By this large definition, national and all-protecting in its character, American bimetallism is not the "free and unlimited coinage of both gold and silver into coins of full debt-paying power only." The question under it is not whether we shall have gold or silver, but whether we shall have justice. Shall we have money that will maintain justice between man and man? Upon this principle the nation must act in coining money and regulating the value thereof, and when it does not the honor of the nation is questioned.

I know gentlemen answer and say that silver has been forcibly depreciated by demonetization. But that is not true. The demonetization laws of the world were all passed because silver was falling in value before the laws were passed. And it was to prevent the injustice of two dollars of different values that they were passed. All the silver that was in use when they were passed is still in use and we have added to it $500,000,000 in eighteen years.

I know they will answer that gold has appreciated and become more valuable. But is that true? The very tables of Soetbeer, which are quoted to prove this, show that from 1866 to 1892 the world's product of gold exceeded $3,276,000,000. That is $116,000,000 more than the world's product for the three hundred and fifty-eight years from the discovery of America to 1851. The world's product of silver from 1866 to 1893 was $3,063,000,000, making a joint output of $6,339,000,000.

The period of greatest prices was in 1865. The joint product of gold and silver from 1851 to 1865 was greater than ever known in the history of metals to that time. Yet the joint product of gold and silver from 1866 to 1893 was $3,781,000,000 more than the output from 1851 to 1865. All the gold and silver that was then in use remained in use, while this vast sum was added to it. All this increase of the metals is largely in excess of the increase of the population or of commerce in the world during the same time.

If there is anything in the theory that prices are dependent on the volume of money in circulation as compared with the volume of commodities offered in the market there should have been the greatest inflation of prices witnessed in modern times.

I will not now go into the vast productions of other wealth, for the tables of statistics will show the varying prices up and down as supply and demand, good seasons and bad seasons, have surged to and fro for the last twenty years. But I ask your attention to the fact that the metal which you now propose to fix as our money has been steadily falling as we have been increasing all our business and increasing all our instruments and agencies of business. We did the best we could to keep it up.

The United States, since 1878, has bought 459,946,701 ounces of silver, for which $464,210,262.96 has been paid, but its present value is only $309,536,118.17, which shows a loss of $154,674,143.79. And you propose to make up this deficiency by this silver Senate substitute.

My colleague [Mr. LONG] has given notice of his amendment, providing that this free coinage shall apply to the American product only.

I know that many men in our great State earnestly hope that this may be done. The spirit of an American which makes him in favor of a home product and of a home market makes me wish

that I could see how this would be done with safety to all our people. The product of our silver mines from 1834 to 1844 averaged $25,000 a year. From 1845 to 1857 the product averaged $50,000 a year. In 1858 it was $500,000. In 1859 it was $100,000; in 1860, $150,000. In 1861 it was $2,000,000. The next year it was $4,000,000, and the next year $8,000,000, and ever since it has gone on increasing until in 1873 it was $37,300,000 and in 1893 it was $77,575,757. The aggregate production of our own silver mines from 1873 to 1893 was $1,142,700,000, counting it at $1.29 an ounce. It is only worth to-day 67 cents an ounce for payment to anybody outside the United States except for the promise of our statute to maintain the parity of the dollars and the practice of our Treasury in exchanging gold for them or for the silver certificates issued on the deposit of silver dollars in the Treasury. If it is only worth 67 cents an ounce without that action of the Treasury, how would this substitute or amendment make it worth any more? We ought to have a reasonable answer to this question.

The proposition to protect it by a tariff equal to the difference between the 67 cents an ounce and $1.29 an ounce is not a true application of the American tariff. The true application of the American tariff protects American producers from unfair competition from other countries, but it leaves competition free among American producers, and we get the benefit of that free competition. But a free coinage of the American product of silver with a protective tariff that will prohibit foreign silver does not leave free competition among American silver mines. It creates them all into a monopoly of their product at a fixed price and the American people are compelled to take, at $1.29 an ounce, a product which they could exchange wheat or beef for elsewhere at 67 cents an ounce. Would this be right?

It is not opposition to the use of silver as money, nor opposition on my part to the silver producers of my country, that makes me feel it my duty to say these things. I own no gold mines nor gold. I own no wealth of property to be affected by your decision. I highly value the friendship and approval of many men who think this substitute, or at least this amendment, for the free coinage of the American product should be accepted.

But we are here to ascertain the truth about a matter in which every home in the nation is interested. "Let no coward thought of praise or of blame turn by so much as a hair's breadth the fine scales of honor while we weigh this truth and declare the result." When I ask what the result will be, no man makes a definite answer. No proposal is stated here to maintain the parity—the purchasing power equal with the debt-paying power—of all the dollars. No proposal is stated here to fill up the deficiency in the Treasury with a reserve that will maintain the present paper money—the greenbacks-and coin notes and silver certificates at par with anything but silver. No proposal is here to provide a revenue that will be sufficient for the expenses of the Government. To these serious questions the whole answer is "free coinage or nothing."

"Nothing" does not mean standing still. It means going on increasing the public debt. It means to go on importing goods while our manufactories rust in idle silence and our workingmen go without work.

I know we must settle this question for ourselves. I do not hope for an international agreement, because no people can afford to alienate its freedom by a monetary treaty. No nation can consent that other nations shall decide how much money it shall have. No nation can do so without subjecting itself to the power of the others.

France chained herself to the other nations in the Latin Union and they obligated themselves to redeem their silver coinage in gold within one year from the notice to terminate that union. None of them dare to serve that notice for fear they will have to settle up. Meantime the national debt of France has increased more than $1,500,000,000 in the last five years. The monetary union has not helped her. We must settle the question ourselves.

From 1878 to 1893 we were paying our national debt. From the day the last tariff law went into effect we have been increasing our national debt. During the last seventeen months the total receipts of the Government have been $429,323,353. The total expenditures have been $502,487,296. The deficit in revenues has been $74,164,296. But the increase of the national debt has been $262,000,000 in bonds.

Where has the other $187,836,804 gone? It has gone to pay the balance of trade account that you have set against us. Our gold has been withdrawn and shipped out of the country to pay for goods which we used to make here and pay for here, and to pay for raw material which we used to produce here and pay for here.

It is the private indebtedness of the country which is turned into a national debt by withdrawing our gold to pay for these things. Will you change the balance of trade account and set it in our favor by this substitute? Turn your eyes from this substitute bill to the record of our exports and imports for the last seventeen months and then tell us, if shame will permit you to speak, what relief for the country or for the Treasury there is in this substitute.

The Silver Question.

SPEECH

OF

HON. JOHN F. SHAFROTH.

OF COLORADO,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 5, 1896.

The House having under consideration the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of the revenue—

Mr. SHAFROTH said:

Mr. SPEAKER: This bill, as it passed the House, was for the purpose of creating a coin redemption fund. The Senate has amended the bill by providing a substitute therefor authorizing the free coinage of silver. It is this free-coinage measure that is now before the house for discussion.

The difficulty that has arisen so far in the discussion of this question is, that there has been no data or premises laid down upon which we have agreed as a foundation for our arguments; and yet there are some truths that are generally conceded.

There are two kinds of money in the world.

First. Primary money, by which I mean money of ultimate payment or redemption; and

Second. Credit money, by which I mean promises to pay, based upon the general credit of the Government, redeemable in primary money.

Primary money has two functions: First, as a *measure* of value, and second, as a circulating medium.

Credit money does not act as a measure of value as long as it is redeemable in primary money, because its exact value is fixed by the money in which it is redeemable, but it does act as a circulating medium.

There is one fact that we can all agree upon, no matter what our views may be upon the financial question, and that is, that there is not now and never has been a sufficient quantity of primary money in the world. This truth is demonstrated by the fact that all nations, in order to relieve their necessities for a circulating medium, have been compelled to resort, either directly or through their banking institutions, to the issuance of credit money. No government would undertake the hazards of maintaining credit money unless there was an imperative necessity for the same, and no nation would ever authorize banking institutions to control the currency if there was sufficient primary money in circulation.

There is in existence at the present time in the world $2,469,000,000 of such credit money, and if silver be treated as token or credit money by those nations that have adopted the single gold standard, there is in existence in the world nearly $6,000,000,000 of credit money. This credit money represents the amount of shortage in the world of primary money.

There are two propositions that I first desire to discuss:

First. That in theory by the demonetization of silver there should have been an enormous increase in the value of gold; and

Second. That in actual experience there has been an enormous increase in the value of gold.

APPRECIATION OF GOLD.

Previous to 1873 two metals formed the base upon which was built all the credit and commerce of the world. These metals are designed by nature as money metals on account of their quality of indestructibility, their compactness as compared to value, and the difficulty with which they are extracted from the earth. So evenly has nature stored these metals in the earth that, notwithstanding free coinage of both metals existed in many of the nations for centuries, yet the amount of gold and silver coined in the world previous to 1873 was practically the same. By the demonetization of silver in the various nations of the earth one of these two metal moneys was stricken down as a money of ultimate payment. All the burdens which both metals had borne were thereby shifted on to one. As those metal moneys were, and now are, practically equal in amount, the burden upon that one was thereby doubled. Doubling the burden upon a metal doubles the demand for the same, and doubling the demand for it doubles the value thereof.

If there is any truth in the principle of supply and demand, this conclusion must inevitably follow. It is therefore mathematically certain that if the demonetization of silver had taken place throughout the world simultaneously, the doubling of the value of gold would have surely followed. It is true that demonetization of silver has taken place gradually. One nation after another at intervals of time has adopted the single gold standard. The result has been the gradual shifting of the burdens borne by both gold and silver onto the gold alone, thus making a gradual increase of demand for gold and a consequent gradual increase in the value thereof. It is also true that demonetization of silver has not yet taken place throughout the world, as there are still some nations that relieve

the strain on gold by holding their mints open to the free coinage of silver. It is for that reason gold has not yet doubled in value.

The coinage of silver on government account by standard nations does not relieve the strain on gold, because such nations do not make silver a money of ultimate redemption. Such governments treat silver as token or credit money, and either directly or indirectly offer to redeem it in gold. The silver coin then becomes simply a promise to pay gold. The coinage of silver in that manner makes that many more obligations of the government redeemable in gold, and hence makes that much more burden that gold as the money of ultimate payment must bear. Thus the coinage of silver on government account instead of relieving the strain on gold actually increases the demand for it and consequently the value thereof. As the gold dollar is the unit of measurement in this country, its increase in value can not be estimated in dollars and cents, but only in its increased purchasing power, and its increased purchasing power can only be estimated in the decline in price of everything that gold will buy.

If gold were simply a commodity, and not a standard or measure of value, its appreciation would be of comparatively little consequence; but it is because of its being a *measure for everything else in the world* that it is so important to mankind that it should not increase in value. As the debts of the world are increased by the increase of the measure, doubling the value of the measure doubles the size of the debt calculated by that measure.

Now, Mr. Speaker, what does the doubling of the value of the standard gold dollar mean? It means the doubling of every other dollar redeemable in that coin. It means that the man who has his wealth invested in bonds or notes awakes to the realization that his fortune in purchasing power has been doubled; that the man who has his wealth invested in anything that gold will buy finds that by the doubling of the value of gold what he has to sell will only bring one-half as much as it formerly did.

That legislation is indeed pernicious that in its effect doubles one man's wealth and divides in half the wealth of another. But what is the effect upon the wealth of those men who in order to develop the resources of the country have borrowed money with which to aid in the establishment of their enterprises, or who have been so unfortunate as to mortgage their lands to the extent of one-half their value? Doubling the value of the dollar to such men means the total annihilation of their wealth. As the debts in the United States alone are estimated to be more than $20,000,000,000, it is apparent that the consequences of doubling the value of gold in this country must be most appalling. It is contended that as demonetization of silver by the nations of the earth has taken place gradually, the addition to the stock of gold has relieved this increased demand upon it. That would be true to a certain extent if commerce and debts had not increased during that period. We know that by the increased and ever-increasing facilities of transportation commerce has been increasing at the rate of more than 6 per cent per annum, while the increase in the gold coin of the world has very little exceeded 1 per cent per annum. The production of gold in 1894 was $180,626,100, the highest amount ever reached in any year up to that time.

It has been estimated by Mr. Giffen, the statistician of the London Board of Trade and a gold monometallist, that the arts consumed as much gold as the annual product, and that in the arts there was melted as much gold coin each year as there was new gold coined.

Sir Lyon Playfair, a member of the British Parliament and a gold monometallist, has estimated that at least 75 per cent of the annual product of gold goes into the arts.

Prof. C. L. Fawcett, another gold monometallist, estimated that of the annual product of 1892, viz, $130,650,000, there was consumed in the arts $110,000,000.

We know as a matter of fact that the consumption of gold in the arts has multiplied in recent years. Twenty-five years ago, in a town of a thousand or fifteen hundred population, you could count almost on the fingers of your two hands the number of gold watches, chains, and charms worn by its citizens. To-day at least ten times that number are in use among the people of the same community, and the same rate of increase has been made as to medals and other gold ornaments. The enormous amount of gold used in gilding and in dentistry has increased even in a still higher proportion.

Taking the most liberal of the estimates above referred to, we have no greater sum than $45,377,500 in gold per annum to be added to the stock of primary money of all the gold-using nations on earth. The world's stock of gold coin is about $4,000,000,000. The annual increase in that stock is therefore a very small fraction over 1 per cent. The condition therefore is, that our stock of primary money is increasing at the rate of a little over 1 per cent per year, while it is upholding and bearing the burdens of commerce and credit, which in the past twenty-five years have been increasing at the rate of more than 6 per cent per annum. The inevitable result of such a condition must be the continual increase in the value of gold, occasioned by the continual increased demand on it by commerce and credit. By adhering to the single gold standard, therefore, we are tying ourselves to a metal the production of which does not keep pace with the increase of commerce.

To divide the $45,377,500 in gold among all the gold-using countries in the world would be to add only a few million dollars each year to the primary money of the United States. We know that the demand which the United States alone has made upon gold in order to maintain its reserve during the past two years has been $262,000,000, including the bond issue bid for to-day. This amount is several times greater than that part of the annual gold product that goes into coin for the entire world. Is there any wonder that there is a terrible strain on the gold in the world and that the enormous demand which is being made upon it is continually increasing its value? It is this increased demand for gold that has increased its purchasing power. That is the reason why prices are continually falling. When the measure of value is increasing gradually each year, the result is bound to manifest itself in the diminished price of all the commodities and property that it measures.

Previous to 1873 any person had the right to take silver bullion to the mints of the Latin Union to have it coined, free of charge, into money, just the same as he now has the right to have gold coined. The principal use of silver is for money. Suppose the governments of the world were to conclude that wheat bread was not as healthy as bread made from corn, and should enact laws prohibiting the mills from grinding wheat. Can there be any doubt, if those laws were enforced, that wheat would be worth almost nothing, that it would sink in price to what it would be worth as feed for animals? And can there be any doubt that the price of corn would increase enormously? The mere statement of the proposition is conclusive of its truth. Why should not that same principle of supply and demand apply to gold and silver? Can the nations of the world annul the right to have silver coined into money and leave their mints open to the free and unlimited coinage of gold, unless it increases enormously the value of the latter metal and correspondingly decreases the price of the former?

In 1873, when silver was demonetized by the United States and Germany, there were only three nations in Europe that had the single gold standard. They were Great Britain, Turkey, and Portugal. Turkey at that time was upon an inconvertible paper currency and hence was making little or no demand upon gold. Great Britain at that time had a population of 32,000,000 and Portugal a population of 6,000,000. Thus only 38,000,000 of people were making demands upon gold alone for monetary purposes.

At that time there were six nations in Europe that had a bimetallic standard. They were France, Belgium, Switzerland, Italy, and Greece, constituting the Latin Union, and Spain. There were only two of them, namely, Belgium and Switzerland, that were then on a specie basis.

There were seven nations in Europe at that time that had the single silver standard. They were Germany, Austria, Russia, Sweden and Norway, Denmark, and Holland. All of these were on a coin basis except Russia and Austria. The United States at that time had the bimetallic standard, but was upon an inconvertible paper currency. None of these nations now have a bimetallic standard, but the gold valuation prevails in every one except Russia, Italy, and Greece, which are still upon inconvertible paper currencies. France maintains a very large silver currency, but upon a gold valuation. At the present time the demand upon gold is enormous. Great Britain, with its present population of 38,000,000; Germany, with its population of 50,000,000; Austria, with its population of 40,000,000; Turkey, with its population of 33,000,000; Norway and Sweden, with their population of 7,000,000; Holland and Denmark, with their population of 7,000,000; France, Belgium, and Switzerland, with their population of 47,000,000, and the United States, with its population of 70,000,000, are all in the struggle for gold in order to preserve their redemption funds. Thus 252,000,000 people are now demanding this metal which in 1873 only 38,000,000 were demanding. Is it any wonder that gold, notwithstanding its recent increased annual product, has been going higher and higher in value each year? How can anyone who recognizes truth in the principles of supply and demand claim with reason, in view of this situation, that gold has not increased in value?

It seems to me, therefore, conclusive that, in point of theory, by reason of the demonetization of silver and the shifting upon gold of all the burdens of primary money, which both metals formerly bore, that gold has enormously increased in value.

FALL IN PRICES.

The second proposition is that in actual experience the theory that there has been an enormous increase in the value of gold has proven true.

As the increase in the value of a standard or measure can not be calculated by the standard itself, the only way that it can be measured is by its increased purchasing power. That increased purchasing power in gold is manifested in the fall of the price of everything that gold will buy. When you see one commodity get cheaper, while all others remain of stationary value, in order to ascertain the cause of the decline in price of the one you naturally look to the question of supply and demand as to that one commodity, but when you find that all commodities and properties, except those that are buoyed up by some special advantage, are declining in price year after year you are bound to come to the conclusion that it is not on account of overproduction, but that the fault is in the increase of the measure of value. That there has been a continual fall in the

price of almost all commodities can hardly be questioned. It is always best to take from an undoubted authority the statistics by which a fact is proven.

The tables of Mr. August Sauerbeck, an eminent statistician of London, are perhaps the most complete and reliable of any to be found in the world. They were not framed with any relation to the silver question, and hence any prejudice for or against silver could not have entered into their compilation. These tables show the range of prices in the London market of forty-five of the principal commodities in the world for a series of years. In one set of these tables he takes as his base, or par value, which he designates as the 100 mark, the average price of the commodities for the eleven years between 1867 and 1877. According to this set of tables the average price of those commodities fell in 1895 to 62 per cent of what they averaged in the period above stated. This percentage of decline in the price shows conclusively that gold, since that period, has increased in purchasing power as regards those commodities 61.3 per cent. Another set of tables (deduced from Mr. Sauerbeck's tables), showing the range of prices of the same forty-five commodities, takes as its base, or 100 mark, the average price of the commodities for the year 1873. This set of tables shows that the average price of those commodities in 1895 was only 55.8 per cent of what their price was in 1873, which shows that gold in purchasing power as to those commodities has increased 79.2 per cent.

I ask leave to insert in my remarks the following table:

Mr. Sauerbeck's Index Numbers, to which is added the annual average price of silver in London and to which is added index numbers of the same 45 commodities, taking as their base the average prices of 1873.

Year.	Sauerbeck's Index Numbers of 45 principal commodities taking average price of 1867–1877 as their base=100.	Index Numbers of same 45 principal commodities taking the average price of 1873 as their base=100.	Sauerbeck's Index Numbers of silver taking the price 1867–1877 of 60.84d.=100.	Annual average price of silver in London.
				Pence.
1873	111	100	.....	58 5/8
1874	102	92	95.8	56 3/4
1875	96	86	93.3	52 1/2
1876	95	85	86.7	54 1/2
1877	94	84	90.2	54 1/2
1878	87	78	86.4	52 1/16
1879	83	75	84.2	51 1/2
1880	88	79	85.9	52 1/4
1881	85	76	85	51 1/8
1882	84	75	84.9	51 1/8
1883	82	74	83.1	50 7/16
1884	76	68	83.3	50 1/8
1885	72	65	79.9	48 1/8
1886	69	62	74.3	45 1/2
1887	68	61	73	44 1/8
1888	70	63	70.4	42 7/8
1889	72	65	70.2	42 1/4
1890	72	65	78.4	47 1/8
1891	72	65	74.1	45 1/16
1892	68	61	65.4	39 1/8
1893	68	61	58.6	35 1/8
1894	63	57	47.6	28 3/8
1895	62	55.8	49	29 1/8
Jan., 1895	60	54	45.1	27 1/16
Feb., 1895	60	54	45.3	27 1/16
Mar., 1895	60.8	54.7	48.9	29 1/8
Apr., 1895	61.7	55.5	49.7	30 1/8
May, 1895	62.5	56.3	50.3	30 3/8
June, 1895	62.4	56.2	50	30 1/16
July, 1895	62.8	56.5	49.7	30 1/8
Aug., 1895	63.3	57	50.1	30 3/8
Sept., 1895	63.5	57.2	50.2	30 7/16
Oct., 1895	63.3	57	51	31
Nov., 1895	62.3	56.1	50.4	30 11/16
Dec., 1895	61.6	55.4	50.2	30 5/16

The fall of price in commodities generally has not been denied, to my knowledge, upon the floor of this House, in this debate. Various members have attempted to explain the causes of this decline, but none have denied the fact itself.

The claim they make is that the decline in price has been caused by overproduction. If this decline had only been for one year, or if the price of a large number of commodities had gone higher, while as to others it had fallen, that theory might be a reasonable explanation; but when this fall in price of almost all commodities has been continuing year after year, you are driven to the conclusion that it is not overproduction that has caused the decline. Man will not year after year continue to overproduce all commodities.

HAS THERE BEEN OVERPRODUCTION OF SILVER?

The theory of overproduction will not account for the decline in the gold price of silver. It is true that in recent years the production of silver has been increasing, but it must be remembered that the annual production of gold has also been increasing. It was not until 1882 that the annual product of silver exceeded that of gold, and yet the gold price of silver had been declining ever since 1873. The table which I hold in my hand, and ask to have incorporated in my remarks, shows the world's production of gold and silver from 1792 to 1894. It was issued from the Treasury Department, Bureau of the Mint, August 16, 1893, and can be found in the Government publication called "Coinage Laws of 1894," at page 103. (It is also verified in the report of the Secretary of the Treasury for 1894 at page 304.) To that table I have added the world's production of gold and silver for the years 1893 and 1894 as estimated by the Treasury Department.

Production of gold and silver in the world, 1792–1894.

Calendar years.	Gold.	Silver (coining value).	Total.
1792–1800	$106,407,000	$328,860,000	$435,267,000
1801–1810	118,152,000	371,677,000	489,829,000
1811–1820	76,063,000	224,786,000	300,849,000
1821–1830	94,479,000	191,444,000	285,923,000
1831–1840	134,841,000	247,930,000	382,771,000
1841–1848	291,144,000	259,520,000	550,664,000
1849	37,000,000	39,000,000	76,000,000
1850	44,450,000	39,000,000	83,450,000
1851	67,600,000	40,000,000	107,600,000
1852	132,750,000	40,600,000	173,350,000
1853	155,450,000	40,600,000	196,050,000
1854	127,450,000	40,600,000	168,050,000
1855	135,075,000	40,600,000	175,675,000
1856	147,600,000	40,650,000	188,250,000
1857	133,275,000	40,650,000	173,925,000
1858	124,650,000	40,650,040	165,300,000
1859	124,850,000	40,750,000	165,600,000
1860	119,250,000	40,800,000	160,050,000
1861	113,800,000	44,700,000	158,500,000
1862	107,750,000	45,200,000	152,950,000
1863	106,950,000	49,200,000	156,150,000
1864	113,600,000	51,700,000	164,700,000
1865	120,200,000	51,950,000	172,150,000
1866	121,100,000	50,750,000	171,850,000
1867	104,025,000	54,225,000	158,250,000
1868	109,025,000	50,225,000	159,950,000
1869	106,225,000	47,500,000	153,725,000
1870	106,850,000	51,575,000	158,425,000
1871	107,000,000	61,050,000	168,050,000
1872	99,600,000	65,250,000	164,850,000
1873	96,200,000	81,800,000	178,000,000
1874	90,750,000	71,500,000	162,250,000
1875	97,500,000	80,500,000	178,000,000
1876	103,700,000	87,600,000	191,300,000
1877	114,000,000	81,000,000	195,000,000
1878	119,000,000	95,000,000	214,000,000
1879	109,000,000	96,000,000	205,000,000
1880	106,500,000	96,700,000	203,200,000
1881	103,000,000	102,000,000	205,000,000
1882	102,000,000	111,800,000	214,800,000
1883	95,400,000	115,300,000	210,700,000
1884	101,700,000	105,500,000	207,200,000
1885	108,400,000	118,500,000	226,900,000
1886	106,000,000	120,600,000	226,600,000
1887	105,775,000	124,281,000	230,056,000
1888	110,197,000	140,706,000	250,903,000
1889	123,489,000	162,159,000	285,648,000
1890	118,849,000	172,235,000	291,084,000
1891	126,184,000	186,447,000	312,631,000
1892	138,861,000	196,459,000	335,320,000
Total	5,663,216,000	5,077,529,000	10,740,745,000
1893	157,228,100	209,165,000	366,393,100
1894	180,626,100	216,892,200	397,518,300
Total	6,001,070,200	5,503,586,200	11,504,656,400

The treatment by the advocates of the single gold standard of the annual production of silver as compared with the annual production of gold has been exceedingly unfair. For instance, take the production of the year 1892—$138,861,000—of gold compared to $196,459,000 of silver (coinage value). They contend that as there was one-third more silver than gold produced in that year there ought to be an equivalent fall in the price of silver. Because the production of silver in any one year has exceeded the production of gold, it does not follow that the decrease in the price of silver should be in proportion to the excess of silver over gold in that year. The man who makes such an argument makes the mistake of treating silver as a commodity which is consumed in the using of it. That principle would apply to wheat or any of the products that are consumed each year. But silver is an indestructible metal and its annual production is but a very small per cent of the total amount of silver in the world, and when produced it does not constitute a separate mass upon which the principle of supply and demand can operate, but forms a part of the total stock of silver in the world.

When silver falls it affects the entire mass of silver, not the annual product only. Hence, on the theory of overproduction, you would have to double the entire mass of silver in order to produce a fall in price of 50 per cent, and if measured in gold you would have to make the increased mass of silver double the mass of gold. It can therefore be readily understood how insignificant must be the effect of the annual increase of production upon the total silver of the world. The way to find the relative increase of silver over gold is to add the annual product of silver to the total silver stock, then add the annual product of gold to the total gold stock and find what per cent the total silver thus found bears to

the total gold thus ascertained. By this calculation you will find that in the year 1891, when the greatest excess of silver over gold ever was produced, when the production of silver exceeded that of gold by $60,000,000 that it represented an increase in the total silver of the world over gold of less than one-half of 1 per cent. On the theory of overproduction no greater change in value could have occurred than that.

But we find that while the percentage of the increase of the total mass of silver over gold has been very small, and has existed only since 1882, that the decline in the gold price of silver has been enormous, although silver in purchasing power of staple products has comparatively kept a steady value. If the annual product is of such an important character, what can be said in defense of that theory (of overproduction of silver causing fall of its price) when the world's product of silver for 1895, as near as can be ascertained at the present time, is less than 5 per cent more than that of gold.

It is manifestly unfair to take the annual product of either metal for a short period of time and attempt to fix thereby their relative value. The history of the production of the precious metals shows that the greater annual product will oscillate from one to the other. It is only by taking the production for a long series of years that any fair conclusion can be deduced therefrom. It is shown by the last table to which I have referred that the total production of gold for more than the past century, namely, from 1792 to 1894, has been almost exactly equal to the total production of silver in the same period. According to the theory of relative supply their value should have remained the same. It is therefore conclusive that the fall in the gold price of silver is not due to the production of more silver than gold, but is due solely to the increased demand upon gold and the decreased demand upon silver, produced by the demonetization of the latter, which caused all the burdens which both metals have borne as primary money to be shifted onto gold alone.

HAS LABOR FALLEN IN PRICE.

It is claimed that labor has not declined in price, and therefore the appreciation of gold is not the cause of the fall in prices. Our opponents usually take the year 1860 as the date of the comparison of wages. In the first place that date is not a fair one, because at that time nearly one-half of our nation afforded a poor market, if any, for labor on account of the existence of slavery therein. The price of labor in the remainder of the Union was most seriously affected by the proximity thereto of the cheap labor that slavery afforded. But the principal reason why there has not been as much reduction in wages of those actually employed as there has been in the price of commodities, is because wages have been held up by all manner of human devices in the shape of trades unions and labor organizations. Labor never had a fair opportunity to compete with capital until within the last few years. But notwithstanding these advantages, if you take into consideration the number of men out of employment, there is a far less total sum paid for labor than if all were employed at greatly reduced wages. It is absurd to say that the products of labor may fall year after year and yet not affect the price of labor.

I hold in my hand a statement compiled by the Secretary of Agriculture in response to a request from Senator HANSBROUGH of North Dakota showing the world's production of wheat from 1885 to 1892, which I ask leave to print in my remarks. Of course, it is not possible to compile with accuracy the world's product of wheat, as the data from various countries are very incomplete, and hence this statement is an estimate only. The following is the table.

Approximate statement of the world's wheat crop from 1885 to 1892, inclusive.

Countries.	1885.	1886.	1887.	1888.	1889.	1890.	1891.	1892.
	Bushels.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
United States	357,112,000	457,218,000	456,329,000	415,868,000	490,560,000	399,262,000	611,780,000	515,949,000
Ontario	31,572,931	28,450,322	20,706,452	29,923,709	19,288,983	22,643,193	33,611,974	29,690,129
Manitoba	7,209,479	6,922,723	12,741,050	7,220,640	7,428,511	15,128,034	23,922,596	14,909,420
Argentina and Chile	*25,600,000	*28,800,625	*28,000,000	*28,375,000	*24,118,750	*60,271,043	*47,256,500	*47,549,418
Austria	48,281,992	44,644,090	52,351,733	51,843,452	38,376,705	44,059,962	41,679,589	847,123,526
Hungary	113,805,460	102,846,419	145,906,514	135,859,786	92,520,530	148,017,904	126,268,750	138,222,680
Belgium	18,516,935	18,219,412	19,887,110	15,298,980	19,339,038	19,409,505	14,187,500	20,748,262
Denmark	5,533,355	5,201,640	6,024,672	3,805,465	4,977,875	4,062,599	4,666,445	*4,538,683
France	311,733,033	304,427,095	319,094,204	280,176,816	307,357,350	331,748,810	219,241,787	310,037,795
Germany	95,505,881	97,973,269	104,013,175	92,991,571	87,170,362	104,020,781	85,750,011	*100,057,440
Great Britain & Ireland	82,071,332	65,285,353	78,567,586	76,799,271	78,149,522	78,305,016	77,016,151	62,021,756
Greece	*4,965,625	*4,937,250	*5,000,000	*4,823,750	*5,000,000	*5,675,000	*5,675,000	*3,972,500
Italy	117,027,013	119,793,575	126,223,350	110,095,000	108,934,463	131,433,000	141,455,050	†115,676,431
Netherlands	6,325,545	5,194,762	6,889,532	5,243,700	6,473,217	*6,189,120	*3,713,472	*5,673,000
Portugal	*7,661,250	*8,228,750	*6,000,000	*7,093,750	*8,512,500	*8,252,160	*8,252,160	*8,100,625
Roumania	*22,629,063	*22,629,063	*24,000,000	*31,075,000	*44,794,883	53,607,638	45,672,284	*59,625,160
Russia	178,634,400	163,455,273	278,697,917	313,935,995	197,883,931	213,031,826	169,108,708	241,578,234
Poland	†14,110,000	‡13,100,000	‡15,600,000	14,369,446	10,052,537	12,629,698	12,680,920	24,440,446
Servia	*4,681,875	*4,525,813	*5,000,000	*4,540,000	*5,000,000	*10,315,200	*7,945,000	*4,951,296
Spain	*113,500,000	*131,660,000	*95,000,000	*101,156,875	75,622,213	*70,143,360	71,349,684	*73,285,520
Sweden	3,974,773	3,867,487	4,370,485	3,853,736	3,809,037	4,048,962	†4,551,350	†4,550,863
Norway	‡280,000	‡280,000	*220,000	*312,125	*283,750	226,602	*412,608	*412,608
Switzerland	*2,057,188	*1,645,750	*2,000,000	*1,702,500	*2,270,000	*2,475,648	4,041,766	*3,300,864
Turkey in Europe	*45,400,000	*41,143,750	*42,000,000	*42,562,500	*39,725,000	*37,134,720	*23,608,640	*24,756,480
India	299,155,584	258,317,622	238,585,947	266,982,112	237,522,133	228,592,000	255,434,667	293,168,000
Asia Minor	*43,200,938	‡37,000,000	‡37,000,000	*38,366,250	*36,887,500	*37,134,720	*37,029,375	*37,134,720
Persia	*26,743,438	‡22,000,000	‡22,000,000	*22,700,000	*22,500,000	*22,695,440	*20,620,400	*18,567,360
Syria	*16,457,500	‡14,000,000	‡14,000,000	*14,187,500	*12,768,750	*12,378,240	*12,343,125	*12,378,240
Japan	12,362,906	16,153,383	15,571,400	15,839,821	16,491,845	12,567,996	18,131,295	*13,857,802
Algeria	*22,700,000	*32,915,000	21,215,718	*19,862,500	*22,500,000	*22,693,443	*21,281,250	19,298,797
Cape Colony	‡3,600,000	*3,666,022	3,692,555	3,932,090	3,776,137	2,045,616	2,748,749	2,813,460
Egypt	*14,187,500	*16,457,500	*13,700,000	*14,187,500	*7,945,000	*8,252,160	*11,146,416	*8,252,160
Australasia	38,412,447	§32,681,648	§45,932,961	§35,733,671	§35,996,836	43,861,853	33,874,000	37,696,221
Total	2,093,859,443	2,113,950,536	2,266,331,368	2,221,519,911	2,075,027,329	2,172,372,246	2,205,251,320	2,217,764,701

*Unofficial.
†Preliminary.
‡Estimated.
§No official figures for South Australia were published for 1886, 1887, 1888, or 1889, and the figures for that colony incorporated in the totals for Australasia for three years were consequently unofficial.

By this table it is shown that there has been a very equal production of wheat each year. The greatest yield of wheat in any one of those years was in 1887, and yet in that period wheat fell far below the price of that year.

HAVE IMPROVED PROCESSES CAUSED THE FALL IN PRICES?

The theory that the introduction of improved machinery and the lowering of transportation charges accounts for the decline in the price of commodities is erroneous. The price of a commodity is not determined by its cost; it is determined by the operation of the principle of supply and demand. If the price of a commodity were determined by its cost, it would never sell for less than cost, no matter how much the market in that line was glutted, and it would never sell for any considerable profit, no matter what scarcity existed in that product. The only influence that the cheapening of the cost of production and transportation has is to make the profit of the farmer greater instead of less, and the very desire to make more profits stimulates production, and thus increases the supply, and in that way only affects prices. These influences of cheapening the cost of production ought to operate to the advantage of the farmer instead of his loss. Yet everyone knows that the farming interests of this country are in a most deplorable condition, and that no adequate return can be made upon a farm investment. But even if there was some truth in the assertion that improved machinery and lower transportation charges has cheapened the price of farm products, it must be remembered that farm products, like everything else, are measured in gold and their price fixed in gold.

There can be no doubt that there have been in the past twenty years improved processes in the treatment of gold ores, in the hoisting apparatus used in mining, in the use of electricity in drilling, mining, and igniting explosives, and in the character of high explosives for blasting, which have lowered the cost of the production of that metal far more than the improved processes in farming have lowered the prices of farm products. As a matter of fact,

the great era of labor-saving machines in farming was from 1850 to 1873, and during all of that time there was a general rise in farm products. People unfamiliar with mining may think that transportation charges constitute a very small per cent of the value of the ores, and hence would affect the general cost of marketing very little; but they are mistaken. The greatest yield and the most constant yield is from the mines that net a very small sum per ton over the cost of mining and shipping to the smelter. And freight charges often determine whether a mine can be worked at all. When we know that there are thousands of tons of ore from the Rocky Mountain regions smelted in Chicago and in Wales, one may realize that the haul is not a short one.

If the cheapening of the cost of raising products and of mining gold ores had been the same, and had controlled prices, the fall in each being the same, there should have been no fall at all when measured by each other. But the cheapening of the cost of raising and marketing farm products in the past twenty years having been less than the cheapening of the cost of mining and marketing gold ores, we are led to the inevitable conclusion that relatively there should have been a rise in farm products measured in gold, instead of a fall. We therefore conclude that this theory is erroneous, that it is the great principle of supply and demand, and not the cost of production, that controls the price of gold as well as that of farm products; that the great fall in the gold price of products is due to the fact that the demand for gold has so enormously increased; that having to bear all the burdens of primary money that both gold and silver bore, gold must have increased in value, and therefore decreased the price of every product measured by that metal.

IS LESS MONEY NEEDED NOW THAN FORMERLY?

It is contended by the single gold standard advocates, and it has been asserted on the floor of this House time and time again, that in the last few years banking facilities have become so perfect that very little money is needed to transact the commerce of the world compared to what was needed twenty years ago. At the first statement of the proposition it is apt to produce a strong impression because of the progress that has been made in the wealth and commerce of our nation. But I most emphatically deny the truth of that assertion. There is no better test of the amount of the business which is done by checks in one period over another than is found in the reports of the clearing house of such a city as New York, which had about the same number of banks twenty years ago as now. I have before me a tabulated statement of the clearings of the New York clearing house from 1869 to January 1, 1895, which I ask to have incorporated in my remarks.

It is shown by this tabulated list that the clearings for 1872 were far greater than for 1894; that those for the year 1873 were in excess of the clearings of 1893: The clearings for 1872 being $33,844,369,568, and the clearings for 1894 being $24,230,145,363; the clearings for 1873 being $35,461,052,826, and the clearings for 1893 being $34,421,380,870.

This list shows conclusively that, notwithstanding the enormous increase in the commerce and wealth of New York City, not as much of it is conducted by checks as in 1872 and 1873.

It is often asserted by the single gold standard advocates that the use of checks in the last few years has become so universal that now 95 per cent of the business of the United States is done by checks. That proposition also I most emphatically deny. This same statement of the clearings of the New York Clearing House shows that it takes 5 per cent in cash to pay the balances among banks, and it must be plain and clear to any one that if it takes 5 per cent in money to settle balances among institutions which are created for the purpose of saving cash transactions, how great must be the per cent of cash in the ordinary retail transactions in city and country. This same statement shows that it requires more money now to settle balances among the banks of New York City than it did twenty or twenty-five years ago; that in 1872 and 1873 it took 4.2 and 4.1 per cent in money, while in 1892 and 1893 it took 5.1 and 4.9 per cent in money to settle balances.

Twenty-five years ago the farmer ran his bill for all he needed at the general merchandise store and made his settlement once a year, and that settlement, often, if not generally, was in the products of his farm. Such a thing as a strictly cash house was almost unknown in those days. To-day there are vast numbers of strictly cash houses, and where credit is obtained the bills must be paid every thirty days. It seems to me that the fallacy of this claim should be settled forever by the admission of the Comptroller of the Currency, Mr. Eckels (who can not be said to favor the silver question in any particular), on page 381 of the Report of the Secretary of the Treasury for 1894. That statement shows that from returns made by national banks all over the United States, that 41.1 per cent of the deposits of retail commercial houses are in money. How much greater then must be the per cent of moneyed transactions with savings banks and among the people!

CAN A PARITY BETWEEN GOLD AND SILVER BE MAINTAINED?

It is claimed by the single gold standard people that there can be no parity maintained between the metals, because there is a variation in the amount of each produced. They seem to lose sight of the fact that, in addition to the question of production, there is an increased demand made for the cheaper metal by reason of the legal tender quality given to the money coined therefrom. The history of the production of gold and silver is directly contradictory to this contention. From the years 1800 to 1841 there was three times as much silver produced in the world as gold, and from the year 1850 to 1873 there was more than three times as much gold produced as silver, and yet during all that time, while the mints of France were open to the free and unlimited coinage of silver, the variation between the market price of both silver and gold did not exceed the difference between the coinage ratio of the various nations. The Paris price, where the mints were situated, was always at a parity. I hold in my hand a tabulated list of the commercial ratio of silver to gold from 1687 to 1892, taken from the Report of the Secretary of the Treasury for 1894, at page 288, which I ask to have incorporated in my remarks.

Commercial ratio of silver to gold for each year since 1687.

[NOTE.—From 1687 to 1832 the ratios are taken from the tables of Dr. A. Soetbeer; from 1833 to 1878 from Pixley and Abell's tables; and from 1878 to 1892 from daily cablegrams from London to the Bureau of the Mint.]

Year.	Ratio.	Year.	Ratio.	Year.	Ratio.	Year.	Ratio.	Year.	Ratio.
1687	14.94	1729	14.92	1771	14.66	1813	16.25	1854	15.33
1688	14.94	1730	14.81	1772	14.52	1814	15.04	1855	15.38
1689	15.02	1731	14.94	1773	14.62	1815	15.26	1856	15.38
1690	15.02	1732	15.09	1774	14.62	1816	15.28	1857	15.27
1691	14.98	1733	15.18	1775	14.72	1817	15.11	1858	15.38
1692	14.92	1734	15.39	1776	14.55	1818	15.35	1859	15.19
1693	14.83	1735	15.41	1777	14.54	1819	15.33	1860	15.29
1694	14.87	1736	15.18	1778	14.68	1820	15.62	1861	15.59
1695	15.02	1737	15.02	1779	14.80	1821	15.95	1862	15.55
1696	15.00	1738	14.91	1780	14.72	1822	15.80	1863	15.37
1697	15.20	1739	14.91	1781	14.78	1823	15.84	1864	15.37
1698	15.07	1740	14.94	1782	14.42	1824	15.82	1865	15.44
1699	14.94	1741	14.92	1783	14.48	1825	15.70	1866	15.43
1700	14.81	1742	14.85	1784	14.70	1826	15.76	1867	15.57
1701	15.07	1743	14.85	1785	14.92	1827	15.74	1868	15.59
1702	15.52	1744	14.87	1786	14.96	1828	15.78	1869	15.60
1703	15.17	1745	14.98	1787	14.92	1829	15.78	1870	15.57
1704	15.22	1746	15.13	1788	14.65	1830	15.82	1871	15.57
1705	15.11	1747	15.26	1789	14.75	1831	15.72	1872	15.63
1706	15.27	1748	15.11	1790	15.04	1832	15.73	1873	15.92
1707	15.44	1749	14.80	1791	15.05	1833	15.93	1874	16.17
1708	15.41	1750	14.55	1792	15.17	1834	15.73	1875	16.59
1709	15.31	1751	14.39	1793	15.00	1835	15.80	1876	17.88
1710	15.22	1752	14.54	1794	15.37	1836	15.72	1877	17.22
1711	15.29	1753	14.54	1795	15.55	1837	15.83	1878	17.94
1712	15.31	1754	14.48	1796	15.65	1838	15.85	1879	18.40
1713	15.24	1755	14.68	1797	15.41	1839	15.62	1880	18.05
1714	15.13	1756	14.94	1798	15.59	1840	15.62	1881	18.16
1715	15.11	1757	14.87	1799	15.74	1841	15.70	1882	18.19
1716	15.09	1758	14.85	1800	15.68	1842	15.87	1883	18.64
1717	15.13	1759	14.15	1801	15.46	1843	15.93	1884	18.57
1718	15.11	1760	14.14	1802	15.26	1844	15.85	1885	19.41
1719	15.09	1761	14.54	1803	15.41	1845	15.92	1886	20.78
1720	15.04	1762	15.27	1804	15.41	1846	15.90	1887	21.13
1721	15.05	1763	14.99	1805	15.79	1847	15.80	1888	21.99
1722	15.17	1764	14.70	1806	15.52	1848	15.85	1889	22.09
1723	15.20	1765	14.83	1807	15.43	1849	15.78	1890	19.75
1724	15.11	1766	14.89	1808	16.08	1850	15.70	1891	20.92
1725	15.11	1767	14.85	1809	15.96	1851	15.46	1892	23.72
1726	15.15	1768	14.80	1810	15.77	1852	15.59	1893	26.49
1727	15.24	1769	14.72	1811	15.53	1853	15.33	1894	32.50
1728	15.11	1770	14.62	1812	16.11				

By that tabulated list it is apparent that only in two years up to 1873 did silver fall below the ratio of 16 to 1, and then only by a very small fraction, and that was in the years 1812 and 1813, when European wars disturbed all commercial transactions, and the difference between the London price, where free coinage did not exist, and the Paris price, where free coinage did exist, must have been at its maximum. From the time that the nations of the world began to take away the principal demand for silver, by demonetizing it, silver began to decline in value as compared to gold. The fault in the argument of the single gold standard people is that although they apply the principle of supply and demand to every commodity, they will not apply it to gold and silver. They are continually claiming that silver should not be restored to its lawful place as a money of ultimate redemption, until its commercial value equals that of gold, when they are at the same time denying to silver the very use which creates the demand that gives to it that value.

You can not take away the unlimited demand for a metal that free coinage gives and expect it to retain its equality with a metal to which you give the right of free coinage. Much less can you expect that silver thus deprived of that demand can ever equal in commercial value gold to which you give the right of free coinage. It is the equal treatment of the metals as to coinage that can ever restore their parity.

WHY 16 TO 1?

Why should the coinage ratio between silver and gold be fixed at 16 to 1? Because that is the proportion, as near as can be ascertained, in which the metals are stored in the earth.

I wish to again refer to the table showing the total production of gold and silver from 1792 to 1894. The table shows that there was

produced in that period $6,001,070,200 of gold and $5,503,586,200 of silver (coinage value). That means that for the period of more than a century, ending with the year 1894, there was almost exactly sixteen times as many ounces of silver produced as of gold. There can be no doubt that if equal mintage rights and equal treatment of silver were restored to the world, the safe ratio would be the approximate ratio in which the metals are found in the earth.

INTERNATIONAL BIMETALLISM.

Every advocate of the free coinage of silver by this nation alone would like for bimetallism to be established through international agreement. But the difficulty of the situation is, that there is no hope for such an agreement. As long as it is to the interest of England and other creditor nations to have their foreign bonds and other securities appreciate in purchasing power, and to have the commodities they are compelled to buy from other countries depreciate in price, so long can we never hope for an international agreement. It would be expecting that human nature in the wealthy, who surround, support, and control the thrones, would not be guided by self-interest. The nations have been holding international monetary conferences ever since 1878, and yet the proceedings of the last conference show more determination on the part of England and other creditor nations not to return to bimetallism than ever before. In that conference there was not even asked for a vote on the question whether it was the sense of the conference that there should be international bimetallism. How long, oh, how long will suffering humanity have to wait for relief from such nations? Silver was demonetized without international agreement and it will be restored without such an agreement.

Statement showing by comparison the transactions of the New York clearing house for twenty-six years, and for each year, the number of banks, aggregate capital, clearings, balances, average of the daily clearings and balances, and the percentage of balances to clearings.

Year.	Number of banks.	Capital.*	Clearings.	Balances paid in money.	Average daily clearings.	Average daily balances paid in money.	Balances to clearings.
							Per cent.
1869	59	$82,720,200	$37,407,028,987	$1,120,318,308	$121,451,393	$3,637,397	3
1870	61	83,620,200	27,804,539,406	1,036,484,822	90,274,479	3,365,210	3.7
1871	62	84,420,200	29,300,986,682	1,209,721,029	95,133,074	3,927,666	4.1
1872	61	84,420,200	33,844,369,568	1,428,582,707	109,884,317	4,636,632	4.2
1873	59	83,370,200	35,461,052,826	1,474,508,025	115,885,794	4,818,654	4.1
1874	59	81,635,200	22,855,927,636	1,286,753,176	74,692,574	4,205,076	5.7
1875	59	80,435,200	25,061,237,902	1,408,008,777	81,890,470	4,600,297	5.6
1876	59	81,731,200	21,597,274,247	1,255,942,029	70,349,428	4,218,378	5.9
1877	58	71,085,200	23,289,243,701	1,373,996,302	76,358,176	4,504,906	5.9
1878	57	63,611,500	22,508,438,442	1,307,843,857	73,555,988	4,274,000	5.8
1879	59	60,800,200	25,178,770,691	1,400,111,063	82,015,540	4,560,622	5.6
1880	57	60,475,200	37,182,128,621	1,516,538,631	121,510,224	4,956,009	4.1
1881	60	61,162,700	48,565,818,212	1,776,018,162	159,272,191	5,823,010	3.5
1882	61	60,962,700	46,552,846,161	1,595,000,245	151,637,935	5,195,440	3.4
1883	63	61,162,700	40,293,165,258	1,568,983,196	132,543,307	5,161,129	3.9
1884	61	60,412,700	34,092,037,338	1,524,930,994	111,048,982	4,967,202	4.5
1885	64	58,612,700	25,250,791,440	1,295,355,252	82,769,480	4,247,069	5.1
1886	63	59,312,700	33,374,682,216	1,519,565,385	109,067,589	4,965,900	4.5
1887	64	60,862,700	34,872,848,786	1,569,626,325	114,337,209	5,146,316	4.5
1888	63	60,762,700	30,863,686,609	1,570,198,528	101,192,415	5,148,192	5.1
1889	63	60,762,700	34,796,465,529	1,757,637,473	114,839,820	5,809,784	5
1890	64	60,812,700	37,660,686,572	1,753,040,145	123,074,139	5,728,889	4.7
1891	63	60,772,700	34,053,698,770	1,584,635,500	111,651,471	5,195,526	4.6
1892	64	60,422,700	36,279,905,236	1,861,500,575	118,561,782	6,083,335	5.1
1893	64	60,922,700	34,421,380,870	1,696,207,176	113,978,082	5,616,580	4.9
1894	65	61,622,700	24,230,145,368	1,585,241,634	79,704,426	5,214,611	6.5

* The capital is for various dates, the amounts at a uniform date in each year not being obtainable.

CAN THE UNITED STATES MAINTAIN THE PARITY OF THE METALS?

Can the United States alone undertake the free and unlimited coinage of silver and maintain that metal on a parity with gold at the ratio of 16 to 1?

It is conceded by those who believe in international bimetallism that if the United States can make a greater demand upon silver than there is silver in the world available for coinage, that such demand would establish the parity of the metals, and that the parity would be maintained if the demand thereafter kept pace with the production.

The question, then, must be determined by the greatness of the demand which the United States can make for that metal.

Mr. Mulhall, an eminent English statistician, in an article in the North American Review last June states that the effective force of the United States is equal to that of Great Britain, France, and Germany combined.

Professor Francois, a French economist, has recently estimated that the United States contains one-fourth of the wealth of the entire world.

Such wealth and power backing the legal tender quality given to silver is bound, under free coinage, to create an almost unlimited demand for that metal. But let us analyze this demand.

It is estimated by the Secretary of the Treasury that there is in the United States $636,256,023 of gold stock. The gentleman from Maine [Mr. DINGLEY] stated this afternoon that if free coinage was established and gold went to a premium of 1 per cent that all the gold would leave the country or go out of circulation. Let us assume, for the sake of the argument, that his statement is true. What would follow?

There would be created by that withdrawal of gold an instantaneous demand for silver to take its place. Where would the silver come from to supply that demand?

First. We know that outside of the United States Treasury there is no large quantity of silver available for coinage anywhere in the world. If as much as $25,000,000 of silver bullion were stored any place the public would know it. So it is clear that hardly any part of the demand could be supplied from bullion in existence.

Second. We know that the silver to supply such a demand could not come from the arts, because the workmanship spent on silver articles makes those articles worth more than the coinage value of silver.

Third. We know that the silver coins of Europe would not come to this country for coinage because they are in circulation in Europe on a gold valuation at a lower ratio than ours. The ratio in Europe is 15½ to 1, which makes an ounce of silver worth $1.33 (coinage value); whereas the ratio in this country is 16 to 1, which makes an ounce of silver worth $1.29 (coinage value). It cost the Europeans $1.33 to get an ounce of silver coins, because they maintain the parity of silver coins as we do; then why would any holder of European silver coins, which costs him at the rate of $1.33 an ounce, have them minted into American coins that are worth only $1.29 an ounce? He would not. Therefore the European coins, which constitute the great mass of silver coins in the world, would not be sent to America for coinage.

Fourth. The only countries from which any silver coins might come are from those that are upon a silver basis, namely, Mexico, India, Japan, China, and a few insignificant countries. The stock of silver in all these countries constitutes practically all their circulating medium. It amounts to only $4.38 per capita in Mexico, $2.01 in Japan, $3.31 in India, and $1.80 per capita in China. Can these countries spare any of their coins, especially in view of the great manufacturing development that they are now enjoying? If so, must it not be limited to only a few million dollars? Can anyone with reason maintain that as much as $636,256,023 in silver coins would be shipped from those countries to our mints? It must be borne in mind that if they bring their silver here for coinage they must use it here. It will not circulate in their country any more than a foreign coin will circulate here. In order to use it they will have to buy something with it, and if they purchase our goods or products it is so much to our advantage. All these facts are serious obstacles in the way of anyone sending foreign silver to this country for coinage. I conclude, therefore, that it is hardly in the range of possibility that $636,256,023 in silver would be shipped from foreign countries to our mints for coinage; that therefore there is not a sufficient available supply of silver in the world to meet the demand of the United States for that amount.

But that is not the only demand which the United States can make on silver. There are $346,000,000 of United States notes called greenbacks, and there are $137,000,000 of United States Treasury notes issued under the Sherman Act. The only reason they are kept in existence is on account of there not being sufficient primary money to take their place. The Secretary of the Treasury wants the Government to get out of what he terms the "banking business." The United States could, therefore, make a legitimate demand upon silver for silver certificates for both of these sums, aggregating $483,000,000. Can there be any doubt now that the demand upon silver for $636,256,023 and $483,000,000 would be more than doubly

the possible shipments of silver from foreign countries to our mints. Remember that when there is a demand for silver at 16 to 1 which is unsatisfied that it is bound to establish the value of the metals at that ratio.

But these are not the only demands which the United States can make on silver. There are $212,000,000 of national-bank notes in circulation. There is no excuse for the existence of any of this credit money, except that there is a deficiency in primary money. A legitimate demand upon silver for certificates to take the place of these notes can fairly be made. Thus we have a demand for $1,331,256,023 of silver, which the United States can create without increasing the circulating medium of the nation one dollar. That demand represents an amount which is more than the mines of the world can produce, less the quantity that goes into the arts, in thirteen years.

With such an enormous demand on the limited silver bullion of the world, it could not help but establish and maintain the parity between the metals.

But these are not all the demands that could be made upon silver in this country. There are over $20,000,000,000 indebtedness in this nation, more than one-half of which are obligations payable in lawful money of the United States. The minute that silver would get to a discount of even 1 per cent that minute there would be created a demand by those debtors for that money with which to discharge their obligations, and that very demand would increase the value of silver until it reached a parity with gold. It has been asserted upon the floor of this House that there are credit transactions in the shape of short-time notes, thirty-day credits, and checks that amount each year in this country to $150,000,000,000. All of those transactions are in lawful money and they constitute an exceedingly large demand for the money that circulates.

With all these demands that can be made upon silver for coin or certificates, first, by the greatest and most powerful Government on earth, second, by the people in the payment of the greatest number of obligations of any nation, and third, by the greatest commerce that the history of the world has ever known, it seems that the parity between the metals could be established with as much certainty as it is possible to foretell any future event.

It must be remembered that the commercial value of the two metals would become approximately equal if half the nations in commercial importance had the gold standard and half the silver standard. It can therefore be readily understood what great influence in establishing the commercial equality of the metals a powerful nation would have in withdrawing its demand on gold and making its demand on silver.

When the parity is once established a bimetallic tie acts as an automatic regulator. When one of the metals becomes more valuable the demand is shifted from it onto the cheaper metal and that demand restores the parity.

We have had an experience that ought to teach us the power of this Government in financial matters. The Senate of the United States in 1890 passed a free-coinage bill. It was thought that the House of Representatives was a free-coinage body. Silver rose, in anticipation of that legislation, until it reached $1.21¼ an ounce (within eight points of par), not only in the United States, but in the London markets and throughout the entire world. If silver rose to such a height in anticipation of such legislation, notwithstanding the hazards of final enactment and Executive approval, can there be any doubt that it would have risen to $1.29 per ounce under the legitimate demand that the actual operation of the law would create?

The free coinage of silver in this country, when once established, would be bound to succeed, because it would then be to the interest of the capitalist to make it succeed. It would then become his interest to make the silver money just as dear as he now desires the gold money to be. It is the history of all depreciated currencies that no class has been so active in bringing them to par as the creditor class. We therefore conclude that the demand which the United States can make upon silver is almost unlimited, and that by the exercise of that demand silver can be restored as an equal primary money to gold.

The question of the free coinage of silver is, in my judgment, the most momentous question of the present age. The terrible effects of the increasing gold measure has fallen with crushing force upon all the people of our nation except the creditor class. Business, in the past twenty years, has been compelled to operate on falling markets, which in the long run means ruin and disaster. It is no wonder that Mr. John G. Carlisle, in the House of Representatives, in 1878, said in relation to the destruction by legislation of silver money that "The consummation of such a scheme would ultimately entail more misery upon the human race than all the wars, pestilence, and famine that ever occurred in the history of the world." The remonetization of silver will do more than any other legislation that has ever been suggested to alleviate the sufferings of mankind, to give employment to the laborer, to permit business to be operated upon stable markets, to allow the tiller of the soil to get some little return for his work, and to produce an era of prosperity unequaled in the history of the world.

Coin Redemption Fund.

SPEECH

OF

HON. JAMES C. McDEARMON,

OF TENNESSEE.

Saturday, February 8, 1896.

IN THE HOUSE OF REPRESENTATIVES,

The House having under consideration the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue—

Mr. McDEARMON said:

Mr. SPEAKER: We are confronted with a very important, grave, and serious duty. An emergency exists which has attracted the attention of every patriotic citizen of the United States, and when this Congress assembled with its overwhelming Republican majority, charged with the conduct of affairs of this great Government, it was officially notified, and in tones almost approaching the pathetic, it was appealed to by the President of the United States and his Secretary of the Treasury to relieve the Treasury from the peculiar and perilous position to which it had been brought. It was well known to every citizen of this country that Mr. Carlisle, in the attempt to execute laws which the Republican party had placed upon the statute books, and in the attempt faithfully to follow in the footsteps of his Republican predecessors, had brought the Treasury of the United States to a grotesque and ridiculous condition; that it was practically held up and looted by a few European and American bankers, and that this humiliating spectacle called the "endless-chain process" was continuing; that it had depleted the Treasury of the United States time and time again, and that the startling condition existed of the necessity of issuing United States bonds in a time of profound peace.

The attention of this Congress was called to the fact that more than a quarter of a billion dollars of thirty-year 4 and 5 per cent bonds had been and would in the near future be issued. The Secretary of the Treasury called attention to the fact that in the redemption of greenbacks and Treasury notes he had followed the policy of Mr. Sherman and others of his predecessors, and had surrendered to the holders of those notes the option which the law had placed in his hands, of redeeming them either in gold or silver, and was paying them in gold alone, and that these dishonest and unpatriotic bankers and speculators had taken advantage of that policy and had exhausted the gold reserve again and again; that $162,000,000 of bonds had already been issued, and that another $100,000,000 was ready to be issued, and that this process was still going on.

The President of the United States placed upon the Republican majority of this House the responsibility of relieving the Treasury of that condition. This boastful party, which had been charging and pretending to believe that the Democratic party did not possess enough patriotism, intelligence, or statesmanship to conduct the affairs of this Government upon its return to power and responsibility in this House, is met face to face by this plain and imperative duty.

By some incomprehensible providence the people of the United States trusted the Republican party and placed in their hands again the power to run the affairs of this Government, so far as this House is concerned. Now, this distressing and alarming condition of affairs stares the Republican majority squarely in the face. The Secretary of the Treasury asks Congress to change existing laws, which he contends make it imperative upon him to pursue the course which has resulted so disastrously.

That responsibility and that duty can be performed. There are two ways by which the issuance of bonds can be stopped. The Secretary of the Treasury points out one, and that is to authorize him to retire the greenbacks and Treasury notes; that is when they are once paid to cancel and destroy them. He points out the fact that $407,000,000 have already been redeemed, but that they have under the law been reissued, and that the volume of notes has not been diminished, but that every solitary dollar of the $500,000,000 is outstanding to menace and threaten and jeopardize the affairs of this Government.

Now, Mr. Speaker, the Republican party can take the advice of Mr. Carlisle and can pass a bill repealing the act of 1878, which requires these notes to be reissued when paid. They can by law provide for their cancellation and redemption when they reach the vaults of the Treasury.

I do not, of course, mean to intimate that I think this the proper remedy, or that I would vote for such a bill, but I desire to call attention to the proposition urged by the President and the Secretary of the Treasury.

And if they possessed a fraction of the wisdom and statesmanship of which they boast, they could devise a plan for the issuance of some safe and good currency to take the place of these retired notes, so as not to contract the volume of currency; but they saw proper not to adopt the recommendation of the Secretary of the Treasury. There is another way to stop the issuance of bonds, and that is by statute to take away from the Secretary of the Treasury the power to surrender the option of redeeming these notes in gold or silver, and to compel him to redeem them in silver as well as in gold, which in my humble opinion is the true remedy. Now, when this Congress met I confess that I came here impressed with the idea that perhaps there was some truth in the statement that there were patriotism, statesmanship, and courage among the leaders of the Republican party.

I expected that perhaps they would rise above partisanship and would address themselves to this plain and simple duty of relieving the Treasury of the United States, and that we would hear no more of issuing bonds in time of peace. And if you will excuse me for referring to it, impressed with that idea, I had the honor, on the 10th day of December, soon after this Congress met, to introduce a bill which, in my judgment, would relieve the Treasury of the United States and would not contract the currency one single cent. That bill simply provides that the tons of silver, piled up like pig iron in the vaults of the Treasury, purchased under the Sherman Act, which cost the Government $155,000,000, for which Treasury notes were issued, and in the purchase of which we made a profit of between $40,000,000 and $50,000,000, shall be coined into silver dollars; and that silver certificates shall be issued upon the coined silver, and upon the silver bullion to the extent of the Treasury notes issued in payment for the silver bullion, and of the seigniorage or profit realized by the Government in the purchases under the Sherman Act; and that Treasury notes and United States notes in an amount equal to the coinage value of all the silver bullion on hand, including the seigniorage, shall be canceled and retired from circulation, thus reducing the volume of the notes outstanding, which are presented for redemption and under the pernicious policy of the Administration paid out of the gold reserve, from about $500,000,000 to about $390,000,000; and the currency will not be contracted at all, for the silver now lying idle in the Treasury would be converted into coin and coin certificates and would take the place of the canceled notes.

I introduced this bill, not as an expression of what I preferred, nor what I would suggest as the proper remedy, but simply as an improvement upon present conditions, and a measure which I thought might possibly be passed by this Congress, so overwhelmingly Republican in its politics.

The gentleman from Maine [Mr. DINGLEY] the other day ridiculed the idea of issuing silver certificates upon bullion, and said such certificates would express a lie, as silver certificates in form certify that "there have been deposited in the Treasury of the United States" so many silver dollars.

Mr. Speaker, gold certificates are now issued upon gold bullion; and if a gold certificate can be issued on gold bullion in the Treasury, I do not see any reason why a silver certificate should not be issued on silver bullion. But I say that that bill, or some bill like it, authorizing and requiring the Secretary to coin the silver bullion, and to issue silver certificates against the seigniorage, at least, as provided for in this bill which the Senate adopted as a substitute and sent back here, would convert in a few hours the seigniorage of $40,000,000 or $50,000,000, a sum which our Republican friends insist the Treasury needs, into available assets. The Republicans of this House say that the Secretary of the Treasury needs more greenbacks, Treasury notes, and silver certificates; and therefore they proceed to levy a tax upon the American people—upon their wearing apparel and other necessities of life—to the amount of $40,000,000 or $50,000,000, when the Secretary of the Treasury thrusts in their faces the fact that he does not need the money, and that he has now a surplus of over $120,000,000 in the Treasury, outside of the gold in the Treasury reserved for redemption of United States and Treasury notes. But suppose they are right. Suppose the Treasury does need the money. Then, I say, you have an asset of $40,000,000 or $50,000,000 lying in the Treasury, not represented by anything, in the way of seigniorage, which can be converted into an asset as quickly as the certificates can be issued.

But, Mr. Speaker, the Republican majority have not addressed themselves to the solution of this perilous problem. They have ignominiously retreated from the duty that lay in their path, and I believe that the American people will not hold them guiltless for this cowardice in shrinking from the performance of a duty. But this discussion will do good. It came like a firebell at midnight. This substitute providing for the coinage of silver came from the Senate when this House by parliamentary skill had steered, as they thought, between Scylla and Charybdis and thought there would be no silver discussion in this House, that we would not hear anything of free coinage of silver at 16 to 1 during this session of Congress.

The Senate, in my judgment, has voiced a sentiment that is in the hearts of more than 60,000,000 of Americans in this country. They have stricken out the proposition to authorize the Secretary of the Treasury to go on with the issuance of bonds ad infinitum, and as a substitute propose that our mints be opened to the coinage of silver and gold.

The bill passed by this House was no response to the appeal made to it by the President and Secretary of the Treasury. They beseech Congress to "relieve the Treasury and remove the cause of its distress by legislation which will stop the redemption of United States notes and Treasury notes in gold and will prevent the issuance of bonds."

The Republican majority by its action refuses to consider the grave problem, and in substance indorses and ratifies the policy of the Administration in paying out gold in redemption of greenbacks and Treasury notes and the issuance of bonds to keep up the gold reserve, contenting themselves with the reduction of the rate of interest which the bonds shall draw. And this is a fraud and a false pretense. There is no difference between a 4 per cent bond sold on a 3 per cent basis and a straight 3 per cent bond.

Mr. SPALDING. But the bonds did not bring 3 per cent.

Mr. McDEARMON. They brought somewhere about that.

Mr. SPALDING. They brought 3½ per cent.

Mr. McDEARMON. But this bill authorizes the issuance of 3 per cent bonds. Now, I say: What is the difference between issuing even a 6 per cent bond and selling it on a 3 per cent basis and issuing a straight 3 per cent bond? There is none. I say that the Republican party dodges the responsibility and refuses to consider this great problem. They deliberately ratify and confirm the policy pursued by Mr. Carlisle of borrowing gold to keep up the reserve fund, and of paying out gold in redemption of greenbacks and Treasury notes. By the two bills which were hurried through the House posthaste, without discussion and without due consideration, our Republican friends have voted for "high taxes and more bonds."

Mr. Speaker, the American people will not approve of Mr. Carlisle's policy of issuing bonds. I believe they think that he ought to go back and resume the power that the law armed him with and pay these notes in silver as well as in gold.

The newspapers say that when Daniel Manning was Secretary of the Treasury a raid was threatened upon the gold reserve by presenting greenbacks and demanding their redemption in gold, for the manifest purpose of harassing the Treasury, and of compelling the Government to issue bonds for the purchase of gold, as is now being done; and that Mr. Manning called a meeting of bankers in New York and notified them that he would not submit to their villainous game, but would, if they attempted it, exercise the discretion given him by law and would pay the greenbacks in silver or gold as it suited the convenience of the Treasury. And I believe, Mr. Speaker, that any Secretary of the Treasury whose heart beats in unison with the interests of the great mass of the common people of this country would pursue the same policy, and would not be "held up" by these men who are raiding the Treasury like freebooters, and would not be compelled by them to put additional burdens upon the American people, already so heavily laden.

Mr. HILL. You do not honestly believe, do you, that the Republican party will be held responsible for the actions of a Democratic Administration?

Mr. McDEARMON. I believe that you will be held responsible, gentlemen, for your actions in this House, and for this bill, by which you propose to indorse the policy of the Secretary of the Treasury in issuing bonds. He tells you that he has been issuing bonds, that the portentous amount of $162,000,000 has been already issued, making, with the other hundred millions about to be issued, more than a quarter of a billion of dollars, which, with the interest to be paid, will amount to more than one-quarter of the cost of the great war between the States. The gentleman from Missouri [Mr. HALL] stated here on Saturday, on the authority of a prominent official of the Treasury Department, that in all probability the bond issues would reach one thousand million dollars. And why not? Why will not the same causes and the same influences which have emptied the Treasury during the past few months empty it again? What is to stop it, and where is the process to end? I charge upon the Republicans that they have, in a spirit of cowardice, ignominiously fled from the consideration and performance of a plain and solemn duty.

Mr. FOWLER. Has the gentleman from Tennessee ever been connected with any financial institution in any way?

Mr. McDEARMON. I never have.

Mr. FOWLER. If you were trying to find out what you were worth you would try to ascertain what you could get for your property, would you not?

Mr. McDEARMON. I think I would.

Mr. FOWLER. Then, if the United States wanted to find out what that silver was worth, on which you say they made a profit of forty millions, they would better go into the market and find out, and they would then discover that they had lost $75,000,000, would they not?

Mr. McDERMON. Well, sir, I will agree to take all the silver dollars that the mint will coin out of that bullion at 99.9 cents on the dollar. I say that every dollar that they might coin out of that bullion would pass current, side by side with the present silver dollar and with the gold dollar, and would serve to pay debts, both public and private, and would be a blessing and a benediction to the distressed people of this country. But I did not intend to devote so much of my time to such a small matter as the Republican majority in this House. [Laughter.]

I believe that the Senate did right, and, if we are correctly informed as to their action, I will add that I think they have done right with that other measure, that twin measure, the misbegotten companion bill to this one, the proposition to heap additional tariff burdens on the shoulders of the overtaxed people of this country. That bill was passed in face of the fact that there now rests in the Treasury vaults a surplus of $120,000,000 in greenbacks, Treasury notes, and silver certificates, $120,000,000 over and above the gold held for redemption purposes. The Secretary of the Treasury says—and he speaks upon the authority of experts in the Department, many of whom were appointed by Republican Administrations and have become so expert and efficient by long service that they are, in a sense, indispensable to the conduct of the public business—the Secretary of the Treasury, speaking on the authority of those experts, says that the Wilson-Gorman tariff bill is a success; that in 1897 there will be, according to the estimates of the best authorities, a surplus of nearly $7,000,000, and that therefore this additional revenue is not needed.

The reports of the Secretary of the Treasury show that for the fiscal year ended June 30, 1893, the receipts were $461,716,561.94, and the expenditures $383,477,954.49, showing a surplus of $78,239,607.45; and for the fiscal year ended June 30, 1894, the receipts were $372,802,498.29 (net decrease, $88,914,063.65), and the expenditures $442,605,758.87 (net deficit, $69,803,260.58); and for the fiscal year ended June 30, 1895, the receipts were $390,373,203.30, and the expenditures $433,178,426.48 (deficit, $42,805,223.18).

Net increase in receipts over 1894	$17,570,705.01
Net decrease of ordinary expenditures	11,329,981.54

Fiscal year ending June 30, 1896:	
Estimated receipts	431,907,407.00
Estimated expenditures	448,907,407.00
Deficit	17,000,000.00
Fiscal year ending June 30, 1897:	
Estimated receipts	464,793,120.75
Estimated expenditures	457,884,193.92
Estimated surplus	6,908,926.83

The Secretary in his report for 1895, pages 53 and 54, says:

The cash balance in the Treasury on the 1st day of December, 1895, was $177,406,386.62, being $98,072,420.30 in excess of the actual gold reserve on that day and $77,406,386.62 in excess of any sum that it would be necessary to use in replenishing that fund in case the Secretary should at any time be able to exchange currency for gold. There is, therefore, no reason to doubt the ability of the Government to discharge all its current obligations during the present fiscal year and have a cash balance at its close without imposing additional taxation in any form upon the people.

The Secretary of the Treasury says and reiterates to this Congress that he does not need any more money. He says in plain terms that no additional taxes upon the American people are necessary or justifiable under the circumstances. Therefore I believe the Senate has done right in taking a pen and striking out every word and every letter of both these bills. It seems, perhaps, a little ridiculous for them to continue to pass free-coinage bills, but I suppose they are actuated by the same spirit that inspired the old Roman Senator, the elder Cato, whose great soul was impressed with the idea that Rome could not exist as long as Carthage prospered, and who closed every public address that he made with the significant words "Delenda est Carthago." And, Mr. Speaker, if the Senate would rise to the importance and the dignity of this great question, and would strike out even every appropriation bill that this House sends to it, and would put in its place a free-coinage-of-silver bill, I think their action would be approved by a large majority of the American people. This brings me to the discussion of the substitute adopted by the Senate.

The problem which we are considering can not be figured out by mathematical rules, nor can it be solved by illustrations on blackboards or charts. The man who delves and gropes in the labyrinths of any exact science, seeking a definite and mathematical demonstration of this stupendous question, will, if he is honest with himself in such research, be sadly disappointed.

Politics is not an exact science, but is, if I may be pardoned for the expression, the science of practical common sense, and rises above any science which has been or can be reduced to precise and arbitrary rules and inexorable laws. In considering and investigating great questions of state and political economy, we must lift our minds above the minute details of pure theory and philosophical exactness, which are necessary in investigating any single branch of human knowledge.

In great questions like these we must go "from headland to headland," and not stop to explore and survey the valleys and hillocks—the nooks and corners that intervene.

Life is too short. If, as the poet has so graphically said—

Could a man be secure
That his days would endure
For a thousand long years as of old;
What deeds could he do,
What things could he know,
And that without worry or care.

But, Mr. Speaker, our life is but a span, and whatever we do, we must do quickly. This subject has been, perhaps, more universally studied and discussed than any which has engaged the thoughts of mankind for the last twenty-two years. About the year 1873 something happened which violently disturbed the financial and commercial affairs of the human race.

A rude and sudden shock was felt which jarred the financial world from center to circumference and sent a paralyzing tremor throughout the civilized world, and extended ultimately to the remotest habitations of man. Disturbances and interruptions of commercial activities are not uncommon. The pages of history are replete with accounts of such phenomena that have occurred before, and we are familiar with those which have taken place since that of 1873. They were natural results of apparent and well-understood causes; such as war, famine, pestilence, overspeculation, and the like.

Intelligent observers and thinkers could easily point out the causes and suggest the manifest remedies for all the financial evils, panics, and disturbances that ever convulsed the financial or commercial world prior to or since that of 1873. All previous troubles were of short duration, and the world soon recovered from their effects and gained wisdom from the sad experience which they afforded. But, Mr. Speaker, the phenomenal evil which befell the world in 1873 has no counterpart in history or tradition. It came at a time when the world was at peace. It fell upon the masses of mankind like a poisonous vapor. Its deadly effects were felt ere its hateful presence was realized. No avant-coureur heralded its approach. It came like the thief in the night.

I do not deny, Mr. Speaker, that there was discussion of the subject long before the complete demonetization of silver was effected, both in Europe and America. It is also true that the great transaction was accomplished by degrees. Step by step was taken through a series of years. The international conference of 1867, held in Paris, on the occasion of the Universal Exposition, recommended the establishment of the gold standard, and successive steps toward that end were taken. One prop after another which supported the double standard and unity of gold and silver as money metals were removed. But the superstructure did not tremble or totter until the great support of the United States of America was taken away. Up to the very day that the act of 1873 went into effect the coinage and commercial value of silver remained at an exact parity with gold. But in less than ten days thereafter, for the first time in all the world's history, gold and silver parted company.

By an act of Congress in 1873 silver was dethroned as a joint standard and a joint measure of values and was placed upon the auction block. It was for the first time made a commodity; an object of barter and sale. Before that it was a measure; in other words, silver was money, in a sense, whether coined or uncoined. The image and superscriptions upon coins are mere certificates that so much coin has been tested as to its purity and weighed by authority of a government.

By law the main ingredient or constituent element of value which silver possessed was destroyed. The principal use to which the metal had been devoted was by law taken away. Men could no longer have money made out of their silver. It was no longer a money metal, but was degraded to a level with copper and nickel, out of which a kind of money is made, but which are in no sense money metals.

When silver was divorced from its ancient partner, gold; when the link connecting gold and silver, which was forged by authority of God Himself, was wickedly severed, and silver became a base metal, a common commodity, it no longer fixed or measured values or prices, but became obedient to the laws of supply and demand, and took its place in the market subject to the vicissitudes of trade and traffic, as other articles of merchandise. Contemporaneous with the demonetization of silver as a money metal, which was in effect reducing the standard by which all possessions were estimated and valued about one-half, the change which

I have endeavored to describe was felt in financial and commercial circles all over the civilized world.

The general level of prices of all things bought and sold began to fall; and, with other commodities, for the first time in all the world's history, silver was discovered in the price list and on the shambles of the market; values continued to sink as months and years rolled by. The cause of the ruinous and alarming state of things was not discovered for a long time. Wiseacres assigned first one and then another theory of the trouble.

The Congress of the United States, in obedience to a powerful public sentiment, in 1876 appointed a commission consisting of able and experienced statesmen to investigate the origin of the universal and continuous fall in prices.

We have the report of that "silver commission" of 1876, which report is in substance that the cause of the general fall in prices was the demonetization of silver, and the only remedy was its remonetization.

Years rolled on, and the strange and unparalleled shrinkage in all values, including silver, continued.

In 1886 the Government of Great Britain, impelled by a public sentiment it dared not ignore or disregard, appointed the "royal commission" to inquire into the causes of the world-wide evil, reciting in the preamble to the commission, "Whereas it has been represented unto us that it is expedient that a commission should forthwith issue to inquire into the recent changes in the relative values of the precious metals shown by the decrease in the gold price of silver." The membership of that celebrated commission, twelve in all, embraces some of the most distinguished statesmen, scholars, and thinkers of Great Britain, the present first lord of the treasury of England, Hon. Arthur J. Balfour, being one of them. The final report of the commission, signed by all, recognizes the continued and phenomenal depreciation in all values the world over, and fixes the date of the beginning of the troubles in 1873. Six members of the commission, including Mr. Balfour, join in a report in which they suggest as the only remedy "free coinage of both metals into legal-tender money, and the fixing of a ratio at which coins of either metal shall be available for the payment of all debts at the option of the debtor."

Mr. Speaker, the dark pall of sinking prices enshrouds the world yet, and will continue until the true remedy is applied.

In the conventions of the two great political parties of 1892 platforms were adopted plainly declaring in favor of a return to bimetallism as the permanent policy of this Government. I will not burden the RECORD or detain the House by quoting them.

However, I hazard nothing in saying that they pledged the Democratic and Republican parties to the policy of bimetallism, including, of course, the parity of both metals, which is declared possible by international agreement or "safeguards of legislation." The great contest for the restoration of silver which began in 1873 still continues. But, Mr. Speaker, a new phase of the contest confronts us. As far as I know or can recall, no prominent man in this country ever openly advocated the single gold standard as the permanent policy of America before the beginning of the year 1895. Three very significant events transpired early last year:

First. The English Parliament adopted a resolution declaring in general terms in favor of the return to bimetallism by Great Britain.

Second. The German Reichstag adopted a similar resolution soon thereafter.

Third. Within a very few days after the latter event Mr. Carlisle, Secretary of the Treasury, left his office in Washington, ascended the hustings and openly and vigorously denounced and ridiculed bimetallism, and in substance advocated the single standard, thus greatly discouraging the powerful advocates of international bimetallism in England and Germany and placing the United States in an unfriendly and positively antagonistic attitude toward the cause of international bimetallism.

The issue is shifting from one as to the best method of securing bimetallism to the square issue between gold monometallism and bimetallism. The present Administration has disrobed itself of all disguises and masks and clearly and boldly assumes the aggressive upon the proposition that the gold standard must be maintained, and that all efforts to return to bimetallism by international agreement, safeguards of legislation, or otherwise must be opposed.

Mr. Speaker, I salute the Administration and congratulate it upon its candor and courageous boldness. I despise shams and false pretenses. I admire the man who has the nerve to say what he means. And I admire the opponent of this substitute who puts his opposition to it upon the high plane occupied by Mr. Cleveland and his able Secretary of the Treasury far more than I do the cowards who ridicule the efforts of the great majority of Americans to restore bimetallism, but pretend to be bimetallists and imagine that they deceive people by advocating international bimetallism while they applaud the policy of the Administration.

Mr. Speaker, I am in favor of the Senate substitute, which provides for free and unlimited coinage of gold and silver, "without discrimination against either metal or charge for mintage."

I believe that, under the blessings of God, nothing is impossible with the United States of America. She has achieved greater things than the restoration of silver as a money metal, and can achieve that. I believe that a great majority of the people are in favor of bimetallism, and desire that this Government shall take the lead in this, as it has in almost every great movement which has resulted in the amelioration of the condition of the human race.

Mr. Speaker, we can not afford to give up the cause of bimetallism. The gold standard is not suited to this age of the world. The stock of gold in the world is not enough with which to do the world's business. The stock of gold coin and bullion of the earth, as estimated by the Director of the Mint in his report for 1895, is $4,086,800,000. The production of gold in the world in 1894 was $180,626,100. It is estimated by high authorities that not less than one-third of the product of each year is consumed in the industrial arts.

I maintain, Mr. Speaker, that the annual net increase of the stock of gold coin in the world does not equal the annual net loss by abrasion, fire, and flood, and other accidental losses, and that the world's stock of gold coin is actually diminishing. But whether I am correct or not in that assumption, I do not hesitate to confidently assert that the net increase of the stock of gold coin is far less than the net increase in numbers of the human family and infinitely less than the annual increase and multiplication of commercial activities and needs for money. Hence it follows that with the single gold standard to measure prices of all other things, we will have a constantly shrinking standard; in other words, steadily declining prices.

The volume of actual money, which, according to all authorities, without exception, measures and regulates prices of all commodities, should be increased and added to in the same ratio that human activities or, in other words, demands or necessities for money are multiplied. Our race is yet in its youth; the human family is increasing in numbers more rapidly than ever before since the creation of the earth. The human mind is developing and expanding most marvelously, as illustrated in the wonderful inventions which almost daily astonish the world. As beautifully said by the poet:

We are living, we are moving, in a grand and awful time,
In an age on ages telling, to be living is sublime.

As we move higher and higher to new elevations and conceptions of life and civilization our necessities are varied and multiplied. A person who lives and moves in a community of average intelligence and culture of the present day in this country consumes and is compelled to have probably ten times more of the products of labor and the handiwork of toil than he would have needed fifty years ago. The number of commercial and financial transactions among civilized people, and in consequence the needs for money now, are many hundredfold more than they were even forty years ago, a time within the memory of many of us. The people of this country are the foremost in point of progress, development, and commercial activity of all the nations of earth.

An average live, progressive American consumes more clothing, food, fuel, and other necessaries, and enjoys more of the conveniences and luxuries of life, and needs more money, than perhaps twenty of his salmon-colored brethren of the Orient in the same relative station in society.

Mr. Speaker, we need more money; I mean real money, not paper representatives of money, mere promises to pay money, but more absolute money than can be had under the single gold standard. The remonetization of silver will meet this want and supply this demand. But our friends who oppose the coinage of silver say that the parity between the metals can not be maintained and preserved under free coinage by the United States alone, and that such a course will result in driving gold out of circulation and in establishing the single silver standard and putting this country upon a silver basis. Now, Mr. Speaker, this is mere prophecy and conjecture, a bare assertion, without authority or reason to support it.

I insist that if all the uses and functions which belong to gold were restored to or bestowed by law upon silver it would have the same value as gold at the established ratio, and that the parity of value would immediately be restored. If a law should be enacted by this Congress and signed by the President providing for the unlimited coinage of silver and gold at the ratio of 16 to 1 silver bullion would certainly instantly and constantly enhance and appreciate in market value. No holder of an ounce of silver would take less than $1.2929 for it, because under the law he could have it converted into that much legal-tender money at the mints of the United States. It seems to me that this is a self-evident proposition. And we have, within the memory of us all, I think, a recent occurrence which demonstrates the truth of the proposition. It is this: The average value of silver bullion in the year 1890, as shown by the last report of the Director of the Mint, was 80.9 per ounce in New York. The highest price in London during that year was 54¼d. and the lowest was 48¾d.

The Congress of the United States undertook to legislate in behalf of silver. The Sherman Act requiring the purchase of four and one-half million ounces of silver bullion each month was passed. This was an untried experiment, but it was supposed to be legislation in the interest of silver. It had the sanction and support of the great financiers of this country. And pending the trial of the experiment silver began to rapidly advance in market price the world over. It jumped from 80 cents per ounce to $1.21 per ounce in New York, but when the scheme began to be fully understood and its fallacy was demonstrated, of course silver declined. The demand was limited and was not equal to the supply. Holders of silver bullion underbid each other, and bullion as a commodity declined.

Does any gentleman deny the proposition that if, instead of the law requiring the purchase of silver bullion in 1890, a law providing for the conversion of every ounce of silver that might have been taken to our mints into $1.2929 of United States legal-tender money had been passed, silver bullion would have advanced to that figure?

That experiment was tried by the United States "single handed and alone," without the concurrence of any other nation, yet it caused silver to go up in the markets of the world over 40 cents per ounce while it was being tried.

Some of our delightful "gold-bug cranks" in one breath argue that bimetallism can be established by the concurrence of the leading great commercial nations of Europe and America, and then in another they ridicule bimetallism and say it was never a success and that the parity of the two metals was never maintained; and as proof of their assertions point to the apparent but not real discrepancy between the coinage and commercial values of silver and gold prior to 1873. By reference to the Report for 1895 of the Director of the Mint, on page 239, will be found a table showing the "commercial ratio" of silver and gold each year since 1687, which shows that for nearly two hundred years before 1873 there was practically no "commercial price" of either gold or silver; they were both metals out of which money could be made at the different ratios prevailing in different countries from time to time, and they constituted a joint or double standard or measure of all values.

For instance, the "commercial ratio," so called, is fixed in the table referred to in 1687 at 14.94, in the year 1787 at 14.93, in 1873 at 15.92. There is no greater difference in the "commercial ratio," so called, during these two hundred years before 1873 than about 1 cent in the ounce. I assert that no greater difference can be found in the statistics for any period of the world's history before 1687. Now, Mr. Speaker, I insist that this shows that before 1873 neither gold nor silver had any commercial price outside of the amount of money into which each metal was convertible. The mind can not conceive of the idea of buying a dollar. It is absurd, and as said by Mr. Carlisle at Memphis, speaking of the double standard, "It is a physical and metaphysical absurdity."

Silver and gold were both money; that is, the substances of which money was made, at arbitrary ratios established by law.

The apparent rises and falls of the "commercial ratios" simply resulted from a diversity of coinage ratios. Holders of gold or silver bullion would naturally send it to the mints which would coin it upon the most favorable terms. For instance, before 1873 the United States mints had only coined about 8,000,000 silver dollars. The reason is manifest. Silver-bullion holders could have their metal coined in Europe at the ratio of 15½ to 1 and thus save one-half ounce in every 16 by exporting the bullion to Europe more than they would get by having it coined in the United States mints. Our silver bullion was exported and exchanged for gold bullion, and it was brought to our mints and coined into American money. As an absolute demonstration of this statement I call attention to the Report of the Director of the Mint for 1895, page 268, which shows that from the organization of the United States mints in 1792 to the fiscal year ended June 30, 1895, there had been coined $1,755,813,763 of gold and $685,023,701.90 of silver. During the same time the total product of the United States mines was: Gold bullion, $1,587,410,923, and silver bullion, $773,699,708.81, showing that we have coined at our mints about $200,000,000 more gold than the total products of our mines, about one-third of which was consumed in the industrial arts, indicating that over $700,000,000 of foreign gold was sent to our mints for coinage, simply because we coined it upon more favorable terms; in other words, charged less toll for coining gold than the mints of Europe. To state it differently, gold bullion came to our mints to be coined and silver bullion went to the European mints.

The important fact remained that silver was money; that is, could be converted into money at the ratio fixed by law. The holder of silver spoons or plate could convert them into money.

Every ounce of silver bullion which Mother Earth yielded in this country, less that used in the arts, was convertible into money upon better terms at the European than at the American mints. But, Mr. Speaker, it is impossible in a short speech to enter into a satisfactory discussion of this complex subject. It needs no argument to establish the well-known fact that prices have been declining since 1873 and are still declining. We need more money in circulation. Bimetallism will remedy the evils which afflict the world. I believe that true and real bimetallism is possible.

I am not wedded to any particular ratio. My judgment is that it would be wise for this country to adopt the European ratio of 15½ to 1, but I repeat that I care but little as to what ratio is adopted. The great and vital object to be attained is to change the law which demonetized silver, restore to it the functions of which it was deprived by law, and place it upon its true merits at some proper and just ratio with gold as money.

Let us be honest with ourselves and with each other. If a man is a believer in bimetallism let him boldly say so, and let him say what steps he is in favor of this country taking to accomplish it. If he believes in the policy of bimetallism, but has despaired of it ever being again put into practice, and is opposed to any efforts being put forth for its restoration, but favors a supine submission to the inevitable, let him say that. If he believes in "international bimetallism" let him advocate an international conference at once. If he believes with the President that the single gold standard is best for this country, let him be a man and have the courage to come out in plain terms and so declare; but, sir, I submit that it is neither consistent, courageous, nor manly to pretend to believe in some sort of bimetallism based upon the concurrence of certain nations of Europe and America, and in one breath to say that there is no hope for such concurrence, and in another to ridicule bimetallism and charge that it has been tried for centuries and found to be a failure.

Mr. Speaker, I am a bimetallist. I believe that it is the only remedy for the evils which afflict our nation and our race. I believe that it can be accomplished, and I am in favor of the continued, persistent, and unending struggle for it until success shall crown our efforts. [Applause.]

Coin Redemption Fund.

SPEECH

OF

HON. CHARLES L. MOSES,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 13, 1896.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 2206) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue—

Mr. MOSES said:

Mr. CHAIRMAN: I have sat here during three Congresses listening to the promises and predictions of these advocates of a sole gold standard. They have always promised prosperity and plenty if Congress would obey them. They said in the Fifty-second Congress, "Kill free coinage." They said in the Fifty-third Congress, "Repeal the Sherman purchasing law, and prosperity will come to all." Just before we take this vote I propose to recall to the memories of these gentlemen some of the prophecies they have uttered in the past. If I had the time, I could show by the record that every prophecy made by the enemies of silver on this floor during the last twenty years has proved utterly false. They have led us to disaster and ruin. Stagnation and death have seized upon all lines of legitimate business and the Government itself has been placed in the hands of a receiver, with the Rothschilds in control.

You have failed to give relief to the people and the country has repudiated you. You have well-nigh destroyed the Democratic party, and when we appeal to you to return to the good old paths our fathers trod, you denounce us as "silver lunatics" and Populists.

BIMETALLISM IS NOT POPULISM.

Those of us who stand on this question as we stood four years ago, and still vote as Democrats have always voted, are now denounced by this gold crowd and by the little editors under their control as Populists. Mr. Chairman, were Jefferson, and Madison, and Calhoun, and Jackson, and Stephens all Populists? Were Mr. Carlisle and the men who voted solidly with him for silver at 16 to 1 in the Fifty-first Congress all Populists? We believe that gold and silver, the money of the Constitution, should be the primary money of the country, and all paper notes are but promises to pay so much of one or the other of these coins. Unlike the Populists, we do not favor silver coinage simply because it increases the volume of currency. The gentleman from Kansas [Mr. BAKER], a leader of the Populist party, said on this floor a few days ago he would have the bulk of the currency to consist of greenbacks. I asked him if he would make the greenbacks redeemable in coin, and he said he would not. The Populists advocate an irredeemable paper currency. In the Fifty-second Congress, when it was thought free coinage would pass, Mr. Watson, their leader, announced to his followers that they must not be satisfied with that sop thrown to them; that there was but little in free coinage of silver, and it meant only about 50 cents per capita added yearly to the volume of currency.

WHAT DEMOCRATIC BIMETALLISM IS.

We believe it to be the duty of Congress to establish a standard of values for all the States. The Constitution says gold and silver jointly shall be this standard. If you have the right to reject one you have the right to reject both metals and so leave the people without any money. We declared by law that 412½ grains of silver or 25.8 grains of gold should be a dollar. This is the law to-day. Every outstanding debt in the country was made with the understanding that the debtor could discharge it with either metal. To demonetize silver and make all debts payable in gold would double the burden of the debtor class, because gold would be dearer on account of the increased demand.

BIMETALLISM VERSUS A GOLD STANDARD THE ISSUE.

Mr. Chairman, we have at last the issue squarely drawn between bimetallism and a single gold standard. Heretofore the gold men have loudly claimed to be the true friends of silver and the only true bimetallists.

Following Mr. Carlisle, they now say there can be no such thing as bimetallism. It is a "physical and metaphysical impossibility." We have at least to thank them that they have at last thrown off the mask and made the issue clear.

There are those who favor silver coinage, but are opposed to the ratio of 16 to 1. I say to them the great question now is, Shall we have silver coinage at any ratio? It is their avowed purpose to fasten upon the country the single gold standard.

In the Fifty-second Congress they objected only to the ratio of 16 to 1. They said they would vote for a higher ratio. Knowing the people demanded that this question should be settled some way, we afterwards submitted to them a bill increasing the ratio to 20 to 1. They refused to vote with us; they had changed their minds.

In the Fifty-third Congress they came to us and said, "Let us repeal this Sherman purchasing law. It is nothing but a miserable makeshift. It can not be patched. Let us repeal it outright and follow it up with Democratic silver legislation." Oh, how eloquently they discoursed about "clearing the deck for action." Mr. VOORHEES in the Senate and Mr. Wilson in the House both gave assurance that repeal was to be followed with other silver legislation. I charge here that the repeal of the Sherman law was secured by fraud and deceit. They cleared the deck for action, and then it was found that the Democratic guns had been spiked by these traitors to their party.

SOUTHERN DEMOCRATS WERE BETRAYED IN THE FIGHT FOR THE REPEAL OF THE STATE BANK TAX.

In the Fifty-second Congress it was known that we earnestly desired the repeal of the tax upon State bank issues. Thinking they might divert us from silver, Eastern members urged us to concentrate our energies upon this measure and they would help us. In the preliminary contest of that Congress they spoke for us and voted with us. In the next Congress, when we hoped we were strong enough to win, we found, when it came to the tug of war, that these men had deserted us. One of them had been placed upon the Banking and Currency Committee as our special friend, but he used the power we gave him to defeat our measure. Thus we have ever received Punic faith at your hands. Can you again ask us to accord you our confidence?

The truth itself is not believed
From those who often have deceived.

Mr. Chairman, these advocates of a gold standard have failed to give any relief to the country. They offer none now. They would lead us into hopeless ruin. We say to them frankly if they will restore to the people the free coinage of gold and silver and prosperity does not come to the entire country we will join them in repealing the law. Even a partial recognition of silver has always been followed by rising prices and prosperous times.

We did not rally from the panic which began in 1873 until we began to coin silver in 1878. That act, known as the Bland-Allison law, was denounced as silver coinage is to-day. All manner of evil was predicted as sure to follow its enactment. But the next decade was one of great prosperity. Again, in 1890, when there was a still larger recognition of silver, and the world began to think that the United States would stand by silver, that metal rose to $1.20 an ounce—almost to parity with gold—in all the markets of the world. And well do we remember that the Southern farmer in 1890 and 1891 sold his cotton for 10 and 11 cents per pound.

We also remember the dire results that followed the unconditional repeal of the Sherman law. Instead of prosperity, as was promised, prices began to tumble and the people were plunged deeper into distress and poverty. The Southern farmer sold his cotton for less than 5 cents per pound. By fastening upon us the single-gold standard they have robbed the South of the God-given heritage which it had in cotton. The Southern farmer is forced to sell on a gold basis in competition with his Eastern competitor, who receives his price in silver. Our competitors in silver-using countries now receive about 14 cents per pound, while we are forced to sell at 7 cents measured in gold. How like mockery to Southern ears now sound the beautiful words of Henry Grady, who thus spoke of the cotton plant:

What a royal plant it is! The world waits in attendance on its growth. The shower that falls whispering on its leaves is heard around the earth. The sun that shines on it is tempered by the prayers of all people. The frost that chills it and the dew that descends from the stars is noted, and the trespass of a little worm on its green leaf is more to England than the advance of the Russian army on her Asian outposts. It is gold from the instant it puts forth its tiny shoot. Its fiber is current in every bank, and when loosing its fleeces to the sun, it floats a sunny banner that glorifies the field of the humble farmer; that man is marshaled under a flag that will compel the allegiance of the world and wring a subsidy from every nation on earth. It is the heritage that God gave to this people forever as their own when he arched our skies, established our mountains, girt us about with the ocean, loosed the breezes, tempered the sunshine, and measured the rain. Ours and our children's forever.

Mr. Grady did not anticipate the blighting, withering curse which the gold standard was to bring upon his people. His paper is now begging the people of the South to reduce the acreage of this "royal plant." This will give only temporary relief, because as we reduce our acreage India will increase hers more rapidly. The trouble to-day is not that there is an overproduction of clothing and food. Under the gold standard prices have fallen so low that the masses of the people do not receive wages sufficient to buy even the necessaries of life, and they cease to be consumers.

Mr. Chairman, it is ruinous folly to make gold the only money of final redemption. For thousands of years the world has considered itself fortunate if the annual supply of both gold and silver was found to be equal to the demand for primary money. This is what Mr. Carlisle said upon the subject in 1878:

I know that the world's stock of the precious metals is none too large, and I see no reason to apprehend that it will ever become so. Mankind will be fortunate indeed if the annual production of gold and silver coin shall keep pace with the annual increase of population, commerce, and industry. According to my view of the subject, the conspiracy which seems to have been formed here and in Europe to destroy by legislation and otherwise from three-sevenths to one-half of the metallic money of the world is the most gigantic crime of this or any other age.

The consummation of such a scheme would ultimately entail more misery upon the human race than all the wars, pestilence, and famine that ever occurred in the history of the world. The absolute and instantaneous destruction of half the entire movable property of the world, including houses, ships, railroads, and all other appliances for carrying on commerce, while it would be felt more sensibly at the moment, would not produce anything like the prolonged distress and disorganization of society that must inevitably result from the permanent annihilation of one-half of the metallic money of the world. With an ample currency, an industrious and frugal people will speedily rebuild their works of internal improvement and repair their losses of property, but no amount of industry or economy on the part of the people can create money. When the Government creates it, or authorizes it, the citizen may acquire it, but he can do nothing more.

The stock of gold is not sufficient to do the business of the world.

In the last Treasury report it was announced there were outstanding in this country $499,000,000 gold coin. How much of this is in circulation? At that time the national banks held in their reserves $127,000,000. Since then the Secretary of the Treasury has bought $111,000,000 of it, and to-day, according to the estimates of President Andrews and other eminent authorities, there are not in in free circulation over $150,000,000 gold. No wonder it is easy for the gold syndicates to corner our gold and put us at their mercy.

Silver men want honest money. We want the dollar that is most stable in its value, not a depreciating dollar and not an appreciating dollar. These gold monometallists would deceive us with their cry for honest money. Robbers are often known to rush through the streets shouting "Stop thief!" to divert attention from their own thefts. It is not honest to require the debtor to pay his debts in a constantly appreciating currency. This is what John Sherman said on this subject in 1869 when it was proposed to change immediately from a paper to a specie standard:

A measure to require a debtor now to pay his debt in gold, or currency equivalent to gold, requires him to pay 135 bushels of wheat when he agreed to pay 100; and if this appreciation is extended through a period of three years, it requires him to pay an interest of 12 per cent in addition to the rate he has agreed to pay. The appreciation of currency is a far more distressing operation than Senators may suppose. Our own and other nations have gone through this process before, and always with the sorest distress. It means the ruin of all debtors whose debts are twice their capital, though one-third less than all their property. It means the fall of all agricultural productions without any great reduction of taxes. To attempt this task suddenly by a surprise upon our people, by at once paralyzing their industry, by arresting them in the midst of lawful business and applying a new standard of value to their property, without any reduction of their debt or giving them an opportunity to compound with their creditors or distribute their loss, would be an act of folly without example in modern times.

I submit, Mr. Chairman, a table showing how gold has appreciated during the last twenty years. A gold dollar will purchase more now than it would then by the following amounts:

More wheat by 108 per cent.
More flour by 76 per cent.

More sugar by 60 per cent.
More iron by 64 per cent.
More cotton by 95 per cent.
More lead by 110 per cent.
More wool by 93 per cent.
More leather by 24 per cent.
Average increase on these articles, 78½ per cent.

This constantly appreciating standard is not an honest one. The Democratic party has always stood for honest money. In our platform of 1884 we find the following;

We believe in honest money, the gold and silver coinage of the Constitution, and a circulation convertible into such coin.

There we have the Democratic definition of honest money. Mr. Chairman, who are the men who are sending out tons of literature from New York to educate the people upon the subject of sound money? They are the same old gang who came to Congress in 1869 with billions of bonds, for which they had paid depreciated greenbacks and which were redeemable in greenbacks. At their command Congress changed the law and said their bonds should be redeemed in coin—gold or silver—at the option of the Government. They went to work at once to discredit silver and cause gold to appreciate, and now in their honesty they come and say, "Strike out this word 'coin' and make the bonds payable in gold alone." These are the men for whose benefit a quarter of a billion of bonds have just been placed upon the overburdened taxpayers of this country. Tell me they are the apostles of honesty! Why, sir, the pirates who sailed under their black flag were honest men in comparison with these bloodthirsty shylocks.

SOME OBJECTIONS TO SILVER ANSWERED.

Now, briefly, in reply to some of the objections to silver which have been urged here: It has been said that silver has greatly depreciated on account of its overproduction. The production of silver to-day is running far behind that of gold. The output of gold in 1895 was $30,000,000 more than silver even at its coinage value. The total stock of silver in the world is much less than that of gold. The silver dollar, even at its bullion value, will buy as much as it ever would. It has not depreciated except in comparison with gold.

Again, they say if we opened our mints the bullion of the world would be "dumped" upon us. Where is the dump to come from? Outside of what we have in the Treasury there is no great stock of bullion in the world. The nations of Europe could not send us their silver money because its current value there is greater than its coinage value would be with us. And we must not forget that Europe is constantly demanding bullion to replenish its subsidiary coinage. But coin the entire output of the United States and draw all you can get from Mexico and you would not add more than $1 per capita to your metallic money annually.

But, Mr. Chairman, they say, "Why do we want silver when all Europe rejects it?" The great masses of the people there would gladly vote to restore silver. They are bound by the shackles of the gold despotism and have no voice in the matter. They say free coinage would Mexicanize this country. Mr. Chairman, Mexico is to-day making greater progress than any gold-standard country in the world. Look at Japan. Under the silver standard she is to-day enjoying marvelous prosperity, and is already shipping her manufactured goods into our Pacific States. As has been said by another, why do you not point us to Turkey and Egypt? They are gold-standard countries, but we hear nothing encouraging from them.

They say if we cut loose from Europe we would have to go it alone. Two-thirds of the population of the globe use silver money exclusively, and our return to silver would give us a tremendous advantage in securing the trade of these nations. I submit an extract from the Financial News of London, showing how apprehensive they are upon this subject:

There is a plain moral in the remark that if the United States would venture to cut herself adrift from Europe and take outright to silver she would have all America and Asia at her back and would command the markets of both continents. The barrier of gold would be more fatal than any barrier of the custom-house. The bond of silver would be stronger than any bond of free trade.

There can be no doubt about it that if the United States were to adopt a silver basis to-morrow British trade would be ruined before the year was out.

Mr. Chairman, we should strike for a bold American policy and not wait for the monarchies of Europe to legislate for us. The people look to us for relief. The gold men stand helpless and suggest no remedy. We offer you no untried experiment. For four thousand years the world has found it safe. Restore silver to the place it occupied in 1873 and if prosperity does not follow we will join you in again repealing the law.

[Here the hammer fell.]

Mr. BLACK of Georgia. I ask that the gentleman from Georgia may be permitted to proceed for five minutes longer.

There was no objection.

Mr. MOSES. I thank the committee for its consideration.

Now, what about the course of the Democratic party? It has been asked, "What are Southern Democrats going to do in the next election?" We answer, we shall preserve the integrity of our party. We will not abandon the money of the Constitution. As long as common honesty is dear to our people they will repudiate this juggling with the currency. They will never consent to legalize robbery. They will never advocate a single gold standard, because they respect the old commandment which says, "Thou shalt not steal."

The States that never go Democratic may force upon us a gold-standard platform and candidate; but you can not drive us from our party. On election day many of our people may take to the woods, but whatever may happen in other sections of the country old Georgia will carry the Democratic banner to triumphant victory.

Coin Redemption Fund.

SPEECH

OF

HON. CHARLES N. BRUMM,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 11, 1896.

The House having under consideration the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue—

Mr. BRUMM said:

Mr. SPEAKER: I do not propose in the short time that is allotted to me to go into a scientific discussion of gold or silver, or the monetary question. That has been done quite extensively on both sides. I propose to get down to practical facts and practical operations—not so much theories as remedies.

I want to say first that I am not in favor of free silver as understood by the free-silver men, principally because I am opposed to the Government paying more for silver or any commodity than the market value thereof. More than that, I am in no sense a monometallist, and especially a gold monometallist. To me it is entirely incomprehensible that any intelligent man should contend for a moment that we could under our system sustain the single gold basis in this country.

Gentlemen have expressed fears that we might not be able to sustain both. Have they reflected how much harder it will be to sustain the one alone, especially gold monometallism? As to the method and what we should exactly do, I doubt whether there are twenty men on the floor of this House who have their own opinions on this question who would agree. What a Dolly Varden piece of patchwork the various thoughts and methods advocated on this floor would make. They are mostly theoretical, relying upon statistics alone, without knowing what other factors enter in that may make wonderful changes in the practical operation of their theories. If our protectionists would apply the same reasoning and heroic methods to this question that they do to the tariff there would be but little trouble in solving the problem.

My very distinguished friend [Mr. DINGLEY], chairman of the Committee on Ways and Means, insists upon the House bill. Sir, I did not believe there was a member of this House who, under existing conditions, would now favor the bill as it passed the House. The condition that confronted us then was that there was a threatening contingency, and that some relief must be supplied at once; there was a financial crisis pending, and back of that a menace by the Executive that unless we at once came to the relief of the Treasury by passing some kind of a bond bill he would exercise the power he had to issue bonds under authority heretofore given.

The House passed the bond bill, which cured the evil for the time being. By it we stopped the Executive from again entering into a contract through his own law partner to sell to a foreign syndicate at private sale bonds upon higher rates of interest and longer terms than those specified in the bond bill that we passed. The result of the bids, I think, fully showed the wisdom of the passage of the bill at that time. But now the exigency has passed. The bond bill as we sent it to the Senate did its work, and now would be of no use to the country. The moment it passed this House and went to the Senate it was a warning to the President that came like a thunderbolt from a clear sky and forced him to put into practical operation the main feature of that bill, and in my judgment no one was more surprised and disappointed at the successful results than the President and his Secretary of the Treasury.

The other clause of the bill, to issue notes temporarily, is not a crying want at this time; and therefore I contend that it would be wrong to insist upon the House bill. My friend Governor DINGLEY finds fault with the Senate bill, and says it is not germane to the question. I say it is germane to the question.

The issue is how to relieve us from financial distress, and the only question is, which is the better way to do it?

The Senate saw fit to pass a free-coinage bill to help us out of the trouble. I do not believe in their bill as they passed it. I do not believe that they were wise in insisting on so radical a measure; but I do believe, and here I want the attention of my Republican friends to this fact—I do believe that if the Morrill amendment had been passed by the Senate and added to that bill it would have been a wise measure; it would have cured the defect; and it is for that reason that I have offered the Morrill amendment, incorporating in it, however, gold as well as silver, and ask the Republican members of this House to stand with the Republican majority of the Senate and show them that while they could not pass it in a Democratic and Populistic Senate, here, in this Republican House of Representatives, we can pass that amendment; and if we want to redeem our promises we ought to stand by the amendment that I have offered and show the people we are in earnest in this matter, and that the Senators were in earnest when they offered that amendment as a compromise between the extreme free-silver men on the one hand and the extreme gold men on the other.

"But," says the distinguished chairman of the committee, "I believe in a do-nothing policy; do nothing at this time, because we can not accomplish anything." Mr. Speaker, I dispute the proposition. This is a Republican House by a very large majority. There is no power that can stop the Republicans of this House from doing what they believe to be right, and it is their duty to make a record and let it go to the Senate, and if the Senate chooses to take the responsibility not to agree, then let the responsibility rest where it belongs.

But I believe, Mr. Speaker, that if you will pass my amendment, and send the bill back to the Senate with that amendment, the Senate will pass it, and then throw the responsibility on the Executive. Send it there, and let the Executive put himself on record when the chance is given him to relieve the country in a substantial way by establishing true bimetallism, without injury to the country and without any risk of reducing us to a monometallic basis of either gold or silver.

Sir, I believe that if the Senate bill, with my amendment, would be passed the President would not dare to veto it, and if he would carry out the spirit and letter of the law it would eventually settle this question forever, for it would in a short time restore the parity of the two metals, and thus force all Europe to a firm and everlasting bimetallic basis.

Before going into the general discussion of this question I want to say a word to my friend from Massachusetts [Mr. WALKER] who is not here, unfortunately, and it is only for the reason that I can not in my presence allow this error to go by unanswered that I desire to make this statement. He says that the greenbackers asked for an unlimited issue of paper. Why, Mr. Speaker, he never knew what the greenback theory is if he says that any man is foolish enough to ask for an unlimited issue of anything. We only asked for the issue of greenbacks with full legal tender of an amount sufficient to serve as a healthy circulating medium, for the Government would at all times be master of the situation.

No such idea as you were attempting then to gull the people with, that we would start our printing presses and issue paper money in unlimited quantity, was ever advocated by greenbackers. You forget—and it is a question that is a material one in discussing this question—you forget, sir, that the Government is not and ought not to be a bank of issue, to loan its money out on discount or in any other way. The Government is not so paternal that it will give one dollar away for nothing. The Government can only issue its money for value received, and when it is issued, the Government gets 100 cents in value for it, and when that dollar passes into the hands of a man he receives on it a hundred cents, and when it passes around and comes back to the Government, the Government will only receive it by giving a hundred cents for it again.

There it stands, an absolute and positive representative of the value of 100 cents to every dollar every time it passes from one to another. That is only part of the argument that these men have for years been using to hoodwink the people. But again, the gentleman from Massachusetts says that human effort makes the price of all things. Well, I need not stop to answer that now, except to say that the cost of an article is only a factor in making and regulating the price up to the point of healthy competition, and that the law of supply and demand is the greatest factor in making the price of all commodities, especially gold and silver. Indeed, in making or regulating the price or value of gold or silver (like that of diamonds and other purely natural products) the only factor is that of supply and demand.

The cost of production has nothing whatever to do with their price or value. They are products of nature. They are like the waters that flow from the fountains, only not quite so plentiful. They are, like the air we breathe, natural products. You can not manufacture gold or silver. You can not grow gold or silver. You can not create them. You can not change the supply by turning your corn field into a gold field or silver field as you can turn it into a wheat field, and so on. You can only slightly stimulate supply by enhancing their value through enlarged demand. Silver and gold are the two stubborn instruments of nature that have been grasped by the money power for ages to enslave humanity. The idea of the cost of production being a material factor in price of other commodities does not apply to either gold or silver. They are of all things in the world the two things that can be most readily and most positively "cornered" by the rich men of the world. They are of all things the most potential scepter in the hands of tyrannical power to control humanity and to govern individuals as well as monarchies and republics. And when you tell me, sir, that their price depends on the cost of production, you tell me that which is not founded on truth.

"But," says my friend from Massachusetts [Mr. WALKER]—I see that he has just come in, and I am glad of it—"England imports more than she exports, and yet holds her gold." That is true; but how does England hold her gold? Let us see. England proper is not the producer of gold. But she is the great creditor nation of the world. England imports more than she exports, but she pays for much of her importations by the blood and sweat that she draws from her colonial possessions in the shape of taxes, penalties, dividends, interest, subsidies, etc., besides the income from her other creditors, and in that way she takes good care to keep her gold at home.

In support of this I read from page 87 of The American, edited by Wharton Barker:

It may here also be remarked that as Great Britain's imports much exceed her exports a fall in prices would inure to her benefit, even if the prices of British manufactures exported fell proportionately with the raw materials which she imports. This difference between the volume of her imports and exports, and amounting to a yearly average of not less than $600,000,000, represents the sums due to Englishmen for the use of their ships by foreigners and interest on capital which they have invested abroad, which they take in the shape of merchandise. For 1895 the imports into Great Britain amounted to £416,688,000, and less reexports of produce imported from foreign countries of the British colonies to £356,716,867, while exports of British produce amounted to £226,169,174. This left a merchandise balance against Great Britain of £130,547,693, or approximately $650,000,000.

But did England send abroad gold in payment of this adverse merchandise balance? No; on the contrary her imports of gold exceeded exports by £14,736,715, and her net imports of silver amounted to £362,246, a net total of £15,098,961, or $75,000,000. England thus imported $725,000,000 more than she exported. This is the sum that represents the interests on money loaned abroad by Englishmen, the money spent in England by travelers in excess of money spent by Englishmen traveling on the continent or elsewhere, and the freights paid their shipowners for the use of their ships. The further prices fall the greater will be the quantity of goods required to be sent to England in settlement of this immense sum. Is it not apparent that America that suffers the most from falling prices, must take the initiative in restoring bimetallism—not England that suffers the least? It is folly to wait on England, a nation that is ruled by a class that actually profits by the fall in prices.

Although the balance of trade between this country and England proper is in our favor, yet England gets very much of the gold with which she pays the other countries and hoards herself from this country, for we pay tribute to the Old World, most of it to England, to the extent of almost $1,000,000 a day. And yet gentlemen ask us to reason from analogy in this matter and agree that because England imports more than she exports and yet retains her gold, therefore the same rule is applicable to this country. And, Mr. Speaker, let me say just here, that one of the great errors that our people fall into is, that they forget that we are the greatest debtor nation in the civilized world, as well as the greatest consumers. They do not consider this country as the protectionists do, that is, as a country standing, as it were, isolated and alone, peculiar in our institutions, peculiar in our conditions, peculiar in our methods, our wants, and our necessities; so that the rules that are applicable to the countries of the rest of the world ought generally to be reversed when applied to this country.

But the gentleman from North Dakota [Mr. JOHNSON] the other day thought he "proved" everything very conclusively in behalf of the monometallic idea. With his spasmodic figures and charts he attempted to show that the price of silver had no effect at all upon the price of wheat, and yet by that very chart he did show that wheat had jumped and hopped from the lowest to the highest and from the highest to the lowest rung of the ladder almost in the twinkling of an eye, and that silver had jumped in the same way, and his first chart showed that that was the effect in India. Now, does any sane man believe that that sudden spasmodic jump and fall was the cause of the demonetization or of a threat to demonetize silver? Or must he not rather acknowledge the fact that it was caused by the famine in Russia and the cornering, speculating, and robbing that has taken place because we have permitted the monometallists to contract the basis of value to a single commodity—gold—which is the only product that need be affected to bring on a financial spasm in this or any other gold-basis country; but that the steady fall of all commodities is due to the steady fall of silver?

"But," says the gentleman from North Dakota, "oh, the horror, the horror of anything like bimetallism! See the millions

that are deposited in our banking institutions! See the holders of insurance policies! In other words, look at our creditors, have a care for them! Lo, the poor creditor!" Aye, gentlemen, that has been the battle cry for ages; but you seem to forget, when you are stretching a point in behalf of the creditor, that there is another man who is affected, and that is the debtor. There can be no creditor unless there is a corresponding debtor. There is at least one debtor to every creditor, and that debtor owes what the creditor demands. Therefore, if you are so afraid that the creditor will be affected, why do you not have some regard for the debtor? Let me tell you, sir, that besides the creditors of the banking institutions and the insurance companies, you should consider also the men who pay the premiums year after year and semiannually.

Then you have those who get discounts from the banks. The borrowers of money, whether on bond or mortgage; the debtors, whether corporations or individuals, must part with more of their production or labor to liquidate their liability. They must pay back the money with interest, no matter whether money rises or falls. You have, besides those, the taxpayer, who is always in debt. In the taxpayers, from the highest to the lowest, are included every citizen of the land, all affected adversely by a falling market, or cheap prices and dear money. But the worst feature of the case is, that this debtor in taxes, indirectly at least, and in all other forms of debt, owes a large amount of it to the creditor abroad; yet you are more solicitous for the creditor abroad than you are for the debtor at home; you are willing to wring the last drop of blood from the debtor at home for the purpose of establishing what you call "confidence" for the benefit of the creditor abroad. I will speak of this later.

Sir, if there is to be wrong committed, if there is to be robbery of one class for the benefit of another, I would rather rob the rich to pay the poor, than rob the poor man of the little that he has to make the rich richer, and I would rather rob the foreign robber who is trying to rob me than rob from my own flesh and blood. But, sir, both are wrong, and I believe that neither is necessary. Adopt my amendment, and by an easy process things will adjust themselves; there will be a healthy advance in prices, and by checking in a great degree unnatural fluctuations we can with a protective tariff establish such stability as will bring to our people untold progress and blessings.

The gentleman from Missouri [Mr. HALL] is not now in his seat. I am sorry he is not, for I desire to comment on some of his remarks. Of all things that have surprised me in this debate the gentleman's remarks were the worst. Here we have a man who voted for free silver last session, and now he comes here, not as a bimetallist, not trying to right himself and his country, but he has jumped the traces completely, has gone clean over, and is one of the most avowed gold monometallists on the floor of this House. And the only reason he gives (and this is right in the line of my thought) is that he wants "confidence" restored. He says that the credit circulation will contract if you agitate increased basic money. Yes, it will contract, and that is just what we want. We want the credit money to contract, and we want a substitute for it, as far as we can get it, in basic money; that is, we want genuine, honest cash money.

When you tell us that you want confidence, we reply, that is just what we want. But the confidence that you want is a confidence based upon a lie—it is the "confidence" that the gambler wants his victim to have when he leads him to fight the tiger; the "confidence" that the stool pigeon of the "three-card-monte" man or thimble-rigger wants his victim to have when he brings him up to rob him of his money. Sir, the "confidence" that we want is the confidence that has a solid gold *and* silver backing. The confidence that you ask for is confidence with nothing behind it. The "confidence" that we ask for is absolute—a true, living fact, based not upon a mere idea or theory or mere promises, but upon two solid metals rather than upon one. The confidence that you want is the confidence that would ask a man to pass upon a gang plank with but one prop, and that in the center, so that when he passes the center the plank goes down, while you are trying to persuade him that there is no danger; the "confidence" we ask puts the gang plank on two props, one at each end, so that men, women, and children can walk across it in safety. Yet the gentleman from Missouri justifies his action on that false basis alone, and then prides himself on his courage and wisdom, and because of these self-arrogated virtues compares himself with Gladstone. (I am sorry he is not here; I almost hesitate to go on; yet I feel I ought to do so.) For he says, "Yes, I was a free-silver man at the last session, but I have changed my mind; all great men change their minds; Gladstone changed his mind;" from which no doubt he would have us infer that Gladstone, the Grand Old Man of England, changed his mind, and the grander young man from Missouri changed his mind—me and Gladstone! [Laughter.] His modesty is only excelled by his logic. The gentleman's attitude can, in my judgment, be characterized by one word, a word which originated in the Senate—"cuckoo." "And there are others," but none so glaring as they who can give no good reason for their change of faith, but go to the housetops and proclaim and attempt to justify their change by traducing the men with whom they have battled for years and tell them that they are like the Chinese and the lower order of animals, which never change, "while we great and mighty men do change."

Now, I want to say one word to my Democratic friends. The gentleman from Mississippi [Mr. WILLIAMS] says, "Supply and demand regulate the value of money and all products." You are right, my friend. And the gentleman from Alabama [Mr. WHEELER] says.

Falling prices are desired by bondholders and the money power only.

You, too, are right, my Democratic friend. And then he continues:

Our nation ought to be independent of Europe. Like the Numidian lion, we know not our strength. For God's sake let us assert it.

Oh, how I congratulate my Democratic friends that they have at last come over to the protective idea that supply and demand regulate the price; that we ought to be independent of England and the world; that, like the Numidian lion, we have been unconscious of our strength, but, now that we know it, should assert it. I trust our Democratic friends will be ready to assert it at all times, whether we are considering the financial question or the tariff question.

I wish I could say that your Secretary of the Treasury, Mr. Carlisle, had shown the same progressive spirit. He seems still to stand on the old free-trade doctrine, for in his speech in New York, at the bankers' banquet, he said: "We are now getting down to normal conditions, and I am glad of it." Ah, my free-trade brethren, the present doctrines of Mr. Carlisle are what you have been advocating for years, although he, too, vamps "cuckoo" on this question, as shown by extracts from his remarks at end of speech.

Yes, we are getting down to normal conditions and low prices! Why, Mr. Speaker, in the West the farmers are using their corn for fuel instead of consuming our coal; potatoes selling at 15 cents per bushel in Philadelphia, and that is what the Secretary of the Treasury and the gold advocates of the country mean when they say we must come down to normal conditions, namely, low prices, cheap wages, cheap products, cheap men, and cheap women. God forbid!

Sir, I would like some of these gentlemen to designate the standard of the normal conditions they want to drag us down to. Do they mean that we must reduce prices—cheapen all things to the standard of the gold-using countries? And when we have done that we can stop there and all will be well? Sir, that is only one step toward normal conditions, for the next step will be to drag the so-called civilized world with ourselves down to the next standard, to wit, the standard of the silver-using countries, and when we have all gotten down to that standard, the so-called civilized gold countries and the uncivilized silver countries will together go down farther. For not until we get to the standard of barbarism, which is the bed rock, will we have gotten down to normal conditions. Yet this is the logical sequel of the gold monometallist and free trader.

Sir, in a country like ours, being the most heavily burdened debtor nation in the world, with a system that makes our Treasury the medium for exchange of all securities and values for gold, no matter how low the standard at which these values were purchased, it is impossible to maintain gold monometallism. It is infinitely harder to do that than to bring about the parity of gold and silver, single-handed and alone, by a moderate and conservative system of unlimited coinage of both gold and silver at a ratio based upon the natural production of both metals.

Sir, it is absolutely impossible much longer to carry out our present system, for under this system our Government is the only one which has undertaken the impossible task of exercising the sovereign function of coining money and regulating the value thereof and issuing bills of credit redeemable at the option of the holder and at the same time discriminating against one of its redemption metals. There is no nation on the face of the earth, excepting ours, which attempts to perform the function of a bank of exchange and under our system to pay out gold under all circumstances.

Every other nation in the world retains for itself the option in all its payments. In France they pay out from 10 to 100 per cent in silver when demands are made upon the Banque la France. In England they raise the discounts to prevent a run on their gold, and so in Germany and every other civilized nation they protect themselves by always retaining the option. In fact, no Government in the world attempts per se in any instance to exchange one kind of money for another at option of holder except this Government of ours, and in that way we furnish facilities to the gamblers, the speculators, the jobbers, and the robbers to ply their vocation, in comparison with which the gambling hells of Monte Carlo pale into utter insignificance.

Sir, the best evidence of our mighty power and resources lies in the fact that for so many years we have been able to do that which no other country would dare to undertake; but the time is now at hand when the last straw is being placed on the back of the Treasury, which will break it and bring on destruction and ruin unless speedy relief is given. The passage of the Senate amendment, which gives to the Treasury the option and not the holder; which enables the Treasurer to say, "Yes, if you want the redemption of the greenback or Treasury note, here is your silver or gold," just as the Treasury desires, and not as the holder of the security may wish—for no man will contend that they are not redeemable in silver as well as gold—would stop the endless chain and enable us by the passage of my amendment to coin the American product and give to the Government the seigniorage or difference in the market and coin value of the silver brought to the mint.

It would obviate the necessity of passing any revenue laws to prevent the influx and coinage of foreign silver, as no foreign silver would find its way to our mints so long as they could not get more for it at the mints than its market value at home. For remember that the market value of silver is fixed abroad, in London, and not in this country; but I believe that, by the passage of my amendment, in a very short time the market value of silver would be on a parity with gold and that this country could very readily sustain it on that parity, especially if we were to adopt reciprocity measures with the silver-using countries that would enable us to pay our balances to these countries in silver. For, mark you, the balance of trade is in our favor with all gold-using countries, but is largely against us in all silver-using countries, and under our present vicious system, that forces us to make all our exchanges through London, we pay to the silver-using countries the balances not in silver measured in silver prices, but measured by gold values, thus paying 50 per cent more not only for the debts that we have incurred, but the debts that we may incur, and the current balance of trade against us. Change our system, and these silver-using countries, all of whom are our creditors, would drain us of the seeming surplus of silver that our gold advocates claim to be so much afraid of. Yes, it is time that we cut loose from the chains that are forged around us by the monetary system of England and, like the Numidian lion, assert our strength, and I believe in a few years the great clearing house of the world will be in New York instead of London, and America will wield the commercial scepter of the world.

Mr. PICKLER. Let me interrupt the gentleman to ask if that will not still be keeping silver as a commodity and not as a money metal?

Mr. BRUMM. I am treating it as a commodity, just as I treat gold as a commodity, for there is no such thing as dollars or money of the world. And here is the infamy of the false war cry of the goldites, "Money of the world," "Honest money," etc. Sir, it is the old cry of "stop thief," to divert attention from the truth—for what we bimetallists want is honest money of all kinds, not the favored gold dollar that is dishonest to the debtor and begets the unfavored silver dollar which is dishonest to the creditor; but we want the fair-play gold and silver dollar placed on an equal footing under the law, and then make both of them honest dollars for both debtor and creditor, and this can only be done by harmonizing their bullion value. Our foreign exchanges are all made with bullion, and the value of it will only rise and fall as it will be influenced by that grand talisman of power, "supply and demand," which the Rothschilds and their associates so well know how to control, and by their ability to manipulate become the rulers of the world. But the effect of my amendment will be to put a stop at once to the introduction of foreign silver; there will be no inducement to send it here, since they can get no more for it here than they can abroad, as I stated before, and this is another reason why I am opposed to free silver. I therefore beg the attention of the gentlemen who favor bimetallism to the fact that my amendment will prevent the rush of foreign silver, that some of you claim we could not heretofore take care of, and thus bring about bimetallism without creating a ripple on the financial surface.

I maintain, sir, that the question of parity is not controlled so much by the amount of silver or gold that is coined as it is by the equal opportunity for coining. That is, let the Rothschilds and speculators in basic money know that there is no limit to the coinage of either metal. They will at once see how useless it would be for them to attempt to corner either one or the other alone and by these horrible fluctuations bring repeated disasters upon us, for then they would have to corner both metals, which would make it so expensive that it would hardly pay them to do it, for their main implement of war is the antagonism of the two metals, by which they use the one to corner the other; therefore, by harmonizing the two you deprive them of their most potent engine of destruction. The fact that before 1873 there was very little silver coined in this country, though under the laws there was free coinage of gold and silver, and the foreign coinage of silver amounted to comparatively little, yet the metals maintained their parity, strengthens the position that I have taken—that is, that it is not altogether the question of the amount that is coined, but is largely a question as to the opportunity for coining in case a controlling of the supply and demand of the metal is attempted by the money sharks of the world.

Moreover, this would remove all danger resulting from the operation of the so-called Gresham law and thereby getting down to a silver basis, as it would instantly stop the throwing back on our market of our securities whenever there is a flurry in the money market. The reason our securities are thrown upon us at the time we are least able to take care of them is because they can always make the Treasury exchange these securities at par with gold values upon demand. Who ever heard of Canada or Argentina or India or Mexico or any other country having their securities cast back upon them when they are supposed to bring the lowest in the market? Even in the great crisis brought about by the failure of the Barings the securities were not thrown back upon South America, but were held, because there was no Government so foolish as to make of itself the medium that would enable them to exchange the securities at gold values. But, sir, unless some measure like this is adopted we will inevitably be forced into a single-standard country, and that standard will be silver, for our system gives them every opportunity to take from us all our gold and to force upon us all their silver.

For the last century this has been the operation of our cursed system, for proof of which let me remind you of the fact that England and all gold-using countries are not producers of gold to any extent. We are the producers of more than half of all the gold of the world, and although the balance of trade is, and has been for the last century, in our favor largely with these gold countries, yet they have increased their gold reserve, while ours is constantly decreasing. In the last century we have produced in round numbers $2,000,000,000 in gold, and have now at the highest estimates only $500,000,000 in the country, and of this but between $200,000,000 and $300,000,000 is in sight. Where, I ask you, has this gold gone? The arts have taken but comparatively little of it. The balance of it, sir, has gone to England and the gold countries, and is there being used to lash us into submission to their imperial will.

From the year 1849 to the year 1879 we produced in round numbers $1,500,000,000 of the precious metals, of which we exported over $1,000,000,000 in this short period of thirty years, and this, sir, was when there was no agitation of the silver question; but it was drawn from us for the payment of our debts held by foreigners and the interest on them and to settle balances due by us to silver not gold using countries.

Sir, until our foreign debt is paid we can not prevent a draft on our precious metals. Neither would the destruction of every greenback and Treasury note prevent that draft; but if the Treasury paid at its option, it would assist largely in maintaining the parity of the metals and by unlimited coinage and reciprocity would increase our ability to pay it just 100 per cent.

Sir, our foreign indebtedness draws from this country almost a million dollars every day, and is increasing from year to year. This can not last always. The remedy must be supplied, and that in a short time, or discredit, bankruptcy, and ruin must be the inevitable result. We must begin to liquidate our foreign indebtedness, and this can only be done by enhancing the value of our products with which we pay that indebtedness, and not by lowering their value.

All gold-using countries are comparatively fully developed. There is a surplus of wealth seeking investment. They can not have it at home. They will continue to seek undeveloped countries for their investments. None so agreeable, so opportune, and so safe as ours. If there should be a relative increase of investments with high rates of interest and dividends and a relative decrease of the value of products, it will take no great mathematician to tell you what the ultimate result of this must be. But besides this, sir, the evil affects us in another way. The silver-producing countries are threatening our manufacturing and agricultural industries. They produce their commodities at silver prices, and force them at this price upon the markets with which we are in competition at gold prices. Thus they not only lower the prices of the production, but by their cheapness force them upon the European gold-standard countries, thereby crowding the surplus product of the gold-standard countries on our markets as well as their own.

Sir, no tariff can be high enough to protect us against this evil, and I now appeal most earnestly to our protectionists to look at this question from that standpoint. To you I want to say that your attitude is the most incomprehensible and most inconsistent of any. When you talk finance you advocate the single gold standard, which you know means dear money, cheap prices, or the free traders' normal condition, with expansion of credit and a more uncertain basis of confidence. Sir, I am a protectionist, because I am opposed to cheap prices and a system of revenue that forces

me in competition with the foreigner on his so-called normal condition or low standard, and because I want a more isolated and distinctive American system based upon American prices, American conditions, and American civilization, and which can be made as little subject to fluctuation by foreign manipulation as possible, and I apply the same reason, the same rule, the same method, to the financial question that I do to the tariff question because I want the same results.

Why, do you know, sir, that American capital is even now seeking investment in Japan, not only because labor is cheaper in Japan, but because it is paid in silver, the material is bought in silver, it is completed in silver, and they make the profit between the silver and gold prices. Even American industries are abandoned here and taken to these silver countries, whose civilization is increasing and whose progress is recently second only to the progress of our own people; and how, I ask you, can we avert this terrible calamity unless we adopt heroic treatment and tell the gold-using countries we will no longer be made the cat's-paw to enable them to degrade and enslave us by giving both the gold and silver countries undue advantage over us?

How strange it is that so many of our protectionists, who denounce the theoretical free trader, and who are so heroic in adopting practical tariff methods for protection, out-Herod Herod in their devotion to the low-priced financial theory. In other words, they want tariff to raise prices and want monometallism to reduce prices. "Oh, consistency, thou art a jewel, indeed!"

Now, Mr. Speaker, in conclusion I wish to say that if the Republican party would only do this, first pass my amendment that would give the Government the difference in the coin value and the market value, which would enable us to coin only the American product of silver; next adopt that part of the Senate amendment which stops the Government from being the exchange banker of the world—then give us a practical revenue bill with specific instead of ad valorem duties, and such reciprocity as will enable us to pay our debts to silver countries with silver and open the markets of the world to our products; and finally place a healthy limitation on foreign immigration, and the problem is solved. Prosperity and happiness will be restored. Our glorious Republic will then progress and develop into greatness until it illuminates the world with its glory. [Applause.]

Oh, my Republican friends, it will not do to go to the people with mere promises. It will not do to say, "Yes, this is what we will do." Sir, I would rather go to the people with our banner to the front and proudly point to the acts we have done. Then say, with the mother of the Gracchi, "These are our jewels." Now, give us a House that will repeat, a Senate that will concur, and a President that will approve our acts—and the people will respond at the fall election with a mighty voice from all quarters of this great Republic, "Well done, good and faithful servants." [Applause.]

Extracts from speech of Hon. John G. Carlisle, February 21, 1878, in the House of Representatives, on Senate amendments to the bill (H. R. 1093) to authorize the free coinage of the standard silver dollar and to restore its legal-tender character (CONGRESSIONAL RECORD, volume 31, 1878, Forty-fifth Congress, second session, Appendix, page 41):

My position upon this subject is briefly this: I am opposed to free coinage of either gold or silver, but in favor of unlimited coinage of both metals upon terms of exact equality. No discrimination should be made in favor of one metal and against the other, nor should any discrimination be made in favor of the holders of either gold or silver bullion and against the great body of the people who own other kinds of property. A great Government should treat all its citizens alike, and whenever it attempts to do otherwise it will engender a spirit of discontent, which sooner or later must disturb the harmony if not the peace of society.

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I know that the world's stock of the precious metals is none too large, and I see no reason to apprehend that it will ever become so. Mankind will be fortunate indeed if the annual production of gold and silver coin shall keep pace with the annual increase of population, commerce, and industry. According to my view of the subject, the conspiracy which seems to have been formed here and in Europe to destroy by legislation and otherwise from three-sevenths to one-half of the metallic money of the world is the most gigantic crime of this or any other age.

The consummation of such a scheme would ultimately entail more misery upon the human race than all the wars, pestilences, and famines that ever occurred in the history of the world. The absolute and instantaneous destruction of half the entire movable property of the world, including houses, ships, railroads, and all other appliances for carrying on commerce, while it would be felt more sensibly at the moment, would not produce anything like the prolonged distress and disorganization of society that must inevitably result from the permanent annihilation of one-half of the metallic money in the world. With an ample currency, an industrious and frugal people will speedily rebuild their works of internal improvement and repair losses of property, but no amount of industry or economy on the part of the people can create money. When the Government creates it or authorizes it the citizen may acquire it, but he can do nothing more.

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The struggle now going on can not cease, and ought not to cease, until all the industrial interests of the country are fully and finally emancipated from the heartless domination of syndicates, stock exchanges, and other great combinations of money grabbers in this country and in Europe. Let us, if we can do no better, pass bill after bill, embodying in each some one substantial provision for relief, and send them to the Executive for his approval. If he withholds his signature, and we are unable to secure the necessary vote, here or elsewhere, to enact them into laws notwithstanding his veto, let us, as a last resort, suspend the rules and put them into the general appropriation bills, with the distinct understanding that if the people can get no relief the Government can get no money.

Coin Redemption Fund.

SPEECH

OF

HON. HUGH A. DINSMORE,

OF ARKANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 13, 1896.

The House being in Committee of the Whole, and having under consideration the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue—

Mr. DINSMORE said:

Mr. CHAIRMAN: I have hitherto refrained from participation in this debate. I have not believed that anything I could say would add to the literature of the subject or would influence the mind of any gentleman of the House on the final vote. It could not be hoped at this time, after so much has been said, after the mature reflection and earnest study of the subject brought forward by the pending measure, that I, or even one more competent to speak, could offer anything for the enlightenment of the committee. I have no such ambition. My only excuse for asking the attention of the committee is the duty which I feel incumbent upon me, representing the people of one Congressional district of this great country, to speak in their behalf, in the expression of their convictions and in contention for their rights as they understand them, upon what they consider the most vital question that engages public attention.

Too much has been said in crimination and recrimination in the division of parties on this subject. It is well known that the Democratic party, as well as the Republican party, is divided into two factions, each holding diametrically opposite opinions. Since the debate has begun gentlemen upon this side have deplored the fact that this discussion has been injected into the deliberations of the committee, and in doing so they are prompted by feelings which I admit are commendable in a measure, since they are hopeful of unity and concord in a party which we all love. But, sir, to my mind these injunctions are vain, and we might as well boldly meet the question which confronts us. It is one which will not down at any man's bidding, and we should at once recognize the fact that it is a battle to be fought out in the party, and I for one have nothing to disguise. So profoundly am I impressed with the importance of the question, and the justness of the contention of those who believe in the free and unlimited coinage of silver, that I hold it to be my duty to announce here and now that it is a question which admits of no compromise; and for one I intend, in my poor way, to strive to the utmost to commit the party to which I belong in its next assembly in convention, as it has committed itself in the past, to the free and unlimited coinage of silver. I am a Democrat and believe that the integrity of my party is vital to the welfare of our people under republican government. I should regret it as a great national calamity if that party should go into disintegration. I shall stand by it; and upon this question I have the more reason to do so in my belief that the best hope of the cause for which I stand lies in its success.

Mutual reproaches have been indulged in by gentlemen on account of recent events in the different States and the transferring of power from the Democratic to the Republican party. Particularly has this been so with reference to the State of Kentucky. Democrats have been charged with abandoning the platform. It has grown quite common all over the country for Democrats to declare that the national platform of 1892 was what they are pleased to term a "sound-money" platform, as opposed to the free-silver view.

Mr. Chairman, I want to enter my solemn protest against the justness of this position. There is nothing in that platform which warrants the assertion; there is not a distinct declaration in it on the subject which does not declare for the free and unlimited coinage of silver. It declares that "we hold to the use of both gold and silver as standard money, and to the coinage of both without charge for mintage, and without discrimination against either metal." These are distinct declarations of the party that are, notwithstanding anything more that was said, susceptible of but one construction. And the subsequent clause in the platform which refers to the maintenance of the parity of the two metals, either by international agreement or by prudent safeguards of legislation, can not be understood to change their meaning, but only to indicate that by international agreement, if possible, bimetallism should be accomplished; and if not possible, then Congress should provide for it by law in the free and unlimited coinage of both gold and silver, and by safeguards of legislation provide for the maintenance of the parity of the metals.

Now, sir, I wish to ask in this connection if there has been any effort made by anybody in the Democratic party opposed to the free and unlimited coinage of silver, speaking in its behalf and upon its responsibility, to put on foot any legislation looking to the carrying out of the provisions of the platform which irrevocably committed us to the coinage of both gold and silver as standard money without cost of mintage and without discrimination against either metal. Every effort at legislation upon these lines has been met with obstructions, and when a measure passed both Houses in a Democratic Congress which only went the small extent of providing for the coinage of the seigniorage, it was overturned by the veto power of the President.

It is not for me to criticise public officials as individuals and I wish to disavow any intention on my part to do so. Each one must act within his own responsibility, under his own convictions, responsible to his people and to the high court of conscience, for the discharge of his personal duty. As for myself, I am impelled not only by the obligation which my party has assumed but my personal conviction that the welfare of the people of this country who eat bread by the sweat of toil and who are engaged in honorable and what should be fruitful industry demands that the volume of redemption money should not be kept within the narrow limits of a gold basis. We are already living upon this basis, and we have long witnessed the constant narrowing of the volume of money which represents all the property in our country, in proportion to the rapidly increasing interests which demand its use.

The contention of those who believe in the free and unlimited coinage of silver is that the constant downward tendency of prices of all commodities is due almost entirely to the fact of the elimination of silver from our money of ultimate payment, making gold the only money that measures values in trade and commerce at home and abroad.

Having no intention of going into the discussion of the details of this question, I shall only refer to them in passing, in the brief time which I shall occupy. The points are not new. This question has been fought over for so long that there can be nothing new in it; but the forcible presentation of old arguments, which to my mind are irrefutable, it seems to me should be sufficient to convince each and all not only that to continue the present system will constantly increase our distress and ultimately bring us to financial ruin, but also that the remedy is a prompt and resolute opening of our mints to gold and silver at a fixed ratio on terms of perfect equality.

To those who have taken the pains to investigate in a careful way conditions which have resulted from the adoption of the single gold standard by the civilized world, applying their investigations to our own country, it is strange to me that the result is not appalling. Our friends upon the other side, always ready and watchful to attribute everything to the effect of a protective tariff system or the lack of it, have contended that our great difficulty is lack of revenue to defray the expenses of the Government and lack of confidence in the Administration of the Democratic party. They may convince manufacturers that such is the case, but I do not believe the country can be deceived. A surplus of revenue would not arrest the downward sinking of prices, dragging with them the prosperity of the people. The gold people in all parts of the country, particularly Democrats, have told us persistently that the difficulty was a lack of confidence on the part of the people, growing out of the fear that the Government would pay its debts in a cheap and discredited money. The President of the United States and the Secretary of the Treasury have uniformly used this argument, and reiteration of it has been constantly dinned into our ears here.

This was the excuse given by the Government for the contract entered into with the bankers' syndicate for the issuance of the bonds of January, 1895. We were told in a special message from the President, when asking for authority to issue bonds payable in gold rather than in coin, as the law now provides, that he would be driven to this expedient; that capitalists could not be induced to take the bonds on favorable terms when they were confronted by the possibility of having to receive depreciated silver dollars. But only a few days were required to make it obvious to the world that there never was the slightest ground for fear of the credit of the United States. And the quotations for the same bonds, payable not in gold but in coin, immediately afterwards showed beyond question that they could have been sold on such terms as would have saved the Government several millions of dollars that went into the pockets of the shylocks who have from the beginning reaped the benefits of this destructive financial system.

Mr. Chairman, there is no belief stronger in my mind than that the credit of this Government never has for one instant been impaired or shaken in the minds of the people of the world, and every transaction of public business has made this manifest. Every gentleman who speaks for the gold standard in pathetic tints paints the picture of dishonor of this proud Republic repudiating her debts and paying less than her obligations demand. This, sir, is waste of sentiment. There is no man who believes with me on this question who for a moment assents to the idea of repudiation, or that anybody wishes to pay our debts with debased money. We hold it to be the right of the Government to pay its debts in the money of the contract, and that money is coin, either gold or silver, at the option of the Government. Many private contracts have been made for payment in gold. All others, either public or private, have been made, in view of the law authorizing payment in gold or silver, at the option of the debtor, and of the repeatedly expressed purpose of all political parties to return to silver coinage. All the while gold has been rising steadily in value, making each year the dollar of debt harder to pay. Since and by demonetization its purchasing power has been almost doubled; and yet when we insist that the creditor should be compelled to accept the dollar of the contract, which he agreed to take, instead of this enhanced dollar of increased value, we are charged with dishonesty and a willingness to dishonor our country.

We believe, sir, that the very moment the Government of the United States manifests its purpose in good faith to establish bimetallism by the opening of its mints to the free and unlimited coinage of silver the wide hiatus which has been created between the two metals by the policy of governments, by the demonetization of the white metal, will be closed up, silver going up to meet gold coming down. Increased demand for silver as money will send it up in the markets of the world, and the demand for gold being relieved by that much, it will descend to its normal place, side by side with the silver dollar.

I presume at this time that there are very few individuals who will deny that gold has been enhanced in value. I know that the better informed of those people who have advocated the gold standard admit that there has been an enhancement of gold. No less a person than the distinguished Senator from Ohio [Mr. SHERMAN] has committed himself irrevocably to this idea. But they tell us that we are unable by legislation to inject value into a depreciated silver dollar. My friend the able member from Louisiana [Mr. BOATNER] has even now reiterated that oft-repeated statement. Can not legislation undo that which it has already done? If legislation has deprived it of its value, reverse legislation, under like conditions, ought to restore it. It seems to me that is clear.

When we assert our belief in the possibility of restoring and maintaining the parity, the gold-standard advocates cry out with airs of triumphant confidence, "How are you going to do it? You have not told us how it can be done!" The answer has been given to them a hundred times. Open the mints to the free coinage of both metals at the ratio of 16 to 1, thereby creating a demand for every ounce of silver bullion in the world for money use, and the rate fixed for the ratio will fix the price of the bullion wherever it is in existence.

If the answer is not sound, is not correct, it then furnishes ground for argument, for legitimate discussion. But gentlemen are content to waive it aside with contemptuous expression, and do not even attempt argumentative answer. It will not be necessary to have the silver coined to give it the vitalizing growth in value; the fact that it can be coined will impart it.

The theory of overproduction has been so thoroughly and satisfactorily exploded that nobody can stand on it consistently for a moment. If legislation could take its value away, I insist, sir, that reverse legislation can restore the value which has been taken from it. We do not rely upon the force of argument alone that this will be true; we have experience to enlighten our minds. We have witnessed whenever there has been any legislation tending in any wise to increase the use of silver as money that silver as a commodity has responded with sensitive alertness and has invariably gone up in the markets. Was it not so when the Bland-Allison Act was passed providing for the coinage of $2,000,000 worth every month? And when there had been a slight retrogression and the Sherman law was passed in 1890, repealing the provisions of the Bland-Allison Act and substituting the purchase of 4,500,000 ounces instead, was there not an immediate and instantaneous increase in the value of silver in the markets of the world?

Let me give an object lesson on this point. At the time the silver-purchasing law of 1890 was passed I was representing the United States Government at a foreign court. At the time of the passage of the law I happened to be in the city of Yokohama, Japan. Under the regulations of the Department of State I was in the habit of drawing my drafts on the Secretary of State for gold. Gold not being in use in that country, I converted these drafts into silver dollars, Mexican dollars or Japanese yen, which were of about the same value, to defray my individual expenses and the expenses of the legation in my charge. At the time I had some drafts in my possession, drawn on the Secretary of State, for gold dollars, and took them to the Hongkong and Shanghai

bank to convert them into silver dollars. When I presented them the cashier smiled and said, "You ought to have come yesterday." Upon asking why, he said, "The Sherman law. We have just received news that the Sherman law has been passed and silver has gone up, and you lose about 4 per cent on your drafts." Will gentlemen now tell us that legislation does not affect the value of silver, if the legislation which made so slight an increase in the use of silver affected it to this extent, not in the United States, but in the adjacent countries of Europe, but at the other end of the world, whose night is our day and whose twilight our dawn? [Applause.]

Why, sir, it responded instantaneously to our legislation and illustrated the truth of what was said by the Paris commission of 1868, composed of six bimetallists and six monometallists, that any country of sufficient commercial importance could, by the enactment of law, maintain the parity between gold and silver at a fixed ratio, not only in the country passing the law, but throughout the civilized world. But we are answered that silver did not remain up, but again declined. That is true, but not as is claimed. There may have been a slight actual decline in the value of silver, because the increased demand for it was as a commodity, not as ultimate money. But if its increased value had remained steady and stationary, the value of gold did not, but continued to rise steadily higher in comparison with all commodities, silver included, because with increase of business there was a constantly growing demand for it as the only money of final payment, the only measure of values. Silver practically kept its place side by side with all other commodities, the purchasing power of an ounce being as great as it had ever been until the repeal of the Sherman law and the closing of the Indian mints against it in 1893.

Suppose, Mr. Chairman, instead of providing for the purchase of 4,500,000 ounces of silver, our Government had thrown open its mints, increased its minting facilities, and fixed the ratio at 16 to 1, or any other reasonable ratio. The powers of our country are so great, its people so multitudinous, its interests so varied, its energy so unlimited, its wealth so unmeasured, its resources so extended, there can be no doubt that from that moment we would fix the gold price of silver in the United States at a parity with gold, and would thus control its price in every country of Europe and throughout the Orient in accordance with the price in the United States.

Mr. Chairman, America is great—the greatest of nations—I have no disposition to indulge in vaunting adulation of my country, but it has been truly said, and the statement is supported by the testimony of the most enlightened and learned scientists, that America possesses more wealth and greater population and more vital energy than the whole of Great Britain, Germany, and France, to say nothing of the Latin Union. And yet the Latin Union maintained the parity between the two metals and kept silver in the United States at a premium over gold, and for no other reason than the difference in the ratio, France coining it at the ratio of 15½ to 1, while the ratio in the United States was 16 to 1, and this after other nations had dishonored it. I do not admit, sir, that any nation on earth is more capable of accomplishment, of achievement than ours, and to those who declare themselves bimetallists, but are deterred from supporting the principle by fear that we can not maintain the parity, I point to the experience of countries that have put it to the test.

I have followed my friend from South Carolina [Mr. ELLIOTT], who has just taken his seat, who, having responded to his duty, as he sees it, of giving voice to the sentiment of his people, says that they are in favor of "sound money." He insists that we can not leave the gold standard. We must have "sound money." I desire to protest, Mr. Chairman, in behalf of my people against the use of that expression. We, too, want sound money, but we say that that money which is forcing constantly downward the prices of everything our people have to sell and depriving them of the just profits and remuneration of their labor is not sound money. [Applause.] We want the money which has been promised to the people of this country by every party that has dared hope for their support, bimetallic money. We want gold and silver; not silver as used at present. It is no answer to us to say that under the present system of financial affairs more silver dollars have been coined than heretofore in our history. They are not coined as ultimate money, and that is what we demand; that the volume of money which measures the values of things which the people of the country have to sell shall be increased, shall be restored to where it was before silver was "stricken down." I use that expression which has been criticised upon the other side of the Chamber.

Mr. Chairman, my friend from South Carolina says that his people believe in "sound money," meaning gold money, because, he says, our trade is with gold-money-using countries, the countries living by the gold standard; and he says that the people of the South, planters and producers, would be embarrassed by the adoption of gold and silver as standard money if, as the result of that, there should be a confusion of exchanges in the course of the transaction of their business.

The gentleman asks, "With whom do we trade? Do we trade with silver-using China and Japan, or do we trade with the countries of Europe that have adopted the gold standard?" Mr. Chairman, America to-day trades with the world. She does trade with China and Japan, and with Mexico and the South American States; and while she sends her bales of cotton to Liverpool she sends her bales of the manufactured products, her kerosene, and many other commodities to China and Japan, Mexico and South America, which are sold in those markets; and those who export and sell them in those countries receive the profits of their venture. They sell them to silver-using countries at silver prices, having paid gold prices here. But does anybody suppose for a moment that they lose the difference between gold and silver in this exchange? They sell for silver prices; and those are converted into merchandise, which is sold for gold prices in this country. Commerce is maintained in a healthful condition throughout the whole transaction, just exactly as when we had a depreciated currency in this country after the war, when in one of our most prosperous periods we conducted foreign commerce without any detriment, but with profit to our trade.

[Here the hammer fell.]

Mr. WILLIAMS. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Arkansas be extended.

There was no objection.

Mr. DINSMORE. I thank my friend and the committee for further indulgence.

Mr. Chairman, those who worship at the shrine of the golden calf are fond of reasoning thus: They say we can not establish and maintain the parity of gold and silver dollars, and that the result will necessarily be two dollars, a good dollar current throughout the world and a bad dollar good nowhere, but one which our people will be forced to take; that the bad dollar will drive out the good dollar and leave us nothing but debased dollars. But that, nevertheless, many of the debts of the people being made payable in gold, they can pay in no other money; while they can never receive any other than the debased silver dollar for what they have to sell. Illustrations are indulged in. For instance, they say the importer will contract with the planter for 100 bales of cotton at the market price and force him to take payment in depreciated silver dollars. He will then take the cotton to Liverpool and sell it for gold, convert it into silver, and repeat the operation; the gold advocates assuming that the farmer loses the difference between the silver dollar and the gold one and that the importer gains it.

Are these gentlemen sincere? Is that argument ingenuous? Let us say, and I by no means admit it except for argument, that we are mistaken and that we could not create or maintain a parity; that the gold would go out and leave us on a silver basis. What will happen? They tell us that our silver dollars would only have a commodity value measured in gold. If so, they will stand in the same relation to gold as cotton and all other commodities; and the price of cotton on the plantation in the United States will be fixed in silver with reference to the market relation between silver and gold, because the Liverpool market, fixing the price of cotton in gold, will control and fix the silver price of cotton in the United States. Hence the farmer will get enough silver dollars for his bale of cotton to equal the value of gold dollars obtained for it by the exporter less the latter's profit and the cost of handling and transportation. A tyro in business would recognize this fact; yet our friends ignore it and argue otherwise. If it is a fact, what has the farmer lost? And what has the exporter gained? Obviously nothing. But the whole people have received the benefit of an increased volume of money and have lost the benefit of not a single gold dollar, because it is the money in the world and not in the United States alone—ultimate money, money of final payment—that measures our values. Locke expressed it in this way:

> The value of money in general is the quantity of all the money in the world in proportion to all the trade.

Again, it can not be denied—will not be by any intelligent person of fair disposition—that even if we should fail to advance silver to a parity with gold, the value or the purchasing power of the latter metal would be at least greatly reduced, resulting in increased prices and a more just relation between debtor and creditor. Our friends are not appalled by the fact that though our exports of farm products have more than doubled since 1873 they return to us less money than then. They say it is overproduction, yet investigation discloses that consumption is decreased per capita. They say there is an overproduction of wheat, yet it is known and admitted that the wheat-eating people of the world consumed per capita one-sixth of a bushel less than in 1881, when our crop brought high prices in the markets. This is true of other farm products. When confronted with these facts we are told to wait yet a little while longer until "confidence is restored," and that then all will be well. But while we wait for confidence, though in profound peace with all the world, we must issue bonds every few months, imposing a heavy debt upon posterity as a result of our own folly.

The people are tired, Mr. Chairman, awaiting the fulfillment of the prophecies of the gold theorists in this country. We were told that prosperity would follow immediately upon the repeal of the obnoxious Sherman law, but relief has not come. We were promised revival of business and prosperity, but the revival did not revive, and prosperity lagged; and though God has blessed us abundantly in every provision of nature the stagnation of our industries and the languishing of our people cry aloud against the present ruinous system, that fulfills no prophecy of good but every one of evil, and demand the redemption of promises and the consummation of our hopes and ambitions by legislative provision for the promotion of the public weal. Even experiment would be better than the existing vicious system, which stands in the path of our welfare.

Now, in conclusion, Mr. Chairman, I do not deny that the return to the bimetallic standard would lessen the profit of the people who hold the debts resultant from those debts. I do not deny that it would lessen the amount of the toll which the capitalists of the country levy upon those who labor and delve; but the fact of their loss is the gain of the laborer and producer and the debtor. Their loss is but the just relinquishment of unearned gains acquired by the increased value of money. To my mind, sir, it is abhorrent that idle money should draw interest to its holders from poor debtors. Under a healthful and just system no money can earn profit other than active, circulating, invested money.

The justness of our demand, moreover, lies in the terms of the contract and assurances which have been given the people of this country that silver and gold should be the money of final redemption. In the name of my people I demand it. I can submit to the taunts of those who tell us we have not progressed. I have no ambition, sir, to be that kind of a progressionist. I am not a financial progressionist in that sense, nor am I a financial contortionist. I plant myself firmly and erect upon the Constitution of my country, which declares gold and silver to be the money of our people—the Constitution from which Webster said, in speaking of this particular provision of it, that neither any State nor Congress could take anything away. I stand upon the platform of my own party, which has declared for bimetallism and promised its restoration. I hold up the faith of the people in those promises, and in their name demand their fulfillment; and never, Mr. Chairman, will I yield my influence to failure to perform them and carry out our plighted pledge in letter and spirit to a full consummation. [Applause.]

Coin Redemption Fund.

SPEECH

OF

HON. H. ST. GEORGE TUCKER,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 6, 1896.

The House having under consideration the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue—

Mr. TUCKER said:

Mr. SPEAKER: I can not give my sanction to the bill now before the House, though I should be very glad, if opportunity presented, to vote for the second, third, and fourth sections of the bill.

I have been unable, with the best thought I could give to the subject, to bring myself to the conclusion that the "free and unlimited coinage of silver at a ratio of 16 to 1" by the United States alone, *under present conditions*, would be of any benefit to the people of the country or consistent with good financial legislation. The key which seems to me should unlock the door to the judgment of every man in this House upon this question is this: Would such a step by the United States alone bring the value of the silver in the silver dollar up to par? For it is admitted that to-day the silver in the silver dollar is worth, commercially, only about 50 cents, while the gold in the gold dollar is worth 100 cents; that is, if a man takes a silver dollar and with a hammer mutilates the eagle or the Goddess of Liberty on its face and takes the mutilated coin into the market he can get only about 50 cents for it; but if you mutilate the gold dollar in the same way and take it to the silversmith you can get 100 cents for it.

Now, if the free and unlimited coinage of silver will increase the value of the silver in the silver dollar or so diminish the value of the gold in the gold dollar as to bring them together at par so that the one would be intrinsically the equal of the other, then indeed would the free coinage of silver be, in my judgment, a blessing to the people of the country. But if such action should fail to bring the commercial value of the two together, as I confidently believe would be the case, its enactment into law would prove equally disastrous to the country; for, Mr. Speaker, it would be putting upon the country two dollars of unequal value, the one worth a dollar and the other less.

What is meant by the ratio of 16 to 1?

When the Government was first organized, after the adoption of the Constitution, and gold and silver were recognized in that instrument as the money of the people, Mr. Hamilton, as Secretary of the Treasury, was called upon to formulate a plan by which gold and silver could be coined. He ascertained that in the commercial world gold was worth about fifteen times as much as silver, and therefore he concluded (in which Mr. Jefferson concurred) that if fifteen times as much of silver was put into a silver dollar as there was of gold in a gold dollar the two must be equal. From the very beginning of our Government, therefore, it was recognized that the gold and silver dollars in order to circulate freely among the people must be of equal intrinsic value.

So primal was this principle that in 1837, when the commercial value of silver and gold seemed to have changed, the Government deemed it necessary to change the ratio from 15 to 16 to 1, and that ratio has remained to this day. The Government, not only in 1790, when the ratio of 15 was first established, but in 1837, when it was changed to 16 to 1, recognized the necessity of the equality of the metals in any sound financial scheme, and yet, with this principle imprinted upon the very first coinage act of the Government and reasserted in 1837, it is now sought to be whistled down by the suggestion that the ratio adopted in 1837 of 16 to 1, when silver was worth $1.29 an ounce, is a proper and suitable ratio today for the free and unlimited coinage of silver, when an ounce of silver is worth only about 65 cents.

But some one will ask me, and is now prepared to propound a question, which I will anticipate, "Why should this be? The silver dollar of to-day you have just stated contained only 50 cents worth of silver, and it is recognized on all hands and received in business and all commercial enterprises just as a gold dollar is received. If so, then why would not the dollars which would be coined under a free and unlimited coinage act, though worth only 50 cents commercially and as bullion, be equal to the gold dollar as the silver dollar is to-day?" The answer is plain and evident. We have of silver dollars to-day 430,457,987, and the mints are closed against further coinage of them, except to a very limited extent, and the Government, which pays out about $500,000,000 a year in the conduct of its operations, has agreed to accept and receive each one of the silver dollars now coined at its face value whenever presented to the United States Treasury, and has pledged its faith by law and otherwise to do all in its power to keep the two metals at a parity. In other words, *the Government has gone security for them.*

The dollar has 50 cents of intrinsic value in it, and the Government has practically said by its action, "I will go security for the other 50 cents." If the Government allowed the silver dollar to stand on its own merits or on its own inherent value it would today be worth but little more than 50 cents. Take away the Government prop and down it would go. But in order that it may be used among the people, the Government has, in effect, put its name to the obligation, so that wherever it goes in the commerce of the country it promises to see that it shall be worth a dollar to every person that accepts it, and it boldly stands out as the guarantor of its solvency. But such would not be the case under the free and unlimited coinage of silver at a ratio of 16 to 1, for the Government would be no longer the guarantor or responsible for its solvency, and the silver dollar would stand no longer with the Government back of it as its security, as it does to-day as to those we have, but would stand on its own intrinsic worth and its own inherent value, as the gold dollar does. But even if the Government were to undertake the same relationship to an *unlimited* number of silver dollars, as contemplated by this bill, which to-day it occupies toward a *limited* number, its security would not be sufficient to keep them at par, for its plighted faith, however sincere, could never be equal to the unequal task of maintaining at par an *unlimited* number of depreciated dollars with *limited* credit. Every gentleman must understand this distinction.

My friend who sits before me is worth $10,000. He owes me $5,000, and I gladly and willingly take his note for it, knowing it to be good. But can it be said that because the gentleman's note of $5,000 to me is good his note for the same amount to 10, 15, or 20 gentlemen around me would be equally as good? Or could it be contended that because the $5,000 note to me is good an indefinite number of $5,000 notes issued by him would be good? You see at once that there is a limit to his credit, and that limit is gauged by the proportion of his obligations to his assets, and so it is with the Government.

If, as I have said, the Government in effect goes security for the 430,000,000 of silver dollars we now have out, and they are thereby made equally as good as gold, could the Government undertake to carry an unlimited number of silver dollars with only

a limited credit? This being the case, and I think the facts can not be successfully denied, the question again recurs, could the United States alone among the nations of the world by its action maintain the free and unlimited coinage of silver at a ratio of 16 to 1 and keep the two metals at par? Now I do not subscribe to the doctrine so often advanced that if we had the free and unlimited coinage of silver at 16 to 1 the dollar resulting from it would be a 50-cent dollar, but I contend that it would be a dollar less in value than 100 cents.

It can not be denied that if you take from a substance one of its qualities or one of its functions that substance will be diminished in value to the extent of the value of the quality which you have taken from it.

Equally true will be the fact, under like conditions, if that quality or function is put back into the substance, its normal value will be restored. This, it seems to me, is a common-sense principle; and so we are met with the argument that under the act of 1873 the Republican party took away from silver one of its most important, if not the most important, quality it possessed, namely, that of being made into money freely and without limit, and that, therefore, silver has gone down in price until to-day it is worth about one-half of what it was in 1873.

This argument would be conclusive to my mind *if the conditions were the same*, but no student of this question can look at it for a moment without seeing that the conditions are absolutely and entirely changed. In 1873, at the time of the demonetization of silver, the silver in the silver dollar was worth $1.03. Since the act of 1873 it has constantly gone down; but why? Since 1871 Norway, Russia, Sweden, Denmark, France, Greece, Italy, Roumania, Switzerland, Bulgaria, India (who annually consumed $40,000,000 of silver), and the United States, have refused to admit silver to their mints for free and unlimited coinage. If, then, it required the powerful cooperation of those great countries with the United States to keep silver at a par with gold in 1873, how can we expect the United States alone to do to-day what it required them all to do in 1873?

Now, let me illustrate, so that gentlemen may not misunderstand me. If I offer my friend here a horse for $100, and he agrees to take him at that price, and just as the bargain is about to be concluded I say to him, "I sell you this horse on one condition, and that is that you are not to plow him," my friend will answer at once, "I like the horse; I think he is worth $100; I am willing to give you that sum for him; but one of the chief values of the horse is to plow with him, and if you put that restriction on him, that he is not to be plowed, I can not give you the $100 for him, but I can only give you $50."

If, however, I yield to my friend and take the restriction from the horse and say you may plow him, the value which has been taken from him will at once be restored; and so if the United States in 1873, after the demonetization of silver, which tended to destroy one of its most valuable qualities, had immediately or shortly after by the action of the Congress restored it to its original free-coinage privilege I doubt not that the value which had been taken from it by its demonetization would have been immediately restored, at least for the time. But let me carry my illustration a little further: Three years ago a gentleman came to this city with a horse to sell. He went to a dealer who, after examining the horse, agreed to give him $150 for him. During his stay in the city he had noticed the cruelty exhibited toward horses which were working in the street cars, and after the bargain had been struck he said to the dealer, "I must make one condition on the sale of this horse, and that is that he is not to be worked in the street cars." The dealer said, "I can not give you the $150 for your horse, though it is worth that, because one of the chief values of horses in this city is that they can be worked in the street cars," and so my friend took his horse back home. Last week he came back with the horse, and though the horse was three years older, his condition was even better than it was when he first presented him to the dealer, but when he went to the same dealer and told him that he had brought him the horse for which he had offered him $150, and that he was willing to take the restriction from him that had been imposed when he was here before, the dealer at once replied, "Three years ago I was prepared to give you your price for the animal, but to-day *the conditions have entirely changed.* Whereas all of the street-car lines in the city were propelled by horsepower three years ago, to-day there remains but one, as electricity and the cable have supplanted the use of the horse."

This illustration gives the exact condition of silver in 1873, twenty-three years ago, and to-day. The great nations of the world which I have just enumerated, including the United States, all declared against the free and unlimited coinage of silver, which action tended to destroy its value. Now, then, can its value be restored to-day by the action of the United States alone, when the demand for silver has been so circumscribed and cut off by all of the great countries of the world by refusing it admission to their mints? This, Mr. Speaker, is the test which controls my vote on this bill.

If I could believe that the action of the United States alone would bring the intrinsic value of the silver dollar up to par, I should welcome it as one of the most important measures that could be brought to the attention of the American Congress. More than that, sir, I would vote most cheerfully, as I have done before, for any measure looking to the free and unlimited coinage of silver, with the addition of enough silver to the dollar to make it the equal of any other dollar.

I believe that the present bill would tend to increase the value of the silver in a silver dollar. But how much? Can any gentleman here tell how much? Would it go to 60, 65, or 70 cents? No human eye can discern the point, and no human wisdom has been able to fix it. It is all empirical—experimental. It is an untried sea upon which we are asked to embark. The safe, conservative policy is to give to the country only a dollar that is worth a dollar and not one dollar worth 60 or 70 cents running alongside another worth 100 cents.

For ten years prior to 1873 the average amount of silver mined in the world was about fifty millions, and silver then sold at $1.29 an ounce. For the year ended June 30, 1894, the world's product was two hundred and seven millions, and it is a recognized fact that where the supply of an article is increased and the demand remains stationary the price must fall.

What, then, must be said of a condition that shows the annual increase of silver in the world from fifty millions to over two hundred millions, while the great countries which I have just enumerated have declined to use it, and thereby diminished the annual demand for it $40,000,000.

And, indeed, the increase of the production of silver in the world in its relation to gold has been no less instructive, for in 1873 the world's production of silver amounted to $81,000,000, and of gold $96,000,000. In 1894 the world's product of silver amounted to $216,000,000, while that of gold was $180,000,000. That is, while the production of gold increased not quite *double* in that time, that of silver was nearly *trebled;* or if we look only to the product of the United States at those dates we find that in 1873 $35,000,000 worth of silver was produced by our mines and $36,000,000 worth of gold, while in 1894 we produced $64,000,000 worth of silver and $39,000,000 worth of gold—that is, the increase of silver between those dates is nearly 90 per cent, while that of gold is only about 10 per cent.

So that while we believe the demonetization of silver in 1873 by the Republican party of itself did seriously affect its value, it will not be denied that the great increase of silver in the world and in the United States in its relations to gold must be considered among the causes which have produced the decline in the value of silver.

But it is urged by some gentlemen around me that so great and powerful is the United States and so extensive is the development of her resources in various directions that the demand for silver by the United States alone, without the cooperation of other nations, would be such as to restore it to a parity with gold. It must not be forgotten that in 1873, when silver was demonetized, only 8,030,000 silver dollars had been coined in the entire history of our country. It is true this did not represent the entire amount of silver used by this country, because the Spanish dollar was for a number of years in constant use, but it at least represented the demand of our country for our silver bullion for coinage purposes. Since 1873, when silver was denied admission to the mints freely, under the various limited coinage acts which we have had, about 430,000,000 silver dollars have been coined. We have coined and used and are now using about seventy times as many silver dollars as were used in the country from 1790 up to 1873, and in spite of these startling facts the price of silver has fallen from $1.29 an ounce to about one-half of that, or from a ratio of about 16 to 1 to a ratio of about 32 to 1.

EFFECT OF TWO DOLLARS OF UNEQUAL VALUE.

What now, I ask, would be the effect of the adoption of such a measure, which, as I have sought to prove, would result in the circulation of two dollars of unequal value? Who would it hurt? Who would it benefit? I claim, without fear of successful contradiction, that if such a measure should become a law bankruptcy and ruin would mark its adoption, and to every man in the country who is laboring under a load of debt it would be the beginning of the end. The laboring man would be the first to feel it. His wages would be paid him in the depreciated dollar, and his sweat would be coined into poverty and misery instead of comfort and happiness. The farmer would be the next to feel it in the payment to him for his produce in the cheaper money. The merchant would be the next to feel it in the exchange of his goods for a depreciated dollar. The last of all to feel it would be the capitalist and banker, who is always able, in any contention, to take care of himself.

Suppose it were possible next November to elect a President in favor of the free and unlimited coinage of silver at a ratio of 16 to 1, and with him a Congress favorable to his views, what would be the effect? A man who then owed a thousand dollars payable in the gold or silver dollar of to-day would have to meet his creditor at the court-house at the next rule day in his demand for the payment of the bond because of the creditor's fear that if he waited to collect his debt until the free-coinage bill became a law he would have to accept the depreciated dollar for his debt. No extension of time would be given for the same reason. The election deciding the question would have been held in November, 1896, and the Congress would meet in December, 1897. The whole world would know what such a Congress and such a President would do. Eighteen months, at least, would probably elapse between the election of the President and Congress and the time in which the free-coinage bill could go into effect. That eighteen months would be strewn with the wrecks of bankruptcy and ruin. Every man that holds a bond against his neighbor would endeavor to collect it. Every mortgage upon the home and every trust deed upon the cabin would be enforced. The auctioneer's flag would be hoisted on every stile. No renewals of debts would be thought of. The fear of their payment in depreciated money would stop further indulgence, and the bill which had been looked forward to by many as the solution of all troubles and the panacea for all woes would be the source of their keenest torture and the consummation of their ruin.

The bank or the capitalist who lends money is not actuated by charitable motives in the lending. It is done to make more money. Can anyone doubt, with the fear of loss impending in the payment of his debt, that each creditor would be swift to see that his judgment lien was first upon the docket, while decrees of sale of "the old homestead" in every neighborhood would fill the land with "lamentation and weeping and great mourning"?

The only hope of the debtor class to-day is to tide over the hard times without being compelled to liquidate. Force them to pay up, as this bill would do if enacted into law, and their destruction would be certain.

GREENBACKS OUGHT TO BE REDEEMED IN COIN.

The fourth section of this bill, which I should be glad to vote for, practically requires the Secretary of the Treasury when greenbacks are presented at the Treasury for redemption to pay out gold and silver alike. In round numbers we have to-day $350,000,000 of greenbacks as currency, which are debts against the Government, but, unlike the note given by one man to another for a debt, they are not canceled when redeemed by the debtor (the Government), but by a specific law are required to be reissued. When a man pays his note of a hundred dollars to his neighbor the note is canceled and the debt extinguished. When the Government pays a hundred dollars in greenbacks by redemption they are not canceled, but by law are required to be reissued in the payment of the current expenses of the Government. So that the greenback is, under existing law, a continuing obligation of the Government, which is being continually redeemed and reissued. By paying them the Government is not relieved of its debt, because it is required to reissue them.

These greenbacks, by a law of Congress passed in 1869, are payable by the Government in coin, which means gold or silver, but, by a construction of the Treasury Department, which has existed for some fifteen years or more, the "coin" has been construed to mean gold at the option of the holder, as if an obligation by one man to another to pay a hundred bushels in grain must be paid in wheat, and not in corn or oats, at the option of the holder of the note. This construction of the Treasury Department, in construing the word "coin" to mean gold, at the option of the holder, is sought to be justified on the ground that such action is necessary in order to maintain the parity between gold and silver.

In addition to the greenbacks, under the Sherman law of 1890 (which the Fifty-third Congress promptly repealed), there have been issued by the Government $150,000,000 of obligations, known as Sherman notes, also payable in coin. By the same process of construction these notes are redeemable at the option of the holder in gold. So that there exists to-day $500,000,000, in round numbers, of outstanding obligations of the Government payable in coin, but by said construction held to be payable in gold at the option of the holder.

RAIDS ON THE TREASURY.

The trouble which the Treasury Department is suffering from, and has been suffering from for the past few years in the maintenance of the gold reserve for the redemption of these notes, is due, in my opinion, to the construction put upon the word "coin" by the Treasury Department, first under a Republican Secretary of the Treasury and since uniformly followed by his successors. The process is simple: The greenback is presented to the Treasury, the holder demanding gold for it; the gold is paid, the Treasury loses it, and gains in its stead the greenback for which it was exchanged. If the process stopped there it would be all right, but the law requires that the greenback which has been redeemed at the expense of an equal amount of gold taken out of the Treasury must be reissued, when it speedily falls into the hands of the speculator, and he brings it back to the Treasury to take out its equivalent in gold again, and so the process continues, and becomes an endless chain, or an endless raid upon the Treasury by the speculator, and an audacious attempt to break down the credit of the Government.

To meet this trouble and to preserve the gold reserve it has been earnestly contended that the greenbacks and Sherman notes should be retired permanently by issuing $500,000,000 of gold bonds with which to cancel them.

This proposition is not only one which I believe fraught with great danger to the people, but it is admitted on all hands that it can not in the near future be accomplished by any party. The distinguished Secretary of the Treasury in the last Congress proposed a bill which would have greatly relieved the situation, if not entirely, providing for the retirement of the greenbacks and the substitution of State-bank issues in their place, but it hardly received a respectful consideration from either party in the country, so that it seems to be a settled fact that at least for two or three years, under present conditions, nothing will be done to retire the greenbacks, and we are to stand in the same position in which we find ourselves to-day, for the present Congress seems both unwilling and afraid to suggest any remedy.

THE PRESENT QUESTION.

The question is, Can the country afford to continue its present mode of procedure, issuing bonds to secure gold to put into the Treasury to preserve the gold reserve, which may be in twenty-four hours taken out of the Treasury, and a demand for an additional sale of bonds be made at once to replenish that which is already gone? In other words, can the country stand what may be the unlimited mortgaging of the revenues of the Government for the future to obtain gold which may be taken from us the day after it is put into the Treasury?

The credit of an individual may be lost in two ways—first, in his failure to pay his obligations as agreed, or secondly, in mortgaging his assets or estate so that in the near future he will be unable to pay. The condition presented to-day is just this: If the Government fails to pay its obligations in gold, as claimed above, by reason of the failure to maintain the gold reserve, it may go to protest. If the Government, in order to pay its obligations in gold, mortgages its revenues indefinitely for the future by bond issues, its credit will be as certainly destroyed as if it failed to-day to pay its obligations in gold. The one is just as certain as the other. There is no escape from it. What, then, should be done? What, then, is the remedy for the Treasury Department, the object or plunder by the speculators? It is this, to firmly and positively announce that the raids made upon it for personal aggrandizement at the expense of the public credit must stop; and that a presentation of the Government's obligations, payable in coin, will be met by coin, as agreed upon in the contract—that is, in gold and silver. Such a process under any circumstances could not be considered a breach of public faith. Such a process, as against the studied and settled policy of the speculator to fleece the Government, would be only just and proper.

SYSTEM IN FRANCE.

The Bank of France, until the past few years, has carried more silver than we did, and yet it reserved the right to pay its obligations in both metals, not according to the option of the holder, but according to its own option. A distinguished member of the present House of Representatives has told me that in presenting a £600 note of the Bank of England at the Bank of France, in Paris, he was required, before the gold was paid him, to state for what purpose it was desired, the officer telling him that if the money was desired for domestic purposes he would be paid in gold and silver, but if desired to pay a gold debt, he would be paid in gold.

It is inexplicable to my mind to see how the payment of an obligation of the Government in silver or gold, according to the terms of the contract, could be a departure from the letter or the spirit of the obligation. It has been the boast of our Government that though the intrinsic value of the silver dollar to-day, of limited coinage, amounting in round numbers to 500,000,000 in circulation among the people, is only about one-half of the value of the gold dollar, it has yet been preserved at a parity with the gold dollar, and passes current with it in all exchanges. If such be the case—whatever be the reason assigned for the fact—that the gold and silver dollars are on a parity, which means equality, why should not the silver dollar be paid on the obligations of the Government, which, at least, are in part redeemable in it, according to the letter and spirit of the contract? Why should the Government refuse to pay out on obligations due by it the same money it receives on obligations due to itself? To refuse to pay it is to deny the parity; but the parity is admitted by all, and if admitted, then it should be so paid. On the other hand, to refuse to do so is to launch the Government on the dark sea of bond issues, the limits of which no human eye can discern, and to leave to our children a heritage of debt which "anticipates the labor of coming ages and appropriates the fruits of it in advance; which coins the industry of future generations into cash, and snatches the inheritance from children yet unborn."

Mr. Speaker, I will go with gentlemen in doing everything pos-

sible consistent with sound reason to restore silver to its position as primary money. I would gladly vote for the coinage of the seigniorage in this bill (as I have done before) were it disassociated from the objectionable feature of the bill. To the silver dollar we now have I would give the fullest recognition, and deny to it no power or capacity accorded any other dollar in the land. But I can never vote for a bill that would create one dollar less valuable than another, and I stand ready at all times to vote for any bill to legitimately increase the volume of currency and create a dollar *which shall be the equal of every other dollar in the land.* To do otherwise, with my belief of the result, would be little short of criminality.

Believing, therefore, as I do, that the enactment of this bill into law would result in the impoverishment and bankruptcy of the people whom I represent, and the destruction of the public as well as the private faith, I can not give it my sanction.

Extermination of the Alaska Seal Herd.

SPEECH

OF

HON. MARTIN N. JOHNSON,

OF NORTH DAKOTA.

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 25, 1896.

The House having under consideration the bill (H. R. 3206) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," and for other purposes—

Mr. JOHNSON of North Dakota said:

Mr. SPEAKER: The report (No. 451) of the Committee on Ways and Means on H. R. 3206, "A bill to amend an act to prevent the extermination of fur-bearing animals in Alaska," concludes with the following language:

Your committee therefore unanimously recommend the passage of the accompanying bill.

That is true. There is no minority report, and no opposition, factious or otherwise, to the passage of the bill. It does not follow, however, from this unanimity of conclusion that there is any unanimity of opinion as to whether the effect of the bill, if it becomes a law, will tend to the preservation or the extermination of the seal herd. For my own part, I am frank to say that I believe the effect will be to facilitate the extermination of the herd promptly, "decently, and in order."

I do not know what the chairman believes on this point, but his testimony agrees with my belief.

On page 13 of the official report of the hearings, February 18, 1896, we read:

Mr. HOPKINS. This bill will result in the extermination of the seals?
Mr. DINGLEY. Yes.
Mr. HOPKINS. And put an end to the policing of Bering Sea and that expense?
The CHAIRMAN. Oh, certainly, when the seals are killed.

Neither is there among those who agree in opinion as to the effect of the bill any necessary unanimity of emotion in contemplating the result.

In the Fifty-third Congress the word "decrease" as applied to this herd was preceded by the adjective "alarming." The report now before us betrays no emotion, evidently viewing the inevitable with philosophic complacency. For myself, I must look upon the unavoidable extinction of such wild beasts as the buffalo and the fur seal not entirely without sentimental regret, but yet, after all, as "a consummation devoutly to be wished." I am not sure of the unanimous concurrence of all my colleagues on the committee in these views, but I am sure that my own convictions grow stronger from year to year the more I study the subject.

When a similar bill was under discussion last year I said (page 3323, volume 27, CONGRESSIONAL RECORD):

Mr. DINGLEY. I yield five minutes to the gentleman from North Dakota [Mr. JOHNSON].

Mr. JOHNSON of North Dakota. Mr. Speaker, we have tried and failed utterly to protect this seal herd. You might as well try to restore the buffalo to the Western plains, or to turn the prairies of Illinois and Kansas into wolf pastures, as to try to set aside the Bering Sea as a preserve for this seal herd. The fur seal should have disappeared before man appeared upon the globe. He belongs to the Glacial epoch. His nature is such that it is utterly impossible for him to live in contact with civilization. He can not be tamed. He utterly refuses to touch food in domestication, and when pursued by man, especially on shore, he is incapable of either defense or flight. He has disappeared from every corner of the globe where he has come in contact with civilization.

Nothing but a very curious combination of the late discovery of the land and the almost perpetual fogs at sea in that part of the world has preserved this herd. It is bound to go. You can spend millions on it, but you can not save it. The fur seal belongs with the mastodon, the Irish elk, and the great auk. Instead of trying to struggle against nature; instead of trying to accomplish the impossible; instead of looking with alarm upon the destruction of the seal herd, as the committee say in their report, let us look with complacency upon the government of the universe as we find it.

Not by employing the entire Navy can you preserve that seal herd over five years. Let us not throw away any more good money in resisting the inevitable. We did very well for twenty years under the Alaska Commercial Company's régime. From 1870 to 1890 they took something like 100,000 prime male seals a year without detriment to the herd, and the Government made some $9,000,000 from this source; but there it stopped, and you can never restore that industry again. Last year we only got $500 all told as the revenues of the Government from this business, while our expenditures, if we include the Paris award, were nearly a million. In fact, for the last three years the total receipts of the Government were only $71,000.

It is not an American industry. There are not 500 American people who earn a living out of the business. The company has a contract with the Aleuts, with the natives who were transported to the Pribilof Islands for the sole purpose of working for this company, that they shall have a monopoly of this labor. Not a white laboring man gets employment there. In consideration of their good behavior and doing their work in a certain way they have a contract for the monopoly of the entire labor, and for the last three years we have appropriated about $19,500 a year as a part of the pay of these employees; for it amounts to that. It has appeared in the sundry civil bill as being for fuel, food, and clothing for these natives. These Aleuts are not natives of the islands. They were brought there for the purpose of working for this company, and they have the exclusive right to work for the company. That is all the labor the business furnishes so far as these islands are concerned.

Then, when the skins are removed they are all carried to London. Not one of them is tanned in America. There are in London 50,000 people who find employment in dressing these skins. Mr. Blaine in his letter to the British minister stated that $12,000,000 had been earned in England as wages by the la[illegible]ing men there in the dressing of these skins.

There are no more laboring men employed in that business in America than there are employed in a single store in this city or on a single farm in North Dakota.

It does not amount to a commercial interest. Instead of paying out another quarter of a million of dollars on an international commission, as we did last year, let us stop negotiation and save what there is left of them by harvesting the entire herd when they go ashore next June. We paid last year $224,000 commission expense, $158,000 (not including pay and subsistence of officers and men) for naval and $40,000 for revenue-cutter patrol of that sea, besides over $50,000 in other expenses. Our only chance to save anything out of the wreck is to kill and skin them all this summer. I propose to offer an amendment, if opportunity is given, to strike out that part about the international commission.

The last section of the bill, which is simply to capture the herd next summer, is all right. For many years that herd was simply seen twice a year, like a flock of birds of passage, as it skipped through the passes of the Aleutian Islands, its summer resort being somewhere in the Bering Sea, to its winter resort in the Pacific Ocean. For many years the Russians employed quite a fleet in trying to find either their summer or winter resort. They were especially anxious of finding their winter habitat, supposing that the furs would be more valuable in the winter than in summer. Finally, about a hundred years ago, a Russian navigator discovered their summer resort in the midst of Bering Sea.

Their winter resort or tour is now known both to us and the English. Our Treasury agents discovered and reported their course prior to 1890, but the Treasury Department very properly refrained from publishing the reports. In 1892 Sir George Baden-Powell employed four English war vessels to follow the herd and discover their winter course. He publicly boasted of his success in a speech on his return to London.

English and Canadian sealers furnished with this knowledge by the English Government now have the herd at their mercy. Exposed as our seal herd now is, the herds in the South Atlantic, South Pacific, Indian Ocean, and Japan Sea have all vanished. Ours is doomed. Let it go without regret. They eat 50,000,000 pounds of fish a day.

What has become of other herds? Captain Cook discovered seals on Desolation and South Shetland Islands, nearly south from Cape Horn. They were stripped of seal life in a few years—320,000 skins being taken in 1820 and 1821.

Kergulen Land, Southern Indian Ocean; discovered in 1772. In twenty-eight years 1,200,000 skins were taken there and the herd exterminated.

Crozett Islands, same ocean, same fate.

Mas-a-Fuera Island, in South Pacific, off coast of Chile; discovered in 1797; herd at that time estimated at 2,000,000 or 3,000,000; 3,000,000 carried to China in seven years and herd destroyed.

South Georgia, in the South Atlantic, produced over a million skins in a few years; herd extinct.

Coast of South America about Cape Horn teemed with seal life when discovered. Now only a few stragglers are found; not enough to pay to hunt.

As late as 1854 a small seal island less than a mile in diameter was discovered in the Japan Sea by Americans. A herd of 50,000 seals was exterminated in three years.

Now, there are only three herds left in the world.

First. A small herd on the Lobos Islands, in the mouth of the River La Plata; capacity, 5,000 to 12,000 skins per annum; protected by Republic of Uruguay.

Second. The herd on the islands of Copper and Bering, coast of Kamchatka; capacity, 40,000 skins per annum; protected by the Russian Government.

Third. Our Alaska herd on the Pribilof Islands; estimated from 6,500,000 in 1887 down to 175,000 in 1895.

It is idle to talk about restoring a seal herd when once broken up. It has never been done. In the Southern Hemisphere there are well-authenticated cases where a depleted herd was not hunted for fifty years—left undisturbed—and yet it did not recuperate. Our Alaska seal herd is an anomaly.

So long as that herd was only exposed to slaughter for a few days in the spring, while rushing between the Aleutian Islands in passing from the North Pacific to Bering Sea, and again for a few days in the fall, while passing the same points going back to the Pacific, so long as no man knew whence they came or whither they went or where they lived either in winter or in summer, they were comparatively safe. But when Pribilof discovered the islands of St. Paul and St. George, in Bering Sea, where the seals resort and stay in summer, then it became possible to exterminate

the herd any summer. They would have been so exterminated in a very few years but for the protection of the Russian Government.

Being safe in summer under protecting regulations and safe in winter under their ancient shield of secrecy as to where they were in the almost boundless Pacific, it was still possible for this herd to exist for a few years. But when the British Government sent four war ships into the Pacific for the express purpose of following the herd all winter and of revealing the route to Canadian sealers—when that expedition succeeded in its plan and published its charts, then the herd was doomed.

In addition to what I said on that point last year I wish simply to add a brief extract from the official report of the hearing of this year before the Committee on Ways and Means, pages 5 and 6.

(Interrogatories by members of the committee; responses by Mr. Hamlin, Assistant Secretary of the Treasury.)

Mr. DALZELL. The treaty was in view of the arbitration proceedings. Is it not under the treaty that award is made functus officio?

Mr. HAMLIN. No, sir; we are proceeding under the decision of the arbitration under that treaty and legislation enacted by both Governments to carry out that award. Great Britain might claim that this bill is practically a violation of the award; that the award was passed to protect the fur-seal herds, and you propose——

The CHAIRMAN. It was to protect them really on the high seas.

Mr. HAMLIN. Certainly. And you propose under this bill to destroy the rest—the subject of the treaty—as soon as the herd reaches the islands. Now they might say, we will thereupon allow our sealers to follow the herd in May and June up to the islands and to kill them in spite of the closed season.

Mr. JOHNSON of North Dakota. Do not they allow them to follow them during the winter, from November until the following spring?

Mr. HAMLIN. Yes, sir; but there is practically no sealing at all from November until about the latter part of January

Mr. JOHNSON of North Dakota. Is it known to the American sealers where this herd is during the winter?

Mr. HAMLIN. We know.

Mr. JOHNSON of North Dakota. You know because you have the reports. Have you published those reports?

Mr. HAMLIN. You mean the charts; we have regular charts.

Mr. JOHNSON of North Dakota. The British Government sent Sir Baden Powell for the expressed purpose of finding the winter habitat of the seals, and that information has been given to their sealers, and, as I understand it, that habitat is known to them, but I understand in the United States the information has never been published as to where that herd is.

Mr. HAMLIN. They are all published in the regular official report of the tribunal at Paris.

Mr. JOHNSON of North Dakota. When did the winter habitat of the seals first become publicly known?

Mr. HAMLIN. I should say that not until just before the time of the Paris award was their course definitely known with precision.

Mr. JOHNSON of North Dakota. That is, the British commission.

Mr. HAMLIN. This Government had a commission, as also did Great Britain. From that time the habits of the fur seal became definitely known. To-day I could almost tell you within a few miles on the chart where the herd is as it is going along up the coast toward Sitka.

With these charts, given first by the British Government to the Canadian butchers and pot-hunters in 1892, and to all the world in the report of the Paris tribunal in 1894, and now accessible to every pirate and poacher on the broad Pacific, with the herd already reduced from six and a half million in 1887 to a beggarly 175,000 in 1895, with "44,000 seals, mostly females, having been killed during the last season by the pelagic sealers," and with 30,000 dead pups, starved to death, counted on the rookeries last fall, does it not occur to members that we are a wee bit late in passing bills for the preservation of the Alaska seal herd?

With thirty-seven times as many seals in the herd in 1887 as we have now, with that herd then safely feeding in secret seclusion from November to June in the Pacific, and under our protection on the islands and in the Bering Sea—which we then held as a closed sea—from June to November again, we have seen this once splendid property almost destroyed.

Now, with only a miserable remnant, one-thirty-seventh, pursued and slaughtered all the year, and with the Bering declared an open sea, it is seriously suggested by some men to undertake to restore that herd! Such an impossibility I do not care to argue.

In this crisis, my countrymen, I regret exceedingly to have nothing better to offer you than the "consolations of philosophy."

THE GRAPES ARE SOUR.

When Ole Bull went to Moscow to play before the Czar he was requested by a pompous official music master of the court to first play a sample piece in order that said official might determine whether the music was really good enough for the Czar.

Mr. Bull replied: "I play either for money or for honor. Playing before you would involve neither."

I take it that Uncle Sam is playing either for money or for honor. Neither has been involved since 1890 in this miserable fur-seal business.

Is either money or honor in sight as far ahead as the lookout from the crow's nest on the ship of state can penetrate the mist of the future with his telescope? Hardly. The report states that—

The Government expended in 1894 about $450,000 in a vain attempt to prevent the killing of seals in Bering Sea.

That is true so far as it goes. We spent about that sum on the Navy alone. It is not mentioned in the report, but it is true, nevertheless, that we also spent in 1894 $56,439 on the Revenue-Cutter Service, $10,308 on salaries of agents, $18,319 on support of natives, $224,514 on Paris Tribunal of Arbitration, and that we never got a red cent of income to the Government from this fur-seal business.

As I figure the balance sheet, so far as money is concerned, for the last five years the account stands about this way:

Expenses.

Year.	Policing Bering Sea by Navy.	Patrol by revenue cutters.	Salaries of agents.	Support of natives.
1891	$133,281	$51,650	$15,396	.....
1892	223,931	66,672	16,071	.....
1893	183,067	47,385	11,168	$11,357
1894	452,768	56,439	10,953	18,319
1895	.....	148,677	10,308	25,563
Total	1,003,047	370,823	63,896	55,219

Total of four items foregoing	$1,492,985
Expense of Paris Tribunal of Arbitration	224,514
Damages tentatively agreed on by Gresham and Pauncefote, and recommended by Mr. Cleveland to be paid	425,000
Total expense for five years	2,142,499

RECEIPTS.

In 1891	$46,749	
In 1892	23,972	
Total (no receipts in 1893, 1894, or 1895)		70,721
Loss to United States in five years		2,071,778

In addition to what I said last year and in support of the position that not only is there no money in this business now for the Government, but there never was a time in its palmiest days when the business furnished a living for 500 American citizens, I wish to quote from page 7 of the hearings. It was always a British industry, almost as exclusively so as any craft in London.

Mr. HAMLIN. No, sir; the North American Company, which rents the islands——

Mr. JOHNSON of North Dakota. But how many American men do they employ on the islands, for instance?

Mr. HAMLIN. Very few. But they have a force employed in Dutch Harbor and San Francisco.

Mr. JOHNSON of North Dakota. How many men do they employ in London to dress the skins?

Mr. HAMLIN. It has been estimated at from 7,000 to 10,000, but I think that is rather an overestimate. This force is employed by the London brokers and fur dressers.

Mr. JOHNSON of North Dakota. You think 500 Americans make a living out of seals, either by dressing the skins or catching the seals?

Mr. HAMLIN. As regards the North American Company, I should say perhaps not 500, but as regards American pelagic sealers, at least 500.

Mr. JOHNSON of North Dakota. What I want to bring out is that it is a British industry practically, and that 10,000 people in London make a living out of dressing the skins, and not 500 American citizens are lawfully engaged in the matter.

Mr. HAMLIN. I think 1,000 would be a fair estimate. I think it will not exceed 1,000 people.

Mr. JOHNSON of North Dakota. Do you not think these seals eat 50,000,000 pounds of fish a day, and would not these fish be of great benefit to——

Mr. HAMLIN. No, sir; they live largely on cod, and the cod fisheries of Alaska are inexhaustible, practically the greatest cod fishery in the world.

Mr. STEELE. How much a day did you say they ate of fish?

Mr. JOHNSON of North Dakota. They eat 50,000,000 pounds a day, enough to put a pound of fish before every man, woman, and child in the United States every day, if it was diverted from these seals and put on the table of American people.

Sections 1, 2, 3, and 4 of the bill provide for another international commission. I am heartily sick of international commissions, and am against these four sections.

The fifth section provides for killing the whole herd when they land next summer on the islands, selling the skins and covering the money into the Federal Treasury—estimated at $5,000,000—in the event of failure to get international action.

That is practical sense and the only way in the world to ever get back any of your money. I consider sections 1, 2, 3, and 4 harmless surplusage, and therefore support the bill as heartily as those who think only of those four sections, and who scarcely dream of section 5 being put in force. The American people are intensely practical and not given to bluffing. Our neighbors may as well understand that our financial welfare and selfish interests, as well as our sentiments of humanity, prompt us to end this history in one final chapter next summer.

I admit that another international commission might be profitable to a few individual American citizens, statesmen, and others in and out of jobs. I append the following itemized statement of expenses of the Tribunal of Arbitration of Paris:

Baron de Courcel	$2,412.50	
G. W. W. Gram	2,412.50	
G. W. W. Gram, personal expenses	1,737.00	
Marquis Venosta	2,412.50	
Marquis Venosta, personal expenses	2,901.50	
		$11,898.00

Arbitrators.		
John M. Harlan	13,000.00	
John T. Morgan	13,373.75	
		26,373.75
Counsel.		
James C. Carter	15,000.00	
James C. Carter, special appropriation	15,000.00	
E. J. Phelps	16,000.00	
E. J. Phelps, special appropriation	15,000.00	
Henry W. Blodgett	12,698.82	
Frederic R. Coudert	15,427.97	
F. W. Whitridge	3,500.00	
William Williams	5,848.81	
Robert Lansing	5,953.00	
Russell Duane	1,365.42	
A. Porter Morse	500.00	
John B. Moore	100.00	
		106,396.02
Agent.		
John W. Foster		15,000.00
Disbursing clerk.		
E. W. Halford		1,800.00
Clerks.		
John T. Coughlin	1,020.00	
Hubbard T. Smith	1,256.50	
Francis S. Jones	1,312.68	
William H. Lewis	1,824.50	
John W. Hulse	1,955.75	
J. Stanley Brown	1,965.00	
E. H. McDermott	1,421.06	
		10,755.49
Miscellaneous.		
Clerical services	8,967.65	
Traveling expenses, hotel bills, affidavits, etc	6,209.07	
Printing	18,375.53	
Ocean transportation	1,594.00	
Photographs, maps, etc	2,629.74	
Stationery	176.91	
Cablegrams	478.80	
Freight and expressage	951.18	
Hotel Continental, Paris	8,764.72	
Loss by exchange	219.00	
Miscellaneous, including documents, press clipping, cab hire, boxes, books, and office expenses in Paris ($155.53)	3,806.13	
		52,222.73
Total		224,514.39

I append a statement of the number of seals taken for all purposes on the seal islands during the years 1870 to 1890, both inclusive, together with the respective amounts paid by the lessees each year as rental and tax for the privilege:

Year.	Seals taken.	Rental and tax.	Year.	Seals taken.	Rental and tax.
1870	23,773	$101,080.00	1881	105,063	$316,885.75
1871	102,960	322,863.38	1882	99,812	317,295.25
1872	108,819	307,181.12	1883	79,509	251,875.00
1873	109,177	327,081.25	1884	105,434	317,400.25
1874	110,585	317,494.75	1885	105,624	317,489.50
1875	106,460	317,584.00	1886	104,321	317,452.75
1876	94,657	291,155.50	1887	105,760	317,500.00
1877	84,310	253,255.75	1888	103,304	317,500.00
1878	109,323	317,447.50	1889	102,617	317,500.00
1879	110,511	317,400.25	1890	20,995	.....
1880	105,718	317,594.50			

For purposes of comparison I also give the number annually taken since 1890, as follows:

Year.	Seals taken.	Year.	Seals taken.
1891	13,482	1894	16,031
1892	7,549	1895	15,000
1893	7,500		

Total number of seals lawfully taken on the islands in five years, 58,562.

The following table is also necessary to a complete statement of the case:

Contraband seal skins marketed.

Year.	Seals taken.	Year.	Seals taken.
1885	*13,000	1891	*45,000
1886	*25,000	1892	*46,000
1887	*34,000	1893	28,000
1888	*25,000	1894	55,000
1889	*43,000	1895	44,000
1890	*40,000		

*Includes Asiatic herd.

The report estimates the possible value of the catch at the final "round-up" next summer at $5,000,000. Of course, that is largely conjectural, depending, first, on the number of skins; second, on the price. We think the number would be not far from 175,000.

As to prices, I submit the following table of prices obtained for 124 lots of ordinary mixed skins at the last great annual sale in London:

Public sale of salted fur-seal skins at London, December 4, 1895.

[6,944 skins, salted fur seal, N. W. coast, 22,752 skins, chinchilla, salted fur seal.]

Lot.	Shillings.	Lot.	Shillings.	Lot.	Shillings.	Lot.	Shillings.
1	46	32	39	63	29	94	49
2	49	33	26	64	22	95	48
3	50	34	50	65	46	96	44
4	51	35	49	66	26	97	36
5	42	36	52	67	49	98	25
6	42	37	52	68	52	99	30
7	44	38	43	69	48	100	47
8	35	39	29	70	42	101	51
9	35	40	43	71	36	102	44
10	35	41	39	72	26	103	28
11	26	42	27	73	30	104	31
12	.....	43	40	74	53	105	54
13	37	44	25	75	54	106	52
14	30	45	46	76	54	107	52
15	26	46	49	77	54	108	44
16	51	47	50	78	55	109	32
17	51	48	47	79	56	110	37
18	53	49	40	80	56	111	25
19	53	50	28	81	56	112	51
20	53	51	28	82	56	113	54
21	46	52	22	83	47	114	55
22	36	53	39	84	40	115	57
23	27	54	25	85	27	116	57
24	40	55	49	86	42	117	57
25	27	56	52	87	28	118	57
26	47	57	54	88	47	119	48
27	51	58	46	89	51	120	37
28	52	59	36	90	42	121	44
29	42	60	26	91	27	122	46
30	33	61	46	92	32	123	34
31	25	62	42	93	54	124	23

Average price, 41 shillings, or not far from $9.85 in our money.

As the seals lawfully killed on shore furnish skins very superior to the average—being selected males killed with clubs so as not to rend the skins, as must necessarily be the case where pelagic hunters resort to spears and firearms—I also append the London price of 11 lots of this grade, and give it for 1893 and 1894, in order to show the great fall in price on account of overstock:

Sales in London of Alaska seal skins, November 30, 1894, and November 30, 1895.

	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
November, 1894	72 10	79 0	90 9	89 0	89 9	92 0	65 0 / 70 0	61 0	69 0
November, 1893	90 1	100 3	114 6	109 1	108 5	101 0	80 0	72 0	77 0

Perhaps the knowledge that the enormous lot offered next fall by Uncle Sam was a positively closing-out sale to go out of business would enhance prices. Possibly the increased supply might "bear" the market. All that is conjecture. One thing is sure: If we once are rid of these expensive boarders on the bounty of our sea food we would have to ourselves, undisturbed, a shore line of 36,000 miles from Sitka to the Arctic, much of it traversed by the warm Japan current, loaded with seaweed, jelly-fish, and other fish food, swarming with cod and salmon and mackerel heretofore wasted on these wolves of the sea.

The Coin Redemption Fund.

SPEECH

OF

HON. IRVING P. WANGER.

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 8, 1896.

The House having under consideration the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue—

Mr. WANGER said:

Mr. SPEAKER: The hostility of the American people to an increase of the bonded indebtedness of the nation to meet the ordinary expenditures of the Government is alike reasonable and undoubted. And if the measure which passed the House, in lieu of which the pending bill has been returned from the Senate, had in any sense tended to justify the policy of the present Administration in antagonizing all propositions for supplying by custom-house and internal taxation the revenue necessary to the discharge of the demands on the National Treasury, it would have had united Republican opposition instead of general Republican support.

But as it followed another measure which would have yielded from forty to forty-five million dollars additional annual revenue and have greatly aided the revival of prosperity to agriculture, manufactures, and commerce, and as it provided against the scandalous conditions attending the sale of bonds to a syndicate of foreign bankers, to their great profit and to the exclusion of patriotic American investors, and further provided for a great saving of interest and armed the Treasury with the power of defense in times of emergency it had our hearty support, and we can believe the public interest was not well served any more than the proprieties of legislative procedure were respected by the Senate in wholly changing the character of the measure from one of support to our existing financial system and monetary standard to one for the revolution of the latter.

We have the satisfaction that the negotiations or interviews intended to result in a renewed syndicate contract for the purchase of our bonds at 10 or more per cent below the market rates were abandoned and the opportunity given the American people generally to make an investment satisfactory to them and advantageous to the Government, although not so favorable to the latter as if the law permitted (as we proposed) the issue of bonds bearing a lower rate of interest. Specious as the argument that the higher interest bearing bonds realize an equivalent in premium, it is not borne out by experience, and while our measure was opposed by the Administration and its friends in this Chamber, President Cleveland, in the course of a recent newspaper interview, gave the following evidence substantiating our claim to this merit:

> Seldom, if ever, have I taken so much interest in anything as I have in the success of this bond issue. Both Secretary Carlisle and myself have had it very much at heart. * * *
>
> My preference would have been to have the present loan much more popular than it appears on its face, but we have done the best we could. The people who hoard small savings of gold or the equivalents of gold are unaccustomed to transacting business on the basis of which these bonds had to be issued. They are unused to premiums or to the formalities of making bids.
>
> If we could have sold them a 3 per cent gold bond at par, I think it would have brought out a good deal of this gold; but the only bond the law allows us to issue had to be sold considerably above par in order to keep the net rate of interest within reasonable limits.
>
> As I have said, I wish it could have been obviously still more of a popular loan, but from such information as comes to me from various private sources I am convinced that more small holdings of gold will be drawn into the Treasury by the present arrangement than appears on the surface. The small country banks, for instance, which are buying bonds for their customers, have made their bids through their New York and Boston correspondents, and this gives the loan the appearance of having been taken up by the big financial institutions at the money centers, although, as a matter of fact, not a little of it will ultimately come from the small investors.

The satisfaction of the President in the success of this bond issue is creditable to him, and, it is to be hoped, convinces him that the wealth and strength and patriotism of all the people is greater than that of even the most prominent New York bankers with their foreign allies, and will cause him to place less reliance than heretofore upon the wisdom of these bankers, a firm of whom, having a branch office in this city, said of the then proposed loan, in a circular dated January 9, 1896:

> We do not believe that the total public subscription to the proposed issue will approximate more than one-third of the amount needed, and that in order to save the loan from failure and to preserve the country's credit the Administration will be forced to sell the bonds to Mr. Morgan's syndicate. * * *

In view of the offers, exclusive of that from Mr. Morgan's syndicate, of from four to five times the amount of the loan, an example of persons wholly wanting in judgment of the American public can be found in this firm of bankers.

It has been said that the proposals for the recent one-hundred-million-dollar bond issue were invited before the Senate with the exercise of all dispatch could reasonably have been expected to act upon the measure and that therefore the saving could not have been realized in this issue, but the condition of the gold reserve is so contingent upon the existence of confidence respecting future conditions that with a zeal on the part of the Senate (which lacks a Republican majority) at all commensurate in like defense of financial ability and integrity, the depletion of the reserve fund would doubtless have ceased and with it the occasion for any further bond issue, so that the entire interest charge and the last hundred millions of increased indebtedness might have been saved. So much for our action and its actual and conjectural effect.

THE MEASURE NOW PENDING.

The Senate having substituted for our measure, which might have had Executive approval in view of the new light the President has had, a provision for the free and unlimited coinage of silver, we might resent the action as infringing upon the rights of the House and refuse consideration for that reason, but the proposition may have to be met some time in this Congress, although nothing could be more certain than a veto if it were adopted, and perhaps consideration is as well now as hereafter.

We now have in concurrent use at a parity gold, silver, and paper, and the American people desire this condition to continue with any enlargement of the volume of any or all of these forms of money and currency under national auspices which is safe and practicable.

The advocates of the pending measure claim that it will give us more money and better times, and if eloquence and vehemence were proofs the claim could be entitled to credence. But against it is the experience of all the past and the judgment of all the leading commercial nations of the world. While theorists in this country advocate an unlimited coinage by the United States irrespective of the action of any other nation, the profound thinkers of Germany, France, and England only favor bimetallism through international agreement, and concede that the unity of silver and gold at a fixed ratio can only be restored through that medium.

If I understood the concluding illustration of my friend from South Carolina [Mr. TALBERT], it was that he would not follow the example of the African who proposed to take to the woods rather than go on either of the two roads said to be before him, the one leading to destruction and the other to hell and damnation. It is to be assumed, therefore, that my friend will take one of those roads. [Laughter.]

Mr. TALBERT. Mr. Speaker, will the gentleman yield to me for a moment?

Mr. WANGER. Not at present.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. TALBERT. I simply wish to say to the gentleman——

The SPEAKER pro tempore. The gentleman declines to yield. The House will be in order. The public business will be suspended until order is restored.

Mr. WANGER. Notwithstanding my love for the gentleman, if he contemplates the journey indicated, no matter which way he selects, I am unwilling to bear him company. [Renewed laughter.]

I regard the illustration most apt as applied to the coinage proposition advocated by the gentleman as a way out of the difficulties oppressing the people, and that it would lead to measurable destruction, even if not to the other termination. Now I will yield to the gentleman.

Mr. TALBERT. I just want to say to the gentleman—I do not mean to interrupt him, for I have too much respect for him—I simply wanted to say that I stated that one party claimed if we had free coinage it would ruin the country, and the other party claimed that if we did not get it that would ruin the country. I just used that simile. I did not admit that either way would lead to these destructions at all.

Mr. WANGER. No; and you did not prove that your way would not or that the other way would. [Laughter.] And when it comes to displacing a financial system under which the wonderful development of our resources, wealth, and power has occurred during the last twenty-three years, and the readoption of a system discarded by nation after nation for relief from its disadvantages, the reasoning for the change should be logically unanswerable. [Applause.]

Now, I will take the liberty of returning an interrogatory to my friend. He said this was a question of manhood or of money. My inquiry is: Where does he find the highest type of manhood—in the countries having the gold standard or in the countries which under the law have the free coinage of silver?

Mr. TALBERT. Does the gentleman wish me to answer that?

Mr. HARTMAN. Will the gentleman permit a question?

The SPEAKER pro tempore. Does the gentleman yield to the gentleman from Montana?

Mr. WANGER. If the gentleman from South Carolina does not wish to answer the question.

Mr. TALBERT. I asked the gentleman if he wished me to answer it.

The SPEAKER pro tempore. To whom does the gentleman from Pennsylvania yield?

Mr. WANGER. To the gentleman from South Carolina at present.

Mr. TALBERT. The gentleman asked me a question. I want to say in reply that I think from 1792 to 1873, when we had the free and unlimited coinage of silver, that we had in this country the grandest people upon the face of God's earth, unequaled anywhere in the world.

Mr. WANGER. That is not a reply to my question. We had good times and bad times between 1792 and 1873, just as we have had since the latter period. Now I will yield to the gentleman from Montana [Mr HARTMAN].

Mr. HARTMAN. I believe that the question the gentleman from Pennsylvania put to the gentleman from South Carolina is a very simple one. I suggest to him that that question of citizenship is a very unfortunate one for him to bring up. I take it that the citizens of Mexico, who are to-day enjoying much greater prosperity than many of the citizens of our own country, are at least the equals of the citizens of gold-standard Roumania, gold-standard Italy, gold-standard Spain, and five or six other gold-standard countries of the same kind, which I could mention. Now, I do not mean to say that that argument is worth anything; but it is worth just as much as the suggestion of the gentleman from Pennsylvania that the citizenship of the silver-using countries is inferior.

Mr. WANGER. Possibly. But my friend compares the best examples from a silver-using country with those of possibly the least intelligent and wealthy gold-standard nations, and was very

careful to omit all mention of the citizens of Great Britain, of France, of Germany, and of the United States of America.

Mr. HARTMAN. France is on a bimetallic basis.

Mr. WANGER. Then you do not regard those last three nations as being on a gold standard?

Mr. HARTMAN. Not at all. France is on a bimetallic basis.

Mr. WANGER. Then we have bimetallism and disproof from an authority of the argument that we have only gold as standard money and have demonetized silver.

From 1792 until 1873, when we had the free and unlimited coinage of silver in our statutes, we did not have the concurrent circulation of gold and silver, one or the other leaving us as it was undervalued in the coinage laws in its commercial ratio to the other, as must inevitably be the case when free and unlimited coinage is given to each and a difference exists between the commercial and coinage ratios.

According to the last report of the Director of the Mint, the metal moneys of the United States July 1, 1895, were, in gold coin and bullion, $627,293,201, and in silver coin and bullion, $624,347,757, while no country having its mints open to the unlimited coinage of both metals had at this time any gold in circulation and was suffering from a fluctuating difference in exchange which made business operations in such countries more in the nature of speculation than of stable enterprises.

Now, in reference to this talk about the great prosperity enjoyed in Mexico, there are two stories from that land, one of distressing conditions and the other of prosperity. My friend from Montana, in his admirable address recently delivered on this floor, referred to dividends paid there by some enterprises of, I think, 20 per cent.

Mr. HARTMAN. That is correct.

Mr. WANGER. It may be that those enterprises are like a concern in my neighborhood which some time ago paid a dividend of 33 per cent in one year and in the next called upon stockholders to contribute to its treasury to avoid a sheriff's sale. But assuming there have been instances of success, it does not establish a generally prosperous condition. Does the gentleman from Montana know of any great migration of the citizens of this country into Mexico on account of the superior prosperity enjoyed there?

Mr. HARTMAN. I will say to the gentleman in response to that that one of the distinguished Representatives from the State of Massachusetts on this floor made the statement a few days ago here in private conversation—and it is no breach of confidence to repeat it—that if he himself were going to engage in a manufacturing industry at the present time he would go to Mexico to invest, because of the wonderful opportunities presented by that country.

Mr. WANGER. Did he say that he regarded that condition as attributable to the monetary standard of Mexico?

Mr. HARTMAN. He did not say that they have a monetary system upon which the success is predicated. He did not say it was because of the standard. He was not giving a theory, but simply stating cold, conclusive facts.

Mr. WANGER. It may be that his judgment was a wise one; it may have been a vagary. Notwithstanding the high respect I have for all the Representatives of that grand old State, I must confess that I do not think they are all entirely free from the possibility of error. But, aside from that, there is in the situation of Mexico what accounts far more logically for the improving condition there than the monetary system. We all know that country was for years distracted by revolution and disorder; that there were race prejudices; that there was religious bigotry; that it was not safe for persons to invest capital there and expect either a return of their capital or protection of their persons. Happily there has been a great improvement in conditions there. Order has grown out of chaos. These race prejudices have been largely overcome. They have the cheapest kind of labor. They have great natural resources, the development of which has been retarded by the confusion prevailing. My friend will concede that we can not have prosperity out of chaos, no matter what monetary system we may have, but where you have a condition of that kind—rich natural resources, extremely cheap labor, a young country to be developed—you may find magnificent returns for investments, just as certain as stable government and protection to person and property is assured. And I submit, therefore, that it is not to the monetary system of Mexico that we must look for whatever of prosperity in recent periods there has been, but rather to the improved condition of social order.

Mr. SNOVER. May I ask the gentleman a question?

Mr. WANGER. One moment. I desire to ask my friend from Montana if it is not true that laborers are paid about 20 cents a day in Mexico?

Mr. HARTMAN. It is true in some of the industries, but I want to say to the gentleman that my only purpose—for of course the gentleman understands that I do not wish to embarrass him in his argument——

Mr. WANGER. I understand that.

Mr. HARTMAN. In referring to business there was to show this, that by reason of the growth of the manufacturing industries, which in the last eighteen months or two years have been growing very rapidly, the Mexican manufacturers have been enabled to produce and put upon the market in competition with the products of the manufacturers of the United States large quantities of goods. Certainly, the gentleman from Pennsylvania and myself would never consent to bringing our country to the level of wages with any country which pays so small wages.

Mr. WANGER. Certainly not.

Mr. HARTMAN. And I want to say right in the same connection that while the wages of Mexico are from 20 to 25 cents a day paid to their miners, the wages to exactly the same character of employees in gold-standard Spain are from 18 to 20 cents. Now, then, if it proves in the one instance that the silver basis is responsible for the 20-cent wages, then in the other instance it proves that the gold standard of Spain is responsible for the 18 cents a day; that is all.

Mr. WANGER. I did not contend that the silver standard had anything to do with the rate of wages in Mexico.

Mr. HARTMAN. I thought that was the point of your question.

Mr. WANGER. I believe that the low compensation paid is a reason why enterprises prosper in Mexico which would not prosper with the higher paid labor of the United States.

Mr. HARTMAN. I understand that; and the only reason I suggested it was that it becomes a vital question to the people of the United States as to whether by reason of cheap labor, by reason of the cheaper money, or by whatever reasons you may see fit to conjure up, that the manufacturing industries of the United States should not be driven out of their markets by the manufacturers of Mexico at the present time. That was my point; that is all.

Mr. WANGER. The gentleman and I are heartily in accord upon that phase of the question. I yield now to the gentleman from Michigan for his question.

Mr. SNOVER. Is it not true that free trade in our own country has forced our manufacturers to go to Mexico in order to take advantage of the cheap labor there, and does not that account for a good deal of the business push that is now being exhibited in Mexico?

Mr. WANGER. It has a great deal to do with it, of course. Because of cheap labor there are enterprises in this country—cotton mills throughout the Southern States—which have been declaring 20 per cent dividends and higher than that right along, even during the panic years of 1893 and 1894. I may cite an instance of the manufacture of cotton thread, in which some friends of mine are engaged in the city of Birmingham, Ala., where they have been enabled to earn more than 20 per cent per annum, while at their mill in Pennsylvania they are scarcely able to meet the expenses of operating the establishment, the difference resulting entirely from the fact that they have cheaper power and cheaper labor in Alabama.

Now, Mr. Speaker, my opposition to the Senate substitute is from my conviction that the free coinage of silver by this country alone would not only involve the perils of disordered finances and be no aid to the restoration of the monetary equilibrium, but it would be an obstacle in the way of attaining that end. When gentlemen speak about the ease with which bimetallic France held the two metals together at the ratio of 15½ to 1 prior to 1874, they fail to take into consideration the fact that on one end of the lever was a large number of nations which had free coinage of silver alone, and on the other end but one nation which had the single coinage of gold, while France, the United States, and a few other nations had free coinage of both metals, so that the gold and silver monetary pole was hanging in the balance. Therefore, under Gresham's law, whenever there was a change in the commercial price of either metal differing from the ratio, the cheaper moneys flowed into and took up a part of the field that had been previously occupied by the other money, lessening the demand on the latter and again restoring the equilibrium. Nobody will pretend that such conditions exist now—all the leading commercial nations having gotten upon one end of the pole and standing back from climbing upon the other while they seek to keep it as nearly balanced as possible to the extent that they can not lay the burden upon other shoulders. Much as we may regret the abandonment of silver by Germany and other nations using it until 1872 and later, we must concede the changed conditions.

When it is argued that by this country going on the silver basis and surrendering her gold we would have a cessation of falling prices, we must consider that the greater part of all our obligations are payable in gold and that there is not free room for the operation of the theory. The taunt that it is unpatriotic to contend for an international arrangement is not argument, and the contention for such an agreement is sustained by such bulwarks of the bimetallist faith as Mr. A. J. Balfour and Archbishop Walsh.

The trouble leading to the changing standards of the nations in the use of gold and silver and in the nature of their coins in circulation, before no less than since 1873, was the absence of unitorm

mint regulations respecting ratio; the difficulties only became grievous when there was not a sufficient demand for silver for all purposes, money included, to maintain its value commercially toward gold at the ratio fixed in coinage laws.

It can not be denied that it was an ordeal of great cost to hundreds of thousands of our people to get from the inflated prices prevailing when specie payments were suspended to the standard finally reestablished in 1879. But to get upon firm ground was worth much, and none should deny that it is essential to our progress and prosperity to maintain the highest character for financial integrity.

To go upon a silver basis may temporarily raise prices of commodities in our currency, but not to those outside our land, and that basis of faith is too uncertain to justify assuming the movements of prices will not meet retrograde influences, continuing instability and taking from much we would do toward restoring the old-time ratio, for Japan is drifting from the silver standard, and even Mexico and India might gladly welcome the opportunity to exchange places with us unless we precede our action by treaty with them, and we might be in the sorry plight of having lost our good name, lost our standard, which gives confidence to all the world in our strength of resources and purposes, lost our energy and hope, and gained nothing but distressing experience.

If the hope of increased prices should be realized there is no guarantee of stability, and we should likely be plunged into confusion worse confounded. The people who earn bread in the sweat of their brows know how little hope they could have of wages rising commensurate with the increased cost of necessaries. Every disaster could be attributed to the change in financial policy, and the clamor to return to the standard selected by the laws of trade and commerce would probably prevail, and the ascent up the hill is very, very difficult—swift and easy the descent.

Mr. Speaker, I believe in the use of both gold and silver, and their free and unlimited coinage on equal terms whenever and under such conditions that may be safe and will permit the concurrent use of both. Until then let us maintain our present standard and make it to the interest of every other nation on the face of the earth holding commercial relations with us and having the coinage of both metals to keep it, and for the interest of those nations which do not now have it to agree to join with us in resuming the coinage of both metals at a fixed ratio at the earliest practicable period. There is an awful amount of selfish interest lying behind national as well as individual action. European nations will never agree to the restoration of the free coinage of silver simply because the American people want them to agree to it. When they see that it is to their advantage to do it, then, and not till then, will they agree to do it. The distinguished Speaker of this House, in a communication to a public journal, said some time ago that silver and protection were really one question, and to my mind so they are; and we might join with them, if in fact it is not covered by the single word "protection," the restoration of our merchant marine through our efforts to bring other nations to join us in restoring silver to its function as a standard money of ultimate redemption.

There is a way—I do not know that it is the only way—but to my mind it is one way, a perfectly safe way, a way in which there are no pitfalls and no snares, and something from which we can readily return in case we find that its operation is not what we have a right to expect from it—that is, in the collection of our customs duties, to permit on importations from foreign countries the payment of the duties in that standard money which they admit to free coinage at their own mints at the coinage value it has at ours. It seems to me that when monometallic nations found it essential to do that, and found that these United States had set their face steadily toward the accomplishment of this purpose, we should have not only conferences which would meet and discuss this question, but conferences which would avail something, conferences which would bring unity of action among the civilized nations of the earth, conferences which would be beneficent in the results of their action, which would restore and firmly establish the monetary equilibrium, obtain the full benefit of all our currency, all our credit, crown as acts of wisdom the persistence with which we have stood by our standard, and give to the people of this earth for all time to come the advantages of having as standard money gold and silver without prejudice against either at the mints of all nations and in the markets of the world. [Applause.]

Mr. Speaker, there has been considerable talk about the effect of the Gorman tariff bill on the manufactures of the country. All with whom I have conversed who are engaged in manufacturing enterprises are complaining of the difficulties that surround them, and are saying that they really can not hold out much longer if the disastrous competition with European labor now going on is to continue. As I have received some evidence of a place where that law has worked for the encouragement of manufactures, I will send the communication embracing this information to the Clerk, in order that it may be read.

The Clerk read as follows:

A MARKET FOR CHEAP GOODS.

The cloth manufacturers of the Dewsbury and Batley district have had a good year, the latter half having been exceedingly busy. It is almost astonishing to learn what undoubtedly is the fact, that within the last few weeks one firm in Dewsbury was compelled, through pressure o work in the execution of orders almost entirely for the United States, to refuse one of 4,000 pieces. This offer related to president cloths, a class of goods that of late has been produced from very common material at the order of transatlantic merchants. How far local firms are justified in producing a showy but half worthless cloth that will be sold to the American retail buyers—farmers, artisans, and the like—is another matter. The possibility, even a very few years ago, of manufacturing a cloth at 1s. 6d. per yard was scouted, but to-day there are makers to be found able to produce good-looking masses of the poorest shoddy, kept in form by low cotton warp, at from 1s. 3d. per yard. The general classes of fabrics produced in the neighborhood are of course very different from these cloths, and include stout, wear-resisting tweeds; Dewsbury serges, on both light and dark shades of color; fancy cloths, including ladies' mantlings, as well as the old heavy woolens, the making of which at one time almost exclusively occupied the looms of the district, comprising meltons, naps, beavers, and pilots. Manufacturers engaged on these goods have found trade to hang a little, chiefly through the mild, open weather of the late autumn and the winter so far experienced, and have turned their attention, as have their neighbors, to supplying the wants of the United States. The range of goods exported across the Atlantic since the amelioration of the McKinley tariff has been very great, but fancy cloths and Dewsbury serges and curls have taken the lead and are still running.—*Manchester (England) Guardian.*

Mr. WANGER. It is unfortunate that no such improvement can be noted in our own country, which has felt in manufactures, agriculture, and commerce, as it has in finance, the blighting effects of Democratic incompetency in legislation and in administration. Along with the promise of good times and the markets of the world under tariff reform was that of good woolen cloths in place of cotton and shoddy. As we have surrendered prosperity for panic and what markets abroad reciprocity brought us for a large invasion of our home market, so quality has also retrograded.

For all these troubles a remedy will be applied by the wisdom of the Republican party when it is again in control of the National Government, and the gloom and adversity which have been coincident with and largely occasioned by Democratic ascendency and blundering be buried beneath the sunlight and happiness of redeliverance unto Republican statesmanship, the synonym for broad and prosperous Americanism. [Applause.]

[Here the hammer fell.]

The Cuban Resolutions Tested by Precedent and the Traditional Policy of the United States.

REMARKS

OF

HON. RICHARD W. PARKER,

OF NEW JERSEY,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 2, 1896.

The House having under consideration the following resolutions:

"*Resolved by the House of Representatives (the Senate concurring).* That in the opinion of Congress a state of public war exists in Cuba, the parties to which are entitled to belligerent rights, and the United States should observe a strict neutrality between the belligerents.

"*Resolved*, That Congress deplores the destruction of life and property caused by the war now waging in that island, and believing that the only permanent solution of the contest, equally in the interest of Spain, the people of Cuba, and other nations, would be in the establishment of a government by the choice of the people of Cuba, it is the sense of Congress that the Government of the United States should use its good offices and friendly influence to that end.

"*Resolved*, That the United States has not intervened in struggles between any European Governments and their colonies on this continent; but from the very close relations between the people of the United States and those of Cuba in consequence of its proximity and the extent of the commerce between the two peoples the pre ent war is entailing such losses upon the people of the United States that Congress is of opinion that the Government of the United States should be prepared to protect the legitimate interests of Americans by intervention, if necessary"—

Mr. PARKER submitted the following remarks:

Mr. SPEAKER: The action proposed by the resolutions is similar to that taken by our Government in the early part of this century as to the South American Republics. From the first we treated their struggle as a civil war and granted belligerent rights to every city or faction that carried a flag, and we traded freely with both sides, even in arms and munitions of war, and admitted them to equal privileges in our ports. Notwithstanding this we preserved the most friendly relations with Spain and publicly and privately exerted our friendly influence with her, at first to obtain self-government and finally to secure independence for these Republics. The President declared this to be our policy in numerous messages. He likewise declared that the interests of the United States must be protected not only against paper blockades and buccaneering privateers, but also against any interfer-

ence by foreign Governments in the struggle between Spain and her colonies.

There is no ground for the suggestion so often made that we are departing from American precedents and traditions in acknowledging the existence of civil war in Cuba, or that these resolutions propose any new thing in American policy.

The action proposed by the first resolution is not only just and equitable, but in accordance with the traditional policy of this Government. There is no unfriendliness in it to Spain. It is merely the declaration that we stand neutral in the contest now waging, and that so far as we are concerned either party may carry on trade and war in the ordinary way.

The resolution proposes that we shall take no sides and shall give no aid, but that we shall put an end to the state of affairs in which our ports, as well as those of the rest of the world, are closed to the one party and open to the other, by which, as it were, one side is boycotted and cut off from human intercourse, by which it is debarred from all trade, by which our merchants render their ships liable to seizure if they attempt to send to that party goods, and by which it is treated simply as a bandit.

To do otherwise is to be forgetful of the traditional policy of the United States. A distinguished Senator from Delaware has called attention to the fact that in the early struggle of the South American Republics against Spain independence was not finally recognized until it had been fully established as to each State in the year 1823 and subsequently, while the war had been going on for years. The fact is noted that as early as 1818 resolutions of sympathy with the insurgents had been decisively voted down in this House, and it is inferred from this that belligerency had not been previously recognized. Nothing can be further from the truth. Belligerent rights, the freedom of our ports, and free and equal commerce had been actually and for years accorded to both parties and all parties among the many warring factions in Spanish America, to single cities that had assumed distinctive flags, and to the various leaderships that from time to time claimed to represent the colonists. The policy of the United States was that of absolute neutrality, allowing unrestrained trade with any and all parties occupying any part of Spanish America and full belligerent rights.

The record as to this is so explicit that it is astonishing that it has been overlooked.

It is true that in September, 1815, James Madison issued a proclamation that, on careless reading, might seem to proclaim a nonintercourse with any of the insurgents, and to forbid commerce in arms, munitions, or even provisions. But it is perfectly plain that the proclamation was directed only against armed and organized expeditions and not against peaceful trade. As early as December of the same year the Spanish Chevalier De Onis addressed to our Secretary of State a communication demanding, among other things, that our ports should be closed to the revolutionists and to the flags of Carthagena, Buenos Ayres, and the Mexican Congress, and that trade with them should be stopped, as being with bandits and pirates. But the answer of the United States was in no uncertain terms. It denied the right of Spain to make this demand, and declared that our ports should not be closed to either or any party, that in the convulsions that were taking place the United States would not discriminate, and that unless our ports and trade were equally open to all it would effect substantial injustice. The correspondence is too important to be omitted. The Chevalier De Onis, as minister from Spain, says in his letter of December 15, 1815:

The third and last point is reduced to this: That the President will be pleased to give the necessary orders to the collectors of the customs not to admit into the ports of the United States vessels under the insurrectionary flag of Carthagena, of the Mexican Congress, of Buenos Ayres, or of the other places which have revolted against the authority of the King, my master, nor those coming from them. That they should not permit them to land, or to sell in this country, the shameful proceeds of their piracy or atrocities, and much less to equip themselves in these ports, as they do, for the purpose of going to sea to destroy and to plunder the vessels which they may meet with under the Spanish flag. This tolerance, subversive of the most solemn stipulations in the treaties between Spain and the United States, and diametrically opposed to the general principles of public security and good faith, and to the laws of nations, produces the most melancholy effects on the interest and the prosperity of the subjects of His Catholic Majesty. Certain it is that neither Carthagena nor any other place in the Spanish dominions in this hemisphere which has revolted can be in communication with any power friendly to Spain, since neither on its part nor on that of any other Government has their independence been acknowledged, and it is consequently an offense against the dignity of the Spanish Monarchy, and against the sovereignty of the King, my master, to admit vessels from other places manned and commanded by insurgents, and armed in the dominions of this confederation, particularly as they are all pirates, who do not respect any flag, are justly considered the disgrace of the seas, and are execrated by all nations.

The Secretary of State says in reply, under date of January 19, 1816:

In reply to your third demand, the exclusion of the flag of the revolting provinces, I have to observe that in consequence of the unsettled state of many countries and repeated changes of the ruling authority in each, there being at the same time several competitors, and each party bearing its appropriate flag, the President thought it proper some time past to give orders to the collectors not to make the flag of any vessel a criterion or condition of its admission into the ports of the United States. Having taken no part in the differences and convulsions which have disturbed those countries, it is consistent with just principles, as it is with the interests of the United States, to receive the vessels of all countries into their ports, to whatever party belonging and under whatever flag sailing, pirates excepted, requiring of them only the payment of duties and obedience to the laws while under their jurisdiction, without adverting to the question whether they had committed any violation of the allegiance or laws obligatory on them in the countries to which they belonged, either in assuming such flag or in any other respect.

In the differences which have subsisted between Spain and her colonies the United States have observed all proper respect to their friendly relations with Spain. They took no measure to indemnify themselves for losses or injuries; none to guard against the occupancy of the Spanish territory by the British forces in the late war, or to occupy the territory to which the United States consider their title good, except in the instance of West Florida, and in that instance under circumstances which made their interposition as much an act of accommodation to the Spanish authority there as of security to themselves. They have also prohibited their citizens from taking any part in the war, and the inhabitants of the colonies and other foreigners connected with them from recruiting men in the United States for that purpose. The proclamations which have been issued by the governors of some of the States and Territories at the instance of the President, and the proclamation lately issued by the President himself, are not unknown to your Government. This conduct, under such circumstances, and at such a time, is of a character too marked to be mistaken by the impartial world.

What will be the first result of the civil war which prevails between Spain and the Spanish provinces in America is beyond the reach of human foresight. It has already existed many years, and with various success, sometimes one party prevailing and then the other. In some of the provinces the success of the revolutionists appears to have given to their cause more stability than in others. All that your Government had a right to claim of the United States was that they should not interfere in the contest or promote, by any active service, the success of the revolution, admitting that they continued to overlook the injuries received from Spain, and remained at peace. This right was common to the colonists. With equal justice might they claim that we would not interfere to their advantage; that our ports should remain open to both parties, as they were before the commencement of the struggle; that our laws regulating commerce with foreign nations should not be changed to their injury. On these principles the United States have acted.

The President by whose direction this reply was given was James Madison, one of the fathers of the Constitution, and joint author of the Federalist. That reply was given immediately after the struggles and sorrows of a war which had been in many respects disastrous and in which our Capitol had been burned. Our people were then in no frame of mind for further trials, and no jingo spirit prevailed then. It was the conservative action of a careful and most prudent statesman, and it was what we are asked to do to-day.

The President directed this act, but the Secretary of State who indited the letter was no less a man than James Monroe, he who defined American diplomacy in its widest American sense, and declared that the United States would not suffer foreign colonization or conquest on this side of the water, as the corollary and complement of the doctrine of Washington's Farewell Address, that we should not interfere upon the other side of the Atlantic.

It is from Monroe's messages also that we discover that the policy and action by these letters was no mere diplomatic correspondence, but the definite and settled policy of our country. In November, 1818, he declared in his second annual message that the civil war continued between Spain and the provinces in South America, and there was cause to be satisfied with the course theretofore pursued.

The description given of the confused state of the various revolts is interesting:

The civil war which has so long prevailed between Spain and the provinces in South America still continues without any prospect of its speedy termination. The information respecting the condition of those countries which has been collected by the commissioners recently returned from thence will be laid before Congress in copies of their reports, with such other information as has been received from other agents of the United States.

It appears, from these communications, that the Government of Buenos Ayres declared itself independent in July, 1816, having previously exercised the power of an independent government, though in the name of the King of Spain, from the year 1810; that the Banda Oriental, Entre Reos, and Paraguay, with the city of Santa Fe, all of which are also independent, are unconnected with the present Government of Buenos Ayres; that Chile has declared itself independent and is closely connected with Buenos Ayres; that Venezuela has also declared itself independent, and now maintains the conflict with various success, and that the remaining parts of South America, except Montevideo and such other portions of the eastern bank of the La Plata as are held by Portugal, are still in possession of Spain, or in a certain degree under her influence.

By a circular note addressed by the ministers of Spain to the Allied Powers, with whom they are accredited, it appears that the allies have undertaken to mediate between Spain and the South American provinces, and that the manner and extent of their interposition would be settled by a congress which was to have met at Aix la Chapelle in September last. From the general policy and course of proceedings observed by the Allied Powers in regard to this contest it is inferred that they will confine their interposition to the expression of their sentiments, abstaining from the application of force. I state this impression that force will not be applied with the greatest satisfaction, because it is a course more consistent with justice, and likewise authorizes a hope that the calamities of the war will be confined to the parties only, and will be of shorter duration.

In his fourth annual message of November 14, 1820, he describes the gains of the colonies and concludes that it has been the uniform policy of the Government to promote an adjustment on the basis proposed by the colonies by friendly counsels with other powers, including Spain herself. How near to the policy proposed by the second resolution of the House this is need not be remarked.

The contest between Spain and the colonies, according to the most authentic information, is maintained by the latter with improved success. The unfortunate divisions which were known to exist some time since at Buenos Ayres, it is understood, still prevail. In no part of South America has Spain made any impression on the colonies, while in many parts, and particularly in Venezuela and New Grenada, the colonies have gained strength and acquired reputation, both for the management of a war in which they have been successful and for the order of the internal administration. The late change in the Government of Spain, by the reestablishment of the constitution of 1812, is an event which promises to be favorable to the revolution. Under the authority of the Cortes, the Congress of Angostura was invited to open a negotiation for the settlement of differences between the parties; to which it was replied that they would unwillingly open the negotiation provided the acknowledgment of their independence was made its basis, but not otherwise. Of further proceedings between them we are uninformed. No facts are known to this Government to warrant the belief that any of the powers of Europe will take a part in the contest; whence it may be inferred, considering all circumstances which must have weight in producing the result, that an adjustment will finally take place on the basis proposed by the colonies. To promote that result by friendly counsels with other powers, including Spain herself, has been the uniform policy of this Government.

I anticipate that suggestion will be made that the correspondence already referred to only provides for the admission of ships of the insurgents into our ports, and not to our carrying on trade with such parties, and certainly not to trade in contraband of war. Such a construction is not fairly to be drawn from the ringing statements of Monroe. But fortunately we do not have to argue this question, for on the 4th day of March, 1821, in his second inaugural address, President Monroe declared distinctly that both Spain and the insurgents had had equal privileges with us in trade and in obtaining munitions of war.

The passage is of the utmost importance.

This contest was considered at an early stage by my predecessor a civil war, in which the parties were entitled to equal rights in our ports. This decision, the first made by any power, being formed on great consideration of the comparative strength and resources of the parties, the length of time, and successful opposition made by the colonies and of all other circumstances on which it ought to depend, was in strict accord with the law of nations. Congress has invariably acted upon this principle, having made no change in our relations with either party. Our attitude has therefore been that of neutrality between them, which has been maintained with the strictest impartiality. No aid has been afforded to either, nor has any privilege been enjoyed by the one which has not been equally open to the other party, and every exertion has been made in its power to enforce the execution of the laws prohibiting illegal equipments with equal rigor against both.

By this equality between the parties, their public vessels have been received in our ports on the same footing; they have enjoyed an equal right to purchase and export arms, munitions of war, and every other supply, the exportation of all articles whatever being permitted under laws which were passed long before the commencement of the contest; our citizens have traded equally with both, and their commerce with each has been alike protected by the Government.

Respecting the attitude which it may be proper for the United States to maintain hereafter between the parties, I have no hesitation in stating it as my opinion that the neutrality heretofore observed should still be adhered to. From the changes in the Government of Spain, and the negotiations now pending, invited by the Cortes and accepted by the colonies, it may be presumed that their differences will be settled on the terms proposed by the colonies. Should the war be continued, the United States, regarding its occurrences, will always have it in their power to adopt such measures respecting it as their honor and interest may require.

Resolutions for acknowledging the independence of the Spanish provinces were adopted by the House only in the spring of 1821.

December 3, 1821, President Monroe noticed the success of the colonies during the past year, the extension of their territories, strength, and harmony. He believed that Spain could not retain them by force, and that no condition short of independence would be satisfactory to them, and hoped that Spain, guided by liberal counsel, would consent thereto, stating that it would be the object of the Government of the United States to promote this result by friendly counsel with the Government of Spain.

It is understood that the colonies in South America have had great success during the present year in the struggle for their independence. The new Government of Colombia has extended its territories and considerably augmented its strength; and at Buenos Ayres, where civil dissensions had for some time before prevailed, greater harmony and better order appeared to have been established. Equal success has attended their efforts in the provinces on the Pacific. It has long been manifest that it would be impossible for Spain to reduce these colonies by force, and equally so that no conditions short of their independence would be satisfactory to them. It may therefore be presumed, and it is earnestly hoped, that the Government of Spain, guided by enlightened and liberal councils, will find it to comport with its interests and due to its magnanimity to terminate this exhausting controversy on that basis. To promote this result by friendly counsel with the Government of Spain will be the object of the Government of the United States.

By special message of March 8, 1822, he favored the recognition of the independence of the southern Republics, and gave again historically the policy which had been pursued by the Government:

The revolutionary movement in the Spanish provinces in this hemisphere attracted the attention and excited the sympathy of our fellow-citizens from its commencement. This feeling was natural and honorable to them, from causes which need not be communicated to you. It has been gratifying to all to see the general acquiescence which has been manifested in the policy which the constituted authorities have deemed it proper to pursue in regard to this contest. As soon as the movement assumed such a steady and consistent form as to make the success of the provinces probable, the rights to which they were entitled by the law of nations as equal parties to a civil war were extended to them. Each party was permitted to enter our ports with its public and private ships, and to take from them every article which was the subject of commerce with other nations. Our citizens, also, have carried on commerce with both parties, and the Government has protected it with each, in articles not contraband of war. Through the whole of this contest the United States have remained neutral and have fulfilled with the utmost impartiality all the obligations incident to that character.

In his annual message of December 3, 1822, he still cherished this hope, but sets forth definitely that the United States has remained neutral, allowing each party equal rights, and claiming from each the suppression of piratical practices and marked blockades.

A strong hope was entertained that peace would, ere this, have been concluded between Spain and the independent Governments south of the United States in this hemisphere. Long experience having evinced the competency of those Governments to maintain the independence which they had declared, it was presumed that the considerations which induced their recognition by the United States would have had equal weight with other powers, and that Spain herself, yielding to those magnanimous feelings of which her history furnishes so many examples, would have terminated, on that basis, a controversy so unavailing and at the same time so destructive. We still cherish the hope that this result will not long be postponed.

Sustaining our neutral position and allowing to each party while the war continues equal rights, it is incumbent on the United States to claim of each, with equal rigor, the faithful observance of our rights according to the well-known law of nations. From each, therefore, a like cooperation is expected in the suppression of the piratical practice which has grown out of this war and the blockades of extensive coasts on both seas, which, considering the small force employed to sustain them, have not the slightest foundation to rest on.

Finally, in 1823, the Holy Alliance for the reestablishment of the power of Spain over her colonies rendered it necessary that the President should proclaim the doctrine so often cited, and which can not be quoted too often, in which, after stating the friendly sentiment of our citizens to their fellow-men across the Atlantic, and that we are unwilling to take any part in their own wars, he states that we owe it to candor and to those friendly relations to declare as to the Governments who have declared their independence and maintained it that "we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States."

In the war between those Governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered and shall continue to adhere, provided no change shall occur which in the judgment of the competent authorities of this Government shall make a corresponding change on the part of the United States indispensable to their security. * * *

It is impossible that the Allied Powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can anyone believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition in any form with indifference. If we look to the comparative strength and resources of Spain and those new Governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course.

On December 7, 1824, he refers to the fact that we have ministers residing in Colombia and Chile, and have received ministers from Colombia, Guatemala, Buenos Ayres, and Mexico, and in the same message he states that they are settling their own Governments; that we have not interfered in their instituting such government as might suit them best in the expectation that other powers will pursue the same policy.

The deep interest which we take in their independence, which we have acknowledged, and in their enjoyment of all the rights incident thereto, especially in the very important one of instituting their own governments, has been declared, and is known to the world. Separated as we are from Europe by the great Atlantic Ocean we can have no concern in the wars of the European governments, nor in the causes which produce them. The balance of power between them, into whichever scale it may turn in its various vibrations, can not affect us. It is the interest of the United States to preserve the most friendly relations with every power, and on conditions fair, equal, and applicable to all. But in regard to our neighbors our situation is different. It is impossible for European governments to interfere in their concerns, especially in those alluded to, which are vital, without affecting us; indeed, the motive which might have induced such interference in the present state of the war between the parties, if a war it may be called, would appear to be equally applicable to us. It is gratifying to know that some of the powers with whom we enjoy a very friendly intercourse, and to whom these views have been communicated, have appeared to acquiesce in them.

It is unnecessary to point out that our policy throughout was one of strict fairness and equality. No acknowledgment of independence was made until that independence had been thoroughly established. President Jackson, in his message in relation to Texas, on December 21, 1836, protested rightly that an acknowledgment of independence is an act of great delicacy and responsibility, and that all questions relative to the government of foreign nations, whether of the Old or New World, had been treated by the United States as questions of fact only, and that his predecessors had cautiously abstained from deciding upon them until the clearest evidence was in their possession, to enable them not only to decide correctly, but to shield their decisions from every unworthy imputation. He proceeds:

In all contests that have arisen out of the revolutions of France, out of the disputes relating to the Crowns of Portugal and Spain, out of the separation of the American possessions of both from the European governments, and out of the numerous and constantly occurring struggles for dominion in Spanish America, so wisely consistent with our just principles has been the action of our Government that we have, under the most critical circumstances avoided all censure and encountered no other evil than that procured by a transient estrangement of good will in those against whom we have been by force of evidence compelled to decide.

It has thus made known to the world that the uniform power and practice of the United States is to avoid all interference in disputes which merely relate to the internal government of other nations, and eventually to recognize the authority of the prevailing party without reference to our particular interests and views, or to the merits of the original controversy.

But we have seen that in making this statement the President was referring to the recognition of independence and not to the granting of belligerent rights and privileges. He is speaking of the fairness of the United States, and that fairness had actually

consisted in granting equal rights of war and peace to all of the contending parties. He was not asked to prohibit trade with Texas, or to deny the rights of war, and never did so.

The accord of belligerent rights is an act. It is necessary for fairness when war is really being carried on. If any party really carrying on war is to be blockaded, or rather embargoed, by every civilized nation, its condition is wretched indeed. It is not neutrality, but taking sides, to refuse to give to each of two belligerents the rights of war and peace. When we consider that two years ago the Administration allowed the Navy of the United States to open a blockade which had been established by one party in Brazil against the other as to the city of Rio Janeiro, and that we did this upon the ground that the blockaders had not been recognized as belligerents and therefore could institute no blockade, it becomes idle to pretend that refusal to recognize belligerency is not taking sides. That interference of our Navy absolutely crushed the party against whom it was taken.

This resolution proposes an act of fairness, that we shall stand off and help neither side, but that each shall be free to fight it out with equal privileges in our ports and trade. It means no unfriendliness to either; it means that we will give fair play to both. We do not speak here of barbarities, cruelties, oppressions, and reprisals otherwise than to deplore the horrors of war. We are not arbiters as to which side is responsible, but we do say by this resolution that in accordance with the traditional policy of our Government, the ordinary rights of war, including such trade as may lawfully be carried on with a belligerent according to the law of nations, shall not be denied to either of the contestants. And in so doing we rely not only upon the law of nature and nations, the rules of fairness and equity, but upon the expressed declarations and example of a father of the Constitution and of the great captain and guide who formulated and established the American policy and the American law of nations.

Coin Redemption Fund.

SPEECH

OF

HON. JOSEPH WHEELER,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 6, 1896.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 2304) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue—

Mr. WHEELER said:

Mr. CHAIRMAN: The very distinguished gentleman, the chairman of the Committee on Ways and Means, the premier of the House of Representatives [Mr. DINGLEY], who has just concluded his remarks, most unquestionably made an eloquent, able, and very forcible argument upon the question now before the House, and his speech appeared to be so plausible that men who have for a long time been favorable to silver legislation murmured around me that the arguments of the gentleman from Maine were unanswerable. They presumed, of course, that the premises laid down by the gentleman from Maine [Mr. DINGLEY] were correct; but I assert, without fear of contradiction, and I shall prove it, that every statement made by him tending to support his advocacy of the gold standard, so far from being founded on fact, was directly the reverse; and I further assert that every correct premise laid down by him, so far from sustaining this gold-standard argument, had the contrary effect.

UNQUESTIONED TRUTHS.

Before I proceed with my argument I will lay down the following unquestioned truths:

Every law ever enacted by this or any other country which tended to enlarge the money of ultimate redemption was followed by a period of great prosperity.

Every law ever enacted which tended to reduce the money of ultimate redemption has been immediately followed by panic and distress.

The laws enacted by the Roman people which reduced the amount of money were followed by poverty, misery, degradation, and serfdom which prevailed throughout that period called the "Dark Ages."

The introduction of the enormous production of gold and silver from the mines of South America was followed by an era of prosperity and a new civilization. When we come to our country we find that the same causes were followed by like results. The free-and-unlimited-coinage laws which were enacted prior to 1850 and the bounteous supply of gold which commenced at that period were followed by a period of great prosperity. The law of 1857, which deprived foreign silver of its full legal tender, was followed by a money panic. The law of 1873, demonetizing silver, was followed by panic, falling prices, and distress. The act of 1878, providing for silver coinage, was followed by an era of almost unparalleled prosperity. The acts of 1890 repealing the coinage law and the acts of 1893 which stopped all increase of money were followed by panic, falling prices, and distress, from which we are still suffering.

MY DUTY TO MY PEOPLE.

My investigation of this question has imbued me with a deep-seated conviction that silver coinage is essential to the prosperity of the people I represent. I regret very much that my duty impels me to differ on this question from men very high in power and for whom I have the most profound regard and esteem. Their associations have been very largely with the moneyed people of New York and other commercial centers, and no doubt they are right that the wealth and prosperity of that class of people would be enhanced by maintaining the gold standard; but just in proportion as they are benefited the great farm producers of the South and West are made the sufferers.

The history of the world shows that all countries which legislate for those who have wealth or fixed salaries is certain to decline and decay, and that all countries which have legislated for the benefit of the producing and industrial classes have been blessed with progress, happiness, and prosperity.

I shall now, as heretofore, concede to those who take a different view from myself the most unquestioned integrity of purpose, and my only regret is that they do not realize the effect of the gold standard upon that most worthy class—the farmers of the United States—who grow the cotton and wheat which we export in competition with the silver-producing countries.

I shall also comply with the request of the distinguished gentleman who preceded me, and shall not, to use his language, spend my time—

in mere assertions and declamations about the importance of bimetallism.

But, to again use his language, I shall endeavor to—

present to the House and country the grounds on which I assume that such coinage would result in giving us such bimetallism.

LORD MACAULAY ON THE AVARICE OF WEALTH.

Lord Macaulay, in one of his writings, in referring to the cupidity of the creditor and the money class, said:

If large financial interests were interested in denying the law of gravitation, that proposition would be ably disputed.

If Macaulay had lived until to-day he would have seen a remarkable exemplification of the truth of this in the speeches and arguments of the gold-standard advocates.

PROSPERITY A STRONGER FORCE THAN GRESHAM'S LAW.

Mr. DINGLEY asserts as positively as is possible to be done in the English language that silver coinage would speedily drive all gold from its use as money in this country. His exact language was:

For myself, I never was more confident of any fact in finance than I am that such coinage of silver as is proposed would speedily drive gold from its use as money in this country and leave us with nothing but silver. I shall listen attentively and with a receptive mind to any facts and arguments which may be adduced to maintain otherwise.

This is precisely the argument which was made by every advocate of the gold standard when the silver bill was being discussed in 1877 and 1878. The gentleman read tables similar to those we find on page 294 of the Report of the Director of the Mint, which show that during the sixteen years prior to 1878 the United States exports of gold exceeded our imports of gold by $583,831,117; in other words, the United States had lost gold to that amount. The reports of the Secretary of the Treasury also state that in 1878 the Treasury Department estimated the specie in the country at $102,047,907. This included both gold and silver, and the voices of the gold-standard men resounded through this Hall proclaiming that if we enacted the silver-coinage law then pending every dollar of gold would leave us.

SILVER COINAGE BRINGS GOLD TO THE UNITED STATES.

Notwithstanding this scarecrow talk, we enacted the silver-coinage law of 1878, and instead of gold leaving the United States, as was so emphatically predicted, it commenced coming to our country; and during the twelve years of the existence of the silver-coinage law of 1878, so far from losing any gold, we gained gold to the amount of $165,254,995. As this is a very important point, I give below the exact figures of imports and exports of gold to and from the United States from 1861 to 1878, during which we had practically no silver coinage of standard silver money, the total coinage of silver dollars during that period being but $3,462,180. I also add a table giving the total amounts of exports and imports of gold during the twelve years' existence of the silver-coinage law of 1878.

Table showing the value of gold coin and bullion imported into and exported from the United States from 1862 to 1877, the sixteen years before the passage of the silver-coinage act.

Year ending June 30—	Exports.	Imports.	Excess of exports over imports.	Excess of imports over exports.
1862	$35,439,903	$13,907,011	$21,532,892	
1863	6,169,276	5,530,538	638,738	
1864	100,661,634	11,176,769	89,484,865	
1865	58,381,033	6,498,228	51,882,805	
1866	71,197,300	8,196,261	63,001,048	
1867	39,026,627	17,024,866	22,001,761	
1868	73,396,344	8,737,443	63,658,901	
1869	36,003,498	14,132,568	21,870,930	
1870	33,635,962	12,056,950	21,579,012	
1871	66,686,398	6,883,951	59,802,647	
1872	49,548,760	8,717,458	40,831,302	
1873	44,856,715	8,682,447	36,174,268	
1874	34,042,420	19,503,137	14,539,283	
1875	66,980,977	13,696,793	53,284,184	
1876	31,177,050	7,992,709	23,184,341	
1877	26,590,374	26,246,234	344,140	
Total, 1862–1877	762,704,090	188,982,873	583,831,117	

This is unquestioned proof that in a period of sixteen years during which we did not coin silver we lost $583,831,117. It is true that gold was at a discount all that time, and that, of course, is one reason why we lost gold. I now give a table which I have prepared, showing that during the twelve years of silver coinage we gained $165,254,995 of gold. Bear in mind that during that twelve years we coined silver to the amount of $382,318,867, an annual average of $31,859,905.58. The table is as follows:

Table showing the value of gold coin and bullion imported into and exported from the United States from 1878 to 1890, while the silver-coinage act was in force.

Year ending June 30—	Exports.	Imports.	Excess of exports over imports.	Excess of imports over exports.
1878*	$919,861	$1,623,266		$703,405
1879	4,587,614	5,624,948		1,037,334
1880	3,639,025	80,758,396		77,119,371
1881	2,565,132	100,031,259		97,466,127
1882	32,587,880	34,377,054		1,789,174
1883	11,600,888	17,734,149		6,133,261
1884	41,081,957	22,831,317	$18,250,640	
1885	8,477,892	26,691,696		18,213,804
1886	42,952,191	20,743,349	22,208,842	
1887	9,701,187	42,910,001		32,208,814
1888	18,376,234	43,934,317		25,558,083
1889	59,962,285	10,294,858	49,667,427	
1890	17,350,193	13,097,146	4,253,047	
July 1 to 14, 1890	1,396,876	802,454	594,422	
Total	263,379,215	421,235,210	94,974,378	280,229,373

* From April to June 30.

Now, to show how thoroughly this was the free-coinage period of our country, I will call attention to the fact that during this twelve years we coined more silver than during the remaining ninety-four years of the existence of our Government under the Constitution, our entire silver coinage during those ninety-four years being only $329,665,546.25, an annual average of $3,507,080.25. This shows that during the period to which I have alluded our average annual silver coinage was ten times as great as during the other years of our history.

With the numerous evidences of the beneficence of silver coinage before us, the Republican party in 1890 repealed the silver-coinage law of 1878 and enacted the disgraceful bullion law called the Sherman Act. This stopped the coinage of silver, and gold immediately commenced to leave our country just as it did prior to the passage of the silver-coinage act. I now present a table which I have prepared showing the exports and imports of gold from July 1, 1890, the time of the repeal of the coinage law, to July 1, 1895. The table is as follows:

Table showing value of gold coin and bullion exported from and imported into the United States during the years 1890 to 1895, and showing excess of exports over imports during those years.

Year ending June 30—	Exports.	Imports.	Excess of exports over imports.
1891	$86,462,880	$18,516,112	$67,946,768
1892	50,305,533	50,162,879	142,654
1893	108,966,655	22,069,380	86,897,275
1894	77,162,228	72,989,563	4,172,665
1895	66,502,136	36,384,760	30,117,376
Total	389,399,432	200,122,694	189,276,738

This shows that during the five years since the repeal of the beneficent and wise silver-coinage act of 1878 we have lost $189,276,738 of gold. But the real condition is worse than that, because during that time we have exchanged interest-bearing bonds for $182,000,000 of gold to replenish the constantly diminishing gold in the Treasury, and it is contended that most of this came from Europe; so that during this period of legislation which Democrats denounced we have lost gold to an amount exceeding $300,000,000; and most of this has been lost since the repeal of the purchasing clause of the Sherman Act, on November 1, 1893. I predicted such a result in my speeches upon that bill.

GOLD GONE TO EUROPEAN TREASURIES.

I will now present a table showing that the gold we have lost since November, 1893, has gone to European banks.

Table showing amount of gold in eight principal banks of Europe at the date of the repeal of the Sherman Act and at recent dates.

Bank.	November, 1893.	Recent reports.
Bank of England	$126,416,000	$224,800,000
Bank of France	330,629,200	402,705,335
Austro-Hungarian Bank	51,954,400	124,250,000
Imperial German Bank	189,238,700	249,369,193
National Bank of Belgium	19,918,500	26,074,797
Netherlands Bank	13,923,000	21,903,985
Bank of Spain	38,536,900	40,020,000
National Bank of Italy	43,232,000	56,433,200
	813,839,700	1,144,646,420

LOSS OF GOLD TO THE TREASURY SINCE SILVER DEMONETIZATION.

I will now present a table which I have prepared showing the gain of net gold to the Treasury during the silver-coinage period, 1878 to 1890; also the loss of gold from July 4, 1890, to November 1, 1893; also the loss from November 1, 1893, to the present time.

Table showing the gain of gold to the Treasury during the silver-coinage period, and the loss of gold since the enactment of the law of July 14, 1890, repealing the silver-coinage law.

	Net gold.
Gain of gold to the Treasury from June 30, 1878, to date of coinage repeal, July 14, 1890	$86,689,873
Loss of gold to the Treasury during operation of Sherman law, from July 14, 1890, to November 1, 1893	105,847,543
Loss of gold to Treasury from November 1, 1893, to date	235,765,151
Loss of gold to Treasury since the act of July 14, 1890, which repealed the silver-coinage law	341,612,694

On February 1, 1896, the outstanding obligations payable in coin, any or all of which may be presented at any time for redemption, were as follows:

United States notes, called greenbacks	$245,745,840
Treasury notes, act July 14, 1890	110,221,185
National-bank notes	203,086,897
	559,053,922

I have included the national-bank currency in the above because this currency can be presented at the counters of the national banks for redemption, or it can be presented in the reserve city where the banks located out of cities keep their accounts.

These reserve banks would of necessity redeem the national-bank currency in either greenbacks or gold or standard silver dollars, but practically they would redeem them in either greenbacks or gold, because there are only $56,629,676 standard silver dollars in circulation, and nearly all of these are in the hands of the people and not in possession of the banks.

INEVITABLE ALTERNATIVES.

It must be clear to anyone that if we continue to pay out gold when these obligations are presented (any one of which can be just as well paid in silver) that this drain upon the gold in the Treasury will never cease. The one way to stop it is to provide for silver coinage and pay the obligations in silver as is authorized by law. If we do not do this, it can only be stopped by retiring the entire $559,000,000 of obligations, and this would bring about such a contraction of the currency as would cause a distress never before experienced by the American people. These propositions can not be denied. I call upon any member of this House to attempt to controvert them. Congress may resort to makeshift after makeshift, but they will finally find that we are reduced to one or other of the two alternatives which I have announced.

Mr. DINGLEY says:

The people of this country, in my judgment, will never consent to the adoption of any policy which will deprive us of gold.

I respectfully ask if the evidence I have produced does not show that the Senate bill will tend to bring gold to us and not to deprive us of that metal?

from the mines of South America was followed by an era of prosperity and a new civilization. When we come to our country we find that the same causes were followed by like results. The free-

180. I also add a table giving the total amounts of exports and imports of gold during the twelve years' existence of the silver-coinage law of 1878.

During all this period of twelve years of the existence of the silver-coinage law of 1878 the gold in the gold dollar was worth on an average about 20 per cent more than the silver in the silver dollar, and the Gresham law, a law or principle the force of which I fully admit, was constantly acting upon our gold and driving it, or tending to drive it, in a steady current from our shores; but this driving force of the Gresham law during the twelve years' existence of the silver-coinage law of 1878, was met, counteracted, and overcome by a force so far exceeding the strength of the Gresham law as to more than meet and neutralize its power, and that force was the energizing effect of the silver-coinage law of 1878.

This law told the world that this, the greatest silver-producing country of the world, had entered upon a field of bimetallism.

The owners of money throughout the world knew that this law, if executed in good faith, would practically double the money of ultimate redemption in the United States.

The businessmen of this country and the moneyed men of other countries who invest in the United States believed that a law enacted by so nearly a unanimous vote would be executed in good faith by the executive branch of the Government, and they believed that it would energize every industry and cause all products and all other property to rise in value.

This presented a most inviting field for the investor, and almost immediately after the passage of that law the falling prices and lethargy which had characterized our history since 1873 underwent a change. Industries of all kinds were inaugurated; labor was all employed and wages were increased; property took a steady rise, and an era of great progress and prosperity commenced.

If I had time I would show the effect of demonetization and remonetization upon all kinds of property, but it will sufficiently illustrate my argument to show the effect upon the leading railroad stocks as quoted in the New York market.

GREAT PROSPERITY FOLLOWS COINAGE ACT OF 1878.

In order to show at a glance the marvelous decrease in the value of property caused by the demonetization of silver in 1873 and the phenomenal increase in values by the partial remonetization of silver in 1878, I ask the attention of Congress to the following figures taken from the Financial Review of 1882, published under the shadows of Wall street, New York.

I place in the first column the selling price of the principal railroad stocks just prior to the demonetization of silver in February, 1873. In the second column I put the selling price of the same railroad stocks after the people had realized the baneful effects of the iniquitous act of 1873. I then put in a third column the selling price of the same stocks after the country began to feel the effect of the restoration of silver by the act of 1878.

	Price just prior to demonetization of silver, 1873.	Price after the demonetization of silver.	Price after the remonetization of silver, 1878.
Albany and Susquehanna	95	58	133
Chicago and Alton	122	85	156
Chicago, Burlington and Quincy	155	78	182
Chicago and Rock Island	118	63	148
Columbus, Chicago and Indiana Central	95	2	28
Cleveland, Columbus, Cincinnati and Indianapolis	94	32	101
Cleveland and Pittsburg	92	72	142
Delaware, Lackawanna and Western	103	30	131
Dubuque and Sioux City	63	39	88
Erie	69	4	75
Erie preferred	82	14	82
Harlem	122	118	250
Illinois Central	126	40	146
Lake Shore	97	45	135
Louisville and Nashville	79	29	109
Marietta and Cincinnati first preferred	28	2	24
Memphis and Charleston	55	4	93
Michigan Central	110	36	126
Missouri, Kansas and Texas	40	3	54
Morris and Essex	92	51	131
New Jersey Central	106	6	112
New York Central and Hudson River	106	85	155
Ohio and Mississippi	49	3	60
Ohio and Mississippi preferred	75	4	126
Panama	130	80	280
Pittsburg, Fort Wayne and Chicago	95	81	142
Rensselaer and Saratoga	104	87	146
St. Louis and Iron Mountain	97	5	86
Union Pacific	40	25	130

These figures show that the demonetization of silver in 1873 caused the withdrawal of money from the markets and a fall in the value of all kinds of property. It shows that railroad stocks fell in many cases to a mere fraction of their value prior to 1873, and it also shows after the remonetization of silver in 1878 all property rose in a remarkable degree in value. It is no doubt true that the prices of these stocks were affected in some degree by other causes than the demonetization and remonetization of silver, but I insist that that was by far the most potent of all influences that bore upon them.

Other things besides stocks were affected in the same way. Wheat sold for $2.25 a bushel just prior to February, 1873, and after 1873 fell as low as 83 cents a bushel, and after the remonetization of silver it rose, selling as high as $1.59 a bushel.

We have seen that cotton was 26 cents just prior to demonetization and that it fell to 8¼ cents after the demonetization, although the slight increase in the crops was by no means equal to the increased demand.

Now, after the remonetization of silver, cotton rose to 12¼ cents in the face of the fact that crops increased from 4,800,000 bales in 1876–77 to 6,992,234 bales in 1882–83.

This is another proof of the detrimental effects of demonetization of silver and the energizing and beneficial effects of its remonetization. [Applause.]

I think the unquestioned evidences which I have presented not only fully refute Mr. DINGLEY's argument that silver coinage will cause gold to leave our country, but also prove precisely the contrary. The fall in prices after demonetization in 1873 shows that this caused money to be withdrawn from investments and from this country, and also shows that the silver-coinage act of 1878 caused money to come to this country to seek investment.

The reason why silver coinage caused gold to come to our country is perfectly clear to any man who has given this subject proper investigation and study. The enactment of the silver-coinage act of 1878 informed the world that the United States had adopted the policy of coining substantially her entire silver product into standard silver dollars, which were to be receivable in payment of all dues and debts. This was understood to mean that silver was to be treated the same as gold, and that the money of ultimate redemption was to be doubled, and every moneyed man in the world understood that this would cause a rise in the value of all products and property, or, which is the same thing, a fall in the value of money. This of necessity caused everyone who had money to seek to invest it in property or in manufacturing and other enterprises. This of necessity energized every industry, and money was sent to America to enjoy a profitable investment in enterprises and the general enhancement of property. During this twelve years of silver coinage the value of silver in the silver dollar was on an average worth in the markets about three-fourths as much as the gold in the gold dollar, and therefore the Gresham law was constantly working with full force on all the gold in the country, and the reason why it did not cause gold to leave the country was that the energizing effect of silver coinage upon our industries was such and the profit in all investments was so great that all the force of the Gresham law was overcome, and the current of gold was toward our country and not from it.

ANOTHER MISTAKE OF MR. DINGLEY AS TO EFFECT OF SILVER COINAGE.

After stating that the value of 371¼ grains of fine silver bullion would be substantially the same as the silver when coined into a standard silver dollar, the distinguished gentleman makes the assertion that it follows that if we enacted a silver-coinage law gold would not be brought to our mints for coinage, and that even the gold already coined would be withdrawn from use as money, and gold bullion and coined gold would become merchandise.

Mr. DINGLEY's language was:

It must be conceded that under free and unlimited coinage of private silver bullion there could be no material difference in market value between 371¼ grains of fine silver in the form of bullion before coinage and 371¼ grains of silver coined into a standard silver dollar.

Mr. DINGLEY also stated in his speech:

It is idle to claim that if the mints of the United States could be opened to the free coinage of silver on the basis of 16 to 1 the old relative value of silver and gold which existed before these new conditions came in would be restored.

These two assertions by Mr. DINGLEY show that his contention is that unlimited silver coinage would not enhance the value of silver.

On the contrary, we insist that if our Government coined and treated silver the same as gold, the silver in the silver dollar would rise in value, and as the discrimination in favor of gold would cease and gold would no longer be the only money of ultimate redemption, the value of the silver in the silver dollar and that of the gold in the gold dollar would rapidly approach each other.

MR. DINGLEY'S ARGUMENT REFUTED BY HISTORY.

Now, Mr. DINGLEY seeks to combat this position, and, contrary to all precedents and teachings of history, asserts that it would follow that no gold would be brought to our mints. His words were:

It follows from this that gold would not be brought to our mints for coinage on the basis of regarding 1 ounce of gold as the equivalent in coinage of only 16 ounces of silver—

And he insists this would be the result unless this coinage doubled the value of silver as measured by gold. And unless this

result was attained, which he contends would not be possible, Mr. DINGLEY says:

Gold would not be taken to our mints for coinage, and even that already coined would be withdrawn from use as money, and both gold bullion and coined gold would become merchandise and be sold and exported as such.

A BRAND-NEW SCARECROW.

This, Mr. Chairman, is a brand-new scarecrow which the gold-standard advocates have thrust upon the people, and it is as fallacious and unfounded and untrue as their many other arguments and assertions which they make to substantiate their position. In utter refutation of this position taken by Mr. DINGLEY I appeal to history and experience.

In 1877 the House passed a free silver coinage law, and in 1878 a law which was substantially a free-coinage law was enacted by Congress. Now, if the gentleman was correct in the statement that the passage of a free-coinage law would have the effect to stop gold being carried to the mints, then that law of 1877 and 1878 would have stopped gold being carried to the mints for coinage; but quite the contrary. The year preceding the passage of that law the coinage of gold in the United States was but $43,999,864, while in the year after the passage of the law it rose to $62,308,279, and the next year to $96,850,890. So that the very reverse took place, and instead of gold not being carried to the mints it was carried to the mints in increased ratio.

It is true that in 1883 and 1884 there was a falling off in the coinage of gold, but the reason for that was that there was a falling off in the production of gold, and the additional reason that the demand for gold for the arts was so largely increased that in 1883 $14,458,000 and in 1884 $14,500,000 was used for the arts in the United States, and the gentleman will see from the Report of the Director of the Mint that every dollar of gold produced in America after the passage of the free-silver laws of 1877 and 1878, that was not used in the arts, was carried to the mints for coinage.

The fact that the law of 1878 provided for the annual coinage of nearly $40,000,000 of silver of necessity largely occupied the capacity of our mints, and therefore very naturally, to some extent, impeded gold coinage; but it appears that even this impediment was overcome and gold coinage rapidly increased.

THE REFUTATION COMPLETE.

I respectfully ask the gentleman from Maine, does he want any more thorough refutation of his statement than that? I can easily add additional evidence. If the logic of the gentleman is correct, that the coinage of silver would prevent the coinage of gold, then by the same logic a law which repeals a silver-coinage law and demonetizes the metal would cause a great increase in the coinage of gold; but we find on examination that when we demonetized silver in 1873 gold coinage did not increase, but actually decreased. In 1873 we coined $57,032,747.50 in gold. The year after demonetization, instead of the gold coinage rising, it fell to $35,254,630, and the next year it fell to $32,951,940. We thus see that Mr. DINGLEY is refuted on all sides.

Gold-standard advocates tell us that the gold, silver, and paper money which now exists in the United States is much greater than it was during the period of great prosperity from 1850 to 1861. I do not doubt this; but no one denies that, notwithstanding this large increase, nearly all of it is concentrated in the banks of New York and other large cities.

CAUSE OF MONEY FAMINE IN RURAL SECTIONS.

The money in the rural sections has been gradually decreasing until there is a money famine in all the rural sections of the United States. The reason for this is apparent to everyone, and to remedy this unnatural condition is the effort of the Democratic party. Prior to 1861 the States of the entire Union in exercising their soverign power enacted banking laws, which were gradually improved and perfected. Under this system banks were established in all parts of the United States, the vault of each bank being the point of issue and redemption of its currency. The consequence was that the financial and business needs of every locality determined the amount of currency which was issued by the banks of each section of our land. When the war commenced, Congress enacted what are called the national banking laws. They were framed and dictated by the moneyed men and the bankers of New York, who took special pains to so frame the laws as to give them the monopoly of banking and the substantial control of the money of the United States. By these laws all bankers other than national bankers were prohibited from issuing any currency by the attachment of a penalty of 10 per cent on every dollar issued. This gave the national bankers the monopoly of issuing currency. These men possessed vast amounts of personal property, and in order to give them the monopoly of borrowing from these banks they secured the enactment of a provision which prohibited national banks from loaning money unless it was secured by the kind of property which they had and which the mass of the people did not have. This made it impossible for the great mass of our people of the United States, whose property consisted of land or other real estate, to borrow one dollar from the national banks, which under the law were the only banks of issue allowed to exist. This monopoly, of course, resulted in the northeastern moneyed men becoming owners of substantially all the money and bonds issued by the Government.

REPUBLICANS LEGISLATE FOR BONDHOLDERS AND CAPITALISTS.

In 1869 the currency of the country was at a discount of 30 or 40 per cent, and all bonds stated upon their face that they were payable in this currency. The bondholders were so powerful that in March, 1869, they induced a Republican Congress to enact a law stating that their currency bonds should be paid for in coin. At that time the silver in a silver dollar was worth as much and even more than the gold in a gold dollar, and therefore they did not designate the kind of coin that they were to receive; but, realizing that to reduce the amount of coin would enhance its value, in 1873 they again exercised their influence over Congress and secured the enactment of a law demonetizing silver, which, of course, enhanced the value of gold and at the same time necessitated the payment of their bonds in that metal. The depression and distress which followed this enactment brought about a revolt, which resulted in the passage of the silver-coinage laws of 1877 and 1878. At that time the House of Representatives was overwhelmingly Democratic, but this same moneyed power induced the Republican Congress in July, 1890, to repeal this law, and from that time to this the struggle has continued between the moneyed power to maintain the gold standard and the people to restore bimetallism.

It was this same influence which secured the repeal of the purchasing clause of the Sherman Act. This moneyed power has become possessed of substantially all the gold in the United States, and they are here insisting that this gold which they own, and which could be put into one large iron safe, shall be the money of ultimate redemption in the United States.

ALL GOLD NOW CENTERED IN NEW YORK.

I have heretofore illustrated how the financial legislation of the Republican party has concentrated the wealth of the land in New York and other money centers. The bank clearings of New York City last week were $560,862,293, while the bank clearings of all the rest of the United States were only $439,044,111, and those of the South were absolutely insignificant.

In this same line, the newspapers of to-day publish the list of the successful bidders for the $100,000,000 of bonds, showing that substantially all the gold in the United States is concentrated in New York, Boston, and Philadelphia. The entire amount to be paid for the bonds is $111,378,836, and of this $97,196,477 is to be paid in the city of New York, while all the States south of the Potomac and Ohio rivers only secured $196,600 of the bonds, for which they are to pay $222,086. In other words, New York City alone was able to purchase 450 times as much as all the States south of the Ohio and Potomac.

The population of New York City is 1,515,301, while the population of the States south of the Potomac and Ohio is 18,327,704, more than 12 times the population of the city of New York, and therefore the gold per capita of New York City is 5,400 times the per capita in these Southern States, and this is the result of the financial legislation which I denounce.

A THREADBARE GOLD-STANDARD SCARECROW.

The distinguished gentleman [Mr. DINGLEY], in referring to the Senate substitute, which provides for silver coinage, says:

If this substitute should become law there is not a man in this country who has money to loan to the Government but would take alarm if such legislation should be had at this time.

Now, Mr. Chairman, this is one of the threadbare scarecrows which the gold-standard men have been reiterating for the last twenty years. To show its utter fallacy I have only to state that less than five days ago the Senate of the United States by a very decided majority passed the substitute we are now considering, which provides for the free and unlimited coinage of silver and also provides that the Secretary of the Treasury shall redeem obligations which are payable in—

either gold or silver coins or both, not at the option of the holder, but exclusively at the option of the Treasury Department.

Now, with this decisive action of the highest branch of the law-making power of our country, we see by this morning's paper that the people of the world are offering to buy $100,000,000 of coin bonds at a premium of more than $11,000,000, and that the anxiety to take this loan is so great that 44,640 persons or syndicates have applied for the loan, and the total applications aggregate $558,269,850. This shows conclusively that the enactment of this law would not alarm persons who have money to loan, and it is an overwhelming argument that the financial men of the world believe as I do, that if this great and powerful Government enacts this law and reaffirms the determination which was expressed in the Democratic platform of 1892—

To hold to the use of both gold and silver as the standard money of the country, and to the coinage of both gold and silver without discrimination against either metal—

it will establish and maintain a parity between gold and silver and cause the financial men of the world to be indifferent whether the payment of these bonds is made in one metal or the other.

During years of service with Mr. DINGLEY I have been deeply impressed with his great learning and superb ability, and the fairness and logical trend of his arguments, and when we see that this distinguished man, the premier of the House of Representatives, has been betrayed into laying down as the premises upon which he based his argument a series of fallacies and unwarranted assertions, we naturally look in astonishment to find how such a phenomenon has been accomplished.

Anyone who has watched the press of the Northeast during the last few years must have been forcibly impressed that some gigantic power was exercising itself in an effort to convince the people of the United States that the interest of our country could be best served by the establishment of the gold-standard policy.

GOLD STANDARD LITERARY BUREAU.

Not willing to trust this matter to the influence of the great dailies of the Northern cities alone, the bankers and money monopolists established what they denominated a reform club, the purpose of which is to publish documents in advocacy of the gold standard, which documents for the last two years have been spread all over the United States. I hold in my hand a report of the committee of the club, which is engaged in this work. We find by this report that prior to its publication they had distributed 9,700,000 of these documents and were sending them out on an average of about 1,000,000 documents a month. It seems to me that this report shows that they have exercised every conceivable means which the use of money could by any possibility exercise to influence public opinion in favor of the gold standard.

1. They employ and pay public speakers.
2. They send out what they call sound-currency periodicals.
3. They advertise in newspapers throughout the country that this sound-currency literature will be supplied from the newspaper offices free of charge.
4. They supply, free of charge, any and all papers of the United States, which will accept them, broadside supplements of type and form similar to the papers to which they are sent, filled in with gold-standard arguments.
5. Plates containing gold-standard arguments are also sent to all the papers that will accept them.
6. A special bureau is established which employs a corps of contributors of articles advocating the gold standard.
7. They have a cartoon bureau which distributes cartoons intended to be arguments for the gold standard.
8. They then have a general distributing bureau to aid all the other bureaus.
9. They inaugurate plans for conventions to pass resolutions in favor of the gold standard, and adopt any and all means to exercise influence over political conventions.

These are only some of the methods adopted by this bureau, and they express their determination to place the documents they have prepared advocating the gold standard before every reader in the United States, and as everything distributed by them is prepared by men of the highest possible literary attainments, it is not surprising that they are so plausible as to deceive and mislead the general public, and therefore we are not surprised that they have misled as thoroughly an informed man as we all know Mr. DINGLEY to be.

COINING SILVER AND PAYING IT OUT THE SAME AS GOLD IS NOT BAD FAITH.

The gentleman from Maine [Mr. DINGLEY] had much to say about "honor and good faith," "discharging debts in inferior money," "distrust in our good faith," "honesty," "straightforward dealing," "bad faith," etc., repeating these expressions several times, the apparent effort being to create the impression that opponents of the gold standard do not desire to act in good faith with the creditors of the Government.

Let us look into the matter and see what the strictest good faith demands. There are two parties to these transactions, the people on the one side and the creditor on the other. We are the trustees of the people, and it is our duty to keep good faith with them, and as their agents it is our duty to keep good faith with their creditor, and see that he is paid every dollar to which he is entitled under either the letter or the spirit of his contract.

To give him less or to give him money less valuable than is due him under the contract would not be honest; and on the other hand we would be dishonest to the people to pay the creditor more than was due, or to give him more valuable money than was nominated in the contract.

Let us examine the tenor of the contract. The contract which the creditor presents designates that it is payable in coin.

THE MATTHEWS RESOLUTION FOR SILVER.

A few days before the passage of the silver-coinage act of 1878, by a two-thirds vote in both Houses, Congress adopted the following resolution:

Resolved by the Senate (the House of Representatives concurring therein), That all the bonds of the United States issued, or authorized to be issued, under the said acts of Congress hereinbefore recited, are payable, principal and interest, at the option of the Government of the United States, in silver dollars, of the coinage of the United States, containing 412½ grains each of standard silver; and that to restore to its coinage such silver coins as a legal tender in payment of said bonds, principal and interest, is not in violation of the public faith, nor in derogation of the rights of the public creditor.

Mr. Carlisle voted for the resolution and was one of its strong advocates. This certainly shows that every man who has come into possession of a Government obligation since 1878 knew that it was redeemable in silver dollars. The bankers and moneyed men, however, contend that the Sherman law, enacted July 14, 1890, gave them a right to demand gold. Mr. DINGLEY recites the expression they rely upon, which is in these words:

The established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio, or such ratio as may be provided by law.

I insist that if this stood alone, unqualified, it would not give them the right to demand gold.

SHERMAN LAW AS IT REALLY IS.

The expression, as it really stands in the law, is as follows:

That upon demand of the holder of any of the Treasury notes herein provided for the Secretary of the Treasury shall, under such regulations as he may prescribe, redeem such notes in gold or silver coin, at his discretion, it being the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio, or such ratio as may be provided by law.

It will be seen that the law expressly authorizes the Secretary of the Treasury to—

redeem such notes in gold or silver coin at his discretion—

but these controlling words are seldom, if ever, quoted or alluded to by gold-standard advocates.

REPEAL LAW OF NOVEMBER 1, 1893.

I wish also to call to the attention of those who assert that Congress has committed itself against the coinage of silver that the act of November 1, 1893, which repealed the purchasing clause of the Sherman Act, contained these words:

And it is hereby declared to be the policy of the United States to continue the use of both gold and silver as standard money, and to coin both gold and silver into money of equal intrinsic and exchangeable value, such equality to be secured through international agreement, or by such safeguards of legislation as will insure the maintenance of the parity in value of the coins of the two metals, and the equal power of every dollar at all times in the markets and in the payment of debts. And it is hereby further declared that the efforts of the Government should be steadily directed to the establishment of such a safe system of bimetallism as will maintain at all times the equal power of every dollar coined or issued by the United States in the markets and in the payment of debts.

MR. DINGLEY'S STATEMENTS SHOW THAT BIMETALLISM CAN BE MAINTAINED.

Now, Mr. Speaker, I will give another reason why bimetallism could be maintained, if we should now enact laws for the coinage of silver, which I think will appeal to my friend, Mr. DINGLEY. The Report of the Director of the Mint for 1892, pages 56 and 57, says:

According to the revised figures, the world's production of gold and silver for the last three years has been as follows:

World's production.	Gold.	Silver.
In 1890	$113,149,600	$172,234,500
In 1891	120,518,800	186,733,000
In 1892	130,816,600	196,605,200

It will therefore be seen that during the three years prior to the meeting of the Republican national convention in 1892 the production of gold was less than two-thirds the production of silver. With that condition staring them in the face, the Republican party, of which our chairman, the very distinguished premier of this House [Mr. DINGLEY], was a prominent member, declared with all possible emphasis in favor of silver coinage.

The silver plank in the Republican platform of 1892 was in these words:

SILVER AND CURRENCY.

The American people, from condition and interest, favor bimetallism, and the Republican party demands the use of both gold and silver as standard money—

These were their precise words, and the following language did not lessen the force of this pledge for bimetallism—

with such restrictions and under such provisions, to be determined by legislation, as will secure the maintenance of the parity of the values of the two metals, so that the purchasing and debt-paying power of the dollar, whether of silver, gold, or paper, shall be at all times equal.

Their candidate, President Harrison, in his letter of acceptance indorsed all that had been said by his party and used this emphatic and unmistakable language:

COINAGE AND CURRENCY.

The resolution of the convention in favor of bimetallism declares, I think, the true and necessary conditions of a movement that has, upon these lines, my cordial adherence and support. I am thoroughly convinced that the free coinage of silver at such a ratio to gold as will maintain the equality in their commercial uses of the two coined dollars would conduce to the prosperity of all the great producing and commercial nations of the world.

And the New York Tribune, in speaking of this plank of the Minneapolis platform, said:

The declaration of the silver question is free from ambiguity.

The Republicans realized that these propositions were so self-evident, and they so fully appreciated that the people would not support a party which did not subscribe to them, that they incorporated in their campaign book a distinct announcement in favor of these principles.

I read from the Republican Campaign Book, page 157:

Some money lenders who are money monopolists want scarcer money that it may be dearer. The honest wage earners, the tillers of the soil, and other producers who would rob no man want more money, but good money. More money, they believe, is required by the constant growth of commerce and industry.

In the next paragraph, the same page, the book says:

No party has ever favored money monopolists, a contraction of the currency, or an unchanged volume of circulation which, with growing business, would involve a relative contraction.

In the great anxiety of the Republican party to secure votes they proceed in the next paragraph of their campaign book to use these expressions.

The subhead of this paragraph is as follows: "The Republican a bimetallic party."

The book then says:

Nine-tenths of the people are bimetallists. They want both money metals used, because they believe both needed to sustain the world's commerce. The Republican party intelligently and honestly answers their wishes. President Harrison is a bimetallist, as his official papers and his speeches plainly show. The Republican platform declares for bimetallism, and in that respect faithfully represents the course of the party.

The Republican pledges in favor of silver in 1890 were quite as emphatic as they were in 1892. From page 19 of the Republican campaign book of 1890 I read as follows:

In its last national platform the Republican party declared this doctrine: "The Republican party is in favor of the use of both gold and silver as money, and condemns the policy of the Democratic Administration in its efforts to demonetize silver."

AN UNANSWERABLE ARGUMENT FOR SILVER.

Now, bear in mind that these declarations and pledges of Mr. DINGLEY'S party to the people, in which he heartily joined, for the equal coinage of both gold and silver, were made at a time when the gold production of the world was less than two-thirds the production of silver. Now, the distinguished gentleman tells us that the production of gold this year will be $250,000,000, while we know the production of silver will be but little, if any, more than $200,000,000.

Mr. DINGLEY'S language was—

Since 1890 the increase of [gold] production has been greater than ever before, rising from $118,000,000 in 1890 to $235,000,000 in 1895, with the probability that the production this year will reach $250,000,000.

Mr. DINGLEY also added that this production—

Is almost twice the production of any year of the Californian period.

Now, if Mr. DINGLEY felt justified in promising the people bimetallism by the free coinage of both gold and silver when the production of silver was nearly double that of gold, how can he state that free coinage of both metals would not give us bimetallism when the relative production of gold and silver is reversed and the production of gold is now one-quarter more than the production of silver. I think this is a very complete compliance with our distinguished premier's demand—

That we present to the House and country the grounds on which we assume that silver coinage will result in giving us bimetallism.

PLEDGES OF THE DEMOCRATIC PARTY FOR SILVER.

Having shown that the pledges of the Republican party bind them in honor to support bimetallism, I will now show that the pledges of the Democracy bind them with double—yes, even treble—force to vote for and sustain bimetallic legislation.

The Democratic Campaign Book for 1890, page 374, says:

DEMOCRATIC PARTY ON SILVER.

The records of the Fifty-first Congress show that the Democratic Senators and Representatives are practically a unit in support of the free and unlimited coinage of the white metal.

The Democratic platform of 1884, reaffirmed in 1888, spoke as follows on the coinage:

"We believe in honest money, the gold and silver coinage of the Constitution, and a circulating medium convertible into such money without loss."

The Republican platform of 1888 spoke thus:

"The Republican party is in favor of the use of both gold and silver as money."

The meaning of these declarations can be best learned from the history of silver-coinage measures in Congress.

In all its years of power the Democratic party never enacted a law to demonetize silver, but constantly and unceasingly maintained its free and unlimited coinage from 1792 to 1873, when the Republicans, being in a large majority in both Houses of Congress, and having all departments of the Government, enacted a law in February prohibiting the coinage of the standard silver dollar.

In November, 1877, a Democratic House of Representatives enacted a free silver coinage bill, which went to its grave in a Republican Senate.

The book then proceeds to give the vote upon silver, showing that the Democratic vote in the House in 1877 was 97 votes for the free coinage of silver and only 10 against it. Various other votes upon the silver question are then given, including the vote of June 7, 1890, at which time the House gave a direct vote upon the question of free coinage. The Democrats in the House were almost solid for free coinage, only 13 Democrats voting against the bill, and all of them were promptly retired to private life.

Among those who voted for free coinage I recall Breckinridge of Arkansas, Breckinridge of Kentucky, Bynum, Caruth, CATCHINGS, CLARKE of Alabama, Crain, CRISP, Edmunds, MCCREARY of Kentucky, Montgomery, Oates, O'Ferrall, Outhwaite, Springer, Stone of Kentucky, TUCKER, TURNER of Georgia, WASHINGTON, and the distinguished gentleman from West Virginia, Mr. Wilson.

With this overpowering expression of the Democracy in favor of free coinage fresh in the minds of the people, the election of 1890 took place and resulted in the great Democratic victory which gave this House 150 Democratic majority.

This vote in favor of free coinage was made a very prominent feature in the campaign. It was made very noticeable in the campaign books, and it was regarded as a declaration and pledge on the part of the Democracy for free coinage.

Two years later, in 1892, the Democratic party again went before the people on the positive declaration in favor of the free coinage of silver.

The platform promised the people—

Coinage of both gold and silver without discriminating against either metal.

The only conditions imposed were that—

The dollar unit of coinage of both metals must be of equal, intrinsic, and exchangeable value.

This plank of our platform closes with these words:

We insist upon this policy as especially necessary for the protection of the farming and laboring classes, the first and most defenseless victims of unstable money and a fluctuating currency.

THIRTY-ONE STATE PLATFORMS FOR SILVER.

Not only did the Democratic platform promise the people free silver, but in addition to that, thirty-one States, in their conventions, adopted free-silver platforms, and substantially all of the Congressional districts which expressed themselves on the subject were emphatic for free coinage. The New York Tribune of June 21, 1892, refers to this subject in these words:

Behind Cleveland is a party which in the last three years has declared for free silver in thirty-one State platforms, and in two Congresses has voted for free-silver bills with substantial unanimity.

One of those thirty-one States was the State of Alabama, which in the State convention expressed itself unequivocally for silver.

I read from the fourth plank of the Alabama State platform of 1892.

That the Democratic party of Alabama expresses its condemnation of the Republican party for their administration of the finances of the country, under which the demand of the people for a sufficient circulating medium has been ignored, and silver has been driven from its time-honored and rightful place and uses under the Constitution of the United States, where it was maintained so long as our party had control of the national legislation.

Every public man knows that in 1873, when the Republican party was in control of every branch of the Government, that party demonetized silver. Every public man knows that after the Democratic House had, in 1877, passed a free silver coinage bill at 16 to 1, the bill was defeated in a Republican Senate.

The bill I refer to passed the House on November 5, 1877, just twenty days after the meeting of that Congress and one week after the committees were appointed.

It was passed by the Democratic party, such grand Democrats as Blount, Carlisle, Forney, Sunset Cox, Garth, Herbert, Kelly, Hewitt, R. Q. MILLS, and Reagan voting for and supporting the bill.

ANOTHER GOLD STANDARD ERROR.

Mr. DINGLEY then speaks of—

A change in the conditions of mining causing the remarkable decline of silver.

He then puts in a subhead, "The overshadowing cause of silver decline," and says:

It is this abnormal increase in the production of silver.

VALUE OF GOLD INCREASED—SILVER HAS NOT DECLINED.

The gentleman is wrong when he tells us that silver has fallen in value. I have prepared tables showing the production of silver and its value in 1873, 1892, 1893, and 1894, and the same with regard to the staple products of America, and these tables show that the increase in the production of silver has been less than that of any of the staples, and the decrease in price of silver has been also less than that of any of these staples, showing conclusively that silver has not fallen in value, but that gold has increased in value.

Table showing increase in production of silver and various other staple American products from 1873 to 1892, their value in 1873 and 1892, also their value in 1892 compared with that of 1873.

Articles.	Production in 1873.	Production. in 1892.	Increase of production, 1873 to 1892.	Value in 1873.	Value in 1892.	Value in 1892 compared with 1873.
			Times.			*Per ct.*
Silver .....ounces..	27,650,000	58,000,000	2 1/4	$1.298	$0.87 15/16	67
Cotton .....bales..	2,974,351	9,035,379	3	100.70	35.85	35
Pig iron .....tons..	2,560,963	9,157,000	3 1/4	42.75	15.75	37
Steel rails.....do....	115,192	1,551,844	13 3/4	120.50	30.00	25
Coal.....do....	50,512,000	150,505,745	3	4.84	2.50	52
Wheat ...bushels..	281,254,700	*611,780,000	2 1/4	1.12	.62	55
Corn .....do....	932,274,000	*2,112,892,000	2 1/4	.59	.39	66
Wool .....pounds..	154,000,000	296,000,000	2	.70	.30	43

*1891.

In order to refute the statement that the fall in values has been caused by excess in production, I have prepared another table showing the production of these articles in the United States, so far as I could get the data, for the years 1892, 1893, and 1894. The table also shows the value in 1892 and the value in 1894; also, the percentage of value in 1894 to what it was in 1892.

Table showing production of silver and various other staple American products in 1892, 1893, and 1894, and their values in 1892 and 1894; also their value in 1894 as compared with that of 1892.

	Production in 1892.	Production in 1893.	Production in 1894.	Value in 1892.	Value in 1894.	Value in 1894 compared with 1892.
						Per ct.
Silver .....oz..	58,000,000	60,000,000	49,500,000	$0.87 15/16	$0.60	68
Cotton .bales..	9,035,379	6,717,142	7,527,211	35.85	30.00	83
Pig iron .tons..	9,157,000	7,124,502	6,657,388	15.75	11.50	73
Steel rails .do..	1,551,844	1,136,458	1,014,034	30.00	22.00	73
Coal.....do..	150,505,745	162,770,162	148,000,000	2.50	2.29	91
Wheat .bush..	*611,780,000	395,131,725	460,267,416	.62	.53	85
Corn .....do..	*2,112,892,000	1,619,496,131	1,212,770,052	.39	.41	105
Wool .....lbs..	296,000,000	303,000,000	298,057,384	.30	.14	46

*1891.

One reason why money has been hoarded and prices have declined since the repeal of the purchasing clause of the Sherman Act is that every step taken by this Government which helps to fasten upon this country the gold standard has a tendency to reduce the amount of money of ultimate redemption, which must lower prices; and when this tendency exists, all those who have money see that its purchasing power will increase, and therefore their interest is best served by holding and hoarding, instead of investing.

ANOTHER GOLD-STANDARD ERROR.

The gentleman from Maine then states:

It is significant in this connection to recall that the United States has used five times as much silver as money in the seventeen years since 1878 as it used in the first seventy years of the existence of this Government under the Constitution.

This is another of the many errors into which the gold-standard men have fallen and which they reiterate as a standard antisilver argument. If they had taken the trouble to look into the history of our country, they would have found that during the first seventy years of our Government we did not depend upon American silver. In fact, during that period our entire silver coinage was $122,832,462, and the entire production of silver of the United States was only $1,500,000, and the silver money of the United States was almost entirely foreign silver.

In 1847 the Secretary of the Treasury estimated the amount of specie in the country at $120,000,000, and as this was before the discovery of gold in California, the most of this was silver and was mostly foreign silver, and this $120,000,000 of course only included the specie which was visible and could not include that in the hands of the people, of which no account could be taken. The excess of foreign coins over those from our mints was so great that contracts for payment of money very frequently stipulated that the payment was to be in so many Spanish milled dollars, and the statutes of some of our States also mention Spanish milled dollars as the money in which contracts were to be liquidated. Now, all this Spanish money was used, and it shows that the gentleman from Maine [Mr. DINGLEY] was fearfully in error when he stated that the United States has used five times as much silver in the seventeen years since 1878 as it used in the first seventy years of the existence of our Government. If he had used the word "coined" instead of "used" he would have been practically correct.

ANOTHER ERRONEOUS GOLD-STANDARD ARGUMENT.

The distinguished gentleman [Mr. DINGLEY] also says:

The suggestion that France compels the holders of the French paper currency to sometimes accept silver in part payment, at least, of notes presented for redemption, and yet preserves the parity of these notes with gold, overlooks the fact that it is not the Government of France that issues circulating notes, but a corporation distinct from the Government, known as the Bank of France, which maintains a coin reserve of nearly $334,000,000 (of which nearly $385,000,000 is gold) against a note circulation of only $675,000,000.

In reply to this I will say that the liabilities of our Treasury Department, which are payable in coin, are much less than this, and if we had adopted the same policy which is acted upon in France the gold in our Treasury would have far exceeded that which is now held by France.

At the end of Mr. Cleveland's first term the net gold in the Treasury was	$197,874,422
Received from sale of bonds	182,000,000
Received from banks	10,000,000
And the amount the Treasury is now receiving from the late bond sale	111,378,836
Total	501,253,258

And I very much fear that under our policy in a few months there will be another cry that the Treasury reserve is being exhausted.

FRANCE MAINTAINS HER GOLD RESERVE BY A METHOD CONTRARY TO THAT ADOPTED BY THE UNITED STATES.

The reason why France is able to maintain this reserve of $385,000,000 of gold is that the holders of obligations know that when they present them they may get silver and not gold; and the reason we have lost nearly $400,000,000 of gold is that holders of our obligations, which are payable in either gold or silver, know they will be unjustly favored and given gold for obligations which the law authorizes the Secretary to pay in silver. And yet in the face of these facts, which are known to the whole world, our distinguished chairman, the gentleman from Maine, tells us that France—

Maintains her full legal-tender silver at a parity with gold precisely as the Government of the United States maintains our silver.

Now, I assert, and everybody in the House knows, that we maintain our parity by a method exactly contrary to the one adopted by the French nation. France maintains her parity by honoring silver and treating silver precisely as that nation treats gold. We, on the contrary, exercise all the powers of our Government in discriminating in favor of gold and against silver, and then we maintain the parity by selling bonds for gold, thus mortgaging the earnings of honest bread earners for years to come. Including the present loan, we will, for this purpose alone, during only two years, have incurred an obligation for interest amounting to $244,000,000, and both principal and interest amounting to $506,000,000.

Mr. BOATNER. Would it interrupt the gentleman if I were to ask him a question at this point?

Mr. WHEELER. I will answer it with pleasure.

Mr. BOATNER. Can you inform us whether France gave any pledge to redeem paper circulation, such as the greenbacks or the silver certificates?

Mr. WHEELER. It has six hundred and seventy-five millions of paper circulation, and they pay it in coin, silver or gold, as they see fit.

Mr. TUCKER. But is not that the circulation of the Bank of France?

Mr. WHEELER. I will explain that.

Mr. BOATNER. The question I wanted to ask of my friend, if he had any knowledge on the subject, is whether the French Government has not retired all of its pledged obligations, so that it has no obligation of this class that may be presented for redemption?

Mr. WHEELER. Well, but even if that be so, I submit to my friend that this very paper circulation which is issued by the Bank of France has the same relation to that country as our notes and obligations have to ours. The gentleman's argument is that the $675,000,000 of French paper currency, to which the gentleman from Maine referred, is not issued by the French treasury itself, but by the Bank of France, and therefore the gentleman contends that the action of the Bank of France in paying out gold and silver at its discretion is no reason to justify the United States in adopting the same plan. Now, the gentleman himself has insisted, and all the gentlemen who advocate the gold standard insist, that the United States Treasury has, under the laws which now exist, become a banking institution, as they say our Treasury is just like the Bank of France, and that being the case, it follows that

the system adopted by the Bank of France is applicable in all respects to our Treasury.

If we had retained in the Treasury the gold which was in it when Mr. Cleveland turned over the Government to Mr. Harrison and added to it the $182,000,000 which we have obtained by selling bonds since, we would have more gold in our Treasury than France has in hers.

Mr. BOATNER. Will it interrupt the gentleman to ask him a question right there?

Mr. WHEELER. No, sir.

Mr. BOATNER. If France, by the payment of silver partially, sustains it at a parity, why can not Mexico, Japan, China, and other silver-using countries, which pay it altogether, maintain it at a parity in those countries?

Mr. WHEELER. Because those countries are what are called silver countries, and they do not pay out any gold at all. France is a bimetallic country, and that is what we want to be. We do not want to adopt the plan of Japan, China, or Mexico. I say that we ought to adopt the plan of France, a plan which meets the full approval of the gentleman from Maine, a plan which I am confident would establish us on a bimetallic system.

Mr. BOATNER. Yes; but the gentleman will admit that his argument is that the United States discredits silver by refusing to pay it out.

Mr. WHEELER. Yes, sir.

Mr. BOATNER. And thereby discriminates against it?

Mr. WHEELER. Yes, sir.

Mr. BOATNER. And France, by paying it out only partially, you say does not discredit it; then why is it that the payment altogether in that money which is to give it an appreciation over gold—how is it that silver in all silver-using countries is exactly at the same disparity that it is everywhere else?

Mr. WHEELER. The gentleman is mistaken.

Mr. BOATNER. How does the gentleman account for that?

Mr. WHEELER. I account for it by saying that it is not true. My friend from Louisiana is mistaken in his premise. [Laughter.] Silver in all those countries has almost the same purchasing power that gold has in gold-standard countries.

The Secretary of Agriculture tells us that the average price of wheat in the United States in 1893 was 54 cents, which of course meant gold. The same year the average price in India in silver, taking the average of twelve different localities, was 67 cents. We thus see that when the London merchant wishes to buy wheat he can buy silver with his gold and buy almost 2 bushels of wheat in India for the same money for which he can buy 1 bushel in the United States.

Mr. GROSVENOR. Will the gentleman explain to the House the difference between the treatment of the United States and the treatment of France of silver as money?

Mr. WHEELER. I am sorry that the gentleman did not hear me. I was explaining it.

Mr. GROSVENOR. What is the difference?

Mr. WHEELER. The difference is that France pays out gold and silver at its option or discretion. We pay out gold in redemption of obligations which the law says are payable either in silver or gold.

Mr. GROSVENOR. How long is it since France coined silver?

Mr. WHEELER. The Latin Union was virtually dissolved in 1876, and that is the date generally given; but France has coined a great deal of silver since that time. The report of the Director of the Mint shows that last year France coined half as much silver as gold, and the French coinage prior to 1876 was very great.

Mr. GROSVENOR. We have coined more than France in proportion to our gold.

Mr. WHEELER. I can not tell exactly what the amount of our gold is, but I think it is largely overestimated, because we see that one or two great houses like the Rothschilds and the Morgans have "cornered" the gold of the world; and we also see that the gold to purchase the $100,000,000 of bonds came almost entirely from New York City.

Mr. GROSVENOR. Ah, now you are getting onto another proposition entirely.

MR. DINGLEY'S ERROR AS TO THE EFFECT OF BIMETALLISM.

Mr. WHEELER. The distinguished chairman of the Committee on Ways and Means then asserts:

It is said that somehow or other, by the adoption of free coinage of silver at the ratio of 16 to 1, we will furnish a fund for redemption.

He then asks how the Government is to get such silver dollars, and says:

Even with such coinage, the only way the Government can get such silver dollars for its greenback-redemption fund is by issuing bonds.

It will be seen here that Mr. DINGLEY assumes that we desire silver coinage only for the purpose of using the dollars so coined to redeem the greenbacks.

No bimetallist has ever made any such suggestion. If we enact the Senate substitute, or if the Secretary of the Treasury would commence now to pay out silver in part payment for greenbacks presented, which he has a right to do, it would immediately stop the raid which is now being made on the Treasury.

The only reason why the greenbacks are now presented is that we have discriminated in favor of gold and made it more valuable than silver, and the holders of greenbacks know that by demanding gold they can compel the Government to repeatedly issue bonds.

Mr. DINGLEY then tells us that the report of the Secretary of the Treasury of February 4 shows that of the 353,000,000 silver dollars in the Treasury, 346,000,000 are represented by outstanding silver certificates, leaving but 7,000,000 available to pay coin obligations.

Mr. DINGLEY then says:

Only 7,000,000 of silver dollars outside of the fund under the act of 1890 are in the Treasury to-day, belonging to it in such a way as to be made available for the redemption of the greenbacks. Therefore what is proposed is to disturb confidence in this country still more—to create the impression that we propose to repudiate something whether we do or not—all because of simply $7,000,000; and every one of these silver dollars can be used for other purposes, instead of greenbacks.

Mr. DINGLEY speaks of increasing distrust, and says:

The end of using these $7,000,000 for redemption purposes does not justify the means.

Mr. DINGLEY here tells Congress that the purpose sought to be obtained by the bill before the House is simply to require the Secretary of the Treasury to pay out these 7,000,000 silver dollars for the redemption of coin obligations.

THE REAL PURPOSE OF BIMETALLISM.

It is surprising that a gentleman of Mr. DINGLEY's learning and intelligence should make such an assertion. The advocates of bimetallism know it can only be accomplished by treating silver the same as gold, coining it the same as gold and paying it out for the redemption of coin obligations the same as gold; in other words, complying with the pledge which is contained in the platform upon which this Administration was placed in power.

The advocates of the bill as it passed the Senate believe that if the measure becomes a law it will finally have the effect of doubling the money of ultimate redemption, and that this would cause a rise in prices of all products of American toil and energize every industry in our land.

VALUES AFFECTED BY AMOUNT OF MONEY.

The history of the world shows that an increase in the amount of money of ultimate redemption in any country has the effect of increasing the value of all products and property; and that a reduction in the amount of money of ultimate redemption has the effect to reduce the value of all products and property, is asserted in all works on political economy which have ever been published; and I believe that no one has ever denied this unquestioned truth.

It rests upon the principle of supply and demand. When the supply of money is small, the demand for it is such that it requires more property to procure it; and when the supply of money is large, the reverse of this proposition obtains.

Mr. Cleveland fully realizes the force of this unerring principle. In his last message he said:

Everyone who receives a fixed salary would find the dollar in his hand ruthlessly scaled down to the point of bitter disappointment, if not to pinching privation.

This means that silver coinage would result in reducing the purchasing power of a fixed salary; which, of course, means that it would cause products and all property to rise in value. Mr. Cleveland contends, however, that the reduced price which the gold-standard farmer receives for his products finds a compensation in the reduced price which pays for the articles he purchases.

The experience of the farmer has taught him the error of this contention. He makes 10 bales of cotton and 400 bushels of wheat. Under silver coinage prior to 1873 he received $1,200 for his cotton and $700 for his wheat. He supports his family, educates one or more children at a first-class institute or college, sends the others to a neighboring school, pays his taxes, gives his family an annual excursion to a neighboring city, subscribes to his church, and lays up $300.

Under the gold standard none of the expenses that I have mentioned are materially reduced.

He sells his 10 bales of cotton for $250 and his 400 bushels of wheat for $160. Instead of laying up $300, he falls behind about $1,000, and in two or three years his home is sold by the sheriff.

Some farmers, seeing the inevitable fall in prices, took their children from school, and denied themselves and family all the comforts they had before enjoyed. But even with the utmost pinching and economy very few have been able to meet their annual expenditure.

When Mr. Rothschild, a delegate to the Brussels conference, was reminded of the effect of the single standard on the price of products he said:

I hold that wheat at 30s. a quarter instead of 45s. is rather a blessing than otherwise.

Secretary Morton in a recent interview, in referring to the same subject, said, that he wanted the American dollar—

to have the largest possible purchasing power.

For the last two years Mr. Morton has been surrounded by people who draw fixed salaries, and no doubt their comforts would be increased just in proportion as the purchasing power of their salaries is enhanced. This would evidently cause the wheat, cotton, corn, and other products of the farm to be sold at the least price possible, which means the utter destruction and ruin of the most valuable interests in our land.

SILVER COINAGE BENEFITS FARMERS.

Only yesterday Mr. Balfour, first lord of the British treasury, said (as it appears by a cable dispatch) that agriculture suffered doubly owing to the present condition of the currency, and expressed his personal belief that the reduced prices were largely due to the artificial appreciation of gold which followed the demonetization of silver.

I quoted similar expressions in my last speech from the editor of the London Economist. He said:

The effect of a depreciation of silver as against gold is to give a bounty on exports from India and the other silver-using countries.

Mr. Nicholson, an eminent Englishman, said:

India wheat is the very wheat that is complained of by Secretary Manning as having lowered the price of European and American wheat.

The effect on wheat applies in the same way to cotton and enables India to disastrously compete with us in all markets in the sale of cotton goods.

ALL GREAT STATESMEN WERE BIMETALLISTS.

The greatest statesmen that this country has produced, from Alexander Hamilton to that noble Roman, Allen G. Thurman, have insisted that the coinage of both gold and silver—bimetallism in its fullest sense—is essential to the best interests of the people of this country.

JEFFERSON, HAMILTON, WEBSTER, AND HUNTER WERE BIMETALLISTS.

In 1791 Alexander Hamilton said:

To annul the use of either of the metals as money is to abridge the quantity of circulating medium, and liable to all the objections which arise from a comparison of the benefits of a full with the evils of a scanty circulation.

In February, 1792, Thomas Jefferson wrote to Hamilton:

I concur with you that the unit must stand on both metals.

Daniel Webster, in his great speech of December 1, 1836, said (I read from the Boston edition of his speeches, Volume IV, page 80):

I am certainly of opinion, then, that gold and silver, at rates fixed by Congress, constitute the legal standard of value in this country; and that neither Congress nor any State has authority to establish any other standard or to displace this.

Forty-three years ago Senator Hunter said:

The mischief would be great indeed if all the world were to adopt but one of the precious metals as a standard of value. To adopt gold alone would diminish the specie currency more than one-half, and the reduction the other way, should silver be taken as the only standard, would be large enough to prove highly disastrous to the human race.—*R. M. T. Hunter*, 1852.

BLAINE, GARFIELD, AND CARLISLE WERE BIMETALLISTS.

Hon. James G. Blaine made a very able speech upon the free-coinage bill February 7, 1878. I read from the CONGRESSIONAL RECORD, page 820. This great statesman said:

I believe gold and silver coin to be the money of the Constitution; indeed, the money of the American people anterior to the Constitution which that great organic law recognized as quite independent of its own existence. No power was conferred on Congress to declare that either metal should not be money. Congress has therefore, in my judgment, no power to demonetize silver any more than to demonetize gold; no power to demonetize either any more than to demonetize both.

Mr. Blaine also said:

Few persons can be found, I apprehend, who will maintain that Congress possesses the power to demonetize both gold and silver, or that Congress should be justified in prohibiting the coinage of both; and yet, in logic and legal construction, it would be difficult to show where and why the power of Congress over silver is greater than over gold; greater over either than over the two. If, therefore, silver has been demonetized, I am in favor of remonetizing it. If its coinage has been prohibited, I am in favor of ordering it to be resumed. If it has been restricted, I am in favor of having it enlarged.

I now read from his speech, page 821:

The responsibility of reestablishing silver in its ancient and honorable place as money in Europe and America devolves really on the Congress of the United States. If we act here with prudence, wisdom, and firmness, we shall not only successfully remonetize silver and bring it into general use as money in our country, but the influence of our example will be potential among all European nations, with the possible exception of England. Indeed, our annual indebtedness to Europe is so great that if we have the right to pay it in silver we necessarily coerce those nations by the strongest of all forces—self-interest—to aid us in upholding the value of silver as money.

I read further on the same page:

I believe the struggle now going on in this country and in other countries for a single gold standard would, if successful, produce widespread disaster in the end throughout the world.

The destruction of silver as money and establishing gold as the sole unit of value must have a ruinous effect on all forms of property except those investments which yield a fixed return in money. These would be enormously enhanced in value, and would gain a disproportionate and unfair advantage over every other species of property.

Further on Mr. Blaine also says:

I do not think that this country, holding so vast a proportion of the world's supply of silver in its mountains and its mines, can afford to reduce the metal to the "situation of mere merchandise." A vast source of wealth to this entire country is destroyed the moment silver is permanently disused as money. It is for us to check that tendency and bring the Continent of Europe back to the full recognition of the value of the metal as a medium of exchange

On February 1, 1878, President Garfield spoke in the House of Representatives upon this subject.

I read from volume 28 of the CONGRESSIONAL RECORD.

Mr. Garfield said:

Every man who is opposed to the use of silver coin as part of the legal currency of the country I disagree with. Every man who is opposed to the actual legal use of both metals I disagree with.

Mr. Garfield also said:

I would endow the two dollars with equality and make the coinage free.

Secretary Carlisle also advocated unlimited coinage of silver with great force.

Mr. BOATNER. In which he said something about a "gigantic crime"? [Laughter.]

Mr. WHEELER. Yes. Mr. Carlisle characterized the attempted legislation against silver as—

the most gigantic crime of this or any other age.

I read from Mr. Carlisle's speech, page 42 of the Appendix to the RECORD. Mr. Carlisle said that—

he was in favor of unlimited coinage of both metals upon terms of exact equality. No discrimination should be made in favor of one metal and against the other; nor should any discrimination be made in favor of the owners of gold and silver bullion and against the great body of people who own other coins or property.

He continued, on page 43:

I know that the world's stock of the precious metals is none too large, and I see no reason to apprehend that it will ever become so. Mankind will be fortunate, indeed, if the annual production of gold and silver coin shall keep pace with the annual increase of population, commerce, and industry.

In 1878 the United States produced $51,200,000 of gold and $45,200,000 of silver, the total being $96,400,000. The property in the United States was about $38,000,000,000. Therefore the property of the United States was about three hundred and ninety-five times the production of gold and silver. The property of the United States to-day is estimated at $75,000,000,000.

Last year we produced $39,500,000 of gold and $64,000,000 of silver, the total being $103,500,000. We therefore see that the property in the country now is seven hundred and twenty-five times greater than the production of gold and silver, and we also see that the proportion of precious metals to property is now about one-half what it was when Mr. Carlisle made his speech, and consequently that the reasons for coining silver are now twice as strong as they were when Mr. Carlisle made his able argument upon this subject.

Mr. Carlisle then says:

According to my views of the subject, the conspiracy which seems to have been formed here and in Europe to destroy, by legislation and otherwise, from three-sevenths to one-half of the metallic money of the world is the most gigantic crime of this or any other age.

It will be here seen as just stated by Mr. Boatner, that to strike down silver, as is now proposed, was denounced by Mr. Carlisle as a gigantic crime—the most gigantic crime of this or any other age.

Mr. Carlisle then proceeded in the following emphatic language:

The consummation of such a scheme would ultimately entail more misery upon the human race than all the wars, pestilences, and famines that ever occurred in the history of the world. The absolute and instantaneous destruction of half the entire movable property of the world, including houses, ships, railroads, and all other appliances for carrying on commerce, while it would be felt more sensibly at the moment, would not produce anything like the prolonged distress and disorganization of society that must inevitably result from the permanent annihilation of half of the metallic money in the world.

This language by the present distinguished Secretary of the Treasury is stronger and more emphatic than any expression I can use; but he does not stop with these words, he goes on to express his emphatic advocacy of silver coinage, not by law alone, but he demands that it be made permanent by a constitutional amendment. I read from Mr. Carlisle's speech on page 44 of the RECORD.

I am in favor of every practicable and constitutional measure that will have a tendency to defeat or retard the perpetration of this great crime, and I am also in favor of every practicable and constitutional measure that will aid us in devising a just and permanent ratio of value between the two metals, so that they might circulate side by side, and not alternately drive each other into exile from one country to another. Our ratio, as recognized by the present bill, is 15.98 to 1, while the ratio established by the states composing the Latin Union—France, Belgium, Switzerland, Italy, and I believe Greece also, is 15½ to 1. We therefore undervalue silver, as compared with the valuation put upon it by those countries.

Mr. Hewitt of New York moved to lay the bill and amendments on the table. I read from page 1283. But Hewitt's motion was defeated by a vote of 205 to 71. Mr. Carlisle and his colleague, Mr. Herbert, in the present Cabinet, both voted against Mr. Hewitt's motion and for the largest use of silver.

The Senate amendments limited silver coinage to not more than $4,000,000 a month, and Carlisle and Herbert both voted against these amendments, thus declaring themselves in favor of unlimited silver coinage.

Mr. DINGLEY reiterates the assertion which has been so frequently made by gold-standard men that silver fell slightly in value during the existence of our silver coinage of 1878, and insists that this proves that a silver-coinage law could not now diminish the difference in value between gold and silver.

UNFAIR DISCRIMINATION AGAINST SILVER CAUSED ITS DECLINE WHILE SILVER-COINAGE LAW WAS IN FORCE.

My reply to this is, that President Arthur and his Cabinet exercised all their power to defeat the silver-coinage law of 1878 while it was pending in Congress. Notwithstanding their efforts, the law was enacted by a vote of almost three to one. President Arthur then vetoed the bill, and both the Senate and House passed it over his veto by much more than a two-thirds vote. President Arthur and his Cabinet then commenced a war upon silver, discriminating against it and in favor of gold in every way possible. From the day of the passage of the silver-coinage acts the Republican Secretary of the Treasury paid all coin obligations in gold, thus declining to use silver for one of the principal purposes for which Congress directed it to be coined. At that time the Secretary did not have the parity clause in the act of 1890 to justify this action, because not only did the act of 1878 contain no such expression, but within a few days of the passage of the silver-coinage act Congress passed a resolution by a very large majority declaring that the Government obligations referred to were—

Payable, principal and interest, at the option of the Government of the United States, in silver dollars containing 412½ grains each of standard silver.

And they also declared that the coinage of silver for that purpose—

Is not a violation of the public faith, nor in derogation of the rights of the public creditor.

I repeat that in the face of this almost unanimous declaration of Congress the Republican Secretary of the Treasury under President Arthur refused to use silver dollars for the purpose indicated, and did everything in his power to discriminate against and degrade them.

We have the testimony of our present Secretary of the Treasury, Mr. Carlisle, that if the policy of the Government, as expressed by the laws of Congress, had been followed by the Secretaries of the Treasury, the difficulties under which we are now suffering would have been obviated. Just a year ago, in referring to this subject, Mr. Carlisle said:

If the policy of reserving to the Government at the beginning of resumption the option of redeeming in gold or silver all its paper presented, I believe it would have worked beneficially, and there would have been no trouble growing out of it; but the Secretaries of the Treasury from the beginning of resumption have pursued the policy of redeeming in gold or silver at the option of the note holders.

We see here that we are sustained by Secretary Carlisle in our statement that the slight fall in the price of silver while the silver-coinage law was in force was due to the policy of discrimination against silver inaugurated by the Secretary of the Treasury, Hon. JOHN SHERMAN.

Mr. DINGLEY then proceeds with his argument against silver coinage, and says:

Notwithstanding this country purchased, between 1890 and 1893, 54,000,000 ounces of silver per annum—substantially the American product and one-third of the product of the world—yet after a temporary boom silver began to fall more rapidly than before.

DEMOCRATS OPPOSED SHERMAN LAW BECAUSE IT STOPPED SILVER COINAGE.

The reason why Democrats voted solidly against the Sherman law in 1890 was because that measure did not make silver coinage imperative, and we knew that to pile up unused silver in the Treasury until the world was gazing on one bulk greater than the yearly production of the whole world, and with a full knowledge that this great bulk of unused silver could be thrown upon the market at any moment, was a menace to the price of silver which could have no other effect than to cause the depression which resulted. The temporary boom to which Mr. DINGLEY refers was due to section 3 of the Sherman Act, which was incorporated by the influence of Democrats, which made it imperative upon the Government to coin 2,000,000 ounces of silver a month until July 1, 1891, and the accumulation of unused silver did not commence until after that date.

WHY DEMOCRATS OPPOSED THE REPEAL OF PURCHASING CLAUSE IN 1893.

The reason why Democrats who love the people opposed the repeal of the purchasing clause was because that was one of the least objectionable of the features of the Sherman bill, and those who were persuaded into casting their votes in this Hall for that repeal in August, 1893, were deceived by assertions of the gold-standard men—

1. That the repeal would immediately restore confidence throughout the country.

2. Would immediately cause hoarded money to flow into the channels of trade.

3. Would immediately cause gold to flow into the Treasury.

4. Would immediately cause gold to flow from Europe to America.

5. Would immediately cause cotton to rise to 10 cents, and wheat to $1 a bushel.

6. That the proposed repeal of the purchasing clause would be immediately followed by the enactment of a law providing for the unlimited coinage of silver.

FOREBODINGS REALIZED.

In each of the speeches that I made on this floor on August 11, 12, 25, and November 1, 1893, I asserted that the repeal of the purchasing clause of the Sherman Act would have an effect exactly the reverse from that which was promised us, and my prediction has been more than verified, for the moment of the passage of that act cotton and wheat commenced to fall until they dropped down to little more than half their value at the time the repeal was enacted. Money commenced to fly from our shores to Europe, and to pour out of the Treasury almost like water through a sieve.

I also warned my fellow members that even if two-thirds of the members of the House favored a free coinage bill, the northeastern Democrats could, together with the Republicans, filibuster and prevent its passage.

As I feared the falling prices caused money to be hoarded and shun the channels of trade, and as I predicted, when we attempted to pass a bill to coin the seigniorage which lay useless in the Treasury, the northeastern Democrats and Republicans filibustered against that just and proper measure.

COTTON SHOULD BE SEVENTEEN CENTS.

Gold standard advocates now tell us that cotton has risen in value during the last year notwithstanding the gold standard.

In reply, I will say the general tendency has been downward since the date of unconditional repeal, November 1, 1893. At that time cotton was 8.31 in New York, and now it is only 7.40 cents in the face of a falling off of supply unprecedented in the history of the United States.

A New York cotton circular of February 1, which I hold in my hand says, that the deficiency at that date was 2,463,871 bales.

This indicates a deficiency in the crop of at least 3,800,000 bales, a much greater deficiency than has ever before occurred.

In 1872 our deficiency was 1,377,966 bales, about ⅓ of the deficiency this year and cotton rose from 16 to 21 cents.

The crop of 1866 was 1,580,153 bales less than the crop of 1860 to 1861 and cotton rose from 13 cents to 44 cents.

I insist that were it not for the financial legislation under which we are suffering, the present deficiency in the crop would cause cotton to sell for at least 16 or 17 cents instead of less than one-half that figure.

OUR LOSS OF EXPORTS OF MANUFACTURED COTTON GOODS.

I had the honor very recently to give the expressions of eminent economists which illustrated how we suffered great disadvantage in our competition with silver countries and in the wheat and cotton markets of the world.

Seven years ago Hon. J. Shields Nicholson said, in addressing the royal commission on gold and silver:

Now, it seems to me probable if the price of silver rose to its old level *wheat could not be profitably exported from India until prices rose in a corresponding degree.* For India, being a silver country, the price of wheat there *is independent of the relative value of gold and silver.* An exporter to England at present will give the Indian price in silver, and he can buy his silver for less gold, and thus competition will lower the price. If the price of silver rose the exporter from India must get more gold. Thus *a rise of silver would, on this view, raise the price of wheat to a corresponding degree.*

This was in reply to the following direct question by the chairman of the commission:

Indian wheat is the very wheat that is complained of by Secretary Manning, Secretary of the United States Treasury, as having lowered the price of European and American wheat, and he attributes it all to the divergence of gold from silver. You do not think tying gold and silver again would raise the price of English and American wheat by 25 per cent?

A work recently written by Mr. Bagehot, editor of the London Economist, on page 54 said:

The necessary effect of a depreciation of silver as against gold is to give a bounty on exports from India and the other silver-using countries to England. An English merchant can now buy many more rupees than he formerly could with the same number of sovereigns, and therefore he can import from India, though prices at Calcutta are not at a level at which it would have paid him to operate if he had not had that novel facility in getting rupees.

These gentlemen were Englishmen, but their remarks referred more to the effect of the gold standard upon the United States than England.

Our distinguished Speaker, Mr. REED, in discussing the subject very recently, said:

* * * It is evidently important for debtor nations, on which list we stand first, to raise the price of silver and thereby reduce that bounty on exports which Asia now enjoys.

I have heretofore shown that India and other silver countries are rapidly usurping our foreign market for American products.

I showed from official reports that our exports of wheat had fallen from $210,000,000 to be as low as $43,000,000, and that India and other silver countries had sold their products in the market which we had lost.

The cotton farmers of the South suffer from India's taking from us our foreign trade for manufactured cotton goods.

I have prepared a table showing the exports of manufactured cotton from British India and from the United States during the ast eight een years. It is as follows:

Table showing value of exports of manufactures of cotton from British India for the years ending March 31, 1877–1894, inclusive, and the same for the United States for the same years ending June 30.

Year ending—	Exports by sea from British India.	Total exports from the United States.
1877	$9,417,641	$10,235,843
1878	11,169,002	11,438,660
1879	12,564,442	10,853,950
1880	13,324,068	9,981,418
1881	15,125,209	13,571,387
1882	16,231,169	13,222,979
1883	19,308,374	12,951,145
1884	21,026,185	11,885,211
1885	22,993,170	11,836,591
1886	25,452,640	13,959,934
1887	29,272,060	14,929,342
1888	34,727,925	13,013,189
1889	40,956,225	10,212,644
1890	42,867,415	9,969,277
1891	49,439,665	13,604,857
1892	44,829,330	13,226,277
1893	49,621,790	11,809,355
1894	39,842,270	14,340,886

We therefore see that eighteen years ago our exports of cotton goods exceeded those of India, and they also show that during the last five years their exports have been nearly four times ours.

Our coinage of silver during the period from 1880 to 1890 helped the general prosperity of the United States, but the refusal of the Secretary of the Treasury to use silver as money of ultimate redemption tended very much to put us at a disadvantage in the cotton and wheat markets of the world, which is shown by the figures that I have given.

GOOD FINANCIAL LAWS WOULD MAKE US PROSPEROUS.

I believe if we should treat silver the same as gold, as was contemplated by the Constitution, and repeal the unconstitutional 10 per cent tax upon the circulation of banks other than national banks, and thus restore to the States their constitutional rights, and again allow them to enact laws for the establishment of banking systems, we would soon be blessed with an era of great prosperity.

In 1860 most of the States had perfected banking systems as good as any that ever existed. An extreme advocate of the present national banking system, Mr. Horace White, has recently published a book on money and banking. He speaks of the State banks of Louisiana, South Carolina, and New York as being perfect.

From 1854 to 1861, during which occurred the panic of 1857, the entire losses by discount on bills issued by New York banks was only $12,351, all of which resulted from the failure of the following-named 18 banks, which were the only bank failures in that State during that period:

Tabular statement of data as to failed banks of New York State from 1854 to 1861.

Banks.	Failed.	Circulation outstanding.	Rate.	Loss.
Bank of Carthage	1854	$53,643	Par	.....
Empire City Bank, New York	1854	110,464	Par	.....
Exchange Bank, Buffalo	1854	17,235	Par	.....
S. Bank, Sacketts Harbor	1856	48,462	Par	.....
Island City Bank	1857	99,528	Par	.....
Hamilton Exchange Bank	1857	43,016	84	$6,882
Ontario County Bank	1857	49,063	Par	.....
Pratt Bank of Buffalo	1857	31,000	94	1,860
Chemung County Bank	1857	58,167	Par	.....
Pine Plains Bank	1857	66,956	Par	.....
Dairymen's Bank	1857	91,470	Par	.....
Agricultural Bank, Herkimer	1857	80,528	Par	.....
Lake Mahopac Bank	1859	40,400	Par	.....
Cataract Bank	1861	51,556	93	3,600
Bank of Albany	1861	65,673	Par	.....
Bank of the Capitol	1861	73,449	Par	.....
J. W. Rumsey & Co.'s Bank	1861	31,150	Par	.....
National Bank of Albany	1861	64,150	Par	.....
Medina Bank	1861	100,168	Par	.....
Brockport Exchange Bank	1861	41,516	Par	.....
Total	.....	1,217,144	.....	12,351

THE PEOPLE DENOUNCE THE GOLD STANDARD.

The disapproval of the mass of the people of the position taken by certain Democrats against silver coinage has been expressed by the people at the polls in thundering tones that have never been heard in any government before since the beginning of civilization. In 1892 they voted for Mr. Cleveland upon a platform which pledged—

The coinage of both gold and silver without discrimination against either.

And the Democratic press were emphatic in declaring that this meant free and unlimited coinage of silver. Congress and the Administration refused to redeem this pledge, and in 1894 the States which appear in the following table went before the people with gold-standard candidates upon gold-standard platforms. The result was that these States with silver-coinage candidates and silver-coinage platforms gave 221,469 majority in 1892, and in 1894 with gold-standard Democratic candidates and gold-standard platforms the Democratic party in these same States was defeated, the majority against the Democratic party being 566,769, a Democratic loss in two years of 788,238 in only nine States.

I give below a table the first column of which shows the Democratic majorities in nine States in 1892 with silver-coinage candidates upon silver-coinage platforms, the second column showing Democratic defeat, the defeat of Democratic gold-standard candidates upon gold-standard platforms or Republican majorities against them. The third column shows the Democratic loss in two years.

Table showing Democratic majorities with silver-coinage pledges in certain States in 1892 and the defeat of Democratic gold-standard candidates in 1894, and the loss to the Democratic party during two years.

States.	Democratic majority, 1892.	Republican majority, 1894.	Total Democratic loss in two years.
New York	45,518	156,108	201,626
Illinois	26,993	123,427	150,420
Kentucky	40,020	*8,912	48,932
North Carolina	32,609	20,751	53,360
Ohio	50	137,087	137,137
Wisconsin	6,544	53,900	60,444
Indiana	7,125	44,673	51,798
Maryland	21,130	*18,767	39,897
Missouri	41,480	3,044	44,524
	221,469	566,669	788,138

*1895.

Now, in marked contrast, let me call attention to the fact that in every State where the Democratic candidates and platform were favorable to silver the Democratic party was triumphant. It is true that when the Democratic candidate for governor of Kentucky saw the tendency of the people he attempted to save his party by speaking against the gold standard.

The advocates of high tariff cannot attribute this revolution on the part of the people to tariff legislation, because the revolution was manifested in 1893, before a tariff bill was introduced, McKinley's majority over Neal that year being 80,995 and the Republican majority in New York in 1893 ranging from 19,924 to 101,064.

Before I conclude, there is one feature of the Senate substitute to which I wish to call attention. Three years ago the gold-standard men very generally expressed a willingness for free coinage of silver, provided a clause be inserted which would prohibit national banks from issuing bills of less denomination than $10. We have that provision in section 3 of this bill, and to our surprise the gold-standard men are just as implacable as ever.

I think the gentleman who preceded me will admit that I have not indulged in mere "assertions and declamations," but that I have presented to the House some grounds to prove not only the great advantage that would follow the coinage of silver, but that it would make the United States a bimetallic country.

ENGLAND WILL NOT LEAVE THE GOLD STANDARD.

That France will not consent to free coinage unless joined by Germany is becoming apparent. That Germany will not act unless joined by England is also becoming evident, and anyone who has watched the British Government must have learned that the moneyed power which controls that nation will hold to the gold standard.

At the conference in Paris, 1878, the English delegation—

Declared that England would not recede from the monetary legislation of 1816, establishing the "single gold standard."

Mr. Goschen, the English delegate, said:

England had plainly stated her intentions of maintaining her gold stand ard.

Mr. Gladstone, in a late speech in Parliament, asserted that England was the greatest creditor country of the world, and that foreign countries owed her $10,000,000,000. He then spoke strongly against silver coinage, and said:

I think under these circumstances it is rather a serious matter to ask this country to consider whether we are going to perform this supreme act of self-sacrifice.

And in speaking of debtor countries he said:

We have nothing to pay to them; we are not debtors at all; we should get no comfort, no consolation out of the substitution of an inferior material, of a cheaper money, which we could obtain for less and part with for more. We should get no consolation, but the consolation throughout the world would be great. [Loud laughter.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHEELER. I did not commence until twenty-five minutes after.

The CHAIRMAN. The time of the gentleman has expired. The gentleman has had sixty minutes.

Mr. CULBERSON. I ask unanimous consent that the gentleman may have time to conclude his speech.

Mr. WHEELER. I ask for just three minutes.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Alabama be allowed to have three minutes more to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. WHEELER. I thank my friend and the House for this courtesy. I shall close in a very few moments.

WE SHOULD HAVE AN AMERICAN POLICY.

Although our distinguished chairman of the committee knows that we can not induce either England or Germany to join us in silver coinage, he nevertheless reiterates the oft-repeated assertion of gold-standard men that we can not coin silver without the concurrent action of European nations.

Mr. DINGLEY then says:

It is for this reason that international free coinage of silver becomes the hope and safety of full bimetallism.

Mr. Blaine, in advocating silver coinage, said:

The influence of our example will be potential among all European nations.

And in referring to the tendency of Europe to discriminate against silver, Mr. Blaine said:

It is for us to check that tendency and bring the Continent of Europe back to the full recognition of the value of the metal as a medium of exchange.

As a patriotic American, as an American who loves his country, I applaud the statesman-like expressions from Mr. Blaine and I deprecate the unpatriotic, un-American expressions which we now hear on the floor of this House.

One hundred and twenty years ago, when we were but 3,000,000 people, did we not declare ourselves independent of the greatest of European nations? And after seven years of battle, blood, and suffering the efforts of our patriotic forefathers were crowned with victory.

The brave spirit which actuated the patriots of 1776 descended to their children, who have made the United States the greatest, the most powerful, and the richest country on earth.

Now we stand in the family of nations like the imperial Numidian lion of the forest unconscious of our almost omnipotent power. Every patriotic American believes that we should proclaim and maintain our own financial system and our own policy with regard to foreign nations. That alone will give to us the prestige and respect throughout the world which a nation like ours should enjoy.

Now, Mr. Chairman, in closing I desire to say that the people of the South, a part of whom I represent, have no desire for the enactment of any law which can have a detrimental effect upon the country at large. They realize that this great question is sectional in its character and that this country has become, by the financial legislation of the Republican party, divided into two great classes—the great millionaires, so few in number that they could be covered by the roof of this building, who now own three-fourths of the wealth of the land, while there are 70,000,000 toilers working to support and educate their children. Most of them own no home, many of them are without decent clothing or shelter, and some of them are suffering the pangs of hunger.

When Europeans visit our country they are invited to gilded palaces, and they are dined upon plates of gold, and on their return to Europe they speak in glowing terms of the prosperity of this land of liberty. Europeans read of the charming American farm life which we enjoyed under forty years of Democratic government, and they do not know that the American farmer has become the victim of the Republican legislation which has transformed this country into millionaires on the one side and struggling farmers and laborers on the other. If these people could see the homes of the producers of wheat and cotton, be told of the falling prices, of the fall in the value of land and products of the farm, they would appreciate how a people once happy and prosperous are now suffering from the financial enactments which we denounce, and they would say to the people at home, "America is following in our trail. They are rapidly dividing, like ourselves, the suffering laboring masses on the one side and a moneyed nobility on the other. If the financial laws of that country are continued their Government will be as monarchial and imperial as that of any other nation on earth." [Applause on the Democratic side.]

Coin Redemption Fund.

SPEECH

OF

HON. JOSEPH WHEELER,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 13, 1896.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue—

Mr. WHEELER said:

Mr. CHAIRMAN: When I made my speech in reply to the chairman of the committee upon this question a few days ago, I referred to the extraordinary and unwarranted statements which were made by the gold-standard advocates in their frantic efforts to sustain their position. I quoted an expression from the great Macaulay, who, in referring to the cupidity and avarice of the moneyed class, said:

If large financial interests were interested in denying the law of gravitation, that proposition would be ably disputed.

As the debate has continued the gold-standard men seem to vie with each other in their extravagant assertions. While I was prepared to hear a great many statements which were entirely without foundation, I admit that I was astonished when my old and highly esteemed friend of more than a third of a century and once fellow-soldier, Colonel PATTERSON, asserted that during the period from 1850 to 1860 and the period from 1880 to 1890 our country was on a gold standard.

My friend Colonel PATTERSON is a man of great ability, profoundly learned, and is an eminent lawyer, and to see him fall into such an error is a vivid illustration of the extent to which the advocates of the gold standard have been misled by the pamphlets which emanate from the club which is sending out gold-standard documents.

Although this same statement has been made by others, I do not hesitate to assert that it is hardly possible for a man to make a more erroneous or unwarranted assertion.

The report of the Secretary of the Treasury tells us that from 1850 to 1860 our visible specie averaged about $250,000,000, which by no means included all the specie in the country, and of this it is very evident that more than $100,000,000 was silver, the greater part of which was foreign silver. And in my speech the other day I quote from reports of the various Secretaries of the Treasury which referred to the vast amounts of silver money brought from Mexico to the United States, of which the Government had no record or account.

UNLIMITED COINAGE OF SILVER FROM 1850 TO 1860.

The act of 1806, 1819, 1823, 1834, and 1843 made nearly all foreign coins, both gold and silver, legal tender of the United States. The laws of 1792 and 1837 made both gold and silver coins of the United States legal tender, and also provided for free and unlimited coinage of both metals. These were the laws in force January 1, 1850, and they continued in force from 1850 to 1860, except that in 1853 a law was passed providing for the coinage of half dollars and smaller silver pieces of reduced weight, and providing that these coins of light weight, coined in conformity with this law, should be legal tender for all debts not exceeding $5; but this law did not deprive minor coins issued before that date of their full legal-tender power.

The effect of this law was rather to increase the silver in circulation than to reduce it, because it checked the tendency to export silver, which was at that time of relatively more value than gold, and these small silver coins were so much needed for business purposes that they were readily received in payment of all debts. In fact, the purpose of reducing the amount of silver in these coins was to cause them to be more certainly retained in circulation as money.

In 1857 a law was passed providing that certain foreign coins of 25 cents and less should be received at the Treasury at 20 per cent less than their face, and that they should be recoined, and this silver when recoined into silver dollars immediately became full legal tender for all debts and dues. It is also true that this law repealed former acts which had made foreign coins a legal tender at their full face value. The purpose of this law was to compel the recoinage of foreign silver, but to show how sensitive the business interests of the country are to any reduction of the money of ultimate redemption, I will call the gentleman's attention to the fact that the enactment of this law was almost immediately followed by the great panic of 1857. This was the first check to the tide of prosperity which had rolled over our country between 1850 and 1860.

This shows that the laws of our country from 1850 to 1860 provided for unlimited coinage of both gold and silver, and that during a part of the time all coins, foreign and domestic, were full legal tender, and the greater part of the coins were full legal tender during all of the period.

A FORCE STRONGER THAN THE GRESHAM LAW.

It is true that during that time the production and coinage of gold was very great, the world's production being almost four times that of silver, and the silver in the silver dollar was worth in the market about 4 cents more than the gold in the gold dollar. The Gresham law therefore acted upon all silver, tending to drive it abroad, but this tendency was neutralized by the great prosperity of our country, which was due to the unlimited coinage of both metals, which instilled such life into all industries and caused such a rise in prices as to invite money to the many profitable investments. This met and counteracted the force of the Gresham law, and both gold and silver circulated side by side.

GOLD-STANDARD MEN REFUTE THEIR OWN ARGUMENTS.

But if the gentleman from Tennessee [Mr. PATTERSON] was right in his contention that we were on the gold standard from 1850 to 1860, and that it caused the great prosperity of that period, he, by this assertion, destroys with one blow the most cherished and valued argument of his gold-standard friends, because he asserts that the great prosperity of 1850 to 1860 was due to the adoption by this country of the cheaper me al as our standard, and therefore to be logical and fair he ought to insist that the same great prosperity would result now by following the same plan and adopting the cheaper metal, silver, as our standard.

During that ten years the world's production of gold was $1,332,981,000, and the world's production of silver was $372,261,000; and in order to enhance the value of their money the Rothschilds and their associates demanded the demonetization of gold, and that silver, the scarcer and relatively more valuable metal, should be the only money of ultimate redemption.

They succeeded in causing the enactment of laws demonetizing gold in Holland and also in Germany, but England refused to change the standard from gold to silver, because her colonies were then enormous producers of the yellow metal.

During that period, both in this country and in Europe, men who thought and spoke like the gold-standard men of to-day were loud in demands for the demonetization of gold, alleging as the reason that the gold dollar was only worth 96 cents as compared with silver, but our country was then under the control of true Democrats, and single-silver-standard men were unable to accomplish their purpose.

This shows how utterly devoid of reason and logic are the arguments of gold-standard advocates.

They blow hot and cold in almost the same breath. In one breath they say that the unlimited coinage of silver will double the value of the product of the silver mines of America, and that the only effect will be to double the profits of silver miners, and in the next breath they assert that unlimited coinage of silver will enable every debtor to cancel his debt by paying it in dollars which are actually worth but 50 cents each. Now, both of these assertions can not be true. If one is true, the other is absolutely false.

Having shown that Mr. PATTERSON was utterly in error in asserting that we were on the gold standard from 1850 to 1860, let us examine his assertion that we were on the gold standard during the other prosperous period, from 1880 to 1890.

SILVER COINAGE, 1880 TO 1890.

During this period our silver coinage was $382,318,867, of which $312,529,000 was standard silver dollars, which were full legal tender for the payment of all debts and dues, but the silver-coinage law of 1878 provided that—

All silver dollars heretofore coined by the United States shall be legal tender, etc.

The coinage law which was in force during all this period required the coinage of practically all the silver produced in the United States. In fact, the coinage at that period consumed every ounce of silver that was not exported or used in the arts, and it was this substantially unlimited coinage which caused the great prosperity which we enjoyed during all that period. The reason why this law did not bring silver and gold to a parity was, as I have before illustrated, that the Secretary of the Treasury, the Hon. JOHN SHERMAN, discriminated against silver in favor of gold and refused to use these silver dollars for the purpose contemplated in their coinage, and that discrimination against silver and in favor of gold has been continued by the Treasury Department up to this time.

FROM 1880 TO 1890 WE WERE FARTHER FROM GOLD STANDARD THAN AT ANY OTHER PERIOD.

To show how far we were from the gold standard at this period, I will call attention to the fact that the $382,318,867 of silver exceeded the amount of silver coined by our mints during all the remaining ninety-six years of our Government.

During those ninety-six years our total coinage was $329,665,546, an annual average of $3,434,016; while the average during the ten years from 1880 to 1890 was $38,231,886. This is another illustration of the fearful errors which appear in the statements of our gold-standard friends.

They even go so far as to assert that we were on the gold standard during the ten years in which all silver dollars were full legal tender for all debts and dues, and during which our annual silver coinage was more than ten times as great as the average of other years.

MY FRIEND'S ILLOGICAL POSITION.

Now I want to call attention to another illogical position of my distinguished friend. Only about four years ago my friend was an ardent advocate of silver coinage and maintained that it would bring about bimetallism.

The excessive production of silver was then the argument against silver coinage. At that time the United States produced two and one-third times as much silver as gold, and the world produced one and one-half times as much silver as gold. Mr. DINGLEY asserts that last year the world produced $205,000,000 of gold, which is about the same as the silver production. Mr. DINGLEY also asserts that this year we will produce $250,000,000, and my friend [Mr. PATTERSON] himself says in his speech that we will soon produce $300,000,000. In other words, that the gold production in the world will exceed that of silver, and yet——

Mr. PATTERSON. My friend is mistaken in that statement. I said no such thing. I said that the estimate was that in 1900 it would reach that amount.

Mr. WHEELER. The RECORD says so.

Mr. PATTERSON. You are mistaken as to the RECORD also.

Mr. WHEELER. Well, the gentleman now says that by 1900 we will produce gold to the amount of $300,000,000. Now, if my friend believes that gold will so increase, and the gentleman says it will increase, that shows that the production of gold would soon so far exceed the production of silver that bimetallism would be eminently possible.

Mr. PATTERSON. Will my friend inform me at what time and place I made a speech four years ago advocating the free coinage of silver?

Mr. WHEELER. I think my friend made a great many such speeches when his friends insisted he should be a candidate for governor of Tennessee. His able arguments aided in strengthening my views as a bimetallist. [Laughter.]

Mr. PATTERSON. You are mistaken.

Mr. WILLIAMS. Does the gentleman from Tennessee deny that he made free-coinage speeches?

Mr. PATTERSON. Yes, sir. I made no speech advocating the free coinage of silver four years ago.

Mr. WHEELER. The gentleman who has just taken his seat has——

[Here the hammer fell.]

Cuba.

REMARKS
OF
HON. CHARLES W. WOODMAN,
OF ILLINOIS.

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 2, 1896.

The House having under consideration the following resolution:

"*Resolved*, That, in the opinion of Congress, a state of public war exists in Cuba, the parties to which are entitled to belligerent rights, and the United States should observe a strict neutrality between the belligerents.

"*Resolved*, That Congress deplores the destruction of life and property caused by the war now waging in that island, and believing that the only permanent solution of the contest equally in the interest of Spain, the people of Cuba, and other nations would be in the establishment of a government by the choice of the people of Cuba, it is the sense of Congress that the Government of the United States should use its good offices and friendly influence to that end.

"*Resolved*, That the United States has not intervened in struggles between any European Governments and their colonies on this continent; but from the very close relations between the people of the United States and those of Cuba in consequence of its proximity and the extent of the commerce between the two peoples, the present war is entailing such losses upon the people of the United States that Congress is of opinion that the Government of the United States should be prepared to protect the legitimate interests of our citizens, by intervention if necessary"—

Mr. WOODMAN said:

Mr. SPEAKER: There are periods in the existence of men and of nations when it becomes proper that they be protected against

themselves—protected against that abuse of themselves and their kindred which is the overflow effect of unrestrained and senseless passion.

Of all the civilized countries of the world, Spain now has most need of such protection, because it is by every possible means endeavoring to commit national suicide. Time was when Spain was one of the greatest powers of the world—great in the operations of her explorers; great in the accomplishments of her armies of conquest; great in her successes in the reduction of savagery and the upbuilding of civilization where had before only reigned chaos. Spain conquered the intricacies of navigation and gave us a new world; Spain waged warfare against natives, and turned the golden trinkets which were captured into good Spanish coin; Spain opened up territory to the commerce of the world, protected the missionaries which were sent by the church for purposes of Christianization, and Central and South America stand as monuments of her historical greatness. Spain was great. For three hundred years she held a leading place among the nations of the earth in wealth, in territory, and in intelligence.

True greatness, however, must involve, besides all other elements, the spirit of progress in intelligence and in virtue. An eminent historian has ascribed the decline of the Roman Empire to its lack of Christianity and to its seeking after gods which were new and strange and speculative. But the wisdom of the world has called the historian wrong. It has considered that its lack of virtue and its lack of progressiveness, engendered by the satiety of immediate desires and a blind faith in the future, were the responsible elements leading to its destruction. It is not difficult to draw the parallel with modern Spain. From a nation of the first class she has ceased to be more than formally respected by the nations of the world. Her boasted intelligence, while perhaps great for the fifteenth century, dwindles into comparative insignificance when placed in comparison with that of the world in the time when the nineteenth century is getting ready to put on its shroud. Spain's supremacy is a thing of the past, a matter of history, perhaps, but that is all.

Among the most marked evidences of the degeneracy of this once great State is the fact that her colonial territories are constantly withdrawing from her. South and Central America long since tired of her rule and set up and maintained Governments, generally Republics, of their own. The progressiveness of the Western half world was theirs, and so well did they exercise it in the appropriation of advantages which nature produced that Spain finds herself with but the one territorial possession of any importance on the western side of the Atlantic Ocean, and it is entirely an open question whether or not she can do more than simply "claim" that.

The people of the Island of Cuba have been in a state of almost continuous revolt against Spanish domination for almost a hundred years, and it has been the policy of Spain during all these years to as promptly as possible kill those engaged in fighting for the right to live.

Back in 1823 the subject was one of elaborate diplomatic correspondence, but at that time the question was more one of changing sovereigns than of acquiring absolute independence. The yoke of Spain was a hard one, one that galled the necks of an intelligent and industrious people. But in the wisdom of such statesmen as Monroe, Adams, and Clay it was better that Cuba remain a province of Spain than that it should pass into the hands of any other European power. In 1852 President Fillmore considered it desirable to allude in his annual message to the uneasy condition of affairs on that island. This uneasiness grew to such a degree that in 1854 the President appointed a commission, consisting of the ministers of this Government at London, Paris, and Madrid, to confer with each other and to carry on negotiations with and at the several courts to which they were accredited, looking to the satisfactory adjustment of affairs with Spain in regard to Cuba. The report of this commission contains—after reciting the fact that the Government of the United States had never acquired a single foot of territory, even after a successful war, except by purchase or by reason of the voluntary application of the people—the following statement:

Our past history forbids that we should acquire the Island of Cuba without the consent of Spain, unless justified by the great law of self-preservation. We must, in any event, preserve our own conscious rectitude and our self-respect. While pursuing this course, we can afford to disregard the censures of the world, to which we have been so often and so unjustly exposed. After we shall have offered Spain a price for Cuba far beyond its present value, and this shall have been refused, it will then be time to consider the question, Does Cuba, in the possession of Spain, seriously endanger our internal peace and the existence of our cherished Union? Should this question be answered in the affirmative, then by every law, human and divine, we shall be justified in wresting it from Spain, if we possess the power; and this upon the very same principle that would justify an individual in tearing down the burning house of his neighbor if there were no other means of preventing the flames from destroying his own home. Under such circumstances, we ought neither to count the cost nor regard the odds which Spain might enlist against us. We forbear to enter into the question whether the present condition of the island would justify such a measure.

Mr. Buchanan, one of the members of that commission, who had in the meantime become President of the United States, said in his message to Congress in 1858 that the Island of Cuba, commanding as it does the mouth of the Mississippi, with the large and increasing trade of that noble river, then embracing half of the sovereign States of the Union and now more than two-thirds, that this trade, of vital importance to that great region, was constantly exposed to the danger of being destroyed in time of war, and had hitherto been subjected to perpetual injury and annoyance in time of peace. He further states that "our relations with Spain, which ought to be of the most friendly character, must always be placed in jeopardy while the existing colonial government over the island shall remain in its present condition."

Why did President Buchanan feel it necessary to make so strong a statement regarding Cuba at that time? It was before the rebellion in the United States was seriously thought of. There could have been no reason, except that Mr. Buchanan was actuated by the ideas of the preservation of our own noble Government and the interests of its people, and that leading to a cessation of that brutality which, then as now, the Spanish Government visited upon those engaged in rebellion against its authority.

Again, in 1870, President Grant, in his message to Congress, calls attention to the lamentable disregard of human life which prevailed at that time, and to the violation of those rules of warfare which modern civilization has prescribed in mitigation of the necessary horrors of war. The subject was one of almost constant diplomatic correspondence with Spain, largely relating to the rights of American citizens on that island, but constantly deprecating the manner in which the strife was conducted, the reckless and wanton and cruel disregard of human life, of material wealth, and the established rules of civilized warfare.

That war continued, with all of its murders and massacres, for nearly ten years. The avowed intention of Spain, as set forth in the proclamation of the Count de Valmaceda, dated April 4, 1869, was to murder every male individual above the age of 15 years found away from his habitation, and to destroy with the torch every habitation found unoccupied, or which failed to float a white flag. Regarding this proclamation, on May 10, 1869, Secretary Fish presented this note to Señor Lopez Roberts:

In the interest of Christian civilization and common humanity, I hope that this document is a forgery. If it be indeed genuine, the President instructs me in the most forcible manner to protest against such mode of warfare.

And on the day following Secretary Fish sent a note to Mr. Hale, minister at Madrid, with instructions to him to protest "against the infamous proclamation of the Count of Valmaceda."

In spite of protests, in spite of the humanity of the age, in spite of the decrees of modern civilization, Spain continued to wage a cruel and relentless warfare. As nearly as can be ascertained, up to the close of 1873 5,986 political prisoners—not prisoners of war, but those who had claimed the right to do their own thinking—had been executed in cold blood under what Secretary Fish had referred to as the "infamous order" of the Count of Valmaceda. Nearly 6,000 inoffensive citizens murdered by reason of the fact that they dared to think after having been commanded not to do so. Those captured in battle, or with arms in their hands, were summarily executed to the number of some 37,000, besides over 13,000 Cubans killed in battle, making a grand total of more than 57,000 persons slaughtered in that sanguinary conflict.

When it is taken into consideration that large numbers of those so disposed of were women and children the monstrosity and heathenishness of the matter become still more apparent and conclusive. Outrages on females were frequent, and the murderous machete completed the work with all—men, women, and children. But for all its cruelty, its murderousness, its lack of the mercy of Christian civilization, the war kept up. Spain could not subdue Cuba.

Finally the war was brought to a close and the republican government of Cuba disbanded under articles of peace signed by Captain-General Martinez de Campos, and approved by the Government at Madrid, providing a measure of self-government to the people of the unhappy island. The whole cost of the war, over a thousand millions of dollars, was to be borne by Cuba. The Cubans assented. They were willing to pay the bill if thereby freedom should result. Not actual freedom, not entire freedom—they did not even exact that—but such a degree of freedom as would secure to them the rights of person and of property and the pursuit of happiness.

But the freedom did not come. New captain-generals and new officers came over from Spain with new schemes for political reorganization, but not one contained any element of relief. It was the same old story year after year. The promises of Spain were not fulfilled. There were the same enormous taxes imposed by Spain, amounting almost to confiscation of property; there was the same old-time disregard of personal rights; there was the same enormous stealage on the part of petty officials, adding to the burdens under which the people labored. Oppression ran riot. Cuban happiness was out of the question. Their rights—they had none. They were as completely slaves as though the whip of the master cracked over their heads in physical as it did in moral and mental and financial fact.

There was no relief but in independence, and independence meant war. From past history the Cubans were aware that that war would be most horrible, would be conducted on a basis of murder and assasination and wanton cruelty, but they did not hesitate. A million and a half of people decided, as did our forefathers in 1776, that there were no hazards too great to be undertaken looking to the removal of the unbearable load from their shoulders.

From 1776 to 1783 Americans had their fill of cruelty. The hordes of ruthless savages at the West, armed and let loose, and urged by the Government from which we had separated, swarmed down on the inoffensive settlements, murdered and outraged the women, children, and old men left in them; and the soldiers, the able-bodied men who were at the front fighting the enemy, found on their return to their homes only bones and ashes and desolation and ruin. Gone were the wives and daughters, either to death or dishonor; if perhaps it were mercifully death, the skeletons lay bleaching on the greensward or blackened in the ashes of the burned habitations; gone were the little ones, their innocent prattle forever hushed; gone were the homes which had been prepared with such care for those loved ones, and gone was every element that made life worth living, except the one of freedom—the right to pursue happiness, which could be transmitted to future generations.

And in the transmission of that freedom our forefathers left us not only the enjoyment of its rights, but an appreciation of its sentiment. At no time in the history of this country or in any of its wars has there been cruelty practiced by those who were to the manner born. Mercy and honor and a recognition of the rights of combatants have always characterized our people. Even in the war of the rebellion, when millions of men were pitted against each other, there is a record of but a single instance of continued and wanton cruelty, and that by an alien who subsequently reaped his reward. No American on either side, either in the passion and heat of battle or in the coolness of spirit which comes from long marches, would so far do violence to his own nature, to his Americanism, to practice methods which, by the principles of heredity, it was his nature to look upon with horror and disgust.

A year ago the Cubans, having found all their hopes, not only of freedom from the enthrallments which surrounded them, but also their hopes for justice at the hands of Spain, founded on the promises of 1878, unfulfilled and frustrated; having found that no longer might they look for justice, but only be the slaves of a colonial conspiracy for plunder; having found that the faith of Spain had been entirely forfeited and that its promises of justice, made by itself, had only been made as a matter of deception, to be set at naught without even recognition—a year ago these million and a half of people decided to be free.

Since then Cuba has been in the throes of conflict. Beautiful, sun-kissed Cuba, the garden spot of creation, has again been deluged with blood. The gentle winds which waft over her surface have, from hundreds of fields of conflict, absorbed the blood of humanity. The waves which caress her shores have lapped up the blood of patriotism and oppression alike. The soil of that magnificent island, whence most of the sweetness which we assimulate is derived, is fertilized by the blood of thousands.

Originally, Mr. Speaker, Spain sent over some boys to quell what they called an insurrection. The boys, not being acclimated, died of disease. Then more mature soldiers were sent, the flower of the Spanish army, led by the greatest of Spanish generals, he who had negotiated and arranged for peace eighteen years ago. This man, Martinez de Campos, went to Cuba at the head of a great army to put down and again enslave the people of that island. In spite of the fact that the promises which he had made were, after all these years, unfulfilled, it was evidently expected that more promises, more deceptions, accompanied by a show of great armed force, would make the people hunt their habitations, and with their heads concealed, like the bird in Æsop's fable, consider that they were shielded from the wrath of the expected visitation.

Such was not the result. Instead of subduing Cuba, General de Campos was obliged to withdraw his troops into the very strong garrisons of the island. Up to and around these garrisons the armies of the Republic of Cuba roamed at will, and the general of the Spanish forces found himself powerless.

On the 19th of September, 1895, the Cubans had perfected the organization of the Cuban Republic, under a constitution previously adopted at a convention held at Camaguey. There were then elected the following officers:

President, Salvador Cisneros Betancourt; vice-president, Bartolomé Masó; secretary of war, Carlos Roloff; secretary of foreign affairs, Rafael Tamayo; secretary of the treasury, Severo Pina; secretary of the interior, Santiagos Cañizares; general-in-chief of the army, Maximo Gomez.

These gentlemen are all of the highest standing in the island for intelligence, social rank, and means. The president is the same person who as president laid down the scepter of government in 1878 in response to Spanish promises to the people which were destined to be dishonored. He comes of a family which has furnished many examples of greatness in the legal and scientific history of Cuba. His estates were confiscated in 1868, and he then renounced his title of nobility.

Bartolomé Masó, the vice-president, is a tried patriot, who has rendered valuable services to the cause of liberty. A sincere republican, he has always been highly respected and esteemed for his liberal ideas and his sterling character.

Gen. Carlos Roloff, secretary of war, was born in Poland, but went to Cuba when a mere youth and established himself at Cienfuegos, where he attained a distinguished position for his intelligence, industry, and integrity. In 1869, at the head of a number of young men from the most prominent families of that city, he joined the revolution, and until the end of the war in 1878 occupied the first rank, both for his bravery and military talents.

It may be well to add in this connection that the assistant secretary of war is Mr. Mario Menocal, so well known in this country on account of his distinguished work with the Nicaragua Canal engineer corps.

Rafael Portuondo y Tamayo, secretary of foreign affairs, is a distinguished member of one of the most prominent families of Santiago de Cuba, both for social rank and wealth, no less than for the talents of some of the individuals belonging to it, who have distinguished themselves in the liberal professions.

Severo Pina, secretary of the treasury, is a prominent citizen of Sancti Spiritus. He belongs to an old and wealthy family.

Joaquin Castillo Duany, assistant secretary of the treasury, is a gentleman not unknown in this country, having been one of the physicians who took part in the *Jeannette* relief expedition to the North Pole. No names stand higher in Santiago de Cuba for wealth, respectability, and integrity than those of Duany and Castillo.

Santiago Cañizares, secretary of the interior, is as prominent a citizen of Remedios as the others are of those cities and States mentioned.

The general-in-chief, Maximo Gomez, although born in Santo Domingo, is as much a Cuban in feelings, ideas, and aspirations as the best of them. As to his military talents nothing need be said, for they are too well known.

These men, Mr. Speaker, compose the Government of the Republic of Cuba. They are of the same class of gentlemen, in statesmanship, in material wealth, in intelligence, and compare favorably with those of our ancestors who in 1776 signed the document which made the great Bell of Liberty send out its peals of emancipation from foreign domination, and of whose intelligence and honor and patriotism there has never been question.

This Republic of Cuba, headed by the men whose names have just been given, have waged a war of self-preservation. The people of that Republic have fought and are fighting for the protection of their homes and their families; they are fighting for the privilege of tilling the soil and harvesting and enjoying its increase; they are fighting for the lives of their sons, the virtue of their wives and daughters, the protection of their homes, and their own lives, all of which, under present rule, is sacrificed.

To quell this desire on the part of Cubans—as well might they try to dam Niagara or flood Popocatapetl—the Spanish Government the other day withdrew General de Campos from his position as captain-general of Cuba and sent in his place the most ferocious butcher among all its leading officers, or who ever disgraced military standing, in the person of one General Weyler. This distinguished individual has arrived, has taken command, and among the first of his official proclamations is a practical duplicate of that which President Grant and Secretary Fish regarded as "infamous" when it was enunciated by the Count of Valmaceda in 1868. General Weyler orders that every male person over 15 years of age found away from his habitation shall be shot. He orders that all unprotected women shall retire to the garrisoned towns—perhaps to be the playthings of his soldiers! He orders that all houses found uninhabited are to be burned, and that all persons engaged in trade shall turn their effects over to his officers.

Can anyone imagine an order more far reaching and cruel?

The same order authorizes subordinate officials of the army to carry out the directions for butchery and make reports to him—the chief butcher. It is apparent that the same methods will and do prevail—as to the absolute inhumanity of its practices—which caused the war of twenty years ago to be the most horrible blot on the escutcheon of Americanism—a stench in the nostrils of Christendom. Shall the present generation permit a repetition of those horrors? is the question now before us. Shall we, as the embodiment of the spirit of freedom, as the representatives of that regard for human existence and that respect for the inherent dignity and justice and excellence and righteousness and even Godliness, of the right of the individual, male or female, to virtue, to intelligence, to property, and to physical safety, permit this?

We are faced with the question now, and it is one that burns, Shall this great Government, holding the ideas and sentiments of mercy it has always practiced and which the world of civilization has practiced since we came into being as a nation, permit those ideas, which are also the ideas of the world at large wherever the Stars and Stripes are known—shall it be permitted by us that this monstrous wrong continue? Shall the fury of the soldiers of Spain be permitted to devastate humanity without protest? Shall the slaughter of the innocents be permitted to be resumed? If this war lasts for ten years, as did the former one, shall there be a record of blood, covering 6,000 people unarmed, noncombatant, untried and unconvicted, who will have been murdered? I think not.

Mr. Speaker, in order to give an adequate idea of affairs in Cuba it becomes necessary to go over a little more ground. The republican armies have been in the field for more than a year. The Government of the Republic has been in existence since the 19th of September last. This republican Government and its armies hold and have held control of all the territory of the island except that adjacent to a few seaports, for months past. That they have not control of seaports is due only to the fact that the guns from Spanish men-of-war are of sufficiently heavy caliber to reduce those cities to ashes should they come into the control of the Republic. To avoid this slaughter and this wanton destruction, Cuba has refrained from taking permanent possession of any of the cities of the seaboard. The railways of the interior are entirely within its control. The means of subsistence and existence belong to it so far as they are not dependent upon the outside world. The lines of warfare now consist of little semicircles drawn about the seaport towns, and in those towns are the soldiers of Spain, ready to do their alleged duty of shooting and hanging citizens, outraging, maltreating, and murdering their wives and sisters and daughters, and shooting down in cold blood their little sons. An embargo is placed upon the tongue, on the pen, and would be upon the brain, if the famous X rays of modern science had been sufficiently developed to enable the tyrant in charge to discover the thoughts of those who surround him.

These conditions prevail, Mr. Speaker, within 60 miles of our coasts, almost within sight of our shores. The Island of Cuba, which is the scene, controls the gateway to the Gulf of Mexico and the enormous trade of that section of the United States. I do not allude to the enormous interests of the citizens of the United States on the island; they are being protected mainly by the Cuban Republic.

Cuba, free and enabled to make her own laws of offense and defense, of revenue, and of duty, will be a most valuable neighbor. Of her subsistence, American flour, now admitted under a duty of one and one half times its value here, would find an open market, and its consumption by a million and a half of people will greatly relieve a pressure existing among our growers of wheat. The American producers of a thousand other articles of commerce would find an open market, subject only to such duties as might be decided upon for revenue purposes. The trade of this country in every direction will be enhanced by the freedom of Cuba. Not only will our commerce be relieved of the disagreeable and often prohibitive restrictions placed upon it by Spain, but we, by reason of proximity and by reason of commercial nearness, will be in the position of the "most favored nation," as it is known in diplomacy. Apparently, and from every standpoint of judgment establishable in the human mind, it is to the interest of the United States that Cuba should be free. Humanitarianism, self-protection, the lives and properties of our citizens, the openness of our commerce, all demand it; the rights of our own citizens are involved; the echoes of the grief and the enforced dishonor of thousands, wafted to our near-by shores on the winds of eternal humanity, demand that Cuba be free.

There can be no argument, from our standpoint, successfully made against the freedom of the unhappy island off our coast. Only the promise that Spain would take care of and protect her own prevented President Grant from taking definite action more than a quarter of a century ago. Those promises have been unfulfilled, and it becomes our duty, not only as Representatives, but as citizens of this great Republic, to see that this carnage ceases; to see that every man, woman, and child on the great Continent of America and its adjacent islands have the right to "life, liberty, and the pursuit of happiness."

We should not merely accord to Cuba belligerent rights—we should recognize her independence. What has Spain there? Only a few seaports and a standing army which keeps under the guns of the military posts. What has the Republic of Cuba? The whole island except those few seaports. The armies of the Republic keep the forces of Spain hemmed up in their garrisons like a lot of chickens driven to roost, yet we hesitate to recognize the fact. They can escape, but they can not conquer. The Cubans, being Americans, are unconquerable.

The only objection ever urged to the recognition of Cuban independence is that it would be a blow aimed at a friendly power. This I deny. No power can be or should be friendly to this Government, or to the people of this country, whose principles permit the enunciation of orders for murder and assassination, and which orders can be readily twisted by subordinates into license for untold evils and cruelty. No friendliness can exist between humanity and savagery, between mercy and butchery, between the civilization of the end of the present century and the cruelty and torture of the Dark Ages.

And yet the Government of Spain desires to insist that no condition of war exists in Cuba. "Only a few roving bands of persons dissatisfied with the present administration of affairs." But those same roving bands have driven the Spanish soldiers into their holes—the protected seaports—every time. All that Cuba requires to drive the last Spanish soldier from the island, the last element of Spanish control from its soil, is the recognition of its independence, or even a declaration of neutrality by the great nation nearest and most affected by it—the United States of America. It is not necessary to allude to the action of Spain previous to and during our late war; that is too well known.

The United States is under the same obligation to Spain that it is to any other nation—under the implied obligation to observe neutrality between it and the nations with which it may be at war. Spain does not desire that we observe that neutrality in her war with Cuba, but insists that we resolve ourselves into a nation of detectives to capture and imprison such of her enemies as may be found upon our soil, upon her unsupported statement that no war exists. The position she takes is in itself an insult to the intelligence of America and Americans—a position so full of self-evident fallacies that it can best be characterized by the somewhat vulgar but infinitely expressive term—"bosh."

This is the situation, Mr. Speaker: Shall we, as independent and free Americans, recognize the independence of our next-door neighbors, thereby placing them in a position whereby they may defend themselves and their families and possessions like men, or shall we sit supinely quiet and thereby give countenance to the unspeakable horrors and atrocities which mark the conduct of the Spanish arms on that island? Action has already been delayed too long. The record of murder and assassination and outrage and incendiarism, to say nothing of the oppression and the gags put upon free thought and free speech, is already too long. It is time for us to act, and we should act quickly.

In such case, Mr. Speaker, I can see in my imagination a few years hence a magnificently fertile and productive island lying a few leagues off our coast, possessing all the blessings and advantages which constitute the happiness of its people. As I see it in my mind's eye, it flows with milk and honey, as did the land of Canaan when Moses looked down at it from a high place. Its fields are well tilled and productive; its children are being educated by a system of public schools equal to those which our own children enjoy; reciprocal trade relations with their nearest neighbor and an honest and economical administration of public affairs place no embargo upon the accumulation of wealth; and the diffusion of intelligence, the free expression of thought, and the glorious rays of God's sunlight shining into hearts as well as upon fields, make it a land of peace and happiness and plenty.

The struggles of the past are remembered only as a sad, troubled dream. All present and future are surrounded by the luminous halo of supreme joyousness and love.

Do you like the picture? Compare it with the one you see at present, the one reflected by the page of every current newspaper, and then—vote.

Coin Redemption Fund.

SPEECH

OF

HON. NICHOLAS N. COX.

OF TENNESSEE.

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 11, 1896.

The House having under consideration the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue—

Mr. COX said:

Mr. SPEAKER: There is one thing we are all agreed on. That is, that the finances of this country and its business are in a most deplorable condition. That this has been the state of things several years there is no dispute. It is useless to charge each other with being responsible for the trouble when we all have or should have the same desire and patriotic motive to cure the evils we are laboring under. I have not heard a speech made or a statement uttered that denies the unfortunate condition we are in, and that remedial legislation is imperatively demanded. If we then shall be able to reach a broad, liberal conclusion and fully meet the question, we shall have done our full and patriotic duty.

The Republican majority of this House offers a remedy in what it terms an emergency bill. This bill, in any aspect you may take it, is a bill that looks to the borrowing of money. True, when the money is borrowed part of it is to be used one way and a part another way. Unlimited power is given to the President to borrow

money for the purpose of maintaining the so-called gold reserve. A limited power is given to borrow money to pay the expenses of the Government. Fifty millions is the limit for the latter purpose; no limit as to the former. In either case it involves the Government in debt. The proposers of this bill insist that it will be needed but for a short time, if by proper legislation the revenues of the Government are increased. This they propose to do by increasing the tariff. This, I may say in passing, is the universal remedy of that party for all political woes. The President meets this proposition by saying that such legislation as is proposed would be a complete failure. He answers the proposition to borrow money for the purpose of paying the expenses of the Government by saying that there is no need of it; that there is not only enough collected to pay our expenses, but more, and that he has a large surplus remaining idle already collected for that purpose.

As to the other proposition, the President insists that if carried into law it could not and would not protect the gold reserve unless you go a step farther and use the money as contemplated, and when so used every United States note, or any other kind of note that preys and eats upon the reserve, be destroyed when paid with the money so borrowed. To this last idea of the President the entire House, almost unanimously, and without reference to parties, dissents. These are the precise questions and differences between the President and this House as to this legislation. It ought not to escape attention that in the bill offered by the Committee on Ways and Means the use of two kinds of money is recognized. In the sale of bonds to protect the gold reserve, these bonds would have to be sold for gold. Although the bond is payable in coin on its face, it can not furnish gold to protect a gold reserve unless sold for gold. The other section authorizing certificates of indebtedness to be issued, as they are called, payable in lawful money. I desire to emphasize this distinction in showing the advantage given to one class of creditors of the Government over another. The holder of greenbacks obtains gold on his note, now at a premium, and the shipbuilder or other creditor receives silver, which you say is only worth 50 cents on the dollar. This is the position the Republicans occupy in passing this bill.

But, Mr. Speaker, let us compare the policy of the Administration with the bill proposed. No one will contend that to extend the authority to issue bonds and borrow gold and pay "greenbacks" and immediately put in circulation these paid greenbacks, will stop the raids for gold. There is not the least remedy in that to check or break the repeated withdrawal of gold from the Treasury; it only affords greater facilities to run the Government in debt and furnish the very best securities for the loaners of gold.

This is the view of the President, and certainly correct. No one doubts this position as being correct. The President, therefore, says that when you once borrow the gold and pay the greenbacks when presented, destroy them. This bill, taken alone and disconnected with the proposed tariff bill, says no, borrow the gold on a new kind of bond, and when you pay or redeem the greenbacks turn them out in circulation at once and borrow more gold, issue more bonds, and perpetually redeem and pay without end. This is exactly what is being done now. We have borrowed two hundred and sixty-two millions in a very short time, and not one dollar of the greenbacks has been destroyed. Under the policy recommended by the President, that is, the destruction of the greenbacks when redeemed, a contraction of the currency equivalent to the amount of the greenbacks destroyed must occur.

The tariff bill introduced, of course, is to be considered as a part and parcel of the proposed bond bill. This bill, considered with the other, proceeds on the idea that, notwithstanding the statements of the President and Secretary of the Treasury, the whole trouble grows out of the insufficiency of the revenue, that the Government is really borrowing money to pay necessary expenses. I confess that I do not see much difference in the Government borrowing gold to pay greenbacks and then using these greenbacks to pay necessary expenses and in borrowing gold to pay expenses. It does, however, make the greenbacks absolute gold securities. But how is the tariff bill to assist the policy and break what is called the endless chain? If the President is right, that is, the President assuring us he has ample revenues to pay expenses, and this tariff bill increases the revenue forty millions annually, then there would be placed in the vaults of the Treasury forty millions annually not needed. A contraction annually of the currency forty millions; this sum is not far from the amount of dollars our mints could coin in a year in silver.

But suppose the President is wrong, and that we are going in debt because of want of revenue in paying expenses, and that it will require this forty million annually to keep our accounts square. Now, how will this additional money collected in the least protect the gold reserve? If you say it will create a fund larger than is needed for expenses, and therefore there will be no demand for gold, you assume a position that the President and Secretary are either seriously mistaken in, or do not understand what they are saying about the matter. That is exactly the condition they claim surrounds them, and yet it does not stop the demand for gold. But suppose that the assumption of the committee is right and that a surplus of revenue will stop the demand for gold, I ask any gentleman present to tell me how this can be the result?

Under this idea of increased revenue by increased taxes you bring about the same burdens substantially as if the greenbacks were canceled and interest-bearing bonds placed in their stead. You tax the people to obtain surplus revenue; you tax the people to pay interest on bonds. But taxation for either purpose will not stop the raid on the gold reserve so long as the Government continues the present policy of selling bonds for gold, and then pay gold for greenbacks. If it is said that through an excess of revenue the dangerous greenbacks could be collected in and held in the Treasury, and in that way stop the gold operation, then it must be admitted that to get them into the Treasury they must be brought there by increased taxation, or at least by taxation, and when so obtained and held you have as completely contracted the circulation as would the plan of the Administration. The plan under the present bill, to protect the gold reserve, if it can have such effect at all, is to hold the greenbacks when they reach the Treasury, and thus destroy the means used to deplete the gold reserve. This must necessarily contemplate an excess of revenue over expenses at least equal to the amount of the greenbacks held in the Treasury.

The proposition is to my mind intolerable. It means, tax the people and take from their circulating medium, and when you have obtained it lock it up in the vaults of the Treasury, for fear that this money, this circulating medium, may be used to reduce what you term a gold reserve. How long do you propose to hold it in prison? How much do you propose to put in prison? If you leave out one hundred millions, yes, fifty millions, the reserve can with perfect success be depleted and your difficulties remain just as they are. So to chain this paper money that is used to obtain gold from the Government in effect destroys that much of our circulation, and you are guilty of increasing taxes and contracting the means to pay these taxes at the same time. The same results will be reached and the same effect had on our finance under this plan of the committee as the one proposed by the Executive.

Contraction of the currency and increased taxation are for one purpose only; that is, to hold this country to a gold standard.

But, Mr. Speaker, suppose this bill becomes a law, or that the policy of the Executive is put into legislation, and every dollar of greenbacks is destroyed or locked up in the Treasury, what have you got? One hundred millions of gold locked up, and over four hundred millions of greenbacks locked up or destroyed, and your circulation contracted at least one-third.

You are left with a paper circulation of national-bank notes and silver certificates.

It is conceded that we are on the basis of a gold standard; that property, labor, and all our currency used as money must be as good as the standard. There being but one standard, gold, all questions as to parity at once cease. The money is gold, and gold only, and it carries the paper and the silver dollar with it because they are convertible into gold. Every speaker on your side of the question claims that he is for the use of silver so far and no farther, as long as a silver dollar is as good as a gold dollar. No difference how many silver dollars you have, if they are convertible into gold dollars, the silver dollar will be but the representative of a gold dollar, gold being your single and only standard. But suppose the coined silver dollar can not be converted at will into a gold dollar; then you have reached that terrible calamity you refer to, of having two dollars of different values.

Let me make this point plain to show what I think is the absurdity of some positions advanced. Assume that under the proposed bill, or the idea of the Administration, the greenbacks are locked up or destroyed. Do you then propose to hold a gold reserve or abandon it? If the reserve is abandoned, and you hold no reserve whatever, will you tell me how the Government is going to keep its dollars all of equal value? Suppose A demands of the Government gold for his silver dollars, and the Government declines to exchange with him. Is not the value of the silver dollar lessened and the equality of the dollars destroyed? Suppose a certain amount of bank notes are sent in to the Government for redemption, the greenbacks all destroyed, will the Government redeem them in gold or silver? If in gold, then a gold reserve is again necessary, and the raid is on again through bank notes; and, as I see it, the same with silver dollars.

After the bank notes have been redeemed by the Government and the banks called to make good the redemption made by the Government in the first instance, will the Government demand of the banks to return the gold used for the redemption of the notes in the first instance? If so, then the demand for gold by the banks will send it to a premium at once. But suppose the bank declines to return the gold to make good the redemption made by the Government, but offers to return the silver when the Government has paid out gold, and the Government accepts it, how long will the Government be able to redeem in gold? But suppose the

Government declines to take the silver for the redemption and demands that the gold shall be returned, then the silver dollar has again parted company with the gold dollar, and you have dollars of different values.

The plain truth plainly told is that every dollar of paper and silver circulation outstanding is depending on gold for its value. There is no bimetallism or any question of parity. It is a question only how much silver and paper can be redeemed in gold, and that redemption to be made by the Government. Let me suggest here in regard to bank notes that while the banks may ultimately redeem their notes in gold, the Government must first redeem them, and this does not in the least lessen the demand for gold. Can it be expected that the banks under the circumstances will take out circulation when every note is a gold-demand note on the bank?

Mr. Speaker, just in this connection let me call the attention of the House to the absurdity of this financial system. It is settled by law that we have three kinds of money that are legal tenders, full and complete between individuals. A tender in court is a full response to any contract made between individuals when the contract is payable in dollars. Gold, silver dollars, and greenbacks are these moneys. When you assume that silver and greenbacks are redeemable in gold, then every contract is a gold contract whether named in the contract or not. A sues B, B tenders in court silver dollars; this satisfies the contract. A takes the silver dollars and demands of the Government the gold. The Government refuses to redeem; then the metals have again parted company. But suppose B tenders greenbacks; this satisfies the contract, and A presents the greenbacks, you pay him in gold. Now, is it not plain that the debtor will tender on the contract the cheaper money, and thus the silver dollar becomes less valuable than the greenback? How is the Government to preserve the equal value of these different dollars unless all are redeemable in gold if the gold standard is to be maintained? I would be glad to hear from any gentleman who will announce his willingness to vote and declare by law that every contract, private and public, is dischargeable alone in gold. This is exactly the effect of a single gold standard.

Say that I hold in my hand five dollars in gold, five dollars in silver, and five in greenbacks. Is the $5 in value the same? I can buy the five silver dollars with the gold. I can buy the five in greenbacks with the gold. The five in greenbacks will buy the five in gold, or the five in silver. What will the five in silver buy? It will not get the gold or the greenback, the equivalent of gold. I speak with reference to the operations of the Government. Then I ask if the Government itself has not created dollars different in value? But it has been repeated over and over again that the silver dollar is equal to the gold dollar. I deny it. The gold will buy the silver, but the silver will not buy the gold. Its purchasing power of commodities between individuals is a totally different thing, to be seen hereafter. So I conclude this proposition by saying that if the Government fails to redeem silver in gold just as it does greenbacks, which it virtually does, then silver is not the equivalent of gold. If it decides to redeem silver in gold, then the raid on the gold reserve can be made with silver if every greenback was burned up. Then tell me what relief this proposed bill gives, leaving both greenbacks and silver to attack the gold reserve by simply authorizing more bonds to be issued, leaving both the silver and greenbacks full sway to reach the gold reserve? What relief does it give if the greenbacks are still left to repeat their perpetual raids on the gold?

It was never expected that this bill would become a law. It was never expected that this bond bill and its running mate, the tariff bill, would either of them become laws. The object is to make a show of relief, when neither of them can have the least effect in changing our conditions, except to make them worse by increased taxation.

If I have been able to show that this proposed legislation will be an utter failure in preventing the Government from going in debt, and the present policy is to be continued of borrowing money under an unlimited authority to issue bonds, I ask, in all candor, where will this stop?

In times of profound peace and the Government in full operation, with all its power to tax, shall we continue to involve ourselves in debt at the rate of near one hundred millions a year, with no end to this scheme in sight? Are we to be the gold purchasers for the world and load our people with debt to accommodate the foreign gold gambler and the avarice of gold sharks? Shall we absolutely surrender our Treasury and our system of finance to the banking houses, money traders, and speculators in our securities at the sacrifice of one hundred millions annually of debt imposed on the labor of our country?

Will any gentleman on this floor tell me what has become of the proceeds of the bonds already sold? We have sold our credit to the amount of two hundred and sixty-two millions. We have received that sum in gold. What has become of the gold we got? The Treasury has it not, and will be again selling our credit for more gold. What has become of the greenbacks bought with this gold, if the gold was expended for greenbacks? Have we the greenbacks? The answer is no. The Secretary of the Treasury tells us that his receipts for expenses are more than ample. If so, where are the two hundred and sixty-two millions of gold borrowed or the greenbacks bought with the borrowed gold? Was there ever such a system devised or invented to absolutely cover this nation with an enormous debt? Will the credit of our Government be maintained by involving it in enormous debts? Does an individual business man maintain his credit by going in debt? I thought the way to maintain credit was to keep out of debt. But a new financial idea is born, and we now see the old mark rubbed out and learn that the way to have credit is to continually burden that credit with debt.

After weeks of labor and thought the Senate of the United States has proposed legislation that in its judgment will effectually cure these burning evils, and that leads this House up to the consideration of the soundness of the views expressed by that great body. It is beyond question that if the legislation suggested by the Senate is defeated, and I have no doubt it will be, then we are exactly at the place we were when Congress met, with the addition of one hundred millions more of debt. May we not well say to ourselves that although the Senate's proposition may not fully concur with our views, yet there can be no danger of making matters worse than they are? We should try something, even if doubtful.

There are three ideas in the Senate amendment I desire to discuss for a short time and keep as clear as possible from the array of figures and statistics that have been so fully used in this debate.

The great proposition is the free coinage of silver, and upon this the other two propositions mainly rest.

I assert confidently as a constitutional question that the money metals of this country under that instrument were recognized, and that the idea of money was based on the metals gold and silver. It was never intended to give to Congress the right to coin money out of either gold or silver. The proceedings of the convention in making that great organic law show beyond dispute that when the restriction was put on the States that nothing but gold and silver should be made a legal tender, the two money metals were placed exactly in the same position. If we should read the Constitution in its plain meaning and the meaning developed by the constructors of that instrument, connecting the two clauses in their meaning, you would have that Congress shall have the power to coin money out of gold and silver and regulate its value, and no State shall make anything else a legal tender in the payment of debts.

True it is that questions have arisen as to how much of one metal shall be equivalent in law to a given quantity of the other, but until very modern times it was never contemplated that money coined out of one metal should be the money of the country, and the other used for money only to the extent that its value was made equivalent in an amount under commercial, commodity regulations to the other. Some such value may be considered in fixing the value of the two, but never is that an argument that one is worth only what its commercial value would be as a commodity compared with the other. There would be no sense in following that abstraction alone. If 15 ounces of silver is worth as much as 1 ounce of gold—the latter coined into money, the former not—then by the coinage of the silver you could only get the ounce of coined gold, which you do without the trouble of coining. But when you fix gold as the standard money alone, and deprive silver of its greatest value, to wit, that of money, and then say you can not coin silver until its commercial value is equal to the money value of gold, you have simply announced a position in effect that gold money must control and govern silver as a commodity. But this theory or position does not answer the constitutional point that Congress must coin money out of both metals, and if Congress can destroy silver in use for money it can destroy gold; if it can destroy one it can destroy both, and make the money of the country anything that Congress wills. Then the States are left with no silver coined, no gold coined, but must have these metals, and nothing else, to make legal tenders. That means the States shall make nothing but gold and silver legal tenders, and Congress responds, we will not coin either gold or silver, or, that we will coin gold and deprive the States of the use of silver as legal tenders, in open violation of the Constitution. Mr. Webster's views are certainly conclusive on this point. He says:

> I am certainly of opinion that gold and silver, at rates fixed by Congress, constitute the legal standard of values in this country, and neither Congress nor any State has authority to establish any other standard or to displace this standard.

Can language be plainer, more distinct or conclusive? But, just in this connection, let me quote from the father of Democracy. Mr. Jefferson says:

> If we adopt the dollar our unit we should strike four coins—a golden piece equal in value to $10; a unit or dollar itself of silver.

This was his language before the Constitution was adopted. Now, can any reasonable man say that our fathers in the Consti-

tution left it to the caprice of Congress to make legal-tender money out of anything a Congress might decide? Where would be the stability? Do not let it escape from the mind that the moment you recognize in Congress the right to make gold the only standard of money you recognize the right to make silver the only money. When you recognize the power to destroy either, both are at the mercy of Congress, and paper fiat money may be the result. There are no stronger constitutional arguments for paper fiat money than the single gold-standard men advance.

But I hope I may close this point of my argument with what Jackson said about it. Please remember always that the Constitution fixed the money metals of this country, and did not leave it to Congress.

He says:

Congress having established a mint to coin money and passed laws to regulate the value thereof, the money so coined, with its value so regulated, and such foreign coins as Congress may adopt, is the only currency known to the Constitution.—*Veto Message United States Bank.*

I challenge the history of our country to find a single statesman, or even a politician, that ever contended that our standard money should be gold alone until the power of capital, gold capital, asserted itself in our legislation in Government securities. Name the man; name the legislator.

I can not stop here to go over in detail the votes in Congress of my party showing its construction of the Constitution and its advocacy of silver as a constitutional money metal. Suffice it to say that in every vote cast on this subject, with the exception of one vote, the repeal of the purchasing clause of the Sherman Act, an overruling majority of Democrats have stood by the constitutional money metals of gold and silver. With them has been a large element of the other parties, standing firmly by the same plain and convincing construction. I admit, with sorrow and regret, that men of my party have forsaken the doctrine of our fathers. I admit that men have tacitly confessed that after ten years, twenty years, thirty years of teaching the people for gold and silver as constitutional money metals they now in effect confess that while so engaged they now know they were wrong, and when they leap from that chasm of ignorance, as they seem to think, they leave their old followers, with rather a sorrowful sigh, in pitying the ignorance they have for a lifetime been engaged in formulating. Such expressions as "Fools never change," "Chinamen never change," and the "beasts never change," seem to be absolute consolation to them that they have escaped from an ignorance they were never able to observe, until at last the blandishments of power and flattery of patronage tore away the veil from their benighted, honest, ignorant conceptions. How easily are they consoled. May it not be well here to revive in our memories a familiar scene? You may furnish the characters:

"Do you see yonder cloud that's almost in shape of a camel?
By the mass, and 'tis like a camel, indeed.
Methinks it is like a weasel.
It is backed like a weasel.
Or like a whale?
Very like a whale.
Then will I come to my" Grover.

If I have been able to show that our money should be under the Constitution made of gold and silver, and that has been the doctrine of the Democratic party without any change, then there must be some serious and momentous reason why we should abandon our faith, and there can be no justification for violating the Constitution. But suppose I am mistaken as to the constitutional question, then there must still exist great cause for our party to be justified in reversing its time-honored doctrine. We had both metals as money metals for over eighty years, and no greater prosperity ever blessed a people. If while we adhered to that idea we were blessed, and when we abandoned it we were cursed, certainly it is fair to assume that the money question has much to do with our present condition. In a short time after we inaugurated the gold standard our public men and the approaching depression admonished us trouble was coming on us.

What were the reasons that led up to the act of 1873? The arguments now used did not sustain the action then. Silver was not at a discount compared with gold. It was at a premium. Then, it was not demonetized because it was a cheap dollar. It was the best dollar. It was not to the mine owners then that such importance was attached as is now. Stop and think when this legislation commenced. What reason was there for it? None, except to increase the wealth of the gold holders and bow submissively to the dictates of England. It is said all the great commercial nations have stopped its coinage, but we were the first, excepting England, that so legislated. Let the country fully understand that the price of silver as compared with gold never had any difficulty until the United States stabbed it.

With great display of supposed statesmanship the query is now put, Would you make a dollar out of 50 cents? Let me inquire, what is the difference in effect on the people between making 50 cents a debt-paying dollar and making 50 cents of gold purchase what before required a dollar? You refuse to legislate silver up, but every hour of the day, by every means you can, you legislate gold up. It has gone to a premium, not only in purchasing power, but in actual selling price. Your boasted parity has been destroyed, and the whole country is suffering a loss in prices absolutely shocking.

Again, it is said if you open the mints to silver it will drive out the gold and you will be on a silver standard. If the mints were put in full operation they could not coin in a year 50 cents per capita. Would an increase of 50 cents per capita in our circulation drive out our gold? Would any man contend that even 50 cents per capita of bank issue would inflate the currency? Does not our population increase heavily every year, and does not the demand for more money increase as industry and population increase? Is it not proposed and recommended that the banks be permitted to take out circulation to the par value of their bonds? Is not that for the very reason that more circulation is needed?

Suppose we assume that free silver will drive out gold. I ask in candor if gold is not already driven out of circulation? The last loan showed biddings of five hundred millions, it was claimed, for one hundred millions of bonds. Who had the gold, and what had it been doing? It was locked up and absolutely out of circulation, and never showed its head in business enterprises that employ labor, but rises in its might when the Government, to obtain it, pledges its taxing power as security for it. It is just as certain to hide again and sleep until invited out by the offer of bonds—gold interest-bearing bonds, and in effect gold bonds, interest and principal. Can any intelligent man expect business will revive, when the standard money of the country absolutely shrinks from productive industries? If free silver drives out gold, pray tell me how it is, when our mints are closed to silver, and you confess you are on a gold basis, that your gold not only refuses to circulate but is absolutely driven out of the country? We can not with accuracy tell how much gold is in our country, but we do know that in about three years we have lost over one hundred and fifty millions, and increased our home debt two hundred and sixty-two millions. As our gold leaves us we increase the demand for it. Did our silver money drive out of the country this gold? Did the silver dollars move gold from this country? Will anyone dare answer yes?

If this system continues, it is only a question of time when we will be destitute of gold and the premium beyond our knowledge.

In every speech of the gold-standard men—sound-money men—the scare is held up that we will go to a silver basis. So the President argues. For the sake of this argument, let us assume that such a result will follow. Will this destroy this country or its prosperity? Gold, you say, will go to a premium and leave the country. It is at an enormous premium now, and leaving the country every day to find itself locked up in the war chests of European and other powers. Is it to be supposed that a man will seize his gold and fly from the country with it because we freely coin silver? What will he do with it when it reaches its place of safety? Invest it or lock it up? If he invest it, he will do so for profit. Can he not invest here much better than abroad? Where is the inducement to carry it away? If he locks it up, silver will take its place. Demand for silver increases, its purchasing power increases, until the two metals substantially reach a level. Both metals then become circulating money. If one rises in value over the other, readily the other takes its place, and the equilibrium is restored. In our business transactions 95 per cent is in our own borders. Shall this home interest be ruined to satisfy the avarice and gold love of only 5 per cent of foreign transactions?

Our opponents point to Mexico as a silver country and warn us of our fate. At the same time they say a dollar in silver coined at our mints is worth more than a Mexican dollar with more silver than ours. If silver destroys our manhood, energy, and enterprise, then I suppose you mean gold will elevate us. Decide for yourself as to manhood between silver Mexico and gold Egypt; decide between gold Turkey and silver Japan. Money does not make the man.

Another statement is made that if we open our mints to silver that our country becomes the dumping ground of all the silver in the world. Now, this assumes almost unlimited power in this country to absorb all the silver in the world. But how fallacious is such a position. Where will the silver come from, and why will it come? You answer, Mexico will rush her silver to our mints. If you mean her coined legal-tender silver dollars, then I ask what will be her legal-tender money? Will she adopt our American dollar as her legal tender? If so, that would wonderfully increase the demand for our silver dollar. If you mean she would coin her silver into our dollars and not make them her legal tenders, then what will Mexico have as a legal tender?

If you mean she would coin her silver into our dollars, depriving herself of her standard of money, and leave such dollars with us—certainly you do not mean that after she has her silver coined into American dollars the holder will make some American a present of them, when the same silver can be coined in Mexico into legal-tender dollars. But if you mean the silver will be left here in investments, in the purchase of our products and commodities, this could be no misfortune, but a blessing. The American would know the value of his property, and no purchase could be made without his consent. He would be goverened by the price of his commodities the world over. If the price offered in our silver would purchase more here than anywhere else, immediately the silver price of commodities would advance at other places and increase the demand for silver, bringing about the equilibrium of both metals. The very idea that silver would flow to this country and remain here presupposes that it would be worth more here in purchasing power than at home.

One more thought as to dumping silver here. Would an American dollar coined at the ratio of 16 to 1 bring French silver here, which is coined at 15½ to 1, and is equivalent to gold in France? If so, then the French silver, although the ratio is larger here than there, when coined here must be worth more than it is in France. This destroys again the idea of a 50-cent dollar. Would the silver of Japan be dumped here? She has her silver as her standard money; about $3 per capita circulation. If brought here it would be because it would be worth more here—it would purchase more than in Japan. If so, then her silver would advance in price in Japan equal to what it would be worth here, less cost of transportation. So the argument contradicts the conclusion of cheap fiat money. But does anyone think Japan would destroy her money system for a freak?

If these premises are correct, where is the force of the argument that the United States can not proceed alone?

Mr. Speaker, may I not inquire when shall we be stronger? How long until we shall bend the knee again to England? What a humiliating condition we are in. In this House speech after speech is made to prove that we must have the approval of England to make a financial policy for these United States. We beg her to assent, she declines, and holds the purse strings of this country. In a patriotic outburst we are ready to declare war against her on an American doctrine, and while these bugle notes of combat are sounding over our land, and great military chiefs are tendering their services, the Treasurer of the United States is on his knees borrowing English gold. Truly to an English statesman our position is one of weakness and humiliation, and to an American sorrowful.

Two hundred millions of our products at gold prices, or, rather, two hundred millions' worth of American labor at gold prices, must be given to foreigners every year to pay their interest. Foreigners own our railroads, mills, breweries, and millions of acres of American lands; their interest, dividends, and profits must be paid in gold, and these incomes clear of taxation. Yet America confesses she is too weak to have a financial system of her own. How long, oh, how long shall England dominate our financial policy and in this dominate our Government?

Will you before you declare war against England stop and negotiate to get her gold to fight her with? She holds our purse, and the idea of war was really never a serious matter. England is succeeding better with us without war. She is making our labor tributary to her wealth. She is taking charge of our carrying trade. If our Republican friends are to be trusted, she is destroying our manufactures, and doles us out money at her own price. How long shall we wait? How long hold down the heads of Americans, when as such we twice defeated her and brought her to terms regardless of a gold standard? Every war of the United States has been fought with silver and gold as our standard money. The soldier suppressing the Indian, the soldier defeating the Mexican, and the Union soldier offered his life for his country and rejoiced when he even heard of a silver dollar. The Confederate displayed gallantry and devotion, if ever equaled has never been excelled, and received his pay in a scrap of half-made paper, and so badly printed could hardly be read. But now gold, the coward in war and usurer in peace, is attempting to convert the American people to the idea that I, gold, am supreme, and you can not dethrone me until my great supporter and protector, England, shall say so. This she will never do.

Again, it is said that it is true depression is all over the country. Manufacturers are idle, labor is unemployed, and the great agricultural interest is prostrate. This is conceded. But gold says the reason is, we through improved machinery have destroyed the demand for physical labor and are producing too much. If it is true that our great inventions are making paupers, filling our prisons, and spreading want, every machine of that kind is a curse. If it is true we are making too much, and therefore getting no price for our productions, it would be wise to offer a premium on laziness and inflict a punishment on industry.

Mr. Speaker, the great trouble on this line of thought does not lie in overproductions. There can not be an overproduction that will injure the people as a whole; it lies in the fact that the means to procure the articles needed is destroyed and underconsumption follows. Let me illustrate this with one fact. When wheat was $1.25 per bushel and we had approximately a full circulating medium, each inhabitant of this country consumed about 5 bushels of wheat. When you got to your sound-money idea, with wheat at 60 cents per bushel, consumption per capita fell to about 3 bushels per capita. The farmer sold to his neighbor $6.25 worth of wheat, on a good free circulating medium, and when the gold power took control he sold $1.80 worth. I repeat, you have destroyed the means to obtain, therefore can not consume.

Our tramps can not consume in amounts as much as when employed. Unemployed labor has no choice as to its wants; it has to take what it can get, and with the decline in prices, every man, farmer, mechanic, or anyone with moderate means, in the last four years, I have no doubt, has reduced his consumption of articles he had to purchase at least one-third.

It is also asserted by the advocates of the gold standard that our laborers receive more pay and in money of more purchasing power than any laborers on earth. If it were true that the labor of the country was better paid, and that our labor was employed, then there could be no such conditions of adversity as now surround us. Prosperity always follows industry and employment where just compensation is received for labor. No nation can be in peril from internal causes when everyone has plenty to do and is fairly paid for it. That is prosperity itself. But the position assumed leaves out of sight the unemployed. It does not take into consideration that laboring days are shortened by law, so as to divide the labor. It does not consider the organizations for the benefit of labor that are continually fighting against conditions for its own protection. I repeat that if labor could all be employed and properly paid, no greater blessing could be bestowed on a nation.

I have as hurriedly as possible passed over these matters, and have given my sincere conviction on the same, leaving out many points to save time. But one more point of the single-standard devotees do I desire to advert to. They assume the very ambiguous name of sound-money men, and are all full of what they term good faith in business and sound morals in contracts. They assume to say that if a contract is discharged in silver after free coinage is established that it is in the nature of repudiation.

You are again in a dilemma. Are not the contracts of our citizens dischargeable in silver? Is not a silver dollar a perfect legal tender? Does not the debtor have the full right to pay in silver, gold, or greenbacks? Certainly. How is it with the Government, the great debtor of all the people? No liberty is given it to select its money in which to pay. By law you lock up its mints to silver; by law you make greenbacks a legal tender between citizens. But the Government stands dumb before all its creditors and submissively yields to their demands and pays in borrowed gold. Will any "sound-money" man tell me why a silver dollar is good enough for all purposes between man and man in business and is not equally good between the Government and its creditors? If you answer it is, then tell me why you object to coining 56,000,000 silver dollars lying dead in bullion belonging to the Government and use it in paying expenses in place of increasing taxation or borrowing.

Let us put this question of good faith and honesty, so-called by gold men, to pay our debts in gold so every man can understand it. There is not a note or bond of the Government that provides on its face or in its promise to pay gold. Every promise is to pay in coin, with no guaranty in any law that one dollar of these obligations should be paid in anything but coin. Congress by an overwhelming vote refused the power to the President or Treasurer to issue a gold bond. Why, then, by construction, in open opposition to the will of the people, expressed through their representatives, make them gold bonds? Do you expect to preserve a parity between the metals by a nonuser of one? There can be no parity with but one standard. Parity is between two or more, not with one. Yet by construction the contracts are changed against the people, and the difficulty in paying is doubled. Is this good morals? Does not the very highest public faith exist in the servants of the people being loyal to them? Do you think you have brought about a great blessing to this country in doubling their liability and doubling their taxes? Is it true that high morals demand that a debtor, to be honest, shall pay twice as much as he promised?

Then truly is taxation a blessing and confiscation a paradise. But it is insisted that the now-existing debts were contracted on a gold basis. One moment's reflection dispels this. Every dollar of the debt of Tennessee was contracted to be paid in gold or silver. Untold millions of debts are the growth of debts contracted on that basis, and by this most oppressive and unjust system the labor to discharge these debts is doubled. Does that not take away one-half of labor for the creditor, with no compensation to him? Does not that deprive labor of half its value and cut it off from the privileges of making life more comfortable and stimulating industries? Is this what you mean by high morals and public good faith?

Mr. Speaker, let me inquire if expenses of Government have been reduced in proportion to the high value of the money? Have regular incomes and interest been reduced? Has business been stimulated? These questions are answered in one word, no, and no man can deny it.

In conclusion, let me say with this system of finance the Government has left the constitutional requirements. In doing so it has transferred to the money power of the world one of its greatest

functions of government. It surrenders its great power, in fact, of coining money and regulating the value thereof to the gold gamblers to regulate its value. They demand the greatest amount of labor for their gold, and the Government is powerless to arrest their avarice. They demand gold from the Government at will, and this great country of ours, ready for war on any proper cause, willing to contend with the world for the right, when approached by these shylocks, bows its head and with humility says, "Thy will I will obey."

Democratic friends, look at our condition. Just a short time ago the people said to us, "We will try you"; and they filled this House to overflowing with professed Democrats. We met here, wrangled, and adjourned. We appealed for support again, and it was like talking to stones. We had substantially left them where we found them. They answered back no. We try something else, and we hardly have enough to call a quorum. The same is true of the Republican party. You think now you have an unlimited lease of power. Let me say to you you have had our experience. You are walking on thin ice. You will do nothing this session. The ball of taxation will roll on. Bond after bond will be issued, and the gold hoarders of the world will eat out our subsistence. These convulsions in politics show as much against one party as the other. Discontent, stagnation in business, fear of investments, premiums on the only standard money, broken pledges, and fear will again bring about their results.

The Democratic party was invincible until it destroyed itself. It has not been your Republican legislation and statesmanship that have brought you here in such great ascendency. It is because of our departure from our immortal principles. The Constitution has been violated, our policy of over a half century abandoned, and in this we have abandoned our great and impregnable fortress. Our friends once were the farmer in the field, the mechanic at his bench, the hired labor in all the pursuits of life. These were our friends. We carefully watched and fostered their prosperity. This being done, the merchant, the banker, and carrier received reasonable compensation for their efforts. No tramps infested the country, and such a scene of prosperity and success was never seen on earth. Now it is the rich gold holders we are running—rather they are running us. Even foreign gold lenders are consulted. They are provided with opportunities to make more wealth. The taxing power of the Government is mortgaged to them.

Gold, the unconstitutional and undemocratic standard, is doubled in value, and the old friends and champions of Democracy are left to do the best they can under such oppression. We left our friends and they are not to blame. Let us again return to the doctrine of our fathers. Let us make industry and labor the great objects of our creed, and stay with that unselfish, honest, plain, industrious people, and our party will again be invincible. [Applause.]

Cuba.

REMARKS
OF
HON. JAMES R. HOWE.
OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 2, 1896.

The House having under consideration the following resolution:

"*Resolved by the House of Representatives (the Senate concurring)*, That, in the opinion of Congress, a state of public war exists in Cuba, the parties to which are entitled to belligerent rights, and the United States should observe a strict neutrality between the belligerents.

"*Resolved*, That Congress deplores the destruction of life and property caused by the war now waging in that island, and believing that the only permanent solution of the contest, equally in the interest of Spain, the people of Cuba, and other nations, would be in the establishment of a government by the choice of the people of Cuba, it is the sense of Congress that the Government of the United States should use its good offices and friendly influence to that end.

"*Resolved*, That the United States has not intervened in struggles between any European Governments and their colonies on this continent; but from the very close relations between the people of the United States and those of Cuba in consequence of its proximity and the extent of the commerce between the two peoples, the present war is entailing such losses upon the people of the United States that Congress is of opinion that the Government of the United States should be prepared to protect the legitimate interests of our citizens, by intervention if necessary".

Mr. HOWE said:

Mr. SPEAKER: Subjugation or annihilation is the decree that has gone forth from Spain to Cuba. The spirit of liberty is to be strangled in the interest of tyranny, and the question for us to consider is, Shall this decree of slavery or annihilation prevail? The heroic Cubans await our answer. Let us reply with emphasis, that it shall not be while the spirit of the men who founded this Government continues.

Mr. Speaker, war at all times is to be lamented, and the way to put an end to this struggle is to accord belligerent rights to the Cubans. The century now closing has been spattered with blood and full of heroic struggles for justice in Cuba. Once we recognize and accord them the rights of belligerents, we will have accomplished at a single stroke that which they have been unable to obtain through three hundred years of slavery. Statistics show that $26,000,000 is exacted in a single year as sweat money on the part of Spain from Cuba, 75 per cent of which has gone to sustain purple royalty.

Mr. Speaker, had I a thousand votes, I would cast them all in favor of this struggling people. I would be untrue to the promptings of my nature did I do less, for theirs is the same spirit that animated and nerved the men of the Revolution, from whose giant strokes went forth a spark that has set the world aglow with the light of human liberty, and its radiance has encompassed Cuba with a burning flame that will not be extinct until tyranny lies strangled at its feet and the Gem of the Antilles shines forth brilliant and glorious in freedom's light.

Mr. Speaker, we may well look upon the Cuban struggle with anxiety and fear lest the iron heel of tyranny crush to the death the spirit that animated them and postpone to some distant day the time when Cuba shall be free.

Mr. Speaker, we are making history to-day. Shall it be on the lines of progress, on the lines of the elevation of mankind and in the spirit of liberty, or shall we go back to the dark-lantern methods of the Middle Ages? Ah, no; it can not be, for it would be contrary to the spirit of the age in which we live. A nation that has liberated 4,000,000 slaves from bondage must not, will not, take the side of the despot by inactivity, nor stand idly by and witness this inhuman and barbarous warfare.

Mr. Speaker, we would not interfere with the sovereign rights of Spain; but, sir, this is not a riot, it is a revolution on the part of a long-suffering and brave people, a people whose wrongs are of the same character as were those of the men of 1776. Shall they be subjugated or annihilated and America fail to exercise a lively interest in their behalf? We are unworthy of the privileges which we enjoy if we fail to heed the cry that comes to us from the Island of Cuba. Captain-General Weyler would reenact in Cuba the barbarous and fiendish atrocities that have been committed by the Turks in Armenia. Is it not our duty to put a quietus on this inhuman butchery at once? It can not be possible that 70,000,000 freemen will allow these struggling patriots to be slaughtered, as have been the Armenians, without giving them recognition. This beautiful island, Nature's paradise, should not longer be blighted by the despotic hand of tyranny.

Shall chains and scourge and strangler's noose,
Rapine and outrage grim, await
Their bloody and accustomed use
For those given o'er to Spain by fate?
Nay; by the bones of James Monroe,
And by a million freemen slain,
Speak out, and let the whole world know
Columbia guards the Western main.

Let us give notice to Spain that from this day belligerent rights are accorded to these heroic defenders of the God-given right to govern themselves, and as sure as the sun rises on the coming morrow Cuba will be free.

Against the Recognition of Belligerent Rights in Cuba under Present Conditions.

SPEECH
OF
HON. WILLIAM F. DRAPER.
OF MASSACHUSETTS.

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 9, 1896.

The House having under consideration the following resolutions:

"*Resolved by the House of Representatives (the Senate concurring)*, That, in the opinion of Congress, a state of public war exists in Cuba, the parties to which are entitled to belligerent rights, and the United States should observe a strict neutrality between the belligerents.

"*Resolved*, That Congress deplores the destruction of life and property caused by the war now waging in that island, and believing that the only permanent solution of the contest, equally in the interest of Spain, the people of Cuba, and other nations, would be in the establishment of a government by the choice of the people of Cuba, it is the sense of Congress that the Government of the United States should use its good offices and friendly influence to that end.

"*Resolved*, That the United States has not intervened in struggles between any European Governments and their colonies on this continent; but from the very close relations between the people of the United States and those of Cuba in consequence of its proximity and the extent of the commerce between the two peoples, the present war is entailing such losses upon the people of the United States that Congress is of opinion that the Government of the United States should be prepared to protect the legitimate interests of Americans, by intervention if necessary".

Mr. DRAPER said:

Mr. SPEAKER: I know that only a small minority of the Foreign Affairs Committee agree with my views, and I presume that the same is true of the House to-day. There is, therefore, a greater necessity than usual why I should state the reasons which have caused me to differ with my colleagues of the committee.

This is a question of serious import and not simply an opportunity to make sympathetic or spread-eagle speeches without responsibility. It seems to me that we are in danger of yielding to a popular clamor that will not be sustained by the sober second thought of this nation.

In considering these resolutions we should remember that we are officials of the United States Government, bound by our oaths of office to consider American interests, and that no mere desire for the success of the one party or the other in Cuba should lead us to disregard them.

We may subdivide our national interests in this matter into the general interest and the personal interests of American citizens in Cuba.

Taking up the general interest as the most important, we have the statement of Senator MORGAN, of the Senate Foreign Relations Committee, who, in introducing similar resolutions a few days since, said that he believed their adoption meant war with Spain.

He said (I quote from page 2231 of the CONGRESSIONAL RECORD of February 20, 1896):

When the petitions had to be considered and had to be reported adversely, with a request that we might be discharged from their further consideration, or else we had to take the other side of the question and find that we could and should pass a resolution in some form recognizing belligerency in Cuba, I said to the Committee on Foreign Relations, "I contemplate war at the end of any resolution that we pass in that direction." * * * I therefore accepted the situation whenever I took a step in that direction—it made no difference how long or how short it was—that it would ultimately result in war.

He also said (page 2232):

Therefore I hope the Senator from Maine will understand that in all I have done about this Cuban imbroglio I have acted with great reluctance. I have acted with the reluctance of a man who, with his associates, is compelled to take a very important position, what under ordinary circumstances might be called a very hazardous position, in the contemplation of actual war, without giving any just cause of offense to Spain. I have acted in full view of the fact that at the beginning of this controversy it was our business to discount the future, and to draw our sword and lay it upon the table and say to Spain, "If you want to take it, take it up."

Now, we may not agree with the distinguished Senator in full, but there is no doubt that these resolutions carry with them the danger of war, and no doubt that the gentlemen who have brought the special pressure upon us to take this step sincerely hope that it will be the first step toward our taking active part against Spain in Cuba and elsewhere.

Already we begin to hear from the organs and sympathizers of the Cuban Junta complaints that our Government is enforcing its own laws in interfering with the fitting out within our territory of hostile expeditions against a friendly power. They will not be satisfied with neutrality, which is what a declaration of belligerent rights is supposed to mean. They want us to intervene in favor of the Cuban insurgents, who have little chance of success without our intervention.

Are we ready for this? Do we want war, or the chance of war, for any such object?

No one avows the intention of conquering Cuba and annexing it to the United States, so I will not discuss that proposition; but outside of that possibility have we not everything to lose and nothing to gain by the proposed action?

If war comes we should doubtless succeed as we did in Mexico, as we are stronger than Spain; but are we ready to increase our debt, to disturb or derange our finances, now on none too secure a basis, and to slaughter thousands or tens of thousands of our own citizens for any interest that we have in this controversy? I am not, for one, and I believe that the sound sense of the American people is with me.

Here I will digress a little from my general line of thought to call the attention of our sound-money men to the danger of our action.

We spend months of time and fill the CONGRESSIONAL RECORD with speeches detailing the troubles which a depreciated currency would bring upon us, and yet we rush through without debate—as my friend MCCALL says, with the speed of a lynching party—resolutions which, in the view of eminent men like Senator MORGAN, would bring these troubles upon us.

Does anyone doubt that in case of war with Spain gold would go to a premium at once? We are borrowing largely in time of peace. Our revenue is less than our expenditure. We have a powerful body of Senators who will not agree to an increase of revenue without adding to it the free coinage of silver.

The financial road is difficult enough at the best. What will be the result if we impose upon ourselves the burden of hundreds of millions of dollars in addition for military operations and coast defense?

This seems to me a time for considering these practical questions, rather than for being carried away by sentiment, and by sentiment, too, largely manufactured for the occasion.

Returning to my argument: On the second point, American citizens own nearly or quite $30,000,000 worth of property in Cuba—mostly in sugar plantations and mines. Some of this has already been destroyed by the insurgents (none by the Spaniards), and all the rest is only preserved from destruction by the presence of Spanish guards. Under present circumstances it is for the interest of Spain to protect this property, as she is responsible to the owners and the United States for payment if damage is done. Acknowledge belligerency and under international law this responsibility ceases, and with the guards removed it is easy to foresee the results. If we are to move at all, instead of thus abandoning our countrymen we ought to take some additional measures to protect them.

Coming, now, to the reasons urged for action, I notice that not one is based on American interests; all are on grounds of sympathy for a struggling people who are alleged to be endeavoring to establish a republic. Without saying (what I believe) that the success of the insurgents would mean anarchy rather than republican government, what real good will these resolutions do the revolutionists? You may reply that they want them adopted; but many people want what is not good for them.

To grant belligerency gives no assistance. Strict neutrality goes with it, and the American Government will be just as much bound to enforce neutrality with these resolutions passed as it is now. More than this, an acknowledgment of belligerency by us gives to Spain the right to search our vessels for articles contraband of war, a right that she does not now possess, and that would operate directly against the insurgents' interest as well as make great opportunities for irritation between Spain and the United States. As stated before, this latter point is probably the real reason why the Cuban Junta and their active sympathizers desire us to take this action.

They hope for some occasion of trouble between Spain and ourselves on account of the exercise of this right of search, and that thus we may become active participants in the hostilities, as I have before stated.

It is said that we ought to interfere in this contest because of the cruel manner in which the war has been carried on on the part of the Spaniards. Now, war is cruel, but so far as I can learn from the official correspondence submitted to us there is more evidence of cruelty and destruction of property on the part of the insurgents than by the Spanish forces.

Witness the case of the planter Iglesias, who was taken from his bed by an insurgent band and hanged because he was grinding cane on his plantation.

Witness the letter of Gomez on page 30 of the official correspondence, where he says:

With respect to myself as director of the war, I consider that the first thing to do is to root out every hindrance, however small it may appear, to the progress of the revolution, without heeding either much or little the judgment that may be formed of such measures by those who live in ease and repose under the shade of the Government we combat, for such can not be considered as our friends, and neither by the state of their spirits can they be competent to judge our acts.

To not let provisions enter that city (Puerto Principe); because the persons, families, rich or poor, may suffer is no fault of the revolutionists, it is the fault of Spain, who deprives the Cuban of his rights. * * *

Men who face death on the battlefield can not occupy themselves about the scarcity of milk and fuel in that city.

The orders are given, and I, who signed them with the pen, will make them effective with the sword. Tell that and much more, Doctor, to your friends, who must also be mine.

Yours, M. GOMEZ.

Witness the general conduct of the so-called war, which seems to consist on the part of the revolutionists in destroying the property of noncombatants and showing their backs when any considerable detachment of Spanish troops appears. When they take a town they first plunder the stores; then burn the houses; and meantime they amuse themselves by destroying the resources of the island—the sugar plantations and tobacco factories—when they are not under Spanish guard.

This is not the kind of warfare that, if successful, will lead to order under liberty; and it is not worth our while to interfere to make Cuba a second San Domingo.

I am well aware that our action is not final—that the President has full power in this matter whatever resolutions we may pass. I hope that he may be more conservative than we seem to be, but whether he acts on our recommendation or not, it is our duty to act with a full sense of responsibility.

One point more and I will close. It is said that belligerency is a matter of fact to be recognized when it exists, and not before. Now, while there is undoubtedly fighting in Cuba, the insurgents have not established themselves so as to warrant recognition under the ordinary rules. They fight, destroy property, and plunder, but they have not an established government in any proper sense. They have no courts, no seat of government except in the saddle, no seaports, no regular system of taxation, no protection of life and property; but the reverse.

A quotation from the message of President Grant, considering this same question with relation to the Cuban insurrection of 1869, is most pertinent to-day. He said:

During the whole contest the remarkable exhibition has been made of large numbers of Cubans escaping from the island and avoiding the risks of war, congregating in this country at a safe distance from the scene of danger, and endeavoring to make war from our shores, to urge our people into the fight which they avoid, and to embroil this Government in complications and possible hostilities with Spain. It can scarce be doubted that this last result is the real object of these parties, although carefully covered under the deceptive and apparently plausible demand for a mere recognition of belligerency. * * *

The question of belligerency is one of fact not to be decided by sympathies

for or prejudices against either party. The relations between the parent state and the insurgents must amount, in fact, to war in the sense of international law. Fighting, though fierce and protracted, does not alone constitute war. There must be military forces acting in accordance with the rules and customs of war, flags of truce, cartels, exchange of prisoners, etc.; and to justify a recognition of belligerency there must be, above all, a de facto political organization of the insurgents sufficient in character and resources to constitute it if left to itself a state among nations capable of discharging the duties of a state, and of meeting the just responsibilities it may incur as such toward other powers in the discharge of its national duties.

Applying the best information which I have been enabled to gather, whether from official or unofficial sources, including the very exaggerated statements which each party gives to all that may prejudice the opposite or give credit to its own side of the question, I am unable to see in the present condition of the contest in Cuba those elements which are requisite to constitute war in the sense of international law.

The insurgents hold no town or city; have no established seat of government; they have no prize courts; no organization for the receiving and collecting of revenue; no seaport to which a prize may be carried or through which access can be had by a foreign power to the limited interior territory and mountain fastnesses which they occupy. The existence of a legislature representing any popular constituency is more than doubtful.

In the uncertainty that hangs around the entire insurrection there is no palpable evidence of an election, of any delegated authority, or of any government outside the limits of the camps occupied from day to day by the roving companies of insurgent troops. There is no commerce; no trade, either internal or foreign; no manufactures.

As a conseqence of these facts, he declined to accord the insurgents belligerent rights.

The same statements and the same arguments apply to-day.

The insurrection of to-day stands in the same position as that of 1869, with the exception that the property-owning classes largely favored that movement, while they oppose this one.

No other nations have given them this recognition, and nothing but our national sympathy for anything called freedom, and the active pressure of certain gentlemen who, while calling themselves American citizens, are stirring up this trouble in the territory of a friendly power, is behind this strong movement in our Congress.

I may not be able to influence the action of the House, but I am so certain that I am right that I desire to be placed on record as opposing these resolutions.

Against Unrestricted Coinage of Silver.

SPEECH

OF

HON. JAMES T. McCLEARY,

OF MINNESOTA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 12, 1896.

The House having under consideration the Senate amendment to the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue—

Mr. McCLEARY of Minnesota said:

Mr. CHAIRMAN: It is no derogation of the ability and no disrespect to the personality of any of the very able and eloquent gentlemen who have spoken on the "free-silver" side of this controversy to say that high-water mark was reached on that side of the discussion last Saturday by my distinguished friend and colleague [Mr. TOWNE]. This has been conceded on all sides. Some have even gone so far as to say that his speech is the greatest, not only of this session but of any session, that has been made on that side of the question. As a friend of the speaker, I rejoice with him in the honors thus bestowed upon him; and as a citizen of the great North Star State, I am proud of the fact that he is a son of hers of whom these things have been said.

This speech of my colleague has made a profound impression on this floor, arousing with its clarion tones the drooping spirits of the free silver cohorts, and causing many a sound money man to pause in doubt. It will be printed in immense quantities and scattered broadcast over the land. And therefore, Mr. Chairman, as a lover of truth and of my country, I deem it to be my duty to expose the fallacies and refute the conclusions of my colleague's argument.

PERSONAL.

It is proper to say at the outset, Mr. Chairman, that my personal concern in the result of this discussion is simply that of any other citizen of the Republic; we are all greatly interested in securing an early, righteous, and final decision of this question. Nor are my personal fortunes in any special way at hazard. Through two campaigns this has been the leading question in my district; all the arguments now advanced by my colleague have twice been soberly weighed by the good people whom I have the honor to represent. Before my colleague had begun seriously to think on this question the citizens of the Second Minnesota district had, with their characteristic foresight and intelligence, given it full, frank, and thorough consideration, and had twice, I am proud to say, rendered their verdict by increasing majorities in favor of a sound and stable currency.

It is but fair to myself, Mr. Chairman, to say that, in view of the facts just stated, it had been my purpose to address the House briefly on another and more advanced phase of the money question. But complying with the urgent requests of some of my friends in the House, who are familiar with the fact that we have thought this question out pretty thoroughly in the Second Minnesota district, I have concluded (although the time for preparation has been very short) to make the speech of my colleague the basis of part of my remarks.

THE BLIND MEN OF INDOSTAN.

In this connection, Mr. Chairman, I am reminded of the poem of that wittiest and wisest, that keenest and kindest of men, John G. Saxe, a poem that we all read in our boyhood, entitled "The Six Blind Men of Indostan," who "went to see the elephant, though all of them were blind." Their curiosity had been aroused in relation to the famous animal, and each was anxious to learn what it was "like." In groping around, one grasped its tail and thought the elephant "like a rope"; the next embraced its giant leg, and thought it "like a tree"; another seized its writhing trunk, and thought it "like a snake"; and each of the others happening to come in touch with a different part of the elephant's anatomy, had a different idea of the animal's appearance. And over those differences, the poet tells us,

They argued loud and long;
Each being partly in the right,
Though all of them were wrong.

To us who are blessed with eyesight their petty contentions seem almost pitiable. It is easy for us to see where their differences arose. No doubt each was sincere in his opinion and each was in possession of a portion of the truth. Had each been modest enough to realize his own narrowness of information and earnest enough to push his investigations as far as possible before venturing an opinion, the contention would have been less and the conception of truth on the part of each would have been much greater.

Had one of these blind men examined not only the tail, but also one or more of the other parts of the elephant, no one will deny that his opinion as to the appearance of the animal would have been more nearly correct than that of any of the others. And similarly in this discussion, the value of a man's opinion depends upon the breadth of his view and his ability to see things in their proper relations and proportions.

If I were called upon to characterize in a sentence the speech of my colleague, I should say that it lacks comprehensive grasp of the several topics considered. It offers a superficial view of many things, but does not indicate thorough study of any. We are given a little (and sometimes *very* little) of the truth on many points, but not enough of the truth on any of them to warrant one in drawing important conclusions. To carry out the figure of the poet, we are asked to judge of the appearance of an elephant by grasping its tail; to form our conception of a camel by seizing its leg; and so on through the menagerie. And in lieu of further information on any point, we are regaled by having a flower of rhetoric held beneath our nose, under the soothing influence of whose fragrance we temporarily forget that we are long on fancy and short on fact.

By the courtesy of my colleague, I am permitted to use this afternoon some of the charts used by him in his speech last Saturday. And I shall show that his fundamental positions are based on half-truths, which everyone knows are more dangerous and misleading than utter falsehoods.

SILVER AND PRICES.

I now ask the attention of the committee to my colleague's chart which shows the relation in price between silver and other commodities.

TOWNE'S, A.

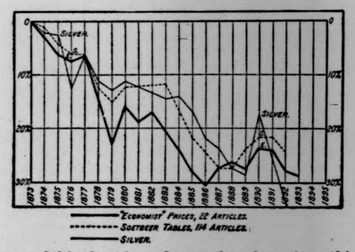

By means of this chart he endeavored to show three things:

1. That, beginning with 1873, there has been an "unexampled and ruinous fall" in the prices of commodities.

2. That there has been during the same years a practically parallel fall in the price of silver; and that silver is, therefore, an almost ideal measure of value.

3. That this "fall in prices" has been the result of the so-called

"demonetization" of silver; and, by inference, that "remonetization" of silver would "restore prices" to their former level, or thereabouts.

As we look upon the chart, our first impulse is to say that, unless its allegations are untrue, the inferences of my colleague are fully established. But when we look farther into the matter, we shall find that such a conclusion is wholly unwarranted. We may admit that there has been within the last twenty years a fall in the *average* price of commodities (the extent of which is, however, exaggerated to the eye by the method of drawing the chart); and we could admit that there has been during the same period a fall in the price of silver *roughly* parallel thereto. Indeed, I do admit (with an exception to be noted later) the substantial correctness of these two allegations; for my colleague would not knowingly make any statement of fact without having what he conceived to be good ground for doing so. The errors of my friend all arise from the fact that he is drawing important conclusions from premises that are too meager; he is trying to get an idea of the elephant by examining its tail only.

The trouble with my colleague is one that is common to the whole tribe of free-silver men: *the year 1873* is to them what the year of the hegira is to the Mohammedan, it is the point of time from which everything is reckoned. But no legitimate inference can be drawn in relation to these matters without examining also the course of events *before* 1873, and making a fair comparison of the two series of facts. If upon making such examination we find that there was never during the period of so-called "bimetallism" a marked fall in prices, and if we find also that the price of silver kept even pace with the average price of commodities before as well as after 1873, then indeed would candor compel the admission that the gentleman's inferences are well founded. But if, on the other hand, such investigation reveals a fall in prices during the so-called "bimetallic" period as great as that since 1873; and if the rough parallelism between the price of silver and that of commodities in general did not exist before 1873, then will frankness force my colleague to confess that his inferences are not tenable, and that in common honesty they must be abandoned.

LET US APPLY THE TEST.

The chart to which I now invite the attention of the committee is one that I drew since the speech of my colleague was delivered. It shows the course of average prices by ten-year periods from 1818–27 to 1885–94, inclusive. The table from which it was drawn was prepared by Augustus Sauerbeck, one of the authorities quoted by my friend in another part of his speech. Indeed, in the first rehearsal of this speech, as delivered by him in Duluth last August, and afterwards in other places, the gentleman printed this table. But by a singular oversight *he did not put it into chart form*. This was a very unfortunate omission. For had my friend appreciated the great importance of those figures; had he given them enough study to become impressed with their real significance, and had he then put them into chart form and placed the chart in juxtaposition with the one considered by us a moment ago, he would have saved himself and his readers from grievous error.

McCLEARY'S, A.

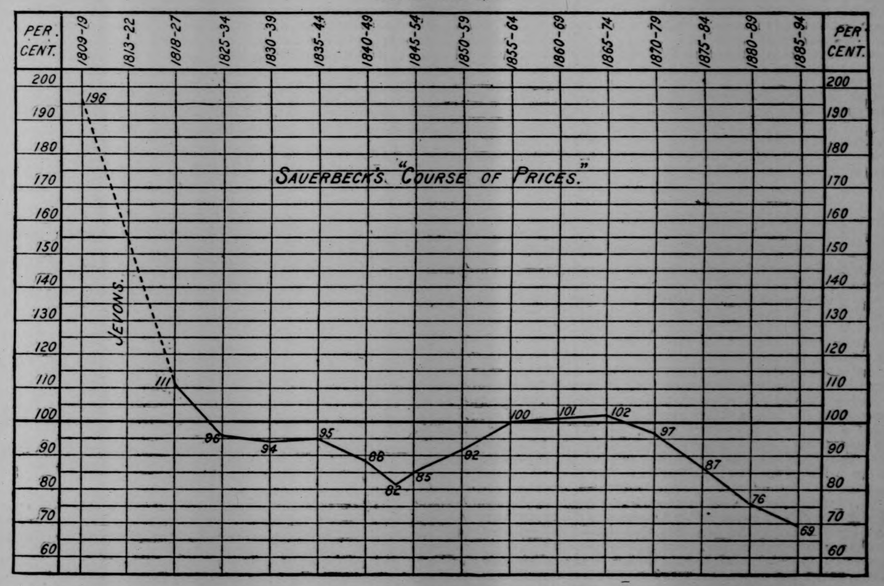

Mr. Sauerbeck's standard of comparison, or 100 per cent line (represented on the chart by the horizontal line A—A), is "the average prices in London of forty-five principal commodities for the period 1867–77"; that is, for a ten-year period having 1873 as its middle point.

THE GREAT FALL IN PRICES FROM 1809 TO 1849.

Even the most casual examination of the chart will reveal three facts which are exceedingly important in this discussion, namely:

1. That in the period extending from 1818–27 to 1843–52, twenty-five years, *the fall in average prices was practically the same* as that which has taken place since 1873. And had the table extended back ten years further the former fall would be seen to have been *much the greater*, for prices ranged much higher for some years before 1818 than in that year. A glance at the chart will substantiate this statement, for the price line in 1818 shows that it marks, not the beginning of a fall, but one which had been for some time in progress.

In further substantiation of the foregoing statement, and as my authority for the course of prices before 1818 (as shown by the dotted line), I quote one of the most scientific and impartial writers on money, one whose authority on matters of fact is unquestioned, the late Walter Stanley Jevons, author of Money and the Mechanism of Exchange. Discussing the varying value of money as related to goods, he says:

> Between 1789 and 1809 it fell in the ratio of 100 to 54, or 46 per cent—

That is, Mr. Chairman, the average prices of commodities *rose* enormously during those years. The committee will kindly note this fact, as I shall revert to it in another connection. But for the present I desire special attention to the succeeding statement of Mr. Jevons:

> From 1809 to 1849 it [the value of money] rose again in the extraordinary ratio of 100 to 240, or by 140 per cent.

That is, Mr. Chairman, there was an "*extraordinary*" *fall in*

prices—a fall at the ratio of 240 to 100—a fall which in extent and duration far exceeds that since 1873.

Thus we see, Mr. Chairman, that our recent fall in prices is by no means "unexampled" in either scope or duration. It was greatly exceeded by the fall in prices near the beginning of the century, during the so-called "bimetallic" period. And thus disappears the chief foundation of my colleague's entire argument and of the whole free silver contention.

THE IMPOTENCE OF SILVER TO AFFECT PRICES.

2. The chart is equally severe on another very touching argument of the free silverites. Silver and its advocates are very sympathetic, very anxious to ameliorate the sad condition of men; silver is claimed to be able and willing to "restore prices." But it is well worthy of note, Mr. Chairman, that during the long period from 1809 to 1865, a period marked first by a tremendous fall and then by a great rise in prices of commodities, *the price of silver varied but slightly.* Though silver advocates frequently boast of this uniformity in the price of silver they *never put it in connection with this other fact.* Thus, it is never revealed by them that during this long period, when silver had "free access to the mints," it held itself aloof from other commodities, impotent alike to prevent their fall or to promote their rise. It seemed in its palmy days to have none of the spirit of sympathy and helpfulness ascribed to it now by the advocates of free comage.

Mr. Chairman, "we know of no way to judge the future but by the past"; and judging by that past I ask gentlemen what there is in the record of silver when it had "free access to the mint" that gives basis for the hope, so often expressed by gentlemen on the other side of this contention, that silver would under free coinage not only rise in value itself, but that in doing so it would "help the friends of its lowly days." Judging it by its past, even if free coinage could perform a miracle and restore silver to its ancient lofty state (on which point I shall speak later), are we not warranted in saying that it would then, as in days gone by, separate itself in proud disdain from the commodities whose company it now professes to keep, and prove itself incompetent if not unwilling, in the future as in the past, to affect in the slightest degree the prices of other commodities? Are not its present humility and willingness to promise "all manner of good things" aptly characterized by Shakespeare in the lines:

> Lowliness is young ambition's ladder,
> Whereto the climber upward turns his face;
> But when he once attains the upmost round,
> He then unto the ladder turns his back.

THE RECENT FALL IN PRICES DID NOT BEGIN IN 1873.

3. We note, in the third place, that the recent fall in prices *did not begin in 1873* but in 1865.

When (for reasons varying with the persons from the purest patriotism to the most dangerous demagogy) those who are trying to foist upon this country the unlimited coinage of silver as a panacea for all our ills, real and imaginary, seek to establish their position by statistics of average prices and by giving the prices of certain great commodities like wheat and cotton, why, in the name of candor, do they not go back at least a few years further and show that, in relation to some of the most important items quoted, the fall in prices between 1865 and 1873 double discounted anything in the way of a fall that has taken place since 1873; that it was greater in those eight years than in *all* the years since? Why, for example, don't they remind the cotton planter that the price of middling cotton fell (Statistical Abstract for 1894, page 408) from $1.015 a pound in 1864 to less than 17 cents in 1871? Do they not possess adequate information on vital points? Or are they willfully suppressing a portion of the truth, having a lively appreciation of the fact that this simple statement would be sufficient to overturn their entire contention?

And now, Mr. Chairman, having shown by my colleague's own figures that the fall in prices about which he and other free-silverites say so much is not the only one or even the great one of this century; that it did not begin in 1873, and hence is not due to the cause to which they ascribe it; and that "free silver," having demonstrated in the past its incompetency to affect prices (even if that had been shown to be desirable), can not reasonably be expected to affect them in the future—these things having been proved, Mr. Chairman, our side could fairly rest our case and demand the judgment of all candid men.

But, Mr. Chairman, men are often misled by nonessentials. If the other alleged "arguments" of my colleague were to be passed by, the reason for silence might be misunderstood. Moreover, they constitute a part of the ground of my colleague's faith. And, sir, I have so high a regard for my friend personally, so much admiration for his native ability, and so bright a hope for the future that is before him if he renounces what he himself is reported to have called in the last campaign "this free-silver lunacy," that I shall, with the indulgence of the committee, proceed now to examine the other items of my colleague's speech.

THE FALLACY OF THE METHOD OF ARGUMENT BY "AVERAGES."

A favorite device of the gentlemen on the other side of this controversy is to draw conclusions from tables of "*average* prices." Most of the rank and file do this in entire good faith, never dreaming of the fallacies that lie unrevealed by the very nature of the method itself. But the leaders (who have the time, and are presumed to have the talent, to investigate all important phases of the question to a finality) owe it to the confidence which their followers repose in them to seek earnestly and report honestly the *whole* truth, so far as human ken is able to discover it.

The real-estate boomers of a certain State (*not* Minnesota) used to announce in their circulars to prospective immigrants that the "average annual rainfall" was so many inches—a normal fall. The settler who went there on the strength of that statement found that, while it was literally true, it was totally misleading. The "*average* annual rainfall" was indeed as stated; but the rain all came in a deluge within the period of a few weeks, and during the rest of the year the country was so dry that the crops parched and perished, and not even a warranty deed would hold the land itself.

The very idea of an average implies *differences*, while at the same time it hides their nature and extent.

In order to get at some of the facts concealed by the so frequently quoted tables of average prices, I invite attention now to a few charts showing graphically the prices year by year of a number of individual articles. Even an analysis into *groups* of articles will enable us to avoid some of the errors incident to a general average table.

These charts have been carefully prepared under my own supervision from the famous tables of Dr. Adolph Soetbeer, the great German statistician, than whom there is no higher authority. By the way, I wonder how many of the free-silver men who so often and so glibly quote statements alleged to be founded on the Soetbeer tables ever even saw those tables. Probably not one in ten thousand! Here are the famous tables themselves [holding up a book]. They are given in the Consular Report for December, 1887. I feel abundantly repaid for the solid month that I spent last summer in careful and painstaking study of them.

WHAT SOETBEER'S TABLES SHOW AS TO CERTAIN IMPORTANT ARTICLES.

These tables are based on the prices of 100 principal articles at Hamburg, and 14 leading articles of British manufacture, and cover the time from 1851 to 1885. The prices are taken from the official records of the city of Hamburg, which Dr. Soetbeer declares to be "material which is complete and trustworthy to a higher degree than any known to us."

The method is by index numbers, taking the average prices of the several articles from 1847 to 1850, as the base or 100 per cent.

Mr. BRUMM. Was not 1847 a year of great financial depression?

Mr. McCLEARY of Minnesota. No, sir. My friend is probably thinking of 1837 or of 1857. Dr. Soetbeer, whose preeminence as a statistician my friend will not question, and whose tables he has no doubt quoted, chose the years aforesaid as the very best available for the purpose.

The attention of the committee is now invited to my Chart B (see page 3604), showing the prices of wheat and rye, the great food grains of Europe. The average price of all grains is given also.

The standard price, explained above, is represented on this and the succeeding chart by the heavy horizontal line A—A.

The two special points to which the committee's attention is invited in this connection are:

1. The fact that the average price of grain after 1873 (which year is indicated, for the sake of prominence, by the heavy vertical line B—B) *never fell as low* as the average in the "bimetallic" days of 1847–1850.

2. The fact that the price of silver (which was, as has been said, quite uniform up to 1873) had very plainly no relation to the prices of grain. Any man who in the fifties had insisted that there was any such relation would have been barred from standing among sane and sober-minded people.

Leaving grains, your attention is next invited to the course of

PRICES OF ANIMAL FOODS.

[See McCleary's Chart C, page 229.]

These charts (which exhibit the Soetbeer figures for the chief animal food products individually) show that the price of each fluctuated sharply throughout all these years, each according to the circumstances peculiar to itself; but that *never since 1873* did the price of a single one of them fall as low as in the so-called "bimetallic" days at the close of the first half of this century. And it is probably true, as my friend from Iowa whispers, that the butter and egg business of the country outweighs in importance its silver industry.

A MEMBER. Did Mr. TOWNE use these charts?

Mr. McCLEARY of Minnesota. No; these reveal a portion of

McCLEARY'S, B.

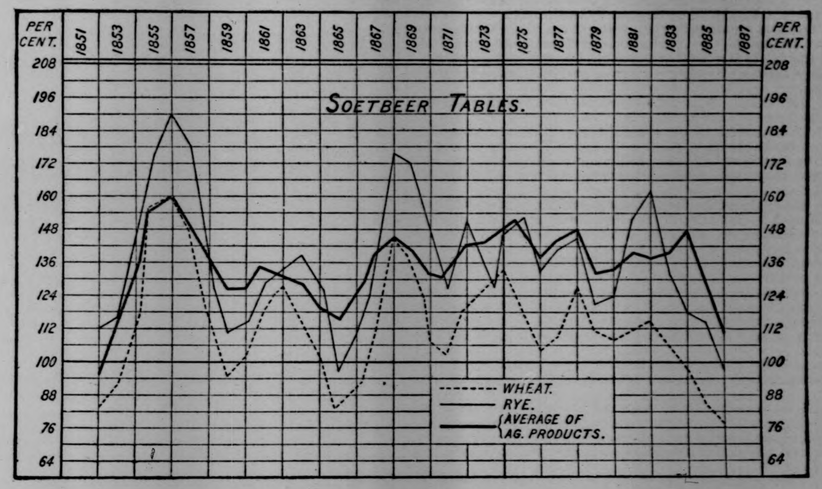

McCLEARY'S, C.

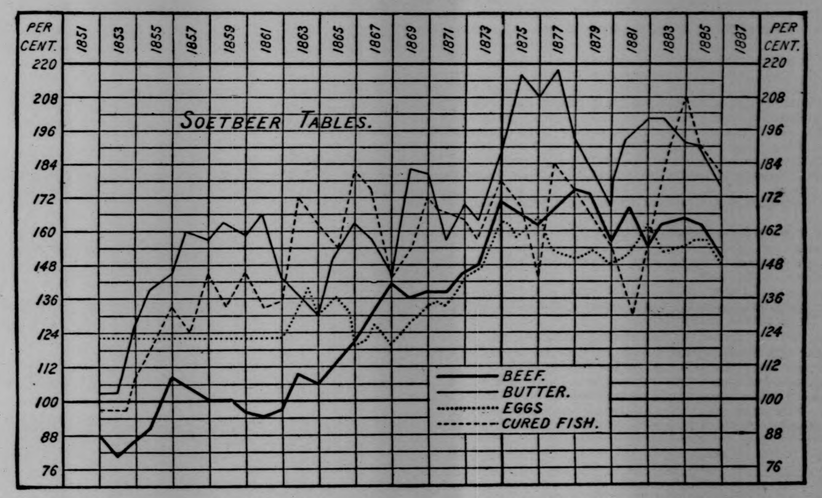

the elephant which, so far as the record shows, my colleague never saw. [Laughter.]

As I said when I began to discuss this section of my colleague's speech, I take exception to one portion of his Silver-and-Prices chart. The chart gives Soetbeer as authority for prices down to 1892. But the Soetbeer tables *end with 1885*, and no one has any authority to extend them. Nor do I believe that my colleague intended to do so. As a matter of fact, my colleague's chart is almost an exact facsimile of one used in a speech two years ago by the Senator from Nevada [Mr. STEWART]. It was afterwards published in the appendix to the last edition of the Coinage Laws, and it was probably there that my colleague found it. He is not the first young man, Mr. Chairman, who has been led into error by following blindly the patriarchal-looking Senator from the State of deserted mining camps. [Laughter.]

WHAT CAUSED THE TWO GREAT FALLS IN AVERAGE PRICES.

Taking the century as the period for investigation, and reverting again to my Chart A for the course of prices, let us try to discover the reasons for those mighty changes in the level of prices.

We note first of all that there have been in this century *two* periods of very high prices and *two* periods of gradual fall in prices. Can any principle or law be discovered in accordance with which these changes in price levels took place? If so, it is very pertinent to this discussion.

Let us see if the two periods of high prices have anything in common. The first of these periods extended from 1789 to 1814, with its highest point at 1809. It is very important to remember that *these were the years of the* NAPOLEONIC WARS, which cost Europe so much in blood and treasure. It is noteworthy, also, that the second period of very high prices covers the *years of* GREAT

WARS: the Crimean in the early 50's, our own mighty conflict in the early 60's, followed in the later 60's by the war between Prussia and Austria, and in '70 by Franco-Prussian war.

Now, war is a great destroyer of property, while at the same time it takes from the productive industries vast numbers of their best workmen. It is a time of abnormal demand coincident with abnormally restricted supply, hence a period marked by great wars is *always a period of abnormally high prices.*

Mr. SHAFROTH. Was not the rise in prices in the fifties due chiefly to increased gold production?

Mr. McCLEARY of Minnesota. No, sir. That statement has often been made, but it is clearly not true. The increased gold production may possibly have had some small influence. But that it was very small may be seen when we remember the following facts:

1. The rise in prices began *before* the great output of gold began, as will be seen by referring to the Sauerbeck chart above. The prices were influenced no doubt by the insurrectionary disturbances in Europe and by our war with Mexico.

2. There was a marked *fall* in prices in 1857–1860, as we all know, *when the gold production of the fifties was greatest.*

And corroborative of my conclusion from the foregoing I note:

3. During the great rise in prices from 1789 to 1809, above mentioned, the production of silver was practically uniform, while the production of gold *fell off more than 50 per cent.* And furthermore—

4. The production of gold for the last three years has *increased far beyond anything ever known before in history*, yet prices have fallen.

To continue my argument. As I had just said when my friend interrupted me with his very pertinent question, a period of war is a period of abnormally high prices. What, on the other hand, is the natural and legitimate effect on prices produced by a long period of peace?

Every person within the sound of my voice has as one of his proper ambitions the acquirement of a competency for his old age. Now, Mr. Chairman, what is the rational basis of such a hope? In its ultimate analysis it is this: That each month and each year the person entertaining such a hope shall *produce more than he consumes.* This is the basis of increase in wealth, personal and national.

Now, price depends chiefly on two things: 1, the relation between demand and supply; and, 2, cost of production. It therefore follows that in a long period of peace, when production naturally exceeds consumption and when the wit of man is free to exercise its ingenuity in devising new and better methods of production, *prices naturally fall.* Thus it has been through all the ages, and thus will it ever be. Following the Napoleonic wars at the beginning of the century, and following the Franco-Prussian war of 1870, came long periods of peace, accompanied by the usual fall in average prices.

If peace conditions are normal, three incidental results should appear:

1. There should be improvement in the standard of living. This implies

2. That a given amount of labor should bring larger returns in the comforts of life; and

3. The demand for more and better things to eat should show itself in sustained prices for those better foods whose production can not be increased indefinitely.

WHAT SOETBEER'S SUMMARY SHOWS.

Pushing this investigation a little further, let us find out what articles have been most affected by the fall in prices.

And as we have been following Soetbeer, let us look at what his tables show when considered, as he himself sums them up, by *groups.* The numbers in the following table are his index numbers, with 1847–1850 prices as a base or 100 per cent.

Group.	1866-1870.	1881-1885.
Products of agriculture, etc	137.74	130.77
Animal and fish products	156.35	150.65
Southern products, etc	121.54	134.41
Tropical products	118.32	119.91
Minerals and metals	95.47	81.55
Textile materials	129.17	96.65
Miscellaneous	105.90	91.11
Fourteen British manufactured articles	123.57	103.28

The Soetbeer tables evidently do not warrant the statement so often made, with them as alleged authority, that "There has been a *general* fall in prices," if by that expression is meant that *all* articles or groups of articles have fallen largely, and in a measure equally.

Dividing the above table into two equal parts, we observe that the prices of the first four (which are chiefly food products) were marvelously sustained; while the prices of the second four (in the production of which labor-saving machinery could largely be used) show a marked fall.

SOME PRICES THAT DO NOT NEED "RESTORING."

The United States Statistical Abstract deservedly ranks high as an authority. Opening the latest edition (1894) at page 417, I find the export price of mess beef quoted at 7 cents in 1872, at 8.9 cents in 1882, and 5.7 cents in 1892. Butter in 1872 is given at 19.4 cents, in 1882 at 18.6 cents, and in 1892 at 19 cents. Prices of eggs for the same dates are 20.3 cents in 1872, 20.9 cents in 1882, and 23.2 cents in 1892. Other great staples, like corn, pork, and lard, show equal firmness. The prices of these articles don't seem to need any "restoring."

But perhaps the free-silver men would like to apply their "restorer" to the price of refined sugar, which cost 12.6 cents a pound in 1872 and only 4.6 cents in 1892. Or perhaps they would like to relieve the poor, suffering oil magnates, whose product was quoted at 23.5 cents a gallon in 1872 and had "fallen" to 5.9 cents in 1892. It may be that their tender sympathies go out to the manufacturers of bar iron, whose product (Abstract, page 412) commanded $97.63 a ton in 1872 and only $29.96 in 1894.

Perhaps they don't want poor men to be squandering their substance in building homes, and to that end would "restore the price" of nails, whose Philadelphia price fell from $5.46 a keg in 1872 to $1.08 in 1894; and of window glass, which fell from $3.40 a box in 1873 to $1.70 in 1891. And possibly their philosophic souls rebel at the idea of a poor man having a carpet on his floor, so they would remove temptation by "restoring the price" from 48 cents a yard in 1890 to $1.14, as it was in 1873. Then, if the poor fellow in whose interest they are working is not completely happy, they might restore the price of his wife's calico dress from 6 cents a yard in 1892 to 12 cents, as it was in 1873.

And while they are in the restoring business they might come to the rescue of the poor manufacturer of steel rails, whose product began to be made here in commercial quantities in 1867, at which time it commanded $166 a ton, but in 1894 had fallen to $24 a ton. This would enable the railway companies to find some justification for restoring their freight rates from .92 of *one cent* per ton per mile in 1891 (the lowest rate in the world) to 2 cents per ton per mile, the "good old rates" that prevailed in 1873. Nor would these restorers of prices overlook the steamboat men who, though they now haul wheat by lake and canal from Chicago to New York at a profit for 4.44 cents per bushel, were in the habit of receiving 24.47 cents per bushel in 1873.

Here is revealed, Mr. Chairman, the delusiveness of an argument founded on "averages"; it fails to discriminate the individual facts that go to make up the average. [Applause.]

THE INCREASE IN WAGES.

There is another serious omission in my colleague's allegations of fact. There is one commodity which stands out by itself so preeminent that even his disdain of details should not have ignored it, a commodity which is the truest and best measure of value ever discovered, surpassing in this respect wheat or cotton, iron or copper, silver or gold, and that is a *given unit of human labor.* And my colleague was somehow blind to the fact, though it is exhibited in one of the tables to which he referred, that the wages of labor have been on the average largely increased in the last third of a century, the increase from the old "bimetallic" wages of 1860 to those of 1890 being *58 per cent in money and 72 per cent in purchasing power.*

In 1892 a day's work of skilled labor would buy more of any staple commodity of human desire, more and better food, more and better clothing, more and better transportation, more and better tools and machinery, more and better heat and light, more comforts and luxuries of every kind, more silver *and more gold* than at any time before 1873 in the history of the world. [Applause.] More than that, there never was a time in the history of the world when a man who really wanted work could more easily find it than in 1891 and 1892. [Applause.] One evidence of this is the high wages paid, as above shown. And during the fall of 1892 I examined, day by day, the want columns of the St. Paul Pioneer Press and the Minneapolis Journal, two representative dailies of the Great Northwest, and I found on the average four times as many places seeking persons to fill them as there were persons seeking employment. [Applause.]

Mr. HUTCHESON. Why, then, did the people condemn the Republican party in the November elections of that year?

Mr. McCLEARY of Minnesota. My friend forgets the aphorism of the poet:

> In order to appreciate Heaven well,
> One must have had about fifteen minutes of—

well, the other place. [Applause.]

I have tried in this discussion, Mr. Chairman, to preserve my judicial-mindedness. I have studiously refrained from all appeals to prejudice or passion. I have not allowed myself to use the occasion for partisan advantage. But, since my friend from Texas has insisted that I shall for a moment speak as a partisan,

let me remind him that the real flood-tide of defeat for the Republican party was *in 1890*, when there was only a corporal's guard left on this side of the House. In 1892 the number of Republicans on this floor was more than doubled. In 1894 the people of the country did all that they could to return power to the Republican party by giving it the magnificent majority in this House which now greets the eye of my Democratic friend. And if my friend will abide in patience the next election he will have opportunity to see what, viewed in the light of comparative *experience*, the people think of the principles and the practices, the men and the measures of the Republican party. [Applause.] And he will have the comforting assurance that not in a generation, not until a new crop of voters grow up who can not *remember*, will the Democratic party be again called upon to assume any responsibility in the administration of the affairs of this Government. [Loud applause.]

As I was proceeding to say, Mr. Chairman, when my friend diverted my attention [laughter], any honest and intelligent man who has the time to study in detail any reliable table of prices covering the last forty years will find that the prices of those things in the production of which anything like the same amount of labor must be expended have held their own or have increased; while things, and these are very numerous, in the making of which labor-saving inventions and machinery have been introduced have greatly fallen in price. This accounts for the fall in "*average* prices," about which so much has been said.

Mr. HOPKINS. Your argument, then, is that the things which ought to have been reduced in price since 1873 have been reduced, while the things that ought to have increased in price have increased.

Mr. McCLEARY of Minnesota. My friend from Illinois has with his usual clearness stated the case tersely and well.

Fifty years ago the average New England mill hand, with the machinery then in use, and working fourteen hours a day, produced 9,607 yards of cotton cloth. In 1892, with improved machinery and working only ten hours a day, the average mill hand produced 30,000 yards. "Working five-sevenths the time, and under vastly improved sanitary conditions, the wages are more than doubled, while the product has been greatly cheapened."

And while we are on this subject, here is something new and fresh in the same line. An article in a recent number of the Iron Age gives the statistics of one of the copper mines, the Quincy mine, in the Lake Superior district. These show that the production commencing with 2,498,574 pounds in 1864, had increased to 15,484,014 in 1894—the yield per fathom and the average richness being about the same. But the cost of production had decreased from 26.71 cents per pound in 1864 to 5.68 cents in 1894. So that the production in thirty years had increased almost sevenfold, while the cost of production is but one-fifth of what it was in 1864. Meanwhile the *monthly wages of the miners have increased from $38.76 in 1864 to $50.70 in 1894.* "The lowering of cost," says the Iron Age, "is of course due to the multiplicity of improvements in every department." It mentions some of them. High explosives, machine drilling, modern stamps for crushing the rock, more economical engines for hoisting and pumping, improved means of transportation, cheaper supplies, and more economical processes generally.

These are two illustrations of what has been going on in every department of industry and field of production. The lower prices result from the reduced cost of production. There is not the slightest evidence that the so-called "demonetization" of silver had anything to do with it. And the sure proof is that in this, as in nearly all other cases, the reduction of cost of production has been accompanied by an increase in the wages of the producer.

THE CAUSE AND RESULT OF LOWER PRICES.

The great staples of the world are cheaper because it takes *less human labor to produce them.* "Every new railroad and steamboat, every labor-saving machine and improved process of manufacture, increases the grasp which labor holds on the desirable things of the world."

And thus we see, Mr. Chairman, that the great fall in prices of manufactured articles during the last third of a century has been in the main perfectly legitimate, and that its ultimate result will be most beneficent. Taken in connection with the rise in wages, it *measures man's vastly increased command over the forces of nature.* Through it the world is helped in its grand march onward and upward, being blessed with increased abundance of the good things that minister to human comfort. The workingman of 1892 enjoyed comforts and luxuries which only nabobs could afford forty years ago. A larger proportion of our people in 1892 had a carpet on the floor and a musical instrument in the parlor, silver and fine linen on the table and springs on their beds, good clothes to wear and good food to eat, a carriage to ride in, and papers, magazines, and books to read than ever before in any age or country in the world. [Applause.]

These wonderful results have come as the beneficent fruitage of man's inventive genius in devising labor-saving machinery, of the marvelous new forces which men are harnessing for the service of the human family, of the remarkable improvement in modern facilities for transportation, and of the stoppage of the tremendous and cruel waste of war.

What will a day's work produce? This is the true test of progress. As prices decline compared with the reward of human labor the condition of the people is elevated. This is a process of natural law and a phase of evolution. Men struggle against it only because they do not understand it. Like all movements onward, it brings temporary hardship to individuals here and there. But for the vast mass of humanity it is bringing emancipation from want and the promise of that golden future when a minimum of time will be required to provide for the necessities that are simply physical and temporal, thus leaving time and opportunity for the cultivation of those elements in our nature that are spiritual and eternal. [Loud applause.]

A MEMBER. I thought Republicans believed in high prices.

Mr. McCLEARY of Minnesota. The gentleman is evidently not a Republican and has little conception of Republican doctrine. Republicans believe in high wages for labor and low prices for manufactured articles. But Republicans do not believe that any prices are low that leave American resources undeveloped and American workmen unemployed. [Applause.] Republicans point with pardonable pride, sir, to two undeniable facts, namely, that under Republican rule the prices of manufactured goods have greatly fallen, while on the other hand the wages of workmen have greatly risen. [Applause.]

Mr. PICKLER. How about wheat?

Mr. McCLEARY of Minnesota. My talented friend from North Dakota [Mr. JOHNSON] answered that question so ably last week that it seems unnecessary for anyone else to discuss that subject again this session. But there are a few points related to the subject which I had planned to consider in another connection. This matter is important, and in the hurry I might forget it. So, as my friend from South Dakota [Mr. PICKLER] has brought the matter up, and as it has a certain relevancy here, I shall ask attention to it now.

CHANGES IN WHEAT PRODUCTION.

I have here Senate Ex. Doc. 91, of the second session of the Fifty-third Congress, prepared by the Treasury Department, showing the imports and exports of certain countries by years for the last quarter of a century.

This report shows that the quantity of wheat exported from Russia in 1873 (and thus coming into competition with our wheat) was 6,957,164 chetverts; while in 1891 her export of wheat had risen to 16,306,000 chetverts, or considerably *more than double.*

The wheat exported by India in 1873 was 394,010 hundredweight; while in 1892 it had risen to 30,306,700 hundredweight, or *almost eighty times* as much.

But the report from the Argentine Republic is even more startling. In 1873 she exported not a bushel of wheat. She began to compete with us in 1876, in which year she exported 20,868 kilos. But by 1892, Mr. Chairman, her export of wheat had risen to 470,109,617 kilos, or more than *twenty-two thousand times* as much as in 1876!

Moreover, Mr. Chairman, the production of wheat in this country has grown enormously and its methods have been revolutionized.

Taking the States by groups, we find that the annual wheat crop of Maryland, New York, and Pennsylvania increased from 22,272,000 bushels in 1872 to 39,604,000 bushels in 1891, or about 80 per cent.

The production of the second group, comprising the States of Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, and Tennessee, increased during the same time from 116,690,000 bushels to 201,418,000 bushels, or over 70 per cent.

Taking as the third group California, Oregon, and Washington, we find that the production of this group has increased from 28,006,000 bushels in 1872 to 61,960,000 bushels in 1891, or about 120 per cent.

And in the fourth group, comprising Minnesota, the Dakotas, Iowa, Nebraska, Kansas, Missouri, and Texas, the increase during the same time is from 58,067,000 bushels to 269,851,000 bushels, the enormous increase of more than 210,000,000 bushels, or *nearly 400 per cent!*

And in these years have come mighty changes in the methods of producing and handling wheat. My colleague may make light of these changes; he simply shows thereby how little he knows from actual experience what these changes have really been. His statements would provoke a smile from anyone who has had actual experience in wheat farming during the last quarter of a century.

He speaks of the threshing machine as having been "brought to perfection in 1853." I am charitable enough to believe, Mr. Chairman, that my colleague really read that statement somewhere. But every man who has been around threshing machines very long

knows that even as late as the seventies they had as a rule 28-inch cylinders, were driven by horse power, and had a capacity of about 500 bushels of wheat per day, if the horse power did not bother too much. Now, the thresher is driven by steam, works untiringly, has a 40-inch cylinder or larger, and a capacity of 1,600 to 2,000 bushels of wheat per day.

It is true that the fundamental idea of the reaper had been invented before the war, but the reaper itself had not come into general use even in 1870. A large part of the wheat was then "cradled," another large part was cut by the old "hand-rake" reaper, and the rest by the "wonderful self-rake" reaper, then beginning to come into use. *All the binding was then done by hand.* Even after the self-rake reaper came into use, in the later seventies, it took four horses and five men to cut and bind as many acres as three horses and one boy can now cut cleaner, bind more firmly, and leave in better shape for shocking.

By the use of labor-saving machinery wheat raising has almost ceased to be farming and has become in large measure manufacturing.

The wonder is not that the price of wheat has fallen somewhat (though the actual farm price has not fallen so much as we are sometimes led to believe); the wonder is that the price has not fallen much farther. That it did not, up to 1891, is evidence that the standard of living had been rising. More people were eating wheat bread than formerly, and they ate it in larger quantities.

(I may be pardoned for remarking in this connection, that the chief cause for the lower prices during the last three years is that people have been eating less and poorer food.)

THE NET RESULTS OF 1871 AND THOSE OF 1891.

And now, Mr. Chairman, let us compare the actual net results of wheat raising in 1871 (the last year whose crop was marketed before the act of 1873) with those of 1891 (the last year whose crop was marketed under Republican rule).

The average export price of wheat in 1871, as shown by the reports of the New York Produce Exchange, was $1.367. (It had been only $1.142 in 1869 and $1.126 in 1870.) The average export price in 1891 was $1.094. This is the kind of statement that the average free-silverite likes to make, and *then stop*, leaving the impression that it marks the difference in net proceeds to the wheat raiser. But it is very far from doing so.

In the first place, as shown by the Statistical Abstract, page 360, it cost from 14 to 16 cents a bushel less in the latter year for freight between Chicago and New York. And, as shown on the same page, it cost only three-fifths as much for handling (elevators, insurance, etc.) between the same points. Taking the freight rates of the several years (Abstract, page 362), the reduction in rates from St. Paul or from Omaha to Chicago was at least 9 cents a bushel, or a reduction in cost of marketing between St. Paul or Omaha and New York of at least 25 cents. Subtracting this from $1.36 we have left $1.11. And this allows nothing for the difference in expense in getting the grain to St. Paul or Omaha. So that when the difference between the kinds of money has been allowed for (gold prices being taken in both cases), it is seen that the selling price in 1871 was practically the same in 1891 In fact, when reckoned in the same kind of money, the Chicago price of wheat in 1889 and 1890 was higher than in 1869 and 1870. We are sometimes deceived as to this by recalling to mind the *greenback* prices, and forgetting that greenbacks were then at a large discount.

But, Mr. Chairman, when we consider how much less it now costs to raise wheat than it did then; how a man and a boy can now harvest 120 acres as quickly and well as five men could then, thus saving entirely on an ordinary farm the "harvest wages" then paid; how the rate for threshing is only about half or less what it then was, we can see that even from a money standpoint it was just as profitable to raise wheat in 1891 as in 1871.

But when we consider how much more of the necessaries and comforts of life a bushel of wheat will buy now than then, it is easily seen that wheat raising was much more profitable in 1891 than in 1871.

THE SITUATION OF FARMERS IN 1873.

So much has been said by free-silver orators to mislead farmers into the idea that everything was prosperous with them before 1873 and nothing has been since, that I submit now a paragraph that I have copied from the Report of the Iowa State Agricultural Society for 1873. It is from an address delivered by C. H. Rogers at the Harrison County fair, and gives a faithful picture of the situation at that time in that mighty State:

> Proud of these aspects and of her progress in practical agriculture, still the condition of the laboring man and farmer is far from what is desirable. They have worked, watched, and waited for an adequate reward until weariness has well nigh turned to hopelessness. Farming has been a financial failure for the past three years. Hard toil has opened up fine farms and brought to the bins the products of unexampled harvests, but the sales have hardly paid expenses and bought cheap clothing until the coming harvest. There is no surplus to improve buildings, purchase thoroughbred stock, and furnish the home with any of the luxuries of art and literature.

As shown by my eloquent friend from Iowa [Mr. DOLLIVER], the Annual Report of the Iowa State Agricultural Society for 1873 gives the price of corn at the capital of Iowa in December, 1870, at 25 cents; in December, 1871, at 21 cents; in December, 1872, at 16 cents.

The price of all our staple products for every month in the year 1873 is preserved in the same report (the *greenback* prices, be it remembered) as follows:

Month.	Wheat.	Rye.	Barley.	Corn.	Oats.	Hay.
January	$0.95	$0.35	$0.40	$0.16	$0.20	$6.00
February	1.10	.35	.45	.17	.20	6.00
March	1.00	.35	.45	.17	.20	6.00
April	1.00	.35	.45	.18	.20	6.00
May	1.10	.45	.45	.22	.22	6.00
June	1.10	.35	.40	.23	.24	6.00
July	.85	.35	.....	.20	.20	6.00
August	.85	.35	.50	.22	.20	5.00
September	.75	.45	.60	.22	.27	5.00
October	.75	.45	.70	.22	.27	5.00
November	.75	.40	.70	.22	.20	5.00
December	.85	.40	.70	.22	.23	5.00

The average price of pork in Iowa for the season of 1871–72 was $3.74, and for the season of 1872–73, $3.52.

Let any man turn to the files of his local paper during the Administration of President Harrison and see how actual farm prices compared with the above.

The famous Senate report of 1893 on wages, transportation, and prices, which covers more items (223) than were ever before covered by such an investigation, shows that from 1873 to 1891 food products as a class had fallen less than 10 per cent, while clothing had fallen 32 per cent, building materials about 20 per cent, house furnishings 27 per cent, and implements 35 per cent. (And as compared with those of 1860, it appeared from this investigation that the price of food products as a whole had advanced 18 per cent.)

I am thoroughly of the opinion, Mr. Chairman, that if Omnipotence would vouchsafe to turn us back for just one month to the conditions of 1873 it would be an experience as fruitful in sound financial instruction as have been the experiences of the last three years in economic doctrine. [Applause.]

PROGRESS OF INVENTION.

Before leaving this branch of the subject, I desire to put into the RECORD, in answer to the remarkable statement of my colleague that "the inventions of the last quarter of a century have not been relatively so numerous or important as those from 1850 to 1873," the table from page 402 of the Abstract, showing the number of patents issued in the United States on inventions (every one of which must be for something "new and useful"), by years, from 1842:

Period before 1873.		Period after 1873.	
1842	517	1873	12,864
1843	519	1874	13,599
1844	497	1875	14,837
1845	503	1876	15,595
1846	638	1877	14,187
1847	569	1878	13,444
1848	653	1879	13,213
1849	1,077	1880	13,947
1850	993	1881	16,584
1851	872	1882	19,267
1852	1,019	1883	22,383
1853	961	1884	20,413
1854	1,844	1885	24,233
1855	2,013	1886	22,548
1856	2,505	1887	21,477
1857	2,896	1888	20,506
1858	3,695	1889	24,158
1859	4,504	1890	26,282
1860	4,778	1891	23,244
1861	3,329	1892	23,559
1862	3,532	1893	23,769
1863	4,184	1894	20,867
1864	5,025	1895	22,957
1865	6,616		
1866	9,458		
1867	13,026		
1868	13,410		
1869	13,997		
1870	13,333		
1871	13,056		
1872	13,613		

That is, Mr. Chairman, the inventions of the last six years alone exceed in number those of the period to which my colleague refers. And even to our minds, accustomed though they are to the wonderful march of invention, the character of recent discoveries is actually startling.

And the progress of invention in other lands has been relatively almost as great.

SOME OF THE FRUITS OF TWENTY YEARS.

And now, sir, let us take a glimpse at some of the mighty accomplishments of the years 1872 to 1892.

Turning to the Abstract before cited, pages 6 and 7, we find that the public debt was reduced from $1,814,794,100 in 1872 to $585,029,330 in 1892, or to less than one-third; while the annual interest charge was reduced from $103,988,463 to $22,893,883.20, or to about one-fifth what it had been twenty years before. Putting this statement into the "per capita" form, which is so much affected by some of our friends, the public debt was reduced from $52.96 per capita in 1872 to $12.86 in 1892; while the per capita interest charge was reduced from $2.56 to 35 cents. Such a tremendous reduction in public debt, sir, was never before accomplished in history. It is an achievement in which every American may justly take pride. [Applause].

Turning to page 43 of the Abstract, we find that the deposits in national banks rose from $673,400,000 in 1873 to $1,118,600,000 in 1882, and to $2,022,500,000 in 1892. And turning to page 46 of the Abstract, we find that in the *ten* years, 1882 to 1892, or half the time above considered (I have no data for the other ten years, but the increase was no doubt equally great), the increase in savings banks was the enormous sum of almost $800,000,000. That is, sir, in addition to building better homes and furnishing them better, wearing better clothes and spending more money in living, the actual increase in money saved and deposited in savings and national banks alone, without considering the increased deposits in State and private banks and in the stock of building and loan associations—the increase in actual money savings of our people was almost $2,000,000,000 in the *ten* years ending in 1892.

Turning now to page 379 of the Abstract, we find that the assessed valuation of the land has increased from $9,914,780,825 in 1870 to $18,956,556,675 in 1890, or almost double. And although the amount of local and State taxes increased from $280,591,521 in 1870 to $471,365,140 in 1890, the *rate* of taxation fell from $1.98 on the $100 in 1870 to $1.85 on the $100 in 1890.

And so we might go on, Mr. Chairman. These facts are simply typical of numberless others that might be instanced to show the mighty achievements of the twenty years ending in 1892, achievements which have challenged the wonder and admiration of the world. [Applause.] And in another connection, in seeking to show that this country could alone undertake the task of "restoring silver," my colleague himself bore eloquent tribute to these same accomplishments.

It is very plain that those were not years of "ruin."

A MEMBER. How about increase in private indebtedness?

Mr. McCLEARY of Minnesota. Ah, Mr. Chairman, if the gentleman will take the trouble to investigate, he will find that it was not the act of 1873 but the *boom* in city lots in 1883 and in farm lands in 1891 that caused most of the private indebtedness under which so many are now struggling. It is the evidence of the debtor's faith in the future; a faith, sir, which that future will abundantly justify. [Applause.]

And, while we are on this point, let me give the committee the facts revealed by the investigations of the labor commissioner of the State from which my colleague and I both hail.

The report for 1893 shows that the total farm debt of Minnesota was in round numbers $39,000,000, an *increase* in ten years of $4,000,000. But, sir, during those ten years there was an increase in the value of—

Farm machinery	$3,826,000
Live stock	26,860,000
The land	146,000,000
Total increase in farm wealth	176,686,000
Increase in debt	4,000,000
Net increase in farm wealth	172,686,000

Moreover, Mr. Chairman, the mortgage foreclosures in our State in 1892 and 1893, as compared with those of 1880 and 1881, show a *decrease* of 12.5 per cent in acreage, 33.1 per cent in number, and 34.4 per cent in amount. [Applause.] The people of Minnesota know that her farm lands are constantly and rapidly increasing in value, and so they have bought and still continue to buy more than they can now pay for, in the full faith that the future will reward them for the self-denial and risk of the present. And those who have not gone in too far will find ten years from now that they have done wisely and well. What they need especially to be warned against is the counsel of men who would influence them through their present necessities rather than their permanent advantage. On this point I shall speak later, if time permits.

THEORETICAL BIMETALLISM.

And now, Mr. Chairman, having shown that the years from 1872 to 1892, so far from being years of disaster, have, by my colleague's own testimony, been years of mighty achievement, we have reached a point in this discussion where confessedly it is not a condition but a theory that confronts us, the theory which my colleague cherishes under the delusive name of "bimetallism"; a recently conceived theory, born of recent needs and hopes and fears; a theory which never came into existence as such until time was ripe for its utter refutation; a theory so new that even the name of it can not be found in the latest edition of Webster's Unabridged Dictionary, except in the supplement; a theory which is "almost the only instance in history of a theory growing not out of practice, but the failure of practice; resting not on data verified, but on data falsified and censure-marked."

The theory is this: A country, by opening its mints to the unlimited coinage of gold and silver at a fixed ratio and making the coins of both full legal tender, will secure thereby the *concurrent circulation* of both as money. This is the essential part of the theory, though it has, as stated by its different advocates, numerous minor addenda. One class of so-called "bimetallists" claim that "the open mint absolutely fixes the parity of the two metals at the legal ratio"; while another class of them claim no more than that it "*tends* to do so," and then they add the gratuitous statement that "thus the two metals become one mass for money purposes," whatever that may mean. To the man who is interested in silver production, the view that free coinage would "enhance the price of silver" is held up, and much is made of alleged "rights" of silver, forgetting that neither silver nor gold has any rights, being simply instruments to be used by man in such ways as shall best serve his purposes. With the man whom they believe to be desirous of repudiating his just obligations under cover of law, they take the opposite tack, claiming that free coinage would lower the unit of value, thus giving a fictitious enhancement of prices and thus enabling debts to be paid more easily.

I propose to show, Mr. Chairman, that free coinage of both metals would not result in their concurrent circulation; and that so far as debtors are concerned it is true here as elsewhere that honesty is indeed the best policy. I propose to show that the thing dubbed by them "bimetallism" is in fact monometallism of the worst kind; and that, so far from giving us more money for the transaction of business, it would give us less money and poorer money.

HOW "FREE COINAGE" REALLY WORKS.—THE GRESHAM LAW.

It seems very natural to expect that if both metals *may* be coined, both metals *will* be coined; and that if both are coined, both will circulate as money. This view is so natural that it is not to be wondered at that persons having little time to devote to the careful study of the subject should believe it to be correct. A little investigation and study, however, will reveal the utter fallacy of the claim.

There is a Lawmaker higher even than Congress—One whose decrees, like Himself, are unchangeable. One of His laws—written in the fibers of every human soul; one which no act of Congress can abrogate or change—is that which prompts every human being to do in a business way that which he deems to be for his own best interest. If a farmer who is equally near to two markets finds that he can get for his barley or his wheat, his eggs or his wool, a better price in one market than in the other, he will, other things being equal, take his product to the place where he is offered the better price, even though the difference per unit be quite small. This holds good also with the producer of gold and silver.

I need not explain to the committee what is meant by coining at the ratio of, say, 15 to 1. It means, of course, that at the mint 15 ounces of silver are treated as equal to 1 ounce of gold.

But silver and gold are both used in the arts, and the goldsmiths and silversmiths get their gold and silver by buying it. This fact gives rise to what is known as the market ratio between the metals as distinguished from their mint ratio. Now, if gold or silver is worth more as bullion than as money, if the market price of either is at any time greater than the mint valuation, it is clear that the metal thus undervalued at the mint will be disposed of in the market as bullion and will cease to circulate as money.

The famous law of money, that "with unlimited coinage of both metals at a fixed ratio, the metal that is overvalued at the mint will go to the mint and will circulate as money, while the metal that is undervalued at the mint will retire from circulation," was first discovered by Oresme, of France, councillor of Charles the Wise, who was having trouble with his money in consequence of having unlimited coinage of both metals. The same conclusions were reached 160 years later by the independent investigation of Copernicus, the eminent astronomer, when he was called upon by Sigismund, King of Poland, to formulate a plan for the reform of the intolerably disordered money system of that ancient monarchy. And in the latter part of the 17th century it was again discovered and formulated by Sir Thomas Gresham, adviser of Queen Elizabeth of England, in honor of whom it has been called the Gresham law. This fundamental principle or law of coinage has been found true in all ages and countries, whenever and wherever the experiment has been tried.

THE EXPERIENCE OF FRANCE.

My colleague, as is common with men who desire to sustain the wisdom of this theoretical "bimetallism," has appealed to the experience of France for justification. Let us see what the experience of France really was.

The points which my colleague seeks to establish by the chart, to which I now invite your attention, are:

1. That France by establishing, in 1803, her mint ratio at 15½ to 1 "sustained for 70 years single-handed and alone her legal ratio as the commercial ratio of the world."

TOWNE'S, B.

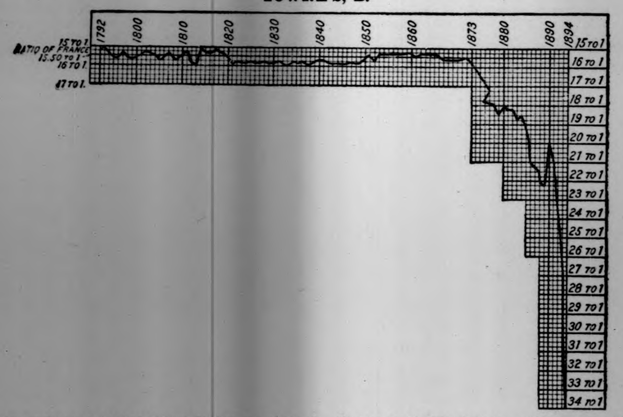

2. That during these years France had real bimetallism; that is, that she enjoyed the concurrent circulation of both metals.

3. That the fall in the price of silver is solely due to unfriendly legislation on the part of many nations. But, nevertheless,

4. That the United States can now fix the ratio where we please, and maintain it there regardless of the action of other nations.

Reverting now to my colleague's first claim as stated above, I would say that, as usual, his chart exhibits *too little* of the truth. Had he carried his exhibit back far enough, he could have shown that *the ratio was just as steady for nearly 120 years before the French act of 1803 as during the 70 years following its passage*, as will be seen by the following table of average ratios taken from the latest report of the Director of the Mint, page 239:

Commercial ratio of silver to gold for each year since 1687.

[NOTE.—From 1687 to 1832 the ratios are taken from the tables of Dr. A. Soetbeer; from 1833 to 1878 from Pixley and Abell's tables; and from 1878 to 1892 from daily cablegrams from London to the Bureau of the Mint.]

Year.	Ratio.	Year.	Ratio.	Year.	Ratio.	Year.	Ratio.	Year.	Ratio.
1687	14.94	1729	14.92	1771	14.66	1813	16.25	1854	15.33
1688	14.94	1730	14.81	1772	14.52	1814	15.04	1855	15.38
1689	15.02	1731	14.94	1773	14.62	1815	15.26	1856	15.38
1690	15.02	1732	15.09	1774	14.62	1816	15.28	1857	15.27
1691	14.98	1733	15.18	1775	14.72	1817	15.11	1858	15.38
1692	14.92	1734	15.39	1776	14.55	1818	15.35	1859	15.19
1693	14.83	1735	15.41	1777	14.54	1819	15.33	1860	15.29
1694	14.87	1736	15.18	1778	14.68	1820	15.62	1861	15.50
1695	15.02	1737	15.02	1779	14.80	1821	15.93	1862	15.35
1696	15.00	1738	14.91	1780	14.72	1822	15.80	1863	15.37
1697	15.20	1739	14.91	1781	14.78	1823	15.84	1864	15.37
1698	15.07	1740	14.94	1782	14.42	1824	15.82	1865	15.44
1699	14.94	1741	14.92	1783	14.48	1825	15.70	1866	15.43
1700	14.81	1742	14.85	1784	14.70	1826	15.76	1867	15.57
1701	15.07	1743	14.85	1785	14.92	1827	15.74	1868	15.59
1702	15.52	1744	14.87	1786	14.96	1828	15.78	1869	15.50
1703	15.17	1745	14.98	1787	14.92	1829	15.78	1870	15.57
1704	15.22	1746	15.13	1788	14.65	1830	15.82	1871	15.57
1705	15.11	1747	15.26	1789	14.75	1831	15.72	1872	15.63
1706	15.27	1748	15.11	1790	15.04	1832	15.73	1873	15.92
1707	15.44	1749	14.80	1791	15.05	1833	15.93	1874	16.17
1708	15.41	1750	14.55	1792	15.17	1834	15.73	1875	16.59
1709	15.31	1751	14.39	1793	15.00	1835	15.80	1876	17.88
1710	15.22	1752	14.54	1794	15.37	1836	15.73	1877	17.22
1711	15.29	1753	14.54	1795	15.55	1837	15.83	1878	17.94
1712	15.31	1754	14.48	1796	15.65	1838	15.85	1879	18.40
1713	15.24	1755	14.68	1797	15.41	1839	15.62	1880	18.05
1714	15.13	1756	14.94	1798	15.59	1840	15.62	1881	18.16
1715	15.11	1757	14.87	1799	15.74	1841	15.70	1882	18.19
1716	15.09	1758	14.85	1800	15.68	1842	15.87	1883	18.64
1717	15.13	1759	14.15	1801	15.46	1843	15.93	1884	18.57
1718	15.11	1760	14.14	1802	15.26	1844	15.85	1885	19.41
1719	15.09	1761	14.54	1803	15.41	1845	15.92	1886	20.78
1720	15.04	1762	15.27	1804	15.41	1846	15.90	1887	21.13
1721	15.05	1763	14.99	1805	15.79	1847	15.80	1888	21.99
1722	15.17	1764	14.70	1806	15.52	1848	15.85	1889	22.09
1723	15.20	1765	14.83	1807	15.43	1849	15.78	1890	19.75
1724	15.11	1766	14.80	1808	16.08	1850	15.70	1891	20.92
1725	15.11	1767	14.85	1809	15.96	1851	15.46	1892	23.72
1726	15.15	1768	14.80	1810	15.77	1852	15.59	1893	26.49
1727	15.24	1769	14.72	1811	15.53	1853	15.33	1894	32.50
1728	15.11	1770	14.62	1812	16.11				

Not even the boldest free-silver man will claim that the famous Napoleonic law could have acted *by anticipation* for more than a century. As that law did not affect the years before it was passed, yet the ratio was just as steady then as after it was enacted, the burden of proof rests upon the free-silver advocates to show that the law referred to had anything to do with the steadiness of ratio after it was passed.

FRANCE DID NOT HAVE CONCURRENT CIRCULATION.

Now let us examine the second claim, namely, that during this period France enjoyed the concurrent circulation of both metals. This is the supreme test of their philosophy.

It will be seen on a close examination of my colleague's chart that the waving line (representing the commercial ratio) is part of the time above and part of the time below the straight line representing the legal ratio, *but that it never remained*, even for a single year, *coincident* with it; nay, they can not show that for *a single month* during all those seventy years did the legal ratio control the commercial ratio and keep the two coincident. And now let us consider the consequences of this.

Looking carefully at the chart, we note that during the thirty years from 1820 to 1850 the commercial ratio remained persistently below the legal ratio, and that during the next fifteen years the commercial ratio continued almost as steadily above the legal ratio. In plain English, what does that mean? It means that from 1820 to 1850 silver was *worth more* at the mint than in the market, or, in other words, it was worth more as coin than as bullion, while the opposite was true of gold. What might we expect as the natural result? Why, of course, that each metal would go where it was most profitable to take it; that is, the silver to the mint, to be coined and used as money, and the gold to vaults for hoarding, to other countries, or to the melting pot of the goldsmith. And during the following fifteen years, from 1850 to 1865, we should naturally expect the reverse process, namely, that gold (being overvalued at the mint) would be coined for use as money, while silver (being undervalued at the mint) would go to the melting pot or be exported. And that this was precisely what did take place can be shown by abundant and unimpeachable testimony.

My first authority is Henry Dunning MacLeod, who, on pages 14 and 15 of his book entitled "Bimetallism," says:

> The period between 1803 and 1873 is cited by bimetallists as the golden age of bimetallism. But if they imagine that there was during that period a general circulation of gold and silver coin in unlimited quantities, they are under a woeful delusion. The French Government pillaged all the sanctuaries in France of their vast masses of silver plate, and the French liberating armies pillaged all the treasuries and sanctuaries of the countries they came to liberate.
>
> Immense quantities of silver plate were sent to the mint to be coined. The consequence was that, while the legal ratio of silver to gold was 15½ to 1, the market ratio became 17 to 1. *No gold coin, therefore, got into general circulation.* During the period from 1803 to 1820 there was for eleven years a premium on gold, sometimes as much as 3 per cent, which, of course, prevented gold coming into general circulation. But after 1820 the premium on gold rose very considerably, and between 1820 and 1847 it was usually an average of 10 francs per mille, but in many years 18, 19, 20, and 21 francs, which, of course, utterly precluded any gold getting into circulation.

> I myself can testify that in 1839 there was not to be seen a gold coin in France in common use.
>
> But in 1851 a great change took place. The gold discoveries in California and Australia caused floods of gold to be imported into Europe, and in 1851 silver rose to a premium. Then the money in common use *changed from silver to gold.* I was residing in a seaport town in 1857, and every steamer which came in was loaded with casks of Scotch whisky going to be transmuted into French brandy, and every steamer that went out had its decks piled with 5-franc [silver] pieces. The same was true at every other seaport. Silver departed from France in floods; every steamer and every diligence that left France carried away loads of these 5-franc pieces.
>
> At last the scarcity of silver became so great that it became necessary to coin those pestilent 5-franc pieces in gold.

And, not to weary the committee with needless repetition of statements all showing the same thing, I now cite the statement of the French Monetary Commission of 1867 itself, made six years before 1873:

> It is well known by all that this ratio (of 1803), by the simple reason of its being fixed, could not remain correct. There was quickly a premium on gold, and silver remained almost alone in circulation until near 1850. The discovery of the mines of California and Australia suddenly changed this situation by throwing into the European market a very considerable quantity of gold. There was a premium on silver to the extent of 8 per mille, and it disappeared almost completely from circulation, yielding place to gold.

And thus we see, Mr. Chairman, that the French legal ratio never succeeded in holding the commercial ratio coincident with it, and that France during those much-vaunted years did *not* enjoy the concurrent use of both metals.

FRENCH COINAGE TABLES.

And even the tables of French coinage introduced by my colleague to prove concurrent coinage and circulation will, upon careful examination, help to repudiate his claim and overturn his theory. Here is his table:

Coinage of France.	Gold (average per annum).	Silver (average per annum).
1806-1810	£1,201,136	£1,184,737
1811-1815	3,299,503	5,238,029
1816-1820	1,951,604	993,111
1821-1825	465,748	3,526,432
1826-1830	293,976	5,032,004
1831-1835	826,149	6,576,129
1836-1840	589,857	3,048,189
1841-1845	159,326	3,033,286
1846-1850	1,294,337	4,311,276
1851-1855	12,669,393	1,431,755
1856-1860	21,905,495	666,651
1861-1865	7,667,357	175,008
1866-1870	9,546,561	3,402,020
1871-1875	2,475,213	2,742,776
Total coined	322,993,410	217,640,234

The committee will note how very small was the coinage of gold from 1820 to 1845 (the table should show that it continued very small until 1849) and how large the coinage of silver during these same years. Then, on the other hand, notice how enormous the gold coinage was from 1850 to 1870 (amounting to over $250,000,000) and how insignificant was the silver coinage from 1850 to 1865. And remembering our own experience from 1861 to 1879, when we coined vast quantities of both metals, but had neither in circulation, we can easily understand that the coinage of gold from 1820 to 1849 was almost entirely for purposes of hoarding or sale, as shown by the statements of MacLeod and the French Commission, quoted above. And similarly we can understand that even the small coinage of silver from 1850 to 1865 was not for purposes of circulation.

THE LATIN UNION.

All the countries having the French system (France, Belgium, Switzerland, and Italy) had this same experience. Silver for change became so scarce there in the later fifties and the early sixties as to embarrass business. In a year or two this condition became unbearable, and in 1865 these countries formed what is known as the Latin Union. The object of the Union was *not to maintain* the "bimetallic" system (as is so often stated), but to *provide a defense against it.* We are told that at the preliminary conference of delegates, "Belgium proposed the single gold standard—the silver pieces, including the 5-franc pieces, to be lowered by an agio, and made divisional money. Italy and Switzerland were of the same opinion, but their scheme failed before the opposition of France." But by the convention of December 23, 1865, which instituted the Latin Union, "the hitherto full-valued silver coinage from 2 francs down was *changed into token money*," and the coinage and tender of these coins was *limited.* This was clearly, as I said before, not the maintenance of the "bimetallic" system, but a defense against its operation; that is, it was a measure to prevent the loss of the small silver needed for "change." In order to put this fact beyond all controversy, I quote the French Monetary Commission of 1867, which, in speaking of the intention in forming the Union, says:

> This convention places in the front rank gold money and reduces the pieces of silver of two francs and less to the rôle of *token money.* It therefore definitely determines the ascendency of the gold francs, and *solves practical difficulties arising from the double standard.*

But the 5-franc silver piece was left undisturbed, with "free coinage" and unlimited tender. The folly of this was not long in making itself apparent. By 1867 the production of silver had greatly increased, and its commercial ratio had fallen below its ratio at the mints of the Latin Union; that is, it had by that time again become more profitable to coin silver and dispose of it as money than to sell it as bullion, while the opposite was true of gold. The result is plainly shown in the coinage table of my colleague, quoted above. The committee will note that in the five-year period ending 1870 the coinage of silver increased enormously over that of the preceding five years; and, on the other hand, beginning with 1870 (it really began in 1868) the coinage of gold fell off very greatly. This was the result of continuing the "free coinage" of the silver 5-franc piece. Seeing that, in consequence of the fall in silver, which had then begun, they were in danger of losing their gold coin if their mints were continued open to the "free coinage" of the silver 5-franc pieces, the Union first limited their coinage of them; and then, the menace still continuing, closed their mints entirely to coinage of silver on individual account. Thus it appears, Mr. Chairman, that silver did not fall because of the closing of those mints; but *the mints were closed to silver because of its fall.*

Mr. Leon Say, then the French minister of finance, in giving the "motifs" of the act of 1876 (which suspended entirely the coinage of these 5-franc silver pieces), said:

> The theory of the double standard, on which our monetary law of the year XI (1803) reposes, has been called in question ever since its origin.
>
> It is, to our conception, *less a theory than the result of primitive inability* of the legislators to combine together the two precious metals otherwise than by way of an unlimited concurrence—metals, both of which are destined to enter into the monetary system, but which recent legislators have learned to coordinate by leaving the unlimited function to gold alone and reducing silver to the rôle of divisional money. *From 1857* the French Government has studied the question, and it may be stated that since that date the principle of the gold standard has won increasing favor through our several administrations.

From this we see that the action of France and the Latin Union (and indeed of nearly all civilized nations) in discontinuing the effort to maintain so-called "bimetallism" was not a notion suddenly conceived in the early 70's, but a course of action whose wisdom had continually grown upon their financial leaders for many years; emphasized by the loss of their silver money in the 50's, and then about 1870 again emphasized by the threatened loss of their gold money, this alternate loss of one or the other money metal having by that time become recognized as a necessary and legitimate consequence of having unlimited coinage and tender of both metals. And the tremendous increase in gold production had made it plainly practicable to apply the remedy.

Summing up, we have seen that the existence of the French legal ratio did not even for a single month hold the commercial ratio coincident with it; that, as a consequence, France had at first silver monometallism for a long period, then gold monometallism, and then the danger of a return to silver monometallism, which she prevented by abandoning her so-called "bimetallic" law; that the Latin Union was formed not to perpetuate that kind of "bimetallism," but as a defense against its action; and that the closing of their mints to silver was not the cause but the consequence of the fall in silver. [Applause.]

THE QUESTION OF RATIOS.

By inference we are led to believe that this recent fall in the price of silver has no counterpart in history. Some free-silver advocates speak as if the relation of 16 to 1 was something fixed by divine decree, and which until 1873 had existed through all the ages. Indeed, the great leader of the Populists in Minnesota, a man of wonderful eloquence but scant information on these subjects, speaking in his paper of the length of time during which silver has been used as money, referred to Abraham's purchase of the field of Ephron for 400 shekels of silver, and then added, "Yes, my friends, and even in those days *the ratio was 16 to 1.*" [Laughter.] He evidently had not recently been reading the Book from which he drew his illustration. For had he turned to Genesis xxiii, 16, where this famous transaction is recorded, he would have read: "And Abraham *weighed* to Ephron four hundred shekels of silver, * * * current money with the merchant." The shekel there referred to was a Jewish *weight*, not a Jewish coin. There is no mention of gold as money at that time, and no mention of coining. Silver was money by weight, just as gold was in the early days of California. And no one can tell what the ratio of the metals was then and there, if any.

But Alexander Del Mar, whom free-silverites so often quote as authority, tells us in his History of Monetary Systems that in the Archaic Period the ratio was 1 to 1, that is, silver was esteemed as highly as gold. By the Vedic Period the ratio had, for some reason, fallen to 2 to 1, that is, silver had fallen 50 per cent in relation to gold. *Then* was taken the momentous step; gold and silver separated then, never again to be united. After that it was simply a question of degree. In the Brahminical Period the ratio had fallen to 5 to 1, a further fall of 60 per cent in the price of silver. In the Buddhic Period the ratio was 6½ to 1. Through the Middle Ages, according to Marco Polo, the ratio varied from 4 to 1 in some countries to 10 to 1 in others.

About 1150 the average ratio of Europe was 8 to 1; and according to Munch's History of Norway this was the ratio in that country a century later. At the time of the discovery of America the average ratio was 10¾ to 1. But by 1600, according to Soetbeer, the ratio had fallen to 12½ to 1. And between 1620 and 1650, according to the same authority, the ratio had fallen to 15 to 1. This remarkable fall of nearly 25 per cent in about as many years, Soetbeer explains as being caused by the vast increase in the production of silver, "the great influx of silver that took place after 1545 from Peru, Potosi, and Mexico," and by the increased demand for gold, "due to continuous wars," and later to a "great growth in international trade," for which, as he says, "gold was a better medium than silver." But the statement of Soetbeer in this connection to which I desire the special attention of the committee is this:

Nor can we believe, after repeated examination, *that the rise* in the value of gold *is to be ascribed chiefly to mint regulations.* On the contrary, these regulations are generally *based on changes in the price of gold that had already taken place in the open market.*

And a few pages farther on Soetbeer uses this language:

Beginning with 1873, the ratio changed still further in favor of gold. This is the event, *analogous to the phenomena of the years 1629–1650*, which has attracted so much attention from governments, economists, and business men.

Regarding the former change in ratio, Soetbeer said that it was "not to be ascribed chiefly to mint regulations." And this later change he declares to be "analogous," or similar, to the former—that is, according to Soetbeer, the fall in silver since 1873 is "not to be ascribed chiefly to mint regulations." On this point Dr. Soetbeer, the most eminent statistician of Germany and one of the foremost students of this century, is so unfortunate as not to agree with my colleague; but I have an idea that the sober business sense of the country will indorse the view of the former, even though it is set forth without any effort at rhetorical display, but with the single purpose of historical accuracy.

THE "COMPARATIVE BULK" PROPOSITION.

And now we have reached what my colleague virtually announced to be the citadel of his strength, the exhibit which he vauntingly declares to be "absolutely unanswerable."

This "thing wonderful," this last reliance of my colleague's cause, is exhibited to the eye in the following chart:

TOWNE'S, C.

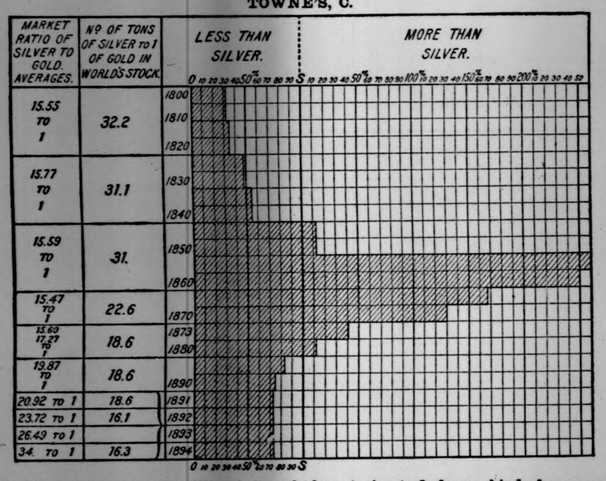

One's first impulse on looking at it is to inquire, What is it, and what does it mean? After a little study, the former question can be answered pretty definitely. But in declaring its "meaning" and the conclusions to be drawn from it my colleague becomes sadly mixed and contradictory.

The *fact* which the chart is intended to exhibit is, in plain terms, this: At the beginning of the century there were 32.2 times as many tons of silver in the world as there were tons of gold, but at that time the value of a ton of gold was only 15.55 times the value of a ton of silver. In other words, when the bulk ratio was 32.2 to 1 the value ratio was 15.55 to 1. After 70 years had passed by the bulk ratio had fallen to 22.6 to 1, yet the value ratio had remained almost unchanged, being then 15.47 to 1. But by 1894, when the bulk ratio had fallen to 16.3 (that is, when there were only 16.3 times as many tons of silver in the world as there were tons of gold) the value ratio had fallen to 34 to 1 (that is, a ton of gold is worth as much in the market as 34 tons of silver).

My colleague gives high authority for these estimates, and we shall accept them as true (though the method of drawing the chart is misleading, as I shall show later). Then arises the question, *What of it?* Here my colleague's confusion begins. It is very difficult to discover what inferences he does really draw. The statements of his speech are not at all clear on this matter. But as nearly as I can make out, he wishes us to infer two things; namely:

1. That, since in the first seventy years of the century the bulk ratio of the metals changed greatly, yet the value ratio changed very little, both metals having during all that time "free coinage," their relative value depends *not upon their relative quantity but upon mint regulations.*

2. That, since the bulk ratio is now about 16 to 1, the mints should be opened to the "free coinage" of both at that ratio.

No other statement of my colleague's speech, Mr. Chairman, has been received with such hilarious joy by the free-silverites as this last. They have been groping around for some time trying to find some reasonable way to justify the special ratio 16 to 1. They have been trying to find some kind of an answer to the question, "If 16 to 1 is good and can be maintained by simple legislative enactment regardless of the commercial value of silver, why would not 8 to 1 be better, and 4 to 1 better still? And while we are at it and can do it just as well as not, why not make the ratio straight 1 to 1, giving silver precisely the same treatment as gold?" These very reasonable questions have perplexed our free-silver brethren very greatly. They saw plainly that, reasoning from their premises, the conclusion of 1 to 1 was inevitable. Nor could they see any way to avoid the further conclusion that, on this ground, copper at 1 to 1 was also inevitable. And from that to absolutely fiat money is but a step. Their good sense told them that this last conclusion could not be defended; nor the one before that, providing for copper coinage; nor the one for coining gold and silver on absolutely equal terms—1 to 1. Yet these absurd conclusions were logically inevitable unless they could find some seemingly *natural* reason for choosing the ratio of 16 to 1, regardless of the commercial ratio. Hence their hilarity when my colleague assured them that this is to-day almost the exact bulk ratio of the two metals.

"Drowning men will clutch at straws," and the inherent weakness of the free-silver argument is clearly seen in the feverish eagerness with which its advocates, even the most prominent of them, grasp at this *temporary* coincidence of the bulk ratio with their proposed *permanent* mint ratio. In their hilarity they forget that my colleague, just before showing this courage-inspiring coincidence, had demonstrated by his chart that the relative value of the two metals *does not depend on their relative bulk.* And when in this connection my colleague intimates that the relative value therefore depends on mint regulations, he evidently forgets that he himself in another part of this same speech declares:

The Government stamp can not create value. Whether a coin when stamped shall be effectual to pass at the value it claims to represent will depend upon the use it can command.

WHAT IS THE TRUTH IN REGARD TO THE RATIO?

When my colleague shows that the relative value of the two

metals is not determined by their relative bulk, he wastes time in proving what every well-informed student of the subject already knows: he is simply "striking a man of straw." What he shows is, however, as usual, only a part of the truth. And in drawing his conclusions, he becomes, as we have seen, strangely mixed and contradictory. Let us try to discover and state the whole truth in this matter, both as to facts and conclusions.

The value of wheat does not depend on the value of oats. The value of each depends on conditions of its own, on the size of the crop, the demand for it, and the cost of production. Wheat and oats may both be high at the same time; they may both be low at the same time, or one may be high when the other is low—their relative value is not determined by their relative bulk. The value of each having been determined *independently*, as suggested, their relative value or ratio may then easily be computed. And so it is with silver and gold; the value of each depends upon conditions peculiar to itself—the value of silver upon the supply of and the demand for silver, taken in connection with the cost of its production: and the value of gold being similarly determined. The value of each having thus been independently determined, their relative value or ratio becomes a mere matter of arithmetic.

THE WORLD'S PRODUCTION AND USE OF SILVER.

My colleague's chart, probably without any such intention on his part, is very misleading on two points of vital importance, in that it represents the production or average bulk of *silver as constant* and that of *gold as having greatly diminished* since 1870. How very misleading this is will be seen by the following table, taken from the latest report of the Director of the Mint, pages 248–9:

Production of gold and silver in the world since the discovery of America.

[From 1493 to 1885 is from a table of averages compiled by Dr. Adolph Soetbeer. For the years 1886 to 1894 the production is the annual estimate of the Bureau of the Mint.]

Period.	GOLD. Annual average for period.		SILVER. Annual average for period.	
	Ounces, fine.	Value.	Ounces, fine.	Coining value.
1493-1520	186,470	$3,855,000	1,511,050	$1,954,000
1521-1544	230,194	4,759,000	2,899,930	3,749,000
1545-1560	273,596	5,656,000	10,017,940	12,952,000
1561-1580	219,906	4,546,000	9,628,925	12,450,000
1581-1600	237,267	4,905,000	13,467,635	17,413,000
1601-1620	273,918	5,662,000	13,596,235	17,579,000
1621-1640	266,845	5,516,000	12,654,240	16,361,000
1641-1660	281,955	5,828,000	11,776,545	15,226,000
1661-1680	297,709	6,154,000	10,834,550	14,008,000
1681-1700	346,095	$7,154,000	10,992,085	$14,212,000
1701-1720	412,163	8,520,000	11,432,540	14,781,000
1721-1740	613,422	12,681,000	13,863,080	17,924,000
1741-1760	791,211	16,356,000	17,140,612	22,162,000
1761-1780	665,666	13,764,000	20,985,591	27,133,000
1781-1800	571,948	11,825,000	28,261,779	36,540,000
1801-1810	571,563	11,815,000	28,746,922	37,168,000
1811-1820	367,957	7,606,000	17,385,755	22,479,000
1821-1830	457,044	9,448,000	14,867,004	19,144,000
1831-1840	652,291	13,484,000	19,175,867	24,793,000
1841-1850	1,760,562	36,393,000	25,090,342	32,440,000
1851-1855	6,410,324	132,513,000	28,488,597	36,824,000
1856-1860	6,486,232	134,083,000	29,605,428	37,618,000
1861-1865	5,949,582	122,980,000	35,401,972	45,772,000
1866-1870	6,270,086	129,614,000	43,051,583	55,663,000
1871-1875	5,591,014	115,577,000	63,317,014	81,864,000
1876-1880	5,543,110	114,586,000	78,775,602	101,851,000
1881-1885	4,791,755	99,116,000	92,003,944	118,935,000
1886	5,135,679	106,163,900	96,297,290	124,526,900
1887	5,116,861	105,774,900	96,123,586	124,281,000
1888	5,330,775	110,194,900	108,827,606	140,706,400
1889	5,975,790	123,489,200	120,213,611	155,427,700
1890	5,749,906	118,848,700	126,095,042	163,032,000
1891	6,320,194	130,650,000	137,170,919	177,352,300
1892	7,162,180	146,815,100	153,151,762	198,014,400
1893	7,609,242	157,297,000	165,165,876	213,547,800
1894	8,705,836	179,905,600	166,601,995	215,404,600

Production of gold and silver in the world, etc.—Continued.

From the foregoing table it will be seen that the production of silver in the whole world never but twice reached $30,000,000 a year before 1841; that by 1866–70 the annual production of silver had become almost double that amount; that by 1876–80 it had passed the $100,000,000 mark; and that now the annual production of silver is more than *seven times* what it was half a century ago. During that time the population of the world has not quite doubled. That is, sir, while the world's population has increased at the rate of about 2 per cent a year, the annual production of silver has increased by 600 per cent! In other words, to use a favorite method of theirs, the "per capita" of silver has increased enormously; so we would naturally expect an enormous fall in its price.

The following chart, prepared by my good friend from North Dakota [Mr. JOHNSON], exhibits to the eye the increase in its production and the decrease in its price since 1873:

McCLEARY'S, D.

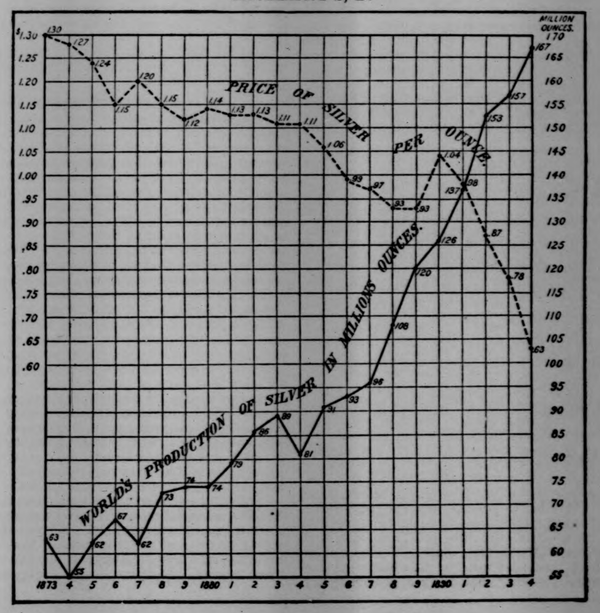

some reasonable way to justify the special ratio 16 to 1. They have

When my colleague shows that the relative value of the two

From this (remembering also that the cost of production has greatly decreased) we see that the fall in the price of silver has not been as great as we would naturally expect. How is this accounted for? This wonderfully sustained price of silver can be accounted for in only one way, namely, by an *enormous increase* in the *use* of silver. This has taken place in two directions:

1. *In the arts.* It is a matter of common information that in conditions of life where plated silverware was a luxury twenty-five years ago, solid silver is now common; and excellent plated silverware is now used in conditions of life where such a thing as silverware of any kind was not dreamed of then. The use of silver in the arts has increased in the last quarter of a century several hundred per cent; which is, by the way, another evidence of a higher standard of living among the people.

2. *As money.* In this connection I invite attention to the following letter from the Director of the Mint:

TREASURY DEPARTMENT, BUREAU OF THE MINT,
Washington, D. C., February 11, 1896.

SIR: Replying to your verbal inquiry of to-day, I would make the following statement:

The value of all silver coins used as money in the world in 1873 I estimate to have been $1,816,565,657, and in 1894 about $4,000,000,000.

The amount of gold coin in the world in 1873 was estimated to have been $3,044,547,800, and in 1894 about $4,250,000,000.

Respectfully, yours,
R. E. PRESTON,
Director of the Mint.

Hon. J. T. McCLEARY,
House of Representatives, Washington, D. C.

And, as the latest report of the Director of the Mint shows (page 41), of this vast amount of silver now used in the world as money $3,439,300,000 has *full legal tender!*

That is, Mr. Chairman, there has been added to the *full-tender* silver money of the world in the last 22 years *an amount equal to the accumulations of all the ages up to that time!*

In view of these facts, it is simply trifling with words to say that silver has been "demonetized"; and to say that "half our money has been struck down" is, plainly, to tell an unmitigated falsehood.

PRODUCTION AND COINAGE OF SILVER IN THIS COUNTRY.

On page 242 of the report above cited will be found the production of gold and silver in the United States by years since 1834, the production for the forty-two years before then being bulked. For the forty-two years from 1792 to 1834, our production of silver is given as "insignificant." Up to 1860 it aggregated $1,650,000, or about $61,000 a year! Think of it! The total production of silver in the United States through all our history as a nation up to 1860 was less than $2,000,000! We produce now *three times as much silver every month* as we produced *altogether* in all the years before the war, and yet there are those who "sit and grieve and wonder" at the fall in the price of silver! Our annual production of silver is now and has been for years more than *a thousand times* as great as it was before the war, and yet there are leaders among the silverites who find it necessary to malign human nature and attack the memory of good men in order to explain why an ounce of silver is not worth as much now as then! Oh, Mr. Chairman, it is pitiful, that men should be robbed of that which more than anything else brightens and sweetens life, faith in our fellow-man, in order to afford the free-silver cause even the slightest reason for existence!

And now let us see what the United States has done in the way of using silver as money. The total coinage of silver in our mints from 1792 to 1834 was $43,009,000 (or about $1,000,000 a year), about one-third of which remained in the country in 1834. In the next thirty-eight years, up to 1873, our silver coinage was $103,570,000, or about $2,600,000 a year. Up to 1853 scarcely any of the silver that was coined remained in circulation in this country, because the coins could be disposed of to better advantage elsewhere. And both silver and gold retired from circulation in 1861. During the five years when the act of 1873 was the law we coined silver to the value of $79,120,771. This was at the rate of almost $16,000,000 a year, or more than six times the highest average annual coinage before that time. This was under the much-discussed act of 1873, mind you! Our total coinage of silver since 1873, up to and including 1894, has been (above cited report, page 49) $358,444,467. This is an average of almost $25,000,000 a year, or *ten times* the highest average annual coinage before 1873! And of this coinage, the vast sum of $431,320,457 is in the form of dollars, *every one of which is full legal tender.* Such an enormous coinage of silver was never dreamed of in the world before.

And yet the producers of silver are not satisfied; but to-day, with an arrogance that even they themselves must despise us for enduring, they declare that no important legislation shall be enacted unless the nation's representatives bow down before them and obey their behests. Claiming to possess superior patriotism, they are using their best endeavors to destroy the nation's credit, which is the breath of its nostrils; and they boldly declare that until they get what they want the country shall be denied the income demanded by its daily needs. Realizing the utter weakness of their alleged arguments, knowing that their opportunity for mischief will soon be gone forever, they are revealing by their acts, sir, the extent of their desperation. [Applause.] If I had not determined, Mr. Chairman, to preserve throughout this presentation a judicial frame of mind, I would like to characterize in fitting terms this flagrant abuse of a sacred trust.

Why, sir, if we were not accustomed to such exhibitions of their recklessness and selfishness, our people would rise and demand that these representatives of a wealthy and insolent private interest be relegated to the positions of obscurity and impotence which they have so amply earned. [Applause.] And, sir, if the issue shall be squarely made at this coming election (as I trust that it will be) the free-silver cause will meet its Waterloo, and will no longer embarrass our onward march in prosperity and peace. [Applause.] Perhaps they fancy, sir, that they can force another "compromise," by which the Government, at their dictation, shall undertake to furnish a market for their entire product, as was attempted by the silver act of 1890. But, sir, the day of such folly has gone forever. [Applause.] But if the principle that the Government may properly engage in the warehouse business and undertake to furnish a market for the product of any class of people is again to be recognized, I shall insist, sir, that the miners now stand aside and let the farmers have whatever benefit there may be in such enactments. [Applause.] But, sir, the farmers are too intelligent and independent to ask for such legislation, and the miners must get along without it, as other people do.

THE GREAT INCREASE IN GOLD PRODUCTION, AND WHAT IT MEANS.

But some one might properly ask in this connection, "Has not the output of gold increased also?" The answer is, "Yes, enormously." Let us see how great the increase has been, and what conclusions are to be drawn therefrom.

By reference to the table showing the production of gold and silver in the world since 1492, given above, it will be observed that the production of gold was very small up almost to the close of the first half of this century. Up to 1848 the world's annual production of gold never but once reached $14,000,000; while in this last half century it never but once fell below $100,000,000. *The world now produces more gold every month than formerly in a year!* In other words, sir, the world's production of gold in these last fifty years exceeds by far its entire production for the preceding four hundred years! This is the fact hinted at in my colleague's chart, but not clearly brought out. And the annual production of gold alone is now more than four times as great as was the production of *both* gold and silver up to 1840! This is the fact, sir, which has sounded the death knell of the free coinage of silver. This is the mighty fact partially brought forward by my colleague as his final reliance in this controversy, but which will be to his cause, sir, like the mighty sword carried into battle by Goliath, the foreordained instrument of its destruction.

In order that this may be thoroughly established, it will be necessary for us to turn aside for a few minutes and consider one or two related matters.

"MONEY OF FINAL REDEMPTION."

The advocates of silver free coinage have a great deal to say about "primary money," "ultimate money," and "money of final redemption," by all of which terms they mean the same thing. Let us briefly consider these expressions. In a monetary sense, *redemption is final when the man in possession of the money, or about to receive it, has or gets the kind of money that he prefers.* To illustrate: If you have five cents coming to you in change, and can have it in gold, silver, or nickel, which will you take? Gold in such a case is out of the question; the piece would be so small as to be hardly visible, and it would require too much care to prevent losing it. And so, in a less degree, with silver. Your choice and mine and everyone's would be nickel. Up to five cents, then, nickel is money of final redemption. How about twenty-five cents? If you were offered five nickels in change, would you accept them without protest? Probably so. But we are plainly reaching the sum where, if compelled by necessity to accept nickels, you would avail yourself of the first good opportunity to convert them into a more convenient form of money. To review: Up to five cents nickel is *the* money of final redemption; that is, no desire is felt to exchange it for (or have it "redeemed" in) any other form of money. But at twenty-five cents, it is simply *a* money of final redemption; one will accept it willingly and hold it until used to buy something. And beyond that sum we soon reach a point where nickel will not be willingly accepted, and if accepted from necessity it will at the first opportunity be changed into (be "redeemed" by) a more convenient form of money.

Following a similar investigation as to silver, we shall find that it is *the* preferred money in sums ranging from about twenty-five cents up to, say, five dollars. Within these limits *we prefer it* to any other form of metallic money; that is, within these limits we make no effort to exchange it for (have it "redeemed" in) any other money. In other words, sir, up to five dollars silver is pri-

mary money both in law and in fact. Suppose, however, that you had a hundred dollars coming to you, say at a bank in payment of a check, would you like to have one hundred silver dollars counted out to you? The most ardent free silverite would resent an attempt of the bank to make such a payment. *The law of the land authorizes* it, for silver dollars are legal tender to any amount; but the higher law of human preference and business courtesy forbids the banker to avail himself of his legal right. What I desire to emphasize, Mr. Chairman, is this: If silver is not "money of final redemption" beyond five dollars, it is not any fault of the law, for in law silver dollars have unlimited legal tender. It is due to that principle in human nature which makes people prefer something more convenient. And this preference, sir, is something beyond Congressional control. The banker above referred to, because he desires to retain your custom, makes it a point to furnish you the kind of money which will best suit your convenience. Because of this natural preference for the most convenient money, for these purely business reasons, the coin used in all large payments requiring the use of metallic money is gold, because it is much more convenient than silver to count and to carry. We *need both* silver money and gold money, each to perform the work for which by its nature it is best fitted. That is what we on this side are contending for.

THEORETICAL VERSUS PRACTICAL BIMETALLISM.

This brings us to the consideration of a matter on which my colleague lavished a good deal of valuable time. He tried to establish a definition of bimetallism that would give his case some standing in court. And then in a brave tone of voice he declared that "a large majority" of the "common people" (whatever is meant by that expression) favor "bimetallism." As usual, he fails to tell the whole truth, namely, that every person favors bimetallism; that is, everyone desires to have both gold money and silver money in circulation, each performing its natural and proper function. We differ only as to the means or method of attaining the desired end. The advocates of the unlimited coinage of silver say, "Open the mints to the free coinage of both metals, then they will both be coined, and both will circulate as money." But though every country in Europe and America has tried this experiment, though some are still trying it, the advocates of this method can not point to a single instance in which their method has ever succeeded. As we have already seen, France had, with her mints open to both metals, first a circulation of silver up to about 1850, and then a reversal to gold only. Our own experience here in the United States has been the same. Our coinage ratio of 15 to 1, from 1792 to 1834, overvalued silver and undervalued gold, so during those years, at least the last twenty of them, our circulation consisted of silver and no gold. The change of ratio in 1834 and 1837 to 15.98 to 1 (commonly spoken of as "16 to 1") overvalued gold and undervalued silver, and silver gradually retired from circulation as money. No one would part with 371.25 grains of silver (the amount of pure silver in a dollar) for 100 cents as money when he could sell it for 103 cents as bullion.

And this has been the experience of every nation that has ever tried the experiment. A double standard is, therefore, an alternating standard. It is not bi-metallism, but one-at-a-time-metallism.

OUR COINAGE ACT OF 1853.

In the later forties and early fifties this country was so stripped of its silver coin that there was serious embarrassment in business from the lack of "change." Trying to supply this lack of change, Congress in 1849 authorized the coinage of gold dollars; but the pieces were too small for practical use. So great was this embarrassment that farmers, merchants, and all classes of business men petitioned Congress to devise some way to secure the concurrent circulation of both gold and silver coin, for that is what the people want. After much discussion of the subject Congress succeeded in 1853 in framing a law which gave for the first time in our history the circulation of both metals side by side. The method was this—the only method ever devised by the wit of man that has succeeded:

1. That one of the metals (gold) should have unlimited coinage and tender. Gold was chosen for the simple reason that, as before indicated, it is the coin in which people prefer to make all large payments.

2. That the coins for fractions of a dollar (halves, quarters, etc.) should be reduced in size (so that there would be no temptation to melt them down or sell them for bullion), their coinage to be on Government account only, and their legal-tender quality limited to five dollars.

It may be noted, parenthetically, that nothing was done with the silver dollar. It was not mentioned in this bill. It was out of use, and no one seemed to care anything about it.

This gave us the concurrent circulation of both metals up to the breaking out of the war, when both gold and silver retired from circulation.

What the people want is the *use* of both metals, each in the way that will best serve their purposes. They want the *actual circulation* of both, not simply the promise of it. You free silverites offer them a method that has always failed, and in the nature of things always will. We offer a method that has never failed, and that is why it has been adopted by all the leading nations of the world. You offer a law *permitting* both to be coined, hoping that both will be. We offer a plan whereby the desired result is secured with certainty. Yours is the bimetallism of the statute book. Ours is the bimetallism of the countingroom. Yours is theoretical bimetallism. Ours is practical bimetallism. [Applause.]

AN ILLUSTRATION AND ITS APPLICATION.

To illustrate in another way: We all want the navigation of *both* Lake Erie and Lake Ontario. You can get from Erie to Ontario by either of two courses—by the Niagara River or by the Welland Canal. One of these routes is "free," natural, ever flowing. It has beautiful scenery, and the motion is swift and exhilarating. The other was dug out laboriously by the hand of man, guided by experience. It is plain, simple, commonplace. There is no poetry about it. *But it is safe.* It may be claimed that the sailing is just as good below the falls, but what craft could survive the trip? And if it should, how could it get back to Lake Erie? By the "free," "open" route, where the water flows without let or hindrance, it may be possible, though exceedingly hazardous, to get from Erie to Ontario. But it is only by the second route, by the "artificial" canal, where the water is confined and controlled, that we can go in either direction at will and in safety.

The illustration is apt. In no country where there is an "open" mint, "free and unlimited" coinage of both metals, is there any gold in circulation. These countries have silver money only, with all the attendant inconvenience and disadvantages. On the other hand, in every country where there is unlimited coinage of gold and limited coinage of silver, both gold coins and silver coins circulate, each performing the service for which it is by nature best fitted.

And it is a singular fact, worthy of notice in this connection, that in countries where the coinage of silver is limited by law silver is used more largely in proportion to population than in those countries where its coinage is by law unlimited. The former countries not only have and use *more money*, they have and use *more silver* money than the latter countries. And, moreover, they have and use more money of both kinds than they themselves did when they had their mints open to the unlimited coinage of both metals. In other words, sir, the plan now practiced by all enlightened nations gives the use of more money and better money than the old, discarded method of unlimited coinage of both metals, based, as Leon Say stated, on "primitive inability" to devise a better way.

THE ESSENTIAL FACTS ABOUT THE ACT OF 1873.

This brings us to a subject about which there has been a great deal of misunderstanding, one on which unscrupulous men have endeavored to stir up the passions of the people. I am glad to note that my colleague held himself above such action. Indeed, no well-informed, self-respecting man now casts aspersions on the methods or motives of the men who passed the act of 1873. But the leader of the Populist party in Minnesota, thereby confessing that he is out of arguments, has recently begun again the effort to stir up the people's passions on this subject. So I shall now give the essential facts, facts which no one fully conversant with the subject denies, in relation to the nature and passage of the much-discussed act of February 12, 1873.

The original bill was prepared in the Treasury Department by John Jay Knox, then deputy comptroller of the currency, under the general direction of George S. Boutwell, then Secretary of the Treasury. The laws relating to the mint had not been revised for more than a generation, and much confusion existed. This bill was largely a codification of existing law, with such improvements as experience suggested. It was introduced in the Senate April 25, 1870, accompanied by a report giving the reasons for the bill, the method of its preparation, and an explanation of every section in it. Here in my hand I hold a volume of the Executive Documents, second session Forty-first Congress; and here, in Mis. Doc. No. 132, is the original bill and the report accompanying it.

The bill, though not very long, covered the whole subject of mints and mintage. There has never been any controversy over any but two or three of the sections. To these I now invite attention.

Section 14. This section of the bill specifies the weight and fineness of the gold coins, and begins with these words:

SEC. 14. That the gold coins of the United States shall be a one-dollar piece, which, at the standard weight of twenty-five and eight-tenths grains, shall be the unit of value, etc.

Sections 15 and 18 were as follows:

SEC. 15. *And be it further enacted*, That of the silver coin, the weight of the half dollar, or piece of 50 cents, shall be 192 grains; and that of the quarter dollar and dime shall be, respectively, one-half and one-fifth of the weight of said half dollar. That the silver coin issued in conformity with the above

section shall be a legal tender in any one payment of debts for all sums less than $1.

* * * * * * *

SEC. 18. *And be it further enacted*, That no coins, either gold, silver, or minor coinage, shall hereafter be issued from the mint other than those of the denominations, standards, and weights herein set forth.

The report accompanying the bill discusses these sections fully, saying, among other things (page 11):

SILVER DOLLAR—ITS DISCONTINUANCE AS A STANDARD.

The coinage of the silver-dollar piece, the history of which is here given, is discontinued in the proposed bill. * * * The present gold-dollar piece is made the dollar unit in the proposed bill, and the silver-dollar piece is discontinued.

And the discontinuance of the silver dollar is specifically pointed out in three other places in the report.

Throughout all the discussions of the bill, and in every form of the bill, these two provisions (that making the gold dollar the unit of value and that omitting from coinage the silver dollar of 412½ grains) remained unchanged. Sections 14 and 18 of the original bill remained absolutely unchanged, and were in the bill as finally passed exactly as they appeared in the original bill. Section 15 of the original bill was changed from time to time, as follows:

In the original bill, S. 859, introduced April 25, 1870, and favorably reported at the following session, December 19, 1870, it was as given above. The bill in this form passed the Senate by a vote of 36 to 14, on January 10, 1871. And the records show that Senator SHERMAN voted against the bill, while Senator STEWART voted for it. It did not, through lack of time at the close of the Congress, pass the House at that session. But the bill was amended in the House February 25, 1871, in several ways, among which was an amendment to section 15 raising the legal tender of silver coins to *five dollars*, as under the act of 1853.

In the first session of the Forty-second Congress, on March 9, 1871, Mr. Kelley reported the bill as H. R. 5. Section 15 of that bill was as follows:

SEC. 15. *And be it further enacted*, That of the silver coins the weight of the half dollar, or piece of 50 cents, shall be 192 grains; and the quarter dollar and dime shall be, respectively, one-half and one-fifth of the weight of said half dollar; which coins shall be a legal tender, at their denominational value, for any amount not exceeding $5 in any one payment.

This is an exact reproduction of sections 1 and 2 of the act of February 21, 1853, except that it omits the silver 5-cent piece. On January 9, 1872, this bill was brought up in the House for discussion. Then it was found that some members wanted a dollar piece, though all agreed that it should be simply the equal of two half dollars, *with limited coinage and tender*. And so, when the bill as a whole had been thoroughly discussed and various amendments suggested, it was referred back to the committee January 10, 1872.

When on February 13, 1872, the bill was reported back to the House by Mr. Hooper as H. R. 1427, it contained the following provision:

SEC. 16. That the silver coins of the United States shall be a dollar, a half dollar or fifty-cent piece, a quarter dollar or twenty-five-cent piece, and a dime or ten-cent piece; and the weight of the dollar shall be 384 grains; the half dollar, quarter dollar, and the dime shall be, respectively, one-half, one-quarter, and one-tenth of the weight of said dollar; which coins shall be a legal tender at their denominational value for any amount not exceeding $5 in any one payment.

The bill containing this provision passed the House May 27, 1872. It will be noted that the dollar introduced into the bill, as just shown, contained *only 384 grains*, exactly the weight of two half dollars, and like the half dollars it had only *limited coinage and tender*. *It was not the old standard dollar of 412 1-2 grains*, and did not have "free coinage" or full tender. This is the dollar which was afterwards dropped out of the bill, and in place of which the trade dollar of 420 grains, with *unlimited coinage* but limited tender, was substituted.

The fourth and final form of the bill, which passed the Senate January 17, 1873, and the House February 7, 1873, and was signed by the presiding officers of the two Houses February 12, 1873, contained the following provision:

That the silver coins of the United States shall be a trade dollar, a half dollar or fifty-cent piece, a quarter dollar or twenty-five-cent piece, a dime or ten-cent piece; and the weight of the trade dollar shall be 420 grains troy; the weight of the half dollar shall be 12½ grams; the quarter dollar and the dime shall be, respectively, one-half and one-fifth of the weight of said half dollar; and said coins shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment.

THE OLD STANDARD DOLLAR WAS NEVER IN THE BILL.

Ask the first twenty free silverites that you meet, "Did the act of 1873 ever contain the old standard silver dollar of 412½ grains"? and nineteen of them, if not all, will promptly answer, "Why, certainly, and it was *surreptitiously* dropped out just before the passage of the bill." Many a good man has had his righteous indignation aroused by being told this tale. And very frequently it has been told by men who sincerely believed that such was the case. The free silver leaders are responsible for this erroneous impression. They have, with a few honorable exceptions, scattered this impression broadcast, for the purpose of stirring up the resentment which would be natural if the story were true. But, as we have seen, the story is not true. *The 412½-grain dollar was never in the bill from first to last!* Its omission was carefully pointed out in the report accompanying the original bill, and the reasons for the omission were plainly given. The dollar for which the trade dollar was finally substituted was a 384-grain dollar, of limited coinage and tender; and the change was made for the benefit of the silver producers, to enable them to find a market for their silver in the East.

DISCUSSIONS SHOWING WHY IT WAS OMITTED.

That the matter was fully discussed in Congress may be seen by the following extracts from the debates.

On January 9, 1872, in reporting H. R. 5, which (like the original bill S. 859) contained *no silver dollar of any kind*, Mr. Kelley, chairman of the committee in charge of the bill, said:

The Senate took up the bill and acted upon it during the last Congress and sent it to the House; it was referred to the Committee on Coinage, Weights, and Measures, and received as careful attention as I have ever known a committee to bestow on any measure.

* * * * * * *

We proceeded with great deliberation to go over the bill, not only section by section, but line by line, and word by word; the bill has not received the same elaborate consideration from the Committee on Coinage of this House, but the attention of each member was brought to it at the earliest day of this session; each member procured a copy of the bill, and there has been a thorough examination of the bill again.—*Congressional Globe*, volume 100, page 322.

For reasons not particularly related to the question of silver coinage (one of the points of contention being the substitution of the nickel for the old silver half dime, which experience had shown to be too small a coin), H. R. 5 was recommitted to the committee. On February 13 it was rereported by the committee as H. R. 1427, and contained a silver dollar of 384 grains, as shown above. On April 9, 1872, this bill came up in the House for consideration. Mr. Hooper, in a carefully prepared speech of ten columns, explained the bill, section by section. The speech may be found on pages 2306–8, volume 102, of the Congressional Globe. Discussing the silver coins, he said:

Section 16 reenacts the provisions of the existing laws defining the silver coins and their weights, respectively, *except in relation to the silver dollar*, which is reduced in weight from 412½ to 384 grains, thus making it a *subsidiary coin* in harmony with the silver coins of less denomination to secure its concurrent circulation with them. The silver dollar of 412½ grains, by reason of its bullion or intrinsic value being greater than its nominal value, long since ceased to be a coin of circulation, and is melted by manufacturers of silverware. It does not circulate now in commercial transactions with any country, and the convenience of these manufacturers in this respect can better be met by supplying small stamped bars of the same standard, avoiding the useless expense of coining the dollar for that purpose.

On the same day Mr. Stoughton made a speech of seven columns, in which he said (same volume, page 2308):

The silver coins provided for are the dollar, 384 grains troy, the half dollar, quarter dollar, and dime, of the value and weight of one-half, one-quarter, and one-tenth of the dollar, respectively; and they are made a legal tender for all sums not exceeding $5 at any one payment. The silver dollar, as now issued, is worth for bullion 3½ cents more than the gold dollar, and 7½ cents more than two half dollars; having a greater intrinsic and nominal value, it is certain to be withdrawn from circulation whenever we return to specie payment, and to be used for only manufacture and exportation as bullion.

Mr. Potter, in discussing this part of the bill, said:

Mr. Speaker, this is a bill of importance. When it was before the House in the early part of this session I took some objections to it which I am inclined now to think, in view of all the circumstances, were not entirely well founded, but after further reflection I am still convinced that it is a measure which it is hardly worth while for us to adopt at this time. * * * This bill provides for the making of changes in the legal-tender coin of the country and for substituting as legal-tender coin of only one metal instead as heretofore of two. I think myself this would be a wise provision, and that legal-tender coins, except subsidiary coin, should be of *gold alone;* but why should we legislate on this now when we are not using either of those metals as a circulating medium?

The bill provides also for a change in respect of the weight and value of the silver dollar, which I think is a subject which, when we come to require legislation about it at all, will demand at our hands very serious consideration, and which, as we are not using such coins for circulation now, seems at this time to be an unnecessary subject about which to legislate. (Page 2310, volume 102.)

And Mr. Kelley (who is reported as having said afterwards that he "did not know that the bill omitted the standard silver dollar") said on this same day (Globe, volume 102, page 2316):

I wish to ask the gentleman who has just spoken [Mr. Potter] if he knows of any government in the world which makes its subsidiary coinage of full value? The silver coin of England is 10 per cent below the value of gold coin, and, acting under the advice of the experts of this country and of England and France, Japan has made her silver coinage within the last year 12 per cent below the value of her gold coin, and for this reason: *It is impossible to retain the double standard.* The values of gold and silver continually fluctuate. You can not determine this year what will be the relative values of gold and silver next year. They were 15 to 1 a short time ago; they are 16 to 1 now.

Hence all experience has shown that you must have one standard coin which shall be a legal tender for all others, and then you may promote your domestic convenience by having a subsidiary coinage of silver, which shall circulate in all parts of your country as legal tender for a limited amount and be redeemable at its face value by your Government. But, sir, I again call the attention of the House to the fact that the gentlemen who oppose this bill insist upon maintaining a silver dollar worth 3½ cents more than the gold dollar and worth 7 cents more than two half dollars, and that so long as those provisions remain you can not keep silver coin in the country.

In another place in the same speech Mr. Kelley said:

Every coin that is not gold is subsidiary. I repeat it, sir. Every coin that is not gold is subsidiary.

Speaking on another subject a few months afterwards, Mr. STEWART, then as now a Senator from Nevada, said (page 1392, volume 2, part 2, CONGRESSIONAL RECORD):

I want the standard gold, and no paper money not redeemable in gold.

And about two weeks later, on February 20, 1874, the same gentleman said (same volume, page 1677):

By this process we shall come to a specie basis, and when the laboring man receives a dollar it will have the purchasing power of a dollar, and he will not be called upon to do what is impossible for him or the producing classes to do, figure upon the exchanges, figure upon the fluctuations, figure upon the gambling in New York; but he will know what his money is worth. Gold is the universal standard of the world. Everybody knows what a dollar in gold is worth.

These are the words of Senator STEWART before he became simply the representative of a special interest. [Applause.]

[Here the hammer fell.]

Mr. BAILEY. I ask unanimous consent that the gentleman from Minnesota [Mr. MCCLEARY] be permitted to conclude his remarks.

There was no objection.

Mr. MCCLEARY of Minnesota. As it is now the usual time for adjournment, I assure the committee that I appreciate very highly this exceptional action in granting at such an hour unlimited extension of time. I shall try, as heretofore, not to waste words.

SOME EXPERT OPINIONS.

The bill was submitted to the leading experts in this country and to some in Europe. Their answers are given in Ex. Doc. H. R. No. 307, second session Forty-first Congress, a copy of which I hold in my hand. Not to weary the committee, I will give only one or two of the opinions. The document from which I take them was transmitted to the House as a supplementary report on the bill.

Mr. J. Ross Snowden, formerly superintendent of the mint at Philadelphia, opposed the proposition to reduce the size of the silver dollar, saying:

THE PRESENT SILVER DOLLAR SHOULD NOT BE DISCONTINUED.

I see it is proposed to demonetize the silver dollar. This I think inadvisable. * * * It is quite true that the silver dollar, being more valuable than two half dollars or four quarter dollars, will not be used as a circulating medium, but only for cabinets, and perhaps to supply some occasional or local demand; yet I think there is no necessity for so considerable a piece as the dollar to be struck from the metal which is only worth 94 cents.

Dr. Linderman, formerly Director of the Mint, discussing the provision for the 384-grain dollar (which was in the preliminary draft of the original bill presented to him), said:

Section 11 reduces the weight of the silver dollar from 412½ to 384 grains. I can see no good reason for the proposed reduction in the weight of this coin. It would be better, in my opinion, to discontinue its issue altogether.

The gold dollar is really the legal unit and measure of value. Having a higher value as bullion than its nominal value, the silver dollar long ago ceased to be a coin of circulation, and, being of no practical use whatever, its issue should be discontinued.

The judgment of nearly all the experts being against the useless coinage of silver dollars "only for cabinets" of curious coins, it was omitted from the bill sent to Congress, as before shown.

THE TRUTH ABOUT THE ACT OF 1873.

From the foregoing, all of which is substantiated by the contemporary records, it is clear that the bill was before Congress for about three years; that it was printed eleven times separately and twice in reports of the Comptroller of the Currency; that it was considered at length by the Finance Committee of the Senate and by the Coinage Committee of the House during five different sessions; that it was carefully debated in both Houses, the debates in the Senate occupying 66 columns, and those in the House occupying 78 columns of the Congressional Globe; and it finally passed substantially as it was originally introduced. Every feature of the bill was thoroughly explained in the original report accompanying the bill, and repeatedly afterwards in the debates on the bill itself. There doubtless were persons in both Houses who did not pay attention to either the report or the discussions, for at that time such subjects were regarded as of interest only to experts, but it certainly can not be truthfully said that they did not have full opportunity to know all about it.

So far as concerns the coinage of gold and silver, there were just two important provisions in the act of 1873, namely, the unlimited coinage of gold and the limited coinage of silver. Both of these provisions have endured and will endure; because, as I have shown already, this is the only way in which we can have the use of both metals as money at the same time. And though some very excellent gentlemen in Congress in 1878, when the wave of "free silver" threatened to overwhelm everyone opposed to it, may have said some foolish things about the act of 1873, it is a significant fact, Mr. Chairman, that *not a single Republican* of those quoted as saying these things, unless he lives in a silver-producing State, *has ever voted to repeal the essential provisions* of the act of 1873 above cited. Except as to the trade dollar (which was inserted as a special concession to the silver producers), the act of 1873, based upon the experience of centuries, framed by men preeminent for ability and integrity, discussed in all its phases during the three years when it was before Congress, will be recorded in history as one of the wisest and best pieces of legislation ever enacted by the Congress of the United States. Its details may be changed, but its fundamental principles will endure. [Applause.]

WHY DIDN'T THE NEWSPAPERS SAY MORE?

Occasionally we hear a man ask, "Why didn't the newspapers say more about the act at the time of its passage?" The answer is plain. It was because of their being *news*-papers, not ancient histories. There was nothing new in principle or practice in the bill. It was largely a reenactment of existing law, properly codified. Why did the bill give gold unlimited coinage and tender? Because all mint laws in existence did so. Why did it restrict the coinage of subsidiary silver and limit its tender to five dollars? Because these were the provisions of the act of February 21, 1853. Why did it omit from coinage the old standard silver dollar? Because that had been the intent of the act of 1853. In 1853 the dollar was entirely out of circulation, and no attempt was made to bring it back into circulation. Why did it make the gold dollar the unit of value? Because it had really been the metallic unit since 1834. And this was the avowed intention of the act of 1853, as is shown by the following extracts from the Congressional Globe, selected from many that might be given.

In discussing the act of 1853, when it was before Congress, twenty years before the act of 1873 was passed, Mr. Skelton, of New Jersey, said, among other things:

Gold is the only standard of value by which all property is now measured; it is virtually the only currency of the country.—*Congressional Globe*, volume XXVI, second session, Thirty-second Congress, page 190.

And on the same point, Mr. Dunham, who had the measure in charge in the House, said (volume and page above cited):

Another objection urged against this proposed change is that it gives us a standard of gold only. * * * What advantage is to be obtained by a standard of the two metals, which is not as well, if not much better, attained by a single standard, I am unable to perceive; while there are very great disadvantages resulting from it, as the experience of every nation which has attempted to maintain it has proved. * * * Indeed, it is utterly impossible that you should long at a time maintain a double standard. * * * Gentlemen talk about a double standard of gold and silver as a thing that exists and that we propose to change. We have had but a single standard for the last three or four years. (Gold had really been the standard since 1834, but the fact was emphasized about 1850 by the sudden and enormous increase in gold production.) That has been, and now is, gold. *We propose to let it remain so, and to adapt silver to it, to regulate it by it.*

These remarks on the act of 1853, at the time of its consideration in Congress, show that the principles of the act of 1873 had been enunciated and enacted into law twenty years before. And the remarks of Mr. Kelley in the House in 1872 ("We can not maintain the double standard," etc.) and those of Senator STEWART in 1874 ("I want the standard gold," etc.) show that at that time, before the tremendous output of silver turned men's heads, there was practically undivided opinion on the subject. The bill had been before Congress three years, it had been repeatedly discussed, there was nothing new or startling in it, and hence there was no call for any extended notice of its passage. Why, sir, the very fact that the papers made no extended report of its passage is the very best evidence, if any more were wanted, that the act was neither novel nor vicious. The Reporters' Gallery has always included men representing all shades of opinion, men nowhere surpassed for intelligence, honesty, and alertness. Had there been anything wrong in either the matter of the bill or the method of its passage, these things would surely have been discovered and reported by some of these gentlemen. No, no, Mr. Chairman; the bill was passed openly and honestly. It embodies the principles of sound mintage, and it undoubtedly saved us from going to a silver basis on the resumption of specie payments. And, therefore, sir, the men who framed it and those who passed it deserve and will receive the grateful thanks of ourselves and our posterity.

A SHORT HISTORY OF COINAGE.

In the evolution of money the metals gradually superseded all other commodities as the medium of exchange. Iron and copper came to be produced in such quantities that they ceased to be "precious metals," and gave way to silver. In the course of time, as civilization and the demands of trade required it, gold was introduced into one country after another. In this evolution a nation's needs and progress can be pretty accurately determined by noting the kind of money used by it.

At first the metals passed by weight. To save the trouble of carrying scales and the danger of being cheated by means of alloys, the custom gradually grew up of having the ruling prince cut the metals into pieces of convenient size and shape, and stamp on one side of the piece its weight and fineness (and later on its worth), and on the other side the features of the prince as the author of the stamp. This was the origin of coinage.

But princes were sometimes tempted by their greed or their need to put into the coins less of the metal than they should. Then, in order to compel people to accept these debased coins in payment

of obligations, the princes decreed that the coins *must* be accepted. This was the origin of what is known as "legal-tender" laws.

For hundreds of years the money of Rome was copper. We have a memento of that time in our English word "estimate." The Latin for copper is "aes," and to *estimate* literally means to *give the value in copper*. About 300 B. C. copper was dethroned and silver became the standard money. About 150 B. C. gold began to be used in Rome as money. With the fall of Rome, Europe was for about five centuries almost entirely without gold money, the currencies of mediæval Europe being of silver and copper. The reintroduction of gold coinage began at Florence, Italy, in 1252, with the coinage of the florin. As a result of the Crusades, the commerce of Florence, Genoa, Venice, and other states lying along the Mediterranean had so increased as to demand the use of a more convenient money than silver. Gradually other nations, as their commerce became great enough, introduced the use of gold money with silver money. The Crusades not only enlarged trade along the Mediterranean, but they also opened up to Europe the then only gold-yielding districts—the Crimea—so that the demand for gold money and the source of supply came together. The use of gold was thereby both necessitated and made possible.

Then began the coinage of both metals. Then began, too, as a consequence, the monetary troubles with which the history of the next five centuries abounds: the alternation of silver money and gold money, the frequent changes in the ratio in the vain attempt to keep both, the edicts against shipping out either kind of coin, the execution of prominent merchants for seeking gain by exporting the metal undervalued in the mints of one country and overvalued in the mints of another. These "open mints for both metals" were not in consequence of any theory of "bimetallism," but of what Leon Say, quoted before, so aptly characterized as "the primitive inability of the legislators to combine together the two precious metals otherwise." Oresme, Copernicus, Gresham, and others had at different times and in different countries pointed out the source of the trouble, but the "primitive inability of the legislators" left the countries without a remedy. And the supply of gold and silver was so small (as will be seen by reference to the table showing their annual production) that the nations kept on, hoping against hope (as we are apt to do when we see no alternative) that *somehow* the open mint for both metals would give the circulation of both. But, as we have seen, these hopes were indulged only to be disappointed. England cut the Gordian knot in 1816, and was freed from the financial embarrassments on this score that had afflicted her. But other nations kept on in their old way, with the old results of alternating standards, losing at one time their gold and at another time their silver.

The flood of gold at the middle of this century opened the way for relief. Our own country, as might be expected from the enterprise and intelligence of our people, was the first to act. As we have seen, Congress as early as 1853 passed an act limiting the coinage and tender of subsidiary silver. France began to move in 1857, and in 1865 the countries composing the Latin Union adopted the principle of limited coinage and tender of silver. Germany followed in 1871-1873. And the principle has now been adopted by nearly all the civilized nations of the world.

BIRTH OF THE THEORY OF "BIMETALLISM."

By reference to the table showing the production of gold and silver, it will be seen that shortly after 1870 the production of silver began to increase enormously, leaping from an average of $55,663,000 in the period of 1865-70, to an average of $81,864,000 in the period of 1870-75. It was at this time that the theory of so-called "bimetallism" was born. As I said before, it came into being "born of recent needs and hopes and fears." The production of silver was becoming so large that it was becoming hard to find a market for the product. This was the reason for the insertion of the "trade dollar" in the final edition of the act of 1873. The necessities of the silver producers were not yet so great that they had the audacity to propose what they did afterwards. About 1876 they began to talk about "bimetallism" and its beauties.

My friend wants a definition. Let us take the Century Dictionary, than which there is no higher authority on the meaning and history of words:

Bimetallic.—This word and its derivatives are of recent origin, M. Cernuschi having been the first to use "bimetallique" in 1869 and "bimetallic" in 1876. Of or pertaining to two metals; specifically, pertaining to the use of a double metallic standard in currency.

Bimetallism.—Bimetallism pertains to the use of two metals as money at relative values set by legislative enactment; the union of two metals in circulation as money at a fixed rate. Specifically, that system of coinage which recognizes both coins of silver and coins of gold as legal tender to any amount, or the concurrent use of coins of two metals as a circulating medium at a fixed relative value.

By the first paragraph above it will be seen that the theory and the name for it were first hinted in 1869 in France, and that it did not become current as a name until 1876, when, as I said earlier, "time was ripe for its utter refutation." The definition of bimetallism given by the dictionary shows its essence to be "the concurrent *use* of two metals as a circulating medium at a fixed relative value." This is the kind of bimetallism for which we contend, that method which gives the actual "concurrent use" of both metals. This is the kind that we have and which we shall keep, notwithstanding the threats or the promises of those who would have us return to an experiment that has been tried and found wanting.

It is worthy of note that the silver miners who are behind this movement do not stop with the request for the opportunity to have their product converted "free of charge" into the form of money. They go further and demand (for "demand" is the word of the only party that has allowed itself to be used for the accomplishment of this scheme)—they demand that the silver coins shall have full legal tender. In plain language, they want us to arrange legislation that will permit the producer of silver to take fifty cents' worth of silver to the mint, have it labeled "one dollar," and then enable him to *force* his creditors to accept it as one dollar. These silver barons have now grown so bold as to want us to so legislate that they can "out-Herod" the petty princes of bygone days in debasing the currency and then forcing the people to accept it as of full value. Shall we allow ourselves to be flattered, or cajoled, or bullied into becoming their humble instruments in this nefarious scheme?

Silver dollars are now full legal tender, but they are coined on Government account only. The Government thus gets whatever profit there may be in the coinage, and in return undertakes to keep the two kinds of coin at a parity.

THE "OPEN MINT" WOULD CREATE NO DEMAND.

One of the favorite claims of a certain class of free silverites is this: "The open mint would create an unlimited demand for silver, and that would restore it to its price before 1873 and hold it there. This would restore the parity of the metals, and that would result in their concurrent circulation." There are three very direct answers to these claims:

1. There is no such thing as unlimited demand for anything in the world, and no way to create such a demand. Even the fabled King Midas, who seemed to have an insatiable desire for gold, and who was granted the power of turning everything he touched into the yellow metal, soon satiated himself and prayed to have the magic power removed from him. It must be remembered, too, in this connection, that mere *desire* for a thing is not "demand" for it in a business sense. I see things every day that I would very much like to have; but, as I can not afford to buy them, my desire for them does not constitute a business "demand" for them.

And furthermore, inasmuch as there is only a limited supply of anything, if an unlimited demand for it could in any way be created, the price of the thing would soon be "out of sight" and the thing itself would be out of reach. This talk of an "unlimited demand" is simply childish.

2. Even if silver could, by opening the mint to its unrestricted coinage on private account, be "restored to its price before 1873," that would benefit no one but the producers of silver. As we all know, for more than a quarter of a century before 1873 standard silver money was not coined for purposes of circulation.

3. But the fundamental fallacy on this point, sir (and it seems to be entertained even by some who do not believe in the independent free coinage of silver), consists in taking it for granted that free coinage would create some demand for silver. It can easily be shown that it would not create any demand whatever. Let us examine the matter.

What does "free coinage," as it is called, mean? It does not mean that the Government would *buy* any of the silver, not an ounce. The Government would simply receive the silver from its owner, stamp it, and hand it back to him. Does that create any demand for the silver?

Buckwheat flour is now used to a limited extent for food. The demand for buckwheat flour is entirely due to this fact. Would opening a new buckwheat flour mill create any demand for buckwheat flour? Certainly not, any more than the reaping and threshing did. These are all simply *steps in preparing the supply*. The market must still be found in competition with other kinds of flour.

And similarly the "open mint" would create no demand whatever for silver any more than the smelting or the mining does; these are all simply steps in preparing the supply. The demand is in the need of money of various kinds with which to make exchanges. The owner of the coin would still have to go forth and find a market for this kind of money in competition with other forms of money. The minting would, therefore, not create any demand for the silver, but would simply put it into shape to meet whatever real demand there might be for silver coin in the channels of trade *in competition with other forms of money.*

And, sir, because of the bulkiness of silver in proportion to its value, the demand for silver *coin* in actual business is very limited. As a matter of fact there is more silver coin in this country to-day

than can be used *as coin*. Experience has shown that the business of the country needs about $125,000,000 in silver coin of all kinds, including minor coins. But we already have a stock of silver coin amounting to over $500,000,000. So there is absolutely no trade demand for more silver coinage for some time to come.

And this the producers of silver well understand. Indeed, the men who framed this free-coinage amendment have embodied in it their admission of this fact. The very first paragraph of the amendment contains the following clause:

And whenever the said coins herein provided for shall be received into the Treasury, certificates may be issued therefor in the manner now provided by law.

What does this clause show? Why, sir, a moment's thought will reveal its meaning. It is an open confession, sir, on the part of these most rampant advocates of free coinage of silver that they fully understand that no demand exists in the channels of commerce for more silver coin than we now have, and that if more silver were coined it would soon be returned to the Treasury to be stored at public expense. This clause stultifies their whole contention. [Applause.]

THE IMPORTANCE OF MAINTAINING THE PARITY.

What I have just said about silver coin coming into "competition with other forms of money" suggests the need of saying a few words about the great importance of preserving the parity or equality of our various forms of money, to which my colleague referred in such sneering terms.

The Gresham law, so often referred to, is, of course, not a law enacted by any person or legislative body. It is simply the observed result of a principle of human nature. For wise reasons our Creator has endowed each of us with the instinct of self-preservation. This is the basis of the Gresham law. A short way of stating the law is this: "Poor money drives out good money." Why is this true? To illustrate, let us suppose a case: You owe me $10. You also owe $10 to a man in Chicago. In your pocket you have two ten-dollar bills. Let us suppose that one of these bills is good only locally; that is, it will be received without discount only in the neighborhood where you and I live; the other bill we will suppose to be good anywhere. Under these circumstances which of the bills would you naturally give to me? You would naturally give me the one having only a local value; the other bill you would reserve to send away to Chicago. Of these two bills, in other words, you would naturally send away the good one. So would I. So would anyone. And in consequence our community would send away its good money, "good anywhere," and have left only the poorer money, "good locally." This illustrates what is meant by the Gresham law.

But it is time, Mr. Chairman, for some one to embody in terse, lucid language another law of money, covering another ground. As no one else, so far as I know, has stated it, I shall offer a tentative statement, to wit: *With all forms of money at a parity all will be used, each for the purpose which it will best serve.*

The law just stated, like the Gresham law, rests on a principle of human nature. Since "self-preservation is the first law of nature," a little child is by nature blindly selfish. Training and experience, however, gradually teach it that due consideration of the rights and desires of others is the surest way of securing its own rights and having its own desires gratified. Even if prompted by no higher motive, it will gradually reach the plane of "enlightened selfishness." One of the forms of this is business courtesy. By reason of this courtesy, if all forms of money are kept equal in value, "at a parity," each person doing business will make it a point to pay out the kind of money which will be most acceptable to the person receiving it.

And therefore, Mr. Chairman, because we believe that each kind of money—silver, gold, and paper—has a function to perform in our business life which it can perform better than either of the others can, we on this side of the question are determined to keep them all in use. This is why we attach so much importance to maintaining the parity of all our forms of money. And because this gives us the safest, the most convenient, and the most economical means of accomplishing our exchanges, we feel that we have a right to designate it "sound money."

THE SILVER LOBBY IN WASHINGTON.

The silver barons maintain here, as is well known, a large and well-organized lobby. It is under the direction of "Gen." A. J. Warner, who devotes his whole time to and receives a large salary for publishing pamphlets, addresses, circulars, etc., to advance their interests.

I know little or nothing of their methods, Mr. Chairman, aside from the fact that vast sums of money are being furnished from some source to pay for printing and publishing the literature that is poured in upon us all and distributed broadcast over the country. But I think that as a rule it is safe not to trust a man who lacks faith in others. A reasonable prudence in dealing with strangers is, of course, perfectly proper. But the men who are constantly casting aspersions upon other people are, as a rule, pretty good folks to look out for. "Doubt the doubter" is an old and wise proverb. And the amount of vilification indulged in by these men, in words and in pictures, leads one to question the uprightness of their purposes and the character of their methods.

Knowing that they can not hope for success unless they can secure the cooperation of two great classes of people, the farmers and the workingmen, they have prepared a lot of special circulars for distribution among these two classes of people. They are also trying to make out that there is a "debtor class" among us, and are sending out circulars to try to convince men that it is all right for them to repudiate their obligations, provided they can do so under cover of law. They are insidiously trying to undermine the sense of honor that prevails in men's hearts and consciences. By deliberate falsehoods and misleading half truths about men and measures they are seeking to convey the impression that a wrong was perpetrated some quarter of a century ago, and are trying thereby to justify men to themselves for desiring to commit a wrong now. Still the majority of men will agree with the late lamented Bill Nye in the opinion that "The promise of a good man may be written in snow, but no ironclad agreement engraved on brass can avail against the intangible soul of a nimble liar." [Applause.]

Let us now examine briefly a few of their *argumenta ad homines.*

THE INTEREST OF WORKINGMEN.

Everyone will admit that, so far as legislation can affect the matter, that system is best under which those who earn their daily bread by their daily toil receive the best returns for their services.

The gentleman from Texas [Mr. BAILEY], who has just spoken, points to Mexico as "prosperous" in consequence of having the free coinage of silver. He quotes from an article in a recent number of the North American Review, written by the Mexican minister, Mr. Romero. This distinguished representative is naturally loyal to his own country and desirous of making as strong a statement as possible as to her prosperity. He claims that manufacturers are making large profits. But what does he find to say about the wages of workingmen in Mexico? Listen:

Although our wages are low, there has been in recent years a marked tendency to their increase.

Their wages are "low," even in silver. What about increase in wages? The most that he can claim is that there has been a "tendency" in that direction; no real increase worth mentioning specifically. Workingmen will do well to "ponder on these things."

The following statement appears in Bulletin No. 9, 1891, of the Bureau of the American Republics:

One of the greatest evils (referring to Mexico) at the present time is the existence of a scale of wages which defies all power of reduction; which robs the laborers of all sense of dignity or feeling of association with the rest of their fellow-citizens; and having reduced them to a condition of abject abasement, deteriorates to a like extent their productive power and the measure of their ability. They are content to regard themselves as a plant or machinery which moves by extraneous aids only, and has no power of volition, and no desire to exercise it if it had.

And yet Mr. Romero finds it impossible to claim more than that there has been "a tendency" to improvement in wages.

We have before us, Mr. Chairman, a special message from the President asking us to make an appropriation to pay certain railroads for carrying certain people from the Mexican line to various parts of the United States. What is the story behind this? Simply this, sir. Some of our workingmen, having been told how fearfully they were being abused under our system, and being assured that things were "booming" in Mexico, became the victims of their misplaced confidence in free-silver orators and *went to Mexico.* Then they learned the truth, finally coming home at public expense. How many more of our workingmen will allow themselves to be made victims of similar tales?

WHAT ABOUT JAPAN?

The awakening of Japan during these last thirty years from her sleep of ages is one of the noteworthy events of the century. She has reformed her Government, changing it from the most stringent autocracy to a constitutional monarchy, with a legislature chosen in part by the people. She has inaugurated a system of public education. China will bear prompt though not cheerful witness to the fact that she has made great advances in the art of war. Would it not be rather singular, sir, if she did not also make advancement in the line of manufacturing? For years she has had companies of her brightest young men studying in this country and in Europe the most advanced ideas in all lines of knowledge and art. She has already adopted many of our inventions, and may become a serious competitor of ours. Therefore what, Mr. Chairman?

Before answering, let me direct attention to two facts that the advocates of free coinage never tell when they are discussing the growth of Japan:

1. *Japan does not have free coinage of silver.* There is no coinage of silver in Japan except on Government account. (See Muhleman's Monetary Systems of the World, page 93.) Why, then, do the advocates of free coinage of silver in this country refer to Japan as an illustration of their proposed plan? Do they not know the facts in the case?

2. But Japan had an "open mint for both metals" long enough

so that she is now *really on the silver basis.* Her workingmen receive their pay in silver. Her employers of labor are said to be prospering, to be declaring "very large dividends." But what about the wages of her working people? Let us see.

I have here the January Bulletin of the Department of Labor, which shows the condition of labor in Japan. Here are the wages paid, translated into our standard:

Daily rates of wages, Japan.

Occupation.	Highest.	Lowest.	Average.
Blacksmiths	$0.60	$0.18	$0.30
Bricklayers	.88	.20	.33
Cabinetmakers (furniture)	.53	.17	.30
Carpenters	.50	.20	.30
Carpenters and joiners (screen making)	.55	.17	.30
Compositors	.83	.10	.29
Coolies or general laborers	.33	.14	.22
Cotton beaters	.45	.13	.23
Dyers	.60	.05	.25
Farm hands (men)	.30	.16	.19
Farm hands (women)	.28	.06	.19
Lacquer makers	.58	.15	.29
Matting makers	.50	.20	.30
Oil pressers	.34	.16	.25
Paper hangers	.60	.20	.31
Paper screen, lantern, etc., makers	.55	.20	.31
Porcelain makers	.50	.13	.29
Pressmen, printing	.70	.11	.28
Roofers	.60	.20	.29
Sauce and preserve makers	.40	.10	.24
Silkworm breeders (men)	.50	.10	.22
Silkworm breeders (women)	.25	.05	.17
Stonecutters	.60	.22	.36
Tailors, foreign clothing	1.00	.25	.49
Tailors, Japanese clothing	.56	.15	.28
Tea makers (men)	.80	.15	.31
Tobacco makers	.50	.11	.29
Weavers	.40	.05	.15
Wine and sake makers	.50	.15	.29
Wood sawyers	.50	.13	.30

Here are the monthly wages paid in certain lines:

Farm hands (men)	$1.44
Farm hands (women)	1.20
Silkworm breeders (men)	1.92
Silkworm breeders (women)	.96
Weavers (women)	.96

And the report tells us further:

Factory labor is paid even less than these prices. Middleton & Co., one of the most prominent tea-shipping houses in Japan, employ in their establishment a large number of persons, men and women, who work from 5 o'clock in the morning until 6 o'clock at night, with three intervals, at 8, 12, and 3 o'clock, respectively, when they eat their rice and what other refreshments they bring with them and rest for twenty minutes or a half hour. The highest wages paid by the Messrs. Middleton are 42 sen a day, which is equivalent to 21 cents in United States currency. This is received by men who are experts in handling tea and have acquired their proficiency by natural ability and long years of experience.

The lowest wages are paid to young boys and girls who pick over the tea leaves to remove the stems and other foreign substances. They receive 13 sen (6½ cents) a day for about twelve hours' work, not including their resting spells.

Of the entire force in the establishment, 20 are paid 21 cents (United States currency) a day, 90 are paid 18 cents, 50 are paid 15 cents, 335 are paid 12 cents, 278 are paid 10 cents, 5 are paid 9 cents, and 30 are paid 6½ cents—and they board themselves.

Mr. E. J. Smithers, our consul at Hiogo, says, in the Consular Report for June, 1894, that the insuperable obstacle to the introduction of American flour is that the great mass of the Japanese are *too poor to buy it.* This reveals their situation. And this is what free-silver advocates "point to with pride" as the fruit of their system. This is the feast to which they invite American workingmen.

HOW ABOUT AMERICAN WORKINGMEN?

And now let us see how the situation of workingmen in this country compared in 1890 with that during the so-called "bimetallic times."

From the famous Senate report on Wholesale Prices, Transportation, and Wages, before referred to, I take the facts for the following table of wages in leading occupations every tenth year for some time before the war, when we had our mint "open to the free coinage of both metals," in comparison with wages in 1890, a sixth of a century after we finally adopted our present system of unlimited coinage of gold and limited coinage of silver:

Occupation (per diem).	1840.	1850.	1860.	1890.
Plasterers	$1.50	$1.75	$1.75	$3.50
Blacksmiths	1.50	1.50	1.50	3.00
Blacksmiths' helpers	.83⅓	.83⅓	.83⅓	1.75
Painters	1.25	1.25	1.25	2.50
Wheelwrights	1.25	1.25	1.25	2.50
Carpenters	1.29	1.41	1.52	1.94
Engineers	2.00	2.25	3.00	4.25
Firemen	1.25	1.37	1.44	1.65
Laborers	.81	1.04	.99	1.25
Machinists	1.45	1.55	1.76	2.19
Watchmen	1.10	1.06	1.00	1.55

Railroads (per diem).	1840.	1850.	1860.	1890.
Baggagemen	$1.53	$1.53	$1.91	$2.11
Brakemen, freight	1.00	1.00	1.16	1.85
Brakemen, passenger	1.15	1.15	1.25	2.00
Carpenters	1.22	1.33	1.50	2.00
Conductors, freight	1.66	1.68	1.61	2.57
Conductors, passenger	2.11	2.30	3.19	3.84
Engineers, locomotive	2.14	2.15	2.30	3.79
Firemen, locomotive	1.06	1.15	2.00	2.00
Foremen, masons	2.50	2.50	2.50	4.10
Painters	1.50	1.43	1.32	2.17
Average, according to importance, for all occupations, 1860 being reckoned as 100	87.7	92.7	100	168.6

There are in almost every community men who worked by the day before the war. Any young workingman who is at all taken by the glowing promises of the free silverites would do well to ask one of these old gentlemen how much he really was paid in those "bimetallic" days, and how much he could buy with his daily pay in the way of necessaries and comforts.

WILL THE AMERICAN WORKMAN ALLOW HIMSELF TO BE DECEIVED?

We have seen that the condition of American workingmen has vastly improved since the days when we had free coinage of silver. It has been shown, also, that opening our mint to coinage of silver on private account would at once send us to a silver basis. How would this affect wages and the men who earn them? Every man who earns his daily bread by his daily toil owes it to himself and those whom he holds dear to think this over carefully.

Any man who will examine daily quotations of prices as reported in the newspapers will soon discover that they change from day to day, and sometimes change very greatly in the course of a month. But every man who earns wages is familiar with the fact that they change slowly, an increase of 10 per cent in a year being quite a gain.

Now, let us grant what the advocates of free silver claim—that going to the silver basis would "double the prices of commodities." Does any workingman believe that wages would be doubled, too? Even if they should be, how much would the wage earner profit by the change? But no intelligent workingman believes for a minute that his wages would be increased by more than a small per cent—that is, while his wages might be *nominally* increased somewhat, the prices of the things he has to buy would be increased very much more. So the real purchasing power of a day's work would be greatly diminished. Any wage earner who now finds it hard to save a little money would find it much harder if we should go to a silver basis.

All experience shows that any debasement in the money system of a country raises prices faster and farther than it does wages. This might influence employers to consider the propriety of debasing our currency, but it is precisely the reason why workingmen should oppose it.

Let us consider for a moment why certain manufacturers are lending an ear to the silver-tongued orators.

Sir Henry Meysey Thompson is one of the leading free-silver advocates of England. He offered a large prize for the best essay on why Japan, India, and certain other silver-standard countries are pushing England so hard in her sales of manufactured goods in the East. The prize was won by Mr. Jamieson, the British consul at Shanghai, China. Here is a copy of that prize essay. Let me read a few sentences, which contain the pith of it: "Wages in the gold-using countries have, through the appreciation of gold, become 100 per cent dearer than they were relatively to silver wages, and the manufacturer in the silver-standard countries *can obtain his labor at half the cost which he formerly paid.*" And it is, therefore, seriously proposed by Sir Henry and his ilk to go to the silver standard *in order that labor may be obtained cheaper*, the idea being that if the workmen receive the same nominal wages, or perhaps a small increase, they will not discover what has happened. Certain manufacturers in this country have had this same little scheme whispered into their ears. There are evidences, too, that some of them are thinking seriously of adopting the idea.

So far as workingmen are concerned, the whole silver question is to be summed up in one query: Do you want your wages cut down? If so, vote for the free coinage of silver.

England has no defense, sir, no choice, except to cut down the wages of her workmen. I see no other way, unless she abandons her present fiscal system, for her even to prevent her Japanese and Indian rivals from invading England itself and competing with the manufacturers of Manchester right in the streets of their own city.

But we have the best market in the world, Mr. Chairman; and, sir, we know how to keep it. [Applause.] It is the plain duty of every wage earner in the United States, his duty to himself, to his family, and to his country, to resolve firmly on two propositions: First, to sustain the protective tariff; and second, to oppose with all his power the free coinage of silver. "Protection and sound money"—this should be our watchword. [Loud applause.]

THE INTEREST OF FARMERS.

Except the natural desire of every American to see all of our industries prosper, and our natural anxiety to do everything reasonable and proper to bring about that result, what possible interest can farmers have in this move of the silver miners for their own special benefit? Our broad acres yield no silver, and we have no personal interest in the problem of finding a market for it. And when in 1890 we were driven to a compromise with these men (who then as now controlled the Senate), whereby we undertook as a nation to do what we never have done for any other industry, namely, furnish a market for the *whole product* and more, what was the result?

These same men assured us then that the act of 1890 would "restore the price of silver and sustain it." By that act this nation obligated itself to *buy* every month 4,500,000 ounces of silver, or 54,000,000 ounces each year. This exceeded by far the entire product of the country; so that we really undertook to furnish a market not only for what was then being produced, but also for all that they believed the country *capable of producing.* Such supreme audacity was never before exhibited, though it is equaled by what we have seen them do this session as exhibited in the action which brought to us the pending amendment.

What was the result of the act of 1890? There were two:

1. After a short-lived increase in price, due to speculation based on the *hope* that silver would advance, the price of silver (as is shown by my colleague's own chart) *fell faster and farther than ever before in history.* Why was this? Simply because our production of silver, which had averaged annually 34,000,000 ounces for the ten years just preceding the passage of the act, leaped to 54,000,000 in 1891 and to 62,000,000 in 1892, and seemed capable of almost indefinite expansion.

2. The second and immensely greater result was the financial panic of the spring and summer of 1893. The repeal of the purchase clause of the act in August, 1893, ended the *panic*, though other causes have continued with us the *industrial depression.* In the spring and summer of 1893 it was almost impossible to borrow money on any kind of security. After the repeal of the purchase clause men with good security could borrow all the money that they wanted. No one now desires to borrow for the purpose of investment, or to invest even when they do not need to borrow therefor. As I said, the panic subsided, but the business depression still continues. There is plenty of money for investment, but no one dares to risk it.

These were the deplorable results of yielding to the dictation of the silver barons in 1890. And similar in kind, but far worse in degree, would be the result of yielding to their present demands.

To come back to my question, What possible interest can farmers have in this problem which the silver miners are trying to solve, namely, of finding a market for their silver? What inducements do the silver producers hold out to the farmers to get them to cooperate in this scheme? They promise the farmers *higher prices* for their products. The sensible question which every thoughtful farmer will naturally ask is, Could they and would they keep their promise? Let us see what the chances are.

They claim that "silver would increase in value, and would carry with it the prices of farm products."

To say that there is any relation between the price of a metal dug out of our Western hills (depending for its value upon conditions peculiar to itself) and the price of any of the vegetable products of our fields (each of which depends for its value upon a set of conditions peculiar to itself)—to tell men that there is any relation between the prices of things so different in their nature and uses, is to insult the intelligence of those who are addressed.

But looking at it from another standpoint, let us see what the probabilities are that the promise could be kept.

One would think to hear these gentlemen talk that silver production is one of the overshadowing industries of this country. Let us make a few comparisons.

The total value of the silver product of the United States in 1892, even when reckoned at the price before 1873, was $82,101,000, and this was the greatest yield in the history of our silver production (Mint Report, page 242).

According to the Statistical Abstract, page 267, the *farm* value of the cotton crop of this country in 1891 was $350,000,000; that of the wheat crop was, in round numbers, $400,000,000, and that of the corn crop was over $800,000,000. The value of our *corn crop alone* was *ten times* the value of the silver crop of this country, and *four* times the value of *all the silver produced in the whole world* that year. Why, sir, the clucking hens of our farms produce more wealth every year than these silver miners, who so patronizingly tell the farmers what they will do for them. [Applause.]

Now, let us look at some actual results. Take, for example, cotton, about which these gentlemen have so much to say. Let us compare the prices of that staple under conditions as fair as possible. To compare prices that had been inflated by a period of war (as those in the early 70's were) with those at the end of a long period of peace, is not a method by which the truth can be established. Let us compare the prices for some years at the end of a long period of peace, when we had "free silver" with those during a similar period now. Let us compare the prices from 1841–1849 with those from 1885–1894.

The following table is made from data furnished by the Agricultural Department. Material for further study of the subject may be had by applying to the Department for its pamphlet on Production and Prices of Cotton for 100 Years.

Production and prices of cotton in 1841–1849.

Year.	Prices in New York.			
	Crops.	Lowest.	Highest.	Average.
	Bales.	*Cents.*	*Cents.*	*Cents.*
1841	1,634,954	7	11½	9.50
1842	1,683,574	5	10½	7.85
1843	2,378,875	6½	8½	7.25
1844	2,030,409	5½	9½	7.73
1845	2,394,503	5	6½	5.63
1846	2,100,537	7	9½	7.57
1847	1,778,651	8½	13½	11.21
1848	2,439,786	6	13	8.03
1849	2,866,938	5½	10½	7.55

Production and prices of cotton in 1885–1894.

1885	5,706,165	9.7	10.7	10.54
1886	6,575,691	9½	10	9.44
1887	6,505,087	9½	11½	10.25
1888	7,046,833	9½	11	10.27
1889	6,938,290	9 15/16	11½	10.71
1890	7,311,322	10½	12½	11.53
1891	8,652,597	7 15/16	10½	9.03
1892	9,035,379	6 11/16	8½	7.64
1893	6,700,365	7 7/16	10	8.24
1894	7,549,817	6½	8 5/16	7.67

Even a very brief examination of the above figures will reveal several significant facts. Though the size of the crop was immensely greater each year of the second period than in the first, the price in the latter period never fell so low as in the former, while the average prices in the second period were much higher than in the first. These are New York prices; and, as it cost less for the planter to get his cotton to New York in the second period, the farm price was thereby increased still further. Cotton, therefore, commands a better price to-day than when we had similar conditions under free coinage.

Farmer friends of mine in Minnesota have told me that before the war they have hauled wheat 50 miles to market with an ox team, occupying days in each trip, and got 45 cents a bushel for it in wild-cat money, which was in danger of being worthless when they got home. Yet in those days the mint was open to the "free and unlimited coinage of silver." [Applause.]

And so I might go on, if there were time, showing the utter fallacy of the patronizing pretensions of these gentlemen.

There is but one way in which the free coinage of silver could possibly affect prices, and that is by lessening the value of the dollar. This could be accomplished in exactly the same way by calling half-dollars dollars. (If a man will feel any better over it, there is nothing to prevent him now from doing his computing in half-dollars.) This would plainly not benefit anyone, because it would affect the prices of things that farmers and others have to buy, as well as the prices of what they have to sell.

We have already seen that free coinage of silver would put the workingmen of this country at a great disadvantage. And farmers have learned in the last three years, if not before, that they can not sell if the workingmen can not buy. So that farmers as well as workingmen owe it to themselves to sustain the protective system and oppose free coinage of silver. [Applause.]

THE INTEREST OF MEN WHO ARE IN DEBT.

"But," says someone, "would not this cheaper dollar be of advantage to men who are in debt?"

Probably every man within the sound of my voice knows from experience what it means to be in debt. It is quite probable that most of us know exactly what it means to struggle on for years and then lose valuable property in consequence of debts. Every one of us has no doubt often wished that we never had borrowed a dollar or bought a thing that we could not pay spot cash for. But when one can buy to-day, on the faith that men have in him, something that he believes will surely be much more valuable in the future (say farm lands in Minnesota or real estate in Duluth), he is apt to yield to the temptation, and buy more than he should. This is the chief reason why so many men are in debt in this great and growing country. Most of us have discounted the future. What is the manly thing to do under these circumstances? Shall we try to defraud the men who trusted us, if we can devise some way to do it legally? The instinct of honesty in every man's soul shouts back the answer, No.

But someone may ask, "Have not the burdens of debt been made greater by legislation?" The answer is most emphatically, No. The treatment of debtors has grown constantly kinder, especially in the last half century. In days gone by the debtor became the slave to the creditor. The State stepped in later and said that slavery of that kind should end, and as a substitute it put the debtor in prison. But in no part of this country can anyone now be imprisoned for debt, unless the goods were obtained by fraud. (In this case the man is being punished for committing the fraud, not for being unable to pay his debts.) Some States are now so lenient to debtors as to almost make the law itself a temptation to repudiate one's just obligations. The property exempt from execution is so large as to enable a person to retain quite a snug estate and yet snap his fingers at his creditors. This fact is well known to almost everyone, yet it is not always thought of in this connection.

THE SO-CALLED "APPRECIATION OF GOLD."

"Well," some one says, "but hasn't there been an appreciation of gold, due to the legislation of 1873?" This is the favorite claim with free silverites, and it is probably the statement which more than any other has given their cause the recognition which it has received among men who intend to be absolutely just in all things. Let us examine this claim, therefore, fairly and squarely.

There are three phases of it:

1. That the act of 1873 was passed without due discussion, and that the discontinuance of the coinage of the silver dollar was done "surreptitiously"—that it was dropped out of the bill during its passage through Congress. The utter falsehood of this allegation I have already shown. The act of 1873, let me repeat, *never contained* a provision for the coinage of the standard silver dollar, and this fact and the reasons for it were fully pointed out. I am glad to note that no man in either House, so far as I can learn, has in this debate allowed himself to refer to this story. It is repudiated by every one who has ever really investigated the matter.

2. That silver has been "demonetized," driven out of use as money. This statement sometimes takes the form of "Half our money was struck down, and this doubled the purchasing power of the other half."

It seems strange, sir, that men will believe a story that is refuted by daily observation.

The coinage of subsidiary silver never was suspended; and the reports of the Director of the Mint show that more silver was coined into *dimes alone* in the *five* years from 1873 to 1878 than had been coined into standard dollars in *all* the years of our history before 1873. The coinage of standard silver dollars was resumed in 1878, and has continued from that day to this. Moreover, every one of those dollars (over 400,000,000 of them) is full legal tender, *precisely as they would be if we had "free coinage,"* unless the debtor voluntarily waives his right to pay in that form of money. So this phase of the free silverites' story has no substantial foundation, and has been dropped by all those whose statements are entitled to respect.

3. The third phase of the statement is the only one that is really worthy of serious consideration. "Has there not been an appreciation of gold, and is not this the cause of the recent fall in prices?"

Even if the answer were yes, that would siginfy nothing for the advocates of free silver, for as I have already shown there was a much greater fall in prices, from 1809 to 1849, when we had the "free and unlimited coinage" of silver. So-called "bimetallism" was impotent to affect the matter then, and would be now. But what is the whole truth in this matter?

Briefly stated, it is this: The price of each commodity depends upon *conditions peculiar to itself*, subject very slightly to modification by the price of some closely allied product. For example, the price of oats depends primarily and almost exclusively on the supply of and demand for oats, and the cost of raising them. But the demand for oats may be influenced somewhat by a very large or a very small crop of corn.

Anyone who will take an extended table of prices, showing the prices of many articles for a long period, month by month or even year by year, will discover the truth of what I have said. The charts used by me here this afternoon, though limited both in number of articles and extent of time, illustrate what I mean. A glance at them will show that the lines indicating the prices of different articles cross and recross each other, showing that there was no common influence governing them all, except the one pointed out by me, namely, that in times of war average prices go up while in peace the general tendency is down.

Now to the question. Since some things have fallen in price, while others have just about held their own, and the great one of all (labor) has advanced, it can not be truthfully claimed as a general proposition that there has been an appreciation in gold. Speaking of things whose prices have fallen, it may be proper (though somewhat confusing) to say that money has risen. This would be just as true with silver money as with gold money. But it is *absolute error* to say that the rise in the value of money is the *cause* of the fall in price. It is simply the *result*. This view is confirmed by that of the eminent German economist, Dr. Helferich (quoted as high authority by Soetbeer), who says:

> In earlier times, when there was no other medium of exchange than that which was also the measure of value, when insecurity of property and scanty development of trade prevented the use of credit, then changes in the only existing medium of exchange, a medium which stood by itself because no other commodity was in universal demand, necessarily exercised a great effect on prices. The situation is *essentially different* at the present time. * * * The greater the range of commercial transactions, the less is the influence exercised in the movement of prices by gold as a medium of exchange, and the more independent is the movement of prices. * * * The prices of commodities are fixed only by causes inherent to themselves (nach deren eigener Wertbestimmung) and gold is called cheap or dear according as the level of prices is high or low. Variations in the value of money are *consequences* of changes in the value of commodities, and *not their cause*.

WHAT WOULD CREDITORS NATURALLY DO?

There are some men now struggling with debt who have felt themselves tempted to support the free coinage of silver just because it would debase our currency, or, as they say, would give us a cheaper dollar and enable those who are in debt to pay more easily. In answer to the chidings of conscience they have said: "The dollar has been raised in value by legislation, now let it be lowered for a while in the same way." If the first part of their statement were true there would be both justice and reason in their demand; but as the premises are false the conclusion is unwarranted. There is only one way for an honest man to do, and that is, exactly as he agreed to do. His moral obligation is discharged only when he returns the kind of money that he borrowed.

But if there is any debtor who fancies that the election of a free-silver President and Congress would be of advantage to him, let him not be deceived.

The men chosen this fall will not take their seats until the 4th of March next, four months afterwards. Unless convened in extra session, the Fifty-fifth Congress will not assemble until nine months later still.

Let us suppose that the advocates of free silver sweep everything before them, capturing the Presidency and the House, and continuing to control the Senate. What would be the natural thing to expect? What would you do if some one owed you and you were not protected by a gold clause in the contract? You would demand what was coming to you. Every man having an obligation coming due would, in self-defense, demand all that might be coming to him while he could still get paid in money of full value. Debtors would be compelled to pay up at once or give new and better security, with a promise to pay in money of the present standard. On the maturing of their obligation they would certainly have to pay an enormous premium for the kind of money required. They would not escape making payment in money of the present standard, and would have to take their chances of getting enough more for their products to enable them to make the payment without actual loss. They certainly would not gain anything, and would take all the risk of losing—losing not only the premium which they would surely have to pay, but depending upon the forbearance of their creditors not to lose all they possess.

And what is the probability of the creditor being able and willing to grant concessions? Depositors in banks would withdraw their deposits. This would compel the banks to call in their loans. The four months between election and inauguration would be strewn with the wrecks of business houses now giving employment to millions of people. Gaunt ruin would stalk through the land, visiting every city, every village, every neighborhood, carrying down to destruction the bravest and best of the captains of industry. Panic, unreasoning panic, would seize the people. We know what even the possibility of going to the silver basis did in 1893; who can compute the effect that would be produced by the absolute certainty of its early arrival? The financial storm that swept over this country in 1893 would be a gentle zephyr compared with the cyclone which would then overtake us.

Creditors, as a rule, would therefore be unable, no matter how well disposed, to grant concessions to those who were owing them. Ninety-nine per cent of those who are in debt would be swept away. We who are in debt, sir, are the ones most vitally interested in the defeat, the overwhelming defeat, of every proposal for the free coinage of silver.

QUALITY OF MONEY MORE IMPORTANT THAN QUANTITY.

The plan of the free silverites, as all experience shows, would subtract from our volume of money a very large and exceedingly valuable part of it. It would diminish our money by the amount of our gold and its representatives, say $600,000,000. Its disappearance would be immediate. What could we get in its place? The total capacity of our mints is less than $90,000,000 a year. But we coined in 1894 about $80,000,000 of gold alone. For the last quarter of a century our gold coinage has averaged over $40,000,000 a year. At this rate it would take us a dozen years to catch up to our present volume of money, without allowing anything for growth. If there were nothing else to consider, sir, would not this strike any reasonable man as a foolish waste of time and energy?

Moreover, sir, we would have poorer money. The silver money

would be bulkier and less convenient than what we have now. And it would lack in stability. And, while "money makes the mare go," we should not forget, sir, that it must be *stable* money. [Laughter.] Silver has become so abundant that its value can not be depended on, as we have seen especially from 1890 to 1895.

So we would have less money and poorer money. And I now propose to show that the loss in quality would be the greater evil.

AN ILLUSTRATION AND THE INFERENCE FROM IT.

When I was a small boy I saw something that I shall never forget. It was at a circus. The clowns and some other employees arranged themselves in a circle. Let us say that there were twenty of them in all. Number 1 said to number 2, "I owe you two dollars; I'll pay up as soon as I can." Number 2 made this statement to number 3, number 3 to number 4, and so on around the circle, number 20 saying it to number 1. Number 1 shoved his hands into his pockets, and with a look of pleased surprise pulled out a dollar. Turning to number 2, he said, "I didn't know that I had that dollar; here's so much on account." Number 2 took the dollar, and with similar language passed it on to number 3, and so it went around the ring. Number 20 passed it to number 1, who received it with a smile and started to put it into his pocket, but instead he turned to number 2 and said, "I didn't expect to be able to pay you the balance so soon, but here it is." And so it went around the ring, finally coming back to number 1, who with a satisfied smile put it into his pocket.

To the little boy who looked, as I did thirty-odd years ago, this was simply the funny work of clowns, to be laughed at and forgotten. It was not forgotten, however; and to the man older grown and charged with the serious consideration of the affairs of a great nation it illustrates the profoundest truth in finance. What is that truth? It is this: *Under proper conditions, the working power of a dollar is beyond all human computation.*

I was very much surprised to hear this afternoon a man so prominent as my friend from Tennessee [Mr. MCMILLIN] speak as if money paid for taxes was lost to circulation. I have often heard men speak as if there must be as many dollars in existence as there are dollars' worth of business to be transacted. What would a farmer say to an agent for bushel baskets who should attempt to convince him that he needed as many baskets as he expected to raise bushels of crop. The farmer would feel that his intelligence had been insulted, and justly so. He knows that he can use the same basket over and over again, and the quantity measured in a given time will depend on the speed with which the one handling it works. And then, if properly used, it is ready to do as much more.

So with the yardstick, the pound weight, and the dollar; each can do an almost infinite amount of work if properly used. What are the conditions of highest efficiency in money—under what conditions can a given amount of money do the most work? Let us examine our illustration.

The dollar in the circus ring did the work of forty dollars in five minutes, and was just as capable of accomplishing as much more in the succeeding five minutes. Why was this? Simply because *it moved promptly*.

Now, let us examine the matter a little more closely. *Why* did it move so? Why was each one so prompt to pass the dollar on? Because he felt good; that is, he felt honest. He felt that when he owed money and had it in his pocket the only proper thing for him to do was to pay up. Moreover, *each had confidence in the other*. There was a feeling of respect and good will among the men in that ring. This is one of the conditions under which money does its work most effectively.

What is the other condition? Why was each man willing to *accept* the dollar in payment of what was coming to him? Because he knew that it was a *good* dollar. He knew that whenever he wanted to use it, whether it might be that day or not for ten years, it would be *just as good as when he accepted it*.

Suppose, on the other hand, that each of the men had a dollar in his pocket, but that they distrusted each other, each fearing that if he let go of the dollar that he had he might not soon get another, although money was due him; and suppose that each was afraid to accept the money of the other, fearing that it might not be good when he wanted to use it; that it would depreciate on his hands—what would be the result? Why, of course, each would keep in his pocket what money he had and each would continue to owe the other; that is, the money would accomplish nothing.

In other words, sir, with good money and mutual trust one dollar did the work of forty, while with questionable money and distrust twenty dollars could accomplish nothing. In other words, sir, *the quality of money is immensely more important than its quantity*.

And, sir, a set of men who make it part of their plan to malign human nature and then offer us a debased currency would not only deprive us of part of the money that we now have, but they would paralyze the working power of what remained. [Applause.] They are not only morally wrong, but financially unwise. They and their policy are alike condemned. They offer poor money and distrust; we offer abundant money of the best quality and well-founded confidence. Is there any doubt as to which the American people will approve? [Applause.]

To employ a figure of speech, we contend that our body politic needs in its circulation *both* kinds of corpuscles, and that it needs them both *all of the time*. The best that is promised by the gentlemen on the other side is that their plan will furnish them alternately; one at a time, first one and then the other. That is, sir, they offer us a sort of chills-and-fever system, which would produce distress in life and would result in early death to business enterprise. Our plan secures to our circulation all the elements needed for the health of the system, including both kinds of corpuscles, all of the time, and in the proportions demanded by the most vigorous life. And behind this good financial blood, to prevent stagnation, to propel it in life-giving circulation, we place the great heart, *confidence*—confidence in our system and in each other, confidence in our system based on approved experience, confidence in each other based on the knowledge that, after all, men would rather do right than wrong. [Applause.]

THE DUTY OF THE HOUR.

I am profoundly grateful to the committee for its undivided and long-continued attention. Encouraged by your kindness, I have gone far beyond the scope of my original plan.

And now, in conclusion, I desire to emphasize the gravity of the situation and the necessity for plain speech. There is a kind of shrewdness, allied to cunning, which sensible and right-minded people have neither sympathy with nor respect for. It inspires in them only distrust and aversion. "What will Congress do?" is being asked all over this country and even beyond its confines. It is our evident duty to the people and to ourselves, to answer that question so plainly that no one need misunderstand our meaning.

Stripped of all the sophistries by which many good men have been misled into supporting it, this project of "free and unrestricted coinage of silver on private account" is simply a bold and reckless attempt to promote a private interest at the expense of the financial peace and business prosperity of the country at large. Let us show by our vote that we fully understand this and as heartily condemn it.

And then [turning to the Republican side] next summer, in our national convention assembled, let us speak the word of truth so clearly as to show that our great party, born of noble purposes and glorified by great names and mighty achievements, is worthy now as in the past to control the destiny of the country so dear to us all. [Long-continued applause.]

Cuba.

REMARKS
OF
HON. GEORGE H. NOONAN,
OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 2, 1896.

The House having under consideration the following resolutions:

"*Resolved by the House of Representatives (the Senate concurring)*, That, in the opinion of Congress, a state of public war exists in Cuba, the parties to which are entitled to belligerent rights, and the United States should observe a strict neutrality between the belligerents.

"*Resolved*, That Congress deplores the destruction of life and property caused by the war now waging in that island, and believing that the only permanent solution of the contest, equally in the interest of Spain, the people of Cuba, and other nations, would be in the establishment of a government by the choice of the people of Cuba, it is the sense of Congress that the Government of the United States should use its good offices and friendly influence to that end.

"*Resolved*, That the United States has not intervened in struggles between any European Governments and their colonies on this continent; but from the very close relations between the people of the United States and those of Cuba in consequence of its proximity and the extent of the commerce between the two peoples, the present war is entailing such losses upon the people of the United States that Congress is of opinion that the Government of the United States should be prepared to protect the legitimate interests of our citizens, by intervention if necessary"—

Mr. NOONAN said:

Mr. SPEAKER: I wish to state as briefly as possible my reasons for supporting the resolutions of the Committee on Foreign Affairs.

Spain is justly tenacious of her colonial rights, and she has proudly referred to Cuba as the "ever-faithful isle."

On the other hand, the citizens of Cuba have of late years become restless and dissatisfied with their political status; so much so that they do not disguise the fact that the present struggle is to sever their fealty to the parent country and to become an independent state.

It is true the movement was at first considered merely an insurrection—only one of those political eruptions that have hitherto

become chronic in Latin America. This contest, however, can no longer be considered in that category. The vast multitude of newsreading people of this country, in view of the facts published during the past year, are unanimous in their conclusion that real war exists upon the island; that it has acquired such proportions as to resist with armed forces the movements of the troops sent to subdue them, and those troops have been frequently defeated.

The people of this country are appalled at the bloody, cruel deeds daily committed in the cities and towns of that once prosperous and peaceable country. Now, while no one will question the right of Spain to force submission to her rule, I contend that we as Americans have the right to protest against all kinds of savagery invoked to accomplish that purpose. When we are satisfied from all of the facts connected with this revolt that the people of Cuba have repudiated Spanish rule and have established for themselves a government, such a condition of affairs ought to be considered a revolution, and should warrant the assumption by the Government of the United States that the revolutionists are entitled to all of the rights and privileges accorded to belligerents. Such a course adopted by the United States is due to the people of any country similarly situated. It is simply the recognition of a fundamental rule respecting combatants that brought our nation into existence. It should be acquiesced in by Spain without equivocation or reservation, and can not be deemed an unfriendly act. We have no grievance with Spain, and would not be a party to any injustice or to the exercise of any doubtful authority with respect to her colonies.

The history of the acquisition of this and adjacent territory is our heritage, and the incident related by early writers of that grand drama where the generous Isabella assists the great navigator of the New World is cherished by every American as one of the noblest acts of royalty. On this question we are not called upon to decide the vital issue between the Government and its people. We see the inhabitants of that country, speaking the same language and professing the same religion, have announced their intention to repudiate the rule of the Cortes on account of wrongs and misrule inflicted upon them, and they claim that their contest is for the exercise of self-government, and all that they ask from us is to have conferred upon them the same privileges that were conceded to us in our struggle with Great Britain. It is useless to multiply words on this topic; the whole world is familiar with the tragic events of the past year, and it has been clearly demonstrated to every candid person that the Cubans are entitled to all of the rights of belligerents.

Coin Redemption Money vs. Irredeemable Paper Money—Practical Bimetallism vs. Silver Monometallism.

SPEECH

OF

HON. WILLIAM E. ANDREWS.

OF NEBRASKA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 13, 1896.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 294) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue—

Mr. ANDREWS said:

Mr. CHAIRMAN: I am in favor of the coinage of the silver product of the mines of the United States into standard money side by side with gold, upon such conditions as will firmly maintain the parity of values between gold and silver dollar with dollar. If a clear and distinct proposition looking toward this result were before us, I would most gladly cast my vote in favor of its passage. But the measure that is before us now, in the form of the Senate substitute and the amendments proposed thereto, would, in my judgment, fail to accomplish the result to which I have referred. If the coinage could be limited to the product of our own mines and then the amendment offered by the gentleman from Pennsylvania [Mr. BRUMM] could be made to apply thereto, and the other portions of the Senate substitute should be stricken out, I could cheerfully accord my support to that kind of a bill when properly drawn and presented to the House. But the Senate substitute, in my judgment would, render the result to which I have referred absolutely impossible.

The title of this Senate amendment may be appropriately and correctly expressed in these words: "An act to increase the wealth of the silver speculators of the world and compel the plain, common people of the United States of America to pay the bill." [Laughter.] If the logical title to this Senate amendment should be expressed in words, it would read as follows: "An act to establish silver monometallism, to retire gold from use as money, to reduce all of our silver money to its commodity value, to depreciate all forms of our paper money almost 50 per cent on the dollar, to contract the volume of our money more than $1,000,000,000, and to introduce a reign of financial ruin at the ratio of 16 grains of adversity to 1 of prosperity." [Laughter and applause.] Hence, Mr. Chairman, believing it to be my duty to vote for what is in keeping with the welfare of the American people, I am compelled to record my vote against this Senate amendment.

But let us review the circumstances which brought this amendment before us in its present form.

On the 20th of last December the President called upon Congress for speedy relief in behalf of the National Treasury.

This House responded to that appeal on the 26th and 28th of the same month by the passage of two emergency measures which were designed to furnish the necessary relief.

The first bill was entitled—

An act to temporarily increase revenue to meet the expenses of the Government and to provide against a deficiency.

The second was entitled—

An act to maintain and protect the coin redemption fund and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

The first is still in the dissecting room at the other end of the Capitol, but the second has escaped with barely life enough to return to the House for treatment.

The original House bill and the Senate substitute therefor involve the consideration of two important provisions of our national Constitution—

First. Congress shall have power to borrow money on the credit of the United States.

Second. Congress shall have power to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

Acting under the authority delegated by the first provision, Congress has frequently authorized the borrowing of money to meet emergency demands and to strengthen and protect the credit of the Government. Accordingly, in 1875 an act was passed providing for the resumption of specie payments.

Through the operation of that law the nation made its peaceful transition from the shadows of depreciated paper money to the clear light of financial triumph, restored national credit, and commercial prosperity. Shall we perpetuate the policy of specie payments or shall we return to the basis of credit money from which we departed in 1879? If we answer in favor of a specie basis, the protection of the coin reserve becomes an imperative necessity to the safety and value of all forms of existing credit money. If we should answer in favor of a paper-money basis, we must prepare ourselves to accept all the penalties of an irredeemable paper money. Believing as I do that the interests of the American people will be best served by a financial system based upon metallic money, I cheerfully give my support to such measures as contribute wisely and necessarily to that result. That law has been the foundation upon which we have preserved the equal purchasing and debt-paying power of all forms of our money from 1879 to the present time. The country moved onward from 1879 to 1893 so prosperously and peacefully that the people had almost forgotten that the law of 1875 was still in force. During those years there was no occasion to invoke its operations, because the wise management of public affairs by the Republican party rendered the issuance of bonds unnecessary.

In this connection I desire to call attention to the fact that the financial statistics of the United States show that the coin value of our paper money in 1867 was about 71 cents on the dollar, and that our national debt, less cash in the Treasury, was then $69.26 per capita, and the interest paid annually thereon was $3.84 per capita. In 1873 this country was still on a paper basis, with its money at a discount of nearly 14 per cent. We were not then on a coin basis, although the silver monometallists frequently assume that we were. Please note the conditions of 1892, when our national debt, less cash in the Treasury, was only $12.86 per capita, and our annual interest payment was only 35 cents per capita, and every dollar of our paper money was worth 100 cents on the dollar throughout the commercial world. Please note the additional facts that in 1861, when the Republican party came into power, we had a volume of money amounting to $452,000,000, with nothing but a ruined national credit and a bankrupt Treasury behind it, and that in 1892, when the Republican party was voted out of power in both the legislative and executive branches of the Government, we had a volume of money amounting to $2,300,000,000, and every dollar, whether coin or paper, was worth 100 cents on the dollar—an average annual increase of nearly $60,000,000 from 1861 to 1892.

We had a population of 32,000,000 in 1861, and 65,000,000 in 1892. Thus it appears that, while our population had increased twofold, our volume of money had increased fivefold. Twice as many people in 1892 as in 1861, but five times as much money in 1892 as in 1861. These and similar facts of our financial history prove

conclusively that the Republican policy has always been, even under the most embarrassing circumstances, a debt-paying, credit-restoring, and money-producing policy.

It is very evident that the people see the grave mistake that was made in 1892 and will correct it at the earliest opportunity. It is firmly believed that the sale of bonds would have been unnecessary during the past three years if the Republican party had been continued in power. But the Republican party, although not responsible for that mistake and its consequent misfortunes, is called upon to undertake the task of repairing the damage wrought thereby.

The revenue measure passed by this House on the 26th of last December was intended to increase receipts to an equality with the current expenditures of the Government. The House bill for which this Senate substitute is offered was designed to supplement the law of 1875 and the revenue laws to be amended by the proposed revenue bill. If there had been a Republican majority in the Senate and a Republican President in the White House, there would have been no necessity for the introduction of these emergency measures. Under such circumstances we could have swept the Gormanized Wilson law from the statute books by the enactment of a genuine Republican tariff measure which would furnish revenues adequate to the current expenses of the Government. Thus the way would have been wisely prepared for proper currency and coinage legislation. But with the Senate under the control of a majority composed of Democrats and Populists and a Democratic President in the White House it was manifestly impossible to enact Republican measures. Hence the Republicans of the House waived party measures and came promptly to the relief of the National Treasury and the national credit by introducing emergency measures on nonpartisan grounds. The expenses were exceeding the receipts by nearly $43,000,000 per year, and when that distress message was sent to the House Congress and the country knew that the Secretary of the Treasury was bound to issue more bonds, whatever action Congress might or might not take. But nobody knew whether they would be sold publicly to the people of this country or secretly to a foreign syndicate. The proposed revenue bill would, if enacted into law, prevent a deficit and thus help to avoid the necessity of issuing bonds. But the Populists and Democrats who voted against that bill went upon record in favor of the continuance of the deficit and the issuance of more bonds to pay current expenses, while the Republicans who voted for that bill went upon record in favor of wiping out that deficit by an increase of tariff duties and also in favor of discontinuing the policy of issuing bonds to secure funds to pay current expenses. As bonds were bound to be issued, it was considered wise to amend the law of 1875 so that the Government could take advantage of the improvement made in its credit during the past twenty years. Accordingly, on the 28th of last December this House passed a bill to protect and maintain the coin redemption fund. That bill, for which this Senate substitute is offered, made the following provisions:

First. It simply authorizes the issue of bonds whenever it becomes an absolute necessity to protect the credit of the Government, but it does not order the sale of a single dollar of bonds.

Second. It would have enabled the Government to use short-time, low-rate bonds instead of long-time, high-rate bonds, if it should ever become necessary to issue bonds.

Third. It proposes to place our bonds with our own people instead of foreigners.

Fourth. It prevents the sale of bonds under the resumption law to pay current expenses.

Fifth. It guards against the retirement of the greenbacks.

Sixth. It strictly prohibits the secret sale of bonds to foreign syndicates or anybody else.

Seventh. It provides for the issue of certificates of indebtedness to meet any temporary deficiency of revenues.

Nevertheless, the Populists and others who oppose these bills have gone upon record—

First. In favor of continuing the deficit which their votes in the Fifty-third Congress helped to create.

Second. In favor of continued sales of bonds to pay current expenses.

Third. In favor of long-time, high-rate bonds instead of short-time, low-rate bonds, even when the sale of bonds becomes necessary to protect the credit of the Government.

Fourth. In favor of borrowing money under the resumption law to pay current expenses.

Fifth. They went upon record in favor of indorsing and permitting the continuance of secret sales of bonds to foreign syndicates.

The central purpose of the House bill and the law of 1875 is to authorize the Secretary to preserve in the Treasury "coin redemption money" sufficient to protect and maintain all forms of our paper money at par with coin. The defeat of that purpose would lead directly to a policy of "irredeemable paper money," whatever our system of coinage might be. Unless the Secretary has the necessary coin at hand to redeem the credit money of the Government, how long would such money remain at par? Our mints might be coining millions per day for the owners of gold and silver bullion, but that would not help the Government in any way to protect its credit money. Whenever the expenses of the Government exceed its income, a depleted coin redemption fund can be replenished only by borrowing money. Fortunately, from June 30, 1865, to June 30, 1893, a period of twenty-eight years, the revenues exceeded the expenditures every year and enabled the Government to reduce the public debt within those years nearly $2,000,000,000, an average reduction of about $70,000,000 per year. That was Republican administration.

But the deficit from June 30, 1893, to June 30, 1894, was $69,803,260.58, and the deficit for the next fiscal year was $42,805,223.18. The deficit from July 1, 1895, to February 13, 1896, amounts to $23,102,845.48. Thus it appears that the expenditures have exceeded the receipts since June 30, 1893, $135,711,329.24. During that same period the interest-bearing debt has been increased by the sale of bonds amounting to $262,315,400. This is Democratic administration.

Although the pending amendment is not germane to the House bill for which it has been substituted by the Senate, let us briefly consider it upon its merits in the light of the financial history of this country.

Acting under the second constitutional provision mentioned, Congress formulated a monetary system and established the Government mint. In the evolution of that system, the dollar was made the unit of value or measure. That unit was to contain 100 cents of actual commercial value. Up to that point it was immaterial whether that unit should be represented by metal or some other valuable substance. But, when the act of 1792 was drafted, it became necessary to select the substance or substances that should represent that unit of value. Quite naturally gold and silver were selected as the money metals, because and solely because of their inherent qualities and practical utility for such purposes. At this point, let us observe that those metals came into use as money in this country by statutory selection and not by constitutional mandate. After it had been decided that this unit, the dollar, should be composed of either silver or gold, two important questions arose, to wit:

How much silver must be put into the silver dollar? How much gold must be put into the gold dollar? These questions were answered by putting 100 cents' worth of uncoined silver into the silver dollar, and 100 cents' worth of uncoined gold into the gold dollar. Thus the gold dollar did not control the silver dollar, neither did the silver dollar control the gold dollar, as to the quantity of pure metal that each should contain. That matter was determined by the commercial and financial forces which made 1 grain of gold equal in value to 15 grains of silver, and 1 ounce of gold equal in value to 15 ounces of silver. From these facts it is evident that the commercial ratio determined the coinage ratio of 15 to 1, adopted by the coinage act of 1792. It is assumed here and elsewhere by the silver monometallists that the coinage ratio controls the market ratio. Alexander Hamilton spoke plainly on this point after he had carefully reviewed its national and international bearings. He said:

There can hardly be a better rule in any country for the legal than the market proportion, if this can be supposed to have been produced by the free and steady course of commercial principles. The presumption in such case is that each metal finds its true level, according to its intrinsic utility, in the general system of money operation.

That rule is founded upon solid truth and can not be violated with impunity. It meant that the Government should receive a dollar of commercial value every time it coined a gold dollar or silver dollar for whose monetary value it thus became responsible. Then we had international bimetallism; now we do not.

But, whatever our system of coinage may be, we should faithfully observe this principle which was embodied in the act of 1792, and has been reaffirmed in all of our subsequent coinage legislation. A correct understanding of this important principle will avoid serious misfortune and correct many false notions concerning this question of coinage. The eloquent gentleman from Iowa [Mr. DOLLIVER] expressed this principle tersely and correctly when he said he was willing to stake this controversy upon two great principles:

First. Every coin manufactured under free coinage will, in the long run, have the exact value of the metal out of which it is made.

Second. When a nation creates two coins of the same denomination, differing in value, it stands to lose instantly the circulation of the one which is undervalued.

Turn upon this subject the light of history and philosophy, and you will have a demonstration of the correctness of his statement that these "two propositions express the uninterrupted experience of mankind and are confirmed by the testimony and authority of every great writer upon economical questions in every language of the earth." We may adopt convention resolutions and enact statutes, but they will vanish like the dew before the noonday heat of a July sun unless they are drawn in harmony with the natural

forces of the commercial world. A few facts cited from the financial history of our own country will illustrate this principle. Section 11 of the act of 1792 says:

That the proportional value of gold to silver in all coins which shall by law be current as money within the United States shall be as 15 to 1, according to quantity in weight of pure gold or pure silver; that is to say, every 15 pounds weight of pure silver shall be of equal value in all payments with 1 pound weight of pure gold, and so in proportion as to any greater or less quantities of the respective metals.

The meaning of this section is so plain that it can be easily understood.

Thus all coins, whether domestic or foreign, were to be recognized according to the principle that 1 grain of gold was equal in commercial value to 15 grains of silver, that 1 ounce of gold was equal in commercial value to 15 ounces of silver, and that 1 pound of gold was equal in commercial value to 15 pounds of silver. But notwithstanding the care with which Hamilton and his associates determined this coinage ratio of 15 to 1, it was soon discovered that both metals did not seek the mint readily, especially after 1805. About that time the divergence of the market from the mint ratio brought Gresham's law (the overvalued money metal always drives out the undervalued money metal) into operation, and before 1820 it had virtually driven gold out of use as a medium of exchange in this country. Then many began an agitation against the so-called "silver bugs" and the great conspiracy against gold, although our mints were then open to the free coinage of both metals at a fixed ratio. "What should be done?" "What could be done?" These were the burning questions of that day. Why had gold left our mints? The answer was soon found in the fact that gold could secure a better price in the open market and at the mints of other countries than it could secure at our mint. A careful examination disclosed the fact that even with international bimetallic coinage the commercial ratio had become almost 16 to 1, and that the ratio of 15 to 1 undervalued gold at our mints. Accordingly the act of 1834 was passed, making the coinage ratio approximately 16 to 1 by reducing the weight of the gold dollar from 24.75 to 23.2 grains of pure gold and from 27 to 25.8 grains of standard gold.

1834-1853.

At this point we meet a very important question, a question which underlies this whole problem. If, when we had international bimetallic coinage, the comparatively slight difference of less than 1 grain between the coin and market ratios drove gold away from our mints and out of circulation as a medium of exchange in this country, what would be the result if, in the absence of international bimetallic coinage, this Government alone should open its mints, as proposed by this Senate substitute, to the free, unlimited coinage of gold and silver at the ratio of 16 to 1, when the difference between the coin and market ratios is approximately 16 grains instead of 1 (slightly less) grain? If a difference of less than 1 grain between the coin and market ratios produced a "silver period" prior to 1834, what would a difference of 16 grains produce now? The history, the philosophy, and experience of the world answer with a unity of testimony, "Irresistible silver monometallism." Hence a vote in favor of this Senate amendment is a vote for silver monometallism, and those who favor its passage are silver monometallists and not bimetallists. Believing that the interests of the people of this country will be best served by the concurrent use of both gold and silver, with equal purchasing and debt-paying power, dollar with dollar, I am compelled to cast my vote against this Senate amendment, which would, if enacted into law, result in irresistible silver monometallism. But this act of 1834 did not settle the question permanently.

Within this period of forty-two years preceding 1834 our mints had coined $11,900,000 of gold and $36,400,000 of silver, three times as much silver as gold, but the gold had gone out of circulation because of its former undervaluation at the coinage ratio of 15 to 1. Now note the effect produced during the next twenty years by the coinage ratio of 16 to 1. From 1834 to 1853, inclusive, the coinage was $264,000,000 of gold and $52,000,000 of silver, five times as much gold as silver. Silver found a better price in the open markets and at the mints of other countries, and hence did not readily seek our mints for coinage.

1853-1873.

In 1853 Congress passed a measure containing the following provision:

That from and after the 1st day of June, 1853, the weight of the half dollar or piece of 50 cents shall be 192 grains, and the quarter dollar, dime, and half dime shall be respectively one-half, one-fifth, and one-tenth of the weight of said half dollar.

Under this law two half dollars contained 345.6 instead of 371.25 grains of pure silver, the ratio for this subsidiary coin thus becoming 14.9 to 1, while the ratio for the coinage of the silver dollar remained at 16 to 1. This change gave a profit to the coinage of silver bullion into subsidiary coin and consequently brought silver to the mint and returned such coins to the circulation of the country. The coinage during the next twenty years was as follows:

Gold	$575,900,000
Silver dollars	5,400,000
Subsidiary silver coins	53,600,000

Total silver coinage during this period, $59,000,000. The ratio (14.9 to 1) for the subsidiary coinage was about 1.1 grains less than the ratio (16 to 1) required for the coinage of the silver dollar. But note the vast difference between the amounts, $48,200,000. This change of ratio was the chief cause of that difference. If a difference of 1.1 grains produced such a difference then with respect to one metal, what would a difference of 16 grains between the market and coin ratios of two metals produce now? Every correct, candid judgment can give but one answer, namely, "Silver monometallism."

1873.

The law of 1873 made the following provisions:

SEC. 15. That the silver coins of the United States shall be a trade dollar, a half dollar or 50-cent piece, a quarter dollar or 25-cent piece, a dime or 10-cent piece; and the weight of the trade dollar shall be 420 grains troy; the weight of the half dollar shall be 12 grams (grammes) and one-half of a gram (gramme); the quarter-dollar and the dime shall be respectively one-half and one-fifth of the weight of said half dollar, and said coins shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment.

SEC. 17. That no coins, either of gold, silver, or minor coinage, shall hereafter be issued from the mint other than those of the denominations, standards, and weights herein set forth.

These sections are quoted from the coinage act which has played an important part in public discussions during recent years. Those discussions have led many people to believe that the coinage of silver was suspended entirely by that act. But what does the report of the Director of the Mint show on this point?

1874-1878.

From 1874 to 1878, inclusive, the gold coinage amounted to $208,500,000, and the silver coinage amounted to $103,600,000. Thus it appears that the silver coinage during this period of five years immediately succeeding the act of 1873 was almost as much as the total silver coinage of the preceding forty years and nearly three times the total silver coinage of the first forty years. The average annual coinage of silver from 1792 to 1878 was $2,600,000.

The act of 1878 authorizing the coinage of the standard silver dollar and restoring its legal-tender quality contains the following provision:

SECTION 1. That there shall be coined, at the several mints of the United States, silver dollars of the weight of 412½ grains troy of standard silver, as provided in the act of January 18, 1837, on which shall be the devices and superscriptions provided by said act, which coins, together with all silver dollars heretofore coined by the United States of like weight and fineness, shall be a legal tender, at their nominal value, for all debts and dues, public and private, except where otherwise expressly stipulated in the contract. And the Secretary of the Treasury is authorized and directed to purchase from time to time silver bullion at the market price thereof, not less than $2,000,000 worth per month, nor more than $4,000,000 worth per month, and cause the same to be coined monthly, as fast as so purchased, into such dollars; and a sum sufficient to carry out the foregoing provision is hereby appropriated out of any money in the Treasury not otherwise appropriated. And any gain or seigniorage arising from this coinage shall be accounted for and paid into the Treasury, as provided under existing laws relative to the subsidiary coinage.

This law has not been repealed with respect to the legal-tender quality of the standard silver dollar, and hence all standard silver dollars are still legal tenders as provided in said act. Nevertheless, the silver monometallists continue to ring the changes on the word "demonetization." But what is the meaning of that term? Demonetization means the act of withdrawing from use as money something which has already been made into money. Of course it is evident to every rational mind that it would be impossible to demonetize gold or silver bullion which has never been coined into money, for how can a thing be demonetized which has never been "monetized" or made into money? A correct understanding of the true meaning of that word will show that much of the talk about "demonetization" is an idle waste of time and worse than meaningless folly, because it is deceptive and misleading.

1878-1892.

During a period of fourteen years, 1878 to 1892, the gold coinage amounted to $550,300,000, and the silver coinage was $428,679,000, an average annual silver coinage of $30,600,000, making a net increase of $28,000,000 per year over the average annual coinage of silver for the first eighty-five years. From 1792 to June 30, 1895, our mints had coined $1,755,800,000 of gold and $685,000,000 of silver. The report of the Treasurer of the United States shows that our stock of gold on June 30, 1895, was $636,000,000 and that our stock of silver on the same date was $625,000,000. Thus it appears that we have less silver by $60,000,000 and less gold by $1,119,800,000 than our mints have coined since 1792.

It is also very evident that the forces of the commercial and financial world have drawn upon our gold and silver circulation respectively in the ratio of 18.6 to 1, so that we have lost $18.6 of gold to $1 of silver from 1792 to 1895. These brief references to our financial history suggest some very important lessons:

First. That our paper money will always go to a discount whenever the Secretary of the Treasury does not have at command a coin reserve sufficient to redeem outstanding credit money according to the terms of its issue. Hence it becomes an imperative necessity to maintain and protect the coin redemption fund unless we desire to adopt a financial policy based upon irredeemable paper money.

Second. That a coinage ratio which undervalues one of the metals included in a bimetallic system will ultimately retire the undervalued metal from use as money. If the undervaluation is slight, the retirement may be gradual; if it is great, the retirement will be speedy. When we correctly test this Senate amendment by this universal and inexorable law of bimetallic coinage, we are forced to the conclusion that, under existing circumstances, with a market ratio of 32 to 1 and a coinage ratio of 16 to 1 gold would be immediately driven out of use as money in this country. Hence the passage of this Senate amendment would defeat the will of the people who earnestly desire the concurrent use of both metals as money.

Third. That every coinage law enacted by the American Congress has been based upon the common-sense principle that every coin issued by our mints, whether it be gold or silver, should be, and, in justice to the interests of the people, must be, supported by a commercial value equal to the face value of the coin. Nevertheless, this Senate amendment provides in effect that every silver dollar to be issued by our mints under existing conditions should be supported by a commercial value equal to only one-half of the face value of such coin.

If enacted into law, it would invite the speculators and money brokers of the world to bring to our mints the silver product of 1894, for instance, amounting to 167,752,561 fine ounces, whose market value is quoted at $106,522,900, and compel the common people of this country to pay them $216,892,200 for it. A donation of $110,369,300 for only one year—a premium of more than 100 per cent according to the present value of our money!

Now, where is the justice and the business discretion in demanding that the farmers, the laboring men, the merchants, in short, the common people of this country, shall be compelled by law to pay this premium? It has been stated in this debate that there are about $65,000,000 of seigniorage now in the national Treasury? Where would that seigniorage, $65,000,000, have gone if the advocates of the "free-unlimited-16-to-1" theory could have had their way? They would have put it into the pockets of the mine owners and silver speculators. But, as they have not had their way, it is now a resource to the Government and belongs to all the people of this country and not merely to the few. In this connection, it should be remembered that Congress has no right to coin gold simply because it is gold or to coin silver simply because it is silver. It has a right to coin these metals into money solely because such coinage facilitates business transactions and thus promotes the "general welfare" of all the people.

DOMESTIC SILVER.

While I shall vote against this Senate amendment because it means silver monometallism, I would be glad to vote for a measure providing for the coinage of domestic silver on a plan of practical bimetallism. In my judgment this could be accomplished by the enactment of laws embodying the following provisions:

1. The duties on all imports from countries whose mints are closed to the coinage of silver should be made payable in gold. They demand gold from us and we can well afford to demand the same from them.

2. Upon all foreign silver we should levy a duty at least equal to the difference between the market and coinage ratios of gold and silver at our mints, and make that duty payable in gold. The revenues thus received would strengthen the Government for a larger use of silver. The silver product of foreign mines for 1894 was 118,252,561 fine ounces, whose commercial value was $75,100,900 and whose coinage value at our mints was $152,892,200. Now, if that foreign bullion had come to our mints under such conditions and under the rule which I have just suggested, its owners would have been compelled to pay into our national Treasury a duty in gold amounting to $77,791,300, the difference between its coinage and commercial values for that year; but the "free-unlimited-16-to-1" theory of the silver monometallists would have compelled the common people of this country to donate that difference to the silver speculators of foreign countries.

3. In the coinage of American silver there should be deposited with the Government a seigniorage equal to the difference between the market and coinage ratios of the two metals. Thus the owner of gold or silver bullion would receive the market price of his commodity, a dollar for a dollar, and the Government would receive 100 cents of commercial value for every dollar issued from the mint whose monetary value the Government must sustain. If the market and the mint ratios should become one and the same, no seigniorage would be required, and hence the coinage would be free. Under the operations of this rule, the Government would receive 100 cents in commercial value for 100 cents in coin; but it would receive only 50 cents in commercial value for 100 cents in coin according to the "free-unlimited-16-to-1" theory of the silver monometallists. This rule would have paid virtually from the national Treasury $31,422,000 for 49,500,000 fine ounces of silver, the American product for 1894; but the silver monometallists would have paid, under their "free-unlimited-16-to-1" theory, $64,000,000 for the same silver, or a bonus of $32,578,000 to the bullion owners. Thus it appears conclusive that the essence of the financial reforms proposed by these silver monometallists consists in compelling the common people to pay large premiums to speculators and money brokers.

A financial policy based upon such a great inequality of values would be like the house which was built upon the shifting sands. By a duty on foreign silver and a seigniorage on domestic silver we can protect the Government from financial risk and loss and at the same time realize all the benefits that can be secured from silver coinage. Whenever there is a difference between the coin and market ratios of the two metals that difference should be deposited with the Government, because we should insist at all times that every coin issued from our mints shall be supported by a commercial value equal to the face value of the coin. A financial policy based upon this principle of equal values will stand amidst the storms and tempests of the financial and commercial world like the house that was built upon the solid rock.

With such an import duty upon foreign silver and a seigniorage on domestic silver, I would gladly vote to open our mints to the coinage of the silver product of the mines of the United States at the present legal ratio, as the duty and seigniorage thus required would equalize the market and mint ratios whenever there is a difference between them. Thus we could safely continue the present legal ratio and avoid the confusion and expense incident to a recoinage of existing silver circulation. The people want and need good money sufficient in volume to meet the demands of business. They earnestly desire a gradual increase in the volume of money so that it will wisely keep pace with the increase of population and the increase in the volume of business. These are the things that I shall work for and vote for to the very best of my knowledge and ability, and I will not yield my support to a policy of financial ruin on the one hand or of financial stringency on the other.

Now, to the benefits of an adequate coin reserve and a practical bimetallism add the benefits of a Blaine reciprocity and a genuine protective tariff measure drafted upon the lines of the McKinley law, with its schedules wisely adjusted to present conditions of commerce and business, and prosperity will again return with a glorious emancipation of the financial, commercial, agricultural, and industrial interests of the country. Capital will then forsake its hiding places and labor will flee from its enforced idleness to receive its just rewards in the reopened channels of business and trade. Then hasten the election day of 1896, at which time the voters of this country will surely win this splendid victory by returning the Republican party to full power in both the legislative and executive departments of the Government.

Cuban Belligerency.

REMARKS

OF

HON. LUCIEN J. FENTON,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 2, 1896.

The House having under consideration the following resolutions:

"*Resolved by the House of Representatives (the Senate concurring)*, That in the opinion of Congress a state of public war exists in Cuba, the parties to which are entitled to belligerent rights, and the United States should observe a strict neutrality between the belligerents.

"*Resolved*, That Congress deplores the destruction of life and property caused by the war now waging in that island, and believing that the only permanent solution of the contest, equally in the interest of Spain, the people of Cuba, and other nations, would be in the establishment of a government by the choice of the people of Cuba, it is the sense of Congress that the Government of the United States should use its good offices and friendly influence to that end.

"*Resolved*, That the United States has not intervened in struggles between any European Governments and their colonies on this continent; but from the very close relations between the people of the United States and those of Cuba in consequence of its proximity and the extent of the commerce between the two peoples the present war is entailing such losses upon the people of the United States that Congress is of opinion that the Government of the United States should be prepared to protect the legitimate interests of Americans by intervention, if necessary"—

Mr. FENTON said:

Mr. SPEAKER: I esteem it a valued privilege to have the opportunity of lifting up my voice and casting my vote in favor of the resolutions now under consideration touching the recognition of the belligerent rights of the struggling Cuban patriots.

Even had any doubt heretofore existed in my mind as to the absolute right of this Government to recognize the new Republic as a belligerent power, the action of the Committee on Foreign Affairs, after careful consideration of the gravity of the subject, would have dispelled such doubts.

I take it from what I can learn from precedents that there will

be no infringement of international law in the adoption of the pending resolutions. But the facts are that so-called international law is largely the product of monarchical governments, and has been formulated chiefly with a view to their interests, and especially with reference to their colonial possessions. There is, however, a higher law—a law of humanity, which appeals to that deep sense of justice innate in the hearts of the masses of civilized men, and which calls loudly for intervention when the "iron heel of tyranny" attempts to crush to earth those who seek only the exercise of those inherent rights and privileges which are the natural and rightful heritage of all races and tribes of the human family.

Whatever may be the subtleties of international law which would seem to legalize the butchery of helpless human beings made slaves by a relentless despotism, there should be no delay in thrusting them aside in order that substantial sympathy may be extended by the greatest Republic of the earth to the heroic and long-suffering people of Cuba.

In the barbarous warfare now being waged by Spain against the Cuban insurgents we, as one of the greatest nations on earth, are confronted with conditions so appalling and so revolting that to withhold our protest against a revival of the modes of warfare practiced in the Dark Ages would either be a confession of weakness on our part or a tacit approval of the war of extermination recently inaugurated by General Weyler and his hordes, without discrimination as to age, sex, or condition.

This Congress will not fail to enter a protest, but will voice the sentiments of 70,000,000 of freemen by sending greeting from the oldest and greatest actual Republic in existence to the newest, the beautiful Queen of the Antilles.

Popular Education and Religious Liberty.

SPEECH

OF

HON. THOMAS C. McRAE,

OF ARKANSAS.

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 2, 1896.

The House, in Committee of the Whole, having under consideration the bill (H. R. 7604) making appropriations for the sundry civil expenses of the Government for the fiscal year 1897, and debate being in progress touching an item in the bill for the support of Howard University—

Mr. McRAE said:

Mr. CHAIRMAN: I am opposed to the proposed amendment, and I will briefly state some of my reasons.

I regret very much that some gentlemen have seen fit in the discussion of this question to erroneously charge the Southern States with unfair treatment of the colored people in the matter of educational facilities. I do not intend to be led into a discussion of that matter at this time, but I do want to say that I heartily join the gentleman from Texas [Mr. SAYERS] in denying these misrepresentations of our tax-ridden people. The negroes have been fairly treated in the State of Arkansas, and I believe they have been in the other Southern States; but if they have not been it is no reason why we should make this appropriation of $32,000 to a private denominational colored university located in this District, when we all know that they have the same opportunities to attend public free schools here as the whites have.

To my mind there is no theory consistent with our institutions upon which this appropriation from the general revenues of the Government, collected by taxation from all the people, can be justified. That the colored people need education in the South can not be denied; but it does not follow that Congress should take the money from the people of the States, black and white, and give it to a private university located in this city. I make no war on the Howard University. There is evidently a necessity for it, or it would not exist. I have nothing but words of praise and encouragement for its promoters and supporters; but I insist that Congress should not aid any educational institution except those which offer to the youth of our country an opportunity for a common-school education free of cost. If we have the power to aid the cause of education, we should help the public and normal schools in the States and Territories and not subsidize private universities, however deserving and philanthropic they may be. One of the great mistakes of the past in this and other countries has been that the aid to colleges and universities has been out of proportion to that extended to the public schools. The result has been that knowledge, that great agent, so powerful and dignifying to human nature, has been and is confined to a few master spirits, who, constituting the repositories of moral and mental power, have given laws, literature, and religion to the world and shaped the destinies of mankind.

For just experience tells in every soil,
That those who think must govern those who toil;
And all that freedom's highest aims can reach,
Is but to lay proportioned loads on each.

In the most remarkable period in the history of learning, when all that was beautiful and grand in conception, all that was sublime and powerful in thought or chaste in imagery, we find ignorance is the basis for human usurpation. This has always been and always will be the case. The mind is the ruling and controlling power of the intelligent few, to whose patient labor and systematic study the world is indebted for the thousand improvements and successful discoveries which are the pride and ornament of the nineteenth century.

This mind, which, when cultivated, adds so much to the dignity and happiness of the human family, dwells not alone with the favored few who are able to purchase for their children admittance in the great universities, but with the mass of mankind. This being true, there should be a wider dissemination of knowledge, that its rays should penetrate and expand the minds of the multitude.

Popular education is important in the sense that it tends to inculcate the principles which guarantee to everyone the noble and unconditional inheritance of freedom. The love of this freedom is implanted in man by divine hand, but the history of the human race in every age and in every condition of existence shows that it can not be propagated where ignorance is permitted to rule.

Just in proportion to the enlightenment of the mass of the people of any country will they be free—free to think, to expand, to grow and develop their powers and usefulness. Many illiterate freedmen believe that freedom consists alone in the right of franchise. The avaricious plutocrats who have grown rich by the favoritism of the Government think it consists in the rights of property. This is physical freedom—freedom of body—but not freedom of the mind. Real freedom embraces other principles—rights to the esteem and regard of society. It is the privilege of pursuing happiness in the path of light. What is this worth to one who has no power of mind to comprehend the nature of freedom? The splendor of the noonday sun, the gorgeous blazonry of the firmament is starless and rayless to the blind. Again, it is not out of place to consider this question with reference to our institutions. Our Government recognizes but one class—the people; and has but one legitimate aim—the interest and advancement of the people. Its protection rests in the hands of the people, and is the counterpart of themselves; and it must rise or fall according as the character of the people is elevated or debased. Its theory is equality—equality of power; and that implies an equality of knowledge. Then, should not the whole people be educated, so as to have a proper sense of their rights, to discern their true interests, and to know the important functions of our complex government and their duties under it? Popular education is the best security for popular liberty, in the neglect of which the knowledge accumulated by the few favored wealthy classes will sooner or later perish "like dry grass in the fire of popular fury."

If, then, Mr. Chairman, we are to remain a great and powerful nation, whose influence will be felt and whose intellectual preeminence will be acknowledged, the great body of people must be educated. That is the great mission of the public free schools in the States, and it is for the poor struggling States, where 50 per cent of the people can not read and write the language they speak, that I raise my voice as against Federal aid to colleges and universities in the great centers of wealth designed to prepare men and women for the professions. It is only through the aid of the public-school system that we can throw the light of civilization and intelligence into the hovels of the poor and give them exalted ideas of nature, man, and government.

I shall not take up the time of the committee to prove that the university in question is sectarian, for the amendment admits this by providing that no part of the money "shall be paid to any teacher or professor of theology or religion, or to any chaplain in said university." If you aid any department, you help the entire institution.

Mr. Chairman, I do not wish to be understood as opposing church schools and colleges, nor should I underestimate their great benefit to the cause of education and civilization. I affiliate with a Protestant denomination which believes in and advocates the highest education for its ministers, and its institutions of learning stand in the front rank of sectarian schools. It maintains an institution for the education of colored ministers in the State of Alabama, but, sir, it does this by private and voluntary contributions, and it will deserve to die when it asks Congress to aid it. The various churches in the South are doing as much for the cause of higher education as any other agency. I take pride and pleasure in saying that all of the religious denominations in the State which I in part represent are bending all their energies to arouse the aspirations of the people and to bring them to a realization of the dangers that threaten our institutions by the great mass of ignorance that surrounds them. They are lighting up the minds of the people with the torch of knowledge. In their own hopeful, faithful way and under their own independent con-

trol they are accomplishing what was not dreamed of thirty years ago. They have had many hardships and disappointments to encounter and overcome, but they have never thought of asking aid of the Government. May God speed them in the great work they have undertaken!

As a believer in the Christian religion and not opposed to sectarian education, and for the good of the churches themselves, I stand here to warn them as well as my countrymen of the danger of Government aid to any school, college, or university under church or private control. I say this in the interest of that pure Christianity which I believe exists in the hearts and homes of the great body of the people of this country, as well as for the regard I have for that charter of our liberties which provides that no religious test shall be prescribed for office. Let us keep the state and church forever separate and independent of each other. Let us keep the wall between the two, which was so wisely erected by the fathers of this Republic, so high and so strong that intolerance and fanaticism will never be able to overleap it. No church that has a proper regard for the holy work committed to its care would accept aid from a State or the Government.

Mr. Chairman, I think this a fit occasion to refer to some of the utterances of that great lawyer, statesman, jurist, and champion of the Christian religion, the late lamented Judge Black, of Pennsylvania, upon the question of religious liberty. I shall now ask the attention of the House to some of the thoughts suggested by him in 1856, because the principles are stated more forcibly and more strongly than I can possibly hope to state them. I wish I could burn the great truths he has so eloquently expressed in the minds and hearts of the members of this House and the people of our great country.

"We habitually use certain words and phrases, imported from the other side of the water, which are calculated to mislead us. One of these is the word 'toleration' as applied to matters of faith. It implies that we derive whatever religious freedom we have from the concessions of the Government; that the king in a monarchy and a majority of the people in a republic permit those who differ from them to live unmolested. This notion is wholly untrue. It is not a political privilege, but a natural and indefeasible right, which human government may protect but can not either give or withhold. If we are permitted to enjoy it, our thanks are due, not to any popular majority, but to Him who gave us being.

"Deus nobis haec iria fecit.

"Again, we hear it continually said by the wisest men among us that Christianity is part of our common law. No one has ever attempted to explain how this is to be understood. The law and the gospel are, in fact, wholly dissimilar in nature and essence, in origin, operation, and object; as different as the purity of the one must necessarily be from the coarse and vulgar machinery of the other; so different that they never can be mingled together without corrupting both. Christianity, they tell us, is a part of our law; that is, we have adopted the rules of the Divine Lawgiver to regulate our civil conduct, but, finding them very defective, we have made certain valuable additions. The Connecticut settlers resolved that they would live according to the laws of God until they had time to make better. So we profess to have taken a system formed in the councils of Omniscience, which came from the hands of its Author round and perfect like a star, filled with all forms of moral beauty and radiant with miracles of light, and we boast that we have adopted this system with such amendments as our superior wisdom has found it necessary to make. The proposition is blasphemous, and every Christian man should frown upon it.

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"The manifest object of the men who framed the institutions of this country was to have a state without religion and a church without politics—that is to say, they meant that one should never be used as an engine for any purpose of the other, and that no man's rights in one should be tested by his opinions about the other. As the church takes no note of men's political differences, so the state looks with equal eye on all the modes of religious faith. The church may give her preferment to a Tory, and the state may be served by a heretic. Our fathers seem to have been perfectly sincere in their belief that the members of the church would be more patriotic and the citizens of the state more religious by keeping their respective functions entirely separate. For that reason they built up a wall of complete and perfect partition between the two.

"Their theory was one of absolute and unlimited freedom—a freedom 'as broad and general as the casing air.' It was their aim to take away every possible pretense which could be made by any human being to erect himself into a tribunal for the purpose of deciding matters supposed to be at issue between his fellow-creatures and their God. They thought they had succeeded in guarding the rights of conscience so that no majority would ever invade them. They gave to bigotry no possible chance for thrusting herself into civil affairs without doing so in flat rebellion to the Constitution.

"This liberty to think and do what they please extends to all manner of wrong-headed people, so long as they do not interfere with the rights of others. The widest departure from the faith of the majority is permitted as fully as the most trifling difference of opinion. The Baptist may safely confess his belief in immersion, and the Quaker, with equal impunity, may disregard all outward forms. The Catholic may celebrate the mass, the Jew may eat the passover, and even the Mohammedan may turn his face toward Mecca when he prays. Some very good men are disgusted at a liberality so excessive that it stands neutral between the purest truth and the grossest error. Their righteous souls are vexed from day to day by the fact that their Government is such a Gallio as to 'care for none of these things.' If it be wrong it can not now be mended. For those who are not content with it there is no help, except in emigrating to some place where persecution is not forbidden; and even then their comfort may depend very much on whether they are permitted to inflict the persecution or compelled to suffer it. A British officer, just returned from India, was asked what he thought of lion hunting. 'The sport,' said he, 'is excellent as long as you are hunting the lion; but it gets rather disagreeable when the lion begins to hunt you.'

"Heterodox people in this country are protected not only from burning, hanging, maiming, and imprisonment, but it is provided that even political disabilities shall not be imposed on them for their erroneous faith. One sect shall have no advantage whatever over another. You shall not reward the true believers by giving them all the public employments and punish heretics by a total exclusion. There shall be no religious test as a qualification for office. Make what other test you please. Exclude a man, if you like, for his political sentiments, or his moral conduct, for his wealth or his poverty, for his youth or his age; make war on him for the color of his hair, the length of his legs, or the shape of his nose; but let him alone about his religion; that is consecrated ground; that is a point on which the Constitution has refused to trust you with one particle of power; and wisely, too, for mortal men are not fit to be trusted with such power. They have never had it without abusing it grossly.

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"The man who would enforce religious truth by penalties of any kind is not only cruel and inhuman but he is 'a fool as gross as ever ignorance made drunk.' He descends from his vantage ground, disgraces his cause as well as himself, and makes his adversaries hug their errors with more affection than ever. The logic of blood is just as powerful for the wrong as it is for the right, and Truth, in such a contest, is disarmed of her intrinsic and natural power. By a thousand arguments you can show that Christ was God and Mohammed an impostor; but the rack will prove as much for one as the other. It is possible to convert the most obstinate misbeliever by an appeal to his reason, but what progress will you make by burning his church?

"The experiment has been thoroughly tried both ways, with what success you know very well. When the church had no sword but the sword of the Spirit, when her disciples knew nothing of persecution except what they suffered, her influence was irresistible. But on the evil day when she joined herself to political power her 'invincible locks' were shorn away and she was compassed round with danger and darkness. Christianity, like the oak, will thrive only in open air. It grows and flourishes, and strikes its roots deep into the earth, and stretches its branches to the skies, and spreads them over the plain, while the free winds are permitted to play among its leaves and the sunshine of heaven to settle on its head. But it never was meant for a hot-house plant. It withers and dies when placed under the forcing glass and exposed to the stimulus of an artificial heat.

"The author of the Christian system has lent no sanction to any deed of hatred or violence which has been done in his name. When the prophet Elijah came out from the cave and stood on the mountain there passed in succession an earthquake, a fire, and a mighty wind, but the Lord was not in either. After these had gone by there came a still, small voice, and Elijah knew that the Lord was there. In the history of the Christian world we have seen the earthquake produced by the encounter of nation with nation, the fire of legal persecution, and windy storm of political disputation. It needs no inspired prophet to tell us that in none of these was there any sign of His presence who rules in justice and mercy. If He is not heard in the still, small voice that speaks to the reason and the conscience, then are we without God in the world, and consequently without hope.

"Let us not be self-complacent enough to suppose that we are in no danger of being tempted to repeat what others have done before us. This age is wiser than former times. We know more; but I am not sure that we feel any better. American, Republican, Democratic nature is still human nature, and has its full share of old Adam. Everywhere and at all times the spirit of persecution is the most insidious as well as the most deadly foe to public tranquillity, safety, and peace. It may steal imperceptibly over the popular heart at any moment, for its approaches are always noiseless and rapid. There is nothing less alarming in infancy, nor nothing more terrible in maturity. Its first whisperings are as

gentle and soft as the summer breeze; but its murmurs grow louder and stronger and wilder, until you have it in the crash and roar of the tempest. The whole heavens may be darkened to-morrow by a cloud which to-day is not bigger than a man's hand.

"*Facilis descensus averni.* If our judgments could once be obscured by a strong feeling of hatred and contempt for those who profess a false faith, how easy might it be to convince us that there is nothing either legally or morally wrong in using our numerical power to strip them of their share in the civil Government! We do that, and then come slander and insult of the injured party by way of excuse for the injury. Resistance—perhaps retaliation in some form or another—would almost certainly follow; and this would be an excuse for still further inflictions. The combat deepens every hour; our hatred grows stronger and more intense at every stage of the contest, until we are completely blinded by it; and—

> "Masterless passion sways us to the mood
> Of what it likes or loathes.

"The final issue would be the enactment of inhuman laws to suppress the religion of the minority, or else inhuman riot, bloodshed, incendiarism, perpetrated in defiance of law. 'You begin,' said Roger Williams to his opponents at Boston, 'you begin by reviling your erring brethren; you will end by taking their lives, for you are on a path where there is no hiding place.' He knew the philosophy of the subject exactly. It is idle folly to let loose the war dogs of religious bigotry, hiss them on their victims, and then expect them to be content with barking. It is their nature to tear the flesh and mangle the limbs and lap the lifeblood, and if you desire them not to do so, keep them chained up."

"Besides this natural tendency of the passions, the reason of the thing is altogether opposed to stopping after you begin. There is an argument in favor of killing heretics which you can never answer, except by totally denying all power to molest them. If it be our mission to propagate religious truth, as we understand it, by punishing those who refuse to accept it, why do we trifle with the great work intrusted to our hands? If we are responsible for the faith of others as well as our own, how dare we allow the God of the universe to be mocked and insulted by a false worship? We know very well that such errors are not to be eradicated except by destroying all who believe them. Nothing but the most thorough work will crush them out. If such be the service that God requires of us, let us perform it as men who know that we are working under our great Taskmaster's eye. Subdue the sentiment that might make you revolt against duty. Gird every man his sword upon his thigh; go through the camp and slay every man his brother and his friend. Feed the eagles with the flesh of all who dare to misbelieve; give their roofs to the flames, and let not one stone of their churches remain upon another. This reasoning is perfectly sound, if you concede the premises. Once let go your hold upon the true doctrine of perfect equality, and logic, as well as passion, will carry you irresistibly to the other extreme.

"The tendency of bigotry to run into wild extravagance is partly accounted for by its singular gullibility. Its capacity for swallowing falsehood is absolutely unlimited.

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"This evil spirit of persecution is indeed very far from confining itself to the ignorant and depraved. It has often brutalized the kindliest natures, and under its influence the man of genius drivels like an idiot. I think no one can read the writings of St. Francis Xavier without being touched by the deep tone of his personal piety, yet he was the author of that diabolical invention, the Spanish Inquisition. That Calvin was the profoundest thinker of his age everybody admits; to deny the sincerity of his devotion would be simply absurd; but his name is inseparably linked with one of the foulest murders that ever blackened the face of the sky. Even the matchless intellect of Milton was subdued to the service of the same demon. When all his faculties were roused in defense of free conscience, there was one class of his opponents that he gave up without hesitation to the sword and the fagot. The great heart which conceived all the glories of the Paradise Lost had no drop of pity in it for the sufferings of the Irish. The loftiest hymn of his praise was sung to the man who carried the 'curse of Cromwell' through that devoted island.

"It not only nourishes those violent passions which lead to bloodshed and tyranny; it is almost equally objectionable for its meaner vices of treachery and fraud. It seldom approaches you in fair hostility, with its weapon drawn and its visor up; it hides its hideous face under some plausible disguise, and surrounds itself with all the machinery of false pretenses. It takes its adversary by the beard and affectionately inquires, 'Art thou in health, my brother?' while it stabs him under the fifth rib. Charles IX invited the leading Protestants of his Kingdom to a royal wedding, and took such order for their entertainment during the night that their mangled and lifeless bodies were scattered next morning through all the streets of Paris. This and other outrages were committed on the absurd allegation that Protestants were not, and could not be, faithful subjects or sound in their private morals. The statesmen of England, meanwhile, with a disregard of truth equally base, made the same accusation against Catholics, and on that hypocritical pretense compelled them, for more than a century, to groan under oppression compared to which the bondage of Egypt was mild and merciful.

"It engenders dissimulation of another kind. It pays an enormous premium for hypocrisy and crushes out all independence and truth from the hearts of the people. Sincerity, even when it clings to an erroneous faith, is the first of virtues. But the brave, true men, who would rather suffer than belie their honest convictions, are hunted down and sent to the stake, or at least are banished in disgrace from the public councils, while the knave or the coward, who is willing to profess whatever creed is safe or profitable, is rewarded for his baseness with influence, power, and place. Bigotry applies an infallible test to the merits of men. With unerring certainty she divides the chaff from the wheat, but the wheat she condemns to the unquenchable fire of her hatred, while the chaff is carefully stored away in her garner. Therefore it is that, when bigotry reigns, the public service is always crowded with the worst men. Hostility against an unpopular religion is easily simulated. When you make that a virtue, the infidel and the ribald scorner can be as virtuous as anybody. When that becomes a passport to the sovereign's favor, the state will be served, not by religious men, but by 'hireling wolves, whose gospel is their maw.'

"It is useless to describe any further the features of this monstrous demon. It is the Moloch of the earth, who sits on his shrine up to the ears in blood and compels the children of men 'to pass through fire to his grim idol.' It corrupts the morals, it pollutes the religion, it endangers the safety of any people who permit it to gain a foothold among them.

"But we may safely felicitate ourselves upon one thing. Our establishment of perfect religious liberty and equality has not only given happiness and peace to ourselves, but it has revolutionized the sentiments of the Christian world. We have led the grandest reform that has ever been seen since the days of the Apostles. England, under the admitted influence of our example, has in a great measure knocked away the shackles from the minds of her people. She has removed one political disability after another, until at last she welcomes men of every creed to her service. A Jew is sheriff of London, Catholics sit in her Parliament, and a Presbyterian was, not long ago, at the head of her cabinet.

"France has made a progress still greater. No one there thinks of excluding a man from office on account of his religion. For many years the prime minister, who mainly wielded the power and patronage of the kingdom, was the zealous defender of a creed which the king and four-fifths of the people rejected. Even the fund raised by taxation for purposes of religious instruction is distributed to preachers of the Protestant as well as the Catholic faith. In those parts of Germany where the religious wars were conducted with the greatest ferocity the Catholic and the Protestant sit side by side at the same council board and even worship alternately in the same churches. The inquisition has been abolished in Spain and autos-da-fé are heard of no longer in Portugal. Each Government in Europe still supports what it chooses to call the national faith, but offenses against the religion of the State are nowhere visited with those cruel and sanguinary punishments which used to disgrace the Christian name. The great light of religious freedom, which was seen at first only from the mountain ranges of the intellectual world, has already illumined the hillsides and promises soon to expel the deep darkness from the lowest valleys. May the time be speeded when the whole earth shall be bathed in its radiance!

"That America should now give up the proud position she occupies in the front of the world's great march, and skulk back like a recreant into the rear, is a thought which can not enter an American mind without causing a blush of insupportable shame. She stands pledged to this principle in the face of the world; she has solemnly devoted herself to its championship; she has deliberately promised it—not only to her own people, but to all others who should fly to her for protection—and, if she breaks her faith, it will be such perfidy as never blackened the brow of any power before.

"To avert a calamity so grievous, and to prevent a disgrace so indelible the country looks to her educated men. The unbroken and uncorrupted heart of the people will be always with you on the right side. But you are the bodyguard of freedom, and it is your special duty to carry her oriflamb in the van of every battle. Perhaps no dangerous service will be needed soon. You may safely sit still while your enemies merely talk against the equal rights of all the people. But if at any time hereafter, during the long lives which I hope you will all enjoy, some great combination should arise to stir up the bitter waters of sectarian strife, and to marshal ignorance, prejudice, and selfishness into a body compact enough to endanger the bulwarks of the Constitution, then let your flag stream out upon the wind."

> * * * Then stand you up,
> Shielded, and helmed, and weaponed with the truth,
> And drive before you into uttermost shame
> Those recreant caitiffs.

Retirement of the Treasury Notes and the Free Coinage of Silver.

SPEECH

OF

HON. CLAUDE A. SWANSON,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 13, 1896.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue—

Mr. SWANSON said:

Mr. CHAIRMAN: There are two propositions pending before us for acceptance or rejection. The first proposition is the one passed by this Republican House last December, authorizing the Secretary of the Treasury to sell $500,000,000 of 3 per cent bonds, with which to redeem all the outstanding Treasury notes, impound them in the Treasury, and thus contract the currency of this country to that extent.

When this proposal was first before the House I earnestly opposed it in a speech, and did my utmost to defeat it. I then pointed out that if this bill should ever become law, and the currency should be contracted to the extent designed, the actual money in circulation among the people would be less than half the annual taxes collected from them, less than half the annual interest paid, and would not be one-fortieth of the aggregate indebtedness of this country; yet this House, with its immense Republican majority, by a large majority vote passed this bill to destroy this vast amount of money that had been preserved to the people by a Democratic House of Representatives.

This bill went to the Senate and there the Democratic Senators, led by Senator JONES of Arkansas, aided by a few Republican and Populist Senators, defeated that iniquitous measure and substituted in its place a free-coinage bill, which that sterling Democrat from Georgia, Judge CRISP, now proposes that this House shall adopt instead of the bill it formerly passed.

Thus these two measures embody clearly and distinctly the two ideas struggling for supremacy in our financial system.

The proposal to sell bonds and to retire the Treasury notes, or greenbacks, is the only relief offered by the gold monometallist to remedy the present distressed situation, I am unalterably opposed to this. In the last Democratic House, when the friends of the present Administration sought to have a bill similar to this passed and the vast amount of paper money destroyed, I earnestly spoke and voted against it. I am glad to say that the bill practically similar to this was defeated in the Democratic House by a large majority.

This bill, indorsed nearly unanimously by the tremendous Republican majority in this House, commits this party in the future, without doubt and without question, to the maintenance of the gold standard in this country.

The Republican majority in this House exceeds 100, and the proposal for free coinage will be defeated by a vote equal to that majority.

The Republican party during the last canvass denounced the present Administration for selling bonds, and yet its first advent to power is marked by passing in this House, and insisting upon its enactment into law, a proposition to sell $500,000,000 of bonds and the retirement from circulation of that amount of money. The Republican policy, as here disclosed, shows a complete alliance with the gold monometallists of this country. It shows that the Republican party still adheres to the financial teachings of Senator JOHN SHERMAN, who in 1873 demonetized silver without cause, without excuse, and when it was at a premium over gold of 3 per cent. It shows that this party's policy is a contraction and not an expansion of the currency. It proves to the country what I have always known, that the party that wantonly destroyed silver will never consent to its rehabilitation.

In the future no one need be deceived. If he believes in and desires the remonetization of silver, he must vote for and form alliances with a party different from the Republican party.

I shall not go over the ground that I did in my former speeches and point out the great disasters that must and will inevitably follow if this Republican measure becomes law and one-third of the legal-tender money of our country be destroyed without substituting anything in its place. In them I have pointed out how this would be followed by further stagnation in business and by a further fall in the prices of all products and property.

These two measures, as I have said, present clearly the two methods existing for the settling of our financial troubles. One is the solution offered by the single-standard gold man, and the other is the solution offered by those who believe in bimetallism. The solution of the gold man, clearly stated, is: We have a currency of about $500,000,000 of Treasury notes, about $210,000,000 of national-bank notes, and about 425,000,000 of standard silver dollars, with only about $600,000,000 of gold. They claim that all this currency is kept in circulation and at par by being practically redeemed in gold. They claim that there is a "want of confidence" in our ability to redeem this in gold, and that "to restore this confidence" we should destroy or retire all of our Treasury notes. To retire these Treasury notes they propose to sell bonds either for them or for gold with which to redeem them. When redeemed they propose that the Treasury notes shall be either destroyed or locked up in the Treasury and kept out of circulation.

That this is their solution is shown by the recent sale of bonds and by the present proposition. When the Treasury notes have been destroyed, they propose to destroy the 425,000,000 of standard silver dollars in circulation. They claim that this is only fiat money, and that all fiat money should be retired. Their determination to destroy this large amount in silver dollars is clearly shown by the veto of the bill directing the coinage of the silver bullion in the Treasury, and the refusal of this single gold standard Republican House to permit us ever to vote on that proposition.

They are opposed to repealing the tax on State banks and giving us a local currency to supplement our national currency. This was disclosed when the vote was taken upon this question in the last Congress, when every single gold standard member, whether Democrat or Republican, voted against it.

Their determination is to destroy all the legal-tender money in the country except gold and national-bank notes redeemable in gold. They claim that when this is done, while the currency will be greatly contracted, yet confidence and credit will be restored. This is the entire relief offered by them to remove the present difficulties and bring back to the country the general diffusion of wealth and of prosperity.

I believe these remedies will but intensify and make greater the evils and distress which overshadow us to-day.

The "want of confidence" in our country to-day is not a want of confidence in our currency, but a want of confidence in the solvency and ability of the producing classes to meet their obligations.

I have yet to see a person who, when he refused another credit, debated in his mind whether the person would pay him in silver, gold, or greenbacks. The question in his mind is whether the person will be able to pay him at all. The want of confidence, if it exists, is because he is afraid the person could not pay in any kind of currency.

This want of confidence in the ability of the debtor to pay will be greatly increased if the single gold standard men should succeed in reducing by more than half what can be used in payments. Activity in business, credit, confidence, and prosperity can not be revived until the value of all products and property is restored. People will not trade nor buy on a declining market. A person will not buy goods on Monday when he expects they will be lower on Friday. A man will not purchase a lot, house, or farm this year when he sees them declining in value, as he expects to be able to do so for less the next year. Thus a declining market means losses, stagnation in business, and a paralysis of all activity.

Falling prices also create distrust among creditors, and hence a collection of their debts. A creditor will not extend time to a debtor when he perceives the property upon which he depends for payment each year lessening in value. Thus falling prices necessarily create a liquidation of all debts.

The aggregate minimum indebtedness of this country in 1890 amounted to $20,227,170,546. The collection of this vast indebtedness is proceeding not from any want of confidence in our currency, but from a want of confidence in the security and value of the property pledged for its payment. The truth of this is witnessed each day.

A bank loans money to a man of large business and great property. At the time of the loan the value of the property was far in excess of the amount loaned. The bank, seeing the great depreciation in property, refuses to extend the loan, forces collection, sells the property at a greatly reduced price, and the man who was rich finds himself bankrupt in the shrinkage of values.

Let us trace business in its actual ramifications and see if the sources of the present troubles do not arise from the low price of all products and property.

A bank in New York loans money to a country bank. That bank, at a greater rate of interest, loans it to merchants and business men. These buy or manufacture goods which they sell to farmers or the producing classes. The wheat, corn, oats, tobacco, hay, horses, and cattle raised by them sell so low that they are unable to pay the merchant or manufacturer. The merchants and manufacturers, not being paid, are unable to pay the bank from which they borrowed. This bank, not having its outstanding notes paid, is unable to meet its own notes with the New York bank. The bank in New York, knowing the conditions, becomes

uneasy. It forces the country bank to settle. This in turn forces the merchants and manufacturers to settle, who in turn force the farmer. The farmer, having disposed of his crop for less than cost of production, is compelled to have his farm and other property sold to pay his indebtedness. The value of his crops having been greatly reduced, his land and property engaged in the business are correspondingly reduced. Thus the sale, when made, fails to pay the merchant; the merchant, being unpaid, can not pay the home bank, and this bank can not pay its depositors or the New York bank. Thus we have a bankrupt farmer, a failed merchant, a broken manufacturer, unemployed laborers, and a suspended bank, with all its evils and losses. Hundreds of cases like this have occurred and continue to occur.

The single gold standard man is blind enough to tell you that all this arises from a lack of confidence in our currency, resulting from the greenbacks in circulation. His remedy is to contract the currency, and further lower the prices of all products and property. This remedy is as stupid as the old blood-letting process in medicine, which, when a patient was dying for want of blood, the ignorant doctors would bleed him. It is said that George Washington was killed by this remedy. It seems a strange fate that the country of which he was the father should now suffer from the same pernicious mistake.

It is evident to any thoughtful and reasoning mind that these deplorable conditions arise from the great, unnatural fall in the prices of all products, and that if the prices of them continue to decline these evils will be greatly increased. Relief from these ruinous conditions will not come until we witness an advance in the prices of products and of property.

David Hume, the noted philosopher and historian, long ago said:

> If prices rise everything takes a new face; labor and industry gain life; the merchant becomes more enterprising, the manufacturer more diligent and skillful, and even the farmer follows his plow with greater alacrity and attention. If prices fall the poverty, begging, and sloth that must ensue are easily foreseen.

What occasioned this present great fall in prices was the cause of our existing troubles. Whatever will restore these prices will remove debt, will revive credit and confidence, give employment to labor, bring back business activity and enterprise, and bless the land with plenty and prosperity.

We who advocate bimetallism—that is, the free and unlimited coinage of both gold and silver at the mints at a fixed ratio—believe that the great fall in prices results from the demonetization of silver and the adoption of gold alone as the standard of value. We believe that, this being the cause, prices will be enhanced or restored when we remonetize silver and let our standard of value rest, as formerly, upon both gold and silver. We claim that the value of everything is regulated by the great law of supply and demand. That this great and universal law of supply and demand regulates the value of money when exchanged for commodities.

We claim that as society has progressed, wealth increased, commerce enlarged, and tremendous new enterprises been undertaken, taxes, interest, and all fixed charges been augmented, the demand for money has become greater; that while the demand for money has greatly increased, yet the supply of it has been reduced half since 1873, when silver was demonetized and gold made the standard of value or money of final payment; that the demand for money of final payment having increased and the supply lessened by half, the value of things exchanged for it, or measured by it, must necessarily be reduced correspondingly.

Thus the natural result of destroying half of the money of the world would be to greatly appreciate the value of the remaining half and reduce to that extent the value of all products and property exhanged for or measured by it.

John Locke, the greatest of all English thinkers, many years ago said:

> For the value of money, in general, is the quantity of all the money in the world in proportion to all the trade.

This is a profound truth and but emphasizes what I here insist upon, that as our trade has wonderfully increased since 1873 and as one-half of our primary money was then destroyed, the result has been to double the price of gold, and hence reduce by half the value of everything sold for gold.

John Stuart Mill, the great thinker and writer upon this question, has well said:

> That an increase in the quantity of money raises prices and a diminution lowers them, is the most elementary proposition in the theory of coinage, and without it we should have no key to any of the others.

This self-evident truth must show that the destruction of half of the money of the world must result in an equal reduction in the price of all commodities.

This vital truth was recognized by the fathers of this Republic when our Government was organized.

Alexander Hamilton, in his famous report of 1791, said:

> To annul the use of either metal as money is to abridge the quantity of circulating medium and is liable to all the objections which arise from a comparison of the benefits of a full with a scanty circulation.

The immortal Jefferson, who had the interest of the people at heart more than any American leader and who was the father of the Democratic party, in February, 1792, in a letter to Hamilton, said:

> I concur with you that the unit must stand on both metals.

I stand here to-day as a Democrat, receiving my inspiration from Jefferson and not from the latter-day saints of the party, and repeat that "the unit of value must stand on both metals." That is Democracy. That is bimetallism.

In 1852 R. M. T. Hunter, one of the most talented and distinguished sons of Virginia, in a report made to the Senate as chairman of the Committee on Finance, said:

> But the mischief would be great, indeed, if all the world were to adopt but one of the precious metals as the standard of value. To adopt gold alone would diminish the specie currency more than half, and the reduction the other way, should silver be taken as the only standard, would be large enough to prove highly disastrous to the human race. We require, then, for this reason, the double standard of gold and silver, but above all do we require both to counteract the tendency of the specie standard to contract under the vast increase of the value of the property of the world.

Thus forty-two years ago, when we had the double standard and were blessed with unexampled prosperity and progress, this wise statesman and sage of Virginia prophesied the great mischief and evils which would inevitably follow if we should ever adopt but one metal as our standard of value. The Republican party in 1873 did just what this wise Democrat had over twenty years before warned them against. The debt, the misery, the failures, the stagnation in business, the unemployed labor, the low price of all products and property, and the scarcity of money bear evidence to-day of the complete fulfillment of this prediction. Thus we can trace back, clearly and distinctly, our present distress to the existence of the gold standard. Relief can not and will not come until we abandon this and again put our standard of value upon both gold and silver. But I will not stop the investigation of this question here.

I have proven that the present ruinous conditions result from the prevalence of this great fall in the price of everything and that relief will only come from a rise in prices.

I will now investigate the history of the rise and fall in the price of commodities, so that we can also ascertain the cause of the present low prices by historical data.

The London Economist, a paper of world-wide fame for ability and statistical knowledge, has compiled the average prices of 22 leading commodities on the 1st of January of each year from the year 1845, which is very instructive and significant. This compilation shows that the price of these 22 leading commodities increased in value from 1845 to 1873 and that from 1873 to the 1st of January, 1892, they had fallen about 33 per cent.

Augustus Sauerbeck, of the London Statistical Society, a man of eminence and ability, has investigated the prices of 45 leading and representative commodities on the London market, with the same astounding results, that the average price of these gradually increased until 1873, when the increase ceased and a decline commenced, which amounted, with the 45 commodities, to about 34 per cent in 1892.

Dr. Soetbeer, statistician for Hamburg, Germany, and a famous economic authority, compiled the prices of 100 leading articles on the Hamburg market and 14 of British exports with the same astounding result, that commencing with 1873 the average price of these had gradually declined, until in 1891 their decline amounted to 22 per cent.

In 1891 a committee of the United States Senate investigated the prices in this country of 223 articles, and in a report to Congress shows that since 1873 the average price of these has declined 28 per cent.

In 1872 the price of wheat was $1.24 per bushel; in 1894 it was 49 cents per bushel. In 1873 the price of cotton was 20.14 cents per pound; in 1894 it was 6.94 cents per pound.

Statistics will exhibit the same great fall in the price of tobacco, corn, oats, cattle, and horses, as well as in other commodities. These statistics are undisputed even by the gold monometallists. They are gathered from sources so reliable, presented by men of such reputation and authority, so in accord with our own knowledge and experience, that they can not and will not be denied. They all agree in one thing—that, commencing with the year 1873, the world over, prices have fearfully declined. Consequently it is evident that at that time something must have occurred to occasion a condition so world-wide.

We examine and we find that in 1872 Norway and Sweden substituted the gold standard for the silver standard. We find that in 1873 the United States abandoned the double standard of gold and silver and adopted the single gold standard. We find that the same year Germany went from the silver standard to the single gold standard. We find that in a very short time after Germany does this France and the Latin Union suspend the free coinage of silver and substitute the gold standard. Thus about this time occurred a convulsion in the financial world surpassing any which ever transpired in the physical world. The great commercial nations of the world at this time went from the double standard of value to the single gold standard.

It is impossible to point out anything else that happened at this time to precipitate a fall in prices.

Why should prices be on an ascending plane until 1873 and then suddenly take a declining plane, which becomes greater each year? There were no great inventions in that year to cheapen production and hence to reduce prices. That year marked no overproduction so as to account for the sudden change.

Any thoughtful mind, bent upon the ascertainment of the truth, must be convinced beyond doubt that the low prices the world over, commencing with the demonetization of silver, must have been caused by that and nothing else.

I have proven that all the accepted authorities upon financial questions agree that when you lessen the amount of primary money you lower the price of everything exchanged for money. I have shown that the wisest of statesmen and thinkers years before prophesied that if the world should ever discard either of the two money metals and adopt only one lower prices would result and the very disastrous conditions that now confront us would inevitably come. I have traced from facts and statistics, undisputed by anyone, that the fall in prices commenced, as foretold, precisely at the time that the world destroyed silver as one of the money metals. Can arguments or facts be more conclusive? I have shown that this fall in prices commenced in 1873, and resulted from demonetizing silver and destroying its monetary functions. Thus the proper relief from the present distress is plain and unmistakable.

The relief which will restore prices, revive business, encourage industries, inspire confidence, give employment to labor, and pay debts is the restoration of silver as one of the money metals, as it existed prior to 1873.

We must right the crime of that year. We must leave the darkness in which we are now groping and return to the light and sunshine we then left.

We do not know where this new departure on the gold standard will take us. We do not even know that prices have touched the bottom. We have no experience behind us to tell us what will be the ultimate effect of the gold standard. The world never tried the gold standard prior to 1873. Since its adoption, in falling prices, in the vast accumulation of debt, in the numerous and immense failures, in the frequent and great panics, in paralyzed business, in the mistrust and wretchedness which overshadow the country, we witness its ruinous effects.

I am no alarmist, but thought and reflection teach me that if the gold standard is to be permanently maintained and the policies and designs of its advocates, as here disclosed, to be carried out that we will witness a yet greater fall in the prices of all commodities, and a further shrinkage in all values, with their attendant evils. It is inevitable.

We have just completed a reassessment of the land in my home county, Pittsylvania, and in the city of Danville, situated therein. The lessons taught by it are significant. It presents how frightfully the gold standard is shrinking the value of lands. In 1890 the real estate in Pittsylvania County was assessed at $4,012,464. In 1895 the assessment amounted to only $3,115,938, being $846,526 less in 1895 than in 1890. With all the buildings and improvements put upon the lands their value was reduced in five years over 20 per cent. The supply of land did not increase during the five years, while the demand did on account of increased population. Thus, under natural conditions, we should have expected an increase instead of a decrease in its value from 1890 to 1895. The lands there will now scarcely bring half as much as they would prior to the demonetization of silver.

The assessment for the city of Danville presents the same remarkable conditions. In 1890 the real estate assessed in Danville amounted to $5,170,928. In 1895 it amounted to only $4,650,406, being a reduction of $520,522. Here is a city with great improvements and buildings during this time, with increased population, yet, including all these, a reduction in five years of over half a million of dollars in real estate values.

When we ponder these startling figures, we can readily understand how farmers and business men who were formerly prosperous and rich find themselves bankrupt and impoverished. They have been ruined not by any fault of their own, but by the shrinkage in the value of their property. This shrinkage continues under this single gold standard, and no one knows when it will cease.

The world's supply of gold is too small to give value to its immense amount of property. Each year witnesses a greater struggle for its possession, and hence a greater sacrifice of property to obtain it.

The only way to remove the present evils and prevent the greater ones which await us is to again give silver the right of free and unlimited coinage at the mints.

This is the relief proposed by us in opposition to the Republican measure to sell five hundred millions of bonds and retire that amount of paper money. We are prepared to appeal to the country upon the two methods of relief here presented.

The gold monometallist can not deceive the people by a pretended friendship for silver in advocating an international agreement. There is not the remotest chance of an international agreement. The last hopes of one have disappeared. We were told to wait only until Lord Salisbury and the Tory party of England should come into power and soon an agreement would be reached. They have attained pewer by an immense majority and have distinctly stated that England has no intention of changing her present gold standard or entering into any international agreement for the coinage of silver. France and Germany have distinctly stated that they would be parties to no agreement without England. Thus there is no hope for any international agreement. It is useless to discuss an international agreement which will never come. The people who advocate delaying action upon the silver question until an international agreement can be reached are not friendly to silver and only indulge in it to delay action by creating hopes which will never be realized. The people of the United States must continue the present gold standard or must alone adopt the double standard of gold and silver. This is plain and clear. It is an issue which must be met, and which politicians may try but they can not dodge nor deceive the people upon.

If one favors the gold standard then he must approve the recent sales of bonds, the present Republican measure to sell $500,000,000 worth of bonds to retire that amount of paper money, and finally to destroy all the standard silver dollars. If the gold standard is to be maintained all of this will inevitably follow. It can not and will not be prevented. If one is opposed to all this and believes that it will bring disaster and not relief, then he should advocate that the United States should again reopen its mints to the free and unlimited coinage of silver and again make silver money of primary payment.

I believe this. I am opposed to any sale of bonds. I am opposed to retiring the greenbacks and contracting the currency. I believe that the coin notes should be redeemed in either gold or silver, at the option of the Government and not of the holder. I believe that a continuance of the gold standard will precipitate a continued and a frightful fall in the prices of all commodities. I believe that it has more than doubled all debts, taxes, interest, and fixed charges. I believe that when our mints are opened to silver prices will advance and the present troubles will disappear.

Being convinced that there is no chance for an international agreement, I am prepared to vote for this country at once to resume the free and unlimited coinage of silver.

No evils which the distorted imaginations of those who oppose this have presented can equal those which I am convinced will come if we continue the single gold standard.

I am convinced that the United States is able to do this and maintain all the silver coined at a parity with gold. I believe that when this is done silver bullion will rise in value until it is worth the coinage value. Every silver dollar coined to-day is at par with gold. It is only the uncoined silver that is not at par. All that will be coined at our mints and be made a legal tender will circulate at par with gold. We have experience in the past that should convince us that the United States is able to do this.

France, from 1803 to 1873, by having her mints open to the free coinage of both gold and silver at the ratio of 15½ to 1, maintained that parity between them the world over. She was able to do this despite the great disparity existing during that time in the production and quantity of gold and silver. We to-day are more prepared to do this than was France when she maintained it.

Statistics in 1870 show that France had about 10 per cent of the imports and exports of the world. In 1889 the United States had nearly 10 per cent of the imports and exports of the world. Mulhall, the world's greatest statistician, shows that the productive power of the United States is three times as great as was that of France in 1870 in proportion to the rest of the world. In 1870 France furnished less than 12 per cent of the world's great agricultural products, while to-day we furnish about 20 per cent of the world's supply. France in 1870 produced about 13 per cent of the world's manufactures, and the United States to-day furnishes almost 31 per cent of the world's entire product. In 1870 France had about 7½ per cent of the world's railway mileage, while the United States now has about 44 per cent of the world's entire mileage. In 1870 France's banking power in comparison with that of the world was 4 per cent, and the United States to-day has 32 per cent of that of the world. In internal commerce and business we greatly exceed the proportion that was then possessed by France. Our wealth to-day in comparison with that of the world far exceeds what France's was in comparison with that of the world in 1870. Thus, by whatever test measured, the United States is able to do more than France did at that time. Yet from 1803 to 1873 France was able to maintain the parity between gold and silver the world over at the ratio of 15½ to 1. She did this despite the fact that at that time the average number of ounces of silver in the world was thirty times as great as the

average number of ounces of gold. To-day the number of ounces of silver in the world is about sixteen times as great as the number of ounces of gold—the ratio at which we propose to resume coinage. Thus to resume coinage as proposed the United States, with all its greater ability and power, would only have to do half as much as France accomplished for seventy years. There should be no question that we can do this. We are safe in making the venture. Success will crown our efforts. All we need is the courage and the resolution to establish our own financial system, suited to our wants and needs. I am convinced by thought and study that the United States is amply able to resume the coinage of silver and maintain its parity. I am convinced that when this is done prices will be restored and general prosperity and progress will return. I am convinced that the paths that the single gold standard men are trying to entice us into will but carry us further into the night of darkness and plunge us deeper into the abyss of sorrow and distress.

Mr. Chairman, this great issue is now before the American people and they are stirred upon it as they were never stirred before. They recognize the vast importance and the far-reaching consequences which will result from the proper settlement of this vital question.

The coming great conflict, which will be fought to the finish, is the battle of the standards. The people have become tired of the miserable makeshifts and the temporary policies which the politicians have devised to avoid the settlement of this great question. The people can be no longer deceived.

The great masses of the people are convinced that the continuance of the gold standard only benefits the capitalists and money lenders and is destructive of the interests of the laborer, farmer, merchant, and the business man. Politicians may try, but they can not create false issues. Issues exist in the condition and in the minds of the people, and they must be met. This great problem can not be brushed aside. Each year it rises into more and more importance.

The intense struggle of the people for this reform is but a supreme effort on their part to release themselves from the greed, avarice, and domination of the moneyed classes.

The boast of the Democracy in all the years of its history has been that it is the party of the common people; that it is the champion of the rights of the toiling laboring masses. It has never espoused the cause of classes seeking to enrich themselves by depredation upon the masses. It is too late for it to do so now. It can not climb upon the gold-standard platform without trespassing upon ground long since occupied by and belonging to the Republican party.

The issue is clear. The duty of Democracy is plain. It should make common cause with the people, remain true to its traditions and history, and carry the country back to that system and to those principles which our fathers founded and which gave us great prosperity and wealth, and the departure from which has brought us to our present woes and distresses. [Applause.]

War in Cuba.

SPEECH

OF

HON. WM. C. ARNOLD.

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 2, 1896.

The House having under consideration the following resolutions:

"*Resolved by the House of Representatives (the Senate concurring)*, That in the opinion of Congress a state of public war exists in Cuba, the parties to which are entitled to belligerent rights, and the United States should observe a strict neutrality between the belligerents.

"*Resolved*, That Congress deplores the destruction of life and property caused by the war now waging in that island, and believing that the only permanent solution of the contest, equally in the interest of Spain, the people of Cuba, and other nations, would be in the establishment of a government by the choice of the people of Cuba, it is the sense of Congress that the Government of the United States should use its good offices and friendly influence to that end.

"*Resolved*, That the United States has not intervened in struggles between any European Governments and their colonies on this continent; but from the very close relations between the people of the United States and those of Cuba in consequence of its proximity and the extent of the commerce between the two peoples the present war is entailing such losses upon the people of the United States that Congress is of opinion that the Government of the United States should be prepared to protect the legitimate interests of Americans by intervention, if necessary"—

Mr. ARNOLD of Pennsylvania said:

Mr. SPEAKER: Being in hearty sympathy with the spirit of the resolutions which have been submitted to the House by the chairman of the Committee on Foreign Affairs, Mr. HITT, as a substitute for the concurrent resolutions of the Senate, with reference to a recognition of belligerent rights by the Government of the United States to the people of Cuba, who have maintained for the past year and who are at the present moment engaged in a manly struggle to throw the yoke of Spain from off their necks and enjoy the blessings of a free and liberty-loving people, I gladly avail myself of the privilege accorded members of this House to submit a few remarks as to why, in my opinion, the subject-matter as contained in this substitute should become the expressed sentiment of the people of our Republic.

Mr. Speaker, while it might be urged on the part of well-meaning members of this House that a policy of nonintervention between the contending forces on the part of the Government of the United States is the safest policy to pursue, yet there are certain circumstances in connection with this warfare between Cuba and Spain that would make it seem almost criminal to keep silent when liberty is being assassinated at our very doors. History furnishes abundant precedents for this step, and we only need refer to the act of Spain itself, which was swift to recognize the late Southern Confederacy. But, Mr. Speaker, I would not favor the adoption of this substitute in a narrow spirit of retaliation, but upon the high, broad, and sacred ground of humanity.

Gentlemen may say that by provision of international law we can not recognize the belligerency of the Cuban patriots. I deny it; and not having the time to refer to "case law," or precedents, I will content myself with the proposition that any so-called law which does not rest on the broad foundation of right, justice, and humanity has not and can not have the force of law. The Cubans for a long time have been surprisingly successful against the combined naval and military forces of Spain. They have in the field to-day a larger force of men than had the American colonies when recognized by foreign powers, and they are to-day engaged in the same kind of a struggle for their rights and liberties. They are absolute masters of a very large, if not the greater, part of the island, and have organized a government—provisional, it is true, but necessarily so—and have appointed ministers with authority to treat with foreign nations. What more will we ask? Shall we wait until the soldiers of Spain are exterminated or driven into the sea?

Again, the allegation of Spain that the insurgents are only a few bandits or guerrillas, and that a vast majority of the inhabitants of Cuba are loyal to the Spanish Government, can not be true, else why should Spain send thousands and tens of thousands of troops to the island?

But, Mr. Speaker, what does our neglect and failure to recognize as belligerents mean? It means that Spain can purchase of us any and all munitions of war, but Cuba can not have a musket or a cartridge; it means that if Cuba should obtain armed vessels and send them out on the high seas to attack the Spanish marines they would be adjudged pirates, and would have no protection or right of asylum in our ports; it means that every Cuban insurgent captured in battle will not be treated as a "prisoner of war," but will be killed by the edict of a Spanish court-martial; it means that the recall of that humane Spanish general, Campos, and the appointment in his stead of one Weyler, is to be followed by savagery and murder, as certainly indicated by Weyler's orders already published; and it means that the bright pages of the history of civilization of the nineteenth century shall be blackened by deeds dark as any that have ever disgraced the history of human government. And for this accomplishment the Spanish Government is most competent and eager. The gross illiteracy and dense ignorance and brutish savagery of a very large majority of her people make her indeed the Turkey of Western Europe, and Spain is the only country on the globe claiming civilization whose morals, habits, and aspirations have remained unchanged throughout the instructive years of many centuries. But, it may be asked, have we in our keeping the rights and liberties of the Cubans? Ah, Mr. Speaker, thousands of years ago the question was asked by Cain, "Am I my brother's keeper?" and from that day down to this very hour every lover of right and justice and liberty has with eager lips responded, "I am my brother's keeper," and by tradition, history, and principle the United States, in a certain degree, is the protector and keeper of their brethren, and this nation is to-day—let Spain and England know it—the natural guardian of the rights and liberties of every nation and every people on this continent.

Cuba should be and will be free; she will not always submit to the gross injustice and tyranny of Spain. Though terrible the travail, liberty will be the offspring of tyranny. It will not be the policy of the United States to make war on Spain to capture Cuba. England (which now strongly advises us and other nations to refuse recognition), with its usual greed, captured Habana in 1762, together with about $4,000,000, and only surrendered it in exchange for Florida. But, as I have said, this is not our policy, though the manifest destiny of the "Pearl of the Antilles" is a place in our crown.

From the days of the "Black Eagle," in 1829, down to this time, not twenty-five, not twenty, years have elapsed in which an effort has not been made by the Cubans for freedom. The torch of liberty, once lighted, never ceases to burn, and Cuba will yet be free.

In conclusion, shall we give them some hope by this action, or shall we follow the suggestion of our Attorney-General [Mr. Harmon], who said: "It behooves all American citizens who have respect for the laws or obligations of their country to be neutral in word as well as in deed." Let us decide it now. Let us say now, authoritatively, by the adoption of this measure, what I believe 90 per cent of the American people have already said. For struggling Cuba scattering words of pity have but little value. Let us now, in Congress assembled, show to the Cuban patriots and to the world that we still worship at the shrine of liberty and that freedom will not call on us in vain.

Shall tongues be mute when deeds are wrought
Which well might shame extremest hell?
Shall freemen lock the indignant thought?
Shall Pity's bosom cease to swell?
No; guided by our country's laws
For truth, and right, and suffering man,
Be ours to strive in Freedom's cause,
As Christians may, as freemen can,
Still pouring on unwilling ears
That truth oppression only fears.

"The fatherhood of God and the brotherhood of man" move us to delayed duty; common humanity demands action. Let it be flashed around the world that the United States of America hears and heeds the cry of liberty—Cuba must be free.

Cuba.

REMARKS

OF

HON. JONATHAN S. WILLIS,

OF DELAWARE,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 2, 1896.

Mr. WILLIS. I ask that the Clerk read the pending resolutions. The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That in the opinion of Congress a state of public war exists in Cuba, the parties to which are entitled to belligerent rights, and the United States should observe a strict neutrality between the belligerents.

Resolved, That Congress deplores the destruction of life and property caused by the war now waging in that island, and believing that the only permanent solution of the contest, equally in the interest of Spain, the people of Cuba, and other nations, would be in the establishment of a government by the choice of the people of Cuba, it is the sense of Congress that the Government of the United States should use its good offices and friendly influence to that end.

Resolved, That the United States has not intervened in struggles between any European governments and their colonies on this continent; but from the very close relations between the people of the United States and those of Cuba, in consequence of its proximity and the extent of the commerce between the two peoples, the present war is entailing such losses upon the people of the United States that Congress is of opinion that the Government of the United States should be prepared to protect the legitimate interests of Americans by intervention, if necessary.

Mr. WILLIS said:

Mr. SPEAKER: We are confronted with the alternative of interfering in the affairs of a friendly nation, so called, or seeing unchecked tyranny despoil one of our neighbors whose struggles and sacrifices for liberty have for generations challenged the admiration of the world. The question is, How far and how long can we be justified in bartering human rights and human life through international treaty for the good will and smiles of enthroned despotism?

How long is it our duty to stand by the highway and see the heart crushed out of the helpless by the foot of superior power for the sake of having it said that we have not broken our truce? If a strong man stops before your gate to rob and murder a feeble wayfarer how are you bound to tolerate the tragedy because of a former contract with the oppressor? How long shall we at our very doors permit the evening of the nineteenth century to be cursed with the horrors of the sixteenth?

How long ought the United States, the land of Washington and Jefferson, of Madison and Adams, of Monroe and Lincoln, which has put before the world the embodied formula that "All men are created equal"—which has sacrificed millions of lives and billions of treasure for the vindication of that principle—which has set itself in the forefront of the right wing of national progress—which has looked back on the laggard nations and beckoned them up with the right hand of fraternity; this land where there is no throne but the ballot box, and no king but the voter; the land of the free home, and the free press, and the free school, and the free Bible, and the gray eagle and the starry flag—the oriflamme of liberty—America! How long must she stand idly by and witness the cold and studied cruelties of half-civilized tyranny inflicted on an enslaved people within 150 miles of her coast?

We were shut out of Armenia by the Monroe doctrine, and there are those who would exclude us from the consideration of Cuban affairs by the cry of "treaty rights" and "neutrality." But, sir, is it neutrality? Sir, the neutrality asked of us is but an alternation between the salaams of organized atrocity and the wailing appeals of human agony. It requires a guaranty of the bloody domination of the one and a merciless denial of relief to the other; an indifference to the strokes of the murderer and an insensibility to the cries of the victim. Sir, there are times when exigent right rises above the realm of politics, and even of statesmanship, and reaches the realm of philanthropy; and this is one of those times.

There is enough in the Cuban problem to warrant our interference from the standpoint of commercial interest and national self-protection.

If the case of Cuba were transferred from America to Europe, we should soon see the military power of all the leading nations of that continent drawn up in battle line at the frontier of contention, and their squadrons of gunboats lying at the nearest offing waiting to be assured that no detriment came to their trade relations nor peril threatened their dominion. We have as much at stake—yea, more than Europe could have in such a contest. To say nothing of the destruction of our Cuban commerce and the material loss in that direction, we are imperiled by the possible issues of the conflict unless they be directed toward Cuban independence. That is the only sane, as it is the only merciful, solution of the problem. Spain must lose Cuba. That is inevitable. She has already exerted her utmost power, and exerted it in vain. Her army drafts have reached their possible practical limit. Her treasury is bankrupt, and her credit impaired almost to exhaustion. And yet the insurgent bands still have possession of five-sixths of the island, and hang daily on the flanks of the Spanish forces. The best general of the Kingdom has given up the cause as lost and gone home, and in his place Spain has sent over a military monstrosity; a half-demon representative of the times of Cortez, and Pizarro, and Torquemada, a being with a devil's head and a tiger's heart, that, like a sea monster struck by the lancers, she may make her death flurry her greatest jubilee.

Spain must lose Cuba. But into whose hands shall Cuba fall? Suppose Spain, realizing the impossibility of holding her, should bargain for her transfer to some foreign power in order to replenish her bankrupt treasury. The United States would not submit to that, and a war would be the result—probably a great and devastating war. This country would be blind and mad to permit any other foreign power to hold the key to the trade of Central and South America by way of the Caribbean Sea and Gulf of Mexico and the Mississippi. This country would be blind and mad to allow any great foreign power to set up a vast naval emporium within 200 miles of her coast, especially in addition to Jamaica, Bermuda, and Halifax. We are already virtually shut out from the seas. The gates of the Pacific have been practically closed against us. With the exception of Hawaii and Samoa, there is scarcely in that vast ocean a volcanic mound as big as a kitchen garden over which has not been raised a foreign flag; and unless we intend to content ourselves with our coastwise trade and interstate commerce, unless we intend to abandon the water and take to the woods, we must preserve our rights against the encroachments of the maritime nations of the world.

I say, sir, there is enough in this Cuban problem on the plane of merely material rights—the filthy lucre of national interests—to warrant our interference. But in a contention like this these are scarcely worth naming. When weighed against a human life, a human soul, all the sordid treasures of avarice are as a dust of the balance. In the providence of God, if there is one thing for which the American Republic above all other things was intended, it is to teach the world the value of a man. With this idea as the central thought, it will be possible at last to mitigate and eliminate the despotisms of earth and lift the multitudes into the light of freedom.

Sir, the resolution under consideration is as kindly as friendship should require, as moderate as statesmanship should ask, as little as truth can demand, and even less than humanity would dictate.

We have no disposition to provoke Spain, and we will not do it needlessly. We want her friendship. Her prosperity would give us pleasure. We should love to see her do honor to her ancient privileges and take her place among the civilizers of modern times. In such a posture we could forgive, if not forget, her old record of the past. If she would learn the lesson that to retain power she must use it prudently; if she would cease to believe that cruelty strengthens the State, that the sacrifice of the helpless can stifle the cries of liberty, that injustice and robbery and torture can create respect for her authority; if she would take counsel of such men as her Castellar and her Campos; if she would disclaim by a new régime the dread misrule and butcheries of four centuries, then we stand ready to go hand in hand with her to make better the condition of the race and to augment the happiness of the world.

Sir, it can not be fairly charged against the United States that

we have an itching palm for conquest. We spurn the idea that we seek territorial extension. We laugh at the thought that our policy is based on commercial greed. It is a libel. Every decade of our existence disproves it. Our whole history gives it the lie. Our ideal is that of diligence, intelligence, thrift, and morality. These we promote, and we promote them for the sake of justice, humanity, and happiness. These are the essentials of good government, and beyond these we desire not to go. We rejoice in our attitude; we are proud of our principles. And there is no just nation on the face of the earth which may not live with us in a state of uninterrupted peace. Sir, it is because of these views and this spirit that I give my support to this resolution. In my own heart I feel like taking a step even beyond this. I could vote for the immediate recognition of Cuban independence. I think such a step might be warrantable in the present conditions. But I am willing to stop here and wait for a time the issue of events. And mark my prediction, the independence of Cuba is the inevitable outcome. It will be achieved by the insurgents, sustained by the nations, and in a short time Spain herself will cease to regret it.

In the discussions of this question at the other end of the Capitol extensive quotations have been made from the history of the last Cuban insurrection, when the notorious Valmaceda was governor and commander of the Spanish army and Weyler, the present incumbent, was one of his subordinates. If those accounts are true, then they are enough to "turn the cheek of darkness pale." If those accounts are true, then the devil was holding carnival in the guise of a Spaniard. If those accounts are true, then there is a hell, and it has visited Cuba. But are those accounts true? I trust not. The gentleman from Georgia [Mr. TURNER] has in his remarks in this Chamber denied them—not because he could disprove them, but because his own just and gentle nature instinctively repels their possibility. I trust his noble impressions are a true interpretation of the facts, for it would be an unspeakable calamity to be forced to admit that there are within the bounds of Christendom beings called men so utterly lost and imbruted as to perpetrate deeds too damnable for other men to believe.

But there are about this case some facts well calculated to create doubt. When General Campos was recalled, for the asserted reason that he proposed to conduct the Cuban conflict upon the principles of civilized warfare, the Spanish Government failed to find anyone suited to succeed him save this same Weyler, against whom all these nameless enormities had been charged. And to show the spirit of the case and the policy to be pursued, I introduce two proclamations with which this person has inaugurated his reign:

PROCLAMATION NO. 1.

First. Those who invent or circulate by any means whatever news or information directly or indirectly favorable to the rebellion will be considered guilty of acts against the security of the country, as defined by article 223 of the Military Code, as they thereby facilitate the operations of the enemy.

Second. Those who destroy or damage railroads, telegraphs, or telephones, or interrupt the operations of the same.

Third. Those who are guilty of arson.

Fourth. Those who sell, carry, or deliver arms or ammunition to the enemy, or in any other way facilitate their introduction through the custom-houses. Parties failing to cause the seizure of such arms or ammunition will incur criminal responsibility.

Fifth. Telegraph operators delivering war messages to other persons than the proper officials.

Sixth. Those who by word of mouth, through the medium of the press, or in any other manner shall belittle the prestige of Spain, the army, volunteers, firemen, or any other forces operating with the army.

Seventh. Those who by the same means shall praise the enemy.

Eighth. Those who shall furnish the enemy with horses or other resources of warfare.

Ninth. Those who act as spies will be punished to the fullest extent of the law.

Tenth. Those who shall act as guides to the enemy and fail to surrender themselves immediately and give proof of their loyalty and report the strength of the force employed by the enemy.

Eleventh. Those who shall adulterate the food of the army or alter the prices of provisions.

Twelfth. Those using explosives in violation of the decree of October 17, 1895.

Thirteenth. Those who shall use pigeons, rockets, or signals to convey news to the enemy.

PROCLAMATION NO. 2.

First. All the inhabitants of the country within the jurisdiction of Sancti Spiritus and the provinces of Puerto Principe and Santiago will present themselves at the headquarters of a division, brigade, or column of the army, and provide themselves with a document proving their identity inside of eight days from the publication of this order in their respective townships.

Second. To go into the country within the radius of the columns operating therein, it is now necessary to obtain a pass from the mayor or military commander. Those failing to comply with this requirement will be detained and sent to Habana subject to my orders. In case of doubts as to the genuineness of a pass, or if there are reasons to suppose a party to have sympathy with the rebels, or to aid them in any way, due responsibility for the same will be placed upon the officer issuing the pass.

Third. All stores in the country districts must be vacated at once by their owners. Chiefs of columns must also decide as to the disposition of such property which, while being unproductive to the country, may at the same time serve as the habitation or hiding place for the enemy.

Fourth. All passes issued prior to this date are hereby canceled.

After reading these proclamations is it hard to believe the stories of his performances in the former war? Is he not a type of his illustrious predecessors, who devastated Mexico, ravaged South America, and swept the Netherlands with a tornado of fire and blood and butchery? And what may be said of the treatment of Cuba in the present and during the former insurrection may be said of her treatment from the beginning. The very first governor that set foot upon her soil, Diego Velasquez, met the full measure of the Spanish policy of blood. So unrelenting was his despotism, so terrific his cruelties, that the old aboriginal chief Hatuei said, in the extremity of agony, before he closed his eyes upon his torturers and upon the world, that if there were Spaniards in Heaven he preferred to go to hell.

A Spanish constitution was formed in 1812, intended to apply alike to the home provinces and to the ultramarine as well. It was the product of the remaining spirit of the Aragonian Kings which had not quite died out. But before it materialized Ferdinand VII regained the throne, and at once tore it into shreds and flung it to the winds. It was revived in 1836 by the Cortes, but despotic intrigues prevailed, and it was only applied to the home provinces while denied to those beyond the sea, and Cuba was again left in chains. Her brave people rose in 1868 and waged an earnest war for ten years, and were at last wheedled into submission by promises that were never kept. Once more they have struck for liberty. They have held in check for more than a year a Spanish army of a hundred thousand men. They are in possession of four-fifths of the island. They have organized a government. They have been brave in battle, courageous in suffering, and undismayed in the face of Herculean obstacles. And now they cry to us in the language of a common humanity to recognize them as men, as soldiers, as heroic strugglers for freedom.

To America they cry! the great sister in the family of the world's Republics, the advance guard in the immortal host of liberty. Shall we refuse them? We dare not! Justice would reprehend the refusal, humanity would frown upon it, God would curse it. Let us take warning of our privileges; let us use well our divine charter. We are not our own; we belong to the world. All mankind have property rights in our exaltation. Our national life is the product of impartation, and will only live by the same law. Let us beware. The Hindoo fanatic holds his arm above his head until it stiffens in the air and becomes useless. The pure and purling stream may be dammed up until it rots into a miasmatic and pestilential pool, holding poison in its waters, breathing death from its bosom. Virtue is vital, and action is essential to its life. Philanthropy must make reprisals or it will die, and philanthropy is the soul of liberty. Let America see to it that inanition and corruption come not to her in her high estate as the legacy of a criminal indifference to the agonizing appeals of a neighbor in distress.

Against Filled Cheese.

REMARKS

OF

HON. SAMUEL A. COOK,

OF WISCONSIN.

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, April 15, 1896,

On the bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of "filled cheese."

Mr. COOK of Wisconsin said:

Mr. SPEAKER: Under leave to print given by the House I hereby submit the following as an appendix:

THE FARMERS' TRADE-MARKS—"BUTTER" AND "CHEESE."

[Extract from the speech of Hon. NELSON DINGLEY of Maine.]

This is exceptional legislation. It is an appeal to the taxing power of the General Government for the purpose of accomplishing indirectly an end that is in the nature of the exercise of the police power, which belongs to the States. That, I think, must be conceded. While the measure is constitutional, under the decision of the Supreme Court of the United States, as an exercise of the taxing power of the General Government, yet I am frank to concede that the purpose had in view beyond the raising of revenue involves indirectly the exercise of a police power which, in general, should be exercised by the States.

Now, what are the circumstances which justify, from the point of view I have suggested, such legislation as the oleomargarine law and such legislation as is proposed in this bill? It seems to me that the circumstances to be considered are these: A great and overshadowing interest in this country, the most important interest in the country, has been seriously interfered with illegitimately by the discovery of certain methods of imitating products which have belonged to the farm. In my judgment, the name "butter" and the name "cheese," though not legally trade-marks, are, to all intents and purposes, from the point of equity, trade-marks that belong to the farmers of this and other countries; and any attempt on the part of anyone to palm off on the community imitations of these products and to sell them as the genuine products is contrary to the public interest, and so contrary to the public interest that if this illegitimate interference can not be reached efficiently and effectively by the States there is a justification in an appeal to the General Government to exercise its taxing power for the purpose of saving to the farmers of this nation the rights which properly and equitably belong to them in the trade-marks "butter" and "cheese."

Now, if it were possible for State legislation to accomplish all the ends proposed to be accomplished by this legislation, then this subject should be left to State legislation. But experience has shown that it is not possible for legislation by the States to reach the evil which is complained of; and it is an evil of gigantic importance, affecting the most important interests in this country.

RESOLUTIONS OF THE NEW YORK PRODUCE EXCHANGE.

NEW YORK, *January 30, 1896.*

SIR: I have the honor to transmit to you the following resolutions, which were unanimously adopted at a meeting of the members of the cheese trade of the New York Produce Exchange held yesterday, namely:

"Whereas the Hon. S. A. COOK, member of Congress from Wisconsin, has introduced in Congress a bill known as House bill No. 3010, providing for the regulating of the manufacture and sale of an article called 'filled cheese'; and

"Whereas the members of the New York Produce Exchange engaged in the cheese business recognize the great harm inflicted on the manufacturers of and dealers in pure full cream cheese, as well as the consumers of the same throughout the entire country, by the manufacture and sale of an article made of skimmed milk and filled with lard oil and other fats to imitate the pure full cream cheese, and to deceive the consumers of the same: Therefore,

"*Be it resolved*, That the members of the New York Produce Exchange heartily indorse the bill offered by the Hon. S. A. COOK, of Wisconsin, and earnestly urge the prompt action of the members of the House of Representatives and the Senate of the United States on this measure and its speedy passage, that the manufacturers and consumers of pure full cream cheese throughout the country may be protected against the injury inflicted on them by the rapidly increasing manufacture and sale of an article which has the semblance of the pure full cream cheese, but which is a mixture and compound of skimmed milk, lard oil, and other fats to imitate the genuine goods, thus deceiving the intending purchaser of full cream cheese, to the detriment of the manufacturer of the pure product of the dairy."

Respectfully,

FRED'K H. ANDREWS, *Secretary.*

Hon. S. A. COOK,
House of Representatives, Washington, D. C.

NOTE.—The foregoing resolutions were also passed by the New York Mercantile Exchange on January 29, 1896.

NEW YORK, *January 7, 1896.*

SIR: We have read with much satisfaction the bill (H. R. 3010) relative to "filled cheese," introduced by you in the House, and we are sure we express the unanimous feeling of the merchants in our city who are engaged in the butter and cheese business when we say that the provisions of this bill meet with their views in every way, and we would all be pleased to see it passed and become a law without any delay.

The adulteration of cheese has assumed enormous proportions in the last few years, and through its agency we can see our principal markets for pure goods being closed against us. The exports of cheese from our city from May 1, 1894, to January 1, 1895, were 45,479,000 pounds; from May 1, 1895, to January 1, 1896, 22,897,875 pounds, showing a loss this year as compared with last of 22,581,125 pounds. While we are not prepared to state that all of this loss of exports is occasioned by the prejudice which exists in England against our cheese by reason of the adulteration of the article, we have no hesitancy in saying that a very large percentage of the loss can be ascribed to the want of confidence on the part of English buyers in the purity of our product.

With the assurance of our hearty appreciation of your efforts, we are,

Yours, truly,

GEORGE B. DOUGLAS & CO.

Hon. S. A. COOK.

FORT ATKINSON, WIS., *February 22, 1896.*

DEAR SIR: I have the honor to inclose herewith copies of a memorial and a resolution which were adopted at the recent convention of the Wisconsin State Dairymen's Association held at Chippewa Falls. We had a large and enthusiastic meeting there, with representative men from various parts of the State, and there was no division of sentiment as to the desire to have Congressional legislation along these lines. * * *

I have the honor to be, very respectfully, your obedient servant,

GEO. W. BURCHARDS.

Hon. S. A. COOK,
House of Representatives, Washington, D. C.

MEMORIAL TO CONGRESS.

To the honorable the Congress of the United States:

The memorial of the Wisconsin State Dairymen's Association respectfully represents to the Senate and House of Representatives of the United States that it is assembled in its twenty-fourth annual convention in the city of Chippewa Falls, with dairymen and farmers in attendance literally from all parts of the State; that it is now and for many years past has been the accredited representative and exponent of the dairymen and dairy interests of the State of Wisconsin, and receives from the State treasury by annual appropriation a considerable sum of money to assist it in promoting the objects which are committed to its supervision.

Your memorialist therefore prays that the statements and the petition contained in this appeal may be accepted as though signed in person by the owners of the nearly 1,000,000 cows in the State, and an equally large number of persons who are desirous of securing pure dairy products for use on their own tables and at the tables of the hotels, eating houses, and restaurants where they are obliged to eat when away from home.

Wisconsin has an annual cheese product of over 50,000,000 pounds, all manufactured under the most efficient laws to prevent its adulteration or sophistication, but in the markets of the world, both foreign and domestic, this cheese has to come in competition with an adulterated article made from skim milk and lard and other cheap and unwholesome fats, and so shaped, colored, trimmed, and even marked as not to be distinguished from the genuine product. The result is, not only that every pound of this filled cheese displaces a pound of pure cheese, but its unsavory and unsatisfying quality disgusts the would-be consumer, and he forbears thereafter to purchase cheese of any kind. It results further that the demand for cheese being thus lessened, more and more milk is turned to the production of butter, and the production of this article is thereby abnormally increased.

State legislation has proven itself inadequate to reach and correct these evils, and your memorialist would represent that Congress can at once and with great propriety provide additional revenue, and at the same time subserve the cause of good morals and afford a measure of much-needed protection to the producing dairymen of the country, by laying a moderate tax upon filled cheese and placing its manufacture and sale under the supervision of the Treasury Department of the United States.

Your memorialist therefore respectfully urges early and favorable consideration for bill No. 3010, H. R., known as the Cook bill.

A true copy.

D. W. CURTIS,
Secretary Wisconsin Dairymen's Association.

MEMORIAL OF CITIZENS OF NEENAH, WIS., MOBILE, ALA., AND OTHERS, FAVORING PASSAGE OF H. R. 3010.

To the Chairman and Committee of Ways and Means, to whom was referred House bill 3010, to regulate and control the manufacture and sale of the article known to the trade as "filled cheese":

We, the undersigned, feeling the great injury this article is doing to the market for dairy products and the ruinous effect it is having on the great dairy industry of the United States, especially in the manner in which it is placed on the market, branded as "cream cheese," "full cream," etc., do earnestly ask that you will do all in your power that the bill may be enacted into law.

Signed by N. Simons & Co., of Neenah, Wis.; W. F. Abrahams, of Mobile, Ala., together with names of 478 citizens of the cities of Mobile, Ala., Neenah, Menasha, and the towns of Clayton, Manchester, Winneconne, and Vinland, Wis., consisting of merchants, manufacturers, cheese makers, farmers, and tradesmen, introduced by Mr. Cook.

FEBRUARY, 1896.

VAN DYNE, WIS., *January 30, 1896.*

DEAR SIR: Please find inclosed petitions signed by our milk producers and manufacturers. Every man that I approached on the subject was only too glad to sign it. Owing to the stringent law now in existence in Wisconsin, I believe there is but little, if any, manufactured in this State. The trouble that now exists is this: We are virtually boycotted from the English market on the ground that we are still manufacturing filled cheese, which we have every reason to believe is not a fact.

I remain, as ever, yours, truly,

JAMES B. WATSON.

Hon. S. A. COOK, *Washington, D. C.*

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, engaged in the dairy industry of the United States, believing that this great industry is being ruined by an article that is manufactured from materials other than milk or cream, known to the trade as "filled cheese," but which is sold without brand or register to show the real character of the article, and is placed upon the market as American cream cheese, thereby causing serious damage to legitimate dairying interests:

Therefore, we, the undersigned, do respectfully petition your honorable body that bill (H. R. 3010) relating to the manufacture and sale of "filled cheese" may be enacted into law.

And your memorialists will ever pray, etc.

James B. Watson, general store; Charles Nable, Humphrey L. Williams, Werner Disch, Richard Price, Fred Bladow, Albert Wilke, farmers, and carry milk to cheese factory; E. Hoyt, stock buyer; Gustav Wilke, John McArdle, Chas. Tonk, Herman Schultz, John J. McGowan, H. Bamtrock, Carl Knaik, Hermann Marth, farmers, and carry milk to cheese factory; Tim Bergin, farmer and milk producer; Robert Gralaff, Ferd Freiberg, Henry Rickert, Robert Fox, Charles Finder, David Price, Julius Wachholz, Willie McMonagle, D. R. Watson, farmers and dairymen.

NEENAH, WIS., *February 1, 1896.*

DEAR SIR: Yours of the 30th to hand and noted. I see that you are getting support by the New York Produce Exchange, and also other States that are interested in honest dairy products are supporting your bill. I have no doubt but what your bill will go through, but it will be hard work, as is the case with any honest bill that is brought before Congress; but I hope that the committee will give it due consideration and will report favorably upon it, and if they do so they certainly will do a great deal of good to the whole country.

We see that gold is going out of the country, and if we had made honest products we could have had $3,000,000 or $4,000,000 of this gold in this country. As it is we are about this amount of money short on cheese alone, to say nothing about other dairy products. And if this law is passed it will have a great effect upon the dairy products in this country for the coming year, and there is no doubt but what all the foreign nations will be looking this way for a good share of their cheese and will have a great deal more confidence in them than they are having at the present time.

Hoping that you will get the bill through, I remain,

Yours, very truly,

N. SIMON,
Manufacturer and Dealer in Cheese and other Dairy Products.

Hon. S. A. COOK, *Washington, D. C.*

FEBRUARY, 1896.

To the Senate and House of Representatives in Congress assembled:

In regard to House bill 3010, to regulate and control the manufacture and sale of the article known to the trade as "filled cheese," we, the undersigned, feeling the great injury this article is doing to the market for dairy products, and the ruinous effect it is having on the great industry of the United States, especially in the manner in which it is placed on the market, branded as "cream cheese," "full cream," etc., do earnestly ask that you will do all in your power that the bill may be enacted into law.

Signed by Otto Funk and 124 others, farmers, cheese makers, and dealers of Calumet County, Wis.

BERLIN, GREEN LAKE COUNTY, WIS., *April 10, 1896.*

I and all the neighbors want your antifilled-cheese bill passed.

Dairying is the principal business in this locality.

Yours, very truly,

WM. L. WILLIAMS.

Hon. S. A. COOK, *Washington, D. C.*

BRILLION, WIS., *January 27, 1896.*

DEAR SIR: Your letter regarding the bill (H. R. 3010) defining cheese and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of filled cheese at hand. As I am not able to be present at the hearing of said bill, I will do as you requested, state my opinion on same in writing.

As far as I have learned, the people in this vicinity are heartily in favor of said bill, as I am myself.

Very respectfully,

PETER REUTHER.

Hon. CHARLES H. GROSVENOR, M. C.,
Washington, D. C.

CHILTON, WIS., *January 3, 1896.*

MY DEAR SIR: I write you in regard to the bill (H. R. 3010) "defining cheese," etc. Now, I do hope your committee, to whom the matter is referred, will do all it can to see that the rights of the dairymen of this country are protected against this humbug, "filled cheese," which honest dairymen have had to contend with in the last few years. It has almost ruined our Wisconsin cheese, so much so that the dairymen have become discouraged. This is an important matter, one of vital interest to the country, and I hope that something may be done to protect us against this gigantic fraud.

Yours, very respectfully,

GEO. D. BREED,
President of the Calumet County Dairy Board of Trade.

Hon. JAMES A. TAWNEY, M. C.,
Washington, D. C.

BRILLION, WIS., *January 31, 1896.*

DEAR SIR: Hope the bill to regulate the manufacture and sale of filled cheese will become a law. This is also the feeling around here.

Yours, truly,

W. V. McMULLEN.

S. A. COOK, *Washington, D. C.*

CATO, MANITOWOC COUNTY, WIS., *January 23, 1896.*

Copy of filled-cheese bill, H. R. 3910, received. I consider it a good bill, and every dairyman in Wisconsin will sign a petition favoring it, and they will say the tax and license in your bill is not too high. If you can get the bill through you will have done a great work for the dairymen and farmers of Wisconsin and all other States. The filled-cheese manufacturer is in no wise a dairyman. He is getting rich out of the honest farmer in a dishonest way.

Yours, truly,

C. W. SWEETING.

Hon. S. A. COOK, *Washington, D. C.*

Uniform Law on the Subject of Bankruptcy.

REMARKS

OF

HON. JOSEPH E. WASHINGTON,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 28, 1896,

On the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcy throughout the United States.

Mr. WASHINGTON said:

Mr. SPEAKER: It has been said by some who are opposed to bankruptcy legislation that the Torrey bill reported from the Judiciary Committee is unfair to debtors in that it could be made a cruel instrument of oppression in the hands of their creditors. The provisions of the bill contradict this statement.

EFFECT OF A BANKRUPTCY LAW.

Under existing State laws creditors individually have their rights and remedies against their debtors; they will continue to have them just the same even if this bill should pass. Under existing laws debtors must respond so far as they can to all of their legal liabilities to individual creditors; they must continue to do so whether this bill pass or not. The elements added to present conditions by the passage of this bill, broadly stated, are simply these: A debtor may be a defendant at small expense in one suit in which the judgment if rendered against him will be for the financial benefit of his creditors collectively, and he will secure a discharge, if honest, instead of being a defendant at large expense in many suits in which the judgments if rendered against him will be for the selfish financial benefit of only the one, two, or three creditors instituting suit, and without securing a discharge.

"The greatest good to the greatest number" is the principle invoked by this bill.

Usually, under the present State laws, when the lawsuit is over among his creditors, in their individual capacities, the debtor is without property, a considerable part of what he had has been spent in costs, and he owes all of his debts, except such as may have been paid by a sacrifice sale of his property. Pursuant to the proposed bill, both the debtor and his creditors will be in a better condition than under present laws. In the event of dishonesty on the part of a debtor or of his becoming insolvent and unable to prevent protracted defaults upon payments due or a distribution of his estate other than ratably among creditors of the same class, he will be adjudged a bankrupt after a fair and impartial trial. In that event he will receive his exemptions according to the laws of the State in which he lives and be discharged if honest. If dishonest he will not be discharged, and may be punished. Those who contributed at least a part of his estate will collectively receive, promptly and at small cost, a share of it, according to their equities, instead of having it at great cost, divided between only a few of them.

The bill under consideration does not contain any provisions by which business or enterprises will be originated or conducted, but in its general character, so far as it relates to the estate, is approximately to those who buy, to those who sell, and to those who labor what a probate law is to those who die. In its relation to the honest individual it means a bright, hopeful future instead of the never-ending burden of misfortunes which must be continuously borne under present laws.

THE NUMBER WHO BECOME BANKRUPTS.

At the request of the chairman of the Judiciary Committee the Statistician of the Treasury Department has furnished a table of the commercial failures of the last seventeen years, which I will publish as a part of my remarks.

These tables are very interesting, in that they furnish an unerring index to the commercial and industrial importance of the several States; indicate where business and enterprise are on the increase; and point out with unerring aim the States in which the laws are the most effective in preventing the debtors on the one hand from imposing upon their creditors, and on the other hand preventing creditors from taking undue advantage of their debtors and of each other. One of the most interesting facts shown by these tables is that only a little over 1 per cent fail per annum of all the individuals, firms, and corporations engaged in all classes of business and all sorts of enterprises—the little and the big, the old and the young, the experienced and the inexperienced, and the honest and the dishonest in every State and Territory of the United States.

One would think from remarks which have frequently been made by those opposed to bankruptcy legislation that the passage of a bankruptcy law was designed to do great damage to a very large percentage of all the business and industrial concerns in the country; but it is apparent from these figures that they are mistaken.

The number of suits under a bankruptcy law, after the voluntary cases in bankruptcy arising from failures which have occurred prior to the passage of this bill shall have been disposed of, will be very small indeed as compared with the great number of persons, firms, and corporations engaged in commercial and industrial transactions. About ninety-nine out of every one hundred of those engaged in all lines of business and every sort of enterprise in the whole country will have absolutely nothing to do with the bankruptcy law except in so far as they may have claims against the other one of the one hundred who may become a bankrupt. The percentage of those who fail in small places will be very much smaller than the average for the whole country. That the proportion of failures in large places is greater than in small places grows out of the fact that in the smaller places and in the country the surrounding conditions are very much less complex than in the larger places.

These tables show that since the repeal of the last bankruptcy law—that is, during the last seventeen years—171,389 persons, firms, and corporations have failed. These are the known figures as recorded by the mercantile agencies. The probabilities are that a very large number of failures have really occurred which have not been included in this list—failures which for one reason or another were not made public. It seems to me that the demand upon us to give to this great number of people their constitutional rights is imperative.

At all times in the future let us hope that this bill, as it may be wisely amended from time to time, will be upon the statute books to the end that bankruptcy cases may be disposed of as they occur. All of our citizens have their rights under the Constitution; they should be available to them at all times; they ought not to have to wait seventeen years for relief. It is to be hoped that there will never again be such a great accumulation of bankruptcy cases as at present.

THE COMMERCIAL AND INDUSTRIAL FAILURES IN TENNESSEE.

The tables furnished by the Statistician of the Treasury Department as above include one relating to my State, which, being of great local interest, I will print in full, as follows:

Year.	Number of failures.	Number engaged in business.	Per cent of failures.	Liabilities.
1879	132	8,738	1.74	$1,569,671
1880	165	9,865	1.67	1,051,219
1881	187	11,886	1.50	1,393,353
1882	164	12,217	1.34	1,632,864
1883	229	13,143	1.68	974,326
1884	238	14,321	1.66	1,654,861
1885	282	12,414	2.27	1,806,619
1886	154	12,605	1.22	1,679,639
1887	198	12,875	1.53	1,480,664
1888	206	13,553	1.52	1,555,921
1889	219	13,982	1.56	2,060,527
1890	257	14,474	1.78	6,144,620
1891	426	14,874	2.86	6,394,298
1892	290	14,631	2.04	2,241,390
1893	416	14,275	2.91	6,755,640
1894	347	14,108	2.46	3,141,249
1895	273	14,371	1.90	2,646,652
Totals and average	4,143		1.83	44,182,893

I am anxious that so many of the persons and firms as have failed in Tennessee during the last seventeen years and are honest and have not secured a settlement shall be discharged without unnecessary delay. This bill will secure to them that humane privilege.

The percentage of those engaged in conducting business and promoting enterprises who fail annually in Tennessee has been larger during the last seventeen years, I regret to note, than the average for all of the States. Our average for the whole term is 1.83, while for the whole country it is only 1.02. I am at a loss to know why this should be so. It can not be that our people are less honest than in other States; it can not be that our business enterprises are less remunerative than in other States, or that our enterprises are more difficult to conduct. The figures are, without doubt, reliable, and they show conclusively that our people are at a disadvantage under present laws. I therefore am compelled to conclude that a just law, operating alike in all of the States, must result in removing our disadvantages, from whatever source they may come, and in promoting our general welfare.

In the absence of a bankrupt law every train load of goods which is transported to any State represents not only the cost and a percentage of profit to those who send them, but in addition a percentage as an insurance against wrongdoing under imperfect laws, which seem neither to adequately protect the debtor from the avarice and greed of his creditors nor the creditors from the chicanery and wrongdoing of their debtor. Every draft which is sent from a State to pay for the goods received contains an amount greater than it ought to. This added amount has been collected as a tax upon the honest people of the State for the wrongs of the dishonest and the misfortunes of those who have honestly failed. The same is true of every State in the Union. It is greatly to be regretted that this additional cost of commodities should have to be borne by the honest consumers. This additional percentage is charged by the manufacturers and wholesalers to the retailers; the retailers in turn charge it to the consumer, so that in the end the great mass of honest consumers pay for the wrongs, chicanery, and frauds of the dishonest few and those who are honestly unfortunate.

Let us, then, join in the enactment of a good, safe, humane bankrupt law which will remedy the foregoing evil.

THE FAILURE OF OLD BANKRUPTCY LAWS.

It is true that our bankruptcy laws have not heretofore proven entirely successful; the same is true of other important laws. When other laws have not proven satisfactory they have been amended. What would have been thought of Congress in the early days of the Government if it had repealed all laws which did not give entire satisfaction, instead of amending them from time to time as wisdom and the demands of the people indicated?

The present bill is superior in all respects to the old laws, and its passage is demanded by the whole country. I will print with these remarks some newspaper clippings which voice this demand.

THE STATUS OF THOSE WHO HAVE HERETOFORE FAILED.

This bill embraces both voluntary and involuntary bankruptcy. Those who have suffered failures in the past may go voluntarily into bankruptcy, but can not be proceeded against by their creditors.

The commission of an act of bankruptcy will alone be a ground for the commencement of proceedings by creditors against a debtor. The acts constituting bankruptcy are prescribed in the bill. It follows, therefore, that acts of bankruptcy can not be committed nor proceedings commenced on account thereof until after the bill shall have gone into full force and effect.

THE SCOPE OF THE TORREY BANKRUPTCY BILL.

Ordinarily, when a grant of power is given to a legislative body there is a tendency to strain the grant to the utmost, to the end that all the powers possible may be exercised. It affords me pleasure to say that this bill is not open to this criticism. The language of the Constitution is:

The Congress shall have power * * * to establish * * * uniform laws on the subject of bankruptcies throughout the United States.

This bill seeks rather to confer upon the United States courts as little, rather than as much, power as possible. In the practice under the last bankruptcy law it was frequently desirable to force a man into or keep him out of bankruptcy, because to make him amenable to such law would change the rule relating to the taking of evidence, or otherwise change his status or vary his rights or those of his creditors. One of the provisions of that bill was that the wife of a bankrupt might be required to testify, and hence it was frequently very desirable to have a debtor adjudged a bankrupt in States where the wife could not be compelled to testify if it was thought she knew anything detrimental to her husband in the management of his property. This bill does not seek to distort given conditions, but simply to furnish an equitable rule for working them out in a way that will not constitute a hardship on the parties in interest.

There was no discussion in the constitutional convention as to the propriety of granting to Congress the right to enact uniform laws on the subject of bankruptcies. None of the States, when considering the Constitution, objected to that provision.

Both the provisional and permanent constitutions of the Confederate States contained a similar provision.

No matter whether we agree that the power to pass a bankruptcy law is a proper provision in the Constitution or not, it is there, and Congress alone can do so, and the Federal courts alone can be compelled to enforce it. It has been repeatedly held that State courts can not be required to enforce a Federal law. If it could be done, and the law were to be enforced entirely in the State courts, there would be such a diversity of constructions that the law in its application would certainly be very far from uniform. If it were possible to have the law enforced partly in the State and partly in the Federal courts, and we should attempt to do so, there would be great danger of unfortunate conflicts between such courts.

When the States surrendered to the United States the right to pass a bankruptcy law *they also surrendered the right to have such a law construed by and enforced in the United States courts.*

Any gentleman who thinks he is wiser than the men who framed the Constitution is welcome, so far as I am concerned, to try to circumvent the Constitution by any kind of a State-National law which his fancy may dictate, but for myself I am unwilling to be a party to any experiments.

I accept the Constitution as I find it and am willing to carry out its provisions in a plain, simple way for the benefit of the people, and therefore I heartily favor this bill.

VOLUNTARY BANKRUPTCY.

I deem it almost unnecessary to state that voluntary bankruptcy means that a man may file his own petition and ask for relief under this bill, and that involuntary bankruptcy means that the creditors of a debtor may in like manner file a petition against him and ask for relief under this bill, and that each kind of bankruptcy after the adjudication is precisely the same; that the bankrupt would retain his exemptions and, if honest, is entitled to a discharge, and the creditors holding valid liens are entitled to have them satisfied, and then the unsecured creditors are entitled to the balance of the estate *pro rata*, and that irrespective of whether the petition was filed by the creditors or by voluntary bankrupts in every case a compromise can be secured expeditiously and at small cost.

This talk about a voluntary law is, I think, largely a legislative theory. It is not demanded by any considerable number of people, so far as I can learn. I do not believe that debtors demand that the laws shall be made unduly favorable to them or unfavorable to the creditors; or, on the other hand, that the creditors wish that the law should be made unduly favorable to them or unfavorable to the debtors. My experience has been that debtors and creditors are always inclined to be fair with each other, and I therefore am convinced that they want a perfectly fair law applicable to and comprehensive of all of their rights. The facts are that our largest debtors are in turn our largest creditors, and *vice versa.*

It has been well said that approximately all debts are voluntarily created except those incident to the exercise of the principle of eminent domain and the commission of torts. It has been pointed out by the report from the committee on this bill that the amount which the debtor owes is in every instance exactly balanced by the claim of the creditor. It therefore follows that if all the debts of all the debtors of the world were added up the grand total would exactly equal the sum of all the claims of all the creditors in the world. We should not, therefore, legislate for either the one class or the other, but for them both alike.

Let us pass a fair law while we have the subject under consideration. If we pass an unfair law, or one not comprehensive of the rights of all parties to transactions on credit, we are likely to be compelled to repeal it in a shorter time than any of the other bankruptcy laws have been repealed heretofore.

The people are fair minded, and they will not tolerate any one-sided, incomplete, voluntary law.

WILL NOT CONCENTRATE LEGAL BUSINESS.

I would be glad, for the purpose of this bill, if there was a United States district court in every community in the country. The greatest inconvenience in connection with this proposed law grows out of the fact that in a comparative sense the United States courts are few in number by comparison with our State courts. These inconveniences have been overcome as far as possible, and to a very large degree by this bill. They will be felt by very few, since only about one in every one hundred of those engaged in business and enterprises fails per annum as shown by the tables of which I have heretofore spoken.

The bill, instead of providing that the bankruptcy court shall exercise jurisdiction to hear and determine all controversies relating to the administration of the bankruptcy estate, provides that the trustee of a bankrupt estate who desires to bring suit concerning the affairs of the estate shall do so in the court in which the bankrupt would have of necessity brought suit had not the bankruptcy proceedings intervened, unless the defendant consents to come into the court of bankruptcy. For example, if two citizens of my State should have a transaction on credit, and one of them should become a bankrupt, his trustee would not be permitted, except by consent, to bring suit in the court of bankruptcy, and thereby require the other citizen to perhaps go a long distance to court, but he would, under the provisions of this bill, bring suit in the State court where the bankrupt would have necessarily gone to institute such suit if misfortune had not overtaken him.

The first meetings of creditors will be held at the county seat of the county in which the bankrupt resides, unless such place would be manifestly inconvenient as a place of meeting for the parties in interest.

Each county is to be at least one district, within which a referee will be appointed. These referees are judicial officers, and will do a large part of the bankruptcy business. They will not have jurisdiction to try the original suit in bankruptcy, unless there is a default and the judge is absent, because a jury might be demanded,

and of course it would not be desirable to intrust referees with a jury trial. It would be manifestly unwise to have them consider the confirmation of a composition or the setting aside of a composition which had been confirmed, or the granting or revoking of a discharge. But in the proof of claims, the hearing of evidence, the sale of property, and other matters connected with the administration of the estate they will have adequate jurisdiction, but always subject to a review by the judge. In order to secure such a review it will not be necessary to give a bond, as is usual in cases of appeal.

Depositories for funds and newspapers in which notices must be published will be designated with particular reference to where the trustees and parties in interest reside.

The foregoing provisions will bring the administration of the law to the homes of the people as nearly as possible.

THE DECREASE OF LITIGATION.

Litigation which is ordinarily a part of the conducting of business and the promotion of enterprises has fallen off greatly in late years. While it has no doubt been affected materially by the general depression which has been felt all over the country, it has been very seriously diminished by the fact that under present laws a debtor usually subjects himself to very great danger by contesting in court even the unjust claims of his creditors, since the institution of a suit against a debtor ordinarily results in the bringing of other suits by frightened creditors, and leads to his being ruined irrespective of his honesty or solvency.

If this bill be enacted into law the conditions of which I have just spoken will be reversed, as there will then be no occasion for creditors to be frightened simply because a debtor has been sued. The result will be that the business of the courts will resume its normal conditions and justice will be meted out to litigants without fear or favor.

THE NECESSITY FOR A BANKRUPT LAW.

If I were to state on this floor that a constituent of mine was in distress beyond his control, and that the State of Tennessee could not relieve him, but that Congress could, that he was a deserving man and wished to be relieved, everyone of you ought to cheerfully and readily assist me in giving him relief and enabling him to continue his pursuit of happiness in accordance with his own inclinations.

Every member here has a number of constituents who are in trouble because of circumstances over which they have no control; they are beneath burdens of debt and suffering all of the tortures which that condition inflicts, and it is impossible for them to be rescued except by the assistance of Congress.

It is not possible to rescue these people by State law, because at the foundation of the Government it was provided in the Constitution, upon motion of a distinguished gentleman from South Carolina, that the power to enact uniform laws upon the subject of bankruptcy should be exercised alone by Congress. The same instrument contains a provision prohibiting the States from impairing the obligation of contracts. It is therefore impossible for the State, now or henceforth, without an amendment to the Federal Constitution, to grant relief to those thus unfortunately situated.

In some of the States it has been provided that a discharge shall be granted to the unfortunate debtor, but such relief can not be granted as against citizens of other States. In Tennessee the legislature has not even gone to this extent, and as a result there is a very great need for this legislation—for a bankrupt law by which my constituents and those of my colleagues may be rescued from their condition of debts and distress and restored to one in which they may be better able to support their families and educate their children.

I know, and all of you know, cases in which honest men who were solvent became frightened by the importunities of creditors, and in an endeavor to provide against "times of need" justified attachments, and as a result have had their property swept away and have been left penniless and hopelessly in debt. If the bill now under consideration had been heretofore the law such men would have been allowed the very liberal exemptions of our State, and upon surrendering their assets above their exemptions their estates would have been ratably divided among their creditors and they would have been discharged and encouraged to begin life with renewed energy.

There are cases known to all of us in which an endeavor to prove rascality, chicanery, and fraud has proven insufficient to satisfy the jury on the subject, and as a result decrees have been entered which were but acts legalizing robbery of the most pernicious sort. If the present bill had been in force then I confidently believe that the result would have been that the beneficiaries under the decrees would have been exposed, their creditors would have received their just part of the estate, and they would have been appropriately punished for the wrongs they perpetrated; such wrongs were not only injurious to those who were financially interested in their affairs, but to competitors in business.

THE ADVISABILITY OF GRANTING DISCHARGES.

There was a time when imprisonment for debt could be exacted under the laws and was supported by the conscience of the people. For the most part it has been abolished by law, so far as actually keeping the debtor in custody is concerned. One of the worst features of that condition is as yet maintained. It was a humane consideration to imprison a debtor and furnish him sufficient heat to drive away the frost of physical discomfort and sufficient food to prevent starvation, as compared with the system of not furnishing to the debtor shelter, not furnishing him heat, not protecting him from, but subjecting him to, all the prosecutions of avaricious creditors.

The condition of the insolvent debtor has been greatly ameliorated by the enactment of the State homestead and exemption laws, and the abolition of actual imprisonment meets comparatively the requirements of their condition. But these exemptions are not at present of a substantive value.

It is true that a man of family may have exempt from the demands of his creditors the furniture necessary to prevent squalid want; he may have the rude utensils with which to pursue his chosen avocation; and under the laws of many of the States he may have a limited supply of provisions for the daily wants of the family.

If he is so fortunate as to possess a limited area of real estate, he may retain it as a place upon which to put these small belongings; but if, as the result of unceasing daily toil, he acquires for the comfort of the woman who shares his lot an additional piece of furniture to that allowed by the merciful exemptions of his State it may be torn from him by the sheriff.

If the soil, in response to his diligent husbandry, shall yield a partial harvest in excess of that which has been allotted to him for the sustenance of his family, it, too, may be seized under execution.

If the homestead happens to lie upon a waterway, and by the ever-changing currents there shall be embanked against his shore earth in addition to the cubic yards of it which are protected by the exemption laws of the State, that, too, may be seized and sold to satisfy a part of his burdens, which are ever increasing by the accumulation of interest.

In other words, while under the humane provisions of the various State exemption laws we have in pursuance of a wise and humane public policy allotted to our several citizens homesteads and exemptions calculated to keep them and their dependents out of the poorhouses, we have not protected them from being surrounded by the gaunt specter of unpaid debts which stands as a menace to enterprise and thrift beyond the narrow confines with which we have inclosed them.

These exemptions are justified, as I have said, by a wise public policy. The same public policy justifies the position that the debtor who has not done wrong, but who has incurred debts in good faith, and who has acted the part of an honest man with regard to them, should not be confronted by the specter of which I have spoken, but should be granted a discharge, absolute and unconditional, and be given an opportunity to make the greatest and best use of the powers which have been given him by his Creator.

The discharge of a debtor is not of necessity in actual practical derogation of the rights of the creditor, because if the debtor thus released uses his opportunities to the best advantage, he may become able to pay his debts; if not inclined to do so under these circumstances, he would not do so in any event, so that the right of discharge will benefit the debtor, and does not necessarily destroy but may promote the interests of the creditor.

The Constitution provides for a bankruptcy law under which an honest bankrupt may procure an honorable discharge under such careful restrictions as shall be just to his creditors. Is it not the duty of Congress to make that right available to honest debtors instead of leaving them to the charity of their creditors?

CORPORATIONS.

Under the provisions of this bill, corporations may be adjudged involuntary bankrupts upon exactly the same terms as individuals and firms. They can not go voluntarily into bankruptcy.

Such corporations as may become bankrupt will not be discharged; it was feared that the granting of a discharge to a corporation might affect the liabilities of stockholders, who, according to the laws under which they exist, might be liable for their debts.

Trust companies may be elected by the creditors to be trustees of estates.

Companies organized for the purpose of giving bonds may be accepted as bondsmen for trustees and referees.

These provisions are thought to be consistent with the objects of the bill, and to do justice to corporations without doing injustice to individuals.

PROCEEDINGS.

The district courts of the United States and the Territories, the supreme court of the District of Columbia, and the United States court of the Indian Territory are courts of bankruptcy, and have original jurisdiction in bankruptcy cases.

Any debtor except a corporation may voluntarily file a petition in bankruptcy and be adjudged a bankrupt.

A suit in bankruptcy may be brought against any debtor who owes over $1,000, and has committed an act of bankruptcy, except a national bank, a person engaged chiefly in farming or the tillage of the soil, or a wage earner.

Acts of bankruptcy by a person shall consist of his having (1) concealed himself, departed or remained away from his place of business, residence, or domicile with intent to avoid the service of civil process and to defeat his creditors, and shall not have returned at least forty-eight hours before the filing of a petition in bankruptcy, and before the rights of creditors shall have been impaired, altered, or interfered with; (2) failed for thirty days and until a petition is filed while insolvent to secure the release of any property levied upon under process of law for $500 or over, or if such property is to be sold within such time under such process then until three days before the time fixed for such sale; (3) made a transfer of any of his property with intent to defeat his creditors and has not regained the ownership and possession of such property before the rights of creditors have been altered, impaired, or changed by reason of such transfer and at least ten days before the commencement of a proceeding in bankruptcy; (4) made an assignment for the benefit of his creditors or filed in court a written statement admitting his inability to pay his debts; (5) made, while insolvent, a transfer of any of his property or suffered any of it to be taken or levied upon by process of law or otherwise for the purpose of giving a preference, and has not regained the ownership of such property or released same from such levy before the rights of creditors shall have been altered, changed, or impaired by reason of such transfer, taking, or levy and at least ten days before the commencement of a proceeding in bankruptcy; (6) procured or suffered a judgment to be entered against himself with intent to defeat his creditors, and suffered same to remain unpaid until ten days before the filing of a petition in bankruptcy, provided that a payment or satisfaction of such a judgment by a sale of any of the debtor's property or from the proceeds of such a sale shall not be deemed a payment of such judgment under the provisions of this section; (7) secreted any of his property to avoid its being levied upon under legal process against himself and to defeat his creditors, and has not surrendered such property to such legal process at least ten days before the filing of a petition in bankruptcy; (8) suffered while insolvent an execution for $500 or over, or a number of executions aggregating such amount, against himself to be returned no property found, unless the amount shown to be due by such executions shall be paid before a petition is filed; or (9) suspended and not resumed for thirty days and until a petition is filed, while insolvent, the payment of his commercial paper for or aggregating $500 or over.

Such suit may be brought within four months after the commission of an act of bankruptcy, or conditionally thereafter when the commission of such an act shall have been concealed.

Since a suit in bankruptcy is filed for the benefit of all of the creditors, it is required that three must join in the petition who have collectively unsecured claims amounting to $500 or over. If all the creditors of such a person are less than twelve in number, one creditor holding an unsecured claim amounting to that sum may file a petition.

Upon the filing of a suit in bankruptcy a copy of the petition, with a writ of subpœna, shall be served upon the defendant in like manner as in a suit of equity, except that the process shall be returnable within fifteen days. The bankrupt or any of his creditors may plead to the petition within ten days after the return day. The time for the service of process and the filing of pleadings may be extended by the court when necessary in the interests of justice.

The defendant may have a jury in the trial if he so desires.

If the judgment is for the defendant the case will be dismissed at the cost of the plaintiff. If it is against the defendant he will be adjudged a bankrupt. If he desires to appeal he may do so.

The defendant in a bankruptcy suit will not be at any greater disadvantage than the defendant in any other suit; that is to say, he will have full possession and control of his property, and can proceed with his business just as any other defendant. If the creditors desire to secure an attachment they may do so by giving bond and filing affidavits sufficient to convince the court that the defendant has committed an act of bankruptcy. If, after an attachment is levied, the defendant wishes to give a forthcoming bond, he may do so and still retain full control of his property.

In cases in which voluntary petitions are filed and in which default is made in answers to petitions in involuntary cases the judge of the United States district court will consider the petitions and either dismiss them or adjudge the defendants bankrupt. If the judge is absent the petitions will be referred to and will be considered and disposed of in the same manner by the referee.

It is immaterial whether a defendant is adjudged a bankrupt upon his own petition or the petition of creditors, so far as his rights as a bankrupt and those of his creditors are concerned.

It is the duty of the bankrupt to attend the first meeting of his creditors if required to do so; to make out schedules of his property and lists of his creditors, and if attempted frauds on the part of creditors come to his knowledge it is his duty to inform his trustee, etc.

An individual or partnership may apply for a discharge subsequent to the expiration of two months and within the next four months after the adjudication. If the application is not made within that time and the court is convinced that it was impossible for the applicant to make it, it may be filed within but not after the expiration of the next six months.

The terms upon which a discharge may be granted are as follows:

A person, not a corporation, may, after the expiration of two months and within the next four months subsequent to being adjudged a bankrupt, file an application for a discharge in the court of bankruptcy in which the proceedings are pending. If it shall be made to appear to the judge that the bankrupt was unavoidably prevented from filing it within such time, it may be filed within but not after the expiration of the next six months.

The judge shall hear the application for a discharge, and such pleas as may be made in opposition thereto by parties in interest, at such time as his convenience will permit and as will give parties in interest a reasonable opportunity to be heard, and discharge the applicant unless he has (1) been convicted of having committed an offense punishable by imprisonment as herein provided; (2) given a preference as herein defined, under an assignment for the benefit of creditors, or otherwise, and within six months prior to the filing of the petition against him, which has not been surrendered to the trustee; (3) obtained property upon credit which has not been paid for or restored at the time the petition is filed against him upon a materially false statement in writing made by him to any person for the purpose of obtaining credit or of being communicated to the trade or to the person from whom he obtained such property on credit; (4) made a transfer of any of his property which any creditor who has proved his debt in the proceedings might, at the time of the bankruptcy, have impeached as fraudulent if he had then been a judgment creditor, unless such property shall have been surrendered to the trustee; or (5), with fraudulent intent and in contemplation of bankruptcy, destroyed or neglected to keep books of account or records from which his true condition might be ascertained.

The confirmation of a composition shall discharge the bankrupt from his debts, other than those agreed to be paid by the terms of the composition and those not affected by a discharge.

A discharge in bankruptcy shall release a bankrupt, not a corporation, from all of his provable debts, except such as (1) are due as a tax levied by the United States, the State, county, district, or municipality in which he resides; (2) are judgments in actions for frauds or willful and malicious injuries to the person or property of another; (3) have not been duly scheduled in time for proof and allowance, with the name of the creditor if known to the bankrupt, unless such creditor had notice or actual knowledge of the proceedings in bankruptcy; or (4) were created by his fraud, embezzlement, or defalcation while acting as an officer or serving in any fiduciary capacity.

A discharge may be revoked upon application made within one year after being granted if it transpires that it was fraudulently procured.

I apprehend that one of the most useful provisions of the bill is the one relating to settlements which debtors may make with their creditors after the petition is filed, and either before or after the suit has been tried.

Under existing laws, if a creditor sees fit to pursue a debtor to final execution and sale, he may do so without let or hindrance; there may be delays in the courts, but the time will surely come when there will be a trial, and if it results in a judgment against the defendant the creditor may persevere until the red flag of the sheriff waves over the property of the defendant, or other property which it may be thought that the defendant has an interest in. An honest debtor may be protected from such extremities under the provisions of the bankruptcy bill, provided the interest of all of the creditors will be served thereby; that is to say, he may secure a settlement as against the wishes of some of his creditors, but nevertheless with all of them. Such a settlement may involve an extension of time within which to pay his debts, or a reduction of them with or without security for the payment of the balance.

An individual creditor may consider it a hardship to be compelled to settle with his debtor upon terms which he does not consider advantageous. Requiring him to do so can be justified only on the ground that the interest of other creditors must be considered quite as well as his, since it is for the best interest of the most of the creditors to make such a settlement.

A settlement can not be offered by a debtor against whom a petition has been filed or who has been adjudged a bankrupt until after he has submitted to an examination in open court or at a meeting of his creditors. This examination is designed to enable the creditors to learn the reasons for the difficulties in which the debtor finds himself and to enable them to judge whether he is or is not a competent, honest man. He must file a schedule of his property and a list of his creditors. An examination of them will enable the creditors to determine the value of their claims.

After these preliminaries he must submit his proposition in writing to his creditors and secure the acceptance of it by at least a majority in number of his creditors, and such majority or number must also represent more than half of his indebtedness. Before this proposition can be filed in court he must deposit, subject to the order of the judge, the money with which to pay the costs of the suit and the preferred claims. He must also file, subject to the order of the court, whatever he is to pay to his creditors in the settlement; that is, if he is to give notes, he must execute them and place them where the court can have them distributed to creditors in the event his settlement is confirmed; if he is to pay part cash and part in notes, he must deposit the cash so that it as well as the notes may be distributed to the creditors. A compliance with these conditions will probably be of great inconvenience to the debtor in many cases, but they are necessary in order to have the settlement confirmed and adjusted without friction or delays and with absolute certainty.

Under the old law frequently the bankrupt trifled with his creditors by offering settlements which he could not make, and later on offering less favorable settlements, the only result being to annoy the creditors.

A composition which has been fraudulently obtained may be set aside upon an application made within six months after it was confirmed.

A debtor who has acted dishonestly can not secure a composition, the reason being that the confirmation of a composition secures to the debtor a discharge from all debt which he does not agree to

pay in the composition, and it is not proposed by this bill to enable any dishonest persons, firms, or corporation to secure any advantage pursuant to its terms.

In cases in which the estate is to be administered the creditors will meet and elect one or three trustees and fix the amount of their bond.

The trustee or trustees will reduce the estate to money under the directions of the court and distribute it in dividends to the creditors.

Creditors have only to make oath to the claims and send them by mail or deliver them in person to the court or referee. They will be allowed as of course, but may be suspended or examined if there is any suspicion that they are fraudulent. The trustee may bring suit to set aside any fraudulent transfer of property which was made by the bankrupt prior to the adjudication.

Liens given for a present consideration in good faith will be upheld. Such liens as are fraudulent will be set aside.

Preferences which have been given within four months prior to the filing of the petition may be recovered by the trustee. Advantages obtained by the institution of suits within four months prior to the filing of the petition can not be made available by the plaintiffs in such proceedings. This provision is simply to prevent an inequitable distribution of the estate of the bankrupt.

Under the old law the compensation of officers was unduly large, and was payable so that they were all interested in prolonging the proceedings. This bill provides for the payment of only a reasonable compensation, and it is to be so computed and paid that every officer is interested in securing prompt and economical administrations. That is to say, the clerk secures a single fee of $10 in each case; he will, therefore, be interested in having the case disposed of as quickly as possible. The referee will receive a ten-dollar filing fee in each case and a commission of 1 per cent on the net result of the estate, and one-half of 1 per cent on amounts paid in composition. The trustee will receive a five-dollar fee in each case and a commission of 5 per cent on the first $5,000 to be paid in dividends, 2 per cent on the second like amount, and 1 per cent on all over $10,000. Neither the filing fees nor the commissions of the referees or trustees will be paid until the estate is closed and the records returned to court.

The expenses of administering the estate will be reported in detail under oath, and will be paid in the event only of their being found to be necessary and reasonable by the court.

Those who may act dishonestly in contemplation of bankruptcy or with reference to the property of bankruptcy estates or commit forbidden acts will be liable to punishment.

The bill contains such additional provisions as are necessary in order to make it a perfectly well-considered and carefully framed bankruptcy code.

When a bill similar to this was under consideration in a former Congress I opposed its enactment. My opposition grew partly out of my want of information as to its true scope and purposes and partly out of the fact that my constituents were prejudiced against any bankruptcy bill because of the unfortunate administration of the old one in the South. Since then great changes and improvements have been made in the bill and my people have felt the want of such a law.

I, therefore, am very glad not only to give this bill my vote but a hearty support.

It is an absolutely fair measure in all of its provisions to both debtors and creditors and is calculated to promote the best interests of all of those whose rights will be affected by it.

I invite your attention to the following:

TABLE OF COMMERCIAL AND INDUSTRIAL FAILURES IN THE UNITED STATES.

The number of failures by those engaged in commercial and industrial pursuits, the total number of those so engaged, the percentage of the former to the latter, and the total amount in dollars of the liabilities of those who have failed from 1879 to 1895, inclusive, are shown by States and Territories, as follows:

Year.	Number of failures.	Number engaged in business.	Per cent of failures.	Liabilities.
ALABAMA.				
1879	24	5,483	0.44	$312,109
1880	47	6,597	.71	759,694
1881	104	7,050	1.46	2,041,340
1882	85	7,364	.15	1,188,276
1883	55	8,159	.67	650,710
1884	68	8,388	.80	1,453,311
1885	39	8,616	.45	1,017,135
1886	118	9,018	1.31	1,658,716
1887	99	9,587	1.03	1,637,477
1888	161	10,172	1.58	1,692,622
1889	134	9,886	1.35	1,368,232
1890	186	10,315	1.80	2,225,300
1891	258	10,229	2.52	3,396,365
1892	228	10,287	2.22	2,108,675
1893	178	10,230	1.73	2,439,200
1894	190	10,281	1.85	2,944,309
1895	140	10,280	1.36	1,320,250
Totals and average	2,114		1.26	28,324,741

TABLE OF COMMERCIAL AND INDUSTRIAL FAILURES, ETC.—continued.

Year.	Number of failures.	Number engaged in business.	Per cent of failures.	Liabilities.
ARKANSAS.				
1879	48	4,349	1.10	$425,427
1880	26	5,227	.50	340,062
1881	102	6,096	1.67	952,532
1882	95	6,593	1.44	754,724
1883	84	6,853	1.21	596,723
1884	121	7,092	1.70	1,149,164
1885	94	7,734	1.22	818,325
1886	100	7,627	1.31	1,178,651
1887	90	9,817	.92	837,900
1888	156	8,880	1.76	1,245,346
1889	173	9,452	1.82	994,322
1890	212	10,237	2.06	1,817,305
1891	185	10,575	1.75	2,203,819
1892	211	10,672	1.99	1,902,697
1893	164	10,641	1.54	3,655,881
1894	170	10,711	1.59	1,383,010
1895	154	10,532	1.46	1,046,700
Totals and average	2,185		1.47	21,302,808
CALIFORNIA.				
1879	472	17,343	2.72	7,967,854
1880	295	18,409	1.60	2,919,400
1881	275	19,345	1.43	2,790,000
1882	375	20,007	1.88	3,747,000
1883	429	21,105	2.03	4,431,900
1884	573	21,836	2.62	6,166,500
1885	672	23,174	2.90	5,088,100
1886	554	24,278	2.28	4,300,400
1887	455	26,522	1.71	16,943,306
1888	647	28,141	2.30	7,975,800
1889	713	29,531	2.42	4,259,800
1890	641	30,995	2.11	4,224,400
1891	698	30,875	2.26	4,742,300
1892	585	33,259	1.76	4,526,600
1893	747	34,319	2.17	7,456,718
1894	587	35,320	1.66	5,399,963
1895	573	35,073	1.61	2,883,099
Totals and average	9,291		2.09	96,861,570
COLORADO.				
1879	47	3,572	1.31	335,661
1880	78	5,932	1.32	540,500
1881	97	7,657	1.26	687,479
1882	169	7,825	2.17	1,290,191
1883	182	7,157	2.52	1,986,054
1884	139	6,911	2.01	2,259,585
1885	62	6,850	.89	765,182
1886	82	6,975	1.18	698,520
1887	79	8,216	.96	479,368
1888	149	9,060	1.64	1,294,647
1889	165	11,580	1.42	817,001
1890	169	12,287	1.38	981,894
1891	264	13,496	1.96	1,544,525
1892	262	13,854	1.46	2,374,088
1893	426	14,069	3.03	9,356,853
1894	141	14,253	.99	2,085,257
1895	138	14,523	.95	1,760,224
Totals and average	2,589		1.56	29,195,439
CONNECTICUT.				
1879	158	13,188	1.20	2,474,844
1880	178	14,640	1.21	1,073,817
1881	130	14,475	.90	836,788
1882	88	14,411	.61	898,963
1883	119	14,292	.83	744,242
1884	169	14,718	1.14	1,464,396
1885	176	15,882	1.11	1,714,486
1886	132	16,842	.78	1,906,684
1887	117	16,920	.69	3,500,484
1888	137	16,979	.81	1,265,193
1889	137	17,562	.78	1,624,657
1890	176	18,281	.96	1,447,617
1891	193	18,696	1.03	2,719,020
1892	160	18,979	.84	1,053,464
1893	234	18,980	1.23	3,095,148
1894	253	19,473	1.30	1,821,143
1895	254	19,622	1.29	2,442,980
Totals and average	2,811		.98	30,083,836
DAKOTA (NORTH AND SOUTH).				
1879	11	1,600	.69	68,000
1880	4	2,679	.15	19,000
1881	12	2,844	.43	121,105
1882	33	6,744	.48	194,982
1883	90	8,256	1.08	1,075,784
1884	117	9,370	1.24	729,602
1885	88	9,988	.88	404,830
1886	160	10,451	.93	765,979
1887	114	11,073	1.03	1,151,830
1888	105	11,506	.90	1,240,427
1889	101	8,150	1.24	610,227
1890	80	8,832	.91	1,279,029
1891	46	8,853	.52	690,897
1892	29	9,026	.32	187,100
1893	83	10,474	.81	621,278
1894	43	10,670	.43	641,369
1895	22	10,976	.20	559,677
Totals and average	1,080		.72	10,361,199

TABLE OF COMMERCIAL AND INDUSTRIAL FAILURES, ETC.—continued.

Year.	Number of failures.	Number engaged in business.	Per cent of failures.	Liabilities.
DELAWARE.				
1879	14	3,628	0.39	$186,137
1880	18	3,618	.50	127,400
1881	7	3,522	.20	73,200
1882	12	3,598	.33	79,400
1883	15	3,685	.40	296,757
1884	27	3,930	.69	553,900
1885	23	4,075	.56	195,250
1886	25	4,044	.62	176,500
1887	26	4,297	.63	495,219
1888	26	4,348	.60	324,200
1889	15	4,409	.36	156,200
1890	18	3,833	.47	213,822
1891	29	4,032	.72	434,600
1892	21	3,862	.54	68,100
1893	35	4,239	.83	645,437
1894	61	3,769	1.62	936,770
1895	68	3,774	1.80	460,100
Totals and average	440		.66	5,332,992
FLORIDA.				
1879	19	1,918	1.00	120,077
1880	12	2,049	.60	104,500
1881	16	2,576	.61	223,352
1882	17	2,508	1.68	167,320
1883	34	2,865	1.17	297,677
1884	44	3,455	1.25	670,534
1885	49	3,918	1.26	368,103
1886	78	4,334	1.81	603,392
1887	107	4,991	2.14	564,409
1888	69	5,465	1.26	407,177
1889	49	4,750	1.03	348,142
1890	41	4,812	.85	155,360
1891	144	5,222	2.76	1,486,411
1892	31	5,825	.53	267,700
1893	59	5,913	1.00	491,305
1894	46	6,186	.74	380,650
1895	136	5,868	2.32	1,741,550
Totals and average	951		1.27	8,395,629
GEORGIA.				
1879	86	8,599	1.00	574,323
1880	77	9,883	.78	1,018,765
1881	132	10,478	1.27	2,379,548
1882	138	11,215	1.23	1,930,563
1883	213	11,537	1.83	2,180,830
1884	238	12,180	1.95	3,412,571
1885	212	10,413	2.04	2,566,235
1886	215	10,552	2.04	1,872,763
1887	195	11,265	1.72	1,713,462
1888	213	13,117	1.62	2,706,494
1889	151	13,820	1.09	1,627,945
1890	145	14,235	1.02	1,671,878
1891	274	17,625	1.55	5,829,903
1892	259	15,857	1.63	2,425,080
1893	293	15,161	1.93	3,147,298
1894	347	15,294	2.27	4,756,118
1895	214	14,793	1.45	3,049,383
Totals and average	3,401		1.55	42,863,706
ILLINOIS.				
1879	277	51,250	.54	5,633,780
1880	134	53,325	.25	1,263,956
1881	145	55,535	.26	2,566,418
1882	261	58,051	.45	3,433,324
1883	605	60,464	1.00	16,362,012
1884	766	61,780	1.37	12,661,997
1885	684	62,798	1.09	5,858,553
1886	646	64,922	.99	8,187,356
1887	628	67,814	.93	8,457,222
1888	678	71,062	.95	8,929,538
1889	717	74,386	.95	7,286,365
1890	643	77,485	.83	9,785,431
1891	531	83,104	.64	6,303,814
1892	480	86,145	.56	7,647,200
1893	566	89,274	.63	18,777,462
1894	717	84,325	.85	8,042,159
1895	856	86,236	.99	14,198,887
Totals and average	9,271		.78	145,425,514
INDIANA.				
1879	122	27,285	.45	1,590,791
1880	89	29,120	.30	842,847
1881	78	30,632	.25	683,289
1882	124	32,488	.38	1,688,505
1883	270	33,953	.77	3,426,182
1884	304	35,835	.84	5,775,113
1885	293	36,762	.80	2,435,528
1886	235	36,142	.65	2,739,089
1887	212	37,786	.56	1,838,494
1888	239	39,399	.65	2,134,627
1889	211	40,164	.53	1,845,798
1890	224	40,102	.56	2,912,144
1891	208	41,989	.50	1,671,230
1892	202	45,071	.45	1,753,541
1893	357	47,207	.76	8,909,225
1894	269	48,615	.55	3,702,932
1895	242	49,317	.49	2,047,351
Totals and average	3,699		.56	45,909,755

TABLE OF COMMERCIAL AND INDUSTRIAL FAILURES, ETC.—continued.

Year.	Number of failures.	Number engaged in business.	Per cent of failures.	Liabilities.
IOWA.				
1879	152	23,463	0.65	$1,121,900
1880	92	24,873	.37	495,555
1881	75	26,419	.29	923,601
1882	194	28,217	.70	1,415,778
1883	420	29,119	1.43	2,249,651
1884	412	29,396	1.40	2,435,653
1885	370	30,021	1.23	2,354,757
1886	373	30,102	1.23	1,922,313
1887	302	29,686	1.01	1,976,822
1888	284	30,695	.92	2,510,107
1889	325	33,833	.96	2,579,762
1890	241	35,420	.68	2,424,545
1891	185	37,263	.50	1,267,704
1892	200	38,305	.52	1,453,122
1893	184	38,600	.48	11,452,932
1894	253	39,820	.64	5,098,510
1895	304	40,807	.74	1,853,395
Totals and average	4,366		.81	43,569,102
KANSAS.				
1879	66	11,449	.58	392,043
1880	112	13,610	.82	446,953
1881	262	13,894	1.88	1,704,810
1882	267	14,713	1.81	1,530,967
1883	161	15,677	1.00	726,670
1884	97	16,837	.57	508,854
1885	285	20,708	1.37	1,377,177
1886	297	22,500	1.32	1,660,736
1887	289	26,914	1.07	1,762,295
1888	244	25,283	.96	1,225,393
1889	292	24,929	1.17	2,629,209
1890	325	25,510	1.27	4,598,779
1891	275	22,302	1.23	5,625,331
1892	206	22,285	.92	1,813,623
1893	322	22,646	1.42	2,795,753
1894	286	22,431	1.28	1,487,817
1895	234	22,645	1.03	1,155,684
Totals and average	4,629		1.16	30,692,065
KENTUCKY.				
1879	133	17,542	.79	1,546,577
1880	104	18,581	.56	1,030,000
1881	93	19,311	.48	1,083,413
1882	131	19,352	.67	3,716,096
1883	154	19,869	.77	1,667,727
1884	219	21,324	1.02	2,093,295
1885	276	20,913	1.32	1,941,529
1886	275	21,573	1.26	2,444,040
1887	281	22,153	1.26	3,274,244
1888	285	22,354	1.27	1,930,077
1889	223	22,706	.98	2,157,010
1890	233	21,949	1.06	2,961,976
1891	350	25,647	1.52	7,095,245
1892	251	26,188	.97	1,979,886
1893	433	26,309	1.65	8,906,744
1894	339	26,307	1.29	5,407,830
1895	274	26,068	1.05	3,045,045
Totals and average	4,099		1.05	52,286,764
LOUISIANA.				
1879	90	7,907	1.14	4,752,557
1880	54	8,493	.64	706,292
1881	106	8,988	1.18	1,604,577
1882	178	9,309	1.90	3,162,948
1883	177	9,541	1.86	3,395,678
1884	184	10,095	1.82	5,408,916
1885	215	10,542	2.05	5,095,411
1886	205	10,695	1.93	2,780,233
1887	196	11,341	1.70	2,363,374
1888	202	11,909	1.69	2,471,778
1889	185	12,419	1.49	1,686,714
1890	157	10,484	1.50	4,594,635
1891	181	10,297	1.76	3,740,102
1892	177	10,119	1.75	2,202,871
1893	122	9,354	1.30	2,026,007
1894	230	9,822	2.34	1,807,799
1895	199	10,157	1.96	2,876,081
Totals and average	2,855		1.65	51,306,224
MAINE.				
1879	87	11,245	.77	796,600
1880	73	11,877	.61	687,220
1881	76	12,457	.60	442,708
1882	61	12,704	.48	942,014
1883	222	13,151	1.68	2,253,110
1884	231	13,408	1.72	875,297
1885	205	13,708	1.59	1,050,181
1886	167	14,010	1.19	3,225,279
1887	162	14,266	1.14	1,811,773
1888	160	14,325	1.10	1,457,797
1889	196	14,304	1.37	1,114,582
1890	130	14,317	.91	1,236,601
1891	140	14,711	.95	813,510
1892	98	14,969	.65	965,257
1893	411	15,192	2.71	3,938,371
1894	251	15,365	1.63	2,449,210
1895	188	15,637	1.20	1,257,858
Totals and average	2,859		1.19	25,319,443

TABLE OF COMMERCIAL AND INDUSTRIAL FAILURES, ETC.—continued.

Year.	Number of failures.	Number engaged in business.	Per cent of failures.	Liabilities.
MARYLAND.				
1879	85	12,949	0.66	$916,874
1880	53	12,781	.42	820,163
1881	75	13,402	.56	2,484,991
1882	80	13,500	.59	1,261,140
1883	127	14,493	.87	1,864,502
1884	112	15,647	.71	2,028,189
1885	177	15,846	1.12	3,777,804
1886	129	15,630	.82	3,631,971
1887	152	16,495	.92	3,050,461
1888	174	17,694	.98	1,975,593
1889	129	18,413	.70	1,226,094
1890	152	17,705	.86	2,254,304
1891	115	18,036	.64	2,530,927
1892	137	19,043	.72	2,268,765
1893	187	19,211	.97	2,779,183
1894	239	20,060	1.19	2,971,319
1895	299	20,469	1.46	3,279,124
Totals and average	2,422	.....	.83	39,121,404
MASSACHUSETTS.				
1879	505	38,877	1.30	8,435,792
1880	329	39,921	.83	3,436,954
1881	416	40,816	1.02	7,692,245
1882	434	41,660	1.04	8,952,611
1883	626	42,447	1.47	25,469,691
1884	695	43,328	1.60	10,343,120
1885	631	45,385	1.39	7,597,225
1886	636	47,977	1.30	11,428,842
1887	650	48,703	1.34	8,954,757
1888	672	49,489	1.35	8,425,674
1889	812	49,183	1.68	20,787,599
1890	670	49,678	1.35	20,283,205
1891	664	50,742	1.31	13,873,921
1892	637	52,032	1.22	8,805,224
1893	1,088	53,380	2.04	22,708,331
1894	836	54,707	1.53	16,467,631
1895	567	65,812	.86	10,942,638
Totals and average	10,858	.....	1.33	214,483,460
MICHIGAN.				
1879	179	25,701	.70	2,063,894
1880	153	27,761	.85	2,285,366
1881	209	31,102	.67	1,750,832
1882	189	31,787	.60	1,456,870
1883	275	32,466	.84	4,347,995
1884	303	32,481	.93	3,786,041
1885	238	32,834	.73	2,018,315
1886	202	33,599	.60	2,299,007
1887	189	35,863	.53	1,875,915
1888	232	37,784	.61	4,865,956
1889	238	47,588	.54	3,674,998
1890	216	48,677	.44	6,082,924
1891	232	49,391	.47	2,308,282
1892	219	49,822	.44	2,969,296
1893	299	50,186	.60	5,293,692
1894	174	49,832	.35	2,122,691
1895	172	50,375	.34	4,565,748
Totals and average	3,739	.....	.60	53,706,732
MINNESOTA.				
1879	128	10,073	1.27	1,241,697
1880	82	11,247	.73	1,807,969
1881	73	12,505	.58	391,827
1882	70	14,088	.49	355,990
1883	116	15,312	.75	1,129,882
1884	220	18,164	1.20	4,510,101
1885	190	24,355	.78	1,539,093
1886	202	26,232	.77	2,205,740
1887	269	26,197	1.02	3,222,800
1888	316	26,231	1.20	4,811,722
1889	356	18,635	1.91	4,269,235
1890	323	19,450	1.66	5,856,857
1891	258	20,588	1.25	2,699,281
1892	241	22,820	1.06	3,673,838
1893	417	24,900	1.67	9,705,374
1894	360	25,230	1.43	5,156,666
1895	311	25,540	1.22	5,290,239
Totals and average	3,932	.....	1.12	57,878,311
MISSISSIPPI.				
1879	76	5,686	1.34	991,374
1880	55	6,242	.89	700,549
1881	153	6,352	2.40	1,942,129
1882	197	7,187	2.74	2,335,957
1883	151	8,216	1.84	2,658,722
1884	155	9,043	1.72	3,001,254
1885	157	9,364	1.67	998,150
1886	173	8,276	2.10	1,127,102
1887	140	8,688	1.61	1,133,134
1888	132	8,752	1.51	1,088,615
1889	138	8,841	1.57	971,906
1890	195	8,421	2.32	1,437,564
1891	246	8,453	2.91	1,924,576
1892	247	8,194	3.01	3,615,425
1893	170	8,061	2.10	2,397,321
1894	171	8,093	2.11	1,357,699
1895	115	8,156	1.41	935,340
Totals and average	2,671	.....	1.96	23,616,817

TABLE OF COMMERCIAL AND INDUSTRIAL FAILURES, ETC.—continued.

Year.	Number of failures.	Number engaged in business.	Per cent of failures.	Liabilities.
MISSOURI.				
1879	139	31,208	0.44	$2,728,394
1880	139	34,824	.40	1,616,188
1881	218	35,699	.61	2,941,051
1882	300	37,449	.80	4,148,170
1883	226	39,531	.57	3,137,931
1884	276	40,922	.67	6,846,497
1885	253	43,561	.58	2,718,106
1886	233	46,334	.50	1,841,932
1887	195	52,041	.38	3,044,922
1888	218	47,599	.46	2,039,468
1889	327	47,325	.69	2,972,870
1890	358	49,384	.72	4,806,871
1891	360	50,039	.72	12,168,895
1892	365	51,429	.71	4,347,054
1893	464	52,228	.89	5,753,905
1894	414	52,077	.80	3,766,144
1895	421	52,911	.80	4,349,082
Totals and average	4,906	.....	.63	69,227,480
MONTANA.				
1879	3	513	.58	90,000
1880	5	668	.75	27,500
1881	4	908	.44	68,000
1882	7	1,638	.44	71,000
1883	26	2,111	1.23	315,640
1884	30	2,294	1.30	353,640
1885	22	2,653	.82	220,765
1886	19	2,698	.73	231,800
1887	39	2,737	1.40	534,823
1888	21	2,712	.78	146,333
1889	34	2,844	1.21	534,274
1890	45	3,727	1.21	410,896
1891	83	4,021	2.06	983,245
1892	34	5,286	.64	880,949
1893	130	4,794	2.71	1,962,702
1894	19	4,869	.39	240,037
1895	41	5,110	.80	441,100
Totals and average	562	.....	1.03	7,452,064
NEBRASKA.				
1879	66	5,266	1.25	221,800
1880	106	6,179	1.71	359,919
1881	132	7,084	1.86	360,415
1882	113	7,848	1.43	450,023
1883	100	9,331	1.00	350,700
1884	220	10,344	2.13	1,400,396
1885	141	12,459	1.13	819,854
1886	135	14,543	.93	844,723
1887	196	17,158	1.14	644,948
1888	248	19,848	1.25	968,620
1889	276	21,233	1.30	1,538,718
1890	271	22,041	1.23	1,573,500
1891	395	20,598	1.43	3,288,365
1892	299	20,512	1.02	1,838,291
1893	343	20,463	1.68	2,210,613
1894	232	20,133	1.15	1,262,473
1895	234	19,610	1.19	2,038,060
Totals and average	3,417	.....	1.34	20,171,418
NEVADA.				
1879	34	1,661	2.05	425,100
1880	41	1,588	2.56	541,900
1881	24	1,514	1.60	257,000
1882	29	1,471	1.93	183,200
1883	35	1,411	2.50	310,200
1884	23	1,330	1.76	196,800
1885	25	1,280	1.92	328,500
1886	12	1,299	.99	134,800
1887	14	1,370	1.00	45,800
1888	9	1,347	.67	54,400
1889	13	1,380	.93	44,500
1890	10	1,362	.73	170,200
1891	6	1,300	.46	60,300
1892	8	1,248	.64	27,300
1893	4	1,192	.34	79,000
1894	1	1,173	.09	3,876
1895	1	1,184	.08	8,091
Totals and average	289	.....	1.19	2,879,967
NEW HAMPSHIRE.				
1879	62	7,295	.85	417,748
1880	32	7,462	.43	151,684
1881	51	7,655	.66	322,404
1882	54	7,639	.71	395,045
1883	75	7,813	.96	418,799
1884	96	7,955	1.21	572,072
1885	79	8,173	.96	563,362
1886	48	8,256	.58	429,712
1887	48	8,434	.57	203,650
1888	56	8,397	.67	458,845
1889	49	8,256	.60	449,136
1890	47	8,288	.57	383,985
1891	45	8,304	.54	215,979
1892	35	8,392	.42	276,167
1893	57	8,515	.67	480,313
1894	47	8,750	.54	326,646
1895	58	8,880	.65	405,644
Totals and average	939	.....	.68	6,481,221

TABLE OF COMMERCIAL AND INDUSTRIAL FAILURES, ETC.—continued.

Year.	Number of failures.	Number engaged in business.	Per cent of failures.	Liabilities.
NEW JERSEY.				
1879	143	20,104	0.71	$1,201,086
1880	89	21,161	.42	984,556
1881	77	21,633	.36	4,536,346
1882	113	22,786	.50	1,871,998
1883	121	23,949	.50	2,182,425
1884	119	25,172	.47	1,319,339
1885	122	26,282	.46	949,649
1886	111	27,499	.40	622,218
1887	120	29,849	.40	1,722,971
1888	151	30,875	.49	1,485,847
1889	128	32,157	.40	1,469,846
1890	154	33,186	.46	2,779,871
1891	187	34,384	.54	4,479,534
1892	138	36,353	.38	1,504,851
1893	322	37,853	.85	4,783,805
1894	212	37,526	.56	3,351,766
1895	182	37,260	.49	3,612,488
Totals and average	2,489	.....	.49	38,858,596
NEW YORK.				
1879	1,304	109,459	1.19	21,693,347
1880	876	114,096	.76	25,077,510
1881	817	116,441	.70	19,525,388
1882	899	118,980	.76	28,350,525
1883	1,130	124,354	.91	39,094,933
1884	1,424	130,180	1.09	88,825,615
1885	1,183	132,902	.89	27,874,337
1886	1,149	136,568	.84	22,265,755
1887	1,069	141,177	.75	49,114,730
1888	1,289	145,481	.88	25,004,849
1889	1,174	147,706	.79	26,846,613
1890	1,324	149,168	.86	52,521,126
1891	1,349	148,948	.91	33,991,960
1892	1,119	154,024	.75	16,799,937
1893	1,916	152,034	1.26	84,923,844
1894	1,976	95,256	2.08	36,858,225
1895	1,940	147,216	1.32	45,225,534
Totals and average	21,938	.....	.98	643,910,228
NORTH CAROLINA.				
1879	100	7,013	1.43	1,000,290
1880	53	7,188	.74	411,658
1881	83	7,868	1.05	591,874
1882	134	8,585	1.55	931,822
1883	154	9,305	1.65	1,357,806
1884	170	9,714	1.75	1,241,621
1885	169	9,475	1.78	1,044,113
1886	113	9,311	1.21	969,961
1887	145	9,755	1.48	1,008,932
1888	151	10,360	1.46	1,408,924
1889	197	10,724	1.84	1,384,754
1890	109	11,833	.92	670,640
1891	128	13,139	.97	1,381,706
1892	107	11,068	.97	1,059,732
1893	200	11,472	1.74	2,416,551
1894	139	11,306	1.23	1,901,810
1895	103	11,406	.90	1,231,747
Totals and average	2,255	.....	1.34	20,103,941
OHIO.				
1879	334	51,298	.65	4,407,875
1880	190	53,005	.36	1,840,559
1881	235	55,790	.42	2,799,873
1882	335	59,433	.56	3,452,551
1883	615	61,921	.99	12,250,848
1884	664	64,654	1.02	12,695,921
1885	679	67,339	1.01	7,666,408
1886	580	66,812	.86	6,841,558
1887	516	69,870	.74	8,825,150
1888	538	71,516	.75	5,796,806
1889	501	72,219	.68	7,894,098
1890	555	75,438	.74	6,791,213
1891	578	77,069	.75	6,845,748
1892	486	78,737	.62	5,202,638
1893	855	78,363	1.09	21,124,643
1894	711	84,261	.84	6,963,695
1895	718	85,146	.84	10,043,789
Totals and average	9,090	.....	.76	131,443,373
OREGON.				
1879	55	3,060	1.80	438,045
1880	71	3,527	2.03	674,342
1881	33	3,702	.89	236,214
1882	35	4,027	.87	193,500
1883	93	4,445	2.11	955,106
1884	220	2,642	8.45	1,457,500
1885	162	5,503	2.95	738,100
1886	127	5,732	2.22	717,900
1887	129	6,167	2.08	647,200
1888	139	6,273	2.21	1,086,000
1889	66	6,685	.98	250,300
1890	86	7,027	1.22	591,500
1891	157	7,432	2.11	679,600
1892	215	7,871	2.73	1,615,100
1893	221	7,837	2.82	1,957,100
1894	207	7,534	2.75	2,542,492
1895	216	7,787	2.77	1,758,511
Totals and average	2,222	.....	2.41	16,598,510

TABLE OF COMMERCIAL AND INDUSTRIAL FAILURES, ETC.—continued.

Year.	Number of failures.	Number engaged in business.	Per cent of failures.	Liabilities.
PENNSYLVANIA.				
1879	711	81,633	0.87	$11,328,795
1880	422	82,552	.51	6,785,724
1881	394	83,362	.46	6,195,309
1882	540	86,801	.62	9,661,703
1883	705	92,409	.76	13,571,420
1884	878	99,884	.88	19,232,165
1885	952	78,939	1.20	12,856,103
1886	822	106,526	.77	8,362,061
1887	934	83,565	1.12	15,308,192
1888	904	109,699	.82	10,499,768
1889	1,071	87,167	1.23	19,064,340
1890	1,161	114,804	1.11	17,869,565
1891	1,293	117,633	1.09	25,447,267
1892	955	122,780	.78	10,576,943
1893	1,398	125,726	1.11	58,253,969
1894	1,433	100,824	1.42	15,685,059
1895	1,349	133,062	1.01	11,739,947
Totals and average	15,902	.....	.93	272,468,541
RHODE ISLAND.				
1879	95	5,083	1.87	3,094,562
1880	79	5,175	1.55	958,707
1881	77	5,258	1.45	1,612,011
1882	96	5,668	1.68	2,155,419
1883	109	5,925	1.84	3,251,792
1884	136	6,330	2.15	3,285,269
1885	126	6,749	1.88	1,248,591
1886	92	7,047	1.31	725,847
1887	122	7,300	1.67	3,127,062
1888	132	7,738	1.70	1,226,886
1889	130	8,142	1.60	10,048,642
1890	107	8,241	1.30	4,095,847
1891	102	8,608	1.19	1,541,941
1892	136	8,799	1.55	1,277,492
1893	181	8,920	2.03	1,094,630
1894	187	9,320	2.01	1,480,566
1895	202	9,602	2.10	3,771,397
Totals and average	2,109	.....	1.70	43,877,161
SOUTH CAROLINA.				
1879	73	4,662	1.57	2,497,740
1880	48	5,182	.92	393,230
1881	90	5,419	1.66	684,558
1882	93	5,794	1.61	908,542
1883	93	6,120	1.52	1,151,066
1884	102	6,437	1.59	877,065
1885	119	6,470	1.83	1,428,578
1886	111	6,726	1.65	1,053,774
1887	78	6,973	1.11	1,073,827
1888	66	7,153	.92	434,967
1889	82	7,418	1.11	928,317
1890	72	7,316	.98	419,915
1891	82	8,424	.97	518,908
1892	99	7,956	1.24	784,458
1893	83	7,678	1.08	735,394
1894	97	7,741	1.25	2,121,615
1895	102	7,639	1.34	1,263,908
Totals and average	1,490	.....	1.32	17,246,557
TENNESSEE.				
1879	152	8,738	1.74	1,569,671
1880	105	9,885	1.07	1,051,219
1881	187	11,886	1.50	1,393,353
1882	164	12,217	1.34	1,632,864
1883	220	13,143	1.68	974,326
1884	238	14,321	1.66	1,654,861
1885	282	12,414	2.27	1,806,619
1886	154	12,605	1.22	1,679,639
1887	198	12,875	1.53	1,480,654
1888	206	13,553	1.52	1,555,921
1889	219	13,982	1.56	2,060,327
1890	257	14,474	1.78	6,144,030
1891	426	14,874	2.86	6,394,296
1892	299	14,631	2.04	2,241,300
1893	416	14,275	2.91	6,755,640
1894	347	14,108	2.46	3,141,249
1895	273	14,371	1.90	2,646,632
Totals and average	4,143	.....	1.83	44,182,806
TEXAS.				
1879	159	12,394	1.28	1,223,892
1880	155	13,302	1.17	1,493,210
1881	234	14,523	1.60	2,713,920
1882	204	17,246	1.18	1,644,254
1883	320	18,857	1.69	3,057,595
1884	493	18,774	2.60	4,265,375
1885	368	19,636	1.88	3,394,460
1886	507	18,381	2.77	5,312,727
1887	503	19,084	2.63	7,098,241
1888	568	20,747	2.74	4,110,355
1889	397	23,392	1.69	4,509,138
1890	331	27,998	1.18	4,022,575
1891	539	27,735	1.94	3,993,141
1892	457	24,240	1.89	5,214,057
1893	579	27,465	2.11	5,441,827
1894	471	26,800	1.76	3,835,528
1895	551	27,489	2.00	4,949,406
Totals and average	6,826	.....	1.89	71,430,099

TABLE OF COMMERCIAL AND INDUSTRIAL FAILURES, ETC.—continued.

Year.	Number of failures.	Number engaged in business.	Per cent of failures.	Liabilities.
VERMONT.				
1879	63	6,649	0.95	$359,736
1880	32	6,699	.48	251,725
1881	22	6,664	.33	155,000
1882	39	6,697	.60	147,348
1883	45	6,703	.67	5,724,293
1884	48	6,642	.72	683,707
1885	44	6,518	.68	256,558
1886	45	6,543	.68	543,494
1887	45	6,693	.68	236,088
1888	34	6,629	.51	197,950
1889	40	6,378	.63	319,253
1890	39	6,437	.61	404,479
1891	43	6,471	.66	225,107
1892	34	6,794	.51	157,558
1893	44	6,794	.65	288,232
1894	33	7,001	.47	315,096
1895	36	7,176	.50	145,300
Totals and average	686		.61	10,410,894
VIRGINIA.				
1879	84	10,540	.80	848,666
1880	85	11,021	.77	708,180
1881	98	11,605	.85	670,583
1882	137	12,030	1.14	2,235,298
1883	134	13,149	1.00	1,448,815
1884	193	14,085	1.36	2,415,254
1885	270	14,436	1.88	7,646,023
1886	223	14,499	1.54	1,750,737
1887	158	15,450	.89	1,046,606
1888	168	16,084	1.04	1,957,770
1889	191	15,875	1.20	1,403,900
1890	148	18,413	.80	1,203,525
1891	180	19,514	.92	1,629,163
1892	178	18,301	.97	1,323,659
1893	252	18,093	1.40	2,400,843
1894	267	17,949	1.49	2,020,042
1895	305	10,307	1.67	2,929,414
Totals and average	3,051		1.16	33,614,479
WASHINGTON.				
1879	58	1,050	5.52	171,305
1880	13	1,424	.93	80,588
1881	12	1,647	.75	99,593
1882	20	1,847	1.05	128,300
1883	50	2,277	2.17	546,857
1884	143	2,694	5.29	841,200
1885	113	3,245	3.53	588,200
1886	63	3,455	1.85	420,650
1887	54	3,861	1.40	293,500
1888	65	4,572	1.42	410,000
1889	119	8,041	1.48	1,235,500
1890	266	9,857	2.70	2,030,800
1891	300	11,857	2.61	2,274,700
1892	196	12,957	1.51	992,500
1893	272	12,555	2.17	3,968,000
1894	180	7,971	2.26	2,073,680
1895	160	8,108	1.97	1,579,078
Totals and average	2,093		2.26	17,708,344
WEST VIRGINIA.				
1879	27	5,743	.47	124,000
1880	14	6,191	.23	96,105
1881	41	6,454	.63	188,233
1882	45	6,791	.66	389,458
1883	55	7,545	.73	407,653
1884	66	7,996	.82	605,560
1885	96	8,244	1.17	751,327
1886	77	8,177	.95	548,783
1887	57	8,513	.67	383,631
1888	69	9,291	.74	442,974
1889	77	9,201	.84	356,943
1890	67	10,270	.65	407,024
1891	72	9,847	.73	349,900
1892	39	10,650	.37	161,800
1893	54	10,541	.51	223,312
1894	100	10,594	.94	532,279
1895	69	10,408	.66	691,324
Totals and average	1,025		.69	6,640,706
WISCONSIN.				
1879	145	19,590	.74	1,886,345
1880	74	21,728	.34	560,207
1881	77	22,919	.34	1,469,616
1882	97	24,411	.40	1,106,942
1883	173	25,803	.67	2,867,432
1884	170	26,497	.64	4,252,470
1885	169	27,722	.61	1,259,006
1886	188	28,517	.65	1,940,167
1887	152	29,404	.52	2,380,950
1888	211	30,307	.69	2,272,183
1889	202	31,414	.64	2,489,035
1890	164	33,041	.50	3,129,201
1891	172	34,231	.50	3,324,350
1892	190	35,993	.53	2,009,238
1893	242	38,373	.63	6,783,297
1894	262	38,521	.68	4,079,124
1895	323	39,257	.82	3,944,530
Totals and average	3,011		.58	45,734,072

TABLE OF COMMERCIAL AND INDUSTRIAL FAILURES, ETC.—continued.

Year.	Number of failures.	Number engaged in business.	Per cent of failures.	Liabilities.
ALASKA, ARIZONA, DISTRICT OF COLUMBIA, IDAHO, INDIAN TERRITORY, NEW MEXICO, OKLAHOMA, UTAH, AND WYOMING.				
1879	67	6,091	1.02	$965,375
1880	41	7,121	.79	360,439
1881	50	8,432	.59	876,004
1882	86	9,576	.90	1,030,950
1883	179	9,974	1.80	1,896,741
1884	128	10,694	1.20	1,983,781
1885	127	12,025	1.00	1,143,840
1886	91	12,234	.74	981,870
1887	133	13,495	.99	2,321,721
1888	135	13,774	.98	2,353,515
1889	119	15,100	.79	923,745
1890	154	15,890	.97	1,110,650
1891	261	16,397	1.59	1,605,959
1892	224	18,284	1.17	1,640,111
1893	433	19,516	2.22	4,059,786
1894	587	19,896	2.95	3,878,375
1895	453	20,073	2.35	2,712,750
Totals and average	3,268		1.30	30,225,630

A recapitulation for all of the States and Territories for the years 1879 to 1895, inclusive, of—

The number of failures by those engaged in commercial and industrial pursuits, the percentage of those so engaged who have failed, and their total liabilities in dollars is shown, as follows:

States and Territories.	Number of failures.	Per cent of failures.	Liabilities.
Alabama	2,114	1.26	$28,324,741
Arkansas	2,185	1.47	21,302,868
California	9,291	2.09	96,861,570
Colorado	2,589	1.56	29,195,439
Connecticut	2,811	.98	30,083,836
Dakota (North and South)	1,080	.72	10,361,199
Delaware	440	.66	5,332,962
Florida	951	1.29	8,395,629
Georgia	3,401	1.55	42,863,766
Illinois	9,271	.78	145,425,514
Indiana	3,699	.56	45,969,755
Iowa	4,356	.81	48,569,192
Kansas	4,020	1.16	30,692,065
Kentucky	4,099	1.05	52,286,764
Louisiana	2,855	1.65	51,366,224
Maine	2,859	1.19	25,319,443
Maryland	2,422	.83	30,121,404
Massachusetts	10,858	1.33	214,483,460
Michigan	3,739	.69	53,766,732
Minnesota	3,932	1.12	57,878,311
Mississippi	2,671	1.96	28,616,817
Missouri	4,966	.63	69,227,480
Montana	562	1.03	7,452,064
Nebraska	3,417	1.34	20,171,418
Nevada	289	1.19	2,879,967
New Hampshire	939	.68	6,481,221
New Jersey	2,159	.49	38,858,504
New York	21,038	.98	643,910,228
North Carolina	2,255	1.34	20,163,941
Ohio	9,090	.76	131,443,373
Oregon	2,252	2.41	16,598,510
Pennsylvania	15,902	.93	272,468,541
Rhode Island	2,100	1.70	43,877,161
South Carolina	1,490	1.32	17,246,557
Tennessee	4,143	1.83	44,182,893
Texas	6,826	1.89	71,420,029
Vermont	686	.61	10,410,894
Virginia	3,051	1.16	33,614,479
Washington	3,093	2.26	17,708,344
West Virginia	1,025	.69	6,640,706
Wisconsin	3,011	.58	45,734,072
Alaska			
Arizona			
District of Columbia			
Idaho	3,268	1.30	30,225,630
Indian Territory			
New Mexico			
Oklahoma			
Utah			
Wyoming			
Totals and average	171,389	1.02	2,611,521,704

A recapitulation of commercial and industrial failures for all of the States and Territories for the years 1879 to 1895, inclusive, of—

The number of failures of persons, firms, and corporations engaged in commercial and industrial pursuits, the number engaged, the percentage of failures to those so engaged, and their aggregate liabilities in dollars is shown, as follows:

Years.	Number of failures.	Number engaged in business.	Per cent of failures.	Liabilities.
1879	6,658	702,157	0.95	$98,149,053
1880	4,735	746,823	.63	65,752,000
1881	5,582	781,689	.71	81,155,932

A recapitulation of commercial and industrial failures, etc.—Continued.

Years.	Number of failures.	Number engaged in business.	Per cent of failures.	Liabilities.
1882	6,738	822,256	0.82	$101,547,566
1883	9,184	863,993	1.06	172,874,172
1884	10,968	904,759	1.21	226,383,621
1885	10,637	919,990	1.16	124,220,321
1886	9,834	969,841	1.01	114,644,125
1887	9,634	994,281	.90	167,561,030
1888	10,679	1,046,062	1.02	123,829,973
1889	10,882	1,051,140	1.04	148,784,337
1890	10,907	1,110,590	.98	189,786,964
1891	12,273	1,142,951	1.07	189,868,638
1892	10,344	1,172,705	.88	114,044,167
1893	15,242	1,193,113	1.28	346,749,889
1894	13,895	1,114,174	1.25	172,993,856
1895	13,197	1,209,282	1.09	173,196,060
Totals and average	171,389		1.02	2,611,521,704

THE NEWSPAPER CLIPPINGS

referred to by me are as follows:

A BANKRUPTCY LAW.

[From the Nashville (Tenn.) American.]

It is apparent that but little legislation of a general character is to be transacted by Congress except the passage of the appropriation bills. This seems to have been decided upon by the managers of the majority. There is one measure, however, not affecting politics or the political fortunes of any Presidential candidate, which should be acted upon by both Houses. It is the bankruptcy bill—a bill needed in every State, in every city, in every business community. It is a measure of vast moment and importance and has in one form or another been before Congress for several years. It is well understood, its main features have been time and again discussed at length, but in previous sessions its consideration has been postponed until the end of the session, when it was too late to give it the attention it deserved.

The entire business population of the country feels the need of a well-framed bankruptcy law, just in its provisions and easy of administration, a law which in its application will not consume the estate of the debtor, but will equitably divide it among creditors. The subcommittee of the House Judiciary Committee has agreed upon a bill containing the chief features of the proposed Torrey bill, which received the approval of all the chief mercantile and business associations in all the States, and a concerted effort should be made now to induce the committee to have the bill reported and Congress to pass it.

Bradstreet's of last week, referring to the pending bankruptcy bill, says: "There are some measures of a nonpolitical character before Congress which one would think should commend themselves to even the most cautious political managers as affording an opportunity for escaping from the consideration of more exciting and hazardous matter. One of these measures is the bankruptcy bill, which has been under consideration since Congress organized for work. Some progress has been made with the measure, though not much.

"The subcommittee of the House Judiciary Committee has finished the preparation of a bill which in all essentials is understood to be based upon the Torrey bill as amended in recent Congresses, and the measure now goes before the full committee, a report of which will probably not be long delayed. Still, the advocates of a national regulation of bankruptcy may recall the fact that the bill has been progressed so far before only to fail of enactment at the end, and they will do wisely to exert whatever effort they can to make Congress see that in failing to enact the law it is tampering with the best interests of the business community."

AN ACCEPTABLE PRESENT TO THE COUNTRY.

[From the Nashville (Tenn.) American.]

We believe that a well-considered, carefully drawn bankruptcy law would be an acceptable present to the country.

The serious defects in the former bankruptcy system will serve as a most valuable experience in enacting bankruptcy legislation. The point of the most vital interest in the new measure will be the insertion of adequate provisions to make it certain that the bankrupt who is guilty of actual fraud can have no relief under the act. The bankruptcy proceedings should be cheap and expeditious, and the terms upon which the honest debtor may be relieved should be very easy and liberal. Where one honestly deems his pecuniary condition so hopeless as to make him willing to take upon himself the obloquy which is by some cast upon those possessing a bankrupt discharge, almost the only requirement imposed should be absolute honesty in the premises. The public welfare requires that men honestly and hopelessly insolvent should have the chance to commence business again unfettered by the blighting incubus of debt. It is to be hoped that the present session of Congress may give us a good system of bankruptcy.

PASS THE TORREY BILL.

[From the Chattanooga (Tenn.) Times.]

One of the things Congress ought to do, and do it soon, is to pass the Torrey general bankruptcy bill. It is now much more urgently needed than was ever such a law since our Government was founded.

LET CONGRESS DO ITS DUTY.

[From the Nashville (Tenn.) American.]

The condition of the country calls urgently for a good bankruptcy law, and the business interests of the country have been looking confidently to Congress to enact the needed measure, naturally believing that the great record of failures in every branch of business and the accompanying depression of values would adequately impress upon Congress the necessity for a bankruptcy law in the interest of both debtor and creditor, as well as the general welfare of the public.

The best interests of the country imperatively demand it. The vast and varied business of the whole United States, almost all of which is done upon credit, demands a uniform rule extending from the North to the South and from Maine to California, providing for the speedy, inexpensive, and just distribution among creditors of the assets of insolvent debtors. And on the other hand, simple justice as well as the general welfare requires that the honest and unfortunate debtor should be relieved of a burden of debt which it is impossible for him to discharge.

The necessity of Congress possessing the power to regulate this subject is apparent, and that body should feel the responsibility placed upon it in that respect by the organic law. The imperfections of the old bankruptcy law as demonstrated by its practical workings is a valuable experience when considering the provisions of a new measure. Nothing but captiousness can prevent the framing of a bankruptcy law which would be equitable in its operation upon all sections and classes. It is now seventeen years since the old bankruptcy law was repealed, and the condition of the country urgently demands another. Let Congress perform its plain duty in the matter and give the nation a well-considered, speedy, and inexpensive measure.

THE TORREY BANKRUPTCY BILL.

[From the Nashville (Tenn.) American.]

The Torrey bankruptcy bill is one of the important measures which failed of passage through the last Congress. The business interests of the country would be subserved by the enactment of a well-considered bankruptcy law, and the general opinion was that the Torrey bill properly met the requirements of the situation.

The Torrey bill has been before Congress for several years. It has received strong indorsements from all sections of the country.

Judge Stone, whose opinion is given herein, was for over a quarter of a century before his death the chief justice of the supreme court of Alabama:

HON. GEORGE W. STONE'S OPINION—THE PROPOSED LEGISLATION, HE THINKS, IS MUCH BETTER THAN THE OLD LAW AND SHOULD BE PASSED.

Hon. George W. Stone, chief justice of the supreme court of Alabama, who is noted by reason of the soundness of his views upon the subject of integrity of commercial transactions, and whose views upon jurisprudence are always interesting and instructive, has been interviewed as to whether he had examined and considered the Torrey bankrupt bill. In reply to the question he said:

"Yes; I have examined the measure, and consider it a very much better act than either of those of 1841 or 1867."

When asked as to the reasons of the unpopularity and consequent repeal of the former bankrupt law, he answered:

"A grave objection to the former statutes was the enormous expense attending their administration, because of imperfect machinery, and because the administration was in a large degree intrusted to incompetent and frequently corrupt officials. My observation was confined chiefly to Alabama and to parts of Louisiana, in which, if the assets were not large, nothing worth computing ever reached the creditors; and if large, the dividend was shamelessly reduced by unjustified charges.

"The pending act is a great improvement on the old statutes; first, in simplifying the machinery and reducing the expense; and, second, in providing that controverted questions—most of them—may be prepared for a hearing before a referee, whose sitting may take place at some point near the home of the bankrupt, and, consequently, to a place which will generally be convenient to creditors."

Speaking as to the provisions of the pending bill, the judge said:

"Viewed from a moral standpoint, I doubt the policy of voluntary bankruptcy, but the principle is probably so rooted in the public mind that to oppose that would defeat all bankrupt legislation.

"A bankrupt system has two aims: To prevent fraudulent preferences by securing to all the creditors of equal rights an equal participation in the bankrupt's assets. It treats all unsecured collectable debts, save those of a public nature, as of equal dignity and binding obligation. This is strict honesty. Its second aim is to restore to honest debtors, who are borne down by their obligations, the power and privilege of employing their energies and business qualifications in acquiring an honest living, and thus adding to the general welfare. This last object is the only justification or excuse for granting the privilege of voluntary bankruptcy. Honestly exercised, it leads to beneficial economic results. Its facile perversion to abuse is the argument against it.

"The great benefit of a bankrupt law is found in its prevention of fraudulent preferences, no matter in what form they may be attempted. And the demand for such prevention against all business or money corporations is, in my experience and observation, just as imperative as when the attempt is made by natural persons. Incorporated capital is frequently perverted to pernicious uses, and the demand for protection against fraud should meet a hearty response from the lawmaking power. Let business corporations be made subject to involuntary, but not voluntary, bankruptcy."

When his attention was called to the proposition to strike out the involuntary provisions of the bill and leave it simply a voluntary measure, he said, in a very earnest manner:

"The enactment of a purely voluntary bill would, in my judgment, make it possible for the perpetration of the grossest frauds. The scandals incident to both of the laws administered while I was a practitioner arose chiefly out of the voluntary provisions of the bill; that is to say, those cases in which proceedings were instituted by creditors resulted in most part in either the defeat of the proceedings or the administration of the estate, while there were many cases in which parties deliberately prepared to go voluntarily into bankruptcy and succeeded in the consummation of their intent in such manner as to engender the belief that the proceedings were fraudulent and that unfair advantage had been obtained by the bankrupt over his creditors."

Continuing, Judge Stone said:

"The best interest of the people would certainly be jeopardized by the enactment of a purely voluntary law."

In summing up the whole subject the Judge said:

"Considered as a whole, I regard the bill as a good one, and hope it will be enacted by the present Congress."—*New Delta*, New Orleans.

COMMERCIAL AND INDUSTRIAL ASSOCIATION OF MONTGOMERY.

At a meeting of the Commercial and Industrial Association proceedings were had as follows:

Present: Vice-President Durr and a large number of the members.

Ex-Governor Ligon introduced, and the association considered and unanimously passed, resolutions, as follows:

"*Resolved*, That the Commercial and Industrial Association of Montgomery, Ala., hereby reaffirms its indorsement of the Torrey bankrupt bill and calls upon Congress to enact it at the present session, for reasons as follows:

"(1) Congress alone can pass an adequate law upon that subject.

"(2) The passage of laws, necessarily imperfect, by most of the States constitutes a solemn protest against further inaction by Congress.

"(3) Commercial failures of the whole country are steadily on the increase in numbers, and the amount of the liabilities of those who fail is steadily growing larger.

"(4) The bill in question is the product of the experience of the past and of the business sense and legal wisdom of the present, and its enactment is demanded by the honest, unselfish men of the country.

"(5) Under the provisions of that measure all honest poor debtors who can not pay their debts will, upon a surrender of their property, be permitted

to keep their exemptions and receive a discharge. All honest creditors of the same class will receive a pro rata of the estates of their debtors, without unnecessary delay and at small cost. Valid liens will be enforced and fraudulent ones will be canceled. Honest men will be benefited and dishonest ones punished.

"*Resolved*, That copies hereof be sent by the secretary to members of Congress from this State.

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THE TORREY BANKRUPTCY BILL NOW PENDING IN CONGRESS—IS INDORSED BY THE INDUSTRIAL AND COMMERCIAL ASSOCIATION—THE REMARKS AND OPINION OF CHIEF JUSTICE STONE—DR. LE GRANDE'S VIEWS—WHAT COLONEL TOMPKINS THINKS.

There was a meeting of the Commercial and Industrial Association, which was attended by the most prominent members. The occasion of the meeting was to consider the Torrey bankruptcy bill now pending in Congress.

In the absence of the president, Vice-President Durr presided. * * *

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MERITS OF THE TORREY BILL.

Hon. George W. Stone, for many years the chief justice of the supreme court of Alabama, was called upon by motion to speak upon the subject of bankruptcy legislation, and was greeted with applause. He referred to the presence on the statute books of England of a bankruptcy law which had been there for a great many years, and spoke of the English people as wise and conservative.

In speaking of the Torrey bill he complimented its author and referred to it as a measure as nearly perfect as human industry, ingenuity, and wisdom could devise.

Ex-Governor Ligon introduced and the meeting considered and unanimously passed resolutions reindorsing the Torrey bill and calling upon Congress to pass it.

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OPINION OF CHIEF JUSTICE STONE.

A reporter called upon Judge Stone at the Capitol and found him busily occupied in his room. He kindly consented to be interrupted for a brief interview as to the desirability of bankruptcy legislation by Congress and as to the merits of the Torrey bill.

In reply to an inquiry as to whether he had examined the other bankruptcy bills now pending in Congress, Judge Stone said:

"There have been sent to me all the bankruptcy bills now pending before Congress; after an examination of them I thought that all of them except the Torrey bill were very imperfect and not calculated in any sense to meet the great wants of the country in the matter. None of them approach the Torrey bill either in completeness or as a measure calculated to be beneficial in its provisions."

In further pursuing the subject the eminent jurist stated that "the referee, who corresponds practically to the register of the old law, would be appointed by the bankruptcy court; but he would not be related to any of the judges and would be liable to removal for cause or because his services were not needed.

"The trustee, that is, the person who is to represent the creditors, will be elected and have his bond fixed by them; he will not be paid fees, as under the old law, but will receive a small filing fee and a commission on the amount paid out in dividends to the creditors.

"The clerk of the court will be entitled only to a ten-dollar filing fee upon the institution of proceedings."

Attention was called to the fact that both the method of payment and the amount paid directly tend to secure prompt and inexpensive administration of estates.

When the subject of exemptions was touched upon Judge Stone said: "The law recognizes the exemptions as provided by the laws of the several States, so that each bankrupt will be permitted to withhold from his estate such exemptions as are permitted for the protection of his family by the laws of his domicile."

Remarks were made by the judge upon the provisions of the bill concerning the discharge of the bankrupt, as follows: "A discharge will not be granted to corporations or to dishonest persons. It must be applied for after two and within the next four months after the adjudication. If the applicant was unable to file his application within that time, it may, by permission of the court, be filed within the next six months, but not thereafter. In general terms, a discharge will be granted to such persons as are honest and refused to such as are dishonest. If the discharge proves to have been fraudulently secured it may be set aside upon application made within two years after it was granted."

In making a comparison in brief between the present proposed law and former laws, Judge Stone said: "The present measure is in a truer sense a national enactment than any of its predecessors. For example, the last law contained many provisions relating to the taking of evidence, the validity of liens, the statute of limitations, and other subjects that are omitted from the present measure, which makes it, in my judgment, a much stronger bill and one which is more likely to remain as a permanent law than if it contained additional subjects which I think are more properly left to State control."

In summing up the subject, the Chief Justice said: "I believe that the passage of the bill by the present Congress would tend very largely to prevent frauds in commercial dealings, which are now a reproach upon the country, and that the result of its enactment would be to extend commercial and industrial credit and to benefit every class in the whole country."

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VIEWS OF DR. LE GRAND.

Dr. M. P. Le Grand, president of the Montgomery Bank and of the Commercial Fire Insurance Company, was called upon at the bank by a reporter. In reply to inquiries he said:

"While I have not examined the particular bill in question, I have no doubt but the passage of a just law would redound to the best interests of the whole country. I would most heartily second a movement designed to bring about the adequate punishment of perpetrators of fraud in all of its forms."

Upon the question of the increase or decrease of failures in this country the Doctor said:

"I have seen a table of commercial failures made up by the Treasury Department at Washington from the annual sheets of the mercantile agency of R. G. Dun & Co., and note from these tables that the percentage of commercial failures in this State is rapidly increasing. The table covers thirteen years past. In 1879 there were only 24 failures for the whole State; there were during the same year, all told, 5,483 persons, firms, and corporations engaged in business; the percentage of those who failed to those who were engaged in business was, therefore, 0.44 of 1 per cent. The total liabilities of those who failed was for that year $202,109. The percentage of failures has varied from year to year, with the seeming inclination to increase, until for last year it transpires that there were 858 failures from among the 10,229 persons firms and corporations engaged in business in this State. A computation of the percentage discloses the fact that it is 2.52 per cent. That is an enormous increase in the percentage. The liabilities of those who failed during the same period has increased from the amount stated above to $3,396,265.

"The result for the whole country for the same period is that the increase in percentage has been from ninety-five hundredths of 1 per cent to 1.07 per cent, while there has been an enormous increase in the liabilities of those who have failed for the whole country from something over $98,000,000 to $189,868,638."

Dr. Le Grand made a comparison of figures for England and this country, as follows:

"An examination of the tendency of failures under the English bankruptcy act indicates not only that they are on the decrease in numbers, but that there is a decrease also in the liabilities of those who have failed. I have examined a comparison of the figures for the years 1888 and 1889 as taken from the United States consular reports from England made to the State Department at Washington, and find that for the years stated the decrease in the number of bankruptcies in England was 464; for this country there was an increase during the same period of 203 cases. In England for that period there was a decrease in the amount of liabilities of those who failed of $4,060,945, while for the same period in this country there was an increase in liabilities of $24,964,294. From which it seems to me that the substitution of a wise national law for the many varying State laws would result in the decrease of the failures in this country.

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WHAT COLONEL TOMPKINS THINKS.

[From the Montgomery (Ala.) Advertiser.]

Col. H. C. Tompkins, one of the foremost members of the Alabama bar, was seen at the court-house in Montgomery, and although engaged, considerately gave his views, as follows:

"In my opinion the business interests of the country demand that there should be a bankrupt law. The great injustice of the laws, which allow preferences to be made by insolvent debtors, has been attracting the attention of the bar association of this State for many years. On two or three different occasions resolutions have been introduced into the association and passed by practically unanimous vote, urging the legislature of the State to enact a law which would declare not only that all instruments executed for the security of a debt should operate for the benefit of all the creditors of a debtor, but that wherever the debtor sold his property in payment of his debts such sale should also operate for the benefit of all the creditors, and should be declared to be a general assignment where it embraced substantially all of his property: but it has been unable to get the legislature of the State to pass such a law."

The subject of the inadequacy of the State laws was disposed of thus:

"The result of the present system is that frequently insolvent or embarrassed debtors execute conveyances of their property to relatives who are alleged to be their creditors. As the law recognizes the validity of such a conveyance and only allows it to be set aside on proof that the parties to whom it was made were not creditors of the debtor, and as in the very nature of things the nonexistence of that fact is very difficult of proof, and can, as a general thing, only be shown on cross-examination of the parties interested, the result is frequently that insolvent and embarrassed debtors convey property to the members of their own families upon considerations which are wholly simulated."

In relation to the treatment of home and foreign creditors, Colonel Tompkins spoke as follows:

"While in such cases the home creditor is generally, though not always, protected at the expense of the foreign creditor, yet I believe that a large majority of our business people desire that a bankrupt law shall be passed that will distribute the assets of the insolvent equally among all of his creditors of the same class, because they believe that in the long run they will collect a larger percentage of the amounts which may be due them from that class, as they are, of course, frequently themselves left out, and the general average which they receive would not equal what they would get were the law otherwise.

"There is another reason besides that," said the Colonel, continuing. "It is to the interest of the debtor class that such a law should be enacted. I know of many men who have failed in business, through no fault of theirs, who are men of energy and good business ability, but who, because of having a large indebtedness hanging over them, are unable to go into business on their own account. I have no doubt but that many of them would get into business could they be protected against these former debts, which they could be by obtaining their discharge in bankrupty, and would succeed. And I have such confidence in the honesty of my fellow-man as to believe that in many of such instances the parties would pay their creditors, even after a discharge in bankruptcy, more than they can possibly pay under the present condition of affairs."

Concerning the history of bankrupt legislation, he spoke as follows:

"The great objection to a bankrupt law in this country has grown out of the distrust created by the operation of the former law, the great expense attending the administration of the estates, and the small results received by creditors. Those evils, as well as others, in my opinion, are effectually guarded against by the proposed law."

An inquiry as to the comparative results between the present State laws and the proposed bankruptcy law was answered as follows:

"I think the Torrey bankruptcy bill would enable the assets of insolvents to be sold so as to realize for the creditors a much greater amount than is generally realized by forced sale under attachments, which are usually resorted to by the creditors of embarrassed or insolvent debtors."

"What in your opinion would be the result of the passage of the law upon the frequency of failures? Would it increase them?"

"I think it would decrease them. Many solvent men are now ruined simply by fright among creditors, who would not fail under the Torrey law."

"Would it not result in preventing the hurried action taken by creditors, often precipitating failures?"

"Undoubtedly so, because a man would know that he had nothing to gain by forcing his debtor to the wall, and if he had the confidence of his debtor he would be more apt to be willing to extend time, because he would stand more chance of collecting his debt."

"Will you state why it is that we must look to Congress for the enactment of such a law?"

"Because no State has the power to pass any such law that would discharge a debtor, and of course one of the results that is most to be desired in such a law is the discharge of the debtor. Otherwise, this law would be only for the benefit of the creditor class, and would be unequal in its operations."

In summing up the situation the gentleman said:

"I think Congress ought without further delay to pass the Torrey bill."

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A BANKRUPTCY BILL.

[From the Montgomery (Ala.) Advertiser.]

The proceedings of the Commercial and Industrial Association and interviews with prominent citizens concerning national bankruptcy legislation will be found elsewhere in this issue.

Except for the unfortunate experiences under the old law there would not be any question about the desirability of a national law as provided by the Federal Constitution at the time of its adoption; but in the bitterness of the

recollections of those experiences, it may have been forgotten in some quarters that improvements in all things are possible.

All of the constitutions of the older States have been amended and revised; the various legislatures meet frequently to improve laws which have been found to be imperfect. It seems to us that the same course should be pursued with regard to a bankrupt law.

The Torrey bill has been approved by a great number of national, State, and local bodies—more, in fact, than have ever before approved of any commercial measure. From every part of the country there were sent at the last session of Congress petitions from people in every walk of life. The officers and committeemen of the national body having in charge the agitation are men who are well and favorably known; the list not only includes well-to-do people, but honest bankrupts as well.

This measure, according to an almost unanimous verdict, has been framed with a view to promote the greatest good to the greatest number; it is not in any sense a selfish, sectional, or political measure. It is simply and solely a business measure which has been framed in the interest of business men, and its enactment is demanded by the honest, progressive men in all parts of the country.

An examination of the bill and a consideration of what has been said by the press and in Congress about it leads us to believe that the best interests of the South will be promoted by its enactment, and we therefore call upon the Southern members in Congress to give it their support.

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THE NEED OF A BANKRUPT LAW.

[From the Montgomery (Ala.) Advertiser.]

There is a bill now pending in Congress that is of very great importance to the commercial interests of this country and that ought by all means to pass. That is the Torrey bankrupt bill. As it stands the bill represents the carefully weighed opinion of the most competent jurists and merchants of the Union.

The only reason that we are aware of that has been urged against the enactment of a bankruptcy law at this time is the fact that the repeal of the last law has left the insolvency field open to be occupied by the various State legislatures, and most of the States have in consequence established more or less complete systems of insolvent laws. With these, however, there is profound discontent. They have all the variety of a tessalated pavement, and such uncertainty attaches to their administration in the different States that commercial enterprise and credit are seriously crippled.

The dissatisfaction with State laws instead of diminishing is sure to increase, and for a sufficient reason. Every new railroad and every new telegraph line enlarges the area of common commercial interests in the United States. The failing debtor has always been an object of interest to the leading commercial centers, and now with the multiplication of cities and towns and the ramification of trade and industry, a failure in any one State may affect creditors in every State in the Union. When a failure comes there is a general scramble for the goods in sight, some of the local creditors are made whole, while others, together with nearly all the outside creditors, are left without a dollar to show for property they have parted with in good faith.

With a general bankruptcy law there can be no cause whatever to complain. The creditor's interest is protected; whatever property and effects the insolvent has are fairly and equally divided, and there is no room for fraud or preferences. On the other hand, the debtor himself has the satisfaction of knowing that his estate is honestly applied to meet his obligations in the proportion that it is equal to the demands, and once this is done he can again take up his business career, and if it is in him to succeed, he can succeed without being weighed upon and hampered by a load of old debts. The law will work to the best interests both of the creditor and the debtor class.

We hope the Alabama delegation will be able to give the measure a cordial support. The general idea of the bill has already received the distinguished support of Chief Justice Stone, and we feel sure that the entire business community will welcome it.

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MOBILE INDORSES THE TORREY BILL—CONGRESS PETITIONED TO PASS IT BY THE TWO CHAMBERS OF TRADE—A DISCUSSION IN THE CHAMBER OF COMMERCE THAT DISCLOSES THE VIEWS OF THE PENDING MEASURE.

PROCEEDINGS OF THE MOBILE CHAMBER OF COMMERCE.

[From the Mobile (Ala.) Register.]

The board of directors of the Chamber of Commerce held a special meeting to consider the Torrey bankruptcy bill, which will probably be passed by Congress at its present session.

The bill was submitted to the board by the president, Mr. Samuel Brown, accompanied by a brief statement to the effect that it was a measure which had been favorably passed upon by bodies in all of the large cities, except Mobile, and in most of the small places throughout the country. An informal discussion was had and was participated in by Messrs. Jasper S. Knight, T. A. Hamilton, Ferd. Forcheimer, W. G. Little, H. Pillans, John B. Davis, and John E. Michael.

The discussion disclosed the fact that the bill is in every particular radically different from the old law; that the bankruptcy officers will be paid but small amounts for services and in such a manner as to induce them to be prompt in the performance of their duties; that suits in bankruptcy can not be brought except by the concurrence of three creditors, who together have unsecured claims amounting to $500 or over, the proposed restriction being to prevent the institution of malicious suits; that where all of the creditors of a debtor are less than twelve in number, one creditor can institute such a suit, provided his unsecured claim amounts to such sum; that every defendant so desiring can have a trial by jury as to whether the alleged acts of bankruptcy have been committed; that creditors will be notified of every step in the proceedings and at all times have an opportunity to be heard in favor of, or in opposition to, any proposed proceeding; that preferences can not be given or received; that valid liens will be upheld and fraudulent ones will be declared void; that claims against bankrupt estates may be proved upon being sworn to and mailed to the court; that fraudulent bankrupts, embezzling officers, and dishonest creditors may be punished by fine and imprisonment; that litigation concerning property rights in bankruptcy will be had in the appropriate State courts; that compositions between debtors and creditors may be had with great readiness; that controversies may be compromised, arbitrated, or litigated expeditiously and at small cost; that the bankrupts will be entitled to the exemptions provided by the laws of their States; that discharges will be granted to honest bankrupts, under very carefully guarded restrictions, which will prevent the release of dishonest persons; and generally, that the bill will not interfere with the established business customs of honest men, but will in every respect, and to the greatest extent, be an element of strength to the honest in their battle with the dishonest.

Mr. Jasper S. Knight submitted a resolution, which was, after its consideration, adopted, as follows:

"*Resolved*, That this chamber hereby petitions Congress to pass the Torrey bankrupt bill."

The general sentiment of the meeting seemed to be that the measure in question had been wisely drafted, was being urged by the progressive men of the country for an honest purpose, and that it ought to be enacted by Congress at the coming session.

ACTION BY THE MOBILE COTTON EXCHANGE.

The adjourned meeting of the board of directors of the Cotton Exchange convened, with the president, Capt. Charles L. Huger, in the chair.

The Torrey bankruptcy bill, which was considered at the meeting the day before, was again taken up and the various members expressed their views and the conclusions they had reached after a consideration of the measure.

In order to test the sense of the board, resolutions were submitted, seconded, and considered, as follows:

"*Resolved*, That the Mobile Cotton Exchange hereby indorses the Torrey bankrupt bill, and, in the best interests, as it believes, of those engaged in growing and dealing in cotton, calls upon Congress to enact that measure at the present session.

"*Resolved*, That the secretary is hereby instructed to send copies of these resolutions to the Senators and Representatives in Congress from this State and request their advocacy of that measure."

The resolutions were considered at length and adopted unanimously.

The bodies in Alabama which have taken part in the movement to secure to the country an equitable bankrupt law are as follows: Commercial and Industrial Association of Montgomery, Mobile Chamber of Commerce, and Mobile Cotton Exchange.

The gentlemen who are officers and committeemen of the national organization are as follows: Messrs. Hiram G. Bond, Ensley City; Robert C. Brickell, Charles S. Hasley, Milton Hume, Huntsville; Samuel Brown, J. C. Bush, Orville F. Cawthon, Gaylord B. Clark, Edward L. Russell, Gregory L. Smith, Charles L. Huger, Mobile; Nathaniel H. R. Dawson, Selma; John W. Durr, Milton P. Le Grand, Robert F. Ligon, George W. Stone, and Henry C. Tompkins, Montgomery.

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THE TORREY BANKRUPTCY BILL.

[From the Mobile (Ala.) Register.]

The Cotton Exchange and Chamber of Commerce of this city took favorable action relating to the Torrey bankrupt bill now pending in Congress.

The fact that this bill has been indorsed by commercial and other bodies from one end of the country to the other, and that it has been petitioned for by all classes, is significant in this, that it seems to indicate that the business men of the country can be relied upon to take a hand in legislation relating to commerce.

The word bankrupt has been much abused; it has so often been connected with rascality and has so frequently been used in connection with discredited merchandise that in the popular estimate it signifies either a moral or financial collapse. As used in connection with a national enactment it is designed to have quite another significance.

It is believed by the best minds in the country that the enactment of the Torrey bill will have the effect of diminishing fraud and of exterminating a certain class of fraudulent practices which are now prevalent; that it will beyond question reduce the number of commercial failures; that bankrupt estates will be administered promptly and at small cost; that honest insolvents will be discharged, and that in all respects it will redound to the best moral and financial condition of the great mass of the people.

In civilized communities there are probate laws for the orderly distribution of the estates of deceased persons. Since over 90 per cent of those who do business in whole or in part on credit sooner or later fail, it seems but reasonable that there should be a commercial probate law for the same purpose; the bill in question is such a law. Equity for all time has provided that where a fund was not sufficient to liquidate all claims of the same class against it it should be ratably divided. The Torrey bill is the embodiment of that principle.

As a general proposition, any improvement in the laws which renders the position of debtors more secure and gives additional safeguards for capital invested promotes the interests of debtors and creditors concerning commercial transactions.

We believe the Torrey bill to be an improvement on existing laws, and therefore urge upon Congress the necessity of its prompt enactment.

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THE BANKRUPTCY BILL.

[From the Mobile (Ala.) Register.]

The Torrey bill, to establish a uniform system of bankruptcy, is again before both Houses of Congress.

Various bills having the same object in view have been presented at previous sessions, but none of these have been so universally commended as has the one now pending.

Few bills have been prepared with the same amount of care and thorough inquiry into the requirement of the interests likely to be affected, and the result has been the preparation of a bill as nearly perfect as the wisdom and foresight of the ablest minds of the country could frame.

The Torrey bill is the joint effort of the representatives of the commercial bodies of the United States, assisted by some of the ablest men engaged in financial and commercial pursuits, and it therefore embodies the features which are believed will accomplish all that can be sought in a universal bankruptcy law, and assures equal and exact justice to both creditor and debtor.

The bill has received the indorsement of nearly all the commercial bodies of the country, as well as that of a large proportion of those actively engaged in important commercial and financial enterprises.

There are doubtless minor points which may not receive entire approval, but it is to be hoped that Congressional action will not be embarrassed by proposed amendments, and that other bodies contemplating an expression on its merits will act on the bill in its entirety.

It is desirable that the bill as it now stands should become a law, and after a fair test of its merits such changes as experience may suggest or changed conditions make necessary can be made hereafter.

The simple purpose of a bankruptcy measure is to secure an equitable distribution among creditors of an insolvent debtor's effects. A bill that will accomplish this with certainty, with the least expense, and with the utmost expedition will prove acceptable to the creditor class.

Whatever will take from the honest but unfortunate debtor the millstone of his past and enable him to face the future with earnest, upright purpose and resolute endeavor will commend itself to the class that owes hopelessly but not dishonestly. Such a measure, properly framed, should do much good. Its principle is just and in the line of wise public policy.

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INSOLVENT DEBTORS—DISCUSSION OF THE NATIONAL BANKRUPT LAW BY THE MOBILE COTTON EXCHANGE—COMMENDATION BY LAWYERS AND BUSINESS MEN.

[From the Mobile (Ala.) Register.]

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OPINION OF HON. D. P. BESTOR.

Hon. Daniel P. Bestor, a leading member of the Mobile bar, addressed the board of directors of the Cotton Exchange, for which he is the counsel, and

in effect said: "We have a State law forbidding the giving of preferences, and yet it has been determined by decisions of the supreme court that a failing debtor may sell goods to favored creditors and in effect accomplish the same result. We have had many examples in this city and State of how this condition of the law may be utilized by fraudulent debtors for the perpetration of wrong.

I should think that all creditors would be interested in the passage of a national bankruptcy law, with equitable provisions, as wrongdoers would be thereby greatly deterred from perpetrating fraudulent acts, creditors would be insured against a panic among themselves, and in all respects their financial interests would be advanced.

On the other hand, debtors would be benefited in this, that they would be less likely to be forced into insolvency by frightened creditors, and in the event of financial misfortune would, if honest, be able to secure a release, and be thereby enabled to renew, to the best of their ability, the battle incident to financial success in behalf of their dependents and for the good of the community in which they live.

Incidents of wrongdoing under the old law were cited, and the belief expressed that the provisions of the proposed new law were such as to prevent a repetition of them.

In speaking of the Torrey bankruptcy bill, he said that it was simple in its construction, terse in its expressions, and that he believed that it could be readily and inexpensively enforced.

Attention was called to the fact that Chief Justice Stone, of this State, was an earnest advocate of the passage of the bill, and that he had recently delivered an address at Montgomery, in which he said of it that it was "as nearly perfect as human ingenuity, industry, and wisdom could devise."

VIEWS OF CAPT. CHARLES L. HUGER.

Capt. Charles L. Huger, president of the Mobile Cotton Exchange, was asked for an expression of his views concerning the desirability of a national bankruptcy enactment, and in reply said: "I believe that the passage and administration of the Torrey bill will tend to lessen the perpetration of fraud and promote business morality.

"If it were proposed to give us back the old law I should object; if there was a prospect, or possibility even, of having the measure administered as the last one was I should do all in my power to prevent its enactment; but the facts are that the proposed new law is one that has been very carefully drafted and been improved upon pursuant to the suggestions of large numbers of commercial, industrial, and other bodies in the country until, according to the opinion of everybody, so far as I know, it is an almost, if not absolutely, perfect measure."

With reference to views of other members of the exchange, he remarked that he had heard some apprehension expressed as to whether the passage of the bill would not interfere with established business customs, but expressed the opinion that such would not be the case; but, on the contrary, the bill was designed and in terms provided for the maintenance of legitimate transactions, and the cancellation of fraudulent ones, and that he did not believe that any honest business man had anything to fear from the enactment of the bill, but that, on the other hand, he would find it of value to him in the fight against would-be wrongdoers.

Managers of National Home for Disabled Volunteer Soldiers.

SPEECH

OF

HON. RICHARD W. BLUE,

OF KANSAS.

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 16, 1896.

The House having under consideration the following resolution, reported from the Committee on Military Affairs—

"*Resolved, etc.*, That William B. Franklin, of Connecticut; Thomas J. Henderson, of Illinois; George L. Beal, of Maine, and GEORGE W. STEELE, of Indiana, be, and the same hereby are, appointed as members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States.

"William B. Franklin to succeed himself, his term of service expiring April 21, 1896. Thomas J. Henderson to succeed John C. Black, his term of service expiring April 21, 1896. George L. Beal to succeed Francis Fessenden, his term of service expiring April 21, 1896. GEORGE W. STEELE to succeed himself, his term of service expiring April 21, 1896. All to take effect April 21, 1896"—

Mr. BLUE said:

Mr. SPEAKER: In the short time left me it is impossible to attempt to reply to many things which have been said here. I simply say here and now that there has been no denial on this floor of the charges of incompetency and mismanagement made by me in the opening of this discussion. The charges of gross mismanagement and gross incompetency of the Board of Managers of the Soldiers' Homes of the nation as shown by the Inspector-General's report stand wholly unanswered.

That this man, W. B. Franklin, is the controlling spirit of this Board of Managers there can be no longer any serious question; that he has a general treasurer who was formerly a clerk in his office and afterwards assistant inspector-general, whose appointment was inspired by Franklin and who controls and manipulates the funds of these various Homes is beyond question or cavil. The truth of it is that the men who are nominally clerks in the general treasurer's office are but clerks to W. B. Franklin. The whole business is a close corporation, governed, dictated, and controlled by this man Franklin. With the exception of, perhaps, W. J. SEWELL and M. T. McMahon, the other members of the Board are largely mere figureheads, who give some attention to their local Homes, but have little or no knowledge of the general business of this luxuriant octopus and soulless corporation which controls the Soldiers' Homes of the nation.

It has not been denied here that regulations of the Treasury as to redeposit of unexpended balances have not been complied with. It has not been questioned that vouchers relating to the post fund are not made in duplicate and are not fully presented for inspection; that in instances these vouchers are six months absent. It has not been denied that this man Franklin keeps in his hands certain funds and holds certain balances which are not deposited with Government depositories. It has not been questioned that the general laws relating to deposit, advances, and withdrawal of public funds have not been complied with. It has not been denied that the records have not been clearly kept and that the statement of accounts is involved and confused. It is conceded that in the shop accounts balances have been forced and that the title of lands and other property pertaining to these Homes is not held in the United States. It is conceded that makeshifts to procure more comfortable sleeping quarters for the old soldiers have been made necessary; that the system of purchasing supplies is not uniform or under general management. It is also conceded that the business methods as practiced by the Board are exceedingly impracticable. It has not been denied that public and private property have been indiscriminately mingled together in these Homes. It is conceded that the surgeon at the Eastern Branch is not qualified by law, and to avoid the requirements of this law he is carried on the rolls as assistant surgeon.

It is admitted that the post fund, at one of the Homes at least, has been used in violation of law to pay men hired by civil authorities for patrol duty in carrying out the civil law and for lawyers' fees to enforce the same.

It is practically conceded that extravagant prices have been paid by the Board of Managers for flags; that stock in the knitting shop has not been accounted for. It can not be denied that under contract with the citizens of the vicinity they were to furnish gas to the Marion Branch, and yet, in violation of the terms and agreement, the Board of Managers have paid rent for gas land to aid in supplying that Home. It is practically conceded that the public funds have been transferred to private banks; that, in violation of the policy of the Government, property belonging to the Government has been insured in companies in which W. B. Franklin was interested. It is conceded that at least one farm belonging to the United States has been occupied by a citizen without rent. It is admitted that a brewing association which furnishes beer to the Western Branch has built and donated a fountain to that Branch; that the governor of said Branch, A. J. Smith, is the custodian of the Keeley fund and the president of the Keeley League; that land has been leased without the authority of law; that permanent improvements have been charged to post funds, and have thereby escaped the scrutiny of inspection; that the effects of deceased members of the Home have in certain instances never been turned over to the treasurer. Many other irregularities, as shown by the Inspector-General's report, are unquestioned and undenied.

Large clothing balances, for some unaccountable reason, are kept on hand. These things are not ex parte testimony. They are a part of the records belonging to this Soldiers' Home management, and can be found full and complete in House Document 288.

It is also conceded that this Board of Managers collects from these poor, indigent, feeble old men in these Homes—the involuntary wards of the nation, who seek the shelter that the Government has furnished by reason of adversity and want—over $400,000 per annum under the guise of a post fund. This post fund is held by this soulless corporation and expended at its own sweet will without rendering any account to the Government of the United States or to any other person. It is practically under the control of this man Franklin and the vultures of speculation and rapine that cluster about him.

In addition to this, the Keeley establishment, which infests every Home by and with the consent of this man Franklin and other members of the Board, is run for the profit there is in it. No account of its collections and expenditures is made to the management of these Homes or to anyone else representing the Government of the United States. No one knows to what extent these feeble old men are robbed by the extortions of this vile and fraudulent institution. From what information I can gather, the soldiers of the Western Branch have had filched from them by the Keeley institute in the neighborhood of $60,000 since its establishment there. The country is given the humiliating and despicable spectacle of a beer hall upon one side of these Homes manufacturing drunkards and the Keeley institute on the other side of the same pretending to cure them.

It is not denied, nor can it be successfully denied, that from 15 to 25 soldiers of the Regular Army were maintained in the Western Branch by the authority of its governor, A. J. Smith, taking the Keeley cure, while feeble, impoverished, wretched old comrades, half clothed, were turned from the gates of that Home in the inclemency of winter.

I am informed and believe that these soldiers of the Regular Army while being maintained at this Home were fed on rations furnished by the Government at a charge to each soldier of $10 per week while they remained in said Home taking the Keeley cure. I have not been able to find any account of said transaction, or that the Government of the United States was reimbursed

by the sums collected from these soldiers who were maintained at Uncle Sam's expense while taking the Keeley cure. Was that sum filched from the Government for the profit of that Keeley institution? It is time that the government of these Homes should look into the management of this Keeley arrangement and ascertain something about the amounts that are extorted from the inmates of the Homes and turned into the Treasury of this speculative institution for the profit of the owners and managers of the same.

I charge that this man A. J. Smith, in reporting relapses in the Keeley cure at from 11 to 13 per cent, knowingly, untruthfully, and perfidiously misstates the facts; and from the best evidence I can get in regard to these relapses they are not less than 60 nor over 90 per cent. That this man A. J. Smith has in several instances made the taking of the Keeley cure a prerequisite to admission to the Leavenworth Home I have no doubt. That he has driven men from that Home because of their refusal to take the cure is beyond question.

I am informed and believe that in a speech he made at the Hampton Home he used substantially the following language when speaking of inmates of the Soldiers' Homes:

If I were Governor Woodfin I would do as I am doing; they would take the Keeley or take the gate, and I have those who will back me up.

I am satisfied that a somewhat similar condition to that in the Leavenworth Home exists in the Home at Togus, Me.

A full, fair investigation of these Homes will show more or less irregularities, speculations, and frauds in every one of them. I do not charge that the governors of all the other Homes are similar to those in the Homes at Leavenworth, Kans., and Togus, Me., but that there is in every one of them more or less speculation and mismanagement.

The records will show that in the Soldiers' Home at Leavenworth the discharges of the comrades are largely in excess of the number in the other Homes of the nation in proportion to the number of inmates. I am informed that the following is a comparative list of discharges of all the Homes:

	1894.	1893.	1892.	1891.
Western Branch	618	589	568	259
Marion Branch	265	272	242	140
Southern Branch	222	260	397	168
Eastern Branch	290	463	470	210
Northwestern Branch	237	247	434	185
Central Branch	248	384	476	285

By this list it will be seen that at the Western Branch, with a membership of only about 2,400, there were 546 more discharged than there were at the Central Branch, with a membership of 5,500; and yet we are told that this is a model Home.

The gentleman from Ohio [Mr. GROSVENOR] was somewhat infelicitous in his reference to General Patrick as an example of the impartiality of General Franklin. Unfortunately, that beautiful little story was spoiled by the family relationship of General Patrick to W. B. Franklin. I am informed and believe that General Patrick was a brother-in-law of Franklin, and that two sons of this same Patrick are now foisted on the Soldiers' Home management on comfortable salaries and in soft places. It seems also exceedingly unfortunate and illogical that gentlemen like the gentleman from Ohio [Mr. GROSVENOR], and General CURTIS, of New York, and Colonel HENDERSON, of Iowa, and General STEELE, of Indiana, can find no better answer to these plain and unquestioned charges than a reference to the military career of W. B. Franklin. No one has questioned that, so far as I recollect; no one seeking to have the irregularities of this Board corrected or the inmates of the Soldiers' Home relieved from oppression has referred in any way to the military career of W. B. Franklin. Why was it dragged into this contest with humid and vaporing sentimentality to answer in the place of argument and defense? Benedict Arnold had a brilliant record for courage and military skill before he proved recreant to his trust and deserted the cause of liberty and humanity; Aaron Burr was a brilliant, forceful, and courageous military leader; but it has never been regarded as logical or patriotic to hold up the early records of these men in defense of their crimes against liberty and humanity.

The gentleman from Ohio [Mr. GROSVENOR], in the intensity of his feeling, so far forgot himself as to use unworthy and undeserved language toward that great, good, and Christian soldier, Gen. O. O. Howard. I have, up to this time, scrupulously abstained from the use of any language that could be construed as a charge against the military history or record of W. B. Franklin; but I now serve notice upon the gentleman from Ohio [Mr. GROSVENOR] that if the insipid sentimentality heretofore practiced in this discussion in the defense of W. B. Franklin is to be continued, and such expressions applied to General Howard, I will take occasion at some future time to claim the indulgence of the House while I lay before it and the country some facts concerning the military history and record of this president of the Board of Managers of the Soldiers' Homes of the nation.

The gentleman from Indiana [Mr. STEELE] has laid before this House some documents signed by business men of Leavenworth City and has read some telegrams from a few others prominent in public affairs in Kansas. Without disparagement to any of the gentlemen who signed these documents and telegrams, it is pertinent to say here and now that they are business men who transact more or less business directly or indirectly with the governor of the Leavenworth Home or parties connected therewith. Gentlemen here all understand how easy it is to procure signatures to such documents and with what facility petitions are secured upon almost any subject. Some of the gentlemen who signed these papers doubtless never were inside the precincts of the Soldiers' Home and have no knowledge of its management or control. Of the Keeleyites who signed the statements in regard to the management of this Home, it need only be said that they are almost without exception reformed drunkards. In fact, it seems that under the management of these Homes throughout the country the reformed drunkard is preferred to a man of sobriety and character by the governors who are in authority there. This is especially so of the Western Branch, located at Leavenworth, Kans. The governor of this Home, himself having for many years been in charge of that Home while a confirmed drunkard, has been kept in power knowingly and purposely by the Board of Managers after his pretended reformation. It must by this time be apparent to this House that the gentleman from Indiana [Mr. STEELE] would not be convinced of the depravity and drunkenness of this man A. J. Smith if one was raised from the dead to testify against him.

I am informed and believe that one chaplain has resigned his place and refused to remain at the Home on account of Smith's drunkenness and brutality. The Catholic chaplain now there has, I understand, been there but a short time and is probably not familiar with the workings of the Home. The Protestant chaplain who testifies about the phenomenal management of the Home was, I am informed, a tippler himself, and whatever may be his character now, he has not always had a very clear discrimination of the line which divides public from private property in the Home.

What must be the character of these Christian ministers who administer to the spiritual wants of the comrades in that Home while a beer hall, run under their immediate observation, realizes a profit of over $13,000 per annum, and a Keeley league plies its vocation unceasingly upon the same ground? How exalted, holy, and upright are the lives of these two ministers I leave this House and the country to determine.

A statement in regard to affairs of the Home at Dayton, Ohio, has recently come into my possession. How much truth there may be in it I will leave the Board of Managers and the gentleman from Ohio [Mr. GROSVENOR] to determine. It is substantially as follows:

"You are right in saying that Mr. Franklin is the Board of Managers. His word is law in everything pertaining to the management of the National Homes. Now that you have the start made, do not yield an inch until you have had a Congressional committee appointed, and of good men, to investigate the management of all the National Homes. You will be surprised when you know of the abuses that are practiced in all the Homes. In the first place, fight day and night for the defeat of Franklin. That part of this Home known as the depot (the tailoring department and stocking shop) is under control of an old lady, Mrs. Miller, who has been here since 1868. A recent examination of her accounts shows a deficiency of over $52,000 which can not be (or has not been) accounted for. Then there is an appropriation of some $23,000 for policing the grounds. There are on this force about eight or nine paid men and one two-horse team. The work is done by soldiers under sentence of Governor Thomas's court. The private secretary of the governor, Mr. Patrick, is carried on the pay rolls as farm superintendent. I don't think he could tell which end of an onion to put in the ground. Mr. Patrick's wife is on the pay rolls at $75 per month as milk inspector. A daughter of Governor Thomas is on the pay rolls as an arranger of music for the Home band.

"Now, all the moneys paid to these people is illegal. The General Government expects the governor to pay his secretary out of his own salary. Thomas has been here since 1868, and has drawn many thousands of dollars from the Treasury. There is a camp inspector at a salary of $125 per month who is one of Thomas's pets. Any old soldier can do his work for $15 per month. The inspector has failed to find the maggots in the meat blocks in the kitchen, or if he did see them he never reported it. There is nearly completed an amusement hall costing $18,000. That amount of money had better have been expended for new bedding. The so-called mattresses are made in a factory owned by General Franklin. A mattress not 1 inch in thickness and one coarse blanket is our under-bed, with a sheet and two blankets for covering.

"The hospital is a den of corruption. The soldiers who have positions there are nearly all morphine or whisky drunkards. The

hospital steward is an ex-convict and is a bad drunkard, but he knows too much and they are afraid of him. The superintendent of the beer hall is also an ex-convict, so you see they are not nice men. The majority of the soldier clerks are drunkards. I do not know a strictly temperate man among them. Push your investigation. The tailoring that is taken outside costs 200 per cent more to make than the same kind of work costs in Dayton.

"When the Board of Managers are here they advertise a day to hear complaints, but there is always a number of the Home officers present, and the men are afraid to tell their wrongs. And a man who makes complaint is either discharged or transferred very soon after the Board leaves.

"General GROSVENOR, of Ohio, would be a good man to have on your searching committee."

I do not vouch for the correctness of the above statements in every particular. I am informed that a man by the name of Patrick is in office in the Dayton Home. As to the character of his employment I am not fully advised. It will be an easy matter, however, for the Board of Managers to determine how near the truth this statement comes. I have one suggestion to make to them as a pointer to assist them in tracing the shortage in the shop account. If I have figured correctly, the following statement gathered from pages 45, 46, and 59 of the Report of the Board of Managers, National Home for Disabled Volunteer Soldiers, for the fiscal year ended June 30, 1895, will show the condition of the tailor-shop account of the Dayton Home to be as follows:

July 1, 1894:		
Stock on hand		$72,731.77
Received		95,628.65
Total		168,360.42
Cost of material used:		
17,479 blouses	$27,931.44	
5,877 dress coats	19,061.46	
501 great coats	1,936.97	
23,012 trousers	35,318.81	
17,330 vests	13,354.49	
		97,603.17
July 30, 1895. Balance		70,757.25
July 30, 1895. Stock on hand		21,082.96
Apparent deficiency		49,674.29

Will the Board of Managers investigate this account and tell Congress and the country what is the matter?

I desire at this time to further state that I am informed and believe that all the steam boilers of the different National Homes are insured by W. B. Franklin in the Hartford Steam Boiler Inspection and Insurance Company, of which company Franklin is an officer. I mention these matters as subjects of investigation for the Board of Managers, and to each and all of them. It has been stated on this floor that the charges made against A. J. Smith have been investigated before. I have already stated, and I reiterate it, that the charge of drunkenness in February last made against A. J. Smith has not been before investigated; neither has the charge of turning old soldiers from the Home while regular soldiers were being treated in the Keeley institute there; neither have the charges of incompetency and negligence, as shown by the inspector-general's report.

I have stated, and I reiterate that statement, that any investigations made at the Leavenworth Home by this Board of Managers, or any one of them, or by its pliant tool, W. W. Averill, was a roaring farce. I further state that any investigation of this Leavenworth Home made while this man A. J. Smith is left in command there will be a fraud and a farce. And I state here and now that I am informed and believe that W. W. Averill was sent to that Home to make an investigation under the direction of and with instructions from this man W. B. Franklin to examine only certain witnesses; and that the said W. W. Averill examined only such witnesses as he was instructed by W. B. Franklin to interrogate; that the said W. W. Averill went to said institution with his whitewash brush and his paint already mixed to adorn and paint over this man A. J. Smith at the command and under the directions of the president of the Board of Managers of the Soldiers' Homes of the nation—W. B. Franklin. That this instrument of General Franklin followed implicitly the instructions and directions of his master, I have no doubt.

Mr. Speaker, there is one other charge made against the management of the Leavenworth Home, and that is that the governor's secretary, E. B. Wheeler, is a United States commissioner, performing the duties of that office at the Home. It is charged that this man Wheeler is the servile instrument of A. J. Smith, issuing processes not only to bring offenders before him, but for the purpose of returning discharged members of the Home for coercion and oppression by the brutal governor thereof. It is alleged that he has not only been guilty of this perversion of the law, but that he is a miniature Jeffrey, and is using the law as an instrument of oppression for the purpose of carrying out the wishes and desires of the governor of that Home. It is also alleged and charged that he (Wheeler) wrote and caused to be published a libelous article concerning Jesse George, an attorney, who was seeking to protect the interests of the inmates of the Soldiers' Home at Leavenworth, and that he was compelled, under the peril of prosecution, to publish a retraction. The following is a copy of said retraction:

NATIONAL MILITARY HOME.
Leavenworth County, Kans., January 15, 1896.

SIR: I have your letter of the 13th instant, and desire to say that I regret the unfortunate use of the word "disreputable" in connection with your name, in a letter recently addressed by me to the Topeka Capital.

I certainly had no reason nor intent to reflect upon your reputation, and desire to make whatever reparation is just.

I have this day addressed a letter to the Topeka Capital explanatory of this matter.

Colonel Smith had no knowledge whatever of the letter written by me, and is in no wise responsible for this reflection upon your character.

Very respectfully,
E. B. WHEELER.

Mr. JESSE GEORGE, *Leavenworth, Kans.*

It has been charged that A. J. Smith inspired this libelous article of his servile secretary. The surroundings and circumstances are significant.

No effort has been made here to deny or refute the charges against this man Wheeler and his connection with A. J. Smith, the governor of the Leavenworth Soldiers' Home. That inmates of this Home have been brutally treated by the authorities there and deprived of their liberty can not be questioned. The records of the court already show that some comrades at least have been taken from the custody of this man Smith by proceedings in habeas corpus.

I have in my possession also records showing that one inmate of the Home at Leavenworth is prosecuting an action against this same man A. J. Smith for $15,000 damages for compelling him to take the Keeley cure three times. I have further evidence going to prove that this brutal governor, after being sued for compelling this man to endure the Keeley cure three times, sought through coercion and oppression of the plaintiff in the action to procure from him a statement adverse to his interest and in favor of the dismissal of the action. Failing in this, this same defendant, A. J. Smith, has procured a removal of the case to the Federal courts on the ground that he is a citizen of the State of New York while the plaintiff is a citizen of the State of Kansas.

I have also additional testimony showing that when Senator Plumb six years ago sought to correct the abuses of this Home this crafty and disreputable governor used his influence to procure a gathering of some of the inmates of the Home in a post meeting for the purpose of denouncing Senator Plumb and approving the course of the managers of the Home.

If I am correctly informed he is even now using his power and influence for the purpose of obliterating and destroying testimony going to prove his evil conduct and his unfitness for the place he has so long disgraced and dishonored.

Mr. Speaker, I desire at this point to emphasize and restate to this House and the country what my colleague from Missouri [Mr. TRACEY] has so ably presented upon the cost of these Homes. He says:

I find, in examining the reports of the Board with reference to the cost of maintenance, some remarkable facts. I call attention to the fact that the efficiency of the management must of necessity have a very close connection with the cost of maintenance. Now, in turning to the record, I find that General Franklin was elected in 1880. In that year, according to the report, the cost of maintenance per capita in the Homes was $118.23. From that time on until 1892 the cost increased. This was under the management of General Franklin. It increased in 1881 to $132; dropped a little in 1882 to $125; increased in 1883 to $137; dropped a little again in 1884 to $132; in 1885 to $138; in 1886, $125; in 1887, $138; in 1888, $132; in 1889, $144; in 1890, $141; in 1891, $139, and in 1892, $143.

This rapid increase in the cost of maintenance called the attention of Congress to the fact that money was being expended extravagantly in the management of the Homes. The Fifty-second Congress took no action, but in the Fifty-third Congress it was provided that an additional inspection of the accounts of the Homes should take place, under the authority of the War Department. Now I call the attention of the House to the rapid decrease in the cost of maintenance that has occurred since the War Department took a hand in the auditing and the examining of the accounts of the Homes.

In 1892, as I said, the cost of the maintenance was $143.75. In 1893 it was $140.95. That small decrease occurred before the inspection by the War Department took place; but in the succeeding year, in 1894, there was an examination of the accounts by the War Department, and the cost of maintenance was reduced to $127.45. In 1895, under the operation of the same system of inspection, the cost of maintenance in the National Homes has been reduced to $115.80. Here, then, we have, from 1880 to 1892, a constant going up hill under the administration of the Board over which General Franklin presided all this time, while within three years after the inspection by the War Department began we have a rapid decrease from $143 down to $115.

This is the showing made by this great, good, and efficient man Franklin. On this record he seeks indorsement and continuance in power.

If this Committee on Military Affairs was so anxious to make a proper report, why did the gentleman from New York (General CURTIS) suppress the letter of Governor Anthony? Why has that gentleman been wandering around the House electioneering this morning? If he had been as solicitous for the welfare of the old soldier as he was to have capital punishment abolished, cheating

the law of its deserving victims, he would have looked into the matter and presented the letter to the Committee on Military Affairs for examination. If I am correctly informed he suppressed it. That has been the method of W. B. Franklin's friends here on this floor.

If the position is to be taken here that we must not elect someone else in W. B. Franklin's place—if the election of anybody in his place is to be regarded as a disparagement of him—we ought so to understand it. He is not in this place at $4,000 a year for his health. He has been there sixteen years. As the late Senator Plumb said, it is time there should be new blood in this Board. And it comes with bad grace that he and his friends should be insisting here upon his reelection at the expiration of sixteen years, asking that he should be granted a lease of power for six years more, and talking about "investigations" at the same time.

The gentleman from New York [Mr. RAY] (he always reminds me of a turkey cock when he stands in his place to speak) speaks of this matter as though it were an asinine proceeding for us to come in here with our propositions supported by affidavits, and suggests that we ought to have gone before the Board of Managers. The gentleman from Iowa [Mr. HEPBURN] has well said that he would be an ass who would file a complaint before a court to try itself. Every investigation that has been attempted by this Board of Managers has been a stupendous farce, and every man who has had any experience with it knows the fact. And I challenge the attention of the gentleman from New York, General CURTIS, to the expression of a near friend of W. B. Franklin—that Colonel Smith was held in place by some mysterious influence which held in bondage General Franklin. Will the gentleman from New York, General CURTIS, state what that is? Will General Franklin's friends state what it is?

Mr. CURTIS of New York. I ask the gentleman whether he referred to me when he spoke just now of "some mysterious influence"?

Mr. BLUE. I asked you to state what it was.

Mr. CURTIS of New York. There is no such influence; there has been none; there is nothing on which that statement could be based.

Mr. BLUE. Governor Anthony says that a near friend of General Franklin says there is such an influence, and it is a matter of common report in that community.

Mr. Speaker, in conclusion I desire to say that it is an easy matter for gentlemen to plead the cause of the wealthy and titled here, but who shall defend the weak and helpless inmates of the Soldiers' Homes in their poverty and distress? The president of the Board of Managers is a graduate of the West Point Military Academy and a titled and wealthy aristocrat. Other members of said Board, without exception, I believe, are ex-army officers of high rank. So far as I am informed, no private soldier has ever been given a position on this autocratic Board or permitted to share in its counsels.

The inspector-general selected by this Board of Managers, W. W. Averill, is a graduate of the United States Military Academy and a retired army officer. The treasurer of the Pacific Branch Home, Capt. T. K. Upham, is a retired army officer. The adjutant of the Western Branch, Moses Harris, is also a retired army officer. Thus it is that the management is hedged about by rank, caste, and autocratic influence.

No member of either branch of Congress should be permitted to hold a place on this Board. In the past the members of this Board have formed a mutual admiration society and with unblushing effrontery have sought to thwart Congress in enacting wholesome laws for the restraint of this Board of Managers. Even now this influence is seeking to ingraft upon an appropriation bill passed by this House, and now in the Senate, an amendment broadening the power of this Board of Managers and relieving it to some extent of the accountability for its conduct.

I challenge the attention of this House and the country to the conduct of the Board of Managers of the Soldiers' Homes, and I appeal to this House and the patriotic people of this nation to stand by the poor, impoverished, and feeble old comrades who inhabit the Homes made cold, inhospitable, and uncomfortable by the brutal and outrageous treatment of the men who control and govern them. How long are these old comrades to be made merchandise for the beer hall and the Keeley League? How long are they to be robbed of their substance by these vile institutions under the shadow of the flag they sought to preserve and run under the protection of the Board of Managers of the Soldiers' Homes?

The enlightened, courageous, and patriotic sentiment of the plain people of this nation when once aroused will drive the oppressors of these men from power and compel the representatives of the people to put in their places humane and just men.

So long as God gives me strength and the people of Kansas return me to my place in this House, I propose to pursue the oppressors of my comrades until the guilty are brought to justice and the wrongs of the defenders of the nation are righted.

Pensions.

REMARKS
OF
HON. JOHN E. McCALL,
OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 28, 1896,

On the bill (H. R. 8271) relating to pensions.

Mr. McCALL of Tennessee said:

Mr. SPEAKER: For many years subsequent to the war of the rebellion there was a persistent and continued opposition to pensioning the Union soldier. Happily for the honor of the country, as the years rolled by and we became further removed from the bitterness and scars engendered by the war, this opposition grew beautifully less until all parties concede that the principle of pensioning the defenders of the country is a just and proper one.

The custom of pensions had its origin long years before this last experiment at self-government was dreamed of. A beautiful custom it is, partaking somewhat of the doctrine of reciprocity.

In the hours of darkest peril and direst distress a Government must of necessity call upon its citizens to rally to its defense, whether the foe be from without or within. In responding to such a call the citizens lay down their peaceful avocations, bid adieu to home and loved ones, and, becoming soldiers, offer their service, their health, their lives, in defense of their country. A citizen who has passed the heyday of life is not desirable for a soldier, nor is he who is disabled in body or mind. The Government demands the service of the young, vigorous man. Thus it is that the very flower of the country is required to constitute our Army and to defend our flag.

This requirement by the Government of the very best service of its hardiest and strongest citizens, exposed to all the hardships and dangers of war, must in the nature of things carry with it an implied moral obligation on the part of the Government, when the war clouds shall have rolled away and the country again is peaceful and prosperous, that it will aid the soldier who offered his young life, his robust health, his all for its defense whenever that soldier or those dependent upon him shall stand in any need of such assistance.

In my opinion, the government that refuses to provide for its disabled and dependent defenders, whether such disability accrued while in line of duty or is the result of ill health or accident subsequent to the service, or if it is alone attributable to old age, is unworthy a place upon the map of the world.

Mr. Speaker, having stated that all men agree that the principle of the Government pensioning its soldiers was correct, it remains to discuss what law will afford the best system of pensions and what character of administration will best promote the attainment of the object sought.

It is very clear to my mind that either our present pension laws are fatally defective or the present administration of them is vicious. The former proposition I do not believe to be true. While, no doubt, some defects exist in the present pension laws, yet they are sufficient to afford relief to every worthy claimant upon the bounty of the Government if fairly and justly construed and administered.

I do not agree with the gentleman from New York [Mr. McCLELLAN] in his statement made on last Thursday that the Pension Bureau is now "admirably administered." If that were true, then there would be no necessity for passing the pending bill. If by "admirably administered" he means that it is just to the old soldier or right in principle to construe the law against him in every possible case; that it is right to consider every applicant for a pension as wholly unworthy of belief in his statements; that it is right to pursue every applicant with an army of detectives as large as the regular detective force of the Department, augmented by almost every postmaster in the land, then I agree with him. If by "admirably administered" he means that it is right to communicate with such of the applicant's neighbors as are known to the Department to oppose the applicant in his efforts to obtain a pension for such history of the applicant covering his entire life as it suits the informer to render; if it is right to conceal from the applicant this information and its cowardly author, that he might meet the statements and deny, disprove, or explain them; if it is right to decide his claim adversely on this ex parte evidence, that has not enough truthfulness on its face to permit it to see the light of day, then I agree with him. In short, this is an "admirable" administration of the Pension Department if it be admirable to throw every possible obstacle in the way of the applicant's successful prosecution of his claim, and with the patience of Job wade through the many thousand pensions granted to dig up some

questionable ground upon which to discontinue some old soldier's pension or that of his widow and children. It depends largely from what standpoint one views the present administration of the pension law as to whether one concludes that it is admirable or contemptible.

In my judgment it is not the laws as they are written that produce the trouble. It is the construction and administration of them.

Mr. Speaker, the enactment of the pending bill is necessary in order to straighten out the tangled web into which those who now administer the pension laws have woven them in their endeavor to disallow every application possible and to discontinue every pension where there was a shadow of excuse for it—for the purpose, as I allege, of preventing the roll of pensioners from increasing—and as a result of that purpose the roll shows a net increase of only 980 for the fiscal year ended June 30, 1895, although there were 142,540 original applications passed upon.

Mr. Speaker, section 1 of the pending bill is as follows:

That no person otherwise entitled to a pension by virtue of any law of the United States shall be disqualified from receiving the same by reason of any prior service in the Confederate army or navy during the war of the rebellion, nor shall the widow, children, or dependent relatives of such person be deprived of a right to pension by reason of such service: *Provided*, That no pension shall be granted by virtue of this section for disability contracted or incurred while aiding or abetting the late rebellion against the authority of the United States.

In my humble judgment there is no necessity for enacting that section into law, except the unnatural and strained construction placed upon the act of June 27, 1890, by the present Commissioner, and this section tells him in terms so plain that a man, though a fool, can not err in his understanding of what it means and what the Congress and the country desire in regard to the class of soldiers therein referred to.

I have said that this section is necessary because of the unnatural construction by the Commissioner of the act of June 27, 1890. What are the provisions of that act? For this argument I need only quote parts of sections 2 and 3.

Section 2 provides—

That all persons who served ninety days or more in the military or naval service of the United States during the late civil war of the rebellion and who have been honorably discharged therefrom, and who are now or may hereafter be suffering from mental or physical disability of a permanent character, not the result of their own vicious habits, which incapacitates them from the performance of manual labor in such a degree as to render them unable to earn a support, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States, and be entitled to receive a pension not exceeding $12 per month and not less than $6 per month, proportioned to the degree of inability to earn a support, and such pension shall commence from the date of the filing of the application in the Pension Office, after the passage of this act, upon proof that the disability then existed, and shall continue during the existence of the same.

Section 3 provides for the widow or minor children under 16 years of age of the soldier granted a pension in section 2 already quoted.

It will be noted that section 2 provides for all persons who served ninety days or more in the military or naval service of the United States. This language is direct and emphatic, and under this act Republican Commissioners of Pensions granted pensions to all persons who brought themselves within its explicit provisions. The result is that on June 30, 1895, there were 365,118 invalid old soldiers, 95,696 widows and minor children of old soldiers, 12,997 navy invalid pensioners, and 5,104 widows and minor children of sailors drawing pensions under this law, aggregating 478,915. By far the greater portion of these were placed on the pension roll prior to the advent of the present Administration.

On June 30, 1895, there were 460,385 pensioners under the general law, so that on that day there were in all 939,300 pensioners chargeable to the war of the rebellion and 31,224 chargeable to previous wars, making a grand total of 970,524 pensioners.

Mr. Speaker, the Revised Statutes of the United States, section 4716, provided that—

No money on account of pension shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in or aided or abetted the late rebellion against the authority of the United States.

By act of Congress passed March 3, 1877, Revised Statutes, section 4716, it is provided that the section last referred to "shall not be construed to apply to such persons as afterwards voluntarily enlisted in the Army of the United States, and who, while in such service, incurred disability from a wound or injury received or disease contracted in the line of duty." In the face of the plain provision of the act of June 27, 1890, providing that "all persons," etc., and contrary to the ruling of its immediate predecessors and in disregard of the act of March 3, 1877, repealing section 4716, Revised Statutes, the present Administration holds that persons who, prior to enlisting in the United States Army, rendered service in the Confederate army, although holding honorable discharges from the Army of the United States, were not entitled to pensions under act of June 27, 1890, alone on account of this Confederate service. I am aware that there has been an effort made to break the force of the just criticism of this unwarranted construction and to hold that only those who rendered voluntary service to the Confederacy are not entitled to pensions, but this dodge will not serve the purpose for which it is intended, since the rule of the Pension Office requiring ex-Confederate soldiers to prove by two witnesses at this late day that their service was not voluntary is so unfair and extreme that it can not be complied with and all alike are dropped from the pension roll with but few exceptions. Why was this ruling made? Evidently to stop the growth of the pension roll.

Mr. Speaker, upon the entering into office of the present Administration there was a scheme entered upon to reduce the number of pensions. At once a review of all the pensions granted under the law of 1890 was undertaken, that being the class of pensions that presented to the mind of the Commissioner the most inviting field to find excuse and trivial reasons for dropping pensioners and to reduce the roll.

An analysis of the figures submitted by the Commissioner in his report for the fiscal year ended June 30, 1895, page 36, will furnish food for thought and tend to prove what I have already stated.

We find that out of 460,385 pensioners under the general law there were dropped for all causes during the fiscal year 1895 16,308. Of this number 12,843 were dropped by reason of death, 655 by remarriage, 542 minors by legal limitation, 1,244 by failure to claim, and 1,024 for other causes. Under the law of June 27, 1890, out of a total of 478,915 pensioners, there were dropped for all causes during the fiscal year 1895 23,672. Of this number 12,973 were dropped by reason of death, 544 by remarriage, 602 minors by legal limitation, 1,069 by failure to claim, and 8,484 for other causes. It will be noted that under the class for which no causes are assigned for dropping the pensioner there were only 1,024 dropped under the general law and 8,484 dropped under the law of June 27, 1890, or nearly 800 per cent more under the law of 1890 than under the general law for which no cause for discontinuing is assigned. This act of 1890 was the field wherein the Commissioner found opportunity to discontinue a large number of pensions without assigning cause. As a result the Administration boasts that the net increase of pensions for 1895 was only 980.

But if he had kindly stated the causes for which these 8,484 pensions were discontinued, I feel safe in saying the report would have shown that a very large per cent were discontinued because the pensioners had rendered service to the Confederate cause, although they afterwards enlisted in the Federal Army, rendered valuable service, and now hold honorable discharges.

Mr. Speaker, it is to cure this evil and protect this class of soldiers that we ask the enactment of the first section of this pending bill. Many of these men were loyal Union men originally and many of them were conscripted into the Confederate service. Many of them entered the Federal Army, were captured, thrown into Andersonville and other prisons, and by a process of starvation, exposure, and inhuman cruelty unsurpassed in the annals of the world—certainly in any civilized country—they were reduced to walking skeletons, covered with putrid sores, and reeking with vermin. While thus standing at death's door they were offered liberty on condition they join the Confederate army. Hating the flag they were asked to follow, detesting the cause for which they were to take up arms as the price of their liberty, they yielded. Who would not risk all to escape such horrible death and fly from the contaminated prison walls, the charnal house of Andersonville, and escape its filth, its stench, its gloom, and bathe again in the pure sunlight of heaven and drink great drafts of fresh, wholesome air? These poor fellows, for months fed on husks and exposed to the pitiless storms of winter and scorching suns of summer, in rags reeking with filth, knew their purpose. Their hearts were yet loyal. It was their purpose to regain liberty by joining the enemy, to desert, and fly to those who fought for the flag they, too, loved, and again take up arms for their country. This they did, and fought for the Union to the close of that awful struggle and were honorably discharged. If they are entitled to pension on other grounds it should not be denied them solely because of such service in the Confederate army.

While there is some discontent on this side of the House with the first section of the bill, by far the most pronounced opposition comes from the Democratic side. I do not think I am wrong when I say that four-fifths of the Democratic members on this floor were either Confederate soldiers or believers in the Confederate cause, or are the sons of one or the other of the classes named. Is this Democratic opposition based upon high patriotic ground or does it emanate from a desire to punish such persons, by discriminating against them in the pension laws, for deserting a cause which the opposers of this section on the other side once loved so well and fought so bravely to maintain? The gentleman from Maryland [Mr. MILES], "the son of a rebel," to use his own language, was particularly severe upon this class of soldiers. His eloquent and bitter denunciations of them as traitors, deserters, and Hessians but served to subject the gentleman to the

grave suspicion that this "son of a rebel" was opposing this section of the bill not from patriotic motives alone, but out of a spirit of revenge. Those on this side of the House who oppose section 1 of the pending bill do so not because the man deserted the Confederate cause but upon the ground that a citizen who once bears arms against the country should never be restored to the same rights and immunities that he enjoyed before this act of disloyalty, however bravely and devotedly he may subsequently follow his country's flag.

Between these two contending forces the class of soldiers sought to be benefited under this first section would have a rocky time. On the one hand he is refused a pension because he dared to take up arms against the Union, and on the other he is refused a pension because he dared lay down his rebellious arms and fight for the Union. One denounces him as a rebel; the other denounces him as a deserter. Whichever way he flies is death.

Mr. Speaker, I do not agree with either of these contentions. If I read history aright, the President of the United States, the Congress, and the commanding generals in the late war received the deserters from the Confederate army with open arms and rejoiced at their coming.

They were clothed in the uniform of the Union soldier. In their hands were placed the best weapons at command. They touched elbows and marched side by side with the other soldiers beneath the Stars and Stripes, to the air of "Rally 'round the flag, boys." They fought, bled, and died for the Union. Who did more? Who dare do more? Many of those who survive hold honorable discharges. These men can not be slighted or lightly brushed aside. There is more involved than dollars and cents—a principle as everlasting as the granite hills and as sacred as our flag.

If these soldiers were worthy to wear our country's uniform and follow our country's flag until honorably discharged, that discharge should be a certificate of loyalty, and there should be no desire or opportunity to go behind it.

Mr. Speaker, while I do not fully agree to all the provisions of the pending bill, containing, as it does, 21 sections, yet I shall give it my support. It does not add any new class of pensioners, but, in my judgment, is only administrative legislation. It bridles a hostile Commissioner and rolls away many of the obstacles that hinder the worthy applicant, and makes his pathway to the Pension Office plain. If a claimant can not bring himself within the provisions of the pension laws by a preponderance of reasonable proof, then he ought not to go upon the pension rolls, but he should not be prohibited from bringing himself within the provisions of the law by a lot of red tape and a failure to comply with unreasonable demands and requirements at the hands of a hostile Administration. This bill will go a great way in correcting the wrongs to which the defenders of the country and their widows are now subjected, and will be hailed with delight by a large class of old soldiers, and, in my judgment, will be approved by all right-thinking men throughout the country.

Pensions.

REMARKS

OF

HON. LUCIEN J. FENTON,

OF OHIO.

IN THE HOUSE OF REPRESENTATIVES,

Monday, April 27, 1896,

On the bill (H. R. 8271) relating to pensions.

Mr. FENTON said:

Mr. SPEAKER: The bill under consideration, so far as it goes, will, in my opinion, meet the hearty approval generally of ex-soldiers and their friends.

It can not be denied that liberal provision has been made by Congress from year to year since the close of the civil war in order that the disabled survivors of the armies of the Union may not suffer on account of the lack of the necessaries of life.

Indeed, it may be truly asserted that the old saying that "republics are ungrateful" has been completely refuted, as evidenced by the liberal pension acts spread upon our national statute books from 1865 to 1896, in response to the peremptory demands of a grateful people, who have realized and continue to realize that this great nation owes its existence to the patriotism of the "boys of '61," who are now so rapidly and so silently passing into the "bivouac of the dead."

But while the nation has attested its gratitude to its defenders by liberal provisions in the aggregate, the truth remains that the ends of justice in thousands of worthy individual cases have been defeated through the cold-blooded, hairsplitting interpretation of the pension laws by the agents of the Government and the servants of the people whose duty it has been to pass upon the claims of maimed, diseased, and poverty-stricken veterans whose very existence has been rendered miserable on account of exposure on the march, in the camp, and on the battlefield, in order that popular government might not be a failure and that this nation might stand united and not be rent into warring sections and thus perpetuate a civil strife before which all civil wars recorded in history would have paled into insignificance. Does it occur to the gentlemen who, in luxurious ease and with comfortable salaries, are sitting in judgment upon the modest claims of aged veterans, of needy orphans, and sorrowing widows, that they owe these conditions of luxury and of power to the sacrifices of the old soldier concerning whose claims, not infrequently, they pass judgment with a cynical air and with such a lack of human sympathy or decency as would do credit to the most exaggerated specimen of the modern shylock in exacting the last atom of flesh? I may be asked to specify and not to deal in generalities. Very well; I shall at least refer to one matter to illustrate my point.

The Pension Office employs a fixed number of special examiners, at a probable annual cost to the Government of a half million dollars. I doubt not that many of these examiners are worthy gentlemen who do their work conscientiously and justly in reference to claimants; but "there are others," so to speak, and of these I wish to treat.

I have in mind a particular case which came under my own observation and which shows the gross injustice sometimes practiced by special examiners.

Ethan Allen Sellman, whom I have known from my early childhood, enlisted in Company E, Fiftieth Ohio Volunteers, August 26, 1862, served faithfully, and was honorably discharged at Salisbury, N. C., June 26, 1865.

He was granted a pension at the rate of $8 per month from the date of his discharge because of disease of the eyes incurred in the line of duty. He continued to draw a pension until some time in the year 1878, when some secret enemy addressed a letter to the Commissioner of Pensions alleging that Sellman had disease of the eyes prior to his army service. A special examiner was forthwith sent out to investigate the charge made by this enemy of old soldiers, and he (the examiner) appears to have taken his bearings from the aforesaid secret enemy of pensioners, since he seems only to have discovered persons from whom to take testimony who were not friendly to Sellman; strangely enough, failing to take the affidavits of others who were without prejudice in the matter. This special examiner made his report based upon ex parte evidence, taken in the dark so far as this old soldier was concerned, and upon this report, accompanied by affidavits, all in the handwriting of this ex parte examiner, the name of Sellman was dropped from the rolls, and, as though his physical afflictions were not enough, he was thus by implication stigmatized as a fraud and a perjurer by the very Government he had fought to save. But this special examiner must make a record for himself as a great detective and a great discoverer of fraud. So on September 4, 1878, the name of Ethan A. Sellman was dropped from a roll of honor, where it belonged, by a star-chamber proceeding and his good name stigmatized without his being permitted to be heard in his own behalf. Borne down by disease, disappointment, feeling deeply the base injustice done him, this poor man has struggled through all these years to the present time hoping against hope that the great wrong done him might be righted before his troubled life shall end.

Before my election to Congress I was familiar with this man's case. Many efforts have been made by his friends to correct the well-known injustice, but all to no purpose. Soon after my arrival in Washington, last December, I visited the Pension Office and asked to see the papers in the Sellman case. On examination I made a most remarkable discovery, namely, that Sellman's pension had been stopped on the evidence of three men, two of whom I knew personally, but as they are now dead, I shall make no comments. Suffice it to say, however, that two of these three men made later affidavits which are on file, retracting statements made in their first affidavits, so that the evidence against Sellman narrows down to that of one man, whose widow now contradicts him, stating that she knew Sellman well for ten years prior to his enlistment, and knows that his eyes were not diseased before his army service. I also found 49 affidavits of responsible citizens of Adams and Brown counties, Ohio, most of whom are known personally to me to be persons of the highest character, testifying that they knew Sellman before the war and knew him to be then free from the alleged disease. I was delighted with this discovery of 49 to 1 in favor of this gallant but deeply wronged old soldier. I hastened to see the honorable Commissioner, thinking all I had to do was to call his attention to this long-standing wrong, but to my surprise he manifested little interest in the matter. I ventured to ask him to give his personal attention to the case, which he finally consented to do, saying he would write me his decision in a few days. Imagine my feelings when that letter

came, the substance of which was that there was nothing in the evidence furnished in the 49 affidavits sufficient to offset the report of the special examiner and the affidavit which said examiner wrote and had the one man to sign as before mentioned. In short, this means that the report of the special examiner outweighs everything else if it be unfavorable to the claimant or pensioner.

There was but one course left, and I have accordingly introduced a bill to restore this man to the rolls, and I fully believe it will appeal successfully to the sense of justice existing among members of both Houses.

I wish to say, Mr. Speaker, that I desire to see a law enacted at an early date pensioning every man who suffered the torments of those earthly hells, whose horrors can never be described by tongue or pen. I refer to rebel prison pens, where our brave comrades who survived those indescribable cruelties suffered as no others have suffered for the land we love. Let us be just and pension them all.

There is one other matter I wish to refer to briefly. It is what, in my mind, is a demand for an amendment to existing laws in the interest of widows, to the end that the discriminations against very many of these patient sufferers may be at least reduced to a minimum. It is a well-known fact that many needy widows of soldiers who served faithfully through the entire war, under existing law, can get but $8 per month. The soldiers whose widows are the victims of these unjust discriminations may have met death from accident or may have died from disease contracted in the service, but they have no hospital record; the record of the surgeon's call knows them not. No matter how valuable their services may have been to the Government or how they may have suffered and struggled against poverty until death relieved them from their sorrows, their widows must be content with the pittance of $8 per month.

I shall not say it is wrong for the widow whose husband enlisted near the close of the war, was paid a large bounty, and spent the greater part of his time about the hospital to receive $12 per month, but I do say that when the Government does this and refuses to pay more than $8 per month to the widow of the veteran of three or four years' faithful service in the field, it does a rank injustice to thousands of deserving widows borne down by toil and weight of years.

Finally, let the representatives of the people see that equal and impartial justice shall be done, so far as may be within the power of the Government, to all who have just claims for recognition, whether it be soldier, widow, or orphan.

Bankruptcy.

REMARKS

OF

HON. WINFIELD S. KERR,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 30, 1896,

On the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

Mr. KERR said:

Mr. SPEAKER: After a careful examination and consideration of the provisions and purposes of this measure I have concluded to support it, and I desire to state some of the reasons which brought me to this conclusion. Two reasons stand out prominently and appeal strongly to any man's judgment who approaches the subject near enough to view it in a clear light and considers it dispassionately and without the bias of prejudgment.

First, creditors should have the protection and the advantages of a fair bankrupt law, and secondly, debtors who honestly give over their property to satisfy the claims of creditors should be discharged from their obligations and thereby given an opportunity to again enter the race of life upon even terms with those who have been more fortunate.

Business men, those engaged in commercial lines, and lawyers appreciate more adequately than most others the pressing need of a bankrupt law by virtue of which an insolvent's estate and effects shall be protected from the dishonest and inequitable raids of preferred creditors. In most of the States it is the rare exception where, under the State insolvent laws, an insolvent estate is divided pro rata among his creditors. The preferring of creditors has grown into a monstrous evil. The preference itself, when done honestly and according to form of law, is inequitable, because the very soul of equity is equality; but when dishonestly done it is simply a disgrace to the jurisprudence under which it is done and which can afford no preventive or relief.

An honest preference, under laws which permit it, is the reward of a diligent creditor, but the form is the instrumentality through which the insolvent's estate and effects are conveyed to friends and relatives and put effectively beyond the reach of honest creditors.

My experience as a lawyer leads me to believe that in the great majority of cases the debtor's wife, brother, uncle, or aunt turns up with the largest claims and a preference, and if the estate can be measured beforehand the claims and preference do not fall much short of equaling it. I do not mean to say this practice is always dishonest, and the claims of relatives and favorite creditors always spurious, but to such an extent in many of the States has this practice of fabricating claims and securing them by preferences gone that it has become a great commercial and business evil, dangerous and crying loudly for relief.

There is no remedy for it save in the enforcement of an equal distribution of an insolvent's estate among creditors. This does no injustice to creditors; it in fact puts into their credit business an element of certainty that of itself is an element of stability. As it is now in most States a foreign creditor has no reliance except upon the solvency of his debtor. In case of a failure he is sure to be forced out by a creditor who is upon the ground or who stands in with the debtor. To know that in any event the assets will be divided equally among all creditors is an advantage.

In this connection another evil has grown up in many communities which ought to be eradicated. It is the practice of preferring home creditors to the exclusion of foreign creditors. I am in favor of home industries and the patronage of home institutions; but the ethics of that good principle is wrenched when it is carried to the extent of wholly depriving foreign creditors of payment of their claims in order that home or domestic creditors may be paid in full or receive large dividends.

The law of preferences gives the debtor more power in the disposition of his estate in case of insolvency than he should have. The estate or property of an insolvent, at least after insolvency reaches a point requiring liquidation, should belong to and be controlled by his creditors. They alone have an interest in it. But under the insolvent laws of most of the States they can do nothing, however involved the debtor is, unless the debt was fraudulently or criminally contracted, or they can get a judgment obligation, or there exist grounds for attachment. Under these laws a preference is not an act upon which may be predicated the remedies of attachment or receiver. An insolvent debtor may give a judgment note or a mortgage upon his property to a favorite creditor, and at the same sitting execute a deed of assignment, put the mortgage on file, or levy the execution a minute ahead of filing the deed of assignment, and the supreme court of Ohio holds the preference to be valid.

For some years the doctrine was sustained in Ohio that if the preference given to secure a preexisting debt and the execution of the deed of assignment was one transaction—that is, if the former was done in contemplation of insolvency and assignment—it was void as against creditors. But within a year or two this rule has been so modified that no presumption obtains, although the preference and the deed of assignment are given and made at the same time. At least it goes to the extent of holding that the fact of contemporaneous execution of the instruments by which the preference is given and the assignment made does not of itself afford proof sufficient to invalidate the preference. How many other States have a like rule I am unable to state. So much for the creditor; now about the debtor.

Honest debts ought to be paid in full, but there are certain situations and conditions in which that becomes impossible, and in such cases we are confronted "by a condition and not a theory." Then the question must be determined whether it is better to require the creditor to lose his debt or a portion of it, or give him a mortgage on the life of the debtor. The community has some interest in this proposition, and its interest should be consulted. An individual is an integral part of the community—his labor contributes to its prosperity, and his incapacity or inability to labor withdraws so much from its productive forces. The mainspring of industry is the desire to accumulate property, to become independent. This incentive is withdrawn if the individual is not allowed to hold property in his own name or is driven to over up his ownership, neither of which is any advantage to the community or to his creditors.

When an individual completely fails, leaving a large indebtedness, it is a rare exception where he recuperates and pays any considerable part of such indebtedness. The wise creditor in such case puts the amount down to loss and wipes it from his memory. But there are others; and they pursue and harass an unfortunate debtor while both are upon the earth. The creditor gets nothing and the debtor dare not get anything. In most instances the indebtedness is so large that there can be no hope of payment within such time as the debtor's recuperative forces last; and at any rate it is more than human to ask a man to devote all his life to paying debts.

Again, the debtor's family is a powerful factor in the problem.

A man's first duty is to his family, his wife and children. "He that provideth not for his own household has denied the faith, and is worse than an infidel" is the divine condemnation. A roof-tree must be maintained and the mouths of dependents fed before any other rights intervene. Of course all the States provide homestead and other exemptions to debtors who are heads of families, but these alone are hardly sufficient to call forth the energies and abilities of men who have made fortunes and conducted large businesses. Extinguish hope, and we become driftwood on the stream of life.

During the last few years of financial and business disaster thousands of men of integrity and high business ability have become bankrupt. Unless the load of debt is lifted they are useless, useless to themselves, useless to their families, useless to their communities. All incentive to activity is cut off; they float, and will float to the end.

Every dollar of property belonging to a debtor, save reasonable exemptions, should be sequestered for creditors, but when that is done the bond should be canceled. We might as well imprison for debt as to allow a creditor a mortgage on the life of his debtor.

There are certain chances in business that must be taken by those engaged in it. Credit is largely extended upon property, stock, assets, and not very largely upon the life of the person to whom credit is extended. If the former fail the latter should not be put in pound.

This philosophy may be too fine for business, but to subscribe to it is creditable to our humanity. In many cases it all resolves itself into the poet's conclusion, "God made the old man poor." Honesty is the talisman which opens the door of this act to the debtor. At its hands no dishonest debtor will receive his liberty.

This measure provides for both voluntary and involuntary bankruptcy; that is, it permits the debtor to take advantage of the act and it permits creditors to compel the debtor to liquidate under it if he is shown to be insolvent and that he has committed an act of bankruptcy. The acts of bankruptcy, as defined in section 2 of this bill, fall within three general classes, namely: First, acts which are a fraud against the rights of creditors; second, giving or attempting to give favorite creditors a preference or advantage over other creditors, and third, conditions, such as defaulting in payment of matured commercial paper and suspension of business, which of themselves indicate failure or bankruptcy. In most of the States these acts are held to give the creditors of a debtor committing them certain rights which more or less interfere with his control of his property and with the prosecution of his business. Acts of fraud such as are described in clauses 1, 3, and 7 of section 2 in most of the States are grounds for attachment, and under them the debtor's property is sequestered and sold under legal process. Acts such as are described in clauses 5 and 6 of said section furnish ground, in many of the States, for setting aside the preferences as a fraud upon creditors, and if the debtor's whole property is covered by the liens or preferences it all may be administered for the benefit of all creditors. So the debtor would not be in a position differing so radically from the present situation as some would make appear, even though this bill should pass.

The strongest argument—at least the one that thunders most in the index—is that debtors would be at the mercy of rapacious creditors. Not so. On the contrary, their hand would be stayed by the certainty that no advantage over other creditors could be secured, however swift they might move. The certainty, also, that however slow they might move, however lenient they might treat the debtor, it would not result in advantage to other creditors, would act powerfully to the debtor's advantage. Indeed, under the State attachment laws, the inducement to rush in is more dangerous to debtor than anything that could menace him under the provisions of this bill. In States where legal preferences can be given the inducement to press and harass a debtor is especially strong. It is a powerful leverage, and is used as such.

But take this measure; a debtor knows exactly or can measure accurately the rights of his creditors. He knows that if he does not commit an act of bankruptcy he is in no danger from them; that is, in no danger of being thrown into bankruptcy. He may be sued and all that, but I mean he is in no new danger by reason of a bankrupt law.

It is argued that because other bankruptcy laws proved unsatisfactory this one will. I have not examined the reasons for the repeal of the acts of 1800 and 1841, but I have some knowledge of the cause which resulted in the repeal of the act of 1867. The expense of administering it broke it down. The demand for its repeal did not come from the debtors, but from creditors, who saw estate after estate swallowed up in the hungry maw of registers, assignees, marshals, and others whose services were employed. Delays were devised, because the longer the delay the larger the fees. This bill is carefully guarded against that abuse. In addition to the per cent—the commission—the fees are fixed and can not exceed a certain reasonable amount. The commissions, based upon the amount of the estate, are low, and no discretion is left under which they might be enlarged. There being no inducement for delay, there will be no unreasonable delay in administering this law.

The law of 1867 was unsatisfactory in that a debtor must pay 50 per cent of his debts or he could not be discharged without the consent of a majority, in number and amount, of his creditors. Many who honestly turned over all their property, and in fact the majority at the end, found they could not pay 50 per cent, and they went on with their burden, unrelieved and undischarged. This was wrong. A debtor who turns over everything should be discharged. There is little loss to the creditor and much gain to the debtor and community in the discharge, and it should be granted in every case where the debtor honestly complies with the act.

Under the law of 1867 there were not sufficient registers to make its administration convenient to the people. Whenever a litigant has to travel out of his county to court or hearings in which he is interested or compelled to attend it is burdensome and expensive. A creditor may do this, but a debtor whose property is sequestered can not do so without inconvenience and embarrassment. This bill requires at least one referee in each county, and that feature will prove a great improvement on the last law.

The rights of both debtor and creditor are carefully guarded in this bill. No debtor can be adjudged guilty of an act of bankruptcy until that question is passed upon by a jury, unless, by his failure to request one, the right is waived. This right is as safely guarded as life and liberty. The right of trial by jury, the great Anglo-Saxon institution, is erected between the debtor and his creditors. If that right could preserve liberty against the power of tyranny and kings for centuries, it can and will protect a debtor from being oppressed and wronged at the hands of his creditors.

With all its merits the bill should be broadened a little in its scope. It should include corporations as voluntary bankrupts. They are included as involuntary bankrupts, and if they can be thrown into bankruptcy they should have the power to go into it voluntarily. No reason has occurred to me, and I have heard none, for depriving artificial persons of this right accorded to natural persons. They were included in the act of 1867, and nothing in the operation of that act as to corporations furnishes a reason for this departure.

That they should not be discharged from debts is very clear. In the first place, there is no necessity for it and no advantage or benefit by reason of it. A corporation upon going through the process of liquidation loses its entity; it is dissolved. The same corporators or stockholders may again start in business, but it will be under a new organization and as a new artificial being. The stockholders, individually, are not the corporation, and except as they are made liable by statute or constitution for its debts, the measure of their interest is their respective interests—the company property and assets. The stockholder's liability could not be discharged or affected by an act of Congress. So, as I have said, the reasons for not discharging a corporation from its debts are obvious.

But why should it not have the right to become bankrupt on its own motion if its interests and those of its creditors render it advisable? In the form this bill now assumes the only way a corporation can secure the benefit of the law is by committing some act of bankruptcy, committing some fraud upon its creditors, or doing some uncommercial or unbusinesslike act. This is not so important to the company itself as to its creditors. Every year sees the business done through the medium of corporations increased. Let me illustrate. A corporation is failing—may be insolvent, yet no act of bankruptcy is committed. There is no ground upon which creditors can move for relief or remedy under this bill. Certain creditors have cognovit or judgment notes, and upon these judgments are taken and levies made. As in the ordinary course, judgments may be taken upon matured paper or debts, and levies made. The result of this is that a few creditors exhaust the property and others are excluded. There is no wrong about this, but there is no reason why the means of equal distribution should be provided in case of natural persons and not in case of corporations.

I propose the following amendment, which, if adopted, will put corporations in this act as they were in the act of 1867:

In section 3, line 1, after the word "person," insert "partnership or corporation," and strike out of said section the words "except a corporation"; and at the end of Paragraph B, of section 3, insert the following.

"That the provisions of this act shall apply to all moneyed business or commercial corporations and joint stock companies, and that upon the petition of any officer of such corporation or company, duly authorized by a vote of a majority of the corporators at any legal meeting called for the purpose, or upon the petition of any creditor or creditors of such corporation or company, made and presented in the manner hereinafter provided in respect to debtors, the like proceedings shall be had and taken as are hereinafter provided in the case of debtors; and all the provisions of this act which apply to the debtor, or set forth his duties in regard to furnishing schedules and inventories, executing papers, concealing, conveying, assigning, or paying away his money or property, shall in like manner and with like force, effect, and penalties apply to each and every officer of such corporation or company in relation to the matter. Concerning the corporation or company and the

money or property thereof, all payments, conveyances, and assignments declared fraudulent and void by this act when made by a debtor shall in like manner and to like extent and with like remedies be fraudulent and void when made by a corporation or company. No allowance or discharge shall be granted to any corporation or joint-stock company, or to any person or officer or member thereof: *Provided*, That whenever any corporation by proceedings under this act shall be declared bankrupt, all its property and assets shall be distributed to the creditors in like manner as provided in this act in respect to natural persons."

Another most potent reason why they should be included: This law, if passed, will supersede or suspend the insolvent laws of the States. If corporations are not permitted to make voluntary assignments in bankruptcy and the State assignment laws are suspended, there is no way left by which they can secure an equal distribution of assets among creditors. They may liquidate through the hands of receivers, they may be wound up, but there will remain no means in the hands of the company itself to secure such distribution.

It may be thought that the State insolvent laws will continue in force as to corporations if they are not brought within the provisions of this act, but such is not the case. The act of Congress itself supersedes all State insolvent and bankrupt laws. The jurisdiction is concurrent, but when Congress acts by enacting a uniform system the jurisdiction of the States ceases. But if there were not constitutional obstacles it would hardly be practicable to have the assets of insolvent corporations administered under State laws and the assets of natural persons under a national bankruptcy law. The conflict would be endless between creditors seeking to secure equal distribution through bankruptcy proceedings, and the company itself or favorite creditors seeking or having secured preferences, to proceed under the insolvent laws of the States.

The act should contain some provision as to what the petition should contain in both voluntary and involuntary proceedings. This provision should seek to enforce brevity in the pleadings. If the essentials are made statutory, it will do much toward simplifying the petitions and render unnecessary court construction, and it will at least enable every pleader to know just what is necessary to set forth.

As to the form of the petition in voluntary bankruptcy, I propose the following amendment:

The petition filed by a debtor shall contain, in substance, the following allegations: The debtor's place of residence, his inability to pay all his debts in full, his willingness to surrender all his estate and effects for the benefit of his creditors, and his desire to obtain the benefits of the act.

This is substantially the requirements of the act of 1867, and it would have the advantage of judicial construction.

As to the petition of creditors I propose the following amendment, namely:

The petition filed by a creditor or creditors shall contain, in substance, the following allegations: The debtor's place of residence, the amount of claims represented by the petitioners, and the number of claims, the commission by the debtor of one or more of the acts of bankruptcy as herein defined (and it shall be sufficient to set them forth in the words of the act) and the desire of the creditors that the debtor be declared a bankrupt and his property and estate be administered under the provisions of this act.

No form was provided in the other bankruptcy laws for the petition of creditors, so far as I know, but it seems wise that the act should fix the general form and determine the essential allegations.

There should be an amendment to section 5, striking out the following words: "For six months, or the greater portion thereof, immediately preceding the filing of the petition." This section seeks and proposes to preserve intact the exemptions of debtors in the various States, but it will not do so. The words quoted are the concluding words of the section and put a condition upon the right of exemption which does not exist in many of the States. It in effect requires a domicile of six months, or the greater part thereof, before the filing of a petition to entitle a debtor to the exemptions.

In many of the States no length of residence or domicile is required to entitle a debtor to a homestead or exemptions. If he is the head of a family and has no homestead he is entitled to certain exemptions, and if he has a homestead, being the head of a family, and if its value does not exceed a certain amount, it is preserved to him, free from the claims and attacks of creditors without regard to any length of residence or domicile. Some States require a certain residence and some do not, so that if this act passes it will fix a new rule of exemption in perhaps all the States. It will seeure a domicile of the greater part of six months in the State. What the section should provide, and what it will provide if these words are stricken out, is that exemptions shall remain as they are now fixed by the laws of the various States.

This measure has received the most careful consideration of the Judiciary Committee and the House, and no doubt is the very best product in the way of bankruptcy legislation that could be presented. Public sentiment is for a bill of this kind and ought to be responded to. I shall vote for it with great pleasure.

Pensions.

REMARKS

OF

HON. JAMES A. CONNOLLY,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Friday, April 24, 1896.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 8271) relating to pensions—

Mr. CONNOLLY said:

Mr. CHAIRMAN: The laws of the United States granting pensions to our soldiers are somewhat different from the laws of any other civilized country in the class of soldiers to which they are applicable. Civilized nations of the world, as a rule, aside from our own, have their standing armies, and their soldiers may be called regular or professional soldiers, and yet, although that is their profession, those countries provide for pensions to such of their regular professional soldiers as may have incurred disability while in the service of their respective countries. Our soldiery—the great mass of it; all those that it is necessary to mention as soldiers in this country—were men who simply recognized the duty that is incumbent upon every citizen of every country, namely, when the life of that country is in danger, that the highest duty of the citizen is to offer his services, his life, and his person on the field of battle in defense of his government. That is an obligation resting upon him, whether he is paid or not and whether he is pensioned or not. He must give it, and all countries recognize that those who live within their borders and are protected by their laws owe to the several governments under which they live, in return, their lives, if necessary, for the preservation and protection of the government itself.

The soldiers in reference to whose pensions we are now considering the pending bill were citizens of our common country, and not professional soldiers. They were men who had no love of war and its alarms; men who were engaged in civil avocations and the peaceful pursuits of life, with no ambition except to succeed in such civil pursuits. They were called to the field of battle, not by force, not by conscription, but simply by a proclamation of Abraham Lincoln, standing at the capital of the nation, and calling on all men of the North who believed the Union ought to be preserved to leave home and their ordinary pursuits and enter the field as soldiers, subjecting themselves to the risks, trials, and vicissitudes of the soldier's life. They came in myriads, inspired not by the hope of fame, inspired not by the hope of pensions, but inspired alone by love—for that is what it was—a love for the Union and a determination that it should not perish from the face of the earth. Their work is done; the few remaining among us of that great Army that saved the Union are old, crippled, diseased.

These are all that remain among us. A generous people through their Congress have provided laws whereby these men—the men who thus volunteered and rendered the highest duty of the citizen in the time of their country's danger—should be cared for in some degree and kept, in their old age, from going for support into the almshouses of the land. In the administration of the law thus enacted by a grateful people we find practically that the generous purposes of the people, the generous purposes that Congress evidently intended, that the laws should be liberally construed for the benefit of the survivors of that war, have failed to meet the purposes designed by them, and by the Congress that enacted them; and all over this land, from the North to the South, there come up wailings and complaints from these men, because while they know the generous purpose that inspired the enactment of these laws, they yet see that by hostile construction, by unfriendly construction, they are not carried out, and they find themselves turned away without receiving the pension or the bounty that the public intended they should have for their services.

They now appeal to us to remedy this hostile construction and make the rules of evidence—the rules of procedure—such that they shall secure for every man who was a volunteer and who incurred disease or wound by reason of his service, or since then by reason of age or disease not traceable to the service, and who shall be unable to maintain himself, what the Government intended he should receive; and it is for the purpose of responding to that call, for the simple purpose of crystallizing into law the generous purposes that Congress had in enacting these laws, that the pending bill is brought forward for our consideration at this time. They ask that the rules of evidence and procedure with reference to the consideration of pension claims shall henceforth obtain in the Pension Bureau just the same as the rules of evidence and law obtain in the courts of justice throughout the land. That is the reason this bill is now being considered by this House.

As was said by the gentleman from Ohio [Mr. LAYTON] it is

manifest that this bill should not provoke partisan discussion, because no man, whether a Republican or Democrat, would dare to say that he did not respect the man who went, when his country called for his services, bravely to the front, and took his place with his comrades in the battlefield. They do respect him. There is no man, Republican or Democrat, who would openly say above a whisper in this land that a man who did thus leave home at the call of his country, the man who has thus faithfully done his duty, should be permitted to end his days in the almshouse.

This Government simply consists of the people. The duty to fight at such a time was incumbent upon us all. If some remained at home and others took up the cross, those who bore the cross and sustained the wounds should now be cared for by those who lived at home in ease and comfort and by their survivors, so that no partisan feeling should be provoked by a discussion of this kind; and I agree that the gentleman from Ohio [Mr. LAYTON] was right when he made that proposition. But I noticed that before his speech closed he had a carefully prepared summary to show that the Democratic party was a better friend of the soldier than the Republican party.

Mr. LAYTON. I will say to the gentleman that I did not make any such claim. My data that you refer to simply show that the Democratic party was also a good friend.

Mr. CONNOLLY. Was also a good friend. Now, it is immaterial about that question of party; but since it has been injected here I want to suggest that the soldiers of the war of the rebellion, when considered simply as soldiers, are more indebted to the Democratic party than to the Republican party. Why? Because if it had not been for the Democratic party they never could have had an opportunity of being soldiers of the war of the rebellion. [Applause on the Republican side.] They never could have had a chance to reap their harvest of wounds, disease, death, and glory on the field of battle.

Yes, and the soldiers of the Mexican war are more indebted to the Democratic party than to the Republican or Whig party of that day; because if it had not been for that Democratic party and the necessities that were pressing upon it there could have been no glory reaped by our men on the battlefields of Mexico, for there would have been and could have been no war.

So that, getting down to the foundation of it, if that were friendship let the Democratic members on this floor who have injected partisan discussion into this matter remember that I concede to their party the origin of all the wounds and glory won by our soldiery. I concede to them the initiation of all that brought all this trouble, of death, of wounds, of disaster, and sorrow, upon this great Republic

The gentleman from New York [Mr. MCCLELLAN] opened this debate in opposition to this bill.

When I reflect upon matters that are within my memory, but not within his, I am reminded of some things that may furnish a reason why that gentleman may be presumed to be hostile to this or any other measure for the benefit of the victorious Federal soldiers who survive the war of the rebellion.

In the summer of 1864 Grant had begun his all-summer fight through the Wilderness on his way to Richmond. Sherman was fighting to win Atlanta preparatory to his march to the sea. The might and power of the Union armies were at last being marshaled and moved as Lincoln and every loyal man in the North long had prayed for. Half-hearted leaders had been deposed; martinets sent to the rear; drill and dress parade commanders dispensed with, and the Union armies, finally working in their full vigor, were in the midst of their last glorious summer's work, with the grand diapason of battle swelling out day by day from Grant's army in the Wilderness to Sherman's army before Atlanta.

At such a time a former leader of that splendid army which was then with Grant in the Wilderness, from a safe retreat, far behind Grant's struggling lines, pretending to act for Union men of the North, raised the white flag of truce and surrender, and the raising of that flag at such a time by such a man was regarded by the world as equivalent to saying to South Carolina and her sister Confederates: "Hold out for a time and we will help you in your work."

That deposed leader, under that flag of surrender, became the candidate of this party that is now claiming to be the friend of the soldier. That party proclaimed at Chicago in its national convention in 1864—

That this convention does explicitly declare as the sense of the American people that after four years of failure to restore the Union by the experiment of war, during which under the pretense of a military necessity or war power higher than the Constitution, the Constitution itself has been disregarded in every part, and public liberty and private right alike trodden down, and the material prosperity of the country essentially impaired, justice, humanity, liberty, and the public welfare demand that immediate efforts be made for a cessation of hostilities with a view to the ultimate convention of the States, or other peaceable means, to the end that at the earliest practicable moment peace may be restored on the basis of the Federal Union of the States.

I say, when the gentleman from New York [Mr. MCCLELLAN] stood there uttering his speech there came back to my memory those words that were inscribed upon the white flag which that former leader of our armies carried all through a great campaign, fighting in the rear against these men who to-day survive with their wounds and their diseases. I am, therefore, not surprised that that gentleman should insist that the Democratic party was the best friend of the soldier. Aye, under the leadership of that party in the North in 1864, when Sherman was marching through to the sea, when Grant and Lee stood in deadly struggle around the ramparts of Richmond, these things were happening. Remembering that fact, I ask, How much is the gentleman from New York [Mr. MCCLELLAN] to-day inspired by tradition and early teaching to the notion that the entire war was wrong after Grant assumed command of the Potomac Army; that there should have been a base surrender at that time instead of the glorious victory won by that Army of the Potomac, which for years, under different leadership, had been simply an army of construction? Is it strange at all that now that gentleman should come here and insist that the Democratic party is the only party that is the friend of the soldier?

I distinguish between Democrats and the Democratic party as an organization. I know there are thousands and hundreds of thousands of Democrats all over the North, aye, in the South, too, who are friends of the soldier, and who want to see the pension laws honestly and fairly carried out. But the party as an organization, I say, has never shown itself in its action to be favorable. It has rather looked upon this question of pensions as an economic question, as a question which involved vast expenditures of money, and has been desirous all the time to keep it limited within the narrowest possible range, actuated possibly by the spirit of the Democratic convention of 1864, that saw the war was continuing and costing enormous amounts of money, and that would therefore stop it because of the vast expense. Now, Mr. Chairman, if it had not been that these gentlemen did inject this sort of a thing into this discussion, I certainly should not have called back to memory any of these things that the older members of this House remember very well.

I turn my attention, sir, for a few minutes to the bill itself. The bill, I say, is in the right direction; but I conceive that in many respects it fails to carry out the real purpose that the committee intends and that other members of this House intend shall be attained. Take, for instance, the first section of this bill. It reads this way:

That no person otherwise entitled to a pension by virtue of any law of the United States shall be disqualified from receiving the same by reason of any prior service in the Confederate army or navy during the war of the rebellion, nor shall the widow, children, or dependent relatives of such person be deprived of a right to pension by reason of such service: *Provided*, That no pension shall be granted by virtue of this section for disability contracted or incurred while aiding or abetting the late rebellion against the authority of the United States.

The section as it stands there now broadly goes to this extent: A man who assisted in the beginning in working up the fury of rebellion in the States of the South, who enlisted at the first opportunity, who served for three years or three and a half years in the armies of the Confederacy, whether as an officer or a soldier, who fought his best and bravely under the flag he had espoused as his, if that man for any reason, if it be for no other reason than that which Benedict Arnold had for deserting the American Army in the time of the Revolution, had deserted their lines and came into ours and took the oath of allegiance and enlisted in our Army, he becomes entitled to a pension for any disease thereafter contracted in our service during the ninety days of his service in it or for any wound he might have received, just the same as a boy from the North who had served four years and was disabled by a disease. The boy from the North who had left his home and had given all the hard labor that he could for years for his country's cause is placed on no better footing than the rebel soldier or officer who, when he found his cause failing or through disappointment of any kind, deserted his flag and came to us, crawling in under our flag when he saw success for the future under it. I agree with the gentleman from South Carolina [Mr. TALBERT] in some of the remarks he made yesterday in his speech, in which he said, substantially, that a man who has once intelligently espoused a cause and fought under a flag and then in a cowardly manner deserts it and goes to the other is not entitled to much consideration from either side.

Mr. PICKLER. Even if he is a Union soldier he is not entitled to any consideration?

Mr. CONNOLLY. No, sir; not when he leaves his former flag and comrades from a sense of cowardice.

Mr. PICKLER. Well, allow me to say you desert the Republican position of four years ago, which held that these men were entitled to pension, although not on so broad a proposition as this. This is not a new pledge.

Mr. CONNOLLY. The gentleman suggests to me that I must hold no idea except that which is contained in the Republican platform of four years ago. I tell him that I am not thus to be restricted by a platform.

Mr. PICKLER. But the gentleman will allow me. I mean this,

that these men were pensioned, and we have forgiven the Confederate soldier, as I said yesterday, for about everything except being a Union soldier. Now, four years ago these pensions were allowed, and the country did not think bad of it.

Mr. CONNOLLY. I understand.

Mr. PICKLER. And no Union soldier ever complained of it.

Mr. CONNOLLY. Here is one now that does complain of it.

Mr. PICKLER. He is a new convert.

Mr. CONNOLLY. No, sir; I am not a new convert. I was a Union soldier a long time, as early as the gentleman, and I stayed there about as long as any.

Mr. PICKLER. I mean to that doctrine.

Mr. CONNOLLY. No; not to that doctrine. And I say, and mark my words, that the man who intelligently and deliberately espoused a cause and fought for that flag until he found its fortunes failing and then deserted it for the cause that he found was to be successful, that man in his heart is a moral coward, and is not entitled to consideration from anybody. [Applause.] It is quite different, sir, with a man who was forced to fight under a flag that was not the flag of his heart. It is quite different from the boy who in boyish impulse was carried to fight under a flag for a time that his heart had no attachment for. In cases of that kind, when the sober second thought came to him, that man or that boy—and I have no doubt there were many such who had gone as boys into line of battle—when they saw on the other side Old Glory their hearts were swelled, and then and there they resolved that they would leave the ranks they were in and go back to the ranks of Old Glory, where they were born.

In cases of that kind they were welcome, because there never was any change of heart. It was not an act of cowardice when such men deserted the flag that for a short time they were under; but it was a case where when calm reflection came to them, when they saw the folds of Old Glory, the early affection came back to them, and the moment they could get there they got to it, sheltered themselves under its folds and fought for it. When they took the oath of allegiance once again to the flag they were born under, we welcomed them. It was so in east Tennessee, in the district of my friend Mr. GIBSON, and in North Carolina and in northern Alabama, where there were hundreds and thousands of that kind. There were thousands that were conscripted and forced to fight under a flag they detested. These men on the first opportunity, as I know, and as the gentleman from South Dakota knows, and as the gentleman from Tennessee [Mr. GIBSON] knows, and as many other members of this House know, came under our flag and into our lines and escaped from the thraldom of the Confederacy, which robbed them of their homes, and was trying to rob them of their birthright as free American citizens. We welcomed them, and honor the survivors of them to-day, quite as much as if they had been cradled in the North, for we know full well the heroism and devotion of the loyal men and women of North Carolina and east Tennessee, and the reunited nation will preserve the story of their loyalty and unselfish devotion to the Union of their fathers as an incentive to patriotism for future generations, both North and South.

I propose, Mr. Chairman, to offer an amendment to the first section, which I desire shall at least appear in my remarks. I would amend the section by inserting the word "involuntary" before the word "service," so as to provide that they shall not be disqualified by reason of any prior involuntary service in the armies of the Confederacy. That would cover all classes of cases that I have mentioned, but gentlemen to whom I have suggested this amendment say: "The trouble is, How can they prove that their service was involuntary?"

Mr. Chairman, the law now requires the Federal soldier to prove that he was an able-bodied man when he entered the service thirty and more years ago. How can he make that proof? He is living now in a distant part of the country; the friends of his youth are dead and scattered; those who knew him in his young and stalwart days when he first enlisted are separated and gone. How shall he prove the fact? Is it any more difficult for the man who was forced into the Confederate service to prove that he was so forced than it is for the Federal soldier to prove that thirty and odd years ago he was an able-bodied, strong man, not afflicted with any disease?

Mr. GIBSON. If the gentleman will allow me one minute, I will undertake to explain the difference between the two cases.

Mr. CONNOLLY. You will have time of your own after I get through.

Mr. FAIRCHILD. Will the gentleman yield for a question?

Mr. CONNOLLY. Yes; simply for a question.

Mr. FAIRCHILD. In the case of those ex-Confederate soldiers are you not raising a question of motive; and how in the world can a man prove, except by his own statement, what his motive was?

Mr. CONNOLLY. No, sir; I am not discussing a question of motive entirely. These are matters susceptible of proof. In all that Southern country, where this class of people lived, testimony can be found, because, as a rule, the survivors live in the same neighborhoods, and the circumstances and conditions existing at the time these men went into the Confederate service are generally known to those survivors, and are just as susceptible of proof now as the physical condition of a boy who was born in Maine, who entered the Army and served through the war, and who now lives, say, in Oregon.

Mr. FAIRCHILD. But how can a man's neighbors tell what his motives were when he went into the Confederate service?

Mr. CONNOLLY. They can tell whether he was driven from his home or carried off by conscription, or whether he went voluntarily.

Mr. GROSVENOR. As I understand the gentleman, he says that it is impossible for the Union soldier now to prove that he was a sound, able-bodied man when he went into the service at the beginning of the war.

Mr. CONNOLLY. No; I do not say it is impossible; but I do say that it is very difficult.

Mr. GROSVENOR. It is very difficult; and I say it is substantially impossible.

Mr. CONNOLLY. Yes; in many, perhaps most, cases.

Mr. GROSVENOR. Now, do not you think it would be a little difficult to prove by a man's neighbors what his motive or sentiment was at the time he went into the Confederate service?

Mr. CONNOLLY. Just about as difficult as it is for a Federal soldier to prove that when he went into the Army thirty years ago he was a sound, healthy man.

Mr. GROSVENOR. That is right.

Mr. CONNOLLY. I do not want to make the road any easier for these men than it is for our own boys. I do not want to make a paved road for these ex-Confederates to march up to the Treasury, while my own comrades are compelled to walk over a road filled with stumps and quagmires. [Applause.] I want to make it at least as easy for them as for anybody on earth. Now, mark you, gentlemen, this section as it stands takes in everybody who, ninety days before the surrender of Lee, escaped from the rebel lines and came into ours and joined our Army to get rations and clothing and a little pay. It takes them all in without regard to the motive with which they came.

Now, sir, why not limit the time of their joining our Army to the 1st of May, 1864? At that time there were eleven months of the war yet remaining. The men who came prior to that time could not be said to be men who were heart and soul enlisted in the cause of the Confederacy until they found its banner falling. By the 1st of May, 1864, what were the conditions existing? Sherman was at Ringgold, south of Chattanooga, his army massed and ready, with Joe Johnston at Buzzards Roost, beyond it. The last great movement was begun. Knoxville was free. Longstreet had left to join Lee. Grant was moving to surround Lee at Richmond. Indeed, the grand opening overture that ended in the great climax was already beginning on the great theater of war on the 1st day of May, 1864. From that time on until the truce at Appomattox the god of battles was all the time with our flag. Success followed every movement. Sherman marched onward day by day until he reached Atlanta. From Atlanta he swung eastward, and day by day, in his holiday march, he led his legions to the sea. The great Army of the Potomac, thundering along through the Wilderness, thundering through the timber and over the open plain, finally drove Lee and his legions to the ramparts of Richmond. There, through the fall and winter, they were held as in a grip of iron.

All the world could see when Sherman reached Savannah that the days of the Confederacy were ended. It had been pierced like an eggshell, and its existence was then but a question of days. Yet enough time remained for all the faint-hearted under the Confederate flag; for all those whose courage, like that of Bob Acres, had oozed out at the fingers' ends, to slip through their lines, come within ours, profess penitence, join our Army, and now get the benefits of this bill. Now, is it right to say of those who stood, as those gray-coated men did stand, for months and years a living wall against every advance that we sought to make, is it right to say that those of them who deserted their ranks within the last ninety days of the conflict and came to us shall, in the matter of pensions, be put on a par with our men who pushed them back and fought them on every field?

Why, sir, those generous, big-hearted men who wore the gray see themselves that such a rule as that is not a proper one. In their own States they care for the men who wore the gray, who bore the heat and burden of that long conflict, and I honor them for their manhood in doing it. It is right; it is humane; it springs from a patriotic and generous impulse. I desire that we shall do the same. But in order to have the privilege of putting the men who wore the blue on as fair footing for pensions, I do not want to be compelled to say that all the "rag tag and bobtail" who in the last days of the war escaped from the army of the Confederacy may now come in and obtain pensions. That is too big a price to pay for getting justice to my own comrades.

Mr. PICKLER. Then, on the same ground, you would not be

willing to give anything to the hundred-days men from the North who came in at the close of the conflict.

Mr. CONNOLLY. Yes, I would; and I will tell you why.

Mr. PICKLER. The gentleman speaks of Confederates who "slipped through the lines" and joined our Army. Sir, Confederates of that sort have been pensioned long ago. The men who will be covered by this bill are those who were in Northern prisons and were induced by our officers to join the Union Army. The trouble with the gentleman from Illinois is that he is not "posted" on this matter.

Mr. CONNOLLY. I admit that I may not be posted. I have not given as much attention to this matter as has the gentleman from South Dakota. But there are some things that I know; there are some things that I believe anybody may know that has a heart in him and a proper spirit as an American citizen, without sitting down in the room of the Invalid Pensions Committee and talking with the gentleman from South Dakota. [Laughter.] One of those things that every man ought to know is that the coward who sneaks away from his flag is not entitled to as much consideration as the brave man that stands up to it and goes down with it. [Applause.]

Mr. PICKLER. We all know that.

Mr. CONNOLLY. That is my notion about the matter; and it does not take very long to tell it. Sir, it should be considered too great a concession upon the part of any nation, when those who for years have been fighting against it and who in the last ninety days of the conflict come in and swear allegiance to its flag, to permit them to go on the pension roll of that nation upon the same footing as those men who fought for years under the flag.

Mr. PICKLER. The only objection you have to these men is that they were Union soldiers. You have forgiven them for being Confederates, and for everything else, but you will not forgive them for joining the Union Army.

Mr. CONNOLLY. Why, bless your soul, I forgive them with all my heart; I am glad they got in; but I do not want to go and pay them for it in addition. [Laughter.] It is enough to forgive. If this provision with reference to ex-Confederates were limited to those who came within our lines and joined our Army by the 1st day of May, 1864, when the Confederacy had still a fair fighting chance, when there was still some hope and confidence left in the hearts of the Confederates, I should be willing to presume that the men who by that time had come within our lines did so because their hearts were true to their country's flag.

Mr. PICKLER. How would you ever establish that?

Mr. CONNOLLY. How would I establish it? I would presume it; I would not ask them to prove it. I would presume that those who had come within our lines by the 1st of May, 1864, had been loyal men all the time and had simply been awaiting their opportunity to join us.

Now, Mr. Chairman, I want to call attenton to section 2 of this bill. Gentlemen have talked about this bill as a measure that will prevent the present system of suspending or discontinuing pensions which have already been granted. I do not agree with them in that construction of the bill. And, mark my words, if it should become a law it will never be carried out in that way, but the suspension or discontinuance will still take place just as it does now. They give the pensioner notice that his pension is suspended, and then they commence (taking their time, even if it be a year or two years) to get the proof that will enable a final adjudication upon the question to be made. Now, I wish to suggest an amendment to section 2. It now provides—

> That from and after the passage of this act no pension heretofore granted or which may hereafter be granted under the pension laws shall be reduced or discontinued except—

Then it enumerates the causes for which a pension may be reduced or discontinued—

> for fraud, clerical error, mistake of fact, or recovery from disability.

Now, then, suppose the Pension Bureau, by some secret process, has made up its mind that some particular pensioner should be dropped from the rolls, that the pension was obtained by "fraud, clerical error," or that the disability had been cured, what do they do? They send a notice to the pensioner, and the pension is suspended, and the reason is given why. Whatever that reason is, it stops the pension for the time being. Now, the Pension Bureau takes its time to proceed under the provisions of section 4, which provides "that hereafter in the administration of the pension laws all investigations into the merits" of any claim "shall be by question and answer" or information under oath. Now, all of that comes after the pension has been suspended and the pensioner has suffered from the suspension, just as the claims are suspended now.

Now, I suggest there where it provides that any pension shall be reduced or discontinued for fraud, clerical mistake, or mistake of facts, or recovery from the disability, that the words shall be added: "And only after the taking of evidence on notice as hereinafter provided." Then if there be a claim that the pension is fraudulent, notice is given to the pensioner that they propose to investigate and take proof in regard to that pension, and they start in with their proof, but the pension remains intact while this proceeding is going on. Then at the end of the taking of the proof, if it appears that the pension was properly allowed, the man was never disturbed, as he should not have been. If it turns out that the pension was obtained by fraud, the pension is finally cut off. But it gives him a chance of a hearing. It does not render judgment until after the evidence in his behalf is heard.

Again, sir, at the end of section 5 it is provided that no claims shall be rejected because of the claimant's inability to furnish, as to any material fact in the case, the testimony of more than one credible witness having knowledge of such facts. Now, how much does that change the present condition of the law? That is the simple holding out to the soldier of a promise to the ear to be broken to the hope. The idea that that will reform anything is about like the idea of trying to fill the belly of a hungry man with the east wind. [Laughter.] It will be just about as effective. The claimant himself now is not considered a credible witness at all. I propose that we should give to him, if you are in good faith, if you mean this to be effective, a provision in this bill that the claimant himself shall be considered prima facie as a credible witness to any material facts. Why not do that? They do not now take the claimant as a credible witness. He goes into the Pension Office discredited the very moment he files his application. Every affidavit he makes is required to be confirmed or corroborated by the affidavits of somebody else. Why should not he be a credible witness in his own behalf?

In the courts of every State in the Union, I presume, a man may go into the court in a matter in which he is interested and may be a witness for himself to maintain that cause, and on the testimony thus presented he may have a judgment of thousands, aye, millions, of dollars rendered in his favor, and collected if collectible. Why, then, when he applies for a pension should not his oath be regarded as good as that of anybody else? Why should he not be regarded as a witness in his own behalf?

I say, then, if we are trying to avoid these evils of construction and of loose legislation in the past, why not make it close by saying here, if you mean it, that the claimant himself shall be considered prima facie as a credible witness?

Mr. PICKLER. So he is.

Mr. CONNOLLY. Oh, no.

Mr. PICKLER. Well, the gentleman is a lawyer, and will he say that the Commissioner of Pensions should be compelled to allow a pension because the applicant himself swears to the matter alleged? He is now a credible witness——

Mr. CONNOLLY. No; he is considered a discredited witness at the very beginning.

Mr. PICKLER. Not at all; the gentleman is entirely mistaken.

Mr. CONNOLLY (continuing). The gentleman knows that his testimony is not regarded——

Mr. PICKLER. I beg the gentleman's pardon; it is.

Mr. CONNOLLY (contnuing). And no pensioner has ever been able to recover or to obtain a pension on his own affidavit.

Mr. PICKLER. Because the law says he shall have one or more witnesses to the facts claimed.

Mr. CONNOLLY. Now, I want him to be considered as a prima facie witness, just as he is in every court of justice throughout this country.

Mr. PICKLER. He is now. The gentleman is entirely mistaken. The only question, and it may be debatable, is whether the Commissioner of Pensions shall be required to allow a pension on the simple oath of the claimant himself. That is what the gentleman is contending for, as I understand his contention.

Mr. CONNOLLY. Yes, I contend that. It has been the custom to talk about these proceedings as being ex parte. The gentleman from Illinois [Mr. WOOD] yesterday very properly considered that question. They are not ex parte proceedings. The claimant for a pension is required to do what the plaintiff is required to do in every court in this country. What is that? Go into court and file your declaration, your complaint, your application. These terms are synonymous. In some States the paper is called a complaint, and in other States it is called a declaration. In the Pension Bureau it is called an application. That is your claim. Now, so far the United States is defendant in the pension matter. The man who files the application is the plaintiff. The United States is not required to make up an issue; it is not required to plead. It takes it for granted that the United States denies everything set up in the application until the claimant has filed his proof in support of it.

Now, gentlemen say this is ex parte. No. Up to that point it has been ex parte. Then comes the United States. There are no rules of court to force a trial and a judgment this week or next week, or this year or next year. The United States has all the time for a continuance that it wants. It takes months and years, in many cases, to find evidence, raking the country high and low

to find proof that will overturn the proof that is on file in its own archives, placed there by the applicant for the pension.

Mr. GRAFF. I will ask my colleague whether it is not true that in many cases the nature of the case precludes the obtaining of any other testimony except the testimony of the claimant himself?

Mr. CONNOLLY. Very true, sir.

Mr. GRAFF. In those cases it works a great hardship under the present rules.

Mr. CONNOLLY. Certainly. Suppose there were a law in any State that a party who had a suit pending against another, and had no testimony except his own, should not be allowed to recover his claim. How would anybody like a law of that kind? How long would the people of any State stand it, with a law of that kind, which should say to any honest man who comes into court with a just claim, "You shall not be allowed to recover, because you can not get the testimony of somebody else who corroborates you as to the justice of your claim"?

Mr. PICKLER. Mr. Chairman, would the gentleman go further than section 5? I suppose he has noticed that section.

Mr. CONNOLLY. That is what I am talking about now.

Mr. PICKLER. Well, the proviso reads:

Provided, That no claim shall be rejected because of claimant's inability to furnish, as to any material fact in the case, the testimony of more than one credible witness having knowledge of such fact.

Mr. CONNOLLY. I would add to that this:

And the claimant shall be held prima facie to be a credible witness.

Mr. PICKLER. That is done already.

Mr. CONNOLLY. It is not done already.

Mr. PICKLER. Yes, it is; and when the claimant finally says he is unable to find any other evidence, the Department then takes up and considers it from that standpoint.

Mr. HARDY. And rejects the claim.

Mr. PICKLER. They do not administer it fairly.

Mr. CONNOLLY. Who is making this speech, I should like to know?

Mr. PICKLER. The gentleman is making a pretty good stagger at it.

The CHAIRMAN. The gentleman from Illinois declines to yield.

Mr. PICKLER. I want to correct the gentleman when he says that the claimant is not taken as a credible witness. That is not the fact. He is taken as a credible witness.

Mr. CONNOLLY. Now, Mr. Chairman, I pass from that section to this. I make this suggestion: Here is a rule that has always been a hardship under these pension laws. The man who was received into the service of the United States thirty-odd years ago was examined by the surgeons of the United States and proclaimed fit for the duties of a soldier, sworn into the service and placed under orders, fought for three or four years, and was wounded or disabled by some disease incurred in the service. Years afterwards he applies for a pension. He is compelled at the outset to prove: "When I was mustered into the service of the United States I was a sound man." Why, did not the United States admit that when she accepted him into her service? Did she not say to him, "You can not come in until my surgeon examines you, until he certifies that you are a sound man and fit for a soldier's duty"?

Mr. HARDY. They stripped him and examined him.

Mr. CONNOLLY Yes; stripped and examined and sounded him. Now, thirty years afterwards, when he comes to apply for a pension, even under this dependent pension act of 1890, he is required to go back thirty years and prove that he was a sound man at the time he enlisted. Now, why should that be? Why should not this rule obtain—does not common sense say that it ought to—that when the United States received a man and mustered him into the service that fact should be prima facie proof and always available to that man to show that he was sound when he was so received?

Mr. DINGLEY. If the gentleman will pardon me, is not that to-day the statute law in the Pension Office, that it is prima facie evidence?

Mr. CONNOLLY. No, sir.

Mr. PICKLER. I will say to the gentleman that that is the statute.

Mr. DINGLEY. That is the statute, that it is prima facie.

Mr. PICKLER. Yes.

Mr. DINGLEY. I agree with the gentleman that it ought to be prima facie. But ought it to be more than prima facie?

Mr. CONNOLLY. Would the gentleman make it conclusive?

Mr. DINGLEY. No, I would not, for my part.

Mr. CONNOLLY. I think it would not be safe to make it conclusive.

Mr. DINGLEY. I think it would not be safe to make it conclusive.

Mr. CONNOLLY. But it ought to be prima facie.

Mr. DINGLEY. It ought to be prima facie.

Mr. CONNOLLY. And further, that any disease or ailment the man had at the time he was mustered out of the service should be held prima facie to have been incurred in the line of duty. Now, for all his term of service he was subject to the orders of the United States. He could not get out of that duty voluntarily; but when he comes home now with a disease, he is required to prove that he acquired it in the line of duty. It is not sufficient to say that he acquired it while in the Army. I would suggest, if we are going to do anything of service, that we make that provision in this bill that the disease that he had at the time of his muster out shall be considered as having been contracted in the line of duty, prima facie, subject, of course, to be overthrown by proof to the contrary.

Now as to section 13, which has been discussed by many, concerning the granting of pension to deserters. That section provides that anyone who had been in the military and naval service thirty days and honorably discharged therefrom shall, notwithstanding a prior service from which he was not honorably discharged, be entitled to a pension under the act of 1890, provided the disabilities for which the pension is claimed were not incurred while in the service from which the claimant was not honorably discharged.

Under this section as it stands in the bill, the professional "bounty jumper," who enlisted and deserted, and enlisted and deserted again and again for the sake of the public and private bounty which he might thereby obtain, would be made eligible for a pension under the act of 1890.

Surely there is no public call to open the door for these notorious "bounty jumpers" to be allowed to prey upon the pension fund, as they did upon the bounty funds during the war.

I therefore suggest an amendment to this section so that the pension shall be allowed only to those who neither claimed nor received public or private bounty for the enlistment or service for which the pension is claimed. This would prevent the "bounty jumper" from claiming a pension under this bill.

But it is said there are many cases in which a soldier became separated from his command by sickness or otherwise without his fault after having faithfully served a year or two with it, and then instead of rejoining his own proper command enlisted in some other regiment and faithfully completed this second enlistment, and was honorably discharged from it.

Under such circumstances this soldier must appear on the rolls of his original regiment as a deserter, and yet it seems very harsh now to hold and treat him as a deserter, and deprive him of any opportunity to obtain a pension for wounds or other disability incurred by him in the line of duty either in his first or second term of service.

But to provide for the case of such really meritorious soldiers who are recorded as deserters, when in fact they were meritorious soldiers, and only technical deserters, I would suggest that we revive the act of March 2, 1889, which expired by limitation in 1892, whereby the Secretary of War can be authorized to correct the record of such men by removing the charge of desertion which stands against them, thereby making them eligible to pensions when they are entitled to them otherwise.

By so doing each record of desertion can be disposed of on its own merits; the worthy cases can not be used to assist the unworthy cases, and in our desire to relieve in meritorious cases we will not be taking the chance of opening a door for unmeritorious cases to escape from the just stigma of desertion.

Mr. Chairman, I know it was intended by the committee that this bill should only deal with the administrative features of existing pension laws without adding any new class of pensioners to the roll.

But, sir, while we are considering the subject of pensions, when we reach the proper place in the bill, I hope no one will object to an amendment I shall propose with reference to a class of soldiers, some of whom are still surviving, who suffered far more than the ordinary hardships of the soldier and who endured them long and heroically.

I refer to those who were confined at Belle Isle, Libby, Florence, Salisbury, Charleston, and Andersonville.

The soldier who faces death on the battlefield does so with full beating pulses, cheered and lifted out of himself by the inspiration of his comrades, by the hope of victory, by the sight of his waving flag, and all the mad, wild pageantry and music of battle.

Death seems wreathed in smiles and is robbed of its terrors at such moments; reason and reflection are stilled, self is forgotten, and the past and future lost sight of in the wild exhilaration and inspiration of the supreme present.

But the soldiers who for long weary months in the suppressed quiet of those fearful prisons had death for their daily and nightly companion—not the glorious death of the battlefield, but the solemn, slow-moving, hollow-eyed death of the gloomy charnal house—the death that touched each of them with its clammy fingers from day to day, but dallied with them in their torment and

refused them the relief that taking them at once would bring—the death that kept them from day to day for further torture, like the savage with his captive—the death that robbed them of all that makes life hopeful and, filling them with seeds of lingering, incurable disease, led them to the very brink of the grave and then, refusing them its welcome shelter and surcease from pain, flung them back to us shattered, dismantled human wrecks, doomed to an unequal struggle for existence—these soldiers, some of whom are yet maintaining that unequal struggle, with both death and poverty dogging their halting footsteps, should certainly not be forgotteen by the nation for which they endured all this.

I therefore propose to add to this bill a section pensioning all soldiers who served one hundred days in any of these prisons, or in more than one, and to count the time they may have been away from them in attempting to escape as part of the one hundred days, also the time spent in being transported from one to another of these prisons as part of the one hundred days, and to give them a pension of $30 a month. That is the pension allowed by law for total disability of all officers above the rank of major. This is a moderate, conservative provision for these men, and it will make no great addition to the amount of the pension roll, but, whether it makes much or little addition, it should be done if we are willing to give pensions to ex-Confederates who deserted their falling cause only ninety days before Lee surrendered the whole bunch of them.

I suggest the one hundred days' imprisonment, because for a shorter term a man could not be regarded as having suffered anything more than the ordinary casualty of war; but those who were kept in these prisons a longer period than that were generally so detained because the Government was refusing to relieve them by the ordinary mode of exchange.

In the great majority of cases their capture was while they were in the line of duty, generally on the battlefield and without their fault. They endured their sufferings rather than accept freedom on condition of swearing allegiance to the Confederacy. They exhibited the heroism of martyrs at the stake, and accepted the dreadful alternative of death by starvation rather than falter in their allegiance to the Union.

Their example of loyalty and devotion is worth more as an heroic example to the generations who must maintain our Union in the future than a score of battles won, and the few of them now living should go on the pension roll, which I trust may ever be maintained as a roll of honor.

Bankruptcy.

SPEECH

OF

HON. GEO. B. McCLELLAN.

OF NEW YORK.

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 30, 1896,

On the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

Mr. McCLELLAN said:

Mr. SPEAKER: The two questions to be considered in discussing this bill are, first, is it constitutional, and, second, is it expedient? The thirteen original colonies failed to adopt, as a part of their common law, the English laws of bankruptcy and insolvency. Many of them, however, enacted insolvency laws of their own. The framers of the Constitution, realizing the importance of uniform bankruptcy laws, provided that Congress "shall have the power to establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States." This would appear to settle the question of constitutionality. As, however, that section of the Constitution does not expressly declare that Congress may "pass" a bankruptcy law, some doubt appears to have existed in the early history of the country as to whether Congress could enact a national bankruptcy law, or could only establish "uniformity" among the bankruptcy laws of the several States.

As early as 1800 the question of constitutionality seems to have been definitely settled, as in that year the first bankruptcy law was enacted. None to-day question the constitutional right of Congress to legislate on the subject of bankruptcy. The bill under consideration is constitutional under the strictest possible construction.

It is one of the cardinal principles of the Democratic party that those functions of government which the individual States can perform as well as the United States should be left to them, and not taken over by the National Government. It is the principle of decentralization, of home rule. Some of the States have upon their statute books insolvency laws that are far stricter and much more harsh toward the debtor than is this bill. These State laws differ so much from each other and are so lacking in uniformity that it is surprising that the original bankruptcy law should ever have been repealed. The business of the country is so enormous, communication between the States is so easy, that for commercial purposes State boundaries have practically disappeared. The question of bankruptcy is one that can be better handled by the National Government than by the individual States.

The first bankruptcy law was repealed in 1803. The second bankruptcy law was enacted in 1841 and repealed in 1843. The third and last bankruptcy law was enacted in 1867, amended in 1868, 1870, 1871, and 1872, and was repealed in 1878.

Since 1878, when the last bankruptcy law was repealed, to and including 1895, the failures in the United States have numbered 171,389 (representing liabilities of $2,611,521,704), a percentage of 1.02 of the total number engaged in business. It would appear that, in view of the enormous liabilities of insolvent debtors during the past seventeen years, justice to them would require that an opportunity be given them of commencing life anew free from the fearful burden of debt which at present in many cases they are unable to remove, and that justice to the creditors would require that they be given the opportunity of sharing equally any assets of their insolvent debtors.

Under existing conditions when a debtor becomes insolvent the first creditor who obtains knowledge of that fact can secure himself at the expense of the other creditors. Debtors may prefer certain creditors at the expense of the rest, in consequence of which it may almost be said that a premium is placed upon fraudulent failures, and each creditor is virtually the enemy of the other creditors in general and of the debtor in particular.

It has been said during this debate that this bill is harsh to the debtor. Gentlemen of my own party have acknowledged the desirability of the voluntary features of this bill, but insisted that the involuntary features are oppressive and unjust to the debtor, so much so that these gentlemen oppose the bill as a whole. The bill is not harsh to the honest debtor. It enables him to go into voluntary bankruptcy and distribute his assets pro rata among his creditors, and then, having done all that he can to liquidate his debt, to be discharged and begin his business life anew. As the insolvent debtor class is but little more than 1 per cent of all those engaged in business, it would be manifestly unjust to legislate in favor of that 1 per cent to the detriment of the 99 per cent of solvent business men.

This bill permits creditors to force an insolvent debtor into involuntary bankruptcy. This may be harsh to the dishonest debtor who desires to escape from the payment of his obligation, reserving the right to become a bankrupt when it may please him to do so; but it must be acknowledged that it is only fair to give the business community power to protect itself. It prevents one creditor from taking advantage of the rest; all share pro rata in the distribution of the assets of the bankrupt.

It has been urged against this bill that creditors will use a bankruptcy law as a means of oppressing the helpless debtor. The interests of the creditor and the debtor are in many ways identical. While to-day a creditor may consider it to his interest to drive a debtor into insolvency so that he may be the first to profit thereby, under this bill it will be for the interest of the creditor to maintain the solvency of the debtor for as long a time as possible.

My friend, the gentleman from Massachusetts [Mr. GILLETT], has very eloquently called our attention to the importance of credit in the complicated relations of modern business life. This bill, if enacted, will enlarge credit, for it will increase that essential element of credit—confidence. Every business man to-day who becomes a creditor assumes the risk, in case of the insolvency of the debtor, of being absolutely debarred from receiving any share of the assets through the preference of some other creditor. Under this bill, should it become a law, every business man will know when he becomes a creditor that, should his debtor become insolvent, he will receive his share of the assets, and that no other creditor can exclude him from what should be his both by law and equity. Certainly this should increase confidence and therefore enlarge credit.

This bill has been carefully drawn. It is the so-called Torrey bill amended and improved, and judging from the comments upon it contained in the newspapers and in the many letters which I have received from business men, it seems to meet with the general approval of the business community, especially in that great commercial center, New York City, a part of which I have the honor to represent. It protects the interests of the creditor; it protects the interests of the debtor; it will make fraudulent failures more difficult; it will increase confidence; it will enlarge credit. It is, in short, in the interest of the business men of the country, which is merely another way of saying that it is in the interest of the whole country.

Legislative, Executive, and Judicial Appropriation Bill.

SPEECH

OF

HON. CLAUDE A. SWANSON,

OF VIRGINIA.

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 3, 1896.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes—

Mr. SWANSON said:

Mr. CHAIRMAN: I am indeed grateful to my friend from Texas [Mr. CULBERSON] for yielding me this time, as for many other courtesies.

This measure now before us embodies a reform which is well needed in the administration of justice in this country. Some time ago I addressed this House upon this question and pointed out the great necessity for this reform. I introduced a bill to abolish absolutely the fee system. I am glad to see my efforts have borne fruit. I want to congratulate the committee upon the nonpartisan spirit in which it has approached so great a measure of reform. I will try not to travel over the ground I went over in my former speech. But there must necessarily be much repetition.

The first question for this House to determine will be, Is it better for the administration of justice in this country to abandon the fee system for the salary system? Upon the determination of that question depends whether this bill should or should not meet the approval of the House. First, we must inquire, Are there any abuses connected with the administration of the present system? If we look at the testimony of people who have administered this system, there can be no doubt about the unanimity of such testimony. Every President of the United States from the time of Grant to the present moment has recommended the abolition of the fee system and the substitution therefor of the salary system. Every Attorney-General, commencing with the Administration of President Grant and coming down to the present one, has recommended this reform and pointed out the glaring abuses in the existing system. The present President of the United States has thought the abuses of such magnitude that in two messages to Congress he has dignified this subject by making it a matter of special reference, and asked Congress to enact a reform in this direction. If we go to the leading officers themselves connected with the administration of this system, they all bear testimony to the glaring abuses that exist.

The testimony of every official connected with this system bears evidence to the great scandals connected with the present fee system of the United States Government. If we go further and look at the records of our courts, they also bear testimony to the necessity for great reforms in this direction. Listen. Last year United States marshals were paid upon their accounts for that year and prior years $1,339,690.31; commissioners, $452,000; clerks, $298,000; attorneys, $427,000. Now, mark this item: Jurors, $932,170.27. And mark also this item: Witnesses, $1,713,162.17. Summing up these items, we find that the expenditures of the courts for the last year amounted to $5,300,000, and over half of this expenditure was incurred in the payment of fees to jurors and witnesses.

Now, let us see what was the outcome of these expenditures. Of suits terminated last year in the United States courts there were 2,751 civil suits, and of these 1,060 were decided against the United States. What does that prove? It proves that over 40 per cent of the civil suits instituted by the district attorneys were suits that should not have been brought.

Mr. TAWNEY. Will the gentleman state what fee under the present system the district attorney received for prosecuting and trying each of those cases?

Mr. SWANSON. The fees of the United States attorneys in these cases are taxed, and he receives a fee in each case until it amounts to $6,000 annually, which he can not exceed.

Mr. TAWNEY. Is not the fee limited to $20 in each case?

Mr. SWANSON. I think it is; and on that basis 1,000 cases would make $20,000 of improper charges.

Now, of criminal suits there were terminated last year 25,949, of which 10,521 were nolle prosequied, dismissed, or discontinued. In other words, of the indictments found by the grand jury, and in which it may be assumed the district attorneys did all they could to bring criminals to conviction, forty-odd per cent were dismissed, the parties being found not guilty, or the cases being nolle prosequied. These figures do not include suits that the commissioner refused to send to the grand jury, nor suits in which the grand jury refused to prefer indictments. The records of the courts will show that over one-half of the suits for which expense is incurred in the Federal courts are suits in which there was no merit and which should not have been brought.

Now, Mr. Chairman, take that view of it and what does it mean? It means that last year $2,600,000 was paid out improperly for the prosecution of frivolous suits in the United States courts, simply instituted for the purpose of gathering fees for these officers.

But let us see how much money the Government received in return for the immense expenditure made on this account. Last year there was received in the compromise of criminal suits $37,647.61; there was received in collections from fees turned in $132,055.53, and there was collected in civil suits in compromise cases $131,696.67, or, in other words, on an expenditure of $5,300,000 last year there was only received, in the shape of fees in civil and criminal compromises by the courts, less than $255,000.

Now, go a step further and you will see the more we look into this matter that this very method of making appropriations by Congress for these courts is in itself a glaring abuse. You may make an appropriation this year, we will say, to cover all the supposed expenses, based on the estimates of the Department of Justice. But next year, and before the expiration of the current fiscal year, you are compelled to come in with a deficiency bill and make up by appropriation as much as the original sum appropriated. Why? Because you can not have any possible idea as to what the expenses of the judiciary will be next year. There is no possible way of calculating what it will be, because it is measured solely and alone by the greed and rapacity of the officers who administer the law in their scramble to get fees.

Consequently, Mr. Chairman, the question is presented to us as to whether we can safely abandon the system so full of abuse, so saturated with glaring wrongs, and so redolent of outrages against the liberty and property of the citizens of the United States and adopt a system which will be in harmony with our principles of government and ideas of right. But let us go even further. I regret to say that these are not the greatest abuses. Last year 10,541 of our citizens were arrested and put into the prisoners' dock, subject to all of the expenses and all of the annoyances and disgrace which such a situation entails, when on trial of the cases it was found that they should not have been brought into court at all. They were brought into court to make fees for officers and rewards for infamous spies. Consider the vast amount that 10,541 innocent citizens had to pay for their defense in court, who had to get witnesses to come and testify in their behalf, and with all of the other petty annoyances which this number of arrests would necessarily involve, and I say that no more glaring abuse could be found in the history of this country. It is an abuse that Congress ought to strike down now and forever. Just imagine the vast amount of money lost by these people on account of these prosecutions; imagine the loss of time of these people from their ordinary employments; conceive of the vast amounts expended in payment of witnesses and their traveling expenses, juries, and then think of the disgrace and worry of innocent people under such a system.

I am glad, therefore, to see that the Committee on the Judiciary of the House of Representatives, in a fearless, brave, and nonpartisan spirit, have had the courage to go forward and endeavor to meet these abuses and effectuate a reform.

My only objection to the bill, although I shall vote for it even though the amendment which I shall offer later on does not carry, is that they have not gone far enough in the abolition of the fee system. There are two defects that ought to be remedied. One in reference to the special or field deputy marshals and the other as to the commissioners. This bill ought to provide that the deputy marshals and the commissioners also should receive salaries instead of fees. This bill fails to put them on the salaried list. It goes on the idea that if you make the marshal a salaried officer he can exercise over the field marshal his power of removal when he institutes frivolous suits. I admit that it is a great reform and in the proper direction and will do great good; but it ought to be carried a step further by putting the deputy marshal also on a salary. At the proper time, and I hope the chairman of the committee will make a note of it, I want to offer an amendment to provide that the deputy marshals shall be put upon the salary system.

Mr. BAKER of New Hampshire. If the gentleman will draw a distinction between deputy marshals and field deputies he will be entirely correct. The field deputies are the only ones now left on the old system.

Mr. SWANSON. The deputy marshals confined to the office are put on salary; but the field deputies are the ones that do the most work in connection with the commissioners in bringing suits.

Mr. BAKER of New Hampshire. One word more, if the gentleman will permit me. The field deputies do not bring the suits.

Mr. SWANSON. The field deputies can only execute the writs after the commissioner has issued them, but a deputy can get an informer to go to the commissioner, and he can inspire and incite suits. It is true that he can only execute writs after they have been issued.

Mr. BAKER of New Hampshire. One word more——

Mr. BURTON of Missouri. The bill, by an amendment which the committee will offer at the proper time, takes away from the commissioner any power to institute these proceedings upon the affidavit of a private citizen.

Mr. SWANSON. That is right. It will destroy to a large extent the detestable vocation of the infamous spies and informers. Now, that is a great reform, but the committee should go one step further and add a provision like that existing in many State courts, that whenever a prosecution is inspired by malice in instituting frivolous suits, the complainant shall be liable for the costs. You will find that a great many will be debarred by that. Now, as to the deputy marshals, I can see no reason why the entire deputy marshal force should not be put upon salary.

Mr. BURTON of Missouri. Will the gentleman yield for another suggestion?

Mr. SWANSON. Yes.

Mr. BURTON of Missouri. That system was recently adopted in the Indian Territory, and the Department of Justice informs the committee that it does not work satisfactorily. What are called field marshals in this bill simply sit quietly by and take their salaries and do not perform their duties.

Mr. SWANSON. That may be true in the Indian Territory, because in the Indian Territory the United States courts try all local matters and have the combined jurisdiction of State and Federal courts; but if you take away in this bill the power of deputy marshals to bring suits and incite suits and give them simply writs to execute, then they are compelled to execute those specific writs and there can be no dereliction of duty.

Now, it is said there will be too many deputy marshals. It seems to me that we should draw a bill with this amendment, that deputy marshals shall be appointed by the Attorney-General on the recommendation of the marshal, and that no more deputies shall be appointed in any district than the district judge and the marshal shall certify to be necessary for the efficient performance of the public business in that district. It seems to me there can be no abuse then. Why? Because the Attorney-General can not appoint any more deputy marshals than the district judge will certify to be necessary for the efficient discharge of the duties in that district. He is not compelled, under a law like that, to appoint as many as are required. Then, when that is done, if too many are appointed——

Mr. BROWN. United States commissioners are now appointed by the United States circuit judges.

Mr. SWANSON. That is true, sir.

Mr. BROWN. Now, I will ask if it is not true that one great complaint in districts in the South has been that the United States circuit judges appoint too many United States circuit court commissioners?

Mr. SWANSON. That is true.

Mr. BROWN. Now, if you leave to the district judge the appointment of United States deputy marshals, will you not find the same complaint? Why not leave the appointment of the field deputies to the marshals, to be approved by the Department of Justice?

Mr. SWANSON. My amendment provides for that.

Mr. BROWN. The bill already provides for that. It already provides that the United States deputy marshals shall be appointed by the marshal, subject to the approval of the Attorney-General.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. CULBERSON. I promised to yield to the gentleman from Tennessee [Mr. BROWN] after my friend from Virginia had concluded his remarks. I hope the gentleman from Tennessee [Mr. BROWN] will take the floor and yield five minutes more to the gentleman from Virginia.

Mr. BROWN. I will be recognized in my own time later on.

Mr. CULBERSON. Then I yield to the gentleman from Virginia such time as he desires.

Mr. SWANSON. The suggestion of the gentleman from Tennessee [Mr. BROWN] was a very good one. He did not catch the amendment that I intended to offer to this bill. I will read it, and I hope the Chair will note it, when the proper time comes, so that I can offer it.

The amendment which I desire to offer is this:

That the Attorney-General may appoint, on recommendation of each United States marshal, one clerk and one chief deputy, whose salaries shall not exceed $1,500 per annum each. No clerk or chief deputy shall be appointed in any district unless the United States district judge shall certify and the Attorney-General be satisfied that such appointment is necessary for the efficient performance of the public business. The Attorney-General shall also appoint, on recommendation of the marshal, such number of deputy marshals for each district as he shall deem necessary for the efficient performance of the public business, whose salaries shall not exceed $1,000 per annum and their reasonable and necessary expenses of travel and subsistence actually incurred while on duty, such expense to be approved by the United States district judge of each district. But the Attorney-General shall in no case appoint for a district more deputy marshals than the United States district judge of each district shall certify to him as necessary for an efficient performance of the public business.

Mr. BROWN. There is the trouble that I spoke about. The complaint against the circuit judges heretofore has been that they have appointed everybody United States commissioners who wanted to be appointed.

Mr. SWANSON. That is true.

Mr. BROWN. Then we have the same complaint in regard to the deputy marshals. The Attorney-General will be compelled and will be bound to appoint everybody the district judges recommend.

Mr. SWANSON. No.

Mr. BROWN. This bill already provides for appointment of field deputies. It prescribes how they shall be appointed and then their appointments submitted to the Attorney-General.

Mr. SWANSON. No. The gentleman did not catch the force of this amendment. This amendment says that the Attorney-General shall not appoint any number exceeding the number that the district judge shall certify; and it is also provided that he shall not certify any more than necessary for the efficient and economical administration of the law in that district. He is not compelled to appoint as many as the judge shall certify, but it is provided that he shall not exceed that number. Then this goes further. It provides that he shall not pay a salary exceeding $1,200. In some counties the deputy marshals might have very little to do, and he could pay him from a very small sum up to not exceeding $1,200 a year.

Now, that provision is guarded this way; First, it leaves it to the Attorney-General; he is to be the judge of the salary. I think that is wise. Why? Because each Department endeavors to be economical in submitting its estimates for approval.

Mr. BROWN. This bill does not limit the amount of compensation in the matter of field marshals, because the Department of Justice would find that in some districts the compensation to be earned by the field marshals would amount to more than $2,500; and in some places they ought to have that much if they earn that much.

Mr. SWANSON. Now, the view I take of it is this: If you put the amount at $1,000—and you could make it $1,200 if that was necessary, but you should work him all the time when this was paid—and pay him his necessary expenses—and that is sufficient compensation for the office—you can get good, efficient men to execute the law. Now, under this provision of mine, as I was proceeding to say, you first leave it to the Attorney-General as to how many there shall be. Then you guard it around by the fact that he can not appoint any more than the district judge will certify as necessary for the economical administration of law in that district. So you guard the Attorney-General, you guard the district judge, by not allowing him to certify more than a certain number, and you have the marshal to make the recommendation of the man. With these three safeguards, I do not see how any legislation can be better guarded. When we come to the commissioners, I want to offer an amendment that I hope the Chair will note.

The gentleman who interrupted me a few minutes ago said there was a grievance in connection with the number of United States commissioners who are appointed. When you appoint these officers, whether United States commissioners or deputy marshals, they are going to make a living out of the office. They are going to do it. They are going to make enough to support themselves, and you may as well recognize that fact in dealing with this question. For United States commissioners, this bill provides for their removal and appointment for four years. I have the same idea about them that I have about deputy marshals. I provide in section 7 of the bill I introduced:

That the judges of the circuit and district courts of the United States and the judges of the Territorial courts shall divide each district into commissioners' districts, consisting of one or more counties or parishes, and they shall appoint one or more United States commissioners in each commissioner's district as may be required for the efficient and economical execution of the laws. Such commissioners, in lieu of all fees and salary now provided by law, shall receive a salary not exceeding $1,200 per annum, to be paid quarterly. The judges of the circuit and district courts of the United States and the judges of the Territorial courts shall, before the 1st of July of each year, certify to the Attorney-General the names of the commissioners in their respective districts and the Attorney-General shall fix the salary each is to receive, not to exceed $1,200 per annum. The Attorney-General shall have power to increase or decrease the salaries of the commissioners, provided the salary does not exceed the aforesaid sum. The courts aforesaid can remove any of the commissioners for cause, and the Attorney-General may remove any of them whenever he is satisfied that the number exceeds those required for an efficient and economical administration of the law. The fees

earned by the United States commissioners in all civil and criminal cases in taking or authenticating depositions, or as special commissioner by order of court, or as master in chancery, and in all matters of any name incident to their office, when taxed against parties other than the United States, shall be taxed, collected, and paid to the Treasurer of the United States. The commissioners shall make, under oath and to be approved by their respective courts, a statement of all such fees quarterly to the Attorney-General.

Under this provision the district judges and the circuit judges appoint the commissioners, and they send the names to the Attorney-General. The Attorney-General then fixes the salaries of these commissioners, not to exceed $1,200 a year. The Attorney-General, first, has power to remove any commissioner when he thinks there are more than an economical administration of the law requires. He has the right to fix their salaries each year, at a sum not exceeding $1,200. Now, in some counties the commissioner would not be required to do enough to pay $200, and the Attorney-General can designate that the commissioner of that county shall receive for the ensuing year $200. In some counties the work would not exceed $500, and he could fix it in the same way; and in some counties not exceeding $800, and he could also fix it in the same way. This will give power to the Attorney-General to fix the rate of the salaries, to remove anyone where there are too many, and give him power where they do not do any work to say that they shall receive no salary. That removes the objection urged by the gentleman in connection with commissioners.

Now, as to the number of these deputies, if you take the number as reported by the Department of Justice and eliminate those who are unnecessary and put those you retain upon a stated salary you will effect a great saving to the Government. The deputy marshals in this country number now about 1,900, I think. Every one of those men makes a living, makes from $1,000 to $2,000 or $3,000 a year. In my opinion the number of deputy marshals ought not to be greater than the number of deputy collectors for the collection of the internal revenue. A bill passed here a few days ago providing for about 992 deputies for the collection of the internal revenue. Every district in the United States has a deputy collector to attend to the collection of vast sums of money in the form of internal revenue, and I think that an equal number of deputy marshals certainly ought to be able to execute the processes of the courts.

It seems to me, Mr. Chairman, that with these two provisions this bill reported by the Committee on the Judiciary would be perfect. If you are going to abolish the fee system, if you think that evils accrue from it, the best way is to destroy the system entirely. I am willing to leave it to the Attorney-General, to the district judge, to the marshal, and to the district attorney of every district, each one being a check upon the other, to take charge of this matter and fix the salaries of all the other officials.

I want to say in conclusion, Mr. Chairman, that this bill is a step in the right direction. It carries relief and reform far in the direction where they are needed, but I think it ought to be amended in relation to commissioners and deputy marshals. With those amendments the entire vicious fee system would be destroyed and every official engaged in the administration of justice would be paid a specific salary. When you make that change you do better, not only for the public but for the officer himself. Why? Because the officer would then be removed from the temptation to use the power with which he is clothed to make money for himself instead of using it for the benefit of the Government and the vindication of violated law. Again, each of these officials would then receive a specific salary regularly, while now some of them have to wait from six to twelve months before they receive any compensation for their labors.

If there is any place where the fee system ought not to exist it is in the judiciary department. Why? Because the judiciary department is one that should have the complete confidence of every citizen. A citizen, when he is arrested and brought before a commissioner and incarcerated in jail, should feel that the officers of the law have no interest in inciting the prosecution against him or conducting it to a successful termination, except the desire to perform their sworn duties as officers of justice. With the fee system you make every man who is arrested think that he is a victim of the greed of some official who is trying to enrich himself at the expense of the man he has arrested and prosecuted.

Now, if this fee system is as glaring in abuses, as outrageous in practice, as vicious in its administration, as it has been portrayed by the gentleman who has explained this bill, the committee certainly ought to have the courage to go far enough to eliminate the last vestige of that system, and that will be done by putting the commissioners and the deputy marshals upon salaries. I hope, therefore, that the committee will consent to make those amendments and that this House will be courageous enough to wipe out every vestige of a system which has shown itself to be so vicious, as acknowledged by the Department of Justice, by the Committee on the Judiciary, and by everybody who has investigated the subject. I reserve the remainder of my time.

Pensions.

REMARKS
OF
HON. GEORGE W. WILSON,
OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Monday, April 27, 1896,

On the bill (H. R. 8271) relating to pensions.

Mr. WILSON of Ohio said:

Mr. SPEAKER: The first section of the bill authorizes pensions to Union soldiers who had previously served in the Confederate army, and to their widows, children, and dependent relatives, provided that pensions shall not be granted for disability contracted or incurred in aiding or abetting the late rebellion. This section may not be without objectionable features. It is possible Confederate soldiers enlisted in the Union Army near the close of the war for mercenary purposes only and without expectation of doing valuable services in the Union Army. In such cases, after serving ninety days, the ex-Confederate soldier would be entitled to the benefits of our pension laws; and this would be wrong.

But there is another class of ex-Confederate soldiers, who afterwards enlisted in the Union Army because they were Union men and always had been loyal, but were forced to join the Confederate army. There were doubtless many Union men conscripted and compelled to enlist in the Confederate army or suffer imprisonment or death at the hands of the rebel forces and organizations in the communities in which they lived. I can see nothing wrong in granting pensions to those truly loyal men, who availed themselves of the first opportunities to abandon the Confederate army and join the Union forces because they desired to be loyal.

I have not heard anybody state what number of ex-Confederate soldiers enlisted in the Union Army, nor when they enlisted, and how long they served in the respective armies. I am not sure it is wise to enact the first section, but I am not disposed to vote against the bill on account of that section.

The second, third, and fourth sections provide against the reduction and discontinuance of pensions except for fraud, clerical error, mistake of fact, or recovery from disease; and pensions reduced and discontinued since January 7, 1893, shall be reconsidered and adjudicated upon proper application; and the pension, if restored or allowed, shall date back to time of reduction or discontinuance. If the proof shows the disability occurred subsequent to the filing of the claim the pension shall date from the time the disability occurred. If the claimant dies before his pension is restored or allowed the accrued pension shall be paid as allowed by existing law.

Hereafter investigations into the merits of pensions previously allowed shall be by questions and answers, under oath, in open session, after due notice to the pensioner, who shall have a fair hearing. If fraud is alleged the charges must be written and sworn to, and the pensioner shall have a certified copy, together with the names of persons making the charges, at least thirty days prior to the investigation, and shall be furnished with the names of witnesses by whom it is expected to prove the charges at least five days before the examination. The hearing shall be at the county seat of the county where the pensioner resides, and depositions shall be taken, as near as may be, according to the laws of the States where the witnesses reside.

It seems to me that after a pension has been granted a presumption arises in favor of the pensioner, and all attempts to deprive pensioners of their pensions should be so conducted as to afford the fullest and fairest opportunities for an impartial and thorough investigation into the merits of the pension. I am therefore quite prepared to yield my support to these provisions of the bill.

Section 5 provides that the oaths of enlisted men shall not have less weight than if they had been commissioned officers, and that no claim shall be rejected because the claimant can only produce one credible witness to a material fact. I think, if there ever was any just ground for holding the evidence of a commissioned officer entitled to greater weight than the evidence of enlisted men, the reasons therefor no longer exist. After an officer has left the service there are no longer any circumstances requiring him to be more careful of his conduct than is required of any other ex-soldier. The ex-officer may or may not be more truthful than the discharged soldier, the fact depending not upon rank but upon the character of the man giving the evidence.

The latter clause of the section dispenses with the necessity of two witnesses to a material fact, and I think this provision is well enough, because it is very difficult to find witnesses in many claims. The lapse of time and removals and deaths of the comrades of claimants are great obstacles in the way of procuring evidence in pension claims. I can give this section my vote

without fear of violating any principle which should obtain in a court of justice when the rights of individuals or the Government are involved.

Section 6 simply provides that affiants shall know that the contents of affidavits are in his own language.

Section 7 requires the Bureau of Pensions to furnish a statement of all that is required to complete the claim.

Section 8 gives pensioners and claimant and their attorneys the right to examine all evidence and papers filed in pension claims.

Section 9 makes the records of the War and Navy Department, showing disabilities to have been incurred or contracted in line of duty, conclusive of the facts.

Section 10 creates a presumption of death from seven years' absence without news or tidings of the missing person; but if the absent person is proved to be alive, a pension granted on account of his death shall cease.

Section 11 recognizes marriages upon proof of living and cohabiting together as such, and makes their children lawful for pension purposes.

Section 12 fixes the end of the war of the rebellion on July 1, 1865, for the purposes of administering the pension laws.

Section 13 extends the provisions of the act approved June 27, 1890, to all persons who served ninety days or more in the military or naval service of the United States during the rebellion and were honorably discharged, although such person may not have received an honorable discharge from a prior service. This provision is one of some doubt in my mind. If a soldier was not entitled to an honorable discharge, but subsequently served only ninety days in another organization, he does not present himself in the best possible aspect as a soldier. But there are doubtless many instances in which the rule here provided will accomplish good results. The section restricts pensions to injuries subsequent to the dishonorable discharge, and makes the final discharge conclusive of dates of enlistment and discharge.

The section also makes death of a soldier, sailor, or marine while in the service in line of duty equivalent to an honorable discharge. I think this provision just in all respects.

Section 14 provides that under the act of June 27, 1890, applications for pensions shall be sufficient as to allegation of disability not the result of his own vicious habits, which renders him unable to earn a support, and every disability found to exist at the time of filing a claim, which is recognized as pensionable under the general pension laws, or act of June 27, 1890, shall be taken into consideration in determining the degree of disability, and to all disabilities pensionable under the general laws the same rate of pensions shall be allowed as under the general laws, not exceeding $12. And pensions under act of June 27, 1890, shall not be granted unless disabilities amount to at least $6.

This section embraces important regulations, and so far as I am prepared to express an opinion it is just and will tend to facilitate a better administration of the pension laws. I think it well to give pensioners under the act of June 27, 1890, the benefit of disabilities traceable to their service. A pensioner prefers his claim should be based upon injuries sustained in the Army.

Section 15 relates to rejected claims under act of June 27, 1890, and dispenses with new applications when other evidence is furnished. When the sworn statement of a reputable physician is filed, showing that a pensionable degree does exist, an order for the applicant's examination before another board of surgeons, if desired, shall issue. If the report of such surgeons and the evidence show the existence of as pensionable disability at the time of filing, the pension, when allowed, shall commence from the date of filing of the rejected application, and if otherwise, from the date when the disability began to exist, as shown by the evidence.

This section affords opportunities for claimants to present additional evidence and protects them from much inconvenience.

Section 16 fixes the amount of net income which will prevent the granting of a pension under the act of June 27, 1890, at $300. This section will settle a question of much doubt and will tend to establish a rule which will be uniform.

Section 17 extends the act of June 27, 1890, to persons who served on gunboats, acting assistant and contract surgeons, provost marshals, deputy provost marshals, and enrolling officers who bring themselves within the provisions of the pension laws.

Mr. Speaker, I have reviewed the pending bill quite carefully, and I think it a measure deserving of the support of the friends of the ex-Union soldiers.

I am not one of those who believe the pension roll is honeycombed with fraud. There are doubtless some cases—possibly many cases—into which fraud has crept and persons have been pensioned who are not entitled to pensions. But, sir, these are exceptional cases, and I protest against every effort, from whatever source it comes, to cast odium upon those who constitute the honorable pension roll of the Union armies.

We should guard against abuses, but in doing so we should not be guilty of unjust treatment of those who are entitled to the benefits of the pension laws.

Pensions.

SPEECH
OF
HON. SNYDER S. KIRKPATRICK.
OF KANSAS.

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 23, 1896.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 8271) relating to pensions—

Mr. KIRKPATRICK said:

Mr. CHAIRMAN: The presence of this bill and its solemn consideration in the Congress of the United States is by no means complimentary to the patriotism of the people of this nation. It demonstrates a want of gratitude toward the men who for four long years imperiled their lives on a thousand battlefields that the nation might live, that patriotism is at a low ebb, or that a patriotic people have been deceived in the selection of those whose duty it is to administer the liberal pension laws of this country. That the American people are wanting in gratitude to the nation's defenders I will not concede; it is not true. The mere suggestion that patriotism is on the wane is an insult to a liberty-loving people. No, Mr. Chairman, the nation is not ungrateful to its defenders, and patriotism is unbounded. There is no disguising the fact; the people have been deceived, and are impatiently waiting an opportunity to right the great wrong, and that opportunity will soon come. When it does come, woe unto the party responsible for the wrongs, indignities, and insults heaped upon the gray-haired veterans of the land.

The discussion of this bill has assumed a wide range, and brings back to us memories, scenes, incidents, and trials of bygone days. Our minds involuntarily run back over that period of our country's history, so full of sorrow, desolation, and death. For four long years, from 1861 to 1865, the most stupendous struggle the world ever knew was waged with a zeal and determination unparalleled in ancient or modern times. The issues involved were the greatest ever submitted to the arbitrament of war, not only involving the very existence of our Government, but that of every other Republic as well. The crowned heads of the Old World looked on with amazement while the struggle progressed, realizing that the fate of self-government hung in the balance. That we may comprehend the magnitude of this struggle, and have a proper appreciation of the heroic services of those who stood between us and treason, I want to invite your attention to a few historic facts.

The total number of men enrolled in the Union Army during the four years of the war of the rebellion was 2,778,304. Of these (including regulars) there were killed in battle 110,170; died of disease (not including those who died in prison), 199,720. The total deaths from all causes, 359,528. The number of deaths from disease was remarkable, being more than double the number from battle. Part, at least, of this extraordinary loss of life by disease was due to the severity of the campaigns. The extent of the territory marched over was immense. Some of the campaigns were made under a tropical sun and some of the battles fought amid the snows of winter. The Ninth Army Corps fought on the Carolina coast and then marched 1,000 miles westward to the fever-smitten camps of Vicksburg. The Twelfth Corps, after fighting two years in Virginia, moved to Tennessee, from which it fought its way through Georgia to Atlanta, marched from Atlanta to the sea, and thence northward to its old battle grounds, having encircled half a continent. Men from the woods of Maine camped 2,000 miles distant, along the bayous of Louisiana. Men from the prairies of the Northwest toiled and battled among the everglades of Florida and along the Gulf. Human endurance was often taxed to its utmost, and the restless, moving armies left in their wake a line of countless graves.

History will never record, language can not express, and the human mind can not comprehend the hardships, the suffering, the trials, the sorrow, and the heartaches endured by those participating in that great conflict, and their loved ones at home. I thank God that peace finally came, with the Union restored, the nation's supremacy established, slavery abolished, and Old Glory supreme in the skies. [Applause.] Allow me in connection with this to call your attention to another event which occurred thirty-one years ago. It was the triumphant march of that victorious army in grand review down Pennsylvania avenue past this Capitol after the surrender of Lee at Appomattox. It was an imposing scene, ever to be remembered by those who witnessed it. I fancy I can see that heroic army, careworn and dusty, with their sunburnt faces, as they moved down this historic thoroughfare with their tattered battle flags kissing the breeze of that April morning, and hear their shouts and huzzas as they passed the grand reviewing stand. In that triumphal march as they approached this building their eyes fell upon a great banner; it was placed there by the

direction of the immortal Lincoln himself, and upon it was inscribed these words: "This nation owes but one debt it can never pay, the debt to the soldiers who saved the Union." Ah, Mr. Chairman, if the spirit of Abraham Lincoln could touch the hearts of those in control of the Pension Bureau this bill would not be here.

Thus closed a struggle unparalleled in the history of the world; a struggle in which, on the Union side alone, 110,070 men were killed in battle, while 249,458 died from disease, accident, in military prisons, or from other causes. Including both sides, more than 500,000 lives were lost. There have been wars which lasted longer—wars with intermittent, desultory campaigns—but in this struggle the two contending armies for four years never let go their clutch upon each other's throat. For four years the echo of the pickets' rifle never ceased. As a consequence of this prolonged and deadly conflict our land was filled with grief and sorrow—mothers weeping for sons, wives for husbands, and children for fathers that never returned. Every neighborhood had its mourning widows and orphan children. The maimed and wounded could be seen upon every hand. Added to this distressed condition, our country was involved in a debt of $2,800,000,000. Notwithstanding the overburdened condition of our Treasury, Congress, in obedience to the patriotic demands of the people, made suitable provision for pensioning our deserving heroes, their widows and orphans.

These pension laws have from time to time and from year to year been expanded and broadened until to-day we have the most liberal pension laws on the face of the globe. Ours is the only country in the universe where it is possible for the private soldier who served in the ranks to receive a pension of $1,200 per year under general law. Under the liberal and patriotic provisions of our pension laws thousands, yea hundreds of thousands, of our nation's defenders have received the generous bounty of this great country; and it has been administered with a liberal hand. There was paid to these old veterans, their widows and orphans, during the fiscal year ending June 30, 1893, $156,740,467.14. The number of persons on the pension roll June 30, 1892, was 876,068. Subsequent thereto, and during that year, there was added to the pension roll 121,000 names. And I may be permitted to suggest to the Democratic side of this House that this was before Hoke Smith and Lochren's day. [Laughter.]

During the year ending June 30, 1894, there were added to the pension roll 41,483 additional names. And I again repeat, our pension laws are liberal and acceptable to the defenders of the nation. I now propose to state a proposition that can not be gainsaid on this floor, a proposition in which every Republican in this nation should take pride—that each and every one of these liberal pension laws was written upon the statutes of this country by the party of which I have the honor to be an humble member, and over the objection and protest of the Democratic party. [Applause.]

I do not mean to say, nor will I say, that no Democrat voted for these measures, but the fact remains that the Democratic party as a party, while talking in favor of liberal pensions, have always voted the other way. And I again repeat that the Republican party has always been, and now is, the friend of the old veteran. This claim is verified by every pension law upon the statute books from July 14, 1862, to the present time. The Democratic party makes the same claim, forgetting (if it ever knew) the test prescribed over nineteen hundred years ago: "By their fruit shall ye know them." [Applause.] I invoke this test, and call upon the gentlemen on the other side of this Chamber to point to one single act pensioning the veterans of the late war that their party, as a party, ever advocated or supported.

In 1892 a political cyclone swept over the nation, as the result of which the Democratic party was placed in full control of the executive and legislative branches of this Government. It differed from the ordinary cyclone in this, that the wreck and ruin attending it did not manifest itself until the next year. That it was more destructive and broader in its scope than the ordinary cyclone is conceded by all, and that it is not likely to be visited upon us again while this generation lasts is, to say the least, quite consoling. Strange as it may seem, hundreds and thousands of our old veterans contributed by their votes directly and indirectly to this result, unconscious apparently of the fate in store for them. They were like the young lady of Niger who went riding on the back of a tiger; her face it wore a smile; when they returned from the ride the lady was inside, and the smile was on the face of the tiger. When I realized the determination of these old veterans to place themselves in this predicament I felt like repeating the prayer of the Saviour of mankind at the crucifixion: "Father, forgive them; they know not what they do." It is unnecessary for me to take up your time by stating that they fully realize now what they did, and my word for it, they will never do it again.

With the incoming Administration came Hoke Smith. These old veterans never heard of him before, but they all know him now. Before his day they used to sing, "While we were marching through Georgia," but during the past three years Georgia has been marching through them, as the records fully show. During the year ended June 30, 1893, there were dropped from the pension rolls in this country 2,296 pensioners. This does not include the names of those dropped by reason of death, remarriage, or minors reaching the age of 16 years. These persons were dropped simply and solely because the Pension Bureau in overhauling these cases reached a different conclusion than that announced at the time the claim was passed upon. It should be remembered in this connection also that the Democratic party assumed control of this Bureau March 4, 1893.

In the year ending June 30, 1894, there were dropped from the pension roll 5,233. There were also dropped from the roll during the year ended June 30, 1895, for the same reason, 9,680, making a total dropped to June 30, 1895, of 17,209. What the present year will disclose, in the absence of the report, I am unable to state, but I have no doubt it will not fall behind the record of the preceding year. These figures do not include pensioners reduced, but represent the number entirely stricken from the roll. These are some of the fruits by which we may know them. If this is the party that is the friend of the old soldiers, I fancy I can hear them exclaim, "Lord, protect us from our friends!"

Mr. Chairman, this is not all of the fruits of this Administration in pension matters. During the year ended June 30, 1895, 103,355 claims were rejected, while on the 1st day of July, 1895, there were pending, undisposed of, 552,210 pension claims in this Bureau. Of these 210,765 are original claims of parties who have never been placed upon the pension rolls and who have never received a dollar. This ought not to be so, and if the Pension Bureau would manifest more zeal in putting some of these upon the roll and less in striking others off its action would meet the hearty commendation of these old veterans. [Applause.] The action of this Bureau is extraordinary and unprecedented, and has called down upon itself the condemnation of every old soldier in the land. It has sent consternation into many thousands of humble homes. A letter bearing its frank fills the pensioner's heart with sorrow and anguish, and he opens it with fear and trembling lest the little pittance that stands between him and hunger is to be arbitrarily taken away. The condition to-day of hundreds and thousands of our soldiers has been well expressed by Joseph G. Waters, of Topeka, in a letter to my colleague, Hon. DICK BLUE of Kansas, calling his attention to a special bill pending before the Committee on Invalid Pensions in behalf of one Wallace McGrath. I desire to quote from that letter.

Speaking of Wallace McGrath, Captain Waters says:

Full six foot two, with head in air,
And straight as shaft or column,
Without a blemish, hurt, or care,
And never glum or solemn.

Behind the drums he marched away,
A thousand others going,
To fields where waiting foemen lay
And blood would soon be flowing.

The very devils in his soul,
Leashed to the fife's slow meter,
Impatient heard the muskets' roll
And vomit their saltpeter.

Through all the long and hard campaigns,
Up hills and down the valleys,
Where smoking guns drove narrow lanes
Through ranks that made the sallies.

I once, long years ago, was told—
It's Gov'nor Martin's story—
This man, so true, so brave and bold,
Did once a thing of glory.

Of all the men who climbed the crest
Where Bragg had his headquarters,
He was the one who led the rest
Above the crimson slaughters.

The war is past, and Peace, secure,
Points upward with its moral,
And long as centuries endure
The soldier wins his laurel.

Not so, DICK BLUE! That man, they say—
This is not strange or novel—
Is at the Soldiers' Home to-day,
His loved ones in a hovel.

Lame, paralyzed, and desolate,
His sunset glow of glory,
Infirm and old, left to his fate,
And, BLUE, this ends his story.

Mr. Chairman, I want to enter my solemn protest here and now against these outrages, and to warn the Democratic party that a cyclone is gathering from the Atlantic to the Pacific, from the Lakes to the Gulf, that will sweep it from place and power. These old veterans are eagerly watching and impatiently waiting for the opportunity to set the seal of their condemnation upon the party that has so grossly deceived and outraged them; and that time will soon appear. What is the purpose of the bill under consideration? Is it a bill to extend and broaden the pension laws? By no means; it is simply administrative in its character.

It is intended to correct some of the evils and abuses of the Pension Bureau. Its design is to simplify the practice, to abolish technicalities, and make it possible for the claimant to obtain that which is so justly due and from which they have so long been deprived. In other words, it is an effort to compel by law a Democratic Administration to allow pensions, and its necessity was occasioned by the mistake of 1892. I must confess that the bill is open to criticism in some respects, and that many of its provisions do not fully coincide with my views; nevertheless it is a step in the right direction, and I will support it by my vote. I introduced a bill in this House early in this session that I would like to see enacted into law, as I feel confident it would meet the hearty approval of the old veterans themselves. The first section of this bill is as follows:

That no person otherwise entitled to a pension by virtue of any law of the United States shall be disqualified from receiving the same by reason of any prior service in the Confederate army or navy during the war of the rebellion, nor shall the widow, children, or dependent relatives of such person be deprived of a right to pension by reason of such service: *Provided*, That no pension shall be granted by virtue of this section for disability contracted or incurred while aiding or abetting the late rebellion against the authority of the United States.

I may say with reference to this section that I have no desire to exclude from the pension rolls a man solely on the ground of his previous service in the Confederate army. We all know that many by reason of their environment enlisted in that service either through compulsion or for the purpose of escaping to the Union side, and did so escape and join our Army the very first opportunity. I do not, however, believe that the Confederate soldier who abandoned his cause when all hope of success had vanished and entered the Union Army when the struggle was practically over is entitled to receive the bounty of this Government, and for that reason this section of the bill should be modified in this respect. Section 2 of the bill reads as follows:

SEC. 2. That from and after the passage of this act no pension heretofore granted or which may hereafter be granted under the pension laws shall be reduced or discontinued except for fraud, clerical error, mistake of fact, or recovery from disability: *Provided, however*, That nothing herein contained shall be construed to entitle any person to more than one pension, or as allowing more than one pension for the same service, nor to affect or enlarge the pension rights of widows and others under sections 4702, 4706, and 4708 of the Revised Statutes of the United States and acts supplemental to and amendatory thereof.

This section, in my judgment, will not meet the expectation of its author, and is open to serious criticism. I am one of those who believe that the pension certificate in the hands of the old veteran should be as sacred as the bond in the hands of the bondholder and should be clothed with all of the privileges of a vested right. The old soldier should be as secure in his pension when the certificate is once granted as he is to the land to which he holds the patent of the Government. The allowance of the pension should have the force and effect of a judgment rendered by a competent court, and should only be set aside for actual fraud, in a proceeding based upon an accusation under oath judicial in its character, and with reasonable opportunity to defend. This section permits the Pension Bureau to set aside the pension for a mistake of fact in its allowance, or for the reason that the pensioner has recovered from his disabilities.

These are dangerous provisions, and more especially when intrusted to an unfriendly Bureau. It will be observed that the Bureau is the sole judge, and the pensioner is at the mercy and subject to the whim and caprice of the Commissioner of Pensions. Under these provisions the present Bureau will undoubtedly hold that every person stricken from the pension rolls during the past three years falls within one or the other of these provisions. I want to warn my Republican friends of the danger of permitting these provisions to remain in this bill. We should prohibit in the most positive terms the Pension Bureau from striking from the roll a single pensioner except for fraud, clearly established in a judicial proceeding, in which the fullest opportunity to defend is offered. Nothing short of this will protect the pensioner from the outrages of which he now so justly complains and bring to him that peace of mind so desirable in his declining years. I will now invite your attention to section 3 of this bill, which reads:

SEC. 3. That all pensions reduced or discontinued since January 7, 1893, shall, upon application, be reconsidered and adjudicated in accordance with the provisions of this act, and the pension, if restored or allowed, shall commence from the date of such reduction or discontinuance, or from the date subsequent thereto at which the disability is shown by the evidence to have existed: *Provided*, That in the event of the death of the pensioner after such reduction or discontinuance, any accrued pension that may be found due under this section shall be paid as provided by existing law in cases of death.

This section, if administered in a patriotic spirit, will restore to the pension roll thousands heretofore dropped, and will enable them to recover their pensions from the time they were stricken therefrom. This is a simple act of justice to those who have felt the blighting hand of this unfriendly Administration. But if administered by an unpatriotic and unfriendly Commissioner we can not hope for such results. I will next take up section 4, which is as follows:

SEC. 4. That hereafter, in the administration of the pension laws, all investigations into the merits of any pension previously allowed shall be by question and answer, under oath, in open session, after due notice to the person or persons who may be affected thereby to be present personally or by attorney; and such person or persons shall have the right to cross-examine and a fair and full opportunity to rebut or substantiate any facts alleged or disputed: *Provided*, That when fraud is alleged the allegations shall be reduced to writing and under oath and the person or persons affected thereby shall be furnished with a certified copy of the charges made, together with the names of the persons making the same, at least thirty days prior to such investigation, and shall be furnished with the names of the witnesses by whom said charges are to be proved at least five days prior to their examination, such investigation to be conducted at the county seat of the county in which the person affected resides, and the depositions of witnesses residing outside of said county shall be taken as near as may be in accordance with the practice of the State or Territory in which said witness resides.

With reference to this section I will only say its phraseology is peculiar, and the procedure not as well defined as it should be, still with a fair interpretation it will doubtless prevent many pensioners being dropped from the rolls. I will now invite attention to section 5, which reads:

SEC. 5. That in the administration of the pension laws the oath of a person who has served as a noncommissioned officer or private shall not have any less weight than if such person had served as a commissioned officer: *Provided*, That no claim shall be rejected because of claimant's inability to furnish, as to any material fact in the case, the testimony of more than one credible witness having knowledge of such fact.

This section, barring its peculiar phraseology, is free from criticism and will meet the approval of the old soldier. Under this section no distinction can be made in the testimony of a private soldier and that of an officer solely on account of rank, but the most important provision of this section is that which requires the Bureau to accept the testimony of one credible witness where two or more heretofore have been required. Many claims have come under my observation since I have been here where the claimant is unable to furnish the affidavit of more than one credible witness to the time, place, and circumstances under which his disability was contracted or incurred, and thousands of claims are now held in the Pension Office for this reason. This provision has my unqualified indorsement, and I fully commend it to this House.

Section 6 meets my approval, and is as follows:

SEC. 6. That in the administration of the pension laws an affiant shall be required only to make oath that said affiant has read or heard read the subscribed affidavit, that the same was prepared in his or her presence at his or her dictation, is in affiant's own language, and that the matters and things therein stated are true.

This section prescribes the form of affidavits to be used in pension cases, and is intended to annul, abrogate, and abolish that intricate, complicated, unpatriotic, and wicked Order 229, devised, designed, and intended to vex, annoy, and harass those applying for pensions, and to hinder and delay them in procuring the same. The name of the author of this remarkable order will doubtless never be known, but it is the legitimate child of a Democratic Bureau, and in order that future generations may be able to properly interpret the political history of 1896, when they come to read it, I will incorporate this order in my remarks:

[Order No. 229.]

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., June 19, 1893.

In the preparation of testimony in support of claims in pension cases all statements affecting the particular case and not merely formal must be written, or prepared to be typewritten, in the presence of the witness, and from his oral declarations then made to the person who then reduces the testimony to writing, or then prepares the same to be typewritten. And such testimony must embody a statement by the witness that such testimony was all written, or prepared for typewriting (as the case may be), in his presence, and only from his oral statements then made; stating also the time, place, and person, when, where, and to whom he made such oral statements, and that in making the same he did not use and was not aided or prompted by any written or printed statement or recital prepared or dictated by any other person and not attached as an exhibit to his testimony.

Any needless delay in the preparation of such testimony after such oral statement by the witness or in forwarding the same to this Bureau and any material alteration or erasure will be cause for rejecting such testimony.

WM. LOCHREN, *Commissioner.*

Approved:
HOKE SMITH, *Secretary.*

Section 7 is important, and corrects an evil that should never have existed. The section reads:

SEC. 7. That all notifications from the Bureau of Pensions as to the status of any case shall set forth each and every fact upon which further evidence is required to complete the same.

Section 8 is both wise and timely. It will protect the pensioner against that class of cowardly assassins whose morbid natures induce them to make false and malicious charges against the unsuspecting old veteran with the hope of having his name dropped from the pension roll with the assurance that their false, wicked, and cowardly communications will be held sacred by the Pension Bureau, thus shielding them from public censure and condemnation. The section is as follows:

SEC. 8. That all papers, memoranda, writings, letters, or exhibits received by the Bureau of Pensions relating to any pension or claim shall be preserved and filed with the papers in said case, and every pensioner or pension claimant shall have the right, in person or by attorney, to examine and inspect each and every such paper, memorandum, writing, letter, or exhibit which has any reference to or bearing upon his or her pension or claim.

This section should not stop here, but should embrace all such communications heretofore received. I make this suggestion, for I am informed and believe the fact to be that on the convening of this Congress all of these pension files passed through what is

know as the shucking process, whereby communications of this character were abstracted therefrom. Justice demands that these unpatriotic and cowardly methods be exposed to the light of day, and that these cowardly spies be exposed to the gaze of an outraged people.

Section 9 simply provides that the records of the War and Navy Departments showing disabilities to have been received and contracted in the line of duty shall be conclusive of that fact. Section 10 simply declares that the common-law presumption of death after the lapse of seven years shall apply in pension cases. Section 11 relates to proof of marriage, making continuous cohabitation prima facie evidence thereof. Section 12 fixes July 1, 1865, as the date on which the civil war ended. Section 13 extends the act of June 27, 1890, to persons who served ninety days or more and received an honorable discharge, notwithstanding a prior service in which the soldier was not discharged, and that the death of the soldier while in the line of duty shall be equivalent to a discharge. Section 14 requires the rating under the act of June 27, 1890, to conform to the act of July 14, 1862, up to the maximum of $12 per month, and that all disabilities found to exist shall be combined in fixing the rate of the pension, and further provides that the pension shall not be denied if the disabilities so combined entitle the pensioner to $6 per month.

This section will be appreciated by the pensioners; it restores the ruling of Commissioner Raum, and is manifestly just. Under the ruling of the present Bureau the pension is denied unless some one of the disabilities in and of itself justifies a rating of $6 per month.

Section 15 provides for the reopening of any claim rejected under the act of June 27, 1890, without filing a new or supplemental declaration, and fixes the time when the pension shall commence if allowed.

Section 16 construes the term "without other means of support than her daily labor," used in the act of June 27, 1890, to mean without a net income of $300 per annum. This section will be hailed with joy by thousands of widows now deprived of their pensions under the rule established by the present Bureau, which denies the pension where the income exceeded $8 per month.

Now, Mr. Chairman, I have discussed in my humble way every feature of this bill, and while I have criticised some of its provisions I look upon it as a measure of much importance to the old soldiers of this country and shall gladly record my vote in its favor. I would like to see section 1 of the bill introduced by myself substituted for the first section of this bill. It provides in substance that every soldier, sailor, or marine received or accepted into the service of the United States in the war of the rebellion shall be conclusively presumed to have been sound, able-bodied, and free from disease at the time of such acceptance.

Mr. SULLOWAY. That is right.

Mr. KIRKPATRICK. Of course it is right. I can conceive of nothing more unjust than to deny one of these old veterans a pension on the theory that he was unsound when he entered the service. I do not care whether he was sound or not when he entered the service; he offered his life in the defense of his country; the Government inspected and accepted him, and it is manifestly unjust now to say, and the Government ought not to be permitted to say, that he was unfit to be a soldier. That long march and the battlefield are his witnesses, and their testimony is conclusive.

Mr. Chairman, I might offer many other suggestions along this line, but I have already occupied too much time. No man regrets more than myself the necessity for this bill; but the Republican party never turned a deaf ear to the appeals of the nation's defenders and never will. [Applause.] There never was a time in the history of this country when there was so much uneasiness, distrust, and alarm among our pensioners as to-day. There never was a time when they felt so much insecurity as now, for they know not what a day may bring forth. We realize that this bill will not afford that security and peace of mind so earnestly desired. We confess our inability to enact a law that will secure a liberal and patriotic administration of the pension laws when controlled by a party that does not believe in pensions. In order to do this we must be able by law to change the hearts of those in control of the Pension Bureau, as well as to inject into the veins of the Democratic party a generous supply of patriotic blood. This being impossible, there is but one remedy left to the old soldier, and that is to drive from place and power the party that has dealt so unpatriotically and unjustly with him.

The gentlemen on the other side of this Chamber are following the same hypocritical course with reference to this bill that has characterized their actions since 1865. They pretend that they are in favor of liberal pension legislation, and yet no bill has ever been offered proposing either special or general legislation in the interests and behalf of the old soldiers of this country that has met their approval. It matters not how wise or patriotic and just the measure may be, it meets their combined opposition. When a private or special bill is offered for the relief of some old veteran whose pitiable condition appeals to the sympathy of all, they refuse to support it, under the shallow pretense that it is unjust to others similarly situated.

I affirm in the presence and hearing of every Democratic member on this floor, and with the records at their command, without fear of contradiction, that the Democratic party has upon this floor opposed every measure to pension the soldiers of the late war from 1861 to the present time; and that each and every one of our pension laws have been placed upon the statute books of this country by the Republican party and over the opposition of the Democratic party; and I challenge any gentleman here to put his finger upon a single pension law that contradicts my statement. I will venture the further assertion that this bill will not receive three Democratic votes, with all of their talk about justice to the old soldier. Do gentlemen suppose that they can deceive the people further by their sham pretenses and utterances in the face of a record of opposition for thirty years? Why not vote for this bill, it is the only measure before the House at this time, and then if any other measure can be devised more equitable in its terms we assure you that it shall have our hearty support?

Now, I want to make another prediction, notwithstanding the remarks of the gentlemen and their clamor for a service pension, that when such a bill is presented it will not receive 5 votes on that side of the House. Like all measures, it will not be the kind of a service pension they desire. You flippantly ask why we do not report a service-pension bill. In answer to that I want to say that we now have under consideration in the committee a bill of that character which will be reported to this body in a few days. But I have no doubt, when it comes up for consideration, your side will insist that it is unjust to some other class of soldiers and will refuse to support it. And, again, I might suggest to you some very cogent reasons for deferring a service-pension bill for the present. If you remember, in 1892 the people of this country listened to the siren voice of Democracy, and unwisely placed the destinies of this nation under Democratic control. Our protective system, under which the country had prospered as it never prospered before, was supplanted by the heresy of free trade, the pet and idol of the Democratic party. This blighting, un-American system paralyzed every industry, obstructed trade, and forced 2,000,000 people into idleness. Our imports exceeded our exports, and our Treasury was soon at the mercy of a foreign syndicate that could only be appeased by the issuance of two hundred and sixty-two millions in bonds.

We have scarcely seen a day since this ruinous policy was enacted that our expenditures did not exceed our receipts. Our deficit has been growing from day to day, and is now into the millions. Our interest-bearing public debt has increased during this time $285,000,000. Confronted as we are to-day with a deficit of millions, and increasing with each day in the year, with ten months of this Administration yet to be endured, would seem to be very cogent reasons for delaying a bill that would increase the expenditures at the lowest estimate fifty millions per annum, however meritorious and deserving the measure may be. Give yourselves no concern, my Democratic brethren, the friends of the old soldier will soon be in control, your free-trade heresy will be overthrown, and protection and reciprocity restored. Our crippled and paralyzed industries will resume their former activity, business will revive, and the wage earner will find abundant employment at a remunerative price, unfettered by the competition of the Old World. When that time comes, and it will soon come, there will be no dickering with syndicates to sustain the nation's credit, no borrowing of money to meet the current expenses; our Treasury will be filled with tribute levied on the commodities of other climes. When that time comes, if not before, we will speedily pass a service-pension law, the most liberal and generous in its terms found upon the statutes of any country on earth. Will our Democratic brethren then join us in bringing about this patriotic measure? Judging from the past, I should say no. I will therefore suggest to them to stand still and they will see the salvation of the Lord. [Applause.]

Filled Cheese.

REMARKS

OF

HON. WINFIELD S. KERR,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, April 15, 1896,

On the bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of "filled cheese."

Mr. KERR said:

Mr. SPEAKER: I should not delay final action upon this bill even for the brief time which I shall occupy were it not for the fact that a large number of my constituents are engaged in the manufacture and sale of genuine cheese, and that they need and are entitled to the protection of a law which will strip the disguise from spurious competitors and compel every product to enter the market upon its own merits and for what it is. All laws are, to a greater or less degree, an abridgment of liberty—so all trade regulations encroach more or less upon the freedom of business—but they are nevertheless necessary to secure its honest or orderly transaction. I concede that on a cursory reading of this bill, and at first blush, it would seem especially onerous and burdensome upon those coming within its provisions, but a careful consideration and enumeration of the things required, aside from the tax, will remove that impression and demonstrate that no especial hardship is entailed. In determining whether a law should pass or not we should keep steadily in mind the evil at which it is directed, the vice which it is to cure. It must be borne in mind that the business at which this bill is directed has projected itself upon the people under false pretenses; it has worn the cloak of deceit; it has declined to meet an honorable competitor in an honorable way in the markets. I do not mean to do any man or combination of men injustice; therefore I say that I presume not all the manufacturers of "filled cheese" should be thus characterized, but the evil is sufficiently prevalent to not only justify but to demand relief.

It is no sufficient answer to this legislation to say that "filled cheese" is not deleterious to health. But if it is not it seems inexplicable that with such charge being made and the burdens of this law impending that only one person should have appeared before the committee against the measure. But, however that may be, and the committee seems to have left it unanswered, the law has secure foundation in other reasons. The power of Congress under the Constitution to legislate on this subject is clear, it seems to me. The internal-revenue taxes, and their method of collection, upon liquors, tobacco, cigars, and as they were formerly levied upon a hundred articles, are in all substantial respects as they are levied here. That these articles are luxuries or vices does not at all affect the power. Formerly taxes by stamps were levied or collected upon friction matches, bank checks, and other things, all very important, altogether legitimate, and absolutely essential under this same constitutional authority. This year, under an unquestioned law of Congress, 66,000,000 pounds of oleomargarine paid an internal-revenue tax of $1,328,000.

It is urged that this is a legitimate business and ought not to be discriminated against and burdened. So is the distilling of liquor, so far as the National Government regards it, a legitimate business, and so the brewing of beer, the making of tobacco and cigars, the drawing of bank checks, yet all fell within this power and do or did bear the burdens of taxation.

Every State in the Union, I presume, has laws to protect its people against deception from adulterated food products. Ohio has an elaborate and successful system of pure-food laws. These laws do not rest upon the sale nor essentially upon the ground that adulterated articles are deleterious to health. That is one of the reasons for their existence; but they rest upon the broader foundation that the people are entitled to protection against fraud and deceit. Oleomargarine may taste as well and be as healthful as dairy butter; but an individual who supposes he is buying butter and gets oleomargarine is defrauded. So the individual who supposes he is buying "full cream cheese" and is given "filled cheese" is defrauded and deceived. That kind of practice is legal and moral deceit and ought to be prevented if a remedy can be devised. It has brought our cheese into disrepute in foreign markets.

State legislatures, limited in their powers by the Federal Constitution, can afford no adequate relief. This product, while it is the subject of interstate commerce, is beyond the reach of State regulation or control. I venture the opinion that nine-tenths of the trade in this article by the manufacturer and wholesaler is interstate and within the exclusive jurisdiction of Congress.

I do not believe the exactions of this bill are any more burdensome than those imposed upon several other businesses by Federal laws, but if they are the report of the committee shows that the producers and dealers in "filled cheese" have made them necessary. A man who manufactures a good article of any kind advances his own interests by preserving by suitable marks the identity of his product. Fees are paid for trade-marks and suits are prosecuted to redress and prevent their infringement. But in this business, one of large proportions, no such business precautions are taken, or seemingly advisable. As the committee report shows, a large proportion of the product is sold by the manufacturers to jobbers without any mark whatever, without name or habitation, thus leaving to the jobber the privilege of locating the place of manufacture and naming the article.

Only one reasonable inference is open from such a situation, namely, the manufacturer has no pride in his product and is in conspiracy with the dealer to deceive the consumer. When this cheese, unmarked and bastardized by its producer, reaches the dealer, the report shows that it is marked "New York State full cream cheese," "Fine cream cheese," "Badger State full cream cheese"; and this defrauds and deceives the purchaser and consumer, and as well infringes the rights of the honest manufacturers of these brands of cheese and brings their product into disrepute through the deception. It appears that these dealers have stencil plates, and with them mark the cheese anything, give it any name and quality the cupidity of the purchaser may suggest. It is certainly time that such practices should be put under the ban of the law, and here and now is a splendid opportunity to do it.

The minority of the committee, among the grounds upon which they oppose the measure, deprecate the present increase of revenue in view of the plethoric condition of the Treasury. As supporting this argument they say there is now in the Treasury over and above the gold reserve $160,000,000. So there is of borrowed money, but how long will it last with the present revenues and expenditures? Yesterday's statement of the receipts and expenditures show the expenditures to be $1,041,000 over the receipts. At this rate the $160,000,000 would last about one hundred and fifty-nine days, or about five months. How such an argument overwhelms one! In a month or two Congress will adjourn for six months at least; before we again convene this fund will be exhausted at the present rate of diminution, and each day thereafter the Government will be running behind. It is also asserted in some quarters that the President will reconvene Congress unless some revenue legislation is enacted. All of which is very interesting in connection with this revenue argument. The manufacturers of and dealers in this article may find some substantial benefit to their business in this measure. I have no information as to whether this kind of cheese is imported, but if not now I have no doubt that soon the enterprise of other countries will follow the Yankee lead and will be making filled cheese and seeking a market for it abroad, and most likely in this direction. This bill, in addition to the import duty, the tariff, levies 8 cents a pound internal-revenue tax upon the foreign product. This will give the American producer of filled cheese the American market; so that, after all, this advantage may lift the burdens of the measure.

At any rate, it is a reasonable proposition. It enforces fair dealing, honest business. It prevents fraud and deceit and puts this article into the market upon its merits, with its own flag flying.

We have stopped pirating on the high seas. We have attempted to stop it against copyrighted literature and works of art. Let us now stop it in the cheese business.

River and Harbor Appropriations.

SPEECH

OF

HON. DAVID G. COLSON,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Monday, April 6, 1896.

The House having under consideration the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. COLSON said:

Mr. SPEAKER: If I were to criticise the bill now before the House for consideration I would say that the appropriations made for some of the rivers of the country are too small. There is no economy in making public improvements by piecemeal. Such a policy results in increased cost in the completion of any improvement to which it is applied. This bill in some of its parts does not meet my approval. It is in some of its items too illiberal. I will refer to only one item, which is the one of $20,000 for continuing the improvement of the Cumberland River between the Tennessee and Kentucky State line and the town of Burnside, in Kentucky, to be expended in purchasing sites and masonry for locks and dams 21 and 22 on said river. I asked the committee to put these locks and dams under the continuous contract system or to appropriate $100,000 for expenditure in the work. The bill does neither, but carries only $20,000 for the purpose named. This amount, though small, is the only appropriation ever made especially for that part of the Cumberland between the State line and the town of Burnside, and bearing in mind this fact, I am pleased to get the $20,000. But it is illiberal.

Were it allowable under the rule under which we are operating to offer amendments, I would offer an amendment putting these locks and dams (21 and 22) under continuous contract, and failing to secure its adoption would move to increase the appropriation for said locks and dams to $100,000.

By the Cumberland River the distance from Nashville, Tenn., to Burnside, on the Cincinnati Southern Railroad, in Kentucky, is 327 miles, and nowhere between these two points is this river crossed by any railroad. This may strike you as remarkable, but it is true.

The Cumberland River, in the plan for its improvement, is divided into two sections, the Cumberland below Nashville and the Cumberland above Nashville.

Nearly all the appropriations made for the improvement of the

Cumberland above Nashville has been expended on that part of the river in Tennessee.

This is not just to the people along that part of the division above Nashville which is in Kentucky. Of the 327 miles of the Cumberland between Nashville (in Tennessee) and Burnside (in Kentucky) 203 miles is in Kentucky, and the people of the districts lying along this part of this 203 miles of the Cumberland between the State line and Burnside seek the markets of the country not by going down the river to Nashville, but by going up it to the railroad at Burnside. Burnside is the railroad shipping point for all the upper Cumberland River country between Burnside and the State line. Hence the importance of pushing the improvement of the Cumberland River from Burnside down. The river is navigable up to Burnside for boats of 3-foot draft about five months in the year.

The plan of improvement favorably reported by the engineers is entirely possible, and when completed will make the river navigable to Burnside all the year for boats of 4-foot draft. The completion of locks and dams 22 and 21, which are about 5 and 30 miles, respectively, below Burnside, would give transportation all the year to a large territory, rich in oil, coal, timber, and a variety of resources. The people of this section are honest, industrious, and progressive, and I here and now enter my earnest protest against the failure to make an adequate appropriation for the pushing forward of the improvement of the Cumberland River from Burnside down. The Republican party can not afford to neglect any improvement that ought to be made. The Republican party believes in the policy of internal improvement, as it does in the doctrine of protection. These are the two great policies for which Henry Clay stood, and Kentucky stands to-day advocating them, Kentuckians never having departed from the faith of that great man.

Pensions.

The Loyalists of East Tennessee—Their Services as Soldiers—The National Guards and Home Guards—Never Paid as Promised—Their Appeal for Justice.

SPEECH

OF

HON. HENRY R. GIBSON,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 25, 1896.

The House having under consideration the bill (H. R. 8271) relating to pensions—

Mr. GIBSON said:

Mr. SPEAKER: The remarks that I propose to submit to-night in connection with the pending measure will not perhaps appear at first to bear directly upon the bill now under consideration, but later on their pertinency will become more manifest.

I desire to speak to-night in reference to what might be termed the irregular Union soldiers of the South. Those soldiers may be divided into three distinct classes: First, the men who joined regular military organizations without ever having been mustered; second, the "East Tennessee National Guards," and third, the "Home Guards" of East Tennessee.

A great many of the regular East Tennessee regiments frequently passed through their end of the State, and as they passed through numbers of loyal men joined their ranks. These men had no thought of bounties. They did not wait to be examined by surgeons; they did not wait to be mustered into the service; they did not even stop to put on uniforms, but dressed in our mountain homespun took their places in the ranks of the Army and ran all the risks of a soldier, proud of the chance to serve under the flag of their country and battle in her cause, with the consent, of course, of the officers commanding the companies and the officers commanding the regiments. These men went into battle with the regiments they had thus joined. Many of them were killed, many were wounded, and many captured. Many served six, eight, ten, twelve, or more months in the service, and when these regiments at last reached some point where a mustering officer could be found, those who were killed of course were not there and could not be mustered; those who were wounded and were in the hospitals, and the sick who had been left elsewhere, could not be mustered; and very frequently those who were present were rejected because of wounds, injuries, or other disability incurred while in the service; and thus but a small percentage of them were ever actually mustered into the armies of the Union and became entitled to a soldier's rights.

BRAVE SOLDIERS NEVER MUSTERED.

I have introduced a number of bills covering cases of this character. One case is that of a man who served about three years, Capt. George A. Tillett, who was three times wounded in battle and twice made a prisoner of war. Captain Tillett's record is one of thrilling interest. Another case is that of William B. Caldwell, who joined the Ninth Tennessee Cavalry. I have in my hand the statement of his case as it appears of record in the Record and Pension Office of the War Department. He enlisted in Company D, Ninth Tennessee Cavalry, and served with the regiment in several engagements, the last one at Bulls Gap, Tenn., on November 14, 1864, in which engagement he received a bullet wound in his right hip. He was sent to the army hospital at Knoxville, where he remained until March, 1865, when he rejoined his regiment, but was rejected because his wound had disabled him for further military service—was never mustered.

I could also call attention to the cases of William C. Chandler and Jason R. Gossett, pending before this House, both of whom were captured by the rebels after enlistment and before muster and confined in rebel prisons—in Chandler's case for about two years and in Gossett's case eight months. I could cite many other cases, but refer to these to show that there ought to be some law passed by the Congress of the United States giving these men who thus rendered faithful services some recognition as soldiers and some adequate compensation for their patriotism, their heroism, and their unselfish services in the cause of their country. [Applause.]

I have introduced a general bill covering this class of cases; but for fear I may not get an opportunity to discuss that bill, I state the matter here, as pertinent to some extent to the bill now under consideration.

NATIONAL GUARDS OF EAST TENNESSEE.

The second class of cases I wish to refer to are National Guards of East Tennessee. When General Burnside came into East Tennessee the people went forth to meet him in crowds and to welcome him as a deliverer. They embraced the very horse he was riding. The women crowded around to take his hand and touch his garments. His march from Cumberland Gap to Knoxville was one continuous ovation. The mountains rejoiced and the very hills broke forth into songs, for the day of their deliverance had come. Union flags blossomed out everywhere, all over East Tennessee, from the places where they had been hidden during the winter of those terrible times when the Confederates were in control of that mountain land, and a jubilee was held in every loyal home. [Applause.] Later on I will read a letter that General Burnside addressed to Mr. Lincoln in reference to the extraordinary loyalty and patriotic devotion of the people of East Tennessee. As soon as he struck that country he issued an order a part of which I will read, and the whole I will append to my remarks.

General Field Orders, No. 10. } HEADQUARTERS, ARMY OF THE OHIO, *September 15, 1863.*

For the better defense of East Tennessee the loyal citizens are hereby invited and authorized to form themselves into companies, which will be known as the "National Guard" of East Tennessee.

* * * * * * *

The companies will elect their own officers, and as soon as the organization is completed either the captain or some other responsible officer will report at these headquarters, when arms, ammunition, and necessary equipments will be issued.

The companies will be mustered into the service of the United States—

Note that language, Mr. Speaker—"will be mustered into the service of the United States"; not into the service of the State of Tennessee, nor into the service of General Burnside, but into "the service of the United States." I call special attention to these words, for the reason that the War Department, as I will hereafter show, claims that they were mere State militia or "home guards."

The companies will be mustered into the service of United States, and when called out by competent authority will receive the pay and allowances given other troops of the same arm in the volunteer service.

* * * * * * *

The loyal citizens of East Tennessee are called upon to be active in forming themselves into companies, in order that they may be armed with the least possible delay. The Government places arms at their disposal to be used in defense of their homes, and it is hoped they will come forward with promptness and do their part toward securing their several counties from invasion.

By command of Major-General Burnside.

LEWIS RICHMOND,
Assistant Adjutant-General.

COMPANIES OF NATIONAL GUARDS.

You will notice that this order calls them "the National Guard of East Tennessee," not home guards, not State militia, not county guards, but "the National Guard of East Tennessee." They were called out by the United States directly and not by the State; they were organized and officered, armed and equipped, by the United States, and were in every sense soldiers of the United States.

In pursuance of that order numerous companies of National Guards were organized in East Tennessee, notably the following:

Five companies in the county of Sevier, commanded respectively by Capts. Benjamin F. Tipton, Daniel Kelley, Samuel W. Randles, Nathaniel M. Baker, and Jacob Tyson.

Four companies in Blount County, commanded, respectively, by Capts. Newton McConnell, Elijah Walker, Hamilton Tipton, and William Bingham.

One company in Knox County, commanded by Capt. Gideon S. White.

One company in Union County, commanded by Capt. William Shelby.

One company in Jefferson County, commanded by Capt. Daniel Carter.

Two companies in Cocke County, commanded by Capts. Russell Jenkins and Jefferson Denton, respectively.

Three companies in Scott, Morgan, and Campbell counties, commanded, respectively, by Capts. Dennis Trammell, Wimer Croley, and Joseph Newport. These three companies have been recognized as soldiers, and what I may hereafter say about the nonpayment and non-recognition of the National Guards of East Tennessee does not refer to these three companies.

These companies were sworn into the service of the United States under Burnside's order, as I will presently show.

I have in my hand an original draft of the oath furnished by General Burnside to be administered to these men. It is as follows:

OATH TAKEN BY THE NATIONAL GUARD.

HEADQUARTERS, ARMY OF THE OHIO,
Knoxville, Tenn., October 3, 1863.

Oath to be administered to the National Guard of East Tennessee:

"All and each of you do solemnly swear (or affirm, as the case may be) that you will bear true allegiance to the United States of America, and that you will serve them honestly and faithfully against all their enemies or opposers whatsoever, and observe and obey the orders of the President of the United States and the orders of the officers appointed over you according to the Rules and Articles for the Government of the Armies of the United States. So help you God."

That is the oath that these men took. They remained subject to the orders of United States officers from their enlistment to their disbandment. They fought battle after battle, sometimes victorious and sometimes going down in defeat. Many of them were killed, many of them were captured, many suffered all the horrors of Andersonville prison; and in revenge for their espousal of the cause of the Union, when the Confederate forces under Longstreet came in, the rebel guerrillas and Cherokee Indians from the mountains of North Carolina were turned loose upon their families, and their property burned or swept away, and their wives and children maltreated.

SERVICES RENDERED BY THE NATIONAL GUARDS.

And yet, Mr. Speaker, with the exception stated, none of these men has ever been paid one cent by the Government of the United States. Not a dollar has ever gone into their pockets. They were armed by the Government, it is true; they drew ammunition from the Government, it is true; but they furnished their own clothing, they furnished their own horses, and they furnished their own commissaries. I have here the muster rolls of several of those companies, with the affidavits of the officers as to the services that they rendered. Two of these affidavits I will, for the information of the House, append to my remarks as samples of the services rendered by these companies of National Guards.

These affidavits all show that these companies of National Guards were all organized and duly sworn into the service of the United States under General Field Order No. 10 just read, that they were armed by General Burnside, that they were under military order, that they rendered many and valuable services, that many of these guards were killed, wounded, and captured, that some died in rebel prisons, and that, in short, they had all the varying fortunes and vicissitudes of soldiers in time of war, without, however, ever receiving any of the compensations and allowances promised them.

Now, Mr. Speaker, what is the excuse that the War Department has given why these companies were not paid? General Burnside himself, while he was in the Senate of the United States, I am told, went to the then Secretary of War and entreated him to recognize the National Guards of East Tennessee, telling the Secretary that he had solemnly pledged these men that they should be recognized as United States soldiers, and receive, in the language of his general order—

The pay and allowances given other troops of the same arm in the volunteer service.

I hold in my hand the letter of the Adjutant-General, dated Washington, D. C., February 4, 1880, and he gives as a reason why these troops should not be paid the following:

The returns of the Army of the Ohio, in which it is claimed the companies served, make no mention of the force. The companies were simply home guards, and as such furnished with arms and ammunition to defend themselves whenever the occasion required.

THE NATIONAL GUARDS DULY AUTHORIZED.

Now, Mr. Speaker, in this very report he gives the general field order that I have just referred to, issued by General Burnside, calling them "National Guards," recognizing them as soldiers in "the service of the United States," promising them "the pay and allowances given other troops in the same arm of the volunteer service"; and his report also sets forth the orders that were given to these men to go to different places and do various duties. This general field order that I have just read is dated September 15, 1863, and the document which I will now read is dated September 25, ten days afterwards. General Burnside called on the loyal men of East Tennessee to be active. Well, they were active. In less than a week over 2,000 men had rallied to his call. On the 25th of September, 1863, ten days after he had issued his field order, he issued this special field order:

HEADQUARTERS, ARMY OF THE OHIO,
Knoxville, Tenn., September 25, 1863.

He had just come to Knoxville. It was the first time it had been taken possession of by the Union armies during the rebellion.

Special Field Orders, No. 29. } HEADQUARTERS, ARMY OF THE OHIO, *Knoxville, Tenn., September 25, 1863.*

* * * * * * *

6. Capt. R. C. Crawford will proceed without delay to Sevier, Cocke, Greene, Hawkins, and Hancock, East Tennessee, and such other places as he may deem necessary for the purpose of mustering into the service of the United States the National Guard of East Tennessee in those counties, and of distributing 1,000 stand rifled arms, with accouterments and ammunition. Captain Crawford has authority to muster in one mustering officer for each county.

* * * * * * *

By command of Major-General Burnside:

R. H. I. GODDARD,
Captain & A. D. C. & A. A. A. G.

These officers, whose muster rolls I hold in my hand, swear and prove by overwhelming testimony that Capt. R. Clay Crawford appeared, had the companies drawn up, swore every man, entered their names upon the muster rolls, and put them under military orders; and from that time on for months these men were as much in the service of the United States of America as any men who fought under our flag during the war of the rebellion.

These muster rolls show the names of the men killed in battle, wounded, and captured, the marches they made, and the battles they fought.

The War Department has said, in a letter dated June 5, 1890, addressed to Hon. H. F. Finley, then a member of this House, from Kentucky:

It is proper to remark that the records fail to show any authorization to raise these companies was ever given by the War Department; and in the absence of any record of their muster into the United States service, the members thereof are not entitled to discharges therefrom.

He says there is no record of any authorization, but I have already shown that General Burnside had authorized the formation of these companies. It is said, however, that General Burnside had no authority from the War Department. That would be a miserable defense for a great Government to set up as an excuse for refusing to pay the soldiers who rallied to her defense at her call in her hour of danger. But let us see what the record is upon that point. Here is a copy of a letter addressed by President Lincoln to Andrew Johnson, which is contained in the War Records, Series I, Volume XXX, Part III:

PRESIDENT LINCOLN TO GOVERNOR JOHNSON.

EXECUTIVE MANSION,
Washington, September 8, 1863—9.30 a. m.

It must be remembered that Andrew Johnson was appointed by President Lincoln brigadier-general, and military governor of the State of Tennessee. And I wish to stop right here to say that the soldiers of East Tennessee had none of the advantages of the soldiers of Ohio or Indiana or New York or Pennsylvania or the other loyal States. Tennessee had no State organization; we had no governor; we had no adjutant-general. Our regiments were "orphans," so to speak. They were left to take care of themselves. In your States your governor and adjutant-general vigilantly guarded the welfare of your soldiers. In Tennessee, men not only served as soldiers and were killed, wounded, captured, or disabled without ever being mustered, but privates served as lieutenants and captains for months and months before they were commissioned, and sometimes without ever being commissioned at all. Our Tennessee soldiers were not only "orphans," but orphans without a guardian. [Laughter.]

Now listen to this letter:

EXECUTIVE MANSION,
Washington, September 3, 1863—9.30 a. m.

Hon. ANDREW JOHNSON,
Nashville, Tenn.:

Dispatch of yesterday received. I shall try to find the paper you mention and carefully consider it. In the meantime let me urge that you do your utmost to get every man you can, black and white, under arms at the very earliest moment to guard roads, bridges, and trains, allowing all the better-trained soldiers to go forward to Rosecrans. Of course I mean for you to act in cooperation with, and not independently of, the military authorities.

A. LINCOLN.

Mr. PICKLER. I suppose they would not have refused men then even if they had been in the Confederate service?

Mr. GIBSON. Not in those days. The Government was glad to get all the men they could. This letter is dated September 8. Now I will read a letter dated September 11. It will be found also in the War Records, Series I, Volume XXX, Part III. At that time Mr. Lincoln had his eye right on East Tennessee. East Tennessee was dear to his heart. The letter read yesterday by my colleague [Mr. BROWN], of the Chattanooga district of East Tennessee, addressed by President Lincoln to General Buell, shows

how Mr. Lincoln's heart was yearning for the Union men in East Tennessee, who were anxious for the time to come when they could show their devotion to their country by battling under its flag. [Applause.] I will append that letter to my remarks. The letter of Mr. Lincoln to Governor Johnson was dated September 8. On September 11, three days afterwards, General Halleck, then the General-in-Chief of all our armies, wrote the following letter:

WAR DEPARTMENT,
Washington, D. C., September 11, 1863.

Major-General BURNSIDE,
Cumberland Gap:

Cumberland Gap is the northern gateway to East Tennessee.

HALLECK TO BURNSIDE.

WAR DEPARTMENT,
Washington, D. C., September 11, 1863.

Major-General BURNSIDE,
Cumberland Gap:

* * * * * * *

The Secretary of War directs that you raise all the volunteers you can in East Tennessee. Select the officers, and if not commissioned by Governor Johnson, they will be by the President. If you have not arms and equipments at your disposal, telegraph for them.

* * * * * * *

H. W. HALLECK, *General-in-Chief.*

The general field order of General Burnside read a moment ago is dated September 15, four days after this order. It is presumed, at least it is my presumption, that as soon as General Burnside received this dispatch from General Halleck to raise all the volunteers he could in East Tennessee he issued his general field order calling upon the loyal men of East Tennessee to form themselves in military companies to be known as the National Guard of East Tennessee.

And on September 17, two days after the date of his general field order No. 10, General Burnside sends this dispatch to General Halleck:

BURNSIDE TO HALLECK.

KNOXVILLE, TENN.,
September 17, 1863.

Maj. Gen. H. W. HALLECK,
General-in-Chief:

I arrived here on the night of the 12th. * * * I brought with me 5,000 stand of rifled muskets, with equipments and ammunition, which are now being issued to troops that are organizing here. I think we will have no difficulty in organizing from 5,000 to 10,000 troops, and therefore beg that 5,000 stand of Springfield rifles be placed at my disposal in Cincinnati, with equipment and plenty of ammunition. The men in this country are all good marksmen, and are devotedly loyal.

Respectfully,

A. E. BURNSIDE,
Major-General, Commanding.

Right here a comparison of dates is important and suggestive. On September 8, 1863, President Lincoln writes to Military Governor Johnson of Tennessee:

Do your utmost to get every man you can, black and white, under arms at the very earliest moment.

On September 11, three days afterwards, Gen. H. W. Halleck writes to General Burnside, then just entering East Tennessee:

The Secretary of War directs that you raise all the volunteers you can in East Tennessee.

On September 15, four days after this order, and as soon as he could, under the circumstances, no doubt, General Burnside issued General Field Order No. 10, saying:

For the better defense of East Tennessee the loyal citizens are hereby invited and authorized to form themselves into companies, which will be known as the "National Guard" of East Tennessee.

And on September 17, two days thereafter, General Burnside tells General Halleck that he is issuing arms to the troops organizing at Knoxville.

So anxious was President Lincoln to know how General Burnside was prospering in East Tennessee in raising men that on October 17, 1863, he sent this dispatch:

WAR DEPARTMENT,
Washington, D. C., October 17, 1863.

Major-General BURNSIDE, *Knoxville, Tenn.*

I am greatly interested to know how many new troops of all sorts you have raised in Tennessee. Please inform me.

A. LINCOLN.

And on the day of its receipt General Burnside sent this answer:

KNOXVILLE, *October 20, 1863.*

His Excellency ABRAHAM LINCOLN, *President:*

Your dispatch of this date received. We have armed some 2,500 guards, and have recruited nearly 3,000 men for three years' service.

* * * * * * *

A. E. BURNSIDE, *Major-General.*

Now, Mr. Speaker, who can doubt, after reading and comparing these letters, that General Burnside had authority from the War Department, and from President Lincoln himself, to raise these companies of National Guards and make them the promises he did?

THE BRAVERY AND PATRIOTISM OF THE NATIONAL GUARDS.

In those days all that the men of East Tennessee wanted was an opportunity to fight under the flag of their country. Remember, that everything in the shape of a weapon of war had been strained out of East Tennessee by the Confederate authorities, and it was a crime for any man there to have a weapon in his possession. Once fully armed it would have taken 50,000 Confederate troops to have held secure possession of that loyal mountain land. And after getting arms many were the deeds of heroism performed by them; and the published volumes of the War Records show that the National Guards of East Tennessee were often in evidence when the services of loyal and brave soldiers were in demand, and the record they made is one of which we all are justly proud. [Applause.]

It was these men who saved General Burnside's army from starvation in the city of Knoxville when besieged by Longstreet. They provided him with forage; they supplied him with provisions; they kept the roads into Knoxville open; they floated down the Tennessee River rafts loaded with provisions and forage; they swarmed on the flanks of Longstreet's army, capturing stragglers, aiding deserters, and fighting foragers. Indeed, it is safe to say that had it not been for the National Guard of East Tennessee, Burnside would have been starved into surrendering, and no one can confidently tell what the results of that surrender would have been on the issues of the war. And yet to this good day these heroic National Guards have never been recognized as soldiers and have never received one cent of pay for their services and no pensions for their sufferings.

A MEMBER. It is a shame.

Mr. GIBSON. I hope, Mr. Speaker, that before this Congress adjourns it will do justice to these men and will see to it that the faith which the Government pledged to them is made good, and that the promises of General Burnside are in all things ratified and fulfilled. Remember, Mr. Speaker, that these men who served from two to five months never received a dime of pay. The wives and children of those that were killed in battle never received either a pension or any other benefits from the Government. Those that died in prison at Andersonville have received no encomium, no reward, no recognition as soldiers of a Government they died to save; they died, by their country "unwept, unhonored, and unsung." [Applause.] I have here the affidavit of Maj. Charles Inman, the officer to whom four of these companies were directed to report for duty, giving a full account of their services. I will print it as a part of my remarks.

THE HOME GUARDS.

Mr. Speaker, there is another class of men in East Tennessee about whom I wish to say something. Before General Burnside came the mountain men of East Tennessee organized themselves into companies called "Home Guards." The principal companies that were organized in my district were those commanded by Capt. Joshua J. Duncan, Capt. William A. Hembree, Capt. Wayne W. Cotton, and Capt. William Robbins, of Scott County, all gallant and patriotic men. These "Home Guards" were the exact counterparts of those liberty-loving heroes who fought under Marion and Sumter in the war of the Revolution. They were the exact counterparts of the men who fought under John Sevier and Isaac Shelby at the battle of Kings Mountain. They were the same sort of men as those who hung upon the flanks of Lord Cornwallis and Lord Rawdon in the Carolinas in the dark days of the Revolutionary war, and finally drove Cornwallis to the sea, and enabled Washington and Lafayette to coop him up and capture him and his whole army at Yorktown. [Applause.]

You all know what was said by Washington himself when he read the glorious tidings from the Carolinas, that Major Ferguson had been killed and the royal troops under him had been captured at Kings Mountain by John Sevier and Isaac Shelby, both from what is now East Tennessee. They were North Carolinians at that time, because that victory was won before our State was organized. It may not be known to all the gentlemen present that the men who fought at Kings Mountain were the ancestors of my constituents. Col. John Sevier, who commanded one of the East Tennessee regiments at Kings Mountain, was the first governor of Tennessee; and Col. Isaac Shelby, who commanded another East Tennessee regiment in that battle, afterwards removed to Kentucky and became its first governor. He is the same Shelby who commanded a part of the American forces under General Harrison at the battle of the River Thames, where the British army was overthrown and that great Indian chieftain Tecumseh stricken with the blow that made him bite the dust. [Applause.]

These "Home Guards" were of incalculable benefit to the country they protected. They not only kept out the Confederate invaders, but they did more. And at this point I am tempted to cite an incident illustrating their achievements. A Confederate brigade commanded by Col. Crawford Vaughan, composed of infantry and cavalry, was sent by the Confederate general commanding in East Tennessee—and I may say, by way of parenthesis, that it took at least 20,000 Confederate troops for the first two years of the war to garrison East Tennessee and keep down the loyalists in that section of the country. Col. Crawford Vaughan, commanding a brigade of infantry and cavalry, was sent up into the mountains of Anderson and Scott counties to destroy the

home guards and punish the mountaineers for their loyalty; but those home guards bushwhacked him. They filled every mountain top, they filled every rocky crag, they filled every cove, they swarmed in every forest, they were upon every ridge, and they sent their bullets down into Vaughan's brigade from the right and from the left, so thickly and with such unerring aim that at last his men turned and fled panic-stricken and in dismay, declaring that the mountains were filled with Yankee bushwhackers and to stay there was certain death. [Applause.]

SERVICES OF THE HOME GUARDS.

These "Home Guards" piloted the Union refugees northward from the whole Southern country, from northern Georgia, from western North Carolina, from eastern Tennessee, up through the mountains into Kentucky, where they organized into regiments under the flag of the Union. Congress voted a pension a few nights ago to Maj. Gen. Joseph A. Cooper. He was from the county of Campbell, a county which I now represent and in which I formerly lived. He was the best specimen of the ideal American soldier that the war of the rebellion gave a chance to come to the front. He left the plow when a boy and joined our Army in the war with Mexico. He marched as a gallant American soldier from Vera Cruz to the halls of the Montezumas. Coming back home, he went upon his little farm and resumed the avocations of an humble farmer. He was elected to the office of constable of his civil district and served faithfully as became a good citizen.

When the war of the rebellion broke out he again left his plow, gathered together a few of his neighbors, bade his family good-by, and went to Kentucky, walking all the way, until they reached a place where there was a Union flag flying and a Federal officer in command; and there he got authority to go back to Tennessee and organize a regiment. He stole through the mountains in the night, gathered together about 100 men and carried them to Kentucky. He opened the way, and the Union men of East Tennessee poured out, marching in the night-time and hiding in the daytime, in order to reach the rendezvous in the State of Kentucky. And in this way was raised the first regiment of Union soldiers from East Tennessee. This same man, Joseph A. Cooper, without the aid of education, without the aid of wealth, without any influential friends or family connections, without any assistance but the will of a hero, the heart of a patriot, and the soul of a Christian, rose step by step in the Army until as a crowning reward for bravery and skill he was finally mustered out as a brevet major-general in the Army of the United States. [Applause.]

The "Home Guards" kept the roads leading from the South into the Union lines in Kentucky open, and thousands were the Union refugees they enabled to reach those points in Kentucky where they could organize themselves into companies and regiments under the Union flag. Mr. Speaker, there is one thing that I will discuss right here. It is the right of a man to a pension who left the Confederate army and joined the Union Army. I had intended to have spoken of it later on, but will refer to it now. The Confederates had their infantry and cavalry stationed in all of the mountain passes, up and down all of the valleys of East Tennessee, their forces numbering at times about 20,000 men. Gen. Albert Sidney Johnston has been excused for his failure to hold Bowling Green and other points in Kentucky, and for allowing the Federals to flank him, by reason of the fact that it took so many thousand Confederate soldiers to keep the Unionists of East Tennessee overawed, and prevent them from destroying the rebel railroad communications through their country.

THE PERSECUTION OF EAST TENNESSEANS.

Mr. Speaker, these companies of Union refugees that were fleeing through the mountains of East Tennessee to the Union lines in Kentucky to escape conscription into the rebel army were being constantly captured, and were being hung or shot on the spot by their Confederate captors; and if any of you gentlemen ever pass through that country you will see the graves of these patriots by the roadside, a great many of them, many of which are in neat inclosures, painted white, because the people revere the memory of those murdered patriots, men who suffered in their country's cause. [Applause.] And you will inquire what is the meaning of those little inclosures, and will be told that there sleep men who were murdered by the rebels during the war because they loved their country. Plenty of them were hung, hundreds were shot, thousands died in prison pens. In those days every man was enrolled for conscription; if he did not put in his appearance at the county seat on a given day he was considered a deserter; and if captured was hung or shot, or thrown into prison. All the prominent Union men that were over the military age were arrested. You remember that Governor Brownlow was put in the prison at Knoxville. Hundreds of prominent Unionists were imprisoned, and many sent to Tuscaloosa, where they died. When Horace Maynard was elected to Congress the last time, before the war became flagrant, he barely escaped capture; and Col. Thomas A. R. Nelson, who was elected to Congress from upper East Tennessee at the same time, while trying to get out of the country, was captured by the Confederate forces, put into prison, and actually compelled to take the oath of allegiance to the Southern Confederacy in order to save his life. In those days the bullet, the halter, or the prison pen was the fate of every man in East Tennessee who was suspected of being hostile to the Southern Confederacy.

But no amount of persecution, not the hangman's rope, nor the deadly bullet, nor the prison pen, not exposure to the rigors of the weather, not starvation nor disease, not the depressing influences of false reports of Union disasters, not the longing for home, not distressing tidings of wives or dear kinsmen in sickness or want, not all these influences, singly or combined, could shake the fidelity of the Union men of East Tennessee to the flag of their fathers and the Constitution of their country. And I here and now challenge history to produce a sublimer spectacle of unselfish and unfailing patriotism than was exhibited by the Union men of East Tennessee during the dark days of the war of the rebellion. They truly were—

The noblest of that noble race
That since the days of old
Have kept the lamps of loyalty
Alight in hearts of gold.

UNION MEN FORCED INTO THE REBEL ARMY.

It was this class of men, thus forced into the Confederate army by fear of death or the prison pen, who, at the first favorable opportunity, deserted from that army and joined the army that fought under the flag that they loved so dearly and for the cause for which they had struggled so bravely and so long. [Applause.] This is the class of men that the gentleman from South Dakota, the chairman of the Committee on Invalid Pensions, who represents this bill, is anxious to relieve from the odium of having served in the Confederate army by placing them upon the same footing as other Union soldiers, a footing to which they are clearly entitled by every principle of patriotism and every impulse of sympathy and gratitude. [Applause.]

I have no special anxiety to help any class of men who, while voluntarily serving in the Confederate army or while prisoners of war to the United States, when they saw the Confederacy tumbling to pieces, then joined the Union armies. I want to help the men who were forced into the Confederate army—men who had Union hearts, and who left the Confederate army the first chance they had. I have introduced a bill for the benefit of these men, because scores of my constituents in the last twelve months have been dropped from the rolls of the Pension Office because their names appear on the Confederate muster rolls, they having been conscripts. I received two letters this morning about pensioners dropped because the Confederate war records showed that they had been in the Confederate service.

It may not be known, perhaps, to all of you that these Confederate army rolls have been very carefully examined and compared with our pension rolls, and whenever the same name is found on both rolls a special pension examiner makes an inquiry into the matter, and if it turns out that the pensioner was in the Confederate army he is at once dropped from the pension roll. In order to cure that defect I have introduced a bill which, as amended, reads as follows:

That section 4716 of the Revised Statutes of the United States shall not be so construed as to apply to any person or to the widow, children, or heirs of any deceased person, who, having participated in the rebellion, afterwards enlisted in either the Army or Navy of the United States and served therein for four or more months prior to April 9, 1865;—

That was the date of the surrender at Appomattox. The bill then goes on:

And that all pensioners who have been dropped from the rolls because of such participation, and who come within the purview of this act, shall, upon their application, be restored as of the date to which they were last paid.

Now, Mr. Speaker, to get back to the irregular soldiers and to the National and Home Guards, what I want is a provision that those men who joined regiments and were never mustered, those men who were National Guards, and who were Home Guards, shall be entitled to pensions. If they are not to get any pay for their services, at least let us give them the right to a pension. There are very few of them left; most of them are in their graves, and all will soon be. I have drawn and will at the proper time introduce this amendment to the pending bill:

Insert in line 6 of section 17, after the words "United States," the following: "And also to include all persons, and their widows, children, and dependent parents, not regularly enlisted, who, while serving with any military organization in the service of the United States, or with any military organization authorized by a general in the United States Army, or with any military company organized to repel rebel invaders, during the war of the rebellion, received wounds or injuries, or incurred disabilities in the line of duty, or who served three or more months in any of such organizations, or was captured by the rebels while so serving and confined as prisoners of war for three or more months."

PENSIONS FOR THESE SOLDIERS.

I have several constituents who come within this last class, two of whom—Chandler and Gossett—I have already mentioned. A third is William Stephenson Smith, for whose benefit I have

introduced a bill. He joined a Union regiment, and before he was mustered was engaged in battle, was wounded and left on the battlefield by reason of his wounds, and was taken prisoner by the Confederates, and kept in Confederate prisons until the close of the war, a period of nearly two years.

He was confined in nearly all the rebel prisons, from Libby to Andersonville, and yet for all these untold miseries that man to this good day has never received one cent, either as pay or pension, and absolutely no recognition from the Government of his country.

Now, it so happens that when the war ended there was a provision made for some of these men I have been describing, the provision made by the act of March 3, 1873, which is as follows:

Third. Any person not an enlisted soldier in the Army, serving for the time being as a member of the militia of any State under orders of an officer of the United States, or who volunteered for the time being to serve with any regularly organized military or naval force of the United States, or who otherwise volunteered and rendered service in any engagement with rebels or Indians, disabled in consequence of wounds or injury received in the line of duty in such temporary service. But no claim of a State militiaman or nonenlisted person, on account of disability from wounds or injury received in battle with rebels or Indians, while temporarily rendering service, shall be valid unless prosecuted to a successful issue prior to the 4th day of July, 1874.

It will be seen that this act only allowed sixteen months not only to file the claim but to prosecute it to a successful issue. The fact is the passage of that act never was known, until a comparatively recent date, to thousands of men interested in its provisions. Now, I want to ask the House to pass this amendment of mine, which is only that old law slightly broadened, and give these men of the classes I have been describing, who rendered as good service for the time they did serve as any enlisted men in the Army of the United States, that recognition that their services, their patriotism, their fidelity, and their bravery justify at the hands of a great and powerful Government, for whose defense they gave their best energies and their heartiest prayers.

Mr. PICKLER. Will the gentleman allow me to suggest that this is about the sentiment of a bill that the Committee on Invalid Pensions have recommended favorably?

Mr. GIBSON. Pretty nearly.

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Several MEMBERS. Let his time be extended.

The SPEAKER pro tempore. If there be no objection, the gentleman from Tennessee will be given five more minutes.

There was no objection.

Mr. GIBSON. Now, Mr. Speaker, I have various documents, which I have not read in full, which I will print as a part of my remarks. They all bear on the subjects I have been discussing.

Mr. PEARSON. Before the gentleman from Tennessee takes his seat I should like to have him correct one observation which he made. I do not mean to disturb him now. I think the gentleman is not yet finished.

Mr. GIBSON. No; I have not yet quite finished.

PENSIONERS IN EAST TENNESSEE.

Mr. Chairman, in order to show the character of the people that I represent I have prepared a table showing the number of pensioners in the loyal States in 1890, by Congressional districts. I take the year 1890 for the reason that the last report of pensioners by counties made by the Commissioner of Pensions is for that year. I give in one column the number of pensioners in the loyal States, in another column the number of Congressional districts, and in the third column the average number of pensioners per district. I give the number in the First and Second districts of Tennessee. The number of pensioners in my district, which is the Second, is 2,648. The number in the First district, the one above mine, is 2,534; and, Mr. Speaker, the table shows that there are more pensioners in the Second Congressional district of Tennessee than the average in any of the so-called loyal States, except Maine, New Hampshire, Vermont, Ohio, Indiana, and Kansas. The average in the six States I have mentioned is greater than that in my district; but in the other 18 States the average is less than in my district, and generally much less. My county of Knox, with less than 60,000 population by the census of 1890, had more pensioners in it that year than many of the Congressional districts in the so-called loyal States, with about 200,000 inhabitants each.

Mr. PICKLER. Mr. Speaker, do I understand the gentleman to say that there are quite a considerable number in his district who are cut off under the present ruling of the Pension Bureau because they were in the Confederate service, and who will be reinstated under section 1 of this bill? Have you quite a considerable number in your district?

Mr. GIBSON. Oh, yes.

Mr. PEARSON. There are more than 200 in my district, which adjoins that of the gentleman from Tennessee, in the State of North Carolina.

Mr. PICKLER. I hope some of these gentlemen who are so conscientious about this section will take notice of these figures. I understand the gentleman to state that these people are now cut off, under the rulings of the Pension Department.

Mr. GIBSON. They are being dropped or threatened almost every day, because of service in the Confederate army, a service forced on them at the point of the bayonet, or with the threat of a halter, or the prison pen.

Mr. PEARSON. They have been dropped, under this Administration.

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. PEARSON. Before the gentleman takes his seat——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CROWTHER. I ask unanimous consent that the gentleman be allowed to continue until he has completed his remarks.

Mr. PEARSON. I hope there will be no objection, because there is one statement of history that I want the gentleman to correct.

The SPEAKER pro tempore. Unanimous consent is asked that the gentleman be allowed to proceed until he completes his remarks. Is there objection?

There was no objection.

Mr. PEARSON. I simply desire to ask the gentleman from Tennessee if he is not in error in saying that the battle at King's Mountain was fought on the American side entirely by men from other States than from North Carolina?

Mr. GIBSON. There was a regiment from Virginia and a company from South Carolina and several companies from North Carolina, from your side of the mountains.

Mr. PEARSON. And some from your side, or the Tennessee side of the mountains?

Mr. GIBSON. Yes; a majority of the men who fought that battle were from my side of the mountains; and the sword that De Peyster surrendered when he lowered his flag after Ferguson's death is now among the trophies of the State of Tennessee, and on deposit in her capitol.

Mr. PEARSON. As a North Carolinian I could not permit that statement to go unchallenged, because I will say, as a matter of fact, that my own great-grandfather was there, Joseph Williams, of Surry, and if the gentleman will stop on his way home at my house, where I shall be glad to see him, I will show him a piece of porcelain that was captured by North Carolinians from Ferguson, and it is the most valuable property in our family. I hope that in the gentleman's very valuable historical remarks he will not undertake to include an error of that sort, because the Williamses, and the McDowells, and the Gwyns, and the Lenoirs, and the Carsons all took part in that battle, and their descendants are proud and jealous of the fame of those heroes.

UNION SOLDIERS FROM EAST TENNESSEE.

Mr. GIBSON. There were many North Carolinians from your side of the mountains in the battle of Kings Mountain, and all of them patriots and heroes, and the fame they won there will live while the history of our country is remembered. We were all North Carolinians then, and the glory of one is the glory of all.

Now, Mr. Chairman, I want to say there were thousands of Union soldiers from East Tennessee who are credited to Kentucky. They went over and joined Kentucky regiments. Some went farther and joined Ohio regiments, some joined Indiana regiments, and some joined regiments of other States. They refugeed from East Tennessee, but returned after the war was over. That is the reason why the number of pensioners now in East Tennessee seems to be excessive in proportion to the number of troops that East Tennessee furnished according to the records found in the Adjutant-General's Office. It is safe to say that East Tennessee, first and last, put over 40,000 men into the Union Army, and all of them heroes and patriots, men who would rather have died in battle under the flag of the Union than lived in peace under the Confederate banner.

I wish to call the attention of the House to another fact. Union soldiers from the South, and especially those from East Tennessee, when made prisoners of war were treated with far more cruelty by their rebel captors than were the soldiers of the North. Not only were the Union soldiers from East Tennessee while in rebel prisons fed on food no honest man would give a dog, but they were not given half enough of even that sort to keep a dog alive. And what is worse still, if there can be anything worse than starvation and insult combined, many East Tennessee Union soldiers were hung in prison by their rebel captors on the pretense that they were spies, or deserters, or fugitives from conscription, or bridge burners. The sword of Damocles hung over the head of every man from East Tennessee as long as he was in a rebel prison, and so well was this known that every effort was made by an East Tennessee Unionist when captured to conceal the fact that he was an East Tennessean.

Among the 60 Union regiments mentioned in Fox's book on Regimental Losses in the Civil War as sustaining the heaviest

losses by deaths in Confederate prisons, 9, or over one-seventh, were from the South, 4 of the 9 being from Tennessee. I will give Fox's data as to Tennessee:

Regiment.	Died in prison.
Third Tennessee Cavalry	70
Sixth Tennessee Cavalry	78
Seventh Tennessee Cavalry	193
Second Tennessee Infantry	382

LOSSES OF EAST TENNESSEE SOLDIERS.

The Second Tennessee Infantry lost by death in rebel prisons 160 more men than any regiment from any other State, North or South. More than twice as many Tennesseans died in Confederate prisons out of every hundred prisoners than did the soldiers of any Northern State; and an examination of the prison records shows that the percentage of prison deaths was far greater among the Southern Union soldiers than among those from the North.

These statistics only corroborate the well-known fact that the Union soldiers from the South were subjected to special persecution and were made the victims of a malignant vengeance whenever they were so unfortunate as to fall into the hands of the Confederate authorities. Loyalty to the Union was deemed disloyalty to the Confederacy, and what the Southern Union men considered to be patriotism the Confederates branded as treason. Devotion to the Stars and Stripes was punished as desertion of the South; and the patriotic Southern heroes who joined the armies of the United States were stigmatized as "Lincolnites" and "renegades," and hounded with a hate that pursued them to their graves.

Mr. Fox, in his book, also shows that more Tennessee troops died in the Army in proportion to numbers than did the troops from any other State of the Union, more than 25 out of every 100 having given up their lives for the cause of their country.

The fact is beyond successful dispute that no portion of the United States was more loyal to the Union during the war of the rebellion than East Tennessee, and no section of the country suffered so much for its loyalty; and never in the history of wars and revolutions did any people come out of the fiery furnace of trial with brighter garments and more glory than did the loyal men of East Tennessee out of the fierce furnace of persecution that flamed and roared about them from the moment the first gun was fired on Fort Sumter to the moment the last gun was surrendered at Appomattox. Not truer is the needle to the north, not truer the bridegroom to the bride, not truer the Christian to the cross, than were the mountain men of East Tennessee to the flag of their fathers and the cause of their country, and that, too, while the black clouds of a fratricidal war were rolling their thunders and darting their lightnings upon their defenseless heads.

East Tennessee! East Tennessee!
Land of the mountain, rock, and glen,
Of lovely maids and loyal men;
Earth's fairest and most favored spot,
Oh, who that knows thee loves thee not,
Thou Paradise of Liberty?

And right here I want to say a word about many of the men who are marked "deserters" on the rolls of the East Tennessee regiments. Very few of these men were deserters in the popular meaning of that hateful word. Very few of them ever fled from the face of the enemy. Very few of them ever turned their backs upon their flag in the hour of danger or in the day of battle. Very few of them ever lost faith in the cause of the Union or doubted the final triumph of our flag. Very few, if any of them, ever turned traitor and fled to the camps of the Confederacy. Nearly all of these men who are marked "deserters" were allowed by their officers to go home because of disease or wounds incurred in the service, or because their wives were sick or their families in distress, and were unable to return because of their own disability or because they had not the heart to leave a dying wife or a starving family. The dreadful alternative was often presented them of returning to their regiments and deserting their suffering wives and children or staying away from their regiments and taking care of their distressed families; and whatever their crime in the sight of the God of War, I feel sure they will never be condemned by the God of Peace.

POLITICS OF THE SECOND DISTRICT OF TENNESSEE.

Now, not for the purpose of introducing politics in this discussion, but for the purpose of showing the loyalty of the section of country from which I come, I have in my hand the Republican vote and the Democratic vote of the Second district of Tennessee in the race for governor in 1894, by counties (which I will append to my remarks), showing that in the last election the vote in my district for H. Clay Evans, the Republican candidate for governor, was 22,744, while the vote for Peter Turney, the Democratic candidate, was only 7,788 [applause], making a Republican majority of 14,956, and that on a light vote. Really our Republican majority there is about 17,000. But I want to say this about the 7,000 Democrats that are there: A very large proportion of them were good Union men, and a great many of them were in the Union Army; and if it were not for the presence of the 22,000 Republicans most of those 7,000 Democrats would make very good Republicans themselves. [Laughter.] They are only Democrats because they want to be in opposition to somebody, and there are so few real Bourbon Democrats there that we Republicans loan them a few thousand so we may have somebody to fight when an election comes round. [Laughter.] Most of the Democrats in my district would make good Republicans in almost any other State.

Now, in conclusion, Mr. Speaker, I have made these remarks for the purpose of acquainting this House and acquainting the country with the character of the people among whom I live, to the end that when their claims are presented and their merits are considered, something like an adequate measure of justice may be done them, and that their appeals may be heeded, whether it be for pensions or for recognition as soldiers or for pay for the thousands of dollars' worth of their property which was used in feeding and caring for the Union troops during the war; that these claimants and their claims may receive at the hands of a Republican House that consideration which they have so long demanded and which they so justly deserve, but which down to this good day has never yet been fully bestowed. [Applause.]

The papers I have alluded to are the following, which I make a part of my remarks:

LINCOLN AND EAST TENNESSEE.

EXECUTIVE MANSION, *Washington, January 6, 1862.*

MY DEAR SIR: Your dispatch of yesterday has been received, and it disappoints and distresses me. * * * My distress is that our friends in East Tennessee are being hanged and driven to despair, and even now I fear are thinking of taking rebel arms for the sake of personal protection. In this we lose the most valuable stake we have in the South. My dispatch to which yours is an answer was sent with the knowledge of Senator Johnson and Representative Maynard, of East Tennessee, and they will be upon me to know the answer, which I can not safely show them. They would despair; possibly resign to go and save their families somehow or die with them.

I do not intend this to be an order in any sense, but merely, as intimated before, to show you the grounds of my anxiety.

Yours, very truly,

A. LINCOLN.

Brigadier-General BUELL.

BURNSIDE'S FIELD ORDER CALLING OUT THE NATIONAL GUARD OF EAST TENNESSEE.

General Field Orders No. 10. HEADQUARTERS, ARMY OF THE OHIO, *September 15, 1863.*

For the better defense of East Tennessee, the loyal citizens are hereby invited and authorized to form themselves into companies which will be known as the "National Guard" of East Tennessee.

The company organization will be as follows:

One captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 4 sergeants, 8 corporals, 2 musicians, 1 wagoner, and 64 privates minimum, 82 privates maximum.

The companies will select their own officers, and as soon as the organization is complete, either the captain or some other responsible officer will report at these headquarters with a roll of the company, when arms, ammunition, and necessary equipments will be issued.

The companies will be mustered into the service of the United States when called out by competent authority and will receive pay and allowances given other troops of the same arm in the volunteer service.

So soon as the term for which their services are actually required expires, they will be ordered to their homes, retaining, however, their arms and equipments.

The organization of the companies of the "National Guard" of East Tennessee into regiments, and the appointment of field officers will be made at the proper time from these headquarters.

The loyal citizens of East Tennessee are called upon to be active in forming themselves into companies in order that they may be armed with the least possible delay.

The Government places arms at their disposal to be used in defense of their homes, and it is to be hoped that they will come forward with promptness and do their part toward securing their several counties from invasion.

By command of Major-General Burnside.

LEWIS RICHMOND,
Assistant Adjutant-General.

ARMS ISSUED TO THE NATIONAL GUARDS.

Following also are copies of record entries of letters relating to the force sent from the headquarters of the Army of the Ohio and district of East Tennessee:

HEADQUARTERS, ARMY OF THE OHIO,
Knoxville, Tenn., September 17, 1863.

COLONEL: The commanding general authorizes you to issue all arms that you may deem proper to "Home Guards" on your being satisfied of their loyalty.

You can issue them from the arms issued at the Gap.

Inclosed is the general order creating a National Guard. You will please report when any companies are organized under its provisions.

You will probably remain in permanent command at the Gap.

I am, Colonel, very respectfully,

LEWIS RICHMOND,
Assistant Adjutant-General.

Col. W. C. LEMERT,
Commanding at Cumberland Gap.

CAPTAIN WALKER'S BLOUNT COUNTY COMPANY ARMED.

Special Field Orders No. 24. HEADQUARTERS, ARMY OF THE OHIO, *September 17, 1863.*

* * * * * * *

12. The following issues of ordnance stores by Mr. C. E. Mallam, in charge of ordnance train, upon the verbal instructions of the commanding general are hereby approved.

* * * * * * *

September 16.—To Capt. E. Walker [National Guards, Blount County], 100 rifled muskets with accouterments and 100 rounds of ammunition per gun.

By command of Major-General Burnside:

R. H. I. GODDARD,
Capt. and A. D. C. and A. A. A. G.

This Blount County company of National Guards was armed the day after Field Order No. 10 was issued, and this by the verbal orders of General Burnside.

CAPTAIN TIPTON'S SEVIER COUNTY COMPANY CALLED OUT.

Special Field Orders No. 27. } HEADQUARTERS, ARMY OF THE OHIO, *Knoxville, Tenn., September 22, 1863.*

6. Capt. B. F. Tipton's Company of the National Guard of East Tennessee, Sevier County, Tenn., is hereby called into the service of the United States for ten days from this date for the purpose of guarding the ordnance stores at Sevierville. They will provide their own subsistence, which will be commuted for at the Government valuation of rations.

By command of Major-General Burnside.

R. H. I. GODDARD,
Captain and A. D. C. and A. A. A. G.

This order shows that their subsistence was to be commuted for, which has never been done.

CAPTAIN M'CONNELL'S BLOUNT COUNTY COMPANY ARMED.

Special Field Orders No. 28. } HEADQUARTERS, ARMY OF THE OHIO, *September 23, 1863.*

* * * * * * *

3. Lieutenant Williams, post ordnance officer, Knoxville, Tenn., will issue to Capt. Newton McConnell, of Blount County, for the use of the National Guard of East Tennessee, 100 stand rifled arms and accouterments complete, with 100 rounds ammunition per musket.

* * * * * * *

By command of Major-General Burnside.

R. H. I. GODDARD,
Captain and A. D. C. and A. A. A. G.

CAPT. DANIEL CARTER'S JEFFERSON COUNTY COMPANY RECOGNIZED.

The "Letters Received" book kept at the headquarters of the Army of the Ohio contains the following entry of a letter received, the original of which has not been found on file:

OCTOBER 15, 1863.

CARTER, DANIEL, *Captain.* JEFFERSON, TENN., *October 10, 1863.*

Transmits issue of election of officers in company of "Home Guards." Gives names of officers elected and names of members of the company.

This official entry shows a literal compliance with Field Order No. 10 on the part of Captain Carter in transmitting the muster roll of his company to headquarters.

Special Field Order No. 49. } HEADQUARTERS, ARMY OF THE OHIO, *October 15, 1863.*

3. Capt. Daniel Carter, commanding Company A, National Guard of East Tennessee, Jefferson County, is hereby authorized to swear into the service of the United States such men as may be recruited for his company.

* * * * * * *

By command of Major-General Burnside.

EDWARD M. NEILL,
Major and Assistant Adjutant-General.

The Special Field Order No. 29, dated September 25, 1863, directing Capt. R. C. Crawford to muster into the service of the United States the National Guards, and the oath administered, will be found in the body of the speech.

CAPTAIN TIPTON'S SEVIER COUNTY COMPANY AGAIN RECOGNIZED.

Special Field Orders No. 50. } HEADQUARTERS, ARMY OF THE OHIO, *October 16, 1863.*

* * * * * * *

9. Capt. W. H. Harris, chief of ordnance, Department of Ohio, will issue to Captain Tipton, of the National Guard of East Tennessee, in Blount County, one hundred and thirty (130) rounds of ammunition each.

* * * * * * *

By command of Major-General Burnside.

EDWARD M. NEILL,
Major and Assistant Adjutant-General.

On September 22, 1863, this company was called out for ten days. See order above.

THE NATIONAL GUARDS OF COCKE AND SEVIER COUNTIES CALLED OUT.

Special Field Orders No. 88. } HEADQUARTERS, ARMY OF THE OHIO, *November 25, 1863.*

* * * * * * *

4. The National Guard of Cocke County are hereby called into active service for thirty days.

They will report to Major Randolph.

5. The National Guard of Sevier County are hereby called into active service for thirty days.

They will report to Major Inman, at Sevierville.

* * * * * * *

By command of Major-General Burnside.

EDWARD M. NEILL,
Assistant Adjutant-General.

CAPTAIN CARTER'S JEFFERSON COUNTY COMPANY FURTHER ARMED.

Special Field Orders No. 74. } HEADQUARTERS, ARMY OF THE OHIO, *November 9, 1863.*

11. Lieutenant Williams, post ordnance officer, will issue to Capt. Daniel Carter, for the further equipment of Company A, of the National Guard of East Tennessee, Jefferson County, thirty (30) muskets and accouterments, with fifty (50) rounds of ammunition per musket. The Quartermaster's Department will furnish transportation for the above by railroad to Newmarket.

* * * * * * *

By command of Major-General Burnside,

EDWARD M. NEILL,
Assistant Adjutant-General.

THE SCOTT, MORGAN, AND CAMPBELL COUNTY COMPANIES CALLED OUT.

Special Field Orders No. 90. } HEADQUARTERS, ARMY OF THE OHIO, *November 27, 1863.*

1. The National Guard of Scott, Morgan, and campbell Counties are hereby called into active service for thirty (30) days, and will report to Captain Reynolds, at Kingston, Tenn.

* * * * * * *

By command of Major-General Burnside.

EDWARD M. NEILL,
Assistant Adjutant-General.

Three of the companies of National Guards of Scott, Morgan, and Campbell counties are alleged to have been paid for three months. The companies admit payment for two months. These three companies are also under the pension laws and are the three companies excepted in the body of the speech.

CAPTAIN KELLEY'S SEVIER COUNTY COMPANY RECOGNIZED.

Special Field Orders No. 96. } HEADQUARTERS, ARMY OF THE OHIO, *December 4, 1863.*

* * * * * * *

5. Lieut. R. Williams, post ordnance officer, will turn over to Capt. Daniel Kelley, National Guard, 75 stand arms and accouterments, with 40 rounds of ammunition per gun.

* * * * * * *

This order to cover issues of October 16, 1863, and 31, respectively.

* * * * * * *

By command of Major-General Burnside.

EDWARD M. NEILL,
Assistant Adjutant-General.

FOUR COMPANIES OF NATIONAL GUARDS ORDERED TO BE PAID.

Special Field Orders No. 102. } HEADQUARTERS, ARMY OF THE OHIO, *December 19, 1863.*

* * * * * * *

8. Major McDowell, chief paymaster, will designate a paymaster to proceed to Clinton, East Tennessee, to pay off the four companies, National Guard who were called into service for sixty days by orders from these headquarters. The officer to be in Clinton on the 14th inst.

* * * * * * *

By command Major-General Burnside.

EDWARD M. NEILL,
Assistant Adjutant-General.

The three companies from Scott, Morgan, and Campbell, commanded respectively, by Capts. Dennis Trammell, Wimer Croley, and Joseph Newport, were paid under this order. Which was the fourth company ordered to be paid does not appear; and the order calling out these four companies seems to be missing.

CAPTAIN RANDAL'S SEVIER COUNTY COMPANY ORDERED OUT FOR SIXTY DAYS.

Special Field Orders No. 114. Extract. } HEADQUARTERS, DEPARTMENT OF OHIO, *December 22, 1863.*

* * * * * * *

12. Capt. S. W. Randal commanding company of "Home Guards" stationed about Sevierville, being ordered out by General Burnside for thirty days, is hereby ordered to remain in the service for service for thirty days from the expiration of that time.

* * * * * * *

By command of Major-General Foster.

Major and A. D. C.

CAPT. GIDEON S. WHITE'S KNOX COUNTY COMPANY RECOGNIZED.

HEADQUARTERS, DISTRICT OF EAST TENNESSEE AND FOURTH DIVISION TWENTY-THIRD ARMY CORPS, *Knoxville, Tenn., January 30, 1865.*

LIEUTENANT: In accordance with Special Orders No. 202, series of 1864, from Department of the Ohio, you will please issue to Gideon S. White, captain of Home Guards in Knox County, third civil district, the following ammunition for the use of his company: 320 rounds Spencer rifle ammunition, 400 rounds Burnside carbine ammunition, 240 rounds Gallagher carbine ammunition, 240 rounds Colt's revolving rifle ammunition, 320 rounds Austrian rifle ammunition, 800 rounds Enfield rifle ammunition.

Very respectfully, your obedient servant,

DAVIS TILLSON,
Brig. Gen., U. S. Vols., Commanding District and Division.

Lieut. ED. G. FECHET,
Depot Ordnance Officer.

HEADQUARTERS, DISTRICT OF EAST TENNESSEE AND FOURTH DIVISION, TWENTY-THIRD ARMY CORPS, *Knoxville, Tenn., February 19, 1865.*

COLONEL: The general commanding directs that you order two commissioned officers and 50 enlisted men from detachment of Second Ohio Volunteer Heavy Artillery, now at Strawberry Plains, provided with 60 rounds of ammunition and three days' rations per man, to proceed to Blain's Cross-Roads, so as to be at that place by 3 o'clock p. m. on Saturday, February 16, to cooperate with Capt. G. S. White, of the Home Guards, in an expedition after bushwhackers.

Most respectfully, your obedient servant,

W. W. DEANE, *Capt. and A. A. G.*

Col. C. G. GIBSON,
Commanding Second Brigade, Fourth Division, Twenty-third Army Corps.

HEADQUARTERS, DISTRICT OF EAST TENNESSEE, *Knoxville, Tenn., April 11, 1865.*

LIEUTENANT: In compliance with Special Orders No. 202, Department of the Ohio, series of 1864, you are directed to issue to Capt. G. S. White, commanding Home Guards, Knox County, Tenn., the following ammunition: 280 Spencer rifle cartridges; 600 Burnside carbine cartridges; 240 Colt's revolving rifle cartridges; 1,500 Enfield rifle cartridges, caliber .58; 1,500 cartridges, caliber 54; 160 Ballard carbine cartridges.

By command of Major-General Stoneman:

N. A. REED, JR.,
Lieut., A. D. C., and A. A. A. G.

Lieut. E. G. FECHET,
Commanding Ordnance Depot, Knoxville, Tenn.

THE GUARDS RECOGNIZED IN JULY, 1864.

Special Orders No. 202. } HEADQUARTERS, DEPARTMENT OF THE OHIO, *Knoxville, Tenn., July 23, 1864.*

2. The ordnance department, Knoxville, Tenn., will issue ammunition to Home Guards in the district of East Tennessee upon the approval or request of Brig. Gen. J. Ammen, commanding Fourth Division, Twenty-third Army Corps.

* * * * * * *

By command of Major-General Schofield:

R. MORROW,
Assistant Adjutant-General.

This order says "Home" Guards; but on comparison of the various orders above given it will be seen that the National Guards are sometimes designated "Home Guards." It will be noted that this order recognizes the guards as still subject to orders ten months after they were first called out.

ARMY REGULATIONS APPLICABLE TO THE NATIONAL GUARDS.

Revised United States Army Regulations, 1863, page 482, section 1672, read as follows:

If, as has sometimes happened, militia, at the end of a term of service, shall, from the want of a mustering officer, disperse or return home without being regularly mustered out, and if, with a view to payment, a muster shall afterwards be ordered by competent authority, the officer sent for the purpose shall carefully verify all the facts affecting pay, by the oath of one or more of the officers belonging to such militia, in order that full justice may be done.

This was the military law when the National Guards were mustered and when disbanded, and it admirably provides for just such emergencies as exist in the case of these guards. The Guards were never formally disbanded, but remained subject to orders until the war ended.

THE NATIONAL GUARDS IN THE WAR RECORDS.

There are many references to the National Guards in the published volumes of the War Records, sometimes miscalling them home guards. These records show that whenever the Confederates appeared in the neighborhood of Knoxville they were sure to be confronted by companies of the National Guards. Whenever forage was to be had, roads to be guarded, trains to be escorted, scouting to be done, bushwhackers and guerrillas to be dispersed, spies to be intercepted, stragglers to be picked up, and reconnoitering to be done, the National Guards of East Tennessee were always called on and always ready, and always did the work to the satisfaction of their superiors and with credit to themselves.

The following affidavits from the muster-out rolls of two companies of the National Guards, forwarded to the War Department by their respective captains, are given as samples of the services rendered by these Guards:

CAPTAIN RANDLES'S COMPANY.

STATE OF TENNESSEE, *County of Sevier, ss:*

On this the 27th day of March, 1878, came Samuel W. Randles, who, being duly sworn according to law, in relation to the military organization, service, and history of this company of East Tennessee National Home Guards, United States Volunteers, deposes and says, that he is a citizen of Sevier County, Tenn., address Trundles Crossroads, Tenn., and the identical Samuel W. Randles who organized, raised, and commanded a company of East Tennessee National Home Guards, United States Volunteers, during the late war; that he raised said company under General Order No. 10, dated "headquarters Army of the Ohio, Knoxville, Tenn., September 15, 1863," as issued by Maj. Gen. A. E. Burnside, commanding, and in obedience to orders from the honorable Secretary of War, Washington, D. C.; that affiant, as captain, together with the officers, noncommissioned officers, and privates whose names appear on this roll, were organized at Trundles Crossroads, Sevier County, Tenn., on the 1st day of October, 1863, and regularly mustered into the United States service at Trundles Crossroads, Sevier County, Tenn., on the 29th day of November, 1863, by R. Clay Crawford, then lieutenant-colonel of the First Tennessee Regiment of Light Artillery, at which time a rough or memorandum roll was furnished said mustering officer, who then instructed affiant to make out a complete muster roll of said company, in regular official form, and bring the same to him at Knoxville, Tenn., in order that he might file it with the War Department, and which orders or instructions affiant carried out by making a complete and formal muster roll of said company and taking and delivering the same to said Crawford at Knoxville, Tenn., within a period of two or three days from date of muster of said troops at Trundles Crossroads, Tenn., November 29, 1863.

Affiant further states that after he and this company of which he was captain was mustered into the United States service at Trundles Crossroads, as above stated, on the 28th of November, 1863, affiant was ordered by Charles Inman, deputy provost-marshal, office at Sevierville, Tenn., to take his company and act as guard in taking a lot of United States Government hogs to Knoxville, Tenn., and which orders were duly respected and obeyed, and a portion of his company acted as guard in taking another lot at another time to Knoxville, Tenn. Affiant further states that during the term of their service his company acted as guard to United States foraging wagons and parties sent out into the country for forage for use of the main army stationed at Knoxville, Tenn.; that his company protected the forage in the counties of Sevier and Blount from destruction by the rebels until the Federal forces of Burnside's army at Knoxville, Tenn., could gather up the same, etc.; that they were sent on the scout in order to protect the various forage wagon trains, etc., from danger, and they were ordered to report regularly by General Burnside and said Inman, which they did; that their service was of the most important character to the protection of the country lying on the east and southeast of Knoxville, Tenn., where the main army was stationed, for they protected the forage thereof, which was the richest portion of country around Knoxville and the main dependence of the army at that place during that time; that during the time of the service of said company they captured about 200 rebel prisoners and turned them over to General Burnside at Knoxville, Tenn.; that at one time they captured 22 or 23 rebels in one company, near Waylands Mill, Sevier County, Tenn., and turned the same over at Knoxville. This was about the latter part of December, 1863. Affiant states that it was his company while on said service and duty that captured one E. A. Dodd, the Texas ranger and rebel spy, who was tried by military court-martial, found guilty, and hung at Knoxville, Tenn., and in regard to this roll he states that John Cunningham was found unable to do service and was sent home; * * * that John Jones was captured about 4 miles east of Knoxville, Tenn., by the rebels, and died in Andersonville prison, Georgia, 1864; that James W. Shelly left and went to Third Tennessee Cavalry; that George Wade was old, and went home and did no service; that George Stoner was sent home about 1st of December, 1863, on account that he could not hear well. * * * Affiant states that he received 75 United States muskets from General Burnside, together with ammunition which they drew at the date of enrollment of this company for use of same; that affiant came up from Knoxville to Trundles Crossroads with said arms or muskets and ammunition, and which was hauled by Captain Pike, accompanied by about 80 or 90 United States soldiers sent by General Burnside, who superintended the loading of the wagons with same at Knoxville, Tenn. Regular monthly pay as allowed to United States soldiers at that time was promised them, as also commutation for clothing and subsistence, they having furnished their own clothing and rations while in said service; that their muster was such as will authorize this company to receive their monthly pay, commutation for clothing and rations due for period of service rendered, to wit, from 1st day of October, 1863, date of enrollment, to 19th day of February, 1864, date of last service rendered; that the men's names appearing on this roll are stated correctly; that all dates and remarks relative to this company's history and service performed by said company are stated as accurately as is possible to do at this time, all of which is personally well known to General Burnside and staff, who were perfectly familiar with all the facts relating to the calling out, organizing, mustering, and equipping said troops for the reason they were called into the service of the United States by the honorable Secretary of War by orders given to General Burnside direct and by him to affiant; that no pay or other allowance has ever been received for the service in question or any part thereof, but pay is still due to each of the officers, noncommissioned officers, and privates borne on this roll.

SAMUEL W. RANDLES,
Late Captain East Tennessee National Home Guards, United States Volunteers.

Sworn to and subscribed before me this 27th day of March, 1878, by Capt. Samuel W. Randles, late captain East Tennessee National Guards, and he fully understood the above. I am not interested.

[SEAL.] WILLIAM FOWLER,
County Court Clerk.

INDORSEMENTS ON CAPTAIN RANDLES'S MUSTER-OUT ROLL.

STATE OF TENNESSEE, *County of Sevier, ss:*

On this the 2d day of April, 1878, came Adam Creswell, and states on oath that he is the identical Adam Creswell who served as first lieutenant in Capt. Samuel W. Randle's company of East Tennessee National Guard, war of rebellion, and that this roll contains a correct and true list of said company, and that the history, service, and facts set forth in Capt. Samuel W. Randle's affidavit on the other side of this roll is correct in its statements, or as near so as can be made at this time.

ADAM CRESWELL,
First Lieutenant.

Sworn to and subscribed before me this the 2d day of April, 1878, by Adam Creswell, who understands the contents of this roll. I am not interested.

WILLIAM FOWLER,
County Court Clerk.

General Field Orders No. 25. } HEADQUARTERS, ARMY OF THE OHIO, *Knoxville, Tenn., November 4, 1863.*

The members of the National Guard of East Tennessee are authorized to arrest any soldiers they may find straggling about the country without proper papers, and also such citizens as are known to have been guilty of acts of oppression and cruelty to Union men, and generally any suspicious characters who may not be able to give a satisfactory account of themselves.

Such prisoners will be handed over without delay to the nearest provost-marshal or military commander, together with a full statement of the circumstances under which they were arrested. Charges, substantiated by full affidavits, must in all cases accompany the delivery of prisoners.

By command of Major-General Burnside.

LEWIS RICHMOND, *A. A. G.*

Official.

Assistant Adjutant-General.

BOWMANS FERRY, KNOX COUNTY, TENN., *November 20, 1863.*

Capt. S. W. RANDLES, OR WHOEVER IS IN COMMAND OF NATIONAL GUARDS:

You are hereby commanded to bring all your effective men and report at once to me at this place, together with all their arms and equipments. Mount your men as much as possible.

G. W. DOUGHTY,
Captain Commanding Seventeenth Tennessee Cavalry.

P. S.—I am ordered by the post commander to take command of all this section of country, and of course you are all under my command.

KNOXVILLE, *November 26, 1863.*

SIR: I want you to meet me with your company this side of this place. I will have a wagon of arms on the road. I want you to send one of your men to Captain Kelley and tell him to come with his men to Sevierville as quick as he can.

Yours, in haste,

CHARLES INMAN,
Deputy Provost-Marshal.

Capt. S. RANDLES.

CAPTAIN TIPTON'S COMPANY.

STATE OF TENNESSEE, *County of Sevier, ss:*

On this the 3d day of April, 1878, came Capt. Benjamin F. Tipton, who being duly sworn according to law in relation to the military organization, service, and history of this company of East Tennessee National Guards, United States Volunteers, deposes and says that he is a citizen of Sevierville, Sevier County, Tenn., address, Sevierville, Tenn., and the identical B. F. Tipton who organized, raised, and commanded a company of East Tennessee National Home Guards, United States Volunteers, during the late war of rebellion; that he raised said company under order No. 10, dated "Headquarters Army

of the Ohio, Knoxville, Tenn., September 15, 1863," as issued by Maj. Gen. A. E. Burnside, commanding, and in obedience to orders from the honorable Secretary of War, Washington, D. C.; that affiant, as captain, together with the officers, noncommissioned officers, and privates whose names appear in this roll were organized at Sevierville, Sevier County, Tenn., on the 20th day of September, 1863, and regularly mustered into the service of the United States at Sevierville, Sevier County, Tenn., on the 20th day of October, 1863, by Col. R. C. Crawford, lieutenant-colonel commanding the First Tennessee Light Artillery. Affiant states that he with this his company were ordered to protect the country east of Knoxville, Tenn., from the invasions of the rebels, mostly the county of Sevier, upon which the main Army, stationed at Knoxville, Tenn., was to a great extent dependent for forage and supplies. Affiant states that by virtue of special field orders No. 27, dated "Headquarters Army of the Ohio, in the field, September 22, 1863," this affiant and his company were ordered on active duty in Sevier County, Tenn., to aid in protecting the country from the invasions of the rebel forces, to guard the forage in the county of Sevier, and aid in getting the same to the main Army at Knoxville, Tenn., and in the performance of which the company was exposed to great danger of falling into the hands of the rebel army that moved around Knoxville, Tenn. Again on the 4th day of November, 1863, General Field Orders No. 25, issued ordering the East Tennessee National Guards to arrest any soldiers found straggling about the country without proper papers, and also rebel citizens known to have been guilty of oppression and cruelty toward Union men, or any suspicious characters who were unable to give a satisfactory account of themselves and turn the same over to the nearest provost-marshal. These orders were signed by Lewis Richmond, assistant adjutant-general, and by command of Major-General Burnside. During the term of service of this company about 200 prisoners were turned over to custody of General Burnside at Knoxville, Tenn. Again, on the 27th of November, 1863, affiant and his said company were ordered to remain on duty, which they did until about the 21st day of February, 1864. Said company was sent on a trip into Gruner Cove, in the Smoky Mountains, near North Carolina line, on a scouting expedition. Was then sent with Fifteenth Pennsylvania and Second Tennessee Mounted Infantry on a scout up French Broad River into Jefferson County, Tenn., and returned to Flat Creek, in Sevier County, Tenn., and reported headquarters, Knoxville, Tenn.; then was sent back to Shady Grove, near Dandridge, Tenn., to guard roads until two of Burnside's regiments came up. Here Colonel Palmer, colonel Fifteenth Pennsylvania Regiment, relieved affiant and his said company and sent us back to Sevierville, Tenn., to aid in guarding provost-marshal, etc., where affiant and this company remained until 8th December, 1863, when they were attacked by Thomas's North Carolina Rebel Legion and repulsed with the loss of Jonathan Mize and John Parrott killed, and James D. Serratt and Andrew Ward captured and who died in rebel prison; and on or about 28th January, 1864, they fell back to Maryville, Tenn., as Longstreet advanced, and at which place they drew one or two days' rations from General Willick. They were then sent to Louisville and Kingston, Tenn., on a scout, and returned to Sevierville about the 21st of February, 1864. * * * Regular pay as allowed United States soldiers at that time was promised them, as also was commutation for rations and clothing, they having furnished their own rations and clothing. That such muster should be recognized as will authorize this company to receive their monthly pay, commutation for clothing, and rations due for period of service rendered, to wit: From the 20th day of September, 1863, date of enrollment, to 21st of February, 1864, date of expiration of service. This company was furnished with United States muskets and ammunition by Gen. A. E. Burnside about the 20th of September, 1863, and the same was sent to Sevierville, Tenn., by General Burnside's wagons, accompanied by a guard of about 80 men, with which to equip themselves. Affiant states that the men's names on this roll are stated correctly and all dates and remarks relative to the service and history of this company are stated as correctly and accurately as is possible to do at this time. All of which General Burnside and staff were perfectly familiar with, being known to the organizing, equipping, and muster of said troops—Burnside having received orders from Secretary of War direct, and by him to affiant. Pay is still due each man borne on this roll except those charged with absence and desertion. They never received any pay.

B. F. TIPTON, *Captain of this Company.*

Sworn to and subscribed before me this April 3, 1878, by Capt. B. F. Tipton.
[SEAL.] WILLIAM FOWLER, *Clerk.*

STATE OF TENNESSEE, *County of Sevier, ss:*

I, John S. Roberts, do state on oath that this roll containing the names of the members of Capt. B. F. Tipton's company of East Tennessee National Guards is correct and true and the affidavit of Capt. B. F. Tipton, on the opposite side of this roll, sets forth the facts and history of this said company as accurately as can be made at this time. I also state that I was first lieutenant in this said company of East Tennessee National Guards, and am acquainted with the contents of this roll and the statements thereon and know them to be true.

JOHN S. ROBERTS.

Sworn to and subscribed before me this the 3d day of April, 1878, by John S. Roberts, who understood the entire contents of this roll before signing the above.
[SEAL.] WILLIAM FOWLER, *Clerk.*

The companies of National Guards commanded by Capts. Daniel Kelley, Nathaniel M. Baker, and Jacob Tyson, of Sevier County; Newton McConnell, Elijah Walker, Hamilton Tipton, and William Bingham, of Blount County; Gideon S. White, of Knox County; William Shelby, of Union County; Daniel Carter, of Jefferson County, and Russell Jenkins and Jefferson Denton, of Cocke County, rendered like valuable, brave, and patriotic services.

AFFIDAVIT OF MAJ. CHARLES INMAN.

STATE OF TENNESSEE, *County of Sevier:*

On this 24th day of January, 1896, personally appeared before me, a clerk of the county court in and for the county aforesaid, Charles Inman, aged 86 years, whose post-office address is Fair Garden, Sevier County, Tenn., deposeth and says as follows: I was major of the Second Regiment of Tennessee Volunteer Cavalry, and was appointed provost-marshal by Gen. A. E. Burnside on or about the 15th day of September, 1863, and was ordered to Sevierville, county of Sevier, and State of Tennessee, by Gen. A. E. Burnside, to do duty there, and served five months there as provost-marshal, and the National Guards of Sevier County, Tenn., reported to me for duty. The companies that reported to me were commanded by Capt. B. F. Tipton, Capt. Daniel Kelley, Capt. Samuel W. Randles, Capt. Nathaniel M. Baker, all of Sevier County, Tenn., and did service in guarding Government arms and ammunition at Sevierville, and did duty as scouts, and had many skirmishes and battles with the rebels, and captured many prisoners, but I do not remember the exact number of skirmishes or battles or number of prisoners the National Guards captured. The prisoners captured were sent to Knoxville, Tenn., and turned over to General Carter. In a battle they had with the rebels at Gatlinburg, Sevier County, Tenn., they killed and wounded several rebels in that engagement, I do not remember the exact number, and in an engagement the guards had with the rebels near Fair Garden, Sevier County, Tenn., they killed some rebels in that engagement; do not remember the exact number, and there was six of the National Guards killed by the rebels, and there was a part of B. F. Tipton's company and a majority of Capt. Daniel Kelley's company captured at Sevierville, Tenn., and paroled by Colonel Thomas, of North Carolina, who commanded a rebel regiment of Indians, on or about January, 1864. I do not remember the exact number captured of the National Guard. These National Guards were recognized by the following United States officers, to wit: Gen. A. E. Burnside, General Carter, Colonel Palmer, of the Fifteenth Regiment Pennsylvania Cavalry, and Colonel Crawford. By A. E. Burnside in issuing orders to me to be executed by these guards, and General Carter issuing orders to me to have the guards to execute, and by Colonel Palmer by having the guards to assist him in scouting the country. It was always my understanding that these guards were sworn into the United States service by Col. R. Clay Crawford. I was not present when they were sworn into service. It was done at Sevierville, except Samuel W. Randles's company was sworn in at Trundles Cross Roads, Sevier County, Tenn., and I recognized and treated the National Guards as United States soldiers. I do not remember the whole number of prisoners captured by the guards. They captured several prisoners. They were recognized by the United States officers by ordering them on duty. I, with these National Guards, went with Colonel Palmer and his regiment to Cosby Creek, Cocke County, Tenn., and captured General Vance and 106 men and 30 horses, and recaptured 18 United States wagons and 1 ambulance. This was in the winter of 1864, as well as I recollect. I will here give as many of the officers' names as I remember: Capt. B. F. Tipton; First Lieut. J. S. Roberts; Second Lieut. John Lewelling; Levis C. Roberts, first sergeant, and Capt. Nathaniel M. Baker; Carrol Shrader, first lieutenant, and Joseph McAndrews, first sergeant; Capt. Samuel W. Randles; John Rose, lieutenant; Capt. Daniel Kelly. These are all of the officers I now remember. The lapse of time and my feeble condition and old age has greatly impaired my recollection.

his
CHARLES x INMAN.
mark

Attest:
P. P. SEATON.
ELI H. ROBERTS.

Personally appeared before me, John Chandler, clerk of the county court of aforesaid county and State, Charles Inman, who, being duly sworn, says the foregoing is true and correct, and he has no interest in said claim. This January 24, 1896.

JOHN CHANDLER, *County Clerk.*

CAPT. JOSHUA J. DUNCAN'S COMPANY OF HOME GUARDS.

THE STATE OF TENNESSEE, *Campbell County, ss:*

Personally came before me, the undersigned authority, a notary public within and for said county, Joshua J. Duncan, who is personally known to me, and who, after being duly sworn, deposed and says as follows, viz:

At the beginning of the late civil war I was a citizen of East Tennessee; resided in Scott County, on the border between Tennessee and Kentucky, it being a mountainous section of country and principally composed of citizens who were loyal to the Government of the United States.

At the outbreak of the war, or early in 1861, a number of the men made their way over into Kentucky and volunteered in the Federal Army with the hope and understanding that the soldiers would soon return to the South and their families and property receive protection.

But very soon the country was being invaded and overrun with squads and companies of Confederates and guerrillas, taking from the citizens all the firearms, ammunition, etc., they could find, and arresting loyal men and requiring them to take the oath of allegiance to the Southern Confederacy or remain prisoners.

And it being the section of country through which the Union men in Tennessee from south of the Cumberland Mountains had to pass when forced by the Confederates to leave their homes and families and make their way over the mountains to the Federal Army, it was becoming very perilous for them.

In consequence of all which, on or about the 10th day of October, 1861, I, as captain, recruited or raised a company of Federal or Union Home Guards. Said company at one time consisted of over 100 men. In said number several were over and some under military age, and each and all acting under oath, in substance, to support the Constitution of United States of America and protect and defend the Union, and also the persons and property of loyal citizens. The company furnished its own arms and ammunition, except occasionally when the opportunity afforded it, we would get small amounts of ammunition from the Federal Army in Kentucky. We also furnished our own rations, etc., so far as possible, but very often, and not infrequently, being dependent upon the hospitalities of the loyal people among whom our lot was cast.

At the time I organized said home guard company the country was, as well as by Confederate soldiers, being also invaded by a company of Confederate guerrillas, then known as the Gibson Company, most of whom were East Tennesseans and well acquainted with the entire country along the border. This company, together with squads of Confederates, was invading the country very often by night, as well as by day, taking loyal men prisoners, shooting some of them, and carrying away their property, and hunting down and capturing all the men they could who were making their way over the mountains to the Federal Army.

A short time after the organization of my said company, these invaders came over the mountains and hurriedly and as secretly as possible went to Thomas Chambers's, a very old but wealthy citizen, having a large family of negroes and other property, and were preparing to take and carry away all his property. Being surprised and attacked by the home guard, after a heated and sharp skirmish fight they were repulsed and compelled to retreat, leaving all of their spoils and some of their arms, etc., which were captured by the home guards, the home guard also recapturing and releasing six or eight prisoners they had taken, and the invaders forced to retreat from the community, their forces then outnumbering ours perhaps 5 to 1.

I continued in active service with my small force, guarding the approaches, very often being divided into small squads or detachments, and giving aid and protection to loyal citizens, and giving aid and assistance to loyal men making their way over the mountains from the Confederacy to the Federal Army, and blockading roads at the different approaches to prevent the advance of Confederate cavalry or speedy advance of the Confederate forces, and also to prevent stock from being driven out and supplies taken from the country by the rebels and their guerrillas.

In the early spring of 1862, as now remembered, Colonel Vaughan (Confederate), with as many as one regiment of infantry and perhaps from 300 to 500 cavalry, advanced over the mountains, taking every loyal man prisoner they could catch; shooting and wounding some; taking all the property they could find; taking and destroying their supplies, etc., and after advancing to Captain Robbins's residence, on Brimstone Creek, about 6 miles southwest from

Huntsville, Tenn, the infantry encamping on Captain Robbins's premises, the cavalry raiding the country as far as Huntsville, cutting down the flag (the Stars and Stripes) reared over the court-house by the home guard, and then hurriedly fell back to camps. In the meantime the infantry was burning and destroying the fencing, barns, and other effects of Captain Robbins and others in the immediate vicinity, and taking all the available property, including household goods, etc.

On receiving a dispatch I at once marched with as many of my company as were then available and not absent on other duty, and after marching a distance of about 15 miles and in the meantime being reenforced by Captain Cotton, with perhaps about 40 men, our entire force not exceeding 100 men, at the dawn of day the next morning we attacked and surprised the rebel pickets and skirmishers, and after a very heated engagement and skirmish fight forced them to retreat and drove them in, capturing one gun and some of their blankets and other camp equipage. Then taking advantage of the grounds, so as to evade the enemy's cavalry, we advanced within shooting range of the main force, and while engaged in a very heated, perilous, and dangerous battle the enemy, by a flank movement, unobserved by me or any of our force, surrounded us, or nearly so, by a large force, and I was compelled to order a retreat; and we fought and fell back out of their lines with a loss of two killed, two severely wounded, and two taken prisoners. As soon as the engagement ceased the rebels started on a retreat back south of the mountains.

In the early part of the summer of 1862, as now remembered, Col. William Clift established headquarters at Huntsville, Tenn., for the purpose of recruiting and organizing the Seventh Regiment East Tennessee Volunteers, and with arms, ammunition, rations, etc., by the Government. This being inside the Confederacy, placed Colonel Clift, his recruits, and Government property in great peril. I, with the home guards, gave every assistance possible, and kept out guards when deemed necessary on the enemy's approaches, and, when deemed necessary, by request of Colonel Clift, would go into camp with my men who were not on other duty, and remain subject to his instructions in case of an attack by the enemy, and in the meantime assisted in erecting some defenses known as "Fort Clift." In the latter part of summer or early part of the fall of 1862, Colonel Clift was surprised by a large force of rebels and forced to retreat back inside the Federal lines, and about the time the Federal armies in Kentucky, having fell back nearer the Ohio River, and Kentucky being invaded by the Confederates, placed me, with my home guards, in a dangerous and perilous condition.

In the latter part of 1862 and winter of 1863 the country along the border of Tennessee and Kentucky was invaded and overrun with rebel soldiers and rebel guerrillas, taking and carrying away the property of the home guards and other loyal citizens, taking, using, or destroying all of their available supplies, and not unfrequently burning their dwellings and barns, etc. During said time the home guards did all in their power to protect themselves, and the loyal citizens, having become so overrun by large forces, had become almost powerless, but frequently having engagements and skirmishes with the enemy, where the odds would be more than 10 to 1, and in some instances perhaps 50 to 1, and in which some of my men were killed. In the early part of 1863 Maj. James S. Duncan, Lieut. Col. R. A. Davis, Capt. B. T. Staples, and a small squad of Union men, while coming from the Federal Army in Kentucky over into Tennessee on business, met a large force of Confederate cavalry near Pine Knot, Ky., and in a fight with them Major Duncan was killed, Colonel Davis severely and painfully wounded and losing his horse and arms. Captain Staples was taken prisoner and afterwards, while a prisoner, killed. Some of the detachment escaped. I was coming on a short distance in the rear, and found Colonel Davis wounded. I dismounted, placed him on my horse, and on foot myself and acquainted with the country, I assisted and conveyed him through a wilderness portion of country, a distance of about 30 miles, to a place of safety and where he could be treated and cared for. On our way, crossing the road near the point where he had been wounded and Major Duncan killed, and at times during our travel, would approach near enough to the rebels to hear the report of their small firearms.

The country having become so invaded by large forces of rebels, and the home guard so powerless, and having no assistance, and many of them had been killed, some wounded, and some discouraged and tired of the exposure, fatigue, and dangers, etc., had enlisted in the Federal Army on or about the 1st day of April, 1863. I thought best to temporarily disband the company and cease to do active service; which I did until General Burnside advanced with his army into East Tennessee, in August, 1863; but we retained our arms and gave every distance possible in any emergency. * * *

In 1862, about December 25, about 2,500 or 3,000 Confederates, composed of both infantry and cavalry, and commanded by Colonel Palmer, McKenzie, and others, encamped on my premises and around my residence; remained two days and nights, and took, consumed, and destroyed almost all my property and effects, burned the fencing around my premises, drove off my milch cows, young stock, cattle, a pair of young oxen; consumed and destroyed a large amount of hay and other forage, several hundred bushels of corn; destroyed my entire stock of honey bees, fowls, farming tools, and implements, all provisions and family supplies of every kind and description, and including household goods, or most of them, and also kitchen utensils and implements, etc., leaving my wife and three small children without subsistence, and to seek support and protection as best they could, in consequence of which my wife and children had to abandon their home. They telling my wife (who is now dead), so she stated to me, that they had come expressly to take and destroy my property and effects, because I was a Union man and was captain of a company of Union or Federal home guards. Soon after this they taken and carried off the only horse I owned.

I further state that I now have no incomes from any source whatever, and am dependent upon my own labor and exertions for a living; that I am 62 years of age and physically disable, from a complication of bodily disabilities, to do and perform hard or fatiguing manual labor; said disabilities believed to be in whole or in part the results of fatigue, hardships, and exposure during said service and the late civil war.

JOSHUA J. DUNCAN.

Subscribed and sworn to before me at office in Elk Valley, Tenn., this the 2d day of December, A. D. 1895.
[SEAL.] LEWIS BAIRD, *Notary Public.*

THE STATE OF TENNESSEE, *Campbell County, ss:*

Personally appeared before me, the undersigned authority, a notary public within and for said county, Drewry Smith, aged 80 years; William Cooper, aged 66; A. J. Cross, aged 59 years; Andrew Thompson, aged 57 years; N. P. Cross, aged 57 years; J. G. Robinson, aged 66 years; W. H. Cross, aged 57 years; F. H. Standley, aged 58 years; Ewell Phillips, aged 56 years, whose post-office address is Bowl, Tenn., all who are personally known to me to be credible persons, and who, after being duly sworn, deposed and say as follows, viz:

We was personally acquainted with Joshua J. Duncan before and at the commencement of the late civil war, and have been ever since. We further say, each for ourselves, that we were members of said Duncan's Home Guard Company and served under him as captain during said entire service.

We further say that we carefully read and heard read the foregoing affidavit and statements of said Joshua J. Duncan, and each say for ourselves, respectively, that to the best of our knowledge, recollections, and belief all of the material facts set forth and statements made in said foregoing affidavit of said Joshua J. Duncan is substantially true and correct, and any statements made therein to which we may not have severally been eyewitnesses to, we have every reason to believe to be correct.

We further say that we each make this our affidavit Exhibit A to said foregoing affidavit and statements of said Joshua J. Duncan.

DREWRY SMITH.
J. G. ROBINSON.
W. H. CROSS.
WILLIAM (his x mark) COOPER.
N. P. CROSS.
F. H. STANDLEY.
EWEEL PHILLIPS.
ANDREW (his x mark) THOMPSON.
A. J. CROSS.

Subscribed and sworn to before me at office in Elk Valley, Tenn., this the 2d day of December, 1895.
[SEAL.] LEWIS BAIRD, *Notary Public.*

CAPT. WILLIAM A. HEMBREE'S COMPANY OF HOME GUARDS.

About the 1st of August, 1861, a company or band of rebel guerrillas was organized in Scott County, Tenn., near the head of New River, by a man named Gibson. This company was composed of men from Scott, Anderson, and Campbell counties and numbered about 100 men.

A very large majority of the people of Scott County were Union men, and many of them had at the date above mentioned joined the Union Army. When Gibson's band of marauders was organized, not only were the citizens of the mountains along the waters of New River exposed to dangers which they were powerless to resist, but the direct route taken by soldiers going from Anderson, Campbell, Knox, and other counties south of Scott led through these mountain passes, and the prime object of this band seemed to be to guard these passes and thus prevent Union men from passing through to join the Union Army in Kentucky. This section of the State was so sparsely settled and so remote from the centers of population that aid from other counties was not to be thought of, wherefore it became imperative that loyal citizens do something for the protection of themselves and the families of those who had joined the Union Army.

In accordance with the above state of affairs Capt. William A. Hembree, on or about the 1st day of October, 1861, organized a company which was known as the "Scott County Home Guards." Captain Hembree's company was composed of about 60 men. * *

Some of the skirmishes and battles in which Captain Hembree's company were engaged are as follows:

1. A skirmish on Beech Fork of New River, about December 25, 1861.

2. A battle on Smoky Creek, on the 12th day of February, 1862. In this engagement Capt. William A. Hembree and Thomas Duncan, jr., were severely wounded, and 4 of our number were captured.

3. A raid in Anderson County, about July 15, 1862, in which we captured 7 men.

4. A battle on the head of New River, about August, 1862. In this engagement the enemy lost several in killed, wounded, and captured.

5. A battle on Poplar Creek, about October 1, 1862. At this place we rescued one of our men who had been previously captured by the rebels. Nine of the enemy were killed and several wounded.

6. A battle on the head of New River. In this battle we had 1 man killed and 2 wounded. This was about December, 1862.

7. A battle on Bowling Mountain, about March 1, 1863. Our side had 2 men killed in this engagement.

8. About March 15, 1863, we had a skirmish near the mouth of Smoky Creek, in which the enemy were repulsed and driven back.

9. About July 12, 1863, we had an engagement in which we suffered as follows: Riley Overton killed, Wiley S. Rich wounded, and 1 man captured.

10. A battle near Lees Ferry, in Anderson County, in which we were repulsed. In this battle John Brown was wounded.

11. About October 10, 1863, we made a raid in Anderson County.

In addition to the above raids, skirmishes, and battles, some of our number were continually escorting Union men through the mountains to Kentucky, where they could join Union regiments. Our knowledge of all the mountain passes made us capable of rendering valuable service in this way, and indeed there was much of the time when it would have been next to impossible for a Union man to cross the mountains without a guide who was thoroughly familiar with all the country.

W. A. HEMBREE, *Captain.*
D. JEFFERS, *First Lieutenant.*
WM. (his x mark) LOW.

STATE OF TENNESSEE, *Scott County:*

Personally appeared before me, the undersigned authority, William A. Hembree, D. Jeffers, Wm. Low, sr., and being duly sworn make oath and say that the foregoing statements in regard to Capt. William A. Hembree's Scott County Home Guards are true to the best of their recollection, information, and belief.

W. A. HEMBREE, *Captain.*
D. JEFFERS, *First Lieutenant.*
WM. (his x mark) LOW.

Sworn to and subscribed before me this 20th day of February, 1896.
[SEAL.] H. REED, *Clerk County Court.*

The companies of Home Guards commanded by Capts. Wayne W. Cotton and William Robbins rendered similar services and have a like record of heroic and patriotic deeds.

NUMBER OF PENSIONERS IN 1890 IN THE LOYAL STATES, PER CONGRESSIONAL DISTRICT.

State.	Pensioners.	Congressional districts.	Average per district.
Maine	15,924	4	3,981
New Hampshire	7,035	2	3,517
Vermont	7,541	2	3,770
Massachusetts	21,897	13	1,684
Connecticut	6,807	4	1,702
Rhode Island	2,296	2	1,149
New York	50,205	34	1,476
Pennsylvania	49,578	30	1,653
New Jersey	9,894	8	1,237
Maryland	5,159	6	859
Delaware	1,107	1	1,107
Ohio	57,087	21	2,718
Indiana	47,798	13	3,677

NUMBER OF PENSIONERS IN 1890 IN THE LOYAL STATES, ETC.—continued.

State.	Pensioners.	Congressional districts.	Average per district.
Illinois	39,943	22	1,816
Michigan	26,853	12	2,238
Wisconsin	16,788	10	1,679
Iowa	23,189	11	2,108
Minnesota	9,259	7	1,322
Missouri	23,749	15	1,583
Nebraska	9,531	6	1,589
Kansas	22,321	7	3,189
California	6,542	7	933
Oregon	1,893	2	946
Kentucky	15,909	11	1,446
Tennessee			*2,534 †2,648

*First district. †Second district.

VOTE OF THE SECOND CONGRESSIONAL DISTRICT OF TENNESSEE FOR GOVERNOR IN 1894.

County.	Evans, Republican.	Turney, Democrat.
Anderson	1,592	563
Blount	2,322	643
Campbell	1,803	346
Jefferson	2,328	740
Knox	4,597	3,274
Loudon	1,254	390
Morgan	792	249
Roane	2,320	616
Scott	1,336	131
Sevier	2,911	372
Union	1,579	464
Total	22,744	7,788

Republican majority, 14,956.

Pensions.

REMARKS
OF
HON. ROBERT J. GAMBLE,
OF SOUTH DAKOTA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 25, 1896,

On the bill (H. R. 8271) relating to pensions.

Mr. GAMBLE said:

Mr. SPEAKER: It is not my purpose to detain the House at any length in the discussion of the pending bill. My sense of justice, however, compels me to add a few words in justification of the measure, and especially of the fourth section of the bill. I have the honor in part to represent a large constituency of the veterans of the late war. As far as in me lies their sacrifices during that trying crisis of our history shall have just and honorable recognition. It is this motive that impels me, and a resolution early made after my election to this House to aid in whatever way I could in the enactment of a law to prevent what has appeared to me a wanton and violent assault upon the pension rolls of the Government by the present Administration.

Very early in the present session, in order to resist this general onslaught upon the deserving pensioners, I introduced the following bill, which I will insert as a part of my remarks:

A bill to prevent the reduction or discontinuance of pensions without first giving notice to the pensioner of such intended reduction or discontinuance, and allowing testimony to be submitted in defense thereof, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act no pension heretofore granted or which may hereafter be granted under the pension laws of the United States shall be reduced or discontinued except upon the ground of fraud; and no pension shall be discontinued upon said ground or for any other reason until the person receiving said pension shall have been first duly notified in writing by the Commissioner of Pensions of the grounds upon which such reduction or discontinuance is proposed to be made, giving the substance of the testimony or of the records upon which such proposed action is based, and the said notice shall also contain the names and post-office address of any and all witnesses whose testimony has been submitted, or is proposed to be considered, looking to the impeachment of such pension claim, and the said pensioner shall have the right to submit testimony to rebut the same or in defense of such proposed reduction or discontinuance for ninety days after the service upon him of the notice hereinbefore provided, for, and no final action shall be taken by the Commissioner of Pensions or adjudication had upon such proposed reduction or discontinuance until after the expiration of the time aforesaid.

As its provisions have been substantially incorporated as the fourth section in the pending measure, I will limit my observations largely to that part of the bill. I regret that partisanship should manifest itself so strongly in this discussion. To me the provisions referred to seem wise and just, and acrimonious debate is foreign to its fair consideration. Partisanship in popular government is essential in leading forward the best ideals in citizenship. The primal motive of the partisan, however, should be that of the patriot, and the best interests of the whole country, rather than the narrow prejudices of political ascendency. Although we may differ in methods, we should all be imbued with the same patriotic endeavor.

To my mind, in the just and equitable consideration of pension legislation partisanship should have no place. The sacrifices these men made, the perils and hardships they endured, were for no party or section, but in the largest and fullest sense were for the country in its entirety. A grateful people should thus recognize their sense of gratitude by a common and united expression without division or partisan bias. Our nation has always recognized its high appreciation of the services of its soldiers who risked their lives to preserve the integrity of the Union. I believe a grateful people desire to manifest their gratitude by extending to the maimed and stricken, as a result of the perils and hardships of war, just and adequate pensions.

It is idle for the Democratic party to claim credit for the enactment of any of the wise and beneficent provisions of the pension laws now in force. They were all placed upon our statute books by the Republican party, and as a rule opposed by a large percentage of the Democratic organization. A careful history of that legislation was recited on this floor during this discussion by the gentleman from Pennsylvania [Mr. MAHON]. It shows that all the pension laws passed since 1878 met the opposition of the Democratic party. In the record of fourteen different votes in Congress upon these different measures there was a total of 417 Democrats in favor of the bills and 648 against. The record of the Republican party, however, stands in strange contrast to that presented by the opposition. The total votes cast by them were 1,066, all in favor of the legislation and none against it. Had the veterans of the war depended upon the Democratic party for relief in the way of pension legislation they would, I fear, have remained in anxious and hopeless waiting.

A like record, only more intensified, comes from the executive department in its hostility to pensioners. From Lincoln to Harrison only five pension vetoes were sent to Congress by Republican Presidents. On the other hand, the present occupant of the White House has made the unenviable record during his incumbency of 542. His petty malevolence has not alone been manifested toward the veterans of the war in vetoing bills for their relief which had passed the scrutiny of Congress, but in one of his messages he made the slanderous charge against the "fraudulent pensioners in thousands of neighborhoods." Has such an assertion been justified by the facts? The report of the Attorney-General for 1895 shows the total criminal prosecutions in the United States courts for that year were 12,495. Of that great number, the total convictions under the pension laws were 229. It must be remembered, however, that of those convicted only 39 were from the list of the veterans of the war.

It seems to me it is a remarkable showing as a result from the terrific onslaught that has been so persistently made by the Pension Bureau for the past three years upon the pensioners of the Government. It demonstrates what Republicans have uniformly asserted, that the pension list was an honorable one, and in very few cases has the Government been imposed upon. The pensioners themselves do not object to fair and just investigation. If fraud exists, let it be detected and exposed. But an unwarranted slander should not be cast against the entire list of the honorable and deserving, aggregating now over 970,000. Let those who are on the rolls be treated with consideration and justice.

During the past year the Board of Review of that office has reexamined over 100,000 pension claims already adjudicated and arbitrarily dropped therefrom 4,149 pensioners as not entitled to recognition by the Government. In the same time over 20,000 cases were reduced from the amount already allowed. After such a wholesale and indefensible raid upon the pension list, it seems to me the number of convictions in the courts is a just and sufficient answer to the general charge of fraud that without any reason has been so often repeated by those who oppose this class of legislation.

To my mind, the conduct of the Pension Bureau under the present Administration demands the severest condemnation. Where a pension has been granted, after a full and fair hearing, it should have the force and solemnity of the judgment of a court. It should not rest upon the caprice of an individual or a set of individuals to change, revoke, or alter the findings after it has once been adjudicated. The pensioner has a right to rest in security after the Bureau has concluded its judgment, the same as in a court of law. If the finding is to be vacated and set aside let the like procedure apply as in a court of justice. Section 4 of the bill seeks to correct the practice now in vogue.

Its purpose is to abolish any star-chamber investigation that shuns all known rules of enlightened jurisprudence and is fit only to be ranked with the mediæval past. It is a well-recognized principle of law that a judgment is not vacated except upon the ground of fraud, and that within a reasonable time after its rendition. I know of no reason why the same rule should not pertain upon the subject of an adjudicated pension. Testimony is submitted by the claimant in compliance with the rules adopted by the Bureau. An investigation is made and a finding entered that should have all the force and effect of a judgment of a court. If this is to be set aside let the same rules of procedure apply as near as may be upon a like hearing in a court. If the rights of the pensioner are to be invaded, and his claim to the bounty of the Government assailed, let the charges be openly made and the names of the persons thus making them be given.

If a judgment is attacked, the particular fraud must be alleged with clearness and certainty, and the court limits its inquiry alone to the charges thus made. The burden of proof rests upon the party assailing the judgment. All legal presumptions favor its validity. But with the practice now in vogue in the Pension Bureau it would seem this rule of law is reversed, and all presumptions are indulged in adverse to sustaining the original finding. Recognized principles of pleading in all courts are discarded and charges of fraud are made without any specification, and their authorship is withheld from the pensioner. He is called upon to sustain his claim against a general charge, ignorant of the specifications or the promoter of the attack. The pensioner is practically powerless to protect himself under such procedure. About 20,000 pensions under this practice have been canceled during the present Administration. Is it not time that just rules of procedure should be applied and the pensioner protected in his rights?

The pension should not be considered a gratuity. It should be and is a vested right. The soldiers largely entered the service with the law of 1862 in force, and he had a right to rely that its provisions would be faithfully administered by the Government toward himself as well as to those dependent upon him. When he faced the dangers in defense of his country, he had a right to assume, if, perchance, he fell in battle, that the Government would care for his loved and helpless ones at home. If a pensioner is receiving a pension to which he is not justly entitled, it is eminently proper that the same should be investigated. No one insists that such a person be retained upon the rolls. The objection, however, is as to the manner in which such investigation is conducted and the presumptions indulged in as to the rights of the pensioner. Let recognized rules of pleading as well as evidence prevail, and no complaint will be made.

It is not my purpose to inveigh against the present Commissioner of Pensions, or to indulge in harsh criticisms of him. Personally he has treated me with consideration, and I believe him to be a man of the highest integrity. But it is the system of injustice and unfair treatment of the pensioners that has been developed and systematically carried out by the present Administration against which I protest. After a pension has been granted upon a fair hearing, the beneficiary should have the assurance that the matter is at rest, and that it is not open to attack without due notice and upon a fair and open hearing.

Section 4 provides a new and wholesome rule. The anonymous person who seeks to attack the claimant must come out into the light. He no longer can do an injustice under cover and have his name withheld. The examination shall no longer be secretly conducted without an opportunity of a fair and open hearing, and upon due notice and the right to appear by counsel. The right to be confronted by the witnesses by whose testimony the pension is to be impeached is also conferred. The charge must be made specific and duly served upon the party in interest thirty days before the hearing and the names of the witnesses given. It occurs to me such a regulation is eminently fair and just, not only to the individual but to the Government. The nation does not want an injustice done to any of its citizens, and especially to the veterans of the late war. Individual officials may be anxious to make a record for their own promotion, and many too often exhibit too great zeal for their personal advancement rather than to do exact justice between the Government and the individual.

The Republican party has always sought fair treatment for the soldiers of the war. It has never been its boast that it has been niggardly and parsimonious in meeting the engagements of the Government in their behalf. They have left that claim and what credit it can secure from it to the present Administration. The genius from Georgia who presides over that Department may assert, if he chooses, that it has saved $25,000,000 by the suspension and reduction of pensions during his imperial reign. The country will judge of its justness and patriotism.

Under our policy, aside from the mere fact of good faith and exact justice, it occurs to me there is a necessity for fair and honorable treatment of the veterans of the war. Considering our population, geographical extent, and physical resources, our standing Army as well as our Navy, in comparison with other Governments, are limited indeed. If necessity required we must, as we always have, depend upon the volunteer soldier. Our loyal citizenship has never failed us in the past and its patriotism can be relied upon in our greatest needs. Our pension laws should not be so administered that our people would lose faith in the integrity and justness of the Government or its appreciation of the sacrifices of its citizen soldiery.

When the black cloud of secession gathered upon the Southern horizon in 1861, a soldiery most brave and heroic sprang to the nation's defense. Liberty and Union had grown priceless by their possession, and were not to be sacrificed, even though life itself must be offered upon the altar of country. When to sustain our institutions and a nation in its entirety meant grim-visaged war, and that it would require millions of human lives and billions of treasure to be chanced in the struggle, the sacrifice was unhesitatingly made. The true citizenship of the North knew nothing but country and the whole country, and their patriotism was as exhaustless as the necessities of the nation. No braver, truer, or more loyal and capable soldiers ever fought for higher principles or sacrificed themselves for a government devoted to nobler aims than the armies of the Union. Their valor and heroism were worthy the ancestry of the patriots of the Revolution. For a nation saved, a Union restored, a Constitution broadened and strengthened, a flag true to its inscription, we owe to the common soldier our unspeakable gratitude. We vie with each other in our admiration of the great leaders and chieftains of that memorable struggle, and it is well that we should. They filled their exalted stations with conspicuous ability and added new luster to their country's glory, but the splendid soldiery developed from the volunteer made their success possible and the ultimate triumph of the Northern army.

The judgment of this generation surely is a justification of the great leaders who took up the cause of the Union and the splendid citizenship that enlisted under them in defense of the Government.

The integrity of free institutions the world over was at stake. The security of the best government devised by man was assailed. The war, though localized, was a struggle for humanity, for an ideal freedom that was to be a beacon light to the governments of mankind. It was a struggle for the larger and the ideal citizenship and that under the law all men were equal. It was to preserve and make secure liberty's greatest stronghold, so that the blessings of a free government might be enjoyed not only by its own children but be an incentive to higher endeavors to struggling humanity in whatever land freedom had hope. That the North was right in the controversy is demonstrated by the results as well as by reason.

Patriotism in the North meant love of country in its broadest sense, and was not restricted to the narrow limits of geographical subdivisions. It encompassed the nation instead of a particular State. It developed a larger citizenship, overlapped State boundaries, and dignified our nationality. It gave liberty to all and broke the shackles of human slavery. Our flag thereafter truly symbolized what we had before proclaimed, universal freedom.

Great as was our Government then and wonderful as has been our development and expansion since, it is difficult to fully realize what a calamity to the whole country would have been the defeat of the North and the triumph of the Confederacy. It would have meant two governments, jealous of each other, in constant apprehension of active hostilities, standing armies of great number, with all the added weight of taxation for their support; the great natural waterways of commerce cut off and practical intercommunication denied us; a great family and race divided, our energies stifled, our manifest destiny eclipsed, and the hope of a great people buried.

The war has taught a higher degree of patriotism and devotion to country. The great characters developed by it have been, and always will be, wonderful forces in impressing themselves upon the character of the young and upon our national life. The influence for good and to higher patriotism and patriotic endeavor of a Lincoln and the great military chieftains can never be told. The great army that returned and again mingled in the peaceful avenues of life and told and are telling the story by the quiet firesides of the land have surely developed a greater love of country than ever before.

Self-sacrifice to one's country in itself begets patriotism not only in the individual, but in the community where it is made manifest. The stricken and maimed veterans to-day are living evidences of that struggle, and each should be, and is, a teacher of high patriotic endeavor. Material power gives greater pride in country, as well as larger influence amongst the nations of the world. A united country, with all its forces energized to their fullest capacity, develops stronger national spirit and will make more forceful our influence as a nation and as a people in impressing ourselves as a force in the world's civilization. With a divided country these great possibilities would have been stifled and great problems of government have been left unsolved.

Every power of the Government since the war closed has been strengthened and quickened. In national strength, since 1860, even excluding the cost of the war, it has increased in wealth exceeding 300 per cent, and in population exceeding 100 per cent. The conscience of the people has been more enlightened. At no time in our history has religion been so free or its influence so extended. Philanthropy has sought the most extensive fields for its generosity and munificence. Civic virtue is on a higher plane to-day than ever before. Education is more generally diffused and nowhere has its progress been so apparent in the last decade than in certain localities of the South. Although devastated by war, the South has been the highest gainer, as the result of the struggle, in all that goes to make a strong, free, and intelligent people.

There is no class of citizens to which the Government owes so great a debt of gratitude as to the soldiers of the late war. The veterans of that great Army that still remain are entitled to and deserve the consideration and regard of every citizen of the Republic. It was their valor and sacrifice that preserved and made permanent the nation. No true citizen can review those eventful years of our history without having his patriotism revived and his love of country strengthened.

We must and should do justice to the soldier and to those dependent upon him. Generous pension laws are already upon our statute books in their behalf. It is as to the interpretation and construction of these laws that complaint is made. A grateful people, as well as the Congress that enacted them, intended they should be liberally and fairly construed in the interest of the veteran. The purpose of the pending measure is to emphasize and make clear that intention. It is to clear the path for the honest and deserving, so they may be able to secure what the Government originally intended. It is to protect the pensioner under just rules of construction as well as procedure in their rights, after the claim has once been fairly and honestly adjudicated. It is to set at rest the apprehension, justly developed under the recent administration of this Bureau, that practically without warning the pensioner is stricken from the rolls without the right of adequate protection or defense.

I believe the sentiment of the country justifies, as well as demands, the legislation, and especially the provisions embodied in the fourth section of the bill, and I heartily give it my support.

Bankruptcy.

SPEECH

OF

HON. JOHN K. HENDRICK,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Friday, May 1, 1896,

On the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

Mr. HENDRICK said:

Mr. SPEAKER: I regret exceedingly that I am compelled, from a sense of duty, to vote against a bill which has been reported by a committee, the Judiciary, of such high standing in this House; but the duty which I owe to my constituents and the people at large impels me not only to withhold my support, but to oppose it strenuously and do all I can, in an humble way, to prevent its passage.

We may, I think, rely implicitly on the judgment of the people touching any public question when they have had a reasonable and fair opportunity to thoroughly try and test that question. I am a great believer in the wisdom of the people whenever they have time to investigate and consider dispassionately any question pertaining to the welfare of the country. If we test the bill now being considered by this rule, we certainly can not grow enthusiastic in its support unless we have forgotten our democracy and ceased to believe in or care for the right of the people to rule.

When it comes to governmental affairs, there are no higher or diviner rights than the rights of the people, and the man who accepts position at their hands and then ceases for one moment to be vigilant in their behalf is unworthy to represent them. Remembering these wholesome democratic truths, let us see what the people have said of bankrupt laws after having tried them time and again. It will not be denied that Congress has power, under the Constitution, to establish a uniform system of bankruptcy throughout the United States. This power has been exercised several times. On the 4th day of April, 1800, a bankrupt law was passed by Congress, which was repealed in December, 1803, having remained in force only three years and eight months. Thirty-seven years later, and after the people had forgotten the deleterious effects of the first act, another was passed August 19, 1841, but in 1843, within two years after its passage, its pernicious tendencies having been demonstrated, it was promptly repealed. The people having again, as we may justly suppose, forgotten their sad experience with the former laws, the third and last act was passed in 1867, and remained in force longer than either of its predecessors; but in 1878, eleven years after its passage and after the people had had ample time to ascertain its virtues, if it had any, it was also repealed. Are we to ignore all of this experience? If so, by what light shall our legislative steps be guided? Experience is a great school.

What would be thought of a farmer in the North who had attempted time and again to raise tropical fruits and plants, failing each time because of uncongeniality of soil and clime, if he should, despite his experience, continue annually to plant his hopeless crop? He would be regarded as a crank; and yet we are ignoring experience equally as patent, and claiming that we are engaged in wise legislation.

If the Republican party should propose the passage of another force bill civilized Christendom would laugh the attempt to scorn. The leaders of such a move would be looked upon as madmen. Why? Because the people, after much experience with such nefarious legislation, have condemned it in most positive and unqualified terms. Their condemnation of force bills, however, has not been more pronounced than their triple condemnation, if I may so designate it, of the bankrupt laws. If the people can not rely on their oft-expressed wishes to protect them from oppressive laws, what can secure or protect them from the whims and caprices of their Representatives?

There has been a great deal said during the progress of this debate about "the debtor class" and "the creditor class." That is all right. I have no desire, if I know myself, to wrong any class of my fellow-citizens. I am anxious to do my whole duty toward every class and every condition which may be affected by my acts; but if I am placed in a condition where I am compelled to select between two classes, I am dead certain to cast my influence on the side that needs my help. If it is true that we have two distinct classes in our land, known as the debtor and creditor classes, and I am compelled to choose between them, I do not hesitate to say that I am on the side of the debtor, because the very term shows that he is more likely to need my aid than the other. Strike out the involuntary features of this bill and I will support it as a measure to relieve debtors, provided corporations are excluded; but I can not vote for a law that permits a harsh, relentless, and sometimes cruel creditor to force his unfortunate debtor, against his will—involuntarily is the word—into bankruptcy. The Shylocks are not all dead; neither are the Antonios.

I desire to ask gentlemen who contemplate voting for this measure to consider the different causes under this bill which permit the creditor to pursue this relentless and pitiless course toward those who owe him. These acts of bankruptcy by a person shall consist of his having (1) concealed himself, departed or remained away from his place of business, residence, or domicile with intent to avoid the service of civil process and to defeat his creditors, and shall not have returned at least forty-eight hours before the filing of a petition in bankruptcy, and before the rights of creditors shall have been impaired, altered, or interfered with; (2) failed for thirty days and until a petition is filed while insolvent to secure the release of any property levied upon under process of law for $500 or over, or if such property is to be sold within such time under such process then until three days before the time fixed for such sale; (3) made a transfer of any of his property with intent to defeat his creditors and has not regained the ownership and possession of such property before the rights of creditors have been altered, impaired, or changed by reason of such transfer and at least ten days before the commencement of a proceeding in bankruptcy; (4) made an assignment for the benefit of his creditors or filed in court a written statement admitting his inability to pay his debts; (5) made, while insolvent, a transfer of any of his property or suffered any of it to be taken or levied upon by process of law or otherwise for the purpose of giving a preference, and has not regained the ownership of such property or released same from such levy before the rights of creditors shall have been altered, changed, or impaired by reason of such transfer, taking, or levy and at least ten days before the commencement of a proceeding in bankruptcy; (6) procured or suffered a judgment to be entered against himself with intent to defeat his creditors, and suffered same to remain unpaid until ten days before the filing of a petition in bankruptcy, provided that a payment or satisfaction of such a judgment by a sale of any of the debtor's property or from the proceeds of such a sale shall not be deemed a payment of such judgment under the provisions of this section; (7) secreted any of his property to avoid its being levied upon under legal process against himself and to defeat his creditors, and has not surrendered such property to such legal process at least ten days before the filing of a petition in bankruptcy; (8) suffered while insolvent an execution for $500 or over, or a number of executions aggregating such amount, against himself to be returned no property found, unless the amount shown to be due by such executions shall be paid before a petition is filed; or (9) suspended and not resumed for thirty days and until a petition is filed, while insolvent, the payment of his commercial paper for or aggregating $500 or over.

We have but recently passed through one of the most universal panics that ever blighted a country and paralyzed its business industries, and many of our people are now suffering from the accumulation of debts which they can not pay. If anybody is to be relieved by legislation, the debt-ridden classes certainly appeal to us most strongly and demand our first consideration, but, instead of pursuing a course which will relieve the unfortunate, we are absolutely devising new methods of oppression in favor of the creditor by attempting to put upon the statute books laws which will enable him to take his victim by force into the Federal courts and have him declared a bankrupt. I think the experience of my own State (Kentucky) is worth something on this point. In 1821, when the people were passing through a panic, the legislature of that State passed what is commonly known there as a stay law. Under this law no judgment could be rendered or execution issued against a debtor for the space of three years. This legislation proved to be an inestimable blessing to the poor, oppressed, and unfortunate debtors who were unable to meet the demands against them.

In 1837, when the people were suffering from another great panic, a similar law was passed, and likewise another in 1857. It will be noticed that these laws were only temporary; enacted for the purpose of bringing immediate relief to unfortunate people who could not meet their obligations. There is something admirable in these humane statutes, intended solely to give relief to overburdened, struggling humanity.

Contrast the pending bill with these relief statutes. The contrast is so great that it shocks our finer feelings. The Kentucky statutes indicate moderation, sympathy, humanity—this act indicates intemperance, avarice, relentlessness. Certainly this country has never suffered under a greater panic or one of longer duration than the one from which we are just emerging. If there ever was a time which would justify the passage of laws protecting the debtor, this is certainly preeminently the time, but instead we are placing bludgeons in the hands of those whom fortune has favored with which they may brain, so to speak, their less fortunate countrymen. Why should we pass laws to assist the rich? They do not need our help. They can help themselves. The man who is struggling for meat and bread for himself and family is the one who demands our careful, earnest, I might say prayerful, consideration. He is sinking and is calling to us. Let us in the name of humanity heed his cry.

You ask me if I would wrong the creditor. Of course I would not; but I had rather not be called on to help him when he does not need my help, if that call forces me to turn a deaf ear to the debtor by his side, who does need my aid.

The law as it now stands works no injustice to creditors. It permits them to contract as freemen, with their eyes wide open. If they have made bad contracts ought we to come as lawmakers to their assistance and enact laws which will enable them to harass debtors for the payment of debts made when there was no such law in existence? For one, I will not do it; and more than that, it is not right from a moral standpoint, I care not who indorses it.

I would oppose the bill, if for no other reason, because it enlarges the jurisdiction of the Federal courts to an almost incalculable extent. It converts them into debt-collecting tribunals in addition to the vast jurisdiction heretofore conferred on them by the Republican party. No man can believe in the principles of Democracy and give this bill his approval. One of the fundamental principles of Democracy is that the people are entitled to be tried before their local judicial tribunals. This bill virtually deprives them of that right. How can a Democrat vote for a measure which deprives a large class of the people—the unfortunate class at that—who are burdened with debt, from the right to be tried by the courts of their own State, where the people select their own officials, and where the juries are composed of their neighbors and acquaintances? If you desire to rob the State courts of their jurisdiction, why do you not proceed in a bold, manly way and not by covert and insidious measures like this? So far as I am concerned, I had rather take from than to confer additional jurisdiction on the Federal courts. I believe strictly in the doctrine of the Democratic party, which recognizes the sovereignty of the States and keeps the power in the people by permitting them to select their own officials.

The bill under consideration permits the creditor to force his unfortunate debtor into bankruptcy, and the more effectually to accomplish that purpose permits him to go into a Federal court, removed by the very mode of its creation from all interest in or sympathy for the people. We are told, however, that the bill not only forces individuals into involuntary bankruptcy but that corporations can likewise be forced into insolvency. How does that improve matters? If a robber takes my property, of what benefit is it to me to know that he has also taken the property of other people? Instead of that provision of the bill being a recommendation it is a further reason for my opposition to it. It is also insisted that another great virtue in the bill will be found in the clauses which make bankruptcy both voluntary and involuntary; that is, one may voluntarily become a bankrupt or be forced into it involuntarily, according to the fleetness of the contestants for the dubious honor. Of course, if the creditor is alert and gets the first start on his debtor in the Federal court and succeeds in obtaining a judgment declaring his victim a bankrupt, it is involuntary bankruptcy; on the other hand, if the debtor makes the first move, surrenders his property, and obtains a decree exempting him from his debts, it is voluntary bankruptcy.

Now, then, let us go back, as it were, resurrect some of our past experiences with corporations, and see whether or not this law will be a benefit or an injury to the people so far as it applies to corporations. I say without the least fear of contradiction that its passage will be a perfect boon to rascally corporations which wish to avoid or repudiate their debts. For example, let us review very briefly the history of the Union Pacific system of railroads. The Government, through the Republican party, donated to these roads the enormous amount of 89,000,000 acres of land and gave pecuniary aid by issuing bonds to the extent of $61,000,000, with the understanding and agreement that the interest on the bonds should be paid to the Government annually and at the end of thirty years the principal.

What has been the result? The interest has not been paid, the principal is now due and unpaid, and none of it, in my opinion, will ever be collected, while the people of the West and Northwest have been robbed in the way of freights and transportation to a degree that is wonderful, and at the same time the individual directors and incorporators have become enormously, if not alarmingly and dangerously, rich, because it is a menace to society and to the welfare of the people and republican institutions to have men rolling in untold millions which they acquired by dishonesty. Let it be borne in mind, too, that some of these incorporators have been proven beyond a reasonable doubt to be perjurers and criminals.

Here are the principal incorporators, with a recent estimate of their wealth, all of them being comparatively poor when the Republican party concluded to put the Government in partnership with them in the railroad business:

C. P. Huntington	$70,000,000
Mark Hopkins	30,000,000
Leland Stanford's estate	25,000,000
Charles Crocker	30,000,000
Total	155,000,000

Does any sane man believe that these men could have made that sum of money honestly, while the Government in the same enterprise could not collect even its interest?

Let it be borne in mind that the great Credit Mobilier scandal, swindle, and bribery grew out of some of these same corporations.

I am asked what connection these matters can have with the bill under consideration. It has just this much to do with it: I am not willing to give a corporation which is managed by such unspeakable wretches and scoundrels as these the privilege of taking the benefit of the bankrupt law. What if it is involuntary? How long would it take perjurers and thieves to concoct a scheme to put a corporation through the process of bankruptcy and swindle stockholders and creditors out of every dollar of their interest?

No, Mr. Speaker, none of it for me. Let others so vote if they will; but in my opinion the political party or the individual who does it will be repudiated by the people, and the repudiation will be right and proper.

We have been tauntingly told by the other side of the House that we are so divided that we amount to nothing but roving bands of political guerrillas, decimating our own ranks by our relentless factional fights.

I regret to say, Mr. Speaker, that we are divided, and that in our present condition we are not able to even check the Republican party in the enactment of vicious legislation. But let me say to our friends that notwithstanding the little family quarrel that is now on, all breaches will yet be healed, and the matchless party of the people, with "Equal rights to all and exclusive privileges to none" as its motto, will plant the banner of the people upon the breastworks of class legislation, trusts, and nurtured monopolies.

Bear with me for a moment while I review some of the past breaches and divisions in the Democratic party, for I think that our friends, the enemy, will fail to find a great deal of consolation in that review, if we may judge of the future by the past.

In 1835 the first breach or factional fight, so far as I now recall, occurred in the ranks of the Democratic party. One of these factions was called the Locofoco and the other faction was known as the Equal Rights Democrats. The bitterness between them was intense and widespread, and threatened to disrupt the party, but

the breach was finally healed, and the party was wiser and more vigilant of the interests of the people than ever.

In 1848 a second breach occurred, one faction being derisively called the Barnburners, the other the Hunkers. The fight between these two factions was extremely vindictive, and resulted in the defeat of the party and the election of General Taylor, a Whig, to the Presidency. This chastisement proved beneficial to the party for a number of years.

In 1860 the third great division in the party occurred, and we all know the sad result of that disagreement.

Now, let me remind the authors of this bill that notwithstanding the lamentable internal strifes, that we are here to-day alive and kicking, a little disfigured, but still in the ring, battling for the rights of the people, for constitutional government, for equality before the law against the party of high taxes, monopolies, trusts, force bills, bankrupt laws, and extravagant expenditures of the public money.

Let me say in conclusion to the gentlemen who are now chuckling over our dissensions, that they may take warning from the past history of our party, because a recitation of the past may prove to be but a prophesy for the future, and while they are pondering over the result of our past divisions, it would be well enough to remember that the Federalist party, which originated the first bankrupt law, has long since departed this life, and the Whig party, who were responsible for the second, have long since gone to that bourne from whence no political party returns, and the Republican party may profit by their example; remembering always that the principles of Democracy are immortal, and if you defeat us this year the party will not die, but will come smiling to the scratch on the next battlefield, rejuvenated and invigorated by the very chastisement it may receive.

The Financial Policy.

SPEECH

OF

HON. WILLIAM V. ALLEN,

OF NEBRASKA.

IN THE SENATE OF THE UNITED STATES,

Thursday, April 30, 1896.

The Senate having under consideration the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes—

Mr. ALLEN said:

Mr. PRESIDENT: Yesterday the Senator from Maine [Mr. HALE], who has this bill in charge, admonished the Senate that the discussion had drifted from the pending amendment and had gone into the field of party politics. It is my purpose to discuss the amendment as thoroughly as I can in view of the fact that I am not a member of the Committee on Appropriations or a committee having charge of an appropriation bill, and I shall embrace the opportunity to discuss it in all its features and consider all the facts that may properly enter into the discussion.

I have been greatly interested in the discussion that has extended over the last two days, especially that part which was precipitated by the senior Senator from Ohio [Mr. SHERMAN], and participated in by the senior Senator from Colorado [Mr. TELLER], and the senior Senator from Maryland [Mr. GORMAN], because it disclosed to the country a thing that has been obscured as far as political action can be obscured, that the issue the people are to be confronted with in the approaching campaign is the old issue of tariff rather than that of financial reform, if the two old parties can frame the issue on that line. The Senator from Maryland has stated in substance, not perhaps in words, that it is the purpose, as he believes, of the Republican party, as represented here, to make large present appropriations and authorize large contracts to meet which appropriations will be required at the second session of this Congress or by another Congress, as an excuse for the enactment of a tariff law based on the principles of the McKinley Act. If the statements of the proposed appropriations which are being presented to us are correct, that would naturally and necessarily result.

One feature of the bill is the proposition to make an appropriation of something like $28,000,000 for the construction of four battle ships in addition to the ordinary naval appropriations amounting to $29,000,000 annually. The Senator from Maryland [Mr. GORMAN] has moved to amend the bill as reported by the Committee on Appropriations by striking out two battle ships, so that we will be required to construct only two, while the junior Senator from Pennsylvania [Mr. QUAY] has moved to amend by requiring the construction of six instead of two. If the amendment offered by the Senator from Pennsylvania shall carry, we will be put in the attitude, so far as this item for battle ships is concerned and so far as this branch of the naval appropriations is concerned, of appropriating $29,000,000 for ordinary naval purposes and making $2,000,000 more immediately available for beginning the construction of battle ships, which, when completed, will cost the Government all told $40,000,000. So we will have $69,000,000 appropriated and contracted for under this bill.

The question which presents itself to me most forcibly in considering this question is whether there is any urgent necessity for this appropriation. Certainly the financial condition of the country will not warrant it, and it should not be made unless there is an immediate demand to prepare ourselves for contemplated or actual war or for the protection of our coasts and commerce.

Mr. President, when I first came into this Chamber I looked on all discussion that took place here as serious, but I have gotten over that to a very great extent. I have long since learned that many, very many, discussions are precipitated solely for the entertainment of the people who are supposed to read the proceedings of Congress, in the press or the RECORD; that the debates amount to no more than a play between the two dominant parties, or the two great political parties, as they are pleased to call themselves; that they consist largely in sparring for political points, in maneuvering for party advantage, and there are no benefits resulting from them. That seems to be the purpose of the discussion that has sprung up here over this amendment.

When Congress convened in December last, the Democratic and Republican parties were in need of campaign material. The Republican party had been defeated in 1892 by an overwhelming majority. It was and is resting under a cloud cast over it by that defeat. It was struggling to reinstate itself to public favor and, of course, was bent on making all the campaign material possible in Congress to enable it to advance its interests in the coming national campaign. The Democratic party, which, in 1893, for the first time in thirty years, had come into power in the legislative and executive branches of the Government concurrently, and which had brighter prospects than any political party has had in many years, had shown itself—I will not say incompetent, but inadequate to meet the expectations of the people and fulfill its promises.

When this Congress convened, therefore, it was necessary for these two parties to have something more than the tariff to discuss. It was necessary for them to have something more than the issue of financial reform, for that issue belongs to the Populist party, and if the attention of the people should be seriously directed to it there would be a sloughing of Democrats and Republicans, who would naturally land in the Populist party. Therefore, during the first few days of the present Congress, various resolutions were introduced in the Senate and discussed by Democrats and Republicans as respects the policy that should be pursued by the Government as to the Monroe doctrine, and especially the policy that should be pursued in respect to the Island of Cuba. Ringing speeches, jingo speeches, if you see proper to call them such, and I myself see no objection to proper jingoism, were made on these subjects. The country was given to understand that we were liable to be precipitated into serious difficulty with Great Britain as to the true boundary line between Venezuela and British Guiana.

The President, as the head of his party, was not to be outdone in this game of party politics. The attitude of the President and the Republican Senators remind me very forcibly of the story Artemus Ward used to tell of one of his creditors. He said he had loaned a friend $100 when he was in distress, and that, after a time, being sorely pressed for money, he ventured in a gentle way to remind him that he would like payment. The friend told him a pitiful story of poverty, and said he did not have the money, and could not pay him. "So," said Artemus, "I thought I would relieve him of his distress, and in a spirit of generosity I told him I would throw off one-half if he would pay me the other half." Moved to tears of joy, his friend brightened, and, taking him by the hand, said: "Old horse, I will not be outdone in generosity by you. I will throw off the other half." [Laughter.]

Mr. President, when the Republicans began the introduction of resolutions on the subject of a strong foreign policy, for the purpose of diverting public attention from the financial and industrial conditions of the country, the President, as the head of a great political party, was not to be outdone by them "in generosity," and therefore he gave us his Venezuelan message of the 17th of December. I do not believe there is a citizen of the United States who believes, or who has ever believed there was the slightest likelihood of a conflict between Great Britain and this country over the boundary between Venezuela and British Guiana, or, for that matter, over any other question. It was simply one of those party plays for party advantage that are frequently indulged in here.

Mr. President, my position, as I assert it here, is capable of proof beyond a reasonable doubt, and that is the quantum of proof required to convict a man of crime in this country. On the 17th of December last the President sent to Congress his Venezuelan message, which called attention to the established doctrine of preservation of American soil for American Governments, known as the Monroe doctrine. On the 20th of that month, three days later, there was a financial panic in London, precipitated, so it was

said in British papers and in our own, by the Venezuelan message. American securities were thrown on the market at a discount by hundreds of millions. On the 21st of December, four days after the Venezuelan message, we experienced a panic in New York, a sympathetic panic, as a result of the one in London. Here were relations so intimate between the lords of finance in London and the lords of finance in Wall street, who are in partnership in all financial transactions in this and other countries, that the simple statement of the President that we would maintain the Monroe doctrine by force of arms, if necessary, precipitated a panic in both countries. I have stated repeatedly in this Chamber, and especially three years ago, that there was a money power in Lombard street, London, and Wall street, New York, that controlled the affairs of this and other nations, and here is evidence conclusive of the fact.

I used to be sneered at for making this assertion, and yet it has been quite a common thing during this Congress for Republican and Democratic Senators to refer to a great money power that controls the affairs of the British Empire and the United States. What more conclusive evidence could be demanded that British gold controls the legislation and the administration of this nation than that which is to be found in those panics occurring in London and New York almost simultaneously and sustaining a sympathetic relation with each other?

Mr. President, I have preserved the evidence of the panics, and, at the risk of being somewhat tedious, I think it proper for me to call public attention to it. I will read from the New York World of December 21, 1895:

A dismal Friday in Wall street—Real fright among security holders at the unreal specter of war over little Venezuela—Stocks and bonds fell $350,000,000—The scare was caused by European selling of American securities and by alarm over our loss of gold—Five firms fail—Executive message came after market closed—

This refers to the message of the President which we received but a few days after the first message, and which was intended to allay suspicion of war—

In five hours of business all active stocks had fallen from 2 to 20 points—A memorable day.

And the article proceeds to give a detailed account of the scene in Wall street and on 'Change at the time of the panic.

I desire to embrace in my remarks a clipping from the New York World, giving details of the loss that was sustained in New York on the 21st of December as a consequence of the panic, amounting to about $357,000,000 in round numbers:

WALL STREET'S SHOCK COST $357,795,246—DETAILED STATEMENT OF THE DECLINE IN MARKET VALUES OF AMERICAN SECURITIES IN FOUR DAYS SINCE PRESIDENT CLEVELAND'S MESSAGE WAS ISSUED.

Name of stock.	Shares outstanding.	Monday's price.	Friday's price.	Nominal loss in market value.
American Cotton Oil, common	$20,237,000	18	15	$607,110
American Cotton Oil, preferred	10,198,600	67	60	713,702
American Sugar Refining, common	37,500,000	104	92	4,500,000
American Sugar Refining, preferred	37,500,000	98	92	2,250,000
American Tobacco Company	17,900,000	76	68	1,422,000
American Tobacco Company, preferred	11,935,000	101	95	716,100
Atchison, Topeka and Santa Fe, assessments paid	101,844,987	16	11	5,092,245
Atchison, Topeka and Santa Fe, preferred (with interest)	101,844,987	25	20	5,092,245
Baltimore and Ohio	25,000,000	49	42	1,750,000
Bay State Gas	1,500,000	25	20	75,000
Burlington and Quincy	82,004,200	84	74	8,200,420
Canada Southern	15,000,000	55	48	1,050,000
Chesapeake and Ohio	69,469,100	17	14	1,814,073
Chicago Gas, Central Trust Company certificates	25,000,000	71	61	2,500,000
Cleveland, Columbus, Cincinnati and St. Louis	28,000,000	41	32	2,520,000
Colorado Fuel	9,250,000	30	20	925,000
Columbus, Hocking Valley and Toledo	11,696,300	17	15	233,926
Consolidated Gas	35,430,000	160	139	7,440,300
Delaware and Hudson	35,000,000	129	118	3,850,000
Delaware, Lackawanna and Western	26,300,000	167	158	2,353,000
Denver and Rio Grande	38,000,000	13	10	3,800,000
Denver and Rio Grande, preferred	23,650,000	49	39	2,365,000
Distillers and Cattle Feeding Company	34,171,500	19	14	1,708,575
General Electric	30,460,000	31	20	3,350,600
Kansas and Texas	47,000,000	13	9	1,880,000
Kansas and Texas, preferred	13,000,000	32	18	1,820,000
Laclede Gas	7,500,000	23	14	675,000
Lake Shore	40,405,500	152	142	4,046,550
Louisville and Nashville	52,800,000	53	39	7,392,000
Louisville, New Albany and Chicago	9,000,000	26	7	1,710,000
Louisville, New Albany and Chicago, preferred	6,250,000	26	17	562,500
Manhattan Consolidated	30,000,000	107	95	3,600,000
Metropolitan Traction Company	27,366,650	106	92	3,831,324
Missouri Pacific	47,436,575	30	20	4,743,650
Pennsylvania Railroad (Philadelphia)	129,271,000	53	50	7,756,260
Mobile and Ohio	5,320,000	25	19	319,236
National Lead Company, common	14,905,400	31	20	1,639,594
National Lead Company, preferred	14,904,000	89	73	2,384,640

WALL STREET'S SHOCK COST $357,795,246, ETC.—continued.

Name of stock.	Shares outstanding.	Monday's price.	Friday's price.	Nominal loss in market value.
National Linseed Oil	$18,000,000	21	15	$1,080,000
New Jersey Central	22,497,000	110	97	674,910
New York Central	100,000,000	100	91	9,000,000
New York, Susquehanna and Western, common	11,746,200	10	8	234,924
New York, Susquehanna and Western, preferred	12,816,500	31	19	1,537,980
Northern Pacific, preferred	35,250,147	15	11	1,410,004
Chicago and Northwestern	39,052,400	104	94	3,905,240
Omaha	46,156,000	42	31	5,077,160
Ontario and Western	37,950,000	15	12	1,138,500
Pacific Mail	20,000,000	32	22	2,000,000
Pittsburg, Cincinnati, Chicago and St. Louis	25,098,819	16	14	501,976
Reading	41,224,361	9	6	1,236,729
Rock Island	46,156,000	75	63	5,538,720
St. Paul, common	46,027,251	75	69	2,761,632
St. Paul, preferred	26,156,900	129	127	523,138
Southern Pacific	108,222,270	23	19	4,329,288
Southern Railroad, common	119,900,000	10	7	3,597,000
Southern Railroad, preferred	54,300,000	33	23	5,430,000
Tennessee Coal and Iron	20,000,000	34	25	1,800,000
Union Pacific	60,868,500	7	5	1,217,370
U. S. Cordage certificates, preferred (assessments paid)	17,902,300	13	8	893,615
U. S. Cordage certificates, guaranteed (assessments paid)	6,000,000	26	19	420,000
U. S. Leather, common	60,000,000	12	9	1,800,000
U. S. Leather, preferred	60,000,000	69	60	5,400,000
Wabash, preferred	24,000,000	18	13	1,200,000
Western Union Telegraph	95,370,000	89	82	6,675,900
Wheeling and Lake Erie	10,000,000	14	6	800,000

Total apparent decline in 66 active stocks	$177,795,246
Estimated decline in bid prices of 178 inactive stocks on the stock exchanges	80,000,000
Estimated loss in nominal value of railroad bonds, market price	100,000,000
Total apparent decline in four days in stocks and bonds alone	357,795,246

Mr. President, this establishes, if proof were lacking, that there is a strong bond of sympathy between the money power of London and New York, a thing which has been denied in the press and in Congress and in other quarters until very recently. Here is proof as strong as Holy Writ not only of the existence of this power but of an alliance between its European and American branches. In my judgment, the evidence is sufficient to prove to the mind of any fair-minded man the existence of a money power that controls the conduct of this nation.

But, Mr. President, this is not all the evidence. Look for a moment, if you will, at the insincerity of the claim that this nation was liable at the time to be precipitated into war with Great Britain or with Spain. Within twenty days from the time the President told the world that we were ready to muster our Army and Navy to fight Great Britain for the Monroe doctrine as applied to the dispute over the boundary between Venezuela and British Guiana the Secretary of the Treasury issued a call to borrow $100,000,000 of British gold. We were, in fact, placed in the humiliating attitude of borrowing $100,000,000 of British gold to fight our prospective battles with that country. Mr. Carlisle, without a shadow of authority, as has been repeatedly shown in this Chamber, and as has been announced by Republicans and Democrats as well as Populists, issued a call for a one-hundred-million-dollar loan in gold, basing it upon the provisions of the resumption act of 1875, which was repealed by fulfillment, and expressly and directly repealed by the act of 1878.

Mr. President, Mr. Carlisle was negotiating with the agents of the Rothschilds, who dominate the financial affairs of Great Britain, for this loan at the precise moment the President was writing his Venezuelan message. At one and the same time the agents of this country were negotiating with this English money power for a loan of $100,000,000 of gold, and the President was launching his Venezuelan message upon the country. Can any man doubt, under such circumstances, that an intimate relation exists between the money power of Great Britain and the money power of this country? Can any man who is sane and at the same time honest doubt that this combined power controls the actions of the Chief Executive, as it does the decisions of the Supreme Court and the legislative branch of the Government?

Sir, in a little over one month and a half from the time we received the Venezuelan message of the President, the Secretary of the Treasury sold bonds to the amount of $100,000,000, and more than one-half of that amount went to the representatives of the English money power. We recall with vivid recollection the charges that were made of speculation in the bonds. The same contract in substance was entered into with J. Pierpont Morgan, as a representative of the English money power, for the sale of these bonds that had been entered into before, and it would have been carried out had not two great newspapers called attention to the fact to an extent and in such a manner that the President and

over $200,000,000, found in the Treasury at the close of Cleveland's

exploitation of the Senator from New York for several days

the Secretary of the Treasury were compelled by force of public opinion to make it a quasi public loan—a public loan that put the bonds on sale at a few places in the United States; and when, under the charges made by these great newspapers and under the searching light of criticism of the action of the Treasury Department, the bonds brought more than they were to be contracted to the English syndicate, the President and the Secretary felicitated themselves—not the country—on the success of the "popular loan." We have been told, and the country will be told this fall, that it was a popular loan. It was in no sense a popular loan. It simply compelled the representatives of the British money power to go, not to one point in New York or in Washington, but to a few points in the country to accomplish the same result. They got the bonds, or the greater portion of them.

Here, Mr. President, was the singular spectacle of Great Britain purchasing the bonds of the United States and paying out gold for them within a very few days of the time the President was menacing a declaration of war against her for the invasion of American rights.

Sir, does any man suppose, is there a sane human being upon the face of the earth who supposes, with these facts before him, that there was the slightest likelihood of war with Great Britain, or that there is now the slightest likelihood of war? Mr. President, our financial and commercial relations are so closely allied with those of that nation that there is scarcely any conceivable circumstance under which the one could be provoked to declare war against the other; and yet, for the purpose of putting a burden on the people, and for the purpose of further mortgaging the future and increasing the burden of taxation that rests so heavily on the backs of our laboring and producing classes, we are to have six great battle ships to defend ourselves against Great Britain!

Mr. President, I am not insensible of the defenseless condition of our coasts. I am not insensible of the necessity of having a respectable navy and adequate coast defenses; but when we are about to engage in a lavish expenditure of public revenue we should have the money within our call, or be able to secure it by a reasonable effort, and not by onerous and unjust taxation.

By the recent unwarranted action of public officials we have been placed in a position where we are necessarily compelled under our form of government to increase our taxation. I am not, so far as I am concerned, and so far as the party is concerned which I have the honor to represent in part in this Chamber, opposed to necessary and proper taxation. I am not opposed to a standing army sufficient for the preservation of a great nation like this. I am not opposed to proper coast defenses and an adequate navy; but I am opposed to those things that are unnecessary, and especially until the Government comes back to the principles recognized by the fathers and embodied in the Constitution, and the people are afforded, by an increased volume of money, an opportunity to pay taxes adequate to the just demands of the Government.

We have repeatedly heard our Republican and Democratic friends affirming on the one side and denying on the other, the one alleging that the other is responsible, and the other denying its responsibility, for the present condition of the country; the one affirming that the prosperity of the country will be found only in increasing the burden of taxation, and the other asserting that it will be found in lightening the burden of taxation and opening up the great avenues of commerce, whatever that may mean. It is quite a common thing in the Senate for our Democratic friends to charge the Republican party with the responsibility for the present condition of the Treasury, and it is an equally common thing for our Republican friends to say to the Democrats, "You are responsible for it."

The senior Senator from Ohio [Mr. SHERMAN] said yesterday, and he has made the assertion very frequently, that if the Wilson bill had carried a higher rate of taxation, a rate sufficient to supply the Treasury with the necessary revenue to meet the current expenses of the Government, the Democratic party would not have been compelled to issue bonds in time of peace.

Mr. President, the issuance of Government bonds in times of peace is a policy that has been encouraged by both parties, and I have not the slightest doubt that, with some noble exceptions on both sides, there is a perfect understanding between the leaders of the Republican and Democratic parties (not confined to this Chamber, but existing throughout the country) that a policy shall be pursued that will result in a perpetual interest-bearing national debt.

What was the condition of the Treasury as respects the issuance of bonds when the Harrison Administration went out of office on the 4th of March, 1893? It is a very common thing to read in the press and hear statements here and elsewhere that the Treasury was solvent, and that, under the beneficent influences of the McKinley Act, there would have been no necessity for the issuance of Government bonds. The initial step in the issuance of Government bonds was taken by the Republican party just prior to Harrison's retirement from the Presidency. I took occasion recently to address a letter to the Secretary of the Treasury to ascertain the fact, and in reply I received from him this letter:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., December 13, 1895.

SIR: Your favor of the 11th instant, in which you state that the assertion has been frequently made in the public press and elsewhere that just prior to the time when President Harrison retired from office my predecessor, the Hon. Charles Foster, was negotiating with a financial syndicate for the sale of Government bonds, and that the bonds had actually been engraved, and asking me for information upon the subject, is received, and in response I have the honor to say that I have no official information concerning any negotiations that may have been pending between Secretary Foster and others, but the records of this Department show that on the 20th of February, 1893, he issued an order to the Chief of the Bureau of Engraving and Printing, directing that officer to prepare designs for 3 per cent bonds, which had been provided for in a Senate amendment to the sundry civil bill then pending in Congress.

An amendment, by the way, that had been offered by the senior Senator from Ohio [Mr. SHERMAN].

A copy of the order is herewith inclosed, together with a copy of the recital which was to be inserted in the bonds.

Very respectfully, yours, J. G. CARLISLE, *Secretary.*

Hon. WILLIAM V. ALLEN,
Senate Chamber.

And here is the direction of Secretary Foster to the Chief of the Bureau of Engraving and Printing:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 20, 1893.

SIR: You are hereby authorized and directed to prepare designs for the 3 per cent bonds provided in a Senate amendment to the sundry civil bill now pending. The denominations which should first receive attention are $100s and $1,000s of the coupon bonds and $100s, $1,000s, and $10,000s of the registered bonds.

This authority is given in advance of the enactment, in view of pressing contingencies, and you are directed to hasten the preparation of the designs and plates in every possible manner.

I inclose a memorandum for your guidance in preparing the script for the body of the bond.

Respectfully, yours, CHARLES FOSTER, *Secretary.*

To the CHIEF OF THE BUREAU OF ENGRAVING AND PRINTING.

WASHINGTON, *April 1, 1893*—

Just a little over a month before Harrison's retirement from the Presidency——

Mr. ALLISON. Give the date again, please.

Mr. ALLEN. It is evidently a misquotation. It is "April, 1893." This is the direction of Secretary Foster respecting the recital in the bonds:

This bond is issued in accordance with the provisions of section — of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1894, and for other purposes," approved March 3, 1893, and is redeemable at the pleasure of the United States after the 1st day of April, A. D. 1898, in coin of the standard value of the United States on said March 3, 1893, with interest in such coin from the day of the date thereof, at the rate of 3 per cent per annum, payable semiannually on the 1st days of October and April in each year. The principal and interest are exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority.

I think this conclusive evidence that the statement we hear so frequently that the Republican party was not in a condition, during the late Administration, to compel it to issue bonds, while true in form, is in fact and substance false. I call the attention of the Senate again to the significant language of Mr. Foster, in his letter to the Chief of the Bureau of Engraving and Printing:

This authority is given in advance of the enactment, in view of pressing contingencies, and you are directed to hasten the preparation of the designs and plates in every possible manner.

Why the necessity of directing the Chief of the Bureau of Engraving and Printing to engrave the bonds in advance of the passage of a law authorizing their issuance? What urgent contingency was pressing upon the Treasury Department? There had been deficits in the revenues under the McKinley Act, the limit of the gold reserve had almost been reached, and unless the bonds should be authorized or the Secretary of the Treasury should pursue the course of his successor in issuing bonds under an act that had been repealed, the Treasury would be practically bankrupt. In fact, it would have been under President Harrison if his Administration had not ended just at the time it did.

And you are directed to hasten the preparation of the designs and plates in every possible manner—

Says Mr. Foster. Mr. President, it was urgent. The circumstances were such as to require great haste on the part of the Bureau of Engraving and Printing. Our Republican friends do not want the country to know this truth. They want to keep the people in ignorance of the fact that the McKinley Act was a complete failure as a revenue producer. It was not enacted in the interest of the masses. It was the compilation of the manufacturers in their own interest and not the handiwork of Mr. McKinley.

So much, then, for the attitude of the Republican party as respects the Treasury at the close of the Harrison Administration. The people will not be deceived respecting the truth of this matter. There had been no extraordinary expenses thrown on the Government. It is true that Mr. Harrison had taken something

over $200,000,000, found in the Treasury at the close of Cleveland's former Administration, and bought bonds at a premium of about $26,000,000. But that will hardly be claimed to be creditable financiering. It may have hastened the condition of affairs I have described, but, aside from that there had been no extraordinary drain on the Treasury, nothing more than the usual expenses of the Government. And yet the McKinley Act failed utterly to produce the necessary revenues to pay the expenses, and Mr. Foster, as the chief financial officer of the Government, was put to the necessity, just a few days before the inauguration of Mr. Cleveland in 1893, of giving directions to the Chief of the Bureau of Engraving and Printing, in anticipation of the passage of a law authorizing the issuance of 3 per cent bonds, to speedily engrave bonds. These bonds were to be issued for the purpose of obtaining money to conduct the ordinary expenses of the Government. Although the McKinley Act is declared by its supporters to be the most perfect act of protective legislation the country has ever seen, it is a notorious fact that it failed to produce the necessary revenue, and therefore the Republican Administration was on the verge of bankruptcy and a great and pressing necessity existed for the issuance of bonds.

It will not do for our Republican friends to say, because Mr. Harrison passed out of office without in fact issuing bonds, that therefore their party is guiltless. If Mr. Harrison had remained in the Presidential chair until the 1st of May, 1893, he would have issued bonds. It was an open secret that Mr. Foster had been in New York but a month or two before the inauguration, had called together Mr. Williams and other financiers of that city, and had formed a syndicate to purchase the bonds that were to be issued; and there was an evil rumor attached to the transaction that Mr. Foster was to be the recipient of profit from the syndicate. Of that, however, I know nothing and I care nothing.

Mr. PLATT. Mr. President——

The PRESIDING OFFICER (Mr. PASCO in the chair). Does the Senator from Nebraska yield to the Senator from Connecticut?

Mr. ALLEN. Certainly.

Mr. PLATT. Does the Senator from Nebraska state that there was any such rumor or statement as that made anywhere?

Mr. ALLEN. I do say that such a statement appeared in the press.

Mr. PLATT. If so the Senator ought to give his authority. I never heard of such a statement.

Mr. ALLEN. We read a great many things that we can not give authority for. I can not give authority further than to say that I read it in the press dispatches. There was a rumor at the time; I remember it distinctly. I want the Senator to understand, however, that I am not making this as a charge. I said that I did not make it as a charge, but I remember distinctly at the time reading in the press dispatches that it was said that Mr. Foster was to share in the profit of the syndicate, and that the profit to the syndicate would amount to two and one-half million dollars.

Mr. ALLISON. I think in a charge of that sort the Senator ought to be able at least to produce the newspaper at some time—I do not mean just at this moment. I confess I never heard such a statement before, and I am a reader of newspapers.

Mr. ALLEN. I speak of what I read in the press dispatches. I said to the Senate that I did not make a charge of that kind, and I do not make the charge. I read a great many things, as other Senators do, in the newspapers every morning, and I can not tell the next day in what paper I read them. But I did not suppose there was any doubt of the fact that the statement was made in the press. Whether it is true or not I do not know, and I do not care for it one way or the other.

Mr. President, that was the condition of the Republican party in respect to this bond question when Mr. Harrison went out of office and Mr. Cleveland came in. I am not speaking as the political friend of either, and therefore I think I can do as much justice to one as the other.

Now, what was the condition thereafter? Shortly after Mr. Cleveland came into office it became apparent that, under the operations of the McKinley Act—which continued in force until the 28th of August, 1894, a year and a half—the gold reserve would be trenched on to meet the ordinary expenses of the Government, unless some method could be devised to raise revenue.

Mr. HILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New York?

Mr. ALLEN. Certainly.

Mr. HILL. As the Senator from Nebraska is speaking upon the bond question, and as it is now 2 o'clock, I suggest that the unfinished business ought to be laid before the Senate in order that he may speak upon that resolution.

Mr. ALLEN. I am not speaking on the bond question, except incidentally.

Mr. HILL. What has become of the bond resolution?

Mr. ALLEN. I have not seen the bond resolution since the exploitation of the Senator from New York for several days talked it out of sight.

The PRESIDING OFFICER. The Chair understands that, by unanimous consent, the bond resolution was temporarily laid aside until after the passage of the pending appropriation bill. Hence the Chair did not lay the unfinished business before the Senate at 2 o'clock, as is usually done under the rule.

Mr. ALLEN. Mr. President, all these subjects enter into the question whether or no we are to appropriate $40,000,000 extra at this time. I heard the Senator from California [Mr. WHITE] a few moments ago speak of $300,000,000 as necessary for our coast defenses as though that were a mere bagatelle. We are required to determine whether the country is in a condition, or can be put in a condition, to make such an appropriation under the legislation enacted by either of the two great political parties, as they repeatedly and with seeming delight call themselves, or under any legislation that they are likely to enact.

Now, then, returning to the question of issuing bonds. The McKinley Act of 1890 had proved to be an absolute failure. It was Republican legislation. It was the child of Republicanism. Its parentage can not be denied. It was held up to the country, and will be held up this fall, as the greatest act of tariff legislation in the history of our country.

The Government had run a few months under Cleveland's Administration, until February, 1894, when the Secretary of the Treasury (whether or not he was directed to do so by the President, I do not know, but his act certainly received Executive sanction in some way) issued $50,000,000 of bonds to borrow money. The money was borrowed and placed in the Treasury. Possibly I will be corrected here again and be told that I ought not to make the statement, but I have been told by reliable authority that of the first $50,000,000 of bonds that were issued and sold for gold, as the country supposed, but a little over $13,000,000 of gold reached the Treasury. I do not know whether this is true or not. I give it as I got it, for what it is worth.

Where was to be found the authority of the Secretary of the Treasury to issue bonds? It might be supposed from what we hear in this city—at the Departments and in Congress—that all we need is a President and a Secretary of the Treasury, and the bonds and money will come as speedily as they can issue bonds. I have supposed until this time, and I am yet inclined to believe, that, when an agent, great or small, undertakes to bind the principal for whom he acts, he must have some authority in the form of a statute, if he acts for a sovereign power, or in the form of a power of attorney in the case of a corporation or private individual. Yet we are told by Democrats and by Republicans, too, that there is no limit to the power of Mr. Carlisle to issue the bonds of the Government and engulf this nation in a debt that can not be paid in a hundred years, if he shall see fit at his caprice to do so.

Another $50,000,000 of bonds were issued under the same pretended authority, that of the resumption act of 1875. There was still another issue of $62,000,000. All the money that came into the Treasury as a result of these issues was wiped out almost by a single touch of the wand of the gold power. Then we have had an issue of bonds since the beginning of the present year of $100,000,000. And now we are told, as though it were something to gloat over, as though it were something to be proud of, that there is $170,000,000 surplus money in the Treasury, that we must get rid of this surplus by appropriating it for the construction of battle ships, and that we must devise other schemes and methods of reducing it. Yet it was confessed, if I remember rightly, by the distinguished Senator from Maryland [Mr. GORMAN] but a day or two ago that we are in default over $100,000,000 for current expenses, which we must pay.

Sir, the money is not to be applied to the payment of our bonded or unbonded debts. Our debts are to be permitted to accumulate, and we are to take this surplus money, borrowed by the issuance of bonds without authority and that must ultimately be paid by the sweat, if not the blood, of our people, and invest it in great battle ships that will give the Carnegie Works and the Bethlehem Works an opportunity to make more money out of the Government, when there is not the slightest possibility, as I have already shown, of a war between this country and Great Britain or any other power.

Mr. President, the bonded debt of this country has been increased within the last two years, under the Cleveland Administration, to the extent of $263,000,000 in round numbers. Two hundred and sixty-three million dollars have been placed on the farms and homes of the industrial classes as a great mortgage that we might obtain gold to satisfy the appetites of the shylocks.

We have been told, and we will be told, that it is necessary for us to do this because we are on a gold basis. Mr. President, we are not on a gold basis, except by the mere arbitrary construction of the Treasury Department. We have in round numbers $500,000,000 of Treasury notes—greenbacks and notes issued under the Sherman Act—that are legal tenders, every dollar of which by ex-

press law is redeemable in silver as well as in gold. There is a positive command on the part of Congress in the form of a statute that these notes shall be redeemed in coin, and yet, because the money power of Lombard street and Wall street says to our officers, "You must redeem these notes in gold," they openly, flagrantly, dogmatically, persistently, and without reason violate the statute and comply with the request of the shylocks, and, by that means, and that alone, we are placed on a gold basis.

Sir, suppose Mr. Carlisle had obeyed the provisions of the Sherman Act and the acts preceding it, and had redeemed the greenbacks and the Treasury notes in coin, in silver coin and gold coin, according to the condition of the Treasury, how frequently would these shylocks, who are engaged in looting the Treasury from month to month, have presented the notes for redemption at the Treasury Department? They would have tried the experiment once only, and then they would have ceased.

No, Mr. President, this Government is bound hand and foot by the gold power of this country and Europe, and any man who stands in this Chamber and asserts the doctrine which I do must understand well that he does so at the peril of certain political death, for Shylock will spend his money lavishly to defeat such a man.

Mr. President, you can find the gold shylocks and their agents in this Capitol building from the opening to the closing of every session of Congress. Their faces are as familiar as are the forms of birds of passage. They are here to buttonhole Senators and Representatives, to cajole, to threaten, to do worse if they can, in upholding their peculiar views of the financial policy the Administration and Congress should pursue. It makes no difference to them that the Constitution recognizes silver as money. It makes no difference to them that our highest officers have stood in the presence of thousands of their fellow-citizens and with raised hands and bowed heads have taken an oath before heaven to observe and uphold the principles of the Constitution of the United States. It makes no difference to them that the Constitution puts gold and silver on terms of equality and recognizes them both as money. They would destroy all these for their own advantage, and require the highest officers of our nation to bow in meek submission to their demands.

Now, sir, who established this bond and gold policy, if it rises to the dignity of a policy? Here appear the two old political parties on the scene. Who established the exclusive redemption of legal-tender notes in gold? During Harrison's administration this question was mooted in New York. A construction of the act of 1890 had not been given, however, and Mr. Harrison, seeking to succeed himself to the Presidency, gave a hint to Wall street and to Lombard street that he purposed seeing that "every dollar was as good as every other dollar"—meaning that the Government would go to a gold basis. He is the author of that expression. What did he mean? He meant that he had accepted the Wall street theory of financiering; and that silver was to be treated as a mere commodity, to be estimated and measured by gold, and therefore be depreciated.

More than this, Mr. Foster, at the time to which I am referring, when the syndicate was formed to take the bonds which he was preparing to issue, gave the bankers to understand that he would redeem the notes exclusively in gold and would accept their interpretation of the statute. And he did so. Mr. Carlisle, when he gave to the act of 1890 the construction which he is following to-day in violation of every principle for the construing of statutes—there is not a court of any intelligence or integrity in the United States that would construe the act as he has construed it—was but following the example set by his Republican predecessor. This proves, if the country needed proof, that there is no distinction between Republicanism and Democracy. It is proper, Mr. President, that I should make some exceptions, and I want it distinctly understood, if I do not mention it at length, that I do except the silver Democrats and silver Republicans, who have proved themselves to be patriotic citizens. But there is no difference between the power that moves the Republican party and the power that controls that part of the Democratic party that occupies the White House and the official positions. Both hold to the doctrine that gold shall be what they call the "standard of value."

It would take too long, and it would be tiresome to the Senate, to the country, and to myself, to consider the various subterfuges that are offered from time to time on the question of silver; therefore, I shall merely refer to the matter at this time. I heard the senior Senator from Ohio [Mr. SHERMAN] yesterday use one of these subterfuges in speaking of a 50-cent dollar. Mr. President, I do not believe that any really sane man, who speaks his convictions, ever thought there was such a thing as a 50-cent dollar. I do not believe that any intelligent man will assert that a dollar in this country is composed of anything less than 100 cents. It makes no difference what the material, it takes 100 cents under our system to make a dollar, whether of gold, silver, or paper. The senior Senator from Ohio, and others thinking as he does, who use the expression "a 50-cent dollar," might say with as much consistency that there is a white blackbird, or that 90 degrees form a complete circle, or that perpetual motion has been established.

I shall not go into that feature of the question, however, but I desire to demonstrate that there is no distinction between the moving power of the Republican party, and the moving power of that part of the Democratic party now in control of the Government, in the interpretation of our statutes so as to make all forms of our paper money redeemable in gold.

What effect has this? Why, it forces the Government to issue bonds; that is its purpose. That is the purpose that receives support from both the old political parties. You can see this purpose manifest in the gold press, in the daily press, the weekly press, and in magazine articles. The time has come, they say, when the United States, like England, must have a perpetual national debt; and, with a perpetual national debt in the form of bonds, we will hold the country together when all other things fail. The capitalistic classes must have something in which to invest their surplus money. Therefore the scheme has been started, prompted and promoted by both old parties, to engulf this nation in a perpetual national debt, resting as a mortgage upon the property and industry of our producing classes.

Mr. President, can it mean anything else? Why, sir, it means even more. It means another conspiracy to transfer for all time the sovereign power to issue money from the Government, where the Constitution placed it, to the hands of the national banks. Mr. Cleveland said in his annual message to Congress, and it was repeated by Mr. Carlisle in his report as Secretary of the Treasury, that what we must do is to divorce the Government from the issuance of any form of paper money and turn over that power wholly to the national banks. Has any man ever been able to tell why the Government's sovereign power to issue money should be abandoned and a few private corporations be permitted to usurp it? No, sir; it was conferred on the Government by the Constitution for the benefit of the people for all generations of our national existence, and there never was the slightest thought of transferring it to private corporations until the exigencies of our recent civil strife seemed to make it temporarily necessary. The author of the scheme declared that it was a temporary expedient; that it was a war measure, and that, when the war was over, it would pass away and the right to issue money would revert to the Government, where it belongs.

Has there ever been any attempt on the part of the Government to retire the national-bank currency? Not the slightest. The Republican party has not dared to incur the enmity of the national banks. The Democratic party has not dared to incur their enmity. The representatives of these parties standing in this Chamber and in the other branch of Congress, do not lift their voices against the usurpation of power on the part of national banks, and the abandonment of the Government's right to issue money, simply because they fear the national banks and their influences in the politics of the country. An illustrious President of the United States, the head of the Democratic party, declared not many years ago that the national bank was unconstitutional. What has become of that declaration? We never hear it quoted by Democratic statesmen nowadays. We never see it commended in the Democratic press, for the power that influences the action of the modern statesman also controls the press.

What does a gold standard mean? It means the issuance of more bonds and the extension and enlargement of the power of the national banks. What did the senior Senator from Ohio [Mr. SHERMAN] mean two years ago when he stood at his desk in this Chamber and, referring to our different forms of paper money, say that we had practically $900,000,000 of unsecured indebtedness, which we would have to secure by bonds or in some other way before a great while? What did he mean but to inform the country that he, as the leader of his party, was committed to the doctrine of putting an interest-bearing gold bond behind every dollar of our paper money, and that no form of paper money should be redeemed in silver, the coin of the Constitution?

Mr. President, is anything further needed in support of the assertion that the two old parties are united in a conspiracy to bring this country to a single gold standard? Why, sir, not over five weeks ago the national bankers held a meeting in New York, I think, composed of Democrats and Republicans alike. I remember having talked with one of them on his return from the meeting. He said to me, and he did not seem to think that he was conveying any news, that they fully indorsed the policy of the President and the Secretary of the Treasury in their efforts to retire all forms of paper money and to issue bonds for that purpose. Not only that, but he said further that the National Bankers' Association had declared that they would use every influence within their power to control the delegations to the Republican and Democratic national conventions this year; that they had declared it openly and in writing.

It seems to make no difference whether the national banker is a

Republican or Democrat, according to the resolutions of the association. The bankers propose to control the action of both the Democratic and Republican national conventions on the financial question in the interest of the single gold standard. They propose to use for political effect the power which they possess over the patrons of their banks. What does this radical action mean? It means, among other things, that the delegates who are chosen to the national convention of the Democratic party are, if possible, to be debauched in the interest of the single gold standard by the organized national banks of the country. It means the same thing as respects the delegates to the Republican national convention. It means that public sentiment is to be stifled by the purchase of delegates with gold, if necessary, and that this great selfish interest is to spread like an octopus over every section of the country. The farmers, the laborers, and the masses are to have nothing to say. The Populist party has no money to conduct a campaign; and therefore, it is harmless, according to the ideas of these gentlemen. Some of our friends, the enemy, say occasionally that Populism is destined to an early frost, and that it will soon disappear. But, sir, I have faith in the patriotism and loyalty of the people of our country. I believe they will eventually see that they can find no relief in the ranks of either the Republican or Democratic party, and that, when that day comes, the country will be saved.

According to the scheme of the money power, as fast as Government bonds are issued the legal-tender notes of the Government are to be retired and the national banks are to issue notes to circulate in their stead. Their issue has increased from $170,000,000 a year or two ago to about $222,000,000 now. Here is an extraordinary power which has been taken from the Government, where the Constitution placed it, and auctioned off to private corporations. Now, as a new lease of power, they are to be authorized to issue their notes in lieu of the Treasury notes of the United States, and to loan them out to the people at rates of interest running all the way from 6 per cent per annum to 2 per cent per minute, according to the necessity of the man who may be compelled to borrow of them; and this great favor they are to receive in exchange for their political influence. This influence will be a more important factor in the politics of our country in the future than it has been in the past, though it has been very powerful in the past. Our country is coming to the point where the Government is to be made a Government of the banks, by the banks, and for the banks, and the people are to disappear except as the mere producers of wealth at a very low standard of civilization.

Mr. President, I do not want any man to say that I am an enemy of legitimate banks and banking. They are necessary in our commerce, necessary in our civilization, and necessary for the successful transaction of our business. I wish to see the banks and bankers thrive, the same as I desire to see any other legitimate industry develop, but I want the banks to keep their hands off the politics and legislation of the country. Why, sir, in practicing law you are compelled to rely on yourself. You have the protection of the Government to pursue your occupation as best you can, but that is all. Do you know any reason why the man who is doing business across the street from you should be invested with the special power to issue his note and call it money, to usurp a sovereign power that was placed in the hands of the Government for your interest and the interest of every other citizen? Mr. President, this is a dangerous power when conferred on private corporations. I do not want to see the banks destroyed—by no means. I want to see the Government take the money-issuing power from them, and then let them stand or fall like any other private corporation, like State banks for instance, and succeed or fail according to the merits of their business and the skill and honesty they employ in conducting it.

By a false construction of the statute for the redemption of Treasury notes and by the enlargement of the issue power of national banks we are to have fastened on us the single gold standard; we are to have notes issued by the banks in lieu of notes issued by the Government, a perpetual national debt, and domination by national banks.

Mr. President, there is other and indisputable proof that this conspiracy of the money power has not contented itself with tampering with Congress, the President, and the different subordinate branches of the Government. It has reached the highest judicial tribunal of the Government. Is it supposed that any man can be placed upon the Supreme Bench to-day—let us talk plainly about this matter—whose opinions on great political and financial questions are not known before he is appointed?

I remember, Mr. President, and so do you, the struggles which occurred in this Chamber within the last three years. I am violating no secret of the Senate and I am saying nothing that I ought not to say when I state that the sole recommendation of two nominees of the President for judge of the Supreme Court of the United States was the fact that they were corporation lawyers. They had not a single qualification except they had been raised under the influences of corporations; they had studied the law of corporations; they were committed to the side of the corporation as against the individual. Whether or no that made them eligible, they were selected and nominated, and their names were sent to us for confirmation. The people who believe that a man can be placed on that bench whose opinion is not known in advance on great questions are simply hoodwinked; they are mistaken. They believe that the Government is more honest and more honorable than it is.

What has happened recently? We passed, as one of the important features of the Wilson bill, now known as the Wilson-Gorman Act, an income-tax law. It was in strict accordance with the established usage of the Government. In 1796 the Supreme Court of the United States in the Hylton case, in Third Dallas, decided the constitutionality of an income tax without a dissenting opinion. There were opinions delivered in that case by Mr. Justice Chase, Mr. Justice Iredell, Mr. Justice Patterson, and by one other justice whose name I do not now recall. There was no dissent from the proposition that by the Constitution the power was conferred on Congress to impose an income tax. We imposed an income tax as one of the features of the Wilson bill of 1894 directly in accordance with precedent. There were at least one-half dozen income-tax laws passed between 1790 and 1880. They had passed in favorable review before every judge who had occupied a place on the Supreme Bench of the United States as Chief Justice or associate justice up to the last date. And following these precedents, in 1894 we put an amendment on the Wilson bill which would have brought to the Government $30,000,000 of revenue annually if it had not been annulled by the action of the Supreme Court.

Mr. President, it was necessary to get rid of this provision in order that the plan of the money power might be carried out. The highly protected industries could never have the people completely by the throat until they were able to get rid of the Government's power to tax incomes. I remember as distinctly as though it were yesterday how the honorable senior Senator from New York [Mr. HILL] inveighed against taxing the prosperity of the country, as he was pleased to call it, as though the poverty ought to be taxed, as it is being taxed now, and idle income gatherers be permitted to escape taxation. I remember how he met the decisions in the Hylton case, the Veazie Bank case, and other cases, including the Springer case, by the assertion—it sounds now like prophecy—that the law would be declared unconstitutional. I have never before given the Senator from New York credit for being a prophet. But I now give him credit for being a successful prophet in that case.

Mr. HILL. Will the Senator from Nebraska permit me?

Mr. ALLEN. Certainly.

Mr. HILL. The Senator speaks of the decision of the Supreme Court on the income-tax question as though it were a surprise. Does not the Senator know that on several constitutional questions which were discussed in the Senate, a Senate composed of very many able lawyers, the vote was very close? Did the Senator himself argue in favor of the right of the National Government to tax State and municipal bonds, and was he surprised that the Supreme Court of the United States unanimously decided that that provision was unconstitutional?

Mr. ALLEN. I am not surprised at anything that happens here—absolutely nothing. If I were to be told to-morrow that every citizen of the 70,000,000 was to be a bond slave I would not be surprised. They are, as a matter of fact, industrial slaves now. I was speaking, however, of the Supreme Court of the United States, and the peculiar effect of their opinions on the income tax.

Mr. President, do you not see the purpose? It is just as plain as the thimble-rigging game with which we were all more or less familiar as boys. If the money power could induce the Supreme Court to declare the income tax invalid, the millions of the rich would escape taxation. Then they could put the final nail in the political coffin of the industrial slave and make him bear the full burden for all time. How was that to be done? How could it be done? There was only one place to go to accomplish it. I will not say it was accomplished by design, but I call attention to the fact that the first decision of the court in May last—I think it was in May—upheld some of the main features of the income-tax law. It would have been unblushing and inexcusable to have overruled at one time five decisions extending over a period of almost one hundred years, so the court was reconvened and a reargument was ordered. These rearguments are always dangerous, no matter where they occur, and are always open to suspicion. Mr. Justice Jackson was brought to Washington more dead than alive—for he died shortly after the second hearing—and by some mysterious process, which the world does not know and never will, one of the judges, who had joined in deciding the act constitutional in part, changed his mind and pronounced it wholly unconstitutional. His change of mind possesses great significance to me from the fact that he is a citizen of a State that is peculiarly benefited by tariff taxation.

In 1796 the Supreme Court unanimously declared the constitutionality of the income tax in the Hylton case. They declared its constitutionality as late as October, 1880, in the Springer case in

102 United States Supreme Court Reports; they declared its constitutionality in the Phœnix Insurance Company case, in the Veazie Bank case, and in still another case, the name of which I do not at this time recall. And yet in 1895 all the great judges who had passed on the laws authorizing an income tax were overruled by the Supreme Court as now constituted by a bare majority.

It may not be unimportant in the history of this question to glance over the list of gentlemen who have composed the Supreme Court of the United States in the past. When the Hylton case was determined in 1796, Oliver Ellsworth was the Chief Justice and William Cushing, James Wilson, John Blair, James Iredell, Thomas Johnson, William Patterson, and Samuel Chase were the associate justices. That law passed in successful review before those gentlemen. It is true that Chief Justice Ellsworth took his seat on the bench on the day the opinion was rendered and did not participate in it, but never during his term of service did he dissent from it, or the principle recognized by it, and it passed successfully in review before that court without a dissenting voice. Chief Justice John Jay was nominated and confirmed as Chief Justice of the Supreme Court of the United States before Oliver Ellsworth, but he declined the appointment, and John Marshall was made Chief Justice and so remained from June 30, 1801, to July 6, 1835.

Four income-tax laws were enacted by Congress between the time the Hylton case was decided and the time John Marshall retired from the Supreme Bench, yet the decision in the Hylton case was never questioned. These income-tax laws were executed during his incumbency. Then came Roger B. Taney, Chief Justice, from November 15, 1836, to October 12, 1864, and those acts passed successfully in review before him.

Mr. HILL. The Senator seems to think highly of Chief Justice Taney.

Mr. ALLEN. Yes; with the exception of his opinion in the Dred Scott case.

Mr. HILL. The Senator thinks well, with one exception, of all the decisions of that judge, who was upon the bench for twenty or twenty-three years?

Mr. ALLEN. I admire his great ability.

Mr. HILL. And his legal knowledge?

Mr. ALLEN. And his great legal knowledge and his purity of character.

Mr. HILL. When the income-tax provisions of the tariff bill were pending here, I read during that discussion a letter from Chief Justice Taney, of the Supreme Court, in which he wrote to the Secretary of the Treasury that an attempt to tax the incomes or salaries of the justices of the Supreme Court under the income law of 1862 was, in his judgment, unconstitutional. That same provision was incorporated in the recent income law, and notwithstanding that opinion of Chief Justice Taney, which I read here, the Senator from Nebraska voted to overrule it and put a tax on the salaries of the justices of the Supreme Court.

Mr. ALLEN. Yes, that is true, Mr. President, and I would do it again.

Mr. HILL. How can the Senator reconcile his confidence in Chief Justice Taney with the vote the Senator gave?

Mr. ALLEN. Mr. President, perhaps I can illustrate my position better by referring to the Senator from New York than I can by referring to Chief Justice Taney, because I know the Senator better. I have the utmost confidence in the ability of my friend from New York, and certainly I have now the utmost confidence in his gift of prophecy. Yet I have heard the Senator from New York advocate things which I thought were absolutely unsound and which I still think are unsound. It is not necessary for me to abandon my own convictions in every instance. A great man who is right ninety-nine times out of a hundred may differ from me, but it might be that in a few instances I would be right and he wrong. I am here to discharge my duties as I understand them, not as some other man understands them. My position in this respect must be distinctly understood. If it brings me in conflict with the opinions of other gentlemen, I am very sorry; but unless I can, after due investigation, understand a question as he understands it, I shall vote my own convictions and follow my own judgment.

Now, Mr. President, here was Roger B. Taney, a great jurist, who was Chief Justice from November 15, 1836, to October 12, 1864, and no question was ever raised before him as to the constitutionality of any of the income-tax laws, although many of them were in existence and being enforced while he was a member of the court.

These acts passed successfully in review before Salmon P. Chase, and their constitutionality was affirmed by him and the court over which he presided. They passed successfully in review before Morrison R. Waite, and their constitutionality was affirmed by him and the court over which he presided. We come at last to the present Chief Justice, Melville W. Fuller, who became Chief Justice July 20, 1888. It was reserved for him alone, of all the distinguished and illustrious Chief Justices, to discover that his predecessors had been wrong as to the constitutionality of the income-tax law.

The Hylton case, and the income-tax laws which were enacted after that decision, passed successfully in review before this long list of associate justices of the Supreme Court:

ASSOCIATE JUSTICES.

		Years.	Months.	Days.
William Cushing	Sept. 27, 1789, to Sept. 13, 1810	20	11	16
James Wilson	Sept. 29, 1789, to Aug. 28, 1798	8	10	29
John Blair	Sept. 30, 1789, to Jan. 27, 1796	6	3	27
James Iredell	Feb. 10, 1790, to Oct. 20, 1799	9	8	10
Thomas Johnson	Aug. 5, 1791, to Mar. 3, 1793	1	6	28
William Patterson	Mar. 4, 1793, to Sept. 19, 1806	13	6	15
Samuel Chase	Jan. 27, 1796, to June 19, 1811	15	4	22
Bushrod Washington	Sept. 29, 1798, to Mar. 26, 1829	31	1	27
Alfred Moore	Dec. 10, 1799, to Mar. —, 1804	4	2	20
William Johnson	Mar. 26, 1804, to Aug. 11, 1834	30	4	15
Brockholst Livingston	Nov. 10, 1806, to Mar. 18, 1823	16	4	8
Thomas Todd	Mar. 3, 1807, to Feb. 7, 1826	18	11	4
Joseph Story	Nov. 18, 1811, to Sept. 10, 1845	33	9	22
Gabriel Duval	Nov. 18, 1811, to Jan. —, 1835	23	1	12
Smith Thompson	Sept. 1, 1823, to Dec. 18, 1843	20	3	17
Robert Trimble	May 9, 1826, to Aug. 25, 1828	2	3	16
John McLean	Mar. 7, 1829, to Apr. 4, 1861	32	0	27
Henry Baldwin	Jan. 6, 1830, to Apr. 21, 1844	14	3	15
James M. Wayne	Jan. 9, 1835, to July 5, 1867	32	5	26
Philip P. Barbour	Mar. 15, 1836, to Feb. 24, 1841	4	11	9
John Catron	Mar. 8, 1837, to May 30, 1865	28	2	22
John McKinley	Apr. 22, 1837, to July 14, 1852	14	2	27
Peter V. Daniel	Mar. 3, 1841, to May 31, 1860	19	2	28
Samuel Nelson	Feb. 14, 1845, to Dec. 1, 1872	27	9	18
Levi Woodbury	Sept. 20, 1845, to Sept. 4, 1851	5	11	14
Robert C. Grier	Aug. 4, 1846, to Jan. 31, 1870	23	5	27
Benjamin R. Curtis	Sept. 22, 1851, to Sept. 30, 1857	6	0	8
John A. Campbell	Mar. 22, 1853, to May 21, 1861	8	1	29
Nathan Clifford	Jan. 12, 1858, to July 25, 1881	23	6	13
Noah H. Swayne	Jan. 24, 1862, to Jan. 24, 1883	19	0	0
Samuel F. Miller	July 16, 1862, to Oct. *13, 1890	28	2	27
David Davis	Oct. 17, 1862, to Nov. 4, 1877	14	4	17
Stephen J. Field	Mar. 10, 1863			

Stephen J. Field is the first man on the list which I have read, aside from the present Chief Justice, who discovered that nearly one hundred years ago the Hylton case had been wrongly decided, and that all the cases since determined were bottomed on wrong principles. Yet, Mr. President, Mr. Justice Field had, by not dissenting, given his assent to two of the cases in which the Supreme Court declared the constitutionality of an income-tax law.

An income-tax law also received the approval of the court when it was composed of the following associate justices:

		Years.	Months.	Days.
William Strong	Feb. 18, 1870, to Dec. 14, 1880	10	9	26
Joseph P. Bradley	Mar. 21, 1870, to Jan. 22, 1892	21	10	1
Ward Hunt	Dec. 11, 1872, to Jan. 7, 1882	9	0	26
John M. Harlan	Nov. 29, 1877			
William B. Woods	Dec. 21, 1880, to May 14, 1887	6	4	23
Stanley Matthews	May 12, 1881, to Mar. 22, 1889	7	10	10
Horace Gray	Dec. 20, 1881			
Samuel Blatchford	Nov. 22, 1882, to July 7, 1893	11	5	15
Lucius Q. C. Lamar	Jan. 16, 1888, to Jan. 23, 1893	5	0	7
David J. Brewer	Dec. 18, 1889			
Henry B. Brown	Dec. 29, 1890			
George Shiras	July 26, 1892			
Howell E. Jackson	Feb. 18, 1893			
Edward D White	Feb. 19, 1894			

From the organization of the Supreme Court, from the day of John Jay to the day of Melville W. Fuller, no member of the court had supposed that the Government did not possess the constitutional power to levy an income tax. The question had been thoroughly and exhaustively investigated by Congress in the passage of some half dozen or more income-tax laws; it had been patiently investigated by a majority of the Chief Justices whose names I have mentioned, and yet, in 1895, it remained for a bare majority of the present court to discover that the Hylton case, that the Veazie case, that the Phœnix Insurance Company case, that the Springer case, and all other cases on the subject, and all the laws that had been passed by Congress throughout the history of the country, were wrong, and that the Government does not possess the constitutional power to impose an income tax.

Mr. President, I am not a member of the Supreme Court, and no man entertaining the opinions I do ever will be, at least not until there is a change in our system of doing business. I do not say that the last decision, which was made by a bare majority of the court, is not the honest opinion of that high tribunal. On that subject I say nothing. But I do say that it is a most singular circumstance, and it will stand out prominently in the judicial history of the country, more prominently than the electoral decision of 1877, which was one of the most vicious decisions of the age, as an exceptional case in the constitutional history of the country that great men like Oliver Ellsworth, John Marshall, Roger B. Taney, Salmon P. Chase, and Morrison R. Waite, and their associates, were wrong in determining that Congress, under the Constitution, had power to impose an income tax, and that it was reserved for Melville W. Fuller and a bare majority of his associates to discover that their predecessors had been in error for nearly one hundred years. It will stand out prominently that over thirty associate justices who have occupied the Supreme Bench during our national existence, and before whom this question had passed

in review successively, and who had given to the doctrine their full assent—it will be a marvelous thing in our judicial history—that five gentlemen out of nine, in the year of our Lord 1895, discovered that all their illustrious predecessors for a hundred years had been wrong.

Passing this late decision—which I have noticed more for the purpose of showing somewhat in detail the history of constitutional power—passing from that, and admitting that the Supreme Court had a right to decide as it did—and we must obey its decision whether right or wrong—letting it remain a profound secret how the decision was brought about—let me observe that the direct result was to call loudly for the enactment of a tariff that will impose additional and heavier burdens on an already tax-ridden people.

Mr. President, can there be any doubt that the people have lost confidence in the Supreme Court? I declare it as my solemn conviction that the thinking people lost confidence in the Supreme Court when it rendered the decision in the case of Tilden against Hayes, when some of the judges of that high tribunal suffered themselves to be dragged from the court room, where they belonged and where the Constitution had placed them, to be put upon a political tribunal to decide a merely party question between contending political parties. The last income-tax decision will be as exceptional, anomalous, and suspicious in our judicial history as is the decision of the Electoral Commission in our political history.

Mr. HILL. Will the Senator allow me to interrupt him?

Mr. ALLEN. Certainly.

Mr. HILL. Did not some of the justices who decided in favor of Hayes concur in the opinion that the income tax was constitutional; and was the Senator's lost confidence in them restored by that decision?

Mr. ALLEN. It has not restored lost confidence. I do not know if it has to the Senator from New York.

Mr. GEORGE. If the Senator from Nebraska will allow me, I will state that it is a little remarkable that every justice of the Supreme Court who served on the Electoral Commission came to the conclusion that his party candidate was elected.

Mr. ALLEN. Mr. President, that is not particularly surprising to me, in view of the fact that throughout the entire history of our country no judge has ever yet been known to decide a political question against the party of which he was a member. There has never been an instance of the kind, and it is a sad commentary on the character and stability of our judicial system.

What is the truth as respects the assertions frequently made here that the question which we must discuss this fall, and which the people must determine, is the tariff? Sir, this country has seen good times and bad times, under both a high and a low tariff. The tariff is a false issue. There is practically nothing in it as compared with the great issue of monetary reform, and if the country can be put on a sound financial basis, where it is able to meet taxation successfully, the tariff question will disappear.

Mr. President, when in the history of the country was it more prosperous than under the operation of the Walker tariff act of 1846, a low-tariff act? When was it more prosperous after that than in 1866 and 1867, after the close of the war and before the iniquitous system of contraction had begun? In 1866 this country had the war tariff, that bears the name of the senior Senator from Vermont [Mr. MORRILL], the highest tariff that had ever been passed by Congress, and which was made necessary, as its author declared, by reason of the war. He told the country at the time of its passage that as soon as the war was closed, and the demands created by it should be met and satisfied, the act would be repealed. But it was not repealed. Instead of retracing our steps we went on from bad to worse until we reached the McKinley tariff, an act that was almost prohibitive of importations. Sir, there was prosperity under the Walker tariff and under the Morrill Act of 1861. Was that prosperity due to the tariff in each instance? Was it due to a low tariff in 1846 and 1847 and to a high tariff in 1866 and 1867, before we entered on the perilous policy of specie resumption, of which the senior Senator from Ohio [Mr. SHERMAN] is the author?

Sir, the prosperity of the country was due to neither. It was due to the volume of money in circulation in each instance.

It is quite a common thing to be told that all the farmers and laborers need is a high tariff, a tariff that will maintain the wages of the laboring man in this country above those of the laboring man in Europe.

Mr. GALLINGER. Would it interfere with the Senator's argument if I should call his attention to some history regarding the operation of the tariff act of 1846?

Mr. ALLEN. Not at all.

Mr. GALLINGER. If the Senator will go to the Springfield Republican, of which the elder Bowles was editor, he will find an editorial in the year 1850, about three years after that tariff went into operation, which read as follows:

Previous to the passage of that law the manufacturing and mechanical interests in this community were in a flourishing condition. Since that time the condition of things has entirely changed, and it is fully believed that much of the stagnation of business may be traced to the operation of that law. Manufacturing languishes, mechanics are thrown out of employment, business of all kinds is dull, and unless protection can be afforded to our laboring classes poverty will overtake them. The subscribers therefore pray that Congress will so alter the tariff of 1846 that it will protect the labor and capital of the country from foreign competition.

In Hunt's Merchants' Magazine, in 1854, the Senator will find the following:

Confidence is shaken everywhere and all classes are made to realize the insecurity of worldly possessions. The causes which led to this have been a long time at work. Goods which had accumulated abroad when the demand had almost ceased were crowded upon our shores at whatever advance could be obtained, thus aggravating the evil.

A little later, January 6, 1855, the Senator will find that the New York Herald said editorially:

Elsewhere will be found some mention of large failures at Boston and New Orleans. The epidemic is traveling over the whole country. No city of any note can hope to escape.

If the Senator will go to the New York Herald of the same date he will find an address of the unemployed workingmen's committee to the mayor of that city, in which those workingmen said:

We do not come as beggars, but we ask what we deem right. We ask not alms, but work. We don't want a little soup now, and cast-off clothing to-morrow. But we do want work and the means of making an honest livelihood. The condition of the working classes is most piteous. They want bread. Is there not enough in the city? They want clothes. Is there none made nowadays?

Mr. President, those are historic facts concerning the operations of the Walker tariff law of 1846, which may have escaped the attention of the Senator from Nebraska.

Mr. ALLEN. Mr. President, there is a great deal of that kind of history which has escaped my attention, and I am very glad that it has. There is a great deal of so-called history that does no man any good to know. I do not refer to the "quotations" of the Senator, however, when I say there is a great deal of history manufactured to support arguments in favor of an abnormally high tariff.

James G. Blaine, who ought to be authority in Republican circles, in his work, Twenty Years in Congress, took occasion to say—I will not use his exact language nor can I refer at this moment to the page—that the Walker tariff was so satisfactory that no man in public life thought of trying to modify or change it for ten years after its passage.

Mr. President, I was discussing the question of good and bad times under both systems of tariff when the Senator from New Hampshire interrupted me. I do hope, sir, that the people will not be deceived again to their injury by being led to believe that the leading issue is the tariff. They have been fed on that kind of intellectual trash for twenty-five years, and it has been false at all times when asserted.

What has been the condition of the country during that time? I will turn briefly to the Statistical Abstract, which I suppose is correct, as it is issued by the Treasury Department, by Republican Administrations and by Democratic Administrations alike, and I will call attention to some facts that may be well worthy of investigation. I refer now to page 298, No. 67, "Cereal crops," the estimated production of corn from 1872 to 1895. These are the reports of the Department of Agriculture on the subject of corn.

In 1872 the average value of the yield per acre, according to this book, was $12.24. In 1877 it had fallen to $9.54, and in 1879 it had fallen again to $8.55, and so on. I will insert this page in my remarks:

No. 67.—*Cereal crops: Estimated production and value of the United States from 1872 to 1895.*

[From reports of the Department of Agriculture.]

CORN.

Calendar year.	Total.			Average.		
	Production.	Area of crop.	Value of crop.	Value per bushel.	Yield per acre.	Value of yield per acre.
	Bushels.	*Acres.*	*Dollars.*	*Cents.*	*Bushels.*	*Dollars.*
1872	1,092,719,000	35,526,836	435,149,290	39.8	30.8	12.24
1873	932,274,000	39,197,148	447,183,020	48	23.8	11.41
1874	850,148,500	41,036,918	550,063,060	64.7	20.7	13.40
1875	1,321,069,000	44,841,371	555,445,930	42	29.5	12.39
1876	1,283,827,500	49,033,364	475,491,210	37	26.2	9.70
1877	1,342,558,000	50,389,113	480,643,400	35.8	26.6	9.54
1878	1,388,218,750	51,585,000	441,153,405	31.9	26.9	8.55
1879	1,547,901,790	53,065,450	580,486,217	37.5	29.2	10.93
1880	1,717,434,543	62,317,842	679,714,499	39.6	27.6	10.91
1881	1,194,916,000	64,262,025	759,482,170	63.6	18.6	11.82
1882	1,617,025,100	65,659,545	783,867,175	48.5	24.6	11.94
1883	1,551,066,895	68,301,889	638,051,485	42.4	22.7	9.66
1884	1,705,528,000	69,683,780	640,735,560	35.7	25.6	9.19
1885	1,936,176,000	73,130,150	635,674,630	32.8	26.5	8.69
1886	1,665,441,000	75,694,208	610,311,000	36.6	22	8.06
1887	1,456,161,000	72,392,720	646,106,770	44.4	20.1	8.93
1888	1,987,790,000	75,672,763	677,561,580	34.1	26.3	8.95
1889	2,112,882,000	78,319,651	597,918,839	28.3	27.1	7.65
1890	1,489,970,000	71,970,763	754,433,451	50.6	20.7	10.48
1891	2,060,154,000	76,204,515	836,439,228	40.6	27	10.98
1892	1,628,464,000	70,626,658	642,146,630	39.4	23.1	9.09
1893	1,619,496,131	72,036,465	561,625,627	34.5	22.5	8.21
1894	1,212,770,052	62,582,289	554,719,162	45.7	19.4	8.86
1895	2,151,138,580	82,075,830	567,509,106	26.4	26.2	6.91

No. 67.—*Cereal crops: Estimated production and value, etc.*—Continued.

WHEAT.

Calendar year.	Total.			Average.		
	Production.	Area of crop.	Value of crop.	Value per bushel.	Yield per acre.	Value of yield per acre.
	Bushels.	*Acres.*	*Dollars.*	*Cents.*	*Bushels.*	*Dollars.*
1872	249,997,100	20,858,359	310,180,375	124.1	12	14.87
1873	281,254,700	22,171,676	323,594,805	115.1	12.7	14.59
1874	308,102,700	24,967,027	291,107,895	94.5	12.3	11.66
1875	292,136,000	26,381,512	294,560,990	100.8	11.1	11.17
1876	289,356,500	27,627,021	300,259,300	103.7	10.5	10.86
1877	364,194,146	26,277,546	394,695,779	108.4	13.9	15.08
1878	420,122,400	32,108,500	395,346,424	77.7	13.1	10.16
1879	448,756,630	32,545,930	497,030,142	110.8	13.8	15.27
1880	498,549,868	37,986,717	474,201,859	95.1	13.1	12.48
1881	383,280,690	37,709,020	456,880,427	119.2	10.2	12.12
1882	504,185,470	37,067,194	444,632,125	88.2	13.6	11.99
1883	421,086,160	36,455,593	383,649,272	91.1	11.6	10.52
1884	512,765,000	39,475,885	330,982,290	64.5	13	8.38
1885	357,112,000	34,189,246	275,329,320	77.1	10.4	8.05
1886	457,218,000	36,806,184	314,235,020	68.7	12.4	8.54
1887	456,329,000	37,641,783	310,612,980	68.1	12.1	8.25
1888	415,868,000	37,336,138	385,248,090	92.6	11.1	10.32
1889	490,560,000	38,123,839	342,491,707	69.8	12.9	8.98
1890	399,262,000	36,087,154	334,773,678	83.8	11.1	9.28
1891	611,780,000	39,916,897	513,472,711	83.9	15.3	12.86
1892	515,949,000	38,554,430	322,111,881	62.4	13.4	8.35
1893	396,131,725	34,629,418	213,171,381	53.8	11.4	6.16
1894	460,267,416	34,882,436	225,902,025	49.1	13.2	6.48
1895	467,102,947	34,047,332	237,938,998	50.9	13.7	6.99

RYE. *a*

1872	14,888,600	1,048,654	11,363,693	76.3	14.2	10.83
1873	15,142,000	1,150,355	11,548,128	76.3	13.2	10.04
1874	14,990,900	1,116,716	12,870,411	85.9	13.4	11.53
1875	17,722,100	1,339,788	13,631,900	76.9	13	10.06
1876	20,374,800	1,468,374	13,655,825	65.9	13.9	9.20
1877	21,170,100	1,412,002	12,542,995	59.2	15	8.88
1878	25,842,700	1,622,700	13,592,826	52.6	15.9	8.38
1879	23,649,400	1,625,450	15,507,431	65.6	14.5	9.54
1880	24,540,829	1,767,619	18,564,560	75.6	13.9	10.50
1881	20,704,950	1,789,100	19,327,415	93.3	11.6	10.80
1882	29,969,037	2,227,889	18,439,194	61.5	13.4	8.28
1883	28,058,583	2,314,754	16,330,503	58.1	12.1	7.04
1884	28,640,000	2,343,963	14,857,040	51.9	12.2	6.34
1885	21,756,000	2,129,201	12,594,820	57.9	10.2	5.92
1886	24,489,000	2,129,918	13,181,330	53.8	11.5	6.19
1887	20,693,000	2,053,447	11,283,140	54.5	10.1	5.49
1888	28,435,000	2,364,805	16,721,869	58.8	12.0	7.07
1889	26,555,446	2,028,485	13,612,222	51.3	13.0	6.68
1894	26,727,615	1,944,780	13,303,476	50.1	13.7	6.89
1895	27,210,070	1,890,945	11,964,826	44.0	14.4	6.33

a No estimates prepared by Agricultural Department for 1889 to 1892.

OATS.

1872	271,747,000	9,000,769	91,315,710	33.6	30.2	10.14
1873	270,340,000	9,751,700	101,175,750	37.4	27.7	10.38
1874	240,309,000	10,897,412	125,047,530	52	22.1	11.47
1875	354,317,500	11,915,075	129,499,930	36.5	29.7	10.87
1876	320,884,000	13,338,908	112,865,900	35.2	24	8.45
1877	408,594,000	12,826,148	118,691,550	29.2	31.7	9.25
1878	413,578,500	13,176,500	101,945,830	24.6	31.4	7.74
1879	363,761,320	12,683,500	120,533,294	33.1	28.7	9.50
1880	417,885,380	16,187,977	150,243,565	36	25.8	9.28
1881	416,481,060	16,831,600	193,198,970	46.4	24.7	11.48
1882	488,250,610	18,494,660	182,978,022	37.5	26.4	9.89
1883	571,302,400	20,324,962	187,040,264	32.7	28.1	9.20
1884	583,628,000	21,300,917	161,528,470	27.7	27.4	7.58
1885	629,409,000	22,783,630	179,631,860	28.5	27.6	7.88
1886	624,134,000	23,658,474	185,137,920	29.8	26.4	7.87
1887	659,618,000	25,920,906	200,680,790	30.4	25.4	7.74
1888	701,735,000	26,998,282	195,424,240	27.8	26	7.28
1889	751,515,000	27,462,316	171,781,008	22.9	27.4	6.26
1890	523,621,000	26,431,369	222,048,486	42.4	19.8	8.41
1891	738,304,000	28,581,861	232,312,297	31.5	28.9	9.06
1892	661,035,000	27,963,835	209,253,611	31.7	24.4	7.73
1893	638,854,850	27,273,033	187,576,092	29.4	23.4	6.88
1894	662,036,928	27,023,553	214,816,920	32.4	24.5	7.95
1895	824,443,537	27,878,406	163,655,068	19.9	29.6	5.87

BARLEY. *a*

1872	26,846,400	1,397,082	19,837,773	73.9	19.2	14.20
1873	32,044,491	1,387,106	29,335,529	91.5	23.1	21.15
1874	32,532,500	1,520,626	29,983,769	92.1	20.6	18.97
1875	36,908,600	1,789,902	29,952,082	81.2	20.6	16.73
1876	38,710,500	1,766,511	25,735,110	66.5	21.9	14.57
1877	34,441,400	1,614,654	22,028,644	64	21.3	13.65
1878	42,245,630	1,790,400	24,483,315	58	23.6	13.67
1879	40,285,100	1,680,700	23,714,444	58.9	24	14.11
1880	45,165,346	1,843,329	30,090,742	66.6	24.5	16.32
1881	41,161,330	1,967,510	33,862,513	82.3	20.9	17.21
1882	48,953,926	2,272,103	30,768,015	62.8	21.5	13.54
1883	50,136,097	2,370,009	29,430,423	58.7	21.1	12.37
1884	61,243,000	2,608,818	29,779,170	48.7	23.5	11.41
1885	58,340,000	2,729,339	32,867,696	56.3	21.4	12.04
1886	59,428,000	2,652,957	31,840,510	53.6	22.4	12.00
1887	56,812,000	2,901,935	29,464,390	51.9	19.6	10.15
1888	63,884,000	2,996,382	37,672,032	59	21.3	12.57
1893	69,809,495	3,220,371	28,729,386	41.1	21.7	8.92
1894	61,400,465	3,170,602	27,134,127	44.2	19.4	8.56
1895	87,072,744	3,299,973	29,312,413	33.7	26.4	8.88

a No estimates prepared by Agricultural Department for 1889 to 1892.

No. 67.—*Cereal crops: Estimated production and value, etc.*—Continued.

BUCKWHEAT. *a*

Calendar year.	Total.			Average.		
	Production.	Area of crop.	Value of crop.	Value per bushel.	Yield per acre.	Value of yield per acre.
	Bushels.	*Acres.*	*Dollars.*	*Cents.*	*Bushels.*	*Dollars.*
1872	8,133,500	448,497	6,747,618	83	18.1	15.04
1873	7,837,700	454,152	6,382,043	81.4	17.3	14.05
1874	8,016,600	452,590	6,457,885	80.8	17.7	14.31
1875	10,082,100	575,530	7,166,267	71.1	17.5	12.45
1876	9,668,800	666,441	7,021,498	72.7	14.5	10.54
1877	10,177,000	649,923	6,998,810	68.8	15.7	10.77
1878	12,246,820	673,100	6,454,120	52.7	18.2	9.59
1879	13,140,000	639,900	7,856,191	59.8	20.5	12.28
1880	14,617,535	822,802	8,682,488	59.4	17.8	10.55
1881	9,486,200	828,815	8,205,705	86.5	11.4	9.90
1882	11,019,353	847,112	8,068,832	72.9	13.1	9.48
1883	7,668,954	857,349	6,303,980	82.2	8.9	7.35
1884	11,116,000	879,403	6,549,020	59	12.6	7.45
1885	12,626,000	914,394	7,057,363	55.9	13.8	7.72
1886	11,869,000	917,915	6,465,120	54.5	12.9	7.04
1887	10,844,000	910,506	6,122,320	56.5	11.9	6.72
1888	12,050,000	912,630	7,627,647	63.3	13.2	8.36
1893	12,132,311	815,614	7,074,450	58.3	14.9	8.67
1894	12,668,200	789,232	7,040,238	55.6	16.1	8.92
1895	15,341,399	763,277	6,936,525	45.2	21.1	9.09

a No estimates prepared by Agricultural Department for 1889 to 1892.

Mr. President, we had a high tariff from 1872 to 1894, but notwithstanding this fact there was a constant fall in the price of corn from $12.24 in 1872 to $6.91 per acre in 1895. If there had been any virtue in a protective tariff for the agricultural classes, why did it not manifest itself in maintaining the price of this great staple product?

Take the next great staple, wheat. It dropped from $15.27 per acre in 1880, a time when the Republican party was in power and a high tariff was in force, to $6.48 per acre, less than one-half, in 1894, at the time the McKinley Act was in force, and reached $6.99 per acre for the year 1895.

Mr. President, we were told during the discussion of the tariff bill in the last Congress that a high tariff was the salvation of the farmer; that it was necessary for us to build a home market for the consumption of his products, and that he would get better prices in that way than he could through shipments of his products to larger markets. But during the period of which I speak, wheat lost 60 per cent of its value, and went from a fraction over $15 an acre in 1880 to six dollars and a few cents in 1894. If there is any virtue in a high tariff, it did not manifest itself and beneficially affect the price of wheat.

Take rye, another staple. The value of the yield per acre in 1872 was $10.83; in 1894 it was $6.89, and in 1895, $6.33. There was, as in the cases of corn and wheat, a drop of almost 50 per cent.

Take the case of oats. It was worth $10.14 per acre in 1872. I do not know why these reports do not go back to 1865, unless to shut out some valuable information; but oats dropped from $10.14 per acre in 1872 to $7.95 per acre in 1894. The crop was all produced and much of it on the market before the repeal of the McKinley Act in 1894.

Take the case of barley, worth $14.20 an acre in 1872 and $8.88 per acre in 1895. Buckwheat, $15.04 per acre in 1872, dropped gradually to $8.92 in 1894 and rose slightly to $9.09 in 1895.

Under a system of high protection there has been a fall on an average of fully 50 per cent in the prices of the great staple articles of the farm.

Mr. President, does anyone suppose this fall in prices was due to tariff? Our Republican friends will go to the country this fall—they are preparing their arguments at this moment—and declare to the farmers, aiming by that means to deceive them once more, if possible, that prosperity for the farmer and increased value per acre of his products can be brought about only by voting for the party that will enact a law similar to the McKinley Act of 1890. The Republican party will do this in face of the fact that farm products have fallen in price during the period I have stated under the highest protective tariff act we have ever had.

But this is not all they will do. We have had disclosed here a peculiar condition of affairs recently. The official statistics, although they seem to have been gotten up to support a particular cause, will once in a while disclose a really valuable fact. Look for a moment at the failures that have taken place in the United States. I read from page 336 of this abstract:

The total failures in 1893 were 15,242; and total liabilities, $346,749,889.

In 1894 there were failures amounting to 13,185; with total liabilities, $172,992,856.

In 1895 there were 13,197 failures, with total liabilities of $173,196,060.

If this book is to be believed, in 1893, under the operations of the McKinley Act, we had 15,242 failures as against 13,197 in 1895 under the Wilson Act. I suppose it would be a natural inference, then, that the Wilson Act was a better law than the McKinley

Act. From 1893, when the failures reached $346,749,889, their maximum, they decreased to $173,196,060 in 1895. According to this statement, in 1893, although we had the highest tariff we have ever known, the failures were almost 200 per cent greater in liabilities than they had ever been before or have been since.

Mr. President, I must say in all candor that I have touched these official statistics with the suspicion that they might not be absolutely correct, and that they may have been doctored, but they have been doctored no more under the present than under previous Administrations.

What is the difficulty with the country, then? That brings me to the old question of the policy of the Republican and Democratic parties on the money question. If we take the history of our country as it has existed during your life and mine, we will observe that when the volume of money was greatest there was the greatest prosperity among the people, and when it was smallest there was the greatest amount of misery. Why, Mr. President, misery exists all over the land at this moment. We are told by our Republican friends that many of the mills are closed now, and yet I observe by reading the statistics that we have more spindles in motion to-day than we have had in twenty years. And what, after all, is the trouble? It is scarcity of money. I do not propose, so far as I am concerned, and so far as my limited capacity goes, to see the people hoodwinked and deceived by this combination between the leaders of the two old parties on the tariff issue for the purpose of obscuring the real issue, the money question.

Oh, but we are told, "You want to put the country on a silver basis. You want the people to pay their indebtedness in 50-cent dollars." That kind of argument has been used here for the last three years to my knowledge, and has been refuted successfully every time, so that no one scarcely dare to assert it again. The holders of public and private securities, prompted by selfishness, want a small volume of money. Mr. President, they want low prices; they want poverty among the people, so that they themselves, with their money and bonds, can command the greatest amount of property and service at the lowest price.

We are told very frequently to look at the condition of Mexico, and she is held up as a horrible example of poverty and depravity. We read frequently in our press that we can buy two Mexican dollars for one American dollar. This argument is used as though it were unanswerable. Mr. President, there is absolutely nothing in it. It is the statement used for the purpose of deception. But, sir, what is the truth? Why, Mr. President, never since its conquest by Cortez, never since the bloody contest which resulted in the downfall of Montezuma, in 1520, never, in all the years of her existence, has Mexico enjoyed the prosperity that she enjoys at this time and has enjoyed for the last ten years. Mexico has more railroads, more factories, more people at work, higher wages, more prosperity, a greater and higher civilization than in all of the years of her preceding history. It may not be uninteresting to read a Mexican view of their situation, but I will not weary the Senate with reading all I have on that subject. I read from the Mexican Herald of April 23, 1896, published at the City of Mexico, the capital of the Mexican Republic:

Mexico as an awful example—

Is the heading of the article.

Mr. Carlisle, the gentleman who has been giving the world an object lesson in how not to manage the finances of the great Republic, has had the effrontery to hold Mexico up to an audience in Chicago as an awful example, simply because Mexico is on a silver basis. He has endeavored to show that the laboring population here, paid on a silver basis, is not prosperous, and, while receiving payment in 50-cent dollars, finds the prices of commodities and all luxuries generally much higher than they are in the United States. He declares that the prices of "imported articles especially are exorbitantly high in Mexico because they have to be paid for abroad in gold, and the depreciation of their money is so great that it requires nearly $2 in silver to pay $1 in gold."

* * * * * * *

All we ask here—

Says the editor—

is to be let alone to work out our own problems, educating our working masses, and creating new industries affording diversified and remunerative employment for all. The problems here is to modernize Mexico, and the United States on a silver basis would put us back half a century at least. The American workingman is now being asked to listen to the seductive pleas of two old parties which, every four years, promise much and do little. While they talk to him of tariff and currency, the steady growth of unfavorable conditions is making it every year harder for him to advance himself in life. Huge monopolies created by law, voted for by legislators of both parties, are supreme. Their managers laugh at parties and their platforms. Their game is all right however the election goes. This fact the American workingman does not appear to perceive, and men like Mr. Carlisle are not likely to inform him.

Then again:

The representatives of the American manufacturers now here are pleased to find silver-basis Mexico prosperous and likely long to remain so. They also have learned that we are not a bit jealous of our dear old Uncle Samuel, but wish him joy and lots of fun out of his gold standard.

There never was a time in our history or in the history of Mexico when so much American capital has been transferred to that country as now. American capital that could not be invested in our own country to advantage has gone to Mexico by the millions, and is constructing their railways, their ships, opening wonderful highways of commerce, establishing successful manufactories, developing mines of all kinds, and opening agriculture to an extent that had never been dreamed of before. Mexico, with her peculiar civilization, was never more prosperous than she is at this time, notwithstanding she is on a silver basis.

I do not want to see this country go to a silver basis, and I am satisfied it never will. I have no confidence in the judgment of the man who asserts that it will go to a silver basis under free coinage.

In 1878, when the Bland-Allison Act was passed, the same argument was used. It was then said that if we should have free coinage the country would go to a silver basis, and yet, sir, we accumulated from that time until 1893, when the purchase clause of the Sherman Act was repealed, something like $236,000,000 of gold, more than we had before. By history it has been irrefutably established that we can successfully sustain the double standard.

Mr. President, it has been quite a common thing for Republicans and Democrats in speeches, letters, and interviews to speak disparagingly of the Populist party, and to assert that Populists are not silver men, although they believe in its use, but that they are in favor of a limitless volume of irredeemable paper money. That assertion has been frequently made.

Mr. HILL. Where has that been charged?

Mr. ALLEN. It was charged by the senior Senator from Idaho [Mr. DUBOIS] and the junior Senator from Kansas [Mr. BAKER] a short time ago in speeches in this Chamber. I have seen it stated in letters and interviews recently by Republican and Democratic Senators. The Populist party, so say these gentlemen, is in favor of a limitless volume of irredeemable paper money. It is very strange that Populists are compelled to go away from home to get the news. Mr. President, there is not a Populist in Congress or out of it, between the two oceans, or to be found between Canada and the Gulf, who advocates that doctrine, and there never has been a man who advocated it. I want to say to the senior Senator from Idaho and the junior Senator from Kansas that when they told the Senate and the country that the Populist party was in favor of a limitless volume of irredeemable paper money they did not know what they were talking about. Such a declaration is not in the Populist platform; it can not be found in any authoritative declaration of the party, State or national. It can be found nowhere outside of speeches and utterances of Democratic and Republican statesmen.

But what is this assertion made for? The Populist party numbers 2,000,000 voters to-day. In the first six years of its national existence, it has, in some sections of the country, threatened the complete destruction of the two old parties. I think my honorable friend from Texas [Mr. MILLS] is experiencing a strong touch of Populism in his State at this time. It is necessary to ring the alarm; something must be said that will stamp the Populists as vagarists and men claiming and desiring the accomplishment of impossible things to prevent the people from leaving the two old parties and joining its ranks.

Mr. President, every form of paper money we have is redeemable under the law. There is no man living, with sense enough to be called a man, and deserving recognition as such, who does not know that a limitless volume of irredeemable paper money would mean the absolute destruction of the Government that indulged in it. Then why do these gentlemen make such statements? They are afraid to meet the real issue. They dread the advancement of the Populist party. They make these statements to keep their party friends in line, and they hold up before them the tariff question to deceive them again. While gold bonds and gold bands are being riveted on the limbs of the unfortunate toilers, while a perpetual national debt is being piled up mountain high to plague and vex generations to come for all time, our Republican and Democratic friends, for mere party success, utter this false assertion against the Populist party.

Mr. President, the people will not longer be deceived. They realize that when either a Republican or a Democrat occupies the White House, falling prices, want, misery, and poverty exist among the masses. The man who seems to know the least of the Populist party and its beliefs usually asserts the most and makes the most radical misstatements regarding it. Does any really intelligent man expect that the Republican party will bring prosperity to the country? I have believed since 1893 that it would come back to power this year, that it would elect its candidate to the Presidency, no matter who he might be. I have at no time since the election of 1892, and I am by no means a prophet, doubted that the Democratic party would wreck itself utterly in the four years of Cleveland's Administration. I so declared in a public speech long before Mr. Cleveland was inaugurated at the east side of this Capitol in March, 1893.

The Democratic party as constituted to-day goes out of power for a third of a century, if not forever, in consequence of incurable dissensions in its own ranks, and because the managers of the party

are absolutely owned and controlled by the gold power. I said in the same speech, and I repeat it here at the risk of being called a false prophet, that the Republican party will come back to power in March next with a greater majority than it has had for years, because it will be able once more to deceive and mislead the people on the false issue of tariff, but in 1900 it will pass out of power, never again to appear upon or vex the political waters It will utterly destroy itself. The burden of taxation will increase under its administration; the bonded indebtedness will increase; poverty, misery, want, and distress will increase. The Republican party is now and will remain the bond servant of the gold aristocracy of the money power of America and Europe. It will not dare, nor will it have the ability, to shake off that power.

Mr. President, I have never flattered myself that the Populist party would come into power in 1896. I have never said so nor assented to the assertion. I have never thought so, nor do I think so now. I expect to see the people hoodwinked again for another four years. They have tried the Democratic party and found its promises misleading and untrue. They tried the Republican party from 1889 to 1893 and found its promises false and misleading. Like rats in a trap, they are jumping to escape. The people will again be deceived into believing that there is a ray of hope in the Republican party; a majority of them will give it their support and it will come back into power.

But in 1900 the Republican party, dejected and broken as a result of promises unfulfilled and expectations unrealized, will disappear, never, in my judgment, to reappear on the horizon of national politics again. The eyes of the common people will be opened to the fact that the claims of the old parties are mere shams and pretenses, that the money power owns and controls them, and that that power is in favor of the establishment of an oligarchy, as it has established an aristocracy now, and that their salvation can only be secured by uniting under the name of Populism, or under some other name, I care not what, for—

A rose by any other name would smell as sweet—

and taking for their motto a "Government of the people, for the people, and by the people," they will march triumphantly to victory and overturn the Democratic and Republican parties forever.

Mr. President, do you suppose that it is possible to deceive the people all the time? Look for a moment, if you will, at the condition of our country. We have, according to the census, $65,000,000,000 of property in round numbers. Mr. Blaine, in 1890, or in 1891, in a discussion with Mr. Gladstone on the tariff in the North American Review, made the statement, which has never been contradicted so far as I know, that one-half our total wealth was owned by 50,000 people.

In a number of The Forum about the same time Mr. Thomas G. Shearman, of New York, said that of the sixty-odd billions of property in this country, less than 50,000 people owned one-half; the other portion, of course, falling to the remainder of the 70,000,000. Do you not know that that amount bears a mortgage of $26,000,000,000? The total indebtedness of the country is about that in round numbers. On one-half the total national wealth retained by the people there is a mighty blanket mortgage of $26,000,000,000. In 1893 the Hon. John J. Ingalls, of Kansas, recently a member of this body, declared that more than one-half of the $65,000,000,000 of wealth of this country was owned by less than 50,000 people.

How are the people to escape from this tremendous indebtedness? How are they to secure relief from this condition of affairs? Mr. President, the people will never escape until we retrace our steps: never until we arise to a greater and keener sense of responsibility to them; never until the Government is made better and purer and brought back to the original principles on which Jefferson and the founders of the Republic placed it.

Through the manipulation of financial legislation and political jugglery on the tariff, this condition of affairs has been brought about. The people will know this; many of them know it now. They know the deplorable condition of our country.

All over the land there is a pitiful cry for relief. Has the Democratic party the power, the courage, the manhood, under the leadership of Mr. Cleveland, or Mr. Carlisle, if he is to be the heir to the White House, to shake off the money power that inflates its lungs and gives the party life? Will the party dare shake off the money power and return the Government to the people and administer it in their interests?

Mr. President, it will never do this, never in this world. Less than three months from this time there will be a bolt and a disorganized party in this country. One portion of Democracy will go to Populism or go to pieces. The other portion will go to the Republican party, where it belongs and where its influence is given to-day. It has not the courage nor the power to shake off the money power. It can not do so. The gold power has it helplessly and hopelessly in its grasp.

Does any man suppose there is real hope of relief through the instrumentality of the Republican party? No, sir; there is no hope. The only thing the Republican party has to offer is the tariff. It is to be made the panacea for all evils, and yet I have shown, and the history of the country proves conclusively, that under the highest tariff that has ever been imposed, or that will ever be imposed, there has been a constant fall of prices and continued enforced idleness.

Does any man suppose that the national banks, the gold gamblers, the money grabbers of New York and London, will consent to do anything more than increase the tariff and by that means aggravate the burdens of the people? No, Mr. President, and the national banks have declared that they will influence the national conventions of both old parties. Why, sir, the protected industries pay the election expenses of the Republican party. Out of whom do our Republican friends fry the fat to conduct their campaigns, costing millions of dollars, but out of the protected industries and the money gamblers? The party dare not shake them off. The result will be that they will come back to power in March, 1897. But, Mr. President, in 1900, as sure as the sun shines, as sure as there is a God in Israel and loyalty in the hearts of the American people, the Republican party will go out of power and it will be deader politically than Julius Cæsar has been declared to be in this Chamber, for all time.

Yes, gentlemen, of the Republican party, you may shake your fingers in scorn at Populists and Populism; you may tell unsuspecting people false stories of Populistic beliefs, stories calculated to deceive; but the people who see the 12,000,000 mortgaged homes of our country, without the slightest prospect of relief, will be compelled by force of circumstances to examine the great financial question for themselves; and when they do they will discover that the Republican and Democratic parties are the helpless bond servants of the corporations and the money power. Then, under their own banner, the people will achieve their freedom from corporate and plutocratic domination and resume the reins of their own Government.

The Appropriation for the Payment of Information and Detection of Violations of the Internal-Revenue Laws.

SPEECH

OF

HON CLAUDE A. SWANSON,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 31, 1896.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes—

Mr. SWANSON said:

Mr. CHAIRMAN: I have listened to the address of the gentleman from Texas [Mr. SAYERS] and I rise to reply to him. I regret that my time is limited and that I can not make as full and complete a discussion of this matter as I desire and as its importance requires.

I feel sure that if the House fully understood this appropriation, the purposes for which it is used, the evils which accrue from it, and the injury which it brings to the people and to the Government, the proposition to strike it out would prevail.

This bill proposes to appropriate $50,000 to pay for information and the detection of violations of internal-revenue laws. We ask this to be stricken out and the House to make no appropriation for this purpose. We claim that there is no necessity for it. There are 963 deputy collectors in the United States, who are paid salaries and especially commissioned to protect and prevent violations of the law. These are supplemented in every district and county, when needed, by commissioners and marshals. The present law, without this appropriation, provides ample officers and means for preventing its violations. The law also furnishes the Commissioner of Internal Revenue with 20 special agents who are paid salaries to see that the law is not infringed. Now, this is sufficient.

We have already said, in passing through this House the bill abolishing the fee system, that too many frivolous and unjust prosecutions are inaugurated; that the people are too much harassed by the present officials. The abolition of this system was a great reform and will produce great good. I am proud of my work and my efforts in its behalf. Now, let us carry the reform further and destroy that infamous system of secret spies, informers, and detectives who have done so much to bring the administration of justice into disrepute. It is an outrage that Congress should appropriate $50,000 for the creation of such a despicable class. The detections and prosecutions which result from this fund are so frivolous and so unjust that they are such as deputy collectors, commissioners, and marshals will take no notice of.

The State courts have charge of the punishment of far more important crimes than the violations of internal-revenue laws; yet not a State in the Union has adopted this despicable system of paying money to witnesses for information. There is not a State in the Union that would tolerate it for a moment. If a private individual should agree to furnish money for evidence as to a crime he would be scorned by every person and convicted of bribery of witnesses in court. Yet here is the United States Government proposing to furnish next year $50,000 to pay for information in the prosecution of its own citizens. It is a standing offer of reward to every person in the country. It is a standing encouragement to every sneaking, vile, miserable wretch to prowl around and try to get his neighbors in trouble on false and frivolous charges. It creates the class of professional spies and witnesses who have become a stench in the nostrils of the people. Language is not strong enough for me to express my execration of a person who will visit a neighbor's house, partake of his hospitality, ingratiate himself into his confidence, all for the purpose of discovering some petty violation of the law, that he may report him and obtain the reward paid the informers. This Government should scorn to lend aid to such a wretch. He is not worthy of belief.

Many an innocent man has been convicted upon such suborned and perjured testimony. Such a policy will never have my support. They simply report such cases as reputable officers will not take notice of.

A large part of the frivolous suits and great expenses of the Federal courts come from the existence of this detestable class, whose creation arises from the fee system and this fund. We should destroy both. They have only brought disrepute and expense upon the Government.

Only those who live in communities where the informer and the spy carry on their nefarious business can form a conception of how untrustworthy and vile they are. Only these can know the state of unrest and apprehension which they excite; how for malice and greed they direct the strong arm of the Government against innocent citizens.

This denunciation of spies and informers does not emanate solely from me or other gentlemen who represent districts in which they operate, but they are denounced by all the judges whose courts they load down with frivolous and unjust suits. The Attorney-General points to the abuses and evils which come from them.

The gentleman from Texas endeavored to prove that the appropriation was necessary and that the Government received benefit from it, by reading a communication from the Commissioner of Internal Revenue, showing the number of seizures made last year. That report, like his annual report, is misleading. It endeavors to credit this fund and his revenue agents with all the work done by the collectors and deputy collectors. He fails to show, as he should do, what seizures and what violations were made through the agencies furnished by this fund. If he will do this I feel sure it will present that the seizures which were unjust and were released mostly came from those employed under this fund. It will, no doubt, present that the unjust prosecutions, which were not sustained in court, came from those who operated under this fund. Take the report of the Commissioner upon this fund and it exhibits a state of facts which should not be permitted. He says that last year, from those operating under this fund, $340,905.26 worth of property was seized, yet the Department only received last year from all sources, in compromise settlements and judgments, $71,359.83. Last year the revenue agents using this fund were paid and cost the Government $80,019.01, which, added to the $50,000, made a cost of $130,019.01 to the Government. Over half of the amount received in the Treasury must have come from the work of deputy collectors and other officers. So, by the most favorable view that can be taken of it, those who used the fund cost the Government over $100,000 more last year than the Government received from their work. This can not be disputed. But this does not include the great cost paid by the Government for the petty prosecutions in the Federal courts, inspired by the rewards and by those employed under this fund. If these were included I believe the appropriation of this sum results in costing the Government a half a million of dollars a year. If this appropriation is defeated it will save, I believe, that amount of money to the taxpayers of this country. In this time of poverty and distress we can only justify ourselves by saving this amount of money.

But what else do these figures indicate? They snow that last year, upon the evidence of informers and spies paid out of this fund, property of the value of over $300,000 was improperly seized, and which the Government had to release.

Now, this indicates a condition of affairs which should not be tolerated for a moment. The owners of this property were unjustly harassed, had their business suspended and themselves subjected to all manner of annoyance and expense. It shows that over $115,000 of unjust assessments were made against distillers which they had the trouble and the expense of relieving themselves from. Much of the money that was paid to the Department was paid by persons who knew that it was unjust and not due, but they only paid it in order to have peace and be released from the worry and annoyance of attending to the matter. Much of it was money that the Government ought not to have received and ought now to return to the parties. I am aware in my district of amounts paid by parties who knew that it was unjust, and only made offers of compromise to purchase peace and to be rid of the expense and worry of defense in court.

The report just read by the gentleman from Texas shows that last year 167 registered distilleries were seized by those operating under this fund. In other words, 167 men who were complying with the law, conducting a business for which they had paid a license, were seized, their work suspended and themselves subjected to great expense and loss upon some charges preferred by spies and informers unworthy of credence and animated by greed and malice. Now, these conditions should cease. They are unworthy of a great Government. They bespeak a system of oppression and of injustice which should be obliterated.

The tyranny of a revenue officer, supplemented by a horde of spies and informers, is more intolerable than that of despots.

The gentleman from Texas has seen proper to allude to my district as one in which there are many infractions of the law. I deny this. The facts and the records will not sustain the charge. There is not a people more peaceful, law abiding, patriotic, and intelligent than those which I have the honor to represent upon this floor. It is a constituency of which anyone should be proud. A truer, braver, more loyal, and peaceful people can not be found. No people have suffered with greater forbearance the hardships and harassments to which they have been subjected under the internal-revenue system. I myself have at times been amazed at the patience and forbearance exhibited by them. They have been the victims of the pernicious fee system and have tasted, in all of its bitterness, the evil fruits born of this appropriation. The good people there of all political parties will support me and sustain me in my efforts to destroy the pernicious fee system and to defeat this appropriation which has been to them a source of oppression and of injustice.

The gentleman can realize the extent to which this fund has oppressed and outraged my people, when the very statement he has read shows that last year 45 registered distilleries were seized in my district. That number of lawful distilleries, operating according to law, were for some time suspended and their owners subjected to great losses and expense. I am unable to recall one where the seizure was sustained and the party convicted.

The persons operating under this appropriation have not only oppressed and harassed my people, but have sought to remove all officers in the service who administered the law with justice and fairness and refused to make themselves odious to the people or to use their positions otherwise than for the good of the Government and of the people.

I abominate this fund and the agencies it employs for the oppression of the people. It is equally odious or objectionable whether administered by Republicans or Democrats.

I feel safe in leaving the administration of the law to those deputy collectors and officers who are paid salaries and selected for the purpose.

As long as I have a seat upon this floor I shall fight this appropriation and seek to destroy the vicious system of spies, informers, and detectives which it nourishes to the disgrace of the Government and to the oppression of the people.

Uniform Law on the Subject of Bankruptcy.

REMARKS

OF

HON FRANK W MONDELL,

OF WYOMING,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 12, 1896,

On the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

Mr. MONDELL said:

Mr. SPEAKER: It seems to me that the gentlemen who have opposed this measure have misconceived its purposes and wrongfully judged the consequences which will follow from its enactment.

NECESSARY TO STRENGTHEN CREDIT.

If all the laws for the collection of debts were to be repealed, the result would be that debtors would experience the greatest difficulty in securing credit. It follows that the passage of any law which will tend to give additional security to the creditor for moneys loaned or goods sold will strengthen credit and enable those who wish to obtain it to do so upon more favorable terms and at less expense than under present conditions.

Men, firms, and corporations who have sufficient capital to pay cash for money borrowed, goods received, or labor employed are very rare indeed; it is, therefore, of the utmost importance that we increase credit for the benefit of these people if we can.

Those who are doing business, promoting enterprises, and employing labor in my State are honest and expect to pay their debts. They need in their various avocations to obtain credit, and they want to do so, I am sure, upon the most favorable terms possible. They do not want in the event of misfortune to favor some of their creditors and swindle the balance of them of equal rights. In all cases in which they obtain credit upon equal terms they are willing, I know, to treat such creditors exactly alike in the event of misfortune. They have a right under the Constitution and as provided by this bill to secure a discharge if financial misfortune shall come to them, and they want that right to be available.

This measure does not give any new remedies to creditors. If creditors avail themselves of the right to proceed against their debtors, as under the provisions of this bill, they must do so upon obligations theretofore incurred, and which exist without any reference whatever to this measure. The debtor will be more favorably situated when proceeded against by his creditors collectively, as provided by this measure, than if proceeded against individually, as under existing laws. It is therefore apparent that both debtors and creditors will be benefited by the passage of this bill.

THE EXEMPTION LAWS.

The objections urged by the opponents of this bill are untenable, and many of them are frivolous in the extreme.

One gentleman objects to the bill because it does not interfere with the State exemption laws. No doubt if it provided a uniform exemption, he would object because it interfered with the exemption laws of the several States.

The various State legislatures in their wisdom have provided different exemptions; it was but natural that they should do so. The needs for liberal exemption are greater in the newly settled States than in those which have been settled for a long time. If we were to provide a law for a uniform exemption it would not really be uniform, because the same amount of money will purchase a larger amount of supplies or furniture or any other article which is usually exempted in the East or Northeast than it will in the Western or Southwestern States.

If the bill were to provide a uniform property exemption it would still be imperfect, because different varieties of articles are needed as exemptions in the Northern from those in the Southern States; for example, fur clothes are needed in some of the cold climates, while palm-leaf fans are the greatest necessity in the warmer climates.

The bill has therefore wisely left the subject of exemptions to be passed upon from time to time and to be adjusted by the legislatures of the various States.

MEETING PLACES OF UNITED STATES COURTS.

Objection has been made to the passage of the bill because many people live at a considerable distance from the meeting places of the United States courts. This is a pertinent objection, but not so great a one as the opponents would have it appear.

The Constitution provides that Congress, and Congress alone, can pass a bankruptcy law. It follows that the Federal courts, and they alone, can enforce such a law. We therefore must suffer the inconveniences incident to many people living at distances from the meeting places of Federal courts.

In order to overcome these inconveniences it has been provided by the bill that creditors of the bankruptcy estates shall hold their meetings at the county seat of the county in which the bankrupt resides, unless that place would be manifestly inconvenient as a meeting place.

Assistant judicial officers, called referees, may be appointed in every county. They have a large jurisdiction in the administration of bankrupt estates.

As the result of these provisions most of the business of the bankrupt estates will be conducted at the places where the bankrupts reside irrespective of the meeting places of the courts.

As only about 1 in 100 of all the people engaged in conducting business and promoting enterprises fails per annum for the whole country, the inconvenience felt by the people at large who live away from the meeting places of the courts will be infinitesimally small.

OLD BANKRUPTCY LAWS.

There has been a great deal of time consumed by our opponents in the abuse of the old bankruptcy laws. Such time, it seems to me, has been wholly lost, as we are not seeking in any sense to reenact any one of them. They were defective not only in the many respects referred to by our opponents, but in others as well, and if the question before the House were one of reenacting them, we would all be opposed to doing so.

The greatest objection to the last bankruptcy law was that the fees were excessive. Under the present bill fees are very reasonable.

A very pertinent objection to the last law was the delay in its administration. Very careful provision has been made in the present law to secure prompt administrations. Doubtless these delays under the old law grew out of the fact that bankruptcy officers were interested in securing them. Under the present proposed law all of the bankruptcy officers are directly interested in a financial way in securing the prompt administration of the estate.

The inference to be drawn from all of this needless and irrelevant talk about the old bankruptcy law is that because it was an imperfect measure it is impossible for the present Congress to formulate an approximately perfect law. In other words, the reasoning is that a fire-proof building can not be erected on the site of a former frame shanty because the latter was burned down.

MISTAKEN IMPRESSION AS TO COERCING DEBTORS.

A mistaken impression prevails among some of the opponents to the effect that the real purpose of this bill is to enable the wholesale dealers in large cities to visit their customers in country places and, by shaking this bankruptcy law over their heads, coerce them into the payment or securing of the claims of such wholesalers. This impression is not justified. This bill would not in any sense answer that purpose. The creditor who wishes to coerce his debtor can do so very much more effectively under the present laws than he would be able to do under the proposed law. The position of the debtor would be very much less precarious under the proposed law than it is under the present State laws.

Our opponents have a misconception of the conditions existing between the wholesale dealers and their customers, the retailers. The wholesale dealer does not want his customer to fail. It costs him money to get his customer, and he is therefore desirous that his customer should continue in business, and to buy goods. Under present laws debtors and creditors can not confer together for their mutual benefit, because the one might take advantage of the other. But if this bill should be passed, the conditions will be different, and they may confer fully upon all matters relating to the giving and receiving of credit, and the result must be the enlargement of trade and commerce, the reduction of profits, and the accruing of great benefits not only to parties to transactions on credit but to the consumers of articles of merchandise of all kinds.

BILL OPPOSED BY FEW LARGE WHOLESALERS.

A very few large wholesale houses are now able by the aid of their vast legal and collecting machinery to coerce their debtors and collect their claims in full, while other creditors of equal rights get little or nothing. These few large houses are the most earnest and persistent opponents of the passage of this bill.

THIS BILL A COMPREHENSIVE MEASURE.

The members who oppose the passage of this measure either do not know or prefer to forget that it contains a perfectly clear and comprehensive system of voluntary bankruptcy as well as a perfectly clear and comprehensive system of involuntary bankruptcy. They allege that the passage of the bill will be detrimental to the rights of debtors. This allegation is made without any justification or reason, and directly in the face of facts showing the contrary.

This bill is not intended to and does not contain any provisions by which business will be begun or conducted, or pursuant to which enterprises will be conceived or inaugurated. It will not, therefore, in any way interfere with or be a factor in the affairs of honest solvent people in their dealings with each other.

This bill will neither pay nor increase the liabilities of debtors; but in the event they act dishonestly, or in the event they become insolvent and are unable to protect their property from an unequal distribution or to meet matured obligations after protracted defaults, their estates may, by due process of law, be distributed to the creditors who have claims against them according to the rules of equity.

THREE CLASSES OF DEBTORS INTERESTED IN THIS BILL.

In general terms there are three classes of debtors who will be affected in a material way by a bankruptcy bill:

First. The dishonest debtors. The members of that class ought to fight against the passage of this bill with all of their strength, because it will well-nigh put a stop to their nefarious practices.

Second. The class of debtors who are not now enjoying any credit, but who have large obligations and are greatly interested in the passage of a bankruptcy law under which they may secure a discharge. It is but reasonable that they should be indifferent as to whether the law shall be complete and perfect in character, or whether it shall be an incomplete voluntary bill enacted only for a limited period.

The third class of debtors is composed of those who are now enjoying credit, which is a part of their capital and is necessary to them in order to enable them to proceed with their present undertakings. The passage of our bill will aid this class of debtors by strengthening credit. The passage of a voluntary bill only would ruin them by driving them into liquidation.

With a voluntary law upon the statute books any debtor who saw fit to do so could deliberately prepare for and go into bankruptcy and swindle his creditors. In the face of such a law creditors certainly would not be foolish enough to sell goods and loan money to persons without ample security. They would extend credit generally and upon easy terms under this complete bill if passed, because it is comprehensive of the rights of both debtors and creditors.

The trouble, therefore, about a purely voluntary law would be that while it would benefit the dishonest debtor and the insolvent who is not now enjoying credit, it would ruin the class of debtors who must of necessity rely, in part at least, upon credit in order to enable them to avoid disaster. Why should we destroy one class to benefit another when it is not necessary to do so?

The bill we advocate would not only obstruct the affairs of the dishonest debtor, but would redound to the best interests of the other two classes of debtors as well as to honest creditors.

EFFECT OF THE PASSAGE OF A BANKRUPT LAW.

Some of our opponents in the House appear to and no doubt do believe that debtors who are struggling with a load of debt will be driven to the wall remorselessly by the passage of this bill. Such can not be the result. It will lighten the burden of every man who is debt ridden. It will relieve the pressure upon every debtor who has become a subject of suspicion on the part of his creditors, because they, in the event trouble comes, will receive their pro rata share of the estate and not be compelled to commence proceedings or get nothing.

The fear that the passage of this bill will strike down confidence and paralyze business enterprises is not justified in reason or by precedence. Such was not the result of the passage of any one of our prior bankruptcy laws, and has not been the result in any one of the great countries which have bankruptcy laws upon their statute books.

Our opponents should not forget that England and other important countries have all had bankruptcy laws for hundreds of years upon their statute books, and that instead of being repealed they have been from time to time amended. It appears from the report of our Judiciary Committee that China and this country and possibly Japan are the only nations of any considerable importance which do not have bankruptcy laws.

DEMAND FOR PASSAGE OF A GOOD LAW.

It has been alleged by those of our opponents who have not been informed upon this subject that this bill is being pushed as an additional means for the creditor to collect his debts. Such is not the case. It is being, and has been for many years, advocated by men of all classes and from all sections of the country who believe that the rights guaranteed by the Constitution should be available to the people in a perfectly practicable and straightforward way.

There is a very general demand for a fair and uniform law that will enable honest insolvent debtors to secure a discharge, protect creditors from incapacity and fraud on the part of their debtors, and from imposition and unfair dealing on the part of their co-debtors.

The few creditors who are now able to get the lion's share of the assets of the unfortunates do not want any legislation on this subject. They say, "Let well enough alone." The debtors of these big houses can not secure a discharge except upon such selfish terms as they may impose, and their co-creditors can not secure any consideration until the claims of the large creditors have been settled in full. No wonder they do not want a law which secures to honest insolvent debtors a discharge, not as a matter of charity, but as a matter of right, and secures to all creditors of the same class the enforcement of their equitable rights.

Mr. Speaker, I am glad to state from my knowledge of and acquaintance with creditors—that is, those who sell goods and loan money—that they do not want any hold on their debtors other than such as is offered by a fair law. They want to feel that it is just as safe to give credit to a man in my State as in New York, Texas, or California; they want the assurance that if their customer does fail the assets will not be consumed by a contest between creditors in their individual capacities, but that his estate will be economically administered and ratably divided among all of his creditors.

THE PASSAGE OF THIS BILL WOULD DECREASE FAILURES.

The dangers incident to commercial crises which occasionally take place in the country would be very much lessened by the passage of this bill, because debtors would not be permitted to commit frauds as against creditors by secreting or running away with property, and creditors would not be permitted to begin compulsory process against mutual debtors. In other words, under this law a financial storm may come up without any very serious damage, whereas without it the damage may be very great.

The financial calamities of our people within the last few years have been very great, and as a result commercial and industrial failures are on the increase. The number was very much larger for the first three months of this year than for the corresponding period for past years. If you will pass this bill the distrust which has caused these failures will disappear, since the securing of undue advantages as under present State laws will be removed, and as a result thousands of good men will be able to tide over for a short time, when we hope better times will be ours.

The deserving debtor who has the confidence of his creditors has no reason to fear them if they can be prevented from proceeding individually against him as under present laws.

One would think, to hear some of the reckless random talk of some of our opponents on this floor, that under present conditions men do not fail; that it is not now a common occurrence for stocks of goods to be sold at sacrifice sales, or that under present laws creditors do not sometimes press their debtors to a settlement upon matured obligations. The facts are that all of these misfortunes are suffered now, and will always be suffered so long as humanity continues as it is. The only question is whether the suffering shall be of the maximum or the minimum degree. Other countries have found that the minimum degree is experienced by the enactment of honest bankruptcy laws, and I respectfully submit that their example is worthy of our emulation.

The bill we advocate is not in the interests of shyster lawyers; not in aid of fee fiends; not a source of prospective joy to business bastards of any kind; but an eminently straightforward measure, which will benefit everyone and not harm any honest man who comes within the sphere of its operations, whether he be a poor or rich debtor or a poor or rich creditor.

A SUMMARY OF RESULTS ANTICIPATED.

For my own part I know that fair play is better than sharp practice, and I know, too, that I represent a constituency who have an abiding faith in the same principle.

It is confidently anticipated that the passage of this bill, as contemplated by the Constitution, will redound to the best interests of the honest people of the whole country in many ways, and among them the following:

1. Make it easier for honest men and harder for dishonest men than under present laws to conduct business and promote enterprises.
2. Enable honest insolvent debtors to secure discharges and begin financial life anew.
3. Insure to every creditor of a dishonest or insolvent debtor who has committed an act of bankruptcy the collection of his equitable part in such debtor's estate.
4. Prevent debtors and creditors from swindling or taking advantage of each other.
5. Save millions of dollars now annually spent in useless selfish struggles between creditors by enforcing the rules of equity between them.
6. Increase the dividends received by creditors from insolvent debtors who have failed.
7. Reduce the number of business and industrial failures.
8. Enable honest men to enjoy their constitutional rights.
9. Subject dishonest men to a merited punishment for their rascality.
10. Draw a line between the honest and dishonest men engaged in commercial pursuits by helping the former and obstructing the latter.
11. Reduce the expenses and trouble of creditors in obtaining amounts due from their unfortunate debtors who have become bankrupt.
12. Prevent embarrassed debtors from being coerced into needless assignments or wrongful acts by creditors.
13. Make it possible for unfortunate honest debtors to secure a just settlement quickly and economically.
14. Enable debtors and their creditors to confer together for their joint advantage without the fear that one will take advantage of the other.
15. Make it to the greatest possible advantage for debtors to be honest and creditors to be just.
16. Reduce the price of commodities and interest on money.
17. Prevent the giving and receiving of preferences.
18. Stop the giving of fraudulent mortgages and judgments by confession.
19. Permit creditors of equal rights to enjoy equal remedies.
20. Secure a return of prosperous times to the country.

For the above and many other reasons I am glad not only to support the pending bill, but to bespeak for it the support of the other members of the House.

A SUMMARY OF THE TORREY BANKRUPTCY BILL (H. R. 8126).

A summary in five words is as follows: "A square deal all around."

A summary in a paragraph is as follows:

A measure for the discharge of honest insolvents, the diminution of fraud, the prompt and economical administration of bankruptcy estates, the maintenance of integrity in transactions on credit, and the promotion of the industries and commerce.

A summary in brief is as follows:

A voluntary bankrupt is one who petitions to be and is adjudged such; an involuntary bankrupt is one who has been adjudged such in a suit brought by his creditors. The rights and duties of voluntary and involuntary bankrupts and their creditors are identical.

Farmers and wage earners may go voluntarily into bankruptcy, but their creditors can not bring suits in bankruptcy against them.

Anyone except corporations, irrespective of whether they owe more or less than $1,000, may become a voluntary bankrupt.

Persons, firms, and corporations (except farmers and wage earners) who owe $1,000 or more, and have committed an act of bankruptcy according to the evidence in a fair and impartial trial, before a jury if desired, may be adjudged bankrupts upon the petition of creditors.

An act of bankruptcy by a debtor consists of conduct or acts calculated to defraud the creditors or insolvency followed by a protracted default of payments due or a failure to prevent an inequitable distribution of the estate.

Creditors need not proceed against a debtor who has committed an act of bankruptcy any more than they need sue every debtor who is in default in payment.

A petition can be filed against a debtor who has committed an act of bankruptcy by three creditors who, together, have unsecured claims for or over $500. After the suit is begun the defendant will be served as in ordinary suits, and will have "his day in court" and a trial by jury if he desires.

If a judgment in a bankruptcy suit is for the plaintiffs, the defendant will be adjudged a bankrupt. In that event he will retain the exemptions allowed by the laws of the State in which he lives, and, if an honest man, will be released from his debts, and thereby given an opportunity to begin life anew, and be relieved from the demands of his creditors to make good his former misfortunes. If the judgment is for the defendant, the petition will be dismissed at the costs of plaintiffs, as in other suits.

The property of the debtor will remain in his possession and under his control until after adjudication that he is a bankrupt, or the dismissal of the petition, unless the creditors shall give bond and secure its attachment; in that event the debtor may retain possession of his property upon giving a forthcoming bond.

The United States district courts will have jurisdiction of the administration of bankruptcy estates. They can not be administered in the State courts, because Congress has no power to compel State courts to administer national laws.

State courts will retain their jurisdiction to hear and determine controversies between the trustee and adverse claimants concerning property rights.

Controversies may be arbitrated or compromised under the direction of the court.

The offices of referee and trustee are the only ones created by the act.

The referee is an assistant judge, and will be appointed in such numbers and in such localities as will be best calculated to secure a prompt administration of the act and serve the convenience of all parties having bankruptcy business.

The trustee will receive the title of the bankrupt to his property and administer the estate. He will be elected by the creditors in each case. He may recover all property which has been hidden away or fraudulently conveyed.

The clerk will receive a $10 filing fee in each case and no further compensation.

The referee will receive 1 per cent upon the net amount paid in dividends to creditors from each estate administered before him, or one-half of 1 per cent from estates in which there is a composition, and a filing fee in each case of $10.

The trustee will receive 5 per cent on the first $5,000 paid in dividends to creditors, 2 per cent on the second like amount, and 1 per cent on additional amounts, and in each case a filing fee of $5.

The compensation of the referees and trustees will not be paid until the estates have been administered and the records returned to court.

Making the amount of the fees received and the time of payment depend upon the prompt and economical performance of their duties by the referee and trustee will result in the quick and economical administration of bankrupt estates.

The fees of the clerk, referee, and trustee need not be paid by a proposed voluntary bankrupt who files with his petition an affidavit that he is without and can not obtain the money with which to pay such fees.

The expenses of administering the estate will not be paid until reported in detail under oath and allowed by the court.

The debts which have priority are expenses of caring for the property, filing fees, costs, wages due workmen, clerks, or servants which have been earned within three months, not exceeding $300 to each one, and debts entitled to priority by State or national laws.

Compromises, involving more time in which to pay or a reduction of the amount to be paid, may be readily and cheaply effected between honest debtors and their creditors, under very careful restrictions, after a voluntary or involuntary petition has been filed, and either before or after the defendant has been adjudged a bankrupt.

Compromises which have been fraudulently obtained may be set aside upon application made within six months after they were granted.

A petition for a discharge may be filed by a bankrupt, not a corporation, after two and within the next four months after the adjudication or conditionally within the next six months, but not afterwards; it must be filed in the court where the proceedings are pending. The discharge will be granted unless the bankrupt has been convicted of having committed some one of the acts forbidden by the bill—giving a preference which has not been surrendered, knowingly made a materially false statement in writing for the purpose of obtaining credit, made a fraudulent transfer of his property, or fraudulently destroyed or neglected to keep books or records showing his financial condition.

Discharges which have been fraudulently obtained may be set aside upon application made within two years after they were granted.

Fraudulent bankrupts, embezzling officers, and creditors who have proven false claims may be punished by imprisonment.

Notices will be sent, at trifling cost, by the referee to all creditors of each step in the proceedings, including the hearing on the application of the bankrupt for a discharge.

Creditors may be heard at all times in support of or in opposition to any proposed step in the administration of the estate.

Claims may be proven by the simple oath of the creditor, and will be allowed upon being filed in person or sent by mail, without the payment of any filing fee; if it is thought that an allowed claim is fraudulent, it may be suspended and investigated.

Preferences are forbidden, and those which have been given may be set aside if proceedings intervene within four months after they have been given.

Valid liens will be upheld; fraudulent ones will be set aside.

Present legitimate business methods will not be interfered with by the bill. It is not a measure relating to transactions between honest solvent persons, firms, or corporations, but for the relief of honest insolvent debtors, the prevention of dishonesty, and the administration of the estates of insolvent and dishonest debtors more economically and equitably than it is possible to do under present laws.

The bill contains the provisions, in addition to the foregoing, necessary to make it a complete, equitable bankruptcy code.

Bankruptcy.

SPEECH

OF

HON. JAMES J. WALSH,

OF NEW YORK.

IN THE HOUSE OF REPRESENTATIVES,

Friday, May 1, 1896,

On the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

Mr. WALSH said:

Mr. SPEAKER: There is no question pending before Congress that should be approached with more care and deliberation than that which proposes a national bankruptcy law. One who does not appreciate the demand for such a law must indeed be ignorant of the conditions under which we have been living for the past few years and must be indifferent to one of the strongest prerequisites to a restoration of commercial confidence, which, in my opinion, is the greatest necessity of the hour.

Many have complained of present financial conditions, and all concede that a change would be beneficial—yes, necessary. They have differed only on the question as to the direction which that change should take.

Some have complained of present and past tariff laws and, according to their predilections, have attributed all the evils which we have suffered to the high or low tariff.

It is unnecessary to discuss these questions now or to engender that political excitement with which their discussion is usually attended, because I believe that is hardly the spirit in which to consider an important question like the one before us. Yet I may be pardoned while I say in passing that I believe the business people of this country want nothing so much as a certain basis on which to do business, and that every attempt to change the tariff laws, with the accompanying uncertainties, creates a

condition of suspense, the creation of which can only be justified by great public necessity.

Certainty is the desideratum of the business community to-day. Certainty in the basis of operation begets confidence and boldness in the operation itself and definiteness in results.

Now, while it is generally admitted on the floor that a national bankruptcy law is desirable, we are divided upon the question as to whether the bill should contain involuntary as well as voluntary features. The bill presented by the Committee on the Judiciary presents both features. Voluntary bankruptcy need not be discussed. There is a general agreement that this feature of the bill is a good one. Opposition here seems to be confined to the involuntary features. Now, before discussing the measure let me say that I would more cheerfully support this bill if the acts of bankruptcy mentioned in its second section were confined to acts of actual fraud, but I am moved to vote for and support this bill as it is with the amendment of the gentleman from Pennsylvania [Mr. MAHON] because the acts mentioned in that section, which are not acts of actual frauds per se, very often amount to the same thing, and the method of treating them under the laws of the States, which I have examined, is more drastic than anything in this bill.

Now let us see what are the acts of bankruptcy. The second section reads as follows:

(a) Acts of bankruptcy by a person shall consist of his having (1) concealed himself, departed or remained away from his place of business, residence, or domicile, with intent to avoid the service of civil process and to defeat his creditors, and shall not have returned at least forty-eight hours before the filing of a petition in bankruptcy and before the rights of creditors shall have been impaired, altered, or interfered with; (2) failed for thirty days and until a petition is filed, while insolvent, to secure the release of any property levied upon under process of law for $500 or over, or if such property is to be sold within such time under process, then until three days before the time fixed for such sale; (3) made a transfer of any of his property with intent to defeat his creditors and has not regained the ownership and possession of such property before the rights of creditors have been altered, impaired, or changed by reason of such transfer and at least ten days before the commencement of a proceeding in bankruptcy; (4) made an assignment for the benefit of his creditors or filed in court a written statement admitting his inability to pay his debts; (5) made, while insolvent, a transfer of any of his property or suffered any of it to be taken or levied upon by process of law or otherwise for the purpose of giving a preference, and has not regained the ownership of such property or released same from such levy before the rights of creditors shall have been altered, changed, or impaired by reason of such transfer, taking, or levy, and at least ten days before the commencement of a proceeding in bankruptcy; (6) procured or suffered a judgment to be entered against himself with intent to defeat his creditors and suffered same to remain unpaid until ten days before the filing of a petition in bankruptcy, provided that a payment or satisfaction of a judgment by a sale of any of the debtor's property or from the proceeds of such a sale shall not be deemed a payment of such judgment under the provisions of this section; (7) secreted any of his property to avoid its being levied upon under legal process against himself and to defeat his creditors, and has not surrendered such property to such legal process at least ten days before the filing of a petition in bankruptcy; (8) suffered while insolvent an execution for $500 or over, or a number of executions aggregating such amount, against himself to be returned no property found, unless the amount shown to be due by such executions shall be paid before a petition is filed; or (9) suspended and not resumed for thirty days and until a petition is filed, while insolvent, the payment of his commercial paper for or aggregating $500 or over.

It will be seen at a glance that some of these acts are acts of actual fraud, and that under the State laws the punishment is very severe for such acts, and for some others an attachment will issue, which, in the first instance, embarrasses if not ruins a man long before he has been heard on the merits of his case.

Under section 19 of this act any persons against whom any of the acts mentioned in section 2 is alleged is entitled to a trial by jury on that issue. The language of that section is as follows:

SEC. 19.—JURY TRIALS.—(a) A person against whom an involuntary petition has been filed shall be entitled to have a jury trial, in respect to any act of bankruptcy alleged in such petition to have been committed, upon filing written application therefor before the expiration of the time within which an answer may be filed. If such application is not filed within such time a trial by jury shall be deemed to have been waived.

(b) If a jury is not in attendance upon the court one may be specially summoned for the trial, or the case may be postponed, or, if the case is pending in one of the district courts within the jurisdiction of a circuit court of the United States, it may be certified for trial to the circuit court sitting at the same place, or by consent of parties when sitting at any other place in the same district, if such circuit court has or is to have a jury first in attendance.

(c) The right to submit matters in controversy, or an alleged offense under this act, to a jury shall be determined and enjoyed, except as provided by this act, according to the United States laws now in force or such as may be hereafter enacted in relation to trials by jury.

In attachment proceedings, as well as in cases where order of arrest will issue, we usually hang the man and try him afterwards; but in this proceeding we give him a chance to prove his innocence before a jury of his peers before subjecting him to any of the rigors of the law.

But the mightiest objection to the involuntary feature is that it is taken against the will of the debtor. Carefully examined, this objection loses much of its force. Consider what unbusinesslike, if not reckless and immoral, methods lead to. Can we truthfully say that he who plays with fire and burns himself wills it not, when we consider the old maxim? If he did not he would be an exception. Can we say that the way to fraud is an easy one, or is it the result of careless methods, which are occasional at first and afterwards become habitual and willful?

The time to stay the hand of the petitioner in the involuntary proceeding is at the time you are making the contract which binds you to him.

Make no contract you can not carry out. But the answer is, misfortunes will come, and sometimes come unforeseen. This is sadly true; but these are exceptions to the general rule, and the cases are rare and more exceptional where the true merchant will take advantage of the honest unfortunate. Experience is the other way. Find me the merchant who is the oppressor and I will find you the man who, sooner or later, will feel most keenly the rigors of this law, because he is unjust and his injustice will be as plain to his creditors as it is oppressive to his debtors. I will not consider this as a bill affecting classes, because all debtors are creditors to some extent and all creditors are debtors. But it has been a matter of some surprise to find the opposition to this bill attributed to the South and West, where the sentiment for the increase in the volume of our circulating medium seems so strong.

This bill will make buyers careful. The use of paper will not be so great. If it has a tendency it is to increase the demand for a greater volume of money. It is not necessary to develop this idea. If this condition of things follows, how the influence of our financial institutions will diminish! How much more closely will they be confined to a legitimate business at reasonable profit. And where credit is demanded with how much more confidence can these institutions distribute money where it is most needed now, instead of hoarding it as they are now doing, or if not hoarding it, lending it to their next-door neighbor and watching him suspiciously while he uses it.

Of course trade has got beyond our friend's idea, who said:

In all wise commerce payments large or small should be over the counter. If you can not pay for a thing do not buy it. If you can not get paid for it do not sell it. So you will have calm days, drowsy nights, all the good business you have now and none of the bad.

That is and would be a happy condition of trade for the buyer and the merchant, but in the United States we are a good ways away from the millennium. But there is a great deal in the thought that the less complex the conditions of trade are the better is the state of trade.

We have thus far considered the involuntary features of this bill from the standpoint, first, that a uniform bankruptcy law is conceded to be a necessity; second, that the involuntary feature is not a hardship on the honest man; third, that such a bill as we have before us will be of benefit to the whole country by restoring confidence and certainty as a basis of operations in trade; fourth, that it is not intended to affect any class or any section and that all are subject to its provisions.

Let us assume for a moment that there is a creditor class and a debtor class, distinct in themselves, constituting different individuals, and examine the possible harshness of this law on the debtor class, and let us dwell for a moment on the theory of the true merchant as developed by the author of Unto the Last. He says:

The merchant's function (or manufacturer's, for in the broad sense in which it is here used the word must be understood to include both) is to provide for the nation. It is no more his function to get profit for himself out of that provision than it is a clergyman's function to get his stipend. The stipend is a due and necessary adjunct, but not the object, of his life, if he be a true clergyman, any more than his fee (or honorarium) is the object of life to a true physician. Neither is his fee the object of his life to a true merchant. All three, if true men, have a work to be done irrespective of fee, to be done even at any cost, or for quite the contrary of fee; the pastor's function being to teach, the physician's to heal, and the merchant's, as I have said, to provide. That is to say, he has to understand to their very root the qualities of the thing he deals in, and the means of obtaining or producing it; and he has to apply all his sagacity and energy to producing or obtaining it in perfect state, and distributing it at the cheapest possible price where it is most needed.

And because the production or obtaining of any commodity involves necessarily the agency of many lives and hands, the merchant becomes in the course of his business the master and governor of large masses of men in a more direct though less confessed way than a military officer or pastor; so that on him falls, in great part, the responsibility for the kind of life they lead, and it becomes his duty not only to be always considering how to produce what he sells in the purest and cheapest forms but how to make the various employments involved in the production or transference of it most beneficial to the men employed.

Supposing the captain of a frigate saw it right or were by any chance obliged to place his own son in the position of a common sailor; as he would then treat his son, he is bound always to treat every one of the men under him. So, also, supposing the master of a manufactory saw it right or were by any chance obliged to place his own son in the position of an ordinary workman; as he would then treat his son he is bound always to treat every one of his men. This is the only effective, true, or practical rule which can be given on this point of political economy.

And as the captain of a ship is bound to be the last man to leave his ship in case of wreck and to share his last crust with the sailors in case of famine, so the manufacturer, in any commercial crisis or distress, is bound to take the suffering of it with his men, and even to take more of it for himself than he allows his men to feel, as a father would in a famine, shipwreck, or battle sacrifice himself for his son.

All which sounds very strange, the only real strangeness in the matter being, nevertheless, that it should so sound. For all this is true, and that not partially or theoretically, but everlastingly and practically.

The merchant is like every other class, influenced to some degree by his environments. Integrity is his strongest trait, and a reputation for this is invaluable in business. Even the best of them, however, striving toward the ideal, must take into consid-

eration the market in which they buy and sell. And it is to the interest of every merchant to rid his community of the selfish competitor. If he does not he suffers injury to his community as a market for buyers.

On this principle the oppressor and the shylock can not endure in a community of reputable merchants, and this is the debtor's safeguard against oppression.

Merchants as a rule are practical men, men of integrity and experience, with a large knowledge of the world. While they know and pursue as a rule, as far as they are able, ideal practices in trade they must protect themselves, and it is our duty to protect them from that foe of trade, the fraud. Hence assuming him to be the creditor always and himself never the debtor, fair treatment of his debtors is, first, his principle, his instinctive act; secondly, his interest as an individual and as a member of a community that invites trade.

The honest debtor who does his best has little to fear from such creditors, even if misfortunes do come. They may be depended on for consideration, generosity, and equity. The only warning I would utter to the debtor is, Choose your merchant. Do not be afraid to pay a price for your goods. If you deal with an honest man you will get value. If you do not, sooner or later you will be robbed. We read in the Art of England that—

There is no such thing as just or real cheapness. When you obtain anything yourself for half price somebody else must always have paid the other half.

Here again, then, the bankrupt is thrown on the generosity of the honorable man rather than subjected to the swift rapacity of the ever-vigilant shyster or the bitter vengeance of the first oppressive mercantile shylock, who may, under present State laws, force him into court and strip him of his property to the exclusion of honorable and considerate creditors who desire to give the debtor a chance for his business life.

This law, it seems to me, is a good one and will be of benefit to the business of this country. Let me say the business men of my own city, the great city of New York, have suffered much in the last few years. Their losses have been enormous. I do not allude only to the losses of those who have failed but rather to those who have been able to weather the storm. They have, as a rule, been uncomplaining. They have borne their losses like men, and at the same time, while their distress has been constant and continuing, they have kept a fair front to the world. They deserve consideration from us. They ask for this measure. Their request should not be hastily denied or carelessly considered. They do not, as a rule, take the interest in politics I would like to see them take, I suppose because their business duties are exacting. Instead of spasmodic reform movements, they should ally themselves with the great parties and take active part in their counsels. It is my opinion that by that means they might prevent some of the evils that they attempt every few years to reform. They can accomplish as little by these spasmodic efforts as I might by going into a dry goods district and holding a five-days' auction of dry goods.

One of the reasons why business men's administrations are failures is because there is no business men's party behind them. It would be doubtful if they could be successful, even backed by such a force.

Administrations are for the people as a whole, and must have the moral force of a great party behind them in order to approach success—a party which was here yesterday, is here to-day, and will be here to-morrow; a party that can be held responsible for failure in the administration of public offices by its representatives, and is ever present to stand by them in every effort at good administration.

Will merchants and business men ever see the necessity of lending their personality, their intelligence, their energy, to such a party, instead of degrading their communities by attempts to degrade its public officers, and spending their efforts at futile attempts at so-called reforms, which are but the horns on which designing politicians are tossed into power?

Let me say in conclusion that sooner or later the clouds of depression which overhang us must break. The business atmosphere will clear and after the mist has risen the merchant will see old familiar faces and new ones come to meet him on new conditions. The reunion will be a happy one, I trust. The buyer will buy and the seller will sell in mutual confidence. They will part with an identity of interest and sympathy which becomes their relation. The buyer goes to his home; he becomes the seller; he meets the consumer on new conditions; trade is revived; the honest man has survived his trials, his difficulties; he now reaps the reward. And in years to come he will, if this bill becomes a law, look back upon our work as at least contributing to the confidence so essential to the revival of business.

This revival is my sincere desire, and in my judgment we can make no mistake if, under present conditions, we pass this bill, and trust to the future to bring about conditions where any kind of bankruptcy bill will be unnecessary.

Proposed Investigation of Bond Sales.

SPEECH

OF

HON. WILKINSON CALL,

OF FLORIDA,

IN THE SENATE OF THE UNITED STATES,

Wednesday, May 6, 1896.

The Senate having under consideration the resolution submitted by Mr. PEFFER, proposing an investigation of all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896—

Mr. CALL said:

Mr. PRESIDENT: I desire to leave the city for some days, and I wish to put upon record a few observations upon this subject and others connected with it.

Mr. President, it is not necessary to support this resolution that there should be any kind of criticism upon the President of the United States or the Secretary of the Treasury. I think that it is their duty as well as their interest to demand that this inquiry should be had and this resolution passed, because there is a widely feeling of discontent in the country. There is an opinion extensively prevalent that there has been an unwise policy pursued in the administration of the Treasury Department in this respect, and whatever may be the fact in regard to it, it is certainly only right that the people of this country should have a full statement on the part of that department of the Government which is specially charged with inquiry into all subjects which are connected with the public good and within the jurisdiction of the Federal Government. So, admitting all that may be said by the Senator from New York to be true, it is unquestionably the duty of this body, representing the public opinion of the people of the United States, to ask that whatever facts exist in the Treasury Department in relation to this subject shall be placed before Congress; and in doing this there is no implication of reflection, there is no judgment in reference to the wisdom or unwisdom of the policy of the Department, but there is simply an answer to a widely prevalent feeling on the part of the people of the United States.

There is another reason for this investigation entirely disconnected with the two political parties in this country. And I wish to say that whatever may be said in regard to the two great political parties which have existed in this country, and which have changed from time to time their names and to some extent their principles and policies, political parties are formed upon ideas, upon public policies; and although the ingredient of tradition and prejudice exists in one and the other among the great masses of the people, still there is a profound sentiment of opinion, of judgment, of consideration of public policy, that prevails with the people of this country, even the humblest and most ignorant of them, and it can not be denied that now, with the belief that there is almost universal want, with a feeling that can not be argued away, but exists in the personal wants and sympathies of the people, that in every household there is want, that the means of supplying the comforts and the necessities even of life are scant and hard to be obtained—in the midst of universal dissatisfaction and the belief on the part of a great portion of the people that we are following the public policies of Europe, which have created vast pauper populations—in the presence of a feeling of that kind, how wise is it that in the interests of conservatism, in the interests of truth, there should be light shed upon all public transactions, and that this department of the Government should show itself anxious to respond to the public sentiment and provide remedies, if remedies are needed, to arrest this condition of pauperism and want, this stagnation and paralysis of business, which exists throughout the country. In the opinion of many persons, it is largely founded in the financial policy of the Government, and that opinion is strengthened by the declarations of the distinguished Secretary of the Treasury during twenty years of public life. If it be an error unquestionably all the light which can be furnished should be thrown upon that subject for the satisfaction of the public mind.

I am one of those, Mr. President, who believe that there is great danger to republican institutions to-day. I am one of those who believe that the existing financial policies of this country are upon the verge of producing revolution, that they are building up a great privileged class of aristocrats in sentiment, in feeling, alien and foreign in interest and in patriotic sympathies to the institutions of this Government. I believe that there is a secret conspiracy to overthrow this Government and establish in its place a government formed upon the systems and bases of old Europe. Why not? Why shall 65,000 people hold in a power of taxation the greater part of the wealth of 70,000,000? If this be false let us have an inquiry and prove that it is so. Do not let us fly from the charge; do not let us cover it up. If the landed estate of the

great public domain of this country has by one policy and another been conveyed to a few individuals and is now the property of the great European bondholders and brokers in national credits, let the fact be exposed. I do not share in the criticism of the Senator from New York of the speech of the Senator from South Dakota [Mr. PETTIGREW]. I think his propositions, apart from the implied reflections on the public officials, were correct and could be sustained, and that they were forcibly and clearly stated.

Mr. President, in my own State of Florida homesteads are denied to the people of that State and the public land has been given over to the control of a few men. If that be not true, come forward and disprove it. Let light be thrown upon these transactions. Examine your Interior Department, your Treasury Department, and all your Departments, and see if by some methods the public property, the power of taxation, burdens impossible to be sustained, have not been created by public functions the property of a few individuals. I state that to be so. I am a Senator of the United States; I have been elected four times by the people of my State in defiance of this policy and these corrupt methods, which policies have disfranchised the whole population of my State. I charge it upon them, and I should prove it if the opportunity were allowed to me.

Shall there be no inquiry? Are we ready to destroy this republican government of ours and smile when these things are said, and when we propose to offer proof, bury these statements in your committees, under the pretense that you are going to have investigation? The people of all parties are true to republican government. They are loyal and true, and they will see that their right to govern is respected.

Mr. President, this resolution derives its significance from the fact that there is a widespread feeling throughout this country that this condition of fraud and corrupt methods results from public policies. We know that there is a Federal party and always has been in this country; and the richer men grow the more disposed they and their families are to reestablish the aristocracies and despotisms of Europe, with its class privileges and with contempt for the people and their rights. Why was Debs, the chief officer of the workingmen, treated as he was? Why did we march troops, against the protest of the governor of Illinois, into the State of Illinois, against the plain precept of the Constitution, with the governor protesting his ability and his readiness to preserve property and protect the interests of the country? And no word of condemnation of it from that body, the Senate, charged with the duty of protecting the Constitution and the rights and liberties of the people.

Mr. President, it is time that we should respond to the opinion of the people. It is time that we should answer their inquiries. Why is it that pauperism and poverty increase? Why is it business is stagnant and paralyzed? Why is it that money is not to be had except upon the most extortionate and ruinous rates, and in many portions of the country not to be had at all? What is capital? We hear it spoken of as if it were a sentient being? Capital has its rights. What is capital? It is simply the means of exchange. Labor and invention applied to nature's materials create capital. Wherever there are labor and industry and land and material there is capital.

My learned and honorable friend the Senator from New York [Mr. HILL] speaks of New York as a State of great wealth. Unquestionably it is. The city of New York, like all cities, has drawn from commerce its princely merchants and it appropriates in the ways of trade and exchange the greater part of man's production. It is legitimate, but it is the labor of the people throughout this vast country which pays its toll at its gates, its tribute and custom. So we go on to this proposition. You speak of greenbacks and of the contrary and opposing policy of gold or specie or silver redemption. Who can tell the failures, the disasters, the ruined homes brought about, who can tell the vast fortunes which have been accumulated under that system? I shall not discuss its wisdom or its unwisdom, but it will not do to declare that the public credit, resting upon the right of confiscation of the labor of 70,000,000 people, is less powerful than the ingenuity in trade and traffic and brokerage in public credit of a few individuals. It will not do to assume that the power of Government to take everything possessed by laboring, industrious, inventive people is not so great a power—and immensely greater—than the ideas of a few men banded together in commerce and trade. It is public credit alone that makes gold valuable or silver valuable or paper valuable. It is the public credit of the country.

Mr. President, what better evidence do we want than that? And we hesitate to accept this as a controlling fact. Why did the syndicate want the bonds? Why did they jump from the price they proposed to 17 and 20 cents and more premium on the dollar and offer to pay $1.17 and $1.20 for the promise of the people of the United States to pay a dollar at a later period, with annual interest? Why? The proposition is plain in itself. It is because of the high standard of the public credit of the 70,000,000 people of the United States under this free Government, as yet not overturned by monopoly, not overturned by syndicates and trusts, not overturned by a great aristocracy alien in sympathy and in faith to republican institutions. The faith of the nations, of the aristocrats of Europe themselves, in this Government and in our public policies is such that it makes our public securities the most valuable possession in the world.

That is the plain proposition. There is no denying it, no questioning it; and there are reasons why it should be so. No war, no serious possibility of war, a country increasing with vast rapidity in numbers, a country in which even unwise policies can not discourage the enterprise and invention of the people, separated by oceans from Europe, with a comparatively limited public debt. Why is it not worth more than all the nations of old Europe, with their millions of armed men, with every farmer and laborer carrying one or two or three soldiers upon his back to maintain? Why is it not true, and who does not know in the presence of these facts, that he who can obtain the pledge of the people of the United States can afford to give 10, 15, 20, 25, and 30 cents premium for Government bonds, because of all accumulations they are sustained by the greatest possible security that can be given?

Therefore, leaving all party views out of consideration, leaving all questions relating to past policies out of view, it is right that this body should ask to be informed, without implied reflection upon the President or anyone else, what are the facts in regard to these transactions, that it may be spread abroad and wide throughout the country that the people may see that there is no rightful foundation for criticism or implied censure, or even the censure which prejudice sometimes imparts to men—political malice, personal malice. Those high offices should rest unsullied in the minds of the people by even a suspicion of wrongdoing.

But I wish to go a little further in these brief observations; and I will ask leave to publish some statements which I have here without troubling the Senate to read them.

Mr. HILL. Will the Senator please tell us what they are? Will he describe them?

Mr. CALL. One of them is an extract from a speech which I believe was delivered by Wendell Phillips; another relates to the Smithsonian bequest; another one is a statement of the foreign public debt of the United States and its gradual increase. There are other papers, extracts from some of my own speeches relating to public lands and papers from the Interior Department, all of which, however, are matters which it would take some little time to read. If there be no objection, I will insert them without detaining the Senate to read them.

The political condition of our country demands the consideration not only of persons intrusted with the conduct of public affairs, but also of the public and of all persons interested in the general welfare and the permanence of our institutions. Causes are at work in themselves powerful enough to overthrow long-established governments, unsettle traditional customs, and rearrange the social order. It should be our wise care and foresight that these elements of force, which can not and ought not to be suppressed, shall be led along the paths of peaceful and orderly improvement of the conditions of life for the great body of the people. In this way, and this alone, can we avoid that commingling of these irresistible social and economic forces which overcome all other forces and lead the people into a revolution which will have its way until spent by its own violence.

If we could look beneath the surface and accurately note the condition of life of the mass of the people, if the statistics of modern economics had been or could be obtained, we should find the great evils which create and precede violent civil and social commotions widely prevalent and increasing in activity and force.

The poor in the extreme of poverty increase day by day in our own country, the most favored and prosperous of all lands. The great army of unemployed recruit their numbers constantly from the ranks of wretchedness and despair. Year by year the procession grows of those who descend from the ranks of comfort and comparative independence into poverty and crime and suicide and is swollen by great numbers who ask for labor as a boon; to whom abundance, comfort, shelter, and protection is a stranger from their birth to their death; to whom suicide is the only refuge from horrors far worse than death; whose misery drives them to seek that "undiscovered country from which no traveler has ever returned"; whose conscience does not make cowards of them; whose misery dulls the fear of something after death, which makes "cowards of us all and gives us pause." The columns of the newspapers continually note the suicide of persons because they can not obtain work to furnish them bread and shelter; who are driven by despair to end the lives of themselves, their wives, and children.

In the Westminster Review for September, 1895, Mr. Joseph Burgess, candidate for Parliament, is thus quoted:

It was the question of the unemployed upon which the Independent party would ride into power. * * * The central idea that the grossest scandal of our civilization was, and is, that we had in our midst millions of men, women, and children who were always on the verge of starvation. He believed that the estimate of 1,000,000 unemployed and 3,000,000 people in want

was rather under than above the mark, the constitution would not last if they only had all the poor unemployed people herded together in one place where they would strike the imagination of those who were in better circumstances. He looked forward to a promised land where honor was given to merit, not to wealth; where the gauge of honor was not what a man won for himself but what he had done for others. He invited them to go up and possess this land.

Again Miss Martyn speaks in the same article as follows:

Equality of opportunity—

She meant not only in sharing the work which created wealth, but equality of opportunity to—

breathe free air; to drink in the sights and sounds of nature; to revel in the creations of art; to participate in the triumphs of science; to become true lords of creation; to develop every faculty—physical, mental, and moral—to the utmost possible extent.

In the Nineteenth Century for December, 1892, Mr. John Burns makes the following statement:

Outside the official pauper class, as Mr. Charles Booth proves, there are hundreds of thousands of people whose standard of life and comfort, from the point of view of food, clothing, and home accommodations, is lower than the pauper or criminal; yet these people will not accept relief, but struggle on in the vain hope of work that never comes. * * * Having experienced the lot of the workless worker, I believe with Carlyle that a man willing to work and unable to find work is perhaps the saddest sight that Fortune's inequality exhibits under the sun.

Pathetic it is to see the laborer, strong in limb, healthy in mind and morale, willing to work, but compelled reluctantly to be numbered with the ever-increasing legions that machinery, invention, competition, and monopoly recruit for idleness. But the first step necessary to a change is his own awakening, and that at last has come. His eyes are now open, and the Samson of labor has pulled from them the bandage that class rule, apathy, and his own ignorance and drunkenness has placed upon him. He sees that the soil after its crops lies fallow and is fed. The trees, after their fruitful loads have gone, rest and recuperate.

The rich go to other climes to rest or hibernate in slothfulness at home. But he, the worker and producer for them all, is linked to an idleness that worries and fatigues. His limbs are rusted with a vile repose. The opportunity of using them is denied him. The city his hands have helped to make rich and beautiful has nothing to offer him—not even the chance of further work—the little all he modestly craves—and in refusing the community robs itself and leaves him poorer still.

But even more pathetic than the unemployed male worker and industrial nomad is the workless woman or girl in search of work in a city of great distances. Trudging from shop to factory with thin boots, with little food, without the support trades unionism gives to men, lacking the stimulant of association, isolated by her sex, with no organization, often the victim of bogus registry offices, friendless and alone, she searches for work that slowly comes. Before her the workhouse or the street, she bravely suffers in silence and has no alternative to starvation but the eating of the crumbs of charity or the loaf of lust.

The industrial Andromeda, chained to a life she loathes, incarnates all the poignant sorrow and desperation of the merciless struggle for existence among the poor, against which virtue, honor, and labor often fight in vain.

The inspiring motive of all is the disposing of the unemployed, the slaying of the Frankenstein that the fruitlessness of their own labor has created. Disguise it how we will, hide though we may, looming up is the great, all-absorbing question for all countries and governments to face. How can the honest worker be provided with work uncontaminated with pauperism's degrading taint and charity's demoralizing aid? The official statutes reveal the nature of the problem—the fact that a cruel administration of the poor laws which mixes honest and criminal together has reduced official pauperism from 46 to 20 per cent per 1,000.

The fact is, the unemployed have to be kept in one of three conditions—living on the rates as a pauper; or as a criminal, kept in prison; third, or as a wanderer in the streets, preying upon his fellows or the charitable rich; forced to live like a vagrant camel upon the hump of his own melancholic poverty, slowly getting physically exhausted, morally and mentally degraded, till the manhood is crushed out of him, and he becomes one of those fearful wrecks to whom death itself would be the greatest relief.

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Commander Booth-Tucker, of the Salvation Army, fresh from his first plunge into the east-side slums of this city, sent the following statement to The World yesterday:

To the Editor of The World:

Reckoning the submerged at only one-tenth of the entire population of the world—and the calculation is admitted to be a moderate one—we have the enormous total of 150,000,000 of human beings in a state of chronic want and semistarvation.

If Mr. Booth-Tucker's estimate approaches correctness—150,000,000 people in want, unemployed, and without the possibility of obtaining work, the victims of starvation, despair and suicide—we stand appalled at the ghastly spectacle and demand a remedy immediately. One hundred and fifty million human beings in the extreme of sorrow, misery, degradation, and death! We demand of ourselves, Are we sharers in this responsibility? Are we responsible for this great holocaust, this hell of despair with which the world is overwhelmed?

Is this mighty sacrifice of humanity, constantly occurring, while the churches lift their steeples to the heavens and the sacrifice of praise and thanksgiving, of music and song, ascends to the Prince of Peace, who brought the glad tidings of peace and good will among men, is it true that mingled with it are the cries of anguish of 150,000,000 human beings, of Christ's brothers, of God's children, suffering all the tortures of the damned and perishing in want and misery, disease and starvation? Is this the result of our religion and our civilization? If so, there must be something wrong in our systems or our policies or our parties, for surely this is not a necessary condition, although it has accompanied, more or less, the development of our modern systems, and is, in part, the result of density of population. What remedy have we? What can we do or try to do?

Mr. Chamberlain, a distinguished English statesman, has given this subject intelligent and able consideration. In 1885, in a succession of brilliant speeches, he pointed out, to the great satisfaction of the laboring people of England, that "the common rights of ownership of the land had disappeared. Some of them had been sold; some of them had been given away by people who had no right to dispose of them; some had been obtained by fraud and some acquired by violence." This is a picture of the land tenures and the means by which all the land, all the soil, of the country has passed into the hands of a few men.

Again, Mr. Chamberlain says: "How are we to increase the material resources of the poor? For my part," he answered, "I see no hope whatever except in a radical revision of the laws which affect the tenure of the land."

Again, to the same purport: "How to restore the laborer to the land is the great question with which the great mass of the English people are chiefly concerned. We have no accurate statistics on these important subjects, and must therefore rely on those of foreign Governments. It seems as if our public system is to conceal and suppress information on these subjects."

In 1892, in England, 22 unions, with 268,658 members, had in October 19,684 out of work. The figures for 7 years were:

	Per cent.		Per cent.
For 1886	10.1	For 1890	2
For 1887	8.6	For 1891	4.45
For 1888	4.4	For 1892	7.83
For 1889	1.8		

The following table taken from the Nineteenth Century Review, Lord Scott's Publication Company, casts light on this subject.

The census of London unemployed in 5 districts in 1886–87 compares as follows with 1892:

	1886–87.	1892.
Dock laborers	55	25-40
Laborers (general)	37	12
Shipwrights	44	44
Masons	37	3
Painters	33	12
Carpenters	27	4

The condition, then, is a chronic one. The causes are want of work, want of employment—not enough work for all. The causes of this are found to be overwork of some, monopoly of the sources or means of employment, and chiefly by the exclusion of men from the soil, except on terms of exaction too great for him to bear. A profound thinker on these subjects, although an enthusiast, says the economical subjection of the mass of labor to the monopoly of the means of labor that is the source of life has at the bottom servitude in all its forms, of all social misery, mental degradation, and political dependence, and the economical emancipation of the working classes is therefore the great end to which every political movement ought to be subservient.

Mr. Garrison, in a late speech in Boston on immigration, says landlordism, militarism, and militantism are the great causes of evil in modern life. But there are causes which will produce this result if landlordism and militarism do not exist.

Let us look a little further into this question. We are on the eve of a great political struggle. We are talking about protection. We have a tariff which is highly protective. We are speaking of the election of a President upon the policy of a financial change or the preservation of the present financial status of the country. These are questions which are coming before the people for consideration. Is it not well that the facts should be carefully investigated, that we should know why it is that in this country there is widespread suffering and want? Is it not well that we should know to what extent the power of taxation has been conferred upon private individuals, to what extent is it true that the Rothschilds and their associates hold the power to put their hands into every laboring man's pocket and deprive his family of the necessaries, the comforts, and the luxuries of life?

Is it true or not? Why should not this body have devoted their time to deliberations upon these questions? How many men there are who have grown enormously rich, possessing hundreds and five hundred millions of dollars! How were such fortunes obtained, by the pursuits of merchandising and trade and commerce, or by the power of taxation conferred by us? If it be not true, let us demonstrate the fact to the people. Let us silence these cavilers and objectors. Let us see what are the figures. If it be so, we are to have a Government built upon the overthrow of the people's power by a privileged class, resting upon grants of taxation similar to those which were destroyed by the people of England one hundred years ago and which their Parliament to-day will not sanction. If it be so, and that is a better condition of things, let us adopt and declare to the people that we have made a mistake in the idea of government by the people and for the people, a government in which there shall be no entail, in which there shall be equality of distribution, in which there shall be, so far

as the law is concerned, equality of right, of opportunity, of access to the soil.

Why disguise it to ourselves? These are questions which we must meet. These are questions which republican government must solve. Is the tribute exacted from the people too great? Is it more than can justly be required? Is it more than is consistent with widespread prosperity? Is the privilege denied to every poor man to travel hither and thither with his wife and child and enjoy the elevation which comfort gives? Is it more than is consistent with saving them from the gutters and slums, from that vast army of ever-increasing paupers which swells the procession from the ranks of comfort, their homes and children threatened with it, into the ranks of misery and degradation and vice and crime? Are these questions unworthy of the American Senate?

When many persons believe that the gold policy, which the honorable Senator from New York extols as sound and beneficent, means the monopoly of money by a few men, means the prescription of extortionate rates of usury, means the ownership of all houses, of all stores, of all lots, of all places where commerce exacts toll and tribute of the toiling multitude, is it not wise that we should throw open the doors of inquiry and say, as a wise monarch would say, if this even were a monarchical government, "The happiness of the people, the prosperity of the great masses, the freedom of the laborer, are objects of government and of all sound and beneficent policies, and if there be these evils let us correct them?" This is the opinion undoubtedly of a vast mass of the people of this country. I will not say whether they be a majority or not, but if I were to rest my hopes of political future upon taking one or the other side of this alternative, I should be upon the people's side. I should say that the American people have the power, the wisdom, the intelligence to adopt public policies which should at least be equal to those of New Zealand, whose people are descended from the same ancestry, with the same civilization, with the same ideas of political and religious liberty. I should say that I would have no fear that the monopoly of money, whether it be gold or silver or paper, the monopoly of that which is legal tender for every man's debt, will be rebuked and prohibited by the great unanimous verdict of the people of the United States.

I doubt whether any President, of whatever party, be he Populist (I do not think it impossible in this country that there may be a new party; I do not think it impossible in a country where people reflect and where principle and distinction of principle exist, that new ideas may come) or of any other party—I say I do not believe any wise man of any party elected to be President would sustain gold money if it be a monopoly. In my opinion it is an unquestionable monopoly; it is nothing but a monopoly. A few men in Europe, brokers in the public credit of the United States and other nations, control the gold as they would control diamonds or pearls or anything else that it is possible to control.

I saw in a New York paper the other day that the Rothschilds had loaned twenty thousand million dollars. Forty men have loaned within the last few years twenty thousand million dollars. How can forty men acquire twenty thousand million dollars? The institutions are faulty, the policies are faulty. What are these twenty thousand million dollars in? In land, in labor? No; in the power of taxation created by law, in government bonds imposing this burden upon the people.

My able and distinguished friend the Senator from New York can well devote his abilities and his acute reasoning to considering the remedy for that condition of things. Take our own country. Our national debt increases, over and above the vast exports which we send abroad, all of our agricultural products chiefly, and somewhat of manufactures, as I see by the statement which I have here, from twenty-seven to forty million dollars a year, notwithstanding we send abroad nearly the entire surplus of our production. Yet the public debt, the gold debt, of our country to Europe, to the Rothschilds, richer by far than all the countries of Europe, protected against possible revolution, war, and its disasters, better than any country, increases yearly. Yet with this vast superiority we are going into debt every year from twenty-seven to forty million dollars to the poor people of Europe, who do not possess within $2,000,000,000 the wealth which we possess. They are burdened with debt twenty times more than ourselves.

How is that? Do you go to your poor neighbor, inferior in credit, in resources, to yourself to borrow money, with your production far, far above his? It is a trick of the trade; that is all. It can not be that we can be richer; it can not be that we can be more inventive, more productive; it can not be that we can feed our own people and also the people of Europe, and yet be their slaves and tributary to them for the necessary means of carrying on our own Government.

I am very far from objecting to the proper accumulation of wealth. I do not even object to these public franchises, with the power of taxation inherent in them, being vested in private hands if we are strong enough to control them against the corrupt use of the people's money which they take from them. If they are to come here and buy seats in the Senate of the United States, if they are to come here and buy the seats of members of the other House, when a respectable person comes here and says, "I want an opportunity to prove it," I do not think it is quite the thing to say that State rights prohibit it.

If State rights mean the corruption of the power of the State by foreign influences, then we had better not have it. We can not have any worse condition of things than that. We can not have any more destructive condition of things for the progress of mankind, the higher civilization, the better condition of the people of the world and of our own country, particularly the elevation of the American laborer, and contentment, comfort, education, and happiness in every home. We have the best people in the world. We have them because we have had our lands unoccupied and free scope was given to poverty and want and disaster to go upon the public lands and save themselves from the gutter, to save themselves and their families from absolute want and beggary. This country has been the pathway of relief for the poor and suffering. I have seen it. I have lived in a frontier country the greater part of my life. I know how beneficent free homes are to the poor people, and I know the selfishness and wickedness of the public policy have robbed the people of their homes and sentenced them to lives of poverty and humiliation.

It has not been my purpose to occupy the attention of the Senate for any great length of time.

Booth-Tucker, the leader of the Salvation Army, in regard to the extent of the misery inflicted upon the people of his country by the existing conditions, states that there are 150,000,000 people upon the verge of starvation in the world, and that in our country they are increasing and increasing rapidly. He alludes to the Salvation Army, which has been doing a grand work. I recognize in this great and powerful organization, extending from India and throughout the states of Europe to every city of the United States, the unselfish and beautiful benevolence of men and women who rescue from the vast army of paupers and criminals the humanity which once lived in comfort and enjoyed the purity of homes within the circle and folds of society and religion.

I recognize that grand work. I have it upon the authority of these people, not only the book In Darkest England, but of the new salvation leader that what was pronounced not quite a century ago in the celebration of the Smithsonian bequest to be the great object and purpose of government is still its great purpose. John Burns, Chamberlain, and the other great statesmen of England state that to find work for the unemployed, to fill the homes of the workless who can not obtain work, is the great problem of modern statesmanship. It underlies the political ideas of all political parties. The old traditions have been lost in the centralization of power which comes by the corruption of all sources of public authority and public power.

Who can justify the imprisonment of the three California men for conspiracy?

Mr. HILL. What California men does the Senator from Florida refer to?

Mr. CALL. I am referring to the three at Los Angeles who were sentenced to imprisonment for eighteen months. I do not remember the names. The Senator from California, if he were here, could give them. But for eighteen months they were sentenced to imprisonment, and a pardon has been refused them. Sentenced for what? They were laborers employed upon the railroads. They were the men who, with sleepless energy, toiled day and night; they were men of the class upon whose vigilance and skill and fidelity the lives and transportation of all the productions of this great country depend. They were sentenced to eighteen months' imprisonment. Why? Because they combined the same as syndicates combine to endeavor to better their condition.

Mr. HILL. Will the Senator please explain what was the alleged ground of their imprisonment? What was the charge against them?

Mr. CALL. Conspiracy to stop the mails.

Mr. HILL. Were they tried before a jury?

Mr. CALL. Oh, yes, and a judge. That only serves, sir, to show, if the fact be that a judge and jury, in face of the law and facts, sentenced these men, that, while the institution of judge and jury are right, that judge and that jury deserve and should receive condemnation. Legislation should be had to prevent such a judge and such a jury from again inflicting upon a free-born citizen of the United States and a deserving laborer such a criminal and oppressive punishment. That is the remedy for that. But I say no one can justify it. I have read the briefs in the case. It is simply an evidence of how, even as to an innocent person, without an intention to do wrong, the progress of opinion goes in favor of dynastic privileged classes, privileged aristocracy, federalism, and against the institutions of freedom and the rights of the people.

There was an old Federal party. There is a Federal party now. We have Federalist Democrats and Republicans, and I doubt

very much whether we would not have some Federalist Populists. Party names are not everything. It is ideas. You can not give the wealth of the country to me and to others without building us up. It is exclusive. It is in favor of privileged classes. I know something of it. I have seen it. I have seen it in conditions and forms in which it will never be repeated, but which were more favorable than can ever exist in any other community. It will grow. We know the fact that Thomas Jefferson and the people of the South who held large possessions, grew up with the refinements and tastes and elegances which belong to hereditary fortune. And while, in the free air of the new America, with its unoccupied soil, with its vast feeling of enterprise and activity, there grew up a splendid manhood and womanhood—elegant, refined, brave, courteous, and patriotic—it was not the result, wholly or in large part, of the accumulated fortunes in their hands, but rather of the circumstances which surrounded them. It will behoove us to prevent its recurrence, because that is the sentiment of the people.

They sympathize, in my judgment, with those who sympathize with them. They do not want an aristocracy. They do not want a privileged class. They do not want men of too great fortunes, of hundreds and hundreds of millions of dollars derived from the power of taxation. They realize the fact that that is the condition of things to which our economies and our institutions are tending.

I have nothing to say about bonds or who was responsible for their issue or whether it was necessary in the growth of the conditions which have occurred. But I do mean to say when a resolution is offered here of inquiry upon any subject which the public opinion demands, that inquiry should be accorded, and while I am willing to make liberal grants of public money, and even franchises for public purposes, and to do full justice to those already granted, and to the citizens to whom they have been granted, I do desire such public policies as will make them minister to the convenience, comfort, and welfare of all the people, and to the perpetuity of the Republic.

Bankruptcy.

SPEECH

OF

HON. RICHARD W. BLUE,

OF KANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Friday, May 1, 1896.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States—

Mr. BLUE said:

Mr. CHAIRMAN: Bankruptcy laws have not been favored in this nation. Three have been enacted since the organization of the Government—one in 1800, which was repealed in 1803; one in 1841, which was eliminated from the statute books in 1843; the third and last one in 1867, which remained upon the statute books until 1878, when it was, after several efforts, repealed. All these acts contained insolvency clauses, chiefly for the benefit of the creditor. Each one also contained provisions for involuntary bankruptcy.

A serious objection to any bankruptcy law in this Republic is the inability of the lawmaking power to make it uniform in its application. With a nationality composed of forty-five separate States, each with a constitution and code of laws of its own, varying as the necessities of the people may demand, the task seems hopeless and impossible.

The framers of our Constitution were students of the laws of the mother country. The spirit and genius of our institutions have been molded and fashioned after the teachings of our Anglo-Saxon ancestors. The common law, as it existed at a certain period in the history of the mother country, modified to suit the conditions and necessities of the people, has been adopted and is yet in force in many States of the Union. In other sections of the country the civil law, modified to meet the necessities of the surroundings and advancing civilization of the race, has been adopted and approved. An aggressive, industrious, and highly civilized people, united in a common destiny and solicitous for a common prosperity, happiness, and development, is working out the problem of self-government. One of the chief factors in the solution of this problem is the absolute independence in local affairs of each State in the Union. Each State in its home rule and management of the affairs of its people among themselves has a separate and distinct entity. But each is also a member of that greater and superior entity—the United States of America. As a consequence of this system, each State has its exemption, insolvency, and attachment laws, differing as the peculiar genius and necessities of its people demand. To harmonize this with any general bankrupt law so as to make its operation uniform throughout the nation is an impossibility. An approximation is the most that can be expected. It may be stated as an axiom that bankruptcy laws here have ever and always been unpopular; that public sentiment has favored them only as matters of extreme necessity, and sought to have them repealed as soon as that inexorable necessity has passed.

The difficulties surrounding the enactment and enforcement of an acceptable bankrupt law in this nation seems to have been clearly understood by Senator Conkling, who, in speaking of the act of 1867, said as follows:

I do not know, Mr. President, perhaps I should not feel warranted in saying—but for a consideration which I will refer to in a moment, and which alone would restrain me—that the present bankrupt law, with changes which we might hope for, would be clearly a wise measure of legislation to remain; yet I am inclined to think that the most serious complaints grow out of conditions wholly unavoidable. For illustration, at least, I may say that our geographical difficulties are very great and that they can not be overcome. Men look at the administration of the bankruptcy system in Great Britain, and they compare it with ours, and they wonder with discontent that the comparison is against us. They forget that the bankruptcy system in Great Britain operates upon a limited area, amid a very dense population, with a very numerous and effectual judicial staff. England without the 12 counties of Wales has a little less than the area of the State of New York. Twenty-four million people inhabit it. Look to the taking of the census for illustration of what I am saying. The British census is taken in one night. It is taken between sun and sun and after sundown.

We take an enumeration here to count all the people scattered throughout all our borders, and weeks and months are exhausted and expenses are involved which would seem apocryphal, comparing them with the expenses of taking the British census and making no allowance for the disparity of conditions. So when you come to execute a bankrupt law in the thirty-eight States of the Union, sparsely populated and illy conditioned for transit from place to place, as many localities are, without a judicial staff so numerous as to carry justice to every man's door, you find great impediments, prolixity, postponement, expenses; and accordingly you find, as was stated, I think, in a petition presented by my colleague, perhaps to-day, a percentage of the outcome of assets, and a percentage of that which is swallowed by the proceedings, and of that which accrues at last to the creditor, and very naturally say that this is a failure. But if you look into the causss, I fear you will find that most of them are such that no art in drafting a bill, no reformation in administration, nothing which falls within the province of legislation can encompass and avoid them, and so it may very well be said the best considered argument would acquit the present bankrupt act of much of the guilt laid at its door, and attribute its evil consequences, as I have endeavored to show, to conditions beyond the purview of legislation.

It may be said in this connection that there is at this time no popular sentiment in favor of a permanent bankrupt law in this nation. Whatever action Congress may take upon this subject, whatever measure it may enact into a law, it should strictly limit the time of its operation. In my opinion it should not extend beyond a period of five years. Each of the laws heretofore enacted by Congress have contained involuntary bankruptcy features. These provisions are chiefly in the interest of the creditor class and are in the main remedies for the collection of debts. The exacting creditor has ever and always sought to incorporate in the laws intended for the relief of debtors measures for the most speedy and thorough collection of debts. This has always been the vice of these measures. The spirit and intention of the bankrupt law should ever and always be the relief of the unfortunate but honest debtor:

If a man has given up all his estate to his creditors, he is entitled to his release; if he has contracted his debts fraudulently or inconsistent with fair dealings, punish him; but if he has surrendered all he has give him at least an opportunity of retrieving his position and send him back into the world again with a chance of getting a living in the future and of becoming a wiser and better man; but do not pass upon him the sentence of perpetual mercantile excommunication.

The principle on which all bankrupt laws ought to be framed is to leave everybody to manage their own affairs, taking every precaution against abuse.

The demand for a bankruptcy law at this time is based chiefly upon the desire of the people to have the unfortunate but honest creditor relieved from the load of indebtedness upon him and which he is wholly unable to pay; to give him a new lease of life and offer him another opportunity to use his talent, experience, and industry in the development of the business of the country. There is no general demand among the people for national legislation for further and additional remedies in the collection of debts. The present measure, which is now before this House, is radically wrong in principle. It is conceded that it is fashioned after the Torrey bill, which was prepared by the attorney of the tradesmen and wholesale dealers in their interest and for the avowed purpose of facilitating collections. This bill is wrongly named. It should be entitled "An act giving additional remedies and powers to creditors in the collection of their claims against unfortunate debtors." By the terms of this measure the debtor can be made the subject of bankruptcy and suffer all the obloquy of that term before the question of his solvency can be heard or determined. He is, in fact, by the terms of this bill, executed first and tried afterwards. However honest may have been his intentions, if he should be indebted to the extent of $500 or upward, and is unable to pay, he may, by his conscienceless and unsympathetic creditors, be thrown into bankruptcy at any time if, by the

unfavorable condition of business, he should become unable to pay for thirty days.

The nine different acts of bankruptcy named in the bill are not only in several instances inconsistent with each other, but are of such character that almost any debtor can be forced into involuntary bankruptcy. That this feature is wholly unnecessary there can be no question. Every State in the Union has its solvency and attachment laws which furnish ample relief to the creditor. He needs no other remedy than that which is already given him by the States themselves. It is the unfortunate debtor who should receive the wholesome and generous relief of a discharge. Under these State laws, in almost every instance when a debtor is found to be in a failing condition, his creditors can get together and compromise and settle with him and give release to much better advantage than to adjust their claims in the bankrupt court with all its expenditures and delays. The utmost latitude should be given to the creditors and debtors in the management and settlement of their affairs without the intervention of the public.

John Stuart Mill says:

The tendency of public authority to stretch their interference ought to be watched with unremitting jealousy.

Sir George Jessel has said:

Where there has been no criminality, it has been established by what might be called universal legislation that an arrangement between the debtor and his creditors is the first thing to be secured, and it should be limited to the will of the contracting parties.

Lord Chancellor Westbury has also said:

If the creditors choose to grant the debtor his discharge, let that be their concern; if they wish to be indulgent and merciful, let them be so; it is no business of the court, but of the creditors.

Should this bill become a law nearly 75 per cent of the business men of the West would be harassed, intimidated, and oftentimes destroyed by it. In my opinion the entire section providing for involuntary bankruptcy should be stricken from this measure. If that can not be done, then I am willing to accept a provision for involuntary bankruptcy for actual fraud only. If this bill is not modified as suggested, in deference to the sentiment of the constituency which I have the honor to represent I shall feel constrained to vote against it.

It is proper at this time to refer to some of the vices of this proposed bankruptcy law. In the first section it seeks to give unusual definitions of words and phrases contained in the bill. Many of these definitions enlarge the scope and intent of the law to an unreasonable extent. It may be observed that a petition may be filed within four months after the commission of the act of bankruptcy as defined by this bill, and this provision of the bill further says:

Such time shall not expire until four months after (1) the date of the recording or registering of the transfer or assignment when the act consists in having made a transfer of any of his property with intent to defeat his creditors or for the purpose of giving a preference as hereinbefore provided, or an assignment for the benefit of his creditors, if by law such recording or registering is required or permitted, or, if it is not, from the date when the beneficiary takes notorious, exclusive, or continuous possession of the property unless the petitioning creditors have received actual notice of such transfer or assignment; or (2) the date of the return of legal process when the act consists in having secreted any of his property to avoid its being levied upon under legal process against himself and to defeat his creditors, as hereinbefore provided.

"Insolvent," as applied to a person, shall mean that his property is not sufficient in amount, at a fair valuation, to pay his debts, and when insolvency is to be inquired into with reference to an act of bankruptcy it shall be determined as of the date of the filing of the petition.

How would such a measure have operated during the unfortunate year of 1893? Thousands of honest business men all over the nation were for months hovering on the border of insolvency; lack of business confidence prevailed everywhere. Bankrupt stocks sold under the hammer throughout the land impaired and destroyed values and prices and demoralized business. Many of those who regarded themselves as entirely solvent, and who were in fact solvent, were wholly unable to realize on investments or meet their paper when it became due. Had one of these transferred, assigned, or mortgaged property for the purpose of paying or securing a portion of his debts, at any time within four months thereafter, he might have been thrown into bankruptcy by an exacting or remorseless creditor, although the act of transfer might have been made in absolute good faith, the debtor believing as he did that his property at a fair valuation at the time of the transfer would meet all of his outstanding indebtedness and discharge all his liabilities. This bill defines "transfer" as follows:

"Transfer" shall include the sale and every other and different mode of disposing of or parting with property, or the possession of property, absolutely or conditionally, as a payment, pledge, mortgage, gift, or security and the creation of a lien on property by any means other than by compulsory process prosecuted in good faith.

Let us for a moment consider the second and fifth acts of bankruptcy in connection with the time of filing petition and the time of determining the value of the property of the debtor and the definition of "transfer." Said act of bankruptcy is as follows:

Failed for thirty days and until a petition is filed while insolvent to secure the release of any property levied upon under process of law for $500 or over, or if such property is to be sold within such time under such process then until three days before the time fixed for such sale.

The following is the fifth act of bankruptcy as described in said bill:

(5) Made, while insolvent, a transfer of any of his property or suffered any of it to be taken or levied upon by process of law or otherwise for the purpose of giving a preference, and has not regained the ownership of such property or released same from such levy before the rights of creditors shall have been altered, changed, or impaired by reason of such transfer, taking, or levy and at least ten days before the commencement of a proceeding in bankruptcy.

If the poor but unfortunate debtor seeks to avoid the second act of bankruptcy by the transfer of property he finds himself in the toils of the fifth. How, in disastrous financial periods like that of 1893, would an unfortunate tradesman protect himself against the second act of bankruptcy unless he did so by a transfer of property to pay his obligations or to secure the money with which to discharge them? If he did so, and in four months afterwards a petition should be filed by his conscienceless creditor, how would he escape the provisions of the fifth act? Again, "preferences" are not always unmixed evils. Should a debtor, struggling to avoid insolvency and bankruptcy, seek the aid of a friend who makes him a loan, hoping to tide him over his difficulties and save him from financial destruction, ought not that friend furnishing the money under such circumstances to have a preference over the creditor who has sold the debtor goods and commodities in the regular course of trade? Many instances readily suggest themselves in which an honest and equitable preference should be allowed, and yet the sixth act of bankruptcy in this bill reads as follows:

Procured or suffered a judgment to be entered against himself with intent to defeat his creditors, and suffered same to remain unpaid until ten days before the filing of a petition in bankruptcy: *Provided*, That a payment or satisfaction of such a judgment by a sale of any of the debtor's property or from the proceeds of such a sale shall not be deemed a payment of such judgment under the provisions of this section.

This measure seems to treat the question of preference with invidious distinction. It not only makes it the subject of bankruptcy, but provides by the terms of this sixth act that a payment or satisfaction of a judgment by sale of any of the debtor's property or from the proceeds of such a sale shall not be deemed a payment. In other words, if the debtor has procured or suffered a judgment to be entered against himself in favor of a preferred creditor he has committed an act of bankruptcy which the payment of the debt will not remove.

The eighth and ninth acts are as follows:

(8) Suffered while insolvent an execution for $500 or over, or a number of executions aggregating such amount, against himself to be returned no property found, unless the amount shown to be due by such executions shall be paid before a petition is filed; or (9) suspended and not resumed for thirty days and until a petition is filed, while insolvent, the payment of his commercial paper for or aggregating $500 or over.

Under the laws of most of the States of this Union it is the duty of any officer with process in his hand to first levy upon the personal property of the debtor. If he, after diligently searching, fails to find any personal property on which to levy, it is his duty to indorse on the process "no goods" or "no goods found." After which he may proceed against the real estate of the debtor.

This eighth act of insolvency would seem to include a debtor who had not sufficient personal property to discharge his obligations. This eighth act of bankruptcy also comes in conflict with act 5. If the unfortunate debtor seeks to escape from one, he is impaled on the other horn of the dilemma.

If the ninth act of bankruptcy is not stricken from this bill, it will be found that almost any tradesman can, at some time in a financial crisis, be thrown into bankruptcy. If a business man is not permitted to transfer any property to secure a loan of money or otherwise get the means of discharging his indebtedness in a financial stringency and is to be declared a bankrupt if his commercial paper goes unpaid for thirty days or more, who of them is safe?

Again, the State of Kansas has a provision in its laws by which an attachment lien can be preserved and the order of the court or judge dissolving the same carried to the supreme court for review. If an unscrupulous creditor procures an attachment upon the property of an honest but unfortunate debtor, and the debtor appears before the court or judge and satisfies the court or judge that the attachment has been wrongfully obtained, and the court or judge makes an order dissolving it, this lien can still be preserved until a final adjudication of the matter in the court of last resort.

Under the second act of bankruptcy, as defined in this bill, no business man in the State of Kansas can escape being thrown into the bankruptcy court if he owes $500 or more to unscrupulous and exacting creditors.

Another feature of this bill, which to my mind is exceedingly objectionable, is its provision in regard to corporations. While a

corporation may be thrown into bankruptcy and its property all taken from it and its business destroyed, yet it is not allowed the privilege of a release. It is unquestionably true that a prejudice exists in the minds of the people against corporations, but it must not be forgotten that a large volume of the business of this nation is transacted through corporations. The development of our civilization seems to render this necessary. The use of an artificial person with limited capital and fixed liabilities seems to be favored in all avenues of commerce and trade. Why should the corporation be thus invidiously singled out and made an exception? If good reasons should be found why a corporation should not be discharged in bankruptcy, why should the authority be given to throw it into a bankruptcy court and deprive it of its property, impair its credit, and ruin its business? No provision is made by this law for the winding up of the affairs of the corporation and dissolving it. This measure simply provides a way to destroy its usefulness and wreck its business without any corresponding benefit. Why should not the corporations be left to the insolvency laws of the several States? Should this bill become a law, would it not be in the power of creditors to force the great railroad corporations of the nation now in the hands of receivers into the bankruptcy courts and thus interfere with the commerce, trade, and travel of the public? The provisions of existing laws are found to be in the main beneficial in the management and control of the great corporations which handle the transportation and communication of the public. These are serious questions which challenge the attention of the people of the country and demand a thorough and patriotic consideration.

It is admitted by the committee which reported this bill to the House that the business failures in the nation average about 1 per cent of the business of the country. If that be true, would it not be a wiser and more patriotic thing not to enact a bankrupt law than to pass one so objectionable and threatening as the measure now pending before the House? The people should be given the greatest latitude consistent with the welfare of the body politic in the management of their own affairs and the settling of all business relations between themselves. The interference of the Government of the United States by means of a bankrupt act with the business of the people should never be undertaken except in case of imperative necessity. The disposition of the officers of the courts to encourage bankruptcy proceedings for the sake of fees, and the abuse of the law, have always been objectionable features of bankrupt legislation in this nation.

It is also found in practice that the involuntary features of a bankrupt act become potent factors in the oppression of debtors in the hands of obdurate and conscienceless creditors.

President Grant, in the message in which he recommended a repeal of the law of 1867, used the following language:

> Careful and prudent men very often become involved in debt in the transaction of their business, and though they may possess ample property, if it could be made available, for the purpose to meet all their liabilities, yet on account of the extraordinary scarcity of money they may be unable to meet their pecuniary obligations as they become due, in consequence of which they are liable to be frustrated in their business by proceedings in bankruptcy at the instance of unrelenting creditors.
>
> People now are so easily alarmed as to monetary matters that the mere filing of a petition in bankruptcy by an unfriendly creditor will necessarily embarrass and oftentimes accomplish the financial ruin of a responsible business man. Those who otherwise might make lawful and just arrangements to relieve themselves from difficulties produced by the present stringency in money are prevented by their constant exposures to attack and disappointment by proceedings against them in bankruptcy, and beside the law is made use of in many cases by obdurate creditors to frighten or force debtors into a compliance with their wishes and into acts of injustice to other creditors and to themselves.

That expression is fully as applicable to the proposed law at the present time as the then existing law which was sought to be repealed.

With the experiences of the past still vivid in the minds of many men now living, and the financial condition of the present before us, it seems strange that many men who claim to be seeking a strengthening of credit and a restoration of business confidence should insist that this measure for the relief of the honest but unfortunate debtor shall be made an engine of oppression in the hands of an exacting and conscienceless creditor. Shylock insisting upon his pound of flesh is apparent from beginning to end in the section which provides for involuntary bankruptcy. Under the guise and pretense of benefiting the debtor this extortionate and unworthy measure is sought to be made a law. It should fail.

It is the purpose of my colleague, Mr. BRODERICK, to offer at the proper time, as a substitute for this bill pending here, the Senate bill upon the same subject, with a few proper amendments. This substitute should prevail. It is a just and equitable measure. If enacted into a law it will bring relief to those unfortunate but honest debtors who are unable, by reason of financial embarrassment, to resume business. It is without the oppressive features of the House bill. I trust that the House will give to this measure the consideration which its merits deserve and eventually enact it into a law.

Labor Commission.

SPEECH

OF

HON. EDWARD D. COOKE,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, May 21, 1896.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 6119) authorizing the appointment of a nonpartisan commission to collect information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital—

Mr. COOKE of Illinois said:

Mr. CHAIRMAN: The bill recites that many of those engaged in the various fields of labor and many of those engaged in commerce are presenting grievances to Congress and to the various State governments, seeking and demanding legislation in their behalf. The commission to be appointed is to be called the industrial commission and consist of three men representing labor, three men representing agriculture, three men representing manufacture, and three men representing business, to be appointed by the President, neither political party to have a majority of such commission. The commission is to convene in Washington within sixty days after appointment and to proceed with the performance of its duties. The selection of secretaries and a presiding officer is provided for, and authority is given to make rules to carry out the purposes of the act.

It is made the duty of the commission to investigate questions pertaining to immigration, to labor, to agriculture, and to business, and to recommend to Congress such legislation as it may deem best upon these subjects. The commission is further required to furnish such information and to suggest such laws as may be made the basis for uniform legislation by the various States of the Union in order to harmonize conflicting interests and to be equitable to the laborer, the employer, the producer, and the consumer.

The commission is to receive petitions and papers, give time for hearings, and may appoint subcommittees of its members to make investigations in any part of the United States, and is authorized to send for persons and papers; and, aside from salaries, the expenses shall not exceed $50,000 per year. Each member of the commission is allowed a salary of $5,000 a year (men of the highest ability, character, and experience being intended to be selected); three secretaries are provided for at $200 per month, and four legal advisers (one for each section) may be appointed with a yearly salary of $5,000 each.

The commission may report from time to time to the President of the United States, and shall, at the conclusion of its labors, at the end of its term of office in two years, submit a final report.

Such, Mr. Chairman, are substantially the provisions of the proposed bill.

I am most heartily in favor of the passage of this bill. It comes at an opportune time in the development of the laws of the English-speaking people upon the subjects which it embraces. If the bill passes and the commission appointed shall consist of able and experienced men (as it undoubtedly will), its work and report, and the discussion and information resulting therefrom, may well be expected to mark an epoch in the development of our civilization.

The only objection to the passage of this bill that occurs to my mind is the expense incident to the creation and work of the commission. But that objection seems to be overcome by two considerations, namely, the importance of the interests involved in the subjects to be inquired into by the commission, and the fact that the commission can perform the work assigned to it far better and cheaper than could any special or continued session of Congress held for the same purpose.

The report of the Committee on Labor upon this bill discusses briefly the subject of strikes in the United States and the losses to the country that are directly traceable thereto. The report says:

> Upon this subject of strikes we desire to state that the Hon. Carroll D. Wright, Commissioner of Labor, in his third annual report submitted the results of an extensive investigation as to strikes and lockouts in the United States from 1880 to 1886. It will be seen by an examination of this summary that during the years named (1881 to 1886, both inclusive) there were 3,902 strikes in the United States.
>
> There were 22,394 establishments and more than 1,823,203 employees involved.
>
> It will be seen also by this report that—

The loss to the strikers for the period of six years was	$51,814,723
Loss to the employees by reason of lockouts	8,157,717
Loss to employers of labor	34,163,814
Amount of assistance to strikers by contribution	4,430,595
Total loss in six years	98,566,859

> These figures represent the actual loss to the parties engaged and do not represent the enormous loss which incidentally came to the community by reason of such disturbances.
>
> The facts and figures of the last few years in regard to strikes and lockouts are not fully accessible. They are recent history and are still more appalling than those given. One writer has estimated the loss caused by strikes in 1894 at $80,000,000. Others estimate it as high as $100,000,000.

As a citizen of Chicago I vividly recollect the great and disastrous strike of 1894 in that city, which began at Pullman and extended to almost the entire railroad interests centering in Chicago. At one period in the progress of that strike the people of Chicago were in grave fear of such a spread of lawlessness and rioting as would lead to a repetition of the great conflagration of 1871. The immediate fears and passions engendered or aroused during that labor disturbance have so far subsided as to bring all persons concerned in it to a sober sense of the evils and dangers lurking somewhere in the body politic, which render it the part of wisdom to pause, investigate, and consider.

The present time would seem to be the proper one at which to discuss remedies for the existing and periodical labor riots and costly strikes. The reckless and ignorant teachings of anarchists as to property rights and as to what are feasible remedies for any injustice that exists should be offset by at least tentative suggestions of practicable and sound remedies. Many very able and thoughtful editorials and papers upon this subject have appeared in the press of the country and various remedies have been proposed, but I venture to suggest that the views so expressed do not as a rule go far enough. Explicit remedies are needed.

No laws can or should endure which do not adhere to and proceed along the line of justice—that is, justice between man and man. Mr. Lincoln's statement in the time of Southern slavery is still true: "The nation can not endure half slave and half free." Unless the line of honor and justice is closely followed in the division of profits and in the fixing of fair wages, the nation will cease to exist in its present form; there will ultimately come a revolt in which the really or supposedly favored few will be overcome by the many who are really or supposedly oppressed.

During the times of human slavery labor was regarded as too degrading to be performed by the free; and it is difficult to trace the slightest semblance of protection or regulation pertaining to free labor in the laws of those times.

Montesquieu in his work on the Spirit of Laws, speaking of the manners of the ancients (Book IV, chapter 8), says:

> It is observable that in the cities of Greece, especially those whose principal object was war, all lucrative arts and professions were considered as unworthy of a freeman. Most arts, says Xenophon, corrupt and enervate the bodies of those that exercise them; they oblige them to sit under a shade, or near the fire. They can find no leisure, either for their friends or for the Republic. It was only by the corruption of some democracies that artisans became freemen. This we learn from Aristotle, who maintains that a well-regulated republic will never give them the right and freedom of the city. Agriculture was likewise a servile profession, and generally practiced by the inhabitants of conquered countries, such as the Helots among the Lacedaemonians, the Periecians among the Cretans, the Penestes among the Thessalians, and other conquered people in other republics.
>
> In fine, every kind of low commerce was infamous among the Greeks, as it obliged a citizen to serve and wait on a slave, on a lodger, or a stranger. This was a notion that clashed with the spirit of Greek liberty; hence Plato, in his laws, orders a citizen to be punished if he attempted to concern himself with trade.

And the same author, discussing the subject of cruel laws (Book XV, chapter 15), says:

> Lenity and humane treatment may prevent the dangers to be apprehended from the multitude of slaves in a moderate government. Men grow reconciled to everything, and even to servitude, if not aggravated by the severity of the master. The Athenians treated their slaves with great lenity; and this secured that state from the commotions raised by the slaves among the austere Lacedæmonians.
>
> It does not appear that the primitive Romans met with any trouble from their slaves. Those civil broils which have been compared to the Punic wars were the consequence of their having divested themselves of all humanity toward their slaves.
>
> A frugal and laborious people generally treat their slaves more kindly than those who are above labor. The primitive Romans used to live and eat with their slaves; in short, they behaved toward them with justice and humanity. The greatest punishment they made them suffer was to make them pass before their neighbors with a forked piece of wood on their backs. Their manners were sufficient to secure the fidelity of their slaves, so that there was no necessity for laws.
>
> But when the Romans aggrandized themselves, when their slaves were no longer the companions of their labor, but the instruments of their luxury and pride, as they then wanted morals, they had need of laws. It was even necessary for these laws to be of the most terrible kind in order to establish the safety of those cruel masters who lived with their slaves as in the midst of enemies.
>
> They made the Sillanian Senatus-Consultum and other laws, which decreed that when a master was murdered all the slaves under the same roof or in any place so near the house as to be within the hearing of a man's voice should, without distinction, be condemned to die. Those who in this case sheltered a slave in order to save him were punished as murderers; he whom his master ordered to kill him and who obeyed was reputed guilty; even he who did not hinder him from killing himself was liable to be punished. If a master was murdered on a journey, they put to death those who were with him and those who fled. All these laws took place even against persons whose innocence was proved; the intent of them was to inspire the slaves with a prodigious respect for their master. They were not dependent on the civil government, but on a fault or imperfection of the civil government. They were not derived from the equity of civil laws, since they were contrary to the principle of those laws. They were properly founded on the principles of war, with this difference, that the enemies were in the bosom of the State.

The crude and oppressive enactments regulating labor which were passed about the time human slavery expired show clearly the cruel barbarism out of which the race was then emerging. Under the English law in the time of the Saxons, as far back as it can be traced, the nation consisted of freemen (nobles and coerls) and slaves, the latter a numerous body and incapable of holding property. The villeins, who held lands on servile tenure and were a species of serfs, and the slaves, incapable of holding property, can hardly be distinguished in the crude laws of the Saxons before the Norman conquest. But even under those laws the power of the lords over their slaves was not absolute. If the owner beat out a slave's eye or teeth the slave recovered his liberty. (Laws of Alfred, section 20; 1 Reeve's Hist. of English Law, pages 13, 14.)

Under the feudal system, as practiced in England after the Conquest, the villeins were tillers of the soil, and for a long time occupied the position generally of slaves annexed to the lands on which they were born, though they were gradually emancipated. The oldest English statute pertaining to laborers, enacted after the Conquest, was adopted A. D. 1349 (23 Edw. III) and followed the great plague which thinned the lower class of people, servants and laborers, who took occasion to demand very extravagant wages, and rather than submit to work upon reasonable terms became vagabonds and idle beggars, as recited in the preamble of the act. This statute compelled able-bodied persons, not having lands or employment, to serve in stations suited to their conditions, on wages and terms usual in the five or six years preceding the twentieth year of the then king. Those refusing or departing from such service were to be imprisoned. All persons paying or receiving or demanding more than the above wages were to forfeit double the sum, and artificers or workmen refusing to work for the prices usual at the above-mentioned periods were to be committed to jail.

A further regulation was made on the same subject in the year 1351 (25 Edw. III), and also in the reigns of Richard II and Henry IV. And these statutes were followed by an attempt which was made by statute (1 Edw. VI, c. 3) to introduce a system of captivity or slavery, by ordaining that all idle vagabonds should be made slaves and fed upon bread and water or small drink and refuse meat; should wear a ring of iron round their necks, arms or legs; and should be compelled, by beating or otherwise, to perform the work assigned them, were it never so vile. But, as Blackstone says (1 Bl., 424), "The spirit of the nation could not brook this condition, even in the most abandoned rogues; and therefore this statute was repealed in two years afterwards." (3 and 4 Edw. VI, c. 16.)

The provisions of the later statute of Elizabeth (5 Eliz., c. 4) as to laborers (aside from menial servants and apprentices) made regulations, in substance: (1) Directing that all persons who have no visible effects may be compelled to work; (2) defining how long they must continue at work in summer and in winter; (3) punishing such as leave or desert their work; (4) empowering the justices at sessions or the sheriffs of the county to settle their wages; (5) inflicting penalties on such as either give or exact more wages than so settled; and (6) giving to persons serving seven years as apprentices to any trade the exclusive right to exercise that trade in any part of England. And this statute has been followed by others in England upon the same subject (notably 6 George III, c. 26, and numerous others from 22 George II to the present time, regulating the relations of master and servant).

In the United States the subject of laborers and their wages or service (aside from African slavery) has never been seriously attempted to be regulated by law. Mr. Parsons in his work on Contracts, referring to the English statutes as to the relations of masters and servants, says:

> In this country we have nothing of this kind. With us a contract for service is construed and governed only by the general principles of the law of contracts. (1 Parsons on Contracts, 101.)

This result came doubtless from several leading causes, the chief ones being that aristocracy and feudal conditions found no place under the Constitution; universal suffrage was adopted, and the toilers of all kinds were placed upon an equality as rulers; the conditions of a scarce population rendered it unnecessary to restrict and regulate parish settlements, the care of the dependent poor, and the hiring of apprentices; and the ownership of lands by the people became quite general. Within the last thirty to fifty years the vast increase which has taken place in our population, and the still more wonderful growth of manufactures, springing from the inventive genius of the age of steam, telegraphs, and electricity and labor-saving machinery, with the help of protection as an American system, and from the later comparative scarcity of lands, makes it necessary to consider seriously in its new form and changed aspects the old problem, viz, What is the recompense justly due to labor?

The principal acts of Congress pertaining to labor, passed prior to the present Congress, may be briefly summarized as follows:

(1) The law constituting eight hours a day's work for laborers,

workmen, and mechanics in the service of the United States. Revised Statutes, section 3738.

(2) The acts forbidding the immigration of contract labor, of 1885, 1887, and 1891.

(3) The act allowing the incorporation of national trade unions, organized for the purpose of aiding their members to become more skillful and efficient workers, the promotion of their general intelligence, the elevation of their character, the regulation of their wages and their hours and condition of labor, the protection of their individual rights in the prosecution of their trade or trades, and for their mutual protection or benefit, through benefit funds or otherwise; which act was adopted June 29, 1886.

(4) The act forbidding the hiring out of convicts of the United States, adopted in 1887.

(5) The acts enforcing the eight-hour law in the Government Printing Office and in the carriers' service, adopted in 1888.

(6) The act of October, 1888, to create boards of arbitration for settling controversies and differences between railroad corporations and other common carriers in interstate commerce, which controversies and differences may hinder, impede, obstruct, interrupt, or affect such transportation, if, upon the written proposition of either party to the controversy to submit their differences to arbitration, the other party shall accept the proposition, each party to select one arbitrator and the two so selected to select the third arbitrator.

(7) The acts of 1890 and 1891 forbidding the importation of the products of convict labor, and for the inspection of mines in the Territories.

(8) The act of June 27, 1884, created the Bureau of Labor, which Bureau was merged in the Department of Labor, created under the act of June 13, 1888. The latter act in substance provided a Department of Labor at Washington, the general design and duties of which shall be to acquire and diffuse among the people of the United States useful information on subjects connected with labor, in the most general and comprehensive sense of that word, and especially upon its relation to capital, the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity. The Commissioner of Labor is specially charged to ascertain, at as early a date as possible, and whenever industrial changes shall make it essential, the cost, including wages, of producing articles at the time dutiable in the United States, in leading countries where such articles are produced, and the profits of the manufacturers and producers of such articles, and the comparative cost of living and the kind of living. The Commissioner is further to report upon the effect of customs laws, the effect of currency on agriculture and mortgage indebtedness, and what articles are controlled by trusts, and the effect thereof on production and prices.

The Commissioner is required to establish a system of reports at intervals of not less than every two years, by which he can report the general condition, so far as production is concerned, of the leading industries of the country, and further required to investigate the causes of and facts relating to all controversies and disputes between employers and employees as they may occur, and which may tend to interfere with the welfare of the people of the different States, and report thereon to Congress. The Commissioner shall also obtain information upon the various subjects committed to him as he may deem desirable from foreign countries, and as to what, if any, convict-made goods are imported into this country, and annually report to the President and Congress the information collected and collated by him, with such recommendations as he may deem calculated to promote the efficiency of the Department.

(9) In 1892 a penalty for infraction of the eight-hour law as to employees of the Government was enacted; and an appropriation was made to investigate the occupations, earnings, sanitary surroundings, and other essential facts, to show the condition of the residents of what is known as the slums of cities of 200,000 inhabitants and over, compared with the residents of cities of similar size in other countries.

(10) In 1894, by act of Congress, the first Monday of September in each year, known as Labor's Holiday, was made a legal public holiday; the Commissioner of Labor was authorized and directed to investigate and make report upon the conditions attending the employment of women and children; their wages, earnings, sanitary surroundings, and cost of living; the effect of various employments upon their health and longevity; what measures are taken to protect their physical condition and to protect them from accidents; the rates of wages paid them in comparison with the rates paid men; and the effects of their employment upon the wages and employment of men; and as to the effects of machinery on labor: and the economic aspects of the liquor problem.

With the exception of Pennsylvania, I believe no State has attempted to adopt compulsory arbitration for the settlement of disputes between the employed and the employer. Generally speaking, State legislation has followed the lines of Federal legislation on this subject, by aiming to facilitate the organization of labor, educating the workingmen in their crafts and callings, furnishing them with statistics, facts, and information bearing upon their pursuits, taking away as far as practicable the competition of convict and Chinese labor, improving the surroundings of the work and homes of laborers, making voluntary arbitration easy to be resorted to, and, in short, dignifying and exalting the position and status of the laborer as much as can be done with the present knowledge upon the subject. Doubtless these Federal and State enactments have done much to benefit and soothe the condition of the working world, of those at least who are wage-earners as distinguished from the class of workers who work for themselves, as the phrase is, and as distinguished from the class of workers who toil in literary, scientific, medical, legal, or educational professions.

But the fact remains that the task of the lawmaker is not finished. Nor indeed is it reasonable to expect that the necessity for changes in and improvements of the laws will ever end, at least so long as man remains a selfish being. Notwithstanding all the enactments to which I have briefly referred, from the times of human slavery until the present, humanity has struggled and complained against injustice and inequality in the laws. No remedy has ever been so direct and efficacious as to put a stop to the overreaching of the weak by the strong, the ignorant by the educated and cunning, the foolish and confiding by the knavish and cruel.

What better proof could be had or desired of the continuing bitter and cruel struggle of man against man than the simple but true and appalling statement I have quoted from the committee's report, showing that the strikes and lockouts in the United States from 1880 to 1886 reached 3,902 in number, involved 22,304 establishments, affected 1,323,203 employees, and entailed a loss of $98,566,859, without counting at all the general loss and disturbance of the communities in which the strikes and lockouts occurred?

It would be a work of the greatest arrogance and presumption for any person who has not devoted a lifetime to the study of social economics, labor problems, history, and laws, to urge a plan of legislation or to lay down positively a line of action to be pursued in regulating the rights of labor. It seems easier to point out or suggest in general terms some few things that should be avoided in the legislation of the future upon this question than it is to suggest a definite or positive line of enactments. I confess that the problem utterly appalls me, though I appreciate to some degree the importance of solving it.

Unless our laws are formed to do as nearly as possible substantial justice to all, the discontents will continue and increase. It is equally necessary that the people for whose benefit laws are passed shall be shown, in a way which they shall themselves understand, that the laws do work out exact or nearly exact justice. It is not sufficient that justice shall be very nearly always done under the law, if such be the case, but it is also equally necessary that the discontents which so often overtake the people shall be cured by and through a plain, clear, and satisfactory demonstration to them that justice prevails. For instance, it is believed by many working people—artisans, laborers, and followers of the more humble callings in life, including farmers and agricultural laborers—that their just share of the profits and wages of toil, manufacture, and commerce is not paid and accorded to them.

The mystery as to what becomes of profits, and as to what is the exact aggregate of profits and the source thereof, needs to be cleared up far more fully than at present is done. The laws must be framed so as to effectively point out the evil practices that exist, and to remedy the same by clearly traceable and apparent steps. A new statute of laborers seems necessary in order to meet the more modern conditions of society, and in order to regulate the absorption of the present vast output of human toil. Not to take one man's property or capital from him to give it to another, but to prevent any man or corporation from obtaining by false pretense, mystery, and deception the labor or goods of another.

In the new statute, yet to be written, more equal and ideally just relations between the employer and the employed must be aimed at. All the old ideas of serfdom and villeinage, and all aristocratic notions of the dominion or lordship of one man or set of men over another man or set of men must be palpably put aside and satisfactorily set at naught. An equal division of property and earnings among all men would be as unjust as it is impracticable. The exact division of good character and mental capacity, not to speak of industry, frugality, and economy among all men, will never be known. But it is not too much to hope that fully as great strides will hereafter be made in bringing justice to bear upon human relations (in the just division of real and personal property, goods, profits, and creature comforts) as have ever yet been made in the past history of the race.

This progress can not be reasonably looked for along the line of any form of socialism which takes away the private ownership

and control of property; nor from a spirit of anarchy and lawbreaking, from which the weak and ignorant suffer most. There are better lines which may be pursued. From the barbarous times, in which brutal, cruel, and inhuman slavery existed and was practiced by the strong upon the weak and defenseless, until the present time, when all men are by law declared to be free, is a long period; and between the two conditions a great contrast is presented. Every step in that long march was one in which the individual was given a fairer chance to work, save, earn, and contrive for himself; whereby the individual was left the right and chance to compete on equal grounds with others.

It seems not too much to say that the confiscation of all property to the state, or anarchy, would simply place all property in the hands of the brutal and the strong, and that those who fondly dream of happiness and plenty in such times would become the suffering and starving portions of society. And further, it seems not too much to hope that another and wholly blessed step can and will be taken by our race when it shall have progressed to such a point beyond its present semibarbarous and semioppressive system, or rather lack of system and order, that a law may be made that shall result in an equitable and just division of the products of labor upon a basis which shall be generally accepted as equitable. It seems idle, however, to dream of fixing any exact standard for such division. The law of supply and demand must forever be the controlling basis upon which to fix the price of every commodity, including the labor of the artisan and the labor of every other person who puts forth effort for gain. Between these two necessities, then—first, of freedom to the individual to contract, work, and acquire and hold property for himself, and second, the necessity for just and equal conditions upon which to judge of and make contracts—the lawmakers must find themselves placed.

It seems clear also that all the light possible should be thrown upon economic conditions; that in so far as employers keep their employees in the dark concerning the details, exigencies, and results of their business the employees can not judge as to the fairness of the wages paid to them, and are very apt to make foolish demands at times or to be overreached and robbed at others. As wages must rise and fall under varying economic conditions, it would seem only fair and just that such varying conditions should be made known systematically by law to those concerned therein, and that if employers refuse to allow the facts and figures concerning the operations of their business to be inquired into on proper occasions and under proper and reasonable restrictions the law should strive to find a way to enforce such inquiries, if it can be done without injustice to the employer.

Only by such a system, under which the wage workers would be furnished reliable and exact figures, from balance sheets and inventories, passed upon by expert accountants, can the wage worker learn or judge for himself when, all things considered, he is selling his labor for a fair price. Railroads, banks, insurance companies, boards of trade and other semipublic institutions are compelled to furnish such details of their business as to enable the public dealing with them to judge of their solvency and earnings. Why should not the employers of labor do substantially the same thing, in the interest of justice and humanity, not to speak of the public tranquillity? I ask this question with the utmost diffidence, feeling altogether uncertain as to the wisdom of the suggestion.

What a shameful spectacle is presented by great corporations, on the one hand, claiming positively that they have been doing business at a loss, that to continue to do business and pay their workmen their former wages would entail a great loss, and, on the other hand, the spectacle of the employees and great labor unions claiming that the corporations are uttering monstrous and willful lies; that the wage workers are in fact oppressed, while the corporations are making large profits and declaring dividends from the labor of the workers.

A law to compel the employers of labor to submit differences with their employees to arbitration and to abide by the result can not be enacted without invading and destroying the private ownership of property, but it ought not to be too difficult to frame a law (based upon the police power or upon the principle of the banking, railroad, insurance, or building association laws) which would compel all employers of labor having in their employ, say, 100 or more persons to keep full and accurate books of account of all their business operations, and to submit the same to a thorough and rigid examination by the auditor of public accounts, or a national examiner, so that it could be reliably and accurately ascertained whether the wage workers and their unions or the employers are acting the part of wolves in the community.

Public opinion and the law should together demand that the proper steps be taken to place the responsibility for starting ruinous and bloody riots, such as have often disturbed the nation (and have been quelled by armed force), upon the shoulders of the really guilty parties. How can this be done without clear and reliable information from the books and accounts of labor employers, from which those deeply concerned, including the public as well as the labor unions, may freely judge as to the intrinsic value of labor, in comparison with the other elements of value which enter into economic conditions?

When corporations and employers of labor are about to be subjected to adverse legislation they are only too glad to open up their books and to show the operations of their business; and the showings made often help to defeat the obnoxious measures. When the rights of others are heavily involved, should the same showing be denied? It is not meant by this that any compulsory hiring of men should take place, nor that any fixed rate of wages can or should be compelled by law, but simply that the facts may be elicited, upon which candid minds may judge intelligently and not in the dark as to the justice of all demands and counter demands out of which lawbreaking and bloodshed arise.

Mr. Chairman, in closing I would say that the views I have expressed lead me naturally to the conclusion that the bill under discussion should be passed. The bill is directly in line with the opinions I have held for a number of years past on the subject of practicable legislation in the interest of labor in all its forms. It is far easier to indiscriminately condemn existing laws on any subject than it is to frame better laws. And I may venture to add that a careful study and patient investigation of all the branches of any subject demanding legislation is the first great essential to its successful treatment by the lawmaker. The bill now in hand provides for such a study and investigation by those best fitted to do the work, and, in my judgment, should be supported by every friend of American labor, as well as by all who desire the prosperity of the farming interests and the tranquillity and prosperity of the manufacturers and business men of our common country. I hope the bill will pass.

The History of Money and Financial Legislation in the United States.

SPEECH

OF

HON. JOSEPH W. BABCOCK,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, May 21, 1896,

On the bill (H. R. 6119) authorizing the appointment of a nonpartisan commission to collect information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital.

Mr. BABCOCK said:

Mr. SPEAKER: Thirty-five years ago the Republican party, confronted by the gravest exigency in our national life, originated and adopted a system of currency and credit.

This system was subjected to the severest of all tests—civil war in its most tremendous form—but achieved a success and earned a place among the monetary systems of the world far greater than any ever instituted by any government on the face of the earth.

The Republican party has steadfastly maintained the high standing of this system through all the years of its ascendency; has held firmly to an interchangeable currency based upon coin, every dollar of which has been maintained and redeemed according to the original pledge.

The same party is to-day, as ever, in favor of the same sound money, and will continue to maintain, by prudent legislation, the same wide use of gold, silver, and paper with profit and security to all the people.

OUR METALLIC MONEY.

Under the Confederation of 1778 Congress was given the sole and exclusive right and power to regulate the alloy and value of the coin struck by their own authority, or by that of the respective States, but, having no power to enforce its laws in the States, and no revenues with which to carry out its own right of coinage, nothing was done.

Under the Constitution Congress was given the exclusive power to coin money, to regulate the value thereof, and of foreign coins. It was expressly provided that no State shall coin money, and Congress exercised this power by the passage of the act of April 2, 1792, establishing a mint and regulating the coins of the United States.

In this act the "dollar," of gold or silver, was adopted as the unit money of account, with the dollar coin of 371.25 grains of pure silver as the base.

FROM SILVER TO GOLD BASIS.

Between 1792 and 1834 we were under a bimetallic system, with the silver dollar as the actual unit on a basis of 15 to 1. Spanish dollars until 1816, and other foreign coins of both metals until a later date, were also a legal tender; but, as our lighter weight silver dollars were exported to the West Indies, where they passed

disputes between the employed and the employer. Generally speaking, State legislation has followed the lines of Federal legis-

This progress can not be reasonably looked for along the line of any form of socialism which takes away the private ownership

reliable information from the books and accounts of labor employers, from which those deeply concerned, including the public

a later date, were also a legal tender; but, as our lighter weight silver dollars were exported to the West Indies, where they passed

at par, we were without a sufficient national currency of either or both metals.

Legislation was therefore necessary, and by the laws of 1834 and 1837 the weight and fineness of the gold coin—and by the latter act the weight and fineness of both coins—were changed so as to make the ratio 16 (15.98) to 1, and to establish the double unit, viz: The eagle of gold and the dollar of silver.

COINAGE AND EXPORT OF SILVER TO 1853.

This change undervalued silver, as the act of 1792 had undervalued gold; and, as a result, silver went out of the United States to countries where it was worth more than with us.

In 1847 our coinage of gold was $20,202,325, which fell to $3,775,513 in 1848; while silver, in 1847, was $2,374,450, and $2,040,050 in 1848.

The effects of the California gold output were felt in 1850 and its coinage increased, while that of silver decreased.

In 1850 the gold coinage was $31,981,739; in 1851, $62,614,493; in 1852, $56,846,188; while silver, in 1850, was $1,866,100; in 1851, $774,397; and in 1852, $999,410.

CONDITIONS IN 1853.

By 1853 (in spite of an annual coinage of over a million dollars in halves, quarters, etc.) there was not enough subsidiary silver for small change, and we were on practically a gold basis. By the act of this year the values of the minor silver coins were reduced so as to stop their exportation, and what was a still more important act, these were made a limited legal tender for all amounts not exceeding $5. This was the first step in the impairment of the double standard, established by the gold act of 1834.

CAUSES.

There were good reasons for this action. Silver was scarce, gold was plentiful, and it had been found necessary to coin silver in small denominations and with smaller proportionate values than the standard dollars to keep them at home for domestic use.

INCREASED GOLD OUTPUT.

The world's supply of gold had suddenly increased because of the California and Australian output. From an annual product of about $13,482,000 in the period from 1831 to 1840, it reached $132,500,000 after 1850. The natural result was to raise the value of silver and to lower that of gold.

NO SILVER IN CIRCULATION.

Then, too, we had no silver dollars in the country, or at least not in sufficient quantities to figure largely as a circulating medium. We had coined none from 1806 to 1836, and from 1836 to 1853 we had only coined of dollars 1,067,373, all the other silver coinage in this period being of minor money.

GOLD THE ACTUAL STANDARD.

While, therefore, after 1853, except for the minor coins, the double standard was the law, yet the actual condition was that of a single gold standard.

RÉSUMÉ.

Let us briefly review—

The act of 1792 made the silver dollar the unit, at 15 to 1; those of 1834 and 1837 changed the ratio to 16 to 1; that of 1853 reduced the values of the minor silver coins and limited their legal tender to $5.

While the acts of 1834 and 1837 made the eagle of gold a co-unit with silver, they did not repeal the act of 1792, which based the unit of a bimetallic money on the silver dollar.

But from the causes already named 1853 found us with a practically single gold standard, with gold as the cheaper and more plentiful metal. While silver dollars were a full legal tender, they were not greatly used, because they were usually worth more abroad than at home and were exported. Gold was the chief and sole base for coin currency.

SILVER DOLLARS COINED UP TO 1853.

We could not, indeed, have had many silver dollars then, because the total coinage of these up to 1853 had been only $2,506,890. This condition obtained until the exigencies of the civil war drove all coin money out and gave place to bonds, greenbacks, and national-bank notes.

GOLD STANDARD INTENDED.

There is no doubt as to the intention of the lawmakers at that time on this point. They were legislating for a single gold standard, although they left the silver dollar as a co-unit. That this was the end sought is shown by the remarks made by the chairman of the Committee on Ways and Means:

We mean to make gold the standard coin, and make these new coins—

The subsidiary silver of proportionately less value—

applicable and convenient, not for large, but for small transactions.

Another member of the same committee said:

We have had but a single standard for the last three or four years; that has been and now is gold. We propose to let it remain so, to adapt silver to it, to regulate it by it.

In 1861 came the civil war, the tremendous expense account of the Government, the exhaustion of our current money, and later the issues of paper money in Treasury notes and bonds and national-bank notes.

HISTORY OF THE ACT OF 1873.

This act, concerning which so much has been said, was introduced in the Senate April 25, 1870; was considered through five sessions of Congress, and became a law February 12, 1873.

It has been charged that this bill demonetized silver, not openly, but by means of an amendment not fully known or understood except by a few. Let us follow the course of this bill.

THE ORIGINAL BILL.

As originally presented, April 25, 1870, section 14 made the gold dollar of 25.8 grains the standard of value, the unit of computation.

Section 15 provided that the weight of the silver coins should be for the half dollar 192 grains (the dollar was not mentioned), with proportionate values for the quarter, 25-cent piece, and dime; and that these should be legal tender for $1.

Section 18 enacted that no coins other than those mentioned that is, gold and minor silver) should be thereafter coined.

SILVER DOLLAR PIECE DISCONTINUED.

On page 11 of the report which accompanied this original bill are the following words:

The coinage of the silver dollar piece is discontinued.

The discontinuance of the silver dollar piece is pointed out by the committee three times in other places in this report. In all the discussions and in every form of the bill these two features, making the gold dollar the standard unit of value and the omission of the silver dollar (of 412½ grains), remain unchanged. Indeed sections 14 and 18 were never changed, but passed absolutely as first presented in the original bill.

SILVER SECTION.

Section 15 passed through enough changes to warrant the idea that its every provision was understood by all fully. In the Senate it first went through unmodified—36 to 14—(January 10, 1871), Senator SHERMAN voting against and Senator STEWART of Nevada voting for it.

LEGAL TENDER FIVE DOLLARS.

In the House committee this section was amended to make the legal tender $5; but, owing to lack of time, the bill went over.

On March 9, 1871, Mr. Kelly, in the House, reported the same bill as amended by the previous House committee; that is, with the legal tender raised to $5; and, except for the 5-cent piece, it was an exact reproduction of the law of 1853. No silver dollars were to be coined, and this minor coinage was to be a legal tender for $5 only.

A 384-GRAIN DOLLAR.

In the discussion it was shown that some desired to have a silver dollar included, although all agreed that its legal tender should be limited, and that its contents should be not 412½ grains, but twice that of the proposed half dollars, or 384 grains.

On February 13, 1872, Mr. Hooper reported it back as H. R. 1427, with these provisions:

SEC. 16. That the silver coins of the United States shall be a dollar, a half dollar, a quarter dollar, and a 10-cent piece, and that the weight of the dollar shall be 384 grains, the half and other coins in proportion, and that these shall be legal tender for $5.

This passed the House May 27, 1872. It will be noted that this is not the old standard dollar of 412½ grains, but a subsidiary coin for change and of limited legal tender.

TRADE DOLLAR.

There were some who desired to attempt a competition in the East Indies with the Mexican dollar, and through these the bill was still further modified. As it was finally passed, in the Senate January 17, 1873, and House February 7, 1873, the silver clauses were as follows:

A trade dollar of 420 grains for this export trade, although it was made a legal tender and so remained until July 22, 1876, for $5 at home; a half dollar of 12½ grams (on the basis of a silver dollar of 396 grains); and minor coins of proportionate value.

All these were made legal tender for $5 only. A 5-cent piece of silver was included in the copper and nickel coins.

412½-GRAIN DOLLAR NEVER IN THE BILL.

From the foregoing it is plain that the silver dollar of 412½ grains, "the dollar of the fathers," was not dropped out surreptitiously, because it was never in the bill to be dropped out. No one wanted it there. First they had a half dollar (no dollar), then a dollar of 384 grains, then a trade dollar for the Pacific Coast trade to the East Indies, and a half dollar of 12½ grams or 198 grains (at the rate of 396 grains for a dollar), and all this silver was, from first to last, a limited legal tender for from one to at the end five dollars.

WHY WAS SILVER DROPPED OUT?

In his speech (House, April 9, 1872, Congressional Globe, pages 2306–2308, volume 102), one of ten columns, by the way, Mr. Hooper, for the committee, said:

SILVER DOLLARS NOT A CIRCULATING COIN.

Section 16 reenacts the provisions of the existing laws defining the silver coins and their weights, respectively, except in relation to the silver dollar, which is reduced in weight from 412½ to 384 grains, thus making it a subsidiary

coin in harmony with the silver coins of less denomination to secure its concurrent circulation with them. The silver dollar of 412½ grains, by reason of its bullion or intrinsic value being greater than its nominal value, long since ceased to be a coin of circulation, and is melted by manufacturers of silverware. It does not circulate now in commercial transactions with any country, and the convenience of these manufacturers in this respect can better be met by supplying small stamped bars of the same standard, avoiding the useless expense of coining the dollar for that purpose.

MR. STOUGHTON SAYS SILVER DOLLAR IS TOO VALUABLE.

On the same day Mr. Stoughton made a speech of seven columns, in which he said (same volume, page 2308):

The silver coins provided for are the dollar (384 grains troy), the half dollar, quarter dollar, and dime, of the value and weight of one-half, one-quarter, and one-tenth of the dollar, respectively; and they are made a legal tender for all sums not exceeding $5 at any one payment. The silver dollar as now issued is worth for bullion 3½ cents more than the gold dollar, and 7½ cents more than two half dollars; having a greater intrinsic and nominal value, it is certain to be withdrawn from circulation whenever we return to specie payment, and to be used for only manufacture and exportation as bullion.

MR. POTTER DECLARES LEGAL TENDER SHOULD BE GOLD.

Mr. Potter, in discussing this part of the bill, said:

Mr. Speaker, this is a bill of importance. When it was before the House in the early part of this session I took some objections to it which I am inclined now to think, in view of all the circumstances, were not entirely well founded; but after further reflection I am still convinced that it is a measure which it is hardly worth while for us to adopt at this time. * * * This bill provides for the making of changes in the legal-tender coin of the country and for substituting as legal-tender coin of only one metal, instead as heretofore, of two. I think myself this would be a wise provision, and that legal-tender coins, except subsidiary coin, should be of gold alone. But why should we legislate on this now, when we are not using either of those metals as a circulating medium?

The bill provides also for a change in respect of the weight and value of the silver dollar, which I think is a subject which, when we come to require legislation about it at all, will demand at our hands very serious consideration, and which, as we are not using such coins for circulation now, seems at this time to be an unnecessary subject about which to legislate. (Page 2310, volume 102.)

MR. KELLEY FAVORS GOLD AS STANDARD AND SILVER AS SUBSIDIARY MONEY.

And Mr. Kelley (who is reported as having said afterwards that he "did not know that the bill omitted the standard silver dollar") said on this same day (Globe, volume 102, page 2316):

I wish to ask the gentleman who has just spoken [Mr. Potter] if he knows of any government in the world which makes its subsidiary coinage of full value? The silver coin of England is 10 per cent below the value of gold coin, and, acting under the advice of the experts of this country and of England and France, Japan has made her silver coinage within the last year 12 per cent below the value of her gold coin, and for this reason it is impossible to retain the double standard. The values of gold and silver continually fluctuate. You can not determine this year what will be the relative values of gold and silver next year. They were 15 to 1 a short time ago; they are 16 to 1 now.

Hence all experience has shown that you must have one standard coin which shall be a legal tender for all others, and then you may promote your domestic convenience by having a subsidiary coinage of silver, which shall circulate in all parts of your country as legal tender for a limited amount and be redeemable at its face value by your Government. But, sir, I again call the attention of the House to the fact that the gentlemen who oppose this bill insist upon maintaining a silver dollar worth 3½ cents more than the gold dollar and worth 7 cents more than two half dollars, and that so long as those provisions remain you can not keep silver coin in the country.

In another place in the same speech Mr. Kelley said:

Every coin that is not gold is subsidiary. I repeat it, sir. Every coin that is not gold is subsidiary.

SENATOR STEWART DECLARES FOR GOLD.

Speaking on another subject a few months afterwards, Mr. STEWART, then as now a Senator from Nevada, said (page 1392, volume 2, part 2, CONGRESSIONAL RECORD):

I want the standard gold, and no paper money not redeemable in gold.

And about two weeks later, on February 20, 1874, the same gentleman said (same volume, page 1677):

By this process we shall come to a specie basis, and when the laboring man receives a dollar it will have the purchasing power of a dollar, and he will not be called upon to do what is impossible for him or the producing classes to do, figure upon the exchanges, figure upon the fluctuations, figure upon the gambling in New York; but he will know what his money is worth. Gold is the universal standard of the world. Everybody knows what a dollar in gold is worth.

These are the words of Senator STEWART before he became simply the representative of a special interest.

PUBLIC DISCUSSION OF ACT OF 1873.

It has been charged that very little was said in the public press about this legislation. To this the answer is that in 1873 neither metal was in circulation; and it was also simply a reiteration of what had been a commercial condition for more than twenty years. The bill itself had been before Congress three years; its every provision had been fully discussed; it was finally passed with only the addition of the trade dollar, and there was not much worthy of extended comment.

THE PRODUCTION OF GOLD AND SILVER.

The legislation of 1853 and 1873 was based on commercial conditions which in turn were largely caused by the variation in the output of these two metals, both in the United States and in the world. Let us briefly study these and see why, from 1853 to 1873, and even for a few years afterwards, gold was the more plentiful and cheaper; why, later, the price of silver fell so that the two were on a parity; why it kept on falling to far below this limit; and finally, why in recent years the change in the ratio of production has tended and still tends strongly to induce the belief that a few years more will see them near the former parity.

GOLD IN THE UNITED STATES.

Up to the year 1848 our annual output of gold had never exceeded a million, except a trifle in two years. In that year it suddenly rose to ten millions (an amount equal to the total annual world product up to 1840); in 1849 to forty millions; in 1850 to fifty millions, and ranged from that figure to sixty-five millions up to 1860. Then for five years it ranged from forty to forty-six, and from 1865 to 1870 averaged over fifty millions. For the next five years it averaged under forty, to go to fifty-one millions in 1878, and ranged from thirty in 1883 to $39,500,000 in 1894. It did not touch the forty-million mark after 1871, except $51,200,000 in 1878. The recent increase dates from 1892, when it was at the low-water mark of $33,000,000. In 1893 it went to $35,900,000. In 1894 it reached $39,500,000. The product of 1895 has not yet been stated by the Director of the Mint, from whose report all the foregoing figures have been taken, but Mineral Industry, an authority on such subjects, under date of April 10, 1896, gives the United States gold product as $46,830,000, or an increase of over seven millions. The Director of the Mint, under date of April 14, 1895, estimates the 1895 product as about $47,000,000, a substantial agreement with the figures of Mineral Industry.

GOLD IN THE WORLD.

The gold product of the world had averaged for many years before 1840 a little over ten millions per year. In the ten years from 1841 to 1850 this suddenly rose to the then unprecedented figure of $36,393,000. Not content with this enormous gain, the next five years, 1851 to 1855, showed a product of more than three and a half times as great, $132,513,000, or the immense sum of $662,566,000 for the five years. From 1856 to 1860 it averaged $134,083,000; fell off eleven millions in the next five years; rose to $129,614,000, 1866 to 1870; fell to $115,577,000, 1871 to 1875; to $114,585,000, 1876 to 1880, and to $99,116,000, 1881 to 1885. This was the gold low-water mark for the world for the past forty years. Since that time it has steadily increased, until for the year 1892 it reached a sum higher than ever before known—to the enormous total of $146,815,100. For 1893 there was a further increase of nearly eleven millions to $157,287,600, while the amount for 1894 is twenty-three millions more—to the vast quantity of $180,626,100. The estimated output for 1895 is over $203,000,000; that of 1896 nearly if not quite $250,000,000, while conservative estimates put the world's gold product within five years at $300,000,000 per annum.

COUNTRIES OF INCREASE.

It may be well to see whence this great increase has come. It will also enable us to estimate as to the future. The principal gold producing countries for the year 1894 were, in order and amounts, as follows:

Australasia	$41,760,800
Africa	40,271,000
United States	39,500,000
Russia	24,132,400
China	8,556,800
Mexico	4,500,000
Total from six countries	158,722,000

Of the above, China shows no increase; it and all other nations remain about the same year by year. The recent and future increases are to be found and expected in Africa, Australasia, United States, Russia, and Mexico. These increases have been as follows:

	1893 over 1892.	1894 over 1893.	1895 over 1894.*
United States	$2,900,000	$3,545,000	$7,330,200
Australasia	1,539,600	6,072,200	7,000,000
Africa	4,711,500	11,328,500	15,000,000
Mexico	176,100	3,194,700	5,000,000
Russia			3,000,000
Increase	9,317,200	24,140,400	37,330,200

* Estimated.

The increase for 1896 over 1895 is estimated by experts to be: United States, $10,000,000; Australasia, $10,000,000; Africa, $20,000,000; Mexico, $5,000,000; a total of $45,000,000.

SILVER IN THE UNITED STATES.

From 1792 to 1834 the product of silver was insignificant; from 1834 to 1844 it is estimated at a total of $250,000; from 1845 to 1857, both inclusive, it is given as $50,000 per year. In 1858 it went to $500,000; 1859, fell to $100,000; 1860, $150,000; in 1861 it rose suddenly to $2,000,000; went to $4,500,000 for 1862; $8,500,000 in 1863; and ranged from eleven millions to sixteen millions up to 1871. In that year it reached twenty-three, and varied from twenty-eight to forty-eight millions up to 1885. The demonetization took place in 1873; resumption and the use of coin money

been and how is gold. We propose to let it remain so, to adapt silver to it, to regulate it by it.

In 1861 came the civil war, the tremendous expense account of the Government, the exhaustion of our current money, and later the issues of paper money in Treasury notes and bonds and national-bank notes.

2306–2308, volume 102), one of ten columns, by the way, Mr. Hooper, for the committee, said:

SILVER DOLLARS NOT A CIRCULATING COIN.

Section 16 reenacts the provisions of the existing laws defining the silver coins and their weights, respectively, except in relation to the silver dollar, which is reduced in weight from 412½ to 384 grains, thus making it a subsidiary

world. Let us briefly study these and see why, from 1853 to 1873, and even for a few years afterwards, gold was the more plentiful and cheaper; why, later, the price of silver fell so that the two were on a parity; why it kept on falling to far below this

took place in 1876. From 1874 to 1884 there was only a slight increase, the highest figure, in 1884, being $48,800,000. In 1885 it reached $51,600,000; rose to fifty-three in 1887; to fifty-nine in 1888; to sixty-four in 1889, and touched seventy millions in 1890. In 1891 it went to $75,417,000; in 1892 it reached the high-water mark—the highest ever known, and from which it is now steadily receding—$82,101,000, only to fall off in 1893 to $77,576,000, and to $64,000,000 in 1894.

COMPARATIVE INCREASE.

From 1874 to 1894 silver increased $26,700,000; in the same time gold increased a little more than six millions, but there was no appreciable increase in silver until 1885.

SILVER IN THE WORLD.

The annual average coinage value of the silver produced in the world has been, from 1545 to 1761, $12,450,000 to $22,162,000. From 1761 to 1860 it ranged from $19,144,000 to $37,618,000; 1861 to 1865 it was $45,772,000; 1866 to 1870, $55,663,000; 1871 to 1875, $81,864,000; while from 1876 to 1880 it rose to an annual average of $101,851,000, and 1881 to 1885 to $118,955,000. The values for 1886 and 1887 were, respectively, $120,213,611 and $126,095,062. It continued to rise steadily some twelve millions per year to 1893, when it was $214,745,300. The year 1894 only showed a slight advance—a trifle over two millions for that period. As the output in the United States has fallen off thirteen and a half millions from 1893 to 1894, and as the same conditions prevail throughout all the precious metal producing countries, it is certain that the returns for 1895 will show a falling off of some $15,000,000, and that of 1896 of some $25,000,000.

COINAGE VS. COMMERCIAL VALUE.

The foregoing figures as to silver, being based on the United States coinage value, are not a true guide as to the actual market value. From 1833 to 1850 the average price of a fine ounce of silver was about $1.31, or 60 pence. In 1850 and up to 1872 it ranged at about $1.33, or 61 pence, only touching $1.36, or 62 pence, in 1859.

AVERAGE BULLION VALUE.

In 1873 the average bullion value of the silver dollar was $1.004, making it more valuable than a gold dollar. For 1874 it was 0.988; 1875, 0.964; 1876, 0.894; 1877, 0.929, and has not reached the 0.90 mark since. In 1886 it got into the seventies, rose to 0.81 in 1890, to fall to 0.764 in 1891, to 0.674 in 1892, to 0.603 in 1893, and to 0.491 in 1894.

1873 AND 1894.

In 1873 a silver dollar containing 371.25 grains of pure silver would purchase only 369.77 grains of the same silver. The coined value was 1½ grains less than its commercial value.

In 1894 this same dollar would purchase 756.04 grains, or twice itself and 5½ grains over.

THE TURN IN THE TIDE.

For the ten months (to October 30) of 1895 this average bullion value had risen from 0.491 to 0.505. This considerable rise is due to the decrease in the output of white and the increase in that of yellow metal during the last two years an increase that is sure to be continued for the next year and to assist in absorbing the surplus of white metal in the world.

WHY WHITE METAL FELL IN VALUE.

Did silver fall, or did gold get scarcer and grow dearer? We have shown that in the United States the gold product held steadily at over thirty and (except in 1877–78) under forty millions from 1874 to 1894; that in the world for this same period it had steadily increased from $115,577,000 to $180,626,100. Evidently during this period gold did its full duty and earned the repute of a metal of stable and sufficient increase in output.

Silver first came to be a factor in the United States in 1861, when $2,000,000 were produced; in 1864 it was $11,000,000; in 1874, $37,300,000; in 1884, $48,800,000, with from fifty-one to eighty-one millions per year thereafter.

The world product had gone from an annual average coinage value of $81,864,000 in 1874 to $118,955,000 in 1884 and $216,892,000 in 1894.

From 1874 to 1894 silver did not make nearly so great a proportional gain as did gold from 1841–1850 to 1851–1855.

THE PROPORTION OF METALS.

For three hundred years, 1545–1840, during which time Spain had poured the wealth of her American silver mines into the markets of the world, the general average proportion of the values of the two metals produced had been about 33 per cent for gold and 67 per cent for silver. From the period 1841–1850, up to that of 1876–1880, this proportion was about 66 per cent for gold and 34 per cent for silver—much greater than the three-century average; from 1881 to 1894 gold was still 44 per cent, while for 1894 it was 45.6 per cent. It is well to note this average carefully, for, by a strange coincidence, this per cent is exactly the relative proportion of the metallic money of the world which gold has furnished in the four hundred years since 1493. This gold per cent will be even higher than this average for 1895 and 1896.

SILVER COINAGE.

KELLEY-BLAND BILLS.

In 1876 Mr. Kelley (Pennsylvania) introduced a bill for the coinage of standard (412½ grains) dollars and to make them an unlimited legal tender. The same year Mr. Bland (Missouri) introduced a bill for the unlimited issue of Treasury notes in exchange for gold and silver bullion.

Both these measures were considered, and in March, 1877, a commission of Senators and Representatives made a report on the relations of gold and silver.

The Kelley bill, as modified and championed by Mr. Bland, passed the House November 5, 1877. It provided, with the Bland amendment, for the free and unlimited coinage of 412½-grain dollars, and made these an unlimited legal tender except where otherwise specified by contract.

BLAND-ALLISON ACT.

The Kelley-Bland bill was modified in the Senate and became known as the Bland-Allison bill. As modified in the Senate and as finally passed it restricted the coinage to the four millions per month which the Secretary of the Treasury was to purchase, and it gave to the public Treasury the seigniorage or profit on these purchases and coinages. The silver thus to be coined was made an unlimited legal tender except for certificates of deposit of gold and silver bullion under the act of 1863 and in cases where other money had been stipulated by contract. Section 3 authorized the deposit of these dollars and the issuance of (silver) certificates therefor. It became a law over the President's veto February 28, 1878.

BLAND AND CONGER BILLS.

In 1886 Mr. Bland again introduced a bill for the free and unlimited coinage of silver—that is, giving to the mine owner and bullion producer the whole profit of the seigniorage or difference between the actual cost and the legal-tender value of the dollar when coined.

Mr. Conger introduced another bill, embodying the views of Secretary Windom, allowing owners of silver to deposit it and receive Treasury notes to the amount of its then market value, these to be redeemed when presented at its then value.

THE SHERMAN LAW OF 1890.

The Conger bill, as modified, was finally passed and became a law July 14, 1890, and is known as the Sherman law.

It directed the purchase of 4,500,000 fine ounces of silver each month at not to exceed $1 for 371.25 grains of pure silver, and to issue Treasury notes therefor. These notes were to be redeemable on demand, in coin, and could be reissued. They were made legal tender for all debts, public or private, except where otherwise expressly stipulated, and for customs, taxes, etc., and when so received could be reissued. They could also be counted as part of the lawful money reserve of national banks. The act further provided that upon demand of holder the Secretary of the Treasury should redeem such notes in gold or silver, at his discretion, it being (says the act) the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio or such ratio as may be provided by law.

Section 3 provided for the coinage until July 1, 1891, of $2,000,000 per month; after that date as much as needed to redeem Treasury notes issued under this act.

Any gain or seigniorage arising from such coinage was to be accounted for and paid into the Treasury.

WHAT IS GAIN OR SEIGNIORAGE?

The Bland bill as it passed the House November 5, 1877 (it did not become a law), allowed any owner of silver bullion to deposit it and receive for every 371.25 grains of pure silver (412½ grains of standard silver) a coined dollar which should be an unlimited legal tender. He was only to pay the half per cent mint charge for this great privilege. All the profit in this transaction was to go, not to the Government, not to the people through the Government, but to the mine owner, the bullion producer. In 1886 Mr. Bland introduced another bill with the same provisions. Mr. Plumb's amendment to the Conger bill, adopted by the Senate June 10, but which also failed to become a law, had the same provisions.

All three of these were in the direct interest and to the sole advantage of the mine owners. All profits or gains in the business went not to the Government to help lighten the burden of the people, but for the profit and gain of a particular class.

PROFITS OF SEIGNIORAGE.

Let us see what these profits were. Under free coinage, on an average in 1878 bullion worth 89.1 cents when deposited by the mine owner would have entitled him to have received from the mint a legal-tender dollar worth 100 cents in silver or in gold. He would have made a net profit, not counting the small charge for coinage, of 10 cents, a profit gained at the expense of the whole people.

In 1886 this same bullion was worth only 76.9 cents, giving to this same class a net profit of 23 cents and making a net cost to

all the people of 23 cents for the inestimable privilege of allowing the mine owners the chance of using the Government and people of these United States as a stalking horse. It would make their dollars cheaper to the mine owners, of course. How would it help those who had to buy these same silver dollars by the sweat of their brows and at the full price of 100 cents on the dollar?

Had this provision, so beneficent to the mine owner, been in operation in 1894, the dear people would have been giving the mining men a 100-cent dollar coined for silver bullion which had cost the same mining people just 49.1 cents. The people of these United States may be lying awake of nights sighing for more silver, which, by the way, they will not accept when given them if they can help it, preferring the paper equivalent, but they should not be compelled to subsidize any class of our citizens, however meritorious they may be, to the extent of taking 49 cents worth of silver and stamping it a dollar and handing it back to them. This may, indeed, make more money, but it makes it into the wrong pockets, into the pockets of the mine owners, from which the people will have to get them out by a well-known system of purchase at full price.

WHAT FREE COINAGE WOULD HAVE COST.

Let us calculate the result of such financial legislation; let us see what it would have cost the people of these United States to have given the free coinage at the dates stated.

In 1878 the average cost of silver bullion, enough to make a standard silver dollar, was 89 cents. In that year we coined 22,495,550 of these dollars. At 11 cents on the dollar it would have cost the country just $2,474,510.50 to have thus accommodated the silver-mining interests of the country.

In 1886 we coined 31,423,886 of these dollars out of bullion which cost only 77 cents for each coined dollar, and which, had this been done under the free-coinage provisions, would have cost the people the considerable sum of $7,227,493.78, and which would have been a direct contribution on the part of Congress of the public funds to the profits of the silver-producing interests of the country. A more monstrous instance of attempted diversion of public money was never attempted.

THE SHERMAN LAW.

Under the operation of the Sherman law of 1890 it was found that the Government was purchasing 54,000,000 ounces of silver per year, or nearly all that was produced in the United States. This silver was stored in the Treasury vaults, and Treasury notes issued for the same, which were redeemable in gold on demand. It can be readily seen that it would be only a question of time when the Government would be obliged to suspend gold payments and reach a silver basis if this was continued.

REPEAL OF THE SHERMAN LAW.

At a special session of the Fifty-third Congress, called in August, 1893, after a long and spirited debate, the so-called Sherman law, on November 1, was repealed.

AMOUNT OF SILVER IN USE AS MONEY.

There is a widespread misunderstanding as to the actual amount of silver in use as money by the Government. At the present time there is coined in the shape of silver dollars, either in the vaults or in circulation, silver bullion deposited to secure Treasury notes, and subsidiary silver, the enormous amount of $627,925,632, all of which is in actual use as money. The total amount of gold in use in the United States is $618,875,157; of greenbacks, $346,681,016. So it will be seen that there is more silver in use than any other kind of money, and I believe it would be greatly to the interest of the Government and of the people if all paper money under $5 could be retired and the silver dollar put in its place to do its work, instead of being stored in the Government vaults. This is the case in France, Germany, and England, where but very little, if any, paper or gold can be found of a less denomination than £1 in England, 20 marks in Germany, and 20 francs in France, practically approximating $5 of American money.

THE GOVERNMENT DEBT.

Now, Mr. Speaker, before closing, I wish to call the attention of the House to a few hard facts. Under Republican tariff laws, during the period from the 1st of September, 1865, up to the time President Cleveland was inaugurated in 1893—twenty-seven and one-half years—the Government debt and obligations were reduced $1,881,367,873, or an average of $68,632,000 per year. The per capita debt in 1865 was $78; in 1893 it had been reduced to $12.55. This is certainly a fair showing, for it covers the whole period from the close of the war until the Democrats secured full control of all branches of the Government. Notice the great difference between the financial policies of the two parties. Since the 1st of March, 1893, until the 1st of March, 1896—a period of three years—the interest-bearing debt has increased $260,000,000, or an average of nearly $87,000,000 per year, against a decrease of nearly $69,000,000 per year under a Republican Administration for the previous twenty-seven years.

DEMOCRATIC ADMISSION OF DEFICIENCY.

Mr. DOCKERY, an eminent light of Democracy, member of the Committee on Appropriations, in the House, April 29, 1896 (RECORD, page 4971), makes the following statement:

Mr. Speaker, I desire to make a simple statement to the House. For the fiscal year ended June 30, 1894, the revenues of the Government failed to meet current expenses by $69,805,390.58. During the last fiscal year the current income was inadequate to meet current liabilities by $42,985,223.18, and it is now estimated that the deficiency in current revenues for the present fiscal year will be not less than $25,000,000.

These are facts and official figures, and it would seem to me that comment is unnecessary.

FREE COINAGE OF SILVER.

The time has come, I think, Mr. Speaker, when the Republican party should set its face firmly against the free coinage of silver, except by international agreement. I have been willing to do all in my power to maintain as large an amount of silver as possible in circulation, and the figures I have given are proof conclusive that the Republican party has done its full duty, and reached the limit so far as the free coinage of silver is concerned, and in the coming campaign it should be true to its past record for honest money, and give the great financial enterprises and financial institutions the stability that can only be reached by a firm declaration against a debased currency. Under present conditions the opening of our mints to free coinage is an impossibility. It means ruin and bankruptcy to many millions of people.

LET THE WHEELS OF PROGRESS MOVE.

Now, Mr. Speaker, we have but lately witnessed the spectacle of certain advocates of free silver in the upper House of this Congress allying with Democrats and Populists, and taking the great industrial interests of this country by the throat, and saying to 70,000,000 people that there shall be no financial legislation, no tariff legislation, until silver is recognized, or, in other words, until the mints are opened to the free coinage of silver. There can be but one answer, Mr. Speaker, to such a proposition as this, and I believe at the polls in the coming election the people will rise in their might and demand that the advocates of this interest shall no longer bar the wheels of progress or prevent the Fifty-fifth Congress from enacting such wise protective tariff laws as will not only furnish ample revenue for the needs of the Government, but protection to all the great agricultural, laboring, and industrial interests.

SUMMARY.

I have endeavored, Mr. Speaker, in these few remarks to give a history of the finances of this Government since the war, also showing the production of silver and gold for the past three hundred and fifty years, believing that the enormous production of silver during the past ten years has had much to do with its present bullion value, and also believing, Mr. Speaker, that the great increase in the production of gold and decrease in the production of silver since 1892, if continued for a few years, will do much to bring these metals more nearly together in bullion value.

Bankruptcy, Its Cause and Remedy—The Silver Party, Causes of its Creation and Growth—Plan of Organization.

SPEECH

OF

HON. FRANCIS G. NEWLANDS,

OF NEVADA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, April 29, 1896.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States—

Mr. NEWLANDS said:

Mr. CHAIRMAN: I am in favor of the provisions of this bill which relate to voluntary bankruptcy and I am opposed to those which relate to involuntary bankruptcy. I am in favor of the provisions relating to voluntary bankruptcy because they are in favor of the debtor. I am opposed to the provisions relating to involuntary bankruptcy because they are in favor of the creditor, and in my judgment, the legislation of the past twenty years having been in favor of the creditor and against the debtor, in favor of increasing the value of that which the debtor has to pay and of diminishing the value of that which he sells for the purpose of payment, it is now time that there should be some legislation directed to the relief of the debtors of the country and of them alone.

We have all observed the difference between the treatment of corporate and individual debtors within the past three years of distress. We have observed corporations going into the hands of

receivers, their property protected, their income diverted into betterments instead of being absorbed in interest payments, and we have seen plans of reorganization inaugurated and carried out, debts scaled, both in principal and interest, and extended as to time, thus relieving the ultimate owners of the property.

Have there been any such methods of relief for individual debtors? No. The stockholders in a corporation are protected by reorganization, by scaling of debts, by scaling of interest, by extension of time; but no such relief is offered to the individual debtors. On the contrary, their difficulties multiply as distress increases. Every expedient of obtaining money is resorted to, interest increases, heavy commissions for loans are paid, extensions of time are denied, income diminishes, until finally, overwhelmed by attachments, and foreclosures, they are driven to the wall and compelled to surrender all. It seems to me it is our duty to insist that they shall at all events be free from a mortgage on the future, on the courage, the enterprise, and the energy which may enable them to rebuild their shattered fortunes.

CAUSES OF BANKRUPTCY.

Now, Mr. Chairman, we are to devote three or four days to the consideration of a bill intended for the relief of the bankrupts of the country. How is it that so much time is devoted to the relief of these people thus compelled to surrender everything, while so little time has been given by this House to the consideration of the causes which have led the country into bankruptcy, of the causes which have involved loss and destruction to so many of the enterprising, the industrious, and the energetic of our country? How is it that industrial and financial measures have had so little time allotted for consideration, while this measure, merely palliative in its character, merely intended for the relief of the unfortunate after all is gone, is to have four or five days devoted to its discussion and consideration? With the indulgence of the House, I propose to devote the few minutes allotted to me not so much to the details of this bill as to the consideration of the causes which have brought about the distress prevailing in this country and increasing in severity every day and every hour; causes which thus far have received but little consideration in debate because of the limited time thus far given to the financial and tariff legislation of this House.

DISTRESS IN SOUTH AND WEST.

Where is this distress located? We find it mainly in the West and the South. Take a railroad map of the country—mark the railroad lines in the hands of receivers, comprising about one-third of the railroad mileage of the country, railroads whose conditions sympathize with those of their patrons, and you will find the area of distress not in the New England or the Middle States, the seat of the protected industries of the country, but you will find it in the mining States, in the wheat-growing region, and in the cotton-growing region. And no better test of the prosperity or distress of a section can be found than the condition of its railroads which transport the things produced and consumed by the communities through which they pass.

And what is the cause of the distress in this vast area? It is found in the destruction of the mining industry of the far West and the decline of the wheat-growing industry of the West and the cotton-growing industry of the South.

In six States and three Territories the silver-mining industry is the basic industry on which commerce, agriculture, banking, and transportation depend, just as coal mining and iron mining are the basic industries of Pennsylvania. That industry has been destroyed by brutal legislation, and consequently all the dependent and correlated occupations and industries in that region suffer and almost its entire railroad system is in the hands of receivers.

And so it is with the vast wheat-growing region. The price of their product has steadily declined from $1.25 a bushel to 65 cents a bushel. The price of that product has steadily fallen in the scale with the price of the ounce of silver, and so every dependent and correlated industry in that region suffers and its railroads are in the hands of receivers. And so it is with the cotton-growing region, the price of whose product, on which all other values in that region depend, has also declined *pari passu* with the fall in the price of the ounce of silver.

CAUSED BY ORIENTAL COMPETITION.

And to what is this due? To competition with the oriental countries, to competition with the silver-standard countries, a competition from which the favored regions of this country, the New England and the Middle States, have thus far been protected by a tariff wall of from 50 to 60 per cent. Where domestic products are exported the price of the exportable surplus fixes the price of the whole, and hence our wheat growers and cotton producers are compelled to accept for the domestic product the price of the exportable surplus. The price of wheat and cotton in the Liverpool market is the price here, differences in transportation being adjusted. What competitors have these wheat and cotton growing regions in the Liverpool market? The silver-standard countries, whose wages, always phenomenally low, are made doubly low in terms of gold by the constant depreciation of silver, or, rather, appreciation of gold. Silver there is worth as much as it ever was. In the silver-standard countries the ounce of silver will buy as much of human labor or of the products of human labor as it ever would. So that you find this condition of things: That as the ounce of silver buys as much of wheat or of cotton in those silver-standard countries as it ever would, the price of the ounce of silver in terms of gold fixes the gold price of our wheat and cotton; and hence the gold prices of our wheat and cotton have steadily declined as the gold price of the ounce of silver has declined. And so it is that the wheat and cottton producing regions traversed by these railroads which have been driven into the hands of receivers have been struggling with adversity for twenty years, until entire communities are bankrupt and attachments, sales, and foreclosures take the place of enterprise.

MENACE TO MANUFACTURING STATES.

And, gentlemen of the Eastern States, what danger threatens your region? Are you prepared to invite the competition of these silver-standard countries with the manufacturing industries of the New England and Middle States? Thus far the generosity of the country has given you a tariff law which has protected you against the cheap labor of Europe; but recollect you are about to contend with oriental labor, always exceptionally low, and now made doubly low by the decline in the gold price of silver. Do you not think that you are also interested in raising the price of silver, so as to increase the labor cost of silver-standard countries, whose manufactured products are now threatening to invade the country and to displace your own? And can you devise any way of increasing the price of silver except by increasing its use? So that you have not simply present conditions to meet—conditions brought about by the gradual paralysis of the wheat-growing, the cotton-growing, and the silver-mining industries of this country, covering a vast area, but you are about to meet a paralysis caused by the competition of those very countries in the production of manufactured goods. Your very financial policy, which refuses to use silver, which refuses to extend its use or to give it the value in relation to gold that it ought to have, is building up for the protected industries of New England and the Middle States a competitor whose products will slip in over any tariff wall which you may erect.

SILVER PARTY OF NEVADA.

My friend from Iowa asked us to avoid the discussion of party politics in the consideration of this bill. That is always my disposition. I stand here the single representative on this floor of the party to which I belong—the Silver party. I have no party organization associated with me; there is no one with whom I can consult except through that sympathetic interest which all friends of silver of whatever party feel in this burning question. But so far as I may devote myself to the economic consideration of this question, I do not propose to shrink from its just treatment, though it may involve the arraignment of both the old parties of the country, for they have stood together as twin brothers in all financial legislation, and are jointly responsible for the prevailing distress.

I wish to say, Mr. Chairman, that when Mr. Cleveland was first elected President I voted for him. He stood upon a platform which recognized silver as standard money, before that question had reached the prominence which it has since reached in this country. When renominated, on a platform which, for the first time in the history of the Democratic party since the demonetization act of 1873, was absolutely silent upon the silver question, I refused to vote for him and cast my vote for Benjamin Harrison, who stood on a platform which declared for the use of both gold and silver as standard money and condemned the course of the Cleveland Administration in opposing the rehabilitation of silver.

Harrison was elected President of the United States, receiving the support of the silver men who were in the Republican party and of many silver men who were Democrats, because he was supposed to favor the restoration of bimetallism; but the gold combination triumphed, for he early manifested hostility to free coinage, and fear of a veto was used to deter silver Republicans from passing a free-coinage bill and induced them to accept a compromise measure known as the Sherman law in its stead, a law whose beneficial operation was defeated by every effort of a hostile Administration acting in conjunction with England to depress instead of advance the price of silver.

INDEPENDENT ELECTORS.

Four years after that, when Benjamin Harrison and Grover Cleveland were both candidates on platforms opposed on the tariff question but almost identical on the money question, insincere declarations for bimetallism, coupled with "ifs" and "provisos" which made the mintage of silver in this country impossible, hypocritical professions intended to deceive the voters as to the great question which was then confronting the country, a mining congress, over which I had the honor to preside, met at Helena, Mont., a mining congress in which six States and three Territories were represented, composed of leading Republicans and

Democrats in that section, the peers of the citizens of any State in this Union in business capacity, courage, ability, and patriotism, and after long debate and deliberation that congress almost unanimously, by a vote of 264 to 27, declared that it was the duty of every man in that section who was devoted to the cause of bimetallism to repudiate both the candidates and the platforms of both the old parties and to unite in support of independent candidates for the electoral college who would be in a position to represent the principles approved by the conscience and judgment of the people of that section of the country. This was not the action of Populists, bent upon numerous reforms of our governmental and social organization, but the calm, deliberate, united judgment of conservative men who had differed on the lines of the old parties for years, and who, being hopeless of relief within their respective parties, declared for united action in the solution of what they regarded as the paramount issue of the day.

Their hope was that the independent electors of the mining States, united with Populist electors of the agricultural States, would hold the balance of power in the electoral college, and either force concessions there or throw the election into the House of Representatives. At that election every mining State, if my memory serves me right, declared against the Republican party, to which, previously, all had been attached, and the independent and Populist electors together numbered nearly 30, sufficient under ordinary circumstances to hold the balance of power, but the overwhelming and unexpected victory which Cleveland gained in Western States hitherto Republican made our effort for independent electors futile. So far as the State of Nevada was concerned, it remained true to the instructions of the Helena mining congress. Independent electors, nominated by the silver leagues, were ratified by both the Democratic and Republican State conventions, and were elected by a vote aggregating three-fourths of the voters of the State. From this action grew the silver party of Nevada, which elected me to Congress in 1892 over Democratic and Republican competitors, and again in 1894 over Democratic, Republican, and Populist competitors, who substantially pooled their vote against me. We there realized the advantage of uniting the silver vote on a platform devoted to the issue of silver, and in an organization whose name indicated its basic principle.

I trust and believe that the silver men of the United States will take lesson from that small State and learn the importance of effecting an organization that will not be embarrassed by the memory of old-party dissensions or weighted down by party mistakes or divided in its purpose by attempt at governmental and social reforms whose advocacy will repel as many as it attracts.

You will observe that the year 1892—often referred to by the members from the manufacturing States of the Union as the flood tide of a prosperity attributed to the McKinley Act—was a year of restlessness in the agricultural and mining States of the West, which resulted in a revolt against and the defeat of the Republican party. Why was this? Simply because the McKinley Act, while it protected the manufacturing States against the cheap labor of Europe, afforded no protection to the agricultural States against the competition of the cheap labor of oriental and silver-standard countries, whose efficiency in the production of food products was doubled by the low price of silver. The only protective act which could affect the agricultural States was a free-coinage bill, increasing the use and thus raising the price of silver; and so the Western and mining States swung away from the Republican party, as they will do again at the coming election. Part swung into the Democratic camp, part into the Populist camp, and Nevada swung into the Silver party camp.

The latter party alone shows signs of increasing strength. It has grown until now it promises to unite all the friends of silver in the Republican, Democratic, and Populist parties.

The people who desire the restoration of the money of the Constitution, regardless of past differences, will be united at the coming election. Four years of bankruptcy and suffering have been instructive, and there is abundant evidence that the lesson taught by Nevada four years ago will become epidemic this year, and that States enough to give a majority in the electoral college will follow the example we set for them.

ORGANIZATION OF THE NATIONAL SILVER PARTY.

On the 22d and 23d of last January there assembled in the city of Washington a representative body of men, representing the productive forces and business interests of nearly every State and Territory in this Union. The result of the deliberations of that great conference was the inauguration of a new political movement, having for its object the unification of the silver forces of the country regardless of former political affiliations. It put forth an address to the people of the United States reciting the causes that were bankrupting enterprise, starving labor, threatening the homes of our people, and planting the seeds of social discord and revolution, and proclaimed a platform upon which all patriotic men could unite to bring back conditions of social order and progress and restore the rule of the people.

They called a national convention to meet in the city of St. Louis on the 22d of July, at the same time and place that the Populist party had already named for the holding of their convention, the dates of both of which conventions were fixed at a later day than those set for the conventions of the two old parties in order that the earnest bimetallists of all parties might have an opportunity to unite and make effective their votes in the selection of a President of the United States who would represent the producing forces of the land and not the gold combination, as the candidates of the Democratic and Republican parties were likely to do.

A provisional national committee was appointed, and the work of organization has been started and is under good headway at the present time in four-fifths of the States of the Union.

As the sole representative in this body of the platform and principles enunciated by that great conference, having been twice elected upon that issue alone, I call your attention to the proceedings of that conference, as reported by its officers, and lay before this House and the country the principles of the American Silver organization, the address of the chairman of its national committee, and its plan of organization:

A CALL TO ACTION—THE SILVER CONFERENCE HELD AT WASHINGTON, D. C. JANUARY 22 AND 23, 1896, DECLARES FOR INDEPENDENT POLITICAL ACTION AND CALLS A NATIONAL CONVENTION AT ST. LOUIS, MO., JULY 22, 1896—PROCEEDINGS OF THE CONFERENCE AND ADDRESS OF THE CHAIRMAN OF THE NATIONAL COMMITTEE.

[Issued by the Provisional National Committee, room 83, Corcoran Building, Washington, D. C.]

A conference of bimetallists was held at Washington, D. C., on January 22 and 23, in response to the following call:

"AMERICAN BIMETALLIC LEAGUE,
"*Washington, D. C., January 4, 1896.*

"DEAR SIR: In pursuance of a resolution of the executive committee of the American Bimetallic League, adopted November 20, 1895, a copy of which is herewith inclosed, a conference of well-known and active advocates of the cause of independent bimetallism in the United States, who are prepared now to place the cause above party and to join in an independent movement to secure the restoration of the constitutional standard of gold and silver by the free coinage of both metals at the existing ratio, will be held at the Sun Building, Washington, D. C., January 22, 1896. The object of the conference is to deliberate on the situation at that time and to arrange for holding a national convention to nominate candidates for President and Vice-President, and for conducting a national campaign on the above issue. Recent events, it is believed, make such a conference more important than when the inclosed resolution was passed. You are respectfully invited to attend this conference and participate in its deliberations.

"Very truly, yours,

"A. J. WARNER,
"*President American Bimetallic League.*
"H. G. MILLER,
"*Chairman National Silver Committee.*
"R. C. CHAMBERS,
"*President National Bimetallic Union.*
"J. M. DEVINE,
"*Secretary American Bimetallic League.*"

Every State in the Union was represented, and the proceedings were harmonious throughout.

The speeches with which the proceedings were interspersed were of a high order of ability and dignified in tone, as befitted the momentous character of the question under consideration.

The committee on resolutions and address consisted of the following-named gentlemen:

Senator JOHN P. JONES, chairman.
Joseph Sheldon, of Connecticut.
J. H. Lorimer, of Pennsylvania.
Hon. J. L. McLAURIN, of South Carolina.
H. P. Bartine, of Chicago, Ill.
Gen. A. J. Warner was subsequently added to the committee.

The committee reported the following:

RESOLUTIONS AND ADDRESS TO THE PEOPLE OF THE UNITED STATES.

The paramount issue at this time in the United States is indisputably the money question. It is between the gold standard, gold bonds, and bank currency on the one side and the bimetallic standard, no bonds, and Government currency on the other.

On this issue we declare ourselves to be in favor of a distinctively American financial system. We are unalterably opposed to the single gold standard and demand the immediate return to the constitutional standard of gold and silver by the restoration by this Government, independently of any foreign power, of the unrestricted coinage of both gold and silver into standard money at the ratio of 16 to 1, and upon terms of exact equality as they existed prior to 1873, the silver coin to be a full legal tender equally with gold for all debts and dues, public and private.

We hold that the power to control and regulate a paper currency is inseparable from the power to coin money; and hence that all currency intended to circulate as money should be issued and its volume controlled by the General Government only, and should be legal tender.

We are unalterably opposed to the issue by the United States of interest-bearing bonds in time of peace, and we denounce as a blunder worse than a crime the present Treasury policy, concurred in by a Republican House, of plunging the country in debt by hundreds of millions in the vain attempt to maintain the gold standard by borrowing gold; and we demand the payment of all coin obligations of the United States, as provided by existing laws, in either gold or silver coin, at the option of the Government, and not at the option of the creditor.

And whereas the demonetization of silver in 1873 enormously increased the demand for gold, enhancing its purchasing power and lowering all prices measured by that standard; and

Whereas since that unjust and indefensible act the prices of American products have fallen upon an average nearly 50 per cent, carrying down with them proportionately the money value of all other forms of property, except in peculiarly favored localities; and

Whereas such fall of prices has destroyed the profits of legitimate industry, injuring the producer for the benefit of the nonproducer, increasing the burden of the debtor and swelling the gains of the creditor, paralyzing the productive energies of the American people, relegating to idleness vast numbers of willing workers, sending the shadows of despair into the home of the honest toiler, filling the land with tramps and paupers, and building up colossal fortunes at the money centers; and

Whereas in the effort to maintain the gold standard the country has within the last eighteen months, in a time of profound peace and plenty, been leaded down with $162,000,000 of additional interest-bearing debt under such circumstances as to allow a syndicate of native and foreign bankers to realize a net profit of $10,000,000 on a single deal; and

Whereas another call is now pending for a further gold loan of $100,000,000, which, but for an outburst of popular indignation, would also have been negotiated in the same secret manner and through the same syndicate; and

Whereas it stands confessed that the gold standard can only be upheld by so depleting our paper currency as to force the prices of our products below the European and even below the Asiatic level, in order that we may sell in foreign markets, thus aggravating the very evils of which our people so bitterly complain, degrading American labor, and striking at the foundations of our civilization itself; and

Whereas the advocates of the gold standard persistently claim that the real cause of our distress is overproduction—that we have produced so much that it made us poor—which implies that the true remedy is to close the factory, abandon the farm, and throw a multitude of people out of employment, a doctrine that leaves us absolutely without hope for the future; and

Whereas the difference of exchange between silver-standard countries and gold-standard countries is equivalent to a bounty equal to the difference between the value of gold and silver in favor of the products of silver-standard countries exported to gold-standard countries, and a corresponding tariff against the products of gold-standard countries exported to silver-using countries; and

Whereas the cost of production otherwise in the Old World, and particularly in China and Japan, is far less than the cost at which similar products can be produced or manufactured in this country by American labor without reducing our farmers, miners, mechanics, manufacturers, and other industrial workers to the level of Chinese coolies: Therefore

Be it resolved, That over and above all other questions of policy we are in favor of restoring to the people of the United States the time-honored money of the Constitution—gold and silver, not one, but both—the money of Washington, and Hamilton, and Jefferson, and Monroe, and Jackson, and Lincoln, to the end that the American people may receive honest pay for an honest product; the American debtor pays his just obligations in an honest standard and not in a standard that is appreciated 100 per cent above all the great staples of our country; and to the end, further, that silver-standard countries may be deprived of the unjust advantage they now enjoy in the difference in exchange between gold and silver—an advantage which tariff legislation alone can not overcome.

We therefore confidently appeal to the people of the United States to leave in abeyance for the moment all other questions, however important and even momentous they may appear, to sunder, if need be, all former party ties and affiliations and unite in one supreme effort to free themselves and their children from the domination of the money power—a power more destructive than any which has ever been fastened upon the civilized men of any race or in any age. And upon the consummation of our desires and efforts we invoke the gracious favor of Divine Providence.

The address was read by Senator JONES, and never did he appear to better advantage. He seemed inspired by the occasion, and the clear-cut, epigrammatic sentences fell from his lips with splendid effect. Every clause was applauded, and at the close of the reading the whole conference rose as one man and cheered with the wildest enthusiasm.

Among other things, he said: "You will either be redeemed and disenthralled and the twentieth century will either be opened with a wave of prosperity or we will gradually go down to slavery. It is a question whether the poorhouses shall be turned into factories or the factories shall be turned into poorhouses."

Without the change of a word the address was adopted, and upon motion of ex-Congressman Hatch, of Missouri, the thanks of the conference were extended to the chairman and members of the committee for the "magnificent address."

ORGANIZATION.

Immediately after the reading of the address came the report of the committee on organization, which committee consisted of the following: Senator WILLIAM M. STEWART, of Nevada; I. L. Johnson, of Virginia; Richard McIntosh, of Utah; I. N. Stevens, of Colorado, and C. J. Hillyer, of Washington, D. C.

The report was as follows:

"That a convention of the qualified voters of the United States who believe in the principles this day enunciated by this conference, and who are willing to subordinate party allegiance and fealty to those principles, and to support the nominees of the national convention provided for by this conference, shall be held at the city of St. Louis, Mo., on the 22d day of July, A. D. 1896, at the hour of 12 o'clock noon.

"That the apportionment to such convention shall be one delegate for each Senator and Representative in the United States Congress from the several States and one delegate for each Delegate in Congress from the several Territories, and additional delegates for the several States and Territories based upon the silver strength as ascertained from the American Bimetallic Union.

APPORTIONMENT OF DELEGATES.

"The number of delegates apportioned to each State and Territory shall be as follows:

Alabama	40	New Hampshire	6
Arizona	6	New Jersey	12
Arkansas	50	New York	44
California	45	North Carolina	70
Colorado	70	North Dakota	12
Connecticut	15	Ohio	40
Delaware	3	Oregon	17
Florida	8	Oklahoma	10
Georgia	50	Pennsylvania	45
Idaho	10	Rhode Island	8
Illinois	50	South Dakota	15
Indiana	40	South Carolina	35
Iowa	35	Tennessee	24
Kansas	60	Texas	70
Kentucky	25	Vermont	8
Louisiana	20	Virginia	40
Maine	9	Washington	17
Maryland	9	West Virginia	12
Massachusetts	21	Wisconsin	15
Michigan	34	Wyoming	15
Minnesota	30	New Mexico	8
Mississippi	25	Utah	20
Missouri	45	District of Columbia	4
Montana	18	Indian Territory	6
Nebraska	51	Alaska	2
Nevada	15		

"That this conference appoint a provisional national committee, consisting of one member from each State and Territory, said committee to possess all powers usually possessed by national committees of political parties; said committee to serve until the holding of said national convention; said committee, or the portion thereof appointed by this conference, shall have full power to fill all vacancies, whether from the failure of this conference to appoint a full committee or from death, resignation, or otherwise; said committee shall select its own officers and adopt rules for its own government; said committee shall have its headquarters in the city of Washington, D. C.

"The mode of selecting delegates to said national convention shall be as prescribed by the national committee, subject to the following regulations:

"All delegates shall be elected at public conventions, or at public meetings, to be held either in the several States at large or in the several counties or districts of such States as the national committee may prescribe.

"No person shall be eligible as a delegate to any such convention or meeting, or shall sit as a delegate in said national convention, who is not in favor of the declaration of principles this day enunciated by this conference and who is not willing to subordinate party allegiance to the advancement of such principles and to support the nominees of said convention.

"The national committee shall proceed at once to organize the several States and Territories for the success of this movement."

A provisional national committee was selected and empowered to fill vacancies and make all necessary changes.

Dr. J. J. Mott, of North Carolina, was selected by the conference as chairman of the provisional national committee.

A finance committee was also appointed. The executive committee elected I. L. Johnson, of Virginia, as its treasurer.

Headquarters have been opened in the Corcoran Building, Washington, D. C., and the work of organization preparatory for the national convention actively begun.

All correspondence relative to the work of organization for the great political battle this year, to redeem our country from the rule of an alien gold power, should be addressed to

J. J. MOTT,
Chairman National Committee, 83 Corcoran Building, Washington, D. C.

AN ADDRESS BY THE CHAIRMAN OF THE NATIONAL COMMITTEE.

To the people:

As chairman of the national committee appointed by the silver conference lately assembled in Washington City to organize the silver forces in these United States in the battle which is to take place for the possession of the Government this year, it is thought proper that I should make some statement to the people in reference to it.

As the necessity of money as a medium of exchange became revealed to the minds of men, the two metals finally accepted as the most suitable for money were silver and gold. This was natural, because they were the two most precious metals adapted to the purpose, and were sufficiently limited in quantity.

As mining has developed the fact that these two metals existed in the earth in almost certain proportions, a natural ratio of value was assumed. This ratio has continued as arranged by man under the natural order as he found it. It was accepted by mankind as a part of the grand plan upon which the world was to move, and approved by the philosophy and common sense of all ages.

From this condition of regular order and contentment, contributing to the gradual elevation of all classes of society, the extension of civilization, and the general betterment of the human race, this country and the world has been ruthlessly torn.

It has been done by the rejection of one of the precious metals in the interest of greed, and by this act the money changers have been enthroned and the narrowing of the scope of monetization begun. As monetization has been narrowed money has become scarcer in proportion, and as money became scarcer prices fell in proportion, and falling prices have been the bane of this world.

It was predicted after the demonetization of silver that great suffering would follow. This suffering is already here. From a contraction of the currency we are now in the throes of one of these desperate stages of human experience—a period of heartache, canker, and sleepless nights as the foundations of prices have crumbled. Obligations resting upon the supposed firm foundation of a price in ready money have crumbled into dirt as the foundation of the price has crumbled. The country is confronted by a grave emergency. Further theorizing is futile. The agitation of the money question must be settled by peaceful methods that will give practical results.

Long, patient, and dispassionate reflection has convinced me that an independent American financial system is absolutely necessary to the restoration of national prosperity and the establishment of commercial conditions in this country that will give the common people, the agricultural and laboring classes, an equal show with capital and concentrated wealth. How can it be effected? Can it be done through either the Republican or Democratic party as now constituted? No. Both organizations are under the blighting influence of the Eastern money power. The record of every national convention of both parties for years is plain proof of the assertion. The legislation of both parties in Congress is proof that it is impossible as a party question.

What, then, is to be done? As patriots, as Americans who are for America against the world, what is our first and controlling duty in this crisis? Shall we longer heed the false promises of party platform declaration? Shall we longer submit to the academic discussion or what bimetallism means? Shall it be another campaign of straddling and equivocation? Or shall the issue be squarely on the free coinage of silver and gold, and a President elected who represents the people on that great question?

The first step, the essential preliminary to the correction of present abuses, the reestablishment of national prosperity and the maintenance of our national credit, is the election of a President whose Andrew Jackson courage and inflexible integrity will defy the influences that prostitute Presidents and Cabinets and make the administration of the Government a subject of humiliation and reproach.

Strong in character and intention as may be the standard bearer of the Republican or Democratic party in the coming campaign, it will hardly be possible for him to rise above influences that secured his nomination or the environments that must surround him in the event of his election. The one hope of the people, I am convinced, is in the election of a President pledged, unconditionally and unreservedly, to the free and unlimited coinage of silver and gold, the same as from the foundation of our Government until 1873, and also unconditionally pledged in favor of a national currency without the intervention of banks of issue and against the issuance of interest-bearing bonds in time of peace for any purpose whatever.

I appeal not only to Republicans in my own State, who can appreciate the sacrifice I make in renouncing party obligations on this question in advance of party action in the premises, but to the people throughout the country, without regard to party, to cooperate in this great, nonpartisan, patriotic, American movement to sustain the industrial and financial independence of the United States in the pending irrepressible conflict.

This sentiment influences me to accept the chairmanship of the National Silver Party. I shall give to this movement my best services and thought, and, successful or otherwise, I shall realize the satisfaction of having done my duty to the people and the country as I see and understand it.

In my own State I confidently appeal to the rank and file of both parties to support my efforts. North Carolina is an agricultural State and nine-tenths of its people are directly and disastrously affected by the operation of the single gold standard. I appeal to them to lay aside party feelings, ignore

party obligations on this social question, disregard party appeals, forget the exasperations of past party contention, and spurn the offer of place and emolument.

We have the example and experience of the last campaign in North Carolina to show the practicability and safety of men of different parties cooperating to carry out a great measure essential to the welfare of the people, where neither of the parties favoring it could effect it alone. That was a cooperation on one issue—the issue of fair elections. It is now arranged to extend such a plan through all the States on another vital issue of even greater importance to this country. No one party can do this, but a majority of the people in all the parties want it done, and they can do it if they will cooperate.

The peril that menaces the people in the election of a President whose administration of the Government means a perpetuation of the present financial system can only be averted by the people themselves. It may be too late four years hence. Present abnormal conditions do not warrant belief in the peaceful submission of the people to further oppression and impoverishment. The gold gamblers may decide the popular ebullition as a system of harmless "socialism," but if they are wise they will heed the admonition, and not persist in their greed of accumulation at the expense of the toiling and suffering people. The plain, patriotic duty of every American who loves and honors his country, who would jealously guard its institutions, who would die for the principles that have made it the greatest, the richest, the proudest, the most independent nation on the face of the globe, is to assert his manhood and subordinate party success to the country's welfare in the impending conflict.

Let us have this metal money restored and in the proportions found in nature's storehouse and as it existed in Washington's time, when the flag and the Constitution were fresh and God seemed to speak to the people through an open book.

The men who are for gold stand together, no matter what party they belong to. They have control of both the Republican and the Democratic parties. The people in their distress, striking at intrenched power, knock out first one and then the other party, but no matter which turn is taken gold comes uppermost. The gold leaders are keen, determined, and loyal to the gold standard. Are the silver leaders less determined, less intelligent, and less loyal? If they are equal to the others in these qualities, what is the matter with them that they allow victory after victory to be scored against them, and that, too, when the silver people in the country are in the vast majority?

The people are enraged, and justly so. Must they say at last to these leaders, "Lo, these many years have we sent you for silver, and you have returned to us without it; you are unprofitable servants, and have led us through the bog and quagmire of disappointment. We like to honor you, but you must take us by some other road and reach our idol."

The men who blazed the way to the silver conference did well. The people see the citadel of their liberties and are ready for the battle. The Philistines are at our doors. "To your tents, O Israel!"

J. J. MOTT,
Chairman National Committee, Silver Party,
Corcoran Building, Washington, D. C.

AMERICAN SILVER ORGANIZATION.
OFFICE CHAIRMAN NATIONAL COMMITTEE, *Washington, D. C.*

PLAN OF ORGANIZATION.

That the voters of the country may have an opportunity to so organize that they may redeem our country from the blight of a gold standard which has made the 100-cent dollar of 1873 a 200-cent dollar in 1896 and is paralyzing the energies of our people, undermining our liberties, and bids fair to fill the land with poorhouses, the national committee appointed by the silver conference in Washington, D. C., January 22 and 23, suggests the following plan of organization:

1. That the organization proceed from the people up by all silver men signing the club roll.

2. That the organization should extend into every school district, so that clubs may be formed convenient to the homes of the people.

In order to effect such organization, the representative of the national committee in each State and Territory should proceed at once to appoint an organizer for each Congressional district, whose duty it will be to organize the district by the appointment of an active and efficient worker in each county to act as committeeman for such county, whose duty it will be to organize said county.

The county committeeman should proceed without delay to secure the cooperation of one active man in each city, township, or precinct to undertake the organization of said city, township, or precinct. It is further recommended that the city, township, or precinct committeemen subdivide their work by the appointment of a committeeman in each school district, whose duty it will be to canvass the school district and secure the signatures of voters to the club roll.

This would make a State organization right down with the people, each county having a member of the State executive committee. The school district committeemen would constitute a township or precinct committee. The county committee would consist of the chairmen of the township or precinct committees. It will be the duty of the representative of the provisional national committee to act as chairman of the State committee until after State conventions have been held and a new State committee created.

The organizers appointed for Congressional districts will perform the duties usually performed by the chairman of district committees until district conventions have been held and new committees created. The chairmen of the county committees will represent their respective counties on both district and State committees.

It is recommended that the delegates to the national convention be selected by Congressional district conventions, each district being entitled to its pro rata of the total number of delegates apportioned to each State.

The importance of an immediate thorough canvass of the voters and the securing of their signatures to the club roll can not be too strongly urged. After the signatures are secured the work of perfecting the organization becomes easy. If this plan be adopted and vigorously executed, it is believed that a majority of the voters can be enlisted in our cause long before the date set for holding our national convention. When the people understand that this plan has been adopted throughout the entire country, they will at once realize that the only effective way of overcoming the money power and its servile politicians and press has been adopted, and hope will take the place of despair.

The club roll should be left in charge of the school district committeeman, but a copy should be furnished to the national committee, so that newspapers and documents could be sent to all signers of the club roll if desired; and further, so that the number of true friends of silver in the United States could be ascertained.

ORGANIZATION ROLL.

Whereas, the demonetization of silver in 1873 enormously increased the demand for gold, enhancing its purchasing power and forcing down prices until the 100-cent dollar of 1873 has become a 200-cent dollar in 1896, measured by the average of American products; this fall of prices has deprived legitimate industry of profit and injured producers for the benefit of nonproducers, increased the burden of debts, swelled the gains of creditors, and paralyzed the productive energies of the American people; condemning willing workers to idleness and filling our land with tramps and paupers, while building up colossal fortunes at the money centers: Therefore,

Be it resolved, That we, the undersigned legal voters of ——, county ——, State ——, will not support any political party or vote for any candidate for any office whatever that does not favor the restoration of the money of the Constitution by the free and unlimited coinage of silver and gold on terms of exact equality, regardless of the action of other nations, and that we will not support any candidate for the office of President or Vice-President whose past record on this question does not constitute a guarantee of his action in the future:

Name.	Residence.

ISSUES OF SILVER PARTY.

You will observe that this party, now in its infancy, proposes to make the issues of the day the industrial question and the financial question, protection and silver, twin issues, not contradictory to each other, as would be the alliance of the gold standard with protection or of the silver standard with free trade. They are both protective measures. We believe in a reasonable tariff which will protect the labor of this country against an invasion of the products of the cheap labor of Europe, for we realize that the unit of value of this country is the day's labor, that upon that every other value is built up and related to it. You can not diminish the value of a day's labor in this country without diminishing the value of every unit of property throughout its vast area, whether it be the acre of the farm, the square foot of city real estate, or the measure of products.

Realizing, then, that we have a high standard of value in this country, a high standard of value for labor and a high standard of value for property produced or utilized by that labor; realizing that the intelligence and the courage and the energy of the people of this country are the products of our institutions and not the cause, are the products of the industrial policies we have been pursuing and not the cause, we are for a reasonable protection against the cheap labor of Europe; the protection of the New England States, the protection of the Middle States, the protection of the States that are about to become manufacturing States. But we also demand a measure of protection for the wheat-growing and silver-producing and cotton-growing regions of the country, for we know that to-day these regions are producing their products in competition with silver-standard countries; that they must export, and that the value of the domestic product is determined by the value of the exported product, and that just so surely as we can increase the labor cost in silver-standard countries, in terms of gold, by raising the gold value of the ounce of silver, just so surely will we raise the value of our wheat and the cotton, with which we mainly pay the principal and interest of our foreign debts, and so far as the mining regions are concerned, restore the basic industry of six States and three Territories upon which our transcontinental railroads with their branches have relied for the profitable part of their business—railroads which, as the result of the legislation of 1893, have defaulted their interest, and are now in the hands of receivers, making a desperate struggle for existences by processes of reorganization and scaling of debt and interest.

Mr. HALL. Will the gentleman yield for a question?

Mr. NEWLANDS. My time is very limited. I should be glad to do so, but I believe I have only three minutes remaining.

Mr. HALL. I was just going to state that I was a little puzzled to understand why the gentleman was making a 16-to-1 speech on a bankruptcy bill, but I now see the twin relationship existing between the two, and suppose that one is germane to the other.

Mr. NEWLANDS. Well, if the gentleman can not appreciate the relation of my remarks to the subject, I have to say that it is impossible for me to endow him with the necessary intelligence.

I can only say that I am addressing myself to the causes of insolvency, and I so declared at the opening of my remarks. I claim that the legislation of this country should be applied to the removal of the causes, and not to these wretched palliative measures which leave a man stripped of his fortune, relieved only of the mortgage which debt imposes on his courage, enterprise, and energy.

PROBABLE ACTION OF OLD PARTIES.

Now, I can not tell, no man can tell, what the action of the old parties will be in the next three months. We all know, however, that the action of the Republican party is a foregone conclusion. I regret it. I was in hopes that the Republican party, the party of protection, would so far expand its policy as to embrace the use of silver, and thus protect the mining region, the wheat region, and the cotton region. I was in hope that the doctrine declared in an interview in the Fortnightly Review about two years ago, and purporting to give the views of our honored Speaker—namely, that silver and protection were twin issues—would become the policy of the Republican party; that it would be a party that would protect not a section, but the entire country; not simply

of one member from each State and Territory, said committee to possess all powers usually possessed by national committees of political parties; said committee to serve until the holding of said national convention; said committee, or the portion thereof appointed by this conference, shall have full

In my own State I confidently appeal to the rank and file of both parties to support my efforts. North Carolina is an agricultural State and nine-tenths of its people are directly and disastrously affected by the operation of the single gold standard. I appeal to them to lay aside party feelings, ignore

the New England and Middle States, which, through their manufacturing interests, have accumulated wealth and become the creditor States of the country, but also the Western and Southern States, which have been thus far compelled to submit to a competition infinitely more dangerous than the competition against which your tariff wall is now raised; but that seems to be hopeless. The State conventions of the Republican party have declared, one after another, either in favor of a straddle platform, which has now no power to deceive, or in favor of the gold standard, with an occasional expression of the hope of an international adjustment.

There is no time for me to consider the international phase of the question. International adjustment, so long as you seek an alliance with the three great creditor nations of the world, having a plethora of money which they loan out to the people of other nations, is, in my judgment, hopeless.

Had we sought alliance with the debtor countries of the world, whose scarcity of metallic money is demonstrated by the existence in them of about $2,500,000,000 of uncovered paper money, much of it depreciated paper; had we directed our efforts in the line of a monetary alliance with debtor countries such as Russia, Austria, Italy, Spain, and the countries of South America, all of which have to-day a vast amount of depreciated paper money, simply because there is not enough gold to go around, our efforts might have been successful in increasing the use and value of silver; but there never has been a conscientious effort by the Executive of our Government for a practical international adjustment of this question; and the only thing we can do is to force a domestic adjustment.

So far as the Republican party is concerned, it will take no action in support of silver. It relies for its strength upon the creditor and manufacturing States of the Union, and does not seek the support of the South and the wheat-growing and mining States of the West. How about the Democratic party? What action will it take? Two months ago it seemed to be universally conceded that the power of the Administration would be effective in securing delegates to the Democratic convention, so as to control them for the gold standard, and we all know how effective the power of organization is in producing results contradictory of the wishes of the people. The gold men were foolish enough to allow the question to be tested at the primaries, and from almost every Western and Southern community comes the demand for the restoration of the constitutional coinage of silver at the old ratio. I assume, then, that the Democratic convention may be a free-coinage convention, and if so it is apparent that the success of the silver issue will largely depend upon the wisdom that controls its deliberations.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEM. I ask unanimous consent that the gentleman from Nevada may be permitted to finish his remarks.

Mr. NEWLANDS. Five minutes will do me.

Mr. WATSON of Ohio. I ask that the gentleman may have ten minutes.

There was no objection.

Mr. BRODERICK. I would like to know how much time there is to be taken, as there are a great many to speak, and there will not be opportunity for them all.

Mr. BAILEY. To save any trouble, I yield the gentleman ten minutes.

Mr. NEWLANDS. I do not like to deprive you of your time.

Mr. BAILEY. Go on.

Mr. NEWLANDS. I will be as brief as possible.

DUTY OF THE DEMOCRATIC PARTY.

With reference to the Democratic party, I repeat that much depends upon the wisdom of the deliberations of that convention. I have always thought that the success of bimetallism would be best promoted if both the old parties declared for a gold standard at their coming conventions. I have been satisfied that there would then be an overwhelming combination of all the friends of silver, which would result in the organization of a new party with bimetallism as the distinctive issue, and led by a man of large experience in public life, whose whole career had exemplified his devotion to the best interests of the people and particularly to the course of bimetallism. But the Democratic party may take such action on this question as to make a successful union of the silver forces improbable, and the question is now whether the Democratic party will maintain its tendency toward free trade, or whether it will recognize the signs of the times, that the sentiment of this country is more steadily every day advancing toward the protective idea. That school of humanitarianism which seeks to regard the whole world as one people with universal free trade and universal brotherhood no longer has many disciples. We begin to realize that intelligent self-interest should control every nation as it does every individual or family. That man best discharges his duty to humanity who first considers the interest of his family, next the interest of his community, next the interest of his State, and next the interest of his nation, and then gives the balance of his love to the rest of the world. [Loud applause.]

Mr. WATSON of Ohio. That is good Republican doctrine.

Mr. NEWLANDS. The gentleman says that is good Republican doctrine. [Renewed applause.] Whether it be good Republican doctrine or good Democratic doctrine it is good common sense; but let me say to my Republican friend that the policy which gives protection to a section and denies it to the nation at large, which passes laws in favor of protecting the labor of the manufacturers of the East and refuses to pass the only laws which can protect the wheat growers and cotton planters against destructive Oriental competition is not the enlightened self-interest which should control a nation. And let me say to my Democratic friends that if the Democratic party remains hidebound on the tariff, if it fails to accept the general sentiment of this country with regard to the necessity of maintaining protective tariff laws, it will, in my judgment, seriously imperil the success of the silver cause; and I appeal to those gentlemen on the other side who constitute the leading members of that party to take this matter into serious consideration in the interest of the people of the West and South, and I would add the interest of the manufacturing industries of the country.

AN ORIENTAL MENACE.

This question has not been fought out in Pennsylvania and Massachusetts as it has been in the wheat fields, the cotton fields, and the silver mining camps. The people of those States do not realize, protected as they have been by this high-tariff wall against the cheap labor of Europe, that there is a productive power in the Orient which threatens their destruction; and when they do realize that fact, as they will during the coming campaign, they will learn that the interests of the manufacturers of New England and of the Middle States stand with the interests of the manufacturers of Manchester, of Birmingham, and of the German cities, who have lost their Oriental trade through the promotion of domestic industries in those countries owing to the premium on gold, and who find that the products which they have been accustomed to throw upon those countries are forced back upon them, producing a glut in their domestic markets, the effects of which we find here in these low-priced products that have slipped over our tariff wall.

A UNION OF INTERESTS.

I hope to see the wheat interest, the cotton interest, the mining interest, and the manufacturing interest organize against the banking interest, the railroad interest, and those great commercial bodies whose action beats responsive to their will. For recollect, gentlemen, that it is the changers of money, the changers of goods, and the transporters of goods that have made a union of forces against the productive energies of the country, whether those productive energies are manifested in cotton and wool manufactures in the New England and Middle States, in the iron and coal industries of Pennsylvania, in the production of wheat in the West and cotton in the South, or in the mining of silver in the great West; and you may rest assured that this country will in time pursue the policy of enlightened self-interest. It will realize that it is to its interest, as the producer of over one-third of the entire silver of the world, as the greatest debtor nation in the world, as the greatest producing nation in the world—it will realize that it is the policy of enlightened self-interest for such a nation to stop the appreciation of gold, to stop the building up in value of every unit of those four thousand millions of gold whose present home is in three countries—England, France, and Germany.

Think of it! One-half of the gold of the world in the banks in those three countries, occupying so small a space on the map and having only one-fifteenth of the population of the world—one-half of the gold of the world in their possession and the other half tied to strings by which they can easily draw it to themselves at any time. Shall we continue to place our interests, our industries, our property, our existence at the mercy of those people who have accumulated that gold, which can be put into a cube of 22 feet, a space less than that of the Speaker's chamber, and who by their financial policy have compelled the debtor and producing nations to recognize it as the only money metal, to build up its value and to increase its control over the value of the products of labor, and thus to reduce the world to industrial and financial servitude. [Applause.]

I must beg pardon of the House for diverting its attention from the discussion of the particular subject before it. My only excuse is that I rarely have an opportunity to speak upon this floor; that the financial and the industrial policy of this country have not been made the subjects of long, protracted, and careful consideration here; that this is the only opportunity I have had and possibly the only opportunity I shall have to speak in favor of a true and robust Americanism to be exhibited by either a new party or a union or fusion of parties with the party declaring for free coinage, which will, I trust, in November next carry the flag of bimetallism to victory. [Loud applause.]

by the average of American products; this fall of prices has deprived legitimate industry of profit and injured producers for the benefit of nonpro-

the policy of the Republican party; that it would be a party that would protect not a section, but the entire country; not simply

The Democratic Party the Only Friend of Farmers, Laborers, and Bread Earners.

SPEECH

OF

HON. JOSEPH WHEELER,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, May 29, 1896,

On the bill (H. R. 6119) authorizing the appointment of a nonpartisan commission to collect information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital.

Mr. WHEELER said:

Mr. SPEAKER: The people of all governments, from the beginning of time, have been divided into two distinct parties advocating antagonistic principles, the one party including and controlled in the interests of a fortunate and favored few, always struggling to increase their power; and the other, composed of the great producing classes, always struggling to enlarge their liberty. Our forefathers fled from the intolerant oppression of the titled few in the Old World and cast their lot in an unknown continent to establish a government in which all men should be free and equal and where all men should enjoy the blessings of perfect liberty. To attain this God-given right, our forefathers planted the foundation of this great democratic Republic. The word "democracy"—taken from the Greek words Demos, the people; cratia, to posses, to govern—is symbolical of the character of government which the founders of this Republic endured dangers, hardships, trials, battles, and bloodshed to establish.

The essence of democracy is to seek in its utmost purity the voice of the people; to have laws which express the wishes of the people; a government which is but a reflection of the people themselves, and governors from among the people, chosen by the people, and governing for the good of the entire people. Such a government is but the voice of the people, and the voice of the people is the voice of God.

Such a government attains the most prosperity, the purest virtue, the highest culture, the noblest manhood.

Such a government alone can protect the life, liberty, and property of its citizens.

The Declaration of Independence, the Articles of Confederation, and the Constitution of the United States all bear the impress of the virtue and spirit of liberty which animated the forerunners of American civilization.

A government which enacts laws that benefit the few and oppress the many is not a democratic government. Tariff laws which give bounties to the few and place burdens on the many are not democratic. Laws by which millions upon millions are collected from the laboring masses and appropriated so as to benefit the few are not democratic. Laws by which the banking facilities are practically confined to a few men are not democratic. Laws by which substantially all the gold of the country is centered in one locality and in the hands of a few men, and then sought to be made the only money of ultimate redemption, are not democratic. Laws which build up and maintain monopolies and trusts or any other oppressive combinations of capital are not democratic. Obnoxious laws of this character which have been enacted since the Republican party came into control of the Government have divided the people into two great classes, on the one side the owners of three-fourths of the property of the country, so few that they could all be sheltered within this Capitol, and on the other millions of laboring, struggling, toiling people, which include 30,000,000 who derive their support from the cultivation of the soil.

It is these people who fight the battles of the country in war whose interests should have the first consideration of the lawmakers of our land. The farmer has never asked for legislation for his especial benefit; he only asks that the laws of our country be equal and just, and that the burdens and the bounties incident thereto, like the dews of heaven, fall equally upon all people and all vocations. The farmer is the creator of nearly all the wealth of our land, and the welfare of all other vocations is largely dependent upon his prosperity. When the farmer is prosperous the manufacturer has the best market for his wares, the merchant collects his debts, the educator, the minister, the lawyer, the physician, and the followers of all other vocations are well paid.

The farmers only ask a repeal of Republican laws which have reduced the price of farm products to less than the cost of production. They ask a repeal of the bank legislation, which for thirty years has denied to farmers the right to use their lands as a basis of credit, and which, together with other adverse laws, has reduced farm lands to one-tenth their value when the laws were equal, just, and Democratic.

They denounce this prohibitory 10 per cent tax upon issues of banks other than national banks as the main prop, pillar, and foundation of the exclusive and most obnoxious features of the national-bank system.

The history of our country shows that the Democratic party has always been the farmer's friend, and is the only party which has not done the farmer the grossest wrong and injustice.

Jackson's great mind saw that a national bank, which virtually makes a favored few the financial partners of the Government Treasury, would become a nursery of evil. He said that such a bank would concentrate the moneyed power of the Union, make the rich richer and the potent more powerful, while the humbler members of society, the farmers, mechanics, and laborers, would be the victims of the injustice.

The Democratic platforms of 1840, 1844, 1848, 1852, 1856, and 1860 denounced such an institution as—

of deadly hostility to the best interest of the country, dangerous to our republican institutions and the liberties of the people, and calculated to place the business of the country within the control of a concentrated money power and above the laws and will of the people.

The Republican party came into power in 1861 the avowed champion of a strong centralized government.

The laws enacted by this party have favored banks and bondholders. They have given privileges to the rich and powerful at the expense of the humbler people of our land. Financial laws, tariff laws, and tax laws have all tended in the same way and have all attained the same purpose. But it is gratifying to see the evidence that the Democratic party had always opposed every encroachment upon the rights and liberties of the great mass of the people.

REPUBLICANS CREATE NATIONAL BANKS.

On February 13, 1863 (Globe, page 897), the Senate voted upon the bill to charter national banks, called the national currency bill. Twenty-one Republicans voted for the bill and 16 Democrats voted against it. This bill was voted upon in the House on February 20, 1863 (Globe, pages 1147 and 1148). On the vote for the previous question 73 Republicans voted for it and 51 Democrats voted against it. On the vote to lay the bill on the table 49 Democrats voted for the resolution and 79 Republicans against it.

On the vote ordering the bill to a third reading 79 Republicans voted for it and 53 Democrats against it. On the final passage of the bill 76 Republicans voted for it and 47 Democrats against it. This law has already cost the people more than $400,000,000. All these votes were practically upon strict party lines. Of the 78 affirmative votes by which the national-bank bill was finally passed, 76 were Republicans and 2 were Democrats.

The law was approved February 25, 1863, and is found in Statutes at Large, volume 12, pages 665 to 682.

In April, 1864, the law which sought to perpetuate national banks was before Congress. Every Democrat in both Houses voted against the bill, while the Radicals and Independents, with the exception of 1 in the lower House and 2 in the Senate, voted for it.

On April 6, 1864 (Globe, page 1451), upon an amendment favorable to national banks, 75 Republicans voted for the amendment and 54 Democrats against it.

On April 16, 1864 (Globe, page 1682), on Mr. Felton's amendment to greatly relieve national banks from taxation, 70 Republicans voted for and 59 Democrats against it.

On April 18, 1864 (Globe, page 1695), a vote was had upon this:

That the expansion of the bank circulation of the country, producing general and ruinous speculation, should be repressed by taxing the issues of the State banks.

A solid phalanx of Democrats, including such men as Francis Kernan, George H. Pendleton, J. L. V. Pruyn, Samuel J. Randall, and Fernando Wood, voted against the resolution, and it was passed by a solid vote of Republicans.

Upon the final passage of the bill, April 18, 1864 (Globe, page 1697), there were three yea-and-nay votes, namely: On Mr. Rollins's motion to lay Mr. Brooks's motion on the table to reconsider the vote by which the national-currency or national-bank bill was ordered to be engrossed and read a third time, 75 Republicans voted for the motion and 57 Democrats against it; on Mr. Holman's motion to lay the national-bank bill on the table, 56 Democrats voted for the motion and 75 Republicans against it; on passage of the national-bank or currency bill, 77 Republicans voted for the bill and 63 Democrats against it.

On May 24, 1864 (Globe, page 2448), on Mr. Holman's motion to table objectionable amendments to the bank bill, 56 Democrats voted for the motion and 78 Republicans against it. The various amendments to the bill were voted on in the Senate April 28, 1864 (Globe, pages 1957 and 1959), May 5 (page 2123), May 6 (pages 2142, 2143, and 2145), May 9 (pages 2174, 2180, and 2183), and May 10 (pages 2200, 2202, 2203, 2204, 2205, and 2206), and the bill was passed on May 10 (page 2207). In nearly all the numerous votes the Democrats voted almost solidly against the establishment of the system, and the Republicans almost solidly in favor of the system.

The bill was approved June 3, 1864. (See Statutes at Large, volume 13, pages 99 to 118.) It will therefore be seen that the objectionable national-bank law was solidly and untiringly opposed from first to last by the Democrats in Congress, and was passed by the votes, speeches, and efforts of the Republicans.

REPUBLICANS LEGISLATE FOR THE BONDHOLDER AND AGAINST THE PEOPLE.

On February 28, 1865, the House passed the bill to provide ways and means for the support of the Government. The bill provided that all bonds or other obligations issued under this act should be exempt from taxation by or under State or municipal authority. The vote was taken viva voce, and Mr. Hooper moved to reconsider and to lay the motion on the table; 85 Republicans voting affirmatively and 43 Democrats in the negative.

The original contract was to pay the principal of the United States bonds in currency, and the obligation to so pay them was recited upon the face of every bond.

In March, 1869, a Congress largely composed and under the entire control of bank officers and bondholders enacted a law that these bonds should be paid in coin, and thus embezzled $1,000,000,000 of the hard earnings of an honest people. Every Democrat but 1 voted against this iniquity, and all the Republicans but 12 voted for it. In the Senate 42 Republicans voted for it and nearly every Democratic Senator against it.

The bill declaring that currency bonds should be paid in coin was voted on in the Senate March 11 (see pages 46, 53, and 56 of the Globe), and on March 15, 1869 (page 70).

In the House it was voted upon on March 12, 1869 (pages 60–61).

In March, 1869, a resolution was offered to lighten the burdens of the people by placing a tax on bonds, and exempting such necessaries as salt, tea, coffee, sugar, matches, and tobacco. The Democrats voted solid for and the Radicals solid against it.

In 1870 a funding law was passed by which $500,000,000 was taken from the people and given to the bondholders. The Democrats in both the House and Senate voted solid against it, and all but 2 Republicans for it.

The funding bill of July, 1870, was voted for, pages 5026, 5059, 5064, and 5070.

The Senate bill was voted upon, page 5467, and was finally passed on July 13, 1870 (page 5523).

In July, 1870, Congress passed the Sherman bill to increase the national-bank circulation $54,000,000. All but 4 Democrats voted against the bill, and it was passed by the almost solid vote of the Republicans.

REPUBLICANS ADVOCATE CURRENCY CONTRACTION AND OPPOSE SILVER COINAGE.

On June 14, 1870 (Globe, page 4434), Mr. Randall's bill to substitute $300,000,000 United States currency for national-bank notes was defeated; all the Republicans but 10 voted against it, and every Democrat but 6 for it. The failure of this measure has already cost us $360,000,000.

Soon after, Mr. Morgan's bill (Globe, page 4435), which sought the same relief but extended the substitution to $400,000,000, was defeated by 116 Radicals, while it was supported by the almost solid vote of the Democracy.

On June 15, 1870 (Globe, page 4471), Mr. Ingersoll moved to authorize additional legal-tender notes; 35 Democrats voted for it and 88 Republicans against it.

In 1872 a resolution was introduced indorsing and approving the ruinous Radical financial policy. Every Democrat voted against and every Republican for the resolution.

The bondholders and bankers, not satisfied with making $1,000,000,000 by the law of March, 1869, which made the bonds payable in coin, now finding an increase in the production of silver, in 1873 demonetized that metal, and thus required the taxed people to pay them gold for their untaxed bonds.

This law of necessity increased the purchasing power of gold, which still further added to the wealth of the rich and to the distress of the mass of the people. This bill was rushed through under a suspension of the rules by a strict party vote.

In 1875, by the same rule, the resumption act, "that great king of destroyers," was passed by Republican dishonesty. In the House every Democrat voted against it, and nine-tenths of the Republicans sustained and voted for this law, which has already caused so much bankruptcy, ruin, and distress.

STRUGGLES OF DEMOCRATS FOR THE PEOPLE.

The beginning of the year 1876 found the Forty-fourth Congress in working order and determined to do something for our oppressed people.

This was the first Democratic House of Representatives which had been elected since 1860. The resumption act was bankrupting and destroying the people. This Democratic House passed a law repealing the "resumption act," although resisted in every possible way by the Republicans.

On August 5, 1876 (CONGRESSIONAL RECORD, page 5232), Mr. Cox's bill to repeal this act was voted upon; 96 Democrats voted for it and 59 Republicans against it.

On December 13, 1876 (RECORD, page 172), the House voted upon a bill for the free coinage of silver; 124 Democrats voted for it and 36 Republicans against it.

On November 5, 1877 (RECORD, page 241), another bill for the free coinage of silver was brought before the House; 97 Democrats voted for the bill and 24 Republicans against it.

On November 23, 1877 (RECORD, page 632), another bill was considered and voted upon to repeal the resumption act; 109 Democrats voted for the measure and 92 Republicans against it.

On February 28, 1878 (RECORD, page 1420), the House passed the silver bill over the President's veto; 122 Democrats voted for it and 52 Republicans against it.

On May 31, 1878, the bill was considered and passed to forbid any further retirement of legal-tender notes; 106 Democrats voted for it and 28 Republicans against it.

June 6, 1878 (RECORD, page 4204), upon Mr. Tucker's amendment to reduce taxes, in the interest of the people, 133 Democrats voted for the amendment and 101 Republicans against it.

On January 15, 1879 (RECORD, page 473) Mr. Fernando Wood reported a bill to make United States notes receivable for duties on imports. This was a measure in the interest of the people and against banks and monopolies. The bill passed the House, 108 Democrats voting for it and 31 Republicans against it.

Pending its passage, Mr. Garfield sought to amend so that the bill should only hold good "so long as said notes shall be exchangeable at par with coin." Garfield's amendment was voted for by 67 Republicans, and was voted against by 94 Democrats, and was defeated. On April 5, 1880 (RECORD, pages 27, 42), a resolution was voted upon:

> That the maturing interest-bearing debt shall not be refunded beyond the power of payment at any time, and that the mints be operated at their full capacity in the coinage of silver.

Seventy-three Democrats voted for the resolution and 90 Republicans against it.

On February 17, 1882 (RECORD, page 1246), upon a vote favorable to Republicans and against Democrats and Democratic principles, 5 Greenbackers voted with 120 Republicans against 95 Democrats.

REPUBLICANS AND GREENBACKERS EXTEND CHARTERS OF NATIONAL BANKS.

On April 3, 1882 (RECORD, page 2536), the bill was voted upon to extend the charter of national banks; 103 Republicans voted for it, and not a single Republican voted against it. The bill was opposed by 69 Democrats. On May 18 (RECORD, page 4076), Mr. Bland moved to amend the bill to extend charters of national banks by providing for the retirement of national-bank currency and substituting United States Treasury notes. This would have saved the people $20,000,000 a year. Sixty-five Democrats voted for this just and proper bill, while it was opposed by 114 Republicans and 5 Greenbackers, and every one of these 5 Greenbackers was elected by pledging extreme and unrelenting hostility to national banks.

It is astounding to the last degree that these Greenbackers elected to the Forty-sixth and Forty-seventh Congresses so utterly violated their pledges to their people and voted with the Republican enemies of the people and against such beneficent Democratic measures. It tends to show that these Greenbackers were controlled by Republican leaders and voted with the Republicans when required to do so by the leaders of that party.

On the same day Mr. Randall and Mr. CULBERSON moved to amend the bill by provisions which restricted the contraction of the currency; 76 Democrats voted for the amendment, while 105 Republicans voted solid against it.

On May 19, 1882 (RECORD, page 4121), Mr. JONES of Arkansas made another motion to prevent the contraction of the currency; 76 Democrats voted for the measure and 94 Republicans voted solid against it.

The same day a bill was voted upon in the Senate to extend national-bank charters; 26 Republicans voted for it and 12 Democrats against it.

On June 21, 1882 (RECORD, page 5177), Senator Beck's measure against national banks was voted on in the Senate; 20 Democrats voted for it and 29 Republicans against it. In the House, upon the final passage of the bill which extended national-bank charters, 103 Republicans voted for the bill, while 57 Democrats voted against it.

While the bill was before the Senate, Senator Beck offered an amendment which was in the line of free coinage of silver and expansion of the currency; 20 Democrats voted for Senator Beck's amendment, while 26 Republicans voted against the amendment and not a single one for it.

On June 22 (RECORD, page 5224) the bill to extend the charters of the national banks passed the Senate; 26 Republicans voted for the bill and 12 Democrats and 1 Republican against it.

On July 10, 1882 (RECORD, page 5852) the conference report extending the charters of national banks was voted upon in the House; 99 Republicans voted for it and 69 Democrats against it.

On June 27, 1882, upon passage of the internal-revenue bill, the Republicans and 1 Greenbacker voted for it, the Democrats voted against it, and 7 Greenbackers refrained from voting. (RECORD, page 5422.)

On April 15, 1884, the Morrison tariff bill was voted on in the House; 151 Democrats voted for it and 124 Republicans against it.

On June 17, 1886 (RECORD, page 5830), the Morrison tariff bill was voted upon in the House; 135 Democrats voted for it and 121 Republicans against it.

On July 21, 1888 (RECORD, page 6660), a vote was had in the House on the Mills tariff bill; 161 Democrats voted for it and 146 Republicans against it.

On January 22, 1889, a vote was had in the Senate on the Republican substitute for the Mills tariff bill; 32 Republicans voted for it and 30 Democrats against it.

DEMOCRATS VOTE FOR FREE COINAGE OF SILVER.

On April 8, 1886 (RECORD, page 3300), a bill was voted upon in the House for the free coinage of silver; 96 Democrats voted for the bill in the interests of the people and 93 Republicans voted against the bill and against the interests of the people.

On the same day (RECORD, page 3300) an amendment was offered to suspend the coinage of silver; 51 Republicans voted for this and 130 Democrats against it.

On June 7, 1890 (RECORD, page 5813) a motion was made to recommit the bullion bill and report back a bill for the free coinage of silver; 101 Democrats voted for the motion and 27 Republicans against it.

On the same day (RECORD, page 5814) the bullion bill passed the House; 134 Republicans voted for it and 112 Democrats against it. Mr. Featherstone, a Farmers' Alliance man from Arkansas, voted with the 134 Republicans in favor of this bill, in favor of banks and monopolies and against the people.

On June 25, 1890 (RECORD, page 6510), Mr. Bland offered an amendment in favor of free coinage of silver; 112 Democrats voted for it and 130 Republicans against it.

On July 12, 1890 (RECORD, page 7218), the conference report on the bullion bill was voted upon in the House; 121 Republicans voted for it and 90 Democrats against it. Mr. Featherstone, a Farmers' Alliance man, voted with the 121 Republicans against the 90 Democrats.

It will be seen that this Farmers' Alliance man was so anxious to aid the Republicans in their vicious legislation, that he even voted with them for the pernicious Sherman bullion law which stopped the coinage of silver.

On July 12, 1890 (RECORD, page 7188), the conference report on the bullion bill was voted upon in the Senate; 39 Republicans voted for the bill and 26 Democrats against it.

On May 21, 1890 (RECORD, page 5112), a vote was had on the passage of the McKinley tariff bill in the House; 164 Republicans voted for it and 142 Democrats against it. On September 10, 1890 (RECORD, page 9943), the McKinley tariff bill passed the Senate; 40 Republicans voted for it and 29 Democrats against it. On September 27, 1890 (RECORD, page 10641), the vote was had in the House on the conference report on the McKinley tariff bill; 151 Republicans voted for it and 80 Democrats against it.

On September 30, 1890 (RECORD, page 10740) a vote was had in the Senate on the conference report on the McKinley tariff bill; 33 Republicans voted for it and 27 Democrats against it. On July 1, 1892 (RECORD, page 5719), a bill for the free coinage of silver passed the Senate; 19 Democrats voted for it and 18 Republicans against it.

On October 28, 1893 (RECORD, page 2920), the Senate voted upon the amendment to require the coinage of not less than 2,000,000 ounces of silver per month. Twenty-three Democrats, including Mr. ALLEN of Nebraska and Mr. KYLE of South Dakota, voted for it and 20 Republicans against it.

On October 30, 1893 (RECORD, page 2958), the Senate voted upon the House bill for unconditional repeal of the purchasing clause in the Sherman Act; 24 Republicans voted for the bill and in favor of money contraction and 21 Democrats voted against the bill and in favor of an increase of circulation.

On February 1, 1894 (RECORD, page 2041), on the passage of the Wilson tariff bill in the House, which greatly reduced the tariff on clothing and other articles used by the laboring people and taxed the incomes of people of wealth, 196 Democrats voted for the bill and 122 Republicans against it.

April 12 and 13, 1894 (RECORD, pages 4597, 4603), Senator PEFFER, Populist, argued in behalf of taxing the people to pay a bounty of some $14,000,000 a year to sugar raisers. June 18, page 7648, he said:

> Let the National Legislature take charge of this subject; let it take possession of all the coal beds and all the coal mines in the country, and let the coal be given to the people freely.

As most all farmers burn wood, this plan would tax them some $300,000,000 a year to donate coal to persons who are not farmers.

June 18, pages 7667, 7668, and again June 20, page 7752, he advocated a tax on salt equal to 50 per cent.

In order to show at a glance that Democrats have voted upon all financial measures in the interests of the people, I have prepared four tables showing how Democrats and Republicans have voted on these questions during the last thirty years.

I think, Mr. Speaker, that all Democrats who examine these tables will hesitate a long time before deserting a party which has always been true to the best interests of the people and which through years of oppression voted in a solid phalanx against the enactment of the oppressive laws which have created the great moneyed monopolies and gone so far toward dividing our country into two great classes, a few millionaires on one side and the struggling mass of the people on the other.

TABLE 1.—*Votes in the House of Representatives upon Republican measures in the interest of banks and monopolies and against the people.*

Date.	Character of measure.	Republican votes for monopoly and against the people.	Democratic votes for the people and against monopoly.
Feb. 20, 1863	Vote on previous question to charter national banks.	73	51
Do	Vote ordering national-bank bill to third reading.	79	53
Do	On final passage of bill chartering national banks.	76	47
Apr. 6, 1864	On amendment favorable to national banks	75	54
Apr. 16, 1864	On Felton's amendment to greatly relieve national banks from taxation.	70	59
Apr. 18, 1864	On resolution to prevent issues of bills by State banks.	62	46
Do	On Rollins's motion favorable to national banks	75	57
Do	On passage of national bank or currency bill	77	63
June 3, 1864	Bill to perpetuate national bank	80	65
Feb. 28, 1865	Hooper's motion to reconsider and to lay motion on the table.	85	43
Mar. 3, 1865	Authorizing the issuance of nontaxable bonds	85	43
Mar. 18, 1869	Bill to pay off greenback bonds in gold (act of March 18, 1869).	96	35
July 13, 1870	Bill for exchanging greenback bonds for gold bonds and in favor of national banks.	*130	52
July 7, 1870	Sherman's bill to increase national-bank circulation by $54,000,000.	96	44
July, 1872	Bill indorsing Republican financial legislation	110	86
Jan. 14, 1875	Bill for the resumption of specie payment	136	71
Jan. 15, 1879	Garfield's amendment restricting the use of greenbacks to pay import dues.	67	94
May 15, 1879	Vote to table Warner's silver bill	95	107
Apr. 3, 1882	Bill to extend national-bank charters	103	69
May 19, 1882	The national-bank bill was passed	103	57
July 10, 1882	Adoption of conference report	99	69
Apr. 8, 1886	Motion to suspend the coinage of silver	51	130
May 21, 1890	Vote on passage of McKinley tariff bill in the House.	164	142
June 7, 1890	Bullion bill as it passed the House	†134	112
July 12, 1890	On conference report on bullion bill	†121	90
Sept. 27, 1890	Vote on the conference report on the McKinley tariff bill in the House.	151	80
Mar. 24, 1892	On Mr. Burrows's motion to lay the bill for free coinage on the table.	66	129
Do	On Mr. Johnson's motion to reconsider the above vote.	66	129
Mar. 1, 1894	Vote to recommit bill for coining the silver in the Treasury.	85	137
Feb. 7, 1895	Vote on Mr. Reed's substitute to issue bonds	99	177
Do	Vote on bill to issue bonds	44	102
Feb. 14, 1895	Vote on bill to issue gold bonds	33	98

* Solid. † Featherstone, Farmers' Alliance, voted with Republicans.

TABLE 2.—*Votes in the Senate upon Republican financial measures in the interest of banks and monopoly and against the people.*

Date.	Character of measure.	Republican votes for monopoly and against the people.	Democratic votes against monopoly and for the people.
Feb. 13, 1863	To establish national banks	21	1
June 3, 1864	Act to perpetuate national banks	30	6
Mar. 16, 1869	Bill providing that greenback bonds shall be paid in gold.	42	79
Jan. 14, 1875	Bill for the resumption of specie payment	32	11
June 27, 1879	Mr. Allison's motion to refer and defeat Vest's motion for free silver coinage.	19	32
Mar. 17, 1882	Vote to table Senator Brown's resolution favoring increase of money.	28	23
June 22, 1882	Bill extending national-bank charters	26	12
Jan. 22, 1889	Vote in the Senate on Republican substitute for Mills tariff bill.	32	30
July 12, 1890	On conference report on bullion bill	39	26
Sept. 1, 1890	Mr. Aldrich's motion to increase duty on wools, yarns, etc.	28	18
Do	Mr. Aldrich moved to increase duty on woolen cloths, etc.	28	17

Votes in the Senate upon Republican financial measures, etc.—Continued.

Date.	Character of measure.	Republican votes for monopoly and against the people.	Democratic votes against monopoly and for the people.
Sept. 5, 1890	Mr. Aldrich's motion to tax farmers on their leaf tobacco.	24	21
Sept. 8, 1890	Mr. Aldrich, to increase tariff tax on sugar in interest of sugar trust.	25	16
Do.....	Mr. Aldrich, to give bounty of 2 cents to producers of maple sugar.	30	25
Sept. 9, 1890	On ordering the McKinley bill to be read the third time.	38	28
Sept. 10, 1890	Vote in the Senate on the McKinley tariff bill.	40	29
Sept. 30, 1890	Vote on passage of McKinley tariff bill.....	33	27

TABLE 3.—*Votes in the House of Representatives upon Democratic measures against banks and monopolies and in the interest of the people.*

Date.	Character of measure.	Democratic votes against monopoly and for the people.	Republican votes for monopoly and against the people.
Feb. 20, 1863	On motion to lay national-bank bill on table....	49	79
Apr. 18, 1864	On Holman's motion to lay national-bank or currency bill on the table.	56	75
May 24, 1864	On Holman's motion to table objectionable amendments to bank bill.	56	78
June 28, 1864	Mr. Holman's amendment permitting taxation of bonds.	63	77
Mar. 29, 1869	Mr. Morgan's bill taxing bonds, and exempting from tax salt, tea, coffee, sugar, matches, and tobacco.	39	104
Jan. 17, 1870	Mr. McNeely proposed to substitute greenbacks for national-bank currency.	53	112
Jan. 31, 1870	Mr. McNeely proposed that the national debt should be paid in strict compliance with the contract, and that bonds payable in greenbacks should not be paid in gold.	40	120
June 1, 1870	To place tax of 10 per cent on incomes from bonds.	46	130
Do.....	To place tax of 5 per cent on incomes from bonds.	58	109
June 14, 1870	Mr. Randall proposed to substitute $300,000,000 for national-bank notes.	41	105
	On the same day Mr. Morgan extended the same relief to the extent of $400,000,000.	34	116
June 15, 1870	Mr. Ingersoll moved to authorize the additional legal-tender notes.	35	88
Mar. 13, 1871	Vote to repeal tax on tea and coffee	89	39
Mar. 27, 1871	Vote to refer and defeat resolution that the tariff should be so reformed as to be a tax for revenue only, and not for the protection of class interests at the general expense.	75	91
Aug. 5, 1876	Mr. Cox's bill to repeal the resumption act.....	96	59
Dec. 13, 1876	Bill for free coinage of silver.....	124	36
Nov. 5, 1877	do	97	24
Nov. 23, 1877	Bill to repeal the resumption act.....	109	92
Jan. 21, 1878	Vote on bill to allow payment of customs duties in legal-tender notes.	127	76
Jan. 29, 1878	Vote to pay bonds in silver.....	116	56
Feb. 28, 1878	Silver bill over the President's veto.....	118	52
Mar. 5, 1878	Vote for free coinage of silver.....	102	77
Mar. 25, 1878	Vote on motion to suspend for five years payments for sinking fund.	105	91
May 31, 1878	To forbid further retirement of legal-tender notes.	106	28
June 6, 1878	Tucker's amendment to reduce taxes in the interest of the people.	133	101
June 19, 1878	Vote to substitute United States currency for national-bank notes.	98	98
Dec. 9, 1878	Vote to recoin trade dollars.....	104	71
Do.....	Vote for silver and against national banks.....	106	75
Jan. 15, 1879	To make Treasury notes receivable for duties and imports.	108	31
Apr. 19, 1879	Vote increasing legal-tender power of silver...	97	88
May 24, 1879	RECORD, page 1600—On vote for free coinage of silver.	100	89
Apr. 5, 1880	That the $782,000,000 in bonds which were redeemable should not be funded beyond the power of the Government to call in such obligations, and that the mints should coin standard silver dollars to their full capacity.	73	90
Jan. 17, 1881	On a refunding bill which sought to destroy national-bank system.*	125	†109
May 18, 1882	On motion of Randall, Holman, and Bland to restrict national banks.	65	‡114
May 18, 1882	On Randall's and Culberson's motion in interest of people, against national banks.	76	105
May 19, 1882	Mr. Jones's motion to restrict national banks..	76	94
June 27, 1882	Springer's amendment to abolish excessive taxes.	56	119
Apr. 15, 1884	Vote on Morrison tariff bill in the House.....	151	124
Apr. 8, 1886	Bill for free coinage of silver.....	98	93
June 17, 1886	Vote on Morrison tariff bill in the House.....	135	121
July 21, 1888	Vote on Mills's tariff bill in the House.....	161	146

Votes in the House of Representatives upon Democratic measures, etc.—Cont'd.

Date.	Character of measure.	Democratic votes against monopoly and for the people.	Republican votes for monopoly and against the people.
June 7, 1890	Motion to recommit bullion bill and report back free-coinage bill.	101	127
June 25, 1890	Mr. Bland's amendment in favor of free coinage of silver.	112	130
Mar. 24, 1892	Vote for free coinage of silver.....	129	66
Do	Mr. Bland's motion to table Johnson's motion against silver.	128	66
Apr. 9, 1892	On vote to make bagging, machinery, and cotton ties and cotton gins free.	159	44
May 2, 1892	On vote to make binding twine for farmers free.	176	44
July 8, 1892	On vote to reduce tax on tin-plate, in the interest of farmers.	199	61
July 13, 1892	On resolution to consider Senate bill for free coinage of silver.	118	61
Aug. 28, 1893	Vote for free coinage of silver at 16 to 1.....	100	112
Do.....	Vote to coin 2,000,000 ounces of silver per month at 16 to 1.	111	110
Do.....	Vote to repeal purchasing clause of Sherman act.§	74	100
Feb. 1, 1894	Vote on Wilson bill to reduce tariff taxes on wool clothing, etc., and impose a tax on large incomes.	196	122
Mar. 1, 1894	Vote to coin the silver in the Treasury.....	143	64
Do.....	Vote upon passage of the bill.....	135	82
Apr. 4, 1894	Vote to pass silver bill over veto.....	119	61

* This bill was vetoed by President Hayes, March 3, 1881.
† Eight Greenbackers voted with the Republicans.
‡ Five Greenbackers voted with the Republicans.
§ This vote not regarded as partisan or political.

TABLE 4.—*Votes in the Senate upon Democratic financial measures against banks and monopolies and in the interest of the people.*

Date.	Character of measure.	Democratic votes against monopoly and for the people.	Republican votes for monopoly and against the people.
May 10, 1864	Powell's measure to repeal national-bank law..	5	31
Mar. 11, 1870	Senator Bayard's measure to tax bonds.....	7	38
Feb. 15, 1878	Bland act for coinage of silver.....	24	14
Feb. 28, 1878	Bland act over President's veto.....	25	10
June 21, 1882	Beck's measure against national banks.....	20	26
Aug. 19, 1890	Vote to reduce tariff on many descriptions of steel and iron to 35 per cent.	19	26
Do.....	Vote to reduce tax on wire for fences.....	21	25
Do.....	Mr. Vest's motion to reduce tariff on wire for fences.	21	27
Do.....	McPherson's motion to reduce tariff on wire not less than 10 wire gauge.	17	27
Do.....	McPherson's motion to reduce tariff on iron or steel wire of certain classes 25 per cent.	19	27
Do.....	Vance's motion to reduce tax on trace chains and other chains.	18	26
Aug. 20, 1890	McPherson's motion to reduce tax on cheap knives, razors, etc.	24	32
Aug. 22, 1890	Vest's motion to reduce tax on files and other tools.	19	27
Do.....	To reduce tax on iron or steel sheets, plates, wares, etc.	19	24
Do.....	To reduce tax on cut nails, spikes, etc.....	18	27
Do.....	To reduce tax on horseshoe nails and all iron and steel nails.	20	29
Do.....	To reduce tax on saws.....	19	25
Do.....	To reduce tax on wood screws.....	15	29
Aug. 26, 1890	To reduce tax on lead ore.....	17	28
Aug. 27, 1890	To reduce tax on tobacco.....	20	29
Aug. 28, 1890	To make sugar of milk free.....	21	24
Aug. 29, 1890	To make salt free of tax.....	15	29
Aug. 30, 1890	To make wool free.....	17	27
Sept. 1, 1890	To reduce tax on woolens, worsted, yarns. etc.	16	27
Do.....	To reduce tax on knit fabrics, etc.....	18	25
Do.....	To reduce tax on blankets, flannels, wool hats, etc.	16	57
Do.....	To reduce tax on women's and children's dress goods, etc.	19	36
Sept. 4, 1890	To reduce tax on stockings, hose, etc.....	19	27
Do.....	To reduce tax on burlaps and bagging for cotton	24	31
Do.....	To make bagging of cotton free.....	24	31
Do.....	To reduce tax on collars and cuffs.....	17	29
Sept. 5, 1890	To reduce tax upon men's gloves.....	21	30
Do.....	To reduce tax on fashion plates engraved on steel.	17	26
Do.....	To reduce tax on bagging of jute, manila, sisal, or other fiber, except hemp or flax.	19	26
Do.....	To reduce tax on burlaps and bags for grain...	23	28
Do.....	To make lumber, sawed boards, etc., free.....	17	31
Sept. 6, 1890	Vest's motion to put salt on the free list.....	25	34
Do.....	To reduce tariff on all imports exchanged for farm products grown in United States.	23	30
Do.....	To make all articles necessary for the construction of vessels free.	22	29

Votes in the Senate upon Democratic financial measures, etc.—Continued.

Date.	Character of measure.	Democratic votes against monopoly and for the people.	Republican votes for monopoly and against the people.
Sept. 9, 1890	To strike out bounty on sugar.....	23	34
Do.....	That McKinley tariff tax shall not affect bonded goods for one year.	28	34
Do.....	To admit goods free from nations which admit our farm and other products free.	26	38
Do.....	To levy a tax of 3 per cent upon dividends, including interest on bonds of corporations.	24	30
Do.....	Mr. Butler moved to make bagging, etc., free..	24	29
Do.....	To prohibit any tax duty exceeding 100 per cent.	25	33
July 1, 1892	On passage of bill for free coinage of silver....	19	18
Oct. 28, 1893	On vote to require the coinage of not less than 2,000,000 ounces of silver per month.	23	20
Oct. 30, 1893	On vote for unconditional repeal of purchasing clause in Sherman act.*	21	24

* This vote was not regarded as partisan or political.

I will now make some reference to the political organizations called the Greenback party, Populist party, or Third Party.

The elections of 1874 and 1876 were very favorable to the Democrats, and the Republican party clearly saw that unless the Democracy could be divided the Republicans would be overwhelmingly defeated. The Greenback party sprang into existence, and elected some dozen Greenback members to the Forty-sixth and Forty-seventh Congresses. In some cases it was contended that these Greenback members were aided in their elections by money furnished by the Republican executive committee. By artful and deceptive promises many men who had been good Democrats were deceived and enticed into casting their votes for Greenback candidates, thus detracting from the power and strength of the Democratic party.

Many of the Greenback candidates in part won their elections by denouncing Democrats whom they were trying to defeat as not sufficiently Democratic, but after securing their elections they voted in Congress with the Republicans and against the Democrats upon many matters of vital importance to the interests of the people.

GREENBACKERS VOTE AGAINST THE PEOPLE.

Most of these votes against the people and in favor of monopoly were viva voce, or upon division, or upon votes by tellers, of which, of course, there is no record; and sometimes, when the yeas and nays were demanded, they voted with the Republicans, but frequently, when votes were taken by yeas and nays, they refrained from voting. But notwithstanding this, a glance at the Journal and the CONGRESSIONAL RECORD shows that the Greenbackers were often recorded as opposed to Democratic measures and to measures which they had promised their constituents to support. To illustrate:

On April 5, 1879 (RECORD, page 257), a Greenbacker, who was elected protesting that he was a better Democrat than his opponent, moved to strike out the sixth section of the Army bill, viz, that part of the bill which prohibited the use of soldiers and marshals at the polls. The same Greenbacker on June 26, 1879 (RECORD, page 2365), sought by amendment to defeat the bill which required nonpartisan jurors in Federal courts. He also made a speech for the amendment, which is on page 2365, Forty-sixth Congress.

On June 10, 1879 (RECORD, page 1908), on the vote in the House to prevent marshals and soldiers from controlling elections in the South, when the yeas and nays were called 102 Democrats voted for the bill, 84 Republicans against it, and 13 Greenbackers refrained from voting.

The Greenbackers therefore showed they were clearly in favor of having elections controlled by soldiers and marshals.

On another vote on the same bill 13 Greenbackers refrained from voting upon the call of the yeas and nays.

On June 27, 1879 (RECORD, page 2397), the House voted upon a bill which prohibited the use of marshals and soldiers at the polls; 13 Greenbackers refrained from voting.

June 30, 1879 (RECORD, page 2443), the bill was vetoed, and the same day it was voted upon in the House; 14 Greenbackers refrained from voting.

In December a bill was voted upon to prevent officers of the Government from intermeddling in elections by threats or menaces, or contributions of money, or the use of official patronage. The Republicans voted against this, and when the yeas and nays were ordered 13 Greenbackers refrained from voting.

On January 12, 1880 (RECORD, page 289), 4 Greenbackers voted with 99 Republicans against free trade on salt, and 6 Greenbackers refused to vote, and thus aided the Republicans in defeating this effort of the Democrats to give the people free salt; and on March 8, 1880, upon the same subject, 7 Greenbackers voted with 97 Republicans.

March 8, 1880 (RECORD, page 1385), on Mr. Samford's bill to reduce the tariff on articles used by the poor 50 per cent, 8 Greenbackers voted with 102 Republicans against the measure.

March 23, 1880, on Mr. Townshend's bill to put salt and many other articles on the free list, 5 Greenbackers voted with 100 Republicans. On a second vote regarding the subject, 8 Greenbackers voted with 108 Republicans, and on a third vote on this subject 7 Greenbackers voted with 105 Republicans.

In the Forty-sixth and Forty-seventh Congresses there was a great struggle on the part of the Republicans to obtain an unfair apportionment of representation in Congress, which was unduly favorable to Republicans and did great injustice to Democrats.

March 3, 1881 (RECORD, page 2434), on this question 6 Greenbackers voted with the 110 Republicans on the bill favorable to Republicans.

On the same day, on another vote favorable to Republicans, 11 Greenbackers voted with 116 Republicans, and on the passage of the bill, which was favorable to Republicans, 12 Greenbackers voted with 114 Republicans, and on the passage of the bill in the Forty-seventh Congress 6 Greenbackers voted with 136 Republicans. On Mr. Beltzhoover's amendment, which was favorable to Democrats, 3 Greenbackers voted against it with 129 Republicans.

June 27, 1882 (RECORD, page 5415), on Mr. Springer's amendment to repeal all internal-revenue taxes except taxes on whisky, Democrats all voted for it, Republicans all against it, and the Greenbackers refrained from voting.

March, 1882, upon the vote to increase the powers and privileges of national banks, which was favorable to monopoly, 2 Greenbackers voted with 99 Republicans, and against the people.

On motion to reconsider the vote, 4 Greenbackers voted with 105 Republicans.

On Bayne's amendment in favor of monopoly, 7 Greenbackers voted with 95 Republicans.

On Buckner's amendment favorable to the people, 8 Greenbackers joined 105 Republicans in voting against the people.

February 17, 1882 (RECORD, page 1251), on Mr. Colerick's amendment favorable to Democrats, 6 Greenbackers voted against it with 128 Republicans. On Mr. Colerick's motion to reconsider, 4 Greenbackers voted with 124 Republicans.

GREENBACKERS VOTE IN FAVOR OF NATIONAL BANKS.

In 1881 Mr. Wood reported a bill to refund the debt in 3 per cent bonds, payable at the pleasure of the United States after five years and payable in ten years. The bill also authorized the issuance of $300,000,000 of small certificates to be used as currency, which issues could be redeemed after one year. The bill also provided that these bonds and certificates should be used for the redemption of bonds bearing a higher rate of interest, and that after May 1, 1881, these bonds alone should be received from national banks as security for circulation. This would have made 3 per cent bonds sell for at least 115. On this measure, which was very favorable to the people and against the banks, the Greenbackers arrayed themselves side by side with the Republicans in favor of banks and against the people.

On January 19, 1881 (RECORD, page 783), the vote was taken upon the passage the bill; 8 Greenbackers together with 109 Republicans voted against the bill and 125 Democrats for it. Upon another vote 10 Greenbackers voted against it together with 104 Republicans. Upon the return of the bill from the Senate 7 Greenbackers voted against it together with 86 Republicans.

The Greenbackers who voted against this bill were De La Matyr, Ford, Forsythe, Gillette, Jones, Lowe, Murch, Weaver, Wright, Yocum.

To show that this bill was favorable to the people and against national banks, and that the Greenbackers voted against the bill with the full knowledge of this, I will read from a speech delivered by General Weaver January 19, 1881 (RECORD, page 776). In speaking of this bill he says:

> First. By the law as it now stands national banks may use any and all kinds of Government bonds to secure their circulation.
>
> Second. They may deposit in pledge bonds upon which all interest has ceased.
>
> Third. These banks may, whenever and as often as they see proper, retire and in turn increase their circulation by depositing lawful money with the Secretary of the Treasury. Now, all three of these privileges are taken away by the provisions of this bill.

It showed that President Hayes fully understood the bill was against national banks when he vetoed it on March 3, 1881. (RECORD, page 2433.) The veto message says:

> I should not deem it my duty to interpose my constitutional objection to the passage of the present bill if it did not contain, in its fifth section, provisions, which in my judgment, seriously impair the value and tend to the destruction of the present national banking system of the country. This system has now been in operation almost twenty years. No safer or more beneficial banking system was ever established.

Now, the bill passed the House by only 10 majority, and the Democrats saw clearly they could not pass the bill over the President's veto by a two-thirds vote. Therefore, Mr. Tucker (RECORD, page 2434) moved that the veto message lie on the table, to be called up hereafter, and on this 5 Greenbackers voted with the Republicans and against about 125 Democrats, including such men as Carlisle, BLACKBURN, Blount, CULBERSON, Forney, Hatch, Hooker, Kenna, McMILLIN, MILLS, Morrison, Reagan, Springer, and Stevenson. It seemed very strange to see Greenbackers, who were elected on a pledge to oppose national banks, vote against this measure.

GREENBACKERS AID REPUBLICANS TO VIOLATE THE CONSTITUTION.

March 29, 1882, on the vote to violate the Constitution and destroy time-honored rules of the House of Representatives and give unbridled authority to the Republicans, all the Greenbackers present voted with 144 Republicans.

This vote is recorded in the RECORD, page 4329. Had these Greenbackers refrained from voting, the Republicans would not have been able to commit this outrage upon the Constitution.

In their efforts to prevent this outrage the Democrats exhausted every effort possible, and they would have succeeded had not the Greenbackers joined hands with the Republicans.

On the morning of May 29, 1882, before the Republicans were able to reach the vote to which I have referred, the Democrats succeeded in forcing four yea-and-nay votes. The first is recorded on page 4305 of the CONGRESSIONAL RECORD, and every Greenbacker present and voting is recorded as voting with the Republicans.

The second is on page 4325, the third is on page 4327, and the fourth is on page 4328, and in each case the RECORD shows that every Greenbacker present and voting cast his vote with the Republicans.

On a vote in the House to seat a negro—Lynch—in place of a white Democrat, 5 Greenbackers voted with 120 Republicans.

On vote to unseat a Democrat—Dibble—and seat Mackey, a Republican, 7 Greenbackers voted with 140 Republicans.

On vote to unseat Tillman, a Democrat, and seat a negro—Smalls—4 Greenbackers voted with 140 Republicans.

On vote on the previous question of unseating General Shelly, a Democrat, 5 Greenbackers voted with 138 Republicans.

On vote to unseat General Shelly, 5 Greenbackers voted with 140 Republicans.

The Greenbackers commenced their career of joining their votes to the votes of Republicans and against Democrats at the beginning of the Forty-sixth Congress. On March 19, 1879, page 27 of the RECORD, and before that Congress had been in session two hours, Mr. FRYE, a Republican from Maine, made a motion to prevent Mr. Hull, a Democrat, from being sworn in as a member, the purpose being, if possible, to seat Mr. Hull's opponent, who was an extreme radical Republican. This was an insult to a sovereign State, the governor and secretary of state of said Commonwealth having certified to the member's election. Eleven Greenbackers voted with 126 Republicans for this outrage, and 140 Democrats voted against it. Mr. Harris, a Democrat from Virginia, then moved that Mr. Hull be sworn in as a member. Mr. Garfield called for the yeas and nays, and 12 Greenbackers and 124 Republicans voted against it, and 140 Democrats voted for the motion.

The 12 Greenbackers who voted against seating Mr. Hull were: Barlow, De La Martyr, Ford, Forsythe, Gillette, Jones, Kelley, Lowe, Murch, Daniel L. Russell, Weaver, and Yocum. This vote is recorded in the RECORD, March 19, 1879, page 28.

The Greenbackers continued their support of the Republican party during their entire career of four years in the House of Representatives, and including the last night of the session, March 3, 1882, when they repeatedly voted with Republicans to unseat Governor Richardson, of South Carolina, and seat a negro named Samuel Lee, said negro Lee having no claim to the seat whatever, even a Republican election committee having made a report that he was not elected. On this vote 4 Greenbackers voted with 119 Republicans to seat the negro and 114 Democrats against it. (RECORD, page 3752.) The Republicans, assisted more or less by the Greenbackers, continued their efforts to unseat Governor Richardson and seat the negro Samuel Lee. Several yea-and-nay votes were had. They are recorded in the RECORD, pages 3753, 3754, 3755, 3759, 3760, 3764, 3772, second session Forty-seventh Congress. The Democrats broke a quorum twice during the contest, and on both occasions the Republicans demanded a call of the House.

March 2, 1883, in the case of Sessinghaus *vs.* Frost, 7 Greenbackers voted with 119 Republicans and against 110 Democrats to unseat a Democrat, R. Graham Frost, and seat a Republican, Sessinghaus. (See RECORD, page 3631.)

GREENBACKERS VOTE WITH REPUBLICANS FOR HIGH-TARIFF TAX.

But worse than all that, in the great struggle made by Democrats to defeat the iniquitous tariff act of March 3, 1883, many of the Greenbackers voted with the Republicans and against the people. On the vote to establish the Tariff Commission, 6 Greenbackers voted with the 117 Republicans and against 58 Democrats, and on the vote on the bill 4 Greenbackers voted with 136 Republicans against 112 Democrats.

On vote to reduce the tariff tax the Greenbackers very generally voted with the Republicans against the Democrats, and on vote to increase the tariff tax the Greenbackers again voted with the Republicans and against the Democrats.

June 6, 1882, on bill to more than double tariff tax upon woolen goods all the Greenbackers who voted cast their vote with the Republicans for this iniquity.

March 30, 1882, on Tariff Commission, 4 Greenbackers voted with 113 Republicans. On second vote, 6 Greenbackers voted with 124 Republicans. When the bill passed, 7 Greenbackers voted with 116 Republicans.

On June 6, 1882, 5 Greenbackers voted with 99 Republicans against abolishing the tariff tax on trace chains.

On December 16, 1881, on the election of officers of the House of Representatives, upon the vote whether the officers of the House should be Democratic or Republican, 8 Greenbackers voted with 147 Republicans for the Republican officers and against Democratic officers.

DEMOCRATS SOLIDLY FOR—REPUBLICANS SOLIDLY AGAINST FARMERS.

On April 7, 1882 (RECORD, page 3057), on a vote "to place wool on the free list and to reduce the duties on woolen goods," such as are worn by farmers and laboring people, 187 Democrats voted for it, and 57 Republicans and 1 Populist [Mr. Otis of Kansas] against it.

On April 9, 1892 (RECORD, page 3141), upon a vote to admit free of duty bagging for cotton, machinery for manufacturing bagging, cotton ties, cotton gins, and parts thereof, 159 Democrats voted for it, and 44 Republicans against it.

On May 2, 1892 (RECORD, page 3842), on a vote to put binding twine for farmers on the free list, 176 Democrats voted for it, and 44 Republicans against it.

On July 8, 1892 (RECORD, page 5906), on vote to reduce duty on tin plate and make it free after October 1, 1894, all for the benefit of farmers and laboring men, 199 Democrats voted for it, and 61 Republicans against it.

All these measures were specially in favor of farmers. With one or two exceptions the Democrats voted solidly for these bills, and the Republicans voted solidly against them.

POPULISTS AID REPUBLICANS TO DEFEAT FREE COINAGE OF SILVER IN 1892

On March 24, 1892, the House voted upon a bill for free silver coinage. Upon Mr. BURROWS's motion to lay the bill on the table the vote (RECORD, page 2544) was 148 yeas and 148 nays. The Speaker then added his name to the negative vote. Every Democrat south of the Ohio River except two voted in favor of silver.

A gold-standard man moved to reconsider the above vote, which motion Mr. Bland moved to lay on the table. The motion was lost by one vote, page 2545. The motion was then voted on and was carried by two votes, page 2546.

Hon. Hosea H. Rockwell was the only man from New York or New England who voted with the Democrats for free silver.

He had been a brave soldier in a white regiment during the war and had been fairly elected to Congress, but notwithstanding this, the Republicans and Populists combined to drive him from Congress and put in his place Henry F. Noyes, who was not elected and who was a colonel of a negro regiment during the war, but was an extreme gold-standard Republican. After a long struggle, they succeeded in getting a vote on this contest on April 22, 1892.

This was the supreme struggle for silver and for the people, and every member of Congress fully realized that a vote against Mr. Rockwell was a vote for the gold standard and against the people, and yet, with that knowledge, every People's Party man in this supreme moment deserted their pretended principles and the people and voted with the Republicans against silver and in favor of a gold-standard Republican.

The Populists or third-party men who thus voted against the coinage of silver were Messrs. BAKER of Kansas, Clover, Davis, Halvorson, KEM, Otis, Simpson, Watson, and Winn. They all voted with the gold-standard Republicans in the numerous votes, by viva voce, by division, and by tellers, and also in three separate yea-and-nay votes. The first of these yea-and-nay votes is recorded on page 3539; the second on page 3540, and the third on page 3541 of the RECORD, all on April 22, 1892. Mr. McKeighan withheld his vote twice, but otherwise voted with the gold-standard men.

POPULISTS VOTED AGAINST AND OPPOSED SILVER COINAGE IN 1896.

On a vote for free and unlimited coinage of silver at the ratio of 17 to 1 (RECORD, August 28, 1893, page 1004), Mr. Harris and Mr. McKeighan, Populists, voted against 88 Democrats and with 111 Republicans against silver coinage at 17 to 1, and Mr. BAKER of Kansas, Mr. Boen, Mr. Cannon of California, Mr. Davis, Mr. Hudson, Mr. KEM, Mr. Pence, and Mr. Simpson sat in their seats and declined to vote.

On the vote for free and unlimited coinage of silver at the ratio of 18 to 1 (RECORD, August 28, 1893, pages 1005 and 1006), Messrs. Harris, KEM, and McKeighan voted against 88 Democrats and with 110 Republicans against silver coinage, and Messrs. BAKER of Kansas, Boen, Davis, Hudson, Pence, and Simpson sat in their seats and declined to vote.

On the vote for the free coinage of silver at the ratio of 19 to 1 (RECORD, August 28, 1893, pages 1005 and 1006), the vote and action of the Populists, with the exception of Mr. Cannon of California, was the same as it was upon the vote for free coinage at the ratio of 17 to 1.

On the vote for free and unlimited coinage of silver at 20 to 1 (RECORD, August 28, 1893, page 1006) the vote and action of the Populists was the same as the vote for free and unlimited coinage of siver at 18 to 1.

On a vote for the coinage of silver at 16 to 1, under the Bland-Allison Act, Mr. NEWLANDS declined to vote. (RECORD, August 28, 1893, page 1007.)

POPULISTS AIDED REPUBLICANS UNDER MR. REED IN OPPOSING REDUCTION OF TARIFF TAXATION.

On a vote January 5, 1894 (RECORD, page 537), for taking up a bill for reducing tariff taxation and lightening the burdens upon the people, Messrs. BAKER of Kansas, Boen, Davis, Harris, Hudson, KEM, NEWLANDS, Pence, and Simpson, Populists, or Third Party men, joined the solid Republican party under the leadership of the arch protectionists, Mr. REED and Mr. BOUTELLE, and refused to vote upon the bill, and in this manner made 7 less than a quorum, and thus aided the Republican party in continuing oppressions upon the people.

On another vote, January 5, 1894 (RECORD, page 538), the Populists again, in the same way, joined and aided the Republicans in efforts to oppress the people.

Again, on January 5, 1894 (RECORD, page 538), on another vote, the Populists for the third time, in the same way, joined and aided the Republicans in efforts to oppress the people.

On another vote, the same day (RECORD, page 539), the Populists, for a fourth time, in the same way, joined and aided the Republicans in efforts to oppress the people.

Again, on January 6, 1894 (RECORD, page 544), on another vote, the Populists, for a fifth time, in the same way, joined and aided the Republicans in efforts to oppress the people.

The same day (RECORD, page 545), on another vote, the Populists, for a sixth time, in the same way, joined and aided the Republicans in efforts to oppress the people.

Again, on the same day (RECORD, page 546), on another vote, the Populists, for the seventh time, in the same way, joined and aided the Republicans in efforts to oppress the people.

On January 8, 1894 (RECORD, page 565), on another vote, the Populists, for an eighth time, in the same way, joined and aided the Republicans in efforts to oppress the people. The same day (RECORD, page 570) on Mr. REED's motion to recommit, the Populists, except Mr. Hudson, for a ninth time, in the say way, joined and aided the Republicans in efforts to oppress the people. The same day (RECORD, page 571), on the order for the consideration of the bill to reduce tariff taxation and lighten the burdens upon the people, Messrs. BAKER of Kansas, Boen, Davis, Harris, KEM, NEWLANDS, Pence, and Simpson refused to vote, and thus joined the solid Republican party under the leadership of Mr. REED and Mr. BOUTELLE, and thus sought to prevent legislation for reducing tariff taxation and lessening the burdens upon the people.

The RECORD shows that none of these gentlemen were paired upon any of these votes; and the RECORD shows that Mr. BAKER of Kansas, Mr. Boen, Mr. Davis, Mr. Hudson, Mr. KEM, Mr. Pence, and Mr. Simpson were present at other roll calls during days that these votes were had.

SOUTHERN DEMOCRATS VOTED SOLIDLY FOR SILVER COINAGE.

On March 1, 1894, the House voted on the bill to coin the silver bullion in the Treasury. Upon the vote to strike out the second section of the bill, so as only to permit the coinage of $55,156,681, 120 Democrats voted against the amendment and 59 Republicans for it.

Upon Mr. Bland's substitute, 172, nearly all Democrats, voted for it, and only 94, mostly Republicans, against it, and only two members of Congress south of the banks of the Ohio voted against it.

On the vote to recommit, nearly all the Republicans and the Northeastern Democrats, in all 132 in number, voted to recommit the bill. The vote against the recommittal was 168, including every Democrat but one from the South.

Upon the passage of the bill 168 votes were cast in its favor, including every Democrat but one from the South. There were 129 votes cast against it, including nearly every Republican.

Upon the vote to pass the bill over the President's veto on April 4, 1894, 119 Democrats voted in favor of its passage. The vote against its passage was 114, including almost the solid Republican party aided by gold-standard Democrats, mostly from the North and East. Only two members of Congress from south of the banks of the Ohio River voted against the bill.

June 5, 1894, page 6841, Senator ALLEN said:

> If the $100,000,000 that were found in the Treasury when Mr. Harrison came into the Presidential office had been judiciously used there would be no necessity to-day for the levying of a tax upon sugar.

POPULISTS VOTED WITH THE REPUBLICANS TO PREVENT AN INCREASE OF CURRENCY.

On June 6, 1894, the Populists in a body joined the Republicans and voted against the Democrats on the measure to repeal the 10 per cent tax on State bank issues. There were 102 votes for the bill, all of them by Democrats and including every Democrat south of the Ohio River. The votes against the bill included every Republican and every Populist.

I will now present a table showing the recorded vote on thirty-six measures introduced by Republicans, in which Greenbackers, Populists, or Third Party men voted with Republicans in favor of these measures, all of which were to benefit banks and monopoly, and against the interests of the people. I also present a table which shows the recorded vote upon thirty-seven measures introduced by Democrats, in which Greenbackers, Populists, or Third Party men voted with Republicans and against these measures, in favor of banks and monopoly and against the people.

In these tables I have included some votes which are purely political, in which Greenbackers, Populists, or Third Party men voted with Republicans to give increased strength to the Republican party.

Votes in the House of Representatives upon Republican measures in the interests of banks and monopolies and against the interest of the people.

Date.	Character of measure.	Democratic votes against banks and monopolies and in the interests of the people.	Republicans and Greenbackers or Populists in favor of banks and monopolies and against interests of the people.	
			Republicans.	Greenbackers or Populists.
Mar. 8, 1880	On referring a bill to reduce taxes to a committee to prevent its passage.	84	97	7
Mar. 23, 1880	Vote to delay and defeat Mr. Townshend's bill to place salt, printing type, printing paper, chemicals, and materials used in making paper upon the free list.	94	108	8
Do	On Garfield's motion to defeat Townshend's bill by referring it to committee.	84	105	7
Mar. 3, 1881	On apportionment of representation at 322, which was favorable to Republicans.	127	110	6
Do	On motion to fix representation at 319, which was also favorable to Republicans.	120	116	11
Do	On passage of the bill favorable to Republicans.	113	114	12
Feb. 17, 1882	Mr. Anderson moved to fix the House of Representatives at 325 members.	100	136	6
Do	On vote favorable to Republicans and against Democratic principles.	95	120	5
Mar. 17, 1882	On Mr. Cameron's amendment favorable to national banks and to Republicans.	86	99	2
Do	On reconsidering the above vote	87	105	4
Mar. 20, 1882	Mr. Kelley's motion to consider the Tariff Commission.	55	113	4
Mar. 23, 1882	Mr. Kasson's amendment favorable to Chinese.	96	94	3
May 6, 1882	Tariff Commission bill passed	75	116	7
May 29, 1882	Page 4325 of the RECORD, Mr. Reed's motion to lay Mr. Randall's motion on the table.	.....	142	8
Do	Page 4328 of RECORD, Mr. Reed's demand for previous question on unconstitutional rule.	.....	142	9
Do	On vote to give Republicans unlimited and unbridled authority.	.....	141	9
May 29, 1882	To seat a negro (Lynch) in place of a white Democrat.	93	120	5
Do	In unseating Dibble and seating Mackey.	.....	140	7
Do	In unseating Tillman and seating a negro (Smalls).	.....	140	4
Do	On the previous question of unseating Shelly.	.....	138	5
May 29, 1882	On the vote to unseat Shelly	.....	140	5
Mar. 19, 1879	On Frye's motion against Hull and in favor of a Republican.	140	126	11
Mar. 20, 1882	On Tariff Commission	58	117	6

Votes in the House of Representatives upon Republican measures in the interests of banks and monopolies, etc.—Continued.

Date.	Character of measure.	Democratic votes against banks and monopolies and in the interests of the people.	Republicans and Greenbackers or Populists in favor of banks and monopolies and against interests of the people.	
			Republicans.	Greenbackers or Populists.
June 27, 1882	On passage of internal-revenue bill	77	119	*7
July 3, 1882	Mr. Kelley's motion to increase tariff on knit goods from 35 per cent to 100 per cent.	46	108	4
July 26, 1882	Motion to recommit Mr. Tucker's bill in favor of free American ships.	71	96	3
Mar. 2, 1883	To unseat a Democrat (Frost) and seat a Republican.	110	119	7
Mar. 3, 1883	Vote on tariff bill	112	136	4
Do	On vote to seat a negro and unseat a Democrat.	114	119	4
Apr. 22, 1892	To unseat a silver Democrat and seat a gold-standard Republican colonel of a negro regiment.	140	72	9
Do	do	128	74	9
Do	Motion having the same ultimate purpose.	124	78	10
Jan. 8, 1894	On Mr. Reed's motion to recommit order for consideration of tariff bill.	181	114	8
June 5, 1894	Vote in Senate to continue the bounty on sugar for 11 years.	38	31	1
Do	Vote in Senate to retain graduated bounty on sugar for 11 years.	37	31	3
June 20, 1894	Vote in Senate on Peffer's amendment to tax salt.	31	23	1

Votes in the House of Representatives upon Democratic measures against banks and monopolies and in the interest of the people.

Mar. 19, 1879	On Mr. Harris's motion to seat a Democrat.	140	124	12
June 10, 1879	On vote to prohibit marshals and soldiers at the polls.	102	84	13
June 27, 1879	On another vote to prohibit marshals and soldiers at the polls.	89	69	13
June 30, 1879	Vote on same bill after President's veto.	85	63	13
Jan. 12, 1880	Bill to make salt free of duty	99	99	*9
Mar. 8, 1880	On motion on Mr. Samford's bill to reduce tariff 50 per cent on many articles used by laboring people, and to make printing paper, type, and material free.	81	102	8
Mar. 23, 1880	Mr. Nicholls's motion favorable to bill to place salt, printing type, printing paper, chemicals, and materials used in making paper upon the free list.	110	100	5
1881	Mr. Wood's bill to refund in 3 per cent bonds, redeemable at the pleasure of the United States after one year.	124	104	10
	When the same bill came back to the House.	113	86	7
Jan. 19, 1881	Funding debt and destruction of national-bank system.	125	109	8
Dec. 6, 1881	On motion to elect Democratic officers of the House.	121	147	8
May 13, 1882	Mr. Bland's bill for substituting United States currency for national-bank notes.	66	114	5
May 6, 1882	Mr. Mills in favor of resolution that no more money shall be collected than is necessary for the wants of the Government economically administered, and that the maximum revenue duty should be imposed on all luxuries.	74	124	6
May 18, 1882	Mr. Buckner's amendment restricting national banks and favoring the people.	56	150	8
Do	Mr. Beltzhoover's amendment to prevent gerrymandering.	109	129	3
Do	Mr. Colerick moved to fix the House of Representatives at 316, favorable to the Democrats.	94	128	6
Do	Mr. Colerick moved to reconsider	99	124	4
May 29, 1882	On Mr. Blackburn's motion to delay vote on rule, page 4305.		138	8
Do	On Mr. Kenna's motion, page 4327		143	9
June 6, 1882	On bill to abolish duty on trace chains.	67	99	5
June 27, 1882	On Springer's amendment to abolish excessive internal taxes.	56	119	*10
Apr. 7, 1892	On vote to reduce tariff tax on woolen clothing used by laboring people.	187	57	1
Aug. 28, 1893	On vote for free and unlimited coinage of silver at 17 to 1.	88	111	*8
Do	On vote for free and unlimited coinage of silver at 18 to 1.	88	110	*10
Aug. 28, 1893	On vote for free and unlimited coinage of silver at 19 to 1.	87	109	*10

Votes in the House of Representatives upon Democratic measures against banks and monopolies, etc.—Continued.

Date.	Character of measure.	Democratic votes against banks and monopolies and in the interests of the people.	Republicans and Greenbackers or Populists in favor of banks and monopolies and against interests of the people.	
			Republicans.	Greenbackers or Populists.
Do	On vote for free and unlimited coinage of silver at 20 to 1.	73	105	*10
Jan. 5, 1894	On vote to take up bill to reduce taxation.	169	*119	*9
Do	do	167	*118	*9
Do	do	168	*116	*9
Do	do	166	*115	*9
Jan. 6, 1894	do	168	*112	*9
Do	do	168	*114	*9
Do	do	168	*115	*9
Jan. 8, 1894	do	190	*112	*9
Do	do	184	*114	*9
June 6, 1894	On vote to repeal 10 per cent tax on State bank issues.	102	88	9
June 5, 1894	Vote in Senate to abolish bounty on sugar.	38	30	1

* In votes thus marked a portion and sometimes all of the Populists and Republicans refused to vote; I therefore classify the Populists as joining the Republicans against the measures.

DEMOCRATS THE ONLY TRUE FRIENDS OF THE PEOPLE.

This record gives abundant proof that Populists, Greenbackers, or Third Party men, under whatever name they may appear, have repeatedly aided the Republicans in thwarting the efforts of Democrats to legislate in the interests of the people. It shows clearly they have aided the Republicans in perpetuating the national-bank system, in perpetuating the gold standard, in maintaining high tariffs, in force bills, and in controlling elections by soldiers and marshals, and other obnoxious and pernicious legislation by which the Republicans have added wealth to the rich and increased the poverty and suffering of the great mass of the people; and the evidence is clear beyond question that the leaders of the Greenback, Populist, and other Third Party movements in the South seek and receive financial aid from the Republican party, and the proof is also abundant that their leaders promise in return to support tariff and other legislation which they must know is destructive to the farmers and other laboring people of the Southern States.

We all remember how Mr. HENDERSON, a Republican member of Congress from Iowa, showed that in 1880 General Weaver ran for President to aid General Garfield, or, as Mr. HENDERSON expressed it, as the tail of the Republican kite.

The proof is abundant that Chris Magee, of the Republican committee, came to Alabama in 1892, and that the Weaver electors were pledged to vote for Harrison, provided by so doing they could defeat the Democratic party and reelect Harrison President of the United States; and in 1894 the opponents of the Democratic party in Alabama secretly arranged with those high-tariff, force-bill Republicans, Senators HOAR and LODGE and other Republicans of the Senate and House by which, in return for money, the Populists or Jeffersonians of Alabama were in future to give their support to the Republican party.

Senator HOAR, in speaking of Captain Kolb, says:

> We all believe that this movement is of the utmost importance; that it is the most promising fact that has taken place in the history of the South for many years.

Senator HOAR also says:

> That if he succeeds the solid South is broken and that the success of the cause of protection is assured.

Senator HOAR also says to his Republican associates:

> I have no doubt that the forces that he leads will be found acting with us in all great essentials in the future.

The New York Sun says:

> The Home Market Club has sent out circulars marked "In confidence," seeking to raise this money.

The circular closes in these words:

> Prudence requires that strict privacy should be observed in raising the money. There is so much prejudice in the South that it might be fatal to the cause to have it become known the Kolb party receives any aid from New England. We pray you, therefore, to avoid seeing any but discreet men, and to impress upon them the importance of secrecy.

This exposure is only corroborative of the evidence furnished by the records of Congress which I have given in this speech. Here we have positive proof that the leaders of the opposition to

the Democratic party in Alabama have convinced the authors of the force bill and the arch protectionists, Senators HOAR and LODGE, that they and their followers will be found acting with these Republican leaders in the future.

The evolution has been rapid. Two years ago the opponents of the Democratic party in Alabama publicly proclaimed themselves as the purest Democrats, as better Democrats than the body of the Democratic party. At the same time they were secretly pledging themselves to support the most obnoxious Republican measures and principles; and now they have joined themselves with the solid Republican party of that State, and if a gold-standard Republican is elected President they will be the foremost in demanding Republican patronage.

This record should admonish every true lover of his country that there is but one way on earth to restore our country to peace and prosperity; that there is but one way to reestablish the South and the rural sections upon the principles which governed when we were happy and prosperous, and that one way is to place every Department of the Government under the control of true and unquestioned Democrats.

POPULIST BILLS INJURIOUS TO THE SOUTH.

I have before me four bills, introduced in the last Congress by Populists, which I submit would, if enacted into law, do more harm to the people of the South than any measures ever proposed in Congress, unless we except the force bill and confiscation bills which were introduced soon after the close of the war.

House bill 3186, by Mr. Hudson, a Populist, provided—

> That all pensioners for service in the Federal Army and Navy during the war may receive in one payment ten times the annual amount of the pension.

This would cost the Government this year $1,500,000,000.

House bill 3436, by Mr. Davis, Populist from Kansas, provides—

> That the mortgage debt of any mortgagor of real estate used as a home or for support, shall be paid by the United States where an appraisement board finds the estate to be worth the full amount of the mortgage, and the debtor shall be allowed to redeem his property from the United States within twenty years by paying an interest of 1 per cent per annum.

It is estimated that this would enable persons to get money of the United States for twenty years at 1 per cent interest to an amount exceeding $12,000,000,000.

The rich and influential owners of real estate in cities would be the first beneficiaries, and the Government would become bankrupt before the farmers could get any benefit from the act.

House bill 3437, by Mr. Davis, Populist, from Kansas, provides for—

> Granting a pension of $10 to $25 per month to all soldiers or sailors of the Union Army and Navy in the late war, and also to widows and minors; this to be in addition to disability pensions granted under present laws.

The Commissioner of Pensions estimates that this bill would increase our annual disbursements for pensions to $460,000,000 for the coming year.

House bill 6767, by Mr. Davis, Populist member from Kansas:

> Directs the immediate enlistment of 500,000 men to be fed, clothed, paid, and provided for the same as the Regular Army; said army to be employed on works of public improvement, canals, rivers, and harbors, irrigation works, public highways, etc.

As the present Army of 25,000 men costs over $23,700,000 a year, the cost of simply the clothing, food, pay, etc., of this proposed army of 500,000 men would probably exceed $474,000,000.

If these bills should go into effect it would require the disbursement this year by the United States Government of $14,434,000,000, which is more than forty times the entire income of the United States, and as the entire amount of gold, silver, and paper money circulation of the world is only $10,037,568,000, the proposed expenditure this year by these four Populist bills would be one-half greater than all the money in the world. And yet these bills are only a few of the many impracticable measures which the Populists in Congress have prepared to have enacted into law.

The only possible way to raise this stupendous sum would be by a direct tax, and as the Constitution provides that direct taxes be apportioned according to population the amount Alabama would be required to pay this year would be $350,000,000. This would be about double the assessed value of all the property in that State. It is very clear that the passage and enforcement of these bills would bring bankruptcy and ruin upon all the people in the South.

The Democratic party has always befriended labor by insisting upon the strictest economy in the administration of the Government.

In order to show the difference between Democratic economy and Republican profligacy I have prepared Table No. 1, showing the expenditures of the Government for the seventy-two years from 1789 to 1861, during substantially all of which time we were under Democratic administration.

This table comprises all expenditures of every character, including the cost of all wars—the war of 1812, all Indian wars, the war with Mexico, and the preparation for a war with Tripoli. It is as follows:

TABLE No. 1.—*Total expenditures of the United States under Democratic government from March 4, 1789, to June 30, 1861.*

Year.	War.	Navy.	Indians.	Pensions.	Miscellaneous.	Net ordinary expenditures.	Premium.	Interest.	Total expenditures, including premium.
1789 to 1791	$632,804.03		$27,000.00	$175,813.88	$1,083,971.61	$1,919,589.52		$1,177,863.03	$3,097,451.55
1792	1,100,762.09		13,648.85	109,243.15	4,672,664.38	5,896,258.47		2,373,611.28	8,269,869.75
1793	1,130,249.08		27,282.83	80,087.81	511,451.01	1,749,070.73		2,097,859.17	3,846,929.90
1794	2,639,097.59	$61,408.97	13,042.46	81,399.24	750,350.74	3,545,299.00		2,752,523.04	6,297,822.04
1795	2,480,910.13	410,562.03	23,475.68	68,673.22	1,378,920.66	4,362,541.72		2,947,059.06	7,309,600.78
1796	1,260,263.84	274,784.04	113,563.98	100,843.71	801,847.58	2,551,303.15		3,259,347.68	5,790,650.83
1797	1,630,402.46	382,631.89	62,396.58	92,256.97	1,250,422.62	2,836,110.52		3,172,516.73	6,008,627.25
1798	2,009,522.30	1 381,347.76	16,470.00	104,845.33	1,139,524.94	4,651,710.42		2,955,875.90	7,607,586.31
1799	2,466,946.98	2,858,081.84	20,302.19	95,444.03	1,039,391.68	6,480,166.72		2,815,651.41	9,295,818.13
1800	2,560,878.77	3,448,716.03	31.22	64,130.73	1,337,613.22	7,411,369.97		3,402,601.04	10,813,971.03
1801	1,672,944.08	2,111,424.00	9,000.00	73,533.37	1,114,768.45	4,981,669.90		4,411,830.06	9,393,499.96
1802	1,179,148.25	915,561.87	94,000.00	85,440.39	1,462,929.40	3,737,079.91		4,238,172.16	7,975,252.07
1803	822,055.85	1,215,230.53	60,000.00	62,902.10	1,842,635.76	4,002,824.24		3,949,462.36	7,952,286.60
1804	875,423.93	1,189,832.75	116,500.00	80,092.80	2,191,009.43	4,452,858.91		4,185,048.74	8,638,907.65
1805	712,781.28	1,597,500.00	196,500.00	81,854.59	3,768,598.75	6,357,234.02		2,657,114.22	9,014,348.84
1806	1,224,355.38	1,649,641.44	234,200.00	81,875.53	2,890,137.01	6,080,209.36		3,368,968.26	9,449,177.62
1807	1,288,685.91	1,722,064.47	295,425.00	70,500.00	1,997,897.51	4,984,572.89		3,369,578.48	8,354,151.37
1808	2,900,834.40	1,884,067.80	213,575.00	82,576.04	1,423,285.61	6,504,338.85		2,557,074.23	9,061,413.08
1809	3,345,772.17	2,427,758.80	337,593.84	87,833.54	1,215,803.79	7,414,672.14		2,895,074.90	10,280,747.04
1810	2,294,323.94	2,654,244.20	177,625.00	83,744.16	1,101,144.98	5,311,082.28		3,163,671.09	8,474,753.37
1811	2,692,828.19	1,965,566.39	151,875.00	75,043.88	1,367,291.40	5,592,604.86		2,585,435.57	8,178,040.43
1812	11,817,798.24	3,959,593.15	277,845.00	91,462.10	1,683,088.21	17,829,498.70		2,451,272.57	20,280,771.27
1813	19,652,013.02	6,446,600.10	167,358.28	86,989.91	1,729,435.61	28,082,396.92		3,599,455.22	31,681,852.14
1814	20,350,896.86	7,311,290.60	167,394.86	90,164.36	2,208,029.70	30,127,686.38		4,593,239.04	34,720,925.42
1815	14,794,294.22	8,660,000.25	530,750.00	69,656.06	2,898,870.47	26,953,571.00		5,990,090.24	32,943,661.24
1816	16,012,096.80	3,908,278.30	274,512.16	188,804.15	2,989,741.17	23,373,432.58		7,822,923.34	31,196,355.92
1817	6,904,236.53	3,314,598.49	319,463.71	237,374.43	3,518,936.76	15,454,609.92		4,536,282.55	19,990,892.47
1818	5,622,715.10	2,953,695.00	505,704.27	890,719.90	3,835,839.51	13,808,673.78		6,209,954.03	20,018,627.81
1819	6,506,300.37	3,847,640.42	463,181.39	2,415,939.85	3,067,211.41	16,300,273.44		5,211,730.56	21,512,004.00
1820	2,630,322.31	4,387,990.00	315,750.01	3,208,376.31	2,592,021.94	13,134,530.57		5,151,004.32	18,285,534.89
1821	4,461,291.78	3,319,243.06	477,005.44	242,817.25	2,225,121.54	10,725,479.07		5,126,073.79	15,849,552.86
1822	3,111,981.41	2,224,458.98	575,007.41	1,948,199.40	1,967,996.24	9,827,643.51		5,173,788.79	15,000,432.30
1823	3,096,924.43	2,503,765.83	380,781.82	1,780,588.52	2,022,093.99	9,784,154.59		4,922,475.40	14,706,629.99
1824	3,340,939.85	2,904,581.56	429,987.90	1,499,326.59	7,155,308.81	15,330,144.71		4,943,557.93	20,273,702.64
1825	3,659,914.18	3,049,083.86	724,106.44	1,308,810.57	2,748,544.89	11,490,459.94		4,366,757.40	15,857,217.34
1826	3,943,194.37	4,218,902.45	743,447.83	1,556,593.83	2,600,177.79	13,062,316.27		3,975,542.95	17,037,859.22
1827	3,948,977.88	4,263,377.45	750,624.88	976,138.86	2,713,476.58	12,653,095.65		3,486,071.51	16,139,167.16
1828	4,145,544.56	3,918,786.44	705,084.24	850,573.57	3,676,052.64	13,296,041.45		3,098,800.60	16,394,842.05
1829	4,724,291.07	3,308,745.47	576,344.74	949,594.47	3,082,234.65	12,641,210.40		2,542,843.23	15,184,053.66
1830	4,767,128.88	3,239,428.63	622,262.47	1,363,297.31	3,237,416.04	13,229,533.33		1,912,574.93	15,142,108.26
1831	4,841,835.55	3,856,183.07	930,738.04	1,170,685.14	3,064,646.10	13,864,087.90		1,373,748.74	15,237,616.64
1832	5,446,694.88	3,956,370.29	1,352,419.75	1,184,422.40	4,577,141.45	16,516,388.77		775,561.50	17,288,950.27
1833	6,704,019.10	3,501,356.75	1,802,980.93	4,589,152.40	5,716,245.93	22,713,755.11		303,796.87	23,017,551.98
1834	5,696,189.38	3,956,260.42	1,003,953.20	3,364,285.30	4,404,728.95	18,425,417.25		202,152.98	18,627,570.23
1835	5,759,156.89	3,864,939.06	1,706,444.48	1,954,711.32	4,229,698.53	17,514,950.28		57,863.08	17,572,813.36

TABLE No. 1.—*Total expenditures of the United States, mostly under Democratic government, from March 4, 1789, to June 30, 1861.*—Continued.

Year.	War.	Navy.	Indians.	Pensions.	Miscellaneous.	Net ordinary expenditures.	Premium.	Interest.	Total expenditures, including premium.
1836	$11,747,345.25	$5,807,718.23	$5,037,022.88	$2,882,797.96	$5,393,279.72	$30,868,164.04	.....	.....	$30,868,164.04
1837	13,632,730.80	6,646,914.53	4,348,036.19	2,672,162.45	9,893,370.27	37,243,214.24	.....	.....	37,243,214.24
1838	12,897,224.16	6,131,580.53	5,504,191.34	2,136,057.29	7,100,664.76	33,849,718.08	$14,996.48	$399,833.89	33,864,714.56
1839	8,916,995.80	6,182,294.23	2,528,917.28	3,142,750.51	5,725,990.89	26,496,948.73	399,833.89	174,508.08	26,896,782.62
1840	7,095,267.23	6,113,896.89	2,331,794.86	2,606,562.17	5,995,398.96	24,139,920.11	.....	284,977.55	24,314,518.19
1841	8,801,610.24	6,601,076.97	2,514,837.12	2,388,434.51	6,490,881.45	26,196,840.29	.....	285,017.55	26,481,857.84
1842	6,610,436.02	8,397,242.95	1,199,099.68	1,373,931.33	6,775,624.61	24,361,336.59	.....	773,549.85	25,134,886.44
1843	2,998,671.95	3,737,711.53	578,371.60	869,041.12	3,202,713.00	11,256,508.60	.....	523,583.91	11,780,092.51
1844	5,218,193.66	6,498,199.11	1,256,552.39	2,032,008.99	5,645,183.86	20,650,108.01	.....	1,833,452.13	22,483,560.14
1845	5,746,281.28	6,297,177.89	1,539,351.35	2,400,788.11	5,911,760.98	21,895,359.61	$18,231.46	1,040,458.18	22,954,059.22
1846	10,413,370.58	6,455,013.92	1,027,693.64	1,811,097.56	6,711,283.89	26,418,459.59	.....	889,723.27	27,261,182.86
1847	35,846,680.33	7,900,635.76	1,430,411.30	1,744,885.63	6,885,608.35	53,801,569.37	.....	1,119,214.72	54,920,784.09
1848	27,698,934.21	9,468,476.02	1,252,296.81	1,327,496.48	5,650,851.25	45,227,454.77	.....	2,390,765.88	47,618,220.65
1849	14,538,473.26	9,786,705.92	1,374,161.55	1,328,867.64	12,885,334.24	39,938,542.61	82,865.81	3,565,535.78	43,587,944.22
1850	9,687,024.58	7,994,724.66	1,663,591.47	1,866,886.02	16,043,763.36	37,165,990.09	.....	3,782,393.03	40,948,383.10
1851	12,161,965.11	8,880,581.38	2,820,801.77	2,206,377.22	17,888,992.18	44,054,717.66	69,713.19	3,626,760.75	47,821,191.60
1852	8,521,506.19	8,918,842.10	3,043,576.04	2,401,838.78	17,504,171.45	40,389,934.56	170,063.42	4,060,297.80	44,590,315.78
1853	9,910,498.49	11,067,789.53	3,880,494.12	1,756,906.20	17,465,098.01	44,078,156.35	420,498.64	3,665,832.74	48,164,487.73
1854	11,722,282.87	10,790,694.32	1,550,339.55	1,232,665.00	26,672,144.68	51,967,528.42	2,877,818.69	3,070,926.69	57,916,273.80
1855	14,668,674.07	13,327,665.11	2,772,990.78	1,477,612.33	24,090,425.43	56,316,197.72	872,047.39	2,314,464.99	59,502,710.10
1856	16,963,179.51	14,674,834.64	2,644,263.97	1,296,229.65	31,794,038.87	66,772,527.64	385,372.90	1,953,822.97	69,111,722.91
1857	19,159,150.87	12,651,694.64	4,354,418.87	1,310,380.58	28,565,488.77	66,041,143.70	363,572.39	1,503,205.24	68,007,881.32
1858	25,679,121.69	14,693,344.64	4,978,296.18	1,219,788.30	28,490,016.42	72,330,437.17	574,443.08	1,652,055.67	74,556,935.92
1859	23,154,720.53	14,090,927.90	3,490,534.53	1,222,222.71	23,797,544.49	66,355,950.07	.....	2,637,649.70	68,993,599.77
1860	16,472,202.72	11,514,649.83	2,991,121.54	1,100,802.32	27,977,978.30	60,056,754.71	.....	3,144,120.94	63,200,875.65
1861	23,001,530.67	12,387,156.52	2,805,481.17	1,034,599.73	23,327,287.69	62,616,055.78	.....	4,604,157.30	66,650,213.08
Total	562,914,213.39	300,042,168.18	86,904,164.35	80,738,327.06	487,845,595.23	2,587,444,468.21	5,834,626.94	200,621,336.91	2,793,900,432.06

It is well to remember that with such a record of Democratic economy the Republican convention which nominated Abraham Lincoln for President denounced the expenditure which averaged $38,625,351, as reckless extravagance; and yet the same Republican party immediately launched out into an expenditure which during the first few years of Republican administration averaged annually $835,595,102.61, more than twenty-one times as great as the average expenditure by Democrats.

REPUBLICAN PLATFORM 1860.

The language of the Republican platform of 1860 was in these words:

That the people justly view with alarm the reckless extravagance which pervades every department of the Federal Government; that a return to rigid economy and accountability is indispensable to arrest the systematic plunder of the public Treasury by favored partisans.

I call attention to the fact that the year immediately preceding the meeting of this Republican convention the total expenditure of the Government under Democratic appropriations was $63,200,875. The convention denounced this as reckless extravagance, and yet during the first four years of their control of the Government they expended the enormous annual average of $825,595,102.61.

I have also prepared Table No. 2, showing the total expenditures during the years of war, from June 30, 1861, to June 30, 1865.

It is as follows:

TABLE No. 2.—*Total expenditures of the United States under Republican government during the war period, from June 30, 1861, to June 30, 1865.*

Year ending June 30—	War.	Navy.	Indians.	Pensions.	Miscellaneous.	Net ordinary expenditures.	Premiums.	Interest.	Total expenditures.
1862	$394,368,407.36	$42,668,277.09	$2,273,223.45	$853,095.40	$21,408,491.16	$461,671,494.46	.....	$13,190,224.45	$474,761,818.91
1863	599,298,600.83	63,221,963.64	3,154,357.11	1,078,991.59	23,205,985.39	690,010,578.56	.....	24,729,846.61	714,740,725.17
1864	690,791,842.97	85,725,994.67	2,629,857.77	4,983,924.41	27,505,599.46	811,637,220.28	.....	53,685,421.69	865,322,641.97
1865	1,031,323,360.79	122,612,945.29	5,116,837.08	16,338,811.13	43,097,658.01	1,218,439,612.30	$1,717,900.11	77,397,712.00	1,297,555,224.41
Total	2,715,782,211.95	314,229,180.69	13,174,276.41	23,254,822.53	115,218,714.02	2,181,759,205.60	1,717,900.11	169,003,304.75	3,332,380,410.46

Also Table No. 3, showing total expenditures from June 30, 1865, to June 30, 1895.

TABLE No. 3.—*Total expenditures of the United States, mostly under Republican government, from June 30, 1865, to June 30, 1895.*

Year ending June 30—	War.	Navy.	Indian.	Pensions.	Miscellaneous.	Net ordinary expenditures.	Premium.	Interest.	Total expenditures.
1866	$284,449,701.81	$43,324,118.52	$3,247,064.56	$15,605,352.35	$41,056,961.54	$387,683,198.79	$58,476.51	$133,067,741.69	$520,809,416.99
1867	95,224,415.63	31,034,011.04	4,642,531.77	20,936,551.71	51,110,223.72	202,947,733.87	10,813,349.38	143,781,591.91	357,542,675.16
1868	123,246,648.62	25,775,592.72	4,100,682.32	23,782,386.78	53,009,867.67	229,915,188.11	7,001,151.04	140,424,045.71	377,340,284.86
1869	78,501,900.61	20,000,757.97	7,042,923.06	28,476,621.78	56,474,061.53	190,496,354.95	1,674,680.05	130,094,242.80	322,865,277.80
1870	57,655,675.40	21,780,229.87	3,407,938.15	28,340,202.17	53,237,461.56	164,421,507.15	15,996,555.60	129,235,498.00	309,653,560.75
1871	35,709,891.82	19,431,027.21	7,426,997.44	34,443,894.88	60,481,916.23	157,583,827.58	9,016,794.74	125,576,565.93	292,177,188.25
1872	35,872,157.20	21,249,800.99	7,061,728.82	28,533,402.76	60,984,757.42	153,201,856.19	6,958,266.75	117,357,839.72	277,517,962.67
1873	46,323,138.31	23,526,256.79	7,951,704.88	29,359,426.86	73,328,110.06	180,488,636.90	5,105,919.99	104,750,688.44	290,345,245.33
1874	42,313,927.22	30,052,587.42	6,692,462.09	29,008,414.66	69,641,506.02	179,619,985.41	1,395,073.55	107,119,815.21	287,133,873.17
1875	41,120,645.98	21,457,636.27	8,384,656.82	29,456,216.22	71,070,702.98	171,529,848.27	.....	103,093,544.57	274,623,392.84
1876	38,070,888.64	18,993,399.82	5,996,558.17	28,257,385.69	66,958,373.78	158,216,526.10	.....	100,243,271.23	258,459,797.33
1877	37,082,735.90	14,959,935.36	5,277,607.22	27,993,752.27	56,252,096.60	141,535,497.35	.....	97,124,511.58	238,660,008.93
1878	32,154,147.85	17,365,391.57	4,629,280.28	27,137,019.08	53,177,703.57	134,463,452.15	.....	102,500,874.05	236,964,326.80
1879	40,425,660.73	15,125,136.84	5,206,100.08	33,121,482.39	65,741,555.49	161,619,933.53	.....	105,327,949.00	266,947,882.53
1880	38,116,916.22	13,536,984.74	5,945,457.09	56,777,174.44	54,713,529.76	169,090,062.25	2,795,320.42	95,757,575.11	267,642,957.78
1881	40,466,460.55	15,686,671.66	6,514,161.09	50,059,279.62	64,416,324.71	177,142,897.63	1,061,248.78	82,508,741.18	260,712,887.59
1882	43,570,494.19	15,032,046.36	9,736,747.40	61,345,193.95	57,219,750.98	186,904,232.78	.....	71,067,206.79	257,971,439.57
1883	48,911,832.93	15,283,437.17	7,302,590.34	66,012,573.64	68,678,022.21	206,248,006.29	.....	59,169,131.25	265,408,137.54
1884	39,429,600.36	17,222,601.44	6,475,999.29	55,429,228.06	70,329,433.70	189,547,865.85	.....	54,578,578.48	244,126,244.33
1885	42,670,578.47	16,021,679.57	6,552,494.63	56,102,267.49	87,494,258.38	208,849,678.64	.....	51,386,256.47	260,235,935.11
1886	34,324,152.74	13,997,887.74	6,099,158.17	63,404,884.03	74,180,929.85	191,902,992.53	.....	50,589,145.97	242,493,138.50
1887	38,561,625.85	15,141,136.80	6,194,852.69	75,029,101.79	85,264,825.50	220,190,642.72	.....	47,741,577.25	267,932,179.97
1888	38,522,436.11	16,926,437.65	6,249,307.87	80,288,508.77	72,952,293.80	214,938,951.20	8,270,842.46	44,715,097.47	267,924,891.13
1889	44,435,270.85	21,578,860.31	6,892,276.78	87,624,779.11	80,664,064.25	240,995,131.31	17,292,362.65	41,601,484.29	299,288,978.25
1890	44,852,888.46	22,006,236.24	6,708,046.67	106,936,855.07	81,463,256.49	261,637,282.55	20,304,224.06	36,099,284.05	318,040,710.66
1891	48,720,065.01	26,113,893.46	8,527,439.01	124,415,951.40	110,048,167.49	317,825,549.37	10,401,220.61	37,547,135.37	365,773,905.35
1892	46,895,456.30	29,174,138.98	11,150,577.67	134,583,052.79	99,841,988.61	321,645,214.35	.....	23,578,114.23	345,023,330.58
1893	49,641,773.47	30,136,083.43	13,345,347.27	159,457,557.87	103,732,799.27	356,213,562.31	.....	27,254,392.18	383,477,954.49
1894	54,357,009.84	31,527,195.15	10,288,416.64	141,177,284.96	101,465,455.85	338,751,953.44	.....	27,841,405.64	366,593,359.08
1895	51,804,759.13	28,795,795.73	9,939,754.21	141,305,228.87	93,279,730.14	325,217,268.08	.....	30,978,030.21	356,195,298.29
Total	1,692,752,539.82	652,928,000.62	209,017,903.18	1,846,391,021.44	2,139,540,905.04	6,540,815,617.64	118,145,483.60	2,421,913,048.38	9,080,874,152.62

I will also print the appropriations of all Congresses for thirty-two years, with the consent of the House:

TABLE No. 4.—*Appropriations, fiscal year ending June 30, 1867, to year ending June 30, 1897, inclusive, so far as completed.*

For year ending June 30—	Congress.	Agriculture.	Army.	Diplomatic and consular.	District of Columbia. *a*	Fortifications.	Indian.	Legislative, etc.	Military Academy.	Navy.
1866	38th, 2d sess	.....	$598,079,527.70	$1,384,250.00	.....	$7,953,000.00	$2,590,415.41	$15,057,866.16	$257,404.00	$111,587,528.95
1867	39th, 1st sess	.....	38,004,241.83	1,405,494.00	.....	1,540,000.00	3,810,772.82	25,438,371.89	146,617.00	18,904,667.59
1868	39th, 2d sess	.....	23,874,454.00	1,425,454.00	.....	.....	3,042,003.86	23,400,191.89	368,913.00	16,288,244.01
1869	40th, 2d sess	.....	33,082,093.00	1,212,434.00	.....	.....	3,847,528.45	17,906,317.09	276,512.00	17,356,359.00
1870	41st, 2d sess	.....	33,350,893.20	1,110,734.00	.....	.....	.....	20,354,774.76	274,488.88	15,832,246.00
1870	41st, 1st sess	.....	.....	.....	.....	.....	6,121,004.81	.....	.....	.....
1871	41st, 2d sess	.....	29,321,367.22	1,041,347.00	.....	1,311,500.00	6,324,164.16	18,949,258.40	314,869.20	19,250,290.29
1872	41st, 3d sess	.....	27,719,580.00	1,466,134.00	.....	1,627,500.00	5,448,540.96	19,518,229.24	316,269.50	19,832,317.25
1873	42d, 2d sess	.....	28,683,615.32	1,219,659.00	.....	2,037,000.00	6,349,462.04	18,671,785.74	326,101.52	18,296,733.95
1874	42d, 3d sess	.....	31,786,008.81	1,311,559.00	.....	1,899,000.00	5,541,418.90	17,120,496.60	344,317.56	22,276,257.65
1875	43d, 1st sess	.....	27,786,500.00	3,408,894.00	.....	904,000.00	5,680,651.90	20,763,900.80	339,835.00	20,813,946.20
1876	43d, 2d sess	.....	27,993,830.00	1,374,985.00	.....	850,000.00	5,360,554.55	18,902,236.99	364,740.00	17,001,006.40
1877	44th, 1st sess	.....	27,621,867.90	1,187,197.50	.....	315,000.00	4,572,762.01	15,417,933.33	290,065.00	12,742,155.40
1878	44th, 2d sess	.....	25,812,500.00	1,138,374.50	.....	275,000.00	4,829,865.69	15,450,345.30	286,604.00	13,541,024.40
1879	45th, 1st sess	.....	25,593,488.01	1,077,635.00	.....	275,000.00	4,746,275.70	15,271,251.30	292,805.00	14,132,603.70
1880	45th, 2d sess	.....	26,797,300.00	1,087,833.00	.....	275,000.00	4,713,478.59	16,287,457.73	319,547.33	14,029,968.95
1881	46th, 1st sess	*b* $253,300.00	26,425,800.00	1,180,535.00	$3,425,967.35	550,000.00	4,657,262.72	16,274,023.59	316,234.28	14,405,797.90
1882	46th, 2d sess	355,500.00	26,687,800.00	1,192,435.00	3,578,617.44	575,000.00	4,587,886.80	17,678,508.99	322,435.37	14,506,037.56
1883	47th, 1st sess	427,280.00	27,258,000.00	1,256,655.00	3,493,060.47	375,000.00	5,229,374.01	23,038,000.65	335,557.04	14,819,976.80
1884	47th, 2d sess	405,640.00	24,681,250.00	1,296,755.00	3,507,247.96	670,000.00	5,358,655.91	20,454,246.22	318,657.50	15,894,434.23
1885	48th, 1st sess	480,190.00	24,454,450.00	1,219,380.00	3,559,835.54	700,000.00	5,850,402.91	21,303,141.85	314,565.50	14,980,472.59
1886	48th, 2d sess	585,790.00	24,014,652.50	1,242,925.00	3,622,683.20	725,000.00	5,762,512.70	21,376,708.70	310,021.64	15,070,837.95
1887	49th, 1st sess	654,715.00	23,753,057.21	1,304,005.00	3,721,050.99	.....	5,546,202.84	23,054,346.37	297,805.00	16,489,997.20
1888	49th, 2d sess	1,028,730.00	23,724,718.69	1,429,942.44	4,284,590.66	.....	5,236,897.66	20,745,023.67	419,936.96	25,707,348.19
1889	50th, 1st sess	1,716,010.00	24,471,300.00	1,428,405.00	5,046,410.32	3,972,000.00	8,203,760.79	20,758,178.07	315,065.81	19,042,835.35
1890	50th, 2d sess	1,669,770.00	24,316,615.73	1,986,425.00	5,409,491.91	1,233,594.00	8,077,453.39	21,843,615.81	992,766.69	21,092,510.27
1891	51st, 1st sess	1,799,160.00	24,206,471.79	1,710,815.00	5,769,544.15	4,222,935.00	7,262,016.02	21,059,752.75	435,296.11	24,136,095.53
1892	51st, 2d sess	3,028,153.50	24,613,529.19	1,656,925.00	5,597,125.17	3,774,803.00	16,386,284.86	22,027,674.75	402,064.64	31,541,654.78
1893	52d, 1st sess	3,232,995.50	24,308,499.82	1,604,045.00	5,317,973.27	2,734,276.00	7,664,047.84	21,900,132.97	428,017.33	23,543,385.00
1894	52d, 2d sess	3,323,500.00	24,225,639.78	1,557,445.00	5,413,223.91	2,210,055.00	7,834,249.38	21,885,882.81	432,556.12	22,104,061.38
1895	53d, 2d sess	3,223,623.06	23,592,884.68	1,563,918.70	5,545,678.57	2,427,004.00	10,659,565.16	21,305,983.29	406,535.08	25,327,128.72
1896	53d, 3d sess	3,366,750.00	23,252,608.09	1,574,458.76	5,745,443.25	1,904,557.50	8,762,751.24	21,891,718.68	464,261.66	29,416,245.31
1897	54th, 1st sess	3,255,532.00	23,278,402.73	1,642,558.76	7,285,139.42	7,377,888.00	†7,657,595.79	†21,520,822.61	449,525.61	‡30,022,739.95

Year ending June 30—	Congress.	Pension.	Post-Office. *c*	River and harbor.	Sundry civil.	Deficiencies.	Miscellaneous.	Total regular annual appropriations.	Permanent annual appropriations.	Total appropriations.
1866	38th, 2d sess	$11,230,000.00	$14,098,500.00	.....	$4,094,987.61	$3,964,277.70	$1,333,834.15	$681,631,691.68	$154,487,577.04	$836,119,068.72
1867	39th, 1st sess	15,440,000.00	20,166,025.00	$3,698,047.91	7,119,985.16	11,579,214.62	8,578,877.15	755,832,314.88	180,010,198.84	398,342,513.72
1868	39th, 2d sess	33,280,000.00	19,133,000.00	.....	5,307,191.38	11,629,392.67	9,339,697.08	147,088,541.89	170,906,603.69	317,995,145.58
1869	40th, 2d sess	30,350,000.00	21,069,000.00	.....	8,174,959.66	17,062,222.85	10,274,448.80	160,551,885.85	170,224,120.46	330,776,006.31
1870	40th, 3d sess	19,250,000.00	30,279,155.00	.....	9,976,228.81	20,763,270.98	527,988.31	151,719,777.94	180,082,214.72	331,801,992.66
1870	41st, 1st sess	.....	.....	2,000,000.00	2,913,738.62	31,200.00	11,005,943.43	.....	.....	11,065,943.43
1871	41st, 2d sess	30,000,000.00	26,288,993.00	3,945,900.00	13,447,721.70	6,421,799.46	4,916,645.72	161,553,823.15	166,684,318.52	328,218,141.61
1872	41st, 3d sess	29,050,000.00	26,022,898.00	.....	24,161,773.86	14,023,131.04	1,261,208.80	174,805,082.65	148,370,481.56	323,235,564.21
1873	42d, 2d sess	30,480,000.00	28,519,341.84	5,558,000.00	20,148,413.99	6,045,259.96	7,129,642.88	175,495,015.55	142,882,105.22	318,377,120.77
1874	42d, 3d sess	30,480,000.00	32,529,107.00	6,102,900.00	22,186,129.00	12,978,418.00	2,565,740.31	197,923,297.58	129,230,267.82	327,150,565.20
1875	43d, 1st sess	30,000,000.00	35,756,091.00	5,218,000.00	27,009,744.81	4,083,914.26	1,921,614.13	183,685,002.16	141,981,789.73	325,666,791.89
1876	43d, 2d sess	30,000,000.00	37,524,361.00	6,643,517.50	26,644,350.00	4,703,699.18	1,842,929.19	179,166,299.90	148,961,939.42	328,128,199.32
1877	44th, 1st sess	29,333,500.00	34,585,701.00	5,015,000.00	16,351,474.58	2,908,177.09	4,012,805.84	154,553,639.65	145,037,498.42	299,591,138.07
1878	44th, 2d sess	28,533,000.00	33,584,143.00	.....	17,133,750.00	2,745,480.97	1,262,061.31	144,592,149.29	151,414,544.98	296,006,694.27
1879	45th, 1st sess	29,371,574.00	33,256,373.00	8,201,700.00	26,004,400.20	14,158,742.29	2,049,658.61	174,431,493.87	157,976,282.81	332,407,775.68
1880	45th, 2d sess	*e* 56,253,200.00	36,121,400.00	7,846,600.00	21,656,340.06	3,163,297.15	1,926,020.26	190,457,445.06	181,662,184.24	372,019,629.30
1881	46th, 1st sess	*e* 41,644,000.00	39,665,420.00	8,951,500.00	22,515,428.91	4,297,224.44	5,618,865.22	189,519,191.21	172,053,013.18	361,672,204.39
1882	46th, 2d sess	68,282,936.68	40,957,432.00	11,441,300.00	21,984,194.12	5,052,138.92	1,072,953.64	218,154,506.51	147,810,973.32	365,965,479.83
1883	47th, 1st sess	116,000,000.00	44,643,900.00	18,738,875.00	25,589,576.06	12,992,625.16	6,111,540.10	297,311,032.29	124,820,471.02	422,131,673.31
1884	47th, 2d sess	86,575,000.00	44,489,550.00	.....	23,679,575.44	2,749,941.49	1,912,723.88	231,993,647.65	123,304,227.60	354,297,875.25
1885	48th, 1st sess	79,810,000.00	49,040,400.00	13,949,200.00	22,299,434.30	7,057,509.00	9,592,598.40	195,710,588.00	123,118,901.04	318,829,489.13
1886	48th, 2d sess	60,000,000.00	53,700,990.00	.....	26,079,257.49	4,926,855.80	2,177,648.20	219,595,283.18	116,844,630.02	336,439,918.20
1887	49th, 1st sess	82,075,200.00	54,365,863.25	14,475,900.00	22,662,310.58	7,866,719.62	9,989,410.19	233,914,613.25	123,416,338.74	387,330,971.99
1888	49th, 2d sess	83,152,500.00	55,694,650.15	.....	22,386,340.91	.....	4,811,991.49	248,672,870.84	110,336,652.68	359,011,523.53
1889	50th, 1st sess	85,228,700.00	60,890,253.74	22,397,616.90	26,320,894.84	16,063,383.26	10,170,862.55	306,985,544.63	115,640,798.90	422,626,343.53
1890	50th, 2d sess	89,708,700.00	66,605,344.28	.....	25,297,341.05	8,350,518.30	10,255,795.29	286,646,460.32	108,691,055.95	395,337,516.27
1891	51st, 1st sess	†123,759,368.75	72,226,608.99	25,136,295.00	29,738,282.22	13,295,541.61	7,010,905.27	371,770,057.79	101,628,453.00	473,398,510.77
1892	51st, 2d sess	*g* 164,550,383.34	77,907,222.61	.....	37,410,363.99	9,304,148.62	4,271,531.10	402,531,804.55	122,496,808.00	525,018,672.55
1893	52d, 1st sess	146,737,350.00	80,931,276.73	21,154,218.00	27,065,076.93	15,905,191.50	3,208,922.82	365,738,308.71	121,863,880.00	507,600,188.75
1894	52d, 2d sess	166,731,350.00	84,094,314.22	.....	41,716,311.15	22,277,086.36	520,499.18	404,036,085.29	115,468,273.92	519,504,359.21
1895	53d, 2d sess	151,581,570.00	87,236,509.55	11,643,180.00	34,253,775.55	11,811,004.06	577,956.55	391,156,005.64	101,074,680.00	492,230,685.03
1896	53d, 3d sess	141,381,570.00	89,545,997.86	.....	46,568,160.40	9,825,374.82	9,297,667.37	383,934,564.34	113,073,956.32	497,008,520.66
1897	54th, 1st sess	141,328,580.00	‡92,571,564.22	$12,621,800.00	‡30,406,149.29	17,365,483.07	.....	402,823,782.45	119,054,160.00	521,877,942.45

* The Army appropriation act for 1878 was passed during the special session of this Congress, but for the purposes of comparison is included under appropriations by the Forty-fourth Congress.

† The Army and legislative appropriation acts for 1880 were passed during the special session of this Congress, but for purposes of comparison are included under appropriations by the Forty-fifth Congress.

‡ As passed the Senate.

§ As reported to Senate.

a Fifty per cent of the amounts appropriated for the District of Columbia are paid by the United States, except the amount for the water department, which is paid out of the revenues of that department, and was first included in the bill for 1883.

b Prior to 1881 appropriations for the Agricultural Department were provided for in the legislative acts.

c The appropriations for the postal service are paid out of the postal revenues, and any deficiency in the revenue is provided for out of the Treasury of the United States.

d Includes $28,867,200 for pension arrears, appropriated by special act.

e Includes $9,240,000 for arrears and pension deficiencies for 1880, appropriated by special act.

f Includes $25,321,997.35, pension deficiencies for 1890.

g Includes $20,335,598.34, pension deficiencies for 1891.

I desire to call especial attention to the fact developed by this table that when the Democratic party came into control of the Forty-fourth Congress they reduced the regular annual appropriation $32,000,000 below the average appropriations by Republicans during the five preceding years. And again, that when Republicans fell into control of the Fifty-first Congress they increased appropriations $160,000 a year above the average appropriations by the seven preceding Democratic Congresses.

During the five years immediately preceding the Forty-fourth Congress the average regular annual appropriations by Republicans were..... $181,826,321.52

The Democrats then came into control of the House of Representatives and immediately reduced the regular annual appropriations to..... $149,572,894.44

Thus making an annual saving of..... 32,253,427.08

The Republicans again came into control of all branches of the Government in the Forty-seventh Congress, and they immediately increased the annual average appropriations to..... 264,652,624.96

This was an annual average increase by Republicans in excess of Democratic appropriations of..... 86,034,554.04

Total ...	1,692,752,539.82	652,928,000.62	209,017,903.18	1,846,391,021.44	2,139,540,905.04	6,540,815,617.64	118,145,483.60	2,421,913,048.38	9,080,874,152.62

nual appropriations by Republicans were..... $181,826,321.52

tions of..... 86,034,554.06

In the Forty-eighth Congress the Democrats again had control of the House and they immediately reduced the annual average appropriations to.. 212,652,935.63

Thus making an annual saving to the people of.. 51,999,689.33

During the six years of Democratic rule in the House of Representatives following the Forty-seventh Congress the average annual appropriations were..... 253,587,560.05

The Republicans then obtained control in the Fifty-first, commonly called "the Reed Congress," and immediately increased the average annual appropriations to..... 382,150,961.17

Which was an increase above the average annual appropriations during the preceding six years, when the House was controlled by Democrats, of.. 128,563,401.12

The appropriations for the last session of the "Reed Congress" exceeded any heretofore made by this country in a time of peace; without including anything for rivers and harbors, the regular appropriations were $402,531,864.55, and the total appropriations of that Congress were..... 525,018,672.59

In 1893, for the first time in a third of a century, the Democrats had control of all branches of the Government, and notwithstanding Republican laws which compelled them to appropriate $151,581,570 for pensions, and notwithstanding many other expenses made necessary by Republican laws, they succeeded in reducing appropriations to..... 391,156,005.03

A reduction below the appropriations of the last last session of the "Reed Congress" of..... 11,375,859.52

In these calculations I have confined the figures to the annual appropriations by Congress, regarding that as the most just method of comparison. If we should include permanent appropriations, the comparison with the last session of the "Reed Congress" will be as follows:

Reed Congress, second session..... 525,018,672.55

The first regular session of the Fifty-third Congress—the first time in thirty-three years that the Democrats had control of all the executive and both branches of Congress—the appropriations were only..... 492,230,685.03

A saving of..... 32,787,987.56

Already the appropriations in this Republican Congress, which do not include the miscellaneous and some other appropriations, have run up to $521,877,942.45.

And this and similar legislation run them up until they exceed any Congress in the history of our Government.

Already the appropriations for this Congress exceed by $22,000,000 the average appropriations of the two sessions of the last Democratic Congress.

You have alarmed the country with your profligacy. You are destroying industry. You are retarding prosperity. You are placing a yoke upon the labor of this land which is too heavy for it to bear, and I repeat, Mr. Speaker, when I hear the rumbling sounds, the groans of the oppressed people, I tremble—I tremble for my beloved country. [Applause.] I appeal to this House to halt. I ask gentlemen to consider, to reflect.

Labor Commission.

SPEECH

OF

HON. W. JASPER TALBERT,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, May 21, 1896,

On the bill (H. R. 6119) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital.

Mr. TALBERT said:

Mr. SPEAKER: I offer as a substitute for the bill the following:

Strike out all after the enacting clause and insert:

"That the Department of Labor shall be an executive department, under the supervision and control of a secretary of labor, who shall be appointed by the President, by and with the advice and consent of the Senate; and section 158 of the Revised Statutes is hereby amended to include such department, and the provisions of Title IV of the Revised Statutes, including the amendments thereto, are hereby made applicable to said department.

"SEC. 2. That there shall be in said department an assistant secretary of labor, to be appointed by the President, by and with the advice and consent of the Senate, who shall perform such duties as shall be required by law or prescribed by the secretary.

"SEC. 3. That the secretary of labor shall receive the same salary as is paid to the Secretary of each of the Executive Departments, and the salary of the assistant secretary of labor shall be the same as that now paid to the First Assistant Secretary of the Department of the Interior.

"SEC. 4. That all laws and parts of laws relating to the Department of Labor now in existence, as far as the same are applicable and not in conflict with this act, and only so far, are continued in full force and effect."

Mr. Speaker, I desire on this occasion to submit a few remarks for the consideration of the House on this important question now under discussion. And in discussing this labor bill I desire, in connection therewith, to present some views which I have on the general subject of labor, for if there is any one subject that rests on my mind more than any another it is the question of labor and the welfare of those engaged therein.

To occupy a place, as I do, on the Committee on Labor may, in the estimation of some, be a thing of very little consequence and a place of very little or no honor and responsibility. But, Mr. Speaker, if I had been permitted to choose the committee on which I most preferred being placed, I would have chosen the Committee on Labor, for this committee is, or ought to be, the place where many bills and laws looking to the highest good and best interests of labor and laborers originate; it is the place for the laying of the corner stone and mudsill of all material prosperity and industrial progress and all national honor and pride. For, labor being the foundation of all other vocations, whatever benefits and strengthens it benefits and strengthens them.

Mr. Speaker, it is one of the proudest recollections of my life that I was brought up closely allied with labor and to know what it is to be a laboring man. It has always been the burden of my thought to devise some means by which to aid and dignify labor and to cheer up and relieve the laboring people of our country; for if there ever were any people who need cheer and relief it is the laborers, for history shows that in all ages the laboring man has toiled and tugged and struggled, hardly able to keep soul and body together, receiving only a scant support, while others who know not what labor is have reaped the benefits of it and grown fat and lived in luxury and ease. This has been the history of the laborer in all countries and nations. Whether he was engaged in Egypt, building great mounds and pyramids, or whether he toiled among the ancient Greeks, or whether he fell in among the "robber barons of the Rhine," or whether he was in Rome, constructing the great cathedrals and edifices for the honored senators and Roman officials; or whether he be engaged in modern Europe, or whether he labors in our own great nation, in Pennsylvania coal mines and iron and steel shops; or whether he toils in the great waving grain fields of Minnesota, or whether he eke out a miserable existence between the cotton rows of Texas and other Southern States; or whether he spends his days in the cane fields of Louisiana or in the orange groves of Florida, or whether he struggles for his mere existence in any other field of labor, in the factory or at the forge, the results have been and are still the same. Capital reaps all the reward, and he gets nothing but hardship and toil, and knows nothing of the enjoyment of the luxuries that he labors so hard to produce. But those who do not even so much as turn over their hands are always ready to scoop it all in.

"It is labor that erects the splendid palace, and yet is forbidden to enter it; it is labor that makes the silk and broadcloth, and yet is forbidden to wear it; it is labor that spreads the magnificent feast and banquet, and yet is forbidden to taste them; and it is labor that converts the forest into building material for the home, and yet is forbidden to occupy it."

It is said there are 12,000,000 laborers in this country adding to its wealth at the rate of $7 per day per capita, but they get less than $1 each. Now, who gets the other $6? Important query, and more so the answer.

In 1860 there were but two millionaires in the United States and no tramps, but to-day there are 35,000 millionaires and 2,500,000 tramps. Now, Mr. Speaker, what is the cause of all this? There is most certainly something wrong somewhere, and it should be righted, and in the near future, or there will be trouble and a great deal of it.

As some one has well said, "There is not the slightest reason why the man who labors every working day of the year (and oftentimes Sunday thrown in for good measure) should not be able to enjoy not only all the necessities but some of the luxuries of life, especially those that he labors so hard to produce. In short, the man who produces should be as well able to provide for his family as the one who speculates on his productions." For, as has been well said, the cornfield statesman and country schoolhouse orator made this country what it is, saved it intact, and must preserve it, if it is preserved at all. Therefore, Mr. Speaker, I think something should be done to help to relieve this condition of labor and laboring people. Something should be done to dignify labor and to elevate it, and to change that degraded view that most people have of it and to place the laborer where he will be enabled to enjoy at least the necessaries of life that he labors so hard to produce, if not the luxuries.

For this reason, with others, Mr. Speaker, I feel disposed to vote for this measure now before us, if it be properly amended so as to eliminate its objectionable features (the appointive power it vests in the President, etc.), provided I can not get what I want and what I think best—the establishment of a department of labor, etc., in the shape of the substitute I have offered.

I feel that the reasons assigned by the committee that reported this bill for its enactment into law, if applied to the bill as amended or to the substitute, are ample to justify us in supporting it, but I desire, Mr. Speaker, in the course of my remarks to assign some other reasons for its passage after having mentioned in a brief way some of the objects of the measure.

Briefly stated, this commission contemplates a commission to be composed of 21 members, 7 of which are selected from each of the three great divisions of productive effort—labor, agriculture, and commercial pursuit. Now, Mr. Speaker, this is too many, and the number should be reduced, and the provision allowing each subdivision of the commission a lawyer should be stricken out.

The duties of this commission are to investigate questions pertaining to labor, to agriculture, and to business, and to recommend to Congress such legislation as it may deem best upon these subjects.

Five of the Commissioners from each branch are appointed by the President, and the other 2 are elected by the 5. I am opposed to giving this appointive power to the President and thus increasing his patronage, but think the commissioners who are to represent the several branches of industry should respectively be elected by those who are engaged in that branch. They are all paid $5,000 a year, which is too much. It should be reduced; and they hold office for two years. There is also a provision which is intended to preclude the possibility of the commission being partisan. The provision which prevents this commission from being perpetual, but limited, is a good one. This bill, as it stands, will cost more than it will come to, and hence I can not vote for it even if the substitute offered by myself fails, unless it be amended otherwise so as to conform to my views.

The first question which naturally arises in the consideration of this measure is, What is the necessity for it? What is the necessity for any legislation on this subject? I desire to meet this question fairly and fully, because it will be relied upon more than any other by those who oppose the measure. They will say that there is no necessity of incurring this expense to simply have legislation recommended; that members of this House will at last be compelled to expend the same labor and pass upon the merits of each proposition. These and many other plausible objections will be urged to show that there is no necessity for the creation of a commission as provided in this bill, or even for the establishment of a department of labor, the object of which is to protect labor. I will not take up these objections separately, but simply present an affirmative argument, which I believe meets and overcomes them all at once. I lay down this proposition: There may be a necessity for a commission of experts, composed of an equal number from each of the three great branches of productive industry, for the purpose of technically examining and agreeing upon what legislation may be accorded one branch without being detrimental to either or both the other branches. This necessity grows out of and is a natural result of modern progress and development in productive pursuits. The world has been progressing rapidly since the commencement of the commercial era, and to-day has reached the highest point of development ever known to man, and in this great march we to-day lead every other nation on the globe. Our labor is more intelligent, competent, and productive than that of any other country. Our agriculture far exceeds that of any other nation, and our business pursuits are without a parallel. The growth and development of these great productive branches has been attended with more or less friction. Each being intent on its own objects, it is not strange that at times they demand things inimical to the best interests of some others.

For convenience sake, in illustrating this subject, let me divide the people of this nation into two classes, the producers and the exploiters. The former includes all labor, agriculture, and business (by business I mean not only all commercial pursuits, but manufacturing, mining, transportation, etc.), and the exploiters include capitalists, speculators, money lenders, politicians, and all that class of parasites and drones who filch a living from productive labor by means of their wits and their rascalities. Again, let me divide the legislation proposed in this body and regulating the relations between citizens into two classes: First, that affecting the relations between the exploiter and the producer; and second, that affecting the relations between producers of different kinds.

In considering all the legislation proposed here which affects the relations between exploiter and producer we can manage those questions if we are endowed with honesty, patriotism, and common sense. True, they are often complicated and intricate, but no technical knowledge is necessary to enable a man of ordinary intelligence, properly imbued with devotion to the best interests of his country, and true to his constituents, to detect and expose the selfish greed of the exploiter in bills granting class privileges and immunities, and those endowing vested rights which are really a function of the Government itself. Much might be said upon this feature of the question, but I will take up that feature bearing more directly upon the subject of this bill.

The amount of legislation proposed here which affects the relations between different kinds of products is very great, and has in recent years taken up nearly the whole time of the Congress. The committee rooms are constantly besieged by representatives of different industries desiring to be heard, and every member is flooded with demands in favor of or against legislation of this class. I give every member of this House credit for a desire to dispose of all this class of legislation in a manner for the best interests of all concerned, and it is no reflection on our intelligence to say that very few of us are qualified to properly consider all these questions merely at a glance. This is unavoidably true, because they often involve technical detail that can only be mastered by a specialist. It is to facilitate the proper consideration of this class of questions (and they comprise the greater portion of legislation offered) that this commission or any legislation in this direction is proposed. The great necessity for this must be apparent, and should, in my opinion, be an answer to all those who object on the grounds previously stated.

Having now shown, as we think, the necessity for a labor commission, or for something in this line, let us see how it would probably be conducted under the provisions of this bill and what the probable result would be. Under a separate department the work would be done a great deal cheaper.

When legislation is demanded by either of the great branches of production it will be presented to this commission, where both the other branches are equally represented, and where all the evidence in favor of and against its passage may be collected and prepared for our reference and an expert examination made as to its merits and demerits. The fact that each branch is represented by only one-third of the commission is a guaranty that no measure in the interest of one branch will receive its sanction if it conflicts with the best interests of the other two or either of them. This is a great safeguard and will be a great help to us, because we are now often called upon to vote for measures in the interest of one class of producers when we do not know and have no means of ascertaining, for want of expert knowledge along this particular line, its effect upon other equally meritorious industries. Now, right here, I believe that a secretary of labor, as a Cabinet officer, could do this work and do it much more economically, as the Bureau of Labor is already established, upon which the department could be built with an assistant secretary, etc.

Then, too, Mr. Speaker, this commission or this department of labor would be a great educator to our people; for its object, as stated in the title to the bill, is "to collate information, and to consider and recommend legislation to meet the problems presented by labor, agriculture, and business." And in order to do this, it will be necessary for them to thoroughly investigate the causes (so far as they can) of the thousands of strikes and lockouts we are now having every year; the general downcast condition of the laborer; the constantly falling prices of farm products, and depreciation of farming land values and the generally depressed circumstances that surround the farmer; the constant drifting of money into certain channels, and the great centralization of wealth, etc. And the people will get the benefit of all this information, which will be comprised in their reports from time to time, until their labors are finally done. And this will better enable them to know the causes of their general hard times, etc. They will thereby become educated along these lines at least, and it is of the utmost importance that they should, for the laboring people of our country have had sand thrown in their eyes for the last thirty years or more, in the shape of legislation that claimed to be for their relief, when in reality it was directly against them. And it is well that they should be posted on all these points, that they may know how to vote intelligently to send men here who will favor legislation that really is to their interest.

I do not claim that this bill is perfect, or that its workings will be all that could be desired, but I believe it to be a step in the right direction, and it is plain that something is needed.

It may be, Mr. Speaker, that time will demonstrate the necessity for the classification of all productive and useful pursuits into a given number of classes or divisions (say, thirty or forty), and that each class or division have representation according to its numerical strength and importance in a third house or industrial congress, or it may be that time and experience will demonstrate the wisdom of abolishing either this House or the one at the other end of the Capitol, and substituting such an industrial house, with equal representation according to industrial pursuit, in the place of the defunct relic of political domination. I wish it understood that I am not advocating this great innovation, but I say time and experience may demonstrate the wisdom of some action along this line, and certainly the present system of two partisan political

Houses can, in the light of the experience of recent years, have but few defenders, and just in this connection, Mr. Speaker, I wish to say that I think one of our greatest needs is for a constitutional convention to be called to right a great many national political evils that are now prevalent.

I am heartily in favor of such a call. Both Houses seem solely intent on conducting matters so as to gain some partisan advantage, while the wants and needs of the great productive interests, the wants and needs of the great masses of the people, are sadly neglected, or even sometimes injured, hampered, plundered, and in places destroyed by legislation for partisan purposes. We now see one House pass a measure known to be popular with the people, which they would not dare pass but for the knowledge, and perhaps agreement, that the other House will defeat it. And in this way, the existence of two political Houses is used by the party machine of both parties to present a smiling front to both the producer and the moneyed exploiter, who is seeking legal privileges and immunities by which to appropriate the proceeds of production. And I have only to read you a clipping from a Kansas paper to show you how well they are succeeding in their diabolical schemes. This pertains only to the State of Ohio, but is a fair specimen of the general condition all over the country. The Ohio State board of equalization shows that the appraised value of farm lands in that State has decreased $98,000,000 in ten years. And yet the National Census Report shows that during the past ten years the wealth of Ohio increased $243,000,000; while the State has grown $243,000,000 richer the farmers of the same State have grown $98,000,000 poorer. Can you explain this curious piece of business? Nobody could possibly have produced that wealth but the farmer and the laboring man, and it rightly belonged to them, but not only were they not allowed this $243,000,000 of increased wealth, which they themselves had produced, but they had taken from them $98,000,000 of what they already had. Now, gentlemen, is this right? Is this just? If robbery, theft, and plunder is right then this is right.

Statistics show, too, that while the farmer owns less than 22 per cent of the wealth of the country, yet he pays over 80 per cent of the taxes levied and collected. "Two-thirds of the wealth of the country is not assessed one farthing for purposes of taxation, and yet the Government has the power to force every taxpayer in the land to offer his life in defense of that untaxed wealth. With all his facilities for transportation, which are equal to the productive power of the country, and his accessibility to markets, he is forced to sell his products at prices barely covering the cost of production. In the great agricultural State of Iowa the mortgage indebtedness on farms alone is $104 per capita; in Kansas, $165; in Illinois, $100. And from Maine to the Rocky Mountains, and from the Lakes to the Gulf, the farmers are overburdened with debt." And why is it, Mr. Speaker? The farmer and the laborer are the only living people who really and actually produce anything—who bring anything into existence more than we already have. They are the only ones who actually produce wealth; and yet, while it is an admitted fact that the United States is growing richer and richer every year, still these very people who are bringing it about are getting poorer and poorer each day as they toil. Now, if it is a fact that these people toil and work and produce this wealth, and do not get it (or a part of it, anyway), it is simply because they are discriminated against; it is because something in our laws is radically wrong. So let us, at least, take one step in the right direction and pass this bill, or something in this line that is better, which will tend to relieve this condition of affairs in a small measure, anyway, by better looking after their welfare.

I desire here and now to go on record as one who violently condemns the neglect that the Congress of the United States has given the interests of the producer, and I challenge any man to stand before me and defend the undue prominence given to the wishes of the party machine by the members of the parties in Congress and the servile readiness with which many members respond to its slightest request. The party machine in a Presidential contest uses millions of dollars; and the great question which concerns every patriotic citizen is, Where do they get it? One does not have to examine far to be convinced that they sell offices and legislation for it. And that is not the strangest part of it. The machine is an autocrat, responsible to nobody, and has nothing expected of it but success. It is not strange that it would resort to any means calculated to secure success. But it is strange that men will come here to fill the high honor of a member in this House, take the oath, and then cooperate with the machine in delivering the goods it corruptly sold, and pander to the wishes of a favored few.

My stand is in favor of less partisan politics and more statesmanship in Congress; less party and more wisdom, patriotism, and honesty. It is on this high plane that I ask the careful consideration of this bill and the substitute I offer. It is a measure calculated to assist those who desire to legislate for the general good. It is not a bill calculated to grant any special privileges to labor, and I feel that I voice the sentiment of the great mass of the producers of this nation when I say that labor asks no special privileges, and desires none. All that labor needs is a fair and equal opportunity, with no discriminations for or against it; and under our system of government it has a right to demand that at our hands. But has it received it in the past? Has the laboring man been treated as he should have been? The fact that from 1880 to 1886 we had 3,902 strikes in the United States answers the question itself, and the following clipping goes to confirm it:

Seventy persons in the United States are worth $2,700,000,000; 31,000 people own over one-half the wealth of the country; 100 persons in the United States own $3,000,000,000 of wealth; there are 1,000,000 people out of work in the United States; there are over 500,000 tramps; 10,000 children die annually in the United States for want of food; in 1880 there were 57,000 homeless children in the United States; out of 2,000,000 people who inhabit New York City only 13,000 own homes; the last census showed 9,000,000 mortgages in the United States, or one to every seventh inhabitant.

Now, gentlemen, these facts show how one class is pampered and another plundered.

I have the honor to represent a district composed almost exclusively of producers. They are industrious, frugal and energetic, patriotic, virtuous, and devoted to principle. They are, perhaps, as prosperous as the average, but they are not as prosperous as they should be, simply and solely because they have been discriminated against; and they understand it, too. They know it, and still they would consider me recreant to the trust reposed in me were I to come here asking any special favors in their behalf. They want no special favors; but I give you warning that they demand justice, and if they do not get it they will know the reason why. The class legislation that has enriched the few at the expense of the many and is now fast concentrating the wealth of the nation in a few hands must be stopped, and that speedily, if the present form of Government is to be maintained by the people who pay the taxes for its support.

I said the laboring people did not ask for class or special legislation. So they do not; but suppose they did; it being an undisputed fact that labor is the foundation of all other vocations, if you pass a law benefiting or strengthening labor (the foundation) would it not benefit and strengthen all that rests on it—and everything does. Therefore everything would likewise be benefited thereby. The stronger the foundation the stronger the structure erected thereon. Whenever the farmer and the laborer cease operations all other avocations and professions will do likewise. Whenever the plow stands still in the furrow the fire will go out in the furnace, the blacksmith's anvil will cease to ring, the hum of the factory will be hushed, the preacher in the pulpit will be silenced, the lawyer will be without clients, the doctor unable to practice, and all industry, enterprise, and business will be utterly paralyzed. But if the plow moves successfully on everything else will follow suit. Therefore let us see to it that it is protected and cared for.

Men tell us that the distressed condition of labor, with its millions of tramps, its child labor, its sweat shops, its strikes and its lockouts; the distressed condition of agriculture, with its mortgages and annual losses, and the critical condition of business, with its failures, bankruptcies, and panics, are all the result of natural and unavoidable causes, and that it is impossible to legislate anyone rich; that these people could only get money by giving full value for it, and so on. But I say that all such arguments are an insult to the intelligence of the producers of this nation. They know (at least they do in my district) that the laws of Congress have enabled certain classes to amass colossal fortunes at the expense of the producer, and hence some have been legislated rich and many poor. Let me give an example:

Before the war there was a class of men who stayed at home and made large fortunes and found themselves possessed of a vast amount of money after the war closed. The producers, both North and South, at the close of the civil strife went home and went to work in earnest, little dreaming that a more deadly enemy could attack them through their trusted representatives in Congress than the one they had just fought over. But such was the case. This moneyed class, which I shall dignify by the name of exploiters, induced Congress to take their money and give them long-time, interest-bearing bonds and burn or destroy the money for which the bonds were given. The people at the time did not realize the full effect of this exchange, and it passed with only criticism of the interest expense. But time soon demonstrated that the interest was a mere bagatelle compared to other effects. The changing of the money of the nation into a bonded debt lessened the volume of money in circulation; and prices of products and everything else fell accordingly, as I have said before on this floor.

It is easy now to demonstrate that the fall in prices has been such that it will take more of the products of labor to pay the present debt than it would have taken to pay the total debt of 1867. And further, that the payments made from time to time of interest and principal, reckoned in products at prices current at such times, aggregate products sufficient to have three times paid the entire debt in 1867. In addition to this, the productive class was injured in a much greater degree by the disturbed relations between them and the exploiters. The latter had planned this contraction, with the consequent increase in the purchasing power of

money, and they converted their wealth into money, which they offered to loan to the producers, who in their zeal, in the laudable effort to prosper by developing the national resources of our great country, borrowed the money, reasonably expecting, as they had a right to do, that the Government would protect each man alike in the enjoyment and possession of the fruits of his labor. But they were mistaken; the Government contracted the volume of money faster than they could reduce their debts, and many a man found himself, after making payments for years according to contract, compelled to let his whole farm go to settle a relatively small balance, which, nevertheless, represented more of the products of his labor at that time than the entire debt did at the time it was contracted. Thus the exploiters not only filched the Government, but they were authorized by law to rob the producer; and their colossal fortunes show how well they have done that.

I say that these and similar acts by Congress have been the most destructive enemies productive labor has ever had. Labor has been betrayed on this floor, where it has sent men to represent it. I do not mean to say that the exploiters came here and bribed Congressmen to betray their constituents; but I do say that I believe the machine of the Republican party became as corrupt as hell itself during its long lease of power following the war. And the men who contributed the campaign funds ran the machine. The only regret I have in laying this charge at the door of the Republicans is that should they return it to the door of the party to which I belong at this time I possess neither the disposition nor the ability to deny the charge. But I can say and do say that I am a Democrat of the old-fashioned sort that stands upon principle, and do not propose to submit to machine dictation in politics any longer. And I here and now give notice to all concerned that the people must assert themselves and take charge of the Democratic party and run it on Democratic principles, independent of machine domination, or it deserves to be forever wiped from the face of the earth, and it will be done, and the Republican party also.

I have gone over this ground to show that the productive interests have been discriminated against by the laws of Congress; and I have attempted to show that such discriminating laws were not necessarily the result altogether of personal treachery and corruption on the part of the Congressmen who enacted them, but that they resulted from the system of allowing the party bosses to control the legislation. And I have admitted that that system, inaugurated and perfected by Republicans, was equally wrong when perpetuated by Democrats.

Now, I make an appeal to you as statesmen; let us stop all class legislation, and let us as speedily as possible repeal every law that gives one citizen an advantage over another. I believe you will every one agree to that, and if you do, let us accept the substitute I have offered; or if you will not do that, then let us pass the original bill, with the needed amendments, as a means of getting the data and information that will enable us to act intelligently on all questions that pertain to labor, as well as all others.

Mr. Speaker, it has been the case for years that the demands of nearly everybody upon Congress, except the laboring classes, have been heeded; but whenever they ask for a measure they are promptly told that "it's unconstitutional," or something of that sort.

It reminds me of the young farmer boy who fell in love with the daughter of one of his wealthy neighbors, to which the neighbor was bitterly opposed. But the girl herself was rather fond of this boy, and gave him considerable encouragement, and he insisted on visiting her occasionally at her home in spite of the protests of her parents. So he called in to see her on one occasion, and while there meal time came on. The dining room being used as a combination dining and sitting room, they were all sitting together in that room, and as the meal was placed on the table the old man gathered all his family around the table and asked the blessing, and did not invite this young man to eat with them at all, which, as a matter of course, very much wounded his feelings, as well as made him angry. But the old gentleman, as he and his family began to eat, said to this young man: "Well, John, is there any news over your way?" "Yes, sir; there is," he grumly and sharply replied; "dad had a cow t'other day that had five calves." "My, my," replied the old gentleman, "that is news, indeed; it's wonderful. Why a cow only has four teats, John; what does that fifth calf do?" "He just stands off like a darned fool and looks on like I'm doing now; that's what he does," replied the boy.

This is the way the farmer and the laborer have to do at Uncle Sam's table; they are the fifth calf, and have to stand off and look on while the favored few dine. But now, gentlemen, let us turn over a new leaf in national legislation; let us invite them to the table and at least give them a crust or a crumb; let us give them this bill, or something of the kind; let us discriminate against them no longer; let us adopt them into the family, where they can sit down and eat in common with all other businesses and avocations and feel that they are welcome and at home. Let us give give them a department of labor, with a Cabinet officer, or establish the commission to investigate this great centralization of wealth and power, this grinding down and oppression of labor; for if it long continues, sad will be the fate of our proud and powerful nation, for centralization of wealth and power always precede disintegration, overthrow, and final destruction. "When Rome went down 1,800 men owned all the world;" "when Babylon went down 2 per cent of her population owned all her wealth," and "when Egypt went down 2 per cent of her population owned 97 per cent of her wealth." And to-day, in our own United States, three-fifths of our entire wealth is owned by 34,000 persons; less than one-twelfth of 1 per cent of her population.

What does this mean, gentlemen? Do you see anything threatening in it? Abraham Lincoln showed that he understood something of its meaning even as early as 1865, when he said:

I see in the near future a crisis approaching that unnerves me and causes me to tremble for the safety of my country. As a result of the war, corporations have been enthroned and an era of corruption in high places will follow; and the money power of the country will endeavor to prolong its reign by working upon the prejudices of the people, until all wealth is aggregated in a few hands and the Republic is destroyed. I feel at this moment more anxiety for the safety of my country than ever before, even in the midst of the war.

Now, gentlemen, let me urge you, take warning and change your methods of iniquitous class legislation in favor of wealth and capital and do something for labor. "But," think some of these great big bushy-headed statesmen who sit up here on the people's great watchtower and look wise like owls, "the people be damned; we care nothing for them except during election times." And when they cry up to you, "Watchman, watchman, what of the night?" the answer goes ringing back, "All's well; all's well! Plow on, boys; plow on! We'll be down in the fall to get the fried chicken and the votes!" As much as to say, "That's all you poor, ignorant devils are fit for. We've got all the brains; we've got all the intelligence and the learning, and you have none. All you are fit for is to plow and vote for us."

I will tell you, gentlemen, those of you who may entertain such a low idea of our laboring people are wide of the mark. Mr. Mason, a farmer of Virginia, was one of the members of the National Constitutional Convention, and when the Constitution was completed he refused to sign it, having eleven objections. He went back home to his people and was elected to the Senate, but he refused to serve, saying the Government was not a republican form of Government; and at the first session of Congress ten out of eleven of his objections were incorporated in the Constitution as amendments. And this eleventh objection was to the powers given the Federal judiciary; and it was, I think, a very timely objection, for this is indeed a day of injunctions by our courts. Now, this was the work of a common farmer, and, you may say, a laboring man; and none will deny its good, sound, common, practical sense and wisdom, and that it is for the good of the country at large, in spite of the fact that it was originated by a farmer.

Those who may have these mistaken ideas as to the intelligence, and its possibilities, of our laboring people have only to look at history to be convinced of your error. Look back through its pages, and see whence, from time immemorial, have come our grandest, noblest, and greatest men. Did they come from the ranks of those who were born with silver spoons in their mouths, and reared in the lap of luxury and ease, and taught that labor is degrading and disgraceful? No; they came from the ranks of those who were born with pewter spoons in their mouths, and reared in the lap of labor and struggle. Did they come from the ranks of those whose parents were wealthy and dwelt in splendid palaces with brownstone fronts, where the sunlight gently gleamed through stained and painted windows, and laughingly danced upon the beautifully frescoed walls? No; but they came from the ranks of those whose parents were poor, and dwelt in the rude log hut, where the sunbeams slowly entered through the little cabin window and sadly danced upon the crude log walls. Would that on this occasion I were endowed with the powers of oratory to express myself on this question of labor as I would so much like to do. Had I the eloquence of a Calhoun, a Clay, or a Webster I would bring tears to the eyes and aching to the hearts of those who would unfairly treat, abuse, and oppress the laborer. I would gladly reach down and take him by the hand and call him brother and raise him up and place him upon that high, respectable, and elevated plane on which he so well deserves to be placed. And I would, with that eloquence, strive to convert this House from its present goldbug ideas of legislation, and so fill their hearts with the good of the common, laboring class of people of our country that they would, with one accord, rise up in their might, like the true representatives of the people that they ought to be, and put down and wipe out all class legislation, and put only such statutes on our records as would be for the good of the whole people. Sooner or later this will be done; it must be done; the people are not going to be satisfied with anything less.

Mr. Speaker, I do not think I am a sensationalist or an alarmist;

I do not think I am a communist, or an anarchist, or a socialist; but if I know myself, I am an honest, straightforward, peaceful, but liberty-loving citizen, and one with my country's good at heart and the best interests of all our people; but I do want again, as I have done in nearly every speech I have made on this floor during the short time I have been here, to warn this House of the just and righteous wrath of a disturbed and oppressed, but a proud and determined people. And if you would continue the reign of peace in this country and preserve our grand, proud nation from ruin you must come to the relief of laborers. Already at different times and in different ways their discontent, unrest, and impatience have been manifested; and unless there comes a change, and that speedily, unless the voice of the masses is heard and heeded, I tell you, Mr. Speaker and gentlemen, that forbearance will soon cease to be a virtue and (while I am by no means in favor of it, and God forbid that it should come) an angry and enraged people will in person appear at the gates of justice well armed and demand their rights in no uncertain way. So now let us declare peace before it is everlastingly too late and do something for these people, for when once the flag of retribution and wrath is raised it is too late to cry peace! peace! Then there is no peace. I will tell you, gentlemen, unless something is soon done I am afraid the day is not far distant when the great laboring element of this whole country will rise up in arms and march to the doors of this great Capitol building and there justly cry out in thunder tones, in the language of the immortal Patrick Henry, "Give us liberty (relief) or give us death."

Labor Commission.

SPEECH

OF

HON. JAMES J. WALSH,

OF NEW YORK.

IN THE HOUSE OF REPRESENTATIVES,

Thursday, May 21, 1896,

On the bill (H. R. 6119) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital.

Mr. WALSH said:

Mr. SPEAKER: I favor the appointment of a labor commission and desire to vote for this bill, although I confess the argument that it is an expensive experiment is not without reason. A very short time was given to the discussion of the immigration bill passed the other day—too short a time for such an important subject—because, while some of the friends of the bill as it was introduced professed anxiety to pass that bill in the interests of labor, I am very much afraid that a great many others supported it from entirely different motives. It was aimed principally at immigration from southern Europe—at this time principally Italian—and, as far as we could discover the direction of the law on its face, at illiterates.

All unworthy classes are excluded under present laws. We did not stop to consider all we were doing. We were reversing the policy of our own nation as well as that of every other civilized country. Even under the most distressing circumstances no civilized nation has ever closed its gates to immigrants from other nations.

China closed herself in, refused intercourse with the world, but in time she was compelled to change her position. Russia complained of the Jews—Russia, the most absolute Government on earth—yet with all its absolutism it did not dare in the face of the civilized world to close her doors to them, but began by her persecutions of them to do by indirection that which she dared not do by direction; and from nowhere in the civilized world was a more vigorous protest made against that persecution than from these United States. I have received petitions since I have been here asking me to favor the exclusion of all foreigners, especially the Irish, the Italian, and the Jew, and I can not accept the spirit in which these petitions are written as truly American. I am against the exclusion at this period of our history of any worthy immigrant, no matter what his race or religion may be, and I wish to say that I have had frequent and constant opportunity of seeing perhaps as closely as one could see the conduct and character of the Italian colony in the city of New York, and I can personally refute the statement that they come here temporarily, with no intention of remaining or of becoming citizens in this country. I think the poll lists of the country will tell a different story; so will our real-estate records, and our school rolls, where their children are being educated, where we were educated. There is not a profession or occupation that they are not engaged in, and their national characteristics are such that they succeed in nearly all occupations. On the whole, they are an intelligent people, and when I say this I am mindful of the fact that a great number of them come here illiterate. That is not their fault; and this fact is shown by their ambition and energy when they reach here. I will not speak of the Irish or the Jew. Ireland was the land of my ancestors, and the success of Irishmen here and the world over speaks for itself.

The Jew has demonstrated his ability to take care of himself, too.

This much I say on the question of excluding immigrants, because I think the bill now before us is much better statesmanship. What all these elements want is direction and information, an opportunity to distribute their labors which will be of advantage to the country of their adoption and of material advantage to themselves. This bill is a step in that direction. I believe it will draw labor from congested quarters and place it where it can best be utilized, and perhaps best paid. I therefore trust that this measure will pass.

The Pickler Pension Bill.

SPEECH

OF

HON. CHARLES H. GROSVENOR,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 25, 1896.

The House of Representatives being in the Committee of the Whole on the state of the Union for the consideration of the Pickler pension bill—

Mr. GROSVENOR said:

Mr. CHAIRMAN: It had been my purpose to speak at greater length on the subject of this bill than I shall feel justified in doing at this time, for there is such a demand upon the committee for time that I will only outline very briefly my views upon the important matter pending here now.

If I had my way I would make some amendments to this bill. I have studied it with a great deal of care in the light of my knowledge and observations of the pension question, and I am going to discuss it as a matter of practical business and not as a matter of politics. It has been one of the hopes and aspirations of my public life that I might live to see the time when the question of pensioning the men who saved the Union in the hour of its peril would cease to be a question that could by any possibility be dragged into party politics. I have always opposed the introduction of political considerations into the management of eleemosynary and reformatory institutions in my own State, and in this by a much stronger reason am I impelled to denounce the dragging of the various questions that arise along the line of pensions into the mire and dirt of party politics. I would lift this question out of politics and place it upon a permanent basis that could never again afford an opportunity for manipulation for or manipulation against the interest of the men who are asking for pensions in this country.

Along this line of thought I desire to say that, in my judgment, reversing the opinion that I held upon this floor in the early part of my service here, I do not believe that the condition to which I am looking will ever be reached and the aim be accomplished until the open door to a pension certificate and to a place upon the pension roll of the country will be simply a certificate of honorable service and honorable discharge, and nothing more.

Mr. PICKLER. That is right.

Mr. GROSVENOR. So long as this machinery of the Pension Bureau throughout the country is maintained, there will be manipulation and political agitation upon this question. There will be crimination and recrimination so long as we have these pension boards at the county seats in the various counties of the country passing upon the degree of disability of the soldier; and so long as we have a Pension Bureau in Washington that undertakes to parcel out the generosity of the Government by what General Harrison very aptly called "the apothecary scale, weighing the amount of disability," we shall always have this political manipulation and political interference.

I have not time now to discuss my views at large upon this question, but I believe there can be no better solution of the problem than to put it on one of two systems, either to draw pension for honorable service, regardless of the length of time, maintaining the disability pensions that exist, for we can not get rid of them, or taking the per diem or length of service system and administering the whole system upon that plan. Now, incidental to our present system, we have abuses and errors that have crept

in, and some of them are sought to be remedied by this bill, and some of them will be remedied by this bill, notably the question of disappearance, the absence, unexplained, of the husband of the applicant for a widow's pension.

Mr. MILES. Will the gentleman allow me to ask him a question?

Mr. GROSVENOR. Yes, sir.

Mr. MILES. Have we not already provided for that in the bill that has received the signature of the President?

Mr. GROSVENOR. I think so; but it is in this bill again. That is a wise provision, and I do not stop to inquire who first, in ignorance of the known principles of law and of the rules of evidence, inaugurated that practice. I do not stop here now to inquire when it was and by whom it was established as a rule of the Department, but I do say that it is greatly to be regretted that such a rule ever was established, for it was a flat reversal of all the rules of evidence which we have had knowledge of ever since we began to know anything of the rules of law in this country based upon the common law. It was a common-law proposition that if a man disappeared and his disappearance was unexplained for seven years there arose a presumption of his death, and that presumption was only overcome by proof of his being alive, and estates have been administered and distributed upon the adjudication of the death of the owner when the only knowledge of his death was that he had disappeared and that his disappearance was unexplained. And yet it has been within my knowledge that men have disappeared as though the ground had opened and swallowed them up, and for thirty years the Pension Office has refused to admit the death for the purpose of a pension for the widow.

Mr. BARTLETT of New York. Do you as a lawyer think it a good practice to reenact a law already in force on the statute book?

Mr. GROSVENOR. No, sir; I do not. I do not know why this provision is put here. I assume that it is in this bill. I think that during the debate upon that question the chairman of the committee or some member of the committee told me it was already in this bill.

Mr. MILES. That was the force of my question.

Mr. GROSVENOR. If I had the power, and the opportunity were given, I would move to strike out that section if it has already been enacted into law.

Mr. BARTLETT of New York. Will the gentleman allow me to ask him a question?

Mr. GROSVENOR. Yes, sir.

Mr. BARTLETT of New York. When the leaders revised the original Pickler bill, why did they not strike it out?

Mr. GROSVENOR. Mr. Chairman, I do not recognize "leaders" in this matter.

Mr. BARTLETT of New York. Does not the gentleman recognize the fact that he is one of the leaders?

Mr. GROSVENOR. I do not. I recognize myself as barely able to lead myself in my conduct.

Mr. SULLOWAY. I will state to the gentleman that that bill covered only the officers and enlisted men, and this section covers all.

Mr. GROSVENOR. Then there may have been some reason for it.

Mr. GIBSON. That is the reason.

Mr. GROSVENOR. That seems to be quite sufficient.

Now let me go forward a few seconds. If I had my way and were it not for the peculiar situation in certain sections of the country I would vote to strike out the first section of this bill; but, Mr. Chairman, I recognize the situation in two or more of the States of this Union among the men to whom we owe the highest obligation that a country can owe to its citizens. There were in East Tennessee, as well as in other sections of the country, large numbers of men who were conscripted by force into the rebel army, and who were as loyal Union men as ever bore arms in support of the Constitution of this country; and it has been impossible under existing law for them to be pensioned.

Now, it is said that this bill will pension a large number of men who are undeserving by reason of their service in the Confederate army, and I fear that that is so; but I know of no way to reach those who are entitled to our favorable action without hazarding exactly the danger which was complained of by my colleague from Ohio [Mr. LAYTON] on yesterday and by the gentleman from New York [Mr. BARTLETT] this morning.

Mr. MOODY. Let me ask the gentleman, is it not possible to draw a provision more carefully guarded than this, which will include the one class and exclude the other?

Mr. GROSVENOR. I think possibly that may be done, and if it can be done it ought to be done.

Mr. PICKLER. As to the number of these men, let me say that there were only five or six thousand of them at the start. The statistics show that half of those are dead. All through the Harrison Administration those men were granted pensions, and those who were wounded or disabled in the Union service have always been admitted to pension. The only ex-Confederates who come in under this bill are those who would come in under the law of 1890, and their number is inconsiderable after all.

Mr. GROSVENOR. I trust that is so, and upon that ground this section is perhaps tolerable. But there is nothing that is more intolerable to a Union soldier, and to those of us who were not Union soldiers, because we have all the same sentiment upon the subject, than the idea of granting pensions to men who voluntarily fought on the other side. I have not any objection to the people of the South pensioning their soldiers. I am glad they do it. I have not any objection to their giving them honor. But I do object to a provision in the law of my country which, under any circumstances, can be made an instrument by which may be pensioned the man who deliberately or indifferently went into the service of the Southern Confederacy, and afterwards, when the flag of the Union began to float above the mountains of his native State, came into our service and was honorably discharged in the end.

Mr. BARTLETT of New York. Does not the gentleman think——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSVENOR. I ask for ten minutes more.

Mr. MILES. I ask unanimous consent that the time of the gentleman from Ohio be extended for ten minutes.

There was no objection.

Mr. GROSVENOR. Now, if the gentleman from New York desires to ask a question, I will try to answer it.

Mr. BARTLETT of New York. Do you not think that the provision of the act of March 3, 1877, allowing pensions to ex-Confederates who were wounded or disabled in the Union service in the line of duty is sufficiently broad?

Mr. GROSVENOR. It is sufficient certainly for those wounded in the service; but I do not think that at this late date I would make the distinction. With my knowledge of East Tennessee and of the mountains of Tennessee and of some of the men of West Virginia, I do not think I would draw the line on the mere matter of the men being wounded or disabled. It must not be forgotten that there were thousands of men placed in a most pitiable position by reason of the proximity of the Confederates upon the one hand and the Union troops upon the other. War menaced brothers and sisters, war menaced neighbors and friends, and men were driven from their homes who would gladly have remained and met the Union Army upon its arrival. They were forced either North or South as the exigencies of the occasion required, and I will not be the man at this late date to judge whether the men of East Tennessee and of other sections voluntarily or involuntarily were forced into the Confederate army.

Now, passing along, there are some splendid provisions in this bill which entitled it to the support of every friend of the Union soldier, in my judgment, although I do not wish to raise any controversy with the gentlemen who have drawn lines of criticism upon some of its provisions.

Mr. McCALL of Tennessee. I understand the gentleman to state that he opposes the idea of pensioning those who have Confederate records, who went voluntarily into the Confederate army, and afterwards left it and joined the Federal Army.

Mr. GROSVENOR. Yes; I am opposed to that.

Mr. McCALL of Tennessee. Did not the Government of the United States all through the war gladly accept the services of every Confederate soldier who left that side and swore allegiance to the Union and joined the Federal Army?

Mr. GROSVENOR. I believe it did.

Mr. McCALL of Tennessee. Then, if that be so, ought not those men to be placed on the same footing with other Union soldiers?

Mr. GROSVENOR. I do not know, but I would make a slight difference now.

Mr. McCALL of Tennessee. But it would not be so strong, I hope, as the gentleman stated it at the outset. [Laughter.]

Mr. GROSVENOR. Well, Mr. Chairman, I shall vote for this bill. I shall do it upon the ground of my personal knowledge of the injustice that has been done to the men of the gentleman's own State and of the States surrounding it. I wish that the third section of this bill had been more definite and certain, but it is a wise section, even in its present form. Following along very rapidly—for I can not go into detail in my limited time—the fifth section of this bill presents a remedy for one of the great evils that we have labored under in connection with our pension system. The idea that there ever was established in the Pension Office a rule in contravention of every rule of evidence known to the courts of the civilized world; a rule making a distinction, in the strength of the evidence presented in behalf of a pension claim, between the man who, by the accidents of the service, had a commission and the man who was prevented by the accidents of the service from having a commission, is something astounding to me. We now

get rid of that distinction, but why it was ever established I do not know. If the distinction was made on the assumption that the man who wore shoulder straps was a more truthful man than he who did not, I deny that that basis was a sound one.

These questions ought to be decided by the ordinary rules of evidence, and the question in a court of justice is not a question of the number of witnesses but of the strength of the testimony. One witness may swear to a fact; he may be the claimant himself. The court is to adjudicate upon the question and is to decide whether that testimony is true. Now, in fact, if the testimony is true, that is an end to the controversy, and any attempt to limit the right of claimants by the quantity or even the quality of the evidence is absolutely absurd in principle and unwise in practice. It is not a fitting limitation upon any judicial tribunal of any character, whether it be a court or a bureau of the Government. But we are getting rid of these two evils by this bill, and I am glad of that. These discriminations against the private soldier have been to my mind shockingly absurd. It has come to my knowledge more than once that the Pension Bureau would say to the applicant, "You must furnish the testimony of two enlisted men or of one commissioned officer." What more ridiculous proposition than that was ever made? It grew out of the old distinction in the life of the Regular Army and has had no justification in law or in morals. The Army that saved the Union was an army of volunteer citizens, not large, but the men who went forth to battle were equal in citizenship, equal in integrity, equal in truthfulness when they went out, and when they came back they came crowned equal with honor. Now that one of those men should be considered of higher importance than another, simply because one bore a commission and the other an enlistment, is too absurd to merit even defense.

Mr. Chairman, there is another thing. I believe that when a man who served in the Army and who has been honorably discharged thinks that he is suffering under a pensionable disability, and has made his application and has got it into the form provided by the Government, offered his evidence and gained his case and received his certificate, his pension should never be taken from him by any process short of that which should deprive him through the interposition of a court of justice of his title and possession to the property which he owns and holds. It is not necessary for the purposes of this argument that I insist that a pension is a vested right to a man who has won his case. It is more than a vested right of property. It is a vested title of nobility. It is a certificate of honorable service; it is a certificate of sacrifice for his country, and I demand that that certificate shall never be revoked by any process falling below in dignity and falling below in accuracy of proof and judgment the taking from him or from me or from you our houses, our farms, or our stock. He should have notice of the ground upon which it is being sought to take it from him, for it involves something more than the mere value of the pension.

It involves his honor, it involves the question of his integrity, it involves the truthfulness of his proofs, and it involves all that is honorable, and no man should be deprived of his pension without the fullest hearing, for there is a stigma which follows as a necessary result of the act that never under any circumstances should be placed on the record of a man who bore an honorable part in the war of his country. It places him in the position of a man seeking something that he is not entitled to, and it brands him in the community. I protest against it, as I have always protested against it. I draw no fine sights, no hair-splitting distinctions, but I stand upon the plain facts and evidence and insist that they shall not be stripped of their rights without due hearing and investigation. The money value of the pension to the beneficiary in nine cases out of ten is insignificant and unimportant as compared with the aspersion that follows such an act as a necessary result of what the Bureau does with reference to it. And so I rejoice, Mr. Chairman, that this section provides that the soldier who was placed on the pension rolls shall not be stigmatized by withdrawing from him this title of nobility without opportunity to be heard in his own interest, as he would be heard in any other claim in which he was a party.

To-day there is, in my judgment, a plain violation, not only of the spirit but even of the letter of the law. It is equivalent to depriving a man of his property without due process of law, and hence the action that heretofore has been taken in this regard by the Pension Office is in plain violation of the Constitution of the country.

Now, Mr. Chairman, I have no time to go through this bill in great detail, and will possibly avail myself of the opportunity to discuss it later on. What I have to say is that, considering all the circumstances surrounding the action of the Committee on Invalid Pensions, the demand there is for a great deal more beneficial legislation than we are able to furnish the means to supply, the demand for more radical action than has been taken here, and in view of all the difficulties that the situation has presented, I think the bill is so fair and such an improvement on the present condition of legislation that it ought to be supported by every friend of the soldier on this floor. If there shall be an opportunity later on—I know nothing of the purposes of the committee having the bill in charge—if there shall be an opportunity to make certain amendments here I shall vote for them, certainly for the amendment proposed by the distinguished gentleman from Iowa [Mr. HEPBURN], that puts into the bill, and hence into the law, a rule of construction that is due to the men who are the beneficiaries of the pension laws of the country, a rule that is in keeping and in consonance with the assertion of our appreciation of the great and gallant service of these men to the cause of the Union; but if it shall be the will of the House that no amendment is allowed and none adopted, and even if no opportunity to amend the bill be given, I shall vote for the bill as it stands here now. [Applause.]

Labor Commission.

SPEECH

OF

HON. WILLIAM F. STROWD,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 1, 1896,

On the bill (H. R. 6119) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital.

Mr. STROWD of North Carolina said:

Mr. SPEAKER: In deference to the wishes of the leaders of the labor organizations of the country, with a number of whom I have had correspondence, I shall give my vote for this bill. But viewing it from a farmer's standpoint, I fail to see any great necessity for it. I fear that "the play will not be worth the candle."

I think that the trouble all lies in a vicious financial system, under which the country is now groaning, the evils of which were predicted years ago by two great apostles of finance, Mr. SHERMAN and Mr. Carlisle. In 1869, in regard to the resumption act, Mr. SHERMAN said:

It is impossible to take this voyage without the sorest distress to every person except a capitalist out of debt or a salaried officer or annuitant. It is a period of loss, danger, lassitude of trade, fall of wages, suspension of enterprise, bankruptcy, and disaster. It means the ruin of all dealers whose debts are twice their business capital, though one-third less than their actual property. It means the fall of all agricultural products without any great reduction of taxes. When that day comes every man, as the sailor says, will find himself closereefed. All enterprise will be suspended. Every bank will have contracted its currency to the lowest limit, and the debtor, compelled to meet in coin a debt contracted in currency, will find the coin hoarded in the Treasury, no representative of coin in circulation, his property shrunk not only to the extent of the appreciation of the currency, but still more by the artificial scarcity made by the holders of gold. To attempt this task by a surprise upon the people, by arresting them in the midst of their lawful business and applying a new standard of value to this property without any reduction of their debts or giving them an opportunity to compound with their creditors, or to distribute the losses, would be an act of folly without an example in evil in modern times.

In 1878 Mr. Carlisle said, in regard to the destruction of the money of the common people—as there seems some doubt as to what Mr. Carlisle said in regard to these things, I will have it read from the RECORD:

CARLISLE IN 1878.

I shall not enter into an examination of the causes which have combined to depreciate the relative value of silver and to appreciate the value of gold since 1873, but I am one of those who believe that they are transient and temporary in their nature, and that when they have passed away or have been removed by the separate or united actions of the nations most deeply interested in the subject, the old ratio of actual and relative value will be reestablished on a firmer foundation than ever. I know that the world's stock of precious metals is none too large, and I see no reason to apprehend that it will ever become so. Mankind will be fortunate, indeed, if the annual production of gold and silver coin shall keep pace with the annual increase of population, commerce, and industry. According to my view of the subject, the conspiracy which seems to have been formed here and in Europe to destroy by legislation and otherwise from three-sevenths to one-half of the metallic money of the world is the most gigantic crime of this or any other age.

The consummation of such a scheme would ultimately entail more misery upon the human race than all the wars, pestilence, and famine that ever occurred in the history of the world. The absolute and instantaneous destruction of half the movable property of the world, including horses, ships, railroads, and all other appliances for carrying on commerce, while it would be felt more sensibly at the moment, would not produce anything like the prolonged distress and disorganization of society that must inevitably result from the permanent annihilation of one-half of the metallic money of the world.

They were prophets as well as apostles then; and if they had remained true to these convictions how well they would have deserved at the hands of their countrymen, how revered and honored by posterity! But, alas, how have the mighty fallen! In

these years these prophecies have been fulfilled before your eyes. All these direful calamities are upon the people of this country.

When the contraction of the currency commenced all was peace and happiness and prosperity. In 1842 Charles Dickens, twenty-four years after silver was demonetized in England, wrote from Boston, Mass., what was to him the marvelous statement that—

There is not a man in this town nor in this State who has not a blazing fire and meat every day for his dinner. Nor would a sword in the air attract more attention than a beggar in the streets.

The statement could have been made in regard to the United States. But how changed the scene! Now, after twenty-four years from the demonetization of silver in the United States, we have millions of idle men thrown out of employment, tens of thousands of failures of industries and enterprises, and swarms of beggars and millions of tramps all over the land, all attributable to the contraction of the currency.

As another evidence of the direful effect of a shrinking volume of currency I will ask the Clerk to read from the Monetary Commission of 1876:

At the end of the Christian era the metallic money of the Roman Empire amounted to $1,800,000,000. By the end of the fifteenth century it had shrunk to less than $200,000,000. During this period a most extraordinary and baleful change took place in the condition of the world. Population dwindled, and commerce, arts, wealth, and freedom all disappeared. The people were reduced by poverty and misery to the most degraded condition of serfdom and slavery. The disintegration of society was almost complete. The conditions of life were so hard that individual selfishness was the only thing consistent with the instinct of self-preservation. All public spirit, all generous emotions, all the noble aspirations of man shriveled and disappeared as the volume of money shrunk and prices fell.

History records no such disastrous transition as that from the Roman Empire to the Dark Ages. Various explanations have been given of this entire breaking down of the framework of society, but it was certainly coincident with a shrinking volume of money, which was also without historical parallel. The crumbling of institutions kept even step and pace with the shrinkage in the stock of money and the falling of prices. All other attendant circumstances than these last have occurred in other historical periods unaccompanied and unfollowed by any such mighty disasters. It is a suggestive coincidence that the first glimmer of light only came with the invention of bills of exchange and paper substitutes through which the scanty stock of precious metals was increased in efficiency.

That this cause has produced the same result in all nations and in all ages of the world's history I do not think any well-informed person will deny. See Persia, Babylon, Rome, and Greece.

All legislation apart from that looking to the restoration of silver and enlarged volume of currency seems to me to be but trifling with this most serious and important question. Three or four years ago the Senate appointed a commission, with Senator GEORGE as its chairman—than whom this country never produced a more honorable gentleman, barring the fact that he is a free-silver man fighting under a goldbug banner—the expenses of this commission being paid out of the contingent funds of the Senate, to investigate and report the cause of the low price of cotton, which report has been made in two volumes of four or five hundred pages each, thoroughly informing the country on this important matter, which is costing the South more than a hundred million dollars annually. When they came into possession of all this valuable information cotton touched the lowest price ever realized for that staple.

We have a Labor Commissioner, whose reports, numbering eight or ten large volumes, all bearing upon this important subject, have produced no good results, as far as I can see. But the "dance of death" goes merrily on.

Chauncey Depew says that fifty men can come together and in twenty-four hours so contract the currency as to paralyze every industry in this country.

When the bankers and capitalists desired legislation in their interests during the Fifty-third Congress they could not wait for the convening of Congress at the regular time, but it was called together in dog days to repeal the purchasing clause of the Sherman Act, which Mr. Cleveland said was the only menace to the prosperity of the country. But the closing of banks, the suspension of business, and failures of mercantile and manufacturing enterprises went on in regular schedule time. And all the while the screw of oppression has been turned down tighter and tighter upon the agricultural and laboring classes.

You may pass all the laws you will on the tariff question; you may increase or lower every schedule to any amount; you may build a Chinese wall around the products and manufactures of this country by tariff laws, but if they benefit any American citizen it will only be to make a few richer and the multitude poorer. You may pass all the financial laws that can be conceived by the combined wisdom of this House, but until you stop contracting the currency and devise some means whereby the business of the country can be conducted on a cash basis the toiling millions will sink deeper and deeper in poverty and wretchedness.

You may appoint every man in this House a commissioner of labor and let him devote his entire time to the subject, and until they are enabled to see that a money famine is the trouble and go to work to remedy that evil their labors, in my humble opinion, will fail of any good results to the toiling classes of America.

Is it a fact that the devil has bewitched the world on the money question? It is a fact that the love of money is the root of all evil? It is a fact that greed has destroyed all the civilizations of the past and is fastening her clutches upon ours. And yet this Congress is rather disposed to enlarge the power of the banks by allowing them to issue money to the full face value of their bonds, and to destroy the greenbacks, thereby putting the whole financial interests of the country in their hands.

President Garfield, great in intellect, in statesmanship, and in patriotism, said that he who controls the volume of money in a country controls the labor and all industries of that country. Money being the lifeblood of the nation, should flow from the heart of the nation, and when farmed out to any other power produces a diseased body politic.

If this Congress really desires to relieve the financial distress of this country, why does it not adopt the method of France when she was lying prostrate and bleeding at the feet of her conquerors at the close of the late war with Germany, when, in addition to the calamity of disastrous defeat, an indemnity of a thousand million dollars in gold as a condition of peace, and the surrender of her two beautiful provinces, Alsace and Lorraine, to secure these terms, Germany demanded a mortgage on the nation, which being impracticable, France had to accept the bayonet mortgage, so sure was Germany that these terms would crush France.

What did her statesmen do under this great emergency? Did she attempt to issue bonds to sell for gold? Did she deal with syndicates? Did she propose terms to Shylock? No! She issued a popular loan in denominations as low as 10 francs, which was intended to be used as money and was used as money. These bonds were taken eagerly by all classes of her people, by even house servants and laborers. This enlargement of her currency produced the greatest activity in all departments of industry. And so great was the stimulant in all departments of labor that the balance of trade in her favor became so great that she was enabled to pay this enormous indebtedness, not in gold, but in foreign exchange. And at the end of five years, under the beneficent influence of this large per capita currency, she had more gold in her vaults than any nation on the face of the earth. And this is what bankers and capitalists call dishonest money!

How different the financial system in America. When this Government wants money, she issues gold compound-interest-bearing bonds, which means more debt, more taxes, more interest, more burdens for an already overburdened people. More wealth for the rich man; more misery for the poor.

You boast that you broke the shackles from the limbs of four millions of black slaves in the South, and I rejoice that you did. But shame, oh, shame! you fastened ten times worse shackles upon ten times as many people. Mr. Cleveland says that it is not a theory but a condition that confronts us. But we say it is both. The theory, in the language of Mr. Vanderbilt, is, "The people be damned;" the condition, the nation of a few rich men and millions of awfully poor.

When I was a little boy one of the first lessons I learned in my old-fashioned geography was that governments were instituted for the protection of the weak and helpless; and in the simplicity of my heart I thought it was true, especially so of this Government. And for three-quarters of a century it was true. But, alas, how things have changed of late! Now we see all legislation in the interest of the rich and powerful; the weak and helpless are left to the mercy of greed and avarice.

We talk and weep over the condition of Armenia. In that we do right. But what sympathy have these shylocks for those upon whose shoulders in the final analysis all the burdens of this Government are placed? The toilers and farmers have been crushed so low by the weight of these burdens that they can not reach the first round of the ladder, and so begin to rise.

There is a bill before this House now in favor of the eight-hour law, but the farmer, who supports all, and, on the homestretch, pays nearly all the burdens, commences his day's work before the stars leave the sky in the morning and works till they appear again in the evening, is not once thought of in this great National Legislature. Nine-tenths of the farmers of this country to-day are as men standing on a quicksand, who feel and know they are sinking lower and lower, and utterly powerless to help themselves, looking every way and asking, "Who will show us any good?" They have sent petitions to Congress by the carload, and Congress has virtually said, "Ye be idle; we will not lighten your burdens, but will add to your burdens." There are thousands of families in North Carolina who are unable to employ a physician when their families are sick, who are unable to buy suitable clothing to send their families to church on Sunday; but when they complain at unremunerative prices for their products the old stereotyped cry of overproduction is thrown into their faces. Shame on that man's ignorance, or that man's perfidy, who utters such a cry. I deny that there ever was an overproduction of any good thing in this country.

It is too late in the day and conditions are too much strained to create a commission to ascertain the trouble between labor and capital. I am a farmer, pure and simple, and I am certain that as a class we are very well informed on that subject.

JUDGE CLARK IN MEXICO—A LETTER IN WHICH FACTS WITH THE POWER OF GREAT THUNDERBOLTS ARE PRESENTED—AN INVINCIBLE ARGUMENT IN FAVOR OF SILVER IS SHOWN BY OUR SISTER REPUBLIC—THE INJUSTICE OF GOLDBUG ROBBERY—THE MAGNITUDE OF THE PLUNDER—OVER TWO HUNDRED MILLIONS LOST ON COTTON ALONE—OUR PEOPLE ARE PATIENT, BUT WE WILL NOT GO DOWN.

Associate Justice Walter Clark, of the North Carolina supreme court, who is spending some time in Mexico, has written a vividly plain and instructive letter to the News and Observer, in which he says:

The climate is nearly perfect. Strawberries are ripe, and flowers of all kinds bring 10 cents a basket. They say it is no warmer here in summer, and never sultry, as these table-lands embracing 500,000 square miles—two-thirds of Mexico—average 7,000 feet above sea level, over three times as high as Asheville, and the snow on the taller mountains never melts.

This country is developing more rapidly probably than any other on the planet, and could not help being prosperous as matters stand. The dollar is exactly the same value it was ten or fifteen years ago, not having been artificially doubled in value by legislation, as has been the case with us. Consequently cotton is still 13 cents per pound and wheat $1 per bushel, while fixed charges, as taxes, passenger and freight rates, public and private debts, etc., remain actually (as well as nominally) the same. With us in the United States, by virtue of the legislation in favor of the bondholders, these fixed charges, while nominally the same, are in fact doubled, as it takes twice the amount of cotton, corn, wheat, etc., to pay them. One does not get a full idea of the enormity of this transaction till he gets here and sees the prosperity of this country and sees the very capitalists who, by securing this legislation, have doubled the value of their United States bonds, investing the principal and interest of their enhanced value in this country at old prices, thus securing $2 of property here for $1 loaned the United States Government—that is, they will sell $1,000 United States bonds for gold, buy $2,000 of silver, which remains at the old value, and invest in $2,000 of property here.

The looting of Rome by Genseric and the Vandals, of India by Hastings and Clive, of this very Mexico by Cortez and the Spaniards, or of Peru by Pizarro, all pale into insignificance compared with the magnitude and injustice of this robbery practiced upon the 75,000,000 of the American people in the interest and by the procurement of the half million of millionaires and their agents and dependents through the simple device of so controlling legislation that every dollar of national, State, city, and individual indebtedness is doubled by doubling the value of the dollar. Genseric, Clive, Cortez, Pizarro risked their lives and had brave men behind them, and they at least pillaged foreign nations. But this crime has been the manipulation of the tools of the bondholders. There has been nothing heroic, and the only greatness in it has been in the magnitude of the plunder, which surpasses all that has ever yet fallen to a conquering army in the wealthiest country.

There was no excuse for it, since silver, when demonetized, was worth more than gold, and there has been nothing since to depreciate it. That silver, in fact, has not depreciated in the least may be seen right here in Mexico and throughout the 50,000,000 people living on this hemisphere, south of the Rio Grande, in all which countries the silver dollar will pay for as much taxes, as much railroad freight and passenger fare, as much public and private indebtedness as formerly—and farm products and land bring as much as ever. Neither has silver depreciated with us, but it is the gold dollar which has been doubled in value; hence debts, public and private, taxes, railroad rates, etc., are actually, though not nominally, doubled, while the produce has to be sold at half price to pay them. Every farmer who sold a pound of cotton in the United States last year was in effect taxed 6 cents a pound, or $30 a bale, and 50 cents in the bushel on wheat. The robbery perpetrated on the farmers of the South by this legislation, procured by the machinations of the combined capital of London and New York, on the cotton crop alone, of 7,000,000 bales at $30 per bale, is $210,000,000 for the one year of 1895 alone. The profits reaped by the capitalists by the legislation which has doubled the values of their claims against the public and individuals is practically beyond computation. It "fatigues the imagination" to consider it. The wonder is not that there is widespread and incurable depression, but that we can continue to exist under such a state of things. Were we not the wealthiest and most energetic and most patient people on the face of the globe, we would sink under it.

It is by no means certain that we shall continue always to be the most patient. Those who have thus pillaged us, and who, elated with their success so far, threaten to still further contract the currency by retiring the greenback, and thus still more increase the value of the dollar, may learn a lesson right here in Mexico. The Catholic Church, by three centuries and a half of a policy as deliberate and as carefully planned as of the monopolies and the money power of the United States to-day, came to own absolutely one-third of all the property in this country and controlled the balance. The masses were kept in ignorance and the leaders and intelligence of the country were intimidated or bought. But there comes an end to such things. In 1859 the property of the church was confiscated. The church party called in the English, the Spanish, and the French, and the latter gave them an Emperor. But the French have been driven out, the Emperor has been shot, and to-day throughout this great country, four times as large as France or Germany, the Catholic Church does not own a foot of soil or a dollar of money. The very church buildings, hoary, some of them, with nearly four centuries of use, belong to the Government, and services are conducted in them only by permission of the authorities elected by the people. Not a priest can walk the streets in his official robes.

Mexico remains Roman Catholic in her religion, but when the alternative was presented whether the church should own the country or the country should own the church, Mexico, in spite of centuries of veneration for religious authority and the influence of consolidated wealth and the ignorance and poverty of her masses, was able to vindicate the rights of her people. What this priestly monopoly was to Mexico, the money power is to the United States. The multimillionaires, the bondholders, the trusts, and monopolies already own over one-third of the property of our country and are reaching out for the rest. Many leaders they nominate and elect to office, others they intimidate or corrupt. But our people, while patient, are not ignorant, and if the course of the monopolies and combinations continues unchecked, they will wake up some morning to find, as the Catholic Church did here, that the sovereign people own the country and all that is in it. The Catholics here venerated the church fully as much as we ever did the rights of individual ownership of any species of property, but the welfare of the people is the highest law, and when that becomes imperiled, as it was in Mexico by the money power in the shape of the church, and as it is in the United States by the same deadly enemy in the guise of multimillionaires and monopolies, the manhood and the brains and the honesty of the people will assert themselves, and we shall not go down under the same enemy that destroyed Rome and so many other nations in the past. The world is older and wiser.

The gold dollar in the United States may well be called a mythical dollar. Not one man in a hundred ever sees one. It is not used to buy corn, or wheat, or flour, or railroad tickets, or dry goods. It is only for the sacred use of the idle rich when they wish to measure by a high standard, double in value the principal and interest of bonds, which, on their face, by the contract, are payable in coin—i. e., in either gold or silver.

In drawing these lessons from the past experience and the present prosperity of Mexico, there are those who will say Mexico is inferior to the United States in education, in civilization, and in many other respects. And so it is; and so much the worse for the objectors. For if Mexico, notwithstanding all these disadvantages, is prosperous and going forward by leaps and bounds by keeping her standard of values at the same level, so much the greater is the condemnation for the men who, in spite of our great and manifest superiority, have brought the curse and blight of a long-enduring depression upon us by robbing the wealth producers in the interest of the wealth consumers, through the device of doubling, by crooked legislation, the value of the dollar. And if Mexico, with three hundred and fifty years of priestly rule, three hundred of which were also under a foreign yoke, and fifty more passed amid internal dissensions, could assert themselves and throttle the gigantic money power which oppressed them, what can not and what will not 75,000,000 of the foremost people of the earth be able to do when satisfied that they owe it to themselves and their prosperity to break the yoke which galls them?

Much more might be said, and more forcibly.

WALTER CLARK.

CITY OF MEXICO, *January 15, 1895.*

The farmers of the South for ten years after the war were exceedingly prosperous. Poor men bought homes for their families. Prices of products being high and money plentiful, the creditor demanded only a portion of the purchase money for the land, but rather encouraged them to improve their homes; and everything went on well until, unexpectedly to them, a contraction of the currency took place. The gold basis was established; money went up and prices down and down until the last margin of profit was taken from his product. And now it is demanded of him that he pay his debt in dollars that are ten times as hard to get as they were when the debt was contracted and worth twice as much. And these are the dollars that the money mongers call honest dollars!

It is a sad sight for a man to grow in years and feebleness and to feel that he is growing poor and poorer, and with no hope in the future for his wife and little ones but taxation, debt, unrequited toil. Nothing can sustain a man under these circumstances but a strong faith in a merciful God and a courageous will. Without these he breaks down under his burdens and trials and seeks relief either in suicide or, what is worse, dissipation. He is not a communist nor an anarchist, he does not ask for any division of the wealth of the country, but he does demand that there be such legislation as shall give every man an equal opportunity to obtain wealth.

Professor Walker says:

That prices will fall or rise as the volume of money be increased or diminished is a law that is as unalterable as any law of nature.

Daniel Webster says:

Liberty can not long endure in any country where the tendency of legislation is to concentrate the wealth in the hands of a few.

Abraham Lincoln says:

If a government should contract a debt with a certain amount of money in circulation, and then contract the money volume before the debt was paid, it would be the most heinous crime a government could commit against the people.

This is precisely what this Government has done. All the laws it has enacted on the subject of finance since the death of that great and good man have been with a view to produce the results stated.

The record shows there is no hope of any relief for the plain people from either of the old parties. While they both pose before the people as the friends and champions of the toiling masses of the people, it matters not which may be in the majority in the House, they turn up in favor of the money sharks and gold gamblers of Wall street and Lombard street. The Democratic party, elected as the especial champions of free silver, with 148 majority in the Fifty-second Congress, smothered to death a free-silver bill passed by the Senate. Pleading upon their knees before the people for another chance to prove their loyalty to the interests of the people, they were intrusted with another lease of power and returned to the Fifty-third Congress with a handsome majority. Instead of redeeming their pledges and fulfilling their promises to the people, they proved their treachery by repealing the only law that gave any value to silver, thereby putting the farmers below the level of the same class of laborers in China.

The people, in their righteous indignation, hurled them from power, and elected an overwhelming majority of the Republican party to the Fifty-fourth Congress. And now, before our eyes, are enacted by the Republicans the same scenes that caused the people to condemn the Democratic party.

The only hope for the people is in the People's Party, which is the only national party breathing the same resolves in all sections of the Union, "Equal rights to all men, and special privileges to none."

Labor Commission.

SPEECH

OF

HON. HARRY SKINNER,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 1, 1896,

On the bill (H. R. 6119) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital.

Mr. SKINNER said:

Mr. SPEAKER: I have endeavored to obtain the consent of my mind to give H. R. 6119, to "authorize the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital," a hearty, favorable support, because I am intensely and sincerely the advocate and friend of labor and agriculture. No one realizes better than myself how both of these strong arms of the country have been paralyzed by adverse legislation; and no one would sooner come to their relief and repair, as far as practicable and possible, the injury they have sustained.

Then, again, I understand this measure has the approval of the Knights of Labor and other labor organizations of the country and they also command my sympathy; and I stand ready now and at all times to strengthen their hands, to increase their power, to resist the steady encroachments of capital upon the rights, privileges, and conditions of labor. I stand ready to alleviate and lighten the burden of labor, to bring them better wages, shorter hours, more education, a higher civilization, and better Christian influences, and opening up to them all the possibilities of the true American. Still, Mr. Speaker, I must file my feeble dissent to the passage of this bill creating this nonpartisan industrial commission. I can see nothing in it for labor or agriculture, only as it makes more taxes for them to pay and relieves Congress of some of its present duties.

I am not objecting to the collection of information concerning labor, agriculture, and capital, but I seriously contend that this is the constitutional duty of the Labor Committee of Congress specially, and Congress generally, and this legislation is simply employing at an expense of about $300,000 per annum assistants for the Labor Committee, when they have plenty of time and are already paid for this service. Let us for a moment examine this bill:

The President of the United States is authorized and directed to appoint a commission, to be called the industrial commission, composed as follows: Three men representing labor, three men representing agriculture, three men representing manufacturing, and three men representing business.

Each division of three shall have the right to employ one legal adviser and one secretary. The commissioners and legal advisers shall receive $5,000 per annum and the clerks $200 per month, and the commission is granted a contingent fund of $50,000 per annum.

Their duty shall be to investigate questions pertaining to immigration, to labor, to agriculture, to manufacturing, and to business, and to recommend to Congress such legislation as it may deem best upon these subjects.

I would like to inquire what else remains for Congress to investigate? If this commission is created we had best create it the third house and make it the permanent conference of the two Houses, as their investigations will equip them to decide all matters of difference between the two Houses in a nonpartisan and patriotic manner.

Mr. Speaker, seriously, if this industrial commission is a necessity, then, in the name of economy, in the interest of labor and agriculture, let it be created out of the Senate and the House upon the same principle, with the same powers and privileges and duties, and without any additional expense to the people. Created in this manner, in my judgment it will accomplish more, the members thereof will feel more directly the influence and needs of the people, and being members of Congress they will stand a better show to formulate their matured plans into practical legislation. Suppose this commission is created and Mr. Cleveland makes the appointments. Does anyone doubt the complexion of the commission? It would be a machine at the expense of the people to make it appear that the single gold standard was to the best interest of labor and agriculture. It is exactly what SHERMAN, Carlisle, and Cleveland desire—some official source whereby they can educate the people against their will to the single standard and to their injury and ruin.

It does seem that this House has gone far enough on this line; that is, legislating in their own interest to relieve themselves of work and to give themselves more pay. I do not like to appear small or captious, but it is a very true lesson in finances to care for the pennies, and the dollars will care for themselves. We have restored the franking privileges, and still retain the allowance for stationery. We have given not only session clerks but also vacation clerks, and now we are asked to relieve ourselves of duty and to transfer the duty of investigating all matters to an industrial commission, at the additional expense of more than a half million dollars, to be paid in gold prices out of the joint results of the soil and labor.

I have not referred to the increased naval appropriations, to the increased river and harbor appropriations, to the increased civil-service sundry appropriation, and to the alarming increase in the pension appropriations, nor to the increase of the public debt through Executive orders in the sale of bonds. These, taken into consideration at one and the same time, are truly alarming when we look at the condition of labor and agriculture, which, under the organization of society, must bear these burdens and create the wealth from which shall be taken the taxes to meet these obligations, which necessarily diminishes their proportion of that which they bring into existence through their toil and sacrifices.

The condition of labor and agriculture are luridly portrayed by their respective organizations, by the strikes, the lockouts, and the increasing army of the unemployed, by the sheriff and mortgage sale, by the absolute and appalling poverty of the Southern and Western planter, marked by scant food, poor raiment, torn-down fences, filled-up ditches, dilapidated farm houses, and the depressed appearance of the honest planter, with no hope to pay his debts, educate his children, or to reserve a surplus for sickness and old age. Along the path he daily trods from the rising to the falling of the sun can not be plucked either flower, blossom, or bud of hope.

It is idle, it is trifling with the needs of an almost exasperated people, to say that you must first establish a nonpartisan commission to inquire into the condition of agriculture, labor, and capital and wait for them to recommend legislation before you can act, before you can give the people relief. And you present this as a measure in their interest! They ask for bread, and you throw them a stone. They cry for meat, and you offer them a bone. How long will you thus abuse their patience? How long will their patience endure and countenance your abuse?

These delays and postponements are dangerous. The wrath of the people when once kindled becomes a consuming fire that will not be quenched until its force is spent and its path marked by desolation, waste, and ruin. Mr. Speaker, I plead with this Congress to act before it adjourns and give the people relief. Remember that Mark Antony lingered in dalliance soft and sweet before the star-eyed Egyptian Queen and lost Actium at the hands of the second Cæsar. That Cæsar, in the plenitude of his power, said, "The ides of March have come." When they had passed he lay at the foot of Pompey's statue. Louis XIV, playing at locksmith, wrote in his diary, "Nothing particular has happened today." The only thing that did happen was the siege and fall of Paris. Charles II said scornfully, "What can these Roundheads do?" He found out later they could cut off his head. In the shadow of a great crisis, throughout history we find these flippant sayings.

Surely, Mr. Speaker, we are standing in the shadow of a pending crisis that throws its dark pall of gloom and despair over every section of our country, paralyzing all industries and threatening the perpetuity of American institutions. Shall this House turn a deaf ear to the plaintive wail of hunger, nakedness, and despair as they well from the garrets and cellars of the overcrowded city and from the humble farm houses of the country?

If so, Mr. Speaker, you may not be surprised to see the people organize as they have never organized before in a nonpartisan way to secure practical legislation, and party ties will hereafter fall lightly around the people who desire and need relief.

In the history of the Old World the philosophic observer can find but few incidents gratifying to the philanthropic mind and no satisfactory evidence of the capacity of the mass of mankind for the maintenance of popular government.

Greece, the cradle of letters and nursery of arts, the land of Homer, of Solon, of Herodotus—the theater of Thermopylæ, of Leuctra, and of Marathon—classic Greece, in the heyday of her glory, beguiles the scholar with her minstrelsy, her eloquence, and her army, and fires his genius with illustrious examples of devoted patriotism; but a calm survey of her history exposes lamentable scenes of disorder and injustice, and in the débris of her wreck and ruin will be found the same evidences of a neglect of the people's interest which are manifest in America to-day, which, if not corrected in time, surely mark us as their victims.

Rome, once mistress of the world, was in her best days the great arena of contending factions. She, too, had her demagogues, and "the majesty of the Roman people" was their watchword. And though she had her Fabricius, her Regulus, her Cato, her Cicero, she also had her Clodius and her Sylla and her Cæsars, honored

in their day as the friends of the people; and whether Marius or Sylla, Cæsar or Pompey, prevailed, the victory was in the name of liberty. The Republic was honored with a triumph and a clamor of approbation echoed from the Forum to the Capitol. Augustus Cæsar, absolute as he was, preserved the forms of a republic, whilst by the perversion of his vast patronage to his own aggrandizement, Grover Cleveland-like, he made an obsequious and prostituted senate the register of his will, and in the name of liberty fastened a heavy yoke forever on an applauding populace.

The fast-anchored isle—the natal land of our fathers and the mother of our common law—has had her scenes of civil strife and blood; she has had her Wakefield, her Smithfield, and her Bosworthfield; she has had her Tudors, her Stewarts, her Jeffreys, her Bonner, and her Cromwell, as well as her Sidney, her Cramer, and her Hampden, her Beaconsfield, and her Gladstone; and after ages of reformation in church and state her aristocracy still governs, her heirarchy still prevails, and the Harp of Erin hangs tuneless and sad upon the leafless bough of her blasted oak, and her finances govern the world and seek the subjugation of American dominions.

The French Revolution had its Dantons and its Robespierre; and after the bloody idol of licentious liberty had, like the Car of Juggernaut, crushed its thousands and overturned the temples of the true God, a Prætorean band of grenadiers delivered over the "Republic" to the safe-keeping of a Bonaparte.

After contemplating such scenes, well may we doubt the capacity of man for self-government, and exclaim in the language of Mme. Roland under the guillotine, "Oh, liberty, what crimes have not been perpetrated in thy name!"

But from the waste around us we cast our eyes upon this green sward sloping from the Atlantic to the Rockies, then down to the Pacific, the land of present hope and measureless possibilities, and the inestimable truth is born the mind that there is still hope for popular government, and under its benign influences and protection man will ultimately be elevated to the full and undisturbed fruition on earth of the great ends of his moral being.

That God who gave us this country, who preserved Christianity through the gloom and desolation of the Middle Ages and has preserved this country through depressions in peace and the perils of war, will not suffer liberty, its offspring, to perish. Both have taken deep root in American soil. They were planted by our forefathers under circumstances peculiarly propitious, and so long as we may live it will be our duty and pleasure to cherish and defend them.

The serious problem that confronts us is to save the Republic by restoring the contentment, the happiness, and prosperity of the people.

In my humble judgment, this can only be done by the exercise of wise economy in the administration of the Federal Government, so that the burden of taxes may be made as light as possible, and that without the restraint of their individual liberty involved in the maintenance of the internal-revenue system.

Secondly, by such legislation as shall insure more and constant employment to labor, with shorter hours, with increased wages and better prices for farm products. The legislation that shall produce these results will restore hope, contentment, happiness, and prosperity to the masses; and these will not only temporarily save the Repnblic, but cause us to build more permanently and wisely than we knew, and develop the now latent possibilities of our measureless wealth.

Upon the question of Federal economy, the House will pardon me if I again refer to House bill 4141, introduced by myself January 16, 1896, to reduce all Federal salaries 33⅓ per cent. With the consent of the House I will incorporate the bill just here as a part of my remarks:

A bill (H. R. 4141) to reduce the compensation of all persons in public service and thereby to meet the deficiency in the Treasury.

Whereas the demonetization of silver has resulted in the depreciation of land, labor, and products, and the stagnation of business and the depression of all industries, and has thereby reduced the people's means of meeting the expenses of the Government; and

Whereas the enforced underconsumption has resulted in the revenues of the Government falling below its expenses; and

Whereas the salaries of all Government officials and employees were fixed and based upon prices and conditions existing prior to the demonetization of silver; and

Whereas all Government officials and employees are receiving salaries and wages in excess of what the same service would command in any other field of employment; and

Whereas there is a deficiency in the Treasury which should be met by practical economy rather than by the increasing of taxes or the selling of bonds: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all compensation, whether paid as salaries, fees per diem, mileage, or otherwise, of any person, officer, or employee in any branch of the public service shall be, and is hereby, reduced to the extent of 33⅓ per cent of their present amounts.

SEC. 2. That on and after the passage of this act all compensation of persons employed in any branch of the public service shall be computed and paid on a basis of the reduction provided for in section 1 of this act.

SEC. 3. That the law which shall hereafter be passed authorizing the opening of the United States mints for the free and unlimited coinage of silver at the ratio of 16 to 1 shall work and operate as a repeal of this act, and restore to all persons, officers, or employees in any branch of the public service the same salaries and wages that they received prior to the passage of this act.

SEC. 4. That all laws, clauses of laws in conflict with this act are hereby repealed.

This bill can be passed by both Houses in two hours, and thereby $100,000,000 per annum be saved to the people. The same scale applied to the appropriation bills will save $200,000,000 additional per annum, and thereby secure an aggregate saving of $300,000,000 per annum to the people. And all of this can be done without detriment to the public service.

Upon the subject of better prices for farm products, the current admissions of the press and the statesmen of the decade justify the statement that free coinage of silver at 16 to 1 doubles the current money of the realm and the world, and the result of this is to double the prices of the world, especially of labor and products.

Just at this point I desire to read H. R. 8999:

A bill (H. R. 8999) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the issuance of interest-bearing bonds of the United States for any purpose whatever without further authority of Congress is hereby prohibited.

It is the same bill now being considered in the Senate; it prevents the issue of bonds without the authority of Congress. If the Executive is deprived of this power to issue and sell bonds, he may be necessitated to resort to the free coinage of silver at 16 to 1 and to the recognition of silver at the Treasury Department as primary money of redemption. I have thought, I do believe, that if the Secretary of the Treasury would only exercise his discretion in the interest of silver and redeem silver certificates in silver, and Treasury notes in silver, that he would break the endless chains, and would accumulate a surplus of gold in the Treasury, that would avoid a necessity for the issuance of gold bonds either by executive or legislative authority. It is certainly dangerous to leave this power in the hands of the Executive. Certainly no bonds of any class or species should be issued except be express legislative authority.

On this line I call attention to House resolution introduced by me on the 22d day of January, 1896:

Whereas by the act entitled "An act to strengthen the public credit," approved March 18, 1869, it was provided and declared that the faith of the United States was thereby solemnly pledged to the payment in coin or its equivalent of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of such obligations had expressly provided that the same might be paid in lawful money or other currency than gold and silver; and

Whereas all the bonds of the United States authorized to be issued by the act entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, by the terms of said act were declared to be redeemable in coin of the then present standard value, bearing interest payable semi-annually in such coin; and

Whereas all bonds of the United States authorized to be issued under the act entitled "An act to provide for the redemption of specie payments," approved January 14, 1875, are required to be of the description of bonds of the United States described in said act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt"; and

Whereas at the date of the passage of said act of Congress last aforesaid, to wit, the 14th day of July, 1870, the coin of the United States of standard value of that date included silver dollars of the weight of 412½ grains each, declared by the act approved January 18, 1837, entitled "An act supplementary to the act entitled 'An act establishing a mint and regulating the coins of the United States,'" to be a legal tender of payment, according to their nominal value, for any sums whatever: Therefore,

Resolved by the House of Representatives (the Senate concurring), That all the bonds of the United States issued or authorized to be issued under the said acts of Congress hereinbefore recited are payable, principal and interest, at the option of the Government of the United States, in silver dollars of the coinage of the United States, containing 412½ grains each of standard silver; and that to restore to its coinage such silver coins as a legal tender in payment of said bonds, principal and interest, is not in violation of the public faith, nor in derogation of the rights of the public creditor.

I also call attention to H. R. 8535, entitled "A bill to secure international free coinage of silver at the ratio of 16 to 1," etc.:

A bill (H. R. 8535) to secure international free coinage of silver at the ratio of 16 to 1; to maintain the gold reserve; to regulate the exportation and to protect the production and manufacturing of cotton within the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after thirty days from the passage of this act no raw cotton in any quantity, of any grade or quality, shall be exported from any of the ports of the United States, except by the permission and under the direction of the Secretary of the Treasury.

SEC. 2. That the Secretary of the Treasury, under rules and regulations prescribed by the board hereinafter created, shall purchase and export raw cotton for sale upon United States Treasury account.

SEC. 3. That the commissioner of agriculture of each of the cotton-growing States, together wich the Secretary of Agriculture and Secretary of the Treasury of the United States, shall constitute, and are hereby created, a board to direct the purchase and sale of the Southern cotton crop, with all incident and necessary powers to attain practical results; this board, within their discretion, shall meet in Washington not earlier than the 1st day of February nor later than the 1st day of August of each and every year and name the price and formulate the plans and regulations under which the Secretary of the Treasury shall purchase, care for, store, sell, and export the Southern States cotton crop for the ensuing fall.

SEC. 4. That the Secretary of the Treasury, for such raw cotton according to grade, under the rules and regulations fixed by the board created in section 2 of this act, at the price named, delivered at such ports or points as shall be designated, shall pay for the same in all cases with Treasury notes in denominations of $1, $2, and $5, $10, $20, and $100, redeemable on their face, either in gold or silver, 16 to 1, or Government 2 per cent bonds, payable in series from $100 to $1,000, within twenty-five years, at the option of the

Secretary of the Treasury, these bonds to be on their face interconvertible at the option of the holder in this same class of Treasury notes, with interest added, and these bonds extended the same banking privileges as existing bonds have now or may hereafter have.

SEC. 5. That the Secretary of the Treasury shall sell to American manufacturers, either from the interior or from ports, at cost to Government plus expense of carriage, insurance, and storage, and shall accept as payment from them gold or silver, 16 to 1, the above-described Treasury notes, or any national United States currency or the above-described bonds, with interest added, at the option of the purchaser. Nothing herein shall operate to prevent the American manufacturers from purchasing directly or indirectly from the planter.

SEC. 6. That the Secretary of the Treasury shall have the power, and is hereby authorized, to negotiate and sell for export at not less than 33⅓ per cent net advance of cost to Government.

From bimetallic countries, to the extent of their manufacturing capacity, he may accept payment therefor in the same classes of money, currency, and bonds as he is authorized to accept from American manufacturers.

From single-standard gold countries he shall exact payment in gold until there shall be an international agreement for the free coinage of silver at the ratio of 16 to 1. Such an international agreement shall operate as a repeal of this act.

SEC. 7. That the Secretary of the Treasury is hereby fully authorized, under the rules and regulations of the Treasury Department governing the preparation and issue of Treasury notes and bonds, to have prepared, issue, and pay out, and redeem the Treasury notes and bonds in accordance with and to carry into effect all the provisions of this act.

SEC. 8. That all provisions of law, whether of statute or treaty, now in force in anywise inconsistent with or in conflict with this act are hereby repealed and set aside.

Mr. Speaker, this is truly a nonpartisan industrial commission and without expense to the Federal Government.

1. I claim that this bill would secure international bimetallism. By way of example, say that the Secretary and the board had met in February, 1896, and under the provisions of this plan advertised that he would give the planter 10 cents per pound on a basis of middling, under the rules and regulations prescribed, and in the Treasury notes named. The single-standard countries absorb the large bulk of our export cotton; under this plan, at 33⅓ per cent advance, it would cost them 13.33 cents in gold; this would be covered into our Treasury, amounting, estimating that they take (and must have) 5,000,000 bales per annum of our crop, over $300,000,000; this, if kept up, in a few years would drain the single-standard countries of their gold and put it into the Treasury of the United States and thereby make us the dominating factor in the world's finances. The single-standard Governments would see this result, and to prevent it they would promptly come to an international agreement for free coinage of silver at the ratio of 16 to 1, so that they might supply their mills with our raw cotton on the same terms that other countries do and thus reserve their gold. We would bring them to international silver 16 to 1 or destroy their manufacturing interests. Our Secretary of the Treasury would occupy the attitude that is clearly to the interest of this country of selling our great staple, cotton, for gold at our price, rather than hawking our bonds and surrendering our credit to an English syndicate in order that the gold owners of the world may be perpetuated in their power to dictate the price of our export crop.

2. I claim that the bill will secure, so long as in force, equitable protection to the field and shop in the highest, most practical, and patriotic sense of the word, and will afford a net revenue of one hundred millions to the Government. It is to be observed that under this plan the American cotton manufacturer would have 33⅓ per cent advantage in the cost of raw material. This would to a great extent stimulate and multiply our manufacturing interests, and make us exporters of manufactured cotton goods—competitors in the world's trade in this line. It would give cotton growing stability and prosperity, making the South a larger consumer of all other raw and manufactured goods; the planter would know what he would get before he planted, and his planting could be regulated so as to prevent a Southern overproduction, as we need not fear the stimulating effect this plan would have upon other cotton-producing countries. For example, note the effect upon the world's market resulting in short exports during the war. We have for more than fifty years held the supremacy in the world's production of raw cotton, but it is evident, under the controlling influence and power of the single gold standard, that we must take some steps to regulate the price or else go out of the cotton-growing business. Estimating that the gold-standard countries would be compelled to have 5,000,000 bales per annum of our cotton, and this is a small estimate, which, at 13.33 cents, would put over three hundred millions into our Treasury at 33⅓ per cent advance, the net revenue thereby made by the Government would be more than one hundred millions per annum. In other words, the Southern people would surrender their cotton crops and take the Government's noninterest-bearing paper in payment therefor, and furnish the Secretary of the Treasury with cotton to sell for gold instead of his sacrificing the Government bonds for gold. The Administration plan is to sell us in debt, and give the gold owners of the world the power of dictating prices. This bill contemplates naming our own prices, and relegating gold to the position of a servant in the great international exchanges of the world.

3. The Treasury notes issued under this plan, to the extent of the size of the American manufacturing interest, will prove perpetually self-redeeming. To the extent of the cotton exported we will put $1.33 in gold in the Treasury for every dollar issued. The profit to the Government would be as stated—on a basis of $300,000,000 value exported at 33⅓ per cent advance, it would return a net revenue of more than $100,000,000 per annum, which the cotton planters of the Southern States are willing to contribute as a tax to the Government for governmental supervision as above indicated. The bonds growing out of the plan would form a basis for the creation of such a new system of banking as may be practically hereafter devised, and within themselves furnish a currency. I will not discuss the objections that may be raised to this plan, for I expect criticism; but I wish to emphasize one great truth, that the price of our great staple, cotton, can be controlled by the Government without hazard or loss and to the benefit of all sections of our country. The Southern States hold the supremacy of the world in the production of raw cotton, both as to quality and quantity. The Manufacturers' Record, commenting upon this subject, says:

Try as it may to avoid it, the world at large will have to draw the bulk of its cotton from the Southern States, and consequently we can and ought to determine what its selling price shall be instead of leaving that to be dictated by the consumer.

Hon. J. M. Rusk, then the Secretary of Agriculture, in a letter upon Southern progress, says:

The supremacy which the South possesses in the markets of the world as a cotton-producing country there is reason to believe will never be forfeited. The natural facilities of the South for the production of this great cotton crop, aided and directed by intelligence, must assure for all time the supremacy of the Southern States as the cotton-producing region of the world.

In the same line of thought, Secretary McCulloch, in his fiscal reports, refers to the active movement of the crop of 1865 and the good prices commanded, drawing largely on the old country, as saving the United States from a threatened financial wreck. Mr. Edward Atkinson, the statistician, in a paper read before the Cotton Manufacturers' Association of New England, says:

The Appalachian chain, gathering moisture from the Gulf Stream and spreading it over the fertile fields of the Southern States, has fixed our supremacy in cotton production.

If other authority is desired, I refer to the centennial sketch of the cotton trade of the United States by that distinguished cotton statistician, Mr. Thomas Ellison, of Liverpool; to Bulletin No. 9, United States Department of Agriculture; to "Production and price of cotton for one hundred years," by James L. Watkins; the "Annual cotton movements and fluctuations," by Latham, Alexander & Co., of Wall street, New York; the Encyclopedia Britannica; article "Cotton," by Thomas Ellison; and to any standard commercial geography. After reading these authorities anyone will be convinced that any person, syndicate, corporation, or Government owning the cotton crop of the Southern States could and would control the price of cotton. Under the plan that I have suggested the Government can become the owner of the Southern crop with a handsome net revenue attached, and under conditions that surround us it is but patriotic that we exercise this great commercial power to save the great industry and our country from wreck and ruin. If the Belmont-Morgan-Rothschild syndicate had the same lever power they would crush us in twenty-four hours, and it is but right that we use it as an instrument to buy what gold may be necessary for our purposes, to enforce international bimetallism, to extend and protect cotton manufacturing, and to regulate and protect cotton production. Every other nation in the world has legislated in the interest of cotton except this Government. They have done so for the purpose of making themselves competitors with us in the production of cotton. With all their governmental assistance they have signally failed and have finally resorted to gold monometallism so as to purchase our cotton at their price, and the time has come when the Government should come to the rescue of the American cotton crop, when it is so plain that by doing so they can make it to the advantage of the Government by making cotton the controlling factor of the world's finance and commerce and bless humanity by restoring bimetallism, and thereby emancipate labor, production, and commerce.

Lest the public may be misled in believing that I regard an international agreement necessary to the success of free and unlimited coinage of silver at the ratio of 16 to 1, I will emphasize that I believe in independent action without delay, and this plan carried out in detail exemplifies our ability to so act. There are other reforms on the other side of free silver that I believe in, but it is a useless waste of time to discuss them until we unshackle labor, production, and commerce from the dominating influences of gold. The patriotic influences of America need to be marshaled and focalized under this available issue of free silver 16 to 1 to route the common enemy of humanity and civilization before we can seriously contemplate the many other reforms needed in the fiscal and economic administration of our Government.

And the Southern staple is the available weapon with which to route monometallism and restore universal bimetallism, and thereby bless humanity.

Cotton is still king if it can be treated and dealt with fairly. If the Government would extend the same ratio of protection to this the greatest of all of our industries cotton culture would

keep pace with cotton manufacture. Upon every conceivable argument the culture of cotton is entitled to the same protection as is its manufacture. It gives employment to more labor, creates a larger home market for Western produce. Better prices for cotton means better prices for the landowner, better prices for farm labor, better prices for Western corn, wheat, and pork, and more prosperity to the country generally. In considering legislation along this line we must keep before us the relation of the Southern cotton crop to that of the world and hold fast to the fact that we do to-day and have done so for half a century and will continue for the next half century, under all conditions, to raise at least 80 per cent of the raw cotton of the world; that we consume about 33⅓ per cent of our production, and that the cotton mills of Europe must have two-thirds of our production to keep them running, and that all the mills must run on reasonable time to supply the world's increasing demand for cotton goods.

It looks reasonable that any Government whose people raise 80 per cent of a staple that is so important and necessary to the world, that is essential to clothe the human race, to furnish the home comforts, equip commerce, and shelter the camping armies of the world, and that employs so much labor in its production and manufacture, ought to receive some fostering care from the Government, so that its producers may not become paupers. All I contend for is that the Government shall throw around cotton culture the same arm of protective care that it gives to manufacturers, and thereby assist the cotton planter and relieve him from his present dependent position of being compelled to market his cotton crop certain months of the year at such price as the New York and Liverpool cotton exchanges shall dictate. It is a rule of trade acknowledged the world over that the owner of eight-tenths—even of 51 per cent—of any article of necessary consumption can regulate and control the price of the whole. So, reasoning from analogy, a Government whose people raise eight-tenths of all the cotton raised in the world can dictate to the consumers of that cotton what they shall pay. And in justice to ourselves and to every conceivable interest of this country this power should be exercised, not for purposes of oppression, but for the purpose of so regulating the great industry as to make it profitable, and those engaged in it prosperous and happy.

No nation is esteemed by the comity of nations so wealthy as that nation which from her resources can draw sustenance from her own soil to clothe and feed her soldiers in war and make them happy, prosperous, and contented in peace. Measured by this standard we are independent and capable of formulating our own political, commercial, and financial policy.

It must be admitted that this cotton commission, or Government control and supervision, would destroy the cotton speculation of the world and this profit would remain with the planter. My sympathies are with the cotton planter, for equal prosperity to all sections, for life on the farm as well as in the city, and against the evil spirit of the age by which speculation, monopolies, and trusts enrich the few at the expense of the many.

I admit that the recognized law of supply and demand ought to be left free to control prices. But in these days of unequal protection, monopoly, trust, and speculations the unprotected industries and the unorganized farmer, as against all the other combinations, unless some relief shall be extended to them, must sink and become and remain enslaved to the money trust.

The single gold standard is a simple trust upon the redemption money of the world, and this makes the gold owners—I may say 51 per cent of the gold of the world—the absolute owners and controllers of man, earth, church, and state.

The gold owners under this policy have caused this Government to surrender its sovereign function of issuing money to the national banks as a trust upon all secondary money, and they foster all other trusts of which we complain and whose heavy hand we feel paralyzing the heaven-appointed institution of farming.

It is indeed surprising to me that we shall supinely permit such trust, against the happiness and the welfare of the human family, when by utilizing our monopoly in raw cotton production we can break the trust and restore to the people their rights and prosperity.

Should the Government take advantage of its position and exercise its power in the premises?

Should the Government permit so great an industry to languish and those engaged in it to become paupers by raising a staple so essential to the comfort of the world and so necessary for the extension of civilization, and permit the continuance of prices fixed in Liverpool, dictated by a foreign policy, to command the American crop with as little money as possible, when it possesses the power to prevent it, and can, with this staple under governmental supervision, provided for in my bill, in due time drain Europe of all its gold and put it into the Treasury of the United States? I speak for the cotton planter. He will willingly raise cotton upon the faith of Uncle Sam's credit, accept Treasury notes therefor, redeemable so as to never receive a dollar of gold for their product, and turn it over to the Secretary of the Treasury to sell for gold for Government account. I repeat, the cotton industry is second to no interest in the United States, and deserves the fostering care of the Government, especially when by exercising this care the Government can make it the weapon with which to drain Europe of her gold and break the trust on money. The condition of the cotton crop, from planting to harvest, as well as the statistical position of the product, with the regularity of the daily course of the sun is bulletined around the world, and its staple is as current as gold across the counters of every bank in Christendom (only we permit its value to be measured in gold, when the reverse could be accomplished by action on our part). It constitutes fully one-half of our export, and is the lever with which we can raise the balance in our favor. The greater purchasing power we can give to this our great export crop the better it is not only for the producers of the South, but for all sections of the country, which hold a joint interest in our national wealth, to which cotton is the largest contributor. Is it right for the few million of people, those engaged in this industry, at the expense of great labor, exhaustion of soil, and sacrifice of health to produce 80 per cent of the great staple which is necessary to the comfort of fourteen hundred million people, the population of the world, at prices that are ruinous to the producers, when this can be prevented by this Government supervision, and the industry converted into a blessing to them with profit to the Government, and to the good of every section of our country and all mankind?

For the purpose of verifying my arguments, that we hold the monopoly in cotton production, I will at this point refer to a tabulated statement furnished me by the Agricultural Department, showing the world's supply and distribution of cotton:

World's supply and distribution of cotton.

	Visible and invisible beginning of year.	Crops.			Total actual consumption.	Balance of year's supply.		
		United States.	Supply of other countries.	Total crop.		End of year.		Burned, etc.
						Visible.	Invisible.	
	Bales.	*Bales.*	*Bales.*	*Bales.*	*Bales.*	*Bales.*	*Bales.*	*Bales.*
1866–67	2,349,000	2,230,000	2,178,000	4,400,000	5,085,000	1,400,000	219,000	53,000
1867–68	1,619,000	2,718,000	2,107,000	4,825,000	5,058,000	1,280,000	58,000	48,000
1868–69	1,338,000	2,652,000	2,564,000	5,216,000	4,979,000	1,260,000	260,000	55,000
1869–70	1,520,000	3,431,000	2,113,000	5,544,000	5,259,000	1,350,000	375,000	80,000
1870–71	1,725,000	4,733,000	2,025,000	6,758,000	5,820,000	1,696,000	882,000	85,000
1871–72	2,578,000	3,241,000	3,036,000	6,277,000	6,312,000	1,785,000	668,000	90,000
Average	.....	3,167,000	2,337,000	5,504,000	5,419,000	.....	.....	56,000
1872–73	2,453,000	4,283,000	2,083,000	6,366,000	6,425,000	1,591,000	729,000	74,000
1873–74	2,320,000	4,587,000	2,320,000	6,917,000	6,632,000	1,682,000	843,000	80,000
1874–75	2,525,000	4,216,000	2,309,000	6,525,000	6,656,000	1,619,000	705,000	70,000
1875–76	2,324,000	5,171,000	2,018,000	7,189,000	7,082,000	1,732,000	614,000	85,000
1876–77	2,346,000	4,933,000	1,897,000	6,830,000	7,140,000	1,318,000	643,000	75,000
1877–78	1,961,000	5,425,000	1,506,000	6,931,000	7,272,000	1,214,000	326,000	80,000
Average	.....	4,771,000	2,022,000	6,793,000	6,868,000	.....	.....	77,000
1878–79	1,540,000	5,637,000	1,398,000	7,035,000	7,223,000	1,068,000	199,000	85,000
1879–80	1,267,000	6,556,000	1,894,000	8,450,000	8,081,000	1,499,000	49,000	88,000
1880–81	1,548,000	7,519,000	1,837,000	9,356,000	8,646,000	1,922,000	246,000	90,000
1881–82	2,168,000	6,073,000	2,510,000	8,583,000	9,035,000	1,362,000	254,000	100,000
1882–83	1,616,000	8,058,000	2,350,000	10,408,000	9,499,000	1,704,000	701,000	120,000
1883–84	2,405,000	6,485,000	2,434,000	8,919,000	9,200,000	1,565,000	434,000	95,000
Average	.....	6,721,000	2,071,000	8,792,000	8,629,000	.....	.....	96,000

World's supply and distribution of cotton—Continued.

	Visible and invisible beginning of year.	Crops.			Total actual consumption.	Balance of year's supply.		
		United States.	Supply of other countries.	Total crop.		End of year.		Burned, etc.
						Visible.	Invisible.	
	Bales.	*Bales.*	*Bales.*	*Bales.*	*Bales.*	*Bales.*	*Bales.*	*Bales.*
1884–85	1,939,000	6,429,000	2,097,000	8,427,000	8,597,000	1,220,000	449,000	90,000
1885–86	1,679,000	7,480,000	2,100,000	9,580,000	9,371,000	1,210,000	590,000	88,000
1886–87	1,800,000	7,450,000	2,478,000	9,928,000	9,757,000	1,248,000	593,000	130,000
1887–88	1,841,000	8,000,000	2,100,000	10,100,000	10,167,000	985,000	649,000	160,000
1888–89	1,614,000	8,079,000	2,250,000	10,329,000	10,524,000	902,000	597,000	120,000
1889–90	1,469,000	8,525,000	2,580,000	11,105,000	11,055,000	1,140,000	294,000	115,000
Average	.....	7,659,000	2,239,000	9,928,000	9,912,000	.....	.....	117,000
1890–91	1,434,000	10,170,000	2,488,000	12,658,000	11,726,000	1,706,000	560,000	120,000
1891–92	2,206,000	10,800,000	2,390,000	13,190,000	11,816,000	2,958,000	607,000	40,000
1892–93	3,540,000	8,044,000	2,600,000	10,644,000	11,470,000	2,400,000	263,000	50,000

I also refer to a similar statement showing the world's consumption of cotton:

The world's consumption of cotton.

	Great Britain.	Continent.	United States.	India.	Total.
	Bales.	*Bales.*	*Bales.*	*Bales.*	*Bales.*
1878–79	2,843,000	2,596,000	1,784,000	262,230	7,485,230
1879–80	3,350,000	2,750,000	1,981,000	301,480	8,382,480
1880–81	3,572,000	2,956,000	2,118,000	371,400	9,017,400
1881–82	3,640,000	3,198,000	2,197,000	389,600	9,424,600
1882–83	3,744,000	3,380,000	2,375,000	447,400	9,946,400
1883–84	3,693,000	3,380,000	2,244,000	529,700	9,810,700
1884–85	3,433,000	3,255,000	1,909,000	584,800	9,181,800
1885–86	3,628,000	3,465,000	2,278,000	640,300	10,001,300
1886–87	3,624,000	3,640,000	2,423,000	711,800	10,468,800
1887–88	3,841,000	3,796,000	2,553,000	771,650	10,958,650
1888–89	3,770,000	4,069,000	2,685,000	870,880	11,394,880
1889–90	4,034,000	4,290,000	2,731,000	988,293	12,043,293
1890–91	4,230,000	4,528,000	2,958,000	1,155,328	12,871,328
1891–92	4,020,000	4,576,000	3,220,000	1,142,619	12,958,619
1892–93	3,706,000	4,576,000	3,189,000	1,170,000	12,641,000

From these statements it appears the consumption is quite equal to the production and the crops of all other countries have not appreciably increased. I will read an extract from an interview with Mr. Sam Inman, of Atlanta, Ga., in the Minneapolis Tribune:

The extent and value of the cotton crop in the United States is hardly appreciated by people generally. During the past forty-two years, or since the discovery of gold in California, the gold product of that State amounts to $1,200,000,000. The cotton grown during the past four years was valued at $1,400,000,000. This immense yield is confined to a few States. If the cotton planters would be wise the South would eventually be the richest section in the world. The consumption of cotton in the world increases on an average of about 500,000 bales a year. There has been practically no increase in the cotton yield in the foreign cotton growing countries of the world, so that the United States is expected to make up the increased consumption. Every part of the world, you might say, raises wheat; but it is not so with cotton.

But, Mr. Speaker, I am met with the argument that if we legislate in the interest of cotton specifically, that the grain grower, the hog, horse, and cattle raisers, and the producers of all other products will want similar legislation. My answer is that no other crop is analogous; besides, I am using cotton simply as the instrument to secure free coinage, and all of these producers admit that their prices will be doubled with free coinage.

Mr. Speaker, if it will be germane to the pending question, I will offer House bill No. 8353 as a substitute for the industrial commission bill; its sole mission is to collate information. This bill, which I now read, will collate information, without cost and in a most satisfactory manner, upon very important questions. It was for the purpose of information and instruction that I introduced it:

A bill (H. R. 8353) to submit to a direct vote of the people free coinage of silver at 16 to 1; a graduated income tax; the election of President, Vice-President, and United States Senators by a direct vote of the people.

Whereas this is a Government of, by, and for the people, and the people have the power to advise their servants, the President and Congress, concerning their governmental policies; and

Whereas it is highly important that they should be advised of the will of the people on important questions, that their will may be executed: Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That at an election for Presidential electors to be held in November, 1896, there shall be submitted to the citizens qualified to vote for such Presidential electors at said election the following questions:

First. Shall Congress make a law allowing free and unlimited coinage of silver at the ratio of 16 to 1, as it was prior to 1873? Yes. No.

Second. An amendment to the Constitution providing for the election of the President and Vice-President and United States Senators by direct vote of the citizens of the United States. Yes. No.

Third. An amendment to the Constitution providing that taxes shall be imposed as Congress in its wisdom may deem proper. Yes. No.

Fourth. Shall Congress, so soon as it may do so constitutionally, make a graduated income-tax law? Yes. No.

SEC. 2. That the intention of the voter shall be expressed, if he votes in the affirmative, by canceling the word "No"; and if he votes in the negative by canceling the word "Yes."

SEC. 3. That it shall be the duty of the judges and clerks of election appointed or elected as judges and clerks of said election for Presidential electors to also act as judges and clerks of this special election to determine the questions heretofore set forth. And the ballots and ballot boxes shall be returned to and canvassed by the same persons who by law are required to canvass the returns and determine the election of Presidential electors in each State; and the said persons so canvassing the returns shall certify to the President the number of votes for and the number of votes against each question. As soon as the President shall have received these returns, certified through the proper officers, he shall transmit them to Congress for its advice and consideration.

Pass this bill and you will not only have been informed but instructed by the people how you shall act.

Mr. Speaker, the President, the Senate, and I fear the House, is too far removed from the people; they all seem careless and indifferent of the people's needs and wants, and we are inaugurating and making permanent a system that removes all office-holding classes from the people. I refer to the civil-service laws. That is creating a life tenure in all appointive offices. In my opinion it is the creature and the ally of the single standard that will create the office-holding and the property-owning classes out of one and the same class, and both will be indifferent to the needs and wants of the people.

On January 14, 1896, I introduced H. R. 3959, and will now read the same:

A bill (H. R. 3959) to repeal the civil service laws.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, with sections 1753 and 1754 of the Revised Statutes, section 4, page 374, paragraph 1 of chapter 667, page 772 of the Supplement to the Revised Statutes, volume 1, and all the amendments to said act of January 16, 1883, be, and the same are hereby, repealed.

I can not enter upon an extended argument for the repeal of the civil service laws. Briefly I will state that I believe in the doctrine of Marcy, that to the victors belong the spoils; and in the language of our late Senator from North Carolina, Vance, the horse that pulls the plow should eat the fodder.

Again, the civil-service law practically closes the doors to the plain people holding office. It is only the educated and the upper classes that can stand those technical examinations; the plain honest farmer boy and girl with the old-school learning need not apply. This law says to them, "Plow on; the offices of the country were not created for you." Again, experiences have proven that life-tenure, office-holding classes become in time careless, arrogant, and indifferent to the good of the people. I believe the best service will be secured by making all offices, appointive and elective, as near to the people as possible, and as dependent upon their favor as practicable. It makes them more considerate, more cautious, more attentive, and more anxious to render the best practical service. Grover Cleveland is extending the service, and in a few years all Federal officers except Congressmen will be holding for life, and in time these will desire to be embraced within its provisions.

Doubtless this industrial commission, if created, would become permanent, and in time covered and saved to life service by Executive order. This would certainly follow if their reports should prove favorable to the single standard.

The people of this country are at the present time suffering from the effects of thirty years of blundering, if not dishonest, legislation. During this entire period, in my opinion, not a single law has been placed upon the statute books of the nation that has for its ultimate result the welfare and prosperity of the people. This species of legislation has continued so long and its results are so disastrous that a radical change for the better must be made in the immediate future or the beginning of the next century will disclose a condition of affairs in this nation that will jeopardize, if not destroy, the grandest experiment in self-government that the world has ever witnessed.

Mr. Speaker, the people have suffered beyond all reason, and if

Average		6,721,000	2,071,000	8,792,000	8,629,000		96,000

carefully considered, beyond all conception, through this vicious and criminal legislation which has been forced upon the country, reeking with treachery and corruption that "smells to heaven."

The manipulation of our finances in connection with unfair laws granting special privileges to corporations, trusts, and syndicates are the controlling factors in all the discontent and misery now seen among the people. The destruction of our silver currency, followed by a general contraction of our medium of exchange, is the prime cause of all our financial woes. The laboring people of our country were the first to feel the effects of this financial brigandage. Previous to this labor was abundant and wages were remunerative; now more than twenty million of our people are unemployed and thousands are in hunger and want. Then the laborers of our country were prosperous and contented; now more than five million are tramping our streets and swarming throughout the land, appealing alike to our sympathy and alarm. This class of people, dependent upon the labor of their hands, have been ruthlessly thrown out of work, to become mendicants and criminals, in order that a favored few might revel in luxury and idleness. The second class to feel the iron hand of this oppression was the farmer, the strength and bulwark of our free institutions.

This class of people have been dragged down from prosperity and progress to a condition of absolute bankruptcy and stagnation. All species of agricultural property has declined fully 50 per cent, while its products have fallen so low in price as not to repay the cost incident to production. In 1850 the wealth of the United States amounted to $8,000,000,000, of which the farmers owned $5,000,000,000. In 1890 the wealth of the country amounted to $65,000,000,000, of which the farmers owned but $16,000,000,000. In 1850 the farmers owned five-eighths of the wealth of the nation, while in 1890 they owned less than one-fourth. During the past thirty years the mortgage indebtedness of the farms of this country has increased, upon a conservative estimate, more than 2,000 per cent. The number of farms in the United States in 1890 was 4,555,734. Of this number, 2,302,941 were under a mortgage. From being comparatively out of debt in 1866, over 50 per cent of the farms of this country were mortgaged in 1890. I might continue statistics upon this point, but have given enough to show that the farmers of the country are in a most deplorable condition on account of unjust and unfair legislation.

The third class to feel these depressing conditions are the manufacturers. They are becoming unwilling victims of this same vicious legislation. With 20,000,000 of people out of work, with 50 per cent of the farms under mortgage and our agricultural population bankrupt, is it any wonder that manufacturers are going out of business or into the hands of receivers and their goods remaining unsold? A bankrupt and idle people can not consume products of either the farm or factory. This wholesale destruction of values following such vicious legislation is but the natural results of cause and effect. These conditions will continue to intensify, unless speedily remedied, until all business will become paralyzed and all labor efforts abortive.

MINNESOTA:

The Field for the Laborer and the Home for the Immigrant.

SPEECH

OF

HON. ANDREW R. KIEFER,

OF MINNESOTA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, May 21, 1896,

On the bill (H. R. 6119) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital.

Mr. KIEFER said:

Mr. SPEAKER: It may have escaped the attention of many of the members that most all of the immigration measures reported with a favorable recommendation originated and are advocated by our Eastern friends. And it has already become apparent during the progress of this discussion that of the two bills recently under consideration which proposed to throw certain restrictions around immigration into this country the one which merely requires that the incoming foreign stranger who desires to become a citizen of the greatest nation on earth shall be able to read or write in some language was the more popular. Mr. Speaker, that qualification, in addition to the many other restrictions that have been placed on our statute books, will not bar the worthy and desirable person from seeking our shores. I intended to offer an amendment providing that any parent who has children residing permanently in the United States may be permitted to land and become part of our people, providing always that there are none of the objections raised under the laws that exist at the present time, but the special rule would not permit.

Mr. Speaker, we are a nation of immigrants. Ever since the landing on our shores of the *Mayflower* there has been an incoming flow of the people from other climes—from Brittany, Germany, Norway and Sweden, Poland, Ireland, France, Italy, and from every other government where liberty has been fraught with continual danger, and where the individual under government regulations has not been permitted to enjoy that freedom which has made this country the haven of the oppressed from every other nation on the globe. It may be true, Mr. Speaker, that the people of Massachusetts and of Pennsylvania do not desire to add to the material wealth of those great commonwealths by offering any inducements whatever to immigration. It may also be true that the people on the far-away Pacific Coast are fearful lest the honest Polander or the intelligent and industrious Scandinavian or German come in and secure, even at the price that agricultural lands are held at, some of the choice acres of those five and ten thousand acre bonanza farms for which California has become famous.

But, Mr. Speaker, the people of Pennsylvania to-day owe it to the sons and daughters of foreign lands that they have developed into such a prosperous and progressive community. The thrifty German immigrant made his home in Pennsylvania and has become such a part of that great State that his descendants in the Western States are very frequently spoken of as "Pennsylvania Dutch," and the phrase has come into such general usage that it is used to designate many of our Western immigrants. We hear no demands for restrictive immigration as embodied in the bill offered by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] coming from the great Mississippi Valley, that magnificent empire which has only reached a preliminary stage of development. The people of that great domain will not, I am quite sure, oppose this proposition of establishing an educational test for the intending citizen. Indeed, they will throw every safeguard possible around the elective franchise by State legislation. But this does not mean that Minnesota desires to place any obstacles in the way of the deserving and honest son of toil who chooses to make that great productive region his future permanent abiding place. Within the past six months our State has been organizing for the purpose of offering every possible inducement to the immigrant and the laborer. Conventions have been held and local effort is being put forth to induce any honest man who desires to make a home or build up a business to locate in our midst.

In November last there was organized a State immigration association, and since that time every Congressional district in the State has held a convention in the interests of immigration.

On Friday last there was opened for settlement a portion of the great Red Lake Reservation, which is an agricultural garden, and where the industrious head of a family may soon become the possessor of a home. I desire to insert (with the permission of the House) an extract from the official circular which presents the aims and objects of the State immigration association. It is as follows:

A cordial invitation is extended to the citizens generally to join hands with the members of the executive committee from their respective Congressional districts, the county organizations, and with the secretary of the association in the important movement to increase the population of the State by 100,000, the mark set by the president of the association to reach at an early day, and within a reasonable period of time to double the present number (1,500,000) of inhabitants of the State and aggregate a population of 3,000,000.

Every citizen of Minnesota is invited to send the names and addresses of friends and acquaintances living in other States, Canada, or foreign countries to the secretary of the association at St. Paul, so that publications descriptive of the diversified resources of this great agricultural, stock-raising, and dairying State can be mailed to them. Also to request that their friends and acquaintances send the names of any intending settler whom they may know.

Farmers are invited to prepare letters giving their practical experience in farming since their settlement in Minnesota; give the name of the town, county, and State, or foreign country from whence they came; the amount of means, stock, etc., which they had on arrival in the State; the means they now have and the details of their progress in acquiring an independent home. It is the intention to print letters from farmers in the descriptive publications which are to be issued by the association in bringing to the attention of intending settlers the many advantages which Minnesota offers for new settlement.

As the agricultural lands and the timber and mineral resources of the State vary in localities, citizens are requested to prepare full descriptions of their respective counties and districts and send to the secretary at St. Paul for use in publications for distribution by the association. Include a description of the towns, manufactories, transportation facilities, public buildings, the number of churches, schools, population, the unoccupied lands, and other opportunities for securing new homes.

Local publications should be arranged for by cities, towns, counties, and districts, containing letters from farmers and descriptive matter containing the advantages and opportunities which their respective localities offer for the success of settlers. This can be done by special illustrated editions of local newspapers, or by local folders and pamphlets. If several thousand copies of such special or local editions are provided for by citizens, it is requested that a portion of each of such publications be sent to the secretary of the association at St. Paul to mail to intending settlers in answer to letters of inquiry, or to otherwise distribute.

It is the intention of the secretary to visit various counties and districts in the State to confer with citizens on plans for organized efforts to induce new settlement as soon as the duties at headquarters connected with the preparation of printed matter and the perfecting of other arrangements to advance and facilitate the work in hand will admit.

Members of county organizations and citizens generally are invited to visit St. Paul, when they can find it convenient to do so, and confer with the secretary on the subject of the best and most practical methods for promoting settlement in the State.

Truly, yours,

P. B. GROAT,

Secretary and Treasurer Minnesota State Immigration Association.

But our State is not alone in making extra efforts at this time to induce immigration. I will here insert a letter, or rather extracts from a letter, from Hon. T. L. Schurmeier, president of the State association, in which reference is made to an interstate association.

[Theodore L. Schurmeier, president; P. B. Groat, secretary and treasurer.]

MINNESOTA STATE IMMIGRATION ASSOCIATION,
HEADQUARTERS, 309 JACKSON STREET,
St. Paul, April 3, 1896.

MY DEAR SIR: The Minnesota State Immigration Association, an outgrowth of the Northwestern Interstate Convention, held at St. Paul last November 19, 20, and 21, has surpassed all expectations in the enthusiastic support which has been given to the movement in all parts of the State. Minnesota was the first of the Northwestern States represented at the interstate convention to organize after the adjournment of that body. The delegates to the interstate convention from Minnesota appointed an executive committee of seven members, one from each Congressional district. These, acting in conjunction with the secretary of the association, appoint county immigration committees. This measure has been carried out with so much vigor that we have county immigration committees organized and actively at work in 68 of the 81 counties in the State. The interest manifested in furthering the immigration movement is surprisingly great—in fact, has surpassed all expectations.

It has resulted in calling county and district conventions, mass meetings, etc.

A county convention was held at Hinckley, Pine County, soon after the State organization was formed, and was largely attended. A convention was held at Duluth for the Sixth Congressional district, and was attended by delegates from all over the district. It was held January 22 and 23 and was largely attended. Prominent speakers from various parts of the State were present and addressed the convention.

All of the other Northwestern States have organized State associations on or about assembling for that purpose, and the Northwestern immigration movement is assuming wonderful proportions and will result greatly to the advantage of the whole region, and Minnesota especially.

Very respectfully, yours,

T. L. SCHURMEIER.

Hon. A. R. KIEFER,
Washington, D. C.

The gentleman from California [Mr. JOHNSON] presented early in the session a bill which if enacted into law would stop the progress and hinder the prosperity of any unsettled and undeveloped community. It seems to be aimed directly at the Polish people, and I have received and presented here many petitions from the Polish-American citizens of my district protesting against the passage of the Johnson measure. I am glad that the Committee on Immigration have not reported it to the House for consideration.

MINNESOTA AND CALIFORNIA.

Mr. Speaker, on March 3, 1849, the Congress passed the bill giving to Minnesota a Territorial government. On July 4 of the same year the returns of the first census were taken, and it gave the Territory a population of 4,680. At that time the California gold fever was at its height, and the rush to the Pacific Coast during that period has never been equaled. In 1850 California had increased so rapidly that Congress received her as one of the States of the Union. It was an entire decade before Minnesota was admitted. And yet to-day we have as many Representatives on this floor as California, and we have a population of a million and a half of as intelligent, enterprising, successful, and patriotic people as exists in any Commonwealth in the Union. I now desire to quote, with the permission of the House, the law in respect to restricting immigration. The acts approved March 3, 1891, provides as follows:

That the following class of aliens shall be excluded from admission into the United States, in accordance with the existing acts regulating immigration, other than those concerning Chinese laborers: All idiots, insane persons, paupers, or persons likely to become a public charge, persons suffering from a loathsome or a dangerous or a contagious disease, persons who have been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude, polygamists, and also any person whose ticket or passage is paid for with the money of another or who is assisted by others to come, unless it is affirmatively and satisfactorily shown on special inquiry that such person does not belong to one of the foregoing excluded classes or to the class of contract laborers excluded by the act of February 26, 1885; but this section shall not be held to exclude persons living in the United States from sending for a relative or a friend who is not of the excluded classes under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That nothing in this act shall be construed to apply to or exclude persons convicted of a political offense, notwithstanding said political offense may be designated as a "felony, crime, infamous crime, or misdemeanor involving moral turpitude" by the laws of the land whence he came or by the court convicting.

That certainly is effective and far-reaching. It may not always have been enforced, but in spirit and intent it is in my judgment sufficient for the ample protection of our people from the dangerous classes. Of all the suggestions and recommendations made by the Immigration Investigating Commission appointed under the act of June 13, 1894, there are none more important than those referring to the proper distribution of immigration. And I may say with a feeling of pride that the people of Minnesota were among the very first to take action on the lines suggested by the Commission in the following:

DISTRIBUTION OF IMMIGRATION.

"While this Commission fully believes in the exclusion of all undesirable immigrants, it is nevertheless its sincere conviction that the solution of the vexatious immigration problem is to be found not so much in a restriction of immigration as in a wise distribution of it. There are some comparatively small, densely-populated sections, to be sure, where no immigrants or only the most highly qualified are desired; but in the larger part of this country those immigrants are still needed who are only fitted for unskilled manual labor. This is particularly true of the vast undeveloped agricultural and lumber areas of the Northwest, South, and Southwest. And now that the business depression has practically passed, manufacturing and construction enterprises, in both the newer and the older sections, will cause a steady demand for labor. Some arrangement should be made, therefore, whereby all immigrants who arrive without a fixed destination can be helped to find one of exactly the right sort. Such an arrangement the Commission has to propose.

"At present, many immigrants herd together in the densely populated centers. Nearly half of the steerage arrivals at the port of New York, for example, give their destination to the immigrant inspectors as New York City, because they know of no other place to go. That a considerable portion of them eventually drift elsewhere, for better or worse, is evident from the figures of the census; but quite too large a proportion remain to swell the ranks of the paupers or depreciate the labor market. Only a small percentage get where they really ought to be—that is, into the work for which they are peculiarly fitted, in the localities where they are peculiarly needed. Existing conditions, in a word, exhibit a clear case of maladjustment, and the maladjustment is principally due to the lack of reliable knowledge on the part of the immigrants and their complete inability to obtain it.

"Notwithstanding the rapid mail and cable connection and the enormous transatlantic trade, the geography, topography, resources, and industrial and social conditions of the different sections of the United States are practically unknown in Europe. The only information accessible to an intending immigrant is contained in the letters received by himself or his neighbors, or in the circulars of speculators, and steamship and railroad companies, within or without the limitations imposed by sections 3 and 4 of the act of 1891, as the case may be. He leaves home finally with the expectation of abundant opportunities of bettering his condition, and with an eager determination to avail himself of them, but without any precise knowledge of where or how he is to do it. Under the circumstances it would be strange indeed if glib-tongued agents did not sometimes, in spite of all the vigilance of the Federal authorities, induce him to invest his funds in worthless lands and played-out enterprises, or to let his labor to an unscrupulous padrone. The officers of the immigration service have no authority to direct immigrants where it is to their advantage to go, nor could they, even if they had the authority, undertake so difficult and complicated a task in addition to their present duties.

"The Commission therefore recommends the erection on the unoccupied space of Ellis Island of a large, permanent exhibition hall. This hall should contain, in easily accessible form, maps, charts, photographs, printed descriptions, and sample products; also tabulated up-to-date records of the demand for particular kinds of labor in particular localities and the oversupply in other localities. All immigrants should be conducted leisurely through the hall by immigration officials and given an opportunity to choose their destinations. The building should be erected by private enterprise, said private enterprise being allowed to recoup itself for its outlay by being granted for a term of years, possibly ten, the exclusive privilege of letting offices to State boards of immigration and such private companies as are eligible from their known character and reliability.

"The wisdom of intrusting the erection of the building to private enterprise will be readily seen. It not only avoids the assumption of a new and possibly burdensome responsibility by the Federal Government, but it also precludes the possibility of serious complications with foreign governments and the governments of the States and the varied and powerful transportation and colonization companies involved. At the same time the building should be under the control and supervision of the Federal Government to such an extent as may be necessary to guarantee the best interests of the community at large.

"The practicability of such an exhibition hall and labor clearing house has been demonstrated on a small scale by the Italian bureau of Professor Oldrini, already referred to. (See page 25.) It is significant of the great possibilities of such an institution on a large scale that the news is gradually traveling through the sections of Italy from which most immigrants come that at the Italian bureau in New York information and assistance may be had that is not mercenary.

"The Commission feels sure that the adoption of this or a similar plan for bringing about an intelligent distribution of immigrants will not only be the death of the padrone system, but will permanently silence the majority of the complaints now made against immigration."

Let us for a moment consider what immigration and the policy which has characterized our laws heretofore have accomplished for our country. There arrived in this country from the year 1820 to 1892, 16,611,060 immigrants. It will be interesting to note, in passing, the proportion of each of the leading nationalities in the grand aggregation.

There came from Germany, 4,748,440; Ireland, 3,592,247; England, 2,534,955; Norway and Sweden, 1,032,188; Austria and Hungary, 585,666—1 to 140 people; Italy, 526,749; Russia and Poland, 517,507; France, 379,637; Scotland, 347,900; Switzerland, 185,488; Denmark, 163,769; China, 296,219; all other countries, 2,700,295.

From this aggregation I gather that these immigrants and their offspring unquestionably contain fully one-half of our present population of 70,000,000 people. I find that there arrived at the port of New York during the six months ended June 30, 1892, 152,360 immigrants above 20 years of age, who brought with them $3,060,908.05, 22,351 being German immigrants, who brought $791,672. All of them brought willing hands, honest hearts, and healthy bodies, and all have found or will find the object for which they came here—a home in this land of liberty, justice, and equality. They have materially assisted in making this Government the progressive empire that it is to-day; they have given their adopted country laborers, farmers, mechanics, merchants, manufacturers, lawyers, doctors, teachers, bankers, ministers, soldiers, and statesmen. They have erected colleges, schools, and churches. I refute the statement which we have heard made, that a large proportion of the immigrants remain in the big cities. It is the Scandinavian, Irish, and German aliens who have settled upon the fertile prairies and fruitful fields of the great Northwest and made it a wealth-producing empire. It is they who have aided in building up cities, towns, and villages. Take, for instance, the city of New York, with its population of over 2,000,000. Less than 39 per cent of that population consists of the German nationality. Chicago has less than 38 per cent. The progressive and enterprising city of St. Paul, the great commercial metropolis of the Northwest, has less than 32 per cent. Minneapolis has less than 13 per cent, and so on through the long list of cities until we find Portland, Me., with less than 2 per cent. This all goes to show that the foreign-born citizen is found largely outside of big cities.

In dealing with this question it will not do to rely too much on sentiment. The argument of existing condition and the logic of the pocketbook is far more potent than all the theories of the persistent pessimist who invariably is on the outlook for danger signals. What part have our alien citizens played in the history, growth, and development of the United States during the last half century? Eliminate their record, and while not detracting in the least from the name and fame of our noble, native-born citizens, I say, without fear of successful contradiction, that the very best thought, noblest action, and patriotic impulses from other lands have been given ample play and have found full vent in the resources of the United States. Now, it is held by some that the resources of our country have been fully tested by the present population and no more labor should seek employment within our borders. This argument, I am free to say, has been advanced with some force since the present Administration of our Government assumed control; but such argument in general can not maintain. Our own State, the imperial Commonwealth of Minnesota, contains 53,000,000 acres of the finest agricultural and grazing lands in the world, of which less than 7,000,000 acres are under cultivation. Upon a territory covering 80,000 square miles there now resides 1,500,000 happy, law-abiding Christian people, the larger part of them being of foreign birth or descent. In no locality has this country been more lavishly enriched than has our State; and yet consider the opportunity yet open in that magnificent domain under conditions which have prevailed during the last decade up to the time when dire distrust and free importation of materials manufactured by cheap labor have threatened disasters to our commercial and industrial growth.

We are a people claiming to stand upon the very pinnacle of Christian civilization. We are proud of being called the most magnanimous and unselfish of all nations. We are proud, too, of being the owners of untitled land enough in our own borders to give labor and happiness to millions and millions of our fellow-beings. Let us not forget that many of our noblest citizens were happy to find this country the land of plenty, peace, and prosperity, and were permitted to make this their home by those who came before us.

Yes, it is claimed, and justly so, that the Mississippi Valley alone, with its neighboring territory, is capable of furnishing homes for fully 500,000,000 people. We own nearly one-seventh of the fertile lands of the world, and yet you hear people say that we are too thickly populated, and that we must take measures to stop immigration, that no more room is left for newcomers. People who talk thus know nothing of the geography of the country wherein they are born. In this country 500,000,000 men, women, and children can find bread, can live and be brought up. We need not fear to double and triple our present population. What we must do is to educate their children when they reach here, and in a generation or two we will see them American citizens of whom the Republic may well be proud. Who knows of better citizens than those hundreds and thousands of foreign-born citizens who risked their lives to save the Union and Republic? Do you not regard them as just as high and worthy as the native born? Their minds, their hearts, their views, are what we should look to. We should not ask where one is born, but ask, "Is he a good man? Is he willing to grant others what he demands for himself?" That seems to me to be the true test.

What American does not know the noble and patriotic words of Jefferson, embodied in the Declaration of Independence, and sanctioned in the Constitution, which makes ours the land of liberty and the asylum of the oppressed of every nation? These are his words:

> Every attempt to abridge the present privilege of becoming citizens and owners of soil among us ought to be resisted with the same spirit which swept the alien and sedition laws from our statute books.

Labor.

SPEECH

OF

HON. GEO. B. McCLELLAN,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, May 21, 1896.

The House being in Committee of the Whole on the state of the Union and having under consideration the bill (H. R. 6119) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital—

Mr. McCLELLAN said:

Mr. CHAIRMAN: In a partly civilized community where ignorance is prevalent, labor is of necessity, on the surface at least, content. Whatever discontent may exist among the laboring classes finds no intelligent method of expression. In such communities labor can only assert itself by uprisings accompanied with physical force. Under such circumstances the laborer knows that his condition is not what it should be, but is unable to either discover the cause or suggest a remedy. Uprisings may occur in partly civilized communities, but they are eventually suppressed and labor finds itself in even a worse condition than before. It is a curious commentary on modern conditions that the greater the civilization the greater the apparent discontent of labor.

The almost universal discontent of labor at the present day is due primarily to the great increase of education and intelligence among the wage earners of the world, to the specialization of labor with the introduction of modern machinery, and to the displacement of labor through more economical methods of production and distribution.

All concede the truth of the abstract proposition that it is the duty of government to legislate for the good of the greatest number. It is certainly the duty of Congress, in accordance with a strict construction of its constitutional powers and limitations, to do all that it can for the improvement of the condition of the great majority of its citizens, the wage earners.

THE "FREE AND UNLIMITED COINAGE OF SILVER" ARGUMENT.

During the present session of Congress I have heard gentlemen in all seriousness charge the present discontent of labor in this country to what they are pleased to call the "demonetization of silver," and suggest, as the only relief for the struggling masses, the free and unlimited coinage of silver at the ratio of 16 to 1.

Free-silver advocates base one of their strongest arguments in favor of the free and unlimited coinage of silver upon the fact that since the so-called "crime of 1873" prices of almost all commodities have fallen. Observing that the price of silver has fallen even more than that of other commodities, they have jumped to the conclusion that there is the relation of cause and effect between these two facts, and that the fall in the price of silver has caused the fall of prices in other commodities, and that were the price of silver to be restored by any means the prices of other commodities, including labor, would in consequence rise. This argument is absolutely unwarranted, and more worthy of the nursery than of the House of Representatives.

It is one of the canons of logic and of common sense that where simple explanations for given phenomena are at hand complex explanations should not be sought. It is safe to assume that where

the price of an article rises greatly the demand has outrun the upply, and that where the price falls the supply has outrun the demand. With this simple explanation of the cause of the fall in prices in the last quarter of a century, it is scarcely conceivable that anyone should attribute a general fall in prices to the fall in the price of one specific article. The claim that the fall in the price of silver has caused the fall in the price of other articles can not be proved and never has been proved. Gentlemen have generalized upon the floor of this House, free-silver advocates have repeatedly made the claim, but they have never attempted to prove it. The logical and sensible explanation that the fall of prices has been caused by overproduction is, on the contrary, capable of proof.

HON. DAVID A. WELLS PROVES THE CORRECT THEORY.

The wonderful advances of the world during the last quarter of a century in improved and economical methods of production and distribution, which have been mainly due to the progress of invention and discovery, have resulted in an enormous production of all the necessaries of life. While the demand has to a certain extent kept pace with the supply, competition and greater facilities of transportation have constantly kept the supply in excess of the demand.

The Hon. David A. Wells, in his epoch-making book, Recent Economic Changes, has proved this view of the case by giving a detailed history of each of the leading commodities the price of which has fallen, and has shown that in every case the fall of price has been preceded by a very great increase of production; that the supply has outrun the demand, not the demand in the abstract, for in a certain sense there is no limit to the demand for useful and desirable things, but the demand at the preexisting price. He cites instances, not only of the naturalness of the decline of price, but also of the benefit that that decline has afforded to the great majority of the people of the world.

The beet-sugar industry, for instance, has been built up largely at the expense of the cane-sugar industry. Regardless of the question of the soundness of the policy of paying bounties, the result of this has been that the world now gets very low-priced sugar. The industry of tea cultivation has, in a natural manner, been transferred from China to India, and the price has greatly fallen. Quinine, which not long ago sold for $1 an ounce, is now cultivated in the East Indies and is sold at but a fraction of its former price. These are merely instances taken from Mr. Wells's book. The list might be continued indefinitely. They are sufficient, however, as an illustration, and it may be said in passing that the Europeans engaged in raising beets and making beet sugar have to work upon the gold basis, while most of the countries interested in cane sugar are upon the same silver basis as are the Chinamen who have been injured in their tea industry, but never raised a hand against silver, and that South America, which has been deprived of its quinine industry, is also upon a silver basis. It will be seen that in none of these three cases has the silver standard succeeded in maintaining the price of the injured industry.

WAGES HAVE RISEN AND PRICES FALLEN.

Prices have constantly fallen since 1860, except during the period of inflation under the suspension of specie payments. If gentlemen interested in the free and unlimited coinage of silver would carefully examine part 1 of Senate Report 1394, second session, Fifty-second Congress, called the "Aldrich report," they would find therein many facts that would probably shake their allegiance to the white metal.

I have prepared a table, which I shall ask the permission of the House to insert in the RECORD, which is merely a comparison taken from a number of tables in the Aldrich report. All the prices are computed upon the basis of 1860, being percentages of the averages during that year. The average price of 53 articles of food rose during the period of inflation of 1865 to 216.5, fell in 1873 to 129.8, and has since then been falling until 1891, when it reached 103.9. The average price of 28 articles of cloths and clothing rose in 1865 to 299.2 and has been steadily falling ever since until 1891, when it reached 81.1. The average price of 10 articles of fuel and lighting rose in 1865 to 237.8 and has been falling since then until it reached 91 in 1891. The average price of 54 articles of metals and implements rose in 1865 to 191.4 and has since been falling until in 1891 it reached 74.9. The average price of 35 articles of lumber and building material rose in 1865 to 182.1 and had fallen in 1891 to 122.3. The average price of 18 drugs and chemicals had risen in 1865 to 271.6 and fallen in 1891 to 86.3. The average price of 15 articles of house furnishings rose in 1865 to 181.1 and had fallen in 1891 to 70.1. The average price of 10 miscellaneous articles, such as soap, etc., rose in 1865 to 208, and in 1891 had fallen to 95.1. The average price of these 223 articles, all necessaries to the wage earner and all used in daily life, rose in 1865 to 216.8 and have been falling ever since until 1891, when their average was 92.2.

The advocates of free silver are undoubtedly sincere in thinking that a rise of prices would be a benefit to the community. They overlook the fact that while the prices of most commodities have fallen during the last twenty-five years, the price of that all-important commodity, labor, has risen.

Estimating as before upon the basis of 1860, the average price of labor in the following leading industries, agricultural implements, ale, beer and porter, books and newspapers, building trades, carriages and wagons, city public works, cotton goods, dry goods (stores), ginghams, groceries (stores), illuminating gas, leather, lumber, metals and metallic goods, paper, railroads, sidewalks, spice, stone, white lead, woolen goods—21 in all, was, in 1865, in currency 143.1, in gold 66.2; in 1870, in currency 162.2, in gold 133.7; in 1873, the year of the so-called "crime," in currency 167.1 in gold 148.3; in 1875, immediately after the so-called "crime of 1873," in currency 158.4, in gold 140.8, and has been rising ever since the resumption of specie payments until in 1891 the average had reached in gold 160.7.

The hours of labor in these twenty-one industries have steadily fallen from eleven per diem in 1860 to ten and a half in 1873 and to ten in 1891.

A further examination shows that the average wages paid to anthracite coal miners rose in currency in 1870 to 233.4, and are in gold to-day 177. The average wages paid to iron-ore miners rose in currency in 1865 to 161.8; in 1870 to 214.7; and are to-day 213 in gold. The average wages paid to teachers in four cities, St. Louis, Boston, Cincinnati, and Baltimore, rose to 134.7 in 1865, 186.3 in 1870, 183 in 1873, and have been rising ever since to 1891, when the average was 186.3. Meanwhile it may be interesting to note that while the ratio of silver to gold in 1860 was 15.29; in 1865, 15.44; in 1870, 15.57; in 1873, 15.92; in 1875, 16.59; in 1880, 18.05; it has been steadily increasing, until in 1894 it was 32.56; and while the value of the silver dollar in gold was in 1873, 1.004; in 1875, 0.964; in 1880, 0.886; it was in 1894, 0.491. In other words, beginning in 1860, with the exception of the period of inflation exaggerated by the speculation incident to the war, prices of the necessaries of life have been steadily decreasing until to-day they have reached the lowest point in modern times.

Silver has had about the same price history as all other commodities. It may have fallen lower than some others, but if it has, it is merely because the supply has more greatly outrun the demand and because the demand has fallen farther behind the supply.

FALLING PRICES A BENEFIT TO THE PEOPLE.

Were the buyers and the sellers in a community numerically equal, a rise or fall of prices would have no relative effect; but as the buyers vastly outnumber the sellers, as the wage earners outnumber the capitalists, a fall in prices must benefit the great majority of the people. While invention and discovery and the increase of supply over demand have forced the producer to place his goods upon the market at greatly reduced rates, he has at the same time been obliged by competition and organized labor to pay higher wages to his employees.

There can be no question but that incomes have been reduced. Since the period of inflation the rate of interest has gone down, and possibly the well-to-do, living upon the interest of their capital, are poorer to-day than they were twenty-five years ago; but wages have increased steadily since the "crime of 1873," and the prices of the necessaries of life have fallen, and the hours of labor have been reduced; so that the condition of the wage earner is infinitely better to-day than it was before 1873.

If the so-called demonetization of silver has brought about this condition, it was certainly the greatest act of beneficence ever performed by a legislative body. Applying the same reasoning to the rise in the rate of wages that the free-silver advocates do to the general fall in prices, it would be no more ridiculous to say that the improved condition of labor to-day is due entirely to the so-called demonetization of silver. Had there ever been any danger prior to 1873 of our drifting upon a silver basis this argument might hold. But it is ridiculous, for the "crime of 1873" was merely the recognition of existing conditions brought about by the fact that in 1837 the bullion value of the silver dollar was made a little greater than its face value in gold, which resulted in silver being driven from the country under the operation of Gresham's law: that the least valuable money always drives the more valuable out of circulation.

It is a fact that during a period of rising prices the price of labor is the last to join an upward movement. The price of this commodity is the slowest to adjust itself to a general rise in the prices of all commodities. Were the free and unlimited coinage of silver to be permitted, it is probable that for a time we would pass through a period of inflation, of rising prices and of mad speculation. The prices of most commodities would probably be doubled to adjust themselves to the new 50-cent dollar. Manufacturers and producers, realizing the short duration of the boom, would greatly increase the prices of their commodities to take advantage of the inflation; but, until the speculative era had passed by and we had established ourselves upon a silver basis, no producer could afford to raise the price paid for labor.

CHEAP MONEY THE WAGE EARNER'S CURSE.

The chief sufferers from the free coinage of silver would not be the rich but the poor. The capitalist, with his credit or hoard of merchandise, could stand the strain of a depreciated currency, and, joining the mad debauch of speculation incident to inflation, double or treble his capital. The wage earner, who has but one commodity for sale, labor, would be the chief sufferer. Labor can not be hoarded, but must be sold at once. A man having nothing for sale but his own labor must find a ready market for it, as he lives from hand to mouth and from day to day depending on his daily wages. The employer would be able to take advantage of unsettled prices in selling his goods, but could not afford to pay increased prices in purchasing labor. Wages would remain the same, while the prices of other commodities would not only be doubled to adapt themselves to the depreciated dollar, but would receive a speculative upward impetus. The price of labor would, for the time at least, remain at the same nominal rate, which, with a 50-cent dollar, would be half what it formerly had been. In the end wages might possibly adapt themselves to the new order of things; but it is noteworthy that during the civil war, while the prices of the 223 articles before mentioned rose 116.8 per cent, during the same period the price of labor only rose 43.1 per cent; and during the period of inflation the prices of labor never caught up to the prices of other commodities measured in the depreciated dollar. The same has been the case in free-silver Mexico, in Chile, in Italy, and in fact in every country using depreciated money. Even if wages were eventually to adjust themselves to the silver dollar it would be the task of many years filled with untold misery and suffering to the men who have made this country what it is, the wage earners. The advocates of free silver are the worst enemies the laboring classes have.

THE INTERESTS OF LABOR AND CAPITAL THE SAME.

Many of the causes of the discontent of labor in specific instances are due to the disregard of the fact that the interests of labor and capital are the same. It must be acknowledged that only too often capital is grasping and exacting in its demand upon labor and that labor regards capital as its natural enemy. In civilized communities the only redress ready to the hand of labor is the strike. One of the usual methods employed by capital for enforcing its demands upon labor is the lockout. No strike and no lockout can possibly occur without tremendous loss to both employer and employed; greater to the employed, for they are not in a position to successfully withstand the suffering incident to the loss of employment. It is one of the hopeful signs of the times that we are tending in all the affairs of life to settle differences by arbitration. Most of the differences between labor and capital are in part susceptible of explanation and would almost always be subject to adjustment could the natural bitterness of a contest for mastery be eliminated.

THE ERDMAN BILL.

There have been reported from the Committee on Labor two bills—one the Phillips bill, which we are now discussing, and the other the Erdman bill, which I understand is to be considered before adjournment. They are both drawn in the interest of labor and capital alike.

The Erdman bill provides for an easy, economical, and certain method of arbitration. It appears to be satisfactory to both labor and capital. It shows on the part of its author a profound knowledge of labor problems, a deep interest in the cause of labor, and extreme care in drawing it so as to make it apply with equal fairness to both employer and employed.

THE PHILLIPS BILL.

The Phillips bill proposes the appointment of a commission to investigate the causes of the discontent of labor and to suggest to the different States of the Union uniform legislation for the solution of the problem.

In 1878 Mr. Thompson submitted a resolution to the House of Representatives, which was agreed to, for the appointment of a committee of seven "to inquire into and ascertain the causes of general business depression, etc."

The royal (British) commission on the depression of trade, which reported to Parliament in 1886, went more deeply into the subject than has any similar body.

The British gold and silver commission, which reported in 1888, also investigated to some extent the causes of the question of the discontent of labor.

The Aldrich committee, to which I have previously referred, collected a vast amount of valuable data bearing upon the subject, but did not attempt to draw conclusions.

CAN THE DISCONTENT OF LABOR BE REMOVED?

It is an open question whether or not the discontent of labor can be removed by legislation, and whether it is not caused by natural laws and by the complicated conditions of modern society, which legislation would be powerless to change. The commission proposed in this bill would have powers and facilities which no other commission has ever possessed. While it might not find a remedy, it would at least be in a position to suggest the probable causes. It is urged against this bill that the commission would be a costly luxury born in the mind of a doctrinaire. The gentleman who has drawn this bill is not only a close and able student of economic problems, but one of the most practical and successful business men in the country. In the preparation of his bill he has consulted all the interests involved, and it is the result of the best thought obtainable among laboring men and capitalists. If the commission accomplishes an infinitesimal part of the work that has been laid out for it, it will be the most successful in history. When the happiness and the welfare of millions of people are at stake, the expenditure of a few thousands of dollars is not worth considering.

The Government, however, has a duty to perform more essential to the welfare of the country than any legislation on any one specific question; it is a duty that it owes to the capitalists of the country and to the business men, but more especially to the wage earners. The most important duty of this Government is the maintenance beyond question of the present standard of value—the gold dollar.

Table showing the rise of wages and the fall of the prices of all other commodities since 1860.

Articles.	1860.	1865.	1870.	1873.	1875.
Food, 53 articles	100	216.5	153.8	129.8	130.5
Cloths and clothing, 28 articles	100	299.2	139.4	136.9	120.1
Fuel and lighting, 10 articles	100	237.8	196.5	134.6	156.5
Metals and implements, 54 articles	100	191.4	127.8	129.8	117.5
Lumber and building material, 35 articles	100	182.1	148.3	171.9	143.7
Drugs and chemicals, 18 articles	100	271.6	149.6	141.5	144.2
House furnishings, 15 articles	100	181.1	121.6	109.1	95
Miscellaneous, 10 articles	100	202.8	148.7	132.4	122.9
All articles, 223	100	216.8	142.3	137.5	127.6
Wages in 21 industries	100	143.1	162.2	167.1	158.4
Same in gold	100	66.2	133.7	148.3	140.8
Hours of labor in same	11	10.7	10.5	10.5	10.3
Anthracite coalminers' wages	100	191	223.4	232.8	183.7
Iron ore miners' wages	100	161.8	214.7	234.9	180.1
Teachers' (4 cities), wages	100	134.7	186.3	183	188.1
Ratio of silver to gold	15.29	15.44	15.57	15.92	16.59
Value of silver dollar in gold (average)	.....	.....	.....	1.004	.964

Articles.	1880.	1885.	1890.	1891.	1894.
Food, 53 articles	107.6	98.7	104.6	103.9	.....
Cloths and clothing, 28 articles	104.5	84.8	82.4	81.1	.....
Fuel and lighting, 10 articles	100.2	89.6	92.5	91	.....
Metals and implements, 54 articles	96.3	77.4	73.2	74.9	.....
Lumber and building material, 35 articles	130.9	126.6	123.7	122.3	.....
Drugs and chemicals, 18 articles	113.1	86.9	87.9	86.3	.....
House furnishings, 15 articles	85.2	70.1	69.5	70.1	.....
Miscellaneous, 10 articles	100.8	97.5	89.7	95.1	.....
All articles, 223	106.9	93	92.3	92.2	.....
Wages in 21 industries	141.5	150.7	158.9	160.7	.....
Same in gold	141.5	150.7	158.9	160.7	.....
Hours of labor in same	10.3	10.3	10	10	.....
Anthracite coal miners' wages	178.7	175	177	177	.....
Iron ore miners' wages	213	213	213	213	.....
Teachers' (4 cities), wages	182.8	186.3	186.3	186.3	.....
Ratio of silver to gold	18.05	19.41	19.76	20.92	32.56
Value of silver dollar in gold (average)	.886	.823	.81	.764	.491

Apsley on Protection.

Protection and Reciprocity—Repeal of the Tariff Law of 1890—Its Effect on National Revenues and on Commercial Conditions.

SPEECH

OF

HON. L. D. APSLEY,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, May 21, 1896,

On the bill (H. R. 6119) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital.

PRESIDENTIAL HYSTERICS.

Mr. APSLEY said:

Mr. SPEAKER: Our present Chief Executive has on several occasions dealt largely in literary hysterics. Among his latest examples is his message of December 17, 1895, on the Venezuelan boundary question; but that in his message of August 7, 1893, on the repeal of the Sherman law is still more extraordinary.

All that was required in the Venezuelan matter was a simple statement of the facts then known and an intimation to Congress that he desired funds to enable him to ascertain such additional information as he thought necessary. All his suggestions as to war, as to resisting by every means within our power, as a willful aggression by Great Britain, the exercise of jurisdiction over lands which she claimed in an unknown region under the equator, were wholly uncalled for. It was worse than this. Such idle and needless threats against a friendly nation can only be properly designated as a political crime. Should occasion unfortunately arise, we trust all Americans would be united for any national interest or sentiment; but it is a well-known fact that those who have once fought have more conservative ideas as to war than those who have delegated their fighting to a hireling. To add to the inconsistency of the action, on the third day thereafter he sent a melodramatic message to Congress begging them to vote him money to relieve the nation from impending bankruptcy caused by the maladministration of national affairs by his own party and aggravated by the hysterical deliverance to which I have just alluded.

Even these are eclipsed by the words he used in the midsummer message of August 7, 1893. He had then been President for more than five months, President-elect for nine months, and having been President once before he was no groundling. He well knew, or should have known, that the conditions which he described so graphically were caused by the change in national policy foreshadowed by the election of November, 1892, when his party, the champion of free trade and of a tariff for revenue only, had been voted into power at the polls.

THE COUNTRY UNDER PROTECTION.

Let us look on the two industrial pictures—the one drawn by Harrison of the condition of affairs under the Republican policy, and that shown by Cleveland under the Democratic policy of free trade.

President Harrison, fourth annual message, 1892:

In submitting my annual message to Congress I have great satisfaction in being able to say that the general conditions affecting the commercial and industrial interests of the United States are in the highest degree favorable. A comparison of the existing conditions with those of the most favored period in the history of the country will, I believe, show that so high a degree of prosperity and so general a diffusion of the comforts of life were never before enjoyed by our people.

* * * * * * *

There never has been a time in our history when work was so abundant or when wages were as high, whether measured by the currency in which they are paid or by their power to supply the necessaries and comforts of life.

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WHERE ARE THESE SAVINGS NOW?

Another indication of the general prosperity of the country is found in the fact that the number of depositors in savings banks increased from 693,870 in 1860 to 4,258,893 in 1890, an increase of 513 per cent, and the amount of deposits from $149,277,504 in 1860 to $1,524,844,506 in 1890, an increase of 921 per cent. In 1891 the amount of deposits in savings bank was $1,623,079,749. It is estimated that 90 per cent of these deposits represent the savings of wage earners.

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THE PROTECTIVE SYSTEM.

I believe that the protective system * * * has been a mighty instrument for the development of our national wealth and a most powerful agency in protecting the homes of our workingmen from the invasion of want.

He did not attempt to argue as to the merits of protection. That system, he said, had now been put into the hands of its avowed enemies, and the results of their action would be awaited with intense interest. While he warned us that the immediate results would be a decreased revenue from customs duties, he was yet generous enough to say that those who had so advocated protection and had predicted dire results from its abandonment could well afford to be disappointed in their forecasts.

We had had, he said, in our history several experiences of the contrasted effects of a revenue and a protective tariff; but this generation had not felt them, and the lessons learned by one generation were not always accepted by that which followed it. He added, however, that the friends of the protective system would await with confidence the verdict of the future.

INCREASED MARKETS ABROAD.

In his review he noted as the only serious question the low prices of wheat and other farm products. This condition had been due to increased production in other countries and to our exports being discriminated against. To remedy this he announced the negotiation of reciprocity agreements with Brazil, Spain for Cuba and Puerto Rico, Germany, Austria, and various Latin-American countries. Others were in course of negotiation, and had it not been for the change announced and determined on by the incoming party these would have soon included nearly every nation with whom such were advisable.

While these treaties were just beginning to demonstrate their value he was even then able to show that our exports of domestic products, mostly in wheat, flour, meat, and dairy products, manufactures of iron, steel, and lumber, to these countries had increased $20,772,621, in this way widening the market of our farmers for the wheat and other products which had been displaced by recent extraordinary outputs in the Argentine Republic and Russia, and had caused such a marked decrease in the Old World prices. All who were interested knew then that our flour was going by carload lots from far interior towns to the seaports for export to Cuba, where, for the first time in the history of the nation, the Spanish Government had been obliged, because of the retaliatory clauses of the tariff of 1890, to let in our food products on favorable terms. We are all well aware that the Wilson law repealed these provisions and that as a consequence our magnificent new trade was stricken down, our favorable terms of importation into Cuba and Puerto Rico were promptly done away with by the Spanish Government, and our flour and other productions had to find consumers at home.

WHAT IS RECIPROCITY?

Many Democratic authorities declare that reciprocity in trade between nations is in fact free trade, pure and simple. They forget the first condition to such treaties. There must be a tariff list from which to except certain articles. Without this the United States would have nothing to give. If all the products of a foreign country were already free they would laugh at our offer to make them any freer by means of a treaty. Having given away our markets, our appeal would have to be made to the generosity and not to the self-interest of other nations. Lord Salisbury once said that free trade might be noble but it was not business; but whatever may be said of reciprocity, it is certainly business. It is fair and open exchange. We say to Spain we will remove all duties upon your sugar if you will admit our flour free, and the American people taste the sweets of free sugar, the Cuban people eat untaxed bread, and the producers of flour and of sugar have an enlarged market.

UNDER THE M'KINLEY LAW WE HAD A TARIFF.

The law of 1890 had been so framed that the President could negotiate treaties, conventions, and agreements with foreign nations to secure larger sale of our surplus agricultural and manufactured products, and if such nations would not join us in this effort he could impose retaliatory duties on the imports from that country.

This confronted these nations with a condition and not a theory; where they had to consider whether they should lose this great market entirely or whether they should give us something of value in return.

NATIONS MAKING SUCH TREATIES.

The following is a list of the nations which entered into the special tariff agreements: Brazil, in effect April 1, 1891; Spain for Cuba and Puerto Rico, September 1, 1891; German Empire, effective February 1, 1892; Salvador, British West Indies, Nicaragua, Guatemala, Costa Rica, Honduras, France, and her colonies, Austria-Hungary, and others.

WHAT WE GAINED BY RECIPROCITY.

With Spain (to Cuba and Puerto Rico) we gained at once at the rate of more than ten millions per year; with Brazil, from ten to fifteen millions; Guatemala, nearly one and a half millions; Venezuela, one and three-quarter millions; Haiti, two millions three hundred and sixty thousand; British West Indies, over two and a half millions; and so on through the list, so that the net gain, allowing for all losses by reason of civil war and financial disturbances in some of these countries—to the South was for the year over twenty-five millions. All this and all the growth of this trade, which was estimated as certain to grow to more than one hundred millions, was thrown away by the Democratic repeal. It did more than lose this; it gave our trade to these countries such a blow, because of the dishonor which attaches to this abrogation of a treaty, as will require time to recover from.

All the increase in these exports was in grain, corn, wheat, flour, lard, provisions, and the general list of manufactured articles. These people all want our goods, but they had to pay extra duties on them, so as to foster the mother country back in Europe, until the law of 1890, by the clauses mentioned, enabled the President to call a halt on such acts and to say to them, Let in our goods on fair terms or we will tax your goods out of our markets. Of course these various European countries did not love the Republican party for this action. They looked with little favor upon the party which had enacted a law declaring in effect that America was for Americans, and their great public newspapers were a unit in demanding its repeal. So soon as the Republican tariff was out of the way these nations, France, Germany, and others, shut out our food products or discriminated against them so as to almost ruin our trade there in many lines. It is useless for our ministers to protest; we have deliberately thrown away the only lever, the only weapon, with which we could have prevented this action, and we now have to pay, in the great loss in our export trade, the cost of Democratic incompetence and hostility to the interests of labor and agriculture in the United States.

proposed in this bill would have powers and facilities which no

the repeal of the Sherman law is still more extraordinary.

PRESIDENT CLEVELAND'S MESSAGE OF 1893.

The evil results of the change in national policy which was to be inaugurated by the Democratic party began to show themselves with the first days of the year 1893. By the time the new President was installed this had become so threatening that Cleveland was censured by many for not at once convening Congress. Perhaps he was afraid of the newly elected Representatives. At any rate, he neglected to avail himself of their counsel and assistance until the industries of the country were in a state of complete prostration. No such spectacle had ever before saddened the American people; their honest workmen were idle in hundreds of thousands; anarchists and "Coxeyites" held high revel, and all the world looked on in surprise at the awfulness of the disaster which had so suddenly come upon us.

After waiting five long months he finally called Congress in special session. On the 8th of August he addressed them a message, which stands, and I trust may ever stand, separate and apart among the utterances of our Presidents—an abject confession of incapacity and a blind accusation of all existing conditions on the party and policy which had ever been successful in preventing such conditions from arising:

The existence of an alarming and extraordinary business situation, involving the welfare and prosperity of all our people, has constrained me to call together in extra session the people's representatives in Congress, to the end that, through a wise and patriotic exercise of the legislative duty with which they solely are charged, present evils may be mitigated and dangers threatening the future may be averted.

The President thus proceeds to give his diagnosis of the sudden prostration which had come upon the country coincident with the beginning of his Administration:

Our unfortunate financial plight is not the result of untoward events nor of conditions related to our natural resources; nor is it traceable to any of the afflictions which frequently check national growth and prosperity. With plenteous crops, with abundant promise of remunerative production and manufacture, with unusual invitation to safe investment and with satisfactory assurance to business enterprise, suddenly financial distrust and fear have sprung up on every side. Numerous moneyed institutions have suspended because abundant assets were not immediately available to meet the demands of frightened depositors. Surviving corporations and individuals are content to keep in hand the money they are usually anxious to loan, and those engaged in legitimate business are surprised to find that the securities they offer for loans, though heretofore satisfactory, are no longer accepted. Values supposed to be fixed are fast becoming conjectural, and loss and failure have invaded every branch of business.

HE STATED CONDITIONS CORRECTLY.

All the facts he states above were true, too true, as we are all aware. And what a contrast to the times left by the preceding Administration, and which were correctly portrayed in the message of President Harrison sent to Congress only eight months before. National and individual prosperity on the one hand; national and individual poverty on the other.

HE ASKS THE REPEAL OF THE SHERMAN LAW.

He had waited five months to find some other excuse for the awful ruin in view, to find some other cause to allege than the plain and well-known one of impending free trade. At last he chose his "Bogy," the thing with which to cover with obloquy; on which he might safely vent his spite. With a Treasury bankrupt because importers chose to wait for the promised free trade, he found the sole and only cause was the so-called Sherman law. Here is what he said of this:

I believe these things are principally chargeable to Congressional legislation touching the purchase and coinage of silver by the General Government.

This legislation is embodied in a statute passed on the 14th day of July, 1890, which was the culmination of much agitation on the subject involved, and which may be considered a truce, after a long struggle, between the advocates of free silver coinage and those intending to be more conservative.

If the principal cause be removed the evil must needs soon pass away. Has this happened?

THE SHERMAN LAW IS REPEALED.

We of the United States have now endured existence nearly three years since this awful law was repealed, and have we grown sleeker and fatter since? Has the steady decline in every branch of legitimate industry ceased for a day, or have we found our resources ever growing less day by day? Did this country, so prosperous in 1892 in spite of this Sherman law, regain even that prosperity after its repeal in 1893? Let the undeniable business conditions answer; let the people of this country answer, waiting, as they have been, for the time to pass and counting the months and days until they should have an opportunity to express their opinions on the conduct of affairs and to return to the policy of protection, under which this country has ever had its widest and safest prosperity.

The Democratic party repealed the Sherman law; the purchase of silver bullion stopped for once and all. And what have been the results? Not even the bullion in the Treasury or the seigniorage or profits on the coinage of silver can be used, while we have pledged the future to pay for current expenses to the extent of $260,000,000, against a saving of $250,000,000 in the public debt by the last Republican Administration.

Has business improved? Are all financial distrust and fear passed away? Not exactly! If not, then it must have been a false alarm of President Cleveland, an incorrect diagnosis of the national ills. Or was it not in fact caused by the threat of the tariff reduction, a threat made good by the passage of the "Wilson-Gorman" bill, a measure so corrupt and ill designed that the President himself was compelled to let it become a law without his signature?

The Sherman law had done but little harm under the Republican conditions of a solvent Treasury and an increased export trade to foreign countries; but the reduced revenues caused by the impending reduction of the tariff brought about incipient national bankruptcy, a condition which Democratic blindness charged entirely to the Sherman law.

THEY PUT THEIR HEADS IN AMBUSH.

After four months of wrestling, the Democratic party, in November, 1893, finally repealed this awful law, and, thinking the country was now saved from Republican wickedness, took a few weeks' rest before giving us the "simonpure" free trade which they had promised the country. With their heads safely hidden, ostrich-like, in the bushes, they could not sense the terrible storm of ruin then sweeping the country. They had done their duty, and if the people did not know when they were saved it was no fault of the party. Indeed, many of them charged that merchants were deliberately throwing away their money, sacrificing their whole fortunes, just to say so to the Democrats. The American people were to their eyes like the obstinate and opinionated patient who insisted on dying when the doctor declared he had given the proper remedies, that he must get well, that all the Democratic doctor books said that was the proper treatment, and that he did not treat the physician rightly by insisting on going off when in fact all theories said he should get on and recover.

THE WILSON-GORMAN BILL.

Now, with clear decks, with President and Senate and House, all the machinery of the Government, in their hands for the first time since poor, old, pottering Buchanan was their political idol, they fell to with shouts of glee to execute their long-cherished desires. The chief manufacturing and agricultural industries of these now unfortunate United States lie, for the most part, to the north of the Ohio; and it would have seemed only the part of ordinary prudence to let the representatives of these States have a chief hand in the pulling down of the columns of the building. But no, this mighty work was intrusted in the House to a college professor from West Virginia, to distinguished ex-Confederates from Georgia and Tennessee. From the House this bill, halting and lame on its new theoretical lines, strong only in the ruin it wrought, went to the Senate to be developed by other Southern statesmen—JONES of Arkansas, MILLS of Texas, and VEST of Missouri—with BRICE of New York and Ohio, and GORMAN of Maryland assistants for the rescue of trusts and special interests. We all know that this bill, with 600 amendments, returned to the House, where the esteemed college professor swallowed them all at one gulp and then fled to far-away Mexico to try to forget what his party had forced him to do, while the Chief Executive reluctantly let it become a law without his signature.

AFTER THIS THE DELUGE.

What has transpired since the passage of this monstrous bill is a part of the bitterest history of the country. That there should be hard times during or after a great civil war is a thing to be excused, to be expected. But to have ruin heretofore unknown and unparalleled in extent and duration come in a period of profound peace, to have our national credit at so low an ebb that the Government was compelled to appeal to the money changers of Europe for rescue, to burden the energies and lives of another generation with the immense burden of a debt of $260,000,000 in less than three years, where, under the wise policy of the preceding Administration, this debt had been reduced $250,000,000 without being felt by the people; this mere recital would seem enough to damn such a party and such a policy to another period of thirty years outside the breastworks. But this does not begin the recital of the wrong done or the ruin caused by this suicidal policy of the Democratic party.

IN HANDS OF RECEIVERS.

Heretofore these United States, in peace and in war, through evil report and good report, had been for thirty years managed as a great and solvent corporation. Since March, 1893, it has been in the hands of an incompetent receiver. He has begged and borrowed money for current expenses when all that was needed was to take advantage of the plain resources of the country and make it self-supporting and helpful to all the people. With the Government in such a condition it is idle to expect any marked or permanent improvement in the general business of the country.

Under the last Republican Administration we had an ample Treasury supply, we decreased the debt almost as much as this one has increased it, and the magic breath of life and public credit was throughout all. With similar conditions the now serious problems of silver and sufficient money for the exchanges for the needs of the country will all solve themselves in natural and orderly sequence. It has been shown to be idle to expect such wise and patriotic action from the party now in power.

FREE TRADE THE TRUE CAUSE.

When one fatal and strong-rooted disease gets hold of a sick man it follows, as a matter of course, that symptoms of many other minor diseases come to the front. It is not, however, the policy of the wise physician to turn all his attention to these, but rather to reach the seat of the main difficulty and expect the removal of the main cause to bring about the amelioration or disappearance of the minor ones. Thus with a safe, protective tariff—one framed to secure a just degree of protection to the labor of the farm and the workshop, and the capital which nourishes and keeps these all in successful operation—we will once more be on the highway of national prosperity. With this we will have ample provisions for a wider market abroad for the rapidly growing surplus of our agricultural and manufactured products under the wise system of reciprocal treaties inaugurated by Harrison and Blaine and so contemptuously repealed by the "Wilson-Gorman" law.

To Prevent the Issuance of Interest-Bearing Bonds Without Further Authority of Congress.

SPEECH

OF

HON. MARION BUTLER,

OF NORTH CAROLINA,

IN THE SENATE OF THE UNITED STATES,

Friday, May 29, 1896.

The Senate having under consideration the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress—

Mr. BUTLER said:

Mr. PRESIDENT: The opposition which this measure has met every time it has come before Congress in any shape this session has surprised me no little. This bill does not affect in the least the bonds that have already been issued. It does not refer to the coin to be used in the payment of the same bonds. It does not provide that no further bonds shall be issued. It simply provides that the President of the United States shall not issue further bonds without the consent and advice of Congress. Its language is plain, simple, and direct. It is in these words:

That the issuance of interest-bearing bonds of the United States for any purpose whatever without further authority of Congress is hereby prohibited.

There may be some reason why the President of the United States should desire that this bill should not pass, but why any member of Congress, whether in favor of bonds or opposed to bonds, should oppose the bill is strange indeed—very strange, to say the least. It is true that the greed of the bondholder has not yet been satisfied, because the greater the public debt and the more it is refunded the more oppressive it is to the people and the greater the blessing of such a debt to the bondholder and gold combine. But why should even the bondholders oppose the bill? Do they feel satisfied that they can rely upon the President more safely than they can upon Congress to tax the people for their benefit?

I hold in my hand a letter which the bankers and the bondholders have just sent out to their agents and correspondents all over the United States, which shows clearly that they are determined to control the nomination and election of the next President of the United States from either the Democratic party or the Republican party. They are not sufficiently frightened with the strength of the People's Party to send out orders to their agents to control our convention; but they want one of their old and trusted servants; they want one of the parties that have been serving them for so many years to be fixed on this question, and they do not care which. Four years ago they were anxious to fix the Democratic party. Why? Because the Republican party had made itself odious. The Republican party had not only to bear the result of its mistakes but also the blame of the people for hard times and depression. Therefore the same gold combine sent out its instructions and raised its campaign fund and nominated Grover Cleveland for President and elected him in 1892.

The Democratic party went into that campaign promising the people that they would repeal the infamous laws put upon the statute books by the Republican party. The Democratic party went into that campaign denouncing the infamous crime of 1873. They denounced the Senator from Ohio as the archenemy of civilization. They denounced the financial legislation that has been put upon our statute books under his guidance and by the Republican party. That party, though they had a candidate for President who seemed to be the willing tool of this gold combine, promised to correct the evils. They promised to wipe out the evils that the country was suffering from, placed upon them by bad Republican legislation.

In my State every Democratic candidate on the stump declared that the last Democratic platform meant free silver. Every Democratic elector declared that Mr. Cleveland was for silver. I canvassed my State as one of the electors at large for the People's Party. The Democratic elector that I canvassed with on every stump promised the people of my State that if that platform did not mean free silver, and if Grover Cleveland did not stand for free silver, he would repudiate them after election. He promised the people on the stump that if the people would only give them "one chance," that was, a Democratic President, a Democratic House, and a Democratic Senate, and that if that Congress and that President did not wipe out the infamous financial laws put on the statute book by the Republican party and restore the money of the Constitution, as it was provided for in our Constitution and placed on the statute books by Jefferson and our forefathers, he and those who felt like him would leave the Democratic party and join the People's Party.

These were the promises in my State and over the whole South. Where are the performances? Every promise broken and the people basely betrayed to SHERMAN and the gold ring.

The Democratic party went into power the last time under false pretenses. Its victory was won by fraud. Broken promises and base treachery stand out to-day as the hideous and ghastly record of that party. That has not been forgotten by the voters of the country. That party came into power and broke every pledge that it made to the American people. That party stands to-day disgraced and dishonored. It stands to-day with shame written across its brow for its perfidy and its treachery to the American people. It not only did not keep its promises, but it adopted the policy of Mr. SHERMAN and the Republican gold combine, and commenced right away where he left off and carried on the infamous work. Instead of restoring silver they wiped out the only silver law on the statute book and placed us as near on the gold standard as they could, and with the help of Mr. Carlisle and Mr. Cleveland and their interpretations of the law, using their discretion against their own people and Government and in favor of SHERMAN's gold combine, we are to-day on the gold standard—on the gold standard not by law altogether, but by the abuse and disregard of law.

Therefore the Democratic party is odious. It is more odious, if anything, than the Republican party was four years ago. Hence the gold combine can not use the Democratic party this year as a stalking horse to fool the people and to put a gold candidate in the White House under more false pretenses.

The purpose of this circular, the purpose of the men behind it this year in instructing their bankers, their agents, to use their influence on every creditor of the banks is to control the Republican party. The purpose is to nominate a gold man at the head of the Republican ticket. I guess they will put up a free-silver straddling bagatelle around his brow to fool the people with, because it is against their training and their interests to be bold and straightforward. Duplicity is their father and their godfather and the food they nurse on. This gold ring will nominate McKinley, but they are getting alarmed at the growth of the silver sentiment; they are getting alarmed at the awaking of the people and the independence manifested. Therefore it is now necessary to fool a number of free-silver Republicans and get them to vote for McKinley. To do this they are now having some of their gold organs in the East to declare that they are not satisfied with McKinley on the money question, and that if they do not become better satisfied that the gold men of the East can not support him. This is the Eastern end of the goldbug scheme. How is it worked in the West, where a large majority are for silver? The so-called free-silver papers are publishing this very day the threats of the gold papers made yesterday in the East. They say that the fact that the East is not satisfied with McKinley is the best proof that McKinley is for silver and that the West should support him and ram him down the throats of the gold men.

This is the game and it is now at work. In the meantime the Senator from Ohio [Mr. SHERMAN], who is on the inside, smiles and looks knowingly. But this game will not work. The people are now too wide awake and too thoroughly aroused to be caught in such a trap as that. This will fool only those who want to be fooled. It will fool only those who are willing to take Senator SHERMAN for their free-silver leader.

The gold ring is now putting nearly all of its attention to the Republican party. They will not try to control the Democratic party because they have no use for it this year. They will allow

the free-silver men to control the convention. Why? Because they know that the most effective way to hurt silver, the most effective way to make the silver cause lose votes and to make it odious is to make the cause of silver and financial reform suffer for the crimes, misdeeds, treachery, and sins of omission and commission of the Democratic party. On this scheme the gold combine has deliberately made up its mind. It is a plot; they will lay upon the head of silver and financial reform all of the crimes and the odium and the bad odor that hangs around the Democratic party for its treachery. It is fine politics. There is no more effective way that the gold combine can damage the cause of financial reform than to have this party to attach its label to it.

The gold ring can not be beaten unless those who are opposed to Shermanism and Clevelandism unite in a common fight against the common enemy. They can not unite in the Democratic party. No man wearing the Democratic label can be elected President this year. Therefore the only thing that can possibly make the election of a gold man for President certain is for the silver Democrats to put up their own candidate and go it alone. This will surely divide the silver forces. This must not be done.

And here and now I appeal to the friends of silver in the Democratic party that if they love their country, if they are anxious to see the money of the Constitution restored, if they are anxious to see the Republican crimes, augmented by their own crimes, wiped from the statute books, if they are anxious to see prosperity return to the American people—I appeal to them in the name of all that is good and holy, in the name of our forefathers, in the name of the Constitution, in the name of the American people who toil and spin, in the name of our wives and children, to have the manhood and the patriotism to join hands this year with all other silver forces in America regardless of party name. For God's sake do not drag the name of your bad-odored party into this cause. Leave that name that has become a stench in the nostrils of the American people. Have the manhood to shake it off and to step out on a common footing with all other independent voters who put country and financial reform above party. Throw aside the name and return to the principles of true democracy and true republicanism. Do that, and let us draw the issue squarely in this campaign between the gold combine and the people. This course would beat the gold combine and give the people relief. This is the only way it can be done. Then let us do it.

The greatest duty and responsibility to-day rests upon the silver Democrats. You may be able to defeat silver this year by hanging to your party and hanging your party label upon silver; but it will not defeat the cause of silver more than four years, for in 1900 your party will go out of existence for want of members. The people, regardless of party, will unite. Let us do it now. I met a prominent man yesterday who is a silver Democrat. I believe he is as good a silver man as I am; I believe he is as sincerely desirous to see silver restored as I am. Yet he said to me, "It is the duty of all you silver men in other parties to come into our party and help us to get silver in it." I can see how a man who is honest and brave and conscientious can feel that way. He has venerated the name of the Democratic party so long that it has become a part of his religion, and his prejudice has persuaded him against his better judgment that inside the party is the best way to get silver. But if that silver Democrat and every other silver Democrat will shake from their brains their party prejudices and their special pet love for names that no longer represent the principles of Jefferson and Jackson, they must agree with me in this statement of facts. What is it? The gold trust can not be defeated in this country unless you combine all the friends of silver together under one banner in the coming campaign.

I asked that silver Democrat if he would be willing to leave his party and go into the Republican party if they should declare for free silver, and he said no. He said, "I would not go into the Republican party if they put the Ten Commandments in the platform."

Now, I want to say to you, silver Democrats of the South, if that is your feeling how can you expect the Western Republican, who also stands for silver, to be more patriotic than you are? If you are not willing to put silver and financial reform and country above party, then do you admit that the men you have invited to come with you are better and more patriotic than you are? That is the only logical conclusion. Every silver Republican of the West loves the name of his party as well as you love the name of yours. The Southern Democrats can never be moved en masse into the Republican party as such. The Western Republican who puts silver above party will not go into the Democratic party as such.

The People's Party came from both of these parties. Every man in the People's Party was a few years ago either a Democrat or a Republican. Why did they leave those parties? Because they were true Republicans and true Democrats; because they reached the time, before others did, when they were willing to put country above party. Every man who left the Democratic party and joined the People's Party did it why? Because he believed in the principles of Thomas Jefferson and Andrew Jackson. He saw and believed that the party he loved, the party that he was born in, the party that his father belonged to, and his grandfather before him, had deserted the principles of the Democracy. He saw and knew that that party was controlled by the money power, which had also been controlling the Republican party.

Every man who left the Republican party and joined the People's Party did it for the same reason—that is, because his party had deserted the principles of Abraham Lincoln and sold out to the gold ring. Can these men be expected to ever go back into these old parties and follow the leadership of the men who fooled and betrayed them? No. Therefore the time has come when all patriots must meet on common ground outside of the two old parties and allow the gold bugs and party bugs of the two old parties to get together in one party, and call it the Demo-Republican party.

But let us return for a moment to that silver Democrat to whom I referred. He said to me that I could not charge all these hard times and evils, from which the people suffer, to the Democratic party. In answer to that I say this: That while the Republican party has been guilty of placing nearly all of this bad legislation upon the statute books, yet the Democratic party in every campaign since the war has nominated for its candidate for President a gold man. I challenge any Democrat here to contradict it. I will wait for a reply. [A pause.] Therefore, if you had won every election, been in power constantly since the war, you would have done just what the Republicans have done. You nominated every time the same kind of men for your standard bearers. Your conventions have been controlled for twenty years by the same influence that has controlled the Republican conventions and nominated the Republican candidates. They happened to get in every time up to 1884. Therefore nearly all the mischief was done under the name of the Republican party. But no matter which party won, the gold ring has had its agent in the White House. Therefore for twenty years the machinery of these parties has been controlled by the same influence that now has determined to use the Republican party as the agent of the gold combine in the next campaign.

I ask permission to print in my remarks at this point the same secret bank circular which I presented and made public for the first time a few days ago. The circular will be found in full on page 6113 of the CONGRESSIONAL RECORD for May 22. The following is the essential extract from it:

THE AMERICAN BANKERS' ASSOCIATION,
2 WALL STREET AND 90-94 BROADWAY,
New York, March 23, 1896.

[President, Eugene H. Pullen, vice-president National Bank of the Republic, New York; first vice-president, Robert J. Lowry, Lowry Banking Company, Atlanta, Ga.; chairman executive council, Joseph C. Hendrix, president National Union Bank, New York; treasurer, William H. Porter, vice-president Chase National Bank, New York; secretary, James R. Branch, 2 Wall street, New York.]

To the bankers of the United States:

At a meeting of the executive council of the American Bankers' Association, held in this city on March 11, 1896, the following declaration was made by unanimous vote:

THE EXISTING STANDARD OF VALUE.

"THE EXECUTIVE COUNCIL OF THE AMERICAN BANKERS' ASSOCIATION DECLARE UNEQUIVOCALLY IN FAVOR OF THE MAINTENANCE OF THE EXISTING GOLD STANDARD OF VALUE AND RECOMMEND TO ALL BANKERS AND TO THE CUSTOMERS OF ALL BANKS THE EXERCISE OF ALL OF THEIR INFLUENCE AS CITIZENS IN THEIR VARIOUS STATES TO SELECT DELEGATES TO THE POLITICAL CONVENTIONS OF BOTH THE GREAT PARTIES WHO WILL DECLARE UNEQUIVOCALLY IN FAVOR OF THE MAINTENANCE OF THE EXISTING GOLD STANDARD OF VALUE."

Your influence is earnestly requested to give practical effect to this action.

* * * * * * *

The association seeks to unite all banks and bankers in one efficient national organization, and it solicits all national and State banks, savings banks, and banking firms to become members.

* * * * * * *

EUGENE H. PULLEN, *President.*
JAMES R. BRANCH, *Secretary.*
JOSEPH C. HENDRIX,
Chairman Executive Council.

As I said the other day when presenting this circular in reply to the Senator from Ohio [Mr. SHERMAN], that circular instructs these banks, which are creatures of and are protected by the Government, to try to corrupt politics and rob the American people. It instructs these banks, which are in charge of the circulating medium of the country to a large extent, to use their power, influence, and money to corrupt conventions and to control them in the interest of the bondholders. These banks that are given the great and dangerous power of contracting or expanding the circulating medium of the country at will; these banks which were brought into existence by the Republican party; these banks which were rechartered in 1882 with the help of the Democratic party; these banks which Thomas Jefferson opposed; these banks which Andrew Jackson, God bless his memory, fought and triumphed over as long as he was President; these banks which the Democratic

party in its platform before the war, before it was corrupted by the gold power, declared should never be chartered and that they were more dangerous to the liberty and prosperity of the American people than standing armies; these same banks, now enjoying the protection of the Government, enjoying the special privileges granted to them as a semi-function of Government, are to-day boldly using their power, their money gotten from their Government protection and special privilege—using this tremendous power to contract and expand the currency, to control legislation, to control nominations in this country, and to put an agent of the English gold trust in the White House.

Whether or not similar efforts are being made to control the election of the members of Congress, which would be much more expensive, is not yet known; but one thing is clear, and that is that the banks and bondholders are determined to control the Republican nominee for the Presidency at all hazards since they think the Democratic party has no chance of winning.

The man the Republican party nominates for President can be relied upon to serve the bondholding and bank interest this year and for the next four years, if unfortunately he should be elected, just as faithfully and as servilely as Grover Cleveland has done. The bill now under consideration, if enacted into law, simply restores the power to borrow money and to fasten a mortgage on the country to Congress, the legislative branch of the Government, where such tremendous, dangerous, and far-reaching power not only naturally belongs, but where the Constitution expressly places it.

I stand here now and lay this down as an incontrovertible proposition, that Congress has no power under the Constitution to delegate this power to the Chief Executive or to anybody else. I believe that any fair, honest court in America would decide that the law of 1875, if it does give to the President the power to issue bonds without limit, is unconstitutional. I believe the only power that Congress has in this direction is to authorize the issue of bonds for a specific purpose and for an amount not only limited, but a fixed amount to be executed by the President in his executive capacity. I do not think that any man who has any regard for his reputation as a fair, honest constitutional lawyer will contradict that.

This bill is a plain and just proposition, and that is why there is so much opposition to it. The great and violent opposition from certain quarters to so fair and just a proposition has caused me to investigate the question more fully than I otherwise would have done. Yes, I have been impelled to investigate this bond question from the bottom up, on account of the fact that this simple little bill has raised such a tremendous opposition from the agents of the gold trust; the fact that this little bill has been denounced more viciously than ever a free-coinage bill was denounced; the fact that this bill has raised all of the ire of the cold, placid Senator from Ohio [Mr. SHERMAN], and made him join loving arms with the Senator from New York [Mr. HILL]. That is a beautiful picture! A picture, however, that no true Democrat could look upon with pleasure, neither any true Republican with pleasure, to see the Senator from New York, the Tammany tiger (the man who parades and masquerades under the banner, "I am a Democrat," which is the beginning and the end of his vocabulary), and the placid and icy Senator from Ohio, the godfather and sponsor and wet nurse of the Republican party, run together as quick as lightning at the sound of danger to the British Rothschilds, and locked arm in arm, join together in the common defense, join together in making a common attack on the prosperity and welfare of their own country. It shows that they are close kin and are serving the same interest. It shows that there is in this country a party called the gold party, and it shows that the Senator from New York and the Senator from Ohio both belong to that party and consider themselves its special defenders. The gold men have formed a party. They stand together on all occasions. They run together at a moment's notice. May Heaven have mercy on the people and teach them to have the same wisdom of union and self-defense to run together against these common enemies of humanity and good government.

I said, Mr. President, that this peculiar conduct of the gold men on the Democratic side and the gold men on the Republican side, running together to denounce this bill, has caused me to look into the question of bond issues from the beginning up to now more thoroughly than I ever would have done. What do we find? Up to the late war the debt of this Government was a mere bagatelle. At the close of the war, or rather in October, 1865, the interest-bearing debt of the Government in the form of bonds was $1,144,832,100. The interest-bearing obligation in the shape of currency and used as currency was $1,208,885,378. This interest-bearing currency, together with other forms of currency, gave at that time a per capita circulation of about $52; and in spite of loss of life and property from a four-years bloody and disastrous war, the people were 100 per cent more prosperous then than they are to-day.

Think of it, Mr. President. At the close of the most terrible war the world has ever seen, at the close of the war where there was the greatest sacrifice of life and property, at the close of the war where it seemed that our fertile fields and happy homes of the South had been divested almost beyond hope of recovery—at the close of that terrible war the people were 100 per cent more prosperous than they are now after twenty years of peace, twenty years of unexampled prosperity in the fields and the workshop and in the mines—the greatest amount of production per capita, and yet the least amount of money per capita. At that time, right after the war, the general prosperity was so pronounced that Secretary McCulloch, in his report for 1865, made the following remarkable statement:

The people are now comparatively free from debt. * * * Expansion has now reached such a point as to be absolutely oppressive to a large portion of our people, while at the same time it is diminishing labor and is becoming subversive of good morals. The remedy, and the only remedy, within the control of Congress, in the opinion of the Secretary, is to be found in the reduction of currency.

Look at that situation: The people out of debt, with plenty of money, with every business industry prospering, with good prices for products. And yet the Secretary of the Treasury is fearful that this condition would corrupt the people's morals; and to obviate this sad and threatening disaster (?) he recommends the destruction or contraction of the people's money; the money which made them prosperous then would make them prosperous; the money which put them out of debt then would get them out of debt; the money which made good times then would make good times now. He said it was dangerous, and he said we must contract it and reduce its quantity; though population was increasing each day, though business was increasing each day, yet we must contract the money, when every man knows, when every cornfield hand in North Carolina knows, and I believe the people over the rest of the country know, that as population increases, as business increases, the amount of money in circulation should increase in the same proportion. That is a fixed law, and it is one that can not be deviated from without disaster; and yet here was the Secretary of the Treasury, who deliberately recommended that that disaster be brought upon us. At that time Mr. Carlisle, the present Secretary of the Treasury, and Mr. SHERMAN both agreed that the contraction policy of Secretary McCulloch was wrong. But the bad and ruinous policy commenced then has been continued ever since. Since that time Mr. SHERMAN and Mr. Carlisle have both been Secretary of the Treasury, yet both have followed the disastrous policy of contraction, till the people are almost poverty stricken and the nation almost bankrupted.

On April 12, 1866, in response to the urgent demand of the Secretary of the Treasury, Congress passed the first contraction act, by which all of the interest-bearing obligations which were used as currency were to be called in and funded into interest-bearing bonds.

Through this operation the bonded debt of the country was increased to over $2,000,000,000 in 1868, and the currency among the people was contracted, according to several high authorities, to the extent of over $900,000,000, to be exact, $938,502,963. Mark it, this bonded debt was created after the war was over and peace was established. This currency which had enabled the Government to carry on the war; this currency which had been used to pay the soldiers on the battlefield; this currency which had enabled the Government to maintain the Union as it exists to-day, was, after peace had been restored, turned into a bonded debt at the instance and by the influence of the bondholders and the gold trust.

Strike down the currency, turn it into interest-bearing bonds—bonds that could not circulate as money, but bonds which would go to work day and night to draw what money was left from the pockets of the people and tie it up in the hands of the few. It was a double crime. To burn half the money and put nothing in its place was bad enough, but to burn half our money and put in its place a rapacious interest-bearing bond—an eating sore—an interest-bearing debt that would act as a force pump, or rather as a suction valve, to constantly draw what money was left from industry, from business, from the avenues of trade, and pile it up in the coffers of those who neither toil nor spin, those who produce nothing, those who do nothing to make this country rich, those who do nothing to defend the honor and integrity of the country, those who did not bear muskets in time of war, was one of the most cold-blooded and infamous acts that has ever stained the statute books of this or any other country. It was done, too, for the benefit of those who refused to loan the money necessary for carrying on the war except at ruinous rates of interest, those who were so unpatriotic that when Abraham Lincoln called upon them to furnish money to save the Union, they, with their cold-blooded, devilish greediness, proposed terms of usurious interest so exorbitant that that great patriot would not tolerate it, and then it was that he called upon Congress to exercise the supreme legislative power to issue Treasury notes, to issue greenbacks to enable him to carry on the war, and to defy the bondholder and the gold sharks.

They are the fellows to-day that the Senator from Ohio and the Senator from New York talk about as the sacred fellows whose rights must be preserved, and they say the integrity of the nation must be preserved—God save the mark—to make them rich; that contemptible lot of traitors, for they betrayed their country in the hour of peril, and tried to put a halter of usury around its neck to curse future generations; they cared not what might be the result of that war so that in the future they and their children should be pensioned with a pension that grew, not a pension of $50 a month that would be the same all the time, but a pension that grew with usurious interest each year bigger and bigger, a pension to be paid by those who would dig the wealth out of the ground in the future.

Mr. HAWLEY. I only caught a sentence of the Senator's speech, but I would ask him who are the bad men to whom he refers?

Mr. BUTLER. I will take great pleasure in informing the Senator. I am sorry that they are at large, and if we could by law make a properly constituted sheriff out of the Senator from Connecticut he would have plenty of duty to perform.

Mr. HAWLEY. I should very likely have to arrest somebody other than those to whom the Senator refers.

Mr. BUTLER. I let that quibble pass; but in answer to the question of the Senator from Connecticut, who asks me who the bad men were to whom I was referring, I will say that at the time I was referring to that class of capitalists who refused to furnish money to save this Union when Abraham Lincoln, the President of the United States, called upon them to lend their money to the Government at a reasonable rate of interest and under fair and honest conditions; the class of men who hoarded their gold and demanded such hard terms of that great patriot that before he would submit to their terms and pile up for future generations an unjust and burdensome debt he appealed to Congress to exercise its highest legislative power under the Constitution, to issue greenbacks, so that the war could be carried on without having the Government subject to the infamous demand of this gang of gold contractionists, or rather, I should say, greedy gold hoarders, who tried then and have since succeeded in fastening themselves like leeches upon the purse strings of the nation.

In continuation of my answer to the very pertinent question asked by the Senator from Connecticut, I have just described to him the particular kind of men which I was referring to when he asked me the question, but there are some others that I desire to refer to in this connection. But first I should like to ask the Senator from Connecticut if he approves the action of those bad men, or if he, too, does not think with me that they are bad men?

Mr. HAWLEY. You mean the men who would not lend money to the Government?

Mr. BUTLER. The men who would not lend money to the Government on fair and reasonable terms, such as President Lincoln was willing to accept.

Mr. HAWLEY. The Government issued its bonds to the world and was glad to have anybody buy them, and anybody could buy them who had the money to purchase them and pay the premium. Everybody had the privilege of taking the bonds.

Mr. BUTLER. I should like to ask the Senator what made Mr. Lincoln issue the greenbacks, or call upon Congress to do it?

Mr. HAWLEY. He did not do it.

Mr. BUTLER. He called upon Congress to do it.

Mr. HAWLEY. If any one man did it, it was Mr. Spaulding, of Buffalo, N. Y.

Mr. BUTLER. Does the Senator deny that Lincoln called upon Congress to issue legal-tender greenbacks, and that Congress did do it to escape the clutches of the gold sharks?

Mr. HAWLEY. I am sure I do not know what Mr. Lincoln said about the greenbacks. He had never been associated prominently with that movement. It originated in Congress. The greenbacks were simply the demand notes given by the Government—its promise to pay.

Mr. BUTLER. Does not the Senator know that President Lincoln, in a message sent to Congress, called upon Congress to come to the relief of the Government by issuing greenbacks?

Mr. HAWLEY. That is quite possible. The greenbacks, as well as the bonds, were simply the promise of the Government to pay, and every dollar of money agreed upon ought to be paid.

Mr. BUTLER. Does not the Senator know that the reason we did not raise the money by bonds, the reason we stopped raising it in that way at that time, and the reason why Mr. Lincoln called upon Congress to issue greenbacks, was because these "bad men" had a corner on gold, and refused to pay a decent price for the bonds, and demanded tremendous discounts or rates of interest?

Mr. HAWLEY. The money market is never controlled by any one, or two, or half dozen men. Our bonds were sold in every part of the world—in Germany, in England, and elsewhere—and they were largely in this country bought by patriotic people who do not gamble in such things, people who said if this Government wanted money upon its bonds they would take them, and if the Government survived the bonds would be valuable, and if it should be broken up they did not care whether or not they had any money.

Mr. BUTLER. Does not the Senator know that President Lincoln said, "By the Eternal, we will save this country in spite of these shylocks," and that then the greenbacks were issued by authority of Congress, that this broke the corner of the gold ring, and that then the bonds were sold at a better price? But I understand the Senator from Connecticut to refer to these shylocks as patriots.

Mr. HAWLEY. If the Senator will let me off I will never ask him another question; there are so many things he knows that I never heard of.

Mr. BUTLER. Then the Senator from Connecticut, barring his attempted irony, ought to be patriotic enough to state the facts as they are or show that what I state is not true; and if he could, there is no man in the Senate who would take greater pleasure in doing it. We can not find a gold man on this floor who will meet us in honest, fair argument on this question. They are driven from every position they take; they have to resort to subterfuge, and have to fall back on such catch phrases as "sound money" and "save the credit of the country" and "keep good faith" with these bondholders, and all such pretenses. Were it not for the word "parity" I think for the rest of their days they would be in misery to a superlative degree.

Mr. HAWLEY. I am perfectly willing to admit that gold men do not wish to meet the Senator.

Mr. BUTLER. That is very evident, because they have found so far in this discussion that they were getting the worst of it; that their side was showing up in a bad light; that they could not answer the arguments; and now they are the most anxious persons on this floor to take a vote and stop the discussion.

Now, Mr. President, since I have referred to the catalogue of bad men, I will call the Senator's attention to another class of bad men, or some of the same class which I just called bad men, who bought Government bonds as low as 47 cents on the dollar and paid for them in greenbacks. They bought bonds when they were below par. As soon as the war closed, and those bonds went to par and were worth 100 cents on the dollar, at once their values were doubled, and the bond holder had made 100 per cent clear outside of his interest. Were these bad men, whom the Senator from Connecticut would defend if he could, satisfied? No. What did they do? Just as soon as the war closed and they saw that they had made 100 per cent profit their greed increased. What was their next move? Their next move was to surround Congress and this Senate Hall with a hired lobby, paid by these usurers to come here and get this Congress to do what? Here is what they did. They came here and got this Congress to pass a law providing that certain bonds should be paid in coin, instead of lawful money, as the bonds read on their face. This act was passed on March 18, 1869, and is known as the act "to strengthen the public credit."

They came here and lobbied this Congress to change the contract in their favor, and I suppose if the Senator from Connecticut had been here he would have voted for it. Congress voted to change the contract and to make those bonds payable in coin instead of lawful money. Those bondholders would not furnish Lincoln the money to save the Union; they forced him to issue greenbacks; they took the greenbacks and bought bonds at 47 cents on the dollar. Then, when the bonds were worth 100 cents, they were not satisfied to take the same greenbacks, though they got in payment $3 in greenbacks for every dollar in greenbacks which they paid for bonds. They were not satisfied to take the greenbacks which saved the Union, which Lincoln called into existence; but they came here and got this Congress to pass this act of 1869 and change the contract and agree to pay them in coin. Those are some of the bad men to whom I refer.

And in this connection I might say that these are the same bad men who got Congress to put the exception clause on the back of every greenback, after the first issue, so that they would not be a full legal tender.

And it was this money based upon the faith and credit of the Government that sustained the Government in its most trying hour, while gold had slunk away in its hiding place, as it always does in war or times of need and danger. In war, gold is a coward. It goes in hiding, and often retreats beyond the seas at the firing of the first gun. Even before the first gun was fired at Fort Sumter every bank in New York suspended specie payment, refused to furnish the funds for carrying on the war except at ruinous rates, and left both the people and the nation to their fate. It was not gold or silver, but it was the greenbacks that whipped the South and sustained the Union.

Twelve years after the war, Hon. William B. Kelley, of Pennsylvania, addressing an assembly of ex-Confederate officers at Macon, Ga., said:

Your leaders were mistaken in their financial theory. They believed that the United States could use nothing but gold and silver as money, and that

as they had none of these metals they could not put armies in the field to overwhelm you, or fleets upon the ocean to blockade your coasts. They had not studied the Constitution to see that the Government has control of the question of what shall be money. We discovered that it had, and when we could not get gold or silver, we made the greenback, and it was that that whipped you.

Yes—

Said one of the officers with enthusiasm—

Judge Kelley, you are right; it was the greenback that whipped us.

And, Mr. President, it was this money that the bondholders and bankers urged to be destroyed and turned into an eating, cankerous bonded debt as soon as the war was over. Strange, indeed, that the faith and credit of the Government should be good enough to back a currency during the trying period of war, when the existence of the Government was in doubt, but that as soon as peace was restored, when the Government stood on a firm and unquestioned solvent basis, that the faith and credit of the Government should not be good unless backed by the gold of Shylock. How any fair-minded, honest man can advance such a preposterous claim is beyond my comprehension.

At that time, as now, the great metropolitan press manufactured public opinion, and the cry was started that the national credit must be sustained at all hazards, and to do this that it was necessary for the Government to change its contract and pay these bonds in coin. Upon this question there was considerable discussion throughout the country, and even in the Halls of Congress. The credit of the Government was good during the war, though it had no gold or silver. But when peace was restored Shylock said that the credit of the Government was not good unless he went Uncle Sam's security. The bondholder that fattened upon the misfortunes of the Government, while other men were giving their lives, their property, and their all as a free offering, now steps in and claims the right to be a special pet and bounty receiver.

In order that we may see what certain public men thought of the proposition at that time I will quote from the language of the present senior Senator from Ohio.

In a speech delivered in the Senate February 27, 1867, Mr. SHERMAN said:

Equity and justice are amply satisfied if we redeem these bonds at the end of five years in the same kind of money, of the same intrinsic value it bore at the time they were issued. Gentlemen may reason about this matter over and over again, and they can not come to any other conclusion; at least that has been my conclusion after the most careful consideration. Senators are sometimes in the habit, in order to defeat the argument of an antagonist, of saying that this is repudiation. Why, sir, every citizen of the United States has conformed his business to the legal-tender clause. He has collected and paid his debts accordingly.

In 1868 he wrote to a friend as follows:

DEAR SIR: I was pleased to receive your letter. My personal interests are the same as yours, but, like you, I do not intend to be influenced by them. My construction of the law is the result of careful examination, and I feel quite sure an impartial court would confirm it, if the case could be tried before a court. I send you my views as fully stated in a speech. Your idea is that we propose to repudiate or violate a promise when we offer to redeem the "principal" in legal tenders. I think the bondholder violates his promise when he refuses to take the same kind of money he paid for the bonds. If the case is to be tested by the law, I am right; if it is to be tested by Jay Cook's advertisements, I am wrong. I hate repudiation or anything like it, but we ought not to be deterred from doing what is right by fear of undeserved epithets. If, under the law as it stands, the holders of the five-twenties can only be paid in gold, then we are repudiators if we propose to pay otherwise. If the bondholder can legally demand only the kind of money he paid, then he is a repudiator and extortioner to demand money more valuable than he gave.

Truly, yours, JOHN SHERMAN.

I quote further on this subject from Senator Wade, of Ohio:

VICE-PRESIDENT'S CHAMBER, *Washington, December 13, 1867.*

Yours of the 8th instant is received, and I must cordially agree with every word and sentence of it. I am for the laboring portion of our people. The rich can take care of themselves. While I must scrupulously live up to all the contracts of the Government, and fight repudiation to the death, I will fight the bondholder as resolutely when he undertakes to get more than the pound of flesh. We never agreed to pay the five-twenties in gold; no man can find it in the bond, and I never will consent to have one payment for the people. It would sink any party, and it ought to. To talk of specie payments or a return to specie under present circumstances is to talk like a fool. It would destroy the country as effectually as a fire. And any contraction of the currency at this time is about as bad. But I have not time to give my ideas in full.

Yours, truly, BENJAMIN F. WADE.

Hon. Thad. Stevens declared in the House of Representatives in 1868:

If I knew that any party in this country would go for paying in coin that which is payable in lawful money, thus enhancing it one-half; if I knew there was such a platform and such a determination this day on the part of any party, I would vote for the other side, Frank Blair and all. I would vote for no such swindle upon the taxpayers of this country. I would vote for no such speculation in favor of the large bondholders, the millionaires who took advantage of our folly in granting them coin payments of interest.

Senator Morton, of Indiana, declared:

We should do foul injustice to the Government and to the people of the United States after we sold those bonds on an average for not more than 60 cents on the dollar now to propose to make a new contract for the benefit of the bondholders.

During the brief discussion on the public credit strengthening act Senator Bayard, of Delaware, said:

Suppose, instead of issuing paper money, it had pleased Congress to order an abasement of our national coinage. Suppose 25 per cent more of alloy or worthless metal had been interjected into our currency, and with that base coinage men had come forward to buy our bonds. What would be thought of the man who, when the day of payment of those bonds arrived, should say, "I gave you lead or lead in certain proportions, but for all the worthless metal I handed you you must give me back pure gold"? Whether he was more maddened or more dishonest would be the only question arising in men's minds.

Notwithstanding such declarations as given above, and in spite of a well-defined opposition, the bond owners corrupted public opinion and debauched Congress to such an extent that, as I have before said, on March 18, 1869, under the whip and spur of the previous question, what is known as the public credit strengthening act was passed, which in substance declared all the obligations of the United States payable in coin. For the purpose of information I will quote this act in full:

That in order to remove any doubt as to the purpose of the Government to discharge all just obligations to the public creditors, and to settle all conflicting questions and interpretations of the laws by virtue of which such obligations have been contracted, it is hereby provided and declared that the faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or other currency than gold and silver. But none of said interest bearing obligations not already due shall be redeemed or paid before maturity unless at such time United States notes shall be convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at par in coin. And the United States also solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin.

As Senator Davis declared at the time, this act added nine hundred millions to the public debt of the nation by making it payable in coin instead of lawful money. This act changed the contract between the people and the bond owners without the consent of the people and plundered them of the enormous amount of $900,000,000, which went directly into the pockets of the bond owners.

While Lincoln was President, when called upon to contemplate a proposition similar to this deed, he said: "If a government contracts a debt with a certain amount of money in circulation, and then contracts the money volume before the debt is paid, it is the most heinous crime which a government could commit against its people." Such a heinous crime was committed against the people and for the benefit of the bondholders in 1869. And, strange to say, there are men to-day who defend this national fraud and try to glorify it under the name of national credit and national honor. What would Lincoln or Jefferson say of such men? They would denounce them as public enemies.

Great as this crime was, yet this was but the beginning of that plundering financial legislation which has followed in all our financial changes.

These same bad men were not satisfied. Greed is never satisfied. A considerable number of bonds would, by their terms, mature in 1870. So in order to make this piece of public robbery secure and of the greatest value it was necessary that these bonds should be refunded in new long-time coin bonds. Therefore the bondholders followed Congress with another lobby in 1870 and had the refunding act of July 14, 1870, passed, which they said would still further strengthen the public credit. What was that law? This act refunded the entire amount of interest-bearing indebtedness into ten, fifteen, and thirty year coin bonds, bearing respectively 5, 4½, and 4 per cent interest.

The bondholder was so anxious that every one of his bonds should be paid in coin—he was so afraid that in the future Congress might authorize the bonds to be paid in any kind of lawful money—that he came to this Congress with a lobby and had this Congress pass a law providing that every one of those bonds should be refunded in coin bonds; and as to the new bonds that there should be written across the face of each one that this bond shall be paid in what? "Shall be paid in coin of the present standard value of July 14, 1870." They were so delighted with their success in getting Congress to change the contract and double the value of their bonds at the expense of the taxpayers; they were so delighted that this Congress (which is supposed to represent and guard the interests of the American people) could be so easily controlled by them for their own selfish and greedy ends, that they said to themselves, "Why not make more money?" These same bad men, these same men who would not help to save the Union, but hired substitutes or ran away to Europe to keep from hiring substitutes, were not satisfied. The next step—and here comes the kernel of this whole business—was to see how to make the coin dearer in which their bonds were to be paid. They got it put in the face of the contract that the bonds should be paid in coin.

Then they commenced the next grand step in their devilish and hellish conspiracy, which no honest man, in my opinion, can indorse or defend. What was it? It was to have the contract changed again and have their coin bonds changed into gold bonds. They had it on the face of the bonds that they should be paid in coin. In their opinion it would not do to change the contract on the

face of the bonds again so soon. They feared to arouse the attention and wrath of an outraged though still sleeping and unconscious people. They thought it safer to find some indirect method of accomplishing the same result. Now, they took counsel in Wall street and in London and said to themselves, "If we can strike down one of these coins, then there will be left but one kind of coin in which to pay us, and the one left as money will be doubled in value and we will make another hundred per cent; we will get Congress to again tax the people double the debt they owe us." They had doubled it once after the war; it was doubled when the bonds went to par; they doubled it again when they had them made payable in coin, and now they proceeded to double it the third time, when their infamous conspiracy of 1873 and 1874 striking down silver was consummated.

In the meantime there had been many conversions among those who had differed with these bond owners heretofore, notably that of the Senator from Ohio [Mr. SHERMAN]. Instead of standing by his position in 1867 and 1868, as I have quoted, he had changed his moorings some time about 1870 and become the leading advocate on the other side, and this makes it necessary to look into the real purposes for demonetizing silver. During all of this discussion regarding the restoration of silver to its constitutional position the reason to my mind why silver was destroyed in the first place has not been clearly established so that the average citizen might understand it.

While it is true that the destruction of silver as money reduced the volume of currency, and thereby reduced the remuneration of the laborer and the value of all property, and assisted in bringing about great financial distress and disaster, yet in my opinion these were but the effects and not the reason for destroying that portion of our metal money. It is as plain as the noonday sun that silver as money was destroyed in order that the bonded indebtedness of this nation might be paid in gold alone and at the same time to double the purchasing power of the gold in which the bonds were to be paid. This was the prime cause for such action, and the disasters which have followed are simply its sequence. These bonds were payable in coin. Coin meant at that time both gold and silver, and the destruction of silver as money meant the payment of these bonds in gold and doubling the price of gold. Here is the incentive for such action, and the only one that can be reasonably and safely put forth. I desire to call the attention of this Chamber and the people of this nation to this fact: That silver was destroyed absolutely in the interest of the bondholders; and that, to the payment of these bonds in gold, which less than ten years before had been bought with greenbacks at an average of 67 cents on the dollar, all the disasters and wretchedness which have come upon our nation for the past twenty-three years are directly chargeable.

I have said before on this floor, and I repeat it, and I defy contradiction, that the men who demonetized silver, the men who lobbied this Congress—who corrupted it, I was about to say (for what else can you call it?), and I will stick to it, because it could not have been done without corruption somewhere—the men who did it were the bondholders, the same bad men who would not furnish Abraham Lincoln with the money to save the Union. It was the bondholder who demonetized silver. The bondholder did it to double the value of his bonds; but as to every Senator and Congressman who voted for it knowingly—I say "knowingly," because there were lots of men who voted for it without knowing that that provision was in the bill—I say he committed a crime and a fraud, and not only a crime and a fraud, but a crime and a fraud purchased by perjury. Therefore, every man who voted for that measure knowingly is a man who deliberately stole from the pockets of the American people of this generation and the next, and turned money into the pockets of the shylocks—the bad men who would not furnish Lincoln with money on reasonable terms to save the Union.

How was that conspiracy worked? In 1873 a bill was passed to stop the coinage of the American silver dollar. Their crime was then only partially accomplished. They did not dare, it seems, to commit so great a tragedy in one act. There had already been appointed a commission to revise the statutes of the United States. I want to state exactly how this was done in 1873 and 1874. As I said before, the act of 1873 did not demonetize silver. As has often been said, it simply stopped the coinage of the silver dollar and refused to admit silver in the future to the mints; but it left what silver dollars had been coined a full legal tender. Nearly every man on this floor speaks of silver as having been demonetized in 1873. The coinage was stopped in 1873, but what silver had been coined was left a full legal tender. It was the act of 1874, or rather the action of the revisers of the statutes of the United States, who did their work in secret, who inserted the clause in the Revised Statutes without authority of law, and in violation of their oaths of office, which did the fatal work. The clause is as follows:

SEC. 3586. The silver coins—

Mark the language—

The silver coins of the United States shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment.

The words "the silver coins," etc., include all silver coin. Therefore that clause stuck into the Revised Statutes did what? Demonetized the silver dollar that was left unscathed by the act of 1873 and made it only subsidiary coin and a legal tender for the amount of only $5 in any one payment.

This section, as I have said, was put in the Revised Statutes against authority of law. What right has it to be there to-day? The law providing for the revision of the statutes did not give to the revisers any authority to change the law or to add any new sections to the law. The authority of the revisers was simply to codify the law. The first section of the act authorizing the revision of laws permitted and directed the revisers to do what? Here are the exact words:

Revise, simplify, arrange, and consolidate all statutes of the United States, general and permanent in their nature, which shall be in force at the time such commissioners shall make their final report of their doings.

That is all the authority they had—simply to codify what laws were in existence at the time they did their work. I defy any man living to show any place on the statute books where such a law ever existed as they stuck into the Revised Statutes.

Mr. President, who were these commissioners? These commissioners took solemn oaths to make the revision in accordance with the above restrictions and limitations. They made their report at the close of the year, and it was laid before Congress. General Butler, of Massachusetts, and Mr. Poland, of Vermont, gave assurances to the House of Representatives that the law had been rigidly carried out. General Butler said:

I desire to premise here that your committee felt it their bounden duty not to allow, so far as they could ascertain, any change of laws. * * * We have not attempted to change the laws in a single word or letter so as to make a different reading or a different sense. All that has been done has been to strike out the obsolete parts and to condense and to consolidate and to bring together statutes in pari materia, so that you have here—

[Holding up the volume]—

excepting so far as it is human to err, the laws of the United States under which we now live.

The book of Revised Statutes contains more than 1,000 large pages, and, of course, the Congressional committee to whom it was referred did not read the book and compare it with the laws in existence. They probably never read a page. They took the word of the revisers that the law had been rigidly executed. The law directing the revisers what to do and the oaths which they took were plain and could not be misunderstood. It is safe to say that the commissioners did not make any mistake; they knew what they were doing. They deliberately palmed off a forgery upon Congress, and they did it in disregard of their solemn oaths.

This is the way you get your honest money. This is the way you get your sound money. Honest money! Honest money, indeed! Money that was gotten by forgery and perjury as base as was ever proven in court of justice upon the fabrication of a clause in a will. Your "honest money" is a child of fraud and perjury and corruption. Let us in the future call it perjury money. Let us call it blood money, for that is what it is—perjury money, blood money, but like all men who want to advocate something dishonest, they put on the livery of heaven or use the words honesty and fairness. Their consciousness that their money is not honest, but obtained through perjury and forgery and fraud, prompt these men to call it honest money.

How can any man who knows this—and is there a man in the Senate who does not know it?—defend this fraud and this perjury without being particeps criminis?

Mr. Bogy, a Senator from Missouri, on April 25, 1876, referring to this transaction in a speech, said:

This is a fraud. There was no law of that character existing at that day in the country.

That charge was made by Senator Bogy on this floor and no Senator dared to deny the charge of fraud, and no Senator now when I make it and repeat it dares to deny it. I am willing to be interrupted by anybody now to deny it either in a short speech or an elaborate one. I repeat, Mr. Bogy charged it is a fraud, committed by perjury. No Senator denied it. I repeat it, and there is no Senator here who dares to deny it now.

Mr. Logan, of Illinois, asked Mr. SHERMAN how the demonetizing clause got into the Revised Statutes. What did Mr. SHERMAN say? Mr. SHERMAN said, "I do not know." He admitted it was a fraud; he admitted it ought not to have been there, but he simply satisfied himself with saying he did not know.

Mr. Beck, of Kentucky, on January 10, 1878, said:

Any provision of our statutes changing existing laws was and is a fraud upon the country, whether intended or not, and should now be corrected.

At that date, January 10, 1878, Mr. Beck appealed to this body to correct that fraud. Everybody admits it is a fraud. Nobody defends it. He appealed then to the Senate to correct the fraud. The Senate refused. I appeal to the Senate to-day to correct this fraud. On next Tuesday we shall see how many Senators vote deliberately to sustain this fraud, knowing that it is a fraud.

I have so far called attention to three acts of Congress, namely, the credit-strengthening act, so called, of 1869, the refunding act of 1870, and the demonetization acts of 1873 and 1874. The clear purpose of these acts was—

First, to double the value of the bonds by making them payable in coin instead of lawful money.

Second, to perpetuate the bonds and make them everlasting by the postponement and prevention of payment.

Third, to strike down silver and to force the payment of these bonds in gold, and to enhance the price of gold, in which they were to be paid. That was the mainspring and the moving force behind all of this dark legislation.

All of this was getting ready for the act of 1875, another part of this scheme of these bad men who would not help Mr. Lincoln to save the Union—the men who played traitors in the hour of need, the men who committed a crime a thousand times worse than the poor soldier who deserted and went home to get bread for his starving family and was shot for doing it. These same bad men were preparing for the grand act of 1875, to be followed by specie redemption a little later, in 1879. These bondholders, who had on the face of their contracts the pledge to pay in coin, determined that before the time came for specie resumption there should be no specie that was legal tender but gold. They deliberately determined to double every debt in the country. They appealed to every little usurer in the country and every bank and every little man who loans money to come to their side and share the profits in a small way by doubling the debts the people owed and had to pay to the bondholder.

Yes; the next step in that crime was in 1875, preparatory to the resumption of specie payment in 1879. But before the day for resumption came there was another important event in the financial tragedy, and again these same bad men played their accustomed part. What was it? When the people of this country found out, in 1876, that silver had been demonetized, when they realized the extent of the crime of 1873-74, there was almost as much an arousal of public sentiment from ocean to ocean on the silver question as there is now. The people pledged their candidates for Congress in 1877 to come here in 1878 and wipe out the crime of 1873 and 1874. They pledged their Senators to do it. They made the mistake of not pledging the President to do it, too. They elected their Congress, pledged to remonetize silver. The House was overwhelmingly for silver. They passed a free-coinage act wiping out the crime of demonetization before the resumption act took effect. The people were anxious before resumption began to restore silver as money, so they could pay in the money they promised to pay. They made haste to elect a Congress pledged to do this in 1878.

The House passed the bill. It came to the Senate, and here, as is always the case—either in this body or the other—these bad men, these bankers who are trying to capture the next national convention, who would not help Lincoln to save the Union, came here and captured one branch of Congress. They always center their efforts on one House. They never waste their time on two. They try one House. They always try to shield their President from having to veto a good measure; but when they fail on both Houses then they fall back on the President. This time they did not bother the House. They did not decide to capture the House as Mr. Cleveland did in 1893. They let the House go; let the House free, and it acted free; acted according to its pleasures and according to the wishes of the people, and passed the free-coinage bill in 1878 and sent it to this body.

These bad men centered their evil influences around the lobbies of this end of the building. They delayed. They put off. They held up the Senate, as it were, until they got the body fixed. This body at that time would not dare to kill the bill outright. But what happened?

Mr. GALLINGER. Does the Senator know of any one individual Senator who was corrupted at that time, or at any other time?

Mr. BUTLER. If I knew, instead of talking here I would use my efforts to put him in the penitentiary.

Mr. GALLINGER. The Senator does not know. He is simply talking about something that he does not know about.

Mr. BUTLER. I am talking what the people of this country have a right to believe, and what is a moral certainty, and what the Senator will never be able to dislodge from the minds of the people.

Mr. GALLINGER. If the Senator will permit me, there was a distinguished murder trial up in New Hampshire, and the party who was accused appealed to the court and said he thought it was very unjust that he should be convicted on the testimony of one man, when he could bring thirty men to swear they did not see him do it. The Senator has not even brought one witness to prove that any corruption has ever occurred in the Senate of the United States, or in the other House of Congress, in regard to the matters about which he is talking.

Mr. BUTLER. Let the Senator call it what he pleases. He would like to use a more euphonious term, and instead of calling it "corruption" would call it "influence," I suppose. Influence, influence! The Senator will not dare to deny that somebody tries to influence this body against every important measure that comes up that concerns the people of the United States.

Mr. GALLINGER. If the Senator will permit me, I do not know how that may be with the Senator himself, but I think I can speak for one Senator, and I will say he is not importuned by anyone as to important matters that are before the Senate for its consideration. Of course, if the Senator has had experience he knows about it. I do not.

Mr. BUTLER. Then it may be that the Senator is always on the side of these very fellows when he comes here who would do the influencing. It may be that he came here that way, and therefore he does not need to be influenced. I need to be influenced in their eyes very much, and they have to some extent tried it on me, but not successfully.

Mr. GALLINGER. I am glad the Senator is virtuous.

Mr. BUTLER. They did not succeed with me before I got here, either, and they have not since.

Mr. GALLINGER. If the Senator will permit me, I should like to ask him two or three questions in good faith and in calmness concerning the crime of 1873. I ask the Senator if he knows for how long a time that bill was before the Congress of the United States for consideration?

Mr. BUTLER. I have some slight knowledge about that point. Has the Senator finished his question?

Mr. GALLINGER. For the present; yes.

Mr. BUTLER. I was careful to get the information and have it in my desk, because I was certain I would find somebody just like the Senator from New Hampshire who would be ignorant on this question. He has heard somebody say—I am sure he would not be on the side of the question that he is if he were correctly informed—that the measure was fairly and fully discussed, that the measure was debated in this body a long time, that it was up time after time and printed and reprinted and the greatest amount of time taken on it, and therefore he sat back and thought to himself, "Well, how silly these men are to call it a crime and say it was slipped through!" and thus he has satisfied his conscience until he is perfectly happy that he is right.

Now, I am making this speech for his benefit. I have brought here the information to get him perfectly straight, and I shall try to do it in perfect good humor and coolness. I have it here, and it will surprise him and open his eyes, because it is going to convert the Senator, and next Tuesday when the vote comes he is going to be right on this question. When he finds that he has been imposed upon so basely, he is going to be very indignant with the people who have treated him that way. I hope he will not treat them roughly, but that he will try to convert them, too, unless they are beyond converting, beyond the hope of salvation.

I have brought along, as I said, the information for his benefit. I knew there would be some good men opposed to the measure who would do right if they knew the facts. I call attention to the act of 1873, and the conditions under which it was passed. I will elaborate on the conditions. The conditions under which it was passed deserve special attention, and that attention I will give right now.

The first step in this direction was the passage of the act of February 12, 1873, erroneously known as the act which demonetized silver. This act has been called the crime of 1873, which it undoubtedly was; but it has been so thoroughly discussed in this Chamber that I will not make any extended remarks upon it. I wish to say, however, that in my humble opinion that while this act may be truly called a crime on the one hand, yet it is an example of inexcusable negligence on the other.

Here are two classes of men I want to deal with—those who were standing up for silver and did not do their duty to silver. How all of these death-dealing provisions against the money of the Constitution and against the contract which the Government had made, how this "heinous crime," in the language of Lincoln, could be incorporated into this bill and escape the knowledge of the friends of the people, is beyond my comprehension. It shows beyond question the necessity of the People's Party on the floor of both Houses of Congress to watch the interests of the people with eternal vigilance. This act of 1873 dropped the standard full legal-tender silver dollar from the list of coins and substituted therefor a trade dollar of greater weight, and therefore of greater intrinsic value, and yet made it only a limited legal tender. This was a cunningly devised blow against silver. The alleged reason for coining this trade dollar of 420 grains was to supply the demand of trade with China and Japan. The real reason for its coinage, in my opinion, was to prevent the people from inquiry into why the standard silver dollar (which was a full legal tender) was dropped. It was to make the people think they had a better silver dollar on account of its weight being increased.

Of all of the acts of Congress, this is probably the most confusing. It suspends the coinage of the standard silver dollar of 412½

grains, but at the same time provides for a trade dollar of greater weight, and makes it a partial legal tender, and also continues the coinage of silver halves, quarters, and dimes at the rate of debasement provided by the act of 1853, and also made them a limited legal tender. Here is presented a condition without a parallel in monetary legislation. We have a standard silver dollar of 412½ grains, though no longer coined; a trade dollar of 420 grains, and minor coins containing but 384 grains to the dollar to be coined, all being of the same standard of fineness and each of the minor coins a legal tender to the same amount as the trade dollar, which contained 36 more grains of silver. I doubt whether there could be found in the coinage laws of any other nation on earth such a glaring inconsistency. If such legislation would not sooner or later bring silver coins into disrepute, such as to enable the gold men to raise a howl against it, it would be very strange indeed.

It has been questioned by some whether or not this act had the effect to demonetize the standard silver dollar, or whether it simply stopped the coinage of said dollar. But that question is not material in this discussion, because if the manipulators of the crime of 1873 bungled in their direful measure, they certainly completely succeeded in the act approved June 24, 1874, which was the report of a joint committee to revise and codify the laws of the United States. By turning to section 3586 of the Revised Statutes, as revised by this commission, we find the following under the head of legal tender:

The silver coins of the United States shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment.

This certainly covered all of the silver coins of the United States and destroyed the full legal-tender quality of all. But probably the most fatal section of the act of February 12, 1873, was section 14, which reads as follows:

That the gold coin of the United States shall be a one-dollar piece, which at the standard value of 25.8 grains shall be the unit of value.

Will the Senator from New Hampshire say that that was ever discussed on the floor either of the House of Representatives or of the Senate? The most important legislative act that any country can pass is one which changes the standard or unit of value in a country, and which at the same time contracts is legal-tender money. Up to that hour the legal-tender dollar of 412½ grains had been the unit of value in this country, and at one stroke of the pen it was wiped from the statute books and the gold coin made the unit of value.

Mr. GALLINGER. The Senator from North Carolina asks me a question. I wish he would answer my question before he asks one.

Mr. BUTLER. I am now answering your question, and I will answer it fully before I get through. It is necessary to get a few facts straight before we come to examine the pages of the CONGRESSIONAL RECORD on February 12, 1873, and at certain later periods in 1874 and 1876. Will you now answer the question I have just asked?

Mr. GALLINGER. I will answer the question of the Senator, and I will try to do it directly. I may be wrong about the historical facts connected with the crime of 1873, but my recollection is that the bill was drafted by the Hon. George S. Boutwell, I think in the year 1870, originally, and sent to the Congress of the United States.

Mr. BUTLER. Yes; they went to work on it just as soon as they got through that act in 1870 which made it certain that the bonds should be paid in coin.

Mr. GALLINGER. I am giving the historical facts as I understand them.

Mr. BUTLER. I want to correct the statement of historical facts.

Mr. GALLINGER. If I remember correctly, John J. Knox, Deputy Comptroller of the Currency at the time, gave an opinion on the question, and it was before the Congress of the United States, and I know that Dr. Linderman, who was a very distinguished financial authority in those days—of course he would not amount to anything in North Carolina, but he was a very distinguished financial authority——

Mr. BUTLER. If he would say that coin obligations can be paid in gold, and ought to be paid in gold, he would not amount to anything in North Carolina.

Mr. GALLINGER. He sent a communication to the Congress of the United States, from which I will quote a few words. Dr. Linderman gave it as his opinion that it would be wise "to discontinue the issue of the silver dollar altogether." That is what he said to Congress.

Mr. BUTLER. From what does the Senator read?

Mr. GALLINGER. From a communication of Dr. Linderman, of whom the Senator has heard.

Mr. BUTLER. To whom?

Mr. GALLINGER. To the Congress of the United States.

Mr. BUTLER. Is it in the RECORD?

Mr. GALLINGER. I think the Senator will find it there. He said:

The gold dollar is really the legal unit and measure of value. Having a higher value as bullion than its nominal value, the silver dollar long ago ceased to be a coin of circulation, and being of no practical use whatever it should be discontinued.

Mr. BUTLER. Under what date is that?

Mr. GALLINGER. I think that was written about 1871 or 1872. I am not absolutely sure about the date; but it was while this matter was under consideration by the Congress of the United States.

Mr. BUTLER. I should like for the Senator to inform me where in the RECORD that can be found.

Mr. GALLINGER. I will refer the Senator to the RECORD. He can find it for himself. It is a report. It has been cited here over and over again before the Senator or I came to Congress, and it has been cited during the time I was here when the Senator was not a member of this body.

Mr. BUTLER. The Senator will, I trust, tell me where it can be found in the RECORD.

Mr. GALLINGER. I make the statement, and the Senator can hunt it up and disprove it if he can.

Mr. BUTLER. I hope the Senator will point to the place in the RECORD where that communication can be found.

Mr. GALLINGER. The Senator is a very industrious man, and he will find it if it is there. If it is not there, he will make that discovery.

Mr. BUTLER. The Senator says that it is in an official communication to Congress?

Mr. GALLINGER. Yes, sir; I make that assertion.

Mr. BUTLER. Under what condition was it sent to Congress?

Mr. GALLINGER. I can not say just what was being considered by the Congress of the United States at the time.

Mr. BUTLER. Was he an expert called upon by Congress to send his opinion?

Mr. GALLINGER. I do not know.

Mr. ALDRICH. He was Director of the Mint at the time.

Mr. GALLINGER. Certainly.

Mr. BUTLER. Then it is in his report as Director of the Mint and not in the RECORD?

Mr. GALLINGER. I think the Senator will find it there.

Mr. BUTLER. In what report, will the Senator from Rhode Island state?

Mr. ALDRICH. In 1870 or 1871.

Mr. BUTLER. The Senator will help me to find it?

Mr. GALLINGER. We will help the Senator to find it. I have answered the Senator's question. It was perfectly understood that the silver dollar was to be legislated out of existence. It was stated by Dr. Lindermann, as I read from his communication, and I think it was discussed by financiers generally. Now, I wish to ask the Senator a practical question.

Mr. BUTLER. Just a minute before you go any further. You say it was perfectly well understood that the silver dollar was to be legislated out of existence and the gold dollar made the unit of value?

Mr. GALLINGER. I think so.

Mr. BUTLER. Will you name a single Senator who was on the floor at that time who will say he knew it and understood it, or for whom you can say he knew it and understood it?

Mr. GALLINGER. I have not consulted the Senators who were here at that time.

Mr. BUTLER. The Senator from Ohio [Mr. SHERMAN] is in the city, he is in this Capitol, and I will wait for you to send for him and ask him if he will say that he understood it at that time.

Mr. GALLINGER. It is unaccountable that a bill of that kind should be discussed, with Dr. Lindermann's words before Congress and the opinion of Mr. Knox, the Deputy Comptroller of the Treasury, before Congress, without somebody understanding it. It does not speak well for the body of which the Senator is a member to be arguing that sixty or seventy men did not know what was going on or what they were voting on when the matter had been discussed for two or three years.

Mr. BUTLER. Will the Senator say that those opinions and expressions were used by any Senator on this floor in support of the bill when it was under consideration?

Mr. GALLINGER. I was not here and I can not say.

Mr. BUTLER. I say they were not, and there is not a line or a sentence in the CONGRESSIONAL RECORD which shows the real purpose of the act of 1873. Not a single Senator said on the floor of this Senate at the time that he was in favor of such a scheme and such robbery, and everyone who voted for it repudiated it afterwards and said he did not know that the act carried such a provision.

Mr. GALLINGER. The Senator will permit me another very brief question. The Senator speaks of corrupt influences being around Congress. I suppose he knows the assertion has been made on the floor of the Senate over and over again that the Bank

of England contributed £500,000 to send a trusted agent over here to corrupt Congress and pass the law.

Mr. BUTLER. I can not say where it came from. I should not be surprised if some of it did not come from there, because the large profits wrung from our people by the passage of that act have been going over there since. But wherever it came from or what kind of influence it was, it is my belief, and it is the belief, I am sure, of a majority of the American citizens, that there was undue influence used on a few to smuggle it through Congress. Of course the majority voted without knowing, but there must have been an undue influence used on a few to put that bill through with such radical and monstrous provisions in it without the knowledge or wishes of the American people. Those who voted for it brand it as a fraud.

Mr. GALLINGER. Does the Senator know what a silver dollar was worth when that act was passed?

Mr. BUTLER. I will have the Senator state.

Mr. GALLINGER. I will state that it was $1.02½. Yet England, the great creditor nation of the world, came here and corrupted Congress to destroy money that was worth $1.02½, so that she might be paid in money worth a dollar.

Mr. BUTLER. So she might be paid in money worth $2. So that she might get two pounds of cotton from the Southern cotton fields for every one we owed her.

Mr. GALLINGER. That is another thing.

Mr. BUTLER. So she might get two bushels of wheat for every one we owed her. Yes, this is another thing, but it is the thing that is true. There was not then, nor is there now, half gold enough in the world for money. England knew that the United States and the whole world was in debt to her and if she could reduce one-half of the money of the world then by the same stroke of the pen she would double the debts the people would pay to her. The Senator knows it. The Senator in his heart to-day is not for the single gold standard. He knows it is wrong. He knows it is an infamous wrong. The Senator—and I hope I do him no injustice—if he were a free man——

Mr. GALLINGER. Now, Mr. President——

Mr. BUTLER. And if his constituents did not happen to think like they do, or to be controlled in some way by certain agencies, I believe the Senator would vote now for free silver, for this anti-bond bill. There are a number of good men on this floor who vote wrong on this question. The question confronting them is this. It is when they are converted and convinced here, if they were not before they came, of what is right, whether they shall vote with the controlling influences among their constituencies, or whether they will vote for what they think here would be the best. I do not intend to impugn their motives in doing it, because it is a question with them whether it is their duty to vote their own sentiments or to vote the sentiments of their constituents, and you know a man has constituents and constituents.

Mr. GALLINGER. Mr. President, just a word in this connection. I am not going to get into any angry altercation with the Senator. He is amiable to-day, and I am always amiable. But I do want to protest against the methods of the Senator. This has not been his first offense in that direction, when standing on the floor of the Senate he makes assertions concerning what other Senators believe. I want to say for myself that I do not believe what the Senator attributes to me. I have convictions on this matter as he has convictions. I am not going to impugn his motives nor to call in question his convictions, but I do protest against the Senator putting in my mouth words that I have not uttered and attributing to me convictions that I do not have. That is all.

Mr. BUTLER. Then the Senator is not in favor of the single gold standard?

Mr. GALLINGER. I did not say so. I will in my own time, at my convenience, if I find it proper, state to the Senate what my views are on this question. I do not propose to have the Senator from North Carolina state them for me.

Mr. BUTLER. Of course what I said was in the utmost good humor; but at the same time I want to say to the Senate and to the country that I believe the time has come when it is the duty of every man here who believes that this gold conspiracy must be struck down before ever prosperity can come back to the people to raise his voice in no uncertain way. I believe the time has come for men who so believe to speak out boldly and use words that mean something, to express his honest conviction, to denounce what he considers wrong, and to call the attention of the country to it in fitting language and in no euphemistic terms.

I have spoken plainly on the floor of the Senate about this question because I feel earnestly about it. I feel that the salvation of the Republic as well as the prosperity of the people depends upon stopping this infamous crime that is now being carried out each day by the Secretary of the Treasury under such infamous legislation as has been plastered upon our statute books since the war. I believe it is necessary to arouse the conscience of the American people to the enormity of the wrong and to the still greater danger in store if this thing is not stopped. I believe that it is necessary to do it to solve this question peaceably, and if I know my conscience between me and my God, my greatest desire and the greatest sacrifice that I would make would be to see this question solved at the ballot box and at the earliest day possible. That is the way I pray for it to be solved. But it must be solved soon if ever solved at the ballot box. Therefore if I hurt anyone's feelings I am sorry for it. I do not mean it as a personal offense, but I will speak plainly, and I will call things by their right names.

Mr. GEAR. Mr. President——

Mr. CHANDLER. I should like to have the attention of the Senator from North Carolina. He found fault, I understood, because an agreement had been made to vote upon the bill on Tuesday afternoon next.

Mr. BUTLER. No, I did not.

Mr. CHANDLER. If the Senator did, then I will ask unanimous consent to rescind the agreement to take a vote on Tuesday afternoon.

Mr. BUTLER. I object, Mr. President.

Mr. CHANDLER. Then the Senator does not think the goldbugs got a time fixed in order to avoid the discussion of this subject?

Mr. BUTLER. I do not know that, but I think they are realizing that they were not getting the better of the discussion.

Mr. CHANDLER. They have had no chance. The authors of the measure have had the whole time, and if it is all to be taken up by the friends of the measure between now and 5 o'clock Tuesday afternoon, or whenever we get through with the business of the Senate, it seems to me the unanimous-consent agreement ought to be rescinded.

Mr. BUTLER. I distinctly gave notice that I would not even permit one hour to be used to-day upon the conference report if there was anybody who wanted to speak upon the pending bill. I gave notice that if anybody wanted to speak this evening, either for the bill or against it, I would give way, but no other Senator was ready to speak.

Mr. CHANDLER. I am unwilling that the assignment shall stand for a vote upon the bill if the Senator insinuates that it was made unfairly or is unwilling to have it stand.

Mr. BUTLER. I do not say it was made unfairly, because the Senate agreed to it and nobody objected. It was an agreement that if I had been here I would not have agreed to myself; but I do not desire to have it changed unless the Senator is anxious for a vote at an earlier day. I will stop talking now if a vote can be had this evening.

Mr. CHANDLER. That is quite a consideration, perhaps.

Mr. BUTLER. I thought I would offer the greatest one possible. Of course to a representative of the gold men it would be a consideration.

Mr. CHANDLER. I do not think it would be in order for the Senate to vote upon the bill before the time fixed next Tuesday.

Mr. GEAR. I wish to ask the Senator a question. The Senator said that this question might be settled at the ballot box. Is there any other method which the gentleman proposes except by the ballot box? I should like to have the Senator inform the Senate if there is.

Mr. BUTLER. I propose no other method.

Mr. GEAR. I understood him to propose other methods, at least by implication; that if it were not settled at the ballot box it might be settled in another way. The Senator occasionally has such a way of talking, and I would like to know by what other method he proposes to settle this question other than at the ballot box.

Mr. BUTLER. I do not know whether it would add to the gentleman's comfort and ease to tell him, but I might remind him how questions similar to this one are settled in a much less civilized country than this—China, for instance. Of course we are getting very civilized, but in countries less civilized they have to settle these questions in another way. Whenever the class of fellows like those who sent out the bank resolutions which I read buy up and corrupt political parties and use their influence on the legislative halls and steal from the people indirectly or directly by having their banks break and not paying their depositors, they take such a man out and hang him or they take him to a block, if he prefers and is fastidious about it, and chop off his head. But I propose and favor no method but the ballot box for correcting these financial evils. We consider China much less civilized and progressive than the United States, yet the Chinese Government, when recently it borrowed $75,000,000 and issued its bonds for the same, managed to get it from the money trust by paying a commission of 5½ per cent. This was a large bonus, but how does it compare with the financial operations of this great, strong, and highly civilized Government of ours?

Last year, in February, our President, without consulting Congress, made a contract with a private syndicate by which a loan of $62,000,000 was floated. The private syndicate paid 104½ for the bonds and sold them at about 119. That is, the rich, stable,

highly civilized, and honest American nation, that never defaulted and never threatened to default on a dollar of principal or interest, had to pay a commission of 14½ per cent.

On the last loan of $100,000,000 the President paid to these money sharks a commission or bonus of over 10 per cent. Thus we see that China is either smarter than we are or else her credit is better than ours. And it is in China that whenever a bank fails they chop off the head of the bank president. The consequence is they never have bank failures in China, while here we have them by the thousand.

Mr. GEAR. The gentleman would prefer that method of punishment probably.

Mr. BUTLER. I say the time might come when an outraged people might swing some man to a limb. I hope that time will not come, because I prefer not to correct evils and crimes of any kind by that method if avoidable. I have, however, seen criminals hung to a limb that were less criminal and less dangerous to the peace of this country than the men who are to-day fastening this infamous system upon the country.

Mr. GEAR. That is the way they act down in your country. It is not the way they administer justice in my part of the country.

Mr. BUTLER. No; because it seems in your State that the people are not opposed to or as yet have not realized the extent and enormity of the evils of the gold standard.

Mr. GEAR. I should have been sorry to be sent from North Carolina if my people were of the same opinion as those who sent the gentleman here. I represent as good a constituency in my State of Iowa as lives on the earth; they are a man-loving, God-fearing, and law-abiding people. They commit no crimes such as the gentleman adverts to.

Mr. BUTLER. If inadvertently I reflected upon the gentleman's constituency I beg——

Mr. GEAR. That is all right.

Mr. BUTLER. I did not so intend. I want that distinctly understood.

Of course, if I did not speak pleasantly in my tones, I want to say that I do not feel any personal animus in regard to the matter. But of course some States send men here holding one view and other States send men here holding a directly opposite view. Of course, States like North Carolina, that have a large agricultural population, that have the great bulk of their people engaged in farming and wealth producing, a people like that where there are only a few who are gathered into towns, would send a different representative here from a State where the population is congested in and around great cities. The Senator's State is also agricultural, I think, but my State more so than any other State in the Union. There are fewer people in towns compared to the percentage of population in North Carolina than in any other State of the Union.

Mr. GEAR. May I make a statement? In the State I represent in part on this floor there are more people engaged in agriculture than there are in the State the gentleman represents. These questions have been submitted to them time and time again, and the good people of that State have rendered their verdict, and that is the reason why they have sent me here, because I am in full harmony and sympathy with the views which they express at the ballot box.

Mr. BUTLER. The people of your State may have grown rich, but mine continue to grow poorer while they work harder. They create more, they make two blades of grass grow where one grew before, they carry out the divine injunction to earn bread by the sweat of the face; but the more they make, the harder they work, the poorer they get under the policy you advocate.

Mr. GEAR. I beg to say that in the State I represent, although the people may have less money, they are in a more prosperous condition; their farms have been advancing more in value in the last ten years than they did before in twenty. It is true the price of property is low, and yet with all that our people, while they earn their bread with the sweat of the face, live in comfort and peace, and piety, I might say.

Mr. BUTLER. Then there is no dissatisfaction among your people about their present financial system?

Mr. GEAR. There are a majority of the Democrats in my State, who take the same position on financial questions that the gentleman takes, who believe in debasing and destroying the credit of the Government as the gentleman proposes to do by the pending bill.

Mr. BUTLER. Destroying the credit!

Mr. GEAR. Destroying the credit, as it would be destroyed by the passage of such a law.

Mr. BUTLER. Destroying the credit!

Mr. GEAR. And not only expel the gold from this country, but you would bring us to a gold basis, and thereby bring to the same basis every dollar of paper that the Government issues.

Mr. BUTLER. How much gold is there in the State of Iowa? They must have it all.

Mr. GEAR. It is not much, but they have enough for the banks to pay their debts with, and plenty for individuals to pay their debts where the contract is that they shall pay in gold.

Mr. BUTLER. The Senator may speak over his State and ask every man in the audience when he spoke who had a gold dollar in his pocket to raise his hand, and if the Senator got all the votes of those who had gold dollars he would not get enough votes to elect him constable of one township if he had all the votes in the State.

Mr. GEAR. The people of my State keep bank accounts. They do not carry money around in their pockets. They simply draw checks and pay their debts in that way.

Mr. BUTLER. That will be news, I suspect, to the farmers of Iowa.

Mr. GEAR. Not much.

Mr. BUTLER. It will be news to the farmers of Iowa that they are all strutting around with bank accounts. There must be close communication between them and Wall street, and there must be a "divvy" between them. That is the only way I can understand it. I hope it is so; but if it is so, then I appeal to what patriotism there is in your hearts, and I believe there is a great deal, to turn your eyes to view and consider the condition of the remainder of the country, and not to do like the President, who can not see anything out of Wall street and Buffalo. I appeal to you to turn your eyes over this country and see what misery and distress there is from ocean to ocean—the business of every wealth producer going down who is trying to live honestly. Their farms are going down, their land is falling, the price of their products is falling in value, and they can not pay their honest debts. I appeal to what patriotism there is in you to help change this policy which is helping nobody but Iowa and Wall street and bringing the curse of hard times on all the rest of the country.

I am glad that Wall street and Iowa are prosperous. I am glad that they are not suffering from hard times as are the people in the rest of the country. But, Mr. President, I do protest against their kind of patriotism when they are satisfied to see everybody suffer and go to the poorhouse but their own chosen few, the four hundred of Wall street and Iowa.

And, Mr. President, before proceeding, there is something else that I wish to protest against. It is the habit of certain gold Senators on this floor to try to misrepresent every Senator who, when discussing earnestly the financial question, expresses a hope that this irrepressible conflict may be settled peaceably and at the ballot box. I say it is the custom of certain Senators to try to misrepresent such statements and to make it appear that the expressing of such a wish implies lawlessness and a desire for bloodshed. I protest against such unwarranted and unfair methods. It is resorted to by those who can not answer our arguments. I expressed, a few moments ago, the wish that these financial evils might be corrected, and the contest between labor and capital might be settled peaceably and at the ballot box. I submit that that is a patriotic sentiment, and one that every good citizen joins me in.

In fact, if we did not have so much sad history to the contrary in the fall of empires and republics; if the pages of history were not strewn with the failures of republics and governments that started out in a manner which allowed the people to prosper and then have decayed, fallen from evils and unjust conditions like these which now curse our body politic; if we did not have——

Mr. HAWLEY. Will the Senator yield to me for a moment?

Mr. BUTLER. I will not yield just now. If we did not have those warning examples, our best and most patriotic men would not feel so solicitous about seeing this country continue on the downward road it is going, nor would they have occasion to express such sentiments. It is a patriotic sentiment, and I hope the Senator from Iowa feels that way. It would be unworthy of him not to hope, whatever his views of this question are, that this irrepressible conflict should be settled at the ballot box.

But what I do want to protest against is this: I do it in no bad feeling, but I protest against the method of Senators who favor the gold standard taking advantage of those opportunities and statements like that to rise on the floor to try to twit the Senator who makes the statement or to try to goad him with questions of their own framing into saying something that can be perverted.

The Senator from Iowa knows that the statement I made is one that is worthy of any patriotic citizen, and it is one that he can make himself, I hope, and one that will be worthy of him and do credit to him to make.

Mr. GEAR. May I interrupt the Senator to say a word?

Mr. BUTLER. In the heat of discussion it is often the case—and I have seen Senators other than myself do so—that Senators answer those questions and do so in such a way that their answers can be misinterpreted.

Mr. GEAR. Will the Senator permit me to say a word? It was not what the Senator said or his words or terms, but what he said by implication. I want to say right now that I do not believe the Senator wished to be understood as even by implication saying anything harsh. If I have said anything unjust with regard

to the people of North Carolina, whom the Senator represents, I want to say that I have no desire and no wish to say anything reflecting on the people of his State.

Mr. BUTLER. I thank the Senator from Iowa for his very candid statement, because I felt it was my duty to make a statement. What he has said makes it almost unnecessary for me to put in the RECORD what I am about to say. No more law-abiding people live in the United States than the people of North Carolina. I challenge any State of the Union to show a people more conservative, more law abiding; a people who suffer longer and endure even when they feel they are suffering from wrongs, than the people of good old North Carolina. They are slow to move. They do not go off suddenly at a tangent. They are not volatile in their temperaments. They are of the old original Anglo-Saxon stock, and there is a smaller foreign element to-day in North Carolina than in any other state in the American Union.

Mr. PEFFER. Oh, the Senator is mistaken.

Mr. BUTLER. I repeat it.

Mr. PEFFER. The Senator is wrong.

Mr. BUTLER. Name your State.

Mr. PEFFER. Kansas.

Mr. BUTLER. Kansas?

Mr. PEFFER. Yes.

Mr. BUTLER. I appeal to the census. The last census of this Government shows that there were more men living in North Carolina who were born there, whose fathers were born there, and whose great-grandfathers were born there, whose ancestors lived on the soil and fought in the Revolutionary war as citizens of North Carolina—there are more of those people; that is, a larger percentage, in my State than in any other State in the Union. It is the pure, original American stock. I do not say it as reflecting on any other State in this Union, but I state as a fact that our people are, as the criminal records will show, as law abiding as any people in the American Union, and one thing is sure, that I correctly represent them and their sentiments on this financial question. If I have said anything here that can be twisted into a different construction or leaving a different impression as to the kind of people who compose the citizenship of my State, then I was simply unfortunate in not expressing myself clearly.

Mr. GALLINGER. The Senator is good-natured to-day. He has had put in the RECORD two or three times a resolution of the bankers of New York City in favor of the gold standard. Will the Senator yield to me just a moment to have a resolution go into the RECORD which was adopted by the New York Association of Savings Banks, representing 1,700,000 depositors, with aggregate deposits of $700,000,000? The most of that money is deposited by poor men and women and children. I should like to have the resolution read from the desk. It is very brief.

Mr. BUTLER. All right.

The Secretary read as follows:

Resolved, That this association, representing the interests of 1,700,000 depositors, with deposits aggregating over $700,000,000, solemnly protests against any and all efforts to change the gold standard now existing for the currency of the country, and affirms its conviction that any departure from this standard will not only impair the prosperity of the laboring classes, but that the only classes or individuals to be benefited would be the capitalist and foreign investor, who would be quick to take advantage of the rise and ultimate fall in prices sure to follow a premium on gold.

Mr. BUTLER. I did not hear that resolution, but I heard just enough. I think the savings banks folks were protesting. Were they?

Mr. GALLINGER. Yes, sir; the representatives of 1,700,000 depositors, poor people in this country who have a little money in the savings banks.

Mr. BUTLER. And they were protesting against any change from the gold standard?

Mr. GALLINGER. Yes, sir.

Mr. BUTLER. Mr. President, of all the kinds of cunning men who use cunning devices that are first cousin to his satanic majesty; of all the men who play upon the laborer and the supposed interest of the laborer, in order that they may deceive the laborer and help to rob him, is the class of bankers that I have referred to here, who are the very conspirators who are behind that movement to hoodwink the poor depositors of savings banks and get them to ask for laws that will each year diminish their earnings. These bankers are the same fellows who are trying to capture your convention and will do it; trying to put a gold bug, the agent of Shylock, in the White House, and they will do it unless the people get together, as I hope they will, on financial reform. They are the very men who are behind that movement. A part of their campaign fund which they raised has been used to get that resolution passed.

Yes; they go to the laborer and tell him that now you have got a chance to get a drop on somebody else. You have got so many dollars put in the savings banks. Now, they go and appeal to that man's selfish instincts and ignorance—I say ignorance in no offensive sense, but because the laborer, who has to work ten hours a day on scant food and lie down to sleep on a hard bed and not get sleep enough to refresh himself the next morning, has not time to inform himself on such a question—they appeal to that man's ignorance and cupidity—for we all have some of it in us—and say to him, "You have $10 in the savings bank. If you vote for the gold standard your $10 will be $20." That is the kind of infamous argument that is poked at these men who are being ground down daily by this system, the men who can not get work to-day. Out of the millions of men in this country who want to work, there is not 25 per cent of them who can get work. That is what is the matter. And these gold men go to a few who happen to have several dollars and appeal to them to vote to double their dollars at the expense of their brother laborers who are out of employment.

They appeal to them to keep the other laborers from getting employment. They appeal to those laborers to keep producers from getting a fair price for the products of the field. They appeal to those laborers to have themselves taxed in order that we may pay Great Britain double what we owe her. The Senator knows himself the kind of spirit, the kind of greed that is behind the movement that got them to pass that resolution; and I am astonished that he stands up here and helps them to continue the deception, to continue the fraud by giving credence to it and publishing it.

Mr. GALLINGER. The Senator has offended again in saying that I know a thing that I do not know. I wish that he would confine himself to statement of fact concerning himself and not me.

Mr. BUTLER. The Senator is so intelligent looking that I am bound to suppose he does know some of these things, but if he does not I beg pardon for transgressing the limit of his intelligence.

Mr. GALLINGER. That is right. Of course, you can not measure me by yourself in that direction.

Mr. BUTLER. No; that would be unfair. The Senator from Iowa [Mr. GEAR] has gone from his seat. I was interrupted. I was not quite through with him. I am very much interested, extremely interested, now, in Iowa.

Mr. GEAR entered the Chamber.

Mr. BUTLER. Here he is. I have just referred to the Senator from Iowa. I am glad to see that he has returned. Here is a letter, under date of March 10, 1890, written by the distinguished Senator from Iowa. These honest convictions to which he referred—we all have them, but they get wobbly sometimes and they wobble and wobble, and then they turn a somersault, and sometimes they are not as pretty when they turn a somersault as before they did.

Mr. President, I guess it is not out of order, inasmuch as we are anxious to get the truth about this question and to do what is the greatest good to the greatest number, to ask that the letter be read.

The Secretary read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 10, 1890.

MY DEAR JUDGE: I have yours of March 6, and note what you say on the silver question. There is no question in my judgment that you are absolutely correct in the position you take on this question. We dig silver as we dig potatoes, and it is as much a product of the soil as anything else which costs labor to produce, and I always have been of the opinion that it was the bounden duty of the Government to coin silver for anybody who may present bullion, still you know, as I do, that a large number of Eastern people are bitterly opposed to free coinage. The Administrations for the last twenty years, without exception, have used all their influence adverse to such a measure, but I think the day will come, and that at no distant time, when anybody who has bullion can take it to the Treasury and have it coined on his own account. I will send you to-morrow a copy of the Allison bill, which is looked upon with great favor, and if enacted into law and honestly carried out it would in my judgment advance the price of silver in less than sixty days; still it is not as good as free coinage itself.

With kind regards, I am, yours, truly, JNO. H. GEAR.

Hon. P. HENRY SMYTHE, *Burlington, Iowa.*

Mr. BUTLER. The Senator from Iowa at that time could have been elected a Senator from the State of North Carolina.

Mr. GEAR. I should have been very sorry if I had been. I ask, Mr. President, the date of the letter which has been read.

Mr. BUTLER. It is dated March 10, 1890.

Mr. GEAR. In 1878 or 1880—I have forgotten in which year it was—I had the honor of being chief magistrate of my State. At that time I took up and discussed in my inaugural message to the general assembly of my State the question of free silver. The demonetization act had been passed but a short time before. I stated then, if I recollect aright—I can not quote the exact words—that I was not in favor of that act. I can say now, perhaps with equal truth, that I am not in favor of it. I thought then as a great many men did, and I thought as a great many men think now who have not thoroughly investigated the question, that the way was open for free coinage, and I advocated that, I am frank to say, but when I became a member of the other House of Congress, and when it became my duty to examine and investigate this question with all due care, being called upon as I was to represent in part the interests of 2,000,000 people, I investigated it carefully and gave it much study, and I came to the conclusion, as very many must who investigate the question without prejudice and without bias, that free coinage as proposed then and as proposed now would be

a detriment to the American people, a damage to their currency, and a damage, above all others, to the farmers and laborers of this country. I can not see, Mr. President, how any fair-minded man who thoroughly investigates this subject can come to any other conclusion.

I do not take back anything contained in the letter which has been read. At the time it was written I believed just exactly as I there stated; but I have changed my mind, as I presume the Senator has changed his mind, and I presume there are many Senators and members of the House of Representatives who had not investigated this question until they were obliged to examine it, as they were to be called upon to vote upon it, and when they fully investigated it they came to the same conclusion I have, and as many others have, and perhaps some of them have come to the same conclusion which the Senator now maintains.

Mr. BUTLER. How long had the Senator been in the House of Representatives when he wrote that letter?

Mr. GEAR. One session.

Mr. BUTLER. The Senator had not been in the House of Representatives long. The Senator was not very well acquainted with national legislative matters at that time?

Mr. GEAR. That is true.

Mr. BUTLER. And, therefore, he was lead off into the support of free-silver coinage?

Mr. GEAR. I had been about the same length of time in the House of Representatives as the Senator has been in the Senate, and was probably as well posted then as the Senator is now. [Laughter].

Mr. BUTLER. Possibly, but inasmuch as that is about the only kind of reply that a man can give for becoming a gold bug, I want to give the Senator the full benefit of that. The Senator from Massachusetts [Mr. LODGE] seems to enjoy it so much, and he has had so little comfort for him and the goldites in this debate that I will wait a minute if that remark adds to his pleasure, because I am going to reply to it.

Mr. LODGE. I think the remark of the Senator from Iowa has been quite sufficient. I do not think it is necessary that I should say anything.

Mr. BUTLER. The Senator from Iowa admits frankly enough that he was mistaken; so does Hoke Smith, so does John G. Carlisle, and——

Mr. GEAR. I object to being placed in the same category with John G. Carlisle.

Mr. BUTLER. I beg pardon. I will not place the Senator in that category if it is disagreeable to him; but the cases are similar.

Mr. GEAR. I wish to have some choice with regard to the company I am in. The difference between John G. Carlisle and me is this: John G. Carlisle voted for free silver, as he stated, when he was in the other House, and I had the honor of being in the House with him, to embarrass the Republicans. That was his excuse for that vote. I do not want to be put in that category.

Mr. BUTLER. Then the Senator from Iowa comes to the defense of the Secretary of the Treasury.

Mr. GEAR. Not at all. I do not want to be put in that position.

Mr. BUTLER. To explain why he so voted, he gives an excuse that Mr. Carlisle, the Secretary of the Treasury, has never, I believe, given himself. I congratulate the Secretary of the Treasury upon having the addition of the help of the Senator from Iowa in getting him out of his apparent great difficulties in explaining his position. It is well to have somebody to stand sponsor for him and give a reason which I think Mr. Carlisle never has dared to give himself. The difference between the Secretary of the Treasury and the Senator from Iowa is that the Senator from Iowa was for square free coinage, while the Secretary of the Treasury hedged and quibbled on that little dividing line that, though in favor of coining silver into legal-tender dollars, he was not in favor of free mintage, and therefore the only injustice done is that it seems the Senator from Iowa has backslided farther from his original position and convictions than has the Secretary of the Treasury. The Senator gave better reasons in 1890 for his position then than he seems to be able to give now for his new and opposite position.

Mr. GEAR. I want to say in reply to that that it is only fools who do not occasionally change their minds. This is a great question, a question that ramifies amongst and affects all the people of this country. The gentleman who wrote that letter was one of my neighbors—I will not express an opinion about his sending a private letter to a Senator here; that is a matter for him to settle—and has been an intimate friend of mine for forty years. The only crime I can charge myself with in connection with him was that once when he was a candidate for supreme judge of my State on the Democratic ticket I was weak enough to vote for him. I apologize for that. I do not deny the letter; I affirm it, and say just what I said before, that any intelligent man who gives this question proper study must, in my judgment, come to the same conclusion at which I have arrived.

Mr. BUTLER. The gentleman to whom you wrote this letter has not been able to see the error of his way, as you have, and he is a near neighbor of yours——

Mr. GEAR. He is a Democratic Populist.

Mr. BUTLER. He is a man who refuses to go backward. He believes in standing by the principles of Thomas Jefferson, Andrew Jackson, and Abraham Lincoln; he is a man who is so good a Republican and so good a Democrat that he is a Populist. It has gotten now so that a man does not dare to talk patriotism or express patriotic sentiments unless he is willing to be classed as being a Populist. Some men claim to think that it is almost equivalent to ridicule to charge a man with being a Populist, but when this present goldbug reign is over we will be merciful to those who favor the gold standard, because they will need mercy. Patriotism then will be at par.

Mr. GALLINGER. Will the Senator yield to me a moment?

Mr. BUTLER. In one moment; I wish to say first that I had some hesitancy about using a private letter, but the gentleman to whom it was sent requested that it should be used, and I saw nothing in it that was private. It was about public affairs, and it was a letter which was not marked "private"; it was about no private business, but it was exclusively in relation to the great and important question which is now before this body, and I was sure that the Senator from Iowa was not ashamed of his sentiments then.

Mr. GEAR. I made no objection to the Senator reading the letter.

Mr. BUTLER. Therefore the Senator can have no objection to the letter having been read.

Mr. GEAR. Not at all.

Mr. GALLINGER. With the indulgence of the Senator, as he suggested a little while ago that he trusted I would assist him in finding certain facts that I stated regarding Mr. Knox and Dr. Lindermann, I have found one important fact in relation to the "crime of 1873," and I will promise the Senator to find one or two more before I get through. I want to read to the Senator, under date of April 25, 1870, a communication which he will find in this book, which I will be pleased to call to his attention.

Mr. BUTLER. What is it?

Mr. GALLINGER. A letter of the Secretary of the Treasury, Mr. Boutwell, to the chairman of the Committee on Finance, communicating to Congress the bill which has been referred to. Mr. John Jay Knox, who signs himself Deputy Comptroller of the Treasury, expresses these views. This was in the year 1870, nearly three years before "the crime of 1873" became an established fact:

> The coinage of the silver dollar piece, the history of which is here given, is discontinued in the proposed bill.

There was not any ambiguity about that.

Mr. BUTLER. What was that?

Mr. GALLINGER. That was "the crime of 1873."

> It is by law the dollar unit, and assuming the value of gold to be 15½ times that of silver, being about the mean ratio for the past six years, is worth in gold a premium of about 3 per cent (its value being $1 0312) and intrinsically more than 7 per cent premium in our other silver coins, its value thus being $1.0742. The present laws consequently authorize both a gold-dollar unit and a silver-dollar unit, differing from each other in intrinsic value. The present gold dollar piece is made the dollar unit in the proposed bill and the silver dollar piece is discontinued. If, however, such a coin is authorized it should be issued only as a commercial dollar, not as a standard unit of account, and of the exact value of the Mexican dollar, which is the favorite for circulation in China and Japan and other oriental countries.

That is the communication.

Mr. BUTLER. From what book is the Senator reading?

Mr. GALLINGER. I am reading from Miscellaneous Documents of the Senate of the United States in 1871.

Mr. BUTLER. Was it printed then as a document?

Mr. GALLINGER. It is a letter of the Secretary of the Treasury to the Congress of the United States.

Mr. GRAY. And written three years before 1873?

Mr. GALLINGER. Yes; three years before "the crime of 1873" was an accomplished fact.

Mr. GRAY. And it gave three years' notice?

Mr. GALLINGER. Yes; it gave three years' notice by the Comptroller of the Currency communicating the bill to the Congress of the United States, which was prepared by Mr. Boutwell in 1871.

Dr. Linderman, in his report as Director of the Mint—I do not find in this report the exact language I used, but I will find that later, for I will say to the Senator I looked that matter up very carefully at a time when I had to be exact—Dr. Linderman in 1871 said:

> In general, the country's currency must always be, as it has been, chiefly in paper redeemable in gold. A perfect domestic money system would seem to be bank or Government notes for large payments, gold coin for occasional use in large or small, silver coins for the fraction of a dollar down to the tenth part, and an inferior alloy for smaller denominations.

That was the opinion of the Director of the Mint when the so-called "crime of 1873" was pending before Congress.

Mr. BUTLER. Was that ever laid before Congress?

Mr. GALLINGER. I do not know.

Mr. BUTLER. That is important.

Mr. GALLINGER. They were official documents communicated to Congress, and if the Senator's friends, or those who sympathized with his views then, and presumably do now, overlooked this official communication and were ignorant of the fact that Dr. Linderman, the Director of the Mint, and Mr. Knox, the Deputy Comptroller of the Currency, had given notice to Congress three years before "the crime of 1873" was going to be committed by Congress, of course we can not at this late day be held responsible for the culpable negligence of the men who at that time were here.

Mr. BUTLER. It is very important to know whether that was ever laid before Congress and went into the CONGRESSIONAL RECORD.

Mr. GALLINGER. I do not know about that.

Mr. BUTLER. When the Senator from New Hampshire said he would look up that wonderful information, of course I realized then, as I do now, that it was immaterial to this discussion. But as I am always anxious to get all the information that is going, I certainly wanted to know whatever the Senator knew that caused him to take such a strange position on this question. I was very anxious indeed to know it, and see how much weight it had, to see on what kind of facts and information he has been misled into taking up the views he holds; but the fact that that statement was in a document, something which was stuck up in the pigeonholes in the document room, is no more evidence that the Senators knew what was being done here in that bill on February 12, 1873, or that the country knew that they were being put on a gold standard, than it is for the Senator to point to the act which passed and say the bill provided for it as it was afterwards published. Nobody denies that the bill itself probably lay on the desks of Senators on that day. So that is no evidence, because the bill itself which was passed was better evidence than that. That document probably never came into the Senate Chamber. If it did, it was never read, as such documents are not usually read.

The point I make is that Senators on the floor at the time who knew of that document and what it said, and who knew the provision in the act of 1873 which demonetized silver, quietly kept the fact to themselves and never mentioned it on the floor of the Senate; they never once said in all the discussion here that this bill contained that important provision.

But, on the other hand, I have lying on my desk the CONGRESSIONAL RECORD, with marked extracts. The Senator from Ohio—if I am mistaken I can be corrected—assured the Senate, and the same was done in the other House, that that bill simply made a few minor changes in the mint act, some little minor things which did not make any material difference. It was in a great big report, in a great big document, which nobody could go through except a few men who were specially charged with the duty to do it. Nobody now would attempt to go through 3,000 pages. If you were to codify the laws of this country and the report was brought in and laid on our desks, and if the Senator from New Hampshire was a member of the committee, and the one who did the work were to stand up here and assure the Senate that there was nothing important in it, no one here would take the trouble to wade through 3,000 pages to scan every line of it.

Mr. STEWART. If the Senator from North Carolina will allow me, I will call his attention to abundant evidence.

Mr. BUTLER. I have it all here.

Mr. STEWART. To abundant evidence of what those who were present said of that report.

Mr. BUTLER. I have it all lying here. I am coming to that in a minute.

What I wanted to set forth before coming to that was what Senators said afterwards when it was found out by the people. But I will take that up last. What you have claimed to be documentary evidence is no evidence at all, and even less evidence than the bill itself. What I claim is, and what the people claim is, that that bill was not known to contain the provision that demonetized silver. The bill as it came to the Senate did not contain the provision, and the CONGRESSIONAL RECORD does not show that such an amendment was adopted in open Senate, but it was found in the act after it was a law. What I charge is, that provision was put in by fraud, and that the men who had charge of it never told the truth about it.

Mr. GALLINGER. That must be a serious reflection upon the Senator from Nevada [Mr. STEWART], who was here.

Mr. BUTLER. It would have been no reflection upon the Senator from New Hampshire if he had been here and had accepted the statement of the gentlemen having charge of the bill; but I tell you what you would have done if they had fooled you. You would have done as the Senator from Nevada has done since; you would have stood up, when you found out you had been fooled and how the country had been tricked and robbed, and grown indignant and denounced it as a crime, and that is what I think you ought to do now, and I believe you will when I get all the facts before you.

Mr. GALLINGER. I think, if the Senator will go to the speech of the Senator from Nevada, he will find that that Senator uttered very different sentiments from what are now attributed to him.

Mr. STEWART. What is that?

Mr. CHANDLER. If the Senator from North Carolina will allow me, I will say to him that there is a very general desire that he should yield the floor to the Senator from Nevada in order that he may state his views on this subject.

Mr. STEWART. Will the Senator from North Carolina allow me to ask the Senator from New Hampshire a question?

Mr. BUTLER. I will yield in a moment.

Mr. GALLINGER. If the Senator from Nevada will permit me to say so, I will say that I have read some of the most eloquent and conclusive arguments I have ever read anywhere which the Senator has made once in his lifetime while a member of the Senate in favor of the gold standard.

Mr. STEWART. Never.

Mr. GALLINGER. Then I did not understand the Senator's language.

Mr. STEWART. I have repeatedly stated what that was. That is a trick of the enemy. Of course we knew nothing about the demonetization of silver when that bill was passed. No word to indicate such a purpose was ever uttered in this Chamber during the time.

Mr. GALLINGER. I was going to ask the Senator right there if he had not read Mr. Knox's statement concerning it?

Mr. STEWART. I had not read it. Nobody pays attention to the reading of these public documents. The Senate had not read that. It was not known during the whole of the debate upon this bill from beginning to end. It was never suggested by anyone that there was to be a change in the currency law.

With regard to what I said about the gold standard, it occurred in the debate on the resumption of specie payments. When I used the word "gold" I meant specie—gold and silver. No distinction had been made; but it had been the popular language on the gold board, and we got in the habit when we meant gold and silver coin of frequently saying "gold." As I said, I was arguing in favor of the resumption of specie payments; that was the bill before us; and I used on one or two occasions the term "gold." They wrenched my language from its context. There was no question in that debate on the bill before the Senate of discriminating for or against either metal.

I made that speech, I think, in 1874. It was after that bill had been passed; but nobody then knew its contents. I did not know that silver had been demonetized until after I left the Senate. My term expired in March, 1875. I had no idea that it had occurred. More than that, there were others who had not any idea of it. If the Senator from North Carolina will hand me the RECORD he has, I want to call attention to others who were in company with me in regard to the same transaction.

The idea that that bill should have been pending here, of such great importance as it was, and that the chairman of the committee never mentioned the fact that it demonetized silver, is hardly credible, yet such is the fact.

In this connection I may remark that the chairman of the committee who had charge of that bill which demonetized silver visited London in 1867. He then visited Paris. At Paris there was a convention to equalize weights and measures and coins. In 1865 the Latin Union was formed which made the coin of five nations a legal tender in each. France, Italy, Greece, Belgium, and Switzerland were parties to it. Louis Napoleon undertook to extend that to all the civilized nations. We had a delegate there, Samuel B. Ruggles, whom I dined with the night before he left, discussing weights and measures and coins. No word was spoken of dropping either one of the coins, but we were in favor of the metrical system, and it was thought that this would facilitate trade. Mr. SHERMAN, after visiting London, visited Paris, and at Paris he wrote a letter advocating the single gold standard, which was translated into French and printed in the French papers, laid before the Emperor, and also laid before the committee of the conference having the matter in charge.

The conference finally decided in favor of the single gold standard. The United States and Great Britain made it a condition to entering the union to maintain a common coin that it should be a gold coin. The other nations all protested. There was a long debate. Mr. Ruggles reported it to the United States frequently. France and the other nations finally conceded that it should be a gold coin alone which should be the common coin. The Senator from Ohio came home. He introduced a bill in 1868, adopting the gold standard, with a harmless title, a bill with reference to the coinage. The bill was referred to the Committee on Finance and reported back favorably. Nobody paid any attention to it, no more than they would to any other abstract matter. They did not know what was in it. The title did not indicate it at all.

E. D. Morgan, a Senator from New York, was on the committee. He filed a minority report which set forth the evils which would result from it. But nobody saw the report. It was not called up

for action at all until after Mr. Morgan's time expired. His term expired in 1869.

Then there was a committee formed in the Treasury Department to codify the mint laws, and John J. Knox was at the head of it; and the extracts I have here are from the report of the committee. An elaborate bill was prepared, codifying the mint laws. It was sent to the Senate and introduced by the Senator from Ohio in the spring of 1870.

Mr. MITCHELL of Oregon. The Senator neglected to state that the bill he referred to was never called up in the Senate at all.

Mr. STEWART. Yes, it was.

Mr. MITCHELL of Oregon. I think not.

Mr. STEWART. It was called up in January, 1871, and the Senator from Ohio offered an amendment to it. That amendment provided for a seigniorage on coinage, a charge of three-tenths of 1 per cent upon the coinage of gold and silver, and that raised a discussion. It was the only discussion that was had on the bill. It was carried in the Senate as in Committee of the Whole, and when it was reported to the Senate the fight was renewed. It lasted two days, and the amendment was then rejected. The bill then passed, and the Senator from Ohio voted against his own bill.

The question that in that codification the silver-dollar coin would be left out was never raised and never known. It went to the House, and in the House it was acted upon. Finally, late in the discussion, after it had been there a year or more, Clarkson Potter discovered that it demonetized silver, that it changed the coinage laws, and a very lively discussion arose over it. It was withdrawn by Mr. Hooper from consideration, and some days after that, when Clarkson Potter was not in his seat, a substitute was presented by Mr. Hooper. He asked to have it passed without being read. It was passed without being read. But it raised questions on every side. They asked questions, and the questions and answers occupy two pages. They asked Mr. Hooper if the coinage laws were changed; if those matters which had been discussed were left out. He assured them that every matter that had been discussed and objected to was eliminated from the bill.

It came here. It went through the Senate without the attention of anybody being called to it. Nobody, of course, had read the discussion in the House. I had not. It was a codification bill. It passed here without anybody knowing anything about it. Here is the evidence—and it may as well go in—as to how the bill was passed. I read from the Senator from Ohio, Mr. Thurman, who was a most attentive member, observing with great care the proceedings in this Chamber. He was always in his seat, taking part in important legislation. On the 15th day of February, 1878, Mr. Thurman, in the debate, said:

> I can not say what took place in the House, but I know when the bill was pending in the Senate we thought it was simply a bill to reform the mint, regulate coinage, and fix up one thing and another, and there is not a single man in the Senate, I think, unless a member of the committee from which the bill came, who had the slightest idea that it was even a squint toward demonetization.—*Congressional Record*, volume 7, part 2, Forty-fifth Congress, second session, page 1064.

In the face of this we are accused of negligence, of participation, because, not being on the committee, not having our attention called to it, we did not stop it. How many things go through here daily coming from the Finance Committee, as to the details of which one-half of the Senate are ignorant? Senator Conkling, in the Senate March 30, 1876, during the remarks of Senator Bogy on the bill (S. 236) to amend the laws relating to legal-tender silver coins, in surprise inquired:

> Will the Senator allow me to ask him or some other Senator a question? Is it true that there is now by law no American dollar; and if so, is it true that the effect of this bill is to make half dollars and quarter dollars the only silver coin which can be used as a legal tender?—*Congressional Record*, volume 4, part 3, Forty-fourth Congress, first session, page 2062.

Mr. BUTLER. And that is the first time, as the CONGRESSIONAL RECORD shows, that any Senator on this floor (except the few who had charge of the bills of 1873 and 1874) had any suspicion that silver had been demonetized. In this connection it is important to note who answered the above question and what the answer was. It was the Senator from Ohio [Mr. SHERMAN]. What did he say? Here it is:

"I will answer the Senator from New York that since the law of 1853 the use of the silver whole dollar has been discontinued and none have been issued. That has been so since 1853."

Mr. Conklin further asked: "Is there power to issue it?"

Senator SHERMAN answered: "There is no power, and has been none."

It was this answer of Senator SHERMAN that gave the first direct knowledge to the public that the standard silver dollar of 412½ grains had been destroyed and the unit of value changed. Right here it is highly important that the facts be gotten straight. It is highly important for this Senate and the country to understand that from 1873 until 1876, through all the intervening legislation which had been so important to American industry and to the prosperity or adversity of our people, the fact that the silver dollar of our forefathers had been stealthily destroyed had remained a profound secret. I doubt whether the annals of history can parallel such an instance. This discovery led to inquiry as to how such legislation was made possible, and it is both painful and amusing to read the confessions of our eminent legislators upon the fact that they were absolutely ignorant that silver had been demonetized until the declaration of Senator SHERMAN that such was the fact. In fact, it was impossible to discover one single individual who was willing to stand up and become responsible for the outrage.

And now, if the Senator from Nevada will pardon me, for I see that he is still standing, I will say that, in further answer to the question asked by the Senator from New Hampshire, I intend now to proceed to take up the explanations, every one or as many as time will permit, that the various Senators made on the floor when, they found that silver had been demonetized, and expressing their opinion about it and how it was done and the fact that they did not know it. I have all of those facts collected here. They have been put before the Senate by the Senator from Nevada [Mr. STEWART] and by a number of other Senators, but they can not be put before the Senate and have the attention of the country called to them too often, especially in view of the fact that we have a few men, patriotic men, like the Senator from New Hampshire, who want to do what is right and who have been imposed upon. It is important to get the facts before the Senate.

Mr. STEWART. I trust that the Senator from North Carolina will yield to me for a moment before he proceeds, for I can not sit in my seat when the Senator from New Hampshire accuses me of participation in this crime. The Senator from North Carolina will put these other things in.

Mr. GALLINGER. The Senator will permit me. I did not accuse him of participation in a crime. I accused him of participating in what I think was very patriotic action.

Mr. STEWART. Patriotic to rob the people and destroy their money? [Laughter.] A new kind of patriotism. Will the Senator allow me to point out this fact? There is one thing which the Senator may not have observed himself, to which I should like to call his attention.

Mr. BUTLER. Even if the Senator from Nevada had favored the gold standard, he was patriotic enough to change from it, and I am sure the Senator from Iowa does not object to a man changing his opinion.

Mr. STEWART. The Senator will indulge me for one moment. I will not read what numerous Senators have said in regard to the way the bill was put through, when they knew nothing of it. The Senator from North Carolina will do that. But I want to call attention to a little piece of strategy that was played on the passage of the bill. The provision of the bill which demonetized silver was contained in the sixteenth section. It was an amendment proposed by the Committee on Finance. All the other amendments were considered consecutively and acted upon until the sixteenth section was reached. The sixteenth section was stricken out by the Senate on the recommendation of the committee, but the Globe (the RECORD) does not show that the Senate ever took action on it, or that anything was put in its place by a vote of the Senate. The Globe read thus:

> The PRESIDING OFFICER. The question is on the amendment striking out the fifteenth section.
>
> The amendment was agreed to.
>
> The record then skips.
>
> * * * * * * * *
>
> The next amendment was to strike out section 17, in the following words:
>
> "SEC. 17. That the minor coins of the United States shall be a 5-cent piece, a 3-cent piece, and a 1-cent piece; and the alloy for minor coinage shall be copper and nickel, to be composed of three-fourths copper and one-fourth nickel; the weight of the piece of 5 cents shall be 5 grams, or 77.16 grains troy; of the 3-cent piece, 3 grams, or 46.30 grains; and of the 1-cent piece, 1¼ grams, or 23.15 grains; which coins shall be legal tender, at their nominal value, for any amount not exceeding 25 cents in any one payment."
>
> And to insert in lieu thereof the following:
>
> "That the minor coins of the United States shall be a 5-cent piece, a 3-cent piece, and a 1-cent piece; and the alloy for the 5 and 3 cent pieces shall be of copper and nickel, to be composed of three-fourths copper and one-fourth nickel; and the alloy of the 1-cent piece shall be 95 per cent of copper and 5 per cent of tin and zinc, in such proportions as shall be determined by the Director of the Mint. The weight of the piece of 5 cents shall be 77.16 grains troy; of the 3-cent piece, 30 grains, and of the 1-cent piece, 48 grains; which coins shall be a legal tender, at their nominal value, for any amount not exceeding 25 cents in any one payment."
>
> Mr. SHERMAN. There is an omission in the matter proposed to be inserted by the committee. I move to insert, in line 11, after the words "25-cent piece," the words "and a dime, or 10-cent piece."
>
> The amendment to the amendment was agreed to.
>
> The amendment as amended was adopted.
>
> The next amendment was, in section [18] 19, line 9, to insert, etc.

So, in passing the measure through the Senate, section 16, the section which demonetized silver, was not read at the desk, and if read at the desk it was not reported. It was skipped over, and I defy any man to find in all the proceedings in the Senate the slightest allusion to this transaction. The section which has made this country poor was not read at the desk, as all others were, and passed upon. Another peculiarity is that the Senate was full——

Mr. BUTLER. I call the attention of the Senator from New Hampshire to that, and I want him to help me find in the RECORD

some reference to the passage of the section which demonetized silver.

Mr. GALLINGER. It was printed in the bill.

Mr. BUTLER. But the point the Senator from Nevada makes is that it was not printed in the bill, but that it was an amendment proposed by the committee, and there is no record of it ever being offered in the Senate for action and there is no record of the Senate ever having acted upon it, or of it ever being read at the desk while the other amendments were being acted upon or upon the final passage of the bill.

Mr. GALLINGER. The Senators could not read.

Mr. BUTLER. They proceeded to act section by section——

Mr. GALLINGER. Does the Senator from Nevada charge that the Clerk, who was acting under his oath of office——

Mr. STEWART. I charge that it was not read. I charge nobody. I charge, according to the RECORD, that it was omitted; that it was an amendment which was not read, but which afterwards appeared in the law which demonetized silver.

Mr. GALLINGER. I will ask the Senator if it was not in the printed bill?

Mr. STEWART. No; it was not in the bill that lay on Senators' desks that day; it was a proposed amendment of the committee.

Mr. GALLINGER. And it had been printed, I suppose?

Mr. STEWART. Yes; it had been printed.

Mr. GALLINGER. Very well. I do not see who was deceived or imposed upon. It seems to me that if Senators could read in those days—I do not know how that may have been—they could not have been imposed upon in that manner.

Mr. STEWART. How many bills are there where the Senator from New Hampshire follows the amendments that are printed and thrown aside? Do you get the amendments? No; you rely upon their being read at the desk. They are read very carefully, sometimes repeatedly. When you have a bill under consideration you rely on the desk for information as to amendments which are being passed upon.

Mr. GALLINGER. I should like to ask the Senator what proof he has that the amendment never was read at the desk?

Mr. STEWART. Because it is not reported as all other amendments were.

Mr. BUTLER. The Reporter takes down everything that is read.

Mr. STEWART. He takes it down, and he has plenty of time to take down an amendment, if it is read. It does not appear in the Globe. It was omitted.

Mr. BUTLER. Now, this one very important fact is fixed beyond controversy, and we have the CONGRESSIONAL RECORD, or rather the Globe, as it was then called, for the proof. So now, if the Senator from Nevada will excuse me, I propose to show by the RECORD that when the specie resumption act of 1875 was passed Congress and the country did not know that silver had been demonetized, and I will prove this by the discussion that took place on this floor while that act was under consideration. I will also show that Congress would never have passed the act of 1875 if the fact had been known. Next, I propose to show by the testimony of Senators who, as soon as they discovered that silver was demonetized by the acts of 1873 and 1874, stood here in their places, whom we all know to be patriotic, wise, careful, and diligent—that they stood here and testified that they did not know that any such provision was contained in the act which was passed.

This specie resumption act of January 14, 1875, was introduced early in December, 1874, was briefly discussed in both Houses, but not a single reference was made to the fact that silver as one of the money metals had been destroyed. But, to the contrary, there is ample evidence that the fact of silver being demonetized was entirely unknown save to the few conspirators who manipulated that crime; that this act of specie resumption never could have become a law with the full knowledge of the destruction of silver is clearly proven by the passage of the Bland Act, and the Stanley Matthews resolution of 1878, which followed its discovery. This act was reported from the Committee on Finance by Senator SHERMAN on December 22, 1874, and after less than three hours' debate it was passed. It went to the House, where, on January 7, 1875, it was called up, and after being read was passed with even less debate than in the Senate.

In this hurried manner one of the most important, if not the most important, financial bill that ever passed any Congress was rushed through. During the brief discussion, however, in the Senate, we find a number of expressions which go to show that no one in this Chamber, save perhaps those who were managing the bill, knew or imagined that silver as money had been destroyed. It would be proper here to say that the present Senator from Ohio [Mr. SHERMAN] had full charge of this bill. Senator Schurz, in the course of a few remarks, said:

> The matter which I want to consider so as to give an intelligent vote is whether under present circumstances we can issue silver and keep it in circulation, or whether the circumstances surrounding us to-day or liable to surround us to-morrow are not such as will make it probable that silver put out will be melted into bullion and sent abroad.

The very fact that all the silver being coined at that time excepting the trade dollar was worth less than 100 cents in any market is conclusive evidence that Senator Schurz was not alluding to subsidiary coin. In discussing the bill, Senator Bayard, in objecting to some of its features, said:

> It is to contract your paper currency until you shall have such a volume that gold and silver, the money of the world, shall flow into the country to swell the combined volume of paper and coin again.

Senator Hamilton also declared in the course of the debate:

> The idea that this American Republic, this great country extending from the Atlantic to the Pacific, a gold producing and silver producing country, should at this day be paralyzed in all its industries, its shipping interests, its manufacturing interests, its agricultural interests, all going to the ground, mainly, if not altogether, from the fact that we have not a competing currency with the world, is insupportable.

Certainly none of these men knew that silver had been demonetized. But perhaps the most positive proof that this bill was passed without the knowledge that silver had been destroyed may be found in the special message sent to Congress January 14, 1875, by President Grant when he signed the bill. After making some suggestions as to providing for specie resumption, he said:

> In fact, to carry out the first section of the act would take a period probably beyond that fixed by law for final specie resumption. * * * It would seem a fair argument in favor of adopting one or more of these cities as the place or places for the establishment of new coining facilities.

In brief, President Grant recommended the establishment of mints at Chicago, St. Louis, and Omaha for the coinage of silver money in order to provide for this resumption act.

Not only this, but eight months after the passage of the bill President Grant wrote a letter to Mr. Cowdrey, which shows that he was still ignorant of the fact that silver had been demonetized. The following is an extract from that letter:

> The panic has brought greenbacks about to a par with silver. I wonder that silver is not already coming into the market to supply the deficiency in the circulating medium. When it does come, and I predict that it will soon, we will have made a rapid stride toward specie payments. Currency will never go below silver after that. The circulation of silver will have other beneficial effects. Experience has proved that it takes about forty millions of fractional currency to make small change necessary for the transaction of the business of the country. Silver will gradually take the place of this currency, and, further, will become the standard of values, which will be hoarded in a small way. I estimate that this will consume from two to three hundred millions, in time, of this species of our circulating medium.
>
> It will leave the paper currency free to perform the legitimate functions of trade and will tend to bring us back where we must come at last, to a specie basis. I confess to a desire to see a limited hoarding of money. It insures a firm foundation in time of need. But I want to see the hoarding of something that has a standard of value the world over. Silver has this, and if we once get back to that our strides toward a higher appreciation of our currency will be rapid. Our mines are now producing almost unlimited amounts of silver, and it is becoming a question, "What shall we do with it?" I suggest here a solution that will answer for some years, and suggest to you bankers whether you may not imitate it: To put it in circulation now; keep it there until it is fixed, and then we will find other markets.—*McPherson's Handbook of Politics for 1874*, pages 134 and 135.

This, supplemented with the fact that such champions of the free coinage of silver as the Hon. Richard P. Bland is recorded as not voting against the bill, ought to be sufficient evidence to every fair-minded man that it was passed without the knowledge that silver had been destroyed as one of the money metals of this country. Imagine, for a moment, the real situation and the amount of scheming and plotting that it had required to bring about the final and successful action upon this bill. President Grant had signed February 12, 1873, the act which prohibited the further coinage of the standard silver dollar. On June 22, 1874, he had signed another act which completely demonetized that silver dollar, and now, on January 14, 1875, he signs still another act to bring about specie resumption, and on that date sends to Congress a special message urging the establishment of two or more mints for the avowed purpose of coining these silver dollars which by his own acts he had previously destroyed. Such ignorance and want of ordinary care fails to inspire the political student of the present time with any marked degree of confidence in American legislation, except where the people are so thoroughly aroused that their representatives are as vigilant as their enemies. This act of 1875 was the most destructive in its final interpretation of any act which has passed Congress during the last quarter of a century.

It is this act which has kept sequestered in idleness in the vaults of our National Treasury one hundred millions in gold, upon which the people have been paying interest at the rate of 4 and 4½ per cent for bonds sold to obtain this vast hoard for the past twenty years. It is this bill that vitalized the act of 1870, and the still more infamous act of 1873. It is this bill, or rather the interpretation placed upon some of its provisions, under which the President of the United States claims the right to issue bonds to-day. It is under this act that he has issued two hundred and sixty-two millions of interest-bearing bonds in times of peace—issued them under questionable authority, issued them at less than their market value under questionable circumstances and

conditions to say the least, and issued them under the nose of Congress; issued them last year with a Democratic Congress sitting in these Halls; issued them again this year with a Republican Congress sitting in these Halls, with the country indignant at the outrage, with a majority of members privately criticising his action; and yet no bill has been offered by either Democrat or Republican to stop it.

It is this act, under the construction of the present Administration, which makes possible the so-called "endless chain," which is used to furnish speculators with gold from the United States Treasury whenever they so desire. In fact, this act, which was the crowning infamy of a series of infamous legislation, was consummated and successfully placed upon the statute book by the deepest fraud and deception. These United States bonds, which had been purchased at such a ruinous discount, were made payable in gold alone through the several acts which I have stated, each having been passed through both Houses of Congress and signed by the President without the knowledge that they contained provisions which destroyed silver as one of the money metals of this country and made our entire national indebtedness payable in gold alone, which has doubled the debt. This want of information as to the real status of the silver dollar was at last given to the public through an incident in a debate in this Chamber. During a discussion of a bill concerning the trade dollar, on March 30, 1876, Senator Conkling said, in speaking to Senator Bogy:

Will the Senator allow me to ask him or some other Senator a question? Is it true that there is now by law no American dollar; and if so, is it true that the effect of this bill is to make half-dollars and quarter-dollars the only silver coin which can be used as a legal tender?

This was referred to and read a few moments ago by the Senator from Nevada [Mr. STEWART], and in the same connection, it will be remembered, I called attention to the fact that it was the Senator from Ohio [Mr. SHERMAN], who made haste to reply. The reply of the Senator, which I read, was the first information that silver had been demonetized.

Now, let us see what other Senators said on this floor about the matter.

Senator ALLISON, on February 15, 1878, when the bill (H. R. 1093) to authorize the free coinage of the standard silver dollar and to restore its legal-tender character was under consideration, observed:

But when the secret history of this bill of 1873 comes to be told, it will disclose the fact that the House of Representatives intended to coin both gold and silver, and intended to place both metals upon the French relation instead of on our own, which was the true scientific position with reference to this subject in 1873, but that the bill afterwards was doctored, if I may use that term, and I use it in no offensive sense, of course—

Mr. Sargent interrupted him and asked him what he meant by the word "doctored."

Mr. ALLISON said:

I said I used the word in no offensive sense. It was changed after discussion, and the dollar of 420 grains was substituted for it.—*Congressional Record*, volume 7, part 2, Forty-fifth Congress, second session, page 1058.

On February 15, 1878, during the consideration of the bill above referred to, the following colloquy between Senator Blaine and Senator VOORHEES took place:

Mr. VOORHEES. I want to ask my friend from Maine, whom I am glad to designate in that way, whether I may call him as one more witness to the fact that it was not generally known whether silver was demonetized. Did he know, as Speaker of the House, presiding at that time, that the silver dollar was demonetized in the bill to which he alludes?

Mr. BLAINE. I did not know anything that was in the bill at all. As I have before said, little was known or cared on the subject. [Laughter.] And now I should like to exchange questions with the Senator from Indiana, who was then on the floor and whose business it was far more than mine, to know, because by the designation of the House I was to put questions; the Senator from Indiana, then on the floor of the House, with his power as a debater, was to unfold them to the House. Did he know?

Mr. VOORHEES. I very frankly say that I did not.

(*Ibid.*, page 1053.)

Senator Beck, in a speech made in the Senate January 10, 1878, said:

It [the bill demonetizing silver] never was understood by either House of Congress. I say that with full knowledge of the facts. No newspaper reporter—and they are the most vigilant men I ever saw in obtaining information—discovered that it had been done.—*Congressional Record*, volume 7, part 1, Forty-fifth Congress, second session, page 260.

Senator Hereford, in the Senate, on February 13, 1878, in discussing the demonetization of silver, said:

So that I say that beyond the possibility of a doubt (and there is no disputing it) that bill which demonetized silver, as it passed, never was read, never was discussed, and that the chairman of the committee who reported it, who offered the substitute, said to Mr. Holman, when inquired of, that it did not affect the coinage in anyway whatever.—*Ibid.*, page 989.

Senator Howe, in a speech delivered in the Senate on February 5, 1878, said:

Mr. President, I do not regard the demonetization of silver as an attempt to wrench from the people more than they agree to pay. That is not the crime of which I accuse the act of 1873. I charge it with guilt compared with which the robbery of two hundred millions is venial.—*Congressional Record*, volume 7, part 1, Forty-fifth Congress, second session, page 764.

Mr. President, these are some of the expressions of Senators. Now, let us see what Congressmen and public men said on the floor of the House and elsewhere at that time.

The first witness I will introduce is Mr. Kelley, of Pennsylvania, who had charge of the bill. In a speech made in the House of Representatives on March 9, 1878, he said:

In connection with the charge that I advocated the bill which demonetized the standard silver dollar, I say that, though the chairman of the Committee on Coinage, I was ignorant of the fact that it would demonetize the silver dollar or of its dropping the silver dollar from our system of coins, as were those distinguished Senators Messrs. Blaine and VOORHEES, who were then members of the House, and each of whom a few days since interrogated the other: "Did you know it was dropped when the bill passed?" "No," said Mr. Blaine. "did you?" "No," said Mr. VOORHEES. I do not think that there were three members in the House that knew it. I doubt whether Mr. Hooper, who, in my absence from the Committee on Coinage and attendance on the Committee on Ways and Means, managed the bill, knew it. I say this in justice to him.—*Congressional Record*, volume 7, part 2, Forty-fifth Congress, second session, page 1605.

Again, on May 10, 1879, Mr. Kelley said:

All I can say is that the Committee on Coinage, Weights, and Measures, who reported the original bill, were faithful and able, and scanned its provisions closely; that as their organ I reported it; that it contained provision for both the standard silver dollar and the trade dollar. Never having heard until a long time after its enactment into law of the substitution in the Senate of the section which dropped the standard dollar, I profess to know nothing of its history; but I am prepared to say that in all the legislation of this country there is no mystery equal to the demonetization of the standard silver dollar of the United States. I have never found a man who could tell just how it came about or why.—*Congressional Record*, volume 9, part 1, Forty-sixth Congress, first session, page 1231.

Mr. Holman, in a speech delivered in the House of Representatives July 13, 1876, said:

I have before me the record of the proceedings of this House on the passage of that measure, a record which no man can read without being convinced that the measure and the method of its passage through this House was a "colossal swindle." I assert that the measure never had the sanction of this House, and it does not possess the moral force of law.—*Congressional Record*, volume 4, part 6, Forty-fourth Congress, first session, appendix, page 193.

Again, on August 5, 1876, he said:

The original bill was simply a bill to organize a bureau of mines and coinage. The bill which finally passed the House and which ultimately became a law was certainly not read in this House.

* * * * * * *

It was never considered before the House as it was passed. Up to the time the bill came before this House for final passage the measure had simply been one to establish a bureau of mines; I believe I use the term correctly now. It came from the Committee on Coinage, Weights, and Measures. The substitute which finally became a law was never read, and is subject to the charge made against it by the gentleman from Missouri [Mr. Bland], that it was passed by the House without a knowledge of its provisions, especially upon that of coinage.

I myself asked the question of Mr. Hooper, who stood near where I am now standing, whether it changed the law in regard to coinage. And the answer of Mr. Hooper certainly left the impression upon the whole House that the subject of the coinage was not affected by that bill.—*Congressional Record*, volume 4, part 6, Forty-fourth Congress, first session, page 5257.

Mr. CANNON, of Illinois, in a speech made in the House on July 13, 1876, said:

This legislation was had in the Forty-second Congress, February 12, 1873, by a bill to regulate the mints of the United States, and practically abolished silver as money by failing to provide for the coinage of the silver dollar. It was not discussed, as shown by the RECORD, and neither members of Congress nor the people understood the scope of the legislation.—*Ibid.*, Appendix, page 197.

Mr. Burchard, of Illinois, in a speech made in the House of Representatives on July 13, 1876, said:

The coinage act of 1873, unaccompanied by any written report upon the subject from any committee, and unknown to the members of Congress, who without opposition allowed it to pass under the belief, if not assurance, that it made no alteration in the value of the current coins, changed the unit of value from silver to gold.—*Ibid.*, page 4560.

General Garfield, in a speech made at Springfield, Ohio, during the fall of 1877, said:

Perhaps I ought to be ashamed to say so, but it is the truth to say that, I at that time being chairman of the Committee on Appropriations, and having my hands overfull during all that time with work, I never read the bill. I took it upon the faith of a prominent Democrat and a prominent Republican, and I do not know that I voted at all. There was no call of the yeas and nays, and nobody opposed that bill that I know of. It was put through as dozens of bills are, as my friend and I know, in Congress, on the faith of the report of the chairman of the committee; therefore I tell you, because it is the truth, that I have no knowledge about it.—*Congressional Record*, volume 7, part 1, Forty-fifth Congress, second session, page 989.

Mr. Bright, of Tennessee, said of the law:

It passed by fraud in the House, never having been printed in advance, being a substitute for the printed bill; never having been read at the Clerk's desk, the reading having been dispensed with by an impression that the bill made no material alteration in the coinage laws; it was passed without discussion, debate being cut off by operation of the previous question. It was passed, to my certain information, under such circumstances that the fraud escaped the attention of some of the most watchful as well as the ablest statesmen in Congress at that time. * * * Aye, sir, it was a fraud that smells to heaven. It was a fraud that will stink in the nose of posterity, and for which some persons must give account in the day of retribution.—*Congressional Record*, volume 7, part 1, second session Forty-fifth Congress, page 584.

Here are the unqualified acknowledgments of eminent statesmen that certain laws upon our statute books were placed there by fraud, stealth; that they were never knowingly acted upon by Congress, or in any manner were a part of the legislation of any Congress; yet, in the face of all this, every effort to rectify this wrong, to set aside this fraud, or to relieve the people from the baneful effects of this statutory monstrosity, has been met with

the most vicious resistance by the beneficiaries of these frauds and their advocates and abettors in both Houses of Congress.

Mr. President, was there ever an occurrence more strange or remarkable than this in the legislative history of this or any other country? Was there ever before passed as a law a measure of such tremendous and far-reaching results without the knowledge of the legislators? Has there ever before been slipped through such an important and dangerous measure, that has been so indignantly denounced by so many of the legislators and public men as a fraud and a crime, yet which continued to remain on the statute books with all the force and effect of law in spite of its paralyzing and poverty-breeding results for more than twenty years?

Mr. President, it is not only strange, but it is monstrously strange. Three-fourths of the American people demand that this fraudulent act be wiped from the statute books; yet for twenty-three years this fraud and this crime and its perpetrators have flourished, while the people have grown poorer, business has become stagnated and paralyzed, and the Government itself is on the verge of bankruptcy.

If there were sitting in the gallery of the Senate to-day a stranger from a foreign land who was not familiar with our political conditions, he would ask, "How is such a thing possible in a free government where each man has a vote and where the will of the people as expressed at the ballot box is the supreme law?"

There may be such a man now in the gallery, so I will explain it to him. It has happened in this way: In this country, until very recently, every voter has been bound and tied as a slave—a party slave—to one of the two old political parties. Each one of these parties had bound to them about the same number of slaves or voters. The masters or party leaders (as we call them) of these slaves have taught them that their greatest enemies were the poor slaves in the other party, and therefore that their highest patriotic duty was to beat the other slaves and to see to it that their own masters were placed in power.

These masters or party leaders not only took for themselves all the offices when they won, but they also accepted large campaign funds from the few gold gamblers and speculators who had been benefited and made immensely rich by the passage of this fraudulent law. Hence this fraudulent law has remained upon the statute books by the connivance and treachery of these masters or party leaders of both old parties, while their slaves have grown poorer each year and been bled and robbed by these money changers and gold sharks.

But you ask, "Why do not these slaves or voters rebel against such false and treacherous leadership?" The answer is, because the slaves are not organized, and therefore can not act in unison and concert. If one slave rebels, he has nowhere to go but over into the ranks of the other slaves. He simply changes masters and is still a slave and has no better master. Several hundred thousand of these slaves have been doing this very thing every election for the last twenty years, and hence first one set of masters or party leaders have gone into power and then the other. But the result each time has been the same. Everything has continued to go from bad to worse. It has proven to be a case of jumping from the frying pan into the fire.

But you ask, "Why do not these voters on both sides rebel at the same time, come together, assert their independence, and form a party of their own?"

That is just what they are now doing. They are rebelling from both sets of masters. They are coming together and forming a great and grand People's Party, and now there is for them hope in the near future. They will soon wipe out this fraud of 1873. They will wipe out many other crimes that these false and treacherous old-party masters have placed upon the statute books to rob the people for the benefit of the few. They will break down class legislation; they will provide for equal justice to all and special privileges to none. They will stop falling prices and restore prosperity to every laborer and to every honest industry.

As soon as this fraud of 1873 was discovered by the people in the year 1876, indignation ran high, and they determined to wipe out the crime through the instrumentality of one of the old parties. They elected a Congress in 1878 pledged with a large majority to repeal the demonetizing act and to restore the money of the Constitution.

The House of Representatives promptly passed a free-coinage bill and sent it to the Senate, but here the bondholders again succeeded in partially defeating the will of the people. The senate doctored the measure until it was only a shadow of its former self. Instead of the free coinage of silver bill, the Bland-Allison Act, providing for coining only a limited amount of silver by purchase, was passed. Thus the will of the people was defrauded by the Bland-Allison Act, which did not wipe out the crime of 1873, but which simply gave to silver a limited coinage under unfavorable conditions, and, besides, there was an exemption clause stuck in the Bland-Allison Act which almost entirely destroyed its limited good purposes and which has been of material help to the gold men. Under that section of the Bland-Allison Act, the provision allowing gold notes and mortgages, the gold sharks and usurers have plastered this country, and the same gold-exception clause is in force to-day. All of the act that was good has been repealed; the bad is left on the statute books. When the Senator from Iowa [Mr. GEAR] sent the bill to his constituent at home in 1890, and told him that it was not so good as he wanted, he did not know then, as strong as he was then for free coinage, that it provided for appreciating gold and depreciating silver. The Senator states in his letter which I have here that that bill would cause silver to rise, and he hoped it would go to par.

Mr. GEAR. It did, I believe.

Mr. BUTLER. It did rise for a short while only, but just as soon as the gold notes and mortgages which were provided for began to operate and the gold sharks had time to plaster this country with them, just so soon did the disparity begin to appear, and has almost steadily grown greater each year.

The people saw that they were defrauded by the Bland-Allison Act, so again in 1890 they rose up in arms with their ballots and elected another Congress pledged to completely wipe out the crime of 1873 and to restore silver to its constitutional place as legal-tender money on equal footing with gold. This time the Senate promptly passed a full free-coinage bill by a majority of 17, and sent it to the House.

The House had a large majority favoring the measure, but before it could be brought to a vote the bondholders and the bankers again got in their work. The party leaders in a Republican House, with the use of the party lash and with the use of Executive patronage, with the cooperation of their co-conspirators in the Senate, framed as a substitute a bastard bill known as the Sherman Act. Under the whip and spur of the party lash this act of 1890 was passed, which, instead of restoring silver as the people demanded, instead of improving on the Bland-Allison Act of 1878, as Congress was pledged to do, it actually struck another death blow to silver and resulted in a still greater triumph for the gold monopoly. Again the people were betrayed in the House by those elected as their friends. The indignation of the people against this cowardly makeshift, this latest crime in the galaxy of crimes, had no avail.

Mr. GEAR. I believed the Sherman law would perhaps raise silver to par. Silver did advance under that act at first, but then it began to go down, and the Republicans joined with the Democratic party to repeal that law, because they thought it was doing detriment to the country.

Mr. BUTLER. I will come to that in a minute; but did not the Senator know that that act could not bring back parity as long as the exception clause was in the law, permitting gold notes and mortgages payable in gold alone? Does he not know that that act is one of the most potent agents in the fall of prices and the appreciation of gold, to say nothing of treating silver as a commodity and denying it free coinage as gold has? Nothing but the purchasing clause of the Sherman Act was repealed. The gold exception clause and the infamous "parity clause" are still in force.

Mr. GEAR. Would the Senator set aside the law of contracts?

Mr. BUTLER. This Congress has the power to say to-morrow that there shall not be another gold note or a gold contract made in this country. I would not violate past contracts, but I would make them unlawful in the future if they call for payment in any particular or special kind of the lawful moneys of the United States. Every contract or obligation should be payable in any kind of lawful money.

Mr. HILL. Mr. President——

The PRESIDING OFFICER (Mr. PUGH in the chair). Does the Senator from North Carolina yield to the Senator from New York?

Mr. BUTLER. Not if the Senator wishes to move to adjourn. I desire to conclude my remarks this afternoon, and I am now nearly through.

Mr. President, when I was interrupted I had just shown how the bondholders had defeated the free-coinage bill in 1890 and put in its place the Sherman law, which was even worse than the Bland-Allison Act. It not only contained the fatal gold exception, but it reduced silver to a commodity, and provided for coining even a smaller amount.

But the greed of the bondholder was still unsatisfied, and he set about to control the nominee of both old parties in 1892, as he is now doing to control them in 1896, for the purpose of wiping out the last feeble resistance to the sway of the bondholders. Grover Cleveland and the Democratic party were this time the chosen agents for the deed. But in spite of the fact that the gold men controlled the nominee for the Presidency, the people, determined upon putting free coinage in the place of the Sherman Act, elected a Congress pledged to the free coinage of silver; but again, by the use of patronage and the party whip, this majority for the people was turned, in the special session of 1893, into a majority for the bondholders. What a humiliating, what an alarming spectacle!

And thus we stand to-day, with the mints of the United States closed to silver, with the people bound in the gold standard, with the Administration paying the debt of the country in a gold dollar three times more valuable than the Government promised to pay, with a Government not satisfied with this, but piling up more bonds under the fraudulent act of 1875 to be paid in still dearer dollars by future generations. Not only this, but every debtor forced to pay his debts in a constantly appreciating currency, while his labor and products constantly diminish in price measured in this unsound and dishonest gold standard. When shall this be stopped? If this Congress can not wipe out the crimes that have been committed, will it not at least raise the legislative arm of the Government and stop the Executive from piling up more debt upon the already outraged, oppressed, poverty-stricken, overburdened people?

This bill does not ask for much in behalf of the people of America; it does not even ask for the righting of past wrongs; it simply asks that no more crimes be committed upon the people. The burdens they have now are too grievous to bear. Shall the pillaging go further? Will either party raise its hand to stop it? The People's Party stands with six votes in this body to give either side a majority, or to join with patriots from both sides against the goldites to stay the hand of the gold thief and the bond grabber.

If you do not pass this bill you can not go into the next campaign and fool the people by telling them that you and your party are opposed to these infamous bond deals.

Let us pass this bill at once and send it to the other House for their action before we adjourn Congress. Notice the reports from the Treasury Department every morning. Over a million of dollars of gold is being now daily drawn from the Treasury under the "endless-chain" process and shipped to Europe to satisfy the demands of the ever unsatisfied gold ring. The President refuses to exercise the option vested in him by law to stop this raid, but he yields the option of the Government and bows to the demands of these foreign gold sharks. If we do nothing, bonds will be issued before Congress meets next December and more debt will be heaped upon the backs of an already overburdened and outraged people. Let us pass this bill and put a stop to such folly, to such madness, and to such crimes against the people.

Against Independent Free Coinage of Silver.

SPEECH

OF

HON. ROBERT J. GAMBLE,

OF SOUTH DAKOTA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, May 21, 1896.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 6119) authorizing the appointment of a nonpartisan commission to collect information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital—

Mr. GAMBLE said:

Mr. CHAIRMAN: My remarks may not in all respects be germane to the subject now under consideration, but I desire at this time to ask the indulgence of the committee to a question that, in my judgment, seriously concerns every interest of labor, agriculture, and capital. After the subject has been so ably and exhaustively discussed by so many of the distinguished leaders upon either side in the present Congress, it may seem presumptuous in me at this time to claim your attention. Sufficient reasons to myself, however, justify me in asking recognition and expressing myself unreservedly upon the question of the independent, free, and unlimited coinage of silver by the United States at the ratio of 16 to 1. Such a discussion in every aspect is immediately concerned with the interests involved in the pending measure.

It is not my purpose to enter at large upon the history or philosophy of money. Its history and important functions have already been traversed by those more competent to illumine this great subject with the product of their research and the statement of their argument. It is sufficient to say that money has been one of the most potent factors in civilization, and probably next to language itself has been "the greatest instrument of association" amongst the peoples of the world. Its certain and steady influence upon all the forces of organized society for good or ill during the history of the race makes it especially important that in the closing years of the nineteenth century no step be taken involving such vast consequences without due regard to the history of mankind or an enlightened judgment from the world's experience.

I will confine myself to a more practical view of present conditions, the causes for their existence, and the duty of the Government in remedying existing evils, whatever they may be.

HOUSE REVENUE AND BOND MEASURES.

Very early in the present session, and before this House was fully organized for the proper transaction of business by the appointment of its committees, the President, on December 20, 1895, communicated to Congress, requesting that it—

> Grant prompt aid, as it alone had the power to give, to prevent in a time of fear and apprehension any sacrifice of the people's interest and the public funds, or the impairment of the public credit in an effort by executive action to relieve the dangers of the present emergency.

The report of the Secretary of the Treasury at that time showed that during the fiscal year ended June 30, 1894, there was a deficiency of $69,803,260.58; for the year ended June 30, 1895, $42,805,223.18; and from the last-mentioned date to December 1, 1895, $17,613,539.24; making an existing total deficiency of $130,222,023. At the end of the present fiscal year it will amount to over $140,000,000.

The Republican majority of this House promptly and patriotically responded to the President's appeal, and within one week from the receipt of the message, by a decisive vote, passed House bill No. 2749, entitled "A bill to temporarily increase revenues to meet the expenses of the Government and provide against a deficiency." It was in no sense a Republican measure, but was born of the exigencies of the occasion to meet the admitted deficiencies in the revenues of the Government and to protect the integrity of the Treasury. The measure was only intended to be temporary, and by the limitations of its provisions would have expired, had it been enacted into law, on the 1st day of August, 1898.

It is idle to claim that the provisions of the measure were in all respects satisfactory to the Republican membership of this House. But, with a hostile Executive to confront, it would have been a disregard of the business interests of the country to have consumed the public time in the preparation of a measure strictly in line with Republican principles, well knowing, even if it met the sanction of the coordinate branch of the legislative department of the Government, it was sure to receive the disapproval of the President. Any other course than the one pursued would have added a still greater uncertainty and placed a still heavier burden upon the business disturbance without any prospect of compensation or relief.

It was admitted that the measure prepared would have added to our depleted revenues an annual increase of exceeding $40,000,000. It would have placed the Government in time of peace in a position so that it could meet its engagements without negotiating bond sales, or conducting itself as a spendthrift—living beyond its income—a condition in our business affairs that ought to bring a blush to every self-respecting citizen of the Republic.

The Republican majority of this House, in answering the President's appeal, did not stop with the passage of the revenue bill. On the 28th day of December, 1895, to more surely protect the credit of the Government, it passed House bill No. 2904, entitled "A bill to maintain and protect the coin-redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue."

By the courtesy of the House I was permitted to express my approval of the bill, when it was pending for consideration, and summarized my conclusions thereon, in part, as follows:

> The bill is no departure from Republican doctrine, but simply supplements the present statute, leaving all existing provisions in full force upon the subject.
>
> The provisions are all in favor of the Government, making the rate of interest lower and the time for which the bonds are to run much shorter.
>
> It will preserve the gold reserve for the use which the original law contemplated, and prevent it from being wantonly diverted to replace the deficiencies in the revenues.

This bill was returned by the Senate with a free-silver substitute, and on the 14th day of February last was nonconcurred in by this body by the decisive vote of 215 to 90.

REPUBLICANS OF SOUTH DAKOTA ON SILVER IN 1894.

In obedience to the following resolution of the convention by which I was nominated, my vote upon the proposition was recorded in the affirmative:

> We favor the use of both silver and gold as money, at a ratio of 16 to 1, confining the coinage of silver to the American product at the net cost of the actual expense of coinage; and we demand that silver as well as gold shall be a legal tender for the payment of all debts, both public and private; and we pledge the Congressional nominees of this convention to support the principles herein contained.

Since that time, however, the Republicans of my State have spoken upon this question, in their convention recently held, and I am released from the obligations of that instruction.

It is the highest gratification to me that henceforth I am permitted to follow my own judgment upon this important subject, guided by the declarations of the national platforms, and as interpreted by the great leaders of the party. I acknowledge the right of a convention to bind by affirmative expression its candidates upon any legitimate issue, and the Representative who would willfully violate such an instruction is unworthy of public confidence. In principle I was and am opposed to the Senate substitute to the bond measure of the House. If I misunderstood my obligation I am willing to accept the fullest responsibility. If I erred in the construction of my duty under the resolution I meant it should be against my bias as well as my inclinations. To me it seemed plain I could not in good faith take any other course under the conditions existing. I could not with propriety, when the question was pending, speak one way, in harmony with my convictions, and vote another, according to the instructions.

In my remarks upon the coin redemption fund I endeavored to show that the real seat of the present trouble is largely, if not wholly, due to a false economic policy, insisted upon by the Democratic party, in the face of overwhelming facts, as well as the logic of the present unfortunate condition of our industrial and commercial interests. As shown by the official records of the Government, the net loss in trade balance of the United States has been enormous during the operation of the Wilson-Gorman tariff as compared during a like period with the McKinley law.

I feel justified in making these preliminary observations for the reason I believe the subject of the tariff, as well as Democratic maladministration, alike project themselves into this discussion, and that the tariff is the controlling question for wise and conservative legislation. The reversal of the tariff policy of the Government, in my judgment, brought about the unfortunate condition in our financial operations, which heretofore did not manifest itself under Republican legislation.

"THE CRIME OF '73.

It is a favorite prelude to many of the advocates of free and unlimited coinage of silver to revert to the "crime of '73." For my part, I am not so much concerned as to the manner of the passage of that act as I am with the mighty changes that have been wrought in our own and in the world's history during the period intervening, and especially in its great industrial, commercial, and monetary relations. I trust I am candid enough at the outset to admit that, in my judgment, a great mistake was committed by demonetizing silver, not alone by this Government, but practically by the whole of Europe. I believe it ought to be restored, and in due time will be by international action. Could the hands be turned back upon Time's dial, and could we stand in the presence of the conditions then existing, I would favor undoing what was then done. But now we are confronted by changed conditions that are not lightly to be reduced by speculation or theory, or by bold denunciation or declamation. It sounds well to assert the necessity for a new "declaration of independence," and an absolute freedom in our commercial and monetary systems. It is a matter for just pride to proclaim that, although we are the youngest among the great powers of the world, we are the greatest in population, in wealth, in the producing power of labor, in the product of our manufactories, in physical resources, and in all the potential powers of development and growth.

It is well, however, to remember that a nation, like an individual, does not live unto itself alone. Our commerce and exchanges have a world-wide relation. We stand associated, in spite of legislation and of boundary, to the great governments of the world. We meet them in every port, compete with them in every market, and our transactions are measured by the world's recognized medium of exchange. Forceful as we are as a nation and as a proud and powerful people, yet our laws largely stop at the sea. They can not reach beyond and control and dominate the great nations of the earth in their commercial and monetary relations, which have been fixed by the world's experience and by its common consent.

Mr. Chairman, if we were called to act upon this proposition, and could we disassociate ourselves from the great world of commerce and its exchanges, with which we are most intimately related, it would be a much simpler proposition. It occurs to me, however, that we are dealing with a question world-wide in its proportions, and is not confined distinctively by geographical limitations. The consensus of the world's enlightenment and its judgment must be considered.

To my mind the advocates of free and unlimited coinage of silver by this Government alone take too narrow a view of the question. It is contended by no one with any degree of information upon the subject that the demonetization of silver by the United States alone brought about the appalling disaster to that metal and produced its tremendous fall. It must be conceded that the action of this Government was only a part of the transaction. Germany, Russia, France, Austria, Denmark, Norway, Sweden, Belgium, Holland, Switzerland, India, and to say nothing of Great Britain, alike struck the blow by which it was assailed. These are the powers that joined in the general assault.

After the lapse of over twenty years, and years the most marvelous in all the world's history, can it be asserted that this Government can now undo what was then done, and unaided and alone lift this tremendous weight that the world's civilization has pressed upon this metal, and make it current coin, which this overwhelming judgment has denied? If disaster has befallen silver, that as a matter of fact it has depreciated 50 per cent as the result of adverse legislation by the Governments named, as well as by the United States, what rule of logic will justify the assertion that this Government alone, without the concurrence of a single one of these powers, can replace silver to its position in the world, in monetary exchange, on a parity with gold at its old ratio, to whose demonetization they alike contributed?

WOULD CONTRACT INSTEAD OF EXPAND CIRCULATION.

The proposition, it occurs to me, would not lead to bimetallism, but would result in silver monometallism. Gresham's law would prevail and gold at once would go out of circulation. Instead of expanding our circulating medium it would contract it. This would mean the instant withdrawal of the entire stock of gold in the country, which is shown by the Report of the Director of the Mint for 1895 to be $636,229,825. It would mean even more than this if the advocates of free coinage failed in their prophecy, that by this act of the Government the price of silver did not raise in its commercial value 100 per cent. Nothing can be more certain in human affairs than as a result we would be on a silver basis. That such act by our Government would raise the commercial price of silver there is no question, but as to what amount, it occurs to me, is entirely speculative.

The amount and kinds of money in circulation in the United States when the Senate substitute was under discussion was as follows:

Gold coin	$499,202,686	
Gold certificates	49,847,849	$549,110,535
Silver dollars	56,629,676	
Subsidiary silver	64,387,135	
Silver certificates	331,614,339	
Treasury notes	110,221,185	562,852,335
Paper money:		
Greenbacks	245,745,840	
Current certificates	28,925,000	
United States national-bank notes	203,086,897	477,757,737
Total		1,589,719,607

As I have heretofore stated, the entire volume of gold coin and gold certificates would disappear, and it would cause a contraction of our circulation exceeding 34 per cent. Under such a condition our silver coin would not be sustained by gold as it now is, and it would be obliged to take its chances in the broad commercial world for its own survival. Upon the assumption of silver remaining at the same price in the markets of the world, unaffected by the proposed legislation, and assuming there would be an appreciation in the prices of all commodities in this country equal to the increase in the legal over the commercial ratio of silver, then the silver coin, silver certificates, and notes outstanding would in purchasing power be lessened one-half. Under such circumstances the same would be true as to the amount of uncovered paper. It would take years to supply the deficiency in the circulation with the mints of the Government run to their fullest capacity for that purpose, to say nothing as to the needs for the ordinary increase in population.

At any rate, serious if not disastrous consequences would follow if the disparity between the two metals were even 20 per cent, as it was admitted in the discussion it might be, when now it is 50 per cent. This disparity would have relation to all values and would not be confined alone to our circulation in the change from one standard to another.

COMPARISON IN COMMERCIAL TRANSACTIONS.

Our industrial business and commercial interests could in no way be benefited by such a course. We can not afford to chance all on assumption and bare hypothesis. It would be unwise to part company in our commercial relations with the great governments of mankind, representing the most potent factors in the world's civilization, in intellectual, social, and material development, and which, according to Muhleman, represent over 87 per cent of the world's commerce, and ally ourselves in a monetary policy with governments of an inferior civilization which have to do with less than 13 per cent of the commercial exchanges.

In order to make still more direct application to our own Government, let us examine the following table as to the value and destination of the exports of the United States during the period

named, based upon the authority of the Bureau of Statistics of the United States Treasury for 1895:

Valuation and destination of the exports from the United States.

Countries.	Exports, 1885 to 1894, inclusive.	Annual average.	Per cent of total.	Approximate population.
1. United Kingdom, Great Britain and Ireland	$4,060,135,619	$406,013,562	51.12	42,000,000
2. British colonies and dependencies	712,054,131	71,205,413	8.97	*10,000,000 †300,000,000
	4,772,189,750	477,218,975	60.09	350,000,000
3. France, Germany, Holland, and Belgium	1,809,533,962	180,953,396	22.78	104,000,000
	6,581,723,712	658,172,371	82.87	
4. Russia, Austria, and other European states	482,379,273	48,237,927	.6.07	230,000,000
	7,064,102,985	706,410,298	88.94	
5. China, Japan, and other countries in Asia not under British rule	116,481,826	11,648,182	1.47	
6. Africa, not under British control	6,847,818	684,782	.09	
7. Hawaiian, Philippine, and islands not British or Spanish	44,348,757	4,434,876	.56	642,000,000
8. Small unenumerated places	13,953,245	1,395,324	.17	
	7,245,734,631	724,573,462	91.23	
9. South America, omitting British Guiana	295,285,939	29,528,594	3.70	36,000,000
10. Spanish and French West Indies, Haiti, and Santo Domingo	244,755,771	24,475,577	3.08	2,500,000
11. Mexico	113,517,519	11,351,752	1.43	12,000,000
12. Central America, omitting British Honduras	44,053,995	4,405,399	.56	3,500,000
13. United States	.....	.....	.....	70,000,000
Total	7,943,346,955	794,334,695	100	1,450,000,000

* White. † Mixed.

In the first, second, third, fourth, and practically the whole of the sixth group named with which we have any export trade silver is not admitted freely to the mints, and substantially the gold standard prevails. The silver standard prevails in the balance, subject to the following exceptions: In the ninth, Brazil, Uruguay, Chile, and Venezuela have discarded silver, and as our export trade to these countries amounts to over two-thirds of the whole group, the per cent of the whole as applying to this group would be 1.23 instead of 3.70.

In the tenth group the French colonies and Santo Domingo should be excluded. The same is true of Cuba and Puerto Rico, as they are under the Spanish system and silver has not been admitted to the mints of Spain since 1878, except on Government account. The volume of the metals in Cuba in 1895 was as 1 to 6 in favor of gold. Our export to these countries amounted to over three-fourths of the whole, and this would leave the per cent as representing that group 0.77. Combining, then, as thus corrected, the fifth, seventh, eighth, ninth, tenth, eleventh, and twelfth groups, we have 6.19 per cent as against 93.81 per cent.

In other words, the value of our exports to the countries practically upon a silver basis represents 6.19 per cent of the whole volume of our export trade, as against 93.81 per cent with the great governments of the world that have denied silver coinage on private account at their mints and to-day, although using silver enormously, are upon a gold basis. If free silver is to open to us so enchanting a field in our export trade as the silver advocates picture, it would seem from this view there is an intense necessity for its development. Their statesmanship, I think, is hardly equal to the task from such an outlook.

WHERE FREE COINAGE EXISTS SILVER ALONE CIRCULATES.

No country can be named where free coinage exists in which both metals circulate upon equal terms. Gold has disappeared in every nation where it is now attempted, and silver alone is the medium of exchange. Shall we take the highway that leads to the same sure result? History and experience are more weighty than assertion, and practical applications of principles as well as theories are best known by their fruits. If there were no other element to be considered in this discussion than the simple demonetization of silver by this Government alone, it could be approached with some degree of assurance. It might then be safely conceded that the injury could be repaired by its restoration to its old position by the sole act of this Government. But, Mr. Chairman, as I have already endeavored to show, it was not this single cause that wrought the injury, but the combined action of practically the whole of Europe. Nor is it seriously contended by any standard authority on monetary history that the action of this Government in 1873 alone produced this result. How could such an effect have been produced by such a cause under the conditions then existing?

EARLIER COINAGE OF THE UNITED STATES.

As shown by the last report of the Director of the Mint, the total amount of silver coined at our mints from 1793 to 1873 was $146,589,000. It practically all consisted of subsidiary coin. During this entire period only $8,000,000 of silver went to our mints and received the stamp of the Government in one-dollar coins.

From 1803 to 1839, a period of thirty-six years, only 1,621 silver dollars were coined. In consequence of our mintage law of 1834 undervaluing silver, it sought a market elsewhere, and when in 1853, in order to prevent it, we debased our subsidiary silver, there was practically none in circulation. In 1861 our metallic money entirely disappeared from circulation, and this condition existed in 1873. As a matter of fact, at that time as a nation we were in possession of little or no silver. The total coin in circulation was $25,000,000, and this consisted almost entirely of gold, and was confined to the Pacific Coast. In 1878, the year before the resumption of specie payments, the total amount of silver in circulation was $16,269,079. Is it possible the act of 1873, when it only had direct relation to so small a volume of our circulating medium, could impress itself with such disastrous consequences upon the coined silver of the world, at that date amounting to $1,816,516,657? Some other power must have been in operation aside from the law upon our statute books of that period to work the tremendous change.

If other causes intervened, and causes which we can not now control by legislation, in what manner can those forces be readjusted except by the concerted action of at least a part of those powers which brought about the original disturbance? It is asserted that opening the mints of the United States to the free coinage of silver at the old ratio, backed by the unlimited resources of this Government, would fix the price of the product the world over. Were this statement sustained by sufficient proof, historical or otherwise, I would be willing to accept it. But this assertion is the very essence of the contention, and ought to be sustained by substantial evidence. In a matter of such tremendous consequences to the business and commercial interests of the country an argument should be sustained by something other than assertion, something more than a mere hypothesis, something aside from speculation, and not in contravention of the teachings of history and the experience of mankind.

BALFOUR ON BIMETALLISM.

The position of Mr. Balfour, the recognized leader of bimetallism in England, a man of great learning and ability, and silver's conscientious friend, has often been referred to in this discussion, and especially by the advocates of the free and unlimited coinage of silver. He recognized grave difficulties at the outset in the solution of this question, as mentioned in his Mansion House speech in 1894. The first difficulty was the ratio between the two metals. He next asserts that no nation independently and for itself can successfully regulate its currency without regard to other governments, and that he who asserts to the contrary is a "dreamer of idle dreams." The following is that part of his address to which I refer:

> Now, the question with which we are concerned is whether it be or be not inexpedient to adopt by international agreement this double standard, and I am far from denying—and I think a bimetallist is a very poor friend of his cause who would deny it—that there are difficulties, difficulties of detail it may be, but still difficulties, inevitably attaching to the solution of this question.
>
> I have only to mention one of these difficulties—the difficulty, namely, of what shall be the ratio on which the nations of the world are to agree as that which is to govern the future relations between gold and silver in the double standard?
>
> I believe there are individuals who cherish the dream that currency is a matter for the State to regulate independently and for itself alone; that with its currency no foreign nation has a right to interfere; that it is a matter simply for the citizens of every community in relation to each other, and that the outside world need not be taken account of at all in coming to a decision upon a question which is one of purely domestic policy. Ladies and gentlemen, this is a dream. I will go further and say it is a dream worthy only of a mediæval dreamer. We have long passed that stage of civilization when each country was a self-contained or approximately self-contained national unit, and when it could afford to disregard the internal commercial relations of other countries. Those days have gone by; they have gone by never to return, and I do not think there is a man in this room who regrets it.

INTERNATIONAL BIMETALLISM IN EUROPE.

And this same eminent statesman and high authority on bimetallism stated no longer ago than the 17th day of last March, in the English House of Commons, when the Whitely bimetallic motion was pending before that body, that "he regarded the resolution as an indication that England was prepared to bear her fair share in establishing an international agreement for the use of both metals in the currency on a reasonable basis, just to debtor and creditor alike."

England, he says, is prepared to bear her "fair share in an international agreement." The thought of that great money power

alone assuming the responsibility does not seem to him worthy of consideration. Upon the same day the Protectionists' leader in the French Chamber of Deputies presented a resolution that the Government open negotiations for the bringing about of an international monetary agreement. The premier of the Belgian Government before the Chamber of Deputies of that Government, on March 13 last, urged "the reestablishment of international bimetallism, and assured the Chamber that the Government would acquiesce in any measure insuring by international agreement the stability of the monetary exchange of gold and silver."

No longer ago than last December a resolution passed the German Reichstag, by a decisive vote, declaring in favor of a larger use of silver and favoring international action looking to that end. From no quarter in Europe do we hear independent action by one government suggested, much less advocated by any respectable authority. They seem to recognize the fact that money has an international relation that can not be independently or arbitrarily controlled or regulated by the separate powers.

As stated by Mr. Balfour in his Mansion House speech, even the question of the ratio is an important consideration, but this is passed over lightly by our friends, as though 16 to 1 were the fixed and immutable law of nature, designed by the Creator from the foundation.

HAMILTON AND JEFFERSON ON LEGAL AND COMMERCIAL RATIO.

It did not appear to be so considered by Mr. Hamilton or Mr. Jefferson, the founders of the system in our early history. They sought most carefully and diligently to determine in the first instance the commercial relation between the metals, and thereby be able to declare by law the fact as it then existed in the commercial world irrespective of the statute. It does not appear to have been contemplated by these wise and farseeing statesmen that legislation as to the ratio would have any effect, or in any manner would modify the commercial ratio as then recognized by the business and commercial world.

Hamilton stated in his famous report to Congress:

> There can hardly be a better rule in any country for the legal than the market proportion. * * * The presumption in such case is that each metal finds its true level, according to its intrinsic utility, in the general system of money operations.

Jefferson entirely agreed with this position and expressed himself as follows:

> Just principles will lead us to inquire into the market price of gold in the several countries with which we shall be principally connected in commerce and to take an average from them.

CHANGING OF LEGAL RATIO BY UNITED STATES.

The ratio determined upon by the act of Congress of April 2, 1792, was 15 to 1. It was very soon made manifest in the exchanges that an error had been made, and which the law was unable to control. Although the mints were open to the free coinage of both metals at the above ratio, gold was undervalued, although by only a small per cent, yet it sought the markets of the world at its commercial value, avoided our mints, disappeared absolutely from circulation, and this in the face of our legislation, which in no manner appeared to control or affect it. Silver was current coin.

This was the condition up to 1834–1837, and again an attempt was made to fix the legal ratio so as to conform to the commercial value of the metals, and thereby be able to secure the concurrent use of both gold and silver in circulation. Congress fixed the ratio at 16 to 1. The new order was no better. A mistake was again made. This time silver was undervalued at its commercial ratio, and instead of silver seeking our mints and retaining its place in our coinage and circulation it absolutely disappeared and gold alone was in circulation. To such an extent did silver disappear from use by the shipment of our coins abroad that in 1853, in order to retain in circulation the subsidiary silver coin, it became necessary to reduce the amount of silver contained in them, and thereby prevent their shipment.

The greater part of the silver coins that had been in circulation from the organization of the Government up to this time was foreign and had been made legal tender by act of Congress. But on February 21, 1857, an act was passed declaring "that all former acts authorizing the currency of foreign gold and silver coins and declaring the same a legal tender in payment for debts are hereby repealed." This act struck down the larger part of the silver then in circulation and was the first act in its demonetization.

I cite these facts of our monetary history, not to sustain the proposition that the two coins can not be maintained in concurrent circulation at a fixed ratio or that this is absolutely necessary, but that they did not do so under most favorable conditions when the legal and commercial ratio only varied in a slight degree, and when we had the cooperation practically of all the great powers of the world. If we failed then, how can it now be asserted, with the disparity in ratio between gold and silver of 50 per cent, that we alone could succeed in lifting this tremendous weight with the pressure of the commercial world against it, and without their recognition or assistance.

I may be mistaken in my conclusions, but I shudder at such a step for the safety of my country. To my mind every interest of labor would be imperiled, all commercial, business, and industrial prosperity would hang in the balance. If the lessons of history are any guide, it occurs to me the results would be disastrous in the extreme. I hesitate to accept the opinion of any man, and refuse to take such a step unsupported by any evidence and contradicted by every parallel in the world's experience.

FOLLOW EXPERIENCE OF ENLIGHTENED GOVERNMENTS.

The Latin Union, after a fair trial, under favorable conditions, surrendered the responsibility, and shall we now assume what they laid down, with the tremendous changes that have since ensued? Shall we profit by the experience and enlightened judgment of French statesmanship that now maintains the parity of the two metals in full circulation, or shall we join Mexico in free coinage, with practical silver monometallism? Shall we place less reliance in the German Empire, with its high order of talent in statecraft, in philosophy, and in learning, than in China, that stands palsied in the presence of modern civilization? Shall we join progressive Japan in a policy recognized by her as entirely inadequate to her growing necessities, and from which she is struggling to release herself? There free coinage of silver has recently been arrested except on Government account. Shall we break the commercial bond with the Anglo-Saxon race, upon which rests the highest aspirations for the world's future in civil government and ally its endeavors in the Western world with the stolid movements of the Orient?

In short, shall we keep in commercial sympathy with the leaders and potential factors in the world's enlightenment and progress, that have given it its history and its genius in civil government, or shall we turn our eyes for brighter hope to nations of inferior standing in all the elements of mental, social, and material development?

USE OF SILVER BY UNITED STATES SINCE 1873 AND ITS FALL.

We have listened to very much harsh criticism as to the hostile treatment of silver by this Government since 1873. It is well to admit it was demonetized and robbed of full money function. But it suffered like treatment at the hands of the other governments I have named. Aside from this one fact (which I am free to admit is a very grave one), no other government has been more generous in its recognition or use. Under the Bland-Allison Act of 1878 and the Sherman Act of 1890, which authorized and directed the Secretary of the Treasury to purchase a certain amount of silver per month, and in pursuance of that legislation the Government up to the latter part of 1893 purchased practically the entire product of the mines of the United States, amounting to nearly 460,000,000 ounces. The vast output of silver which has been coined by the Government since 1873, as shown by the Director of the Mint, amounts to $538,444,467, and which by the legislation of the Republican party has been maintained at a parity with gold. And by the same authority it is stated we had on hand on July 1, 1895, of silver (including bullion in mints and mercantile safe deposit companies), $625,854,949.

Yet, notwithstanding this immense purchase of silver bullion by the Government during this period, it apparently had little or no influence upon its market value. It constantly, with but little variation, declined. The following table, taken from the Report of the Director of the Mint for 1895, shows the average price of silver per fine ounce during the period to which I have referred:

Average price of silver from 1878 to 1894.

1878	$1.2048	1887	$0.9810
1879	1.1218	1888	.9547
1880	1.1440	1889	.9338
1881	1.1328	1890	.9268
1882	1.1351	1891	1.0301
1883	1.1174	1892	.9402
1884	1.1120	1893	.8420
1885	1.0897	1894	.7813
1886	1.0334		

WORLD'S PRODUCTION AND USE OF SILVER SINCE 1873.

In addition to the large use of silver by our own Government we find its coinage was marvelously augmented in the mints of the world, as shown by the Report of the Director of the Mint for 1895, at page 51. It is there stated that from 1873 to 1894 there was coined in silver $2,756,423,015. By the same authority, at page 41, we find the stock of coined silver in the world on January 1, 1895, was $4,070,500,000, and that of this amount $3,439,000,000 is full legal tender. Excluding recoinages, it will be observed that exceeding 66 per cent of the present stock of the coined silver of the world has gone to the mints since the act of 1873 was passed.

It occurs to me, Mr. Chairman, there is another fact, aside from the act of demonetization in 1873, which ought to be considered in connection with the tremendous fall in silver during the period in question. Two facts are practically coincident in the year 1873—demonetization and enormous production of silver—which has

since continued. The following table is taken from the Report of the Director of the Mint for 1895 (pages 248–249):

Production of gold and silver in the world since the discovery of America.

[From 1493 to 1885 is from a table of averages compiled by Dr. Adolph Soetbeer. For the years 1886 to 1894 the production is the annual estimate of the Bureau of the Mint.]

Period.	GOLD. Annual average for period.		SILVER. Annual average for period.	
	Ounces, fine.	Value.	Ounces, fine.	Coining value.
1493-1520	186,470	$3,855,000	1,511,050	$1,954,000
1521-1544	230,194	4,759,000	2,899,930	3,749,000
1545-1560	273,596	5,656,000	10,017,940	12,952,000
1561-1580	219,906	4,546,000	9,628,925	12,450,000
1581-1600	237,207	4,905,000	13,467,635	17,413,000
1601-1620	273,918	5,662,000	13,596,235	17,579,000
1621-1640	266,845	5,516,000	12,654,240	16,361,000
1641-1660	281,955	5,828,000	11,776,545	15,226,000
1661-1680	297,709	6,154,000	10,834,550	14,008,000
1681-1700	346,095	7,154,000	10,992,085	14,212,000
1701-1720	412,163	8,520,000	11,432,540	14,781,000
1721-1740	613,422	12,681,000	13,863,080	17,924,000
1741-1760	791,211	16,356,000	17,140,612	22,162,000
1761-1780	665,666	13,761,000	20,985,591	27,133,000
1781-1800	571,948	11,823,000	28,261,779	36,540,000
1801-1810	571,563	11,815,000	28,746,922	37,168,000
1811-1820	367,957	7,606,000	17,385,755	22,479,000
1821-1830	457,044	9,448,000	14,897,004	19,144,000
1831-1840	652,291	13,484,000	19,175,867	24,793,000
1841-1850	1,760,542	36,393,000	25,090,342	32,440,000
1851-1855	6,410,324	132,513,000	28,488,597	36,824,000
1856-1860	6,486,262	134,083,000	29,095,428	37,618,000
1861-1865	5,949,582	122,989,000	35,401,972	45,772,000
1866-1870	6,270,086	129,614,000	43,051,583	55,663,000
1871-1875	5,501,014	115,577,000	63,317,014	81,864,000
1876-1880	5,543,110	114,586,000	78,775,602	101,851,000
1881-1885	4,794,755	99,116,000	92,003,944	118,955,000
1886	5,135,679	106,163,900	93,297,290	120,626,800
1887	5,116,861	105,774,900	96,123,588	124,281,000
1888	5,330,775	110,196,900	108,827,606	140,706,400
1889	5,973,790	123,489,200	120,213,611	155,427,700
1890	5,749,306	118,848,700	126,095,062	163,032,000
1891	6,320,194	130,650,000	137,170,919	177,352,300
1892	7,102,180	146,815,100	153,151,762	198,014,400
1893	7,609,242	157,297,000	165,165,876	213,547,800
1894	8,705,836	179,965,600	166,601,995	215,404,000

While the production of silver from 1493 to 1873, a period of three hundred and eighty years, amounted to $589,088,000, yet from 1873 to 1894, a period of twenty-one years, it amounted to the enormous aggregate of $1,978,296,000. In other words, in the brief period of twenty-one years the output exceeded that of nearly the four centuries preceding by almost 350 per cent.

I am free to admit the production of gold also increased in almost like ratio from the year 1850 and that it has been greatly accelerated during recent years. From the mere inspection of the table it occurs to me other causes have contributed to the fall of silver aside from the act of our own Government. Physical causes, as well as legal, have alike been potent. In consequence of the vastly increased production of gold there has been much more of that metal to take the place of silver in the mints where the free coinage of the latter is denied. And of the vast amount of silver now in use in the world, as before stated, over 85 per cent is full legal tender. And this, with the gold, has thus been enabled to do the work that heretofore was performed by both metals with silver having free access to the mints.

If silver has had such a large use during this period, greater than during any like era in the world's history, must there not be some far-reaching and controlling cause other than the action by this Government that has gradually borne it down? To assent to such a proposition seems to me the very acme of credulity. And to assert that by the mere fiat of this Government, great as is its wealth, its resources, and its potential energies, it can add 100 per cent in value to the immense stock of silver in the storehouses of the world is outreaching the limits of the possible in human affairs. The ablest champion of the proposition on this floor, and to whom I have heretofore alluded, admitted it might not be possible, and there might be a difference in the ratio in favor of gold of 20 per cent. Such a confession, it seems to me, destroys the force of the whole contention. If we lost our gold at one time and our silver at another in the earlier part of our history, when the difference in the ratio was only nominal, there can be no question under such a condition that every dollar of our gold would at once disappear from circulation.

EFFECT ON VALUES, BUSINESS, AND LABOR.

Mr. Chairman, I will not stop to consider or even forecast the condition of our business affairs under the impending change. Every man could foresee it. When it was known that the Congress of the United States would pass such a measure, and that a President would approve it, every creditor would seek to enforce his demands and reduce his holdings to money or its equivalent. The foreign as well as the domestic holders of our bonds and securities would flood every market in the eager rush for their redemption before such a law could be placed on our statute books. The same would be true of every security and obligation. All would want to convert into cash, and none would be purchasers.

Every debtor would be pushed to the extreme. No extensions would be granted, and every debtor would go down in a general maelstrom of disaster. Pandemonium in business disasters would run riot. The selfish creditor would make haste to secure the full equivalent of his securities before the impending disaster of a depreciated currency would ensue. Defenseless debtors would be driven into hopeless bankruptcy, their mortgages foreclosed, their collaterals sacrificed upon a market where chaos reigned, with capital in hiding and bidders dumb. Wealth could protect itself, but the debtor of whatever class would be swept down in the common avalanche of disaster. And labor, until a readjustment under the new order was made, would be helpless; at best the purchasing power of his wages would be reduced immeasurably, and in proportion to the depreciation of the money in which it was paid.

The level of all prices would advance as measured by the inferior money. But wages never have increased in like proportion to the depreciation in the value of money in circulation or in the increase in the price of commodities. Labor in the meantime would stand at a tremendous disadvantage and would suffer untold loss for an indefinite period. This fact was abundantly demonstrated during our late war. It was four years after the close before the rates of wages corresponded with the rise in prices of commodities. During the intervening period, in which we had a depreciated currency, there was a difference between the advance in the rate of wages and of commodities which the laborer was obliged to purchase for his necessaries as follows: In 1862, nearly 18 per cent; in 1863, 38½ per cent; in 1864, 65 per cent; and in 1865, 74 per cent. It was 1869 before the equilibrium was finally established.

FALLING PRICES.

It occurs to me, Mr. Chairman, that we might stop here for the absolute lack of evidence on the part of the advocates of free coinage to sustain in any manner their contention. I desire, however, to enter into another branch of the discussion upon which so much stress is laid, and that is, the fall in the prices of commodities since 1873. I will not claim "that there is not a single important product of industry in agriculture, manufacturing, transportation, or commerce in which there has not been a reduction in the cost of production or distribution which will not more than account for any reduction in price which has occurred between 1873 and 1892." I believe, however, the statement is to a certain extent correct.

The method usually pursued to sustain this claim is inaccurate and misleading in the extreme. Miscellaneous articles are combined without any relevancy as to character or method of production, an index number is taken for a particular year at 100, and averages follow for corresponding years. Conclusions are arrived at surprising in the extreme, but absolutely lacking in credibility when subjected to analysis.

"Falling prices" in certain articles is that for which ingenuity and mechanical skill have been persistently struggling. The manufactured article has fallen, fallen enormously, and it is well that it should. The forces of modern civilization must have wrought in vain if this desired result has not in some manner been realized. The inventive ingenuity of our citizenship has displayed itself in every avenue of our industrial and commercial life. As a result, labor-saving devices have been multiplied. Within these years the artisan has changed from a mere laborer to a director of mechanical appliances, and his product has been vastly augmented. Improved processes in manufacture, the lowering of rates of transportation by more than one-half, the lessening rates of interest, the forces of more extended competition, a higher culture, and the greater efficiency of labor itself have all alike contributed, as they properly should, to the lessened cost of production, and hence to the price of the manufactured article, and with which the act of 1873 bears no possible relation.

PRICES OF AGRICULTURAL STAPLES AND FOOD PRODUCTS SUSTAINED; MANUFACTURED ARTICLES DECLINED.

If in the preparation of these tables the articles of manufacture are included with the staple products, the result will and should show a fall in prices. But, on the other hand, if these articles be kept separate, the result demonstrates the fact that, while the fall in price is most marked in the products of manufacture, the agricultural staples and food products as a whole have been sustained, especially up to the latter part of 1892, when it was known that Democracy and "tariff reform" were triumphant. Illustrating as well as demonstrating this statement, I insert as a part of my remarks the following table, subdivided into groups, prepared by the eminent statistician, Dr. Soetbeer, from the most trustworthy data, based on the prices of 100 articles at Hamburg and 14 leading articles of British manufacture from 1851 to 1885. The average price of all of these articles from 1847 to 1850 was taken as the base, or 100

in the comparison, for the reason that these years prices as a whole were normal:

Groups.	1866-1870.	1881-1885.
Products of agriculture, etc	137.74	130.77
Animal and fish products	136.35	150.65
Southern products, etc	121.54	134.41
Tropical products, etc	118.32	119.91
Mineral and metals	95.47	81.55
Textile materials	129.17	96.65
Miscellaneous	105.90	91.11
14 British manufactured articles	130.55	103.28

As further demonstrating the same proposition, and having perhaps a more direct application, for the reason of its more recent compilation, and as practically having relation to our own domestic concerns, I insert the following table. It is from the Forum of April, 1895, which has heretofore been referred to in this discussion. In the compilation of the table the prices and wages are derived from the report of the Finance Committee of the United States Senate, compiled under the direction of the Hon. Carroll D. Wright. The prices, as well as the prices in London, which are given in terms of gold, compiled by Mr. Augustus Sauerbeck, have been completed and compared on the unit of 100 in 1860 by Prof. Roland P. Falconer, of Johns Hopkins University:

Prices, wages, purchasing power.

	1845.	1850.	1855.	1860.	1865.
Meat	79.4	86.6	104.7	100	197
Other food	82.8	80.7	114.5	100	240.3
Cloths and clothing	97.1	91.3	94.7	100	290.2
Fuel and lighting		102.6	121.1	100	237.8
Metals and implements	110.8	114.8	117.8	100	191.4
Lumber and building materials	106.7	102.2	103.4	100	182.1
Drugs and chemicals	121	123.6	129.2	100	271.6
House furnishing	102.3	125.6	121.1	100	181.1
Miscellaneous	114.8	107.7	115.2	100	202.8
Average of all prices	102.8	102.3	113.1	100	216.8
Average of all wages	86.8	92.7	98	100	143.1
Average wages by importance	85.7	90.9	97.5	100	148.6
Salaries of city teachers	74.8	83.8	91.4	100	134.7
Paper money	100	100	100	100	49.5
Gold price of silver bullion in London	95.3	97.3	100	100	99
Purchasing power of wages	84.4	90.6	86.6	100	66

	1870.	1875.	1880.	1885.-	1890.
Meat	174.3	140.4	103.6	107.6	99.6
Other food	146.3	135	116.9	97.2	103.5
Cloths and clothing	139.4	120.1	104.5	84.8	82.4
Fuel and lighting	196.5	156.5	100.2	89.6	92.5
Metals and implements	127.8	117.5	96.3	77.4	73.2
Lumber and building materials	148.3	143.7	130.9	126.6	123.7
Drugs and chemicals	149.6	144.2	113.1	86.9	87.9
House furnishing	121.6	95	85.2	70.1	69.5
Miscellaneous	148.7	122.9	109.8	97.5	89.7
Average of all prices	142.3	127.6	106.9	93	92.3
Average of all wages	162.2	158.4	141.5	150.7	158.9
Average wages by importance	167.1	158	143	155.9	68.2
Salaries of city teachers	186.3	188.1	182.8	186.3	86.3
Paper money	81.1	88.8	100	100	100
Gold price of silver bullion in London	98.2	92.2	84.7	78.7	77.4
Purchasing power of wages	114.1	124.1	132.3	162	172.1

It is evident from an inspection of the foregoing table that the products of agriculture in 1890 maintained and even exceeded the prices of 1860, when silver was admitted to the mints. All articles of manufacture, with the single exception of lumber and building material, have been wonderfully reduced in price, and very much below that prevailing in 1860, and especially in the succeeding years up to 1890. The implements of husbandry, the furnishings of the home, clothing—these articles so indispensable to comfort and domestic happiness—were brought within the reach of the individual.

And at no time in our history or in the history of the world had the product of the day's labor so great a purchasing power. What was true in 1890, as demonstrated by the foregoing table, was still further manifested in 1892. And although wages had increased 58 per cent since 1860, the purchasing power had increased 72 per cent, indicating that this greatest of all commodities had been most marvelously conserved. At that time also the most fortunate conditions prevailed in all our industries, and labor found the fullest employment, and few, if any, were unemployed.

The same distinguished authority, in the May number of the same periodical for 1892, speaking of the conditions then existing, which it will be remembered was when Mr. Harrison was President and before the calamity of the present Administration was foreshadowed, stated:

There has never been a period in this or any other country when the general rate of wages was so high as it is now or the price of goods relatively to the wages as low as they are to-day, nor a period when the workman, in the strict sense of the word, has so fully secured to his own use and enjoyment such a steadily and progressively increasing proportion of a constantly increasing product.

FLUCTUATION IN ENGLISH GOLD PRICES BEFORE AND SINCE 1873.

I desire now to show the fluctuation in the English gold prices of forty-three articles of necessity which are in common use, comprising vegetable and animal foods, tea, coffee, sugar, minerals, textile materials, and sundries. The table was compiled by Professor Falconer from Sauerbeck's table of gold prices in London, the unit or index number being taken at 100 in 1860. Silver had free access to the mints in the period between 1846 and 1872, inclusive; and in the second period the gold standard practically prevailed. In the first period unusual conditions prevailed to abnormally raise prices. The great conflicts between Austria and Prussia, Germany and France, the Crimean as well as our own great struggle, occurred in this period. The war of England with China also marked this era. During the second period it was practically a time of peace and of unusual production and competition, which is conducive always to lower prices:

1846 to 1873, inclusive.

1846	92.2	1856	102.8	1866	106.5
1847	97.9	1857	106.9	1867	103.9
1848	79.9	1858	93.3	1868	103.1
1849	76.4	1859	95.2	1869	101.9
1850	79	1860	100	1870	100.3
1851	77.1	1861	99.6	1871	102.6
1852	80.8	1862	105.6	1872	112.5
1853	96.9	1863	109.3	1873	116.6
1854	106.2	1864	112.3		
1855	103.1	1865	105.8		

1873 to 1891, inclusive.

1883	116.6	1880	91.8	1887	70.7
1874	107	1881	88.5	1888	73.9
1875	100.3	1882	88	1889	76.7
1876	97.5	1883	86	1890	76
1877	97.4	1884	79.3	1891	75.4
1878	91.2	1885	75.4		
1879	86.7	1886	72.4		

Recourse, as a rule, is always had by the advocates of unlimited coinage to the table prepared by Mr. Sauerbeck to establish the "fatal fall" in prices since the demonetization of silver in 1873. From a careful survey of the foregoing table it will be discovered that during the first—the bimetallic—period, when the price of silver was practically uniform, there was a fall in the year 1849 to substantially the same average as in 1890 and 1891. Then a rise, a fall, and a rise in 1864 to nearly the same level as prevailed in 1873. Succeeding 1864 there was a fall, and then succeeded "The final great speculative rise and financial debauch in 1873, when English credit and goods began to spread over the world in a way which but lately culminated in the disastrous losses in Australia and South America."

Will some advocate of unlimited coinage explain the lack of parallelism between silver and commodities in the first period, when there was constant fluctuation of the price of commodities, and silver remained fixed and stationary? In the second period, however, they argue there is the closest sympathy and inseparable relation. I do not believe the demonetization of silver in 1873 is a sufficient answer.

As further explaining the tables in question I read from the article to which I have referred:

It will be observed that there were greater fluctuations and variations in the course of prices and almost as great a fall at one period between 1846 and 1872, when the Latin Union was in existence, and silver was coined in France freely at the ratio of 15½ of silver to 1 of gold, as there have been since silver was deprived of its full function of legal tender.

When each separate type of the 43 articles is dealt with year by year, it is found that a few have risen since 1873, others have fallen but little, others greatly, others have varied from year to year, but there is no sign of any influence causing a steady tendency to depression, such as is asserted by the so-called bimetallists.

Since 1873 there have been less fluctuations than before, rather an orderly reduction in most prices, varying slightly with the difference in seasons in each year, but corresponding closely with reduction in cost. This beneficial fall has been accompanied by a corresponding or correlative rise in wages—greater in the United States than in any European states. Since 1873, under the influence of peace and the stability of the gold unit of value, this beneficent fall in prices has also been accompanied by a vast development of international commerce.

FALL IN PRICES COMMENCED BEFORE 1873.

Mr. Chairman, as a matter of fact, and as conclusively established by the tables of Mr. Sauerbeck, in which full reliance is placed by the advocates upon either side of this controversy, not only on account of the eminent character and ability of the author, but by his exhaustive and far-reaching investigations, the "fatal fall" in prices really commenced in 1864–65 instead of in 1873. In the latter year and the one preceding it abnormal and unusual conditions existed, that forced prices up in the speculative and financial excesses then prevailing, to which I have heretofore alluded. The facts of our own history conclusively demonstrate that falling prices set in almost immediately after the close of the civil war.

These tables further show, and as most forcibly illustrated by the chart prepared therefrom and used by my learned and able friend from Minnesota [Mr. McCleary] in his speech recently upon this subject, that the average fall in prices during the bimetallic period between 1818 and 1852 was as great as, and even greater than, during the gold period from 1873 to the present time. The year 1873 was not the commencement of the fall of prices in that era, but such a condition had for some time been prevailing.

This position is sustained by one of the most eminent authorities, Jevons, in his admirable work on Money and the Mechanism of Exchange. In speaking of the value of money, he states: "From 1809 to 1849 it rose again in the extraordinary ratio of 100 to 240, or 140 per cent." In other words, if the purchasing power of money rose so enormously it means that prices fell in a corresponding degree, or at the ratio of 240 to 100. Can it be claimed by the most ardent advocates of unlimited coinage that the fall in prices since 1873 bears any like proportion to the conditions then existing, and that, too, at a time when silver was freely admitted to the mints and practical bimetallism was in force with the commercial nations of the world?

During the existence of the mint ratio of France, from 1803 to 1873, though persistently asserted to the contrary, it is nevertheless true that the prices of commodities constantly fluctuated. Evidence is wholly lacking to show any relation as between prices and silver, which, during this period and long prior to the enactment of the French law, had maintained the same unvarying ratio with gold. Another fact is strongly brought to light by the tables of the eminent statistician, Dr. Soetbeer, that from 1851 to 1885, inclusive, the years covered by his investigations, at no time did the average prices of agricultural products fall below his standard of comparison (the prices from 1847 to 1850), when bimetallism was in force, and in 1885, as well as the average price from 1873, was very much higher.

It is further demonstrated by these tables, and it was strikingly illustrated by appropriate charts in the discussion recently had by the learned gentleman to whom I have already alluded, that the chief animal food products, which is a subject of especial interest to the agriculturist, although subject to frequent fluctuations, have since 1873 maintained a price very much above that prevailing with the standard of comparison in 1847–1850, when silver was admitted to the mints.

SENATE REPORT ON PRICES AND WAGES.

We are not confined, however, to the data even of such eminent authorities as Dr. Soetbeer and Mr. Sauerbeck. The investigation made upon the subject of prices and wages under the authority of the Finance Committee of the United States Senate, to which I have heretofore referred, covered 223 different articles from 1860 to 1891, but only embraced 85 from 1840. The accuracy of the deductions I have never heard questioned. Partisanship in no sense entered into the inquiry, and the report has been accepted as unbiased.

This report shows that the average of all wages, without taking into consideration the lessened hours of labor, as I have already stated, had increased 58 per cent as compared with those prevailing in 1860, and that its purchasing power had increased 72.1 per cent. If regard be had, however, to the hours of employment, real wages had increased 97 per cent in effectual purchasing power. The report further shows that food products from 1873 to 1891 had fallen less than 10 per cent, but making the comparison with the prices prevailing in 1860 they were higher in 1891 by 18 per cent. Building materials had fallen nearly 20 per cent, house furnishings 27 per cent, clothing 32 per cent, and agricultural implements 35 per cent.

As further showing the enormous increase in the rate of wages, I refer to a recent address delivered by Hon. Carroll D. Wright, in which his examination covered an extensive period, the most important in modern times—from 1850 to 1890. They show a constant increase from an average of $247.38 per year in 1850 to $302.08 in 1870, and to $444.83 in 1890. Strange as it may seem, the rate of increase has been at a much higher percentage since the act of 1873 than before. Marvelous discoveries and the multiplicity of inventions in these years have amazingly developed man's capacity in production, and it has become an age more of mental than physical exertion in every department of life. As stated by an eminent authority, "the productive capacity of an average operative in a given mill, working year by year throughout the period, has increased from 4,320 yards a year in 1830 to 9,607 yards in 1840, and in 1894 was over 30,000 yards."

It is also stated by Mr. Wright, in the address to which I have already referred, wherein he combats the proposition of the growing proportion of the unemployed, that a comparison between 1870 and 1890 shows that in the former year 32 out of every 100 population were engaged in some gainful occupation, while in 1890 the ratio was 36 to the 100, a very considerable gain as affecting our entire population. He also states that the total number of employees in the manufactories of this country increased from 731,137 in 1850 to 3,745,123 in 1890, while the wages rose from $236,750,000 to $2,225,000,000; that while in 1860 Great Britain exceeded us in the amount of her manufactured product by more than 50 per cent, yet in 1890 the United States outstripped her great rival by nearly 125 per cent. He further speaks of the "decadence of profitable agriculture, the absorption of the small farm and homesteads by the land sharks and the shylocks, and as to the increasing burden of mortgages," which are some of the themes so often sung, and at no time so persistently as in this discussion. The facts are, however, that the 1,500,000 farms in the United States in 1850 had increased in 1890 to 4,500,000, and their value had risen from $151,500,000 to nearly $500,000,000. The average size of the farm had fallen in the same time from 203 to 137 acres.

WHEAT RAISING AND PRICES.

The subject of unprofitable wheat raising, especially in my own section, is a theme for most hostile attack, and I desire to briefly allude to it in this connection. After such able discussions upon this subject during the present session it seems like a waste of time to further pursue it. If any article has had a "fatal fall" in the last few years it surely is wheat. I am at a loss to persuade myself, however, that the causes for its decline are alone to be found in the legislation of 1873. In the first place, the production of wheat in this country has been wonderfully augmented since 1873. Compare the last crop marketed before that year with that of 1891, the last one marketed before the election of Mr. Cleveland. It increased from 225,035,000 bushels to 570,883,000—over 150 per cent. The exports of wheat-raising countries have also wonderfully increased during the same period, and have been brought into direct competition with our own production.

In 1873 the Argentine Republic exported no wheat, while in 1892 she exported over 470,000,000 kilos. India increased her export from 394,000 hundredweight in the same year to 30,306,000 in 1892. Russia increased her exports from 6,957,000 chetverts in 1873 to 16,206,000 in 1891.

It is needless to enter at large into a discussion of the lessened cost of wheat production from the year 1873 to 1891. Modern appliances, both in preparing the ground, the seeding, harvesting, and thrashing, have been perfected, simplified, and cheapened so that they have come into general use. The occupation has practically changed from one of drudgery to that of mechanical skill.

The following table is taken from the Monthly Crop Report for December, 1895, United States Department of Agriculture, and the figures are for the month of December each year:

Production, value, price, and exports of wheat since 1880.

Year.	Total area of crop.	Total production.	Total value of crop.	Average value per bushel.	Average yield per acre.	Average value per acre.
	Acres.	*Bushels.*		*Cents.*	*Bushels.*	
1880	37,986,717	498,549,868	$474,201,850	95.1	13.1	$12.48
1881	37,709,020	383,280,090	456,880,427	119.2	10.2	12.12
1882	37,067,194	504,185,470	444,602,125	88.2	13.6	11.99
1883	36,455,593	421,086,160	383,649,272	91.1	11.6	10.52
1884	39,475,885	512,765,000	330,862,260	64.5	13	8.38
1885	34,189,246	357,112,000	275,320,390	77.1	10.4	8.05
1886	36,806,184	457,218,000	314,226,020	68.7	12.4	8.54
1887	37,641,783	456,329,000	310,612,960	68.1	12.1	8.25
1888	37,336,138	415,868,000	385,248,030	92.6	11.1	10.32
1889	38,123,859	490,560,000	342,491,707	69.8	12.9	8.98
1890	36,087,154	399,262,000	334,773,678	83.8	11.1	9.28
1891	39,916,897	611,780,000	513,472,711	83.9	15.3	12.86
1892	38,554,430	515,949,000	322,111,881	62.4	13.4	8.35
1893	34,029,418	396,131,725	213,171,381	53.8	11.4	6.16
1894	34,882,436	460,267,416	225,902,625	49.1	13.2	6.48
1895	34,047,332	467,102,947	237,938,998	50.9	13.7	6.90

An inspection of the foregoing table discloses the fact that the most prosperous year for the wheat raisers of the country in the sixteen years enumerated was the last crop marketed under a Republican Administration, that for 1891, when the average value per acre was $12.86. The paralysis that struck the country in November, 1892, before that crop was marketed, by the announcement of the election of Grover Cleveland and a Democratic Congress, wrought its work most speedily and the producers of wheat were the first to feel its effect. The conditions of 1891 can be brought back, as they surely will be, under a Republican President and Congress that an impatient but patriotic people will restore to power in the coming election. False economic policies, first threatened and then carried out in the Wilson law, had more to do in depressing the price of wheat and of all prices than the demonetization act of 1873.

COMPARATIVE PRICES OF FARM PRODUCTS IN 1878 AND 1891.

From a table prepared by the Statistician of the United States Department of Agriculture on February 4, 1896, for use in this discussion, giving the average prices of the following-named agricultural products for the month of December each year from 1878 to 1895, I extract the following for the years 1878 and 1891. The

reason for taking the year 1878 is that in the following month we resumed specie payment and prior thereto we were on a paper basis. I have heretofore stated why the year 1891 is selected. From an examination of the table it is made plain that the prices of these articles had not fallen, and instead of being lower they were actually higher. The average price of the products named was $0.509 in 1878, and $0.546 in 1891.

Products.	1878.	1891.
Wheat ..... per bushel..	$0.777	$0.839
Corn ..... do....	.318	.406
Rye ..... do....	.526	.774
Oats ..... do....	.246	.315
Barley ..... do....	.580	.540
Buckwheat ..... do....	.527	.579
Potatoes ..... do....	.589	.371
Hay ..... per ton..	7.21	8.39

Another misstatement has been persistently made, and that is, that under the free coinage of silver in India the price of wheat remained uniform. By the courtesy of my friend from North Dakota [Mr. Johnson], whose ability and research added so much to this part of the discussion, I will embody the table used by him in his remarks upon this branch of the subject. The figures were compiled by the United States Department of Agriculture, taken from the official publication of the Indian Government from 1873 to 1893, and are reliable. The prices given are in gold.

Average price of wheat per bushel in India reduced to equivalents in United States gold coin.

1873	$1.05	1880	$1.14	1887	$0.90
1874	.92	1881	.86	1888	.85
1875	.86	1882	.86	1889	.80
1876	.89	1883	.88	1890	.76
1877	1.24	1884	.80	1891	.90
1878	1.47	1885	.76	1892	.89
1879	1.48	1886	.79	1893	.68

It will be observed that prices fluctuated there as in our own country, and they have gradually fallen. The abnormally high price prevailing from 1877 to 1880 is explained by the existence of the great famine, and practically there was little or no wheat produced or for sale.

FREIGHT RATES AS AFFECTING PRICE OF WHEAT IN 1871 AND 1891.

The important item of freight rates is usually lost sight of in the measure of the fall of prices. To no article scarcely has it a stronger application than to wheat in comparing the relative prices between 1873 and 1891. Freight rates are now less than half what they were in 1873. The average freight rates in 1873 were nearly 2 cents per ton per mile, while in 1891 they were less than nine-tenths of 1 cent. This reduction means in itself a vast sum saved in the aggregate to all the consumers of the country when the extent and magnitude of our internal commerce is considered. It might be well to make its application to the matter now in hand. The subject has already been presented, and I assume the risk of repeating.

The New York Produce Exchange shows the average export price of wheat to the London market for the year 1871 was $1.367. I take that year for the purpose of comparison with the year 1891 for the reasons heretofore stated. The average export price for the latter year was $1.094. This statement taken by itself would show a higher price for the former year of $0.273 per bushel. An examination, however, of the Statistical Abstract for 1895, page 330, shows the average freight rates, including transfer charges, for the carriage of 1 bushel of wheat from Chicago to New York in 1871 was 0.258 cents and in 1891 0.101 cents, or 0.157 cents less for the latter year. The difference in the efficient price at Chicago in the two years would then be 0.116 cents in favor of 1871.

But it is shown by the same authority that the average cost of moving 1 ton of freight per mile on the Chicago and Northwestern and the Chicago, Milwaukee and St. Paul, the two great railway systems entering my State, in 1871 was upward of 2.30 cents and in 1891 it was 1.07 cents. Upon this basis, suppose a farmer had shipped his wheat from a point 500 miles northwest from Chicago in these years, he would have saved in freight in 1891 0.181 cents per bushel, which would have been sufficient to make up the difference in the price received in Chicago for his crop of 1891, and it would have netted him 0.065 cents per bushel more than that for the year 1871. The farmer in 1891 secured net to himself as high or a higher price per bushel for his wheat and it had a tremendously greater purchasing power in providing the comforts, the adornments, and the necessities for the home and the farm.

RESULTS IN MINNESOTA AND ILLINOIS, 1862 TO 1894.

A most valuable contribution has recently been made to this subject by Mr. L. G. Powers, chief of the bureau of statistics of Minnesota. It not only demonstrates the enormous reduction in the cost of transportation from 1862 to 1894, but also the fact that the gold price of wheat received by the Minnesota farmer in 1891–1894 was higher than in 1862–1866. In the period 1867–1870 he received only one-third of the price paid in the London market, two-thirds being consumed in transportation and by middlemen. I insert the table prepared by Mr. Powers as a part of my remarks:

Comparative statement of the average gold values for wheat per bushel upon the farms of Minnesota and New York, and the market value in cents of American wheat in London, England, from 1862 to 1894.

Year.	Minnesota.	New York.	London.	Differences.	
				Minnesota and New York.	Minnesota and London.
1862–66	56.5	115	.....	58.5	.....
1867–70	65.3	138.6	175.6	73.3	110.3
1871–74	73.1	134.1	176.3	61.1	103.2
1875–78	72.7	110.5	149.2	37.8	76.5
1879–82	92.2	132.4	149.6	40.2	47.4
1883–86	64.2	92.4	113.5	28.2	49.3
1887–90	73.4	95.3	106.1	21.9	32.7
1891–94	62.1	83.5	.....	21.4	.....

It will be observed the average price of wheat advanced in Minnesota after the act of 1873 as well as declined. In what manner will this fact be reconciled with what has been asserted as a uniform and harmonious decline with silver from that date.

Another striking table is also submitted by Mr. Powers in dealing with the farm values of nine crops in the State of Illinois, from the year 1862 to 1894, inclusive. He treats of corn, oats, wheat, rye, barley, buckwheat, potatoes, hay, and tobacco. The values are given in gold. He takes this State as typical of a vast region of which it is the center. In the years named the State raised 354,711,624 tons of the crops named, of the farm value of $4,570,148,391. He gives in detail the average value per ton of the nine crops in the first table, and in the second that of corn, wheat, and oats. The several products are combined in fixed proportion by weight so as to give each its relative importance. It will be observed that the value per ton for the period of 1891–1894 exceeds each of the others in both tables, except that for 1879–1882:

The gold value of all crops combined.	Per ton.
From 1862 to 1866, averaged in gold	$11.98
From 1871 to 1874, currency prices being reduced to gold	13.13
From 1879 to 1882, the period of great scarcity in Europe, in gold	15.59
From 1891 to 1894, in gold	13.19

Dealing with the crops of corn, oats, and wheat as distinct from the other six crops included in the nine, we get the following results:

Average gold value of corn, oats, and wheat.	Per ton.
From 1862 to 1866, in gold	$13.69
From 1871 to 1874, currency prices reduced to gold	14.40
From 1879 to 1882, in gold	17.72
From 1891 to 1894, in gold	14.61

COMPARATIVE POSITION OF FARMER, 1872 AND 1891.

As still further illustrating the better position of the farmer in 1891 as compared with 1872, the year prior to the demonetization of silver, let us examine the prices of the two years of the products of the farm, and also the prices of those articles which the farmer bought in the way of clothing, house furnishings, and for the maintenance of the farm. I take these tables from an address by Mr. Edward Atkinson, to whom I have already referred, before the Manufacturers' Club at Philadelphia, on the 17th of last month. They are based upon the data in the Senate report.

All the leading articles of food which the farmers produce and sell were in 1872 at the index number of 122, a rise of 22 points in paper from the gold unit of 1860. How about the farmers' purchases of that date?

Cloth and clothing stood at	131 in paper money.
Fuel and light at	136 in paper money.
Metal and implements at	117 in paper money.
Lumber and building materials at	153 in paper money.
Drugs and chemicals at	123 in paper money.
House-furnishing goods at	113 in paper money.
Miscellaneous at	121 in paper money.

Now let us go to the gold prices of 1891. The food products of all kinds dealt with by Commissioner Wright brought to the farmers, the meat packers, the millers, etc., 104 in gold, a rise of 4 points as compared to 1860; but with respect to the farmers' purchases witness the change:

Cloths and clothing were reduced in cost to him as compared to 1872	from 131 to 81
Fuel and light	from 136 to 91
Metal and implements	from 117 to 75
Lumber and building materials	from 153 to 122
Drugs and chemicals	from 123 to 86
House-furnishing goods	from 113 to 70
Miscellaneous	from 121 to 95

These tables clearly demonstrate the advanced position of the farmer in the year 1891 over that of 1872. While his products represented the position in price over the unit of 1860 for the year 1872 of 122, yet the necessaries which he bought were greatly advanced. The price of his products stood in the average of comparison with the things he bought of 122 to 127½. In other words, the purchasing power of the farmer's products was not equal to

but less than the things he purchased. In 1891 the condition was reversed. Then the purchasing power of his products stood in the average of comparison as 104 to 88¼ of the things he purchased.

At the same time wages had advanced and labor was fully employed. Although the prices of the manufactured article had been enormously reduced, yet at no time in our history was the manufacturer so prosperous, and no like era ever marked so extensive a development in the manufactories of our country.

FARMING IN IOWA IN 1873.

As illustrating the condition of the farmer in the State of Iowa, a close neighbor of my own, in 1873—that year in which the Republic is now pictured as in the possession of her highest achievements and most wonderful prosperity—let us look at the picture presented by Mr. C. H. Rogers in his address before the Harrison County fair for that year, which is preserved in the annual report of the State Agricultural Society of that State:

Proud of these aspects and of her progress in practical agriculture, still the condition of the laboring man and farmer is far from what is desirable. They have worked, watched, and waited for an adequate reward until weariness has well-nigh turned to hopelessness. Farming has been a financial failure for the past three years. Hard toil has opened up fine farms and brought to the bins the products of unexampled harvests, but the sales have hardly paid expenses and bought cheap clothing until the coming harvest. There is no surplus to improve buildings, purchase thoroughbred stock, and furnish the home with any of the luxuries of art and literature.

In the same report the price of the principal agricultural products at the city of Des Moines, Iowa, for each month of the year 1873 is preserved, and is as follows:

Month.	Wheat.	Rye.	Barley.	Corn.	Oats.	Hay.
January	$0.95	$0.35	$0.40	$0.16	$0.20	$6.00
February	1.10	.35	.45	.17	.20	6.00
March	1.00	.35	.45	.17	.20	6.00
April	1.00	.35	.45	.18	.20	6.00
May	1.10	.45	.45	.22	.22	6.00
June	1.10	.35	.40	.23	.28	6.00
July	.85	.35	.....	.20	.20	6.00
August	.85	.35	.50	.22	.20	5.00
September	.75	.45	.60	.22	.27	5.00
October	.75	.45	.70	.22	.27	5.00
November	.75	.40	.70	.22	.20	5.00
December	.85	.40	.70	.22	.23	5.00

From an examination of the foregoing prices, little satisfaction, it occurs to me, could be derived from them by even the advocate of free coinage. They, however, sustain the truthfulness contained in the words of Mr. Rogers. If the difference in freight rates be considered between that period and the present, from Iowa to the seaboard, and the fall in the price of the manufactured article, that much-vaunted era would seem barren to the possibilities of our imagination comparing it even with the hopelessness of this the fourth year of the second reign of Grover.

SAVING IN TRANSPORTATION IN 1893 OVER RATES IN FORCE IN 1873.

From the Statistical Abstract of the United States for 1894 and 1895 we find the average charges for the carriage of 1 ton of freight for 1 mile upon 18 of the representative railroads of the United States in the year 1874 to be 1.869 cents. The freight rate had fallen in 1893 to 0.801 cent, a difference of 1.068 cents. I can find no data as to charges for 1873. I assume these as the average rates on all the railways. The figures are substantially correct and from the most trustworthy authorities. For the year ending June 30, 1893 (being three-fourths of the last year of Harrison's Administration), there were moved 93,588,111,833 tons of freight on the railroads of this country 1 mile. This sum multiplied by the difference in freight charges between the two years would equal $999,521,034. In other words, this tremendous sum was saved to the consumers as well as the producers of the United States in one year by the lessened difference in the average rates of the years in question. This does not take into consideration transportation by water, which in 1890 stood to railways very nearly in the proportion of 1 to 4. The reduction of freight rates has been even greater in this class of transportation than by railway. If we take this into consideration we have the total amount saved in one year in the item of transportation alone, as between the two years, the vast aggregate of $1,249,411,292.

In sustaining this statement, and even a greater fall in freight rates than I have claimed, I quote from the work of Mr. Schoenhof, which has just been issued, A History of Money and Prices, in which he states:

If I were to bring the freight decline into an average figure, I should say that the charges are, all around, not much more than one-third of what they were about twenty-five years ago.

To assert that such a vast saving to the people of this country annually in this one item would not manifest itself in falling prices is to shut our eyes to a stupendous fact and grope vainly in the shadows to connect it with another cause to which it is but dimly associated—the act of 1873.

EFFECT ON EXISTING CONTRACTS.

Another subject is worthy of consideration, if the proposed legislation shall in any degree alter existing contracts and allow payments to be made in a depreciated currency. The amount due individual depositors from a certain class of corporations is almost fabulous. They rest now upon the existing standard. The responsibility assumed is a grave one, and should not be lightly taken. From the most reliable data, furnished by the Department of Labor, and from the Statistical Abstract for 1895, I take the following:

Deposits in savings banks	$1,844,357,798
Deposits in national banks	1,715,200,000
Deposits in State and private banks	794,235,555
Deposits in loan and trust companies	546,652,657
Deposits in building and loan associations	450,667,594
Amount paid annually in wages (1890)	2,225,000,000
Total	7,576,103,604

Add, in addition to this vast sum, perhaps upward of $5,000,000,000 of liabilities to policy holders in life insurance companies, to say nothing of the pensions and of obligations of trust funds of every character. If silver did not appreciate these institutions would make a profit of 50 per cent, or at any rate whatever the difference in the ratio of the two metals might be.

APPRECIATION OF GOLD.

Another argument that is used with great force by the opposition is the assumption that gold has enormously appreciated. This is stating in another form that prices have fallen as measured by gold. If I have at all made myself clear, it is to demonstrate the proposition that there has been a fall in the prices of those articles which are the product of manufacture. This fact is demonstrated by the tables to which I have referred. It is a condition of hopefulness rather than discouragement or despair. Measured by the price of these articles, and of all commodities combined, the same is true, but not to so great a degree. But measuring gold with wages, or by their purchasing power, the supremest of all tests, gold between 1860 and 1890 fell 58 per cent in the one case to 72 per cent in the other. Measuring it also during the same period by the food products and the great agricultural staples, it has not appreciated, but on the contrary has fallen.

Mr. Chairman, during the eventful years of national development from 1873 to the present, human ingenuity has never been so active, and never has it been so potent in developing mechanical appliances. Its results are everywhere made manifest, not only in the means of production and manufacture, but in the distribution of all productions. Electricity, with its multiplicity of appliances, both in lighting and as a motive power, belongs to this era. The labor-saving devices that have been applied in all lines of manufacture are manifold, and as a result the American workman has been enabled to compete with the world in his products, under Republican legislation, at the highest rate of wages ever received by labor at any place on the civilized globe. The saving in transportation within this period, as I have shown, has amounted to much more than one-half. The number of patents issued by the Government during the twenty-two years succeeding 1873 has increased more than 300 per cent over the twenty-two years preceding that date. This fact in itself is significant of the actual results attained.

THE EXPERIENCE OF FRANCE.

Reference in this discussion is always made to the experience of France. It is persistently asserted that, as a result following her action in establishing in 1803 the mint ratio at 15½ to 1, France alone sustained the commercial ratio of the world up until 1873 at her legal ratio. The proposition is then stated: If France alone could do this for silver and maintain the ratio, can not this Government, with its exhaustless wealth, its infinite resources, its productive and potential possibilities, safely assume a like responsibility, and that France during the years referred to was as a pygmy in comparison with our present power and ability. The answer I would make to the proposition is, there is no proof to sustain the allegation. France sought to do what our own Government attempted in 1792, to fix as the legal ratio what was the commercial ratio recognized by the nations of the world.

An examination of the following table, from the Report of the Director of the Mint for 1895, discloses the fact that the commercial ratio was no more uniform or steady for the seventy years succeeding 1803 than for the one hundred and sixteen years prior to the enactment of the French law. Even if it were admitted that the action of France aided in sustaining the ratio, and this I am free to do, yet during her experience she had the cooperation and direct support of the great commercial world except England, but did not even have her hostility. France adopted it as its commercial ratio when it had been stable for over a century. While the proposition here is for this Government to adopt a legal ratio, not equal to, but 100 per cent above, the commercial ratio, assuming that the United States by its fiat alone can bear the burden, to which there is no direct proof that France carried little or any more than her ordinary responsibility with the other

powers of Europe as well as the United States during the same period:

Commercial ratio of silver to gold for each year since 1687.

[NOTE.—From 1687 to 1832 the ratios are taken from the tables of Dr. A. Soetbeer; from 1833 to 1878 from Pixley and Abell's tables; and from 1878 to 1892 from daily cablegrams from London to the Bureau of the Mint.]

Year.	Ratio.	Year.	Ratio.	Year.	Ratio.	Year.	Ratio.	Year.	Ratio.
1687	14.94	1729	14.92	1771	14.66	1813	16.25	1854	15.33
1688	14.94	1730	14.81	1772	14.52	1814	15.04	1855	15.38
1689	15.02	1731	14.94	1773	14.62	1815	15.26	1856	15.38
1690	15.02	1732	15.09	1774	14.62	1816	15.28	1857	15.27
1691	14.98	1733	15.18	1775	14.72	1817	15.11	1858	15.38
1692	14.92	1734	15.39	1776	14.55	1818	15.35	1859	15.19
1693	14.83	1735	15.41	1777	14.54	1819	15.33	1860	15.29
1694	14.87	1736	15.18	1778	14.68	1820	15.62	1861	15.50
1695	15.02	1737	15.02	1779	14.80	1821	15.95	1862	15.35
1696	15.00	1738	14.91	1780	14.72	1822	15.80	1863	15.37
1697	15.20	1739	14.91	1781	14.78	1823	15.84	1864	15.37
1698	15.07	1740	14.94	1782	14.42	1824	15.82	1865	15.44
1699	14.94	1741	14.92	1783	14.48	1825	15.70	1866	15.43
1700	14.81	1742	14.85	1784	14.70	1826	15.76	1867	15.57
1701	15.07	1743	14.85	1785	14.92	1827	15.74	1868	15.59
1702	15.52	1744	14.87	1786	14.96	1828	15.78	1869	15.50
1703	15.17	1745	14.98	1787	14.92	1829	15.78	1870	15.57
1704	15.22	1746	15.13	1788	14.65	1830	15.82	1871	15.57
1705	15.11	1747	15.26	1789	14.75	1831	15.72	1872	15.63
1706	15.27	1748	15.11	1790	15.04	1832	15.73	**1873**	**15.92**
1707	15.44	1749	14.80	1791	15.05	1833	15.93	1874	16.17
1708	15.41	1750	14.55	1792	15.17	1834	15.73	1875	16.59
1709	15.31	1751	14.39	1793	15.00	1835	15.80	1876	17.88
1710	15.22	1752	14.54	1794	15.37	1836	15.72	1877	17.22
1711	15.29	1753	14.54	1795	15.55	1837	15.83	1878	17.94
1712	15.31	1754	14.48	1796	15.65	1838	15.85	1879	18.40
1713	15.24	1755	14.68	1797	15.41	1839	15.62	1880	18.05
1714	15.13	1756	14.94	1798	15.59	1840	15.62	1881	18.16
1715	15.11	1757	14.87	1799	15.74	1841	15.70	1882	18.19
1716	15.09	1758	14.85	1800	15.68	1842	15.87	1883	18.64
1717	15.13	1759	14.15	1801	15.46	1843	15.93	1884	18.57
1718	15.11	1760	14.14	1802	15.26	1844	15.85	1885	19.41
1719	15.09	1761	14.54	**1803**	**15.41**	1845	15.92	1886	20.78
1720	15.04	1762	15.27	1804	15.41	1846	15.90	1887	21.03
1721	15.05	1763	14.99	1805	15.79	1847	15.80	1888	21.99
1722	15.17	1764	14.70	1806	15.52	1848	15.85	1889	22.09
1723	15.20	1765	14.83	1807	15.43	1849	15.78	1890	19.75
1724	15.11	1766	14.80	1808	16.08	1850	15.70	1891	20.92
1725	15.11	1767	14.85	1809	15.96	1851	15.46	1892	23.72
1726	15.15	1768	14.80	1810	15.77	1852	15.59	1893	26.49
1727	15.24	1769	14.72	1811	15.53	1853	15.33	1894	32.50
1728	15.11	1770	14.62	1812	16.11				

It is apparent from observation that a period of thirty years, from 1820 to 1850, the commercial ratio was below the mint ratio of France, and at no time were the two ratios equivalent. I cite the following from the report of the French monetary commission of 1867, as to the concurrent circulation of the two metals in that country:

It is well known by all that this ratio (of 1803), by the simple reason of its being fixed, could not remain correct. There was quickly a premium on gold, and silver remained almost alone in circulation until near 1850. The discovery of the mines of California and Australia suddenly changed this situation by throwing into the European market a very considerable quantity of gold. There was a premium on silver to the extent of 8 per mille, and it disappeared almost completely from circulation, yielding place to gold.

RESULTS SINCE DEMONETIZATION.

If the demonetization of silver has wrought the grave wrongs our friends allege, and they assert it is the duty of this Government alone to assume the very serious and hazardous responsibility of the free coinage of silver, surely the burden is upon them to demonstrate its absolute safety to the labor, industrial, and commercial interests of the country. Do not the results of the past twenty years refute their contention? From the commencement of this unparalleled era let us recite a few of the achievements up to the election of Grover Cleveland in November, 1892. With his Administration, as Republicans, we bear no responsibility, for it wantonly reversed the policies of the Government that brought such unexampled prosperity and made possible such wonderful accomplishments.

My contention relates to a period and to conditions existing anterior to the election of Mr. Cleveland and a Democratic Congress in 1892. I make little or no comparisons with conditions or prices existing since that time. I admit the depressed and unusual conditions now existing, that have most injuriously affected the producers of all commodities, the farmer, the laborer, and the manufacturer. The disastrous policy of this Administration has lessened the price of all articles of production, has driven labor into enforced idleness, has unsettled all values, and discouraged enterprise of whatever character. These abnormal conditions, I hold, are the result of unwise legislation, and independent of the money question. They may be corrected and the favorable conditions existing under the last Republican Administration can be restored by wise and proper legislation.

Commencing with 1873, in twenty years we reduced the national debt $1,230,000,000, and the annual interest charge over $91,000,000. From 1870 to 1890 we increased our national wealth from $30,000,000,000 to $65,000,000,000. In addition to paying the national debt and adding so vastly to our wealth, individuals had deposited over $2,000,000,000 in savings banks and building and loan associations, largely acquired during this period. The amount paid in wages to the 3,750,000 employees in our manufactories in 1890 was $2,225,000,000, and the value of the product aggregated $9,372,000,000, exceeding by 125 per cent that of any other Government in the world. In the like time the manufacture of pig iron increased 200 per cent, railroad mileage over 150 per cent, the passenger traffic 500 per cent, and the number of freight tons moved nearly 400 per cent.

Such magnificent results could not have been accomplished under adverse conditions. The record of the world nowhere shows a parallel. This history can not be rewritten, or these facts obliterated. They are there to remain, and they can not be erased by acrimonious denunciation. During the whole period, up to and including the Administration of President Harrison, no government had been so blest by Providence in all that went to make up a great, free, and prosperous people. If the statements of our economists and most eminent statisticians are to be given credence, as deduced from the last census by the General Government, the wealth of the nation at no time since its foundation was so generally distributed amongst the people as in the year 1890. No people under any government, now or heretofore, was so well housed, fed, or clothed as the average American citizen in the year 1892.

Mr. Chairman, I glory in these mighty achievements of my country and in the policies of administration that have made these accomplishments possible. I take pride that in this golden era of the Republic it was led under the genius of Americanism by the great party of the people that lead it in triumph through peace as in war to its high and manifest destiny.

CHANGED CONDITIONS SINCE ELECTION OF 1892.

How changed the conditions prevailing since the election of the present Administration! It was elected upon an issue that proposed a reversal of the economic policies that had brought to the nation these marvelous results. Since then our energies have been stifled, hope and courage have almost fled, and instead of the chorus of plenty, Want's gaunt hand has pressed close upon many of our people. Prostrate industries, idle wheels, smokeless furnaces, palsied capital, idle labor, unsought production have cried in vain for help, and the only answer of "triumphant Democracy" was the Wilson bill, with its "perfidy and dishonor," that wrecked our prosperity and ruined our industries. The hope of the nation is in the Republican party, whose policies have energized every industry, given life and strength to every production, stimulated labor and capital to their highest endeavors, and brought happiness and plenty to every home. All these will surely call back to power this great party in November next, for upon it are centered the hope and the well-being of the nation.

Under Republican legislation the largest use of silver has been made possible. It has been its policy to maintain the whole volume of our currency in circulation and to sustain the parity of each kind with the best. In this it has succeeded. All kinds of money circulate on an equality, and each in our business transactions possesses equal purchasing and debt-paying power. With an abundant revenue that Republican legislation always provided the redemption fund was protected and we had the most extended use of silver without fear or apprehension to the gold reserve. This can be done under the protective policy that will again be inaugurated as soon as the party is in full possession of the executive and legislative departments of the Government.

A reversal of that policy by the present Administration has necessitated the borrowing in times of peace of $262,000,000 to maintain the gold reserve and the ordinary expenses of Government. Under Republican legislation, for thirteen years succeeding July 1, 1879, the total withdrawal of gold from the Treasury only amounted to $43,310,896. But under Democratic threats and free-trade legislation, from July 1, 1892, to May 20, 1896, the withdrawals of gold amount to upward of $447,000,000, and over $351,000,000 of that amount has been exported to foreign countries to make good the balances against us in our trade relations. Under such a disastrous policy how is it possible, with the most favored conditions, to sustain our financial relations under any system we may see fit to inaugurate?

We need ample protection to defend our home market as well as our labor.

REPUBLICAN VICTORY WILL RESTORE PROSPERITY.

Under the Republican system our export trade was sustained and it gave us a balance in our favor. Reinaugurate it, and our present disturbances will soon be adjusted and our financial perplexities will largely, if not altogether, right themselves. With a Republican victory in November the conditions that existed in the early part of 1892 may be restored, confidence return, and that splendid era of Republican prosperity again bless the country.

The Republican party has demonstrated its capacity in administering the affairs of the Government under its legislation for

nearly thirty years. It marks the greatest industrial achievements in the history of the world. I believe the grave problems involved in the present discussion will be solved by it in the interests of the whole people.

A stable currency should be maintained, and its volume should be enlarged to keep pace with our increasing population. There must and should be a measure of value, just alike to debtor as well as to creditor. There should be neither an appreciating nor a depreciating dollar. As far as legislation can control it even and exact justice should be the sole aim. An "honest dollar" means one that is equally so to rich and poor, to the employer and to the employee, to the producer as well as to the consumer, to the borrower as well as to the lender—one that possesses as nearly as may be the same relative purchasing power it had within a reasonable limit in the past and no greater, and one that will liquidate a just obligation in the future fairly and honorably without appreciation or depreciation to the wrong or injustice of either party.

It occurs to me the present issue should be disposed of upon its own merits. It is the assertion of a false doctrine for members of the same party to involve with it the great principle of protection that has done so much to ennoble labor and develop our industrial life. In the end no great cause can be promoted by such a course, nor will the American people accept for it as an explanation that, under existing conditions, just objections may be made against the revenue bill passed by this House. Disguise the position as it may be, in my judgment the Republicans of the nation will resent it as an unjust and arbitrary assertion and unworthy the forum of fair and honorable discussion.

REPUBLICAN PARTY FAVORS BIMETALLISM.

All Republicans confessedly must stand upon the national platform of 1892 until the party otherwise announces itself. The party then declared for bimetallism and the use of both gold and silver as standard money, and that the purchasing and debt-paying power of every dollar should be equal. All Republicans practically are bimetallists, and they must be such if they adhere to the declared principles of the party. They differ, however, widely as to how that desired object shall be accomplished. The advocates of free coinage assert that by the sole legislative act of this Government admitting silver to our mints at the ratio of 16 to 1 true bimetallism will be attained. Those who do not share this view believe such a course would at once drive gold out of circulation, contract our currency, reduce us to a silver basis, and instead of bimetallism we would have silver monometallism.

They also believe that money has a world-wide relation and that a nation in and for itself can not act independently without having regard to its commercial relations with the potential governments of the world. Law may control domestic transactions, but it is largely impotent outside the limits of its own sovereignty. They further believe that concurrent action may be brought about by the leading powers, so that this undertaking may be jointly assumed and silver again restored to its rightful place. Such has been and I believe is the position of the great body of the party to-day.

The Republican party has always been generous and not arbitrary. It believes in the largest liberty and trusts that honest differences may be reconciled. It, however, believes in the rightful rule of the majority and that no arbitrary confederation within its membership should seek to strike down or withhold its assent to cherished principles of the party's faith in order to coerce the employment of their particular method by which silver is to be restored, which method was recently here repudiated by the great majority of the representatives of the party, and, I believe, will be by the party itself, if recent expressions in the State conventions are any guide.

THE ISSUE IS THE USE OF GOLD AND SILVER AGAINST SILVER MONOMETALLISM.

Let the issue be fairly and candidly made, so that it alike may be understood on the farm, in the shop, and in the counting room. To my mind the issue is not between the gold standard and bimetallism, as the advocates of free coinage would state it. It might, rather, with accuracy be said, that it is a contest on the one hand between gold and the largest use of silver ever employed in the world's history and silver monometallism on the other. The real issue, however, is the method to be employed by which real and genuine bimetallism may be secured. Shall it be by this Government alone assuming the responsibility and the unlimited coinage of silver at our mints, or by intelligently and consistently seeking the cooperation of other great powers to that end, and in the meantime avowedly adhering to our present standard?

To my mind the agitation of free and unlimited coinage of silver by this Government alone is harmful in the highest degree to the industrial and commercial interests of the country; is destructive of confidence where capital is looking to new enterprises and more extended employment. Upon the issue thus made, I oppose it. I am in favor of existing standards until changed by international agreement. I favor earnest and honest cooperation to that end, and that this Government should take the initiative. Each dollar that bears the stamp of the Government, whether of silver, gold, or paper, must possess equal purchasing and debt-paying power. Our national credit must be maintained at home as well as abroad, and must be kept as untarnished as our honor. Good faith demands that every obligation must be sacredly kept, and paid in the same currency or its equivalent as that upon which the original transaction was based. I believe the overwhelming judgment of the country favors this course, which, to my mind, is the one of safety as well as national honor.

Contested Election Case—Mitchell vs. Walsh.

SPEECH

OF

HON. JAMES G. MAGUIRE,

OF CALIFORNIA.

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, June 2, 1896.

The House having under consideration the following resolutions—

"*Resolved*, That James J. Walsh was not elected a Representative to the Fifty-fourth Congress from the Eighth Congressional district of New York and is not entitled to his seat.

"*Resolved*, That John Murray Mitchell was elected a Representative to the Fifty-fourth Congress from the Eighth Congressional district of New York and is entitled to his seat"—

Mr. MAGUIRE said:

Mr. SPEAKER: In the majority report in this case there are express findings of fact, which we say are absolutely unsupported by the evidence. There is a finding that Tammany Hall was a beneficial organization and not a political organization in its inception. I say there is no evidence in the case to show that. They say that Tammany Hall constituted, in the election of 1894, a conspiracy for the purchase of votes for the Democratic ticket and for the contestee. I say there is not a word of evidence to show that. They say that Tammany Hall appointed captains for the several election districts, and leaders—naming them—for the several assembly districts. I say there is no evidence of that. The majority, in its report, names certain men as Tammany captains: In the twenty-fifth district, Thomas Collins; in the thirtieth district, James P. Divver; in the thirty-fifth, John O'Rourke; in the thirty-sixth, Mike Callahan; and in the forty-fourth, Thomas Dineen.

I told the gentleman from Kansas [Mr. LONG] on Friday last that I should call upon him to furnish the evidence in support of these findings, and he has failed to do it. I call upon him now, in the remainder of his time, which he has reserved, to show the truth of these findings by any evidence in the case. There is no such evidence. He refers to a printed book, purporting to have been printed by somebody in New York, and purporting to contain a list of Tammany members and officers. So far as I know he relies upon that book alone to prove these facts. Is that evidence? Is that the kind of evidence on which the majority of this committee, acting judicially, are willing to find facts? Is that the kind of evidence on which the majority of this House are to be asked to unseat a member of the House who is returned elected? Certainly no judicial tribunal worthy of the name ever acted on such evidence to render judgment in any cause. There is no evidence in the case that these men were ever appointed by Tammany Hall for any purpose, or that they acted for Tammany Hall in any capacity on election day. There is not a word of evidence to support these findings as to any of these districts in question.

Their next finding is as follows:

The work of bribing the voters in each district was intrusted to a Tammany captain, who carried on his operations near the voting booth.

I say there is absolutely no evidence to support that finding. There is no evidence that Tammany Hall appointed captains for that or for any other purpose, or that these men represented Tammany Hall in any way whatever. What is the evidence by which the majority of the committee seek to support this finding? They set forth in their report the best evidence they have been able to find to sustain these positions. The first testimony which they cite is that of John Sanford.

If gentlemen will turn to page 4 of the majority report they will find his testimony there quoted. He testifies that on election day he took two or three men to a man whom he supposed was a Tammany worker in the twenty-fifth election district, but he admits that he did not know the man, and he nowhere testifies that that man ever was appointed by Tammany Hall, or that he represented Tammany Hall, or the Democratic party, or Mr. Walsh, the contestee, in any capacity whatever. Let me say further there is not a word of evidence to show that any man was asked to vote for Mr. Walsh or that any man was paid upon the understanding or suggestion that he should vote for Mr. Walsh. There is no evidence directly connecting Mr. Walsh with the matter at all, and,

as Mr. Walsh himself has said here, there is no evidence that he was connected with Tammany Hall at the time of the election, and no evidence in the case to show that he ever was connected with it, unless this House is willing to take as evidence a printed document identified by a witness as a list of Tammany Hall officers and members, but of which he knows nothing except that it purports to give a list of such officers and members.

There is no testimony of anybody and no evidence of any kind, except the fact that some person has printed a book which contains certain names—among them the name of Mr. Walsh as a vice-president of Tammany Hall. In fact, he was not a vice-president of Tammany Hall at the time of the election. But I do not care to go outside of the record to discuss this case. If this case is to be decided judicially, it must be decided upon the evidence in the record. If it is not to be decided judicially upon the evidence in the record, then the contestee is in the hands of his political enemies, to be dealt with according to their prejudices. To treat this book as evidence is to ignore the rules of evidence. I say that this printed document, without any evidence to show that a word contained in it is true, or that these men were really selected or appointed to represent Tammany Hall in any capacity, without a word to show that they acted for Tammany Hall, is utterly worthless, and vitiates the finding that is based upon it. John Sanford, whose testimony the majority cite in support of these findings, certainly did not show by his testimony that there was a Tammany captain in the twenty-fifth district representing Tammany Hall for the purpose of bribing voters or for any other purpose. He was asked this question concerning the conduct of this alleged Tammany captain, this man whom Sanford supposed to be a Tammany worker, but whom he did not know:

Q. Did he (referring to this alleged Tammany worker) say anything to them about whether they would receive anything for voting?

The WITNESS. He did not, that I know of.

Q. Did you see this Tammany man give them money?

A. No, sir; I did not see that worker, but I saw another man told to give them money give them a silver dollar."

Who was the other man? It nowhere appears who he was or what he was, or who "told" him to give money. The witness further testified that he was not sure that this occurred at the twenty-fifth election district; that he "kind of thought" it was the twenty-fifth district, but never took much notice of it.

The testimony of the next witness, Patrick J. Lynch, is equally irrelevant and worthless. He testified that some man, whom he does not know and can not describe, gave him 50 cents for registering on a date which he does not remember; that the same party who paid him 50 cents for registering paid him for voting on election day. He testifies that at the time of registering nothing was said to him about voting either the Republican or the Democratic ticket; that as he was going from the lodging house to the polling place he saw the same man; that the man called to him, "Come here, I want to see you all," referring to the witness and his three companions. He testifies that this man handed him a Democratic ticket and a paster; that he did not look at the paster, but recognized the ticket as a Democratic ticket; that the man said to him, "I will see you all right," and showed him how to vote the ballot. When the witness had learned to vote the ballot the man said, "All right," and put the paster on the ballot.

Mind you, this witness testifies that he does not know what the paster was, that he did not notice what it was, that he recognized the ballot as a Democratic ballot, but did not know what the paster was, but that he voted the paster and not the Democratic ticket. He testified that the man named $3 as the price of a vote and gave him a bill which he supposed to be a two-dollar bill, but afterwards discovered to be only $1, and that he asked the man for the odd dollar, but never got it. [Laughter.] He testifies that he could not tell the name of the man who gave him the Democratic ticket and the paster; he testifies that he voted; but he does not testify for whom he voted for Representative in Congress or for any other office, and he says he did not recognize the paster that he voted.

Here I will call attention to the fact that nearly all of these witnesses testify to being asked to vote by men whom they did not know, or men whose connection with Tammany Hall or with the Democratic party they knew nothing of and do not state in their testimony. They testify generally that they were asked to vote the Democratic ticket, but the evidence here shows that Mr. Walsh's name was not on any ticket which was denominated the "Democratic ticket" on that day.

Mr. QUIGG. Did not that same witness testify that he saw this same Democratic worker pay——

Mr. MAGUIRE (interposing). Democratic worker! How does it appear that the man was a Democratic worker? That is an assumption, and that is the fatal weakness of this testimony.

Mr. QUIGG. Well, that he saw the same person who had given him a Democratic ticket and a paster and asked him to vote and paid him a dollar and owes him a dollar still [laughter]—did not that witness testify that he saw that same man buy 18 or 20 other votes?

Mr. MAGUIRE. No; he does not. He testifies that other men got money and told him about it—that they got money from some man, whom he nowhere names and whom he in no manner connects with the contestee, or with any organization or party to which the contestee belonged. Nor does he show that either himself or any other person voted for the contestee, or voted any ticket upon which the contestee's name appeared.

Mr. QUIGG. The gentleman surely does not contend——

Mr. PRINCE rose.

Mr. MAGUIRE. I yield to the gentleman from Illinois [Mr. PRINCE], because he has the record in his hand, and I hope he will do what no other member of the committee has yet done—show from the record some evidence to support the charge of bribery.

Mr. PRINCE. Did I understand the gentleman from California to say that John Sanford did not say that he himself saw this worker pay money to other workers?

Mr. MAGUIRE. John Sanford did not say he saw that worker pay money to other workers. He said he saw another man who was directed to pay money to other voters; he does not say who directed him to do it, nor in what capacity, nor of what politics was either the man who gave the direction or the man who was directed to pay the money.

Mr. PRINCE. What does the gentleman say in regard to this extract from the evidence?

Q. How many do you think you saw outside of these three men that received money from that man or men around there?

A. Oh, I suppose 15 or 20; I do not know.

Q. Fifteen or 20, at the least?

A. Yes, sir; I suppose so.

No cross-examination.

What does the gentleman say to that?

Mr. MAGUIRE. I say that it is absolutely irrelevant. The witness does not say and does not know from whom he saw them get the money, or for what purpose they got it. He so testifies. That is no evidence whatever of bribery in the interest of the contestee—not in the least.

Mr. QUIGG. May I now ask the gentleman a question?

Mr. MAGUIRE. Yes, sir.

Mr. QUIGG. The gentleman from California does not wish to be understood as alleging that there was any difference whatever between the Democratic ticket in the city of New York at the last general election—that is, in 1894—and the Tammany Hall ticket, does he?

Mr. MAGUIRE. I do, most positively. The evidence shows it as clearly as it is possible for evidence to show anything. The contestant introduced the Democratic State ballot, which does not contain the name of the contestee. It is the official ballot. The ballot on which the contestee's name appeared was the Tammany Hall ballot, officially designated by that name, and that name only, and introduced by the contestant in evidence.

Mr. QUIGG. Does the gentleman when he speaks of the Democratic State ticket mean the ticket containing the names of men who were to be voted for as State officers?

Mr. MAGUIRE. As State officers, including Representatives in Congress. And I refer to the evidence offered by the contestant to support that statement.

There is not a scintilla of evidence—even hearsay—and you have nothing else; there is not a particle even of hearsay evidence to show that Mr. Walsh received any vote of any man who was bribed, or in any way otherwise influenced, unless it be inferentially concluded from such evidence (worthless as it is) that he must have received the votes of those who voted the Democratic ticket because his name was on that ticket. I say his name was not on the official "Democratic" ticket, nor upon any ticket denominated "Democratic." I say that testimony that a man was bribed to vote the Democratic ticket, when it appears from the evidence that the contestee's name was not on any ticket denominated Democratic—was not on the official ballot designated as Democratic—can not possibly give rise to the inference that he received any advantage from any such bribery by whomsoever committed. That is what I say on that point. It is only by that false and unwarranted inference that contestee can be found to have received any bribed votes.

Mr. TAYLER. Will the gentleman yield a moment?

Mr. MAGUIRE. Yes, sir.

Mr. TAYLER. Does not the contestee admit that he was indorsed by the State Democracy and by the Empire State Democracy?

Mr. MAGUIRE. The contestee must have his rights determined by the evidence in the record, and not by any quizzing on the floor.

Mr. TAYLER. I mean does he not admit it by his formal stipulation and assent incorporated in the record?

Mr. MAGUIRE. That his name was on the ticket?

Mr. TAYLER. That he was the candidate of the Empire State Democracy.

Mr. MAGUIRE. I admit that, of course, but his name was not on their ticket.

Mr. TAYLER. But if he was the candidate of all organizations known by the name of Democratic as well as of the Tammany organization would he not be voted for upon the Democratic ticket?

Mr. MAGUIRE. No; not necessarily. The Democratic ticket (official) was printed without his name and those who voted that ticket did not vote for him unless they wrote his name in.

Mr. TAYLER. Does he not admit that Tammany Hall was a regular Democratic organization?

Mr. MAGUIRE. I do not admit anything that is not in the record. There is no such showing. I am not here to admit anything. I do not believe that to be the proper way to try an election case on this floor. The evidence of both parties is in the record, and it is not for members arguing the case to admit or deny anything outside of the record.

Mr. TAYLER. But my colleague on the committee, the gentleman from California, I regret to say, seems to be more remarkable for what he does not know about this record than for what he does know.

Mr. MAGUIRE. That is my opinion of the majority of the committee. Their judgment does not seem to have been directed by the evidence in the record. As for myself, I have carefully examined the evidence and base my judgment upon it alone.

Mr. TAYLER. Is not that admission in specific form in the record—that Tammany Hall is the regular Democratic organization of the city of New York?

Mr. MAGUIRE. Such an admission, if in the record, is unimportant. That would not show or tend to show that a witness who testifies that he voted the "Democratic ticket," or that he had seen others vote the "Democratic ticket," meant that he had voted or had seen others vote the "Tammany Hall ticket," when it conclusively appears by other evidence that there was a ticket denominated and officially designated the "Democratic ticket," voted regularly at that election.

Contestee's name was not on the "Democratic ticket," but was on the "Tammany Hall ticket." Yet, in order to find that any person was bribed to vote for contestee, you are driven to the absurdity of contending that such person voted the "Tammany Hall ticket," although the witnesses testify that those persons voted the "Democratic" ticket.

Now, I say this: I do not admit and will not discuss anything outside of the record; the record shows or contains an admission that Mr. Walsh was indorsed by the State Democracy. But it appears further that his name was not on the ticket. It does appear that Edward J. Dunphy was their nominee. It also appears that shortly before the election he declined the nomination and Mr. Walsh was indorsed by the State Democracy, but it seems the indorsement was not in time to get his name on the ticket.

Mr. WALSH. That is a mistake; it was in time.

Mr. MAGUIRE. Well, at all events, the name does not appear on the ticket. It is immaterial whether it was in time or not.

I think, Mr. Speaker, the trouble is, the fact that he was indorsed by the State Democracy does not show that he received the vote of any man who voted that ticket, or the ticket of that party, unless it is expressly testified that his name was on the ticket. The voting of that ballot does not give rise to a presumption that his name was voted.

Mr. TAYLER. The gentleman from California does not want to do any injustice or to create a misapprehension?

Mr. MAGUIRE. Certainly not.

Mr. TAYLER. The gentleman understands, no doubt, that the title "State Democracy" is a mere title, and that it does not relate to the area over which the State Democracy spread itself——

Mr. MAGUIRE. I know of nothing of that kind in the record.

Mr. TAYLER. That is what I thought.

Mr. MAGUIRE. I know of no such evidence in the record at all.

Mr. TAYLER. Very well; then I have nothing further to say.

Mr. MAGUIRE. I believe the gentleman from Kansas desired to ask me a question.

Mr. LONG. From the record as made up in this case, what does the gentleman understand to have been the regular Democratic organization in this particular Congressional district?

Mr. MAGUIRE. I am not discussing regular Democratic organizations now.

Mr. LONG. From the record——

Mr. MAGUIRE (continuing). Nobody testifies that he voted the ticket of a regular Democratic organization. Some witnesses do testify that they were hired to vote the Democratic ticket—hired by somebody, they do not know whom, and whose connection with the Democratic party they do not understand or know anything about. Now, the question to determine is how far that testimony has any connection whatever with this contestee in any manner, when the witness simply declares that he voted the Democratic ticket, and does not say for whom he voted, does not say that he voted for Mr. Walsh, and does not in any way connect Mr. Walsh with his vote.

Mr. LONG. Now, will the gentleman answer my question?

Mr. MAGUIRE. What question?

Mr. LONG. As to the regular Democratic organization in this Congressional district. What was it called?

Mr. MAGUIRE. I know that there were three tickets there purporting to be regular in their way. One was called the Tammany Hall ticket, another the State Democracy, and the other the Empire State Democracy.

Mr. LONG. I want to know whether the gentleman repudiates this admission, found on page 133 of the record:

The contestee concedes that the regular Democratic organization is commonly called Tammany Hall.

Mr. MAGUIRE. That is all right.

Mr. LONG. You admit that?

Mr. MAGUIRE. I do not question it. But how does that show that a man who says he voted the Democratic ticket voted for Mr. Walsh, when it appeared conclusively by the official ballots that his name was not on any ticket so designated?

Mr. LONG. Was his name on the Tammany Hall ticket?

Mr. MAGUIRE. Yes, sir.

Mr. LONG. The Tammany Hall organization and the Democratic organization were identical, or rather the Democratic organization in this district, the regular one, was known as Tammany Hall.

Mr. MAGUIRE. I am not going to decide a dispute between the State Democracy and the Tammany Hall Democracy, as to which was the regular organization. It is quite immaterial. The question here relates to tickets, not to party organizations.

Mr. LONG. I am not speaking of the State Democracy. You admit that Mr. Walsh's name was on the Tammany Hall ticket, and the record shows that the regular Democratic organization was called Tammany Hall?

Mr. MAGUIRE. Yes, sir.

Mr. QUIGG. I wish we might get some of the Democratic members of the House to make the same distinction about the organization that the gentleman does.

Mr. SULZER. It will be made.

Mr. MAGUIRE. There is no evidence that anybody who claimed to have voted the Democratic ticket voted for Walsh. The evidence concerning the hiring of anybody to vote the Democratic ticket is no showing whatever that the man who did the hiring was in any way connected with Tammany Hall.

The gentleman made some considerable point on the fact that two of these districts are large lodging-house districts, and that from 20 lodging houses in New York 800 men voted.

Mr. LONG. I did not make that statement.

Mr. MAGUIRE. Then the gentleman stated that 800 were registered. Is that it?

Mr. LONG. I made that statement.

Mr. MAGUIRE. And he contends that it is extraordinary that 800 men should be registered from 20 lodging houses in the city of New York.

Mr. LONG. I did not state that it was extraordinary in the city of New York for anything like that to occur.

Mr. MAGUIRE. The testimony shows that these are lodging houses for poor men; that they are lodging houses for the classes paying from 15 to 50 cents for lodging. I do not know whether the record shows it or not——

Mr. FAIRCHILD. For how many nights?

Mr. MAGUIRE. The evidence is that many of them have lived there for many years. It does not appear anywhere that any of them had not been living there long enough to vote; and with lodging houses in that section of New York City, seven-story houses in which rooms or lodgings are rented at from 15 to 50 cents per night, it must appear manifestly that unless 20 lodging houses contained an average of 800 regular lodgers it would be impossible for the landlords or proprietors to pay the rent and carry on the houses. I see nothing extraordinary in the fact of such registration or of that number of voters from the lodging houses.

But unless the alleged wrongs or frauds or bribery are in some way connected with the contestee or with the men who were supporting the ticket on which his name appears, all evidence concerning false registration and bribery must fail so far as this case is concerned.

So much for the testimony of Patrick Lynch. He proves nothing. The next witness is William L. Wilson. His statement is that on the election day in question he lived in the house called the Bismarck, No. 9 Mulberry street; that he voted from that number; that he knows Dan O'Rourke; that O'Rourke is the Tammany captain in that district; that he saw O'Rourke around the polls on election day; that in the presence of ten or eleven men, of whom the witness was one, the witness asked O'Rourke, "What was into it?" and he said, "Two hundred." In answer to a question he said that by two hundred O'Rourke meant $2.

How he knew what O'Rourke meant does not appear. Then the witness testifies that O'Rourke asked him, "Where are you from?" The witness stated where he was from, and O'Rourke answered,

"I am not buying any votes out of the Bismarck." The witness further testifies: "I went right away then. When he said he wasn't buying anybody out of the Bismarck I went away. I seen I couldn't get nothing." He testifies that there was another young man assisting O'Rourke, but that he didn't know who he was. He further testifies that O'Rourke said to the ten or eleven men who were standing around, "There was two hundred in it. Go ahead. Push it along." He further testified that he knew the men who were standing around when Dan O'Rourke said there was two hundred in it; that they all lived in the Bismarck. He afterwards modified that statement by saying that five of them lived in the Bismarck, and that the others registered out of the Globe, on Park Row.

He was asked to give the name of any one of these men who were standing around at the time that O'Rourke made this very important statement, and although five of the men were living with him at the Bismarck, he testified that he did not know the name of any of them, because "they all have nicknames, such as Jack, Bill, John, or something else." The witness further testifies that he voted on that day, but was not paid anything for his vote.

Mr. LONG. May I ask the gentleman a question?

Mr. MAGUIRE. Wait a minute. To the question, "Did you see anyone paid for their votes on election day?" he answered, "No, sir." He testified afterwards that he knew of his own knowledge that several men were paid for their votes, but that he could not tell the right name of any of the men.

Mr. LONG. Now will the gentleman permit me to ask a question?

Mr. MAGUIRE. Yes.

Mr. LONG. Does the gentleman believe, in the light of that testimony, that these men lived at those lodging houses for years, when they did not know each other's names?

Mr. MAGUIRE. I do not see anything in this testimony inconsistent with it. This witness was simply lying. That is all there is about that, and the rest of his testimony clearly shows it. He was not with five other men from the Bismarck at that time.

Mr. TAYLER. Does the testimony of that witness show that Dan O'Rourke was a Tammany captain?

Mr. MAGUIRE. No; I think not.

Mr. TAYLER. Does he not say so, or is he a liar?

Mr. MAGUIRE. He shows no knowledge of it.

Mr. TAYLER. He is asked:

Do you know John O'Rourke?
A. Yes, sir.
Q. Is he the Democratic captain of that district?
A. Yes, sir.

Mr. MAGUIRE. Yes.

Mr. TAYLER. Now, one other question. Did Dan O'Rourke ever deny that witness' testimony?

Mr. MAGUIRE. As to what?

Mr. TAYLER. As to anything.

Mr. MAGUIRE. I think not.

Mr. TAYLER. That he was a Tammany captain, or that he had paid witnesses or parties to vote.

Mr. MAGUIRE. I think not. There is no testimony here that he paid voters to vote for anybody, or at all. The evidence is that he said he would not buy the votes of Wilson and the others who offered their votes for sale to him.

Mr. LONG. Will the gentleman in that connection also refer to the evidence on page 151 of the record, where the reason is given why O'Rourke would not buy anybody out of the Bismarck, somebody else having been designated to look after that house?

Mr. MAGUIRE. I will come to that later.

Mr. LONG. Very well; I hope the gentleman will.

Mr. QUIGG. They do not duplicate, in this system.

Mr. MAGUIRE. The witness further testified that one of the men——

Mr. LONG. I understand the gentleman will refer to that later.

Mr. MAGUIRE. I will refer to that later. The witness further testifies that one of the men was named Wolf, and that he lived at No. 9 Mulberry street, in the Bismarck; that "some other man" paid Wolf for his vote; that he could not tell who the man was; that he didn't see the money paid to Wolf; that the way he knew that Wolf was paid for his vote was that Wolf gave him (the witness) a drink out of the money; that he could not tell whether Wolf was telling the truth to him about getting the money or not. When asked the following question: "What did he (Wolf) tell you?" he answered: "He says 'Come on and have a drink; I have got a quarter.' I says 'What did you get it for?' and he says 'For my vote.'"

Q. And that is all you know about it?
A. Yes, sir.
Q. And that is all you know about anything being paid on election day for their votes?
A. Yes, sir. (Page 153.)

The witness further testifies that, prior to the election, he lived at the Bismarck four or five years continuously, and voted out of there three or four times. The testimony of William L. Wilson, from beginning to end, is that of an unscrupulous, common blackguard, who tried to sell his vote to Dan O'Rourke, who, he says, was a Tammany captain in the thirty-fifth election district, and whose vote O'Rourke refused to buy, and, after vainly attempting to sell his vote, he finally voted without pay at half past 8 o'clock in the afternoon.

The next witness whose testimony is cited in the report of the majority is John Reilly. His statement was made before William A. Hoar, before whom the statement of the last witness was also made. And here I may as well state the views of both the majority and the minority concerning the position of William A. Hoar, who acted as a notary public in the taking of this testimony. Mr. Hoar at the time of the taking of the testimony was not a notary public and was not authorized under any law to administer an oath or to certify to the testimony in a contested election case. Mr. Hoar had been a notary for Kings County, N. Y., in which he had resided. For the purpose of taking this testimony, or shortly before the taking of this testimony, he removed from Kings County to the city of New York, thereby vacating his office under the law of New York. He was selected by the contestant as the notary before whom these witnesses should be examined. He had no authority to administer oaths, and no prosecution for perjury could be instituted or maintained against any witness who testified before Mr. Hoar because of the falsity of any testimony there given. The testimony of Wilson and of Lynch, and I think the testimony of Sanford, though I have not time to ascertain, was all taken before this unauthorized notary.

Mr. LONG. What is the statement of the gentleman from California on that point?

Mr. MAGUIRE. It is that the testimony of most, if not all, of the witnesses of whose testimony I have spoken was taken before William A. Hoar, who was not a notary authorized under the law to take testimony.

Mr. LONG. Certainly the gentleman does not wish to make that statement to this House.

Mr. MAGUIRE. Yes, sir; I do.

Mr. LONG. Do you claim that the testimony of John Sanford was taken before Mr. Hoar under such conditions?

Mr. MAGUIRE. I said that I was not certain about the testimony of Sanford, but that is my recollection.

Mr. LONG. Was not that testimony taken before Mr. Hoar after his appointment as a notary for the county of New York?

Mr. MAGUIRE. I have not before me the date of the taking of that testimony, nor have I the date of Mr. Hoar's appointment. I find, however, that the testimony of Sanford was taken before William A. Hoar.

Mr. LONG. You do not claim that the witnesses in the thirtieth district, Lynch, for instance, testified before Mr. Hoar?

Mr. MAGUIRE. I have been speaking of the witnesses concerning the five districts.

Mr. LONG. He is one of them. Does the gentleman say that the testimony of Hermin, in the thirty-sixth, was taken before Mr. Hoar?

Mr. MAGUIRE. I have not charged my memory with it. The minority report states what testimony was taken before Mr. Hoar.

Mr. LONG. I am speaking of the facts.

Mr. MAGUIRE. Patrick Lynch's testimony was taken before Mr. Hoar—no; I do not mean Lynch, I mean Reilly. The testimony of Sanford, of Wilson, of Reilly, of Hermin, and of McDonald was taken before him.

Mr. LONG. You stated that the testimony of Lynch was taken before Mr. Hoar.

Mr. MAGUIRE. No, sir; I said that I was mistaken about Lynch. I meant Reilly's testimony.

The next witness whose testimony is cited by the majority in support of its finding is Frank Hermin. His statement was taken before Mr. Hoar, who, as I have said, was not authorized to administer an oath, and this testimony is therefore without the sanction of an oath. Hermin testified that he resided at the Grand Windsor Lodging House, No. 9, Chatham square, that he registered at the last election at the request of the night clerk of the lodging house, that the night clerk of the lodging house promised to give him $3 for registering, but did not give him anything. I read from his testimony:

Q. Did you see the night clerk on election day?
A. Yes, sir; I seen him in the morning, between 11 and 12. I can't tell what time positively, because I was about half drunk when I met him. I did not intend to vote at all, but he said, "Go and vote; you are good for the money."
Q. Did he tell you the ticket to vote?
A. The Democratic ticket.
Q. Did he tell you to see anybody on election day?
A. Yes, sir; and I got $2 from a man in Mike Callahan's, right inside, in the back room, and he had a roll of bills there.

This witness further testified that Mike Callahan's was a respectable house and saloon, and that the night clerk did not pay him the money.

Q. Who paid it to you?
A. Oh, I suppose some assistant in Mike Callahan's, it must be.
Q. Who was the night clerk?

Now, Mr. Speaker, what connection did the night clerk have with the contestee? There is nothing in the case to show that he had any connection either with contestee or with Tammany Hall. Again, what ticket did the night clerk ask the witness to vote? The Democratic ticket, the witness says. My recollection is——

Mr. QUIGG. I appeal to the gentleman to continue the reading of Hermin's testimony. The rest of it is extremely significant.

Mr. MAGUIRE. I will continue the reading of Hermin's testimony, and in that testimony I will refer the gentleman——

Mr. QUIGG. The gentleman in what he was reading just now stopped at the answer, "Oh, some assistant in Mike Callahan's." What immediately follows is very significant, I think.

Mr. MAGUIRE. What is the gentleman reading from—from the brief?

Mr. QUIGG. From the brief.

Mr. MAGUIRE. The part of the evidence to which the gentleman refers is not before me now, but I will read it from the record if the gentleman will give me the page.

Mr. TAYLER. It is on page 193—about the middle of the page.

Mr. MAGUIRE. I will first refer the gentleman to pages 549, 550, and 551—the testimony of Frank Hermin. I have already read his testimony as to his being hired to vote the Democratic ticket, as to his having voted the Democratic ticket, and as to his having gone into a saloon owned by a man named Mike Callahan and receiving a dollar from somebody who he presumed was an assistant of Mike Callahan. He testifies on page 549 and the following pages how he came to give that testimony, and that it was false; and he testifies to how he came to be a witness in the case:

I was picked up by a man named Nathan. Asked me to come and have a drink. We had several drinks, and he brought me down and said, "If you come down here you will make all kinds of money. Come down to 44 Pine street—to Rawson's office, attorney for John Murray Mitchell." Had several drinks before I went there. Half drunk when I got there. I had a bottle of beer in the office of Mr. Rawson. * * * Nathan said that I could make $10 to $50 and a suit of clothes out of it before the thing got through.

Nathan was one of the clerks in the office of Mr. Rawson, the attorney for John Murray Mitchell; and the man to whom these propositions were made is one of the principal witnesses of Mr. Mitchell, produced to show bribery in one of the districts, and whose testimony is cited and quoted by the majority of the committee in its showing of evidence supposed to be sufficient to overturn the election of Mr. Walsh, as certified to this House, and to justify the House in unseating him. The witness continues:

Nathan paid for my lodging that night. We had several drinks together; went to bed pretty well drunk. Saw him next morning. Had drinks with him. He brought me down to Rawson's office. He called me one side and asked me, "Don't you want to go up to New London?" Saw Nathan following day. Took me down to Rawson's office. Said when he left, "I guess I will take care of you again to-night." He showed me a two-dollar bill and a one. Saw him next morning. Went again to Rawson's office. Had several drinks on the way down. I had a bottle of whisky in my pocket when I got to Rawson's office. Nathan bought it for me at No. 9 Bowery, and when I went into the office I was pretty well full; and in that condition I gave my testimony. After that I went to New London: four men with me—McDonald, Bernstein, Paddy Ryan, and another. Saw Mr. Mitchell when I came down. He treated me to a couple of whiskies and one cigar—three rounds. I received $1 that night from Mr. Cochran, a witness in this case. The following Sunday Cochran gave three of us a half dollar apiece to come down the following Wednesday. Went down the following Wednesday; Bernstein gave me half a dollar. I had a couple of drinks before I signed my testimony—Bernstein and I. At New London I stopped at the Hoffman House with a man named Ryan—Lynch, Bernstein, McDonald, and myself. We were all pretty well drunk up there.

These men named by Hermin are the principal witnesses of the contestant, by whose testimony concerning alleged conversations that they had with voters whom they did not know, and with alleged Democratic workers whom they did not know, and could not name and could not describe, the majority of the committee undertake to show fraud and bribery in these several districts. Here is more of Hermin's testimony:

I saw plenty of beer in Mr. Rawson's office. We had all we wanted to drink at New London. I did not pay a cent for it; Mr. Rawson's agents paid for it.

Mr. QUIGG. From what page is the gentleman reading?

Mr. MAGUIRE. I am reading a condensation of the evidence. It runs over pages 549, 550, and 551. I have not time to read in full the questions and answers, or I would gladly do so.

Mr. LONG. Will the gentleman allow me a question?

Mr. MAGUIRE. Yes, sir.

Mr. LONG. Did the contestee introduce any evidence to controvert or refute the statement of Mr. Hermin?

Mr. MAGUIRE. Why, sir, Mr. Hermin testified that he did not know whether he voted the Democratic or the Republican ticket on election day; and he did not know that he voted at all. What need was there of contradicting Hermin? And let me say to the gentleman from Kansas that the record introduced by the contestant shows that Hermin did not vote at all on election day.

Now, sir, the testimony of all the witnesses whose testimony is cited and quoted in the majority report in support of the findings of the committee is of that character throughout. Most of it was taken before Mr. Hoar, who was not authorized to administer oaths, a fact which the contestant must have known when he selected him to take the testimony of these thrice-perjured and unworthy witnesses, who according to their own testimony were of the basest character, ready to sell votes and testimony for the merest trifle.

Mr. QUIGG. I want to call the gentleman's attention to the record on page 565, giving the testimony of Hermin subsequently to the incidents about which the gentleman has been reading. He read from this part of the record a while ago but stopped short at the statement about the witness going into a back room at Mike Callahan's. I want to call the gentleman's attention to these questions and answers, beginning near the top of page 565:

Q. "Did the night clerk pay you the money? No, sir." Is that correct?
A. Correct.
Q. "Who paid it to you?—A. Some assistant in Mike Callahan's." Is that correct?
A. That is right.
Q. "Did this night clerk turn you over to that man?—A. Yes; he said, "This man is all right"; in fact, he said two of us were all right."
A. That is right.
Q. "Did you give that man any money?—A. Yes, sir."
A. That is right, sir.
Q. "How much?—A. He gave me two one-dollar bills."
A. That is right, sir.
Q. "Did you say you voted on that day?—A. Yes, sir."

And he corroborates this whole testimony.

Mr. MAGUIRE. The record shows that he did not vote. He testified once that he did not vote, that he did not know whether he voted at all or not, and did not know what ticket he voted.

Mr. QUIGG. This is a statement of his evidence, and he pronounces it correct.

Mr. MAGUIRE. He states in the first instance that somebody—a night clerk in some lodging house—hired him to vote—to vote what?

Mr. TAYLER. To vote the Democratic ticket.

Mr. MAGUIRE. Not the Tammany Hall ticket, but the Democratic ticket. Now the fact is, he did not vote any ticket at all, and the record shows it.

Mr. QUIGG. Does not the gentleman know that in the Democratic State convention in New York all the contestants were turned out and Tammany Hall alone seated?

Mr. MAGUIRE. I know nothing that is not in the evidence in this case. That is the only knowledge with which we have to deal. I have not gone outside to find facts concerning this case, or to learn the current history of politics in New York, from the reports of either Democratic or Republican politicians.

Mr. QUIGG. I hope some of the Tammany members will say that their party is not the Democratic party. I am listening for that admission.

Mr. MAGUIRE. Unless it is in the record, you will not be gratified with such an admission, so far as I am concerned. I am discussing this case from the record—the only standpoint from which this House can consider the case, if it is to be considered judicially, and if it is not to be so considered we may as well submit in silence to your prejudgment; for you have the power to do wrong.

Now, Mr. Speaker, I have not attempted to go through the testimony of each witness; there is not time; but I say that all the testimony on behalf of the contestant is just as vague, just as inconclusive, just as incomplete, as that which I have analyzed and cited to the House. Most of the testimony concerning alleged bribery is by witnesses who say that "they learned" that men were bribed by talking with the men afterwards in the saloons, and hearing them say that "they had received money," and stating the amount they had received. But nowhere is there any testimony showing that they stated, even in these conversations, that they had voted for Mr. Walsh, or voted any ticket on which his name appeared, or that anybody who had been instrumental in securing the votes mentioned for Mr. Walsh had heard the witnesses say that they had voted for him.

Now contestant, as to some of the people who are alleged to have committed these frauds—these election frauds in the interest of contestee, and against the contestant—ought to show something of that kind; for upon no other theory can the contestee be unseated and the contestant seated.

These men who testify to having sold their votes on election day, at from one to two dollars apiece, are shown by their own testimony, and that of their associates, to have been gathered up by four or five employees of the contestant's attorney, given money, and board, and lodging, and drink, and some of them clothing, right along for a considerable period before they testified and were herded at Harlem, or in the town of New London, by the agents and representatives of the contestant's attorney; given money enough and food and drink, and other things of value to them, to a certainty to procure such wretches to testify to anything that they might be asked to testify to. And yet, after all, they do not give anything but hearsay evidence, evidence of the very poorest kind. They do not even name the men who told them that they had been bribed. They deny remembering the names in almost every case, and one of the witnesses who mentioned the name of four men that he claims had been bribed to vote the Democratic ticket within his knowledge, named three men who it was ascertained did not vote at the election at all.

That is the character of testimony upon which you are asked to unseat Mr. Walsh.

The SPEAKER pro tempore (Mr. GROSVENOR). The time of the gentleman from California has expired.

Mr. MAGUIRE. I just desire to say, Mr. Speaker—I had not expected the gavel to fall so soon—that if there is a lawyer on the Republican side who can take the majority report and the testimony and, examining them judicially, say that there is evidence sufficient to justify any court in this land in upholding any of the findings of the majority of the committee, I shall be exceedingly surprised. I venture to assert that if this House, on the evidence that is before it in this case, shall unseat Mr. Walsh, no crime that Tammany Hall ever committed would be would be worse than that act. I venture to say, further, that if any court in this land would declare judicially that Mr. Walsh is not entitled to a seat, and that Mr. Mitchell is, on that evidence, the judge would be subject to impeachment, and that the very House that will accept such evidence as sufficient in a political case to support this great wrong would impeach the judge who rendered such a decision, no matter to what party he belonged.

Pay the Honest Claims of Private Citizens.

SPEECH

OF

HON. JOSEPH H. WALKER,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 8, 1896.

The House having under consideration the bill making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896—

Mr. WALKER of Massachusetts said:

Mr. SPEAKER: I do not know personally a man, woman, or child that will be benefited by one dollar of the French spoliation claims or the Bowman Act claims that were awarded from the Court of Claims in the vetoed bill. Neither do I know that there would a single dollar go into the district I have the honor to represent. I am interested in this purely from a sense of justice.

There is, however, a claim for $66,970 on the Calendar of this House as justly due to the heirs of J. C. Howe and to Sullivan Forehand and others, my constituents and neighbors, from the United States Government as any sum ever due from any member of this House for the food that has nourished his wife and children or the clothes that cover their backs or the shelter that has covered their heads. Not only did the officers of the Government rob these people of their property, but they compelled them to spend good money in prosecuting their cause through the courts. This will take a very large part of this $66,000, if they ever get it. This good money, spent in costs by these people, and the accumulated interest thereon, will eat up the whole sum, if not soon paid.

For sixteen years have they been pleading for justice. Thus the Government, appropriating their property in the most unjust manner in 1868, after the war had closed, refused them any compensation and compelled them to pursue their cause through the

This claim has been unanimously approved and reported to the Senate in three successive Congresses; it has passed the Senate twice and is now on our Calendar and only fails to pass the House because I am not allowed to bring it before the House.

This is the way justice is meted out to our citizens. This is no exceptional case. Bills for hundreds of just such claims are on the Calendars. A few of our citizens who were robbed by the strong arm of their own Government, which many of them fought to support in the days of its trial, were allowed a chance to pass their bills in the Republican Fifty-first Congress, practically none of them in the Democratic Fifty-second and Fifty-third Congresses, and now, in this Republican Fifty-fourth Congress, scarcely one is allowed to come before this House in the regular way. Such outrageous treatment of citizens of the United States by their own Government is justly condemned. The cheek of every man ought to blush in shame and indignation at the action of Congress, Democratic and Republican alike, and still more that the Chief Executive of the nation, in the pride of his power, should lend himself to this bad cause in the perpetuation of the spoliation of the helpless ones he has sworn to succor and defend. This is what governments are instituted for among men, and this is what ours has failed to do.

In the words of another:

I tremble for my country when I remember that God is just.

All history, sacred and profane, justifies the declaration of Holy Writ that "Righteousness exalteth a nation, but sin is a reproach of any people." And again, "He that oppresseth the poor to increase riches, and he that giveth to the rich, shall surely come to want."

No Congress has excelled this House in inviting the judgment of God in robbing the poor, in denying them their just dues, if it sustains this veto of the spoliation claims and the claims awarded our citizens under the Bowman Act, established in the Court of Claims; and also in giving to the rich, at the same time, by appropriating $70,000,000 for rivers and harbors. This is taking the bread out of the children's mouths to heap up riches.

Why this injustice? Why are the just dues of our people put off year by year and from generation to generation? Perish the thought that it is because there are votes in such a course. Perish the thought that men are willing to hold their places in this House at the price of blood, but it still remains that cheap glory may be gotten by a parade of economy in saving money to the public Treasury in refusing to appropriate the money to pay an honest debt. Only one vote, at the most, is thus to be lost, while a score of votes may be gained by getting an appropriation to spend thousands, and even millions, of dollars yearly in one's "deestrict." It can not be that this in any way accounts for the appropriation of $70,000,000 a year for rivers and harbors, and when $1,500,000 can not be gotten out of the House to pay honest debts to our citizens accumulated in the period of thirty years. What miserable subterfuges are resorted to in justifying members in such a course!

"Some of these 700 claims are unjust and ought not to be paid," forsooth! Shame on such pettifoggery. Have there ever been 700 claims decided by any court and jury, in the most carefully tried and hotly contested cases, where some of the verdicts were not contrary to abstract justice? Are not courts fallible? And shall we refuse to enforce any of the judgments of any of our courts because, forsooth, there may be some of them in error? I venture to assert that never in any 700 cases tried by any courts can so few erroneous judgments be found as in the 700 awards in the United States Court of Claims that this House proposes to repudiate the payment of. This is the miserable showing of the opposition in this debate.

I had rather hand down as a legacy to my children the memory of the burning words I have spoken in this House in denunciation of such wicked denial of justice as is involved in failure to vote to pay these vetoed claims than to deck them with all the honors the members of this House can ever attain in preaching and voting that economy in expenditure must rest on the tears and blood of thousands who are pleading for their own at our recreant hands.

I know my people, and I think they are like the people of other districts. I know they would resent with scorn any action of their representative that sought any saving of money for any profit to them in any act of injustice to any human being. They demand of me my utmost endeavors to secure justice to every citizen, at any cost in blood or treasure.

Strong words have been said. Yes, and they are required, to fittingly rebuke such injustice. Every one of us knows that a man gets no recognition and none of his rights and no hearing in this House who does not fight for them. This grievous system in legislation can only be corrected by agitation. Every honest man should cry aloud, and spare not. Such things as I am protesting against sow the seeds of socialism, of communism, and even of anarchy. They cause the poor and the weak to forget God in their wrath, in the injustice they suffer.

When shall these things end?

Rivers and Harbors.

SPEECH

OF

HON. JOSEPH WHEELER,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, April 6, 1896.

The House having under consideration the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. WHEELER said:

Mr. SPEAKER: I have never opposed a river and harbor bill. I believe that there is no duty so important as for the Government to relieve the people of the burden of taxation which they are compelled to bear for the transportation of their products to the seaboard. God gave us these rivers in their crude state, and it is our duty to prepare them so that they may be navigable and useful for the purposes of commerce and to supply the wants of the people.

The gentleman from Tennessee [Mr. WASHINGTON] said that this bill was fair to all sections of the country. The Tennessee River, the third in importance of the rivers being improved by the country, I regret to say, has not had one-tenth of the appropriation which it usually has to carry on the important work now in progress on that stream. That river drains a section of the country connected closely with what is fast becoming the center of the iron industry of the world, a character of freight of more weight and of more value than any other kind of freightage known to commerce.

ALABAMA'S IRON AND COAL INDUSTRIES.

The enormous increase of coal and iron in Alabama is attracting the attention of the world. The annual average production of Alabama pig iron for the last three years has been 744,858 gross tons. A comparison of these figures with the production of foreign countries shows that Alabama now produces almost as much pig iron as Russia or Austria and Hungary, more than Belgium, almost twice as much as Sweden and Norway, three times as much as Spain, and ten times as much as the combined total production of Canada, Mexico, Africa, Australia, Japan, India, Greece, and Italy; and in a few years it will produce more of this metal than any other country on earth, except Great Britain, and its production will not be equaled by any State in the Union except Pennsylvania.

Alabama's great progress in iron industries is largely due to the exceptional advantages enjoyed by having all the materials for making that metal in great abundance, in close juxtaposition, and so near the surface that they can be assembled and manufactured into iron of a superb quality cheaper than at any other place in the world.

This was the condition as far back as 1890, and since that time the economies adopted have very materially reduced the cost of production.

ALABAMA IRON CHEAPEST IN THE WORLD.

Again, the iron ore, lime rock, and coal are so easily mined that plantation negroes become efficient with a few weeks' experience, and within three months they become good miners of coal. To show the result of these advantages, I give the exact figures of the cost of the principal items in 1891 and 1895:

Cost to ton of pig iron.	1891.	1895.
Ore, coke, and lime rock	$7.795	$4.1025
Wages and salaries	1.777	.9143
Other items	.50	.257
Total	10.072	5.2738

Of course it would not be fair or correct to say that iron can be produced in Alabama at $5.2738 per ton, because we must add the cost of maintenance, relining, and other repairs, interest on capital, and actual value of materials on the ground.

But the great future prosperity of Alabama is doubly assured by the late successful experiments in the manufacture of steel. After years of struggle with this problem, involving disappointments, misfortunes, and losses, we are now producing in one of the Alabama furnaces, from materials in the immediate vicinity, a superior quality of pig suited to the basic open-hearth steel process, holding both sulphur and silicon below the limit prescribed by the best German practice. The daily output at present is but 150 tons, but plans are being perfected for the rapid development of this industry.

Following the successful inauguration of a steel plant behind which is the cheapest fuel and pig iron on the globe will come iron and steel manufactures of every character, and I confidently assert that at no distant period Alabama will become the center of the iron and steel industry of the world.

ALABAMA IRON SOLD IN ENGLAND.

Alabama is now profitably shipping her iron to England in such immense quantities that the London Iron and Coal Trade Review, in referring to the arrival of several cargoes of Alabama iron, says:

> England is threatened with an invasion of American pig iron. This is one of the most serious blows to the supremacy of Great Britain as a manufacturing nation.

The reason for our rapid growth in iron industries is that within the limits of the Alabama mineral fields and those immediately adjacent there are more coal, more iron ore, more valuable timber, and more oil than in any other section of the United States, comprising varieties from the finest coking to the best steam, domestic, and gas coals, and including the largest deposit of cannel coal in the world. The iron ores, in quantity, quality, and variety are greater than in any other section, from the high phosphorus basic ore, carrying 3 per cent and more of phosphorus, down to the cranberry Bessemer, carrying less than 0.05 per cent.

ALABAMA'S MINERAL WEALTH.

The wealth of the mineral region of Alabama is by no means confined to its mines of iron and coal. In addition to these productions oil and gas are found in inexhaustible quantities. Building stone of superior quality exists without limit, and quarrying would become a more general industry were it not that other vocations are more inviting.

Gold has been mined for many years in the State, and the late discoveries in the Arbacoochee district gives promise of the development of ore of a very rich character.

Bauxite, or the ore of aluminum, exists in large quantities in the Coosa Valley in Alabama, extending up the valley into Georgia. This valuable mineral has also been found in Arkansas and New Mexico, but up to this time it has not been discovered at any other point in the United States.

The mineral conditions which exist in Alabama are also enjoyed in equal richness and abundance in the adjacent parts of Tennessee and north Georgia, which is designated as the Chattanooga iron district. The vast iron works which have been erected at Chattanooga and vicinity, and Sheffield, Florence, and Decatur, further down on the Tennessee River, must have water transportation for their products. These enterprises were inaugurated under a promise by Congress that the work to open the Tennessee River to navigation would be pressed forward with all possible rapidity, and for the Government to allow this work to drag along with inadequate appropriations is doing the greatest injustice to these enterprising people.

Pensions.

REMARKS

OF

HON. WILLIAM E. ANDREWS,

OF NEBRASKA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, June 10, 1896.

Mr. ANDREWS said:

Mr. SPEAKER: I desire to submit for the information of the House the following resolutions and report relating to private pension bills. I ask that the resolutions and report be read in full in my time.

The Clerk read as follows:

Whereas marked confusion and delay have resulted from the want of some uniform rule in the consideration of private pension bills: Therefore

Be it resolved, That it is the sense of the House that all private pension bills should be drawn according to the rates of pension indicated by the general pension laws unless the evidence should clearly show that a higher rate is justly required to relieve actual distress, the question of the soldier's rank being considered wholly immaterial in determining an exceptional rating.

Resolved, That all recommendations from committees should be in harmony with the sentiment of the foregoing resolution.

Mr. ANDREWS, from the Committee on Invalid Pensions, submitted the following report:

"Your Committee on Invalid Pensions, to whom were referred the resolutions (H. Res. 341) relating to private pension bills, have considered the same, and report as follows:

"Said resolutions seek to economize the time and labor of the House in the consideration of private pension bills. Such bills are usually drawn at rates much higher than those indicated by general pension laws, and consequently much time is consumed by committees and by the House in making amendments as to rates. If such bills were drawn according to rates fixed by general pension laws, and each bill were accompanied by a brief of the necessary evidence when it reaches the proper committee, many meritorious bills could be passed in the time frequently consumed by repetitions of opinions relative to exceptional ratings. It is assumed that the members of the House will readily recognize the benefits that could thus be conferred upon many deserving soldiers whose bills ought to be passed immediately.

"If the rates fixed by the general pension laws are not fair and just, a bill removing unjust discriminations should be put upon its passage immediately and enacted into law.

"Thus one discussion would settle the question of rates, and Congress would be relieved of a large volume of business which would be and ought to be transacted through the Pension Bureau. The adoption of the resolutions would give a rule of action to members, committees, and the House in the transaction of business relative to private pension bills; and your committee therefore recommend that said resolutions be agreed to."

Mr. ANDREWS. I introduced these resolutions in the House on the 18th of last May. They were referred to the Committee on Invalid Pensions. They were duly considered by that committee, and I was instructed to report them to the House with the recommendation that they be agreed to. They would have been called up for action if the way had not been obstructed by an unyielding objection to a request for unanimous consent for their consideration.

I think the members of the House realize the necessity for some definite rule of action in such matters.

It would be a protection to members, committees, and the House, and would avoid unjust and unreasonable discriminations.

It is hoped that the objection which has prevented an early consideration of these resolutions will not interfere with their adoption in the early part of the next session.

Silver and Money.

REMARKS

OF

HON. JOS. W BABCOCK,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 8, 1896.

Mr. BABCOCK said:

Mr. SPEAKER: Under the leave which has been granted by the House I desire to make some practical observations on silver and money, and especially on the proposition that the United States should open its mints to the gratuitous and unlimited coinage of silver at the rate of 16 to 1.

And in doing this I can best express my views in a simple and easily understood manner by adopting as my own a conversation on the subject on three evenings between Mr. Smith, a practical business man and careful student of finance; Mr. Jones, an intelligent farmer; Mr. Vance, formerly a Greenbacker, now a Populist and silver man, and Mr. Burns, a common-sense laborer.

THREE EVENINGS WITH SILVER AND MONEY—A TALK OF FOUR NEIGHBORS ABOUT MONEY AND SILVER.

First evening.

These four neighbors chanced to meet one evening at the house of one of their number. As these are times when all good citizens are thinking, studying, and debating this question, they naturally began talking about it.

Mr. Jones opened the conversation by remarking that he had been reading one of the numerous pamphlets written and distributed by an association supported by silver-mine owners, which seeks to have the United States, by itself and alone among the commercial nations of the world, open its mints to the free and unlimited coinage of silver at a ratio of 16 to 1, and he asked Mr. Smith to give his ideas of the proposition.

Mr. SMITH. Well, we have an evening before us; and as I have had considerable experience in business affairs, and have given a good deal of study to money problems and am interested in them, I always like to talk with intelligent, practical men on these subjects, and I find that their experience helps me to a better understanding of such questions. The subject is too big a one to cover in one evening. But I would be willing to come here several evenings until we have gone over the whole subject.

Mr. JONES, Mr. VANCE, and Mr. BURNS (speaking at the same time). That is very kind of you, Mr. Smith; we want to be sure that we have the right understanding of this money question.

THE NATURE AND USES OF MONEY.

Mr. SMITH. Now, the first thing we need to do is to obtain a clear idea of what money is, and what are its uses in modern business, that we may be better able to understand the points at issue. Of course we all know that money is the standard or measure of the values of all products, the financial yardstick, so to speak, and also the tool of exchange, by which I mean it is a substance which, by common consent, is accepted by everybody as equivalent in value to that which is sold. Before this common medium of exchange was adopted the primitive world had to resort exclusively to barter, or a direct exchange of one product for another. This was a very bungling, unsatisfactory method of making exchanges. For instance, "A" had a certain article which he did not need. He had to hunt up some one else—B, for instance—who did not have what A had in surplus and did have have what A was short of.

Mr. JONES. Oh, yes; I remember reading that in very early times this common medium of exchange which we call money was oxen, and in the early Roman period it was sheep; still later iron; then silver, first weighed out to the purchaser and subsequently coined; and then gold. I have read that the precious metals when used as money were not coined at first, but weighed in each transaction. I remember the account in the Bible of Abraham's purchase of a burial ground with a certain weight of silver. On account of the trouble of weighing and dividing the silver or gold in each transaction, convenience naturally suggested that the government of each country should divide the silver or gold bullion into pieces of different weights and stamp one fixed designation upon the various pieces of the same weight and another designation upon the pieces of another weight, which would in effect be a certificate of the weight of each that could be relied upon as accurate. This is what coinage practically is.

Mr. SMITH. That is true. And you will notice that as any people have advanced in civilization the article selected by common consent as this common medium (for law simply recognizes what common consent has already adopted) has been less and less bulky and clumsy. China and India find silver alone adapted to their conditions. Every modern first-class commercial nation can not successfully do its business without gold for the larger transactions and for the settlement of foreign balances as well as for reserves. But in all times property money—that is, money of intrinsic value and therefore money of final redemption—has been some product which possessed value aside from its use as money, because no one who had a valuable product would exchange it for anything else unless it had an equivalent value.

THE FIAT IDEA OF MONEY.

Mr. VANCE. This is where you and we Greenbackers, or Populists, differ. I am willing to sell my labor or any other valuable thing I may have for a bit of almost valueless paper called a greenback, on which is printed the stamp of the Government, with the figures $1, $2, $5, etc., or for a piece of paper issued by a national bank with similar figures, or for a similar bit of paper called a silver certificate. Doesn't this show that whatever the law declares to be money is money, and that nothing can be money which is not thus made by the fiat of the law?

Mr. SMITH. You must remember, Mr. Vance, that the bit of paper called a greenback, which we call credit money, is a promise of the Government to pay the gold or silver coins which we call property money; and the bit of bank paper is a similar promise of the bank which issues it. The silver certificate or the gold certificate is simply a receipt of the Government showing that the number of silver or gold dollars which it calls for has been deposited in the Treasury, and may be drawn from the Treasury any day that the holder of the certificate desires the deposited coin. All of these pieces of paper are used instead of the coin which they represent, for convenience.

During the war of the rebellion we had only paper credit money, which, although declared by law to be dollars, was more or less depreciated below the coin which it purported to represent—the depreciation depending upon the degree of distrust which prevailed at any time as to whether the paper promises would be redeemed in coin or property money. In 1879, when the Government had provided a fund of coin to pay its paper promises as presented, and had announced its purpose to do so, armed as the Treasury was with authority to borrow, confidence was restored, and the notes of the Government were everywhere regarded as equivalent to coin and therefore at par.

Property money, that is, coin containing the full value of bullion indicated by the stamp (and all coin that has the privilege of free and unlimited coinage must be of this character), does not need redemption nor the legal-tender power conferred by law to give it currency at its face value, for the reason that it has the same value as bullion before coinage as after. All that the legal-tender quality can confer is simply the power of discharging debts; but as every new debt will be contracted on a basis of the real value of the money on which it is to be discharged this really adds nothing to its value. A dollar note issued by a bank which does not have the legal-tender quality is of the same value of a greenback dollar with a legal-tender quality.

A FIAT IDEA IN COINAGE.

Mr. VANCE. How does it happen, then, that our silver dollar, which you sometimes call a 50-cent dollar when the market value of silver bullion in it is only 50 cents, is just as good in making purchases as a gold dollar, whose bullion is worth 100 cents in the market?

Mr. SMITH. That is because the Government coins the silver dollar on its own account and for its own profit, and does not allow private owners of bullion to have their bullion coined for their own profit. By limiting the coinage and undertaking indirect redemption of this limited quantity, by receiving them for gold duties or for taxes, the Government, as to the 50 cents in excess of the intrinsic value of the standard silver dollar, maintains them at par with gold precisely as it maintains greenback dollars at par.

In other words, the silver dollar is maintained at par by its practical redemption by the Government, just as our fractional silver coins are maintained, as neither has the intrinsic value which the stamp indicates. France maintains her silver at par with gold in the same way.

Mr. VANCE. But is not money a creature of law, and can not the Government make anything a dollar that it chooses to?

When Mr. Cheek gave his lecture on money before our club, I remember that we all cheered and clapped when he raised his arm and stamped his right foot and declared that law made money, and if the people would only have the right lawmakers we could drive the "goldbugs" to the wall.

Mr. SMITH. You must bear in mind that while the Government can declare anything to be money that it pleases, yet it can not create value in the money. That must be in the substance declared to be money if it is property money; or, if it is credit money, a redeemable promise to pay property money. The Government can declare a clam shell to be money; may declare every shell a dollar; but the purchasing power or value of the dollar will practically be what clam shells are worth, unless the Government, by direct or indirect redemption, undertakes to add to its value.

The name dollar given by law to our metal unit of value may be given to anything, but the value of the thing called a dollar, aside from redemption, depends upon the value of the quantity of the substance of which it is made, plus the charge for coinage. The law, under free coinage, may call 25.8 grains of standard gold (the weight of a gold dollar), or 412½ grains of standard silver (the weight of a silver dollar), or half that weight, a dollar, but the piece called a dollar (when its value is not maintained by redemption) will be of the value of the substance of which it is made.

Mr. JONES. If the idea that the "fiat" of the law or the stamp of the mint creates values—making whatever is declared or stamped as money just the value indicated by the stamp—were true, it seems to me it would be useless to have valuable gold or silver for money when it would do just as well for this valuable stamp to be put on an almost valueless piece of paper.

Mr. SMITH. You are right. If the Government can make 50 cents' worth of silver bullion worth 100 cents by stamping "one dollar" upon it without redemption, then it would be wrong to do this for private owners of silver bullion without charging them an equivalent for the value added to their property by the Government stamp. With such a stamp as this—more wonderful than Aladdin's lamp—the Government would have plenty of revenue without resorting to taxation, and would make everybody rich. All of the schemes for depreciating the currency to give relief in times of business depression are outgrowths of the "fiat" idea of money.

THE RATIO OF COINAGE.

Mr. VANCE. Am I to infer from what you have said that when the Government grants free and unlimited coinage to both silver and gold it can not fix the coinage ratio between the two?

Mr. SMITH. The Government, of course, can fix this ratio by law as it pleases, but unless that ratio is approximately the bullion ratio of the two metals, then the metal which is undervalued by the ratio will not be taken to the mint for coinage, and will be withdrawn from use as money and sold as merchandise, for the reason that it would be worth more as a commodity than as money.

The only metal which would be taken to the mint for coinage would be that overvalued by the ratio, in accordance with the well-known monetary law that where two or more different kinds of legal-tender dollars are authorized only the cheaper dollar will be coined and used. If the cheapest dollar authorized is a depreciated paper dollar (as was the case in this country from 1861 to 1879), then neither silver nor gold will be taken to the mint, and the only dollar used will be the cheapest paper dollar, which will become the practical standard of value, no matter what the law declares to be the unit.

Mr. BURNS. When you say that the piece of coined money called a "dollar" can be worth only what the bullion in it is worth under free coinage, you mean that its purchasing power will only be that.

Mr. SMITH. That is just what I mean. When the dollar which is paid the laborer for his day's work is depreciated, the laborer who thinks he is receiving a "dollar" for his labor really receives as much less as the purchasing power of his money may be. And as prices of what the laborer has to buy always rise faster than the price of his labor, he is the man who is always first cheated by a depreciated dollar.

Mr. BURNS. I know that is so by experience. I very well know that the workingman always gets the most for his labor when the money is of the best quality—every dollar as good as gold. I remember when the greenback was depreciated, and I thought I was getting $3 per day, that it took more days' labor to buy anything than it did in 1892; and I do not propose to be drawn into any scheme to make the laborer's dollars poorer than the banker's.

Mr. JAMES. Then it seems to me that the practical standard or measure of value in any country where there are two or more kinds of full legal-tender dollars authorized by law will always be the least valuable dollar, provided they are of different values—no matter what the law declares to be a unit or standard.

Mr. SMITH. That is so. Between 1792 and 1834, 371¼ grains of pure silver (412½ grains standard silver), and also 24¾ grains of pure (25.8 grains of standard gold) were each a legal dollar or unit (a quarter eagle being the smallest gold coin minted), but as that quantity of gold bullion was worth a little more than the silver in a silver dollar, the silver dollar was the practical standard.

From 1834 to 1861 a gold dollar of 25.8 grains (standard) was the practical standard, for the reason that the gold in a gold dollar cost less than the silver in a silver dollar, and the cheaper full legal-tender dollar will always take the field—the whole field—where there is considerable difference in the value of the two full legal-tender dollars.

From 1861 to 1873 the depreciated greenback dollar was the practical standard of value, notwithstanding the silver dollar was also a legal unit or dollar, because the greenback dollar was the least valuable.

In 1873 the gold dollar was made the legal unit, but the practical standard continued to be the depreciated greenback dollar until the resumption of specie payments in 1879, when the gold dollar again become the practical standard, as it was from 1834 to 1861, and also the legal standard.

THE COINAGE RATIO OF THE FATHERS.

Mr. VANCE. Well, the "fathers" did maintain the ratio of 16 to 1, and secured both silver and gold until silver was demonetized in 1873, and I believe the moment we now remonetize silver we shall find that 16 ounces of silver will be worth everywhere as much as 1 ounce of gold, as they were once.

Mr. JONES. I thought we did not have the ratio of 16 to 1 till 1834.

Mr. VANCE. Oh, yes; the "fathers" in 1792 fixed the ratio at 16 to 1, and we were all right, and should have continued all right if it had not been for "the crime of 1873."

Mr. SMITH. You are mistaken in saying that the "fathers" adopted the ratio of 16 to 1, unless you mean the "fathers" of 1834. The "fathers" who lived at the discovery of America found 11 ounces of silver equal in value to 1 of gold. The "fathers" of 1792 paid no attention to what their "fathers" of 1493 did, strange as it may seem to our "fiat" brethren, but proceeded to establish a coinage ratio of 15 to 1 (not 16 to 1), because they estimated that 15 ounces of silver were equal in value, on the average, to 1 ounce of gold. Subsequently it was found they had made a slight mistake in estimating the bullion ratio of silver and gold—only 2 per cent—which very largely kept gold from the mints; and so the later "fathers," in 1834, changed the ratio to 16 to 1 (to be exact, 15.98 to 1), and even then a slight undervaluation of silver and overvaluation of gold to the extent of only 2 per cent by this ratio resulted in the taking of very little silver to the mints between 1834 and 1861.

You will see that the object in fixing and changing the coinage ratio was to keep that ratio as near as possible to the bullion ratio in order to retain both metals as money, and that the ratio of 16 to 1 was not adopted until 1834, and was continued practically only twenty-seven years, as neither gold nor silver was coined to any extent from 1861 to 1873. The ratio of 16 to 1 was not a fixture. It was simply a temporary adjustment of the coinage ratio to the market ratio of gold and silver bullion in 1834, just as 15 to 1 was an adjustment to the market ratio of 1792 and 11 to 1 an adjustment to the market ratio of 1493.

Mr. VANCE. But if the ratio of 16 to 1 worked from 1834 to 1861, why won't it work now?

Mr. SMITH. Because the relative conditions of gold and silver production and use have greatly changed, and silver, which was then worth $1.30 per ounce, is now worth only half that price. Silver bullion must be worth at least $1.29 per ounce in order to maintain the ratio of 16 to 1 and hold both metals in our coinage. Silver has declined partly because all Europe has closed its mints to its free coinage, but chiefly for the same reason that cotton cloth, steel, kerosene oil, and other things have declined—it can be produced more cheaply than formerly. Forty years ago 3 yards of cotton cloth were equal in value to 1 bushel of corn in Illinois. Now a bushel of corn will buy 8 yards of cotton cloth, because it can be made at less cost. It would be just as sensible for the manufacturers of cotton cloth to demand that the ratio between cloth and corn should now be 3 to 1 because that was the ratio forty years ago as it is for the silver mine-owners to demand that 16 ounces of silver shall be regarded now in coinage as equal in value to 1 ounce of gold because that was the ratio twenty-odd years ago.

Mr. JONES. I can not see why silver bullion should not decline as well as other products, provided the discovery of richer mines and cheaper processes of separating the ore has reduced the cost of production. I was reading from a silver pamphlet a few days ago a complaint that silver is denied the privileges accorded to gold; but, as I understand it, the silver-mine owners resent the suggestion that silver should be coined at its bullion value, as gold is.

Mr. SMITH. That is the fact. They talk about the restoration of silver to its old position, by which they mean not its coinage at its bullion market ratio, as it formerly was, but a ratio that assigns twice the bullion value to silver that it has in the market.

WHAT HAS CAUSED THE DECLINE OF SILVER.

Mr. VANCE. But the silver-mine owners claim that it costs as much to produce silver as it ever did—far more than it has sold for since 1880—and that it is adverse legislation closing the mints to the free coinage of silver which has caused silver to decline.

Mr. SMITH. The simple and conclusive answer to the claim that it costs as much to produce silver as ever, and more than it has sold for since 1880, is that it is not possible to have any article produced in increasing quantities year by year for fifteen years—four times as much as was produced in 1865—when its selling price is uniformly less than its average cost, and it is absurd to contend otherwise. Whenever year after year enough persons

stand ready to produce all the world wants of an article for 75 cents or 85 cents per ounce, that must be accepted as the market value with which we have to deal.

Undoubtedly the general closing of the mints of Europe to the free coinage of silver, by diminishing what would have been the demand if they had been open, has carried the price of silver some lower than it would have otherwise gone. But, however much this action of Europe may have affected silver, there is no way of overcoming it except by inducing these European countries to unite with us in international action. Even if it were true, as the silver extremists claim, that all the fall in silver as compared with gold has been caused by the closing of mints to the free coinage of silver, this would not justify the opening of our mints alone at the ratio proposed, because it is the effect of European adverse legislation (not legislation here) with which we must deal.

Our legislation of 1873, striking the standard silver dollar from the list of coins to be minted, could not have had any influence in lowering the price of silver, because we had not coined silver to any extent for twelve years prior to 1873; while, on the other hand, we began in 1875 to coin subsidiary silver, and in 1878 resumed the coinage of the standard silver dollar, using five times as much silver as money in the twenty years from 1875 to 1895 as we used in the eighty-one years from 1792 to 1873.

Mr. VANCE. Do you not think the legislation of 1873 was instigated by foreign holders of our securities to increase the value of their debts?

Mr. SMITH. Nonsense! When the legislation of 1873 was had the gold in the gold dollar was 3 cents cheaper than the silver in the silver dollar; and if anyone had had in mind the idea of increasing the value of debts by manipulating the coinage he would have proposed to drop the coinage of gold, so as to have only the more valuable silver dollar. The legislation of 1873 was the very natural adaptation of our coinage to the condition which had existed from 1861, during which time silver had been worth more than gold and had disappeared from the country, and was regarded of so little consequence that it attracted no attention. Undoubtedly if there had been no such legislation in 1873 we should have been obliged to have followed the action of France, which stopped the free coinage of the standard silver dollar in 1875.

But to return to the causes of the decline of silver. After making all due allowance for the effect of the closing of European mints in depressing silver—the remedy for which is to be found only in international bimetallism—the chief cause of the decline of silver lies in the abnormal increase of production of silver in the face of a declining price.

INCREASE OF PRODUCTION OF SILVER.

Mr. VANCE. I have heard a great deal about an alleged increase of production of silver since 1873; but I have here a statement of the secretary of a Western silver league, who has published a book called Coin, in reply to a remark of Senator SHERMAN that this increase of production is the chief cause for this fall, which I will read:

> You will find by examining the table of silver production in that while during the first fifty years of this century the world produced 78 per cent more silver (coining value) than gold, that during the last twenty-one years (1873 to 1892) the production of silver (coining value) over gold has been less than 5 per cent.

This is an emphatic declaration that seems to show from official figures that proportionately more silver was produced before 1873 than in the twenty-one years after 1873.

Mr. SMITH. I have these official figures of gold and silver production for ten-year periods from 1800 to 1850 and five-year periods from 1850 to 1875, and from 1875 to 1895, both for the average annual production and the total production for each period, and, omitting the odd numbers and giving simply the round millions, they are as follows:

Average annual and aggregate ten or five years' gold and silver production in millions of dollars.

Period.	Annual.		Total.	
	Gold.	Silver.	Gold.	Silver.
1800-1810	11¾	37½	118	371¼
1811-1820	7¾	22½	76	224¼
1821-1830	9¼	19	94¼	191
1831-1840	13¼	24¾	134¾	248
1841-1850	36½	32½	364	324
1851-1855	132½	36¾	662½	184
1856-1860	134	37½	670	188
1861-1865	123	45½	615	228
1866-1870	129½	55½	648	278½
1871-1875	115½	81¾	577	409
1876-1880	114½	101¾	573	509
1881-1885	99	119	495½	594½
1886-1890	112	150	555	722
1890-1895	150	200	753	1,004

[After examining this statement of Coin, Smith continues:]

Now, this silver publication conveys the impression that these figures prove that Senator SHERMAN'S statement, that the production of silver has proportionately increased in the twenty-one years from 1873 to 1892, inclusive, beyond the production of a similar period before 1873, is the reverse of the fact. You so understand it, do you not?

Mr. VANCE. Of course that is what everybody would suppose to be its assertion.

Mr. SMITH. That, of course, is the impression that the general trend of the pamphlet's reply to Senator SHERMAN was intended to convey. But the cunning fellow who wrote it is careful to so phrase his reply as not to directly assert it, but to leave it implied. After much loose talk he finally ventures to be specific in the paragraph you have read. You and others seem to have swallowed this summary of official figures as a conclusive reply to the Senator, thus showing how easy it is to deceive in monetary discussions.

Senator SHERMAN'S statement was that the production of silver in proportion to that of gold increased in the years between 1873 and 1892 beyond what it was in the twenty-one years preceding. Coin replies that this is the reverse of the fact, and then proceeds to compare the production, not with twenty-one years before that date—as candor, not to say honesty, in the use of statistics demands—but with the fifty years from 1800 to 1850, omitting entirely the twenty-one years immediately before 1873.

Mr. BURNS. Is that so? I should be afraid to put the slightest confidence in a man who would attempt to mislead in that way.

Mr. SMITH. Well, here is the book; read for yourself and see if that is not exactly what he has done. And this is a specimen of the misleading treatment of the subject all the way through.

Mr. BURNS (after reading). It is as you say, although, as I read the page hurriedly, I did not notice the trick. Now, won't you add up the figures and give us the total production of gold and of silver twenty-one years after 1873 and twenty-one years before, giving the coinage value of each, as this pamphlet does?

Mr. SMITH. That is what I have done, and here are the totals for each period: The production of gold twenty-one years before 1873 was $2,510,575,000, and of silver (coining value) $989,265,000, or 150 per cent more of gold than silver. Production of gold twenty-one years after 1873 was $2,157,197,000 and of silver $2,246,519,000, or 5 per cent more of silver than gold.

In other words, while the production of gold was a little less between 1873 and 1892 (inclusive) than it was between 1852 and 1873, the production of silver in the twenty-one years since 1873 has been 125 per cent more than in the twenty-one years before. Yet in the face of this obvious fact, told by the very tables that he refers to, this 16-to-1 silver advocate so manipulates figures by omitting entirely the twenty-one years before 1873 as to seem to show otherwise.

Mr. VANCE (after examining the figures). I must confess that I was misled by the statement I read. Yet it seems that between 1800 and 1840 silver production was even larger in proportion to gold production than between 1873 and 1892.

Mr. SMITH. You must bear in mind that no intelligent comparison can be made of monetary demands and conditions from 1800 to 1840 with the strikingly changed conditions of the last twenty-five years. In the first forty years of this century silver constituted the chief money of Europe and other countries; but in the last forty years, in consequence of the immensely larger transactions, the use of gold has proportionately increased and that of silver has increased much less. This tendency can not be changed by legislation, and it is a factor that must be reckoned with.

It is for this reason that it is absurd to go back to the silver production of 1800 for figures to compare with silver production since 1873, especially when the figures from 1851 to 1873 are before us.

Mr. JONES. What has been the silver production (coinage value) of the world in the past five years as compared with that of the five years before 1870?

Mr. SMITH. The silver production from 1865 to 1870 was, in round numbers, two hundred and seventy-eight millions and the gold production six hundred and forty-eight millions, while from 1890 to 1895 the silver production was one thousand and four millions (almost four times what it was in the first period) and the gold production seven hundred and fifty-three millions. A simple statement of these figures, bearing in mind that between 1865 and 1870 silver was worth nearly $1.35 per ounce, while between 1890 and 1895 it was worth considerably less than $1 per ounce, ought to convince the most prejudiced, not only that there has been an abnormal increase of silver, but also that the cost of production must have largely declined, entirely outside of the influence of the closing of European mints to free coinage of silver.

Mr. VANCE. I must confess that this increase of production of silver, under the circumstances, does seem to indicate that the

discovery of richer mines and new and more economical processes has cheapened silver somewhat; but has not the reduction of demand for silver, caused by closing the mints to free coinage of silver, had a still greater influence in depressing it?

Mr. SMITH. As I have already said, both causes have had their influence; and it is impossible to tell how much is to be ascribed to one cause and how much to the other, although the great increase of production of silver in the face of a constantly falling price indicates that the reduction of cost of production must have been the more important factor.

THE MONEY OF THE WORLD.

There is an impression that because the European mints no longer give free coinage to silver, therefore silver is not used much as money. But, as a matter of fact, Europe still uses an immense quantity of silver as money. Indeed, there is about the same amount of silver as gold used to-day by the whole world as money—about four thousand millions of each, all of which but four hundred millions is full legal tender.

Of this silver one thousand eight hundred and fifteen millions are in India, China, and other Eastern countries that use only silver, leaving about one thousand six hundred millions of full legal-tender silver, with six hundred millions of limited tender silver, and four thousand millions of gold, with two thousand five hundred and thirty-three millions of uncovered credit money for the rest of the world.

The gold and silver and credit paper money of the leading commercial nations, all of which have a gold standard, is thus stated by the Director of the Mint:

	Gold.	Full legal-tender silver.	Limited tender silver.
United States	$825,600,000	$549,700,000	$75,600,000
France	825,000,000	434,300,000	59,900,000
United Kingdom	550,000,000	.....	112,000,000
Germany	625,000,000	105,000,000	110,000,000
Belgium	55,000,000	48,000,000	6,900,000
Norway and Sweden	13,800,000	.....	6,700,000
Denmark	14,200,000	.....	5,400,000
Austria	130,000,000	81,000,000	40,000,000
Total	2,839,600,000	1,218,000,000	414,500,000

You will see that this country has five hundred and forty-nine millions of full legal-tender silver, including the one hundred and thirty millions of silver back of that amount of Treasury notes, in addition to seventy-five millions of subsidiary silver, an aggregate of six hundred and twenty-five millions of silver money—almost exactly the same as we have of gold (one thousand two hundred and fifty millions of gold and silver), whereas in 1860 we had only two hundred and fifty millions of both gold and silver money, of which not over fifty millions was silver, not over fifteen millions of this silver being full legal tender.

Mr. BURNS. I am surprised at these figures from the report of the Director of the Mint, for I had got the impression from statements made by Coin that the world had deprived itself almost entirely of silver as money, whereas it seems that to-day as much silver is being used as money as there is of gold. I suppose, however, that very little silver has been coined in the world the past few years, and that this may have had a specially temporary depressing influence on silver.

Mr. SMITH. I know that this is alleged to be the case; and yet the world has used far more new silver as money the past five years than ever before. The Director of the Mint states in his last report that while up to 1865 less than $28,000,000 of new silver was coined in any one year, yet the silver coinage of the world in 1893 was $135,000,000, of which one hundred and twenty millions was new silver—four times as much as was coined in any one year before the war. In 1893 Mexico coined twenty-eight millions of silver, India thirty-nine millions, Austria eighteen millions, Japan twelve millions, this country eight and three-quarter millions (fifty-four millions annually having been used by us as money for each of the three previous years), Great Britain five millions, and Germany two millions.

Mr. JONES. Evidently those who are asserting that the world is now deprived of half of its money because of what they call "demonetization" don't know what they are talking about.

Mr. SMITH. Many of them do not want to know. The difficulty which we are trying to get the commercial world to unite with us in overcoming is not that silver is not used by the world to as great an extent as gold as money (for it is), but that the leading commercial nations do not coin it as full-value money, which is essential in free and unlimited coinage, but as token money that must be maintained at par directly or indirectly by redemption. Of course silver monometallic countries on a silver basis, like Mexico and China, do coin it as full-value money, but at such a ratio as drives out gold and gives them only silver.

What we are seeking to do is to secure the cooperation of a sufficient number of the leading commercial nations in an international agreement on a coinage ratio that can be maintained with free coinage, and thus give us and these cooperating nations both silver and gold as our final redemption money. Experience has shown that no one country can bring this about alone—certainly not at any such ratio as that proposed by the 16 to 1 silver men.

THE BIMETALLIC THEORY RUN INTO THE GROUND.

Mr. VANCE. I have here a free-coinage book, which states that when there is free coinage of both metals by any one country, like the United States, at any ratio, an unlimited demand is created for silver at the fixed price established by the ratio thus determined, and that this at once makes a price for silver for the whole world. This book says that is conceded.

Mr. SMITH. As Josh Billings quaintly remarked, "It is better not to know so many things than it is to know so many things that ain't so." What you have read in that book is an absurd exaggeration of the bimetallic theory as expounded by its scientific defenders. They never claimed for the compensatory or altering principle of bimetallism any such potency as this.

They simply claimed what is true, that where several leading commercial countries adopt substantially the same coinage ratio for gold and silver, and that ratio when fixed approximates the bullion ratio, then whenever one of the metals begins to rise the demand for the cheaper metal is increased and the demand for the more costly metal is diminished, and this alternating increase and decline in demand tends to maintain the two metals at an equilibrium so long as the condition of production does not materially change, and the potency of this compensatory principle depends upon the commercial strength of the union of countries opening their mints at a common ratio.

Mr. VANCE. But if the United States stands ready to take all the silver that is brought to our mints at $1.29 per ounce (which is the price required to make the coinage ratio 16 to 1) and pay for it in silver dollars coined from the silver bullion, why does that not make a price for the world's silver?

Mr. SMITH. I remarked at the beginning of our discussion that the "fiat" fallacy of money is at the bottom of this free silver, 16 to 1, movement. And Mr. Vance now owns up. You assume that when the Government, under free and unlimited coinage, stamps 50 cents' worth of silver "one dollar" and gives it the legal-tender power, then this "fiat" of law at once adds 50 cents to the value of the silver and makes it worth everywhere 100 cents, as good as a gold dollar, and to an unlimited extent.

Mr. JONES. As I understand it, under free coinage the Government does not buy any silver; it simply takes the silver brought to the mints by private owners and coins it into silver dollars containing 412½ grains of standard silver. Why, then, do you say that the Government by this operation fixes the price of silver at $1.29 per ounce, in the face of the fact that silver can be freely bought in the market for half that price?

Mr. VANCE. Because the owner of the silver receives one silver dollar and twenty-nine hundredths of a silver dollar for each ounce of his silver. So long as any owner of silver can exchange his silver in this manner it seems to me as if the price was fixed at that figure for the whole world.

Mr. SMITH. Don't you see that what the owner receives for each ounce of his silver dollar is what one silver dollar and twenty-nine hundredths of another dollar will bring in the market? And that after a brief time, under free and unlimited coinage, the value of this dollar and a fraction will be simply the value of so much silver bullion?

In other words, free and unlimited coinage of silver don't create an "unlimited" demand, but simply the limited demand for that kind of coin in the country where minted. Neither does it establish a "fixed price"—only the varying price of so much bullion.

You have simply fooled yourself by your talk of an unlimited demand at a fixed price, and all because you have swallowed whole the "fiat" fallacy of the nature of money.

Mr. BURNS. As you remarked a little while ago, it seems to me that if Government can make a piece of silver worth anything it stamps on it, it would be far better not to waste 50 cents' worth of silver in making a dollar, when an almost valueless piece of paper can be made a dollar by having the Government stamp it such. It looks to me as if the old fiat greenbackism was much better than this modified form of silver "fiatism."

Mr. SMITH. You are right. The only influence that free and unlimited coinage of silver can have on the value of the coin and the silver of which it is made is that exerted by the probable increase of demand for silver; but the increased demand arising from the opening of the mints of only one country would be too small to materially affect the price. A union of leading commercial nations on a fixed common ratio, having regard to the bullion ratio, would exert a potent influence not only in somewhat raising the price of silver bullion, but also especially in steadying the relative value of the two metals by the influence of the alternating or compensating influence of bimetallism of which I have spoken.

THE FRENCH EXPERIENCE.

Mr. VANCE. I read in Coin that for over seventy years, from 1800 to 1873, France maintained silver and gold at a market ratio of 15½ to 1 by opening her mints to the free coinage of silver at 15½ to 1. If France alone did this, why can't the United States, which is a more populous and important country than France, by independent action maintain free and unlimited coinage of both metals and keep them together as France did?

Mr. SMITH. There are two answers to the assertion. First, that not only France but all Europe (England excepted) coined silver at approximately the ratio of 15½ to 1 from 1800 to 1870; so that whatever influence was exerted on the piece of silver by governmental action was not exerted by France alone but by nearly all Europe. And secondly, that during these seventy years there was no material change in the conditions and cost of silver production. The average annual production of silver was $37,000,000 from 1800 to 1810, $22,000,000 from 1810 to 1820, $19,000,000 from 1820 to 1830, twenty-four and three-fourths millions from 1830 to 1840, $32,000,000 from 1840 to 1850, $37,000,000 from 1850 to 1860, and $50,000,000 from 1860 to 1870—a change so small as to make stability a necessity; while the increase of production of silver since 1870 has been by leaps—$81,000,000 in 1875, $120,000,000 in 1880, $142,000,000 in 1888, $173,000,000 in 1890, and $196,000,000 in 1892.

Mr. JONES. How long were France and the other countries of the Latin Union (Belgium, Switzerland, Italy, and Greece) able to withstand this early increase of silver production and the closing of the German mints in 1871?

Mr. SMITH. In 1874, when the production of silver had reached only eighty-one millions, all these countries acting together found they could not overcome even the slight deviation of 5 per cent from the ratio of 15½ to 1, and were obliged to suspend the coinage of full legal-tender silver. And not a dollar has been coined for private owners of bullion since.

The experience of France is a most complete demonstration of the impossibility of the United States alone opening its mints to the free and unlimited coinage of silver at 16 to 1 without driving out gold and making us a silver monometallic country.

In reply to an inquiry, M. Ribot, the French minister of finance, said a few months ago in the Chamber of Deputies that while France was anxious to secure bimetallism and was ready to join with other nations to bring it about, yet that neither France nor any other country alone could accomplish this result.

THE EXPERIENCE OF THE UNITED STATES.

Mr. BURNS. How about the experience of the United States?

Mr. SMITH. As I have already said, the experience of the United States has shown the impotency of one country alone in materially affecting the market ratio of gold and silver by adopting a coinage ratio even but slightly different from the bullion ratio. The ratio of 15 to 1 adopted by the United States in 1792 undervalued gold about 2 per cent, and the result was that between 1792 and 1833 less than ten millions of gold were taken to our mints for coinage, while over forty millions of silver were coined. Of the forty millions of specie estimated by Secretary of the Treasury Gallatin to have been in this country in 1833, not even five millions were gold.

In 1834 we changed the ratio to 16 to 1, so as to secure gold as well as silver; but the new ratio undervalued silver about 2 per cent. The result was that even this small divergence from the actual bullion ratio brought less than thirty-five millions of silver to the mints between 1834 and 1854, while two hundred and fifty millions of gold (the cheaper metal) were coined. Indeed, the silver coined went to the melting pot so rapidly that in 1853 Congress was compelled to reduce the weight of subsidiary silver and make them token coins.

And I have already said of the two hundred and fifty millions of specie estimated by the Secretary of the Treasury to have been in this country in 1860 probably not over ten millions was full legal tender.

After such an experience as this it is absurd for anyone to claim that this country alone can maintain bimetallism by free and unlimited coinage of silver at 16 to 1 when the market ratio of bullion is 30 to 1.

Mr. JONES. I think it is clear that the only way we can have both silver and gold as our money under free and unlimited coinage is by making the coinage ratio approximately the same as the ratio of the bullion value of the two metals.

Mr. SMITH. It ought to be apparent to everyone that the Government can not make 16 ounces of silver equal in value to 1 ounce of gold by fixing 16 to 1 as the ratio for free and unlimited coinage of silver and gold, unless approximately 16 ounces of silver will exchange for 1 ounce of gold in the markets of the world. To establish such a ratio, when the market ratio is now about 30 to 1, is practically to say that we intend to have nothing but silver as our money and to make 50 cents' worth of silver the dollar and unit of value, for not one dollar of gold would be coined under such a law, and what gold we have coined would at once cease to be used as money.

THE EXPERIENCE OF MEXICO.

Mr. JONES. What has been the experience of Mexico, which maintains the policy of the equal and unlimited coinage of silver and gold at a ratio of 16½ to 1?

Mr. SMITH. Well, let us look at that country near our own doors which has tried and is trying the policy which is urged upon us ostensibly in the interest of bimetallism.

Mexico has unlimited coinage of both gold and silver at the ratio of 16½ to 1, valuing silver a little less than our 16-to-1 silver advocates propose, with a uniform charge of 4 per cent for coining either metal. And after trying this policy ever since the market value of silver declined, resolutely refusing to join in any "crime of 1873," she has become what? Why, a silver monometallic nation on a silver basis, without any gold in her metallic money. That is what 16½ to 1 silver coinage has done for Mexico, and what 16 to 1 unlimited silver coinage would do for us.

Mr. VANCE. But Mexico is a comparatively small country, and we can not judge what free coinage at 16 to 1 by this country of 70,000,000 people will do by what has taken place there.

Mr. SMITH. Why not? The "fiat" of Mexico is as potent within its limits as the "fiat" of the United States is within ours. Besides, Mexican dollars have an advantage over the silver coins of any other country—they are current in China, which has a population five times as great as the United States. The experiment of Mexico is practically the experiment of more than 400,000,000 people.

Mr. JONES. A gentleman who recently visited Mexico told me that he carried with him to that country some American silver dollars, which, having been coined for the profit of our own Treasury, are maintained at par with gold by indirect redemption by our Government; and that he frequently made a purchase of an article whose price was 50 cents and, on giving to the seller one of our dollars, received the article which he had purchased and a Mexican dollar besides.

Mr. SMITH. Certainly; for every dollar of our money has a purchasing power of 100 cents in Mexico as well as in this country; but every dollar of Mexican money, although called a dollar, has a purchasing power of only 50 cents there or here.

Mr. VANCE. Prices there are higher than here; and that is a good thing.

Mr. SMITH. Yes; prices are higher, just as they would be here if we should cut our dollar into halves and call each half a dollar. But notwithstanding prices are higher, estimated in Mexican dollars, not one article thus elevated in price will exchange for any more of any other product than it would have done before.

Mr. JONES. How is it with imported articles?

Mr. SMITH. Every imported article sells in Mexico for twice as many dollars as before, with an extra charge for brokerage because of the uncertainty of the value of their money.

Mr. JONES. How does it affect articles exported by the Mexicans?

Mr. SMITH. As all her exports are sent to countries on a gold basis, and to pay for them these countries buy silver exchange at a profit, with an added brokerage for the uncertainty of the value of silver, the Mexicans get less for what they export than they would if they were on the same basis as the leading commercial nations.

Mr. BURNS. What has been its effect on labor?

Mr. SMITH. Wages have not risen as much in Mexico as prices have risen. In other words, a depreciated currency has cheated the laborer, as it always does.

But it is getting late, and we must postpone further conversation on this interesting question to some other evening. I can meet here again with you on next Monday evening if you desire to continue the discussion.

Mr. VANCE, Mr. SMITH, and Mr. BURNS (speaking together). By all means, let us continue this talk.

Mr. SMITH. Let it be understood, then, that we will meet here next Monday evening and continue this conversation on silver and money.

Second evening.

It was five minutes earlier than the time set for the reassembling of the four neighbors who had met on a previous evening to talk over the silver and money question when Mr. Smith, Mr. Jones, Mr. Vance, and Mr. Burns took their seats around the little table on which the lamp rested.

Mr. VANCE, leaning back in his chair and holding up in one hand a worn copy of the silver mine-owners' pamphlet called Coin's Financial School, opened the conversation: After thinking over the facts brought out at our previous meeting, I am not disposed to contend that silver has not fallen somewhat, but it seems to me that gold has risen much more than silver has fallen.

Mr. SMITH. Even supposing this to be the fact, that would not change the situation. So long as the market ratio between silver

and gold is 30 to 1 it is absurd to contend that the United States alone can set up a coinage ratio of 16 to 1 and obtain bimetallism, no matter what caused the divergence.

It is the fact of the market ratio with which we must deal, no matter whether it is caused by gold rising or silver falling, or both. Even if it were established that the divergence of the two metals from the old ratio of 16 to 1 was caused entirely by the rise of gold, this would not in any manner change the fact that the adoption of free coinage of silver at 16 to 1 would give us nothing but silver in our coinage.

Mr. VANCE. But has not gold appreciated since 1873?

Mr. SMITH. The opinion of experts like Professor Fawcett is that gold declined (many think 10 or 15 per cent) between 1850 and 1865, in consequence of the increased production, notwithstanding most of the increased production was offset by increased demand; and that it appreciated between 1870 and 1891 just about as much as it declined between 1850 and 1865. The Director of the Mint, as well as Professor Fawcett, thinks that the largely increased production of gold since 1891—already larger than in the palmiest Californian and Australian days—has stopped the appreciation, and that the probabilities are strong that in the near future another decline of gold will set in.

But it must be remembered that by common consent gold varies less in value than any other substance—but a fraction of a cent in any one year—and that for this reason the commercial world makes it the international standard of value.

When gold was declining, between 1850 and 1860, even the "fiat" money men looked very kindly on gold, and were entirely content to have it the practical standard of value.

If it were true that gold has risen and silver remained stationary—which it is not—this fact would furnish an excuse for reducing the weight of the gold dollar, but not the slightest ground for trying to have free coinage at the ratio of 16 to 1. The ratio would still be 30 to 1 if the gold dollar should be reduced one-half and the silver dollar be left as it was.

Mr. BURNS. That is evident, and yet at first view many overlook this fact.

Mr. SMITH. I ask you to notice particularly the large increase of the world's production of gold since 1890, as shown by the figures I read the other evening from the report of the Director of the Mint:

1890	$118,489,000	1894	$170,000,000
1891	130,579,000	1895	203,000,000
1892	146,817,000	1896 (estimated)	250,000,000
1893	157,000,000		

Mr. VANCE. But with the world's production of gold this year estimated at $203,000,000, is not a large proportion of it used in the arts, so as to leave almost none for coinage?

Mr. SMITH. The Director of the Mint estimates the world's annual consumption of gold in the arts at $60,000,000, and Mr. Soetbeer at $90,000,000, and taking the highest estimate the gold remaining for new coinage in 1895 would be $133,000,000 and in 1896 about $160,000,000. Bearing in mind that the precious metals used in coinage are not consumed from year to year, but added to the accumulated stock, this annual increase of $150,000,000 in the world's stock of gold money is noteworthy, especially in view of the fact, as stated by Professor Fawcett, that Great Britain requires only $15,000,000 of new gold for monetary purposes each year.

Mr. VANCE. Coin assumes that gold has appreciated 50 per cent since 1873.

Mr. SMITH. "Assumes" is good. There is not the slightest evidence of anything of the kind.

Mr. VANCE. Coin, if I understand him, claims that prices have declined 50 per cent since 1873, and as gold is the measurer of prices, that this proves that gold has risen 50 per cent.

Mr. SMITH. I shall take occasion before we are through to show you that between 1873 and 1892—and of course the great fall of prices the past years is due to exceptional causes entirely outside of gold or silver—the average decline of prices, as shown by Labor Commissioner Wright's investigations under the direction of the Senate Committee on Finance in 1891-92, was only 29¼ points. And between 1879 (when we resumed specie payments) and 1892 only 4½ points. Of course the prices of 1873 were inflated by a depreciated currency and the effects of the war, from which we did not fully recover till 1878, and are not a fair basis for comparison.

Coin makes his argument entirely on cotton and wheat, which declined more than other products, for reasons of which I will hereafter speak.

Everybody knows that all products into whose production machinery or other labor-saving devices enter are constantly and naturally declining under the stress of competition, and it is simple nonsense to contend that a fall of prices of such articles shows that gold, which measures prices, has appreciated to the extent of the decline of prices.

By taking all articles together—all machine-made articles naturally decline—a fall in prices of only 4½ points between 1879 and 1892 shows that there could have been very little of the decline due to an appreciation of gold.

THE STANDARD OF VALUE.

Mr. JONES. Much is said now about a double standard. It seems to me from what you have said that there can be practically but one standard in any country at the same time.

Mr. SMITH. Strictly speaking, that is true. The term double standard, which seems to me to be an unfortunate term, is used by financial writers as a synonym of bimetallism and simply means that the dollar unit is measured in two money metals adjusted to each other at such a ratio as to be equivalent in value, thus making two equal units but one and the same, therefore really one standard so long as the equality continues. And, of course, their idea is that the equality shall be maintained in fact. So long as the equality of value of the two metals is preserved and both gold and silver circulate concurrently the standard is gold or its equivalent, but both metals are used as money.

But our 16-to-1 silver advocates mean by "double standard" that silver shall be coined at such a ratio to gold that only silver will be minted. This is a "double standard" on paper, but in fact a single silver standard and a single metal (silver) used as money.

It is for this reason that if we should to-day authorize the free and unlimited coinage of silver at 16 to 1 the silver dollar would at once become the practical unit, and thus our unit or standard of value would be suddenly changed from the gold 100-cent dollar to the silver 50-cent dollar, and nothing but silver would be used as money. I think those who advocate this change hardly realize the shock such a sudden change would give to business and what a panic it would create. A railroad collision would be a pastime compared with it. When we changed from a gold to a depreciated paper standard in 1861-1866 it came about so gradually that the change was slowly discounted.

Mr. VANCE. Inasmuch as a silver dollar of 412½ grains of standard silver was the legal unit prior to 1873, why not return to it?

Mr. SMITH. As I have said already, the silver dollar was no more a legal unit between 1792 and 1861 than the gold dollar, and not the practical standard at all after 1884. The practical standard was the gold dollar from 1834 to 1861, and from 1861 to 1879 the depreciated greenback dollar.

The objection to now making 412½ grains of standard silver as a legal unit is that silver is not what it was in 1792, nor even from 1834 to 1861. It has, first, greatly depreciated in consequence of a reduction of cost of production; second, the changed conditions of production have made it much more variable in value and therefore less suitable as a standard than it was a hundred years ago; third, all the leading commercial nations, which a hundred years ago made silver their standard, now make grains of gold their unit or standard of value, so that in fact international prices are everywhere fixed in gold and not in silver.

Mr. VANCE. When gold is made the standard we make our dollar cost twice as much as we do when silver is made the standard.

Mr. SMITH. Not if we coin both metals at their bullion ratio. Of course if we coin silver at its bullion value and gold at twice its bullion value, we should make one dollar twice as valuable as the other. The question as to what any country will make its standard is entirely distinct from the other question as to how many grains it will put in its unit. We can depreciate our dollar unit just as well by making 13.3 grains of standard gold the unit as by making 412½ of standard silver the unit.

If we intend to depreciate the dollar one-half, and at the same time keep both metals in our coinage with free and unlimited coinage, it would be a great deal better to diminish the weight of our gold one-half than to diminish it one-half by establishing free coinage of silver at 16 to 1. In the former case we should have 50-cent dollars of both silver and gold, and in the latter case we should have 50-cent dollars only of silver and no gold.

Mr. JONES. That is a good idea. If we are going into the business of depreciating our dollar so as to pay our debts easier—for I suppose that is the real animus of the 16-to-1 free-silver movement outside of the silver-mine interest—it is better to do it squarely, by reducing the weight of the gold dollar one-half, and then coining the 412½-grain silver dollar alongside of it, as in that case we should have both gold and silver dollars of equal value and real bimetallism. That would be free coinage at a ratio of 30 to 1, whereas free coinage at 16 to 1 would give us nothing but silver.

Mr. SMITH. That is it. Nobody would be deceived by that, although I presume when fully stated the men who want to depreciate the dollar like the deceptive method better.

Mr. BURNS. What could possibly be gained by bimetallism with silver for the unit of value over gold for the unit if it is proposed to coin at such a ratio as will give us both metals as money?

Mr. SMITH. Obviously nothing. There would be a loss, however, in adopting a different metal as the standard of value from that adopted by the controlling element of the commercial world; and, worse than that, we should have so variable a standard of value as to subject us to constant friction and brokerage to compensate for the uncertainty of the future value of silver.

Indeed, there is another view of it which ought to impress the advocates of a cheap dollar. This is that silver has fallen in value, and is undoubtedly too low to-day to encourage its production; and if we should now adopt a silver standard we should soon find our dollar increasing in value. Would it not be funny to see the advocates of a silver basis to-day contending, if silver should rise, that debts contracted under a silver basis were being increased by the rise of silver and advocating the making of copper the unit of value to protect debtors?

INTERNATIONAL BIMETALLISM.

Mr. JONES. It seems to me that nothing is clearer, from the examples you have given, than that the influence on the price of silver of unlimited coinage of both metals by any one country alone is very small, but that when the leading commercial nations unite on a coinage ratio, under free coinage, they together exert a very strong influence, not only in maintaining the relative price of the two metals but also in steadying their value.

Mr. SMITH. You are right. The influence exerted is that of demand for monetary uses. The demand of one country exerts a slight influence, but the demand of the leading commercial nations acting in unison at a fixed ratio is a potent force, although of course even the united demand of the leading commercial nations must have regard to the probable production of each metal at the coinage ratio.

The small influence of the United States alone in maintaining the price of silver is shown by our experience under the Bland silver-purchasing act of 1878 and the amendatory act of 1890. Under the former act we purchased about $27,000,000 worth of silver annually for fifteen years to use as money, and silver continued falling every year. Under the act of 1890 we purchased for three years 54,000,000 ounces of silver annually, over a third of the world's product, and substantially the whole of the American product; and yet, after a brief speculative spurt, the price of silver went on declining, simply because the new demand we had created, promising an increase of price that offered a big profit, stimulated production.

Now, with free and unlimited coinage of silver at 16 to 1 the United States could not coin so much silver in three years as we purchased from 1890 to 1893. How absurd, therefore, it is for anyone to contend that free coinage by this country alone would raise silver from 68 cents to $1.29 per ounce.

On the other hand, the influence exerted by nearly all Europe, as well as the countries of this continent, coining silver and gold at substantially the same ratio prior to 1870, was well shown during the great increase of gold production between 1850 and 1860. To be sure, during that period the increase of gold was offset by a general tendency throughout the world to use more gold and less silver as money—a tendency arising from the greater convenience of the less bulky money as transactions increased in magnitude, and which of course is beyond the reach of law.

Mr. BURNS. I think you have made it clear that international bimetallism is the only practical bimetallism, and that we should steadily seek to bring that about.

Mr. JONES. And so long as we give Europe hope that we propose to sustain silver alone, Europe will look on and let us bear the burden.

Mr. SMITH. That is so. Nothing is exerting so great an influence to prevent the successful reestablishment of bimetallism as the 16-to-1 free-silver agitation in this country, which encourages Europe to think that we will continue to assume the burden alone.

Mr. VANCE. But if no leading commercial nations of Europe will unite with us in international bimetallism, isn't it our duty to try it alone?

Mr. SMITH. I have clearly shown that neither the United States nor any other nation can secure bimetallism alone, certainly not at any such ratio as is proposed, and the silver-mine owners won't permit a ratio equivalent to the bullion ratio. For us to attempt it alone at a ratio of 16 to 1 is simply to drive out gold and have nothing but silver. There would be no serious opposition to coining silver at its bullion value—certainly none beyond the fact that its bullion value would be unstable if European nations did not unite with us.

Mr. VANCE. But we didn't drive out gold after 1878 when we began again to coin silver. On the contrary, our gold increased.

Mr. SMITH. I have already explained that the silver dollars we have coined since 1878 have been coined by the Government for its own profit, and maintained at par with gold by limitation and indirect redemption. Of course such money is equivalent to gold. But silver coined under free and unlimited coinage for private owners of bullion is a very different thing, and depends entirely on the value of the bullion.

I have little doubt that if we hold where we are, sooner or later enough European nations will unite with us to make bimetallism a success.

All authorities in bimetallism, both in this country and Europe (outside of some politicians in this country), hold that bimetallism is possible only by a cooperation of leading commercial nations. President Andrews, Professor Walker, and the late Dana Horton are pronounced in their opposition to the 16-to-1 silver movement, regarding it as sure to bring, not bimetallism, but silver monometallism.

THE ATTITUDE OF THIS COUNTRY AND FRANCE.

Mr. VANCE. Then it seems to me that the alternative this presents is the gold monometallism which we now have, unless we can persuade other countries to unite with us in restoring bimetallism. As between our gold monometallism and silver monometallism I prefer silver monometallism.

Mr. SMITH. You are entirely mistaken in assuming that we now have gold monometallism. Great Britain is a gold monometallic country, because it coins no full legal-tender silver, using only a small quantity of silver for subsidiary coins.

But the United States and France—for both are pursuing the same policy toward silver—are limited bimetallic countries which use a large volume of full legal-tender silver, and are steadily seeking by international action to bring commercial countries into an international agreement on a coinage ratio under free coinage that will insure full bimetallism.

The United States, as I have already stated, uses over six hundred millions of silver as money—as much silver as gold—of which five hundred and forty-nine millions is full legal tender. And France uses a little more than half as much full legal-tender silver as she does gold.

We hear much said about what is styled the "unfriendly attitude" of the United States toward silver, and yet as a matter of fact this country has gone to the very verge of safety, if not beyond, in its efforts to maintain silver as a money metal and meet the wishes of silver-mine owners. After what we have done it is rank injustice to stigmatize any considerable body of our people as "silver haters" or "goldbugs."

Mr. JONES. That is, the situation demands that we shall hold on to the limited bimetallism we now have, which gives us five hundred and forty-nine millions of full legal-tender silver, until we can persuade leading commercial nations to unite with us on an international coinage ratio that can be maintained. And this is just what France is doing.

ABOUT "BASIC" MONEY.

Mr. VANCE. But notwithstanding we as well as France use this large volume of full legal-tender silver, yet, as Coin says, none of this silver is final-redemption money; therefore really as to basic money we have nothing but gold.

Mr. SMITH. You mean by "basic" or final-redemption money property money, which has in itself the full value that it purports to be.

That kind of money must necessarily be gold or silver coined at its actual bullion value—money worth just as much before the piece of metal is coined as after; and the only reason we do not have silver money of that kind is that you and the 16-to-1 silver men who agree with you will not allow it to be coined at its bullion value.

In other words, you insist that it shall be coined at a ratio which prevents it from being "basic" or final redemption-money, and not at its bullion ratio, and then turn around and find fault because our silver is not final-redemption money, i. e., money of full value intrinsically.

Mr. VANCE. But we insist that silver would be final-redemption money if it should have free coinage at 16 to 1.

Mr. SMITH. Yes, final-redemption money for whatever the silver in each dollar is worth, but no more, just as silver bullion is now practically final-redemption money for what it will sell for. Your 16-to-1 plan contemplates that our only "basic" money shall be silver, as gold would be driven out.

No one would welcome any plan that would assure both silver and gold as final-redemption money more heartily than myself. What I object to is the 16-to-1 plan, that would leave us nothing but depreciated silver as "basic" money.

The claim of the 16-to-1 free-silver men that they are "bimetallists" is without any foundation. They are silver monometallists and friends of a silver basis.

Mr. BURNS. I am fully convinced that is the fact.

VOLUME OF CURRENCY.

Mr. VANCE. The remonetization of silver would have a most beneficial effect on prices by increasing the volume of our final-redemption money, for, as Coin says, this volume largely determines prices.

Mr. SMITH. So far as the volume of money in any country affects prices it makes no difference what the character of the money is so long as it is equal in value to gold. Our present volume of silver and paper, and even substitutes for money, like checks and bills of exchange, have the same effect on prices as gold money has. Indeed, it is only money used that affects prices. Money unused don't affect prices.

Mr. VANCE. I think the source of our trouble is want of sufficient money to transact business.

urally decline—a fall in prices of only 4½ points between 1879 and | pensate for the uncertainty of the future value of silver.

Mr. SMITH. Even if this were so, your 16-to-1 scheme, which would drive out gold, wouldn't give us more money, but much less. Indeed, by injuriously affecting its quality, it would seriously affect our business.

But as a matter of fact we never had so much outstanding money as we have had the past few years (sixteen hundred millions), about twice as much per capita as we had before the war.

The trouble is that on account of distrust, which causes depression of business, only a part of our money is used. A large part is unused. We find money apparently scarce because it is inactive, while in fact the outstanding volume never was so large. You confound inactivity, caused by want of confidence, with scarcity; and your remedy is to so manipulate the currency as to increase the distrust. You might add hundreds of millions to the currency and make matters worse by increasing the distrust.

You must remember that however much money is authorized nobody can get it without paying for it. Even with free coinage of silver at 16 to 1 only the owners of silver bullion can take advantage of it. And they won't give away their dollars, you may rest assured.

BIMETALLISM WITHOUT GOLD.

Mr. VANCE. Let me read from Coin's Financial School:

In this controversy one point should never be lost sight of, and this is that higher prices—bimetallic prices—will come with the remonetization of silver (through free coinage at 16 to 1 by this country alone), even though gold goes to a premium.

Mr. SMITH. Have you stopped to think of the supreme nonsense of the bombastic paragraph you have read from your silver leader? "Though gold goes to a premium" (which would of course take gold out of circulation), he proposes through free coinage of silver at 16 to 1 to have bimetallism. Don't you realize the absurdity of bimetallism without gold?

SILVER AND PRICES OF EXPORTS.

Mr. VANCE. But we claim that giving free coinage to silver at 16 to 1 will enable us to keep our gold. Let me read from Coin:

The way to keep our gold is to remonetize silver. Remonetization will give us higher prices for our exports and will make a balance of trade in our favor large enough to bring us both English gold and silver.

Mr. SMITH. Is it possible you swallow as gospel truth the statement that free and unlimited coinage of silver at 16 to 1—which is what this writer means by remonetization of silver—will increase the prices of our products in England?

Mr. VANCE. Why not, if it would increase the prices here?

Mr. JONES. You seem to think that an increase of prices here caused by cutting our dollar (for that is what 16-to-1 free coinage would do) is a real increase of the exchangeable value of our exported products. As Mr. Smith has said, we do not have any more cloth when we measure it with an 18-inch yardstick than when we measure it with a 36-inch yardstick, notwithstanding we continue to call the half-yards yards.

Mr. BURNS. I know from experience during the times we had a depreciated greenback dollar that prices raised by diminishing the value of the dollar simply delude us and benefit no one except speculators. As I have already said, a depreciated currency always injures the laborer.

Mr. SMITH. What you have said is all true, but I want to call Mr. Vance's attention to the fact that when we sell our exports in English markets the prices are estimated on a gold basis and not on a silver basis. If we should make one dollar 50 cents, and thereby appear to double prices here, that would have no effect on prices in England or other countries in Europe, where prices are estimated in gold; on the contrary, it would diminish the return of the former by imposing a brokerage charge because of the fluctuations of silver.

A SILVER BASIS.

Mr. VANCE. I have here a pamphlet on A Silver Basis, published by the American Bimetallic Association, written by Mr. Hillyer, in which it is said that bimetallism, as we understand it—

Is not the constant contemporaneous circulation of both gold and silver, but that when the silver dollar becomes cheaper than the gold dollar the employment of gold should cease and the entire money service be performed by silver alone.

Mr. JONES. Then the bimetallism which you 16-to-1 free-coinage men expect is that "the employment of gold should cease and the entire money service be performed by silver alone," if under free coinage of silver at 16 to 1 silver should be cheaper than gold?

Mr. VANCE. That is what I understand.

Mr. SMITH. I wish all the 16-to-1 silver men were as frank as you are. We could then squarely meet the question of a "silver basis" which the American Bimetallic Association pamphlet advocates. Isn't it an imposition to call a scheme "bimetallism" which contemplates the use of silver alone as money? Don't you think that the American Bimetallic Association, which indorses this pamphlet by sending it out and placing its imprint upon it, had better change its name to American Monometallic Association, so that its name may agree with its purposes?

Mr. BURNS. I think that would be the honest thing to do.

Mr. VANCE. I am gratified to say that I am in favor of silver monometallism and a silver basis; and I think this pamphlet has clearly shown that it would be better for us to have silver and let our gold slide than to go along as we are.

OUR FOREIGN TRADE AND A SILVER BASIS.

Let me read from this pamphlet the advantages which would come to our foreign trade on the whole. While admitting that the adoption of a silver basis might "increase the fluctuations of the rate of exchange" in our trade with the gold-standard nations of the world, and of course hamper and injure this part of our foreign trade, yet he says their population is only 300,000,000; and what we would lose in our trade with them "would be offset by closer trade relations that would come with the silver-basis countries, whose population is 900,000,000."

Mr. SMITH. Yes, I have heard that plea privately made before; and I am glad the American Bimetallic Association is getting up its courage to avow that a "silver basis" is what they expect and to squarely defend it.

Now let me examine the claim that our foreign trade with silver-basis nations is more important than that with gold-standard nations.

In the first place, this pamphlet includes Russia, Argentina, Brazil, and the Spanish, French, English, and Danish West Indies among the silver-basis countries. The first three are on a depreciated paper basis and the remainder on a gold basis; so that 150,000,000 of population must be deducted from the 900,000,000 assigned to the silver-basis side, leaving 750,000,000 to 350,000,000 on the other side.

Now, as a matter of fact, the 350,000,000 people that are on a gold basis consume of imported products far more than the 750,000,000 on a silver basis. The fact that they are on a silver basis—which, the writer admits, subjects a people to "greater fluctuations in exchange," that is, greater friction and expense—shows that they are not so far advanced, and have a lower standard of living and consume less.

Mr. JONES. Can you give us the aggregate value of our exports to gold-basis and also to silver-basis countries?

Mr. SMITH. I can. I find by the report of the Bureau of Statistics that in 1893, of over one thousand six hundred millions of foreign trade, nearly one thousand three hundred millions, or nearly 90 per cent, was done with countries on a gold basis, of which seven hundred and sixty-five millions was exports and five hundred and thirty millions imports, and only one hundred and seventy millions with countries on a silver basis, of which only fifty-two millions was exports and one hundred and seventeen millions imports, together with one hundred and fourteen millions of foreign trade with countries on a depreciated paper basis.

Mr. BURNS. So it seems the 16-to-1 scheme proposes to hamper our foreign trade with gold-basis nations, whose trade with us is one thousand three hundred millions annually, in order to get the trade of silver-basis nations, who deal with us to the extent of only $170,000,000. Is that the feast to which we are invited by the friends of a silver basis?

Mr. SMITH. That is it. Why, our trade with Great Britain alone, which Coin proposes to exchange for that of China, in 1893 was $614,000,000, of which $421,000,000 was mainly agricultural exports from this country—eight times as much as all the silver-basis countries of the world took.

HOW TO DOUBLE THE VALUE OF PROPERTY.

Mr. VANCE. But let me read again from Coin:

With silver remonetized and gold at a premium, not one-tenth the hardships could result that now afflict us. Why? First, it would double the value of all property; second, only 4 per cent of the business of the people of this nation is carried on with foreign countries. Is it not better to legislate in the interest of 96 per cent of our business than the remaining 4 per cent?

Mr. JONES. How would the free coinage of silver at 16 to 1 "double the value of all property"?

Mr. VANCE. By doubling prices.

Mr. JONES. No man's property would have any higher value after you made 50 cents a dollar than before. Its price estimated in the new dollar unit would be doubled, but it would not exchange for any more of the things he wanted to buy than before.

Any man may sit down and call 50 cents a dollar, and multiply the price of property now worth $1,000 by 2 and call himself worth $2,000, and when he has gone through with this imaginative feat he will just as truly "double the value of his property" by this process as he would by having the Government depreciate the dollar to 50 cents by free coinage of silver at 16 to 1.

Mr. SMITH. Yes; this is the "fiat" idea of money and wealth again. If depreciating the dollar one-half will double the value of all property, why be so modest when by calling a 25-cent piece a dollar we can quadruple "the value of all property"?

Mr. BURNS. By using paper "fiat" money we could increase "the value of all property" a hundredfold.

Mr. SMITH. This fellow Coin, whoever he may be, does not seem to know the difference between value and price. Doubling prices by depreciating the measure does not change value a particle. Cutting the yardstick in the middle and measuring with the 18-inch rule does not give you any more cloth. Value is the exchangeable relation of one product to all other products. Price

is the relation of a product to the standard by which we measure values.

Mr. JONES. But I know from observation that when there is a depression in business it is the easiest thing in the world to make thousands believe any absurd theory relative to the influence of the currency on the situation.

Mr. SMITH. If an inquirer will only exercise a little common sense in the matter, he will set aside the prices from 1893 to 1896 as exceptional for very obvious reasons; and then by comparing the prices of 1840 to 1860 or of 1879 to 1890 with those of 1891 he finds no difficulty in accounting for the 25 per cent average decline of manufactured products by the increased use of labor-saving machinery and the reduction of profit by competition, and for the increase of prices of all agricultural products on the farm or at the market near the farm (except wheat and cotton) by the fact that they are produced mainly by hand labor, and by the increase of wages.

THE FALL OF PRICES.

Mr. Vance (with his finger on the page of Coin, professing to give the average prices of wheat and cotton in New York from 1873 to 1895) asked if it was not well-nigh certain that such a fall of prices must have been caused by an appreciation of our gold unit, in which prices are measured.

Mr. SMITH. Why do you take 1873 as the point of comparison of prices?

Mr. VANCE. Because that was the year silver was demonetized in this country, and this was the beginning of the fall of prices.

Mr. SMITH. As a matter of fact, according to the tables of Labor Commissioner Wright, who made a careful investigation under the direction of the Senate Committee on Finance, prices began to rise soon after the inauguration of the war of the rebellion in 1861, and rose 36½ points up to 1866, and then began to decline, falling 14½ points in the seven years up to 1873, before what you call "the crime of 1873" was perpetrated, and when the law authorized free coinage of silver, and also fell 13½ points in the nine years between 1873 and 1882, when silver was demonetized.

If the "crime of 1873" caused a decline of 13½ points in prices in the nine years after 1873, pray what caused the decline of 14½ points in the seven years before 1873?

Mr. JONES. Does not the fact that prices rapidly rose during our civil war 36½ points and then after 1866 as rapidly declined 14½ points to 1873, when the law allowed free coinage of silver, and 40 points to 1879, when the law did not allow free coinage of silver, clearly show that silver was not the cause of either the rise or the fall? It would be as logical to say that free coinage of silver caused the fall of prices between 1866 and 1873 as that repeal of free coinage caused the fall after 1893.

Mr. SMITH. Certainly. A mere statement of these facts shows that the very natural cause of the rise of prices between 1861 and 1866 was the war, which took 2,000,000 men from the ranks of producers and made them destructive consumers, together with the depreciation of the currency consumers; and that the equally natural cause of the fall (aside from the ordinary causes of decline of prices of machine-made goods) was the return of the disbanded army to productive pursuits and the gradual recuperations and restoration of industries and of the currency to their normal condition between 1866 and 1879.

Mr. BURNS. Evidently the rise of prices during the war and the gradual fall up to 1879 should be entirely set aside in any discussion of the course of prices. A big rise on account of the war was inevitably gradually offset by a corresponding fall during the period of readjustment and recuperation up to about 1879, when we got back to specie payments.

Mr. JONES. How much lower were average prices in 1879 than in 1860?

Mr. SMITH. Only 3½ per cent.

Here is Commissioner Wright's table of average prices of 246 articles and also of wages from 1840 to 1891, the prices of 1860 being represented by the index number 100 as the basis of comparison, and the index number for each year indicating the rise or fall from that basis. I have added the London price of silver per ounce for each of the years named:

Year.	Average prices.	Average wages.	Prices silver per ounce.
1840	116.8	87.7	$1.37
1843	107.5	86.6	1.28½
1846	106.4	89.3	1.30
1849	98.7	92.5	1.31
1851	103.9	90.4	1.31½
1856	113.2	99.2	1.34½
1860	100	100	1.35½
1866	136.3	108.8	1.34
1870	117.3	133.7	1.37½
1873	122	148.3	1.29½
1879	96.6	139.9	1.13
1882	108.5	149.9	1.13½
1885	93	150.7	1.00
1889	94.2	156.7	.93½
1891	92.2	160.7	.98½

Mr. BURNS. What was the average decline of prices between 1879 and 1891?

Mr. SMITH. Only 4½ points. That makes the fall of prices between 1860 and 1891 average only 7½ per cent. The average fall of prices of manufactured articles was about 25 per cent—some articles, like steel rails and wire nails and kerosene oil, falling 80 per cent, and others only 10 or 15 per cent. But agricultural products on the whole advanced in price 2 per cent between 1860 and 1891. The only two agricultural products that fell in price were cotton and wheat. Other agricultural products rose from 8 to 15 per cent.

Mr. BURNS. Why do the 16-to-1 silver men always take only wheat and cotton when they are talking to farmers about the fall in prices?

Mr. SMITH. For the obvious reason that if they took any other farm products they would have no stock in trade.

Mr. JONES. When they refer to wheat don't they usually take New York prices, so as to be able to make the decline on account of reduction of cost of transportation, said to be at least 25 cents since 1868, appear to be the farmer's loss?

Mr. SMITH. Certainly; that is one of the tricks of these agitators. And they also take cotton because, in consequence of the utilization within a recent period of the former waste product of cotton seed, the real cost of production of cotton has been much reduced.

But I notice that it is getting late, and we must close for to-night. I have discussed somewhat the question of prices in connection with silver, and as these and payment of debts are the great stock in trade of the 16-to-1 free-silver advocates, I desire to further consider them another evening, if you are willing to come here again next Wednesday evening.

Messrs. JONES, BURNS, and VANCE (speaking together). By all means we will be here.

Third evening.

Just as the minute hand indicated the hour set for the third and last of the series of talks of the four neighbors on the silver and money question, and the last rays of the setting sun gilded the church spire across the street, Mr. Smith, Mr. Jones, Mr. Vance, and Mr. Burns walked up the lane by the little red schoolhouse, in front of which waved the Stars and Stripes, entered the door of the old farm mansion, and took their seats around the old table. As promised at the last meeting, Mr. Smith said he desired to add a few words to what he had said at the last meeting on the question of prices.

PRICES OF FARM PRODUCTS ON THE FARM.

Mr. JONES. Have you the average prices in this country of leading agricultural products on the farm or in the market nearest the farm in recent years?

Mr. SMITH. The report of the Statistician of the Agricultural Department for 1894 gives them for wheat, corn, and oats from 1880. They are as follows:

Year.	Wheat.	Corn.	Oats.	Year.	Wheat.	Corn.	Oats.
1880	$0.95	$0.395	$0.36	1888	$0.925	$0.345	$0.278
1881	1.19	.635	.465	1889	.698	.283	.23
1882	.88	.485	.375	1890	.838	.505	.425
1883	.91	.425	.328	1891	.84	.405	.315
1884	.645	.358	.278	1892	.625	.395	.318
1885	.77	.328	.285	1893	.538	.335	.295
1886	.688	.365	.298	1894	.49	.458	.325
1887	.68	.445	.305				

The average price of wheat on the farms of the country between 1879 and 1889, it will be seen was 84.5 cents, and between 1889 and 1891, inclusive, 81.5 cents; but between 1892 and 1894 it was only 58 cents. There was very little change in the average price on the farm until 1892, 1893, and 1894—since the exceptional depression of business and reduction of consumption. One-fourth less wheat per inhabitant was consumed in 1894 than was consumed in 1892. This shows what has had a potent influence in depressing wheat and other farm products in the past three years. The average farm price of corn, which is the most important farm crop in this country, between 1879 and 1889 was 39.3 cents, and it was 42.4 cents between 1889 and 1894; the average price of oats, first period, 31 cents; second period, 33 cents. And the value of our oat crop in 1894 was about the same as that of our wheat crop.

I have also the export prices at New York of bacon, lard, pork, beef, butter, and eggs, from the report of the Bureau of Statistics, which shows that all of these articles were higher on the average in the seven years from 1885 to 1892 than in the seven previous years.

Mr. JONES. You have given the average price of wheat on the farms, which of course includes the price on the farms of the East. Now, have you the average price of wheat in different years in Chicago, which gives us a better idea of the movement of the price of wheat at the West? The price in the New York

market, given in "Coin," is obviously misleading, because in that fall of prices is included the decline of cost of transportation of wheat from Chicago to the seaboard, which has been 25 cents since 1868. This obviously is not the loss of the farmer or anybody else, for wheat could have fallen 25 cents since 1870 and still the Western farmer would get the same.

Mr. SMITH. I am glad you called my attention to this. Here is the average price of wheat in Chicago for the years named:

Year.	Range.	Price.	Year.	Range.	Price.
1860	$0.66 to $1.13	$0.90	1877	$1.01 to $1.26	$1.20
1861	.55 to 1.25	.87	1878	.77 to 1.14	.90
1862	.65 to .92½	.80	1879	.81 to 1.33	1.05
1863	.80 to 1.12½	.90	1880	.86 to 1.32	1.08
1864	1.07 to 2.20	1.50	1881	.95 to 1.43	1.16
1865	.85 to 1.55	1.20	1882	.91 to 1.40	1.14
1866	.77 to 2.03	1.30	1883	.90 to 1.13	1.00
1867	1.55 to 2.85	2.00	1884	.69 to .96	.82
1868	1.04 to 2.20	1.60	1885	.73½ to .91½	.80
1869	.76½ to 1.46	1.10	1886	.69½ to .84½	.77
1870	.73½ to 1.31	1.02	1887	.66½ to .94½	.80
1871	.99½ to 1.32	1.10	1888	.71 to 2.00	1.10
1872	1.01 to 1.61	1.30	1889	.75 to 1.08	.90
1873	.89 to 1.40	1.12	1890	.94 to 1.08	.90
1874	.81 to 1.28	1.00	1891	.85 to 1.16	1.00
1875	.83 to 1.30	1.05	1892	.69 to .92	.80
1876	.83 to 1.26	1.02	1893	.54½ to .88	.72

You will observe that the prices of wheat in 1860, 1861, 1862, and 1863 were substantially the same as the prices from 1884 to 1891. Of course the prices from 1864 to 1872 are the inflated prices due to the effects of war, from which we did not recover fully till 1879. The prices of wheat and cotton since 1892 have been abnormally depressed by the impairment of the consuming power of the people by causes that did not exist between 1879 and 1892. Wheat was higher in 1877, 1879, 1880, 1881, 1882, 1883, 1888, and 1891, after the so-called crime of 1873, than it was in any year from 1860 to 1863 or any year prior to 1848.

It is noticeable also that the price of wheat is subject to great fluctuations, dependent on the supposed shortage or excess of supply in the whole world.

Mr. JONES. Then, outside of wheat and cotton, which seem to have been exceptions to the rule for the reasons you have stated, farm products in recent years, up to 1892 at least, show no decline on the farm, the apparent decline in great markets removed from the farm being mainly due to reduction of cost of transportation, which is a gain to the consumer and not a loss to the producer.

Mr. SMITH. That is the fact. Of course, if prices have been diminished by the material appreciation of gold, all prices would have been uniformly affected.

COTTON AND WHEAT.

Mr. JONES. I can understand why cotton has fallen because of the utilization of cotton seed and the enormous increase of production, although, of course, it has not fallen so much as the agitators try to make out by taking the exceptionally big price during the reconstruction period. But why is it that wheat has fallen, while corn has maintained its price?

Mr. SMITH. There are two reasons why wheat has fallen: First, it is the one agricultural product in whose production new machinery and cultivation on a large scale have recently entered; and secondly, it has had within a few years the increased competition of the wheat fields of South America and India, developed by the construction of railroads by the British Government.

Mr. VANCE. Yes; and it is largely because England can buy silver at a discount and purchase as much wheat as ever in India with an ounce of silver that we find Indian competition so destructive.

Mr. SMITH. And you propose to overcome this by having the United States alone adopt the silver basis of India, so that England can buy wheat of our farmers by paying them in depreciated silver instead of gold, as she now pays us. This is a remedy for low prices which England, from selfish considerations, would be glad to see us adopt.

Mr. BURNS. Is it not singular that England finds men who are shouting fiercely against her ready to go in for a policy that will enable her to come the same silver scoop on our farmers that they say she is using on the India farmers?

Mr. SMITH. Before I pass from prices of farm products I want to give you figures of comparative prices of farm products in Maine in 1858 and 1892, furnished me by a Maine gentleman. It seems from these figures, which I will not stop to read, that the average prices of farm products in Maine (little wheat and no cotton being raised in that State) were 28 per cent higher in 1892 than in 1858. The gentleman further informs me that this increase of average prices was mainly due to the increased introduction of manufacturing enterprises, which have furnished a home market for the products of the farm and saved the loss of cost of transportation.

Mr. JONES. I suggest that if our Western farmers would study such facts as these, and pay less attention to 16 to 1 silver schemers, we should find a practical remedy for hard times.

Mr. SMITH. It should be borne in mind that there was very little difference in the average price of wheat and cotton for fifteen years before 1860 and the fifteen years from 1878 to 1892, inclusive. Cotton was 10¾ cents per pound in the former period and 10½ cents in the latter period. Cotton was only 5¾ cents in New York in April, 1843. Wheat in Chicago averaged 92 cents in the former period and 98 cents in the latter period. The average price of wheat in Chicago from 1840 to 1846 was only 67 cents. It is since 1891 that the abnormally low prices of cotton and wheat have prevailed, and it is certain we shall have a higher range of prices as business recuperates.

ABOUT WOOL.

Mr. VANCE. There is wool, which has declined 11 cents per pound within two years. How do you account for that except on the ground that gold, which measures its price, has appreciated? This is one of the articles to which Coin refers.

Mr. SMITH. The world's price of wool is made by the great wool-producing countries of South America, Australia, and South Africa, where land costs almost nothing, labor is cheap, and the flocks do not have to be housed or fed. As their product has increased, produced at reduced cost, the world's price has naturally declined.

We imposed a duty of 11 cents per pound on clothing wool to protect our farmers and encourage woolgrowing here. The election of 1892 decided, among other things, that this duty should be abolished, and as soon as this became known the price began to fall in anticipation of the removal of duty, as woolen goods are made many months before they go into consumption. Thus even before the duty was actually removed in August, 1894, the price here had settled down into a free-trade basis, and for this reason was 11 cents lower than before the election of 1892, and is now sold here at the world's price.

I may mention the fact that wool in London is no lower now than in 1892, a fact which shows that, so far as the price of wool indicates, gold can not have appreciated since that time on the basis of your own arguments.

PRICES OF SILVER.

Mr. JONES. I notice that the present silver agitation finds its support in the abnormal fall of prices in the past two years in consequence of the paralysis of industries caused largely by the anticipation at first and subsequently the realization of disturbing tariff changes. By skillfully charging this exceptional decline to "the crime of 1873" the agitators have made many unthinking persons believe that it is really so.

Mr. SMITH. That's so. Strange as it may seem, thousands have swallowed the charge that the so-called demonetization of silver in 1873 caused the exceptional fall of prices in the past two years, without stopping to ask themselves how it happened that there was so little fall in prices between 1873 and 1892, when this cause was operating just the same as in the past two years. By general consent the most prosperous period of this country was between 1879 and 1892.

Mr. BURNS. Here is a picture in Coin presenting a contrast between what he calls the prosperous "bimetallic" times of 1872 and the depression of the past two years.

Mr. SMITH. That's amusing, because in 1872–73 we had no "metallism" whatever—not a dollar of either silver or gold in our currency.

Besides, Coin has so little regard for facts that he forgets that in 1872–73 we were by no means so prosperous as we were from 1879 to 1892, during all of which time what he calls "the crime of 1873" was in force.

Mr. VANCE. Coin says that an ounce of silver will buy as much of anything as ever, and that this shows that it is not silver that has declined, but gold that measures prices.

Mr. SMITH. If it were true that an ounce of silver would buy as much of anything as ever, that would only show that the cost of producing silver had declined the same as the cost of producing articles, and would simply prove that silver is not a stable measure.

But it is not true, except as to articles whose cost of production has declined the same as silver. Except as to cotton and wheat (and only part of the time as to them) an ounce of silver will not buy as much corn, oats, pork, beef, or any other agricultural product as it would have done before 1860. It will buy more steel, kerosene, and other articles whose cost of production has declined 80 per cent, and less of all products whose cost of production has declined less than 50 per cent.

Mr. BURNS. I was reading a silver speech a few days ago in which it was said that silver would buy as much labor as ever in silver-basis countries like Mexico and India.

Mr. SMITH. Very likely that is so, for the reason that when the currency is depreciated wages are the last thing to rise. This is the reason that a depreciated currency always cheats labor first.

Mr. BURNS. This free-silver 16-to-1 feast is evidently one which workingmen should avoid.

DIFFERENT KINDS OF FALLING PRICES.

"What we all understand, I think," said Vance, as he thought of the havoc made in the market by the "bears," "is that falling prices are very injurious to any country, and that they should be got rid of by the right kind of monetary legislation. Don't you look upon falling prices as a great evil?"

Mr. SMITH. That depends upon what causes falling prices.

Falling prices that come naturally from labor-saving machinery and improvements in means of transportation are a blessing and to be sought after, while falling prices caused by a reduction of wages of labor or by a sudden arrest of the industries through distrust of the future and the consequent diminution of the consuming power of the people, as we have had the past two years, are a curse.

Those who are trying to make the people believe that legislation in respect to silver in 1873 has caused the depression of business in the past two years ought to ask themselves how it happened that we had such unexampled prosperity between 1879 and 1892 under this very legislation.

Mr. JONES. I think that we farmers have got the impression that prices have greatly fallen by having had our attention fastened on nothing but wheat and by the exceptionally low prices of everything the past two years.

Mr. SMITH. Undoubtedly. The 16-to-1 silver agitators have seized on the depression of business as a favorable time to agitate. They must hurry up their work, for they will soon be as dead as the Greenbackers were when business revived in 1879. When farmers see wheat and cotton rising, as they already have risen as business revives, they will not be long in discovering that silver had nothing to do with the fall of prices, as it is having nothing to do with their rise.

Mr. JONES. Before we pass from this question of prices, I want to inquire if you can give us any light on the course of prices between 1840 and 1860?

Mr. SMITH. I read to you a few minutes ago Labor Commissioner Wright's statistics as to general prices, from which it appeared that average prices declined 16¾ points between 1840 and 1860, and only 7¾ points between 1860 and 1892. So you will see that while the general trend of prices is downward with everything but hand-labor farm products, on account of labor-saving devices, and while the fall of prices of machine-made products has been greater in the past twenty years than ever before, because of increased inventions and severe competition that has reduced profits, yet average prices on the whole have fallen no more since 1860 than before.

RISE OF PRICES BY DEPRECIATING THE DOLLAR.

Mr. VANCE. Wouldn't the increase of prices that would come from a silver basis increase the prosperity of the country?

Mr. SMITH. Of course you would increase nominal prices by going to a silver basis and thus making 50 cents a dollar, just as measuring cloth with an 18-inch yardstick would give a greater number of such yards, but no more cloth.

What advantage would it be to anyone to call a half dollar a whole dollar and then proceed to adjust prices to the new clipped dollar? Of course it would raise the prices of what we have to buy, just the same as it would raise the price of what we have to sell. Nobody would gain anything by the change. It would take just the same number of bushels of any farm product to buy anything as before.

The disadvantage would be, however, in the unsettling of prices and disturbance of trade at home, and in giving us a different money standard from that of our customers abroad, thus necessitating the payment of a new brokerage by every farmer on export products. And aside from all this there would be the disturbance and expense of a varying silver standard.

WAGES OF LABOR AND INTEREST.

Mr. BURNS. What I should like to know is whether wages have not risen and rates of interest fallen since 1860, and even since 1879?

Mr. JONES. We all know that wages were 60 per cent higher in 1892 than in 1860, and 10 per cent higher in 1892 than in 1873, as stated by Commissioner Wright's tables, and that the rate of interest on loans in any part of this country was at least one-fourth lower in 1892 than in 1860, and even in 1873. These important prices, that of labor and that of use of borrowed capital, don't show an increase, which might be expected if gold, the measurer of wages and interest, had risen to any material extent. Daniel Webster once said that depreciated money always cheated the workingman.

Mr. SMITH. That is sound reasoning, for wages and interest are a much surer test of the value of money than prices of products subject for the most part to the reduction of cost of production by labor-saving devices and methods.

A SILVER BASIS AND DEBTS.

Mr. VANCE. The fact is, the strong reason for a silver basis is that it will relieve us from the great burden of debt which now oppresses the country—a debt which we believe has been doubled by the appreciation of gold under the gold basis. We object to gold because we believe when used alone as full redemption money it is constantly increasing in value.

Mr. SMITH. You have now undoubted y struck the argument on which the free-silver 16-to-1 scheme wins the most of its support outside of the personal interest of silver-mine owners. It appears to be a plan to discharge debts for 50 cents on the dollar, and this of itself is very taking in periods of business depression.

Mr. VANCE. But when debts have been doubled by the appreciation of gold, isn't it a fair thing to pay simply what was borrowed?

Mr. SMITH. I presume the supporters of the scheme to wipe out debts at 50 cents on the dollar have persuaded themselves that they are really not trying to cheat their creditors; but did it ever occur to you that the money which all these debtors borrowed was equal in value to gold when borrowed, and that in the ordinary life of private debts there can not have been much change in the value of the gold dollar?

Mr. JONES. What is the average life of private debts?

Mr. SMITH. Less than a year, and even in the case of loans secured by mortgage only three years. It is doubtful if there are any considerable number of existing private debts ten years old, and but very few five years old.

Mr. JONES. I think you said that even the rise of gold between 1879 and 1891 was not half of 1 per cent per annum, and that since 1892 it is believed there had been no rise. Also that this rise between 1870 and 1891 was about the same as the fall of gold between 1850 and 1865.

Mr. SMITH. That is believed to have been the case. The change in the value of gold in one year is so small that it can not materially affect deferred payments; and it is because it changes so little that by common consent in international trade, where no law can come in, gold is accepted as the standard of value. If there is in some periods a slight appreciation, in succeeding periods there is a corresponding decline. Unquestionably a period of decline of gold is already at hand.

Mr. BURNS. Is there the slightest evidence that gold appreciated 40 or 50 per cent between 1870 and 1892?

Mr. SMITH. Not the slightest. On the contrary, the small decline of average prices from 1879, when we got back to specie payments and normal conditions, to 1892, just before the exceptional business depression set in which temporarily reduced prices abnormally, makes it impossible that the rise of gold could have been, in the thirteen years before 1892, 10 per cent at the outside. So that a debt contracted within three years has probably not appreciated at all.

Mr. JONES. And because of this it is proposed to depreciate the currency 50 per cent?

Mr. SMITH. That is the fact. It is worthy of note that it is claimed gold appreciates under our present so-called system, by which in this country we use as much silver as gold as money; and it is proposed by the 16-to-1 schemers to remedy this by a plan that would eventuate in the use of only silver and drive out our gold, thus greatly contracting our currency.

Mr. VANCE. But does not the run on our Treasury reserve gold the past year show that there is not enough to go round?

Mr. SMITH. Even if that were the case we should only cause a bigger run on what we have by adopting the 16-to-1 scheme, for we couldn't use silver dollars in settling foreign balances. We should have to use silver as bullion then just as we do now. The 16-to-1 scheme would cause foreign investors to withdraw the capital they have here now. Indeed, it was distrust of our ability or intention to pay our foreign debts in gold or its equivalent that caused the run on our gold—a distrust which was made active by the failure to maintain our revenue equal to our expenditure—the failure to maintain our redemption fund.

That the run on our Treasury was not caused by scarcity of gold abroad was clearly shown by the fact that the gold taken from us was simply accumulated and held as idle money in foreign commercial centers.

DEBT PAYING IN WHEAT.

Mr. VANCE. But is it not true that, while a debt of $1,000 contracted in 1891 could have been paid with 1,000 bushels of wheat, last winter it would have required 2,000 bushels of wheat to pay it?

Mr. SMITH. But even suppose that was so—for I notice you select a year when the wheat crop was short and the price the highest and compare it with another year in an exceptional business depression, when the crop was large and the price the lowest—what does that have to do with the payment of a debt to be paid not in wheat but in money?

Supposing wheat should be $1 next year, as it would be if the crop should be short, how would it then be with a debt of $1,000 contracted in 1893, when wheat was 50 cents when the $1,000

would have bought 2,000 bushels? Would you contend that because of this fact the debtor should now give the creditor 2,000 bushels of wheat or its proceeds? You shake your head. But why not, if your argument in the first case is sound?

Mr. JONES. Neither view would be sound, because the money borrowed was not made payable in wheat, but in money. The man who loaned the money was not dealing in wheat futures. If he had been he would then have taken his chances in the future of wheat. He simply lent money equivalent to gold at a low rate, without charging anything for the risk involved in the future price of any product.

Mr. SMITH. Why do you not take corn, oats, pork, beef, lard, butter, or some other farm product to illustrate the position of the borrower? Corn was higher in Chicago in 1892 than in any other year but one since 1879. A debt contracted in 1879 for $1,000 would have required 2,225 bushels of corn to pay it, but in 1892 it could have been paid with 1,800 bushels. Do you think the creditor in 1892 was entitled to have the 425 bushels of corn extra in 1892?

Mr. VANCE. No, I don't.

Mr. SMITH. I agree with you. But why not on your theory?

Mr. JONES. Because it was a loan to be paid in money. And the same principle applies to Vance's wheat hypothesis.

Mr. VANCE. What I contend is that the value of the money has increased.

Mr. SMITH. And you propose to have the prices of wheat and cotton alone determine whether money has appreciated, when the price of other farm products (if such an argument from prices is sound) would prove the reverse.

Mr. VANCE. But you must admit that the farmer who raises wheat does suffer in debt paying just as I have pointed out.

Mr. SMITH. But an intelligent farmer may be relied upon to raise crops that in the long run pay best. One particular crop, especially a crop like wheat, whose price depends on the world's yield, may not pay one year, for various exceptional reasons, and may pay largely another year. This is a good reason for diversification of farm products. No good farmer raises wheat exclusively, especially when he knows by experience that wheat is an export product that goes up and down according to the favorable or unfavorable season, varying from 50 cents to $1.34 in Chicago—$1.02 in 1876, 90 cents in 1878, $1.16 in 1881, 77 cents in 1886, and $1 in 1891.

Mr. BURNS. It seems to me that any attempt to measure money by wheat or cotton would give us a very uncertain standard of value.

Mr. SMITH. Of course it would. And yet the 16-to-1 silver men are relying entirely on the price of wheat and cotton to prove that debts have appreciated.

Mr. JONES. But in view of the fact that both wheat and cotton have risen considerably since the spring of 1895, they must conclude that both gold and debts have greatly depreciated within a few months.

Mr. SMITH. We must remember that all the talk about the advantage or disadvantage to the debtor of a depreciation or appreciation of the dollar is of little consequence, for the reason that every new debt that is contracted will be made not on the basis of the former dollar but of the new depreciated dollar. It is a temporary advantage or disadvantage at the most, and not of the slightest consequence as compared with the value of confidence in the gigantic daily exchanges. The change in the gold dollar in any one year is so slight as to not materially affect either creditors or debtors. The dollar should be so stable as to inspire confidence. But when the value of the dollar unit is suddenly and materially changed by legislation, uncertainty reigns and paralysis seizes upon business.

DEBTS PAID WITH PRODUCTS.

Mr. VANCE. When it is considered that the private and public debts of the people of this country are forty thousand millions, I should like to know how anyone supposes we can pay with the mere pittance of six hundred millions of gold?

Mr. SMITH. That is a wild guess, for I am not aware of any reliable statistics as to our private indebtedness. We simply know our public and corporate indebtedness, and that is but a fraction of the big sum you name.

But whatever the sum may be, it is for value received. Every dollar for which we are indebted was borrowed in gold or its equivalent. More than that, it must be inferred that whatever has been borrowed has been in the main profitably used; so that the borrowing has made us richer.

Mr. VANCE. Our railroad bonds alone held abroad are a gigantic mortgage on the country.

Mr. SMITH. Practically the larger part of the railroad bonds held abroad represent the money which built the roads, and the holders of them are really owners of the roads. It is not expected that anything more than the interest on the bonds will be paid, as this is in reality a dividend to the owners when the roads pay. And instead of being impoverished by the construction of these roads by foreign capital, we have been enriched. The debt is only in name.

Mr. VANCE. But must we not send gold to Europe to pay the annual interest, estimated at two hundred millions, on these foreign investments or bonds? And where is it coming from if we can use only gold? We produce only thirty-five or forty millions of gold annually.

Mr. SMITH. We pay neither interest nor principal of our foreign or domestic indebtedness in gold. We pay in exported products, and one of these products is silver. Last year we exported about $40,000,000 in silver. If silver had free coinage here at 16 to 1 it could not go further in paying indebtedness or for purchases abroad than it does now. Gold is used only to settle the balance of trade.

DEBT PAYING IN LABOR.

Mr. BURNS. We laborers have the idea that after all it is labor (harnessed to capital in the form of labor-saving appliances, etc.) which finally pays debts through the products of labor and capital; and that the vital question is whether since 1873 (or perhaps 1879 would be a fairer basis of comparison) it would have required more labor in 1892 to pay a debt contracted in money in 1873 or in 1879 than it would have required at the time the debt was contracted.

Mr. SMITH. You are right in making the comparison on the basis of the wages of labor, for the reason that the true test is not how many pounds or bushels of any product, but how many days' labor it takes to produce the article used to make deferred payments. The price of an article may be 25 per cent less than a few years before, but if by reason of labor-saving devices it takes 33 per cent less labor to produce the articles, then of course the payment of the debt at the later period is easier than it would have been at the earlier period. Now, I find by Labor Commissioner Wright's tables that wages, estimated in gold, were 148 points in 1873 and 160½ in 1891, or 12½ points higher in 1891 than in 1873. In other words, a debt of $1,480 could have been paid with 10 per cent less labor in 1891 than in 1873 and with 15 per cent less labor in 1891 than in 1879.

Mr. BURNS. This does not look much like an increase of the burden of a debt between 1873 and 1891.

OUR FOREIGN DEBTS.

Mr. VANCE. But inasmuch as we are a debtor nation and England a creditor nation, I can see how it is England's advantage to make its debts as large as possible by holding onto gold as the standard of value. But isn't it for our advantage to keep our debts down by paying silver as our standard?

Mr. SMITH. It is true that we have a country of immense natural resources awaiting development, and therefore that we can and do profitably use foreign capital, while England is an old and finished country, with few natural resources that already are not developed, and hence has spare capital. This of course makes it for our interest to borrow in order to make more money.

Now, looking at this situation solely from the standpoint of our own welfare, it is for our advantage to maintain our credit so as to be able to borrow at a low rate of interest. It is because we have maintained our credit and kept our money at par with gold that for years we have been able to borrow abroad at so low a rate of interest, while the silver-basis countries that have a demoralized currency have to pay higher interest and pay in gold, too. In other words, because we are borrowers, it is for our interest to maintain all our currency equal to gold. Rest assured that if we should go to a silver basis we should have to pay dearly for it. England, if she looked at the matter selfishly, would not object to having us cripple ourselves by going to a silver basis.

I notice that China's new loan has been negotiated at 6 per cent, while ours has been negotiated on a basis about half that.

THE WEST AND THE EAST.

Mr. VANCE. The West is overwhelmingly in debt to the East, and this indebtedness is increased by the appreciation of money. The situation is well shown by an illustration in Coin of a cow generously fed by the West while the East gets all the milk.

Mr. JONES. Is it not a little ungenerous, not to say unwise, to reproach the longer-settled East for having confidence enough in us to loan us money to develop the West, especially when we have been able to use the money so profitably? When the West is as old as the East we shall be far richer than the East now is and can return the favor.

Mr. SMITH. That is well said, Mr. Jones. As a matter of fact, even our own mortgages have been generally given for loans of money to pay for our farms, to buy new land, or to construct buildings and improve our facilities for making money. And instead of growing poorer, as Coin would have you believe, the West has increased in wealth faster than even the East. I have here the census figures of the per cent and per inhabitant increase of wealth

of the different sections of country between 1880 and 1890, and let me read them:

Per cent and per inhabitant increase of wealth, 1880–1890.

	Increase wealth.	Increase per capita.
	Per cent.	
North Atlantic division	21	$23
North Central division	60	197
Western division	200	959
South Atlantic division	40	84
South Central division	70	148

Mr. BURNS. That looks very much as if Coin ought to have turned his cow around and placed the head at the East and the milkers at the West.

Mr. JONES. Of course, the fact is that we have been mutually benefited as parts of a common country. The fellow who will try to stir up prejudices and passions between different parts of our common country so as to accomplish his selfish ends is unpatriotic and reckless.

Mr. SMITH. The impression that the West is more deeply in debt than the rest of the country is a mistake. Take the State, country, and municipal debt of the West, and it is by no means as great as that of the East. According to the census of 1890 this debt, per capita, was $26.89 for New England, New York, and Pennsylvania, and only $14.32 for the 12 central Western States, and $22.09 for the States west of the Mississippi. The similar debt of Great Britain is $87.79 per capita.

Mr. JONES. I think that I voice the sentiment of the West when I say that the desire to depreciate the dollar in order to pay debts easier is exceptional. We are able to pay our debts and intend to do so. Whenever we can not we will not ask that the currency be depreciated and business demoralized to help us out, but will rely upon the insolvent laws which each State passes to relieve honest but unfortunate debtors.

NO DISTINCT DEBTOR AND CREDITOR CLASSES.

Mr. SMITH. It is a great mistake to suppose that there is a large, exclusive, distinct debtor class. Most men are both debtors and creditors. The only class that are exclusively creditors is the workingmen. They pay as they go, and their savings make the great mass of deposits in our savings banks.

Bankers make loans to a very small extent of their own money. It is their business to loan the money of depositors. The workingmen of this country have over one thousand seven hundred and fifty-eight millions of deposits in savings banks and a considerable part of the three thousand millions of deposits in all other banks, nearly four thousand seven hundred millions of deposits in all. It is these deposits that furnish the most of the loanable funds with which the business of the country is carried on.

A scheme to depreciate our money by going to a silver basis would rob the workingmen of this country of at least one thousand millions of dollars of their savings and would rob them far more than this of their wages.

Mr. BURNS. I want to say once for all that the workingmen of this country will drop this 16-to-1 silver scheme like a hot potato just as soon as they examine it.

DEPOSITS AND MONEY.

Mr. SMITH. Let me read to you the official statement of deposits in the various kinds of institutions:

In national banks	$1,779,295,862
In State banks	648,573,800
In loan and trust companies	411,650,000
In savings banks	1,758,329,618
In private banks	93,091,148
Total	4,690,890,433

Mr. VANCE. I do not understand how there can be four thousand seven hundred millions of deposits in banks to be loaned when there are only one thousand six hundred millions of money in the country. It seems to me that it would require four thousand seven hundred millions of money to make such deposits.

Mr. SMITH. You evidently have the misconception of the office of money that Coin has when he talks about the impossibility of paying five thousand millions of debt with one thousand six hundred millions of currency. Money is simply a common medium or tool of exchange, but the real wealth exchanged is products. A thousand dollars in money may perform a dozen thousand-dollar exchanges of property or pay a dozen thousand-dollar debts in a single day. The name "currency" means something that runs or circulates from hand to hand. So the money that a workingman deposits to-day is loaned, perhaps, before night, to the manufacturer, who pays it out again to his workingmen tomorrow, when it can be again deposited and reloaned, and so on.

You will see at once that the volume of money or number of tools of exchange required depends very largely upon the facilities for expediting exchanges. Bank checks, bills of exchange, etc., offer substitutes for money more convenient than money itself, and, what is more, have precisely the same effect on prices that coin or any other kind of money would have. Ninety-two per cent of all exchanges are made by means of substitutes for money, and only 6 per cent with money.

No one is wise enough to determine beforehand just how much money our country needs. That can be determined only by business demands. A supply of more than is required lies idle, and there is a loss of interest. More is required at some seasons than at others. The Government, for example, has coined $75,000,000 in half and quarter dollars and dimes, but it is found impossible to keep much more than $60,000,000 in circulation. When more is paid out it returns.

STABILITY AND UNIFORMITY OF STANDARD OF VALUE.

Mr. VANCE. While I can see now that it is impossible for us to get away from the world's standard of value (gold) in international trade, which is only 4 per cent of our entire trade, yet it seems to me that in our domestic trade, which is 96 per cent of our aggregate trade, we could adopt a silver basis with positive advantage.

Mr. SMITH. Does it not occur to you that there would be great confusion, friction, and unnecessary expense in having one standard of value (gold) for our foreign trade and another standard (silver) for our domestic trade?

All our imports, for example, are sold in our domestic markets. If they are bought on one standard and sold on another, there is increased expense and risk to be charged to our consumers, especially if our standard is more variable than the world's standard.

Again, all our exports would be bought here on one standard and sold abroad on another. And rest assured the producers of farm products would have to pay the brokerage incident to different standards of value.

Not only that, but the fact that silver is a fluctuating metal would bring a new element of risk in the fluctuations of exchange which we would have to pay for.

Mr. JONES. Inasmuch as prices are really made in the world's markets on a gold basis, would not the fluctuations of silver make more changeable and uncertain prices in our domestic trade than we have now, and thus introduce a new gambling element into our trade which would work serious injury?

Mr. SMITH. Certainly. The currency of any country is the life-blood of its commercial existence, and the fluctuating character of a currency on a silver basis would work serious evils. The greatest possible stability and the greatest possible uniformity of the standard of value in the leading commercial nations is a necessity. Any country which does not keep in touch with the commercial world as to its standard of value will be surely distanced in its foreign trade and seriously injured in its domestic trade.

It must be remembered that in these days of steam and electricity the whole world is one in a very important respect. There now can be no surplus of money or merchandise anywhere in the world that it is not hurried to fill the shortage. The facility of transfer tends to equalize values and prices throughout the world except so far as tariffs differ. We know every evening what has been going on in every part of the world during the day—the condition of the crops, where there is a surplus and where there is a shortage; and in every great market supply and demand meet and the adjustment of prices takes place, and the universal language in which these prices are expressed in grains of gold.

Mr. BURNS. Do you remember the extent of our domestic trade?

Mr. SMITH. I remember that the transactions through our national banks alone reach one hundred and twenty thousand millions per annum—more than two thousand three hundred millions per week, four hundred millions every secular day, and forty millions every business hour, in all of which the value of the practical standard dollar is the controlling element.

Not a bushel of corn or wheat, not a pound of hay or cotton, not a yard of cloth, not a day's work, is sold or bought into which this value does not enter. Surely legislation which proposes to suddenly disturb this value to the extent of 50 per cent, and especially to give us a fluctuating standard whose value is subject to the same changes as wheat, or cotton, or oil, a standard or measure whose own value must be first estimated, should be advocated with bated breath.

Mr. VANCE. But won't the fact that the depreciation of silver would give us rising prices be of itself a stimulator of trade and prosperity?

Mr. SMITH. We have the experience of past schemes to depreciate the currency to guide us. While temporarily the speculative spirit is stimulated, yet the final result has been to demoralize, disturb, and finally wreck all business enterprises and plunge the country into despair, whenever the currency has been depreciated in peace. A forced depreciation of the currency in war is tided over as long as the war lasts because of war expenditures, but

that anything more than the interest on the bonds will be paid, as | census figures of the per cent and per inhabitant increase of wealth

morrow, when it can be again deposited and relonned, and so on.

You will see at once that the volume of money or number of | in peace. A forced depreciation of the currency in war is used over as long as the war lasts because of war expenditures, but

after that the penalty must be paid. Depreciation and demoralization of the currency has the same effect on national life that excessive drinking does upon the individual life; first the delusions of the initial stages of intoxication, then the debauch, the delirium and the terrible penalties of the violation of eternal laws.

Commercial prosperity can exist only under permanent and settled conditions, at least so nearly permanent that annual changes are reduced to a minimum. By the consensus of all leading commercial nations, grains of gold give the greatest permanency as a standard of value; and while silver is to be used with gold, yet it can be used successfully only under conditions that make the silver dollar equal in value to the gold dollar and maintained at a parity with it.

Nothing promotes distrust, paralyzes trade, discourages investments, closes avenues of employment, and diminishes wages so effectually as a demoralized and depreciating currency.

Mr. JONES. You are right. And hence nothing is clearer than that it is the duty of every good citizen to resist the attempt to have this country adopt alone the free and unlimited coinage of silver at the ratio of 16 to 1, for this means silver monometallism, a silver basis, a depreciated currency, a brief period of intoxication, and then demoralization, business and industrial paralysis, a financial panic, and destruction.

Let the light of experience, shining in the tower of history and warning the present generation of the dangers of the yawning abyss into which a depreciated currency has repeatedly plunged nations, guide the destinies of the Republic.

Mr. BURNS. I would like to ask you, Mr. Smith, if you have any information as to the general condition of agricultural and other laborers in any of these countries which are on a silver basis—Mexico, for instance?

Mr. SMITH. I have here a very interesting document which is called Consular Report No. 67, and published by the Department of State at Washington. In that I find a report by Consul-General Sutton which gives a carefully prepared statement, covering more than 45 pages, by Mexican officials from 21 of the 27 States which compose the Mexican Republic. These replies were made in answer to a circular letter by the consul-general asking information as to—

1. Wages of agricultural laborers.
2. Conditions under which contracts for agricultural labor are made.
3. Supply of laborers.
4. Principal agricultural products, production, and prices.
5. Retail prices of principal articles of consumption, as meat, corn, etc.
6. Prices of neat cattle, horse stock, sheep, and hogs.
7. Private lands for sale, and prices.
8. Possible industries that might be established.

Fifty-five different officials, all of them evidently intelligent and careful students, answered these questions at full length and with great frankness. Here are extracts from some of them:

In the State of Aguas Calientes field laborers receive for a day's work 12½ cents and 2 quarts of shelled corn. Prices of articles of prime necessity are: Corn, 40 cents to 80 cents per bushel; frijol (the bean of the country and the principal food), $1.60 to $3.20 per bushel. What little beef they have sells for 16 cents, mutton for 15 cents, hog meat for 14 cents per pound.

In the State of Chiapas day laborers get 25 cents per day, with an almud (short peck) of shelled corn, the same of beans, and a ration of salt once a week. Laborers by the month get $5 per month and the privilege of building a house and having a small bit of a garden on the hacienda; 14 ounces of beef, 10 ounces of pork, 5 ears of corn, 1 pound of beans, 8 ounces of rice, and 10 ounces of lard, sell at 26 cents each.

In the State of Coahuila, which borders upon Texas and produces a considerable quantity of cotton, the wages are 37½ cents per day, paid in grain or goods, with no money and no allowances. In cotton-picking time, most of them work by the tarea or quantity, and make from 50 cents to 65 cents per day. Meat sells at 12½ cents a pound, shelled corn at 5 cents, and beans at 8 cents per quart, while flour is 8 cents and lard 31 cents per pound.

In Durango the agricultural laborers get from $4 to $6 per month, with the weekly ration of 13 quarts of shelled corn.

In Guanajuato the wages are from 18 cents to 19 cents a day, and this only for the days when the man is employed.

In Hidalgo 18 to 22 cents per day, with an allowance of corn. Flour sells at 6 cents, meat at 10 cents, lard at 30 cents, and Mexican brown sugar (piloncillo) at 6 cents per pound.

In Jalisco, the monthly wages are $5, with 33 quarts of corn, 4 quarts of beans, and 3 ounces of salt every eight days. Day laborers get from 12½ to 18½ cents, with 13 quarts of corn per week. Meat sells at 10 cents, bread at 12 cents, sugar at 15 cents, and salt at 4 cents per pound.

In the Federal district, where the City of Mexico is located, agricultural laborers get by the day 31 cents and no allowances, and the work is from 6 a. m. to 6 p. m., with one hour in the middle of the day.

In Michocan, over on the Pacific Slope, and which produces sugar, wheat, corn, beans, fruit, and many other tropical crops, labor is 25 cents a day, by the day, and the hours from 6 a. m. to 6 p. m. Meat sells at 12 to 18 cents and lard at 25 cents per pound; beans 18 cents and corn at 6 cents per quart.

In Nuevo Leon, in which is the great city of Monterey, wages are $4 to $8 per month, with an almud of corn every eight days.

Oaxaca, a Pacific coast State, produces coffee, cocoa, sugar, tobacco, corn, beans, and fruit. Wages are 25 cents a day, except in coffee harvest, when they are increased from 50 to 100 per cent. Monthly contracts are from $4 to $7, with an allowance of corn for bread.

This shows pretty clearly how low are wages and how high are all the necessaries of life in Mexico. There are some other things in this report which ought to be studied. Practically one-half of all the agricultural laborers of Mexico, in spite of laws to the contrary and in spite of a general public sentiment against it, are slaves to the glebe. In other words, they all owe their masters a sum of money for trade at the store, advances for funeral expenses, baptisms, sicknesses, etc., ranging from $50 to $500. In Holy Week they may take a paper from their master showing how much they owe him, and if within those eight days they can get any other master to agree to pay that debt they may transfer their allegiance from the old to the new master. Unless they do this—that is, if they attempt to go off one man's property without settling up—they are very likely to be arrested on any one of a long list of minor charges—obtaining money under false pretenses, stealing, getting drunk, disturbing the peace, etc.—and be held practically a prisoner until they get tired and consent to return to work on the old terms. The local judges are always the great landed proprietors or their retainers, and justice in the district is modified to suit their own views. The head of the family works from youth to old age and dies usually owing more when he goes out of the world than when he assumed man's estate in it. Often a son or sons will assume the debt of a father and go on, generation after generation, in this manner. As they get very little money for their work and everything they have to buy is very expensive, their purchasing power is very limited. It is estimated that the average annual expenses by cash purchases—clothing, food, etc.—of the ordinary agricultural laborer and his whole family does not reach the total of $70 per annum.

The clothing of the man consists of a pair of sandals, a pair of cotton drawers rolled above the knees most of the year, a cotton shirt, which is usually hung carefully on the bushes during the day, and an immense sombrero. That of the woman is usually a chemise and a skirt. Some of them have shoes and stockings for everyday wear, but most of them wear sandals or nature's covering, while their attire is completed with a small black shawl. Only a few of the more ambitious have ventured upon that modern innovation—a hat. Bonnets are unknown among them. The children wear the same raiment they brought with them into the world until they get to be from 4 to 7 years of age, when they increase their toilet by one garment.

That is the class of labor, the methods and manner of life of our next-door neighbor, which has to-day and always has had the free and unlimited coinage of silver.

Any person who wishes to make a more detailed study of this subject should write to the Department of State and get a full copy of this very interesting report.

ANOTHER POINT OF VIEW.

Mr. JONES. Now, we as neighbors have talked this matter over pretty thoroughly. Last night I received a letter from a friend of mine in the Northwest, and with that letter he has sent me some figures and facts which I think will be of interest to us all. My friend is a hard-headed farmer. He is conservative and still enterprising; is a good farmer, and last year bought 80 acres more land (running in debt, of course, for a portion of the purchase money), and is pushing along as well as he can in these hard times. His farm is near a town, which was growing rapidly in 1890, 1891, and 1892. They had put up a woolen mill and a paper mill, besides several other manufacturing plants, and as usual in these Western towns, they had borrowed money for all of these enterprises, and had pledged the future with bonds to enable them to open new streets, build sidewalks, put in water, gas, electric lights, and a line of street cars. From a sleepy country village it had grown under the inspiration of the tariff law of 1890 into a brisk town, affording a large market for all the farm products in that vicinity. The Wilson-Gorman bill struck them below the belt; the mills have shut down, and they are in bad shape. This situation of affairs has caused him to study the situation from his point of view, and if you neighbors are sufficiently interested to desire to hear these, we might meet some other evening at the schoolhouse, and invite the other people of the community, and see what he has to say.

Mr. BURNS. That will be a capital idea. This is a big country; we are all interested in this subject, for what helps one portion helps all, and the same causes work out identical effects in every portion of this great country.

Mr. SMITH. Yes, we are all vitally interested in getting at the plain facts of this business, and we can't give it too much study or deliberation. What we want to arrive at is the truth—the plain truth and the whole of the truth.

Mr. VANCE. Well, I have read Coin and a whole lot of literature published by the Mine Owners' Association, and have got some radical ideas, yet I too desire to get at the facts. I have changed my views considerably during the three evenings we have been together, and I must say that while I am not prepared to abandon my original views, I have modified them considerably and become more anxious to keep at this thing until I get down to bed rock.

With this understanding they adjourned until the next Saturday evening.

FROM THE STANDPOINT OF A NORTHWESTERN FARMER.

They were all assembled in the schoolhouse on the Saturday evening appointed, and so lively an interest had all their neighbors in the question to be discussed that the house was packed full.

Among the audience was a fair sprinkling of ladies, some of whom thought they ought to vote as well as the men, and all of them were interested in hearing what some persons in another portion of this country thought about the present condition of affairs.

MR. BROWN'S LETTER.

"MY DEAR JONES: You know I was born down East, but that as a young man I struck out for the West, and have put in twenty years of hard work. I have 80 acres of land, 1 mile from town, all paid for. I have good buildings, teams, tools, and supplies on hand to run me through a year. Last year I bought 80 acres, which joins mine on the south, for $30 an acre. I only had $400 to pay down; leaving $2,000 on which I had to pay 6 per cent interest for three years. I don't suppose I can raise the $2,000 at the end of that time, but I hope—if I have my health and good luck—to reduce it to $1,000, and make a new loan for the balance, clearing that off in two years. I could have done this easily as things were a few years ago, but now, with the load of a two-thousand-dollar debt hanging over me, I shall have to plan carefully to come all right. Some of my neighbors are talking very strongly in favor of the free coinage of silver at 16 to 1, thinking that would make a great change in the condition of affairs. My opinion is, however, that it is not so much a question of free silver as it is of business confidence and a protective tariff. For instance, when I borrowed the $2,000 to buy that 80, the real-estate agent who negotiated the loan for me said that the laws of our State were so full and ample in securing such loans that money was freely offered him from the East for loaning at very low interest."

MR. BROWN'S STATEMENT.

Inclosed with his letter, Mr. Brown sent a paper which he had prepared, which Jones read at length. It excited so much interest and touched upon topics which were so important that it is given in full.

Mr. JONES, after clearing his throat, said: This seems at first to be a conversation between Mr. Richard Poor and Mr. Peter Sail.

The succeeding chapters describe Mr. Poor's discussions with several eminent persons, and the effect of such discussions on the audience.

Mr. Poor seems to be an independent, fairly educated, level-headed laboring man, who has carefully saved some of his earnings, got himself a house and lot, and has several thousand dollars invested. The hard times have hurt him, but they have not brought him to utter want. Mr. Peter Sail is also a hard-working man, but never got so good wages as Poor. His wife had been sick a good deal, and other troubles had hindered his getting ahead so much in the world. In December, 1892, he had his little house and lot paid for and fairly furnished, and $300 in the bank. At the date of this statement his money had long since been gone, he had got in debt for living expenses, and had tramped for work month after month, and only a few weeks before had been obliged to sell their little home to pay their debts, and with a small quantity had moved to a little rented house on the outskirts of the town. He now had absolutely no resources, and had it not been for Mr. Poor, who kindly risked loaning him money—to be repaid if he should ever get work—he and his family would have suffered for the necessaries of life.

THE INDEX OF PROSPERITY.

"The men who depend upon their daily toil for their daily bread," said Poor, "constitute the balance wheel in American commerce. There is no better index of the condition of a people than is indicated by the condition of the laboring men, known as wage earners. They are more adversely affected by depressions and stagnated business than any other of our population. Talk about the amount of money in a country indicating prosperity! There is nothing in that. It is the amount of money that reaches the pocket of the poor that makes a country prosperous. If all the money of the world were dumped upon American soil it would not be beneficial except in so far as it reached the pockets of the poor. It would only be beneficial in so far as it enabled our people to buy more of the necessities and comforts of life. If it should go into the hands of the people who have plenty it would fail to benefit anyone. It would not make a heart happy nor increase the consuming ability of our people. So I say in the broad sense of the term it would not be beneficial."

Poor here took a piece of white paper out of his pocket and with a lead pencil quickly drew two reservoirs, and continuing, said: "This reservoir represents a healthful condition of business. It shows the money in circulation, going from the capitalist to the farmer and wage earner, and from them to the capitalist again. This represents prosperity. The laborer is prosperous because he has work and is getting his part of the money of the country. The farmer is prosperous because, when money is circulating and the wage earners are all employed at good salaries, he has a larger demand for his products; and with an increased demand goes higher prices.

"Now," continued Poor, "this other drawing represents the country when the money is not circulating properly. Money is the blood of the nation. When the blood fails from any cause to circulate in any member of the human body, that member must perish. It can not live.

"Well, now," continued Poor, "the same is true of the members of our nation. The farmers and laborers are the main members upon which our nation to-day stands. In this drawing you will observe the money—the blood—is not circulating among the farmers and wage earners as it should. They can not stand that long. They must soon perish, and with them our nation, unless we can get the circulation revived.

"This money is congested, just as the blood would be in the body if it should cease to circulate in the legs and arms. There is just as much money in the country as ever, but the poor do not get it. When this condition prevails it is common to hear people say money is scarce, and that there is little money in the country, when they really mean that it is not circulating.

"I heard a man say the other day that to increase the amount of money in the country to $50 per capita would bring prosperity. What do you think of that as a means for relief?

"Suppose," said Poor, "all your blood should rush toward your heart and cease to circulate in your limbs. Suppose a doctor would propose to cure you by driving the blood from about the heart and compelling it to circulate throughout the whole system, revivifying every member and particle of the body. Suppose then another doctor would propose to bring relief by injecting into your body more blood. Now, between these two doctors which would you choose as your physician, under the circumstances?

"The one who would make the blood circulate, of course. I would have no assurance that if I employed the other doctor the blood would circulate after he injected it into my body.

"Before talking about increasing the volume of money let us first force into circulation the money we have.

MUST MAKE MONEY CIRCULATE.

"We must manage some way to compel the money to circulate. What I mean by circulation is passing among the masses. Money piled up in the vaults of the rich is not circulating at all. It is hoarded and is doing no one any good. To increase the amount so hoarded does not put any more in circulation. The problem to be solved is not how to increase the amount of money in the country, but how can we give to labor its just rewards and keep in circulation the money we now have. How can we give to the poor their share of our present volume."

HOME VS. FOREIGN LABOR—A CONVERSATION.

Poor went over one afternoon to see how Pete was getting along. He was pleased to find Mrs. Sail improving rapidly. It being a warm day and there being several in the house Poor and Pete went out and sat down on the grass in the shade of a tree. After they were comfortably seated Pete began the conversation by stating that his wife would soon be well again, and he would like to find work, and inquired of Poor about the prospects of finding any.

"I don't know," said Poor, "where you can get any work at present; but I hope the mills will start again soon."

"Poor," said Pete, "I have been thinking of this matter of work ever since I saw you at the bank. I have also been more impressed with the idea that the people are with us, and would help us if they only knew how to go about it. What has been worrying me is what to do. What do we need? What will give us work? What will bring happiness and prosperity to our land? I am free to confess I see no way out. The future to me is dark."

"It is well," said Poor, "for us to inquire what ails us. We are out of employment. That much we know. How can we get it, and what will be the best for the country are the things to be considered."

DO ALL OF THE WORK.

"Pete," continued Poor, "if you were idle a good part of the year, and there were things you needed, would it be better for you to make them during the time you would be idle, or would it pay you to buy them and do nothing part of your time? If you could make the articles as good as any one else, and you would put in your spare hours making them, would you not be worth more at the end of the year by reason of having saved your money and supplied your wants by your own labor?"

"I most certainly would," replied Pete. "I would be worth just as much more as the articles made would have cost."

"Then," said Poor, "if there are articles the people of this country can produce, and there are idle men to produce them, would it not, on the same principle, be to the interest of our country to have our idle men employed supplying the wants of the people and saving the money that would otherwise be sent abroad? Every dollar's worth of goods made in this country adds that much to our national wealth. It adds the same amount to the wealth of the men who produce them. If we had all our idle men employed, just think what an enormous amount of wealth would be added annually to our country. The amount of money sent abroad, if kept here and paid to our own workmen, would increase the wealth of the country to that extent every year. It would also increase the individual wealth of the men who would do the work. The beauty of that increase, Pete, is that it is among the poor. It increases their wealth, and that is the only way I know to increase the wealth of the poor. If you could increase the value of the property of the nation it would only benefit the property owners, and especially the rich; and the poor would get very little advantage from such increase. A law which will give the poor work, though, is especially beneficial to them and adds almost exclusively to their wealth.

CONVICT LABOR.

"Pete, are we out of employment because there is no work?" asked Poor.

"I think so," said Pete.

"Well," said Poor, "let us see if that is correct. There were in 1890 64,349 convict laborers at work in the penitentiaries of the United States manufacturing salable articles. Do you know what that means? The United States Commissioner of Labor, in his second annual report, in 1886, quotes a report of a commission to the legislature of New Jersey on convict labor. 'Every convict,' says that report, 'who makes any salable article does work that a free laborer might do, and therefore competes with the latter.' If every one of those 64,349 convicts does work that a free American might do they make work for just that many less free workmen. There are now about 70,000 convicts at work. If they were all stopped it would make a demand at once for about that number of free workmen. It does not seem right that one who has committed an offense and been put in the penitentiary should be so worked as to deprive a law-abiding man of his means of livelihood. Shut off the competition of convict labor, and there will be work for about 70,000 more free workmen. That would be beneficial, would it not, Pete?"

"Yes," said Pete, "but that would not supply the demand for work at the present time. It would be a good idea, though, to not permit convicts to do any work free labor would get were it not done by the convicts. I most heartily agree with you on convict labor."

THE IMPORTED PAUPER.

"There are tens of thousands of foreign pauper laborers coming to our shores yearly," said Poor. "They seek work in our mills and factories. They take work from that many Americans. Now, Pete, would it be beneficial or detrimental to the American wage earners to have all the work, and stop this constant drain from other countries? If it were stopped, would it make more or less work for our own workmen? If it would make more work it would be beneficial, would it not? If beneficial, why not make an effort to restrict immigration?"

"If we could abolish convict labor," said Pete, "and prohibit foreign pauper immigration, it would give quite an impetus to labor. It would cause an increase in wages, and give to at least a million people additional necessities of life."

IMPORTED GOODS.

"Yes; but hold on; I am not through yet," interposed Poor. "You will agree with me that every dollar's worth of work that can be done by the home workmen should be given to them. The people of the United States require about 6,000,000 wage earners to do their work; that is, make the manufactures, work the mines, build the houses, repair the machinery, and do all the work hired done. There are just about that number of wage earners in the country. Now, if we let 70,000 convicts do such work, and there are tens of thousands of foreign paupers coming here annually, in a few years there would be hundreds of thousands of American workmen in idleness and their families in want. It must always be remembered that every man has about three depending upon him for a living. One hundred thousand idle men means 400,000 people living without the necessities of life which our higher civilization demands. However important the questions of convict labor and foreign immigration may be, they fade into insignificance when compared to a more stupendous wrong which our people are now suffering."

Pete here unconsciously opened his mouth and gazed at Poor as though he were unfolding to him all the wisdom of the universe. Poor noticed how interested Pete had become and was rather amused at the expression on his face. He did not allow that to interrupt him, however, but went on:

"We are employing, to supply the demand of the United States, over a million foreigners who never saw the sun rise on American soil, who never saw America, who never pay one cent of tax to support the Government, and who spend their money for Indian and Russian wheat, for South American and Cuban tobacco, and for Australian wool and sheep. We pay them annually for that work more than $600,000,000."

Pete's mouth opened wider and his eyes seemed larger as Poor said this.

"Yes," said Poor, "we bring into this country annually work done by foreigners amounting to about $600,000,000, and yet there seems to be no concerted action on the part of the labor organizations to check it. The labor organizations will meet and resolute against convict labor, which involves the work of 70,000 men, and will pass unnoticed the importation of foreign labor of more than 1,000,000 men. Every foreigner who makes any salable article for our market which could be made by us takes just that much work from our own wage earners.

"Just think of it! A million foreigners employed by the American people! A million American workmen turned out of employment and their families tasting all the bitter experiences of poverty and the degradation of pauperism and tramping! When these poor wretches cry for relief resolutions are passed condemning convict labor and censuring the money power. Now, what we want is something practical. We want to take some concerted action in our own interest, prevent this large importation of foreign labor, make a demand for our work, put a million of idle men at work, and we will have a labor power controlling the affairs of our nation, and that much-discussed 'money power' will be unknown. When there is plenty of work to do we can dictate terms; when millions of us are idle we have to take such terms as are offered."

"Poor," said Pete, "I have heard a great many tell how to solve our present difficulties, but never before heard anyone suggest a remedy so practical and at the same time so easily secured."

"There is to be a meeting to-night at the Grand Opera House," said Poor, "for the purpose of considering this very question. I hope you will be present."

After bidding Pete good day Poor went home.

THE LECTURE.

The Grand Opera House was filled when the meeting was called to order at 8 o'clock. Several thousand people were present, anxious to advance, if possible, the cause of the working people. Nothing stirs up greater enthusiasm than a discussion designed for the betterment of humanity in general and the poor in particular. This meeting was not a gathering of partisans to discuss party issues, but was a gathering of citizens, regardless of party, to discuss questions calculated to elevate the masses.

After the proper organization of the meeting the chairman introduced Poor as the speaker, who said:

"Mr. Chairman and fellow-workmen: This is my first attempt to talk in public. I do not claim to be an orator, but shall endeavor to say a few words to the point, and try to stir the working people to greater activity in their own interest.

OUT OF EMPLOYMENT.

"Here we are to-night without employment, hunting work, families in need, children out of school growing up in ignorance, and we are doing without all the luxuries and many of the necessities of life. Some of our fellow-workmen and their families are actually at the point of starvation.

"'No work,' did I hear some one say? Is that the reason we are idle? Is that the reason we are here seeking relief? No, that is not the reason. As I was saying this afternoon to my friend, Pete Sail, who I am pleased to see is present, the American people sent to foreign laborers for work over $600,000,000 last year. We had during that year over 1,000,000 foreigners working for us. Now I need a suit of clothes. I must have it, too. I can not make it, so I will have to buy it. If I buy it here I give that much money to the workingmen. If I buy a suit made in Europe I deprive the American workmen of just that amount of work and money necessary to produce it on this side of the Atlantic. Yet that is just what we did last year and are doing this. Why do we do it? Why were 1,000,000 foreigners working for

the United States last year? Why did we send them over $600,000,000 for work? Why are we doing the same thing at the present time? If all the people of this nation had all the work they could do it would be all right; or if they could not do that kind of work, then there would be nothing wrong in sending out of the country to have it done. Were all of our workingmen employed the whole of the year? Were there no Americans who wanted the work? Were there no idle men in the country? If idle, why idle? It was not because there was no work to do, was it? No, that could not be, for at the very time you were idle we were employing this horde of foreign vandals. Why, then, were we employing them when we needed work so badly ourselves? There is but one answer, and that is incontrovertible; it is because the foreigners worked cheaper than the Americans would. There are some Americans who are so unpatriotic, care so little for their fellowmen, worship their money to such an extent they will let our own people suffer and send their money to Europe for the products of labor because it will buy a little more there than here. We must either work as cheaply as the workmen of other countries do, and sell the products of our labor as cheaply as they do, or we must prevent them from selling their labor and its products in our market. I want, in this connection, to ask you wage earners this question: If there were American workmen who were unemployed, and whose families were in need, would it not have been far better to have had them at work and receiving this money that was leaving the country, even though the purchaser would have paid a little more for the products of their labor than he would have had to pay for the products of the labor across the water? Would it not have been just and right to have given them that work at fair wages? [A voice, 'Of course it would!'] My friends, would it not have been to the interest of every wage earner in the country? [A chorus of voices shouted, 'Yes!']

AN ORGANIZATION.

"How many wage earners are there present who will agree to buy nothing made by foreign workmen if it could be made by our own labor? And who will agree to patronize no merchant who buys foreign-made goods that could be made at home? And who will agree to join an organization to prevent the importation of any products of foreign labor to sell in competition with the labor of our own people?"

"We will all agree to that," said a voice.

"I want to see if you will," said Poor. "All of you who are in favor of such an organization please rise to your feet." Every man in the house rose to his feet except Professor W———. "You may be seated," said Poor.

THE BUSINESS MAN'S WAY.

"The reason I am so in earnest," continued Poor, "is that public opinion and local custom are not strongly in favor of the rights of the poor workingman. You notice the business and professional men of any town. They do not like for the people of that town to go to some other place to trade or to procure professional services. One of you wage earners go to a neighboring city and buy some goods because they are cheaper than they are at your home town, and hear how your merchant will censure you and how public opinion will condemn you for not patronizing your home merchants. Then notice the merchants of your town when they buy a stock of goods. Instead of buying goods made by the workingmen of their own town, or even of the United States, they will buy goods made by workingmen in England. They will permit the American and home wage earners to starve. What, then, will public opinion say of the merchants? Will it censure and condemn them for buying the work of Europeans rather than Americans? No; it will commend them for their enterprise in so doing, and the citizens of the town will even encourage them by buying the foreign-made goods.

"Suppose one of you laborers should go to your town merchant and say, 'Mr. Merchant, we can buy everything a great deal cheaper in a neighboring town than we can from you. It would be to your interest for us to go to that town to trade and not buy anything you have for sale.' What would the merchant say to you for presuming him to be such an ignoramus? He would ask you if you took him to be a lunatic or a fool, and would probably apply the toe of his shoe to the seat of your pants by way of emphasis. When that merchant or anybody else tells you workingmen how you would be benefited by letting into this country the products of foreign labor, I know of no better argument for you to use on such persons than the toe of your shoe applied to the seats of their pants with neatness and dispatch.

THE ARGUMENT.

"Persons who will maintain such a preposterous proposition must be beyond the reach of reason and argument.

THE REMEDY.

"'What are we going to do about it,' did I hear you say?" continued Poor. "I will ask you if you want the work? That is the first thing to be determined. If you do not want it for yourself, do you want it for your fellow-men? If you do, it can be very easily secured. Let us form this organization I have mentioned, and work for the levying of a duty on all articles which we can manufacture sufficiently to supply the demand. Let us make that duty high enough to prevent the importation of any such products."

Professor W———, the noted orator, politician, and free-trade advocate, here rose and said: "Mr. Speaker, I would like to ask a question."

"Go ahead," said Poor.

"In what way," said the Professor, "and on what articles would you levy that duty?"

"I would levy it," said Poor, "upon such articles as can be made at home, and would let in free those articles we can not produce."

"Why would it not be better," queried W———, "to reverse that, and let in free of duty those things we can make and put the duty on those we can not?"

THE TWO PRINCIPLES.

"Your question," replied Poor, "involves a discussion of the underlying principles of levying duties on imports. I will show you what effect these two modes of levying duties would have upon the country, and will let these workingmen before me decide which mode they prefer. Tea, coffee, and other articles we can not produce you, Professor W———, would levy a duty upon. That would increase their cost to the consumer, to these workingmen, to the extent of that duty. They would have to pay it if they bought any of those imported goods. That would add to their burdens and increase the price of those necessities of life to the extent of the duty placed upon them. What compensation do you offer, then, for this additional hardship? After you have increased the price of these necessities, what do you do with the products of our labor? Do you make provision so that we may sell the products of our labor at an advance equal to the increased price of those things we have to buy? No, you do the reverse. The things our workingmen can make you let in free. You do this so they can not charge any more for them than the Englishman would sell them for. You say to them, 'We want work done, and unless you will do it as cheaply as the foreigner we will let the foreigner have the contract.' That means a reduction of about half in wages. In other words, you increase the price from about 40 to 60 per cent on all our workmen have to buy, and at the same time decrease the price of what they have to sell about 50 per cent. Then you ask me why the duty should not be levied in that way." [Applause.]

THE RIGHT WAY.

Poor was interrupted by the shuffling of feet and a low talking near the door. He stopped speaking, and looking in the direction of the noise observed Hon. Grover Fogg pressing forward through the dense crowd toward the speaker. When Fogg got near the speaker, some one, recognizing the important individual, got up and gave him a seat. Order being restored, Poor proceeded: "Here is the way I would levy the duty. You workingmen are entitled to all the work you can do. I would put a duty on such work so high that no foreigner could deprive you of a dollar's worth of it. [Applause.] I would make it so high that English workmen could not regulate your wages. After giving to you all this work I would let in free of duty all articles you had to buy. The trouble with your plan, Professor W———, is that it reduces the income of the wage earners about half, and at the same time doubles their burdens. You take the money from the very class of people who can least afford to lose it, and decrease those incomes which affect most adversely the interest and prosperity of the country. It is like taking blood from the human heart. It is taken from the most vital and dangerous place.

THREE OBJECTIONS.

"Your plan, briefly stated, has three very objectionable features," continued Poor.

"First. It would allow hundreds of millions of dollars to be taken directly from our wage earners and paid to the wage earners of other lands for the products of their labor.

"Second. It would only allow our workmen to charge for the work left for them English prices, which would be about half their present wages.

"Third. After taking hundreds of millions of dollars' worth of work from them and reducing their pay half for the remaining work you would add an increased burden by increasing the prices of the articles they can not produce."

PROFITS OF CAPITAL.

"Would not your plan enable the manufacturers to make large profits?" interrupted the Professor, feeling greatly encouraged by the appearance of his chief, Grover Fogg.

The profits of manufacturers was one of W———'s hobbies, and he thought if he could draw Poor out on that line of argument he would be able to get the better of the discussion. Professor W——— is a man of a good deal of conceit anyway, and just required such a man as Poor to let some of it out of him. After

must always be remembered that every man has about three | Why do we do it? Why were 1,000,000 foreigners working for

W—— took his seat Poor looked at him and said: "Suppose the manufacturers do make profits I have no objection to that. We should not be deprived of our work and our means of support, and our families pauperized because some one else would make a profit out of our employment. We would prefer to have the American rather than the English capitalists make the profits anyway. Then, the profits of our manufacturers are not as great as their enemies would have people believe. Money is always seeking paying investments. There is plenty of idle capital in the country and plenty of money to loan at 3 and 4 per cent per annum. If there are such large profits in manufacturing, why do not some of these men who make it a rule to condemn all manufacturers put some of their wealth into factories, reduce the price of goods, and become public benefactors? Why do people loan millions of money at such low rates of interest if there is such a bonanza in manufacturing? Profits are no higher in this country than in England, and no higher in protected than in unprotected industries."

The Professor's face turned red and he appeared to be restless. Poor, looking at W——, continued: "Professor, reason is against your position. Some people, though, will not take reason for anything, so I will give you some authority. The first witness I will call to answer your question will be the Hon. William E. Gladstone, of England. In the North American Review for January, 1890, he said: 'No adversary will, I think, venture upon answering this by saying that the profits are larger in protected than in unprotected industries; first, because the best opinions seem to testify that in your protected trades profits are hard pressed by wages—a state of things very likely to occur, because protection, resting on artificial stimulants, tends to disturb and banish all natural adjustment.' Mr. Gladstone further says: 'As result of increased wages in the United States your shipbuilders do a small trade with a large capital instead of doing, as before, a large trade with a relatively small capital.' You will notice Mr. Gladstone admits that wages in protected industries are up pretty well to the selling price of the manufactured article, and leave little to the manufacturer for profits. He argues against a high duty because it increases wages, and a person can not do as much business—that is, buy as much work with a given amount of money—as he could formerly under a low duty. In other words, muscle, bone, blood, and manhood have increased in price until it requires a large amount of money to do a small business. This he complains of.

"Another witness I desire to call is the statistics of the United States, which show that 73 cotton manufactories in the States of Maine, New York, and Massachusetts have been paying dividends of not to exceed 3.69 per cent per annum on the amount actually invested. The factories in other lines have made no greater profits. In fact, there are perhaps 50,000 idle factories in the United States to-day. Is it to be supposed that these factories would be idle if they could be making profits? These thousands of silent factories tell a story about profits which needs no comment."

ENGLISH AND AMERICAN WAGES.

"I maintain," said Professor W——, "that wages are not higher in the United States than in England. It may be that our workingmen make more money during the year than the English do, but it is because they work faster and are paid by the piece. The Englishmen get as much per piece as the Americans do, do they not, Mr. Speaker?"

"This," said Poor, "is the stock argument of persons maintaining your side of this question. I want to show you the falsity of it, so you will never repeat it. It is one of the most ingenious arguments you produce; yet it is no argument. It is simply an assertion. Can the American blacksmith or carpenter do more work than the Englishmen following either of these trades? The English carpenter gets $7.50 per week, the American $15. Can the American engineer, who gets $21 per week, run his engine faster than the Englishman, who gets $10? Can the American laborer, who gets $8 per week, do more work than the Englishman, who gets $4.10? These prices show the relative amount paid for wages in these two countries. The difference indicated in the wages mentioned is maintained through all occupations.

THE SENATE REPORT.

"Perhaps the highest authority in the world on this question," continued Poor, "is the report of a committee of the United States Senate. That committee was composed of persons entertaining different views on the question, and had to assist it some of the ablest statisticians in the world. After a thorough investigation the committee came to the unanimous conclusion that wages in the United States are 77 per cent higher than in England. That is higher authority than your assertion, Mr. W——."

W—— dropped his head and seemed to be in deep meditation.

Poor continued: "But you may not be satisfied yet, Professor, so I will show you conclusively that wages are higher here than abroad.

IMPORTED WAGES.

"We import yearly," said Poor, "several hundred million dollars' worth of foreign work, pay the cost of transporting it from Europe to America, pay from 40 to 60 per cent duty, and yet get it as cheaply as the American workmen will sell their products. Now, if labor is not cheaper in England, how do they pay all this cost to get into our market and still undersell our products?

GLADSTONE SAYS.

"It seems to me," continued Poor, "that I have presented sufficient argument to convince anyone that our wages are higher than the English wages. I desire, though, to put Mr. Gladstone after you again, Professor. He says, 'The American rate of wages is higher than ours, I concede.' Can you, in the face of all this authority, have any doubt which country has the higher rate of wages? I put all this proof against your bare assertion."

Professor W—— did not look up, but continued to gaze on the floor and seemed to long for a hole through which he could drop out of Poor's sight.

GROVER FOGG RISES.

Fogg—the impulsive, self-important, and petulant Fogg—rose to his feet and attempted to assist his bosom friend W—— out of the difficulty he had gotten himself into. Fogg is a lawyer by profession and belongs to that class known as "bulldozers." As long as everything goes Fogg's way he is all right, but is very easy to become discouraged and is likely to leave his friends or clients in the thickest of the battle. He is not much on the fight himself; he prefers a substitute. He never loses an opportunity, though, to inflict his own opinion upon those present. This probably accounts for his great reputation of being such a shrewd man. When Fogg rose perfect silence prevailed throughout the hall. Poor's friends wondered if he could hold his own with Fogg. After standing a few seconds and looking around over the audience, to make sure they all saw him, Fogg said: "May I answer a question you asked a while ago?"

"You have my permission," said Poor.

"You asked this question," said Fogg. "'If we levy a duty upon imported articles we can not produce, and thereby increase the price of them, in what way would we compensate the laboring man for this great burden?' That question was not answered by anyone, and I desire to answer it now. Our workingmen would be fully compensated by giving them all the American products for about half the present prices. That is all the compensation any reasonable man should ask." Fogg looked around at the crowd, walled his eyes up, run his fingers through his long bushy hair, and sat down.

Jim Giles, who sat near him, became so amused at Fogg's actions that he laughed right out.

"That is your answer, is it?" said Poor, smiling.

"Yes, sir," responded Fogg.

A BOON OFFERED.

"That," continued Poor, "is great encouragement. It is indeed a great boon to offer these men the products of their own labor for half the present prices. You, Mr. Fogg, do not understand what these plain workingmen want. They do not want to be pauperized, nor do they want to give the products of their labor away, nor do they want the price of them decreased one-half, or any other amount. You offer them the same thing Professor W—— did. That is, increase the prices of the necessities of life they have to buy and decrease the price of what they have for sale. I guess, Mr. Fogg, your plan is not acceptable to them." [Cries of "No!" "No!"]

Fogg's sensitive, impulsive nature could not very well stand such an outburst of disapproval. He took it as a personal insult to his royal highness, and, taking his hat in his hand, started toward the door. The crowd, though, was so dense he could not get out, so he sat down again.

THEY AGREE ONCE.

"Mr. Poor," said W——, who now felt still more encouraged since Fogg had entered the arena to assist him, "I am opposed to letting foreign paupers or any other foreign workmen come to this country. I am a friend to these working people, and, as I view it, to prohibit foreign immigration is the only way we can give them immediate relief."

"Now," said Poor, "I am real glad you go so far in my direction. But why do you favor keeping out foreign paupers?"

"So as to give the work to our own people," replied Mr. W——, in a somewhat more confident tone.

"A good idea," said Poor. "Now, W——, if a foreigner comes here and works, is he or his labor detrimental to our wage earners?"

"It is his labor, of course," replied W——.

"Then, if they come here," said Poor, "and do not work they will not throw anyone out of employment, will they?"

"No," said the Professor, hesitatingly.

"Suppose again, Mr. W——," continued Poor, "that the products of foreign labor be sold in our market. Before you could

say whether that labor was detrimental to our wage earners you would have to investigate and learn where the work was done. [Great laughter and applause.] If you should find that the foreigners did the work in New York or Chicago it would be a national calamity, but if they worked in England and sent their labor over here in the form of finished products it would be a national blessing. As for my part, Mr. W——, I think the foreigner who works and sells the products of his labor in our market brings as much destitution to our people when he works in London as when he works in New York, and as much when he works in Paris as when he works in Chicago. It makes no difference where the man is, it is the products of his labor we are opposed to having in our country; and it is the products of his labor we desire to keep out. See the fallacy of your position! If a million foreign workmen were on their way to America, you will concede that if landed they would take work from that many of our own people, and spread destitution and financial ruin throughout our land. That same number of men are at work every day across the ocean and selling the products of their labor in our market. You pay no attention to that. You are unconcerned about a million foreigners working for us in other lands, and then express great anxiety about the few thousand who come over here.

"But why, I say, are you in favor of keeping out pauper laborers? If we should import, say, 3,000,000 paupers from European nations who would work for less than half the wages our workmen get, it would make everything cheaper, would it not? That is what you say would be a blessing to the country—cheaper goods. If cheaper goods are so desirable, why not offer an inducement for foreigners to come over here and work? It would be just as detrimental to our working people to have manufactures cheapened by importing foreign goods as it would to import the foreigners and let them make the goods here."

Professor W—— saw that Poor had shown his inconsistent position in advocating restricted immigration, and at the same time letting in unrestricted the labor of foreign workmen. He was very anxious to change the subject.

THE MANUFACTURERS IMPORT PAUPERS.

"Mr. Poor," said W——, rising to his feet and appearing more nervous than before, "do you not know it to be a fact that these manufacturers you are upholding import English laborers to displace our own workmen in their mills and factories?"

"Do you know it?" asked Poor.

"Yes, sir, I do," said Professor W——, emphatically, and at the same time striking the table with his fist.

"Mr. W——," said Poor, "you have now admitted what you awhile ago denied." W—— here dropped his head again as if looking to the floor for some inspiration.

Poor went right on: "You said labor is no cheaper in England than in the United States. You now say these manufacturers import English laborers. That admits that they can get English laborers cheaper, or they would not import them. It also admits that they are not only cheaper per day but cheaper per piece, or else why would the manufacturers want them? Your intimation that I am working in the interest of the manufacturers is not well founded. It is, in fact, not true, except in so far as our interests are identical. The organization I suggest is to prevent these manufacturers from importing cheap laborers and to keep such persons as you from importing the products of cheap labor. I am working for the elevation of the workingmen and for bettering their condition. The fact that my plan would benefit others than wage earners is all the stronger argument in its favor. I have nothing but contempt for these little fellows who go around condemning prosperity, thrift, and the powers of acquisition. I like to see everyone prospering. The fact that some are becoming rich is an encouragement for others to try. Abraham Lincoln, in 1864, said: 'That some may be rich shows that others may become rich, and hence is just encouragement to industry and enterprise. Let him not who is houseless pull down the house of another, but let him labor diligently and build one for himself, thus by example assuring that his own shall be safe from violence when built.'"

Poor here stated that he would now proceed to organize a club for the protection of the working people. The object of the club was briefly stated in the paper which he asked them to sign. It was as follows:

"We, the undersigned, agree to work for the interest of American labor and American industries in the following ways:

"First. We will buy no goods made in foreign lands if they could be made in America.

"Second. We will patronize no merchant who handles foreign-made goods that could be made by our own people.

"Third. We will vote for no man for office who is not in favor of preventing pauper immigration, and who is not in favor of prohibiting the importation of all products of foreign labor which would compete with the products of American labor."

After Poor read this to the audience he asked all who were in favor of organizing a club on these principles to come forward and sign the paper, thereby enrolling themselves as members. The crowd rushed forward to sign the paper and shake Poor's hand. Every person present except W—— and Fogg signed the paper. The meeting then adjourned. All who heard the lecture pronounced it one of the most practical talks they ever listened to.

When Jones stopped reading there was a very marked sensation among his auditors.

As he sat down Vance rose to his feet and said: "Friends and neighbors, I came here to-night to learn things, not to listen, and while listening, keep thinking up things to answer with. Mr. Jones has thrown a vivid light on some things which I never saw plainly before. He has not got quite through with the statement. I notice there are a few more pages, and if you people will not mind I will read them to you myself."

Old Squire Brown rose and said: "I am glad to hear such frank remarks from neighbor Vance. Sometimes those who hold different ideas will not listen to reason or be convinced. He shows an earnest desire to get at the underlying basic principles. If all our friends will be equally frank and sincere, this campaign will settle for once and all for this generation what we need to have done. Go ahead, Mr. Vance."

UNITED ACTION NEEDED.

This is what Vance read:

"POOR. Each individual interest would be injured if not ruined by free trade. And you go over the country advising the people to strike down each other's industry. You advise the stockmen to destroy the fruit business, the tobacco raisers to destroy the stock business, and the stockmen to destroy the tobacco industry. You go to the agriculturists, as a class, and advise them to destroy the manufacturing industries and reduce the wages of the laboring men. You then go to the nonproducers, the capitalists and moneyed men, the manufacturers and wage earners, and explain to them how much cheaper they could get their food products by removing the duty and letting them in free. You incite the farmers against the wage earners and try to get one to strike down the income and profits of the other. You are always trying to pick a quarrel, and are continually stirring up strife among the various industries of the country. Then you go around to each one separately and pretend to be his friend, and want him to help you tear down everybody else. 'Oh, ye backbiter!' Why do you not be magnanimous and respect the efforts and enterprise of the toiling millions? Why do you not say to the people engaged in each industry that they must do nothing to lessen the profits of their fellow-workmen in other industries? Upon the success of others depends your success. It is only by the producers standing together as a body that they can hold their own against the greed and avarice of the times.

"The man who will advise one part of the producers to work against another part is not only an enemy to the producing element of our country but an enemy to the moral, intellectual, and financial advancement which should characterize this people.

WHEN WAGE EARNERS CAN BUY.

"The wage earners, with their families," continued Poor, "constitute about one-third of our population. They consume about one-third of the farm products. Now, if you reduce their income one-half they would only have half as much money to spend for farm produce. They must then do one of two things; they must buy farm produce cheaper, or they must buy only half as much as heretofore. They can not well live on half as much as they have been accustomed to, but would be compelled to do so unless they could buy it cheaper. Should the farmers refuse to reduce the price of their produce, it would entail hardships and suffering upon the wage earners and their families, which I am sure you do not want to see. The wage earners consume about one-half what the farmers sell. If their incomes are decreased to such an extent that they can buy only half as much farm produce as formerly the farmers would have a large surplus of such products left on their hands. What would the farmers do with that surplus? The wealthy class buy all they need at present, and would buy no more if the farmers had ever so large a surplus. The foreign markets are fully supplied and they could find no market there. Then, on the other hand, if you should sell the wage earners your farm products 50 per cent cheaper than you have been selling them, you would have to sell the wealthy class their part at the same price. Every reduction in wages, you see, must be followed by a corresponding reduction in the price of farm produce.

"Let me illustrate to you how that works. Suppose A, B, and C to be a manufacturer, stockman, and farmer, respectively. B has 10,000 sheep from which he gets 50,000 pounds of wool which he sells A at 20 cents per pound, or $10,000 for all. The increase of the flock we will suppose is worth $20,000 annually, making his total annual income $30,000. Then, to feed his flock will require 10 bushels of corn per head, or 100,000 bushels annually.

C has 2,500 acres of land from which he raises 100,000 bushels of corn. He sells this to B at 20 cents a bushel, or $25,000. C employs 65 laborers on his farm, paying them annually $350 each, or $22,850 to all. Now, we will suppose the manufacturer can buy Australian wool at 10 cents per pound. B must sell his at that price. Then, instead of getting $10,000 for his wool he will only get $5,000. Since wool has depreciated 50 per cent sheep must have depreciated the same. B's income will be reduced to $15,000 instead of $30,000, and he can therefore pay only half as much for corn. The farmer can only get 12½ cents for corn, which would make his annual income $12,500 instead of $25,000. The farmer could not afford to pay the laborers more than half as much as formerly, so their income would be reduced from $22,850 to $11,425. Whenever you reduce the income of any class of people the blight is carried to all business enterprises, and they all share equally in the loss.

WHAT ARE RAW MATERIALS?

"Raw materials," said Poor, "is an indefinite expression. There is very little raw material, in one sense of the term. In fact, nothing is absolutely raw material except the mineral and ore lying in the ground untouched and those things which have not been enhanced in value by labor. Cotton is the finished product of the farm and the raw material of the manufacturer. Cloth is the finished product of the factory and the raw material of the tailor shops. As the term is generally used, I think I understand your meaning. I believe it is generally understood to include all products in the condition to be taken to the factory for fabrication or completion into a useful commodity. With that understanding of the meaning of raw materials, I will say that to admit them free would have the same effect as admitting all articles free. You have heard it said that free raw materials would give more work to our workingmen. If the raw materials were brought in from other countries, the labor of producing them, at least, would be taken from our laborers. Our manufacturers in 1890 used over $5,000,000,000 worth of materials. The factories turned out over $9,000,000,000 worth of finished products. Over half of the cost of our manufactures, then, is for raw materials. These raw materials represent labor, and our workingmen get more for the raw materials than they do for making those materials into the finished products. It requires more men to produce them, too, than it does to make the materials and make the manufactured article. To take the production of raw materials from our people would work a greater injury to labor and affect adversely more people than it would to take from them the fabrication of those materials into the finished articles. The men who are at work producing them are just as deserving of protection as any other part of the people. If you throw out of employment the millions engaged in producing raw materials, they will seek the factories for employment, which will bring about a deficiency of work and a surplus of workers. This would reduce all wages. You can not throw out of employment a large body of wage earners nor reduce their wages without affecting all wage earners adversely. Wages seek a level as naturally as water. You had just as well try to lower the water in one-half of Lake Michigan without lowering it in the other half as to try to lower the wages of one-half of the wage earners without lowering the wages of all, or to try to lessen the income of a large part of the producers without lessening the income of all producers correspondingly.

CUT THINGS IN TWO.

"If you can succeed in persuading the farmers to cut wages in two you can then very easily persuade the wage earners to cut the price of farm products in two. The free trader would stand back and witness such a slaughter no doubt with a feeling of gratification and pleasure.

"Then, again, what would be gained by free raw materials? After paying the money for producing them to peoples of other countries what would we gain and what compensation could we offer to the wage earners of our own country? It is claimed that free raw material would enable us to sell our manufactures in other countries. How it would help us in that direction is one of the unsolved mysteries. It is one of the absurdities peculiar to a free-trade discussion. Suppose, for instance, that we let raw materials in free and our manufacturers can buy them as cheap as the English manufacturer can. Our manufacturer buys some raw material. An English manufacturer buys the same amount. Each buys in the open markets of the world and pays exactly the same price. The Englishman makes of his material a certain kind of manufactures and pays for labor, say, $100,000. The American manufacturer makes exactly the same kind of commodities the Englishman made and pays for labor $177,000. Now, the American commodities have cost $77,000 more than the English commodities. The question that has always puzzled me is how the American manufacturer can send his goods to England or anywhere in the markets of the world and undersell the English manufacturer whose articles cost so much less for labor. This, I say, is one of the unsolved mysteries. There is only one way for our manufacturers to go into the markets of the world and sell their wares and merchandise. That is for them to pay less for labor than the manfacturers of the rest of the world pay. If you workingmen are anxious for your labor to sell in competition with other labor, reduce your wages about 60 per cent and try the experiment awhile to see if you like it. If you do not like it, increase your wages and sell your labor in the American market, and have a law to prevent foreign laborers from underselling you at your own home. See that your own wages are not reduced, and then see that all other laborers are employed at good wages. Then there would be no one to take your place. See that all producers are making profits, then observe the dollars now going abroad turning into the pockets of the needy. See the activity in every branch of business! See the quick, elastic step of our people supplanting the drowsiness and laggard movements of the present! See all the men at work, business revived as never before, money carrying its loads of blessings into every home in the land, making happy hearts and cheerful faces, and showing its favor to the poor and needy instead of the rich and opulent!

QUESTIONS AND ANSWERS.

"Previous to 1873 we had the free and unlimited coinage of gold and silver at the ratio of 16 to 1, did we not?"

"Yes."

"In that last year, 1873, silver was worth 2 cents more on the dollar than gold?"

"That is what it was."

"Why did not the free coinage of the two metals hold them at a parity then if it would now?"

"Are not Mexico, Russia, and Japan free-silver countries?"

"Yes."

"Is not the gold dollar in Mexico worth twice as much as the silver dollar, and is not the gold ruble of Russia worth 77 cents and the silver ruble worth 37 cents; and the gold yen in Japan worth 99.7 cents, while a silver yen is worth only 50 cents?"

"Those are facts."

"Then why is it that in no free-silver country on the face of the globe do they keep their gold and silver money of the same value, but leave it so speculators can manipulate it at pleasure and feast upon the people like vultures?"

"Give it up as a bad problem."

SILVER AND WAGES IN MEXICO.

Poor picked up the Bulletin of the Bureau of American Republics No. 9, 1891, and read as follows:

"One of the greatest evils (referring to Mexico) at the present time is the existence of a scale of wages which defies all power of reduction, which robs the laborers of all the sense of dignity or feeling of association with the rest of their fellow-citizens, and, having reduced them to a condition of abject abasement, deteriorates to like extent their productive power and the measure of their ability. They are content to regard themselves as a plant, or machinery which moves by extraneous aid only, and has no power of volition, and no desire to exercise it if it had. This is the condition prevailing in silver countries. It has, under the guise of increased wages, been gradually sapping the very energy and manhood out of the poor. Wages have been forced up 20 per cent in the number of dollars received, but in the actual purchasing power they have decreased 40 per cent. The laborer would each day take less of the necessities of life to his little fireside, and the condition of his family gradually became more wretched. Every pay day the dollar received was not quite as valuable as at the previous. The money sharks smiled at the way they were stealing from the families of the poor. They paid their workmen as many or more dollars; therefore the laborer should be thankful for the money received."

"Suppose I should hire you to work for me," continued Poor. "I agree to pay you so much per month. I want to make a large profit out of your labor. I get the Government to assist me in my scheme. The Government puts metal of less value in the dollar each month and cheapens the money. I pay you in the cheapened money the same number of dollars I agreed to. You accept it and are satisfied, because it is the number of dollars you agreed to take. You wonder, though, why your wages do not buy any more. The trouble is I have been robbing you through the guise of law and have been assisted in my nefarious scheme by the Government under which you live and for which you would fight and, if necessary, give your life. That country is robbing you by forcing upon you a depreciated money. Would our great Government be a party to such infamy?

"No," continued Poor, "our great Government would do nothing of the kind. It is founded upon justice and right and seeks to protect the weak from the strong. It says to the rich and wealthy: 'I will regulate the value of the money, and I will see that every dollar is just as valuable as every other dollar; and you shall not, under the guise of philanthropy, rob the poor and reduce their wages without their knowing it. You shall not pretend to be giving them more when the amount you are giving them is in fact worthless.'"

Vance's reading of Poor's remarks had occupied nearly half an hour, and at its close he seated himself with the air of one who has given his neighbors a deal of valuable information. That this opinion was shared by the audience was evidenced by the hearty vote of thanks which was extended to him, to Mr. Jones for bringing the paper, and to their far-away fellow-workman and producer, whose words had come to them that night with the conviction which plain, substantial facts, told in a matter-of-fact way, always bring to the practical mind.

Just before the meeting broke up Vance said (and it is to be hoped that all others of his manner of thinking will give the subject the same careful, painstaking study which he has given it, and that at least a large portion of them may see their way clear to reach a similar conclusion):

Mr. VANCE. I have been on the Populist band wagon for some five years. This is a selfish world, and up to a certain point we are all governed directly by motives of personal expediency. When war comes we have patriotic fervor and impulses, and of course we would all fight and spend our money freely for the maintenance of our common country. But so long as the country is not in immediate danger our acts and votes and our opinions are likely to be shaded in a great degree by what we fancy will be of personal benefit to us.

I owe $1,000 balance of purchase money on my farm—I have been owing it for fifteen years. I had got the idea that the $1,000 balance which was going to Widow Smith, from whom I purchased the place, was worth a good deal more now than when I made the purchase. All that sort of argument has been fully disproven by what we learned during our three evenings, and tonight's experience has simply clinched that opinion.

We have discussed the alleged crime of 1873, and shown fully that it was a plain business proposition, which was fully discussed through five years of Congress and given entire publicity, and accepted as a matter of course as the then present condition, and as not subject to criticism.

In concluding I wish to say to my neighbors, and through them to all others, that whatever is right and just ought to prevail. We are a great nation, and to the peoples beyond the seas our civilization and civil liberty are a beacon, a watchword, and an inspiration to the toiling masses everywhere. Understanding this condition and appreciating our responsibility not only to ourselves but to all mankind, we must place the flag of our country and the honor and credit of our nation at the top of the mast and maintain American liberty, American labor, and American honor untarnished.

Our laws afford the widest liberty and the greatest opportunity for honest toil. We must see to it that our labor and our products are protected, and at the same time we must firmly resolve to steadfastly maintain that the dollar of the workingman, the dollar of the farmer, the dollar of the merchant, and the dollar which comes into the pockets of every man, woman, and child in all this mighty country is as good as the best—and good as the best not only for to-day, but for to-day one year, and five years; that it shall not be subject to discount, but that it shall pass current in every mart and for every purchase and for every payment wherever our flag may wave.

There was loud and hearty applause when Vance, after making what was for him a very long speech, took his seat. For a moment each one was busy talking with his immediate neighbor, approving the general trend of Vance's remarks. A few rose to go; but at that moment they noticed the stocky, sturdy, well-built form of Burns moving toward the area in front of the rostrum, and evidently full of some remarks which he wished to deliver. In a moment he began nervously fingering his hatband and explaining that he was more used to handling tools than pens, and more used to exercising the muscles of his arms and legs than his vocal organs. The following, in substance, is what he said:

Mr. BURNS. I have been studying this whole problem for some months, and have looked at it from the standpoint of the man whose capital resides in the muscles of his arms and legs and back, in a good eyesight, in a reasonably clear head, and in the employment of all these adjutants in making for himself, in any branch of industry, a fair day's work. I feel that I can speak, not only for myself, but for all those who work by the day or the month or the year and whose capital is impaired when we are sick and whose interest ceases to run the day we are out of work. President Lincoln said once that you can fool all the people part of the time and a part of the people all of the time, but that you could not fool all the people all the time.

You remember back in the seventies that we had a greenback craze, and good men went wrong trying to make fiat money enrich everybody—trying, in fact, to hoist themselves over the fence by tugging at their boot straps. Some very good men went off on this greenback craze, but most of them who had plenty of gray matter sooner or later came back. I remember that all of the Democrats egged on the greenback proposition. They pointed it out to the workingmen as a sure way to universal wealth. But greenbackism is dead, dead as a coffin nail. The only trouble, however, is that from its ashes springs up another theory equally pestilent, equally harmful to all the people. From the ashes of greenbackism sprung the Democratic project of free trade in 1892 that was to make everything cheap to the laboring man and bring about the millennium. In 1896 we see the same old enemy—the devil with a different suit of clothes on, his horns covered up, his tail rolled carefully under his coat, and a new quadrennial smile on his face—blandly assuring the workingmen who stand idle with empty dinner pails before closed factories that it is all a mistake; that it was not free trade that did it; and that if it was he now has a new and improved and certain sure cure for this campaign—that is, free silver. I think if we are hoodwinked again we would deserve a modification of that famous remark of Lincoln's. We were fooled in 1892. It is well for us to resolutely set our faces against being fooled again in 1896.

The Democratic party seems to me to assume the guise of that scriptural wicked individual. He clamored for free trade four years ago. Now he points eagerly toward free and unlimited coinage of silver at the ratio of 16 to 1. Possibly four years hence he may come up again smiling and demand a free and untrammeled entrance into his own dominions.

Coin Redemption Fund.

An Honest Dollar Needs no Apology.

REMARKS

OF

HON. DAVID H. MERCER,

OF NEBRASKA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 13, 1896,

On the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

Mr. MERCER said:

Mr. SPEAKER: I am opposed to the Senate substitute. So is the country. The eternal, never-ending discussion and agitation of the free coinage of silver question in the American Congress at this time is full of damage to our industries and to our growth. It gives unrest in business circles and makes our credit a football in the marts of the world. How many times must the Senate pass a 16 to 1 proposition before realizing that the country is fully informed as to its opinion on that subject? Unless its zeal in this respect is soon abated, I fear every motion to adjourn will be coupled with a free-coinage amendment. It is talk, talk, talk, and the money thereby wasted would feed and clothe a million. If, instead, it would act, act, act, there would be less demand for an election of Senators by the people. Nothing can be accomplished for free coinage of silver this Congress; then why agitate the question?

The great conventions will soon assemble and the nominees thereof can go before the country on this proposition and allow the people to decide it at the polls. Such a course would be true economy. If the act of 1873 was a mistake—and upon that proposition people may honestly differ—how can we rectify the mistake, if it was a mistake, at this late day by returning to the financial condition existing prior to the passage of that act? Certainly not by passing this substitute; certainly not by reenacting the law which was repealed by the act of 1873. Why? Because conditions—and conditions over which we as a Government have no control—have radically changed. When we passed the act of 1873 many of the leading powers of the world followed us with similar legislation, and a revolution in finance the world over ensued. Would it not be a dangerous experiment for this country to retrace its steps and reestablish a financial system which existed prior to 1873 without the company of the same influence which joined us in our original course? I think so, sir, and I believe the experiment would be fraught with much danger.

An illustration in mind would not be out of place at this time. A few years ago a conductor on a motor line in the city of Omaha, and, by the way, we have the best system of electric street railways in the world in our city, was injured by a collision of cars,

his right leg being badly crushed. An inexperienced physician who happened to be near took charge of the case and advised amputation. He had just finished the operation when a skillful surgeon arrived. In a moment he saw that a blunder had been committed, and he roundly abused the physician for unnecessarily sacrificing the man's leg; but that did no good. The leg could not be returned to its place. So it is with the act of 1873; if a mistake then, its restoration is an impossibility now, for every change in the financial world since that time is against such a course. I am a bimetallist, a sincere bimetallist, and not a silver monometallist, and I believe that until the great commercial nations of the earth meet in harmony upon a proposition to increase the mintage of silver, America will not be justified in taking such a step alone.

In my opinion, free coinage of silver by this country alone and unaided, in the face of affairs elsewhere, would drive us to a silver basis so rapidly that we could not exchange our property in time to avert bankruptcy. I live west of the Missouri River, and, for one, deny that that stream is the dividing line in America between sound finance and inflation, between the payment of honest obligations and repudiation. Nebraska is the great agricultural State of the Union. Her people rank first in point of intelligence in the country, and although now and then a crevice is made in her stability through which crawls and squeaks a man apparently anxious and willing to discredit her at home and disgrace her abroad, such misfortune is only temporary, for the sober second thought of her broad-minded, patriotic people soon reasserts itself and her reputation for protection, sound money, and stalwart Republicanism is again intact.

There was a time when I could be intimidated by the orator who asserted with so much vehemence that 900,000,000 silver-using people—free-coinage-of-silver people, if you please—were demanding that we join them, both in the practice and demand, and to heed not was to lose their trade and treasure; but since I have had the opportunity to visit China, where reside 400,000,000 of these people, and to touch at India, where we find 300,000,000 more, and knowing from equally reliable authority that the remaining 200,000,000 is made up of people similar in kind to the 700,000,000 referred to, much of the scare has vanished. To cite China's system of finance as a proof of anything but imbecility is an insult to intelligence. China has no system of finance and her money is of as many kinds as Joseph's coat had colors. It is true there is a mint at Canton, and it issues a silver dollar, a dollar of equal fineness and intrinsic value to the Mexican dollar, intrinsically worth more than the American dollar, but in the markets of China, as well as in the markets of the world, only worth an American 50-cent piece, and it is so much discredited at home that it no sooner finds a lodgment in the hands of a native than a hole is punctured through it to test its genuineness.

It is suspicioned at home and discounted abroad, and has so little circulation that it is a stranger to nine-tenths of the Empire. I repeat, China has no monetary system. In each of the nineteen provinces there is a medium of exchange peculiar to the people and customs, and oftentimes the wants and necessities are so limited that the people waive the use of any medium of exchange. In one province we find silver, pure silver, serving as a medium of exchange, and an old pair of scissors does the mintage. Again, bits of opium serve the same purpose, while in a third pelts and hides take the place of money. In the Hankow district, some distance back from the Yangtse River, tea is compressed into small blocks or bricks, especially adapted to the Russian market, and known as brick tea, and this serves as money, while in other parts of China the small brass coin carried down through the ages and known as "cash" is the only coin recognized and receivable as money, and even it fluctuates in value, ranging from 1,300 to 1,800 of them to equal a tael, or $1.25 in Mexican money.

Then, again, thousands of Chinese live like the beasts of the field and fowls of the air, on nature; simply exist and have no more use for coin or commerce than did Adam and Eve in the Garden of Eden. In the seaport cities of China, the large cities, we find banks, generally managed by English capital and after a system common in other commercial centers, save that the currency issued is of uncertain value the minute it leaves the city limits of its place of birth. For example, the great Hongkong-Shanghai Bank, doing business at Hongkong, Amoy, Shanghai, and other cities in China, India, and Japan, issues paper currency—a promise to pay; and although this great banking concern is doing business in several cities, the issue of one bank is discounted by any other to which it may be presented, while its silver currency has only bullion value and is subject to the fluctuations of the London market twice a day. As I traveled from city to city I was exceedingly careful not to draw on my letter of credit for any more money than I needed in the different places visited for fear that I might be oversupplied with a coin or currency which would be subject to excessive discounts at the next abiding place. If such be free coinage of silver I will have none of it.

What is true of China applies to India and other countries similarly situated. In Japan we find a monetary system, a system national in character, but so full of uncertainties that one is reminded of the wildcat banking days of America. Values in money and property fluctuate daily, and prices on the London market govern all kinds of trade. Japan is the England of the Orient in many respects, and she will not much longer be satisfied with a financial system unstable, uncertain, and insecure while advancing so rapidly in science, manufactures, and the arts. She will soon demonetize silver. Some of her leading statesmen advocate the step to-day, and when this occurs she will command the trade of the Orient and threaten that to the East and West, even unto the circling of the globe. In so doing she is simply repeating history—that in the ratio which a country keeps pace with the commerce and growth of the great progressive powers, in the same ratio she approaches the demonetization of silver to such an extent that bimetallism and not silver monometallism prevails.

Japan has already begun her attack upon high wages and well-paid labor, and whether she is on a silver or gold basis there will be little difference in the injury inflicted upon the commerce and industries of Europe and America. The productions of Oriental labor, under the superior guardianship of ambitious Japan, are in the markets of the world to stay, and the competition will increase in violence with the lapse of time, unless some restrictions are originated and enforced. The result of the war between China and Japan has only enlarged this field of danger, for the latter country intends introducing modern methods among the Chinese, and as a race they can vie with the Japanese in any contention the moment their supreme egotism is destroyed.

Already Great Britain, France, and Germany have felt the effect of this influence in their Oriental trade, and I prophesy here and now that England will soon be compelled to both preach and practice protection on that account.

Japan is smaller in area than California, but her population numbers 43,000,000 of the busiest people on earth. Men, women, and children, from early morn until late at night, incessantly work, work, work, and they can imitate any device contrived by human hands. Most of them labor for 10 cents a day and save money. The difference in exchange does not give them an advantage over America, which could be remedied by financial legislation here or elsewhere. The only cure is a high protective tariff and restricted immigration. To-day China and Japan take our gold in exchange for commodities and deliver it to England. In 1895 this farce was carried to such an extent that the balance of trade between America and these countries was in their favor over $40,000,000. Protection and reciprocity is the only remedy for this unfortunate financial tangle.

This leads me to the true solution of our present financial evil, sir, and that is that the money question in America will take care of itself if we will only settle the tariff question along strong protective lines. Prior to the election of 1892 we heard nothing about a diminishing reserve. In those days confidence was abroad in the land and capital and labor were freely employed. The reserve received no thought, it created no fear, for this country was so governed as to make its receipts equal and exceed its expenditures. Our Republican policy attracted gold and built up a trade whereby the balances were in our favor. Had the American people not wandered after strange gods in 1892 we would still be enjoying the good times of the Harrison Administration. We have learned a valuable lesson, one not to be forgotten during the next generation at least.

We now realize that protection protects and free trade disorganizes, and the sooner we return to Republican men and measures the sooner will this great country recover from the sad plight into which it has been plunged by a party which is full of wisdom in defeat but full of blunders in victory. The advent of Democracy meant death to protection, and when such a calamity became an assured fact confidence was shaken, capital retreated behind bank vaults and into sundry hiding places, and business languished—aye, became paralyzed and bankrupt. All this did not result because there was not money enough in the country for business purposes. The free-coinage advocate always assigns this as one of the reasons why the mints should be opened to the free and unlimited coinage of silver at the ratio of 16 to 1, and perhaps with some effect prior to the remarkable expose of its fraudulency a few days ago, when almost $600,000,000 in gold was offered for $100,000,000 in bonds, and most of it by the patriotic American people.

This outburst of American confidence in American institutions and American credit has not only astounded and surprised the financial world, but it makes us the cynosure of the bankers and investors of the civilized globe. Let us hope that it is the first sign of a returning confidence which always holds sway under Republican Administrations, and that it sounds the death knell to financial heresies in this Republic. I hear it said that we do not have sufficient money in the country to transact our business. Why, sir, it is not so much a question of the amount of money as it is a question of quality and circulation. I glory in the fact

that our currency is as stable as the Rock of Ages—worth an hundred cents on every dollar, and nothing calls it from its hiding place so quickly as an intimation that the country will soon be in the control of the Republican party, a party of bookkeeping and business. Restore confidence and money will circulate; restore confidence and business will revive; restore confidence and prosperity will once more reign over a contented and happy people. Free coinage of silver by America alone will not restore confidence, neither will it restore silver to that ideal realm so often pictured by the enthusiast. Such a step means silver monometallism, and silver monometallism means Mexicanization. God forbid that we should come to that.

If we were living the life of the American Indian prior to the time he was discovered by Columbus, our law of coinage as well as our law of commerce would not concern us. We would have no use for either. But we have outlived that condition in life. We are a great commercial nation, rich in everything under the sun, and we seek a business intercourse with all nations, all people. We desire that we shall not be second to any power on the face of the globe in business, in civilization, in peace, or in war. We want our currency to be the peer, at least, of any which circulates, and if there is to be a "best," we claim that distinction. Free coinage of silver may do for China, but it will never gain a foothold in America under present conditions. Without it, we will soon lead England in finance, and America will be the clearing house of the world; with it, and we will furnish an apology with each 50-cent dollar.

In conclusion, allow me to say that the American people, irrespective of party, are a patriotic, God-fearing people, anxious to do right, and full of confidence in the public servant empowered to represent them. If that servant proves honest, conscientious, and courageous in the discharge of his duties, he will receive the commendation and good will of his constituency, although at times he seems to run counter to its opinions and beliefs. The gentleman from Missouri [Mr. HALL] gave utterance to information that has been of common knowledge on the floor of this House for some time, that there are members of the Senate and House who are at heart and head opposed to free coinage of silver, but through fear of a frowning constituency subvert their own views and the best interests of the public by voicing and voting in such a manner as to be most pleasing to a suffrage they are supposed to represent.

The Senate has not met the expectations of the country in returning to us a substitute hardly germane to the proposition sent it from the House. If that body desires to inflict upon this country such a law, let it boldly and manfully pass an original bill to that effect and not use it as a rider upon every conceivable bill that may stand a chance of passage. The Senate well knew that this House would not agree to the substitute; it knew that President Cleveland would veto such a measure if passed to him, yet in spite of such knowledge the country must be agitated and convulsed by needless attempts at the impossible.

I shudder at the consequences of a deadlock, fraught with so much danger. I see in it no legislation of benefit to the masses. The President insists upon free trade and the single gold standard; the Senate has no ear, no voice, no vote for any measure not looking toward the free coinage of silver at the ratio of 16 to 1, while the House of Representatives, with its large Republican majority fresh from the people, asserts itself in favor of saving the country from bankruptcy and against silver monometallism. The situation is indeed a grave one. A deficiency of many millions still stares us in the face, and no sign of its removal. The House has expressed a desire and intention to remedy the evil in part by passing a revenue bill which even its enemies admit would yield the Government $40,000,000 annually; yet because it does not also provide for the free and unlimited coinage of silver it is spurned and spit upon by the Senate, through a majority made up of Populists, Democrats, and erring Republicans.

I believe the people of America desire that we should expunge from the statute books the Wilson bill and restore in its place a Republican tariff measure, rich in protection, and then crown it with reciprocity; that we should take some steps toward securing an international monetary congress in the interest of silver; pass a bankruptcy bill, for this Administration has made such legislation a necessity; give to the country such remedial legislation as its urgent necessities demand; improve our immigration laws; enunciate as a Republican measure a vigorous foreign policy; pass the general appropriation bills, and then notify the President, the Senate, and the country that we are ready to adjourn. Upon such a record the Republican party could go to the country with the hope of receiving the glad tidings: "Well done, thou good and faithful servant."

The only hope for such a consummation is a Republican victory, complete and overwhelming, in November. The responsibility now rests with the people. If they do their full duty, I have some hopes of a national salvation; if they shirk, the slough of despond and misery will only increase in area.

Deficiencies Caused by the McKinley Bill—McKinley Bill Framed by the Interested Manufacturers Who Wrote the Schedules—Republican Change on Currency and War on Bimetallism—What this Congress Did Not Do—Prodigality of this Congress.

SPEECH

OF

HON. BENTON McMILLIN,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, June 9, 1896.

Mr. McMILLIN said:

Mr. SPEAKER: From the time that the masses of the people in 1890 rose up and condemned the McKinley bill, the country has been tortured with the claims of its advocates that it was an all-wise and all-sufficient revenue measure. It was not only condemned in the Congressional elections of 1890 but also in the Presidential election of 1892. As the result of these two adverse decisions of the people it was repealed.

It had not only raised the duties on the necessaries of life in many instances to more than 100 per cent, but under the pretense of inaugurating reciprocity it surrendered the Congressional power of levying taxes to the President of the United States. Under the extraordinary powers conferred by this bill upon him the President could impose taxes to-day, release them next month, and reimpose them the month following.

Another extraordinary provision of the bill was that whereby millions of dollars were to be paid in bounties out of public taxes. Taxes were to be raised by contributions from the masses of the people and in turn paid to the beneficiaries designated by the statute under the bounty law. Thus money was taken from one citizen by taxation to be paid to another. The producers of sugar did not want this. They urged that it should not be done. They asked only that they be permitted to be placed under the same law that governed manufacturers of other things. They sent able representatives here to plead against this discrimination alleged to be in their favor, but all in vain. The sugar duty was repealed over their protest and bounty provided in its stead. The advocates of the McKinley bill, both before and since the repeal of that measure, claimed that it afforded ample revenue to meet the expenses of the Government. Nothing could be further from the truth. Yet we have heard it iterated and reiterated during this Congress.

DEFICIENCIES CAUSED BY THE M'KINLEY BILL.

Let us see what the facts are concerning the revenues raised from the McKinley bill and the deficiencies produced by it. I use a statement of Secretary Carlisle and figures taken from the records of the Treasury Department:

[Extract from letter addressed by the Secretary of the Treasury to Hon. William R. Morrison, October 2, 1894.]

* * * * * * *

The records of the Department show that during the fiscal year 1888 the receipts were $111,341,273 in excess of the expenditures; during 1889, $87,761,080; during 1890, $85,040,271; during 1891, the year after the passage of the McKinley bill, $26,838,541; in 1892, $9,914,453; in 1893, $2,341,674, and in the year 1894, during the whole of which the McKinley bill was in full force, the expenditures exceeded the receipts to the amount of $69,803,260, notwithstanding the expenditures were $16,752,676 less than in the preceding year. You will thus observe that the receipts in excess of expenditures diminished annually under the operation of the McKinley tariff act, until finally a large deficiency was the result.

The statement of Mr. McKinley that I had used the gold reserve to meet the daily expenses of the Government is incorrect.

I inclose herewith a printed document containing the statements made by me before the Committee on the Judiciary of the House of Representatives in January last, from which it will be seen (see page 13) that United States notes and Treasury notes of 1890 had been redeemed in gold to the amount of $58,641,866 in excess of the reserve fund raised by the sale of bonds. These redemptions were made with gold received from all the various sources of revenue. The total amount of United States notes and Treasury notes of 1890 redeemed in gold up to the present date is $249,808,494, while the whole reserve fund provided for by law was $100,000,000 in the first instance, and the proceeds of the bonds sold in February last, amounting to $58,560,000. Instead, therefore, of using the lawful reserve to defray ordinary expenditures, we have in fact largely used the ordinary receipts for the purpose of redemption—the purpose for which the reserve itself was intended.

On the 1st day of March, 1889, the beginning of President Harrison's Administration, the funds in the Treasury actually available, exclusive of the $100,000,000 reserve, were as follows:

Agency account	$64,502,445.02
Net balance in the Treasury	165,846,471.10
Total	230,348,916.12

On the 1st day of March, 1893, the beginning of the present Administration, the funds in the Treasury actually available, exclusive of the $100,000,000 reserve, were as follows:

Agency account	$38,305,832.90
Net balance in the Treasury	24,094,742.28
Total	62,450,575.18

This statement is made in accordance with the form now in use, and exhibits the actual condition of the Treasury at the dates mentioned, including all available assets of every kind.

In addition to the ordinary receipts of the Government, there was, as you know, covered into the Treasury during the Administration of President

Harrison $54,207,975.75, which was held in trust as a fund for the redemption of national-bank notes. This proceeding was authorized by the act of July 14, 1890, commonly known as the Sherman Act.

The item denominated "agency account" is that portion of the miscellaneous cash in the Treasury held for certain liabilities appearing on the books of the Treasury but not represented by demand certificates or Treasury notes of 1890 outstanding.

From the 1st day of March, 1885, the beginning of Mr. Cleveland's first Administration, to March 1, 1889, the public debt was reduced $341,448,449.20, and from March 1, 1889, to March 1, 1893, the reduction was $236,527,066.10.

It is true, as you suggest, that for some time previous to the close of the last Administration warrants upon requisitions were held up to a very considerable extent in order to avoid a reduction of the balance on hand, but the amount of these requisitions can not now be ascertained without devoting a great deal of time and investigation to the subject. I think, however, they amount to several million dollars.

It will thus be seen that the deficiency created under the McKinley law amounted the last year of its operation to $69,803,260; that in the first year of its operation whilst it yielded about $26,000,000 surplus it dwindled to less than $10,000,000 the second year, and to less than $2,500,000 the third year, and that for the four years of its operation it fell beneath the requirements of the Government over $30,000,000. The deficiency from it the last year of its operation was more than $69,000,000, notwithstanding the fact that there was a saving that year under Democratic economy of over $16,000,000 as compared with the preceding year. And for the last three years of its operations its aggregate deficiencies were over $57,000,000.

The bill that succeeded it is not responsible for the deficiencies that have characterized the revenues of the Government since its adoption. In fact, that measure, known as the Wilson bill, made ample provision for the revenue necessary to run the Government under the economies inaugurated by a Democratic Congress. It provided an income tax, which, with the other provisions of the bill, would have yielded all the revenues necessary; but the Supreme Court of the United States overrode its own decisions of nearly a hundred years and declared the income-tax feature unconstitutional. This remarkable result was reached through the extraordinary change of heart in one member of the court, who had decided on a previous hearing the law to be constitutional. This decision not only overrode the old decisions on the subject, but overrode the decisions made under the income-tax laws of the sixties, through which over $340,000,000 had been collected, the Supreme Court holding that income-tax law constitutional, which was in every essential particular similar to the one passed by the last Congress and overridden by the court. So that the failure of the revenues of last year and this is in consequence of perverted judicial decisions and not because of the failure of Congress to impose taxes or provide revenue.

M'KINLEY BILL FRAMED BY THE INTERESTED MANUFACTURERS, WHO WROTE THE SCHEDULES.

Availing myself of the leave given by resolution of Congress, I shall comment on the action of the convention which nominated Mr. McKinley for President and insert in the RECORD a history of how the McKinley bill was framed. These facts were called to the attention of the country both by the distinguished gentleman from Georgia, Hon. H. G. TURNER, and by the Hon. William L. Wilson, now Postmaster-General, then a member of this House, in a speech he made on the bill providing for free wool. He showed very ably and conclusively that the distinguished gentleman who presented the bill was not the "author," but merely the "compiler" of the McKinley bill. In fact, in presenting the bill to the House, on the conference report on September 27, 1890, Mr. McKinley said, in commenting on the wool schedule:

This schedule has the hearty approval of the National Woolgrowers Association, and of the several State associations throughout the country.

Immediately following this he also said:

And, Mr. Speaker, that is entirely true also of the tobacco schedule.

One of the greatest schedules embraced in our tariff laws is the metal schedule. During the period the bill was being framed Mr. James M. Swank, secretary of the American Iron and Steel Association, was in Washington and about the committee room. He made the following report as secretary to the president of that association:

During the long period in which this measure (the McKinley bill) received the consideration of Congress, the views of this association concerning the proper framing of the metal schedule of the new tariff law were frequently solicited and were promptly given.

He adds:

The schedule as adopted is the most harmonious and completely protective of all the metals schedules.

It would be very strange if it were not so, when the men interested in having high protection were permitted to frame the schedules wholly in their own interests, and without any regard to the public revenues or the public weal and without any restraint from the committee.

On page 290 of the hearings before the Committee on Ways and Means, Fifty-first Congress, which were the hearings that preceded the McKinley bill and held on it, Mr. William Whitman, president of the National Association of Wool Manufacturers, said he "had framed two clauses" prescribing the taxes on women's and children's dress goods. These clauses were incorporated as framed by Mr. Whitman in section 374 and section 375 of the McKinley Act. Is it any wonder that almost the highest rates of duty imposed by the McKinley Act were those on women's and children's dress goods? I cite the following from the speech of Mr. Wilson delivered in the House in 1892 on other schedules, concerning the action of the committee in allowing the outsiders to write what duties they wanted in the tariff law:

At page 281 of the hearings Mr. Isaac N. Heidelberger, in behalf of the wholesale clothing manufacturers, submitted a memorandum of their demands, and that memorandum, so far as it related to woolen clothing, is substantially embodied in paragraph 306 of the act.

The makers of firearms appeared at page 1255 with the sections they wished "incorporated and made a part of the tariff schedule of duties," and those sections appear in their own words as paragraphs 169 and 170 of the act, with a single trifling change.

Again, at page 92 of the hearings may be found the demands of the tinplate makers—that they were going to be—proffered by their trusted counselor, my friend from Michigan [Mr. BURROWS], and although thousands and tens of thousands of consumers and laborers protested against these demands, Mr. Cronemeyer's wishes are exactly embodied in paragraph 143 of the McKinley bill.

At page 79 of these hearings Mr. Charles S. Landers, representing the makers of table cutlery, presented the corrections and amendments which they wished in the Senate clause, and at paragraph 167 of the act his memorandum appears in the very words in which he wrote it.

On page 65 of the hearings Mr. W. F. Rockwell makes known the demands of the makers of pocket cutlery, and these demands literally reappear in paragraph 165 of the bill.

Now I understand, for the first time in my life, how a "consistent, logical, complete" protective tariff is framed, "with the different parts properly and justly related." Our friends upon the other side merely leave the blanks on the committee table, and look at the ceiling or stroll around the Capitol while the parties who desire to tax the people come and fill in the blanks according to the suggestions of their own greed or selfishness.

Other instances equally flagrant and outrageous could be adduced showing that the McKinley law was not made by Mr. McKinley, but was compiled by him at the dictation of the parties interested in the high tariff duties. The job was not only done by them, but so bunglingly done that the track of the different manufacturers can be traced through the Ways and Means Committee room, through the hearings, and into the very statutes where their exorbitant demands were made law. So shameless a surrender and perversion of the taxing power was never exhibited before, and it is hoped will never be again. This fact is recognized of all men so thoroughly that even the Republican convention that nominates Mr. McKinley dare not indorse his bill. What hope is there for the Republic, what prospect of faithful government, if interested parties are permitted to make the tax statutes of the United States, not in accordance with the needs of the Treasury, but in accordance with the greed dictated by their interests?

REPUBLICAN CHANGE ON CURRENCY AND WAR ON BIMETALLISM.

It is gratifying to note that the Republican party has at last quit trying to deceive people as to its views on financial questions and comes squarely out for gold monometallism. It has at last said what it felt for years—that it is for the single gold standard. It has raised the black flag against the white metal.

On June 21, 1888, when General Harrison was nominated for President, the platform on which they placed him not only declared for silver as money but blamed the Democratic Administration for an alleged effort to demonetize silver. Mr. McKinley, if my memory serves me correctly, was chairman of the platform committee. Here is the platform adopted:

BIMETALLISM.

The Republican party is in favor of the use of both gold and silver as money, and condemns the policy of the Democratic Administration in its efforts to demonetize silver.

What a revolution it must have taken to sweep him from this to the gold platform on which he now stands!

In 1892, in national convention, it adopted the following platform, which is given with its heading:

FREE AND SAFE COINAGE OF GOLD AND SILVER.

The American people from tradition and interest favor bimetallism, and the Republican party demands the use of both gold and silver as standard money, with such restrictions and under such provisions to be determined by legislation as will secure the maintenance of the parity of the two metals so that the purchasing and debt-paying power of the dollar, whether of silver, gold, or paper, shall be at all times equal.

At the convention just adjourned at St. Louis, which nominated McKinley, the following platform was adopted:

We are unalterably opposed to every measure calculated to debase our currency or impair the credit of our country. We are, therefore, opposed to the free coinage of silver except by international agreement with the leading commercial nations of the world, which we pledge ourselves to promote, and until such agreement can be obtained the existing gold standard must be preserved. All our silver and paper currency must be maintained at parity with gold, and we favor all measures designed to maintain inviolably the obligations of the United States and all our money, whether coin or paper, at the present standard, the standard of the most enlightened nations of the earth.

Sir, President Harrison was elected on the platform of 1888 denouncing demonetization. Mr. McKinley was elected to Congress on it, but instead of observing the platform on which they were elected they made the longest stride toward demonetization made in this country since 1873, by passing what is known as the Sherman Act of 1890, which repealed the Bland Act, stopped the compulsory coinage of silver, thereby converting silver into a mere commodity, and providing for the issue of paper redeemable in gold and silver, not on coined silver, but on uncoined silver bullion stored in the Treasury.

Observe, if you please, the evolution of the Republican party from its platform of 1888, denouncing demonetization, to its platform of 1892, proclaiming for "free and safe coinage of gold and silver," "with such restrictions and under such provisions to be determined by legislation," etc., to the platform of 1896, which proclaims not for silver restoration, not for bimetallism, merely with statutory safeguards, but for the single gold standard. This platform also makes another fearful surrender. The platform of 1892 reserved to the United States to "determine by legislation" what safeguards should be thrown around coinage; but the platform of 1896 goes beyond all this, surrenders all claim of legislative control over the matter, and pledges the people of the United States to stand by the single gold standard until England and the other "leading commercial nations of the world" give their consent that we shall have it. They declare unalterable opposition to free coinage unless they can get an "international agreement with the leading commercial nations of the world," and declare:

Until such agreement can be obtained the existing gold standard must be preserved.

It will not be denied by any that outside of the United States Great Britain is the "leading commercial nation of the world." We are, therefore, hereby pledged never to move until she will move with us. Does any sane man expect her to move with us in this direction? He who does has read her history in vain. She demonetized silver eighty years ago. She has never made an agreement since looking to its restoration, and if the American people indorse this platform it is notice to her that she need not cooperate with us. And there this important matter ends forever! All she need do is hold out, and this platform pledges our opposition to coinage.

When will she give her consent?

When did she give their rights to our fathers? Not until eight years of heroic suffering and bloodshedding by our ancestors.

A fourth of a century after we had achieved our independence she searched our ships and seized our seamen. When we protested, did she desist? Not until she had invaded this very city, and burned its Capitol and Executive Mansion. Not until we had sent Jackson to New Orleans to drive back her invading veterans and capture the trained soldiers of the Peninsula. Not until we dispatched Perry to the Great Lakes to send back from their waters, red with the blood of our fathers, the immortal, soul-stirring message, "We have met the enemy, and they are ours."

When did our people ever before bow to England in anything? When we were only 3,000,000 strong we wrested the colonies from her grasp! When we were only 8,000,000 strong we broke the shackles by which she bound all sailors on the high seas! When only 10,000,000 strong, under what is known as the "Monroe doctrine," we made the map of North and South America and defied not only England, but all the balance of the world, to set a hostile foot on these shores! When we organized our Government, though we spoke the same language, we changed our money denominations from pounds, shillings, and pence to dollars, dimes, and cents in order to be fiscally free as well as physically free from England.

Yet after all of this glorious fighting we are asked to hold up our hands and let her shackle us now. Republicans make the surrender; Democracy declines to do it. Gentlemen who think this is possible mistake the spirit of the American people. When we changed the money denominations from pounds, shillings, and pence to dollars, dimes, and cents; when we determined to issue the greenback currency that has been a part of our circulation for a third of a century, did we ask England, France, or Germany to allow it? When we passed the Bland Act in 1878, under which we have coined hundreds of millions of money, did we go and get first the consent of "the leading commercial nations"? Not a bit of it. It is true that Mr. Hayes vetoed that measure in an effort to try to get us to obtain such consent, but his veto was overridden as it deserved to be.

When do gentlemen suppose we will be able to obtain the consent of England to an international agreement for free coinage? The present administration in England has said that it could not be given. Its predecessors for eighty years have said the same; and if you went to them begging this "international agreement" they would say to you, as Gladstone has substantially said in the past: "The world owes us enormous amounts of money. It is in the form of stocks and bonds and mortgages. To return to bimetallism diminishes the value of these debts; therefore we can not agree with you." That is what they have always said in the past. I concede that international agreement is much to be desired, but at the same time I realize that it is not obtainable with England, and when the Republican party through its platform pledges the American people, in substance, not to move until England gives her consent, it seals the doom of international agreement forever! Nothing has come from these conferences in the past. Day after day we have sent our dove across the waste of waters, but night after night it has returned weary winged and leafless.

FIRST SURRENDER TO ENGLAND.

Sir, I beg those who are infatuated with the idea that we can get England to join us in restoring silver, and that she is essential to the success of bimetallism, to remember that England demonetized silver in 1816, and has maintained the single gold standard since. Silver was at a premium in England when she did it. She was not essential to bimetallism then; she is not now. Our statesmen then did not consult her wishes nor pander to her rapacity. When she demonetized silver Thomas Jefferson, author of the Declaration of Independence, still lived. John Adams was yet alive. Madison, the father of the Constitution, lived. Monroe, who was soon to promulgate the Monroe doctrine, dictating to the whole world as to territorial acquisition, lived. Jackson, fresh from the victory at New Orleans, still lived. But in them also lived the spirit of 1776. Who of these immortal patriots ever intimated that England should dictate or influence our financial policy, and that we should demonetize silver because England had? When did one of them say that England should control us in finance? Never. Still the world moved on and the young Republic prospered. Then we numbered only about 10,000,000 people; now we number 70,000,000. Then we were comparatively a small factor in the world's progress and autonomy; now we are the greatest factor in it, equaling any three of the greatest powers. I would to God that the spirit of 1776 were in the Americans of 1896!

This Government has now existed for one hundred and seventeen years. This is more than one-fourth as long as Rome was free. During the whole period this is the first time that any party, in national convention, whether Whig, Federal, Democratic, Prohibition, Populist, or Republican, ever proclaimed in its platform for gold monometallism. The people will condemn this new departure from the money of the Constitution.

WHAT THIS CONGRESS DID NOT DO.

The Republican party obtained control of the House by inveighing against the Democratic party of the last Congress—especially charging it with doing nothing to relieve the country.

After getting the House by two-thirds majority, and organizing the Senate—appointing Republicans as chairmen of committees in the Senate—what has this Congress done to relieve the country? Nothing! Absolutely nothing! It has shown itself utterly inefficient. From lack of courage or other cause, it failed to try to solve many problems waiting solution at its hands.

They claim that the revenues were insufficient to meet the expenses of the Government. Did they send any revenue measure to the President to supply this deficiency? None!

In their platform of 1892 they inveighed against trusts and combines. What measure did they send to the President to restrain them? None!

And now they abandon the plank in their platform against trusts.

The debts due from the Pacific roads subsidized by the Government amount to more than $150,000,000 and are falling due. Some of the roads are in the hands of receivers, and consequently now have to be operated through the Federal court. What measure did they send to the President or pass through either House looking to the settlement of these claims or the collection of these debts? None!

Their platform complains because the Democratic party repealed a so-called reciprocity law which authorized the President to impose taxes without consulting Congress or the people. What measure did they pass through Congress looking to a restoration of these reciprocity provisions? None!

Their platform says:

The Nicaragua Canal should be built, owned, and operated by the United States.

What bill did they pass through the House or through the Senate authorizing this construction? None!

The platform contains a provision favorable to the independence of Cuba. Yet neither the Senate nor the House, with whom rests the power to declare war, sent any bills to the President or tried to send any for a declaration of the independence of Cuba.

They proclaim in the platform in favor of excluding from entrance to the United States those who can neither read nor write. What measure did they send to the President providing for this or even looking in this direction? None!

There was a very important measure pending in Congress providing for the settlement by arbitration of the disputes wherein labor was involved. It was introduced and urged by Hon. Mr. ERDMAN of Pennsylvania. Organized labor of the country strove to have some such measure passed, but in vain. The Presidential election was pending, and it was left to smolder.

Another bill was pending providing for the appointment of a commission of three men from the different walks of life—labor, commerce, etc.—to consider the grave questions arising there and report and recommend legislation from time to time to Congress. A similar commission exists in many countries, and is considered an advanced step for labor. If I am correctly informed, those engaged in advancing the best interests of labor throughout the country urge its passage. Was sucha measure sent to the

President for the approval of the executive branch of the Government in order that it might become a law? No. Not one law was passed to help the laborer.

This Congress considered it more important to break the record of early adjournments than to make a record passing the needed legislation. So the appropriation bills were rushed through Congress that Congress might rush away from the Capitol, leaving its legitimate work undone and the interests of the country neglected.

Under the rules of the House, Friday of each week is given to the consideration of private bills. Thousands of them were introduced and hundreds of them were reported by the committees, and by the Court of Claims. Yet every Friday except one or two in the entire session—I mean the day sessions—was taken from the Private Calendar, devoted to other uses, and these claims left unpaid and unconsidered.

This Congress pretended to favor a bankrupt law, but adjourned without final action on the bankrupt bill.

The copyright bill pending in Congress was an important one, and there was every reason why it should have been acted upon. Yet, in hot haste to get away, it was laid aside by Congress.

The Territories of Arizona and New Mexico are justly clamoring for admission to the Union as States. Democracy has favored their admission and does now. But they are supposed to be too strongly tinctured with Democracy. They have ample population to entitle them to admission. Every principle of "home rule" and "local self-government" dictated that they should be permitted to enter the sisterhood of States. Notwithstanding the merits of their case, they were refused Statehood, and now stand knocking in vain at the doors of a closed Congress for admission to the Union.

There are other measures clamored for by our Republican friends which they made no effort to advance. It will not do to say that they did not have time to consider these things. They adjourned and fled from their duties at an earlier date than any other Congress has for a third of a century. It will not do for the House to say that the Senate would not act because the House passed a resolution urging the Senate to join them in the adjournment on the 18th of May.

This Congress was afraid of itself and fled from the Capitol the earliest day possible; and in the light of its achievements well might the country be afraid of it.

PRODIGALITY OF THIS CONGRESS.

There is one thing in which it stands preeminent. It is the most extravagant Congress that ever assembled in time of peace since independence was achieved. The following and supplement table, taken from the speech of Hon. J. D. SAYERS on the appropriations of this Congress, proves the truth of what I say:

In conclusion, Mr. Speaker, it will be seen from the tables herewith that the appropriations made by the past three Congresses and at the present session have been as follows:

Fifty-first Congress, both sessions	$1,035,680,109.94
Fifty-second Congress, both sessions	1,027,104,547.92
Fifty-third Congress, three sessions	989,239,205.69
Fifty-fourth Congress, first session	515,759,820.49

Mr. Speaker, to show the expenditures of the Government more clearly, I add the following tables of receipts and expenditures, which will show the expenditures by administrations:

RECEIPTS AND EXPENDITURES FROM MARCH 1, 1885, TO JUNE 1, 1896.

Receipts, exclusive of postal.

From March 1, 1885, to March 1, 1889	$1,451,660,246.74
From March, 1, 1889, to March 1, 1893	1,539,723,590.58
From March 1, 1893, to June 1, 1896	1,036,104,413.98

Expenditures, exclusive of postal and principal of debt.

From March 1, 1885, to March 1, 1889	$1,085,600,326.04
From March 1, 1889, to March 1, 1893	1,364,286,307.22
From March 1, 1893, to June 1, 1896	1,174,364,983.26

When the Fifty-first Congress adjourned with an expenditure of half a billion dollars for one year and a billion in two years the country stood aghast at the enormous and unwarranted expenditures. But this Congress has broken the record. The expenditures of it all told amount to $7 for every man, woman, and child in America.

When we remember that the appropriations of the second session of the Fifty-first Congress were nearly $50,000,000 more than those for the first session, and consider that that will probably be the situation again with this Congress, it is appalling to contemplate the extravagance of the Fifty-fourth Congress. About two-thirds of all the money in the United States has to go through the hands of the Federal taxgatherer, according to the new schedule of expenditures adopted by this Congress every two years. With increases of expenditures it is proposed by this new platform and new departure to restrict the currency. I warn gentlemen against tempting too far the patience of an overburdened people.

SUPPLEMENT.

TABLE B.—*Appropriations made by the Fifty-first, Fifty-second, and Fifty-third Congresses, and first session of the Fifty-fourth Congress, fiscal years 1891 to 1897, inclusive.*

Title.	Fifty-first Congress.		Fifty-second Congress.		Fifty-third Congress.		Fifty-fourth Congress.
	First session, 1891.	Second session, 1892.	First session, 1893.	Second session, 1894.	Extra and first regular sessions, 1895.	Third session, 1896.	First session, 1897.
Agriculture	$1,799,100.00	$3,028,153.50	$3,232,995.50	$3,323,500.00	$3,223,623.06	$3,303,750.00	$3,255,532.00
Army	24,206,471.79	24,613,529.19	24,308,499.82	24,225,639.78	23,592,884.68	23,252,608.09	23,278,402.73
Diplomatic and consular	1,710,815.00	1,656,925.00	1,604,045.00	1,557,445.00	1,563,918.76	1,574,458.76	1,642,558.76
District of Columbia	5,769,544.15	5,597,125.17	5,317,973.27	5,413,223.91	5,545,678.57	5,745,443.25	5,905,082.48
Fortifications	4,222,935.00	3,774,863.00	2,734,276.00	2,210,055.00	2,427,004.00	1,904,557.50	7,397,888.00
Indian	7,292,016.02	16,386,284.86	7,664,047.84	7,854,240.38	10,659,565.16	8,762,751.24	f7,390,496.79
Legislative, etc	21,030,752.75	22,027,674.75	21,900,132.97	21,865,802.81	21,305,583.29	21,891,718.08	21,518,834.71
Military Academy	435,296.11	462,064.64	428,917.33	432,556.12	496,535.08	464,261.65	449,525.61
Navy	24,136,665.53	31,541,654.78	23,543,385.00	22,104,061.38	25,327,126.72	29,416,245.31	30,552,739.95
Pension, including deficiencies *a*	129,779,398.35	164,550,383.34	154,411,682.00	180,681,074.85	151,581,570.00	141,381,570.00	141,328,580.00
Post-Office	72,226,698.99	77,907,222.61	80,331,276.73	84,004,314.22	87,236,509.55	89,545,997.86	92,571,564.22
River and harbor	25,136,265.00		21,154,218.00		11,643,180.00	(*g*)	*h* 12,621,800.00
Sundry civil	*b* 31,100,341.38	*c* 38,388,552.73	27,665,076.93	41,716,311.15	34,253,775.55	*i* 46,568,160.40	33,031,132.19
Deficiencies, except for pensions	13,295,541.61	9,364,148.62	8,230,859.50	8,127,361.51	11,811,004.06	9,825,374.82	*j* 15,326,503.05
Total	356,121,211.68	399,238,522.19	382,527,385.89	403,515,586.11	390,578,048.48	383,636,896.97	396,280,660.49
Miscellaneous	7,010,905.27	*d* 19,498,531.10	3,208,922.82	530,499.18	577,956.55	297,667.37	*k* 425,000.00
Total regular annual appropriations	363,132,116.95	418,737,053.29	385,736,308.71	404,036,085.29	391,156,005.03	383,934,564.34	396,705,660.49
Permanent annual appropriations	*e* 131,324,131.70	*e* 122,486,808.00	*e* 121,863,880.00	*e* 115,468,273.92	*e* 101,074,680.00	*e* 113,073,956.32	*e* 119,054,160.00
Total	494,456,248.65	541,223,861.29	507,600,188.71	519,504,359.21	492,230,685.03	497,008,520.66	515,759,820.49
Total Fifty-first, Fifty-second, and Fifty-third Congresses	1,035,680,109.94		1,027,104,547.92		989,239,205.69		

a Deficiencies included as follows: 1891, on account of 1890, $25,321,907.25; 1892, on account of 1891, $29,335,598.34; 1893, on account of 1892, $7,674,332; 1894, on account of 1893, $14,149,724.85.

b This amount includes $1,362,059.16 actual expenditures under indefinite appropriations for pay and bounty claims.

c This amount includes $978,188.74 actual expenditures under indefinite appropriations for pay and bounty claims.

d This amount includes $15,227,000 for refund of direct taxes in addition to the specific sum of $500,000 appropriated for that purpose.

e This is the amount originally submitted to Congress by the Secretary of the Treasury as estimated to be necessary under permanent specific and permanent indefinite appropriations, except that to the amount thus submitted for 1891, $101,628,453, there are added expenditures under permanent appropriations made by the Fifty-first Congress subsequent to said estimate, as follows: Salaries diplomatic and consular service, $27,756.79; redemption national-bank notes, $23,553,298.50; expenses of Treasury notes, $218,362.60; coinage of silver bullion, $210,893.14; rebate tobacco tax, $770,082.39; and repayments to importers and for debentures and drawbacks, customs service, $4,915,285.28; in all, $29,695,678.70.

f This sum is exclusive of $1,680,000 for second installment on account of purchase of Cherokee Outlet, which has been paid under "permanent annual appropriations," but is not included in the estimates thereunder for 1897. A like sum was included in the Indian appropriation act passed at the last session of the last Congress.

g No river and harbor act was passed during the last session, but the sundry civil act of that session carried $11,237,115 for river and harbor works under contract, while the sundry civil act of this session appropriates only $3,284,597 for such works.

h This does not include $3,000,000 estimated to be necessary under indefinite appropriation made in river and harbor act of this session to purchase property of Monongahela Navigation Company.

i This sum includes $5,238,229.08 to pay sugar bounty under legislation enacted by the Fifty-first Congress.

j This sum includes $1,498,679.56 for objects that are in no sense deficiencies; $3,614,133.77 to pay judgments of the courts and audited accounts certified by the accounting officers for 1896 and prior fiscal years; in all, $5,110,813.33.

k Estimated.

Free Coinage of Silver.

SPEECH

OF

HON. JAMES G. MAGUIRE,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 13, 1896.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 2304) to maintain and protect the coin redemption fund and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue—

Mr. MAGUIRE said:

Mr. CHAIRMAN: I have no idea that I shall be able to aid materially in the solution of the problem now before Congress. Indeed, there seems to be an irreconcilable conflict of opinion between the legislative and executive departments of our Government, if not between the two Houses, upon all questions of coinage and finance, which renders it impossible during the life of the present Congress to have any plan adopted which may be expected to extricate our country from her present great and acknowledged difficulty. The whole question must, then, be submitted anew to the country at the coming election, and these arguments are intended rather to influence the thought of the country than to produce any immediate effect upon this House.

I have listened attentively to the arguments of the learned and experienced Representatives who have spoken on the bond bill passed by the House, and on the free-silver bill returned by the Senate as a substitute for it, and I have read much of the literature with which the country has been flooded during the last three years, in an effort to find a really scientific solution of the problem. I have no faith in the settlement of any such question upon lines of mere present expediency. What may, in your judgment, be expedient to-day may, under new and unforeseen conditions, work injustice or hardship to-morrow. It must be possible to find some scientific solution of the question. There must be some natural law governing the relation of money to the trade in which it is employed, which, if discovered and applied, will be better and more satisfactory in its results than any system that has yet been devised. I believe that men come together in communities by the force of natural laws which make them gregarious; that there is a natural law of social order; a natural law governing the relations of men to each other and to their natural environment, extending even to the domain of trade, with all its intricate and manifold combinations, which, if discovered and applied, must be best, as all natural laws, in every department of universal life and action, are better than any laws of human contrivance which can be substituted for them.

An examination of the questions of coinage and currency from this standpoint necessarily excludes from consideration all mere sentimentality in favor of any particular metal or commodity as a medium or as a media of exchange, and excludes from consideration likewise the interests of special classes. It excludes from consideration the interests of gold-mine owners and silver-mine owners, and deals with the medium of exchange as a means of satisfying a want arising out of the operations of trade alone.

Money and all other media of exchange must ever be subordinate to the trade of the people, which they are intended merely to facilitate, but never to control or limit or hamper in any way. All talk about the sacredness of gold and silver as money metals is childish. They have no sacredness that can be rationally recognized. Indeed, they are less to be regarded than the commodities comprising food, clothing, and shelter for the human race, the exchange of which they are used to facilitate. Neither does it aid in the least in the solution of the problem to discuss the motives of past Congresses or of Representatives or Senators in such Congresses in the passage of the laws that now govern our system of coinage. It is absolutely immaterial to the present discussion whether the act of 1873 was honestly or dishonestly passed. That act may have been passed in perfect honesty, or its passage may have been secured by the grossest fraud and suppression of truth, misleading the Senators and Representatives who voted for it, but it was constitutionally passed and approved. It is the law of the land, subject to amendment or repeal, just as other laws are subject to amendment and repeal, but not otherwise. There is no power within the Constitution that can in the slightest degree modify the law because of the fraud that may have been practiced in procuring its enactment. It is the law and it controls our system of coinage equally, whether honestly or dishonestly passed, whether its enactment was criminal or virtuous. We are confronted with the law as it is, and the question with us is simply, Is the system of coinage thereby established the best that, with the lights before us, can be established? If it is, it should be upheld, even though its enactment was procured by fraud. If it is not the best system, then it should be changed, or wiped out altogether, if necessary, even though its passage were prompted by the very best of motives.

Nor will I attempt to discuss the much-agitated question as to the exact period at which the gold standard now in vogue was really adopted by legal enactment. It does not seriously matter whether it was adopted in 1835 or in 1853 or in 1873 or at a later period. The important fact is that we have now a single gold standard for the coinage of our country, all other metals being coined at a fixed ratio with respect to gold, and the parity with gold at that ratio being guaranteed by the Government. All money other than gold is thus made token money. I have no doubt that by the passage of the act of 1873, and perhaps by the later acts, great injustice was done to the debtor class as it then stood for the benefit of the creditor class as it then stood. But in the mutations that have inevitably taken place since 1873 the individuals comprising the debtor and creditor classes no longer occupy the same relations to each other that they then did, and any attempt now to rectify the injustice of 1873 by passing another law for the benefit of the debtor class and to the corresponding disadvantage of the creditor class as they now stand would be wholly ineffectual to accomplish justice in more than a very slight degree. We should therefore look not to the wrongs of the past but to the needs of the future in establishing the best possible system of coinage and finance for the future.

Does the present system work well? Is it satisfactory? Does it meet the demands of trade fully and promptly without hardship or injustice to the people of our country in general? It seems to me that it does not. None are entirely satisfied with it.

The demand for money of all kinds arises out of the operation of the laws of trade; the kinds and the volume of money which may be used to satisfy that demand are fixed and determined arbitrarily by a political system which is not in touch with the independent system of trade. Our laws as they now stand limit the trade of the country, and by similar manipulation elsewhere the trade of all the leading countries of the civilized world is limited to gold as the money of ultimate redemption. The gold supply of the world is limited and is generally believed to be inadequate for the service which is thus by law imposed upon it. I believe that it manifestly appears that the gold supply of the world is inadequate, but I do not care to discuss that phase of the question, because, in the view which I shall take of it, that question is not properly to be determined by Congress or by the political organizations of any country, but must properly be left to the laws of trade under which alone the supply of media of exchange to meet the demand created by the operation of those laws can be harmoniously and satisfactorily adjusted at all times. I therefore believe that even the question as to the sufficiency or insufficiency of the volume of our money to meet the demands of trade may be properly eliminated from the discussion of the question of coinage unless we have already finally and irrevocably determined that the volume and the kinds of money to be used in trade must be fixed and determined by the lawmaking powers of our Government. It seems to me that so long as those questions are retained for practical decision as part of the jurisdiction of our political system the supply of money of the kinds needed will never be made to harmonize with the demands of trade. It is enough, then, from my standpoint, for present purposes to recognize the apparent inadequacy of the gold supply to perform the money function devolved upon it by law without endeavoring to determine by investigation whether the inadequacy of that supply be real or only apparent. Its consequences we may well consider, for the greatest difficulty which our Government is now facing, not excepting the dangers of foreign wars, is the difficulty of meeting the demand for gold made upon it by commerce under our existing laws.

During the last two years and a half this Government has been obliged to issue bonds to the amount of $262,000,000 in order to obtain the gold necessary to maintain the parity now artificially established by law between gold and silver upon the gold basis. Yet this enormous bond issue has not in the least changed the conditions which gave rise to the demand for it. There is not the slightest assurance that the very same obligations of the Government upon which this enormous amount of gold has been drawn out during the last two years and a half may not all be again presented to the Treasurer of the United States to be again redeemed in gold during the ensuing year. The means in private hands by which the Treasury may be drained of its gold and compelled to replenish its gold reserve to meet further demands are just as complete to-day as they were at the beginning of the period of which I have spoken. The present system is an endless chain running between the United States Treasury and the great banking center of the country, by means of which all kinds of token money—which means all money other than gold—are carried into the Treasury of the United States and back again to the banking institutions,

the accounting officers for 1895 and prior fiscal years; in all, $5,110,815.68.
b Estimated.

carrying with them an unending and undiminishing stream of gold and bonds.

The primary demand is for gold, and the basis of that demand is the obligation of the Government to maintain the parity between gold and silver; but the only means which the Government has of obtaining gold to satisfy this obligation is by the issuance of interest-bearing bonds. If this be so now it will be necessarily so in the future and for all time in the future, so long as the present system shall continue. In what other way can gold be obtained to meet this ever-present and ever-increasing demand for it? No other way has been discovered by the Administration, and I doubt if any other way can be suggested even by those who insist upon the continuance of the system, unless it be to pay immediately an immense premium for gold.

It has been suggested that the need of the Government for gold to maintain the parity—for that is the real purpose, although the nominal purpose is to meet the gold obligations of the Government represented by the greenbacks—may be met by requiring a fixed percentage of all duties and other taxes to be paid in gold. That clearly would not help the matter, because the Treasury would be required to supply the gold with which to make such payments. It is quite immaterial whether the Government be required to find and furnish gold for the payment of international balances and the like, or to find and furnish gold for the payment of a part of the duties and taxes which it collects. The gold required by the commerce of the country for all purposes must, under existing laws, be furnished by the Government of the United States, if the enforced parity is to be maintained upon the present gold basis.

It has been suggested that increased tariff taxes creating a full supply of revenue would cure the evil. Manifestly that could have no such effect, because even if the revenues derived from all sources by taxation were sufficient, or even far more than sufficient, to meet all of the obligations of the Government, yet that more than sufficient revenue would not bring gold into the Treasury to meet the demand for gold arising out of the operation of our present coinage and currency laws, and, as I have stated, even if that revenue were required to be paid partly or even wholly in gold, the gold drain upon the Treasury would not be relieved thereby, but the Treasury would simply be obliged to find and furnish the gold required for the payment of the duties and other taxes. Of course, it is conceivable that with a full revenue derived from taxes all greenbacks and other demand obligations of the Government redeemed would be held in the Treasury and not put into circulation again, thus, by one redemption, cutting off each gold obligation of the Government and preventing its renewed use for the purpose of extracting gold from the Treasury. But what would then become of the circulating medium of the country? Suppose that that course had been pursued from the time of the passage of the act of 1890, what would be the result? Simply an accumulation of a surplus of nearly four hundred millions of redeemed greenbacks and other notes of the Government and a contraction of the circulating currency of the country to the extent of $400,000,000, thus producing a commercial difficulty far more serious than the present embarrassment of the Government by rendering the money of exchange still more inadequate to the demands of trade.

What next? The Treasurer of the United States, under the direction of the Secretary of the Treasury, may refuse to pay any of the remaining paper obligations of the Government in gold. The act of 1890 authorized him to pay all obligations of the Government in gold or silver, at his option. But what would be the result of the exercise of that option in favor of paying silver? Why, according to the opinions of both the President and the Secretary of the Treasury, it would necessarily and immediately place the whole currency of the country upon a silver basis, in spite of the act of 1873 making gold the standard. Assuming that they are right in this judgment, the very moment that the Government of the United States refuses at its Treasury to make its obligations, no matter in what coin they are ultimately redeemable, equal to gold, by paying gold for them, they must immediately, in accordance with the laws of trade, take their places in exchange according to the relative commodity values of the coins in which they are redeemable. The law requiring the maintenance of the parity between gold and silver by the Government is an interruption of the laws of trade, continuing to operate just as long as the terms of the law are practically carried out, but no longer. I have said that this is the judgment of the Administration itself, but I wish to add that I agree with that judgment.

Now, it seems to me that there are but two possible ultimate results before this country. We must go on without limit, either as to time or amount, procuring gold by the issuance of interest-bearing bonds, year after year, until our bonds shall become absolutely unsalable, when the scheme will end in the ignominy of national bankruptcy, or we must find safety in a return to a silver basis.

We have, in my opinion, no alternative in the matter of returning to a silver basis. The nation can not long bear the strain of maintaining the present system. Our alternative, therefore, is merely as to the method of returning. We may return to a silver basis by legislation, in the enactment of which we may provide equitably for such existing obligations as ought to be paid in gold or its equivalent, or, failing of legislation to that end, we must return to the silver basis through the channel of national bankruptcy.

COST OF MAINTAINING GOLD STANDARD.

It costs the people of this country now $100,000,000 per annum to maintain the gold standard, and I do not see how, under the construction given to the currency laws of our country by the Treasury Department, we are ever to escape that burden or to make it less. I do not forget that for every dollar in gold that we give out we receive a dollar in the paper currency of the country which we can pay out at its nominal value. But we are paying a fearful premium for gold. We procure gold by the issuance of thirty-year bonds, bearing interest at the rate, approximately, of 3½ per cent per annum, amounting in thirty years to 100 per cent upon the amount borrowed. Now, the payment of interest by the Government of the United States is not like the payment of interest by a private individual or corporation upon money to be used productively. The private borrower of money puts it to uses that will yield interest equal to or in excess of the interest which he pays. Not so with the Government. The Government receives no compensating interest, because it does not use the money borrowed productively. The interest paid by the Government is a dead loss, which must be borne wholly by the people, and in this case 100 per cent upon every dollar of gold borrowed to maintain the parity is a mere gratuity paid by the Government, for which it receives no return whatever in any form. But the people must, within thirty years after each bond issue, pay the principal of the sum borrowed, with an equal amount added to the principal in the form of interest. How long will the people continue to bear this burden? How long can they continue to bear it? It seems to me that the question of abandoning the gold standard is not a debatable one, unless the advocates of the gold standard can first show that a time will come in the near future when it will not cost the people $100,000,000 per annum as an absolute dead waste of public money to maintain it.

Mr. BOATNER. Mr. Chairman, if it will not interrupt my friend from California, I should like him to explain, if his premises be correct, what has maintained and what is now maintaining the silver circulation at a parity with gold?

Mr. MAGUIRE. It is the promise of the Government of the United States to bear the expense of maintaining the parity between gold and silver coin and between gold and all other forms of currency at the established ratio; to receive silver and other forms of currency in payment of Government dues on a parity with gold, and giving to silver and other forms of currency, either with or without limit, the legal-tender character. It is the equality and the certainty of redemption on a gold basis that accomplishes that purpose now; but it is fearfully expensive to the people, and the expense of maintaining it must increase rather than diminish in the future. Silver, being demonetized, is degraded and reduced in value throughout the world because the limitation put upon the use of silver makes the demand for it less than the supply offered; and this condition under the well-known and universal law of supply and demand reduces its market price far below what it would be if the demand were permitted to be normal.

Mr. BOATNER. Will the gentleman permit another question?

Mr. MAGUIRE. With pleasure, sir.

Mr. BOATNER. If the propositions just stated by my friend be true, I would like to ask him to state what maintained the equality of the circulation issued under the Bland Act prior to the act of 1890? That circulation was issued at a time when there was no such pledge as that of which the gentleman speaks and no such promise on the part of the Government.

Mr. MAGUIRE. I presume that between the time of the passage of the Bland-Allison Act and the passage of the act of 1890 the demand for silver and for coin obligations of the Government to be used as money was greater than the supply, and that in spite of the fact that gold was made the sole money of ultimate redemption silver was more in demand for use than gold was for redemption. If the gentleman from Louisiana [Mr. BOATNER] means by his questions to suggest that it is not necessary to pay any of the outstanding paper obligations of this Government in gold in order to maintain the parity between gold and silver on the present gold basis, then I say to him that his opinion is based upon a supposed condition of fact the proof of which must be a fearful condemnation of the financial policy of both the present and the next preceding Administrations, for the people of this country have been called upon to bear the enormous burden of paying gold for greenbacks, notwithstanding the option of the Secretary of the Treasury under the law to pay them in either gold or silver, upon the theory that that course is necessary to the

preservation of the nation's honor and credit. The theory upon which they have been construed to be gold obligations is that, the Government having promised to maintain the parity between gold and silver, the honor of the nation would be impaired and blemished by a failure or refusal to pay them in gold, because such failure would immediately destroy the parity and reduce the country to a silver basis.

I have sought to proceed in the discussion of this question upon the theory that the principal supporters of the gold standard, and particularly those who have charge of the administration of the nation's finances under that system, understand and correctly state their reasons for exercising their option in favor of paying gold instead of silver upon these obligations of the Government.

Now, if the theory of the Secretary of the Treasury and also of the President of the United States, as expressed in his message to Congress in December last, be correct, this country, notwithstanding the law making gold the standard, must go to a silver basis whenever the Government fails to pay gold for any obligation of the Government or for any other money or currency. If that be so, and it seems to me reasonably probable at least, then the retirement of the greenbacks and the other $112,000,000 of so-called gold demand notes of the Government will not relieve us in the least of the burden of maintaining the parity between gold and silver and will not in the least reduce the necessity for selling interest-bearing bonds to procure gold for that purpose. If the greenbacks were all retired and $100,000,000 in silver certificates were presented to the Secretary of the Treasury and gold demanded for them, the Treasurer of the United States would be bound to give gold for them or the parity would fail, because the owner of the silver certificates, being obliged to get the gold from some source and being unable to get it at the Treasury of the United States, would go into the market and pay a premium for it. That premium would represent the extent of the failure of the parity. So that there is really no prospect under the present system of any diminution of the necessity for procuring gold by the sale of the interest-bearing bonds in order to maintain the parity.

Remember that while silver would unquestionably be increased in value by the opening of our mints, or of any mints, to its free and unlimited coinage, the commodity value of the silver would not be increased through going to a silver basis by reason of the failure of the Government to maintain the parity, because the coinage of silver would still be limited and the demand for silver left unchanged. So much for the burden assumed by the Government in maintaining the gold standard.

ONLY ONE STANDARD.

"But," say the gold men, "the unit of value must be in one kind of money only. You can not have two standards of value—one in gold and one in silver, and gold is the standard of value in all of the leading nations of the world." Both of these propositions are true; but it is equally true that the adoption of gold as the standard of value in the leading nations of the earth is not even a good argument in favor of our adopting it, and does not in the least tend to show that gold is a better standard of value than silver. If we must have but one standard of value, and I concede that, then I assert that every argument that should weigh in the selection of the standard is in favor of silver and against gold.

A word further about the systems of currency established in the older nations. Bear in mind that in those countries the people have never been consulted about the standard of value or the system of finance. The governments of those countries rely entirely upon the so-called expert financiers, the great bankers and money lenders, whose experience in banking and money lending is supposed to be the safest guide in all matters relating to coinage and currency, whereas in truth they are not experts in the use of money as media of exchange at all, and are expert only from the standpoint of the lender of money, who naturally imagines that the kind of currency which gives most advantages to the creditor class is the best money of ultimate redemption. From his point of view, naturally, if a metal money is to be selected as the standard of value and the money of ultimate redemption it should be the metal which can be most readily monopolized and manipulated by the wealthy, though numerically small, creditor class.

We have not attempted any scientific solution of the money question, but have basely copied our system from the monarchies of Europe, and we are now told that that system must be best for this country because the governments of those countries have adopted it.

MONEY IS DOMESTIC, NOT INTERNATIONAL.

But—

Say the gold monometallists—

unless we coin gold as our exclusive money of ultimate redemption we can not trade on equal terms with the leading nations, because they will not sell except for gold, and they will accept nothing but gold in payment of our trade balances to them.

I will not discuss the first of these propositions. I venture to predict that we shall not suffer by reason of their refusal to sell to us. The silver-standard countries of the world already produce nearly everything that we can not produce for ourselves.

As to foreign balances, we do not pay them in gold coin, but in gold by weight, and in the payment of such balances uncoined bar gold is generally at a premium over coined gold.

There is no such thing as an international money, nor can there be except by an international agreement, such as that of the Latin Union, and I very much doubt the practicability and the value of such an agreement.

Money is essentially a matter of domestic concern to the people of each country, and in establishing a money system for this country it is quite immaterial what system any other nation may have adopted. There is no more reason or sense in waiting for an international agreement on the subject of money than there would be in waiting for an international agreement on the subject of taxation or education or universal suffrage.

International bimetallism is a fraud put forward by the gold men as a temporary expedient, and is repudiated by them whenever, in moments of exuberance, they feel above the need of its help.

CHARACTER OF EXISTING DEBTS IMMATERIAL.

Silver was selected as the standard of value in this country at the suggestion of Thomas Jefferson more than one hundred years ago. The silver dollar continued to be the unit of value until 1873, when it was superseded by the gold unit, certainly not because of any general fault found with the silver standard nor because of any demand made among the people for the change, but probably, even without the knowledge of a majority of the representatives in the Congress adopting it, suggested by the large creditor classes in order to enhance the value of the public and private securities and claims which they held. After the passage of that act all demands to repeal it were met with arguments that could not be urged in favor of its passage originally and that do not support the theory that gold is a better standard of value than silver. It was urged and is still urged that all debts, public and private, contracted after the passage of the act of 1873 were contracted with reference to the law making gold the standard, and are therefore gold debts; that to change the standard would be an injustice to those who had contracted under the law with the expectation that they would be paid in gold according to that law, that it would be dishonorable by changing the standard to interfere with their vested rights. That contention might be answered by the suggestion that the act of 1873 was equally unjust to debtors, and that both debtors and creditors must take their chances upon changes in public laws, the indirect effect, but not the primary purpose, of which is to increase or diminish the values or burdens of individual obligations. In so far as existing debts are morally gold debts, they should be paid in gold or its equivalent. If under free coinage silver will become commercially equivalent to gold at the ratio of 16 to 1, all will be well, but the contingency that it may not do so should be provided for with respect to obligations that are morally payable in gold. But I will not discuss that phase of the question. Our system of coinage should not be controlled in any way by the fact that we owe obligations which ought to be paid either in gold or in silver. It is absurd to contend that we should forever maintain a bad system of currency in this country, because no matter at what time you propose a change in the system you are hampered by the fact that there are public and private debts which have been contracted under existing law and which ought not to be either increased or diminished in value by a change in the law. It can not be conceded that the people of this country are forever bound hand and foot to a vicious system of currency by the existence of that condition. We should be as free to-day to change our system of currency from bad to better or from worst to best, if we can find the best, as we would be if nobody owed a dollar, and we must assert that freedom in the matter of changing our currency system.

SILVER MONEY ESSENTIAL—GOLD MONEY NOT ESSENTIAL.

The uses to which gold is put in effecting the exchanges of the world involve very little demand for coined gold. Indeed, the gold coinage of our country might be absolutely and permanently stopped without materially hampering trade in any part of the United States. It is not the medium through which exchanges are effected by the use of money passing at the time of the exchange.

Not so with silver. If the use of silver as money were prohibited, half the exchanges of the country in value and nineteen-twentieths of the exchanges of the country in number would be thrown into the utmost confusion and continually embarrassed until the restoration of silver to use as money. Silver is the medium of the small exchanges that are made by the use of money passing at the time of the sale or purchase. No satisfactory substitute for silver as money has ever been found. It is essentially the money of the people, and as every dollar's worth of the commodities comprising the wholesale trade of this country must finally be sold in

comparatively small quantities to ultimate consumers who pay their small prices and bills in silver, which is the only money suited to small exchanges, it must be apparent that at least half in value of the exchanges of the country are made by the use of silver and can not be satisfactorily made in any other way or by the use of any other medium.

SUPERABUNDANCE OF SILVER.

It is highly important that our unit and standard of value shall be in the essential money of our domestic exchanges. It is absolutely indispensable that there be no necessity for calculating discounts or premiums on that money. Every unit of that money should be at all times exactly equal to the legal unit of value. Silver, as I have shown, is the essential money of our domestic exchanges. Gold, while very useful, is not essential. It is merely a convenient supplement to our silver coinage.

But—

Say the gold-standard advocates—

silver has become superabundant. Not more than half the present supply of silver could be used as money in all the countries of the world, even if its coinage were free and unlimited. This oversupply of silver has so far reduced its market value as to make it cumbersome as money.

I will not discuss the supply of silver relatively to the possible demand for it as money. I will assume that at least half of it must find employment in the arts. This condition, so far from being an argument for the demonetization of silver, is a very strong argument in favor of making it the standard, as against a metal the supply of which is confessedly far short of the demand for it. The supply of gold is so far below the demand for it that it is always safe to monopolize it, and to manipulate its price in the market, to the infinite enrichment of the monopolists and to the corresponding injury of the masses of the people. The superabundance of silver over the possible demand for it as money would serve as a perpetual bulwark against its monopoly and manipulation. It would never be safe to attempt its monopoly. If an attempt should be made to monopolize coined silver the surplus used in the arts would flow into the mints to meet the deficiency. To monopolize silver bullion would necessitate the payment of a price high enough to draw it away from the arts, with the certainty of being obliged ultimately to sell it for use in the arts.

The average cost of producing silver, which is considerably above its present market price, is the best possible guaranty against its further depreciation under any circumstances, and is the best possible assurance of its considerable appreciation in market value whenever the present law-created, abnormal condition shall be removed.

Under free coinage, which we all understand in common speech to mean unlimited as well as free coinage, the possible fluctuations in the market price of silver would be confined to the very narrow margin between the cost of producing it and its value for use in the arts.

These rigid limits of fluctuation would secure to us the steadiest standard of value conceivable.

Would the cheapness of silver make it cumbersome as standard money? I think not. Silver bears practically the same relation of value to-day to the staple commodities of commerce that it bore for the eighty-one years during which it was the standard of value. It can not be more cumbersome now than it was during that period.

Remember that the price of silver has fallen only with reference to the price of gold, not with reference to the prices of other commodities; and that apparent fall may have been occasioned either by the depreciation of silver and of the other commodities or by the appreciation of gold.

But if silver should be found cumbersome as money, a system of silver certificates, representing deposits of silver at the mints or subtreasuries of the United States, would overcome that difficulty. It will not be denied that a one-thousand-dollar silver certificate is less cumbersome than a twenty-dollar gold piece.

THE RATIO.

But—

Say our opponents—

gold and silver can not be used together at the ratio of 16 to 1 unless the Government guarantees the parity at that ratio.

My answer is that it is not a proper function of government to guarantee the parity between metal moneys.

The function of government ends with the free and unlimited coinage of such metals as the people desire to use as media of exchange at such ratios as are likely to make them proportionately equal to each other in use, leaving their actual relation to be governed by the laws of trade. I am certainly opposed to taxing the people $100,000,000 a year to maintain the parity, as we are doing now.

I am in favor of restoring the free and unlimited coinage of gold and silver at the ratio of 16 to 1, first, because our last experiment in the free and unlimited coinage of both metals showed that to be the true ratio at that time, and we can not ascertain either that there has been a change or the extent of the change without restoring the system of coinage then existing; secondly, because all of our gold and silver money now in use has been coined at that ratio, and it would be a great and expensive folly to recoin either our gold or our silver money at a new ratio until, by actual experiment, we ascertain whether or not the restoration of the free and unlimited coinage of both metals will restore the commercial parity which existed between them up to the time of the demonetization of silver. If gold should go to a premium, it will do no particular harm. In fact, gold is now at a tremendous premium, and the people, through their National Treasury, are paying it.

Free Trade or Protection.

REMARKS

OF

HON. CHESTER I. LONG,

OF KANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, June 10, 1896.

Mr. LONG said:

Mr. SPEAKER: In these days of business depression, when those who are responsible for the Wilson-Gorman tariff law are endeavoring to change the issue of the coming campaign, and thus avoid their responsibility for its failure, it is well to remember that the result of this step toward free trade is the same as other resorts to this policy in the past.

Free trade may be better for Great Britain, but our experience has clearly demonstrated that it is not better for this country. We have prospered under protective tariffs, and we have always had panics and business disasters when we have tried free trade.

No clearer exposition of the principles of protection can be found than the following reply of James G. Blaine to William E. Gladstone in the North American Review:

There can be no doubt that Mr. Gladstone is the most distinguished representative of the free-trade school of political economists. His addresses in Parliament on his celebrated budget, when chancellor of the exchequer in 1853, were declared by Lord John Russell "to contain the ablest exposition of the true principles of finance ever delivered by an English statesman." His illustrious character, his great ability, and his financial experience point to him as the leading defender of free trade applied to the industrial system of Great Britain.

Mr. Gladstone apologizes for his apparent interference with our affairs. He may be assured that apology is superfluous. Americans of all classes hold him in honor, free traders will rejoice in so eminent an advocate, and protectionists, always the representatives of liberality and progress, will be glad to learn his opinions upon a question of such transcendent importance to the past, the present, and the future of the Republic.

Perhaps the most remarkable feature in the argument of Mr. Gladstone, as indeed of every English free trader except John Stuart Mill, is the universality of application which he demands for his theory. In urging its adoption he makes no distinction between countries; he takes no account of geographical position, whether a nation be in the Eastern or the Western Hemisphere, whether it be north or south of the Equator; he pays no heed to climate, or product, or degree of advancement; none to topography, whether the country be as level as the delta of the Nile or as mountainous as the Republic of Bolivia; none to pursuits and employments, whether in the agricultural, manufacturing, or commercial field; none to the wealth or poverty of a people; none to population, whether it be crowded or sparse; none to area, whether it be as limited as a German principality or as extended as a Continental empire. Free trade he believes advantageous for England; therefore, without the allowance of any modifying condition, great or small, the English economist declares it to be advantageous for the United States, for Brazil, for Australia; in short, for all countries with which England can establish trade relations. It would be difficult, if not impossible, for Mr. Gladstone to find any principle of administration or any measure of finance so exactly fitted to the varying needs of all countries as he assumes the policy of free trade to be. Surely it is not unfair to maintain that, deducing his results from observation and experience in his own country, he may fall into error and fail to appreciate the financial workings of other countries geographically remote and of vastly greater area.

The American protectionist, let it not be discourteous to urge, is broader in his views than the English free trader. No intelligent protectionist in the United States pretends that every country would alike realize advantage from the adoption of the protective system. Human government is not a machine, and even machines can not be so perfectly adjusted as to work with equal effectiveness at all times and under all conditions. Great Britain and the United States certainly resemble one another in more ways than either can be said to resemble any other nation in the world; yet, when we compare the two on the question at issue, the differences are so marked that we almost lose sight of the resemblance. One is an insular monarchy with class government; the other a continental Republic with popular government. One has a large population to the square mile; the other has a small population to the square mile. One was old in a rich and complex civilization before the establishment of the other was even foreseen. One had become the wealthiest nation of the world while the other was yet in the toils and doubts of a frontier life and a primitive civilization. One had extensive manufactures for almost every field of human need, with the civilized world for its market, while the population of the other was still forced to divide its energies between the hard calling of the sea and the still harder calling of a rude and scantily remunerative agriculture.

The physical differences between the two countries are far more striking than the political and social differences. They are, indeed, almost incalculable. Great Britain is an island less than 90,000 square miles in extent. It lies in the far north. Its southernmost point is nearly 30 degrees of latitude above the Tropics. Its northernmost point is but 9 degrees below the Arctic Circle. Within its area the exchange of natural products is necessarily limited. Its life depends upon its connection with other countries. Its prosperity rests

upon its commerce with the world. On the other hand, a single State of the Union is nearly three times as large as Great Britain. Several other States are each quite equal to it in area. The whole Union is well-nigh forty times as large. Alaska excepted, the northernmost point of the Union is but 60 miles south of the southernmost point of Great Britain, and the southernmost point of the Union is but little more than 100 miles from the Tropics. Its natural products are more varied, more numerous, and of more valuable character than those of all Europe. To quote one of Mr. Gladstone's phrases, we constitute "not so much a country in ourselves as a world." He tells us that we carry on "the business of domestic exchanges on a scale such as mankind has never seen." Our foreign commerce, very large in itself, is only as 1 to 25 compared to our internal trade. And yet Mr. Gladstone thinks that a policy which is essential to an island in the northern ocean should be adopted as a policy of a country which even to his own vision is "a world within itself."

With these fundamental points of difference between the two countries, I assume that varied financial and industrial systems, wrought by the experience of each, would be the natural and logical result. Hence I do not join issue with Mr. Gladstone on both of his propositions. He defends free trade in Great Britain. He assails protection in the United States. The first proposition I neither deny nor affirm. Were I to assume that protection is in all countries and under all circumstances the wisest policy, I should be guilty of an error similar to that which I think Mr. Gladstone commits. It might be difficult to prove that free trade is not the wisest financial policy for Great Britain. So far from guarding herself against material imported from other countries, her industrial system would wither and die if foreign products were withheld for even a brief period. She is in an especial degree dependent upon the products of other nations. Moreover, she does not feel bound to pay heed to the rate of wages which her labor may receive. That, like the fabrics which her labor creates, must take its chance in the markets of the world.

On many points and in many respects it was far different with Great Britain a hundred years ago. She did not then feel assured that she could bear the competition of continental nations. She was, therefore, aggressively, even cruelly, protective. She manufactured for herself and for her network of colonies reaching around the globe. Into those colonies no other nation could carry anything. There was no scale of duty upon which other nations could enter a colonial port. What the colonies needed outside of British products could be furnished to them only in British ships. This was not protection! It was prohibition, absolute and remorseless, and it was continued even to the day when Mr. Gladstone entered upon his long and splendid career in Parliament. It was not broken, though in some respects it was relaxed, until in the fullness of time British energy had carried the wealth and the skill of the Kingdom to the point where no competition could be feared.

During the last thirty years of her protective system, and especially during the twenty years from 1826 to 1846, Great Britain increased her material wealth beyond all precedent in the commercial history of the world. Her development of steam power gave to every British workman the arms of Briareus, and the inventive power of her mechanicians increased the amount, the variety, and the value of her fabrics beyond all anticipation. Every year of that period witnessed the addition of millions upon millions of sterling to the reserve capital of the Kingdom; every year witnessed a great addition to the effective machinery whose aggregate power was already the wonder of the world. The onward march of her manufacturing industries, the steady and rapid development of her mercantile marine, absorbed the matchless enterprise and energy of the Kingdom. Finally, with a vast capital accumulated, with a low rate of interest established, and with a manufacturing power unequaled, the British merchants were ready to underbid all rivals in seeking for the trade of the world.

At that moment Great Britain had reason to feel supremely content. She found under her own flag, on the shores of every ocean, a host of consumers whom no man might number. She had Canada, Australia, and India with open ports and free markets for her fabrics; and, more than all these combined, she found the United States suddenly and seriously lowering her tariff and effectively abolishing protection at the very moment England was declaring for free trade. The traffic of the world seemed prospectively in her control. Could this condition of trade have continued no estimate of the growth of England's wealth would be possible. Practically it would have had no limit. Could she have retained her control of the markets of the United States as she held it for the four years preceding the outbreak of the civil war, the American people would have grown commercially dependent upon her in a greater degree than is Canada or Australia to-day.

But England was dealing with an intelligence equal to her own. The American people had, by repeated experience, learned that the periods of depression in home manufactures were those in which England most prospered in her commercial relations with the United States, and that these periods of depression had, with a single exception, easily explained, followed the enactment by Congress of a free-trade tariff* as certainly as effect follows cause. One of the most suggestive experiments of that kind had its origin in the tariff to which I have just referred, passed in 1846 in apparent harmony with England's newly declared financial policy. At that moment a Southern President (Mr. Polk) and a Southern Secretary of the Treasury (Mr. Robert J. Walker) were far more interested in expanding the area of slave territory than in advancing home manufactures, and were especially eager to make commercial exchanges with Europe on the somewhat difficult basis of cotton at high prices and returning fabrics at low prices.

Under ordinary circumstances the free-trade tariff of 1846 would have promptly fallen under popular reprobation and been doomed to speedy repeal. But it had a singular history and for a time was generally acquiesced in, even attaining in many sections a certain degree of popularity. Never did any other tariff meet with so many and so great aids of an adventitious character to sustain it as did this enactment of 1846. Our war with Mexico began just as the duties were lowered, and the consequence was the disbursement of more than $100,000,000 in a way that reached all localities and favorably affected all interests. This was a great sum of money for that period, and for the years 1846, 1847, and 1848 it considerably more than doubled the ordinary outlay of the Government. In the middle of this period the Irish famine occurred and called for an immense export of breadstuffs at high prices. The discovery of gold in California the succeeding year flushed the channels of business as never before by rapidly enlarging the circulation of coin in all parts of the country. Before this outpouring of gold had ceased the three great nations of Europe, as precedence was reckoned at that time—England, France, and Russia—entered upon the Crimean war. The export of manufactures from England and France was checked; the breadstuffs of Russia were blockaded and could not reach the markets of the world. An extraordinary stimulus was thus given to all forms of trade in the United States. For ten years—1846 to 1856—these adventitious aids came in regular succession and exerted their powerful influence upon the prosperity of the country.

The withdrawal or termination of these influences, by a treaty of peace in Europe and by the surcease of gold from California, placed the tariff of 1846 where a real test of its merits or its demerits could be made. It was everywhere asked with apprehension and anxiety: Will this free-trade tariff now develop and sustain the business of the country as firmly and securely as it has been developed and sustained by protection? The answer was made in the ensuing year by a widespread financial panic, which involved the ruin of thousands, including proportionately as many in the South as in the North, leaving the country disordered and distressed in all the avenues of trade. The disastrous results of this tariff upon the permanent industries of the country are described in President Buchanan's well-remembered message, communicated to Congress after the panic: "With unsurpassed plenty in all the elements of national wealth, our manufacturers have suspended, our public works are retarded, our private enterprises of different kinds are abandoned, and thousands of useful laborers are thrown out of employment and reduced to want." This testimony as to the result of a free-trade tariff is all the more forcible from the fact that Mr. Buchanan, as a member of President Polk's Cabinet, had consented to the abandonment of protection, which in his earlier career he had earnestly supported.

If these disasters of 1857, flowing from the free-trade tariff, could have been regarded as exceptional, if they had been without parallel or precedent, they might not have had so deadly a significance. But the American people had twice before passed through a similar experience. On the eve of the war of 1812 Congress guarded the national strength by enacting a highly protective tariff. By its own terms this tariff must end with the war. When the new tariff was to be formed a popular cry arose against "war duties," though the country had prospered under them despite the exhausting effect of the struggle with Great Britain. But the prayer of the people was answered, and the war duties were dropped from the tariff of 1816. The business of the country was speedily prostrated. The people were soon reduced to as great distress as in that melancholy period between the close of the Revolutionary war and the organization of the National Government—1783 to 1789. Colonel Benton's vivid description of the period of depression following the reduction of duties comprises in a few lines a whole chapter of the history of free trade in the United States:

"No price for property; no sales except those of the sheriff and the marshal; no purchasers at execution sales except the creditor or some hoarder of money; no employment for industry; no demand for labor; no sale for the products of the farm; no sound of the hammer except that of the auctioneer knocking down property. Distress was the universal cry of the people; relief the universal demand."

Relief came at last with the enactment of the protective tariff of 1824, to the support of which leading men of both parties patriotically united for the common good. That act, supplemented by the act of 1828, brought genuine prosperity to the country. The credit of passing the two protective acts was not due to one party alone. It was the work of the great men of both parties. Mr. Clay and General Jackson, Mr. Webster and Mr. Van Buren, Gen. William Henry Harrison and Richard M. Johnson, Silas Wright and Louis McLane, voted for one or the other of these acts, and several of them voted for both. The cooperation of these eminent men is a great historic tribute to the necessity and value of protection. Plenty and prosperity followed as if by magic the legislation to which they gave their support. We have their concurrent testimony that the seven years preceding the enactment of the protective tariff of 1824 were the most discouraging which the young Republic in its brief life had encountered, and that the seven years which followed its enactment were beyond precedent the most prosperous and happy.

Sectional jealousy and partisan zeal could not endure the great development of manufactures in the North and East which followed the apparently firm establishment of the protective policy. The free-trade leaders of the South believed—at least they persuaded others to believe—that the manufacturing States were prospering at the expense of the planting States. Under the lead of Calhoun, South Carolina rebelled, and President Jackson, who had so strikingly shown his faith in the policy of protection, was not able to resist the excitement and resentment which the free traders had created in the cotton States. He stood between hostile policies, represented by his two bitterest personal enemies—Clay for protection, Calhoun for free trade. To support Clay would ruin Jackson politically in the South. He could not sustain Calhoun, for, aside from h's opposition to free trade, he had cause for hating him personally. He believed, moreover, that Calhoun was at heart untrue to the Union, and to the Union Jackson was as devoted as Clay. Out of this strange complication came, not unnaturally, the sacrifice of the protective tariff of 1824-1828 and the substitution of the compromise tariff of 1833, which established an ad valorem duty of 20 per cent on all imports and reduced the excess over that by a 10 per cent annual sliding scale for the ensuing ten years. Like all compromises, it gave complete satisfaction to neither party, but it was received with general acquiescence from the belief that it was the best practicable solution of the impending difficulties. The impending difficulties were two. One was the portentous movement which involved the possibility of dissolving the Union; the other was the demand for a free-trade tariff as the only measure that could appease the Southern nullifiers. Disunion and free trade from that time became associated in the public mind—a source of apprehension in the North, a source of political power in the South. Calhoun was the master spirit who had given the original impulse both to disunion and free trade. Each in turn strengthened the other in the South, and, both perished together in the war of the rebellion.

For a time satisfaction was felt with the tariff adjustment of 1833, because it was regarded as at least a temporary reconciliation between two sections of the Union. Before the sliding scale was ruinously advanced there was great stimulus to manufacturing and to trade, which finally assumed the form of dangerous speculation. The years of 1834, 1835, and 1836 were distinguished for all manner of business hazard, and before the fourth year opened the 30 per cent reduction (three years of 10 per cent each) on the scale of duties was beginning to influence trade unfavorably. The apprehension of evil soon became general, public confidence was shaken, the panic of 1837 ensued, and business reversals were rapid, general and devastating.

The trouble increased through 1838, 1839, and 1840 and the party in power, held responsible for the financial disasters, fell under popular condemnation. Mr. Van Buren was defeated, and the elder General Harrison was elevated to the Presidency by an exceptionally large majority of the electoral votes. There was no relief to the people until the protective tariff of 1842 was enacted; and then the beneficent experience of 1824 was repeated on even a more extensive scale. Prosperity, wide and general, was at once restored. But the reinstatement of the Democratic party to power, two years later, by the election of Mr. Polk to the Presidency, followed by a perverse violation of public pledges on the part of men in important places of administration, led to the repeal of the protective act and the substitution of the tariff of 1846, to which I have already adverted, and whose effects upon the country I have briefly outlined.

Measuring, therefore, from 1812, when a protective tariff was enacted to give strength and stability to the Government in the approaching war with Great Britain, to 1861, when a protective tariff was enacted to give strength and stability to the Government in the impending revolt of the Southern States, we have fifty years of suggestive experience in the history of the Republic. During this long period free-trade tariffs were thrice followed by industrial stagnation, by financial embarrassment, by distress among all classes dependent for subsistence upon their own labor. Thrice were these

* The phrase "free-trade tariff" involves a contradiction of terms. It is used to designate that form of duty which is levied with no intention to protect domestic manufactures.

burdens removed by the enactment of a protective tariff. Thrice the protective tariff promptly led to industrial activity, to financial ease, to prosperity among the people. And this happy condition lasted in each case, with no diminution of its beneficent influence, until illegitimate political combinations, having their origin in personal and sectional aims, precipitated another era of free trade. A perfectly impartial man, unswerved by the excitement which this question engenders in popular discussion, might safely be asked if the half century's experience, with its three trials of both systems, did not establish the wisdom of protection in the United States. If the inductive method of reasoning may be trusted, we certainly have a logical basis of conclusion in the facts here detailed.

And by what other mode of reasoning can we safely proceed in this field of controversy? The great method of Bacon was by "rigid and pure observation, aided by experiment and fructified by induction." Let us investigate "from effects to causes, and not from causes to effects." Surely it is by a long series of experiments, and by that test only, that any country can establish an industrial system that will best aid in developing its hidden wealth and establishing its permanent prosperity. And each country must act intelligently for itself. Questions of trade can no more be regulated by an exact science than crops can be produced with accurate forecast. The unknown quantities are so many that a problem in trade or agriculture can never have an absolute answer in advance. But Mr. Gladstone, with an apparent confidence in results as unshaken as though he were dealing with the science of numbers, proceeds to demonstrate the advantage of free trade. He is positively certain in advance of the answer which experiment will give, and the inference is that nothing is to be gained by awaiting the experiment. Mr. Gladstone may argue for Great Britain as he will, but for the United States we must insist on being guided by facts and not by theories; we must insist on adhering to the teachings of experiments which "have been carried forward by careful generalization to well-grounded conclusions."

As an offset to the charge that free-trade tariffs have always ended in panics and long periods of financial distress, the advocates of free trade point to the fact that a financial panic of great severity fell upon the country in 1873, when the protective tariff of 1861 was in full force, and that, therefore, panic and distress follow periods of protection as well as periods of free trade. It is true that a financial panic occurred in 1873, and its existence would blunt the force of my argument if there were not an imperatively truthful way of accounting for it as a distinct result from entirely distinct causes. The panic of 1873 was widely different in its true origin from those which I have been exposing. The civil war, which closed in 1865, had sacrificed on both sides a vast amount of property. Reckoning the money directly expended, the value of property destroyed, and the production arrested and prevented, the total is estimated to be nine thousand millions of dollars. The producers of the country had been seriously diminished in number. A half million men had been killed. A million more had been disabled in various degrees. Help was needed in the honorable form of pensions, and the aggregate required for this purpose exceeded all anticipation and has annually absorbed an immense proportion of the national income. The public debt that must be funded reached nearly three thousand millions, demanding at the beginning more than $150,000,000 for annual interest. A great proportion of the debt, when funding was complete, was held in Europe, calling for an enormous export of gold or its equivalent to meet the interest.

Beside these burdens upon the people, the country was on a basis of paper money, and all gold payments added a heavy premium to the weight of the obligation. The situation was without parallel. The speculative mania which always accompanies war had swollen private obligations to a perilous extent, and the important question arose of restoring coin payment. On the one hand it was contended that to enforce the measure would create a panic by the shrinkage of prices which would follow, and on the other hand it was urged with equal zeal that to postpone it longer would increase the general distrust among the people as to the real condition of the country, and thus add to the severity of the panic if one should be precipitated.

Notwithstanding the evil prophecies on both sides, the panic did not come until eight and a half years after the firing of the last gun in the civil war. Nor did it come until after two great calamities in the years immediately preceding had caused the expenditure of more than two hundred millions of dollars, suddenly withdrawn from the ordinary channels of business. The rapid and extensive rebuilding in Chicago and Boston after the destructive fires of 1871 and 1872 had a closer connection with the panic of 1873 than is commonly thought. Still further, the six years' depression, from 1853 to 1859, involved individual suffering rather than general distress. The country as a whole never advanced in wealth more rapidly than during that period. The entire experience strengthened the belief that the war for the Union could not have been maintained upon a free-trade basis, and that the panic of 1873 only proved the strength of the safeguard which protection supplies to a people surrounded by such multiform embarrassments as were the people of the United States during the few years immediately following the war. And, strongest of all points, the financial distress was relieved and prosperity restored under protection, whereas the ruinous effects of panics under free trade have never been removed except by a resort to protection.

Does Mr. Gladstone maintain that I am confusing post hoc with propter hoc in these statements? He must show, then, that the United States during the war could have collected a great internal revenue on domestic manufactures and products, when under the system of free trade similar fabrics would daily have reached New York from Europe to be sold at prices far below what the American manufacturer, with the heavy excise then levied, could afford to set upon his goods. And if the Government could collect little from the customs under free trade and nothing from internal products, whence could have been derived the taxes to provide for the payment of interest on public loans, and what would have become of the public credit? Moreover, with free trade, which Mr. Gladstone holds to be always and under all circumstances wiser than protection, we should have been compelled to pay gold coin for European fabrics, while at home and during the tremendous strain of the war legal-tender paper was the universal currency. In other words, when the life of the country depended upon the Government's ability to make its own notes perform the function of money, the free traders' policy would have demanded daily gold for daily bread.

The free trader can not offset the force of the argument by claiming that the laws regulating revenue and trade are, like municipal laws, silent during the shock of arms, because the five closing years—indeed, almost six years—of the decade in which the rebellion occurred were passed in peace, and during these years the ravages of war were in a large degree repaired and new wealth rapidly acquired. But I shall not give to Mr. Gladstone or to the American free trader the advantage of seeming to rest the defense of protection upon its marvelous value during the exhaustive period of war. Viewing the country from 1861 to 1889—full twenty-eight years—the longest undisturbed period in which either protection or free trade has been tried in this country—I ask Mr. Gladstone if a parallel can be found to the material advancement of the United States.

Mr. Gladstone admits the wonderful increase of wealth acquired under a protective tariff, but he avers that the results would have been larger under free trade. That, of course, is a speculative opinion, and is entitled to respect according to the knowledge and experience of the man who utters it. Every statement of Mr. Gladstone carries weight, but in this case his opinion runs directly counter to the fifty years of financial experience through which this country has passed with alternate trials of the two systems. Moreover, it is fair to say that Mr. Gladstone does not in his utterance represent European judgment. He speaks only for the free-trade party of Great Britain and their followers on this side of the ocean. The most eminent statesman on the Continent of Europe holds opinions on this subject directly the reverse of those held by the most eminent statesman of Great Britain. We feel assured in America that, so far as the question of protection may be affected, either favorably or adversely, by the weight of individual judgment, we may safely leave Mr. Gladstone to be answered by Prince Bismarck.

But better than the opinion of Mr. Gladstone, better than the opinion of Prince Bismarck, are the simple facts of the case of open record in both countries. A brief rehearsal of these facts, with the pertinent comparison which they suggest, will give the best answer to Mr. Gladstone's assumption that the United States would have made more rapid progress under a system of free trade. I take the official figures of the census in the United States, and for the United Kingdom I quote from Mr. Giffen, who is commended by Mr. Gladstone as the best authority in England:

In 1860 the population of the United States was, in round numbers, 31,000,000. At the same time the population of the United Kingdom was, in round numbers, 29,000,000. The wealth of the United States at that time was fourteen thousand millions of dollars; the wealth of the United Kingdom was twenty-nine thousand millions of dollars. The United Kingdom had, therefore, nearly the same population, but more than double the wealth of the United States, with machinery for manufacturing fourfold greater than that of the United States. At the end of twenty years (1880) it appeared that the United States had added nearly thirty thousand millions of dollars to her wealth, while the United Kingdom had added nearly fifteen thousand millions, or about one-half.

During this period of twenty years the United States had incurred the enormous loss of nine thousand millions of dollars by internal war, while the United Kingdom was at peace, enjoyed exceptional prosperity, and made a far greater gain than in any other twenty years of her history—a gain which during four years was in large part due to the calamity that had fallen upon the United States. The United Kingdom had added 6,000,000 to her population during the period of twenty years, while the addition to the United States exceeded 18,000,000.

By the compound ratio of population and wealth in each country, even without making allowance for the great loss incurred by the civil war, it is plainly shown by the statistics here quoted that the progress of the United States under protection far exceeded that of the United Kingdom under free trade for the period named. In 1860 the average wealth per capita of the United Kingdom was $1,000, while in the United States it was but $450. In 1880 the United Kingdom had increased her per capita wealth to $1,230, while the United States had increased her per capita wealth to $870. The United Kingdom had in twenty years increased her per capita wealth 23 per cent, while the United States had increased her per capita wealth more than 93 per cent. If allowance should be made for war losses, the ratio of gain in the United States would far exceed 100 per cent. Upon these results, what ground has Mr. Gladstone for his assertion?

With great confidence Mr. Gladstone proposes to carry the war for free trade into the enemy's country. Perhaps the enemy, who are only modest protectionists, may embarrass the march of his logic with a few pertinent questions, or at least abate the rate of speed which he proposes for his triumphant movement. I shall not give counter theories. I shall only cite established facts, and allow the facts to establish their own theories:

1. John Edgar Thompson, late president of the Pennsylvania Railroad Company, purchased 100 tons of steel rails in 1862 at a price (freight paid to New York, duty of 45 per cent unpaid) of $103.44, gold coin. (By way of illustrating Mr. Gladstone's claim to superior quality of manufactures under free trade, the railroad company states that many of the rails broke during the first winter's trial.) In 1864 English rails had fallen to $88 per ton in New York, the freight paid and the duty unpaid. English manufacturers held the market for the ensuing six years, though the sales at the high prices were limited. In 1870 Congress laid a specific duty of $28 per ton on steel rails. From that time the home market has been held by our own manufacturers, with a steady annual fall in price as the facilities of production increased, until the past summer and autumn, when steel rails were selling in Pittsburg, Chicago, and London at substantially the same prices. Does any free trader on either side of the ocean honestly believe that American rails could ever have been furnished as cheaply as English rails except by the sturdy competition which the highly protective duty of 1870 enabled the American manufacturers to maintain against the foreign manufacturers in the first place, and among American manufacturers themselves in the second place? It is not asserted that during the nineteen years since the heavy duty was first established (except during the past few months) American rails have been as cheap in America as English rails have been in England, but it is asserted with perfect confidence that, steadily and invariably, American railroad companies have bought cheaper rails at home than they would have been able to buy in England if the protective duty had not stimulated the manufacture of steel rails in the United States, and if the resulting competition had not directly operated upon the English market.*

* In 1870 only 30,000 tons of steel rail were manufactured in the United States. But the product under the increased duty of that year rapidly increased. The relative number of tons produced in England and the United States for a period of twelve years is shown as follows:

For the same period, 1877-1888, inclusive, the following table will show the number of tons of steel ingots produced in the two countries respectively:

Years.	England.	United States.	Years.	England.	United States.
1877	508,400	385,865	1877	750,006	500,524
1878	622,390	491,427	1878	807,527	653,775
1879	520,231	610,682	1879	834,511	629,439
1880	732,910	852,196	1880	1,044,382	1,074,262
1881	1,023,740	1,187,770	1881	1,441,719	1,374,247
1882	1,235,785	1,284,067	1882	1,673,649	1,514,627
1883	1,097,174	1,148,709	1883	1,553,380	1,477,945
1884	784,968	995,983	1884	1,299,676	1,375,531
1885	705,583	959,471	1885	1,304,127	1,519,430
1886	730,343	1,574,703	1886	1,570,520	2,269,190
1887	1,021,847	2,101,904	1887	2,089,403	2,936,033
1888	979,083	1,386,277	1888	2,032,794	2,511,161
Total in 12 years	9,963,454	12,980,054	Total in 12 years	16,401,688	18,035,622

Under the protective duty of 1870 the United States soon manufactured annually a much larger quantity of steel than Great Britain, and reduced the price from $100 per ton in gold to less than $35 per ton in gold.

2. English steel for locomotive tires imported in 1865, duty paid, was 34 cents per pound in gold. The American competition, under a heavy protective duty, had by 1872 reduced the price to 13 cents per pound, duty paid. At the present time (1889) American steel for locomotive tires, of as good quality as the English steel formerly imported, is furnished at 4½ cents per pound and delivered free of cost at the point where the locomotives are manufactured. The lowering of price was not a voluntary act on the part of the English manufacturer. It was the direct result of American competition under a protective duty—a competition that could not have been successfully inaugurated under free trade.

3. In the year 1860, the last under a free-trade policy, the population of 31,000,000 in the United States bought carpets to the amount of $12,000,000. Nearly half of the total amount was imported. In 1888, with a population estimated at 63,000,000, the aggregate amount paid for carpets was nearly $60,000,000, and of this large sum less than $1,000,000 was paid for foreign carpets, and about half a million for Oriental rugs. Does any free-trader in England believe that the United States without a protective tariff could have attained such control of its own carpet manufacture and trade? It will not be unnoticed, in this connection, that under a protective tariff, the population, by reason of better wages, was enabled to buy a far greater proportion of carpets than under free trade. Nor must it escape observation that carpets are now furnished to the American buyer under a protective tariff much cheaper than when a nonprotective tariff allowed Europe to send so large a proportion of the total amount used in the United States.

These illustrations might be indefinitely multiplied. In woolens, in cottons, in leather fabrics, in glass, in products of lead, of brass, of copper; indeed, in the whole round of manufactures, it will be found that protection has brought down the price to the rate charged by the foreign producers, and has raised and built up the competing manufacture in America. For many articles we pay less than is paid in Europe. If we pay higher for other things than is paid across the sea to-day, figures plainly indicate that we pay less than we should have been compelled to pay if the protective system had not been adopted; and I ask Mr. Gladstone's attention to the fact that the American people have much more wherewith to pay than they ever had or could have under free trade.*

Mr. Gladstone boldly contends that "keeping capital at home by protection is dear production, and is a delusion from top to bottom." I take direct issue with him on that proposition. Between 1870 and the present time considerably more than 100,000 miles of railroad have been built in the United States. The steel rail and other metal connected therewith involved so vast a sum of money that it could not have been raised to send out of the country in gold coin. The total cost could not have been less than $500,000,000. We had a large interest to pay abroad on the public debt, and for nine years after 1870 gold was at a premium in the United States. During those years nearly 40,000 miles of railway were constructed, and to import English rail and pay for it with gold bought at a large premium would have been impossible. A very large proportion of the railway enterprises would of necessity have been abandoned if the export of gold to pay for the rails had been the condition precedent to their construction. But the manufacture of steel rails at home gave an immense stimulus to business. Tens of thousands of men were paid good wages, and great investments and great enrichments followed the line of the new road and opened to the American people large fields for enterprise not theretofore accessible.

I might ask Mr. Gladstone what he would have done with the labor of the thousands of men engaged in manufacturing rail, if it had been judged practicable to buy the rail in England? Fortunately he has given his answer in advance of the question, for he tells us that "in America we produce more cloth and more iron at high prices, instead of more cereals and more cotton at low prices." The grain growers of the West and the cotton growers of the South will observe that Mr. Gladstone holds out to them a cheerful prospect! They "should produce more cereals and more cotton at low prices"! Mr. Gladstone sees that the protective system steadily tends to keep up the price of "cereals and cotton," and he asks that manufactures of "cloth and iron" be abandoned, so that we may raise "more cereals and more cotton at low prices." Mr. Gladstone evidently considers the present prices of cereals and cotton as "high prices."

Protectionists owe many thanks to Mr. Gladstone for his outspoken mode of dealing with this question of free trade. He gives us his conclusions without qualification and without disguise. The American free trader is not so sincere. He is ever presenting half truths and holding back the other half, thus creating false impressions and leading to false conclusions. But Mr. Gladstone is entirely frank. He tells the laborers on protected articles that they would be better engaged in "raising more cereals and more cotton at low prices." Where does Mr. Gladstone suggest a market for the additional grain and cotton to be raised by American mechanics becoming farmers and increasing the production of those great staples? The foreign market is filled with a competing grain supply to such a degree that already the price of wheat is unduly lowered to the Western farmer. The farmer needs a still larger home consumption of his grain while Mr. Gladstone thinks he needs a still larger home consumption. The legitimate involvement of Mr. Gladstone's argument is that all mechanical and manufacturing enterprises in America producing articles of higher price than the same produced in Europe should be abandoned, and the laborers so engaged should be turned to the production of "more cereals and more cotton at low prices"! The Western farmer's interest is wiser than Mr. Gladstone's philosophy. The farmer knows that the larger the home market the better are his prices, and that as the home market is narrowed his prices fall.

Mr. Gladstone's pregnant suggestion really exhibits the thought that lies deep in the British mind; that the mechanic arts and the manufacturing processes should be left to Great Britain, and the production of raw material should be left to America. It is the old colonial idea of the last century, when the establishment of manufactures on this side of the ocean was regarded with jealousy by British statesmen and British merchants. Some years before the Revolutionary struggle began Parliament had declared that "the erecting of manufactories in the colonies tends to lessen their dependence on Great Britain." A few years later the British Board of Trade reported to Parliament that "manufactures in the American colonies interfere with profits made by British merchants." The same body petitioned Parliament that "some measures should be provided to prevent the manufacturing of woolen and linen goods in the colonies." Finally Parliament declared that "colonial manufacturing was prejudicial to the trade and manufactures of Great Britain." These outrageous sentiments (the colonists characterized them much more severely) were cherished in the time of the glorious Georges, in the era of Walpole and the elder Pitt.

I do not mean to imply that Mr. Gladstone's words carry with them an approval, even retrospectively, of this course toward the colonies, but there is a remarkable similarity to the old policy in the fundamental idea that causes him in 1889 to suggest that Americans produce "too much cloth and too much iron," and should turn their labor to "low-priced cereals and low-priced cotton." And we not justified in concluding that Mr. Gladstone's theory of free trade, in all its generalizations and specifications, is fitted exactly to the condition of Great Britain, and that British hostility to American protection finds its deep foundation in the fact—to quote the old phrases—that "it is prejudicial to the trade and manufactures of Great Britain," that "it lessens our dependence upon Great Britain," and that "it interferes with profits made by British merchants"?

Mr. Gladstone makes another statement of great frankness and of great value. Comparing the pursuits in the United States which require no protection with those that are protected, he says: "No adversary will, I think, venture upon saying that the profits are larger in protected than in unprotected industries." This is very true, and Mr. Gladstone may be surprised to hear that the constant objection made by American free traders against the "protected industries," as he terms them, is that the profits derived from them are illegitimately large. Mr. Gladstone sees clearly that as a rule this is not true, and he at once discerns the reason. He says "the best opinions seem to testify that in your protected trades profits are hard pressed by wages." The free traders of America try by every cunning device to hide this fact. Its admission is fatal to their cause. Not one free-trade organ or leader among them all dares to take his position beside Mr. Gladstone and plainly tell the truth to the American laborer. Not one free-trade organ or leader dares frankly to say to the great body of American workmen that the destruction of protection inevitably and largely reduces their daily wages. I thank Mr. Gladstone for this testimony, at once accurate and acute. It is fair to presume that he intends it to be applied to the unprotected manufacturer in England and to the protected manufacturer in America, both producing the same article. His logic gives, and I have no doubt truly, as large profit to the manufacturer of England, selling at a low price, as to the manufacturer of America, selling at a high price—the difference consisting wholly in the superior wages paid to the American mechanic.

There is another important effect of protective duties which Mr. Gladstone does not include in his frank admission. He sees that the laborers in what he calls the "protected industries" secure high pay, especially as compared with the European school of wages. He perhaps does not see that the effect is to raise the wages of all persons in the United States engaged in what Mr. Gladstone calls the "unprotected industries." Printers, bricklayers, carpenters, and all others of that class are paid as high wages as those of any other trade or calling, but if the wages of all those in the protected classes were suddenly struck down to the English standard, the others must follow. A million men can not be kept at work for half the pay that another million men are receiving in the same country. Both classes must go up or must go down together.

Mr. Gladstone makes another contention, in which, from the American point of view, he leaves out of sight a controlling factor, and hence refers an effect to the wrong cause. Regarding the advance of wages in England he says: "Wages which have been partially and relatively higher under protection have become both generally and absolutely higher, and greatly higher, under free trade." I do not doubt the fact, but I venture to suggest that such advance in wages as there has been in England is referable to another and a palpable cause—namely, the higher wages in the United

* In spite of these facts, President Cleveland made the following statements, which I quote from his free-trade message to Congress in December, 1887:

"Our present tariff laws, as their primary and plain effect, raise the price to our citizens of all articles imported and subject to duty, by precisely the sum paid for such duties. Thus the amount of the duty measures the tax paid by those who purchase for use these imported articles. Many of these things, however, are raised or manufactured in our own country, and the duties now levied upon foreign goods and products are called protection to these home manufactures, because they render it possible for those of our people who are manufacturers to make these taxed articles and sell them for a price equal to that demanded for the imported goods that have paid customs duty. So it happens that, while comparatively a few use the imported articles, millions of our people who never use and never saw any of the foreign product, purchase and use things of the same kind made in this country, and pay therefor nearly or quite the same enhanced price which the duty adds to the imported articles."

I recall this quotation primarily for two reasons: First, Mr. Cleveland stands without a rival at the head of the free-trade party in the United States, and it is instructive to see how exactly he adopts the line of argument used by the English free trader. Second, it is a valuable admission from the head of the free-trade party when he affirms that "comparatively a few of our people use imported articles," and that there are "millions of our people who never use and never saw any of the foreign products." In what words could the complete success of the protective policy in the United States be more fitly expressed?

But when Mr. Cleveland asserted that our people pay for our domestic fabrics "nearly or quite the same enhanced price which the duty adds to the imported articles" he evidently spoke without investigating facts and accepted as true one of those fallacious statements which have been used in the interest of foreign importers to deceive the people. Mr. Cleveland's argument would have been strengthened if he had given a few examples—nay, if he had given one example—to sustain his charge. As he omitted all illustrations of his position, I venture to select a few which apparently establish the exact reverse of Mr. Cleveland's statement:

India-rubber goods are protected by a duty of 25 per cent; but instead of those goods being 25 per cent higher in price than the foreign goods, they are, in fact, cheaper. They undersell the English article in Canada and successfully compete with Canada's goods, which are protected by a duty of 20 per cent.

Patent leather is subject to a duty of 20 per cent; but patent leather is not, therefore, 20 per cent higher in the United States than elsewhere. On the contrary, it is cheaper. Five years ago the city government of London advertised for bids for a large amount of patent leather to be used in connection with the uniforms of the police. There were bids from several countries, but the lowest bid was offered by a manufacturer of Newark, N. J. He secured the contract and furnished the goods at a fair profit.

Steel rails are selling in London for £7 per ton. The duty is $15 per ton. The price, therefore, in the United States ought to be, according to Mr. Cleveland's doctrine, $30 per ton. But, in fact, the price is but $35 per ton, and during the last summer and autumn was as low as $25 per ton, and large sales were made at $29 per ton.

Boots and shoes are subject to 30 per cent duty. According to Mr. Cleveland they should be 30 per cent higher than the foreign article. As a matter of fact they are cheaper. American boots and shoes hold the Canadian market against the European manufacture.

Examples of this kind could be shown on almost the whole tariff list where an American manufacture is firmly established. In fact, the whole history of protection has vindicated what Alexander Hamilton said of it when he was at the head of the Treasury: "The internal competition which takes place soon does away with everything like monopoly, and by degrees reduces the price of the article to the minimum of a reasonable profit on the capital employed. This accords with the reason of the thing and with experience." Mr. Hamilton thus effectually answers both Mr. Gladstone and Mr. Cleveland.

States, which have constantly tempted British mechanics to emigrate, and which would have tempted many more if the inducement of an advance in wages at home had not been interposed. Especially have wages been high and tempting in the United States since 1861, when the country became firmly protective by the enactment of the Morrill tariff. It will be found, I think, that the advance of wages in England corresponds precisely in time, though not in degree, with the advance in the United States, and the advance in both cases was directly due to the firm establishment of protection in this country as a national policy. But it must not be forgotten that American wages are still from 70 per cent to 100 per cent higher than British wages. If a policy of free trade should be adopted in the United States, the reduction of wages which would follow here would promptly lead to a reduction in England. The operatives of Manchester, Leeds, and Sheffield recognize this fact as clearly as do the proprietors who pay the advanced wages, and more clearly than do certain political economists who think the world of commerce and manufactures can be unerringly directed by a theory evolved in a closet without sufficient data, and applied to an inexact science.

The zeal of Mr. Gladstone for free trade reaches its highest point in the declaration that "all protection is morally as well as economically bad." He is right in making this his strongest ground of opposition, if protection is a question of morals. But his assertion leaves him in an attitude of personal inconsistency. There is protection on sea as well as on land. Indeed, the most palpable and effective form of protection is in the direct payment of public money to a line of steamers that could not be maintained without that form of aid. I do not say that such aid is unwise protection; least of all do I say it is immoral. On the contrary, I think it has often proved the highest commercial wisdom, without in the least infringing upon the domain of morals. Mr. Gladstone, however, commits himself to the principle that "all protection is morally bad." If this has been his belief ever since he became an advocate of free trade, his conscience must have received many and severe wounds as session after session, while chancellor of the exchequer, he carried through Parliament a bounty—may I not say a direct protection?—of £180,000 to a line of steamers running between England and the United States; a protection that began six years before free trade was proclaimed in English manufactures and continued nearly twenty years after. In the whole period of twenty-five years an aggregate of many millions of dollars was paid out to protect the English line against all competition.

It may be urged that this sum was paid for carrying the Anglo-American mails, but that argument will not avail a free trader, because steamers of other nationalities stood ready to carry the mails at a far cheaper rate. Nay, a few years ago, possibly when Mr. Gladstone was premier of England, public bids were asked to carry the Anglo-Indian mails. A French line offered a lower bid than any English line, but the English Government disregarded the French bid and gave the contract to the Peninsular and Oriental Line, owned by a well-known English company. Still later, the German Lloyd Company contracted to carry the Anglo-American mails cheaper than any English line offered, and the German company actually began to perform the duty. But Englishmen did not want that kind of free trade, and they broke the contract with the German line and again gave protection to the English ships. Does not this justify the opinion that the English policy of free trade is urged where England can hold the field against rivals, and that when competition leaves her behind she repudiates free trade and substitutes the most pronounced form of protection?

Does Mr. Gladstone's estimate of the immorality of protection apply only to protection on land, or is supremacy on the sea so important to British interests that it is better to throw morals to the wind and resort to whatever degree of protection may be necessary to secure the lead to English ships? The doctrine of improving harbors in the United States by the National Government was for many years severely contested, the strict-construction party maintaining that it must be confined to harbors on the seacoast at points where foreign commerce reaches the country. During one of the many discussions over this narrow construction an Ohio member of Congress declared that he "could not think much of a Constitution that would not stand being dipped in fresh water as well as salt." I fear that Mr. Gladstone's code of morals on this question of protection will not secure much respect in other countries so long as it spoils in salt water.

It will not escape Mr. Gladstone's keen observation that British interests in navigation flourish with less rivalry and have increased in greater proportion than any other of the great interests of the United Kingdom. I ask his candid admission that it is the one interest which England has protected steadily and determinedly, regardless of consistency and regardless of expense. Nor will Mr. Gladstone fail to note that navigation is the weakest of the great interests in the United States, because it is the one which the National Government has constantly refused to protect. If since the civil war the United States had spent in protecting her shipping merely the annual interest on the great sum which England has expended to protect her ocean traffic, American fleets would now be rivaling the fleets of England, as they rivaled them before the war, on every sea where the prospect of commercial gain invites the American flag.

The failure of the United States to encourage and establish commercial lines of American ships is in strange contrast with the zealous efforts made to extend lines of railway inside the country, even to the point of anticipating the real needs of many sections. If all the advances to railway companies, together with the outright gifts by towns, cities, counties, States, and nation be added together, the money value would not fall short of a thousand millions of dollars. No effort seems too great for our people when the interior of the country is to be connected with the seaboard. But when the suggestion is made to connect our seaboard with commercial cities of other countries by lines of steamships the public mind is at once disturbed by the cry of "Subsidy!" We really feel as much afraid of protection at sea as Mr. Gladstone is of protection on land. The positions of the American Congress and the English Parliament on this subject are precisely reversed. England has never been affrighted by the word "subsidy," and while we have stood still in impotent fear she has taken possession of the seas by the judicious and even the lavish interposition of pecuniary aid. I have already said that the interest on the amount which England has paid for this object since she began it with great energy, fifty years ago, would give all the stimulus needed for the rapid expansion of our commerce. Let it be added that if the Government of the United States will for twenty years to come give merely the interest upon the interest, at the rate of 5 per cent on the amount which has been a free gift to railroads, every steam line needed on the Atlantic, the Pacific, and the Gulf will spring into existence within two years from the passage of the act. It is but a few years since Congress twice refused to give even $125,000 per annum to secure an admirable line of steamers from New York to the four largest ports of Brazil. And the sum of $125,000 is but the interest upon the interest of the interest, at 5 per cent, of the gross amount freely given to the construction of railroads within the Union. Is it any wonder that we have lost all prestige on the sea?

The opposition to the policy of extending our foreign commerce by aiding steamship lines with a small sum, just as we have aided internal commerce on railroads with a vast sum, originates with the American free trader. Mr. Gladstone can not fail to see how advantageous the success of this free-trade effort in the United States must prove to Great Britain. The steady argument of the free trader is that, if the steamship lines were established, we could not increase our trade because we produce under our protective tariff nothing that can compete in neutral markets with articles of the like kind from England. How, then, can the free trader explain the fact that a long list of articles manufactured in the United States find ready and large sale in Canada? The Canadian tariff is the same upon English and American goods. Transportation from England to Quebec or Montreal is cheaper than from the manufacturing centers of the United States to the same points. The difference is not great, but it is in favor of the English shipper across the seas, and not of the American shipper by railway. It is for the free trader to explain why, if the cost of transportation be made the same, the United States can not compete with England in every country in South America in all the articles of which we sell a larger amount in Canada than England does. I append a note naming the American articles sold in Canada, and the free trader, if candid, will admit that the list is one which is constantly and rapidly increasing.*

Giving heed to the cry of the professional free trader in America, Mr. Gladstone feels sure that, though the protected manufacturers in the United States may flourish and prosper, they do so at the expense of the farmer, who is in every conceivable form, according to the free-trade dictum, the helpless victim of protection. Both Mr. Gladstone and the American free trader have, then, the duty of explaining why the agricultural States of the West have grown in wealth during the long period of protection at a more rapid rate than the manufacturing States of the East. The statement of the free trader can be conclusively answered by referring to the census of the United States for the year 1860, and also for the year 1880.

In 1860 eight manufacturing States of the East (the six of New England, together with New York and Pennsylvania) returned an aggregate wealth of $5,123,000,000. Twenty years afterwards, by the census of 1880, the same States returned an aggregate wealth of $16,228,000,000. The rate of increase for the twenty years was slightly more than 216 per cent.

Let us see how the agricultural States fared during this period. By the census of 1860 eight agricultural States of the West (Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, and Wisconsin) returned an aggregate wealth of $2,271,000,000. Twenty years afterwards, by the census of 1880 (protection all the while in full force), these same States returned an aggregate wealth of $11,268,000,000. The rate of increase for the twenty years was 396 per cent, or 180 per cent greater than the increase in the eight manufacturing States of the East.

The case will be equally striking if we take the fifteen Southern States that were slaveholding in 1860. By the census of that year the aggregate return of their property was $6,792,000,000. But $2,000,000,000 was slave property. Deducting that, the total property amounted to $4,792,000,000. Their aggregate return of wealth by the census of 1880 was $8,683,000,000. The rate of increase for the twenty years was 80 per cent. Consider that during this period eleven States of the South were impoverished by civil war to an extent far greater than any country has been despoiled in the wars of modern Europe. Consider that the labor system on which previous wealth had been acquired in the South was entirely broken up. And yet at the end of twenty years the Southern States had repaired all their enormous losses and possessed nearly double the wealth they had ever known before. Do not these figures incontestably show that the agricultural sections of the country, West and South, have prospered even beyond the manufacturing sections, East and North? And all this not merely with protection, but because of protection!

As Mr. Gladstone considers protection immoral, he defines its specific offense as "robbery. "To have been fully equal to the American standard of free-trade vituperation, Mr. Gladstone should have denounced our manufacturers as "robber barons." This is the current phrase with a class who are perhaps more noisy than numerous. The intention of the phrase is to create popular prejudice against American manufacturers as growing rich at the expense of the people. This accusation is so persistently repeated that its authors evidently regard it as important to their cause. It may perhaps surprise Mr. Gladstone to be told that out of the fifty largest fortunes in the United States—those that have arrested public attention within the last ten years—certainly not more than one has been derived from protected manufacturing; and this was amassed by a gentleman of the same Scotch blood with Mr. Gladstone himself. The forty-nine other fortunes were acquired from railway and telegraph investments, from real-estate investments, from the import and sale of foreign goods, from banking, from speculations in the stock market, from fortunate mining investments, from patented inventions, and more than one from proprietary medicines.

It is safe to go even farther and state that in the one hundred largest fortunes that have been viewed as such in the past ten years not five have been derived from the profits of protected manufactures. The origin will be found in the fields of investment already referred to. Moreover, the fear of the evil effect of large fortunes is exaggerated. Fortunes rapidly change. With us wealth seldom lasts beyond two generations. There is but one family in the United States recognized as possessing large wealth for four consecutive generations. When Mr. Jefferson struck the blow that broke down the right of primogeniture and destroyed the privilege of entail, he swept away the only ground upon which wealth can be secured to one family for a long period. The increase in the number of heirs in successive generations, the rightful assertion of equality among children of the same parents, the ready destruction of wills that depart too far from this principle of right, and, above all, the uncertainty and the accidents of investment, scatter fortunes to the wind and give to them all the uncertainty that betides human existence.

In no event can the growth of large fortunes be laid to the charge of the protective policy. Protection has proved a distributor of great sums of money, not an agency for amassing it in the hands of a few. The records of our savings banks and building associations can be appealed to in support of this statement. The benefit of protection goes first and last to the men who earn their bread in the sweat of their faces. The auspicious and momentous result is that never before in the history of the world has comfort been enjoyed, education acquired, and independence secured by so large a proportion of the total population as in the United States of America.

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* The following articles of American manufacture are sold in Canada more largely than like articles of English manufacture:

Brass goods, copper goods, cordage, ginghams, bottles, flasks, india-rubber goods, printing ink, ingrain carpets, wood manufactures, twines, tinware, ship rigging, wall paper, writing paper, envelopes, blank books, strawboard paper, boots and shoes, leather and skins, sole leather, leather goods, patent leather, figured oilcloths, grain drills, harrows, harvesters, hoes, forks, mowing machines, scythes, spades, shovels, builders' and cabinetmakers' hardware, house-furnishing hardware, nails, firearms, sewing machines, screws, stoves, axes, jewelry (sterling and plated), silverware, lamps, locomotives, hatchets, hammers, saws, mechanics' tools, organs, pianos, "notions," plain house furniture, especially hotel furniture.

Contested Election Case—Murray vs. Elliott.

SPEECH

OF

HON. WILLIAM A. JONES,

OF VIRGINIA.

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, June 3, 1896.

The House having under consideration the following resolutions:

"*Resolved*, That William Elliott was not elected and is not entitled to a seat in the Fifty-fourth Congress from the First Congressional district of South Carolina.

"*Resolved*, That George W. Murray was elected and is entitled to a seat in the Fifty-fourth Congress from the First Congressional district of South Carolina"—

Mr. JONES said:

Mr. SPEAKER: The duty has been devolved upon me of presenting the side of the sitting member in this contested election case. I regret exceedingly that in a case of its importance, a case which necessitates the examination of so much testimony as this, one in which is involved the right of a member to a seat in this House, it should happen that I alone of the members of the committee that examined this case can appear for the contestee. My associate upon the committee, Judge DE ARMOND, who is justly regarded by this House as a fair-minded man and a lawyer of exceptional ability, and who had intended to take part in this discussion, has been suddenly called to the bedside of a dying brother in the State of Iowa. I much regret that he can not be here to give to the House the benefit of his well-considered views upon this case.

I can not expect, Mr. Speaker, in the time that is to be occupied in the discussion of this case, to present the side of the minority as fully as it should be done. I may state in the outset that I regret exceedingly what I am sure every fair-minded man in this House must regret as much as I do, that although there is an elaborate report by the majority of the committee, that report makes no reference to the testimony, of which the record is full, that was taken on the part of the contestee. Nor did my friend from Indiana [Mr. OVERSTREET] deign so much as to refer to that testimony in the speech which he has just concluded. It would seem that if the report had been intended to shed any light upon the case, rather than make out a case upon paper for the contestant, it should at least have contained some comment upon the evidence produced by the contestee if no part of that evidence was quoted. But in this respect the gentleman who has just addressed the House has been no fairer than his report. He has occupied more than an hour and a half of your time, and he has studiously avoided even a reference to the fact that the record contained a line of any other testimony than that produced by the contestant. I submit that this House, which must pass upon this case, had a right to expect fairer treatment at the hands of the gentleman who has just addressed it. So far as the House knows from anything that it may have learned from either the report of the majority or the speech of my friend, the contestee permitted his case to go by default. How far from the truth this is I hope to be able to show.

Now, Mr. Speaker, reference has been made to the fact that the district from which this contest comes is known as the black district of the State of South Carolina. It has been said that there was a majority of 20,000 negro voters in this district. It has also been said that the larger portion of this district was once comprised within what was formerly known as the Seventh district—a district not a stranger to Congress, since there had been three contests from that district in the past. These statements were made with the evident design and purpose of prejudicing the case of the contestee, when, as a matter of fact, that part of the district from which this contest comes, where it is pretended that there was not a fair and honest election, was never a part of the old Seventh district.

The city of Charleston, where it is claimed there was no honest and fair election, was never a part of the Seventh district, and the contests which have been dragged into this case for no other purpose than to create prejudice against the contestee had no relation to any election ever held in Charleston. Whilst it may be true, although there is no evidence of that fact, that there are 20,000 negro majority in this district, it is also true that of that majority 18,000 reside in the counties outside of Charleston. There are less than 2,000 negro majority in the city of Charleston, and yet the committee throw out the entire vote of 20 precincts in Charleston on no better ground than the preponderance of negro voters over white voters, and find no fault with the election in the counties where that preponderance is far greater.

In the county of Beaufort, in this district, where there are 9 negro voters to 1 white voter, after the most searching examination as to the manner in which the registration was held and the voting done, my learned friend is obliged to abandon that county and to fall back upon the city of Charleston, where there were less than 1¼ colored voters to 1 white voter.

In the county of Georgetown, to which particular reference has been made, and upon every single election board in which there was a Republican representative, there are 3 colored men to 1 white man who is entitled to vote, and it is conceded that the election there was a fair one. If the gentleman's reasoning be sound he should apply it to the 5 counties outside of Charleston, and instead of giving the contestant, Murray, the paltry majority of 434 he should give him at least 10,000. If this case is to be decided upon the theory that most of the negroes of voting age voted, and that they all voted for Murray, then he should be given at least 10,000 majority. If Colonel Elliott had received the negro vote in the counties where there were such immense negro majorities in the same proportion that the uncontradicted evidence shows he did in Charleston, his majority would have been something like 10,000 in the district.

I merely mention these facts in order to impress upon the House that it will not do to decide this case upon the bare fact that there were more negroes of voting age in Charleston than there were white voters. For if you do that, and you pursue the same course as to the remainder of the district, you will have a very different result from that arrived at by the committee.

Mr. HARDY. Will the gentleman allow me to ask him a question? He states that if the vote had been cast properly Colonel Elliott would have a majority of 10,000 in the district. Is that your statement?

Mr. JONES. No; I did not say that. I said that, according to the reasoning employed in this report, he should have.

Mr. HARDY. How could Colonel Elliott get a majority of 10,000 in the district, when there were only 9,563 votes cast in the district—3,913 for Murray and 5,650 for Elliott?

Mr. JONES. I will state to the gentleman how he could get it.

Mr. HARDY. I know how he got what he did get——

Mr. JONES. Had he received the same proportion of negro votes in the counties that he is shown by the evidence to have received in Charleston his majority would have been very much larger than it was.

Mr. HARDY. The colored men were prevented from registering because they were colored men and Republicans, and those who did register were prevented from voting.

Mr. JONES. I am now discussing the theory of the majority. I shall discuss the facts as they exist presently. The majority have entirely ignored the facts. One of the charges made is that in the city of Charleston there was not a fair registration, and that if there had been a fair registration Murray would have been elected. It is not contended that a single vote was counted for the contestee that he was not honestly entitled to. Nor is it contended that there was a single vote cast for the contestant that the managers of the election did not honestly count for him. The contention is that there were in that city six or eight thousand colored voters, and that by reason of the operation of the South Carolina election law, and the improper conduct of the officers of registration, those colored voters were not permitted to register.

The evidence of the contestant does not sustain this charge, and the record is full of testimony taken on the part of the contestee that utterly disproves it. The negroes of Charleston were not united in the support of Murray. The evidence of the contestant shows that many of them remained away from the polls, and that Colonel Elliott received the support of at least half of them, and that that half comprised the more respectable element. The committee say in their report that with the exception of some dissatisfaction on the part of a barbers' association in the city of Charleston it is not shown that there was any dissatisfaction or disaffection as to the contestant in that city. There was widespread and deep-seated disaffection among the colored people of this district as to the contestant. The record is full of the testimony of the most reputable colored people in the city of Charleston, of colored men who are not members of the barbers' association referred to, which clearly establishes that there was widespread dissatisfaction on the part of the negro voters of Charleston with Murray.

Let me tell the House why this dissatisfaction existed. The convention which nominated the contestant, as shown by the record in this case, was composed of 30 delegates. Eighteen of those delegates were sent from the city of Charleston and the county of Beaufort, and every one of them was unseated by the contestant and his friends. How this was done I am unable to explain, but it is in evidence and uncontradicted that it was done. The entire delegation from the city of Charleston, which had been chosen at a primary, and which was opposed to Murray, was unseated and driven from the convention by the contestant, who now claims that with the exception of a barbers' association in Charleston the colored voters of that city were united in his support. One of the most intelligent of the contestant's witnesses testified that

ex-Congressmen Smalls and Miller, as well as the chairman of the Republican party in Beaufort County, where all three of them resided, were delegates to the nominating convention. They were all unseated in the interest of Murray, who was not even a resident of the district which he wished to represent in Congress.

After having procured the nomination by such means it is not surprising that the men who had received this treatment refused to support Murray or to regard him as their candidate. But the majority of the committee say the dissatisfaction only extended to a barbers' association. Let us see whether that be true or not. Here is the testimony of H. G. Thomas:

Q. State whether you are a member of the Republican or Democratic party.
A. I am a Republican.
Q. How long have you been a member of the Republican party?
A. From its organization in the State after the reconstruction.
Q. State whether or not you have been prominent in politics during that time.
A. I have been.
Q. Did you vote for the Republican candidate for Congress, George W. Murray, on the 6th day of November last?
A. I did not.
Q. Give your reasons for not voting for him.
A. I did not regard Mr. Murray as the regular legal candidate of the Republican party, and did not regard him as a citizen of the district.
Q. Do you know whether Mr. Murray is a citizen of Charleston?
A. To my own knowledge I do not know, but he is not generally regarded as a citizen of Charleston and of this district.
Q. State, if you know, whether the colored people of Charleston took much interest in his election.
A. A large number did, mostly of persons who could not vote at a general election, not being qualified, and a large number of persons who is regarded as the rabble element of the community.
Q. State whether the intelligent colored people of the city of Charleston supported him.
A. As a rule they did not, but some of them did.

The contestant, as a matter of fact, was at the time of the election a citizen of the Seventh Congressional district and actually then representing that district upon the floor of this House. He did not reside in the First district when the election took place, but lived in Sumter County, in the Seventh district, and was representing that district in the Fifty-third Congress. The colored people of Charleston were opposed to him because he was not a resident of their city; and because, moreover, he had obtained his pretended nomination by fraudulently unseating every single delegate from the city of Charleston as well as those from the county of Beaufort. Is not, I ask, that a sufficient ground for the dissatisfaction that existed in the city of Charleston as to this contestant? Every one of the prominent colored politicians of this district, so far as I have been able to discover, was actively and earnestly opposed to his election.

Mr. OVERSTREET. Will the gentleman yield for a moment? I will ask you if it is not a fact that one of these witnesses testified that Murray lived in the same precinct with him, and that he voted with him on election day at his precinct?

Mr. JONES. If the gentleman so asserts, I will accept his statement. I do not remember any such testimony. Some one witness out of the hundreds who testified may have said something of that kind, but the testimony is absolutely overwhelming to the effect that Murray was a resident of the Seventh Congressional district; that he lived at Sumter, in that district, and that he was actually representing that district upon this floor when the election took place. It does not matter what any one witness may have said. There are the proven facts. It is well known by members here that he was at the time of the election actually representing the Seventh district upon this floor, and it is to be presumed that he resided in the district he represented.

But we are not left to presumptions. The record is full of the testimony of reputable witnesses that the contestant did not reside in Charleston or in the first district, of which it is and was a part. The negroes of that city did not look upon him as a resident, and the more intelligent ones in that city and district refused to support and did not support him. Gentlemen on that side of the House may adopt theories and indulge presumptions based upon the fact that there are more colored than white voters in Charleston, and those theories and presumptions may satisfy their consciences; but the stubborn fact remains that the negroes of Charleston, as shown by the evidence of colored men, were in a great measure opposed to Murray and refused to support him.

Here is the testimony of one W. A. Thomas. He testifies that he is a Republican and that he has never been a member of any other political party.

Q. Did you or not vote for Congressman on the 6th day of November last?
A. Yes.
Q. For whom did you vote?
A. For Colonel Elliott.
Q. Why did you not vote for the Republican candidate?
A. Because I objected to him.
Q. Why did you object to him?
A. Because at the time he was not considered a resident of the district he wanted to represent; and, furthermore, he was not my choice of candidate, and a generally understood antipathy that he had for a man that was not a black man, the color question being brought into the campaign.

The record shows that the colored question figured in this election in a somewhat unusual and novel way. It was generally understood that the contestant had an antipathy for a colored man whose skin was merely brown or yellow. He is himself a black man, and because he hated brown people, those of that color, it seems, would not support him.

Mr. OVERSTREET. Mr. Speaker, I desire to call attention to the evidence to which I referred awhile ago, as the gentleman did not seem familiar with it, the testimony of W. D. P. Arnan, on page 303 of the record. He says:

I was acting as chairman of managers at the Federal poll, Ward 9, first precinct, on 6th November last.

He was asked:

Q. Was Congressman Murray there that day?
A. Yes, sir; on three or four occasions; he voted there; he spoke to me; he knew me, and he said, "We have had a very quiet election, everything has passed off quietly"; and, in fact, he met me almost every day for three or four days after the election and spoke to me about it; he was living in the neighborhood was the reason that I saw him so often.
Q. Are you positively sure that Mr. Murray voted there that day?
A. I am positively sure.

That is the evidence that I spoke of as showing that Mr. Murray was a resident of the district and voted in the city at that election.

Mr. JONES. My friend reads that bit of testimony, which he says is the testimony of one of the contestee's witnesses. I congratulate him upon the fact that I have at last induced him to refer to some of the evidence which the contestee has introduced into this case.

Mr. OVERSTREET. Did I not refer to the testimony of Robson, one of the witnesses of the contestee?

Mr. JONES. In your report you do not refer to him or his testimony. But the witness whose testimony you have read was not testifying as to Murray's residence. He merely remarked incidentally that he lived in his neighborhood. He was there, I know, looking after his canvass, and that is all the witness meant to say. Here, Mr. Speaker, is the testimony of another witness, J. J. Young. He was examined upon this very point. He was asked the direct question as to whether Murray was or was not regarded as a resident of the First district. Here is his testimony:

Q. Are you a colored or white man?
A. I am a colored man.
Q. Are you a Republican or Democrat?
A. I am a Republican.
Q. How long have you been a Republican?
A. Ever since I have been allowed to vote in South Carolina and have been a citizen of this State. I have been here since 1850.
Q. State whether or not you have taken an active part in politics during all these years.
A. I have taken an active part in all elections, having been a manager and supervisor at various times.
Q. Have you ever held any official position under the Republican party of this State?
A. I have held the position of deputy coroner, have been port warden, light-house keeper, and also bailiff at the United States court.
Q. Do you hold any office in the colored regiment of the State?
A. Yes, sir; I am colonel commanding the Second Regiment of the National Guard.
Q. State whether you voted for Murray at the Federal poll on the 6th day of November last.
A. I did not vote at the Federal poll either for Mr. Murray or Mr. Elliott.
Q. Are you a registered voter of the city of Charleston?
A. Yes, sir [and shows his registration certificate].
Q. State whether you have always been a registered voter.
A. Yes; since 1882.
Q. Have you ever had any trouble in getting your certificate?
A. No, sir.
Q. Does any intelligent and respectable colored man have any trouble in getting a registration certificate?
A. I can't say that. I have never had any trouble in getting mine.
Q. Were the better class of the colored people of the city of Charleston—I mean the intelligent colored people—in favor of Mr. Murray?
A. I don't think they were.
Q. Was Mr. Murray considered the regular Republican candidate by the colored people of this city?
A. By a large majority of us he was not.
Q. Did they consider him a resident of this district?
(Objected to as leading.)
A. No, sir; I did not, and a great many others did not.

This is the testimony of an intelligent colored man, the commander of a regiment of the National Guard, a man who has filled four important trusts under a Republican Administration, and he declares under oath that the contestant was not the choice of a large majority of the colored Republicans in the city of Charleston, and was not regarded by them as a resident of the district. I will also read the testimony of D. L. Adams, a Republican, the chairman of the Congressional Republican committee in that district. This man whose testimony I am now about to read was not only a colored man and a Republican but he was the chairman of the Congressional Republican committee of the district. Surely his testimony should be accepted by my Republican friends over there.

Q. Are you a Republican or a Democrat?
A. I am a Republican.
Q. How long have you been a Republican?
A. Always have been.
Q. State whether you hold any position of prominence in the Republican party.
A. Up to the last election I was Congressional chairman of the Republican party, and also I am still Congressional chairman until the matter is settled. I mean there were two conventions in the city of Charleston and the matter has got to be settled by the State executive committee.

Q. For how many years have you been active and prominent in politics?
A. Some twenty-five years.
Q. And you have been a Republican during all this time?
A. Yes, sir.
Q. State whether you voted at the Congressional election on the 6th day of November last.
A. Yes, I did; but for neither of the candidates; I voted a blank ballot.
Q. Why did you not vote for Mr. Murray?
A. Because he was not my choice and I said I would not vote for him, and that is why I did not.
Q. Did you consider him the regular candidate of the Republican party?
A. No; I did not.
Q. Why did you not?
A. Because he was not nominated by the regular convention.
Q. Who was nominated by the regular convention?
A. Smalls was.
Q. Were the members of the regular convention unanimously in favor of Mr. Smalls, and in opposition to Mr. Murray?
A. No, sir.
Q. Were a great many of them?
A. A majority was in favor of Mr. Smalls and he got the majority of votes.
Q. Was not this the case with them at the election?
A. I can't say, for I took no part in the election.
Q. State whether or not you generally take a great deal of interest in the elections.
A. This is the first one where a Republican candidate was running and I did not take any interest in it.
Q. Do you consider Mr. Murray a resident of this district?
A. No; I never have.
Q. Do you know where his home and his family are?
A. I don't know now, but I knew up to that time that it was in Sumter County.
Q. Is that in the First or Seventh Congressional district?
A. Sumter County is in the Seventh.

I am not aware, Mr. Speaker, that any of the witnesses whose names and testimony I have read belong to the barbers' association to which we are told the dissatisfaction with Mr. Murray was confined. Here is the testimony of still another witness, Hastings Gantt. He testifies that he was a representative in the State house of representatives for fourteen years. This is what he says in part:

Q. Whom did you support for Congress from this district at the last election—November 6, 1894?
A. I voted for Colonel Elliott.
Q. Do you mean William Elliott, the contestee in this cause?
A. I don't know what meaning: I know I voted for him for Congress.
Q. Did you vote for William Elliott, of Beaufort, S. C., who was one of the candidates for Congress?
A. Yes.
Q. Did you give him your support for Congress at the last election?
A. The time was so short that I could not give him the proper support that I should.
Q. Did you give him the best support you could in the time?
A. Yes; I did.
Q. Are you a Democrat or a Republican?
A. Republican.
Q. Why did you support William Elliott and oppose George W. Murray, when Murray was the Republican candidate?
A. I supported Mr. Elliott because he got upon the stand and explained to the people at that meeting that he was the one that used every effort to establish the navy station in this district. That's one. The next particular one is that he succeeded in passing a law giving the former owners of these lands their money, and let we, the people, keep the land, who have got it. I say, when he has done that much for us, knowing, as I do, that the land could be taken from us, I say I could not do otherwise than vote for him for Congress, with thanks to him for doing it. And the candidate against him was not in this district, and it was known that he lived in another district.
Q. Were you in the legislature fourteen years as a Republican?
A. Yes.
Q. Do you know if other Republicans on St. Helena Island also supported Col. William Elliott for Congress?
A. Yes; there are other Republicans who supported him.
Q. Do you know if a number of Republicans supported him on this island?
A. I know a good deal more supported him this time than in the past.

The testimony of this witness is very long, and I can not take the time to read it all, but he shows that there was great dissatisfaction among the Republican colored men with the candidacy of the contestant. I have here also the testimony of York Smalls, another colored man who does not belong to the Barbers' Association. He testifies that large numbers of colored people were so dissatisfied with the way the nomination was secured by a candidate who was not a resident of the district that they would not support him and that many of them voted for the contestee. I will not take up the time of the House by reading it.

Then here is the testimony of Oliver Middleton, another colored man, a colored farmer living in Beaufort County. He was asked:

Q. Who did you support the last election day for Congress?
A. I supported Col. William Elliott for Congress.
Q. Did a large number, to your knowledge, support Col. William Elliott at this precinct?
A. Yes; the biggest he ever got here yet.
Q. Were they Republicans or Democrats that supported him?
A. Republicans.
Q. Are you a member of the Grand Army of the Republic?
A. Yes; old soldier.
Q. Please state the regiment and company to which you belonged during the late war.
A. Company H, Twenty-first.
Q. Twenty-first Volunteers or Regulars?
A. Twenty-first Volunteers.
Q. To what camp of the Grand Army of the Republic do you belong?
A. Hunter Post, No. 9, at Beaufort.
Q. Mention, if you know of any, what prominent Republicans supported Col. William Elliott, the contestee, on this island.
A. I can tell you there is William Capers, York Small, Robert Middleton, Senate Meyers, and a good deal of them boys—Simon Mitchell, Sancho Mitchell, Abel Pope, July Middleton, Julius Middleton; a good deal more, but I can't remember all now.
Q. Why did they vote against and work against George W. Murray when he was the Republican candidate?
A. Because all the boys were started out to vote for General Small; after General Small was defraud then all the boys turned and said they will give Colonel Elliott their vote.

But, Mr. Speaker, if I can produce the testimony of probably the leading colored man in the city of Charleston, a Republican now and always, a man who was put upon the stand by the contestant himself for the purpose of showing that he was the choice of the colored Republicans of Charleston and that he had received their united support, but who testified to just the contrary, I think I can justly claim that I have made out my case upon this point at least.

I read now from the testimony of W. H. Robertson, who swears that he is a cabinetmaker and upholsterer, colonel of the First Regiment of National Guard of South Carolina, and acting brigadier-general of the First Brigade, National Guard, of that State. He voted for Murray, and his testimony must be accepted by him, since he is his own witness.

I ask the careful attention of the House to the testimony of this man as I now read it:

Q. Give your name, occupation, and state whether or not you hold any official position; and if so, state what it is.
A. W. H. Robertson; cabinetmaker and upholsterer; I am colonel of the First Regiment National Guard of South Carolina, and now acting brigadier-general of the First Brigade National Guard of South Carolina.
Q. Are you a registered voter of the city of Charleston?
A. I am.
Q. How long have you been connected as an officer of the National Guard of South Carolina?
A. From its formation, in 1869.
Q. Are you acquainted generally with the intelligent and business colored people of the city of Charleston?
A. I am.
Q. Have or not your relations with them been of such character as to know the political feeling that exists among them?
A. To a great extent.
Q. Whom did they support at the last election for Congress between William Elliott and George W. Murray?
A. Both of them.
Q. I mean whom did the majority support?
A. I am not able to say.
Q. Whom did you support?
A. George W. Murray.
Q. There were, during the canvass, two factions of the Republican party in the city of Charleston, were there not?
(Objected to as leading.)
A. Yes.
Q. How, or in what manner, was a settlement between the two factions made?
A. By the national executive committee.

This man is one of the leading colored men of South Carolina. He was once chairman of the waterworks committee of Charleston. But I will read the remainder of his testimony:

Q. General, as a matter of fact, you hold as high a position of honor in the military circles as any colored man in the State, do you not?
A. I do.
Q. Have you not always held a position of honor and been well thought of and respected by the citizens of Charleston generally?
A. I have; I've held the position of alderman of this city and supervisor of High School of Charleston for two years.
Q. The High School of Charleston is a white school, is it not?
A. Yes; and was elected to the city council of Charleston, and was chairman of the committee on waterworks of the city.
Q. And have always been a Republican?
A. Always.
Q. Do you know R. C. Brown, colored attorney in this city?
A. I do.
Q. What official position does he hold in the Republican party at this time?
A. Congressional chairman of this district.
Q. Is he not also well thought of here?
A. To the best of my knowledge.
Q. Was he not bitterly opposed to Mr. Murray?
A. He was.
Q. Do you know J. H. Legaré?
A. I do.
Q. Is he not also well thought of by the colored people, and a leading and intelligent colored man?
A. He is; he is adjutant of my regiment.
Q. Was he not also bitterly opposed to Mr. Murray?
A. He so expressed himself to me.
Q. Did he not even vote for Mr. Elliott?
A. Not to my knowledge.
Q. Do you know D. L. Adams?
A. I do.
Q. Is he not a leader among the colored people, and does he not hold a high office in the Republican party?
A. He does.
Q. Then a great many of the leading intelligent colored Republicans were opposed to Mr. Murray?
A. They were divided upon that head.
Q. You finally got your certificate, did you not?
A. I did.
Q. You saw no fraud yourself while at the registration office, did you?
A. I saw none.
Q. And you could not say whether a majority of the colored people were in favor of or opposed to Mr. Murray?
A. They were equally divided, to the best of my knowledge.

Now, Mr. Speaker, there were about 8,000 colored voters in Charleston, and there were some 6,000 white voters in that city, and this contestant's witness placed on the stand by him to disapprove the charge that the colored people were divided at this election, testifies to the best of his belief and from a thorough

knowledge of the colored people of that city, that they were equally divided in their support of Murray and Elliott. Suppose you give, on this testimony, one-half of the colored voters of that city to Elliott. If you do you will increase his majority largely over that given him by the election boards. The gentleman who so ably, astutely, and adroitly opened the case for the contestant did not deign to refer to this testimony. He dismissed the subject by saying that there was no disaffection of any consequence on the part of the colored people of this district toward the contestant; that what little there was was confined to a colored barber's association. I have dwelt upon this somewhat in order to illustrate the unfairness with which the majority have treated the testimony in this case.

I have read to the House the whole testimony of the colored commander of the colored brigade of South Carolina, one who has been chairman of the city waterworks committee of Charleston, one who has always been a Republican, and who voted for Murray, and who was put on the stand by Murray.

Mr. OVERSTREET. Will the gentleman permit me?

Mr. JONES. Certainly.

Mr. OVERSTREET. Be kind enough to explain what kind of a division it was in the colored vote of Charleston when Murray was given but 397 out of a total vote of 6,000.

Mr. JONES. I will, with pleasure. I have shown already that a number of the very men who testify did not vote for either party to this contest. The testimony in the record shows that the colored voters in the main kept away from the polls and refused to vote, because they had no candidate. Of the comparatively few who voted, many voted for Colonel Elliott. There was not half of the white vote of Charleston cast at this election, because it was not supposed that Colonel Elliott had any serious opposition. But why do you adopt one rule in the city of Charleston and a different one in the counties? If you are going to take the census and count for Murray all the colored people of voting age in Charleston, why do you not count all in Beaufort for him? There the preponderance of colored people is as 9 to 1, and there the colored people remained away from the polls just as they did in Charleston, and for less reason. You utterly failed to secure any testimony in that county upon which to throw out its vote, and you have had to abandon the contest there. You have none that is reliable as to Charleston, but you say the testimony as to the manner of holding the election there justifies your action, and when it is shown that the testimony amounts to worse than nothing, you fall back upon the census and stolidly maintain that a negro always votes the Republican ticket, even when he swears that he does not. But how absurd is this contention when it is shown by your own witness that the colored vote was equally divided, and it can not be shown that a single white vote was cast for the contestant.

Mr. OVERSTREET. If he got 2,800 white votes, what became of the colored votes, as he only received 2,811 votes in all in Charleston?

Mr. JONES. He got all the white votes cast. If he got as many colored votes as Murray received, then only about 2,400 of the 6,000 whites voted, for all who went to the polls voted for Elliott. The white voters turned out badly as well as the blacks.

Mr. HARDY. Will the gentleman permit a question?

Mr. JONES. Well, my time is limited, as the gentleman knows, and his questions are usually very long.

Mr. HARDY. I wish to ask this question: In the county of Charleston there are said to be 8,000 colored voters and 6,000 white voters. Mr. Elliott received 2,811 votes. Presumably these were white votes, and maybe some of his colored friends, but out of 8,000 colored votes only 397 were cast for Murray. Now, what became of the 7,603 colored voters who did not vote at all? Did you disfranchise them by your nefarious and unconstitutional registration law, so that they were not permitted to vote at all?

Mr. JONES. How does the gentleman account for the fact that in the large negro county of Georgetown, where you admit the election was fair, Murray received only about 700 votes? The colored voters remained at home in Georgetown, Beaufort, and other counties, and they did the same thing in Charleston.

Mr. HARDY. Eleven hundred.

Mr. JONES. Exactly 743 votes were cast for Murray in the county of Georgetown.

Mr. HARDY. I can answer the gentleman's question.

Mr. JONES. I decline to be further interrupted.

Mr. HARDY. The gentleman has propounded a question, and I want to answer it.

Mr. JONES. I decline to be interrupted.

Mr. HARDY. Will you not allow me to answer your own question?

Mr. JONES. I will not be interrupted. I am not going to allow the gentleman to make another speech in my time. He has done enough of that already.

Mr. HARDY. I simply wanted to answer your question.

Mr. JONES. The point I make is this: The majority have singled out the city of Charleston, where there are very few more colored people than there are whites and where the colored vote was larger in proportion than it was in the country districts, and have assumed, without evidence upon which to base the assumption, that because Elliott received more votes in Charleston than his negro contestant did, there was something wrong about the election. I say the same reasoning ought to apply more strongly to the country districts, with the vote of which you can find no fault. Complaint is only made against Charleston, where there is a far less preponderance of colored voters than is to be found in the counties that were formerly in the Seventh district—counties from which contests, as you say, have come in the past. Think of this! There are 9 blacks to 1 white in Beaufort County. You took testimony there, and after the most searching investigation you abandoned the charges of fraud which had been made against the officers of election in that county and ask this House to believe that the loyalty of the colored voter to the Republican party is confined to Charleston, where, comparatively, they are not so numerous as in other parts of the First district.

You do this because you are driven to this course in order to take away the seat of a Democrat who was fairly elected and give it to a negro who was not elected. Upon your theory Murray should have been given by you 2,000 majority in Charleston, and 18,000 in the remainder of the district, but instead of this you content yourself with figuring out for him a bare majority of 434.

He is entitled to 2,000 in Charleston if he is entitled to the 217 that are given him there; and if you are going to proceed upon the theory that every man is a Republican whose skin is black—if, in spite of the fact that a colored voter swears on the Holy Evangelists that he did not vote the Republican ticket, you are going to hold that he did vote it—you ought to give the contestant 20,000 majority, and not cut down his majority to 437, as you have done. If you are going to count some of the colored voters for Murray merely because they are colored men, then you should have enough regard for consistency and decency to count all of them for him. There is just as much reason for counting all as there is for counting any part of them.

The report of the committee states that the chief ground of contest is the "alleged fraudulent conduct of the supervisors of registration, whereby many voters were deprived of their right to register, and the fraudulent and intentional mistakes in the registration certificates, which occasioned the rejection of the ballots." Now mark you, the report states this as the chief ground on which this contest is based. Yet when my friend from Indiana discussed the testimony bearing upon the registration he used these significant words:

> When I refer to this testimony, it is not to place this case upon that testimony.

Well may he make this admission! To throw out twenty precincts upon such testimony as is to be found in this record would be to commit the grossest outrage ever perpetrated by blind partisanship.

There are 25 witnesses who testify as to the manner in which the registration was conducted—1½ to a precinct. They are all ignorant, and most of them are without occupation. There is not one of them whose testimony is not rebutted by from one to three witnesses of character, good standing, and intelligence. Many of them make contradictory statements, and some of them are shown to be the associates of thieves and gamblers. One of them is shown by overwhelming testimony to have deliberately and knowingly perjured himself. Against that testimony the contestee has set the testimony of men of high character and standing in that community, men whose testimony has not been attacked or impeached, and, I take it, it can not be.

Those witnesses in the main do not testify to the time that they offered to register. They do not testify as to the circumstances under which they were rejected. It does not appear even from their testimony whether they were properly or improperly rejected. And as to every single one of these witnesses, as I have said, the contestee has introduced testimony absolutely refuting their statements.

I will read the testimony of one of the witnesses relied upon by the gentleman from Indiana. I submit that if this witness were uncontradicted his testimony would afford no excuse for throwing out the entire poll at the precinct at which he desired to vote. I will read all of his testimony in chief:

> Q. Give your name, age, and residence.
> A. Alexander McNeill; aged 39 years; reside at No. 63 King street.
> Q. State where you were on the 6th day of November last?
> A. At Federal poll, Ward 5, precinct 2.
> Q. At what time did you arrive and how long did you remain at that poll?
> A. I got there between 3.30 and 4 o'clock and remained until the poll closed.
> Q. Did you vote there that day?
> A. No, sir; they would not allow me.
> Q. Did you have a registration certificate?
> A. Yes, sir.
> Q. The registration certificate that you had, did you try to have it changed?
> A. I did, every Monday in the month until they finished and closed the office.
> Q. Did you see the supervisor at any of the times you went there?
> A. Yes, sir; and when it came on late the police would drive us away.

That is the testimony of one of the witnesses referred to and

relied upon by my friend. This witness states that he had a registration certificate. The law of South Carolina provides that where a man changes his residence, although he may have a certificate, he must surrender that certificate and be registered again. He does not state that he had not changed his residence. He simply states that he went there and they would not allow him to vote. But I appeal to the lawyers in this House to say, even if this witness was improperly denied the right to vote, whether the whole poll at his precinct should be thrown out and hundreds of legal voters disfranchised on that account? The most that this House can do if it be thought that this man was improperly denied the right to vote and that he would have voted for the contestant had he been allowed to vote, is to count his vote for the contestant. There can be found no warrant either in law or justice for the course which is advocated by the majority of the committee. To throw out this and other precincts upon such testimony as this, even were it admitted to be true, would be the greatest of outrages.

I may as well say now and here as later that if every voter who claims to have been refused the right to vote, or that it is claimed by anybody was not permitted for any cause to vote, were to have his vote counted by this House for the contestant, he would then lack more than a thousand votes of enough to elect him. Unless the number of voters whose rights have been denied is large enough to materially affect the result, such denial can not vitiate the election. That is the well-established doctrine upon this subject; so that if we concede that the managers of the election improperly refused those who are shown to have offered to vote, or who would have offered but for the knowledge that they would be refused, it would not vitiate the election. The majority of the committee would have counted the votes of such persons as this witness quick enough had there been enough of them in all to elect the contestant. There were not enough, and so they concluded that since he must be given a seat in this House the only way to do it was to throw out a sufficient number of polls to accomplish the result desired.

At Haut Gap precinct, in Berkeley County, there was no regular poll opened on the day of the election. The managers appointed did not appear. To remedy this the negroes appointed three of their number managers of election and caused a poll to be opened. At this improvised election there were 217 votes cast for Murray and none for Elliott. The entire committee are of the opinion that these votes should be counted, and they go to make up the 434 majority which the majority of the committee give Murray. Without these votes, which I concede to belong fairly to the contestant, his majority, as the majority of the committee have figured it out, would be only 217.

Mr. Speaker, it is but proper that I should add that it was no fault of the contestee that the election managers did not open a poll at Haut Gap precinct. The contestant, as the record shows, made every possible effort to have the polls opened at all the precincts in the district and especially at this precinct. In the speech made by the chairman of this committee [Mr. McCALL of Massachusetts] in the Johnson *vs.* Stokes case a few days ago—a case that also came here from South Carolina—that gentleman said—I read from the CONGRESSIONAL RECORD:

> Furthermore, Mr. Speaker, there is nothing in the record, no evidence any where, that there was any special wrongdoing in connection with the election on the part of the contestee or on the part of any of the sitting members in these South Carolina contests. In one district, certainly, where they had not for years opened certain polls, where the black voters are greatly in the majority, the contestee, Mr. Elliott, before the election was held came out and urged that all the polls be opened, and it was against his protest that the polls were closed on that day.

Mr. Speaker, in the other cases from South Carolina that have been before this House, all of which were considered by the Elections Committee of which I am a member, the registration laws and the method of executing those laws played a much more important part than they do in the case now under consideration. Gentlemen should not permit any impressions that may have been made upon their minds concerning the registration of voters in South Carolina to prejudice them in this case. On the 24th day of December, 1890, the legislature of South Carolina provided for a new registration of voters in the city of Charleston. All persons registered prior to that date in the city of Charleston were required to register in order to be able to vote at any election. Before the passage of this act, which only applied to Charleston, it had been held throughout the State of South Carolina that all persons old enough and entitled to register in the year 1882, and who did not then register, were not thereafter entitled to vote. It was this construction of the registration law of South Carolina which gave rise to so much complaint, and it was to remove this just cause of complaint that the legislature passed the act I have just alluded to. Why it was not made applicable to the entire State I do not know.

The SPEAKER. The time of the gentleman has expired.

Mr. BELL of Texas. Mr. Speaker, I ask to be recognized, and I yield to my colleague such portion of the time I am allowed as he may desire.

Mr. JONES. Mr. Speaker, under the act of December, 1890, a new registration took place in the city of Charleston. Three gentlemen of high character, of social and business standing and reputation, were appointed to hold this registration. I am informed, and it is so stated in one of the briefs filed by counsel, that they were all bank presidents. They sat continuously for three months in the city of Charleston in the year 1891. They moved the place of registration from point to point in order that every man, white and black, in the city and entitled to register might have an opportunity to do so.

The record shows that there were at least 4,721 colored voters registered in Charleston on the day of the election. In other words, there were registered more than 4,000, more colored voters in Charleston than the contestant received votes.

Mr. OVERSTREET. From what source does the gentleman get that information?

Mr. JONES. I get it from this source: It appears from the record that the certificate of one of the voters who actually voted was numbered 11213. As there were only 6,492 white persons of voting age in Charleston, and presuming for the sake of this argument that all of them were registered, the difference between that number and 11,213 is 4,721. There must have been at least 4,721 colored people registered, and there were doubtless many more.

Mr. OVERSTREET. And that list of registration certificates would include the certificates issued by all the supervisors after 1890?

Mr. JONES. All of them, I think, after 1890.

Mr. OVERSTREET. All of them after 1882?

Mr. JONES. No, sir; not at all; because the law provided that every one of the old certificates should be surrendered, and that no man could vote in the city of Charleston unless he had a certificate issued after that date. The holder of certificate No. 11213 registered after the year 1890, or else he would not have been allowed to vote.

Mr. OVERSTREET. Now, then, were there not certificates by Cantwell alone and by George W. Williams alone, and when you compute the number, you must compute those issued by all the various registration commissioners?

Mr. JONES. My reply to that is that the certificate of which I have spoken was issued by the board of commissioners. The board sat prior to the appointment of Cantwell and Williams.

Mr. OVERSTREET. Another question——

Mr. JONES. But does that answer you sufficiently?

Mr. OVERSTREET. No, sir. Is it not a fact that when a certificate issued under the law of 1882 was surrendered under the new registration law, the supervisors, when a new one was issued in its stead, took the same number as the old certificate?

Mr. JONES. No, sir; there is not a line in this record to that effect, and I am informed by gentlemen familiar with the operation of this registration law that it is not true. It appears from the evidence in the record that the board of commissioners registered the bulk of those entitled to vote in Charleston during the early days of the three months that they sat, and that for days before they closed their books no one appeared to be registered.

Mr. OVERSTREET. Is it not true that the Charleston News and Courier, the morning after the election, stated that there were not 3,500 registration certificates issued by the new board?

Mr. JONES. I do not know whether that is true or not. I never heard it before.

Mr. OVERSTREET. Well, I know it is true.

Mr. JONES. I do not know and I do not care what the Charleston News and Courier, or the Boston Journal, or the New York Herald, or the Washington Post, or any other paper said about it.

Mr. OVERSTREET. Is not the Charleston News and Courier the leading Democratic paper of South Carolina?

Mr. JONES. I do not know whether it is or not, and if it were it would have no bearing upon this case.

Mr. OVERSTREET. You are deficient in political information. [Laughter.]

Mr. JONES. There is not a single word in this record to the effect that the News and Courier published anything on the subject, and if my friend from Indiana, able lawyer as he is, wants the House to try this case upon what he says appeared in the Charleston News and Courier, but which is not in the record, I can only express my surprise. When the gentleman has to fall back upon newspaper rumors to sustain his case he must feel that his cause is indeed a desperate one. If the News and Courier ever published anything in regard to the registration law of South Carolina it does not appear in the record, and I shall not travel outside of that.

But, Mr. Speaker, I will read some of the testimony in the record bearing upon this subject, and I will read from that given by one of the contestant's own witnesses.

The record which I hold in my hand contains a thousand pages. How many colored men testify in this record in the interest of the contestant I am unable to say, but this I do say: There is not a single witness for the contestant who assails the fairness of the

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Mr. JONES. The point I make is this: The majority have singled out the city of Charleston, where there are very few more

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That is the testimony of one of the witnesses referred to and

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knowledge of the colored people of that city, that they were equally divided in their support of Murray and Elliott. Suppose you give, on this testimony, one-half of the colored voters of that city to Elliott. If you do you will increase his majority largely over that given him by the election boards. The gentleman who so ably, astutely, and adroitly opened the case for the contestant did not deign to refer to this testimony. He dismissed the subject by saying that there was no disaffection of any consequence on the part of the colored people of this district toward the contestant; that what little there was was confined to a colored barber's association. I have dwelt upon this somewhat in order to illustrate the unfairness with which the majority have treated the testimony in this case.

I have read to the House the whole testimony of the colored commander of the colored brigade of South Carolina, one who has been chairman of the city waterworks committee of Charleston, one who has always been a Republican, and who voted for Murray, and who was put on the stand by Murray.

Mr. OVERSTREET. Will the gentleman permit me?

Mr. JONES. Certainly.

Mr. OVERSTREET. Be kind enough to explain what kind of a division it was in the colored vote of Charleston when Murray was given but 397 out of a total vote of 6,000.

Mr. JONES. I will, with pleasure. I have shown already that a number of the very men who testify did not vote for either party to this contest. The testimony in the record shows that the colored voters in the main kept away from the polls and refused to vote, because they had no candidate. Of the comparatively few who voted, many voted for Colonel Elliott. There was not half of the white vote of Charleston cast at this election, because it was not supposed that Colonel Elliott had any serious opposition. But why do you adopt one rule in the city of Charleston and a different one in the counties? If you are going to take the census and count for Murray all the colored people of voting age in Charleston, why do you not count all in Beaufort for him? There the preponderance of colored people is as 9 to 1, and there the colored people remained away from the polls just as they did in Charleston, and for less reason. You utterly failed to secure any testimony in that county upon which to throw out its vote, and you have had to abandon the contest there. You have none that is reliable as to Charleston, but you say the testimony as to the manner of holding the election there justifies your action, and when it is shown that the testimony amounts to worse than nothing, you fall back upon the census and stolidly maintain that a negro always votes the Republican ticket, even when he swears that he does not. But how absurd is this contention when it is shown by your own witness that the colored vote was equally divided, and it can not be shown that a single white vote was cast for the contestant.

Mr. OVERSTREET. If he got 2,800 white votes, what became of the colored votes, as he only received 2,811 votes in all in Charleston?

Mr. JONES. He got all the white votes cast. If he got as many colored votes as Murray received, then only about 2,400 of the 6,000 whites voted, for all who went to the polls voted for Elliott. The white voters turned out badly as well as the blacks.

Mr. HARDY. Will the gentleman permit a question?

Mr. JONES. Well, my time is limited, as the gentleman knows, and his questions are usually very long.

Mr. HARDY. I wish to ask this question: In the county of Charleston there are said to be 8,000 colored voters and 6,000 white voters. Mr. Elliott received 2,811 votes. Presumably these were white votes, and maybe some of his colored friends, but out of 8,000 colored votes only 397 were cast for Murray. Now, what became of the 7,603 colored voters who did not vote at all? Did you disfranchise them by your nefarious and unconstitutional registration law, so that they were not permitted to vote at all?

Mr. JONES. How does the gentleman account for the fact that in the large negro county of Georgetown, where you admit the election was fair, Murray received only about 700 votes? The colored voters remained at home in Georgetown, Beaufort, and other counties, and they did the same thing in Charleston.

Mr. HARDY. Eleven hundred.

Mr. JONES. Exactly 743 votes were cast for Murray in the county of Georgetown.

Mr. HARDY. I can answer the gentleman's question.

Mr. JONES. I decline to be further interrupted.

Mr. HARDY. The gentleman has propounded a question, and I want to answer it.

Mr. JONES. I decline to be interrupted.

Mr. HARDY. Will you not allow me to answer your own question?

Mr. JONES. I will not be interrupted. I am not going to allow the gentleman to make another speech in my time. He has done enough of that already.

Mr. HARDY. I simply wanted to answer your question.

Mr. JONES. The point I make is this: The majority have singled out the city of Charleston, where there are very few more

colored people than there are whites and where the colored vote was larger in proportion than it was in the country districts, and have assumed, without evidence upon which to base the assumption, that because Elliott received more votes in Charleston than his negro contestant did, there was something wrong about the election. I say the same reasoning ought to apply more strongly to the country districts, with the vote of which you can find no fault. Complaint is only made against Charleston, where there is a far less preponderance of colored voters than is to be found in the counties that were formerly in the Seventh district—counties from which contests, as you say, have come in the past. Think of this! There are 9 blacks to 1 white in Beaufort County. You took testimony there, and after the most searching investigation you abandoned the charges of fraud which had been made against the officers of election in that county and ask this House to believe that the loyalty of the colored voter to the Republican party is confined to Charleston, where, comparatively, they are not so numerous as in other parts of the First district.

You do this because you are driven to this course in order to take away the seat of a Democrat who was fairly elected and give it to a negro who was not elected. Upon your theory Murray should have been given by you 2,000 majority in Charleston, and 18,000 in the remainder of the district, but instead of this you content yourself with figuring out for him a bare majority of 434.

He is entitled to 2,000 in Charleston if he is entitled to the 217 that are given him there; and if you are going to proceed upon the theory that every man is a Republican whose skin is black—if, in spite of the fact that a colored voter swears on the Holy Evangelists that he did not vote the Republican ticket, you are going to hold that he did vote it—you ought to give the contestant 20,000 majority, and not cut down his majority to 437, as you have done. If you are going to count some of the colored voters for Murray merely because they are colored men, then you should have enough regard for consistency and decency to count all of them for him. There is just as much reason for counting all as there is for counting any part of them.

The report of the committee states that the chief ground of contest is the "alleged fraudulent conduct of the supervisors of registration, whereby many voters were deprived of their right to register, and the fraudulent and intentional mistakes in the registration certificates, which occasioned the rejection of the ballots." Now mark you, the report states this as the chief ground on which this contest is based. Yet when my friend from Indiana discussed the testimony bearing upon the registration he used these significant words:

When I refer to this testimony, it is not to place this case upon that testimony.

Well may he make this admission! To throw out twenty precincts upon such testimony as is to be found in this record would be to commit the grossest outrage ever perpetrated by blind partisanship.

There are 25 witnesses who testify as to the manner in which the registration was conducted—1½ to a precinct. They are all ignorant, and most of them are without occupation. There is not one of them whose testimony is not rebutted by from one to three witnesses of character, good standing, and intelligence. Many of them make contradictory statements, and some of them are shown to be the associates of thieves and gamblers. One of them is shown by overwhelming testimony to have deliberately and knowingly perjured himself. Against that testimony the contestee has set the testimony of men of high character and standing in that community, men whose testimony has not been attacked or impeached, and, I take it, it can not be.

Those witnesses in the main do not testify to the time that they offered to register. They do not testify as to the circumstances under which they were rejected. It does not appear even from their testimony whether they were properly or improperly rejected. And as to every single one of these witnesses, as I have said, the contestee has introduced testimony absolutely refuting their statements.

I will read the testimony of one of the witnesses relied upon by the gentleman from Indiana. I submit that if this witness were uncontradicted his testimony would afford no excuse for throwing out the entire poll at the precinct at which he desired to vote. I will read all of his testimony in chief:

Q. Give your name, age, and residence.
A. Alexander McNeill; aged 39 years; reside at No. 63 King street.
Q. State where you were on the 6th day of November last?
A. At Federal poll, Ward 5, precinct 2.
Q. At what time did you arrive and how long did you remain at that poll?
A. I got there between 3.30 and 4 o'clock and remained until the poll closed.
Q. Did you vote there that day?
A. No, sir; they would not allow me.
Q. Did you have a registration certificate?
A. Yes, sir.
Q. The registration certificate that you had, did you try to have it changed?
A. I did, every Monday in the month until they finished and closed the office.
Q. Did you see the supervisor at any of the times you went there?
A. Yes, sir; and when it came on late the police would drive us away.

That is the testimony of one of the witnesses referred to and

relied upon by my friend. This witness states that he had a registration certificate. The law of South Carolina provides that where a man changes his residence, although he may have a certificate, he must surrender that certificate and be registered again. He does not state that he had not changed his residence. He simply states that he went there and they would not allow him to vote. But I appeal to the lawyers in this House to say, even if this witness was improperly denied the right to vote, whether the whole poll at his precinct should be thrown out and hundreds of legal voters disfranchised on that account? The most that this House can do if it be thought that this man was improperly denied the right to vote and that he would have voted for the contestant had he been allowed to vote, is to count his vote for the contestant. There can be found no warrant either in law or justice for the course which is advocated by the majority of the committee. To throw out this and other precincts upon such testimony as this, even were it admitted to be true, would be the greatest of outrages.

I may as well say now and here as later that if every voter who claims to have been refused the right to vote, or that it is claimed by anybody was not permitted for any cause to vote, were to have his vote counted by this House for the contestant, he would then lack more than a thousand votes of enough to elect him. Unless the number of voters whose rights have been denied is large enough to materially affect the result, such denial can not vitiate the election. That is the well-established doctrine upon this subject; so that if we concede that the managers of the election improperly refused those who are shown to have offered to vote, or who would have offered but for the knowledge that they would be refused, it would not vitiate the election. The majority of the committee would have counted the votes of such persons as this witness quick enough had there been enough of them in all to elect the contestant. There were not enough, and so they concluded that since he must be given a seat in this House the only way to do it was to throw out a sufficient number of polls to accomplish the result desired.

At Haut Gap precinct, in Berkeley County, there was no regular poll opened on the day of the election. The managers appointed did not appear. To remedy this the negroes appointed three of their number managers of election and caused a poll to be opened. At this improvised election there were 217 votes cast for Murray and none for Elliott. The entire committee are of the opinion that these votes should be counted, and they go to make up the 434 majority which the majority of the committee give Murray. Without these votes, which I concede to belong fairly to the contestant, his majority, as the majority of the committee have figured it out, would be only 217.

Mr. Speaker, it is but proper that I should add that it was no fault of the contestee that the election managers did not open a poll at Haut Gap precinct. The contestant, as the record shows, made every possible effort to have the polls opened at all the precincts in the district and especially at this precinct. In the speech made by the chairman of this committee [Mr. McCALL of Massachusetts] in the Johnson *vs.* Stokes case a few days ago—a case that also came here from South Carolina—that gentleman said—I read from the CONGRESSIONAL RECORD:

Furthermore, Mr. Speaker, there is nothing in the record, no evidence any where, that there was any special wrongdoing in connection with the election on the part of the contestee or on the part of any of the sitting members in these South Carolina contests. In one district, certainly, where they had not for years opened certain polls, where the black voters are greatly in the majority, the contestee, Mr. Elliott, before the election was held came out and urged that all the polls be opened, and it was against his protest that the polls were closed on that day.

Mr. Speaker, in the other cases from South Carolina that have been before this House, all of which were considered by the Elections Committee of which I am a member, the registration laws and the method of executing those laws played a much more important part than they do in the case now under consideration. Gentlemen should not permit any impressions that may have been made upon their minds concerning the registration of voters in South Carolina to prejudice them in this case. On the 24th day of December, 1890, the legislature of South Carolina provided for a new registration of voters in the city of Charleston. All persons registered prior to that date in the city of Charleston were required to register in order to be able to vote at any election. Before the passage of this act, which only applied to Charleston, it had been held throughout the State of South Carolina that all persons old enough and entitled to register in the year 1882, and who did not then register, were not thereafter entitled to vote. It was this construction of the registration law of South Carolina which gave rise to so much complaint, and it was to remove this just cause of complaint that the legislature passed the act I have just alluded to. Why it was not made applicable to the entire State I do not know.

The SPEAKER. The time of the gentleman has expired.

Mr. BELL of Texas. Mr. Speaker, I ask to be recognized, and I yield to my colleague such portion of the time I am allowed as he may desire.

Mr. JONES. Mr. Speaker, under the act of December, 1890, a new registration took place in the city of Charleston. Three gentlemen of high character, of social and business standing and reputation, were appointed to hold this registration. I am informed, and it is so stated in one of the briefs filed by counsel, that they were all bank presidents. They sat continuously for three months in the city of Charleston in the year 1891. They moved the place of registration from point to point in order that every man, white and black, in the city and entitled to register might have an opportunity to do so.

The record shows that there were at least 4,721 colored voters registered in Charleston on the day of the election. In other words, there were registered more than 4,000, more colored voters in Charleston than the contestant received votes.

Mr. OVERSTREET. From what source does the gentleman get that information?

Mr. JONES. I get it from this source: It appears from the record that the certificate of one of the voters who actually voted was numbered 11213. As there were only 6,492 white persons of voting age in Charleston, and presuming for the sake of this argument that all of them were registered, the difference between that number and 11,213 is 4,721. There must have been at least 4,721 colored people registered, and there were doubtless many more.

Mr. OVERSTREET. And that list of registration certificates would include the certificates issued by all the supervisors after 1890?

Mr. JONES. All of them, I think, after 1890.

Mr. OVERSTREET. All of them after 1882?

Mr. JONES. No, sir; not at all; because the law provided that every one of the old certificates should be surrendered, and that no man could vote in the city of Charleston unless he had a certificate issued after that date. The holder of certificate No. 11213 registered after the year 1890, or else he would not have been allowed to vote.

Mr. OVERSTREET. Now, then, were there not certificates by Cantwell alone and by George W. Williams alone, and when you compute the number, you must compute those issued by all the various registration commissioners?

Mr. JONES. My reply to that is that the certificate of which I have spoken was issued by the board of commissioners. The board sat prior to the appointment of Cantwell and Williams.

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Mr. JONES. But does that answer you sufficiently?

Mr. OVERSTREET. No, sir. Is it not a fact that when a certificate issued under the law of 1882 was surrendered under the new registration law, the supervisors, when a new one was issued in its stead, took the same number as the old certificate?

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Mr. JONES. I do not know whether that is true or not. I never heard it before.

Mr. OVERSTREET. Well, I know it is true.

Mr. JONES. I do not know and I do not care what the Charleston News and Courier, or the Boston Journal, or the New York Herald, or the Washington Post, or any other paper said about it.

Mr. OVERSTREET. Is not the Charleston News and Courier the leading Democratic paper of South Carolina?

Mr. JONES. I do not know whether it is or not, and if it were it would have no bearing upon this case.

Mr. OVERSTREET. You are deficient in political information. [Laughter.]

Mr. JONES. There is not a single word in this record to the effect that the News and Courier published anything on the subject, and if my friend from Indiana, able lawyer as he is, wants the House to try this case upon what he says appeared in the Charleston News and Courier, but which is not in the record, I can only express my surprise. When the gentleman has to fall back upon newspaper rumors to sustain his case he must feel that his cause is indeed a desperate one. If the News and Courier ever published anything in regard to the registration law of South Carolina it does not appear in the record, and I shall not travel outside of that.

But, Mr. Speaker, I will read some of the testimony in the record bearing upon this subject, and I will read from that given by one of the contestant's own witnesses.

The record which I hold in my hand contains a thousand pages. How many colored men testify in this record in the interest of the contestant I am unable to say, but this I do say: There is not a single witness for the contestant who assails the fairness of the

registration in the city of Charleston made under the act of 1890. There is not a witness who testifies for the contestant who has dared to say that the registration conducted by the board of commissioners in Charleston was not fairly and honestly conducted.

I call my friend's attention now to the testimony of one of his own witnesses, H. W. Purvis. This witness testifies as strongly as any witness in this case in favor of the contestant, and he is certainly one of the most, if not the most, intelligent of all his witnesses. He says of himself:

I have lived in Charleston County about seventeen years; I was a member of the legislature in 1868-1870; was special agent of Treasurer Department; adjutant-general of South Carolina for four years; was inspector of customs in 1877; deputy United States revenue collector and inspector of customs in 1880-1884; clerk in internal-revenue office, 1891.

That man ought to be a pretty good Republican, ought he not? We did not put him upon the stand. He is a witness for the contestant. Here is what he testifies to, and I want to call special attention to it. There is a part of this testimony that some of my friends from South Carolina will probably repudiate, but that portion of it which applies to Charleston no man testifying in this case has undertaken to assail or contradict. He was asked this question:

During the four years previous to the last election, what have you seen at the supervisor of registration's office?

He answered:

From the enactment of the law in 1882 up to the appointment of the commission of George W. Williams, Smalls, and O'Neil in 1890, who were appointed under an act to revise the registration in Charleston County, the whole system of registration, as far as the colored citizens are concerned, has been a shameful apology for registration, which I think any honest man would bear me out in saying. Under the commission I believe everybody was fairly dealt with, and none were refused who were entitled to register.

It will be observed that the witness states that from 1882 up to 1890 the whole system in South Carolina had been a shameful apology for registration; but when he comes to registration under the commission he says:

Under the commission I believe everybody was fairly dealt with and none were refused who were entitled to register.

Mr. Speaker, the gentleman from Indiana in the speech which he has just made assails the fairness of the registration made in Charleston, but not one of his witnesses has done so directly. Some ignorant negroes testify that they were refused registration certificates, but they do not tell the circumstances under which the refusals were made, and even their testimony—vague and indefinite as it is—is contradicted in every material particular.

I have shown out of the mouth of the most intelligent witness for the contestant that the registration was absolutely fair, and that no man who had a right to register was refused registration. In addition to that, it is clear that there were over 4,000 more colored people registered in Charleston than voted for the contestant. The only way by which this registration is attempted to be assailed is by showing that in 20 precincts a total of 25 people were not allowed to vote because they either did not have certificates or their certificates were improperly made out. All that can possibly be claimed is that those men would have voted for Murray had they been permitted to vote. Give their votes to Murray and give him every other vote of every negro who claims that for any cause whatever he was not permitted to vote for the contestant, and you can not elect him by 1,000 votes. Do not outrage justice and decency by throwing out the entire vote at 20 precincts and disfranchising 2,400 legal voters. To do this is to pay too dear a price for one seat in Congress, even if it is to be given to a negro contestant, when you already have an enormous majority of 150.

My friend from Indiana referred to the testimony of Alexander McNeill, Scipio Brown, Edward Grant, and James Carter. Even if these witnesses were uncontradicted, they prove nothing. They do not state when they got their certificates, and if they got them prior to 1891 they had no right to vote and were properly rejected. But as I have already shown all that could possibly be claimed is that the votes of these witnesses should be counted for the contestant.

There is no testimony showing improper conduct on the part of the managers of the election in Charleston. It is only claimed that 6 votes more than were actually received by the contestee were counted for him and I will speak of those later on.

What is true of the testimony of the witnesses referred to by the gentleman from Indiana is true of all who testified for the contestant. The testimony of everyone of them is rebutted. The contestee has by no means allowed this case to go by default against him; but in many instances where the contestant has offered the testimony of but one colored man the contestee has met that testimony with the testimony of as many as three intelligent and honorable white men. The report of the committee studiously and purposely avoids any mention of this testimony.

The majority of the committee cite testimony as if that testimony stood uncontradicted, and ask this House to judge this case upon that evidence. The Fifty-first Congress has been the subject of much bitter criticism for the manner in which it disposed of contested election cases. I have taken the pains to examine those cases, and I say without fear of contradiction that there was not a case decided by the Fifty-first Congress where its action was so open to just criticism as will be the action of this House if it adopts the report of the majority of the committee.

In this connection there is one matter that may as well be referred to now. Justice to the contestee as well as justice to this House requires that I mention it. It is that whilst my friend from Indiana has referred to his report as the report of the committee, and he may be right in thus speaking of it, he knows the difficulty he experienced in getting it out of the committee. He knows also, as I know, that when the vote was taken on this case in committee, however members may vote now, the resolution unseating the contestee was adopted by a bare majority of one vote. He also well knows that two of the Republican members of the committee have up to this moment refrained from expressing in committee any opinion upon the case. If either of them thinks the contestant ought to be seated I am unaware of that fact.

I have consumed much time in discussing the charges against the manner in which the registration was conducted. The charge is also made that no Republicans represented the Republican party on the election boards in the city of Charleston. That is true. The election law of the State of South Carolina does not provide for party representation on these boards, and the party in control in the city of Charleston did not put any colored people on the boards. The managers, or rather the commissioners of election, have testified that the Republicans did not make application for representation in time to enable them to put Republicans on the various boards, had they desired to do so.

But, Mr. Speaker, however that may be, is this House to be asked to declare the election held in certain precincts in Charleston void upon this ground? No man of ordinary intelligence and fairness will make any such contention. It must, however, be clear to everybody that if the election is to be vitiated in any precinct for this reason it must be set aside in every one where the same conditions existed. There can be no denying this proposition.

It is urged as another objection to the manner in which the election was held in Charleston that there were Democratic challengers present at the various polling places. This is true, and it is equally true that there were representatives of the contestant present at all of the precincts, whether called challengers or not.

Mr. OVERSTREET. Will the gentleman be kind enough to point out from the record where that statement appears?

Mr. JONES. I will.

Mr. OVERSTREET. Do you undertake to say that there were representatives of the contestant in all of the precincts in this election at Charleston?

Mr. JONES. I will undertake to show that in every single one such was the case.

Mr. OVERSTREET. Does the gentleman not know that there was not a representative of the contestant allowed in a single precinct in Charleston save one?

Mr. JONES. What do you mean by "in" the precincts?

Mr. OVERSTREET. I mean allowed in the polls, where the Democratic challenger was allowed to go.

Mr. JONES. The gentleman now presents an entirely different proposition. I say the contestant had representatives at the polls in all of these precincts. I do not say that they were actually within the rail.

Mr. OVERSTREET. Of course he had all of his voters at the polls.

Mr. JONES. He had men there to represent his interests. Many of them have testified that they had lists prepared in advance. They stood as the contestant's representatives at the polls, and asked to be permitted to witness the count as his representatives. The record shows this. But, Mr. Speaker, suppose the record did not show it; suppose the contestant had no representatives at the various polls, what is more common, I ask, than the presence of challengers at the polls? I undertake to say that not one-tenth of the States in this Union have passed laws specifically providing for the presence of challengers at the polls. And yet there is scarcely a State in the Union, or any precinct, where they are not permitted. Unless it can be shown that the presence of these challengers resulted in injury to the contestant the bare fact that there were challengers can not be made the excuse for throwing out the vote of 20 precincts.

Mr. HARDY. Will you yield to me for a question?

Mr. JONES. I will yield for a question, but not for another speech.

Mr. HARDY. Only a question, and a pertinent one. I would ask the gentleman if he claims or contends that the election in this district of South Carolina was honest and fair and resulted honestly in the election of Colonel Elliott?

Mr. JONES. I will say in reply to that question that I believe

that Colonel Elliott is as fairly, as honestly, and as legally entitled to his seat on this floor as any man in this House.

Mr. HARDY. Now, I wish to follow that up by another question. That was simply preliminary. I will ask the gentleman, as a member of the Committee on Elections, if he did not sign the report in the contested election case of Johnston *vs.* Stokes, to the effect that Mr. Stokes was legally elected as a member of this House and was entitled to the seat; and that when it came to a vote if he did not vote the other way, declaring that there was no legal election in the district in question and declaring the seat vacant?

Mr. JONES. I am glad the gentleman has asked me that question. I will answer it by saying that when it became evident to me, and those who thought as I did, that the Republican majority in this House intended to repudiate a report permitting a Democrat to retain the seat to which I believed him honestly elected, and to give that seat to a Republican who was not, in the opinion of a Republican committee, entitled to it, I, with other Democrats and many Republicans, voted to declare the seat vacant. I did what every sensible man would have done under the circumstances—I voted to declare the seat vacant to prevent your side of the House from perpetrating a greater wrong.

Mr. HARDY. They must have been Mugwumps.

Mr. JONES. They were Republicans, with as good standing as yourself in the Republican party, and they are your equals if not your superiors in every respect. [Applause.] Gentlemen came to us on this side and gave us to understand that there was no hope of having the House decide that Stokes should retain his seat. They said, "There are gentlemen on our side who do not believe that Johnston was elected, but if you force them to say that either he or Stokes is entitled to the seat they will vote for Johnston, but they are willing to vote if the opportunity is given them that there was no election." In deference to that statement we consented to vote that there was no election. Being in the minority we accepted the situation. I will say further in this connection, if the gentleman will pardon me, that this contested election case comes from South Carolina. This Republican House has, in the case of Johnston *vs.* Stokes, very recently decided the election laws of South Carolina to be unconstitutional.

Mr. HARDY. If it is unconstitutional in that district is it not unconstitutional in all?

Mr. JONES. That is just the point. This Republican House has decided that no valid election could be held in the Seventh district of South Carolina because the election laws of South Carolina are unconstitutional. How, then, can you say that the contestant in this case is elected, when the election was held under the very laws that you have only a day or two since declared to be unconstitutional? In the Johnston-Stokes case you solemnly declared that no valid election could be held under the election laws of South Carolina.

Mr. HARDY. Does the gentleman want this House to vote that there was no election in the district represented by Colonel Elliott?

Mr. JONES. I want this House to do what is right and just. I have already said that I believe Colonel Elliott to have been fairly and honestly elected. The Democrats are but a small minority in this body. They have no power to decide these cases, and so are not responsible for any decision that may be made. But if you gentlemen want to be consistent; if you want to observe the oaths that you took when you came here; if you want to do what is honest and right; if you still believe that the law of South Carolina is unconstitutional, as you held it be two days ago, and that no valid election can be held under it, you will do violence to your oaths and you will destroy every semblance of consistency by putting a man in this House who, even were he elected, was elected under the very law which you have repudiated.

Mr. OVERSTREET. Will the gentleman undertake to say that because a law is unconstitutional, therefore no election was held?

Mr. JONES. I never said anything of the sort. I contend that this law is not unconstitutional to such an extent as would render this election null and void, but I say that the House of Representatives, in which the Republican party has a majority of 150, has solemnly declared that the law was unconstitutional, and that no valid election could be held under it.

Mr. OVERSTREET. The gentleman voted that way, did he not?

Mr. JONES. I did, for the reasons I have given.

Mr. OVERSTREET. Will the gentleman be kind enough to state to us who the gentlemen were who made that bargain with him in the Johnston-Stokes case?

Mr. JONES. I insist, Mr. Speaker, that the gentleman has no right to speak of the representations made gentlemen on this side of the House by gentlemen on his side as a bargain.

Mr. OVERSTREET. You stated that they had made an agreement.

Mr. JONES. I think the gentleman is reflecting upon his colleagues when he makes this insinuation. I have already informed him why the Democrats joined with a number of his Republican associates in voting the seat from the Seventh district of South Carolina vacant. It was the only choice left us. The representations made us, and upon which we unhesitatingly acted, came from some of the leading, most intelligent, and most honorable men on your side of the House, and believing them to be the honest opinions of honest and fair-minded men, we accepted them as such and acted upon them. We accepted the friendly suggestions made to us, not because we had any doubt about the election of Mr. Stokes, but because we became satisfied if we did not do so enough Republicans would follow your leadership to give a seat in this House to a man who the most intelligent Republicans upon the Elections Committee of which the gentleman is a member believed had no shadow of right to it.

Mr. OVERSTREET. Now, will the gentleman answer my question? When that proposition was made to the representatives upon your side of the House, it was agreed to by you, was it not?

Mr. JONES. The gentleman may call it what he pleases. It was simply the statement of a fact which was apparent to most people. The votes that were taken convinced me, as they did everybody else, that whatever the action of the House might be Stokes would not be permitted to retain his seat. I was myself informed by a member from the State of New York, who was in no wise connected with the case, that, whilst he had voted that Johnston was not entitled to the seat, he should not vote that Stokes was. Statements like these induced the friends of Stokes to vote to declare the seat vacant.

Now, if you want to call that a bargain, if you want to reflect upon your Republican colleagues on the committee, you are welcome to get all the glory and honor and satisfaction out of it that you can get.

Mr. OVERSTREET. The gentleman knows that I have asked him three different times if they carried out the agreement, and he knows he has failed in each instance to reply to my inquiry.

Mr. JONES. I say to the gentleman that so far as I am personally concerned I voted as the record shows I voted, and I did so because I became convinced that under his leadership a man was about to be seated in this House who had no title to a seat here. [Loud applause on the Democratic side.] I voted to send the election back rather than have you perpetrate that outrage, and I am pleased to be able to say that a large number of the leading Republicans on your side, including the distinguished chairman of the Committee on Ways and Means, voted as I did.

Mr. OVERSTREET. The gentleman does me an unusual honor. I still want to ask him whether or not when that statement of facts was given to him the agreement was carried out by the men who made the agreement. I give you one more opportunity to answer that question.

Mr. JONES. And I answer the gentleman by saying that no agreement was made with me or with anybody else so far as I know. Enough Republicans voted with the Democrats to prevent the consummation of what we regarded as an attempt to commit an outrage. I presume they voted that way because they were not willing to become parties to a political outrage. I believe they acted from the purest and the best motives.

Mr. OVERSTREET. Just one more question. The gentleman has said that I was reflecting upon the members of this side of the Chamber. I simply want to inquire if it is not a fact that the men who supported that proposition, who were members on this side of the Chamber, voted as they already had voted, and made no change from the position which they had assumed when the entire Democratic side abandoned its position.

Mr. JONES. That absolutely is not true.

Mr. OVERSTREET. With the exception of the members of the committee.

Mr. JONES. No vote was ever taken to test the right of Stokes to retain his seat. It never got that far. The reports from Elections Committee No. 3 show that three Democrats and two Republicans found that Stokes was entitled to retain his seat. I was one of those Democrats. One Republican held that there was no election, and three, yourself among the number, filed a minority report setting forth that Johnston was elected. Two of the Republican members of the committee voted throughout as I did.

You say you did not intend to reflect upon the Republican members of the committee or other members on your side of the House, but you still insist that there was some bargain or agreement. It takes at least two parties to make an agreement; and if any corrupt agreement was entered into in the Johnston-Stokes case all who were parties to it must have been equally culpable. I have said I knew of no bargain or agreement. I deny that there was any. But I still maintain that if you seat the contestant in the case we are supposed to be now considering you will not only perpetrate a great wrong but you will stultify yourselves at the same time.

I have heard that the contestant had to be seated because he was a black man.

Mr. WALKER of Virginia. I would like to know whom you heard that from?

Mr. JONES. From everybody.

Mr. WALKER of Virginia. Name one.

Mr. JONES. The statement has been made all over this House, and everybody understands that such is the case.

Mr. WALKER of Virginia. I would like you to name one member who said that the contestant should be seated because he was a colored man.

Mr. JONES. I will say to the gentleman that numbers of members upon his side of the House have said it. It is not necessary to give names. If members desire their names published, they are here, some of them, within the sound of my voice, and they can speak for themselves. But this, Mr. Speaker, bears somewhat upon this question. This little clipping is from the Washington Post. I will read it for the benefit of my friend from Virginia.

Mr. WALKER of Virginia. I have read it.

Mr. OVERSTREET. Is that in the record?

Mr. JONES. I will give the House the benefit of it.

A delegation of colored ministers from city churches called at the rooms of Election Committee No. 3 of the House yesterday to urge action in the contest to which George W. Murray, of South Carolina, is a party. The ministers were Rev. J. T. Clark, Rev. Daniel Morris, Rev. Alexander Wilbanks, Rev. J. Anderson Taylor, Rev. H. C. Robinson, Rev. Walter H. Brooks, Rev. A. Creditt, Rev. I. B. Bryant, and Rev. Robert Johnson. Col. Perry Carson, at whose suggestion the visit was made, accompanied the ministers. They were received by Chairman McCALL, of the committee, and stated that they were interested in having Mr. Murray seated because the colored people, not only in the District but in the whole United States, were without a representative in Congress.

Mr. HARDY. If the Lord is for him, who can be against him? [Great laughter.]

Mr. JONES (continuing the reading):

Mr. McCALL replied that the case was upon the House Calendar and would be reached as soon as possible.

[Renewed laughter.]

Now, Mr. Speaker, I also saw in the Washington Post of either this or yesterday morning that a great mass meeting of colored people had just been held somewhere in this city or near this city; that among the speakers who addressed the meeting was the contestant here, and that at the conclusion of the meeting, which was intended to boom Senator ALLISON, I believe, and was gotten up by Perry Carson and his admirers, a resolution was offered and unanimously passed appointing a committee of 10 persons to call upon the leading Republicans of this House to demand, with Perry Carson at their head, that this contestant be given the seat which he seeks—be given it upon the distinct ground that he is a negro and because the negro race has no representative in Congress. I hardly think my colleague will deny that he has heard the same statements that I have heard.

Mr. WALKER of Virginia. I have never heard any such thing anywhere from anybody.

Mr. JONES. I do not know why my friend has not heard them.

Mr. WALKER of Virginia. I have been where honest people are. [Laughter.]

Mr. JONES. I am glad to know it, and I hope the gentleman does not mean to insinuate that the people who made the statements were not honest.

Mr. WALKER of Virginia. No. The gentleman seemed to wonder where I had been that I had not heard such statements, and I thought I would tell him. [Laughter.]

Mr. JONES. I hope he does not mean to make any such insinuation as that, for it is a fact known of all men that great pressure has been brought to bear upon this House to put this negro in; that it has been stated far and wide that it "would not do" for a House with the great Republican majority that this has to adjourn without putting at least one colored man in a seat upon this floor. If this contestant is seated it will be done in deference to this sentiment and in obedience to this demand. There is no evidence in this record that will justify the throwing out of twenty of the precincts in the city of Charleston. To throw them out will be to commit one of the blackest crimes against the right of suffrage that was ever enacted by any civilized body of men.

I doubt seriously, Mr. Speaker, if there is a single Republican member of this House who would be willing to say that he had not been approached by the contestant or by some other colored man in his interest. Gentlemen, this case is now in your hands. Three of the four contested election cases from South Carolina have been disposed of. This is the last. I have examined the testimony in this case as carefully as it was possible for me to do. My connection with it is now at an end. My Democratic colleagues upon the committee agree with me that there has never been a case before our committee where any claimant to a seat in this House has shown a better right to that seat than Colonel Elliott has shown.

Mr. McCALL of Tennessee. Will the gentleman yield for a question?

Mr. JONES. Yes, sir.

Mr. McCALL of Tennessee. Is this the case in which one witness states that at the election in Charleston "Ben Harrison," "Bill McKinley," "Matt Quay," and "Tom Reed" were refused the privilege of voting? [Laughter.]

Mr. JONES. No; this is not that case. Nor is this the other noted case from South Carolina in which a colored man was contesting who was a minister of the gospel, and who, in reply to the question, "What is your profession?" answered, "I am a minister of the gospel, a class-leader, and an extortionist." [Laughter.] This is neither of those cases. But in this case numbers of witnesses have testified for the contestant whose reputations for honesty and truthfulness would not begin to compare to those of the witnesses to whom the gentleman from Tennessee and myself have called attention in the other cases from South Carolina. And it is upon the testimony of such men, contradicted and discredited in nearly every single instance by the testimony of reputable witnesses, bear it in mind, that this House is asked to seat the contestant in this case.

Not only are the contestant's witnesses contradicted by those placed upon the stand by the contestee, but the testimony of many of them is shown to be false by that of other witnesses who testify for the contestant. In many instances they contradict themselves. The contestant's witnesses in most cases, like his supporters, belonged to the "rabble element" of the colored population.

If the evidence in this record establishes anything it proves beyond all question that the colored people of Charleston were bitterly opposed to the contestant; that he was not regarded by a large portion of them as their candidate or as a resident of the district; that many of those who voted at all voted for Colonel Elliott. It also shows that there is no ground for the pretense that colored voters were illegally refused registration, and that the charge that the managers of the election acted fraudulently is without any foundation upon which to rest. Mr. Speaker, time will not permit me to examine in detail the evidence relating to the charge that the votes of 6 persons who, it is alleged, did not vote at the Congressional election were actually counted for the contestee.

These 6 alleged illegal votes were all cast, if cast at all, at three precincts in the city of Charleston. There is no sufficient proof in this record to show that any of the persons whose names appear upon the poll lists as having voted did not vote. But should it be thought that I could be mistaken in regard to this, then I say to you to throw out the entire poll at each of these precincts. Illegal voting can only affect the polls where that voting is done. If the results at these polls are entirely eliminated from the case it will not materially reduce the majority of the contestee. The only way by which his election can be defeated is to do as the committee have recommended in their report to be done—throw out the entire vote of 20 precincts in Charleston, where the election was fairly conducted and where there was a new registration law which was fairly and honestly administered. No other plan can be devised which will elect the contestant, and therefore this plan must be followed, be the consequences what they may.

Now, gentlemen, if it is so important to you politically to have a representative of the negro race upon this floor that you can afford to disregard every rule of evidence and of law to secure that end, then I suppose that you will seat this contestant. If the political exigencies are such as to require you to commit this great wrong, I suppose it must be done. If you have so quickly forgotten your action in another case from South Carolina, in which you declared that the election laws of that State were unconstitutional and that no valid election could be held under them, and you care nothing for either law or consistency, you have the power to rob Colonel Elliott of his seat and you can exercise that power.

If you single out these 20 precincts in Charleston and throw them out upon such testimony as is to be found in this record you will commit such an outrage upon justice, right, and decency as I undertake to say no House of Representatives in the history of this Government was ever before guilty of.

I am fully aware that I have not presented this case before you in such a manner as I would have liked to have done. It is not possible to review in two hours testimony covering a thousand closely printed pages. At least, however, I have given the House to understand that the testimony cited by the committee and relied upon by them to sustain their action is contradicted by other testimony in the record; in my judgment, and I believe in the judgment of every fair-minded man who has read it, not only contradicted, but absolutely and completely destroyed. The majority in this House may prefer to accept the testimony of ignorant and discredited negro witnesses to that of intelligent white witnesses of character and high standing. I can not and I will not do violence to my conscience and my sense of right by adopting any such course.

[Here the hammer fell.]

[Mr. JONES took his seat amid loud applause on the Democratic side.]

Cuba.

SPEECH

OF

HON. JOSEPH WHEELER,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 4, 1896.

The House having under consideration the report of the conference committee in reference to Cuban belligerency—

Mr. WHEELER said:

Mr. SPEAKER: In order to be a great nation and a great people we must so conduct our affairs as to be worthy of the respect of the world. Of all the civilized nations, although we are the youngest, we are the first in wealth, progress, population, and all other material elements which accompany greatness and power. But with all these we can not command the respect of the world unless by every act we show not only that we are willing but that we are determined to maintain our convictions, enforce our policies, and be true to the principles upon which this Government is based. [Applause.] Unless the world believes we are ready and willing, able and determined, to sustain our convictions, our policies, and our principles by force and by the sword, we must lose the prestige we have so long enjoyed and drop from the high place of the first nation of the earth.

We are a nation born with the spirit of the love of liberty, and every breeze that wafts o'er the mild waters of the Gulf of Mexico wafts with it appeals from a suffering people who have laid down their lives, their fortune, and their sacred honor for the cause for which our forefathers laid down their lives, their fortunes, and their sacred honor; that is, the sacred cause of liberty. [Applause.] The question we are called upon to vote on is, Does war exist in the beautiful Isle of Cuba? That war most cruel and bloody now exists in that isle there can be no question. All that is asked is that we give belligerent rights to that struggling people; that we, as a great nation, believe that they may hoist the flag of liberty, that they may have the rights accorded to any patriotic people struggling for the boon of liberty.

What was our condition, Mr. Speaker, in 1775, when our forefathers left the plow and the shop, seized their trusty rifles, and offered their lives in the cause of liberty? Look back at our heroic fathers who fought at Lexington and Concord and Bunker Hill. They were a band of patriots who joined together to struggle against oppression, and they won. [Applause.] Until France recognized their belligerency they were not recognized by any people on earth as belligerents. They were defeated at Lexington, driven from Concord, defeated at Bunker Hill, driven from Boston, driven down to Long Island and defeated there. What a contrast in this respect between our forefathers and the victorious bands of Cuba! If our fathers were entitled to be recognized as belligerents, tenfold more are those struggling patriots of Cuba entitled to recognition and to liberty. They to-day have larger armies than our fathers had during their whole seven years' war for freedom. And yet, Mr. Speaker, people here say that the Cubans are not entitled to that recognition which would enable them to hoist their flag and would deprive the Spanish tyrants of their cruel claim that they have a legal right to shoot them down as banditti. I for one, Mr. Speaker, believe in a different policy from any that has ever been announced by the American people. The Monroe doctrine was well enough when we had only 10,000,000 people, but now this nation, the greatest nation on earth, should lay down a policy which would be respected if not followed by every nation, and a part of that policy should be that every people struggling for liberty should receive at least our sympathy and, if possible, our aid. [Applause.]

Mr. Speaker, I believe that a nation like Spain, which at one time controlled two-thirds of this continent and has been driven step by step till now she has only that beautiful island upon which to wreak her oppression—I believe that the sooner such a nation is driven from that island, lying as it does within two hours' sail of the coast of the United States, the sooner Cuba becomes free and independent or a member of this great Commonwealth, the sooner will the cause of civilization and of Christianity receive the vindication to which it is entitled. Mr. Speaker, these people are struggling in the cause of liberty. Every animated thing loves liberty. The eagle soaring to the starry heights, looking down upon the mountains where he dwells, loves liberty. [Applause.] The fierce Numidian lion, the monarch of the forest where he dwells, loves nothing as he loves liberty. The gallant 300 Spartans who lie buried at Thermopylæ gave up their lives in the cause of liberty. [Applause.]

The patriots of all ages who led the onslaught in battle gave up their lives in the cause of liberty. [Applause.] And, Mr. Speaker, when a band of people who for more than a year have maintained a government within 60 miles of our shores, driving, as they have driven, their oppressors to the very edge of the sea, confining them, as they have confined them, within two or three cities—when such a people achieve such results, how does it become us to ask whether they have a navy? How does it become us to ask whether they have a government located in a certain place? Why, sir, in the war of 1812, did we have a government with a fixed habitation? No, Mr. Speaker. Although we had been a nation for more than thirty years, yet during that struggle the President and his Cabinet were flying from one place to another, driven from the seat of Government, our Capitol burned, a hostile force within 30 feet of where I am now speaking. And yet, sir, we now, in the face of this past history of our own, contend that these struggling Cubans can not be recognized even as having belligerent rights until they have a fixed capital, a fixed congress to enact laws, and all those features which belong to a well-established government. Mr. Speaker, to expect such a condition of things in Cuba at this time is not reasonable. [Applause.]

The SPEAKER. The time of the gentleman has expired.

The "Fiat" Delusion and 16 to 1 Free Silver.

SPEECH

OF

HON. NELSON DINGLEY, JR.,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 11, 1896.

Mr. DINGLEY said:

Mr. SPEAKER: The natural tendency of the mind to judge from outward appearances rather than internal conditions opens up in monetary questions a wide field not only for honest yet dangerous misconceptions but also for more mischievous perversions.

It is unfortunate that monetary questions should ever be the football of partisan politics or the objects of passion and prejudice, for they are so purely scientific and exact, so completely controlled by irrevocable natural laws determined by the experience of ages, that any attempt to settle them by appeals to passion and prejudice are as much out of place as the solution of a problem of Euclid by polling a ward caucus.

In times of business depression and industrial paralysis, when men in financial straits are catching at rhetorical straws, when the diminishing purchasing and consuming power of the people is narrowing the demand for products and thereby abnormally reducing prices, the opportunities for crossroads financiers with infallible monetary remedies for every financial misfortune are so multiplied that we might expect to find in financial almanacs, under the head of "Business depression," as we are accustomed to find under the weather forecast of the "Old Farmers' Almanac" the warning words, "Look out for a storm"—in this case a storm of financial quacks—"about this time!"

At such times money, however abundant, is inactive, and inactivity is readily confounded with scarcity. What is really a result is mistaken for a cause. And scarcity of money having been erroneously assumed to be the cause of industrial stagnation, the same surface view as readily jumps to the conclusion that the stamp of the Government gives value to money, and therefore all that is needed to set the wheels of industry in motion is for the Government to stamp irredeemable paper or overvalued coin, and by some mysterious process which overlooks the fact that nobody can obtain money without giving an equivalent value in exchange, convert scarcity into plenty and industrial paralysis into commercial prosperity.

A deeper insight into economic and monetary principles would make it clear that distrust of the industrial and business future, no matter how brought about, is the cause of the dislocation of the intricate machinery of modern production and distribution, whose retarded motion or paralysis has no longer use for the volume of money which it circulated in periods of activity; and that any increase in such times even of good money—by which I mean coin of an intrinsic value equivalent everywhere to the stamp placed upon it, or promises to pay such coin redeemable on demand in such coin—is futile; while issues of bad money, whether in the shape of overvalued coin or irredeemable paper, only increase the distrust and intensify the inactivity which is confounded with scarcity.

THE "FIAT" THEORY OF MONEY.

The fundamental fallacy of the schemes to give prosperity to everybody by monetary legislation, which have obtained so much popularity at different times, lies in the assumption that money,

which is the common medium of exchange and standard or measure of value, is anything that the Government sees fit to stamp as such, regardless of its intrinsic or redeemable value, the law giving it the full value indicated by the stamp, instead of a substance possessing value in itself and accepted as such by common consent, whose coinage by Government is simply the certificate that the weight and fineness of the coins are such as to give them the value indicated by the stamp; paper or credit money, so called, being simply promises to pay such coined money on demand.

The "fiat" fallacy has its origin in the fact that governments successfully circulate token or underweight coins of less intrinsic or bullion value than the stamp indicates, just as all governments circulate the limited amount of fractional silver token coins required for daily use, and as the United States is now circulating overvalued standard silver dollars and France overvalued 5-franc pieces, by rigidly limiting the amount, so that the acceptance of such overvalued coins at the stamped value for customs duties and taxes payable in gold or its equivalent serves as a practical redemption of them at par by the Government that coins them on its own account and for its own profit, the token coins so minted being practically pledges of the Government to thus redeem them at par to whatever extent the stamped value exceeds the bullion value, as the greenback is an express pledge of the Government to pay its full stamped value.

Those who are accustomed to look on the surface of monetary operations easily jumped to the conclusion that it is the Government stamp, and not practical Government redemption, which has made 50 cents' worth of silver or a piece of almost valueless paper as good as a gold dollar; and that all that is needed to instantaneously lift all the world's present and prospective silver bullion from its present market price of 68 cents per ounce to $1.29 per ounce is for this Government alone to authorize the private owners of the same to take their bullion to the mints and have each 412½ grains nine-tenths fine coined and stamped, free of charge, into 100-cent dollars.

Why, with such a wonderful stamp in the possession of the Government, a stamp possessed of more magical power than Aladdin's lamp, any faithful representative of the people's interests on this floor should propose to give the private owners of silver bullion the profit that would accrue from its operation in doubling the value of the one hundred million dollars' worth of silver produced annually in the world, when the whole people ought to have it; or why anyone should favor the wasting of 50 cents' worth of silver in making a dollar when a piece of paper worth 1 mill can be converted into a dollar and multiplied by hundreds of millions by simply starting a printing press, is a conundrum which I should be glad to have answered.

All will remember the potency, during the palmy days of the Greenback party, of the conundrum, "If greenbacks are good enough to pay the soldier, why are they not good enough to pay the bondholder?"

But this "fiat" conundrum disappeared from the stump as soon as the people came to clearly see that the interest-bearing obligations of the Government," called "bonds," and the noninterest-bearing notes, called "greenbacks," are both promises to pay coin, any creditor of the Government having been at liberty to choose either when we had no money of final payment to give either soldier or other creditor, and that neither promise will be finally paid until the holder of it is paid in coin. Individuals may discharge their liabilities by tendering to their creditors the notes of the Government, but the Government itself which issues its notes can not make final payment of its own promises by tendering new notes. Mr. Wilkins Micawber and our "fiat" money advocates have the exclusive patent on this method of getting out of debt.

FREE COINAGE OF SILVER AT 16 TO 1.

Mr. Speaker, with these preliminary observations as to the nature and uses of money and the character and sources of certain fallacies respecting monetary legislation, I now address myself specifically to the proposition which has been so zealously advocated by many gentlemen in this Hall during the present session, and which is being pushed with such energy throughout the country—that this country alone shall immediately open its mints to the free and unlimited coinage of silver at the ratio of 16 to 1, notwithstanding the bullion ratio of silver in the markets of the world is such that 30 ounces of silver (instead of 16) are required to be equal in value to 1 ounce of gold.

It would greatly simplify the discussion if such free coinage as is proposed were advocated on uniform and consistent grounds. But when I find not only different supporters of this policy, but also the same advocate in different parts of his argument, contending in one breath that silver has declined in consequence of hostile legislation, and in another breath that silver has been stable and unchanged; another affirming in his introduction that what he seeks is the equality of both gold and silver in the circulating medium, and in his peroration denouncing gold as the money of the rich, the enemy of the country in time of need, the tool of the foreign shylocks at all times, and eulogizing silver as the money of the poor, the friend of the Republic, and the open sesame to prosperity; and still another declaring in one part of his argument that free coinage of silver at 16 to 1 by this country alone will make every silver dollar as good as gold, and in another part affirming that such coinage will raise prices and make it easier to pay debts, its advocates seem to me to be very much in the don't-care-ativeness state of mind of the showman who, to the inquiry of the curious spectator as to which was the tiger and which the lady, spitefully responded with a far-away look: "Madam, you pays your money and you takes your choice."

Notwithstanding most of the arguments for such free coinage of silver ultimately reach silver monometallism as their logical and inevitable goal, yet this proposed policy obtains popular acceptance mainly on the assumption that it will secure both gold and silver as our redemption money by making the coins of both metals intrinsically equal in value; and this fact makes it necessary for even those who seek the silver standard and silver monometallism of Mexico to claim that they are bimetallists because they propose free and unlimited coinage of both metals.

WILL FREE COINAGE 16 TO 1 GIVE US BIMETALLISM.

The first inquiry, therefore, Mr. Speaker, of every friend of bimetallism—and I account myself one—should be whether, with a bullion ratio of silver to gold of 30 to 1 in the markets of the world, this country alone can open its mints to the free and unlimited coinage of silver at the ratio of 16 to 1 and retain gold in its coinage.

For surely if it can not, if the practical effect of such free coinage as this will be to drive out gold and give us silver alone as our metallic money, and bring us to a silver standard, as I affirm it inevitably would, then I believe the great body of the people of this country who are inclined to look on the scheme with more or less favor, because they have been led to assume that it would give us both gold and silver as our metallic money, would set their faces against it as mischief and only mischief.

MUST DOUBLE PRICE OF WORLD'S SILVER.

In considering this vital inquiry it should be first of all borne in mind that it is conceded on all sides that under free and unlimited coinage of silver, after the brief period required to materially enlarge the coinage, during which the owners of silver bullion will secure the profit, there can be no difference in value between a coined silver dollar and an equal weight of silver bullion. This is shown not only by the logic of the situation under free coinage, which gives the holder of bullion anywhere the right to send it to our mints and have it coined and returned to him free of expense, but also by the fact that under the free and unlimited coinage of gold 25.8 grains of gold nine-tenths fine coined into a dollar is worth no more after coinage than before. Therefore, it necessarily follows that in order to make coined silver dollars under free and unlimited coinage at the ratio of 16 to 1 worth 100 cents (which is what they must be worth in order to be at a parity with gold) not only the silver in each dollar but all the silver in the world must be lifted in value from 68 cents (the present price) to $1.29 per ounce, which is the equivalent of gold at the ratio of 16 ounces of silver to 1 ounce of gold. For if it does not do this, but on the contrary leaves 16 ounces of silver less valuable than 1 ounce of gold, then the silver dollars coined will be less valuable than the gold dollars. When this comes to pass, then, under the operation of an irrevocable monetary law, known as Gresham's law, the cheaper silver dollar alone will be used as money and only silver taken to the mints, while gold bullion and the gold coins withdrawn from circulation will be sold for export or for use in the arts.

The only way in which both gold and silver coins can be retained in any country as money under free and unlimited coinage is by having the coinage ratio approximately the actual bullion ratio in the market.

THE "FIXED PRICE" THEORY.

It is argued, however, by the friends of free coinage of silver at 16 to 1—and I quote from a free-silver publication everywhere circulated—that the opening of the mints of this country alone to such coinage will create an unlimited demand for silver bullion at the fixed price of $1.29 per ounce (which is the price required in order to sustain the ratio of 16 to 1 of gold), and that this unlimited demand at a fixed price meeting a limited supply will make that the price of silver everywhere, and thus that the condition of successful free coinage which I have referred to as indispensable, viz, an equality of the coinage with the bullion ratio, will be secured.

The statement of this curious theory, on which all arguments for free coinage at the ratio of 16 to 1 rest, shows how easy it is to mislead in monetary discussions. Indeed, this theory is only an ingenious variation of the "fiat" fallacy. It rests entirely on the assumption that whatever the Government, under any and all circumstances, stamps as a dollar is therefore necessarily always a dollar as good as gold. The so-called "unlimited demand" for

coinage is simply the limited demand of business for the purchase of coin, for it must be borne in mind that under free and unlimited coinage the Government does not purchase silver any more than it does gold. It simply impresses the dollar stamp or certificate, without charge, on every 412½ grains of silver or $25\frac{8}{10}$ grains of gold nine-tenths fine brought to the mints, and the owner takes away the dollars so stamped from his gold or silver, and disposes of them as best he can. We know that the owner of the gold dollars gets no more for them than the bullion was worth before coinage. What, therefore, the owner of silver bullion receives from the mints is simply $1\frac{29}{100}$ of a silver dollar for each ounce he has deposited. What this coined silver will yield the silver-mine owner is entirely dependent on the quantity of gold he can buy with it in the markets of the world. The stamp of the Government will not help him under free and unlimited coinage to get any more for his silver dollar than the bullion in it will bring. The absurd theory of a "fixed price" for silver equal to the stamp under free and unlimited coinage vanishes into the thin air of all "fiat" ideas of money.

INFLUENCE OF FREE COINAGE BY THIS COUNTRY ON PRICE OF SILVER.

The only influence on the price of silver bullion that the opening of the mints of this country alone to its free and unlimited coinage could have would be simply whatever increased demand for silver it would create—not a demand at a "fixed price," as I have already shown, but simply at whatever price would naturally arise from the meeting of the supply with such demand, as this must be the value of the silver dollars coined from the deposited bullion.

Fortunately we are able to approximately measure the influence on the price of silver of the possible demand for coinage by our mints under free coinage. That would be limited, first, by the silver coins that would be purchased and used by the people; and, second, by the capacity of our mints. Now, the capacity of our mints and the ability of our people to absorb silver coinage under free coinage could not for some time be greater, in proportion to population, than the 54,000,000 ounces purchased annually for monetary purposes for three years under the act of 1890, which was substantially the American product of silver, and more than one-third of the product of the world. Yet, while the temporary effect of this increased demand was to slightly increase the price of silver—not for a day, however, anywhere near $1.29 per ounce—yet in a very short time the increased demand so stimulated production that the price went lower than ever before, thus demonstrating conclusively that no possible demand under free coinage by this country alone could have the effect to restore silver to its old price, evidently for the reason that the cost of production had declined and new and richer sources of supply been discovered.

If those who dwell on the legislation of this country in 1873, which struck the silver dollar from the list of coins authorized to be coined after that date, as a potent factor in causing a decline of silver by diminishing the demand would only allow their good judgment to control, they would see that it could hardly be possible that legislation discontinuing the coinage of the silver dollar which had not been coined for circulation for twelve years prior could have had any effect in diminishing the demand for or the price of silver. Indeed, when it is considered that two years after 1873 we began to coin fractional silver, and in 1878 again began to coin the silver dollar, and that in the eighteen years between 1875 and 1893 we used five times as much silver bullion for monetary purposes as we had used in the eighty years previously, it must be admitted that so far as this country is concerned our demand for silver for coinage has within twenty years been greatly increased instead of diminished, so that no charge can be justly made against the United States that its legislation has been hostile to silver. On the contrary, it has gone to the farthest verge of safety, if not beyond, in its efforts to restore silver, so far as natural conditions would admit, to its old position.

THE ACTION OF GERMANY AND FRANCE.

I have no doubt that the discontinuance of free coinage of silver by Germany in 1871, by France, Belgium, Switzerland, Italy, and Greece (the Latin Union) first by limitation in 1872 and then in full in 1875, and by other countries of Europe subsequently has, by diminishing the demand for silver for their coinage, had a marked influence in increasing the decline of silver, which would have inevitably taken place to a considerable extent because of the reduced cost of production and abnormal increase of supply. Although I do not regard it possible for these countries, reenforced by Great Britain and the United States, by reopening their mints to free coinage of silver to restore the old ratio of 16 to 1 so long as the present conditions of silver production continue, yet I am persuaded that by joint action all these countries, acting together in the adoption of a fixed international coinage ratio at some intermediate point that shall have regard to the probable cost of production and the consequent bullion ratio of silver to gold in the markets of the world, can accomplish the desirable result of securing both gold and silver, under free and unlimited coinage, as the final redemption money of the world. I do not believe the United States or either of these countries alone can bring this about. Neither does any bimetallist of authority in Europe or in this country (outside of politics) so believe.

THE THEORY OF BIMETALLISM.

The theory of bimetallism, as held by all its great advocates, is not, as some of its defenders assume, that free and unlimited coinage of gold and silver at any ratio which the law of any one country may declare will secure the maintenance of that ratio by increasing the demand for the metal that tends to fall and diminishing the demand for the metal that tends to rise, but that such coinage by a sufficient number of leading commercial nations to give a potent demand, at a ratio substantially the same as the coinage ratio, will do this, unless there shall be radically changed conditions of production and use of either metal.

It is important to keep in mind the fact that bimetallism is a system which seeks to have one monetary unit or standard of value represented in two different metals adjusted to a ratio that makes them equal, and which tends to keep them approximately equal by the operation of an alternative lessened or increased demand on either metal. When two full legal-tender dollars of different values are authorized in any country the practical standard is always the least valuable dollar. Thus from 1792 to 1834 the silver dollar was the practical unit or standard, from 1834 to 1861 the gold dollar was the practical unit or standard, and from 1861 to 1879 the depreciated greenback dollar was the practical unit or standard, notwithstanding the gold dollar was the legal unit from 1873 to 1879, as it has been since 1879 both the legal and practical unit or standard. And yet within proper limitations the alternating lessened or increased demand on either metal for coinage under bimetallism, when that alternating demand is made potent by the concurrence of enough commercial nations, and when the coinage ratio is approximately the bullion ratio at the time it is fixed, has been found a factor sufficiently effective to prevent any serious divergencies of the two metals from that ratio so long as the conditions of their production and the monetary status of the world were not seriously disturbed. It must be evident that the potency of this compensating and equalizing principle is very small when one country alone adopts bimetallism, and that it increases wonderfully as commercial nations unite in its maintenance at a fixed ratio. It is for this reason that all authorities on bimetallism, outside of politics, agree that under present conditions "international bimetallism" alone is possible.

THE FETICH OF 16 TO 1.

In many minds bimetallism seems to be regarded as the free and unlimited coinage of both silver and gold at the weight ratio of 16 to 1. To such the ratio of 16 to 1 in coinage is apt to be a permanently established principle of the fathers that has come down to us like the principles of the Declaration of Independence or the doctrines of the Constitution. They talk of the free coinage of silver at 16 to 1 as the restoration of "the policy of the fathers," and ask why silver should not have the same privileges as gold.

Now, it may surprise some of those who have adopted such ideas to learn that the "fathers" who established the first mint in 1792 did not set up the coinage ratio of 16 to 1, but that of 15 to 1, and that in establishing this ratio they turned their backs on the "fathers" who discovered America, for in those days the ratio was 11 to 1. Indeed, the evidence is conclusive that under the earliest Egyptian monarchy gold and silver were equally valuable by weight.

How did it happen that the "fathers" of 1792 adopted the ratio of 15 to 1? It was simply because Hamilton reported that after a careful investigation he found that the average market ratio of silver and gold was 15 ounces of silver to 1 of gold. And so the "fathers" supposed it to be the proper thing to make the coinage ratio the same in order to secure both silver and gold. That was their conception of bimetallism. Strange as it may seem to some of our modern crossroads financiers, no one reminded them that the earlier "fathers" held to 11 to 1 as the right ratio because then 11 ounces of silver would buy 1 ounce of gold.

How did it happen that we set aside the ratio of 15 to 1 established by the "fathers" of 1792? Simply because those "fathers" took it for granted that the coinage ratio must follow the bullion ratio in order to maintain bimetallism. In 1834 it was found that the bullion ratio had changed and was (as was supposed) 16 to 1, whereupon these "fathers" or their disciples changed the coinage ratio to 16 to 1. So it appears that the "fetich" of 16 to 1, which so many are worshiping to-day on the supposition that it is a fundamental principle which the "fathers" fought to maintain, comes down to us only from 1834.

COINAGE AND BULLION RATIO MUST BE IDENTICAL.

There is a monetary principle which comes down to us from these "fathers" which every authority in finance sustains, which every European bimetallist and every bimetallist outside of politics

in this country holds, and this is that to maintain successful bimetallism the coinage ratio must be approximately the bullion ratio, for while experience shows that coinage laws, by creating a demand for a metal, can thus exert some influence on the price, yet this influence is comparatively small when exerted by one country, and even when exerted by a combination of countries can not work miracles.

Gold is given free and unlimited coinage at exactly its bullion value, and consequently a gold dollar after it is coined is worth no more than before coinage. If the owners of silver bullion would consent to its free and unlimited coinage at its bullion value in the markets, just as we coin gold, the only objection would be that the ratio could not be permanent unless there was concurrent action by the leading commercial nations, and no material change in the conditions of production of the two metals; but what they want is to have 50 cents' worth of silver, as it sells in the markets of the world, received at our mints and certified to be a dollar worth 100 cents. They are not willing to accept the coinage principle of the fathers that both metals should be coined at their bullion ratio, whatever that may prove to be, but insist that because 16 ounces of silver were equal in value to 1 ounce of gold and given coinage at this ratio in 1834, therefore silver must have the same ratio to gold to-day that it had then. The wonder is that they do not insist on going back further, to the discovery of America, and making the coinage ratio 11 to 1; or even to the days of Thebes, when 1 ounce of silver was equal in value to 1 ounce of gold—the only time that silver and gold had equal "rights."

THE CAUSES OF FALL OF SILVER.

Mr. Speaker, it is not necessary to invent any fanciful reasons for the decline of silver bullion from $1.32 per ounce in 1870 to 68 cents per ounce in 1896, for, after making all reasonable allowance for the influence of the action of Germany, France and the other States of the Latin Union on the demand for silver—an influence which unquestionably has sent silver lower than it would have otherwise gone—every candid investigator must admit that the most potent cause for this decline must be sought for in the reduced cost and consequent exceptional increase of production.

INCREASE OF DEMAND FOR SILVER.

Indeed, the demand for silver has gone on increasing more rapidly than ever before in the history of the world. In the fifty years before 1860 the world's annual demand for silver and for the arts never exceeded 28,000,000 ounces. Even up to 1865 the the annual average consumption of silver did not exceed 40,000,000 ounces, but in 1890, 1891, and 1892 the average annual consumption of silver reached 125,000,000 ounces, of which 100,000,000 was for the world's coinage alone, more than three times the use of new silver for money in any year before 1873. According to the Director of the Mint, the silver coinage of the world was $135,000,000 in 1893, of which $120,000,000 was from new silver, four times as much as was coined in any year before the war. Mexico in 1893 coined twenty-eight millions; India, thirty-nine millions; Austria, eighteen millions; Japan, twelve millions; the United States eight and three-fourth millions, Great Britain, five millions, and Germany two millions.

Such facts as these, Mr. Speaker, set aside the theory that the fall in silver is mainly due to a decreased demand caused by what is styled hostile legislation, especially our legislation in 1873; and that all that is required to restore silver to its old price and ratio is to open the mints of this country to the free coinage of silver at 16 to 1.

REDUCED COST AND INCREASED PRODUCTION OF SILVER.

Evidently if an important discovery of exceptionally rich mines and of more economical metallurgical processes had not greatly reduced the cost of production of silver and largely increased the supply—in other words, if the conditions of silver mining had continued since 1870 as they had existed for seventy-five years before—silver could not have declined to any considerable extent.

The official statistics of silver production from the report of the Director of the Mint show so clearly the inevitable connection between an abnormal increase of supply accompanying a regular decline in price, in the relation of cause and effect, that I invite attention to them:

Period.	Average yearly production.	Silver per ounce in London.	Period.	Average yearly production.	Silver per ounce in London.
	Ounces.			*Ounces.*	
1800-1810	28,746,922	$1.29	1880-1885	92,003,944	$1.08
1840-1850	25,090,342	1.30	1889	125,830,000	.93½
1855-1860	29,095,428	1.35	1891	137,170,000	*.98
1860-1865	35,401,972	1.34½	1892	152,940,000	.87½
1865-1870	43,061,583	1.32½	1893	161,776,100	.78
1870-1875	66,317,014	1.29	1894	158,000,000	.63½
1875-1880	78,775,602	1.18	1895	158,000,000	.68

* First effects of silver purchases under act of 1890.

This official table presents a metal, mined by human labor, whose annual production for the seventy years from 1800 to 1870 increased from twenty-eight to forty-three million ounces—only 15,000,000 ounces, or one-fourth of 1 per cent per annum—and whose market price in gold during that period did not vary 5 cents per ounce; the most convincing evidence possible that during those seventy years the sources of supply and cost of production must have been remarkably uniform.

On the other hand, this table presents the same metal, commencing with the five-year period ending 1875, with a suddenly increased production of 4 per cent per annum—sixteen times the average rate of increase before 1870—swelling to a higher and higher pace as the years went on, in the face of a steady decline in price of almost 3 per cent per annum on the average since 1875, until in twenty-three years the 43,000,000 ounces of silver produced in 1870 mounted up to 161,000,000 ounces in 1893, all affording the most conclusive evidence of a reduction of cost of production and discovery of richer sources of supply, which rendered a fall of price inevitable.

I am aware that, in order to avoid the logical conclusion from these figures, the claim has been made that the precious metals are not governed by ordinary economic laws, but that their production is speculative and without regard to profit and their price made by law in providing for coinage. It is even seriously contended that on the average the silver which has been produced in this country and in the world in such increasing quantities in the past twenty years, at a price declining steadily from $1.29 in the five-year period ending 1875 to $1.08 in the five-year period ending in 1885, 93½ cents in 1889, 87½ cents in 1892, 78 cents in 1893, and 68 cents in 1895 cost the silver-mine owners $2 per ounce.

It is sufficient to say in reply that while it is true the mining of the precious metals is a peculiarly precarious business, in which many lose, as is fruit-raising and many other kinds of business depending on the uncertain bounties of nature, yet it is pursued for profit, like all other industries, and not for amusement. To argue that the shrewd business men of Colorado, Montana, Idaho, and the other mining States have gone on doubling, yes, quadrupling, their output when they were really losing money by wholesale is to talk nonsense.

Certain it is that when there are thousands of capitalists and mine owners standing ready, as they have in the last fifteen years to furnish the world with all the silver it will use—more than twice as much per capita as it ever used before 1870—at less than $1 per ounce, so eager, indeed, that they have been constantly enlarging their production at a lower price, it is impossible by law or any other device to increase the price to $1.29 per ounce. Why so many men, who are sensible in everything else, should think it practicable by law to make 16 ounces of silver equal in value to 1 ounce of gold, when the tens of thousands of silver producers in the world would consider they had struck a bonanza if they could exchange 24 ounces of silver for 1 ounce of gold, and would come under bonds to largely increase their production in the future at such a figure, is one of the inexplicable phases of the "fiat" money delusion which now and then breaks out in periods of business depression. It evidently presents a case where the obvious fact that the law can exert a moderate influence on the price of one of the precious metals by increasing the demand for it for coinage is accepted by surface thinkers as conclusive evidence that the law, by its mere "fiat," can add to or even create value without limit.

An exaggerated idea of the influence on price of the demand for either of the precious metals under free and unlimited coinage has prevailed because of the fact that the great increase of production of gold between 1850 and 1865 caused a decline in gold, estimated not exceeding 10 to 15 per cent, and a divergence of only 5 per cent from the old bullion ratio of gold and silver. It is the opinion, however, of such authorities as Professors Fawcett, Cairnes, and Jevons, who have carefully examined all the facts, that this comparatively small disturbance, caused by the sudden increase of production of gold between 1850 and 1865, was not so much due to the compensatory influence of international bimetallism as to the great impetus given international trade by the Crimean war, and the opening up of new continents, and the tendency of the commercial world, then well under way, to use more gold and less silver as money, because of the greater convenience of the former in the large transactions of modern commerce, at a time when silver production was stationary and relatively small.

IMPOSSIBILITY OF BIMETALLISM NOW WITH FREE COINAGE AT 16 TO 1.

Mr. Speaker, the evidence that silver has greatly declined in the past twenty years is so conclusive that, in order to avoid the logical consequences, the advocates of the free and unlimited coinage of silver at 16 to 1 by this country alone insist that this is a decline only in appearance, only as measured in gold, and that what seems to be a decline of silver is really a rise of gold.

It is strange that it does not occur to these 16 to 1 advocates that such an explanation, even if it accorded with the facts, would not in the least modify the impracticability, not to say absurdity, of their scheme to declare by law that 16 ounces of silver are equal in

value to 1 ounce of gold, when in every market of the world 1 ounce of gold will buy 30 ounces of silver.

If it were true that the present divergence from the ratio between silver and gold that existed twenty years ago has been entirely caused by the rise of gold—which is not the case—that situation might justify gradual reduction of the weight of the gold dollar one-half in order to make the gold dollar one-thirtieth of the weight of the silver dollar, and thus to accord with the bullion ratio, but it would furnish no justification for attempting the free coinage of the silver dollar by the side of the gold dollar of one-sixteenth the weight, when such a gold dollar would be twice as valuable as a silver dollar.

THE EXPERIENCE OF FRANCE AND OTHER COUNTRIES.

Mr. Speaker, the last resort of those who, shutting their eyes to the developments of the past twenty-five years, insist that all that is necessary to make 16 ounces of silver equal in value to 1 ounce of gold the world over, notwithstanding 30 ounces of silver are only the equal of 1 ounce of gold to-day, is for the United States to repeal the legislation of 1873 and open its mints to the free and unlimited coinage of silver at 16 to 1 of gold, is to appeal to the example of France between 1800 and 1872. It is said that France preserved the ratio of 15½ to 1 between silver and gold for eighty years by simply keeping her mints open to the equal and unlimited coinage of silver at this ratio.

The conclusive answer to this assumption is, first, that, as I have already shown, between 1800 and 1865 the production of silver was so uniform (not exceeding 29,000,000 ounces per annum until 1861 and 35,000,000 until 1865) that this fact itself, entirely regardless of other considerations, made material variations of the price impossible, whereas now we have to deal with a sudden increase of production of silver to 160,000,000 ounces in 1893; second, that France was only one of many European nations that opened their mints to the equal and unlimited coinage of silver during that period at substantially the same ratio; and third, that even in spite of both of these conditions combined silver did vary in price more than 5 cents per ounce at different times during this period.

And when in 1872, 1873, and 1874 the changed conditions in silver production began to throw on the market a gradually and abnormally increasing product of silver, France and the four other nations in the Latin Union—Belgium, Switzerland, Italy, and Greece—threw up the sponge, admitted their inability to cope with the increased product and maintain the old coinage ratio, and closed their mints to any further coinage of private silver at a time when the product was less than half what it is now.

Surely, if France and four other nations of Europe could not cope with less than half the product of silver by unlimited coinage, what, with twice the product—and mines ready to quadruple the product if the price should reach $1 per ounce, to say nothing of $1.29 per ounce, required by the ratio of 16 to 1—could be expected from the United States alone now opening its mints to the world's silver at such a ratio?

I am amazed, Mr. Speaker, that anyone should come to seriously believe it possible for the United States to successfully grapple with the existing silver situation by opening its mints to the free and unlimited coinage of silver at 16 to 1 without going with headlong speed to silver monometallism.

EXPERIENCE OF UNITED STATES.

Even the experience of the United States between 1792 and 1861 affords most important instruction as to the limitations of the compensatory principle of bimetallism through the alternative demand caused by the workings of equal and unlimited coinage, which, as I have already said, is the extent of the influence of monetary laws on the value of either silver or gold.

In 1792, after an investigation by Hamilton as to the bullion ratio of gold and silver, the United States adopted a coinage ratio of 15 to 1. It was soon found that there was a slight divergence of about 2 per cent in this coinage ratio from the actual bullion ratio in the markets, gold being undervalued. The result was that in the forty years between 1793 and 1833 less than ten millions of gold were coined, including recoinage, while over forty millions of silver were coined and recoined. Of the one hundred and forty millions of specie estimated by Gallatin to be in the United States in 1833, not over five millions were in gold. During these forty years silver was the actual standard of value.

Finding that even with this small divergence between the coinage ratio and the bullion ratio the compensatory principle in free coinage of both metals would not offset the margin, Congress in 1834 readjusted our coinage laws and made the coinage ratio 16 to 1. This proved to undervalue silver about 2 per cent, in consequence of which silver began to be withheld from coinage. In the twenty years between 1834 and 1854 nearly two hundred and fifty millions of gold was coined and recoined, while, with this slight divergence of the coinage ratio from the bullion ratio, less than thirty-five millions of silver was coined and recoined. Indeed, the silver coined was so rapidly withdrawn from its use as money because it was worth 2 per cent more as bullion that in 1853, in order to secure sufficient fractional silver for small payments, Congress reduced the amount of silver in the half dollars and smaller silver pieces and made them token coins. And from 1853 to 1861, while over two hundred and sixty millions of gold was coined and recoined, the coinage and recoinage of full legal-tender silver was less than $1,000,000. Indeed, of the two hundred and fifty millions of specie estimated by the Secretary of the Treasury to have been in the country at the beginning of 1861, probably not over ten millions was full legal-tender silver. From 1834 to 1861, while the legal standard was both gold and silver, yet the actual standard was the gold dollar; and the actual standard from 1861 to 1879, when specie payments were resumed, was the depreciated greenback dollar—both silver and gold being withdrawn from use as money and selling as merchandise at a premium during this period in accordance with the well-known monetary law by which the least valuable full legal-tender dollar takes the entire field of circulation and becomes the actual unit or standard of value regardless of what may be the legal unit, while the more valuable dollar goes to the melting pot.

Certainly such an experience as that of our own country in establishing by law a coinage ratio only 2 per cent divergent from the bullion ratio ought to satisfy any inquirer of the futility of the attempt to maintain bimetallism with a coinage ratio 50 per cent divergent from the bullion ratio.

THE EXAMPLE OF MEXICO.

But we need not speculate. We have at our doors a country which has for years opened its mints to the equal and unlimited coinage of silver at 16½ to 1 of gold. I refer to Mexico. Has Mexico been able to keep both gold and silver as its redemption money and its circulating medium? In short, has Mexico made itself a bimetallic country? Has Mexico made her silver dollars as good as gold? I pause for a reply. No one answers, because you all know that Mexico, under this policy, has become a silver monometallic country on a silver basis, without any gold in the country as a part of its money. Instead of increasing its redemption money it has driven out every dollar of gold and has nothing but silver dollars whose power of redemption or purchase is only half that of gold. Instead of dollars equal in value to gold she has dollars worth only half as much as the dollars of this country are worth. Indeed, an American silver dollar, coined on the account and for the profit of the Government and maintained by our Government at par with gold by limitation and indirect redemption, can be exchanged for two Mexican dollars, and will purchase twice as much in Mexico or here as a Mexican dollar will buy.

Worse still, when Mexico exports any of its products it sells them at the gold price abroad, and when it imports anything from abroad it buys at the gold price abroad and then has to double the price at home, and is subject, either when exporting her own products or importing products from abroad, to an extra charge for the risk of further depreciation of her uncertain silver standard.

And it must be of interest to wage earners to learn that labor in Mexico and other silver-standard countries has not risen as fast as the silver dollar has diminished, so that one practical effect of the free coinage of silver at the ratio of 16½ to 1 has been to greatly injure the workingmen of that country. On the other hand, in this country, on a gold standard, the wages of labor increased 61 per cent between 1860 and 1892; and 15 per cent, estimated in gold, and 25 per cent, estimated in purchasing power, between 1873 and 1892.

THE ARGUMENT SUMMED UP.

Mr. Speaker, I might close the discussion here of the practical question presented, viz, whether free and unlimited coinage of silver at the ratio of 16 to 1 by this country alone would give the United States what the people understand by bimetallism—both gold and silver as redemption money—for, as I have already said, it receives its chief support from the impression which has gone abroad that it would secure this result. I have shown that the adoption of this policy would not give us bimetallism but, on the contrary, silver monometallism and a silver standard and basis without a dollar of gold in our currency, and for the following, among other reasons:

First. Because bimetallism, or gold and silver as money under free and unlimited coinage of both at a ratio which secures the concurrent circulation of both, is possible only when the coinage ratio is approximately the same as the bullion ratio, and this proposition is to make the coinage ratio 16 to 1 when the bullion ratio is 30 to 1.

Second. Because every authority in bimetallism in Europe and in this country, outside of politics, holds that such a course on the part of this country alone, or any other country alone, would inevitably result in failure, and speedily bring the country attempting it to silver monometallism, for the reason that the compensatory influence of the alternation from the cheaper to the dearer metal, which is the basis of the bimetallic idea, never in theory or

whose annual production for the seventy years from 1800 to 1870 | their scheme to declare by law that 16 ounces of silver are equal in

practice was claimed to cover a fraction of the divergence which now exists from the old ratio.

Third. Because the existing divergence from the old ratio of 16 to 1, after making all due allowance for the effect of the closing of European mints, is clearly due largely to a reduced cost of production and abnormal increased yield of silver now continuing for more than twenty years, causing such a marked change of existing conditions of production of silver and gold that it necessitates a readjustment of the ratio, not by our nation alone, but by concurrent action of the leading commercial nations.

Fourth. Because, even if this divergence from the old ratio has been entirely caused, as some claim without good reason, by a rise of gold, this would not change the impracticability of one nation alone undertaking free coinage at the old ratio or the necessity of concurrent action by the leading commercial nations in fixing a ratio and reopening their mints.

Fifth. Because the experience of this country, the experience of France, and the present experience of Mexico all show the impossibility of one nation alone undertaking under present conditions the free and unlimited coinage of silver at the ratio of 16 to 1 without driving out gold and bringing itself to silver monometallism.

Important, Mr. Speaker, as I regard the establishment of true bimetallism, these considerations make it clear that the only safe and practicable method of reaching it at present is by continuing to press other leading commercial nations to unite with us in fixing a common coinage ratio that can be maintained by all and that will secure both gold and silver in the redemption money of the commercial world, and that the adoption of the plan of having this country alone open her mints to the free and unlimited coinage of silver at 16 to 1 would make bimetallism impossible and rapidly carry us to silver monometallism.

THE FIAT CHAMPIONS OF FREE SILVER AT 16 TO 1.

Mr. Speaker, although this conclusion must on reflection be accepted by all friends of true bimetallism who have been inclined to adopt free coinage of silver by this country alone at 16 to 1, yet it will not be accepted by those who adopt the "fiat" theory of money, and who favor free silver at 16 to 1 as they favored irredeemable greenbacks, because they think they see in the scheme a realization in part of their favorite idea of a cheaper dollar, not in the sense of a cheaper price (rate of interest) for its use, but cheaper in the sense that it will have less real value or purchasing power. With these gentlemen a cheaper dollar of silver is only a halfway station on the road to still cheaper ideal dollars of paper that cost nothing but paper and printing.

These gentlemen frankly admit that they are opposed to "international bimetallism," for that would not give them the depreciated dollar they seek.

They are not bimetallists, but silver monometallists, and look at cheaper silver only as a stepping stone to something cheaper still.

Thus the desire for a cheaper dollar and the blind antagonism to gold because the commercial world regards it as the standard money have led the "fiat" money advocates, notwithstanding their claim that more money is needed, to overlook the fact that free coinage of silver at 16 to 1 by this country alone must reduce rather than increase the volume of full legal-tender coin by driving out gold and diminish the exchangeable value of both silver and paper. For while our present monetary system is one that needs thorough revision, and while we earnestly seek the establishment of true bimetallism in every practicable way, yet the system we now have is not gold monometallism, but a limited bimetallism, under which six hundred millions of gold, four hundred and twenty-five millions of full legal-tender silver, together with one hundred and thirty millions of silver represented by one hundred and thirty millions of full legal-tender Treasury notes, three hundred and forty-six millions of greenbacks, and two hundred millions of national-bank notes, in addition to seventy-five millions of fractional silver, all maintained at a parity with gold, constitute the volume of our outstanding currency—twice as much per capita as before the war, 25 per cent more than any leading commercial country in the world except France, whose per capita is more only for the reason that France has but few banks and her people are not accustomed, as are other commercial nations, to the general use of substitutes for money like checks and bills of exchange. For checks, bills of exchange, and other substitutes for money, employed to such an extent in countries having extensive banking facilities, are more convenient and as effective as coin or other forms of money in making exchanges and deferred payments and have the same influence on prices as either.

THE APPRECIATION-OF-GOLD EXCUSE.

Recognizing the seriousness of a step which would not only deprive us of gold as money, but would also depreciate our dollar one-half and place us on a silver standard, thus dislocating our export and import trade and suddenly changing the price of every article in this country and the basis of our immense domestic trade—as the free and unlimited coinage of silver by this country alone at the ratio of 16 to 1 inevitably would—the "fiat" money advocates have seen the necessity of justifying such a revolutionary step on some ground that affords a plausible defense. Accordingly they have set up the plea that the silver dollar to-day has really the same value that it had twenty-five years ago; but that the gold-dollar, which measures the price of silver as well as everything else, has doubled in value, and thus reduced prices one-half and doubled debts contracted twenty-three years ago.

But, as I have already said, even if this were true—which it is not—it would not afford the slightest excuse for discarding gold as our unit and standard of value, and thus breaking our monetary tie with the commercial world, whose standard of value is grains of gold, in order to depreciate our dollar. Reduction of the weight of the gold unit, even if this state of facts existed, would depreciate the dollar just as effectually as the adoption of the silver standard would, but would still leave us in touch with the standard which makes the world's prices and finally determines our prices, and at the same time would give us gold as well as silver as our money, while the adoption of free coinage at 16 to 1 by this country alone would not only carry us to a silver standard but would also deprive us of gold.

But the assumption of the "fiat" money advocates that silver has been stationary and the wide divergence of silver and gold from the old ratio of 16 to 1 has been caused solely by the appreciation of gold is without foundation, as has been clearly proved by the statistics of silver production which I have already cited. While gold is the nearest stable in value of any known substance, according to the consensus of opinion of every scientific authority, yet it varies somewhat in value under the influence of supply and demand. There is no doubt that gold declined somewhat (probably from 10 to 15 per cent) between 1850 and 1865 under the influence of the increased production of California and Australia, although this decline was counteracted in part by the increased demand caused by the great extension of commerce following the Crimean war and by the increasing tendency on the part of advanced commercial nations to use more gold and less silver; and it is probable that gold appreciated between 1870 and 1890 about the same that it depreciated in the first period in consequence of increased demand. At least Professors Fawcett, Cairns, and Jevons, probably the highest authorities on the subject, conclude that the appreciation in the latter period and the depreciation in the former period substantially offset each other, and that in consequence of the rapidly increasing production since 1890 it is doubtful if there has been any rise of gold since, and that the probabilities favor the view of a movement in the near future in the opposite direction.

Director of the Mint Preston calls attention to the fact that the world's annual production of gold, after rising to $134,000,000 in the five-year period ending 1860 and falling but slightly below up to 1870, and then running along slightly above the one-hundred-million mark up to 1890, rose in 1891 to one hundred and thirty millions and increasing from eleven to sixteen millions regularly each year thereafter, culminated in 1895 with two hundred and three millions (probably two hundred and fifty millions in 1896), which was sixty-nine millions more than the highest yield in any year of the Californian and Australian period, and more than the output of both gold and silver in any year previous to 1873. Mr. Preston estimates the world's consumption of gold in the arts at sixty millions, which leaves one hundred and forty-three millions of the annual product to be added to the store of gold devoted to monetary uses, which is estimated at four thousand millions, with about the same amount of silver set apart for similar purposes. As Professor Fawcett states that Great Britain, which engrosses so large a share of the world's commerce, requires only fifteen millions of new gold annually to meet her monetary wants, it is easy to see that, with the supply of gold already in sight, we have already passed the point of its appreciation, and that the rise of gold between 1870 and 1890 caused but a small part of the divergence from the old ratio to silver of 16 to 1. The chief cause of the divergence must be ascribed to an actual decline of silver.

THE FALL OF PRICES.

Mr. Speaker, probably no argument has had so much influence in support of the view that silver has not really declined in value in the past twenty years as that derived from the fall of prices. The inevitable fall of prices of all articles whose production has been cheapened by labor-saving devices has been exaggerated by selecting as a basis of comparison the exceptionally high prices of 1873, when we had only partially recovered from the inflation and boom of war, and an erroneous impression as to the movement of prices of agricultural products as a whole given by dwelling upon two articles (cotton and wheat) which have been subject to exceptional influences. And the erroneous impression thus created has been further exaggerated recently by using the exceptionally low prices of the past three years of industrial and business depression as if they represented a permanent rather than temporary situation.

Fortunately we have the report of an official investigation made by Labor Commissioner Wright, under direction of the Senate Committee on Finance, as to the movement of prices and wages in this country between 1840 and 1892, which will serve to correct much of the misinformation that finds so ready acceptance in times of business depression. Commissioner Wright's tables take the year 1860 as the basis of comparison, and assigns the index number 100 as the average prices and wages of that year, selecting 223 leading articles for investigation, and increasing or reducing the points each year according as the investigations indicate the comparative average prices and wages. I give below enough of these figures to indicate the changes of average gold prices and wages for the years named, adding thereto the London price of silver:

Average gold prices and wages ascertained by Commissioner Wright.

Year.	Average prices.	Average wages.	Average price silver per ounce.
1840	116.8	87.7	$1.32
1843	101.5	86.6	1.29¼
1847	106.5	90.8	1.30½
1849	98.7	92.5	1.31
1851	105.9	90.4	1.33½
1856	113.2	99.2	1.34½
1860	100	100	1.35½
1866	136.3	108	1.34
1870	117.3	133.7	1.32¾
1873	122	148.3	1.29½
1875	113	140.8	1.24½
1878	99.9	140.5	1.15½
1879	96.6	139.9	1.12½
1880	106.9	141.5	1.14½
1882	108.5	149.9	1.13½
1886	91.9	150.9	.99½
1889	94.2	156.7	.93½
1891	92.2	160.7	.98½

Observe the almost universal disregard of the price of silver shown in the movement of prices as a whole. Prices fell more than 16 points in the twenty years between 1840 and 1860, with silver a little higher in 1860 than in 1840 and entitled to free coinage all the time. Pray what caused this decline of prices? Surely not the fall of silver or the appreciation of gold.

On the other hand, prices as a whole fell only 7.8 points in the thirty-one years between 1860 and 1891, notwithstanding silver declined 36½ points and gold appreciated probably 10 points.

Is it not clear that something besides the movement of gold and silver was the potent factor in determining prices, and that this "something" was the diminished cost of production through labor-saving devices, etc.?

This table exhibits the absurdity of selecting the prices of 1873 as the basis of comparison, because that is the date of the legislative "crime" selected by the "fiat" advocates as the cause of falling prices. Why take 1873 as the initiative of falling prices, when war prices began to fall not in 1873 but in 1866? The fall in prices between 1866 and 1873 was 14½ points, during all which time silver was at a premium over gold and was entitled to free coinage—a fall three times that from 1879, when specie payments were resumed, to 1892. Surely the silver excuse will not explain the fall in prices between 1866 and 1873. Of course candid investigators must admit that the abnormal rise of 36 points in prices from 1860 to 1866, and the abnormal fall of 36 points between 1866 and 1878, simply represent the boom of inflation and war on the one hand and the gradual rebound during the process of readjustment of industrial conditions to a peace basis. And whoever selects prices between 1861 and 1878, or between 1893 and 1895, as a basis for the study of the normal movement of prices will either deceive himself or those whom he addresses.

The more detailed tables of Commissioner Wright show that the prices of agricultural products, as a whole, rose 2 points between 1860 and 1891 in the commercial centers, and outside of cotton and wheat rose much more; and that, too, notwithstanding the cost of transportation from the farm to the great markets has been greatly reduced. Indeed, an investigation of prices of agricultural products in Maine, where neither cotton nor wheat is grown to any extent and where farm products are sold at home, shows that they rose 28 per cent between 1858 and 1892, notwithstanding silver fell 36 points while the prices of the non-agricultural products (generally machine-made articles) which the farmer buys declined over 25 per cent. A little investigation would satisfy those Southern and Western farmers who listen to fanciful suggestions of mischievous monetary legislation as a remedy for low prices that the true remedy is such a diversification of industries as will give farmers a home market for varied products at good prices, instead of a short-sighted concentration on cotton and wheat for which markets must be secured at long distances from the farm, where the cost of transportation practically reduces, to that extent, the return of the farmer.

While the variation in the value of gold, which is the standard or measurer, affects prices somewhat, yet the annual variation is so small as to have little effect. The potent factor which modifies prices is cost of production. Where production is mainly by hand labor the rise of wages, which has been so constant in this country for years, tends to increase the price; but where the production admits of labor-saving devices the invention of new and improved machinery and the improvement in methods diminishes the amount of manual labor more than wages are increased, and the result is a lower cost of production and consequently lower prices.

Thus we find that while manufactured products have fallen in price an average of 25 per cent—some articles, like steel, wire nails, steel rails, and kerosene, 80 per cent—the great mass of small products of the farm, cultivated mainly by hand labor, beef, pork, and many other articles, have risen 25 per cent since 1860; and the average decline of all prices between 1840 and 1860 was 16¾ points; between 1860 and 1892, 7¾ points; and between 1879 and 1892, 4½ points. And looking more closely at the movement of prices between 1879 and 1892, we find that prices rose 8½ points between 1879 and 1882; fell 16½ points between 1882 and 1886; rose 2½ points between 1886 and 1889; and again fell 2 points between 1889 and 1892—the variations marking the changes of condition of the crops and of the general state of business and the slight trend downward indicating the irresistible tendency of competition to stimulate labor-saving devices and more economical methods and curtail profits.

PRICES OF COTTON.

I have spoken of cotton and wheat, especially the former, as standing out as exceptions to the general trend of improvement in prices of agricultural products between 1860 and 1892. It is for this reason that they are always selected by the "fiat" money advocates as object lessons for the peculiar kind of instruction in which they delight, the exceptional boom prices of 1873 always being selected as the basis for comparison. The prices of corn, beef, pork, etc., and the prices of farm products before the war are rarely alluded to, as would be necessary if the object was to ascertain the whole truth, because they tell quite another story.

It would be amusing, if it did not result in deceiving the public, to hear one of these "fiat" money advocates gravely quoting 20 cents as the price of cotton in 1873 (the year of "the crime of crimes," you know) and then proceed to expatiate on the fall since, as if he did not know that the price of 20 cents (gold, 18 cents) in 1873 was an abnormal one due to the sweeping destruction of industries in the South by the war, which did not fully recover their normal condition until later. Why do not the gentlemen who make so much of the fall of cotton from 1873 also declaim about the fall of cotton from 43 cents in 1866 to 20 cents in 1873, when silver was at a premium and entitled to free coinage by law? Pray, did not the same causes that made cotton decline between 1866 and 1873 also make it decline between 1873 and 1879?

The statement sometimes made in defense of the stability of silver, that an ounce of it will buy as much of anything as it ever would, and no more, even if true, would only show that silver, instead of being stationary, had been subject to the law of diminishing cost, instead of being stable. The fact is that an ounce of silver will not buy as much of any agricultural product (except cotton and wheat) as it would in 1860. Neither will it buy as much of any manufactured product except the few articles whose cost of production has been reduced one-half by improved machinery. It is inevitable that if the standard of value is stable—as it should be, at least as near as possible—the prices of all articles into whose production labor-saving machinery enters in constantly increasing measure will fall, while the prices of those articles into whose production labor-saving machinery does not materially enter will either remain stationary or rise, if wages rise. And the claim that silver as a unit or standard of value would have averted present falling prices for cotton, cloth, iron, steel, wire nails, and other manufactured products is simply a confession that it is utterly unfit to measure values.

The simple fact is that cotton varied before the war from 5¾ cents in April, 1843, 8 cents in 1848, 7½ cents in 1849, 12 cents in 1850, 9½ cents in 1852, 11 cents in 1853 and 1854, 10½ cents in 1855 and 1856, 13½ cents in 1857, and 12 cents in 1859 and 1860, at a period when the cotton seed was a waste product; and after the full reestablishment of Southern industry varied from 11 cents in 1879, 11½ cents in 1880, 12 cents in 1881, 11½ cents in 1882 and 1883, 10¾ cents in 1884, 10½ cents in 1885, 9½ cents in 1886, 10½ cents in 1887 and 1888, 10½ cents in 1889, 11 cents in 1890, and 8½ cents in 1891—an average substantially the same in the twelve years before the war and the twelve years beginning with 1879, when the cotton seed was utilized so as to yield a large return and thus practically reduce the cost of production. In 1891 and 1892 the price went down to 8½ cents and 7¾ cents, almost exactly what it was in 1848 and 1849, and in 1894 and 1895 went abnormally low under the influence of enormous crops, the fruit of the bad policy of putting industrial eggs into one basket instead of distributing them and

the influence of the general demoralization of business the past two years, but in the past year it has risen 25 per cent over the price of 1895.

PRICES OF WHEAT.

The fall in the price of wheat has been greatly exaggerated by selecting the quotations of the inflation and boom period between 1862 and 1878 and of the New York or London market, distant from the point of production, in consequence of which the great reduction in cost of transportation has been made to appear as a decline in the price realized by the farmer, when, as a matter of fact, this reduction is not a loss to the producer, but a gain to the consumer. Since 1868 there has been a reduction of 25 cents per bushel in the cost of transportation of wheat from the West to New York, and more than this from the farm, not in consequence of fall of silver or appreciation of gold, but solely because of the improvement of means of communication.

Taking the quotations of spring wheat in Chicago—the great market nearest the wheat fields and therefore the market where the effect of reduction of cost of transportation will be partly eliminated—as I find them given in Commissioner Wright's report for each year from 1840 to 1891, I find that the price between 1878 and 1891—fourteen years—averaged 93 cents per bushel; the highest price being at $2 at one time in 1888 and the lowest 69½ cents on one day in 1884 and 77 cents in 1878. The average price in 1891 was $1 and in 1892 81 cents. On the other hand the average price of wheat at Chicago between 1846 and 1860—the same number of years—was 82 cents. The average price between 1840 and 1846 was only 67 cents, frequently falling to 50 cents. Indeed, wheat fell at one time in 1861 to 55 cents, and all this time silver had free coinage by law and did not fall below $1.30 per ounce. The following average price of spring wheat in Chicago from 1878 to 1892, taken from Commissioner Wright's tables, with the price of silver for each year, ought to open the eyes of those persons who have swallowed the theory that the price of wheat depends upon the price of silver:

Year.	Price wheat.	Price silver.	Year.	Price wheat.	Price silver.
1860	$0.90	$1.35½	1885	$0.82½	$1.06
1878	.90½	1.15½	1886	.77	.99½
1879	1.07½	1.12½	1887	.80	.97½
1880	1.09	1.14½	1888	1.36	.94
1881	1.18	1.13½	1889	.92	.93½
1882	1.15½	1.13½	1890	.91	1.04½
1883	1.01½	1.11	1891	1.00	.98½
1884	.80½	1.11	1892	.81	.87½

Observe the fact that wheat in 1860, when silver was $1.35½, was slightly lower than wheat in 1889, when silver was 93½, and also that wheat in 1888 was $1.36, with silver at 94, and only 80½ cents in 1884 with silver at $1.11. Wheat rose in 1879, 1881, 1885, 1887, 1888, and in 1891, notwithstanding silver fell; and wheat fell in 1883, 1886, 1889, and in 1892, when silver happened to fall. It is so clear that the rise and fall of wheat are due to other causes that it is astonishing anyone should attempt to impose upon a credulous public, and especially to base a scheme to put the country on a silver basis, on such an assumption.

The methods by which a class of agitators seek to make farmers believe that the price of agricultural products is bound up in the price of silver is, as I have already said, not only by taking the exceptional articles of wheat and cotton, but by giving the highest New York price (not Chicago price) for one day—not the average price for the year—in depreciated currency in the period from 1873 to 1878, when we had only partly settled down from the boom of war. I have before me a pamphlet published by the agitators for a silver basis, and extensively circulated, in which they give the price of wheat in 1874 as $1.35 (which it did reach on one day), when the average price in Chicago was $1.05; and when the pamphlet gets down to 1892 and 1893 it selects, for purposes of comparison, the lowest price on any day. Of course such a dishonest presentation to the people of an important subject is a confession that the truth will not serve their purpose.

By taking advantage of the exceptionally low prices which have prevailed for wheat as well as everything else in the industrial and business depression of the past three years—a period in which the shrinking of the consuming power of the people, and consequently the demand for products, by well-known causes having no relation to silver, has forced prices temporarily below the paying point—these agitators have created the impression that the cause of our industrial ills is to be found in the decline of the price of that metal, and that the remedy is to depreciate our unit or standard of value.

While the decline in the price of wheat, setting aside the exceptional period from 1862 to 1878 and the present depression, has by no means been so much as represented, yet there is no doubt that the tendency has been for several years to lower prices, although, of course, short or abundant crops always cause great variations of price. Whatever effect the silver situation has had on the decline, even on the theory of the advocates of silver monometallists, has been due entirely to the fact that India, one of the competing wheat-growing countries, is on a silver basis, in consequence of which it has been possible for Great Britain to buy silver at a discount and use it in purchasing wheat in India at a price which afforded an extra discount to the purchaser, and therefore tended to force wheat lower than it would have been if India's currency had been on a low basis. It is surprising that those who present this as a reason why wheat growers in this country should favor a silver basis here do not see that such a fact is a strong argument for us to maintain our currency on a gold basis, making our silver equal to gold, for the reason that a silver basis would place us at the same disadvantage as to the real price obtained for our wheat that India now is. While true bimetallism—that which would give us both gold and silver equal in value to gold—would be of great advantage, silver monometallism and a silver standard would place us where India and Mexico are.

The chief causes for the declining tendency of wheat, unlike the tendency of most agricultural products, outside of the great reduction of cost of transportation, are to be found in the rapidly increasing competition of Argentina, India, Russia, and other countries, and in the fact that wheat has been cultivated in the great Northwest in recent years with so little hand labor and so extensive a use of labor-saving machinery and on so large a scale as to introduce economizing methods.

The fact that neither corn (a more important crop than wheat), bacon, lard, pork, beef, butter, eggs, hay, potatoes, nor most other agricultural products has declined on the whole since 1860, or even 1878, shows conclusively that exceptional causes have affected wheat and cotton, for if the decline of wheat and cotton had been caused by a fall of silver and appreciation of gold, then there would have been a similar decline of other farm products. The following movement of prices of many farm products since 1878, taken from the report of the Bureau of Statistics, which gives New York prices, will serve to emphasize this conclusion:

Year.	Corn.	Bacon.	Lard.	Pork.	Beef.	Butter.	Eggs.
1879	47	6.9	7	5.7	6.3	14.2	15.5
1882	66	9.9	11.6	9	8.5	19.3	19.2
1885	54	9.2	7.9	7.2	7.5	16.8	21.5
1889	47½	8.6	8.6	7.4	5.5	16.5	13.9
1892	55	8.1	7.2	6	5.7	16	18

In the report of the Statistician of the Agricultural Department for 1894 the following average prices on the farm or at the nearest local market for wheat, corn, and oats from 1880 to and including 1894 fully substantiates the view that there has been no such general decline of prices of farm products as would indicate an appreciation of the dollar measurer. We call attention to these statistics, indicating that wheat and cotton are the only articles that have fallen:

Year.	Wheat.	Corn.	Oats.
1880	$0.95	$0.39½	$0.36
1881	1.19	.63½	.46½
1882	.88	.48½	.37½
1883	.91	.42½	.32½
1884	.64½	.35½	.27½
1885	.77	.32½	.28½
1886	.68½	.36½	.29½
1887	.68	.44½	.30½
1888	.92½	.34½	.27½
1889	.69½	.28½	.23
1890	.83½	.50½	.42½
1891	.84	.40½	.31½
1892	.62½	.36½	.31½
1893	.53½	.36½	.29½
1894	.49	.45½	.32½

The average price of corn (which is the most important farm crop) was 39½ cents between 1879 and 1889, and 42½ cents between 1889 and 1894.

The average price of oats in the first period was 31 cents, and in the second period 33 cents. The value of the oat crop was about the same as that of the wheat crop.

I notice in the "fiat" publication to which I have alluded that even the decline in wool is referred to as having been brought about by a decline of silver, when the fact is that wool has fallen 11 cents in this country since 1892 because, first, of anticipation and then as a realized result of the removal of the 11 cents duty on wool; and the decline before that period in the price of wool in the world's markets was due to the increase of production in South America, Australia, and South Africa, where sheep do not require to be housed or fed. Wool in London is slightly higher to-day than it was in 1892, but 11 cents lower here.

VALUE AND PRICES.

But, Mr. Speaker, there is an entire misapprehension in many minds as to what prices really are. Price and value are confounded. Value is the relation of one product to all other products; in other words, how much of other products any one product will exchange for. Price is simply the relation of any product to the unit or standard of value; in other words, how much of gold any one product will exchange for. There can not be such a thing as a general fall or rise of values (and value is the essential thing), because so long as products maintain the same relation to each other (all rising or falling together) there can be no change in their value. One product may rise or fall in relation to other products, and this would be a real increase of value of that particular article.

There may be a general fall or rise of prices, caused by a variation of the value of the standard or measure, but this would not be a fall of values. The value of a bushel of corn continues the same so long as it will exchange for the same quantity of other products, although its price may be changed by an appreciation or decline of the standard of value. When the standard of value appreciates and thus causes all prices to fall, this does not change in the least the value of any article (although all bear a less price), for the reason that each article continues to exchange for the same quantity of other products as before.

If, for example, we should listen to the appeals of the "fiat" money advocates who want a "cheaper," that is a less valuable, dollar, and make 50 cents' worth of silver coined into a dollar our standard of value, in order to raise prices, we would find that, in suddenly lifting prices in this deceptive way we had accomplished nothing except to deceive those who had been led to believe that we should have more cloth by cutting the yardstick used in measuring into two parts of 18 inches each, or more money by dividing our measuring dollars into halves. Prices raised by the restoration of confidence, the resumption of industrial operations, and the increase of demand for products are real blessings. Prices raised by depreciating our standard or measures of value give no one more of other products for his corn, or wheat, or pork, or beef, but on the contrary create distrust, and in the end only evil. Who can measure this?

If such a scheme gives us more so-called dollars, those dollars are diminished in purchasing power at least to the extent of their seeming increase in number; for it must be remembered that whatever one produces he sooner or later desires to exchange for what others have produced. Money is only the medium by which the exchange is effected. Indeed, when the money used in exchange is depreciated or of doubtful value, an extra share is always taken by some intermediary, which comes partly out of producer and partly out of consumer, for the risk of change of value during the time required for distribution of products. That standard of value and that money best serves the people which has the largest degree of confidence of the commercial world.

All of our money now, notwithstanding five hundred millions—with that back of the Treasury notes, six hundred millions—of it is silver, is equal in value to gold, and prices are adjusted to this basis so far as the standard of value affects prices. This adjustment has been going on since 1834 with so slight annual changes as in no manner to disturb exchanges. Imagine the tremendous shock that would be given to all our immense business, to all of our exchanges, to all of our markets, by the sudden change of our standard of value from gold to silver involved in free coinage of silver at 16 to 1, and the sudden substitution of a dollar of 50 cents for a dollar of 100 cents as the measurer of prices. And for what possible advantage?

THE DEBT-PAYING EXCUSE.

Mr. Speaker, the only possible benefit that I have ever heard suggested as the result of this tremendous leap in the dark is that "cheaper" dollars would make it easier to pay debts, which of itself is a confession that free coinage of silver at 16 to 1 is not expected to make silver and gold coins of equal value. This is the whole of it. This is the meat in the cocoanut. This is the insinuating argument which reaches thousands, although they may not be ready to confess it.

Of course where there were debts contracted previous to the adoption of free and unlimited coinage of silver at 16 to 1 on the basis of a 100-cent dollar, where 100-cent dollars had been borrowed or purchases had been made at prices measured by 100-cent dollars, the sudden adoption of a 50-cent dollar as the standard of value would give the creditors the legal (not the moral) right to discharge such debts by paying in the new depreciated money—that is, by paying 50 cents on the dollar. From one point of view that would benefit the debtor and injure the creditor to this extent, provided the creditor should not demand payment before the scheme of depreciating the currency could be carried out, as he certainly would.

But the apparent benefit to the debtor would end here. Every new debt contracted and every new purchase made would be on the basis of the new depreciated dollar or standard of value. The probabilities indeed are that the apparent advantage gained by the debtor by this legalized robbery (for discharge of a debt by depreciating the standard of value has not the justification of an insolvent or bankrupt law which relieves debtors who can not pay, for the reason that the former relieves those who are abundantly able to pay as well as those who are not) would in the end prove a curse rather than a benefit by the shock it would give to confidence, which is not only the basis of credit but of commercial prosperity.

Such a deliberate plan to rob creditors so shocks the moral sense that it becomes necessary to invent a seeming excuse for it. And the excuse is that the dollars which the debtor promised to pay the creditor have been increased in value by the appreciation of the gold unit to an extent that justifies their payment in depreciated silver.

Let us see, Mr. Speaker, how much basis exists for this excuse. The highest estimate that any scientific authority makes of the possible appreciation of gold between 1870 and 1890—for such experts believe that there has been no appreciation since—is one-half of 1 per cent per annum, substantially the same as the depreciation between 1850 and 1865. The great mass of deferred payments average about nine months. Certainly there was no material change of the dollar in any one year, or even two years, since the return to specie payments in 1879. And the amount of debts which continue more than two years is proportionately small. At any rate, the existing indebtedness contracted prior to 1890—for since that time it is probable there has been no appreciation of gold, at least none of any importance—is very small outside of the bonded indebtedness of railroads. And in most cases of railroad bonded indebtedness, especially at the West, the bonded debt is practically a perpetual annuity, both roads and bondholders being content with the payment of the semiannual interest. And as the rate of interest is lower than it ever was prior to 1879, this burden on debtors has been reduced instead of increased. Indeed, the fact that the cost of the rent or interest of money (gold or its equivalent) is 25 per cent less than before the war, and less than ever known before, is very convincing evidence that there can not have been any material appreciation of the money itself. The rise or fall of the rental or charge for the use of any form of wealth is a gauge of the movement of the value of the wealth itself.

But it is urged with much vehemence, as a reason for practically repudiating a part of existing indebtedness by depreciating the money, that it requires 2 bushels of wheat to pay a debt where 1 bushel would have sufficed fifteen years ago.

The answer to this insinuating excuse for repudiation is—

First, that while it is true that in consequence of the complete demoralization of business and industry prices have exceptionally fallen during the past three years—wheat and cotton almost alone of agricultural products having fallen since 1879—yet in 1889, 1890, and 1891 1 bushel of wheat would pay more indebtedness than it would have paid in 1860, 1861, 1878, 1884, 1885, 1886, or 1887; and in 1892 1 bushel of corn, 1 pound of pork, 1 pound of butter, 1 pound of bacon, 1 dozen of eggs, and 1 unit of almost any article of farm produce outside of wheat and cotton would pay more indebtedness in Chicago, or even New York, than in 1879, or on the average before the war or since 1879.

Second. That while money, in whose terms all indebtedness must be stipulated, varies but slightly in value from year to year, while products vary much in value—some rising and others falling—so it will happen from the necessity of the case that it requires sometimes more and sometimes less of products to make a deferred payment at maturity than it would have required at the date of the contraction of the debt; yet as the prices of products in the long run are eventually made by the labor cost of production, and permanent falling prices mean simply that machinery and labor-saving devices have been used in larger measure, the ultimate payment of all indebtedness is really made in labor (or fruits of labor); so that the fact that in case of a deferred payment it may happen that more of a particular product is required to pay a certain amount of indebtedness at maturity than would have been required when the debt was contracted is not necessarily evidence that the payment costs more of labor.

Third. That the fact that wages (the compensation paid labor) increased every year from 1860 to 1892—the wages of 1892 having been 60 per cent higher than in 1860 and all deferred payments being ultimately paid in labor—is conclusive evidence that the burden of discharging indebtedness has not been increased as charged, but, on the contrary, lessened from year to year since 1860 and 1878 down to and including 1892.

What has happened since 1892 is exceptional and abnormal, as I have already explained, and furnishes no basis for intelligent comparison.

What I have already said as to the means by which deferred payments are really met is a sufficient answer to the suggestions

of those who never get below the surface of economic and monetary questions, that the magnitude of the indebtedness of our people is such that we can not hope to pay it in gold, but must necessarily pay it in something depreciated. Debts, I repeat, are not paid in gold or money even, but in products, or, in the last analysis, the labor which produces products. It must be assumed that every dollar our people have borrowed abroad or here has been invested profitably; that is, in such a way as to pay the interest charge on it and leave a surplus to the debtor. It must be assumed that those who have borrowed had their means of payment more than proportionately increased by the transaction. When a farmer borrows to obtain means to enlarge or improve his farm; when a manufacturer obtains loans to enlarge his plant; when a business man borrows to extend his facilities for distribution, and when the projectors of a railroad borrow to construct improved means of transporting products to market, it is reasonable to infer that, as intelligent men, the indebtedness which they have incurred will eventually increase their assets far beyond the increase of obligations.

I have no patience with that class of unthinking or reckless agitators who endeavor to arouse prejudices between creditors and debtors, between the men who have loaned their surplus means and the active men who regarded it at the time a great favor to be able to borrow this surplus means and use it in developing the West or the South to the advantage of the whole people.

I have here a pamphlet published by this class of public enemies, the whole burden of which is an effort to arraign the South and West as debtor communities against the East and New England as creditor communities. The unholy and unpatriotic mission of the pamphlet is set forth by a full-page cartoon which represents a well-fed and thriving cow at whose head is pictured the debtor West feeding liberally with the bounties of the farm and getting nothing for its work, while at the other end of the animal sits the creditor East drawing all the milk. The impression sought to be conveyed is that the West is growing poorer and poorer with its commercial and political relations to the East, while the East is drawing in the riches of the West and fattening on the spoils.

If such demagogues, who seek to carry out some selfish schemes by such groundless and unpatriotic appeals to passion and prejudice, could be persuaded to seriously think not only of the unreasonableness of their position but also of its disregard of official facts, they would be ashamed of themselves.

It would be strange indeed if the older sections of our country had not accumulated some surplus capital, not required for their fully developed States, which they would be willing to loan; and if the younger sections, with a rich virgin soil to be tilled and immense resources awaiting development, should not seek and hire this capital in order that the West might grow richer and more populous than it could have otherwise done. For certainly it must be supposed that the sagacious business men and farmers of the West obtained such loans for their own advantage, notwithstanding the demagogues who publish such stuff as I have referred to seem to think that Western financiers were fools. Indeed, a glance at the wealth statistics of the last census shows very clearly that the West has made a good use of the surplus capital which they borrowed at the East. According to the census, the five divisions of the United States increased in wealth between 1880 and 1890 as follows:

	Increase.	Per inhabitant, increase.
	Per cent.	
North Atlantic division (New England, New York, etc.)	21	$23
Western division	200	959
North Central division	60	197
South Atlantic division	110	84
South Central division	70	148

Evidently those who pictured the East increasing enormously in wealth at the expense of the West forgot that the official statistics spoiled their cartoon, for the official evidence shows that the wealth of the West per inhabitant increased forty-five times as much as New England.

They also overlooked the fact that their assumption that the West was exclusively the debtor section of the country and the East exclusively the creditor section is contradicted by the official figures. According to the census of 1890 the per capita State, county, and municipal debt of New England, New York, New Jersey, and Pennsylvania was $26.89; while the similar per capita debt of the 12 Central Western States was only $14.32; and even of the Western States beyond the Mississippi, only $22.09. Even the public debt of Great Britain is $87.79 per inhabitant.

The fact is that there are no distinctively creditor and no distinctively debtor States or classes of citizens. Nearly all of our citizens, outside of our workingmen, who are creditors only, are both creditors and debtors. As a rule, the heaviest debtors are active business men of large wealth. Even bankers are debtors to as great an extent as they are creditors, for they bank on funds lent or deposited with them. The deposits of all the savings, national, State, and private banks, very largely made by workingmen, are over four thousand millions of dollars; and that class of our people would suffer directly more than any other by this proposition to scale down debts by depreciating our money.

Depreciated money means also lower wages and salaries estimated in purchasing power, a reduction of pensions, the overthrow of credit, and general distrust.

THE BEST MONEY FOR ALL.

Mr. Speaker, I have heard it frequently said by way of advocacy of a depreciation of our money that gold—the gold dollar or its equivalent, whether silver or paper—is the money of the rich, and silver—the depreciated silver dollar, as it would be under free and unlimited coinage at 16 to 1—is the money of the poor.

I know of no reason, Mr. Speaker, why the poor should have a less valuable dollar than the rich; no reason why the workingman should receive for his labor a dollar that will buy any less than the dollar paid the rich. All, whether poor or rich, laborers or bankers, are entitled to receive the best money there is—money every dollar of which is equal in value to gold and will purchase as much of the necessaries and comforts of life as the gold dollar.

WOULD A SILVER BASIS BE BENEFICIAL?

Mr. Speaker, it would be a very serious step by one act of legislation to suddenly change the unit and standard of value in this country from a dollar of 100 cents to a dollar of 50 cents and drive gold from our currency, which would be the inevitable and speedy result of the free coinage of silver at 16 to 1 by this country alone.

I know that those who are back of this movement laugh to scorn the suggestion that it would be much of a shower, and even depict in glowing terms the grand results that would follow our discarding the standard of value of Europe and joining Mexico and the South American States and China.

I have here a pamphlet entitled A Silver Basis, published by the American Bimetallic League—the organization that is pushing and molding the 16 to 1 scheme—in which it is affirmed that, as the writer understands the so-called "double standard" which it is intended to adopt, it contemplates not "the constant contemporaneous circulation of both gold and silver," but that "when the silver dollar becomes cheaper than the gold dollar * * * the employment of gold should cease and the entire money service be performed by silver alone"; and in which the idea that there is any purpose to make our money as good as gold is repudiated. And having laid down this platform of silver monometallism, which repudiates bimetallism notwithstanding it is still flippantly called by that name, the writer goes on to argue at length on the alleged advantages of having a silver basis and only silver for metallic money.

Inasmuch as the adoption of the scheme of free and unlimited coinage of silver at 16 to 1 by this country alone means this and nothing more, the so-called American Bimetallic League—whose name should now be changed to Silver Monometallic League, so as to have their name correspond with their real end—is to be congratulated on frankly meeting the real issue involved in the 16 to 1 scheme, viz, whether this country will make silver its sole metallic money and standard of value.

A SILVER BASIS AND FOREIGN TRADE.

After pointing out that the adoption of the silver dollar, worth half as much as a gold dollar, would open the way for the payment of our national debt in such depreciated dollars, and thus save one-half of its amount, notwithstanding every dollar borrowed by the Government was gold, the writer of this American Bimetallic League plea for "a silver basis" goes on to argue that while the adoption of a silver basis on our part might "increase the fluctuations of the rate of exchange" in our trade with the gold-standard nations of the world, whose population is put at 300,000,000, this would be offset by closer trade relations that would come with the silver-basis countries of Central and South America and Asia, including Russia (which is not on a silver but a depreciated paper basis), whose population is placed at 900,000,000, or 800,000,000 deducting Russia. In this estimate of silver-basis countries the pamphlet includes Cuba and Puerto Rico and the British, Danish, and French West Indies on a gold basis; Brazil, which is by law on a gold basis, but, in fact, on a depreciated paper basis, and Chile and Argentina, which are on a depreciated paper basis. So that the only countries on this continent on a silver basis are Mexico, Central America, Venezuela, Colombia, Uruguay, and Bolivia.

I have heard so much in sounding rhetoric of the great trade of silver-basis countries ready to pour into our ports if we would only adopt such a basis that I am pleased to have the opportunity afforded by this silver appeal to contrast it with the volume of our trade with countries on a gold basis. The suggestion that there are two or three times as many people doing business on a silver basis as on a gold basis sounds very enticing until we come to

measure the fact that the barbarous or semicivilized races of the earth said to do business with silver and copper alone have very little production and very little trade comparatively.

I find that in 1893 of our sixteen hundred millions of foreign trade nearly thirteen hundred millions was done with countries on a gold basis, of which seven hundred and sixty-five millions was exports and five hundred and thirty millions imports, and only one hundred and seventy millions with countries on a silver basis, of which only fifty-two millions was exports and one hundred and seventeen millions imports, together with one hundred and fourteen millions with Brazil, Russia, Argentina, and Chile, on a depreciated paper basis.

The proposition of this silver-basis writer, then, is to have this country break its monetary tie with countries with which our foreign trade mounts up to thirteen hundred millions, and to which we sell seven hundred and sixty-four millions of our exports, including nearly all of our agricultural products, and thus increase the friction and expense of exchange, which necessarily to that extent diminish the prices received for our exports, in the glittering and airy hope of offsetting our losses in this direction by our gains in dealing with silver-basis countries, whose trade with us reaches one hundred and sixty-nine millions only, of which only fifty-two millions is exports from this country.

Why, our trade with Great Britain alone in 1893 was six hundred and fourteen millions, of which four hundred and twenty-one millions was exports and one hundred and eighty-three millions imports—more than double the entire foreign trade of the silver-basis countries of the world.

It is only necessary to state the facts, without comment, to show every thinking man how absurd, not to say stupid and reckless, is the scheme to put this country on a silver basis to catch the trade of silver-basis countries.

One of the most serious objections to going to a silver basis is the fact that it would place us not only on a different value basis from the rest of the commercial world, with which most of our foreign trade is carried on, but also that it would place us on a fluctuating silver basis instead of a comparatively stable basis, and this increased fluctuation of exchange would introduce a new element of risk in dealing with us, against which there must be an insurance charge that comes out of the exporter of wheat, flour, pork, bacon, beef, etc., and the importer of foreign products, and is by him transferred to the farmer who grows the grain or the consumer who buys the sugar, coffee, etc.

After all the articles that have been published by bimetallists pointing out the losses to which silver-basis countries are subject by the world's hesitancy to adopt true bimetallism, it would indeed be a strange result if the advocates of free coinage at 16 to 1 by this country alone should succeed in forcing us to a silver basis and to subjection to such losses also.

EFFECT OF SILVER BASIS ON DOMESTIC TRADE.

Mr. Speaker, having considered the arguments adduced in favor of a silver basis in its bearing on our foreign trade, I now desire to examine the assertions of this writer, having the approval of the American Bimetallic (so called) League, that a silver basis would benefit our domestic trade and increase the prosperity of our people.

An important change of a monetary standard, even when it comes comparatively gradually, as it did during the war, and has the increased consumption of war as an offset, is always a serious matter. But the change of the unit or standard of value from the gold dollar, composed of 100 cents' worth of gold bullion, to the silver dollar, containing 50 cents' worth of silver bullion, as proposed by the advocates of free and unlimited coinage of silver at 16 to 1 by this country alone, would come suddenly, and the whole brunt of it would have to be borne by our own people.

Legislation proposing such a great and sudden change in the currency of this country is of far graver import than, I think, is fully appreciated by most of its advocates. The currency of any country is the lifeblood of its commercial existence. Consider for a moment the extent of the commercial transactions of this country into which the value of the legal-tender dollar enters.

The transactions through the national banks alone reach one hundred and twenty billions annually, more than two thousand millions every week, four hundred millions every secular day, forty millions every hour—in all of which the value of the standard dollar is the controlling element. Not a bushel of wheat, not a bushel of corn, not a pound of hay or cotton, not a yard of cloth, not a day's work is sold or bought into which this value does not enter. Surely legislation which proposes to suddenly disturb this value to the extent of 50 per cent should be advocated with bated breath.

Commercial prosperity can only exist under permanent and settled conditions—at least, conditions so nearly permanent that annual changes are reduced to a minimum. And nothing promotes distrust, paralyzes trade, discourages investments, closes avenues of employment, and diminishes wages so effectually as a demoralized and depreciating currency. One of the most graphic of Macaulay's chapters is that in which he depicts the gloom and palsy which brooded over England at the close of the seventeenth century in consequence of the depreciation of the current silver of the Kingdom, caused not by a decreased market value per ounce, as in this case, but by the constant wear and clipping of the coins in use. And yet, in the face of the warnings of the past, we have those who have deluded themselves with the idea that prosperity can be conjured by clipping the dollar by law.

RISING PRICES, ABUNDANT MONEY, AND PROSPERITY.

But we are told that by depreciating the dollar we shall make prices rise, and that rising prices always stimulate trade.

That depends upon what causes rising prices. If the rising prices are caused by increased activity—especially after a season of depression—by the increased purchase and consuming power of the people, then indeed they are healthy and stimulating. Such rising prices are to be sought after by every means at hand, and are in fact the concomitant of a sound monetary system. Unquestionably one of the causes that has aided during the past three years in strengthening the distrust that originated in a disturbance of our economic system, as well as with the inevitable cycles of boom and rebound that accompany the intensity of modern industrial life, has been a growing fear that we might not eventually be able to maintain the stability of our currency.

But rising prices made by clipping the dollar which measures prices—prices which rise only in imagination, only by calling 18 inches a yard and 50 cents a dollar, and never in reality—are a cheat and a lie, and while they may produce temporary intoxication, in the end bring curses rather than blessings.

It must be borne in mind that the accepted quantity theory of money and prices is not, as some persons erroneously suppose, that the volume of outstanding money, but that the volume of circulating or used money, including paper and token, as well as full redemption money, and also such substitutes for money as checks and bills of exchange, makes prices. Money hoarded or unused has no effect on prices. Those persons who think they can raise prices by coining or issuing more money, regardless of the demand for use, without changing the value of each dollar, misunderstand the nature and uses of money. For, however much each of us would like to have more money if we could get it without giving an equivalent for it, none of us is prepared to buy more than we require for use. Every well-adjusted currency system should have provision for an increase in response to a demand; but the demand is in proportion to the activity of business, and activity of business is largely dependent upon confidence, while nothing impairs confidence more than schemes to demoralize and depreciate money.

This is a sufficient answer to the assertion of this "silver-basis" advocate that abundant money, without regard to its quality or whether it is used or unused, and high prices, without regard to whether they are real or apparent, promote national prosperity. Abundant money used, which is only another expression for business activity, is promotive of prosperity. But however large may be the volume of money unused—indeed we never had so large a volume of money outstanding and so large a proportion unused as we have had the past three years—it has not the slightest effect in raising prices (so long as the dollar is not depreciated) or promoting prosperity.

The assumption that a silver basis would give us more money is without foundation. Under free and unlimited coinage by this country alone, for reasons which I have already shown, the value and purchasing power of each coined silver dollar would be in a short time the value of the silver bullion in it—not much exceeding the present value of such bullion. Prices generally would apparently—not really—rise to keep pace with the diminished value of the measurer. Inasmuch as the silver dollar when coined could be no more valuable and have no more purchasing power than the bullion in it uncoined, as is now the case with gold, there would be no inducement to coin silver beyond the demands for business, and to supply the loss of gold. Of course, as the purchasing power of the new dollar would be largely diminished, it would require more of them to do the same business as before. The result would be that with the drop to a silver basis there would for a time be less money than before, and in the end no more abundant money, so far as effectiveness goes, than before. The loss in quality, in stability, in confidence, however, would be incalculable.

UNITY OF NATIONS IN MONETARY RELATIONS.

Mr. Speaker, there is another serious objection to the proposition to abandon the common monetary unit of grains of gold, which has practically been the standard of value of this country since 1834—barring the depreciated paper period—and substitute for it the standard of grains of silver as well as silver monometallism, and this is, that our present standard is not only that of the commercial world but practically the monetary unit to which are adjusted the prices of every market.

It is sometimes asked why the United States should follow the

great commercial nations in adopting grains of gold as the standard of value. Why not have a monetary policy of our own, it is asked, and adopt a more plebeian substance—silver, for example? It might as well be asked, Why slavishly follow the Old World and use steel screw steamships to navigate the oceans? Why not continue the exclusive use of the old wooden sailing vessel, a more plebeian ocean transport, and maintain an independent system of navigation?

The answer is plain. The steel screw steamship has proved to be the best instrument of quick and convenient transportation of persons and most property, although the sailing vessel still continues to do good service in its proper place; and grains of gold have been found to be so much better adapted to the purposes of a standard of value, and so much nearer stable than any other substance, that by common consent the commercial world has made them the world's measurer of value, and will always continue to use silver as money adjusted to this standard. And any country that sets up any other substance as its standard of value finds itself not only out of adjustment with the world's measurer and subjected to friction and extra expense, but also trammeled and inconvenienced in its domestic exchanges by a more fluctuating standard into which it has to daily translate the pulses of commerce.

It must be remembered that in these days of steam and telegraph the whole world is one in a very important respect. There now can be no surplus of money or merchandise anywhere in the world that is not hurried to fill the shortage, if there be one anywhere. This facility of transfer tends to equalize values throughout the world. We know every evening what has been going on in every part of the world during the day—the condition of the crops, where there is a surplus and where there is a shortage; and in every great market supply and demand meet, and the adjustment of prices takes place, and the language in which those prices are expressed is grains of gold.

It is absurd—yes, suicidal—for us to think for a moment that we can or should get outside of the world's commercial current and set up a standard of value which the world has laid aside because experience has shown a better and more convenient one.

But in continuing the standard of value which we have found so useful it should be borne in mind that we shall continue to use the largest amount of full legal-tender silver possible with a maintenance of its parity with gold, and at the same time we do not in any manner relax our efforts to have the world also continue the use of silver as money, in free and unlimited coinage, too, at such a ratio as will make gold and silver coinage equal in value everywhere. For when the leading commercial nations unite in an agreement which establishes a fixed coinage ratio of gold and silver throughout the commercial world—the only method in which full bimetallism can be secured—then there will be one common standard in international trade, and that standard will still be gold or its equivalent.

Speed the Plow—It Feeds All—The Condition of the American Farmer.

SPEECH

OF

HON. HARRY SKINNER,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, June 10, 1896,

On the joint resolution to adjourn Thursday, June 11, 1896, at 4 o'clock.

Mr. SKINNER said:

Mr. SPEAKER: The managers of the Senate and House have agreed and arranged that this resolution of adjournment shall pass, and that the first session of the Fifty-fourth Congress shall close at 4 o'clock to-morrow. To resist the passage of the resolution would doubtless prove futile, and a persistent and protracted effort with this purpose would be regarded as trifling with the desires of the great majority on both sides. Notwithstanding I can assign cogent reasons why the resolutions should not pass and present overwhelming evidence why Congress should remain in session until they shall work out some relief to the depressed, distressed, and almost despairing people.

In these closing scenes I have observed that the mind and heart of the Republican party are at St. Louis, and consequently centered upon the best interest of their party and the success of their personal favorites. The Democratic leaders are looking to Chicago, and their anticipated declaration for the free coinage of silver at 16 to 1, as the star of hope that at least will preserve their organization from disintegration and restore them to the confidence of the people. Mr. Speaker, the Democratic party is prolific in good platforms and party promises, but it is a better platform breaker. The past indicates that they make platforms to get on and off, and not to keep. From 1868 to the present hour there is not a single plank in any national platform that they have not repudiated, and consequently they have deservedly lost the confidence of the plain, honest masses, whose champion they professed to be, and whose interest they should have faithfully guarded.

A DESIRE FOR FREE COINAGE AND PROTECTION.

I feel, I know, personal contact has convinced me, that there are sincere and honest advocates of free silver at 16 to 1 in this House both in the Democratic and Republican parties. These, together with the Populists, have a common cause, a cause higher and stronger than party ties, because in that cause is involved the strength, stability, and continuance of American institutions, the contentment, happiness, and prosperity of the American people.

I had hoped, Mr. Speaker, that those of this faith and order might get together and pull together, forgetting old party ties, and thinking only of the perpetuity of our institutions and the prosperity of the American people. The common ally of the bimetallist is the protectionist, not the sectional or class protectionist, but the broad-minded American protectionist, the protectionist that would protect labor against immigration and convict and pauper labor; the protectionist that will care for the fields as well as the shops; the protectionist that wants and desires to protect all and every interest in this country so as to bring that equalization that will assure the greatest good to the greatest number. Bimetallism and this class of protection are one and inseparable. Consequently I had hoped that the protectionist of this order in the South and West, together with the bimetallist at 16 to 1, might come together and make a common battle against monopoly, combine and trust, and the single gold standard, and thereby save the Union, restore confidence to the people, and reinstate conditions from which may be evolved a hope for the future.

THE OPPORTUNITY OF DEMOCRACY.

The Democratic party has a grand opportunity just ahead of it. It remains to be seen if it possesses the wisdom, the statesmanship, the patriotism, the intuition, the inspiration to take advantage of the ripened fruit and pluck it, not for the eclat or success of their political organization, but for the good of the country and the material benefit of the people. To do so they must so act at Chicago as to convince the people that they are the organized force capable and patriotic to espouse and defend their cause. They must, so far as practcal, disassociate themselves from the goldbug Eastern Democracy; so long as these enemies of the people are permitted in their council, so long will the people look upon Democracy with suspicion, and justly so, because they will always constitute a respectable and very powerful minority of the Democratic party, and will always be effectual in defeating measures that mean relief to the people by uniting with the minority party. Will the leaders of the Democracy permit me to blaze the way for them? Let every Democrat that favors free silver at 16 to 1, with or without an international agreement, meet in Chicago at least three days in advance of the national convention. Let the distinguished Senator JONES, of Arkansas, call a caucus of the silver forces at least two days before the national Democratic convention, a conference to be provided for by this caucus. Let them invite the executive committee of the Populists, the bimetallists, and the silver Republicans to meet them at least one day before the meeting of the national Democratic convention and make an honest effort in this general conference of the silver forces to name such a ticket as will be satisfactory to the silver Republicans and that will be ratified by the two conventions that will meet in St. Louis July 22. In this conference let the good of the people—the success of silver—prevail, and you will sweep the country and bring dismay and disaster to time servers and enemies of the American institutions and American people.

RESULT OF PARTISANSHIP.

On the contrary, if you meet in a clannish manner, looking alone to your political organization, and you make no conciliations or concessions to the honest, patriotic silver sentiment of the country, then you await a defeat not only of the ticket that you shall name, but an elimination of the word Democracy from the political dictionary, and upon your wreck and ruin a true People's Party will be increased into numbers sufficient to sweep the country in A. D. 1900. If I desired party success I should want you to so act. But I want and the people I represent want action now and without delay. I am careless or indifferent as to the name in which relief shall be vouchsafed to the people. What we want is relief, and we will take it from the Republican party, the Democratic party, the silver party, or a party of any other name; but it occurs to me that the People's Party is the proper name in which to win a great victory that means a real people's victory. A people's victory means the restablishment of conditions that meaneth life, hope, and contentment to the people, out of which can be secured a higher state of civilization and a greater capacity to enjoy the blessings and wise provisions of Providence.

TELLER AND SOME YOUNG SOUTHERN SILVER MAN.

I do not desire the privilege of naming your ticket, but only to suggest that a ticket named under these conditions would mean success in November. If you will permit me, I will suggest that a national figure such as H. M. TELLER, of Colorado, who led the battle against the force bill and has constantly fought for silver at 16 to 1, and now adheres to those principles and places them above party—when his party would give him anything at its command for him to remain silent—such a character and figure around which all the silver forces of this country could and would rally and inspire confidence all along the line, that would marshal the silver forces in such companies, regiments, and brigades as to successfully attack and rout the common enemy of America and humanity—the single gold standard—whether fighting the American people openly or in disguise.

I may be pardoned for advising the Southern silver Democrat, with whom I have a common feeling and interest to secure the best possible local government consistent with the reign of the people, that the election of H. M. TELLER as President of this country would mean a better and more substantial recognition of Southern interests and Southern statesmen and policies than could possibly be secured by the election of any straight Democrat in sight. With his nomination you can with impunity take a Southern man as his running mate. I would suggest one without a war record, a young man. I have many in my mind. I will not disparage any by the mention of names, and I only mention TELLER, because he stands out like the tall oak, he is a commanding figure at this stage in politics; he can unite the South and West as no other man in sight can possibly do.

THE STATUS OF THE POPULIST PARTY.

Mr. Speaker, should the Democratic party, when it meets in Chicago, think that it is strong enough to live and succeed alone without advice, consideration, or council with the other silver forces of the country, then we shall regard them as party servers and proceed with our middle-of-the-road fight to the finish, and we will not be the minority party. We have now the balance of power in the Senate, and as sure as the ides of November shall have passed we will have the balance of power in this House and dictate its organization. The people know that we have kept faith with them. We mean what we say. They can trust us, and they will trust and give us their certificate of confidence in the shape of that small white sheet of paper called the ballot, which falls as noiselessly as the snowflake, but the accumulation of which can arrest the iron horse in progress carrying travel and freight, as well as it can resist the machinations of party leaders and cause tyranny to be resisted and truth established.

TO THE LEADERS OF THE OLD PARTIES.

Mr. Speaker, I desire that the leaders of Democracy in this House, including Mr. SAYERS of Texas, BAILEY of Texas, DOCKERY of Missouri, CRISP of Georgia, LITTLE and MCRAE of Arkansas, LIVINGSTON of Georgia, MCLAURIN of South Carolina, RICHARDSON of Tennessee, MCMILLIN of Tennessee, DE ARMOND of Missouri, and others that I might mention whom I believe to be sincere advocates of free silver—16 to 1—shall understand before this House adjourns that if they want to succeed and win a victory they must confer before acting at Chicago with such true silverites as the Populists have proven themselves to be and such silver Republicans as TELLER, DUBOIS, CANNON, ALLEN of Utah, HARTMAN, TOWNE, and others, and if all these silver forces shall agree and unite you will demoralize the Republican party from the beginning. They will go into the campaign upon a plea of confession and avoidance; whereas you will go in with the true doctrine of universal protection and bimetallism, one and inseparable, and both necessary to the doctrine of "America for Americans" and the happiness and prosperity of all Americans.

RELIEF IN THIRTY DAYS.

Mr. Speaker, I will never consent to the resolution to adjourn. If the President, if Democrats and Republicans in the House and Senate would for thirty days forget that they belong to any political party and would act as the Populists have desired to act and have acted, and Congress should remain in session thirty days, I believe, by conference or otherwise, some legislation might be reached that would give the people relief; but as long as we place party victory in advance of the people's interest the people must suffer, and no relief will be in sight.

Mr. Speaker, when I appeal to the action of the Populists in the House and Senate as a guide for the silver Democrats and Republicans, I do so for the purpose of challenging the closest scrutiny as to their conduct, their action, their votes, and the measures introduced by them in the Fifty-fourth Congress. I can, in these closing hours of the first session of the Fifty-fourth Congress, point with pride and satisfaction to the record made in this Congress by the Populist party. We have been few in numbers but constant in industry, punctual in attendance, attentive to business in the House and in committees, ceaseless in energy, and faithful to our platform and husting promises in giving votes. We have introduced measures in the Senate and the House that meaneth and carry with them relief to the people, but unfortunately we are impotent to crystallize these measures into law.

CONFESSION AND AVOIDANCE.

Mr. Speaker, these closing scenes, the speeches made by Mr. DINGLEY, the very able chairman of the Ways and Means Committee, who by virtue of his official position, as well as by his information and natural ability, is entitled to be the leader of the House, have been a simple plea in confession and avoidance. He is an expert in special political pleading; that is, he has excused the large appropriations, not that they were not necessary or were extravagant, notwithstanding, with the wise and frugal Speaker, he tried to keep them down and tried to be economical, but he has promised that under the anticipated Republican Administration, through a wise system of protection, the Treasury would be so repleted as to be able to stand such appropriations without detriment to the service; and likewise the distinguished chairman of the Appropriations Committee, Mr. CANNON, notwithstanding he has tried earnestly, and I know honestly, to be economical, yet, even though his wishes have been overruled and this Congress must go into history as extravagant, in his closing remarks he tries to palliate the effect; that with a full Republican Administration the Treasury will be so repleted through the effective service of a wise protective system that we can stand large appropriations without creating a deficit in the Treasury or creating the necessity for bond issues.

The leading Democrats of the House have simply contented themselves with attacking these appropriations, seemingly forgetful that the present Republican Congress has not exceeded the extravagance of the last Democratic Congress.

THE INDIVIDUAL AND COMMUNITY OVERLOOKED.

Both the Republican and Democratic leaders seem to overlook or forget the condition of the individual citizen, community, and nation when separated from politics, and are absolutely barren in suggestions or measures that shall bring and assure contentment, happiness, and prosperity to the people. The Populist party, and the Populist party alone, seems to be fertile and persistent in measures that mean and intend to carry relief to the plain and toiling masses. Mr. Speaker, I desire to observe just here, before I protract my remarks further, that while the people desire to understand and know that the money that is expended shall be wisely and properly expended, they would not complain at reasonable public expenditures, if you convince them it is honestly expended and accurately accounted for; if you will bring about conditions out of which they may meet these public expenditures without causing personal deprivations and sacrifices, and surround them with conditions out of which they may be enabled to support themselves and those dependent upon them with an education that shall equip them to grapple with the future. Mr. Speaker, we all know that these enormous public expenditures, such as they are or may be, must be paid by labor and agriculture. The accumulated wealth of the country, whether in the shape of United States bonds or incomes from any source, is franked "free from taxes" and is not called upon to meet these expenditures, consequently it is indifferent as to their volume. It is the day laborer, the tenant, the farmer, and the small commercial dealers whom these matters affect.

PUBLIC EXPENSES.

Mr. Speaker, it may be of interest and a matter of information to the public to recapitulate the public expenses of the first session of the Fifty-fourth Congress, and if I had the time and the House had the patience I would tabulate these in detail; but for my present purpose it is sufficient to refer to these as comprising, in round figures, $500,225,000. If this is to be repeated in the second session, this Congress will go into history as the billion-one-hundred-million-dollar Congress.

We are expending for the Federal Government entirely too much money. It is indeed alarming when we couple these with city, county, and State governments, which the census of 1890 places at $569,252,634 per annum; and these, added to the appropriations of the Fifty-fourth Congress, make a sum total for Federal, State, and municipal government more than $1,100,000,000 per annum, a sum far exceeding the expenditures of any other Government on Earth.

Russia expended in 1895 $885,005,996; France, $690,184,119; Great Britain, $469,592,105; Italy, $337,868,552; the German Empire, $297,240,240; Spain, $164,727,145.20. Our expenditures are $4,000,000 per day, and the monarchial and imperial nations of Europe, which we have been accustomed to regard as extravagant, are spending much less. A sum greater than the entire value of the cotton crop, corn crop, wheat crop, oat crop, and tobacco crop, all put together—these fruits of toil and soil—are wasted in government.

HOW TO REDUCE EXPENSES.

Mr. Speaker, a burning question, one that the politician may as well prepare himself to meet, is how can these public expenditures be decreased without detriment to the public service.

First, lay the ax to the root. All public officials are receiving more salary than they should receive, and are living in a state of extravagance that fails to keep them in touch with the condition, needs, and wants of the people. So, then, let a reform begin at the beginning by reducing all official salaries at least 33⅓ per cent. Second, the river and harbor appropriations need to be severely pruned. I am not opposed to the principle of Federal river and harbor appropriations. I have the distinction of representing a meritorious river and harbor district—the Albemarle, Roanoke and Pamlico districts of North Carolina. I can name here and now worthy objects for Federal appropriations, to wit, the inland commerce from the Chesapeake Bay to Florida, the free connection of the Virginia and North Carolina waters, the opening of Currituck and Nags Head inlets, and the deepening of Oregon Inlet and Ocracoke Inlet, and the making of Lookout as a harbor of refuge, and others that I could, if time would permit me, mention. Notwithstanding these worthy objects of Federal assistance I felt constrained and did vote to sustain the President's veto of the river and harbor bill, because I believed that the President was right, and because I believed I was serving the best interest of my district and the people by trying to assist the President in stopping and resisting the diversion of this Federal assistance from proper channels.

As to the pension appropriation, it is simply alarming. I believe in a wise dependent pension bill, but I am opposed to this special legislation whereby officers and their widows are given an unusually large pension. Our statesmen need apply themselves to reform along this line, unless their consideration for the old soldier will permit the public revenues to be absorbed in special increased pensions.

But, Mr. Speaker, I have not the time now to analyze the extravagance of the public service. My purpose in occupying the attention of the House was to demonstrate the discontent, unrest, misery, distress, and dissatisfaction of the great masses, and to show that their cause was just, above party considerations, and demanded the best thought and heart of the Republic.

CONDITION OF THE FARMER.

God created the farmer to begin with in all the ages that have passed. Wherever his interest has been the first concern of government this heaven-appointed institution has prospered and all conditions that are dependent on agriculture have likewise flourished. The Good Book verily saith that "When the virtuous are in authority, the people rejoice; but when the wicked beareth rule, the people mourn."

Mr. Speaker, in this connection I desire that the public shall be fully and intelligently informed as to the true and accurate condition of the American farmer, and to this end I desire to freely quote from a pamphlet entitled The Condition of the American Farmer, by Hon. H. E. Taubeneck, chairman of the national committee of the Populist party.

THE FARMER'S INCOME.

The mind can not grasp the true condition of the American agriculturist until his income is properly analyzed. Though much has been written on this subject, yet few writers have gone to the bottom and presented the facts in their true significance.

The statistics of the Tenth and Eleventh censuses, as well as the agricultural reports, contain many startling facts and figures in regard to the average income from the average farm in the United States.

THE CENSUS OF 1880.

The report of 1880, volume 1, pages 684 and 685, gives the following figures:

Number of farms in the United States	4,008,907
Number of acres in farms	536,081,835
Number of acres in average farm	134
Number of persons engaged in agriculture	7,670,439
Representing a population of	23,011,317
Average number of persons depending on each farm for a living	5.74
Value of farm products sold, consumed on the farm, and on hand, for the census year 1879	$2,213,462,564
Value of farm products per average farm	$552
Per capita income of agricultural population	$96.16

THE CENSUS OF 1890.

Census Bulletin No. 378, issued March 19, 1894, and the report of the Statistician of the Department of Agriculture for December, 1894, pages 742 to 751, inclusive, contain the agricultural statistics for 1890, of which the following is a synopsis:

Number of farms in the United States in 1890	4,564,641
Number of acres in farms	623,218,619
Number of acres in average farm	137
Total value of farms and stock	$15,982,207,689
Value of farm products sold, consumed on the farm, and on hand	$2,460,107,454
Value of farm products per average farm	$538.94

These figures [says the bulletin] are subject to modification for the final report.

Carroll D. Wright, in reply to a letter asking if the value of farm products quoted above included all that was produced on the farms, said:

I desire to inform you that the figures relative to the value of farm products were furnished by the farmers themselves to the enumerators in answer to the following query: "Estimated value of all farm productions (sold, consumed, or on hand) for 1889." These statistics, therefore, include all farm productions.

According to this estimate, the annual income from the average farm, containing 137 acres, was $538.94. If we allow 5.74 persons to each farm for 1890, as reported by the census for 1880, and divide this $538.94 among them equally, we receive for our agricultural population an average annual per capita income of $93.89. If we again divide this amount by the number of days in the year (365), we receive for those who have to depend on the farm for a living an average per capita income of 25.8 cents per day.

It must be remembered that this $538.94 per farm, or 25.8 cents per day per capita, is not the profit made from the average farm or day's labor, but constitutes the value of the entire crops. It includes that portion consumed on the farm as well as that portion sold. Out of this amount the farmer must pay his taxes, insurance, interest, the cost of seed, hired help, wear and tear of farm implements, repairing of fences and buildings, and feed for his teams for one year while cultivating the crops. All these items must be paid out of the $538.94 before the farmer can have anything for himself and family. The question then is, How much will the average farmer and his family have for their own support after paying all these items? Will they have 15 cents per day per capita? No. Will they have 10? Possibly yes, but I doubt it. For argument's sake, however, we will admit that our agricultural population received a per capita income of 10 cents per day, with which to buy food and clothing, educate the children, and pay incidental expenses.

PAUPERS AND CONVICTS.

The board of supervisors of Clark County, Ill., as stated by the county clerk, W. S. Lowery, pays $2 per week for keeping each pauper, the keeper providing board, clothing, medical attendance, and funeral expenses. If we accept this as the average amount paid by other counties and in other States, it amounts to 28.5 cents per day, almost three times as much as the net per capita income of those who have to depend on the farm for a living.

According to the report of the commissioner of the Illinois Southern Penitentiary for 1890, the State for years received an average of $36,000 per annum for 250 convicts leased, which amounts to $144 per year, or 39.4 cents per day for each convict. Thus we are confronted with the cold fact that our agricultural population is compelled to live on an income below that provided for paupers, and receive less for their labor than is paid for convict labor.

THE ILLINOIS AGRICULTURAL REPORT.

The statistical report of the Illinois State Board of Agriculture, issued August 1, 1895 (Circular No. 170, page 4), contains a table giving the area, yield, value, and cost of raising wheat in that State for thirty-six years, from 1860 to 1895, inclusive.

For the twenty-three years beginning with 1873 and ending with 1895 the farmers of Illinois produced 711,201,270 bushels of wheat. The total cost of raising the wheat was $513,796,560, or an average of 72 cents per bushel. The total value of the wheat crops for the twenty-three years was $570,196,855, or an average of 80 cents per bushel, leaving the wheat growers an average net profit of 8 cents per bushel.

For the fifteen years beginning with 1881 and ending with 1895, the wheat growers of Illinois produced 433,622,246 bushels of wheat. It cost them $317,938,450, or an average of 75.6 cents per bushel, to raise the wheat, and they received for it $314,901,674, or an average of 74.9 cents per bushel, leaving a net average loss to the wheat growers of Illinois, for fifteen years, of seven-tenths of 1 cent per bushel.

For the three years from 1893 to 1895, inclusive, the wheat growers of Illinois produced 78,324,916 bushels of wheat. It cost them $54,398,410, or 69.4 cents per bushel, to raise the wheat, and they received for it $37,705,974, or 48.1 cents per bushel, leaving a net loss of 21.3 cents for every bushel produced since the demonetization of silver by the present Administration.

The same circular, on page 5, contains a similar table in regard to the statistics of the oat crops.

For the same twenty-three years the farmers of Illinois produced 2,032,054,015 bushels of oats. It cost them $579,402,111, or an average of 28.3 cents per bushel, to raise the oats, and they received $532,953,288, or 26.2 cents per bushel, leaving a net loss to the oat growers of Illinois of 2.1 cents per bushel.

For the three years from 1893 to 1895, inclusive, since the demonetization of silver, the oat growers of Illinois raised 326,012,952 bushels of oats. It cost them $94,105,341, or 28.6 cents per bushel, to raise the oats, and they received $77,116,027, or 23.6 cents per bushel, leaving a net loss to the oat growers of Illinois for the three years named of 5 cents for every bushel produced.

Circular No. 163, issued December 1, 1893, contains a similar table giving the statistics for the corn crops.

For twenty-two years, from 1872 to 1893, inclusive, the farmers of Illinois produced 4,579,699,946 bushels of corn. It cost them $1,609,625,941, or an average of 35.1 cents per bushel, to raise the corn, and they received for it $1,518,676,296, or an average of 33.1 cents per bushel, leaving a net loss of 2 cents per bushel for every bushel produced since 1871.

In 1893 the farmers of Illinois produced 167,687,971 bushels of corn. It cost them $57,422,269, or an average of 34.2 cents per bushel, to raise the corn, and they received for it $51,099,698, or an average of 30 cents per bushel, leaving a net loss of 4.2 cents per bushel for every bushel produced.

The total profit since 1872 on raising wheat was $54,400,295, and the loss on oats $46,448,823, and on corn $90,949,645, which leaves a net loss to the farmers of Illinois on the three staple products of $82,998,173. These are cold facts gathered from the statistics of official documents. Illinois is one of the best agricultural States in the Union. Her soil is as fertile, her climate as genial, and her farmers as enterprising as those of any other State. Whatever is true of the condition of the Illinois farmer is also true of the farmers of all other States.

THE MICHIGAN AGRICULTURAL REPORT.

Senator Peffer, in his report on "Agricultural depression," published a table giving the value and cost of raising wheat, oats, and corn in the State of Michigan for the year 1889, as follows:

	Cost.	Value.	Loss.
Wheat	$18,200,328	$16,728,803	$1,471,525
Oats	10,130,655	7,390,457	2,740,198
Corn	12,289,032	7,274,245	5,014,787

The farmers of Michigan received $9,226,510 less for these crops in 1889 than it cost to raise them.

THE UNITED STATES AGRICULTURAL REPORT.

The report of the Secretary of Agriculture for 1893, pages 515 to 518, inclusive, gives the estimated cost of the principal items and the total cost of the production of wheat and corn per acre for 1893, as consolidated from the returns of nearly 30,000 leading farmers scattered throughout the United States.

WHEAT.

The items and the total cost of raising an acre of wheat were as follows: Rent of land, $2.75; fertilizing, $2.34; preparing ground, $1.85; seed, 87 cents; sowing, 35 cents; harvesting, $1.17; thrashing, $1.13; housing, 33 cents; marketing, 69 cents. Total, $11.48.

The same report, on page 481, contains a table giving the value of the wheat crops for fourteen years, from 1880 to 1893, inclusive. The value of an acre of wheat in 1893 was $6.16, and the cost of raising it, as stated above, $11.48, which leaves a net loss to the wheat growers of the United States of $5.32 for every acre produced in that year.

The report also says that the average annual value of an acre of wheat for the fourteen years (from 1880 to 1893) was only $9.73. If the cost of raising an acre was no greater for each of the thirteen years preceding 1893 than for that year ($11.48), then we are confronted with the stubborn fact that the wheat growers of the United States have lost $1.75 for every acre produced since 1879.

CORN.

The items and the total cost of raising an acre of corn for 1893 were as follows: Rent of land, $2.90; fertilizing, $2.10; preparing ground, $1.60; seed, 14 cents; planting, 38 cents; cultivating, $1.72; gathering, $1.37; housing, 42 cents; marketing, $1.08. Total, $11.71.

The same report, on page 478, contains a table giving the value of the corn crops from 1880 to 1893, inclusive. The value of an acre of corn for 1893 was $8.21; and the cost of raising it, as stated above, $11.71, which leaves a net loss to the corn growers of the United States of $3.50 for every acre produced in that year.

The report further says that the average annual value of an acre of corn for the fourteen years (from 1880 to 1893) was only $9.61. If the cost of raising an acre was no greater for each of the thirteen years preceding 1893 than for that year ($11.71), then the corn growers of the United States received $2.10 less per acre since 1879 than it cost to produce the corn.

Thus the investigation made by the United States Department of Agriculture corroborates the statistics of the Illinois and Michigan agricultural reports. Since 1880 the farmers of the United States have been producing products below the cost of production. Whatever is true of corn, oats, and wheat is also true of every other staple product produced by the farmers of the United States.

These are facts and figures taken from official documents, the best evidence we can get. They tell us in language as plain and forcible as words can make it why there is distress, unrest, and discontent among our agricultural population; why there is a mortgage on the farm, and why the farmer who once owned the soil he cultivates is now a tenant. It is because for years he has been compelled to raise products below the cost of production. The results of this loss is disclosed by the increase of mortgages and the loss of farms and homes, together with the enforced idleness seen on every hand.

DEPRECIATION OF FARM PROPERTY.

Senator PEFFER, on page 13 of his report on "Agricultural depression," in speaking of the depreciation of farm property, says:

In Illinois improved lands fell from $20.81 in 1873 to $11.18 in 1892; wheat fell in the same time from $1.10 to 69 cents a bushel; corn fluctuated, but about maintained its normal price; oats was 3 cents higher in 1892 than it was in 1873; cattle dropped nearly 60 per cent; horses and mules went below that; hogs fell 50 per cent, and sheep 33 per cent.

In Iowa all classes except sheep declined from 1870 to 1892.

In Nebraska improved lands fell from $4.60 to $2.72, more than 20 per cent, since 1885, and live stock dropped on an average about 40 per cent.

In Kansas land was about 15 per cent lower in 1892 than it was in 1874 and 1884.

In New York, according to the report of the State comptroller submitted January, 1891, farm lands in that State had depreciated at least 33⅓ per cent within a few years.

In Pennsylvania, while correspondents differ, it may be stated that on the whole farm lands in that State have fallen 25 to 30 per cent in less than twenty years.

In the New England States lands used for agricultural purposes are not valued as high now as they were in 1875 by 30 per cent.

INCREASE OF TENANT FARMERS.

Fred Perry Powers, in an article published in Lippincott's Magazine for February, 1895, gives some important statistics, compiled from the census report, in regard to the rapid increase of "tenant farmers" in the United States:

Between 1880 and 1890 the number of owning farmers decreased in every New England State and the number of tenant farmers increased. In each of these States there was a marked increase in the percentage of farmers who plowed the fields of another man and in the sweat of whose brow somebody in Boston ate cake. In the six States, in the ten years, the owning farmers diminished 24,117 and the tenant farmers increased 7,246. The percentage of tenant farmers in Massachusetts, though not large in 1890, was nearly double what it was in 1880; over 17 per cent of the farmers in Vermont and Connecticut and 25 per cent of the farmers in Rhode Island were tenants in 1890.

In each of the four Middle States the number of owning farmers decreased and the number of tenant farmers increased. In the group the owners decreased 42,304 and the tenants increased 24,075. In New Jersey the tenants increased from nearly a fourth to nearly a third of the whole. In New York the loss of owning farmers was 35,534 and the gain of tenant farmers was 12,108. For Pennsylvania these figures were 11,262 and 9,222, respectively. * * * Of twelve Southern States six show a decrease in the number of owning farmers. In the group there was an increase of 13,915 owning farmers and 275,785 tenant farmers. In three Southwestern States—Missouri, Arkansas, and Texas—there was a gain of 47,882 owning farmers and 114,510 tenant farmers. * * * Each of the three States of the Middle West—Ohio, Indiana, and Illinois—gives evidence of the same change, and the group lost 31,259 owning farmers and gained 48,884 tenant farmers. In Illinois the tenants increased from 31.37 to 36.72 per cent of the whole. In eight States of the Northwest, in several of which public lands have been obtainable till quite recently, the number of owning farmers increased 129,322 and the number of tenant farmers increased 108,507. In Iowa the number of owning farmers increased 3,521, while the number of tenant farmers increased 16,563. In Kansas the owning farmers increased 2,121 and the tenant farmers increased 20,463. In the Pacific and Mountain States and the Territories, the number of owning farmers increased 65,512 and the number of tenant farmers increased 20,350.

In forty-seven States and Territories the number of owning farmers increased 158,951 and the number of tenant farmers increased 599,337. In 1880 25.62 per cent of the farms were cultivated by tenants; in 1890, 34.13 per cent of the farm families hired.

In commenting on these figures Mr. Powers has this to say:

The American farmer is following the English yeoman into extinction, and the creation of landlord and tenant classes has already made considerable progress here. Specialization is one of the incidents of evolution, and evolution in agriculture is giving us, instead of one class of farmers, who were simultaneously landlord, tenant, and laborer, farmers of the three classes permanently distinct.

The economic change is already producing political changes. The Populist movement of the day is the beginning of the dying struggle for political power of a race of farmers who supplied most of the Fathers of the Republic, who were for many years the controlling power within it, but who are now losing their land, and with it their political weight. * * *

The man who owns a farm of three or four sections will find town life within his reach and much more to his taste, and especially to the taste of his wife and children, than life in the country, and this means the three agricultural classes of England: The owner, who lives in the city or in Europe and enjoys the revenues formerly distributed among a considerable number of owning farmers; the tenant farmer, who has increasing difficulty in paying his rent; and the farm laborer, who gets not quite enough food to keep him thoroughly nourished, and who is attached to the soil, not by any law of serfage, but by the iron law of poverty, ignorance, and lack of spirit.

I hope that every farmer in the land will read these quotations from a plutocratic pen, and ponder well the future condition of his class therein predicted—serfdom as degrading and ignominious as that of the feudal ages.

DECADENCE OF HOME OWNERSHIP.

Mr. J. A. Collins, in an able article in the American Magazine of Civics for January, 1895, on "The decadence of home ownership in the United States," says:

The census of 1890 shows that on June 1 of that year the total population was about 63,450,760, or 12,690,152 families of five members each, or an aggregate of that many homes, both owned and rented. Out of this 12,690,152 families, the number owning and occupying mortgaged homes and farms was 2,250,000, leaving 10,440,152 families occupying hired homes and farms or those they own free of incumbrance. About 8,250,000 occupy hired homes or farms—that is, they are tenants—leaving 2,190,152 who occupy their homes free of incumbrance. This is only about 16 per cent of the total number of families, leaving 84 per cent of the total number as occupants of hired and mortgaged homes. As about 18 per cent of the whole number occupy mortgaged homes, the percentage of actual tenants is about 66 per cent. But the occupant of a mortgaged home is virtually but a tenant of the mortgagee, and we find 84 per cent of the families of the nation are virtually tenants.

It may be stated as an undeniable fact that fifty years ago the United States was a nation of home owners; a mortgaged home was an unusual condition; to-day almost 70 per cent of our population are actually tenants, and a mortgage stands on record against every seven individuals of the entire

population—almost one to every family in the nation. * * * Already above 70 per cent of our population are reduced to the condition of tenants; the free home owner is becoming the exception; a landlord system is being rapidly established, and the great mass of the population, under our boasted free institutions, is dependent upon a class for the very roofs which shelter them. The American people, from a nation of free home owners, are becoming the dependents of a favored class, not only for the employment which gives them food, but for the roof which shelters their helpless families.

The United States to-day shows a greater proportion of dependents or tenant families than any nation of the civilized world, with the exception of Great Britain, and is not far behind that.

Country.	Percentage of tenants.	Country.	Percentage of tenants.
Australia	10.17	Holland	39.60
Belgium	33.02	Portugal	28.17
Denmark	66.09	Sweden	17.32
France	28.94		

United States, over 70 per cent. In the United Kingdom the great bulk of the population is of the tenant class. In the other countries the percentage is given of the average, which probably is not far from the percentage of population.

Country.	Percentage of tenants.	Country.	Percentage of tenants.
Canada	12.01	Norway	31.82
Germany	34.31	South Africa	55.00
Italy	35.19		

Is it not startling that in the greatest Republic on earth, whose free institutions and free homes have been its boast for a hundred years, the percentage of its dependent population should be greater than even in the monarchies of Europe?

DEPRECIATION OF FARM PRODUCTS.

Gen. A. J. Warner, in an able article on "The depreciation in the value of farm products," published in the New York Sun January 12, 1894, says:

Take first the leading staples—wheat, cotton, corn, oats, and hay. The average value of an acre's product of these crops in 1873 was $15.65; in 1893, for the same quantity of products, $8.15, a fall of nearly 48 per cent.

If we take wheat alone, the fall has been from $13.16 to $6 per acre, or over 54 per cent; and if we take cotton, the fall has been greater still, or from $28.01 to $10.65, or a decline in value of an acre's product, the quantity being the same as for 1873, of 62 per cent. The average acre's value of the crops of 1873 was 85 per cent greater than in 1893. * * * If the farm products of this year (1893) could be sold at the price prevailing in 1873 they would bring the farmers nearly $1,500,000,000 more than the price prevailing this year. This would make a big difference in the debt-paying power of the farmers.

Again, in "Facts about silver," pages 34 and 35, he continues:

In 1872 milch cows were worth $33 each. In 1893 not over $20 each. The number of cows in 1872 was one to a little less than four of population. In 1893 the number was one to a little more than four of population, so that, relatively to population, the number of cows had decreased, and their value at the same time had fallen 40 per cent. * * * At the price of wheat in 1873 the value to the farmers of the crop of 1893 would have been $455,000,000 instead of $178,000,000, a difference of $277,000,000. This would have gone a long way toward paying off mortgages. The corn crop of 1893 at the price of 1873 would have yielded $660,000,000 instead of $412,000,000.

The cotton crop of 1893 at the price of cotton in 1873 would have been worth to the South $490,000,000, instead of $184,000,000, its actual value in 1893.

The New York Sun, in an able editorial of September 10, 1893, among other things has this to say in regard to the decreased purchasing power of the farmer's products:

The extent of the reductions made in revenue from each acre under staple crops is best shown by saying that the acreage revenue from 1866 to 1870 was $7.59, or 93 per cent greater than in 1893; from 1871 to 1875 it was $7.04, or 86 per cent greater than in 1893; from 1876 to 1880 it was $5.73, or 46 per cent greater than in 1893; from 1881 to 1885 it was $3.13, or 38 per cent greater than in 1893; from 1886 to 1890 it was $1.74, or 21 per cent greater than in 1893. The great diminution in the purchasing power of the farmer, implied by these progressive reductions in acreage revenue, without compensating reduction in the cost of cultivation, is thus clearly shown, but the enormous yearly aggregate of lost purchasing power is comprehensible only when we multiply the acres now employed in growing staples by the decline shown in the acreage value of products since 1870.

As 206,000,000 acres are now employed in growing staple crops, it follows that the power of the farmer to purchase is this year (1893) $1,565,000,000 less than it would be if he were receiving the price of 1866-1870 for his great staples. If the prices now realized in the farm markets equaled those received from 1871 to 1875, the farmer would this year be able to spend $1,450,000,000 more for manufactures and other commodities than he will be able to spend with prices at the present level. Were prices now equal to the average of those obtained from 1876 to 1880, the purchasing power of the farmers would this year be augmented by $768,000,000. Should the crops of 1893 give average yields and prices equal those current from 1881 to 1885, the farmers' spending power would be $945,000,000 greater than with present prices. Even with prices as low as those prevailing from 1886 to 1890 the farmers of the United States would have $568,000,000 added to their debt-paying and purchasing power in 1893, and like advances on the other products of the farm would create an ample fund for building and general improvement, thus employing more labor.

THE OVERPRODUCTION FALLACY.

The next question is, Why is the farmer compelled to raise products below the cost of production?

We are told that it is overproduction, that prices are low because farmers produce more than can be consumed. This is a serious question, and deserves careful consideration. If the farmer has reduced the price of his products below the cost of production by raising too much and working too hard, then the only remedy required is for him to work less and produce less.

If the farmers of the United States produce more wheat, corn, cotton, and other products per capita to-day than they did five, ten, or fifteen years ago, or the increase in food products has been greater than the increase in population, then I will admit that overproduction has something to do with it; but, upon the other hand, if we can prove that the United States and the world produce less agricultural products per capita at the present time than they did five, ten, or fifteen years ago, or that the increase in population has been greater than the increase in food products, then overproduction is a myth and has nothing to do with these abnormal conditions.

WHEAT.

The following table gives the annual production and the farm price of wheat in the United States, as compiled by the Department of Agriculture. The bushels per capita is obtained by dividing the number of bushels produced by our population:

Year.	Number of bushels produced.	Bushels per capita.	Price per bushel.
			Cents.
1880	498,549,868	9.9	95.1
1885	357,112,000	6.3	77.1
1886	457,218,000	7.9	68.7
1887	456,329,000	7.7	68.1
1888	415,868,000	6.8	92.6
1889	490,560,000	7.9	69.8
1890	399,262,000	6.3	83.8
1891	611,780,000	9.5	83.9
1892	515,949,000	7.9	62.4
1893	396,131,725	5.9	53.8
1894	460,267,416	6.6	49.1
1895	467,103,000	6.7	50.9

Take a glance at this table and then think of the overproduction theory. In 1880, when we produced almost 10 bushels per capita, wheat sold for 95.1 cents per bushel, and in 1889, ten years later, with 2 bushels less per capita, it sold for 69.8 cents.

Again, in 1893, with but 5.9 bushels per capita, it sold for 53.8 cents per bushel, 41.3 cents less than in 1880, when our per capita production was 9.9 bushels. If overproduction was the cause of low prices, these figures would be reversed; the farmers would have received more for their wheat in 1893 and 1892 than they did in 1891 and 1880. In 1893 we produced 4 bushels less per capita than in 1880, and yet it sold for 41.3 cents less per bushel; and again, in 1894, with 6.6 bushels per capita, the farmer received only 49.1 cents per bushel, while in 1888, with 6.8 bushels, wheat brought 92.6 cents. If overproduction was the cause, why should there be so much difference in the price when there is comparatively none in the quantity produced?

CORN.

The following is a similar table, from the same source, in regard to the production of corn:

Year.	Number of bushels produced.	Bushels per capita.	Price per bushel.
			Cents.
1880	1,717,434,543	34.2	39.6
1885	1,936,176,000	34.3	32.8
1889	1,965,441,000	28.8	36.6
1887	1,456,161,000	24.7	44.4
1888	1,987,790,000	33.0	34.1
1889	2,112,892,000	34.3	28.3
1890	1,489,970,000	23.7	50.6
1891	2,060,150,000	32.2	40.6
1892	1,628,862,000	24.9	39.4
1893	1,619,496,131	24.3	36.5
1894	1,212,770,052	17.6	45.7
1895	2,151,139,000	30.7	26.4

This table is far more significant than the one for wheat, because it may be said that the price of wheat in this country is fixed by the Liverpool market, and the production of that cereal in India, Australia, and South America has a tendency to depress prices here; but this can not be said of corn, because we are the only great corn-producing nation on earth, and its price here is not fixed by foreign competition.

The average annual export of corn from 1870 to 1890 has been but 3.8 per cent of the amount produced, which is too small to exert much influence on its price here. But what does this table teach? In 1880, with 34.2 bushels per capita, corn was worth 39.6 cents per bushel, and in 1889, ten years later, with 34.3 bushels per capita, it sold for 28.3 cents per bushel. Again, in 1890, with 23.7 bushels per capita, it sold for 50.6 cents per bushel, and in 1893, with 24.3 bushels per capita, it brought only 36.5 cents. Again, in 1891, when we produced 32.2 bushels per capita, corn was worth 40.6 cents per bushel, and one year later, with but 24.9 bushels per capita, it sold for 39.4 cents per bushel. If overproduction was the

cause, these figures would be reversed; we would have received more for our corn when we had but 24.9 bushels per capita than when we had 32.2 bushels.

COTTON.

The same is true of cotton. The following table gives the annual production from 1885 to 1894, inclusive. The figures for the first seven years are those compiled by the Department of Agriculture, in its miscellaneous series, Report No. 5, for 1893; those for 1892 are taken from the Statistical Abstract for 1893, page 218; those for 1893 are taken from General Warner's article published in the New York Sun January 12, 1894, where he estimates the crop of 1893 at 6,600,000 bales; and those for 1894 are taken from the report of the Statistician of the Department of Agriculture for January and February, 1895, in which the crop is estimated at 9,088,000 bales. The price is also that given by General Warner in "Facts about silver," except for 1894, which is taken from the report of the Department of Agriculture. The number of pounds per capita is obtained by dividing the annual product by our population:

Years.	Number of pounds produced.	Pounds per capita.	Price per pound.
			Cents.
1885	3,182,350,531	56.4	10.6
1886	3,157,378,443	54.7	9.9
1887	3,403,095,107	57.8	9.5
1888	3,437,498,499	57.1	9.8
1889	3,622,827,694	59	9.9
1890	4,316,062,982	68.9	10.1
1891	4,506,531,951	70.5	10
1892	3,332,655,458	51.6	8.7
1893	3,300,000,000	49.6	7
1894	4,516,736,000	65.4	4.6

This table exhibits some startling facts. From 1886 to 1889, inclusive, the production of cotton gradually increased from 54.7 to 59 pounds per capita, and during these years the price remained almost stationary. In 1890 and 1891 the production increased about 10 pounds per capita, and the price also increased one-tenth and two-tenths of a cent per pound. Again, in 1892 and 1893, with a great and sudden decrease in production, the price also declined, so that the small crop of 1893, which was 29.6 per cent less per capita, sold for 30 per cent less per pound than the large one produced in 1891. Again, in 1894, with a crop no larger than for 1890 and 1891, cotton sold for 4.6 cents per pound, while in the two former years it was worth 10.

This table controverts the theory of overproduction and bids defiance to every argument advanced on that line. Here are the actual facts: Prices not only declined with a decrease in production, but they actually increased with an increase in production. No argument, however ingenious, can prove that these falling prices are due to overproduction.

FARM ANIMALS.

Report No. 123 of the Department of Agriculture for January and February, 1895, page 5, contains a table giving the number and value of horses, mules, milch cows, oxen and other cattle, sheep, and swine in the United States from 1868 to 1895, inclusive. The aggregate number of farm animals, their total value and average value per head for the three years named, are as follows:

Years.	Number.	Total value.	Value per head.
1893	164,284,573	$2,483,506,681	$15.11
1894	161,783,453	2,170,816,754	13.41
1895	155,555,051	1,819,446,306	11.69

This table shows that from 1893 to 1895 there was a decrease of 5.3 per cent in the number of farm animals and a decline of 22.6 per cent in their value. If overproduction was the cause these figures would be reversed; the price of farm animals would be higher in 1895 than in previous years.

What is true of wheat, corn, cotton, and farm animals is also true of other agricultural products. The best evidence obtainable proves that our population has increased faster than the increase in food products. This is especially true of corn and farm animals, as the foreign market has little or no influence on their price here.

PRODUCTION OF THE WORLD.

No doubt our friends who believe in overproduction are willing to concede the fact that our population has increased faster than the increase in food products; but they reply that the price of those commodities which we export is fixed in the foreign market, where we are compelled to compete with the world, and that the increase in the production of agricultural products since India, South America, and Australia opened their wheat and cotton fields exceeds the increase in the world's population. Although their arguments have often been refuted, yet many able writers still give this point some consideration.

In 1886 the population of the globe, according to Levasseur's table in Mulhall's Dictionary of Statistics, was 1,479,445,230, with an annual increase of about 0.4746 per cent.

WHEAT CROPS OF THE WORLD.

The table below, compiled by Morton Frewen, by striking a mean between the figures published by the Department of Agriculture, from Dornbusch and from the report of the Vienna Congress, with the London price, gives the world's production of wheat for the years named:

Years.	Number of bushels produced.	Bushels per capita.	London price.
1891	2,432,800,000	1.606	$1.25
1892	2,403,200,000	1.575	.87
1893	2,394,800,000	1.506	.76

In 1891 wheat in the London market was worth $1.25 per bushel, and in 1893, with one-tenth of 1 bushel less per capita, it was worth but 76 cents. A decrease of 5.3 per cent in the quantity produced, with a decline of 39.2 per cent in its price, does not accord with the overproduction theory.

COTTON CROPS OF THE WORLD.

The following table gives the world's production of cotton, the number of pounds per capita, and the Liverpool price for the years named. The figures of production from 1890 to 1891, 1891 to 1892, and 1892 to 1893 are taken from the report of the Statistician of the Department of Agriculture for 1893, page 547, and those for 1893 to 1894 and 1894 to 1895 from the World's Almanac, as furnished by Ellison & Co. The price for the first four years is that given by Latham, Alexander & Co., in their report for 1894, page 120, and for the last year from the London market quotations:

Years.	Number of pounds produced.	Pounds per capita.	Price per pound.
			Cents.
1890 to 1891	5,063,200,000	3.3	9.88
1891 to 1892	5,276,000,000	3.4	8.36
1892 to 1893	4,257,600,000	2.8	9.14
1893 to 1894	4,847,076,000	3.1	8.46
1894 to 1895	4,962,000,000	3.2	6.70

This decline in the price of cotton, like that for wheat, can not be attributed to overproduction. Another important factor against this theory is that the percentage of the world's population using wheat and cotton is constantly increasing. As new countries, like the interior of Africa, China, and others, are opened to commerce, cotton more than any other product enters into their trade. No argument, however ingenious, can prove that low prices for agricultural products, either in this country or the world at large, are due to overproduction. We must look for the cause in some other direction.

THE CAUSE.

If overproduction, as we have proven, is not the cause for the decline in the price of agricultural products, what, then, is it? Is the decline in prices due to exorbitant transportation rates? No. They are lower at present than ever before. Is it due to the land question? No. Land values have depreciated with the price of farm products. Is it due to the tariff or the wage question? No. What, then, is it? The real and fundamental cause is due to our financial system—the contraction of our paper currency and the demonetization of silver. At least 90 per cent of the depreciation in the price of farm products is due to the increased purchasing power of the dollar caused by a change in our financial system.

All the money in circulation is always pitted against all the property, and prices spring out of the relation money and property bear toward each other. So long as this relation is undisturbed the general level of prices is maintained; but the moment we increase or decrease the amount of property on the one hand, or the volume of money on the other, we also disturb this relation.

To illustrate: Suppose that the value of all the property in the United States is $65,000,000,000, and the volume of money in circulation, as stated by the Secretary of the Treasury January 1, 1894, is $1,729,018,266. We then have $37.59 worth of property for every dollar in money; that is, the relation or ratio of money to property is 1 to 37.59. Every time we add one dollar to our money volume, or destroy one dollar, we also add or destroy $37.59 of value in the property in order to maintain the proper ratio between the two.

An act of Congress which would destroy one-half our money would squeeze $37.59 worth of property into $18.79 of money, and

an act which would double the volume of money would expand prices so that $37.59 worth of property would then be worth $75.18 in money.

The supply and demand of that one article, money, is as potent in determining the price of products and property as the supply and demand of all other articles combined. An increase or decrease in the supply of any one commodity, say, corn or cotton, affects the price of that particular commodity only, but an increase or decrease in the volume of money affects the price of all commodities alike.

Suppose the supply of every article which enters the channels of commerce should be cornered by a few speculators—that is, suppose there should be a special corner for each article produced. Think of the power these combined corners would have in fixing prices which the people would have to pay.

Again, suppose that over on the opposite side of all these corners we should have one more—a corner on money. Then the power of this one corner in fixing the price of products and property would be as great as that of all other corners combined. Why? Because the demand for money equals the demand for all other articles.

In 1866 the population of the United States was 35,819,281 and our volume of money $1,863,409,216, which gave us a per capita circulation of $52.01.

On March 1, 1895, according to the statement of the Secretary of the Treasury, we had $1,574,534,557 outside of the Treasury vaults, and a population of about 69,000,000, making our per capita circulation at the present time $22.82. Admitting that every dollar reported to be outside the Treasury vaults is in circulation (but everybody knows that it is not), we still have $288,874,659 less money among the people to-day, with a population of 69,000,000, than we had thirty years ago with a population of only 35,819,281.

Since 1866 our population has increased 92 per cent, commerce and trade have doubled, but our volume of money has actually decreased 15 per cent.

For thirty years our demand for money has advanced in one direction, while its supply has receded in another.

SILVER.

Prices in gold-standard countries like the United States and the principal nations of Europe have fallen 45 to 50 per cent since 1873. Prices in silver-standard countries like Mexico, India, China, and Japan have remained stationary since 1873. These are cold facts which no theory can controvert. From this it logically follows if a silver-standard country like Mexico should demonetize silver and establish the gold standard, the general range of prices in that country would gradually fall until they reached a level with those of other gold-standard countries. Again, if a gold-standard country like the United States should remonetize silver, the general range of prices would gradually rise until they reached a level with those of silver-standard countries.

The great benefit to the American farmer from the free coinage of silver is that it will increase the price of agricultural products to the extent of the difference between the gold or commercial price of silver and its mint or coinage price.

To illustrate the point: The price of a bushel of wheat in the Liverpool market for more than a generation has been an ounce of silver. The value of the two has remained in touch for more than a quarter of a century. As the price of silver has gone up or down wheat has followed. If we single out any one year, say 1892, we can estimate what the demonetization of silver has cost the wheat growers since 1873. The average London price for silver in 1892 was 87.1 cents per ounce. In that year an India farmer could ship a bushel of wheat to Liverpool, receive an ounce of silver for it, and have the silver coined into rupees at a ratio of 15 to 1, worth $1.37 in legal-tender money in India. An American farmer could also take a bushel of wheat to Liverpool, receive an ounce of silver for it, bring this silver home to the United States, and sell it for whatever he could get, which was about 86 cents per ounce. Thus the India farmer realized $1.37 per bushel for his wheat delivered in Liverpool, while the American farmer received but 86 cents for his, a difference to the disadvantage of the American farmer of 51 cents per bushel.

But suppose we had had free coinage of silver in this country in 1892 at the ratio of 16 to 1, what then would have been the price of wheat in that year? Then an American wheat grower could have shipped a bushel of wheat to Liverpool, received his ounce of silver for it, brought this silver home, taken it to the mint, and had it coined into full legal-tender standard silver dollars, thus receiving $1.29 instead of 86 cents for his bushel of wheat—a difference of 43 cents per bushel. This is also true of cotton and other products which we export and which come in competition with the products of free-coinage nations.

The decline in the gold price of silver has the effect of giving the wheat and cotton growers in silver-standard countries an export bounty to the extent of the difference between the mint price and the bullion price of silver. The contest between the yellow metal and the white metal involves the question of putting the farmers of this country on an equal footing, in the markets of the world, with those of silver-standard countries.

To illustrate the point: Suppose a wheat grower of the United States and one from a silver-standard country meet in Liverpool, each with 1 bushel of wheat. They sell their wheat for, say, 65 cents per bushel, and receive their pay in gold. The wheat grower from the silver-standard country takes his gold and buys silver bullion worth 65 cents per ounce. On his arrival home he takes it to the mint and has it coined into legal-tender money worth (16 to 1) $1.29. But the wheat grower of the United States returns with his 65 cents in gold, because our Government tells him, "You need not bring any silver home. We will not coin it." Thus our wheat grower would realize 65 cents for his bushel of wheat and the one from the silver-standard country $1.29.

Suppose a cotton planter of the South and one from Mexico should meet in Liverpool, each with 1 bale of cotton? The transaction would result to the disadvantage of our planter just as the wheat transaction resulted to the disadvantage of our wheat grower.

Thus the farmers of the United States, especially the wheat and cotton growers, are only receiving the gold price of silver for their products, while those in silver-standard countries are receiving its mint or coin price for theirs. The demonetization of silver in this country has the same effect as paying an export bounty to the farmers of silver-standard countries.

Our farmers are compelled to cultivate 2 acres, raise 2 bushels of wheat and 2 bales of cotton, while their competitors in silver-standard countries raise but 1 bushel of wheat, 1 bale of cotton, and do only half as much work, and yet receive the same amount of money with which to pay debts and taxes as those who cultivate our soil. How long can our farmers exist under these conditions?

The silver question is of greater importance to the farmers and planters of this country than to any other class. Unless they can be placed upon an equal footing with the planters and farmers of silver-standard countries it is but a question of time when we will have a system of peasantry like that of Europe.

Senator JONES, of Nevada, in his speech in the extra session of Congress of 1893, said:

> Every decline, therefore, in the price of silver bullion, so far as our farmers and cotton planters are concerned, is a decline in the price of wheat and cotton at Liverpool, though not a decline in the price of anything that the East Indian people need, or consume, or buy. * * * Every decline in the gold price of silver bullion is a premium—a bounty—given to the producer of wheat and cotton in India over the American farmer and cotton planter in the prices of those commodities in European markets.

Senator JONES also quotes from Mr. Bagehot, for many years the editor of the London Economist, who says:

> The necessary effect of a depreciation of silver as against gold is to give a bounty on exports from India and the other silver-using countries to England. An English merchant can now buy many more rupees than he formerly could with the same number of sovereigns, and therefore he can import from India, though prices at Calcutta are not at a level at which it would have paid him to operate if he had not had that novel facility in getting rupees.

Again he quotes from Sir Robert Fowler, a member of Parliament and ex-mayor of London, who in 1886 said:

> The effect of the depreciation of silver must finally be the ruin of the wheat and cotton industries of America and be the development of India as the chief wheat and cotton exporter of the world.

Senator JONES continues:

> So long, therefore, as India exports wheat, and it has hardly more than commenced, the price of India wheat will fix the price of American wheat until such time as silver is remonetized in the United States. * * * With reference to cotton, an ounce of silver will place 10 pounds of that commodity in Liverpool. However low, therefore, the price of silver bullion may fall, the American planter must, for the price of an ounce of that metal, deliver 10 pounds of raw cotton in Liverpool. Should silver fall to 50 cents an ounce, if he would sell his cotton he must deliver 10 pounds of cotton in Liverpool and pay transportation charges on it, all for 5 cents a pound.
>
> By bringing the price of silver bullion to a parity with gold on the relation established in this country since 1792, our farmers and cotton planters will be relieved of the competition of the East Indian in the markets of Europe.

Let the reader for a moment reflect what the demonetization of silver has cost the American farmer since 1873. The loss sustained by the cotton planters alone for the seventeen years from 1873 to 1889, as stated by Senator JONES, of Nevada, in his speech in the United States Senate, May 12 and 13, 1890, is as follows:

> At the price of cotton in 1873 the result of each year would be 2,500,000,000 pounds, at 16.4 cents, $410,000,000.
>
> According to the figures given by the Bureau of Statistics, the average price received each year of the seventeen was 13.1 cents per pound; 2,500,000,000 pounds at 13.1 cents per pound equals $327,000,000, showing a difference of $83,000,000, that being the average for each separate year for seventeen years, or a total sum for the entire period of $1,411,000,000, which represents the loss in debt and tax paying power suffered by the cotton planters by reason of the demonetization of silver.

In regard to the loss sustained by the wheat growers for the same number of years, he continues:

> A like computation with regard to wheat will show a loss in debt-paying and tax-paying power of not less than $100,000,000 a year to the farmers of the Northwest by reason of the demonetization of silver—a total of $1,700,000,000 in the article of wheat alone in seventeen years.

Again, in his speech during the extra session of Congress in 1893 he further stated that the loss sustained by the wheat and cotton growers of this country, for the eight years preceding 1893, averaged for wheat $225,000,000, and for cotton $100,000,000 per year, making a total loss of $1,300,000,000 for the four years following 1889. If we add to this amount $700,000,000 for the loss sustained since 1893, and the $3,111,000,000 for the seventeen years previous to 1889, we have the enormous sum of over $5,000,000,000 which the demonetization of silver has cost the American farmer and planter on wheat and cotton.

For twenty years the silver taken out of the American mines has been used as a club to drive the American wheat and cotton out of the markets of the world. It almost seems incredible that the American farmer, intelligent and enterprising as he is, should for twenty years go to the polls and vote for men and parties who have annually legislated over $250,000,000 out of his pocket on wheat and cotton alone.

It is evident that the silver to be taken from the American mines will develop the wheat, cotton, wool, beef, and hide industries of Mexico and South America in the future as it has developed India's industries in the past. Nothing but free and unlimited coinage of silver in this country will prevent South America, Mexico, China, Japan, and other free-coinage nations from developing their agricultural resources at the expense of the farmers of the United States.

This question has often been asked: "If the mints of Mexico, South America, China, and Japan are open to the free and unlimited coinage of silver, and silver is worth $1.29 per ounce, why do the mine owners of the United States sell their silver for 66 cents per ounce instead of shipping it to any of these countries and having it coined?"

Because foreign coins are not a legal tender in this country. Suppose a mine owner should ship 1,000 ounces of silver, worth in the United States 66 cents per ounce, or $660, to Mexico, have it coined at the ratio of 16 to 1, worth $1.29 per ounce, or $1,290 in legal-tender money in that country. Again, suppose he brings this coined silver home to the United States, what will he do with it? He is compelled to sell the Mexican coins for the commercial or gold price of silver, which is 66 cents per ounce. Thus the mine owner will receive as much less for his silver as it cost to ship it to and from Mexico. If Mexican coins were legal-tender money in the United States, then it would be profitable to the owner of silver bullion to ship his silver to Mexico and have it coined.

There is but one way by which the owner of silver bullion may receive a profit on his silver in shipping it to the mints of some silver-standard country, and that is this: Suppose a mine owner takes 1,000 ounces of silver to the mint in Mexico or Japan, has it coined, remains in that country and invests it.

THE REMEDY.

The American farmer can not continue much longer to sell his products below the cost of production, or to live on an income below that provided for paupers, or on earnings less than the wages paid for convicts in our State prisons. To seek a remedy for the conditions which are destroying the yeomanry of our Republic is the imperative duty of the hour. The remedy must not be a temporary expedient that will strike at the effect only, but a radical one that will remove the cause. Ninety per cent of the depreciation in the price of farm products is due to the increased purchasing power of the dollar. To remedy this we must have free-coinage of silver at the ratio of 16 to 1. This will place the American farmer on equal terms in the markets of the world with the farmers of free-coinage nations, and will increase the price of farm products to the extent of the difference between the gold price and mint price of silver. But, much as free coinage would help, that alone will not give permanent relief.

First. Because there is not a sufficient amount of gold and silver on hand for monetary use, nor can the mines supply it.

Second. Because it would still leave the power of money in the hands of individuals and corporations, those who control the products of the mines and issue the paper currency, and our volume of money, at the mercy of the ebb and flow of coin, would produce an inflation every time it comes to our shores and leave a panic whenever it departs.

At present our money is practically controlled by a gold trust. If we add free coinage of silver and let the banks issue the necessary paper money our money volume will still be at the mercy of a few individuals and corporations. The money power will control our volume of money as effectively as it now does, with only this difference, that the two metals will be more difficult to control than the one. Much as free coinage of silver will do toward restoring prices of products and property, this alone will not destroy all the evil that surrounds our present financial system.

If free coinage of silver will not destroy the money trust, what, then, can we do that will? Suppose you undertake to destroy the coal trust, whisky trust, or any other trust, what would be the first thing you would have to do? Think for a moment.

The first thing to do would be to take from the trust the power to control the supply, the power to limit or restrict production. Unless you could do this it would be impossible to destroy the trust. The one essential thing absolutely necessary to the existence of a trust is its ability to control the supply and limit the production of the article in which it deals.

So it is with the money trust. The only effective way to destroy its power is to take from it the authority to issue the paper money, because the right to issue the money also carries with it the ability to control its volume, and to fix the prices at which all products and property shall be sold. To accomplish this the Government must issue the necessary paper money, and in sufficient volume to restore and maintain the general range of prices as they were previous to the demonetization of silver in 1873.

This paper money must be a full legal tender, and not redeemable in coin; otherwise it would be exposed to the avarice of the same trust that dominates our present financial system. If the Government should issue paper money redeemable in coin a syndicate of foreign bankers could get possession of $100,000,000 of paper currency, present it for redemption, and thereby contract the money volume four or five hundred million dollars, which would be followed by a panic, a fall in prices, and general business stagnation.

Mr. Speaker, the liberal extracts I have made from Mr. Taubeneck's most succinct and able treatise, voices the contention of every true reformer. They contrast the true conditions of the past and present in a most striking and authentic manner, and present a lesson that the American people as a whole may with profit carefully consider.

It is the financial piracy of the single gold standard that has wrought this elimination of values through the contraction of our currency and thickly strewn the business highways of our nation with wrecks and disasters.

It is the mailed hand of the gold conspiracy that is now crushing the life out of all industrial enterprises and ruthlessly hurling into the yawning abyss of bankruptcy and ruin all who labor in production. It is those gamblers in gold who stand like the buccaneers of old on every thoroughfare of progress and levy toll upon all who may pass in that direction. The time has come for a change, for a more equitable distribution of the fruits of labor, which if not brought about speedily will be too late.

The condition of the laboring portion of our people is appalling and calls loudly for immediate and wise legislation. It is the statesman and patriot instead of the politician and demagogue that the exigency of the times demand.

Realizing the duties and dangers of the hour, I must enter my protest against an adjournment until some remedial legislation has been accomplished.

Mr. Speaker, the proposition to adjourn this Congress and return to our homes, leaving the finances of the country in their present deplorable condition, can not fail to bring down upon the heads of the responsible majority the condemnation of an outraged people. The members of the People's Party, though small in number and powerless to have measures for the relief of the country reported by the committees of this body, have performed their duty by formulating and introducing measures that would afford the needed relief. The Republican majority, in obedience to the dictates of party leaders, have pursued a policy of do nothing and inaction that marks the decadence of that once aggressive organization. The first session of the Fifty-fourth Congress, so far as this branch is concerned, has distinguished itself by simply dittoing the financial policy of Grover Cleveland and an attempt to facilitate the work of plunging the country deeper into debt in time of profound peace. Mr. Speaker, we are told that our only trouble is lack of revenue, and the only remedy that has been proposed by the Republican majority in this House has been one bill to increase taxation by a horizontal elevation of tariff duties, and another to borrow money by selling bonds. The Republican party claims to be the party of protection to American industry and American labor, and many of my colleagues are no doubt anxious to adjourn that they may hasten to their various homes to make the welkin ring on the hustings in the name of protection.

Mr. Speaker, I am a believer in the principles of protection. I believe it is sound doctrine. I am ready to vote for any and all measures that will elevate the general level of American citizenship, and to vote for any measure for benefiting any particular class provided it is not at the expense of others. I will go further and vote for measures that may for a limited time bear unevenly upon our people if it can be shown that it will ultimately benefit all alike. But, Mr. Speaker, I contend that all attempts to legislate on protective lines without first restoring the bimetallic standard of money will be an inexcusable blunder, and the Republican party stands convicted before the intelligence of mankind by coupling two inconsistent and antagonistic policies, with the result of confusion confounded. It would be just as easy to turn a mill wheel with a stream composed of equal parts of fire and water as it would to enact tariff laws that would protect American

industry and labor until the gold-standard policy of Cleveland and SHERMAN is abandoned. To amplify my meaning upon this point I will now ask the Clerk to read from the speech of Mr. John M. Devine, of Nebraska, at the Lubin conference at the Ebbitt, Washington, D. C., January, 1896.

The Clerk read as follows:

Mr. Chairman, I notice that we have with us Mr. J. M. Devine, of Nebraska. I know we would all be delighted to hear him.

Mr. DEVINE. Mr. Chairman and gentlemen, the proposition that is before this body for discussion—Mr. Lubin's proposition—is something that is entirely new to me. I knew nothing of the nature of the proposition until I listened to the reading of Mr. Lubin's paper in this room yesterday. Therefore, in what I have to say I wish to be understood as not committing myself to the specific measures proposed by Mr. Lubin to remedy the defects in our protective system, but will briefly consider some of the facts in the case that deserve the attention of all who desire the continuance of a protective policy in this country.

I agree with Professor Gunton that no nation should expose its people to free competition with the people of nations whose social conditions are upon a lower level than its own; that it is the prerogative of government to adopt fiscal policies favorable to the highest development of the industrial and social conditions of its people, and that competition that would tend to degrade and lower their civilization should neither be invited nor permitted. But at this point I desire to ask the professor if a policy can be called "protection," or should be dignified with that name, that results in benefiting a class or a portion of the people only; a policy that does not distribute its benefits and its burdens alike to all of the people. This question admits of very nearly a direct answer, and before proceeding further I would like to have the professor answer it.

Mr. GUNTON. The habit is that if anybody is to be interrogated it is me in this meeting. I will answer the question. I will answer directly now. For the sake of facilitating your speech, I will say this, that class legislation—I lectured on that last Wednesday evening—I took the peculiar position that class legislation is about the only legislation we ever get, and that it is perfectly defensible, provided—for instance, a ten-hour law—it was not for the manufacturers or land owners, it was for the laborers as a class. But whenever you have any legislation, as the abolition of the sweating system that we hope to accomplish very soon in New York, which is purely for them—I believe that you can have legislation for a section or a portion of the community at a time, and that is all there is of class legislation. But it is never justifiable unless it will benefit that portion without injuring any other portion—bringing them up and then lift another bunch up, and then another bunch, and we will get them all up bye and bye.

Mr. SMITH. We are a bunch asking to be lifted up.

Mr. DEVINE. That is a pretty long answer, but I think I understand you to say that there is no warrant in equity for legislation that does not distribute its benefits and impose its burdens upon all alike, ultimately.

Professor GUNTON. Yes; that it is to the general advantage of the whole.

Mr. DEVINE. Well, then, having agreed that a policy does not inure to the general advantage of the whole is indefensible, I invite your attention to the conduct of the political party that sets up the lofty claim of being the champion of protection to American labor and to the business interests of our nation; and also to the conduct of the two great political parties in that section of the country where in the main those special industries are located that have demanded and received the enactment of laws to benefit them in the most direct, specific, and, in some instances, extraordinary manner. In so doing, I am apprehensive that it must appear to the impartial mind that the principle "The good of the whole" has been forgotten, and is no longer considered by them necessary or material. If it can be shown that this principle, "The general benefit of the whole," has been departed from, I expect of this intelligent and honorable body of men recognition of the fact and a verdict that it ought to be corrected. The press of New England and the Middle States, which are the homes of the protected interests, in the main, regardless of political affiliation, have been zealously contending during the past fifteen years that the general prosperity of the country depended upon our borrowing capital from foreign countries. Every investment made in our country by foreign capitalists has been heralded as evidence that our nation was enjoying a great boom.

The statesmen in both Houses of Congress from the aforesaid States, regardless of the political party they represented, have proclaimed with one voice that the prerequisite of national prosperity was such a credit as would enable brokers of New York to float loans on everything American in foreign countries. With them the question of the establishment and continuation of the gold standard was the first question before the American people, outranking in importance even high-tariff schedules. The press and politicians of these States have zealously taught the people that the means necessary to a good credit was that all loans should be made payable in gold, overlooking the fact that the parity between gold and commodities and labor in this country had so changed that 50 cents in gold in 1866 possessed a purchasing power equal to 100 cents in gold in 1873, and that the parity between obligations to pay money and the property necessary to command the money to pay had so changed that it took double the property now to cancel a money debt that it did twenty years ago. The politicians from these States, particularly those of the Republican persuasion, while demanding an American industrial system, by which they mean high-tariff schedules on the products of the factories of their States, have insisted that it would be dishonest for the United States to have a monetary system of its own, to the end that money supply might keep pace with legitimate demand, and thus preserve a parity between money and commodities and maintain alike the equities of debtors and creditors. They have insisted that we must seek the consent of foreign nations, have an international agreement, before we could correct the most glaring imperfections in our monetary system—that of an appreciating money standard, which transfers the property of debtors to creditors without an equivalent therefor.

The one advantage urged to offset this gross injustice to debtors, and the paralysis of the productive energies of our people by the constant fall in prices consequent upon an appreciating money standard, is that we can borrow capital from abroad if we continue to promise payment in gold, and that as evidence of our good faith we must transact all of our domestic business on the gold standard; that it would be dishonest to adopt any other standard without the cooperation of foreign nations.

Good credit on the part of a nation or an individual is a good thing to be used in an emergency, to bridge over a misfortune and avoid sacrifice. But the idea that prosperity consists in borrowing, or that a nation can borrow itself great and rich is as novel as it is absurd in both economics and morals. The Bible teaches that the borrower is the slave of the lender.

Now, Mr. Chairman, the American people, with their enlightened conscience, do not believe that anything is good policy that does not possess the essential quality of honesty. Honesty demands the payment of measure for measure—the dollar of payment as good as was received by the borrower—no worse, no better. But I am afraid that the prosperity of our States that have enjoyed the benefits derived from high tariff schedules has been so much greater than the general prosperity of the whole country that a vast creditor interest has grown up in them, and that this interest has become so powerful and selfish that it has forgotten all about the general good of the whole.

A NEW INDUSTRY FOSTERED.

This new industry of borrowing foreign capital that has been fostered and developed during the past twenty-five years has so changed conditions that the general good of the whole people can no longer be promoted by tariffs against the importation of manufactured goods, and in the absence of an American monetary system that will maintain a parity of values between money and commodities and property and afford some protection to the one-half of all the people who are engaged in agriculture there is no longer any warrant for the agriculturists of the country to concede further legislation in the interest of manufacturers.

The gentlemen present admit that there is no warrant for legislation that benefits only a section of the country, or the people engaged in certain industries, and that nothing can be properly called "protection" that does not distribute its benefits and impose its burdens upon all alike in the end. Now, the manufacturers who demand the enactment of tariff laws to enable them to sell their product for good prices in the American market, free from the competition of foreign countries where labor is cheap and the social condition of the laborers wretched, should be the last of all to lend their aid and support to the fostering and development of this new industry of borrowing foreign capital, because the existence of a foreign debt makes it impossible to maintain tariff schedules that will enhance the price of manufactures and at the same time distribute their benefits to the whole people. Think how inconsistent it is with the good of the whole to foster the creation of a debt that can only be paid through the forced sale of the products of agriculture that constitute our staples for export, while we demand a tariff to increase the price and retard the sale of foreign commodities to enable domestic manufacturers to obtain better prices for their products. Our exports are chiefly the products of agriculture, the principal ones being wheat, cotton, and meat products. Ought not the producers of these products be permitted to buy their supplies under the same market conditions that they are obliged to sell their products?

Professor Gunton has been forced to admit, as all economists admit, that the price of all commodities, a considerable portion of the annual product of which must be exported, is fixed by the price received for that portion which is exported; or, in other words, that the price of the entire product is fixed in the free-trade markets of the world.

OUR INDEBTEDNESS TO FOREIGNERS.

Now, what is our condition as a debtor nation and how does it affect the producers of our staples for export? Conservative estimates place the indebtedness of the people of this country to the people of foreign countries at about $6,000,000,000, and the tribute that the people of this country are obliged to pay to the people of foreign countries annually as interest on loans and other investments above $1,000,000 per day. We owe the people of foreign countries an amount equal to one and one-half times the total value of the gold known to be in existence, and we owe as interest each year on this indebtedness an amount equal to twice the value of the annual product of gold from the mines of the earth. The manufacturer who asks for protection does not expect to pay any portion of the principal or interest on this vast foreign indebtedness with his products. On the contrary, he asks the intervention of government to prevent the manufacturers of similar products in other countries selling their goods in this country by the imposition of duties for enhancing the price in order that he may receive higher prices for his product than foreign goods could be otherwise sold for. How, then, is this debt to be paid? And paid it must be, either in gold or commodities, in the end. We may send bonds abroad and settle our interest account in that way a while longer and enlarge the debt, or we may transfer the titles to property in lieu of sending commodities or gold out of the country.

What is to be the end of all this? Are we not digging the pit-deeper into which we must fall? If, starting with no debt and no tribute to pay, we have in less than thirty years piled up a debt representing one and one-half times the total gold money of the world, have an annual tribute to pay equal to double the world's annual gold product, what will be our condition twenty or thirty years hence? If, in order to establish a credit by means of this debt, it was necessary to have a money standard that has appreciated 100 per cent, causing a fall of one-half in general prices, what will be the condition of further credit; what must the fall in prices be in the future?

At the present time, in order to balance our account with foreign nations each year, we are obliged to export products equal to the value of those that we import from other countries and about four hundred millions besides. Upon what condition can we sell $400,000,000 worth of commodities to other countries each year in excess of what we buy of them? In this way, and this only: By offering our commodities in the markets of the world in competition with the products of all other debtor countries at prices sufficiently low to induce buyers to buy of us rather than from any other source. Thus you will see that this borrowing has brought about a condition that has deprived the producers of staples for export of any benefits whatever that may accrue from our protective system, and equity demands that the agriculturists engaged in the production of wheat, cotton, and meats have the privilege of buying whatever they require to supply their wants in the cheapest markets of the world, to offset their being obliged to dispose of their products in the cheapest markets of the world in competition with free-trade countries.

Nor is this all. Being a debtor country, with an annual tribute of more than four hundred millions to pay, only such low prices for staples for export as will force their sale against the competition of other debtor countries can prevent such an export of gold as would involve the country in general ruin.

The monumental imbecility of American manufacturers who demand protection for their products in advocating the gold standard of money can only be excelled by the agriculturists who produce our staples for export giving their further consent to tariff schedules to enhance the price of manufactured goods that they must consume. Protection involving the general good of the whole is incompatible with the gold standard. An honest interpretation of this principle must accord to all producers the right to purchase their supplies under as favorable market conditions as they are forced to sell their products.

FALLING PRICES DECREED BY DEMONETIZATION.

The demonetization of silver was a decree that all money values in the United States and Europe must be so readjusted that property and commodities could be priced in one-half the amount of money as before. The gold in those countries must express the prices of and pass in exchange for twice the amount of property and commodities that it did when silver was its equal partner. It had to be spread thinner to do it. Fifty cents must do the work formerly done by 100. Prices must fall to one-half their former level both here and in Europe. It was no more possible to discard one-half the standard money and maintain prices at the old level than it would be to double the area of a reservoir and maintain the water at the old level, or to detach one horse from a team and not increase the draft upon the other.

When the Atlantic Ocean can be made by law to maintain a higher level in New York Harbor than in that of Liverpool then, and not till then, can the prices formerly sustained by gold and silver be sustained by gold alone in any country by means of tariffs.

Metallic money distributes itself among the nations of the earth in response to price levels, commodities seeking the markets where prices are high and money seeking the markets where prices are low. Each nation's distributive share of the whole stock of metallic money is that portion which they can buy with their products in competition with all other nations, and they can only retain permanently that portion necessary to price the products of their country at home at a point where other nations can not bring into their markets similar products and undersell them.

Under the stimulus of rising prices the productive energies of a nation find full play, and both capital and labor receive their reward; but when falling prices extend over a long period the margin of profits narrows and finally disappears, forcing wages and prices down, lessening consumption, and limiting production to the imperative demands of daily life. Under this condition equities shrink and mortgages fatten, and money lenders alone prosper, but unjustly and at the expense of debtors. With the increase or decrease of money supply prices have ever moved upward or downward, and must continue so to do so long as one grain of gold is as good as another grain of gold. When a ton of new gold is produced from the mines of the earth it takes to itself a share of the preexisting money values and makes the exchange value of every grain of gold in existence a little less in terms of other things, causing an advance of prices. The prosperity that has ever followed an advance in prices brought about by an increased money supply, and the distress that has ever followed a diminishing money supply gave rise to the appreciation in which favorable trade balances are held among commercial nations. Although the balance of trade in favor of a nation means that the people of that nation have produced and parted with to other nations more products than they had received in return, receiving the difference in metallic money, which is neither food nor raiment for its people, yet it is the means of sustaining prices, which is the condition of profitable employment for capital and labor, while the nation that received their products and parted with its money has lost that which would sustain prices and causes the industry of that country to languish.

ORIGIN OF PROTECTION.

The experience of ages, through alternating periods of prosperity and adversity, during the ebb and flow of money, taught men to seek to prevent the escape of money from their country. Herein is the foundation of the idea of protection. England at one time prohibited by law the export of coin. France at a later period charged a seigniorage of 8 per cent at her mints, thereby giving coin a value 8 per cent greater than the bullion it contained. Under this law, whenever a coin of France found its way into other nations 8 per cent more profit could be made by selling that coin back to France than by recoining it or selling it elsewhere. This law enabled France to retain her money and maintain a price level 8 per cent higher than outside nations, and to the extent of the seigniorage charged afforded the people of France immunity from the leveling influence of free competition.

A CONTRACT.

How striking is the contrast between the protectionists of France at that time and the protectionists of the United States of our day. Our protectionists have joined hands with the money changers and credit mongers of the world to change the money standard from gold and silver to gold alone, and, with a simplicity that calls for pity, thought they could maintain prices and prosperity through the agency of tariff schedules. A knowledge of the law through which the precious metals distribute themselves among nations and the causes that developed the protective system would have taught them the utter absurdity and folly of falling into the gold-standard trap.

PROTECTION INCOMPATIBLE WITH THE GOLD STANDARD.

In the adjustment of trade relations between nations, when it is sought to enact laws that will inure to the advantage of the people of a particular nation, if the laws through which price levels are determined are left out of account, serious blunders may be made that will defeat the object sought. The effect of the change from bimetallic prices to prices based on gold monometallism is that laws that were protective under bimetallism are no longer protective between countries that have decreed the gold standard, and can not be made such until the adjustment of values to the new standard is completed and prices have reached their lowest level under the changed standard; and a nation that creates a foreign debt in resisting the adjustment of values to the new standard can not maintain an even level of prices with the creditor nations until after the foreign debt is extinguished, and the monumental absurdity of economics is the claim that we can so protect by tariffs that we can have high-priced labor and high-priced products while changing from a lower to a higher valued money standard. Twenty-three years of an effort in this direction—a period marked by labor strikes, lockouts, business failures, and the organization of trusts—gives a net result of prices reduced one-half and a foreign debt of such magnitude that protection by tariffs is an impossibility until prices have reached a point sufficiently low that the nations that have already adopted the gold standard will become the owners of gold that will remain in the channels of circulation after having canceled their foreign debts with their products, and purchased the gold and become its rightful owners.

If the revolution involved in the change from the bimetallic money standard to the single standard of gold was comprehended by our people; that the property of the nations adopting this standard was to be revalued and priced in a scarcer and dearer money; that price levels were doomed to constantly fall until the gold of the world became redistributed and each nation became the owner of such share as it could wring from the others through the most grinding and relentless competition, they would have seen the folly of resistance, and that protective laws would prove as ineffectual to save us as the drumming of tom-toms to frighten away a comet.

THE OWNERS OF THE WORLD'S GOLD.

The general level of prices in all countries that have decreed the gold standard has already fallen one-half, and the gold of the world instead of being redistributed has become more centralized than before. England has become the creditor of the rest of the world in a sum approaching $15,000,000,000. Germany, France, and Holland have also enlarged their holdings of debts against the people of other nations. To those creditor nations not only does all the gold of the world belong, but they have the balance of the world under tribute to them in the form of interest on their obligations to such extent that the debtor nations are doomed to a perpetual and never-ending competitive struggle to obtain the gold to pay the ever-maturing interest account. Think of the position of our country being a debtor in the sum of $6,000,000,000, created in an attempt to resist a revolution in prices inaugurated by our own Government in 1873. To what extent are prices doomed to fall in this country before we can sell enough products abroad to release ourselves from our money obligations to other countries and buy with our products a share of the world's gold which we can hold and call our own? Shall we continue the policy of protection and deceive ourselves with the idea that we can resist the inevitable fall in prices thereby and mortgage ourselves to the gold-owning creditor countries until we have sent abroad in lieu of gold not only all of our railroad bonds and mortgages, our national, State, and municipal indebtedness, but the titles to our lands as well. This is what awaits us if we continue the gold standard. There is no way to avoid this except to abandon protection, put down prices to where we can undersell the world, and buy gold with our products in the free-trade markets of the world with which to cancel our foreign debt. After this has been done we can draw gold to our shores that will remain here, and not before.

No contention is made that the protective feature of tariffs is made more or less operative between nations having a common money standard, because of the standard being bimetallic, or composed of either of the metals singly, but the contention is that the protective feature is inoperative if the standard is appreciating, that our tariff ceased to be protective soon after 1873, on account of the appreciation of gold occasioned by the increased demand, and that in addition to our high war tariff, superseded by the still higher McKinley tariff, and the incurring of a foreign debt of about six billions of dollars, our efforts to resist the inevitable fall in prices proved futile. Prices have fallen one-half and the period has been marked by labor strikes, business failures, the practical annihilation of domestic competition through the organization of trusts and the unprecedented centralization of wealth at the money centers.

PROTECTION DEFINED.

Fundamentally, protection is a policy to so modify and restrain trade with foreign countries having a common money standard that the protected country shall retain not only what would be its distributive share of the total metallic money of the world under free trade, but that its distributive share be made larger and that its domestic price levels may be raised higher than the international free-trade level.

That high tariffs have failed to protect in the United States since 1873 is evidenced by the fact that instead of having more than would be our distributive share of the metallic money of the world under free trade we have none that is our own; that we owe foreign countries more gold than is possessed by all the nations and people of the earth, and that we must abandon the gold standard and restore bimetallism, because the policy that we have pursued since 1873, if continued, will at no distant day force us to part with to foreigners everything in the country of any value, even to the titles to our land.

The ostrich is said to seek safety against impending danger by burying its head in the sand. The intelligence of American manufacturers parallels the instinct of this bird when they seek relief from present conditions and safety for the future through protective tariffs coupled with the gold standard. The policy that we have pursued since 1873, if continued, can only end in repudiation and revolution, or the permanent enslavement of the masses of our people.

CIVILIZATION MENACED BY ASIATIC COMPETITION.

But there is another phase of this question that is still more alarming, because if not checked at once it involves the destruction of the civilization of the Western world. I refer to the revolution in the industrial world resulting from the destruction of the bimetallic money standard and the dividing of the world into two monetary hemispheres—the silver hemisphere of the East and the gold hemisphere of the West.

Under bimetallism all the gold and silver of the world, coined and uncoined, was potentially money at the legal ratio, and whenever exchange on countries coining gold alone or silver alone departed from the coinage ratio sufficient to profitably transport coin to or from countries conferring equal monetary rights on both metals, automatic adjustment took place.

But with the destruction of the bimetallic standard all this was changed. The rapid and constant rise in the price of gold exchange in silver-standard countries soon doubled the price of commodities imported from gold-standard countries. The effect of this was to force the Asiatic countries, where the wages of labor and prices in general have been for centuries and still continue at a lower level than ever known among any other people, to manufacture for themselves. The price of gold exchange having doubled had the same effect in increasing the price of imports from gold-standard countries that an import duty of 100 per cent would have.

While India and Japan under the stimulus thus afforded were developing their cotton mills, until they now supply the Asiatic demand for cotton yarn, England was purchasing the wheat and cotton of India, paying the same price in silver as before 1873, and laying the same down in Liverpool at a cost to them in gold as much below the price of 1873 as silver bullion had fallen below the mint price under free coinage.

It must be borne in mind that the cost of commodities—that is, the material, labor, land rents, and interest on capital—together with the profits, must be reckoned in the money of the country where the goods are produced, and that they are always paid for in current money of the country where they are sold.

If goods are produced in the United States and sold in Japan sufficient silver must be received for them that when exchanged for gold it will cover the cost and the profits; likewise, that if goods are produced in Japan and sold in the United States, they can be sold for just sufficient gold that when exchanged for silver it will cover the cost and the profits.

Under bimetallism it was shown that neither country was benefited nor injured because of the metal comprising the current coin, but it will be readily seen that under existing conditions the advantage is on the side of Japan and against the United States to the extent of the fall in silver exchange below the rate that prevailed prior to demonetization in 1873.

With thousands of years behind us during which the Mongolian nations manifested no disposition toward commercial exploitation, but on the contrary resisted every innovation upon their long-established modes of life—content with selling other nations the few articles of manufacture peculiarly their own and such products as soil and climate gave them a natural monopoly of—there is no good reason for believing that this sleeping giant of the East could have been aroused from his slumbers by conditions less extraordinary than were presented by the exchanges after the manufacturing nations adopted the gold standard.

Agriculture in gold-standard countries suffered first. The wheat and cotton from India in the Liverpool market keeping step with the fall in rupee exchange, soon cut the price of the world's crop in two and destroyed the profits and depreciated the property of the producers in all gold-standard countries.

The only reason why the manufacturers and laborers in all gold-standard countries have not suffered a worse fate than has overtaken the wheat and cotton growers is that the Asiatic nations did not have competing articles to offer.

Silver in the oriental nations continues to purchase raw material and labor as cheaply as in any time in the past. Those overpopulated nations containing one-half of the human family, perpetually on the verge of famine, the frequency and fatalities of which have developed and intensified a universal system of hoarding, constantly trenching upon the coin in circulation, has had for thousands of years and still continues to have a wage rate barely permitting continued existence to the teeming millions of toilers.

Before silver was outlawed in the Western world, 15½ ounces of silver in the Orient paid for commodities that cost an ounce of gold in the Occident, but at the present time it requires 31 ounces of silver to purchase the product of an ounce of gold.

Upon a wage in silver barely sufficient to continue life the alternative to the toilers of Asia was to manufacture for themselves the articles formerly imported from America or Europe or forego their use altogether.

THE NATIONAL BANKS.

These extraordinary and exasperating conditions awoke the Japanese from the sleep of ages. The recent invasion of our markets by manufactures from Japan is perhaps the most threatening and direful in the chain of calamities resulting from the ill-conceived and totally wicked effort of the world's creditors to plunder and enslave the world through the demonetization of silver.

Upon the gold standard the present rate of exchange gives Japan an advantage over the manufacturing nations of America and Europe equivalent to a protective duty of 100 per cent and an export bounty of the same amount. This is the premium that the devotees of the gold standard in the United States have put upon the destruction of the civilization of the Western world. Who among them will contend that when factories are established in Japan, China, and India, equipped with the latest improved labor-saving machinery, and operated by labor paid from two to three dollars per month, that the era of colleges, schools, and churches is not doomed?

The Financial Legislation of the Republican Party all Favors Monopolies and Wealth.

SPEECH

OF

HON. JOSEPH WHEELER,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 11, 1896.

Mr. WHEELER said:

Mr. SPEAKER: Prior to 1861 each State enacted its own banking laws, and pursuant thereto banks were established in all localities where they were needed by the people. There were no general money centers, but each bank vault was the point of issue and redemption, and the best business of the country bank was to loan its money to farmers and others, taking land and other real estate as security. In 1861 the country fell into the hands of the Republican party, and every financial law enacted by them has been in the interest of monopoly and wealth and against the interest of the people.

They enacted what are called the national banking laws. They were framed and dictated by the moneyed men and the bankers of New York, who took special pains to so frame the laws as to give them the monopoly of banking and the substantial control of the money of the United States. By these laws all bankers other than national bankers were prohibited from issuing any currency by the attachment of a penalty of 10 per cent on every dollar issued. This gave the national bankers the monopoly of issuing currency. These men possessed vast amounts of personal property, and in order to give them the monopoly of borrowing from these banks they secured the enactment of a provision which prohibited national banks from loaning money unless it was secured by the kind of property which they had and which the mass of the people did not have. This made it impossible for the great mass of the people of the United States, whose property consisted of land or other real estate, to borrow one dollar from the national banks, which under the law were the only banks of issue allowed to exist. This monopoly, of course, resulted in the Northeastern moneyed men becoming owners of substantially all the money and bonds issued by the Government.

REPUBLICANS LEGISLATE FOR BONDHOLDERS AND CAPITALISTS.

In 1869 the currency of the country was at a discount of 30 or 40 per cent, and all bonds stated upon their face that they were payable in this currency. The bondholders were so powerful that in March, 1869, they induced a Republican Congress to enact a law stating that their currency bonds should be paid in coin. At that time the silver in a silver dollar was worth as much and even more than the gold in a gold dollar, and therefore they did not designate the kind of coin that they were to receive; but, realizing that to reduce the amount of coin would enhance its value, in 1873 they again exercised their influence over Congress and secured the enactment of a law demonetizing silver, which, of course, enhanced the value of gold, and at the same time necessitated the payment of their bonds in that metal.

Having secured the enactment of a law making gold the only money of ultimate redemption, the moneyed classes again came to a Republican Congress in 1874 demanding the enactment of the resumption law, which made it the duty of the Secretary of the Treasury to redeem the legal-tender notes in excess of $300,000,000, and after January 1, 1879, to redeem in coin the legal-tender notes then outstanding.

The consideration by Congress of this and kindred measures caused a political revolution in our country.

The Forty-third Congress, then sitting and seeking to enact this legislation, had a Republican majority of 115, but so obnoxious were this and kindred Republican measures to the people that in November, 1874, they rose in their might and elected the Forty-fourth Congress, with a Democratic majority of 77.

The members of the Forty-third Congress were so well aware of the unpopularity of this measure that they did not dare to fully complete this work until after the election, and the resumption act did not become a law until after the election of November, 1874, the date of the final enactment being January 14, 1875.

One hundred and thirty-six Republicans voted for the bill, and every Democrat in the House voted against it.

EFFECT OF RESUMPTION ACT.

The effect of the resumption act was so disastrous to the country that there was an almost immediate and well-nigh universal demand for its repeal. Property of all kinds fell in value, mortgages were foreclosed, and distress prevailed throughout the land. This was responded to by the Democratic party, and the national Democratic platform adopted on June 28, 1876, which it is understood was written by that great conservative statesman, Samuel J. Tilden, said:

We denounce the resumption clause of the act of 1875, and we here demand its repeal.

This demand was further responded to by the Democratic House of Representatives, which, a month later, August 5, 1876, passed a bill repealing the law; and Congress still further responded to the demand by the passage of an act for the free coinage of silver, and it still further responded by a very nearly unanimous vote upon the following resolution:

Resolved by the Senate (the House of Representatives concurring therein), That all the bonds of the United States issued, or authorized to be issued, under the said acts of Congress hereinbefore recited, are payable, principal and interest, at the option of the Government of the United States, in silver dollars, of the coinage of the United States, containing 412½ grains each of standard silver; and that to restore to its coinage such silver coins as a legal tender in payment of said bonds, principal and interest, is not in violation of the public faith, nor in derogation of the rights of the public creditor.

The Republicans became alarmed, and to save the party from defeat they incorporated the following expression in the Republican platform of the national convention of 1888:

The Republican party is in favor of the use of gold and silver as money.

And to be more emphatic, they denounced the Democratic Administration for what they chose to term—

The efforts of the Democracy to demonetize silver.

Notwithstanding their pledges, the moment the Republicans obtained power they, in obedience to the demands of the moneyed classes, enacted the Sherman law of July 14, 1890, which repealed the silver-coinage law of 1878, and from that time to this the struggle has continued between the moneyed power to maintain the gold standard and the people to restore bimetallism.

It was this same influence which secured the repeal of the purchasing clause of the Sherman Act.

In 1892 the Democratic platform demanded the—

Coinage of both gold and silver without discriminating against either metal.

And the Republicans promised the people—

The use of both gold and silver as standard money.

The Republicans have now become emboldened by their party victories in 1894, and now they for the first time throw off the mask and declare unblushingly for the perpetuation of the single gold standard.

That the honest farmers, laborers, and wage workers in all vocations throughout our land will rebuke this arrogant, unprecedented, and astounding demand of the monopolists, bankers, and millionaires can not admit of doubt.

Banking and Currency.

REMARKS

OF

HON. JAMES S. SHERMAN,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 8, 1896.

Mr. SHERMAN said:

Mr. SPEAKER: Under the general leave to print which has been granted by the House I desire to submit certain facts as to banking and currency.

As supplemental thereto I add as appendices the article on "Free trade or protection," being the reply of the Hon. James G. Blaine to the Hon. William E. Gladstone, and published in the North American Review for January, 1890, the copyright of which is in the North American Review and has been very kindly granted me for this purpose by Mr. Lloyd Brice, of the North American Review. Mr. Blaine was for many years possibly our foremost, certainly one of our greatest citizens. He has now gone from us, but his words, his counsels, his opinions will bear weight—a greater weight with each succeeding generation of his fellow-citizens, who recognize in him a typical, intense, and far-sighted American.

As a timely exposition of the views and aims of what we trust is a majority of our citizens, I also add the platform recently adopted at the Republican national convention in St. Louis, Mo.

At that convention one of the most notable though brief expositions of sound American doctrine was delivered by the permanent chairman, Hon. J. M. THURSTON, a Senator from Nebraska, with whose words I conclude.

THE USE OF METAL AND PAPER MONEY.

Metallic money, gold and silver, each has been, ever will be the base for the exchanges of mankind. But as commerce increases substitutes for these in the form of paper, covered or uncovered, have come more and more largely into use. Wholly uncovered or fiat money is the dream of the Greenbackers in the United States and of those of similar views under different names in other countries; but these have never yet succeeded in changing the preference of the peoples of the world for metallic money as the ultimate or redemption money. It is, however, fully established that an issue of paper money, each dollar based on a metallic dollar deposited in a secure place and obtainable on demand, furnishes a most desirable medium for the chief purposes of money.

NATIONAL VS. STATE CURRENCY.

In the early days of the Republic we had a national bank issuing paper money based on the coin reserve provided by law. When this had been legislated out of existence by the Democratic party of Jackson, the country had to fall back on the system of State banks. This policy continued so long as the Democratic party was in power, and until in 1862, when, under the wise management of the Treasury Department in the hands of Salmon P. Chase, the Republican party gave the country the present safe system of national banks. The Democratic party is still in favor of a return to the antiquated and dangerous method of State banks, disregarding the wonderful changes in the conditions of the country since they ceased to exist, and a return of which would cause more disaster, if that be possible, than that caused by their bungling with the tariff.

WHAT STATE BANKING ISSUES MEAN.

It is well for this generation to consider to what the Democratic party desires to return. It will be instructive to study the pen picture shown in the report of the Secretary of the Treasury, Hugh McCullough, made in 1876:

There were scarcely two States in the Union whose systems were alike. In some States banks were chartered with proper restrictions upon their discounts and their circulation: in others without any such restrictions. In some there was individual liability; in others no liability at all, not even in cases of gross mismanagement. In some States the circulation of the banks was secured partially, at least, by mortgages and bonds; in others there was no security except the capital, which was frequently a myth. In some States banking was a monopoly; in others it enjoyed the largest liberty. The consequence was that we had a bank-note circulation frequently worthless and, when solvent, lacking that uniform value which was needed in business transactions between the citizens of the different States. It is enough to say that the circulation of the State banks was entirely unfitted for a country like ours; that by it the people were subjected to enormous losses, and not only in the way of exchanges, but in the inability of a great many of the banks to redeem their notes.

Does this inspire us with a desire to have single States, say Florida, Mississippi, Alabama, and Arkansas, giving the people of these United States a safe circulating medium?

Yet the platform of the Democratic party adopted at Chicago in 1892 says:

We recommend that the prohibitory 10 per cent tax on State-bank issues be repealed.

That is all that is needed to open the flood gates of unlimited paper money by every one of the 45 States. It would even allow Arizona and Alaska an opportunity to come to our rescue. It would be a sight to please the gods of discord and unrest to see the honest farmers and laborers of this country studying the figures and make-up of Democratic "wild-cat" money printed in far-off Alaska, or Utah, Arkansas, or Florida, to see if it was a safe return for their wheat or labor. We would, indeed, have back the good old times when the well-to-do Michigan farmer, en route to Chicago with $1,500 of this precious State money, was put off the train because he did not have the sort of money required by the seemingly heartless corporation which placed little trust in the promises to pay of any man who set up a money shop in his back yard and peddled out his promises to pay with generous hand, but at the time of redemption hied himself where the woodbine twineth.

REPUBLICAN PAPER MONEY.

All whose memories reach back to the fall of Sumter know that this Democratic money was the only substitute for gold or silver until the Republican party came into power in 1861. The first call of the Treasury exhausted the specie, and the banks promptly suspended payments. A national currency was absolutely indispensable to save the nation. In this, as in every crisis, the Republican party met the exigency; legal tender (Treasury notes and greenbacks) were issued to take the place of the disappearing specie; and a system of national banks was devised (the most perfect ever known in this or any other country), with their issues secured by a deposit of national bonds; the often worthless and always unreliable State-bank issues were cleared away by a tax of 10 per cent on their circulation, and, more than all, the revenues necessary for maintaining the national life were provided.

THE NATIONAL BANKS.

Unlike the old Government Bank, these were independent of each other, so they could not combine against the Government or the people. Within safe limits any number of individuals could associate themselves and issue their notes. They were under strict governmental supervision—aye, more, each and every one of the bills issued by them was and ever has been worth 100 cents on the dollar wherever in all this broad land it may have been issued. Who cares or looks to see where the bill thus devised by the Republican party to help obtain funds to preserve the national life was issued unless it be from curiosity? Oregon or Florida, Maine or Texas, it matters not; they pass current in any bank in Chicago, New York, or over the counter of any store in the Union. The farmer of the West, the planter of the South, the laborer wherever he may be, has only to note the figures they represent.

NATIONAL BANKS HELPED RESUMPTION.

When peace was once more restored this same system aided the Government to resume specie payments and to pay off and fund the national debt in bonds drawing less interest. Of course the Democrats opposed every step; that has appeared their main mission in life. Dazed by the popularity of the national currency, it plunged into the vagaries of "greenbackism" and denounced the "resumption act" of 1875.

The Democratic party has never forgiven the national banks for helping to furnish the sinews of war, and in 1892 laid aside all false pretenses and demanded the unconditional repeal of the only hindrance to the flood of State money, the 10 per cent tax on State-bank circulation.

DEMOCRATIC TESTIMONY ON DEMOCRATIC PAPER MONEY.

It is this paper system of extravagant expansion, raising the nominal price of every article far beyond its real value, when compared with the cost of similar articles in countries whose circulation is wisely regulated, which has prevented us from competing in our own markets with foreign manufactures, has produced extravagant importations, and has counteracted the effect of the large incidental protection afforded to our domestic manufactures by the present revenue tariff. But for this the branches of our manufactures composed of raw materials, the product of our own country—such as cotton, iron, and woolen fabrics—would not only have acquired almost exclusive possession of the home market, but would have created for themselves a foreign market throughout the world.—*Message*, December 8, 1857.

When Congress met in December last the business of the country had just been crushed by one of those periodical revulsions which are the inevitable consequence of our unsound and extravagant system of bank credit and inflated currency. With all the elements of national wealth in abundance, our manufactures were suspended, our useful public and private enterprises were arrested, and thousands of laborers were deprived of employment and reduced to want.—*Message*, December 6, 1858.

It will appear from the report of the Secretary of the Treasury that it is extremely doubtful, to say the least, whether we shall be able to pass through the present and the next fiscal year without providing additional revenue. It is now quite evident that the financial necessities of the Government will require a modification of the tariff during your present session for the purpose of increasing the revenue.—*Messages*, December 19, 1859, and December 3, 1860.

It will be observed that while the President (Buchanan) charges to the excessive and insecure State-bank issue the chief cause of the panic, he is compelled to admit that "the revenue tariff" of his party did not produce the requisite revenue, and that the only conservative feature of this tariff was its "incidental protection" to manufactures from "our own raw material." But the chief point here is that no State-bank system can have its "circulation wisely regulated" and properly secured. Competition between numerous States to secure the most bank capital, ignorance of the laws which determine commercial business, laxity of sentiment in regard to the obligations of debt, desire to favor influential private interests, striving after party advantage, and inevitable difference of opinion in different States multiply and vitiate these bank systems. But with the close of the Buchanan Administration a speedy end was brought to this whole business.

And yet even at this late day, and with the present conditions most decidedly opposing such a scheme, they rise up and ask for its restoration.

NATIONAL BANKS AND REFUNDING THE PUBLIC DEBT.

Let us see what the banks did to facilitate the tremendous work of getting our bonds scaled down from high to low rates of interest. As the war was over, the credit of the nation rose so that the Republican party sought to reduce the interest rate. In this work they were greatly aided by the national banks, as is shown by the following extracts:

COMPTROLLER OF THE CURRENCY—1870.

The wisdom of Secretary Chase and the others who, in 1862, advocated the establishment of a national banking system was long since recognized by those who understood the principles which should govern a sound system of currency and banking; but in the light of the extraordinary financial operations of the Government during the present year the wisdom and the economy of the system, both for the Government and the people, are now more apparent than ever.

The refunding of the national debt commenced in 1871, at which time the national banks held nearly four hundred millions of the 5 and 6 per cent bonds, and from that date to the present time they have held more than one-fifth of the interest-bearing debt of the United States. A large portion of the bonds held by them in 1871 bore interest at the rate of 6 per cent. This class of bonds has been greatly reduced, and is now less than one-sixth of all the bonds pledged for circulation, while more than one-third of the amount consists of bonds bearing interest at 4 per cent.

complete this work until after the election, and the resumption

adopted at the Republican national convention in St. Louis, Mo.

nues necessary for maintaining the national life were provided.

sists of bonds bearing interest at 4 per cent.

It is certain that if the national banking system had not existed, and United States notes had alone been issued, the refunding operations here described and the consequent large reduction of interest upon the public debt would not have been possible.

NATIONAL BANKS AND RESUMPTION OF SPECIE PAYMENTS.

The same report of the Comptroller says:

The resumption act not only fixed the day of resumption, but authorized the Secretary, in order to prepare and provide therefor, to use any surplus revenues not otherwise appropriated, and to issue, sell, and dispose of, at not less than par in coin, any of the bonds of the United States described in the act of July 14, 1870. Under this act, the Secretary in 1877 sold at par fifteen millions of four-and-a-halfs and twenty-five millions of fours; and in April, 1878, he sold fifty millions of 4½ percents at a premium of 1½ per cent. The coin in the Treasury continually increased, so that on the day of redemption the Secretary held over one hundred and thirty-five millions ($135,382,639) of gold coin and bullion, and, in addition, $32,476,095 in silver coin and bullion, the gold coin alone being nearly equal to 40 per cent of the United States notes then outstanding.

The banks in the cities of New York and Boston strengthened the hands of the Government by their action in October, 1878, an account of which will be found in my report for that year. The assistant treasurer of the United States at New York became a member of the clearing house, thus facilitating the business of the banks with the Government, and the banks agreed to receive United States notes, not only for their ordinary balances, but in payment of the interest upon the public debt and of other coin obligations of the Government. The banks of the country at the date of resumption held more than one-third of the outstanding Treasury notes; but they had so much confidence in the ability of the Secretary to maintain resumption that none were presented by them for redemption.

The people also, who held more than three millions of the issues of the national banks, which issues were based upon the bonds of the nation, preferred such notes to coin itself. There was, therefore, no demand for payment of the notes of the Government, and the gold coin in the Treasury, which amounted to one hundred and thirty-five millions on the day of resumption, increased more than thirty-six millions in the next ten months, the amount held on the 1st day of November, 1879, exceeding one hundred and seventy-one millions.

There are victories of peace quite as great as those of war, and these of refunding and resumption may safely be classed in the latter list. The national banks served a useful purpose in both these instances, and they have never been forgiven therefor by the Democratic party.

PROFITS ON CIRCULATION OF NATIONAL BANKS.

In blind hostility to every act of the Republican party Democracy has charged that the national banks, besides having aided in putting down the rebellion, refunding, and resuming specie payments, not to mention the other fact of having furnished the safest and most convenient paper money ever known in the world, were sucking the blood out of the people by the immense profits they make on their circulation. There is no law or regulation which prohibits Democrats or even Populists, if they have the required capital, from entering the system of national banks. Consequently it would seem that, if their charge were true, the Republican party had been foolish enough to put a powerful weapon into the hands of their enemies.

But they make elaborate charges, only to have them disproved, to the effect that the circulation feature of the national banks is of immense value to them, and as a result a great burden to the people.

AN EXAMPLE.

A Democratic Secretary of the Treasury authorizes the following statement of the matter, which will be found on page 355 of the Report of the Comptroller of the Currency for 1895, Part I:

Deposit of $100,000 of bonds, 4 percents, October 31, 1895:		
Market value, $111,483.70; interest, 4 per cent		$4,000.00
Circulation, 90 per cent ($90,000), at 6 per cent		5,400.00
Total		9,400.00
From this deduct—		
Tax	$900.00	
Annual cost of redemption	45.00	
Express charges	3.00	
Plates	7.50	
Agents' fees	7.00	
Sinking fund	686.60	
Total deductions		1,649.10
Net receipts		7,750.90
Interest on cost of bonds		6,689.02
Profit on circulation		1,061.88
Percentage, 1.062.		

The above is on a 4 per cent bond of 1907. On one of the same rate of interest, but falling due in 1925, one of those which have been recently issued by this Administration to meet the current expenses of the Government, the net profits are stated as being $855.21, or eight hundred and fifty-five one-thousandths of 1 per cent.

LESS THAN 1 PER CENT.

The above figures, which are absolutely correct, show that the maximum profit is only a trifle over 1 per cent, and on the extended 4 percents less than that amount. But there are other provisions of law which national banks must observe which reduce even this small profit. For instance, they must keep on hand at all times 25 per cent of their circulation as a lawful redemption fund. This would require of the above money $22,500 out of the $90,000 not loanable and bringing in no revenue. Then, too, they can not keep all their available money loaned all the time; there is always a loss between the payment of one and the placing of another.

CIRCULATION HAS DECREASED.

The above explains why the actual circulation is so much less than that authorized by law. The following table exhibits this difference from the date of the establishment of the national-bank system up to the end of the year 1895:

Authorized and actual circulation of national banks.

Year. (Last statement of year.)	Authorized circulation.	Actual circulation.	Per cent.	Number of banks.
1863	$6,469,553.70	Not stated.	--------	66
1864	78,104,521.80	$45,260,504.00	.579—	508
1865	353,841,485.40	171,321,903.00	.481—	1,513
1866	373,925,132.10	280,253,818.00	.749—	1,644
1867	378,096,673.50	293,887,941.00	.777—	1,642
1868	378,571,059.90	295,769,489.00	.781+	1,643
1869	383,759,235.90	293,593,645.00	.765—	1,617
1870	391,820,403.60	296,205,446.00	.755+	1,648
1871	414,293,297.40	318,285,481.00	.768—	1,730
1872	434,345,628.80	336,289,285.00	.774—	1,940
1873	441,239,949.90	341,320,256.00	.773—	1,976
1874	446,222,232.90	331,193,159.00	.742—	2,027
1875	454,917,278.50	314,979,451.00	.693—	2,086
1876	447,733,814.40	292,011,575.00	.652—	2,082
1877	429,415,895.90	290,210,475.00	.676+	2,074
1878	418,387,496.40	303,324,733.00	.724+	2,055
1879	409,048,693.50	321,949,154.00	.787+	2,052
1880	412,686,076.50	317,484,496.00	.769—	2,095
1881	419,273,851.50	325,018,101.00	.775—	2,164
1882	436,395,142.80	315,239,925.00	.722—	2,308
1883	460,653,817.50	304,994,131.00	.662—	2,529
1884	471,680,158.50	280,197,043.00	.594—	2,664
1885	476,424,652.50	267,430,837.00	.561—	2,732
1886	495,628,807.50	262,078,287.00	.497+	2,875
1887	522,650,784.978	164,994,004.00	.315+	3,070
1888	534,463,422.561	143,549,296.50	.268+	3,150
1889	556,656,148.203	126,039,541.30	.226+	3,326
1890	592,089,502.50	123,658,785.50	.207+	3,573
1891	609,621,234.30	134,722,873.25	.220+	3,692
1892	630,528,215.75	145,969,499.00	.234+	3,784
1893	613,631,664.00	179,973,150.50	.293—	3,787
1894	599,643,940.50	169,337,071.00	.282—	3,737
1895	591,421,948.785	182,481,610.50	.308—	3,712

NOTE.—The above statement is made from the official report of the Comptroller of the Currency for 1895, Part I, pages 521–541. The column headed "Authorized circulation" is computed at 90 per cent of the actual capital and, while not exact—a few banks being limited to 80 per cent, 75 per cent, and 60 per cent—is substantially accurate. The column headed "Actual circulation" is copied from the official tables, as also the dates and number of banks. The column of percents has been calculated and any possible errors can be detected by a division.

An examination of these figures shows that within three years from their organization national banks were circulating 75 per cent of the full amount allowed them by the law; that they never went higher than 78 per cent, in 1868, and 78.7 per cent, in 1879; that this went down to 65 per cent in 1876, fell steadily from 77½ per cent in 1881 to 20.7 per cent in 1891, and has slightly gained since, reaching 30.8 in 1895. If there were so much money or profit in the circulation of their own notes, we may be sure these national banks would not have failed to avail themselves of the opportunity to the fullest extent.

PROFITS ARE IN DEPOSITS, NOT CIRCULATION.

As has before been shown, the true source of profit in national banks, as indeed in all banks, is in the large amount of individual deposits. To induce these deposits they must command the confidence of the community. A bank is very much like the Texan's pistol. He did not often need it. Indeed, he went many years carrying around, at considerable inconvenience, a dangerous and heavy weapon; but when he did at last need it he needed it badly and at once, and he needed a mighty good one. Like the Irishman who wanted his money until he found the bank had it and would give it to him, we all want to know that the particular money we receive for any transaction is good to-day and will be good at any time in the future.

THE VALUE OF A NAME.

The very fact that a certain institution is called a "national" bank, and is known to be under the regulations of the national banking act and regularly inspected by Government bank examiners who are clothed with authority to promptly take charge when conditions require it, is a strong evidence of soundness and tends to bring to it a larger line of deposits. In this is the chief profit. Many a bank with but small capital has deposits very many times that sum, and on these makes the difference between the small allowance of interest on deposits and per cent charged on loans. That the privilege of issuing their own notes is not generally a source of profit is shown by the figures given.

PROFITS OF NATIONAL BANKS.

There were, September 1, 1895, 3,703 national banks in the United States. Of these, 589 in the New England States earned, for the half year ended September 1, 1895, 2.1 per cent on their capital and surplus; 840 in New York, Pennsylvania, and New Jersey earned 2.97 per cent; 166 in Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, 2.94 per cent; 492 in

the Southern States, 3.18 per cent; 753 in Ohio, Indiana, Illinois, Wisconsin, and Michigan, 2.96 per cent; 556 in Iowa, Minnesota, Missouri, Kansas, and Nebraska, 2.15 per cent; 119 in Colorado, Nevada, California, Oregon, and Arizona, 2.44 per cent; while 188 in the remaining Northwestern States and three Territories earned 1 per cent less than nothing for the time given. Savannah, Ga., 1 per cent; St. Paul, Minn., 0.53 per cent; Nevada, 0.49 per cent; South Dakota, 1.76 per cent; Washington, 1.55 per cent; and Montana, 5.88 per cent, are all minus quantities. In other words, they made nothing; did business for the time given at a net loss. The average earnings in all the United States for this period was 2.6 per cent. (Report of the Comptroller of the Currency, 1895, Part I, pages 420–423.)

PROFITS OF STATE BANKS.

On page 14 of the same report returns from 928 State banks from 24 States for the year ended June 30, 1895, give an average dividend of 7.2 per cent, or considerably above that earned by the national banks. Evidently banking is not the endless picnic which many seem to think; and, more than this, national banks are not making more money than State banks, in spite of the wonderful privilege they enjoy of issuing their own money.

HOW MONEY IS ISSUED.

Let us look into this question of issuing money a little further, so as to discover why it seems so fertile a source of invective on the part of those who oppose the national-bank system. It seems very fascinating to the average mind that one can sign his own bills and have, back of them, the whole credit of the United States. When one comes to look into the conditions they are not all so inviting. Uncle Sam hedges this privilege around pretty thoroughly. He says in substance that whoever pretends to furnish money to his people must give ample guaranty that this money shall be good—good not only now and for a few months, but good for all time; and so long as the United States lasts it will hold an ample fund with which to redeem any of these bills which the bank does not itself take up. It makes no difference whether the bank continues or ceases to exist. If it stops it can not get hold of the bonds which it had to deposit before it was allowed to issue its own paper until lawful money has been deposited to redeem the last of its bills. Uncle Sam's heartless Treasurer retains these bonds or this money regardless of the personnel or politics of the owners. No excuse is accepted, and nothing satisfies except the strict compliance with the letter of the law.

STARTING AND MANAGING A NATIONAL BANK.

But before a bank cashier or president can sit down and sign off his notes he has had to do several things. He has to associate with him four other persons, and they together have to put up money enough to purchase $100,000, par value, of Government bonds. These are still expensive articles to have in the house, even if they have become rather more plenty since the Cleveland Administration acquired the habit of issuing them for running expenses. In the year 1895 this transaction would have required for fours of 1925, $121,752.70. On this outlay he will be able to float 90 per cent of the par value, or $90,000. But he must always keep on hand a reserve of 25 per cent, either in this money or in that of those whom he can induce to deposit in his bank. This calls for $22,500 off, or leaves him a net circulation beyond his own bank of $65,500. His association can not do business in their hats; it must have vaults, and a safe, and a convenient location for its bank, and these things cost good money. He must have a full set of books and a sufficient force of officials and clerks to do the business. In our West and Southwest he must also lay in a fair supply of firearms with which to discourage those who wish to reach wealth by quicker ways than those usually accepted as legitimate. Of late he has to do this in other sections also. He has to pay local taxes, a circulation tax of 1 per cent, cost of redemption, express, plates, agents, and carry one-tenth of the net profits to a sinking fund to be available when needed to make up for bad debts or any other losses. His bank can only charge the legal interest in the State where it is located; a violation forfeits the entire interest. He must furnish reports to the Comptroller when demanded, and from time to time pay the charge fixed by law—$25 and up—to compensate the national-bank examiner who comes to check up his cash and see exactly how he is carrying on the business.

No overdraft can be cashed, not even for his best customer, nor can he loan to any one person more than a certain portion of the capital. No more real estate can be held than is needed for the bank's uses, and if any comes in on debts it must be disposed of within five years.

In short, he is so hedged about with restrictions and limitations that his bank is safe—the safest in the world. It is just what a bank should be and fills a necessary place in every community.

WHAT IS A BANK GOOD FOR?

It is the fashion in these days for certain classes to lay all monetary ills at the door of banks and to declare that we would be better off without any banks at all. Well, we could get along without banks, or without hearts either, for awhile—a very short while! As a general proposition we need a heart for the gathering up, conservation, and redistribution of the blood which nourishes the body. Unless we have some such organ, without this force, either of blood for the individual or of money for the community, we get clogged up, and life, individual and financial, comes to an abrupt stop. The safety of the community lies in having the banks well regulated, secure as places of deposit, furnishing a supply of money to the people which shall have a stable value, and finally to have its own, and the funds of those who have deposited with them, to loan out to those who may need them in the carrying on of any business.

WE HAVE PASSED THE STOCKING PERIOD.

The coffee pot and stocking have ceased to be a safe and useful place for the deposit of the people's money. Even the hiding place under the floor or in the back yard has come to be more honored in the breach than in the observance. Indeed, there are those who declare that such hoarding of money is an offense against good morals as well as unsafe. We are 70,000,000 people, and the simultaneous withdrawal of five or ten or a thousand dollars by a large number of people would have a serious effect on the supply of money for all the people.

The peasants of France still do this, although in smaller proportion each year. The poor people of Mexico, who have no safe banks in which to deposit their little savings and a poor money to save, still dig holes in the ground to hide away their hoards; but the people of these United States are not like either of these. They possess the intelligence to see that such hoarding is not only unsafe and unprofitable for themselves, but against public policy.

GOOD BANKS ENCOURAGE THRIFT AND AID BUSINESS.

The day laborer who saves a few dollars each week can put his money into a secure bank where it earns him a small annual interest and is of service to others who need it for the time being. The farmer need not hide the surplus money from the sale of his crops (indeed, in these good Democratic days he has no surplus; his surplus is a deficit); he can deposit it and use it as his needs require. If he leaves it long enough he can get interest on his balances. The national banking system of the United States is the safest in all the world; it can be enlarged and extended to secure wider benefits to all the people. If necessary, the Government can guarantee the security of the deposits as well as that of the money issued by the banks. The statistics since the establishment of this system by the Republican party in 1863 show that a small tax on all banks would have been ample to cover such a guaranty against loss on deposits.

MODIFICATIONS OF BANKING LAW.

With the changed conditions due to the lapse of time some changes are now needed to make the national-bank system more perfectly in touch with commercial needs.

BANKS WITH $25,000 CAPITAL.

It is possible to safely reduce the limit of capital to $25,000 for smaller towns where so much as $50,000 can not be conveniently raised or used. These should be encouraged, to the end that each community should have its own local banks and be more independent of those from a distance. If owned in whole or in part at home the management would be directly interested in the development of the place, and thus foster all legitimate home enterprises.

CIRCULATION TO PAR VALUE OF BONDS.

At present the limit of circulation is 90 per cent of the par value of the Government bonds deposited. We are not likely to run any risk, even should the Democracy continue in power another four years—and such a catastrophe seems about to be averted by unanimous consent—in allowing the limit to be increased to 100 cents or to the par value of the national bonds deposited. This would tend to encourage the establishment of more national banks and the change from private and State to national banks.

TEMPORARY INCREASE OF CAPITAL.

Much is said about the need of an elastic as well as a safe currency. In times of financial stringency the need for legal-tender money is greater than in good times. It often happens that banks in outlying sections are unable to procure from their metropolitan correspondents the actual money needed. This may be remedied, in part at least, and with no risk of inflation beyond the actual needs of the country, by some such plan as:

1. Any national bank to have the right to increase temporarily its capital and thereby its circulation by remitting to the Treasury or the subtreasury nearest to it Government bonds in any multiple of $1,000 as collateral security and to receive in return by next mail its own unsigned notes in equal amount.

2. While such bonds are thus on deposit for such temporary loan the interest to be forfeited to the Government, and if they are not redeemed within one year, then the permanent capital of the bank to be increased to the amount of the former and additional capital and the bonds turned into the Treasury for sale.

3. If within one year the need for temporary increase of circulation ceases, the bank to be allowed to deposit lawful money and receive the bonds back again, less the interest and such sum as will cover the cost to the Treasury of the transaction.

Among the good results of such a plan would be that any bank holding Government bonds could within a few days get a supply of ready money without being wholly dependent on a distant money center. It would also make the bonds worth more at home, because of this provision, than abroad, and tend to keep them in this country and avoid the drain of interest to foreign countries every three months.

Indeed, it is possible that by this means some of the long-time, high-rate bonds issued by the Cleveland Administration could be refunded into lower rate bonds with this circulation feature as an inducement.

RETIRE ALL SMALL GOLD COINS.

The gold pieces of $2.50, $5, and $10 might be retired and only the twenty-dollar piece left for use. For the few who get a gold piece it would be better to have the coins of convenient and safe size. The ten-dollar piece is too small for either. Then the restriction of pieces of gold coinage would be an economy in coinage to the Treasury, while the fact that gold was only usable for coinage into twenty-dollar pieces would help to equalize the present disparity of values. This would be materially aided by the increased use of silver demanded to take the place of the one and two dollar bills.

THE ENDLESS CHAIN OF SECRETARY CARLISLE.

The threat of the Treasury notes, so graphically portrayed by Mr. Cleveland's Secretary of the Treasury, is due largely to the impecunious condition of the Treasury under the reduced revenues provided by the Wilson-Gorman tariff bill. When the revenues were ample, as under the Republican protective-tariff system, this alleged endless chain did not trouble the country; it did not trouble Secretary Windom; we had enough money left over each year to reduce the principal and interest of the public debt from fifty to an hundred millions. This was done, too, without stinting any proper use of money for the expenses of the Government. No one was then sitting up nights to see how they could stave off the pension payments from day to day so as to keep the expenses down to the meager measure of the receipts under a Democratic tariff. Public works for which money had been appropriated were carried on, not grudgingly, as now, but with the idea that the people believed in having those things done, and well and promptly done. In those days, when there was plenty of money coming into the Treasury from the imposts on foreign goods—when the foreign manufacturer was doing his share to support this Government—we were not troubled, as is Secretary Carlisle now, about the Treasury notes.

STARTING THE ENDLESS CHAIN.

Any man who attempts to run his business between wind and water, between hay and grass, must not be astonished if all the world does not have confidence as to his financial standing. In this case we all knew that these United States were amply able to pay all bills, but in many well-informed quarters there was a very robust opinion that the parties at the head of affairs here were wholly incompetent to perform their duties. It was this opinion and the well-known condition of chronic impecuniosity of the Treasury under the Democrats that have set this endless chain so busily at work to plague and frighten the Secretary. The Republican party had this chain; it was in position, but it did not move; it stood still. It had stood thus so long that people had begun to think it was stuck; that in fact it was rusted fast and could not revolve, until, lo! Democratic impotence came to its own—came to attempt to direct the destinies of this mighty nation—oiled this chain with free trade, hard times, and no cash, when all at once it began rapid revolutions.

Confidence in the engineer, and a full knowledge that sufficient funds are to be provided, will "put this wheel to sleep" again, put it into the same state of innocuous desuetude in which the Democratic party now languishes.

TAXES PAID BY NATIONAL BANKS.

It is often alleged that national banks do not pay their full share of taxes. Money hidden in a stocking or buried in the ground can not well be gotten at for taxation, but the capital, deposits, and circulation of a national bank are all of record; they can not be hidden from the assessor, whether for the Government or for local purposes.

Up to March 3, 1883, they were required to pay a tax on capital and deposits, as well as on circulation. This amounted to—

Tax on capital (to March 3, 1883)	$7,855,887.74
Tax on deposits (to March 3, 1883)	60,940,067.16
Tax on circulation (to June 30, 1895)	77,539,004.86
Total	146,334,959.76

This does not include cost of redemption, of new plates, and examiners' fees.

From 1883 to 1895 the figures show—	
Semiannual tax on circulation	$25,285,486.63
Cost of redemption	1,688,523.08
Cost of plates, new banks	199,610.00
Cost of plates, extended banks	197,395.00
Examiners' fees	1,862,415.73
Total	29,233,430.43

GOVERNMENT GUARANTEE OF DEPOSITS.

From 1863 to 1895 only 303 national banks failed—less than 10 per year—a showing never made by any system of banks in the history of the world. Of these every one had on deposit bonds with which to redeem every dollar of their outstanding circulation. The total due to depositors by these banks when they failed amounted to $94,634,062, and of this the receivers appointed by the Government collected $69,686,616, and have already paid over net to these same depositors the sum of $60,314,185. One hundred and forty-nine are still in liquidation, so that the present total uncollected of $34,319,877 will be cut down probably one-half—say half a million per year.

The tax on circulation if left as now would be twice as much as would be required to absolutely guarantee every depositor from loss. If the tax were reduced one-half it would still be ample for this purpose.

With such a guaranty every person who deposited any sum whatever in any national bank would know that besides the solvency of the bank they had the full credit and pledge of the United States that their money would be repaid to them when demanded. Then with national banks in small towns, as would be possible with the capital requirement reduced to $25,000, there would be within the reach of all the people banks in which they could safely deposit their savings and not only receive reasonable interest thereon but keep it in circulation for the benefit of the balance of the people.

APPENDIX A.

FREE TRADE OR PROTECTION?—BLAINE'S REPLY TO GLADSTONE.

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There can be no doubt that Mr. Gladstone is the most distinguished representative of the free-trade school of political economists. His addresses in Parliament on his celebrated budget, when chancellor of the exchequer, in 1853, were declared by Lord John Russell "to contain the ablest exposition of the true principles of finance ever delivered by an English statesman." His illustrious character, his great ability, and his financial experience point to him as the leading defender of free trade applied to the industrial system of Great Britain.

Mr. Gladstone apologizes for his apparent interference with our affairs. He may be assured that apology is superfluous. Americans of all classes hold him in honor; free traders will rejoice in so eminent an advocate, and protectionists, always the representatives of liberality and progress, will be glad to learn his opinions upon a question of such transcendent importance to the past, the present, and the future of the Republic.

Perhaps the most remarkable feature in the argument of Mr. Gladstone, as indeed of every English free trader except John Stuart Mill, is the universality of application which he demands for his theory. In urging its adoption he makes no distinction between countries; he takes no account of geographical position—whether a nation be in the Eastern or the Western hemisphere, whether it be north or south of the Equator; he pays no heed to climate or product or degree of advancement; none to topography—whether the country be as level as the delta of the Nile or as mountainous as the Republic of Bolivia; none to pursuits and employments, whether in the agricultural, manufacturing, or commercial field; none to the wealth or poverty of a people; none to population, whether it be crowded or sparse; none to area, whether it be as limited as a German principality or as extended as a continental empire. Free trade he believes advantageous for England; therefore, without the allowance of any modifying condition, great or small, the English economist declares it to be advantageous for the United States, for Brazil, for Australia; in short, for all countries with which England can establish trade relations. It would be difficult, if not impossible, for Mr. Gladstone to find any principle of administration or any measure of finance so exactly fitted to the varying needs of all countries as he assumes the policy of free trade to be. Surely it is not unfair to maintain that, deducing his results from observation and experience in his own country, he may fall into error and fail to appreciate the financial workings of other countries geographically remote and of vastly greater area.

The American protectionist, let it not be discourteous to urge, is broader in his views than the English free trader. No intelligent protectionist in the United States pretends that every country would alike realize advantage from the adoption of the protective system. Human government is not a machine, and even machines can not be so perfectly adjusted as to work with equal effectiveness at all times and under all conditions. Great Britain and the United States certainly resemble one another in more ways than either can be said to resemble any other nation in the world; yet when we compare the two on the question at issue the differences are so marked that we almost lose sight of the resemblance. One is an insular monarchy with class government; the other a continental Republic with popular government. One has a large population to the square mile; the other has a small population to the square mile. One was old in a rich and complex civilization before the establishment of the other was even foreseen. One had become the wealthiest nation of the world while the other was yet in the toils and doubts of a frontier life and a primitive civilization. One had extensive manufacturers for almost every field of human need, with the civilized world for its market, while the population of the other was still forced to divide its energies between the hard calling of the sea and the still harder calling of a rude and scantily remunerative agriculture.

The physical differences between the two countries are far more striking than the political and social differences. They are, indeed, almost incalculable. Great Britain is an island less than 90,000 square miles in extent. It

lies in the far north. Its southernmost point is nearly 30 degrees of latitude above the tropics. Its northernmost point is but 9 degrees below the Arctic Circle. Within its area the exchange of natural products is necessarily limited. Its life depends upon its connection with other countries. Its prosperity rests upon its commerce with the world. On the other hand, a single State of the Union is nearly three times as large as Great Britain. Several other States are each quite equal to it in area. The whole Union is well-nigh forty times as large. Alaska excepted, the northernmost point of the Union is but 60 miles south of the southernmost part of Great Britain, and the southernmost point of the Union is but little more than 100 miles from the tropics. Its natural products are more varied, more numerous, and of more valuable character than those of all Europe. To quote one of Mr. Gladstone's phrases, we constitute "not so much a country in ourselves as a world." He tells us that we carry on "the business of domestic exchanges on a scale such as mankind has never seen." Our foreign commerce, very large in itself, is only as 1 to 25 compared to our internal trade. And yet Mr. Gladstone thinks that a policy which is essential to an island in the northern ocean should be adopted as the policy of a country which, even to his own vision, is "a world within itself."

With these fundamental points of difference between the two countries I assume that varied financial and industrial systems, wrought by the experience of each, would be the natural and logical result. Hence I do not join issue with Mr. Gladstone on both of his propositions. He defends free trade in Great Britain. He assails protection in the United States. The first proposition I neither deny nor affirm. Were I to assume that protection is in all countries and under all circumstances the wisest policy I should be guilty of an error similar to that which I think Mr. Gladstone commits. It might be difficult to prove that free trade is not the wisest financial policy for Great Britain. So far from guarding herself against material imported from other countries, her industrial system would wither and die if foreign products were withheld for even a brief period. She is in an especial degree dependent upon the products of other nations. Moreover, she does not feel bound to pay heed to the rate of wages which her labor may receive. That, like the fabrics which her labor creates, must take its chance in the markets of the world.

On many points and in many respects it was far different with Great Britain a hundred years ago. She did not then feel assured that she could bear the competition of Continental nations. She was, therefore, aggressively, even cruelly, protective. She manufactured for herself and for her network of colonies reaching around the globe. Into those colonies no other nation could enter anything. There was a scale of duty upon which other nations could enter a colonial port. What the colonies needed outside of British products could be furnished to them only in British ships. This was not protection! It was prohibition, absolute and remorseless, and it was continued even to the day when Mr. Gladstone entered upon his long and splendid career in Parliament. It was not broken, though in some respects it was relaxed, until in the fullness of time British energy had carried the wealth and the skill of the Kingdom to the point where no competition could be feared.

During the last thirty years of her protective system, and especially during the twenty years from 1826 to 1846, Great Britain increased her material wealth beyond all precedent in the commercial history of the world. Her development of steam power gave to every British workman the arms of Briareus, and the inventive power of her mechanicians increased the amount, the variety, and the value of her fabrics beyond all anticipation. Every year of that period witnessed the addition of millions upon millions of sterling to the reserve capital of the Kingdom; every year witnessed a great addition to the effective machinery whose aggregate power was already the wonder of the world. The onward march of her manufacturing industries, the steady and rapid development of her mercantile marine, absorbed the matchless enterprise and energy of the Kingdom. Finally, with a vast capital accumulated, with a low rate of interest established, and with a manufacturing power unequaled, the British merchants were ready to underbid all rivals in seeking for the trade of the world.

At that moment Great Britain had reason to feel supremely content. She found under her own flag, on the shores of every ocean, a host of consumers whom no man might number. She had Canada, Australia, and India with open ports and free markets for all her fabrics; and, more than all these combined, she found the United States suddenly and seriously lowering her tariff and effectively abolishing protection at the very moment England was declaring for free trade. The tradition of the world seemed to prophesy relatively in her control. Could this condition of trade have continued, no estimate of the growth of England's wealth would be possible. Practically it would have had no limit. Could she have retained her control of the markets of the United States as she held it for the four years preceding the outbreak of the civil war, the American people would have been commercially and largely dependent upon her in a greater degree than in Canada or Australia to-day.

But England was dealing with an intelligence equal to her own. The American people had, by repeated experience, learned that the periods of depression in home manufactures were those in which England most prospered in her commercial relations with the United States, and that these periods of depression had with a single exception, easily explained, followed the enactment by Congress of a free-trade tariff* as certainly as effect follows cause. One of the most suggestive experiments of that kind had its origin in the tariff to which I have just referred, passed in 1846 in apparent harmony with England's newly declared financial policy. At that moment a Southern President (Mr. Polk) and a Southern Secretary of the Treasury (Mr. Robert J. Walker) were far more interested in expanding the area of slave territory than in advancing home manufactures, and were especially eager to make commercial exchanges with Europe on the somewhat difficult basis of cotton at high prices and returning fabrics at low prices.

Under ordinary circumstances the free-trade tariff of 1846 would have promptly fallen under popular reprobation and been doomed to speedy repeal. But it had a singular history, and for a time was generally acquiesced in, even attaining in many sections a certain degree of popularity. Never did any other tariff meet with so many and so great aids of an adventitious character to sustain it as did this enactment of 1846. Our war with Mexico began just as the duties were lowered, and the consequence was the disbursement of more than $100,000,000 in a way that reached all localities and favorably affected all interests. This was a great sum of money for that period, and for the years 1846, 1847, and 1848 it considerably more than doubled the ordinary outlay of the Government. In the middle of this period the Irish famine occurred and called for an immense export of breadstuffs at high prices. The discovery of gold in California the succeeding year flushed the channels of business as never before by rapidly enlarging the circulation of coin in all parts of the country. Before this outpouring of gold had ceased the three great nations of Europe, as precedence was reckoned at that time—England, France, and Russia—entered upon the Crimean war. The export of manufactures from England and France was checked; the breadstuffs of Russia were blockaded and could not reach the markets of the world. An extraordinary stimulus was thus given to all forms of trade in the United States. For ten years, 1846 to 1856, these adventitious aids came in regular succession and exerted their powerful influence upon the prosperity of the country.

*The phrase "free-trade tariff" involves a contradiction of terms. It is used to designate that form of duty which is levied with no intention to protect domestic manufactures.

The withdrawal or termination of these influences by a treaty of peace in Europe and by the surcease of gold from California placed the tariff of 1846 where a real test of its merits or its demerits could be made. It was everywhere asked with apprehension and anxiety, Will this free-trade tariff now develop and sustain the business of the country as firmly and securely as it has been developed and sustained by protection? The answer was made in the ensuing year by a widespread financial panic, which involved the ruin of thousands, including proportionately as many in the South as in the North, leaving the country disordered and distressed in all the avenues of trade. The disastrous results of this tariff upon the permanent industries of the country are described in President Buchanan's well-remembered message, communicated to Congress after the panic: "With unsurpassed plenty in all the elements of national wealth, our manufacturers have suspended, our public works are retarded, our private enterprises of different kinds are abandoned, and thousands of useful laborers are thrown out of employment and reduced to want." This testimony as to the result of a free-trade tariff is all the more forcible from the fact that Mr. Buchanan, as a member of President Polk's Cabinet, had consented to the abandonment of protection, which in his earlier career he had earnestly supported.

If these disasters of 1857, flowing from the free-trade tariff, could have been regarded as exceptional, if they had been without parallel or precedent, they might not have had so deadly a significance. But the American people had twice before passed through a similar experience. On the eve of the war of 1812 Congress guarded the national strength by enacting a highly protective tariff. By its own terms this tariff must end with the war. When the new tariff was to be formed a popular cry arose against "war duties," though the country had prospered under them despite the exhausting effect of the struggle with Great Britain. But the prayer of the people was answered, and the war duties were dropped in 1816. The business of the country was speedily prostrated. The people were soon reduced to as great distress as in that melancholy period between the close of the Revolutionary war and the organization of the National Government—1783 to 1789. Colonel Benton's vivid description of the period of depression following the reduction of duties comprises in a few lines a whole chapter of the history of free trade in the United States:

"No price for property; no sales except those of the sheriff and the marshal; no purchasers at execution sales except the creditor or some hoarder of money; no employment for industry; no demand for labor; no sale for the products of the farm; no sound of the hammer except that of the auctioneer knocking down property. Distress was the universal cry of the people; relief the universal demand."

Relief came at last with the enactment of the protective tariff of 1824, to the support of which leading men of both parties patriotically united for the common good. That act, supplemented by the act of 1828, brought genuine prosperity to the country. The credit of passing the two protective acts was not due to one party alone. It was the work of the great men of both parties. Mr. Clay and General Jackson, Mr. Webster and Mr. Van Buren, Gen. William Henry Harrison and Richard M. Johnson, Silas Wright and Louis McLane voted for one or the other of these acts, and several of them voted for both. The cooperation of these eminent men is a great historic tribute to the necessity and value of protection. Plenty and prosperity followed as if by magic the legislation to which they gave their support. We have their concurrent testimony that the seven years preceding the enactment of the protective tariff of 1824 were the most discouraging which the young Republic in its brief life had encountered, and that the seven years which followed its enactment were beyond precedent the most prosperous and happy.

Sectional jealousy and partisan zeal could not endure the great development of manufactures in the North and East which followed the apparently firm establishment of the protective policy. The free-trade leaders of the South believed—at least they persuaded others to believe—that the manufacturing States were prospering at the expense of the planting States. Under the lead of Calhoun South Carolina rebelled, and President Jackson, who had so strikingly shown his faith in the policy of protection, was not able to resist the excitement and resentment which the free traders had created in the cotton States. He stood between hostile policies, represented by his two bitterest personal enemies—Clay for protection; Calhoun for free trade. To support Clay would ruin Jackson politically in the South. He could not sustain Calhoun, for, aside from his opposition to free trade, he had cause for hating him personally. He believed, moreover, that Calhoun was at heart untrue to the Union, and to the Union Jackson was as devoted as Clay. Out of this strange complication came, not unnaturally, the sacrifice of the protective tariff of 1824–1828 and the substitution of the compromise tariff of 1833, which established an ad valorem duty of 20 per cent on all imports and reduced the excess over that by a 10 per cent annual sliding scale for the ensuing ten years. Like all compromises, it gave complete satisfaction to neither party, but it was received with general acquiescence from the belief that it was the best practical solution of the impending difficulties. The impending difficulties were two. One was the portentous movement which involved the possibility of dissolving the Union. The other was the demand for a free-trade tariff as the only measure that could appease the Southern nullifiers. Disunion and free trade from that time became associated in the public mind—a source of apprehension in the North, a source of political power in the South. Calhoun was the master spirit who had given the original impulse both to disunion and free trade. Each in turn strengthened the other in the South, and both perished together in the war of the rebellion.

For a time satisfaction was felt with the tariff adjustment of 1833, because it was regarded as at last a temporary reconciliation between two sections of the Union. Before the sliding scale was ruinously advanced there was great stimulus to manufacturing and to trade which finally assumed the form of dangerous speculation. The years of 1834, 1835, and 1836 were distinguished for all manner of business hazard, and before the fourth year opened the 30 per cent reduction (three years of 10 per cent. each) on the scale of duties was beginning to influence trade unfavorably. The apprehension of evil soon became general, public confidence was shaken, the panic of 1837 ensued, and business reversals were rapid, general, and devastating.

The trouble increased through 1838, 1839, and 1840, and the party in power, held responsible for the financial disasters, fell under popular condemnation. Mr. Van Buren was defeated, and the elder General Harrison was elevated to the Presidency by an exceptionally large majority of the electoral votes. There was no relief to the people until the protective tariff of 1842 was enacted, and then the beneficent experience of 1824 was repeated on even a more extensive scale. Prosperity, wide and general, was at once restored. But the reinstatement of the Democratic party to power two years later by the election of Mr. Polk to the Presidency, followed by a perverse violation of public pledges on the part of men in important places of administration, led to the repeal of the protective act and the substitution of the tariff of 1846, to which I have already adverted, and whose effects upon the country I have briefly outlined.

Measuring, therefore, from 1812, when a protective tariff was enacted to give strength and stability to the Government in the approaching war with Great Britain, to 1861, when a protective tariff was enacted to give strength and stability to the Government in the impending revolt of the Southern States, we have fifty years of suggestive experience in the history of the Republic. During this long period free-trade tariffs were thrice followed by industrial stagnation, by financial embarrassment, by distress among all

classes dependent for subsistence upon their own labor. Thrice were these burdens removed by the enactment of a protective tariff. Thrice the protective tariff promptly led to industrial activity, to financial ease, to prosperity among the people. And this happy condition lasted in each case, with no diminution of its beneficent influence, until illegitimate political combinations, having their origin in personal and sectional aims, precipitated another era of free trade. A perfectly impartial man, unswerved by the excitement which this question engenders in popular discussion, might safely be asked if the half century's experience, with its three trials of both systems, did not establish the wisdom of protection in the United States. If the inductive method of reasoning may be trusted, we certainly have a logical basis of conclusion in the facts here detailed.

And by what other mode of reasoning can we safely proceed in this field of controversy? The great method of Bacon was by "rigid and pure observation, aided by experiment and fructified by induction." Let us investigate "from effects to causes, and not from causes to effects." Surely it is by a long series of experiments, and by that test only, that any country can establish an industrial system that will best aid in developing its hidden wealth and establishing its permanent prosperity. And each country must act intelligently for itself. Questions of trade can no more be regulated by an exact science than crops can be produced with accurate forecast. The unknown quantities are so many that a problem in trade or agriculture can never have an absolute answer in advance. But Mr. Gladstone, with an apparent confidence in results as unshaken as though he were dealing with the science of numbers, proceeds to demonstrate the advantage of free trade. He is positively certain in advance of the answer which experiment will give, and the inference is that nothing is to be gained by awaiting the experiment. Mr. Gladstone may argue for Great Britain as he will, but for the United States we must insist on being guided by facts and not by theories; we must insist on adhering to the teachings of experiments which "have been carried forward by careful generalization to well-grounded conclusions."

As an offset to the charge that free-trade tariffs have always ended in panics and long periods of financial distress, the advocates of free trade point to the fact that a financial panic of great severity fell upon the country in 1873, when the protective tariff of 1861 was in full force, and that, therefore, panic and distress follow periods of protection as well as periods of free trade. It is true that a financial panic occurred in 1873, and its existence would blunt the force of my argument if there were not an imperatively truthful way of accounting for it as a distinct result from entirely distinct causes. The panic of 1873 was widely different in its true origin from those which I have been exposing. The civil war, which closed in 1865, had sacrificed on both sides a vast amount of property. Reckoning the money directly expended, the value of property destroyed, and the production arrested and prevented, the total is estimated to be nine thousand millions of dollars. The producers of the country had been seriously diminished in number. A half million men had been killed. A million more had been disabled in various degrees. Help was needed in the honorable form of pensions, and the aggregate required for this purpose exceeded all anticipation and has annually absorbed an immense proportion of the national income. The public debt that must be funded reached nearly three thousand millions, demanding at the beginning more than $150,000,000 for annual interest. A great proportion of the debt, when funding was complete, was held in Europe, calling for an enormous export of gold, or its equivalent, to meet the interest.

Besides these burdens upon the people, the country was on a basis of paper money, and all gold payments added a heavy premium to the weight of the obligation. The situation was without parallel. The speculative mania which always accompanies war had swollen private obligations to a perilous extent, and the important question arose of restoring coin payment. On the one hand it was contended that to enforce the measure would create a panic by the shrinkage of prices which would follow; and on the other hand it was urged with equal zeal that to postpone it longer would increase the general distrust among the people as to the real condition of the country, and thus add to the severity of the panic, if one should be precipitated.

Notwithstanding the evil prophecies on both sides, the panic did not come until eight and a half years after the firing of the last gun in the civil war. Nor did it come until after two great calamities in the years immediately preceding had caused the expenditure of more than $200,000,000, suddenly withdrawn from the ordinary channels of business. The rapid and extensive rebuilding in Chicago and Boston after the destructive fires of 1871 and 1872 had a closer connection with the panic of 1873 than is commonly thought. Still further, the six years' depression, from 1873 to 1879, involved individual suffering rather than general distress. The country as a whole never advanced in wealth more rapidly than during that period. The entire experience strengthened the belief that the war for the Union could not have been maintained upon a free-trade basis, and that the panic of 1873 only proved the strength of the safeguard which protection supplies to a people surrounded by such multiform embarrassments as were the people of the United States during the few years immediately following the war. And, strongest of all points, the financial distress was relieved and prosperity restored under protection, whereas the ruinous effects of panics under free trade have never been removed except by a resort to protection.

Does Mr. Gladstone maintain that I am confusing post hoc with propter hoc in these statements? He must show, then, that the United States during the war could have collected a great internal revenue on domestic manufactures and products, when under the system of free trade similar fabrics would daily have reached New York from Europe to be sold at prices far below what the American manufacturer, with the heavy excise then levied, could afford to set upon his goods. And if the Government could collect little from the customs under free trade and nothing from internal products, whence could have been derived the taxes to provide for the payment of interest on public loans, and what would have become of the public credit? Moreover, with free trade, which Mr. Gladstone holds to be always and under all circumstances wiser than protection, we should have been compelled to pay gold coin for European fabrics, while at home and during the tremendous strain of the war legal-tender paper was the universal currency. In other words, when the life of the country depended upon the Government's ability to make its own notes perform the function of money the free-traders' policy would have demanded daily gold for daily bread.

The free trader can not offset the force of the argument by claiming that the laws regulating revenue and trade are, like municipal laws, silent during the shock of arms, because the five closing years—indeed, almost six years—of the decade in which the rebellion occurred were passed in peace, and during those years the ravages of war were in large degree repaired and new wealth rapidly acquired. But I shall not give to Mr. Gladstone or to the American free trader the advantage of seeming to rest the defense of protection upon its marvelous value during the exhaustive period of war. Viewing the country from 1861 to 1889—full twenty-eight years—the longest undisturbed period in which either protection or free trade has been tried in this country, I ask Mr. Gladstone if a parallel can be found to the material advancement of the United States?

Mr. Gladstone admits the wonderful increase of wealth acquired under a protective tariff, but he avers that the results would have been larger under free trade. That, of course, is a speculative opinion, and is entitled to respect according to the knowledge and experience of the man who utters it. Every statement of Mr. Gladstone carries weight, but in this case his opinion runs directly counter to the fifty years of financial experience through which this country has passed with alternate trials of the two systems. Moreover, it is fair to say that Mr. Gladstone does not in his utterance represent European judgment. He speaks only for the free-trade party of Great Britain and their followers on this side of the ocean. The most eminent statesman on the Continent of Europe holds opinions on this subject directly the reverse of those held by the most eminent statesman of Great Britain. We feel assured in America that so far as the question of protection may be affected, either favorably or adversely, by the weight of individual judgment, we may safely leave Mr. Gladstone to be answered by Prince Bismarck.

But better than the opinion of Mr. Gladstone, better than the opinion of Prince Bismarck, are the simple facts of the case of open record in both countries. A brief rehearsal of these facts, with the pertinent comparison which they suggest, will give the best answer to Mr. Gladstone's assumption that the United States would have made more rapid progress under a system of free trade. I take the official figures of the census of the United States, and for the United Kingdom I quote from Mr. Giffen, who is commended by Mr. Gladstone as the best authority in England:

In 1860 the population of the United States was, in round numbers, 31,000,000. At the same time the population of the United Kingdom was, in round numbers, 29,000,000. The wealth of the United States at that time was fourteen thousand millions of dollars; the wealth of the United Kingdom was twenty-nine thousand millions of dollars. The United Kingdom had, therefore, nearly the same population, but more than double the wealth of the United States, with machinery for manufacturing fourfold greater than that of the United States. At the end of twenty years—1880—it appeared that the United States had added nearly thirty thousand millions of dollars to her wealth, while the United Kingdom had added nearly fifteen thousand millions, or about one-half.

During this period of twenty years the United States had incurred the enormous loss of nine thousand millions of dollars by civil war, while the United Kingdom was at peace, enjoyed exceptional prosperity, and made a far greater gain than in any other twenty years of her history—a gain which during four years was in large part due to the calamity which had fallen upon the United States. The United Kingdom had added 6,000,000 to her population during the period of twenty years, while the addition to the United States exceeded 18,000,000.

By the compound ratio of population and wealth in each country, even without making allowance for the great loss incurred by the civil war, it is plainly shown by the statistics here presented that the degree of progress in the United States under protection far exceeded that of the United Kingdom under free trade for the period named. In 1860 the average wealth per capita of the United Kingdom was $1,000, while in the United States it was but $450. In 1880 the United Kingdom had increased her per capita wealth to $1,230, while the United States had increased her per capita wealth to $870. The United Kingdom had in twenty years increased her per capita wealth 23 per cent, while the United States had increased her per capita wealth more than 93 per cent. If allowance should be made for war losses, the ratio of gain in the United States would far exceed 100 per cent. Upon these results, what ground has Mr. Gladstone for his assertion?

With great confidence, Mr. Gladstone proposes to carry the war for free trade into the enemy's country. Perhaps the enemy, who are only modest protectionists, may embarrass the march of his logic with a few pertinent questions, or at least abate the rate of speed which he proposes for his triumphant movement. I shall not give counter theories. I shall only cite established facts, and allow the facts to establish their own theories:

1. John Edgar Thompson, late president of the Pennsylvania Railroad Company, purchased 100 tons of steel rails in 1862 at a price (freight paid to New York, duty of 45 per cent unpaid) of $103.44, gold coin. (By way of illustrating Mr. Gladstone's claim to superior quality of manufactures under free trade, the railroad company states that many of the rails broke during the first winter's trial.) In 1864 English rails had fallen to $88 per ton in New York, the freight paid and the duty unpaid. English manufacturers held the market for the ensuing six years, though the sales at the high prices were limited. In 1870 Congress laid a specific duty of $28 per ton on steel rails. From that time the home market has been held by our own manufacturers, with a steady annual fall in price as the facilities of production increased, until the past summer and autumn, when steel rails were selling in Pittsburg, Chicago, and London at substantially the same prices. Does any free trader on either side of the ocean honestly believe that American rails could ever have been furnished as cheaply as English rails except by the sturdy competition which the highly protective duty of 1870 enabled the American manufacturers to maintain against the foreign manufacturers in the first place, and among American manufacturers themselves in the second place? It is not asserted that during the nineteen years since the heavy duty was first established (except during the past few months) American rails have been as cheap in America as English rails have been in England, but it is asserted with perfect confidence that, steadily and invariably, American railroad companies have bought cheaper rails at home than they would have been able to buy in England if the protective duty had not stimulated the manufacture of steel rails in the United States and if the resulting competition had not directly operated upon the English market.*

* In 1870 only 30,000 tons of steel rail were manufactured in the United States. But the product under the increased duty of that year rapidly increased. The relative number of tons produced in England and the United States for a period of twelve years is shown as follows:

Year.	England.	United States.	Year.	England.	United States.
1877	508,400	385,865	1877	750,006	500,524
1878	622,390	491,427	1878	807,527	653,773
1879	520,231	610,682	1879	834,511	829,439
1880	732,910	852,196	1880	1,044,382	1,074,232
1881	1,023,740	1,187,770	1881	1,441,719	1,574,247
1882	1,235,785	1,284,067	1882	1,673,649	1,514,687
1883	1,067,174	1,148,709	1883	1,553,380	1,477,345
1884	784,968	996,983	1884	1,299,676	1,375,531
1885	706,583	959,471	1885	1,394,127	1,519,430
1886	730,343	1,574,703	1886	1,570,520	2,208,190
1887	1,021,847	2,101,904	1887	2,089,403	2,936,033
1888	979,083	1,386,277	1888	2,032,794	2,511,161
Total in 12 years	9,963,454	12,980,054	Total in 12 years	16,401,688	18,035,622

For the same period, 1877–1888, inclusive, the following table will show the number of tons of steel ingots produced in the two countries respectively:

Under the protective duty of 1870 the United States soon manufactured annually a much larger quantity of steel than Great Britain, and reduced the price from $100 per ton in gold to less than $35 per ton in gold.

2. English steel for locomotive tires imported in 1865, duty paid, was 34 cents per pound in gold. The American competition, under a heavy protective duty, had by 1872 reduced the price to 13 cents per pound, duty paid. At the present time (1889) American steel for locomotive tires, of as good quality as the English steel formerly imported, is furnished at 4¼ cents per pound and delivered free of cost at the point where the locomotives are manufactured. The lowering of price was not a voluntary act on the part of the English manufacturer. It was the direct result of American competition under a protective duty—a competition that could not have been successfully inaugurated under free trade.

3. In the year 1860, the last under a free-trade policy, the population of 31,000,000 in the United States bought carpets to the amount of $12,000,000. Nearly half of the total amount was imported. In 1888, with a population estimated at 63,000,000, the aggregate amount paid for carpets was nearly $60,000,000, and of this large sum less than one million was paid for foreign carpets and about half a million for oriental rugs. Does any free trader in England believe that the United States, without a protective tariff, could have attained such control of its own carpet manufacture and trade? It will not be unnoticed in this connection that under a protective tariff the population by reason of better wages was enabled to buy a far greater proportion of carpets than under free trade. Or must it escape observation that carpets are now furnished to the American buyer under a protective tariff much cheaper than when a nonprotective tariff allowed Europe to send so large a proportion of the total amount used in the United States.

These illustrations might be indefinitely multiplied. In woolens, in cottons, in leather fabrics, in products of lead, of brass, of copper; indeed, in the whole round of manufactures it will be found that protection has brought down the price from the rate charged by the importers before protection had built up the competing manufacture in America. For many articles we pay less than is paid in Europe. If we pay higher for other things than is paid across the sea to-day, figures plainly indicate that we pay less than we should have been compelled to pay if the protective system had not been adopted; and I beg Mr. Gladstone's attention to the fact that the American people have much more wherewith to pay than they had or could have under free trade.*

Mr. Gladstone boldly contends that "keeping capital at home by protection is dear production, and is a delusion from top to bottom." I take direct issue with him on that proposition. Between 1870 and the present time considerably more than 100,000 miles of railroad have been built in the United States. The steel rail and other metal connected therewith involved so vast a sum of money that it could not have been raised to send out of the country in gold coin. The total cost could not have been less than $500,000,000. We had a large interest to pay abroad on the public debt, and for nine years after 1870 gold was at a premium in the United States. During those years nearly 40,000 miles of railway were constructed, and to import English rail and pay for it with gold bought at a large premium would have been impossible. A very large proportion of the railway enterprises would of necessity have been abandoned if the export of gold to pay the rails had been the condition precedent to their construction. But the manufacture of steel rails at home gave an immense stimulus to business. Tens of thousands of men were paid good wages, and great investments and great enrichments followed the line of the new road and opened to the American people large fields for enterprise not theretofore accessible.

* In spite of these facts President Cleveland made the following statements, which I quote from his free-trade message to Congress in December, 1887:

"Our present tariff laws, as their primary and plain effect, raise the price to consumers of all articles imported and subject to duty by precisely the sum paid by those who purchase for use these imported articles. Many of these things, however, are raised or manufactured in our own country, and the duties now levied upon foreign goods and products are called protection to these home manufactures, because they render it possible for those of our people who are manufacturers to make these taxed articles and sell them for a price equal to that demanded for the imported goods that have paid customs duty. So it happens that, while comparatively a few use the imported articles, millions of our people who never use and never saw any of the foreign product, purchase and use things of the same kind made in this country, and pay therefor nearly or quite the same enhanced price which the duty adds to the imported articles."

I recall this quotation primarily for two reasons: First, Mr. Cleveland stands without a rival at the head of the free-trade party in the United States, and it is instructive to see how exactly he adopts the line of argument used by the English free trader. Second. It is a valuable admission from the head of the free-trade party when he affirms that "comparatively a few of our people use imported articles," and that there are "millions of our people who never use and never saw any of the foreign products." In what words could the complete success of the protective policy in the United States be more fitly expressed?

But when Mr. Cleveland asserted that our people pay for our domestic fabrics "nearly or quite the same enhanced price which the duty adds to the imported articles," he evidently spoke without investigating facts, and accepted as true one of those fallacious statements which have been used in the interest of foreign importers to deceive the people. Mr. Cleveland's argument would have been strengthened if he had given a few examples—nay, if he had given one example—to sustain his charge. As he omitted all illustrations of his position, I venture to select a few which apparently establish the exact reverse of Mr. Cleveland's statement:

India-rubber goods are protected by a duty of 25 per cent; but, instead of those goods being 25 per cent higher in price than the foreign goods, they are, in fact, cheaper. They undersell the English article in Canada and successfully compete with Canada's goods, which are protected by a duty of 20 per cent.

Patent leather is subject to a duty of 20 per cent; but patent leather is not, therefore, 20 per cent higher in the United States than elsewhere. On the contrary, it is cheaper. Five years ago the city government of London advertised for bids for a large amount of patent leather to be used in connection with the uniforms of the police. There were bids from several countries, but the lowest bid was offered by a manufacturer of Newark, N. J. He secured the contract, and furnished the goods at a fair profit.

Steel rails are selling in London for £7 per ton. The duty is $15 per ton. The price, therefore, in the United States ought to be, according to Mr. Cleveland's doctrine, $50 per ton. But in fact the price is but $35 per ton, and during the last summer and autumn was as low as $25 per ton, and large sales were made at $30 per ton.

Boots and shoes are subject to 30 per cent duty. According to Mr. Cleveland they should be 30 per cent higher than the foreign article. As a matter of fact, they are cheaper. American boots and shoes hold the Canadian market against the European manufacture.

Examples of this kind could be shown on almost the whole tariff list where an American manufacture is firmly established. In fact, the whole history of protection has vindicated what Alexander Hamilton said of it when he was at the head of the Treasury: "The internal competition which takes place soon does away with everything like monopoly, and by degrees reduces the price of the article to the minimum of a reasonable profit on the capital employed. This accords with the reason of the thing and with experience." Mr. Hamilton thus effectually answers both Mr. Gladstone and Mr. Cleveland.

I might ask Mr. Gladstone what he would have done with the labor of the thousands of men engaged in manufacturing rail if it had been judged practicable to buy the rail in England. Fortunately he has given his answer in advance of the question, for he tells us that "in America we produce more cloth and more iron at high prices, instead of more cereals and more cotton at low prices." The grain growers of the West and the cotton growers of the South will observe that Mr. Gladstone holds out to them a cheerful prospect! They "should produce more cereals and more cotton at low prices"! Mr. Gladstone sees that the protective system steadily tends to keep up the price of "cereals and cotton," and he asks that manufactures of "cloth and iron" be abandoned, so that we may raise "more cereals and more cotton at low prices." Mr. Gladstone evidently considers the present prices of cereals and cotton as "high prices."

Protectionists owe many thanks to Mr. Gladstone for his outspoken mode of dealing with this question of free trade. He gives us his conclusions without qualification and without disguise. The American free trader is not so sincere. He is ever presenting half truths and holding back the other half, thus creating false impressions and leading to false conclusions. But Mr. Gladstone is entirely frank. He tells the laborers on protected articles that they would be better engaged in "raising more cereals and more cotton at low prices." Where does Mr. Gladstone suggest a market for the additional grain and cotton to be raised by American mechanics becoming farmers and increasing the production of those great staples? The foreign market is filled with a competing grain supply to such a degree that a cheap price of wheat is unduly lowered to the Western farmer. The farmer needs a still larger home consumption of his grain, while Mr. Gladstone thinks he needs a still larger home production. The legitimate involvement of Mr. Gladstone's argument is that all mechanical and manufacturing enterprises in America producing articles of higher price than the same produced in Europe should be abandoned, and the laborers so engaged should be turned to the production of "more cereals and more cotton at low prices." The Western farmer's instinct is wiser than Mr. Gladstone's philosophy. The farmer knows that the larger the home market the better are his prices, and that as the home market is narrowed his prices fall.

Mr. Gladstone's pregnant suggestion really exhibits the thought that lies deep in the British mind, that the mechanic arts and manufacturing processes should be left to Great Britain, and the production of raw material should be left to America. It is the old colonial idea of the last century, when the establishment of manufactures on this side of the ocean was regarded with great jealousy by British statesmen and British merchants. Some years before the Revolutionary struggle began Parliament had declared that "the erecting of manufactories in the colonies tends to lessen their dependence on Great Britain." A few years later the British Board of Trade reported to Parliament that "manufactures in the American colonies interfere with profits made by British merchants." The same body petitioned Parliament that "some measures should be provided to prevent the manufacturing of woolen and linen goods in the colonies." Finally Parliament declared that "colonial manufacturing was prejudicial to the trade and manufactures of Great Britain." These outrageous sentiments (the colonists characterized them much more severely) were cherished in the time of the glorious Georges, in the era of Walpole and the elder Pitt.

I do not mean to imply that Mr. Gladstone's words carry with them an approval, even retrospectively, of this course toward the colonies, but there is a remarkable similarity to the old policy in the fundamental ideas that moves him in 1889 to suggest that Americans produce "too much cloth and too much iron," and should turn their labor to "low-priced cereals and low-priced cotton." Are we not justified in concluding that Mr. Gladstone's theory of free trade, in all its generalizations and specifications, is fitted exactly to the condition of Great Britain, and that British hostility to American protection finds its deep foundation in the fact, to quote the old phrase, that "it is prejudicial to the trade and manufactures of Great Britain," that "it lessens our dependence upon Great Britain," and that "it interferes with profits made by British merchants"?

Mr. Gladstone makes another statement of great frankness and of great value. Comparing the pursuits in the United States which require no protection with those that are protected, he says: "No adversary will, I think, venture upon saying that the profits are larger in protected than in unprotected industries." This is very true, and Mr. Gladstone may be surprised to hear that the constant objection made by American free traders against the "protected industries," as he terms them, is that the profits derived from them are illegitimately large. Mr. Gladstone sees clearly that as a rule this is not true, and he at once discerns the reason. He says: "The best opinions seem to testify that in your protected trades profits are hard present to your wages." The free traders of America try by every cunning device to hide this fact. Its admission is fatal to their cause. Not one free-trade organ or leader among them all dares to take his position beside Mr. Gladstone and plainly tell the truth to the American laborer. Not one free-trade organ or leader dares frankly to say to the great body of American workmen that the destruction of protection inevitably and largely reduces their daily wages. I thank Mr. Gladstone for this testimony, at once accurate and acute. It is fair to presume that he intends it to be applied to the unprotected manufacturer in England and to the protected manufacturer in America, both producing the same article. His logic gives, and I have no doubt truly, as large profit to the manufacturer of England, selling at a low price, as to the manufacturer of America, selling at a high price—the difference consisting wholly in the superior wages paid to the American mechanic.

There is another important effect of protective duties which Mr. Gladstone does not include in his frank admission. He sees that the laborers in what he calls the "protected industries" secure high pay, especially as compared with the European school of wages. He perhaps does not see that the effect is to raise the wages of all persons in the United States engaged in what Mr. Gladstone calls the "unprotected industries." Printers, bricklayers, carpenters, and all others of that class are paid as high wages as those of any other trade or calling, but if the wages of all those in the protected classes were suddenly struck down to the English standard, the others must follow. A million men can not be kept at work for half the pay that another million men are receiving in the same country. Both classes must go up or must go down together.

Mr. Gladstone makes another contention, in which, from the American point of view, he leaves out of sight a controlling factor, and hence refers an effect to the wrong cause. Regarding the advance of wages in England he says: "Wages which have been partially and relatively higher under protection have become both generally and absolutely higher, and greatly higher, under free trade." I do not doubt the fact, but I venture to suggest that such advance in wages as there has been in England is referable to another and a palpable cause—namely, the higher wages in the United States, which have constantly tempted British mechanics to emigrate, and which would have tempted many more if the inducement of an advance in wages at home had not been interposed. Especially have wages been high and tempting in the United States since 1861, when the country became firmly protective by the enactment of the Morrill tariff. It will be found, I think, that the advance of wages in England corresponds precisely in time, though

not in degree, with the advance in the United States, and the advance in both cases was directly due to the firm establishment of protection in this country as a national policy. But it must not be forgotten that American wages are still from 70 per cent to 100 per cent higher than British wages. If a policy of free trade should be adopted in the United States, the reduction of wages which would follow here would promptly lead to a reduction in England. The operatives of Manchester, Leeds, and Sheffield recognize this fact as clearly as do the proprietors who pay the advanced wages, and more clearly than do certain political economists who think the world of commerce and manufactures can be unerringly directed by a theory evolved in a closet without sufficient data and applied to an inexact science.

The zeal of Mr. Gladstone for free trade reaches its highest point in the declaration that "All protection is morally as well as economically bad." He is right in making this his strongest ground of opposition, if protection is a question of morals. But his assertion leaves him in an attitude of personal inconsistency. There is a protection on sea as well as on land. Indeed, the most palpable and effective form of protection is in the direct payment of public money to a line of steamers that could not be maintained without that form of aid. I do not say that such aid is unwise protection, least of all do I say it is immoral. On the contrary, I think it has often proved the highest commercial wisdom, without in the least infringing upon the domain of morals. Mr. Gladstone, however, commits himself to the principle that "All protection is morally bad." If this has been his belief ever since he became an advocate of free trade, his conscience must have received many and severe wounds, as session after session, while chancellor of the exchequer, he carried through Parliament a bounty—may I not say a direct protection?—of £180,000 to a line of steamers running between England and the United States—a protection that began six years before free trade was proclaimed in English manufactures and continued nearly twenty years after. In the whole period of twenty-five years an aggregate of many millions of dollars was paid out to protect the English line against all competition.

It may be urged that this sum was paid for carrying the Anglo-American mails, but that argument will not avail a free trader, because steamers of other nationalities stood ready to carry the mails at a far cheaper rate. Nay, a few years ago, possibly when Mr. Gladstone was premier of England, public bids were asked to carry the Anglo-Indian mails. A French line offered a lower bid than any English line, but the English Government disregarded the French bid and gave the contract to the Peninsular and Oriental line, owned by a well-known English company. Still later the German Lloyd Company contracted to carry the Anglo-American mails cheaper than any English line offered, and the German company actually began to perform the duty. But Englishmen did not want that kind of free trade, and they broke the contract with the German line and again gave protection to the English ships. Does not this justify the opinion that the English policy of free trade is urged where England can hold the field against rivals, and that when competition leaves her behind she repudiates free trade and substitutes the most pronounced form of protection?

Does Mr. Gladstone's estimate of the immorality of protection apply only to protection on land, or is supremacy on the sea so important to British interests that it is better to throw morals to the wind and resort to whatever degree of protection may be necessary to secure the lead to English ships? The doctrine of improving harbors in the United States by the National Government was for many years severely contested, the strict construction party maintaining that it must be confined to harbors on the seacoast at points where foreign commerce reaches the country. During one of the many discussions over this narrow construction an Ohio member of Congress declared that he "could not think much of a Constitution that would not stand being dipped in fresh water as well as salt." I fear that Mr. Gladstone's code of morals on this question of protection will not secure much respect in other countries so long as it spoils in salt water.

It will not escape Mr. Gladstone's keen observation that British interests in navigation flourish with less rivalry and have increased in greater proportion than any other of the great interests of the United Kingdom. I ask his candid admission that it is the one interest which England has protected steadily and determinedly, regardless of consistency and regardless of expense. Nor will Mr. Gladstone fail to note that navigation is the weakest of the great interests in the United States, because it is the one which the National Government has constantly refused to protect. If since the civil war the United States had spent in protecting her shipping merely the annual interest on the great sum which England has expended to protect her ocean traffic, American fleets would now be rivaling the fleets of England, as they rivaled them before the war, on every sea where the prospect of commerical gain invites the American flag.

The failure of the United States to encourage and establish commercial lines of American ships is in strange contrast with the zealous efforts made to extend lines of railway inside the country, even to the point of anticipating the real needs of many sections. If all the advances to railway companies, together with the outright gifts by towns, cities, counties, States, and nation be added together, the money value would not fall short of a thousand millions of dollars. No effort seems too great for our people when the interior of the country is to be connected with the seaboard. But when the suggestion is made to connect our seaboard with commercial cities of other countries by lines of steamships the public mind is at once disturbed by the cry of "subsidy." We really feel as much afraid of protection at sea as Mr. Gladstone is of protection on land. The positions of the American Congress and the English Parliament on this subject are precisely reversed. England has never been affrighted by the word subsidy, and, while we have stood still in potent fear, she has taken possession of the seas by the judicious, and even the lavish, interposition of pecuniary aid. I have already said that the interest on the amount which England has paid for this object since she began it with great energy fifty years ago would give all the stimulus needed for the rapid expansion of our commerce. Let it be added that if the Government of the United States will for twenty years to come give merely the interest upon the interest at the rate of 5 per cent on the amount which has been a free gift to railroads, every steam line needed on the Atlantic, the Pacific, and the Gulf will spring into existence within two years from the passage of the act. It is but a few years since Congress twice refused to give even $125,000 per annum to secure an admirable line of steamers from New York to the four largest ports of Brazil. And the sum of $125,000 is but the interest upon the interest of the interest at 5 per cent of the gross amount freely given to the construction of railroads within the Union. Is it any wonder that we have lost all prestige on the sea?

The opposition to the policy of extending our foreign commerce by aiding steamship lines with a small sum, just as we have aided internal commerce on railroads with a vast sum, originates with the American free trader. Mr. Gladstone can not fail to see how advantageous the success of this free-trade effort in the United States must prove to Great Britain. The steady argument of the free trader is that if the steamship lines were established, we could not increase our trade, because we produce under our protective tariff nothing that can compete in neutral markets with articles of the like kind from England. How, then, can the free trader explain the fact that a long list of articles manufactured in the United States find ready and large sale in Canada? The Canadian tariff is the same upon English and American goods. Transportation from England to Quebec or Montreal is cheaper than from the manufacturing centers of the United States to the same points. The difference is not great, but it is in favor of the English shipper across the seas, and not the American shipper by railway. It is for the free trader to explain why, if the cost of transportation be made the same, the United States can not compete with England in every country in South America in all the articles of which we sell a larger amount in Canada than England does. I append a note naming the American articles sold in Canada, and the free trader, if candid, will admit that the list is one that is constantly and rapidly increasing.*

Giving heed to the cry of the professional free trader in America, Mr. Gladstone feels sure that, though the protected manufacturers in the United States may flourish and prosper, they do so at the expense of the farmer, who is in every conceivable form, according to the free-trade dictum, the helpless victim of protection. Both Mr. Gladstone and the American free trader have, then, the duty of explaining why the agricultural States of the West have grown in wealth during the long period of protection at a more rapid rate than the manufacturing States of the East. The statement of the free trader can be conclusively answered by referring to the census of the United States for the year 1880 and also for the year 1880:

In 1880 eight manufacturing States of the East (the six of New England, together with New York and Pennsylvania) returned an aggregate wealth of $5,123,000,000. Twenty years afterwards, by the census of 1880, the same States returned an aggregate wealth of $16,228,000,000. The rate of increase for the twenty years was slightly more than 216 per cent.

Let us see how the agricultural States fared during this period. By the census of 1860, 8 agricultural States of the West (Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, and Wisconsin) returned an aggregate wealth of $2,271,000,000. Twenty years afterwards, by the census of 1880 (protection all the while in full force), these same States returned an aggregate wealth of $11,268,000,000. The rate of increase for the twenty years was 396 per cent, or 180 per cent greater than the increase in the 8 manufacturing States of the East.

The case will be equally striking if we take the 15 Southern States that were slaveholding in 1860. By the census of that year the aggregate return of their property was $6,792,000,000; but $2,000,000,000 was slave property. Deducting that, the total property returned was $4,792,000,000. Their aggregate return of wealth by the census of 1880 was $8,633,000,000. The rate of increase for the twenty years was 80 per cent. Consider that during this period 11 States of the South were impoverished by civil war to an extent far greater than any country has been despoiled in the wars of modern Europe; consider that the labor system on which previous wealth had been acquired in the South was entirely broken up; and yet, at the end of twenty years, the Southern States had repaired all their enormous losses and possessed nearly double the wealth they had ever known before. Do not these figures incontestably show that the agricultural sections of the country, West and South, have prospered even beyond the manufacturing sections, East and North? And all this not merely with protection, but because of protection!

As Mr. Gladstone considers protection immoral, he defines its specific offense as "robbery." To have been fully equal to the American standard of free-trade vituperation, Mr. Gladstone should have denounced our manufacturers as "robber barons." This is the current phrase with a class who are perhaps more noisy than numerous. The intention of the phrase is to create popular prejudice against American manufacturers as growing rich at the expense of the people. This accusation is so persistently repeated that its authors evidently regard it as important to their cause. It may perhaps surprise Mr. Gladstone to be told that out of the fifty largest fortunes in the United States—those that have arrested public attention within the the last ten years—certainly not more than one has been derived from protected manufacturing; and this was amassed by a gentleman of the same Scotch blood with Mr. Gladstone himself. The forty-nine other fortunes were acquired from railway and telegraph investments, from real-estate investments, from the import and sale of foreign goods, from banking, from speculations in the stock market, from fortunate mining investments, from patented inventions, and more than one from proprietary medicines.

It is safe to go even further and state that in the one hundred largest fortunes that have been viewed as such in the past ten years, not five have been derived from the profits of protected manufactures. Their origin will be found in the fields of investment already referred to. Moreover, the fear of the evil effect of large fortunes is exaggerated. Fortunes rapidly change. With us wealth seldom lasts beyond two generations. There is but one family in the United States recognized as possessing large wealth for four consecutive generations. When Mr. Jefferson struck the blow that broke down the right of primogeniture and destroyed the privilege of entail he swept away the only ground upon which wealth can be secured to one family for a long period. The increase in the number of heirs in successive generations, the rightful assertion of equality among children of the same parents, the ready destruction of wills that depart too far from this principle of right, and, above all, the uncertainty and the accidents of investment, scatter fortunes to the wind and give to them all the uncertainty that betides human existence.

In no event can the growth of large fortunes be laid to the charge of the protective policy. Protection has proved a distributor of great sums of money; not an agency for amassing it in the hands of a few. The records of our saving banks and building associations can be appealed to in support of this statement. The benefit of protection goes first and last to the men who earn their bread in the sweat of their faces. The auspicious and momentous result is that never before in the history of the world has comfort been enjoyed, education acquired, and independence secured by so large a proportion of the total population as in the United States of America.

APPENDIX B.

THE REPUBLICAN PLATFORM.

[Text of the declaration of principles as adopted by the St. Louis convention.]

The Republicans of the United States, assembled by their representatives in national convention, appealing for the popular and historical justification of their claims to the matchless achievements of the thirty years of Republican rule, earnestly and confidently address themselves to the awakened intelligence, experience, and conscience of their countrymen in the following declaration of facts and principles:

For the first time since the civil war the American people have witnessed the calamitous consequences of full and unrestricted Democratic control of the Government. It has been a record of unparalleled incapacity, dishonor, and disaster. In administrative management it has ruthlessly sacrificed indispensable revenue, entailed an unceasing deficit, eked out ordinary current expenses with borrowed money, piled up the public debt by $262,000,000 in time of peace, forced an adverse balance of trade, kept a perpetual menace hanging over the redemption fund, pawned American credit to alien syndicates, and reversed all the measures and results of successful Republican rule.

In the broad effect of its policy it has precipitated panic, blighted industry and trade with prolonged depression, closed factories, reduced work and wages, halted enterprise, and crippled American production, while stimulating foreign production for the American market. Every consideration of public safety and individual interest demands that the Government shall be rescued from the hands of those who have shown themselves incapable to conduct it without disaster at home and dishonor abroad, and shall be restored to the party which for thirty years administered it with unequaled success and prosperity, and in this connection we heartily indorse the wisdom, patriotism, and the success of the Administration of President Harrison.

TARIFF.

We renew and emphasize our allegiance to the policy of protection as the bulwark of American industrial independence and the foundation of American development and prosperity. This true American policy taxes foreign products and encourages home industry; it puts the burden of revenue on foreign goods; it secures the American market for the American producer; it upholds the American standard of wages for the American workingman; it puts the factory by the side of the farm, and makes the American farmer less dependent on foreign markets and price; it diffuses general thrift, and founds the strength of all on the strength of each. In its reasonable application it is just, fair, and impartial; equally opposed to foreign control and domestic monopoly, to sectional discrimination and individual favoritism.

We denounce the Democratic tariff as sectional, injurious to the public credit, and destructive to business enterprise. We demand such an equitable tariff on foreign imports which come into competition with American products as will not only furnish adequate revenue for the necessary expenses of the Government, but will protect American labor from degradation to the wages paid to that of other lands. We are not pledged to any particular schedules. The question of rates is a practical question, to be governed by the conditions of the time and of production; the ruling and uncompromising principle is the protection and development of American labor and industry. The country demands a right settlement, and then it wants rest.

RECIPROCITY.

We believe the repeal of the reciprocity arrangements negotiated by the last Republican Administration was a national calamity, and we demand their renewal and extension on such terms as will equalize our trade with other nations, remove the restrictions which now obstruct the sale of American products in the ports of other countries, and secure enlarged markets for the products of our farms, forests, and factories.

Protection and reciprocity are twin measures of Republican policy and go hand in hand. Democratic rule has recklessly struck down both, and both must be reestablished. Protection for what we produce; free admission for the necessaries of life which we do not produce; reciprocity agreements of mutual interests which gain open markets for us in return for our open markets to others. Protection builds up domestic industry and trade, and secures our own market for ourselves; reciprocity builds up foreign trade and finds an outlet for our surplus.

SUGAR.

We condemn the present Administration for not keeping faith with the sugar producers of this country. The Republican party favors such protection as will lead to the production on American soil of all the sugar which the American people use, and for which they pay other countries more than $100,000,000 annually.

WOOL AND WOOLENS.

To all our products—to those of the mine and the fields as well as to those of the shop and the factory—to hemp, to wool, the product of the great industry of sheep husbandry, as well as to the finished woolens of the mill—we promise the most ample protection.

MERCHANT MARINE.

We favor restoring the American policy of discriminating duties for the upbuilding of our merchant marine and the protection of our shipping in the foreign carrying trade, so that American ships—the product of American labor, employed in American shipyards, sailing under the Stars and Stripes, and manned, officered, and owned by Americans—may regain the carrying of our foreign commerce.

FINANCE.

The Republican party is unreservedly for sound money. It caused the enactment of the law providing for the resumption of specie payments in 1879; since then every dollar has been as good as gold.

We are unalterably opposed to every measure calculated to debase our currency or impair the credit of our country. We are, therefore, opposed to the free coinage of silver except by international agreement with the leading commercial nations of the world, which we pledge ourselves to promote, and until such agreement can be obtained the existing gold standard must be preserved. All our silver and paper currency must be maintained at parity with gold, and we favor all measures designed to maintain inviolably the obligations of the United States and all our money, whether coin or paper, at the present standard, the standard of the most enlightened nations of the earth.

PENSIONS.

The veterans of the Union Army deserve and should receive fair treatment and generous recognition. Whenever practicable they should be given the preference in the matter of employment, and they are entitled to the enactment of such laws as are best calculated to secure the fulfillment of the pledges made to them in the dark days of the country's peril. We denounce the practice in the Pension Bureau, so recklessly and unjustly carried on by the present Administration, of reducing pensions and arbitrarily dropping names from the rolls as deserving the severest condemnation of the American people.

FOREIGN RELATIONS.

Our foreign policy should be at all times firm, vigorous, and dignified, and all our interests in the Western Hemisphere carefully watched and guarded. The Hawaiian Islands should be controlled by the United States, and no foreign power should be permitted to interfere with them; the Nicaragua Ship Canal should be built, owned, and operated by the United States; and by the purchase of the Danish Islands we should secure a proper and much-needed naval station in the West Indies.

ARMENIAN MASSACRES.

The massacres in Armenia have aroused the deep sympathy and just indignation of the American people, and we believe that the United States should exercise all the influence it can properly exert to bring these atrocities to an end. In Turkey American residents have been exposed to the gravest dangers and American property destroyed. There and everywhere American citizens and American property must be absolutely protected at all hazards and at any cost.

MONROE DOCTRINE.

We reassert the Monroe doctrine in its full extent, and we reaffirm the right of the United States to give the doctrine effect by responding to the appeal of any American State for friendly intervention in case of European encroachment. We have not interfered and shall not interfere with the existing possessions of any European power in this hemisphere, but these possessions must not, on any pretext, be extended. We hopefully look forward to the eventual withdrawal of the European powers from this hemisphere, and to the ultimate union of all English-speaking parts of the continent by the free consent of its inhabitants.

CUBA.

From the hour of achieving their own independence the people of the United States have regarded with sympathy the struggles of other American peoples to free themselves from European domination. We watch with deep and abiding interest the heroic battle of the Cuban patriots against cruelty and oppression, and our best hopes go out for the full success of their determined contest for liberty.

The Government of Spain, having lost control of Cuba, and being unable to protect the property or lives of resident American citizens, or to comply with its treaty obligations, we believe that the Government of the United States should actively use its influence and good offices to restore peace and give independence to the island.

THE NAVY.

The peace and security of the Republic and the maintenance of its rightful influence among the nations of the earth demand a naval power commensurate with its position and responsibility. We therefore favor the continued enlargement of the Navy and a complete system of harbor and seacoast defenses.

FOREIGN IMMIGRATION.

For the protection of the quality of our American citizenship and of the wages of our workingmen against the fatal competition of low-priced labor, we demand that the immigration laws be thoroughly enforced, and so extended as to exclude from entrance to the United States those who can neither read nor write.

CIVIL SERVICE.

The civil-service law was placed on the statute book by the Republican party, which has always sustained it, and we renew our repeated declarations that it shall be thoroughly and honestly enforced and extended wherever practicable.

FREE BALLOT.

We demand that every citizen of the United States shall be allowed to cast one free and unrestricted ballot, and that such ballot shall be counted and returned as cast.

LYNCHINGS.

We proclaim our unqualified condemnation of the uncivilized and barbarous practice well known as lynching or killing of human beings suspected or charged with crime, without process of law.

NATIONAL ARBITRATION.

We favor the creation of a national board of arbitration to settle and adjust differences which may arise between employers and employees engaged in interstate commerce.

HOMESTEADS.

We believe in an immediate return to the free-homestead policy of the Republican party, and urge the passage by Congress of a satisfactory free-homestead measure, such as has already passed the House, and is now pending in the Senate.

TERRITORIES.

We favor the admission of the remaining Territories at the earliest practicable date, having due regard to the interests of the people of the Territories and of the United States. All the Federal officers appointed for the Territories should be selected from bona fide residents thereof, and the right of self-government should be accorded as far as practicable.

ALASKA.

We believe the citizens of Alaska should have representation in the Congress of the United States, to the end that needful legislation may be intelligently enacted.

TEMPERANCE.

We sympathize with all wise and legitimate efforts to lessen and prevent the evils of intemperance and promote morality.

RIGHTS OF WOMEN.

The Republican party is mindful of the rights and interests of women. Protection of American industries includes equal opportunities, equal pay for equal work, and protection to the home. We favor the admission of women to wider spheres of usefulness, and welcome their cooperation in rescuing the country from Democratic and Populist mismanagement and misrule.

Such are the principles and policies of the Republican party. By these principles we will abide and these policies we will put into execution. We ask for them the considerate judgment of the American people. Confident alike in the history of our great party and in the justice of our cause, we present our platform and our candidates in the full assurance that the election will bring victory to the Republican party and prosperity to the people of the United States.

APPENDIX C.

CHAIRMAN THURSTON'S ADDRESS.

GENTLEMEN OF THE CONVENTION: The happy memory of your kindness and confidence will abide in my grateful heart forever. My sole ambition is to meet your expectations, and I pledge myself to exercise the important powers

* The following articles of American manufacture are sold in Canada more largely than like articles of English manufacture:

Brass goods, copper goods, cordage, ginghams, bottles, flasks, india-rubber goods, printing ink, ingrain carpets, wood manufactures, twines, tinware, ship rigging, wall paper, writing paper, envelopes, blank books, strawboard paper, boots and shoes, leather and skins, sole leather, leather goods, patent leather, figured oilcloths, grain drills, harrows, harvesters, hoes, forks, mowing machines, scythes, spades, shovels, builders' and cabinetmakers' hardware, house-furnishing hardware, nails, firearms, sewing machines, screws, stoves, axes, jewelry (sterling and plated), silverware, lamps, locomotives, hatchets, hammers, saws, mechanics' tools, organs, pianos, "notions," plain house furniture, especially hotel furniture.

of this high office with absolute justice and impartiality. I bespeak your cordial cooperation and support to the end that our proceedings may be orderly and dignified, as before this have been the deliberations of the supreme council of the Republican party.

Eight years ago I had the distinguished honor to preside over the convention which nominated the last Republican President of the United States. To-day I have the distinguished honor to preside over the convention which is to nominate the next President of the United States. This generation has had its object lesson and the doom of the Democratic party is already announced. The American people will return to the Republican party, because they know that its administration will mean—

The supremacy of the Constitution of the United States.

The maintenance of the law and order.

The protection of every American citizen in his right to live, labor, and to vote.

A vigorous foreign policy.

The enforcement of the Monroe doctrine.

The restoration of our merchant marine.

Safety under the Stars and Stripes on every sea, in every port.

A revenue adequate for all governmental expenditures and the gradual extinguishment of the national debt.

MEANS A SOUND CURRENCY.

A currency as sound as Government and as untarnished as its honor, whose dollars, whether of gold, paper, or silver, shall have equal purchasing and debt-paying power with the best dollars of the civilized world.

A protective tariff which protects, coupled with reciprocity which reciprocates, thereby securing the best markets for American products and opening of American factories to the free coinage of American muscle.

A pension policy just and generous to our living heroes and to the widows and orphans of their dead comrades.

The governmental supervision and control of transportation lines and rates.

The protection of the people from unlawful combination and unjust exaction of aggregated capital and corporated power.

An American welcome to every God-fearing, liberty-loving, Constitution-respecting, lawabiding, labor-seeking, decent man.

The exclusion of all whose birth, whose blood, whose condition, whose practices would menace the permanency of free institutions, endanger the safety of American society, or lessen the opportunities of American labor.

The abolition of sectionalism—every star in the American flag shining for the honor and welfare and happiness of every Commonwealth and all the people. A deathless loyalty to all that is true and American and a patriotism eternal as the stars.

Protection and Bimetallism the Watchwords of Prosperity.

That which has engaged the attention without harmonizing the convictions of such master minds as Aristotle, Plato, Brahe, Copernicus, Locke, Newton, Smith, Bastiat, and Mill is surely a study which none can afford to broach with rashness nor to leave with complacency. When the principles which underlie it are thoroughly understood, money is perhaps the mightiest engine to which man can lend an intelligent guidance. Unheard, unfelt, unseen, it has the power to so distribute the burdens, gratifications, and opportunities of life that each individual shall enjoy that share of them to which his merits or good fortune may fairly entitle him, or, contrariwise, to dispense them with so partial a hand as to violate every principle of justice and perpetuate a succession of social slaveries to the end of time.—*Alexander Del Mar.*

SPEECH

OF

HON. SAMUEL C. HYDE

OF WASHINGTON,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 6, 1896.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of the revenue—

Mr. HYDE said:

Mr. CHAIRMAN: The natural embarrassment with which I first rise to speak in the House of Representatives is much heightened by the momentous importance of the questions involved in the Senate amendment, questions which are now receiving the earnest attention of the first statesmen and financiers of the world, and upon which so many members of long service upon this floor have spoken with profound learning and great eloquence; but I should feel that I had failed in my duty to the people of that young and progressive State which I have the honor in part to represent were I to remain silent.

GOLD AND SILVER UNDER THE CONSTITUTION.

Recognizing the power to coin and regulate the value of money as one of the principal incidents of national sovereignty, the founders of our Government placed in that great organic law, the Constitution of the United States, the following provisions:

The Congress shall have power to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures. (Article I, section 8, paragraph 5.)

No State shall * * * coin money, emit bills of credit, make anything but gold and silver coin a tender in payment of debts. (Article I, section 10, paragraph 1.)

From these plain provisions it will be seen that gold and silver were made equally the money metals of the American people. The prohibition placed upon the States against making anything except gold and silver coins legal tender puts the two metals upon an equality, and shows clearly that they are to be regarded as the standard money of the Constitution.

Alexander Hamilton, whose genius as a creative statesman, in my opinion, was the greatest America has produced, as was Abraham Lincoln the greatest statesman in executive ability—the great emancipator, the preserver of this nation—the then Secretary of the Treasury, in his report to Congress upon the establishment of a mint in 1791, declared that—

To annul the use of either gold or silver as money is to abridge the quantity of circulating medium, and is liable to all the objections which arise from a comparison of the benefits of a full circulation with the evils of a scanty circulation.

On the whole—

Says Mr. Hamilton—

it seems most advisable not to attach the unit exclusively to either of the metals, because this can not be done effectually without destroying the office and character of one of them as money and reducing it to the situation of mere merchandise.

Thomas Jefferson, in his letter to Hamilton of February, 1792, says:

I will return you the report on the mint, which I have read over with a great deal of satisfaction, and concur with you in thinking that the unit must stand on both metals.

Mr. Chairman, I dislike to weary the House with quotations, but I believe there is no better method in the search for truth than to recur often to foundations and first principles. I will therefore send to the Clerk's desk and ask to have read the statutes of the United States enacted April 2, 1792, under the Constitution, pursuant to the recommendations of these great statesmen, establishing a mint and regulating coinage in the United States.

The Clerk read as follows:

SEC. 9. There shall be from time to time struck and coined at the said mint coins of gold, silver, and copper of the following denominations, values, and descriptions, namely: Eagles, each to be of the value of ten dollars or units, and to contain two hundred and forty-seven grains and four-eighths of a grain of pure or two hundred and seventy grains of standard gold. * * * Dollars or units, each to be of the value of the Spanish milled dollar as the same is now current, and to contain three hundred and seventy-one grains and four-sixteenths part of a grain of pure or four hundred and sixteen grains of standard silver. * * *

SEC. 11. That the proportional value of gold to silver in all coins which shall, by law, be current as money in the United States shall be as 15 to 1, according to the quantity and weight of pure gold or pure silver; that is to say, every 15 pounds weight of pure silver shall be of equal value in all payments with 1 pound weight of pure gold, and so in proportion to any greater or less quantities of the respective metals.

SEC. 14. That it shall be lawful for any person or persons to bring to the said mint gold and silver bullion in order to their being coined; and that the bullion so brought shall be there assayed and coined as speedily as may be after the receipt thereof, and that free of expense to the person or persons by whom the same shall have been brought. * * *

SEC. 16. That all the gold and silver coins which have been struck at and issued from the said mint shall be lawful tender in all payments whatsoever. * * *

Mr. HYDE. These statutes were approved and signed by the immortal George Washington.

Here is a system of true bimetallism, the free and unlimited coinage of both gold and silver with full legal-tender power to coins of both metals. This system was continued for the first eighty-one years of the life of this Republic, until 1873. Gold and silver were freely coined and nothing was heard of "unsound money."

WITH THE ANCIENTS.

Mr. Chairman, I would not have you infer that because I have so specifically pointed out the foundations of our bimetallic system that I would overlook the great fact that gold and silver have been the money metals of the world before these enactments—ever since civilization began—and, since the introduction of paper money, have been the only safe basis for that currency.

And Abraham hearkened unto Ephron; and Abraham weighed to Ephron the silver, which he had named in the audience of the sons of Heth, 400 shekels of silver, current money with the merchant.—Genesis, xxiii, 16.

This was nearly forty centuries ago, and yet the terms used show that silver was then money current in trade.

And Job says:

Yea, the Almighty shall be thy defense, and thou shalt have plenty of silver.

To speak of the mining of the precious metals, gold and silver, in Asia and Europe, and in all nations since the beginning of the world, is but to remind us of the teachings of history. None have summed up this subject with more eloquence than the late James G. Blaine in a speech in Congress. Referring to the purchase of a burial place by Abraham with silver, he said:

This was well-nigh forty centuries ago. Since that time nations have risen and fallen, races have disappeared, dialects and languages have been forgotten, arts have been lost, treasures have perished, continents have been discovered, islands have been sunk in the sea, and through all these changes silver and gold have reigned supreme as the representatives of value, as the media of exchange. The dethronement of each has been attempted in turn, and sometimes the dethronement of both, but always in vain.

[Applause.]

With some slight changes in ratio, all the gold and silver mined in the world, not required in the arts, was received into the mints

and coined as money until 1873. Gentlemen upon this floor have made much of the argument that no great quantity of silver was coined in the United States. There was in fact $143,000,000 coined, $84,000,000 of which was full legal tender. The reason why no more was coined was principally because silver at the ratio adopted, 15 to 1, was undervalued by us; it was at a premium over gold, and was sent abroad to be coined. It went into the great money supplies of the world, which, like all seas, find a common level in the great ocean of the world's money. It brought back to the United States its price in gold, or in the products of other countries, to increase the wealth of our people, and it helped to keep the balance of trade in our favor, the same as if it had been coined at home.

DEMONETIZATION.

No statesman ever thought of destroying one of these money metals. On one occasion Daniel Webster said:

I am certainly of opinion that gold and silver, at rates fixed by Congress, constitute the legal standard of value in this country, and that neither Congress nor any State has authority to establish any other standard, or to displace this standard.

Mr. Blaine, in the speech in Congress just referred to, touching upon this point, says:

I believe gold and silver coin to be the money of the Constitution—indeed, the money of the American people anterior to the Constitution; money which the organic law of the Republic recognized as independent of its own existence. No power was conferred on Congress to declare that either metal should not be money. Congress has, therefore, in my judgment, no more power to demonetize silver than to demonetize gold; no more power to demonetize either than to demonetize both.

In 1816 England demonetized silver. She was already pressing forward as the chief creditor nation of the world; her economists already taught the doctrine that an appreciating value of money made lower prices and therefore encouraged exports.

Somewhat later this policy and principle was explained by Lord Overstone with his usual perspicuity to the secret committee of the House of Lords, as follows:

Monetary distress tends to produce fall of prices; that fall of prices encourages exports and diminishes imports; consequently it tends to promote an influx of bullion. I can quote a fact of rather a striking character which tends to show that a contracting operation upon the circulation tends to cheapen the cost of our manufactured productions and therefore to increase our exports.

Here, sir, is striking proof and admission that free trade and the single gold standard must go together. But the value of silver remained unimpaired. The commercial ratio between the two metals was comparatively steady until the aid of the law of other nations was invoked to destroy the value of silver.

After the close of the Franco-Prussian war Germany recovered of the French people $1,000,000,000 as her war indemnity. Looking across the Channel she saw England, now the chief financial power, with a single gold standard. Hoping to increase the value of her exactions from the French she demanded gold, and in 1873 enacted a law demonetizing silver and adopting the single gold standard.

The United States the same year passed an act demonetizing silver. Mr. Chairman, I shall not weary you with the "crime of '73," but there are a few salient points to which I would like to call the attention of the House. When the United States and Germany thus entered upon the abandonment of the coinage of silver it was not depreciated, but was at a premium of about 3 per cent over gold. The people of the United States were doing business upon the basis of the cheaper metal, and were not alarmed because the dearer metal went abroad. Being at a premium over gold, silver could not have been demonetized on account of overproduction nor because of a depreciation in the commercial value of silver bullion.

The world's production for the preceding year was: Silver, $51,575,000; gold, $106,850,000.

Again, sir, there was no demand on the part of the people of the United States for the demonetization of silver. Veiled under the title of a bill to make appropriations for the mints and to revise the coinage laws, it struck out the silver dollar without the knowledge of the American people generally, and unknown to our greatest statesmen, numbers of whom were at that time members of Congress.

Sir, what leading journals of this country contained editorial discussions of the grave changes made by that bill? Imagine the passage of a bill of such importance in that manner through Congress to-day. It is also true, Mr. Chairman, that there has never been a time since the act of 1873, after the attention of the people of this country was called to the question, when a bill demonetizing silver could have been forced through Congress.

DOES LAW AFFECT BULLION VALUES?

Mr. Chairman, there is one thing I will promise. I will not weary the House with those diagrams covered with zigzag lines, by which it is sought to show the variations between gold and silver, the rise and fall of prices, and so on. To me they appear to need a man to go along to explain their meaning. They distract me, and I think must weary and puzzle many members. But I will ask gentlemen to give attention to a few figures from the table which I hold in my hand and will print in the RECORD. It is taken from the last (1895) report of the Director of the United States Mint, and shows the commercial ratio between gold and silver bullion from 1687 to 1894.

A glance at these figures will show that but three times in a period of more than two hundred years has the value of silver bullion fallen below 16 of silver to 1 of gold.

But, sir, more significant still are the figures for 1874, the first year after the demonetization acts, the ratio being 16.17. Looking back over the figures, we find that the ratio had not gone below 16 to 1 since 1813, a period of sixty years. In 1873 the ratio was 15.92. Demonetization came, and the ratio has steadily declined until in 1894 it was 32.56.

Commercial ratio of silver to gold each year from 1687 to 1894, based upon the price of silver in the London market.

[From 1687 to 1832 the ratios are taken from Dr. A. Soetbeer; from 1833 to 1878 from Pixley and Abell's tables; and from 1879 to 1894 from daily cablegrams from London to the Bureau of the United States Mint.]

Year.	Ratio.	Year.	Ratio.	Year.	Ratio.	Year.	Ratio.	Year.	Ratio.
1687	14.94	1729	14.92	1771	14.66	1813	*16.25	1855	15.38
1688	14.94	1730	14.81	1772	14.52	1814	15.04	1856	15.38
1689	15.02	1731	14.94	1773	14.62	1815	15.20	1857	15.27
1690	15.02	1732	15.09	1774	14.62	1816	15.28	1858	15.38
1691	14.98	1733	15.18	1775	14.72	1817	15.11	1859	15.19
1692	14.92	1734	15.39	1776	14.55	1818	15.35	1860	15.29
1693	14.83	1735	15.41	1777	14.54	1819	15.33	1861	15.30
1694	14.87	1736	15.18	1778	14.68	1820	15.62	1862	15.35
1695	15.02	1737	15.02	1779	14.80	1821	15.95	1863	15.37
1696	15.00	1738	14.91	1780	14.72	1822	15.80	1864	15.37
1697	15.20	1739	14.91	1781	14.78	1823	15.84	1865	15.44
1698	15.07	1740	14.94	1782	14.42	1824	15.82	1866	15.43
1699	14.94	1741	14.92	1783	14.48	1825	15.70	1867	15.57
1700	14.81	1742	14.85	1784	14.70	1826	15.76	1868	15.59
1701	15.07	1743	14.85	1785	14.92	1827	15.74	1869	15.60
1702	15.52	1744	14.87	1786	14.96	1828	15.78	1870	15.57
1703	15.17	1745	14.98	1787	14.92	1829	15.78	1871	15.57
1704	15.22	1746	15.13	1788	14.65	1830	15.82	1872	15.63
1705	15.11	1747	15.26	1789	14.75	1831	15.72	1873	*15.92
1706	15.27	1748	15.11	1790	15.04	1832	15.73	1874	*16.17
1707	15.44	1749	14.80	1791	15.05	1833	15.93	1875	*16.59
1708	15.41	1750	14.55	1792	15.17	1834	15.73	1876	*17.88
1709	15.31	1751	14.39	1793	15.00	1835	15.80	1877	*17.22
1710	15.22	1752	14.54	1794	15.37	1836	15.72	1878	*17.94
1711	15.29	1753	14.54	1795	15.55	1837	15.83	1879	*18.40
1712	15.31	1754	14.48	1796	15.65	1838	15.85	1880	*18.05
1713	15.24	1755	14.68	1797	15.41	1839	15.62	1881	*18.16
1714	15.13	1756	14.94	1798	15.50	1840	15.62	1882	*18.19
1715	15.11	1757	14.87	1799	15.74	1841	15.70	1883	*18.64
1716	15.09	1758	14.85	1800	15.68	1842	15.87	1884	*18.57
1717	15.13	1759	14.15	1801	15.46	1843	15.93	1885	*19.41
1718	15.11	1760	14.14	1802	15.26	1844	15.85	1886	*20.78
1719	15.09	1761	14.54	1803	15.41	1845	15.92	1887	*21.13
1720	15.04	1762	15.27	1804	15.41	1846	15.90	1888	*21.99
1721	15.05	1763	14.99	1805	15.79	1847	15.80	1889	*22.10
1722	15.17	1764	14.70	1806	15.52	1848	15.85	1890	*19.76
1723	15.20	1765	14.83	1807	15.43	1849	15.78	1891	*20.92
1724	15.11	1766	14.80	1808	*16.08	1850	15.70	1892	*23.72
1725	15.11	1767	14.85	1809	15.96	1851	15.46	1893	*26.49
1726	15.15	1768	14.80	1810	15.77	1852	15.59	1894	*32.56
1727	15.24	1769	14.72	1811	15.53	1853	15.33		
1728	15.11	1770	14.62	1812	*16.11	1854	15.33		

And yet, Mr. Chairman, all around me there are gentlemen, on both sides of the House, who maintain that law can not create values, who insist that statutes can have no effect upon the value of either silver or gold. If value were a material thing this would be true, for "man can create nothing; he can only move something." And yet the same gentlemen say they are in favor of an international agreement for the establishment of bimetallism. But this international agreement, to have any force, must be supplemented and sustained by statute laws of the nations who enter into it. If law can not give value to the money metals, why hold an international convention?

A look at the figures of the last twenty-two years, shown in the table just referred to, must satisfy every impartial mind. Coinage creates demand; demand creates value. And it is not alone the fact that we coin the metals, but it is the right to be coined which gives it value. To gentlemen on the other side who argue that legislation can not give value to silver we ask, Why was it that the closing, without notice, of the Indian mint in 1893 caused a fall in the price of silver bullion of 15 cents an ounce in one day? There was no decrease in the cost, no increase in the quantity of silver produced. The law was rescinded and its value fell.

Mr. Chairman, we who follow the legal profession fall so readily into the habit of citing authorities, and these facts are so pertinent and indisputable, that I can not forbear to read to you from great men whose opinions sustain the principle for which we contend.

Our own Francis A. Walker, whose text-book upon Political Economy is a standard in three continents, in his work on Money has written:

The philosophy of money owes little to the cultivation of systematic political economy in modern times.

If this be true, we may safely turn to Aristotle, the master mind of the ancient world. In defining money he says:

Money has value only by the law, and not by nature, inasmuch as a change of agreement among those who use it can depreciate it completely and render it entirely unfit to satisfy any of our wants.

And Cernuschi, the greatest of bimetallists, has written:

Nature produces silver and gold, but does not produce money. It is the legislator who attributes to one of the metals, or the two conjointly, the monetary function. Numisma, money, comes from nomos, law.

Mr. Chairman, we are told that if the mints of the United States were opened to the coinage of gold and silver upon equal terms America would become a "dumping ground" for all the silver in the world. Gentlemen on the other side would have us believe that ships loaded with silver would race across the waters to reach the mints of the United States for coinage. But where is this silver to come from? Remember that all the coined silver in the world is doing duty as money at home, and is circulating at par with gold. In France, Italy, Spain, Belgium, Switzerland, and Russia it has been coined at a ratio of 15½ to 1; in Great Britain at 14.28 to 1; Germany, 13.95; Austria, 13.69. The English silver would lose 7 cents on every dollar's worth at home by conversion into the money of the United States. The Frenchman contemplating the exchange of his silver coin for our gold by converting his silver into our dollars and exchanging these dollars for our gold, must contemplate a minimum sacrifice of $35 on every $1,000 worth of his lawful money at home. Silver is the sole standard and full legal tender in all the oriental nations, and was coined at a ratio higher for silver than our ratio.

Mr. Chairman, one of the clearest statements of the condition and cost of the coined silver in the world which I have found is contained in a recent issue of the New York World, one of the leading journals of this country, which favors the single gold standard. I will send it to the Clerk's desk and ask that it be read. It will be remembered that the value of our coined silver is $1.29 per ounce.

The Clerk read as follows:

Has silver ever sold as high as $1.29 an ounce since the passage of the Sherman silver bill?

CLEBURNE.

That depends upon what you mean by the Sherman silver bill, for there were more than one, and what kind of silver you refer to. Silver vases and silver cups are sold as high as $2.50 an ounce, and silver spoons and the ordinary silver tableware as low as 90 cents an ounce. No silver bullion has been sold as high as $1.29 per ounce since the Sherman purchase act of 1890; but nobody has been able to buy 99.99 per cent of the silver in the market at a less rate than $1.29 to $1.32 per ounce. There are in the world $3,035,000,000 coined at and worth $1.32 per ounce, $665,500,000 coined at $1.29 per ounce, and $53,400,000 coined at about $1.40 per ounce. This comprises all the silver in the world in raw material, outside of manufactures, except a few thousand ounces of bar silver, for which the market price is about 70 cents. No silver in the world can be bought for or has a market value less than $1.29 per ounce except these few thousand ounces which have been shut out of the main use for silver—money.

FIFTY-CENT DOLLARS.

Mr. HYDE. Mr. Chairman, we are told by gentlemen on the other side that upon the adoption of bimetallism we shall immediately go to a silver basis, that the value of all money in the United States will be cut in two, that gold will leave the country, and we shall have nothing but 50-cent dollars. Sir, no such thing as a silver basis, if by that is meant 50-cent dollars, is possible in this country. If every dollar in gold in the United States were swept out of existence to-day, and none to take its place, we would not be upon a silver basis, but upon the basis of all our money—legal-tender, paper money of all kinds, and silver. Our money could not go down to 50 cents on the dollar, and under the worst view of the subject it would be at a small discount only. The eminent financial writer, Matthew Marshall, in a recent issue of the New York Sun, has touched upon this subject intelligently. Both the writer and that great journal favor the single gold standard. He writes:

Our currency other than gold, large as it is, is restricted within definite limits, and its value, as compared with gold would still be greater than that of silver bullion. * * * At this very moment we see how a limited quantity of coin, both here and in Europe, is kept at par with gold coin, and the suspension of gold payments would send it to a discount governed only by the excess of its nominal amount above that fixed by the demand for it as a medium of exchange. In Italy, for example, where gold payments have been suspended for several years, the discount is only about 7 per cent; in Austria it is not even 3 per cent, and in France, when the Bank of France refuses to pay out gold at par, it is seldom as much as 1 per cent. * * * It is an error to imagine that as soon as it occurred gold would at once go to 95 per cent premium and our currency lose one-half of its purchasing power.

Sir, gold is at a premium at this hour; it is not helping to carry on the legitimate business of this country. Heavens! Can a monetary system be imagined which will send gold abroad faster than it goes under the mongrel system which we now have? It will only remain with us when employed as the instrument through which our beloved country is sunk deeper and deeper under the burden of a bonded debt. As soon as these bonds are issued gold will take up its course again for the money centers of Europe. American gold coins are to-day being hoarded in the money chests of European governments as a reserve for their next great wars.

THE BOND ISSUE.

Mr. Chairman, I will digress for a moment to speak of the present bond issue, because it is really part of the question under consideration. On yesterday the Secretary of the Treasury received bids for $100,000,000 in interest-bearing bonds and to-morrow he will accept bids and allot the bonds, and thus, in a time of profound peace, this nation will go $100,000,000 more in debt. And for what purpose? It is not to raise money with which to carry on the Government. On yesterday there was $170,774,376.93 free money in the Treasury available for use. It is to supply gold for the benefit of those who will export it to foreign countries; who will hoard it, hoping for a premium, and this process must be repeated as soon as this voracious crowd can return to the attack upon the Treasury. It must be a long bucket which can be kept full after the bottom has fallen out. It is true this one hundred and seventy millions was not acquired through the legitimate revenues of the Government. It is principally the proceeds of former bond sales, but, being in the Treasury, it is as available for every purpose of the Government as if obtained through the ordinary sources of revenue. When the sale of bonds which took place on yesterday is completed over a hundred millions more will be added to the surplus in the Treasury, so that plainly these bond sales are not to obtain revenue. Both the President and Secretary so declare. The currency in circulation will be contracted another hundred millions. Greenbacks, which so many gentlemen on this floor object to having retired, will be most effectually locked up from circulation, causing sharp contraction in the currency. Neither, sir, can I join with gentlemen who would congratulate the Government upon the favorable terms of this loan. The rate of interest will not be less than 3⅜ per cent per annum. Great Britain pays only 2½ per cent on some of her consols, and they sell in the market at $1.04, and the 3 percents of the Republic of France sell at par. With the $162,000,000 already issued during the present Administration this will make a bonded indebtedness of $262,000,000 to run thirty years. Sir, this debt, with the interest added, when paid will be more than $500,000,000; and worst of all, it appears as if there were no power save the hand of the Almighty to stay these bond issues.

To you, my comrades, who fought the good fight to save the Union, so many of whom have seats in this Chamber, I say how you must feel the humiliation which is now being brought upon this nation. We have fondly believed this generation has given to the world some of the most glorious pages of its history. The greatest war of modern times has been fought out, the Union preserved, the slave made free, the enormous debt of about three billions nearly paid off, and in a few more years, could we have kept on, we could have said to posterity, "We present you with an open book and a fair page." Now we must cross the threshold of the coming century in the chains of a great national debt which must bind the coming generation. And this great wrong must be borne at the behest of those who will profit by our adoption of the free trade and single gold standard system of Great Britain. [Applause.]

Sir, when this bill in its original form, regulating the issue of bonds, was before the House, I voted against it. I will have no part or parcel with Grover Cleveland in this gold-bonding scheme; I wash my hands of the whole business. [Loud applause.]

HAVE WE BIMETALLISM NOW?

Mr. Chairman, there seems to be confusion in the minds of many as to whether we live under the bimetallic system or have a single gold standard. And when we consider our various kinds of current money and the operations of the Treasury under the rulings adopted there we can not wonder that there is doubt in the minds of the people concerning the law upon these most important subjects. Once more, what is bimetallism? Maurice L. Muhleman, deputy assistant treasurer of the United States at New York, in his recent work, Monetary Systems of the World, defines bimetallism as follows:

By *bimetallism*, strictly defined, is meant the free and unlimited coinage of both gold and silver into coins of full debt-paying power. Not the mere use of the double standard, but the actually open mints on the terms above given.

This definition agrees exactly with the system given us by Washington, Hamilton, and Jefferson. A clear understanding of the meaning of terms is the first necessity in the discovery of truth. Gentlemen might as well talk about the "horse marines" or discourse upon "white blackbirds" as to talk about bimetallism with any one of the essentials included in this definition left out. Any other is a bastard affair and not bimetallism.

Under our existing laws we lack but one essential of bimetallism; that is, we have closed the mints to the further coinage of silver. The act of 1873 discontinued the coinage of the silver dollar, and the Revised Statutes of 1873, which came in force in 1874, provided that silver coins should be a legal tender for no more than $5. But specie payments being at that time suspended, the stoppage of the coinage of silver and its demonetization were not felt. The passage of the Bland-Allison Act in 1878 and the Sherman law in

1890 restored the silver dollar to its full legal-tender power. The repeal of the purchasing clause of the Sherman Act, although it stopped the coinage of silver, took away from the silver dollar none of the high attributes of money of final redemption. And so stands the American silver dollar in the eyes of the law to-day.

Mr. Chairman, I will not weary the House by pointing out the different acts providing for the payment of the indebtedness of the United States. It is admitted on all sides that the resumption act and all acts for the payment of the bonded and other obligations of the United States provide for payment in "coin" only, and not in gold. And, sir, here it is that we are lacking in one more and a most important essential of bimetallism. The Secretary of the Treasury construes the word "coin" to mean gold, if the creditor demands it. Instead of holding the option of payment in either coin with the Government, and thus protecting the Treasury, he gives the option to the creditor. This second requisite we lack, namely, that the Government itself shall give its faith, full value and credit to the silver dollar by tendering it in payment of the obligations of the United States whenever the law provides that it may be done and the condition of the Treasury requires it. In this we differ from France.

The law says that silver shall be a legal tender for all debts, public and private. All our outstanding obligations, including the greenbacks, are payable in "coin," yet from the very hour of resumption the Treasury Department has transferred to the holder of United States notes—greenbacks—the option to demand and receive gold in payment. This statement being often questioned, I have been at some pains to procure the testimony of the Secretary of the Treasury, so there can be no doubt about it. That official testified before the Committee on Appropriations of the House of Representatives, during the consideration of the sundry civil appropriation bill for the year 1896, as follows:

Question by Mr. Sibley, a Representative from Pennsylvania:

I would like to ask you what objection there could be to having the option of redeeming either in silver or gold lie with the Treasury instead of with the note holder?

Mr. CARLISLE. If that policy had been adopted at the beginning of resumption—and I am not using this for the purpose of criticising the action of any of my predecessors, or anybody else—but if the policy of reserving to the Government at the beginning of resumption the option of redeeming in gold or silver all its paper presented, I believe it would have worked beneficially, and there would have been no trouble growing out of it; but the Secretaries of the Treasury from the beginning of resumption have pursued the policy of redeeming in gold or silver at the option of the note holders. There is a vast difference between establishing a policy at the beginning and reversing the policy after it has been a long time established.

This testimony of the Secretary removes all doubt concerning the law.

Mr. Chairman, to show to what lengths these ministerial officers of the Government will go, they pursue this policy not only with greenbacks, but with Sherman notes—silver certificates issued under the Sherman law. And the law there expressly provides that the option to redeem such notes in gold or silver coin shall be at the discretion of the Secretary. Sir, no lawyer upon this floor will contend that there is authority for interpreting the statute to give the discretion of the Government to the creditor where it expressly provides that this discretion shall lie with the Secretary.

HOW THIS WORKS.

The distinguished gentleman from Pennsylvania [Mr. BROSIUS], in debate upon this floor a few days ago, said:

In respect to the gold reserve, it may be said that the situation of the Treasury of the United States under our system is singularly unique. I think it is the only place where gold redemption is absolutely compulsory without qualification or limitation. It is the only custodian of gold on the face of the earth that I know of which is without the means of resisting incursions from foreign claimants or domestic speculators or hoarders.

It is these rulings of the Secretaries of the Treasury, Mr. Chairman, which furnish the "endless chain" with which to draw all of our gold out of the Treasury, force these bond issues, and discredit one-half of the metal money of this Government. It is these rulings which leave us standing two steps from full bimetallism instead of one, where we might stand under the law.

It appears to me that we have the same system under the law as the French people. They have full bimetallism, except that free coinage has been discontinued. The Bank of France, which stands in place of the Government, exercises the option of paying in gold or silver. In this manner it is able to regulate the amount of gold and silver retained in the bank, and the amount of coins of each metal in circulation throughout that Republic. Coins of both metals are thus held at a parity and the credit of the bank is maintained.

Sir, the Republican party will never be a party to the creation of "dishonest dollars." The people of the State of Washington honestly differ in opinion as to whether bimetallism in this country may be restored by the enactment of a full bimetallic law at once. But, sir, in my opinion, they do not differ in their desire that full bimetallism shall be established in this country. They differ as to what are safe means to bring it about. Gentlemen on the other side tell us that this full bimetallic law which has been sent to us from the Senate Chamber can not pass at this time; that even were it to pass this House it must fail under the veto of the President. It would be interesting to know how many put away investigation and discussion of this question, lay aside misgivings, and join their forces with the strongest legions. But, sir, no such course as that will answer for me. I shall accept the responsibility. When this question comes to a vote I shall first vote for the amendment to open the mints to coinage of silver produced in the mines of the United States. If this fails, gentlemen on the other side must show that some other measure leading to bimetallism will be offered, some step to relieve us of this terrible pressure for gold, or I shall support the Senate amendment.

Sir, being a new member of this body I shall not set up as a "know-it-all" nor as being able to solve this great problem alone. But let me suggest that if we can not begin by the enactment of this full bimetallic law, the first step to break up these gold raids upon the Treasury, stop the issue of interest-bearing bonds, and restore perfect parity of value between gold and silver, and thus lead to full coinage of both metals, will be for our Secretaries of the Treasury to reserve to the Government the option of paying in either coin, and pay gold and silver in equitable proportions, as is done at the Bank of France. I can not concede that the various statutes and joint resolutions adopted by Congress declaring it to be the policy of the Government to maintain the parity are followed in letter or in spirit by giving all the preference to gold. We can certainly see that the plan is working most disastrously to our people. The hundred millions in bonds issued on yesterday will not be the last. Soon another issue will be called for, and so on.

The Secretary in his testimony says: "If this policy had been adopted in the beginning, I believe it would have worked beneficially and there would have been no trouble growing out of it." If, sir, we have already drifted far away from safe moorings, shall we drift farther and farther away until we are lost in the deep sea of financial ruin? No, sir; let us put about before it is forever too late, and make for the haven of law, good faith, sound finance, and bimetallism. [Applause.]

Sir, ninety-five out of every hundred of the people of this country "live and move and have their being" by the fruits of toil. "In the sweat of thy face shalt thou eat bread" is the law of humanity. The plain people do not believe the policy of the Government should be directed entirely in the interests of the income classes and those whose business in life is to deal in money. People honestly differ, as I have said, as to the means by which bimetallism may be reached, but they favor bimetallism, and are strongly opposed to the single gold standard. The chief doubt, sir, it appears to me, lies in the difference between the commercial value of the bullion from which the gold and the silver dollars are made. I have already shown beyond dispute, it seems to me, that this has been caused principally by the enactment of laws directed against silver; but the question is, How shall we recover the lost ground? Adopt this policy of paying all obligations of the Government in the coins of both metals, and it will increase the value of silver and give confidence in that metal. As population increases and business grows and the demand for more money to carry on the business of the country presses, we may take the next step toward full bimetallism by opening the mints to the coinage of the American product.

Mr. Chairman, one argument advanced by the other side I must notice briefly. It is that the Government has no silver coin with which to make payments in silver as well as gold. The argument has no foundation. To make sure, I examined the question in the office of the Treasurer of the United States, Hon. D. N. Morgan, this morning, and had the courteous assistance of that gentleman. No records are kept of the vast sums of money received by the Government through internal revenues, nor at the custom-houses of the United States, except in the city of New York, where the principal part of the revenues from customs is received. There records of the different kinds of money paid to the Government are kept, and the reports show that for the past three years more than one-third of the revenues were paid in silver or silver certificates. There is no question but the same proportion holds good as to internal revenues and collections at other custom-houses. The Government has a great silver revenue, amounting to probably two hundred millions each year. Where received in certificates, all that is necessary is for the Government, which then becomes the owner of the certificates, to replace the certificates with the silver dollars in the Treasury, and by this method become enabled to pay out the silver coin. The coin is a legal tender, the certificates under the Bland-Allison law are not. The creditor may take his choice in silver coin or silver certificates. The right of the Government to take this course, I am informed by the honorable Treasurer, is unquestioned.

"It is hard for an empty bag to stand alone," says Franklin. The Government has a splendid silver revenue, and in the bimetallic system, which I believe will come, it will also have a gold revenue. If the Government must pay gold, it must have a gold revenue other than that derived from the sale of bonds in

time of peace. This was the system of Lincoln and Seward, of Chase and Fessenden.

OUR SILVER DOLLAR TO-DAY.

Mr. Chairman, if gentlemen will bear with me a moment, I would like to speak of the character of the American silver dollar and the important work it is performing to-day in carrying on the business of the people. I know of no subject about which so much misrepresentation is constantly made and concerning which so much misapprehension exists. On yesterday there were $331,462,893 in silver certificates under the Bland-Allison law and $58,334,092 in standard silver in circulation. It is constantly charged that each of these silver dollars and certificates is worth 100 cents only because there is a gold dollar behind it, because the Government will redeem it in gold. The mails come laden with pamphlets written upon this question, where this contention is strenuously argued; magazine and newspaper articles constantly reiterate it. Sir, the assertion is always a flat falsehood or an ignorant mistake.

These silver certificates are redeemable in silver dollars only; the certificate is practically a receipt for silver dollars deposited in the Treasury. Upon demand by the holder they are paid in silver dollars. This dollar is a full legal tender for all debts, public and private, except where otherwise expressly stipulated in the contract. The silver dollar is not redeemable by the Government at all; it redeems itself; it is standard money and rests in no manner whatever upon gold. That there may be no question upon this point, I take the liberty of reading an extract from a letter upon the subject, written by the honorable Secretary of the Treasury to Hon. JOHN W. DANIEL, Senator from Virginia, which has been published. It is as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., October 18, 1894.

SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, and to inform you, in reply to first, second, and third questions therein contained, that there is no statute or practice of this Department under which any of the standard silver dollars coined by this Government can be converted into gold at the Treasury.

* * * * * * *

Respectfully, yours,

J. G. CARLISLE, *Secretary.*

Hon. JOHN W. DANIEL, *Lynchburg, Va.*

The certificates are no more convertible into gold than the coined dollars.

Here, sir, are nearly $400,000,000 in active circulation throughout the country, carrying the burdens of the people, filling every office of money, except that it can not be used to raid the Treasury of its gold, nor to force the Government to issue bonds to buy gold with which to redeem it. There were at the same time in circulation $137,230,280 of Treasury notes, issued under the Sherman law, making a total of over five hundred millions of silver circulation. These Treasury notes, like the silver dollar, are a full legal tender, and were it not for the rulings of the Secretary of the Treasury, that he will allow the holder of these notes to exercise the option of demanding gold, which I have already referred to, they, like the dollars and certificates under the Bland-Allison law, could not be used to raid the Treasury and force bond issues. Sir, this silver money is the money of the people to-day. Take a check to a bank in the city of Washington for payment and you will receive $90 in silver certificates out of every hundred paid. Ninety dollars out of every hundred paid to members of this House for their salaries day before yesterday, was paid in silver certificates. When we pass appropriation bills in this House for carrying on the operations of the Government—the Army, the Navy, rivers and harbors, coast defenses—we appropriate in dollars, and the silver dollar, and the silver certificate which represents it, are included. The Government tenders it and pays it out in all its vast operations. And right now, national-bank notes (being convertible into greenbacks), Treasury notes, greenbacks, and all other paper money have practically disappeared from circulation, being hoarded with which to draw gold from the Treasury. And yet, sir, we are constantly met with the statement, both in the press and arguments of advocates of the single gold standard, that the silver dollar will not circulate, that the silver lies piled up in the Treasury useless, and, many are made to believe, at a dead loss to the Government. This silver bullion is in circulation the same as the gold bullion of the Bank of England. The gold remains in the vaults of the bank and scarcely ever circulates; the notes of that bank are practically gold certificates. Here we may well ask again, Mr. Chairman, are we upon the gold basis?

Sir, Republicans are wont to refer with much gratification to the era of great prosperity in the United States, extending especially from 1880 to 1892, when it reached its zenith, when the wage earner received more for his toil than ever before in this country; not only that, received a higher wage rate than was ever known under any other Government. This era of prosperity might well be termed the silver age. In 1878, under the Bland-Allison law, we began coining two millions of silver per month and continued it uninterruptedly. In 1890, under the Sherman law, we increased the coinage to four and one-half millions per month, and the prosperous times of 1891 and 1892 followed. But Grover Cleveland took the Presidential chair, and immediately clouds gathered. The President called Congress in special session to repeal the wicked Sherman law. "Confidence" was wanted. Senator SHERMAN said, advocating the repeal, "In ten days from this time the skies will brighten, business will resume its ordinary course, and the clouds that lower upon our house will be in the deep bosom of the ocean buried."

The law was repealed, and, sir, every man, woman, and child knows the condition of this country from that time to this hour. Its memory will last as long as this generation.

But, Mr. Chairman, candor will not allow me to claim that the evils that have fallen upon this country since 1893 are due to the repeal of the Sherman law. But I wish to point out how this prompt repeal shows fully that the hard times were in no wise the result of silver legislation.

Sir, the truth is that for the first time in more than thirty years we have turned our backs upon the American home and American fireside; we have given our splendid markets over to the foreigner, instead of the American producer; we have turned away from the American wage earner and thrown our favors to his foreign competitor. But ah, sir, even now, while we discuss this question, the victorious legions of protection, once led by the immortal Lincoln, are forming, and in November will sweep this country with the greatest victory since 1861. [Loud applause.]

THE FARMER.

Mr. Chairman, agriculture has been fittingly termed "the mother of all industries." The farmer has ever been the bulwark of the Republican party. Of the 70,000,000 people in these United States 35,000,000 are interested directly or indirectly in the tilling of the soil. None should be more quick than Republicans to inquire after the welfare of the farmer. It was the farmer who, rallying from hill and dale, forest and plain, gave us Abraham Lincoln for President in 1861. And so, faithful until 1892, he gave the full measure of his support to Benjamin Harrison, while the manufacturer, caught by the Democratic cry of free raw materials and protection for the finished product, voted for Grover Cleveland. And what is the condition of the farmer to-day? In September a year ago cotton was at a lower price than in thirty years and wheat lower than in three hundred years. There has been little improvement from that day to this. Statistics show that there has been a greater proportion of business failures and that the times have been in all respects worse from the 1st day of January last down to the present hour than at any time during the history of this country.

In 1880 the farmer produced 498,549,868 bushels of wheat. Although the yield was an average one, the prices were below the average of that period; but it brought him $474,201,850. In 1895 the farmer produced 467,102,947 bushels of wheat. Although this was but 31,446,921 bushels less than in 1880, it only brought him $237,938,998, which was $236,262,852 less than in 1880, and yet he has not murmured.

Let us look again at the wretched year 1895 and see what the farmer has done in that year. The total value of all exports of the productions of the United States that year was $793,392,599. Of this sum $553,210,026 was the product of agriculture, or 69.73 per cent. These figures are taken from the United States Statistical Abstract of 1895. Sir, the basis of all business or personal prosperity is what we produce. Is it possible for any people to prosper when the product of labor is below the cost of production? Ask the cotton planter what he has left after marketing his cotton at 5 or 6 cents per pound in New York. Ask the farmer in Pennsylvania, Illinois, or California what he has left after selling his wheat at 50 to 60 cents a bushel in New York.

Sir, I have seen the most beautiful samples of wheat ever grown in the world selling, during the fall of 1895, throughout the great "inland empire" embracing eastern Washington, Oregon, and Idaho, at 30 cents per bushel, and this within 400 miles of the seaboard.

Mr. Chairman, during the past twenty years the farmer has seen, first, the banking interests, second, the railway interests, third, the manufacturing interests all surpass him in the accumulation of wealth and prosperity. He has seen the value of his farm lands constantly decrease, until well-nigh half their value has fallen away; the value of the products of his toil year by year fall off, until at last there is no longer a certainty of market even. Sir, the farmer, first of all to feel the evil effects of unsound money, least prepared of all to withstand the evils of a depreciated currency, has ever stood firm for sound money. But, sir, the time has come when the farmer will cry for "sound property" as well as sound money. There can be no beauties in a financial system which leaves the value of his lands to walk away in a night, which leaves the farmer's crops upon his hands, after all his care and toil of production, worth less than their cost.

Constantly declining values are ruining the farmer, transferring his home to the hands of the mortgagee, compelling him to take the place of tenant instead of owner.

Sir, men tell us money is not scarce; indeed, they say that the banks in New York are full of it. But let the farmer try to get some of it for his own by selling a field, a house, some wheat, cotton, cattle, horses, or any of the products of his labor and he will soon find out whether money is cheap and plentiful or not. Indeed, sir, the farmer is beginning to ask, "Is not the value of money appreciating?" And I ask you in all candor, sir, can we safely adopt a single gold standard before we have carefully consulted the farmer? The farmer has been the sturdy reliance of the Republican party, and whenever he withdraws his support the mission of that party will be ended. [Applause.]

MORE MONEY.

Next to the alphabet—

Says Macaulay—

money is the greatest of labor-saving inventions.

Sir, this country needs more money in circulation. Notwithstanding our rapid growth in population and business, the currency has been contracted a round hundred million dollars during the past year. The per capita decrease in circulation is becoming appreciable in the business world.

Says John Stuart Mill:

That an increase in the quantity of money raises prices and a diminution lowers them is the most elementary proposition in the theory of coinage, and without it we should have no key to any of the others.

So Hume taught in his Essay on Money:

The policy of the good magistrate consists in keeping the money of the nation, if possible, still increasing, because by that means he keeps alive a spirit of industry and increases the stock of labor, in which consist all real power and riches. Accordingly we find that in every kingdom into which money begins to flow in greater abundance than formerly everything takes a new face—labor and industry gain life, the merchant becomes more enterprising, the manufacturer more diligent and skillful, and even the farmer follows his plow with greater alacrity and attention.

Sir, under our present monetary system little new currency is being added to our circulation; gold coinage gives but slight increase. It must be remembered that about one-half of all the gold produced in the United States is required for use in the arts; the mints are closed to silver; the price of United States bonds is so high that national-bank circulation is not profitable, and scarcely anything is being added through that channel, and yet the nation is advancing in growth, business, and population as no other nation has done in ancient or modern times. Why, sir, we take on an added population equal to Canada and all British Columbia every three years. In 1910 we shall have 90,000,000 people. During the coming century we will have 400,000,000.

Mr. Chairman, what has become of the "Baltimore plan" and the "Carlisle plan" for banking currency, of which we have heard so much? Ah, sir, the Egyptian mummies across yonder in the Smithsonian Institution are not more dead than these plans. Who would resurrect the State banks, with their wild-cat money? [Applause.]

I ask you, then, sir, what will be the monetary system of the future? Mr. Chairman, for thirty years the United States Government has given to the people a currency, and never one dollar of this currency has been found bad. Can the Government now, after discharging this duty so long and so satisfactorily, abdicate this important function of government? The people have indicated that they are not ready for it. I believe, sir, that the plan will be a simple one and its execution easy; the money of the future will consist of gold and silver coins and United States notes (greenbacks); the latter redeemable in gold and silver at the option of the Government, to be always issued in sufficient quantities to do the business of the people and prevent cornering of the money market, panics, low prices, and hard times. National banks will be simply banks of loans, deposit, and exchange.

For all this, sir, the people must look to the great Republican party. There is no other hope. The Democratic party, always for free trade, has been broken into fragments by Grover Cleveland and his Wall street allies. The leaders of the Populist party—a party always opposed to protection—already admit that they can not hold together after the next Presidential election. The party of bimetallism must be the party of protection. Protection gives a balance of trade in favor of the United States and enables her to hold her specie at home, while free trade demands the gold standard. I predict, sir, that this will be the policy of the future, and that the people will demand it; it is an American policy. [Applause.]

THE PACIFIC SLOPE.

Down to the end of the year 1894 there had been produced in gold and silver bullion in the United States $3,310,186,769. Sir, this is nearly one-third of all the money metals of the world, and of this vast sum more than $3,000,000,000 was produced in the Pacific Coast States and Territories. This production of the precious metals changed the course of business and commerce in two continents, and raised the United States from a second to a first class power.

Gentlemen on the other side say we have not demonetized silver, but we have demonetized the silver in the mountains; we have turned the miner's pack horse loose to graze; we have tampered with his fuse and dampened his powder; we have paralyzed his arm and chilled his heart. [Applause.]

Why this discrimination in favor of gold and against silver mining? Why the epithet "silver baron"? For every ounce of pure gold the Government gives $20.67 in coin. Sir, there are 20 mines in Colorado where gold is produced at a cost of $1 per ounce, and there is one mine where gold is produced at a cost of 25 cents per ounce, and yet we hear nothing of "gold barons." It must be remembered, Mr. Chairman, that nature often holds the gold and silver ore locked in the same ledge. Remove the profit of mining the silver, and the gold can not be extracted and remains lost to circulation, for which there is such urgent need.

Sir, it is the declared policy of the Republican party to favor and protect all of the industries of the people of the United States. The mining of silver is a great American industry and has been during all of the history of our country. I ask gentlemen of the other side, and I confess with some feeling, if during the year 1896 silver mines were discovered in the "tight little isle" where the British Government has its seat, and 60,000,000 ounces of silver were produced, what would be the policy of that Government toward silver? The answer is too plain. [Applause.] On the other hand, the principal gold-producing district, South Africa, is already securely sealed to English interests. Sir, every principle of patriotism, every law of self-protection, every policy of Americanism demands the adoption of bimetallism by the people of the United States.

Mr. Chairman, I have detained you and the House too long. But I would ask you for a moment to look away to the broad lands of our Western Slope. There, sir, is an empire—there the greatest preserve of undeveloped resources in these United States. It is in its infancy. There is more gold and silver locked in its mountains than in all the money chests of the world. It is a land of grand forests, beautiful valleys, broad seas, and peaceful harbors; of lofty mountains, vast plains, sunny climes, and health-giving breezes. It is awaiting the touch of the genius and the enterprise of those who would unlock its untold wealth. And among the grandest and fairest of all is the young State of Washington.

Mr. Chairman and gentlemen, I thank you for your kind attention. [Loud and long-continued applause.]

Laws Relating to American Seamen.

REMARKS
OF
HON. JOHN MURRAY MITCHELL,
OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 8, 1896,

On the bill (H. R. 6399) to amend the laws relating to American seamen.

Mr. MITCHELL said:

Mr. SPEAKER: Owing to the migratory life which a sailor leads, he is at a great disadvantage when compared with every other employee in the way of recommendation.

No manufacturer, merchant, or other employer on land takes an employee without some recommendation. As a rule, the sailors, when a voyage is finished, be it short or long, are paid off and go ashore and are left to their own devices and to the mercy of the land sharks. When a master of a vessel wishes to get a crew, he takes such men as he finds, and, as a rule, they have no certificate to show their previous service. Every employee in every other class of business would dislike to be associated with men of doubtful character and men who cause great trouble and dissension in the line of their own employment; but the risk that they run is nothing compared with that which a good sailor takes when shipping on a vessel with a miscellaneous crew about whom he knows nothing, and about whom the master who shipped them knows little more.

The result is, necessarily, that the good men are frequently disciplined in the most savage manner and on slight pretext by the master of the vessel in order to assure the safety of his life and the lives of others on his ship, as well as the cargo and the ship he has in charge. And the rules which have governed the control of the sailor by the master have been considered necessary in the past, as the ship has been a species of small kingdom.

There is no reason why a ship should not be manned by sailors of universally good character any more than there is reason for a banker employing dishonest or crazy clerks and office boys. The trouble, as far as I have been able to find out, lies in the

method of employment and the lack of any method by which the employer can determine the character of the men he employs, and it seems to me, therefore, in the interest of sailors who are capable of shipping as able-bodied seamen that a bill should be introduced for their benefit which should provide that every custom-house in the United States should be furnished with a book entitled "A registry list," and that every sailor when arriving in a port in the United States should be given the absolute right of going to the custom-house where his ship is in port and having recorded on said "registry list" his record as a seaman. This would enable him to refer anybody in doubt of his capabilities to the custom house or houses in the United States where he had filed a record previously as a sailor.

Every master should be compelled under the law to give such sailor a certificate to the effect that such sailor had been on board his vessel from the time he had shipped to the time of his leaving the same.

I would not make this certificate broader, for the reason that if you required the master to certify to the character of the sailor he might easily avoid giving such a certificate; but the sailor who had a certificate from various sailing masters or from one sailing master that he shipped for a number of months or years on a certain vessel or number of vessels would have a prima facie recommendation. It also enables the shipper or master to inquire into the record of the sailor and discover what his record has been on the vessel or vessels on which he has shipped. A sailor with such a certificate or certificates from various sailing masters would have an advantage over sailors who had no such certificate.

It must be evident to everyone that it could not be detrimental to the character or interests of any able-bodied seaman, as it would be required by a provision in the law to be enacted that a sailor when leaving a ship should be as much entitled to receive the certificate which I have suggested as he would be to get his pay. A sailor with this certificate could then go to any custom-house in any port in which his vessel was at anchor, and by showing his certificate to the custom-house have such custom-house make in its registry list, as suggested above, a record of his experience at sea.

I beg leave to state now that at the next session of Congress I shall introduce a bill for the benefit of seamen in this respect.

I state this now for the purpose of inviting suggestions on this subject from everybody interested in sailors and ships, and in order that the bill may be prepared with regard to the best interest of the sailors, and that it may pass as proposed, with amendments made before it is introduced rather than after. A carefully prepared bill to this effect will, I believe, meet with the entire approval of both branches of Congress and could be made most beneficial to both sailors and masters and owners of ships, and I cordially invite suggestions from everybody interested in this subject, in order that I may have the advantage of the experience of those better posted than I am in these matters and be able to express their views at the next session of Congress.

International Bimetallic Conferences—National Action.

SPEECH

OF

HON. FRANCIS G. NEWLANDS,

OF NEVADA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 6, 1896.

The House having under consideration the bill (H. R. 2904) to maintain and protect the coin redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue—

Mr. NEWLANDS said:

Mr. SPEAKER: The gentleman from Maine [Mr. DINGLEY] in opening the debate stated that the free-coinage bill submitted by the Senate for the bond bill passed by the House was not responsive to the action of this House. I submit that this depends upon the point of view. The purpose of the bill passed by the House was, as I understand it, to provide a fund for gold redemption; and that fund is made necessary by the constant export of gold from this country. The real evil, then, is the export of gold; and I submit that any legislation which would have a tendency to check such export meets fully the requirements intended to be met by the bills which passed this House. And what causes that export of gold? The fact that the balance of trade is and has been for a long time against this country. What measures should we take to check that export? First, in my judgment, the tariff wall should be raised a little higher, so as to diminish the importation of foreign goods; and second, legislation should be adopted which will raise the value of the ounce of silver throughout the world, and thus concurrently raise the value of the natural products of this country—wheat, cotton, wool, and other farm products which we export for the payment of our debts abroad. Thus by the diminution of our imports and the increase of the value of our exports the balance of trade would be turned in our favor, and there would be no need of providing a fund for gold redemption by the constant sale of bonds.

MR. DINGLEY FAVORS BIMETALLISM.

I understood the learned gentleman from Maine to say that he would welcome bimetallism; that he would welcome any system which would maintain in this country and throughout the world the concurrent use of both metals at a ratio established by law. The fact that the gentleman favors bimetallism, favors the free and unlimited use of both metals, indicates that he recognizes the evils which arise from the use of one metal alone; that he is opposed to gold monometallism; that he believes that the business of the world is too large to be transacted with gold alone; that the country's business and the world's business require a concurrent use of both these metals—not only the accumulated stock, but the current product of the mines of the world.

We then agree as to the desirability of bimetallism; we both agree that the amount of gold in the world is too limited, and that there is not more than enough of both metals to transact the monetary business of the world.

The only point of difference between us is as to the method of restoring silver. The gentleman insists that it shall be done only by the concurrent action of the powerful nations of the world. I agree with him as to the desirability of such concurrent action; and if it were, in my judgment, probable, I would favor delaying action by this nation alone. But I insist that our experience ever since 1873—the experience of four international conferences—the action of the powerful creditor nations of the world to-day upon this subject—indicate that the concurrence of those nations is impossible. The only question with me is whether we shall submit to conditions which are at present intolerable in a debtor nation, or whether we shall take the chance of leaping in the dark, as the gentleman from Maine terms it. He calls it a leap from light into darkness; I call it a leap from darkness into light.

PROSPECT OF INTERNATIONAL BIMETALLISM.

Now, gentlemen, what is the prospect of international bimetallism? What is the prospect of the concurrence of the leading commercial nations of the world, without whose assent it is claimed that the restoration of bimetallism is impracticable? What are the leading commercial nations? They are the great creditor nations of the world—England, Germany, and France; the latter occupied almost exclusively with domestic concerns, and cutting but little figure in international matters, England and Germany being the principal creditor nations. Look upon the map of the world, and see how small a space those nations occupy. If that map were spread before us to-day in front of the Speaker's desk you could hardly distinguish those countries in the vast space which is covered by other nations of vast population, of vast possibilities, and almost infinite capacity for the absorption of new money.

The American Republic, suffering from the scarcity of gold and yet boastful in her suffering of her resources and power, with a population nearly two-thirds as great as the population of these three countries, rejects the friendly aid of countries having a population of over 1,000,000,000 people and asserts that without the friendly aid of these three countries, having a population of only 120,000,000 people, the gold famine must continue and that silver must be denied its fruitful and energizing use. It becomes important, therefore, to ascertain what the attitude of these countries is to the question after twenty-three years of agitation and four international conferences. And what do we find? That France is friendly to bimetallism, that Germany, once hostile, is progressing toward friendliness, but that both declare positively that they will not act unless England joins. And what does England say? She declares to-day, as she has uniformly during these many years of agitation, her unalterable purpose of adhering to the gold standard.

ENGLAND'S POSITION.

And what arguments can we use to convince these leading commercial nations that it is to their interest to join us in an international adjustment which will restore the use of silver to both? We say that there is too little gold in the world for business purposes; that the disuse of silver has appreciated the value of gold and depreciated the value of all property which is measured in gold. What does Great Britian reply? She says, "We own the gold of the world, and yet you ask us to resist a movement which is rapidly appreciating the value of that very gold. You delude yourselves

with the idea that you own between four and five hundred millions of gold; but that is a mistake. It belongs to us. We temporarily deposited it in your country. We loaned it to you on call or upon long-time bonds, which is substantially the same, because whenever we want to realize on them at any time we can call them in; we can sell them; we can recall our loans and recover our gold.

"We can do just as we did in 1890, at the time of the Barings failure. We wanted gold then and we took $90,000,000 of your gold, and almost bankrupted you. You afterwards threatened war with us on the Venezuelan question. We took our gold away from you again, demoralized your stock markets, threatened your Treasury with bankruptcy and your banks with insolvency, and paralyzed the arm that was raised to strike us. And yet you ask us to abandon the position of strength which we occupy; and why? Because you say that the appreciation of gold has caused a decline in the value of all the products of your country—wheat, cotton, and wool, and all other natural products which you produce in competition with silver-standard countries. Do we sell these things? No. We buy them; and the less the price we have to pay for them the better for us."

We then point to her manufacturing population, which is now suffering from competition with silver-standard countries, whose labor, always cheap, is now doubly so, measured in gold. We point to the land-owning class, the burdens of which in Great Britain have become absolutely intolerable.

A CLASS-GOVERNED COUNTRY.

What is the answer to our suggestion in that regard? That England always was a class-governed country. For centuries it was governed by the landowners. In the early part of this century the manufacturing class, under the aggressive leadership of Cobden, advanced into power, and raising the cry for cheap food for the operatives, repealed the corn laws, which gave protection to domestic farmers, and so the landowning interest became subservient to the manufacturing interest. And how is it to-day with the manufacturing class? Through her commerce England has swept the seas of the world, carried her manufactured products to all nations, taken their gold and heaped it up in her banks and treasure houses, and then loaned out the gold so accumulated to other countries on bond and mortgage, and to-day the capitalistic class, the money-loaning class, the banking class, is the predominating class in England, and it proposes to sacrifice the manufacturing class just as the manufacturing class did the landowning class in years gone by. Some interests must suffer in pursuing a great national policy, and the people of England will stand, as they have heretofore stood, for the interest of the governing class of that country, a class which subordinates every consideration of domestic and economic policy to the desire of maintaining a constantly increasing control over the products of labor throughout the world by a cunningly devised system of credits based on the gold which England mainly owns, and which makes her the controlling power in peace and war, the partner without risk in all enterprise and production, the absorber of wealth, fastening her tentacles upon the energies, the hope, and the vitality of all peoples bound to her by the golden chains of financial dependence.

But what other arguments can we address to these countries? We say that there is not enough money in the world. The answer is: "We have enough for our purposes." We say that the per capita circulation of England and Germany is insufficient—that it is less than that of the United States. They answer: "That is true; but it is sufficient for our purposes, because we are creditor countries. The man who is not in debt needs no reserves. The man who is in debt and has hundreds of obligations that must always be met on demand must keep in bank some necessary fund to meet the requirement of any strain that may arise. So the creditor nations can reduce their reserves to the lowest limit without danger, and thus reduce their per capita circulation, while the debtor nation must always have a larger reserve and a larger per capita circulation to meet the constant calls which will arise. Besides that, if at any time our reserves fall below what is regarded as a safe limit, and our per capita circulation becomes too small, we have an easy remedy. We do not need to coin money, to coin silver, to replace it. All we have to do is to call upon the debtor nations who owe us to pay up and we then immediately raise our reserve and our per capita circulation to the required amount." Was not that so at the time of the Barings failure? There was a state of panic caused by the withdrawals of gold by Russia; and how did England recoup her reserves? By coining more money? Oh, no. She called upon America for $90,000,000. She looked about the world for the nation that was best able to respond to her demand, fixed upon America, and put her, as I said, upon the verge of bankruptcy and recouped her reserve.

BALFOUR AND SALISBURY.

I ask, then, what appeal can we make to those creditor nations that will swerve them from the line they have steadily pursued? You have observed that there is a large bimetallic sentiment in both these countries. That is true. But it is confined to the land-owning and the producing classes, and they are dominated by the creditor class, even more strongly dominated than in this country. We have had the evidence of it in England herself recently. We all hoped for a restoration to power of the Conservative party. Why? Not because we were in sympathy with the general policy of that party, but because we knew it was led by the land-owning class of England, that Lord Salisbury and Balfour were at the head of that party, and we knew from the utterances of Balfour that he was as thorough and enthusiastic a bimetallist as the most pronounced and radical bimetallist in this country. We hoped when that party was restored to power that, whatever its policy might be with reference to the Irish question, and other questions with reference to which our sympathies were against it, its action upon this momentous question, affecting the political economy of the entire world, would be favorable to the interests of this country and of the world. But what do we find? When that party comes into power, it comes with shackles imposed upon it by the banking interests of England.

FRANCE.

And how is it with France? We go to France and we say to her, "You have always been the friend of silver. You organized the Latin Union. You sustained silver for many years. You used the ratio of 15½ to 1, and by the free coinage of silver maintained it upon a parity with gold. You have to-day one-half of your currency in gold and one-half in silver. Stand with us for the restoration of silver."

What is her answer? Her answer is: "It is true that we sustained silver for a number of years, but it was your action in connection with that of Germany that forced us to suspend its use." What was that? In 1873 the United States of America was neither upon a gold nor a silver basis. That is to say, we had suspended specie payments. There was neither gold nor silver in the country. A resumption of specie payments was desirable. In 1875, I think it was, we passed an act declaring that we would resume specie payments. What did specie payment mean at that time? It meant payment in silver and in gold. What was the interest of this country? To maintain both metals so that specie payments could be more easily made.

What was the interest of this country as a producing country? It was the interest of a country that produced more than one-half of the silver of the world—from every aspect, financial and industrial—to sustain silver. And what was our action? When our silver mines were opening up abundantly, when Providence pointed out her riches for our benefit, we declared by law that these mines should be practically closed so far as any benefit that we should receive was concerned. We not only deprived silver of its legal-tender quality, but we also declared by law that not an ounce of silver should be brought to our mints, and we gave notice to the world, "We regard this silver as worthless. We propose to throw it upon you for absorption."

Is it any wonder that the civilized world, as you term it, in Europe was alarmed? Just about that time, Germany having received a large subsidy from France, was able to go upon the gold basis as no other country could go. This large subsidy enabled her to make the turn without danger. So Germany's silver was thrown upon France, and the country to which we now appeal was made the victim of our action. For recollect that the United States of America was the first country to act in the demonetization of silver. My friend from Maine [Mr. DINGLEY] is mistaken when he says that the action of this country followed that of other powers. The only action that Germany took prior to February, 1873, was the restoration of gold, not the demonetization of silver. She was upon a bimetallic basis when we took our action, and she did not go to the gold standard absolutely—though perhaps her action was threatened—until three months later. So this country, the greatest debtor nation, the greatest silver-producing nation in the world, more interested in this subject than any other, led the crusade against silver, and now begs France, the victim of her action, to help her restore it.

What else does France say in answer to our statement that the world has not sufficient money? She says, "That may be so with reference to the rest of the world, but we have enough." The United States has a per capita circulation of $25, and France has a per capita circulation of about $40. France, having no interest in the production of silver, adhered to it loyally prior to and for many years subsequent to our demonetization act of 1873, absorbing it all at a higher price than this country, namely, 15½ to 1. She has to-day a per capita circulation of silver of $12 against our $8. Can she not with great propriety say that it would be more becoming in us to raise our per capita circulation at least to hers by increasing the use of silver before we ask her to join us in increasing the volume of the money of the world?

The mint statistics show that of the $4,000,000,000 of gold coin in the world, one-half is to-day actually located in these three countries, England, Germany, and France, and we all know that the

other half, though scattered around among the rest of the world, is really tied by bond and mortgage to these three countries and can be called back at any time. Do they need more money? No. They have a plethora of money and loan the surplus to other countries. Do they have undeveloped areas to populate and build up? No.

DIFFERENCE IN INTERESTS.

Now, these are the three creditor nations to which the gentleman proposes to appeal, to which we have appealed for twenty years, without results. Has the gentleman any hope? He discloses none—and as he proposes no remedy except with the concurrence of the leading commercial nations, what hope is there for relief from existing intolerable conditions? Does the gentleman recognize the difference between these countries and our own? The nations of Europe, the gold-owning nations of the world, are the gold-using nations of the world. Their communities are all built up, their populations are fixed, there is little need of development in any of these countries, and hence the accumulations of their citizens are invested in the development of other countries, in interest-bearing bonds and securities. As the owners of money, it is their interest to make money more valuable, and the only way they can make it more valuable is by limiting its quantity. The easiest way of limiting its quantity is to destroy the use of one of the money metals and to throw the burden of the world's exchanges upon the other.

Now, then, the creditor classes of these nations were and are the owners of gold, and they succeeded in forming the gold trust when three of the greatest nations of the world—the United States, Germany, and France—had just passed through exhausting wars and had contracted large war debts.

THE GOLD TRUST.

We all recognize that this is the age of combines, corners, and trusts. The effort of the wealth seekers of the world has been to accumulate some product, either natural or manufactured, which mankind universally needs or desires, and then, by limiting the production, to raise the price and reap a profit. Such have been the corners, trusts, and combines relating to sugar, iron, steel, oil, and wheat. All such combines have been successful where, the demand remaining the same, the production was limited. All have been unsuccessful where nature or man's energy has broken the corner by increasing production.

The evidence is indisputable that prior to 1873 the greatest combine trust and corner known to history was organized in Europe. Its purpose was not only to limit the production of metallic money in the future but destroy the efficiency of half the money in the world by taking from silver its legal-tender quality and thus increase the value of the other half in the shape of gold, of which, represented either by cash or by interest-bearing gold obligations, the members of the combine were the owners. The world was to be deprived not only of its annual crop of money from the silver mines, but one-half of its store collected through the ages was to be destroyed.

This combine has been successful. It has moved on year after year, and induced nation after nation to abandon the use of silver. We have been for years suffering under its oppression, and yet we say that the only way to obtain relief from it is to persuade those who are interested in the combine to relax their grasp, to enter into a national conference which will restore silver. How can we expect this, when there is no community of interest between us? The action of France and Germany is dependent upon the action of England; and how does her condition contrast with our own? We think we are a very wealthy nation, and we are—in everything but money. England's wealth consists principally in money; England is a creditor nation; we are a debtor nation. England has money scattered all over the world, loaned out on interest-bearing bonds; we have no money whatever loaned to any other country. We not only utilize all the money which we own, but all we can borrow from other countries. Why should these three countries join us? Their positions are entirely different; they are creditor nations, and the United States is a debtor nation. They are interested in having money dear and products cheap. We rely upon good prices for our products to pay our debts. They have a call on us for all the money we have in our country, and have gained an advantage by our legislation which has largely enhanced the value of their gold.

Was it ever known that a debtor, by a mere conference with his creditor, induced him to forego his advantage? The only way a debtor can reduce his creditor to terms is by going into bankruptcy. Are we prepared to go into bankruptcy and to repudiate our obligations in order to bring about a successful conference with our creditors?

What reason can we give to England for urging her to join us in restoring silver—that it will take from gold its enhanced value? Her answer will be that of her royal commission:

> It must be remembered that this country is largely a country of debts payable in gold, and any change which involves a rise in the price of commodities generally—that is to say, a diminution of the purchasing power of gold—would be to her disadvantage.

And yet they tell us that the best way of bringing these three countries to terms is for us to remain upon a gold basis. President Harrison in his annual message declared that he knew no more effectual way of promoting a more favorable sentiment to silver in Europe than by accumulating gold here; that a scarcity of gold in the European reserves would be the most persuasive argument for the use of silver there.

In other words, we are to distress Europe by borrowing more gold of her and borrowing it substantially on call, responsive to any demand that she may make in an emergency. One is at a loss to understand how a debtor can get a creditor under his control by borrowing more money of him. We had some experience of that when the Baring Bros. failed, and during the panic of 1893, and during the Venezuelan difficulty. We begin to realize that so long as we are upon a gold basis we suffer from any financial storm that occurs in the world, and that we can not take any independent action whatever in the way of maintaining the dignity of the country or its power without England's calling for gold and driving us on the shore of insolvency.

INTERNATIONAL UNION WITH DEBTOR NATIONS.

The folly of our position with reference to an international conference has been that we have thought international action unavailing unless the three great creditor nations of the world would consent, and yet their power in raising the value of silver is small as compared with that of the debtor and producing nations. What is our problem? It is to increase the use, and in that way increase the value of silver, so as to restore the old parity. We find that the dislocation between silver and gold has given an advantage to countries that are not upon a gold basis that they are able to produce more cheaply, that their farm products are driving our products out of foreign markets, and that their manufactured products are likely to seriously and disastrously affect the manufacturers of gold-standard nations. We have, therefore, a direct interest in increasing the value of silver. We have the interest of a debtor nation. We have the interest of a silver-producing nation. We have the interest of a nation that relies upon its exported farm products for the payment of its debts. We have a nation whose farm products have been driven down in gold price as silver has fallen, and whose manufactured products are menaced in our home markets by the products of the Orient, whose labor, always phenomenally cheap, is now twice as cheap in terms of gold. We wish to enlarge the use of silver in order to increase its value; and by the use of silver I mean the coinage of the current product of the mines, for the accumulated stock is in actual use in the various countries of the world as money, and will remain so.

Now, to what countries ought we to go to increase the use of silver? To England, France, and Germany, which have a plethora of metallic money—so much so that they all loan their surplus to other countries—or such countries as Russia, Austria, Italy, Spain, Portugal, and the South American countries, all of which have a deficiency of metallic money, and all of which are compelled to keep out large amounts of uncovered paper money because of the scarcity of metallic money? If we wish to increase the use of wheat, would we go to the countries that had their granaries full, or to countries whose granaries were empty? Suppose England, France, and Germany should all open their mints to the free coinage of silver, how long would it remain in those countries? They have an abundance of metallic money. Would not this silver go speedily to other countries? Why not go directly to the countries to which it would ultimately go either by way of loans or in purchases of products and urge them to admit it to coinage?

UNCOVERED PAPER.

The financial history of the world proves that there never has been enough of either gold or silver to satisfy its requirements for money, and so we find, according to our Mint Director's report, that the debtor countries of the world have about two thousand five hundred million dollars of uncovered paper money—paper not backed by silver or gold. Russia has $540,000,000; Austria $204,000,000; Italy $191,000,000. The South American States have $550,000,000, and America has $450,000,000 of uncovered paper money, consisting of greenbacks and national-bank notes. Do not the countries which have this large amount of uncovered paper money outstanding furnish the best market for silver, and would not an international conference with them, resulting in the coinage of silver and the gradual retirement of the uncovered paper money, so increase the use of silver in the world as to increase its value and restore the old equilibrium, and would not we then have throughout the world the soundest kind of money, namely, gold and silver, in the place of the depreciated paper which at present exists? For recollect that not a single debtor nation in the world except the United States has been able to keep its paper at a parity with gold.

The paper of Russia, Austria, Italy, Spain, and South America is all depreciated paper. Russia has $450,000,000 of gold, and Austria $140,000,000. Both are desirous of going upon a gold

basis, and yet neither is able to do so. They are obliged to keep their gold locked up in their war chests, for they know if they should attempt specie resumption their gold would slip out of their boundaries like water out of a sieve. The United States is the only debtor nation that has been able to maintain its paper at a parity with gold, but how does it do it? Simply by grinding out gold bonds to the extent of $250,000,000, and these really represent the premium that has been paid for gold redemption since 1893. Is not the argument conclusive that no producing and debtor nation can possibly keep out uncovered paper money and maintain it at a parity with gold without the issue of bonds and thus constantly increasing its national debt? And would not this very argument, if presented to the debtor nations, induce them to see that it would be to their advantage to increase the metallic base throughout the world, to increase the use of silver, and to substitute silver coin for the depreciated paper which they now have, or for the Government paper which this country has, and which it maintains at a par with gold only by the issuance of gold bonds?

Had this kind of an international conference been called—a conference of the debtor and producing nations of the world as against the creditor nations of the world—there might have been some international results favorable to silver, but the fact is that there never has been an Executive that was favorable even to an international adjustment of this matter. International conference has simply been the club with which to beat down national adjustment of the silver question.

NATIONAL ACTION.

But, gentlemen, are we not exaggerating the difficulties of the task before us? Remember that in order to restore the price of silver throughout the world it is only necessary to absorb the current production of the mines of the world at the price of $1.29 per ounce as against the present price of 67 cents per ounce. The accumulated stock of silver is in actual use as coined money. There is no bullion collected anywhere in the world except here, where it is constructively coined, for silver certificates and Treasury notes have been issued against it and are in circulation as coin.

What, then, is the current production of the mines of the world? It is stated by our Mint Director to be about 150,000,000 ounces, of the actual value of about $100,000,000 and of a coinage value of about $200,000,000. All this product is at present absorbed at the existing price of 67 cents per ounce.

To what extent can this country use silver? At present it uses none of the current product of the mines, but throws its entire production of 50,000,000 ounces, being one-third of the total production, upon the markets of the world. It is clear that we can not get along without maintaining the present per capita of circulation, namely, about $25 per head, counting both the paper and metallic money. Our population is increasing at the rate of 2,000,000 per annum, and we therefore require $50,000,000 per annum of new money to maintain our present per capita. Of course, our banks say they will supply this if we will give them the power, but it will not be given. If the Government can not keep its greenbacks at par with gold without issuing bonds, how can the banks keep their paper money at par without similar loss? For if the greenbacks are retired and the balance of trade remains against us, as it certainly will with the present price of farm products, governed as this price is by the low price of silver, the strain of gold payments would fall upon the banks, and they would be subjected to a double strain—that of their note holders and that of their depositors. They could not possibly maintain gold redemption, and paper money would not be issued or if issued would not be redeemed.

We certainly can not get enough gold, for England, France, and Germany require one-half of the gold of the world for local use, and the rest of the world can only get the other half, and our proportional part is small and constantly diminishing. We are therefore compelled to use silver.

But $25 per capita is not sufficient. We ought to have at least $30 per capita, for we need more money than any other country in the world, as we have a great country to build up and enormous resources to develop. If we should conclude to gradually increase our per capita to $30, which is $10 less than that of France, we would have to coin $70,000,000 per annum for five years.

But the uncovered paper money of this country should also be retired. It consists of greenbacks and national-bank notes, and aggregates, after deducting the $100,000,000 of gold reserve in the Treasury, about $450,000,000. It will take $90,000,000 per annum for five years to take the place of these notes as they are gradually retired. We would thus have the following annual demand for five years at least:

To maintain the present per capita of $25	$50,000,000
To increase the per capita to $30	70,000,000
To take the place of uncovered paper money	90,000,000
Total	210,000,000

Will any man contend that with a present silver production of $200,000,000 coinage value which is entirely absorbed in current uses an increased demand for $210,000,000 of new money will not restore the old value of $1.29 per ounce, and with it restore the value of our farm products and other property which, measured in gold, have depreciated nearly 50 per cent in the last decade? I insist that a demand for even one-third of this amount would restore the old value. Yet we can in this country alone, without inflation of our currency, create a demand equal to the entire present current product of the mines of the world, which product is now entirely absorbed by uses other than our own.

INCREASED PRODUCTION.

But the timid say production will increase as the price advances. No man can, of course, predict what the production will amount to. If the world, struggling through the ages in its search for silver, has been able to accumulate a cube of 66 feet, filling a space only half the size of this Hall, it is safe to say that though search be stimulated effort will not always be attended by reward. The increased output of the mines has always resulted in the advance of civilization and prosperity with the sole exception of the last twenty years, when its beneficent effects have been blocked by unwise legislation.

It should be remembered also that should production unduly increase it would be entirely practical to restrain production either by laws imposing a tax upon it, which would increase its labor cost, or by withdrawing mineral lands from private entry. The existing silver mines in hands of private owners will soon be exhausted, as the deserted mining camps once maintaining large populations testify everywhere in the West. Two-thirds of the silver of the world is produced by the United States and Mexico. These two countries own almost all the mines of the future, and should production be unrestrained, as some, without any good reason, fear, they could unite in a policy which would restore Government monopoly in mines with a view to limiting production. Thus the stores of the future would not be unduly drawn upon for the present, and a calm and equal production of silver commensurate with its use could be established and secured.

But, say our opponents, the existing silver coin of the world would drift to this country. The fear is absurd and I will not waste time in arguing about it. I can only say that if it has any lodgment in the legislative mind it is easy to provide against it by legislation admitting to our mints only the current product of the mines. A system of proof directly from the mine to the mint could be devised which would prevent fraud and which would compel foreign countries to retain the silver they now have in actual use as coin instead of sending it to this country at a loss, as the promulgators of this absurd fear proclaim.

But my time is too limited to permit a thorough consideration of this subject. I can only call the attention of the House to this fact, that whilst the gentlemen from Maine admits the evils of gold monometallism, he claims that bimetallism is impossible without the concurrence of the leading commercial powers. He thus closes the door to hope, for whilst I can conceive of a union of the debtor and producing nations of the world, I can conceive of no union into which the great nations owning all the gold of the world and interested in its appreciation will enter save upon terms that will be practically destructive of bimetallism as we understand it. During all these years had we an Executive who was an earnest and true friend of bimetallism an international adjustment would have been secured through a union of the debtor and producing nations of the world. But as it is, we are asked to suffer until the creditor nations conclude to be generous and to yield an advantage never before secured in the history of the world.

IMMEDIATE ACTION.

Believing, therefore, that our difficulties are entirely due to the appreciation of gold and that such appreciation can only be stopped by restoring its only competitor—silver; that this country is great and powerful enough to create such a use for silver as to restore its old value, and that with the restoration in value of every ounce of silver the value of every unit of property, whether it be a bushel of wheat or a pound of cotton or an acre of farm land, will be restored, I am for the immediate action of this country alone without waiting for the action of any other country. I believe that the best way of preventing the export of gold is to obtain a favorable balance of trade, and I know of only one way of doing that, and that is to restore the value of our exportable products by raising the gold price of silver and thus diminish the efficiency of the silver-standard countries which export in competition with us. Bond bills and bankruptcy bills are recognitions of the serious condition of our affairs. A silver bill presents the only radical cure for the evils of gold exports and the gold famine.

Tariff Reform and Free Coinage.

SPEECH

OF

HON. JOSEPH M. KENDALL,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 7, 1896,

On the bill (H. R. 290) to maintain and protect the coin redemption fund and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue.

Mr. KENDALL said:

Mr. SPEAKER: The fact that our bonded indebtedness has increased recently, in a period of profound peace, indicates to my mind that there is something radically wrong with our systems of finance and taxation, and that the coin redemption fund can be best protected by beginning at the foundation. I purpose addressing myself to these two issues, not with any hope of converting my colleagues here, not with any hope of throwing new light upon these problems, but rather to emphasize my position, which, it seems to me, is the position of the dominant element of the district which sent me here, and who feel a deep solicitude in the result of our legislative labors. Although an ardent member of the political party to which I belong, I am willing to meet those who differ with me on conservative ground, and if necessary to place country before party in the solution of these problems.

The tariff, as a much mooted question, consists of three most important branches: First, a tariff that has for its purpose the protection of monopolies; second, a tariff that has for its principal object the accumulation of the largest amount of moneys for sustaining the Government, economically administered, at the smallest expense to the whole bulk of citizenship, and third, free trade, which would necessitate our obtaining the public revenues by direct taxation. The first-mentioned division means oppression; the second common sense, and the third is impracticable. The tariff has unceasingly been one of the momentous points of difference with which our lawmakers have been compelled to deal, and, excluding eras of extraordinary turmoil, it has at all times engaged the larger portion of attention. Upon it has been, as a concern of consequence, centered the most brilliant intellects of this century. However, limited time as well as information will preclude my tracing minutely the progress made and the policy pursued by other commonwealths and kingdoms in the periods that are past.

I shall be contented with confining myself in a desultory and superficial way to our own country. Here it has been a momentous issue since our earliest period of republican existence. It was the father of the Revolution and the mother that nursed the present Republican party in its infancy. An excise upon tea which they considered exorbitant marked the commencement of that war in the configuration of the Boston tea party. It was the central, pinnacle point in controversy with which our statesmen were compelled to grapple during that long period of our country's history previous to the paramount ascendency exercised upon the public understanding by the vexed question of human servitude that for a time dwarfed all others and in comparison with which all others were forgotten. Calhoun and Webster at distinct times were arrayed upon antagonistic sides, seemingly shifting as if by contract to opposite positions. Webster's oration in opposition to protection is universally pronounced a masterpiece of statesmanly declamation upon this important topic of economic legislation. Henry Clay countenanced what was called the American system, but he sagaciously, sincerely, and conscientiously said that the consideration that impelled him to appeal for the manufacturers was because they were at that time in their infancy. Were he with us to-day we can readily imagine his assaulting the foul fabric with all-prevailing cogency and completely pulling it to pieces as an eagle would a helpless, gorged snake.

Senator SHERMAN apprised the manufacturers of Chicago as long ago as 1880 in a public address that they competed with the cotton market in Manchester, with the iron in Birmingham, and that they sold cutlery in Sheffield cheaper than they could sell it who manufactured a similar article. And yet the hungry protectionists are continually complaining and demanding more. In the name of common sense and common fairness, just meditate on this fact for one moment—that our manufacturers could make cotton goods even then, sixteen years ago, ship them to Manchester, that celebrated city, constituting as it does the center of that far-famed English cotton region, and sell against them in their very teeth; that we could manufacture plows, hoes, reapers, and all the implements of tillage, take them across the broad Atlantic and sell in opposition to Birmingham, and our cutlery to Sheffield and undersell at home those who are the most extensive cutlery makers in the world. Despite all this we are told that the American people are in favor of still higher protection, and that the present Congress will be asked to give it. In the name of this bright day what are we to expect next? The English language is inadequate to characterize the absurd injustice of this demand, and I will not undertake to do so. Ineffaceably was victory imprinted upon the copious folds of our unmarred banner when our political antagonists chose the cause of the manufacturing monopolist and championed that crowning atrocity of party policy which has nearly eliminated our starred ensign from the oceans and seas, and which has, by the vile exploits of partisan legerdemain, poured the residue wealth of the producing class of this country into the pockets of a few pride-swollen protection monopolies.

The interest of the farmer and the manufacturer are inimical in nature and character. The Democratic party, discerning the obvious fact that the farmers of this country constitute an overwhelming majority of her citizens, and consequently that they could combine and not only take away from the manufacturing interests the advantages they now enjoy, but could demand and obtain protection for themselves, and in so doing win tribute instead of rendering it, as they have been doing—comprehending all this, my party desists from simulating the demagogue and asseverates its intention of shielding the agricultural, manufacturing, and mining avocations in, as near as is feasible, an even-handed, conscientious proportion, assessing the heaviest imposts upon luxuries and those commodities which will, without consideration as to class, yield our country's coffers the largest aggregate revenue, believing, as we do, that if the Republic would be equitable to individuals she has but to be sincere with herself. The Republican party's conception of protection, as disclosed by their sickening, saddening legislation in that direction, tends to turn aside toil from its essential and interested channels and promotes interminable dissension between those who covet it upon the one hand and those who refuse to render it upon the other, bearing, as it does, behind its perfidious mask the false-hearted specter of individual injustice.

There is not a single product cultivated by our farmers—and yet we are all citizens of the great Republic—that ever had conferred upon it the overruling vantage ground of ample protection. The vindicators of this balky system bring forward the argument that agriculture is overstrong in this country, and that consequently these other callings ought to be in this way encouraged. In refutation to that chain of reasoning I will simply remark that if a strict revenue duty after this lengthened period is not adequate to develop our manufacturing industries to the level of that preponderating position which farming has always occupied in America until recently and in spite of the discriminating laws against it in comparison with the world, then it is my candid judgment that the wealthy monopolist had best get rid of his immense plants, his majestic mansions, his elegant and superb attendant finery, and with the proceeds purchase a small tract of land and go to farming. Let him try it a while. But, seriously, it is despotically tyrannical, it is inconsistent with the teachings of political economy, and contrary to the foundation principles that underlie our system of free government that the impoverished farmer, either directly or indirectly, should divide his meager earnings with the already overopulent protected manufacturer. The controversy squarely presented to the people is, Whether the farmers of this country must continue forever serfs? Must this mothlike meanness endure that has continued so long? Will this path of iniquity never end? If the farmer would act in accordance with the manner in which he himself has at all times been treated by the lawmakers under corporate control, he would not only take the present protection off to an exact revenue basis, but in many instances he would remove it all and compel them to disgorge, placing it, if possible, upon agricultural productions alone, and in that way force these gentlemen to pay tribute to him for a hundred years.

A revenue tariff of the exact aggregate that will not especially invite and at the same time will not turn aside foreign commodities is all the protection any conscientiously disposed individual ought to countenance or crave, and all that any citizen of common sense and a respectable self-interest ought to concede or suffer. The Democratic organization never did nor never will believe in levying an assessment upon the whole bulk of citizenship for the purpose of bestowing a bounty upon a few bloated monopolies. There is not a patriotic American citizen who possesses an affection for his country's colors and exalts in her touching triumphs but what is willing to pay revenue to support this Government, but there should not be one who is willing to pet and pamper a privileged class who are abler to protect him than he is to protect them. If we have a law protecting the monopolist for the benefit of the workingman, as many argue, we ought at the same time give legislative sanction to a statute compelling him to directly divide the emolument derived with the man who toils the whole day long and for whose sake they feign to desire so much done. If the munificent magnanimity of any class of my fellow-countrymen conferred a bounty upon the business in which I was employed for my own particular profit, I would want it presented to myself, and not to another for me. Some people never grow weary insisting

that there are certain Democrats who vindicate protection. The position of any true Democrat who petitions for protection ought to be, and I presume nearly always is, founded upon the postulate that while others are protected he ought to be also, and the attitude of Democrats with reference to internal improvements and Federal aid to the cause of education by the General Government is based upon the same chain of reasoning.

If this country could realize the accurate construction of the conception of a tariff for revenue with incidental protection the national obligations could be canceled in one-fourth the time without pauperizing one interest while pampering another. When from the wisdom and philosophy of unfathomable events, and when from the honest, ennobling impulses of our leaders and the mistaken motives of our adversaries the tariff question became paramount in importance to all others, the gray-haired fathers who had observed and were conversant with the history of past contests upon important issues that had shaped the political revolutions that had gone before comprehended that this would be our deliverer—that it was the cord that insured an unquestionable, though in all probability remote success. The stars have already began singing upon our streamers for the next national combat, and the glory of tariff reform and the free coinage of silver is blazoning on the sky. From their distant ramparts you will hear the tread of our countless thousands and tremble, for defeat, dejection, and great darkness will encompass your standard and you will flout the air with a white banner. "Unconditional surrender," "tariff reform," and "free coinage" of gold and silver are our demands, and to these they will come when we make the grand, conclusive charge. Let every volunteer polish his helmet, armor, sword, and shield, symbols, we might say, of zeal, assiduity, heroism, and honor, that when the din of party strife has come and gone next November a gallant array of grateful, proud, and happy hearts can cluster around the new-won prize and with calm transport have our chosen President, who believes in these great principles of tariff reform and free coinage, as did Thomas Jefferson and Andrew Jackson in the brave days of old, with new-felt inspiration to America, the waters, and the world, "a revenue tariff" "and the equality of both metals" forever.

The currency question is confessedly the foremost political issue of to-day. As a member of the Banking and Currency Committee of the Fifty-second Congress when the Cate bill was pending I took a firm stand against the repeal of the Sherman Act. We were told that its repeal would be followed by an era of great prosperity. After a long struggle it was repealed, but the promised prosperity did not come. I concurred in the opinion of a majority of Democratic Senators then that the absence of a substitute was a great mistake—I will not say an additional wrong. When it was finally accomplished, not in the Fifty-second Congress but subsequently, I feared that it was a financial abortion, performed by the Administration's doctor, that might cost the Democratic party its life. As a matter of course I do not expect the successor of that Congress, many of the members of which voted for the repeal, to concur with me in this opinion. In the report from the Banking and Currency Committee of the Fifty-second Congress will be found the following:

CIRCULATION OF NATIONAL BANKS—VIEWS OF MR. KENDALL.

Mr. KENDALL, from the Committee on Banking and Currency, submitted the following views:

The fact has been conclusively demonstrated from official figures that the price of wheat and cotton, which constitute our most important exports, have followed the fluctuating price of silver as a logical result, except under abnormal conditions brought about by speculation or short crops, ever since silver was demonetized in 1873.

Without stopping to present additional facts or to discuss other far-reaching propositions of doubtful wisdom and expediency involved in the passage of this bill, the undersigned enters his respectful protest against the repeal of what is commonly known as the purchasing clause of the Sherman Act of July 14, 1890, which authorizes the purchase by the Secretary of the Treasury of 54,000,000 ounces of silver bullion per annum, unaccompanied by an adequate substitute enactment by which silver is, at the same time, rehabilitated to the position of absolute, constitutional parity with gold, at the present ratio, given to it by the fathers and holden for the eighty-one years prior to its clandestine degradation nearly twenty years ago.

JOSEPH M. KENDALL.

Sir, nothing has happened since to change my opinion expressed at that time. It was a blow at one-half of the metallic currency of this country from which it will not soon recover. In that same Congress I submitted some remarks upon this subject, in which I said:

It matters not what political party has the President and Congress, so long as a high protective tariff and a contraction of the currency obtain (both saddled upon the American people by the Republican party) just so long will the poor people of this country continue to complain and suffer.

Subsequent to this speech the following editorial appeared in the Morgan County Messenger, published at West Liberty, Ky., the Gibraltar of Democracy in eastern Kentucky. I will ask the Clerk to read.

The Clerk read as follows:

KENDALL OF KENTUCKY.

Under the above headline the New York Tribune, in about a column, makes an assault on our Congressman's recent speech on the silver question, a portion of which appeared in the Messenger last week. Judging by the extended comment by as notable a journal as the Tribune, the young man has "struck the bull's-eye and rung the bell." The Tribune starts out by trying to consider it "very funny" that Robert Burns or anybody else should feel humiliated by seeing his home taken from him by some foreign landlord. This is not strange when we consider the fact that the men who read and patronize the Tribune have already, as indicated by Mr. KENDALL, taken possession of Kansas, and are to-day covering with the shadow of their mortgages the homes of Kentucky. It will be very funny, indeed, when they own Kentucky as they already possess Kansas, which Mr. KENDALL claims is only a matter of time under our present financial system. This great paper seems to think it also "very funny" that Mr. KENDALL should imagine that the stars in their courses are fighting the battles of the poor, plain people.

The Tribune seems to be unable to appreciate the fact that that class of citizens called "the poor, plain people" by Mr. KENDALL are entitled to any consideration, and the natural inference is that they should be thankful it is no worse with them; and finally it strikes this great editor of the Tribune, the Hon. Whitelaw Reid, the nominee of the Republican party for the Vice-Presidency of the United States, as being very funny that a considerable number of Kentuckians ride on horseback, and compares such persons to the vagrants who sit around on the park benches in New York. This great paper, as a matter of course, refers to Kentucky's course in the civil war of some thirty-odd years ago, and ventures the hope that the people who are being robbed will not call the same kind of a halt as they did then. Continuing further, the Tribune quotes, but does not dispute, Mr. KENDALL's assertion that the Sherman Act of 1873 "was the direst calamity ever inflicted upon the American people by Congress." Mr. KENDALL is right. There is going to be some tall "camping in the saddle" all over this great country, and Kentucky will be in the future, as she has been in the past, the vanguard of the Democratic column. As KENDALL says, the protected robber, the gold bag, the landed aristocrats, and the Tribune will all have to go together—the horns with the hide.

Mr. KENDALL. Sir, in the Presidential election that followed the prophecy of this rural journalist was literally fulfilled. But the legitimate fruits of that great victory won by the people has been lost.

Sir, one of the best solutions of this currency problem to which my attention has been called seems to me to be that offered by Senator JONES of Arkansas, on which I am advised a report will be submitted by him at an early day. I have not the bill before me, but I understand that the bill authorizes and directs the Secretary of the Treasury to receive at any United States mint from any citizen silver bullion of standard fineness, and coin the same into silver dollars of 412½ grains each; the seigniorage on the bullion to belong to the Government and to be the difference between the coinage value and the market price of the bullion on the day the deposit is made, all expenditures for coinage to be paid out of the seigniorage, and the depositors of the bullion to receive standard silver dollars equal in amount to the price of the bullion from the Secretary of the Treasury, certificates to be issued on these coins in the manner now provided by law whenever the coins shall be received into the Treasury.

This is the bill in substance, and while I hesitate to commit myself to its provisions irrevocably, it seems to me to offer a just solution on which all shades of difference can meet and unite. It disposes of the "fifty-cent-dollar" argument, which is about all there is in the gold-standard stock in trade. Under its provisions we would pay the mine owner what his silver was actually worth, and no more. No one could object to this. The United States Government would receive the exact amount of the enhanced value its stamp gave the coin. This seems to me to be reasonable and fair. The other provisions are not material. To my mind there is only one way to maintain the parity between gold and silver, and that is to make them equal under the law. I am as strongly in favor of gold as I am of silver, but gold needs no advocate on this floor. She is able to employ her own advocates. The whole case in a nutshell appears to be this: The East wants gold, the West and South want gold and silver, and candidates for the Presidency whichever will gain the coveted prize. In my judgment, no man who is in favor of the gold standard—who justifies the demonetization act of 1873—will again be elected President.

It would be a calamity indeed. I never worry about this battle of the standards. I know the citizens of this country will in the end even up legislation. I do not believe in any financial scheme which confers upon private individuals the power to issue money. I do not believe it is either wise or just for the Government to become surety for the promissory notes of a bank or any other corporation. It is impossible to make gold, silver, and paper of equal intrinsic value by law, but the stamp of the Government has never failed to make them of equal exchangeable value. It is the volume of money, and not what it is made of, that establishes the price of a commodity. It goes without saying that in many sections of this country there is not enough money in circulation to give the people a decent burial. In all such places the restoration of silver is a vital political issue and at the same time a fundamental Democratic truth. Kentucky's position on this question will be found in the fourth resolution of the platform of the convention which nominated John Young Brown for governor of Kentucky, and he was elected by more than 25,000 majority:

Fourth. Recognizing the fact that the United States is the greatest silver-producing country in the world, and that both gold and silver were equally the money of the Constitution from the beginning of the Republic until the hostile and fraudulent legislation of the Republican party against silver, which unduly contracted the circulating medium of the country, and feeling that the great interests of the people demand more money for use in the channels of trade and commerce, we tender our gratitude to the Democrats in the

last Congress for their nearly unanimous votes in both Houses in favor of the free coinage of silver, and demand its restoration to the position of equality before the law given to it by our fathers.

Such is the voice of Kentucky, spoken in the biggest convention perhaps that ever came together within her borders. Our State has written more platforms for the party of the country than any other. Her voice is the voice of the old simon-pure, unadulterated Democracy, and the voice of true Democracy is the voice of God always and everywhere. In this good year of grace her voice will be potent, and I believe she will stand with Illinois and Georgia rather than with Massachusetts and the national banking associations. Although I deprecate any sectional view of this question, and am more than willing to meet on middle ground these advocates of a gold standard, I am in favor of settling all our factional controversies inside the party lines. The balance of the country must regulate the bondholders and the mine owners, and for one I am willing to unite in a conservative but determined effort to do it. The undertaking to keep this coin redemption fund at $100,000,000 reminds me of those persons in heathen mythology who, we are told, from one cause or another, were sentenced to the continued toil of filling with nectar vessels which had no bottom. We simply demand as a remedy for this hopeless task the gold and silver money invented by Jefferson, when he said:

> The mint should stand on both metals—

and of Daniel Webster, who said:

> I am certainly of opinion that gold and silver, at rates fixed by Congress, constitute the legal standard of value in this country, and that neither Congress nor any State has authority to establish any other standard or to displace this standard.

This day could be consumed in citing authorities like the above, than whom there are no higher. It fatigues me to hear so much talk about the position of certain prominent members of my party on this question. We believe in majority rule. In his letter of acceptance of the Presidential nomination Mr. Cleveland said that—

> The wants of our people arising from the deficiency or imperfect distribution of money circulation ought to be fully and honestly recognized and efficiently remedied.

What has he done in an official capacity to bring about this remedy? In this I heartily concur, and whoever holds different, in my judgment, in the next Presidential election and pledges himself to carry it out may as well hang his harp on the willow.

The country is already crowded with able statesmen whose people have revoked their commissions, and I am afraid that the demand for Federal appointments for these gentlemen will surpass the supply. There is no denying the fact of history that since a very early period of its existence until quite recently the Democratic party has consistently and unbrokenly upheld the principle of free bimetallic coinage, or, in other words, the equality under the law of gold and silver. Before the bimetallic colors, which are the true colors of Democracy, are lost, a disinherited knight will ride from the ranks of the common people and rescue it. In their despair they are looking now as they never looked before for a savior who will cast the money changers out of the public temple and restore the principles which Jefferson taught and Jackson practiced. By sad experience, by the death of many prosperous industries, and the impoverishment of the great bulk of citizenship this country has learned that the Republican party is not the proper doctor to cure our financial troubles. Every thinking, well-read man engaged in business outside the cities west of this capital, knows that the volume of our money ought to be and must be expanded to double the present actual circulation per capita. Reports to the contrary notwithstanding, I believe the masses of the East are in unison with the West and South on this subject of bimetallism.

When you leave the avaricious and polluting shadow of the money centers and their agents, those people are not, I am credibly informed, in favor of a gold standard singly. That sentiment is confined to the bankers, bondholders, and mortgagees of the money centers who are frightened, as well they may be, at the oncoming spokesmen of the middle class clamoring for honest money and more of it. I believe New York State can be carried on a bimetallic platform. Look at Indiana. In that fair State under the leadership of Senator VOORHEES on this issue and this issue almost alone, and always with an increasing majority in her legislatures, have the sovereign people of that State registered their decree in favor of silver equality. Personally, I am neither a repudiator nor an inflationist, but I have always been in favor of making gold and silver dollars so long as we have an ounce of the metal and the molds do not get too hot. It has always been the lack of silver that afflicted my people, and a similar condition elsewhere seems to have almost become an epidemic. It has finally in a few instances reached members of Congress. Recently I have not given that study and reflection to this subject which I would have liked. I have certain theories, as much, perhaps, the result of enthusiasm and observation of conditions as of thought, but they have never reached the dignity of established conviction except that I am firmly persuaded that silver is the money of the people, rich and poor alike; that it is the money of the Constitution and ought to have a free and even fight with gold at the mints, and I am as strongly in favor of the one metal as I am of the other.

Trimmers after Presidential nominations seem to me to be the only gentlemen who are afraid to take the bovine of Wall street by the horns. But these gentlemen might as well understand or remember that the moneyed class does not furnish the President. He hails from another quarter. He must wear the spur and belt of an entirely different order. Upon this question the majority of the American voters have made up their minds and, in my judgment, it is useless to trifle with them any longer. Hereafter the candidate who opposes an extension of the currency by championing less money will secure less votes. No true, patriotic statesman can oppose or evade the issue. I am not one of those gentlemen who hold that "16 to 1" is a God-given ratio. I am not a stickler on this subject of ratios. I have said time and again that I would as soon have it 15½ to 1 as 16 to 1.

There are other questions I would gladly discuss, but time will not permit, and these two questions are the most important. I trust, however, I may be permitted to say that the income tax, although it miscarried in the Supreme Court, will always stand as a monument of Democratic fidelity to the people, and to express the opinion that, in my judgment, there would be fewer millionaires in the United States Senate if they were elected by a direct vote of the people.

Tariff reform and free coinage are the two living Democratic issues—twin stars in the political galaxy of principles—upon which we understand we are agreed to stand or fall together, and our urgings along these two lines will not cease until the wrongs which now exist shall have been adjusted. These are the words which will be inscribed upon every banner that leads the people in the coming contest for the Presidency and the control of the next Congress. I would rather see my party fall upon these two issues by advocating them bravely and openly than to try to win by straddling them. Our constituents are not to be misled by any side issues. These are the two questions you will settle, and, though it may not be done, let us hope that they will be settled decisively and for some time to come.

That your tax system and money system are wrong can not be successfully denied. The man who utters a different opinion is either misled or insincere or both, and will not be followed. The campaign orators may undertake to uphold or defend them, or try to create a stampede in another direction, but they know as well as you do that these two questions must be adjusted in a spirit of fairness in the coming contest, or the days of the political party that shuns it are numbered.

Sir, although the son of a prophet is not necessarily a prophet, and the indications at this time are not propitious, I venture the prediction that the next President of this country will be a Democrat who believes in tariff reform and the equal coinage of gold and silver. I am one of those who hold that everybody is wiser than anybody, and I confidently appeal to that excellent middle class who are at once the safety, the bulwark, and the glory of the old Republic.

State Governments in the South under Republicans.

SPEECH

OF

HON. JOSEPH WHEELER,

OF ALABAMA.

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 11, 1896.

Mr. WHEELER said:

Mr. SPEAKER: To forcibly illustrate the great evils which would befall any State of the South in the event of its falling into the hands of persons who control a party which is opposed to the Democratic party, I give below the debts of ten Southern States before the war, and in a parallel column the debts of those same States after they had been subjected to the domination of opponents to the Democratic party during a period of between four and five years. It is as follows:

State.	Before the war.	In July, 1872.
Alabama	$7,945,000	$32,761,917
Arkansas	2,184,179	19,328,000
Florida	370,617	15,797,587
Georgia	2,670,750	42,500,500
Louisiana	11,000,000	40,021,734
Mississippi	None.	1,697,431
North Carolina	12,689,245	34,887,464
South Carolina	4,407,958	22,480,916
Texas	2,000,000	14,930,900
Virginia	33,248,141	47,090,866
Total	76,415,890	291,626,015
Total increase		215,210,125

I desire to call attention to the fact that at that time, 1872—

The total debt of the 10 Southern States was	$291,626,015
And the total debt of the 27 other States was	203,872,522
Making the greater indebtedness of the South than all the rest of the Union	87,753,463

Two years ago some misguided Democrats of the gallant old State of North Carolina were induced to join the Republicans in opposition to the party which had been their defense and bulwark for twenty years.

They were abundantly warned of the probable effect of their action. The Democratic party placed before them the fearful crimes and frauds committed by the Republicans when they had control of that State. The following table which I have prepared shows at a glance, first, that the Republicans taxed the people three times as heavily as the Democrats; second, that the Republicans spent on the legislature eight times as much as the Democrats; third, that Republicans did nothing for the public schools, while the Democrats provided means for the education of all the children of the State:

THE RATE OF TAXATION.

In 1869, Republican, 80 cents on $100.
In 1874, Democratic, 31½ cents on $100.
In 1875, Democratic, 29½ cents on $100.
In 1881, Democratic, 28 cents on $100.
In 1883, Democratic, 25 cents on $100.
In 1884, Democratic, nothing.

COST OF LEGISLATURE.

Of 1868, Republican	$430,958
Of 1870, Democratic	212,863
Of 1872, Democratic	160,386
Of 1874, Democratic	109,234
Of 1876, Democratic	81,823
Of 1881, Democratic	56,259
Of 1883, Democratic	57,478

EXPENDED FOR COMMON SCHOOLS.

Year ending in 1869, Republican	Nothing.
Year ending in 1870, Republican	$42,862
Year ending in 1877, Democratic	229,213
Year ending in 1878, Democratic	324,237
Year ending in 1880, Democratic	352,882
Year ending in 1881, Democratic	409,656
Year ending in 1882, Democratic	509,736
Year ending in 1883, Democratic	725,000

In 1894 these misguided Democrats by aiding the Republicans placed the opponents of the Democrats in power in North Carolina, and they immediately commenced the criminal profligacy which characterized them when they were in power a quarter of a century ago. In corroboration of this assertion I give an extract from a letter from the Hon. Elias Carr, governor of North Carolina, dated June, 1896, in which he states some of the atrocious actions of these enemies of the people.

Governor Carr states that this fusion party—

1. Increased taxation from 41½ to 43 cents on the $100 worth of property; increased expenses for 1895 over $140,000.
2. It passed an election law that only allows five days for registration.
3. It turned out a one-legged Confederate soldier as doorkeeper and put in a burly, black negro, Abe Middleton by name, in his place.
4. It created over 3,000 new offices in order to fill them with partisans and get control of the county machinery. I think the true number was about 5,000.
5. The statement in regard to the appointment of 100 negro magistrates is practically correct.
6. Its crowning infamy was in refusing to adjourn in honor of Gen. Robert E. Lee, which was a public holiday under the laws of this State, and they did adjourn in honor of the miscegenationist, Fred Douglass.

They grabbed at every little office and did everything in their power to change the laws, and were so ignorant in their management that their own supreme court has in every case except one decided in favor of the incumbent. They sought to turn men out of office who had been elected for four years and only served two. They tried to place the railroad property of the State in the hands of known rascals, and would thereby have confiscated the best interest the State possesses. They put a judge on the bench who was not legally elected. Created a western and eastern court circuit, which was not needed, and under Democratic rule the judges of the superior courts had done work satisfactorily and with dispatch.

The new election law, while professing to be in favor of a free ballot and fair count, places in the hands of the C. S. C. a chance for unlimited fraud.

Yours, very truly,

ELIAS CARR, *Governor.*

When the Republicans controlled Alabama prior to 1874 they attempted to force negroes into the public schools, hotels, and churches, and did everything they could to humiliate and degrade white people. That they would be even more extreme if again intrusted with power, there can be but little doubt. Mr. GOODWYN, their candidate for governor, has already given abundant proof that he would be a willing tool in the hands of the people whom he asked to elect him to office. Mr. GOODWYN was sworn in as a member of Congress on April 22. He almost immediately left Washington, but when he returned he voted with the Republicans and against the Democrats on every occasion on which I find his name in the RECORD.

On May 29, pages 5914 and 5915, he voted with the extreme Republicans and against the Populists and Democrats to put Stokes, a Tillman silver Democrat, out of Congress, and put in an extreme gold-bug Republican.

He voted the same way on the same case on June 1, page 5952.

On June 4, pages 6110 and 6111, GOODWYN voted to unseat Colonel Elliott, son of Bishop Elliott, and a most accomplished and distinguished member of Congress, and put in his place a negro who is an extreme Republican, an earnest gold-standard man, bitterly opposed to silver coinage and to every principle espoused by the Populists or People's Party.

On June 5, pages 6166 and 6167, he voted to unseat a silver Democrat, Lockhart, and put in his place Martin, a goldbug Republican.

On June 9, pages 6329, 6353, and 6354, he voted to unseat a silver Democrat and superb cultured gentleman, Underwood, and put in his place a goldbug Republican, Aldrich.

In most of these cases the Democrat whom he voted to unseat was a silver man, and he voted to put in his place a gold-standard Republican. I feel confident that each of the Democrats he voted to put out was fairly and honestly elected, and the action of the Republican party in unseating these Democrats was partisan and dishonest in the extreme.

This was especially the case with regard to Mr. Underwood, of the Ninth district of Alabama.

Can there be any question as to what would be the course of Mr. GOODWYN if he were elected governor? His bitter feeling against Democrats is shown, by his voting with the Republicans and against Democrats at, I think, every opportunity during his short career in Congress. His voting to put a white man out of Congress who was elected by a large majority—a majority of almost 3 to 2—and put in his place a negro who was not elected and who is a supporter of the gold-standard policy and every other atrocious policy which is advocated by the Republican party, should be enough to prevent any honest white man voting for Mr. GOODWYN for governor. I do not think the Populists who nominated Mr. GOODWYN, supposing him to be an advocate of free silver, will support him when they find that almost his entire course in Congress was against silver and in favor of the gold standard, as was indicated by his votes to put out silver men and put gold-standard men in their places.

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